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Congressional Record

PROCEEDINGS AND DEBATES OF THE 87th CONGRESS, SECOND SESSION

SENATE

WEDNESDAY, APRIL 25, 1962

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Lord, our God, who with each new dawn renewest our sight with the fresh gladness of the morning, how excellent is Thy name in all the earth.

In the changing pageant of nature with form and color that thrill the senses, Thou makest Thyself known to us; for beauty is but Thy handwriting.

Through shining lives of men and women that rise in moral splendor far above the sinking sands of self-seeking and expediency, we glimpse the glory of Thy holiness.

Save us from vanity of soul and pettiness of mind which exalt self to the highest pedestal. May our personal dedication to the things that matter most be a contribution to the coming of Thy new day, when in a better order of human society the crooked things shall be made straight and Thy peace, just and healing, shall breathe its benediction upon our warring and weary world.

We pray in Thy holy name. Amen.

Mr. MANSFIELD obtained the floor.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Delaware, with the proviso that I do not lose my right to the floor.

THE GOVERNMENT'S PROCUREMENT POLICY ON TUNGSTEN

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a statement I have prepared, outlining the Government's procurement policy on tungsten.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILLIAMS OF DELAWARE

Today I wish to discuss a phase of our strategic stockpiling program wherein over $430 million has been lost, much of this representing unnecessary overpayments in the purchase price of tungsten.

Our Government has in its stockpile inventory 161,464,000 pounds of tungsten, which admittedly is many times as much as we can possibly need. This tungsten cost the American taxpayers a total of $711,256,000, and based upon the maximum current quotations today it is worth only $273,357,000, thus representing a loss of over $430 million.

A substantial part of this tremendous loss results not from a decline in the market price but from a Government procurement policy wherein the tungsten was being bought at prices nearly double the prevailing market quotations on the date of purchase.

Lest there be any misunderstanding, this scandalous waste of the taxpayers' money resulted not from skulduggery in the procurement agency but, rather, from the direct action of the U.S. Congress. On numerous occasions the Congress, with an overwhelming vote, has overridden the opposition of the executive branch and insisted upon a continuation of the Government's procurement program of buying this tungsten at prices ranging around $55 per unit, while at the same time the prevailing market price was less than $35 per unit.

Under this arrangement some of the same producers who were selling this tungsten to the Government were buying foreign tungsten for use in their own industries at around $35.

Numerous attempts have been made over the past several years by some of us to stop the unwarranted subsidy of this industry. We took strong exception to this waste of the taxpayers' money, but each time on a rollcall vote we were overwhelmingly defeated, and the irony of the situation is that some of those who today are loudest in their denunciation of these stockpiling scandals voted with the majority to force their continuation.

As evidence that everybody knew that this unusual market situation existed, I call attention to an editorial entitled "Tungsten Subsidy," which appeared in the Washington Daily News of Tuesday, February 26, 1957:

"[From the Washington Daily News, Feb. 26, 1957]

"TUNGSTEN SUBSIDY

"Every once in awhile we get a glimmering idea of where the money goes.

"Tungsten is essential to steel manufacture, hence essential to national defense. But the House Appropriations Committee has found that we have enough tungsten stockpiled to last 5 years in any emergency.

"Accordingly, when the Interior Department asked $30 million to continue this year the subsidy buying of domestic tungsten, the House committee knocked it out. The Senate promptly voted it back.

"Starting a second go-around, Interior then asked for another $40 million for next year, largely for domestic tungsten. This is before the House today.

"Meanwhile a House-Senate conference committee is scheduled to battle it out over the original $30 million, and some interesting revelations are coming out.

"Senators backing this large and questionable expenditure insist the subsidy encourages hundreds of domestic tungsten producers, mostly in the Western States. They came up with a list of only 177 such producers.

"Of these 177, the House committee promptly pointed out, only 11 have received 86 percent of the money spent in the last 6 months, or $12,800,000. Eighteen got 92 percent of the subsidy.

"Worse still, according to the committee, some of these big producers are being paid by the Government $55 per unit for their tungsten while they are buying foreign tungsten for use in their own industry at the U.S. market price of $35.

"Unless there is a great deal more to this business than meets the eye, here is a big Federal subsidy going to a small group for a project which has limited, if any, essentiality to our defense.

"The House committee has done a good job putting the finger on this apparent handout. We hope the full membership will put the finishing touch to it."

This editorial is but one of the many similar editorials which appeared throughout the country at that time denouncing this unwarranted subsidy and unnecessary waste of the taxpayers' money.

For the past several years representatives of the executive branch have been sending to the Congress strong statements against a further continuation of tungsten procurement. On July 11, 1957, Dr. Arthur S. Flemming, then the Director of the Office of Defense Mobilization, testified before a committee strongly opposing the continuation of this subsidy. I quote Dr. Flemming's testimony:

"Tungsten on hand exceeds both the minimum and longtime stockpile objectives. The inventory plus orders is larger than the total 5-year requirements. There is clearly no defense justification for a continuation of this [stockpiling] program because even without any access to either domestic or foreign sources of supply in the event of war, we would have enough in the stockpile to meet total requirements for approximately a 5-year period."

At the same time the Department of Commerce, the Department of Defense, the Treasury Department, and the Bureau of the Budget were all expressing strong opposition to bills which proposed to give the tungsten producers these unwarranted subsidies. This subsidy program for tungsten likewise was strongly denounced by President Eisenhower.

The result is that our stockpile inventory of tungsten today is considerably over 300 percent in excess of maximum objectives, and no one can argue that this excessive inventory results from a reduction in requirements due to a change in defense planning for a 3-year versus a 5-year war.

This accumulation of excessive inventory at exorbitantly high prices results solely from the arbitrary action of Congress over the opposition of the executive branch, and I repeat, the irony of the situation is that this procurement of the huge inventories of tungsten at excessively high prices was supported by the votes of some of those who are today leading the parade in criticizing our excessive stockpile. I am glad that at last some of those who supported the payments of these unwarranted high prices for some of these minerals now recognize it as having been wrong.

It is not that they were not warned. Repeated warnings were given that any program which obligated the Government to buy a commodity at a price higher than the prevailing market price would result in abuse and scandal. It was inevitable.

In 1955 the International Operations Subcommittee of the Committee on Government Operations in the House of Representatives issued a report outlining many abuses in our procurement policies of tungsten. (This report dealt mostly with foreign procurement).

Today I wish to incorporate in the Record another type of abuse which resulted from the policy wherein the Government was paying this ridiculous high price for tungsten as compared to the lower domestic market price.

In 1957, it was called to my attention that foreign tungsten, which was then selling far below the artificially high prices being paid by the U.S. Government, was being smuggled into the United States commingled with domestic tungsten, and then sold to the U.S. Government as domestic tungsten at a price of around $55 per unit.

Upon inquiry, I found that this smuggling operation had already been called to the attention of the Comptroller General. The Comptroller General furnished me with a copy of his preliminary investigation report, entitled "Sale of Alleged Mexican Tungsten Concentrate to General Services Administration." He noted that this report had already been turned over to the Department of Justice. I was advised by the Justice Department that indictments were pending against some of the alleged smugglers and against those who had been selling this smuggled tungsten to the Government as domestic tungsten.

Under date of March 27, 1962, I received a report from Attorney General Kennedy outlining the final disposition of the cases.

I am placing this report in the Record today, thinking that the Symington committee will want to investigate further this smuggling of foreign tungsten into the United States and the sale of it to the U.S. Government as domestic tungsten at the artificially maintained high price.

In order that the investigating committee and the other Members of the Senate may know how this smuggling operation was conducted, I also submit my correspondence with the Comptroller General, beginning on April 3, 1957; his reply thereto, with his attached report of April 10, 1957, entitled "Sale of Alleged Mexican Tungsten Concentrate"; and a letter, dated March 27, 1962, signed by Attorney General Robert F. Kennedy, in which is outlined the final disposition of some of the cases referred to in the Comptroller General's report.

As one who for years has been denouncing this unwarranted subsidy program of tungsten, as well as the excessive prices being paid for many other minerals in the name of national defense, I welcome and heartily support the present investigation. It is time the American taxpayers were told the facts about the manner in which, under the label of national defense, unnecessary millions have been spent in what is nothing less than a support price for certain segments of the mining industry.

But a mere investigation is not enough. Congress should stop further procurement under these stockpiling programs which cannot be justified in the name of national defense.

We must not overlook the fact that the Government even now is still buying tungsten and many other minerals (not needed for national defense) under programs approved by the Congress and supported by the present administration.

I strongly recommend that in addition to considering using some of our surplus materials as partial payments for defense contracts, immediate action be taken to stop all further procurement of any materials which are already in surplus.

U.S. Senate,
April 3, 1957.

Hon. Joseph Campbell,
The Comptroller General,
Washington, D.C.

Dear Mr. Campbell: It is my understanding that some months ago your office was alerted to a situation wherein tungsten was being smuggled into this country and then included with other domestic produced tungsten and sold to the General Services Administration for our stockpiling program at the higher American price. According to my information your office conducted a preliminary investigation and then withdrew since it was found that both the General Services Administration and the Department of Justice had been alerted to this situation.

I would appreciate receiving a summary of the information, with description of specific cases, as found to exist by your office along with any information you may have or can obtain as to the ultimate disposition of this charge by the General Services Administration or by the Department of Justice.

Yours sincerely,
John J. Williams.

Comptroller General of the
United States,
Washington, D.C., April 10, 1957.

I-18683.

Hon. John J. Williams,
U.S. Senate.

Dear Senator Williams: Pursuant to request contained in your letter dated April 3, 1957, there is attached a summary of a field report covering preliminary investigation of sale of Mexican tungsten concentrates to the General Services Administration. The summary deals primarily with the activities of four persons and shows the status of their cases as of April 23, 1956.

This Office has no information as to the ultimate disposition of the cases by the General Services Administration or the Department of Justice.

Sincerely yours,
Joseph Campbell,
Comptroller General of the United States.
(Enclosure.)

PRELIMINARY INVESTIGATION OF SALE OF ALLEGED MEXICAN TUNGSTEN CONCENTRATES TO REGION IX OFFICE, GENERAL SERVICES ADMINISTRATION, SAN FRANCISCO, CALIF.—SUMMARY

BASIS AND SCOPE OF INVESTIGATION

This preliminary investigation was made to obtain information on alleged sales of Mexican tungsten concentrates to Region IX office, General Services Administration (GSA), San Francisco, under the domestic tungsten purchase program, and to determine the actions taken by GSA, Bureau of Customs, and the Department of Justice to investigate and prosecute the individuals involved.

The investigation consisted of review of records and interviews with officials of the GSA Region IX office and Customs Agency Service, a review of the records of the office of the clerk, U.S. District Court, San Francisco, and an interview with the assistant U.S. attorney responsible for the cases.

FINDINGS

Our examination disclosed that recent investigations by GSA, FBI, and Customs Agency Service developed the following three cases involving large quantities of tungsten concentrates which were alleged to be of Mexican origin and sold as domestically produced material to contractors who in turn sold concentrates to GSA.

James C. Fleming, Tucson, Ariz., alias Peter L. Harris, sold tungsten concentrates allegedly of Mexican origin and certified the material was of domestic production. The records of U.S. District Court, San Francisco, as of April 23, 1956, show Mr. Fleming was indicted March 21, 1956, under 18 U.S.C. 1001, and that the case was continued to May 8, 1956. The assistant U.S. attorney, on April 23, 1956, said the case was continued because Mr. Fleming had been injured in an accident and the U.S. attorney did not want to take him into custody in his present condition.

Shirley J. Carter, Oakland, Calif., aliases A. L. Roth and Martin S. Rausch, took delivery of allegedly smuggled Mexican concentrates on the U.S. side of the border and sold them on certifications of domestic origin to contractors with GSA. The records of U.S. District Court, San Francisco, as of April 23, 1956, show Mr. Carter was indicted March 21, 1956, under 18 U.S.C. 1001. The last entry on docket, dated April 20, 1956, shows Mr. Carter plead not guilty and jury trial was set for May 21, 1956.

George D Williams, Compton, Calif., and Charles Warfield, Anaheim, Calif., allegedly smuggled numerous loads of Mexican tungsten concentrates through the port of Nogales, Ariz., and sold them as domestically produced material to contractors who resold them to the Government. Mr. Williams is reported to have fled to Mexico. An assistant U.S. attorney, San Francisco, on April 23, 1956, said a warrant for the arrest of George D. Williams was issued April 20, 1956, on a complaint filed by the FBI. He said Williams is the principal defendant and the U.S. attorney wants to arraign both Williams and Warfield at the same time after Williams has been picked up.

Customs Agency Service records showed that the investigations of the Fleming, Carter, and Williams and Warfield cases, as of April 25, 1956, have resulted in the seizure of 15 lots of tungsten concentrates valued at about $160,000. The total weight of the lots seized was 79,855 pounds, of which 31,374 pounds consisted of allegedly smuggled material. National Hardware & Supply Co. and Clyde Bruce Aitchison have filed petitions to have the seized material, which they own, returned. The customs agent said he would recommend the lots of concentrates in which the two sellers have a financial interest be released to them upon payment of customs duties which would have been due had the concentrates been properly imported.

The four principal contractors involved in the current investigations were:

National Hardware & Supply Co., Fresno, Calif.; C. W. Jones, Bishop, Calif.; Clyde Bruce Aitchison, Encino, Calif.; Sun Valley Tungsten Co., Sun Valley, Calif.

GSA has withheld payment to National Hardware & Supply Co. on three lots of concentrates valued at $111,595.92 pending the final outcome of the investigations. Two of the lots valued at $84,203.45 have been seized by Customs Service. Two other lots, previously purchased from National Hardware Co. for $59,251.46, contained 2,191 pounds of tungsten concentrates valued at $4,139 which were involved in the Peter L. Harris case. In a letter to the attorney for the National Hardware Co., dated April 12, 1956, the GSA Deputy Regional Director listed 18 lots of questionable material valued at $34,253 which were contained in 11 other lots of concentrates purchased from the company.

GSA records show that payments to C. W. Jones were withheld on four lots valued at $151,072.71. Two of these lots contained 1,995 pounds of concentrates involved in the Williams-Warfield case. Records of GSA and Customs Service disclosed that 223 pounds of concentrates involved in the Williams-Warfield case, 21,336 pounds involved in the

Shirley J. Carter case, and an additional 13,290 pounds of material from questionable sources, were contained in lots previously purchased from Mr. Jones.

GSA records disclosed that because of the current investigations, payments were withheld from Mr. Clyde Bruce Aitchison, for six lots of tungsten concentrates valued at $39,379.41. These lots were seized by the Customs Service. Four lots of concentrates previously purchased from Mr. Aitchison for $39,705.37 contained 6,872 pounds of concentrates involved in the Shirley J. Carter case and 3,100 pounds of concentrates involved in the Williams-Warfield case.

Customs Agency Service records show nine lots of concentrates weighing 14,456 pounds, involved in the Shirley J. Carter case, were included in eight lots of concentrates purchased from the Sun Valley Tungsten Co. by GSA for $66,560.18.

Kenneth G. Wolff, an importer of Mexican tungsten, is alleged to have falsely certified, in letter dated May 10, 1954, to GSA Deputy Regional Director, that concentrates he sold GSA for $4,318.45 came from the Black Diamond claim in San Diego County, Calif. U.S. District Court, San Francisco, records as of April 23, 1956, show Mr. Wolff was indicted March 21, 1956, and that on April 6, 1956, the case was transferred to Phoenix, Ariz., under rule 20, Federal Rules of Criminal Procedure.

Customs Agency Service, Nogales, Ariz., records show that James H. Fleming was apprehended March 21, 1954, at Casa Grande, Ariz., after he landed an airplane containing about a ton of Mexican tungsten concentrates and that he and Edward O. Mestan had loaded the concentrates in a truck. In letter to the supervising agent in charge, San Francisco, the customs agent in charge, Nogales, Ariz., advised that on February 16, 1956, the U.S. attorney, by authority of the Attorney General, dismissed the criminal action against Fleming and Mestan, notwithstanding the fact Fleming admitted, in a signed sworn statement, he had smuggled the tungsten from Mexico. Collectors of customs at San Diego and Los Angeles are still endeavoring to collect penalties from him in amounts of $924 and $2,500.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., March 27, 1962.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Further reference is made to your letter dated March 6, 1962, requesting information concerning the final disposition of four cases involving the smuggling of Mexican tungsten concentrates into the United States. The Department's files show the following:

1. James C. Fleming on September 26, 1956, entered a plea of guilty to an indictment charging him with making false statements to the General Services Administration. He was sentenced to imprisonment for 9 months on count 1, and 9 months each on counts 2, 3, and 4, the sentences to run concurrently with the sentence on count 1.

2. Shirley J. Carter was tried in May 1956 for making false statements to GSA and was convicted. On August 8, 1956, he was placed on probation for 5 years.

3 and 4. George D. Williams was apprehended in Texas on December 16, 1956. A nine-count indictment, charging the making of false statements to the GSA, was returned on December 27, 1956. He pleaded guilty, was sentenced to 5 years' imprisonment, which was suspended, and he was placed on probation. Charles Warfield pleaded guilty to one count of a three-count indictment which charged the making of false statements to the GSA. On April 2, 1957, he was sentenced to 1 year in an institution where he could be given psychiatric treatment.

Upon completion of criminal prosecution in matters of this nature, the cases are referred to the Civil Division of the Department for consideration. Civil action has been taken against Shirley J. Carter, which resulted in the entry on February 16, 1961, of a consent judgment in the sum of $84,178.46. Under the terms of the judgment Mr. Carter, upon completion of payments totaling $14,000, will be relieved of paying the balance.

I trust that the above fully answer your inquiry.

Sincerely,

ROBERT KENNEDY,
Attorney General.

ORDER OF BUSINESS—CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, yesterday the distinguished Senator from Georgia [Mr. RUSSELL] performed a service by calling to the attention of the Senate and, incidentally, to the attention of the Nation the fact that this body was proceeding to the consideration of significant business in the absence of a quorum.

As soon as the leadership was apprised of the situation, it, of course, moved for adjournment. The matter on which we are about to embark is most serious, and the leadership most certainly shares the solicitude of the Senator from Georgia that it not be embarked upon lightly or casually. Yesterday's developments should serve to indicate its seriousness to all Senators. Before proceeding further, today, therefore, Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 46 Leg.]

Aiken
Bartlett
Beall
Boggs
Burdick
Bush
Byrd, Va.
Byrd, W. Va.
Cannon
Capehart
Carlson
Case, N.J.
Case, S. Dak.
Chavez
Church
Curtis
Dirksen
Douglas
Dworshak
Ellender
Engle
Ervin
Gore
Gruening
Hart
Hartke
Hayden
Hill
Holland
Humphrey
Jackson
Javits
Jordan
Keating
Kefauver
Lausche
Long, Mo.
Long, Hawaii
Mansfield
McCarthy
McClellan
McNamara
Monroney
Morse
Pastore
Pearson
Pell
Proxmire
Robertson
Russell
Saltonstall
Smathers
Smith, Mass.
Smith, Maine
Sparkman
Stennis
Symington
Talmadge
Thurmond
Wiley
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. BIBLE], the Senator from Colorado [Mr. CARROLL], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Oklahoma [Mr. KERR], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. McGEE], the Senator from Montana [Mr. METCALF], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I further announce that the Senator from Wyoming [Mr. HICKEY] is necessarily absent.

Mr. DIRKSEN. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senators from Iowa [Mr. HICKENLOOPER and Mr. MILLER] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Maryland [Mr. BUTLER], the Senators from Kentucky [Mr. COOPER and Mr. MORTON], the Senators from New Hampshire [Mr. COTTON and Mr. MURPHY], the Senator from Hawaii [Mr. FONG], the Senator from Arizona [Mr. GOLDWATER], the Senator from Nebraska [Mr. HRUSKA], the Senator from California [Mr. KUCHEL], the Senator from South Dakota [Mr. MUNDT], the Senator from Vermont [Mr. PROUTY], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Pennsylvania [Mr. SCOTT] is absent because of active duty with the U.S. Navy.

The PRESIDING OFFICER (Mr. BURDICK in the chair). A quorum is present.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, April 24, 1962, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate Committee on Finance may be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. DIRKSEN. Mr. President, in view of the colloquy I had yesterday with the Senator from Georgia [Mr. RUSSELL], and because the pending question is of such importance, I am afraid that I shall have to object to any committees meeting while the Senate is considering the question.

The PRESIDING OFFICER. Objection is noted.

Mr. MANSFIELD. Mr. President, I had intended to ask that the Subcommittee on Antitrust and Monopoly Legislation of the Committee on the Judiciary and the Special Committee Investigating Stockpiling be permitted to meet today, but in view of the statement made by the distinguished minority leader, I shall forgo the request.

Mr. DIRKSEN subsequently said: Mr. President, a moment ago the majority leader asked permission for Senate committees to meet today. I am advised that a number of the committees were not on notice yesterday and have ready to be heard witnesses who have come from as far afield as California. It is not my disposition to bring any inconvenience to witnesses or to any committee, and so I shall withdraw my objection as of today with the understanding, of course, that objection will be made tomorrow. All committees then ought to be on notice. I think that statement pertains to the requests of the Finance Committee, the Subcommittee on Transportation, and the Symington Committee on Stockpiling.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. RUSSELL. I commend the distinguished Senator from Illinois. I think his position is eminently fair. The committees have now been put on notice not to bring witnesses here. If out-of-town witnesses were brought here in large numbers, inconvenienced, and caused unnecessary expense, it would be, of course, the responsibility of the committee involved and not the Senate as a whole.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. I point out that until and unless there is a change in the meeting schedule of the Senate, witnesses could appear before the committees in the mornings.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. RUSSELL. I appreciate the distinguished majority leader's making perfectly clear that witnesses might appear until 12 o'clock tomorrow. A meeting of the Committee on Armed Services is planned for the morning in order to produce some more grist for the legislative mill that we hope will still be grinding when the pending bill has gone into oblivion.

Mr. DIRKSEN. Mr. President, obviously no objection can be interposed to committees meeting when the Senate is not in session, but the requests were to authorize meetings while the Senate is in session this afternoon. So I withhold my objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Am I to understand that the request of the distinguished minority leader has been agreed to and that the committees I mentioned earlier may meet this afternoon?

The PRESIDING OFFICER. The Senator is correct.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Improvement of Fiscal and Administrative Practices of Organic Act of National Bureau of Standards

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities (with accompanying papers); to the Committee on Commerce.

Construction and Maintenance of System of Roads and Trails for the National Forests

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests, and for other purposes (with an accompanying paper); to the Committee on Public Works.

ORISKANY BATTLEFIELD—RESOLUTION

Mr. KEATING. Mr. President, the Board of Supervisors of Oneida County, N.Y., unanimously approved a resolution urging Federal and State Governments to take all appropriate action to preserve the Oriskany battlefield site for posterity as an inspiration to all people and as a reminder of the patriotic services rendered by the citizens of this area during the Revolutionary War.

Veterans organizations of Oneida County have been especially active in working for adequate recognition of this extremely important battlefield.

Mr. President, I have introduced Senate Joint Resolution 2995 to designate this area as a national historic shrine. It is my understanding that the National Advisory Board on Historic Sites will be reviewing this project at the end of this month. I am very hopeful that they will recognize the intrinsic historic value of the site and give the seal of their approval to the legislation I have introduced.

Mr. President, I ask unanimous consent to have the resolution of the Oneida County Board of Supervisors printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution 120

Whereas various veterans' organizations within the county of Oneida have communicated with this board concerning the recognition and preservation of the Oriskany battlefield, Oriskany, Oneida County, N.Y., as a national historical shrine, and has requested that this board go on record with the appropriate Federal and State authorities approving such action; and

Whereas the preservation of the Oriskany battlefield, as such a shrine, would serve as an inspiration to the people generally and a reminder of the patriotic services rendered by the citizens of the United States during the Revolutionary War, and that the same should be preserved for posterity: Now, therefore, be it

Resolved, That this board go on record requesting that the requisite Federal and State authorities take all appropriate action to preserve for posterity, and as an inspiration to our people and as a reminder of the patriotic services rendered by the citizens of the United States during the Revolutionary War, the Oriskany battlefield, Oriskany, Oneida County, N.Y., as a national historical shrine; and be it further.

Resolved, That a copy of this resolution be forwarded to Hon. Kenneth B. Keating, and Hon. Jacob Javits, U.S. Senators; Hon. Alexander Pirnie, Congressman; and Hon. Nelson A. Rockefeller, Governor of the State of New York.

RESOLUTION OF THE TOMPKINS COUNTY POMONA GRANGE

Mr. KEATING. Mr. President, many farmers in New York are deeply concerned about the recent drop in the support price for milk which has caused havoc in the market for dairy producers.

Mr. President, I ask unanimous consent to have printed in the Record a resolution on this subject adopted by the Tompkins County Pomona Grange.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution of the Tompkins County, N.Y., Pomona Grange

Whereas the recent action of Congress and the Secretary of Agriculture in cutting the support price on milk to $3.11 per hundredweight has worked a great hardship on New York State dairymen: Be it therefore

Resolved, That the Tompkins County, N.Y., Pomona Grange, at the recommendation of its agricultural committee does earnestly urge the Agricultural Committees of the House of Representatives and the Senate of the United States to reconsider their decision to discontinue the dairy products supports at the 1961 level, and to institute the 1961 price support in dairy products until April 1, 1963; and be it further

Resolved, That these committees and the Department of Agriculture be urged to make every possible effort to develop and provide a more effective dairy program for the price year beginning April 1, 1963.

The resolution was approved and ordered to be communicated to the following: the Honorable Jacob Javits, U.S. Senator; the Honorable Kenneth Keating, U.S. Senator; the Honorable Howard Robinson, Member of Congress; Worthy Master Russel Curtis, New York State Grange; Worthy Master Herschel Newsom, the National Grange; the secretaries of each subordinate grange in Tompkins County; and the agricultural committees of each Pomona grange in New York State.

STANDBY AUTHORITY TO ACCELERATE PUBLIC WORKS PROGRAMS—REPORT OF A COMMITTEE (S. REPT. NO. 1358)

Mr. CHAVEZ. Mr. President, from the Committee on Public Works, I report favorably, with amendments, the bill (S. 2965) to provide standby authority to accelerate public works programs of the Federal Government and State and local public bodies, and I submit a report thereon.

The bill as reported would provide the President of the United States with standby authority to carry forward a $2 billion program of public works when certain specified conditions of unemployment occur. Once the program is triggered it would automatically be terminated in 27 months. Projects initiated thereunder must be such that they can be completed within 18 months or within the 27-month period. The bill would limit the source of funds available for the standby program in order not to impair the operations of those agencies to whom the funds are available.

The bill provides for an immediate program of public works in the amount of $600 million and would make eligible for participation redevelopment areas pursuant to the Area Redevelopment Act, and areas designated by the Secretary of Labor as having been areas of substantial unemployment in 9 of the 12 immediately preceding months. The total number of areas eligible to participate in the immediate program would amount to 1,006. The financing of this program would be through direct appropriations and would terminate 27 months after enactment. Projects to be constructed under this program would also be those which could be completed in 18 months or within the 27-month period.

The PRESIDING OFFICER. The report will be received and printed, and the bill will be placed on the calendar.

Mr. MANSFIELD subsequently said: Mr. President, for the Senator from New Mexico [Mr. Chavez], I ask unanimous consent that the minority, supplemental, individual, additional, and separate views, accompanying the report on Senate bill 2965, reported from the Committee on Public Works, be printed in connection with the majority report.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN (for Mr. Hickenlooper):

S. 3209. A bill for the relief of Norma T. Sadumiano;

S. 3210. A bill for the relief of Alicia A. Basco; and

S. 3211. A bill for the relief of Elena A. Basco; to the Committee on the Judiciary.

By Mr. CASE of South Dakota:

S. 3212. A bill to amend subsection (c) of section 303 of the Communications Act of 1934, with respect to the hours of operation of certain broadcasting stations; to the Committee on Commerce.

By Mr. JACKSON:

S. 3213. A bill for the relief of Jette Lee Luellen; to the Committee on the Judiciary.

By Mr. HART:

S. 3214. A bill for the relief of Modesta Alzate Ogoy; and

S. 3215. A bill for the relief of Kim Chong Koo; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3216. A bill to repeal section 13a of the Interstate Commerce Act; to the Committee on Commerce.

By Mr. BUSH:

S. 3217. A bill to provide Federal assistance for the establishment, expansion, and improvement of programs of technical education at the college level; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Bush when he introduced the above bill, which appear under a separate heading.)

By Mr. CASE of New Jersey:

S. 3218. A bill to require compliance with the provisions of the Davis-Bacon Act in the performance of lease and lease-purchase agreements entered into by the Post Office Department, and for other purposes; to the Committee on Public Works.

(See the remarks of Mr. Case of New Jersey when he introduced the above bill, which appear under a separate heading.)

By Mr. CLARK:

S. 3219. A bill to amend the Civil Service Retirement Act to provide that annuities payable for disability retirement shall be 60 percent of the average salary, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CARLSON:

S. 3220. A bill to provide for the establishment of Fort Larned as a National Historic Site, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DIRKSEN:

S.J. Res. 180. Joint resolution to provide wartime benefits for members of the Armed Forces of the United States who are subjected to hostilities in any foreign country, and for other purposes; to the Committee on Armed Services.

(See the remarks of Mr. Dirksen when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. KEFAUVER (for himself and Mr. Dodd):

S.J. Res. 181. Joint resolution proposing an amendment to the Constitution of the United States providing for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

(See the remarks of Mr. Kefauver when he introduced the above joint resolution, which appear under a separate heading.)

TECHNICAL EDUCATION ACT OF 1962

Mr. BUSH. Mr. President, I introduce a proposed Technical Education Act of 1962 and ask that the bill be appropriately referred.

Mr. President, I ask unanimous consent that a statement I have prepared in explanation of the bill may be printed in the Record following these remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the Record.

The bill (S. 3217) to provide Federal assistance for the establishment, expansion, and improvement of programs of technical education at the college level, introduced by Mr. Bush, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The statement presented by Mr. Bush is as follows:

Statement of Senator Bush

I have today introduced a bill intended to help reduce unemployment and eliminate a critical shortage of semiprofessional technicians in engineering and other fields essential to national security and economic growth.

The successful launching by the Soviet Union of its first sputnik in 1957 unleased a torrent of self-criticism and self-examination in this country. We were told that the nature and quality of American education was not good enough for the space age. Soviet schools, critics said, were turning out many more scientists and engineers than our own.

It has been pointed out with less frequency that the Soviet Union also has been turning out many more semiprofessional engineering and scientific technicians in order to overtake the United States in technology and science. These technicians are a vital part of any engineering and scientific team.

The technician's role often has been compared to that of the chief petty officer in the Navy. Possessing theoretical knowledge and not simply craft skills, the technician can serve as the good right arm of the scientist or the engineer. He often acts as liaison man between the professional and the craftsman and permits our inadequate supply of scientists and engineers to do more of the vital work which only they can accomplish. Without well-trained, competent semiprofessional personnel, John Glenn could not have made his spectacular orbital flight, nor could we be planning today for this Nation's first moon shot. However, shortages of trained technical personnel threaten to create a serious bottleneck to scientific progress on all fronts.

There is another reason—less dramatic but equally important—why an expanding pool of technical personnel is important to our country. Automation is steadily reducing our need for unskilled and semiskilled workers while increasing our requirements for highly trained people to meet the demands of the new technology. Compared to a national unemployment rate in February of this year of 5.6 percent, unemployment was 17.6 percent among nonfarm laborers and 9.1 percent among operatives or blue-collar workers. At the same time, the unemployment rate among professional and technical personnel was only 1.8 percent.

Yet, as our need increases for trained personnel in space technology, in the other sciences and in industry, we face a serious shortage, not just of engineers and scientists, but also of semiprofessional technicians.

It has been pointed out that we should be training one engineering technician for each graduate engineer. Instead, we are producing engineering technicians at the rate of one to four engineers. Our schools turn out 32,000 engineers annually and about 7,000 to 8,000 engineering technicians.

These technicians cannot be produced by our vocational training and trade schools, as fine and useful as their programs may be.

The urgent national need is for technicians trained at the college level. Engineering technicians, for example, require 2 years of college level training. They are required to learn about as much mathematics as the engineer of 25 years ago, and are given a thorough grounding in calculus.

While much attention has been paid to increasing this Nation's supply of professional engineers and scientists, relatively little thought has been given to increasing the supply of the supporting semiprofessional technicians. It is imperative that our educational system be encouraged and assisted in meeting the challenge presented by the exploration of new scientific horizons and the mounting demands of automation.

To that end, I am introducing the Technical Education Act of 1962, which provides Federal assistance to the States on a 50–50 matching basis for the establishment and expansion of programs of technical education at the college level. A similar bill was introduced in the House with bipartisan support. Let me summarize its main provisions:

The bill calls for Federal grants to the States, on a 50-50 matching basis: (1) to make inventories of existing 2-year college programs which prepare students for employment at the semiprofessional level; (2) to survey technical manpower requirements for semiprofessional technicians; and (3) to assist in projects for the establishment, expansion, or improvement of technical education.

The bill would provide $40 million a year for this year and each of the next 4 years for the establishment of technical education programs.

Eligible to receive grants would be public and private nonprofit institutions which provide full-time instruction in an organized occupational curriculum in engineering, mathematics, or the physical or biological sciences which prepare students for immediate employment at the semiprofessional level.

Colleges and universities, junior and community colleges, as well as independent technical institutes would be eligible to receive grants if they met the high standards set up in the bill, including a provision against discrimination against students because of race, color or national origin.

An important feature of the bill is that a participating institution must be accredited by a nationally recognized professional society in the field.

This bill would have two important effects. It would help to reduce our serious unemployment problem by giving our citizens, particularly the young people, a better chance to get the kind of up-to-date training they need in our rapidly automating society.

It would also help prevent bottlenecks in technical personnel which would impair our national security, hold back the advancement of scientific knowledge and act as a brake on our country's economic progress.

This program should be initiated without delay.

COMPLIANCE WITH CERTAIN PROVISIONS OF DAVIS-BACON ACT

Mr. CASE of New Jersey. Mr. President, I introduce, for appropriate reference, a bill requiring builders entering into leasing agreements with the Post Office Department to comply with the provisions of the Davis-Bacon prevailing wage act.

The Davis-Bacon principle requires that wages paid to mechanics and laborers on federally assisted projects must not be less than the wage rates determined by the Secretary of Labor to be prevailing for such workers on similar construction in the locality.

The Davis-Bacon Act already covers such Federal construction as Federal buildings, airfields and bases, dams, powerhouses, drainage and irrigation canals, dredging of rivers and harbors, Army, Navy, and Air Force installations, veterans' hospitals, national park roads, roads constructed as part of the Interstate System of Highways, slum clearance, urban renewal and low-rent public housing, defense housing and related facilities, federally financed hospital and nursing home construction, federally assisted airports, and Federal lease-purchase projects.

The Post Office Department spent $104 million in leasing 1,666 new buildings in 1960. In 1961, the number increased to 1,904 new buildings in an amount of $123 million. We should close this large gap in our Government's labor standards.

The Post Office Department, I am informed, is no longer building new structures by direct contract, but has shifted over to leasing arrangements. While it was required that Davis-Bacon policies be followed in Post Office Department contracts, there is no similar requirement under the leasing arrangement. This means that a great deal of Federal construction money is being used in the communities of our Nation without the wise and proven policy of requiring that labor standards in the construction or modification of such buildings shall equal local standards.

Federal funds should not be permitted to underwrite substandard working conditions.

The Davis-Bacon principle is designed to prevent the resources of the Federal Government from becoming an instrument for depressing and undermining existing labor standards to the detriment of workers, fair employers, and the community at large. Their basic purpose is to make sure that a competitive advantage in obtaining contracts will not be given to bidders who fail to observe the prevailing wage rates and accepted labor standards maintained by the contractors in the area where federally financed or assisted construction is to be performed.

Thus, these laws protect fairminded and responsible contractors against unfair competition from contractors who base their bids on wage levels lower than those actually prevailing in the area. Also, local workers are protected against the importation of distant, low-wage workers. Therefore, unless this protection is guaranteed, the beneficial local economic effects flowing from a public works program of this type could be lost.

The Davis-Bacon principle, originally sponsored by Republicans more than 30 years ago and extended by Republicans and Democrats alike since then, has worked and worked well. It has guaranteed equality of bidding opportunity to all contractors. It has assured local employment. It has protected the purchasing power of local citizens and helped stabilize the entire construction industry.

Since World War II, the sensitive construction industry, largest in the land in terms both of dollar volume and number of workers employed, has been the bellwether of the national economy. The Davis-Bacon principle has helped preserve and maintain the purchasing power of construction craftsmen. It is time tested and proven public policy that should be an integral feature of this large Post Office Department building program.

A tabulation of Post Office Department contracts for construction and leasing of new buildings follows:

State	Calendar year 1960		Calendar year 1961	
	Number	Cost	Number	Cost
Alabama	42	$1,221,128	35	$1,298,000
Alaska	3	1,382,108	4	176,000
Arizona	15	832,773	19	954,000
Arkansas	37	1,503,826	38	1,388,000
California	81	4,438,452	119	10,016,800
Colorado	14	677,839	33	817,500
Connecticut	23	940,036	23	1,385,500
Delaware	2	18,000	9	441,000
District of Columbia	2	135,595	1	150,000
Florida	50	3,625,820	47	2,042,000
Georgia	34	1,236,616	37	1,780,000
Hawaii	5	137,020	3	195,000
Idaho	9	385,81.	[illegible]	510,000
Illinois	109	3,728,912	133	4,815,000
Indiana	29	1,576,881	45	1,787,500
Iowa	53	2,142,741	57	3,304,000
Kansas	52	2,248,401	43	2,161,100
Kentucky	28	1,613,300	33	1,684,500
Louisiana	14	689,781	26	1,168,000
Maine	33	1,114,948	29	933,700
Maryland	17	2,270,527	16	762,000
Massachusetts	37	4,279,894	23	1,140,500
Michigan	54	1,810,679	63	7,984,000
Minnesota	29	782,826	47	1,910,000
Mississippi	28	723,717	20	659,000
Missouri	49	2,560,064	65	4,048,000
Montana	13	338,810	14	395,000
Nebraska	25	954,076	30	6,880,000
Nevada	4	$140,176	6	$97,
New Hampshire	13	389,940	10	348,000
New Jersey	40	3,583,230	54	2,616,300
New Mexico	12	879,595	11	661,500
New York	101	4,738,412	102	15,016,100
North Carolina	49	1,517,455	59	1,935,400
North Dakota	18	1,109,221	23	497,000
Ohio	51	2,626,647	80	11,610,000
Oklahoma	40	1,856,081	40	1,649,300
Oregon	16	8,661,701	24	881,500
Pennsylvania	100	10,774,958	138	10,181,000
Puerto Rico	5	237,000	10	636,000
Rhode Island	4	247,010	2	102,000
South Carolina	24	2,432,328	24	756,000
South Dakota	24	532,624	19	666,000
Tennessee	34	1,567,598	37	1,316,000
Texas	69	11,318,746	84	7,097,000
Utah	12	411,036	13	605,000
Vermont	13	330,341	16	363,500
Virginia	43	2,242,120	31	1,454,500
Virgin Islands			1	169,000
Washington	26	1,733,897	27	956,000
West Virginia	34	1,948,386	29	808,000
Wisconsin	40	1,608,161	39	2,256,000
Wyoming	7	88,000	5	201,000
Total	1,666	104,347,245	1,904	123,665,200

In introducing the bill, I ask unanimous consent to include a statement by C. J. Haggerty, president of the Building and Construction Trades Department, AFL–CIO, in support of my bill.

There being no objection, the statement was ordered to be printed in the Record, as follows:

> I am pleased to see that Senator Clifford P. Case is planning to introduce legislation applying to the Davis-Bacon prevailing wage provisions in Post Office Department leasing contracts. We in the construction industry know that this tried and true principle has assured the American public that construction will be of first quality and be done under fair labor conditions.
>
> The Davis-Bacon principle is necessary to safeguard local industry and local workmen from undercutting by contractors who profit from substandard wages and working conditions. Senator Case has been active in the past in pushing the Davis-Bacon principle in the community facilities bills, the area redevelopment legislation and in school construction legislation. We in the building trades appreciate his efforts to bring about fairplay on construction for the Post Office Department.

Mr. CASE of New Jersey. Mr. President, a statement by Sal Maso, of Paterson, N.J., president of the New Jersey State Building and Construction Trades Council, is in support of the bill. Mr. Maso said:

> Senator Clifford P. Case has once again shown that he is an alert and able member of the Senate. He has spotted this important loophole in our Government's labor practices and has acted promptly to close it.
>
> Senator Case is a man who is interested in the problems of those of us who work for a living and is determined to see to it that we get a fair break. As president of the New Jersey Building Trades, I congratulate Senator Case for his continuing efforts to provide fair working conditions in our State.

The bill has also been endorsed by the Bergen County Building and Construction Trades Council, Hackensack, N.J., and the Asbestos Workers Local No. 32, Newark, N.J.

Finally, Mr. President, I ask unanimous consent that the text of my bill be printed in full at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3218) to require compliance with the provisions of the Davis-Bacon Act in the performance of lease and lease-purchase agreements entered into by the Post Office Department, and for other purposes, introduced by Mr. Case of New Jersey, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 204 of the Post Office Department Property Act of 1954 (39 U.S.C. 904) is amended by inserting at the end thereof the following new sentence: "Whenever the Postmaster General enters into any lease or lease-purchase agreement under this Act or under any other provision of law, and such agreement requires or contemplates the construction, modification, alteration, or repair of any building or other improvement for use for postal purposes, there shall be included in that agreement provisions effective to require compliance with the provisions of the Act of March 3, 1931, 46 Stat. 1494, as amended (40 U.S.C. 276a–276a–5), commonly known as the Davis-Bacon Act, by the party or parties entering into such agreement with the United States in the performance of such agreement".
>
> (b) The amendment made by this Act shall be effective with respect to all lease and lease-purchase agreements entered into by or on behalf of the Postmaster General on or after the first day of the third month beginning after the date of enactment of this Act.

PROVISION OF WARTIME BENEFITS FOR CERTAIN MEMBERS OF THE ARMED FORCES

Mr. DIRKSEN. Mr. President, I introduce a joint resolution which would provide wartime benefits for members of the Armed Forces of the United States who are subjected to hostilities in any foreign country, and for other purposes.

The necessity for this proposed legislation is the fact that members of our Armed Forces in Vietnam are not now eligible for these benefits which have been granted in the past to our military forces engaged in the Korean war, World War II, and other past wars.

In the past several months it has been reported that an American sergeant was the first casualty among U.S. Army helicopter personnel having been wounded in a leg by Communist fire in Vietnam. However, he was denied the Purple Heart award by our military authorities on the basis that our Government does not recognize that this is a combat zone for Americans.

Certainly the American troops now serving in Vietnam are being subjected to personal hazards of combat. Furthermore, there may be other cold war areas now and in the future where our American military personnel might be wounded or killed by foreign individuals engaged in hostilities in such foreign areas and it is my judgment that such American military personnel shall be deemed to be in active service as if it was performed in time of war.

Mr. President, I send the joint resolution to the desk and ask that it be appropriately referred. I also ask that an article in the New York Times of Tuesday, April 24, which covers this situation be printed as a part of my remarks.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred and, without objection the article will be printed in the Record.

The joint resolution (S.J. Res. 180) to provide wartime benefits for members of the Armed Forces of the United States who are subjected to hostilities in any foreign country, and for other purposes, introduced by Mr. Dirksen, was received, read twice by its title, and referred to the Committee on Armed Services.

The article presented by Mr. Dirksen is as follows:

Denial of Purple Heart to GI Angers 'Copter Men in Vietnam—Crewman Was Wounded by Red Fire—United States Says Area Is Not Combat Zone

(By Homer Bigart)

Quinhon, Vietnam, April 23.—An American sergeant wounded in a leg by Communist fire has been denied the Purple Heart.

Although the incident was more than 2 months ago and although the sergeant was the first casualty among U.S. Army helicopter personnel, the episode was hushed up by the military command.

The only explanation advanced by military sources in Saigon is that Purple Hearts and combat medals cannot be awarded in Vietnam because the State Department does not recognize that this is a combat zone for Americans.

Eight of twenty planes of the U.S. Army light helicopter company have holes from Communist bullets. The crews cannot follow the subtlety of State Department thinking and are indignant.

HIT BY METAL IN 'COPTER

The wounded sergeant, who has recovered and has been restored to duty, was not struck by a Communist bullet. The bullet shattered a seat bracket inside the helicopter near an open door where the sergeant manned a machinegun. Bits of metal nicked him.

It was nothing serious. But the withholding of the medal rankled the crewmen, who believe the hazards of their operations in support of the Vietnamese forces are getting no recognition in Washington.

"A Purple Heart means a great deal to a soldier's family," one crewman said. "It shows them their Government appreciates that the soldier has done something heroic for his country. It means as much to them as a Medal of Honor."

In Saigon at U.S. military advisory headquarters it was suggested by some that congressional action might be required to enable the awarding of combat medals, combat pay, higher survivor benefits, and other compensations to troops here.

They recalled that Korea was never officially a war, yet troops got combat medals, special pay, educational benefits, and the like.

They urged that Vietnam be put in the same category. Aware of the State Department's sensitivity to such a suggestion that Americans are violating the Geneva Convention by participating in combat, they proposed that Congress pass a law that in all future cold war areas, American troops subjected to personal hazards of combat receive the rewards normally given in theaters of war.

CONSTITUTIONAL AMENDMENTS—CONGRESSIONAL REPRESENTATION FOR THE DISTRICT OF COLUMBIA

Mr. KEFAUVER. Mr. President, on May 10, 1962, the Subcommittee on Constitutional Amendments, of which I am chairman, will begin hearings on representation of the District of Columbia in the Congress. This matter was considered by the subcommittee in 1959 along with the question of enfranchising citizens of the District in presidential elections and the latter became the 23d amendment to the Constitution in March of 1961. In addition to its presidential election provisions, the amendment approved by the subcommittee in 1959 gave the District a number of Delegates to the House of Representatives equal to the number of Representatives to which it would be entitled if it were a State, with such delegates to have such powers as Congress might determine by law. Both sections were included in the constitutional amendment which passed the Senate by a vote of 70 to 18 on February 2, 1960, along with an anti-poll-tax article and an article of amendment concerning filling vacancies in the House of Representatives in time of emergency. The House of Representatives then approved only the provision for presidential elections and the Senate concurred.

The thinking of the subcommittee in 1959 was that our constitutional system contemplates that all the people of the United States are to be represented in the House of Representatives nationally on the basis of population, while the Senate represents the States equally without regard to population. Representation of the District in the House of Representatives would thus be consistent with our existing constitutional principles of popular representation in Congress and does not involve the fiction of treating the District as a State. The District received little attention in the drafting of our original Constitution and constitutional history indicates that it was largely through oversight that the Framers neglected to give residents of the District any voice in the Congress which would govern them. During the 1870's the District had a Delegate in the House of Representatives under a territorial form of government.

The congressional representation proposal which was approved by the Senate so overwhelmingly in 1960 has not yet been reintroduced by any Senator in the 87th Congress and it is not now included in any pending resolution. I am therefore now joining with the junior Senator from Connecticut [Mr. Dodd], who is also a member of the subcommittee, in introducing this proposal so that it may be considered in the forthcoming hearings.

The other proposed amendment to the Constitution on this subject is Senate Joint Resolution 85, introduced by the senior Senator from Connecticut [Mr. Bush], which would give the District two Senators and the number of Representatives to which its population would entitle it if it were a State. If other Senators have ideas in mind on this subject, I hope they will introduce their proposals soon so that they also may be made the subject of our May 10 hearings and may be commented upon by the various witnesses.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 181) proposing an amendment to the Constitution of the United States providing for representation of the District of Columbia in the Congress, introduced by Mr. Kefauver (for himself and Mr. Dodd), was received, read twice by its title, and referred to the Committee on the Judiciary.

ACCEPTANCE AND WEARING OF CERTAIN DECORATIONS BY RETIRED PERSONNEL OF THE U.S. GOVERNMENT—AMENDMENT

Mr. LONG of Hawaii submitted an amendment, intended to be proposed by him, to the bill (S. 2919) to authorize certain retired personnel of the U.S. Government to accept and wear decorations, presents, and other things tendered them by certain foreign countries, which was ordered to lie on the table and to be printed.

JAMES M. NORMAN—LITERACY TEST FOR VOTING—AMENDMENT

Mr. MANSFIELD (for himself and Mr. Dirksen) proposed an amendment, in the nature of a substitute, to the bill (H.R. 1361) for the relief of James M. Norman; which was ordered to be printed.

NOTICE OF HEARINGS ON TRUTH-IN-LENDING BILL

Mr. DOUGLAS. Mr. President, as chairman of the Subcommittee on Production and Stabilization of the Committee on Banking and Currency, I wish to announce the resumption of hearings on S. 1740, the truth-in-lending bill.

The hearings will begin on Tuesday, May 8, 1962, at 10 a.m. in room 5302, New Senate Office Building.

All persons who wish to appear and testify on this bill are requested to notify Mr. Jonathan Lindley, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, telephone Capitol 4-3121, extension 3921, at the earliest possible date.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. WILEY:

Greetings prepared by himself for presentation on April 25, 1962, at a special celebration honoring the 60th anniversary of the making and marketing of the first Rambler automobiles in Kenosha, Wis.; also a letter from Mr. R. S. Kingsley, chairman of the citizens committee for the anniversary celebration.

By Mr. CLARK:

Principal findings of a mail opinion poll on foreign policy and related issues, taken in Pennsylvania during recent weeks.

SEGREGATION OF SCOTCH-IRISH

Mr. DOUGLAS. Mr. President, I have long been interested in and sympathetic toward Mr. P. D. East, of Hattiesburg, Miss.

Through the Petal Paper, which he edits, Mr. East, a native southerner, started out some years ago opposing the more blatant forms of racial segregation. But it is now evident that East has been conquered by the very spirit which he originally sought to reduce. For in the current issue of his journal he sponsors a violent attack upon the Scotch-Irish and proposes that they be rigidly segregated and excluded from the life of his area. In editorials and in contributed letters, he accuses the Scotch-Irish of having unclean personal habits, of rolling their R's and hence violating the softness of southern speech, of indulging in barbarous folk dances, such as the "highland fling," and of being addicted to eating oatmeal and drinking scotch—not bourbon—whisky. Since the paper contains news items from localities where this prosegregationist sentiment is being fanned, it is apparent that a movement in this direction is building up.

Mr. East's diatribes make me both angry and sad. While I may be prejudiced in favor of the Scotch-Irish because I am of Scottish blood, I cannot bring myself to believe that we deserve such treatment. Nor do the Irish, as evidenced by their fine record which has been crowned by the splendid performance of John Fitzgerald Kennedy as President of the United States. And if each of these racial stocks is excellent when taken by itself, can the combination be so socially objectionable?

While it is possible that there are some Scotch-Irish who are not attractive, this is no reason to condemn the race as a whole. As one who has always been opposed to all forms of race prejudice, I must protest with all my strength this effort of Mr. East to extend the scope of segregation.

But I am not only angry at this effort of Mr. East, I am saddened by it. It illustrates how the seeds of race hatred and of rigid segregation when applied to one race, inevitably inflame the passions of men and cause them to be turned successively against group after group. We cannot allow this social forest fire to spread. If it does the members of the English-Speaking Union may be the next to be discriminated against. Let us therefore stop it before it goes too far. I appeal to P. D. East to cease from pursuing this campaign and ask unanimous consent that, in order to show what we are up against, passages from the last issue of the Petal Paper be printed in the Record at this point in my remarks.

There being no objection, the passages were ordered to be printed in the Record, as follows:

[From the Petal Paper, Mar. 8, 1962]

Publisher's Introduction

It was late spring that my son, Ernest Chris, returned to our plantation, "The Southern Manner," and brought the worst, certainly the most disturbing, news of my entire life.

As it was, I was stretched out on my hammock in the front yard, relaxing with a cool mint julep before dinner. Ernest Chris had returned from a college near Jackson, Miss., which he had attended during the year. I attended the same college; so did my father and so did his father.

Never have I been so upset by any news as by that brought home by my son, Ernest Chris.

He had been a member of the USDS (United Sons and Daughters for Segregation) at our college. My son informed me, and I confirmed it, to be sure, that the Scotch-Irish among us were a real threat, indeed, a terrible menace to our way of life.

Here are some facts which I have confirmed about the Scotch-Irish in Mississippi today.

Smell: The average Scottrish smells like smoke. This is most unpleasant, and is caused by drinking a concoction known as "uisgebeatha." This drinking causes bad breath, naturally. It is only natural that if the Scotch-Irish wanted to act civilized, as you and I, he would flavor his drink with mint. No, my friend, mint and smoke do not mix.

Habits: The average Scotch-Irish is a repulsive and obnoxious creature who is apt, if the notion strikes him, to pull a highland fling on the main street of any one of our towns in Mississippi. They are a group who, except for the women, carry long bladed knives to church with them. This, I assure you, is a heathen practice. In addition, they have come to expect to be served oatmeal in our finest restaurants simply because they have the required 15 cents. Anyone with good breeding knows that oatmeal is horse food. And to top off the whole business, they eat popcorn in the movie houses. Which, of course, is not very couth, and, besides, it's damned annoying.

Speech: We southerners have tried for years to keep the "R" sound out of our language, and have tried to teach the same basic good taste to the Scottrish among us. But, lo and behold, they insist on pronouncing the "R" and what's more, they do it with a roll. They are, no matter how hard we try, still barbaric.

Morals: You should know the low morals of the Scottrish among us. Why, indeed, they breed like turtles; their divorce rate is outrageous. They even like the smell that is their own, therefore they don't take baths every day as you and I do. To put it mildly, the Scottrish is a trifle lax in writing checks around the first of each month. They cannot and will not accept business responsibility, no matter how hard we try. You know this to be true as well as I. In addition to their poor breeding, they are vulgar to an unbearable point. How many times have you heard one exclaim "Hoot mon," or "Begorrah." How disgusting.

In view of all the above information, I have taken the only means of which I know to bring certain news and views to you. I have undertaken the publication of this little paper, the Southern Reposure.

I have asked myself, as surely you must have, "Do I want my young daughter to marry a windbag, highland-flinging, kilt-wearing creature whose ancestry is questionable?"

Like your answer, mine is the same: "No."

Knowing, of course, that the best thing that could be done would be to send them back to the bogs from which they came, I offer it to you for speculation. If that fails, then, we must stick together in an all-out effort to make it clear to the Scottrish that we will treat them kind, but they must stay in their place.

In short, this paper proposes to maintain segregation of the Scotch-Irish, no matter what the cost.

It is a known fact that smoke and mint don't mix.

So, why try it at our expense?

Sincerely,

Nathan Bedford Cooclose.

[From the Petal Paper, Mar. 8, 1962]

Addit Trial Reaches Climax

Addit, Miss.—The trial of 15-year-old Alexander Graham Tell, young Scotch-Irish boy hauled into court for insulting pretty Mrs. Ruby Jean Hollofield, 23, reached its climax yesterday when A. J. Elliss, prosecuting attorney, announced, "This trial may very well cast the die—either for keeping our blood pure or for mongrelizing with the Scotch-Irish. If Tell is set free, the bars are down, and the undefiled heritage of our ancestors is at an end."

Mrs. Hollofield, wife of blond young farmer Lonnie Hollofield, told the court that as she passed Tell on the street, he turned to a companion and whispered, "What a wee bonny lassie." She immediately reported the offense to her husband, who had Tell arrested. The boy did not deny saying this, but said he meant it merely as a compliment.

Attorney Elliss asked that the boy be given a severe prison sentence for his offense. "Such audacity and lewdness," he said, "are the norm of behavior for a people whose history includes such notorious figures as Mary Queen of Scots and Macbeth. There can be no compromise with them."

Red-haired young Tell, wearing the plaids of his clan, is being kept under heavy guard at the county jail for fear that the citizens of Addit, among whom feeling over the incident is running very high, will throw him into the river with a horsecollar around his neck.

[From the Petal Paper, Mar. 8, 1962]

Boys Will Sometimes Be Scouts

Minnowsville, Miss.—Last night a happy, jovial Irish wake was disturbed when a troop of mischievous Boy Scouts descended upon it like Phillistines on Assyrians, casting acid about irrespectively.

Cries of "Hoot man" and "Begorrah" were heard in the night, and the wake was postponed indefinitely.

There are rumors to the effect that one Scotch-Irish national was painted with luminous paint and set afire, but there are neither witnesses nor ashes to substantiate this unofficial report.

It is honestly believed that the Scotch-Irish are indignant over the affair. J. P. McSweeney, who shouted in the middle of the fray, "I wish you wouldn't do that anymore," is in critical condition in Minnowsville County Hospital.

[From the Petal Paper, Mar. 8, 1962]

A.T. & T. To Segregate Party Lines

Port Olympic, Miss.—Beginning immediately, say informers, the American Telegone & Telepath Co. will have complete segregation on all party lines.

A spokesman described the new system as "simple and effective." He said, "The new system will be simple and effective."

He continued, "It will work thus: Any Scotch-Irishman who happens to get on already conversing lines must hang up immediately. As soon as enforcement is efficient, segregation will be completed by requiring any person who gets on line over which the same person is being discussed to refrain from listening. We think this will help to preserve the southern way of life, and we want to do everything possible to help progress," he said.

[From the Petal Paper, Mar. 8, 1962]

Terror Strikes Lelli White, Miss.

Lelli White, Miss.—Reports coming in slowly from Mount Lelli White, Miss., place the number of injuries as high as 15 in a recent uprising of rural Scotch-Irish against this small community's efforts to keep the rural element in its place.

The controversy arose 3 weeks ago when the Mount Lelli White village council placed restrictions on ancient and barbaric dancing and playing at crude wind instruments in the village square. The villagers protested the frequent gathering of the rural folk, resulting in the council's action.

It was agreed that the action should be taken after investigation proved that the Scotch-Irish did not pay taxes to support the city square, and, therefore, had no right to impose on the villagers' cultural benefits.

The injuries were caused by the pelting of eggs, corks, and mud balls by the villagers when the Scotch-Irish sneaked into town Saturday evening and began these weird practices peculiar to their debased culture. Efforts have begun on the part of the village's more prominent citizens to organize and use economic coercion to prevent any more uprising by the rural elements.

Rev. Dr. I. E. Cokeman, leader of the group, said in an interview with our WWC reporter, "This Scotch-Irish menace must be coped with before it engulfs us. It is time that the American people realize that separation in all respects is necessary for preservation of our civilization. Unless we stand united we shall fall as the pagan and loose moraled Nordic race has."

[From the Petal Paper, Mar. 8, 1962]

Segregation Emphasis Month Rally Huge Success

Crawdad, Miss.—A splendid attendance was reported for the first session in this year's Segregation Emphasis Month. A large crowd gathered to hear guest speaker Elsie Dinsmore discuss the topic "The Botch Made by the Scotch."

This was followed by a 2-hour period of quiet in which those present "medi-hated" and contemplated earnestly the many-faceted inferiority of the Scotch-Irish race.

After this fruitful interlude of hate, Dr. Praetorius P. Prudhomme closed by pronouncing the "malediction."

[From the Petal Paper, Mar. 8, 1962]

Scotch-Irish Music Discussed

Pool Water, Miss.—In an incomparable speech made today by the Honorable Dr. Nelson Blankhead, State senator from Minnowville, Miss., before the Leopard Club of Pool Water, he pointed out certain aspects of Scotch-Irish music.

"Shall our songs be replaced with the primitive jigs and reels of the green tribes?" asked Dr. Blankhead.

"For a sailor and other savages, a jig or a reel is a common occurrance. After a day of hunting or fishing, it is quite natural for a Scotch-Irish to break into a wild dance of sensual abandon. In their own land today the Scotch-Irish still perform jigs and reels of grotesque dimensions. Modern science describes this dance as a nervous twitching of indefinite length. One cannot imagine the un-Christian manipulations involved in a jig or a reel. And I here shudder with emotion pondering this.

"The musical debility of the Scotch-Irish is not confined to jigs and reels. The green tribes sing a song of inordinate love for their respective mothers, usually culminating with the word 'mother' on a very high and native tone. Such songs, believe it or not, are sung today in certain isolated sections of this country," he concluded.

THE RESUMPTION OF ATMOSPHERIC NUCLEAR TESTING

Mr. KEATING. Mr. President, I rise to commend the President of the United States for his decision and his command that atmospheric nuclear tests be resumed. In my judgment this decision is long overdue from the point of view of national security. The Soviet gains last fall were alarming, as many of our experts have testified.

Mr. President, the United States has delayed nuclear testing in the atmosphere for years in the hope that some way, somehow, an agreement with the Soviets for a test ban could be worked out.

While we negotiated in good faith, the Russians planned for their next series of tests. While we have made one offer after another for a gradual and effective disarmament start with the international inspection that is necessary if it is to have any security value at all, the Russians have continued their usual demands for a propaganda ban, not a genuine one.

Nevertheless, we can expect the usual chorus of objections from the pseudoneutrals. We can expect the usual concern of some nations not to say anything which the Soviet Union might resent and to follow meekly the rabid Soviet line. We can even expect that a lot of so-called neutrals are going to ignore our own efforts to reach an agreement extending right up to last week's disarmament proposals, and place the full blame of the arms race on the United States. We remember only too well how they refused to blame the Russians for breaking the test ban last fall during the Belgrade conference.

Mr. President, I would like to make one comment right now, before the testing has begun, before we hear the neutrals echoing Soviet propaganda, and most important, before we consider our own country's massive foreign-aid bill. The reaction to America's reluctant resumption of nuclear testing will provide one very interesting indication of who our friends really are in the world, which nations make a real and honest effort to understand our position, and which ones just parrot Khrushchev's line.

Mr. President, it is my intention to study these comments with great care and keep them very much in mind when we take up the foreign-aid bill. Last year, I was the author of an amendment to the foreign-aid bill to insure that principal consideration be given to those nations which share our view of the world crisis. Although the language of the amendment was not mandatory, I have been somewhat disappointed in the failure to fully implement the underlying spirit of this amendment. We will see now in the reaction to our necessary decision to resume testing, which countries intend to denounce us out of one side of their mouths and then immediately start begging for our money out of the other side.

DO TAX DEFERRALS AND TAX CREDITS EXPORT JOBS?

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement under the heading "Does the Present Revenue Code With Provisions for So-called Tax Deferrals and the Tax Credit Tend to Export Jobs?"

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

DOES THE PRESENT REVENUE CODE WITH PROVISIONS FOR SO-CALLED TAX DEFERRALS AND THE TAX CREDIT TEND TO EXPORT JOBS?

(Statement by Senator CURTIS)

The junior Senator from Tennessee on many occasions has stressed that foreign subsidiaries of American corporations enjoy a tax deferral denied domestic operations. He likens this to an interest-free loan and maintains that this so-called deferral provides an inducement to American firms to establish subsidiaries abroad and thus export jobs.

These charges are worthy of careful examination. In the first place, tax deferral implies that the U.S. Government is granting a privilege to foreign subsidiaries to defer a tax that is normally due to the U.S. Government. This is, of course, not the case inasmuch as there has been no constructive receipt by the parent corporation of any funds with which to pay a U.S. tax until a dividend is remitted. There would be only one way that such a tax could be paid and that would be by the American parent. It is most unlikely that foreign subsidiaries could remit any dividends, if such a policy conflicted with the interests of the stockholders of the host country. If the tax is paid from parent-company domestic earnings, this reduces funds available for expansion in the United States, and hence the possibility of creating additional job opportunities here. Furthermore, if the tax is paid in this manner, it will have no effect on our balance of payments.

An examination of the testimony before the House Committee on Ways and Means clearly shows that in almost every instance the effect of establishing foreign subsidiaries has been to increase the market opportunities of American parent firms throughout the world. The preponderance of evidence clearly shows that if American subsidiaries were not active overseas that those of other countries, particularly the Common Market nations, would preempt the field.

The junior Senator from Tennessee suggests that since branches of American corporations are subject to the same tax procedures as American firms that deferral of subsidiary earnings constitutes a tax preference. This view fails to consider the fact that in many countries an American branch is considered as a foreign operation and provides an excuse for those who wish to challenge our foreign policy by stating that it is a form of economic imperialism. On the other hand, a foreign subsidiary with capital participation by the citizens of the host country and local management provides a vivid example of the virtues of American free enterprise.

In the interest of our overall foreign policy aims, we should encourage the establishment of subsidiaries rather than branches. It must also be remembered that any attempt to tax the earnings of subsidiaries before dividends are remitted rather than equalizing a benefit and establishing so-called tax neutrality would establish new discrimination against American oversea investments. This would arise because the foreign tax credit is only applicable to income taxes paid. No credit is received for turnover taxes, excise taxes, and the many other methods of financing governmental costs overseas. Furthermore, if earnings of subsidiaries are taxed on a current basis before repatriation and, at a later date, changes in the value of the currency in a foreign country as compared with the dollar occurs, there is no method of rectifying the erosion of capital. In the most extreme instances, namely, the expropriation of foreign properties as occurred in Cuba and Brazil, the loss of the entire foreign investment can only be offset against capital gains and not against ordinary income. To have taxed such nonrepatriated earnings on a current basis would have been manifestly unfair.

It is completely unrealistic to suggest that the products manufactured by foreign subsidiaries would have been exported from the United States if such organizations had not been established by the American parent firms.

The economics of export sales contrasted with oversea investments were discussed by Mr. Neil McElroy, chairman of the board of the Proctor & Gamble Co., and formerly Secretary of Defense, in his appearance before the Committee on Ways and Means. I now quote excerpts from his testimony:

"We do business overseas through a pattern of foreign subsidiaries. In the interest of brevity, however, I shall speak in terms of 'our business,' 'our operation,' and 'our products.'

"I am certain that it would simplify the lives of many people in our company if we could manufacture all of our products in the United States and sell in international trade through export from this country. Unfortunately, however, this is not possible. Almost every country in the world has, or is easily incited to create, protective tariffs and import restrictions which make impossible the export of any real volume of soaps and detergents from the United States for any sustained length of time.

"For example, profitable export of our types of products to such industrialized European countries as Great Britain, France, West Germany, and Italy is an impossibility.

"The same condition is coming rapidly to exist in the smaller countries to which, until rather recently, we have been able to export.

"For example, within the past 5 years our exports to such countries as Greece, Lebanon, a number of Central American countries, Iran, Colombia, Peru, Syria, Saudi Arabia, Morocco, Thailand, and Singapore-Malaya have been terminated or sharply restricted by new or impending regulations in those countries. We have been forced by such developments either to arrange for local manufacture in those countries or to face going out of business there altogether, thereby abandoning those markets to foreign competitors.

"Similar conditions exist for our products elsewhere. As a result, a high percentage of the merchandise we sell outside the United States is of necessity manufactured outside the United States."[1]

Mr. McElroy further clarified this point in response to a question by a member of the committee with respect to the displacement of jobs here in the United States by oversea subsidiaries. He said:

"Certainly, in the field of products that we make, there needs to be so relatively little protection because all you have to have is an amount which, combined with the cost of shipping, cost of financing shipment, and all of that, would make competition possible, so that the protection does not need to be large. Certainly, in our field, the protection in almost every country in the world is such that we cannot ship from the United States and be competitive; we must overcome the trade barriers."[2]

Mr. Robert R. Schorn, tax counsel for the American Radiator & Standard Sanitary Corp., explained why foreign operations were essential for their type of product. I shall quote directly from his statement:

"The products that we manufacture are essentially heavy and bulky and present a freight problem of such dimensions that it becomes a practical impossibility to compete with local manufacturers unless we also manufacture locally. There is also the question of local tastes which differ from country to country. Marketing considerations, therefore, play the controlling part in our decisions to locate manufacturing establishments in foreign countries. In this connection, while it might be mentioned that my company has conducted export operations for many years, the volume of this business shows an annual shrinkage because of increasing local competition. If we are to retain local markets formerly supplied through export, it is essential that we establish manufacturing facilities abroad or else forgo the business. This applied whether the foreign market is in a developed or in an undeveloped country." [3]

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[1] "President's 1961 Tax Recommendations," hearings before the Committee on Ways and Means, House of Representatives, 87th Cong., 1st sess., vol. 4, p. 2922.

[2] Ibid., p. 2934.

Finally, Mr. H. S. Geneen, the president of the International Telephone & Telegraph Corp., emphatically showed that under no conditions would it be possible for the products they manufacture overseas to be produced for shipment from the United States. The International Telephone & Telegraph story is a most unusual one. It is a corporation 92 percent owned by approximately 150,000 U.S. shareholders. Its activities within the United States were established in 1941 and were financed entirely from the earnings of its foreign subsidiaries. Presently the International Telephone & Telegraph Corp. employs 18,000 people in the United States; and since the inception of domestic operations, $1 billion in wage and salary payments have resulted from an investment which was derived largely from remitted earnings in Western Europe.[4]

Incidentally, these earnings were taxed by the U.S. Treasury when they were repatriated to the United States and invested in facilities here.

Mr. Geneen's testimony shows that no jobs were exported from the United States through this foreign investment. I include at this point excerpts from his testimony:

"In addition to the competitive relations of our companies abroad, the competitive position of the United States relative to that of other countries is involved in the Treasury proposals. It is widely believed, apparently, that foreign subsidiaries of U.S. companies compete with exports from the United States. If such subsidiaries sold less, so the argument goes, American exports would increase. Likewise it appears to be thought that such subsidiaries compete with domestic American producers in domestic markets.

"By restricting the subsidiaries, it is argued, we can shield ourselves in some measure from foreign competition.

"These hopes are largely fallacious. If foreign subsidiaries sell less abroad as a result of the Treasury proposals, the gap will be filed largely by our foreign competitors, not by U.S. exports. This is quite obvious in the particular case of ITT, because many of our customers are official bodies which will not buy products manufactured outside their countries. But given the competitivenes of rival enterprises abroad, the case also applies generally.

"In the same way, the tax will be largely ineffective as a device for protecting American industry at home, even if this objective is considered desirable. Some of the backing for this legislation undoubtedly reflects the wish to increase protection for American industry. Those who take this view are likely to find themselves disappointed. Foreign firms are just as capable of taking advantage of these opportunities as would be the foreign subsidiary of an American company.

"The industrial countries abroad today offer the fastest-growing markets. This is particularly true of the European Common Market. The U.S. Government has favored the formation of this market to some extent to the detriment of American exports. The United States can still compete in this market with exports, but we also need local subsidiaries. With the proposed legislation the United States will now be, in effect, reversing the ground rules and handicapping U.S. industry in the world's fastest growing market." [5]

Basically, the proposals advanced by the junior Senator from Tennessee fail to distinguish between two separate problems of equalization. The first arises from the need to meet competitive conditions between American subsidiaries and their foreign competitors. The second involves tax burdens on earnngs derived from domestic operations and those that are constructively received by an American parent from its subsidiaries.

I also include further excerpts from Mr. Geneen's testimony.

"There is talk of eliminating tax preference. Presumably, the preference involved is that the foreign corporation pays less tax on its unrepatriated earnings than it would if it were a domestic U.S. corporation. This comparison is completely irrelevant.

"The U.S.-owned foreign corporation is not operating in the American economy. It is operating in the foreign country under the same conditions as its foreign competitors. There is no preference. While the investment is abroad, it is equalized with its competition abroad; when it is brought to the United States it is equalized with its competitors here.

"If such a corporation is forced to pay higher income taxes on its earnings than its competitor by virtue of U.S. ownership—earnings it legitimately needs for expansion and working capital—the result will not be the removal of a preference, but the imposition of inequity.

"Nor will this crippling move against U.S. enterprise abroad result in any offsetting advantage to our domestic business. The beneficiaries will be the foreign competitors abroad." [6]

Mr. Geneen clearly indicated the difference between U.S. income and foreign income. I include a further excerpt from this excellent statement:

"The administration's proposal attempts to equate, illogically, foreign income with U.S. income.

"The U.S. income tax laws have always recognized a difference between foreign income and U.S. income.

"Our courts in recognizing this distinction have held that income realized in foreign currencies is, for purposes of the U.S. income tax law, treated as income realized in property rather than income realized in currency.

"Our income tax laws, as they stand today, tell foreign subsidiaries that they are to compete on an equal basis with their foreign competitors without interference from the U.S. laws. When the earnings of foreign subsidiaries are paid as dividends—that is, when they become measurable in the U.S. unit of currency and thus are utilizable and enjoyable in this country—then they become similar to U.S. income and subject to U.S. tax.

"The U.S. tax consequences of operation as a 'branch' and as an individual U.S. citizen are exceptions (and sometimes extremely harsh exceptions) to the general rule. The administration's proposal to have them accepted as the general rule is erroneous. Even the foreign income of branches and U.S. citizens receives, in certain areas, a tax treatment different from U.S. income. Such differences are embodied in the blocked currency rule and the exclusions of foreign wages pursuant to section 911 of the Internal Revenue Code.

"It should be observed that the income of branches and individual citizens receives all of the benefits (and the administration has not suggested that this be the case with respect to the foreign income of foreign subsidiaries) that are provided for by our tax laws. Indeed, in practically all cases, the availability of U.S. tax benefits is the factor that dictates operating certain foreign businesses through branches rather than foreign subsidiaries. Even the administration does not deny this.

"The fundamental point is that if we are to survive and create wealth for the United States from foreign markets, we must be free of tax burdens not imposed upon our competitors there.

"The administration's reference to the privilege and the preference of deferral is a reference to the fact that our tax laws give recognition to the corporate concept, which is deeply imbedded in our jurisprudence.

"If this analysis of a privilege and a preference is accepted, then it must be concluded that the ITT shareholders have a privilege and a preference of deferral with respect to the earnings of ITT that are reinvested in plant and equipment rather than being distributed to those shareholders.

"If recognition of the corporate concept is a privilege that is unwarranted, then the shareholders of ITT should be told that they, as partners, and not a fiction such as the ITT Corp., are, for purposes of U.S. income taxation, the recipients of all income of the ITT system regardless of where or how that income is derived. This then would truly abolish the privilege.

"If the ITT shareholders complain of this result, they could be told that, because some people operate as partnerships or proprietorships, and therefore are taxed on the total income of their businesses without regard to whether that income is reinvested, the privilege of the ITT shareholders in operating through the corporate form must be abolished so that there will be equality.

"In truth, there is no privilege and no deferral in the case of undistributed profits. The present system of taxation in this country merely recognizes the difference between the level at which profits are earned by a corporation and the level at which they are received and enjoyed by the shareholders of that corporation." [7]

Many Senators will remember that in 1936, President Roosevelt proposed an undistributed corporate profits tax which was suggested as a loophole closing device. It was designed to force domestic corporations to distribute all earnings as dividends and thus subject them to high personal income tax rates. By 1939, the results of this tax measure had proved so disastrous that it was repealed for all practical purposes.

If the present proposal of taxing unrepatriated earnings, which has a basic similarity to those of 1936 is enacted, within a few years our foreign commerce will have suffered to the extent that it will be necessary to repeal such a law. It seems unfortunate that with the experience that we have already encountered with loophole closing devices that in an attempt to remove deferral and equalize the tax burdens, we must repeat the errors of 1936 in 1962.

It is also significant that the administration's proposal requires that there be a gross up of foreign earnings before a tax credit may be applied.

Once again it should be noted that Assistant Secretary Surry, while still a professor at Harvard, in his appearance before the Committee on Ways and Means included a favorable reference to an article by Prof. Carl Sumner Shoup which stated that "the appropriate credit method would be first to gross up the dividend by the corporate tax allocable to it, include the total in the recipient shareholder's gross income, and then credit his tax with the allocable corporate tax." [8]

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[3] Ibid., p. 2894.

[4] Ibid., p. 2939.

[5] Ibid., pp. 2968–2969.

[6] Ibid., p. 2946.

[7] Ibid., pp. 2986–2988.

[8] Tax Revision Compendium, submitted to the Committee on Ways and Means in connection with the panel discussions on the same subject to be conducted by the Committee on Ways and Means beginning Nov. 16, 1959, vol. 1, p. 6, footnote 24.

Members of the Senate may well wonder as to whether the present proposals to tax foreign income will establish new guidelines with respect to the taxation of all corporate profits in future years.

The administration concedes that there may be some merit to granting tax preferences to underdeveloped countries but that such advantages are unwarranted in dealing with developed nations. This proposition fails to note that in most of the developed countries such as the United Kingdom, France, Germany, the Netherlands, and Canada, the income tax levied on corporations approximates that of our own country. Thus the foreign investment credit does not result in a loss of revenue to the Federal Government. However, when gross up procedures are applied, it is found that the maximum yield for the U.S. Treasury would take place when the foreign rate of tax is 26 percent. If the foreign rate of taxation is greater or lower than 26 percent, the gross up procedures will yield smaller benefits for the U.S. Treasury.

Accordingly, rather than encourage investment in underdeveloped countries, which have in many cases deliberately provided tax advantages to induce U.S. investment, the administration's proposals will deter such projects. The proposals advanced by the junior Senator from Tennessee in computing the tax on the income from foreign subsidiaries would make investments in underdeveloped countries even less attractive. There is a mistaken impression that capital deterred from investment in developed areas will be made available to underdeveloped areas. At the present time, there is no shortage of capital either in Western Europe or in the United States.

Worthy projects with good market potentials will be financed by either American or Western European sources. However, the discouragement of U.S. investment in Western Europe will not induce Americans to place their funds in the Congo or in other areas where the political and social climate is hazardous and the economic prospects are not promising.

As my distinguished colleague, the junior Senator from Tennessee, has clearly stated, many American firms engaged in mining and petroleum activities overseas consider their establishments as branches.

This practice is followed so as to be able to offset operating losses and gains as well as to be able to include depletion of resources under the provisions of our domestic tax code. Most of the subsidiary type operations which would be directly affected by the administration's recommendations with respect to deferral, foreign income tax credits and gross-up, are engaged in manufacturing.

Mr. Charles I. Derr, the vice president of the Machinery and Allied Products Institute, made a significant contribution to our understanding the nature of U.S. oversea investment activities during his appearance before the House Committee on Ways and Means last year. This organization analyzed the data compiled by the Department of Commerce on oversea investments and reported to the committee that for the 10-year period starting in 1950 and ending in 1959 the net capital outflows for investment in manufacturing facilities totaled $2.2 billion. On the other hand, the income from such investments during these years was $3.9 billion so that there was a net inflow of $1.7 billion in this period. As a matter of fact, in only one of these 10 years was the income from investments less than the capital outflow. According to the Machinery and Allied Products Institute only a negligible portion of manufacturing investments abroad are in branch operations. According to a Department of Commerce study, manufacturing branch operations abroad were approximately 4 percent of total direct investments in 1957. Hence, it is in this field rather than in the extractive industries that the enactment of the administration's program would have its most severe effects.[9]

American firms with most of their stockholders U.S. citizens, organize manufacturing subsidiaries abroad in order to secure a position in world markets and the exports which they generate to their oversea operations are a vital factor in our balance of payments and in the creation of job opportunities here at home.

Again, examining the testimony submitted by the Machinery and Allied Products Institute, I find that their data indicates that in many cases exports directly generated by investment abroad are frequently great enough to exceed the value of a company's total investment within a few years.

Because the manufacturing sector of our economy is the one most frequently referred to by those who believe that oversea operations export jobs, I include a significant excerpt from Mr. Derr's statement:

"A foreign subsidiary facilitates contacts with foreign customers, it establishes local identification for the U.S. company, and it permits the kind of market penetration that is not readily available to a domestic which does not have such identification. It leads to more extensive foreign distribution channels. Demand is created for U.S. manufactured components. Much of the initial investment, incidentally, is offset almost immediately by a demand for and export of American capital goods. And again our records would seem to bear this out.

"I sum this all up by saying that this very substantial impact on American exports serves not only to assist in the adjustment of the balance of payments, but contributes materially to employment in the United States." [10]

The 1026 pages of volume 4 of the hearings before the Committee on Ways and Means on the President's 1961 tax recommendations merit study. They deal solely with the taxation of foreign income. I have found that the contentions advanced in support of these proposals are refuted by almost every witness, and I have found it gratifying that so many active American businessmen are concerned with the development of partnership arrangements with foreign citizens as a means of securing better understanding of American free enterprise.

I include an excerpt from the statement prepared by the Machinery and Allied Products Institute with reference to the contributions of American business to the success of our foreign policy:

"The American businessman in the course of his everyday activities can often accomplish on a more permanent basis some of the objectives which the Peace Corps is designed to promote. This is done, for example, through the employment of Americans outside the United States by U.S. companies. This, of course, serves to promote direct contacts between these Americans and the nationals in the country of their employment.

"Also, U.S. business investments, particularly in joint venture enterprises, serve to promote closer and friendlier contacts between the management of the U.S. investor and that of his foreign partners. A particularly desirable relationship is developed in that the U.S. businessman who undertakes the investment is profit-motivated and assumes that his business counterpart in the recipient country is similarly oriented. Hence, the latter is treated on a level of parity with the investor himself, and there develops a sense of a mutually beneficial arrangement arrived at by negotiation between equals. There is not the taint of charity which cannot but be associated to some degree with the acceptance of Government assistance, even though it be in the form of Government loans." [11]

It would be tragic if the initiative of private enterprise in promoting good foreign relations were hampered by an unsound revenue measure which could not attain the results which its proponents seek.

Finally, much of the testimony presented last year concerned mining, manufacturing and trading enterprises but there are many other areas of economic activity in which American capital, skills and ingenuity can make a unique contribution to the advancement of our foreign policy objectives. Among these are the large American contracting and construction firms which operate all over the world. Their personnel are respected and their activities advance the economies of the countries in which they work. Furthermore, such firms prefer to use U.S. equipment and supplies with which they are familiar and hence provide a large export market for American industry.

The testimony by Mr. Henry C. Boschen in behalf of the Construction Industry International Committee before the House Committee on Ways and Means states that in a recent 5 year period, 14 companies purchased more than $1 billion of goods and services from U.S. sources for use overseas.[12]

I am certain that it is apparent to every Senator that construction projects cannot be exported and if American firms find it nonprofitable to engage in these activities, the work will be done by others. The American construction industry is competing with foreign firms all over the world which enjoy many tax advantages which are not accorded to any American organization operating overseas. The importance to our economy of these construction activities is shown by the fact that during the 5 year period to which I have already referred 17 leading U.S. contractors completed approximately $2.5 billion of construction work. These firms invested $22 million of new capital overseas but remitted $50 million which, of course, improved our balance of payments position.[13]

Problems in this industry are so unusual that I include excerpts from Mr. Boschen's statement with reference to the effect of tax deferral on the American oversea contractor:

"Forcing the American oversea contractor to pay taxes on income before it is received in the form of dividends would substantially increase our costs and, to a large extent, price us out of the oversea market.

"To operate on the sound business basis—especially in this high-risk field—we must earn at least the same return on investment as our foreign competitor. But this is not possible if we are required to pay anticipatory taxes and our competition is not.

"Construction projects overseas often last several years and the imposition of annual taxes and withdrawal of funds to pay taxes will impair our ability to perform this work, and could also result in a tax being applied where ultimately there is no profit.

"Because construction by nature is a transient operation, the contractor must remain flexible to transport plant equipment on short notice to a new location and often a new country or even continent. At the same time, it is essential that operating funds be transferrable to new currencies without reduction by U.S. taxation as a premature dividend.

"Since construction earnings often are tied up in equipment located at the jobsite, funds would rarely be available to pay annual divi-

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[9] "President's 1961 Tax Recommendations," op. cit., p. 3098.

[10] Ibid., p. 3079.

[11] Ibid., p. 3085.

[12] Ibid., p. 3051.

[13] Ibid., p. 3050.

dends. Two courses would be left open to the contractor—sell his equipment at sacrifice prices, which would certainly delight foreign competition, or borrow money. Neither course is good business. Both would result in higher costs, less work for us, and also that segment of our Nation's economy which depends on us.

"Because of convertibility problems, it is sometimes necessary to channel currencies through two or more countries, a process that may take several years to accomplish before dollar funds are made accessible to the parent. In the process, the developed countries are an important element in the formula, through bilateral currency agreements, related currency blocs, et cetera.

"Dividends and taxes must be temporarily withheld, otherwise, we would have to use dollars earned or borrowed from domestic sources to pay tax on foreign earnings. This, of course, would reduce funds available for domestic investment.

"Another important factor is the need for rapid mobilization of operating funds. To get a major construction project underway, large sums of money must be gathered to finance purchase of equipment and materials and to form an effective organization. If earnings are subjected to annual taxation, our ability to accumulate funds would be seriously diminished.

"Another problem would arise from work we carry out in cooperation with local foreign interests—often the only way of gaining access to work in certain areas. It would be very difficult to tax, equitably, the U.S. partner's share of this income. Forced annual tax payments would make him an undesirable partner and hamper our participation in these arrangements, which are being encouraged more and more by both the U.S. and local governments." [14]

In conclusion, by examining an industry where American exports, other than equipment, are automatically precluded, the full impact of the administration's desire to tax the unremitted earnings of subsidiaries is clearly revealed. There can be little question that if American construction firms were not operating on a worldwide basis, the parts and equipment which are now exported for these projects would be purchased from some other country. Competition requires that our citizens who engage in the development of oversea markets with all the hazards that this entails be accorded a realistic tax treatment.

NATIONAL YOUTH DAY SPONSORED BY THE MILWAUKEE ELKS CLUB

Mr. PROXMIRE. Mr. President, Youth Day on May 1, as designated by the Benevolent and Protective Order of Elks, provides a splendid opportunity to salute the youth of our Nation. It is also an occasion to evaluate what we as citizens can do to encourage the accomplishments of our young people.

The Elks believe in the youth of America and seek to assist in preparing it for future responsibilities. We live in a period of change. The life of a doctor, a lawyer, a teacher, an engineer, or a scientist tomorrow is certain to be quite different from what it was yesterday. I believe no group realizes this more than our youth. It is because of this realization that our young people seek the answer to the important question: "How can we find our place in the world?" National Youth Day provides an occasion to help find the answer to that question.

In the area of education, we must realize that our schools and colleges should dispense knowledge—not credits alone. In the area of world affairs, we must realize that the other peoples of the world are demanding an equal share in the good things of life. In the area of outer space, we must realize that it is not merely the challenge of other worlds to conquer, but it is the challenge of utilizing space for peaceful pursuits.

How can we justify all this to our young people? Certainly we cannot do this without bringing to their realization the facts which surrounded our growth as a nation.

I do not refer to a pseudo patriotism, but to a patriotism based on the knowledge that there did exist in 1776 a group of statesmen who were willing to sign a document which mortgaged their very souls, their families, and their newfound liberty. These men knew they could not fail. It is our business to tell the youth of our Nation why they did not fail; why we have survived as a nation; why the impacts of a changing world will give to us the greatest opportunities for service that mankind has ever had.

We need to speak to the youth of our Nation about the merits of hard work—not work for the sake of work—but work for the attainment of goals that will make life for them and for future generations richer and fuller.

We must lead our youth into paths that will bring new inventions, new discoveries in better government, in science and in human relations, and in the arts. We must lead them into an attitude that shows joy in accomplishment so that a wide path of human progress will continue to emanate from the United States.

ADDRESS BY HON. STROM THURMOND, OF SOUTH CAROLINA, BEFORE 71ST CONTINENTAL CONGRESS. DAUGHTERS OF THE AMERICAN REVOLUTION; AND ADDRESS BY HIM BEFORE MIDLAND CHAPTER OF TEXANS FOR AMERICA

Mr. THURMOND. Mr. President, I have recently made two addresses and issued two weekly newsletters which I wish to call to the attention of the Members of the Senate and House for their consideration, because they have to do with what I consider to be important points of national and foreign policy. The first is an address I delivered on April 17, 1962, before the 71st Continental Congress of the Daughters of the American Revolution at Constitution Hall, Washington, D.C. The second is an address I delivered before the Midland Chapter of Texans for America on March 31, 1962. The two newsletters are entitled "Disarmament—Russian Roulette," dated April 23, and "Nike-Zeus and Nuclear Blackmail," dated April 16, 1962.

I ask unanimous consent that the two addresses and two newsletters be printed in the body of the Record.

There being no objection, the addresses and newsletters were ordered to be printed in the Record, as follows:

Address by Senator Strom Thurmond, Democrat, of South Carolina, Before the 71st Continental Congress of the Daughters of the American Revolution, Constitution Hall, Washington, D.C., April 17, 1962

It is indeed a privilege to address this gathering. This organization, the Daughters of the American Revolution, has a long and splendid record of achievement in the service of our country. Throughout its long history, the DAR has remained active—never resting on the glory of its heritage and traditions and never fearing to fight courageously for principle and patriotism.

It is not to the Daughters of the American Revolution, as an organization, to which I shall address my remarks tonight, however. Rather, I speak to each of you as individual Americans, for what I have to say to you, I believe, will apply equally to every American.

As each of you is aware, we Americans, as individuals, enjoy the greatest bounty ever bestowed on men, not just in terms of material benefits, but in an even more important and vital ingredient of happiness—the ability to fashion our own individual destiny. We call this essential ingredient of happiness liberty.

Many of us complain—at times, bitterly—that our liberty is now diminished by earlier standards, and there can be no question that there is a valid basis for such complaints. Even with the infringements of our liberty, however, we still enjoy more personal freedom than is known in any other advanced civilized society in the world.

We are all conscious that our liberty faces a serious threat, primarily from the godless forces of the international Communist movement. In many essentials, this threat is the most serious challenge to freedom in the history of mankind. Its principal potential for returning society to the dark ages of slavery lies in its unconventional nature—unconventional in that it does not fall into the traditional concept of a struggle between nation-states. The threat, in this instance, emanates, not just from one or more geographically limitable territories, but from sources in the entire spectrum of society, without limitation as to national, ethnic or geographical origin. In this sense, this is the first truly total threat to the freedom of mankind.

The combined quantitative and qualitative scope of the threat to freedom can be measured in terms of its past performance. In 1917, just 45 years ago, the Communists were a numerically insignificant force. There were, at the outside, not over 240,000 Communists in Russia, and probably less than that in the remainder of the world—less than half a million people altogether. They controlled no government and ruled no territory. There were, by their own decision—or the decision of their then leader, Lenin—a minority party and by their own choice doomed to remain so for all time to come.

From this inauspicious beginning, they have made long strides—almost unbelievable progress—toward their self-professed and self-evident goal of world domination. Today, the Communists dominate about 26 percent of the world's land mass and have subjected to their tyrannical domination 1,825 million people. In the remaining area of the world, they have established cadres of hard core revolutionaries, who work diligently and unceasingly to undermine and subvert the freedom of those who remain undominated by the space age infidels who comprise the supranational Communist apparatus.

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[14] Ibid., pp. 3052–3053.

By virtue of the bounty which God has bestowed on us—both in freedom and material goods—we have fallen heir to the leadership of the non-Communist peoples of the world in the struggle against this force of darkness. We had no choice in accepting this legacy of leadership—we could neither avoid it nor renounce it. On how we acquit ourselves in this role of leadership depends the fate of mankind, both materially and spiritually.

Our performance to date in this role of leader of the non-Communist world is not a record likely to bring cheers from the free world galleries when the totals are put on the scoreboard. True, we have made some sacrifices—mostly material—but so far we have failed to cope adequately with the enslavement of millions and the threatened enslavement of the remainder of the earth's people.

Since the role of leader devolved upon us at the end of World War II—and it had clearly come to rest on our shoulders by that time, if not considerably earlier—the Communists have made their greatest strides toward world domination. At least 15 countries and about 900 million people have fallen prey to Communist enslavement in this period. In the same period, no country has been extricated from Communist rule. The gateways to southeast Asia, Laos, and Vietnam are tottering precariously as the Communists apply their proven strategy of divide, confuse and conquer. The continent of Africa exhibits the violent instability that is the trademark of Communist preparation and exploitation. Even in the Western Hemisphere, Cuba has been totally reduced to a Communist base of operations and its people reduced to utter peonage; British Guiana is in the process of being transformed into a Communist vanguard in South America by its Communist President, Cheddi Jagan; and serious inroads have been made in many of the other Latin American countries.

This situation is no secret from Americans. They are aware that we have not proved adequate to the demands of the leadership role we occupy. So conscious are most Americans to this lamentable record that they wear the burden of it with heavy hearts. Reactions to the past record vary with individuals, but the great majority of Americans are deeply concerned. At the same time, most Americans do not fully realize that it is they, as individuals, who, in the final analysis, bear the responsibility not only for our past inadequacies in leadership, but also for the quality of our leadership in the future.

I am not unaware that there are voices in our land constantly pronouncing that the public has no part to play in the formulation and implementation of our foreign policies. I must also admit that it appears that what these voices lack in authority—and they are not all lacking in authority, unfortunately—they make up in coverage by the mass informational media. But they are not accurate.

The American people are the rightful source of sovereignty in the United States. It is the American people who have the right to make, in the final analysis, all of our national policies, including foreign policies. There are those who would have it otherwise, and some of them have publicly advocated basic changes in our political system which would make it otherwise. This right remains, however, in the American people.

Even more important, at this juncture, the American people still have not only the right, but also the power to shape national policies in accord with their own judgment. They do not have to accept the judgment of the State Department policy planners or anyone else as to what our policies will be. Anyone who would have you believe otherwise is either trying to instill apathy in the public or is engaging in confused, wishful thinking.

Let me give you an example. There are many within our official diplomatic circles who favor the admission of Red China to the United Nations. For instance, our U.S. Ambassador to the United Nations, Mr. Adlai Stevenson, has said that it is inevitable that Red China be admitted to the U.N. He added, and I quote: "Moreover, as a member of the U.N., Communist China would be more accountable to world opinion than as an outcast." Former Under Secretary of State Chester Bowles, now Foreign Policy Adviser to the White House, is considered one of the creators of the two-China policy. Assistant Secretary of State for International Organizational Affairs, Harland Cleveland, has long been an advocate of admission of Red China to the U.N. In addition, the U.S. Ambassadors to India and to Japan have publicly advocated the admission of Red China to the U.N.

Despite this array of high level diplomatic open support for the admission of Red China to the U.N., and the rather obvious additional support in the same quarter which is not publicly expressed, we have continued our policy to oppose the admission of Red China to the U.N. Why? Because the American public has expressed itself clearly and repeatedly in opposition to any other course. They have shot down trial balloons on admission of Red China by letters to Congress, letters to the President, letters to the editors, and by every other conceivable form of expression. The policymakers and other officials of Government may not have had much enthusiasm for the position against U.N. membership for Red China, but it did take this official position, nevertheless, pressures to do otherwise from many sources, including some of our principal allies, to the contrary notwithstanding. The U.S. foreign policy belongs to the American people, and when they express their will emphatically, they can determine foreign policy.

The very existence of this power demonstrates that the bounty of freedom and material plenty which we enjoy is not a one-way street. Freedom and self-government are made up not just of benefits, but of an equal quantity of responsibility as well. And in the role of leadership which we occupy it is an awesome responsibility, indeed.

In the first place, there are impediments to the exercise of the public's right and power to translate its judgment into policy. First, and foremost among these impediments, is the matter of the public, or a major segment of it, being unaware of the policy in existence as well as the facts which are, or more often, should be, the basis of policy.

Certain aspects of our foreign policies are, for real or imaginary reasons of security, kept secret from the public, or classified. This is proper, and even essential for the operating details of portions of our foreign policies; but as to the broader aspects of those policies, it is utter nonsense to keep their formal concepts from the public, unless the purpose—Heaven forbid—is to deceive the public. When the broad outlines of our policies are masked from the public, people have no alternative but to judge our policies on the basis of actions and results. The people are then left in the dark as to whether failures are caused by the policies themselves or defective implementation.

An equally effective impediment is the one-sided presentation of both factual and policy information which is often fed to the public by official and semiofficial sources, in an effort to sell or acclimate, the public to a predetermined policy or action. Possibly the greatest one impediment to the effective implementation of public judgment on foreign policy is the selective release of a portion of the facts which have been gathered by people in the Government service.

There can be no real or responsible judgment by individual Americans on any question of foreign policy, if only those facts which support one predetermined position are known to them. Neither can those within the Government who disagree with the predetermined position effectively argue against it unless they are permitted to use those facts which become known to them in the course of their experience in Government employ and on which their contrary judgments are based.

This brings us to the very serious and far-reaching matters of Government censorship of the statements and remarks of officials within the executive branch, and particularly those within our Defense Establishment. It is one thing to prohibit officials in the employ of Government from publicly controverting established policies of our Government. It is entirely another thing, and indeed, a most dangerous course, to prevent the officials of Government from relating to the public pertinent facts on the nature of the problems which face our country in the international field and which have no sensitivity from a security classification standpoint.

Among the personnel of those departments of the National Government who bear major responsibilities for dealing with the Communist movement and the cold war, there exists a fundamental difference of view and approach. While it is difficult to generalize in this area, it can safely be said that the predominant view of the nature of the Communist movement among professionals in the military services differs basically with the predominant view of those in the State Department. It is theoretically upon the advice of both, and others, that our foreign policy is formulated.

There is a natural resentment on the part of State Department personnel at having to surrender portions of their traditionally exclusive domain in advising on foreign policy, despite their begrudging recognition that diplomatic considerations are no longer the only elements which affect foreign policy. This resentment undoubtedly heightens the tenacity with which the State Department personnel fend off and resist the contributions to our foreign policy by anyone not a member of the State Department fraternity, particularly where such contributions are proffered by those whose attitude and understanding of the nature of the Communist movement do not coincide with that predominating in the State Department.

This brings us to the real importance of the censorship by the State Department of statements and speeches of personnel in other executive departments, especially Defense.

Since policies are merely plans by which to operate toward a solution of a problem, any given policy is necessarily colored, if not altogether controlled, by the definition of the problem itself, adopted by the policy formulators.

The speeches of military personnel which have been censored reveal clearly that there was rarely, if ever, any intention by Defense Department speakers to controvert established foreign policies. The speeches do, however, in many instances, clearly reflect the nature of the problem itself, as the speaker views it. It is at this point that the deletions and alterations appear; and since the deletions and alterations reveal the opposing views as to the nature of the problem, they also reveal the policy based on a particular view of the problem, which is, in most cases, that view which predominates in the State Department.

By censoring, and thereby removing, from the statements of Defense personnel descriptions of the problem—the international Communist movement—which do not co incide with that which predominates in the State Department, they conceal from the people the fact that there are alternative, and in many respects, completely contradictory, views as to the nature of the problem which foreign policy is designed to solve. This contributes to the maintenance of the State Department's monopoly in advising on foreign policy in two ways:

First, it avoids a public demand for a reexamination of existing policies which might result from the public being alerted to a different picture of the problem than that on which existing policies are based. This public demand, if acceded to, might well result in a change in policy to one which relies less exclusively on the predominant State Department view.

Second, it deprives the public of clear and understandable explanations of the problem, itself, in the absence of which the State Department can continue to shield the subject behind fabricated complexities; by which can be fostered in the public a degree of apathy that assures the continuation of the State Department's monopoly on the shaping of foreign policy.

Now let us take a look at the policy which we individual Americans have permitted to prevail since the end of World War II.

Generally these policies have been weak, vacillating, and aimless. These have been based on three principal, false ideas or concepts: (1) between 1947 and 1955, the principal concept which undergirded our foreign policy was that of containment; (2) between 1955 and 1961, we continued the basic policy of containment, but added in justification the concept of evolution of the Soviet Union into a peaceful Socialist state; and (3) in 1961 and continuing to date, there has been grafted onto this unsound base the idea that any conflict or clash of power—or any attempt to win the cold war—would escalate into a general nuclear war.

The theory of containment of the Communist menace became national policy in 1947. It was based upon the belief that communism contained the seeds of its own destruction and, therefore, if we contained it, it would destroy itself. This gave the Communists a base from which to operate, a base which was unmolested and unchallenged. They were able to consolidate their illegal base and build up their military and economic power from which to launch additional international misdeeds. In 1955, long after it had become completely obvious that communism would not destroy itself internally, your Government changed the basis of its policy of containment, but retained the policy itself. The new basis is the idea of evolution. Since 1955, our policy of containment, although rarely still expressed in that terminology, has been based on the belief—or perhaps more accurately, the wishful hope—that if left unmolested, the Soviet Union would evolve into a peaceful Socialist state and shed its evil external aggressiveness. The Soviets have had a considerable period in which to evolve. Their industrial capacity has evolved, but not their morals; their weapons have evolved, but their intentions and efforts are still to dominate and enslave the people of the world.

By 1961 it became apparent that the public could not be sold on the theory of evolution as a justification for a do-nothing, no-win foreign policy toward the Communists solely on the basis that there was a possibility that the Soviets would evolve into a peaceful socialist state. An additional basis was then advanced for the same basic no-win policy. To the hope of evolution, there was added as a justification the idea of escalation, an idea calculated to sell a do-nothing policy by resort to the emotion of fear. Quite simply stated, the idea of escalation is this: any head-on clash of power between the Communists and the United States could escalate into conventional hostilities, and thereafter, on a graduating scale, escalate in intensity until it finally reached the level of a nuclear exchange. This, incidentally, was the basis given by the State Department white paper on the Congo for rejecting any course of action which might put the United States in direct conflict with the activities of the Communists in the Congo, and for following, instead, the shameful policy emanating from the United Nations of fighting anti-Communists.

Basically, these policies can be characterized as products of a Maginot line mentality. While we sit comfortably and apathetically behind a wall of nuclear and conventional preparedness for a shooting-war conflict, never daring for fear of escalation to use our power or any portion of it, the Communists, avoiding any direct attack upon us, gradually and persistently spread their tentacles of slave empire throughout the world until we are isolated and left with no choice except death by nuclear holocaust or default by nuclear fear.

There is now underway a massive attempt to induce in the American public a Maginot line mentality concerning our foreign policy. The attempt emanates primarily from the State Department, and takes every conceivable form to utilize the mass communications media to the maximum extent. For instance, high level spokesmen give background briefings to the news media, congressional assistants, and Senators and Congressmen. These same high level spokesmen, and their assistants, deliver speeches throughout the country and engage frequently in panel type discussions on television. The same line turns up in documentaries to which the television networks have turned as a favorite public service type program. Let us examine in some detail just what is the current line and the purpose behind it.

The American public is being told at the present time that there is a rift in the Sino-Soviet bloc which cannot be healed; that the monolithic nature of the international Communist movement is dissipating; and the Communist empire is in the process of fragmentation. Based on this information, how could the American public reach any conclusion other than that the best course for our country is to bide its time in the fond hope that the fragmentation will continue, and possibly even that the Communists will begin fighting among themselves?

This line has other potentialities as well. Already arguments are being advanced in the press and magazines that the admission of Red China to the U.N. would provide a forum in which the rift could break out into open disagreements, and thereby enlarge the breach between Communist China and the Soviet Union. According to the information released by the State Department, the rift within the Communist bloc, and the fragmentation of the monolithic movement is caused by the forces of nationalism within the bloc.

What are the true facts? I assume the President of the United States has full access to the facts, and he stated: "The tide of self-determination has not yet struck the Communist empire." I agree with him, even if State Department personnel do not.

There is no concrete intelligence information to indicate that there is any sharp division among the Communists, whether they be of Russian, Chinese, Albanian, or Yugoslavian origin. The estimates of the rift, and fragmentation, are based on the words of the Communists, themselves. Their actions speak much louder.

Consider, for example, the present Communist activities in espionage and subversion. The control of the entire Communist worldwide system is directed by, and well-integrated into, the Soviet intelligence system, the control of which emanates from the foreign section of the Central Committee of the Communist Party of the Soviet Union, headed by M. Suslov. The Communist espionage center for Europe and the continent of Africa is located in East Berlin. The Chinese Communists have an espionage and subversive office in East Berlin, as do each of the Communist countries, and all are under the control of the Soviets. The various tentacles of the espionage and subversion apparatus also show by their routing the monolithic structure of the entire system. One tentacle of this system, for example, leads from Moscow to Prague to Mexico City from whence it is directed south toward Central and South America, and north toward the United States and Canada. Another tentacle runs from Moscow to Belgrade to Havana. Incidentally, even Under Secretary of State Ball admitted in testimony before the Senate Preparedness Subcommittee that the Yugoslavs are openly exporting Castro's revolution to South and Central America. Communists of both Russian and Chinese origin, as well as those originating in other Communist territories, are working closely together under an overall plan in Cuba.

In light of these facts, one cannot help but conclude that the current State Department line, to the effect that the Communist empire is fragmenting, is based primarily on an abundance of wishful thinking.

Other lines are being pursued with appropriate subtleness to induce acceptance by the American people of the admission of Red China to the United Nations. For instance, the continued failure of the disarmament talks will undoubtedly again be blamed on the impossibility of obtaining an effective disarmament without the participation of the so-called monstrously powerful Red Chinese nation, and of course, they must be in the U.N. to negotiate.

In the first place, Red China is not a monstrously powerful nation. Due to the shortage of food and other economic difficulties under the Communist system, the Chinese Communists, who reputedly have the largest land army in the world consisting of 3 million men, actually could not muster more than 20 combat-ready divisions of an approximate total strength of 200,000 men. Prospects are that they will deteriorate in strength further, provided we are not so foolish as to sell or give to them wheat and other foods. If we were by any chance to bring the full brunt of our influence to bear on our allies, and thereby succeed in convincing them not to provide Red China with food—which in this instance is in every sense a weapon—we could really bring intense pressure on the Red Chinese regime.

Regardless of with whom we negotiate for disarmament, we must be practical enough to realize that it is what Suslov, the director of espionage and subversion for the Communists, calls the irreconcilable conflict of systems between socialism and capitalism that prevents any disarmament, and not the quantity or quality of the weapons themselves.

The cold war will not go away. It cannot be swept under the rug by pretending it does not exist. The Communist movement is founded on the goal of world domination, and it is no more likely to change its goal than a leopard is likely to change his spots.

Nor is it likely that the State Department is going to come down from its ivory tower and shed its Maginot line mentality voluntarily. The State Department will continue to push its no-win, do-nothing policies based on blind and unrealistic estimates of the Communist movement and its strategy and tactics.

This impasse can be solved in favor of freedom in only one way. Individual Americans must fulfill their responsibilities and through sound and emphatically expressed judgments, exercise their right and power to shape a foreign policy that will provide leadership to victory for freedom. Americans must demand and get the uncensored facts about the Communist enemy if their judgments are to be sound.

The choice is yours; the hour is late. You as free self-governing individuals can meet the challenge with imaginative leadership or you can adopt the Maginot line mentality. On your decision hangs the fate of mankind. Will it be freedom or slavery?

ADDRESS BY SENATOR STROM THURMOND, DEMOCRAT, OF SOUTH CAROLINA, BEFORE MIDLAND CHAPTER OF TEXANS FOR AMERICA, MARCH 31, 1962, MIDLAND, TEX.

CENSORSHIP AND OUR NO-WIN POLICY

It is a sad commentary on our way of life when advocates of determination and toughness toward our Communist enemy are bound by the iron chains of censorship or are subjected to some public and official apathy or downright animosity. But the facts, my friends, are inescapable that such is the case in our country today.

This is a subject that is close to my heart, because it concerns so vitally the future of our Nation. It concerns every American, as I am sure it concerns every citizen of this great State.

Will the next step from muzzling of military leaders in their anti-Communist statements be mass muzzling?

This is the pattern that has been followed in other countries in the past. This is also the pattern that would logically follow if we accepted the alibis for anti-Communist censorship offered by the State and Defense Departments. They say that our military leaders should say nothing bad about the Communists during the periods of sensitive negotiations—and they try to maintain we are constantly negotiating—they also say we should avoid giving the Communists any grist for their propaganda machine. If we followed this warped reasoning to its logical conclusion, we would have to muzzle all Americans, including Members of Congress and all of the news media, in order to conform to the monolithic standard laid down by the State Department that our Nation "speak with one voice"—evidently a soft and unrealistic voice about communism. It seems to me that a statement in the New York Times, which is read around the world, or a statement by a Congressman or Senator—especially one who heads a key committee—could disrupt negotiations or provide propaganda grist as much or more so than could a statement by a one-, two-, three-, or four-star general or admiral, whom everyone knows is subject to civilian control.

The iron chains of censorship can be forged to fit any American who does not speak with one voice in a land noted in the past for its diversity and freedom of views and opinions. Let me assure you, however, that if the plans of some higher authorities are to extend mass muzzling throughout our country, in our free press, the Halls of Congress, the State legislatures, or anywhere else, I'll be right there beside you in the fight to unshackle them. We in America ought never to fear the truth, for as we have been promised, the truth will keep us free, and so far we have been free. But in order to preserve our freedom, we in America today need to know more, not less, of the truth about communism.

This is what motivated me to instigate the investigation into muzzling our military leaders in their anti-Communist statements.

It was difficult for me to conceive that any Government official, with the entire panorama of Communist evils spread before him daily, could be serious about suppressing discussion of the nature of the enemy we face in the cold war. Unfortunately, this is part and parcel of the State Department's foreign policy.

With Under Secretary of State George Ball on the witness chair a few weeks ago, I asked:

"Mr. Secretary, I just want to say it is gratifying for you to confirm what I have been convinced of since I first studied the speech deletions and changes.

"That is that the speech deletions and changes are the result of a knowledgeable application of our foreign policy to the speeches to insure conformity with our foreign policy."

Mr. Ball replied: "That is right."

Soon after the Under Secretary made this statement—and this has also been supported by testimony from the Assistant Secretaries of State and Defense for Public Affairs—I told the Senate about one specific policy of this Government which spells no-win. It was inaugurated in 1955, and was still in effect through May of last year—and I feel certain it is still policy today. This is the policy which calls for termination of the cold war by awaiting the evolution or mellowing of the Soviet system and other Communist systems into peaceful Socialist states, rather than by attempting to win the cold war by more direct pressures and approaches. To show how the censorship ties in with the policy directives of our Government—and this one particularly referred to was formulated in the National Security Council—I specifically pointed out to the Senate a few examples of censorship and censors' comments which made speeches conform to the evolution policy. This was done in April 1960, and again in April 1961 and May 1961. In April 1960 an officer tried to say:

"Either we remain the champion in this vicious race by exerting our full strength and rise to great heights for the benefit of all mankind, or we can skulk and sulk like fearful frustrated people and go down in the ignominy of defeat. The choice is ours; the hour is late; the time for decision is now."

That was what the speaker proposed to say. Here is what the censor commented by means of a penciled note in the margin: "Eliminate either or concept to allow possibility of evolution of Soviet system." To paraphrase the censor, what he is saying, is, "Oh, no, General, you haven't left room for the possibility that the leopard will change his spots." And if the general doesn't believe that the Communists are possibly going to mend their ways, and stop trying to enslave the world, he is out of step with our State Department and our foreign policy. And don't forget, we've got to speak with one voice.

We have been sitting on our hands waiting for the Communists to evolve since shortly after World War II. In that time, they have become a nuclear power, and exploded a 58-megaton bomb; they have leapfrogged our missile program and developed rocket engines with great thrust and missiles with advanced guidance systems; they have brought under their domination about 15 countries and 900 million people. Their industrial capacity has evolved, but not their morals; their weapons have evolved, but their intentions and efforts are still to dominate and enslave the people of the world.

Now that the policy of evolution has been exposed to public discussion and cross-examination, our policy planners have come up with a new foreign policy line which is closely akin and ranks roughly on a par with the evolution policy in the realm of phantasy and idealistic optimism. This is the line which says that before the Communists evolve, they may fragment, and by patiently waiting on the sidelines we will be able to run in and pick up the pieces.

The essence of this policy line is that the recently reported evidences of a rift between the Soviet Union and Communist China over how they should best go about burying us will result in a fragmentation of the Communist movement into bits and pieces and remove this militarily aggressive threat which has caused us to maintain such costly armaments for the past 15 years.

The new line was first officially announced by the State Department's Chairman of the Policy Planning Commission, Dr. Walt Rostow, in a policy speech delivered on March 15 at Purdue University. Following this speech, the line was picked up and featured by Newsweek magazine and the Washington Post, both of which are under the same management and both of which are generally in on most of the State Department's pet news leaks and trial balloons.

The fragmentation line has also been ballyhooed by Drew Pearson and Zbigniew Brzezinski of Columbia University in New Republic magazine. Pearson advocates that we now embrace Khrushchev to save him from Mao-Tse-tung. Mr. Brezezinski has suggested that the President "could stress the compatability of socialism and pluralism, of national ownership and personal freedom, and should try to stimulate a dialogue concerning the future development of Communist societies." His ideas seem to parallel those of the authors of the newly published and controversial book entitled, "The Liberal Papers." This book contains 12 essays brimming over with such fantastic ideas as killing the Communists with kindness by letting them tune in on our distant early warning line so they could be warned of any surprise attack we might launch, recognize Red China, put her in the U.N., and then proffer to her foreign aid. Also, recognize our untenable position in Berlin, liberalize trade with the Soviet Union, abandon our civil defense program, refuse to test nuclear weapons, abandon the "basically irrational conviction that the only way to avoid military conflict with the Communist world is to prepare for it," and—in effect, let's buy as our foreign policy Lord Bertrand Russell's conviction of "Better Red than dead."

What the fragmentation policy line overlooks is the fact that Khrushchev and Mao-Tse-tung are not arguing over whether the world Communist movement should dominate and communize the world but whether it should be done on the installment plan without a nuclear war as proposed by Khrushchev or whether it should be done with one big bang as proposed by Mao-Tse-tung. They both still very much have in mind Marx's objectives "to destroy capitalism and dethrone God."

Aside from raising false hopes on the part of the American people, the fragmentation line encourages more appeasement proposals similar to those I have just cited and sets the stage for adoption of more no-win cold war policies.

Ladies and gentlemen, there is obviously no short cut to victory for free men. While we must carefully reckon with the possibilities of a nuclear war, we must also stop ignoring the probabilities of piecemeal slaughter and enslavement of the remaining free world, if we continue to passively await the evolution or fragmentation of the world Communist movement. There is some small possibility the Communists will evolve or fragment; but there is great probability that unless we abandon our no-win policy, only the Communists and their slaves will witness this fantastic dream of evolution or fragmentation come true.

In the CONGRESSIONAL RECORD there are 40-odd printed pages of examples of muzzling—the forbidding of our experts on military and Communist strategy—the refusal to let them speak plainly about the menace we face today—changing their statements to conform to no-win foreign policies.

This, I attest, is playing pattycake with communism.

We are not fighting Lord Fauntleroy. We are fighting the godless, evil, creeping, clawing menace of bolshevism, and by any other name it does not smell so sweet.

Every American should be able to understand the salient facts about the menace we face today—even the muzzle experts.

1. Communism is here, we cannot escape it.

2. We do not want a hot war, and Americans will not surrender.

3. We are in a cold war.

4. We cannot call off the cold war, except at our peril. The Communists won't let us call it off except on their terms, however anxious, eager, hopeful, kind, or careful our policy planners and spokesmen are to Khrushchev and the Kremlin.

And, my friends, the cold war won't be won at summit meetings, or in the back corridors of the United Nations, where endless negotiating serves no useful purpose except to notify the Communists how fast and how far we are going to retreat this time.

The Russians love to negotiate—a conference is going on right now in Geneva. In fact, the Russians will negotiate on anything, anywhere, anytime on what they want. They demand the conferences, we trot to comply, always negotiating something they want from us.

It is my conviction that however high the summit, however round or square the conference table, there ought to be some things, somewhere, sometime that Americans will not negotiate, now or ever.

And the major one is our freedom to be Americans, to act like Americans, to live like Americans who are willing to fight for freedom and the same principles that built the bedrocks of this great country.

The Kremlin nods and says, let's negotiate on Berlin, Khrushchev isn't satisfied with conditions there.

Aren't we ever dissatisfied? Can't the State Department ever find something we don't like?

Naivete, and later a faint heart, lost us Cuba. One tank against a row of cinder blocks might have saved us from a Berlin wall.

Our own recent history has proved that we do not have war every time Russia rattles a rocket. In Guatemala we undid a Communist coup before the "dust had settled." In Lebanon we moved with courage and force and we did not go to war. In Formosa we sailed the 7th Fleet into the troubled seas and told the Communists to try and climb over it. In Berlin we airlifted the free world's hopes and we did not go to war.

In 1945 the United States was the most powerful nation in the world. Russia was on her knees; the Kremlin needed 3 million policemen just to maintain Communist discipline in Russia. Within 15 years, China was gone, Eastern Europe bolshevized, the Far East under siege, the Congo under pressure, and Cuba undergoing satellization. And all the while we were trying to call off the cold war.

The first step in creating a foreign policy with backbone, in my opinion, is that we quit trying to call off the cold war, and face up to the realities of the war and its root cause, communism, and determine to win it. Nehru tried to call off the cold war, and while he was talking the Communists took Tibet and stole a good chunk of his own real estate. The British tried to call off the cold war, and while its Socialist Government was talking, the Empire all but vanished. The United Nations tries to call off the cold war, and the Congo heads for communism.

We want peace, but peace with freedom and justice. The Communists want the world. If they get it, there won't be any peace for anybody, including those who say they would rather be Red than dead. If we want peace at any price, this is cheap and can be attained without a struggle. But peace with freedom and justice requires vigilance, diligence, toughness, and a determination to fight if necessary, for it is never attained or maintained at a cheap price.

Peace has many faces. It has the face of Hungary, Poland, China—nations that are now deep scars on the shield of freedom, where people wanted peace but lost it while we were busy talking, negotiating, and, to the everlasting shame for some Americans, selling out.

What can we do?

First, we can state as a foreign policy for the United States, that it is our intention, by whatever means necessary, to win over the forces of world communism, to insure the liberation of all behind the Communist curtains, and to extend freedom throughout the world; at least, we should vow to do this eventually.

Second, we must blockade Cuba, particularly if the current actions don't bring Castro to his knees very soon. The Soviet Union and the Communist satellites are shipping Cuba arms. Can you imagine Khrushchev's shoepounding if we started shipping guns and rockets to Finland?

Third, we must quit trading with Communist nations; quit sending them aid. Under communism the people have no voice in their government, so until the Communist satellite nations have a free choice, we should notify the Kremlin that we are through talking, negotiating, or trading.

Fourth, we must alert all the people and our military servicemen properly to the many facets of the Communist menace, about the insidious methods and operations of this worldwide conspiracy.

Fifth, we must act decisively to call Communist bluff and bluster tactics before they reach uncontrollable proportions, and we must determine to fight, if necessary, to insure our liberties and our survival.

Sixth, we must maintain a military establishment second to none in the world, insuring not merely an adequacy but a supremacy of military power.

Seventh, we must take the offensive to sell our free enterprise or capitalistic system, and I'm not ashamed to use the word "capitalism" in spite of what Mr. Khrushchev and his apologists in this country have to say about it. We have the economic system to sell, but we're not selling it abroad or at home.

Eighth, we must maintain a strong domestic economy, and in our economy put first things first, leaving off the frills and the nonessentials until we can afford them.

Ninth, we must be alert to internal subversion and infiltration. I have the utmost confidence in Mr. J. Edgar Hoover and the Federal Bureau of Investigation, but even Mr. Hoover has warned that vigilance, in a responsible manner, is everybody's job.

Tenth, we must guard against being lulled into a deep Socialist sleep here at home with "gimme" gimmicks by advocates of an all-powerful Central Government. Self-imposed tyranny by a homegrown dictatorship can be just as ruthless and suppressive of liberty as can a powerful force from without our borders.

Eleventh, we as individuals, and as a nation, must rededicate ourselves to a moral and spiritual regeneration in this fight against materialistic and atheistic communism. Spiritual and moral power can give us courage, strength, wisdom, and faith in the struggle to maintain our freedom and insure our survival. Spiritual and moral power will also save us from softness and decay—physically, mentally, and morally.

As the last, but by no means the least, recommendation I offer for moving toward victory in the cold war, I suggest that we make a long-overdue reappraisal of the enemy and the unrealistic policies we have been employing for the past 15 or more years in dealing with this enemy. In charging that our policies have been unrealistic, I do not imply sinister motives to this or any previous administration. What I do imply—and in fact state directly and emphatically—is that their policies in meekly accepting the Communist challenges hurled at us in the cold war have been based on false conceptions of communism. In fact, an interpretative article written from Geneva by a New York Times analyst on March 18 made the point that U.S. diplomats now concede that our policies in dealing with the world Communist movement have been based on wrong premises.

What are some of these false conceptions or wrong premises on which these no-win policies are based?

First, our planners still go on believing the Communists can be trusted and that they truly want peace, the kind of peace we understand when we look for the word "peace" in Webster's Dictionary. They evidently discard all the evidence of broken treaties by the Communists, 50 of their 52 major agreements. Also, they ignore or don't realize that to the dedicated Communist peace has a different meaning and also that the Communists have only one moral code—employment of any means necessary to attain world domination. The Communist definition of "peace" is simply that time when the Communists have taken over the world, all property has been collectivized, and everyone is on the same level and oriented toward materialism rather than any love of liberty, country or God.

Second, they forget or ignore the fact that we are dealing with an international Communist movement, not merely the extension of Soviet imperialism, as censor notes would lead us to believe. So, they naively negotiate with the Soviets without binding the real control apparatus, the international movement.

Third, our planners fear world opinion or Soviet propaganda to such an extent that they never act, only react, to Communist offensive moves, figuring that the uncommitted nations are going to jump to the side of popularity and meekness rather than power and determination. To avoid Communist criticism our planners dance to their tune rather than to one of our own composition.

Fourth, our planners appear concerned not so much with the ideological differences between the Communist system and our own but only with the militarily aggressive nature of the Communist threat. And, I have as authority for this statement a censor's comment that we are committed to check only the militarily aggressive nature of communism. They forget or ignore the fact that we are in an ideological war for the minds of men, and for this reason we are losing this aspect of the cold war.

Fifth, and this is the point I have previously made, our planners depend on getting around this militarily aggressive nature of the Communist threat by relying on the leopard to change his spots on his own volition or to die from internal bickering over how to kill his prey.

I could give many more such examples of these false conceptions which are primarily responsible for our cold war losses to world communism.

What have we lost by basing our policies on false conceptions of communism? For one thing, the offensive in the cold war. For another, the strength of our moral fiber in dealing with crises. And finally, the respect of the Western World. The Dutch are the most recent victims of our vacillation and indecision; Portugal, Belgium, and the Katanga province in the Congo are others.

We have abided by a no-win foreign policy to the point where some officials live it as a way of life, and the Communists know it. Our policy has been to sit back and wait for the next blow, a form of conflict that has cost many a prize fighter not only a shot at the title but a hospital bill as well. We spend billions for security—we are strong—we spend $50 million and more alone just to keep track of the Communists and Soviet agents inside the United States—and yet there are many people who claim the Communist menace at home is just a myth. If it is we can't afford many more myths like it.

Russia infiltrates various countries. We say we can't do anything about it because the trouble is internal and these nations must settle their own dust before we can take a clear look. We paralyze our purposeful action by closing all the roads of freedom in fear of a nuclear war.

The President indicated at his news conference on February 14 that any efforts toward victory in the cold war would only lead by escalation into a nuclear holocaust. Secretary of State Rusk made a similar statement more recently. This is the type of fearful reasoning that leads us into retreat, step by step, as we have been doing—but faster and faster to the point where there would be no choice except appeasement or nuclear war.

Mass muzzling creates fear and destroys freedom. Russia is the ripest example in our time of a no-speak nation, where the common man's brain is fear-washed and impotent of action or criticism. Fearful people lose perspective. Fear of a nuclear war can freeze the human mind beyond the point of adequate reasoning on the chance of such a war ever occurring. No one can deny the gruesome potentialities of a nuclear war. No one can deny the frightful responsibility of those who are charged with the decision in this area. We can, along with them however, weigh the difference between bluster and threat and help scale the balance of our own strength to fight.

It is unlikely the Soviets want an atom-obliterated world. It is unlikely the Kremlin would be so worldwide in its subversion, infiltration, espionage and propaganda if it could destroy the world automatically without harm to Russia. The Communists know that some of the residual cinders of an atomic holocaust would cover much of the U.S.S.R. as well. But they also know that much of our thinking, official and otherwise, neglects to remember this.

In gaining a perspective of the hazards of communism we can also gain perspective about our problems at home—if the hazards we face are clearly set forth and not censored. This is the reason I sought an investigation of why some of our experts on communism are being silenced.

This is not an investigation of the question of civilian control over the military. As former Secretary of Defense Robert Lovett explained to the subcommittee, this is a "straw-man issue." Civilian control over the military is not only a time-honored tradition in our country, but it is also a very basic concept of our Constitution. Military men recognize this principle.

This is not an investigation to determine whether military men should engage in partisan politics. They should not, and I know of none who even desire to do so. Every military witness has put himself clearly on record as being against trying to formulate policy for our Government except through the proper channels provided for military advice and counsel to civilian authority. However, many of these witnesses have made a distinction between formulating policy and trying to inform and awaken the public and service personnel as to the nature of the enemy. The public gains a better understanding of the necessity for spending $50 billion or more annually for defense when they hear the men who know the enemy best.

This is not an investigation to determine whether speeches should be cleared. I have stated repeatedly that I do not object to some type of clearance system for speeches by the military or to a personal responsibility system as suggested by former President Eisenhower. The issue is whether censors will be required to continue to delete or weaken statements which give a tree portrayal of communism.

Our policy planners and the censors need to learn that Americans can take the truth, however harsh, for without it we are not free. Instead of military and ultimately mass muzzling, instead of a no-win foreign policy we must have a get-tough policy for America. If we hurt the sensitivity of some of our friends in the process, we can apologize when the world is safe enough to afford that luxury. I can't think of a thing in the world we need to hear from Khrushchev that will make us a day safer or more free. We've heard it all, and the time has come to tell him so. Why should an American be tender about stepping on his toes? It may be that in the State Department and other diplomatic redoubts he is a demigod.

I am sure, however, that at the grassroots level in this country he has already been whittled down to size. People across this great land are demanding a "win" policy for the cold war. Our people, our freedom, our traditions, our national honor, and our survival as a nation make victory in the cold war an absolute necessity.

When the people speak, kings tremble. Let us then move forward. The choice belongs to us. Your voice is your government. The people get no better government policies than they demand.

Let your voice be heard here at home, and across the seas, for freedom, for courage and in God's wisdom, for America.

NIKE-ZEUS AND NUCLEAR BLACKMAIL

(By Senator STROM THURMOND)

Nothing is more vital in the cold war than maintaining the balance of power. Without question, the side which first develops a defense, even a partial defense, against ballistic missile attack will win a tremendous psychological and military advantage in the cold war. This is important not so much because we would capitalize on any advantage we may have, but rather because the enemy will, as he always has, push any advantage to the maximum, whether it be to effect nuclear blackmail or nuclear holocaust, in order to attain his goal of world domination.

Since 1957, the Army has been working to perfect the Nike-Zeus, the only antimissile weapons system under development in the free world. More than $1 billion has been invested in developing this system, which thus far has had success in 80 percent of more than 50 tests. Most spectacular of these tests has been the Zeus success in twice knocking out of the sky another ballistic missile, the Nike-Hercules, thus proving the basic theory behind the system.

Soon the Zeus will face its biggest test when it is matched against an Atlas ICBM and its decoy warheads. The Army is confident that the Zeus will not only get the Atlas but the decoys as well. If its discrimination radar devices fail to discriminate properly, a Zeus nuclear warhead can be expected to take care of any incoming warheads or decoys within a good radius of the Zeus explosion.

During the past 2 years the Army has been trying to get the administration to request from the Congress approximately $170 million to begin production of long leadtime component parts of the Zeus system. This procedure was followed in developing the Polaris and Atlas missiles and played an important part in preserving a superiority in nuclear power at a time when the Communists were making breakthroughs in ICBM development and production. However, in close decisions, the administration has declined to go along with the Army request.

Since then, the Zeus has met with more test successes, and evidence indicates the Soviets have forged ahead of us in developing an antimissile system. In fact, high Soviet officials now claim to have solved the missile defense problem and to have perfected a method of discriminating between actual warheads and decoys. This we know to be within their technical capability.

If we continue to delay production of Zeus parts until the development phase is completed—and the Secretary of Defense recently indicated we might not even go into production then—we may not have any missile defense capability until 1970 or later because of the production leadtime required. On the other hand, it is within the realm of possibility that the Soviets may have their system in operation within the next few years.

The urgency here is not just a matter of having some type of protection against enemy ICBM attack but also insurance against nuclear blackmail. To which side will the uncommitted nations rush and what will our State Department negotiators do when Mr. Khrushchev announces to the world that he has perfected a missile defense and is willing to demonstrate it to the world?

If we wait for perfection before we speed production of the Zeus system, we may find ourselves blackmailed out of the cold war because we channeled $170 million into Timbukto to try to achieve social and economic reforms there instead of risking this money on the Nike-Zeus. There are some risks we cannot afford, such as unilateral disarmament. There are others that may be worth the price. In the case of the Zeus, the Soviet advances and their affinity for blackmail leave us no choice.

DISARMAMENT—RUSSIAN ROULETTE

(By Senator STROM THURMOND)

Disarmament is an ancient and elusive goal that has been sought by civilized societies since groups of people first equipped themselves for combat. Throughout history efforts to achieve disarmament have been more notable for their loftiness of purpose than for their effectiveness. Such steps toward disarmament as have come about through international agreements have been unilateral in application, usually against a prostrate and defeated nation at the end of a war. Even these forced disarmaments have been temporary in nature and enforced more by economic conditions within the defeated country than by the dictates of victor nations.

Since World War II Communist propaganda beamed at the United States and within the United States by some well-meaning idealists and some ill-meaning collaborators has played many themes, but none more heavily than disarmament, realizing how anxious man is to seek this elusive goal. The Communist idea is not to attain peace as we understand the term "peace," but rather to disarm the only major power standing between the Communist forces and their domination of the world, the United States.

Last week the United States again danced to the Communist tune—as we have done almost consistently since World War II—by submitting to the Disarmament Conference at Geneva a three-stage disarmament plan which would create a super armed force for the United Nations "with such power that no single nation can challenge it." It would be supervised merely by U.N. spot checks.

Last fall I called this plan to the attention of the American people, and the State Department issued a "categorical denial" that such a plan existed. It in fact did exist in State Department Publication No. 7277, which I later furnished to the public. Two weeks ago Senator BARRY GOLDWATER placed in the CONGRESSIONAL RECORD a news story from Geneva stating the following: "The United States will submit to the Geneva disarmament conference a plan calling for elimination of national armies within 9 years and their replacement by a United Nations force."

Many Senators, including the majority leader and the chairman and vice chairman of the Foreign Relations Committee, expressed shock at the news story and stated they knew nothing of such a plan. Senator RUSSELL, chairman of the Senate Armed Services Committee, made this very pertinent comment: "This is the first I have heard of such a suggestion by an official of the Government. I shall oppose with all my strength any proposal which would disband the Armed Forces of the United States. We can talk all we please about various agreements, but the element which is maintaining peace and preventing a major war today is the armed might of the U.S.A., led by the Strategic Air Command.

"I do not believe that the people of the United States would tolerate any such thing as that for 5 minutes, if made by any man in public life today. * * * It would put this country at the mercy of the Soviet Union."

I could not agree with Senator RUSSELL more in this eloquent and brief argument against disbanding our nuclear and conventional forces, in order to create a super armed force for the United Nations. The U.N. is now controlled by the neutralists, who, judging by their U.N. voting records, are in turn controlled by the Soviet Union.

The State Department is playing a game of Russian roulette when it naively proposes to lay down our arms in any type agreement with a nation whose leaders have broken 50 of 52 major agreements since World War II, and who have stated time and again that their goal is to "dethrone God and destroy capitalism." Until the Communists renounce their goal of world domination by good faith deeds—not just words—we should emphatically declare to the world that we will consider no disarmament proposal. To do otherwise is to gamble with the liberties and lives of 186 million Americans and those of the rest of the free world, and also to mislead the world as to the motivations and aims of the Communist conspiracy.

EXCERPTS FROM ADDRESS BY SENATOR WILEY BEFORE STUDENTS OF SEYMOUR HIGH SCHOOL, SEYMOUR, WIS.

Mr. WILEY. Mr. President, the progress and security of the Nation depends, to a large degree, upon a good educational system to develop and mature, and to work toward productive ends, the innate capacities of our people.

Over the years, the U.S. educational system has succeeded in turning out a great reservoir of variously educated people to serve the ever-increasingly complex needs of the times.

In an age of crises, however—particularly when our own system is challenged by communism—there is a need to take a new look, not only at the physical facilities but also at the overlying principles of our educational system.

Recently, I was privileged to discuss this latter factor in an address before the students of Seymour High School in Wisconsin. I request unanimous consent to have excerpts of my talk printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS OF ADDRESS BY SENATOR WILEY BEFORE THE SEYMOUR HIGH SCHOOL STUDENT BODY, SEYMOUR, WIS., APRIL 17, 1962

I am happy to be with you.

Always, I find it an exciting, and often inspiring, experience to talk with young folks like yourselves: our Nation's hope for the future.

For you, the years ahead hold tremendous, yes, magnificent, opportunities and promises.

The significance of these challenges—and of your responsibilities in meeting them—will require, however, the development and utilization of all the latent, God-given, precepts, talents, and abilities within each of you.

Generation after generation, we hear of the "angry young men"—and, yes, of the "angry young women."

For these individuals, we should be grateful.

In the space age—as never before— we need analytical, inquiring minds in quest of truth and knowledge and a better life.

Whether angry, or mild-tempered—criticism, alone, of existing life, however, is sterile, sometimes destructive, and often dangerous—undermining existing ideas and values, leaving a vacuum, from which may emerge, not just inadequacies, but real danger and evil.

Within this perspective then, I ask: Where are the angry young farmers? Business-minded? Political scientists? Philosophers? Artists? Poets? Prophets? The individuals—burning with an unquenchable fire of patriotism, of creativeness, of a will to build a better world, not just for themselves, but for all humanity? The people with the instincts for the future—not for just predicting a bull or bear stockmarket—but of determining the right direction of life based upon good, reasoned fundamentals of economic principles, political ideals, and spiritual values?

Deep in the soul of America—and, yes, of the world—there is a great intellectual, philosophical, and spiritual hunger, a desire, a yearning, for a great worthy cause to give purpose and direction to life.

In these days—as in the past—we read of the beatniks, the so-called lost generation, the individuals dissatisfied with modern life, retreating to the isolation of nonconformity in society.

Realistically, this can be good. All too often, however, the beatniks—soothed, solaced, and enraptured by their own lamenting voices—never get "off the pad." The road of protest and nonconformity, then, instead of leading to greater things, too often results in dissipation of intellectual energies, and lowering standards of morality, with the individual slipping further into the darkness of lost values.

In this country, we are rich—either in reality or opportunity—in material things. What we do not have today, we, to a large degree, can, by diligence and hard work, get tomorrow. However, we, as a people, must not fall down in idolatry to the dollar, to material things that "rust and fade away."

The great challenge of life, rather, is to build our characters, our intellects, our senses of values, our souls. True, these are intangibles; yet, from this great realm—of dreams, of hopes, of ideas—come the sparks of genius, the revelations of creativeness, that serve as the genesis of tomorrow's reality. Practically speaking, moreover, it pays off. By the use of our heads—as well as the labor of our hands—we become more valuable to society, which, then, will pay more for our services, enabling us to live better economically.

PHILOSOPHY OF LIFE

Over the years, I have often been asked about my philosophy of life. It is very simple:

First, I do not take myself too seriously; however, I do take the job, as a U.S. Senator, seriously.

Second, I utilize the "three pearls of great price" which the life of Lincoln taught me:

A. The utilization of humor—being able to laugh at myself, as occasion arises; and with others;

B. The utilization of prayer; not begging God, but thanking Him for my sonship; and

C. A selfless dedication to a great cause, and there are plenty of such causes now.

This, then, is my philosophy: To search—with Browning—for the real meaning of life. It is my "meat and drink": to be attuned to, and receptive of, great ideas.

Someone has said, "Beware of a man with an idea. He may turn the flank of history." If we stop, look, and listen, we remember that such ideas, some bad, some good, have turned the flank of history.

Finally, within my human limitations, I try to live in harmony with God's design of life.

LITERACY TEST FOR VOTING

Mr. TALMADGE. Mr. President, there is far more involved in the proposed legislation to establish a Federal literacy standard for voting than merely protecting the right to vote. The issue goes to the heart of constitutional government; that is, that the Constitution of the United States is the supreme law of the land until changed by one of the amendatory processes it establishes.

There is no point of constitutional law clearer than that the individual States shall determine the qualifications of voters. The present Supreme Court has so held as recently as 1959. Yet the administration is advocating that this provision of the Constitution be changed by a simple enactment of Congress which is not one of the two ways prescribed by the Constitution.

Because it is easier to pass laws than it is to amend the Constitution or to file and litigate lawsuits is no justification for ignoring the Constitution. If the administration feels that there must be a change, it should follow the Constitution and recommend the submission of an amendment for the ratification or rejection of the States as it did only recently in the case of the proposed abolition of the poll tax.

The distinguished columnist, David Lawrence, forcefully pointed out the unconstitutionality of the present approach in his column appearing in yesterday's Washington Star. I ask unanimous consent, Mr. President, that the text of it be printed herewith in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IMPATIENCE ON LITERACY TESTS—PUSH FOR FEDERAL VOTING LAW LIKENED TO ROOSEVELT'S COURT-PACKING ATTEMPT

(By David Lawrence)

Just as President Franklin D. Roosevelt became impatient with the processes of the judiciary and asked for laws to permit him to "pack" the Supreme Court, President Kennedy now has started an analogous controversy which will occupy the attention of the Senate for the next 2 weeks. He wants to "pack" the electorate by ignoring the rules laid down in the Constitution concerning voter qualifications.

If Mr. Kennedy has his way, a rubber-stamp Congress could at the behest of a President pass a law making children of 11 years of age eligible to vote in Federal elections.

The Constitution, of course, specifically gives only the States the power and right to fix the qualifications of voters. It reserves to Congress merely the right to alter State regulations as to the "times, places, and manner" of holding the elections themselves.

But Attorney General Robert F. Kennedy, in a formal statement to a Senate subcommittee, declares he is tired of the bother of filing lawsuits and says, in effect, that it's easier just to get a law passed to set voter qualifications than to go through the prescribed process of amending the Constitution to take this right away from the States.

Now it will be conceded that if there is any discrimination in any State because of race or color in preventing anyone from voting, then certainly the Constitution should be invoked to secure equal treatment. This, however, really isn't the issue, for the basic question is how the Constitution shall be enforced. The Attorney General says that when the 15th amendment was adopted in 1870 it became illegal to practice racial discrimination in the voting process, but "it is necessary today, 92 years later, to file lawsuit after lawsuit to make constitutional command a reality."

The late President Roosevelt argued the same way. He wanted the Justices of the Supreme Court to decide cases the way he wanted them decided, and he declared that he didn't care to wait till enough vacancies on the bench occurred to give him the opportunity to appoint new judges who would support his views.

The Attorney General says that persons with a sixth-grade education should not be required to take a literacy test as a qualification for voting. He feels that completion of the sixth grade is sufficient without an examination.

He could be right about this as a test in itself. Yet he ignores the specific obligation under the Constitution that if the rights of the States—which include the power to fix voter qualifications—are to be changed, then the Constitution itself must be amended by a two-thirds vote of both Houses of Congress and ratification by three-fourths of the States. With amazing frankness, the Attorney General proclaims the rule of expediency and the doctrine which has caused the overthrow of many an established government—the "end justifies the means." He says in his formal statement:

"The question is not whether this bill is valid, but whether it would correct the situation."

Mr. Kennedy, further on in his statement, adds:

"I believe legislation, to accomplish directly what can be unquestionably done through litigation, is plainly justified under the 14th and 15th amendments."

But is this really true? Litigation can be instituted only when there is evidence of discrimination in denying the vote to anyone eligible. What the Attorney General is proposing is that both whites and Negroes, for instance, be permitted to vote when they have completed a sixth grade education.

He is ignoring the fact that, if a State actually administers its laws fairly and doesn't permit either a white or a colored person to vote if a literacy test is given and the applicant fails, then there is no basis for litigation. He wants to skip that step and declare all persons literate by law if they have completed a sixth-grade education. Only the States, however, under the Constitution can legally establish this form of voter qualification.

Mr. Kennedy argues that article 1, section 4 provides that Congress may at any time "make or alter the times, places, and manner of holding Federal elections" and declares that "This plainly means that the State regulations on voting are subject to some limitations that may be imposed by Congress." He then concludes: "I think the bill would be a proper limitation under the provision."

But nowhere in the judicial history of the United States is there any decision which says so. The "times, places, and manner" of holding elections have always been construed to mean the setting or changing of the date and place where elections are held, and questions involving honesty in counting ballots in the election itself. The word "qualifications" appears three times in the Constitution, and in each instance refers only to the power of the States to prescribe the rules of eligibility for voting.

This whole maneuver is characteristic of the Kennedy administration. It has issued many an Executive order that has yet to be tested by the Supreme Court. The argument always is offered that, because it is "cumbersome" to amend the Constitution, a short cut can be taken by having Congress act alone. George Washington foresaw this trend as likely to develop when he warned in his Farewell Address:

"Let there be no change by usurpation. For though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed."

TERMS OF CHAIRMAN AND VICE CHAIRMAN OF BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM

Mr. ROBERTSON. Mr. President, last week, at the request of the administration, I introduced a bill, S. 3202, to provide that the terms of the Chairman and Vice Chairman of the Federal Reserve Board should run concurrently with the terms of the incoming President of the United States. Since then, I have received numerous inuquiries as to whether the purpose of the bill is to bring political pressure upon the Chairman and, through him, upon the Federal Reserve Board.

It is not generally known that Congress has largely delegated to the Federal Reserve Board the constitutional power to coin money and to fix its value. Pennies, nickels, quarters, and half dollars are coined; but most of our currency is Federal Reserve bank notes. The Federal Reserve Board invests most of its funds in Government bonds and can exchange a Government bond dollar for dollar for gold certificates; and against each dollar of gold certificates the Federal Reserve Board owns, it can print four new dollars of money. If the Federal Reserve Board should immediately decide to print all the money it could against all the gold certificates it has, it could inflate the currency overnight by more than $18 billion. The Federal Reserve Board could issue that much new money.

In addition, the Federal Reserve Board regulates the value of money by raising or lowering reserve requirements. At present, the reserve requirement of city banks is 16 percent. On that basis, it is estimated that whenever a new dollar of credit is made available to a commercial bank, that dollar of credit can turn over six times before the reserve requirements eat it up. But if the Federal Reserve Board should drop its requirements to the minimum authorized, it could make credit immediately available in the sum of $100 billion. That is how the Federal Reserve Board could affect the currency. That is why I have been asked the purpose of changing the terms of the Chairman and Vice Chairman of the Federal Reserve Board.

Yesterday I asked Chairman Martin to state his views. I ask unanimous consent to have his reply printed at this point in the Record.

There being no objection, the letter and enclosure were ordered to be printed in the Record, as follows:

Board of Governors of the
Federal Reserve System,
Washington, D.C., April 25, 1962.

Hon. A. Willis Robertson,
U.S. Senate,
Washington, D.C.

Dear Willis: Yesterday you expressed some interest in my reasons for believing it would be desirable to make the terms of the Chairmen and Vice Chairmen of the Board of Governors coterminous with those of the Presidents of the United States.

More than 2 months ago, I received a letter from a man in Florida, a stranger to me, who posed some very forthright questions on the basis of a news account he had seen of the President's recommendation of coterminous terms in the Economic Report. I am enclosing a copy of my reply, which sets out at some length the reasoning which led to my judgment. I hope it will be helpful to you in understanding my views.

As you will note, my belief that it would be better to arrange these terms coterminously was formed more than 10 years ago after I had given much thought to a congressional request for my views on the subject. Although I had then served as Chairman of the Board for only a few months, there has been nothing in my experience in the decade since, during which we have had three Presidents, to cause me to change that judgment now.

Of course I recognize that there are some who fear that the System's freedom from partisan political domination might be undermined by enactment of S. 3202. I do not share that fear. It is my view, instead, that S. 3202 provides an opportunity to strengthen the Federal Reserve's position as a defender of the integrity of the dollar.

With all good wishes,
Sincerely yours,
Wm. McC. Martin, Jr.

(Enclosure.)

February 23, 1962.

Thank you for your thoughtful and courteous letter of January 30, and for the opportunity to give my views on the forthright questions you have asked, which I quote verbatim:

1. Isn't the Federal Reserve System, and its Board members, supposed to be free of partisan politics?

2. Is the term of the Chairman accidental and inadvertent as the President says it appears to be?

3. If it is supposed to be free of partisan politics (and I think it should) why the need for a change?

4. Wouldn't this be like President Roosevelt's attempt to pack the Supreme Court?

5. Haven't attempts been made like this in the past?

6. If the change were to come, wouldn't it then become a political football?

If I understand it correctly, your concern, in brief, is that the presently and traditionally nonpartisan Federal Reserve System may be brought under partisan political domination, with consequences detrimental to the value of our money and, therefore, to our people as a whole.

Your quite evident hope that this will never come to pass is one I share completely, as you can see from the enclosed copy of some recent remarks of mine on "Maintaining the Value of Our Money." But since the possibility is one against which there can be no absolute guarantee, your concern is a proper and commendable one, and one that no man could ever truly call amiss.

Let us examine, however, the facts surrounding the matter that gives you immediate concern, the President's proposal in the Economic Report recommending, as you put it, "revising the term of the offices and members of the Board of the Federal Reserve System, so that a new President will be able to nominate a chairman of his choice for a term of 4 years coterminous with his own."

Almost exactly 10 years ago, after I had served for about 10 months as Chairman of the Federal Reserve System's Board of Governors, I had occasion to answer a questionnaire from a congressional body, the Senate-House Economic Committee, asking among other things for any suggestions I might have for "changes in the tenure or manner of designation of the Chairman and Vice Chairman" of the Board. My reply, which appears in the printed record of hearings held by the committee at that time, on page 302 of part 1 of the Senate Document No. 123, 22d Congress, 2d session, reads as follows:

"Terms of Chairman and Vice Chairman: Prior to 1935 the law was silent as to the length of time that the Governor and Vice Governor (whose titles were in that year changed to Chairman and Vice Chairman) should serve in these capacities, it being merely required that one member of the Board should 'be designated by the President as Governor and one as Vice Governor of of the Federal Reserve Board.' The present law, in accordance with a change made in the Banking Act of 1935, requires that the President shall designate a Chairman and Vice Chairman from the membership of the Board 'to serve as such for a term of 4 years.' A possible purpose of this provision of the law was to afford a new President an opportunity to designate a Chairman and Vice Chairman of the Board. Assuming such a purpose, the provision has not worked out satisfactorily in practice because it has not been feasible to make appointments so that they would coincide with the term for which the President is elected. It might be preferable if the law were changed to provide that the President shall designate the Chairman and Vice Chairman for terms expiring on a selected date, say March 31, 1953, and on March 31 of every fourth year thereafter."

That reply is dated January 29, 1952. Hence my concurrence in the recent proposal to make the Chairman's 4-year term begin soon after the beginning of the term of each President newly elected hereafter comes down simply to this: Nothing in my experience in the 10 years since 1952, during which three different men have occupied the Presidency, has in any way diminished my belief about the desirability of having just that sort of arrangement.

There are, I think, good reasons for that belief. An important one, for example, is the vital necessity of good communications between the System and the Chief Executive—something that would be impossible if the Chairman were someone persona non grata to the President—to foster harmonious actions directed toward accomplishment of common objectives. And communications, as you know, work two ways: from the Federal Reserve's standpoint, they afford an important means of pressing the case, at the highest level of the executive branch, for sound conduct of the Government's financial affairs. Doing that may indeed be, at times, the highest public service the Federal Reserve can render, for the System, as I noted in the speech already mentioned, has no veto over expenditures authorized by the Congress and ordered by the President. And these policies as to expenditures and taxes, over which the Federal Reserve has no control, may affect the dollar just as much as monetary policies that it can control.

A fuller statement of the reasons might well fill a book, but perhaps the gist can be conveyed by quotation from an article I read recently:

"Stated bluntly, the traditional argument for Federal Reserve independence is that, if independent, the Fed will stand against inflation and financial irresponsibility in the Government. But Federal Reserve independence from the Congress is hardly meaningful in our governmental system. Congress established the Federal Reserve. It can change it any time it wishes, or call it to account for any of its actions.

"To give an independent Federal Reserve the power to negate the basic policies arrived at by the executive and legislative branches of the Federal Government would be intolerable for any administration, Republican or Democratic. But independence, looked at practically, is a matter of degree, not of black and white. The real question, thus, is the terms on which the Federal Reserve participates in governmental policymaking and execution.

"To be most effective, the Federal Reserve needs to be in a position to work closely with the other major governmental agencies responsible for national economy policy—especially the Treasury, the Budget Bureau, and the Council of Economic Advisers. No Federal Reserve Chairman has ever claimed that the Board should disregard the debt management problems of the Treasury, or that the Government's financial needs should be given no weight.

"On the contrary, all major Federal Reserve officials have agreed on the need for close working relationships with the Treasury on monetary, fiscal, and debt policy. The times when the Federal Reserve has been least effective have been the times when it has been most isolated from the President and from effective, coequal working relationships with the Secretary of the Treasury and other high-level Government officials. This was substantially the case throughout the much discussed decade of the 1940's when the Federal Reserve was most subservient to Treasury debt-management needs. Secretaries Morgenthau and Snyder were close personal confidants of Presidents Roosevelt and Truman; but Federal Reserve officials seldom saw either President.

"An effective Federal Reserve voice for the stable money point of view can best be assured if the Fed is an active, continuous participant in the day-to-day process of governmental economic policy formation. Federal Reserve participation in policymaking will generally be a more effective device for presenting the sound money point of view than will spectacular defiance of the Government's policies. Extreme independence is, unfortunately, likely to mean splendid isolation from the decisions that matter.

"To insist that a new President accept a Federal Reserve Chairman to whom he objects strongly would probably serve little purpose, and would be more likely to decrease the effectiveness of the Fed than to increase it. As a practical matter, the Chairman must represent the System in its most important contacts with the President, as well as with the Treasury and in most cases with Congress. Making the chairmanship coterminous with the President's term, though it might have little importance in mosct instance, makes practical administrative sense."

The article was written by G. Leland Bach, dean of the Graduate School of Industrial Administration, and professor and head of the Department of Economics of Carnegie Institute of Technology, and it appears in the January–February 1962 issue of the Harvard Business Review. I do not by any means agree with everything in the article, but I think there is much in what is said in the excerpts quoted.

You have also asked whether the recent Presidential proposal wouldn't be like President Roosevelt's attempt to pack the Supreme Court, and whether attempts like this have been made in the past.

The Court proposal you refer to was, as I recall it, one to enlarge the membership of the Supreme Court on a scale that would have enabled the President then in office to appoint a majority of its members, or at least to assure a majority of members who might be expected to be sympathetic to his programs.

In contrast, the recent proposal by President Kennedy would leave the size of the Board unchanged. Furthermore, the present membership—which includes only one Kennedy appointee among the seven members—would be left unchanged. In fact, the only change the President has proposed in this respect is a 1-year extension of the terms of all seven of the present Board members, so that terms now scheduled to expire on January 31, in even-numbered years, would instead expire on that date in odd-numbered years. That would mean Mr. Kennedy would forgo the opportunity he otherwise would have to appoint someone of his choice to fill a vacancy scheduled under present law to occur January 31, 1964, within Mr. Kennedy's present term. If present terms are extended by 1 year, as Mr. Kennedy has proposed, there would be no vacancy to be filled until January 31, 1965, after the next presidential election.

As to the past, the original Federal Reserve Act provided for five appointive members of the Board (in addition to the Secretary of the Treasury and Comptroller of the Currency as ex officio members), with a 10-year term for each appointive member, so arranged that the term of one such member would expire every 2 years. In 1922 the number of appointive members was increased to six, and in 1933 the term of appointment was extended to 12 years. The Banking Act of 1935 eliminated the two ex officio members, increased the number of appointive members to seven, and their term of office was fixed at 14 years, staggered in such a way that the term of one member would expire every 2 years. My service as a member and Chairman of the Board began April 2, 1951, because my predecessor, Thomas B. McCabe, happened to resign shortly before that time. Since then, I have been reappointed by a different President, and redesignated Chairman twice, each time for a 4-year period from the originally fortuitous date of April 2.

That brings us to your final inquiry, whether, if the proposed change comes about, the Federal Reserve System won't then become a political football?

My answer is there is nothing about the proposed change, in itself, that need bring any result other than a strengthening of the Federal Reserve's position as a defender of the integrity of the dollar. Whether some other result will in fact occur, I cannot in honesty purport to know. As I suggested at the outset, no one has ever been able to devise any absolute guarantee against political domination or politically motivated operation of the Federal Reserve, or for that matter of any of our institutions. In my judgment, we always, as now, will have to rely for that purpose on the character and devotion to duty of those to whom the final responsibility for the conduct of our institutions is given.

I regret this response has run so long, but I hope it provides the clarification you requested, at least insofar as a statement of my views could provide it. In any event, I am appreciative not only of your letter, but also of the spirit in which you wrote.

Sincerely yours,

WM. McC. MARTIN, Jr.

BEAUTIFICATION OF THE CAPITOL GROUNDS

Mr. HUMPHREY. Mr. President, most of the discussion in the Senate today is of rather earth-shaking national and international importance. I simply wish to express a few thoughts which are not in any way earth shaking and do not meet any of the qualifications I have outlined. I do not apologize for this. In this time of international crisis and nuclear-testing races, perhaps we would do well to spend a few minutes in considering projects which grace and embellish the earth, instead of shaking it.

The tens of thousands of our fellow Americans who have crowded into Washington, D.C., during this Easter period have reminded me of a few of the inadequacies and a few of the needs in our Nation's Capital. One of the great needs is that the city be beautified; that its slum areas be cleaned out; and, indeed, that properties throughout the city be free from debris and litter which are of no credit to anyone.

Another need which was particularly evident to me was made manifest last evening. I met my elder son for dinner last night, and in the early evening we walked across the Capitol Grounds, particularly the grounds surrounding the Capitol Building itself. It was a beautiful evening. For me, it was a rare moment of relaxation, and I had a chance to look around the Capitol Grounds again and to take a tourist's look at the great Capitol Building.

I noted with surprise that in this city, where spring comes early, almost no flowers were blooming anywhere in the immediate vicinity of the Capitol Building.

The calendar tells us that spring has come. If we step outside right now, we can feel that it is spring. The flowers which are blooming in the private yards and gardens throughout the Washington area tell us it is spring. The gardens surrounding the center of the executive branch of our Government—the White House—tell us it is spring. Even the leaves and the trees surrounding the Capitol tell us rather plaintively that it is spring.

But there are no flowers in the eastern area of the Capitol Grounds to tell us that it is spring. The beautiful fountain in front of the Capitol is dry; there is no water.

I should like to see improved gardens and far more blossoms surrounding the Capitol. I think the thousands of American citizens who visit the Nation's Capitol would like to see more flowers around the Capitol.

The Government operates hundreds of plant research laboratories and sustains thousands of specialists who work in the field of horticulture and agronomy. It would seem proper for us to expend just a little effort to make certain that the Capitol—itself a beautiful structure—is fringed with gardens and with the color of flowers.

Possibly I am taking this all too seriously, but it appears to me that there needs to be some note of beauty in our deliberations; and the purpose of my remarks is to nudge my colleagues out of their deep, somber concern for earth-shaking budgets and policy deliberations for a few moments to consider a small—but important—need in the front yard of the Nation's Government.

Washington is a beautiful city, primarily because of its wide boulevards and white, gleaming buildings. Let us add to the beauty by providing the natural colors and blossoms of nature. I, for one, will appreciate it. So will the millions of citizens who journey to the Capital City each year.

This brings me to a second brief thought. The visitors to the Capitol do not find adequate facilities on these grounds to relax their feet for a moment and enjoy the views from Capitol Hill. Only a few benches are scattered around the terraces and grounds of the Capitol. More are needed. I ask any Senator to accompany his own constituents around the Capitol Grounds. What he will recognize during his tour will be the great need for such facilities. Not a bench will be found; not a table will be found. No opportunity is afforded for lunch or refreshment; not even a cold water fountain for a cool drink of clean water. I suggest that the least that can be done is to provide such facilities.

Finally, I wish to mention the plans for the National Cultural Center in Washington. An article written by Dorothy McCardle, and published in this morning's Washington Post, tells of the plans to finance this $30 million center. I was pleased to note that the leaders of the drive for the center do not intend to rely only on big contributions from the wealthy, from corporations, and from Government. They plan a campaign to solicit small contributions from Americans throughout the Nation—even nickels and dimes from schoolchildren.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may speak for an additional 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. I think such a plan is important. The National Cultural Center should be truly national. It will be for the people of the United States. It will belong to them. Thus, it should be built not merely by a few civic leaders, but by Americans from all States, of all walks of life, of all ages. By popular participation, cultural activities will be made the possession of the people.

Mr. President, I ask unanimous consent that the article entitled "Mister, You Can Spare a Dime," written by Dorothy McCardle, and published in the Washington Post of today, April 25, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOR CULTURE—MISTER, YOU CAN SPARE A DIME

(By Dorothy McCardle)

Washingtonians are expected to dig deep into their pockets in the next few months and come up with $7½ million—one quarter of the total $30 million budget needed—for the National Cultural Center.

The money will not be all out of the pockets of the rich, either. It won't merely be in thousand or hundred thousand dollar notes. It will be solicited in nickels, dimes, and quarters, too.

These financial facts of the future of the National Cultural Center emerged yesterday at the tea which Mrs. Hugh D. Auchincloss gave as chairman of the Greater Washington Committee for the National Cultural Center. The tea was held at Merrywood, the Auchincloss estate on the banks of the Potomac in McLean, Va.

Some 40 members of Mrs. Auchincloss' committee attended the get-together. They represented every facet of American life—the labor movement as well as millionaire bankers, businessmen, and patrons of the arts, churches of every denomination, and both sides of the aisle in Congress, Republicans as well as Democrats.

Mrs. Auchincloss is the mother of First Lady Jacqueline Kennedy. Mrs. Kennedy and former First Lady Mamie Eisenhower are honorary cochairmen of the board of trustees of the center.

Robert C. Baker, chairman of the special gifts committee, told the meeting that he has pledges of very large sums from business groups and at least two national foundations.

Ralph E. Becker, chairman of the special events committee, came up with the idea that every single American can contribute small change to the center. Every school child in the country can save his pennies to pay for a small chip off the stones that will go toward the building of the center, Becker indicated.

James B. Carey, president of the International Union of Electrical Workers, said of labor's contribution to the project:

"This is a new venture for the American labor movement. We in labor consider it a vital cause. And we feel sure that it will be a great success."

"I am very enthusiastic about the Cultural Center," said Mrs. Auchincloss at this meeting of her committee, gathered in the handsome drawing room of her Virginia home.

"The center has been a dream for a very long time. Now, at last, I feel that this dream is going to be realized. With the full support of the White House, of so many different leaders of American life, and of the press, we cannot fail."

This thought was echoed by Edward H. Foley, cochairman with Mrs. Neill H. Phillips of Mrs. Auchincloss' committee. Foley is a former Under Secretary of the Treasury and was chairman of the 1961 inaugural committee.

"We are all going to work to give Washington what the great cities of other countries already have," said Foley. "It will only be a matter of a few months until we have raised the sum needed, I feel confident."

Senator LEVERETT SALTONSTALL, GOP leader from President Kennedy's home State of Massachusetts, emphasized that the whole country must realize that this is the entire Nation's project, not just a Washington project.

Roger L. Stevens, chairman of the Cultural Center board of trustees, explained in detail the plans for the center.

"We must have a large contribution from Washington to show that the heart of this city is in the right place," said Stevens. "Twenty-five percent must come from Washington. I am sure that we can put over the national goal of $30 million, if Washington will do its part."

Stevens also discussed the nationwide closed-circuit TV shows to be given on November 15, to raise funds for the center.

Mr. DIRKSEN. Mr. President, I am always transported by the profound observations made by my distinguished friend, the senior Senator from Minnesota [Mr. HUMPHREY]; but never am I quite so transported as when he ventures into the domain of flowers.

Today he has made an eloquent entreaty to have the Capitol Grounds fairly bedecked with nature's choicest flowers, to delight the eyes and the hearts of the thousands of Americans who come here.

I share the great interest of the Senator from Minnesota in this matter, but it does involve somewhat of a problem. You see, Mr. President, insofar as I recall, the average date of the last frost in the Washington area is April 20; but the gardeners usually figure that there may be a frost as late as the first of May.

Of course, there are frost-resistant flowers. For instance, let us consider the gentle, multicolored pansies. They can be planted in the winter; and when spring comes, after the winter has ended, we find them with their beautiful, dainty heads, helping to beautify the world.

Then there is the daffodil, a hardy flower. I remember the little ode by Wordsworth:

> Ten thousand saw I at a glance,
> Tossing their heads in sprightly dance.

But we cannot cover the entire Capitol Grounds with daffodils.

The gardeners have always graced the Capitol Grounds with cannas, but of course they are not very frost resistant. So the gardeners do the proper thing, and the cannas are planted later in the season.

The dahlias always entrance the eye; but one must be careful lest the tiny shoots of the dahlias come up before the frosts end, in which case it is necessary to do the work all over again.

Then there is the gentile petunia, one of my favorite flowers. But one must be careful about when he plants them.

Certainly I wish to see the Capitol Grounds bedecked and beautiful, Mr. President; but I am afraid that my distinguished friend, the Senator from Minnesota, has failed to read the old almanac, which tells us that in April frost may occur at any time; and, of course, if frost comes, it is necessary to do the planting of flowers all over again.

Thus it is, Mr. President, that the Senator from Minnesota and I and the tourists must wait for nature, and must permit nature to take its own sweet time. We must take into account the seasons and the time when the frosts end.

Of course, I am an amateur; and I planted my cannas this weekend, in the hope that there will be no more frost this season.

Certainly in due time there will be cannas and dahlias and princesfeathers and, in due time, all the other beautiful flowers, that somehow engender a kind of introspection, assuage all the turbulence of the soul, and bring peace to the hearts of all those who labor here and of all the thousands who come here to visit. So, Mr. President, all in its own good time will be brought to pass.

Mr. HUMPHREY. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. HUMPHREY. I am happy that the distinguished minority leader, the Senator from Illinois, has given us this note of reassurance, because my heart was troubled and my spirit was dampened by the knowledge that many of these flowers are not planted on the Capitol Grounds. However, the reassurance we have received from the minority leader gives me a ray of hope, and I think I can hang on for a few days more.

But I should like to say that although undoubtedly the Senator from Illinois is an expert on horticulture, he is much less expert when he deals with matters of temperature. I would be delighted to have the Senator stop by the neighborhood where I live in Maryland. It is far enough away from the Capitol so that the air out there is not quite as warm as it is here. I would like to have him see the beautiful flowers of some of my neighbors. It is a little more frosty in the country than it is in this urban area.

There are also beautiful flowers at the White House. I did not know the power of the New Frontier was so great that it could draw the frost line where it wanted to, even though it might be helpful——

Mr. DIRKSEN. Now, Mr. President——

Mr. HUMPHREY. I merely want to say to the Senator that he has been very reassuring. It was my hope that this colloquy would permit some further improvement of the grounds. I know now that I have strong, stanch support in this famous soldier of agronomy from Illinois.

Mr. DIRKSEN. In my observations I should have mentioned the stately tulip, but I am afraid my friend is making reference to shrubs——

Mr. HUMPHREY. No. The Senator from Minnesota knows the difference between a shrub and a flower.

Mr. DIRKSEN. Shrubs such as forsythia and dogwood and other plants presently coming into bloom. But I remind my friend that "Weeping may endure for a night, but joy cometh in the morning."

Be reassured.

Mr. HUMPHREY. I join with the distingished Senator and offer him my hand in the interest of horticulture and better shrubs and flowers.

FALLOUT AND SOVIET PROPAGANDA

Mr. HUMPHREY. Mr. President, the renowned nuclear scientist, Dr. Willard F. Libby, has estimated that last fall's Soviet test series doubled the amount of fission yield produced by the monumentally dirty Russian tests of 1958. In other words, the 1961 Soviet tests—which were prepared under the table and carried out in gross violation of a three-power moratorium on nuclear testing—these tests produced 25 megatons of fission yield out of a total explosive yield of 120 megatons.

Mr. President, I want that figure to stick in the minds of Senators and, I hope, of the members of the news media of the Nation. The tests produced 25 megatons of fission yield out of a total explosive yield of 120 megatons. In other words, 25 megatons of fissionable material is still in the atmosphere, yet to fall upon the earth.

Fission yield means fallout—radioactive debris, strontium 90, and other deadly atomic products—sifting back to earth and causing leukemia, bone cancer, and unpredictable genetic damage.

Now Mr. President, the ratio of fission yield to explosive yield was far lower than the 50–50 ratio of the 1958 tests. It was a good deal lower than our scientists estimated it would be, on the basis of what was assumed to be the somewhat primitive state of the art of Soviet nuclear weapons technology. But what matters is that the absolute quantity of fallout deposited in the Northern Hemisphere has risen, and will continue to rise dramatically, owing to the explosion of 25-, 30-, and 50-megaton weapons in the Arctic.

The peak load of Soviet fallout, the bulk of which has been girdling the globe since last October in the stratosphere, will drift to earth in late May or early June. Washed down by the spring rains, this fallout has already been registered on the Geiger counters of our Public Health Service and the Atomic Energy Commission.

"So what?" people might ask. "We knew we were in for a dose of fallout; what can we do about it?" Well, we cannot stop the fallout in midair; but we can stop to think about the implications, in view of our own atmospheric nuclear tests, the first of which may be taking place at this very moment.

Have we stopped to think, Mr. President, that our own tests are going to coincide with the peak level of fallout from the Soviet explosions of 6 or 7 months ago? What will this mean to people who do not understand even the most rudimentary facts of nuclear physics, to people who already think that nuclear explosions, sputniks, and men in space spawned the storms that wrecked the eastern seaboard last month?

I want it clearly understood that I do not oppose those tests, but I wish to lay down what will be the propaganda line which we must expect to have to face from the Soviet Union.

The man in the street or the leftist university student in some neutral capital is going to sit back and rationally distinguish between Soviet fallout and American tests, each taking place in the month of May. Perhaps the ordinary world citizen would have been capable of such mental exertions if last fall we had taken the trouble to confront each political leader in each allied and neutral country around the world with the implications of the Soviet tests when they occurred. But we missed the boat.

The PRESIDING OFFICER. Under the 3-minute limitation, the time available to the Senator from Minnesota has expired.

Without objection, the Senator from Minnesota may proceed.

Mr. HUMPHREY. I thank the Chair.

Mr. President, the Soviets got away with breaking with the nuclear-test moratorium. At the most, all they got was a knuckle rapping at the United Nations.

I repeat, Mr. President, what I said earlier this year on this floor—that we missed the boat when we failed to use an effective program of information and propaganda at the time when the Soviets launched their tests, last fall; and, therefore, today we shall be reaping the harvest of our failure.

India's Defense Minister, Mr. Krishna Menon, could even say that American underground testing was the true villain of the piece, although we know that these tests were specifically designed to eliminate all but an infinitesimal amount of local fallout.

If the neutrals are capable of such rationalizations, I predict that the Americans will be blamed for Soviet fallout this spring and early summer. What is more, I predict that in the next 9 to 12 months—when American-produced fallout actually descends to earth—we shall again be blamed. If world opinion reacts as it has in the past, we shall be stuck with the blame for a double dose of radioactive fallout.

Mark my words, Mr. President, this is exactly what the Kremlin intends to do to us.

Mr. President, we are conducting nuclear tests reluctantly—because we have no choice, after the impressive Soviet technological gains of last fall. The President has carefully explained why we have no choice but to test. He has gone the extra mile in offering to postpone these tests if only the Soviets would sign a nuclear test ban treaty with adequate inspection and controls. But the Communist leaders, as cynical and opportunistic as ever, have decided that they would rather do more testing themselves. They are going to use our tests as an excuse. The merry-go-round of recrimination and retaliation thus continues; the arms race spirals upward; quantitatively more and more fallout is dumped on the human race.

I am a realist, Mr. President, and I understand that our first thought must be for our national security. In the field of nuclear technology, in which we were the pioneers, we cannot afford to become second best. But why, Mr. President, must we always bear the brunt of world criticism? Why cannot we anticipate the propaganda assaults of our rivals? We have a case, and it is a good one. The world should be made fully aware of it and of our sincere desire for an end to the arms race.

Mr. President, I ask that the articles to which I have referred be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

Libby Expects Increase in Soviet Test Fallout

One of the world's leading authorities on fallout said today radioactive debris from last fall's Russian test series is expected to be about twice as plentiful this spring and summer as the fallout was following the Soviet tests in the autumn of 1958.

Dr. Willard F. Libby, former member of the Atomic Energy Commission and still a member of AEC's Advisory Committee, told a reporter:

"Even though Russia's 1961 series was a cleaner series, relatively speaking, in comparison with the (fall) 1958 series, the fallout still will be twice as big as it was in 1958."

Dr. Libby's views were not in conflict with those of the AEC which has said radiation to humans from all nuclear tests since 1945—including Russia's 1961 bursts—will remain within acceptable health limits.

FIRST COMPARATIVE FIGURES

But his figures were the first given by anyone related to the AEC making a direct comparison between the fallouts from Russia's 1961 tests and that from the tests of autumn 1958.

The AEC has made comparisons between the yield of the Russian 1961 tests and all previous Russian tests lumped together.

Dr. Libby said the 1961 Soviet tests produced 25 megatons of fission yield out of a total explosive yield of about 120 megatons—figures which the AEC gave out last December. The fission component of a weapon is the only part involved in producing fallout. By these figures the fission yield was only about one-fifth the total yield.

FISSION YIELD ESTIMATE

In comparison, he said, the 1958 Soviet series was divided about 50–50 on fission and fusion yield.

Dr. Libby has estimated that the fission yield from the 1958 series was between 12½ to 15 megatons. Thus, the total explosive yield was between 25 and 30 megatons.

At the time the Russians were holding their 1961 series, various scientists estimated that the fission (fallout producing) yield would be much higher than the AEC eventually estimated after analyzing the Russian tests.

But these scientists were making their estimates on the basis of a presumption that the fission-to-fusion yield would be about 50–50.

However, the AEC found after analyzing the data from the tests that the Russians had made gains in lowering the fission yield of some of their larger weapons, although they actually increased the total explosive yield of the weapons.

PEAK EXPECTED SOON

Dr. Libby estimated that the peak of the fallout from the 1961 Russian tests would be reached relatively soon. He indicated this might come in late May or early June, then taper off in the next month or so. The Public Health Service has said the fallout is beginning to come down in very small quantities.

In 1959, he said, the peak was reached sometime in May, with the low point in August. But, due to atmospheric conditions this year, he said, the peak this spring might be delayed several weeks.

Dr. Libby, now on the faculty of the University of California, is here to attend the annual meeting of the National Academy of Sciences

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Awards Given by Academy of Sciences

Nobel Prize-winning Chemist Harold C. Urey and pioneer Physicist Charles H. Townes have been awarded medals at the National Academy of Sciences annual meeting.

Dr. Urey received the J. Lawrence Smith Medal for investigations of meteorites. Now a professor at large with the University of California in San Diego, Dr. Urey won his Nobel Prize in 1934 for the discovery of heavy hydrogen and heavy water.

Dr. Townes, provost of the Massachusetts Institute of Technology, was awarded the John J. Carty Medal for noteworthy scientific accomplishments. He pioneered in developing the Maser (microwave amplification by stimulated emission of radiation), a device which uses atomic motion to amplify radio signals. It has been useful as an atomic clock, and in radioastronomy for picking up signals from distant stars and galaxies.

OTHERS HONORED

Other awards made last night include:

Dr. George H. Whipple, professor of pathology at the University of Rochester, the Jessie Stevenson Kovalenko Medal for contributions to medical science.

Dr. Milislav Demerec, Brookhaven National Laboratory, the Kimber Gentics Medal.

Dr. Armin Alexander Opik, Australian Bureau of Mineral Resources, the Charles Doolittle Walcott Medal to stimulate research in the pre-Cambrian and Cambrian eras.

Dr. George E. R. Deacon, National Institute of Oceanography, Wormley, England, the Alexander Agassiz Medal for contributions to oceanography.

Dr. Donald R. Griffin, Harvard University, the Daniel Giraud Elliot Medal for published work in zoology or paleontology.

Dr. Marshall W. Nirenberg, the National Institute of Arthritis and Metabolic Diseases, a new award in molecular biology, including a $5,000 grant to continue his work.

A ceremonial key to a new wing of the Academy of Sciences Building here was presented yesterday to Dr. Detlev W. Bronk, President of the Academy, by Dr. Fordyce B. St. John, a former director of Equitable Life Assurance Society.

The new wing is a gift of the society. When the wing's interior is completed, it will house Academy activities in biology, medicine and the behavioral sciences.

NUCLEAR TESTING

Mr. JAVITS. Mr. President, I have heard with the deepest interest the remarks of my colleague from New York [Mr. KEATING] and the Senator from Minnesota [Mr. HUMPHREY] on a subject which I myself wish to mention this morning, the awful decision by the President to resume nuclear testing in the atmosphere. The President of the United States is entitled to know that there are others to share this responsibility with him, to feel the trying decision which he has made.

I feel the President has exercised his judgment, which we must all trust, and which I do trust, in terms of the essential security and the interest of our Nation, which would otherwise be jeopardized.

Deeply as I know there are many persons in this country, including millions of women, who are organized and who have marched in behalf of peace, because of the dread of the dangers of nuclear testing, I feel it is a worse danger for our country and the world if we fail to secure the freedom and national defense of our country, especially in view of the dreadful record we have enencountered with the Communists, and the Soviet Union particularly, in respect of the efforts to secure a test ban.

While I join in the determination to continue, in every way possible, notwithstanding the situation, to secure with the Soviet Union a nuclear-test ban and a disarmament agreement under proper inspection controls, we nonetheless must make decisions, even though hard, which are essential to our national security.

This view is expressed admirably in an editorial from the New York Times of today, entitled "In the Pursuit of Peace." I ask unanimous consent that the editorial be printed in the Record as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

In the Pursuit of Peace

As the miracle that might have averted new nuclear tests has failed to materialize, President Kennedy has now issued the fateful orders to go ahead with the scheduled tests in the Pacific as soon as operationally feasible. A hundred ships and planes and 12,000 men stand ready at Christmas and Johnston Islands to start the new experiments.

In issuing the orders to the Defense Department and the Atomic Energy Commission, the President had to weigh the inexorable requirements of both national and free world defense against the many protests voiced not only by the Communists but also by neutralist statesmen, peace marchers, and even United Nations Secretary General Thant.

With deep reluctance and regret, which we share, he decided that our own and free world preservation demands the tests; and nobody who is not privy to the secret military and scientific considerations that went into the decision can gainsay it.

The responsibility for these tests lies patently with Soviet Russia, which both in Moscow and Geneva and as late as yesterday stood adamantly against international inspection as endorsed in United Nations resolution and accepted, in principle, even by the neutrals at Geneva.

The administration is keeping the door open to the very last moment for the Soviets to accept a test-ban pact with minimal international controls, but the hope for such a Soviet turnabout is all but gone.

Now it is more urgent than ever to explain once again to all humanity that the United States stands for a peaceful world ruled not by force, but by law, and that it has made innumerable efforts, sacrifices, and concessions to attain that goal.

In the pursuit of peace, the United States has been the principal backer of the United Nations as the exponent and executor of peaceful principles which are now part of world law. Without our support, moral and financial, this world organization would collapse and chaos would be the result.

In the pursuit of peace we have submitted, in keeping with United Nations resolutions, draft treaties for both a nuclear-test ban and gradual and balanced progress toward total disarmment under a United Nations Peace Force. We have reduced our insistence on control and inspection to mere sampling techniques and other minimal requirements which expose us to a calculated risk to our security that for the sake of peace we are willing to assume.

In the pursuit of peace we are offering new concessions on Berlin to reach at least temporary working arrangements within an ultimate European peace settlement—concessions which have caused serious misgivings both in Bonn and Paris.

In the pursuit of peace we have backed the United Nations in seeking the peaceful liquidation of the Western colonial empires, sometimes at the price of serious disagreements with our allies.

In the pursuit of peace, and at the risk of losing Laos to the Communist world, we are pressing for a neutralist Laos in which even the army and the police would be in neutralist hands. We have vigorously backed the United Nations in working for a peaceful and united Congo to avert big power intervention, and we have conscientiously supported the U.N.'s peace-making and peace-keeping efforts in the Middle East. In the pursuit of peace we even dissociated ourselves from our British and French allies and from Israel in their attack on Egypt over the Suez Canal.

Finally, in the pursuit of peace we have poured out more than $80 billion since the war to help other, including Communist-dominated, nations, and are still doing so at the rate of nearly $5 billion a year.

In brief, we have pursued peace in accordance with our principles and to the very limits of our own and free world security, and of our financial resources. At this unhappy moment when we are about to proceed with new atmospheric testing—in the long-range interests of peace—let the record speak for us against those who would malign us.

THE LITERACY TEST FOR VOTING

Mr. JAVITS. Mr. President, this leads me, in the remaining time I have, to call attention to the fact that we are entering into a debate which it is predicted will extend into a lengthy debate, or a filibuster, under the shadow of the very decision the President of the United States has made, and we have heard that committee meetings will be stopped, and that all business of the Senate will cease except for debate on the particular measure now pending while this situation confronts us. Nonetheless, notwithstanding the peril of today, it is freely predicted that we will not be able to effect cloture, when we know it should be effected, after a reasonable debate.

I deeply feel there is no reason why that should be so, that there is no reason why the Senate of the United States should not be able to control debate on a civil rights measure as it does debate on any other measure, especially at a time of such peril to the Nation.

I hope very much that people will take counsel from what is occurring in this matter and will make their views unmistakably known as to what action ought to be taken on the cloture petition when the time comes for action.

I ask unanimous consent to include in my remarks an editorial from the New York Times of today, entitled "Minority Rule."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Minority Rule

Another Senate filibuster may arise this week in connection with the administration's bill to nullify the use of literacy tests to bar Negroes from registering as voters. After a week or so of talk, Senate leaders are expected to ask for cloture—the only means of limiting further debate and bringing the issue to a vote. But cloture requires the approval of a two-thirds majority and has not been applied since 1927, so there is little hope that the move will succeed.

The bill in question would strike at a form of discrimination that is common in the South. The problem cannot be solved, says the Attorney General, by "lengthy litigation on a piecemeal, county-by-county basis." That, ironically, is the same situation that confronts all civil rights proposals in Congress. Thanks to the workings of the seniority system and the rules of Senate and House, a minority can frustrate the will of a majority through endless maneuver and delay. Hopefully, world attention will not be focused on the Senate when this next exhibition of minority rule occurs.

Mr. RUSSELL. Mr. President, there are those of us who in the midst of trials and pressures of the day often feel a sense of frustration and discouragement as to the future of the country. I see occasionally a ray of light or hope that all is not lost and that even in the city of New York there abide or reside people who are aware of the fact that we have a written Constitution and that the States of this Union, under the original concept of government, have certain rights.

As a matter of fact, Mr. President, in this debate which has been developing by fits and starts in 3-minute periods, and during a discussion on the floor of flora and fauna, it has often been said that the so-called literacy bill would wipe out two provisions of the Constitution.

The fact has been entirely overlooked that the 10th amendment protects the power of the States to fix voting qualifications, including literacy qualifications, even if it were not spelled out in the Constitution, because it did not delegate to the Federal Government any specific rights or powers in those fields.

From the standpoint of a strict constructionist we are therefore fortified in three ways in our opposition to the literacy proposal.

As I said, I was greatly heartened this morning to find that another New York paper contained an editorial on this subject, in addition to the one that has just been put in the Record, and I therefore ask unanimous consent that there may be printed in the body of the Record an editorial from the New York Herald Tribune, entitled "Literacy Bill Would Infringe States Rights."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Literacy Bill Would Infringe States Rights

The literacy-test bill on which Senate debate begins today is one of those many which would employ bad means to achieve a good end.

The good end in this case is a breaking down of racial barriers to voting; the bad means are a too sweeping, too arbitrary and seemingly unconstitutional invasion of the States right to set voting standards.

The Constitution explicitly gives this right to the States, even for Federal elections. The bill would limit their authority by providing that no one otherwise qualified could be denied the ballot "on account of his performance in any examination, whether for literacy or otherwise," provided he had a sixth grade education.

The reason, of course, is that many southern registrars have egregiously abused literacy tests. The rationale is that any one with a sixth grade education can be presumed able to read and write.

But the effect of this is to deny States the right to require any more than bare literacy, which is about all a sixth grade education is presumptive evidence of.

Most States are satisfied with such a requirement. But those which might prefer to set their standards higher ought to be free to do so—as the Constitution clearly entitles them to do, provided they apply the standard without discrimination as to sex or race. The mere fact that a man has a rudimentary knowledge of how to read and write, after all, hardly makes him competent to pass on issues of state.

One particularly pernicious provision of the bill would strike down New York State's requirement of literacy in English, by making 6 years' schooling in Puerto Rico the legal equivalent of a literacy test. There is nothing arbitrary or unreasonable in requiring that voters be familiar with the language of government, which is also that of the candidates among whom they must choose.

New York's large Spanish-speaking population makes this a local issue of some moment. To claim these people are discriminated against in voting in the same way that Negroes are in the South is nonsense. All are welcome to vote if they trouble to learn English. But it quite properly is up to them to learn the language of the community first, as many do and all can.

The need for breaking down racial barriers to voting is real and urgent. As a practical matter, this bill would go a long way toward their elimination. But by striking at the use of literacy tests rather than merely their abuse, it would throw out the baby with the bath water. It infringes the constitutional prerogatives of the States; to claim that it does not set voter standards by congressional fiat is an exercise in sophistry.

Congress proper aim should not be to set standards for voting, but to tighten enforcement procedures to insure that whatever standards are set are applied fairly and equally to all.

Mr. JAVITS. Mr. President——

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

Mr. JAVITS. Will the Senator withhold that request, as I have some other business in the morning hour?

Mr. RUSSELL. I see no reason why we cannot have a quorum call during the morning hour, but I withhold my request.

Mr. JAVITS. I appreciate the Senator's courtesy. I wish to make reply to the statement made by the Senator from Georgia about the editorial in the New York Herald Tribune.

Mr. RUSSELL. I am glad the Senator read it, because it shows much learning and understanding.

Mr. JAVITS. Yes; I read it yesterday. I am rather surprised that the Senator from Georgia did not put the editorial in the RECORD yesterday. But while the New York Herald Tribune is a great newspaper and is entitled to its opinions, in this case I do not agree with its opinion. I do not think there is anything unconstitutional about the measure which is before the Senate. On the contrary, aside from the policy question involved, I believe that my view of the constitutional issue is confirmed by the unanimous recommendation of this measure by the U.S. Civil Rights Commission.

There is very adequate constitutional basis for this legislation, and it is composed of three parts. I think this reply should be immediately contiguous to the distinguished Senator from Georgia's reference to the issue.

First, the finding of fact by the Civil Rights Commission that literacy tests in certain Southern States have been abused as the basis for denying the franchise to Negro citizens of the United States.

Second, the testimony of the Attorney General that the remedy of instituting county-by-county suits in every one of these instances is impractical and inadequate.

Third, the authority of the Congress, conferred by the 15th amendment, to choose the means by which citizens shall be assured that they will not be denied on grounds of race, color, or previous condition of servitude what the 15th amendment guarantees to them, that is, the right to vote.

Mr. President, it seems to me that the cases fully sustain this position—the Classic case, the Yarbrough case, the Lassiter case, and many others.

Mr. President, I ask unanimous consent to have printed as a part of my remarks a brief on the constitutionality of the measure which is to come before the Senate.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

Memorandum of Law

The constitutional basis for legislation to eliminate the abuses of unreasonable literacy tests by setting a uniform, maximum, and objective standard of a sixth-grade education is straightforward. Based on authoritative findings that the literacy tests have been used in certain States as a means to deprive citizens of a voting right which the Constitution and its amendments make it a Federal responsibility to protect, the Congress may adopt legislation reasonably adapted to end such deprivation. Although there seems to be almost universal agreement that every citizen ought to have a full and equal opportunity to vote, when we find abuses and try to end them as in this bill, there is an outcry against what is claimed to be interference with States prerogatives. However, these are State prerogatives expressly subjected to the national authority by the Constitution where required to insure to the citizen of the Nation his fundamental rights.

While it is undoubted that article I, section 2, and the 17th amendment of the Federal Constitution permit the States to set the qualifications for electors for Members of the U.S. House of Representatives and Senate, respectively, the States cannot do so in violation of the 14th, 15th, and 19th amendments. The Supreme Court so stated in regard to the 15th amendment as early as 1884 in *Ex parte Yarbrough* (110 U.S. 651, 664):

"The 15th amendment of the Constitution, by its limitation on the power of the States in the exercise of their right to prescribe the qualifications of voters in their own elections, and by its limitation of the power of the United States over that subject, clearly shows that the right of suffrage was considered to be of supreme importance to the National Government, and was not intended to be left within the exclusive control of the States."

And the Court went on to affirm that the exercise of the right to vote should be kept free of restriction on account of race or color "by congressional enactments whenever that is necessary."

Subsequent decisions of the Supreme Court have rigorously maintained this position, not only where the Court has found as a fact discrimination on account of race or color in violation of the 15th amendment (*Gwinn* v. *United States*, 238 U.S. 347 (1915), literacy test; *Smith* v. *Allwright*, 321 U.S. 649 (1944), white primary; *Davis* v. *Schnell*, 81 F. Supp. 872 (S.D. Ala. 1949), affirmed 336 U.S. 933, literacy test), but also, in dicta, where such discrimination has not been charged and has not been found to be a fact. (*Lassiter* v. *Northampton Election Board*, 360 U.S. 45, 53 (1959), literacy test. Cf. *Breedlove* v. *Suttles*, 302 U.S. 277, 283 (1937), in which the same reasoning is found in regard to the poll tax, which is not a qualification for voting and is not so treated.) In its latest decision on the subject in the Lassiter case, the Court restated the proposition once again: "Of course a literacy test, fair on its face, may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot."

Now, since the filing last fall of its 1961 voting report by the U.S. Civil Rights Commission, the Congress has overwhelming evidence that literacy tests are widely "employed to perpetuate that discrimination which the 15th amendment was designed to uproot" (Lassiter, supra) and that therefore congressional enactments are vitally necessary. The Commission found, after exhaustive and impartial investigations and public hearings, "that substantial numbers of Negro citizens are, or recently have been, denied the right to vote on grounds of race or color in about 100 counties in 8 Southern States" (p. 135). The Commission also found that "a common technique of discriminating against would-be voters on racial grounds involves the discriminatory application of legal qualifications for voters. Among the qualifications used in this fashion are requirements that the voter be able to read and write, that he be able to give a satisfactory interpretation of the Constitution, that he be able to calculate his age to the day, and that he be of good character" (p. 137).

The more than 800 pages of testimony taken by the Commission are replete with outrageous examples of the discriminatory techniques which are used and should be the basic document in the Congress deliberations.

Based upon its findings and upon legal analysis similar to that set out above, the Commission unanimously recommended that "Congress enact legislation providing that in all elections in which, under State law, a 'literacy' test, an 'understanding' or 'interpretation' test, or an 'educational' test is administered to determine the qualifications of electors, it shall be sufficient for qualification that the elector have completed at least six grades of formal education" (p. 141).

The proposed use of the statutory route to eliminate abuses setting a standard, objective literacy test for voting is a proper exercise of the power of the Congress, particularly in view of the Commission's conclusion that county-by-county litigation under existing law by the Department of Justice, no matter how vigorous, is too "time consuming, expensive, and difficult" to be adequate. The Attorney General confirmed this finding from his own experience in his testimony on this measure. Setting a uniform test is clearly a legitimate method by which to remedy this inadequacy. It has often been held that the Congress has a wide choice of means for implementing its constitutional power to safeguard the right to vote. (*U.S.* v. *Classic*, 313 U.S. 299, 320 (1941), and cases therein cited.)

Congress exercised this power in passing the Civil Rights Acts of 1957 and 1960 and has been upheld. (*Hannah* v. *Larche*, 363 U.S. 420 (1960), re 1957 Act.) For the rea-

sons stated, the present measure would also be upheld.

Mr. RUSSELL. Mr. President, I am well aware of the efficiency of the distinguished Senator and his staff in preparing briefs. I doubt not that the brief he has prepared demolishes to his own satisfaction any argument that might be raised in this matter, including the Constitution of the United States.

The Senator misunderstood me, if he thought I said he agreed with the editorial in the Herald Tribune, which he denounces so vigorously. I did not make that statement. I said the Senator had put into the RECORD another editorial from another newspaper taking the contrary view, of which he approved. I happen to approve of the editorial which recognizes the fact that there is still in existence a written Constitution which is supposed to limit the powers of the Federal Government.

I shall not engage in more lengthy debate now. I do not ever promise the Senator to read the brief he has been granted permission to have printed in the RECORD, but if I can find time in these busy hours I shall read it, because I am sure that if anyone on earth could stretch the proposal to give it a color of constitutionality it would be the Senator from New York and his able associates.

Mr. President, I shall suggest the absence of a quorum. I have no objection to the closing of the morning hour. I waited, I thought, until every Senator had taken any advantage he desired of the morning hour.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. RUSSELL. I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. CLARK. Mr. President, reserving the right to object—and I shall not object—I should like to have the RECORD note that the senior Senator from Pennsylvania was inadvertently delayed in returning from Florida and therefore was not present for the earlier quorum call today, but is present for this quorum call and would answer his name if the quorum call were continued.

The PRESIDING OFFICER. Is there objection of the request of the Senator from Montana? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. There is no business pending at this time. The unfinished business will not be laid before the Senate until 2 o'clock.

Mr. MANSFIELD. Mr. President, I move that the unfinished business be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. That motion, I believe, under rule VIII, is not debatable at this hour.

The PRESIDING OFFICER. The motion, in the morning hour, is not debatable; the Senator is correct.

The question is on agreeing to the motion of the Senator from Montana. [Putting the question.]

The motion was agreed to.

JAMES M. NORMAN

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 1361) for the relief of James M. Norman.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, at this time an amendment to the pending bill is about to be offered on behalf of the distinguished minority leader and myself. I do not believe the amendment requires an elaborate introduction. It is identical in substance with S. 2750 which was introduced also on behalf of the distinguished minority leader [Mr. DIRKSEN] and myself on January 30, 1962. It is the same measure which has been in the Judiciary Committee for some time and on which hearings have been held in the Subcommittee on Constitutional Rights under the chairmanship of the distinguished Senator from North Carolina [Mr. ERVIN].

In brief, the amendment seeks to establish by Federal law an objective standard for determining literacy in the several States where literacy is a requirement for voting in Federal elections. It seeks, also, to insure, in effect, the acceptance of literacy in Spanish as valid in States which may require literacy tests for voting in Federal elections.

There is nothing surreptitious about the proposed amendment. It is clearly designed to insure that those who are otherwise qualified to vote shall not be denied the vote in Federal elections on the basis of an arbitrary, capricious, or subjective measurement of their literacy by any State or State electoral official. To that extent, but only to that extent, it represents a frank assertion of Federal power as against State power. It is not the first time such an assertion has been made. In all candor, it is not likely to be the last. But, in equal candor, the limits of the effort which this particular measure represents should also be clearly stated and recognized. The measure does not seek to direct the States to require or not to require literacy tests as a condition for voting in Federal elections. States which do not have literacy tests for voting—and there are many—will not be affected at all. States which have reasonable and nondiscriminatory tests—and there are many—will not be affected in any significant fashion. But let there be no mistake: the measure does insist, with all the insistence of Federal law, that if a State does require a literacy test for voting in Federal elections then the test must be reasonable and, above all, it must be applied impartially and equitably among all citizens.

The measure, in short, is one more step along the road to the full realization of the principles of equal human freedom which are of the bedrock of this Nation. It is not the last word in the transmutation of these principles of the Constitution into the actual practices of our political life. But let no one doubt it: this measure is an important word. It is a most significant word because it involves progress in the equalization of the most fundamental right of freedom—the right to an equal voice in the choice of those who shall govern the Nation.

In view of its fundamental importance, the amendment which is offered by the distinguished minority leader and myself warrants full discussion in the Senate. It is not a matter to be passed over quickly or lightly. And, may I add, I do not anticipate that the Senate shall pass over this question quickly or lightly.

The genius of the constitutional concept of the Senate is that this body is so constituted and empowered that matters of fundamental importance to the Nation are not passed over quickly or lightly. But the greater genius of the Constitution, of which the Senate is a part, is not only that it inhibits rash change but that it permits orderly political change, attuned to ever-changing national needs.

It is my hope that in the debate which is about to ensue, Senators will ponder both of these basic constitutional considerations—avoidance of rash change and facilitation of necessary change—and be guided by them in approaching this particular measure. It is only in the light, not of one consideration alone or of the other, but of both considerations that the Senate can properly discharge its responsibilities.

Mr. President, I have tried at all times to be completely frank with the Senate as to the intentions of the leadership. There will be no variation in this practice insofar as this measure is concerned. The Senate has been on notice ever since S. 2750 was first proposed that it was the intention of the leadership—of both the distinguished minority leader and myself—to act in the fashion in which we have now acted, if this bill were not reported promptly by the Judiciary Committee.

Speaking for the distinguished minority leader and myself, I now lay before the Senate our intentions with regard to the present situation and what may ensue from it. As already mentioned, the leadership anticipates that the Senate will proceed at once to a full debate of this measure. Insofar as the leadership is concerned, it expects this debate to take place within regular working hours and with the Senate otherwise functioning in a normal fashion.

If it is apparent that interest in this question is so intense as to suggest the desirability of the undivided attention of the Senate, and apparently there is such interest, it is our intention to require a stricter enforcement of the rules as regards committee meetings and the like. Notice to that effect has been served by the minority leader today. Whenever a measure is of such consuming concern and importance as to require prolonged debate, it seems proper that the entire Senate should be enabled to participate in it. It is realized that such a course might delay the eventual adjournment of the Senate. But that is and must remain a secondary consideration when there is necessary work to be done.

As the Senate knows, I believe in the fullest and freest possible expression of any and all views in this body. If a point is reached, however, where there are indications that all the wisdom of which the Senate is reasonably capable has been exhausted with respect to the merits of this issue, the leadership will examine the situation. If it concludes that such is the case, and that further debate has no purpose other than to test the will and determination of this body to vote at all on the merits of the question, the leadership will then submit its judgment of the situation to the Senate by filing a petition for cloture. Let me stress that the leadership is neither prejudging nor threatening. It is merely anticipating, on the basis of past experience, a real possibility in the situation in order that the Senate may be informed in advance of its intentions.

If a vote for cloture is taken and fails by a substantial margin, the leadership will conclude that the Senate, operating in accordance with its present rules, prefers to avoid a confrontation on the merits of the issue at this time. Therefore, the matter will be set aside and the Senate will proceed to other business. If, on the other hand, the vote on cloture is close to the required two-thirds, the leadership will judge that it was in error in assuming that argumentation had been exhausted on the issue. It will assume, further, that the Senate might still desire to vote on the merits of the question after additional debate. The discussion, therefore, will be continued.

At some point thereafter, if the debate strays wide of the subject or becomes unduly repetitive, the leadership once more will submit its judgment of the situation to the Senate in a second petition for cloture. If a vote is taken and fails a second time, the leadership will have no recourse but to conclude that one-third of the Senate is prepared to permit an ad infinitum interpretation of the rule of full debate rather than to face this particular issue in a vote on its merits.

Under the present rules that is possible. It is possible, not only with respect to the question of literacy tests or other civil rights issues, but on any issue on which a third of the Senate is of a similar mind.

Mr. President, I express the devout hope that the use of the privileges of the Senate rules of debate will not be so intense as to require an effort to invoke the rule of cloture. The very thought of compelling any Senator to terminate discussion when heart and mind still move him to speak, is repugnant to me as an individual Senator. Words in the Senate, Mr. President, are to me, above all else, the tools of reason and I have no desire to see them blunted. But, Mr. President, the leadership cannot permit its personal attitude to govern in this or in any situation which involves the entire Senate. Every Senator has the right to speak fully and freely, as heart and mind dictate, recognizing only that what is a right for him is an equal right for each and every other Senator. But this body also has an obligation beyond discussion. It has an obligation not only to face great public issues and to illuminate them with whatever wisdom Senators may possess; it also has the obligation to participate, by legislative act, in the resolution of these issues. This dual function, in the last analysis, is the significance not only of the rule of full debate in the Senate but also of the rule of cloture.

Both of these rules are of equal importance to the vitality of this body. The one helps to give the Senate its unique characteristics of deliberativeness. The other acts to prevent such a fascination with words as to obscure and, in the last analysis, to render irrelevant the legislative functions of the Senate.

I suggest again, therefore, that Members ponder the question before us as they should any other issue of significance. I suggest that they ponder it not only in the light of the Senate's capacity to prevent rash change but also in the light of the Constitution's wise provision for change. The recent constitutional history of this Nation is most pertinent in this connection. It makes clear that progress toward the equalization in practice of the ideals of human freedom on which this Nation stands will not be halted indefinitely. It makes clear that when one road to this end fails, others will unfold as, indeed, they have unfolded. If the process is ignored in legislative channels, it will not necessarily be blocked in other channels—in the executive branch and in the courts.

In the light of these constitutional realities, we must ask ourselves, Mr. President, with respect to this and any other significant issue which, for whatever reason, we may fail to confront or which we confront in an inadequate fashion: Are we really preventing rash action or, in fact, are we excluding the Senate—the Congress—from participation in shaping significant trends in the continuous unfolding of the Nation's history? This is a question which has not been asked with respect to the whole subject field of which the proposed amendment is a part. It is time, I believe, for the Senate to ask this question.

I have spoken with the utmost frankness as to the intentions of the leadership in regard to procedure. Obviously, it does not lie in the power and it most certainly does not lie in the inclination of the leadership to compel the Senate to act in one fashion or another or to act at all on this issue. The leadership will not engage in sham battles or any other kind of battles with any Member or group of Members of this body. The leadership is in every sense a creature of the Senate, a servant of the Senate. It will try to act impartially in its regard for the equal rights and privileges of all Members, conscious always of the continuing history of this body.

The leadership has outlined a course of procedure on this issue which it feels is lodged within this framework of equity and tradition. It has done so, bearing in mind that this body is a descendant in a true line from the finest flowering of the age of reason. In the light of that heritage, the leadership believes that it would be better by far to acknowledge candidly—if it comes to that—that the Senate is unable to proceed under its rules to confront this issue in a vote rather than to submit the matter to a trial by physical stamina. A trial by day and night session, a trial not by the content but by the volume of words would be as valid a way to resolve this issue as were the trials by fire or water which once characterized the determination of guilt or innocence.

The leadership will not be a party to a reversion of that kind. It will proceed in an orderly and reasonable fashion until the Senate, by vote, decides this issue or until it is apparent beyond reasonable doubt that the Senate has no intention of reaching the point of decision under its present rules.

And at that point, as far as the leadership is concerned, it will ask the Senate to stand up and be counted for the last time this session on this issue in a vote on cloture. It will ask the Senate to acknowledge the reality of its unwillingness to face this issue at this time and then move on to other matters. In sponsoring this measure and this procedure the leadership states now, and it states emphatically, that it has no parliamentary tricks in the bag. It has only the rules of the Senate which apply equally and impartially as among all Members.

May I emphasize that this situation is not to be viewed as a struggle between the majority leader and minority leader on the one hand and this Senator or that or this group of Senators or that on the other. The minority and majority leaders have their individual views on this issue, as have others. We are all Senators, with an equal right to our individual views and with equal obligations to our States, to the Nation, and to this body. Whatever the outcome of this issue, it will be an outcome which will reflect on the collective wisdom of the entire Senate and on the constitutional and procedural vitality of this body. It will be neither a victory nor a defeat for the leadership or for any Senator.

I should like now to lay before the Senate the heart of this issue, as I see it as one Senator. It is best done, I believe, by peeling away what are the layers of the irrelevant in which civil rights issues generally have tended to become submerged in this body.

First of all, we are not involved with a question of Senate procedure and I would hope that we shall not become so involved. The rules of this body have been refined over the decades to a point of great clarity. The rules which apply in this case are clear and the precedents are ample. These rules and precedents provide various avenues for bringing legislation to the floor for consideration. The leadership has chosen one of these avenues, an unusual one but one not without precedent not only in civil rights matters but in other questions as well. To be sure, the leadership would have preferred the more common avenue of committee referral, committee report, and Senate calendar. The leadership always prefers the more usual to the unusual in procedural matters. Indeed, its insistance initially that S. 2750 be referred to the Judiciary Committee was derived, in part, from its preference for ordinary procedure. But the leadership must recognize that the consideration of bills of this kind over the years have had uncommon treatment in the relevant committee and there have been, as yet, no indications that S. 2750 will prove the exception.

May I say that even at this late hour the leadership would be prepared to offer, for immediate consideration, a unanimous-consent resolution calling on the Judiciary Committee to report S. 2750 to the Senate within a week, provided that the chairman of the Judiciary Committee and the Subcommittee on Civil Rights will join with the leadership in joint sponsorship of the resolution. I repeat, if at any time during the remainder of the day these two chairmen will join with the leadership, it will sponsor such a unanimous-consent resolution. The leadership, and other Senators I am sure, are anxious to have the guidance of the Judiciary Committee in this matter but anxiety can no longer be allayed when all that is offered to assuage it is a silence of indefinite duration. In the absence of a clear-cut indication of committee intent to act promptly on S. 2750, Senators will still have open to them, fortunately, the hearings on this bill which were held by the subcommittee under the chairmanship of the able Senator from North Carolina [Mr. ERVIN].

I repeat, Mr. President, the issue before us is not one of Senate procedure. The amendment offered is entirely in order and has precedent under the rules. And it is apparently just about the only procedure by which we can, in present circumstances, bring about a consideration of this type of legislation. And for those who may ask why bring about a consideration of it at all if it involves an unusual application of the Senate rules, I can only reply: Is the Senate to imprison itself indefinitely in bonds of its own fashioning while the Senate's functions are discharged in the courts or in the executive branch?

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. RUSSELL. Of course I do not desire to interrupt the remarks of the distinguished Senator from Montana, but I would not want him to leave the impression—and I am sure he would not wish to do so intentionally—that the Senate is without any power whatever over its committees. After all, the committees of the Senate are creatures of the Senate, and they are subject to the orders of the Senate at any time. The Senator well knows that there is an orderly procedure whereby a motion could be made to discharge a committee from the further consideration of any bill, and in that way such a bill could immediately be brought to the Senate calendar.

I am not condoning any undue delay. I believe in following regular and orderly procedure. However, the Senate has not put itself in any such box as the Senator from Montana has outlined, because the rules provide that a committee can be discharged at any time by majority vote of the Senate, and in that way a measure can be brought immediately before the Senate.

Mr. MANSFIELD. The Senator is correct in his statement. I wish to say that, along with my remarks, I have prepared a unanimous-consent request, to be agreed to by the distinguished Senator from North Carolina [Mr. ERVIN] and the distinguished Senator from Mississippi, the chairman of the Judiciary Committee [Mr. EASTLAND], to this effect:

On behalf of the minority leader [Mr. DIRKSEN], the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], and myself, I submit the following proposed unanimous-consent agreement. As a matter of fact, there were two agreements: One, ordering the Committee on the Judiciary to report to the Senate; and the other, to discharge the Committee on the Judiciary. I shall read the measure which I had contemplated offering if there were agreement from the distinguished Senators from Mississippi and North Carolina:

Ordered, That on Monday, April 30, 1962, the Committee on the Judiciary be discharged from further consideration of S. 2750, a bill to protect the right to vote in Federal elections from every arbitrary discrimination by literacy tests or other means, and that the bill be placed on the Senate calendar.

Mr. RUSSELL. Mr. President, I think the two Senators involved should be notified of this proposal. Speaking for myself, I would not object to the unanimous-consent request, if it were done with the consent of one of the two Senators involved. That is the course which is followed in the regular procedure. However, I would not wish to agree to the proposal now in the absence of the two Senators who are most vitally affected, or without communicating with them. But, speaking for myself, I would have no objection whatever to the proposed unanimous-consent request to have the committee discharged and the bill placed on the calendar. That would be the more regular course, because we have the proposal before us in amendment form; we do not have it in bill form. We do not have printed copies of the hearings which would enable us to have the regular order of procedure.

Mr. MANSFIELD. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. MANSFIELD. I understand the hearings have been printed and will be available tomorrow. I understand, of course, that the Senator has before him the bill form of the measure; but at the conclusion of my remarks, it is my intention, on behalf of the distinguished minority leader and myself, to offer, as an amendment in the nature of a substitute, exactly what the Senator has before him in the form of a bill. I indicated earlier today that if at any time today the two Senators in question, the distinguished Senator from Mississippi [Mr. EASTLAND], the chairman of the Committee on the Judiciary, and the chairman of the particular subcommittee in question, the distinguished Senator from North Carolina [Mr. ERVIN], would agree, I would go along and favor the regular procedure, so that the bill could be placed on the calendar and be brought up in regular order.

Mr. RUSSELL. The Senator's statement is frank and forthright, as we would expect of him. The measure in its present form was not on my desk; I had to send for it since the Senator opened his remarks. I do not believe copies were distributed, as is usually the custom when the Senate is proceeding in the regular order with proposed legislation, to have a copy of the bill on the desk of every Senator.

I myself have no objection to the Senator's proposed unanimous-consent agreement. I do not know what are the views of the Senator from Mississippi and the Senator from North Carolina to the proposed order which the Senator has suggested, that the Committee on the Judiciary be discharged, that the bill be placed on the calendar, and that the Senate proceed with the consideration of the bill in the regular order.

There is one part of the Senator's statement which concerns me deeply. On two occasions he stated that if the Senate did not act, the judicial branch and the executive branch would. The Senator does not mean to leave the impression, does he, that he believes the Supreme Court can legislate or that the Chief Executive can legislate? If he does, then there is no justification for the existence of this body, of which the distinguished Senator is so graceful a leader.

Mr. MANSFIELD. I think the Senator from Georgia understood the implications of my statement, which was, in effect, a statement of fact, based on what has been happening in recent years in both the executive branch and the judicial branch of the Government. I am quite certain that the Senator, in his wisdom, has a good idea of what I am mentioning.

Mr. RUSSELL. I appreciate the Senator's use of the word "wisdom." I do not lay any great claim to wisdom. I do lay claim to a little knowledge of the law and the Constitution. I have been shocked by the fact that the Supreme Court has entered the legislative field as it has. I refer not only to this type of case; I refer also to the repealing of State laws by which the States themselves undertook to regulate the practice of law in a State, who should be barred from the practice of law in a State, or who shall teach school in the city of New York, for instance. The city of New York has charter provisions which have, in times past, been considered as local, self-government regulations, but as to which the Supreme Court has legislated.

I could cite a number of other cases, including the subversive laws in Pennsylvania, and other instances, in which the Supreme Court has intruded itself.

I hope the fact that the Supreme Court has deviated from its sworn duty, and has entered a field in which it was never contemplated it was to enter—namely, the legislative field—will not deter the Senate from voting its convictions.

Mr. MANSFIELD. "Intimidation" is a strong word, but it is not a word which was offered by the Senator from Montana.

Mr. RUSSELL. No; I understood the Senator. He gave a rather gentle hint that if the Senate did not take this action, the Court would. When the courts legislate in this area, they may even prescribe a different qualification, such as a qualification for a fifth-grade education, when they begin to legislate without regard to the fact that some States might require a better education; that some States might prescribe a seventh-grade education. The courts might say that in the South, a third-grade education should be the requirement. There is much difference in the educational systems of the several States. Some States claim they have a much better system than others. It may even be that a person who has a fourth-grade education might be more literate than one who has a seventh-grade education in another State.

In modern education, there is a trend toward doing away with grades and rating students altogether on their proficiency.

While I realize that the Warren followers on the Supreme Court might unhesitatingly undertake to legislate that if a person had 6 years of schooling and had been declared by his teachers to be literate, he could vote, still I do not believe that is any reason why the Senate should absolve itself of its constitutional duties.

In all frankness, I am somewhat surprised to hear the Senator from Montana holding to that view. I fully agree that if the bill shall be defeated, the Warren majority on the Supreme Court is likely to enact it in a decision—in what they will call a decision—in the identical verbiage as is presented to the Senate. But I do not think the fact that the Supreme Court may assume unbridled power, which it has never legally had, should force the Senate into taking such a position.

Mr. MANSFIELD. I agree in part with the Senator's statement; but I call his attention to the fact that it was the Senator from Georgia who used the word "legislate" in referring to the Supreme Court.

Mr. RUSSELL. Yes; I have used that word several times, because the Supreme Court has been legislating frequently during the last several years.

Mr. MANSFIELD. What the Senator has said has reinforced what I have tried to indicate will happen if the Senate does not live up to its responsibility.

Mr. RUSSELL. Does the Senator mean by that that it is the responsibility of the Senate to enact this bill?

Mr. MANSFIELD. I would say it is the responsibility of the Senate to face up to the issue.

Mr. RUSSELL. The proposal is in the bosom of the Senate, for action to be taken under the rules of the Senate.

Mr. MANSFIELD. The Senator is correct.

Mr. RUSSELL. Does the Senator mean that if the Senate does not pass the bill, we have not lived up to our responsibilities?

Mr. MANSFIELD. Oh, no. The Senator from Georgia is adept at putting words in another Senator's mouth.

Mr. RUSSELL. No; I asked if that was not the meaning of the Senator's statement.

Mr. MANSFIELD. No, but the Senate must face up to some of these questions itself and take measures to alleviate situations which call for correction. If we do not, then we may see a continuation of trends which have become so apparent in the executive and judicial branches of the Government to which the Senator has referred in connection with the Supreme Court.

Mr. RUSSELL. If the executive branch and the courts preside in an orderly manner and leave legislation to Congress, and executing the laws to the executive branch, and the deciding of cases on the basis of stare decisis and the Constitution of the United States to the courts, I would have more faith in the future of the country.

I say again that it is not only the bills which are called civil rights bills which have been subject to legislation by the courts—and even if we were to enact this bill, what assurance have we that the courts will not legislate in other areas?

The Supreme Court is deciding apportionment cases, and subjects of that kind, which are not related to the racial question. This bill does not affect the racial issue one way or the other. The Civil Rights Commission has said it would apply to a hundred counties; but I also note that it liberates from disfranchisement the Puerto Ricans in New York City. Undoubtedly, some of them are not affected by any racial impediment. No doubt some of the persons that would be affected are white people.

However, I was concerned that the distinguished majority leader—and he knows of my respect and affection for him—would put himself in the position—impliedly, at least; and I hope I am not putting words in his mouth—of condoning the action of the Supreme Court in, time, and again, usurping the prerogatives of the legislative body.

Mr. MANSFIELD. I appreciate what the Senator from Georgia has said. I am just stating the facts as I see them.

Mr. JAVITS. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. A very important question is raised by the unanimous-consent agreement proposed by the Senator. Did he use the date April 30 or May 30?

Mr. MANSFIELD. April 30.

Mr. JAVITS. Let me say a word as a lawyer, in response to the Senator's point, which I understood perfectly, and also in response to the point made just now by the Senator from Georgia. The situation is best illustrated by a case decided by the U.S. Supreme Court in 1959—that of Lassiter against Northampton Election Board. In that case the Court said:

> Of course a literacy test fair on its face may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot.

I understood that the Senator was saying that the courts could get at this matter on a case-by-case basis. However, in that case the Supreme Court of the United States was not legislating; it was merely stating that the 15th amendment is not to be avoided under the color of a literacy-test statute which on its face may seem to be all right.

By means of this measure we are attempting to render justice more quickly, so as not to make it necessary to go through a complicated trial in every such case; and we have pointed out that the cases in support of this method are legion.

Mr. RUSSELL. Mr. President, will the Senator from Montana yield once more to me, very briefly?

Mr. MANSFIELD. Certainly.

Mr. RUSSELL. Let me say that the Senator from New York has established beyond any peradventure that the principal argument back of this measure is that the ends justify the means, and that some do not want to go to the trouble of enforcing the law by the methods prescribed by the Constitution—in other words, by prosecutions in civil proceedings.

Mr. MANSFIELD. Mr. President, if the principal issue cannot be posed in terms of procedure, neither can it be posed, in my opinion, in terms of legislation against constitutional amendment for what is proposed. I anticipate argument along these lines, based upon the fact that the Senate has just recently approved by overwhelming vote a constitutional amendment abolishing the poll tax. Many Members will ask themselves why, if we followed the route of constitutional amendment in the one case, do not we follow it in the second? Mr. President, I shall leave the refinements of this argument to those who are authorities on constitutional law; and there are many such in this body. But let me say that I have already asked myself this question, not as a lawyer—which I am not—but as one Senator trying to do his job. I have asked myself this question as one Senator who favored strongly the route of constitutional amendment in the case of the poll tax, and as one Senator who favors just as strongly the legislative route in connection with the pending legislation. The basic reason for the difference in approach, Mr. President, is that I see the poll tax measure, in the form in which it was offered, as involving, preponderantly, Federal-State powers in electoral questions, whereas I see the literacy tests measure, in the form in which it is offered, as an issue involving, preponderantly, the constitutional rights question of the equalization of the voting rights of all citizens.

In viewing the poll tax primarily as an electoral question, I was guided by the rulings of the Chair, extending over several Congresses. The Chair has consistently referred to the Rules Committee, rather than to the Judiciary Committee, bills calling for abolition of the poll tax. As the Senate knows, the Rules Committee has jurisdiction over bills dealing with questions of the Federal-State relationship, insofar as they may be involved in electoral questions. Had these bills for abolition of the poll tax been predominantly constitutional rights questions, they would have gone to the Judiciary Committee, which has jurisdiction over such measures.

It is true, Mr. President, that the poll tax has had the effect of inhibiting voting; and, as such, any bill dealing with the subject has the overtone of a civil rights issue. But bills are referred on the basis of their predominant implications. And the predominant implication of bills to abolish the poll tax has been the Federal-State-electoral process. Let me say that I believe the Chair has ruled wisely in these cases, over the years. The poll tax has not been, in my opinion, primarily a question of the equalization of constitutional rights. The poll tax has been, at least, an objective prerequisite for voting in the States where it has applied; and the indications are that it has been administered in a generally non-discriminatory fashion among citizens who were prepared to pay the tax.

In view of these realities, it seemed to me that it would have been inadvisable for the Senate to seek to intervene in a State power over electoral matters by an ordinary legislative act to abolish the poll tax. It seemed to me that the proper course in that connection was the one the Senate eventually followed—that is, the course of constitutional amendment, for what was involved was a general limitation on the power of the States to deny the suffrage to citizens of the United States who might be unable or unwilling to pay one, two, or three dollars for the priceless right of the ballot. This general limitation on State power is implicit in poll tax abolition. It applies even if the States are prepared to sell the Federal ballot at a nominal price, and to all comers, on a completely nondiscriminatory basis.

Ordinary legislation to prohibit the States from applying a general and nondiscriminatory inhibition on voting—for the poll tax is clearly such an inhibition—was meritorious in purpose. The fact remains, however, that ordinary legislation to this end would have gone, at least, to the extreme limits of the present constitutional powers of the Congress. And, Mr. President, in such cases of the constitutional twilight zone, I prefer, as an individual Senator, the route of constitutional certainty. So, as an individual Member, I supported fully the constitutional amendment to abolish the poll tax, which was offered by the distinguished Senator from Florida [Mr. HOLLAND].

But let me make clear, Mr. President, that I did not subscribe then, and I do not subscribe now, to any theory that the Senate, the Congress, or the Federal Government is totally excluded from any action—other than constitutional amendment—with respect to poll taxes. If, for example, it was clear that States lodged in electoral officials wide discretion to decide from what persons to accept poll taxes and from what persons not to accept them as a condition for voting; if, for example, States set capricious standards involving the cleanliness of the money which would be accepted in payment for the right to vote; if, for example, they required payment by check, rather than by cash; if, for example, there were patterns of administration in which poll taxes were accepted when proffered by hands of one color, but were refused when proffered by hands of another, then the issue would have been drawn on entirely different grounds. The issue then would have been the unreasonable and arbitrary usage of poll taxes by States, in order to deny the vote to some citizens, but not to others. If that had been the issue, rather than the total abolition of the State's power to levy poll taxes—then, Mr. President, Congress would not only have had the power to legislate; in my opinion, it might well also have had an obligation to legislate under the 15th amendment—an obligation which, if ignored by the Congress, would be assumed by the courts or by other parts of the Federal Government, for the Constitution, in as clear and unequivocal language as any ever written, states:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude. The Congress shall have power to enforce this article by appropriate legislation.

As with the poll tax, Mr. President, so it is with the issue which now confronts us. As an individual Senator, I would have grave constitutional doubts about any piece of legislation which would purport to abolish literacy tests completely in whatever State they might exist, however reasonable they might be and however impartially they might be administered.

But the measure which the distinguished minority leader and the majority leader have introduced today does not purport to abolish literacy tests. On the contrary, the measure affirms by implication the right of the States to require such tests or not to require them, as each State sees fit. But the measure does insist that if States do require such tests, then the Federal Government has the right and the obligation under the 15th amendment to see to it that such tests are not used in a capricious or inequitable fashion to deny the vote, on a subjective and discriminatory basis, to any citizen of the United States. In short, Mr. President, the measure does not deal with the fundamental question of the rights of States to determine the qualifications of voters on the basis of a test of their literacy. Rather, it deals with the reasonableness and impartiality, as among all the citizens of the United States, with which this determination is made.

The Senate will recall that when S. 2750 was introduced, there were some who insisted that the matter was primarily an electoral question and, hence, should be referred to the Rules Committee rather than the Judiciary Committee. The Chair, however, ruled that the bill was preponderantly a civil rights question which should be referred to the Judiciary Committee. The leadership supported and the Senate upheld the ruling of the Chair in a recorded vote.

It would be consistent, Mr. President, if the Senators who opposed the leadership and the Chair on the question of referral were now also to oppose the consideration of the present measure on the grounds that it is primarily an electoral question rather than a civil rights question. It would be consistent if they now took the view that the question should be re-referred to the Rules Committee or should be reintroduced as a proposed constitutional amendment for referral to the Judiciary Committee. I could understand such opposition at this time from the Senators from New York, for example, or others who from the outset regarded the matter primarily as an electoral question. But I find it most difficult to understand how anyone who voted to uphold the leadership's interpretation and the Chair's referral of S. 2750 to the Judiciary Committee can now oppose this measure on the grounds that it is preponderantly an electoral question. The language of this measure and S. 2750 is identical. What was not preponderantly an electoral measure a little less than 90 days ago can hardly be preponderantly an electoral measure today.

The fact is that S. 2750 was adjudged by the Chair more than 2 months ago to be a constitutional rights measure, and the Senate upheld this judgment. And what S. 2750 was, so, too, is the measure now offered. I quote the relevant ruling of the Chair, for it was this ruling which the Senate voted to uphold:

> The bill in question proposed a substitute for subsection (b) of section 131 of the Civil Rights Act of 1957, and in the main, provides that no person shall be subject or attempt to subject any other person to the deprivation of the right to vote in any Federal election, and defines the term "deprivation of the right to vote."
>
> The bill does not confer upon a person the right to vote. That right already exists. It has for its purpose the prevention of discriminations against the right of a person to vote; in other words, it relates to the enforcement of his right to vote.
>
> After a careful and thorough study by the Senate Parliamentarian, the Assistant Parliamentarian, and other parliamentary authorities, the Chair is informed by all consulted that under the historical precedents of the Senate, bills dealing with civil rights, civil liberties, court proceedings, and enforcement of the laws, have universally been held to be within the jurisdiction of the Committee on the Judiciary.
>
> The Chair believes that he should give due consideration to the precedents heretofore

established and follow those precedents unless otherwise determined by the Senate. Therefore, the Chair refers the bill to the Committee on the Judiciary.

I would assume that those who voted to uphold the Chair on the question of referral were in general agreement with these observations of the Chair. It may be, of course, that some had mental reservations, but, certainly, few were expressed. It may be that some felt the subject matter of S. 2750 was properly one for constitutional amendment and therefore should go to the Judiciary Committee on that basis rather than on the grounds of its constitutional rights content.

But I would point out that for the Chair and the Senate to decide the question of referral on the grounds of whether or not a measure should take the form of legislation or a constitutional amendment would be, to the best of my knowledge, unprecedented. Certainly, the Senate is not in the habit of expressing itself on the question of constitutionality before the relevant committee has examined the substance of a bill. In this connection, I would point out that the question of constitutionality was certainly involved in the many bills to abolish the poll tax, but such bills were referred without question to the Rules Committee rather than the Judiciary Committee. I would point out, further, that S. 2750 was referred, within the Judiciary Committee, not to the Subcommittee on Constitutional Amendments but to the Subcommittee on Constitutional Rights.

Mr. President, this brings me to the heart of the issue, as I see it, as one Senator. We are not involved, at the core, in a question of Senate procedure. We are not involved, at the core, in a question of constitutional amendment versus legislation.

The heart of this issue is equalization of the rights of all citizens of the United States to access to the fundamental right of freedom—the right to vote for those who govern. It is to this question which I would hope the Senate will devote its most profound thought. There are undoubtedly arguments against the measure offered by the minority leader and the majority leader, but I would hope that argument will be attuned to the heart of the issue in order that it may clarify, enlighten, and help to resolve, rather than lead the Senate into confusion and indecision.

It is for Senators, individually, of course, to say what they think on this matter, as on any other, or to choose not to say anything at all. And it is for the Senate, as a whole, to delineate the action, if any, which it chooses to take at this moment in time as its contribution to the closing of the gap between the ideals and the practice of freedom in the United States. It is my hope that Senators will engage the Senate not in a test of its endurance, but in a test of its enduring wisdom. It is my hope that the Senate will choose to speak, now, with the same breadth and depth which have fashioned its finest moments. It is my hope that the Senate will choose to act on the issue rather than to avoid action. It is my hope that the Senate will act to include rather than to exclude itself from the shaping of an important segment of the pattern of freedom for the Nation's tomorrow.

At this time I send to the desk an amendment in the nature of a substitute, and ask that it be read and considered.

The PRESIDING OFFICER. The amendment in the nature of a substitute will be stated.

The legislative clerk proceeded to read the amendment offered by Mr. MANSFIELD for himself and Mr. DIRKSEN.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendment in the form of a substitute, offered by the distinguished minority leader and myself, be considered as read, because its contents are identical with S. 2750.

Mr. CASE of South Dakota. Mr. President, reserving the right to object, and, of course, I do not object, just for clarification in my own mind I should like to ask a question of the distinguished majority leader.

Before I do so, I should like to pay tribute to the high level of argument and presentation the Senator has made with respect to this question.

Does the text of the substitute propose in some way to establish a sixth-grade education as a line of demarcation, as a proper literacy test?

Mr. MANSFIELD. Yes. It establishes a sixth-grade education as an appropriate credential for meeting a literacy test for voting purposes.

Mr. CASE of South Dakota. I am wondering what the Senator thinks the effect of that might be in what we call the Indian country. In the State of South Dakota—as I think is true in the State of Montana and in the State of North Dakota—after the Indian Citizenship Act of 1924 was signed by President Coolidge the Indians in the State of South Dakota, at least, voted without any encumbrance whatsoever and without any requirement of a literacy test. Does the Senator think that the proposal or the substitute would suggest to some States which do not now have a sixth-grade education requirement as a literacy test that they should institute one?

Mr. MANSFIELD. Not at all. The amendment does not affect any State not employing a literacy test.

Mr. CASE of South Dakota. I would certainly hope not, because some of the finest, best balanced minds I have ever met I have found among people, both white and Indian, I might say, who have a great deal of commonsense and whose judgment I would as soon be willing to accept, on a jury or in the ballot box, as the judgment of people who have passed the sixth-grade, or in many cases the judgment of those who have gone far beyond that grade, so far as education is concerned.

Mr. MANSFIELD. The Senator is correct. I point out that under the amendment the sixth-grade education is a line of demarcation, by which it would be considered that a person would be literate for the purpose of voting in States in which literacy happens to be a requirement. A person could be eligible if he never went to school, if he is in fact literate.

Mr. CASE of South Dakota. I am sure the Senator from Montana has known Indians, and perhaps whites, who have identified their signatures with an X, as they might mark a ballot, but they have been people of good judgment and good intelligence. As I have said, I would as soon have a verdict on a matter presented to a jury or in the ballot box given by those persons, as to have a verdict given by some with a great deal of formal education.

Mr. MANSFIELD. I agree with the Senator. Since we come from neighboring States, we have somewhat the same problems to face, and I think we look at this problem in much the same way.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from New York.

Mr. JAVITS. I should like for the Presiding Officer to act on the Senator's request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The amendment, in the nature of a substitute, offered by the Senator from Montana [Mr. MANSFIELD] for himself and the Senator from Illinois [Mr. DIRKSEN] is as follows:

Strike out all after the enacting clause and insert the following:

"That (a) Congress finds that it is essential to our form of government that all qualified citizens have the opportunity to participate in the choice of elected officials.

"(b) Congress further finds that the right to vote in Federal elections should be maintained free from discrimination and other corrupt influence.

"(c) Congress further finds that many persons have been subjected to arbitrary and unreasonable voting restrictions on account of their race or color; that literacy tests and other performance examinations have been used extensively to effect arbitrary and unreasonable denials of the right to vote; and that existing statutes are inadequate to assure that all qualified persons shall enjoy the right to vote.

"(d) Congress further finds that education in the United States is such that persons who have completed six primary grades in a public school or accredited private school cannot reasonably be denied the franchise on grounds of illiteracy or lack of sufficient education or intelligence to exercise the prerogatives of citizenship.

"(e) Congress further finds that large numbers of American citizens who are also citizens of the several States are deprived of the right to vote by virtue of their birth and education in a part of the United States in which the Spanish language is commonly used; that these citizens are well qualified to exercise the franchise; that such information as is necessary for the intelligent exercise of the franchise is available through Spanish-language news sources; that lack of proficiency in the English language provides no reasonable basis for excluding these citizens from participating in the democratic process.

"(f) Under article I, section 4 of the Constitution; section 5 of the fourteenth amendment, and section 2 of the fifteenth amendment; and its power to protect the integrity of the Federal electoral process, Congress has the duty to provide against the abuses which presently exist.

"SEC. 2. Subsection (b) of section 2004 of the Revised Statutes (42 U.S.C. 1971) is amended to read as follows:

"'(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such person to vote or to vote as he may choose in any Federal election, or subject or attempt to subject any other person to the deprivation of the right to vote in any Federal election. "Deprivation of the right to vote" shall include but shall not be limited to (1) the application to any person of standards or procedures more stringent than are applied to others similarly situated and (2) the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination, whether for literacy or otherwise, if such other person has not been adjudged incompetent and has completed the sixth primary grade of any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico.

"'"Federal elections" means any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegate, or Commissioner from the territories or possessions.'

"SEC. 3. If any part or provision of this Act is held invalid, all other parts or provisions shall remain in effect. If a part or provision of this Act is held invalid in one or more of its applications, the part or provision shall remain in effect in all other applications."

Mr. JAVITS. Mr. President, before the Senator from Montana yields the floor I should like to ask him a question.

Is it not a fact that under the terms of the proposal any State which has a literacy test may nonetheless pass a voter under that literacy test even if he has not had a sixth grade education? The only thing which the proposal does when a literacy test is imposed, is to provide that a sixth grade education is conclusive evidence of the right to be registered and to vote in Federal elections.

Mr. MANSFIELD. The Senator from New York is correct. It in effect is an equalizer.

Mr. JAVITS. That is exactly correct.

I wish to say—which was my original intention in asking the Senator to yield—I have rarely heard the Senator from Montana so eloquent on the fundamental rights of Americans as he was today. Whatever may be our discussions and arguments on the constitutionality and law—we have already started that in the course of the Senator's fine speech—as the Senator knows, I am one of his fans. He has been remarkably adept in the fine, sincere, and deeply moving presentation of this problem he has made to the Senate today. I congratulate him.

Mr. MANSFIELD. I thank the Senator from New York.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. JORDAN in the chair). The question is on agreeing to the amendment offered by the Senator from Montana [Mr. MANSFIELD], for himself and the Senator from Illinois [Mr. DIRKSEN].

Mr. HILL. Mr. President, as the distinguished majority leader has stated, the pending amendment is identical to S. 2750, the bill introduced on an earlier date by the distinguished majority leader [Mr. MANSFIELD] and the distinguished minority leader [Mr. DIRKSEN].

Mr. MANSFIELD. Mr. President, if the Senator from Alabama will yield for the purpose, I suggest the absence of a quorum.

Mr. HILL. Mr. President, I ask unanimous consent that I may yield for that purpose without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HILL. Mr. President, as I have stated, the pending amendment before the Senate is verbatim and ad literatum Senate bill 2750, which was previously introduced by the majority leader, the distinguished Senator from Montana [Mr. MANSFIELD], and the minority leader, the distinguished Senator from Illinois [Mr. DIRKSEN]. S. 2750 is a legislative proposal that can boast no pride of constitutional ancestry and no hope for honorable posterity.

S. 2750 is a Justice Department foundling dropped on the doorstep of Congress, and Congress is being asked to give a name and respectability to this foundling of other parentage.

The bill would destroy 173 years of constitutional interpretation and practice. It directly violates article I, section 2, the 17th amendment and the 10th amendment of the Constitution. Under the guise of preventing arbitrary discrimination, it seeks further to invade, by statute rather than by constitutional amendment, the power of the States to determine the qualifications of electors. S. 2750 cites the 14th and 15th amendments as authority for this invasion, but neither of these amendments grants Congress any such authority.

Article I, section 2 of the Constitution embodies an enduring principle of democratic self-government: that the people, in electing their representatives, shall also pass upon the qualifications of those who do the electing.

If the reasons for keeping authority over elections in the hands of the States were sound in 1789, when the Constitution was adopted, they are just as sound today. For when the Central Government can tell the people how to choose their representatives, it might soon tell them which representatives to choose.

Mr. President, here are some of the unconstitutional and disruptive things this pending amendment would do:

First. The bill would cast aside in cases of alleged discriminations our Nation's long-established processes which provide for complaint, defense, evidence, and judicial decision based on facts.

Second. It would violate article I, section 2, and the 17th amendment of the Constitution by setting up voting qualifications which under the Constitution are expressly to be fixed by the States.

Third. It would throw the Constitution into conflict with itself, for it would have section 4 override section 2 of article I, and it would have the 14th and 15th amendments override the 17th amendment.

Fourth. It would obscure the distinction made in the Constitution between the qualifications for electors to exercise their privilege to vote, and the mere physical conditions under which that vote is cast.

Fifth. It asks Congress to prejudge every case that might arise involving literacy voting tests, without regard for the facts of the individual case.

Sixth. It would assert a power for the 14th and 15th amendments which the Supreme Court has consistently denied, even as recently as 1959.

Seventh. It would open the way for judicial legislating, which is abhorrent to our American system of government and even now is the cause of bitter disagreement among our people.

Eighth. It would create a new Federal crime, for any State official could be punished should he refuse to exempt from the requirements of existing State literacy laws any person who has completed the sixth grade and has not been judged incompetent.

Ninth. It would create two classes of voting citizenship: one for Federal elections, another for State and local elections which do not concur with Federal elections.

Mr. President, let us examine first the legislative history and then the judicial history of this matter before us.

At the time of the Constitutional Convention in 1787, the framers of the Constitution were well aware of the diverse State requirements and qualifications for voting.

Mr. ERVIN. Mr. President, I wonder if it would inconvenience the Senator from Alabama to yield for several questions at this point.

Mr. HILL. The Senator from Alabama is delighted to yield for questions by the Senator from North Carolina.

Mr. ERVIN. I ask the Senator from Alabama if the advocates of the literacy test bill do not claim that it is a bill to secure the right to vote in Federal elections for illiterate people who possess all the other qualifications for voting.

Mr. HILL. The Senator is correct. The Senator is the distinguished chairman of a Subcommittee of the Judiciary Committee of the Senate. The Senator from North Carolina has presided over all the hearings and has heard all the arguments for and against the proposed measure.

Mr. ERVIN. In connection with my next question to the Senator from Alabama, I ask him to pay close heed to the crucial part of the bill (S. 2750) as I read it to him.

Mr. HILL. The Senator from Alabama will be glad to have the Senator ask any question he may see fit to ask, and, in order to do so, lay his predicate.

Mr. ERVIN. I ask the Senator from Alabama if the crucial part of the bill is not found on lines 11 to 21 of section 2, which appears on page 3 of the bill.

Mr. HILL. The Senator is exactly correct.

Mr. ERVIN. I invite the attention of the Senator from Alabama to the following specific lines, and ask if those words do not constitute the heart of the bill when some nongermane portions are omitted:

> Deprivation of the right to vote shall include—

Omitting certain words—

> the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination, whether for literacy or otherwise, if such other person—

I am leaving out some of the immaterial words—

> has completed the sixth primary grade of any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico.

Mr. HILL. The Senator is exactly correct. The heart of the bill is to be found in the language which the Senator has read.

Mr. ERVIN. When the legal jargon of the literacy test bill is reduced to plain English words, does it not provide that, although a State may prescribe a literacy test as a qualification for voting in all elections, and although an applicant to register may demonstrate by his own performance on a literacy test that he is illiterate, a State election official could not refuse to register him because of his demonstrated illiteracy if the applicant happened to have completed the sixth grade?

Mr. HILL. The Senator is exactly correct.

Mr. ERVIN. Does not the Senator from Alabama agree with me that Senate bill 2750 is not a bill to secure to literate people otherwise qualified to vote the right to vote, but, on the contrary, is a bill to require State election officials to register for voting in Federal elections illiterate people who have completed the sixth grade of school.

Mr. HILL. The Senator is exactly right.

Mr. ERVIN. Does not the bill undertake to make States discriminate between two different types of illiterate people, namely illiterate people who have not completed the sixth grade and illiterate people who have completed the sixth grade?

Mr. HILL. The Senator is exactly right. That is exactly what the bill would do.

Mr. ERVIN. I will ask the Senator from Alabama a further question. Inasmuch as a crucial part of the bill clearly reveals that the only thing which it will do is to require the registration of illiterate people who have completed the sixth grade, does it not necessarily follow that all the talk about it being a bill to try to prevent discrimination against literate people is nonsense?

Mr. HILL. It does not make any sense at all.

Mr. ERVIN. I will ask the Senator one or two other questions. I will ask the Senator from Alabama if virtually all of the States of the Union do not have compulsory school attendance laws which require children to attend school from about age 6 to about 14 or 15 or 16 years of age.

Mr. HILL. I believe that practically every State has some such statute.

Mr. ERVIN. I will ask the Senator from Alabama if educators throughout the country have not recognized that there is something of a psychological disaster in permitting children with strong physical bodies but undeveloped minds to remain in classes which are designed primarily for small children.

Mr. HILL. The Senator is correct.

Mr. ERVIN. I will ask the Senator from Alabama if, as a result of this fact, the schools of the country do not have the practice of making what they call social promotions, under which they promote through the primary grades and up to the first year of high school physically large students who have acquired no education whatever and no ability to read or to write, in order to avoid having 6-footers in the first grade along with small children.

Mr. HILL. Yes; taking into account the bad psychological effect the presence of such a large child would have on the rest of the class, and the effect it would have on morale and the esprit de corps and on the whole spirit of that class.

Mr. ERVIN. I will ask the Senator from Alabama if, in consequence of these things, educators who are informed do not now agree that the completion of a primary grade does not furnish any insurance that the person who has allegedly completed the primary grade has the capacity to either read or write.

Mr. HILL. I believe all the authorities would confirm what the distinguished Senator from North Carolina has said. The Senator is exactly correct.

Mr. ERVIN. I thank the Senator.

Mr. HILL. I thank the Senator for his questions.

Mr. President, the Founding Fathers knew that the States were jealous of their rights to set the qualifications for voting, and that the States had no intention of yielding their powers on this subject to the National Government. Indeed, had the Constitution provided otherwise, there is no question that the Constitution would never have come into being, because it would never have been ratified.

That is why, Mr. President, in the very beginning, article I, section 2 of the Constitution vested in the State governments the power of fixing the qualifications for voters. This section provides as follows:

> The House of Representatives—

That is, the House of Representatives of the Congress of the United States—

> shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

How could any language be clearer? It would seem that nothing could be clearer than the language in this section of the Constitution.

The Chair will recall that the 17th amendment provides for the direct election of Senators, and in accord with the provisions of that amendment, which contains identical language, the same would be true with respect to the Members of the Senate. No language could make it more explicit. The entire matter of the qualification of the voters is left by the Constitution of the United States to the States. Whomever the State designates as its electors of the most numerous branch of its legislature shall be the constitutional electors of the House of Representatives, and pursuant to the 17th amendment, shall be the electors for the election of the Members of the Senate.

Mr. President, line 22, on page 2 of the bill, S. 2750, recites that under article I, section 4 of the Constitution, the Congress has authority to enact the provisions of this measure. Let us turn for a moment to that section of the Constitution. It reads:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The times, places, and manner of holding the elections for Senators and Representatives shall be prescribed in each State by the legislature thereof. The times, places, and manner; "but the Congress may at any time make or alter such regulations." What are the regulations that Congress may make or alter? Clearly, the times, places, and manner, and nothing else: the time when and the places where the elections shall take place. This is clear and unmistakable.

Surely, there is no room for doubt as to the import of the term "manner." Such a word cannot relate to the qualification of electors. The qualification of electors, in the first place, is set out specifically, directly, and explicitly in section 2 of article I. The word "manner" does not go to the qualification of electors. It goes to the question of the manner in which the election shall be held, and in what manner the election machinery shall be set up and the time and place for the election. This section can give no comfort to those who claim that in some way it authorizes Congress to pass this bill and prescribe the educational qualifications for voters.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. RUSSELL. I should like to ask the Senator if it is not true that, in addition to the express provision of the Constitution which grants to the States the power to prescribe qualifications of the electors, the 10th amendment, with respect to the reserved powers of the Bill of Rights, would protect the rights of States in determining the qualifications of voters if there were not any other expression whatever in the Constitution on that subject?

Mr. HILL. The Senator is correct.

Mr. RUSSELL. There has been a tendency to put the 10th amendment into cold storage, so to speak. As the

Senator well knows, when we get into certain areas, particularly with reference to proposed legislation, of late, there has been a trend toward centralization.

The 10th amendment to the Constitution was the bulwark of the Bill of Rights, and without the assurance it would be proposed and adopted the original Constitution would never have been ratified.

By its own terms, it protects the rights of the States to prescribe the qualifications of voters. The 10th amendment reads:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Nowhere in the Constitution is there anything which delegates to the United States any power whatever except that just read by the Senator, which is with respect to the time, place, and manner of holding elections. Certainly there is nothing in the Constitution which prohibits the prescribing of qualifications by the States; on the contrary, the States are given the widest leeway and freedom to prescribe qualifications under article I, section 2, and then in the 17th amendment.

So the right to prescribe the qualifications of voters is also vested in the States under the 10th amendment, which many persons would like to get rid of. Nevertheless, it is still in the Constitution; it has not been repealed. It has been disregarded and pummeled by the courts and by the Executive, and kicked occasionally by Congress; but it is still in the Constitution, and that right is reserved to the States, respectively, or to the people. The portion I have quoted specifically is set forth in the 10th amendment.

Will the Senator be so good as to point out to those who rely on the 15th amendment to deal with this subject as a basis for the proposed legislation that that amendment has nothing whatever to do with the question? It does not even remotely touch it in any way, shape, or fashion. If it had been thought that it did, I ask the Senator if he does not believe that when the 17th amendment was adopted, the same provision which was included in the 15th amendment—and those who voted on the 17th amendment were aware of the debates on the 15th—if it had been thought that it dealt with a hindrance to electors in the States, would have been placed in the 17th amendment?

I ask the Senator if the 15th amendment has anything to do with the prescribing of voting rights, so far as those qualifications do not by law disqualify any person on account of race or color.

Mr. HILL. The Senator from Georgia is absolutely correct. I thank him for the questions which he has addressed to me. A little earlier in my remarks I had referred to the 10th amendment, which provides that only those powers which were not delegated by the States to the Federal Government should be absolutely reserved to the States and to the people. That was the purpose of placing the 10th amendment in the Constitution.

As the Senator knows, the Constitution did not receive unanimous acclaim when it was submitted to the States. Some considerable questions were raised and among them was the question whether the States had delegated too much of their power to the Federal Government.

The Senator will recall that two of the greatest patriots of the Revolution, Patrick Henry, whose eloquence lit the fires of the Revolution, and George Mason, who was the author of the Virginia Bills of Rights, were among the outstanding objectors.

Incidentally, it was Woodrow Wilson who said that he would rather have been the author of the Virginia Bill of Rights than of any other document penned by the hand of man.

Patrick Henry and George Mason were opposed to the ratification of the Constitution because they were fearful that perhaps the State had given away some powers which they should not have given away; or that the Constitution might in some way be seized upon to take away from the States powers which the States had never intended to delegate to the Federal Government.

Mr. RUSSELL. I ask the question I have in mind. I should like to say that I was called from the Chamber, so perhaps the Senator may have touched on this subject. Is it not true that the question of the qualifications of voters was specifically discussed in Virginia, North Carolina, Delaware, and other States which were slow to ratify the Constitution, and that they were assured in every instance by those who had penned the Constitution and had affixed their signatures to it that they had undertaken to make it so clear that even a wayfaring man who was a fool could see, that the right to say who should or should not vote was reserved solely to the States?

Mr. HILL. The Senator is absolutely correct. A reading of the notes of the Constitutional Convention held in Philadelphia in 1787 would show how jealous the delegates were; how many questions were asked about this very subject; and how careful the delegates were to make certain that powers were not delegated to the Federal Government which would in any way take from the States the power of prescribing the qualifications for the electors and qualifications for the voters.

As the Senator from Georgia has well said, after the Constitution had been written, it did not have binding effect until it was ratified by at least nine States. Each State held a convention. It was necessary to hold a convention to determine whether the particular State would ratify the Constitution.

If one will study the notes of the State conventions, he will find that there was no question raised so seriously or which was of so much import or emphasis as the very question as to whether the fixing of qualifications of electors was left entirely to the several States.

As I said earlier, if the delegates to the Constitutional Convention in Philadelphia in 1787 and the delegates to the State conventions had not been absolutely certain that the fixing of qualifications was left to the States, there would have been no Constitution; we would have no Constitution.

Mr. RUSSELL. Mr. President, will the Senator from Alabama yield for a further question?

Mr. HILL. I yield to the Senator from Georgia.

Mr. RUSSELL. Is not that a clear manifestation of the great wisdom and prescience of those who wrote the Constitution, in that their experience, their knowledge of history, and their knowledge of the frailties of human nature enabled them to know that the rights of man in this country, so far as voting power and the right to control the counting of votes and the prescribing of qualifications, was broken down into segments? Does not the Senator know that more dictators have ridden into power and more governments have been centralized, with the resulting loss of liberties of the people, through the ability to have complete control of the ballot box? Does not the Senator agree that this bill, in common with all the others which are brought forward with the tacit admission that they are unconstitutional, but that they are needed so badly that they ought to be passed anyhow, can eventually lead, step by step, to a voting system in this country whereby all the ballot boxes will be sent to Washington and all the votes will be counted in the District of Columbia?

Does not the Senator agree that if that sad day ever comes, it will mean that the light of liberty in this country will have a very short time to burn, because certainly the party in power, always with the pretense and with the belief that it is acting in the general welfare, will perpetuate itself in office, and eventually we will have in the United States a man on horseback, the very thing which the Founding Fathers strove so hard to prevent when they wrote the Constitution?

Mr. HILL. The Founding Fathers were students of history, students of human nature, students of government. They understood exactly what the distinguished Senator from Georgia has stated this afternoon. Once the door is opened and an invitation extended for the Central Government to enter and take over the ballot boxes, what will happen? The government will be moved from back at the grassroots, from back at the crossroads, from little towns and communities, to the centralized Government in Washington. The Senator is so correct.

Mr. RUSSELL. Does not the Senator agree that many persons are in positions of power in the United States today who honestly believe that every facet of life should be dictated by an all-powerful bureaucracy in the city of Washington?

Mr. HILL. There are those who hold to that belief. If that day comes, then our dual form of government, our Government of, by, and for the people, will all have been transferred to Washington.

The Senator from Georgia is absolutely correct in his statement about the

15th amendment. A little further in my remarks, I intend to deal with the subject of the 15th amendment and its history, and shall quote from some of the debate which took place in the Senate, showing that there was no intent, purpose, or idea, or thought that the 15th amendment should be used in any way as a basis for any such legislation as is now proposed to the Senate.

Mr. RUSSELL. No Member of this body has displayed a greater diligence, energy, and erudition in pointing out the fallacies and dangers which lie in legislation of the type which is now proposed than has the Senator from Alabama. I always feel better when he has the floor, for I know how thoroughly and completely he covers the subject and the complete dedication with which he acts to preserve our dual form of government—an indestructible union of indestructible States.

Mr. HILL. Mr. President, I thank the distinguished Senator from Georgia for his most generous and kind remarks. I know of no one whom I would rather have make such a statement, for the distinguished Senator from Georgia is our leader in this cause; and surely no cause ever had a more indefatigable or more dedicated or abler or more inspiring leader than the distinguished Senator from Georgia.

Mr. RUSSELL. I thank the Senator from Alabama.

Mr. HILL. I thank my friend.

Mr. President, the pending amendment, the embodiment of Senate bill 2750, would have Congress say to all the States that any person in a State who has not been adjudged mentally incompetent and who has completed the sixth grade will be qualified to vote in any Federal election, regardless of whether that person has the qualifications requisite for electors of the most numerous branch of the State legislature.

However, this cannot be reconciled with the requirements in the Constitution that the electors in Federal elections in each State shall have the qualifications requisite for electors of the most numerous branch of their legislatures.

As suggested by the distinguished Senator from Georgia, it has been said by some that the 15th amendment grants to Congress the power to pass the pending measure, and thus prescribed a Federal literacy standard. It has been claimed by many who support this proposal that, by authority of the 15th amendment, Congress has the power to prohibit the States from administering literacy tests to citizens who have completed six grades of school.

In an editorial published on March 22 of this year the New York Times seemed to sum up the position of the proponents of this measure. The Times took the position that the 15th amendment grants to Congress authority to pass the literacy test bill. After stating that the six members of the Civil Rights Commission unanimously proposed that Congress declare all persons with six grades of schooling to be literate for voting purposes, the Times editorial states as follows:

> Congress constitutional power to take such a step seems clear. The 15th amendment bans racial discrimination in voting and authorized Congress to enforce the command by "appropriate" legislation. The proposed statute would not annul the States rights to make literacy a qualification for voting. It would simply recognize that all experts consider such graduates to be literate, and it would find State action to the contrary motivated by an intention to discriminate on racial grounds.

Of course, neither the New York Times editorial which I have just quoted, nor the proponents of this measure, have cited their specific authority or demonstrated in accordance with the rules of constitutional law how the pending proposal comes within the power granted to Congress by the 15th amendment. It is simple enough to say that the 15th amendment bans racial discrimination in voting and that it authorizes Congress to enforce the command by appropriate legislation. It is simple enough for proponents of the bill to describe this measure as appropriate legislation. That is the question: Is it appropriate legislation?

The question of whether this bill could be construed as appropriate legislation to enforce the provisions of the 15th amendment is crucial to this debate. It brings into question the operation, the intended effect, and the scope of the 15th amendment. To ascertain the intended meaning of the 15th amendment, it is necessary to go back to the proceedings and the debates in the Congress during the 1860's, at the time when section 2 of the 14th amendment and the 15th amendment were proposed and passed by Congress and were submitted to the States, for ratification. Both of these provisions, as we know, were the outcome of the drive for a suffrage amendment.

Mr. President, shortly after the end of the War Between the States, when the so-called loyalists or unionists were in absolute, unbridled control of the Congress of the United States, beginning approximately in 1866, there began a strong drive to enfranchise the freed Negro slaves in the South. But the drive soon encountered severe difficulties. The people of the North were quite willing—indeed, they were more than anxious—to have the recently freed and largely illiterate slaves of the South vote in State and Federal elections. However, when it came to the matter of who could vote and who should be qualified to vote in the Northern States, that was entirely a different question, a horse of a different color. It was soon found that, under the Constitution, Congress did not have the power to enfranchise anyone.

At the same time, it was perceived that a suffrage amendment to the Constitution could not be limited to the Confederate States; that such an amendment would also apply to the Northern States. This was something they did not want—indeed, it was something they would not tolerate. In fact, this is the obstacle that took the steam out of the drive to enfranchise the some 4 million southern Negroes, who had been freed as a result of the War Between the States.

For example, on January 23, 1866, Senator Henderson introduced a joint resolution—Senate Resolution 23—proposing an amendment to the Constitution. This proposed amendment was referred to the Joint Committee on Reconstruction. It provided as follows:

> No State, in prescribing the qualifications requisite for electors therein, shall discriminate against any person on account of color or race.

The Joint Committee on Reconstruction, which is not to be remembered as a timid group, reported to the Congress, in House Report No. 30, 39th Congress, 1st session, page xiii, 1866, as follows:

> Doubts were entertained whether Congress had power, even under the amended Constitution, to prescribe the qualifications of voters in a State, or could act directly on the subject. It was doubtful, in the opinion of your committee, whether the States would consent to surrender a power they had always exercised, and to which they were attached.

Note that even in 1866, the Joint Committee on Reconstruction, the members of which certainly wanted to do everything they could to enfranchise the southern Negroes, was doubtful whether under an amendment Congress could prescribe the qualifications for voters. This committee stated—and I quote again:

> It was doubtful, in the opinion of your committee, whether the States would consent to surrender a power they had always exercised, and to which they were attached.

The report continued:

> As the best, if not the only method of surmounting the difficulty, and as eminently just and proper in itself, your committee came to the conclusion that political power should be possessed in all the States exactly in proportion as the right of suffrage should be granted, without distinction of color or race. This it was thought would leave the whole question with the people of each State, holding out to all the advantage of increased political power as an inducement to allow all to participate in its exercise. Such a provision would be in its nature gentle and persuasive, and would lead, it was hoped, at no distant day, to an equal participation of all, without distinction, in all rights and privileges of citizenship, thus affording a full and adequate protection to all classes of citizens, since all would have, through the ballot box, the power of self-protection.

In other words, the Committee on Reconstruction made it very clear in its report that they did not think the States were going to surrender their right to fix qualifications for their voters. Therefore, they recommended to the Senate what we now know as the 14th amendment, whereby if certain citizens did not vote, the representation of that State in the House of Representatives would be reduced. They did not go to the question of qualifications; they merely said that in counting the number of people who would be represented, some would be counted and some would not be.

This recommendation of the Joint Committee on Reconstruction eventually became section 2 of the 14th amendment. The 14th amendment was proposed by Congress on June 13, 1866, when it passed the House, having previously passed the Senate on June 8. I will review some of the proceedings in the Congress at that time, during 1866, concerning the drive for a suffrage amendment.

On January 22, 1866, Representative Conkling, of New York, made this statement on the floor of the House of Representatives:

> The second plan mentioned, the proposition to prohibit States from denying civil or political rights to any class of persons, encounters a great objection on the threshold. It trenches upon the principle of existing local sovereignty. It denies to the people of the several States the right to regulate their own affairs in their own way. It takes away a right which has been always supposed to inhere in the States and transfers it to the General Government. It meddles with a right reserved to the States when the Constitution was adopted, and to which they will long cling before they surrender it. No matter whether the innovation be attempted in behalf of the Negro race or any other race, it is confronted by the genius of our institutions. But more than this. The Northern States, most of them, do not permit Negroes to vote.

That was the great Mr. Conkling, later a Senator from New York, speaking.

Mr. ROBERTSON. Mr. President, will the Senator yield for a question?

Mr. HILL. I yield to the Senator from Virginia for a question.

Mr. ROBERTSON. The Senator has referred to the Joint Committee on Reconstruction, which recommended the 14th amendment.

Mr. HILL. That is correct.

Mr. ROBERTSON. The Senator will recall that a very distinguished member from Michigan named Howard was a member of that committee.

Mr. HILL. The Senator is correct. The Senator from Alabama was going to quote from Senator Howard. If the Senator from Virginia has a good reference to what Mr. Howard said, I am happy to let him proceed.

Mr. ROBERTSON. Did not Senator Howard say this, as did many other Senators:

> As many of the Senators well know, I served on the Joint Committee on Reconstruction, who reported the 14th amendment to the Constitution to the Senate and to the House of Representatives; and I am not unfamiliar with the object of that amendment. It was discussed at great length before the committee, and by the committee, as well as in the Senate; and I feel constrained to say here now that this is the first time it ever occurred to me that the right to vote was to be derived from the 14th article. I think such a construction cannot be maintained. No such thing was contemplated on the part of the committee which reported the amendment; and if I recollect rightly, nothing to that effect was said in debate in the Senate when it was on its passage.

Did not Senator Howard continue to say:

> The construction which is now sought to be put upon the first section of this 14th article, it seems to me, is plainly and flatly contradicted by what follows in the second section of the same article. After declaring in the first section that "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside"; and after declaring that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States"; the second section goes on to say: "But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State," etc.

And did not Senator Howard add:

> These are plainly and in the clearest possible terms [words] recognizing the right of each State to regulate the suffrage and to impart or to declare the necessary qualifications—

And so forth. Is that not what Senator Howard said?

Mr. HILL. The Senator is absolutely right. I thank the Senator from Virginia for reading the words of Senator Howard. Those words were spoken on the floor of the Senate by a Member of the Senate, making clear, definite, and explicit just what the words of the 14th amendment meant.

Mr. ROBERTSON. And those were words uttered by a man who was a member of the subcommittee that framed the language.

Mr. HILL. Senator Howard was a member of the committee that wrote the 14th amendment, and he knew exactly what the purpose of the amendment was and what the amendment was supposed to do. We could have no better witness as to the meaning of the 14th amendment than the words of Senator Howard, of the drafting committee.

Mr. ROBERTSON. Are we not told on this floor by advocates of the literacy test bill that James Madison and Alexander Hamilton—who helped draft the Constitution, including section 2 of article I, and who wrote repeatedly in the Federalist Papers that this section clearly reserved to the States the right to fix the qualifications of voters—did not know what they were talking about?

Mr. HILL. That is absolutely correct.

Mr. ROBERTSON. Is it not true that when they say section 4 of article I, relating to times, places, and manner of holding elections, repeals section 2 of the same article, they question the wisdom of the greatest group of statesmen who ever lived?

Mr. HILL. Only a few lines down from section 2 of article I, they wrote section 4 of article I.

Mr. ROBERTSON. That shows what was done by those who considered the matter, and makes it clear that Congress has no right to legislate in this field.

Mr. HILL. We know that James Madison made such a great contribution to the writing of the Constitution that he has been known in our history as the father of the Constitution. Who better knows what the authors of the Constitution had in mind? Who better knows what they intended, and the purpose and the meaning of the Constitution, than James Madison himself?

We also know of the contributions made by Alexander Hamilton. Whereas some of his ideas were rejected, many were adopted, and we know he made many contributions to the Constitution, that he had a magnificent, analytical mind, knew exactly what they were doing, knew exactly what they were writing, and knew exactly what the Constitution meant.

Mr. ROBERTSON. Is it not a fact that Hamilton wanted to put a property test in the Constitution as a qualification for voters but that he and other delegates refrained from doing so for fear that the Constitution would not be ratified by the States?

Mr. HILL. That is correct. He said that had the Constitutional Convention tried to do anything about prescribing the qualifications of voters other than what they did, namely, leave the fixing of the qualifications wholly and entirely and solely to the States, the Constitution would not have been ratified.

Mr. ROBERTSON. Is it not true that Oliver Ellsworth of Connecticut referred to the power to determine voter qualifications as one of "the very tender issues" at stake in the framing and ratification of the Constitution?

Mr. HILL. Yes.

Mr. ROBERTSON. For these delegates it was the right of each sovereign State to fix the qualifications of its electors.

Mr. HILL. There was nothing more fundamental. The debates, all of Madison's notes, and the other notes on the Philadelphia convention of 1787 and on the State conventions, the members of which came together to ratify the Constitution, contained nothing more fundamental, in the minds of the delegates, than the fact that they wished to be sure of safeguarding the rights of the States to fix qualifications of voters. There was nothing they were more jealous of or more careful about than the matter of leaving it entirely to the States to fix the qualifications of voters.

Mr. ROBERTSON. Madison, Hamilton, and others made it crystal clear what section 2 of article I meant; the Reconstruction Congress verified that the 14th and 15th amendments gave the Federal Government no power to determine the qualifications of voters; and, finally the identical language of article I, section 2 regarding voter qualifications is repeated in the 17th amendment. Is it not true, however, that the sponsors of S. 2750, in spite of the legislative history to the contrary, say, "It just ain't so?"

Mr. HILL. The Senator is correct. The Congress of the United States and the people, speaking through their legislatures in the States, reaffirmed and ratified again in 1913, through the 17th amendment, the principle that the fixing of the qualifications of voters should be reserved to the States.

Mr. ROBERTSON. Absolutely.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. HILL. I yield to the distinguished Senator from Mississippi for a question.

Mr. STENNIS. Mr. President, as a preface to the question, I should like to invite the special attention of the Senator from Alabama to the place in the Constitution that we find clause 1, section 2 of article I.

Is it not true that the framers of the Constitution thought this matter was so important that they settled it within the first 50 words of the Constitution itself—as shown in the copy of the Constitution I have before me, in less than the first 8 lines?

Mr. HILL. The distinguished Senator is exactly correct.

Mr. STENNIS. They made that provision.

Mr. HILL. They settled it on the very first page, after the preamble, in the first few lines.

Mr. STENNIS. That is where is located the provision:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Mr. HILL. The Senator is correct.

Mr. STENNIS. I ask the Senator if it is not true that the Congress has no power whatsoever to enact a law concerning the qualifications of electors who are to be qualified to vote under State law.

Mr. HILL. The Senator is absolutely correct.

Mr. STENNIS. Does not the Constitution plainly provide that such persons must be qualified under State laws in order to vote for Members of the House of Representatives?

Mr. HILL. No language could be clearer, no language could be more explicit, no language could be more specific than the language which provides, as the Senator so well stated:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Mr. STENNIS. That question is a preface for another question I wish to ask the Senator. Should the proposal actually be enacted by the Congress, signed by the President, and upheld by the courts—which God forbid—how could the proposed law live within the plain meaning of the Constitution of the United States?

Mr. HILL. There is no way in the world to reconcile the amendment with the plain and clear language of the Constitution of the United States. One cannot reconcile them.

Mr. STENNIS. In other words, if we read the proposal in we must read the Constitution out; is that a fair way to express it?

Mr. HILL. That is exactly correct. The Constitution would go out. We must remember that if the literacy test provision supersedes the Constitution it will open the door and will extend an invitation to eliminate other provisions from the Constitution.

Mr. STENNIS. Has not the Senator from Alabama heard it said on the floor of the Senate in the past few days, including today, that at this juncture in American history, after many years, there is a movement in the Congress to change the time-proven, honored and respected provision of our constitutional government? Does not the Senator think that is primarily an effort to attract minority votes, with the political overtones of such a movement, particularly in an election year? Is that not the hard truth?

Mr. HILL. There is no question about it. It is absolutely the hard truth.

As the Senator from Alabama previously said, the proposal is a foundling. It has no legitimate parentage. Clearly it could not be conceived under the Constitution of the United States. It is motivated by politics, of course. The political motivation brings the proposed measure to the Senate of the United States.

Mr. STENNIS. If that does happen, yield further, I have one more question. Is not the question whether the Constitution was written as a true guideline, or whether we shall let it sway with the winds and with the times, writing cut its meaning and writing in new interpretations on the legislative floor? Is that not what we are asked to do?

Mr. HILL. The Senator is correct.

Mr. STENNIS. If that does happen, will we any longer have a real written Constitution as we have understood it? Does the Senator agree with me?

Mr. HILL. We shall no longer be able to say, "We have a Government of laws and not a Government of men." The Constitution would be subject to the whims of the majority, however the majority might be constituted at any moment in history.

Mr. STENNIS. In other words, the Constitution would be gone as a written instrument. Does the Senator agree?

Mr. HILL. The very foundation stone of the Constitution would be gone, because nothing is so fundamental to our constitutional system of government, to our dual form of government, and to the protection of the rights of the States and the rights and liberties of the people, as the Constitution of the United States.

Mr. ROBERTSON. Mr. President, will the Senator yield for a question?

Mr. HILL. I yield to the distinguished Senator from Virginia for a question.

Mr. ROBERTSON. The Senator referred to the political considerations and implications of the proposal. Would the bill confer the right to vote upon Puerto Ricans in New York City, who cannot read, write, or speak English, if they have had as much as a sixth grade education somewhere?

Mr. HILL. The bill, S. 2750, would confer that privilege upon certain people who cannot read, write, or speak English. Has the Senator from Virginia given careful thought to this provision of the bill?

Mr. ROBERTSON. The Senator from Virginia finds in S. 2750 a provision which would nullify a section of the constitution of New York State. Under that constitution no one who cannot read and write English can qualify to vote. It is significant, I think, that the two distinguished Senators from New York, who introduced bills on this subject, did not see fit to put so-called "Spanish language" provisions in their bills.

Mr. HILL. It is certainly not in their bills. It is very much in evidence by its omission, I say to my distinguished friend from Virginia.

Mr. ROBERTSON. If the Senator will look at S. 2750, I ask him if there is not a provision relating to literacy of prospective voters—and I invite attention now to line 18 on page 3—which says:

> If such other persons has not been adjudged incompetent and has completed the sixth primary grade of any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico.

Mr. HILL. The Senator is absolutely correct.

Mr. ROBERTSON. Here we find the Spanish language provision.

Mr. HILL. That is the language, exactly, in the bill which is now before the Senate in the form of an amendment.

Mr. ROBERTSON. Is not the purpose of this provision to qualify Puerto Ricans, who cannot read, write, or speak English?

Mr. HILL. Yes.

Mr. ROBERTSON. How can the 14th or the 15th amendments, which deal with discrimination on account of race, color, or previous condition of servitude, be used as authority for voiding a provision of New York's constitution that concerns the ability of a prospective voter to read and write the English language?

Mr. HILL. The Senator is correct. It is not a question of their race, color, or any previous condition of servitude. As the Senator says, it is a question relating to the fact that they cannot read or write the English language.

Mr. ROBERTSON. But we are told the Congress can violate the Constitution and can qualify those persons to vote, though the only discrimination against them has been their inability to speak English.

Of course, the Senator knows that the 14th and 15th amendments have nothing to do with whether a voter can speak English or any other language.

This is but one of the absurdities of the proposal.

Mr. HILL. The Senator is exactly right.

Mr. STENNIS. Before the distinguished Senator from Alabama resumes his speech, will he yield to me for another question?

Mr. HILL. I yield for a question.

Mr. STENNIS. A few moment ago we discussed possible innovations in the Constitution. I wish to preface what I have to say with the brief statement that if our Constitution is to be scrapped, discarded, or turned around as a matter of expediency for the purpose of enacting civil rights bills or the passage of any other law, certainly the foundation stone of our basic law will fail to serve its purpose and, to that extent, our form of government is certain to crumble.

Frankly, I have not much complaint about a real good faith 6th grade education as a literacy test. I think that, within itself, there is some logic in favor on a sixth grade education as a reasonable literacy test. There should be other requirements showing a knowledge of

Government. But on the question of whether we should create such a test by statutory enactment—a plain act of Congress—I can see no possible middle ground. Should we not adhere to one method for such changes—by constitutional amendment—which is the method that has always been followed, plainly provided in the Constitution, or should we abandon that method and go the other route and, in effect say, "We have the power anyway"? Is there any middle ground or argument, such as, "the end justifies the means," that can possibly stand under our form of government?

Mr. Hill. There is no middle ground. All who have sought to seize power or to do the things they wished to do, in spite of the fact that they had no right to do so, have always seized upon the slogan, "Oh, liberty, what crimes are committed in thy name."

Anytime one wished to do something that he had no right to do—for example, to commit some crime—he would do so in the name of liberty.

There is no middle ground. There is but one constitutional, legal, and lawful way to change the Constitution of the United States. That method is not by virtue of a statute passed by Congress and signed by the President, but according to the procedure and the method prescribed by the Constitution of the United States itself. That method requires the approval of two-thirds of both Houses of Congress to submit the proposed amendment to the States, and then the ratification of that amendment by the legislatures of three-fourths of the States of the Union.

Mr. STENNIS. I believe the Senator is correct. There is no middle ground. We must take one course or the other. We must either uphold the Constitution or crush it and deny its plain provisions. I believe our duty as Senators is clear. We have no choice except to follow the plain mandates of the Constitution. If the people wish to change the law in the proper way, we should propose a Constitutional amendment and let the States pass on it. That is an altogether different matter. Does the Senator agree?

Mr. HILL. That is the constitutional way to bring about a change in the Constitution. Under our system of government, it is the only constitutional, lawful, and legal way to bring about a change in the Constitution.

Mr. STENNIS. It is the only way Congress can do so in order to preserve the letter and spirit of our organic law.

Mr. HILL. It is the only way.

Mr. STENNIS. I thank the Senator for yielding to me.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. ROBERTSON. The Senator from Mississippi has raised an interesting question about amending the Constitution in order to take from the States their power to fix the qualifications of voters. The Senate recently voted on an amendment to abolish poll tax. Is not the real reason the leadership did not proceed in the same manner that Senators know three-fourths of the States would never vote to give the right to fix such qualifications to the Federal Government?

Mr. HILL. The Senator is correct. They realize they could not successfully proceed in that manner, because three-fourths of the States would not be willing to surrender that power. They would not be willing to take it out of the hands of the people back home and give it to the Federal Government. The Senator is exactly correct.

Mr. ROBERTSON. The Senator is sorry that he cannot fully endorse the position of the Senator from Mississippi [Mr. STENNIS] on the point that a sixth-grade education may be a satisfactory test. Only a few days ago the Department of Health, Education, and Welfare issued a bulletin in which the following statement was made:

> Persons who have less than 5 years of formal schooling thus lack, by and large, the background for effective performance as employees and as citizens. For these reasons they are frequently called functional illiterates.

The statement relates 5 years of formal education and less to functional illiteracy. We know that a retarded student often becomes a bully who cannot stay with the little children. He is a functional illiterate, and yet he is promoted until he completes the sixth grade.

The Senate would say, "Ipse dixit. His passing the sixth grade establishes a conclusive presumption that he is qualified to vote."

But he should not be; he is illiterate.

Mr. HILL. Such a boy is promoted to safeguard and protect the education and development of the other children in the schools.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from Minnesota for a question.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The Senator from Alabama yields to the Senator from Minnesota.

Mr. HUMPHREY. The Senator from Virginia will agree with me, of course, that his statement does not apply to the State of Minnesota. We do not make promotions of the description given by the Senator from Virginia. I should like to have my State excluded on that basis.

Mr. HILL. The Senator is within his rights to make that request.

Mr. ROBERTSON. The Senator wishes to deny any implications with respect to the great State of Minnesota. They have good schools and grand citizens. I shall have to admit that in the War Between the States they were tough soldiers, but the State was settled by Virginians.

Mr. HUMPHREY. I thank the Senator. Mr. President, will the Senator yield further?

Mr. HILL. I yield to the distinguished Senator from Minnesota.

Mr. HUMPHREY. First of all, I wish to commend the Senator from Alabama and the Senator from Virginia on both their good humor and the determination of their argument. But, of course, the Senator realizes that in the Vice President's office in the Senate wing of the Capitol is a bust or a statue of a gentleman by the name of Henry Wilson. Henry Wilson once served as Vice President of the United States. He died in this Chamber in the year 1876.

He never had 1 full year of formal education. Yet I would say that he was a very literate man. The record in the Vice President's office shows that he was not only a literate man, but also he was educated, enlightened, three times U.S. Senator, a distinguished citizen from the State of Massachusetts, a world-famed historian, Vice President of the United States, and one of our best legislators. If one could attain such accomplishments in 12 months or less of formal education, I suggest that 6 years of education might qualify people to vote in Virginia, Minnesota, or Alabama.

Mr. ROBERTSON. The point is not that 6 years of formal education could not qualify a person. The point is not that many great men have been self-educated. I doubt that Abraham Lincoln had 6 years of formal education.

Mr. HOLLAND. He did not have nearly that much.

Mr. ROBERTSON. It is not a question of how educated a man becomes through his own initiative, but rather whether the Congress can say, ipse dixit, "No matter what kind of a dumbbell you are, if you stay in school through the sixth grade, mister, you qualify to vote."

Mr. HUMPHREY. I wish the Senator would not keep saying "ipse Dixie." [Laughter.]

Mr. ROBERTSON. "Post hoc, ergo propter hoc."

Mr. HILL. What the Senator has said about Senator Wilson we can certainly all agree to. He was a very able man, and a very wise man. I was about to quote from him in my speech. I will quote from him as he spoke of the 14th amendment.

This is what Senator Wilson had to say:

> The right to hold an office, the right to vote, the right to take part in the governing power of the country is a thing that had been regulated by the State and every State of the Union from the beginning of the Government.

Then he goes on to say:

> I hold that the amendment—

Here, of course, he is speaking of what later became known as section 2 of the 14th amendment—

> neither yields, gives, nor surrenders any power. It simply imposes a penalty upon the States for continuing to do what they are now doing. I have in my hand an opinion given by Attorney General Bates—

He was at that time Attorney General of the United States—

> and I think a few paragraphs from it might be advantageous to the Senator from Illinois to hear, and I will read them to him:
>
> The Constitution of the United States, as I have said, does not define citizenship; neither does it declare who may vote, nor who may hold office, except in regard to a few of the highest national functionaries.

Then he emphasizes that this part is in the hands of the States.

Mr. President, at the time my distinguished friend from Virginia and my distinguished friend from Mississippi asked me their questions, which I was very happy to have and which I believe threw much light on the debate, particularly upon the measure now pending before the Senate, I had been quoting from Representative Conkling, who later became the great Senator Roscoe Conkling, serving in the Senate from the great State of New York. He was a member, at the time, of the Joint Committee on Reconstruction, the committee which wrote the 14th amendment. Mr. Conkling said:

> The third proposition—

He was referring to the Joint Committee on Reconstruction here—

> The third proposition is believed by the committee to avoid, as far as the case admits of, all the objections of the other two.
>
> Let me read it as it will stand in the Constitution if adopted by Congress and three-quarters of the States.

He then read what we now know as part of the 14th amendment, as follows:

> Representative and direct taxes shall be apportioned among the several States which shall be included in the Union, according to their respective numbers, which shall be determined by counting the whole number of persons in each State: *Provided*, That whenever the elective franchise shall be denied or abridged in any State on account of race or color, all individuals of such race or color shall be excluded from the basis of representation.

As we know, this basic proposal, the proposal which I have just quoted, which they were debating in the Congress of 1866, eventually became section 2 of the 14th amendment. These debates cast a great deal of light on the meaning of section 2 of the 14th amendment. They also make it clear that it was the intention of the entire Members of Congress to leave the entire matter of the qualification of voters to the States. On this point, let me quote further from Representative Conkling's speech of February 22, 1866. This speech reveals the great respect which Congress had for the rights of the States to prescribe the qualifications for their voters.

I now quote further from Representative Conkling's speech, in which he describes the meaning of the proposal which later became section 2 of the 14th amendment:

> It contains but one condition, and that rests upon a principle already imbedded in the Constitution, and as old as free government iself. That principle I affirmed in the beginning, namely, that representation does not belong to those who have not political existence, but to those who have. The object of the amendment is to enforce the truth. * * * Every State will be left free to extend or withhold the elective franchise on such terms as it pleases, and this without losing anything in representation if the terms are impartial as to all. Qualifications of voters may be required of any kind—qualifications of intelligence, of property, or of any sort whatever, and yet no loss of representation shall thereby be suffered.

Nine days later, on January 31, 1866, Representative Thaddeus Stevens, of Pennsylvania, delivered a speech on the subject. Thaddeus Stevens, as we know, was the chairman of the Joint Committee on Reconstruction, which reported the proposal that later became section 2 of the 14th amendment. This statement of Thaddeus Stevens, which I will quote, shows beyond any possible doubt that the members of the Joint Committee on Reconstruction had no intent or desire to interfere with the basic rights of the States to prescribe the qualifications of their voters. I quote now from the speech of Thaddeus Stevens of January 31, 1866, which appears at page 536 of the Congressional Globe, 39th Congress, 1st session:

> Now, sir, let me consider what is the meaning of the proposition made by the committee; how far it ought to be affected by any modifications. It has been amended by the committee in obedience to what is supposed to be the sense of the House. The committee have reported back the simple proposition that representation shall be apportioned among the States in proportion to their numbers, provided that when the elective franchise shall be denied or abridged in any State on account of race or color, all persons therein of such race or color shall be excluded from the basis of representation.

As I stated, this proposal of the Joint Committee on Reconstruction about which Thaddeus Stevens is talking, later because section 2 of the 14th amendment. Let me quote further to show what Thaddeus Stevens thought of its intended meaning and scope of operation. I quote further:

> But some of our friends are apprehensive that this is an implied permission to the States to regulate the elective franchise within the States. Now, sir; I venture to say that there is no good philologist who, upon reading this proposed amendment, will for a single moment pretend that it either grants a privilege or takes away a privilege from any State on that subject.

That is Thaddeus Stevens making the bold, explicit, and clear declaration.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. ROBERTSON. Is it not true that he favored taking this from the States?

Mr. HILL. Yes. The whole record shows that he favored it. However, he was so badly defeated that he had to stand on the floor of the House and make the admission that he had been defeated, and that in no way had such power been taken away from the States.

Mr. ROBERTSON. Did he not then say, "Let us take what we can get now, and hope for better things in further legislation, when recommending that the House approve the 14th amendment?

Mr. HILL. Yes; I am delighted to have the Senator's statement. What the Senator has said is absolutely true. It shows what a profound student of history he is and what great knowledge of government he possesses. I commend him for it.

Mr. ROBERTSON. I am delighted to hear the Senator's great discussion of the history of this subject. I do not believe that we need any more said on the history of this issue. The Senator has stated it so clearly.

Mr. HILL. I am delighted to have the Senator from Virginia join in this discussion. He is making a fine and wonderful contribution to the debate this afternoon. I deeply appreciate his many fine contributions.

Then Thaddeus Stevens went on to say:

> Now, I hold that the States have the right, and always have had it, to fix the elective franchise within their own States. And I hold that this does not take it from them. Ought it to take it from them? Ought the domestic affairs of the States to be infringed upon by Congress so far as to regulate the restrictions and qualifications of their voters? How many States would adopt such a proposition?
>
> How many would allow Congress so far as to regulate the restrictions and qualifications of their voters? * * * Would New York? Would Pennsylvania? Would the Northwestern States? I am sure not one of them would. Therefore, if you should take away the right which now is and always has been exercised by the States, by fixing the qualification of their electors, instead of getting 19 States, which is necessary to ratify this amendment, you might possibly get 5. I venture to say you could not get five in this Union.

Mr. Stevens made it very definite and clear that he could not go forward with any plan of taking powers away from the States, because he knew the States would never agree to surrender their powers to the Federal Government. Therefore, no such proposal could ever be ratified or become effective.

Let me turn now for a moment to the debate in the Senate in March of 1866, concerning this proposal which later became section 2 of the 14th amendment. I have already quoted Senator Wilson, who had used the opinion of the Attorney General, Mr. Bates, to which I alluded and from which I quoted. Then Senator Wilson—and he came from the great State of Massachusetts—continued as follows:

> Mr. President, if we had the power by legislative action to regulate suffrage in the States I should vote for extending the right of suffrage to the black man with all my heart, soul, and reason. I had hoped to be able to deduce the power from the provisions of the Constitution so that I could vote for it according to my judgment and conscience, but I cannot do so.

In other words, Senator Wilson was saying that he had studied the Constitution. He wanted to do this, and he wanted to do it by legislation. He wanted to do what is suggested by the pending measure. But after studying the Constitution, although he wished to take such action, he knew in his soul, heart, and conscience that he could not do it, and he said it could not be done.

Mr. President, these debates in the Congress during 1866, concerning the intended operation, scope, meaning, and effect of the original suffrage amendment which later became section 2 of the 14th amendment, show clearly that the 14th amendment, proposed by Congress on June 13, 1866, does not and was not intended to interfere in any way with the rights of the States to prescribe the qualifications of their voters.

I turn now to the proceedings in Congress immediately preceding adoption of the 15th amendment. The 15th amendment, as finally adopted by Congress on

February 26, 1869, and referred to the States for ratification, reads as follows:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Of course, the question in this debate is whether the 15th amendment in its intended scope and operation vests in Congress the constitutional authority to enact the pending measure, which is the embodiment of S. 2750. In other words, in the matter of qualifying voters, does this amendment give the Congress the power to say to each of our States, you shall use a Federal standard with respect to education. A review of the debates and the proceedings in Congress at the time the 15th amendment was adopted makes it absolutely clear, beyond any possible doubt, that the proponents of this amendment had no intention of giving Congress any such authority.

There were three separate measures introduced in the Congress which eventually culminated in the 15th amendment. Two of these were joint resolutions, H.R. 402 and S. 8, which proposed a constitutional amendment with respect to suffrage. One proposal, H.R. 1667, was an attempt to secure virtually the same provisions as the 15th amendment in the form of a mere statute.

This proposed statute, H.R. 1667, reads as follows:

> No State shall abridge or deny the right to any citizen of the United States to vote for electors of President and Vice President of the United States or for Representatives in Congress, or for members of the legislature of the State in which he may reside by reason of race, color, or previous condition of slavery; and any provisions in the laws or constitution of any State inconsistent with this section are hereby declared to be null and void.

That was the bill introduced in the House—H.R. 1667.

It will be noted that H.R. 1667 was an attempt to have Congress regulate by statute the State qualifications for voters by forbidding the States to disqualify voters by reason of race, color, or previous condition of slavery. This attempt in the Congress to enact H.R. 1667 and thereby invade the province of the States with respect to suffrage was bitterly fought in Congress and went down in defeat.

Let me quote a few words with respect to this bill by Representative Eldridge, of Wisconsin, who was a member of the House Judiciary Committee. On January 23, 1869, Representative Eldridge said of the bill:

> I shall not attempt to analyze this bill or to examine its provisions in detail. The main feature and purpose of the bill are to take from the States the right to determine the qualifications of voters. * * *
>
> It is proposed by this bill to invade the jurisdiction of State authority and subject all the States of the Union to Federal control. This long-conceded right of the States to determine for themselves who of their citizens shall exercise the right of suffrage within their respective jurisdictions is now for the first time to be taken away by act of Congress from all the States of this Union.

Representative Eldridge said further:

> It would seem that the exercise of this power by the States, almost unquestioned ever since and before the adoption of the Constitution, for more than 80 years, would cause gentlemen to hesitate before taking such a step.

I might interpolate that Representative Eldridge referred to 80 years; whereas today it has been some 173 years that the States have held and exercised complete, full power over the qualifications of electors. Representative Eldridge went on to say:

> Is not the argument that the Federal Government, the people, and all the States have acquiesced so long in the exercise of this power by the several States almost conclusive? No two of the States have adopted provisions by which the same and all of the same class or classes of their citizens vote. Some even have not confined the right to citizens at all. Aliens having declared their intentions only are in several of the States permitted to exercise the right of suffrage. There can scarcely be said to be any uniformity. The laws on the subject are as variant and diversified as the climate and the productions of the States themselves.

Mr. President, we would do well today to heed these words of Representative Eldridge, of Wisconsin, concerning the rights of the States, spoken in the House of Representatives in 1869. I quote further from Representative Eldridge:

> And yet the right and power of the several States to determine this question of the qualification of voters can hardly be said to have been doubted. I do not ignore the fact that some one or more honorable gentlemen on this floor and in the other branch of Congress, together with some pseudocommentators upon the Constitution, blinded, as I think, by the heated passions of fanaticism and war, have professed to believe and have declared that Congress has the constitutional power necessary to pass this bill. But the conclusions of these gentlemen are, I apprehend, more from the desire that a Congress composed of their friends should intervene and control the suffrage of the States in the interest of the party to which they are attached than from any settled conviction of constitutional warrant. Their views and opinions are confused, and they seem uncertain upon what provision of the Constitution to rest them. They based them more upon what they consider the necessity of the times, the wants of the Nation, and the will of the people, as expressed through the party to which they adhere, than upon any express or implied grant of power to the Federal Government in and by the Constitution itself.

Mr. ROBERTSON. Mr. President, will the Senator from Alabama yield for a question?

Mr. HILL. I yield for a question.

Mr. ROBERTSON. Mr. President, will the Senator from Alabama yield for a question?

The PRESIDING OFFICER (Mr. JORDAN in the chair). Does the Senator from Alabama yield to the Senator from Virginia?

Mr. HILL. I yield for a question to the distinguished Senator from Virginia.

Mr. ROBERTSON. Mr. President, the distinguished Senator from Alabama has very appropriately quoted from statements by those who participated in the framing and the ratification of the Constitution, and also by Members of the House of Representatives and Members of the Senate, all of whom agreed that, under the Constitution, the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Is it not true that the Supreme Court, in passing on poll-tax cases and literacy-test cases, has universally held that this power to determine vote qualifications belongs to the States?

Mr. HILL. The Senator from Virginia is entirely correct; and later in my remarks I propose to deal with some of the cases which show that time and time again the Supreme Court has declared that Congress has no power to legislate on this matter.

Mr. ROBERTSON. And of course the Senator from Alabama will discuss the case in Mississippi in which the literacy test was upheld, and also the 1959 case in North Carolina, will he not?

Mr. HILL. That is correct.

Mr. ROBERTSON. Of course if a State with a great many colored people in it provided that only college graduates could vote, it could be claimed that this was a discrimination because of race. But is it not true that when the 15th amendment was before the Senate, the distinguished Senator from Vermont, Mr. Edmund, said:

> To say that because it is provided that the United States shall not deny to anybody the rights of voting and of being voted for for a particular reason it is implied that they may and shall deny it for all other reasons would be equivalent in criminal law to saying that a statute which forbade murder and said that no man should commit murder implied that every man might commit adultery.

And also:

> If Senators are right in supposing that the right to regulate suffrage and hold office is now with the States, then when we prohibit that regulation being made effective upon certain points named in this amendment—

That is to say, race, and so forth—

> we leave all the rest of it just where it was before.

Mr. HILL. The Senator from Vermont made exactly that statement. It appears in the Congressional Globe, in the debates on the 15th amendment; and I thank the Senator from Virginia for the contribution he has made.

Mr. President, I had alluded to the fact that in the House there was introduced a bill by means of which it was sought to infringe upon the power of the States to fix qualifications for suffrage; and I have shown how that bill was resoundingly defeated.

There was also introduced in the House a joint resolution to which I have previously alluded. It was H.R. 402, proposing an amendment to the Constitution with respect to suffrage, as follows:

> SECTION 1. The right of any citizen of the United States to vote shall not be denied or abridged by the United States or any State by reason of the race, color, or previous condition of slavery of any citizen or class of citizens of the United States.

There were a number of attempts in the House of Representatives to expand the scope of the proposed amendment and to prohibit the States from discriminating on additional grounds, and to provide for virtually universal suffrage. Consider, for example, the proposal of Representative Shellabarger, of Ohio, concerning this matter. I quote now from Representative Shellabarger:

> Mr. Speaker, in the brief time allotted to me I cannot undertake to discuss a question of such magnitude as that before the House. I will occupy my time in the first place by briefly referring to the points of difference between the proposition now pending, submitted on behalf of the Judiciary Committee by the gentleman from Massachusetts [Mr. Boutwell], and the one which I had the honor to propose the other day as an amendment.
>
> The proposition of the Committee on the Judiciary is, that we shall amend the Constitution as to provide that—
>
> "The right of any citizen of the United States to vote shall not be denied or abridged by the United States or any State by reason of the race, color, or previous condition of slavery of any citizen or class of citizens of the United States."
>
> My proposition is to provide that—
>
> "No State shall make or enforce any law which shall deny or abridge to any male citizen of the United States of the age of 21 years or over, and who is of sound mind, an equal vote at all elections in the State in which he shall have such actual residence as shall be prescribed by law, except to such as have engaged or may hereafter engage in insurrection or rebellion against the United States, and to such as shall be duly convicted of treason, felony, or other infamous crime."
>
> These two propositions agree in assuming a negative form, as it is commonly denominated, the form of a prohibition as against the exercise of certain powers by the States. They differ, however, in this essential respect. The committee propose simply to prohibit the States from making discriminations among the various classes of citizens, based upon any of these three grounds, namely, race, color, or previous condition of slavery.

On the other hand, Representative Shellabarger's proposal would have prohibited the States from making discriminations based on any grounds except residence, insurrection, rebellion, or conviction of treason, felony, or other infamous crime. However, as we know, Representative Shellabarger's proposal to extend the scope of the 15th amendment, as well as all other such proposals, was defeated in the House of Representatives.

In other words, his proposal, which would have given the Federal Government the power to act by means of legislation such as that now pending before the Senate, was resoundingly defeated, and did not become a part of the 15th amendment.

The joint resolution which I quoted was passed by the House on January 30, 1869, by a vote of 150 yeas to 42 nays and was sent to the Senate.

On February 10, 1869, the Senate amended and passed H.R. 402, so as to include a provision that no discrimination shall be made in the exercise of the elective franchise on account of nativity, property, education, or creed. If the 15th amendment, as proposed by the Senate on February 10, 1869, had been concurred in by the House and ratified by the States, the States would have lost their rights to prescribe literacy tests or other educational qualifications for their voters. It is most interesting to note the reaction of the country to this action of the Senate which would have greatly restricted the powers of the States in the matter of fixing the qualifications of electors.

On this point, I quote from an editorial which appeared in the New York Times on February 15, 1869. The editorial discloses that this action of the Senate in amending H.R. 402 caused a great storm of protest throughout the country. The editorial reads in part as follows:

> The amendment as reported by the Reconstruction Committee and passed by the House is simple and moderate. It is merely a declaration that—
>
> "The right of any citizen of the United States to vote shall not be denied or abridged by the United States, or any State, by reason of race, color, or previous condition of slavery, of any citizen or class of citizens in the United States."
>
> The Senate amendment is sweeping enough to justify the charge of being revolutionary, preferred by Mr. Conkling and others, who nevertheless voted for it. The terms used are—
>
> "No discrimination shall be made in the United States among the citizens of the United States in the exercise of the elective franchise, or in the right to hold office in any State, on account of race, color, nativity, property, education, or creed."

Of course we know that at that time the Senate had voted in favor of such a provision as a constitutional amendment, but the House rejected the proposal.

Note that the Senate amendment would have prohibited any State property or literacy test. The editorial has this to say with regard to the great reluctance of the Northern States to part with nearly all their control over suffrage:

> For a change in the laws regulating suffrage, the country is to a large extent prepared. While conceding to the States their full constitutional control over the subject, the desirableness of securing substantial uniformity on a basis harmonizing reconstruction, has forced itself upon the Republican Party. The ability to justify Negro enfranchisement throughout the South depends somewhat upon the readiness of the North to abate its own hostility to Negro enfranchisement. There can be no propriety in insisting that the blacks shall have their full share of power in States where their numbers make them formidable so long as we refuse them the privilege in States where their political influence must always be insignificant.

As to the broad Senate amendment, the Times editorial stated:

> But the Senate amendment travels over new ground, dictates terms for which the country is not prepared, and goes far toward extinguishing the vital forces of State authority. It deprives the States of the power of regulating qualifications for local office, and declares that neither on the ground of color, nativity, education, or property shall a citizen be debarred admission to the highest positions of trust and distinction. * * * It aims at objects to which public attention has not been directed, by means which will provoke the most formidable opposition.

This is what the editorial has to say with respect to the possibility of the Senate amendment being favorably received by the country:

> The House amendment, if now submitted to the States, may receive the approval of the requisite number. It is designed to satisfy the national sense of justice, without any wanton violation of States rights. The Senate amendment, even if concurred in by the House, will assuredly be rejected by the States, which will see in it an attempt to revolutionize the character of the Government, and to make important local concerns subject to the will of Congress. A suffrage amendment thus encumbered with odious provisions, would not have the slightest chance of ratification.

Following a great storm of protest throughout the country, the Senate did an about-face and backed away from its amendment restricting the rights of the States to prescribe educational and property qualifications for their voters. On the same day as the New York Times editorial, from which I have just quoted, February 15, 1869, the House of Representatives voted against concurring in the Senate amendments.

During the debates in the Senate on February 17, 1869, on the question of whether the Senate would recede from their amendments prohibiting the States from discriminating on grounds of education or property with respect to the right to vote, Senator Stewart had this to say:

> In the first place, the proposition of the Judiciary Committee was conceded by a large number of our friends to be the best. It contained the simple proposition that the right to vote and hold office should not be denied on account of race, color, or previous condition of servitude. It did not attempt to extend further than to the right to vote and hold office. The Senator from Massachusetts moved to put upon that several other propositions which loaded it down. He voted to put upon it the proposition with regard to electing the President; he voted to put upon it a proposition with regard to religious tests; he voted to put upon it a proposition with regard to education; he voted to put upon it all of those propositions which went to the House of Representatives and were rejected by them. It came here. A majority of our friends here this morning, on consultation and by a large vote, said we had better take this than to have nothing, and the votes have been very emphatic on that point. Every vote has been a test on the proposition that we will take this rather than have nothing.

On February 17, 1869, the Senate passed Senate Joint Resolution 8, which provides as follows:

> The rights of citizens of the United States to vote and hold office shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

To understand the intended meaning of the 15th amendment, it is important to note that between February 10 and February 17, 1869, the Senate did an abrupt about-face and backed away from its amendments which would have restricted the rights of the States to prescribe property and educational qualifications for their voters.

The debates in Congress make it absolutely clear beyond any doubt that the 15th amendment was not intended in any way to restrict or take away from the States their rights to prescribe educational or property qualifications of voters. A specific Senate amendment which would have done so was rejected. Indeed, it is quite clear that the Members of Congress intended for the 15th amendment to have a very restricted and limited application. Every attempt to expand its scope was vigorously opposed and defeated in the Congress.

In view of their legislative history I fail to see how it can be said that either the 14th or 15th amendment grants to the Congress the power to outlaw State literacy tests.

Mr. President, not only am I sustained in my view of the operation and effect of the 14th and 15th amendments by authority of the debates and proceedings in Congress at the time the amendments were proposed, but also I am directly supported by the leading Supreme Court decisions which have interpreted these amendments. Consider, for example, the effect of the 14th amendment on State literacy tests.

As we know, section 5 of the 14th amendment authorizes Congress to enforce the provisions of the amendment by appropriate legislation. However, under the 14th amendment, as it has been construed by the Supreme Court, Congress is limited to legislating against State action which is discriminatory in nature. See, for example, the Civil Rights Cases, 109 U.S. 3; *Lackey* v. *United States*, 107 F. 114, cert. den., 181 U.S. 621; *United States v. Cruikshank*, 92 U.S. 542. In the face of attacks that they contravene provisions of the 14th amendment, the Supreme Court has sustained educational qualifications which do not discriminate.

Lassiter v. *Northampton Election Board*, 360 U.S. 45, decided by the Supreme Court as recently as 1959, is directly in point. The Lassiter case states, and I quote from page 50 of the opinion by Justice Douglas:

> We come then to the question of whether a State may consistently with the 14th and 17th amendments apply literacy tests to all voters irrespective of race or color. The Court in *Guinn* v. *United States*, 238 U.S. 347, at 366, disposed of the question in a few words, "No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted."

This case, Lassiter against Northampton Election Board which involved a law enacted by the legislature of the State from which our distinguished Presiding Officer (Mr. JORDAN in the chair) comes, the great State of North Carolina, from which many of my forebears also came, I am proud to say, is sufficient authority to completely refute the claim that the 14th amendment gives Congress the power to pass this bill. In this case, decided by a unanimous Court, the meaning of the 14th amendment was brought directly into question. It completely refutes the claim that Congress has any authority on this subject and it emphatically states that the States have the authority to determine the qualifications of their electors. I quote further from the case at page 50, Mr. Justice Douglas said:

> The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised, *Pope* v. *Williams*, 193 U.S. 621, 633; *Mason* v. *Missouri*, 179 U.S. 328, 335, absent, of course, the discrimination which the Constitution condemns. Article I, section 2, of the Constitution in its provisions for the election of Members of the House of Representatives, and the 17th amendment for the election of Senators provide that officials will be chosen "by the people." Each provision goes on to say that "The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." So while the right of suffrage is established and guaranteed by the Constitution (*Ex Parte Yarbrough*, 110 U.S. 651, 663–665; *Smith* v. *Allwright*, 321 U.S. 649, 661–662), it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed. See *United States* v. *Classics*, 313 U.S. 299, 315. While section 2 of the 14th amendment, which provides for apportionment of Representatives among the States according to their respective numbers counting the whole number of persons in each State (except Indians not taxed), speaks of "the right to vote," "the right protected" refers to the right to vote as established by the laws and Constitution of the State (*McPherson* v. *Blacker*, 146 U.S. 1, 39).

I quote further from the Lassiter case at page 51. Mr. Justice Douglas said:

> We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record (*Davis* v. *Beeson*, 133 U.S. 333, 345–347) are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex as reports around the world show.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HILL. I yield to my distinguished friend the distinguished Senator from Florida [Mr. HOLLAND] for a question.

Mr. HOLLAND. Does the Senator recall that a former President of the United States, President Truman, some time ago suggested that every new voter should have to pass the same kind of test as is given to aliens seeking naturalization?

Mr. HILL. The Senator from Alabama does recall that suggestion by former President of the United States Truman. The Senator from Alabama is delighted to have the Senator from Florida bring this question before the Senate at this time.

Mr. HOLLAND. I thank the distinguished Senator. Will the Senator yield for another question?

Mr. HILL. The Senator from Alabama yields to the distinguished Senator from Florida with pleasure.

Mr. HOLLAND. Does the Senator from Alabama think it is improper to suggest or to require that a new voter should have the same degree of education and understanding of our institutions as a foreigner who is asking for citizenship and being naturalized as a citizen of the United States?

Mr. HILL. The Senator from Alabama does not at all.

Mr. HOLLAND. Does the Senator from Alabama recall anyone who has even suggested that a sixth grade education is adequate preparation for one coming to our shores from another nation to be admitted to all the privileges and obligations of American citizenship?

Mr. HILL. The Senator has never heard such a proposal made.

Mr. HOLLAND. The Senator from Florida appreciates the courtesy of his friend. In closing, I would like to say I hope that the time will come when people, thinking only of the protection of one group of citizens, whom they think are being imposed upon, will think in terms at least as sound and defensible as our requirements and provisions of law for the admission of the hundreds of thousands of people who come here seeking the benefits of American citizenship. I thank the Senator from Alabama.

Mr. HILL. I wish to thank the Senator from Florida for his contribution to the debate. I am delighted to have that contribution, particularly at this point in the debate.

Mr. President, in October of 1875, the U.S. Supreme Court decided the leading case interpreting the scope, meaning, and effect of the 15th amendment. This case *United States* v. *Reese*, 92 U.S. 214, came before the Supreme Court by reason of a division of opinion among the judges of the circuit court of the district of Kentucky. The decision is particularly important because all claims, not arising out of the 15th amendment of the Constitution, were expressly waived from any consideration by the Court. During its discussion, the Supreme Court said this of the 15th amendment:

> The 15th amendment does not confer the right of suffrage upon anyone. It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, or education. Now it is not. If citizens of one race having certain qualifications are permitted by law to vote, those of another having the same qualifications must be. Previous to this amendment, there was no constitutional guaranty against this discrimination: now there is. It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by "appropriate legislation."

In the Reese case the Supreme Court considered the constitutionality of a statute of Congress, passed under the authority of the 14th amendment. The Court said:

> This leads us to inquire whether the act now under consideration is "appropriate legislation" for that purpose. The power of

> Congress to legislate at all upon the subject of voting at State elections rests upon this amendment. The effect of article I, section 4, of the Constitution, in respect to elections for Senators and Representatives, is not now under consideration. It has not been contended, nor can it be, that the amendment confers authority to impose penalties for every wrongful refusal to receive the vote of a qualified elector at State elections. It is only when the wrongful refusal at such an election is because of race, color, or previous condition of servitude, that Congress can interfere, and provide for its punishment. If, therefore, the third and fourth sections of the act are beyond that limit, they are unauthorized.
>
> This third section does not in express terms limit the offense of an inspector of elections, for which the punishment is provided, to a wrongful discrimination on account of race, etc.

I should like to emphasize the last sentence of the Supreme Court which I have just quoted from the Reese case. The Court said of the statute which it was considering that the third section does not in express terms limit the offense to a wrongful discrimination on account of race, et cetera. That was the point at issue in the Reese case. The statutory offense, created by Congress, was not limited to the wrongful discrimination forbidden by the 15th amendment. We have an identical situation with respect to the pending amendment, the embodiment of the bill, S. 2750, which is the subject of this debate. Under S. 2750, the statutory offense, which would be created by Congress, would not in any way be limited or restricted to, the wrongful discrimination forbidden by the 15th amendment.

It is clear from the language of the measure that the offense could easily be committed without regard to any wrongful discrimination on account of race, color, or previous condition of servitude. For this reason the measure is unconstitutional.

Mr. President, in the Reese case the argument was made that the statute in question, when properly construed, was in fact limited to cases of discrimination forbidden by the 15th amendment.

The Court held clearly that it was not the case, and therefore struck down an act of Congress with the following words:

> This is conceded; but it is urged, that when this section is construed with those which precede it, and to which, as is claimed, it refers, it is so limited. The argument is, that the only wrongful act, on the part of the officer whose duty it is to receive or permit the requisite qualification, which can dispense with actual qualification under the State laws, and substitute the prescribed affidavit therefor, is that mentioned and prohibited in section 2—to wit, discrimination on account of race, and so forth; and that, consequently, section 3 is confined in its operation to the same wrongful discrimination.

The Court said further:

> It remains now to consider whether a statute, so general as this in its provisions, can be made available for the punishment of those who may be guilty of unlawful discrimination against citizens of the United States, while exercising the elective franchise, on account of their race, and so forth.

To continue:

> There is no attempt in the sections now under consideration to provide specifically for such an offense. If the case is provided for at all, it is because it comes under the general prohibition against any wrongful act or unlawful obstruction in this particular. We are, therefore, directly called upon to decide whether a penal statute enacted by Congress, with its limited powers, which is in general language broad enough to cover wrongful acts without those powers as well as within the constitutional jurisdiction, can be limited by judicial construction so as to make it operate only on that which Congress may rightfully prohibit and punish. For this purpose, we must take these sections of the statute as they are. We are not able to reject a part which is unconstitutional, and retain the remainder, because it is not possible to separate that which is unconstitutional, if there be any such, from that which is not. The proposed effect is not to be attained by striking out or disregarding words that are in the section, but by inserting those that are not now there. Each of the sections must stand as a whole, or fall altogether. The language is plain. There is no room for construction, unless it be as to the effect of the Constitution. The question, then, to be determined, is, whether we can introduce words of limitation into a penal statute so as to make it specific, when, as expressed, it is general only.

As we know, the Supreme Court decided that it has no such authority under the 15th amendment. Therefore, the Court had no alternative but to declare that statute to be unconstitutional. If we were to adopt the pending amendment, which is S. 2750, we would have an identical situation.

Each time it has been presented, the Supreme Court has consistently adhered to the principle enunciated in United States against Reese. The Court will not introduce words of limitation into a statute to make it specific, when, as expressed, it is general only. In the Reese case the statute covered in general terms wrongful refusals to receive votes of qualified electors. The Supreme Court struck down that statute because it was not limited to wrongful refusals on account of race, color, or previous condition of servitude.

Likewise, the pending bill, S. 2750, is expressed in general language only. In general terms, S. 2750 covers all refusals to register anyone who has completed the sixth grade and has not been adjudged incompetent. It is abundantly clear, that this bill, like the statute struck down in the Reese case, is not limited to wrongful refusals to register on account of race, color, or previous condition of servitude.

The same question was presented to the Supreme Court in *James* v. *Bowman*, 190 U.S. 127 (1903). Perhaps I can best illustrate the point by quoting from the decision. The Court said:

> But the contention most earnestly pressed is that Congress has ample power in respect to elections of Representatives in Congress; that the election which was held, and at which this bribery took place, was such an election; and that therefore under such general power this statute and this indictment can be sustained. The difficulty with this contention is that Congress has not by this section acted in the exercise of such power. It is not legislation in respect to elections of Federal officers, but is leveled at all elections, State or Federal, and it does not purport to punish bribery of any voter, but simply of those named in the 15th amendment.

The Court now gets down to the point I am making:

> On its face, it is clearly an attempt to exercise power supposed to be conferred by the 15th amendment in respect to all elections, and not in pursuance of the general control by Congress over particular elections. To change this statute, enacted to punish bribery of persons named in the 15th amendment at all elections, to a statute punishing bribery of any voter at certain elections would be in effect judicial legislation. It would be wresting the statute from the purpose with which it was enacted and making it serve another purpose. Doubtless even a criminal statute may be good in part and bad in part, providing the two can be clearly separated, and it is apparent that the legislative body would have enacted the one without the other, but there are no two parts of the statute. If the contention be sustained it is simply a transformation of the statute in its single purpose and scope. This question has been by this Court in two cases carefully considered and fully determined.

Mr. President, in this 1903 case from which I am quoting, James against Bowman, the Supreme Court specifically approved of the rule enunciated in United States against Reese, that the court will not introduce words of limitation into a general statute to conform it to the constitutional jurisdiction of Congress. In James against Bowman, the Court not only approves of its holding in the Reese case, but it quotes from that decision as follows:

> It would certainly be dangerous if the legislature could set a net large enough to catch all possible offenders, and leave it to the courts to step inside and say who could be rightfully detained, and who should be set at large. This would, to some extent, substitute the judicial for the legislative department of the Government. * * * To limit this statute in the manner now asked for would be to make a new law, not to enforce an old one. This is no part of our duty.

Although it did not involve appropriate legislation under the 15th amendment, the Supreme Court adhered to the same principle of law in the *Trade Mark Cases*, 100 U.S. 82. There, the Court had this to say of its decision in the Reese case:

> While it may be true that when one part of a statute is valid and constitutional, and another part is unconstitutional and void, the Court may enforce the valid part where they are distinctly separable, so that each can stand alone, it is not within the judicial province to give to the words used by Congress a narrower meaning than they are manifestly intended to bear in order that crimes may be punished which are not described in language that brings them within the constitutional power of that body. This precise point was decided in *United States* v. *Reese*, 92 U.S. 214. In that case Congress had passed a statute punishing election officers who should refuse to any person lawfully entitled to do so the right to cast his vote at any election. This Court was of the opinion that, as regarded the section of the statute then under consideration, Congress could only punish such denial when it was on account of race, color, or previous condition of servitude.

Mr. President, the Supreme Court specifically commented for the first time on State-imposed literacy tests and their relation to the scope and effect of the 15th amendment, in *Guinn* v. *United States*, 238 U.S. 347 (1950). The Court made this statement of the 15th amendment:

> Beyond doubt the amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals. * * *
>
> It is true also that the amendment does not change, modify, or deprive the States of their full power as to suffrage except, of course, as to the subject with which the amendment deals and to the extent that that obedience to its command is necessary. Thus, the authority over suffrage which the State possesses and the limitation which the amendment imposes are coordinate and one may not destroy the other without bringing about the destruction of both.
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> * * * * *
>
> No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision.

The language which I have quoted in the Guinn case has not been overruled by the Supreme Court. The holding in the Guinn case, which sanctioned the imposition of State literacy tests, was expressely reaffirmed only 3 years ago, in 1959, in *Lassiter* v. *Northampton Election Board,* 360 U.S. 45.

There is no doubt that proof of literacy as a condition to voting may be established as a qualification within a State's power under the express authority reserved to the States by article I and the 17th amendment. This question was put to rest by the Supreme Court in the Lassiter case in which the Supreme Court unanimously held that the imposition of a literacy test by the State of North Carolina came within the State's power to prescribe voter qualifications and that absent any showing that the test was applied in an arbitrary or discriminatory way, such a qualification did not violate the 14th amendment.

At this point I should like to emphasize one thing: In the name of preventing arbitrary discrimination, this bill seeks to impose a Federal literacy standard on our States with respect to the qualifications of their voters.

In the name of a legitimate power of Congress, this bill seeks to substitute a Federal literacy standard for those of some 21 States. Under the guise of preventing unlawful interferences with the right to vote, the Attorney General and others, who support this bill, are asking Congress to perform the work of the Department of Justice; they are asking Congress to prejudge every case involving literacy tests without regard to the facts in the particular cases.

There is no doubt that under existing statutes it is unlawful to intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any person for the purpose of interfering with his right to vote in any Federal election.

For example, section 594 of title 18 of the United States Code provides that whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce any other person for the purpose of interfering with his right to vote in any Federal election may be fined not more than $1,000 or imprisoned not more than 1 year, or both, for each offense.

The district courts of the United States have jurisdiction over all cases involving discrimination against voters on account of race, color, or previous condition of servitude and other unlawful interferences with the right to vote. In such cases, it is not necessary that the party aggrieved shall have exhausted the administrative or other remedies that may be provided by law.

In addition, the Attorney General may initiate suits in the name of the United States for preventive relief against such interferences with the right to vote. These suits by the Attorney General may include applications for permanent or temporary injunctions, restraining orders, or other orders. As a penalty, in cases of criminal contempt arising out of such injunctions, restraining orders, or other orders, the accused if convicted may be imprisoned for up to 6 months and fined up to $1,000 for each offense. Moreover, in cases in which there is a pattern or practice of discrimination against voters, the district court may appoint voting referees who are authorized to register the aggrieved parties.

In fact, there are today some 15 Federal statutes for the protection of voters in their privilege or their right to vote. Civil suits may be filed. Criminal penalties can be imposed on those who interfere with or in any way deny the right to vote. In addition, as I have said, if a pattern or a practice of discrimination against voters can be shown, power now exists in the U.S. district courts to appoint referees who are authorized to register the aggrieved parties.

Mr. President, in the name of protecting the right to vote, the bill would establish a new crime which would consist of the failure of any State registration official to exempt from the provisions of the State literacy test any person who has finished the sixth grade and has not been adjudged incompetent. This new Federal crime would have nothing to do with and would in no way relate to or be limited to any arbitrary or unreasonable voting restriction, or literacy test.

The point I wish to make clear is that under existing law, both the Attorney General and the aggrieved individuals already have a remedy against racial discrimination, against any arbitrary or unreasonable voting restrictions, and against any unreasonable or arbitrary literacy tests.

As to discrimination on account of race or color, no one doubts that such discrimination is a violation of existing law. Not only is such discrimination a clear and patent violation of the plain words of the 15th amendment, which the Supreme Court has held to be self-executing, but it is also a clear violation of section 1971(a) of title 42 of the United States Code which reads as follows:

> All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, District, County, City, Parish, Township, School District, Municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any Constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority to the contrary, notwithstanding.

Mr. President, I submit that no language could be clearer, plainer, more obvious, or more unmistakable in its words and in its meaning than the words of this section of the United States Code. Surely this section of the law removes any doubt, if anyone has a doubt, that it is unlawful to discriminate against any person, with respect to the right to vote, on account of race, color, or previous condition of servitude.

On the other hand, the bill does one thing, and one thing only, which is not already a part of the Federal law. It establishes Federal qualifications for voting in derogation of the powers of the States, in derogation of, in direct conflict with, and right in the teeth of section 2 of article I of the Constitution of the United States, right in the teeth of the 17th amendment of the Constitution, and right in the teeth of the 10th amendment of the Constitution.

Mr. STENNIS. Mr. President, at this point will the Senator from Alabama yield for a question?

Mr. HILL. I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. I agree with the statement of the Senator. However, the argument is made that when the 19th amendment to the Constitution was adopted, the amendment which provides for woman suffrage, Federal qualifications for voters were established. Does not the Senator believe that because that was a constitutional amendment as opposed to this kind of proposed statutory enactment, a mere congressional act, the constitutional amendment resulted in the creation of what might be called a new group altogether—not a new class, but a new group—of possible voters who had to meet the qualifications of the law as it existed then under the Constitution and the statutes?

Mr. HILL. The Senator is exactly correct. As he has so well said, that was done by the procedures, by the means, by the methods, and by the provisions set forth in the Constitution itself to provide for a change or a modification of the Constitution.

The 19th amendment was passed by more than a two-thirds vote of the Senate and more than a two-thirds vote of the House of Representatives. It was then submitted to the legislatures of the several States and was ratified by more than three-fourths of them, as required by the Constitution. All this was done within the provisions, within the framework, and within the methods, procedures, and means of the Constitution of the United States.

To point out another aspect, let me read the 19th amendment to the Constitution:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

And then:

> Congress shall have power to enforce this article by appropriate legislation.

In other words, that amendment simply provided that there should be no denial of the right to vote on account of sex; and the amendment had nothing whatever to do with anything else—whether it be the payment of a poll tax, the ownership of property, a literacy test, an educational requirement, or a requirement for a certain number of years of residence in a State or in a voting district. Just as the 15th amendment was applicable only to the matter of race, color, or previous condition of servitude, the 19th amendment was restricted to the one subject of prohibition of denial of the right to vote on account of sex. Its purpose was to permit those of the female sex to vote.

Mr. STENNIS. Has not the Senator from Alabama clearly set forth that that is the very opposite of creating electors, even by constitutional amendment, much less by statutory enactment here?

Mr. HILL. Yes. The Senator from Mississippi was a very young man when that amendment was adopted, but I am sure that around the fireside at his home and when he was in school he heard and read the stories of the battles being waged throughout the country for the adoption of this amendment. No doubt he recalls how the Suffragettes—as the proponents of the woman suffrage amendment were termed at the time—marched on Washington and came to the Capitol with their banners and their flags, and picketed the White House, and how they held meetings all over the country.

I remember as a boy going to a meeting in my home city of Montgomery, Ala., at what we called the Grand Theater, to hear one of the most eloquent speeches I ever heard in all my life. It was an address by Dr. Anna Howard Shaw, and in that address she was pleading the cause of the right of women to vote.

I also say to the Senator from Mississippi that I remember very well the first time I ever heard the late William Jennings Bryan speak; it was at the courthouse in my home city of Montgomery, Ala. At that time he devoted a large part of his speech to a plea for the passage and ratification of the 19th amendment—the woman suffrage amendment. In fact, his speech was divided into two parts; and in one part he advocated woman suffrage. In the other part he advocated national prohibition. I recall that in the course of his speech he dwelt quite extensively on the arguments in behalf of the woman suffrage amendment. As the Senator from Mississippi knows, after much consideration and much debate, not only in the House of Representatives, but also in the Senate, and after debates in the course of many public meetings throughout the country, attended by many of the citizens of the United States; and then after careful consideration by the State legislatures, that amendment was ratified, and became part of the Constitution.

It is interesting to note that the amendment was ratified first by the State of Illinois—on June 10, 1919. It had been proposed by Congress on June 4, 1919, when it passed the Senate, having previously been passed by the House of Representatives on May 21; and ratification was completed on August 18, 1920, when the 36th State—Tennessee—approved the amendment, there then being 48 States in the Union.

On August 26, 1920, the Secretary of State, who at the time was the Honorable Bainbridge Colby, Secretary of State under President Woodrow Wilson, certified that the amendment had become part of the Constitution. So since August 26, 1920, women have had equal suffrage with men in the United States.

But I wish to emphasize the point that although the movement for women suffrage in this country was carried on for a number of years, and although it was considered by many organizations and many groups of people and many public meetings, and also was considered in the Congress of the United States, and also was considered in the legislatures of the several States, we do not find that any serious attempt ever was made, or that there ever was even any suggestion, that the amendment be effectuated by legislation or act of Congress—by statute—rather than by following the procedure, the method, and the provisions of the Constitution of the United States, and thus be brought about by constitutional amendment, rather than by an attempt to accomplish that purpose by means of a legislative act. No such attempt ever was made. At that time, all involved had much too much respect for the Constitution, ever to make any such attempt. They considered that constitutional provision the sheet anchor of the rights and the liberties of the people of the United States—so much so, that no attempt or proposal ever was made to bring about women's suffrage in the United States merely by statute or act of Congress, instead of by an amendment to the Constitution of the United States.

Mr. STENNIS. Mr. President, if the Senator from Alabama will yield for a further question, I should like to ask the following question: Even though he might not then have been in public life, he was budding, at least, and was much interested. He has stated that he attended meetings addressed by the late William Jennings Bryan and others. At the time when those proposals were made—important as they were, and with the great agitation and the tremendous interest—was it even within the thinking of anyone concerned at that time that it was possible to have the Federal Government pass in any way, except by constitutional amendment, on matters pertaining to voting requisites and qualifications?

Mr. HILL. I am sure no such proposal was even considered at that time, because certainly no one then—either by word of mouth or in any published article, so far as I know, or by any document of that sort—ever suggested that the procedure be other than the constitutional method of proposing and ratifying this amendment.

As I said, when I listened to the very eloquent speech by William Jennings Bryan—and he was a brilliant speaker, and certainly in every way he lived up to his reputation as one of the greatest orators in our history—and when I listened to the very magnificent address by Dr. Anna Howard Shaw to which I have referred—never was there any suggestion or any expression which would indicate that anyone then was proposing that suffrage for women be brought about by statute, rather than by following the constitutional procedure of amendment of the Constitution.

Mr. STENNIS. Yes.

Is it not true that the trend to amend the Constitution by legislative fiat or preamble or by the passage of congressional acts, in the teeth of the plain provisions of the Constitution, has developed in the last decade, during a period in which both political parties seem to have been willing to attempt to cram into their platforms almost anything which could be regarded as a catchall for votes? Has not the Senator from Alabama seen that occur more and more every 4 years?

Mr. HILL. Certainly. As the Senator from Mississippi has said, we have seen more and more of such attempts and promises—or, as the Court said in the Reese case, more and more attempts to stretch out the net more and more, so that everybody might come into the joys of the kingdom. There is no doubt about that.

Mr. STENNIS. If that is the practice, and a change cannot be made by constitutional processes and by amending the Constitution, with three-fourths of the States agreeing thereto, is it not true that there is a tendency to say, "We will just ram it through by legislative act"?

Mr. HILL. It is said, "We will take a shortcut and do it directly. We will not worry about the Constitution and what it means and what it has meant to the history, growth, and greatness of our country. We will just ram it through by legislative act."

Mr. STENNIS. Is it not true that the general trend of acts of that kind and the passage of such laws, if they should pass, would result in gradually dissolving and rewriting the Constitution and in effect changing the basic, organic law of our great Nation?

Mr. HILL. The Senator is absolutely correct. Think of the proposition we have before us today. Without any action by the committee, this bill is before us. As was brought out earlier by the distinguished Senator from Georgia, a committee is only an agent of the Senate. The principal can always control his agent. Any time the Senate sees fit, it can discharge the committee, bring the bill to the calendar, and then it is in order to proceed to the consideration of the bill by the Senate. Yet, without any action by the committee, this measure is presented to the Senate. Worse than that, the committee has held some very splendid hearings on the matter. It heard from both proponents and opponents of the measure. Days were spent hearing distinguished lawyers and authorities on the Constitution and the development of our Government, its history, and our dual system of government. Yet here we are debating the proposition without having those hearings and the testimony available to us. We find ourselves in that situation.

Mr. STENNIS. The Senator is so correct.

Will the Senator yield for one more question?

Mr. HILL. I yield to the Senator from Mississippi.

Mr. STENNIS. Is it not true that in the writing of the Constitution our Founding Fathers did not trust the Congress with passing laws creating or prescribing the qualifications of the voters that were going to choose that Congress?

Mr. HILL. The Senator is absolutely correct. As I have said, and I am sure the Senator will agree, had the Constitutional Convention that met in Philadelphia in 1787 brought in a Constitution with a provision in it that took from the States the power to fix the qualifications of the electors, there never would have been a constitution. We would not have had any Federal Government under the Constitution.

Mr. STENNIS. The plain provisions of it prescribe that the Federal test shall be the same as may be applied in each State in choosing the Representatives in the State to the lower House. If that be true, if we undertake to pass this bill and make it valid and binding as a legal act, are we not modifying and changing and unmistakably setting up a Federal standard, regardless of what the State law may be in the respective States?

Mr. HILL. The Senator is absolutely correct. What we are doing is moving in and doing violence to the Constitution of the United States. That is exactly what we are doing. We are trespassing upon, we are carving up the Constitution, and taking away from the States the power that has been in the States. What some people do not seem to realize is that the Federal Constitution did not give any power to the States. The States had the power when they won the war of independence against the British Crown. The States were the ones that made the delegation of power. Whatever powers the Federal Government received through the Constitution were powers the States themselves gave to the Federal Government. But the States were so careful in giving these powers, as the Senator knows, that before the Constitution was ratified, the States and the people of the States insisted on an agreement that the 10th amendment would go into the Constitution. That had to be done before the Constitution would be ratified. What was the 10th amendment of the Constitution? It reads as follows:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

In other words, the States were so jealous of their powers that they insisted on putting in the Constitution the 10th amendment, making it clear that where they had not delegated powers to the Federal Government, those powers were specifically and absolutely reserved to the States and to the people of the States, so there could be no question about it.

Mr. STENNIS. May I pose to the Senator this question, which I think brings out the whole picture: Does the constitution of Alabama have authority today to prescribe one set of qualifications for electors for the lower branch of the State legislature and another set of qualifications for those who are going to vote for Members of Congress from that State?

Mr. HILL. No. When the State of Alabama fixes the qualifications for the voters who shall vote for the members of the lower house of the State Legislature of Alabama, they then and there automatically, so to speak, fix the qualifications for those who shall vote for the Members of the House and the Senate from Alabama.

Mr. STENNIS. If it may be expressed in this way, is it not also true that when the State fixes the qualifications for electors of the State legislature, the State constitution automatically adopts those qualifications for the electors of Members of the House and Senate of the United States, under the plain provisions of the Constitution?

Mr. HILL. That is correct. The Federal Government automatically accepts those qualifications so that they become the Federal qualifications, only, however, by the basic action of the State.

Mr. STENNIS. By adoption, and not by creation.

Mr. HILL. Not by creation at all. The Federal Government does not create anything so far as qualifications are concerned. All the qualifications are created by the States, and the Federal Government simply adopts the qualifications automatically. Under the Constitution, the qualifications are created by the States.

Mr. STENNIS. In the Senator's opinion, is there any way under the shining sun for that rule to be changed except by an amendment to the Constitution of the United States?

Mr. HILL. There is absolutely no way whatever to change it except, as the Senator has said, by an amendment to the Constitution of the United States, and by following the procedure which the American people followed, to which the Senator adverted earlier, when we adopted the 19th amendment, which was the woman suffrage amendment.

Mr. STENNIS. Is that the constitutional basis for the Senator's opposition to the bill?

Mr. HILL. That is the basis.

Mr. STENNIS. The Senator is telling the truth. The New York Times stated that the reason for the Senator's opposition is that he is trying to keep Negroes from voting in Alabama.

Mr. HILL. I say that is absolutely wrong. That is absolutely in error. My opposition to this bill is on the basic proposition that under the Constitution of the United States this bill is absolutely in the teeth of the Constitution, is absolutely unconstitutional, and if these powers are to be taken from the States, the only way they can be taken is by amendment of the Constitution.

Mr. STENNIS. And the Constitution the Senator is talking about is the Constitution which the Senator swore on this floor many times over he would uphold?

Mr. HILL. Of course, the purpose of taking the oath is not so much to protect the Constitution from enemies from without. It is for the purpose that in our day-by-day work, in our day-by-day actions here, we shall defend and uphold, and do nothing contrary to, the Constitution, and do nothing in violence of the Constitution, but at all times give our support and defense to it.

Mr. STENNIS. If the Senator will yield further, I did not mean to imply that the Senator was named expressly, by name, in the newspaper article.

Mr. HILL. I understand.

Mr. STENNIS. The reference was to all who might oppose the proposal. It was said the opposition was for the purpose of trying to discriminate. I think the Senator has made his position clear.

Mr. HILL. I know the position of the Senator from Alabama is exactly the same as that of the Senator from Mississippi. I think the Senator from Mississippi and the Senator from Alabama can state categorically, without fear of successful contradiction, that it is the position of every Senator of this body who opposes the proposal. There is no question about it.

Mr. STENNIS. I think the Senator is correct. I thank the Senator from Alabama.

Mr. HILL. I thank the Senator from Mississippi for his contributions to the debate. I appreciate them very much.

Mr. President, although the bill invades acknowledged State authority, the voter qualifications prescribed by it are not confined to the area of limitations on State authority imposed by the 14th and 15th amendments. For that reason, this bill would impose limitations on State powers beyond the constitutional jurisdiction of Congress.

Mr. President, remedies exist. As I have already said, there are some 15 statutes on the Federal statute books for the protection of voters. There are civil remedies, as well as criminal statutes for the punishment of those who might in any way interfere with the right to vote; for the punishment of anyone who might attempt to intimidate some person to keep him from the exercise of his right to vote; for the punishment of someone who might in some way seek to resort to coercion or to any unlawful interference in any way with a person's right to vote. There are some 15 statutes today on the statute books for the protection of the right to vote.

Remedies exist to deal promptly and adequately with unlawful interferences with the right to vote. But the Justice Department does not wish to make use of these remedies. Instead the Justice Department has turned to Congress to do its job—to hand over a blanket rule and to prejudge every literacy case.

If the pending measure is passed and should become the law of the land it would be a blanket proposition, no matter what were the facts in any particular case and no matter what were the merits of the case. The case would be prejudged by the act of Congress.

If Congress should pass this bill, it would in turn hand over our job to the courts, tempting them to the evils of judicial legislating. Nothing is more contrary to our American system, more in violation of the check-and-balance system of the American Government, more destructive of the rights of States and of the rights of the people than judicial legislating.

We best support the rights of the people when we abide by the Constitution and preserve the rights of the States.

Let the Justice Department use the ample remedies which Congress has made available to it.

There is no need for this measure and no constitutional authority for it. We would be grossly derelict in our legislative duty if we were to embellish this scheme—conceived under political pressure and born of political expediency—with that presumption of legality that is accorded the acts of Congress.

PERSONAL STATEMENT BY MR. MORSE

Mr. MORSE. Mr. President, when I used to teach law students a course in criminal law and criminal procedure, I never failed to point out that a prosecuting attorney was an officer of the court. I stressed the ethical requirement that as an officer of the court the prosecuting attorney had the ethical and moral obligation to make available to the court all the facts about a case that came into his possession, irrespective of whether or not defense counsel knew of some fact that would be helpful to the defense.

Of course, all of us who are lawyers in the Senate know that this rule of professional conduct binding upon a lawyer happens to be one of the cardinal principles of legal ethics.

Well, I have been engaged in a little running argument the past few days with the Washington News in regard to whether or not the senior Senator from Oregon had breakfast one morning here in Washington at a bar or at a restaurant. All I know, as I said before, is that I thought I had gone into a restaurant. I thought a sign in the window, to the effect, "Breakfast being served," was an invitation to enter a restaurant. I did go in. I did take a seat at the counter. I did eat a breakfast. After I was seated at the lunch counter it became apparent to me that there was no question that the establishment is a place that also served liquor. I thought it was a combination restaurant and bar after I got inside. The Washington News insists that it was a bar primarily. The Washington News does not deny that I ate breakfast sitting on a stool at the counter. Parenthetically, it was a good breakfast as I recall. Nevertheless, I think, on behalf of the Washington News, if I am going to keep faith with the teachings that I gave my students as to the duty of a prosecutor—and I have been somewhat of a prosecutor in this matter—I ought to supply the RECORD with all the evidence in my possession relating to this controversy. It is a controversy which has been blown up by the Washington News all out of proportion to its importance. However, the RECORD should contain a telegram which I have received in regard to the matter.

I have received a telegram from the owner of the establishment, and I think it is only fair that I read it into the RECORD. The telegram reads:

> APRIL 7, 1962.
>
> Senator WAYNE MORSE,
> *U.S. Senate,*
> *Washington, D.C.*
>
> I am extremely sorry for any embarrassment that may have been caused you by the recent News articles. I honestly believed you thought you were in a soda bar. Thank you for getting my little bar on the editorial pages.
>
> MAT KANE.

I do not feel I have any right to keep this information, although it might be considered as against self-interest, out of the RECORD. If the owner of the establishment considers it a bar, I think it only fair that I put the telegram into the RECORD this afternoon, particularly in view of the fact that yesterday the Washington News took another rap at me by publishing a picture of this establishment showing the owner has put an advertisement on the window, which advertisement reads:

> Senator WAYNE MORSE, this ain't a soda bar.

Being a teetotaler, I want to say I am not familiar with all the physical features of bars. I did not know they served breakfasts at bars. I had a good breakfast at this particular establishment which I thought was a lunch establishment which also served alcoholic beverages as so many Washington eating places do. All I want to say is that I do not recommend any bar, but if Mr. Kane is still serving breakfasts, I recommend his breakfasts. Of course the Washington News admits that my repast at Kane's was limited to breakfast. It fails to point out that my eating breakfast there bears no relationship whatsoever to the merits of my Senate resolution which seeks to forbid serving hard liquor in any of the public rooms of the Senate wing of the Capitol or Senate office buildings.

I rest my case.

DR. RALPH J. BUNCHE

Mr. JAVITS. Mr. President, on April 12, 1962, I took note of remarks made by Representative JAMES B. UTT regarding Dr. Ralph J. Bunche, the Under Secretary on Special Political Affairs of the United Nations. At that time, from my own knowledge of Dr. Bunche, I testified to his loyalty and dedication to his country and to the United Nations.

Since I was unable at the time to deal with the specific allegations, I asked Dr. Bunche to comment on them so that the record would be complete. Dr. Bunche has replied and has informed me that the allegations were merely old charges which have been thoroughly examined and found unsubstantiated by a competent Board—the International Organizations Employees Loyalty Board of the U.S. Civil Service Commission.

I ask unanimous consent that excerpts from Dr. Bunche's letter be printed in the RECORD at this point; and I hope it puts a period to this unfortunate incident relating to a dedicated and patriotic American.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

> UNITED NATIONS,
> *New York, N.Y., April 20, 1962.*
>
> Hon. JACOB K. JAVITS,
> *Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.*
>
> * * * * *
>
> I would first like to point out that Mr. UTT's allegations about my record are old, shopworn, and long discredited. In a speech in the House on January 15, also attacking me, Mr. UTT referred to a résumé of my record prepared by Archibald B. Roosevelt. All of the material about me in the Utt speech to which you replied was taken from this same source, which is really a tract repeating the allegations made against me 8 years ago to the International Organizations Employees Loyalty Board by a hostile informant. This tract has been in circulation throughout that period. It consists of allegations and insinuations, statements lifted out of context, untruths, and half-truths.
>
> I note your suggestion that I provide you with answers to Mr. UTT's charges in order that you may deal specifically with them in the RECORD. The fact is that I have long ago answered these charges, under oath. There is, as you know, an orderly and sound procedure which has been established by our Government to deal with all accusations of the kind in question made against American citizens employed in international organizations. This is the Loyalty Board mentioned above. The allegations against me, as cited by Mr. UTT, were all examined thoroughly in 1954 by a six-man panel of that Board headed by Mr. Pierce Gerety. The Board, after due deliberation, decided unanimously, and publicly announced that "it has been determined that, on all the evidence, there is no reasonable doubt as to the loyalty of this person to the Government of the United States." I enclose a copy of the Loyalty Board's finding.
>
> In the light of this, you will, I am sure, readily understand my reluctance to continue to give answers to old charges that have been disposed of by the processes which our law has established. Nor, by repeating those answers, would I wish to appear to condone disregard for the finding of the Loyalty Board. * * *
>
> Most sincerely,
>
> RALPH J. BUNCHE.

> U.S. CIVIL SERVICE COMMISSION,
> *Washington, D.C., May 28, 1954.*
>
> (For transmission to the Secretary General of the United Nations.)
>
> Subject: Information furnished under Executive Order No. 10422, as amended by Executive Order No. 10459, with respect to Ralph Johnson Bunche, born August 7, 1904. Employee, United Nations, New York, N.Y.
>
> The Honorable the SECRETARY OF STATE.
>
> SIR: The person named above, who has been reported to be a U.S. citizen employed or under consideration for employment by the foregoing public international organization, has been the subject of a full field investigation under the provisions of Ex-

ecutive Order No. 10422 of January 9, 1953, as amended by Executive Order No. 10459 of June 2, 1953, and the report or reports of investigation have been duly considered by the International Organizations Employees Loyalty Board.

It has been determined that, on all the evidence, there is no reasonable doubt as to the loyalty of this person to the Government of the United States.

Sincerely yours,

PIERCE J. GERETY,
Chairman, International Organizations Employees Loyalty Board.

ORDER OF BUSINESS

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STENNIS in the chair). The absence of a quorum has been suggested, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER (Mr. JORDAN in the chair). Without objection, it is so ordered.

NUCLEAR TESTS BY THE UNITED STATES

Mr. HUMPHREY. Mr. President, today at 11:17 a.m., the first of the nuclear test explosions took place in the Pacific. It was a nuclear weapon dropped from an airplane, what we call a midair burst. So far as the details of the explosion or the test are concerned, those are not yet available.

I mention this because I think each day, as the tests take place, Members of the Congress—and I hope all citizens—should remind their fellow Americans that this series of tests took place after the United States had negotiated in good faith for nearly 3 years to achieve an agreement, with proper inspections and controls, to suspend or to prohibit further nuclear testing.

I shall make it my business, as one who has been long interested in the achievement of such an agreement, to remind my colleagues in the Senate, and to use the Senate as a public forum to remind the American people—and I hope other people in the world—that the series of nuclear tests which our Government is now conducting was forced upon the United States by the open violation of the agreement on the part of the Soviet Union last fall.

I think we ought to be mindful of the fact that those Soviet tests were the most elaborate and the most extensive nuclear tests since the discovery or the perfection of the so-called atomic weapon.

We recall that earlier this month the President of the United States and the Prime Minister of Great Britain, Mr. Macmillan, both appealed to the Soviet Union—and indeed, to the 17-nation disarmament conference at Geneva—for a nuclear test prohibition agreement. In fact, until the very moment the bomb was exploded today, President Kennedy and Prime Minister Macmillan, working in concert in an effort to achieve a slowdown of the arms race, offered to the Soviet Union a reasonable, fair, and comprehensive proposed treaty to ban further nuclear tests.

I make this statement because I know that our country will be on the receiving end of one of the most bitter, one of the most diabolical and vicious attacks any nation has ever suffered in terms of international propaganda. All over the world today students are being organized to riot and to demonstrate.

All over the world today Communist forces are bringing pressure to bear in country after country upon the governments of those respective countries. It is pressure to protest the nuclear tests on the part of the United States.

I am saddened to know that we are so inept at times in what I call counterpropaganda and, in this instance, only a statement of the truth, effectively. Senators will recall that earlier today I spoke on this subject, because it weighs very heavily on my mind and on my heart. I deeply regret that, at the time the Soviets conducted their tests, we did not make it crystal clear in the most dramatic and effective way, in nation after nation, in region after region, in country after country, that the Soviets had committed an act of infamy, violated an understanding, broken a moratorium, and again opened the arms race.

Today our Government, which has a responsibility not only for the security of the people of the United States, but also to freedom and freedom-loving people all over the world has, with heavy heart and great reluctance on the part of our civilian officers as well as our military officers, renewed atomic tests in the atmosphere.

I think it should be said again that we test only because of security reasons. I think it should be said again that our Government is prepared at any time to sit down at the conference table and to negotiate a nuclear test treaty, with provision for international inspection, that would prohibit further nuclear tests. We do not ask something for ourselves that we would not ask for others. We do not seek to impose restraints, controls, and inspection upon others that we would not accept for ourselves. We do not ask that the inspection system be so elaborate that it would bog down by its own weight and its own numbers. In conjunction with our partners and allies—in this instance primarily Great Britain—we have outlined a proposed treaty that literally would make impossible the use of an inspection system for purposes of espionage.

I mention that point because the Soviets always say that the only reason we want international inspection is so that we can spy on them. Such a statement is preposterous. It is ridiculous. Voice after voice in our land and throughout the world needs to be raised up against that kind of hypocrisy and misrepresentation.

I hope that the present series of atomic tests can be concluded in a short period of time. I hope that in the testing of nuclear devices as well as nuclear weapons our security will be strengthened and, more importantly, that the strength that we develop can be used to maintain peace in this world.

I ask unanimous consent that an editorial entitled "Five Minutes to Midnight," which was published in the New York Times on April 11, but which is more timely today than on the date on which it was written, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FIVE MINUTES TO MIDNIGHT

President Kennedy and Prime Minister Macmillan have issued a last appeal to Premier Khrushchev to agree to a controlled nuclear test ban, calling once more on the Soviet ruler to accept the principle of international verification. Without such agreement, they warn, "the test series scheduled for the latter part of this month will have to go forward."

As the U.S.S.R. threatens to retaliate with further tests of its own, the free world faces the dismal prospect of an endless test race that will poison the world's political atmosphere even more than the physical. This gloomy fact again raises the question whether the tests are absolutely necessary or whether there is still some way to avoid them.

The Soviet Union first seized on the test-ban issue to launch a vast propaganda campaign which led both to the uncontrolled moratorium and to the Geneva test-ban conference. At this conference the Russians professed to accept the concept of international inspection and control as worked out by their own scientists in cooperation with their Western colleagues. But while seemingly negotiating on the details, they were preparing new tests. When ready, they went back on their previous agreements, rejected international inspection as "espionage" and broke the moratorium by a massive series of tests that included a monster bomb.

That is a policy of trickery and treachery which the Western Powers can scarcely tolerate without taking counteraction, especially since the neutrals refrained from calling the Soviets to account and even attempted at the subsequent Geneva Disarmament Conference to exert more pressure on the West than on the Russians. In point of fact, the United States and Britain have already taken countermeasures by resuming underground tests.

But the final justification of resuming atmospheric or underwater tests cannot rest on Soviet perfidy alone, on a mere tit-for-tat philosophy. It must rest on a convincing demonstration that such tests are an inexorable military necessity to maintain the balance of power, or rather balance of terror, on which unfortunately depend both our own security and world peace. We cannot let the Soviet Union get ahead of us, especially in the antimissile missile field, in which a breakthrough by the U.S.S.R. would change the power balance in their favor. But we must also face the fact that our resumption of the tests may well provoke an unfavorable political reaction throughout the world, which the Soviets would do their best to exploit and to use as an excuse for a new series of tests on which they would almost inevitably then proceed.

Mr. HUMPHREY. Mr. President, the editorial relates to the United States-British statement on the test ban by the President of the United States and the Prime Minister of Great Britain to the Soviet representatives and to Mr. Khrushchev urging that there be favorable action upon and conclusion of a test-ban treaty, and at the same time reminding the Soviet Union and the world that if that were done, we would not have to proceed with our tests. I ask unanimous consent that the statement from the New York Times be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

United States-British Statement on Test Ban

Discussions among ourselves and the Soviet Union about a treaty to ban nuclear tests have been going on in Geneva for nearly a month. The Soviet representatives have rejected international inspection or verification inside the Soviet Union to determine the nature of unexplained seismic events which might be nuclear tests.

This is a point of cardinal importance to the United States and the United Kingdom. From the very beginning of the negotiations on a nuclear test ban treaty, they have made it clear that an essential element of such a treaty is an objective international system for assuring that a ban on nuclear tests is being observed by all parties.

The need for such a system was clearly recognized in the report of the scientific experts which was the foundation of the Geneva negotiations. For nearly 3 years this need was accepted by the Soviet delegation at Geneva. There was disagreement about details, but the principle of objective international verification was accepted. It was embodied in the treaty tabled by the United States and the United Kingdom on April 18, 1961, which provides for such a system.

Since the current disarmament meetings began in Geneva, the United States and the United Kingdom have made further efforts to meet Soviet objections to the April 18 treaty. These efforts have met with no success as is clearly shown by the recent statements of the Foreign Minister of the Soviet Union, Andrei A. Gromyko, and of their representative in Geneva, Mr. Valerian A. Zorin, who has repeatedly rejected the very concept of international verification. There has been no progress on this point in Geneva; the Soviet Union has refused to change its position.

The ground given seems to be that existing national detection systems can give adequate protection against clandestine tests. In the present state of scientific instrumentation, there are a great many cases in which we cannot distinguish between natural and artificial seismic disturbances, as opposed to the recording the fact of a disturbance and locating its probable epicenter.

A treaty, therefore, cannot be made effective unless adequate verification is included in it. For otherwise there would be no alternative, if an instrument reported an unexplained seismic occurrence on either side, between accepting the possibility of an evasion of the treaty or its immediate denunciation. The opportunity for adequate verification is of the very essence of mutual confidence.

This principle has so far been rejected by the Foreign Minister of the Soviet Union and there is no indication that he has not spoken with the full approval of his Government. We continue to hope that the Soviet Government may reconsider the position and express their readiness to accept the principle of international verification. If they will do this, there is still time to reach agreement. But if there is no change in the present Soviet position, the Governments of the United States and the United Kingdom must conclude that their efforts to obtain a workable treaty to ban nuclear tests are not now successful, and the test series scheduled for the latter part of this month will have to go forward.

Mr. HUMPHREY. As chairman of the Subcommittee on Disarmament of the Senate Foreign Relations Committee, which subcommittee over the years has received considerable information on the matters of disarmament, nuclear tests and nuclear test prohibition, it is my hope that during that series of tests I shall be able to report in greater detail to the Senate as to what has transpired in those tests in the Pacific. I hope that we will brace ourselves for what will undoubtedly be a very difficult, depressing, and even sad period. It will be a time when our Nation will be the victim of the whiplash of contrived and, I think, evilly motivated public opinion which, in most instances has been inspired by the Communist propaganda apparatus.

THE COMMON MARKET

Mr. HUMPHREY. Mr. President, I am sure that all of us are very much aware of the great developments in the Common Market area. Only recently we were privileged to have Prof. Walter Hallstein, president of the Administrative Commission of the six-nation European Economic Committee, visit the United States. Senators, Members of the House of Representatives, and members of the executive branch visited, discussed and conferred with Dr. Hallstein the developments in the Common Market. Dr. Hallstein is a friend of the United States. He speaks with warmth and sincere affection for our Nation. He is also a very intelligent, mature, and responsible world citizen, with a real understanding and appreciation of the political and economic developments of our time. It was my good fortune, along with other Members of this body, to have an evening with Dr. Hallstein, president of the European Economic Community.

That evening was devoted to the discussion of the relationships of the American economy to the Common Market area, of the Common Market to the so-called European free trade area, which is the area that includes Great Britain, Denmark, Norway, and other countries in Western Europe. I think it should be noted that our European friends and neighbors are moving into a period of economic integration and unification, which in turn will lead to a form of European political integration, confederation, or unification. It should be now acknowledged, and I think accepted, that Europe is taking steps toward some form of political federation or unification, from which there can be no return. What that form will be and what means may be used are still uncertain. But whether it be Chancellor Adenauer, Prime Minister Macmillan, President de Gaulle, a leader from one of the Scandinavian countries, or one of the leaders from Italy or the Low Countries, we know they all recognize that Europe must not only have economic integration and federation, but also must move along paths of political unity.

I have said a number of times that this development may be the best news, the really significant news of the 20th century. Western Europe represents the powerful industrial, economic, and political force for freedom in this troubled world of ours.

If the United States of America and our allies and friends and associates in the Western Hemisphere will prepare themselves for economic cooperation with the European Economic Community, and, indeed, prepare themselves for the inevitable friendly economic competition of the European Economic Community, then I believe it can be said in our time that the balance of power, political, economic, and military, is unquestionably and without a shadow of a doubt in favor of the free world and of the free nations.

Mr. Khrushchev knows this. With all of his limitations, certainly no one can call this man stpuid. He understands power. He understands economics. He understands political reality. The Chairman of the Council of Ministers of the Soviet Union, Mr. Khrushchev, understands that if there is economic and political unification and integration in Western Europe, including Great Britain, including what is known as the European Free Trade Area—the FTA—including the Inner Six and the Outer Seven, including the United States—at least through some form of association or cooperation with Western Europe—and including the British Commonwealth nations and our Latin American neighbors—if this kind of economic and political bloc can be formed and molded, giving the opportunity for individual or national needs to be realized, there is not any doubt at all that victory will come to the free world in this second half of the 20th century.

Khrushchev knows this. I believe this causes him much more concern than do the atomic tests. I believe this causes him much more concern than does Berlin. In fact, I believe that this is one reason why Mr. Khrushchev again raised the issue of Berlin; namely, to try to divide the United States from its allies, and the allies from one another. Khrushchev has known from the beginning that there was, in many areas of the populous Western Europe, a fear of a strong Germany, and a suspicion of a strong Germany. He has set out to arouse those suspicions again and to fan them into fever heat. He has not been successful.

The main reason he has not been successful is that our country under President Kennedy has exercised a firm and reasonable and responsible leadership in connection with the problems that have arisen by reason of our being one of the victors in World War II.

So I believe there are some rather good days ahead. I say that as one of the optimists in the Senate. I am not an optimist out of mere desire to be one, or because I want the wish to be the father to the thought. I am one because I see this tremendous economic and political power that is to be found with the 300 million people of Western Europe, the 180 million people of the United States, an equal number of people in Latin America, and almost 20 million people in Canada. If we add to those people the vital and vigorous economy of Japan, which also has committed itself to freedom, I do not believe that the Sino-Soviet bloc looks invincible at all. In fact, it is not the wave of the future. It is anything else but that.

What it represents is a repetition of the despotism of the past. It finds itself bogged down in corruption and inefficiency, in disagreements, in shortages of raw materials, in shortages of capital, in shortages of food and fiber, and even in shortages of technical manpower.

Therefore, to those who show deep concern about the prospects of victory—and I hope every American has that concern—let me say that victory will come to the steadfast, that victory will come to those who face political realities and do not indulge in political fiction or political mythology. Victory over all forms of oppression, particularly of a totalitarian nature, will come to those people who understand the importance of unity, the pooling of their resources, and the expansion of their production, as well as a more equitable distribution of the fruits of the production; to those who understand the importance of brainpower as well as firepower, and who understand that one must live by ideals, and not merely by utterances or by following slogans.

I have before me an article entitled "European Economic Community Survey Shows Growth Rise of 6.5 Percent," published in the Journal of Commerce of Friday, April 13, 1962. Those who are superstitious may say that that is not a good date to refer to in quoting anything from any newspaper. However, Mr. President, there was good news on that day, on that Friday, the 13th. It shows that the overall growth of the Common Market industrial area in productivity was 6½ percent last year. In the year before it was more than 9 percent. I submit that a 6½ percent growth rate in the year 1961 was nothing short of being phenomenal. This is only the beginning.

I ask unanimous consent that the brief article to which I have referred be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EUROPEAN ECONOMIC COMMUNITY SURVEY SHOWS GROWTH RISE OF 6.5 PERCENT

BRUSSELS.—A Common Market survey showed the six-nation unit's rate of industrial production dropped by more than 50 percent last year, but still managed to record an overall growth of 6.5 percent.

The figures were contained in a quarterly survey of the economic situation within the European Economic Community (EEC) which consists of France, West Germany, Italy, Belgium, Holland and Luxembourg.

Despite a poor harvest and a consequent drop in agriculture production during 1961, the EEC's gross product rose a bit more than 5 percent in real terms, the survey showed.

The survey said the reduced pace of growth was expected to continue during 1962. Figures for the 3 years previous to 1961 showed the industrial production grew by 3 percent in 1958, 7 percent in 1959, and 13 percent in 1960.

Since the Treaty of Rome went into effect 4 years ago, the industrial output has grown by 32 percent, the survey pointed out.

Mr. HUMPHREY. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point an article published in the New York Times of April 11, relating to the visit to Washington of Professor Hallstein, president of the European Economic Community.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMMON MARKET IS CAUTIONING UNITED STATES—HALLSTEIN IN CAPITAL GIVES VIEWS ON PROTECTIONISM

WASHINGTON, April 10.—The principal executive of Europe's Common Market has been urging officials here to take a "judicious" approach to the protection of American industry against foreign competition.

He has been receiving assurances from authorities in and out of the Government that his concern exaggerates a relatively minor threat to this country's basically liberal trade policy.

Prof. Walter Hallstein, president of the administrative commission of the six-nation European economic community, is here for what is described as a routine annual visit, but it is not routine. The current focus on United States-European trade relations in the foreign trade bill now before Congress, and on United States-European economic relations in the administration's general thinking, makes this visit particularly timely.

AGAINST PROTECTIVE CLAUSES

Dr. Hallstein's particular concern with the trade bill, according to some who have talked with him, is that it will include protective clauses that would frustrate the expansion of trade between this country and Europe's "six"—France, West Germany, Italy, Belgium, the Netherlands and Luxembourg.

He has indicated that he is aware of the administration's previous assurances that it has no intention of invoking protectionist clauses recklessly, but he has seen fit to bring the point up nonetheless.

In reply the authorities here are giving the assurances that the United States is not going protectionist and they are raising questions about the protective clauses that Europe invokes.

Dr. Hallstein's basic point is the need for transatlantic cooperation in trade and other economic policies. Neither he nor officials here are talking about any kind of formal transatlantic organization.

Dr. Hallstein met today with President Kennedy's chief economic adviser, Dr. Walter W. Heller, lunched with George Meany, president of the American Federation of Labor and Congress of Industrial Organizations, and finished with Secretary of Agriculture Orville L. Freeman.

Tomorrow he will address the National Press Club and hold three more meetings with principal economic authorities in the Administration. On Thursday he will attend what amounts to an extraordinary meeting of the House and Senate committees that write trade legislation—a White House luncheon to which important Democratic and Republican members of both committees have been invited.

Mr. HUMPHREY. Mr. President, the article cautions the United States, as it does other countries, on raising its standards of protectionism and raising tariffs and quotas; it urges, in quoting Professor Hallstein, the United States to join in what is the real significance of the economy of the 1960's; namely, the growing market and the growing standard of living and the rise in production and the better distribution and the modernization of plant and equipment.

When we start thinking like that, there is no doubt that we will do our share of the business in this world and that the United States will prosper even more than it has thus far.

Mr. President, I also ask unanimous consent to have printed in the RECORD at this point an article written by Mr. Henry Wallich, entitled "Export Rise May Ease Duty Cuts," published in the Journal of Commerce of March 28, 1962. It relates to the proposal of President Kennedy for a broadened foreign trade bill.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EXPORT RISE MAY EASE DUTY CUTS

(By Henry C. Wallich)

Assurance against what has come to be known as "market disruption" clearly is an important factor in making it possible for a nation to live with a liberal trade program that entails sharp reductions or elimination of tariffs as proposed in the Trade Expansion Act.

In Europe, protection against market disruption has been sought in part through cooperation between importing and exporting countries. Recently, the United States has followed the same principle by promoting a worldwide agreement on textiles under which the exporting countries take on some of the responsibilities for avoiding market disruption in the importing countries.

BOOM ON IN EUROPE

The Europeans have enjoyed one great aid to tariff cutting that the United States may find it difficult to appropriate: a strong business boom. When unemployment is at a minimum, the resistance to lower tariffs obviously dimihishes, and adjustments become easier. In putting the trade program before the Congress at a time of relatively high unemployment, the President certainly is doing it the hard way.

This difference in business conditions here and in Europe has another consequence. In the United States there is a lack of demand, in Europe a shortage of labor and in some lines of industrial capacity. The necessary adjustments that American producers will have to make can therefore most easily be accomplished if idle resources can be shifted into exports. That will also help to strengthen the American balance of payments.

In Europe, adjustments can best be made by allowing some resources to move from import competing industries into the rest of the economy. This also would be in keeping with the strong balance-of-payments position that the Common Market countries enjoy. In other words, the initial response to tariff cutting will be most conveniently accomplished for both sides if U.S. exports rise more than European exports.

AFFECTS PROFITS, LOSSES

At this point, it becomes necessary to turn from the problems facing the individual businessman to the broader issues that arise from the United States as a nation, in the economic as well as in the political sphere. Whatever happens at the national level, to the gross national product, to employment, to the balance of payments, and our political posture abroad, will ultimately reflect back upon the profit-and-loss statement of every business.

The United States today finds itself driven toward trade liberalization to meet the problem created by the Common Market. Why are we suddenly confronted with this urgency? The idea of European unity has been supported by the United States since the early Marshall plan days. Both the Truman and the Eisenhower administrations favored it, on the grounds that political integration would increase European strength vis-a-vis Russia.

The direct pursuit of political unity was not regarded as promising, however, in view of the historical antagonisms within Europe. But economic integration seemed feasible and was regarded as a steppingstone toward political unity. The probable economic results in themselves were not assessed very highly.

For what they might be worth, it was thought that they would help to strengthen the then weak European balances of payments. This, it was thought, would be a means of alleviating the dollar shortage that then seemed to prevail. In other words, it looked as if discrimination by a Common Market would not hurt the United States.

SWITCHED SIGNALS

Now the Europeans had switched signals on us. The political integration of Europe has made only modest progress. But economic integration has advanced like wildfire. Meanwhile, the United States has allowed its balance of payments to become weak, while the continental countries have become strong competitors with strong balances of payments. Suddenly we have discovered that we have allowed these countries to engage in discrimination against our exports at a time when the competitive balance is already against us. The whole shape of the problem has changed drastically.

Had all this been correctly foreseen, which perhaps would have taken more than human wisdom, the United States would certainly have demanded a price for its support of the Common Market. We would have consented to the resulting discrimination against our exports only on condition that the Common Market countries keep this discrimination at a minimum, by cutting their outside tariffs unilaterally. Nobody knows how far such a demand would have been acceded to by the Europeans.

Under the General Agreement on Tariffs and Trade (GATT) they are technically within their rights in forming a customs union with an outside tariff wall equal to the average of their individual tariffs. In fact, the Common Market countries have been cooperative in making a 20-percent concession from this common outside tariff contingent upon later reciprocal concessions. That, however, is not enough to overcome the effects of discrimination.

As a result, the United States today is in the position of having to buy further concessions with concessions of its own. Because we sell more to the Common Market than we buy from it, there is reason to believe that reciprocal tariff cutting will increase our exports more than our imports. In this way, the American balance-of-payments position will improve.

But the fact must be faced that the development of the Common Market tends, other things being equal, to weaken the American balance of payments. The trade program is a means of recouping some of this loss. It is not a step to conquer new ground.

GROWTH TO SPUR IMPORTS

The rapid growth of the Common Market countries may have a countervailing advantage. The faster they grow, the more they will import. Insofar as the Common Market is speeding up the growth of the European economies, it is also speeding up their imports. This would help the American balance of payments. But nobody can say how fast these countries would have grown without the Common Market, and how much of a real compensation for discrimination may derive from the extra growth attributable to the Common Market.

In addition to the expansion of trade benefits that a liberal trade policy offers, the United States can expect to reap one other benefit. That is the pressure toward greater competitiveness which trade expansion will exert.

The British, who are getting ready to join the Common Market, seem to regard the pressure of competition as one of the principal benefits. For the United States, this has become a fundamental problem.

Immediately after the war, we occupied a unique position of unrivaled productivity and competitiveness. Since then, we have allowed ourselves, largely through successive wage and price increases to be pushed into a position whereby our competitiveness is no longer adequate to balance our international accounts. The situation is by no means desperate, as $20 billion of exports attest. But its long-term trend must occasion grave concern.

THE NEW ENGLAND STORY

What is happening to the United States in the world today is what happened, broadly speaking, to New England vis-a-vis the South, during the last 30 years. Once an industrial leader, New England saw its costs and prices rise and its industries emigrate. It became a high-cost area with a tendency toward unemployment and stagnation.

The United States, if it does not mend its ways, stands a good chance of becoming the New England of the whole world. New England was fortunate, after a fashion, in that it was unable to obscure and postpone its problems by adopting protective tariffs. There can be no tariffs inside the United States.

Thus, New England was compelled to face the full pressure of competition and ultimately to make the necessary adjustment. Those adjustments are not yet completed. But the New England States have shown that declining industries can be replaced with growth industries and that industrial skills can be redirected. In short, they have shown that a healthy economy responds positively to the pressures of competition.

The United States faces very similar problems. Wages and prices have risen. Industries have been moving abroad. Other countries have been catching up with our advanced technology and are now using the advantage of cheap labor to outcompete us.

This process is still of fairly recent origin, and has not gone very far.

If the United States is alive to its risks and opportunities, it will respond as New England did, but hopefully more quickly and even more vigorously. We shall then be spared the long agony that New England had to suffer. An essential condition of such quick response is to swallow the strong medicine of intensive competition.

Mr. HUMPHREY. The article is the second in a series of articles. It is a very important and informative article. It reminds us that while there will have to be some adjustments made, if we lower tariffs and remove duties, and if the President's foreign trade program is authorized by Congress, those adjustments which may cause some limited dislocations in certain areas of our economy, will be more than compensated for by the rise in exports from the overall American economy.

Every American knows that the only way we can overcome the problem of the balance of payments and the outflow of gold is by increasing our foreign trade.

Therefore the President's foreign trade program becomes not only a matter of good business, but, with equal significance, it also becomes a matter of protecting the value of our currency and maintaining the volume of our gold reserves. A nation such as ours, which is engaged in such heavy responsibilities throughout the world, cannot afford to have its gold reserves dwindling.

It cannot afford to have a situation develop in which our exports are not adequate to compensate for the outflow of moneys and reserves from this Nation. We shall have to do some real economic work and thinking this year. This may be one of the most important sessions of Congress in this century. I say that because we are making changes that are vital to the Nation. We are reorganizing our defense; we are laying before the world broad programs in the field of arms control and disarmament; we are considering new tax legislation to give an incentive to investment and the modernization of plant and equipment; we are developing a broad policy and program in the field of foreign aid and foreign credits—the Alliance for Progress, to mention only one.

We are also developing a foreign trade program, which is a matter of economic and political interest and necessity to our Nation and is, I think, imperative in terms of the survival of the United States as a leading world power, having responsibilities for ourselves and for other nations.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Big Guns Versus a Velvet Touch," written by Robert H. Estabrook, and published in the Washington Post of April 10, 1962. The article indicates the kind of debate and discussion which are now taking place in Western Europe, in Great Britain, and in America about the Common Market and its impact upon the United States and Great Britain.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIG GUNS VERSUS A VELVET TOUCH

(By Robert H. Estabrook)

LONDON.—The task of American diplomacy, President Kennedy indicated recently, is to represent U.S. interests irrespective of what others may say. This prescription is being tested severely in current negotiations affecting the Common Market. Under Secretary of State George Ball has received considerable criticism in England because of American strictures against Commonwealth trade preferences and associate membership for neutral countries. Some stems from groups that would seize any who are taking too strict a view and are creating difficulties for British entry.

Recent British speeches have had a new tone of optimism and evangelism about Common Market prospects. Officials know that Commonwealth preferences cannot be perpetuated; the most to be expected is gradual adjustments partly out of responsibility for having used them as pawns in the European Free Trade Association; but there also is a belief that exclusion would be wrong. And Britain is capable of mounting her own subtle pressures.

The American position is that political unity of Europe remains the essential objective. The United States is willing to suffer some initial trade discrimination—in the expectation that tariffs can be lowered reciprocally—to further this objective. But it is unwilling to regard mere commercial associations with the Common Market, lacking any merger of political sovereignty, with the same tolerance. It fears dilution of the European community into a customs union. At the same time, the possibility of associate membership or other trade arrangements for the neutrals is not precluded. The United States proffers its views only when asked.

That is the official explanation. As a practical matter the pressure, or what others regard as pressure, concerns the zeal of some American champions of the Common Market. This has produced an impression that the United States is trying to dictate the composition of the community and to punish Britain for its delay and the neutrals for their comfortable detachment.

It may be suspected that the blunt approach is partly a shock tactic. Ball seems to enjoy being a lightning rod, and if he is bothered by the bolts crashing around his head he does not show it. To the extent that the neutrals recognize that they cannot get something for nothing and have begun accordingly to reexamine their positions, some temporary unpopularity for the United States may be useful.

Indeed, the neutrals are moving. There has been extensive discussion in Sweden, and question has started in Switzerland, where the electorate has just rejected a ban on nuclear weapons. Austria is hardly a voluntary neutral. None of these countries could be expected to renounce neutrality as the price of Common Market association (in Austria that would amount to a treaty violation). But if they were to agree, for example, to a common external tariff set by the commission in Brussels, that would represent a significant grant of sovereignty.

If one accepts the premise that there is an overriding American interest in European unity, it does not follow that there is only one way to attain it. For the moment French President de Gaulle seems to be blocking the path toward supranational political institutions. Notwithstanding his conference with Italian Prime Minister Fanfani, a wide gulf remains between his nation-state vision and what most members of the community want. An eventual federal structure may depend in any event upon a confederal bargaining. There is a case for including the neutrals in this structure with the belief that the dynamism will attract them to full membership.

Despite its great success so far, the Common Market is still a new edifice. Not every problem can be solved at once, and perhaps what is most needed now is patience. Excessive pressure could cause an unhappy psychological reaction. We may hope that the neutrals will elect voluntarily to alter their positions, but if we attempted to cram change down their throats we could succeed only in congealing resistance. In spite of the great American involvement in the new shape of Europe, sometimes it is wise to let others at least think that they are making their own decisions.

Mr. HUMPHREY. Mr. President, I am hopeful that readers of the RECORD—and there are many—will find these articles to be of educational value.

ADDRESS BY ATTORNEY GENERAL ROBERT F. KENNEDY BEFORE ASSOCIATED PRESS IN NEW YORK CITY

Mr. HUMPHREY. Mr. President, on Monday, Attorney General Robert F. Kennedy spoke at the annual luncheon of the Associated Press in New York City. I wish to commend the Attorney General on this excellent address, in which he reviewed his recent trip around the world and told of the widespread lack of understanding and outright misinformation which so many people of other lands have about the United States.

I suppose one of the reasons why I liked that address is that what the Attorney General said reflects so much my own observations as to what is taking place in the world relating to private and public attitudes concerning the United States. Following each trip I have taken abroad, I have presented to the President of the United States or to the State Department or to my colleagues in Congress a report of my observations. I am but one Senator. My observations are obviously limited in their value or, I suppose, in their depth, because they are the observations of only one citizen.

However, I have been deeply concerned over a long period of time with the apparent lack of understanding on the part of people in other countries of the ideals and purposes of this country. What makes America? What are its objectives? What are our purposes? What are the goals of our Nation? What are the true thoughts and ideas of its people?

I concur wholeheartedly in the suggestion of the Attorney General that many more Americans—Members of Congress, members of the executive branch, artists, poets, writers, musicians, businessmen, teachers, and persons in many other professions—go abroad to explain what the United States stands for and its devotion to freedom based upon the state serving the individual citizen, rather than the individual citizen being the servant of the state.

The Attorney General was entirely correct in stating that the next 10 years will be crucial years in the world struggle with communism for the minds and hearts of men. There is no doubt in my mind that we can and we will win this struggle. I have so indicated today in earlier remarks. There is no doubt in my mind that freedom—individual freedom and political freedom—will win. But we will not win that freedom without trying, without making our case, without going to the people around the world and telling them the truth; telling them what we stand for and what we believe in, and nailing down the lies which the Communists use to create a false image of the United States; nailing down the misrepresentation that those who just do not know us have been guilty of leveling against us.

The Attorney General's address should be widely read and circulated. I hope and trust that his recommendation that we go all out to make certain that our position gets across to the people of other lands is well received in both the public and private sectors of our country.

Mr. President, what I said earlier today about our worldwide image on the subject of nuclear testing applies to a whole range of foreign and domestic problems. Throughout neutralist Asia and Africa, it seems, Americans are identified in the minds of all too many people with colonialism, imperialism, and social and ideological backwardness. We know that this is not the truth, but I submit that every Member of this body, having been elected to public office, knows that what is basically important is what people believe to be the truth. We must make what is the truth a living reality and a believable reality to peoples in other parts of the world.

To a large extent, this unfavorable and false image has been implanted in the minds of gullible or undiscriminating local populations by either nationalistic demagogs or by Communists, who have as their objective the undermining of the strength of this Republic. The Communists know that they can look good only when they make us look bad. But they would have no success at this enterprise if the peoples of the emerging nations—the peoples in Latin America, in Africa, and Asia—struggling for education and opportunity, were not ripe for this message.

One of the finest acts of this administration was to send our able and courageous Attorney General, Mr. Robert Kennedy, on a world tour last winter. Mr. Kennedy came face to face with incredible anti-American prejudices. He faced up to those prejudices with responsive replies. He discovered for himself how Communists manipulate those prejudices with the most appalling results.

In his speech on Monday, April 23, to the annual luncheon of the Associated Press in New York City, Mr. Kennedy told of his encounters with Indonesian students, Japanese students, and labor leaders, and others. What was remarkable about him was his willingness to meet these unreasoning critics on their own ground, on the public platform, and to plant in them the first seeds of doubt about their mistaken conception of the United States and their own mistaken doctrines.

Robert Kennedy proved that America can get its case across to the world because it is a good and truthful case. He proved that if we take our case with force, vigor, and conviction to even the most rabid critic and enemy, we can at least plant some doubt in the mind of that critic as to the validity of the critic's case.

Mr. Kennedy called eloquently upon the American press and upon responsible molders of American public opinion to "convince the people of foreign countries—and particularly the students—that we are true to our ideals and that prosperity and decent health can be achieved in a system that preserves individual liberty."

Mr. President, this suggestion must be acted on immediately, or else, as the Attorney General said, we will lose the cold war.

Mr. Kennedy made a number of other good suggestions. All are urgent; all are feasible; all can be accomplished with a little effort and imagination. I note that he asked that we speak not only to those who attend diplomatic receptions—and in every capital city there is a clique or a special group who specialize in attending diplomatic functions. Most of them have neither influence at home nor abroad. All too often, too much time is spent on them. The Attorney General said it was better to talk to the agricultural leaders, to the farm-cooperative leaders, to the trade unionists, the students, the businessmen, the merchants, the teachers, and the children. He asked us to get to the people, not just to some of the people who do not represent very many of the people.

Mr. President, I commend the speech by the Attorney General to the attention of my colleagues and to the attention of the forward-looking American public.

I ask unanimous consent that the text of the address be printed in the RECORD as a forthright statement of one of the imperatives of our foreign policy in the cold war.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY ATTORNEY GENERAL ROBERT F. KENNEDY AT THE ANNUAL LUNCHEON OF THE ASSOCIATED PRESS, NEW YORK CITY, APRIL 23, 1962

Mr. McKelway, I very much appreciate your generous invitation to be here this afternoon.

There have been some comments about the Department of Justice awakening three newsmen in the middle of the night to ask some questions. I want to tell you the reaction of your reporter, Louis Panos, who covers the Department of Justice for the Associated Press.

The next evening Mr. Panos came into my office and said:

"I am just leaving for home and before I go to bed is there anything you'd really like to know?" Then he said:

"Don't call me, I'll call you."

I want to assure you that we do not make a practice of calling reporters at 2 or 3 o'clock in the morning. But to tell the truth, when I get called at 2 or 3 in the morning by a reporter for the Associated Press—and it happens—I am not too sure it wouldn't be a good idea.

I am grateful for your invitation to be here today because I have a high regard for newspapermen who accept their responsibility to probe tirelessly for the truth.

I do not believe that newspapermen are self-appointed judges of what's right or wrong or what's good or bad. But I believe in and greatly admire those who are competent to seek the truth and inform the people. In my opinion, the newspapers are equal to the courts—and sometimes ahead of the courts—in our system—in protecting the people's fundamental rights.

Since my recent trip around the world, I am even more aware of the tremendous role that a free press plays in a free society, and of the absolute necessity that newspapers make a concerted effort to get the truth to the people.

The Associated Press is distributed in more than 100 languages in 89 countries around the world. Those statistics tell clearly what heavy responsibilities and burdens you gentlemen bear.

But on my trip—wherever I visited—in Japan, Indonesia, Thailand, Germany, and Holland—I found a great deal of misinformation and misunderstanding about the United States and the American people.

This was especially true among the students with whom the Communists—though small in number—have done a more effective job in spreading the Communist line than we have in telling the truth about our economic and social progress and about our fundamental beliefs as freemen.

In Indonesia I met with a group of 25 student leaders, and the leader, whom I later learned was a member of the Communist Party, asked me the following questions in rapid fire:

"Why does the United States not agree that colonialism is bad—that colonialism is completely amoral? Why doesn't the United States insist, along with Indonesia, that the Dutch evacuate West New Guinea and turn the territory over to the Indonesians?"

I answered by asking these questions:

"You say you are against colonialism in West New Guinea. Are you really against colonialism? Are you against the colonialism that the Russians have imposed on southeast Europe? Are you against Chinese colonialism in Tibet? Are you against Russian troops going into Hungary? Are you against Soviet domination of Poland, Lithuania, Estonia, Latvia, Bulgaria, and Rumania? How do you feel about this modern-day colonialism?"

The aggressive young man spoke up again. These examples did not show colonialism, he said—all of the people of the countries I mentioned supported their governments. They supported communism. They had a strong bond of affection for the Russians.

"How then do you explain the wall across Berlin?" I asked. "If the governments of these countries, dominated by the Communists, are supported by the people, as you say—if they have free elections—why then is it necessary to shoot down women and children who attempt to escape across the wall?

"What is your explanation for the fact that for the first time in the history of mankind, a wall has been erected not to keep bandits or marauders out, but to keep an entire people in? Can you explain that?"

The young Communist's answer was brazenly simple:

"We did not come here to discuss details. We came to talk about the U.S. position on West New Guinea."

Not one voice there was raised to protest or question his statement. Looking at the faces of these young people I could not find even a flicker of opposition to the colonialism of the Soviet Union or Communist China. This new, modern-day form of colonialism was not to be discussed. This was quite clear.

The meeting broke up amicably. I went to my room to finish packing. Fifteen minutes later when I came out, four or five of the group were waiting to see me. They were extremely cordial. They asked inquisitive, friendly questions about the United States and about the American people. Their attitude was completely different than it had been during the meeting.

They admitted quite frankly that they had not expressed their views at the meeting because these subjects just never were discussed by them or by any of their friends in public. Quite clearly they were completely intimidated by the Communists and had been for some time.

But it was not just with the students that I encountered this misinformation. The head of a leading Japanese labor organization, with millions of members, told me that a few industrialists—Wall Street, the Morgan Bank, and the Rockefellers—run the United States. I said, "not yet."

Also I asked him how he explained Arthur Goldberg, former counsel for the Steel Workers Union and the AFL-CIO, being Secretary of Labor. If his idea of America was correct, how could John F. Kennedy, with the backing of labor, become President. He had no answer. In fact, incredible as it may seem, these questions hardly seemed to have occurred to him.

This man was not a Communist. He said that he just felt the United States was imperialistic. He was very bright, attractive, articulate, and convinced he was right. But his ideas about the United States were 50 or 100 years out of date.

The students who visited me in Indonesia after I spoke and the Japanese labor leader are typical of the majority of persons we encountered on our trip. They are not Communists nor even pro-Communist, and they have tremendous reservoirs of good will toward America and the American people. But they have serious questions about our country and our way of life.

They know we have made great material progress but they have difficulty understanding our federal system of government.

They do not understand that the American people have great concern about their fellow Americans and about their fellow human beings.

They do not know that the American people are dedicated to making progress toward our national goals as set forth in the Declaration of Independence and the Constitution, and that the American people are fiercely determined to remain free.

So, we have a great problem but we have a great opportunity, and, in my judgment, unless we are able in the next decade to convince the people of foreign countries—and particularly the students—that we are true to our ideals and that prosperity and decent health can be achieved in a system that preserves individual liberty, we will lose the cold war no matter how much money we spend on aid.

But I believe that if we get busy and enter this battle for the minds of tomorrow's leaders with all the skill, vigor, and dedication at our command, we will win hands down. I believe this because we have so much going for us—despite what success the articulate, highly disciplined Communist cadres have had.

The President said in his state of the Union message that "our overriding obligation in the months ahead is to fulfill our own faith * * * for if we cannot fulfill our own ideals here, we cannot expect others to accept them. And when the youngest child alive today has grown to the cares of manhood, our position in the world will be determined first of all by what provisions we make today—for his education, his health, and his opportunities for a good home and a good job and a good life."

The importance of the President's statement came home to me again and again on my trip.

Every place, every city, every community, every country that I visited—whether it was a press conference, a talk with students, or a meeting with labor leaders or businessmen—I was questioned about problems here in the United States—what progress we were making, what steps we were taking.

When Carlos P. Romulo, who is a great friend of the United States and the American people, came to my office just before he left Washington recently, he said that we were destined to continue to lead the world. However he warned that the one thing that can stop us—the one thing that will stand in our way is if we don't deal with the important civil rights problems. People are just not going to believe that we live by the Declaration of Independence or the Constitution if we don't treat our fellow human beings as human beings. He said we have a responsibility and obligation to do this.

And to put it another way in the language of your newsdesks, we must be sure we have a solid story first before we can worry about giving it effective display.

On my trip when I was asked about civil rights, what steps we are taking—and it happened again and again—I said quite frankly we had major problems but that we were making progress.

I told them about the progress we are making—that dramatic strides have been made in guaranteeing that all our citizens are able to exercise their fundamental freedoms equally. I cited instances of this progress such as the fact that for the first time in the history of the United States Negroes hold positions of district court judges; that two of our biggest cities—Cleveland and San Francisco—have U.S. attorneys who are Negroes; that Negroes occupy other high places in the Government and that they are not selected just because they are Negroes but because they had ability and integrity and they were not denied the opportunity for employment because they were Negroes.

I said that while we have made progress there was much more we could do and much more that we will do; that the problems and difficulties and even the violence they would read about and hear about meant that we were moving ahead—that the American Government and the American people were dissatisfied with the status quo.

Sometimes I was asked about racketeers and hoodlums. Again I could cite the progress that has been made. In January 1961, the Department of Justice began a major effort against organized crime and racketeering. Federal law enforcement investigations are now being coordinated effectively and we are pooling information from the files of Federal and local law enforcement agencies about more than 700 top racketeers. Five of eight bills which we submitted to Congress were enacted and had an immediate effect in lessening gambling profits which finance all other forms of organized crime.

I wish I could stand here today and tell you we have organized crime on the run; that in every city throughout the United States it has been brought to the point where it can be controlled by the local authorities. The important racketeers and hoodlums are well aware of the pressures that have been placed upon them and they are uneasy. However, we have a long way to go and much to do, but we have made progress.

But the fact that we have these problems and difficulties in civil rights and law enforcement and other areas is what leads to misunderstandings and misconceptions about the United States by the small Communist groups who then say for example:

"How can you believe the United States? How can you believe that they believe in equality if they won't treat minority people equally?"

What we must do is make it clear that we in this country are not going to accept the status quo; that we are not selfish people interested only in ourselves and our pocketbooks, that we are interested in our fellow citizens.

Capitalism has become a dirty word because it is synonymous with selfishness. Many people in foreign lands believe that Americans are interested only in material gain, that they are not interested in their neighbors, not interested in their communities, and not interested in those that are less well off.

Many of you through your newspapers and your civic efforts have assisted your fellow citizens in many ways and you are well aware how much effort Americans expend on improving their churches, their cities and schools, and aiding those less fortunate. This is what is truly the United States. This is what is truly the real character of the American people.

This is the story that deserves banner play overseas. This is the story that we must tell and I think we have many other assets as well.

In the first place we are not afraid to admit that everything is not perfect within our borders—that this is a strength of America and not a weakness. One of our greatest assets in this struggle is that we have the truth on our side.

We can stand to hear conflicting ideas and voices of dissent, not only among our citizens, but among our allies and the nonalined nations.

We encourage free inquiry and free experiment.

We believe that the state exists to serve the people.

All this distinguishes us from our adversaries and it was my experience that there are not only reservoirs of good will toward America in the countries I visited but that we—not the Communists—share the common aspirations of people to be free and to be masters of their own destinies.

So, I believe there is a great deal we can do now to help these young people know the facts about us and our way of life. It will not involve large sums of money to do the job but it will require understanding and effort and hard work.

First, we can send groups of men and women to all nations to lecture—not just about the United States and our form of government, or even democracy generally—but to talk also about history and philosophy and literature, and even more practical matters.

These individuals should make tours of as many universities as possible and should confer with labor leaders, farm and cooperative leaders, newspaper editors, businessmen and government officials, as well as students. The people who would be sent should know the history of the United States, the philosophy of their Government and be articulate in their understanding of the American people. In recent weeks, two men who have heard me discuss this problem have volunteered to speak at universities on trips they are making to the Far East. One is a young, leading businessman and the other is a top labor official. I know they both will make a favorable impression and they will help.

But I would like to see many more people go—Senators, Cabinet members, Congressmen, Governors, university professors, playwrights, and poets travel for this purpose. I would like to see Walter Lippmann tour the Far East for a month, speaking on a number of subjects and answer the questions of students and intellectuals.

Secondly, our Government information agencies and services can talk more about the fundamentals in the United States. They explain the social progress being made in this country; what great contributions charitable organizations are making in medicine, sociology, education, and all walks of life—both organizations like the Ford, Carnegie, and Rockefeller Foundations. I propose that our information agencies speak quite frankly and openly about the problems and difficulties we have in our country while at the same time strengthening the efforts being made by the Government and the American people to deal with these problems and move ahead.

Third, we should encourage other free countries of the world to set up their own peace corps with the understanding that our organization will cooperate closely with them.

There is much for instance that young Japanese could do in southeast Asia. I am convinced they would be willing to do it.

Many young Germans, Frenchmen, and Dutch are as anxious as young Americans to help their fellow men and others less fortunate economically.

Among all of the students with whom I have talked, I found an idealism and a thirst to make the world a better place in which to live. This is a tremendous potential and it must be harnessed and utilized.

Your organization, going to 89 countries, can do so much in bringing the truth—good or bad—but the truth—to all the people. And you individually as publishers of the greatest free press in the world can do so much in your own communities.

Raymond Clapper said:

"Never overestimate the facts that the public has, but never underestimate the ability of the people to draw their own conclusions from the facts."

Hard, digging reporting—the type that made it possible for the McClellan committee to unveil the full danger of organized crime in America—is absolutely essential. Thirty percent of the leads which the McClellan committee received came from newspapers. This information did not always come from the large newspapers. It came from newspapers who recognized their responsibility to their local areas and made it their business to know what was going on in their communities.

There are so many internal problems which the press can help solve, which in the last analysis relate to honest, efficient administration of government—whether it is in a city, county, State, or Federal agency.

It is virtually impossible for even the most alert administration to be fully aware of all the corruption or laxity that can creep into our Government. But, an alert press can make a major difference not only in eliminating wasteful or corrupt practices, but in insuring that justice prevails.

Our greatest strength in international affairs is our integrity in handling our own affairs at home. And if you are diligent and do your job and if we do ours in cleansing our cities, counties, States, and Federal Government of waste, mismanagement, corruption, and intolerance we will triumph. For even with the problems and difficulties which we have now, we stand out in a category of the highest integrity measured by other nations today. Continuation and improvement of that record can be our greatest assurance in the long sweep of history.

So we need your assistance. But most of all we need your vigilance.

We are willing to make the sacrifices that are needed and we have always had the toughness, courage, and perseverance to see the job through. We have the will to win. Therefore, I know we will win.

ADJOURNMENT

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate at this time, I move that the Senate stand in adjournment until tomorrow at noon.

The motion was agreed to; and (at 6 o'clock and 1 minute p.m.) the Senate adjourned until tomorrow, Thursday, April 26, 1962, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

Sixtieth Rambler Anniversary Celebrated in Kenosha, Wis.

EXTENSION OF REMARKS

OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Wednesday, April 25, 1962

Mr. WILEY. Mr. President, on April 25, the citizens of Kenosha, Wis., will hold a special celebration honoring the 60th anniversary of the making and marketing of the first Rambler automobiles in Kenosha.

Creatively and economically, the Rambler represents one of the far-sighted, practical innovations in the automobile industry.

Privileged to extend a greeting for the occasion, I ask unanimous consent to have the following items printed in the CONGRESSIONAL RECORD: First, a letter from Mr. R. S. Kingsley, chairman of the Citizens Committee for the Anniversary Celebration; and, second, a copy of my greeting for the occasion.

There being no objection, the greeting and letter were ordered to be printed in the RECORD, as follows:

CITIZENS' COMMITTEE, 1902–62—60TH ANNIVERSARY BANQUET

Senator ALEXANDER WILEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILEY: On the evening of Wednesday, April 25, 1962, the Kenosha Citizens' Committee of men and women are sponsoring a birthday party banquet honoring Rambler, which this year celebrates its 60th anniversary of the making and marketing of the first Rambler automobiles in Kenosha.

This birthday party banquet will be the highlight in a year's birthday celebration planned by the citizens' committee, and we are assured of having with us on this occasion officials of American Motors Corp., including Mr. Richard E. Cross, chairman of the board, Mr. Roy Abernethy, president and general manager, and other top officials and directors of the company.

The committee has engaged a brilliant variety show for your entertainment following the brief speaking program.

This banquet will give to our citizens an opportunity to express their appreciation of what Rambler has meant to Kenosha, both in population and economic growth.

The banquet will be held at the Eagles Club at 6:30 o'clock. We would be pleased if you could arrange your busy schedule in order to be with us as our guest on this historic occasion. If you find it impossible to be with us on this date, will you please write to me a letter congratulating the company that can be read to all the citizens assembled at this party.

Sincerely,

R. S. KINGSLEY,
Chairman, Citizens' Committee.

APRIL 20, 1962.

Mr. R. S. KINGSLEY,
Chairman, Citizens Committee, Rambler 60th Anniversary Banquet, Kenosha, Wis.

DEAR MR. KINGSLEY: I welcome the opportunity to join in the celebration of the 60th anniversary of the making and marketing of the first Rambler automobiles in Kenosha, Wis.

The creation of the Rambler—reflecting a new design, size, and innovation in the automobile industry—has fulfilled a great and unique need of the people and the economy.

In our American way of life, the Rambler has come to mean:

A compact, economic answer to the transportation needs of the people.

A significant feature of the important automobile industry (a gigantic market for materials and creator of jobs).

A symbol of the pioneering spirit and ingenuity that has led the way to progress throughout our history.

To you, who have contributed to this splendid record of accomplishment I say: Congratulations.

To you, upon whom will rest the success of future ventures, I extend best wishes in your endeavors.

Recognizing your great contributions to our progress, I believe we need more of the Rambler spirit for the future.

Sincerely yours,

ALEXANDER WILEY.

Principal Findings of Public Opinion Poll in Pennsylvania

EXTENSION OF REMARKS

OF

HON. JOSEPH S. CLARK

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 25, 1962

Mr. CLARK. Mr. President, I am pleased to announce the results of a mail opinion poll on foreign policy and related issues which was taken in Pennsylvania. After consultation with experts to select a representative sample, I sent 10,000 questionnaires to Pennsylvania citizens. The return was unusually high; 16 percent of the total sent out.

To my mind, the gratifying response and the answers themselves show that the citizens of Pennsylvania are aware of the importance of foreign policy issues and have given thought to them. Public opinion is ahead of prevailing political views in several key areas.

Mr. President, I ask unanimous consent that the principal findings of the poll may be printed in the RECORD.

There being no objection, the findings were ordered to be printed in the RECORD, as follows:

The principal findings of the poll can be summarized under four different headings.

1. United Nations: An overwhelming 87 percent favor U.S. efforts of varying degrees to strengthen the United Nations. Of this group, 34 percent believe "the United States should work to change the U.N. into an International Governmental Organization of all countries with authority to keep the peace through a system of enforceable world law against aggression, binding on all nations and all people." Only 13 percent advocate U.S. withdrawal from the U.N. if Communist China were admitted to membership. (Questions 3 and 6.)

2. Disarmament and arms control: A 55-percent majority support a policy of negotiating with the Communists from a position of strength "to achieve general worldwide disarmament under adequate international controls and a strengthened U.N. capable of keeping the peace." Another 11 percent favor East-West negotiations to achieve arms control agreements. Only 18 percent knew the name of the new U.S. Arms Control and Disarmament Agency. (Questions 1 and 5.)

3. Nuclear testing: 83 percent favor U.S. resumption of nuclear tests in the atmosphere in view of the Soviet test series last fall and the continuing deadlock in negotiations to achieve a controlled ban on tests. (Question 2.)

4. Civil defense: The administration's civil defense program is opposed as "unwise" by 45 percent of those answering the Clark questionnaire on the ground that "civil defense cannot provide any real protection against nuclear attack." Only 17 percent think the program "sound," while 15 percent think it "inadequate" and favor doing more. (Question 4.)

RESULTS OF QUESTIONNAIRE SENT BY SENATOR JOSEPH S. CLARK, OF PENNSYLVANIA, TO 10,000 PERSONS IN PENNSYLVANIA ON MARCH 10, 1962

1. Which policy do you think the United States should follow? (Check one.)

(1) 73 (4.55 percent): Prepare to launch preventive war to defeat the Communists.

(2) 384 (23.96 percent): Continue to build up U.S. armed strength to maintain balance with or superiority over the Communists in order to deter or meet with force any Communist attack.

(3) 175 (10.92 percent): Maintain balance of forces with the Communists but try to negotiate arms control agreements with them to insure that the balance of forces is preserved and to reduce dangers of surprise attack.

(4) 888 (55.40 percent): Maintain balance of forces with the Communists but try to negotiate agreement with them to achieve general worldwide disarmament under adequate international controls (and a strengthened United Nations capable of keeping the peace).

(5) 36 (2.25 percent): Try to reverse the arms race by disarming in part now without trying to negotiate a disarmament agreement, and urge the Communists to do likewise.

(6) 43 (2.68 percent): Other (spell out).

(7) 4 (0.25 percent): Haven't made up my mind.

Total, 1,603.

2. In view of the recent nuclear weapons test in the atmosphere by the U.S.S.R., the deadlock in East-West test ban negotiations, and continuing U.S. underground nuclear tests, which policy do you favor? (Check one.)

(1) 513 (30.16 percent): U.S. resumption of atmospheric nuclear tests to improve existing weapons.

(2) 904 (53.15 percent): U.S. resumption of atmospheric nuclear tests only if necessary to develop important new weapons, such as the anti-missile missile.

(3) 140 (8.23 percent): Continued U.S. underground nuclear testing, but no testing in the atmosphere for any purpose.

(4) 81 (4.76 percent): Discontinuation of all U.S. nuclear weapons tests.

(5) 50 (2.94 percent): Other (spell out).

(6) 13 (0.76 percent): Haven't made up my mind.

Total, 1,701.

3. Which policy toward the United Nations do you favor? (Check one.)

(1) 52 (3.26 percent): The United States should withdraw from the U.N.

(2) 111 (6.95 percent): The United States should stay in the U.N. but place decreasing importance on membership, because the U.N. is too weak and divided to keep the peace.

(3) 466 (29.20 percent): The United States should continue to work through the U.N. as it does today and try to improve gradually the U.N.'s existing machinery for the peaceful settlement of disputes.

(4) 381 (23.87 percent): The United States should attempt through amendment of the present U.N. Charter or otherwise to give the U.N. additional authority to prevent war by peaceful means, or by force if necessary.

(5) 538 (33.71 percent): The United States should work to change the U.N. into an International Governmental Organization of all countries with authority to keep the peace through a system of enforceable world law against aggression, binding on all nations and all people.

(6) 41 (2.57 percent): Other (spell out).

(7) 7 (0.55 percent): Haven't made up my mind.

Total, 1,596.

4. The administration has proposed that the Federal Government encourage and finance construction and stocking of a $5 billion community fallout shelter program to provide 220 million fallout shelter spaces by 1967 (70 million spaces in the coming year at a cost of $70 million). Fallout shelters offer protection against radiation fallout outside the blast area of the nuclear explosion, but they will not protect against blast effects (impact, fire, heat, etc.). What is your view about this proposal? (Check one.)

(1) 276 (17.40 percent): Administration program is sound.

(2) 231 (14.56 percent): Administration program is inadequate and a much greater civil defense effort should be made.

(3) 716 (45.15 percent): Administration program is unwise because civil defense cannot provide any real protection against nuclear attack.

(4) 221 (13.93 percent): Other (spell out).

(5) 142 (8.95 percent): Haven't made up my mind.

Total, 1,586.

5. Is there a special office in the executive branch of the Federal Government concerned primarily with disarmament and arms control? (Check one.)

(1) 423 (29.38 percent): Yes. (Name of office, 77 (18.20 percent).)

(2) 206 (14.31 percent): No.

(3) 811 (56.32 percent): Don't know.

Total, 1,440.

6. Should the Communist Chinese participate in disarmament or arms control negotiations between the United States, the U.S.S.R., and other countries? Yes, 747 (52.75 percent); no, 600 (42.37 percent); no opinion, 69 (4.87 percent); total, 1,416.

(b) If Communist China is admitted to the United Nations, should the United States leave the U.N.? Yes, 196 (13.43 percent); no, 1,226 (84.03 percent); no opinion, 37 (2.54 percent); total, 1,439.

SENATE

THURSDAY, APRIL 26, 1962

The Senate met at 12 o'clock meridian, and was called to order by Hon. E. L. BARTLETT, a Senator from the State of Alaska.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou God of our salvation, for this still moment we would hush all other sounds save that of the divine knocking and the entreating voice which reaches us through all the stubborn self-willed barriers which we erect: "If any man will open the door, I will come in."

We know that when Thou dost really enter, things which are unlovely and unclean cannot stay to embitter and pollute. So we look upward in our morning prayer that in a continual sense of Thy presence we may be delivered from the fret and fever of today's demands upon us, from the world's discordant noises, and from the praise or blame of men, so that on this day—and every day which may be granted us—appointed tasks may be met with purity of purpose, without moral compromise or craven fear.

We ask it in the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 26, 1962.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. E. L. BARTLETT, a Senator from the State of Alaska, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. BARTLETT thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 25, 1962, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON PROPOSED M–1 LIQUID HYDROGEN/OXYGEN ENGINE

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the proposed M–1 liquid hydrogen/oxygen engine, to be used in the second stage of the Nova space vehicle; to the Committee on Aeronautical and Space Sciences.

EXTENSION OF REGULATORY AUTHORITY UNDER TERMS OF THE CONVENTION FOR THE ESTABLISHMENT OF AN INTER-AMERICAN TROPICAL TUNA COMMISSION

A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the act of September 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31 1949, and for other purposes (with accompanying papers); to the Committee on Commerce.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a resolution adopted by the Council of the City of Whitehall, Ohio, favoring the enactment of legislation which would permit public employees to be covered by the Federal Social Security Act, as self-employed persons, which was referred to the Committee on Finance.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. SALTONSTALL, from the Committee on Armed Services, without amendment:

S.J. Res. 175. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy at Annapolis two citizens and subjects of the Kingdom of Belgium (Rept. No. 1359).

By Mr. BARTLETT, from the Committee on Armed Services, without amendment:

S.J. Res. 129. Joint resolution authorizing the Secretary of the Air Force to admit a citizen of the Kingdom of Thailand to the U.S. Air Force Academy (Rept. No. 1360).

By Mr. ENGLE, from the Committee on Armed Services, without amendment:

H.R. 9752. An act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Greece in 1963, and for other purposes (Rept. No. 1361).

By Mr. ENGLE, from the Committee on Armed Services, with an amendment:

S. 2719. A bill to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Greece in 1963, and for other purposes (Rept. No. 1362).

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. CANNON. Mr. President, from the Committee on Armed Services, I report favorably 19 nominations. I ask unanimous consent that these names be placed on the Executive Calendar.

The ACTING PRESIDENT pro tempore. The names will be placed on the Executive Calendar, as requested by the Senator from Nevada.

The nominations are as follows:

Maj. Gen. Charles Hartwell Bonesteel 3d, Army of the United States (brigadier general, U.S. Army); and Maj. Gen. Louis Watson Truman, U.S. Army, to be assigned to positions of importance and responsibility designated by the President, to serve in the rank of lieutenants general;

Lt. Gen. Alan Shapley, U.S. Marine Corps, to be placed on the retired list in the grade of lieutenant general;

Maj. Gen. Carson A. Roberts, U.S. Marine Corps, to be assigned to a position of importance and responsibility designated by the President, to serve in the grade of lieutenant general while so serving;

Lt. Gen. Lionel Charles McGarr, Army of the United States (major general, U.S. Army), and Lt. Gen. Arthur Gilbert Trudeau, Army of the United States (major general), U.S. Army, to be placed on the retired list in the grade of lieutenants general;

Lt. Gen. Robert Jefferson Wood, Army of the United States (major general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, to serve in the rank of general while so serving;

Maj. Gen. John Hersey Michaelis, Army of the United States (colonel, U.S. Army); Maj. Gen. William White Dick, Jr., Army of the United States (brigadier general, U.S. Army); and Maj. Gen. Dwight Edward Beach, U.S. Army, to be assigned to positions of importance and responsibility designated by the President, to serve in the rank of lieutenants general while so serving; and

Brig. Gen. Earnest H. Briscoe, Ohio Air National Guard, and sundry other officers, for appointment as Reserve commissioned officers in the U.S. Air Force.

Mr. CANNON. Mr. President, in addition, I report favorably 7,779 appointments and promotions in the Air Force, Navy, Marine Corps, and Army. All of these names have already appeared in the CONGRESSIONAL RECORD, and in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk, for the information of any Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations ordered to lie on the table are as follows:

Richard W. Abele, and sundry other persons, for appointment in the Regular Air Force;

Emmert M. Aagaard, and sundry other officers, for promotion in the Regular Air Force;

Warren R. Abel, and sundry other midshipmen (Naval Academy), for appointment in the U.S. Navy;

Randy "J" Collins, and sundry other persons, for appointment in the U.S. Marine Corps; and

Kenneth M. Abagis, and sundry other officers, for promotion in the Regular Army of the United States.

By Mr. RUSSELL, from the Committee on Armed Services:

Justice M. Chambers, of Maryland, to be Deputy Director of the Office of Emergency Planning.

By Mrs. SMITH of Maine, from the Committee on Armed Services:

Brig. Gen. Philip P. Ardery, Air Force Reserve, and sundry other officers, for appointment in the Air Force Reserve.

By Mr. BUSH, from the Committee on Armed Services:

Brig. Gen. George Justus Hearn, and sundry other Army National Guard of the U.S. officers, for appointment as Reserve commissioned officers of the Army; and

Brig. Gen. Chester Pilgrim Hartford, and sundry other officers, for promotion as Reserve commissioned officers of the Army.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSTON:

S. 3221. A bill to provide for the exchange of certain lands in Puerto Rico; to the Committee on Armed Services.

By Mr. McCARTHY:

S. 3222. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to all unremarried widows and widowers and to all individuals who have attained age 35 and who have never been married or who have been separated or divorced for 3 years or more; to the Committee on Finance.

(See the remarks of Mr. MCCARTHY when he introduced the above bill, which appear under a separate heading.)

By Mr. CAPEHART:

S. 3223. A bill for the relief of Haralambos Mavritsakis; to the Committee on the Judiciary.

By Mr. ERVIN (for himself and Mr. JORDAN):

S. 3224. A bill to declare that the United States holds certain lands on the Eastern Cherokee Reservation in trust for the eastern band of Cherokee Indians of North Carolina; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. ERVIN when he introduced the above bill, which appear under a separate heading.)

RESOLUTION

AMENDMENT OF RESOLUTION CREATING THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. CAPEHART submitted a resolution (S. Res. 333) amending the resolution creating the Select Committee on Small Business, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. CAPEHART, which appears under a separate heading.)

PROPOSED CHANGES IN GRADUATED INCOME TAX RATE SCALE

Mr. McCARTHY. Mr. President, while the Committee on Finance is currently conducting hearings on H.R. 10650, which deals with a number of important provisions in the tax code, it has been indicated that the Treasury intends to send additional tax recommendations either later in this session of Congress or early in the next session.

These new recommendations, it is indicated, will deal particularly with the base upon which income taxes are imposed and also will propose changes in the existing graduated rate scale. Both of these are in need of attention and of change.

The entire graduated rate scale should be reworked, the code should be simplified, and realistic deductions for married persons and for the costs of rearing children should be provided. The Congress has never made the adjustments which were called for following the adoption of the split-income principle. Congress should not wait for a new tax law or for major revisions to correct some of the obvious inequities which have become manifest.

One of these is the undue burden which the existing rate scale places upon a single person. There are about 18 million single persons in the United States who are 35 years of age and older. Of these 13 million are women. Many of these have established households and have the same expenses for rent and utilities and the like as does the head of any household.

A single taxpayer making $6,000 pays a tax of $1,360. A head of household making $6,000 pays $1,300—$60 less.

A single taxpayer earning $8,000 pays $1,960.

A head of household earning $8,000 pays $1,840, or $120 less.

A single taxpayer earning $12,000 pays $3,300.

A head of household earning $12,000 pays $3,060, or $240 less.

Under the present law, some unmarried persons are considered heads of households for tax purposes if certain conditions are met, such as providing residence for dependent father, mother, or child.

Many single persons maintain households, however, in which parents or dependent children may live only part of the year. The children may be at school, or the parent may choose to live alone. In many cases, the single person must maintain a household, because of business or because of place or position in society, simply for the sake of decency and convenience in living.

This problem is, I believe, more serious for the single women. Their need for privacy and for permanence is greater than that of the single men. Most of the latter who have reached age 35 have, in fact, founded a household.

Legislation to take account of the special circumstances of those over 35 has become more important because of the great increase of women in the labor force.

Today, one-third of the labor force is feminine. In March 1961, there were 24.2 million women in the civilian labor force, of whom 5.7 million were single, 13.3 million were married and living with their husbands, and 5.3 million had other marital status—widowed, divorced, or married spouse absent. Of the women in the labor force who were 35 years of age or over, 1.6 million were single, 9.1 million were married, and 4.3 million had other marital status.

In the interest of justice and of equity, our tax law should recognize this situation. Therefore, I introduce a bill to amend the present tax law, so as to accomplish this purpose. I ask unanimous consent that the bill lie at the desk for 10 days, so that other Senators who may wish to join me in sponsoring this proposed legislation may indicate their support.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Minnesota.

The bill (S. 3222) to amend the Internal Revenue Code of 1954 to extend the head of household benefits to all unremarried widows and widowers and to all individuals who have attained age 35 and who have never been married or who have been separated or divorced for 3 years of more, introduced by Mr. McCarthy, was received, read twice by its title, and referred to the Committee on Finance.

Mr. McCARTHY. Mr. President, I ask unanimous consent to have printed at this point in the Record an article entitled "Women at Work."

There being no objection, the article was ordered to be printed in the Record, as follows:

WOMEN AT WORK

(By Francis X. Quinn, S.J.)

THE FACTS

The average woman worker of today is a 40-year-old married woman. Her counterpart of the 1920's was only 28 and single. Employment of women has expanded: One-third of today's labor force is feminine. If teenagers and plus-65'ers are excluded, 1 out of every 3 women is working. When the Women's Bureau of the United States was established 41 years ago, only one-fifth of our total workers were women, and less than 1 out of 4 women worked. Today the female work force has increased from 8¼ million to more than 22½ million and there is no decline in view. The Department of Manpower predicts that there will be more than 30 million women working in 1970. Therein lies our tale. (See following table entitled "Percent of Women in Each Age Group Who Will Be in the Labor Force in 1970.")

The position of women in the economy has many moral implications. These include the question of proper wages and working conditions, the effect on the home, and the impact on the manpower profile in general.

Women are frequently paid lower wages than men; women are used to supplant male workers and thus depress the wage rate. Women need special consideration in the matter of working conditions. With moving eloquence and insight, Pope Pius XII noted that a woman cannot be happy in a social order which does violence to her nature.[1] If she is forced to do work more suitable for the masculine temperament, she does violence to her nature and becomes frustrated and unhappy.

The influx of wives into the labor force, particularly those who return to work after their children reach school age, is indicative of a mounting drive for gainful employment where child care does not require a woman's presence at home. More and more, the typical work pattern for women is to remain in employment continuously, except for a break of 10 to 15 years in the childbearing period. The back-to-work movement among mothers of older children accounts in large part for a rise in the average age of working women from 26 years in 1900 to 32 years in 1940, to 37 years in 1950, and to 40 years in 1960.[2]

Age distribution of women in the population and labor force, 1960 and 1940

Age group	1960		1940	
	Population	Labor force	Population	Labor force
All women (in thousands)	64,096	23,239	50,140	13,840
Percent	100	100	100	100
14 to 44 years:				
14 to 17 years	9	4	10	3
18 to 24 years	12	16	17	28
25 to 34 years	18	18	21	28
35 to 44 years	19	23	18	19
45 years and over:				
45 to 54 years	16	22	15	13
55 to 64 years	12	13	10	7
65 years and over	13	4	9	2

Even young mothers are going into the labor force with more frequency. More than 18 percent of the mothers of preschool children now work, compared with 7 percent in 1940. The labor force today includes approximately 6½ million women with children under 18; 2½ million of this group have at least one child less than 6 years old.

Concern is frequently expressed over the effect which the influx of women into the working community has on family life. Some educators believe that schools should put more stress on the social values of homemaking in the present-day society. Sloan Wilson has complained that "young girls are steered into careers by schools and colleges"; that careers for women are being glamorized out of proportion; and that the work of a good wife is being made to appear far more drab than it actually is.[3] Two weeks later in the same magazine, Bernice Fitz-Gibbon countered that women who work not only engage in productive labor to aid the family, as in the days when they did spinning, weaving and baking in the home, but also usually become "warmer, more loving, more understanding, more dedicated wives." Whatever the merits of this longstanding debate, it is clear that women have become a fixed and irreplaceable factor in the national economy and that their role therein is likely to grow rather than decrease in importance. Government recognition of this fact was implicit in the creation in September 1954 of the Office of Assistant to the Secretary of Labor for Womens' Affairs.

An analysis of women workers in 1960 reveals:

1. That more than half of all women workers are married women who are living with their husbands;
2. Five million women workers have children between the ages of 6 and 17 years only. Almost 3 million women workers have young children under 6 years of age; many of these women also have children 6 to 17 years of age;
3. In 4½ million families (1 family in 10) the family head is a woman. Half of the women heads are in the labor force;
4. Of some 29 million women who worked at some time during 1959, about 14 million either worked at part-time jobs or worked at full-time jobs for half of the year or less;
5. Of a total of over 22 million employed women workers in April 1960, clerical jobs accounted for 6½ million. Between 2 and 3⅓ million women were employed in each of four other broad occupational groups, as factory and other operatives; service workers (such as waitresses, beauticians, and practical nurses); professional and technical workers; and private household workers.
6. These nine large specific occupations employed nearly half of the women workers in April 1960: stenographers, typists, secretaries; operatives in nondurable goods manufacturing; sales workers in retail trade; teachers (except college); waitresses, cooks, etc. (other than private-household); operatives in durable goods manufacturing; medical and other professional health workers; farm laborers (unpaid family); proprietors in retail trade.[4]

Disparity in earnings of the two sexes has existed since women took up employment outside the home.[5] The first jobs open to women in large numbers were low paying and frequently menial. A study sponsored by the Twentieth Century Fund revealed that earnings of women as distinct from rates of wages paid had been "half those of men and earnings of Negro women half those of white women."[6] Latest census figures support those general observations.

Percent of women in each age group who will be in the labor force in 1970[1]

[Approximate percentage]

Age group:	
14 to 19	29
20 to 24	45
25 to 34	39
35 to 44	48
45 to 54	54
55 to 64	43
65 and over	12

[1] By 1970, there will be about 30 million women workers, 6 million more than in 1960. This represents a 25-percent increase for women, as compared to a 15-percent increase for men. One out of every 3 workers will be a woman. Except for teenage girls (most of them still in school) and women 65 and over (most of them either retired or past working age), at least 2 out of every 5 women will be in the labor force.

Median earnings of all women in 1958 (latest year for which detailed information on income of individuals and families is available) was $2,340.

Median income of women workers, by work experience, 1958[1]

Length of work experience in 1958	Full-time jobs		Part-time jobs	
	Number	Median income	Number	Median income
	Thousands		*Thousands*	
Total	17,821	$2,340	6,575	$481
50 to 52 weeks	9,863	3,101	1,928	904
40 to 49 weeks	2,119	2,403	771	932
27 to 39 weeks	1,904	1,846	725	643
14 to 26 weeks	1,898	1,074	1,248	436
13 weeks or less	2,037	369	1,903	303

[1] Source: U.S. Department of Commerce, Bureau of Census, "Current Population Report," p. 60, No. 33.

THE WAGE GAP

Men make a better overall wage showing even in occupations in which the majority of workers are women, such as teaching and library science. Women's wages lag behind those of men in all industries; the gap is widest in industries which customarily employ large numbers of women.[7] Women are having less trouble finding jobs but they show relatively little tendency to advance to higher levels of responsibility and remuneration.

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[1] Pius XII, "On Woman's Duties," Oct. 21, 1945.

[2] "1960 Handbook of Women Workers," U.S. Department of Labor, Women's Bureau, Bulletin No. 275, p. 28.

[3] Sloan Wilson, "The Woman in the Gray Flannel Suit," N.Y. Times Magazine, Jan. 15, 1956. See same magazine, Jan. 29, 1956, for an article by Bernice Fitz-Gibbon.

[4] "What's New About Women Workers?" U.S. Department of Labor, Women's Bureau, leaflet 18.

[5] Lloyd G. Reynolds and Cynthia H. Taft, "The Evolution of Wage Structure," Harper, New York, 1956, p. 350.

[6] W. S. Woytinsky, "Employment and Wages in United States," Twentieth Century Fund, New York, 1953, p. 451.

Notwithstanding persisting discrepancies in pay and in job assignments, women's status in the labor force has risen markedly in recent years. Census returns show that the number of women in the labor force increased from 14 million in 1940 to 18 million in 1950, to 22,867,000 in June 1961. Even more impressive than the numerical growth of the woman labor force is the opening up to women of jobs formerly held only by men. Most women workers are still concentrated in traditional fields; as many as one-half of them are office workers, teachers, nurses, retail saleswomen, domestic workers, garment workers, bookkeepers, and waitresses.

Between 1940 and 1960, a sizable increase in the number of women workers took place not only in the traditional occupations but also in the professions, in durable goods, manufacturing and among manager-proprietors.

Many women prefer an intermittent work pattern. The growing percentage of married women in the labor force, resulting primarily from current high marriage rates, reinforces the tendency to off-and-on employment. Nearly 35 percent of all married women in contrast to 15 percent in 1940 are working today. Married women living with their husbands constitute slightly more than one-half of the women workers.

An analysis of working mothers reveals:

1. That the 8 million working mothers with children under 18 years of age in March 1960 marked the highest number ever recorded. This figure compares with about 4.6 million working mothers in 1950 and 1.5 million in 1940.

2. Almost one-third of all mothers with children under 18 years are in paid employment. By comparison, about one-fifth of all mothers with children under 18 years of age were in the labor force in 1950 and about one-tenth in 1940.

3. Over one-third of the 22,516,000 women workers in March 1960 were mothers of children under 18 years. This same group was one-fourth of the 18,063,000 women workers in 1950 and one-tenth of the 13,840,000 women workers in 1940.

4. The 5.4 million mothers who had children under 12 years were employed in 1958; about 2.5 million of them worked part time. Working mothers with children under 12 years numbered 3 million in 1949 and 4.4 million in 1954. The proportion who were employed rose from 17 percent in 1949 to 23 percent in 1954 and 26 percent in 1958.

5. About one out of three working mothers have a child under 6 years; the others have children who are between 6 and 17 years old. About 1,572,000 working mothers in March 1960 had children under 3 years of age; another 1,326,000 had children 3 to 5 years (none under 3 years); and 5,120,000 had children 6 to 17 years only.

6. There were about 3.6 million children under 6 years of age whose mothers worked in 1957. Of these, about 70 percent had one child, 23 percent had two children, and 7 percent had three or more children.

7. The average age of working mothers (with children under 18) is 38 years, only slightly below the 40-year average for all women workers. Of every 10 mothers with children under 18 in March 1960, about 1 was under 25 years of age; 3 were 25 to 34 years; 4 were 35 to 44 years; and 2 were 45 years or over.[8]

Lack of firm attachment to the labor force supports employer prejudice against promoting women to more important jobs. This affects the prospects not only of the casual employee but also of skilled workers determined to get ahead. In industry it tends to discourage employers from investing the money required to train a young woman who will have to give up the job when she marries and has a baby or who may have to leave town because her husband is transferred to another location. In business it perpetuates a habit of overlooking women when top management posts are open.

To complete our profile, let us take a brief look at the educational attainment of women workers.[9]

Chances that a woman will seek paid employment tend to increase with the amount of education she has received. For example, more than half of the American women with a college degree were working in 1959, in contrast to less than one-third of the women who had left school after the eighth grade. The relationship of educational attainment and employment was almost as strong for married women living with their husbands as it was for single women. The percentages of married women in the labor force were: 43 percent of the college graduates, 34 percent of the high school graduates, 26 percent of the elementary school graduates, and 18 percent of those with less than 5 years' schooling. Among single women, the percentages of workers varied from 83 percent of those with the most education to 27 percent of those with the least.

The amount of education obtained by a woman influences strongly the type of job she can obtain. In 1959 fully 78 percent of the employed women with college degrees had professional or technical jobs and another 12 percent were clerical workers. Of the remaining women almost half were included in the broad group of managers, officials, and proprietors, those who range from high-level executives to part owners of small businesses. Of the women workers who had 1 to 3 years of college training, 32 percent had professional or technical jobs in 1959 and 41 percent had clerical jobs.

For women workers who had finished high school but had not attended college the greatest employment opportunities were in the clerical field. Five of every ten were service workers, such as waitresses, practical nurses, and hotel workers; another 1 out of 10 were operatives employed primarily in apparel factories, laundries, textile mills, and food companies.

Most of the women workers who had received from 1 to 3 years of high school training were divided among three major occupational groups: service, operative, and clerical. Of the women who had not graduated from high school, almost none were employed in professional jobs.

Among employed women with an eighth-grade education or less, service workers predominated, operatives being the second largest group. Clerical and sales jobs were filled by significant proportions of the women who had graduated from eighth grade but by only small proportions of those with fewer years of schooling.

The strong relationship between education and occupation is also evident from an analysis of the amount of education received by women in each of the major occupational groups. The largest percentage of women in professional occupations had a college education; in clerical, managerial, and sales occupations, a high school education; and in operative and service occupations, an elementary school education. Of the small group of women who were employed as farm laborers, almost three-fifths had an eighth-grade education or less, while of the craftswomen, more than two-fifths were high school graduates.

Student withdrawals from schools and colleges may represent a waste of potentially skilled manpower and womanpower if the students involved have the capacity for further study. Concern about the human waste has prompted several studies about the causal factors and related implications of student withdrawals. Studies by the Office of Education, which have included estimates of the proportions of school dropouts, have been directed toward determining factors that encourage students to stay in school until graduation. The Bureau of Labor Statistics has emphasized in its studies the early work experiences of young people after leaving school, comparing the experiences of graduates and nongraduates.

One class of high school students was surveyed by the Office of Education in 14 large cities throughout a 4-year period (1951–55). Relatively fewer girls than boys were found to have left school before graduation. More than 60 percent of the high school girls and at least 50 percent of the high school boys remained to graduate.

Among the girls, about three-fourths of the dropouts withdrew voluntarily, chiefly for the reasons: to go to work, to marry, or lack of interest in school. Most boys gave employment as the reason for leaving. Smaller but significant numbers of the latter indicated lack of interest or inability to adjust in school; few withdrew because of marriage.

In a Bureau of Labor Statistics survey aimed at learning "something about the employment problems of young people leaving school," information was obtained in seven widely diverse communities about boys and girls who had graduated or dropped out of high school during the period 1952–57.[10] Among the reasons given for leaving school, 32 percent of the girls named adverse school experience; 27 percent, marriage; 12 percent, going to work; and 29 percent, miscellaneous reasons. Although a majority of both the graduates and dropouts had received some vocational education, the graduates had taken a larger number of vocational courses. For example, two-thirds of the girl graduates had completed four or more commercial courses, as compared with only 15 percent of the girl dropouts.

The work experiences reported by those who dropped out of school were much less favorable than those of the graduates. The youth surveyed who obtained unskilled jobs included 55 percent of the girl dropouts but only 12 percent of the girl graduates. On the other hand, the more skilled occupation of officeworker was reported by only 11 percent of the dropouts but by 60 percent of the graduates. In the case of both girls and boys, salaries were higher and unemployment lower for those who completed their school program than for those who did not.

Although the popular concept of women as marginal workers—the supplementary rather than the primary source of support for families—persists to an appreciable degree, it is generally taken for granted today that a girl on completing school will take a job at least until she marries. To these we offer the words of Pius XII: "Because of this temporal goal, there is no field of human activity which must remain closed to woman;

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[7] Woytinsky, op. cit., p. 455.

[9] Information taken from the "1960 Handbook of Women Workers," op. cit., pp. 96-101.

[8] "Who Are the Working Mothers?" U.S. Department of Labor, Women's Bureau, leaflet 37.

[10] "From School to Work," Bureau of Labor Statistics pamphlet, March 1960.

her horizons reach out to the regions of politics, labor, the arts, sports; but always in subordination to the primary functions which have been fixed by nature itself." [11]

HOLDING CERTAIN LANDS IN TRUST FOR EASTERN BAND OF CHEROKEE INDIANS OF NORTH CAROLINA

Mr. ERVIN. Mr. President, I introduce, for appropriate reference, a bill to provide that the United States holds certain lands in trust for the Eastern Band of the Cherokee Indians of North Carolina.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3224) to declare that the United States holds certain lands on the Eastern Cherokee Reservation in trust for the Eastern Band of Cherokee Indians of North Carolina, introduced by Mr. ERVIN, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. ERVIN. Mr. President, on August 22, 1960, the tribal council of the Eastern Band of Cherokee Indians by Resolution 351 requested that two parcels of land, which had been conveyed to the U.S. Government for school purposes, be turned over to the tribe by appropriate legislation. By resolution 479 dated February 9, 1962, the tribal council requested that such proposed legislation cover a third parcel. All lands would be held by the U.S. Government in trust for the band.

At present parcel No. 1 has two homes on it which were erected by tribal members in the belief that they were building on tribal land. The tribe proposes to use parcel No. 2 as a public parking area. Additional parking facilities are needed to relieve some of the critically congested traffic conditions at Cherokee Village. The tribal council house has been located on parcel No. 3 for many years.

These three parcels of land are a part of the Long Blanket tracts. The Cherokee Band by deed dated April 13, 1897, conveyed all of its interest in these tracts to the United States for school purposes. The United States in 1897 for a consideration of $560 acquired for school purposes from private parties the remaining interests in these Long Blanket tracts. As a part of the agreement the band paid $902 for adjacent land which was also conveyed to the United States to be used for school purposes.

None of this land is being used or required for administrative or school purposes. The U.S. Government has no improvements on any of the three parcels.

AMENDMENT OF RESOLUTION CREATING THE SELECT COMMITTEE ON SMALL BUSINESS

Mr. CAPEHART. Mr. President, I submit, for appropriate reference, a resolution granting to the small businesses of the United States the legislative stature their problems long have justified.

My resolution would create a Select Committee on Small Business with full legislative authority—authority to put into actual bill form the conclusions of its members about what the Congress should do legislatively to solve the myriad problems of 4½ million small businesses in this country.

As Senators know, the Senate Committee on Banking and Currency, of which it has been my pleasure to serve throughout my nearly 18 years in the Senate, always has had a Subcommittee on Small Business. It has been my pleasure to have served on that subcommittee and to have been its chairman on occasions.

Senators also will recall that in 1940, almost 22 years ago, the Senate, by resolution, created a Special Committee on Small Business which was renewed each year until on February 20, 1950, during the 81st Congress, the Senate adopted Senate Resolution 53 giving the Select Committee on Small Business permanent status.

It is Senate Resolution 53 of the 81st Congress I now seek to amend, so that small business may have a full legislative voice in its relations with the Congress.

Within the scope of its authority, the existing Select Committee on Small Business has done an excellent job under the able leadership of the Senator from Alabama with whom, I am happy to say, I have worked closely over the years on the problems of small business.

Out of this history grew such organizations as the Small Defense Plants Administration and finally the Small Business Administration. It is worthy of note that Mr. John Horne, who was the first Administrator of the Small Defense Plants Administration, is presently the Administrator of the Small Business Administration.

I am sure the Senator from Alabama shares with me and others the satisfaction which comes from the work and cosponsorship which went into the creation of these agencies.

Now, Mr. President, we have reached the point at which small business with 4½ million individual units employing many millions of persons deserves full select committee status with full legislative authority. It is a full-time job.

It is and always has been a bipartisan job.

I ask unanimous consent to have printed in the RECORD the text of a letter on this subject from George J. Burger, vice president of the National Federation of Independent Business.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The resolution (S. Res. 333) was referred to the Committee on Rules and Administration, as follows:

Resolved, That S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended, is amended to read as follows:

"That there is hereby created a select committee to be known as the Committee on Small Business, to consist of seventeen Senators to be appointed in the same manner and at the same time as the chairman and members of the standing committees of the Senate at the beginning of each Congress, and to which shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the problems of American small-business enterprises.

"It shall be the duty of such committee to study and survey by means of research and investigation all problems of American small-business enterprises, and to obtain all facts possible in relation thereto which would not only be of public interest, but which would aid the Congress in enacting remedial legislation.

"Such committee shall from time to time report to the Senate, by bill or otherwise, its recommendations with respect to matters referred to the committee or otherwise within its jurisdiction."

SEC. 2. Subsection (d) of rule XXV of the Standing Rules of the Senate is amended by striking out in paragraph 2 the words "under this rule".

The letter presented by Mr. CAPEHART is as follows:

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, D.C. April 23, 1962.

HON. HOMER CAPEHART,
Senate Office Building, Washington, D.C.

DEAR SENATOR CAPEHART: Following up my many conferences with you as to the advisability of giving to the present Senate Small Business Committee legislative authority, I believe it is necessary to trace the history of the committee during the past 22 years and show the need now more than ever for the Senate to vote that authority to the committee.

The establishment of the committee was authorized in Senate Resolution 298, approved by the Senate October 9, 1940, nearly 22 years ago. Distinguished Members of the Senate who then headed that committee were the Honorable James E. Murray, as chairman, Senators Maloney, Ellender, Mead, Stewart, Capper, and Taft. We in small business cannot forget the leadership of that group in its direct, positive action to bring the needed recognition to small business, in the Senate.

It can be said without fear of contradiction that the action of the Senate at that time in creating the committee laid the groundwork for many Government agencies to give due recognition, for the first time, to small business within the respective agencies. It is to be noted this was not done until the Senate took the action as mentioned above.

The Nation at that time was facing a critical situation due to the hostilities in Europe, and at that time small business in various industries was beginning to feel the pinch as to their source of supply, and their continuance in the business world. Two major groups were seriously threatened at that time and the situation became more serious up to and after Pearl Harbor date.

To the credit of the committee, in nonpartisan action, it can be said their actions went a long way to save the business life of independent business, both in automobiles and the rubber tire industry.

The committee's action laid the groundwork for other independents, both in the production and distribution field, to appeal to the committee for assistance and help. The committee answered their requests and proceeded accordingly.

Some other important moves were instituted within the committee that went a long way to ease the serious plight of small business at that time.

From that time on the committee was reconstituted as a special committee on the opening of every new session of the Congress. However, certain Members of the Senate believed that the time had arrived that permanent, continuing status should be given to the Small Business Committee. This took place in or around 1949 and 1950 by individual resolutions introduced by Senators Holland, Murray, and Wherry. On February 20, 1950, the three resolutions were acted upon, resulting in a majority vote on the Wherry resolution, Senate Resolution 58. The vote was 56 yeas, 26 nays, and 14 not voting, and at that time we had the support for the resolution of the then majority leader, the Honorable Scott Lucas.

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[11] Pius XII, "To Federation of Italian Women," Oct. 14, 1956.

It is to be noted that in the vote on this resolution your vote was registered in the affirmative.

Then again on July 1, 1955, on Senate Resolution 120, the Senate by practically unanimous vote gave appointment to the committee the same status in the same manner and form as all standing committees of the Senate as up to this time the appointments to the committee were made by the Vice President at the start of every new congressional session.

Senator, it is our belief that the time has arrived, due to the reported plight facing small business of this Nation both at the production and distribution level, that the Senate recognize this situation by giving legislative authority to the committee such as your resolution proposes. The committee, which has been in operation over 21 years has now become of age, and such action by the Senate would go a long way to bring new hope to small business nationwide that their problems are being placed on parity with the same legislative action that is extended to labor, agriculture, etc.

After all is said and done the future of 4½ million small businesses is at stake, and added to that are the numbers employed by small business, and it is necessary that at this late date they are entitled to the same legislative recognition.

The President, as candidate for that high office, during the campaign said: "We have the highest bankruptcy rates in small business last year than we have had since the end of World War II. Small business has been crushed. * * * Small businesses are failing at a record rate."

Then again on April 14, 1962, the present chairman of the Senate Small Business Committee, the Honorable JOHN SPARKMAN, in the Senate Small Business Committee weekly staff report of April 14, 1962, is reported as stating in part the failure rate of small business is the highest it has been in the past 20 years.

It is to be noted in the CONGRESSIONAL RECORD of April 9, 1962, in the extension of remarks by the Honorable RAY J. MADDEN on the subject matter of the quality stabilization legislation, he stated: "The Senate Small Business Committee has reported that small business failures (bankruptcies—businessmen giving up the struggle for survival) climbed in 1960 to the highest point since 1932 and the great depression." He also states the House Small Business Committee in its December 16, 1960, report held a similar view.

Now, in view of these declarations by both Small Business Committees—they are powerless to introduce legislation direct to the Congress, and this is all the more reason for the Senate to take the appropriate immediate action on the legislation you propose.

Finally, the position taken by the federation is on the expressed vote of our nationwide membership now numbering 177,794, all individual members located in the 50 States, and we have been following up their recommendations over the many years. It will also be found that in our appearances before the platform committees of the Republican and Democratic National Conventions, 1948, 1952, 1956, and 1960, we have consistently urged that such recognition be given to the Small Business Committees.

In conclusion, I know your action will be a great stimulant to all small business throughout the Nation, and will be particularly noted by 4,887 members in your own State of Indiana.

You are privileged to use the entire contents of this communication in substantiation of your action at the time the resolution is introduced and furthermore the information should be of value to all Members of the Senate in considering this resolution.

You are to be congratulated for your vision and foresight as a needed help and recognition to small business of this Nation.

Sincerely,

GEORGE J. BURGER, *Vice President.*

Mr. JAVITS subsequently said: Mr. President, on behalf of the distinguished Senator from Indiana [Mr. CAPEHART], I ask unanimous consent that Senate Resolution 333, which he submitted earlier today, may lie at the desk until the close of business on Tuesday next to enable other Senators to become cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJUSTMENT OF POSTAL RATES—AMENDMENTS

Mr. McCARTHY submitted amendments, intended to be proposed by him, to the bill (H.R. 7927) to adjust postal rates, and for other purposes, which were referred to the Committee on Post Office and Civil Service and ordered to be printed.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Statement by him on a six-point anti-Communist program.

REWRITING OF SOVIET CONSTITUTION A FARCE

Mr. WILEY. Mr. President, the Premier of the Soviet Union, Nikita Khrushchev, announced yesterday that a new constitution would be written for the Soviet Union.

According to Mr. Khrushchev, the rewriting would include incorporation in the constitution of the principles of peaceful coexistence in U.S.S.R. foreign policy, a guarantee of democratic rights for the people, reflections of changes within the Soviet Union from a proletarian dictatorship to a proletarian democracy, and other revisions to reflect changes and advancements in a Soviet society.

Mr. President, this is quite a change, at least in expression. Back in the days of Stalin there was no such talk. One wonders just what the meaning of this is. Of course, 40 years ago, only 10 percent of the people in Russian were literate, whereas today it is said that 85 percent of the Russian people are literate.

In understanding and attempting to cope with Communist doctrine, there is always a need to recognize the difference between declarations of policy and the real meaning and tactics for carrying out such policy.

For years, the Communists have openly paid lipservice to peaceful coexistence. The purpose was to create a deceptive illusion of a climate of nondanger in the world, in order to keep anti-Communist nations off guard. Analysis of the Red motives, however, reveals that—contrary to the apparent meaning—the policy of peaceful coexistence really represents a subterfuge cloak under which to carry on aggressions on political, economic, ideological, and—yes—small military fronts.

What is the real outlook for adoption of a guarantee of democratic rights and practices within the Soviet Union? In my judgment, none.

Over the years, the Communists, by misuse, have largely distorted the meaning of democracy and democratic processes—certainly as they relate to the Communist world.

The ACTING PRESIDENT pro tempore. The time of the Senator from Wisconsin has expired.

Mr. WILEY. I ask that I may proceed for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WILEY. Mr. President, within a Red-dominated society, the climate does not allow for freedom of political thinking differing significantly from the line of the party. Under communism, rather, democracy in practice means handpicking of candidates for the party; elections by mock voting—that is, by endorsement of party-picked candidates, not by voice of the people; with officeholders serving, not the people, but the dictates of the Communist Party, in all countries only a small minority of the population, amounting to only about 4 to 6 percent in the Soviet Union. The people have no real determining voice either in selection of officeholders or in the formulation of programs and policies.

Over all, then, a rewriting of the Soviet Constitution—if carried out on such deceptive premises—can only be a farce, aimed toward fooling the people of the Soviet Union and the world.

Nevertheless, a rewritten constitution will be of significance. Why? Because it may well provide a key to strategy—like the Stalinist constitution of 1936, Hitler's Mein Kampf, and so forth—by which a totalitarian system—this time, communism—plans to further its attempts to conquer the world.

Mr. President, at this time I cannot help thinking that when I came to Washington, 23 years ago, Poland was free, Czechoslovakia was free, Bulgaria was free, Rumania was free, and the Baltic States were free. But now where are they?

Mr. President, a billion human souls have been taken into the Communist orbit. We must be alert and must stand on guard, and not repeat the folly of Pearl Harbor.

THE POWER OF PUBLIC OPINION AND THE STEEL INDUSTRY

Mr. JOHNSTON. Mr. President, I should like to bring to the attention of the Senate a fine editorial which appeared in the Anderson Independent, a newspaper of Anderson, S.C., on Wednesday, April 18. The editorial, entitled "Power of Public Opinion, Aroused by Kennedy, Scores Basic Victory," is an enlightening one, showing a clear picture of the steel industry's lesson when it tried to ignore the basic concept of free enterprise and attempted to fix prices in the steel industry.

The industry soon learned that the American people and the President were not willing to allow big industry to run the Government, particularly at the expense of free, competitive enterprise.

As the editorial points out, our economy has attained its greatness only by adhering to the principle of competitive enterprise. With the action last week we have succeeded in preserving this basic American heritage, and in thwarting a determined attempt to fix prices and stifle competition in one of America's largest and most powerful industries.

Mr. President, I request unanimous consent that this outstanding editorial be printed in the Record along with my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Power of Public Opinion, Aroused by Kennedy, Scores Basic Victory

Roger Blough, chairman of United States Steel and acknowledged spokesman for the big boys of the steel industry, has been taught a stern lesson in the real meaning of free, competitive enterprise.

He also should by now be cleaning house of the hordes of public relations experts hired at a cost of hundreds of thousands of dollars a year (cost passed on to you, of course, in price of products containing steel) who had any part in one of the most gigantic big business goofs of recent record.

He and his buddies also should know by now how it feels to be run over by the steamroller of an aroused public opinion determined to defend the American way of doing business.

Blough, who kicked off the ruckus by announcing a surprise hike in steel prices, made a weak show of explaining the boost announced by his company and others within hours of each other. He was too late.

President Kennedy already had correctly branded the move as irresponsible defiance of the public interest. His indictment of Big Steel's action was all the more telling because Big Steel had given the impression it had agreed to hold the price line in return for the United Steelworkers signing a contract carrying some fringe benefits, but no increase in wages.

But Big Steel has defied Presidents and public opinion before and gotten away with it.

Protests by President Kennedy might have been anticipated. But action matching his words—well, he might go through the motions.

There might even be an investigation based on the antitrust laws. Congressmen might make a lot of noise.

Attorney General Robert Kennedy might drag Big Steel's spokesmen before a Federal grand jury to answer some pertinent questions. So what?

Doesn't everybody know that such things can drag on for months and for years? Sound and fury signifying nothing, you know.

Meanwhile, Big Steel would go right ahead selling its production at the higher price.

They misjudged the toughness of their man and his determination to protect the American system of free enterprise against the Socialist principle of "leveling."

In this case, the principle was to be applied in reverse. All steel companies, acting in concert in the true Socialistic-cartel tradition, would "level higher" their prices. If Government or business needed steel, they'd have to buy it at the higher price—or do without.

But the wave of public resentment was aroused so quickly by President Kennedy that a couple of major steel producers—Inland Steel and Kaiser Steel—didn't have time to jump on the bandwagon; or, maybe, they figured that it might pay to remain competitive.

The Kennedy administration spotted this opening. It was announced that the U.S. Government, using 3.5 million tons of steel a year, would patronize only those producers holding the line on prices.

That's when United States Steel and its partners in price-gouging tossed in the towel and withdrew the price increase.

Every American schoolchild is taught that the U.S. economy grew great by adhering to the principle of competitive enterprise.

They are also taught that conspiracy to fix prices, to establish cartels, to eliminate competitive pricing is the mark of socialism, totalitarianism, or "isms" just as sour by any other name.

President Kennedy, fortunately, is in tune with history, economic and otherwise. He knows that from the outset powerful interests have paid lipservice to "free enterprise" principles while striving to establish secret price-fixing agreements designed to bleed a public forced to buy goods or services from such monopolies.

Recovering slowly from the shock of a President daring to challenge an industry accustomed to "run the Government," Republican biggies and their press and politicians in South Carolina and elsewhere are beginning to scream, taking cue from GOP Senator Barry Goldwater, the NAACP's buddy in Arizona.

They're screaming, of all things, that President Kennedy is interfering with free, competitive enterprise. Since when did price-fixing become competitive enterprise? That's one Bilgewater Barry from Arizony hasn't answered.

Lengths to which Big Steel and Republican apologists are going to "defend" that "poor, put-upon industry" can be compared to a drunken contortionist trying to combine his yoga regimen with the twist in the upsidedown room of a carnival crazyhouse.

But they cannot divert attention from the fact that President Kennedy has scored a notable victory on behalf of a basic American principle—private, competitive enterprise—and has prevented a calculated assault upon the pocketbooks of individual consumers and government alike.

INFANT DRUG ADDICTS

Mr. KEATING. Mr. President, the tragic consequences of drug addiction have never been more dramatically revealed than by the recent report that almost 50 babies addicted to heroin are born each year in just one large New York hospital. These unfortunate infants suffer all the agonies of drug withdrawal for weeks and sometimes months.

This is one of the consequences of the half-billion-dollar drug traffic in the United States. In my judgment, we must not spare any effort needed to wipe out this dreadful scourge. There is too little scientific information about this terrible affliction. There are too few hospital and other treatment facilities for its innocent victims. There are not enough up-to-date laws to permit the quarantining and rehabilitation of those it has contaminated.

As long as the search for a cure is so uncertain, we cannot permit conditions to exist under which the disease is spread from victim to victim. We see now in the case of these babies the awful price every community must pay for the inadequate attention given to the problem of addiction.

I have joined in sponsoring a broad program designed to foster a multipronged attack against addiction. It would provide Federal help in the construction of facilities. It would authorize civil commitment under medical supervision of sick addicts. It would stimulate research into the causes of this disease. It would, under the auspices of a White House Conference on Narcotics, coordinate the work of many agencies, public and private, in this field.

This program is not designed for the addicts' benefit as much as for the protection of society. However, we must all feel unbounded compassion for the 50 babies a year—in one hospital—who come into the world with this burden already upon them. We must do everything possible to save young souls in the future from the pain and agony of this pernicious contamination.

THE GOVERNMENT'S ATTITUDE ON PRICES

Mr. WILLIAMS of Delaware. Mr. President, there appeared in the April 19, 1962, issue of the Washington Daily News a very timely article written by Mr. Henry J. Taylor, entitled "A Blow to Business."

In this article Mr. Taylor pointed out the danger that President Kennedy's brass-knuckle approach to the controversy over steel prices may well trigger off another depression.

He makes a rather pertinent comparison between President Kennedy's attitude on increased prices for the steel industry and his indifference to the fact that the Chicago Merchandise Mart—the largest such enterprise in the world—which is owned by the Kennedy family, has just raised its rents from 3 to 5 percent. Their general manager used the same explanation to justify the increased rents as were used by the steel industry. General Manager Wallace O. Ollman said:

> The raises are necessitated by increased costs, principally labor and taxes.

I ask unanimous consent that Mr. Taylor's article be printed in the body of the Record as a part of my remarks.

Immediately following that, I ask unanimous consent that there be printed an editorial from the Wall Street Journal of April 18, entitled "Government by Fear," dealing with this same subject.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Apr. 19, 1962]

A BLOW TO BUSINESS

(By Henry J. Taylor)

When the public cheers for political solutions of highly technical problems, 9 times out of 10 it is wrong. And when they are solved by unbridled political power the price the cheering people finally pay is incalculable.

It will be a miracle if President Kennedy has not triggered off another depression. The cheers for the President's brass-knucks had better wait a bit. Any thousand boards of directors, responsible for businesses, would agree on that instantly. The effect on prosperity will be determined not by the cheers but by the facts.

Informed people—including the President—know that the true fuels igniting inflationary pressures are the Government's own monetary activities, along with cumulative wage increases, large, and small, old, and recent. But the Government itself will never take the blame, nor will the trade unions. Industry is dealing in problems harder to explain than to distort and castigate. The President's willingness to deal in distortion with his left hand, and brass-knucks with his right, is a death blow to business confidence.

Moreover, if the Kennedys won't believe the steel industry, certainly they should believe themselves. The Kennedy family, including the President, owns Chicago's vast Merchandise Mart, the largest such enterprise in the world. The very next day after Mr. Kennedy gave the iron boot to United States Steel the Mart raised some of its rents 3 to 5 percent. General Manager Wallace O. Ollman explained: "The raises are necessitated by increased costs, principally labor and taxes." The increases go to the Kennedys. Sacrifice?

A vision of the iron boot on the other foot is irresistible. Is this contempt for the tenants? Does it help hold the line?

Can you imagine the hearty guffaw if the tenants referred this to the Justice Department for Grand Jury action and contrived investigation, endlessly searching Kennedy records for collusion with other Chicago buildings and income tax harassment of the Mart's operators by the Treasury? Would the President and his brother both threaten each other with jail no matter what they did as they threatened the executives of United States Steel? We must doubt it.

Prosperity will never take place, nor expansion occur, in the face of unbridled, vindictive political power. The spectacle of the President feeling free to crush a sober, complex industrial problem by the raw personal power of contrived harassment and endless Federal punishment on all who might oppose his will or his analysis of something is an issue and an indication far, far beyond any details in the steel price increase. The lesson will not be lost on a single thoughtful businessman or investor in the United States.

[From the Wall Street Journal, Apr. 18, 1962]

GOVERNMENT BY FEAR

"Kennedy is mad and so am I," said a Detroit autoworker quoted in this newspaper the other day; "the Government shouldn't let them do it."

So far as one can tell, that man was expressing a very general reaction of Americans to the great steel explosion. We think that attitude needs some further examination, for it concerns an issue far broader than the price of steel, and it is an issue that was not settled by the President's victory over the steel industry.

Let us first of all be clear about just what the Government did. It said that a private company could not change the price of its product, a property right which is obviously basic to a free economy. In other words, the Government set the price. And it did this by the pressure of fear—by naked power, by vituperation, by threats, by agents of the State security police.

The autoworker, and the many others of similar view, presumably reason that both the end and the means are justified in this case. After all United States Steel is big and doesn't need any tears shed over it; anyway, what happens to United States Steel is no skin off anyone else's nose.

That, we think, is a mistaken interpretation. It doesn't require much imagination to see this same kind of power employed elsewhere. It could be directed against that autoworker's own union, if the Government so chose. It could be directed against the corner grocer, if the Government decided it didn't like his prices. It could be directed against anybody's property. For the principle the Government has promulgated with its steel action is that Americans are free to deal with their property only if officialdom approves. It is a novel principle in this country.

Whatever the majority of contemporary Americans may feel, the fact is that their forefathers understood the connection between economic freedom and political liberty. Property rights, in their view, were basic, as basic as life itself. There is nothing abstract or academic about that proposition; it means purely and simply that free acquisition and disposal of property is the mark of a free man. All history shows that economic freedom is essential to the maintenance of free political institutions.

Throughout our own history, the people have always sensed this, even if they might not have been able to put it in the terms of philosophical discourse. Sometimes, indeed, they carried it to extremes. They used to hang horse thieves, for instance—a practice we today would hardly condone. Yet that harsh penalty was society's recognition of the fundamental nature of property rights. Steal a man's horse in those days and you stole his livelihood, which is very near to saying his life.

Now we are not contending that the Government, in 3 short days, has managed to extinguish freedom. But it is worth noting that the Government has made considerable inroads on the property rights of all of us. It has done so broadly, with its crushing taxation. It has done so in the case of specific groups, such as farmers. And in this latest development it has displayed its whip for all to see.

The Government, in short, has made the people beholden to it. Having done that, it may not find it necessary to use the whip immediately again; the fact that it exists, and has been so triumphantly cracked, may suffice for a time. In Government by fear, it is not only selected individuals, or business entities, that suffer. The knowledge that the security police can come knocking at midnight on any man's door, without warrants, engenders a general atmosphere of fear. Sure, we still have constitutional rights, but if such an atmosphere continues to develop, who will be eager to test them?

So we hope there will be more thought and more discussion of the events of last week. No one can be unaffected by them, whatever he may believe at the moment. Infringement of property rights infringes all rights. And no one should forget that this Nation was founded so men could be free of government by fear.

NEW MEXICO AND THE DEVELOPMENT OF CIVIL AVIATION

Mr. CHAVEZ. Mr. President, the State of New Mexico has figured prominently in the development of civil aviation from its very beginning stage.

Of the pioneering members of the industry, Jack Frye and his contemporaries were responsible for forging the first air links to Clovis and Albuquerque, and giving impetus to aviation not alone in New Mexico but throughout the Southwest.

The exploits of Jack Frye, as a flyer, gave him national recognition. But this was only one chapter in his colorful career. His energies were devoted to research and to technical progress that would attract the masses to air travel.

Jack Frye was, for years, at the helm of Trans World Airlines, known until 1947 as Transcontinental & Western Air, Inc. Under his direction and with his influence, this once small carrier now spreads its wings to as many as 70 U.S. cities and to distant points throughout Europe, Africa, and Asia.

There can be no disputing the fact that TWA represents the dreams and the framework of Jack Frye whose memory TWA and its 20,000 employees will honor with the dedication of the Jack Frye Transportation Training Center at Kansas City on today, April 26.

Until his death in 1959, Jack Frye devoted himself to the creation of a sound air transportation system, and his many years of struggle and conquest will not be lost from view even as aviation progresses further into the future.

Mindful of Jack Frye's significant contributions in the past, the people of New Mexico join with TWA and industry leaders in a tribute to this outstanding personality.

E-FOR-EXPORT AWARDS

Mr. ENGLE. Mr. President, it has been clearly demonstrated in the last few years that the United States must increase its exports substantially to maintain a healthy economy at home. To accomplish this we must replace our traditional trade policy with a trade policy that can meet the challenges and opportunities of a rapidly changing world economy. This the President has proposed in his sweeping proposals to revise our reciprocal trade law. We are hopeful that this session of Congress will act favorably on the President's proposals.

In the meantime, much can be done to spur our exports within the framework of the present trade law, and our Federal agencies are making good use of their current powers to intensify their export programs. The Department of Commerce, for example, is extending itself in many directions. It is setting up permanent trade centers overseas. It is putting greater emphasis on American goods at trade fairs. It is expanding and improving the use of trade missions. It is offering more and better services to American businessmen in the export field.

The Department has also spearheaded a new idea—E-for-Export Awards. The first 10 of these awards were presented on March 28 by President Kennedy and Secretary of Commerce Hodges. Two of them went to California organizations—the C. G. Hokanson Co., of Los Angeles;

and the San Leandro Chamber of Commerce.

I commend Secretary Hodges and the Department of Commerce for their initiative and imagination in mobilizing America's export resources.

An article on the first 10 E-for-Export Awards appeared in the April 2 issue of the Foreign Commerce Weekly. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

E-for-Export Awards Given to Manufacturers, Others

America's first 10 E-for-Export Awards were presented last Wednesday by President John F. Kennedy and Commerce Secretary Luther H. Hodges in a prestigious ceremony, held in the White House. Certificates and awards were presented to five U.S. manufacturers, a bank, a trade magazine, two industrial promotion organizations, and a steamship line.

The awards were given for significant contributions to the increase of U.S. export trade, and were the first of a number to be made to American firms and organizations which help mobilize America's export resources.

Winners were:

Dan River International Corp., New York City, manufacturer of cotton textiles.

C. G. Hokanson Co., Inc., Los Angeles, Calif., makers of specialized air-conditioning systems.

LeTourneau-Westinghouse Co., Peoria, Ill., manufacturers of heavy construction equipment.

McGraw-Hill Book Co., New York City, publishers of textbooks.

Scripto, Inc., Atlanta, Ga., makers of mechanical writing instruments and cigarette lighters.

The Chicago Association of Commerce and Industry, Chicago, Ill., an organization which has helped Chicago area manufacturers to expand their exports since 1904.

Industrial National Bank of Rhode Island, Providence, R.I., a bank which helped 25 client companies to develop new oversea markets in 1961.

Isbrandtsen Co., Inc., New York City, a steamship company which instituted a unique method of introducing U.S. merchandise into oversea markets—the mobile trade fair.

The San Leandro Chamber of Commerce, San Leandro, Calif., which mounted an export-expansion program which resulted in a 50-percent increase in 1961 in the number of San Leandro area companies interested in international trade.

Steel magazine, Cleveland, Ohio, which in 1961 published more than 75 major stories devoted to metalworking sales opportunities around the world.

In addition to the specially inscribed certificates, each "E" winner received the President's blue and white "E" flag—a revival of the World War II E-for-Excellence flag—as well as gold "E" pins.

The recipients are planning a variety of community activities to celebrate their awards.

Local mayors and other city and State dignitaries will help company officials raise the new "E" flags over their plants and offices.

Employee parties will be highlighted by presentations of "E" lapel pins.

Some winners are planning large dinners for their directors, key executives, customers, and trade association officials.

Others are planning publicity and advertising campaigns to demonstrate their pride.

The 10 winners were selected from among several hundred nominees, all of which are under consideration for future awards.

Selections were made by Secretary Hodges after consideration by an awards committee including representatives from the Commerce, Interior, and Agriculture Departments, the Small Business Administration, and other Government agencies in selected fields.

The awards were granted in two categories. The first—received by the Dan River International Corp., C. G. Hokanson Co., Inc., LeTourneau-Westinghouse Co., the McGraw-Hill Book Co., and Scripto, Inc.—went to companies manufacturing products for export which were responsible for outstanding export records over a sustained period, or which had made spectacular breakthroughs in increasing sales in competitive markets.

The second category, into which the other five recipients fell, went to companies, individuals, or organizations with outstanding records in supporting international trade.

Kennedy Cites Security Needs—Hodges Praises Enthusiasm

President John F. Kennedy, in presenting the first 10 "E" awards, said "U.S. contributions to our security programs abroad are tied directly to the need for increasing U.S. exports.

"Sales of American goods abroad must be ever increasing or we cannot continue our substantial expenditures overseas," he added.

He praised American managerial and production techniques and said he expects great further accomplishments from the "E" award winners in their efforts to stimulate other American businessmen to export.

He added that he considers American businessmen competitive as never before.

Said Commerce Secretary Luther H. Hodges:

"Each of these winners is symbolic of the very best that American enterprise has to offer. They are living proof of what can occur when American companies and organizations set out to expand international markets with the enthusiasm, the planning, the investment of manpower and brainpower, that has characterized our approach to markets here at home. * * *

"I am proud of these companies and organizations. I think they are doing a whale of a job. They are not simply discussing what needs to be done about increasing exports. They are doing it.

"They are providing a tremendous example to all of American industry of the infinite range of sales possibilities abroad."

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LITERACY TESTS AND THE CONSTITUTION

Mr. ERVIN. Mr. President, the Subcommittee on Constitutional Rights on April 12 completed a 7-day series of hearings dealing with literacy tests and other voter qualifications. During that time we received testimony from some 20 witnesses and prepared statements from a number of individuals and organizations including attorneys general of the various States and professors of constitutional law. I believe that all points of view have been presented, and that the printed record will provide the Senate with a comprehensive analysis of all the constitutional issues involved. I think the Members of the Senate will feel, as I do, that we have had an objective series of hearings and that they have produced a meaningful record which will be of inestimable value to the Members of the Senate.

The subcommittee has expedited the preparation of the hearings for printing and we expect to have bound copies available for distribution this week.

As the records of the hearings indicate, these bills, S. 480, S. 2750, and S. 2979 present a number of constitutional issues. These issues are such that there are many divergent opinions concerning them. I have said in jest that I regret not all of our witnesses share my sound views on this subject; however, I am delighted that two of our Nation's leading newspapers, the Washington Post and Times Herald and the Evening Star, have indicated editorially that they share my feeling, that such measures as proposed by these bills are unconstitutional and can only be legally enacted by amending the Constitution.

On January 29, this year, the Washington Post and Times Herald, in an editorial entitled "The Federal Right To Vote," stated that proponents of S. 2750 have chosen "a method of doubtful constitutionality." The Post said that S. 2750 "seeks to change by statute the qualifications for voters laid down in the Constitution."

Among other things, the editorial stated:

> It is significant that President Kennedy originally selected Senator Joseph S. Clark and Representative Emanuel Celler to translate the Democratic platform on civil rights into legislative form and that last year they introduced a proposed constitutional amendment which would forbid the States to abridge the right of any citizen to vote because of failure to pass a literacy test. There may be good reason to object to the complete elimination of literacy tests. Nevertheless, amendment of the Constitution is the proper tool for effectuation of this reform.

I concur wholeheartedly with the position taken by the Washington Post and Times Herald. After more than 40 years of legal research, it is my considered opinion that only by constitutional amendment can the States be deprived of their power to establish qualifications for their voters. I might add that the Attorney General of the United States also shares this view. Recently, when Mr. Kennedy testified before the Subcommittee on Constitutional Rights, he stated that if S. 2750 were setting voter qualifications it would be "unconstitutional and would require a constitutional amendment." I agree with the Attorney General; this is the view I have consistently maintained. I am especially gratified to be supported by the President's top legal adviser and the chief law enforcement officer of the country. We differ in that the Attorney General maintains the administration bill does not attempt to set voter qualifications. This is not an opinion which I share; it seems patently clear to me that each of the bills which are presently before the subcommittee, S. 480, S. 2750, and S. 2979, was designed to usurp the State's prerogative of setting voter qualifications by congressional legislation instead of by amendment, as the Constitution requires.

I might add that, prior to last year, throughout our national history Congress has never attempted to legislate voter qualifications. Of course, voter qualifications have been changed, but always by constitutional amendment.

On April 12, the last day of the subcommittee hearings on the literacy bills, the Evening Star, in an editorial, opined that whatever the justification for such a bill the discrimination cited "can be eradicated without bypassing the Constitution for reasons of convenience or political expediency."

The Star further took a position which I have long maintained that "the Department of Justice now has authority to bring suits on behalf of individuals improperly denied the right to vote by State officials."

Attorney General Kennedy, in his testimony before the subcommittee, the Star continued:

> Complained that this is a time-consuming and difficult process. This is true. Yet many legal procedures, if they are to comply with constitutional requirements, are difficult and time consuming. But no one suggests that this justifies short circuiting the Constitution.

The Star concluded:

> The Attorney General, of course, does not concede that the administration's literacy bill would violate the Constitution. The measure provides that a literacy test could not be used to deny the vote to any person who has completed the sixth grade, and the Attorney General contends that this provides an objective standard which Congress can constitutionally require. He also says, however, that any State, if it wished, might specify that only college graduates could vote. If this is so, what becomes of the constitutional protection which he says the 14th and 15th amendments throw around the prospective Negro voter? Should the college-graduate standard be adopted in the 129 counties in question, a good many white people would be unable to vote. But the discrimination against would-be Negro voters would be virtually all inclusive.
>
> This, we think, is enough to underline the purely political aspects of the appeal to Congress to ban literacy tests. If these tests are to be forbidden because the Department of Justice thinks it is too difficult to enforce existing law, the ban should be imposed by constitutional amendment. But if the fear is that the country would not ratify such an amendment, which it might not, Mr. Kennedy's department had better get back to the job of enforcing the law which is already on the books.

In order that the record might be clear, with regard to the laws which are presently available to the Justice Department to see that no qualified voter is denied the right to vote, I ask unanimous consent to have printed in the RECORD excerpts from the pertinent statutes.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

PERTINENT SECTIONS OF THE UNITED STATES CODE

Voting rights, 42 U.S.C. 1971

(a) Race, color, or previous condition not to affect right to vote: All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

(b) Intimidation, threats, or coercion: No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of the selecting or electing any such candidate.

(c) Preventive relief; injunction; costs: Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person. (See attached Public Law 86-449, 86th Cong., p. 7, May 6, 1960, for amendment pertaining to State as party defendant.)

(d) Jurisdiction; exhaustion of other remedies: The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

(See attached Public Law 86-449, 86th Cong., p. 5, for amendment which has been designated subsec. (e).)

(f) Contempt; assignment of counsel; witnesses: Any person cited for an alleged contempt under this act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearings, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel. As amended September 9, 1957, Public Law 85-315, part IV, section 131, 71 Stat. 637.

SEC. 1995. CRIMINAL CONTEMPT PROCEEDINGS; PENALTIES; TRIAL BY JURY.

In all cases of criminal contempt arising under the provisions of this act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided, however,* That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months: *Provided further,* That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of forty-five days the accused in said proceeding, upon demand therefor shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court.

Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention. Public Law 85-315, part V, section 151, September 9, 1957, 71 Stat. 638.

SEC. 1983. CIVIL ACTION FOR DEPRIVATION OF RIGHTS.

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (R.S. § 1979.)

Criminal, 18 U.S.C. 241-242:

SEC. 241. CONSPIRACY AGAINST RIGHTS OF CITIZENS.

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

SEC. 242. DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Mr. ERVIN. Mr. President, the views of the Washington Post and Times-Herald and the Evening Star were buttressed by the New York Herald Tribune, another of the Nation's leading newspapers, which, in an editorial on Tuesday, April 24, 1962, stated that the literacy test proposed before us "infringes on the constitutional prerogatives of the States; to claim that it does not set voter standards by congressional fiat is an exercise in sophistry."

A similar view was espoused by Mr. David Lawrence, the noted columnist, in an article carried in the April 24, 1962, edition of the Evening Star. In order that the Members of the Senate might be apprised thoroughly of these statements, I ask unanimous consent that each be printed in its entirety at this point in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune, Apr. 24, 1962]

LITERACY BILL WOULD INFRINGE STATES RIGHTS

The literacy-test bill on which Senate debate begins today is one of those many which would employ bad means to achieve a good end.

The good end in this case is a breaking down of racial barriers to voting; the bad means are a too sweeping, too arbitrary and seemingly unconstitutional invasion of the States right to set voting standards.

The Constitution explicitly gives this right to the States, even for Federal elections. The bill would limit their authority by providing that no one otherwise qualified could be denied the ballot "on account of his performance in any examination, whether for literacy or otherwise," provided he had a sixth-grade education.

The reason, of course, is that many southern registrars have egregiously abused literacy tests. The rationale is that any one with a sixth-grade education can be presumed able to read and write.

But the effect of this is to deny States the right to require any more than bare literacy, which is about all a sixth-grade education is presumptive evidence of.

Most States are satisfied with such a requirement. But those which might prefer to set their standards higher ought to be free to do so—as the Constitution clearly entitles them to do, provided they apply the standard without discrimination as to sex or race. The mere fact that a man has a rudimentary knowledge of how to read and write, after all, hardly makes him competent to pass on issues of state.

One particularly pernicious provision of the bill would strike down New York State's requirement of literacy in English, by making 6 years' schooling in Puerto Rico the legal equivalent of a literacy test. There is nothing arbitrary or unreasonable in requiring that voters be familiar with the language of government, which is also that of the candidates among whom they must choose.

New York's large Spanish-speaking population makes this a local issue of some moment. To claim these people are discriminated against in voting in the same way that Negroes are in the South is nonsense. All are welcome to vote if they trouble to learn English. But it quite properly is up to them to learn the language of the community first, as many do and all can.

The need for breaking down racial barriers to voting is real and urgent. As a practical matter, this bill would go a long way toward their elimination. But by striking at the use of literacy tests rather than merely their abuse, it would throw out the baby with the bath water. It infringes the constitutional prerogatives of the States; to claim that it does not set voter standards by congressional fiat is an exercise in sophistry.

Congress proper aim should not be to set standards for voting, but to tighten enforcement procedures to insure that whatever standards are set are applied fairly and equally to all.

[From the Washington Evening Star, Apr. 24, 1962]

IMPATIENCE ON LITERACY TESTS—PUSH FOR FEDERAL VOTING LAW LIKENED TO ROOSEVELT'S COURT "PACKING" ATTEMPT

(By David Lawrence)

Just as President Franklin D. Roosevelt became impatient with the processes of the judiciary and asked for laws to permit him to pack the Supreme Court, President Kennedy now has started on analogous controversy which will occupy the attention of the Senate for the next 2 weeks. He wants to pack the electorate by ignoring the rules laid down in the Constitution concerning voter qualifications.

If Mr. Kennedy has his way, a rubberstamp Congress could at the behest of a President pass a law making children of 11 years of age eligible to vote in Federal elections.

The Constitution, of course, specifically gives only the States the power and right to fix the qualifications of voters. It reserves to Congress merely the right to alter State regulations as to the "times, places, and manner" of holding the elections themselves.

But Attorney General Robert F. Kennedy, in a formal statement to a Senate subcommittee, declares he is tired of the bother of filing lawsuits and says, in effect, that it's easier just to get a law passed to set voter qualifications than to go through the prescribed process of amending the Constitution to take this right away from the States.

Now it will be conceded that if there is any discrimination in any State because of race or color in preventing anyone from voting, then certainly the Constitution should be invoked to secure equal treatment. This, however, really isn't the issue, for the basic question is how the Constitution shall be enforced. The Attorney General says that when the 15th amendment was adopted in 1870 it became illegal to practice racial discrimination in the voting process, but "it is necessary today, 92 years later, to file lawsuit after lawsuit to make constitutional command a reality."

The late President Roosevelt argued the same way. He wanted the Justices of the Supreme Court to decide cases the way he wanted them decided, and he declared that he didn't care to wait till enough vacancies on the bench occurred to give him the opportunity to appoint new judges who would support his views.

The Attorney General says that persons with a sixth-grade education should not be required to take a literacy test as a qualification for voting. He feels that completion of the sixth grade is sufficient without an examination.

He could be right about this as a test in itself. Yet he ignores the specific obligation under the Constitution that if the rights of the States—which include the power to fix voter qualifications—are to be changed, then the Constitution itself must be amended by a two-thirds vote of both Houses of Congress and ratification by three-fourths of the States. With amazing frankness, the Attorney General proclaims the rule of expediency and the doctrine which has caused the overthrow of many an established government—"the end justifies the means." He says in his formal statement:

"The question is not whether this bill is valid, but whether it would correct the situation."

Mr. Kennedy, further on in his statement, adds:

"I believe legislation, to accomplish directly what can be unquestionably done through litigation, is plainly justified under the 14th and 15th amendments."

But is this really true? Litigation can be instituted only when there is evidence of discrimination in denying the vote to anyone eligible. What the Attorney General is proposing is that both whites and Negroes, for instance, be permitted to vote when they have completed a sixth-grade education.

He is ignoring the fact that, if a State actually administers its laws fairly and doesn't permit either a white or a colored person to vote if a literacy test is given and the applicant fails, then there is no basis for litigation. He wants to skip that step and declare all persons literate by law if they have completed a sixth-grade education. Only the States, however, under the Constitution can legally establish this form of voter qualification.

Mr. Kennedy argues that article I, section 4 provides that Congress may at any time "make or alter the times, places, and manner of holding Federal elections" and declares that "This plainly means that the State regulations on voting are subject to some limitations that may be imposed by Congress." He then concludes: "I think the bill would be a proper limitation under the provision."

But nowhere in the judicial history of the United States is there any decision which says so The "time, places, and manner" of holding elections have always been construed to mean the setting or changing of the date and place where elections are held, and questions involving honesty in counting ballots in the election itself. The word "qualifications" appears three times in the Constitution, and in each instance refers only to the power of the States to prescribe the rules of eligibility for voting.

This whole maneuver is characteristic of the Kennedy administration. It has issued many an Executive order that has yet to be tested by the Supreme Court. The argument always is offered that, because it is cumbersome to amend the Constitution, a shortcut can be taken by having Congress act alone. George Washington foresaw this trend as likely to develop when he warned in his farewell address:

"Let there be no change by usurpation. For though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed."

Mr. ERVIN. Mr. President, in closing, I should like to make it exceedingly clear that it is my consistent position that I am unalterably opposed to anyone's denying the right to vote to any qualified individual. However, by the same token, I am unalterably opposed to any attempt to vitiate, in any manner whatsoever, the most precious document in our democratic society, the Constitution of the United States of America.

I do not doubt the sincerity of individuals proposing legislation such as that now pending before the Subcommittee on Constitutional Rights. However, it seems unfortunate to me that these proponents in their advocacy have oftentimes generated more heat than light. They have talked largely about sociological problems; however pressing such problems may be, there is none which justifies the nullification of the keystone of our system of government. Democratic process requires orderly procedure, and in our country it is predicated upon our Constitution. It would be tragic, indeed, if the Members of Congress failed to give these bills the close scrutiny which they deserve. The issues presented are not sociological, but constitutional ones. This is the first attempt, in our Nation's history, Congress has made to legislate voter qualifications. The guarantees afforded the individual and the State by the Constitution are too precious to be secunded to contemporary pressure groups, however sincere their beliefs and objectives.

The Constitution must be preserved for all Americans for all time, regardless of race, color, or creed. These measures are among the most important that will be considered by this Congress. I urge each Member of the Senate to give them careful study.

SPRUILLE BRADEN

Mr. YOUNG of Ohio. Mr. President, late last week must have been the silly season here in Washington. The Daughters of the American Revolution in convention gave an Army major the chance he eagerly accepted to make a fool of himself.

His superior officers in the Armed Forces tried their best to keep him from making a denunciatory statement against fellow Americans based on anonymous gossip, unverified accusations, discarded conjecture, and political malice. Yet, this major, who holds a responsible position commanding officers junior to him and enlisted men, eagerly made this speech notwithstanding, and very properly the Army has suspended him from his command pending an investigation of his folly.

Those in authority know that the wise men who wrote the Constitution of our country provided that civil authority must always remain supreme over military authority. Officers in our armed services may condemn communism as a form of government or draw unfavorable comparison between the Communist system and our system. They may not sound off on foreign policy, nor make political speeches, nor denounce high officials in our Government.

That is not muzzling of the military.

Mr. President, on the subject of muzzling of the military, former Adm. Arleigh Burke, whose speeches were on occasion censored during the Eisenhower administration, said:

> There are certain things which military men should not say. There are certain things which if said would do harm to the Government. So there is no objection to having speeches cleared. I don't think that military leaders are muzzled.

A man in private life is free to speak out in any manner in any forum he chooses, but Defense Department officials and commanding officers in our Armed Forces very properly try to keep officers from embarrassing the Secretary of Defense or leaders of the Armed Forces, and from making outlandish statements or giving vent to inflammatory and untruthful utterances wholly without justification and directly contrary to the welfare of the Nation and the foreign policy of our country.

At about the same time, a civilian sounded off. This man, unfortunately, had held positions of honor and trust in the past, and his bombastic utterances may have an influence far beyond any justification. He was guilty of making offensive, irresponsible, and reckless statements. I refer to Spruille Braden.

Spruille Braden is to be condemned and denounced for his inflammatory and irresponsible public utterances advocating an invasion of Cuba by the Armed Forces of this Nation, evidently without delay and without consultation with leaders of Latin American Republics in Central and South America.

This unintelligent man said this is the only way to rid the Caribbean country of communism. He is further reported as asserting, "if we wipe out the Communists in Cuba, they will fail everywhere else in the Americas."

Unfortunately, directly the opposite would occur. He is advocating that this Nation become an aggressor; that we by our own ill-advised, overt acts of force and violence against men, women, and children of Cuba foster and promote communism, gain sympathy for Castro and Castroism, and cause the peoples of Mexico, Central and South America and the heads of state of those Republics to look upon us with fear and apprehension. Were this Nation to wage this aggressive war and participate in such an action, Castro would go, and also the respect and admiration for the United States in the foreign offices of now friendly nations the world over.

Whatever action officials of our State Department take or should take against Cuba and Castro, prudence and good judgment indicate that this should not be a unilateral act of aggression on our part alone, but should be in cooperation with the Organization of American States and side by side with the Republics of Central and South America that are our friends and good neighbors.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may have 2 additional minutes to conclude my remarks.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. YOUNG of Ohio. Mr. President, it should seem unthinkable for us to take the aggressive on our own and wage a shooting war against Castro and the Cubans. Such an ill-advised action at this time would deal a death blow to our Alliance for Progress.

No attention should be given to this individual apparently seeking publicity by urging violence and advocating that we Americans indulge in a day of infamy. Unfortunately, he at one time was a U.S. Ambassador. I hope that there are not presently any Spruille Bradens in our State Department in any capacity.

This man has denounced President Kennedy's 10-year Alliance for Progress program to aid Latin American countries. Were his extremist belligerent views to prevail the Alliance for Progress and Organization of American States would be dead.

He proposes our Armed Forces immediately and quickly drive communism out of Cuba and then we continue our acts of aggression and drive communism out of the rest of the hemisphere. Of course, he adds, including our own country.

It seems strange that Braden at one time was the Ambassador of our country to the Argentine Republic, to Colombia, and was an Assistant Secretary of State. It is evident we are well rid of him and that his intemperate remarks are now those of a private citizen only.

I am wondering if Mr. Braden is a member of that lunatic right-wing fringe—the John Birch Society, so-called. Also, I am wondering if now that he occupies no public position, he considers such reckless, irresponsible proposals as an American invasion of Cuba, though it might cost the lives of many men in our Armed Forces and of tens of thousands of Cuban men, women, and children, will result in some personal publicity or notoriety.

I denounce and repudiate the rash, intemperate statements made by this fascist-minded ex-officeholder. It is a good thing for the United States that he is an ex-officeholder.

RESOURCE DEVELOPMENT TRIBUTE TO DAVID CARLEY, OF WISCONSIN

Mr. PROXMIRE. Mr. President, one of the most dynamic, controversial, and interesting public officials Wisconsin has had in a long, long time is David Carley, who is head of the department of resource development in our State. This week a Milwaukee publication entitled "Let's See," published a very comprehensive and enlightening article on Mr. Carley. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DAVID CARLEY

One of the maxims of nearly everyone's youth urged the success-seeker to "do one thing well," or, in the negative language common to advice, avoid being a "jack of all trades, master of none." Other folk wisdom of the day included admonitions to "be seen not heard," "listen to your elders," mind your own "p's" and "q's," and, of course, "stick to your last." A young jack of all trades (and master of quite a few) who has risen rapidly by being heard often and by his elders, minding the whole alphabet of everybody's business, and sticking to his last until the first new thing of sufficient interest comes along, is the energetic director of a still new, insufficiently known and vastly important agency of the State government of Wisconsin. His canny verbal markmanship and readiness to trade wingshots; his youth and exuberance; the luster his department sheds on fellow Democrats but also steals from them; the lingering suspicion that he is Governor Nelson's heir apparent; the jealousy and antagonism that doers have always aroused—these have all contributed to making him easily the most controversial personality in State government today.

For nearly 4 years, L. David Carley, buzzsaw infighter and gay wit, precise scholar and political extrovert, tough-minded realist and bold romantic, has served brilliantly, by most accounts, in the administration of Gov. Gaylord Nelson, initially as a staff member and for the past 2 years as the almost hyperthyroidally active chief of the department of resource development. Like many of the new men who make their own rules as they whirl along in an age where the old solutions often don't apply, 33-year-old Carley has earned the plaudits of some and the ire of others in his new job. To this reporter, Governor Nelson described him as "a remarkably able eclectic. He can take a wide variety of materials on virtually any subject he has to deal with and master it quickly, organize a project to resolve it and then follow through with unusual thoroughness." Lt. Gov. Warren Knowles delivered a contrasting opinion: "He has all the energy in the world when promoting a cause, but it is evident that he is like a misguided missile." News Analyst John Wyngaard acidly commented: "Carley would no more dream of leaving town to make a speech in North Overshoe, Wis., without distributing in advance a press release that would avoid using a pedantic word in that speech where a simpler one would do." But Wyngaard added: "He is a controversial personality in a controversial department. There isn't much doubt that Carley's division is one of the show-pieces of the Democratic State administration." From the opposing side of the aisle, he has been labeled "aggressive," "an empire builder," and "overly ambitious," but for reasons that soon become obvious, never "incompetent," "lazy," or "run of the mill."

Curiously, and yet logically—considering the dust he stirs up—the ebullient young department head has never been confirmed by the State senate in his present position, although the law requires it. In three sessions, that deliberative body quite deliberately refused to either confirm or reject—or even consider—his appointment, and, finally, in the closing day of the 1962 session, the senate agreed to reject him. Meanwhile, Carley continued to serve, by a legal fiction, on an interim basis, doubtless the most confident and decisive of the legally fictitious, interim department heads in the State's history. This bizarre state of affairs might be expected to pique the unrecognized appointee; instead, it has evoked the best of his abilities and the sharpest from his gifted tongue. "The Republicans' refusal to shoot or get off the pad hasn't deterred the launching of this department," Carley said recently, "which is precisely what they had in mind by not confirming the Governor's appointee to this new department. This administration and this department," he went on briskly, "have made a lot of friends by performing services our predecessors neglected but citizens paid for. Most important, in place of the withering-corpse theory of State government, we're restoring the vitality of the State government as a viable instrument of public policy."

Political infighting and governmental philosophy aside, there can be little doubt that David Carley does see his resource development department—conceived while he was on the Governor's personal staff and at least as much his brainchild as Nelson's—as "a viable instrument of public policy." Chapter 109 of the Wisconsin Statutes, which created the department in 1959, is clearly designed to allow the director, presumably with the Governor's consent, to range as far as his legs, his voice, and his mind can carry him. The territories staked out as his legitimate province (ignoring for the moment Carley's tendencies to establish squatter's rights or even poach) are truly vast: geographically, the 72 counties and the cities and villages bursting their seams; administratively, all State planning, development, renewal, promotion, research and liaison with the Federal and other governments.

It's a tall order and we wondered how a big first-generation Swede, former baseball and football player with a Ph. D. and no party "pull," was expected, or even asked to fill that order. Officially, Dave Carley sums up the first 29, or pre-Nelson, years of his life as though they hardly counted: the meager 10-line biography which precedes his frequent speech appearances surely sets a record in brevity for public officials. Born on June 13, 1928, in Detroit, where he attended and graduated from the public school system, he then earned a B.A. degree from Western Michigan University in 1950. Next in sequence came a 2-year stint as assistant city manager of Kalamazoo, Mich., where he also picked up a master's degree in public administration. A move to Madison, Wis., followed, plus 2 more years of course work toward a doctorate in political science.

In need of a job while he wrote the required thesis, the fast-stepping bureaucrat-scholar became research director of the State chamber of commerce, a post he held from 1954 to 1958 and which signals the start of his political troubles. Some conservative chamberites looked askance at the unusually liberal positions the State chamber seemed suddenly to be taking (in favor of the Milwaukee metropolitan study commission, added legal power to municipalities, increased gasoline taxes for the State highway program), while others nervously eyed a growing friendship with Democratic State Senator Gaylord Nelson (whom Carley invited to address the chamber for the first time in his senate career). Following Nelson's election victory and Carley's appointment, one columnist summed up: "Most Republicans feel that Carley is a kind of apostate, not because the chamber should have on its staff only Republicans, but because they never dreamed it would produce for Nelson a key lieutenant who turns out to be a keen and aggressive ideological Democrat." Meanwhile, liberal record in the chamber notwithstanding, key Nelson lieutenant or not, there are labor leaders and party chiefs who reportedly vow they won't let the tough-minded young infighter forget he once worked for the chamber of commerce. There is no sign that Dave Carley's trying to hide that or anything else he does.

When we drove along Route 30 very early one March morning, the late snow still heaped by the roadside, we headed, by arrangement, for the Carley home first. You can see the large house from away off: flat-roofed and I-shaped, the prefabricated ranch-home, at 1500 Capital Avenue on the outskirts of town, stands at the highest point of a cul-de-sac 5-acre subdivision, and the distant picture in some ways suggested the man we expected to find.

We walked up the sandstone driveway ("Nelson and I dug those stones out and built that ourselves—look at it crumble to pieces") and waited until the din inside subsided before Adele Kuemper Carley answered. A handsome brunette in white blouse and black, trim slacks ("my housekeeping uniform"), she apologized for the slight delay: "Dave is out so much he romps double-time with the kids when he's home and it sounds like thunder in here." First to catch our eye were the children, all blonde, blue-eyed Viking types: Laurie, aged 10 (a girl, though Carley's actual first name is Laurie—they waited 8 days before naming her because they expected a boy), Michal Ann, 6 (another girl, "in the Old Testament, David's first wife") and sturdy James Andrew, an alert 3-year-old—a boy.

When Carley climbed up from the living room rug, clad in buff, cable-knit sweater, suntans, and calf-high boots with thick soles ("my home combat uniform"), he looked even bigger than his 6-foot, 210 pounds and spoke crisply but much more softly than we expected. A four-letter man in high school (football, basketball, baseball, and track), he pitched for the Nation's amateur championship-winning team at 19, played semipro baseball for the Kalamazoo American Legion club, has somewhere a jugful of track medals, spends more time reading than running these days. Settling in the comfortable, picture-lined living room with a smoking cup of Adele's coffee, we covered all the standard topics and took down some decidedly nonstandard answers.

Origin: eldest son of Swedish immigrant parents; father named Berndt Brilon Karle Forsberg. Nobody pronounced the Swedish "g" in Forsberg (means "snow on the mountain") to satisfaction, so preferring nothing to half measures, Berndt dropped the Forsberg and, on judicial advice, anglicized "Karle" to a pronounceable "Carley," where the matter stands.

Religion: Protestant, attends regularly a small, nondenominational church near home. (Adele: "He won't mention it, but he's taught Sunday school for 20 years." Carley: "I stopped a year and a half ago, because of my crazy schedule, but I'll get back to it.")

Crazy schedule: "Our office lights are burning 6 or 7 nights a week. I've got the most devoted and talented staff in State government." Asked what she thought of all that, Adele adds: "Well, I sometimes kid him about keeping a cot in the office and ferrying meals to him, but he does play with the children as much as possible. Anyway, he bribes me by taking me out when he can, and I have to admit the friends he takes home don't just talk shop—they're interesting."

Interesting friends: "Mostly university people in various fields, staff and other government people, the Nelsons, a few neighbors, people I just meet who read or have good minds." (From here on, we shouted from room to room, as he shaved and dressed for the office; the older children had taken the bus to Crestwood Public School.)

Music and art, books: "Wife gave me a course in music appreciation about a dozen years ago, thank God. I like Italian opera, especially Puccini." (Adele, formerly a biochemist in nutritional research, has a fine contralto, soloed in Madison Messiah chorus, still sings with civic chorus; old-style pump organ and piano in house attest to continuing interest.) "The Modigliani print on that wall is my favorite, Adele likes the Utrillo over there. I like poetry (favorite, Edna St. Vincent Millay), tragedy, haven't read a novel in 14 years, read as much nonfiction as I can." Reads fast, prefers reading in depth, talks about authors instead of titles: Riesman, James McGregor Burns, the junior Schlesinger and "anything I find by FDR and Woodrow Wilson."

Personal habits: stays up even later than Gaylord Nelson, rises early under any conditions ("the light bothers me"), fast talker, fast driver, fast eater. Loves seafood (only in the East—you can't get it right out here"), steak, and potatoes; doesn't smoke or drink (Adele: "Does he look like he needs stimulation?"), likes to go swimming with family for recreation. Helpless with tools (started basement library, called in professional to finish job), enjoys planting trees on acreage behind house (oak, red maples, dogwood, white birch, juniper), loved outdoors as a boy—only gets there now to plan recreation areas for use of others.

Other incidental intelligence: Met wife in anatomy class; she sat at next bench dissecting cats—a bet over feline corpse started dating arrangement, married 5 months later. Intended to marry at 30, prospective bride wouldn't wait 9 years, so did it anyway at 21, with no regrets over premature contract.

Bought roominghouse in Madison to help pay way through school, supplied room and occasional board to six students, all Indian Indians, who spread the word back home and kept a rotating supply of students in Carley home, known in Delhi as "India House."

Soft-spoken, relaxed, laughing and quipping at home, it's a quite different L. David Carley at the office. Well groomed in dark green, ivy-cut suit with button-down shirt and silk rep tie, he paces around his large office (at least 12 by 20 feet), telephones—1 minute or less for most calls—darts into an outer office, shuffles papers, and fires a steady barrage of information about the first job that has really extended him. He may have been making up that day for lost time; we arrived in the office at 9:10, a good hour late for Carley, and he swept self-consciously past wall charts and cluttered desks in the outer offices, greeted busy Helen Wiskowski, his capable secretary.

We seated ourselves in his high-ceilinged office on the first floor of the capitol building (8 rooms for the department on the first floor, plus two complete floors above, all in the south wing of the massive structure), and inspected the cream-colored room for clues. A desk and two library tables supported piles of reports, manuscripts, and speeches he was in the midst of, the desk placed so he could look out the large window onto busy West Washington Street. Somewhat anomalous was the Utrillo print on the wall, perhaps in tribute to his wife's taste in art, possibly a self-reminder to leave the night-functioning office and head for home.

When the interviewer's probings drifted into the broad realm of his department, the laconic pose and dry wit at home evaporated and an ensuing flood of well-articulated facts and ideas inundated the scribbling listener. "Here, take this with you," he ordered, poking among the desks and file cabinets, gathering pounds of reports and releases for the reporter to take home; "we got into a good fight last year on the forest crop law. And here's that testimony on airports I mentioned a moment ago—the guts of it starts on page 6 or so." Things getting out of hand, we asked for some account of how one keeps track of an all-embracing department, and, more important, how one evaluates the performance of a department and a director concerned mainly with planning.

A fair share of the bustling young executive's work, we learned, consists of selling the message, i.e., convincing small town and rural inhabitants, especially businessmen hardly enamored of the spreading tentacles of government, that big government is here to stay and can handle certain jobs that localities can't, and that, moreover, help available to them is now going by default to communities in other States. "As a matter of simple fact," he says, puckishly, "the most common reaction as an institute on, say, planning—we've held dozens of them—is, 'Why didn't somebody tell me about this before?' like a boy who's suddenly found out about kissing."

We asked for an example, not of adolescent, but adult discovery. A good one, he informed us, is the so-called 701 Planning Assistance, nicknamed for section 701 of the Housing Act of 1954, which supplies Federal funds for planning in localities under 50,000 in population. "These communities badly need planning," Carley said. "They're growing, they have the same problems of blight, transportation, zoning, and school needs as larger cities, sometimes greater problems, but they simply haven't got the money and the staff to work up broad, practical plans and push them through. When they find the Federal Government will pay up to three-fourths the cost and that the State government will help, too, that gripping tentacle of government looks more like a friendly handshake." Any special techniques to overcome initial resistance? "Bluntness," he says. "Just describe the problems they already know about and estimate the costs of either ignoring or solving them. It helps," he added, smiling, "if you tell them 701 was put through under Eisenhower." Between 1954 and 1959, the first 5 years of the planning-assistance law, only three Wisconsin cities had applied for 701 money; during Carley's 2-year tenure as resource development chief, about 10 times that number, including Oshkosh, Beloit, Port Washington and La Crosse, have gotten these funds, while cities like Green Bay and Appleton are now prospective applicants. Though he insists on claiming no specific achievements in any area (we just offer advice and help), the stepped-up level of interest here is clearly at least due in part to his missionary zeal and the department's technical aid in preparing applications.

Because of old feuds, complicated by lingering suspicions in some quarters of the whole field of planning, the department of resource development has come in for rough sledding in the past, including attempts to kill it altogether. A year ago, when Carley submitted departmental budget requests to the legislature, the Madison Capital Times reported: "Republicans on the joint finance committee demonstrated their antagonism to David Carley, director of the department of resource development, late Wednesday by lopping $134,677 from his 1961–63 budget, the deepest percentage cut made thus far in any agency. Other GOP members felt this was treating Carley too kindly." The conservative State Journal said simply: "Carley's department is one of the prime targets of the GOP legislature." The Wisconsin Rapids Tribune reported: "Joint finance committee members accused Carley of empire building and slashed budget requests for seven additional planners. He promptly requested a second appearance before the committee to rebut their claims and got into a bitter battle with assemblymen Borg (Devalan) and Merrian (Janesville)."

A recent major achievement, however, makes further attempts to scuttle the department, or seriously curtail it, unlikely. In the last days of February, Carley unveiled before department heads, planners, and government officials assembled at the Wisconsin Center in Madison the first phase of his magnum opus: the State planning program. First of its kind in the country, the program bears a price tag of $175,000 (plus matching Federal funds) and, like most comprehensive planning efforts, attempts to preserve and enhance assets worth thousands of times the amount of the planning investment. Speaking rapidly as usual (platform rate, nearly 200 words per minute), he swept, in 45 minutes, over a staggering range of topics: population growth projections, economic forecasts by county, land use analysis, transportation and recreation, education, public institutions and others.

A Madison-based reporter summed up: "The resource development department, which has been a beehive of activity these many months, finally had its big day, with Director David Carley as master of ceremonies. The presentation was impressive." The Milwaukee Journal added, editorially: "This is State planning with a new dimension. It is statewide planning, not instead of but in step with regional and community planning." The Governors of Indiana, Michigan, Minnesota, and Ohio have requested meetings to discuss the plan, and Carley will fly down to Tennessee shortly to tell its legislature about this pioneer effort.

Hoping to work the same magic in the critical but resistant area of industrial development, Carley recently conducted a statewide series of 11 regional conferences, 3 hours each in length and including delegates from all 72 counties, designed to kick off what he terms "Wisconsin's first real program of industrial development." Clocking 11,000 miles in a week on the hustings, Carley made no pretense of giving his listeners what they wanted to hear: "The climate for business is this State was bad, partly because of the tax burden and partly because of what businessmen have to say about the State where they live and make their money. The Nelson administration did something about the first—we're the only State in the Nation to show a reduction on taxes business will have to pay; now the businessmen will have to tend to the second obstacle to growth by talking up their State to their counterparts in Wisconsin and elsewhere." In addition to describing services available through his department, he also urged adoption of a financing fund for industry, as a dozen other States have.

Between stumping the State for a variety of programs, the energetic resource director has managed to author a well-received scholarly article (Wisconsin Law Review, 120 pages in two installments) on the extralegal powers of the Governor of Wisconsin; offer challenging testimony before a number of State commissions (e.g., in December of 1961, before the aeronautics commission, he attacked the previous distribution of Federal moneys for airports); address countless audiences on any number of subjects (has given 12 speeches in a weekend); head the Federal surplus commission's efforts to untangle the Bong Airbase fiasco and acquire the land for public and industrial purposes; supervise and help write a steady stream of research studies and reports requested by the legislature; and introduce bills to broaden the scope of his duties (successful: a complete economic study of the south shore region of Lake Superior, a new State financial aid program to assist metropolitan areas to acquire park land; unsuccessful: create an office of nuclear development in his department, to register and regulate sources of radiation). Called by one wit "an administrator by inspiration," he obviously manages, in his own hurly-burly way, to get things done, and seems quite sure he can do more—if "they" will let him. One thing seems fairly certain, though: hurrying David Carley, head of the department of resource development and careful cultivator of his own considerable resources, has not, at 33, traveled his full distance yet.

THE NEW YORK WORLD'S FAIR

Mr. PROXMIRE. Mr. President, a few days ago the Senate voted to approve an appropriation of $15 million for a building at the New York World's Fair sponsored by the Federal Government. On April 23 the New York Herald Tribune published an article by Robert S. Bird which reported on a visit by Robert Moses, of New York City, to the Seattle World's Fair. I read the part commenting on what Mr. Moses said:

> Speaking with intensity, he made it clear that his inspection of the science exhibits here has altogether convinced him that the New York World's Fair must have something comparable. He seemed annoyed that quarters in Washington were trying to dissuade him from a Federal science exhibit.
>
> He said what he would have in New York is not only a World's Fair Federal science exhibit, but one that would be housed in a building which could remain as a permanent facility—a museum of science and industry or something of that sort. It couldn't be built on the fairgrounds, he said, where foundation problems rule out a building of that kind, but rather in Manhattan itself.

Mr. President, that is exactly what we were talking about the other day when

I pointed out that New York would get everything from the Federal Government and give nothing. The article indicates that Mr. Moses will go to work on the Congress to see if the Congress will not appropriate money for a World's Fair building, not located at the fairground, but located in Manhattan.

I ask unanimous consent that the article to which I have referred be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT BOB MOSES COVETS

(By Robert S. Bird)

SEATTLE.—Robert Moses, head of the New York World's Fair 1964, said here yesterday that the Federal Government's space and science exhibitions at the Seattle World's Fair have completely surprised and overwhelmed him—and made him downright jealous.

He finally met with reporters, who tried vainly to find him all day Saturday while he toured the exposition incognito.

Speaking with intensity, he made it clear that his inspection of the science exhibits here has altogether convinced him that the New York World's Fair must have something comparable. He seemed annoyed that quarters in Washington were trying to dissuade him from a Federal science exhibit.

He said what he would have in New York is not only a World's Fair Federal science exhibit, but one that would be housed in a building which could remain as a permanent facility—a museum of science and industry or something of that sort. It couldn't be built on the fairgrounds, he said, where foundation problems rule out a building of that kind, but rather in Manhattan itself.

Mr. Moses said that the New York World's Fair organization had come up with brilliant ideas for a Federal science fair project, thanks to the help of leading scientists, but people in Washington would not accept the idea. They want an exhibition that "would teach the lesson of democracy," he said. Mr. Moses talked as if the Washington people have virtually said no to a World's Fair science exhibit in New York.

ROOM FOR TWO SHOWS

He gave the impression that after seeing what the Government has done here in Seattle in informing people about space and science, he is not willing to accept any substitute, and he is now reorienting his efforts in the direction of a major emphasis on science and space.

He seemed delighted with the Seattle Fair and said he had learned much useful information on the mechanics of running a fair in this decade.

Meeting with New York reporters in the office of Joseph E. Gandy, president of Seattle Century 21 Exposition, who had not been able to locate Mr. Moses for VIP treatment Saturday, the New York Fair director gave unstinted praise for the Seattle exposition. "You are off to a most auspicious start and everything I see on your opening day indicates that the Seattle Fair is all that you have claimed for it and more," he said. "There never was a sound reason for any rivalry between Seattle and New York. Both fairs are a variation of one theme, the theme of healthy, domestic and international rivalry and good will, leading straight to a peaceful world. There is plenty of room in a country like ours for two great shows 2 years apart."

SPACE STUFF BEST

Asked what he liked best about this exposition, Mr. Moses snapped back, "The space stuff. The U.S. Science Exhibition and the National Aeronautics and Space Administration exposition."

Then he went into an excited account of the importance of those exhibits saying:

"The psychological timing of the Seattle people was perfect for getting a scientific exhibition from the Government. But after they got it, the attention shifted in Washington. Word got around, when we turned in our suggestions for a scientific exhibition—and we had some very brilliant ideas from fellows like Lawrence and Shapley—but they felt there was too much emphasis on science.

"They said to us, 'Everybody's doing this now. They are going to this out in Seattle. There's too much attention paid to science.' They told us that these things go in cycles.

"And so now they are saying that most important thing for a Federal exhibition at the New York World's Fair would be to teach lessons in American democracy. Well, those are nice words but what do they mean in terms of translating them into an exhibition?"

Plainly discouraged at the trend of thinking in Washington, Mr. Moses said that now he has viewed the superb science displays for the Government here, he has negative feelings about the whole trend of Washington thinking.

WHOLESOME LESSONS

"What they want," he complained, "is for us to emphasize things other than science—things like the humanities, the pursuit of happiness, the background of the Nation and what makes it a better country than the Communist countries."

He indicated that while these were worthwhile objectives, the thing he believes the public wants is a Government exhibition of science and space arranged with the depth and scope of the one at this fair.

"There seems to be much less fault-finding and bickering here than on the Atlantic seaboard," he said. "You can give us some wholesome lessons in local leadership and citizenship. We spend too much time in the East tearing each other down."

With Mr. Moses on an extended tour of the west coast are Park Commissioner Newbold Morris, Charles Preusse, member of the New York World's Fair executive committee, Sidney M. Shapiro, general manager and chief engineer of the Long Island State Park Commission, and others.

Today the Moses party will go to Los Angeles for a meeting with Disneyland management. Mr. Moses will stay on the coast until April 27 when he will address the annual meeting of the Bay Area Council in San Francisco.

The Federal Pavilion here will remain to form a civic center in downtown Seattle. It consists of five buildings interconnected in an impressive architectural design, and equipped with everything necessary for an elaborate display of science for children from 8 years of age up to adult laymen who have no science background, or even serious-minded science students in high school and college.

The building was designed by Minoru Yamasaki of Detroit. The other buildings that are staying are an 18,000-seat coliseum, a 3,100-seat opera house, an arena seating 3,400 persons, a small playhouse theater with 800 seats, and a concert-convention hall seating 5,500.

AUTHORIZATION FOR COMMITTEE MEETING ON MAY 3

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Subcommittee on Internal Security of the Committee on the Judiciary be permitted to sit during the session of the Senate on May 3.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DIRKSEN. Mr. President, I object.

BEAUTIFICATION OF THE CAPITOL GROUNDS

Mr. HUMPHREY. Mr. President, I am delighted to see the affable, the loquacious and the distinguished and able minority leader, the Senator from Illinois [Mr. DIRKSEN], in the Chamber, because as of yesterday he gave me a graduate course in horticulture, flower raising, varieties of flowers in flowery language that did something for my soul. It was senatorial poetry.

I wish to compliment Mr. John Lindsay on his article published in the Washington Post this morning for relating to the readers of the Washington Post what had transpired in the Senate. If nothing else had happened yesterday, this alone was worth while. At least a certain amount of column space was taken up on a subject matter that has some spiritual and esthetic content; namely, the beauty of the Washington area, and the potentiality of beautifying this area even beyond what it is at present.

However, I take exception with one or two points in the article. I am pleased to note that the minority leader is on the floor. He can help us, and give us further education in these matters, particularly now that it is the beginning of spring.

Since yesterday I have been doing some research on the subject of flowers, blooms, shrubs, trees, and plants.

While the distinguished Senator from Illinois was quite flowery in his language, and while his dissertation flowed like a brook following the spring rains, I thought that its objectivity was not quite equal to its aesthetic quality.

The Senator from Illinois, I am sure, would enjoy visiting the National Arboretum in Washington. I have come prepared today with information that will be of help to my colleagues in case they wish to explore this matter in more detail. I have before me the U.S. Department of Agriculture pamphlet on the National Arboretum. It is Pamphlet No. 309.

I call the attention of the Senator from Illinois to the fact that the Arboretum is administered by the Department of Agriculture through the Crops Research Division of the Agricultural Research Service. It was established by act of Congress on March 4, 1927, and is located in the northeast section of the District of Columbia at M Street and Maryland Avenue. I thought I would give that as a guideline so that Senators who may be interested in visiting the Arboretum will not end up out at the stadium or armory.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HUMPHREY. I ask for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. HUMPHREY. The purpose of the Arboretum is to conduct research with woody plants and shrubs and to further public education with respect to trees and shrubs susceptible of cultivation in the climate prevailing in the Washington area.

Here is what Senators would see. For example, there is the rhododendron, with its handsome white, pink, or rose-purple flowers. The Cornell pink variety of the rhododendron was developed by the director of the National Arboretum, Dr. H. T. Skinner, when he was at Cornell. It blooms from late March to early April. I believe there are about 20 varieties of the rhododendron that grow in the Washington area, with beautiful coloration. We could have had these in bloom around the Capitol. All these beautiful blooms could have been here for us to admire despite the professional knowledge of the amateur gardener from Illinois.

Then there is the Camellia Japonica, which was derived and introduced by a Jesuit priest, Father Kamel, early in the 17th century. It has glossy evergreen leaves and red or white double roselike flowers and blooms from mid-March to mid-April. We could have had a whole month of these beautiful blooms and flowers to admire, despite the dissertation of the Senator from Illinois expressing worry about frost and whether or not these flowers would grow at this time of year.

Then there is the Callery pear tree or pyrus calleryiana. A new variety of it, released in 1960, is now available. This blooms from early April to mid-April. We have lost the opportunity to enjoy these beautiful blooms because of misinformation such as expressed by the Senator from Illinois.

Then there is the Pieris Japonica, or Andromeda, with its lily of the valley type bloom. Andromeda, the Senators will recall, was an Ethiopian princess who was chained to a cliff for a monster to devour, but was rescued by Perseus, who married her. This blooms from late March to late April. It blooms right here in Washington. We have lost a whole month because of the gardening habits or horticultural knowledge of the distinguished and able Senator from Illinois, which was erroneous.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. I do not wish to make this an Illinois-Minnesota colloquy, but inasmuch as the Senator from Minnesota has mentioned the sad fate of Andromeda, I should like to inquire whether he is going to play the part of Perseus and rescue Andromeda from her chained position on the rock.

Mr. HUMPHREY. That sounds like an honorable and chivalrous activity. I would not mind having the privilege of doing that.

Then, of course, there are varieties of flowers that bloom from early April, up to early May, in this climate. They are the pansy, the daffodil, and the tulip. I want to compliment the distinguished Senator from Illinois for mentioning the daffodil. He spoke about how beautiful is the daffodil. Then, why do we not have daffodils planted around the Capitol? He also spoke of the tulip. All over Washington one sees tulips in bloom at this time of year. We could have had many tulips blooming around the Capitol, and thus honor one of our NATO allies, Holland, at the same time.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HUMPHREY. I must continue. I ask for additional time. It is hard to discuss a subject like this in 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. CASE of South Dakota. I trust that the distinguished Senator from Minnesota, who is presently displaying this wide knowledge of flowers, will not forget the State of his birth, South Dakota, and overlook the potentials of the crocus.

Mr. HUMPHREY. I was coming to that, I assure the Senator.

Mr. CASE of South Dakota. The anemone is the State flower of South Dakota.

Mr. HUMPHREY. My heart was opening like a tulip or crocus.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. AIKEN. It seems to me that the anemone sometimes called pasque flower and the crocus should not be confused. There is a European species called anemone pulsatilla. The anemone patens is the State flower of South Dakota.

Mr. HUMPHREY. There is an apparent fund of knowledge about flowers in the Senate, including the Latin names for many of them.

Mr. AIKEN. The State flower of South Dakota is not a crocus.

Mr. HUMPHREY. We call it the crocus.

Mr. AIKEN. The anemone patens is the State flower of South Dakota. It is an anemone——

Mr. CASE of South Dakota. Yes. The anemone is the name of the flower that we apply to the publication of the Black Hills Teachers College at Spearfish. "Pasque Petals" is the name of the South Dakota poetry magazine. However, I will say that most of us in the spring go out looking for the crocus.

Mr. HUMPHREY. The Senator is correct. Then there is the hyacinth, a plant fabled in the classic mythology to have sprung from the blood of Hyacinthus, a youth beloved by Apollo and accidently killed by him. From his blood Apollo caused the hyacinth to spring.

Here again is a flower that blooms in Washington, and one we could have enjoyed during the past month. It is derived from one of the great stories of mythology. We could have had our citizenry think about all this, had these flowers been planted around the terrace of the Capitol.

Then there is the crocus, which will come up through the snow, and the forsythia, a plant with yellow bell-shaped flowers appearing before the leaves in the early spring.

All these blooms and flowers would have blossomed even before April.

Among the woody plants, there is the dogwood and the redbud, with its heart-shaped leaves and small pink flowers. Both blossom from late April to early May.

Then, of course, there is the azalea, which starts blooming in late April and continues through May. Right now there are beautiful azaleas in bloom at the National Arboretum. There are literally dozens of varieties of azaleas. All these may be seen at the National Arboretum.

Also, the beautiful azaleas are in bloom in the National Arboretum.

Sometime, when the Senator from Illinois is traveling to and from work, he should drive by the Department of the Interior, where a small park faces Virginia Avenue. In it, he will see beautiful pansy beds. Pansies have been blooming there for the last 3 weeks. They have been blooming, that is, in front of the Department of the Interior, not at the Capitol, where thousands of our fellow citizens come every day to visit.

Or, the Senator might drive by the Tidal Basin and see the beautiful azaleas and hyacinths which have been in bloom for 3 weeks.

Mr. President, I wish to pay tribute to the many flower clubs throughout the United States. Everyone should go to a flower show and see the beautiful early varieties. A flower show was held in Washington during the first part of March. It was a sight to behold. Flowers were everywhere, and all of them beautiful. Flower clubs have made a notable contribution to the development of new varieties. They should be commended and encouraged to continue to expand their fine efforts.

Now as to frosts. I now realize why we have had such a bad winter—storms and floods. It is because for several years the Weather Bureau has been under Republican jurisdiction. After listening to the distinguished minority leader yesterday, I can plainly understand why we cannot rely on Republican weather forecasts. According to the actual statistics, the last frost in 1961—that is, with the temperature at 32 degrees—was on April 3. The average date of the last frost in Washington is April 10.

Mind you, Mr. President, all the flowers of which we have spoken thus far seem to endure frost with little or no trouble.

They are hardy plants, particularly the crocus, the tulip, the hyacinth, and the rhododendron; and all of them are beautiful plants.

The Senator from Illinois [Mr. DIRKSEN] was, however, accurate in one detail. The latest date of a frost this year 1962 was April 20—that is, for the suburbs. But we are now talking about the Capital. The latest date on record for a frost in Washington is May 12, 1913.

That is according to the records of the Weather Bureau.

So, Mr. President, I thought perhaps we ought to set the record straight. I know that I am about to receive another one of the Senator's eloquent responses.

The PRESIDING OFFICER (Mr. JORDAN in the chair). The time of the Senator from Minnesota has expired.

Mr. HUMPHREY. Mr. President, I ask for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. Lindsay, of the Post, said:

> The next time Senator HUBERT HUMPHREY has a complaint about the paucity of flowers blooming at the Capitol, he'll probably keep it to himself.

I suppose a wise and prudent man would have done that; but I am more reckless. Mr. Lindsay continued:

> The scarcity of blooms was all he had in mind yesterday when he took the Senate floor. But somehow he pulled the wrong lever and went down under a gentle torrent of verbal petals that fell from the lips of Senator EVERETT DIRKSEN.

I would say that was terrific. I am deeply indebted to our good friend from Illinois. But I thought that since he had inspired me to so great a love of nature, I would do some research. So I studied the National Gardener, the Fern Valley Trail, and a History of the National Arboretum, and other publications.

I have learned that camellias, tulips, pansies, hyacinths, are recommended for the Washington area, as are rhododendron and azaleas, all of which the distinguished Senator from Illinois should know, but first it is necessary to plant them.

Also I have acquired a "hardiness weather zone map." I suggest the minority leader study it. This is no trouble for the distinguished Senator. His knowledge of the weather, varieties of plants and flowers, of soil and topographical conditions is of little help to his knowledge of the terraces of the Capitol in Washington, D.C. He is an expert on Illinois planting conditions; but when it comes to Washington, D.C., he is a fiction writer. But his voice does flow like the gentle breeze when he talks about the beautiful flowers.

After the Senator from Illinois has given me another lecture about flowers, I hope he will try to assist me in securing a few benches to be placed on the Mall and around the Capitol terraces, so that visitors will be able to take a rest. I know the Senator from Illinois knows how to build benches, too; so I am prepared to take my seat for the next lecture.

Mr. DIRKSEN. Mr. President, the Senator from Minnesota not only pulled the wrong lever yesterday, but he has been pulling it all day and all night, assembling all these data. He reminds me of an agricultural specialist who went to South Dakota and visited a farm. Finally he got his ire up and said to the farmer, "I don't believe you could get any more than 2 quarts of milk out of that goat." The farmer said, "You are so right. It isn't a goat; it's a sheep."

Yesterday the Senator was talking about flowers. Today he talks about forsythia. Well, I suppose anyone who has had anything to do with flowers knows that forsythia is a shrub. The Senator from Minnesota has spoken of azaleas. With rare success, I have tried to coax them out of the acid soil. But the azalea is a shrub, not a flower.

The Senator speaks in glowing terms about the delicate shades of rhododendron. How wonderfully right he is, except that the rhododendron is a shrub which grows quite high. It is not a flower at all.

When it comes to the narcissus, of course it is possible to grow narcissus which are frostproof. However, they do not last very long.

The gardeners who look after the Capitol, when they fill the empty beds, seek to plant flowers that will stand up and bloom all through the late spring and summer to delight the eyes of the thousands of visitors to the Capitol.

So, Mr. President, I am going to take my friend in hand.

Mr. HUMPHREY. Ah, good.

Mr. DIRKSEN. I am going to take him out to those rather impoverished acres of mine and give him some elementary lectures on the difference between a flower and a shrub.

Mr. HUMPHREY. Mr. President, I know the Senator from Illinois would want to yield. I have seen shrubs with their blooms on occasion, even in the acid soil; and when the blooms are forthcoming, we call them flowers—that is, we simple country folk call them flowers. I cannot say what the professional person calls them. But if the Senator from Illinois does not think the beautiful azalea is a flower, he should talk to the ladies about them, because they consider them lovely blooms, lovely flowers, just as they consider the blooms of the rhododendron and other shrubs, flowers, and blossoms of beauty and grace.

But I take the Senator's word. His flowery language overwhelms me, and makes me feel he knows more about flowers than I will ever know. I will accept the statement of the senatorial professor of horticulture.

Mr. DIRKSEN. Whenever the Senator from Minnesota can convert the Senate or anyone else who is rooted in the soil to believe that a flower is a shrub, I will nominate him to the next vacant seat on the Supreme Court of the United States.

Mr. HUMPHREY. I thank the Senator from Illinois.

REQUEST FOR COMMITTEE MEETING DURING SENATE SESSION

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Special Committee Investigating Stockpiling be permitted to sit during the session of the Senate today.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. Mr. President, with deep regret, I must object.

The PRESIDING OFFICER. Objection is heard.

DECLINE IN STOCK PRICES

Mr. DWORSHAK. Mr. President, I sincerely hope that the very discerning assistant majority leader had time this morning to read the financial pages of the Washington Post and other newspapers. If he did, he learned that yesterday there was a terrific downtrend on Wall Street, with stock price averages actually crashing at a rate faster than at any time during the past year; and I am sure that the alert acting majority leader would have concluded, as have millions of investors in stocks of American business and industry, that this spectacle is more or less a reflected and psychological reaction to the lack of confidence on the part of business and industrial leaders in the dictatorial actions we have witnessed for some time in the White House.

I urge my good friend, the senior Senator from Minnesota [Mr. HUMPHREY], to use his very extensive influence with the Department of Justice and to prevail upon the Attorney General to take appropriate action to investigate why there is such deflationary action in Wall Street, and why there is today, throughout the country, a rising tide of resentment and of lack of confidence in the New Frontier administration.

I do hope that the senior Senator from Minnesota will be more successful than he was about 10 days ago, when he gave me assurances that he would call the attention of the Department of Justice to the action taken by the owners of the Merchandise Mart, in Chicago, in raising rents.

Mr. President, I think we have reached a time, as we talk about Communist infiltration and Communist aggression, and as constant efforts are being made by the Congress to curb inflationary trends, when the American people have a right to know whether any sense of fair play and effective action will be demonstrated by the Department of Justice. Finally, possibly the senior Senator from Minnesota might be successful in getting the President to issue an Executive command or an order to the effect that stock prices on Wall Street shall not continue this precipitous downtrend and thus pose the serious threat of another recession.

Mr. HUMPHREY. Mr. President, I would be more than happy to accommodate the Senator from Idaho in all of his requests. He has so much confidence and faith in me that I am overwhelmed.

His was not exactly a flowery speech; I gather that it may have had a few thorns and prickles in it.

But I assure the Senator from Idaho that my influence is not as great as he thinks it is, even though I am flattered by his remarks.

However, if I can be of service to a colleague, of course I am happy to extend the hand of fellowship and cooperation, and I shall be glad to do so.

But I would not want to tell the President, not even by suggestion, that he should try to manipulate the stock market either up or down. I am sure that both the Senator from Idaho and I want free enterprise to continue. It is true that with it, there are some risks; but I think that, even so, the country will be in rather good shape.

So if the Senator from Idaho will bear with us, I think even those concerned with the stock market will be happy.

In the meantime, if the Senator from Idaho will not spend quite so much time reading the financial pages of the newspapers, but will consider what the public has been saying about the President and about the New Frontier, I am sure the Senator will be reassured, because President John Fitzgerald Kennedy is doing quite well, and I think he will continue to do so—and with the cooperation of the Senator from Idaho and, of course, the cooperation of the Senator from Minnesota.

I thank the Senator from Idaho for his faith and trust in me.

ALASKA: PLACE OF SOLUTION

Mr. BARTLETT. Mr. President, Maj. Gen. J. H. Michaelis, commanding general, U.S. Army, Alaska, has written an article for the March 31 issue of the Army-Navy-Air Force Register which I believe will be of great interest to those who have not yet had an opportunity to read it. General Michaelis, who has been promoted to three-star rank and who will soon be leaving Alaska to assume a new command in Europe, is an outstanding soldier. His appraisal of the strategic importance of Alaska and of the need for Arctic trained combat forces is one which should command the attention of everyone interested in our defense effort.

It is because the views expressed by General Michaelis come from so authoritative a source that I commend his article to my colleagues and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Alaska: The Best Place To Solve Problems of Future Wars

Alaska, America's northernmost outpost, stands only 50 miles from the heavily armed Soviet Far East.

In the air and missile age, Alaska is at the heart of the geopolitical picture. In the words of Senator E. L. Bartlett, speaking before the U.S. Senate: "It is a shield against air and missile attack from Russia. It is a sword ready to strike back against unprovoked attack."

U.S. Army, Alaska, ground component of the unified Alaskan command, is responsible for defense of the Alaskan airbases which contribute an important element of protection against attack on the continental United States. USARAL has the important additional mission of developing U.S. Army doctrine for northern operations.

Defensive mission: USARAL's defensive mission includes an air defense role, for which two battalions of Nike-Hercules missiles are deployed near the main airbases, and a ground defense task.

Two independent combined arms task forces, based on infantry battle groups, are assigned for initial ground defense against airborne attack. The importance of the USARAL defensive mission is far greater than is indicated by the size of the forces allocated for execution of that mission.

Doctrinal mission: The USARAL doctrinal mission is equally important, for in Alaska today are being developed many of the capabilities that the Army of tomorrow will require throughout the world.

In training for its ground defensive mission, USARAL works actively with the concept of dispersed operations by small, independent task forces.

Such forces are essential in large wilderness areas where a few thousand troops must protect several main bases hundreds of miles apart, maintain lines of communication within an area of perhaps 100,000 square miles, and be prepared to meet and destroy enemy lodgements anywhere along a 26,000-mile coastline.

Only light, powerful, air-mobile, self-sustaining task forces can perform this variety of missions under northern conditions. The same kind of force—small, powerful, and highly mobile, both strategically and tactically—is needed for police actions on the Communist periphery, for small wars anywhere in the world, and as the basic organization for the nuclear battlefield.

Development program: Creation of a type force that meets these specifications is the objective of the Army's northern operations development program. Alaska is the location of a growing concentration of research, development, and testing activities engaged in improvement of cold weather capabilities.

For several years the Arctic test board has conducted the Army's cold weather service testing of new materiel at Fort Greely. The chemical test team at Fort Greely is the Chemical Corps' cold weather research activity.

In the past year, research and development engineering test teams have been transferred from Fort Churchill, Canada, to Fort Wainwright, where the Air Force Arctic Aeromedical Laboratory is also located. At College, Alaska, a few miles away, the University of Alaska conducts an active and important research program. At Barrow, farthest northern part of the North American Continent, the University of Alaska operates the Navy's Arctic Research Laboratory.

Many of the Army's research establishments in CONUS maintain field activities in Alaska, among them the Cold Regions Research and Engineering Laboratory and the transportation board.

USARAL's operational forces engage in continuing experiments with improved concepts, techniques, and materiel, and USARAL's tactical exercises—particularly the annual Army cold-weather maneuver—afford unequaled conditions for investigation of northern operations problems by all military and associated civilian research and development agencies.

No giant icebox: Alaska is not the giant icebox of popular opinion, and the operating problems which distinguish northern operations from, for example, those of Central Europe are in many important ways similar to the problems met in tropical jungles and other primitive regions.

Even the cold of the Alaskan winter is not really unique; winter cold on the plains of Russia is as severe as the bitter weather of interior Alaska in January and February.

In summer, temperatures range from a pleasant 80° on the coast of the Gulf of Alaska to 100° in the interior. Under the 24-hour daylight of the high summer, the ground thaws and flowers bloom profusely—but insects come in clouds and the ground becomes a tremendous bog.

Summer operations are more difficult in many ways than winter operations and, since swamp mobility is the same anywhere in the world, USARAL's success in solving summer operating problems is a measure of the Army's success in meeting the problems of swamp operations generally.

Critical demands: Winter's low temperatures make critical demands on equipment. During a 2-week period of extreme cold in December 1961, the consumption of tires at Fort Greely, Alaska, equaled the previous year's usage.

When temperatures reached 70° below zero at Tanacross, aircraft mechanics drained lubricating oil from piston-engine aircraft directly onto the clean snow, waited a moment, then rolled up the oil and carried it inside.

At minus 60°, steels fracture unexpectedly, plastics shatter, arctic diesel fuel becomes so thick that it will not move out of the tank into the fuel lines.

The U.S. Army requires the capability to operate effectively under the summer and winter conditions which are encountered in Alaska and which are typical of a great part of the world. A German general (Liddell Hart, "The German Generals Speak") stated that one of the startling reasons why Germany lost the war with Russia was that, "They based their (summertime) mobility across Russia on wheels instead of full tracks. * * * Panzer forces with tracked transport might have overrun Russia before autumn, despite the bad roads." The DA historical report on German operations in Russia describes the winter failure of German equipment in minus 30° cold before Moscow:

"Paralyzed by cold, the German troops could not aim their rifle fire and bolt mechanisms jammed or strikers shattered in the winter weather. Machine guns became encrusted with ice, recoil liquid froze in guns, ammunition supply failed.

"Mortar shells detonated in deep snow with a hollow, harmless thud and mines were no longer reliable. Those German tanks still available could not move through the snow because of their narrow tracks. * * * Leadership and bravery could not compensate for the lowered firepower of the German divisions."

Mobility: To provide the mobility and combat effectiveness in undeveloped regions at all seasons which the German Army so notably lacked in its Russian campaign, Army operations in Alaska today exploit foot movement, cross-country vehicles, and air mobility.

Army development programs are improving all three classes of movement capabilities. Recent advances in tracked transport, which gives cross-country forces a radical increase in self-sustaining capability and the prospect of freedom from roadbuilding, are particularly important to the Army as a whole.

During the past year, USARAL has acquired 40 industrial 5½-ton cross-country transporters which are equally effective over snow and in swamp. These vehicles have a 1-to-1 payload to net vehicle weight ratio, and are simple, dependable, reliable, inexpensive, and economical to operate.

USARAL has also found the 1,000-gallon rolling liquid transporter—still under development—an invaluable resource in operations in primitive northern areas. This rolling pipeline will be equally valuable in other parts of the world.

Air operations: Cross-country mobility must be supplemented by air operations. Helicopters are workhorses of the northern battlefield; they give commanders the ability to move forces of significant size rapidly over long distances; they provide prompt command communications; they support detached units and, when used with imagination, pay for themselves many times over in speeding up combat reaction and reducing the effort diverted from the combat mission to support tasks.

Only fixed wing air can maintain surveillance over the vast areas which the average battle group task force must protect in the north. In Exercise Great Bear, held during February in a 3,200-square-mile wilderness north of the Alaska Range, the Mohawk demonstrated its capability to meet the urgent northern reconnaissance requirement.

Many other items were evaluated in Exercise Great Bear with the object of increasing mobility for the individual soldier as well as for the organized force.

A fountain pen sized signal flare, which USARAL purchased from commercial sources, was employed successfully by Special Forces personnel and is being recommended for general field use. The concept of a dome-shaped tent, which is lightweight and which can be erected or struck in a minute or so, was demonstrated to be feasible and will now be considered for development into an Army standard tent.

These and some 40 other items, ranging from paper hospital linens to a 20-ton cross-country vehicle, have been examined in recent months by USARAL in the light of overall Army requirements and of specific northern needs for more effective mobility and increased combat power for small forces.

The future: For the future we are looking for lighter, more mobile firepower—armed helicopters in the near future and helicopter-portable automatic howitzers for the long-range period.

And we are investigating every possible source to find a simple, dependable, tracked vehicle which can be transported by light helicopter; this vehicle is needed to transport crew-served weapons, ammunition, fuel, rations and, when necessary, survival gear, for the infantry squad in cross-country operations. The squad support vehicle is now the most critical unsatisfied requirement for undeveloped area operations.

Alaska provides a complete range of environments of the kinds in which future wars must be fought. Realistic research, training, and testing areas of practically unlimited size are available.

Many agencies are now conducting aggressive development programs in Alaska. Here, active Army forces are currently executing tactical missions. No other area available to the United States affords a comparable grouping of the means for defining and solving the problems of future war.

The many mutually supporting activities which are bringing the concept of fast-moving, hard-hitting combat forces into reality in Alaska today are laying the groundwork for greater mobility and combat effectiveness for the entire Army tomorrow.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE GENERAL LAND OFFICE

Mr. HAYDEN. Mr. President, I direct my remarks to an important anniversary in the history of the United States, the 150th anniversary of the General Land Office and its successor, the Bureau of Land Management.

A century and a half ago, April 25, 1812, the Congress created the General Land Office to act as the guardian for our great national heritage—the public lands. The lands that have played such a significant role in the development of America.

Every State in the Union has shared in the disposition of more than 1.3 billion acres of federally owned land. The Federal Government has transferred title of 328 million acres to the States. Individuals have received in excess of 360 million acres. Private railroad corporations were granted over 91 million acres.

The public lands served as an incentive to settlement; 1.6 million Americans were able to claim 270 million acres of free land under the provisions of the Homestead Act of May 20, 1862. As property owners they were, of course, interested in the maintenance of a stable Government. This year we are celebrating the centennial of this uniquely American piece of legislation. The Homestead Act attracted 20,000 individuals to Arizona who settled and improved 4.1 million acres.

Arizona, as did every State, received a sizable grant of public land to create an agriculture and mechanic arts college as provided for in the act of July 2, 1862. The University of Arizona received a 150,000 acre perpetual endowment from the public lands. I attended the Territorial Normal School of Arizona which received 200,000 acres of public land. Arizona received over 8 million acres for the support of elementary and secondary schools, as provided for in the ordinance of 1785 and 1787. The school system has obtained a rich endowment from public lands.

The public lands of our Nation have been used as a reward to veterans for service to the country in times of national crisis. Veterans of the Revolutionary War, War of 1812, Indian and Mexican Wars received 61 million acres.

The public lands have assisted industry. Perhaps the finest internal transportation system in the world owes part of its existence to the granting of over 140 million acres of land for the construction of canals, roads, and railroads. Arizona benefited through grants of 7.6 million acres to the transcontinental railroad corporations.

Today the Bureau of Land Management is responsible for the management of 477 million of the remaining 770 million acres of public lands. These lands are being managed in a multiple use concept for recreation, wildlife, grazing, and resources.

Mr. President, I want to join with my colleagues in extending best wishes to the Secretary of the Interior, the Director of the Bureau of Land Management and the Bureau employees. They have a fine tradition of which they can be justly proud.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD tables and a statement relating to the remarks I have just made.

There being no objection, the tables and statement were ordered to be printed in the RECORD, as follows:

Acreage granted to the State of Arizona

FOR EDUCATIONAL AND VARIOUS CHARITABLE PURPOSES	
Agriculture and Mechanic Arts College	150, 000. 00
Common (public) schools	8, 093, 156. 00
Charitable and penal institutions	100, 000. 00
Deaf and mute, and blind schools	100, 000. 00
Mental hospital	100, 000. 00
Military institute	100, 000. 00
Miners hospital	100, 000. 00
Normal schools	200, 000. 00
Parks and other purposes	1, 400, 000. 00
Penitentiaries	100, 000. 00
Public buildings	100, 000. 00
School of mines	150, 000. 00
University	249, 196. 71
Total	10, 942, 352. 71
FOR RAILROAD PURPOSES	
Railroad construction	1, 048
TO RAILROAD CORPORATIONS	
Atchison, Topeka & Sante Fe (Santa Fe Pacific; Atlantic & Pacific)	7, 685, 202. 63
FOR INTERNAL IMPROVEMENTS	
Miscellaneous purposes	1, 101, 400

Homesteaders and total number of acres received in the State of Arizona

Homesteaders	20, 268
Acres received (1862–1960)	4, 134, 356

THE FIRST HOMESTEAD APPLICATION ISSUED IN THE STATE OF ARIZONA

Prescott land office: Nathan Bowers, November 10, 1871, 160 acres.

THE FIRST FINAL HOMESTEAD CERTIFICATE ISSUED IN THE STATE OF ARIZONA

Florence land office: William W. Willy, September 21, 1876, 160 acres.

THE FIRST FINAL HOMESTEAD PATENT ISSUED IN THE STATE OF ARIZONA

Florence land office: William W. Willez (Willy), May 16, 1878.

The total amount of money allocated to the State of Arizona from the sale of public domain

1803–1960	$192, 144
Mineral Leasing Act, 1920–60	1, 125, 266
Taylor Grazing Act (sec. 3), 1934–60	320, 717
Taylor Grazing Act (sec. 15)	367, 647
Reclamation fund, 1901–60	6, 237, 369
Total	8, 243, 143

Federally owned land in the State of Arizona

Total acreage of State	76, 688, 000
Federal acreage	32, 395, 612
Percent owned by Federal Government	44. 6

This represents both original public domain land as well as that which has been acquired by purchase.

Total amount of land granted to the State of Arizona by the Federal Government

	Acres
To State	12, 044, 800. 71
To private corporations	7, 685, 202. 63
To individuals	4, 134, 356. 00
Total	23, 864, 359. 34

THE PUBLIC DOMAIN, 1812 TO 1962

Commemorating the 150th anniversary of establishment of the General Land Office and the founding of the first organized system of Federal land management April 25, 1812, the Bureau of Land Management of the Department of the Interior will observe this sesquicentennial of land management during 1962.

This year also marks the centennial of three important laws by Congress which exerted a major influence on the history and disposition of lands of the public domain:

The Homestead Act of May 20, 1862, provided free acreage for pioneer farmers and stockmen, and was instrumental in the settlement and development of many States during the early history of the Nation. This act and subsequent legislation allowed 1,622,050 settlers to claim over 270 million acres of the public lands for homesteads in 30 of the 50 States.

The Land-Grant College Act of July 2, 1862, provided over 11 million acres of the public domain for aid and support of colleges and universities for the teaching of agriculture and mechanic arts in each State. Other Federal aid to education included over 90 million acres of public lands, which were granted to the States for free public elementary schools and other educational and charitable institutions.

The Land-Grant Railroad Act of July 1, 1862, and subsequent legislation, granted more than 91 million acres of public lands for the promotion of a transcontinental railroad between the Missouri River and the Pacific Ocean. States also received more than 37,130,000 acres for railroad construction within their respective borders.

Concerned with the care, conservation, and use of lands of the public domain, the General Land Office and its successor, the Bureau of Land Management, have been responsible for the administration of 1,807 million acres of public lands over the 150 years.

At various times in its history, the Federal Government has owned about 80 percent of the Nation's gross area. Of this total, more than 1,136 million acres of public lands have been transferred to States and other non-Federal organizations. More than 328 million acres have passed directly to State ownership.

Today, the Bureau of Land Management is responsible for the administration, conservation, and selective disposition of more than 477 million acres of public lands.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. STENNIS. Mr. President, is morning business concluded?

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is concluded.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The **PRESIDING OFFICER** (Mr. BURDICK in the chair). Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, for the third time in 5 years the Senate is being asked to do violence to the Constitution of the United States in the name of protecting the right to vote.

As in 1957 and 1960, it again is being contended that there exists an emergency with regard to voting in this country.

I submit, Mr. President, that the facts do not bear that out.

It was that argument in 1957 which resulted in the enactment of a law making the Attorney General of the United States the tax-paid lawyer of any citizen who felt his right to vote had been or might be violated. It was that claim in 1960 which resulted in the enactment of a law authorizing Federal courts to put State and local election machinery in the receivership of Federal voting referees.

In addition, the 1957 law established a Civil Rights Division within the Department of Justice to prosecute cases of interference with the right to vote and created a Commission on Civil Rights to investigate complaints of deprivation of the right to vote.

Our experience with those agencies and laws completely refutes the contention that a law must now be passed to abrogate the constitutional authority of the States to fix the qualifications of voters.

In the course of 5 years, the Civil Rights Division has found only 25 cases to prosecute and not 1 in which Federal voting referees could be brought into action. During the same period the Commission on Civil Rights—even by advertising for them—has been able to gather only 613 voting complaints, of which only 390 fall into the category of "sworn voting complaints."

I ask unanimous consent, Mr. President, to have printed at this juncture in my remarks the list of prosecutions initiated by the Civil Rights Division under the Civil Rights Acts of 1957 and 1960 as of last March 15 and the State-by-State tabulation of voting complaints received by the Commission on Civil Rights as of the same date.

There being no objection, the list and tabulation were ordered to be printed in the RECORD, as follows:

Cases brought under Civil Rights Act of 1957 and, in certain instances, under Civil Rights Act of 1960

No.	State	County (parish)	Date filed	Title (*U.S.* v. —)
1	Georgia	Terrell	Sept. 4, 1958	*Raines.*
2	Alabama	Macon	Feb. 5, 1959	*Alabama.*
3	Louisiana	Washington	June 29, 1959	*McElveen (Thomas).*
4	Tennessee	Fayette	Nov. 16, 1959	*Fayette County Democratic Executive Committee.*
5	Louisiana	Bienville	June 7, 1960	*Association of Citizens Councils of Louisiana.*
6	Tennessee	Haywood	Sept. 13, 1960	*Beaty.*
7	do	do	Dec. 1, 1960	*Barcroft.*
8	do	Fayette	Dec. 14, 1960	*Atkeison.*
9	Louisiana	East Carroll	Jan. 19, 1961	*Deal.*
10	Alabama	Bullock	Jan. 20, 1961	*Alabama.*
11	do	Dallas	Apr. 13, 1961	*Majors.*
12	Louisiana	East Carroll	Apr. 28, 1961	*Manning.*
13	Mississippi	Clarke	July 6, 1961	*Ramsey.*
14	do	Forrest	do	*Lynd.*
15	Louisiana	Ouachita	July 11, 1961	*Lucky.*
16	Alabama	Montgomery	Aug. 3, 1961	*Penton.*
17	Mississippi	Jefferson Davis	do	*Daniel.*
18	do	Walthall	do	*Mississippi.*
19	do	do	Sept. 20, 1961	*Wood.*
20	Louisiana	Plaquemines	Oct. 16, 1961	*Fox.*
21	Mississippi	Panola	do	*Duke.*
22	Louisiana	Madison	Oct. 26, 1961	*Ward.*
23	Mississippi	Tallahatchie	Nov. 17, 1961	*Dogan.*
24	Louisiana	(Statewide; attack on Constitution interpretation test.)	Dec. 28, 1961	*Louisiana.*
25	do	Jackson	Feb. 21, 1962	*Wilder.*

Voting complaints filed pursuant to Public Law 85–315; sec. 104 (a) (1), listed by State and category

State	Sworn [1]	Un-sworn [2]	General irregularities [3]	Total
Alabama	165	8	7	180
Alaska	0	0	0	0
Arizona	0	0	0	0
Arkansas	0	0	5	5
California	0	14	40	54
Colorado	0	0	0	0
Connecticut	0	0	0	0
Delaware	0	0	0	0
Florida	9	2	7	18
Georgia	0	2	1	3
Hawaii	0	0	0	0
Idaho	0	0	0	0
Illinois	0	0	2	2
Indiana	0	0	1	1
Iowa	0	0	0	0
Kansas	0	0	1	1
Kentucky	0	1	1	2

[1] Sworn voting complaints are those in writing and under oath or affirmation alleging unlawful denial of the right to vote and have that vote counted.

[2] Unsworn voting complaints are those in writing but not under oath or affirmation alleging unlawful denial of the right to vote and have that vote counted.

[3] General voting irregularities complaints are either sworn or unsworn complaints alleging that unlawful restraint or hardship was placed upon the complainant, or that the complainant was subjected to some unlawful discrimination in the exercise of his suffrage rights.

Voting complaints filed pursuant to Public Law 85–315; sec. 104(a)(1), listed by State and category—Continued

State	Sworn	Un-sworn	General irregularities	Total
Louisiana	114	45	37	196
Maine	0	0	0	0
Maryland	0	0	0	0
Massachusetts	0	0	1	1
Michigan	0	0	1	1
Minnesota	0	0	0	0
Mississippi	5	34	3	88
Missouri	0	0	0	0
Montana	0	0	0	0
Nebraska	0	0	1	1
Nevada	0	0	0	0
New Hampshire	0	0	0	0
New Jersey	0	1	1	2
New Mexico	0	0	0	0
New York	3	0	2	5
North Carolina	40	0	0	40
North Dakota	0	0	0	0
Ohio	0	0	0	0
Oklahoma	1	0	3	4
Oregon	0	0	0	0
Pennsylvania	0	0	2	2
Rhode Island	0	0	0	0
South Carolina	0	0	3	3
South Dakota	0	0	0	0
Tennessee	7	1	8	16
Texas	0	0	1	1
Utah	0	0	0	0
Vermont	0	0	0	0

Voting complaints filed pursuant to Public Law 85–315; sec. 104(a)(1), listed by State and category—Continued

State	Sworn	Un-sworn	General irregularities	Total
Virginia	0	0	3	3
Washington	0	0	0	0
West Virginia	0	0	1	1
Wisconsin	0	0	1	1
Wyoming	0	0	0	0
District of Columbia	0	0	0	0
Puerto Rico	0	0	0	0
Total by category	390	108	133	631
Grand total of all voting complaints received				631

Mr. TALMADGE. I ask you, Mr. President, can 25 court cases and 631 complaints within a nation of more than 185 million persons by any stretch of the imagination be said to constitute an emergency demanding that Congress override the Constitution of the United States?

If anything, Mr. President, the statistics prove that not only is the proposed legislation unjustified, but also that that previously enacted was unwarranted.

Even more to the point, Mr. President, are the voter registration figures for my State of Georgia.

A compilation made recently by the Atlanta Journal, using mostly 1958 figures, showed 165,535 Negroes registered to vote in Georgia. The article admitted that its arithmetic was not exact because, to quote from it, "the practice of reporting voter statistics by race is fading away in Georgia." Informed estimates place the current Negro voting total for Georgia at approximately 185,000 to 200,000.

And those registrations—contrary to what some would have the Senate believe—are not limited to metropolitan areas. In fact, Mr. President, all of the 15 Georgia counties in which Negro registration amounts to 25 percent or more of the total number of voters are small rural counties. In one of them—the coastal county of Liberty—the Journal's tabulation showed 14 more colored persons registered than white. Three other rural counties—McIntosh, Hancock, and Taliaferro—all have colored registrations of more than 45 percent.

Again using the Atlanta Journal's figures, in 75 of Georgia's 159 counties the number of Negro voters represents 10 percent or more of the total electors. And of the six Georgia counties in which no Negroes are registered, four of them in north Georgia, where few, if any, colored people reside.

Representative headlines from recent editions of Georgia newspapers give an even better picture of the extent of Negro participation in Georgia elections. Here are a few:

From the Macon Telegraph: "Negroes Continue to Register in Large Numbers."

From the Atlanta Constitution: "Savannah Negroes Form Political Party."

From the Waycross Journal-Herald: "Six Negroes Enter Races."

From the Atlanta Journal: "Negro Files for Clerk in Chatham Court."

From the Columbus Enquirer: "Negro Defeated by 75 Votes in Marietta Race."

From the Savannah Morning News: "NAACP Official Qualifies in Liberty County Election."

From the Tifton Gazette: "Negroes Form Half of Atlanta Vote Turnout."

From the Atlanta Journal: "Big Vote Looms in Negro Areas."

From the Atlanta Constitution: "Negro Voters Gain a Third in Fulton."

From the Albany Herald: "More Negroes Than Whites Register Here."

Two examples which are typical of the voting situation in Georgia have come to my attention. In Whitfield County in extreme northwest Georgia, 58 percent of the entire Negro population is registered to vote while only 45½ percent of the total white population is so qualified. In rural Dodge County in south central Georgia, a total registration of 12,075 breaks down into 9,713 whites and 2,362 Negroes.

In the recent city election in Atlanta 75.7 percent of a total Negro registration of 41,469 voted and gave Mayor Ivan Allen, Jr., his margin of victory. Statistics compiled by Dr. C. A. Bacote, a history professor at Atlanta University and a recognized authority on the Negro vote, showed that Mr. Allen received 31,224 Negro and 33,089 white votes for a victory total of 64,313. His opponent received 176 Negro and 35,919 white votes for a total of 36,095.

It is also in Atlanta that a majority of white voters recently reelected a Negro educator, Dr. Rufus C. Clement, to the city board of education.

In Augusta, Ga., a Negro newspaper, the Weekly Review, recently featured an editorial entitled "Negroes of This County Have No Excuse for Not Voting." The presentation criticized Negroes for allowing their voting registrations to expire and, in urging them to qualify to vote, declared that "you will not be faced with any unscrupulous questions or any form of embarrassments."

Two years ago when the Senate was debating this same issue, I had the privilege of appearing on a national television program to answer the questions of a panel of newsmen. During the course of that program, I quoted from an article which appeared in the Cleveland, Ohio, Plain Dealer stating that "only 26 percent of Negroes over 21 are registered to vote and only 26 percent of those registered actually vote."

That presentation brought me a letter from a former Negro citizen of Georgia now residing in Cleveland. It is eloquent testimony to the fact that colored people have no problem voting in Georgia. Omitting names to avoid any embarrassment, I wish to read it to the Senate:

> Dear Senator Talmadge: You made a wonderful speech.
>
> I am born and bred in Newnan, Ga. My uncle (deceased) voted in Georgia, sat on the jury and was always given the true rights as a citizen of Georgia. We didn't have racial problems at all in Georgia. I am proud to be a native of Georgia.
>
> You certainly spoke the truth. Each voting year here in Cleveland, Ohio, it's published about how many people fail to register and vote.
>
> Maybe they don't know how, but we should learn how to vote. Yes, I am colored and try to follow my training from Georgia.
>
> We have good schools in Georgia. My dad and my husband enjoyed your answers and your entire speech. More power to you, sir.
>
> Respectfully yours.

Last year the Georgia Advisory Committee to the Commission on Civil Rights conducted a survey. One hundred and two questionnaires were sent to Negro political leaders throughout the State. A tabulation of the 81 replies is most revealing. I read from the questions and responses as follows:

	Yes	No
1. In your county do colored and white register at the same place?	70	4
2. Do they register at the same time?	65	3
3. Do they use the same type and color registration form?	60	6
4. Are they given the same tests?	66	5
5. In your opinion are these tests conducted fairly and acted upon fairly?	65	3
6. In your opinion, in your county is pressure of any kind used to discourage the qualified Negro from registering or voting?	3	75

Mr. President, despite the fact that the Georgia committee sought in its report to discredit the responses to its own survey, the statistics speak for themselves. The Dublin Courier-Herald in an editorial last October aptly summed it up thusly:

> We can only conclude that the answers didn't go according to the job that was given them to do by the Civil Rights Commission. * * * What better evidence do we need that the Civil Rights Commission is interested only in stirring up trouble, establishing a level of government not on the level of leaders of either or both races, but on the level of troublemakers, and * * * that the evidence proves their preconceived opinion to be baseless and false?

Mr. President, no less a personage than Dr. John A. Hannah, Chairman of the Commission on Civil Rights, has attested officially to the good voting situation in the State of Georgia. On April 30, 1959, Dr. Hannah appeared before the Subcommittee on the Departments of State and Justice, the Judiciary and Related Agencies of the Appropriations Committee of the House of Representatives. He was questioned by the late Honorable Prince Preston, Representative in Congress from the First District of Georgia, as follows:

> Mr. Preston. Have you found generally in the State of Georgia that the Negro population has no problem about registering and voting?
>
> Mr. Hannah. Well, from personal investigation, certainly in Atlanta and in many other areas that were brought into our discussions there, that is true. I think there were some indications that perhaps there were some of the isolated rural areas where that might not be true, but I have no first-hand knowledge of that. It is my general impression the voting situation in Georgia is pretty good and getting much better.
>
> Mr. Preston. In my own district there are one or two counties who have more Negro registered voters than white.
>
> Mr. Hannah. The Congressman recognizes that there are many counties in the South with large populations of Negroes where there is not even one registered.
>
> Mr. Preston. You would not find that to be true in Georgia.
>
> Mr. Hannah. That is correct.
>
> Mr. Preston. Georgia is one of the most progressive States in the Union and one of the most liberal States in the Union.
>
> Mr. Hannah. I believe that is right.

Mr. President, I have offered my evidence in great detail because I wished to prove to the Senate beyond the shadow of any doubt that there exists no general problem with regard to voting by Negro citizens in the State of Georgia. While anyone can find isolated instances of abuse anywhere, I challenge anyone to show me a single instance in which any qualified Georgian, white or colored, desiring to vote has not been promptly and fully protected in the enjoyment of that right by our State and Federal courts.

The right to vote is one cherished by all the people of Georgia. I know of no Georgian who objects to its exercise by all qualified citizens. Neither do I know any Georgian who does not feel that any denial of or interference with the full exercise of the right to vote should be corrected and those determined to be guilty punished.

Certainly, Mr. President, the State of Georgia cannot be cited as a reason for the enactment of legislation such as that presently under consideration.

Let me make it clear, Mr. President, that I object to the proposed measure on the grounds of the violence it does to the fundamental constitutional doctrine that voter qualifications shall be determined by the individual States. The question of whether a sixth-grade education is to be a minimum literacy requirement is moot in the State of Georgia because, under the Georgia constitution and law, any citizen of good character who understands the duties and obligations of citizenship under a republican form of government can qualify to vote. It is not necessary that he be literate.

This is what the constitution of Georgia provides on the subject of qualifications of electors:

> Every citizen of this State shall be entitled to register as an elector, and to vote in all elections in said State, who is not disqualified under the provisions of section II of article II of this constitution, and who possesses the qualifications prescribed in paragraphs II and III of this section or who will possess them at the date of the election occurring next after his registration, and who in addition thereto comes within either of the classes provided for in the two following subdivisions of this paragraph.
>
> 1. All persons who are of good character and understand the duties and obligations of citizenship under a republican form of government; or,
>
> 2. All persons who can correctly read in the English language any paragraph of the Constitution of the United States or of this State and correctly write the same in the English language when read to them by any one of the registrars, and all persons who solely because of physical disability are unable to comply with the above requirements but who can understand and give a reasonable interpretation of any paragraph of the Constitution of the United States or of this State that may be read to them by any one of the registrars.

Mr. President, the procedure under which persons may qualify on the basis of good character rather than literacy is set forth in the Georgia Voters' Registration Act. It lists 30 general and specific questions about National and State government and provides that any applicant answering any 20 of them shall be registered to vote.

So, Mr. President, it is obvious that the proposition now under consideration would, as a practical matter, have little effect in Georgia as Georgia requirements for voting are far more liberal than would be the proposed Federal standard of a sixth-grade education.

But that fact, Mr. President, is beside the point, because the Constitution of the United States makes it clear that only the States, and not Congress, can prescribe qualifications for voters.

Mr. President, when the Congress of the United States proceeds to legislate in the field of voting, it must walk a narrow constitutional line.

The Constitution very clearly delineates between the responsibilities of the Federal and State Governments in this field and there is an impressive and unbroken body of legal precedent sustaining that delineation.

Simply stated, the dividing lines between Federal and State responsibility for voting are these:

In all elections except those for President, Vice President, and Members of Congress, the State is sovereign within the limitations of the 15th and 19th amendments both as to voter qualifications and as to the times, places, and manner of holding the elections.

In all elections for Members of Congress, the State is sovereign within the limitations of paragraph 1, section 2, article 1, and the 15th and 19th amendments as to qualifications and the Congress of the United States is sovereign as to the times, places, and manner of holding the elections.

In all elections for President and Vice President, the State is sovereign as to the manner of selection and the places of meeting of the electors and the Congress of the United States is sovereign as to the times of their selection and meeting.

The controlling provisions of the Constitution in this regard are these:

Paragraph 1, section 2, article 1:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Paragraph 1, section 4, article 1:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations.

Paragraph 2, section 1, article 2:

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector.

Paragraph 3, section 1, article 2:

> The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.

Article 15:

> The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Article 19:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Mr. President, those are verbatim quotations from the Constitution of the United States. They are all-inclusive and constitute the sole authority upon which Congress can predicate any legislative act on the subject.

Mr. President, it should be clear beyond all misunderstanding to all who understand the English language that those provisions mean that the States have exclusive power to fix voter qualifications within certain limitations and the Federal Government can police those qualifications only to the extent of those limitations.

And those limitations are that voter qualifications prescribed by a State cannot deny or abridge the right of anyone to vote on account of race, color, previous condition of servitude or sex or differentiate in any way between those who vote for members of the most numerous branch of the State legislature and those who vote for Members of the U.S. House of Representatives.

Outside of those specified limitations, Mr. President, the Federal Government has the last word only with respect to when, where, and how elections for Members of Congress are held and when presidential electors are selected and meet to cast their votes.

To those who would contend otherwise, the unanswerable answer is that the only two instances in which restrictions have been placed upon the discretion of the States to fix voter qualifications have in both cases had to be accomplished through the amendatory process.

Congress has no more power under the Constitution to legislate in the field of voter qualifications outside the authority to implement existing amendments and to submit proposed new amendments for ratification or rejection by the States than it does to change the boiling point of water from 212° to 150° F.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to my friend from Mississippi.

Mr. STENNIS. I not only agree with the Senator's interpretation of the Constitution and the provisions which are so clearly stated and written into the Constitution, but I wish to ask him a question which takes another approach to this subject. Under the law, does the State of Georgia have any authority to enact a provision which provides that the qualifications for electors in voting for Members of the House of Representatives of Congress shall be A, B, C, or so-and-so?

Mr. TALMADGE. It does not.

Mr. STENNIS. The State has no such authority. Is that correct?

Mr. TALMADGE. It has authority only to designate the qualifications for electors of the State legislature. Once designated these qualifications also become the qualifications of electors of Senators and Congressmen.

Mr. STENNIS. The Senator has brought out in his answer the exact situation, namely, that the State of Georgia does not start out to enact qualifications for electors for Members of Congress.

Mr. TALMADGE. Yes. That is the yardstick which the Constitution establishes for the qualification of electors who vote for Members of the House of Representatives and Senators.

Mr. STENNIS. Is it not true that every State in its domain, through its legislature, sets out to fix the qualifications for electors electing members of the most numerous branch of the State legislature, and that that is their authority on that point, and that is as far as it goes, or can go?

Mr. TALMADGE. The Senator is entirely correct. That is the sole authority and it is stated in two separate sections of the Constitution—section 2 of article I, and the 17th amendment.

Mr. STENNIS. Is it not true that, naturally, within the 50 States, the different State legislatures could prescribe different qualifications for the voters of the most numerous branch of the State legislature?

Mr. TALMADGE. That is entirely correct. The age standard, for example, varies from 18 years in my State and in the State of Kentucky to 19 years in the State of Alaska and 21 years in the other 47 States. There are 19 States which have some literacy qualifications and those standards vary according to the best judgment of the respective State legislatures.

Mr. STENNIS. It is a discretionary matter with them. However much variance there is, the Constitution of the United States provides that those qualifications are adopted for Federal purposes for electing Senators and Members of the House of Representatives. Is that correct?

Mr. TALMADGE. The Senator is entirely correct. It says that the Federal standard shall be the same as those determined by the individual State legislatures. There can be 50 different standards and the Constitution specifically adopts all of them.

Mr. STENNIS. That is not by reason of a law Congress passed and that a President signed; that is by reason of the Constitution of the United States. Is that correct?

Mr. TALMADGE. Yes. As the Senator so well knows, the Constitution can be amended only in two different ways and enactment by Congress is not one of them.

Mr. STENNIS. In the face of that basic fact of life, this bill comes along and says that we will brush all of that aside and will enact a law and thereby change the Constitution. Is that correct?

Mr. TALMADGE. The Senator has stated it correctly.

Mr. STENNIS. I thank the Senator.

Mr. TALMADGE. I thank the Senator for his contribution. I would point out that the Civil Rights Commission, which is a partisan, biased group, created to perform a specific job, in its report of 1959 recommended a constitutional amendment in this field, not a statute. Even that group recognized that the Constitution cannot be amended by statute.

Mr. STENNIS. I thank the Senator for giving that illustration and for yielding to me. I agree with every one of his answers. He is making a great speech.

Mr. TALMADGE. I thank the able Senator from Mississippi. I now yield to the Senator from Alabama. Then I will yield to the Senator from Arkansas.

Mr. HILL. The Senator is making a very able speech, and I hesitate to interrupt him. However, is it not true that when the members of the Constitutional Convention met in Philadelphia in 1787, the States at that time had various qualifications for voters?

Mr. TALMADGE. That is indeed true. As the able Senator from Alabama knows, that particular issue almost disrupted the Constitutional Convention. It was finally resolved by the Committee on Detail which recommended the language that is now embodied in section 2 of article I, and the 17th amendment.

Mr. HILL. Is it not true that if the committee had not submitted what is now, as the Senator says, article I, section 2, of the Constitution, the Constitutional Convention would never have adopted any other means or fixed any qualification other than the one adopted, which was to leave this fixing entirely in the hands of the States?

Mr. TALMADGE. The Senator is absolutely right. Later in my speech I deal with that point in some detail, and quote from some of the framers of the Constitution with reference to their actions with regard to this subject.

Mr. HILL. Is it not true that this very question was most jealously inquired into in the different State conventions which met to ratify the Constitution?

Mr. TALMADGE. Yes; it was.

Mr. HILL. The delegates at the State conventions had to be assured time and again that the fixing of the qualifications of voters would be left in the Federal Constitution entirely in the hands of the States. Is that correct?

Mr. TALMADGE. The Senator is entirely correct.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. TALMADGE. I now yield to the Senator from Arkansas.

Mr. McCLELLAN. I wish to join my colleagues in complimenting the distinguished Senator from Georgia for the unanswerable and convincing address he is making.

I am intrigued with the idea of the sponsors of the pending measure. Notwithstanding the fact that the power of the Federal Government is a limited power, and the States obviously, by the Federal Constitution, reserved unto themselves the right to determine the qualifications of voters in their respective States, they delegated no further power to the Federal Government other than to designate that qualified electors for Senators and Representatives shall be those which are identical with the qualified electors fixed by the State. Is that correct?

Mr. TALMADGE. That is indeed correct, and it is made just as plain as the English language can make it both in section 2 of article I, and also in the 17th amendment. Additionally, that principle was upheld by the present Supreme Court as late as 1959.

Mr. McCLELLAN. I do not see how any court could hold otherwise.

Mr. TALMADGE. To my knowledge, no court anywhere, State or Federal, has ever attempted to invalidate those specific provisions of the Constitution.

Mr. McCLELLAN. I simply wish to point out that if a court could possibly sustain as valid the changing of the Constitution by statute, then if Congress could fix the educational qualification at the sixth grade, could it not also fix it at the first grade?

Mr. TALMADGE. Certainly it could.

Mr. McCLELLAN. If it could fix it at the first grade, could it not also fix it at any other grade?

Mr. TALMADGE. Yes, indeed, and by the same token, it could say that suckling babes were entitled to vote.

Mr. McCLELLAN. Could it not also by the same standard—and I point this out as the danger in what is here intended—if this procedure could be sustained as a valid exercise of congressional power under the Constitution today, require an absolute, uniform qualification in every State of the Union?

Mr. TALMADGE. It most certainly could. In fact, the pending proposal can be regarded as the first step toward an absolutely uniform literacy standard.

Mr. McCLELLAN. It deals now with only one qualification.

Mr. TALMADGE. That is correct.

Mr. McCLELLAN. The question really is: If Congress can, by statute, constitutionally and validly deal with one qualification and prescribe it for all the States, could it not by the same authority—and it would be a usurped authority—prescribe every qualification in every State by statute?

Mr. TALMADGE. Of course it could; and if the Supreme Court were to uphold it, there would be precedent for Congress to pass an act providing that criminals, dope addicts, insane persons, or children could vote. There would be no limit whatsoever if the Constitution of the United States were repealed in this instance. The door would be broken down, and Congress could pass any legislation through that gateway any majority might see fit to do so.

Mr. McCLELLAN. I thank the distinguished Senator from Georgia. I thought we should have this proposal in its proper perspective in the beginning. It is not primarily an issue whether the sixth grade is the proper standard to apply. The fixing of that standard is left at present to the discretion of the States. The States might fix the standard at the 5th grade or the 1st grade or the 12th grade. The issue is, Does Congress have the power, or will it usurp the power, and would the Supreme Court sustain such a usurped power, to invade the province of the States, as that is defined by the Constitution at present, and thus prescribe ultimately uniform voting qualifications in all States?

Mr. TALMADGE. The able Senator from Arkansas is entirely correct. I thank him for his valuable contribution to the discussion.

As an illustration of the fact that Congress has no power to prescribe the qualifications of voters, the only way in which Congress has ever entered that field has been in the vehicle of constitutional amendments.

When the 15th amendment was under consideration in Reconstruction days, even the followers of Thaddeus Stevens did not try to accomplish their objective by statute. They favored a constitutional amendment.

When the election of Senators by popular vote was proposed, and when women were granted suffrage, both were accomplished by constitutional amendments.

Just this year, when the distinguished senior Senator from Florida [Mr. HOLLAND] sought to have Congress eliminate the poll tax, he did not propose to proceed by statute. He offered a constitutional amendment, which was the only correct procedure, and the Senate followed precedent by adopting it.

That is the correct way to amend the Constitution of the United States.

Mr. McCLELLAN. Mr. President, will the Senator from Georgia further yield?

Mr. TALMADGE. I yield.

Mr. McCLELLAN. Does the Senator have an idea why the sponsors of this proposal will not follow the constitutional amendment process now?

Mr. TALMADGE. I certainly do, and I shall deal with it at some length in my statement when I quote from an article by Earl Mazo, published in the New York Herald Tribune. Mr. Mazo points out how the bloc vote manipulates elections in our country and his conclusions illuminate the motives of those who are now proposing to do violence to the Constitution through the pending proposal.

Mr. McCLELLAN. I thank the Senator. I, too, have some ideas about why this proposal has been made. I do not think the proponents could accomplish by a constitutional amendment what they seek to do, and I think they know it. I do not believe three-fourths of the States would ever ratify such an amendment. I do not believe the States would surrender that much power.

Mr. TALMADGE. I would hope the Senator's belief to be correct.

The question of how voter qualifications would be determined was an issue of major contention at the Constitutional Convention of 1787.

James Madison suggested that a definite statement of qualifications be written into the new Constitution and Gouverneur Morris, of Pennsylvania, advocated a uniform rule to limit the franchise to landowners. Thomas Jefferson favored an alternative arrangement whereby voters could be qualified either by property ownership or the payment of taxes.

On the other hand, Oliver Ellsworth of Connecticut maintained that suffrage was a tender point and tampering with it well might jeopardize approval of the new National Government. James Wilson, of Pennsylvania, emphasized that it would be virtually impossible to establish a uniform rule of voting which would be acceptable to all States and that controversy would be the result of situations in which electors of members of State legislatures and the Congress of the United States were not the same.

George Mason, who later was to be the author of our cherished Bill of Rights, declared that the "power to alter the qualifications would be a dangerous power in the hands of the legislature."

The outcome was that the Committee on Detail on August 6, 1787, by a vote of 7 to 1 recommended that "the qualifications of the electors shall be the same, from time to time, as those of the electors of the several States, of the most numerous branch of their own legislatures"—language which was brought forward in paragraph 1, section 2, article I of the Constitution, to which I earlier referred.

The authors of "The Federalist Papers," in seeking to explain the provisions of the new Constitution, dealt at length with this facet of the document.

In Federalist 52, written by either Madison or Hamilton, it was declared:

> The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States, would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone. To have reduced the different qualifications in the different States to one uniform rule would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention. The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is comfortable to the standard already established, or which may be established by the State itself. It will be safe to the United States, because, being fixed by the State constitutions, it is not alterable by the State governments, and it cannot be feared that the people of the States will alter this part of their constitutions in such a manner as to abridge rights secured to them by the Federal Constitution.

Then, in Federalist 59, Hamilton wrote:

> It will not be alleged that an election law could have been framed and inserted in the Constitution which would have been always applicable to every probable change in the situation of the country; and it will therefore not be denied that a discretionary power over elections ought to exist somewhere. It will, I presume, be as readily conceded that there were only three ways in which this power could have been reasonably modified and disposed; that it must either have been lodged wholly in the National Legislature, or wholly in the State legislature, or primarily in the latter and ultimately in the former. The last mode has, with reason, been preferred by the Convention. They have submitted the regulation of elections for the Federal Government, in the first instances, to the local administration; which, in ordinary cases, and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety.
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> Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarranted transportation of power and as a premeditated engine for the destruction of State government? The violation of principle, in this case, would have required no comment; and to an unbiased observer it will not be less apparent in the project of subjecting the existence of the National Government, in a similar respect, to the pleasure of the State governments. An impartial view of the matter cannot fail to result in a conviction that each, so far as possible, ought to depend on itself for its own preservation.

Hamilton followed this up in Federalist 60 with this assertion about the role of the National Government in elections:

> Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution, and are unalterable by the Legislature.

Those, Mr. President, are the words of Alexander Hamilton, one of the most ardent and articulate advocates of a strong central government in the early history of our country. He claimed no more for the Federal Government than the authority "to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety" and even that interposition, he emphasized, was "expressly restricted to the regulation of the times, the places, the manner of elections."

To dispel any lingering doubt which might exist as to the clear intention of the framers of our Constitution in this regard, let us look at the words of various delegates to the Convention in explaining this phase of the Constitution before the ratifying conventions of their respective States.

Rufus King declared before the Massachusetts convention that:

> The power of control given by this section extends to the manner of elections, not the qualifications of electors.

James Wilson asserted at the Pennsylvania convention that:

> In order to know who are qualified to be electors of the House of Representatives, we are to inquire who are qualified to be electors of the legislature of each State. If there be no legislature in the States, there can be no electors of them; if there be no such electors, there is no criterion to know who are qualified to elect members of the House of Representatives. By this short, plain deduction, the existence of State legislatures is proved to be essential to the existence of the General Government.

Wilson Nicholas told the Virginia convention that:

> In this plan there is a fixed rule for determining the qualifications of electors, and that rule the most judicious that could possibly have been devised, because it refers to a criterion which cannot be changed. A qualification that gives a right to elect representatives for the State legislatures gives also, by this Constitution, a right to choose Representatives for the General Government.

John Steele maintained before the North Carolina convention that:

> Every man who has a right to vote for a representative to our legislature will ever have a right to vote for a Representative to the General Government. Does it not expressly provide that the electors in each State shall have the qualifications requisite for the most numerous branch of the State legislature? Can they, without a most manifest violation of the Constitution, alter the qualifications of the electors? The power over the manner of elections does not include that of saying who shall vote. The

> Constitution expressly says that the qualifications are those which entitle a man to vote for a State representative. It is, then, clearly and indubitably fixed and determined who shall be the electors; and the power over the manner only enables them to determine how these electors shall elect—whether by ballot, or by vote, or by any other way.

Mr. President, I submit that there is no historical fact more clearly documented than that the original States of this Union definitely understood that each State would have the guaranteed authority under the Constitution to fix the qualifications of the electors of the most numerous branch of its legislature and that those electors would be the same electors who name the Members of Congress.

Mr. RUSSELL. Mr. President, will the Senator yield for a question?

Mr. TALMADGE. I am happy to yield to my distinguished colleague.

Mr. RUSSELL. First, I wish to compliment my colleague upon the very excellent address he is delivering. To any man who has an open mind, this address would conclusively demonstrate that the Constitution of the United States cannot be amended by statute. The Senator goes not only into the lawful method of amending the Constitution, but back to the history of those who wrote that document and signed it, and their explanation of it to their people when they returned home, to establish that fact.

Of course, I fear that some Members of the Senate do not have an open mind insofar as issues of this character are concerned, and that they say, "Well, if it is a little invasion of the Constitution, it is all right in this case."

I read some of the presentations made before the subcommittee presided over by the distinguished Senator from North Carolina. I was amazed to note that witnesses who occupy eminent positions testified that unless these were the facts involved, the law would be unconstitutional. Even the Attorney General stated that such a law was necessary in order to enable him to see that all people had a right to vote.

I have never seen a clearer demonstration of the argument that the ends justify the means than is being made in the presentation of this case. I can but ask the question, What has happened to all of those on the other side of the aisle who were so outraged when the late President Roosevelt said, "Let us pass this act and let us have the courts determine its constitutionality"?

In that case they all stood up and said, "It is the duty of each and every Senator, under his oath of office, to determine the constitutionality of an act."

I am sure the Senator has been impressed by the fact that even the Chairman of the Civil Rights Commission asserts there are only 100 counties that were involved in any alleged acts of coercion or refusal, to remedy which he presented this proposed legislation. He did not point out that the Attorney General of the United States had not utilized the weapons at his command, weapons which he already has, when he came before the Congress in 1960 urging passage of a bill, which was of doubtful constitutionality, to say the least, to appoint as many registrars in those counties as the Attorney General saw fit, and that the people in charge of the registration had not had any right to be heard. So, at the utmost, the Attorney General would be compelled to bring 100 cases with the 2,000 lawyers he has under his direct supervision, to correct the complaints that he has, without asking the Senate of the United States to make this invasion of the Constitution.

I wish to suggest to my distinguished colleague that there must be at least 100 counties in this country in which there are gangsters, racketeers, or violators of income tax laws who have sought refuge in the fifth amendment when under prosecution. I ask my colleague if there would be any difference whatever, from a legal standpoint, if the Attorney General were to come to the Congress and say, "It is a great deal of trouble to get evidence against these racketeers, gangsters, and income tax evaders, so I ask the Senate to pass a bill which will provide, when such persons are charged with these offenses, that they cannot refuse to answer any question which might be propounded to them by the prosecuting officer." Would that be any more violative of the Constitution of the United States, in the opinion of my colleague, who is an eminent lawyer, than the proposal before the Senate at the present time?

Mr. TALMADGE. The two situations are entirely analogous. I am sure my colleague is aware of the Attorney General's testimony before both the House and the Senate committees. He acknowledged that there are laws on this subject which he could enforce, but he maintained that such a course would be difficult and would involve some work. The Attorney General wants the Congress to pass laws, making the courts unnecessary, which he can enforce within any State.

As my colleague well knows, there are many laws on the statute books of the United States guaranteeing the right to vote—6 criminal and 9 civil, making a total of 15 laws guaranteeing the right to vote.

Since I have been a Member of the Senate, Congress has passed legislation to make the Attorney General of the United States the free, tax-paid lawyer for any aggrieved citizen and to authorize the voter referee process by which local registrars may be put into Federal receivership.

I point out to my colleague that the Civil Rights Commission, even after advertising for complaints and sending agents throughout the United States seeking complainants, has obtained only 390 sworn complaints. The Justice Department's Civil Rights Division has made only 25 cases and not one referee has been appointed to take over the duties of any registrar anywhere in the United States.

As the Senator knows, this whole contrived issue is purely political and is an effort to manipulate bloc votes in the large cities.

Mr. RUSSELL. I thank my colleague for making that statement. What he says exists is what I resent. I resent it now. I have always resented it. I shall always resent it.

The section of the country from whence I come, where the people are the peers of those of any other section, is singled out for this type of invidious comparison and proposed legislation for purely political purposes. The question is always brought forward in an election year.

I have been around Congress now for 30 years, and I know that in an election year one can always count on this kind of proposed legislation, because there are many people whose chief claim to the holding of public office is that they go back to their States and tell their constituents, "Look what I did to those infamous southerners. Look what I said about them. I pointed out all their evil ways. I denounced them on the floor of the Senate. I introduced a bill to put them under the lash of law."

It matters not how many laws are passed in this area. If this proposal should pass, another will be offered in 1964, which will deal with the same subject in a little different way.

Our energetic Attorney General, who shows so much energy in prosecuting all other types of cases, will be before the Congress to say, "There are 14 counties now in which we have found something wrong, and in these 14 counties I am having difficulty. I have only some 2,000 lawyers, whom the taxpayers are supporting, paying expenses for them to ramble back and forth across the country, and the so-called Civil Rights Commission has only a small staff of lawyers going around. The money for advertising to get the complaints in has been spent, but nevertheless there is trouble. I shall have to send an Assistant Attorney General down to those counties to bring in complaints."

Therefore, the Attorney General will come before the Congress and ask Congress to pass another law.

All these people, the election year advocates, attack with a sword the mote in the eye of the South. We are not perfect, but they disregard the beam of worse offenses in their own States. They will stand up to support the proposed legislation. Then each will go back home again and say, "You must reelect me. See, there is this balance-of-power vote, of 16 percent, and I should get every vote of it, because I denounced the white South more vigorously than did any of my colleagues in either body." And in most cases such a candidate will get the votes, and he will come back to Congress.

Mr. TALMADGE. The Senator has characterized the situation accurately. These people bring up these bills for political profit. Evidently some of them have profited politically just by introducing the bills. And I think they will continue to bring them before Congress so long as they do profit politically by doing so.

I know my colleague, who is an able historian, is aware of the fact that during Reconstruction, many Union soldiers assigned to occupy the South became disgusted at the spectacle and, when they went home, ran for office and defeated some of the officials who had treated the South so badly. South-baiting thus ceased to be a profitable venture and I think the same thing will occur again one of these days.

Mr. RUSSELL. I wish it could be that way. My colleague, eminently wise in matters of history, knows that after 12 years of occupation—one of the longest military occupations in all history, incidentally—when the Union soldiers who occupied the South learned that all of the people there were not demons, nor beasts, nor witches, nor even inherently evil, and they were so full of resentment at all the laws aimed at the South under the leadership of Mr. Stevens that upon returning home they helped to defeat a great many people who they thought had misrepresented the situation.

Unfortunately, we face a different situation today. For political purposes and in sacrilegious use of the name of civil rights, the Constitution of the United States is being whittled away. That is being done in the courts. It is being done in the executive departments, through the issuance of orders which, under the original concept of this Government, the Chief Executive has no authority to issue. It is being done in the Congress of the United States.

Whenever the day comes that the Constitution of the United States is whittled away completely with respect to one right, we may be sure the same process will be followed with respect to other rights, and that there will be other whipping boys in other days, when there has been completely exhausted the last law which can possibly be conceived against the South.

Unless it is made a crime per se for a southern white man to exist, one day all the laws which can possibly be brought forth will be exhausted. Then it will be necessary to move into some other area.

The fact that the Constitution is being held in such contempt, or at least is being treated with such callous disregard, causes me to fear for the future of constitutional government in this country and to be more frightened than I have ever been before by the prospect of a centralized Government in Washington, D.C., which will control every facet of life in this land of ours.

Mr. TALMADGE. I thank my able colleague for his contribution. I am sure my colleague is familiar with the famous letter of Lord Macaulay, one of the greatest English-speaking historians. He pointed out the danger which my colleague has mentioned. He stated that our country would never be destroyed from without, as was ancient Rome, but that it would be sacked and pillaged from within. He maintained that our form of government would be destroyed by political leaders knuckling under to the demands of organized pressure groups in the latter half of the 20th century.

Mr. RUSSELL. He was very prophetic, because we can now see some of the pressure groups that are more destructive of the Constitution than the Huns and Vandals were of the buildings of Rome when they pillaged Rome.

I fear for the future of our country. As I recall, Lord Macaulay said in that same letter that the Constitution of the United States was all sail and no anchor. After I became a Senator, I said, "The Senate of the United States is the anchor of the Constitution." But we see that large groups in our country and many Members of this body are determined to cut the rope that ties stable government to the anchor of the Senate. When that is done, and the voices of Senators can be muted and silenced on this floor when they attempt to point to such invasions of the Constitution as are contemplated by the proposed legislation, we shall indeed have come to the evil day that was prophesied by Lord Macaulay.

Mr. TALMADGE. Mr. President, I share my colleague's conclusion.

While it is true that Congress under the Constitution has final authority over the times, places, and manner of holding elections, no exercise in semantics can get around the fact that the determination of voter qualifications is inherent in the registration process and registration consequently is an exclusive State function.

That this also was the understanding of succeeding Congresses throughout the years of our existence as a Nation is evidenced by the facts that the 17th amendment providing for the direct election of Senators brought forward the identical language of paragraph 1, section 2, article I and that the two limitations since placed upon this guarantee were accomplished by constitutional amendments—the 15th and 19th.

Even the present Supreme Court of the United States—in its preoccupation with sociological and psychological notions about judicial legislation—has not been able to get around this solid constitutional barrier to congressional interference with the control of the States over the right to vote. In the case of *Lassiter* v. *Northampton County Board of Elections* (360 U.S. 45), decided on June 8, 1959, the Warren Court specifically upheld the constitutionality of literacy tests for voting.

In that case the Court, through Mr. Justice Douglas, declared:

> We come then to the question whether a State may consistently with the 14th and 17th amendments apply a literacy test to all voters irrespective of race or color. The Court in *Guinn* v. *United States, supra,* 366, disposed of the question in a few words, "No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted."
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> The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised, *Pope* v. *Williams,* 193 U.S. 621, 633; *Mason* v. *Missouri,* 179 U.S. 328, 335, absent of course the discrimination which the Constitution condemns. Article 1, section 2 of the Constitution in its provision for the election of Members of the House of Representatives and the 17th amendment in its provision for the election of Senators provide that officials will be chosen "by the people." Each provision goes on to state that "The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures." So while the right of suffrage is established and guaranteed by the Constitution (*Ex Parte Yarborough,* 110 U.S. 651, 663–665; *Smith* v. *Allwright,* 321 U.S. 649, 661–662) it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed. See *United States* v. *Classic,* 313 U.S. 299, 315. While section 2 of the 14th amendment, which provides for apportionment of Representatives among the States according to their respective numbers counting the whole number of persons in each State (except Indians not taxed), speaks of "the right to vote," the right protected "refers to the right to vote as established by the laws and constitution of the State." *McPherson* v. *Blacker,* 146 U.S. 1, 39.
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> We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record (*Davis* v. *Beason,* 133 U.S. 333, 345–347) are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise. (Cf. *Franklin* v. *Harper,* 205 Ga. 779, appeal dismissed, 339 U.S. 946.) It was said last century in Massachusetts that a literacy test was designed to insure an "independent and intelligent" exercise of the right of suffrage. *Stone* v. *Smith,* 159 Mass. 413–414. North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards.
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> Of course a literacy test, fair on its face, may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot. No such influence is charged here. On the other hand, a literacy test may be unconstitutional on its face. In *Davis* v. *Schnell* (81 F. Supp. 872, affirmed 336 U.S. 933) the test was the citizen's ability to "understand and explain" an article of the Federal Constitution. The legislative setting of that provision and the great discretion it vested in the registrar made clear that a literacy requirement was merely a device to make racial discrimination easy. We cannot make the same inference here. The present requirement, applicable to members of all races, is that the prospective voter "be able to read and write any section of the constitution of North Carolina in the English language." That seems to us to be one fair way of determining whether a person is literate, not a calculated scheme to lay springes for the citizen. Certainly we cannot condemn it on its face as a device unrelated to the desire of North Carolina to raise the standards for people of all races who cast the ballot. Affirmed.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the distinguished senior Senator from North Carolina, who is the chairman of the subcommittee to which was referred the bill which was the basis for the pending amendment.

Mr. ERVIN. I should like to ask the able and distinguished junior Senator from Georgia a question. In light of the unanimous opinion of the Supreme Court handed down only 3 years ago, from which the Senator has been reading, I wonder if the Senator has any explanation as to how any person who is informed on constitutional questions could possibly anticipate that the Supreme Court of the United States would adjudge this bill, if enacted, valid, unless such person had lost the last vestige of confidence in both the intellectual integrity and the judicial stability of the Supreme Court.

Mr. TALMADGE. If they applied the standard that Associate Justice Douglas and all of his colleagues applied in the Lassiter case, they would have no choice but to declare it unconstitutional. It is utterly inconceivable to me that the Senate would seek to go beyond the Supreme Court of the United States in amending the Constitution.

Mr. ERVIN. I should like to ask the Senator a further question. Is the Senator aware that two of the chief advocates of the present proposal, namely, Dean Griswold, of Harvard Law School, and the present Attorney General of the United States, both admitted at the hearings before the Subcommittee on Constitutional Rights that although the provision allowing the States to prescribe the qualifications for voters in congressional elections had been in the Constitution from the time of the birth of this Republic down to the present date, they did not know and had never heard of a single decision of the Supreme Court of the United States even intimating that the Congress had any power to prescribe qualifications?

Mr. TALMADGE. I find it impossible to understand how some of those who testified before the Senator's subcommittee could have reached the conclusions they stated.

One of the most startling statements was made by Dean Griswold when he contended that an unconstitutional proposal could be made constitutional by the addition of some preliminary language.

Mr. ERVIN. Is not the statement of Dean Griswold, to which the Senator has just referred, tantamount to the assertion that Congress can increase its powers to legislate under the Constitution and decrease the powers of States to legislate under the Constitution by the simple expedient of uttering a factual lie in the preamble to a bill?

Mr. TALMADGE. The Senator is entirely correct. What he said, in fact, was that Congress could repeal certain provisions of the Constitution if it prefaced its repeal with the right sort of language.

Mr. ERVIN. I am sure the Senator will believe me when I say that as a result of the controversy that has been provoked by this legislative proposal, I have been very much concerned about the failure of the people in the United States to vote. Is the Senator aware of the fact that there are in all sections of the United States persons of all races who are apathetic toward governmental matters and who do not manifest the slightest interest in attempting to exercise the right of suffrage?

Mr. TALMADGE. Yes, the junior Senator from Georgia is so aware. It is a source of sadness that qualified citizens either do not register, or, having registered, do not exercise their right of franchise.

I fear we in this country so take our liberty for granted that we will not recognize the erosion of it before it is lost forever.

Mr. ERVIN. I should like to ask the able and distinguished Senator from Georgia if he has observed that the two able and distinguished Senators from the State of New York are downright kind at all times in their effort to bring about a rather full exercise of the right of suffrage in the Southern States.

Mr. TALMADGE. Yes, the junior Senator from Georgia has so observed. As a matter of fact, the next portion of my speech deals with the recent Federal court decision relating to the voters within that State.

Mr. ERVIN. Does not the Senator believe that reform, like charity, might well begin at home?

Mr. TALMADGE. Indeed I do.

Mr. ERVIN. Does not the Senator believe that the two able and distinguished Senators from New York might interest themselves in ascertaining why 33 percent of the citizens of New York of voting age did not bother to participate in the presidential election of 1960?

Mr. TALMADGE. Perhaps the distinguished Senators believe that more votes can be harvested by attempting to remedy matters in areas farther away from home.

Mr. ERVIN. Our good friend, the present distinguished occupant of the Office of Attorney General of the United States, is numbered among the most ardent advocates of this bill. Can the Senator from Georgia tell me any reason other than apathy why it happens that, although in the election in 1960 the Democratic candidate for President was a resident of Massachusetts and the Republican candidate for Vice President was a resident of Massachusetts, approximately 24 percent of all the persons of voting age in the State of Massachusetts did not bother to go to the polls and cast their ballots?

Mr. TALMADGE. I am at a complete loss to tell the Senator the reason for that. The Attorney General might well profit by looking into that matter instead of trying to seek to repeal the Constitution.

Mr. ERVIN. Another very ardent advocate of the bill is the distinguished senior Senator from California [Mr. KUCHEL], who is the Republican whip in the Senate. Can the Senator from Georgia explain why it happens that in the great State of California 33 percent of the people of voting age failed to go to the polls to vote in the presidential election of 1960?

Mr. TALMADGE. I cannot tell the Senator, but it is a matter which should concern the distinguished senior Senator from California.

Mr. ERVIN. I should like to ask the Senator from Georgia if he agrees with me in the observation that it is certainly true that 24 percent of the people of voting age in Massachusetts, 33 percent of the people of voting age in New York State, and 33 percent of the people of voting age in California, who did not go to the polls to vote in the presidential election of 1960, were not prevented from doing so by any discriminatory practices inflicted upon them by any southerners in charge of the election machinery in those three great States.

Mr. TALMADGE. No; their failure to exercise their right of franchise is a matter for which they alone are responsible and that is as the junior Senator from Georgia believes it should be.

Mr. ERVIN. I thank the Senator from Georgia for yielding to me, and I commend him on his fine exposition of the constitutional principles which are involved in the proposal. He is making as able a presentation as can possibly be made.

Mr. TALMADGE. I thank my friend from North Carolina for his generous comment. I congratulate him on the outstanding work he has done as chairman of the subcommittee in this regard.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to my distinguished friend, the Senator from South Carolina.

Mr. THURMOND. I wish to commend the distinguished Senator from Georgia, who is a profound lawyer and has served ably as Governor of the great State of Georgia, for the splendid address he has made here on this occasion.

Mr. TALMADGE. I am grateful, indeed, for the generosity of my colleague.

Mr. THURMOND. I am wondering if the Senator can answer a question or two on this subject.

Mr. TALMADGE. I will be delighted to do so.

Mr. THURMOND. Does the Senator know of any purpose that could be accomplished by passing the bill under consideration which could not be accomplished under present law, so far as protecting the right of persons to vote is concerned?

Mr. TALMADGE. None whatsoever. I had stated, before the Senator came to the floor, that there are many statutes on the books at the present time which guarantee the right to vote. The United States Code contains nine civil statutes and six criminal statutes which so provide.

As the Senator knows, since I have become a Member of this body, Congress has passed legislation making the Attorney General of the United States the tax-paid lawyer for private litigants in this area of the law. It has passed legislation authorizing the Federal judiciary without benefit of trial by jury to take over the duties and responsibilities of local registrars and appoint Federal referees to register such persons as they see fit.

The proposal now before the Senate is absolutely without any foundation in precedent. It is a political sham, contrived for the purpose of attracting votes and is so regarded by persons who know anything about it.

Mr. THURMOND. I desired to have that point emphasized, because many persons feel that if Congress were to pass this proposal, thousands and thousands of Negroes who are not now voting would be enfranchised and could vote. That is utterly incorrect. Any citizen of South Carolina who has the necessary qualifications who wishes to vote now may do so, regardless of his race, creed, color, or anything else.

Mr. TALMADGE. That is true also of Georgia.

Mr. THURMOND. I believe that is the case throughout most of the States of the Nation. To pass the bill under consideration would add nothing to the present law. Adequate criminal and civil statutes are now on the books to guarantee and protect the right to vote. It is merely a question of enforcing some of the statutes already on the books, if a person has been deprived of the right to vote. If Congress were to pass this bill, it would still be necessary to enforce its provisions if anyone claimed he was deprived of the right to vote. So why the demand and hullabaloo for such a piece of legislation?

Is not the measure, as the Senator has suggested, a political bill, calculated to attract the attention of certain groups in this country who enjoy being catered to and who like to be told they are not receiving equal rights?

Mr. TALMADGE. The Senator is entirely correct. I shall deal with that point in some detail in a few moments.

Mr. THURMOND. Simply because southern Senators are opposing the bill, has not the impression gone out that the bill is calculated to hurt the South, and it is for that reason that we are opposed to it?

Mr. TALMADGE. Of course, the bill actually hurts the Constitution. I hope there will be more Senators than those from the South, who take seriously their oaths to uphold the Constitution.

Mr. THURMOND. Is it not true that of the 19 States which have literacy tests or requirements for voting, only 6 are in the South; that 13 of those States are outside the South; and that although the bill may be said to be aimed directly at the South, actually, from a practical standpoint, it would apply to many States outside the South as well?

Mr. TALMADGE. It would apply to all 50 States. I shall deal with that point also in some detail later in my remarks. I believe 19 States have literacy qualifications for voting. The great majority of those States are outside the South.

Mr. THURMOND. Is it not true that artice I, section 2, of the Constitution of the United States specifically provides that the voting qualifications shall be left to each State? Is not that as clear as words can be put in the English language?

Mr. TALMADGE. It is.

Mr. THURMOND. Do not those words mean what they say and say what they mean?

Mr. TALMADGE. They do indeed.

Mr. THURMOND. If voting qualifications are left to the States, how can a statute passed by Congress alter the Constitution, when there are only two ways in which the Constitution can be amended, which are set forth in the Constitution?

Mr. TALMADGE. The Senator is entirely correct.

Mr. THURMOND. Would not such a bill as the one now under consideration, if passed, be clearly unconstitutional? And is it not further true that literacy tests have been upheld by the Supreme Court in several decisions? I believe the Lassiter case, handed down a little over 2 years ago, is one of the latest decisions on the point. It specifically upholds the constitutionality of literacy tests.

Mr. TALMADGE. In my judgment, such a bill as that we are now considering would be clearly unconstitutional, and every decision that has ever been handed down by the Federal courts has so held.

Mr. THURMOND. Does not the Newberry decision of the Supreme Court uphold the same point?

Mr. TALMADGE. It does.

Mr. THURMOND. Does it not hold that the voting qualifications are left to the States?

Mr. TALMADGE. That is correct.

Mr. THURMOND. If the Constitution means what it says, and if the decisions of the Supreme Court mean what they say, how can anyone who is a lawyer or who studies the Constitution or the numerous decisions vote for such a bill, when it is clear that a statute cannot amend or abridge the Constitution?

Mr. TALMADGE. I do not understand how any Senator could support such legislation in the light of his sworn duty to uphold the Constitution of the United States.

Mr. THURMOND. It is being alleged that under the 15th amendment, many persons are being deprived of their rights, and that therefore this proposal is necessary. Is it not true that the 17th amendment, which was, of course, adopted after the 15th amendment, restates the identical wording and verbiage of article I, section 2, of the Constitution, which provides that qualifications of voters are reserved to the States?

Mr. TALMADGE. The Senator is entirely correct. I point out, further, in specific response to his inquiry about the 15th amendment, that in the case of *Pope* v. *Williams*, 193 U.S., page 621, the Supreme Court used the following language, which is a clear declaration concerning the power of Congress under the 15th amendment:

> Since the 15th amendment the whole control over suffrage and the power to regulate its exercise is still left with and retained by the several States, with the single restriction that they must not deny or abridge it on account of race, color, or previous condition of servitude.

That is the language of the Supreme Court itself in construing the meaning of the 15th amendment. Certainly no power is granted by the 15th amendment for such legislation as is here proposed.

Mr. THURMOND. Is it not true that every State has imposed some restriction on the right to vote——

Mr. TALMADGE. Indeed it has.

Mr. THURMOND. Whether the restriction be a matter of age, as, for instance, in the home State of the distinguished Senator from Georgia, where I believe a person may vote at the age of 18?

Mr. TALMADGE. And also in Kentucky; and at the age of 19 in Alaska.

Mr. THURMOND. In most of the States—I believe in about 47 of them—a person must be 21 years of age in order to vote.

Mr. TALMADGE. That is correct.

Mr. THURMOND. Is not age a voting qualification?

Mr. TALMADGE. Certainly it is.

Mr. THURMOND. Do not some States have qualifications which prohibit insane persons from voting? Do not some States prohibit absentee voting? Do not some States prohibit persons who have been dishonorably discharged from the armed services from voting?

Mr. TALMADGE. That is correct.

Mr. THURMOND. Do not some States prohibit those who have been convicted of a felony from voting, as does my State of South Carolina?

Mr. TALMADGE. The Senator is correct. If Congress has the power to legislate in this area, it has the power to legislate in every area that the Senator has outlined; that is, the qualifications with reference to age, with reference to whether a person has committed crimes, whether he has been dishonorably discharged from the armed services; and all the various areas in which the several States have imposed qualifications for electors.

Mr. THURMOND. Do not some States prohibit paupers from voting?

Mr. TALMADGE. That is correct.

Mr. THURMOND. Do not other States require the ownership of property before a person may vote in certain types of elections? In other words, are not all these matters which fall within the category of qualifications for voting?

Mr. TALMADGE. That is correct.

Mr. THURMOND. They are now reserved to the States. The States are exercising their right to determine the qualifications for voting. If Congress attempts to pass a statute relating to only one phase, namely, literacy tests, would not that then be a precedent for opening the door to enacting provisions which could change the voting laws in all other respects in the different States?

Mr. TALMADGE. The Senator from South Carolina is entirely correct. If Congress can legislate in the field of literacy tests, it can likewise legislate in every area the Senator from South Carolina has mentioned.

Mr. THURMOND. Does the Senator from Georgia know of any decision by any court, anywhere, in which it has been held that the matter of voting qualifications does not reside in the States?

Mr. TALMADGE. My associates and I have been unable to find one authority, either State or Federal, holding that any branch of the Federal Government has authority to fix the qualifications of electors.

Mr. THURMOND. There is no decision to be found anywhere which holds that the States do not have the power to fix the qualifications of voters.

Mr. TALMADGE. That is correct.

Mr. THURMOND. The Constitution provides that the States have this power, and all the court decisions uphold this power of the States; and there can be no question about it.

So I return to the point that the purpose of this bill is a political one, not to help people to vote.

There already are on the lawbooks adequate protections of the right of the people of the United States to vote; and if the people want that help, they certainly can get it.

Mr. TALMADGE. The Senator from South Carolina is entirely correct.

Mr. THURMOND. I thank my friend.

Mr. TALMADGE. I thank the Senator from South Carolina for his contributions to the debate.

Mr. JORDAN. Mr. President, will the Senator from Georgia yield to me?

The PRESIDING OFFICER (Mr. SMITH of Massachusetts in the chair). Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. TALMADGE. I am glad to yield to my friend, the Senator from North Carolina.

Mr. JORDAN. The Senator from Georgia has brought out many important facts which I wish all our colleagues could hear, and which I wish all of them would also heed.

Mr. TALMADGE. I thank the Senator from North Carolina.

Mr. JORDAN. I wish to ask a question: If the Senate were to pass this piece of legislation, and if it were to become law, would not it likewise be possible for Congress to enact a piece of legislation which would provide that every inmate of every penitentiary in the land should be allowed to vote?

Mr. TALMADGE. Certainly; and such a law would be just as reasonable as the one here proposed. Congress has no authority to set the standards for voting in any of the States.

So, if Congress decided that it could do the one, it could just as easily decide that it could do the other, and thus extend the right to vote to all criminals.

Mr. JORDAN. And, similarly, Congress then could provide by law, could it not, that all inmates of insane asylums could vote?

Mr. TALMADGE. Yes; that would be just as sensible as a national law providing that all criminals could vote.

Mr. JORDAN. Perhaps some of the States which, unfortunately, have larger penitentiary populations and more insane persons than those in our States would not wish that to be done.

Mr. TALMADGE. Well, I am sure that some who are seeking to gain political advantage would not hesitate to any such proposal which they felt would benefit them at the polls.

I thank my friend for his contribution.

Mr. JORDAN. I thank the Senator from Georgia for yielding.

Mr. TALMADGE. Mr. President, as late as last October a special three-judge Federal court upheld the constitutionality of a New York State law requiring voters to be literate in the English language despite the fact that its operation disfranchises several hundred thousand Spanish-speaking Puerto Rican citizens. In its decision the court asked:

> What is more proper than that the voter be literate in the language used to conduct the business of government in this State?

It then proceeded to declare:

> It is not unreasonable to expect a voter not only to be conversant with the issues presented for determination in choosing between candidates for election, but also to understand the language used in connection with the voting.
>
> For example, there are printed in English on the ballot synopses of proposed constitutional amendments, titles of the offices to be filled and directives as to the use of the paper ballot or the voting machine.

The New York Herald Tribune, in its issue of October 26, 1961, featured an editorial heralding the decision. Entitled "A Fair Requirement for Voters," it goes so pointedly to the heart of the issue under debate that I wish to read it to the Senate:

> In upholding New York State's requirement that literacy tests for voting be taken in English, a three-judge Federal court showed good sense.
>
> Proof of literacy is certainly a fair requirement for voting. The electorate is ill-informed enough as it is, without opening the polls indiscriminately to those who can't even read and write. And if the point of a literacy test is to establish some minimum standard of competence to pass on community affairs, there is nothing arbitrary or capricious in requiring literacy in the language of the community.
>
> The case before the court was brought by Jose Camacho, a Puerto Rican-born Bronx grocer who argued that he should be allowed to take the test in Spanish. It had a good deal of potential significance for the Puerto Rican community here. Unlike other foreign language groups, the Puerto Ricans come to New York as citizens; only residence and language requirements bar most from voting as soon as they arrive.
>
> The English-language specification does disfranchise many Puerto Ricans who are fully literate in Spanish. Estimates of the number affected range to 200,000. In its 1959 report, the Civil Rights Commission declared that "Puerto Rican-Americans are being denied the right to vote, and * * * these denials exist in substantial numbers in the State of New York."
>
> These 200,000, however, are perfectly free to vote as soon as they meet the same standards that apply to everyone else. New York's is not a systematic disfranchisement of Puerto Ricans as such. They have an important role to play in the future political life of city and State. Their participation is welcome. But only on terms of equality—not by a special dispensation which would have the effect of perpetuating, and institutionalizing, a separation by language within the city.
>
> A standard—any standard—is inherently discriminatory. But languages can be learned; there is ample opportunity, in New York, to learn English. And, as the court asked rhetorically in its ruling, "What is more proper than that the voter be literate in the language used to conduct the business of government in his State?"

Mr. President, it hardly can be contended that the literacy requirements of any State are more far reaching in their effect upon the exercise of the franchise than are those of the State of New York. And the Federal judiciary has held in no uncertain terms that they square with the Constitution of the United States.

The point was effectively summarized in a recent column by Editor Vermont Royster, of the Wall Street Journal, in these words:

> Up to now all changes in the States' power over the voting franchise have been made by amending the Constitution itself in the regular fashion. The Supreme Court has upheld the right of States to have varying rules within this framework (including the requirement of literacy tests) so long as the rules apply alike to all applicants for the voting privilege.

The same publication, in an editorial of last January 30, put the issue in its proper perspective thusly:

> There is more at stake in the argument than the sheer demagoguery at wooing mass voting blocs. What is being assaulted is the whole concept that responsible democracy rests upon responsible voters; the child, the moron, the illiterate, the ignorant, the man who contributes nothing to the commonweal, the voice of each of these should be counted equally with the voice of the literate, the educated, the intelligent and the informed.
>
> Society, in this view, must not be permitted to protect itself with even the most rudimentary rules to make voting a privilege of those who have at least an elemental understanding of, and make some contribution to, the society in which they are privileged to live.

The Saturday Evening Post has defended the need for and constitutionality of literacy tests for voters as follows:

> Literacy tests are required not only by most Southern States but also by Massachusetts, Washington, California, Connecticut, Alaska, and eight other States far away from Dixie. If the people of Massachusetts believe that literacy is a reasonable qualification for voting, it is hard to see why the Federal Government should deny their right to insist on it. Some State voting laws, notably those concerning residence requirements, are certainly a hodgepodge and should be straightened out. But the literacy requirement cannot be considered unreasonable—unless it is assumed that reading is a lost skill unnecessary for the intelligent citizen.

Mr. President, this is not an issue in which the finger can be pointed solely at Southern States. Every State has restrictions of some kind on the right to vote. Age requirements vary from 18 in Georgia and Kentucky to 21 in 47 States. Residence requirements range from 6 months to 2 years.

Eight States do not permit absentee voting. Forty-one States forbid insane persons to vote. Nine States disfranchise paupers. Two States do not permit persons dishonorably discharged from the Armed Forces to vote. Forty-one States deny the ballot to criminals. Seven States require loyalty oaths. Five States levy poll taxes, and five also require property ownership to vote in special tax or bond elections.

And 19 States—including only 6 in the South—specify that voters must pass literacy tests. They are Alabama, Arizona, California, Connecticut, Delaware, Georgia, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, New York, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Washington, and Wyoming.

All of which brings us, Mr. President, to the point of why this issue is being raised at all. That is a question which can best be answered by quoting from the recent article by New York Herald Tribune Political Correspondent Earl Mazo, entitled, "The Greedy Grab for the Negro Vote." He wrote:

> In the political fraternity, "civil rights" is essentially the Negro vote, the most crucial bloc in the land.
>
> Senator Kennedy could not have become President without it. His overwhelming majorities in Negro districts of seven States greatly exceeded the slim pluralities by which he carried those States, picking up 140 electoral votes, without which he would have been badly beaten. * * *
>
> In close presidential or statewide contests, the Negro bloc is essential for victory in more than a dozen States.
>
> Except in landslides, Negroes hold the balance of power in Pennsylvania, Illinois, Michigan, and Missouri. Their vote may well be crucial in New York, New Jersey, Ohio, California, and Maryland. And it has become a potent force in States like Kentucky, Tennessee, North Carolina, Florida, and many others.

In other words, Mr. President, the Senate is being asked to override the Constitution of the United States and usurp the authority of the States to fix the qualifications for voting for no other reason than to influence a partisan bloc vote. Even assuming, for the sake of argument, the goal of such action to be worthy—which the junior Senator from Georgia most certainly does not—it could not possibly balance out the alarming precedent of Congress disregarding the prohibitions of the Constitution for the sake of political expediency.

Mr. President, no one has shown that there exists in this Nation any general effort to prevent qualified citizens from exercising their right to vote. And neither has anyone cited the first bit of evidence to show that those few who may have had their right of franchise infringed upon have not found early and effective redress in the courts.

Mr. President, there already are on the statute books of this Nation six criminal and nine civil Federal statutes protecting the right to vote. They are more than sufficiently comprehensive to take care of any situation which may now exist or might in the future arise. Their remedies can be invoked at no cost by any citizen who is the victim of discrimination.

It would be well, Mr. President, for the Senate to give thought to the ultimate implications of the action it is being asked to take.

It is a disservice to the people of the United States and a discredit to the Members of Congress for Congress to blind itself to the Constitution and to attempt to put on the statute books of the Nation a law which not only is clearly not needed but also is patently unconstitutional.

Rather, we should ever keep in mind and heed the admonition of the Father of our Country when he said in his Farewell Address:

> If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

Mr. HILL. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SMITH of Massachusetts in the chair). Does the Senator from Georgia yield?

Mr. TALMADGE. I am delighted to yield to the distinguished Senator from Alabama.

Mr. HILL. I congratulate the Senator from Georgia on his very learned, able, and excellent address. It is one of the most compelling speeches I have heard in my long time as a Member of this body.

Mr. TALMADGE. I am grateful indeed for the generous remarks by my able and learned friend, the distinguished Senator from Alabama.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to the distinguished senior Senator from Florida.

Mr. HOLLAND. I would like to say that in the shorter term of years that I have been able to serve here than the much longer time served by my senior colleague, the distinguished senior Senator from Alabama, I have not heard a more illuminating, a more excellent, or a more scholarly address than his on any subject, and I certainly congratulate the Senator.

Just before his conclusion, the Senator quoted at some length from an article which appeared in the New York Herald Tribune, written by Earl Mazo, indicating that the whole purpose behind the effort in the proposal now pending was the capture of a certain bloc of votes; namely, the Negro vote. I wonder if the distinguished Senator has thought of the matter from this point of view? Is it not a fact that, perhaps more than any other group in the Nation, the Negro group of citizens, comprising, as they do, many good people and many fine citizens who have made contributions to our Government, have most to be grateful for in the existence and the continued stability of the Constitution?

Mr. TALMADGE. First, let me thank the Senator for the overwhelmingly generous compliment which he paid me. I am all the more grateful for his kind words knowing of his ability, dedication to duty, belief in the Constitution, and learning as a lawyer.

In answer to the Senator's question, American Negroes have achieved the greatest degree of freedom and the highest standard of living of any members of their race anywhere in the world. They have done so in a very short period of time.

In my judgment, Negroes, as well as people of all other origins in this country, ought to thank their God every night for a constitutional system which gives to all of us such an abundance of personal freedom and such unlimited economic opportunity to enjoy the fruits of our labors. It would be a great mistake for anyone, white or colored, to ever set in motion processes which would tear down the constitutional and economic systems which has been so beneficial to all.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. TALMADGE. I am delighted to yield.

Mr. HOLLAND. I certainly agree with the Senator that all American citizens have a very great stake, as he has indicated, in the preservation of the Constitution of the United States.

Recognizing that the 13th amendment to that Constitution was adopted to make certain that an executive order of emancipation, entered by a great President in the course of a war and as a war measure, should become permanent; and that the 15th amendment guarantees that race or group against discrimination in the field of voting because of race or previous condition of servitude. It seems to me the Constitution should be looked upon by the Negro citizens of the United States—who, as I say, have rendered very great service to our Nation in time of peace and of war—as the covenant which has brought freedom, equal status, and the situation of dignity under which they now live, and that of all groups in the Nation that group should be most reluctant to adopt any course of action which might destroy, break down, or diminish the strength and stability of the Constitution. Does not the distinguished Senator think there is value to that point of view?

Mr. TALMADGE. Indeed I do. I share the view of my friend to the fullest possible degree.

Mr. HOLLAND. If the Senator will yield further, without losing his right to the floor, I should like to send to the desk at this time an amendment which I shall offer at the proper time to the pending amendment, offered by the two leaders of the Senate.

Mr. TALMADGE. Mr. President, I am about to yield the floor. If no other Senator desires to ask a question, I am willing to yield the floor, and the Senator from Florida may offer his amendment in his own right.

Mr. STENNIS. Mr. President, I should like to have the Senator yield to me.

Mr. TALMADGE. I am delighted to yield to the Senator.

Mr. HOLLAND. Mr. President, I wonder if the Senator from Georgia will ask permission to yield to me without losing his right to the floor. I should like to have the amendment printed.

Mr. TALMADGE. I am delighted to do so. I thought the Senator might wish to have the floor in his own right.

Mr. President, I ask unanimous consent that I may yield briefly to the distinguished Senator from Florida without losing my right to the floor, and with the understanding that my yielding to the Senator is not to be considered as my having made two speeches.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, I am not now offering the amendment, because I am operating on borrowed time.

Mr. President, I submit the amendment, for printing, ask that it may lie on the table, and ask unanimous consent that it may be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

> On page 3, line 17, strike out ", whether for literacy or otherwise," and insert in lieu thereof "for literacy."

Mr. HOLLAND. Mr. President, I invite the attention of Senators present to the fact that my amendment proposes to strike, on line 17, page 3, of the amendment in the nature of a substitute offered by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN], the words ", whether for literacy or otherwise," and to replace them with the words "for literacy." It seems to me very clear that the words "or otherwise" cover a multitude of things which I do not believe the offerers of the amendment had any idea of covering with the amendment.

Mr. TALMADGE. I concur in the view of the Senator from Florida. In fact, when I was testifying before the subcommittee I pointed out that that particular language is broad enough to prohibit disqualification of someone who, in the course of an examination, admits he has committed a felony.

Mr. HOLLAND. Mr. President, I appreciate that comment of the distinguished Senator. I thoroughly agree that the language would cover the situation he mentions, and it would cover many others, such as the bringing out on an examination of great doubt as to the citizen's satisfying residence requirements, age requirements, or many other features relating to qualification of a voter.

Mr. TALMADGE. I agree with the Senator.

Mr. HOLLAND. I thank my friend for yielding.

Mr. TALMADGE. I commend the Senator for submitting the amendment.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. I wish to highly commend the Senator from Georgia for what has been a very fine presentation today, strictly on the merits of the proposed legislation. The Senator has pointed out in a very clear fashion the applicable legal principles. I have listened to most of his speech. I have read all of it. I think it is outstanding, I say to the Senator from Georgia.

Mr. TALMADGE. I am grateful indeed to the Senator for the generosity of his comments.

Mr. STENNIS. I wish to say further, as a preface to a question, Mr. President, that the more one studies the proposed legislation the more one realizes how carefully it is drawn. As a matter of fact, it is very skillfully drawn. It clearly shows, I think, that the author knew at the time there was not any direct constitutional authority upon which the proposal could be based, so the author resorted to the idea of "cranking in" the reasons in the preamble, to begin with. I doubt that any bill needs a preamble, anyway.

Mr. TALMADGE. It does not. What the author is doing in the preamble, of course, is making a stump speech. He is first trying the lawsuit, and then directing a verdict.

Mr. STENNIS. That is a good way for a courthouse lawyer to state the situation. Speaking in terms of the missile age, it looks to me as if the author attempted to build in some power, to build in some rockets.

Mr. TALMADGE. The Senator is correct.

Mr. STENNIS. One of the "Whereases" takes it to a certain height, then falls away; another takes it to another height; and eventually, it is felt, it will get to outer space and come back down somewhere. It is hoped then it will have some new constitutional authority.

Mr. TALMADGE. The Senator has expressed an apt analogy.

Mr. STENNIS. I predict to the Senator from Georgia that the proposal cannot possibly stand the withering fire of open debate. The exposure the Senator has made on the floor today, that others have made, and that others will continue to make, will bring out its true standing so far as having a lack of constitutional authority is concerned.

Mr. TALMADGE. I thank the Senator.

Mr. STENNIS. I express the confident belief that it will not pass. I commend the Senator from Georgia for making such a fine presentation.

Mr. TALMADGE. I am grateful indeed to the Senator.

Mr. STENNIS. I know the Senator will continue to work on this matter, because it must be brought out again and again, to show exactly what is the issue and the lack of authority involved.

Mr. TALMADGE. In my judgment, if the news media of the Nation will report to the American people that this measure seeks to amend the Constitution by legislation, public opinion will demand that the Senate overwhelmingly defeat it.

Mr. President, I yield the floor and suggest the absence of a quorum.

Mr. JAVITS. Mr. President, will the Senator withhold his suggestion? I wish to seek recognition.

The PRESIDING OFFICER. Does the Senator from Georgia withhold his suggestion?

Mr. TALMADGE. Certainly. I yield the floor.

Mr. JAVITS. Mr. President, I withdraw my request.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH obtained the floor.

Mr. JAVITS. Mr. President, will the Senator yield to me? I ask unanimous consent that he may do so without losing his right to the floor.

Mr. CHURCH. I yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, it has been our custom, when a procedure of the kind before us, euphemistically called extended debate was going on, to let our friends from the Southern States go ahead and debate. But such restraint is giving us somewhat the worst of it. For a very brief time when arguments are made on the merits, and we know they are to be reported, as these undoubtedly will be, it is pertinent to set the record straight, provided it can be done within a very short compass. And I think it can be done within a very short compass now.

First, the Senator from Georgia [Mr. TALMADGE], who unfortunately is not in the Chamber, said that the statute which is before us is patently unconstitutional. I invite attention to the fact that yesterday I submitted for the RECORD, a memorandum of law, which is found at page 7166 of the RECORD, distinctly showing that the measure before us as a statute is entirely constitutional based upon the cases of the courts and the amendments to the Constitution.

That is the view of the Attorney General of the United States, without any question; it is the view of the majority leader; it is the view of the President of the United States. I respectfully submit, therefore, that any such statement which would lead one to believe that it is only extremists in the field of civil rights who consider the question constitutional should not stand unchallenged on the record.

Second, if I heard my colleague correctly, he said:

> No one has shown that there exists in this Nation any general effort to prevent people from voting.

I have in my hand a volume entitled "Voting—1961 U.S. Commission on Civil Rights Report." The members of the U.S. Civil Rights Commission are John A. Hannah, chairman; Robert G. Storey, Erwin N. Griswold, Theodore M. Hesburgh, Robert S. Rankin, and Spottswood W. Robinson III. Their number is divided three and three between the North and the South. They all have said that there is a concerted effort in this country to prevent people from voting, and that the use of the literacy test is the method by which it is done.

I refer specifically to the findings of the Commission which are unchallenged by any of its members, at page 135 of the report, in which the Commission has said:

> There are reasonable grounds to believe that substantial numbers of Negro citizens are, or recently have been, denied the right to vote on grounds of race or color in about 100 counties in eight Southern States: Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. Some denials of the right to vote occur by reason of discriminatory application of laws setting qualifications for voters.

The bill which is before the Senate is recommendation No. 3 of the Commission, which appears on page 141 of the report. The recommendation is concurred in by every Member of the Commission, North and South alike, among them some of the most distinguished lawyers in our land.

The third thing which my colleague said is—

> It has not been found that there is not really an effective redress in court for any denials of the right to vote.

I assume by abuse of the literacy test. Yet we have the testimony of the Attorney General himself, which has been referred to constantly in the debate, that it is completely impractical to try to redress violations through individual suits. The number is too great, and the problem cannot be coped with on that basis.

Finally my colleague said—and again I am relying on my notes as to what he said:

> Remedies can be invoked by any citizen.

I think he said "at no cost."

Let us understand the issue. This is a good note upon which to end my short interruption of the Senator from Idaho [Mr. CHURCH].

When a citizen tries to sue in such a case, is he facing a private litigant? Oh, no. He is facing the marshaled powers of the attorney general of the Southern State which is involved, and the marshaled powers of all its people who believe in the segregation idea.

Finally, I am a little tired of being told that we who are fighting the civil rights battle are looking for votes. What about our southern friends? What are they looking for? What kind of deal is this for them? Does the present action appeal to their communities? Is this a measure which they enjoy standing here day after day debating because they like to talk, or because it is good for their health? We are not living in a dream world. We are trying to sustain the Constitution. If there be anything wrong with that, if we must be called names on that account, that is fine. But let us understand that those who raise the cry of politics had better be ready to answer themselves, especially when in my view they are trying to tear down the Constitution instead of to maintain it.

Mr. President, as long as one distinguished New York newspaper has been invoked, I ask unanimous consent that there be printed as a part of my remarks an editorial published in the New York Times of March 22, 1962, entitled "The Literacy Bill," which takes a very different view as to the constitutionality and propriety of the measure than the view apparently taken by the New York Herald Tribune.

I am very grateful to the Senator for yielding.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE LITERACY BILL

Inquiries by the Civil Rights Commission and the Justice Department have fully exposed the misuse of literacy tests in some Southern States to keep qualified Negroes from voting.

Under existing law, remedies for such discrimination are slow and unsure. The Justice Department must prove, by laborious documentary evidence, that a registrar applied different standards to white and Negro applicants. It is a case-by-case, really a voter-by-voter process. To cut through these difficulties the six members of the Civil Rights Commission, northern and southern, unanimously proposed that Congress declare all persons with six grades of schooling literate for voting purposes.

Congress constitutional power to take such a step seems clear. The 15th amendment bans racial discrimination in voting and authorizes Congress to enforce that command by appropriate legislation. The proposed statute would not annul the States rights to make literacy a qualification for voting. It would simply recognize that all experts consider sixth-grade graduates to be literate, and it would find State action to the contrary motivated by an intention to discriminate on racial grounds.

The proposal is the principal civil rights objective of the Kennedy administration at this session. It was part of the 1960 Republican platform. With those endorsements, and that of the Civil Rights Commission, it should have a good chance of enactment. But it is running into two unexpected obstacles—objections by Representative EMANUEL CELLER, of New York City, and the cry of some Republicans that the literacy bill does not go far enough.

Mr. CELLER, chairman of the House Judiciary Committee, is usually a supporter of civil rights legislation. It is difficult to understand his sudden doubts about the literacy bill's constitutionality. As he must realize, it is empty to talk of a constitutional amendment, because its chances of ratification by the needed three-fourths of the States would be so slim. Further thought should bring Mr. CELLER around to a fight for this legislation.

As for the Republican objection, it is of course true that much other civil rights legislation would be desirable. But this bill is the one that has a chance of passage now. It would be the rankest politics to block a significant forward step on the ground that it does not meet ultimate goals. The literacy bill would go a long way toward enabling more Negroes to vote in the South. It should be passed at this session.

IDAHO'S CASE AGAINST POTATO CONTROLS

Mr. CHURCH. Mr. President, Idaho produces the world's best potatoes. They are best because they are grown at high altitudes in the rich soil of an ancient lava plain, and are irrigated with the cold waters of the Snake River. As the exceptional quality of Idaho potatoes has become known to the buying public, demand for them has grown, until today Idaho has become the foremost potato-growing State in the Union. A free market has enabled this growth to occur, so that many thousands of Idaho farm families now depend upon our potato crop for their livelihood.

This has been a poor year for potatoes in Idaho and throughout the country. Too many potatoes were grown, the market has been glutted, prices have fallen.

As a result, voices are now being raised elsewhere in the industry for the Federal Government to institute a potato control program in order to stabilize the market.

I cannot say categorically, Mr. President, that some kind of potato program may not eventually prove to be needed. If the law of supply and demand does not function to restore better potato prices within a reasonable time, a suitable Government program to redress the balance may yet be required.

But I can say categorically, Mr. President, that elaborate controls ought not to be resorted to on the basis of one poor year. Even though Idaho farmers have suffered serious losses this year, I believe the great bulk of them would prefer to try to work out the problem on their own. Most seem to be strongly of the opinion that Government intervention should come, if at all, only as a last resort.

It is in this context that I would discuss today the two approaches to potato controls which are now under active consideration—the national marketing order proposed by the Secretary of Agriculture, and the bills introduced in this Congress to establish acreage allotments on potatoes.

PROPOSED NATIONAL MARKETING ORDER

The Department of Agriculture has just concluded a series of hearings, at various points throughout the country, on a proposed national marketing agreement and order for potatoes. The Secretary of Agriculture has authority, under the Agricultural Marketing Agreement Act of 1937, to submit the proposed marketing order to a growers' referendum, upon review of the hearings record, and after making such modifications in it as he deems warranted. The law requires only that the Secretary's action be based on substantial evidence. Then, if two-thirds of the growers in such a nationwide referendum approve, the law provides that the proposed marketing order will take effect without referral to the Congress.

The last week in March was devoted to hearings on this subject in Pocatello, Idaho. While the hearing record is not yet available, I have studied many of the statements submitted, and I have been in close touch with spokesmen for the potato producing, shipping, and processing industries in Idaho.

Since the issue of a new control program for potatoes was first raised—by a resolution of the National Potato Council adopted last fall—I have repeatedly said that I would oppose any control program which is unwanted in Idaho. I am satisfied that a major feature of the proposed national marketing order—volume controls enforced at the handler level—is definitely unwanted in my State. Moreover, I am convinced that there is sound reasoning, applicable not just in Idaho, but to the whole potato industry, to justify its rejection.

Experience has shown that volume controls enforced at the handler level are unsatisfactory. Their administration poses great difficulty. Black marketing of potatoes, in violation of the order, cannot be avoided, especially in areas close to big-city markets, where contact between grower and commercial buyer can be direct. Our last experience with controls of this type, which came more than a decade ago, was with a program which failed notoriously to accomplish its objectives, and broke down, finally, in nothing less than a public scandal. If this happens again, areas like Idaho, where production, sale, and processing of potatoes is far removed from the major markets, could suffer undue injury. For these reasons, I believe Secretary Freeman would be well advised to eliminate volume controls from the proposed marketing order, should he decide to submit it to a referendum.

If suitably amended, I think a workable marketing order might find much support in Idaho, as well as in other major potato producing areas. There would be significant advantages to commercial potato growers in a national marketing order of uniform application, which established requirements for grade, size, and quality, for labeling as to both grade and source, and for compulsory inspection to insure compliance. If the order were also to include a provision prohibiting the use of culls for human food, most Idaho growers seem to believe it would result in an improved quality of potatoes, and that it would also reduce the excessive production which now gluts the potato market.

As I have indicated, Mr. President, the law leaves it with the Secretary of Agriculture to determine what the final provisions of any proposed national marketing order on potatoes shall be, what its scope and method shall be, and if, when, and how it shall be submitted to the growers for approval. In all likelihood, this means that the potato farmers, themselves, will have to settle the question of whether or not there is to be a national marketing order on potatoes.

However, because such a referendum would be nationwide, and because of the special importance of potatoes to the economy of southern Idaho, the gentleman from Idaho, Congressman RALPH HARDING, and I have done our utmost to place Idaho's case against the national marketing order, as now proposed, before the Secretary of Agriculture and other officials in his Department. On March 6, we summed up our position in a joint letter to Secretary Freeman. I ask unanimous consent that the text of this letter may appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

MARCH 6, 1962.

HON. ORVILLE FREEMAN,
Secretary of Agriculture,
Washington, D.C.

DEAR ORVILLE: Since the Department announced, on February 16, that hearings would be held on a proposed marketing agreement and order for potatoes, we have been in close touch with spokesmen for the producing, shipping, and processing industries in Idaho. They advise us that the proposed authority to limit amounts which handlers may purchase from, or handle on behalf of producers, is the most objectionable feature of the suggested program. Experience has shown that this method of imposing volume controls is unworkable. Administration is costly and cumbersome. Black marketing of potatoes cannot be effectively prevented, especially in areas where marketing arrangements have traditionally been casual and relatively direct. Leaks in the system would work to the disadvantage of areas, like Idaho, where production, marketing, and processing of potatoes is a major industry.

We believe there would be support in Idaho for a national marketing order of uniform application which would establish requirements for grade, size, and quality, leaving the culls and surplus lower grade potatoes available for animal feed, and for the production of starch and industrial alcohol, if such an order provided for effective Federal inspection at packing and processing plants and distribution centers to insure compliance, and included labeling requirements as to both grade and source. Moreover, if its submission were coupled with a strong forewarning that Federal money would not be used for rescue operations on substandard potatoes, we think that a marketing order of this kind would not only result in the offering to the public of an improved quality of potatoes, but it could work substantial reduction in total production as well.

In view of the very bad past experience with volume controls enforced at the handler level, we believe any decision to take this route again should not be made through a producers' referendum, where sufficient weight is given to the wishes of those regions where potatoes are a dominant commercial product. Controls of this type present a major question of public policy, which should be decided by the Congress. We therefore register our opposition to any marketing order which goes beyond the grade, size, quality, maturity, pack, container, and labeling requirements currently proposed, unless specific authority for a broader program based on volume controls is obtained from the Congress.

Sincerely,

FRANK CHURCH,
U.S. Senator.
RALPH HARDING,
Member of Congress.

Mr. CHURCH. Mr. President, let me turn now from the subject of the proposed national marketing order, which will not come before the Congress for decision, to the subject of certain bills that have been introduced in both Houses of Congress, which seek to establish a national acreage allotment system for potatoes. These bills are before us for decision, and the disposal to be made of them will be determined in this session of the Congress.

POTATO ACREAGE CONTROL BILLS

I realize that legislation establishing potato acreage controls has been recommended by the National Potato Advisory Committee. For the record, it should be made clear that the three Idaho representatives on this committee, who were nominated by the Idaho Potato Growers Association and the Idaho Potato Bargaining Association, voted against the recommended control program. In doing so, I think there is no question but what they reflected the preponderant sentiment of Idaho farmers.

These Idaho members, Joe Allen, of American Falls; Harold Blanksma, of Nampa, and L. A. Gillette, of Paul, participated in the deliberations of the committee in a most constructive way. They were able to modify the final recommendations in respects helpful to Idaho, and for this they deserve our thanks.

While the advisory committee was meeting here in Washington, I conferred with Secretary Freeman and other officials of the Agriculture Department. They gave me their assurances that they would attempt no controls on the 1962 potato crop, and that they would hold no grower referendum on any proposed national marketing order without first conducting public hearings in Idaho.

Then, on January 19, I went to President Kennedy at the White House. I told him that Idaho's potato industry appeared to be strongly opposed at this time to either direct acreage restrictions or to any attempt to accomplish volume restrictions indirectly through a national marketing order. I urged him against making potato controls a part of the farm program which he was about to submit to Congress. Naturally, I was gratified when he omitted any mention of potatoes in his farm message.

Now that the distinguished junior Senator from Maine [Mr. MUSKIE] has introduced his bill, S. 3050, to establish acreage allotments on potatoes, I have been told that my opposition to this measure at this time involves me in an inconsistency—that I am resisting acreage controls on potatoes, while urging their retention on sugar beets.

It is true that acreage controls have worked well for some commodities. We are most familiar, in Idaho, with the successful Sugar Act, and it might seem, at first glance, that acreage controls for potatoes, applied under the same principles that have guided the sugar beet program, might work equally well. Upon examination, however, it can be seen that the two commodities are fundamentally different in several respects.

In the case of sugar, the United States is in a net import position. We fall far short of producting domestically anywhere near our total sugar requirements. The purpose of the Sugar Act is therefore to encourage domestic production, in order to contribute to market stability at fair prices to consumers. But there is no shortage of domestically grown potatoes, and they are not imported in significant quantities. Further, the two are strikingly different in that potatoes, unlike sugar, cannot be stored from season to season. This means that potato prices respond promptly and naturally to fluctuations in current production, and cannot readily be subjected to artificial manipulation or control. Finally, there is a striking difference in the feasibility of control techniques. Sugar beets are useless until they pass through a refinery, and this involves a complicated and expensive industrial process, which cannot readily be expanded without substantial capital investment, and which must operate at high capacity in order to show a profit for either the grower or the refiner. Potatoes, on the other hand, can be carried directly to a supermarket in a pickup truck, or to a roadside market in a basket, ready for sale to the consumer. Where the refiners of sugar are few, easily charged with the responsibility to ascertain that the beets they contract for are legally grown, the purchasers of potatoes, especially in the noncommercial areas, are legion. In the one case, an acreage control program can be administered; in the other, it must be policed.

I am confident that the members of the Senate Committee on Agriculture will weigh these factors with care when legislation to authorize potato acreage allotments is taken up, and I am hopeful that they will conclude, as I have, that it should be opposed.

Mr. President, the Idaho potato industry has grown and prospered greatly over the past 12 years, in the absence of controls. During this period, the value of our crop has increased markedly, and the development of a modern processing industry in Idaho has brought added long-term stability and increased employment to my State. These successes result from the quality of our product, and the efficiency with which it is produced and marketed. Why should those who have achieved efficient production of a quality food product be subjected to controls they do not want?

Idaho producers are acutely aware, of course, that the market price for potatoes is currently down. They share the concern over low prices now being expressed throughout the industry. But they know that sharp fluctuations in potato prices are not new. The industry has experienced poor years before, and has survived and expanded. Because potatoes are not readily stored from season to season, production has proved sensitive to price changes. In fact, the March 1 planting intentions report, released on March 18 by the Department of Agriculture, indicates that Idaho growers intend to plant 11 percent fewer acres this year than last. A drop of 5 percent in nationwide plantings of late summer and fall potatoes is indicated in the same report. The position of most Idaho growers is that the industry should be given a chance to make its own adjustments. They are willing to do their part, and they think it would be as unwise as it is unwarranted to institute an acreage control program, simply because potato prices are currently down. Certainly extensive controls should not be resorted to, unless the present depressed prices persist, and lesser measures to counteract them prove to be ineffectual.

Mr. President, with enormous quantities of wheat and feed grains already in storage, with a new surplus of dairy products now reappearing, and with failing farm programs on our hands which cry out for correction, this is no time to launch a new control program on a commodity not proved to be in chronic surplus, and as to which there is widespread disagreement on the need for controls at all.

I recognize that both the acreage control bills and the proposed national marketing order on potatoes are being offered in response to the initiative of the National Potato Council. I grant that Idaho has been outvoted in the councils of the industry, but Idaho's case is right nonetheless. The need for volume controls has not yet been established, nor can it be on so short a testing as one bad year.

It may be up to the potato growers themselves, in their own referendum, to reject the proposed national marketing order, but it is up to this session of Congress to reject the acreage control bills. They have been introduced in good faith, of course, by sponsors who believe that acreage controls will promote greater price stability. But I submit, Mr. President, that the imposition of a straitjacket upon the potato growers of the Nation could frustrate the processes of the free market to the detriment of all. Further growth will be denied the areas of naturally good production, while little more than poverty will be preserved in the areas of naturally poor production. Should such a potion ever have to be administered to a sick patient, it should be withheld until the last extremity.

So, Mr. President, I am obliged to say once again that I will oppose potato control legislation in this session of the Congress, regardless of what position the Department of Agriculture may take on the pending bills. I will oppose their passage in every way open to me, with all the strength I can muster, in company with every ally I can secure, and I will do so in the conviction that my stand is right—as right for the country as it is right for the State for which I am proud to speak in this forum.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. JOHNSTON. Mr. President, the attempt in the Senate, by advocates of Federal literacy voting legislation, to bypass the committee procedures of the Senate is an unwarranted assault against sound representative legislative government. If the advocates of this disruption of normal Senate processes are successful, the legislative processes of the American Government, particularly those of the U.S. Senate, will be scarred for generations to come.

I feel sure that even those who are pressing this maneuver must have deep inside their hearts some concern for the consequences of such assaults upon the time-proven senatorial procedures.

Each time the Members of the Senate rally behind irresponsible requests to bypass the committees of the Senate and the ordinary processes of the Senate, they help chip away a little bit of the foundations of our Government. If continued indefinitely, such procedure could eventually completely destroy the committee processes of the Senate. Without the help of Senate committees, some day this Nation would see irresponsible, loosely worded, poorly written legislation enacted into law. If the committees of the Senate did not have a voice in the measures passed by the Senate, the consequences to the American people would be tragic and costly.

No Member of the U.S. Senate is so wise and so learned that he can judge on the floor of the Senate the good and the bad of every bill that is dropped into the hopper. The committee process is a sound means by which the duly constituted Senate committees can investigate, through hearings and other means, all proposals coming to the Senate, and then can compile complete reports on such measures. With such information available, each Member of the Senate can wisely cast his vote, after judging the issues or the legislation on the basis of the merits, not on the basis of emotion.

When the Senate acts, as it is being asked to do in this case, without the benefit of committee hearings and reports, both minority and majority, then it acts unwisely and decreases its value as an instrument of the people. Congress is charged with the duty of enacting into law measures for the good of our country, and we can only judge on the basis of the facts the good of any proposal coming before us. Wild charges, pressures brought by special-interest organizations, irresponsible editorials, or questionable articles and reports concerning such issues cannot be the foundations for Senate action.

I am disappointed and concerned at some of the comments made by some Members of the Senate regarding the proposal now before us. I have in mind particularly those who have brought into this debate the race issue. In the serious business of legislating voting requirements, there is no place for racial issues, religious issues, or any other issue dealing with emotions and prejudices.

The issue before us is whether we are to destroy one of the legislative processes of the Senate, in order to destroy the constitutional right of each State to set its own voting requirements, and in order to set over the elections a Federal police state.

The emotional race issue is dragged in as a smokescreen for the purpose of hiding the unconstitutionality of the proposed law.

Those who would drag the race issue into this debate over voting requirements and States rights questions are not helping the Senate solve anything, but are attempting to supplant fact, reason, and logic with emotionalism.

I appeal to the participants in this debate to confine their arguments to the facts. Furthermore, I suggest that in order to get the facts, they should look to the Constitutional Rights Subcommittee of the Senate Judiciary Committee, where we have been holding hearings, and where we were preparing a subcommittee report on this issue, before these impatient Members of the Senate came forward to demand that the Senate act unwisely in haste.

I am not alone in wondering whether proponents of such hasty, unwise, and unwarranted action in the Senate on this particular issue are seeking this means of rushing this proposal through the Senate because they know that the hearings and the studies of the Constitutional Rights Subcommittee will show conclusively that the proposed legislation establishing a Federal literacy requirement for voting is unconstitutional.

This proposed legislation is unconstitutional; and the proponents seek to have the Senate, for reasons of political expediency, rush this measure through and dump it into the lap of the House of Representatives. But even if it passed the House and were signed by the President, I believe the Supreme Court would cast it out as unconstitutional. I believe that even the present Supreme Court would do that.

Could it be that the conspirators behind the move in the Senate to bypass the Judiciary Committee on this question are out to make political hay? Could it be that they are rushing this matter and are seeking to bypass the Judiciary Committee because they fear that the Senate, once armed with the report of its Constitutional Rights Subcommittee, would realize the unconstitutionality of the proposal and would refuse to pass it?

The legislation now pending before the Senate Judiciary Subcommittee on Constitutional Rights, although labeled a civil rights bill, is really a vicious attack against the control of elections by the individual States.

It is another determined effort by federalist radicals to place all elections under the control of the Federal Government. The proponents of this measure would have the Federal Government force the States to permit every individual to vote regardless of his ability to read, write, and comprehend the candidates and the issues of the day.

In each passing year we see more and more attempts to destroy the foundation of our election system by those who would unconstitutionally legislate away the powers of the individual States. It is my purpose today, in addressing the Senate on this subject, to place before the American people the unquestionable, documented legal and historical background why the Congress cannot constitutionally legislate away from the States the right to control their own elections.

The establishment of reasonable and responsible prerequisites to voting is a State right and a State function. This proposed legislation, which would attempt to impose upon the States a uniform literacy test requirement for voting in Federal elections in all the States, is unquestionably unconstitutional.

In this connection, I read from article I, section 2, of the Constitution of the United States:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors—

They are the voters—

> in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

I do not see how the English language could make it plainer that it is left to the States to determine the qualifications of voters.

The very title of the bill is misleading, and from every viewpoint there is no just and right argument why the Senate of the United States should not kill this proposal.

Let me read from the proposal now before the Senate:

> That (a) Congress finds that it is essential to our form of government that all qualified citizens have the opportunity to participate in the choice of elected officials.
>
> (b) Congress further finds that the right to vote in Federal elections should be maintained free from discrimination and other corrupt influence.

Why was that language put in the bill, when it is proposed that everyone who has passed the sixth grade of school should not be discriminated against in his right to vote? I have not found any State where the law of that State is not general and does not cover everybody in the State, whether the person be man or woman, white or black. All are treated alike.

This bill itself can be said to be comprised of two parts. The first is a preamble that states it to be the finding of Congress that literacy tests and other performance examinations have been used extensively to effect arbitrary and unreasonable denials of the right to vote, denials which may or may not be based on race or color, and that existing statutes are inadequate to assure that all qualified persons shall enjoy the right to vote.

The Congress would be derelict in endorsing such a proposition in the absence of any justification. There is no proof of this, and, from a legal standpoint, these test requirements in the several States, from their language, apply to all citizens alike, without regard to race or color, and have, therefore, been upheld by the U.S. Supreme Court, which, in numerous cases, has said they are valid so long as they do not discriminate and apply to all alike. These literacy test statutes have been upheld by the Supreme Court without exception, and, as late as 1959, with respect to North Carolina, in *Lassiter* v. *Northampton County Board of Electors* (360 U.S. 45).

The second part of this bill is the operative section, which amends section 131(c)(b) of the Civil Rights Act of 1957 (42 U.S.C. 1971(b)). This provision would add another prohibition in a Federal election against subjecting or attempting to subject any person to the deprivation of the right to vote in any Federal election.

"Deprivation of the right to vote" is defined to "include but shall not be limited to: first, the application to any person of standards or procedures more stringent than are applied to others similarly situated; and, second, the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination, whether for literacy or otherwise, if such person has not been adjudged incompetent and has completed the sixth primary grade of any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico."

The proposal under consideration states that the basis of congressional authority for the enactment of such a measure is set forth as the 14th and 15th amendments; article I, section 4, of the Constitution. I shall rely on these provisions of the Constitution to show that this bill is unconstitutional and the Supreme Court cases affirm my position.

A Federal statute attempting to establish a uniform literacy requirement for voting in Federal elections certainly is unconstitutional. The creation of such a qualification for voting would require an amendment to the Constitution of the United States. Of course, we realize that the Constitution provides the method by which the Constitution itself may be amended, and the only way in which it may be amended, and certainly the Congress has no right, by an act, to amend the Constitution. The power was left to the States to determine the qualification of their voters.

Concerning the qualification of voters for U.S. Senators and Representatives in Congress, the Constitution contains the following provisions. I first quote from article I, section 2, clause 1:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

I now quote from amendment 17 with reference to election of Senators, and I do so because there are some who have maintained that this, in some way, took away the exclusive right of the States to set the qualifications of the voters. It did not, because the language is simple and clear. I read from the 17th amendment:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of its State legislature.

This is certainly clear language. Certainly we do not deny the right of the States to name the qualifications necessary for the electors of their own State legislatures. It is evident from the above provisions that, although the States may not prescribe the qualifications of voters for Members of Congress as such, the qualifications prescribed by the States for electors of the most numerous branch of their legislatures are adopted by the Constitution for this purpose.

I would like to point out that most States, according to these provisions of the Constitution, have adopted a literacy test of their own, the State of New York included. The State of New York has a strict literacy test. No mention has ever been made that the State did not have the right to set such qualifications, so long as New York did not discriminate.

It is certainly evident from the provisions which I have quoted that, although the States may not prescribe the qualifications of voters for Members of Congress as such, the qualifications prescribed by the States for electors of the most numerous branch of their legislatures are adopted by the Constitution for this purpose.

Certainly, I say again, no one argues that any authority, other than the States themselves, has the right to set the qualifications for electors of the most numerous branch of their legislatures.

I want to discuss the last point which I have made. The Supreme Court opinion, in *Ex parte Yarbrough*, reported in 110 U.S. 651, 663, stated as follows:

> The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures, do not do this with reference to the election for Members of Congress. Nor can they prescribe the qualification for voters for those eo nomine. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress of that State. It adopts the qualification thus furnished as the qualification of its own electors for Members of Congress.
>
> It is not true, therefore, that electors for Members of Congress owe their right to vote to the State law in any sense which makes the exercise of the right to depend exclusively on the law of the State.

However, it clearly leaves it to the States; and this is part of the above case cited, Ex parte Yarbrough, supra.

Now, I quote from the 14th amendment, section 2:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

So we see that this section does not take away or in any way deny the right of each State to set the qualifications of voters, but still leaves it in their exclusive jurisdiction to provide the qualifications of voters, and provides some penalty for discrimination but in no way takes away the right of States to set qualifications.

As early as 1898 the U.S. Supreme Court held that the provision of section 244 of the constitution of Mississippi—making the ability to read any section of the Constitution, or to understand it when read, a necessary qualification to a legal voter—does not on its face discriminate between the white and Negro races, and does not amount to a denial of the equal protection of the law secured by the 14th amendment of the Constitution. The constitution of Mississippi and its statutes "do not on their face discriminate between the races, and it has not been shown that their actual administration was evil, only that evil was possible under them." And this is the language of the Supreme Court in the case of *Williams* v. *Mississippi* reported in 170 U.S. 213, 220, and 225.

I quote now from the 15th amendment, because some have maintained that this might have changed or abridged the right of States to the exclusive jurisdiction to name the qualifications of the voters. The 15th amendment, section 1 thereof, reads as follows:

> The right of citizens of the United States to vote shall not be denied by the United States or by any State on account of race, color, or previous condition of servitude.

It says nothing, of course, about a State not having the right to set its own qualifications for its voters and does not take away that right by this provision but only provides that there shall be no discrimination. Of course, if the literacy test provided by the State is the same for all of its voters as stated and is fair, then certainly the States have this right and there is no discrimination. Repeating again the case of Williams against Mississippi, supra, as quoted above, upholding constitutional provisions of the Mississippi statute relative to the literacy test, the court clearly said that since the States have the right under the Constitution to name the qualifications, it has the right to make a literacy test a necessary qualification, the only limitation being that it shall apply to all voters alike, and is valid so long as it does not discriminate.

I quote from section 2 of the 15th amendment:

> The Congress shall have power to enforce this article by appropriate legislation.

The effect of this amendment is beyond any doubt that the amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning, and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organization of both governments rest would be without support, and the authority of both the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals—that is, that there shall be no discrimination among the races, and that is all that it seeks to do. It does not in any sense take away the right of suffrage or the right of the States to set the qualifications themselves. *Guinn* v. *United States*, 238 U.S. 347, 326, 366 states:

> No time need be spent on the question of the validity of the literacy test considered along since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted.

The decision in Guinn against United States, supra, may be summarized by saying that it held that the power was left with the States to determine the qualifications of its voters, and a State may establish a literacy test as a prerequisite for voting provided that such test applies alike to all citizens of the State without discrimination as to race, creed, or color.

As stated previously, practically all the States have followed that case, including States in the North and South, among them the State of New York, as stated above, providing literacy tests. There has never been any contention that a literacy test was not valid as long as it did not discriminate. Certainly the amendments and the court decisions only hold that there shall be no discrimination. None of these provisions take away any of the rights of the States that they have and have always had to dedetermine the qualifications of the voters by the States themselves.

I now quote the Supreme Court on the 14th and 15th amendments:

> The principle laid down in *Guinn* v. *United States*, supra and *Lassiter* v. *Northampton Election Board*, 360 U.S., pages 45 and 50, as follows (and I might point out that this case is as recent as 1959), the Court said as follows:
>
> "We come then to the question whether a State may consistently with 14th and 17th amendments apply a literacy test to all voters irrespective of race or color." The Court in *Guinn* v. *United States*, supra, on page 366, disposed of the question in a few words, "no time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted."

Continuing quoting from the Court:

> The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised.

Cited in support of this is the case of *Pope* v. *Williams*, reported in 193 U.S. on pages 621, 633: *Mason* v. *Missouri*, reported in 179 U.S. on pages 328, 335.

Absent of course the discrimination which the Constitution condemns. Article 1, section 2 of the Constitution in its provision for the election of Members in the House of Representatives and the 17th amendment in its provision of Senators provide that officials will be chosen by the people. Each provision goes on to state that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the legislature."

No one denies the right of the States to name the qualifications of the members of its legislature. And this quoting from the Supreme Court stating again that in interpreting the above-named sections of the Constitution that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Quoting further from the Supreme Court:

> So while the right of suffrage is established and guaranteed by the Constitution (*Ex parte Yarbrough*, 110 U.S. 651, 663–665; *Smith* v. *Albright*, 321 U.S. 649, 661–662) it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed.

This is quoting still from the Supreme Court in which it says "see *United States* v. *Classic*, 313 U.S. 299, 315"; and I say now again showing that the only power that Congress has is to pass legislation to see that these qualifications are not discriminatory, and as long as they are not the State has the right to state the qualifications of its voters, applying the same to all of its citizens, this letter being the only restriction.

Further quoting from the Court in this case:

> We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record (*Davis* v. *Beason*, 133 U.S. 333, 345–347) are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters—

I thought that some of them were among the most intelligent of all voters. They were not educated. Some did not have even a sixth grade education—

> yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise.

This is also from the Supreme Court. We say, of course, again that certainly States have the right to provide the qualifications according to residents' age, and so forth. As the Court has said, it also has the right to state the literacy requirements according to its standards for all voters within the State, and Congress under the Constitution and these decisions of the Court certainly have no right constitutionally to take away that right from the States or to say that the States would no have the right themselves to state what these lieracy qualifications should be in each State.

Continuing quoting from the Court:

> Of course a literacy test, fair on its face, may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot. No such influence is charged here. On the other hand, a literacy test may be unconstitutional on its face. (Citing *Davis* v. *Schnell*, quoted in 336 U.S. 933.)

Further quoting:

> The great discretion it (the legislation) vested in the registrar made clear that a literacy requirement was merely a device to make racial discrimination easy. We cannot make the same inference here. The present requirement, applicable to members of all races, is that the prospective voter "be able to read and write any section of the constitution of North Carolina in the English language." That seems to us to be one fair way of determining whether a person is literate, not a calculated scheme to lay springs for the citizen.

I maintain again that the 15th amendment provides only that there will be no discrimination as to race, creed, or color, and so forth. It in no way touched on the question of the right of the States to name the qualifications for its voters as long as there was no discrimination and so by this constitutional amendment the right of the States to name the qualifications of its voters remains with the State alone.

We may summarize Lassiter against Northampton County Board of Elections, supra, to affirm the principle that the application of a literacy test by a State as a qualification for voting is consistent with State power under the 14th and 17th amendments if applied to all voters alike, irrespective of race or color; and if such requirement is not unfair on its face and does not show an intent to effectuate discrimination, it is not violative of the 15th amendment.

ARTICLE 1, SECTION 4, CLAUSE 1 OF THE CONSTITUTION

We have seen from the aforementioned decisions that a State statute providing literacy as a qualification for voting in a Federal election is not only valid but actually derives its validity from article 1, section 2, clause 1, supra, and from the 17th amendment, supra, the provisions of which give recognition to the fact that the States may set requisites for electors of the most numerous branch of the State legislature by adoption of the requisites for electors of U.S. Senators and Representatives.

I can imagine what the Legislature of New York must have thought at the time it set forth the educational qualifications for voting. It must have believed, and I believe the Supreme Court of the United States would so decide, that New York had the right to establish qualifications for its voters.

We come now to the effect which article 1, section 4, clause 1 of the Constitution may have upon the question.

The Constitution provides in clause 1 of section 4, of article 1, as follows:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The language is qualified as to the time, place, and manner of holding elections. Nothing is said about the qualifications established by the State; the State has the right to set them.

The case of *Ex parte Clarke* (100 U.S. 399), decided in 1879, involved the constitutional power of Congress to enact a law for punishing a State officer of election for the violation of his duty under a State statute in reference to an election of a Representative to Congress. The Court held that Congress did have this power. This type of statute was considered as covering the "manner of holding" an election.

The case did not involve the qualification of voters. However, Justice Field, in the dissenting opinion, does speak about qualifications of voters and makes the following comment on pages 418–419:

Quoting Justice Field:

> The power vested in Congress is to alter the regulations prescribed by the legislatures of the States, or to make new ones, as to the times, places and manner of holding the elections. Those which relate to the times and places will seldom require any affirmative action beyond their designation. And regulations as to the manner of holding them cannot extend beyond the designation of the mode in which the will of the voters shall be expressed and ascertained. The power does not authorize Congress to determine who shall participate in the election, or what shall be the qualifications of voters. These are matters not pertaining to or involved in the manner of holding the election, and their regulation rests exclusively with the States. The only restriction upon them with respect to these matters is found in the provision that the electors of Representatives in Congress shall have the qualifications required for electors of the most numerous branch of the State legislature, and the provision relating to the suffrage of the colored race. And whatever regulations Congress may prescribe as to the manner of holding the election for Representatives must be so framed as to leave the election of State officers free, otherwise they cannot be maintained. In one of the numbers of the Federalist, Alexander Hamilton, in defending the adoption of this clause in the Constitution, used this language: "Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power, and as a premeditated engine for the destruction of the State governments? The violation of principle in this case would have required no comment."
>
> The views expressed derive further support from the fact that the constitutional provision applies equally to the election of Senators, except as to the place of choosing them, as it does to the election of Representatives.

It is apparent from Justice Field's comments that this provision of article I, giving Congress the power to alter such regulations of the times and "manner of holding elections for Senators and Representatives," does not apply to qualifications for voting. It would seem that if the Constitutional Convention had intended section 4 of article I, to authorize Federal legislation concerning qualification of voters, then such intent must have been to nullify, by section 4, the power over qualifications of voters which it had just left with the States in section 2 of the same article I. It is difficult to attribute such a motive to that body. Thus, since it is a most fundamental principle of our constitutional jurisprudence that "all the provisions of the Constitution are equally binding upon Congress"—and I have here quoted from Willoughby on the Constitution of the United States, volume 1, page 493—it must be assumed that section 4 of article I means no more than what it says and applies only to the manner of holding elections, leaving the coverage of the qualification of electors to section 2 of said article, which leaves it to the exclusive jurisdiction of the States and to the States only, and not to Congress.

By what authority, then, can Congress enact legislation concerning such qualifications? Clearly, Congress has no such power; and to acquire it would require a constitutional amendment by means of the method set forth in the Constitution itself. And certainly it cannot be amended by act of Congress of the United States, as attempted in this measure.

In further discussing the unconstitutionality and illegality of the attempt by means of this measure to usurp the constitutional rights of the States and in making the following remarks, I shall make some reference to an editorial which appeared in the Wall Street Journal on January 30, 1962, and which later appeared in its entirety in the CONGRESSIONAL RECORD. The editor states that now he possesses an official certificate—his voting certificate—from the State of New York, testifying that he can read; and he goes on to state that New York requires every voter to be able to read the English language; and strangers within its gates are required to show such proof, by taking a literacy test provided by the New York Legislature, according to the needs of the people of the State of New York. However, now, we are being told by a number of political leaders that it is a wicked thing to provide a literacy test as a requisite for voting. This, of course, is but another of the series of attempts—all of them made in the name of "civil rights"—to challenge any and all requirements for voting—among them a literacy test—which the Constitution allows the several States to establish.

Of course, the immediate cause of this latest attack on literacy requirements is the unhappy fact that among some minority groups there is widespread illiteracy. Many Puerto Ricans—there are very few in my State—cannot speak English, much less read it. And as any Army recruiting officer can testify, many Americans cannot read their native tongue well enough to be able to understand even the simplest instructions.

If we study the statistics in connection with those who have been rejected for service in the Armed Forces, we find that is true.

However, the politicians realize that all these add up to many potential voters who would be grateful to the politician who won them the voting privilege, regardless of whether such voters understood for whom they voted, for what they voted, or why. Therefore, we contend that the proponents—and certainly those who are lawyers—know that it would be unconstitutional to deprive the States of their right to establish the qualifications of voters.

Accordingly, each State must determine the test needed for that particular State, just as it must determine the age, residence, and other requirements.

I do not know how this matter is handled in New York; but certainly many of those who come from Puerto Rico do not pass the sixth grade. So I suppose that in New York they are not allowed to vote.

According to all the decisions of the Supreme Court of the United States from which I have quoted, such literacy tests have been upheld numerous times by the Supreme Court as valid requisites for voting. Each State must set its own standards and qualifications for voting, but it must be sure that those who vote can intelligently vote and can cast their own ballots. Certainly it is not charged here that any of these standards are discriminatory. But it seems clear to us that legislation similar to this measure would constitute a means for controlling the votes of ignorant persons whose true wishes would be ignored. Furthermore, they would not know how they were voting, for whom they were voting, or why. Certain politicians have said that in this manner they control large numbers of votes.

Mr. President, this measure would be unfair to responsible voters; under it, the votes of the morons, the illiterate, the ignorant, and those who contribute nothing to the commonwealth would be given weight equal to that of the votes of the literate, the educated, the intelligent, and the informed. Certainly that would not make for good government. It would mean that politicians could control many ballots. Therefore, our forefathers provided in the Constitution that the States would have the right to set their own voter qualifications.

Mr. President, I state flatly that if the pending measure had been offered at the time when the Constitution was proposed to the Thirteen Original States, there would not today be a United States or a Constitution of the United States. If Senators will read the papers written at that time, when the formation of the United States was in process, they will find that what I say is absolutely correct.

However, Mr. President, as I have pointed out, some politicians would attempt to control by means of this measure or one similar to it.

But the Supreme Court has wisely seen fit in all its decisions to uphold the validity of the literacy tests of each State, so long as they do not discriminate on the basis of race, creed, or religion. Certainly the States have the right to provide that those who vote within their borders must be able to vote intelligently.

At this point, let me ask a question: Even assuming that this measure were enacted into law, would not all of the prior rulings of the Supreme Court to the effect that only the States have the right to provide for the qualifications of voters still be in effect? In other words, under the Constitution would not the States continue to have that right? Certainly this measure, even if it were enacted, could not take away the rights the States have under the Constitution. And certainly the Constitution gives the States the right to provide the qualifications of voters. In fact, under this constitutional right the States can provide that only those who are intelligent shall be allowed to vote.

Furthermore, it is equally clear that none of those who propose such legislation would deny that each State has a right to state what age a person must be before he is qualified to vote.

But, Mr. President, if this measure were enacted into law, is it not possible that thereafter Congress could specify the age requisite for voting? In my State that age is 21 years; in Georgia, it is 18 years. But if the pending measure were enacted into law, could not the Federal Government thereafter provide—equally well—the age requisite for voting, in addition to providing the other qualifications for voters? In that case, what would happen?

Mr. President, it seems that Congress is gradually giving the Federal Government more and more power to regulate elections in the United States.

In line with the argument of the proponents, would not it then be possible for Congress to pass a bill, which would apply to all States, providing that children 10 years of age could vote?

Although few children 10 or 11 years of age have completed the sixth grade of school, yet a law permitting alert boys and girls of that age to vote certainly would make as much sense as the law now proposed. And perhaps many children 10 years of age could vote more intelligently than those who are illiterate, who cannot understand the English language as it is written, and who therefore in their voting would not make for good government.

As I say again, constitutionally these qualifications are left to the States. The Supreme Court has upheld the validity of each State in these literacy tests so long as they do not discriminate. Now, society, certainly in this view, must be permitted to protect itself with even the most rudimentary rules to make voting a privilege of those who have at least an elemental understanding of, and make some contribution to, the society in which they are privileged to live. As I say again, some of these references are to the editorial as aforementioned.

It would be fruitless to remind those of this persuasion that the American experiment owes its success to the wisdom of those who, in drawing its basic Constitution, known the dependence of democracy upon a responsible citizenry and wrote in many more voting restrictions than we today would dream of. The reminder would not be persuasive because, among those people, traditional wisdom is hooted at.

They all want the ignorant to vote. They might as well say that the children shall vote, that anyone can vote; therefore, if there are restrictions placed on voting, these literacy tests, I say again, have been upheld by the Supreme Court on all occasions.

I fear, too, if the proposal becomes law, knowing the conditions in my State, many persons in South Carolina who now vote will not be able to vote, because they do not have a sixth grade education. That is something to give thought to.

Another requisite for voting which is guaranteed the States by the Constitution is the requirement of residence for a certain length of time. This requirement is not being attacked, yet. However, I am sure that if the forces behind this proposed bill are successful in this endeavor, they will be knocking at the Senate door to do away with residency and other State imposed prerequisites to voting.

They will probably soon be knocking at the door to make all qualifications uniform throughout the United States.

Indeed, they will probably want to clear the decks of all prerequisites to voting and allow anyone to vote regardless of how unqualified he is to judge the issues and regardless of how unable he is to reason right from wrong.

We shall see all sorts of proposals, from one extreme to another. Proposals will be made which will result in having more voters in one State than in another State.

The reason for the residence requirement is that, even if a person is literate and well educated, certainly he is not in a position to cast a ballot in a locality unless he has been there a sufficient time to understand the issues. Then, why would it be proper not to have the States establish adequate literacy tests to be sure that those who vote know for whom they are voting and why they are voting? That, again I say, is why the Constitution guarantees the right of the States to set the qualifications, among them age, residence, and literacy, which have all been upheld by the Supreme Court. And, as the editor in the Wall Street Journal said, to cast a ballot is a proud thing, and as a nation we ought to work hard to make the best government possible for all. But the way to do it is to lift up the underprivileged, and not to heed those who would debase the privilege.

For the reason that the Constitution guarantees that each State deciding according to its own needs, legislates the necessary age and residence requirements, and necessary prohibitions for those who have been convicted of certain crimes, it must then necessarily follow that each State, according to its own needs, has the guarantee under the Constitution to set, and must set, its literacy requirements, so long as it applies to all citizens of the State alike. The proponents of this bill do not contend there is any distinction between the rights of States to provide age and residence requirements; nor do they contend that Congress could pass a uniform age and residence voting bill. What is the difference?

Also, we know that it is elementary that any rights not reserved to the Federal Government are left to the States. In this instance we go further, because voting qualifications for States are guaranteed to the States by the Constitution; and, therefore, the rights can only be taken away from the States by constitutional amendment, and not by act of Congress as is proposed here today.

The argument that the term "manner" is a source of authority for the provision in the bill is thus found to be without substance. There is a clear distinction in the Constitution as between power to regulate the manner of holding Federal elections and regulation of the qualifications requisite for voting at such elections. The one authority is found in article I, section 4, clause 1, and is separately allocated from article I, section 2, clause 1, and from the 17th amendment. "Manner" refers to the mode of voting, the method by which eligible or qualified voters' choices are expressed and determined.

The difference between the power to regulate the "manner" of Federal elections and the qualifications of voters thereat is as wide as the difference between determining "how" and "who." By no stretch of the imagination can the "how" of voting be deemed to encompass the "who."

All of the Supreme Court opinions in which the Court interfered in elections dealt with fraud, corruption, and preventing someone qualified from voting. In fact, the most extreme definition of the scope of the power to regulate the manner of holding Federal elections, that pronounced in Ex Parte Siebold in 1880, did not include extension of the authority over voters' qualifications. The Court, at page 396, in discussing the scope of power that Congress might exercise if it were, under article I, section 4, to assume the entire control and regulation of the election of Representatives, stated:

> This would necessarily involve the appointment of places for holding the polls, the times of voting, and the officials for holding the election; it would require the regulation of the duties to be performed, the custody of the ballots, the mode of ascertaining the results.

And so forth. I have cited several cases in which the Court interfered with reference to the manner of holding elections. I have cited numerous cases, including one as recent as 1959, showing that the Court has always upheld the right of the States to determine voters' qualifications; and in both lines of cases—those on the "manner" and those dealing with qualifications—the Court has always distinguished between the manner of holding elections and the qualifications of voters, and has said in all of these decisions that while the manner of holding elections may be determined by an arm of the Federal Government that the qualifications of the voters, according to the Constitution, rest solely and exclusively with the States.

The strength of our system is rooted in a balanced, divided, and limited Government; and thus far the States, according to the Constitution of the United States and sanctioned by the Supreme Court, have exercised their power to determine voter qualifications on a nondiscriminatory basis, in accordance with the wishes of their own citizens, not as directed from Washington, D.C. These qualifications have served for electors of Representatives and Senators as well.

This method of prescribing qualifications was an essential element of our original conception of a balanced, divided, and limited Government. The same principles guide us today. But if the balance of the system is weakend, the division eased, and the limitations—provided for in the Constitution—on the National Government removed, the necessity of reliance on persuasion and compromise will be also minimized and can easily be replaced by reliance on other agents such as force.

Proponents of this amendment say that action by means of a statute is all that is necessary to achieve what is really general regulation over voter qualifications. Yet, most of these same Senators in 1960 voted to approve a constitutional amendment prohibiting the imposition of a poll tax as a condition for voting in Federal elections. A poll tax determines eligibility to vote. It is a voter qualification factor, like a literacy test. Now, is it then true that those who now assert that voter qualifications can be regulated by Congress by statute were of the opinion 2 years ago that the proper vehicle for this was a constitutional amendment? Why have they changed their position? Because of the clear constitutional question presented the only proper course then to follow is the procedure of constitutional amendment in establishing uniform literacy requirements for Federal elections.

While I must admit it would be legal to establish a so-called uniform Federal literacy requirement for voting by adopting a constitutional amendment to this effect, I say it not only would be wrong, but it would be clearly contradictory to the original understanding reached by the various States when they adopted the Constitution.

It should be remembered that many States hesitated a long time before they ratified the Constitution. The reason was that they felt the Constitution did not guarantee strongly enough these rights to the States and did not guarantee enough rights to the individual States. We should not now justify this hesitancy by destroying what was guaranteed in the Constitution.

Mr. President, some very interesting historical background is given on this subject in a volume entitled "Introduction to American Government," by Frederic A. Ogg and P. Orman Ray. I earnestly urge Senators to read this volume. In the chapter entitled "The People as Voters," these gentlemen write as follows:

> The makers of the National Constitution might easily have provided for a uniform national suffrage, distinct from the suffrage systems existing in the several States, as did the authors of the Constitution of the federally organized German empire created in 1867–71. But they chose, as did the framers of the Constitution of the Swiss confederation, to utilize for national purposes such electoral arrangements as each State had made, or might subsequently make, for its own use; and hence, until 1870, the Constitution's sole provision on the subject was that persons voting for Members of the lower House of Congress should, in each State, have "the qualifications requisite for electors of the most numerous branch of the State legislature." The 15th amendment, adopted in the year mentioned, imposed the first direct constitutional restraint upon the States in this matter by forbidding any State (or the United States) to deny or abridge the "right" of citizens of the United States to vote "on account of race, color, or previous condition of servitude." The 19th amendment, adopted in 1920, laid a further restriction by forbidding any State (or the United States) to deny or abridge the "right" to vote "on account of sex." Limited only by these restraints, every State, in its constitution and laws, regulates suffrage qualifications as it desires. The two amendments tend to produce uniformity as far as they go; and their effects—especially in the case of the woman suffrage amendment—have been far reaching. Plenty of room is left, however, for variation, and hardly any two States will be found with precisely the same arrangements.

Mr. President, from this as well as other facts that I have brought out in this debate, it is necessarily correct to conclude that suffrage or the right to vote in the United States is a privilege rather than a right. Going further, it is clear that the States are empowered by the Constitution, not by accident, but deliberately, to establish prerequisites for voting so long as these requirements do not violate the Constitution and the amendments thereto covering race, color, and sex.

Literacy qualifications for voting are not in the realm of race, color, previous conditions of servitude, or sex, and attempts by the Members of this body and outsiders to prove otherwise are illogical, incorrect, and impossible. There is no proof available to the proponents of the pending action in the Senate to show that literacy requirements deprive anybody of the right to vote because of his race, color, or sex, and they have not come forth with any proof to show that the Federal Government has any constitutional right to even go into this question.

As I have pointed out, the very men who wrote the Constitution and who urged the confederation of the various States, insisted that the individual States retain the right to establish voting prerequisites and insisted, too, that the Federal Government be excluded from these rights by the Constitution. Therefore, any attempt to take away this right from the States either by constitutional amendment or by this legislative ravishing process would not be extending any freedom to any citizen of our land, but to the contrary would be giving another control over our people by distant, cold Federal regulation.

Another foundation block of our Republic will have been removed and the erosive process conducive to the destruction of our democracy will be stimulated. I earnestly request that each Member of the Senate think hard and long on this matter before they decide to vote. I ask them to read and study the pages of history and the court decisions and the reason which makes it legally prohibitive to take this power away from our States, or to try to take it away.

The U.S. Senate will be digging its own grave if it insists upon bypassing the Judiciary Committee and disrupting the normal procedures of this body. This method of writing legislation is a bad habit, and the more the Senate practices this bad habit, the more it will become a routine of the U.S. Senate.

If the Senate adopts as a routine procedure the bypassing of committees, it will eventually degenerate itself into nothing more than a rubber stamp for the emotional demands of a temporary majority.

These wreckers of legislative processes are bent on forcing the people of the United States to comply with their emotional demands of the moment.

The only thing that has kept the Senate from becoming a tool of dictatorial tyranny has been the power of the individual committee.

The committee processes of the Senate give men time to reason.

The committee processes of the Senate give the people a chance to be heard above the roar of political orators, newspaper columnists, and editorial writers.

The committee processes of the Senate bring facts to the surface above the rubble of illogical, hysterical, and unfounded claims.

The committee processes of the Senate protect our Constitution from assault, and our people from irresponsible legislation.

The committees of the U.S. Senate are the backbone of this great representative body of the people. When we break down the committee processes of the Senate, we are breaking down the backbone of the Senate.

With every ounce of sincerity at my command, I plead with the Members of the Senate to restrain themselves from delivering such a fatal blow to our legislative processes. Let us not weaken the U.S. Senate to the point that it will be managed by passions of the moment. Let us preserve the Senate as a fountainhead of logical, deliberative action, always based on facts. Let us put a stop, once and for all, to these attacks against the foundation of our system of handling the business of the people.

I hope the Senate will refuse to bypass the Judiciary Committee. I hope the Senate will insist that the hearings we have held, the information we have gathered, and the facts we have assembled, be made available through the committee report before any action is taken on the pending measure.

Let us not be rushed into this matter by those who are fearful of the facts and who do not want the unconstitutionality of the measure they are sponsoring to be known.

So I ask the Senators please to stop, look, listen, and read the Supreme Court reports and the report from the committee when it comes to us. Then the Senate will be in a better position to do what is right and just for the people of our Nation.

I ask unanimous consent to have printed at this point in my remarks an outstanding editorial entitled "Altar of Mediocrity Beckons Our Liberty," from the Spartanburg Herald of Spartanburg, S.C., issue of April 25.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ALTAR OF MEDIOCRITY BECKONS OUR LIBERTY

If responsible self-government should ever expire, it surely will be on the altar of mediocrity.

For it is to the mediocre that major political strategy is directed.

It is the target for such cynical vote-wooing projects as the one now launched by Attorney General Robert Kennedy.

He has set his plan to evade the Constitution of the United States for Federal invasion of voting qualifications.

Under the U.S. Constitution, the Federal Government has absolutely no privilege of stipulating standards of literacy for voting. The only legitimate method of the national level is through formal amendment of the Constitution itself.

The Attorney General has proposed legislation that would establish a sixth-grade education as unquestionable proof of voting literacy.

Bosh!

Aside from the legal and moral question of denying the legitimacy of the Constitution, Mr. Kennedy's plan is misnamed. He advocates voting illiteracy, not literacy.

This Nation and its freedom would be much better protected with stiffer standards for people who make the decisions affecting the safety and welfare of all.

It would make more sense to establish a high school diploma as a prerequisite for voting. We put a high premium on knowledge and education in this country, except in the most crucial field of all, self-government.

But, you protest, there are a great many responsible and intelligent people who never finished high school. Right. And many of them are better educated than their college brethren. They would be proud to prove the fact by a reasonable examination.

Appeal to ignorance is the shortest road to socialism and suppression of man's liberty. It's the same force which, on the international level, threatens to subordinate this Nation's mandate to the emerging neutral countries that have not yet abandoned barbarism.

Some time or another—if freedom is to survive—the appeal has to be intelligence and responsibility.

It's time to stop apologizing for superiority and to erase from it the false stigma of bigotry.

Mr. JOHNSTON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Destroyers of Republic," published in the News and Courier of Charleston, S.C., issue of April 25, 1962.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DESTROYERS OF REPUBLIC

Another big push against the Republic is underway in Washington. Campaigners to destroy the role of the States as devised by the Constitution are urging Congress to change the laws governing elections. They would outlaw literacy tests to qualify voters, and substitute a sixth-grade certificate as the gage of competence.

Whether a sixth-grade certificate is sufficient guarantee of competence to vote is beside the point. The point, as we see it, is the authority to set up voting standards.

The Constitution gives that authority to the States, not the Federal Government. If the Federal Government, by putting on a combined drive through executive, legislative, and judicial branches, can change the Constitution without the prescribed process of amendment, it can take away any or all of the guarantees in that charter of the people's freedom.

Passage and enforcement of literacy legislation now before Congress would gather the reins of power more closely than ever in Washington. Subsequent legislation could abolish any or all requirements for voter qualification. Should another administration prefer to narrow rather than broaden the franchise, it could be restricted to holders of a Harvard Ph. D. or its "equivalent."

The notion has spread that States rights is an obsession of southerners, because Southern States invoked these rights by the act of secession. The issue, we are told, was solved by the Civil War, in which superior force overcame the South.

The war by no means settled all issues. The war settled, for that time at least, the issue of secession. States may not leave the Union on peril of destruction. But within the Union, States—and the citizens who dwell therein—do have other rights and powers. One of the fundamental rights is the operation of elections. By amendment, the people extended the franchise to women. They did not extend the franchise to illiterates.

The threat of filibuster comes in large measure from southern Senators. But this is no regional matter. It concerns all the people in all the States.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. STENNIS. I highly commend the Senator from South Carolina for a very fine speech. I have listened to every bit of it, except for the brief parts which I missed when I was called to the telephone. His speech contains cogent legal points, sound logic, and a very practical application of the legal points cited. He has performed a real service in addressing himself to the highly important measure now before the Senate. I also appreciate the fact that he was able to make a special trip to the Capitol today in response to the situation and argue against the bill. I commend him most highly.

Mr. JOHNSTON. I thank the Senator from Mississippi for his remarks. I am glad to be present and play the part that I am playing in relation to the pending measure. I hope that some good may result from my appearance.

My only hope is that the lawyers in the Senate, especially, will read the Supreme Court decisions and study the issue. If they do so, I cannot fail to see how they can come to any other conclusion but the one that I have reached; namely, that the proposed legislation is unconstitutional.

Mr. STENNIS. I believe that the Senator's arguments are unanswerable from a legal standpoint, and will do much good. I appreciate his presentation of these points to the Senate.

Mr. JOHNSTON. I thank the Senator.

FOREIGN TRAVEL FOR MILITARY DEPENDENTS

During the delivery of Mr. JOHNSTON'S speech,

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. ROBERTSON. Will the Senator be good enough to ask unanimous consent that he may yield to me for the purpose of making an insertion in the RECORD, without losing his right to the floor, and without the interruption being considered as evidencing an additional speech when the Senator resumes?

Mr. JOHNSTON. I yield for that purpose if I may have unanimous consent that the interruption will not cause me to lose my right to the floor, and that the resumption of my speech will not be counted as a second speech.

Mr. JAVITS. Mr. President, reserving the right to object—and, of course, I shall not object, since this is the week that we are not objecting—I should like to point out that we do not want this instance necessarily to indicate a permanent precedent throughout the debate.

Mr. JOHNSTON. I request also that the statement of the Senator from Virginia be placed at the end of my statement.

Mr. ROBERTSON. Of course.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which I made during a hearing before the Senate Appropriations Subcommittee on Defense on March 24 concerning the sending of dependents overseas, which was authorized yesterday by the Secretary of Defense.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR A. WILLIS ROBERTSON, ACTING CHAIRMAN, APPROPRIATIONS SUBCOMMITTEE ON DEFENSE, CONCERNING FOREIGN TRAVEL FOR MILITARY DEPENDENTS, MARCH 28, 1962

At a previous hearing, the Army's Deputy Chief of Staff for Personnel testified that the ban on oversea travel of dependents was hurting the morale of the troops.

From various sources we have also heard that continuation of the ban is tied directly to efforts to protect our dwindling gold supplies. This is reported to be the administration's attitude, although the Secretary of Defense told the House Appropriations Subcommittee early last month that the outflow of gold had nothing to do with the ban.

My own belief is and always has been that the safety of the women and children involved should be the prime consideration in this regard.

The original directive issued by the Secretary of Defense last September declared:

"The suspension covers all means of travel and is necessary because of the logistic requirements incident to the augmentation of our forces in Europe."

This augmentation of our forces now has been completed, so the original purpose of the ban no longer applies.

I therefore requested the chairman of the House subcommittee to approve in the pending appropriations bill the amount to finance foreign travel for dependents on the same basis prevailing prior to the imposition of the travel ban. I inquired of the Department of Defense how much would be required for that purpose.

I wish to insert in the record at this point a letter of March 26 from Hon. Charles J. Hitch, Assistant Secretary of Defense, Comptroller, stating that there was in the budget submitted to us an amount sufficient to finance dependents' travel overseas.

I also wish to insert a letter of March 24 sent to me by the Secretary of Defense stating his present position on continuation of the travel ban.

I hope that this committee and the Congress will appropriate a sum sufficient to finance a resumption of dependents travel abroad as soon as the threat of armed conflict, imminent when the ban was imposed, no longer exists.

Aside from the travel ban, dependents already overseas have been urged by the administration to curtail to the maximum extent possible their expenditure of American dollars. No such restrictions apply to our tourists abroad, to the Members of Congress, or to various representatives of the executive branch, either stationed abroad or traveling there. While there is nothing that this committee can do directly about this, I believe as a matter of equity that the Military Establishment should be put on an equal footing with all others of our nationals abroad and should not be singled out to bear the burden of austerity alone.

THE SECRETARY OF DEFENSE,
Washington, D.C., March 24, 1962.

Hon. A. WILLIS ROBERTSON,
U.S. Senate.

DEAR SENATOR ROBERTSON: This is in response to your letter of March 14, 1962, in which you requested my comment on the accuracy of your statement that "* * * the principal reason for the ban on sending dependents abroad was our inability to safely evacuate them in the event of open hostilities."

On September 9, 1961, when we suspended Government-sponsored movement of dependents to Europe, we faced a logistics problem in achieving the desired buildup of forces in Europe as quickly as possible. Military needs had to be given priority over the further movement of dependents. Moreover, as you will recall from our conversations and correspondence at the time, we were quite concerned about the problem which would arise if events should make withdrawal of all dependents from the theater urgently necessary. The suspension met the immediate military problem, and insofar as it inhibited further growth of the dependent population in Europe, it was a prudent precaution against aggravation of the evacuation problem.

I would not describe the problem of evacuation of dependents in certain contingencies as the principal reason for the ban. You are correct in identifying it as one of the important factors influencing the decision. We have continued to be concerned with our ability to act expeditiously in various situations and in the intervening time extensive studies of both the problem and our capabilities have been in progress.

The situation, of course, has changed since September. The planned augmentation of forces has been completed. The blanket effect of the suspension, which was a tolerable hardship to our service families on a short-term basis, now is generating very serious personnel problems for the Armed Forces. At the same time, the need to exercise controls on the magnitude of the dependent population overseas has not diminished. As the President's comments indicated, the critical status of our balance of payments requires us to take any measures we can without reducing our combat capability, to limit the sources of adverse gold flow.

We recognize that the suspension must be supplanted by policies which are more responsive to the human needs of our personnel. We intend that these policies will accomplish some reduction of the dependent population in Europe without exacting unreasonable sacrifices by the individual service families. Our studies now have progressed to the determination of concrete steps which we hope to announce in the very near future.

Sincerely,

ROBERT S. MCNAMARA.

HOUSTON SCIENTISTS MAKE PROGRESS IN CANCER RESEARCH

Mr. YARBOROUGH. Mr. President, the effort of medical science to combat cancer is one of the most persistent and most noble efforts of our time.

The struggle for breakthroughs in knowledge goes on day and night in laboratories all over the country. In an editorial, Wednesday, April 18, 1962, the Houston Post discussed the work of one team of Houston scientists and the problems they face.

I ask unanimous consent to have printed in the RECORD an editorial entitled "Cancer Fight Advance," published in the Houston, Tex., Post of April 18, 1962. The editorial points out many of the great difficulties facing researchers in this field. I heard some of them testify before the Public Health Subcommittee, of which the distinguished senior Senator from Alabama

[Mr. Hill] is chairman. The appropriations for research have been stepped up year by year in the fight to lift the burden of this scourge from mankind. The research carried on at Baylor University College of Medicine, which is detailed in the editorial, is in support of a theory first advanced there and now accepted by many scientists, to the effect that viruses which infect human beings can cause at least some types of cancer, and that appropriate preventive vaccines can be developed.

I do not mean to say that they are trying to prove that theory. They are approaching this problem in a true scientific manner, in trying to determine whether that theory is true.

This very perceptive editorial, which seems to have been written by a scientific writer, describes in language readily understandable by nonscientists the progress which has been made by this group of scientists.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Cancer Fight Advance

It will, in all probability, be years or a lifetime before the many causes and then the sure-fire cures and even prevention of cancers are found. Unlike most other afflictions, cancer is not a single disease, but has many forms.

But the work of a team of Houston scientists, reported last week in Atlantic City before the American Association for Cancer Research, is apparently a mighty step in bearing out one major theory:

That viruses that infect human beings can cause at least some cancer and that appropriate preventive vaccines can be developed.

Dr. John Trentin, professor and head of the division of experimental biology at Baylor University College of Medicine, and his collaborator took one form of human adenovirus, a widespread bug that causes acute respiratory infections in people, and produced cancer in hamsters.

The work, called an important discovery by a number of scientists in the field who heard the report, still has a long way to go. Dr. Trentin and others will now head back to their laboratories, and if careful reevaluations and more investigation holds up the initial work—here is the first proven link between human virus and the production of cancer.

Dr. Trentin's approach to the problem was actually a very ingenious one.

Many scientists have found viruses that cause cancer in laboratory animals, and viruses, therefore, have been suspect as a cause of some human cancer. Dr. Leon Dmochowski at the University of Texas M. D. Anderson Hospital and Tumor Institute, first demonstrated the finding of virus-like particles in the blood of a leukemia patient some 5 years ago.

Yet no one has pegged any human virus that would cause cancer in animals or man, and all attempts to isolate tumor-producing viruses from human cancers have failed.

Cancer researchers, who obviously cannot experiment on people, have done the only thing they can. They inject human cancer extracts into cancer-susceptible newborn animals and then try to isolate a human cancer virus from the cancers that develop. Again, there has been no success.

Dr. Trentin, so to speak, turned the telescope around and started looking from the other end.

He started with a common human virus, choosing the adenoviruses because of their similarity to certain viruses which are known to cause animal cancers. He picked the hamster because of its great susceptibility to viruses of other species.

The result: Swift and deadly cancer in the animals.

This does not prove, Dr. Trentin has stressed, that human cancer is caused by a virus. Laboratory animals are not people.

But the virus is a human virus, and Dr. Trentin and his coworkers appear to have opened a door.

PROGRESS IN MAKING FRESH WATER OUT OF SALT WATER

Mr. YARBOROUGH. Mr. President, the rapidly developing Texas gulf coast area, only recently chosen as a homebase for America's astronauts, is also the site of another bold and visionary project—the national effort to achieve an economical conversion of salt water.

The distillation process plant at Freeport, Tex., which is capable of producing a million gallons of useable water a day, is used by the city of Freeport and the Dow Chemical Co.

The plant was opened last year when President John F. Kennedy pushed a button in Washington, and fresh water poured out of that plant. The water had been salt water when it had entered the plant. Vice President Lyndon B. Johnson was present; also the Secretary of the Interior, Mr. Udall; the chairman of the Interior and Insular Affairs Committee of the Senate, the Senator from New Mexico [Mr. Anderson]; and numerous other Members of the Senate. It was my privilege to be present also. It was a spectacular sight to see water coming out of that plain iron pipe. Cups were handed out and all of us drank of that fresh water. It reminded me of religious pictures I had seen as a boy of Moses striking the rock and water rushing out.

This process is not economically feasible at the present time, but progress is being made every year.

In an editorial published on Thursday, April 12, 1962, the Corpus Christi Caller-Times discussed the importance of this salt water conversion effort to provide more usable water for our growing needs. I ask unanimous consent to have printed in the Record the editorial referred to entitled "Salt Water Conversion Hopeful for Gulf Coast."

When this undertaking is made economically feasible, many desert areas of the world will become as productive as many other productive areas, and many people who now go to bed hungry will have an adequate supply of food.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Corpus Christi Caller-Times, Apr. 12, 1962]

Salt Water Conversion Hopeful for Gulf Coast

To many, no doubt, the prospect of massive conversion of sea water, at a cost competitive with fresh water supplies, still seems visionary. To others, especially the experts in the field, that achievement is only a matter of time, of further research and experimentation.

A progress report meeting of 600 delegates at the Department of the Interior recently talked over the Federal pilot projects now in operation. They reported more than a dozen methods now under study, but no breakthrough as yet on the cost problem.

However, J. T. Dunn, reporting on the distillation process plant at Freeport, Tex., expressed confidence that "the time will come in our generation, when saline water conversion plants in the 5 million to 25 million gallons per day capacity will supplement coastal water supplies on a competitive production cost basis." That would indeed make salt water conversion, as Secretary of the Interior Udall evaluates it, one of the most important projects for mankind. And few places in the world would benefit more than the heavily industrializing and populous Texas gulf coast, much of which can see the limits of its available fresh-water supplies in the not too distant future.

There are two important favorable aspects to the cost factor in the feasibility of salt-water conversion. One is that a new wealth of minerals, extracted in the purification processes, should reduce the net cost of conversion. The other is that additional fresh-water supplies are becoming increasingly expensive to tap, which will narrow the cost gap with converted water.

There is a caution that should be emphasized, however, in discussing salt-water conversion. Optimism on its prospects should not allow complacency that would detract from maximum development of natural fresh-water resources. For success in low-cost conversion is not a certainly, and, in any event, it may not for the foreseeable future be anticipated as more than a supplemental supply, even in coastal areas.

Mr. YARBOROUGH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASE of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE BY CHIEF JUSTICE WARREN TO JOHN LORD O'BRIAN

Mr. CASE of New Jersey. Mr. President, a short time ago one of the very great men of the American bar, of all time, came to the Supreme Court to move the admission of a junior associate. This became the occasion for a tribute to the man by Chief Justice Warren which I think is unique in our history. I speak, of course, of John Lord O'Brian, a distinguished, widely loved lawyer, who has been a leader in not only the legal affairs of our Nation but also in its public and civic affairs for a very long time. The tribute by the Chief Justice of the United States was warm and eloquent.

I ask unanimous consent to have printed at this point in the Record an article entitled "O'Brian's Long Practice Is Praised by Warren" and an editorial entitled "A Half Century at the Bar," both of which relate to the tribute by Chief Justice Warren to John Lord O'Brian and were published in the Washington Post of April 3, 1962.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

O'BRIAN'S LONG PRACTICE IS PRAISED BY WARREN

In one of those human touches that occasionally graces the Supreme Court chambers, Chief Justice Earl Warren took a moment yesterday to pay tribute to John Lord O'Brian.

As O'Brian, a distinguished and widely loved lawyer, approached the bench to move the admission of a young member of his firm, the Chief Justice leaned forward and said, "I am told by our clerk that this is the 50th anniversary of your admission to the bar of this Court."

"That is true, Your Honor," O'Brian replied, "and it has been one of the highest privileges of my life."

Then the Chief Justice added, "Few men in history have had a longer or more active practice before this Court. During all of these years, you have served the Court in the highest sense. I wish for you many more years as a member of our bar and with it continued happiness."

O'Brian, 87, is a senior partner of Covington & Burling. For many of the last 50 years, he has been in and out of Government service and has become noted as a constitutional lawyer and as a stanch defender of civil liberties.

His public career ranges from an appointment by President Franklin Roosevelt as General Counsel of the War Production Board.

In between were stints in the Department of Justice, prosecuting spies for President Woodrow Wilson and trustbusting for President Herbert Hoover.

After the Chief Justice finished his praise, O'Brian concluded his business. It was to get John W. Armagost, one of the Covington's junior members, admitted to practice law.

A HALF CENTURY AT THE BAR

Only a little imagination is required to visualize a host of eminent ghosts hovering about the Supreme Court yesterday when Chief Justice Warren paid his gracious tribute to a grand old man of the bar—John Lord O'Brian. What the Chief Justice recognized was the 50th anniversary of Mr. O'Brian's admission to the bar of the Supreme Court and the high quality of the service he has rendered as a minister of justice in that half century. An occasion so fraught with nostalgia and a sense of great achievement in the law serves to evoke a flood of memories, and its real significance seems to be that it links the name of John Lord O'Brian with the giants who in the past have argued before the Supreme Court over long periods of time.

The list of great advocates interwoven into the history of the Court includes such men as Daniel Webster and John C. Calhoun and in a later day such men as Joseph H. Choate, Frederic R. Coudert, John W. Davis, Charles Evans Hughes, and George Wharton Pepper. Mr. O'Brian may not be as well known as some of these, but he is as favorably known for his keen understanding of the law, his liberal spirit and his lovable personality. It is a pleasure to join with the Chief Justice in saluting him.

DISARMAMENT AND THE RESUMPTION OF NUCLEAR TESTS

Mr. HUMPHREY. Mr. President, yesterday I stated to the Senate that it is my intention, as chairman of the Subcommittee on Disarmament of the Committee on Foreign Relations, to keep Senators as well informed as one can, in light of the developments in the Pacific, with respect to nuclear test experiments and the developments at Geneva concerning disarmament.

This morning at the Geneva Conference the so-called nonalined nations urged the continuation of a search for a nuclear test ban treaty. I remind the Senate that this is the position of the Government of the United States.

While the so-called nonalined countries deplored the fact that the United States had found it necessary to resume atmospheric nuclear weapons testing, nevertheless the nonalined delegations did not fail to recall that the latest cycle of tests was initiated by the Soviet Union last autumn. I mention this because Senators will recall that at the time of the Belgrade Conference, which coincided with the resumption of nuclear tests by the Soviet Union, there was considerable adverse comment in the United States and elsewhere about what appeared to be the lack of public and private indignation and condemnation of the resumption of nuclear tests on the part of the so-called neutral nations meeting in Belgrade.

The eight neutral nations which are attending the Disarmament Conference in Geneva have not singled out the United States for chastisement or criticism. While they have urged that the tests be not renewed, as I have just indicated, the reports from Geneva today reveal that the nonalined delegations recalled that the latest cycle of tests was initiated by the Soviet Union last autumn.

The situation at the Conference in Geneva is as favorable to the United States as we could hope to expect under the present circumstances. The nonalined states have shown they are not one sided in their attitude toward nuclear testing. They have not accepted the Soviet contention that negotiations leading toward a test ban are fruitless while the United States is conducting its own series of nuclear tests. To the contrary, the nonalined nations have urged that even as those tests are underway, the discussions in Geneva should continue. The Soviet delegate, Mr. Zorin, has said that all discussions ought to be stopped because they are fruitless so long as the United States conducts tests. So Mr. Zorin did not win his point. The neutralists apparently share wholeheartedly the desire of the United States to intensify efforts to reach agreement on the cessation of nuclear testing.

I emphasize that the neutralist nations have endorsed the principle of inspection. Again, this is contrary to the position taken by Mr. Zorin. Mr. Zorin's position at the Geneva Conference is strangely similar to positions announced in other quarters. He has said the discussions ought to be stopped; that the Conference is getting nowhere; that the delegates should go home. He even condemned the disarmament proposal of the United States on the basis that we were relying too much on the United Nations. He said the United Nations police force would be under the control of the United States. Yet there are those in the United States who feel that the disarmament proposal which was presented at Geneva should not be given serious consideration because the United States was relying too much on the United Nations. Those persons take the same position as that taken by Mr. Zorin of the Soviet Union. Strange company. Therefore, the Soviet Union was unsuccessful today—as it was yesterday, and as I think it will be in the days to come—in its efforts to shift to the United States the blame for the resumption of testing, and in its efforts to find a way to break down this important Conference.

At the Conference Mr. Zorin is apparently attempting to do what was attempted to be done at the Geneva Test Ban Conference of some months ago, when the Soviet delegation refused to make any overt moves or to negotiate or to make any concessions or even to discuss intelligently the draft treaty or proposal of the United States and the United Kingdom.

I mention this today because I know all of us are watching to see what the reaction will be around the world to the U.S. renewal of these tests. I am confident that practically every Member of the Senate feels that these tests need to be undertaken, as I have said before, even though they are undertaken reluctantly and with heavy hearts.

But it is gratifying to find that although nonalined nations and even some friendly nations may be critical about our resumption of the tests, they do not place full responsibility for this upon the United States. In fact, they have made it quite clear that this resumption of testing was forced upon our country by the breach of faith of the Soviet Union and by the Soviet violation of the moratorium and the agreement on the cessation of nuclear tests.

I hope that in the days to come this attitude of objectivity will be preserved.

NEW YORK GRAND JURY INDICTMENT OF STEEL COMPANIES

Mr. HUMPHREY. Mr. President, this afternoon I have been asked several times by representatives of the press, the radio, and the television to make a comment on the action of the grand jury in New York which this afternoon returned an indictment against the United States Steel Corp. and several other steel companies.

I wish to make it quite clear that this indictment is totally unrelated to the recent controversy over steel prices, and is the result of an investigation over a period of several months—an investigation instituted without any connection whatever to the recent controversy over the $6-a-ton increase in the price of steel and its subsequent reversal.

I say this because, in view of the coincidence of this action by the grand jury, it might very well be interpreted as a punitive measure as regards the steel industry, because of the recent price increase.

I checked on this matter with the Department of Justice, because I, too, was concerned. As I have already said, I find the investigation was begun many months ago. In fact, some investigations were begun several years ago; and this indictment follows very much in the same pattern as that of the indictment against certain electrical companies, some 1½ years or so ago, for price fixing and the rigging of bids.

Mr. President, a grand jury indictment is but the first step in a legal process. A company or an individual is not guilty merely because of a grand jury indictment. Guilt or innocence is established by the courts of law. Therefore, I think we should withhold judgment on these matters until what we call due process of law is fulfilled.

However, if the courts, after the presentation of evidence and after rue process of law has been flulfilled, determine that the companies have been conspiring to set prices and to rig bids, these will be matters of most serious concern to the American people. The setting of prices, and the rigging of bids cause artificially high prices, and are very serious matters for the consumers, the manufacturers, the total American economy, and, indeed, the Government of the United States.

In connection with this particular indictment, I understand the companies involved were bidding upon defense contracts—primarily contracts for items to be supplied to the U.S. Navy, items sought by the Defense Department. To cause artificially higher prices by rigging bids or setting prices on defense contracts is the same as taking dollars out of the pocket of every U.S. taxpayer.

Furthermore, if it is proven that a basic industry is willfully violating the antitrust laws and the antimonopoly laws, then obviously it will be necessary for the Government of the United States and the leadership of American business to take stern and effective measures of reform in order to insure that a truly free, competitive situation will be restored in that industry.

I believe we must understand that free private enterprise is endangered and injured, if not actually destroyed, by monopolistic practices.

Therefore, if we are to preserve our free, competitive economy—which I believe to be one of our major objectives—we must see to it that there is free and fair competition in the marketplace. This applies to both small business and big business. At least the competition must be conducted within the established rules of the economy and as determined by the responsible public authorities.

Rigged prices or prices established by conspiratorial activity not only injure competition here at home, but also have a way of eroding and corroding the efficiency of business. They have a way of establishing a kind of built-in protectionism which compensates for inefficiency and obsolescence. The only way by which Amerian industry can be competitive is by being modern and efficient, and the only way by which American industry can maintain its markets at home and abroad is by modernizing and by being efficient in both its production and its distribution practices.

Yesterday, I said here that we are facing the toughest competition in our history, from our best friends in Western Europe; and in 3 years our friends in Western Europe will have over 45 million tons of excess steel production capacity—over and above their needs; and Western Europe will, in the Common Market, seek new markets. The Western European companies are modern, efficient, and automated, and their prices are highly competitive. If we are to face such competition, we cannot engage in pricing practices and monopolistic practices and other outmoded and, I believe, inefficient practices, without paying a terrible price, in terms of loss of income, loss of jobs, loss of profits, and loss of markets.

I wish to make it quite clear that I am not one who believes that merely because a grand jury brings in an indictment the person or company indicted stands convicted. However, I do say the matter is one of most serious concern. This is now a matter for the courts. It is not a matter for any political vendetta or any political partisanship.

We are very proud of American industry, and I want our Government, whether it be a Democratic administration or a Republican administration, to give just and fair cooperation to every segment of our economy; and that includes American industry, which provides jobs in the production of goods and the rendering of services.

I make this statement today because there are those, who, regrettably, and I think mistakenly, think the recent action of the President and the Attorney General and other officers of the Government in the steel price increase situation represents an antagonistic attitude by this administration toward American business.

Nothing could be more false. Nothing could be further from the truth. This administration has within its ranks, in top positions, some of the leading members of the business community, men who have made their mark because of their efficiency, ability and competence, men like the Secretary of the Treasury, Mr. Dillon, men like the Secretary of Defense, Mr. McNamara, men like the Secretary of Commerce, Mr. Hodges.

I mention those only as typical. There are many others. I do not wish those few to be thought of as the only top business representatives in the administration. Today this Government is recruiting from business hundreds of its most talented members for our foreign-aid program. We are recruiting from business some of the ablest persons for our regulatory agencies. This administration is neither probusiness, prolabor, or pro this, or pro that, except to see that it serves the national interest. It is not antibusiness. It is procompetition. It is for competition, but for fair competition, within the rules of fairplay, and not within the rules of the jungle.

I hope some attention will be paid to some of the suggestions that have been made in other days here in the Senate relating to these problems, and to my own suggestion to establish a national commission of top-level, high-grade people, vitally concerned about the economic well-being of our country, a national commission to look into the pricing, competitive production, and distributive practices of the steel industry, along with labor-management practices, advertising practices, and all the economic practices. I think it would be helpful. I think, at least if it were properly staffed in terms of technical personnel as well as the membership of the remainder of its staff, it would be helpful.

I have urged that such a commission consist of members of the business community who know about business conditions, members of labor who know about labor-management and production problems, economists who are objective and fair, financiers who understand the need of capital for business modernization, tax experts who understand the role of taxation, both as an incentive and as an obstruction to business growth and expansion.

I would like to see such a commission. I think it is long overdue. I think it would be helpful and would add much to stimulating a higher standard of ethics and a better standard of fair competitive practices in the American business community.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. HUMPHREY. I am very glad to yield.

Mr. CASE of New Jersey. I am glad to have the Senator reiterate his suggestion of a few days ago in relation to a top-level commission for the purposes which he has again expressed. I take it the purpose also would be to help industry to modernize its plant and equipment. This is a part of the concept which the Senator from Minnesota has in mind for the commission, as I understand.

Mr. HUMPHREY. The Senator is absolutely correct.

Mr. CASE of New Jersey. I am happy to say that, in my small way and with my small voice, I have on previous occasions picked up the suggestion and urged that action be taken on it. I hope very much that will be the course the administration will follow.

Mr. HUMPHREY. I thank the Senator. His effort and interest in this direction make me feel it is that much more of a worthwhile endeavor and proposal.

ADJOURNMENT

Mr. HUMPHREY. Mr. President, I do not believe there is any further business to come before the Senate at this time. Therefore, I now move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 15 minutes p.m.) the Senate adjourned until tomorrow, Friday, April 27, 1962, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

Six-Point Anti-Communist Program

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Thursday, April 26, 1962

Mr. WILEY. Mr. President, the Communist threat to freedom of the world requires a broad-scope, all-out effort, not only to prevent conquest of the world by communism, but also to diminish its influence.

Recently, I was privileged to review major aspects of the global struggle against communism. I ask unanimous consent to have my statement printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Six-Point Anti-Communist Program—Statement by Senator Wiley

Communism—controlling one-third of the people and one-fourth of the land of the earth—represents the greatest threat to freedom in the world.

Fanatically dedicated to conquest of the globe, the Reds propagandize incessantly that communism is the wave of the future.

Tactically, the Reds feel that if this wishful thinking is repeated often and loud enough, it will come true. However, we must not allow this to happen. To the contrary, the free world and non-Communist nations possess the military and economic power and the ideology to make attack against the free world synonymous with suicide; further outstrip the Reds in economic progress. Currently, the United States alone—with a production rate of $570 billion annually—far exceeds the output of the entire Communist bloc, with a production estimated at about $350 billion; and by more effectively utilizing our salesmanship and know-how to successfully sell the ideology of freedom to win the battle of men's minds.

The Communists, in my judgment, can win only if, by default, we let them win.

For the immediate future, then, what major steps are needed to more effectively combat communism? Generally, these include:

1. Constant reevaluation and efforts to maintain adequate strength of our defense forces—particularly in relation to the Communists moving ahead in the nuclear-missile field; this requires, also, research on futuristic defenses against space attack.
2. A reexamination of our U.N. policy.
3. A reassessment of our responsibility, and ability to meet the challenges, in critical areas of the world.
4. Holding the Reds at bay with a strong hand of deterrent power: Simultaneously working with the other hand for more effective nonmilitary counteroffenses on the economic, political, and ideological fronts.
5. Fully utilizing—for propaganda exploitation and other purposes—weaknesses within the Communist program: For example, inability, under the Communist system, to produce enough food—contrasting the U.S. picture of overflowing surpluses.
6. More firmly cementing relations and cooperative efforts for mutual defense and progress with our allies, bilaterally, and multilaterally through regional organizations, including NATO, SEATO, CENTO, ANZUS, and OAS.

For the future, however, the preservation and perpetuation of freedom will require vigilance equal to—if not greater than—any previous time in history. Around the globe the Communists, deadly enemies of freedom, pursue their goals of world conquest by aggression, subversion, persuasion, and infiltration, utilizing all kinds of tactics; overt or covert, legal or illegal, ethical or unethical, humanitarian or genocidal.

How can we, as patriotic Americans, make a better contribution to combating the threat of communism and promoting progress and peace? By the following ways:

First. We must discard the idea that Uncle Sam, alone, can carry the fight against the Reds. Then, we must mobilize our resources—individually and collectively—to throw the necessary brainpower, manpower, and resources into battle against the Communists. Historically, one of the great strengths of America is the voluntary will to work, fight, and sacrifice to build a good life under a free flag, and to protect our country from its enemies.

Second. Our civic, veterans, social, cultural, and, yes, religious and other organizations can, and should, reexamine the potential ways in which they might more effectively serve our national cause.

Third. We need to more greatly utilize the know-how and technology of free enterprise for selling the ideas and ideals of freedom. This includes more effective utilization of U.S. firms operating overseas as built-in Voices of America.

Fourth. Labor, also sharing a common bond with workers around the globe, possesses an unparalleled opportunity to demonstrate how workers benefit under a free system; and how free collective bargaining can serve not only the worker but strengthen a nation.

Fifth. The creative minds—artists, writers, poets, musicians, dramatists—have a great opportunity to portray the spirit of a free people in their dedicated, relentless effort to create a better life for themselves and humanity.

Today, the Communists have an estimated 36 million people operating in about 86 nations. Their purpose is espionage, sabotage, subversion; to undermine existing, non-Communist governments; and eventually take over the countries.

This army of Red conspirators represents a threat equal to, if not greater than, the military power of the Communist bloc (if an East-West standoff by threat of mutual annihilation continues to exist).

In the face of a dedicated—yes, fanatic enemy—we must demonstrate to them and to the world:

1. That, as a free people, we are not so lazy and swimming in self-indulgence that we cannot compete with them or defend ourselves against communism;
2. That freedom is not—as Khrushchev says—an outmoded concept that is literally dying on the political vine of history; but, rather, that freedom—not totalitarian communism—is the dynamic revolution of the age that can best serve the people of the world now and in the future; and
3. That we can successfully awaken, mobilize, and put into action the great spiritual and ideological—as well as industrial, technological, scientific, military, and other forces of the free world—to triumph over communism.

SENATE

Friday, April 27, 1962

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal Spirit, Thou hast written Thy law on the tablets of our hearts. In Thy fellowship alone we find peace for our spirits and power for our tasks. In the brooding silence of this still moment, may open windows of faith flood our gloom with light, that in Thy sunshine's blaze our day may brighter, fairer be.

We come with hearts grateful for freedom's glorious light. Give us to see more and more that that light cannot be hidden under any selfish covering. Give us to realize that to consent, even by silence, to the crucifixion of freedom anywhere is ultimately to nail our own liberty on the same cross, knowing that with what measure we mete it shall be measured to us again.

Use our hands, we beseech Thee, to help build the City of God on the ruined wastes of this sadly divided and disordered world.

We ask it through riches of grace in Christ Jesus, our Lord. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 26, 1962, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. Mansfield, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. CHAVEZ, from the Committee on Public Works:

Col. Carroll H. Dunn, Corps of Engineers, to be a member of the Mississippi River Commission.

The VICE PRESIDENT. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

OFFICE OF EMERGENCY PLANNING

The Chief Clerk read the nomination of Justice M. Chambers of Maryland, to be the Deputy Director of the Office of Emergency Planning.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

U.S. AIR FORCE

The Chief Clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations in the U.S. Air Force be considered en bloc; and I take this occasion to extend congratulations to Brig. Gen. BARRY M. GOLDWATER on his promotion to major general in the U.S. Air Force Reserve.

Mr. DIRKSEN. Mr. President, notwithstanding the manifold duties of the distinguished Senator from Arizona [Mr. GOLDWATER], his fidelity to the military service, his interest in the problems of the service, and his devotion in attending all the drills and in meeting all the requirements which go along with a Reserve commission are always most faithfully observed. So I extend my congratulations, also, together with those of the distinguished majority leader, to our colleague, soon to be Maj. Gen. BARRY M. GOLDWATER.

Mr. MANSFIELD. Let me say that this is a well-merited promotion, because I understand he is commanding officer of the 999th Squadron of the Combined Air Force Reserve on Capitol Hill.

Mr. CURTIS. Mr. President, I wish to add my word of congratulations to General GOLDWATER, our colleague, the junior Senator from Arizona. This promotion is not only well deserved; it is also a very fine thing for the service.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. ARMY

The Chief Clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

THE MARINE CORPS

The Chief Clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

NOMINATIONS IN THE AIR FORCE, THE ARMY, THE NAVY, AND THE MARINE CORPS PLACED ON THE SECRETARY'S DESK

The Chief Clerk proceeded to read sundry nominations in the Air Force, the Army, the Navy, and the Marine Corps, which had been placed on the Secretary's desk.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of all these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Report on Reprograming Actions by National Aeronautics and Space Administration

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on four reprograming actions by that Administration; to the Committee on Aeronautical and Space Sciences.

Report on Overobligations of Appropriations

A letter from the Secretary of Defense, transmitting, pursuant to law, reports covering 17 overobligations of appropriations within that Department; to the Committee on Appropriations.

Amendment of Sections 510 and 591 of Title 10, United States Code

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend sections 510 and 591 of title 10, United States Code (with an accompanying paper); to the Committee on Armed Services.

Report on Number of Officers Assigned or Detailed to Permanent Duty in the Executive Element of the Air Force at the Seat of Government

A letter from the Secretary of the Air Force, reporting, pursuant to law, that as of March 31, 1962, there was an aggregate of 2,271 officers assigned or detailed to permanent duty in the executive element of the Air Force at the seat of Government; to the Committee on Armed Services.

Reports on Federal Contributions Under Federal Civil Defense Act of 1950

Two letters from the Assistant Secretary of Defense, reporting, pursuant to law, on Federal contributions under the Federal Civil Defense Act of 1950, for the quarters ended December 31, 1961, and March 31, 1962 (with accompanying papers); to the Committee on Armed Services.

Publication of Notice of Proposed Disposition of Certain Molybdenum

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 5 million pounds of molybdenum now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

Report on Provision of War Risk Insurance and Certain Marine and Liability Insurance for American Public

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the provision of war risk insurance and certain marine and liability insurance for the American public, as of March 31, 1962 (with an accompanying report); to the Committee on Commerce.

Amendment of Merchant Marine Act, 1936, Relating to Investment of War Risk Insurance Fund

A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to amend section 1208(a) of the Merchant Marine Act, 1936, to authorize investment of the war risk insurance fund in securities of, or guaranteed by, the United States (with accompanying papers); to the Committee on Commerce.

Amendment of Act Relating to Communicable and Preventable Diseases

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases," approved August 11, 1939, as amended (with an accompanying paper); to the Committee on the District of Columbia.

Report on Review of Selected Activities of Federal-Aid Highway Program in State of South Carolina

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of selected activities of the Federal-aid highway program in the State of South Carolina, Bureau of Public Roads, Department of Commerce, dated April 1962 (with an accompanying report); to the Committee on Government Operations.

Report on Review of Fee Arrangements With Lending Institutions, Small Business Administration

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of fee arrangements with lending institutions, Small Business Administration, dated April 1962 (with an accompanying report); to the Committee on Government Operations.

Federal Telecommunications Fund

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for a Federal telecommunications fund (with an accompanying paper); to the Committee on Government Operations.

Report on Receipt of Project Proposal Under Small Reclamation Projects Act of 1956

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the receipt of a project proposal under the Small Reclamation Projects Act of 1956 from the Banta-Carbona Irrigation District of San Joaquin County, Calif., in the amount of $967,000; to the Committee on Interior and Insular Affairs.

Don C. Jensen and Bruce E. Woolner

A letter from the Secretary of State, transmitting a draft of proposed legislation for the relief of Don C. Jensen and Bruce E. Woolner (with an accompanying paper); to the Committee on the Judiciary.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Report of National Labor Relations Board

A letter from the Chairman, National Labor Relations Board, Washington, D.C., transmitting, pursuant to law, a report of that Board, for the fiscal year ended June 30, 1961 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by representatives of the States of Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia, favoring the appropriation of Federal funds for the U.S. Army Corps of Engineers to undertake surveys to determine the types of facilities needed for permanent shore protection on the eastern seaboard; to the Committee on Appropriations.

A resolution adopted by representatives of the States of Connecicut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia, requesting a study be undertaken to examine programs to help provide financial assistance to those suffering property losses in flood disasters, including alternative methods of Federal flood insurance; to the Committee on Banking and Currency.

A resolution adopted by representatives of the States of Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia, favoring the enactment of Senate bill 543, relating to preservation and conservation of the shoreline; to the Committee on Interior and Insular Affairs.

By Mr. SALTONSTALL (for himself and Mr. Smith of Massachusetts):

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"Resolutions Memorializing the Congress of the United States To Enact Legislation Presenting to the States a Proposed Constitutional Amendment Concerning Equal Legal Rights for Women

"Whereas the women of our Nation have enjoyed full civil rights since the adoption of the 19th amendment; and

"Whereas there exist many statutes discriminating against women which tend to lower the Nation's prestige and status in the world community; and

"Whereas all citizens of our Nation should not only share equal civil rights but also equal legal rights, the view embraced by both major political parties in their respective platforms: Now, therefore, be it

"*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation presenting to the States a proposed constitutional amendment concerning equal legal rights for women; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of the Congress, and to the Members thereof from this Commonwealth."

(The VICE PRESIDENT laid before the Senate resolutions of the General Court of the Commonwealth of Massachusetts, identical with the foregoing, which were referred to the Committee on the Judiciary.)

By Mr. SALTONSTALL (for himself and Mr. Smith of Massachusetts):

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Labor and Public Welfare:

"Resolutions Memorializing the Congress of the United States To Provide for the Establishment of a Civilian Conservation Corps

"Whereas there is a great number of boys from ages 16 to 21 who have completed their schooling and are unemployed, and who should be employed in constructive work or in acquiring new skills or trades; and

"Whereas idleness among boys is apt to result in increased delinquency; and

"Whereas it would be advantageous for the boys and for our country to have these boys living under healthful, sanitary conditions, and subject to organized discipline: Therefore be it

"*Resolved,* That the General Court of Massachusetts respectfully urge the Congress of the United States to enact legislation providing for the establishment of a new Civilian Conservation Corps; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress, and to each Member thereof from this Commonwealth."

(The VICE PRESIDENT laid before the Senate resolutions of the General Court of the Commonwealth of Massachusetts, identical with the foregoing, which were referred to the Committee on Labor and Public Welfare.)

By Mr. SALTONSTALL (for himself and Mr. Smith of Massachusetts):

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Public Works:

"Resolution Memorializing the Congress of the United States To Enact Legislation Extending Financial Aid to the Commonwealth of Massachusetts for Purification of the Waters of the Merrimack River

"Whereas the pollution of the waters of the Merrimack River continues to be a danger to the health and welfare of all the inhabitants of the Merrimack River Valley; and

"Whereas the joint effort and financial assistance of the Federal and State governments are required in order to accomplish the monumental task of purifying the Merrimack River: Now, therefore, be it

"*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation extending financial aid to the Commonwealth for the purification of the waters of the Merrimack River; and be it further

"*Resolved,* That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress, and to each Member thereof from this Commonwealth."

(The VICE PRESIDENT laid before the Senate resolutions of the General Court of the Commonwealth of Massachusetts, identical with the foregoing, which were referred to the Committee on Public Works.)

PROPOSAL FOR FLOYD BENNETT COMMEMORATIVE STAMP—RESOLUTION

Mr. KEATING. Mr. President, New York is proud of one of its native sons, Floyd Bennett, who attained worldwide recognition as the first pilot to fly over the North Pole with Rear Adm. Richard E. Byrd on May 9, 1926. The chamber of commerce of the town of Warrensburg has honored him by erecting a bronze plaque in the town park named for him, and the Nation as a whole should honor, posthumously, this world famous aviation pioneer.

The Warrensburg Chamber of Commerce, at a recent meeting, adopted a resolution calling for the issuance of an airmail commemorative stamp honoring Floyd Bennett, and I have asked Post Office officials here in Washington to give every consideration to including such a stamp in the Department's stamp program for this year.

Mr. President, I ask unanimous consent to have the resolution adopted by the Warrensburg Chamber of Commerce inserted in the Record at the end of my remarks.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Whereas Floyd Bennett, a native son of Warrensburg, N.Y., attained national and worldwide fame and recognition as an aircraft pilot and primarily in his capacity as pilot for Rear Adm. Richard E. Byrd in the first flight over the North Pole on May 9, 1926; and

Whereas this chamber of commerce of the town of Warrensburg, N.Y., firmly believes that as this community has honored him by erecting a bronze plaque in our town park named for him, the Nation as a whole should honor, posthumously, this world famous American pioneer: Now, therefore, be it

Resolved, That the Warrensburg Chamber of Commerce, at a regular meeting thereof, recommends and supports the issuance of a commemorative airmail postage stamp in memory of the aforementioned Floyd Bennett; and be it further

Resolved, That this chamber of commerce petition the representative bodies of the Federal Government and the Post Office Department to issue such airmail stamp; and be it further

Resolved, That the Warrensburg, N.Y., post office be designated as the office of first-day sales and the postmarking of first-day covers of such said airmail stamp; and be it further

Resolved, That this chamber of commerce solicit the aid of the town board, the various town and county organizations, the churches, schools, and the general public in promoting this project; and be it further

Resolved, That this resolution be given publicity in all possible mediums and that it become a part of the permanent minutes of this chamber of commerce; and be it further

Resolved, That this resolution shall become effective immediately.

Dated at Warrensburg, N.Y., this 14th day of February 1962.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAVEZ, from the Committee on Public Works, without amendment:

S. 2806. A bill to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," to increase the amounts authorized to be expended (Rept. No. 1366); and

S.J. Res. 137. Joint resolution to authorize the Secretary of Commerce, in cooperation with the State of Alaska, to undertake studies and surveys relative to a highway construction program for Alaska, and for other purposes (Rept. No. 1371).

By Mr. CHAVEZ, from the Committee on Public Works, with an amendment:

S. 3099. A bill to authorize an adequate White House Police force, and for other purposes (Rept. No. 1367);

S. 3156. A bill to amend section 142 of title 28, United States Code, with regard to furnishing court quarters and accommodations at places where regular terms of court are authorized to be held, and for other purposes (Rept. No. 1369);

S. 3157. A bill to repeal subsection (a) of section 8 of the Public Buildings Act of 1959, limiting the area in the District of Columbia within which sites for public buildings may be acquired (Rept. No. 1370); and

H.R. 8355. An act to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes (Rept. No. 1364).

By Mr. CHAVEZ, from the Committee on Public Works, with amendments:

S. 3123. A bill to provide an office building for the Housing and Home Finance Agency (Rept. No. 1368).

FOOD AND AGRICULTURE ACT OF 1962—REPORT OF A COMMITTEE—SUPPLEMENTAL VIEWS (S. REPT. NO. 1365)

Mr. ELLENDER. Mr. President, I send to the desk an original bill reported by the Committee on Agriculture and Forestry which is a complete substitute for the bill introduced by me in the early part of February, together with a report thereon. I ask unanimous consent that the report, together with the supplemental views of Senators Hart, McCarthy, Young of Ohio, and Neuberger, be printed.

The VICE PRESIDENT. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Louisiana.

The bill (S. 3225) to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve national resources, and for other purposes; was read twice by its title, and ordered to be placed on the calendar.

REPORT ENTITLED "TRADING WITH THE ENEMY ACT"—INDIVIDUAL VIEWS (S. REPT. NO. 1363)

Mr. JOHNSTON. Mr. President, from the Committee on the Judiciary, I ask unanimous consent to submit a report entitled "Trading With the Enemy Act," pursuant to Senate Resolution 60, 87th Congress, 1st session, as extended, together with the individual views of the Senator from New York [Mr. Keating].

I ask unanimous consent that the report, together with the individual views of the Senator from New York [Mr. Keating] be printed.

The VICE PRESIDENT. Without objection, the report will be received and printed, as requested by the Senator from South Carolina.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ELLENDER:

S. 3225. A bill to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve national resources, and for other purposes; placed on the calendar.

(See the remarks of Mr. Ellender when he reported the above bill, which appear under a separate heading.)

By Mr. PASTORE:

S. 3226. A bill for the relief of Anthony F. Bernardo and Ambrose A. Cerrito; to the Committee on the Judiciary.

By Mr. KEATING:

S. 3227. A bill for the relief of Young Wai; to the Committee on the Judiciary.

RESOLUTION

TO PRINT AS A SENATE DOCUMENT A LEGISLATIVE HISTORY OF H.R. 6775, 87TH CONGRESS

Mr. ENGLE submitted the following resolution (S. Res. 334); which was referred to the Committee on Rules and Administration:

Resolved, That a compilation of materials constituting a legislative history of H.R. 6775 of the 87th Congress (a bill to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences) be printed as a Senate document, and that there be printed two thousand additional copies of such document for the use of the Senate Committee on Commerce.

EXTENSION OF REGULATORY AUTHORITY UNDER CONVENTION FOR THE ESTABLISHMENT OF AN INTER-AMERICAN TROPICAL TUNA COMMISSION — AMENDMENT

Mr. ENGLE. Mr. President, on September 18, 1961, the distinguished chairman of the Committee on Commerce [Mr. Magnuson], at the request of the Secretary of State, introduced the bill, S. 2568, to amend the act of September 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, and for other purposes.

Since the introduction of S. 2568, the Department of State has reviewed the matter and has concluded that certain changes in the text of this proposed legislation would be desirable.

Accordingly, on behalf of myself and the Senator from Washington [Mr. Magnuson], I submit, by request, an amendment in the nature of a substitute for S. 2568, embodying the text of the language now suggested by the Department. I ask that it be printed and appropriately referred, and that a letter from the Secretary of State with accompanying memorandum be printed in the Record.

The VICE PRESIDENT. The amendment will be received, printed, and referred to the Committee on Commerce; and, without objection, the letter and accompanying memorandum will be printed in the Record.

The letter and memorandum presented by Mr. Engle are as follows:

THE SECRETARY OF STATE,
Washington, April 20, 1962.

THE VICE PRESIDENT,
U.S. Senate.

DEAR MR. VICE PRESIDENT: By letter of September 14, 1961, the Department forwarded the text of proposed legislation "To amend the act of September 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, and for other purposes." In due course this proposed legislation was referred to the Senate Committee on Commerce and introduced as S. 2568. In the meantime, the Department, having had this matter under review, has concluded that certain changes in the text of this proposed legislation would be desirable. The changes desired are indicated by the enclosed text of S. 2568 which incorporates and underscores the proposed changes. An explanatory summary accompanies this text. In brief, the changes in question are dictated by need for clarification and refinement and to rectify certain oversights in the original text of S. 2568.

It is respectfully requested that S. 2568 be amended as indicated.

The Bureau of the Budget advises that there is no objection to this proposal.

Sincerely yours,

DEAN RUSK.

(Enclosure: S. 2568, revised with accompanying summary.)

SUMMARY OF PURPOSES OF PRINCIPAL PROPOSED CHANGES IN S. 2568

1. Section 2 of S. 2568 (sec. 6(c) of Tuna Conventions Act) is amended to:

(a) Delete unnecessary wording;

(b) Authorize the Secretary of the Interior, after consultation with the Secretary of State and the U.S. Commissioners, to suspend the applicability of conservation regulations to U.S. vessels and nationals when a substantial degree of international noncooperation in the conservation program makes this advisable.

(c) Shift from the Secretary of the Treasury to the Secretary of the Interior the responsibility for decision with respect to whether a condition exists for the applicability of an embargo on tuna caught in the regulatory area. The former, through the Bureau of Customs, would, however, enforce any such embargo at ports of entry;

(d) Include American Samoa within the scope of any embargo on landing of tuna caught in the regulatory area;

(e) Shift the emphasis from the mere promulgation of conservation regulations by nonmembers of the Inter-American Tropical Tuna Commission to the manner in which the fishing is done. Hence, an embargo on tuna, where appropriate, could not be circumvented by simply promulgating regulations and neglecting to enforce them;

(f) Close a loophole for circumventing an embargo which would exist if the ports of a country might be used by the nationals and vessels of another country to transship tuna to the United States;

(g) Clarify the intent to prohibit, in certain circumstances, the import only of the species of tuna under conservation management caught in the regulatory area, rather than all species of tuna caught by the country concerned in the said area.

2. The change noted in paragraph 1(c) above necessitates a consequential change in section 4 of S. 2568 (sec. 8(c) of Tuna Conventions Act) which is also further revised for clarification.

3. Section 4 of S. 2568 (sec. 8(g) of Tuna Conventions Act) is amended to limit the forfeiture feature to the cargo of tuna. This change is not expected to present any difficulty with respect to securing compliance with the conservation program. It would, however, relieve an onerous burden on the fishermen to find financing for their fishing operations when their vessels and gear are subject to possible forfeiture.

4. The changes noted in paragraph 3 above necessitate consequential changes in sections 4 and 5 of S. 2568 (secs. 8(h) and 10(e) of the Tuna Conventions Act).

5. Section 5 of S. 2568 (sec. 10(c) of the Tuna Conventions Act) is amended to eliminate an apparent inconsistency with section 10(d) as regards search and arrest warrants.

6. Section 5 of S. 2568 (sec. 10(f) of Tuna Conventions Act) is amended to provide an alternative to the posting of a bond, namely to enable the accused to sell the tuna cargo in question with the proceeds of sale to be deposited in escrow pending judgment in the case. Otherwise accused fishermen could suffer a stiff penalty even though found innocent. The value of a tuna cargo frequently exceeds $100,000. At 10 percent the cost of a bond for such a cargo would be over $10,000.

NOTICE OF HEARING ON S. 3161 TO PROVIDE FOR CONTINUATION OF AUTHORITY FOR REGULATION OF EXPORTS

Mr. ROBERTSON. Mr. President, as chairman of the Committee on Banking and Currency, I wish to announce that a hearing will be held on May 2, 1962, on the bill, S. 3161, to provide for continuation of authority for regulation of exports, and for other purposes.

The hearing will begin at 10 a.m., in room 5302, New Senate Office Building.

All persons who wish to appear and testify on this bill are requested to notify Mr. Matthew Hale, Chief of Staff, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, telephone Capitol 4-3121, extension 3921, at the earliest possible date.

SUPPORT FOR THE PRESIDENT'S DECISION TO RESUME ATOMIC TESTING

Mr. MANSFIELD. Mr. President, the resumption of atomic testing by the United States came only after great forbearance on the part of the President of the United States and only after every attempt had been made to reach an agreement with the Soviet Union to suspend further testing, on the basis of an agreed-to program calling for regulation and inspection on the part of both countries.

I am somewhat surprised and disturbed by the attitude of some countries which, when the Soviet Union some months ago resumed testing, without any prior notification to anyone, withheld comment at that time and by their silence indicated no opposition to the tests which that nation conducted.

As I see it, the President had no choice except to order resumption of the tests in the interest of our national security. His hand was, in effect, forced by the previous unannounced tests by the Soviet Union and by the fact that the recalcitrance of that country in the recent negotiations made it impossible to arrive at a mutually satisfactory agreement.

Mr. President, I ask unanimous consent that a telegram sent by the commander in chief of the Veterans of Foreign Wars of the United States to President Kennedy, on the matter of the resumption of atomic tests, be included at this point in the Record. By this telegram, Comdr. Robert E. Hansen, of South St. Paul, Minn., national commander in chief of the Veterans of Foreign Wars of the United States, assures the President of the full support of the Veterans of Foreign Wars for his courageous and necessary decision.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

The President,
The White House,
Washington, D.C.:

On behalf of 1,300,000 oversea combat members of the Veterans of Foreign Wars of the United States, I take this opportunity of sending assurances of our full endorsement and unqualified support of your decision to resume atomic testing. The resumption of atomic testing was urged by a resolution unanimously adopted by the thousands of VFW delegates to our 1961 national convention. The VFW's belief in the necessity of resuming atomic testing is based on the realization that the United States is the keystone of the free world and consequently the military strength of the United States must be assured if freedom is to be protected and preserved. The atomic testing which began at Christmas Island should be interpreted by freedom-loving people throughout the world as a demonstration of our Nation's determination to be increasingly strong in the defense of freedom. The VFW solidly supports your decision to resume atomic testing and believes that it is the only choice that could have been made in the defense of our Nation and its allies.

Robert E. Hansen,
Commander in Chief, Veterans of Foreign Wars of the United States.

BACKWARD, TURN BACKWARD, O TIME, IN YOUR FLIGHT

Mr. DIRKSEN. Mr. President, somewhere out of the dim past there comes to mind, this morning, one of the sweet couplets which, if I can reconstruct it, is approximately as follows:

Backward, turn backward, O Time, in your flight,
Make me a child again, just for tonight.

Mr. President, I allude to it because when the Congressional Record came to my desk this morning, I noticed that it bore, among other captions, the following:

Volume 108, Washington, Thursday, April 26, 1926, No. 65.

So, Mr. President, according to this caption, I should feel 36 years younger, and I ought to dance with joy because it has been made official by the Congressional Record. [Laughter.]

DO AMERICANS INVEST ABROAD RATHER THAN IN THE UNITED STATES BECAUSE OF THE TAX ADVANTAGES THEY MAY SECURE?

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the Record a statement I have prepared.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Curtis

The role of a supposed tax advantage as a motivating factor in influencing management decisions with regard to the establishment of oversea subsidiaries or a domestic expansion to serve export markets has been discussed on numerous occasions. It is apparent that some of my colleagues believe that if there were no tax considerations, American firms would provide increased employment in the United States to serve oversea markets.

My review of the available data does not support this concept. On the contrary, there is ample evidence that most firms would prefer to conduct their operations in the United States, but if they are to be competitive in world markets and to have any share in expanding economies in other countries, they must often establish foreign operations of one sort or another to serve adequately these markets. It is not a question of whether manufacturing operations should be conducted in the United States or abroad, the real question is whether American industry will participate in the growth of foreign countries or whether these opportunities will be lost to well-established firms in other developed nations.

The nature of the competition American industry faces is shown by naming just a few of the major firms which are active in all world markets. They include: Mitsui, Mitsubishai, Krupp, Bayer, Hoechst, Shell, Unilever, SKF, Imperial Chemicals Industries, Montecatini, Pirelli, Michelin, British Motor Corp., Renault, Societe Generale, Brown-Boveri, Ciba, and a host of others.[1]

The distinguished junior Senator from Tennessee, during the course of his remarks on February 12, referred to data prepared by the Commerce Department to the effect that expenditures for plant and equipment abroad by United States controlled foreign operations will amount to about $4.5 billion this year. He raised the question as to "how many new jobs would such expenditures, added to our normal expenditures for domestic plants and equipment, create here at home?" He conceded that he has "no satisfactory yardstick with which to measure this." However, he then continued saying and I quote: "What a stimulus $4½ billion invested in new factories would provide for our distressed areas."

To place these expenditures for new investment overseas in a proper context, it is well to relate them to total recorded expenditures for plant and equipment in the United States.

Table No. B10 included in President Kennedy's most recent economic report to the Congress shows that in 1961 fixed investment for new construction, other than farm and residential, totaled $18.6 billion. In addition, expenditures for investments in nonfarm producers' durable equipment totaled $23.4 billion.

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[1] Revenue Act of 1962, report of the Committee on Ways and Means, House of Representatives, 87th Cong., 2d sess., H. Rept. No. 1447, p. B24.

It thus appears that the gross nonfarm, nonresidential fixed investment in 1961 in the United States was $42 billion. In this context, the $4.5 billion in new plant and equipment expenditures by American subsidiaries operating overseas was approximately one-tenth of those for such equipment here in the United States during 1961. The statistics prepared by the Department of Commerce fail to indicate what portion of the $4.5 billion that was invested by these subsidiaries comprised purchases of equipment exported from the United States. All available evidence clearly shows that American oversea plants use facilities produced in the United States that constitute a major item of our export trade.

The suggestion has been made on too many occasions that because of favorable tax treatment we export jobs. The implication of these suggested statements is that by deterring incentives for oversea operations, investment funds will therefore automatically be made available to stimulate domestic depressed areas. This theory fails to deal with the realities involved in making any investment decision whether it be the construction of a new plant in the United States or the establishment of an oversea operation.

The mere fact that the American business community spent nine times as much in improving our own plant and equipment as it invested overseas shows that there is adequate capital available for the expansion of the domestic economy. However, the decision to embark on a new project is not determined by tax considerations because, unless the enterprise is profitable and income is first produced, there will be no occasion to pay either the U.S. or foreign income taxes. The economics of all the factors involved which contribute to the probability of a new venture being profitable must be weighed in making any investment decision. These considerations include market potential, transportation costs, availability of raw materials, the size and qualifications of the available labor force, utility costs and many similar factors. The Congress has recognized this truth in enacting legislation to assist depressed areas. The administration expects it will improve their economic climate. Funds have been provided to retrain workers with obsolescent skills, to provide better access to markets and raw materials for those who presently live in these areas. If these ends are successfully achieved, there is no doubt in my mind that private investments will be made.

The junior Senator from Tennessee, in the course of his remarks on February 12, made a statement which requires clarification, and I shall quote directly from the CONGRESSIONAL RECORD of that date:

"For example, in the State of Massachusetts, from which the distinguished Presiding Officer [Mr. SMITH] hails, there has been a relative loss of population, so severe that the State is losing two of its Representatives in Congress as a result of the last census and existing law. What a stimulus would be provided for a State like Massachusetts if it received a fair and reasonable share of the $4½ billion invested in new plant and equipment abroad." [2]

Every Senator is aware of the fact that a reapportionment of the Congress is necessary whenever a decennial census shows that the population of any State as related to that of all 50 States requires either an increase or a decrease in its share of the 435 permanent seats in the House of Representatives. It is to be expected that during a 10-year period, many factors will contribute to changing rates of population growth in our 50 States. This would occur even though the United States received no imports nor exported any products regardless of the magnitude of foreign direct investments.

Neither Massachusetts' loss of relative population nor California's relative increase can be logically attributed to private oversea investments nor to any other single economic factor.

If we are to approach the question of the taxation of foreign investments in a sound manner, it is essential that everyone realize that whether a project is a domestic or foreign operation, there must be a prospect of satisfactory earnings before taxes. Unless the economics of an investment opportunity indicates that it may be profitable, no amount of special tax inducements can provide an incentive. Tax deferrals, tax credits, and the other so-called incentives for foreign investment are meaningless if the basic economics are not favorable.

The junior Senator from Tennessee in the CONGRESSIONAL RECORD of February 12 suggests that our present tax laws provide an incentive to export jobs and lure factories overseas. Mr. President, I shall quote directly from his statement in the CONGRESSIONAL RECORD of that date:

"But what about the factory which is lured abroad by a tax loophole? Who benefits from that? Surely our economy as a whole does not. A few large stockholders may benefit. A few insiders may profit from speculation.

"A few officials with large salaries earned abroad may escape completely U.S. taxes. But our national interest is injured. Payrolls are lost. People are left unemployed. The productive potential of the country is lessened. The gross national product is lessened, and our standard of living is just that much lower." [3]

I am sure that every Senator will agree that the major share of American investments in oversea subsidiaries are related to our publicly held corporations. Accordingly, there is no basis to suggest that foreign investments are established to assist a few insiders in realizing a profit from speculation, nor to state that they benefit a few officials with large salaries earned abroad "who may escape completely U.S. taxes." The Internal Revenue Service has been granted adequate powers to deal with such flagrant abuses of our laws. They were enacted in order to promote an expansion of American exports and oversea activities in competition with the efforts of citizens in other developed countries.

The junior Senator from Tennessee in his discussion of the broad question of the taxation of American controlled foreign subsidiaries makes reference to the activities of movie stars and individuals who may have purchased real estate abroad so as to lower possible inheritance taxes. He said:

"* * * It does not take very long to fly from Miami to Nassau—about 20 or 30 minutes. Yet, if an American citizen establishes a home in Nassau and has a subsidiary there from which he earns a large salary, he not only makes no tax payment to the U.S. Government, but, under the tax laws, he does not owe any on this particular income." [4]

I shall certainly support any constructive proposals to close loopholes. However, it is important that we define this term. It should be applied to those who abuse legislation which was enacted for sound public policy. Certainly no evidence has been produced which indicates that any substantial number of American executives are operating foreign subsidiaries of large publicly held corporations in this manner. Yet, the tax proposals now under discussion in the Senate Finance Committee would penalize millions of American investors in our parent corporations with subsidiaries overseas. My examination of the testimony before the House Committee on Ways and Means clearly shows that virtually every witness went on record to the effect that abuses of our tax laws should be curbed.

For example, the statement filed with the committee by Mr. William S. Swingle, the president of the National Foreign Trade Council shows a clear recognition that whatever abuses exist should be corrected without hampering legitimate business activities. It stated:

"We wish to make it clear at the outset that the National Foreign Trade Council is in complete sympathy with the desire of the administration to eliminate abuses in connection with tax haven corporations which have as their principal purpose improper avoidance of Federal income tax. However, as stated by the President in his balance-of-payments message, any legislative action to curb such abuses should be carefully drafted so as not to result in penalizing legitimate private investment and trade abroad." [5]

Another witness, Mr. Leslie Mills, general manager of the Committee on Federal Taxation, American Institute of Certified Public Accountants, unequivocally stated:

"We have no quarrel with the desire of the administration to track down and correct artificial arrangements which have tax avoidance or tax evasion as their primary motive. But we are convinced that the present proposals would have the greatest effect on American enterprises operating abroad with entirely legitimate motives and that they would do grave injury to them and to the national economy without achieving any of the stated goals and recommendations." [6]

Mr. President, reinsurance schemes, interest-free loans by a foreign subsidiary to a parent, improper allocation of income between the parent and subsidiaries and similar practices have all been condemned unequivocally. However, it is not in the national interest to suggest that because such abuses exist and they should be corrected, all legitimate and helpful oversea operations should be penalized.

Mr. President, let me make it crystal clear that the removal of present tax deferral and either the gross-up procedure recommended by the administration or the repeal of the foreign tax credit included in S. 749 introduced by the distinguished junior Senator from Tennessee on February 2, 1961, would penalize millions of American citizens who have invested in America's publicly held corporations. In many instances, the laws of other countries require that American activities overseas must be conducted through subsidiaries with substantial ownership interests by citizens of the host country and in some cases by a foreign government itself.

Under such conditions the American parent will not have the deciding voice in the dividend policy of subsidiaries. If no dividends are declared to meet these new and more onerous tax obligations, there will be no improvement in our balance of payments. Furthermore, by increasing the tax burden on domestic parent corporations which must assume the tax obligation for unremitted subsidiary earnings, there will be less available capital for investment in the United States. If this occurs, our competitive position is further weakened and job opportunities will decline.

Since so much of our attention has been directed to the activities of our larger publicly held corporations with oversea operations, it should be apparent that individual private citizens participate in oversea activities by their purchase of shares in domestic corporations. The obligation for the proposed new taxes will ultimately be borne by them. It is inconceivable that anyone believes that the responsible directors and officers of American corporations are unaware of the need to strengthen the competitive position of our own economy. They are also anxious to pay satisfactory dividends to their stockholders on all the funds invested in their respective enterprises. It is evident that the real interests of the American business community lie in providing the maximum return for their investors, the enhancement of America's competitive position, and the development of our own markets. These interests should not be confused with the activities of a small minority of irresponsible individuals who have abused provisions in our present tax laws.

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[2] CONGRESSIONAL RECORD, Feb. 12, 1962, p. 2193.

[3] CONGRESSIONAL RECORD, Feb. 12, 1962, p. 2193.

[4] CONGRESSIONAL RECORD, Feb. 12, 1962, pp. 2192–2193.

[5] "President's 1961 Tax Recommendations," hearings before the Committee on Ways and Means, House of Representatives, 87th Cong., 1st sess., vol. 4., p. 2660.

[6] Ibid., p. 2714.

President Kennedy in his 1961 balance of payments message stated that he would recommend to the Congress legislation to prevent the abuses of foreign tax havens as a means of tax avoidance. However, in the same message he stated:

"But we shall not penalize legitimate private investment abroad, which will strengthen our trade and currency in future years."[7]

Since President Kennedy's message was transmitted to the Congress, the administration has apparently lost sight of the penalties that are now proposed with respect to legitimate private investment abroad.

Mr. President, the Secretary of the Treasury in his review of the administration's proposals has stressed the need for tax neutrality and the elimination of abuses. Again, so that the record may be clear, let me remind my colleagues of his views with respect to foreign investment, when he testified before the House Committee on Ways and Means in July of 1959. At that time. he was the Under Secretary of State in the Eisenhower administration. Mr. Dillon then stated:

"During recent years there has been a strong upsurge in the flow of U.S. private capital to Canada and Western Europe where the creation of the Common Market is providing a new stimulus to American investment. These private investments of ours in the more advanced countries have made an important contribution to the economic strength of the free world."[8]

He also made favorable reference to a study which he had authorized made pursuant to section 413(c) of the Mutual Security Act of 1954 as amended. In referring to this study, the Under Secretary of State, Mr. Dillon said: "* * * was made under the direction of Mr. Ralph I. Straus, a distinguished American business leader."[9]

Mr. Straus also testified before the Committee on Ways and Means with respect to this study. Mr. Straus identified himself as a director of R. H. Macy and then stated:

"Recently I have had the privilege of acting as a consultant to Under Secretary of State C. Douglas Dillon for the purpose of preparing a report pursuant to section 413(c) of the Mutual Security Act of 1954, as amended, entitled 'Expanding Private Investment for Free World Economic Growth.' This report was published by the Department of State in April of this year and has been distributed to each member of the committee."[10]

Mr. Straus' report included a thorough examination of the tax laws. He recommended that tax deferral be continued. Rather than encourage American firms to operate through foreign tax havens, he urged that our laws should provide for the incorporation of foreign business corporations in the United States which would operate in the same manner as a tax haven. In fact, as most Senators remember, these proposals were embodied in a bill introduced by Representative Boggs, of Louisiana, H.R. 5, 86th Congress. Now that Mr. Dillon is the Secretary of the Treasury in a new administration, he suggests that tax deferral may be appropriate to stimulate investment in underdeveloped nations but not in the developed countries.

The recommendations of the Kennedy administration represent a drastic departure from Mr. Straus' summary of the report he made as a consultant to the then Under Secretary of State Mr. Dillon.

Mr. Straus testified that no geographic limitations should be placed on tax deferral. His testimony in 1959 deals directly with the problem now presented to the Finance Committee and I shall quote from it. He said:

"In our report we recommended that a foreign business corporation have no geographic limitations so long as it derives its income from sources outside of the United States. This is primarily because we conceived of a foreign business corporation as an instrument for the accumulation of profit for reinvestment abroad.

"The idea of profits earned from investments in Western Europe or even Canada being reinvested in the less developed areas is appealing. Also, the universal foreign business corporation would be well equipped to take advantage of the psychological fact of foreign business life which I have mentioned: the tendency of corporation directors to permit reinvestment abroad of profits earned abroad but to balk at investment abroad of domestic profits and resources.

"We also opposed any geographical limitation on the foreign activities and sources of income of a foreign business corporation because the diplomatic problems and domestic pressures involved in choosing particular countries or areas would make a general system of legislative or administrative selection very difficult. Moreover, since the foreign business corporation involves tax deferral rather than tax reduction, it is appropriate for investment both in developed and underdeveloped countries."[11]

The Kennedy administration has placed the primary responsibility for the development of tax proposals in the jurisdiction of the Assistant Secretary of the Treasury, Mr. Stanley S. Surrey. Once again, it is of some interest to review his earlier statements presented to the House Committee on Ways and Means during the 85th Congress on December 4, 1958, while a professor at Harvard University. At that time he stated that tax deferral and our existing tax credits represent concepts that have proved themselves advantageous to the U.S. Government and that they have promoted the primary aims of American foreign policy.

Professor Surrey's statement before the Committee on Ways and Means with respect to these two controversial items is so forthright and it contradicts so completely the proposals advanced by the Kennedy administration that I quote it at this point:

"Foreign tax credit accommodation to foreign source jurisdiction. While residence and nationality, including domestic incorporation, thus support income taxation, recognition must be paid to the fact that we live in one world and that the foreign income of our citizens and corporations may therefore be subject to taxation at the foreign source. The modus vivendi for that recognition under our system is the foreign tax credit mechanism. Under this credit, a foreign income tax paid is treated as payment to that extent of the U.S. tax on the foreign income, so that only a tax representing the difference between the foreign tax rate and the U.S. tax rate must be paid to our Treasury Department. It is this foreign tax credit which accommodates our need to stress nationality jurisdiction, so as to achieve the objective of equality among our citizens and corporations, with the need of foreign countries to stress source jurisdiction if they are to protect their revenue structures. The accommodation permits the foreign country of source to obtain revenue and also permits the United States to maintain the standard of equality at home since the taxpayer's tax burden is still at our domestic level (unless the foreign rate is higher than our rate). This accommodation is possible because of the revenue yielded by our Treasury Department to the extent of the credit granted. It is this foreign tax credit mechanism therefore which makes international trade and investment possible under our income tax system, and that of other mature income tax systems as well which stress equality of tax burden. While the credit mechanism is complicated, it is thus absolutely vital to our tax system.

"Tax deferral accommodation to foreign source jurisdiction. A second accommodation to international activity is represented by our grant of deferral of taxation on foreign source income until that income is returned to the United States. The mechanism of deferral is the recognition accorded to foreign incorporation. Under this mechanism, foreign subsidiaries of American corporations are treated as separate entities and thus essentially outside the reach of the U.S. tax system.

"The income of these foreign subsidiaries is thus free of U.S. tax until paid out as a dividend to the parent, or distributed in liquidation. The advantage of tax deferral is quite significant, for the investor is in effect permitted to retain our Government's share of the income and thereby increase its investment. It is an interest free loan of the amount of our tax automatically made without any security or collateral, and with the maturity determined by the taxpayer. Consider for example, the entire change in the impact of our corporate tax that would occur if a domestic corporation did not have to pay that corporate tax on its income until it was ready to pay the income out as a dividend.

"The grant of tax deferral, in addition to being a positive tax advantage to the U.S. investor abroad (the foreign tax credit in principle is not such an advantage although in application it has become so, as indicated below) represents a second significant accommodation to foreign tax systems. The foreign tax credit mechanism is an accommodation to the existence of foreign income taxes and to the needs of foreign countries to secure revenues through their income tax systems. Thus foreign countries can develop the rates of income tax on their domestic capital which they believe necessary to meet their revenue requirements and at the same time feel free to apply those rates to U.S. taxpayers without impeding investment from the United States, since the U.S. investor is protected by the foreign tax credit. The limiting factor here is the U.S. tax rate, applicable alike to our domestic and foreign investment. The accommodation of deferral permits a foreign tax system to take the opposite course, for here the limiting factor is the foreign tax rate. Hence, if a foreign tax system decides to favor domestic capital formation through either a relatively low tax rate, special income tax concessions, or even no income taxation at all, it can grant the same preference to the U.S. investor who is investing within the country through a foreign subsidiary. The grant will be meaningful since only the foreign tax system is applicable to the income of that subsidiary until the income is returned to the United States. In combination, these two accommodations accord the greatest weight possible to foreign tax systems in order to promote international trade and investment. The United States can do no more without in effect abandoning the standard of tax equality completely and thereby in effect surrendering control over its own income tax.

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[7] Ibid., p. 3135.

[8] Foreign Investment Incentive Act, hearings before the Committee on Ways and Means, House of Representatives, 86th Cong., 1st sess., H.R. 5, p. 78.

[9] Ibid., p. 79.

[10] Ibid., p. 240.

[11] Ibid., p. 243.

"This advantage of tax deferral depends today on the form which the investment takes, for it is available only to the foreign subsidiary form. It is in large part for this reason that most of our foreign investment. at least in the nonnatural resources field, is in this form." [12]

Prof. Stanley S. Surrey expressed the view that in proper perspective tax deferral and foreign tax credits provide tax equality and promote our foreign policy objectives. He concluded his statement in 1958 with an endorsement of these principles, and I shall quote from it:

"The U.S. income tax when viewed in proper perspective has achieved a balance between observance of the basic standard of tax equality among our taxpayers and necessary accommodation to the revenue claims of other countries when international activities are involved. As respects tax equality, our income tax rests tax jurisdiction on residence and nationality as well as geographical source, so that American citizens and corporations with foreign income are required to pay tax on that income. However, as respects accommodation to foreign taxing jurisdiction, the United States grants a tax credit for foreign income taxes paid and thereby permits the U.S. taxpayer investing abroad to reduce his U.S. taxpayment accordingly. It is this credit which makes foreign investment possible at all. As a further accommodation, the United States grants tax deferral to U.S. taxpayers investing abroad in foreign subsidiary form. This tax deferral is a decided advantage, for it is an interest-free loan in the amount of our tax on the foreign income, automatically granted by our Government without any security or collateral, and with the maturity controlled by the taxpayer. These two accommodations are capable of rational support." [13]

Those responsible for the major investment decisions of American enterprise with domestic and foreign operations are American citizens and with very few exceptions would much prefer to remain at home and enjoy the many benefits that characterize our way of life. Mr. Neil McElroy, the former Secretary of Defense and now chairman of the board of Procter & Gamble Co., in his testimony before the House Committee on Ways and Means said:

"I am certain that it would simplify the lives of many people in our company if we could manufacture all of our products in the United States and sell in international trade through export from this country. Unfortunately, however, this is not possible." [14]

The provisions in our tax laws with respect to the taxation of income from oversea investments were carefully formulated many years ago. The basic concepts have not changed for 49 years since the first income tax law was enacted in 1913. Our foreign trade has grown, and we enjoy a favorable balance of payments in our merchandise accounts. Furthermore, America's oversea investments have contributed to this result and the income derived from them has contributed to financing governmental programs to further our foreign policy objectives. Without the favorable balance of receipts over new investments that have characterized our direct investment activities, there would have been a very substantial deficit in our balance of payments which might have seriously jeopardized our monetary reserves.

In closing, it seems strange that the legislation under consideration by the Finance Committee would hamper direct investments by American enterprises in other countries. By direct investment I refer to the use of capital funds by American subsidiaries and branches overseas for plant and equipment.

The 11-year period starting in 1950 and ending in 1960 developed a surplus in excess of $8 billion in these transactions. On the other hand, the legislation under consideration will have little effect on other private investment activities. These include gold holdings, foreign bank deposits, and the purchase of foreign securities. Such investments over the same 11-year period resulted in a net outflow of $5.9 billion. Yet, the legislation proposed by the administration would have no measurable effect on these transactions.

I shall discuss this subject further as the Finance Committee proceeds with its consideration of amendments with respect to the taxation of foreign source income contained in H.R. 10650.

STANDBY AUTHORITY TO ACCELERATE PUBLIC WORKS PROGRAMS OF THE FEDERAL GOVERNMENT AND STATE AND LOCAL PUBLIC BODIES

Mr. ROBERTSON. Mr. President, the Committee on Public Works has reported S. 2965, Calendar No. 1321, a bill to provide standby authority to accelerate public works programs of the Federal Government and State and local public bodies.

This bill authorizes a public works program including acceleration of Federal projects and Federal grants and other Federal grants and loans up to $2 billion. The program would be financed by using the unobligated balances of authorizations to expend from public debt receipts available for the Housing and Home Finance Agency, for loans to the Federal Savings and Loan Insurance Corporation, for loans to the Federal Deposit Insurance Corporation, for the purchase of obligations issued by the Federal home loan banks, and for payment of the subscription of the United States to the International Bank for Reconstruction and Development.

As soon as the Senate has concluded the pending business, Senator CAPEHART and I shall move to have S. 2965 referred to the Committee on Banking and Currency, so that full hearings can be held with respect to this method of financing a public works program. It may be also that, in view of the provision of the bill drawing upon funds committed for the International Bank for Reconstruction and Development, the Committee on Foreign Relations may feel it appropriate to make a similar request.

The Federal Deposit Insurance Corporation provides insurance up to $10,000 per account in about 13,450 banks in the country—about 97 percent of the country's banks. The total of deposits in insured banks comes to $260 billion, and $150 billion is actually covered by the insurance. This insurance is backed up by an insurance fund of some $2 billion built up from assessments on the banks, plus the Government's commitment to make available $3 billion by the use of borrowing authority. It is this $3 billion commitment of the Government which would be affected by S. 2965.

The Federal Savings and Loan Insurance Corporation insures savings accounts up to $10,000 per account, in the savings and loan associations belonging to the Corporation. In addition to a reserve fund built up out of premiums received from member associations, the Federal Savings and Loan Insurance Corporation insurance on savings accounts is backed up by a commitment of the Federal Government to make available $750 million. S. 2965 would dip into this fund also.

I shall not discuss this matter at length today. I believe the above information is more than sufficient to make clear my reasons for feeling that a full opportunity to testify on this bill must be given to insured banks and insured savings and loan associations and to the people whose deposits and savings would be affected.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. CASE of South Dakota. May I say to the distinguished chairman of the Committee on Banking and Currency that I personally, as ranking minority member of the Public Works Committee, feel his request is amply justified. In fact, I believe that if every Senator, regardless of which side of the aisle he occupied, realized that this bill as proposed would set a precedent for one committee to raid funds provided by authorizations of other committees, he would want to defeat that provision of the bill.

Mr. ROBERTSON. Is it not true that that provision was not in the original bill as introduced, and there were no hearings on the provision to raid trust funds of agencies authorized under the jurisdiction of the Banking and Currency Committee?

Mr. CASE of South Dakota. That is true as the bill is amended, although in its original form the bill would have permitted funding by using uncommitted appropriations, contract authorizations, revolving funds, and other authorizations to expend from corporate or public debt receipts.

Mr. ROBERTSON. But the committee spelled it out.

Mr. CASE of South Dakota. Yes, it did, as an attempt to limit it. The committee was supplied with three possible lists of funds that could be raided, even by striking out contract authorizations.

Then I asked the question whether, under mention of the revolving fund, it would be possible for the moneys in the revolving fund for the Farmers Home Administration, into which farmers paid back loans, to be used to build sidewalks in some depressed town or city. The answer was they could be, under the original language.

The VICE PRESIDENT. The time of the Senator has expired.

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[12] Ibid., pp. 536–37.

[13] Ibid., p. 543.

[14] President's 1961 Tax Recommendations, op. cit., p. 2922.

Mr. CASE of South Dakota. Mr. President, may I be recognized in my own right?

The **VICE PRESIDENT.** The Senator from South Dakota.

Mr. CASE of South Dakota. Now, it goes the other way, funds authorized for building homes could be used for rural flood control. I agree with the Senator from Virginia that in the bill as reported here the Committee on Public Works would be violating the jurisdiction of the Banking and Currency Committee. And that would set the precedent for violating the jurisdiction of the Committee on Armed Services, the Committee on Agriculture and Forestry, and all other committees which seek to set up programs with funding provisions, to say nothing about the Appropriations Committee.

The programs to which the Senator from Virginia has alluded were specific programs, justified by that committee, approved by the Congress. Some of them I did not happen to vote for, but they were authorized by the Congress, and the use of money to be obtained by selling debentures by the various agencies to the Treasury was authorized.

Here it is proposed that the Public Works Committee should step into the domain of the Committee on Banking and Currency, to borrow the borrowing authority set up for the programs reported and handled by that committee.

We could logically, under the original authorization of the bill, step into the domain of the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Agriculture and Forestry, the Committee on Labor and Public Welfare, or any other committee where the Public Works Committee would have no original authority to propose a program. This bill proposes to establish a precedent for one committee to borrow and to raid the funds set up by the programs reported by other committees.

Mr. ROBERTSON. Why did the Committee on Public Works, of which the Senator is a member, vote to let the farmers fund out?

Mr. CASE of South Dakota. I think it was because they were alarmed when I pointed out what could happen. I did not vote to report the bill. Let me point out that every member of the minority was opposed to reporting the bill as it was reported, notwithstanding some representations in the press about a divided position. The only division of position was that, while we were all opposed to reporting the bill as it was reported, there were various cures proposed for approaching the problem, whether we should kill it all or a part of it, and so forth.

Mr. President, this is a matter which involves the jurisdiction of every committee of the Senate. It involves particularly so-called back-door financing. One might say it is proposed to set up sidedoor financing, or slidedoor financing, as we put it in the report, because it would permit funds to be borrowed from agencies not under the jurisdiction of the Public Works Committee for purposes authorized by the bill, and then authorize Congress to reappropriate to restore the impaired balances of authorizations. All the original pressures would then operate, so that we could wind up with a restoration and a double appropriation demand on the Treasury for the program originally proposed. Certainly the Committee on Banking and Currency is entitled to consider a bill which proposes to draw billions of dollars from programs which that committee originally provided.

Mr. ROBERTSON. And I want to emphasize again that this proposal does more than just take money away from programs which the Banking and Currency Committee and other committees have authorized. That is bad enough. But the bill does much worse than that.

The bill would impair the protection provided by FDIC and FSLIC for hundreds of billions of dollars worth of bank accounts and savings accounts. The good faith of the U.S. Government is committed to protect our banking system and our savings and loan system and the depositors and savers who have invested their money on the strength of the U.S. Government's commitment. We cannot withdraw from this commitment.

WHY INCREASED AID TO NASSER?

Mr. KEATING. Mr. President, I was startled and disturbed by a headline in today's New York Times—"Washington Is Receptive to U.A.R. Minister's Requests for More Aid." The article indicated Arab requests for a United States-Western European aid consortium, like that now existing for India, for a long-term U.S. agreement to supply surplus grain, and for additional credits to assist Nasser in his foreign exchange difficulties.

Mr. President, one of the reasons given for Nasser's difficulties is a blight on the cotton crop. One of the other reasons for Nasser's difficulties is undoubtedly his policy of mortgaging Egypt's cotton crop to the Soviet Union in return for Soviet weapons and equipment. Since 1956, Nasser has reputedly mortgaged up to 60 percent of the Egyptian long-staple cotton crop to Moscow. He has reportedly received up to half a billion dollars a year in military equipment from the Soviet bloc. These sales are currently on the decline, but certainly we should avoid any steps that could encourage them to increase again.

Mr. President, I am very skeptical of these efforts to buy Arab support. I have already been in touch with Secretary of State Rusk inquiring what he hopes to accomplish by this expanded aid program, and whether any guarantees have been sought that existing Egyptian resources will be put to better use. If we can say this to our friends in Latin America, we can surely also say it to Nasser.

In short, Mr. President, I do not think we should increase aid to Egypt until we have definite assurances that Nasser will not use any of this assistance, directly or indirectly, to supply himself with additional Soviet weapons, and thereby to increase the existing tensions in the Middle East. Before making long-term commitments of any kind in the Middle East, we should renew our efforts to bring about an Arab-Israeli settlement. The Middle East peace conference, which the President spoke of in the fall of 1960, is long overdue. The Middle East is also an excellent site for a pilot disarmament project.

The best way to encourage economic development in the Middle East is to put an end to the present hostilities there and thereby release available resources of the Arabs and Israel for peaceful purposes. I am fearful that the administration may be ignoring the true path to peace and trying, instead, to buy a one-sided settlement, by censuring Israel in the U.N. by ignoring Arab violations of the U.N. through economic warfare, and now by stepping up aid to Egypt.

THE INTERNATIONAL AZALEA FESTIVAL

Mr. ROBERTSON. Mr. President, yesterday it was my good fortune to accompany the Honorable Elvis J. Stahr, Jr., Secretary of the Army, to a luncheon in Norfolk, Va., where he made an outstanding address in conjunction with the current celebration of the International Azalea Festival.

This beautiful festival has been held each spring since 1954. The festival queen and her princesses are selected from among the North Atlantic Treaty Organization nations in recognition of the fact that Norfolk is the headquarters of NATO Supreme Allied Commander Atlantic. This year's queen is the lovely Miss Margaret Ann Goldwater, daughter of the distinguished junior Senator from Arizona and Mrs. Goldwater. Last year's queen was the beautiful Miss Lynda Bird Johnson, daughter of the Vice President and Mr. Johnson.

The Azalea Festival is centered on the magnificent floral display at the Norfolk Municipal Gardens, consisting of 12 miles of picturesque pathways winding through 100 fully developed and beautifully landscaped acres of gardens. I hope that many of my colleagues in this body will have the opportunity to visit the Azalea Festival this weekend.

Because of the significance of Secretary Stahr's address, I ask unanimous consent to have it inserted in the body of the RECORD at this point and I commend it to each Member of the Senate.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NATO AND THE U.S. ARMY

(By the Honorable Elvis J. Stahr, Jr., Secretary of the Army, at the Civic Club Luncheon, Golden Triangle Hotel, Norfolk, Va.)

I am genuinely delighted to have the privilege of participating in this International Azalea Festival saluting the North Atlantic Treaty Organization and its Norfolk branch, so to speak—the Headquarters of the Supreme Allied Commander Atlantic. It is a particular privilege because a vital part of the Army's present-day mission is support of NATO. I certainly need hardly add that my pleasure in being here today is in no small way enhanced by the presence of the lovely azalea queen and her princesses and attendants. It is a tribute to the inspiration and ingenuity of the people of Norfolk that appreciation of glorious spring flowers and beautiful young ladies has been so felicitously combined with recognition of the importance of what President Kennedy has called our central and most important defensive alliance."

That great Virginian, Thomas Jefferson, voiced the spirit of earlier generations when he said, "Peace, commerce, and honest friendship with all nations—entangling alliances with none." But times have changed. What made good sense for over a century does not make good sense today. The massive Communist threat hanging over all free nations and the awesome power of nuclear weapons make it clear that no nation can be an island, sufficient unto itself. Therefore, alliances can no longer be considered entangling—they are an absolute necessity for survival.

NATO is the quintessence of the coordinated effort of the free world to defend itself against Communist imperialism. Its formation on April 4, 1949, was the direct result of the realization on the part of nations of the Atlantic community that they faced a common danger which could best be dealt with by collective action. These nations were already united by strong bonds of respect for the rule of law and love of liberty. To safeguard their heritage during the years following World War II when Communist expansion seemed irresistible, they banded together in a common effort to deter aggression and insure peace through unity of purpose and action.

The alliance has suffered growing pains, as young organizations always do, but each internal problem has been resolved through discussion and agreement among the members. As Ambassador John K. Galbraith recently pointed out, criticism is essential in the intercourse of open societies. The measure of success of any alliance is its ability to achieve the ends for which it was designed, and NATO has passed the test with flying colors.

During the years since 1949, its usefulness in the military sphere has been proved and improved. It has been preeminently successful in its mission of preventing further Communist military incursions in Europe. Furthermore, although primarily a military alliance, NATO has contributed immeasurably to the political, economic, scientific, and cultural cohesiveness of the community—the real foundation of lasting strength and stability. Khrushchev's frequent scorching attacks upon it are additional evidence of its effectiveness—proof that he considers NATO a serious stumbling block in the Communists' path to world conquest. To the lasting credit of the member nations, NATO rises from each fiery attack like the mythical salamander, undamaged by the blast and heat.

The North Atlantic Treaty Organization performs its role on the most prominent stage in the world—Europe, the Atlantic, and the New World. The whole world is the audience. The price of failure would not be merely the closing of the show, it would be world catastrophe. On the other hand, continuation of the present successful run will set the example for other troubled areas of the world.

The U.S. Army's mission in support of NATO is to help provide it with a powerful, balanced ground capability which places the U.S.S.R. in the position of having to commit its own forces in any attempt to take over Europe. There can be no salami tactics by proxy, with Soviet satellite nations carving up Europe a slice at a time. Rather, if the Soviet Union wishes to overrun Western Europe, it must itself launch an all-out attack—a confrontation with the West which they must know could lead to the use of nuclear weapons. By so raising the threshold of deterrence, we make credible our nuclear deterrent to aggression.

In fulfillment of its NATO mission, the Army now has in Europe five full-strength divisions—three infantry and two armored—four armored cavalry regiments and a substantial number of missile battalions, as well as three battle groups on guard in Berlin. The three infantry divisions have been mechanized, and appropriate units have their full quota of M-60 tanks and M-113 armored personnel carriers. In addition, all combat elements are now equipped with the new M-14 rifle and M-60 machinegun. All are backed by a superb logistical system which insures that they can fight long as well as hard though thousands of miles from home. Furthermore, equipment has been positioned in Europe for additional divisions whose personnel can be airlifted to the Continent in a matter of days should the necessity arise.

To insure the ability of our ready-around-the-clock Strategic Army Corps to deal realistically with Communist aggression anywhere in the world, the number of combat-ready divisions in the continental United States has been increased from three to eight. This was accomplished by relieving three Regular divisions of recruit training missions and raising them to Strac status, and by bringing on active duty two National Guard divisions—the 32d Infantry of Wisconsin and the 49th Armored of Texas—which also are now in the Strac status.

In order to retain for the long pull our present force of 16 combat-ready divisions—8 overseas and 8 in the continental United States—2 new Regular divisions have been activated—the 1st Armored and the 5th Mechanized Infantry. The state of readiness of these two new divisions by the time the National Guard divisions have completed their terms of service will be such that there will be no sag in our combat-ready division structure when the guard divisions return home after their splendid service to the Nation.

The establishment of the Strike Command—while not a unilateral accomplishment—was another important achievement affecting the Army's ability to fulfill the Nation's commitments to NATO and our other alliances worldwide. Stricom unites the Army's Strategic Army Corps with principal elements of the Air Force's Tactical Air Command in a unified command under direct control of the Joint Chiefs of Staff. This new command organization substantially increases the flexibility, mobility, readiness, and striking power of the Army's Strategic Reserve Forces.

Most of the steps I have outlined have major impact at the present time on the critical situation in Europe. However, we cannot afford to overlook in any respect the tremendous significance of what is happening elsewhere. The Communist menace is worldwide, and it must be dealt with on a worldwide basis. The Army has, therefore, moved forward to bolster its ability to cope with the equally critical threat of guerrilla warfare, which is actually being waged or plotted in many areas at this very moment. The ultimate fate of freedom could well depend upon its outcome.

Premier Khrushchev has made it perfectly clear that the Sino-Soviet bloc intends to continue to wage guerrilla warfare against the free world—or, at the very least, to encourage and subsidize it—throughout the foreseeable future. He has proclaimed it not only "admirable but inevitable."

President Kennedy has made it equally clear that this Nation accepts the implicit challenge; that we are not about to stand by and let the Communists achieve their cherished goal of world domination step by step through phony wars of liberation. He has emphasized and reemphasized the fact that the buildup of the Army's counterguerrilla capability is a phase of its activities in which he is vitally interested and that it has his strongest backing.

Today the Army is performing invaluable cold war service in defense of the free world by furnishing expert training and technical assistance, as well as extensive aviation support for troop transport, observation, and resupply, to the Vietnamese in their bitter jungle and rice-paddy war against the infiltrating Viet Cong. We are continuing to press vigorously along every line to enhance further the Army's ability and readiness to give effective backing of this kind to any other free world nation similarly threatened.

Total strength—military, political, and economic—is the key to dealing with the Communists. Such strength, coupled with the iron will to use it in freedom's defense, is the immovable obstacle to the advance of the Soviet bloc.

Great strides have been made in building powerful defenses for our Nation and for the entire free world, but we must be tireless in maintaining them and continuing to enhance their effectiveness. Constant efforts to achieve a better understanding of our friends and allies—their hopes, their capabilities, and their problems—are imperative if we are to cope with the threat against us and extend the dominion of liberty and justice in an awakening and changing world.

In closing, let me say again how delighted I am to participate in this International Azalea Festival. An event such as this, focusing attention on the tremendous value of our alliances and pointing the way toward greater international cooperation for peace and freedom, helps immeasurably to advance the cause to which we are all devoted. We can upset the Soviets' cherished plan of world conquest, preserve our Nation, and build a just and lasting peace if we go forward together in the spirit of utmost realism and resolution and with a sustained sense of urgency. The stakes are high; they couldn't be higher. They involve the very soul and spirit of man.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Hart in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. PHILANTHROPY RECORD

Mr. WILEY. Mr. President, U.S. philanthropy is a little heralded, but highly significant, feature of American life.

As the most advanced Nation in the world, our progress has been speeded and enriched by human compassion reflected in individual attitudes and the national spirit.

In 1961, American philanthropy—private giving for public causes—was valued at $8.7 billion, up $500 million from 1960. According to a recent report of the American Association of Fund Raising Counsel, Inc., the philanthropic sources were as follows:

Individuals, $7 billion; foundations, $625 million; business corporations, $460 million; and charitable bequests, $615 million.

The funds were distributed as follows:

Religion, 51 percent; education, 16 percent; welfare, 15 percent; health, 12 percent; foundations—paid into endowment funds, 4 percent; and other, 2 percent.

Is $8.7 billion a significant amount? Although only about 1½ percent of our gross national product, this exceeds—think of it—the gross national product of about 85 percent of the nations in the world.

Through its national policies, as well as through individual givers, the United States as a nation also has demonstrated not only a spirit of live and let live, but also a spirit of live and help live.

This, then, is not a light to be kept under a bushel.

Currently, the United States, as a leader of the free world, is involved in a life-or-death ideological struggle against communism. By relentless propaganda, the Reds attempt to paint a distorted image of U.S. citizens as exploiters, selfish capitalists, and monopolists.

The splendid record of philanthropic endeavors, however, can—in my judgment—do much to counter such propaganda and demonstrate that, despite being militarily powerful and economically far advanced, the American people also possess a warm, compassionate heart, concerned with the well-being of our fellow men.

Mr. RUSSELL. Mr. President, will the Senator from Wisconsin yield?

Mr. WILEY. I yield.

Mr. RUSSELL. The Senator from Wisconsin has made a very interesting statement. Do the figures he has cited include merely domestic benevolences, or do they also include those given by Americans throughout the entire world?

Mr. WILEY. They include only our domestic benevolences.

Mr. RUSSELL. In other words, benevolences in this country?

Mr. WILEY. Yes.

Mr. RUSSELL. Can the Senator from Wisconsin inform us of the source of the figures he has cited?

Mr. WILEY. At the moment, I cannot give the details; but they are taken from a recent report of the American Association of Fund Raising Counsel, Inc.

Mr. RUSSELL. I thank the Senator from Wisconsin.

FEDERAL AID TO EDUCATION

Mr. LONG of Missouri. Mr. President, in the 1st session of the 87th Congress, I was proud to join the distinguished Senator from Oregon [Mr. Wayne Morse] in sponsoring a bill for Federal aid to education. After the bill passed the Senate, our sense of accomplishment dropped considerably when the House Rules Committee tabled the bill; thus preventing further action.

Whenever the subject is brought up, I cannot help but remember President Kennedy's message on education:

> Our progress as a nation can be no swifter than our progress in education.

In an editorial on April 20 of this year, the St. Louis Post-Dispatch takes one part of the broad field of education and spells out the tragedy that occurs when a person cannot read.

Mr. President, I ask unanimous consent that the above-mentioned editorial of the St. Louis Post-Dispatch be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Without the Read Word

Many of our 18-year-olds cannot read. So said the president of the Carnegie Corp. here the other day, and what he said was not new. College teachers have been saying it for years. But it is still hard to comprehend.

Reading, in a sense, is more important than speaking. One might endure a lifetime of conversation and hear nothing but the dull and the tiring. Type, however, is rarely dull; and when it is, it may be discarded more rapidly than one can stride out of a room. The test comes in disciplining oneself to put aside a book or a paper. After all, there is a penalty for the pleasant vice of reading until all hours.

The addiction may be formed early. Picture books are also reading books. Fairy tales, "The Boys' Book of Heroes," the Rover Boys and their successors, if any, can be as intriguing as the classics. Then there is the challenge of the family bookshelves or, for that matter, of the movie magazines. It is deplorably easy to move from dragons to sirens. The trap lies in the indiscriminate reading of everything that comes most readily to hand, instead of going to Cooper or Melville, Dickens or Thackeray, and eventually to Gibson or Mommsen, Santayana or Aristotle.

For a lack of interest in all of these, the colleges blame the teachers—but with a kind word for remedial reading in St. Louis—and the teachers blame radio and television. But those must bore as often as they fascinate. Can part of the fault be in the young themselves? Do they have less of the question-asking curiosity regarded as characteristic of childhood? If this can be, then it is sad for the teacher who finds little to stimulate. But tragic is the lot of those who do not read. They go through the world not knowing it, oblivious to its trials and its glories, deprived of the solace and inspiration of the read word.

EASTER SERMON BY BISHOP DUN

Mr. MONRONEY. Mr. President, on Easter Sunday, Bishop Angus Dun, bishop of the Washington Diocese of the Episcopal Church, delivered his final sermon as bishop of the Washington area. His Easter message was, as usual, a great religious essay; and the sermon was heard by a recordbreaking number of persons.

Bishop Dun has served well the Washington Episcopal Diocese since he was installed as bishop in April 1944. He has given a lifetime of service to the church in many capacities—first, as a parish priest, in Massachusetts, in 1917; later, as professor of theology at the Episcopal Theological Seminary at Cambridge, and as dean of that theological seminary, from 1920 to 1940.

Since coming to Washington, not only has he aided very greatly the church activities in this area but he also has helped very much in the carrying forward of both the physical plant of the great Washington Cathedral, located on Mount St. Albans, and the church's mission of serving God in the Nation's Capital.

I ask unanimous consent that Bishop Dun's Easter, 1962, sermon be printed at this point in the Record.

There being no objection, the sermon was ordered to be printed in the Record, as follows:

Easter, 1962

(By Bishop Dun)

I John 5: 14: "This is the record, that God hath given to us eternal life, and this life is in His Son."

There is a familiar story in the Gospels of an elder brother, who was working in the fields some distance from his father's home. As this elder brother turned homeward at the end of his day's work, he heard the sound of music and dancing. And he asked, "What is this all about? What are they celebrating?" The answer was that his younger brother, who had been away for a long time and had almost been given up for lost, had come home. Their father was giving a party for him. That was what the music and dancing was about.

Have you ever been near a great stadium and heard the cry of 10,000 voices, and asked, "What is it? Who won?" Have you ever come into a household and found all in the house talking together with happy faces, and asked, "What's the good news?"

We humans are so made that when we find our fellows gathered and moved and crying out, we want to be part of it and we want to know what moved them. We assume that when people shout they are shouting about something. It's fun to be part of a football crowd applauding a victory, especially when the victory is our victory.

All this may seem a curious way to begin an Easter sermon. I begin this way because in all this there is something that is like Easter. On Easter Day in all the Christian churches throughout the world there is the sound of music. Flowers are gathered to deck the place of meeting. Voices are raised in songs of gladness. In some, trumpets sound. The words uttered are words of high rejoicing.

"Welcome happy morning, age to age shall say.
"Come ye faithful, raise the strain of triumphant gladness.
"Hallelujah, Hallelujah. Hallelujah."

And all this is no passing thing. It happened in the year 200; it happened in the year 500; in the year 1000, in the year 1500, in the year 1900; and in all the years between. It happened in good times and bad, in dark times and bright.

What a momentum of rejoicing. What a volume of human music and song.

This helps to explain a hard thing that has been said about Easter, yes, an almost cynical thing. It has been said that Easter is the one day when any one may attend church without incurring any suspicion that he is deeply committed to Christian faith and life.

Why is it that this hard thing can be said? It is because this is the Church's victory day. And the music that the day has called forth and the hymns that come echoing down the years draw many who have as yet found no ground for triumphant gladness. Many come to enjoy the victory songs who are not at all sure what the victory is. Many gather in the atmosphere of joy who have little inkling of a joy which the world cannot give or take away.

Yet the question is surely in order, What brought forth this shout of triumph from so many voices? What sent these hymns echoing across the years?

The preacher's task is to try to answer.

So great an effect must have had as great a cause.

Is all this the fruit of an abstract idea we call immortality? Is this the celebration of the notion that in man there is an indestructible something called the soul that goes on and on and on? A wise man has observed that a man could be as irreligious in a hundred lives as in one. Indefinite prolongation of mere existence is hardly something to rejoice in.

Is this a celebration of the fact that in a far-off place in a far-off time a man, named Jesus, who was very good, was believed to have appeared to his friends after his death, and is now believed to be alive in some hidden part of our mysterious universe? What would that mean for me, who am not very good, or how would that change my thought or feeling about life or about the dark fact of death?

We turn to the ancient record seeking an answer, and we find this which I have taken as a text: "This is the record, that God hath given to us eternal life and this life is in His Son."

This is a kind of shorthand from a believer to other believers. It certainly needs interpretation for all save those who are very much on the inside.

This day is plainly the celebration of a life given to us men, a life made available to us, brought within our reach; a life that can be called "eternal," not passing as is everything in this world, not given over to death. This life is in one who is called "His Son," God's Son. It is in him that this eternal life is found and offered to us.

Old lovers can celebrate again and again their wedding day, rejoicing gratefully in the new life together which began for them then, and which has deepened for them in the shared joys and failures and sorrows of the years.

Evidently Easter is something like that. It is the celebration of a shared life into which people have entered, in which they have grown and found great joy, and found a promise they have dared to call an eternal promise. This life was given to them of God in Christ, made possible by His resurrection-victory.

What is this life which is in Christ?

There came into our world one, who bore the human name of Jesus. He uttered what He declared with surprising confidence and simplicity to be the truth. He lived that truth. He walked in a way, and called others to walk in that way. He talked much of life and of where it is really to be found. For Him the way, the truth, and the life were all wrapped up in one bundle.

The life that this one lived and brought into our world was constantly lived with an eternal, heavenly reference. He saw everything in the perspective of eternity. In Him the light of the eternal God shone through into our world of time. His manhood was so strong, so sure footed, so unhurried, so gentle in its strength, just because it was rooted in the eternal.

He did not have much time. What we would call His public life lasted only 3 years, at the most. In that brief time He spoke words that do not pass away At the end of His earthly days He performed a simple act. He took bread and blessed and broke it. He blessed a cup of wine and shared it He said, "Do this in rememberance of Me." And in thousands of places, on hundreds of thousands of days men have broken His bread and shared His cup.

He lived always in a presence and in a companionship not bound to any place or time. That Holy Presence was with Him amid the lilies of the fields, when He watched children playing in the streets, when He was alone at night in a garden, when He faced His enemies. This was the same Holy Presence, He said, who had been with Abraham, Isaac, and Jacob, and with the prophets across the years.

He looked on His fellow men, on the least of them, and saw a precious worth in them, which He always reverenced and called others to reverence. It was not the uncertain worth they had for other men, their economic worth or worthlessness, their political worth or worthlessness. It was the worth conferred on them by the love of the eternal Father.

He saw the things men value and cling to and trust in and try to build their lives on, and He saw that most of them are fragile and passing and insecure. He spoke to those who could hear Him, and He speaks to us of treasure in heaven and of the hidden actions on earth for which there is joy in heaven or sorrow in heaven.

All this did not make Him careless of life in the passing here and now, or contemptuous of it. All this filled life today with high meaning and promise and glory and blessedness.

This one, this Son of God, in whom was eternal life, so identified himself with those who would receive Him, and so took them up into His own life, that they began to share in it. Their lives were strengthened and cleansed and deepened.

Then, just because He would walk His way to the end; just because He would witness to His truth and the Father's without weakening; the life He had said was not to be anxiously clung to, was cruelly taken away.

Darkness fell. Those whose lives had been drawn to His in answering faith, into whose lives His life and truth had begun to penetrate, passed through dark fear that all which had come to them from Him was but a lovely mirage. They thought for a time that He and all that He was and embodied had been shut up forever in a tomb.

But just because this brief, fragile, broken human life was so indwelt by the eternal, so penetrated and filled with the eternal truth and life and love of God, the tomb was broken. The life and truth in Him was set free to live and work among men in the power of the Spirit.

And through all the ages since there have been those who have testified that He has found them and they have found Him, and in Him eternal life.

My brothers, that is what we celebrate here today and what we shall celebrate here today and what we shall celebrate till the day of doom. There is music here today and trumpets sound, because we believe they have sounded for Him on the other side. The Son has come home in triumph, not a prodigal son, but a Son who came forth from the glory of the Father to share His eternal life with us.

"This is the record, that God hath given us eternal life, and this life is in His Son."

SPACE SATELLITE COMMUNICATIONS SYSTEM

Mr. BURDICK. Mr. President, I am in accord with the fight being waged by Senator KEFAUVER and the others of us who have joined with him as cosponsors of his bill, S. 2890, to retain control and ownership of our future international space satellite communications system.

This question, which involves tremendous sums of taxpayer dollars, merits more attention and discussion by a greater number of the Members of this distinguished body than it is receiving.

For this reason, I ask unanimous consent that the statement made by Senator KEFAUVER on March 6, 1962, before the Aeronautical and Space Sciences Committee be included in the RECORD. Senator KEFAUVER has clearly outlined the reasons which necessitate support of his bill, and I urge every Senator to read it.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS BEFORE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES BY SENATOR ESTES KEFAUVER, DEMOCRAT, OF TENNESSEE, ON SPACE SATELLITE COMMUNICATIONS SYSTEM LEGISLATION

Lt. Col. John H. Glenn, speaking before a joint session of Congress on February 26, characterized our space program as just probing the surface of the greatest advancement in man's knowledge of his surroundings that has ever been made. Later, in testimony before this committee, Colonel Glenn was asked what point in the development of the airplane might have been comparable to our present stage of development in the conquest of space. His reply was that we are about where the Wright brothers were after their third flight at Kitty Hawk. This view that we have just begun to discover and understand what lies before us is typical of those associated with the space program.

To date vast amounts running to many billions of dollars have been spent in the development of our space program. The great majority of this has been spent by our Government. Most of the work done so far would have to be placed in the category of research and development. A satellite communications system is only one part of the overall program, but it is a very important one. It is important because of the technical revolution it will bring about in worldwide communications, and also because it is nearing the point at which an operative system will be available for use.

It is possible to get some idea of the magnitude of the operation involved by looking at the budgets for NASA and the Department of Defense. For the 1962 fiscal year NASA will spend on space communications alone $94.6 million. In the same period the Department of Defense will spend $92 million, making a total of $186.6 million for these two agencies alone. The proposed budgets for the same two agencies for fiscal 1963 include a total of $185.4 million on space communications. In the years 1959 through 1963 NASA and DOD will have spent a grand total of more than $470 million. Although these figures are large, they are only a small portion of the billions already spent and to be spent in the future on other aspects of space research that will be of indirect benefit to the satellite communications system. It is abundantly clear that the Federal Government is the backbone of the space satellite communications program.

The immediate problem confronting us is the rapid development of a communications system which will link the entire world in radio, telegraph, telephone, and television. But this short-run urgency should not be allowed to obscure the longer term implications of space communications, nor should it overlook the necessary involvement of American foreign policy in the space communications area.

Only the narrowest possible view would conceive of the satellite system as nothing more than a means of relaying long-distance communications. As we stand on the edge of this new technology, only a complete lack of imagination could allow us to think of it as providing just another means of performing existing communications functions. We already know that this system is likely to be of great significance for meteorology, navigation, and space research. Other uses will almost certainly be developed. If there is in fact a new frontier today, it is the frontier of space. We as a nation must face that frontier with boldness, with clarity of thought, and with the understanding that it is too early to commit ourselves to an attitude or to a legal framework in the creation of a business organization that might make it difficult or perhaps impossible to achieve for mankind the full benefits of knowledge yet to come.

Witnesses from both industry and government have testified that at present the space communications program is progressing with all haste. A spokesman for Western Union stated not only the speed but the very fact of establishing the system depends upon the amount and the speed at which research and development under NASA takes place.

For these reasons and others which I will set forth the most appropriate form of organization for the operation of a satellite communications system is a Government-owned corporation as provided by S. 2890, sponsored by five other Senators and me.

KEY ROLE OF GOVERNMENT IN ANY SYSTEM

Even if a decision were made to place ownership and control of the country's satellite communications system in private hands the Government would of necessity be required to continue its leading role in the development of the system. Under both S. 2650 and S. 2814 the Government would be required to:

1. Furnish launch vehicles.

2. Launch the satellites and provide launch crew and associated services.

3. Consult with the private corporation regarding technical specifications for satellites and ground stations and in determining the number and location of such facilities.

4. Coordinate continuing governmental research and development with the activities of the private corporation.

5. Insure that the satellite system established is technically compatible with existing facilities with which it will interconnect.

6. Insure that present and future access to the system on an equitable and nondiscriminatory basis is made available to all authorized communications carriers.

7. Preserve competition in the field of supplying goods and services to the corporation.

8. Supervise any change in the internal structure of the private corporation.

9. Insure that opportunities are provided for foreign participation in the system.

10. Insure that the corporation provides communication services to areas of the world where such services may be uneconomical, if it is determined that providing such services would be in the national interest.

11. Last, but by no means least, the Government would have to regulate the ratemaking process.

S. 2814 contains a further provision, missing in S. 2650, requiring supervision of the relations of the proposed corporation with foreign governments and with international bodies. S. 2814 also provides for the designation of a certain Government official (or officials) who would have access to all corporate records, attend directors meetings and generally keep informed of the corporation's activities, while reporting to the President.

However, this governmental participation in the operation and regulation of a private corporation does not of itself tell the complete story. The Government will be a major user of any system that is developed. Although the Government will, in any event, continue the development of its own separate system for military purposes, it would normally be expected to use whatever other system is brought into being for its nonmilitary communications throughout the world. On this particular point the question has properly been raised as to whether the Government should not receive preferential rate treatment if a privately owned system is created. The suggestion is that such lower rates would in some small way help repay the vast sums of money already spent by the Government that would accrue to the benefit of any private company formed to operate the satellite system.

In view of the necessary involvement of the Government in any satellite communications system and considering the amount of taxpayers' money already invested in the program why should not this entire system be retained by the Government as part of the public domain for the benefit of all the same taxpayers who have made the system possible?

A.T. & T. DOMINANCE

S. 2650 provides for private ownership of the satellite communications system and limits the ownership to common carriers. Fears have been expressed from many sources that abuses would arise in such a scheme as a result of domination by a single carrier of the policies and operations of the corporation. To help allay these fears, S. 2650 includes a provision that each owning carrier, regardless of the amount of its investment, would be limited to equal representation on the board of directors. Surely, however, it must be obvious that where one of these carriers is clearly dominant in the field of international communications, and the others are dependent to some extent upon it, then even if all the representatives on the board of directors are equal, some are going to be more equal than others. The position of the American Telephone & Telegraph Co. in the communications field is well known. To expect the emergence of a business organization in which A.T. & T. would not exert a dominant force is unrealistic. Such a suggestion is no more appropriate than defining free enterprise like the elephant, who, dancing among the chickens shouted, "It's every man for himself."

DECREASED COMPETITION

A further danger not dealt with by either bill arises from the membership of the proposed joint venture. Under either bill, these members will be companies presently competing with each other to some extent, in both communications and in equipment manufacture. Moreover, this membership may be limited to the largest companies in these fields, since few small companies could afford the $500,000 minimum required under S. 2650, or would find it desirable to take a small minority interest in the corporation established by S. 2814. Permitting these major competitors to join together will facilitate conduct inconsistent with the antitrust laws, and will also insulate such conduct against detection for membership in the corporation will provide a perfectly proper occasion for these competitors to discuss common interests. And if anyone has doubts about the aversion to competition so prevalent among bidders today, let him merely recall the recent electrical equipment cases, as well as the numerous other recent examples of identical bidding.

Government ownership of the satellite system as envisaged by S. 2890 would lessen dependence on A.T. & T., and encourage competition in communications as well as in equipment manufacture. This could provide a great stimulus to competition and would lessen concentration. Private ownership, as proposed in either S. 2650 or S. 2814, will on the other hand increase concentration and facilitate anticompetitive conduct.

CONFLICTS OF INTEREST

Possible conflicts of interest center about the question of obsolescence and future development. There is a natural reluctance on the part of any corporation to hasten the introduction of techniques or products that tend to destroy the economic value of capital equipment that would otherwise have a longer productive life. Any private monopoly, even a Government-regulated monopoly, is in a position to implement this tendency to delay or hold back on the introduction of new developments. As an illustration of this possibility, A.T. & T. laid a multimillion dollar submarine cable in 1956, and plans to lay another in 1963; Hawaiian Telephone is participating in the construction of a cable system between Japan and Hawaii. Similarly, the satellite system proposed by A.T. & T. would involve a network of approximately 50 satellites in polar orbit at about 3,000 miles altitude. This would provide 600 telephone circuits plus television to 13 pairs of worldwide terminals. The cost would be $170 million. This proposal is made at a time when there is general agreement on the ultimate desirability of a synchronous satellite system of three satellites in equatorial orbit at 22,300 miles altitude which would provide a capacity of 1,200 channels. This would render a low orbit system obsolete.

The only way the synchronous system can realize its full economic potential is through capacity use. An investment in facilities which might be rendered obsolete by capacity use of a synchronous system, such as submarine cables or a low orbit system, will act as a deterrent to rapid development and full use of the synchronous satellite. This is because rational business policy would aim at recovery of investment in existing facilities.

INEFFECTIVENESS OF REGULATION

Both bills seek to resolve some of these problems by FCC regulations. Experience shows, however, that such hopes are not likely to be fulfilled. A recent Rand Corp. study cited by this committee's most recent staff report, shows that in the matter of rates alone, where the FCC has many years of experience, attempts to regulate A.T. & T. adequately have not been entirely successful. A.T. & T.'s system seems to be too complex for the relatively few men the FCC can put on the job. Thus, until this summer, the FCC had never even tried to regulate A.T. & T.'s oversea telephone rates.

Among other findings of the Rand study were these: FCC should not determine A.T. & T.'s actual cost of operations; regulation that has existed has been essentially a bargaining process with A.T. & T. finally agreeing to a rate reduction when the FCC has concluded that the overall rate of profit, on all of A.T. & T.'s operations, was too high; the FCC has never completed a formal rate hearing for telephone service by the Bell System.

Regulation limited to the overall rate has meant that the individual service rates have been totally unregulated and A.T. & T. has been able to charge high rates on monopolized services like voice communication, thereby subsidizing less profitable ventures in competitive areas.

Rate regulation is an area in which the FCC has knowledge. The satellite system will require regulation in wholly new areas. Moreover, enforcement of competitive bidding will be almost impossible because, as pointed out earlier, substantial ownership and control of the corporation by the investor suppliers will enable them to evade regulation.

FIRST PRIORITY

It is possible that because of the conflict of interest discussed above relating to investment in cables and a low orbit system, the establishment of a private corporation may slow research and development. Conversely, retaining all operations in governmental hands avoids this danger. Temporary Government ownership will also insure that essential research and development, the first priority, will continue at a maximum rate, even though no final decision as to ownership is made at this time. The basic fact to remember is that the great bulk of the essential research and development is not in the field of communications but in space research and in launching technology. Space research of this nature can only be carried out by the Government. Thus, private ownership at this time can do little to speed progress and may actually cause delay.

Moreover, it will always be possible to transfer the satellite system to a private company, especially as it comes closer and closer to realization. Once in private hands, however, it will be virtually impossible to return it to government ownership and control, no matter how appropriate such ownership may become.

As the House Committee on Science and Astronautics concluded in its October 11, 1961, report:

"Because of the many significant questions of public policy raised, and the absence of precedents on which to rely, the Government must retain maximum flexibility regarding the central question of ownership and operation of the system. No final decision should be made during the early stages of development which might prejudice the public interest or U.S. international relations."

THE RETURN ON INVESTMENT

When the satellite system becomes operable, it will only be because of billions of taxpayers dollars. In light of all the above factors, it is difficult to see why the fruits of these expenditures should not be fully retained by the Government for the benefit of all these same taxpayers. The statement of FCC Chairman Minow seems to indicate that the taxpayers may have to pay even more for the use of these facilities than in the ordinary public utility situation. Chairman Minow stated on Thursday that the communications carriers investing in the corporation set up by S. 2650 would be able to include this investment in their rate base. This means that an investing carrier will be able to receive dividends from its investment in the satellite corporation while at the same time earning an additional return from its own customers on this same investment.

Moreover, Chairman Minow seemed to say the same would apply to a carrier's investment in class A stock under S. 2814.

It is difficult to see why this double return is necessary, even if it may be a few years before dividends begin to flow from what all assume will be a profitable venture.

CONCLUSION

To sum up, there is no reason why we should hasten to open a Pandora's box of difficulties by establishing a private monopoly which will merge competing enterprises under the dominance of A.T. & T. The establishment of such a monopoly is unnecessary for the purpose of speeding up research, and the establishment of a working system. This purpose can only be achieved through the application of more taxpayer billions. The taxpayers should retain the fruits of these large expenditures.

In order to achieve the purposes I have outlined, five other Senators and I have introduced S. 2890. This bill provides for Government ownership and operation of the U.S. segment of a satellite communications system. The organization of the proposed Satellite Communications Authority is drawn along the lines of the Tennessee Valley Authority and other wholly owned Government corporations. This Authority will facilitate international cooperation among the governments of the world in bringing into existence a worldwide communications system. It will insure that the benefits of this great natural resource made possible through taxpayer financed research and development will accrue to the public as a whole.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 1361) for the relief of James M. Norman.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

The PRESIDING OFFICER. The question is on the so-called Mansfield-Dirksen substitute.

STOCKPILING

Mr. WILLIAMS of Delaware. Mr. President, in the past few days the former Director of the Office of Defense Mobilization, Mr. Arthur S. Flemming, has been testifying before the Symington committee in connection with the Government's action in 1955, at which time it made approximately 8,000 tons of copper available to industry.

This copper was made available partly by sales from the inventory that had been accumulated under the Defense Production Act and partly by diversion from deliveries that were scheduled to be placed in that inventory.

At the time this decision was made, copper was selling in the open market at prices considerably higher than that for which the Government had bought it. The Symington committee has criticized this action on the basis that this decision allowed these companies to gain an unwarranted windfall profit, and they have taken the position that the Government should have insisted upon delivery of its contracts at the prices for which it had been bought and that the Government in turn should have sold the copper in the open market and collected its profit thereon.

On that point I am in complete agreement with the Symington committee, and on May 27, 1955, and again on June 23, 1955, I took this same position when, in a speech delivered in the Senate, I denounced this same transaction as having given to these companies unwarranted windfall profits. My remarks at that time may be found in volume 101, part 6, pages 7192–7193 and volume 101, part 7, pages 9060–9061 of the CONGRESSIONAL RECORD.

However, in these hearings I note that, since this incident happened 7 years ago, Mr. Flemming, as well as some of the Senators, has had difficulty in recollecting the procedure by which this was handled and just who was responsible for the decisions. Therefore, in an effort to help clarify this situation, I shall incorporate in the RECORD here today a series of correspondence, most of which was exchanged between my office and the executive departments in 1955, concerning this entire transaction involving the diversion of copper from our stockpile. The first correspondence in connection with this decision is two letters dated February 25, 1955, both signed by Mr. Arthur S. Flemming as Director of the Office of Defense Mobilization, one addressed to the Honorable Sinclair Weeks, as Secretary of Commerce, and the second letter addressed to Mr. Edmund F. Mansure, Director of General Services Administration. These are the original letters in which GSA was authorized: First, to sell copper to U.S. industry from the defense production inventories; and, second, deliveries scheduled for March under the Defense Production Act could be canceled with the consent of the supplier and the approval of the Department of Commerce.

I ask that both letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FEBRUARY 25, 1955.

Hon. SINCLAIR WEEKS,
Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: In view of the evidence you have presented of a copper shortage which threatens the copper-consuming industries with curtailment of operations and consequent unemployment and in accordance with advice of the Defense Mobilization Board, I am approving the release of copper now in the Defense Production Act inventory and copper to be delivered to this inventory through March 1955.

Accordingly, I am authorizing the General Services Administration (1) to sell to U.S. industry, copper currently accumulated in the Defense Production Act inventory including such copper as may be delivered through March 1955, and (2) to cancel deliveries for March under the Defense Production Act, wherever satisfactory arrangements can be made by your Department for the diversion of the copper to U.S. industry. The Department of Commerce will evaluate the applications for this copper on the basis of need and will certify to General Services Administration on the basis of hardship, the concerns to which the copper is to be sold or diverted and the amounts to be made available in each case.

The total quantity of copper that may be released and diverted to industry from these sources is estimated at about 8,000 short tons.

This authorization does not permit any copper to be withdrawn from the national stockpile nor any diversions from delivery directly to the stockpile.

I enclose a copy of my letter to Mr. Mansure.

Sincerely yours,
ARTHUR S. FLEMMING,
Director.

FEBRUARY 25, 1955.

Hon. EDMUND F. MANSURE,
Administrator, General Services Administration, Washington, D.C.

DEAR MR. MANSURE: In order to help relieve the current shortage of copper, the General Services Administration is hereby authorized to sell to U.S. consuming industry at U.S. market prices plus handling and transportation charges the current inventory of copper accumulated under the Defense Production Act including copper to be delivered under this authority through March 1955. In addition, deliveries scheduled for the month of March under the Defense Production Act contracts may be canceled with the consent of the supplier and approval of the Department of Commerce.

This copper shall be made available to consuming industries in the United States and only under specific instructions from the Department of Commerce.

The authorization does not permit any copper to be withdrawn from the national stockpile nor any diversion from delivery directly to the stockpile.

Enclosed is a copy of my letter to the Secretary of Commerce asking that his agency provide necessary guidance in the distribution of the copper.

Sincerely yours,

ARTHUR S. FLEMMING,
Director.

Mr. WILLIAMS of Delaware. On March 1, 1955, upon reading the announcement in the press concerning the disposal of this copper, I directed a letter to Mr. Flemming asking for more complete details on this order.

At this point I ask that my inquiry of March 1, 1955, addressed to Mr. Flemming be printed in the RECORD along with two replies—one dated March 17, 1955, signed by W. S. Floyd, Assistant Director of ODM, and the other dated March 31, 1955, signed by Charles F. Honeywell of the Department of Commerce. To Mr. Honeywell's letter is attached a list of the companies to whom the copper was sold and their addresses.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

MARCH 1, 1955.

Mr. ARTHUR S. FLEMMING,
Director, Office of Defense Mobilization, Washington, D.C.

DEAR MR. FLEMMING: I noticed an article in the Wall Street Journal of February 28, 1955, to the effect that the Office of Defense Mobilization is selling 8,000 tons of copper from the stockpile to industry. In this connection will you please furnish me the following information:

1. The price at which this copper is being sold and the names and addresses of the buyers.

2. The cost of this copper to the U.S. Government.

a. Was it bought domestically or imported?

3. The prevailing world market price for this same grade of copper as of today.

4. Does this sale of copper represent an overaccumulation on the part of the Office of Defense Mobilization or will you be resuming buying at a later date?

5. Are there any conditions attached to the sale which would prevent the purchasers from raising the domestic price prior to the sale of the finished product?

Yours sincerely,

JOHN J. WILLIAMS.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF DEFENSE MOBILIZATION,
Washington, D.C., March 17, 1955.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Mr. Flemming has asked me to reply to your letter of March 1 regarding the 8,000 tons of copper that the Government is making available to industry to prevent curtailment of operations resulting from the copper shortage. None of the copper being released to industry is coming from the stockpile nor is any copper under contract for delivery to the stockpile being diverted to industry. The copper is being made available from the inventory accumulated under the Defense Production Act and by diversion from deliveries to this inventory in March. The attached press release gives the details on ODM's authorization for releasing this copper. The answers to your specific questions are as follows:

1. The price at which this copper is being sold and the names and addresses of the buyers.

Answer. All of the copper being released is being sold at current market prices. With differentials for shapes, these are as follows:

Wire bars: 32.8 cents per pound.

Cathodes: 32.675 cents per pound.

Lake ingot: 32.925 cents per pound.

All freight is for buyers' account.

Inasmuch as the sales to industry are being carried out by the General Services Administration under specific instructions from the Business and Defense Services Administration, Department of Commerce, I am referring a copy of your letter to that agency for an answer to your request for the names and addresses of the buyers.

2. The cost of this copper to the U.S. Government.

Answer. The copper presently in inventory, amounting to about 6,000 tons, was acquired at prices ranging from 28.66 cents per pound to 32.33 cents. Of the total, about 3,000 tons were acquired at 28.66 cents, 1,050 tons at 28.73 cents, 220 tons at 30.13 cents, 1,265 tons at 31.18 cents, about 100 tons at 31.35 cents, 150 tons at 32.33 cents, and 235 tons at 30 cents, the market price at the time of delivery.

2.a. Was it bought domestically or imported?

Answer. About 3,200 tons of the total were acquired from Canadian sources and 235 tons from Rhodesia.

3. The prevailing world market price for this same grade of copper today.

Answer. There is no prevailing world market price for copper. The price ranges from 33 cents per pound in the United States to about 42 cents in London. Prices in other markets vary between these limits.

4. Does this sale of copper represent an overaccumulation on the part of the Office of Defense Mobilization or will you be resuming buying at a later date?

Answer. The copper does not represent an overaccumulation for National Defense since the stockpile to which the copper would have been transferred for safekeeping is incomplete. This copper which is being sold at market prices, plus incidental costs, will have to be replaced at market prices plus incidental costs.

5. Are there any conditions attached to the sale which would prevent the purchasers from raising the domestic price prior to the sale of the finished product?

Answer. The copper is being sold outright only to U.S. consumers of refined copper. Prices at brass mills and wire mills, the principal consumers of refined copper, are currently being quoted on the basis of 33 cents per pound for refined copper.

Sincerely yours,

W. S. FLOYD,
Assistant Director of ODM for Materials.

DEPARTMENT OF COMMERCE,
BUSINESS AND DEFENSE SERVICES
ADMINISTRATION, OFFICE OF THE
ADMINISTRATOR,
Washington, D.C., March 31, 1955.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Reference is made to your letter of March 1, 1955, addressed to Mr. Arthur S. Flemming, Director, Office of Defense Mobilization, wherein you requested information relative to the sale of 8,000 tons of Government-owned refined copper to the U.S. copper-consuming industry.

You no doubt have already received this information from ODM in their letter to you dated March 17. A copy was referred to the Business and Defense Services Administration with the request to complete the information you requested under item one. Accordingly, we are attaching an up-to-date list of the company names, addresses, and amounts of copper recommended to General Services Administration to be sold to each. With the possible exception of two or three companies, it is understood that all sales have been consummated.

The difference between the 5,888 tons recommended to GSA for sale to industry and the 8,000 tons available for March is in transit and is, therefore, not available for distribution at this time.

Sincerely yours,

CHARLES F. HONEYWELL,
Administrator.

COMPANIES PURCHASING GOVERNMENT-OWNED REFINED COPPER

Circle Wire & Cable Corp., 5500 Maspeth Avenue, Maspeth, Long Island, N.Y., 300,000 pounds.

Essex Wire Corp., 1601 Wall Street, Fort Wayne, Ind., 600,000 pounds.

General Cable Corp., 420 Lexington Avenue, New York, N.Y., 1,200,000 pounds.

National Electric Products Corp., Pittsburgh, Pa., 500,000 pounds.

Southwire Corp., Carrollton, Ga., 100,000 pounds.

Triangle Conduit & Cable Co. Inc., Triangle and Jersey Avenues, New Brunswick, N.J., 650,000 pounds.

Bridgeport Rolling Mills Co., Post Office Box 818, Bridgeport, Conn., 40,000 pounds.

Reading Tube Corp., Post Office Box 126, Reading, Pa., 200,000 pounds.

Volco Brass & Copper Co., Kenilworth, N.J., 200,000 pounds.

Mueller Brass Co., Port Huron, Mich., 400,000 pounds.

Garfield Wire Division of the Overlakes Corp., 142 Monroe Street, Garfield, N.J., 80,000 pounds.

Plume & Atwood Manufacturing Co., Waterbury, Conn., 100,000 pounds.

Bridgeport Brass Co., Bridgeport, Conn., 700,000 pounds.

Revere Copper & Brass, Inc., 230 Park Avenue, New York City, 1 million pounds.

Olin Mathieson Chemical Corp., East Alton, Ill., 496,951 pounds.

Spencer Wire Corp., 555 Lehigh Avenue, Union, N.J., 160,000 pounds.

The Electric Auto-Lite Co., Toledo, Ohio, 200,000 pounds.

Cornish Wire Co., Inc., 50 Church Street, New York, N.Y., 100,000 pounds.

Royal Electric Co., Inc., Pawtucket, R.I., 100,000 pounds.

Western Electric Co., Inc., 195 Broadway, New York, N.Y., 200,000 pounds.

John A. Roebling's Sons Corp., Trenton, N.J., 200,000 pounds.

Jordan Metal Products, Inc., Jordan, N.Y., 80,000 pounds.

Specialloy, Inc., 4025 South Keeler Avenue, Chicago, Ill., 40,000 pounds.

The Miller Co., Meriden, Conn., 100,000 pounds.

Laribee Wire & Equipment Corp., 2 Main Street, Camden, N.Y., 80,000 pounds.

Riverside Metal Co., Riverside, N.J., 40,000 pounds.

United States Rubber Co., 1230 Avenue of the Americas, New York, N.Y., 400,000 pounds.

Camden Wire Co., Inc., Camden, N.Y., 70,000 pounds.

Rome Cable Corp., Rome, N.Y., 100,000 pounds.

Plastic Wire & Cable Corp., Jewett City, Conn., 60,000 pounds.

American Insulated Wire Corp., Central Avenue and Freeman Street, Pawtucket, R.I., 200,000 pounds.

Rego Insulated Wire Co., 830 Monroe Street, Hoboken, N.J., 40,000 pounds.

Sipi Metals Corp., 1720 Elston Avenue, Chicago, Ill., 40,000 pounds.

The Acme Wire Co., New Haven, Conn., 160,000 pounds.

The Okonite Co., Passaic, N.J., 150,000 pounds.

Scovill Manufacturing Co., Waterbury, Conn., 100,000 pounds.

Titan Metal Manufacturing Co., Bellefonte, Pa., 90,000 pounds.

Nonotuck Manufacturing Co., Holyoke, Mass., 40,000 pounds.

U.S. Metal Products Co., Post Office Box 1067, Erie, Pa., 40,000 pounds.

The Beryllium Corp., Reading, Pa., 40,000 pounds.

North American Copper Co., Marine Terminal, Wilmington, Del., 100,000 pounds.

The Crescent Co., Inc., Pawtucket, R.I., 80,000 pounds.

The Ansonia Wire & Cable Co., Post Office Box 233, Ansonia, Conn., 50,000 pounds.

Sandusky Foundry & Machine Co., West Market Street, Sandusky, Ohio, 40,000 pounds.

Owl Wire & Cable, Inc., Post Office Box 186, Eastwood Station, Syracuse, N.Y., 80,000 pounds.

Lewin-Mathes Co., 1111 Chouteau Avenue, St. Louis, Mo., 150,000 pounds.

Crescent Insulated Wire & Cable Co., Inc., Trenton, N.J., 40,000 pounds.

Wisconsin Centrifugal Foundry, Inc., Waukesha, Wis., 40,000 pounds.

Dover Wire Co., 1 Trenton Avenue, Clifton, N.J., 40,000 pounds.

Collyer Insulated Wire Co., Inc., Pawtucket, R.I., 50,000 pounds.

Waterbury Rolling Mills, Inc., Waterbury, Conn., 40,000 pounds.

General Electric Co., 570 Lexington Avenue, New York, N.Y., 100,000 pounds.

Kenmore Metals, Jersey City, N.J., 40,000 pounds.

Central Cable Corp., Jersey Shore, Pa., 200,000 pounds.

Narragansett Wire Co., 541 Pawtucket Avenue, Pawtucket, R.I., 50,000 pounds.

Phelps Dodge Copper Products Corp., 40 Wall Street, New York, N.Y., 600,000 pounds.

Nehring Electrical Works, De Kalb, Ill., 200,000 pounds.

Clendenin Bros., Inc., 4309 Erdman Avenue, Baltimore, Md., 40,000 pounds.

Barth Smelting Corp., 99–129 Chapel Street, Newark, N.J., 40,000 pounds.

Copperweld Steel Co., Frick Building, Pittsburgh, Pa., 60,000 pounds.

Colonial Wire & Cable Co., Inc., 480 Forest Avenue, Locust Valley, Long Island, N.Y., 50,000 pounds.

The Brush Beryllium, 4301 Perkins Avenue, Cleveland, Ohio, 40,000 pounds.

Warren Wire Co., Pownal, Vt., pending.

Talco Metal Products, Inc., 1841 North Second Street, Philadelphia, Pa., 30,000 pounds.

Falcon Foundry Co., Lowellville, Ohio, 20,000 pounds.

Federated Metals Division, American Smelting & Refining Co., 120 Broadway, New York, N.Y., 40,000 pounds.

Columbia Cable & Electric Corp., 255 Chestnut Street, Brooklyn, N.Y., 40,000 pounds.

Southern Electrical Corp., Chattanooga, Tenn., 40,000 pounds.

Ettco Wire & Cable Corp., 46–50 Metropolitan Avenue, Brooklyn, N.Y., 40,000 pounds.

Whitaker Cable Corp., North Kansas City, Mo., 40,000 pounds.

Total, 5,888 tons.

Mr. WILLIAMS of Delaware. On May 24, 1955, I directed a further inquiry to the Comptroller General, Mr. Campbell, requesting more detailed information concerning this decision of the Government to sell or divert copper from its stockpile. I particularly requested the Comptroller General to furnish an estimate of the profits which would have accrued to the Government had they accepted delivery and then sold this copper to the domestic industry. I asked for his comment as to the propriety of the manner in which this had been handled

On May 26, 1955, I received his reply. With this were enclosed copies of two letters—one dated April 18, 1955, and one dated May 6, 1955—both signed by Mr. Philip Charam, Audit Manager of the General Accounting Office, and addressed to Mr. A. J. Walsh, Commissioner of the Emergency Procurement Service of the General Services Administration.

Both of these letters commented directly upon the Government's cancellation of delivery requirements of copper that had been due under certain DPA contracts.

The first letter discussed the cancellation of contracts with the Miami Copper Co., the Copper Range Co., and the Howe Sound Co. I quote the concluding paragraph of Mr. Charam's letter in connection with the manner in which the contracts with these three companies had been handled.

> We are of the opinion that this situation, which is clearly disadvantageous to the Government, can be administratively rectified by your office. We will appreciate your prompt consideration of this matter and your advice as to any corrective action taken.

In the second letter, dated May 6, Mr. Charam criticized the handling of contract No. DMP–83 with the Banner Mining Co., of Tucson, Ariz. He ends the letter with this statement:

> On the basis of the facts available to us, we consider that amendment No. 2—

Amendment No. 2 was an amendment to the original Banner Mining Co. contract—

> was decidedly advantageous to the contractor and disadvantageous to the Government. We would appreciate receiving your explanation as to the basis upon which it was determined that the execution of the contract amendment No. 2 was in the best interests of the Government.

Both letters were signed by Philip Charam, Audit Manager of the General Accounting Office.

Mr. President at this point I ask unanimous consent that my letter to the Comptroller General and his reply thereto, along with the enclosures, may be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MAY 24, 1955.

Mr. JOSEPH CAMPBELL,
Comptroller General of the United States, General Accounting Office Building, Washington, D.C.

DEAR MR. CAMPBELL: Do you have a report on the activities of the Defense Production Administration with reference to the stockpiling of copper? If so, I would appreciate receiving a copy.

Also, if the DPA has canceled or assigned any contracts with the understanding that the tonnage be sold to domestic consumers please furnish whatever information you have regarding the DPA purchase price and the domestic market at the time of cancellation, along with a breakdown of the name of the companies and the tonnage involved.

Do you have an estimate of the loss of profits which would have accrued to the Government had they accepted delivery and then sold it to the domestic consumers? I would appreciate receiving this report along with any other information you may have pertinent to the stockpiling program of copper.

Your sincerely,
JOHN J. WILLIAMS.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., May 26, 1955.

Hon. JOHN J. WILLIAMS,
U.S. Senate.

DEAR SENATOR WILLIAMS: Reference is made to your letter dated May 24, 1955, requesting to be advised if the General Accounting Office has a report on the activities of the Defense Production Administration with reference to the stockpiling of copper. We have not prepared a report of the activities which you mention. However, we have had communications with the General Services Administration on the subject. For your information we are enclosing a copy of a letter dated May 6, 1955, from the General Accounting Office to the Commissioner, Emergency Procurement Service, General Services Administration, dealing with a contract with Banner Mining Co., Tucson, Ariz., providing for the development of properties and delivery by May 1, 1957, of some 12 million pounds of refined copper to the Government at a fixed above-the-market price of 31 cents per pound. To date no reply has been received from this letter.

Also, we are enclosing copy of a letter dated April 18, 1955, concerning the diversion of copper deliveries from the Government to consuming industries, pursuant to authorization by the Director of Office of Defense Mobilization dated April 1, 1955. There is also enclosed a copy of reply of the Comptroller, General Services Administration, dated May 3, 1955.

It is believed that the questions raised in your letter of May 24, 1955, are answered in the copies of correspondence that are enclosed.

Sincerely yours,
JOSEPH CAMPBELL,
Comptroller General of the United States.

GENERAL ACCOUNTING OFFICE,
Washington, D.C., April 18, 1955.

Mr. A. J. WALSH,
Commissioner, Emergency Procurement Service, General Services Administration.

DEAR MR. WALSH: In our review of the Defense Production Activity of GSA, we have noted that GSA has been authorized by the Director of the Office of Defense Mobilization, pursuant to letter dated April 1, 1955, to sell to the copper consuming industries any copper delivered to the DPA inventory during the second calendar quarter of 1955, at the direction of the Department of Commerce. Sales in this catagory are directed to be made at the U.S. market prices plus handling and transportation charges. It appears that the principal deliveries of copper to the DPA inventory during such period will be made pursuant to the terms of two Canadian contracts and will cost DPA either 27 cents or 30 cents per pound. Assuming that the current market price of 36 cents per pound remains steady, sales of such copper would yield a substantial profit to DPA.

Pursuant to this same ODM authorization we note that you have offered to cancel delivery requirements of copper due under certain DPA contracts during the second calendar quarter of 1955, provided the quantities so canceled are sold by the producers to U.S. consumers designated by the Government. Your office made proposals of cancellation, by telegrams dated April 8, 1955, to the following:

Miami Copper Co., contract No. DMP–57.
Copper Range Co., contract No. DMP–89.
Howe Sound Co., contract No. DMP–92.

Under terms of the above contracts, the producers are required to deliver copper to DPA at prices ranging from 27.35 cents to 32 cents per pound, which are below the current market price of 36 cents. Therefore, in contrast with the prospective profits to be made by DPA through sales from its inventory, the proposed cancellations would result in substantial windfalls to the three contractors and would deny such profits to the Government. We do not consider that any such windfalls and loss of profits to the Government were contemplated under the ODM directive.

We estimate the total profits which could be lost by GSA in this manner to be approximately $400,000, assuming that the current market price remains steady.

We are of the opinion that this situation, which is clearly disadvantageous to the Government, can be administratively rectified by your office. We will appreciate your prompt consideration of this matter and your advice as to any corrective action taken.

Sincerely yours,

PHILIP CHARAM,
Audit Manager.

GENERAL ACCOUNTING OFFICE,
Washington, D.C., May 6, 1955.

Mr. A. J. WALSH,
Commissioner, Emergency Procurement Service, General Services Administration.

DEAR MR. WALSH: In our audit of defense production activities of GSA we have reviewed contract No. DMP-83 with Banner Mining Co., Tucson, Ariz. This contract, executed May 26, 1953, provided for development of mining properties and delivery by May 1, 1957, of 12,960,000 pounds of refined copper to the Government at a fixed above-the-market price of 31 cents per pound. The contract also authorized advances to be repaid from production.

By letter dated January 10, 1955, the contractor requested authority to sell not more than 6 million pounds of copper on the open market, with the understanding that this quantity would be ultimately delivered to the Government by May 1, 1957. He further proposed that repayment of the advances would continue during the period of diversion, that a minor concession in pricing would be granted to the Government, and that the contractor would reserve the right to make deliveries to the Government instead of to industry at any time that market prices were at such a level as to make such deliveries more profitable to him. In other words, the contractor proposed that floor price protection be continued, but that he be permitted to profit through sales to industry in the event of a rise in the market.

On January 21, 1955, your office informed the contractor that his proposal did not provide sufficient consideration for the Government, and proposed a reduction of ¾ cent per pound in the price of certain shapes of copper and of ⅜ cent per pound in cathodes, for the remaining quantity to be delivered. These conditions were accepted by the contractor and amendment No. 2 was executed on March 4, 1955, effective January 25, 1955.

At the time that amendment No. 2 was executed the market price of copper had risen to 33 cents per pound, so that it should have been apparent that the contractor would make a windfall. Moreover, although the present market price of 36 cents could not have been forecast, there were strong indications of a continued rise which would have enabled GSA to more than offset the costs of supporting the contract price of 31 cents in the past.

Through waiver of its rights to receive immediate deliveries of copper at the fixed contract price of 31 cents, the Government has obtained price concessions under which it could save about $30,000 on future deliveries of about 9,900,000 pounds of copper. On the other hand, had deliveries been made in accordance with the original contract terms, this copper could have been sold at a profit which we estimate at $250,000, assuming that the present market price remains steady. In addition, through deferment of deliveries GSA has assumed a risk that there might be a pronounced drop in the market at the time of future deliveries, which would result in payment of substantial subsidies.

On the basis of the facts available to us, we consider that amendment No. 2 was decidedly advantageous to the contractor and disadvantageous to the Government. We would appreciate receiving your explanation as to the basis upon which it was determined that the execution of contract amendment No. 2 was in the best interests of the Government.

Sincerely yours,

PHILIP CHARAM,
Audit Manager.

Mr. WILLIAMS of Delaware. Mr. President, upon receipt of this information, on May 27, 1955, as appears in the CONGRESSIONAL RECORD, volume 101, part 6, pages 7192 and 7193, I outlined the details of these transactions and denounced the results of the Government's decision as having in effect given an unwarranted windfall profit to the three companies mentioned in the first letter.

At that time I took the same position the Symington committee is taking today; namely, that the Government should have taken delivery of the copper and then sold it direct to industry and taken the profit for the Government. I saw no reason why the Government should not have had the profit resulting from the market rise. Had there been a loss the Government would have had to take it.

At this point I ask unanimous consent that there may be printed in the RECORD an article published in the Wall Street Journal of March 29, 1955, which was during the period when the copper was released by the Government. This article shows that the domestic price of copper was being boosted by 3 cents a pound.

This rise came on top of an already very strong market.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRICE TAGS—PHELPS DODGE AND ANACONDA BOOST COPPER BY 3 CENTS A POUND TO 36 CENTS—KENNECOTT STILL TO ACT; QUOTATION IS HIGHEST IN UNITED STATES SINCE WORLD WAR I

NEW YORK.—Two major copper producers raised the price of copper by 3 cents a pound to 36 cents, effective with shipments today.

Phelps Dodge Corp., the Nation's second largest producer of the metal, initiated the advance. It was quickly followed by Anaconda Sales Co., selling subsidiary of Anaconda Copper Mining Co.

Some custom smelter firms also followed the upturn, but Kennecott Copper Corp., the largest producer of the metal, so far has not taken any action on its price.

The current increase of 3 cents is the second such advance this year. The previous 3 cent increase to the 33-cent level was put into effect at the end of January. The price had held at 30 cents a pound since April 1953.

Industry men say the current U.S. price of 36 cents a pound is the highest quotation for domestic copper since World War I. At one time during that period the price for the metal was 36 cents a pound or a bit higher.

The latest advance in price had been predicted by trade sources for the past few weeks as domestic demand increased, supply tightened, and prices in London and the world markets soared to levels far above the U.S. quotation.

Last week, the price on the London Metal Exchange hit a record of 46 cents a pound, 13 cents above the 33-cent U.S. price. The markets abroad for several months have been consistently above the American price, and these higher quotations have been attracting much foreign copper to these consumers and away from U.S. users.

The Central Bank of Chile has been selling Chilean copper to the higher paying European markets for as much as 40 cents to 42 cents a pound, while selling to U.S. consumers at the domestic price.

The Chilean Government's dissatisfaction with the 30-cent price for copper, it is understood, was responsible for the rise to 33 cents earlier this year. Similarly, it has been reported, Chile wanted to get more for its copper sold to the United States because of the steadily widening gap between American and European copper prices. The 36-cent price has been most mentioned as Chile's immediate goal.

A year ago at this time, copper was in oversupply. Large U.S. copper producers cut production by about 20 percent as consumers stayed out of the market. Chile had an estimated surplus of 180,000 tons, the result of holding out for an approximate 36½-cent price in the world market.

The change to a more balanced supply began when the U.S. Government around mid-1954 took 100,000 tons of the Chilean surplus for the stockpile at 30 cents a pound. Chile disposed of the remainder in the foreign market.

Subsequently, a series of strikes at major copper mines in the United States and Chile that started in August last year and continued into October, created a severe shortage. This caused the U.S. Government to release about 41,000 tons to industry in the final 3 months last year.

On January 3, 1955, a strike at the big northern Rhodesian mines in Africa shut them down for more than a month. This accentuated the world shortage, and added incentive to soaring prices for the metal in London.

Mr. WILLIAMS of Delaware. Mr. President, on May 27, 1955, I directed a further inquiry to Mr. A. J. Walsh, Commissioner of the Emergency Procurement Service of the General Services Administration, asking for complete details on the handling of the General Services contract No. DMP-83 with the Banner Mining Co. of Tucson, Ariz.

On June 10, 1955, I received a reply from General Services Administration signed by Mr. Walsh furnishing the information requested, and I ask unanimous consent that this correspondence be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MAY 27, 1955.

Mr. A. J. WALSH,
Commissioner, Emergency Procurement Service, General Services Administration, Washington, D.C.

DEAR MR. WALSH: With reference to the Defense Production Activities of the General Services Administration, contract No. DMP-83 with the Banner Mining Co., Tucson, Ariz., dated May 26, 1953, providing for the delivery of 12,900,000 pounds of refined copper by May 1, 1957, at a fixed price of 31 cents per pound, will you please furnish me the following information:

1. The prevailing market price of similar copper on the date of the contract.

2. The total amount of copper delivered under the contract, along with dates.

3. The total amount of advanced payments or loans (or guaranteed loans) made to this company either through your agency or through any other Government agency for the purpose of development and mining expenses.

4. A copy of the financial statement of the company as of the date the contract was negotiated or the loans were made.

5. Has this company been released from the delivery of any copper due the Government under the terms of the contract?

(a) If so, how much was released and what was the prevailing market price on the date of the release?

Yours sincerely,

John J. Williams.

General Services Administration
Emergency Procurement Service,
Washington, D.C., June 10, 1955.

Re contract No. DMP–83, Banner Mining Co.

Hon. John J. Williams,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: In accordance with your request of May 27, 1955, the following information is furnished relative to this contract:

1. The prevailing market price of similar copper on the date of the contract, May 26, 1953, was 29.65 cents per pound, freight on board refinery, subject to a discount on cathodes of one-eighth cent per pound.

2. The total amount of copper delivered to the Government under the contract up to this time, with dates of delivery, is listed on the enclosed sheet.

3. The total amount of advance payments against production made to this company by DMPA for development and mining expenses was $473,665. We have no knowledge of any other Government advances or loans except an exploration loan made by DMEA on June 30, 1951 which, reportedly, totaled $55,529.81.

4. Enclosed are copies of two balance sheets of Banner Mining Co., one dated September 30, 1952, which accompanied the application for the contract, and the other, dated September 30, 1953. The first advance of moneys under this contract was authorized on January 13, 1954.

5. (a) As a result of negotiations Banner Mining Co. on January 21, 1955, was authorized, commencing January 16, 1955 (this date, later, was changed to January 25, 1955) to deliver up to 6 million pounds of copper to its commercial customers, provided that the total amount of copper deliverable to the Government of 12,960,000 pounds and the termination date of the contract remained unchanged; provided further that the remaining copper deliverable to the Government after January 25, 1955 be reduced in price one-fourth cent per pound, plus an additional one-eighth per pound on cathodes; and again further that the 3½ cents per pound of copper repayment of the advance be made on all copper sold.

(b) The market price of copper on January 21, 1955 was 29.7 cents per pound, freight on board refinery, subject to a discount on cathodes of one-eighth cent per pound.

If you desire any further information relating to this contract, we shall be glad to furnish it to you.

Very truly yours,

A. J. Walsh,
Commissioner.

Mr. WILLIAMS of Delaware. After reviewing this additional information, on June 23, 1955, as appears in the Congressional Record, volume 101, part 7, pages 9060 and 9061, I summarized this transaction and denounced the decisions of the General Services Administration and the Office of Defense Mobilization and pointed out that in return for what in effect was a $30,000 concession, the Banner Mining Co. had been extended an approximate $250,000 windfall profit.

I noted that the Comptroller General had also criticized the manner in which this contract had been handled.

I quote from his report:

> On the basis of the facts available to us, we consider that amendment No. 2 was decidedly advantageous to the contractor and disadvantageous to the Government.

On March 7, 1956, I directed another letter to Mr. Flemming, Director of the Office of Defense Mobilization, asking for additional information concerning any other deferments which may have been granted in the delivery dates of certain contracts under which they had been purchasing copper for the stockpiling program.

The letter was sent for the purpose of finding out whether or not this practice was being continued. In his reply under date of April 12, 1956, Mr. Flemming pointed out:

> All deferments of deliveries of copper to the Government have been authorized at the request of the Department of Commerce and after consultation with the Defense Mobilization Board.

I quote further from Mr. Flemming's letter:

> Following your criticism last spring of the cancellation of certain copper contracts, with which criticism we agreed, we took steps to correct the situation and have avoided any repetition of such actions.

Thus, in this letter Mr. Flemming stated that following my criticism of the earlier procedures they had taken steps to correct the situation and that they had avoided any repetition of such actions.

I ask unanimous consent that this correspondence be printed in the Record. I note that with Mr. Flemming's letter a list is attached showing deferrals and cancellations of deliveries of copper to the stockpile and Defense Production Act inventory.

There being no objection, the material was ordered to be printed in the Record, as follows:

March 7, 1956.

Mr. Arthur S. Flemming,
Director, Office of Defense Mobilization,
Washington, D.C.

Dear Mr. Flemming: It is my understanding that as a result of the increased price on copper your agency granted several deferments in the delivery dates of certain contracts under which you were purchasing copper for the stockpiling program.

Will you please furnish a list of such deferments including the amount of tonnage involved and the original price along with any revisions, either upward or downward, on price or tonnage.

Yours sincerely,

John J. Williams.

Executive Office of the President,
Office of Defense Mobilization,
Office of the Director,
Washington, D.C., April 2, 1956.

Hon. John J. Williams,
U.S. Senate, Washington, D.C.

Dear Senator Williams: This is in reply to your letter of March 7 in regard to deferment of delivery dates of copper contracts under the stockpile program.

All deferments of deliveries of copper to the Government have been authorized at the request of the Department of Commerce and after consultation with the Defense Mobilization Board. They have been based on Department of Commerce estimates that the available supply of copper would be inadequate to meet U.S. industry demands. They have been prompted by the shortage in copper available to U.S. industry rather than price rises.

Deferments have been authorized at various times since the fourth quarter of 1954 and are summarized in the attached table. You will note that there have been no outright cancellations since the second quarter of 1955. Following your criticism last spring of the cancellation of certain copper contracts, with which criticism we agreed, we took steps to correct the situation and have avoided any repetition of such actions.

Please let me know if we can be of any further assistance.

Sincerely yours,

Arthur S. Flemming,
Director.

Deferrals and cancellations of deliveries of copper to stockpile and Defense Production Act inventory, Oct. 15, 1954, to Dec. 31, 1955

[In short tons]

Contract No.	Contracting company	Contract price per pound	1954 4th quarter	1955				1956 1st quarter estimate
				1st quarter	2d quarter	3d quarter	4th quarter	
	Stockpile contracts: Deferrals:							
GS-OOP- 3870	British Metals	[1] $0.30	3,350		7,050			
3889	Consolidated Coppermines	[1] .32	900					
3785	do	[1] .32	1,200					
3906	Granby Consolidated	[1] .30	2,000		750			
7201	International Metals & Minerals.	[1] .30	600					
7244	do	[1] .30	600					
7202	American Metals	[1] .30	4,000					
10332	Miami Copper	(2)	3,897		2,721		2,245	190
3909	Calumet & Hecla	[1] .315	3,965					2,250
461	Sherritt Gordon	(3)						625
	Total		20,512		10,521		2,245	3,065

See footnotes at end of table.

Deferrals and cancellations of deliveries of copper to stockpile and Defense Production Act inventory, Oct. 15, 1954, to Dec. 31, 1955—Continued

[In short tons]

Contract No.		Contracting company	Contract price per pound	1954 4th quarter	1955				1956 1st quarter estimate
					1st quarter	2d quarter	3d quarter	4th quarter	
		Defense Production Act contracts:							
		Deferrals:							
DMP	80	International Nickel	[4] [5] $0.27					800	
	83	Banner Mining	[3] .3075					1,250	1,000
	89	Copper Range	.31			139	599	398	
	92	Howe Sound	.315			300	440		
	94	Appalachian Sulphide	.306				1,000	1,000	
		Total				439	2,039	3,448	1,000
		Cancellations: [6]							
DMP	57	Miami Copper	[4] .2735	689		961			
	89	Copper Range	.31			325			
	92	Howe Sound	.315	1,337		613			
		Total		1,826		1,899			

[1] Less ⅛ cent per pound if cathodes. [2] Market. [3] Subject to renegotiation.
[4] Plus escalation. [5] Canadian currency rates. [6] See attached notes pertaining to cancellations.

NOTES PERTAINING TO CANCELLATIONS

Fourth quarter, 1954—DMP-57, Miami Copper:

Inasmuch as this contract covered the entire production from one low grade mine operated by Miami Copper Co., the deferrals were added to the end of the delivery schedule. However, the contract permitted Miami to cancel if costs exceeded the contract price. Miami canceled the balance of this contract, including deferrals as of August 31, 1955. The escalated contract price of this contract at the time of its cancellation was 29.339 cents per pound.

DMP-92, Howe Sound:

Inasmuch as the contract price (31.5 cents) was higher than the market price (30 cents) at that time, the fourth quarter deferrals were canceled on January 12, 1955.

Second quarter, 1955—DMP-57, Miami Copper; DMP-89, Copper Range; DMP-92, Howe Sound:

Cancellation of the diversions to industry from Defense Production Act contracts in the second quarter of 1955 was authorized. However, this authorization was withdrawn on May 27, 1955. The diversions during April and May were canceled. The diversions during June were deferred. The market price during the second quarter 1955 was 36 cents per pound.

Mr. WILLIAMS of Delaware. Mr. President, I recognize that incorporating this series of correspondence in the RECORD is somewhat of a duplication in that all of it has been summarized and much of it has been incorporated in my earlier remarks in the CONGRESSIONAL RECORDS of May 27, 1955, and June 23, 1955; however, since attention is again being focused upon this transaction and since some of the representatives of both the legislative and executive branches are having difficulty in remembering some of the details, I felt that it may help all interested parties in developing a clearer understanding of this entire transaction if this correspondence were all incorporated in the RECORD at this time.

WARM HOSPITALITY A HOT WEAPON IN THE COLD WAR

Mr. YARBOROUGH. Mr. President, American tourists have always spent more in foreign countries than foreign visitors have spent in the United States, and a travel gap has existed in the balance of international payments.

The gap increases from year to year.

The Congress passed the International Travel Act of 1961, of which I have the honor to be a coauthor, to place more emphasis on the promotional aspects of the tourist industry, and now the U.S. Department of Commerce is working at home and abroad—encouraging active participation of States in a sweeping program to attract more tourists.

Under the able direction of Secretary of Commerce Luther A. Hodges and Director Voit Gilmore, the United States has rolled out the welcome mat to foreign visitors to our shores.

The Saturday Evening Post discussed the importance of this tourist attraction program in an editorial on April 14, 1962. I ask unanimous consent to have printed in the RECORD the Saturday Evening Post editorial entitled "A Warm Weapon in the Cold War."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A WARM WEAPON IN THE COLD WAR

Few people accuse Uncle Sam of being a bad businessman, but in one respect he has been as backward as a Bedouin. Until a few months ago he was overlooking one of the country's most salable items—tourism. While other alert countries have been happily raking in great sums by tapping the yearning of people everywhere to travel in foreign places, the Yankee trader has been sleeping on the sidelines.

It isn't that Americans don't like the idea of traveling. Last year 2 million of us went overseas and spent a whopping $2 billion. Without much encouragement from us, about 600,000 foreigners came here and spent $900 million. The result was an unfavorable "travel deficit" of $1,100 million.

In the past when the United States spent more abroad than it took in, this imbalance was unimportant. But now that our military bases and other foreign-aid commitments cost us between $3 and $4 billion more than we net from export trade, the situation can no longer be ignored. In fact, we must either export more or abandon some of our oversea positions in the cold-war struggle.

As almost all nations except America have learned, one of the easiest ways to earn foreign exchange is from tourists. Some nations—Mexico is an example—find it their No. 1 source of revenue. But although for many countries tourism is merely a means of assuring a higher standard of living, for us it is more important. In view of our pivotal position in the East-West struggle and the need for funds to finance it, our hospitality takes on the importance of a cold-war weapon.

Although Americans are among the most generous and hospitable of people, they have not made things easy for visitors. They have done none of the things that foreigners have done to make travel attractive in their countries—the waiving of visas, the cursory customs examinations, the special reductions on gasoline, the ease of changing currency, the discounts on export items and the magnificent organization everywhere that makes visitors feel welcome, even though the visitors don't speak the country's language.

Until a few months ago we not only demanded that foreigners have U.S. visas but we made them fill out four-page forms, asking such insulting questions as whether they planned to come to this country for immoral purposes. Because we had never been prepared for the visitor who was not an immigrant, we seemed unfriendly. For example, not long ago a French couple, trying to exchange their currency in a Midwest town, was jailed on suspicion of trying to pass phony money. In a Southern State another couple was arrested for using an international driving license—a permit which is legal almost all over the world and was legal in the State in which they were traveling.

Our Government has spent little to lure visitors to our shores. As late as 1960 we ranked 23d among the 25 countries spending money to promote international travel. Only Cyprus and San Marino spent less than we. England spent 50 times as much as we did; Russia 20 times.

Last year Congress became aware that always being the paying guest and rarely the host was bad business. It was pointed out that, if a community attracts only a couple of dozen tourists a day throughout the year, it benefits as much as if it acquired a new industry with a payroll of $100,000 a year. Consequently in June 1961, the U.S. Travel Service was set up under the Department of Commerce. The budget for the first year was $2,500,000—a smaller sum than the Bahama Islands (population 136,000) spends, but enough to break the ice.

Although the new service won't be a year old until June, much has been accomplished already. Ten travel offices have been opened abroad. Sixty friendly receptionists have been stationed in 12 gateway cities—pretty girls who speak three or four languages and help tourists with the formalities. Customs officers have been classified according to language abilities and are giving a new courtesy to our inspection service. The four-page visa-application form has been reduced to postcard size and the insulting questions removed. In fact, redtape has been slashed so drastically that 80 percent of all visas are now issued in less than a half hour.

The Government and officials can do only so much, however. States, cities, and private citizens must get into the act. Communities are urged to set up International Visitors' Councils to coordinate all agencies interested in the welfare of the traveler. Homes should be opened to oversea guests. In Cleveland one woman receives all foreign visitors who wish to take coffee with her and see what an American home is like. "There are so many misconceptions about this country and its culture," she says. "How many Europeans know, for example, that more Americans go to symphony concerts than baseball games each year?" In Philadelphia a group of retired military officers and well-to-do citizens, known as Arms of Friendship, Inc., have been opening their homes to Russian tourists in an effort to thaw the cold war. Their idea has caught on and has already spread to 10 other cities.

Many communities have found it useful to develop "language banks," pools of persons who speak foreign languages and are willing to act as guides and interpreters. In Annapolis, Md., a check revealed that there were persons speaking 24 different languages who were willing to donate their services to tourists. In Asheville, N.C., the hometown of the late Thomas Wolfe. signs were put up bidding foreign visitors "welcome" and urging them to call certain telephone numbers for a guide or interpreter.

The Asheville signs, incidentally, had an immediate payoff. A Munich professor of literature, a Thomas Wolfe fan visiting Washington, decided to take a 3-hour trip to Asheville to have a look at Wolfe's house. He spoke no English but, when he got to Asheville, its new guide service put him in touch with a German-speaking family. The family had a cache of Munich beer in the cellar and, instead of staying 3 hours, the visiting professor stayed 3 days. He was late getting back to his classes, but he is wildly enthusiastic about America.

Most cold-war objectives cost money, and this means more taxes. Fortunately, however, hospitality costs little or nothing. In fact, for most of the 185 million Americans it's just doing what comes naturally.

RELIEF OF JAMES M. NORMAN

Mr. YARBOROUGH. Mr. President, I rise to speak on behalf of a perhaps unique proposition: Let us pass H.R. 1361 for the relief of James M. Norman as speedily as possible, without amendment or substitution.

Mr. Norman is a constituent of mine; he lives in Memphis, Tex. Mr. Norman is a farmer of wheat, and to protect his crop he attempted to insure against loss through the Federal Crop Insurance Corporation. Through a series of Government errors, Mr. Norman was led to believe that he had valid crop insurance when in fact he did not. As a result, it is now claimed he owes the Government $2,001.48; the pending bill would relieve him of that debt. The bill for his relief is not objected to by the administration, and has been approved by the House Judiciary Committee, passed by the House of Representatives and approved by the Senate Judiciary Committee.

Last summer, as his bill was being acted on in the House, Mr. Norman wrote me and asked for my help. After looking into the justice of the matter, I assured him and the House sponsor of the bill that I would do what I could to see that his claim received proper consideration by the Senate. Erroneously, as it seems, I thought that approval of this meritorious claim by the Senate Judiciary Committee would see the beginning of the end of Mr. Norman's trouble.

I share my constituent's surprise at finding this bill the center of another great constitutional controversy. Even more, I am surprised to find that it is proposed not just to amend and expand my constituent's bill a little, but to substitute him away entirely.

Apparently the ghost of this just claim is to be left to wander around the Senate Chamber, looking in vain for its bill number.

Mr. President, I consider that I am still bound by the obligation I undertook to a constituent to secure action for the relief of James M. Norman, American. Accordingly, I shall be compelled to vote against any substitutes, amendments, or other motions which would prevent the Senate from taking action on the subject matter of H.R. 1361 now before us. I reluctantly make this announcement so it will be clear that I am not announcing any opinion on the contents of the substitute, but am pledged to vote to advance the claim of my constituent James M. Norman.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

SHALL AMERICA'S CONSTITUTIONAL BIRTHRIGHT BE SOLD FOR POLITICAL POTTAGE?

Mr. ERVIN. Mr. President, I oppose the Mansfield-Dirksen amendment to H.R. 1361, the amendment being the embodiment of S. 2750. For truth's sake, S. 2750 ought to be called a bill to rob literacy tests, adopted by the States in the exercise of their undoubted constitutional power, of their legal potency for the benefit of illiterate persons who have allegedly completed the sixth grade.

In discussing S. 2750, I shall confine my observations to the selection and election of Presidential and Vice Presidential electors, Senators, and Representatives in Congress in the various States. I take this course simply because the power of Congress to legislate in respect to the selection and election of delegates and commissioners in the territories or possessions of the United States rests upon other grounds.

During the course of my remarks, I shall use the term "Federal elections" to refer to primaries and elections which are held, either in whole or in part, for selecting or electing Presidential and Vice Presidential electors, Senators, and Representatives. This is, in substance, the meaning attached to the term "Federal elections" in the bill.

My opposition to S. 2750 has no relation whatsoever to any matter of race or color. I have always maintained that all qualified citizens of all races are entitled to register and vote.

My opposition is based upon two reasons. The first reason is that existing Federal laws are adequate to secure to every citizen anywhere in the United States the right to vote; and in consequence, the enactment of S. 2750 is wholly unnecessary and in fact would impede rather than accelerate the registration of literate persons possessing all the other qualifications for voting.

The second reason is that S. 2750 is utterly incompatible with section 2 of article I, clause 2 of section 1 of article II, and the 17th amendment, which prohibit Congress from prescribing the qualifications for voters for Presidential and Vice Presidential electors, Senators, and Representatives in Congress, and does not constitute appropriate legislation within the meaning of the 14th and 15th amendments.

Before proceeding with an elucidation of my own views upon S. 2750, I wish to read statements from persons of renowned legal ability in various sections of the United States with respect to this legislative proposal. First, I shall read, from a statement by Hon. Ralph E. Moody, attorney general of Alaska:

> A citizen has what might be termed a conditional right to vote. The State first prescribes requirements to establish who shall vote for the most numerous body of its State legislature. Once the voting class of persons is determined, they also receive a constitutional right to vote in Federal elections. Their constitutional right is entirely dependent upon the State requirement. (*Ex parte Yarbrough*, 110 U.S. 651, at 656). There is no Federal authority granted or implied under these sections as would enable the Government to establish conditions on the exercise of the franchise. This authority is exclusively delegated to the States.

I now read from a statement on this subject made by Hon. Stanley Mosk, attorney general of California:

> Neither of these measures is constitutional because of the absence of power in the Congress to enact such legislation. Both measures propose an eradication of literacy tests in the case of a competent person who has received a sixth-grade education. Since literacy tests have generally been held to be valid, analysis requires a determination of the source of this power of eradication.
>
> Regarding S. 2750, this power cannot be found under article I, section 4 of the Constitution. The Constitution adopted, as the qualifications of electors for Members of Congress, those prescribed by the State for electors of the most numerous branch of the State legislature (*Swafford* v. *Templeton*, 185 U.S. 487). The qualification of the voter is determined by the law of the State where he votes (*ex parte Yarbrough*, 110 U.S. 651). These cases point out that the Constitution confers upon a State the sole power to determine the qualifications of voters therein; the Federal Government has no power to determine qualifications of voters in Federal elections. Therefore, article I, section 4 gives Congress no power, the exercise of which would supersede any measures enacted by States under article I, section 2 and the 17th amendment.
>
> Nor does Congress have any power as such to determine qualifications of voters in any elections. "The States, not the Federal Government, prescribe the qualifications for the exercise of the franchise" (*Davis* v. *Schnell*, 81 F. Supp. 872, aff'd 336 U.S. 933). The conditions under which the right of suffrage is to be exercised are matters for the States alone to prescribe (*Pope* v. *Williams*, 193 U.S. 621).
>
> If Congress has no power to determine qualifications of voters, then the power of eradication must be found in the protecting powers of section 5 of the 14th amendment and section 2 of the 15th amendment.
>
> The mere requirement of a literacy test does not violate the equal protection clause or the 15th amendment (*Lassiter* v. *Northampton Election Board*, 360 U.S. 45, *Guinn* v. *United States*, 328 U.S. 347). Nor does the mere requirement of such a test violate the due process clause (*Franklin* v. *Harper*, 205 Ga. 779, appeal dismissed 339 U.S. 946).
>
> Therefore, since the mere requirement of a literacy test does not violate either of the

> above amendments, Congress is exceeding the scope of the protecting powers by eradicating that which does not constitute prohibited "State action." Thus, Congress has no power of eradicating literacy tests by virtue of the protecting powers conferred by these amendments.
>
> Concerning the question of the constitutionality of the creation of a legal presumption of literacy, it would seem that such presumption would be constitutional because of the close correlation between the facts on which the presumption is based and the fact presumed. However, the creation of such presumption by Congress would not be valid. Since Congress has no power whatsoever to determine the qualification of voters, Congress has no power to substitute its judgment for that of the States. Thus Congress has no power to put a presumption of literacy in the place of a test to determine the existence of literacy.

Mr. President, it would be difficult even to conjecture that any authority in the law could have made a clearer statement of the unconstitutionality of S. 2750 than that made by the Attorney General of California, which I have just read.

About a year ago a great jurist who had sat for some time with rare distinction upon the Court of Claims retired from that court and became a member of the faculty of that most unusual and fine law school known as Hastings College of Law, in San Francisco. I refer to Judge J. Warren Madden. Judge Madden and one of his associates on the faculty of that law school, Prof. Brooks Cox, have made a statement with reference to the constitutionality of Senate bill 2750. In the statement, they say:

> In our opinion, the provisions of section 2 of article I of the Constitution, and of section I of amendment 17, preempt the field, so far as the qualifications of voters for Representatives and Senators are concerned. These provisions leave the States free to determine those qualifications, by the process of setting the qualifications of voters for members of the most numerous branch of the State legislature. When the States have done this, in compliance with the 15th amendment, * * * and in compliance with the equal protection provision of the 14th amendment, that would seem to set the qualifications of voters for Representatives and Senators, and leave no room for congressional action. From what we have said, it would follow that a State can set whatever standard of literacy it pleases. It must, of course, administer its standard in compliance with the constitutional requirements referred to above.
>
> The provision that a sixth-grade education in the Spanish language shall qualify a voter infringes, in our opinion, on the constitutional right of the State to determine the qualifications of voters. The 15th amendment does not forbid States from requiring literacy in English as a qualification for voting. And it is hardly conceivable that a requirement of literacy in the official language of a State and of the Nation would be regarded as a denial of the equal protection of the laws to those not literate in that language.
>
> As to qualifications for voting for electors who in turn vote for the President and the Vice President, article II of the Constitution and the 12th amendment, lodge that determination in the States. Congress may not regulate it, except in the enforcement of the 15th amendment and the equal protection provision of the 14th amendment.
>
> As to the validity of the suggested statutory presumption of literacy, * * * it follows from what we have said that such a provision would have no room for application, since the presumed fact is irrelevant to anything which Congress could, under the Constitution, regulate by legislation.

Mr. TALMADGE. Mr. President, will the distinguished Senator from North Carolina yield for a question?

Mr. ERVIN. I am delighted to yield to my distinguished friend.

Mr. TALMADGE. Did not the Attorney General of the United States appear before the subcommittee headed by the distinguished Senator from North Carolina, to testify on this measure, when it was pending there?

Mr. ERVIN. He did.

Mr. TALMADGE. By what strange indulgence in semantics did he attempt to reconcile this measure with the Constitution of the United States, particularly with section 2 of article I and the 17th amendment?

Mr. ERVIN. At the time of his appearance before the Subcommittee on Constitutional Rights, the Attorney General admitted that Senate bill 2750 would be unconstitutional if it attempted to prescribe the qualifications for voting. He admitted that under the Constitution the power to prescribe the qualifications for voting resides in the States, not in the Congress. But if I correctly interpret the statement he made then, he undertook to justify Senate bill 2750 on the theory that it did not undertake to prescribe the qualifications for voting, but undertook to prescribe a Federal standard by which the validity of a State literacy test could be measured on the basis of reasonableness.

I do not know whether the Senator from Georgia agrees with me; but, in my judgment, in taking that position the Attorney General manifested a legal astuteness which was not even possessed by such distinguished lawyers as Tweedledum and Tweedledee, because neither Tweedledum nor Tweedledee ever attempted to split legal hairs with such nicety and fineness as that.

Of course, the Attorney General did not point out any part of the Constitution giving Congress the power to prescribe any Federal standard by which the reasonableness or unreasonableness of a State literacy test could be measured.

Mr. TALMADGE. Did the Attorney General attempt to claim that the bill can be justified under section 4 of article I of the Constitution, by which the Congress is empowered to regulate the manner of holding such elections?

Mr. ERVIN. As I interpret the testimony given by the Attorney General before the subcommittee, he admitted that section 4 of article I of the Constitution would not support any exercise by Congress of the power embodied in Senate bill 2750.

Incidentally, I may say that Dean Griswold, of Harvard Law School, also admitted, when he appeared before the subcommittee, that section 4 of article I of the Constitution does not confer upon Congress any power to enact this bill.

Mr. TALMADGE. Does the distinguished chairman of the subcommittee agree with the language used by the court in the case of *People* v. *Guden*, 75 New York Supplement, page 349, as follows:

> The "manner of election" does not go to the question of what body of electors shall elect.

Does the distinguished chairman of the subcommittee believe that to be sound law?

Mr. ERVIN. It is sound law; and it was not only recognized in the Guden case, but it has also been recognized in the court decisions in all other States of the Union which have constitutional provisions in reference to the power to regulate the manner of holding elections.

Mr. TALMADGE. Does the distinguished Senator from North Carolina agree with the following language used by the court in the case of *Livesley* v. *Litchfield*, 83 Pacific, at page 142:

> The authority given by section 7 of article VI to prescribe the "time and manner" in which municipal officers may be elected or appointed does not, we think, include the power to determine what shall constitute a legal voter.

Mr. ERVIN. I think that is undoubtedly a sound decision, placing a correct interpretation upon the words "manner of elections." It was one of the cases I had in mind a while ago when I stated that the rule laid down in the Guden case had been sustained by all the decisions of the State courts that had similar constitutional provisions.

Mr. TALMADGE. In other words, the conclusion of the distinguished chairman of the subcommittee is that, by no stretch of the imagination, could this amendment be held to be constitutional under article I, section 4, of the Constitution of the United States, and that the courts have so held?

Mr. ERVIN. The Senator from Georgia is eminently correct, and I would add further that the decisions of the Supreme Court of the United States itself—and I refer particularly to the Seibold and the Clarke cases, involving the Enforcement Act of 1870, say in effect that section 4 of article I merely gives Congress the power to regulate the mode or manner in which votes shall be cast and counted and returned and certified.

Mr. TALMADGE. And not to determine who are qualified voters?

Mr. ERVIN. That is correct. In other words, they regulate the mode by which the ballots are going to be cast in congressional elections, by persons who are qualified voters within the purview of section 2 of article I and the 17th amendment.

Mr. TALMADGE. Will the Senator yield further for a question?

Mr. ERVIN. I am delighted to yield.

Mr. TALMADGE. When the Attorney General was testifying before the subcommittee of the able Senator, did he indicate in any way that the 14th amendment gives Congress authority to enact legislation such as is now pending before the Senate?

Mr. ERVIN. The Attorney General undertook to sustain this legislation on the theory that it was founded upon the 14th amendment and the 15th amendment; but, of course, his assertion is absolutely without basis as to the 14th amendment, because the State literacy tests cannot possibly violate the due process clause of that 14th amendment, in that they have a rational relationship to the objectives of the State; namely, to obtain an independent and intelligent electorate. Furthermore, the validity of S. 2750 cannot possibly be sustained under the 14th amendment for the additional reason that the State literacy tests apply alike to all persons, regardless of race or sex, and are therefore not in disharmony with the equal protection clause.

Mr. TALMADGE. In other words, the 14th amendment merely prohibits the States from discriminating against any person for any reason whatsoever.

Mr. ERVIN. That is correct. The power of Congress to pass legislation to enforce the 14th amendment, as the able and distinguished Senator from Georgia knows, is limited to legislation which is adapted to prevent the States from doing that which the States are prohibited from doing; and that amendment does not grant any power to enact affirmative legislation for the Federal Government to take over the performance of State duties.

Mr. TALMADGE. I will ask the able chairman of the subcommittee if he agrees with the language in the case of *Minor* v. *Happersett*, reported in 88 U.S. at page 162, in which the Supreme Court of the United States in construing the 14th amendment used the following language:

> The amendment did not add to the privileges and immunities of a citizen. It simply furnished an additional guaranty for the protection of such as he already had. No new voters were necessarily made by it. Indirectly it may have had that effect, because it may have increased the number of citizens entitled to suffrage under the Constitution and laws of the States, but it operates for this purpose, if at all, through the States and the State laws, and not directly upon the citizen.

Mr. ERVIN. I agree that this is a very sound statement of the constitutional principle involved. I think any person who has any knowledge of the English language—I would say even a person who has completed the sixth grade, and who has not received social promotions—would reach that same conclusion without difficulty, because that is exactly what is stated in the second section of article I and the 17th amendment, as any person who understands the English language knows.

Mr. TALMADGE. In other words, if a person can read the English language, he does not have to be a lawyer to understand that part of the Constitution.

Mr. ERVIN. That is true, because no simpler words in the English language exist than those in the second section of article I, which provide that a person is eligible to vote for a Member of Congress in his District if he has the qualifications requisite for electors of the most numerous branch of the State legislature; or the words in the 17th amendment, which say that a person is qualified to vote for a Senator in his State if he has the qualifications requisite for electors of the most numerous branch of the State legislature.

Mr. TALMADGE. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield.

Mr. TALMADGE. I ask the Senator if he agrees with the following language of the Supreme Court of the United States in the case of *Guinn* v. *United States*, reported in 238 United States, page 347, in construing the 14th and 15th amendments of the Constitution:

> Beyond doubt the amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning, and without the possession of which power the whole fabric upon which the division of State and national authority under the Constitution and the organization of both governments rest, would be without support, and both the authority of the Nation and the States would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals.
>
> Thus the authority over suffrage which the States possess and the limitation which the amendment imposes are coordinate and one may not destroy the other without bringing about the destruction of both.

Mr. ERVIN. I think that is a sound construction of section 2 of article I and of the 17th amendment and of the relationship between those two provisions and the 14th and 15th amendments. I think that is a correct statement.

In other words, under section 2 of article I and clause 2 of section 1 of article II and the 17th amendment, the States have complete power to prescribe qualifications for voters in so-called Federal elections, subject only to the limitations of the 14th amendment, the 15th amendment, and the 19th amendment. All that those amendments do is prohibit the States from doing certain prohibited things.

This bill cannot be justified or supported under the 14th amendment for the reasons I have already stated and for additional reasons which I shall state later.

Moreover, the bill is not appropriate legislation under the 15th amendment, because, as the Guinn case intimates, and many other decisions hold, no law is valid under the 15th amendment unless it is confined to discriminations in voting on account of race, color, or previous condition of servitude.

Mr. TALMADGE. I will ask the distinguished Senator if he agrees with this language of the U.S. Supreme Court in the case of *Pope* v. *Williams*, 193 U.S. 621, in construing the 15th amendment:

> Since the fifteenth amendment the whole control over suffrage and the power to regulate its exercise is still left with and retained by the several States, with the single restriction that they must not deny or abridge it on account of race, color or previous condition of servitude.

Mr. ERVIN. That is undoubtedly a correct interpretation of the effect of the 15th amendment.

Mr. TALMADGE. In other words, the Senator shares my view that the 14th and 15th amendments did not grant to the Federal Government any new power to regulate elections but merely prohibited the States from denying certain rights to their citizens.

Mr. ERVIN. That is correct. The 15th amendment applies only to denying voting rights on the basis of race, color, or previous condition of servitude. May I add something?

Mr. TALMADGE. Of course.

Mr. ERVIN. I was very much interested in hearing the Senator read from the case of Pope against Williams, because in the North Carolina vernacular, that case knocks into a cocked hat the proposition advanced by the bill and by the Attorney General in his testimony before the subcommittee, that Congress has some kind of uncertain, indefinite, and vague power to prohibit things which it may deem to be unreasonable.

In the case of Pope against Williams the Court said that if the State has the power, as it does, to deal with the matter legislatively, the question of whether it is reasonable or unreasonable does not even present a Federal question.

Mr. TALMADGE. In other words, that is a queston for courts and juries under present law?

Mr. ERVIN. That is correct. The Constitution itself says what is reasonable or unreasonable in this field. It says that the States have full power to prescribe the qualifications for voters, subject to the limitation under the 15th amendment that the States cannot deny to any man otherwise qualified the right to vote because of his race, color, or previous condition of servitude; and subject to the limitation of the 19th amendment that the States cannot deny to any person otherwise qualified the right to vote on account of sex. Those are the two qualifications which the Constitution says are unreasonable and cannot be permitted.

Mr. TALMADGE. Is it not true that there are now on the Federal statute books 9 civil laws and 6 criminal laws, making a total of 15 laws, which protect any citizen in his right to vote?

Mr. ERVIN. If the Senator says there are that many, I accept his statement, because the Senator is a great lawyer. I call to mind at least six laws, which insure that no qualified citizen of any race can be denied the right to vote, if these laws are utilized. These laws likewise make it certain that if any official of any State willfully denies any citizen the right to vote through maladministration of a literacy test or through any other evil act, he cannot escape punishment if existing laws are enforced.

Mr. TALMADGE. Is it not true that the U.S. Supreme Court, in the Lassiter case which arose in the Senator's State of North Carolina in 1959 unanimously upheld the position that the States have the right to prescribe qualifications of voters?

Mr. ERVIN. That is correct; only 3 years ago.

Mr. TALMADGE. Was not that decision unanimous, with every one of the judges concurring?

Mr. ERVIN. It was.

Mr. TALMADGE. And the Court held in that decision, did it not, that the States had a right to determine the qualifications of voters within their respective boundaries?

Mr. ERVIN. The Senator is correct. The Court expressly said that this right was in complete harmony with the 14th amendment, the 15th amendment, and the 19th amendment.

Mr. TALMADGE. Can the able Senator by any stretch of the imagination understand how the Senate could attempt to go further than the present Supreme Court in destroying what few rights are left to the States?

Mr. ERVIN. I cannot, because this legislation strikes at a fundamental principle of our Government, which is that the right to prescribe the qualifications for voting is vested in the States rather than in the Congress. This is one of the checks and balances instituted to preserve our Republic so that it will function as such and not be converted into a centralized government.

Mr. TALMADGE. Is it not true that the effect of the proposal pending before the Senate would be to repeal section 2 of article I and a portion of the 17th amendment?

Mr. ERVIN. The proposal undertakes as a practical matter to say that the qualifications of voters for Senators and Representatives in Congress shall not be those prescribed in the Constitution—namely, those qualifications requisite for electors of the most numerous branch of the State legislature. Rather, S. 2750 would substitute a provision to the effect that those who allegedly have a sixth-grade education have met the literacy qualification even though they are proven to be illiterate when subjected to a literacy test.

Mr. TALMADGE. Mr. President, will the Senator yield further?

The PRESIDING OFFICER (Mr. JORDAN in the Chair). Does the Senator yield?

Mr. ERVIN. I am delighted to yield.

Mr. TALMADGE. Would the Senator be startled if I were to tell him I received a telephone call last night from a gentleman who informed me that his sister teaches a freshman class in a New Jersey high school in which there are three students who can neither read nor write?

Mr. ERVIN. I would not be startled in any degree by that, because educators tell me that as a result of compulsory school attendance laws, which are in force in virtually all the States, the schools have been compelled to devise what they call a system of social promotions. The children must go to school from the time they are 6 or 7 years of age until they are 14 or 15, or 16 or 17 or 18 years of age, whatever the State law provides. The schools must accept them.

This presents the danger of a psychological disaster, both for the beginning students and also for those students who keep growing physically but do not grow mentally. The large or older students are given social promotions, regardless of whether they can read or write, in order to prevent students 6 feet tall from remaining in the lower grades of school, which are designed for small, younger children.

Mr. TALMADGE. Would the able Senator be willing to yield further?

Mr. ERVIN. I am delighted to yield.

Mr. TALMADGE. I am sure the distinguished Senator, in his long and outstanding career as a lawyer and as a judge on the North Carolina Supreme Court, has heard of a gentleman by the name of Willoughby and his treatise on constitutional law.

Mr. ERVIN. He is acknowledged to be one of the greatest students of constitutional law and constitutional government this country has ever produced.

Mr. TALMADGE. I ask the Senator if he agrees with this language, taken from Willoughby, "The Constitutional Law of the United States," pages 540–541:

> A distinction is to be made between the right to vote for a Representative to Congress and the conditions upon which that right is granted * * * the right to vote is conditioned upon and determined by State law. But the right itself, as thus determined is a Federal right. That is to say, the right springs from the provision of the Federal Constitution that Representatives shall be elected by those who have the right in each State to vote for the members of the most numerous branch of the State legislature. The Constitution thus gives the right but accepts, as its own, the qualifications which the States severally see fit to establish with reference to the election of the most numerous branch of their several State legislatures.

Mr. ERVIN. That is absolutely correct, as I see it. Of course, the Constitution creates the offices of President, Vice President, Senator, and Representative in Congress; but the Constitution itself says, in the first article and in the second article and in the 17th amendment, that the States shall prescribe the qualifications of those who are to be allowed to vote in elections to fill these offices.

Mr. TALMADGE. Will the able Senator yield further?

Mr. ERVIN. I am delighted to yield to the Senator.

Mr. TALMADGE. I am sure that in his long experience as a lawyer, as a judge, and as chairman of the Subcommittee on Constitutional Rights that the distinguished Senator is familiar with a volume called Cooley on "Constitutional Limitations," is he not?

Mr. ERVIN. Yes. Judge Cooley, who was a distinguished member of the Michigan Supreme Court, and for a time professor of law at the University of Michigan, is universally recognized as one of the greatest students of the Constitution in the history of this Nation.

Mr. TALMADGE. Would the able Senator say that Mr. Cooley and Mr. Willoughby perhaps know as much about the Constitution of the United States as does the Attorney General?

Mr. ERVIN. I believe that the Attorney General would concede that they are greater authorities on the Constitution than he or I.

Mr. TALMADGE. I ask the Senator if he agrees with the following statement by Mr. Cooley on constitutional limitations, volume 2, pages 1360 and 1361:

> The whole subject of the regulation of elections, including the prescribing of qualifications for suffrage, is left by the National Constitution to the several States, except it it provided by that instrument that the electors for Representatives in Congress shall have the qualifications requisite for electors of the most numerous branch of the State legislature, and as the 15th amendment forbids denying of citizens the right to vote on account of race, color, or previous condition of servitude.

Mr. ERVIN. That is a very fine statement of the principle by Judge Cooley. Incidentally, Judge Cooley is quoted, in a case which I shall cite later from the State of Illinois entitled "People Versus English," on the precise point that is involved in the measure before the Senate.

Judge Cooley said in another portion of his book on "Constitutional Limitations," that where the qualifications of voters are fixed by a constitution, they cannot be changed by any act of a legislative body, but, on the contrary, can be changed only by a constitutional amendment.

Mr. TALMADGE. In other words, it is the Senator's contention that the Constitution of the United States can be amended only in the manner prescribed in that document.

Mr. ERVIN. That is true.

Mr. TALMADGE. Is an act of Congress one of the means prescribed within the Constitution for the amendment of the Constitution?

Mr. ERVIN. It certainly is not. A majority of the Congress can pass a bill. But an amendment to the Constitution must be approved by a two-thirds majority of each House of the Congress, and then must be approved by the legislatures of three-fourths of the States.

Mr. TALMADGE. I concur in that view wholeheartedly. I compliment the able and distinguished Senator on the speech that he is making. I know of no provision in the Constitution or any authority on the face of the earth which provides that Congress, by simple legislative enactment, can amend the Constitution of the United States. I commend the Senator. I share his views.

Mr. ERVIN. I thank the Senator. Yesterday the junior Senator from Georgia made a magnificent exposition of all the questions involved in the measure before the Senate. He should receive the gratitude of the entire Nation for the fight which he has undertaken to preserve the Constitution of the United States for the benefit of all Americans of all generations and all races.

Mr. TALMADGE. I am overwhelmed by the generosity of my distinguished friend.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the distinguished Senator from Alabama.

Mr. HILL. Undoubtedly the Senator recalls that Thaddeus Stevens of Pennsylvania was the chairman of what was known as the Reconstruction Committee, which reported the 14th amendment to the House of Representatives. Is that not correct?

Mr. ERVIN. The Senator is correct.

Mr. HILL. The Senator no doubt will recall that when Thaddeus Stevens offered the 14th amendment on the floor of the House of Representatives, there were some who wanted to have the amendment in some way derogate section 2 of article I, or in some way interfere with the rights of the States to fix the qualifications for electors. Is it not true that at that time on the floor of the House of Representatives Mr. Stevens made the following statement:

> Now, I hold that the States have the right, and always have had it, to fix the elective franchise within their own States. And I hold that this—

Referring, of course, to the proposed 14th amendment—

> does not take it from them. Ought it to take it from them? Ought the domestic affairs of the States to be infringed upon by Congress so far as to regulate the restrictions and qualifications of their voters? How many States would adopt such a proposition?
>
> How many would allow Congress so far as to regulate the restrictions and qualifications of their voters? * * * Would New York? Would Pennsylvania? Would the Northwestern States? I am sure not one of them would. Therefore, if you should take away the right which now is and always has been exercised by the States, by fixing the qualification of their electors, instead of getting 19 States, which is necessary to ratify this amendment, you might possibly get 5. I venture to say you could not get five in this Union.

Did not Mr. Stevens make that statement?

Mr. ERVIN. Yes; Thaddeus Stevens made that statement. But he made it before the advocates of the present measure had come upon the scene. The advocates of the measure before the Senate, who admit that it is directed at only four or five Southern States, are attempting to change the laws of all 50 States of the Union. Even Thaddeus Stevens did not allow his desire to reconstruct the South to tempt him into any such proposal as this with respect to the States generally.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. ERVIN. I am delighted to yield.

Mr. HILL. Is it not true that had the proponents of the measure before the Senate taken the time to read the statement of Thaddeus Stevens, they might well have lacked audacity to offer the proposal?

Mr. ERVIN. In making the statement I am about to make, I do not speak of all the advocates of the bill, but I was under the impression that one of them had never heard of Thaddeus Stevens, because he stated before the committee that after 100 years he thought it was time for someone to do something about "this situation." He evidently did not know that over a period of almost 100 years Thaddeus Stevens and others had been trying to do something about the situation.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. ERVIN. I am delighted to yield.

Mr. HILL. Is it not true that the statement of the Attorney General of the United States before the subcommittee of which the distinguished Senator from North Carolina is chairman, in support of the bill S. 2750, on April 10, 1962, did not contain the citation of a single case or a single constitutional authority?

Mr. ERVIN. The Senator is correct. I commend the candor of the Attorney General and the dean of the Harvard Law School in one respect. They both admitted that although section 2 of article I had been in the Constitution for more than 170 years, they were unable to find any decision indicating that any court had ever thought that Congress had any power to prescribe the qualifications of voters for so-called Federal elections.

Mr. HILL. And they could not find any responsible authority on the Constitution of the United States that in any way indicated or suggested that Congress had any power to enter the field of prescription of qualifications of voters; is that correct?

Mr. ERVIN. The Senator is correct.

Mr. HILL. I thank the distinguished Senator and commend him on the very able address he is making today.

Mr. ERVIN. I thank the Senator. The Senator made an exceedingly fine presentation of the many serious questions involved in the bill when he spoke on the floor of the Senate several days ago.

Mr. HILL. I thank the Senator.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the able and distinguished senior Senator from Louisiana.

Mr. ELLENDER. I join the Senator in complimenting my good friend from Georgia [Mr. TALMADGE] on his able address of yesterday and also to compliment both Senators on the series of questions and answers that have been asked and answered during the past 30 or 40 minutes.

As I understand, the record of the hearings held by the distinguished Senator from North Carolina on this bill has not yet been printed. Is that correct?

Mr. ERVIN. Yes; I understand that the printing will be completed tomorrow.

Mr. ELLENDER. The absence of the printed hearings puts all of us to a great disadvantage. For instance, we do not know what the Attorney General said, and the reasons he advanced for proposing this legislation. What evidence has been introduced before the committee to sustain this sentence, which I read from the bill under "(b)"?

> Congress further finds that the right to vote in Federal elections should be maintained free from discrimination and other corrupt influence.

Has any evidence at all been introduced?

Mr. ERVIN. None whatever.

Mr. ELLENDER. Under "(c)" I read:

> Congress further finds that many persons have been subjected to arbitrary and unreasonable voting restrictions on account of their race or color.

Mr. ERVIN. There was no direct evidence of any character introduced to sustain that point. The advocates of the bill relied upon certain statements in the report of the Civil Rights Commission.

Mr. ELLENDER. That brings up the next question I should like to ask the Senator. The Civil Rights Commission, which has been in existence during the last 5 years, has some 75 to 80 lawyers in its employ, who are trying to cite denial of voting rights of citizens throughout the Nation, particularly in the South. As I recall, during the period of 5 years they have been able to get, as I recall, in excess of 25 such cases. Am I correct in that statement?

Mr. ERVIN. I am not certain about that. Since I first came to the Senate, I have heard the testimony of three Attorneys General of the United States; namely, Attorney General Brownell, Attorney General Rogers, and Attorney General Kennedy who came before the Subcommittee on Constitutional Rights to urge the enactment of legislation which, they said, was necessary to correct conditions in this area. I thought that if some of the things they said were correct a great effort would have been made to prosecute election officials in Southern States in criminal cases under Federal statutes making the willful deprivation of the right to vote a crime.

I therefore inquired of the Justice Department as to how many efforts had been made to prosecute anyone in any Southern State on the charge of having denied to any person the right to vote on the basis of race since 1950. The Department replied that there had been only three such efforts.

My recollection from a letter I received several years ago on this same question is that, in one or more of these cases there had not been a bona fide effort to indict anyone, because there merely had been investigations made by grand juries, and the U.S. attorneys handling such investigations did not even draw a bill of indictment for the grand juries to act on.

Mr. ELLENDER. Is it not a fact that the basis for the creation of the Civil Rights Commission was to provide an arm of the Federal Government with which to investigate these charges if they have been lodged; and is it not true that over a period of 5 years some 630 affidavits have been made pursuant to the Civil Rights Commission's authority?

Mr. ERVIN. I am not certain as to the number. I know that in my State there were said to be 39. Those are very few, in view of the fact that we have a total Negro population of 1,116,000. Its report stated that the Commission had not had any voting complaints from South Carolina. I recall those things about those two States.

Mr. ELLENDER. It is my recollection that during the 5-year period that this roving Civil Rights Commission has been trying to find fault with States for not permitting people to vote, it brought 25 cases before the court, and fewer than 400 persons appeared before the Commission or submitted statements to the effect that there were indications that certain prospective voters had been discriminated against.

Mr. ERVIN. The Senator may be correct. I do not recall exactly what the report states in that connection.

Mr. ELLENDER. What good would come from the enactment of the bill? Would it give any more power to the Attorney General than he now has?

Mr. ERVIN. We would not be giving the Attorney General any additional power. We would be giving an election official who wants to be contrary more power to discriminate. The bill is peculiar in that it does not provide that the completion of the sixth grade constitutes a qualification for voting. The advocates of the bill knew that Congress did not have power under the Constitution to prescribe qualifications for voting. The bill does not provide that State literacy tests are abolished, because its advocates recognize the fact that under the Constitution the States have the power to prescribe literacy tests.

The bill moves in a very mysterious way, its wonders to perform. It provides that no person shall be denied the right to vote because of his performance in an examination, whether for literacy or otherwise, if he has completed the sixth grade in an accredited school.

In other words, the bill provides that if a person is subjected to a literacy test, under a State law establishing such test, and that person demonstrates on his literacy test that he is illiterate, he shall nevertheless be allowed to vote if he has completed the sixth grade.

It is not a bill, as its proponents claim, to secure the voting rights of literate people who are otherwise qualified to vote; but it is a bill to secure the right to vote to illiterate people whose illiteracy is demonstrated by their own performances on their examinations, if they have completed the sixth grade.

In other words, the bill would establish a rank discrimination between two types of illiterate people. Under it, a person who is illiterate, but who has not had the opportunity to go to school up to the sixth grade, would not have the right to vote; but an illiterate person who has had the opportunity to go through the sixth grade will be allowed to vote.

Mr. ELLENDER. Is it not true that many States do not have literacy tests?

Mr. ERVIN. There are 29 States that do not have literacy tests. There are 21 States which do have literacy tests. Of those 21 States, 14 are located in areas which lie outside the South.

Mr. ELLENDER. I am glad to learn from the Senator that no evidence was submitted to indicate that Congress further finds that the right to vote in Federal elections should be maintained free from discrimination and other corrupt influence.

Since that was one of the bases advanced for the enactment of the bill, it seems to me much evidence should have been introduced to sustain that reason. Does the Senator agree with me?

Mr. ERVIN. I agree with the Senator. I have come to the conclusion that the reason for the recitals in section 1 is to encourage the advocates of the bill to believe they are justified in doing the constitutional evil the bill envisions because some good may result from such evil.

I believe that section 1 of the bill is the counterpart of the first six verses of the third chapter of Genesis. The Senator from Louisiana recalls how the Devil, in the form of a serpent, asked Eve whether she and Adam were permitted to eat the fruit of the trees of the Garden of Eden. She replied that they were permitted to eat the fruit of all the trees in the garden except the fruit of the tree which stood in the midst of the garden. She said, in essence, "We cannot eat of the fruit of that tree, because we have been assured that if we do eat the fruit of that tree, we will surely die."

The Devil, in the form of a serpent, told her, in substance, "You will not die if you eat of the fruit of that tree. If you do eat of it you will be as gods, knowing good and evil."

Eve looked at the tree, and saw that the fruit was pleasant to the eyes and desirable for food and to make one wise. So she took the fruit and disobeyed the Lord. She did evil because she thought she was going to get some good—perhaps a sixth-grade education, or something like that—out of it.

Mr. ELLENDER. Mr. President, will the Senator from North Carolina yield for a further question?

Mr. ERVIN. I am happy to yield for a question.

Mr. ELLENDER. Assuming that Congress would pass the bill—which I am confident it will not—and assuming that the Supreme Court should fall into line and hold that such legislation is constitutional, can the Senator from North Carolina imagine what would happen to the right of the States to define the qualifications of its voters? Would not such a law in effect permit the control over voter qualification to be usurped by Congress?

Mr. ERVIN. It would be the first step in a process under which the Federal Government would undoubtedly usurp all of the powers of the State governments.

Mr. ELLENDER. Then there is no doubt that the Federal Government would be in a position to rule on who would be eligible to constitute the electorate in each of the 50 States.

Mr. ERVIN. That is correct. That is the very reason, so Alexander Hamilton informed us in one of the Federalist papers, why the Founding Fathers gave the States the power to prescribe the qualifications of voters. They did not want the Federal Government to have the power to centralize all governmental authority in itself.

Mr. ELLENDER. I feel certain there is no question in the mind of the Senator from North Carolina that if the bill were to pass and the qualifications of electors were placed in the hands of the Federal Government, Congress would be establishing an all-powerful central government, with little or no power left to the States.

Mr. ERVIN. In the course of my remarks, I shall call attention to a declaration by the Democratic National Convention in 1868 which is exactly to that effect.

Mr. ELLENDER. I thank the Senator from North Carolina.

Mr. ERVIN. Mr. President, before I engaged in the most interesting colloquies with the Senator from Georgia, the Senator from Alabama, and the Senator from Louisiana, I was in the process of reading statements concerning the bill made by distinguished legal authorities from various sections of the country. I shall now resume the reading.

I now read a statement made by Hon. Richard W. Ervin, attorney general of Florida, who, I am proud to say, is a member of the same family of which I am a member:

> It has long been my impression, and it seems well founded in law, that the right of suffrage is not conferred by the Federal Government, but is generally derived from the several States under State constitutions. This being the case, there comes to mind a serious question as to the appropriateness of Federal legislation to provide for regulations in this area.

Prof. Richard V. Carpenter, of the Loyola University School of Law, Chicago, Ill., made this statement:

> S. 2750 would also provide that a sixth-grade education, even in a foreign language school (e.g., an accredited Spanish language school in Puerto Rico), must be accepted as compliance with the language proficiency as well as the literacy test of any State. In effect, this would deny to any State the power to impose proficiency in English as a qualification for voters. If Congress were to enact this provision, I believe it would be usurping the power explicitly reserved to the States to determine the qualifications of electors in their respective elections. I disagree heartily, and any State legislature may fairly and justly disagree, with the recital or implication of S. 2750 that citizens who read, speak, and understand only Spanish are, generally speaking, as well qualified as those proficient in English to exercise the voting franchise. I further disagree with the recitals that such information as is necessary for the intelligent exercise of the franchise is available through Spanish-language news sources, and that lack of proficiency in the English language provides no reasonable basis for excluding these citizens from participating in the democratic process. To me, it seems ordinary commonsense that ignorance of the English language would tend to handicap any voters in this country from understanding campaign issues and the qualifications of candidates. The relatively limited Spanish-language news sources cannot be expected to give as broad coverage to campaign issues and candidates as English-language sources. Moreover, a State legislature might reasonably find that campaigners would be unduly burdened if they were under duress to duplicate their broadcasts in Spanish as well as English, and to meet all the challenges posed by Spanish-language publications as well as English.
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> If a State wishes to enfranchise their foreign-language citizens, regardless of proficiency in English, it would certainly be within their power to do so; but they would not be acting arbitrarily or unjustly if they elected not to do so. Under the Constitution, the States should have the freedom to make their own rules in the matter and Congress should not repress that freedom. The rule that might be best for New Mexico may not be appropriate for Maine or New York.

Prof. Alfred Avins, of Chicago-Kent College of Law, Chicago, Ill., said:

> Manifestly, it is futile to argue that the 15th amendment was mere surplusage, and that the 14th amendment was intended to encompass a restriction on State voting qualifications. And it is equally at war with reason that Congress, after having expressly deleted a provision banning educational qualification from the amendment, should have intended that the watered-down version which finally became the 15th amendment should encompass a provision which had been expressly deleted. The same Members of Congress proposed the 14th and 15th amendments, and it is preposterous to believe that extensive debate should be conducted over a provision already covered by some other enactment. It is clear that the delegation of the educational voting restrictions ban forecloses any congressional action in this field. A State will be well within its constitutional prerogatives to provide that none but those who pass the eighth grade, or high school, or college, or law school, or who can read English, or Latin, or Greek, can vote at Federal or State elections.
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> I might note that S. 2750 is unconstitutional for still another reason, and would be so even if confined to the District of Columbia where Congress has plenary power to legislate. It is reasonable to require literacy in English for voting since the overwhelming amount of information about the Government is printed in that language, and accordingly a person who cannot read English is barred by language barrier from obtaining most of the information about what his voice will affect, and accordingly such a classification or discrimination is a reasonable one. However, if the limited information obtainable about governmental activities is deemed enough by Congress for intelligent voting, which is obtainable from the Spanish-language press, then there is no rational ground for discrimination against persons literate in Hebrew, Yiddish, Italian, Polish, German, etc., since, in the northern metropolitan areas where such persons are concentrated, there are as many newspapers in those languages as there are printed in Spanish. Accordingly, this unreasonable discrimination against other foreign language groups violates the fifth amendment (*Bolling* v. *Sharpe*, 347 U.S. 497 (1954)).
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> In sum, it is my opinion that the bills are unconstitutional.

Hon. John B. Breckinridge, attorney general of Kentucky, has this to say regarding the pending bill:

> Thus, in view of the Supreme Court's decision [in the Lassiter case], on the proposed bills, which attempt to set up literacy requirements as conditions for voting in face of the constitutional delegation of such authority to the various States, would appear to be invalid.

Attorney General Gremillion, of the State of Louisiana, says:

> There is nothing in the Constitution of the United States, either by inference or otherwise, which will give to the Federal Government the right it now seeks to determine qualifications of voters as set up by the individual States.
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> Suffrage and citizenship are not the same. Suffrage is not one of the inherent or natural rights given to man by his Creator; nor is it a right of property or an absolute personal right. Suffrage is in all respects a conventional right, a right of the State, subject to be withheld or taken away by the power of the State.
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> The regulation of the right to vote belongs exclusively to the States. It is not a civil right or privilege but a political right, and not necessarily resulting from citizenship, and over the acquisition and enjoyment of which the judicial power of the United States has no jurisdiction or control, except in cases falling within and governed by the 15th amendment. The 15th amendment does not confer the right of suffrage on anyone, but operates to prevent discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude (citing *Reese* v. *United States*, 92 U.S. 241).

Prof. Paul G. Kauper, of the University of Michigan Law School, has made the following observations on this bill:

> The Constitution make(s) clear that the qualification of electors is determined by State law, and in view of this explicit constitutional provision, it must be concluded that the breadth of congressional power over Federal elections does not include power to override State-prescribed qualifications or to substitute federally prescribed qualifications in their place.
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> Turning to the questions raised by literacy tests required by State law as a condition to voting, it seems clear that proof of literacy, as a condition to registration for voting is appropriately characterized as a qualification within a State's power to impose under the authority reserved to the States under article I. It seems to me that this question was put to rest by the Supreme Court's decision in *Lassiter* v. *Northampton Election Board* (360 U.S. 45), where the Court held that the imposition of a literacy test by the State of North Carolina came within the State's power to prescribe qualifications, and that absent any showing that the test was applied in an arbitrary or discriminatory way, such a qualification did not violate the 14th amendment. * * *
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> I think the proposed legislation presents serious and substantial questions of constitutionality. It prescribes a drastic remedy at the expense of State power to prescribe a type of qualification which the Supreme Court has recognized as valid. Congress is prescribing a positive type of qualification, rather than prohibiting qualifications that lend themselves to discriminatory application, and this strikes me as raising a serious question of interference with a legitimate area of State power and law.

Prof. John M. Gradwohl and Prof. Wallace M. Rudolph, of the Nebraska College of Law, have made the following joint statement on this subject:

> In our opinion, the power to Congress to establish voter qualifications is remedial only. The plenary power to fix the qualifications for voters in both State and Federal elections has constitutionally and traditionally rested with the States. Congress has no general power under the Constitution to establish voter standards.
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> Article I, section 4, provides a limited congressional authority to make or alter State provisions relating to the time, places, and manner of holding congressional elections. Inferentially, article II, section 1, would seem to deny this same power concerning presidential elections. This power concerning times, places, and manner, together with the general authority of the "necessary and proper" clause, should not be construed as a substantive grant of authority to Congress to fix the qualifications of voters which has been specifically left by article I, section 2, the 17th amendment, and article 2, section 1, to the States.
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> The scope of the 15th amendment is limited to discrimination on the grounds of race, color, or previous condition of servitude. Absent a showing that State requirements such as use of the English language or property ownership have been employed to discriminate along racial lines, Congress is not authorized to legislate on these subjects under the 15th amendment.
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> For practical purposes, Congress is not safe in assuming that the State requirements now on the books would be held to deny equal protection of the laws without a showing of discriminatory application. Until there is a finding of State action which violates the 14th amendment, Congress does not have the authority under the amendment to establish voter standards, and the States retain their traditional exclusive control over voter qualifications applicable to both State and Federal elections.

The Honorable T. Wade Bruton, attorney general of North Carolina, has made the following observation in regard to Senate bill 2750:

> Suffrage is a political right reserved and retained by the States subject to Federal constitutional limitations against arbitrary and discriminatory practices. The right to vote is a political right, and is not on a parity with so-called civil rights, vested rights, or property rights, and the right of suffrage is not conferred by the U.S. Constitution. It is derived from the States under their constitutions and statutes. * * *
>
> Congress has not been given the right to provide or add to the States' reasonable standards or qualifications imposed upon those who exercise the right of suffrage.

Prof. Maurice H. Merrill, of the School of Law of the University of Oklahoma, has this to say:

> The debates in the Constitutional Convention, as reported in "Madison's Notes," under dates of August 7 and 8, 1787, seem to confirm this, the general tenor of the debate indicating agreement with the thought that what now is article I, section 2, would give the States full control over the qualifications of electors. It also is to be noted that the debate, on August 9, concerning what now is article I, section 4, does not indicate that this provision was regarded as giving to the Congress any power respecting qualifications of electors. Moreover, it is clear that the provision could not have been regarded as permitting Congress to prescribe qualifications concerning electors for Senators in the face of the original prescription of article I, section 3, that Senators should be chosen by the legislatures of their respective States. To my mind, the weight of the available data suggests that, so far as the provisions of S. 2750 rely upon article I, section 4, for constitutional basis, they cannot be sustained.

The Dickinson Law School of Philadelphia, Pa., speaking through an individual lawyer, made this response to an inquiry as to its views on S. 2750:

> The language of the Constitution clearly reposes in the States the ultimate determination of the qualifications of the voters. Without constitutional amendment, I do not see how Congress can take from the States the power to determine such qualifications.

Prof. Walter A. Rafalko, of Duquesne University School of Law, at Pittsburgh, Pa., had this to say:

> These decisions and the provisions of the U.S. Constitution which speak of the right to vote, the right protected refers to the right to vote as established by the laws and constitution of the State. Subject to the constitutional limitations and restrictions as set forth, the exclusive control of the

> voting franchise lies with the States. On the other hand, if abuses in the administration of a State literacy test, fair on its face, take place, the Congress may pass corrective legislation to enjoin such prohibitive State action as they have done pursuant to 42 United States Code 1971, implementing section 2 of the 15th amendment which provides, the Congress shall have power to enforce this article by appropriate legislation. Corrective legislation is not synonymous with enabling acts beyond the scope of congressional power. For these reasons, S. 2750 and S. 480 are unconstitutional, as written.
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> Thus, the provisions of the bill cannot be reconciled with the holdings of the decisions and with the applicable provisions of the Constitution, in my opinion.

The attorney general of the State of Utah, the Honorable A. Pratt Kessler, declares on this subject:

> It seems clear, that the States are left to determine the qualifications of those persons who exercise the electoral franchise even as to Federal elections. The present bills will usurp, to a great degree, the discretion of the State to establish its own qualifications for electors. I feel, therefore, that since the proposed legislation is extremely broad in its possible application, that it may run afoul of the U.S. Constitution. Frankly, I am of the opinion that the proposed legislation creates as many problems as it would solve.

The Honorable Robert Y. Button, attorney general of the State of Virginia, made this observation:

> S. 2750 would grant to the Federal Government power to establish qualifications for those who vote in State elections. At the very least, this is an astounding proposition, as reason would dictate that each State should administer its own political system. But the fact that this proposition is offered not as a constitutional amendment, but as a simple act of Congress, can only produce amazement in the mind of anyone who has ever read the Constitution. The power given Congress to enforce the provisions of the 14th and 15th amendments is not all inclusive. * * * The only laws Congress may pass in this regard are "those counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibiting from making or enforcing" (citing *Civil Rights* cases, 102 U.S. 3 (1883)). If the State laws as to literacy are prohibited by the 14th amendment, Congress is authorized to enact S. 2750 to counteract those State laws. But if the State laws are constitutional, then Congress lacks the power necessary to enact S. 2750.

Prof. Stanley Dadisman, of the West Virginia School of Law, had this to say:

> The Supreme Court has recognized that a State may take into consideration residence requirements, age, criminal record, and literacy in determining voter qualification. But in these two bills, S. 480 and S. 2750, it is proposed that Congress cure a literacy test problem by prescribing a sixth primary grade school test or standard as a minimum voter literacy qualification. The language as used goes beyond creation of a rebuttable presumption. This, it seems to me, can cause several constitutional questions. On the face of the bill the language tends to stigmatize many voters and to create an arbitrary and discriminatory test. In many areas many voters without a sixth primary grade school education are intelligent people. Many will have sons and daughters in school and in the Armed Forces. They will be people active in business and industry and in the civic and commercial life of their community. They will be familiar with election issues and personalities, will be able and anxious to discuss them, and know how to mark their ballots and operate voting machines. It seems to me that the sixth primary grade school requirement, as in the bills proposed, may be politically, socially and economically unwise, and constitutionally unsound.

The Reverend Francis James Conklin, a native of Montana, and a professor of law at Gonzaga University at Spokane, Wash., had this to say:

> The inescapable conclusion is that article I, section 2, even as qualified by article I, section 4, expresses a fundamental constitutional compromise at the very core of the concept of federalism. The constitutional clause in question can only be understood as empowering the States and the States alone to set the qualifications for voters in Federal elections.
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> Without question the second section of the 14th amendment gives Congress new substantive powers over the States, and the States right to set voter qualifications. Congress now has unrestricted power to diminish the number of representatives from any State which excludes a portion of its male citizens over 21 years of age from the franchise—regardless of whether that exclusion is accomplished by property, education or residence requirements. However, this explicit power to reduce a State's representation in the House of Representatives does not imply a Federal power to set uniform rules of voting qualifications, such as sex, education, property, etc., applicable in all States. It seems to be quite clear that the proponents of the 14th amendment had no intention of depriving the States of their historic right to set voting qualifications because they were well aware that the States would never ratify such an amendment.
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> The congressional debates on the 15th amendment, particularly as they relate to the subject of educational requirements set by the States, clearly indicate that the participants regarded article I, section 2 of the original Constitution as being still in force and meaning what it says: that the States have exclusive power to establish the qualifications of voters in national elections. The amendment was designed to limit the States' power in one and in only one particular: the States can no longer deny the franchise for reasons of race, color or previous condition of servitude. Consequently, the 15th amendment was never intended, directly, indirectly, or by any reasonable implication to empower the Congress to usurp the States constitutional power to establish electoral qualifications.
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> From what has been said, the inescapable conclusion seems to be that when a State requirement is fair and reasonable on its face, Congress has no specific grant or implied power from any combination of constitutional clauses to replace a valid State requirement with a substitute of its own choosing. In other words, if the present States statutes and constitutional provisions requiring a knowledge of English as a requirement for voting did not violate the 15th amendment or some other specific provision of the Federal Constitution, then any attempt of Congress to substitute a different qualification is unconstitutional on its face.

Mr. President, I have read statements upon S. 2750 from able attorneys general and distinguished professors of law from all areas of the United States. They concur in the opinion that S. 2750 is unconstitutional.

I

Twenty-one States have laws making literacy a qualification for voting. The charge that such laws are complicated and do not create objective standards is without validity. On the contrary, they are simple in nature and furnish definite, objective, and practical standards for determining the literacy of applicants for registration. Moreover, the Supreme Court has held that such laws are constitutional and do not violate any provision of the Constitution of the United States.

I shall now elaborate upon these propositions.

Twenty-one States have constitutional and statutory provisions establishing certain literacy requirements as qualifications for voting in both Federal and State elections, and subjecting persons who apply for registration to vote in such elections to appropriate literacy tests to determine whether they possess such qualifications. These States believe that these requirements and tests are reasonably designed to insure an independent and intelligent exercise of the right of suffrage. (*Lassiter* v. *Northampton County Election Board,* 360 U.S. 45, 3 L. Ed. (2d) 1072; *Stone* v. *Smith,* 159 Mass. 413, 34 N.E. 521.)

In each of these States, these constitutional and statutory provisions are a part of the laws which define "the qualifications requisite for electors of the most numerous branch of the State legislature" within the meaning of section 2 of article I of the Constitution and the 17th amendment, which say that the same persons shall vote for Senators and Representatives in Congress. (*Ex parte Yarbrough,* 110 U.S. 651, 28 L. Ed. 274; *United States* v. *Classic,* 313 U.S. 299, 85 L. Ed. 1368.)

Only seven of these States—namely, Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia—are located in the South. The other 14—Alaska, Arizona, California, Connecticut, Delaware, Hawaii, Maine, Massachusetts, New Hampshire, New York, Oklahoma, Oregon, Washington, and Wyoming—are scattered about in other areas.

All of the existing constitutional and statutory provisions of the States making literacy a qualification for voting are clearly nondiscriminatory within the purview of the 14th, 15th, and 19th amendments because they are applicable in like manner to all persons regardless of their race or sex. The Supreme Court has expressly held that literacy requirements of this nature are constitutional, and do not violate the 14th, the 15th, or the 19th amendment, or any other provisions of the Constitution of the United States. (*Lassiter* v. *Northampton County Election Board,* 360 U.S. 45, 3 L. Ed. (2d) 1072; *Guinn* v. *United States,* 238 U.S. 347, 59 L. Ed. 1340; *Williams* v. *Mississippi,* 170 U.S. 225, 42 L. Ed. 1012.)

Those who are bent on barring or limiting the right of the States to make literacy a qualification for voting charge that State literacy requirements are complicated, and that State literacy tests lack objectivity and are difficult to administer.

I challenge the validity of these charges. The truth is that State literacy requirements are simple, and that State literacy tests furnish definite, objective, and practical standards by which the ability of applicants for registration to read and write can be easily and impartially determined. As I have demonstrated on the Senate floor and in committee, the North Carolina literacy test, which is fairly representative and which requires that a voter be able to read and write a section of the State constitution in English, can be administered to an applicant for registration by a State registrar, or a Federal judge, or a Federal voting referee in about 1 minute.

The objectivity and simplicity of State literacy requirements and State literacy tests are made manifest by an examination of the constitutional and statutory provisions of the 21 States which make literacy a qualification for voting.

Let us see what each of these States requires of an applicant for registration.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I am glad to yield to the Senator from Oregon.

Mr. MORSE. Does the Senator agree, if we start with the major assumption that literacy tests are proper, that a part of the difficulty which presents itself to us in the issue before the Senate today is the allegation—whether true or false—that in the administration of the literacy laws in some of the Southern States a discriminatory policy is followed against the interests of Negroes? Does the Senator agree that that is one of the allegations being made?

Mr. ERVIN. That is an allegation being made. However, there is virtually no allegation that any of the existing literacy tests are not fair so far as their phraseology is concerned. For that reason the proposal does not constitute appropriate legislation to enforce the 14th amendment, because it attempts to substitute a Federal standard for the standards of 21 States, many of which have admittedly not practiced any discrimination against any persons on account of race or color.

Mr. MORSE. Mr. President, will the Senator yield further?

Mr. ERVIN. Yes.

Mr. MORSE. Is it not true—I understand the Senator agrees that it is—that one of the allegations being made in connection with the whole question of literacy test requirements is that in some Southern States discrimination is practiced against colored people, in that it is claimed—I am only stating the allegations—that questions are asked colored prospective voters which are not asked white prospective voters, and that in some instances questions of a very complicated nature are asked colored prospective voters and no questions are asked white prospective voters? Will the Senator from North Carolina tell me what safeguards any of the Southern States have established which would remove any basis for such charge, such as a personnel procedure whereby colored people put the questions or are present when the questions are put, to guarantee a uniformity of practice in regard to qualifying a voter?

Mr. ERVIN. I believe most of the States have a system comparable to that of North Carolina. If a registrar does what the Senator from Oregon is suggesting—which it is alleged some do—he violates the State law which he is administering. In North Carolina any person who feels aggrieved by the action of the registrar can appeal to the county board of elections, which has full power to review the complaint and adjust it. If the board rules adversely to him, he can appeal to the superior court. If the superior court of North Carolina rules adversely to him, he can appeal to the Supreme Court of North Carolina. And if the Supreme Court of North Carolina rules adversely to him, he can appeal to the Supreme Court of the United States.

Mr. MORSE. I think the Senator from North Carolina knows my personal fondness for him is such that my questions cannot be classified as questions of a heckler but are those of one who really wants the Senator's opinion, because the Senator is a distinguished former jurist from North Carolina. I have the highest respect for the Senator's legal ability. I seek to discuss with him momentarily the background of a part of this controversy.

Am I correct in my understanding that the Civil Rights Commission in some of the investigations and studies it has made since it has been appointed has found that discriminatory practices have been engaged in, in some of our southern jurisdictions, in regard to qualifying or disqualifying colored people as to eligibility to vote?

Mr. ERVIN. The Civil Rights Commission has reported that there has been some discrimination. My own reading of the Commission reports leaves me with an abiding impression that the extent of the alleged discrimination has been widely exaggerated. I say that for the reason that my reading of the reports of the Civil Rights Commission indicates to me that many of their so-called findings are based upon assumptions and inferences rather than upon actual investigations.

For example, they resort to the following kind of assumption and inference. They say that in X county in Y State there are so many Negroes of the age of 21 years and over. We assume that virtually all of them are literate and qualified to vote under State law. We find that few of them are registered in X county of Y State. We, therefore, infer that they have been wrongfully denied the right to register.

I had a colloquy with Dean Griswold, of the Harvard Law School, on that point. I said to him in substance:

> Dean, do you not agree with me that when men undertake to draw inferences from statistics, sometimes they draw wrong inferences? To make my position concrete, I should like to call your attention to the fact that the 1960 census shows that somewhat in excess of 10 percent of the entire population of the United States is nonwhite. I wish to put the following question to you: What percentage of the students enrolled at the Harvard Law School at this moment is nonwhite?

Dean Griswold replied in essence:

> I regret to tell you not over 1½ or 2 percent.

I said in substance:

> Dean, don't you and I agree that it would be very unjust to infer from the facts that while the percentage of nonwhite people in the total population of the United States is over 10 percent, and that Harvard Law School has only 1½ to 2 percent of nonwhite persons enrolled in its student body, that those facts indicate that Harvard Law School is discriminating against nonwhites on the basis of their race?

He replied in essence:

> Yes; I agree with you. That would be a very unfair inference to draw from those facts.

Mr. MORSE. Mr. President, will the Senator yield for another question?

Mr. ERVIN. I am delighted to yield.

Mr. MORSE. Let us assume a hypothetical county X in some Southern State. Let us assume that in that county there are 20,000 colored people of the age of 21 years or older. Let us further assume that investigation of the pollbooks showed that no more than 10 or 20 people out of the 20,000 were registered on the pollbooks. Does the Senator agree with me that those facts would at least be a sufficient major premise on which to reach the conclusion that we ought to take a look and find out why only 10 or 20 people out of 20,000 are registered on the pollbooks?

Mr. ERVIN. I would say that they ought to take a look but not make a blind assumption or inference.

Mr. MORSE. I am not making any assumption——

Mr. ERVIN. I say that the Civil Rights Commission should investigate instead of making an inference from figures. What I am about to say is not personal with respect to the Senator from Oregon or anyone else, but is to illustrate a point I wish to make. In my county a story is told about an old mountaineer who went down to the neighborhood grocery store to pay his grocery bill. When the storekeeper told him the amount of the bill, it exceeded what the old mountaineer thought was justly due. So he complained loudly that the amount of the bill was more than he actually owed.

The storekeeper got the ledger that contained the account of the old mountaineer, opened it to his account, and pointed out the amount due.

He said, "Here you see the figures. Figures don't lie."

The old mountaineer replied, "No, figures don't lie, but liars sure do figure."

Unfortunately, honest men often figure wrong when they start drawing inferences from statistics.

I am very much intrigued by the fact that in the most recent presidential election, in which a native son of Massachusetts was running for the office of President on the Democratic ticket and another native son of Massachusetts was running for the office of Vice President on the Republican ticket, 24 percent of the people of Massachusetts of voting age did not go to the polls and vote. I know that they were not deterred from so doing by discriminatory election laws or by sinful southerners in charge of the election machinery. What inference should we draw from that fact? I draw the inference that those people are like millions of people in other areas of the country. They are apathetic to governmental matters and do not manifest any interest in exercising their right of franchise.

Mr. MORSE. May I make a comment on that point?

Mr. ERVIN. Yes.

Mr. MORSE. I think it might be subject to another inference, namely, that the candidates were not very inspiring.

Mr. ERVIN. My good friend the junior Senator from New York [Mr. KEATING], who is present in the Chamber, would contend that the unsuccessful candidate for President in the last election was a very inspiring candidate.

I note that 33 percent of the people of voting age in the State of California, which is the residence of Richard M. Nixon, did not take the trouble to go to the polls and vote either for or against Richard M. Nixon. What kind of inference can I draw from the fact that 33 percent of the people of that State absented themselves from the polls of California? I know there were no sinful southern election officials in charge of the election machinery of that State.

Another point intrigues me. My good friend from New York is always interested in the way the people in the Southern States vote and, I would say, rightly so. I do not criticize him for that. I think he is downright kind to be interested in us in that manner. But I note that in the general election of 1960, 33 percent of the people of voting age in the State of New York, for some reason other than being deprived of the right to vote by sinful southern election officials, did not go to the polls and vote. So I infer from the question of the Senator from Oregon to me, and also from the points that I have discussed, that many millions of people in this country are apathetic toward governmental matters and are not interested enough in voting to go to the polls. I think the percentage of such people are naturally higher in one-party States or in one-party counties because no political party will spend money and exert an effort to get a large number of people to go out and vote for candidates who are not opposed.

Mr. MORSE. Mr. President, will the Senator yield for another question?

Mr. ERVIN. I am glad to yield.

Mr. MORSE. I point out that the apathy of which the Senator spoke in regard to exercising the most precious right every man and woman in our country has—the right to vote—is pretty typical in a cross-section view of the United States. That statistic is alarming.

But I do not think there is any cause for speculation as to the relationship between the meaning of that statistic and the possible or probable meaning of another statistic, upon which I seek my friend's view. That is the statistic found in reports and discussions in regard to the electoral lot of the colored people in many of our Southern States. In county after county, year after year, but a small fraction—and, in some instances, I understand, one cannot be found—of the colored people get their names on the pollbooks. As one who has tried to find out what the facts are in regard to the southern situation, I ask the Senator from North Carolina if he agrees with me that if we find that repetitive pattern year after year, we ought to try to have presented in debate the cause-and-effect explanation of that result?

Mr. ERVIN. Instead of Senators giving explanations of the matter on the floor of the Senate out of what may be ignorance of the facts, I believe that the Civil Rights Commission or some other authority, such as the Department of Justice, should conduct some actual investigations and ascertain what the facts are.

The truth is that many people do not judge the South quite as fairly as does the Senator from Oregon. What does the Civil Rights Commission report state with respect to South Carolina? It states, in substance, that "we have received no voting complaints from South Carolina, and consequently we infer that South Carolina has been wrongfully coercing people not to make voting complaints." I would not like to be hanged by some of the surmises and inferences that are being made.

Mr. MORSE. Mr. President, will the Senator yield further?

Mr. ERVIN. I am delighted to yield to the Senator from Oregon.

Mr. MORSE. Some time ago I attended a meeting at which the speaker was discussing this problem from the standpoint of the statistical examples to which I have been pointing in my colloquy with my friend from North Carolina. He told a story which I had never heard, but which I am sure my friend from North Carolina has heard, and probably has rebutted many times. It is one of those persuasive stories that usually can move an audience. He told the story of Sam Brown, a colored man in one of the Southern States, who tried to qualify to vote.

The registrar asked him, "Who is the State commissioner of labor?"

Sam Brown scratched his head and said he did not know.

The second question was: "Who is the State superintendent of instruction?"

Sam rubbed his hands and said he did not know.

The registrar asked, "What do you know?"

The applicant said, "I know that this colored man is not going to be allowed to vote."

The speaker then went on to say that investigation showed that similar questions were not asked of white prospective voters; in fact, that no questions whatever were asked of them.

I do not know what the facts are. I want my friend from North Carolina to know that. I certainly do not present that story as evidence. It is illustrative, at least, of the allegations which are being made.

I close my inquiry of the Senator with this question: Is it the opinion of the Senator that there is uniform and impartial application of the literacy test laws in the South, irrespective of whether the applicant is a white person or a colored person?

Mr. ERVIN. I will give the Senator from Oregon my honest judgment——

Mr. MORSE. That is what I want the Senator to do.

Mr. ERVIN. I should say that that is true in the South generally. However, there are probably some limited areas of which it is not true. I also say to the Senator from Oregon that it is not necessary to pass this bill to cure the situation in any of those limited areas, because there are already enough laws on the books to deal with the situation.

I say this to the Department of Justice, by way of a story, since we are now telling stories. I have told this story many times, but I believe it illustrates the point I am trying to make. It concerns John, who was courting his sweetheart Mary. They were sitting on a bench together in the moonlight, with the scent of fragrant roses permeating the atmosphere in surroundings that were calculated to arouse the spirit of romance in anyone's heart. John said to Mary, "If you was not what you is, what would you like to be?"

Mary said, "If I was not what I is, I would like to be an American Beauty rose."

Then she turned the question on John and said, "John, if you was not what you is, what would you like to be?"

John said, "If I wasn't what I is, I'd like to be an octopus."

Mary said, "What is an octopus?"

John said, "Mary, an octopus is some kind of animal or fish or something that's got a thousand arms."

Mary said, "John, if you was an octopus and had a thousand arms, what would you do with them?"

John said, "Mary, I would put every one of them arms around you."

Mary said, "Oh, g'wan away. You ain't usin' the two arms you got."

I say to the Department of Justice that it has plenty of arms, in the form of laws, to reach around all offending election officials and put an end to all alleged wrongs in this field. It already has sufficient laws available to do it.

Mr. MORSE. I said I was not going to ask any more questions, but the Senator's story intrigues me. I wonder if the Senator will permit me to make one further observation.

Mr. ERVIN. I am delighted to have the Senator do so.

Mr. MORSE. As usual the Senator is gracious in extending to me every courtesy in this colloquy. My question is this. If the decision is made to use this bill as the arm of enforcement of the constitutional right to enjoy the privilege of voting, does the Senator from North Carolina believe that if it were enacted it would make possible the registration of more colored people in the South, with the resulting guarantee to vote?

Mr. ERVIN. I do not. I believe, on the contrary, it would impede it. I will give the Senator my honest opinion. If a refractory election official desires to deny anyone the right to register this bill would be the perfect instrument for him to use. I say this because when a person applied for registration, the registrar could say, "Under a recent enactment by Congress, State literacy tests have no legal potency when they are applied to persons who have completed the sixth grade in any accredited school. I do not wish to do a vain thing. Therefore, I am not going to subject you to a literacy test until I can find out whether you have completed the sixth grade."

If the applicant should say that he had completed the sixth grade, the election official, if he were a refractory person, could say, "You will have to bring me legal proof of the fact that you have completed the sixth grade before I can register you."

On the other hand, if the applicant should say he had not completed the sixth grade, the refractory election official could still say, "You must bring me legal proof that you have not completed the sixth grade before I can give you a literacy test and register you."

So I believe that the bill, instead of facilitating the registration of persons, could be used by a refractory registrar as an instrument to prevent people from registering.

Mr. MORSE. I thank the Senator very much.

Mr. ERVIN. I thank the Senator for his question. I appreciate very much the Senator's comments with reference to myself. I return the compliment to him because I consider the senior Senator from Oregon one of the great constitutional lawyers of the country.

Mr. MORSE. I thank the Senator very much.

Mr. ERVIN. Before this colloquy occurred I was undertaking to describe the literacy tests of the various States.

In Alaska, one must be able to read or speak English. In Washington, he must be able to read and speak English. In New York and Oregon, he must be able to read and write English. In Hawaii, he must be able to speak, read, and write English or Hawaiian. In Connecticut and Wyoming, he must be able to read provisions of the State constitution or statutes in English. In Arizona, he must be able to read provisions of the Federal Constitution in English, and write his name. In California, Delaware, Maine, and Massachusetts, he must be able to read provisions of the State constitution in English and write his name. In Alabama, he must be able to read and write an article of the Federal Constitution in English. In Georgia, he must be able to read and write correctly in English a paragraph of the State or Federal Constitution. In New Hampshire, he must be able to read the State constitution in English and write. In North Carolina, Oklahoma, and South Carolina, he must be able to read and write a section of the State constitution in English. In Virginia, he must be able to write his voting application.

None of the States, except Louisiana and Mississippi, require an applicant for registration to understand or interpret what he speaks or reads or writes. In Louisiana, he must be able to read a clause of the State or Federal Constitution in English or his mother tongue, and give a reasonable interpretation of it; and in Mississippi, he must be able to read and write a section of the State constitution in English, and give a reasonable interpretation of it. These provisions have been upheld by the courts (*Trudeau* v. *Barnes*, 65 F. (2d) 563).

None of the States, except Alabama, Louisiana, and Mississippi, require a literate applicant to have any understanding of other subjects. In Alabama, he must "embrace the duties and obligations of citizenship under the State and Federal Constitutions." In Louisiana he must understand the duties and obligations of citizenship under a republican form of government; and in Mississippi, he must be able to demonstrate a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government. Whether these particular requirements are compatible with the decision of the three-judge district court in *Davis* v. *Schnell* (81 F. Supp. 872) is a question for the courts and not Congress.

Be this as it may, the literacy and understanding tests of Alabama, Louisiana, and Mississippi are in complete harmony with the act of Congress prescribing the qualifications which must be possessed by aliens who seek to become naturalized citizens. Under this act, no alien can become a naturalized citizen of the United States unless he can "demonstrate an ability to read, write, and speak English" and has "a knowledge and understanding of the principles and form of the government of the United States" (8 U.S.C. 1423).

The test of the literacy of an applicant for registration is simply the "ability to read in a reasonably intelligent manner and to write in a fairly legible way, even though each and every word may not be accurately pronounced or spelled"—29 C.J.S. "Elections," section 26. Any election official who imposes a more stringent test upon any applicant for registration violates the literacy laws under which he professes to act.

In the light of the fact that this test is used daily by Federal and State agencies and schools to determine the literacy of multitudes of persons for multitudes of purposes, it is passing strange to hear the advocates of S. 2750 charge that the test is complicated or lacking in objectivity. In so doing, they are engaging in the act of complicating simplicity.

II

There is no sound reason for Congress to pass S. 2750. This is true because existing Federal laws are sufficient to secure to every qualified person of any race his right to vote in any Federal election, and to punish any State election official who undertakes to deprive him of such right.

The advocates of S. 2750 candidly admit that the bill is aimed at some five or six Southern States. They frankly admit that the enactment of the bill is not warranted by conditions existing anywhere else in the country. I note with satisfaction that most of them omit North Carolina from their listings of sinning States.

The advocates of the bill base their demand for the enactment of the bill upon the report of the Civil Rights Commission to the effect that in about 129 counties in certain Southern States election officials wrongfully use State literacy tests and State understanding tests to disfranchise literate Negroes who possess all the other qualifications for voting.

My study of the report of the Civil Rights Commission leaves me with the abiding impression that its conclusions on this score might well be taken with a few grains of salt. An analysis of the methods by which the Commission reaches its conclusions shows that most of such conclusions are not based upon actual investigations, but are founded upon assumptions and inferences. I alluded to this a moment ago in my colloquy with the Senator from Oregon [Mr. MORSE].

The Commission bases many of its conclusions upon assumptions and inferences of this nature:

> There are so many Negroes of the age of 21 years and upward in X county. Few, or none, of these Negroes are registered to vote in X county. We assume that virtually all of them are literate and possess all the other qualifications for voting. Consequently, we infer that they are being wrongfully denied the right to vote by State election officials through the maladministration of literacy tests and other evil practices.

Another method used by the Civil Rights Commission to draw unfavorable inferences concerning voting practices in some Southern States is this:

> We have received no complaints of voting denials from Y county. We infer that this is true because members of the Caucasian race in Y county have intimidated the Negroes of Y county and thus prevented them from making such complaints.

Queer opinions are entertained by some persons from other areas of the Nation about members of the Caucasian race who live in the Southern States. As a result of my observations in the North, East, and West, I have reached the definite conclusion that the overwhelming majority of the people who reside in all areas of the country are kind and gentle. I assert that this is true of southerners as well as of the people of other areas of the Nation.

I shall allude again to something which I mentioned in my colloquy with the Senator from Oregon because I believe it bears repetition. When I hear men drawing inferences from statistics, I am reminded of an old story which is told in my county.

An old mountaineer went to the neighborhood store to pay his bill for goods he had bought on credit. When the storekeeper advised him of the amount of the bill, the old mountaineer complained very loudly that the bill was far more than was justly due. The storekeeper then opened his ledger to the old mountaineer's account and pointed out the figures constituting the account and said, "Here are the figures. You know figures don't lie." The old mountaineer responded: "I know figures don't lie, but liars sure do figure."

Unfortunately, honest men sometimes figure when they find it more convenient to draw inferences than to conduct actual investigations to sustain their positions. Such inferences are often unjustified.

This assertion finds support in a statement made by Dean Griswold while he was testifying in behalf of the Civil Rights Commission before the Subcommittee on Constitutional Rights.

The nonwhite poulation of the United States is somewhat in excess of 10 percent of the total population. Dean Griswold frankly admitted that only 1.5 percent or 2 percent of the students enrolled in the Harvard Law School, of which he is dean, are nonwhites. He and I agreed it would not be fair to infer from this fact that Harvard Law School discriminates against nonwhites in selecting its student body. We agreed that economic and other factors constitute the explanation for this discrepancy between the white and nonwhite enrollment at the Harvard Law School.

The tragic truth is that there are millions of American citizens of all races in all areas of the country who are apathetic toward governmental matters and do not manifest any interest whatever in exercising the right of suffrage.

It is not surprising that the percentage of those of voting age who do not vote is higher in one-party States or one-party counties than in other areas. No political party will exert efforts and spend money to persuade persons to go to the polls to vote for party candidates who are unopposed.

The apathy of large segments of persons of voting age is well illustrated by the fact that the percentage of them who did not vote in the closely contested States of California, Illinois, Massachusetts, Montana, New York, and Pennsylvania during the presidential election of 1960 were as follows:

	Percent
California	33
Illinois	24
Massachusetts	24
Montana	29
New York	33
Pennsylvania	29

One of the strange events which occurs in debates upon this subject is that those who advocate bills like this always infer that persons who are of the nonwhite race in the South and fail to vote, fail to do so because they are discriminated against. But the same inference is not drawn from the failure of other persons to vote who reside in other sections of the country. Actually, the number of people of voting age who failed to vote in the last presidential election in the States I have named substantially exceeded all of the people of voting age who failed to vote in all the Southern States having literacy tests.

When the Attorney General testified before the Subcommittee on Constitutional Rights, he asserted that in one Southern State several college professors of the Negro race were denied the right to vote on the ground of illiteracy and that this fact discloses the necessity of enacting S. 2750 into law.

I dislike to disagree with the Attorney General. I am compelled to say, however, that this fact does not show any necessity for enacting S. 2750. On the contrary, it merely shows, if true, that the Attorney General in office at the time the event occurred was derelict in the performance of his duty in that he did not prosecute the offending election official or officials under one of the acts of Congress making such conduct a Federal crime punishable by both fine and imprisonment.

In fairness, I wish to add that the present Attorney General cannot be justly charged with any lack of diligence in this area of our national life.

I wish to make it crystal clear that I deplore the act of any election official in any Southern State who wrongfully denies any person of any race his right to register and vote. I do this for two reasons: First, he does a gross wrong to the individual concerned; and second, he adds immeasurably to the task of those of us who reverence the Constitution and seek to preserve it for the benefit of all Americans of all generations and races. I lay down this second proposition because of the character of the legislative proposals which are given the magic name "civil rights bills."

Virtually all of these bills are incompatible with the Constitution. Unfortunately, however, most of them are exceedingly complex and can be rightly interpreted only when they are read in the light of constitutional history and precedents.

It is perhaps inevitable that this should be so. Those who draft them are somewhat impatient men who seek easy solutions to hard problems. In so doing, they devise shortcuts to the ends they desire, and are apparently contemptuous of the obstacles they encounter, even when such obstacles are precious constitutional and legal principles. Their impatient zeal seems to blind them to a truth taught by the experiences of mankind: Hard problems do not admit of easy solutions, and shortcuts are the most direct roads to disaster.

Any election official in any Southern State who wrongfully denies any qualified Negro the right to vote ought to be taken to task, but he ought to be taken to task in a constitutional manner.

I assert, without fear of successful contradiction, that Senate bill 2750 is not only unconstitutional, but is wholly unnecessary. This is true because existing Federal laws are sufficient to secure to every qualified voter of any race anywhere in the United States the right to vote.

Let me enumerate and make a brief analysis of these existing Federal laws. They are as follows:

First. Under section 242 of title 18 of the United States Code, a State election official commits a crime, punishable by a fine of as much as $1,000 and imprisonment for as much as 1 year, if he willfully deprives any qualified person of his right to vote in an election for Senators or Representatives in Congress for any reason whatever, or if he willfully deprives any qualified person of his right to vote in a State election on account of his race or color—*United States* v. *Classic* (313 U.S. 299, 85 L. Ed. 1368); *Guinn* v. *United States* (238 U.S. 347, 59 L. Ed. 1340).

Second. Under section 241 of title 18 of the United States Code, State election officials commit a crime, punishable by a fine of as much as $5,000 and by imprisonment for as much as 10 years, if they conspire to deprive any qualified person of his right to vote in an election for Senators or Representatives in Congress for any reason whatever, or if they conspire to deprive any qualified citizen of his right to vote in a State election on account of his race or color—*United States* v. *Classic* (313 U.S. 299, 85 L. Ed. 1368); *United States* v. *Mosely* (238 U.S. 383, 59 L. Ed. 1355); *Quinn* v. *United States* (238 U.S. 347, 59 L. Ed. 1340).

Third. Under section 1983 of title 42 of the United States Code, any qualified person may maintain a civil action for damages against any State election official who deprives him of his right to vote in an election for Senators or Representatives in Congress for any reason whatever, or who deprives him of his right to vote in a State election on account of his race or color—*Lane* v. *Wilson* (307 U.S. 268, 83 L. Ed. 1281); *Nixon* v. *Herndon* (273 U.S. 576, 71 L. Ed. 759); *Myers* v. *Anderson* (238 U.S. 368, 59 L. Ed. 1349).

Fourth. Under section 1983 of title 42 of the United States Code, any qualified person may maintain a suit in equity to obtain preventive relief by injunction against any State election official who threatens to deprive him of his right to vote in an election for Senators or Representatives in Congress for any reason whatever, or who threatens to deprive him of his right to vote in a State election on account of his race or color—*Baskin* v. *Brown* (174 F. (2d) 391).

Fifth. Under the Civil Rights Act of 1957, the Attorney General may maintain a civil action of an equitable nature, at public expense, in the name of the United States, against any State election official, to obtain preventive relief by injunction or other order, in behalf of any qualified person, if the election official is about to deprive such person of his right to vote in a Federal election for any reason whatever, or if the election official is about to deprive such person of his right to vote in a State election on account of his race or color—42 U.S.C. 1971; Public Law 85–315; *United States* v. *Raines* (362 U.S. 17, 4 L. Ed. (2d) 524).

Sixth. Under the Civil Rights Act of 1960, in case the court finds in a civil action of an equitable nature, brought under the Civil Rights Act of 1957, that any qualified person has been deprived of his right to register to vote in any election, on account of his race or color, and that such deprivation was pursuant to a pattern or practice, the court must receive applications from any other persons of the same race or color within the affected area whom State election officials have refused to register, and order such election officials to register them to vote in both Federal and State elections, if it appears to the court, from testimony taken by the courts or voting referees appointed by the court, that they have the qualifications for voting established by State law. The court may appoint an unlimited number of voting referees, who are empowered to take the testimony of applicants in ex parte proceedings from which the State election officials concerned are barred, and report such evidence, together with their findings thereon, to the court. Under the act, the court accepts the testimony given by the applicants before the voting referees as to their ages, residences, and prior efforts to register or otherwise qualify to vote as prima facie evidence, considers no testimony whatever as to the literacy and understanding of other subjects by the applicants, save that offered by them before the voting referees, and automatically orders the registration of all applicants found qualified by the voting referees, except in those cases in which the State election officials file verified public records or affidavits of witnesses having personal knowledge of the facts, indicating that the findings of the voting referees are not true—42 U.S.C. 1971; Public Law 86-449.

In the light of these six Federal statutes, it is nonsense to say that any additional law is necessary to secure to any qualified citizen his right to vote.

Mr. ELLENDER. Mr. President, will the Senator from North Carolina yield for a question?

Mr. ERVIN. I am delighted to yield to the distinguished Senator from Louisiana.

Mr. ELLENDER. I presume that the distinguished Attorney General knew about these laws. I also presume that they were brought to his attention during the hearings.

Mr. ERVIN. They were; I inquired of him about them.

Mr. ELLENDER. What excuse, if any, did he give for not utilizing the laws now on the statute books, to see to it that qualified voters be permitted to vote?

Mr. ERVIN. The only excuse he gave was not very convincing to those of us who have spent more of our lives in the courthouses than in legislative bodies. He said the trial of these cases was too cumbersome, because in one case they had 180 witnesses. But, as the Senator knows, under the Civil Rights Act of 1960, if a trial is held and in that trial it appears that some person has been denied his right to vote on account of his race or color, and that the denial was pursuant to a practice or pattern, no other case of that nature has to be tried in that area, because the judge, acting either in person or through voting referees appointed by him, can receive applications from members of the same race residing in the same area and proceed to determine their qualifications if they have been denied registration by State officials; and, if they are found qualified, he can order them registered. In other words, after the court had found that there was a denial of the right to vote on acount of race or color, and that such act was in pursuance of a pattern or practice, the judge could, either by himself or through voting referees, determine the qualifications of voters of the same race and order them registered.

Mr. ELLENDER. Then, according to the Attorney General, it is too difficult to do that; it takes too much time. In other words, he would rather do violence to the Constitution by the enactment of such a bill as is now pending than utilize existing legislation. Is that correct?

Mr. ERVIN. That was the position he took. He said there were 129 counties in which bad conditions existed. Under the act of 1960, if what has been alleged in this effort to persuade Congress to violate the Constitution can be proved, 1,000 voting referees could be appointed by Federal courts for each of the 129 counties, and the Federal courts could order the registration of all persons found to be qualified and thus take the matter out of the hands of the States to all practical intents and purposes. It is nonsense to say there is any necessity for enacting this bill or any other law, in addition to those already on the statute books, to secure to any qualified citizen anywhere in the United States the right to vote.

Mr. ELLENDER. It was my contention, not only when other so-called civil rights bills were passed during recent years, but when the matter first came before the Senate, that sufficient laws were on the statute books then to protect voting rights if only they were used.

Mr. ERVIN. The Senator is absolutely correct in that position.

Mr. ELLENDER. That is why I say this bill is simply a political move by some of these "do gooders"—and they are also in the Senate—to make a showing so that they may get a few more votes back home.

Mr. ERVIN. This bill is completely political.

Mr. ELLENDER. There is no doubt about that.

Mr. ERVIN. It is a political bill, saturated with politics, and patently unconstitutional. There is absolutely no reason whatever for the enactment of the bill. I say to the Senator from Louisiana that this is the truth of the matter: I claim for myself a very sweet disposition——

Mr. ELLENDER. And the Senator has one.

Mr. ERVIN. But on occasions I have almost lost it. This is true because since I have been in the Senate of the United States, this body has spent more time discussing on the floor of the Senate so-called civil rights bills than it has discussing problems incident to the survival of the Nation.

Mr. ELLENDER. I have not any doubt about that.

Mr. ERVIN. With due respect to all concerned, the reason these matters come up is that various people in various organizations, for one reason or another, have found it profitable, politically or financially or emotionally, to spend a large part of the time and energy of the Nation in agitating racial matters.

Mr. ELLENDER. Many of the organizations that are agitating for this measure do not really want this bill to pass. That would deprive them of an opportunity to collect more money to keep themselves in business. I have often remarked that whenever problems of this kind get into politics, the people dealing with them seem to lose their sense of reason. This is a good example of that statement, in my humble judgment.

Mr. ERVIN. Mr. President, to continue with my statement, criminal prosecutions under sections 241 and 242 of title 18 of the United States Code and civil actions for damages under section 1983 of title 42 of the United States Code are triable in Federal district courts before Federal district judges and juries. The Federal district judges hold lifetime appointments and are completely devoted to the legal concept that all men are entitled to stand equal before the law. The juries are drawn from jury boxes prepared by Federal officials. The trials are usually held in places comparatively remote from the area in which the wrongs allegedly occur. Moreover, the Federal district judges are empowered by law to express to trial jurors their opinions on the facts. Anyone who has practiced in the Federal courts knows from personal experience that trial jurors usually return verdicts conforming to any opinion on the facts expressed to them by the trial judges.

Suits in equity under section 1983 of title 42 of the United States Code and civil actions of an equitable nature under the Civil Rights Acts of 1957 and 1960, are triable in Federal district courts by Federal district judges, who sit without juries and find the facts as well as declare the law.

If the Federal district judge trying a civil action of an equitable nature under the Civil Rights Acts of 1957 and 1960, finds that any person has been denied his right to vote on account of his race or color pursuant to a practice or pattern, such Federal district judge, acting either in person or through voting referees unlimited in number, can take actual charge, to all practical intents and purposes, of passing upon the qualifications for voting and registering for all elections, Federal and State, of all other persons of the same race residing within the affected area not previously registered by State election officials. As I have demonstrated on the Senate floor and in committee, such judge or a voting referee appointed by him can determine an applicant's ability to read in less than a minute, and can determine the ability of hundreds of applicants to read within just a few minutes by writing a short constitutional provision upon a blackboard and directing such applicants to copy the same.

In the light of what I have just said, there is absolutely no basis for any assertion—I do not care from what source it comes—that it is necessary to enact S. 2750 or any law in addition to those already upon the statute books.

III

Section 2 of S. 2750 is the only operative part of the bill. This is true for one or the other of two alternative reasons. The most reasonable construction of section 1 is that its recitations are merely designed to induce its advocates to believe that they are justified in doing the constitutional evil section 2 envisions because they can hope that some good will come from such evil. But if section 1 is designed to have any legal effect whatsoever, it is clearly unconstitutional. This is true for two reasons. In the first place, Congress cannot increase its own constitutional power to legislate or decrease the constitutional powers of the States to do so by making factual assertions and legal conclusions, regardless of whether such factual assertions or legal conclusions are true or false. In the second place, Congress cannot legislate the truth of facts upon which rights depend. This power belongs to the judicial branch of the Government. If the purpose of section 1 is to prevent the courts from determining the truth or falsity of its factual recitals in particular cases or litigants from disproving them in particular cases, then it violates sections 1 and 2 of article III, which vests the judicial power of the United States in the Federal courts, and the fifth amendment, which guarantees due process of law to litigants.

Let me elaborate upon these propositions.

I respectfully submit that the only operative part of S. 2750 is section 2. This is true either because the drafters of the bill did not intend section 1 to have any legal effect or because section 1 is unconstitutional.

Section 1 recites, in essence, that State election officials frequently pervert State literacy and understanding tests to rob literate Negroes, possessing all other legal qualifications for voting, of their right to vote in Federal elections solely upon racial grounds; that persons who have completed six primary grades in a public school or accredited private school cannot reasonably be denied the right to vote in Federal elections because of illiteracy; that lack of proficiency in the English language does not provide any reasonable basis for excluding Spanish-speaking citizens of America from the right to vote in Federal elections; that existing statutes are inadequate to assure that all qualified persons shall enjoy the right to vote in Federal elections; and that Congress has the power under the Constitution to enact section 2 of the bill.

The recitation that lack of proficiency in the English language does not provide a reasonable basis for excluding Spanish speaking citizens of America of the right to vote is wholly inconsistent with the recent decision of the Supreme Court adjudging valid State laws restricting literacy tests to proficiency in the English language—*Lassiter* v. *Northampton County Elections Board* (360 U.S. 45; 3 L. Ed. (2d) 1072).

For the reasons already given, the recited conclusion that existing statutes are inadequate to assure that all qualified persons shall enjoy the right to vote in Federal elections is without foundation. I shall not comment for the time being upon the recited conclusion that Congress has the power under the Constitution to enact section 2. Suffice it to say at this point that such recital is inconsistent with the Constitution itself.

When one attributes to the words of section 1 their obvious meaning, he comes to the conclusion that the framers of the bill did not intend them to have any legal effect whatsoever, but that, on the contrary, they designed them to operate as the counterpart of the first six verses of the third chapter of Genesis. By this I mean that they intended the recitals of section 1 to encourage the advocates of the bill to lay the flattering unction to their souls that they are justified in doing the constitutional evil the bill envisions because they hope that some good will result from such evil.

I certainly am reluctant to suggest that the framers of S. 2750 inserted the factual assertions and the legal conclusions in it because they believed that Congress could increase its constitutional power to legislate and decrease that of the States by the simple expedient of making factual assertions and legal conclusions in a preamble to a bill. If this were possible, Congress could arrogate to itself complete legislative power over all things under the sun simply by uttering a legislative lie. The limitations which the Constitution imposes upon the power of the Congress to legislate in respect to the franchise are not so puny as this.

I find it difficult to believe that the framers of S. 2750 intended section 1 to have any legal effect whatsoever. I base this observation upon the self-evident truth that whether or not a particular Negro, possessing all other qualifications for voting, has been wrongfully denied the right to vote in a Federal election by a State election official through the maladministration of a State literacy test, or whether or not a particular applicant for registration for Federal elections who has completed the sixth grade is actually literate or illiterate, presents an issue of fact and not a question of law. Section 1 could not possibly have been designed to effect any legal purpose other than that of foreclosing one or the other of these issues in particular cases.

If this is its purpose, then section 1 would be clearly unconstitutional. This is so because Congress is without power to legislate the truth of facts upon which rights depend. The power to determine the truth or falsity of such facts belongs to the judicial department of the Government.

If its factual recitals are to be construed as an attempt by Congress to bar inquiry by the courts into their truth or falsity or to deny litigants an opportunity to disprove them, section 1 of S. 2750 violates sections 1 and 2 of article III of the Constitution, which vests the judicial power of the United States in the Federal courts, and the fifth amendment, which guarantees to litigants due process of law—"Wigmore on Evidence," third edition, section 1353; *Bailey* v. *Alabama* (219 U.S. 219 55L. ed. 191).

Congress cannot evade the constitutional provisions which deny it the power to prescribe qualifications for voting by section 1 regardless of whether such section is construed as an attempt to establish a conclusive presumption or as an attempt to create a rule of substantive law.

As the Supreme Court declared in *Heiner* v. *Donnan* (285 U.S. 312, 76 L. ed. 772):

> This Court has held more than once that a statute creating a presumption which operates to deny a fair opportunity to rebut it violates the due process clause of the 14th amendment. "It is apparent," this Court said in the Bailey case (p. 239) "that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional restrictions."
>
> If a legislative body is without power to enact as a rule of evidence a statute denying a litigant the right to prove the facts of his case, certainly the power cannot be made to emerge by putting the enactment in the guise of a rule of substantive law.

In passing from this phase of the subject, I wish to note that informed persons in the field of education agree that the alleged completion of a sixth primary grade does not insure a person's literacy. This is true because laws which compel compulsory school attendance have produced what are known as social promotions—promotions made regardless of the acquisition of knowledge in order to prevent the psychological disaster inherent in keeping physically large children of small mental strength in classes designed for small beginners.

IV

S. 2750 is not designed to prevent State election officials from unlawfully using State literacy tests to disfranchise in Federal elections literate persons possessing all other qualifications for voting. On the contrary, it is designed to compel the States to permit illiterate persons to vote in Federal elections if such illiterate persons have completed the sixth grade. Instead of facilitating the registration of qualified persons, S. 2750 would establish a new Federal qualification which refractory election officials may employ to delay or frustrate the registration of any or all persons seeking registration for Federal elections.

Let me elaborate upon these propositions.

The manifest purpose of the advocates of S. 2750 is to abolish State literacy requirements for Federal elections as to persons who have completed the sixth grade, and enable such persons to vote in such elections regardless of whether they can read and write.

They know, however, that they cannot do this in a direct and forthright way because under the Constitution the power to prescribe qualifications for voting in both Federal and State elections belongs to the States and not to the Congress. So they undertake to beat what they conceive to be a legal devil around the stump. As a consequence, S. 2750 moves in a mysterious way its wonders to perform. Let us read and analyze section 2, which is the only operative part of the bill.

Section 2 provides in express words that no State election official can deny to any person otherwise qualified by law the right to vote in any Federal election "on account of his performance in any examination, whether for literacy or otherwise, if such person has not been adjudged incompetent and has completed the sixth primary grade in any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico."

When this legal jargon is put in plain language, it comes to this: Although the constitutional and statutory law of a State may make literacy a qualification for voting in all elections, and although a particular applicant for registration may reveal his illiteracy by his performance in an examination or test for literacy conducted by an election official of the State in compliance with such law, the State election official cannot deny the illiterate applicant the right to vote in any Federal election on account of his illiteracy if such illiterate applicant "has completed the sixth primary grade in any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico."

This being so, S. 2750 is not even designed to prevent State election officials from unlawfully using State literacy tests to disfranchise in Federal elections literate persons possessing all of the other qualifications for voting. On the contrary, it undertakes to compel the States to permit illiterate persons to vote in Federal elections if such illiterate persons have completed the sixth primary grade in any of the designated schools.

Since it is to take effect upon its enactment, S. 2750, if constitutional, would do these things forthwith in case it becomes law:

First. It would nullify the laws of the 21 States which make actual literacy a qualification for voting in Federal elections as to all persons who have completed the sixth primary grade in any designated school.

Second. It would rob the other 29 States of their present power to make actual literacy a qualification for voting in Federal elections as to all persons who have completed the sixth primary grade in any designated school.

Third. It would rob all of the 50 States of their present power to make actual literacy in the English language a qualification for voting in Federal elections as to Spanish-speaking persons who have completed the sixth primary grade in any designated school in Puerto Rico.

Fourth. It would substitute for the simple literacy tests prescribed by State laws a new Federal qualification for voting in Federal elections, which could be used by refractory State election officials to delay or frustrate the registration of any or all persons seeking registration for Federal elections.

This fourth observation merits comment. If S. 2750 should be enacted, a State election official could say to any person applying for registration for a Federal election: "Under a recent act of Congress, State literacy laws no longer have any legal potency as to persons who have completed the sixth grade. I do not wish to do a vain thing. Consequently, I will not undertake to test your literacy under the law of the State if you have completed the sixth grade."

If the applicant asserts that he has completed the sixth grade, the election official can say: "You must furnish me legal proof of that fact before I will register you."

If the applicant states that he has not completed the sixth grade, the election official can say: "You must furnish me legal proof of that fact before I can subject you to a literacy test and register you."

If the objective of S. 2750 is to make whipping boys out of some Southern States for the gratification of those who find it profitable in one way or another to agitate racial matters, these comments are without significance. But if the objective of the bill is to facilitate the registration of literate persons possessing the other qualifications for voting, they ought to give Congress pause.

v

S. 2750 constitutes an attempt to have Congress prescribe a Federal qualification for voting in elections to fill Federal offices. Consequently, it is wholly incompatible with section 2 of article I, clause 2 of section 1 of article II, and the 17th amendment, which vest the power to prescribe the qualifications of voters in such elections in the States. S. 2750 cannot be sustained as valid under the 14th or 15th amendments because it is not confined in its operation to the prohibitions of such amendments on State action. In the first place, S. 2750 applies to each State immediately upon its enactment regardless of whether it has violated any of the prohibitions of the amendments. In the second place, S. 2750 undertakes to supersede the State legislatures and to legislate affirmatively with respect to qualifications for voting, which is a subject lying solely within the domain of State legislation. S. 2750 does not constitute appropriate legislation to enforce the 15th amendment because it does not deal with discrimination in voting on account of race or color. On the contrary, it deals entirely with matters falling within the domain of State legislation, that is to say, literacy and understanding tests.

I should like to elaborate. Let me deal at the outset with the contention of some of its advocates that S. 2750 does not undertake to prescribe qualifications for voting; but, on the contrary, attempts to set up a Federal standard by which the reasonableness of the State literacy tests can be measured. Even such astute lawyers as Tweedledum and Tweedledee never attempted to split legal hairs so finely.

Congress has no legislative powers save those given it by the Constitution. As the Supreme Court so clearly held in *Pope* v. *Williams* (193 U.S. 621, 48 L. Ed. 817), Congress has no power to prescribe standards to determine the reasonableness of legislation which the States have the constitutional power to enact. The question whether the conditions prescribed by the State might be regarded by others as reasonable or unreasonable is not a Federal one. Moreover, no agency of the Federal Government has any authority to supervise in any way nondiscriminatory State literacy tests—*Guinn* v. *United States* (238 U.S. 347, L. Ed. 1340). When all is said, S. 2750 certainly attempts to prescribe a qualification for voting in Federal elections. As has been pointed out, it undertakes to say that State election officials must permit any illiterate person to vote in a Federal election if such person has completed the sixth grade.

Congress has no power to enact S. 2750 for the very simple reason that the Constitution itself deprives the Congress of the power to prescribe the qualifications for voting for presidential and vice presidential electors and for Senators and Representatives in Congress.

Clause 2 of section 1 of article II expressly prescribes that each State shall appoint its presidential and vice presidential electors in such manner as its legislature may direct—*McPherson* v. *Blacker* (146 U.S., 36 L. Ed. 869). Section 2 of article I and the 17th amendment expressly provide that the only persons eligible to vote for Senators and Representatives in Congress in any State are those who "have the qualifications requisite for electors of the most numerous branch of the State legislature."

As an inevitable consequence of these constitutional provisions, a State defines who may vote for the popular branch of its own legislature and the Constitution of the United States says that the same persons shall vote for Senators and Representatives in Congress in that State—*Ex parte Yarbrough* (110 U.S. 651, 28 L. Ed. 274).

For these reasons, the courts declare, in substance, that the constitutional power to prescribe qualifications for voting both in Federal and State elections belongs to the States and not to the Congress—*United States* v. *Classic* (313 U.S. 299, 85 L. Ed. 1368); *Breedlove* v. *Suttles* (302 U.S. 277, 82 L. Ed. 252); *Swafford v. Templeton* (185 U.S. 492, 46 L. Ed. 1005); *Wiley* v. *Sinkler* (179 U.S. 58, 45 L. Ed. 84); *Ex parte Yarbrough* (110 U.S. 651, 28 L. Ed. 274); *Pirtle* v. *Brown* (118 F. (2d) 218); *Camacho* v. *Rogers* (199 F. Supp. 155).

The power of the State to establish the qualifications for voting in both Federal and State elections includes the power to prescribe nondiscriminatory literacy tests as prerequisites to the right to register and vote—*Lassiter* v. *Northampton County Board of Elections* (360 U.S. 45, 3 L. Ed. (2d) 1072); *Guinn* v. *United States* (238 U.S. 347, 59 L. Ed. 1340); *Williams* v. *Mississippi* (170 U.S. 225, 42 L. 7d. 1012); *Trudeau* v. *Barnes* (65 F. (2d) 563). Such tests may restrict the required literacy to proficiency in the English language and exclude literacy in any other language, such as Spanish—*Camacho* v. *Rogers* (199 F. Supp. 155).

Section 1 of S. 2750 asserts that Congress has the power to enact a bill under section 4 of article I and under some indefinite and undefined power it possesses over elections to fill Federal offices. These assertions are totally without foundation. Section 4 of article I provides, as following:

> The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The meaning of section 4 of article I is obvious. The power vested in Congress is to alter the regulations prescribed by the legislatures of the States, or to make new ones, as to the times, places, and manner of holding the elections. Those which relate to the times and places will seldom require any affirmative action beyond their designation. And regulations as to the manner of holding them cannot extend beyond the designation of the mode in which the will of the voters shall be expressed and ascertained. The power does not authorize Congress to determine who shall participate in the election, or what shall be the qualification of voters. These are matters not pertaining to or involved in the manner of holding the election, and their regulation rests exclusively with the States—*Ex parte Clarke* (100 U.S. 339, 25 L. Ed. 715); *Ex parte Siebold* (100 U.S. 371, 25 L. Ed. 717); *Ex parte Yarbrough* (110 U.S. 651, 28 L. Ed. 274); *State* v. *Adams* (22 Stew. (Ala.) 231); *People* v. *English* (139 Ill. 622, 29 N.E. 678, 15 LRA 131); *Taft* v. *Adams* (69 Mass. (3 Gray) 126); *People* v. *Guden* (75 N.Y.S. 347); *Livesley* v. *Litchfield* (47 Ore. 248, 86 P. 142, 114 Am. St. Rep. 920).

The notion that Congress has some indefinite and undefined power over elections to fill Federal offices is without support either in reason or authority. The only source of its power over congressional elections as such is section 4 of article I—*Newberry* v. *United States* (256 U.S. 232, 65 L. Ed. 919).

The constitutional power of the States to establish literacy tests and other qualifications for voting in both Federal and State elections is subject to three limitations and three limitations only. These are as follows:

First. They must not violate the due process clause or the equal protection of the laws clause of the 14th amendment.

Second. They must not violate the 15th amendment which forbids any State to deny or abridge the right of a qualified citizen to vote on account of race or color.

Third. They must not violate the 19th amendment which forbids a State to deny or abridge the right of any qualified citizen to vote on account of sex.

There is no reasonable basis whatever for any contention that any of the existing State literacy tests violate the 14th amendment. Such tests do not deprive any citizen of due process of law because they bear a rational relationship to the purpose of the States to insure an independent and intelligent exercise of the right of suffrage—*Lassiter* v. *Northampton County Election Board* (360 U.S. 45, L. Ed. (2d) 1072); *Stone* v. *Smith* (159 Mass. 414, 34 N.E. 521). Moreover, they do not deny to anyone the equal protection of the laws because they apply alike to all persons regardless of race or sex—*Lassiter* v. *Northampton County Election Board* (360 U.S. 45, 3 L. Ed. (2d) 1072).

The 15th and 19th amendments granted no new voting rights except that of not being discriminated against on the ground of race, or color, or sex—*Lassiter* v. *Northampton County Election Board* (360 U.S. 45, 3 L. Ed. (2d) 1072); *Guinn* v. *United States* (238 U.S. 347, 59 L. Ed. 1340); *Pope* v. *Williams* (193 U.S. 621, 48 L. Ed. 817); *James* v. *Bowman* (190 U.S. 127, 47 L. Ed. 979); *United States* v. *Cruikshank* (92 U.S. 542, 23 L. Ed. 588); *United States* v. *Reese* (92 U.S. 214, 23 L. Ed. 563).

As has already been pointed out, the only operative part of S. 2750, that is, section 2, does not attempt to protect any qualified voter against discrimination in voting in Federal elections on the basis of race or color. On the contrary, it is concerned with the protection of persons who have completed the sixth grade and who are threatened with a denial of their right to vote on account of their performance in an examination for literacy or otherwise.

Consequently, S. 2750 constitutes an attempt on the part of Congress to legislate in respect to literacy tests—a power denied to the Congress by the Constitution.

The 14th and 15th amendments are designed to prohibit the States from doing the things which they forbid. Section 5 of the 14th amendment and section 2 of the 15th amendment do not empower Congress to legislate generally in respect to these things. They merely empower the Congress to adopt legislation appropriate to enforce the specified prohibitions against State action.

This being true, there are two very obvious limitations upon the power of Congress to legislate for the enforcement of the 14th and 15th amendments. The first is that such legislation must be addressed solely to State action; and the second is that such legislation must be confined to dealing with the prohibitions imposed by the amendments upon such State action—*Karem* v. *United States* (121 F. 250).

S. 2750 does not constitute appropriate legislation to enforce either the 14th or 15th amendments for two reasons, and in consequence is null and void. These reasons are as follows:

First. S. 2750 is not limited to take effect only in case a State violates the prohibitions of the 14th or 15th amendments. On the contrary, it applies immediately upon its enactment to each of the 50 States, no matter how well it may have performed its duty under the amendments. As the Supreme Court of the United States declared in the civil rights cases:

> Until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the 14th amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity (*Civil Rights Cases*, 109 U.S. 3, 27 L. Ed. 835; *United States* v. *Harris*, 106 U.S. 629, 27 L. Ed. 290).

Second. S. 2750 constitutes an attempt by the Congress to supersede State legislatures and legislate affirmatively upon a subject, that is, qualifications for voting, which lies within the domain of State legislation—*Ex parte Rahrer* (140 U.S. 545, 35 L. Ed. 572); *Civil Rights* cases (109 U.S. 3, 27 L. Ed. 835); *United States* v. *Cruikshank* (92 U.S. 542, 23 L. Ed. 588).

Moreover, S. 2750 exceeds the jurisdiction of Congress to enact appropriate legislation under the 15th amendment and is null and void because its provisions do not deal with discriminations in voting on account of race or color—*Pope* v. *Williams* (193 U.S. 621, 48 L. Ed. 817); *James* v. *Bowman* (190 U.S. 127, 47 L. Ed. 979); *United States* v. *Cruikshank* (92 U.S. 542, 23 L. Ed. 588); *United States* v. *Reese* (92 U.S. 215, 23 L. Ed. 563); *Karem* v. *United States* (121 F. 250).

On the contrary, it deals exclusively with literacy and understanding tests, which fall within the domain of State legislation—*Camacho* v. *Rogers* (199 F. Supp. 155).

VI

The Constitution is the precious birthright of all Americans. It was written and ratified by the Founding Fathers in the hope that it would put the fundamentals of the Government they desired to establish beyond the control of impatient public officials, temporary majorities, and the varying moods of public opinion.

The greatest of the Founding Fathers was George Washington, who presided over the Convention which framed the Constitution. In his Farewell Address to the American people, he gave us advice which must be heeded by those in positions of authority if the Constitution is to be preserved for the benefit of all Americans of all generations and all races. This is what he said:

> If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. * * * But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

S. 2750 represents an attempt to have Congress usurp and exercise in part by simple legislative fiat the constitutional powers of the States to prescribe the qualifications of those who are to vote for presidential and vice presidential electors, Senators and Representatives in Congress.

This constitutional power has resided in the States since the birth of the Republic. If any public officials think that such power should be transferred either in whole or in part from the States to the Congress, they ought to seek such transfer in a forthright way by an amendment to the Constitution. They ought not to undertake to declare by a simple act of Congress that the enlightened patriots who framed and ratified our Constitution did not mean what they said in simple words.

When men succumb to the temptation to do evil, they always lay to their souls the flattering unction that the evil they do will result in good. It is thus with the advocates of S. 2750.

They assert that they are simply attempting to secure to qualified voters their right to vote. It is bad indeed for the country for any qualified voters to be denied the right of suffrage. But there is one thing which would be worse for the country, and that would be for the Senators to manifest by their support of S. 2750 that reverence for constitutional government in America has died in their hearts.

This is not the first assault upon the constitutional provisions which confer upon States the power to prescribe the qualifications for voters. About 100 years ago, Thaddeus Stevens and other impatient men seeking political ends induced the Congress to pass the Reconstruction Acts whereby Congress imposed military rule upon the Southern States and robbed them of their constitutional powers to prescribe the qualifications for voting. At that time, the Democratic Party witnessed its grandest hour, because it stood up for constitutional government. At its national convention held in New York in July 1868, the Democratic Party made this ringing declaration upon the precise issue which now confronts the Senate:

> And we do declare and resolve, That ever since the people of the United States threw off all subjection to the British Crown, the privilege and trust of suffrage have belonged to the several States, and have been granted, regulated, and controlled exclusively by the political power of each State respectively, and that any attempt by Congress, on any pretext whatever, to deprive any State of this right, or interfere with its exercise, is a flagrant usurpation of power, which can find no warrant in the Constitution; and if sanctioned by the people will subvert our form of government, and can only end in a single centralized and consolidated government, in which the separate existence of the States will be entirely absorbed, and an unqualified despotism be established in place of a Federal union of coequal States; and that we regard the reconstruction acts so-called, of Congress, as such an usurpation, and unconstitutional, revolutionary, and void.

One of the greatest men who ever occupied the White House was Abraham Lincoln, the first Republican President. On one occasion when Lincoln was urged to take action not sanctioned by the Constitution, he declared:

> As President, I have no eyes but constitutional eyes.

Mr. President, in closing, I call upon the Democratic Members of the Senate to emulate the example set by our party in its grandest hour and manifest their devotion to constitutional government. I call upon the Republican Members of the Senate to follow Abraham Lincoln's example and view the pending proposal with "constitutional eyes."

If Senators on both sides of the aisle will do these things, America's constitutional birthright will not be sold for a mess of political pottage.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPOSITION OF FORFEITURES FOR CERTAIN VIOLATIONS OF RULES OF FEDERAL COMMUNICATIONS COMMISSION

During the delivery of Mr. ERVIN's speech,

Mr. PASTORE. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. Mr. President, I yield to the Senator from Rhode Island with the understanding that I do not thereby lose the floor, and that my act in so doing will not result in my remarks on this day being counted as two speeches on the question before the Senate.

Mr. PASTORE. And with the further proviso that the remarks of the Senator from Rhode Island will appear at the conclusion of the very eloquent remarks of the Senator from North Carolina.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PASTORE. Mr. President, I ask that the Chair lay before the Senate a message from the House on S. 1668.

The PRESIDING OFFICER (Mr. JORDAN in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1668) to authorize the imposition of forfeitures for certain violations of the rules and regulations of the Federal Communications Commission in the common carrier and safety and special fields which was to strike out all after the enacting clause and insert:

> That title V of the Communications Act of 1934 is amended by adding at the end thereof a new section as follows:
>
> "FORFEITURE IN CASES OF VIOLATIONS OF CERTAIN RULES AND REGULATIONS
>
> "SEC. 510. (a) Where any radio station other than licensed radio stations in the broadcast service or stations governed by the provisions of parts II and III of title III and section 507 of this Act—
>
> "(1) is operated by any person not holding a valid radio operator license or permit of the class prescribed in the rules and regulations of the Commission for the operation of such station;
>
> "(2) fails to identify itself at the times and in the manner prescribed in the rules and regulations of the Commission;
>
> "(3) transmits any false call contrary to regulations of the Commission;
>
> "(4) is operated on a frequency not authorized by the Commission for use by such station;
>
> "(5) transmits unauthorized communications on any frequency designated as a distress or calling frequency in the rules and regulations of the Commission;
>
> "(6) interferes with any distress call or distress communication contrary to the regulations of the Commission;
>
> "(7) fails to attenuate spurious emissions to the extent required by the rules and regulations of the Commission;
>
> "(8) is operated with power in excess of that authorized by the Commission;
>
> "(9) renders a communication service not authorized by the Commission for the particular station;
>
> "(10) is operated with a type of emission not authorized by the Commission;
>
> "(11) is operated with transmitting equipment other than that authorized by the Commission; or
>
> "(12) fails to respond to official communications from the Commission;
>
> the licensee of the station shall, in addition to any other penalty prescribed by law, forfeit to the United States a sum not to exceed $100. In the case of a violation of clause (2), (3), (5), or (6) of this subsection, the person operating such station shall, in addition to any other penalty prescribed by law, forfeit to the United States a sum not to exceed $100. The violation of the provisions of each numbered clause of this subsection shall constitute a separate offense: *Provided*, That $100 shall be the maximum amount of forfeiture liability for which the licensee or person operating such station shall be liable under this section for the violation of the provisions of any one of the numbered clauses of this subsection, irrespective of the number of violations thereof, occurring within ninety days prior to the date the notice of apparent liability is issued or sent as provided in subsection (c) of this section: *And provided further*, That $500 shall be the maximum amount of forfeiture liability for which the licensee or person operating such station shall be liable under this section for all violations of the provisions of this section, irrespective of the total number thereof, occurring within ninety days prior to the date such notice of apparent liability is issued or sent as provided in subsection (c) of this section.
>
> "(b) The forfeiture liability provided for in this section shall attach only for a willful or repeated violation of the provisions of this section by any licensee or person operating a station.
>
> "(c) No forfeiture liability under this section shall attach after the lapse of ninety days from the date of the violation unless within such time a written notice of apparent liability, setting forth the facts which indicate apparent liability, shall have been issued by the Commission and received by such person, or the Commission has sent him such notice by registered mail or by certified mail at his last known address. The person so notified of apparent liability shall have the opportunity to show cause in writing why he should not be held liable and, upon his request, he shall be afforded an opportunity for a personal interview with an official of the Commission at the field office of the Commission nearest to the person's place of residence."
>
> SEC. 2. Section 504(b) of the Communications Act of 1934 (47 U.S.C. 504(b)) is amended by striking out "sections 503(b) and 507" and inserting in lieu thereof "section 503(b), section 507, and section 510".
>
> SEC. 3. The amendments made by this Act shall take effect on the thirtieth day after the date of its enactment.

Mr. PASTORE. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. PASTORE. Mr. President, this is a perfecting amendment which was instituted by the House on the recommendation of the Federal Communications Commission. It is acceptable to the members of our committee, and I hope it will be acceptable to the Members of the Senate.

HARLAN CLEVELAND DESCRIBES "VIEW FROM THE DIPLOMATIC TIGHTROPE"

Mr. PROXMIRE. Mr. President, the Assistant Secretary of State for International Organization Affairs, Mr. Harlan Cleveland, recently spoke to the American Society for Public Administration on the subject "View From the Diplomatic Tightrope." In this remarkable speech, several of the toughest, most persistent problems in the area of diplomatic practice are given a thoughtful once-over-lightly. Mr. Cleveland describes the difficulties inherent in keeping our foreign policy in step with the stunningly rapid pace of progress in science, knowledge, and technology.

In Mr. Cleveland's words, it is a problem of coping with "the obsolescence of old ideas which once were good," but which, because of the changes wrought by nuclear weapons, the worldwide wave of rising expectations in nations called underdeveloped, the shifting focus of the Soviet threat—and the resultant changes in peace-keeping techniques—are no longer sufficient.

This poses an enormous challenge to all of us. Believing that Mr. Cleveland's remarks merit a wide audience, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

VIEW FROM THE DIPLOMATIC TIGHTROPE

(Statement by the Honorable Harlan Cleveland, Assistant Secretary of State for International Organization Affairs, before the American Society for Public Administration, Saturday, April 14, 1962, Detroit, Mich.)

I

Some time ago, you will recall, the great Wallendas had an accident on their high wire. Two of the younger members of the troupe plummeted from their pyramid and were killed; a third is still in the hospital. The oldest of the Wallendas, 60-year-old Herman, who still does handstands on the high wire, was asked whether they weren't afraid up there.

"Certainly we're afraid," he said. "If you do not feel afraid, either you're a fool or you haven't got enough experience. You don't want anyone up there who is not afraid; he endangers everybody. You have to realize there is danger in front of you and danger behind you. Don't get careless; don't get too tense. You can't go too far in either direction."

I doubt if in his busy and productive life as a circus entertainer, Herman Wallenda has ever given much attention to that other circus called international relations. But his words, born of wisdom and experience in his business, fit the business of diplomacy as well. * * *

"Don't get careless; don't get too tense." I cannot think of a better text for some words about our national will and purpose—and about its executive instrument, the Department of State.

The Department, as we smugly call it, maintains active diplomatic relations with 101 sovereign nations. Some are rich and some poor; some are experienced and some are new boys in the hard school of political responsibility; some are stable, some are volatile, and some are both in turn. But every one is a special case. This means dealing with a hundred separate political regimes, each with its own policies, ideas, plans, hopes, ambitions, and prejudices—and each with its own political leadership more or less responsible to its own domestic constituency.

We cannot assume that other countries only have foreign policies, that only we can afford to have domestic politics. International diplomacy is mostly the resultant of the domestic politics of our 100 neighbors—as well as our own.

Of course, on many matters—indeed, on an increasing proportion of all our foreign affairs, we deal not with nations but with groups of nations—14 NATO allies, 7 partners in SEATO and 4 in CENTO, 10 other independent American Republics, 2 partners in ANZUS, and 103 neighbors on the East River in New York.

Altogether, we pay regular membership dues to 51 of these international clubs. We invest in six international banks and funds. We make voluntary contributions to 24 special programs, to feed refugees, eradicate disease, promote research, and finance development. And we participate in more than 400 major intergovernmental conferences this year. Some of these conferences are pretty complicated—the most recent tariff-cutting meeting under the General Agreement on Tariffs and Trade lasted for a year and a half and involved 25 of the 40 member countries working on literally thousands of commodities. In the General Assembly of the United Nations, 104 countries dealt with about 100 agenda items in the 16th General Assembly. Those of you who are good at arithmetic will already have figured out that this means more than 10,000 national decisions had to be taken in the world community on how to vote, on issues ranging from the representation of Red China to the future of Ruanda-Urundi to the voting of a $200 million issue of U.N. bonds.

Standing in the center ring of this international circus, we never have the luxury of playing to a single audience. Everything we do is watched with care and apprehension by our own publics, by our differing allies, by the several varieties of neutrals, and by the Communist states as well. Merely to name the audiences is to suggest the difficulty of satisfying all of them at once. It is, in fact, impossible. I know of no foreign policy problems worth discussing on which any given position will not be offensive to some significant group at home or abroad.

To formulate the national will, in these circumstances, is to seize the multiple horns of many dilemmas. Our culture teaches us that there are two sides to every question; we learn this in college debating, in court proceedings, in two-party elections, and in TV westerns, even of the adult variety. We also learn about two-sidedness from columnists who, analyzing the complexities of foreign policy, manage to simplify it all for us by finding two clearly etched points of view inside the Federal establishment, and then simplify it further by identifying the heroes and villains, the good guys and the bad guys.

The real world is not like that at all. I am not aware of any real problem now under consideration in the Department of State which has only two sides. Five or six sides might be typical and in United Nations affairs, I can point to problems that have 17 sides, or 35 sides or even 104.

Whenever an important decision is made on a serious issue in world affairs, a good case can be made for any of several alternative policies or actions. If the choice among them is a relatively rational one, in which reasoned analysis can provide the answer that really is best, the matter is disposed of at the third level of our bureaucracy or below—and the chances are you will never hear of it. But any problems that reach the level of the Secretary of State involve a nip-and-tuck choice, on which reasonable men can—and frequently do—have very different views. And if a decision has to be taken to the President, the issue is likely to be so finely balanced that political instinct—a sense of direction combined with a kind of feel for the total environment—often becomes the decisive weight in the scales.

This sense of direction cannot be discovered merely by listening to what statesmen say their purposes are. In fact, I am not even going to take up your time today trying to define the purposes of our foreign policy. I'm going to refrain from doing this, not because it's too hard but because it's too easy.

They add up to a many-sided effort, under the canopy of nuclear deterrence, to make the non-Communist world hum with the cheerful and contagious sounds of success, and thereby help to subvert the Communist world by demonstrating that free choice works better, and feels better, than coercion.

See? All in one sentence. Let's rise above principle to the rarer, more exhilarating atmosphere of practice.

II

To illustrate what I mean, I have selected for brief exposure five issues that are on the front burner in the Department today. They are reasonably typical of the business of making and conducting foreign policy. They help show that the garden variety issue in world affairs comes not with two sides but with several or many; that the answers to interesting problems are always complex; that whatever we do, someone will be mad—but someone else will be glad. They suggest that foreign policy is no business for the man with the easy answer; that as in space travel, the shortest distance to the goal is far from a straight line; that horseback opinion is more than likely to be wrong; and that hipshooting is almost sure to be either dangerous or silly, or even both.

Above all, they show that old doctrines wear out, old techniques become obsolete, and old policies, like old soldiers, really do fade away.

The longer I work at the business of diplomacy, the more I am impressed by the rapid obsolescence of even the most successful policies. On practically every important question we try to handle in the State Department, there is a race between the development of the objective world around us, and the development of doctrine with which to analyze and deal with that world.

Perhaps it is obvious that in a rapidly moving world—a world in which (as one philosopher has suggested) we cannot be sure where we are going but we know we are going there fast. It stands to reason that doctrines would have to change as rapidly as the world itself is changing. What does not stand to reason is that the human mind, which is so incomparably complex and rapid a computer, has not usually kept our policies up to date with the pace of events in the real world outside the mind. Or maybe it is not the capacity of our minds to think, but rather a congenital reluctance to use our minds to think ahead.

Whatever the cause, we can see evidence of this lag in every corner of foreign policy. We see it in the contrast between our enthusiasm for John Glenn's pioneering flight, and the sluggishness of our thinking on the kinds of international institutions we should be building to use this new technology for peaceful purposes. We see it in the trouble we have—and the trouble the Russians have—in facing up to the proliferation of nuclear weapons. We see it in the fateful moves toward Atlantic partnership; in our still primitive attempts to unravel the mysteries of nation-building in the world's less-developing areas; in efforts to improve the peacekeeping machinery of the world community; and in the search for new doctrine to deal with the hard-core remnants of colonialism, now that the independence movement has almost run its course.

III

Consider, as one example of our built-in policy lag, the question of nuclear weapons technology. Fifteen years ago we had a world monopoly, and a strong sense of the implications of the atomic age. We offered to transfer this monopoly and its implications to the United Nations but were prevented from doing so because the Soviets were determined to develop their own capacity. This they did, sooner than most people expected. Our minds and efforts were then focussed on the competitive development of nuclear weapons, on the big-power nuclear arms race forced upon us. This attitude was not altered when the British and then the French joined the nuclear club, because these developments fitted the context of East-West confrontation—and the doctrine of mutual deterrence.

Now we face a quite different situation. Several other nations now have the scientific capacity to acquire a nuclear weapons capability. There is not much time to prevent this from happening. The problem, of course, is complex. There are French, German, Chinese, and other special angles, all coming together in what is known as the United Nations angle. But what is new is that rather suddenly the nuclear powers and the smaller powers share a common interest in arresting the spread of nuclear weapons. Yet it is not happening.

Our task is to find an approach based not on competitive development by the major powers and the envious efforts of other powers to develop some nuclear capability of their own, but on common interest in limiting and then dismantling the nuclear arsenals that already exist. The dilemma, once again, is that scientific invention and technological innovation have outrun our capacity to invent the institutions to keep this most dangerous technology under control.

Consider, next, the dilemma of next steps toward Atlantic partnership. The problem here has been created largely by the success of our own past policies. The Marshall plan has not only triggered the physical recovery of Europe from the damage of history's worst war, it set in motion a chain of events and innovations which, under European initiative, has produced a sensational economic renaissance and a trend toward political unification which is one of the most stirring events of our epoch. The six nations of Western Europe are rapidly creating a single market as dynamic and potentially as prosperous as our own. If all goes well Britain will soon join the Common Market, further adding to the size, weight, and influence of a great new community far stronger than the Soviet Union and potentially in the same league with the United States.

Our problem with all this is that our trade legislation is obsolete for the purpose of dealing with the European Common Market. We simply have never had to negotiate on equal terms before, and the doctrinal inheritance from Cordell Hull gives us inadequate leverage for the purpose.

This does not pose a difficult dilemma in theory. It does, however, confront us with the choice of equipping ourselves to enter a great new Atlantic partnership with enormous economic and political opportunities—or of suffering disadvantages brought on by the success of our own efforts in the years behind us. If we move forward—as surely we will—some of our industries which have shown signs of middle-aged complacency will have to sit up and take notice; and a few will find it useful to make more radical adjustments. But a law which served us well for three decades—and the bargaining techniques which went with it—are plainly out of date in the 1960's.

IV

I mentioned the mysteries of nation building by which I mean, of course, our efforts to help the emerging nations modernize their economic and social systems. At best we know precious little about the complex equations in the processes of economic and social growth. We do know it requires, among other things, massive imports of capital, technology, and professional skills. We also know that in many cases it will require reform of land tenure systems, tax laws, and corrupt practices baked hard in the cake of custom. We also know that it requires the rapid growth of new institutions of almost every kind—public and private.

But these things can no longer be done in an atmosphere of tutelage—the pride of new nationalisms will not stand for the old patronizing ways, even if their purpose is to speed the achievement of nationhood. And from our side, we uphold energetically the doctrine of noninterference in the internal affairs of other states. Yet how can we account responsibly for the use of public funds if we do not exercise reasonable control over their use inside other countries? What, for example, does the Alliance for Progress mean if it doesn't mean financing rapid social reform?

How do we reconcile their acute sensitivity about foreign influence plus our own doctrine of noninterference, with the fact that our aid programs make us deeply influential in internal development of societies? How do we assist in building institutions inside other countries—a network of rural health clinics, an agricultural extension service, a secondary school system, a radio and TV network, a modern army—without tripping and falling across that heavily minded political and ethical boundary called the doctrine of noninterference?

We have somehow been doing this, by trial and error, for close to two decades. It says something about our intellectual lag that we have handled the dilemma of noninterference mostly by avoiding it, by resolutely not thinking about it. But I wonder if the time has not come when we have to think up some new doctrine that fits the reality of our interdependent world, the reality of deep mutual involvement of national governments in each country's internal development.

My own hunch is that we will find this new doctrine in the creative use of international organizations, as is already happening on a very large scale. We will increasingly find, I think, that through the U.N. and through regional organizations, some of the most sensitive relationships in the world, like training for public administration, or advising on national budgets, or reorganizing police forces—can be effectively drained of their political content, stripped of any implication that the technical assistance people are intervening, by operating in the name of the world community. There is already a big laboratory test now in process, as thousands of technicians operate in a hundred countries, representing a dozen different agencies of the U.N. family.

V

In some cases the problem of policy adjustment is not related to the obsolescence of old ideas which once were good, but rather to the growing realization that some old ideas never were designed for the real world. Such, for example, is the case of the peacekeeping machinery of the United Nations.

You will recall that the original idea, in 1945 when the U.N. Charter was signed, was that the United Nations should have a standing force provided by the great powers to deal with breaches or threatened breaches of the peace. But we have found from experience that each crisis requiring peacekeeping forces arises in a different form and therefore requires a different kind of force.

In actual experience, the United Nations has engaged in eight peacekeeping operations—in Indonesia, Greece, Palestine, Kashmir, Korea, the Middle East, Lebanon, and the Congo. Each time the mission was different. Each time the number and type and training and nationality of the forces was somewhat different—and the supply and logistical problems were different, too.

In most cases the standing force envisaged by the framers of the charter would have been the wrong kind of force to deal with the actual situations the U.N. has had to tackle.

The political composition would have been wrong, or the mix of weapons system would have been inappropriate. One lesson is clear, from the scattered experience to date: we cannot run the risk of throwing together scratch teams with no training at a moment's notice. Emergency forces which are, as the President described them in his U.N. speech, "hastily assembled, uncertainly supplied, and inadequately financed." Entirely new ideas of identifying, training, commanding, transporting, and supplying special units for special jobs will have to be worked out against future emergencies.

VI

Let's take a final example of the need for new concepts: the fascinating puzzle created by the demise of colonialism. Most of our present doctrine is based on experience connected with the rapid dismantling of the old European trading empires. The doctrine is self-determination, leading to independence—a concept recorded deep in the history of freedom, impressed on the world by Woodrow Wilson in our own time, and reflected in the extraordinary fact that more than 900 million people have achieved their independence from colonial rule in the forties and fifties, or will surely achieve it in the early 1960's. This concept is still valid today, but its application must be tempered with judicious examination of the conditions which exist in each dependent area.

The United Nations has recommended self-determination for all, in resolutions with which we have associated ourselves. That recommendation can be carried out, sooner or later, in the big African colonies. But that still leaves some 50-odd enclaves and islands scattered around the world. Even by the wildest stretch of a sentimental imagination, most of them do not have the potential of becoming sovereign and independent nations. Many of them are small, and some are tiny—one of the four remaining U.N. trust territories has only 3,000 inhabitants. How much real estate does it take to make a nation? How many persons add up to a people?

The peoples of the 50 islands and enclaves should not be deprived of the benefits of economic development. They should not be deprived of the rights and obligations of self-government, nor the opportunity for free association with the modern world. The world community must find ways—new ways if necessary—by which the peoples of such territories can be associated in freedom with the modern world.

The need for new doctrine on this subject is urgent, not only for the rational development of the remaining bits and pieces of the colonial system, but also for the rational development of the United Nations. The charter principle of the sovereign equality of member states means that each country gets one vote, regardless of population, size, power, or willingness to contribute to U.N. activities. That full vote in the General Assembly has become the badge of nationhood, the mark of prestige, the membership card in the world community for more than half a hundred nations since the U.N. was founded. They are no more likely to give it up than they are likely to return to colonial status.

But the proliferation of sovereignties does raise two serious questions for those who are interested in building the United Nations as an executive organization for peace, in addition to a safety valve for international tension. One question is this: Are we coming to the limit of the number of national sovereignties that are reasonable for the size of the world we live in?

The second question is closely related to the first. With some further increase in U.N. membership in prospect, can the U.N. devise ways of so organizing itself that basic policy decisions continue, as they still do today, to give a special weight to the judgment of those members that carry the major political, economic, and military burdens in the world outside the General Assembly chamber?

Well, that's quite a line-up of intellectual lags—the spread of nuclear weaponry, Atlantic partnership, nation-building, peacekeeping, and the wriggling remnants of colonialism. And I have hardly mentioned the Congo, or the implications (for us as well as for the Communists) of the rift between Moscow and Peking; or the dozen cases where we are deeply involved in what the Secretary of State calls other people's disputes (Kashmir, West New Guinea, and the recent unpleasantness on the shores of the Sea of Galilee); or the delicate and dangerous confrontations of power in Korea, Laos, Vietnam, and Berlin. And if they were here, each of my colleagues in the State Department would complain that I have left out several of the missing pieces of doctrine that have kept them working nights, Saturdays, and Sundays in recent months, building foreign policy by accretion in 1,600 outgoing cables a day.

It's quite a record for a race we called civilized.

VII

An anthropologist announced some time ago that he had discovered the missing link between the anthropoid ape and civilized man. The missing link, he said, is us.

We, the missing link, live at a very specialized moment in mankind's long ascent toward civilized behavior. The moment is unprecedented and unrecoverable. History holds its breath while we decide how to act in the presence of three familiar facts, facts no less fateful because they are familiar:

First, our brains now contain the technical genius to meet before long all the basic physical wants of mankind—in this country and Europe in our lifetime, and in the rest of the world in the lifetime of our children. Without a single new scientific discovery or insight, we know how to limit most of the hunger and disease which have been man's chief preoccupation through the millennium of unremembered time. And so now, or in just a few years' time, the problem is not whether we can produce enough progress for everybody, but what kind of progress we want to produce. It is a much more difficult question, but it will be much more fun to work on.

Second, our brains have recently developed the intellectual equipment and social skills necessary to organize people on a scale large enough and complex enough to put our full technical know-how to work in solving the "whether" and choosing the "what."

Then, at this moment of historic opportunity, a God with a taste for irony has placed in our hands the power to end it all.

Individual men and women have always had the option to decide whether to live or die. But only in our generation have men and women acquired the priceless and frightening power to make this choice for whole societies. The cosmic choices and chances which the social fallout of science makes available to us were just never available before.

We have been prepared for these choices and chances by an uncounted infinity of mutations, by half a million years—or maybe much more—of human evolution, by only a few millenia of recorded history, by a brief but brilliant development of systematic thought—through Chinese human relations, Greek logic, Indian philosophy, Jewish and Christian ethics, Western science, and the rest.

From all of this rich teaching, we know that the choices which face us are ours—yours and mine, as individuals—that there is no shelter from the social fallout of science, that we cannot duck the questions it raises, nor turn them away, nor refer them to higher authority—nor dare we leave them unanswered.

In this unique moment of history, not unduly distracted by the crossfire from left and right, the Government of the United States is in a mood to make history, not just to watch it go by. Those of us who are in the act can take no special credit for this circumstance: it is the mandatory spirit of a great power in a dangerous world. Because we have the capability to act, we cannot merely hope for peaceful change, but must actively promote it—at home in each country, and abroad among the nations.

So if you ask us whether we're afraid, as we do our headstands on the State Department high wire from day to day, the answer is "certainly." Our motto, like Herman Wallenda's, is "don't get careless; don't get too tense. You can't go too far in either direction."

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. FULBRIGHT. Mr. President, before I commence my remarks, I wish to pay tribute to the very learned and in every respect excellent discussion of this subject yesterday by the distinguished junior Senator from Georgia [Mr. TALMADGE] and also today by the distinguished senior Senator from North Carolina [Mr. ERVIN]. I feel that they have presented the case extremely well. They have reviewed from all aspects the constitutional history of the section involved and the laws pertaining to the question. I pay high tribute to the excellence of their discussion of the issue now before the Senate.

Mr. President, the Senate is now engaged in the second round of the perennial effort to embarrass the South and to garner local votes. The Senate has already wasted many days, this session, debating a measure to amend our Constitution for the 24th time in the history of the Republic, all to achieve an objective which is of no practical consequence in connection with the success or the failure of our form of government. As I stated during the course of the debate on the poll tax measure, it is impossible for me to conceive how elimination of the poll tax in five States can improve the quality of our electorate or can contribute to the betterment of our political life.

I cannot speak as an authority on voting laws or practices in all Southern States, but I do know that our situation in Arkansas does not furnish any justification for passage of this drastic unconstitutional proposal. The people of Arkansas cherish their right to vote, and do not condone or approve any attempts to infringe on this right, regardless of race, creed, or color. This right is well protected in our State's constitution and statutes. The constitution of Arkansas specifically states in article III, section 2:

> No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage.

The "Declaration of Rights," article II of our constitution, guarantees that no person shall "ever be deprived of any right, privilege, or immunity, nor exempted from any burden or duty, on account of race, color, or previous condition."

The statutes of Arkansas contain ample provisions for the enforcement of these constitutional provisions. I shall not take up the time of the Senate by discussing all of the Arkansas statutes bearing on protection of the right to vote; but, as an example, I may point to title 3, section 1506, which makes it a felony, punishable by a maximum of 5 years in prison, for an election officer to intimidate or prevent a qualified elector from voting.

Arkansas does not impose a literacy test. As a matter of fact, one of our State statutes provides for imposition of a fine of up to $100 for attempting to deceive an illiterate voter in the marking of his ballot. I mention these constitutional and statutory provisions to indicate to the proponents of this proposal that they are going rather far afield if they expected to use Arkansas as a case to justify their attempted invasion of the right, left to the States, under the Constitution, to establish qualifications for voters.

I think the Arkansas provision in regard to the imposition of a fine if an attempt is made to deceive an illiterate voter is a very significant one. I believe the makers of the Arkansas constitution had in mind that there may well be a difference between illiteracy and intelligence. A person who is illiterate may still have a right to vote, for example, because many illiterates are intelligent—which is an example of the fallacy of the bill and its very ridiculous rule of thumb.

Members of this body who press for the passage of measures such as the one before us place great reliance on reports from the Civil Rights Commission. In my opinion, their confidence is misplaced, and it is not possible to get an unbiased and impartial report from this agency. However, proponents of the pending legislation seem to take at face value anything that comes out of this Commission. I would remind these colleagues that the Commission, according to its own report, has not received a single sworn or unsworn complaint about voting discrimination in my State. In its 1961 annual report, the Commission stated that it had been unable to find any evidence of racially motivated impediments to voting in Arkansas.

Although the findings of the Commission are, because of its character, highly suspect, the fact that it has been unable to find any evidence of voting discrimination in Arkansas should convince the most pronounced skeptic that such discrimination does not exist in my State.

The Senate will, I believe, be interested in some statistics on Negro voting in Arkansas. According to the 1960 census, there were in Arkansas 192,626 nonwhite citizens of voting age. We can, of course, assume that most of these are Negroes. In 1961, 68,970 Negroes paid their poll tax and qualified to vote, according to the records of the State auditor. This represented an increase of nearly 5,000 Negro voters since 1957.

The records are not entirely accurate, since in some counties the poll-tax records do not show the race of the purchaser, and in such cases the auditor estimated the breakdown between white and Negro poll-tax sales which is the only way in which to arrive at such a conclusion.

Of the voters qualified to vote in our primaries this summer, 12 percent are Negroes; 36 percent of the Negroes of voting age in Arkansas, based on 1960 census figures, are qualified to vote this year. Nothing prevented this percentage from being higher, other than the failure to pay the $1 poll tax.

In 19 of Arkansas' 75 counties, more than 20 percent of the qualified voters are Negroes. In six counties they comprise over 30 percent of the total qualified voters. The proponents of this bill can take no satisfaction from the conditions of Negro voting in my State.

As we begin the debate on this measure to establish a uniform test for literacy, I think that it would be well for every Senator to consider carefully his responsibilities as a representative of a State in our Federal system. As a representative of his State, each Senator should be deeply concerned over this further attempt to invade the powers of the States and to obliterate, by statute, a right which clearly is left to the States under the Constitution. The Members of this body should not take the attitude that the Supreme Court will ultimately settle the grave constitutional issue involved, and that this issue is of no concern to Senators in considering the proposal. Every Senator's conscience is a supreme court when it comes to voting on a measure on which there are serious questions of constitutionality. It would be a flagrant violation of the oath which every Senator has taken if he took the attitude that the Supreme Court is the body in our Government which has the sole responsibility to consider and decide constitutional issues. Every official of our Government in the executive, legislative, and judicial branches is charged with the duty to uphold the Constitution. I grant that there is some justification for the argument that the Constitution is what the Supreme Court says it is. That is because of the power of the Supreme Court. Certainly it is not because of the Court's infallibility—at least, in my opinion, its infallibility. But that does not remove the necessity for each Senator to live with his conscience, when faced with a proposal such as this one.

I have been a Member of this body for nearly 18 years; and in practically every one of those years, those of us who represent the Southern States have been placed in the position of defending the rights of every other State. Often we have been successful in preventing the passage of proposed legislation which would have invaded further the rights left by the Founding Fathers to the States. In some cases, such as with the so-called Civil Rights Acts of 1957 and 1960, we have succeeded only in eliminating some of the more obnoxious provisions of the proposals. It would be interesting to know how many hours of debate have been consumed in recent years in debate on legislation aimed at the South. I doubt that I would be far off in guessing that since World War II the Senate has spent about one-tenth of its time on such measures. There is no way to calculate the damage to the national interest arising from neglect of important legislation and the generation of sectional ill feeling caused by these politically motivated attacks on the people of the South.

A great many bills are now on the calendar, awaiting action. Many of them have been there since last year. Every committee has a full calendar of business; and I have no doubt that as this debate proceeds, the work in the committees will eventually come to a standstill. There are a great many important bills which should receive thorough consideration at this session. The delay in the disposition of these bills is not in the public interest; but the proponents of the proposal now urged upon us seem to have little regard for the public interest if it interferes with their plans.

I noticed that we have another Stella School District bill on the calendar. Senators will remember what happened to the predecessor of this bill when it became the vehicle for consideration of the 1960 civil rights bill. It appears that this poor school district will again be the victim of a civil rights diversion.

The proponents of so-called civil rights legislation are not content to abide by the established rules of procedure and the traditions of the Senate when it comes to consideration of their pet proposals. Irregular procedure is the regular order in such cases. Apparently the proponents of this legislation feel that the Senate rules are made to be twisted and distorted in the same manner that they play on the heartstrings of members of minority groups. At this time I remind my colleagues of Jefferson's admonition on the importance of adhering to established rules of procedures. He said:

> Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say it was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power. So far the maxim is certainly true, and is founded in good sense; that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities.
>
> And whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.

His sound warning about the importance of rules to a minority are well taken, and I urge those promoting the pending proposal to weigh his words carefully.

Perhaps the best solution to the trend toward erosion of the traditions of the Senate would be the adoption of a second set of rules which would be applicable only for consideration of measures designed to curry votes from minority groups.

This would permit retention of orderly procedures for disposal of regular business and would insure the preservation of the traditions which have made the Senate unique among legislative bodies.

The Senate is being asked to pass this measure only 3 months after its introduction, without benefit of a committee report or printed hearings. In my view, 3 months is much too short for careful study of a measure of such a far-reaching and precedent-shattering nature. Extensive hearings have been held on the bill by the subcommittee, and the members of this group have pursued their duties diligently under the chairmanship of the able Senator from North Carolina. It is highly unusual, except when it comes to so-called civil rights legislation, to take away a committee's responsibility for a bill after only 3 months of study. If this can be done for measures of this type, there is no reason why it will not be tried in the future on tax bills or other legislation of real significance.

Usually when a bill of importance is to be brought before the Senate for debate, the committee hearings are made available for study well in advance of the floor discussion. As we could expect, such is not the case here. The printed hearings are not available yet. If committee hearings are to play any part in the Senate's consideration of a measure, they must be available before the floor debate begins. Again, it seems that following the regular order of business is too much to expect of those who are intent on promoting these vote-getting measures directed at the South.

If this measure were really important and time were of the essence in getting it through the Congress, in spite of the fact that it had not been favorably reported by the committee, the established procedure of discharging the committee from its consideration as set forth in rule 26 should have been followed. But, as was true in the case of the anti-poll-tax measure, this procedure was not attempted or mentioned. This is indeed an unusual way for a responsible legislative body to conduct its business. The end result of such violations of established traditions can only lead to making the rules of the Senate a hollow shell—high sounding and orderly looking on paper but meaning nothing in practice.

We are being urged to pass this bill on the grounds that literacy tests have been used to deprive persons from voting on account of their race or color, in violation of their constitutional rights. There is a hollow ring to this argument. We heard it often during the 1957 and 1960 debates, and I suppose that even if this bill passes we will hear it again in a year or so. The truth is that there is no end to the insatiable demands of minority groups who want a special legal status in our society. This is merely another step in the trend toward obliteration of the States' constitutionally sanctioned power to set voting qualifications.

When the Senate debated the Civil Rights Act of 1957, those of us who opposed it contended that existing laws were more than ample for the protection of the constitutional rights of every citizen, regardless of color. There was no doubt in my mind that if the laws then in existence were vigorously enforced by the Attorney General, any problem of discrimination in voting could have been eliminated long ago. It should be remembered also that the individual has some responsibility to look out for the enforcement of his constitutional rights. In a democracy, responsibility is the key to freedom. It would be a sad day for our country if every citizen looked to the Federal Government alone for the complete enforcement of his rights, without assuming any personal responsibility for initiating corrective legal action.

I would like to review briefly for my colleagues the Federal statutes in existence prior to 1957 for the protection of voting rights. Under section 1983 of title 42, any person who is wrongfully denied his constitutional rights, including voting rights, by a person acting under color of State authority may bring suit for damages against the official or bring suit in equity for preventive relief. I quote this provision to refresh the memory of my colleagues:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

The Supreme Court has held in a number of cases that if any qualified person is denied the right to vote by any State election official, he has the right under this statute to sue the election official for damages. An individual who has been wrongfully denied his right to vote because of race or color can, under this statute, also obtain preventive relief in equity. This is a very broad and far-reaching statute which places some responsibility on the individual to take action in order to protect his constitutional rights.

Now let us look at the criminal statutes which were available prior to 1957 for the protection of voting and other constitutional rights. Section 242 of title 18 of the United States Code makes it a crime for any person acting under color of law, which of course includes a State election official, to deprive a citizen of his constitutional rights. This section reads as follows:

> Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

The Supreme Court has held in a number of cases that the right of a qualified person to vote in an election for Senators or Representatives in Congress is a right secured or protected by the Constitution within the meaning of this statute. Any election official who wrongfully deprives a qualified voter, regardless of race or color, of that right is guilty of a crime under this statute.

A companion criminal statute, section 241 of title 18, makes it a crime for two or more persons to conspire to deprive a citizen of his constitutional rights. I quote this section for the information of my colleagues:

> If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or
>
> If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—
>
> They shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

If these two criminal statutes were enforced vigorously throughout the United States, there is no reason why any election official who wrongfully deprives a qualified citizen of his right to vote could not be brought to justice.

The Congress went much further than these statutes in the Civil Rights Act of 1957. Senators will recall the extended debate which was held on this proposal. The bill as finally approved authorized the Attorney General to bring suit in the name of the United States on behalf of any person threatened with a denial of his right to vote for Senators or Representatives in Congress in violation of section 2 of article I, or of the 17th amendment, or in violation of the 15th amendment. This provision of the act reads as follows:

> Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

The Attorney General was thus given additional broad and far-reaching power to insure enforcement of every qualified citizen's right to vote. This is not all, however. In 1960 the Congress authorized the use of a system of voting referees as another device to enforce the rights of a qualified citizen to vote. I am unable to understand how there can be any justification for further congressional action in this field. The remedies now available are more than sufficient. The problem is one of enforcement, and no law is effective unless it is enforced. It is strange for the Congress to be asked to pass additional legislation to enforce voting rights when it is obvious that effective use has not been made of the tools available. There is certainly no indication that the failure to enforce the existing laws is due to any sensitivity about the feelings of citizens of the South. I can only assume that the Department of Justice's failure to act is designed to manufacture convincing evidence for the Congress on the need for additional legislation, such as the proposal now before us. This is not the way to make an effective case for congressional action.

Nevertheless, we are faced with this proposal. I would now like to spend some time in discussing it on its merits. But I have been unable to find any, so I will have to confine my comments to its demerits. One-half of the bill consists of proposed findings of fact designed to justify the substantive provisions. It is very strange, to say the least, to create a set of findings out of thin air in order to justify the proposed literacy test. These findings amount to nothing more than legislative self-justification. I suppose the acceptance of these findings might help those who have doubts about the merits of the bill to rationalize their doubts away.

The page and a half of findings add nothing to the substance of the bill. If we accept these findings at face value, then we must admit that Congress has, in effect, become a judicial body which can, by the mere inclusion of high-sounding phrases in a bill, create a set of conditons as a justification for action in any field. This is truly an Alice in Wonderland approach to legislative action. Congress either has or has not the authority to act. Congressional power cannot be created by findings. And merely because the bill says that it is constitutional does not make this a fact. I am convinced that the Congress does not have authority under the Constitution to establish this test for qualifications of voters.

Let us take a look at some of the proposed findings written into this bill. In subsection (c) the draftsman would have the Congress find that literacy tests and other performance tests have been used to effect arbitrary and unreasonable denials of the right to vote. The Supreme Court has never made such a broad finding. In the case of Lassiter against Northampton County Board of Elections, the Supreme Court held that a State literacy test which is applied alike to persons of all races is constitutional, although the Court said that a literacy test can be administered in an unconstitutional manner. It is not fitting for the Congress to place itself in a judicial role and make a finding which in reality can be determined only through litigation in the Federal courts. In the same section it is propounded as a fact that existing statutes are inadequate to assure all qualified persons the right to vote. This is a statement which is not supported in fact, as can be seen by examination of the existing laws to protect voting rights. I will concede that they are inadequate in practice if they are not enforced, which may be the case, but they are not inadequate in substance.

In the next subsection the Congress is asked to approve a finding that it is unreasonable to deny any person the right to vote as long as he has a sixth-grade education. It is not for the Congress to decide what is or is not an unreasonable qualification for voting as long as the qualification is administered without discrimination. Under the Constitution the States have the right to set any reasonable literacy qualification they choose, as long as the requirement is applied fairly and without discrimination to everyone.

The next finding is rather unusual and I must confess that I cannot understand why a patently discriminatory provision is put in a bill which is supposedly designed to eliminate discrimination. This finding is that Spanish-speaking citizens who are not proficient in English are nevertheless well qualified to vote. There are a great many members of other nationality groups throughout the Nation who may be quite literate in their mother language but are not proficient in English. These groups are not mentioned in this finding, and presumably they were of no concern to the drafters of the bill. Personally, I think that it is a reasonable requirement that a prospective voter be able to read and understand the English language. My point is that it is rank discrimination to fail to recognize that people of Hebrew, Polish, Italian, German, Chinese, or other foreign extraction also have foreign-language newspapers available to them and should be treated in the same manner as citizens of Spanish extraction.

In the last legislative finding, the author of the bill apparently thought that he could prove the constitutionality of the bill by citing the constitutional provisions on which he bases the authority of Congress to act. It is rather strange that the constitutional provisions relied upon should be set forth in the bill. It reminds me somewhat of a little boy who is whistling as he walks through a graveyard on a dark night. The whistling does not keep the spooks away, but it does give him a feeling of security. Here the recital of these constitutional provisions does not give the Congress the power to act, but perhaps it made the draftsman feel a little less intellectually dishonest. In the same section it is also stated that the Congress has a duty to provide against the abuses which presently exist. The Congress provided against any such abuses many years ago and more than amply added to these remedies by passage of the Civil Rights Acts of 1957 and 1960. Rather than agreeing to the proposition that Congress has a duty to take action now, the Congress should say that the Attorney General has the duty to enforce the existing laws and that individual citizens have the duty to themselves and to their fellow citizens to utilize existing remedies to protect their constitutional rights.

If we accept the premise that the Congress can expand its authority at will by writing findings and preambles in bills, there will be no limit to the powers which can be assumed by the Federal Government.

There should be no question about the authority of the States to establish reasonable qualifications for voters. The Congress does not have the authority to establish a test for voting qualifications as is being attempted in the pending measure. The Constitution clearly leaves this field to the States. In article I, section 2, the qualifications prescribed by the States for electors of the most numerous branch of their legislature are adopted by the Constitution as the qualifications required for voting for Members of the House of Representatives. This principle of State authority was reiterated by the Congress when it approved the 17th amendment. The proponents of this bill rely on article I, section 4, as partial authority for the Congress to establish a uniform test for literacy. It is rather farfetched to say that the constitutional grant of authority to Congress to regulate the "times, places and manner of holding elections" authorized the Congress to establish qualifications for voting. In section 2 of the same article, the authority to establish qualifications for voting was specifically left with the States. Certainly the authors of the Constitution did not mean to nullify by section 4 the power spelled out shortly before in section 2. We must accept the plain meaning of the words "manner of holding" and not distort them to mean something they obviously do not.

Only a few weeks ago the Senate by its action in rejecting the effort to abolish the poll tax by statute and approving a proposed constitutional amendment, reaffirmed its belief in and support of the principle of State responsibility for establishment of qualifications for voters. If the Senate approves this proposal it will do violence to the principle which it so recently reaffirmed.

It is also argued that the Congress has the authority to act under the 14th and 15th amendments to the Constitution. Under the terms of the 14th and 15th amendments, the Congress is limited to consideration of legislation designed to prevent or redress State action which is discriminatory in nature. There must be some showing in this situation that literacy tests, per se, are discriminatory because of race or color. This would be completely contrary to a line of Supreme Court decisions dating back to 1898. In the case of Williams against Mississippi in that year, the Supreme Court held that a provision in the Mississippi constitution, making ability to read any section of the constitution, or to understand it when read, a necessary qualification to vote, does not constitute a denial of the equal protection of the law guaranteed under the 14th amendment if the provision does not on its face discriminate between whites and Negroes. The Court said that the constitution of Mississippi and its statutes "do not on their face discriminate between the races, and it has not been shown that their actual administration was evil, only that evil was possible under them."

In the case of Guinn against United States, which was brought under the 15th amendment, the Court in effect said that the States were left with the power to determine the qualifications of their voters and that a State may establish a literacy test as a requirement for voting provided that the test applies alike to all citizens of the State without discrimination as to race, creed, or color. The Court in that case stated:

> Beyond doubt the amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals.
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> No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted (*Guinn* v. *United States*, 238 U.S. 347, 362, 366).

The most recent case upholding the validity of State literacy tests, Lassiter against Northampton County Board of Elections, merits careful study by the Members of the Senate in connection with their deliberations on this bill. I wish to quote at some length from this decision. Justice Douglas, who spoke for the unanimous Court, said in the course of the opinion:

> We come then to the question whether a State may consistently with the 14th and 17th amendments apply a literacy test to all voters irrespective of race or color. The Court in *Guinn* v. *United States*, *supra*, at 366, disposed of the question in a few words, "No time need be spent on the question of the validity of the literacy test considered alone since, as we have seen, its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision and, indeed, its validity is admitted."
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> The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised, *Pope* v. *Williams* (193 U.S. 621, 633); *Mason* v. *Missouri* (179 U.S. 328, 335), absent, of course, the discrimination which the Constitution condemns.
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> Article I, section 2, of the Constitution in its provision for the election of Members of the House of Representatives and the 17th amendment in its provision for the election of Senators provide that officials will be chosen by the people.
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> Each provision goes on to state that "the electors in each State shall have the qualifications requisite for electors of the most

> numerous branch of the State legislature." So, while the right of suffrage is established and guaranteed by the Constitution (*Ex parte Yarbrough* (110 U.S. 651, 663–665); *Smith* v. *Allwright* (321 U.S. 649, 661–662)) it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed. See *United States* v. *Classic* (313 U.S. 299, 315). While section 2 of the 14th amendment, which provides for apportionment of Representatives among the States according to their respective numbers counting the whole number of persons in each State (except Indians not taxed), speaks of "the right to vote," the right protected "refers to the right to vote as established by the laws and constitution of the State", *McPherson* v. *Blacker* (146 U.S. 1, 39).
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> We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record (*Davis* v. *Beason* (133 U.S. 333, 345–347)) are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society, where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise (cf. *Franklin* v. *Harper* (205 Ga. 779, 55 S.E. 2d 221, appeal dismissed 339 U.S. 946)). It was said last century in Massachusetts that a literacy test was designed to insure an "independent and intelligent" exercise of the right of suffrage (*Stone* v. *Smith* (159 Mass. 413–414, 34 N.E. 521)). North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards.
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> Of course a literacy test, fair on its face, may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot. No such influence is charged here. On the other hand a literacy test may be unconstitutional on its face. In *Davis* v. *Schnell* (81 F. Supp. 872, aff'd 336 U.S. 933), the test was the citizen's ability to "understand and explain" an article of the Federal Constitution. The legislative setting of that provision and the great discretion it vested in the registrar made clear that a literacy requirement was merely a device to make racial discrimination easy. We cannot make the same inference here. The present requirement, applicable to members of all races, is that the prospective voter "be able to read and write any section of the constitution of North Carolina in the English language." That seems to us to be the one fair way of determining whether a person is literate, not a calculated scheme to lay springes for the citizen. Certainly we cannot condemn it on its face as a device unrelated to the desire of North Carolina to raise the standards for people of all races who cast the ballot.

In recent years we have heard much public lamentation about the terrible effect of literacy tests and how they are used to prevent Negroes from voting. If the situation is as bad as the proponents of so-called civil rights legislation would have us believe, I should think that cases would have been processed or pending in Federal courts throughout the South. Such is not the case. This lack of legal action makes me very suspicious of the many charges which are constantly aired in the northern press about discrimination in voting in some of the Southern States.

The Senate is being urged to accept the thesis that there are no adequate safeguards to prevent discrimination through use of literacy tests. Nothing could be further from the truth. Under the provisions of the 1957 Civil Rights Act, the Attorney General can bring suit to enjoin discriminatory use of a literacy test by State election officials. The individual citizen who feels that he is being discriminated against because of his race can bring suit in his own name to enjoin discriminatory practices by the election officials. If it can be shown that there is a longstanding pattern of discrimination in a certain area, voting referees can be appointed under the 1960 Civil Rights Act. It should be obvious to the disinterested observer that this is a sham battle. A dearth of legal action under existing statutory remedies indicates to me that the allegations about discrimination in voting which we read about and hear about so much in this body and in the northern press cannot be backed up by facts in a court of law.

It is inconceivable to me why the Attorney General in his eagerness to have this proposed legislation passed, has not shown a similar eagerness in applying all of his rights and powers under the 1960 Civil Rights Act; why referees have not been appointed, why many suits have not been brought, if there has been this discrimination. It seems to me that one should always exhaust remedies under existing law before going to a higher body for relief, and that that principle should apply in these cases.

It is not fitting for the Senate to attempt to take over the functions of the courts, even though some of our courts have assumed the role of the legislature on some occasions. That is my opinion. Because they have done so is not excuse for the Senate assuming the judicial role.

The Federal courts throughout the land are open and functioning and this is where disputes involving constitutional rights of our citizens must be litigated, not the U.S. Senate. The legislative branch of the Government has enough to do in maintaining its integrity from encroachments from other branches of the Government without attempting to take over a function which properly belongs in the judicial branch of the Government.

The proposal being urged upon this body, if adopted, would constitute one of the gravest violations of States rights I have witnessed since I have been a Member of the Senate. At a later time I will discuss the effect which passage of this measure would have on the 21 States which require literacy tests. Arkansas is not one of these States. My concern is, however, for all 50 States which would lose if this proposal is enacted. The precedent which would be set would serve to justify further curtailment of the powers left to the States under the Constitution. Next year we may be called upon to pass a bill to establish a uniform residency requirement for voting. Once the door is opened it will be impossible to prevent passage of other measures to homogenize the States.

It is a dangerous thing for the Congress to tamper with a fundamental principle of our system of Government merely to cater to a minority pressure group. We have seen even in the past that these pressure groups are steadily shifting.

Discrimination and bias cannot be legislated away no matter how many bills we pass. Problems in this delicate area of human relationships can be solved only through education and the slow conversion of the human mind and heart. As much as all of us would like to rid the world of sin, corruption, greed, and other vices, we must recognize that there is a limit to what a legislature can, and should, attempt to do. If we could eliminate discrimination through legislation we might as well enact the Golden Rule. Those of us from the South do not profess to have the answers to all of the problems, including discrimination, which exist in New York, Chicago, or Philadelphia; and, by the same token, we do not believe that the Representatives and Senators from these areas have the answers to our problems—certainly not through measures such as that presented to the Senate at this time.

This bill is another example of a long line of punitive measures directed primarily at the people of the Southern States, promoted by those who know or care nothing about finding a workable solution to the peculiar problems which exist in our section.

I urge that the Senate reject this drastic and unconstitutional proposal.

Mr. HUMPHREY. Mr. President, I invite the attention of Senators to an editorial published in this morning's New York Times in support of the literacy test legislation which is now being considered. I believe the editorial puts us back on the track as to the basic issue which the Senate is considering. I hope that the reasonableness and logic of the editorial will encourage Senators who oppose the measure to reconsider their position and to join hands with the majority of the Senate in making it possible to take favorable action upon the literacy test proposal.

Mr. President, I ask unanimous consent that the excellent editorial published in the New York Times today be printed at this point in the RECORD. I believe the editorial states the case of the pending amendment as succinctly and persuasively as any item I have read or any argument I have heard.

Mr. FULBRIGHT. Mr. President, reserving the right to object, does the Senator from Minnesota know that another great newspaper in New York City, a newspaper of a different persuasion, has taken an almost exactly opposite approach to this question? Is that not so?

Mr. HUMPHREY. I understand that that is true.

Mr. FULBRIGHT. So even in New York, the editorial comment is equally divided on the question; by no means is there unanimity in the metropolitan press of New York City. Is not that correct?

Mr. HUMPHREY. There may be an equal division of opinion in terms of one newspaper versus another newspaper. It is all a question of how one values the editorial content. I can only say to the good Senator from Arkansas that the editorial I read in the New York Times makes so much sense, is so logical, and, as I said, is so persuasive in its substance and content, that I feel it is the sort of material which could shed considerable light upon the measure now before the Senate.

Mr. FULBRIGHT. Is there any reason or evidence whatever to lead one to believe that the writer of the editorial in the New York Times was in any way qualified to pass upon the constitutionality of the measure which is being considered by the Senate? Can the Senator from Minnesota supply us with that information?

Mr. HUMPHREY. One American citizen is probably as well qualified as another——

Mr. FULBRIGHT. He is as well qualified as the editorial writer of the New York Times; with that statement, I agree.

Mr. HUMPHREY. One American citizen is probably as well qualified as another citizen to pass upon what is constitutional, until the question reaches the courts.

Mr. FULBRIGHT. Does the Senator from Minnesota know whether the editorial writer of the New York Times has been subjected to a literacy test? Does the Senator know what the editorial writer's qualifications are?

Mr. HUMPHREY. It is to be presumed that not only would the writer of a New York Times editorial be able to pass a literacy test, but that he would also be the kind of man who would have the respect, esteem and admiration of one of the ablest, most intelligent, and outstanding Members of the U.S. Senate; namely, the distinguished Senator from Arkansas [Mr. FULBRIGHT].

Mr. FULBRIGHT. The Senator from Minnesota is very kind. In view of that statement, I shall not object to his request.

Mr. KEATING. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. KEATING. Reserving the right to object—and I shall not object——

Mr. HUMPHREY. I thank the Senator from New York; I shall reserve a compliment for him.

Mr. KEATING. I have read the editorials which have been referred to. I have sat here today and listened to the repeated references to New York made by the Senator from Arkansas and, earlier, by the Senator from North Carolina [Mr. ERVIN].

I have refrained from replying to those statements, because I am hopeful that it will be possible for the Senate to reach a vote soon on the measure which is before us. Sometimes it is said that one engages in colloquies merely for the purpose of delaying a vote. Therefore, I have not responded. However, I do wish to comment on the two editorials.

I disagree with the editorial published in the New York Herald Tribune. I agree with the editorial published in the New York Times. I stress that both newspapers are great papers and are widley read and respected in New York State and throughout the Nation.

I may say to the distinguished Senator from Arkansas that while these two newspapers may differ on the constitutionality of the measure before the Senate—and I agree with the Senator from Minnesota that this is a question to be determined by the courts—both of those fine newspapers—and, so far as I know, all the other newspapers published in the great city of New York—favor the enactment of legislation to further strengthen the civil rights of all of our citizens.

We are hearing a great furor about a little literacy bill, which is only a tiny step toward insuring full rights for citizens. I do not contend that the opponents of the measure are not acting in good faith; but there may be some feeling that a big, vigorous opposition to this limited and inadequate measure will prevent the enactment of substantial civil rights legislation at this session, including even the literacy test bill, which proposes to take a tiny step, and is good as far as it goes.

However, because the New York Times editorial and the editorial in the New York Herald Tribune have been the subject of previous references, I assure the Senator from Arkansas and all other Senators that I feel certain, as the result of their previous editorial positions, that all of the newspapers of New York are united in their belief that further legislation is needed to protect the civil and human rights of American citizens in consonance with the Constitution of the United States.

Mr. FULBRIGHT. Mr. President, will the Senator from New York yield?

Mr. KEATING. I do not have the floor.

Mr. HUMPHREY. Mr. President, I am happy to yield to the Senator from Arkansas.

Mr. FULBRIGHT. If I recall correctly, the Wall Street Journal, which is a rather well known newspaper, published editorial comment somewhat critical of the procedure being followed in the Senate. There is much doubletalk on this question. As I have said, Arkansas has no literacy test. This measure would not affect my State. What is being trifled with is the Constitution, which very clearly leaves this right to the States. My State would not be affected by the pending measure. So far as I am entitled to speak on the question, my view is that we are trifling with the Constitution.

If I recall correctly, the Wall Street Journal, the New York Herald Tribune, and other newspapers, as well, raise the question of the procedure which is being followed and the rather offhand, casual manner in which the Constitution is being ignored. That is what is involved. It is not that there is objection to letting people vote. I have read the statistics. I believe that in my State, and in most of the other States, with a few local exceptions, there is a free and equal right to vote. There are certain exceptions. As the Senator from New York knows, in certain sections of the great city of New York, there is some difficulty in enforcing the law against robbery, murder, and rape, just as there is in Washington, D.C. Conditions have become so bad in Washington, the Capital City, that there are areas where people dare not walk out at night.

We know there are also areas where there is not proper enforcement of the right to vote. But these are problems for solution by the local authorities, and for the Federal authorities to pursue under existing laws.

What we are saying seems to be misunderstood. We are pointing out that the advocates of this measure are attempting to disregard the Constitution itself—a most serious matter.

Only recently the Senate said it should not trifle with the Constitution in the case of poll taxes, even though only five States were involved. I do not know how the Senator from New York voted on that measure, but at least a majority of the Members of the Senate voted to proceed by way of constitutional amendment, and thereby the Senate followed proper procedure. It was proper procedure, I say, regardless of how I felt about the proposal then before the Senate. I did not approve of the measure which was passed, but at least a proper procedure was followed.

So when the Senator from New York refers to this measure as "a little literacy bill," I point out that the bill is not little at all, for it would rape the Constitution; and that is a most important consideration.

So far as the bill itself is concerned, I am in an excellent position to comment on it, because the bill would not affect my State one iota.

Mr. KEATING. Mr. President, will the Senator from Minnesota yield?

The PRESIDING OFFICER (Mr. BURDICK in the chair). Does the Senator from Minnesota yield to the Senator from New York?

Mr. HUMPHREY. I yield.

Mr. KEATING. The Senator from Arkansas, like other Senators who share his views of the issue before us and who have participated in this debate, talks about the Constitution. But I point out that this group of Senators is talking about the Constitution of 1789, not the Constitution of 1962, of which the 14th and 15th amendments are as important parts as are the original provisions of section 1, article IV. The Senator from Arkansas and the other Senators who share his view have constantly referred to qualifications for voting, and have said that the Constitution provides that the qualifications for voting shall be set by the States. That is true; there is no question about it.

But the Constitution also provides—and this provision has equal force and effect—that no State shall deny the right to vote because of race, color, or previous condition of servitude. This provision has been in the Constitution for 100 years. But the Senator from Arkansas and other Senators persist in talking about the Constitution as if we were the Founding Fathers living generations ago and as if we were now dealing with the Constitution for the first time. Certainly there is more to the Constitution than that.

Mr. FULBRIGHT. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. FULBRIGHT. The Senator from New York is entirely mistaken. The 17th amendment came much later; and it was only in 1959 that the decision in the Lassiter case—a very recent case—was handed down, thus confirming this whole theory. So I do not think the Senator from New York is at all correct when he says we are talking about the early Constitution. Instead, we are talking about the Constitution of today, as interpreted by the Supreme Court within the last 3 years.

What has happened in connection with the Constitution since the Supreme Court's decision in the Lassiter case? I do not see that there has been any subsequent development of importance in connection with the interpretation of this part of the Constitution.

I do not understand how the Senator from New York is entitled to say that we are talking about only the original Constitution; and this principle has been reaffirmed from time to time since then.

But if it is desired to change the Constitution, why not propose a constitutional amendment to change it, as was done in the poll tax case? I do not think the procedure now proposed is at all proper.

Furthermore, there are no printed hearings and there has been no consideration as to whether a sixth-grade education is sufficient.

I used to be a professor—not only in Arkansas, but also in Washington, D.C. In Washington, D.C., I taught at the George Washington University Law School. Many of those who attended classes at the George Washington University Law School—which is not a bad law school—had had 2 years of college education. But many of them were hardly literate, could barely understand what they were reading, and had difficulty writing a legible sentence. In short, there is a great difference of opinion as to whether a sixth-grade education makes one literate.

However, it is important for all Senators to realize that the very serious proposal now before the Senate does not have adequate support in terms of printed hearings available for our study. Yet certainly this proposal is a very important one for all of us.

I know that on occasion the Senator's party, at least, used to state that the States were laboratories; that thus we have 50 laboratories; and that there is great merit in allowing diversity as between them.

We have complained about the action of the Russian Government in imposing conformity upon all persons under its control, and about the Russian Government's requirement that all persons follow the policies and views of the Kremlin. On the contrary, we have stated that one of the virtues of our country is that it has 50 different States, and that some of them can move forward because they have initiative and imagination in their leadership, and others fail to do so.

Under such circumstances, why do some Senators now seek to impose uniformity on the entire Nation—inasmuch as one of the great qualities of our country has been diversity? It is said that Americans understand and value the importance of diversity, as compared with absolute unity; whereas the Russian Government insists upon absolute unity, and will not allow the slightest diversity.

But the measure now under consideration is an attempt to make all our States exactly the same, so that our country will have a homogenized society—in short, to make sure that all who vote shall have a sixth-grade education. I suppose that following the passage of such a law, a sixth-grade education would soon be accepted as the limit, and very likely it would be considered that no one need obtain more than a sixth-grade education—with the result that all would be equal at that low level of education.

Mr. KEATING. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I shall yield; but, first, I wish to say that I did not realize that by being complimentary, one could stir up such an intellectual ferment.

Mr. KEATING. The Senator from Minnesota began it by discussing flowers. [Laughter.]

Mr. HUMPHREY. Yes. For some reason I seem to be a catalytic agent.

Mr. KEATING. Yes; the Senator from Minnesota is many good things, and that is one of them.

Mr. HUMPHREY. I thank the Senator from New York; and, after that compliment by him, I yield to him.

Mr. KEATING. I must answer the Senator from Arkansas.

So far as I am concerned, the States could fix—within reason—any test for literacy; let the States do it. But they must administer the test fairly, in dealing with all citizens, for all have an equal right in that connection.

But the volumes of evidence which have been accumulated show, that often when a person with black skin and a person with white skin walk to a polling place and answer the literacy test questions in the same way, the person with black skin is not allowed to vote, but the person with white skin is allowed to vote. The issue in the United States today is just that simple; and that is what this bill is designed to deal with.

Furthermore, I must add that the Senator from Arkansas must be misinformed when he states that no hearings were held. We have a volume of hearings, and I think the printed record was made available yesterday. Our Constitutional Rights Subcommittee held hearings for hours and listened to many witnesses, and there is a large volume of testimony.

Obviously—the situation being what it is—it is not possible to report a bill from the Committee on the Judiciary.

Mr. FULBRIGHT. Cannot the hearings be printed, then?

Mr. KEATING. They are printed, and I understand that they were made available either yesterday or today.

Mr. FULBRIGHT. I have not seen a volume of hearings placed on my desk.

Mr. KEATING. I was told that they were available yesterday. At any rate, the hearings are voluminous, and certainly the printed hearings will be available on Monday, at least—and I understand that we can reasonably expect that the bill will still be under consideration by the Senate on Monday.

Mr. HUMPHREY. I think the Senator from New York is not guilty of exaggeration when he expresses such an understanding.

Mr. FULBRIGHT. Mr. President, will the Senator from Minnesota yield again to me?

Mr. HUMPHREY. I yield.

Mr. FULBRIGHT. I wonder why in the bill a special provision is included for Spanish-speaking persons, but not for persons who speak Polish or for persons who speak Italian. There are some very fine Italian-speaking citizens in Arkansas. Why is this special provision not broadened to include other nationalities? Is it for the benefit of the Puerto Ricans in New York State?

Mr. KEATING. I shall state the theory behind this bill, drawn up by the Attorney General. I did not draw up the bill; it was drawn up by the Attorney General. It was felt that all States or Territories of the United States which have well established schools should be on the same footing. The bill has no provision about Spanish-speaking citizens, so far as I recall. The bill deals with those who complete a sixth-grade education in any State or in Puerto Rico.

Mr. HUMPHREY. That is correct.

Mr. KEATING. The bill contains no reference to ability to speak Spanish or ability to speak Italian or ability to speak any other language.

Obviously, as to a foreign country there might be a different rule, in the case of those who had finished a certain amount of education in a foreign country; and I can see how it would be very difficult, in that connection, to include a satisfactory definition in a piece of legislation.

Mr. FULBRIGHT. Let me make one further observation in connection with the first statement by the Senator from New York about enforcement of the law. He continues to talk about the need for better enforcement of the existing laws. Of course I do not disagree as to that; I think there should be. But I believe that in this particular respect he is confusing the function of the legislature and the function of the executive.

This bill is not going to cause the laws to be enforced any better than they are enforced now, unless the Attorney General rouses himself and unless the Department of Justice rouses itself, with the result that they enforce the laws which now are on the statute books.

But I do not think the Senator from New York can say in all good faith and conscience that the Attorney General does not now have in his grasp some very powerful tools.

Mr. KEATING. I concede that; and in his testimony before our subcommittee the Attorney General virtually conceded that—if, at the end of another 20 years or 30 years, or so, he might be able to bring enough lawsuits to insure that all citizens would be allowed to exercise their right to vote. But his point is that he has one case pending now in which, I think he said, he had 83 witnesses to insure that one person, or a group of persons, involved in the lawsuit, would have the right to vote.

If the facts which I cited a moment ago were shown, namely, the use of a literacy test to bring about discrimination in voting, I concede to the Senator that that fact would give the Attorney General certain rights under existing legislation. However, this is a long, slow process in the courts in certain areas of our country, and it requires an inordinate amount of work on the part of the Attorney General to see to it that no person is deprived of his right to vote. I do not think he should have to do that for every single person. There should be legislation along general lines. I am not wedded to the exact provisions of this bill, but there should be legislation which lays down a rule so that election officials who are determined to defy the Constitution of the United States will not be permitted to deny people the right to vote.

Mr. FULBRIGHT. I invite the Senator's attention to page 2 of the bill which has been offered as an amendment, beginning on line 16:

> that such information as is necessary for the intelligent exercise of the franchise is available through Spanish-language news sources; that lack of proficiency in the English language provides no reasonable basis for excluding these citizens from—

And so forth. I was asking why the Spanish language was selected. Other languages were not selected.

Mr. KEATING. That language is contained in the findings; it is not a part of the legislation which sets forth the sixth grade as the standard. That language reads:

> Anyone who has completed the sixth primary grade of any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico.

I presume the reason why that language is in the findings in the first part of the bill, which follows in general the findings of the Civil Rights Commission, is that in Puerto Rico, Spanish is the language spoken.

Mr. FULBRIGHT. How about New York? Do the Puerto Ricans speak Spanish in New York City?

Mr. KEATING. No; most of them do not, but a great many do. It applies to other parts of the country also.

Mr. FULBRIGHT. I wondered about it. There are very few, if any, Spanish-speaking citizens in my State.

Mr. HUMPHREY. Mr. President, if the Senator will yield, I think it is due to the inclusion of Puerto Rico in the language which states, "any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico."

Mr. FULBRIGHT. I have been told there are many Italians in New York City, too.

Mr. KEATING. I may add that, to a lesser degree in number, in areas bordering on Mexico, there are citizens who speak the Spanish language.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Minnesota that the editorial be printed?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE RIGHT TO VOTE

> Southerners, and not only southerners, are making a constitutional argument against the literacy test bill now before the Senate. The argument rests on two propositions: (1) the Constitution gives the States absolute power to fix qualifications for voting, free from any Federal restraint; and (2) the proposed legislation would impinge on the States rightful exercise of their power. We disagree on both points.
>
> The Constitution does provide, in section 2 of article 1, that voters for Congress shall have the qualifications fixed by each State for electors of the most numerous house of its legislature. But this provision, like all others in the Constitution, is subject to the overriding limitations imposed after the Civil War in the 15th amendment. The 15th amendment says that the right to vote shall not be denied or abridged on account of race or color. And it gives Congress the power to enforce that sweeping command by appropriate legislation.
>
> No one would contend that a State's power to fix voting qualifications would allow it crudely to limit the franchise to whites. Of course the 15th amendment prevents that. But the amendment, as the Supreme Court has said, outlaws sophisticated as well as simple techniques of racial discrimination.
>
> Attorney General Kennedy has testified—and there are volumes of evidence to support him—that the literacy test is today the principal device used to disfranchise Negroes in the South. Everyone knows the familiar stories of Negro college graduates being found illiterate because they did not pronounce a word or interpret a constitutional provision to the satisfaction of a registrar.
>
> The proposed legislation is designed to prevent discriminatory use of such subjective oral or written tests of literacy. It provides that in any State which imposes such tests, education through six grades shall be proof of literacy. The sixth-grade standard was chosen because official and expert studies show that virtually everyone at that level is formally literate.
>
> The bill would leave the States free to impose their own educational qualifications for voting. They could require three grades of schooling, or they could make voters have a college degree. Those are objective qualifications, applicable to white and Negro alike. What a State could no longer do is adopt the vague standard of literacy and then apply it unequally to citizens of different color.
>
> That this would be appropriate legislation to enforce the 15th amendment can hardly be doubted in the light of history. It is time to put aside specious legal arguments and consider the real issue before the Senate and before the country—the right of Negroes to vote.

Mr. HUMPHREY. Mr. President, I am pleased we have had this exchange of views on the important subject of the amendment in the nature of a substitute proposed by the majority leader and minority leader, the so-called literacy amendment.

The editorial to which I referred makes a sound case. It recognizes the fact that the Constitution provides, in section 2 of article I:

> That voters for Congress shall have the qualifications fixed by each State for electors of the most numerous house of its legislature.

The editorial goes on to point out that this particular article of the Constitution, like other articles, was modified by subsequent amendment. For example, the editorial states:

> The 15th amendment says that the right to vote shall not be denied or abridged on account of race or color. And it gives Congress the power to enforce that sweeping command by appropriate legislation.

That is what the pending amendment, offered by the majority and minority leaders, seeks to do. This is the appropriate legislation to enforce the provisions of the 15th amendment.

> No one—

As the New York Times editorial points out, and as many Senators in the debate have pointed out—

> would contend that a State's power to fix voting qualifications would allow it crudely to limit the franchise to whites.

It is the purpose of the 15th amendment to prevent just that situation; but the amendment, as the Supreme Court has said, also outlaws sophisticated as well as simple techniques of racial discrimination.

The Senator from New York was speaking of certain sophisticated techniques of racial discrimination. The Attorney General's testimony, for example, revealed that there were volumes of evidence to support the contention that the literacy test is today the principal device used to disfranchise Negroes in the South. Everyone knows the familiar stories of Negro college graduates being found illiterate because they did not pronounce a word or interpret a constitutional provision to the satisfaction of the registrar.

The editorial continues:

> The proposed legislation is designed to prevent discriminatory use of each subject of oral or written tests of literacy. It provides that in any State which imposes such tests, education through six grades shall be proof of literacy.

This is an important observation of a newspaper that has gained fame for its knowledge of education matters. The editorial continues:

> The sixth grade standard was chosen because official and expert studies show that virtually everyone at that level is formally literate.

Some other standard could have been chosen. The point of the amendment is that, whatever standard is set as a criterion or qualification for literacy, that standard must be applied uniformly with equal justice. There can be no direct discrimination on voting qualifications, and there can be no indirect, subtle, or so-called sophisticated discrimination that would outlaw or prevent the exercise of the ballot. That is what the issue is all about; and I think the vast majority of Americans would recognize that this is a reasonable and moderate request and proposal, and that the 15th amendment does specifically state that the mandate of that amendment, the direction of that amendment, is to be fulfilled by "appropriate legislation." That is what the pending amendment is all about. It is the "appropriate" legislation.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. KEATING. The Attorney General pointed out in his testimony that, as he interprets this bill, the State could fix the fourth grade or the fifth grade, or, indeed, the eighth grade, as the test, so long as it did not require discretion or the grading of a person based upon his performance in an examination. The stress is on what is set out beginning on line 15 of page 3 of the bill, "on account of his performance in any examination."

So if a State saw fit to say, "All right, we think the standard should be an eighth grade education," or "We think one should have a high school education before he can vote," and no test based on an examination was made, while I would not agree, the State could still fix such qualifications, according to the Attorney General's interpretation.

I do not know what educational requirement would satisfy our distinguished friend from Arkansas. Perhaps he feels that there should be a college education. I think that would go too far. Perhaps the Senator would go much further. According to the Attorney General's interpretation, the Senator need not worry, because any State could fix any qualification it wished so long as it was definite and uniform and was an objective test, and was not the subject of a test which required performance in an examination. That is where the abuses have arisen, as the Senator knows.

Mr. HUMPHREY. The Senator is correct.

Mr. President, I wish to inform the Senate that the hearings which have been alluded to this afternoon are in galley proof.

It is my understanding that copies will be available tomorrow. The hearings comprise more than 300 pages, covering testimony of witnesses both for and against the proposal before the Senate. There will be time for Senators to study them over the weekend. Any Senator who has a deep interest in this measure—and I hope all Senators have—will be able to pick up a copy of the hearings sometime tomorrow. He can study them Saturday afternoon, Saturday night, all day Sunday, and all night Sunday.

ORDER FOR RECESS UNTIL MONDAY

Mr. HUMPHREY. Mr. President, so that Senators may have some idea as to the plans for the coming week, I ask unanimous consent that when the Senate concludes its busy day—which I hope will be very shortly—the Senate may stand in recess until 12 o'clock noon on Monday.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota?

Mr. MORSE. Mr. President, the Senator asked that the Senate stand in recess?

Mr. HUMPHREY. That is correct.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. KEATING. The Senator referred to the hearings. I should be less than honest and less than fair if I did not say that the distinguished chairman of the subcommittee, the Senator from North Carolina [Mr. Ervin], whose views differ from mine as far as could possibly be imagined—they are at opposite ends of the pole—conducted the hearings with the utmost of fairness and gave to those on both sides of the controversy a full opportunity to be heard. As a member of that subcommittee, I feel I should commend the Senator from North Carolina for the manner in which he conducted these hearings. He conducted the hearings with dispatch and great fairness.

INTERNATIONAL LADIES' GARMENT WORKERS' UNION INVESTMENT IN INSURED FARM LOANS

Mr. HUMPHREY. Mr. President, I have one further item to discuss, and then I shall yield the floor, so that my good friend from Oregon may proceed.

This morning David Dubinsky, president of the International Ladies' Garment Workers' Union, met with Secretary of Agriculture Freeman to discuss the investment that Mr. Dubinsky's union is making in the development and strengthening of family type farms.

I think it is a most interesting situation when one of the large trade unions in the Nation comes to the rescue of American family farmers in regard to their credit needs. Only a week ago I addressed the Senate on the need for additional farm credit.

Many have recognized the close relationship that exists between the farmer and the industrial worker, and many have pointed out the ways in which the welfare of one depends upon the strength of the other. But what transpired today is an example of action that turns generalizations into reality. This labor union is investing pension funds to help small farmers acquire the land and other resources they need for success in modern-day farming. This is really sealing the bond of friendship.

With the permission of the Senate I wish to insert in the Record a release issued by the Department of Agriculture which describes exactly what took place. I understand that Mr. Dubinsky at the meeting announced that his executive committee had authorized the investment of $100 million in insured farm loans during the next 4 years.

I ask unanimous consent that the release may be printed in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

U.S. Department of Agriculture,
Washington, April 27, 1962.

UNION INVESTS $20 MILLION IN INSURED FARM LOANS

A labor union is investing its pension funds to help finance the development of family farms in the United States.

The International Ladies' Garment Workers' Union, AFL–CIO, is making available approximately $20 million for insured farm loans in 1962.

This action was announced today following a meeting of Secretary of Agriculture Orville L. Freeman and David Dubinsky, president of the ILGWU, in the Secretary's office.

It is the first time union funds have been invested in the insured farm loans. During the past 4 months the ILGWU has invested $7.5 million in these loans, and Mr. Dubinsky today offered to purchase an additional $12,375,000 worth.

The loans purchased to date have been made on farms in 39 States. (List of States is at end of release.)

The loans will be used to improve, enlarge, and purchase family farm, refinance farm debts, and develop water systems for farm households and for irrigation.

The loans return 4.5 percent interest to the lender. Farmers pay 5 percent interest, and a half of 1 percent is retained by the Government for insurance purposes.

"We welcome this evidence of a strong common bond between the farmer and the worker," Secretary Freeman said. "American labor has supported farm programs which are in the interest of the farmer because they are in the long-range interest of all people. A healthy family farm economy means an abundant supply of food and fiber, and the family farmer has made food one of the greatest bargains in the marketplace today.

"Both the farmer and the worker support those efforts which contribute to a strong national economy. In this case, the ILGWU has made an investment in building a strong farm economy," the Secretary said.

President Dubinsky commented that "We are well aware of the tremendous amounts of industrial products consumed by farm families. We also are delighted to play a part in strengthening and maintaining the independent family farm system upon which our Nation was founded.

"We are especially pleased that this is being done with reserves from pension funds contributed by employers as a result of collective bargaining agreements."

Insured loans are made and serviced by the Farmers Home Administration. The insured notes are sold to private investors. The Government collects the principal and interest payments when due and forwards the receipts to the lenders. Lenders agree to hold the notes for at least 3 years. If borrowers default, the Government agrees to make the payments.

Banks, insurance companies, trust funds, and retirement funds have previously been the principal investors.

The insured loans program was started in 1947. Since that date more than $390 million has been invested. Repayments of principal have totaled $100 million. Losses have amounted to less than one-tenth of 1 percent.

Applications for insured loans are made at the county offices of the Farmers Home Administration.

Supervision in farm and home management is provided by the Farmers Home Administration with each loan.

Insured loans are made only when a farmer is unable to obtain the credit he needs from other sources.

States in which loans have been made with ILGWU funds are: Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

Mr. HUMPHREY. Mr. President, in the year 1962 the International Ladies' Garment Workers' Union has made available approximately $20 million for insured farm loans. This is the first time that union funds have been invested in the insured farm loans. During the past 4 months the ILGWU has invested $7.5 million in these loans, and Mr. Dubinsky today offered to purchase an additional $12,375,000 worth.

Loans purchased to date have been made on farms in 39 States.

The loans return 4.5 percent interest to the lender. The farmers pay 5 percent interest, and one-half of 1 percent is retained by the Government for insurance purposes. Members of the Senate, of course, know that the insurance provisions referred to were authorized in the Farmers Home Administration Act of 1947. Since that date more than $390 million has been invested in farm insured loans, and repayments of principal have totaled $100 million. Losses have amounted to less than one-tenth of 1 percent, and there has been a rather good return on the interest. There is a charge of one-half of 1 percent which goes into the guaranty loan fund to take care of any losses.

Applications for insured loans are made at the county offices of the Farmers Home Administration

Supervision in farm and home management is provided by the Farmers Home Administration with each loan.

Insured loans are made only when a farmer is unable to obtain the credit he needs from other sources.

Mr. President, I compliment the International Ladies' Garment Workers' Union for this statesmanlike act of cooperation between the farmer and the worker. This will be a sound investment of pension and welfare funds.

It is refreshing, after we have heard so much criticism over the years about the practices of a very limited number, in and out of the labor movement, with regard to health and welfare funds—which practices led to corruption or misuse of funds—to now learn that one of the great unions of our country, under enlightened leadership for years in the persons of Mr. Dubinsky and his fellow officers, has wisely made available pension and welfare funds of workers for investment purposes in farm loans for family farmers, to aid particularly the young farmer who comes to agricultural production with heavy requirements for machinery and land. I salute this union. I am very happy it has set an example for others to follow.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. MORSE. Mr. President, I had planned to speak briefly on this occasion about two unrelated subject matters—lumber and liquor—but I have been so inspired by the colloquy which has taken place on the pending measure that I think I shall preface those two speeches with a brief comment on a third subject. This deals with the matter of what ought to be the qualifications by law for the privilege of voting.

I share the point of view that there should be no educational qualifications at all. I think buried in the committee somewhere there is the Morse bill, which I have introduced on several occasions, which would remove any restrictions so far as educational qualifications are concerned in the exercise of the precious guarantee of freedom which is the right of the franchise.

I shall vote for the pending proposal, if given an opportunity to vote upon it, but I should prefer to have no educational requirements at all. I think it is a basic fallacy to assume that unless one has the equivalent of a sixth grade education he or she is not qualified to pass judgment upon the qualifications of politicians, or upon any other issue which may appear on the ballot.

I point out that those who do not have a sixth-grade education are taxed. We hold them responsible for all other Government obligations. I seriously question the soundness of the philosophy of any proposal which would impose an educational requirement upon voters.

I raise the question as to how sure we can be that meeting some educational standards would make a voter better qualified to exercise the right of citizenship.

I make that statement as an old teacher, and as the chairman of the Education Subcommittee of the Senate Committee on Labor and Public Welfare. I believe in more support for educational institutions, as the Senate well knows. In fact, the subcommittee of which I am chairman recently completed public hearings on S. 2826, the Improvement of Educational Quality Act, which seeks to provide aid to the teaching profession of this country by way of advanced training institute programs, scholarships, and other assistance to enable them to become even better teachers.

I do not, however, think an educational standard is a proper standard to lay down in determining whether or not a free man or woman should have the right to vote. I am not sure that any such standard would result in an improvement in the exercise of voting judgment.

I take note of the fact that in India approximately 90 percent of the voters would be considered illiterate by the standards set forth in the bill. It does not follow that the people of India are politically illiterate even though they might be designated as educationally illiterate in accordance with standards such as are set forth in the bill. I take note of the fact that in a great many countries whose citizens attained the right to vote after decades of long struggle, a much higher percentage of people than in the United States exercise their right to vote.

There is something basically unfair about an arbitrary standard such as is proposed and such as exists in a good many of the State laws now on the books.

Let us not forget that the people who do not meet these arbitrary educational standards either in the bill or in some State statutes are the product of all of us. If a considerable number of people in our country do not have the equivalent of a sixth grade education, we should not jump to the conclusion that this is their fault. We should take a look at ourselves and ask ourselves this question, "To what extent am I partly responsible for the fact that we have not developed the educational resources and services of our country to the point that the number of those who do not have the equivalent of a sixth grade education is not reduced far below the number that presently exists?"

I ask Senators to reflect on what I think is a major question in the present discussion. Is it true that merely because Tom or Mary does not have the equivalent of a sixth-grade education, he or she is really not qualified to determine who shall be their U.S. Senator, Representative, or any other elective official? If the conclusion is that such a standard ought to be imposed, I challenge the precedent, for I have known many an intelligent but illiterate person. I think it is too bad that in so many cases much talent has been wasted. Too often these men and women are the victims of circumstances.

Many of us who came up from the grassroots of America, or whose ancestors were part of the grassroots of America, do not have to look very far back along our family tree to recognize that some of the finest American stock never entered the sixth grade classroom or for that matter any classroom at all.

My father was an uneducated man—bless his memory—but one of the most intelligent I have ever known. He was self-educated in the sense that he enlightened himself. He came up the hard way. He knew what poverty and misery were. As I read the bill, I am not so sure whether under its provisions he would be allowed to vote. But I knew him to be smarter than most of the politicians on the tickets that he had to choose from during his voting years. It is very easy for us during the course of the legislative process to lay down an arbitrary standard. We then proceed for days with debate on the assumption that that standard is a sound one upon which to base the whole debate. I query it tonight. I shall vote for the bill, but not because it contains the literary test standard. I shall vote for it only because I recognize that it is a vehicle through which we can approach another great problem which confronts our democracy.

I tried to bring out during my very enjoyable colloquy with the distinguished Senator from North Carolina [Mr. ERVIN] earlier today that, when all is said and done, the purpose of the bill is to provide a legislative vehicle which will meet the challenge that is being made, and the criticisms which have been advanced. Such a vehicle is necessary in order to assure full first-class citizenship privileges to many colored people in this country who, it is alleged, are denied voting privileges at the present time by very arbitrary practices.

I would much prefer a vehicle which does not lay down an arbitrary standard. I would rather, in the case of those able and intelligent though illiterate citizens, though they cannot read or write, to have someone mark their ballots for them under proper supervision at the polling place.

If we, as a nation, have permitted an educational system to develop in which there are still many thousands of adults who cannot meet the educational standards of the bill, we ought to blame ourselves as much as those people. We have no right to impose upon them a retribution because of their lack of a formal education.

I still hold to the point of view that a free American citizen, irrespective of his or her formal education, should be allowed to vote. It is a fundamental right of citizenship which we have no real justification for denying by the imposition of arbitrary standards.

IMPROVED FOREST SERVICE POLICY FOR TIMBER PURCHASERS

Mr. MORSE. Mr. President, on January 18 of this year, I wrote to Secretary Freeman indicating my concern over the impact of Canadian lumber imports on the segment of the forest products industry in Oregon which is dependent upon national forest timber.

I was pleased when on April 18, I received an excellent letter from Secretary Freeman setting forth his agreement with me on a suggestion that I had made for improvements.

The first five paragraphs of Secretary Freeman's letter deal with a question relative to timber pricing. I had asked the Secretary to review the pricing policy. The Secretary's response must be read along with a letter from the Chief of the Forest Service dated April 24, which gives a detailed discussion of timber appraisal practices in Canada.

I ask unanimous consent that the Secretary's letter of April 18 be printed in the record followed by the letter and report from the Forest Service dated April 24. Also, I ask that there be printed three additional letters—my letter to the Secretary of Agriculture, dated January 18, a response from Assistant Secretary Welch dated February 14 and my further letter of February 27.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 18, 1962.

Hon. WAYNE MORSE,
U.S Senate.

DEAR SENATOR MORSE: This is in response to your letter of February 27 in respect to your proposal for adjustments in accelerated amortization policy for roads and for a statement on basic appraisal policy.

The objective of appraisal of national forest timber by the Forest Service is to ascertain its fair market value. In determining fair market value, the Forest Service places primary dependency upon analytical appraisal in which costs and selling values applicable to operations of average efficiency are used. Average cost and a margin for profit and risk is subtracted from average selling value to produce a residual called stumpage. Stumpage values thus indicated must take into account consideration of transaction evidence which is indicative of appraisal accuracy and purchasers' opinion of fair market value. The Forest Service, because of the limited sources for alternate purchases of raw materials by many mills in the West, strongly discounts competitive bidding effects in its consideration of transaction evidence. Nevertheless, transaction evidence is not entirely disregarded as has been advocated in the second proposal submitted by the National Lumber Manufacturers Association on February 21.

The issue over forecasting develops in connection with the selection of the price base for lumber and plywood used in appraisals. Timber is a separate commodity from logs, lumber, plywood, or pulp. The price pattern of all these commodities is related but each has its own pattern. Generally, raw materials have less price swing than do manufactured items. Thus, since the price of logs fluctuates in a much more narrow range than does the price of lumber or plywood, it is obvious that loggers and millmen do not follow the extremes of the lumber market in fixing log prices. It is also obvious that timber operators in making valuations of their own timber for income tax purposes are not relying primarily on the position of the lumber market at the time of the valuation and disregarding transaction evidence.

For many years the Forest Service has followed a policy of using a period in the past which it deemed suitable for developing the conversion return for the timber to be cut during a price period. Price periods for timber to be cut normally cover a 1- to 3-year period. In order to be more systematic, a guideline was developed to provide for use of the most recent calendar quarter for lumber prices but not below the lower quartile of the current market swing in lumber prices or above the upper quartile. The purpose of this limitation is to avoid extremes in the market swings, and not to engage in speculative forecasts of lumber prices. Use of this system does require a judgment determination of the expected price swing. This is an extremely modest forecast, the effects of which are limited to one-fourth of the total dimension estimated. It is now clear that there will be very little practical issue in 1962 over the use of the quartile system. Current indexes of lumber prices for all major species are now near or above the lower quartile.

In short, the policy of the Forest Service is to establish fair market value in its timber appraisals through the use of systematic analytical appraisal tempered with consideration of transaction evidence and also tempered by the use of judgment in determining the current position of the lumber market in respect to the swing in prices of lumber and plywood which are indicated from the study of recent price patterns.

Your proposal to permit, when feasible, amortization of estimated cost of timber purchaser road construction against one-quarter to one-half of the estimated timber sale volume introduces additional factors which have not been considered heretofore in establishing accelerated road amortization procedures. The objective of the present accelerated road amortization procedure is to eliminate risk of uncertainty of the volume of timber actually cut as compared to the estimated volume on which the appraisal and contract are based. Amortization on 80 percent of the volume is generally adequate to meet this objective. Your proposal to further accelerate road amortization is for the purpose of reducing the amount of working capital necessary for timber purchasers. We agree that it is desirable to reduce working capital requirements in connection with purchaser-built roads, which need to be constructed in advance of logging.

In line with your suggestion, the Forest Service intends, in quarterly stumpage rate adjustment sales, to permit more rapid amortization of main line road costs when it is necessary for the purchaser to construct such roads prior to logging. The purchaser in such instances will be given the option to request more rapid amortization of main line road costs subject to the understanding that the roads or segments of roads being amortized must be constructed by the purchaser and accepted by the Forest Service prior to the time the volume used to amortize such roads is cut and scaled. The necessary instruction to implement this change in policy will be issued as soon as possible.

Your interest in national forest timber sale policies and your suggestion on accelerated road amortization are appreciated.

Sincerely yours,
ORVILLE L. FREEMAN,
Secretary.

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., April 24, 1962.

Hon. WAYNE MORSE,
U.S. Senate.

DEAR SENATOR MORSE: We are glad to enclose a report on "Stumpage Prices and Pricing Policies in British Columbia." The Forest Service made this study because of widespread concern over the effect of Canadian lumber imports, primarily from British Columbia, on the lumber industry in the United States. Stumpage prices have been frequently mentioned as one factor favorable to lumber manufacturers in British Columbia.

The report shows that superficial comparison of stumpage prices for Crown and national forest timber can be misleading. The range of factors which must be taken into consideration for meaningful comparisons are developed. After allowing for such factors, it is evident that the British Columbia lumber industry is not obtaining significant competitive advantage because of appraised price level differences between crown and national forest timber.

Pricing policies and appraisal methods for sales of Crown timber by the British Columbia Forest Service are described and compared to forest service procedures for national forest timber. Appraisal policies and methods of the two services are much the same, but competitive bidding is a minor influence in setting purchasers' cost of Crown timber in contrast to the major influence of competitive bidding on stumpage costs to national forest timber purchasers.

This report supplements the report on "Import of Softwood Lumber From Canada," which the Department of State furnished to you on March 22.

Sincerely yours,

EDWARD P. CLIFF,
Chief.
By CLARE HENDEE.

STUMPAGE PRICES AND PRICING POLICIES IN BRITISH COLUMBIA

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., April 24, 1962.

This study has been made to throw light on relationships between stumpage prices for timber on Crown lands of British Columbia and for National Forests of Oregon, Washington, North Idaho, and Montana. It also compares appraisal objectives and methods of the British Columbia and U.S. Forest Services.

The Province of British Columbia has a total area slightly less than the combined area of the States of Washington, Oregon, Idaho, and Montana. It is predominantly covered by forest growth. The commercial forest land in British Columbia is roughly equal to that in the four named States plus the commercial forest land in the State of California. Along the international boundary on the 49th parallel, British Columbia extends from the Pacific to the summit of the most easterly range of the Rocky Mountains opposite Glacier National Park. Along the Pacific coast it extends from Vancouver Island in Puget Sound to beyond southeast Alaska.

Total timber stand in British Columbia was estimated at 1,289 billion board feet in 1957. This compares to the 1952 estimate of 1,345 billion board feet of saw-log-sized timber in all the States west of the Great Plains except Alaska.

As in the Western States, the timber of British Columbia conveniently divides into a coastal and interior type. About 25 percent by volume is coastal timber and 75 percent is interior type.

British Columbia forests are extensions of the same timber types which predominate in the northwestern United States. The composition of these types, however, changes gradually as they approach their northern limits. Thus, in the coastal forests, the dominance of Douglas-fir in Oregon and Washington is supplanted by western hemlock and western red cedar in British Columbia. In the interior type forests ponderosa pine, the most important species in the Western States, is extremely minor in British Columbia. Spruce is the major interior species in British Columbia but is relatively minor in the Western States. The proportion of interior type Douglas-fir is approximately the same in British Columbia and the Western States.

FOREST DISTRICTS OF BRITISH COLUMBIA

Meaningful comparisons of forest conditions or stumpage prices for timber sales from British Columbia Crown lands and from the national forests in the Western United States must be on the basis of comparable timber areas. The British Columbia Forest Service is divided into five operating districts and sales statistics for each district are available. These British Columbia forest districts and the most comparable U.S. national forest areas are as follows:

The Vancouver district includes Vancouver Island and the adjacent coastal mainland. The Olympic, Snoqualmie, and Mount Baker National Forests in northwestern Washington have the most comparable timber and operating conditions in the States, but with higher timber quality than prevails in the Vancouver district.

The Prince Rupert district includes the northwestern portion of commercial timber of British Columbia including the Queen Charlotte Islands. In addition to coastal forest type, it includes some interior-type forest growth. The adjacent Tongass National Forest in Alaska is comparable to the coastal portion of the Prince Rupert district. There is a small amount of Douglas-fir in the coastal portion of the Prince Rupert district but none on the Tongass National Forest. While no national forest area in the United States is closely comparable to the interior portions of the Prince Rupert district, the Kaniksu, Kootenai, Flathead, and Coeur d'Alene National Forests in western Montana and northern Idaho have more similarity than any other U.S. areas.

The Kamloops district is in the southern midinterior portion of British Columbia and is comparable to the adjacent Okanogan and Colville National Forests of eastern Washington.

The Nelson district is in southeastern British Columbia and is comparable with adjacent national forests in north Idaho and western Montana.

The Prince George district is in the central interior of British Columbia. Spruce is the predominant species. There is no area in the United States fully comparable to the Prince George district. The Kaniksu, Kootenai, Flathead, and Coeur d'Alene National Forests in western Montana and northern Idaho have more similarity than any other U.S. area.

TIMBER MEASUREMENT

In comparing timber statistics between United States and British Columbia sources it is necessary to find a common denominator to make comparisons valid. While lumber footages are measured the same in both countries, log scale footages are not. In the United States two methods are used: (1) In coastal areas west of the Cascades, Scribner decimal C long log scale, with a maximum scaling length of 40 feet is standard; (2) interior areas east of the Cascades also use the Scribner decimal C log rule, but here the maximum scaling length is 16 feet. With average log taper the difference in maximum scaling length will make a difference of 8 to 15 percent in the scaled volume of a batch of logs.

Coastal British Columbia's standard scaling rule is the British Columbia log rule, which appears to yield results approximately 5 percent lower than Scribner decimal C long log scale. However, by far the largest portion of British Columbia log scale, including all of the interior and part of the coastal zone, is by the British Columbia cubic foot rule. The unit of measure with this rule is the cubic foot, rather than the board foot. Conversion factors between board feet and cubic feet are heavily dependent on timber size and taper. Hence average conversion factors cannot develop precise results. In this report we have used a converting factor of 1 cubic foot equals 6 board feet U.S. Scribner decimal C long log scale, and 1 cubic foot equals 5.80 board feet Scribner decimal C short log scale. The British Columbia Forest Service uses 1 cubic foot equal to 6 board feet British Columbia scale on the coast and 1 cubic foot equal to 5.75 board feet British Columbia scale in the interior.

TIMBER QUALITY

Timber quality on the average, for the entire Province of British Columbia, is lower than that on adjacent U.S. interior and coastal stands.

(a) Coast: Although no interchangeable log grade system exists between British Columbia and the United States, a rough idea of the quality of the leading British Columbia coastal softwoods may be gained by comparing British Columbia quality expressed in British Columbia statutory log grades with U.S. quality obtained from sale reports. The following table compares quality reported for sales in the fourth quarter of 1961 of coastal Douglas-fir, cedar, and hemlock in the Vancouver Forest. District with quality for all sales made in 1961 on the Mount Baker National Forest.

[In percent]

Log grade		Douglas-fir		Cedar		Hemlock	
United States	British Columbia	United States [1]	British Columbia [2]	United States [1]	British Columbia [2]	United States [1]	British Columbia [2]
No. 1 and No. 2 peeler and No. 1 sawlog.	No. 1	14	3	11	11	10	6
No. 3 peeler, special peeler, and No. 2 sawlog.	No. 2	69	51	57	33	62	21
No. 3 sawlog and poorer.	No. 3 and poorer	17	46	32	56	28	73
Total		100	100	100	100	100	100

[1] Mount Baker National Forest 1961 sales.

[2] Vancouver district, October, November, and December 1961.

British Columbia No. 1 logs are approximately equivalent to No. 1 and No. 2 peelers and No. 1 sawlogs in the United States. Thus U.S. Douglas-fir, which grades out 14 percent No. 1 as compared with 3 percent in British Columbia, is of a significantly higher quality. Similarly, the U.S. Douglas-fir grades out only 17 percent of No. 3, the lowest grade, as compared with 46 percent for British Columbia timber.

The comparison of cedar grades shows U.S. cedar also to be of higher quality with 57 percent grade 2 as compared with 33 percent in British Columbia. Hemlock shows the same trend, producing 10 percent peeler and No. 1 saw logs in the United States as compared with only 6 percent of comparable. grade in British Columbia and only 28 percent grade 3 as compared with 73 percent of that grade in British Columbia.

These differences in log grades average about $7 per thousand board feet for Douglas-fir and $2.50 per thousand board feet for hemlock and western red cedar at log values in use for the western Washington National Forests in 1961.

(b) Interior: Since no log grading has been done in the British Columbia interior, precise comparisons of timber quality with corresponding timber types on U.S. National Forests are not possible. A good indication, however, can be obtained from comparison of quarterly average dressed lumber prices in the interior as reported by the British Columbia Forest Service, with Western Pine Association lumber price indices for the same periods. The attached graph (fig. 1) shows that average British Columbia prices compare fairly closely with western pine indices for white pine, but are much lower for fir-larch and spruce. A portion of the difference can be ascribed to differences in the dollar exchange rate and to the fact that much of the British Columbia production is partially air dried while most of the U.S. production is kiln dried or fully air dried. However, a large component of the difference is a reflection of poorer quality spruce and fir in British Columbia.

Comparison of dressed lumber prices in interior British Columbia with Western Pine Association lumber price indexes

	White pine		Spruce		Fir-larch	
	British Columbia price	WPA index	British Columbia price	WPA index	British Columbia price	WPA index
1958	$99.34	111.01	$57.19	79.86	$53.45	68.57
1959	96.62	108.60	60.92	84.20	60.97	76.33
1960	92.61	101.80	55.83	79.08	55.28	71.41
3-year average	96.19	107.14	57.98	81.05	56.57	72.10
Difference		+10.95		+23.07		+15.53

Because British Columbia prices listed above are net, f.o.b. mill, a deduction of 7 percent for discounts and commissions should be made from western pine indexes to obtain closer comparability. Even after this adjustment, however, differences are significant. For spruce the difference drops from $23.07 per thousand to $17.40 per thousand, which is still a big difference for that species.

FOREST LAND TENURES AND INDUSTRIAL DEPENDENCY IN BRITISH COLUMBIA

An understanding of the important classes of land tenure is essential to a discussion of timber valuation in British Columbia. The two major classes of land tenure are (a) private or crown granted land and (b) crown land.

There are four classes of private land: (1) Full free hold, (2) free hold, except for payment of a fixed royalty, (3) free hold, except for payment of a statutory royalty, and (4) Esquimalt & Nanaimo Railway Co. lands with special title privileges. These private lands provided 19 percent of the timber cut in 1960 for British Columbia. By far the larger proportion of these lands are in the coastal area, particularly on Vancouver Island. The largest single block is the Esquimalt and the Nanaimo Railway lands which cover approximately 2 million acres of some of the choicest timberland of British Columbia. The Canadian Pacific Railway Co. now controls this grant and has sold all but 475,000 acres of this grant.

In British Columbia, acquisition of land title must be obtained from the Provincial Government. Land which has not been alienated from public ownership of the Province is termed crown land. Toward the end of the 19th century, public sentiment turned against outright alienation of forest lands in fee simple and for a time a special licensing system was used. These special timber rights are generally known as temporary tenures, or timber licenses, leases, and berths. Licenses are a right to cut timber on crown land which must be renewed annually. Special timber licenses were first issued in 1884 and none were issued after 1912. A timber lease is a temporary right to cut timber from crown lands for fixed periods of time renewable for successive periods of 21 years. Leases were first granted in 1870 and the practice was discontinued in 1906. Timber berths are licenses to cut timber on lands which were granted to the Dominion (Federal) Government by the Province and subsequently disposed of by the Federal Government. The holders of leases, licenses and berths pay ground rent of from $50 to $140 per square mile annually and statutory or regulation royalty. These so-called temporary tenures are for all practical matters indefinite tenures. The class of timber is for practical purposes private stumpage which is held without fee title to the land. Twenty-one percent of the total cut in British Columbia in 1960 came from these areas of temporary tenure on crown lands.

Since 1912 timber sales have been the major method of disposing of crown timber. A timber sale is a license to cut crown timber which is sold by public competition and subject to terms and conditions as stated in the timber sale contract. In general, the timber sales made by the British Columbia Forest Service are comparable to the timber sales made on the national forests in the United States.

A tree farm license is an agreement by the crown and the licensee for the management of crown lands which are reserved for the sole use of the licensee for the purpose of growing continuously and perpetually successive crops of timber. The tree farm license (originally termed forest management license) system was established by an amendment to the Forest Act in 1947. This license system is designed to enable private concerns to practice sustained-yield forestry on crown land. The licensee must include his own tenures if they can be managed logically with the crown land. It is possible, however, for licenses to be made up entirely of crown lands. The applicant for such a license must prepare working plans (timber management plans) for the crown lands and his private tenures which are to be included. The licensee must assume protection and management expenses for the entire area under a tree farm license. The licensee purchases crown timber at appraised price without competition. Ten percent of the cut in British Columbia in 1960 came from the crown areas within tree farm licenses. Most of the tree farm licenses are on Vancouver Island and the adjacent mainland. There are a few tree farm licenses in each of the four other forest districts of British Columbia.

Fifty percent of the cut in 1960 in British Columbia came from public sustained-yield units. These public sustained-yield units may be grouped into three categories: (1) Uncommitted working circles; (2) fully committed working circles; and (3) overcommitted working circles. In uncommitted working circles, requests for sales are accepted from any bona fide applicant. In fully committed working circles, applications for sales are accepted only from the established operators within the units. A fully committed working circle is one, therefore, in which the established operators have purchased the right to cut the total allowable annual cut. This process is known as the licensee priority system and is popularly known as quota system. However, the quota covers only the right to apply and to control the timing of the sale. The sale must be purchased at auction in order for the applicant to retain his quota and the right to reapply for additional timber. In overcommitted working circles, the cutting capacity of established operators substantially exceeds the allowable annual cut. Each established operator is then only entitled to apply for his proportionate share of the available allowable cut. Timber is still subject to bidding but in 1960 legislation was enacted to permit sale by sealed bid on the request of the quota holder who can meet the highest sealed bid and thus preempt the sale. This system has resulted in adjustment of cutting capacity without strong overbidding. Operations have been consolidated and some operators have moved elsewhere as the result of this system. The system has been extended by further act of the legislature in 1961 to apply to fully committed working circles.

TIMBER SALE POLICIES

A statement which has often been quoted in connection with British Columbia forest policy was made by Chief Justice Gordon Sloan in his 1956 report as commissioner under the, Public Inquiries Act, entitled "The Forest Resources of British Columbia":

"We live by our exports. We must sell on world markets in order to survive. Our forest policies must in consequence be geared to the stark necessity of assisting our industries in every reasonable way to remain competitive in these markets. It is, in consequence, essential for us to take a long look out of our windows to see what is transpiring in other parts of the world and to adjust our perspective according to what we see."

However, there is no legislative or administrative provision which authorizes or directs the British Columbia Forest Service to subsidize exports by pricing stumpage below its fair market value.

Total timber cut from the Province in 1960 for manufacture into lumber, plywood, pulp, and other forest products was approximately 7 billion board feet. Approximately 60 percent of the total cut, or 4.2 billion board feet, came from sales of crown timber appraised and sold by the British Columbia Forest Service (3.5 billion feet from advertised sales and 0.7 billion feet through direct sales to tree farm licensees). Since the licensee priority system tends to make appraised prices the actual sale prices, the cost of stumpage currently being cut is fixed primarily by appraisals of the British Columbia Forest Service for approximately 60 percent of the total cut in the Province.

In the Pacific Northwest portion of the United States, approximately 25 percent of the cut comes from national forests and about 10 percent from other public lands. Hence about 65 percent of the cut is obtained from lands in private ownership. In western Oregon and Washington 30 percent of the national forest timber offered in 1960 was purchased at or within 1 percent of the advertised price. If this same ratio prevails for all public timber sales in the Pacific Northwest, the cost of stumpage for approximately 10 percent of the total cut is set by appraised prices in the United States as compared to almost 60 percent for British Columbia.

Provincial policy is directed towards expanding British Columbia industry into the undeveloped interior where there is room for expansion. Interior Provincial forests are relatively undeveloped as compared with U.S. national forests in the Pacific Northwest. British Columbia crown forests can provide substantially greater volumes than they now supply to the Canadian forest products industries. Much of the interior commercial forest land has not as yet been organized into working circles under sustained-yield management plans.

In the United States, industry is using practically all of the current allowable sawlog cut from the national forests of Oregon, Washington, north Idaho, and western Montana. In Forest Service region 6, which covers Oregon and Washington, except for the northeastern corner of Washington, the cut in calendar year 1960 was 3.6 billion board feet and 3.8 billion feet was sold, as compared with a total allowable cut of 3.9 billion board feet. With an excess of mill capacity to process private timber and with virtually no unused cutting capacity on public lands, limitations on competitive bidding for public timber in the United States have not proved feasible.

ACCESSIBILITY

British Columbia coastal forests are principally accessible to tidewater. Portions of Washington and Oregon are tributary to Pacific coastal and Pudget Sound harbors and the deepwater channels of the Columbia and Willamette Rivers. The British Columbia coastal lumber industry depends almost exclusively on water shipment whereas the U.S. coastal lumber industry usually has alternate rail shipping facilities available. The rail freight rates to eastern markets from Portland, Oreg., and Vancouver, British Columbia, are identical; however, freight rates for water shipments to eastern U.S. ports differ appreciably. American cargo mills shipping to east coast American ports must use American-flag lines and pay rates approximately $7 per thousand board feet higher than Canadian cargo shippers using foreign-flag ships for shipment to the same market.

Interior British Columbia industry depends on rail shipping to its principal markets, eastern Canada, the United States Lake States, and other midwestern United States market points.

Accessibility to railroads in British Columbia interior is poorer than that of adjacent U.S national forest areas. Principal access to eastern markets is by two main Canadian trunklines which cross the Rocky Mountains. Accessibility has improved in the last 10 years and continues to improve in the interior. Stands of interior British Columbia timber became more accessible to market when the Pacific Great Eastern Railway was completed in 1957, opening up additional areas in the Prince George district. Rail freight rates to principal eastern markets (Toronto, Ontario; Chicago, Ill.; New York, N.Y.) from British Columbia southern interior (Nelson, British Columbia) are identical to those from Spokane, Wash., in the inland empire. Certain intermediate rail points on Canada's Pacific Great Eastern Railroad have higher freight rates than those on the main transcontinental lines.

STUMPAGE PRICE COMPARISONS

Table 1 summarizes comparisons of stumpage prices for spruce, Douglas-fir and hemlock by British Columbia forest district and the most comparable national forest areas for calendar years 1958, 1959, 1960, and 1961. The table also develops weighted average species prices based on the percent of production in each British Columbia forest district in 1960. Both bid and advertised prices are shown for national forest timber. Only the contract price is shown for British Columbia because only fragmentary information on appraised prices was obtained for Province transactions.

Competition for public timber is much less in British Columbia than in national forest areas of the Pacific Northwest. For the Vancouver district, for example, overbids averaged 99 cents per thousand board feet for Douglas-fir and 60 cents for hemlock above appraised prices in 1961. In contrast, the overbids on comparable national forest areas in 1961 were $6.93 per thousand board feet for Douglas-fir and $2.90 for hemlock. While statistics on appraised prices in other districts were not obtained, bidding competition is known to be minor and nominal in districts other than the Vancouver district of British Columbia.

Table 2 and figure 2 show by forest districts stumpage prices for species which are produced in large volumes in British Columbia, and prices for comparable national forest timber.

A study of table 2 indicates that relationships between British Columbia and national forest timber prices vary between coastal and interior conditions and between good and bad lumber price periods. Coastal hemlock stumpage, for example, sold in British Columbia for $4.58 per thousand board feet in 1958, which was a poor year in the lumber market; in 1959, a good year, it was $5.06, or only 48 cents higher. In the United States, on the other hand, the average appraised price for hemlock in 1958 was $3.82 and in 1959 $9.17, or $5.35 higher. In addition, bid price on U.S. sales exceeded the 1958 appraised price by $3.74 or 98 percent; in 1959 bid price exceeded appraised price by $2.13 or 23 percent.

Coastal Douglas-fir consistently sells for lower prices in British Columbia than in the United States. This is primarily due to quality differences. Here, as with other species there is less sensitivity to the lumber market in British Columbia. Coastal Douglas-fir stumpage was $9.74 in 1958 and $13.98 in 1959, an increase of $4.24. U.S. stumpage for coastal Douglas-fir was $14.99 in 1958 and $30.69 in 1959, an increase of $15.70. U.S. competitive bidding compounded the differences, resulting in bid increases in 1958 from $14.99 to $22.70 or 51 percent, and in 1959 from $30.69 to $38.44 or 25 percent.

Interior Douglas-fir stumpage shows a close relationship between the Kamloops district and the adjacent Okanogan and Colville National Forests. U.S. appraised prices were $2.11 lower in 1958 and $1.27 lower in 1961 (1958 and 1961 were low lumber price years); they were $2.22 higher in 1959, a high lumber price year.

For spruce in 1958 and 1959, Prince George district bid prices were very close to appaised prices for the four north Idaho and western Montana national forests. In 1960 and 1961 Canadian bid prices have been about midway between U.S. bid and appraised prices.

These comparisons indicate in general that for the major interior species, United States and Canadian stumpage prices are quite close and follow similar patterns. Difference in price levels is due primarily to a much wider spread between bid and appraised prices for national forest timber in the United States.

There is a substantial difference in price level between Puget Sound National Forests and Vancouver Forest District stumpage prices for hemlock and Douglas-fir. This is largely due to differences in average timber quality. The difference in price patterns during the last 4 years is undoubtedly influenced by the use of log prices by British Columbia appraisers and lumber and plywood selling values by U.S. appraisers. However, the largest single factor in total differences between United States and Canadian stumpage prices is the intensive competition in the United States which results in spreads between bid and appraised rates which average close to three-fourths of bid rates in the Vancouver Forest District.

BRITISH COLUMBIA TIMBER APPRAISAL SYSTEM

The basic stumpage appraisal policy of the British Columbia Forest Service is to develop a system which will result in fixing fair or reasonable stumpage rates for crown timber, in keeping with its actual market value and price for all cases where this level is not fixed by freely competitive actual bidding. (Statement of J. A. K. Reid in report to Royal Commission on Forestry, 1955). This objective is the same as that of appraisals of the Forest Service, U.S. Department of Agriculture, the objective being to ascertain the current market value of national forest timber.

The basic formula for analytical stumpage appraisals is practically identical for the British Columbia and United States Forest Service appraisers. Each starts with net selling price (logs or lumber) at a shipping point, from which it subtracted the cost of operation to that point plus a margin for profit and risk to arrive at the residual value, stumpage. The selling values and costs of operation used in both countries are collected from the industry and are aimed at reflecting average industry experience.

Specific procedures in cost and selling value collection, classification and application of data vary between the appraisers of the two countries. Differences of major significance are discussed below:

In the coastal portions of British Columbia, appraisals are based on log selling values. The British Columbia log market prices are reported by the British Columbia Loggers Association. Reported prices include cost of towing to deliver logs to Howe Sound in the vicinity of Vancouver, British Columbia. In theory, log prices should reflect lumber and plywood prices, shipping expenses, manufacturing costs and grade recoveries obtainable from each log grade. Log prices, theoretically, should reflect any advantage in British Columbia due to lower shipping costs to eastern United States or any other markets and to foreign exchange differentials. It is difficult, however, to demonstrate that such factors have in fact been specifically taken into account in the log price quotations furnished by the British Columbia Loggers Association. Historically, log prices have not fluctuated to the degree that lumber and plywood prices have fluctuated. In the United States, the Forest Service appraisers use selling prices of lumber and plywood. Appraised prices in the United States have had a much wider swing both upwards and downwards from 1958 through 1961 than have appraised prices of British Columbia based on log market quotations.

In interior British Columbia, selling values for appraisals are based upon average prices of lumber compiled by public employees from shipping invoices of timber purchasers. The average price for the most recent 3 months is used. In computing prices received by the mill, freight cost and effects of foreign exchange rates where lumber is sold in the United States are taken into account. Thus, any advantage or disadvantage of freight rates or exchange rates is reflected in the lumber selling prices used in British Columbia appraisals. In the United States lumber selling prices in appraisals are adjusted to the most recent calendar quarter through use of price indices of the Western Pine Association subject to certain limitations which will be described later.

British Columbia and United States appraisers approach the determination of profit margins in appraisals from an identical viewpoint but, again, detailed applications vary. Both British Columbia and United States appraisers use a profit ratio (profit margin expressed as the percentage of total cost including stumpage) to calculate profit margin. In both countries, timber appraisers must use judgment to adjust ratios for risks appropriate for individual sale circumstances. Limitations on the use in analytical appraisals of current selling value data during high or low points in lumber market swings to produce market value stumpage rates are recognized by both Services. Both Services subscribe to the proposition that temporary peaks and depressions in the lumber market can be unfair to either the buyer or the seller, as the case may be, if the profit ratio is held constant and strictly followed at all times.

In British Columbia when low log or lumber markets result in stumpage rates with normal profit which are less than 40 percent of the difference between selling values and costs (conversion return) stumpage is set at 40 percent of conversion return and the 60 percent of conversion return remaining for profit is less than normal profit. For U.S. appraisals, normal profit is maintained so long as conversion return is at least equal to normal profit plus minimum stumpage. The measure comparable to the British Columbia 40 percent of conversion provision is a lower limit on lumber and plywood selling price indices (the quartile system) in U.S. appraisals. These two methods of handling problems when end product values are near the lower market range work in the same direction but there is some variation in the resulting stumpage prices.

Another factor which bears on prices charged for stumpage during adverse markets is differing methods of determining minimum stumpage prices between British Columbia and the United States. In British Columbia, the minimum price at which timber is offered for sale is determined by choosing the highest results from three types of analyses:

1. Stumpage must be not less than 40 percent of conversion value, which is a difference between the selling value of the end product and cost of production.

2. Stumpage shall not be less than a fixed percentage of the selling price. This percentage is related to the percentage between bid rates for stumpage and log or lumber selling value. Currently this percentage is 10 percent of log selling price in the Vancouver Forest District; 8 percent of log selling price for the coast area in the Prince Rupert district; and 6 percent of the dressed lumber price used in the appraisal for interior areas.

3. Stumpage shall not be less than 1.5 times the statutory royalty. "Royalty" in British Columbia is a form of severance tax to which most public and private timber is subject. The royalty payment rates are established by law and were last adjusted in 1960. In general 1.5 times royalty is substantially less than minimum rates determined by a percentage of log or lumber value. Hence this limit for fixing minimum stumpage has significance only for unusual circumstances. For example, the statutory royalty for spruce is $1.50 per thousand board feet and hence the minimum stumpage rate is $2.25 per thousand board feet. In order to produce a minimum stumpage rate of $2.25 per thousand board feet through use of 6 percent of lumber selling values, the average price of spruce lumber would have to drop to $37.10 per thousand board feet—a virtual impossibility.

The effects of applying such policies have been to develop the following minimum prices by species in 1961:

Minimum price per M board feet

	Vancouver [1]	Prince Rupert [1]	Interior [2]
Fir	$6.33	$5.17	$3.24–$3.40
Spruce	4.17	4.83	3.34– 3.38
Cedar	3.83	3.17	
Hemlock	4.33	3.50	
Balsam	4.00	3.17	
White pine	4.67	3.67	
Cypress	3.83	3.17	

[1] 4th quarter calendar year 1961.

[2] 1st 11 months calendar year 1961.

Source: British Columbia Forest Service records.

Comparable U.S. minimum prices are: Coastal fir $5; interior fir $2; spruce $3; coastal cedar $3 to $4; interior cedar $2; coastal hemlock $2; interior hemlock $1 to $2.

The typical profit ratio used in British Columbia appraisals is 15 percent as compared to a 12-percent typical profit ratio in U.S. appraisals. However, the provision in the British Columbia appraisal system that stumpage shall not be less than 40 percent of conversion return or 6 percent to 10 percent of lumber or log selling price results in higher stumpage rates than for the U.S. system in periods when lumber prices are below a median range.

The interactions of prices, costs and contractual modifications of procedures in the United States and British Columbia are such that it is necessary to analyze each case individually to determine which system yields higher or lower stumpage prices. However, a reasonable generalization, assuming equal timber quality and equal accessibility and logging difficulty, is that the U.S. system gives higher stumpage when lumber prices are high, lower stumpage when lumber prices are low, and approximately equal stumpage when lumber prices are at the middle of their range.

Both British Columbia and United States appraisal pricing systems include provisions for interim stumpage rate adjustment (escalation). The details of operations of the two systems are quite dissimilar. In general, the U.S. procedure provides for a 50-percent quarterly escalation upwards or downwards based on lumber price indices. In British Columbia escalation is by a formula which results in reflecting a variable percent—as high as 90 percent under certain circumstances—of the price change in lumber or logs. No change in stumpage price occurs unless there is at least a 15-percent change in selling price of lumber or logs. The British Columbia Forest Service has indicated it is considering a substantial revision of its stumpage rate adjustment procedure. The changes under consideration are in the direction of greater sensitivity to fluctuations in market prices of logs or lumber.

SUMMARY AND CONCLUSIONS

1. Although the five administrative forest districts in British Columbia can be compared to somewhat similar areas in the national forests in the Pacific Northwest States, the British Columbia crown forests generally have timber of lower quality, have a less desirable species composition, and are situated on more rugged topography than the most comparable national forest areas. In addition to such natural differences, there are differences in methods of scaling, conditions of sale, and accessibility to market which must be taken into account to attain reasonable comparability for comparison of stumpage prices. Hence, comparison of stumpage prices is complicated and can only yield general indications and guidelines. Subject to the above qualifications, appraised stumpage prices in British Columbia and for the national forests in the United States have been either at closely comparable levels or where the levels have differed they are readily explainable by quality or other discernible value differentials.

2. Since direct comparisons of stumpage prices between British Columbia and the national forests in the United States must be used with caution, an examination of the objectives and methods of appraisal for public timber in British Columbia and the United States is also needed to judge comparative positions on raw material costs of United States and British Columbia timber operators. The timber appraisal objectives of British Columbia and the United States are both to determine fair market value. Appraisal systems in British Columbia and the United States are highly similar in general methods. Both countries use a timber appraisal system in which stumpage is the residual value which remains when costs of operation plus a profit margin are subtracted from sales realizations at the manufacturer's shipping point.

3. While there are a number of minor procedural differences between British Columbia and United States Forest Service appraisal practices, the one difference of major significance relates to provisions for determining profit margins. Profit ratios used in British Columbia are typically 15 percent as compared to 12 percent typically in U.S. appraisals. However, use of profit ratio to fix profit margin in British Columbia is confined to a relatively narrow range of cost-selling value relationships, and when log or lumber prices are low, profit margins are less for the British Columbia than for the U.S. system.

4. Under present market conditions, Provincial timber in British Columbia, after allowing for quality and accessibility differentials is being advertised at prices higher than comparable timber on the national forests of the Pacific Northwest. In the 1959–60 period when lumber and plywood markets were relatively favorable, appraised stumpage prices for national forest timber in the United States were higher than for comparable timber appraised by the British Columbia Forest Service.

5. A significant factor in the cost of timber obtained from Provincial forests of British Columbia as compared to national forest timber in the Pacific Northwest is the difference in average spread between appraised and bid prices. In British Columbia competitive bidding has been confined primarily to limited areas in the Vancouver Forest District, and even there has been moderate. In the Pacific Northwest portion of the United States, national forest timber sales have been characterized generally by vigorous competitive bidding during the last 15 years. While the intensity has varied by locality, there are relatively few operating areas where competitive bidding has not been a significant factor in the final price of raw material to operators dependent upon national forest timber. If an established operator in British Columbia enjoys an advantage in raw material costs over an operator purchasing public timber in the United States, it is due primarily to the practical situation under which the British Columbia operator is able to purchase timber at appraised prices.

6. In the United States there is virtually no unused cutting capacity for mill expansion in the Pacific Northwest. In British Columbia there are still working circles where cutting capacity is below allowable

cut. This ability to accommodate more industry is one significant deterrent to excessive competitive bidding in British Columbia. Of at least equal significance in British Columbia are the laws and policies establishing licensee priorities, quotas, and rights of a quota holder to pre-empt timber from a high bidder. This latter provision, which was first put into effect in 1960, is resulting in adjusting milling capacity to allowable cutting rates by means other than competitive bidding.

TABLE I.—*Comparison of stumpage values in British Columbia with national forest stumpage sales in the United States (U.S. log scale basis)*

Species and district	Constant weighting percent (1960 basis)	1958			1959			1960			1961		
		Per thousand, U.S. scale			Per thousand, U.S. scale			Per thousand, U.S. scale			Per thousand, U.S. scale		
		British Columbia	Comparable U.S. sales		British Columbia	Comparable U.S. sales		British Columbia	Comparable U.S. sales		British Columbia	Comparable U.S. sales	
			Advertised	Bid		Advertised	Bid		Advertised	Bid		Advertised	Bid
SPRUCE													
Prince George	57	$3.95	$3.73	$6.73	$6.43	$6.93	$11.81	$5.68	$4.63	$6.69	$4.47	$2.75	$6.60
Kamloops	14	4.19	4.53	4.86	5.49	13.74	14.15	6.09	10.84	11.69	3.29	4.16	5.65
Nelson	14	5.00	3.73	6.73	6.45	6.93	11.81	5.76	4.63	6.69	3.00	2.75	6.60
Vancouver	4	4.28	[1] 17.06	[1] 17.52	4.53	[1] 31.34	[1] 31.34	6.16	6.63	7.69	4.48	7.24	8.58
Prince Rupert	11	3.84	4.38	6.28	4.09	6.33	9.37	4.21	4.43	5.78	3.82	3.25	5.59
Total or average	100	4.13	4.45	6.85	5.97	8.79	12.65	5.61	5.56	7.33	4.03	3.18	6.44
DOUGLAS-FIR													
Prince George	7	4.04	2.77	4.30	7.61	5.75	9.05	6.34	4.07	7.03	6.02	2.13	7.31
Kamloops	48	5.61	3.50	6.33	8.31	10.53	15.72	7.70	7.99	10.93	5.14	3.87	7.88
Nelson	16	5.14	2.77	4.30	6.90	5.75	9.05	5.51	4.07	7.03	4.71	2.13	7.31
Vancouver	28	9.74	14.99	22.70	13.98	30.69	38.44	15.24	25.07	32.52	10.96	16.15	23.08
Prince Rupert	1	6.76	14.99	22.70	9.97	30.69	38.44	10.10	25.07	32.52	6.90	16.15	23.08
Total or average	100	6.59	6.66	10.61	9.64	15.28	20.77	9.39	12.04	16.29	6.78	7.03	12.16
HEMLOCK													
Kamloops	3	2.71	1.03	1.70	3.61	3.60	4.38	2.05	1.25	5.69	.85	1.00	7.73
Nelson	8	2.69	1.01	1.18	4.23	1.69	3.11	2.50	1.10	2.17	2.19	1.00	1.41
Vancouver	67	4.58	3.82	7.56	5.06	9.17	11.31	5.17	7.35	9.95	4.66	7.39	10.29
Prince Rupert	22	3.75	1.37	1.47	3.15	2.22	2.39	3.95	1.34	2.06	3.43	1.31	1.53
Total average	100	4.19	2.97	5.53	4.53	6.88	8.48	4.59	5.34	7.46	4.08	5.35	7.58

[1] Small volume in sample distorts this value.

British Columbia stumpage rates are combined timber sales and tree farm licenses, from reports of the British Columbia Forest Service, where rates are stated in units of hundred cubic feet. U.S. stumpage rates from forms 2400-17. Conversion factors of 6 board feet per cubic foot for coastal areas and 5.8 board feet per cubic foot for interior areas (based on factor of 1.67 for converting to lumber tally in the interior plus 15 percent overrun for interior species) and used to obtain stumpage rates per thousand board feet, U.S. log scale.

TABLE II.—*Comparison of stumpage prices for major production species in British Columbia with national forest advertised and bid stumpage prices*

Species and district	1958	1959	1960	1961
SPRUCE				
Bid: Prince George	$3.95	$6.43	$5.68	$4.47
Advertised: North Idaho and western Montana national forests.	3.73	6.93	4.63	2.75
Bid: North Idaho and western Montana national forests.	6.73	11.81	6.69	6.60
INTERIOR DOUGLAS-FIR				
Bid: Kamloops	5.61	8.31	7.70	5.14
Advertised: Okanogan and Colville national forests.	3.50	10.53	7.99	3.87
Bid: Okanogan and Colville national forests	6.33	15.72	10.93	7.88

Species and district	1958	1959	1960	1961
COASTAL DOUGLAS-FIR				
Bid: Vancouver	$9.74	$13.98	$15.24	$10.96
Advertised: Western Washington coastal national forests.	14.99	30.69	25.07	16.15
Bid: Western Washington coastal national forests.	22.70	38.44	32.52	23.08
HEMLOCK				
Bid: Vancouver	4.58	5.06	5.17	4.66
Advertised: Western Washington coastal national forests.	3.82	9.17	7.35	7.39
Bid: Western Washington coastal national forests.	7.56	11.31	9.95	10.29

Source: Table I.

JANUARY 18, 1962.

The Honorable ORVILLE L. FREEMAN,
Secretary of Agriculture,
Department of Agriculture,
Washinton, D.C.

DEAR MR. SECRETARY: On November 27, I called to your attention the problem faced by Pacific Northwest lumber manufacturers due to increased importation of lumber from British Columbia. One of the contentions has been that the price of timber purchased from Federal lands is somewhat higher than the prices Canadian mills pay for crown timber. Recently I have met with representatives of Oregon's forest products industries for further discussions on this situation.

At this time I ask your Department to review carefully its policy relative to pricing of Federal timber to assure that offerings being made are fully representative of its value, taking into account the current market.

I would also like to request that your Department give serious consideration to another step which may prove helpful to American firms in reducing the capital investment needed to process public timber. Last year the Forest Service developed an agreement with the Small Business Administration designed to ease the capital requirements for road construction. In addition, the Forest Service has over the last several years developed a procedure to amortize the estimated cost of timber-purchase constructed roads against approximately 80 percent of the estimated timber sale volume. I urge the adoption of a further modification which would permit, when feasible, that the estimated timber-purchaser road construction be amortized in full against some lesser amount such as the first one-fourth to one-half of the timber sale volume. It might also be well to consider whether this plan is one where the option to exercise it might rest with the purchaser. I would appreciate your examining this proposal and your advising me whether it may be adopted.

Sincerely yours,

WAYNE MORSE.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 14, 1962.

Hon. WAYNE L. MORSE,
U.S. Senate.

DEAR SENATOR MORSE: This is in reply to your letter of January 18, 1962, regarding national forest timber pricing policies in the Pacific Northwest.

On January 12, Regional Forester Stone at Portland announced adjustments in appraisal base period and other appraisal procedures for the Douglas-fir region of Oregon and Washington which will result in lowering appraised stumpage rates for Douglas-fir generally by about $4 per thousand board feet log scale. Reductions from the previous appraisal base will vary with circumstances on individual tracts and the proportion of timber in saw-log and peeler grades. This adjustment in appraisal base is designed to bring national forest timber appraisals in line with current market conditions. In view of the continuing vigorous competitive bidding for national forest timber offerings in western Oregon and Washington, it is felt that the adjustments announced on January 12 go as far as is justified under present conditions.

We are asking the Forest Service to give careful consideration to your suggestion to increase the rate at which accelerated amortization is applied in connection with purchaser road construction. One important limitation on your proposal is the need to keep actual road construction accomplishments ahead of earned amortization. For instance, if for a sale on which roads are amortized on 50 percent of the volume, the roads to be built by the purchaser are not completed by the time 50 percent of the volume is cut, the United States would be exposed to loss if the purchaser should abandon the sale.

The advisability of permitting the purchaser to choose the rate of accelerated amortization seems doubtful. The maximum safe rate to protect the Government from risk of abandonment of the contract can be determined before bidding occurs. Upward bidding would not change the relationship between road construction and rate of cut.

Completed road construction without accelerated amortization is an important incentive for sale completion because the purchaser must haul out the estimated sale volume to obtain his road amortization. Under accelerated amortization the stumpage rate is increased by the amortization rate as soon as the purchaser completes cutting the volume in the amortization base. Hence after the roads have been amortized, there is no incentive to the purchaser to complete cutting because he must pay an additional amount for stumpage equal to the amortization rate.

It is evident that your proposal should be analyzed for various possible combinations of circumstances. Hence the Forest Service will want to refer it to its regional offices for study and comment. We are requesting the Forest Service to make a further reply to your proposal in approximately 1 month.

Sincerely yours,

FRANK J. WELCH,
Assistant Secretary.

FEBRUARY 27, 1962.

Hon. FRANK J. WELCH,
Assistant Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: On January 18 I wrote to Secretary Freeman on two aspects of timber pricing and on February 14 received the enclosed letter over your signature. I regret to say that it raises more questions in my mind than it answers. Based upon recent events I am sure you can understand why I have reached this conclusion.

The first substantive paragraph reiterates what I know to be a new modification of policy but it fails to define your basic policies—their intent and their effect.

In the light of the contentions by the lumber industry that the Forest Service is using speculative forecasts in setting appraised rates, a genuine need exists for a clear statement of policy.

On the matter of a possible revision of the payment schedule where extensive timber purchaser road construction is involved, serious questions arise in my mind about the response. If I read the letter correctly, it says in effect: (a) the idea will receive careful consideration; (b) to work it would be necessary to keep road construction ahead of cutting; (c) it would not be wise to let the purchaser choose the rate of amortization; and (d) the completion of road construction with accelerated amortization is an important incentive to sale completion.

Let us consider these four points in order.

On (a) I receive the distinct impression as I read further that the idea I advanced is full of flaws. At the outset it should be recognized that my letter clearly asked that the suggestion I made would apply only to situations where it would be possible.

On (b) I advanced the suggestion for application mainly to sales with major mainline roads which must be constructed before it is physically possible to remove any substantial volume of timber from a sale. Timber operators of Oregon tell me that one of their problems is that they buy a sale, must spend 3 or 4 months in expensive road construction, utilizing their own funds, and only then can start to log the timber. During the construction period they must maintain with the Forest Service a substantial downpayment on the stumpage. In this interval they do not "recover" the cost of the road until they have sold the purchased timber in the form of lumber. To be sure the appraised price of the stumpage recognizes an allowance for the estimated cost of the road but its realization, in addition to other factors not germane to this discussion, does not actually come about until the lumber is sold in the market. My letter recognized that an accelerated amortization scheme is in operation and I endorsed it. My real question was "why doesn't the Forest Service shift the time of recognition of this working capital requirement to the early part of the timber sale for the purpose of arriving at the (stumpage value)?"

As I understand the presently applied accelerated amortization plan, the net effect is to allow the estimated cost of the road against 80 percent of the estimated timber sale volume. My proposal would further compress it against 25 or 50 percent of the volume.

As to the argument that if amortization was on 50 percent of the timber it would be necessary to have the road built before this amount were removed, my answer is "of course."

Certainly the Forest Service can so write its contracts to assure that the road construction is completed in a manner consistent with the need to protect the Government from a possible loss. My further reaction would be that if half of the timber could be logged before a road was completed this would further increase the incentive to have the purchaser build a road and receive "credit" for it prior to logging.

As to point (c) I do not see how one could construe my position as being that the purchaser could select the rate of amortization. I suggested considering "whether this plan is one where the option to exercise it might rest with the purchaser." In order that the record be constantly clear it seemed to me that the purchaser should know from the outset exactly what his obligations would be if the accelerated amortization were not in effect as compared to what it would be if he were to accept acceleration at whatever "fast rate" the Forest Service might set. His choice would be between two things—no acceleration or acceleration at one rate set by the Forest Service before sale advertisement. Quite frankly, my thought was that this option would serve as a constant reminder to the purchasers of the material assistance being offered by the plan.

Point (d) in your letter concerns me a great deal. The opening sentence of the second paragraph of page 2 contends that "completed road construction without accelerated amortization is an important incentive for sale completion because the purchaser must haul out the estimated volume to obtain his road amortization." If this in the case the 80 percent amortization procedure developed by the Forest Service earlier is subject to the same defect. If it is a fact that once road amortization allowances have been "earned" there is no incentive to complete cutting, then there should be a pretty careful analysis of practices without regard to any suggestion that I may have made for a change in the amortization schedule.

It is my practice to advise my constituents on exactly what the Department has to say on a matter referred to them. In my judgment, the letter of the 18th would raise more new question than it would answer. Therefore, I ask:

First, that you analyze the content of the January 18 letter as it bears on existing policy; second, that the suggestion I made for a revision of the "accelerated amortization" program be given a careful analytical review and third, that you endeavor to see if the entire situation cannot be set forth in another letter in a manner that will assure that the Department's program will be clearly understood by both friend and critic.

Sincerely yours,

WAYNE MORSE.

Mr. MORSE. Mr. President, before turning to the second part of Secretary Freeman's April 18 letter, I offer a suggestion to those in the lumber industry who have been expressing concern about the Forest Service timber prices. The Forest Service report seems to show that it is the competition between private firms that raise prices over the appraisal level. This makes national forest timber more costly than comparable timber purchased by Canadians from the Canadian Government. This is the Forest Service contention. On the other hand, spokesmen for the industry take the Forest Service to task for their appraisals. I ask unanimous consent that a statement by the National Lumber Manufacturers Association be printed in the RECORD at this point in my remarks. I think it demonstrates well the point that I have raised.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

OVERBIDDING ON FEDERAL TIMBER SALES

One of the arguments used by the Forest Service to support existing Federal timber sales practices is that operators in some areas consistently overbid the appraised price in Federal timber sales. The Forest Service relies heavily upon this argument in almost every discussion of the issues with industry people, associations, the press, and Members of Congress.

There are valid reasons for much of the overbidding and to correct some of the existing misunderstanding of the subject, it is desirable to explain some of these reasons in detail.

First, the bid price in a timber sale is not a cash advance payment for timber. It is simply the price the purchaser will pay for the timber when he cuts it. When he "buys" the timber he makes a very small advance deposit and no further payment is required until he starts to cut.

Since most contracts run for 2 years the purchaser will plan to cut the timber at the time which is most advantageous to him. If the price of lumber goes down and the timber can only be cut at a loss during the 2 years, he may request an extension of the period in which to cut. The present Forest Service practice is to grant such extensions freely.

There is a considerable volume of Federal timber presently under sale contract which can only be cut at a loss because of the market decline in the past several years The Forest Service has granted extensions in these cases and allowed the purchasers to buy other timber at prices more nearly reflecting current market prices. In some cases, the market has declined to a point at which the new purchases cannot be cut profitably and the term of these new contracts has had to be extended as well.

Federal timber sale procedures have been altered in recent years to make it possible for the maximum number of purchasers to qualify as bidders. Sales now involve smaller volumes of timber and the term of the typical contract is for shorter periods than in the past.

Knowing of the liberal policy of the Forest Service as to extensions of the term of the contract, some buyers have been willing to bid up sales to higher prices than the current market would justify, figuring they will not have to cut and pay for the timber until the market goes up to where it can be cut profitably. This promotes speculation and in effect creates a Federal timber futures market.

The Forest Service, then, is faced with a dilemma. To stop granting extensions now would force many purchasers into bankruptcy and would be unfair because the purchasers bid in reliance on their existing policies. In fact, the Forest Service has invited purchasers, faced with the expiration of their time limit, to request extensions if cutting the timber at the contract price would cause a hardship. While demonstrating concern about driving producers out of business, the Forest Service continues to aggravate the problem by convincing speculators that they need have no fear of being forced to fulfill their contracts, thus sponsoring further speculation.

There are many reasons why an operator will overbid on an individual timber sale even to the point of taking a substantial loss. A few of the situations in which overbids may arise are:

1. Many mills dependent on Federal timber are on a hand-to-mouth basis in their log supply. A mill with a gap in its log supply may need to secure a temporary supply in a hurry. It is far better to buy a short-term supply at a loss, even a substantial loss, than it is to shut down the mill. Shutting down an operation usually means loss of skilled workers, while equipment payments and many fixed costs continue. For short periods it is cheaper to operate at a loss than it is to shut down. Obviously the degree to which operations can be continued at a loss varies considerably.

2. Occasionally a Government timber sale is located within or adjacent to another body of timber which the purchaser owns or has under contract. The prospective sale may fit into the purchaser's logging plans for the other tract and it may be to his advantage to bid higher in order to avoid possible conflicts in logging and road rise resulting from two concurrent sales.

3. Overbidding is common, especially on sales of moderate size, where a new area is to be opened up by the road system constructed for the first sale. Frequently the sales contract allows the first purchaser to develop the roads in the area so that they put his mill in a more favorable position regarding future sales that will move over this road system. Looking toward these future sales, the purchaser may decide to risk a sizeable loss on the present sale in order to assure a future advantage over competitors, and especially so under the sealed bid procedure.

4. Timber varies considerably in size, quality and species from sale to sale. A particular purchaser may have a peculiar market opportunity about which only he knows. Some specialize in long timbers or unusual products. There may also be a market commitment which must be performed or result in loss of a preferred customer. These special situations may result in much higher than average bids, rather than lose the opportunity to serve this particular market demand.

5. In mountainous areas of the West, nearly every operator has a tough problem operating in the fall and spring when weather conditions start closing down woods operations. Some areas, mostly at low elevations, are suitable for early spring or late fall logging. These fall or spring "shows" may allow several extra months of operation, a sale may allow the purchaser to accumulate a deck of logs (a log supply in storage) that will permit mill operations throughout the winter. Depending on the individual operator's opportunities and community responsibilities, it may be worthwhile to temporarily sacrifice the possibility of profit in order to maintain year-round operations.

6. In some areas—especially those located where logs can be moved in rafts on the water, like Puget Sound and the Columbia River—logs can frequently be traded for logs more suitable for a particular mill. A purchaser may bid high knowing that he can trade these logs and keep his mill in operation.

7. Some Government sales are adjacent to or within a body of private timber that is subject to an unusual fire hazard. Some States hold private landowners responsible for fire fighting costs where their logging slash has been left in a certain condition. It may be more expedient for the private owner to purchase the adjacent Government sale at a loss than to allow another operator to come in the area. This is especially true when the second operator's fire responsibility is unknown or known to be unfavorable.

There are numerous other examples that could be cited: The location of existing facilities, roads, camps, and railroads; instances of fitting a particular sale into a company's long-term management program; and numerous instances where it is advantageous to keep a certain logging crew working rather than allowing them to disband when it's known that they will be needed at a certain future date.

The reasons behind overbidding are not difficult to determine. Most operators who buy Government timber are intimately acquainted with and experienced in these matters and generally know the reasons behind the overbids. The competitive nature of the American economy makes it not uncommon for one operator to try to crowd another one out of buying all the timber offered in an area—elimination of a competitor may be highly advantageous to the survivor.

The simple fact that some purchasers bid beyond the price at which a profit can be realized does not mean that the Forest Service is justified in using such bid prices to establish the advertised rate for future offerings. Nor does the price bid on any particular offering mean that the appraisal was either too high or too low.

The Forest Service, through requirements in the timber sales contract, has access to every timber purchaser's accounting records. The Forest Service knows average costs and selling prices as well as the experience of individual operators. There are appraisal techniques which permit accurate appraisals based on current market conditions, even by forest officers of moderate experience.

The Forest Service has insisted that timber has a value apart from the value of the products that can be manufactured from it. This value is the speculative value which might accrue if product values increased after the time of sale.

The lumber industry contends on the other hand that it is improper for the Forest Service to add an additional speculative value to a current appraised price. This type of speculation, better confined to the stock market, should not be forced upon communities and industries dependent on Federal timber. The purchasers of Federal timber have shown themselves quite ready to increase the price of timber on the basis of speculation without the Government doing it for them.

The end result of appraising timber on the basis of a future speculative price rather than the current market for lumber will be to force the industry to operate on a reduced margin of profit unless there is a faster rising market than the appraiser anticipates. Since the market has been in a decline for nearly 3 years, while Forest Service timber appraisers have continuously appraised on the assumption of a rising market, the industry has been forced into a doubly serious, unfavorable condition. This practice means that equipment cannot be replaced, money is invested in other opportunities, the industry tends to decline, competing products gain an advantage and capture markets that lumber might otherwise hold, mills shut down or curtail operations with all the attendant harmful consequences to the communities and people dependent on the national forests.

Forest Service management practices cause overbidding. The increased use of the sealed bid procedure rather than oral auction forces dependent operators to overbid if they anticipate any possibility of competition. They must "buy or die." Errors in Forest Service cruising may be evident to a purchaser who expects competition. He may raise the price on one species which he knows will cut out short of the estimated volume. He will pay only for the amount actually cut. Since the sale is awarded on the basis of the advertised volume, he will not actually pay as much for the entire offering as indicated by the bid. Failure to sell the allowable cut and overly conservative allowable cut levels cause artificial shortages that force higher bidding. The trend toward shorter and smaller sales has eliminated the opportunity for operators to build up a cushion of timber under contract for future years and increases desperation buy-or-die bidding.

Theoretically, there should be overbidding on every sale, in a competitive area. Appraisals are supposed to be operations of average efficiency and not under compulsion to deal, according to the Forest Service handbook. The more efficient operators and those short of timber can be expected to raise advertised rates that have been the product of proper appraisals to a mill of average efficiency. Sales at advertised rates are not indications of lack of competition or of purchases at a fair value. The advertised rate automatically eliminates potential bidders. No bids are permitted below advertised rates.

Mr. MORSE. Mr. President, my view is that the timber operators should show us by specific examples of actual appraisals on national forest timber how the Forest Service is using bid prices to establish the advertised rate for future offerings, and engaging in other practices which the industry believes are unfair. I say most respectfully that while the charges have been made, the evidence is not clear. If the Forest Service is not adhering to sound and reasonable practices, I can assure the industry that I will take their case to the Secretary.

I turn now to the second part of Secretary Freeman's letter of April 18—and I submit that this subject, which deals with the proper amortization of road costs, is an example of how I took a case to the Secretary of Agriculture and received his full cooperation.

Early this year, a group of Oregon lumbermen led by Mr. Sig Ellingson came to me and pointed out that one of their really difficult problems was that they might purchase a timber sale in 1960, spend 1961 building a road to haul out the timber and not remove the timber until 1962. During a period of almost 2 years, they could have over $150,000 of working capital tied up. Part would be in an advance payment on the timber but most of it would be in road construction. They said that the appraised price of the timber contained an allowance for the estimated cost of the road, but they emphasized that their problem was this: while they built these roads, they are unable to log and remove any timber. Thus they are not able to recapture their working capital.

Recognizing that the Forest Service had a policy that endeavored to help make certain that the timber purchaser would be protected in realizing the road cost estimate by writing it off over 80 percent of the sale, it seemed logical to me that the Forest Service could go one step further. They could reduce the price of the timber in the early part of the sale until the purchaser had recaptured the estimated cost of the road.

I was somewhat surprised—I say most frankly—when Assistant Secretary Welch wrote a letter to me on February 14 which promised to look into the matter but raised objections which I thought were not well taken.

I then took the case back to the Department on February 27 and I am extremely well pleased with the final outcome as expressed by Secretary Freeman in his letter of April 18 in paragraphs 6 and 7.

I have great confidence in Secretary Freeman, in Assistant Secretary Welch, and in Dr. George Selke. I believe that they are capable administrators, desirous of doing a good job in the public interest. I have confidence also in Edward Cliff, the new Chief of the Forest Service. Agencies long established have not only tradition but a long history of doing things a certain way. Not every suggestion that is made to them has merit. Some have been tried before and rejected; some have been rejected without being tried but there is always room for improvement for we seldom reach that pinnacle of perfection which defies the end of all possible advance. I am therefore delighted that the Forest Service fully went into this idea I submitted, that the matter was further considered by Secretary Freeman, and a change of policy has resulted.

I think that this new procedure is going to be of measurable help to our lumber industry in its efforts to compete with Canada. It will not solve the total problem, but it is a useful step. There are other things that can be done. I view this change as evidence that a well-presented case will persuade the Secretary and it will persuade the new Chief of the Forest Service, Mr. Cliff.

The Forest Service will be reviewing most carefully many of its policies—allowable cuts, timber sales, timber pricing, recreation, and road access and construction. I do not expect that all policies will be changed but I do expect that there will be improvements in performance along with necessary changes in policy. As far as the present situation facing the timber industry is concerned, I am convinced that a very, very careful review of allowable cuts and timber sales is essential. We may find the means to improve the cost-price picture.

If the spokesmen for the timber industry can state their case and if their facts are sound, I am persuaded that Secretary Freeman will see them through and I am equally certain that Secretary Freeman will give the same consideration to those who want to see constructive improvements in recreation, watershed protection, mining, grazing, and other uses of our national forests.

SERVING OF ALCOHOLIC BEVERAGES IN THE CAPITOL AND SENATE OFFICE BUILDINGS

Mr. MORSE. Mr. President, I now turn to my last subject. It is concerned with the question of serving hard liquor at any official or semiofficial function of the Senate or in any public room of the Capitol or of the Senate Office Buildings, the use of which has been obtained through the sponsorship of a Member of the Senate, even though the use is for a private social function, such as a reception given for a cherry blossom princess.

I intend to discuss this subject matter on the floor of the Senate periodically, at least once a week, if necessary more often, and, again if necessary, at increasing length until the Committee on Rules and Administration, which presently is the depository of my resolution which seeks to prohibit the use of these rooms for the serving of hard liquor, sees fit to release my resolution to the floor of the Senate.

I would like to have the committee report the resolution favorably. If the Committee does not wish to report it favorably, I suggest that it can submit it with no report at all, or it can submit it with an adverse report. All I ask is that the Senate pass official judgment upon what the policy should be on the serving or not serving of liquor in the public rooms of the Senate Office Buildings and in the Senate wing of the Capitol.

It will be recalled that I first discussed this question on April 2. I discussed it at the very hour when, for the first time, so far as my knowledge is concerned, an official function was being conducted by the Senate in the new reception and conference room to, as it were, initiate or dedicate the room. Because it was an official function, and because I had learned, as I disclosed to the Senate at the time, that two liquor bars had been set up in that room, and that a considerable quantity of hard liquor was in supply for serving at that function, I protested the action as a matter of Senate policy on the floor of the Senate.

I am aware that unofficially and, somewhat surreptitiously, there have been other affairs, the responsibility for which rested with individual Senators, at which public rooms of the Senate wing of the Capitol and the Senate Office Buildings have been used for the serving of hard liquor. But, to my knowledge, the affair of April 2 was the first one of which I was aware, of which it could be said that the practice of the serving of liquor was being established as a policy precedent for the Senate. I protested it then and there.

Two days later, I submitted my resolution seeking to prohibit the serving of hard liquor at such functions and in such rooms. I left it at the desk, as I recall, for 2 or 3 days for cosponsorship by any other Senators who wished to cosponsor it. I am proud to report that at the termination of that time limit the two Senators from South Carolina [Mr. JOHNSTON and Mr. THURMOND], the Senator from Kansas [Mr. CARLSON], and the Senator from Delaware [Mr. WILLIAMS] had signed their names as cosponsors. I would be less than honest if I did not say I was a little disappointed that there were not more cosponsors. However, it was pleasing to my ears to have a large number of Senators say to me privately, as they have, "If you ever get your resolution to the floor of the Senate for a vote, I will vote for it." They will, too.

All I can do is to plead respectfully with the leadership of the Senate to afford all Members of the Senate an opportunity to answer a yea-and-nay vote on my resolution.

I intend respectfully and pleasantly, but determinedly and persistently, to do everything I can to accomplish that objective. I feel that the Committee on Rules and Administration has already had sufficient time to consider the resolution. In fact, I do not think it would take too much time for an individual Senator to pass a valued judgment on my resolution. He would be either for it or against it.

I shall now speak about the rights of the American people in regard to the resolution—for they have some rights. They pay the taxes that maintain the Capitol Building and the Senate Office Buildings. They pay the taxes which pay for the services which are involved in making possible the serving of liquor at such functions. I remember that it was about 1:15 p.m. on April 2 when an official of the Senate restaurant came into the new conference room at my request and disclosed to me the preparations which were being made for the dedication reception which was to be held starting at 4 o'clock that afternoon.

By count, at 1:30 p.m., five employees were engaged in setting up those bars. Those five employees expended their labor in hauling in the liquor. Those five employees spent the taxpayers' money in the expenditure of their time in preparation for that liquor party. So I say the taxpayers have some rights in this matter.

I respectfully say that the taxpayers have the right to have their Senators stand up and be counted on the question, too. I may be wrong in my conclusion—I do not think I am—but, in my judgment, a referendum vote on this question could be left to the drinkers of hard liquor, and a majority of them would agree with me that the public rooms of the Capitol and the Senate Office Buildings are not places in which to conduct cocktail parties under the authorization of the Senate of the United States. If we add to the population of drinkers in this country the population of nondrinkers, I am convinced that the majority in support of my resolution would be overwhelming.

The senior Senator from Oregon is pressing the resolution because he is convinced that it is not only in the public interest but is overwhelmingly favored by the public.

I believe that in a representative parliamentary body, the public is entitled to have its policies carried out. The issue is just that simple, so far as I am concerned.

Today, I met with a group of Methodists—among them, several Methodist clergymen. They came to see me because they wanted to know the procedural situation of my resolution. I gave them the history of the resolution to date. There is no question about the opinion of that group of Methodists as to whether the resolution should come to the floor of the Senate for a rollcall vote.

Mr. President, last week I met with a group of Baptists; and the story was the same. There was no question as to what they considered to be the responsibility of the Senate regarding deciding by rollcall vote, as a matter of formal policy, whether or not my resolution should become the policy of the Senate.

In fact, Mr. President, I am satisfied that regardless of whatever might be the religious denomination of the group with whom I met, the story would be the same.

I am satisfied that the church people of America favor, by overwhelming majority, adoption by the Senate of this resolution; and I consider that I owe it to them—as well as to all the other members of our population who, I am satisfied, also favor my resolution—to exercise all my parliamentary rights before the end of this session in a determined stand to have the resolution voted on by this body, and to let the Senate decide whether it wishes to vote it up or down. I propose to do that, if necessary, because I am convinced on moral grounds that the serving of hard liquor in any of the public rooms of the Capitol or the Senate Office Buildings, at any official or semiofficial function under the sponsorship and authorization of the Senate or of a Member of the Senate, cannot be justified. I think it is a sad example to be setting for the youth of the country. I think it is a sad example to be setting for the citizenry of the country.

I do not propose to attempt to determine whether any colleague or any friends or guests of any colleague should drink. That is their private business. I have said before, and I now repeat, that I am not a prohibitionist. But when it comes to a matter of public policy, which concerns the use of the dollars of U.S. taxpayers, and when we, as legislators set an example for the youth and the other citizens of the United States, I believe we have reached a sorry pass if we authorize, as an official policy, the use of the public rooms in the Capitol or in the Senate Office Buildings for liquor parties.

If Members of the Senate desire to stage a liquor party, as great advocates of the private-enterprise system they should rent a hotel reception room downtown or at hotels within a stone's throw of the Capitol in which to hold it. They should not desecrate—and I repeat that it is a desecration—the Capitol Building of the United States and the Senate Office Buildings with booze parties.

Mr. President, in this country we need to be on guard at all times against the lowering of moral standards. Our pastors, our teachers, our welfare workers, our juvenile and prison authorities—in fact, all experts in all fields and disciplines dealing with problems of human behavior—tell us that excess consumption of liquor in this country is on the increase. We are informed that the social damages resulting therefrom have already reached almost a point of national catastrophe.

Mr. President, millions of Americans recognize the validity of the point I have just now made. Millions of Americans, who, like me, are not prohibitionists, and who recognize that drinking liquor is the private business of a mature adult, take the position that those who do it should do it in private. They should not "mooch with their hooch" in the public rooms of the Capitol and the Senate Office Buildings. If a man is going to desecrate the great citadel given by God—his body—he should not at the same time desecrate the Capitol Building of the United States and the Senate Office Buildings.

Mr. President, this issue cannot be erased from the calendar of the Senate. Senators cannot blindfold themselves to this issue. Increasing numbers of American citizens are going to be heard from on this issue; and I am going to do what I can to help see to it that the Senate hears from the people, because I think this nefarious practice must be stopped at the beginning, and now is the time to do it.

So, Mr. President, I close this brief speech today—and I use the word "brief" in light of what future speeches on this subject will be—with a plea on my lips, to the chairman and to the other members of the Senate Rules Committee, to bring my resolution to the floor of the Senate and to give me a rollcall vote on it, and to let the Senate make the final decision.

RECESS TO MONDAY

Mr. MORSE. Mr. President, unless there are other speeches to be made, I move that, under the previous order, the Senate stand in recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 6 o'clock and 10 minutes p.m.) under the order previously entered, the Senate took a recess until Monday, April 30, 1962, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 27, 1962:

Office of Emergency Planning

Justice M. Chambers, of Maryland, to be Deputy Director of the Office of Emergency Planning.

In the U.S. Air Force

The following-named officers for appointment in the Air Force Reserve to the grades indicated, under the provisions of chapter 35 and section 8373, title 10, of the United States Code:

To be major generals

Brig. Gen. Philip P. Ardery, AO325990, Air Force Reserve.

Brig. Gen. Kenneth Stiles, AO900928, Air Force Reserve.

Brig. Gen. Barry M. Goldwater, AO270184, Air Force Reserve.

Brig. Gen. John B. Montgomery, AO304671, Air Force Reserve.

Brig. Gen. Roy T. Sessums, AO913943, Air Force Reserve.

To be brigadier generals

Col. Howard E. Payne, Jr., AO421987, Air Force Reserve.

Col. Walter L. Hurd, Jr., AO427544, Air Force Reserve.

Col. J. Clarence Davies, Jr., AO904230, Air Force Reserve.

Col. Donald S. Dawson, AO582705, Air Force Reserve.

Col. Robert F. Goldsworthy, AO398709, Air Force Reserve.

Col. George H. Yeager, AO300572, Air Force Reserve.

Col. George H. Wilson, AO424322, Air Force Reserve.

Col. Alfred L. Wolf, AO907086, Air Force Reserve.

Col. Oliver G. Haywood, Jr., AO2255064, Air Force Reserve.

Col. Richard C. Hagan, AO307796, Air Force Reserve.

Col. Frank J. Puerta, AO401051, Air Force Reserve.

Col. John S. Patton, AO1851377, Air Force Reserve.

Col. William D. Price, AO286176, Air Force Reserve.

The officers named herein for appointment as Reserve commissioned officers in the U.S. Air Force, to the grades indicated, under the provisions of sections 8351, 8363, 8376, and 8392, title 10, of the United States Code:

To be major general

Brig. Gen. Earnest H. Briscoe, AO291638, Ohio Air National Guard.

To be brigadier generals

Col. Albert L. Pearl, AO350203, Air Force Reserve.

Col. Robert D. Campbell, AO663481, California Air National Guard.

Col. John R. Dolny, AO672579, Minnesota Air National Guard.

Col. Arthur F. Fite, Jr., AO411954, Alabama Air National Guard.

Col. Erick W. Kyro, AO661335, Michigan Air National Guard.

Col. James K. McLaughlin, AO789398, West Virginia Air National Guard.

Col. Charles F. Riggle, Jr., AO403611, Florida Air National Guard.

Col. Dale E. Shafer, Jr., AO433414, Ohio Air National Guard.

In the U.S. Army

The following-named officers, under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

To be lieutenant generals

Maj. Gen. Charles Hartwell Bonesteel 3d, O18655, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Louis Watson Truman, O18755, U.S. Army.

1. The following-named officers to be placed on the retired list, in the grade indicated, under the provisions of title 10, United States Code, section 3962:

Lt. Gen. Lionel Charles McGarr, O17225, Army of the United States (major general, U.S. Army).

Lt. Gen. Arthur Gilbert Trudeau, O15513, Army of the United States (major general, U.S. Army).

2. The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

To be general

Lt. Gen. Robert Jefferson Wood, O18064, Army of the United States (major general, U.S. Army).

To be lieutenant generals

Maj. Gen. John Hersey Michaelis, O20328, Army of the United States (colonel, U.S. Army).

Maj. Gen. William White Dick, Jr., O18384, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Dwight Edward Beach, O18747, U.S. Army.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. George Justus Hearn, O295111.

To be brigadier generals

Col. Lyle Everett Buchanan, O1000717, Adjutant General's Corps.

Col. Paul Leonard Kleiver, O397818, Adjutant General's Corps.

Col. Roy Elcanah Thompson, O360841, Adjutant General's Corps.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be major generals

Brig. Gen. William John Lange, O1175482.

Brig. Gen. Henry William McMillan, O323208.

Brig. Gen. Weston H. Willis, O289949.

To be brigadier generals

Col. Glenn Charles Ames, O328307, Armor.

Brig. Gen. Thomas Sams Bishop, O403542.

Col. Wilbur Henry Fricke, O340297, Artillery.

Maj. Gen. Henry Vance Graham, O398163.

Col. Jack Guest Johnson, O370102, Signal Corps.

Col. Howard Samuel McGee, O387469, Artillery.

Col. Luther Elmer Orrick, O357391, Artillery.

Col. James DeWitt Scott, O381931, Armor.

Col. Max Henry Specht, O383575, Artillery.

Col. Herbert Owen Wardell, O293295, Artillery.

Col. Charles Austin Willis, O357988, Artillery.

The officers named herein for promotion as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3384:

To be major generals

Brig. Gen. Chester Pilgrim Hartford, O288390.

Brig. Gen. Herbert Russell Morss, Jr., O293333.

Brig. Gen. Cooper Burnett Rhodes, O258656.

To be brigadier generals

Col. William Henry Baumer, O2201379, Infantry.

Col. Phillips Leland Boyd, O230117, Medical Corps.

Col. Edward Stephens Branigan, Jr., O325381, Artillery.

Col. Joseph Hall Buchanan, O407996, Artillery.

Col. Costas Louis Caraganis, O306965, Armor.

Col. John Peter Connor, O416675, Infantry.

Col. Felix Albert Davis, O466259, Corps of Engineers.

Col. Carl Jens Dueser, O300655, Infantry.

Col. Denver Woodrow Meacham, O314699, Artillery.

Col. Carl Curtis Saal, O923083, Transportation Corps.

Col. Myron Jewell Tremaine, O336516, Medical Corps.

Col. Lawrence Grant Treece, O291041, Corps of Engineers.

Col. John Edward Vance, O229832, Corps of Engineers.

Col. Louis Burton Wolf, O387002, Armor.

Col. Spurgeon Brown Wuertenberger, O295174, Artillery.

IN THE U.S. MARINE CORPS

To be lieutenant generals

Lt. Gen. Alan Shapley, U.S. Marine Corps, to be placed on the retired list in the grade indicated, in accordance with title 10, United States Code, section 5233.

Having been designated, in accordance with the provisions of title 10, United States Code, section 5232, Maj. Gen. Carson A. Roberts, U.S. Marine Corps, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade indicated while so serving.

IN THE AIR FORCE

The nominations beginning Richard W. Abele to be major, and ending Paul Edgerton Zumbro to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 2, 1962.

The nominations beginning Emmert M. Aagaard to be lieutenant colonel, and ending Lloyd J Neurauter to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 16, 1962.

IN THE ARMY

The nominations beginning Leslie W. Bailey to be lieutenant colonel, and ending Raymond J. Zugel to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 19, 1962.

IN THE NAVY AND MARINE CORPS

The nominations beginning Warren R. Abel to be ensign, and ending Thomas C. McAllister to be second lieutenant in the Marine Corps, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 16, 1962.

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 30, 1962

The House met at 12 o'clock noon.

Rabbi Gerald Kaplan, Agudath Achim Synagogue, Hibbing, Minn., offered the following prayer:

Almighty and Eternal God, as we stand before Thee admidst the multitude of Thy creation, we ask Thy divine guidance so that this day will bring forth the accomplishments necessary to eliminate the many insurmountable obstacles which lie in our path.

The obstacles of poverty and sickness, the obstacles of ignorance, and as we forge through these obstacles, we pray that amidst these problems, our wish, that mankind will strive to live in peace, will be a living reality in our time.

As this day slowly unfolds its page, let us ever be mindful of possessing the gift of life for another day—another day to comprehend our purpose in this world, another day to share with the unfortunate that which is loaned to us, another day in seeking to bring ourselves closer to the eternal ways of the Almighty. This then is the goal which we must seek this day.

Let us pray.

Our Father, who art in heaven, we pray for Thy blessing, united together, upon your dedicated servants, John F. Kennedy, the President of these United States; LYNDON B. JOHNSON, the Vice President; the Speaker of the House of Representatives; and all the Members of Congress. Be ever with them in their moments of triumph and their moments of struggle.

As in the words of the poet:

> I looked for my God, but my God I could not see.
> I looked for my soul, but it eluded me.
> I looked for my brother, then I found all three.

THE JOURNAL

The Journal of the proceedings of Thursday, April 19, 1962, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. McGown, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1668. An act to authorize the imposition of forfeitures for certain violations of the rules and regulations of the Federal Communications Commission in the common carrier and safety and special fields.

JUSTICE LESTER HOLTZMAN

Mr. CANNON. Mr. Speaker, supplementing the remarks of the gentleman from New York [Mr. CELLER] at our last session, may I join with him in expressing appreciation of having had the opportunity to serve here with our distinguished former colleague, Hon. Lester Holtzman—and particularly in felicitations to Judge Holtzman on his elevation to the bench of the Supreme Court of the State of New York.

We regret to lose him from the House. But his wide legal experience, his knowledge of the law, and his calm judicial temperament particularly fit him for the judiciary.

We wish for him many years of notable service in the eminent position to which he has been called.

NATIONAL MISS TWINS, U.S.A., WEEK

Mr. SISK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SISK. Mr. Speaker, I have today introduced a resolution declaring September 23 to 29 "National Miss Twins, U.S.A., Week."

I should like at this time to invite you, Mr. Speaker, and all of my colleagues who have not had the experience of seeing double, as well as those who have had but would like to repeat the experience, to come to my hometown of Fresno during that week. I can assure them that they will enjoy a far lovelier and more interesting experience than is usually associated with those two words, "seeing double."

Seriously, during the week of September 23 to 29, my hometown of Fresno has been selected by Sales Promotion Associates, Inc., of Coral Gables, Fla., to be host to 50 sets of twins, 1 set from each State. A gala pageant, under the auspices of the North Fresno Kiwanis Club, is being planned, to be climaxed by the selection of Miss Twins, U.S.A. This is a new type of national beauty contest and Fresno hopes to make it an annual affair. Eventually, the contest will be expanded to find Miss Twins of the Americas—United States, South America, and Canada—and Miss World Twins. So, whether you want to see double or whether you want to see Fresno, center of the golden State of California, I hope you will come to Fresno the week of September 23 to 29 and participate in this birth of a pageant.

TO THE MEMORY OF EX-REPRESENTATIVE HATTON W. SUMNERS AND HIS DEVOTION TO THE CONSTITUTION

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, almost 16 years have passed since Hatton W. Sumners voluntarily retired from the U.S. House of Representatives, after having served the people of the Fifth Texas District and the people of our Nation for 34 consecutive years.

A former colleague who has been absent from the Washington scene for that length of time is usually forgotten, but "Judge" Sumners left a vivid and indelible impression upon those Members who were privileged to associate with him before he went back home to Texas in 1946.

His mind and personality won the everlasting respect of young Members who were inspired by his devotion to the Constitution. That personal legacy continues to guide the deliberations and the decisions of this House.

From 1931 until his retirement in 1946, he presided as chairman of the Judiciary Committee. In that critical span of time, he met the serious challenges of economic depression and of war with his eyes forever on the Constitution as the instrument that would make us equal to the great tasks imposed on our National Government without weakening our individual liberties.

Representative Sumners was a man of conscience and of principle. His abiding faith in the rule of law prompted him to press for legislation that would grant to citizens of the District of Columbia the right to vote for President and to elect voting Representatives in Congress. To him, the rights and responsibilities of freemen formed the living, pulsing heart of a democratic society. When the people of the Philippines prepared for the day when they would become independent and self-governing, they sought the advice of Representative Sumners in drawing up their constitution.

My first committee assignment was to Judiciary when Hatton Sumners was its chairman. That experience was one of the most instructive and valuable in my legislative career.

Service in this House is a special honor when a Member comes under the tutelage of a man like Judge Sumners to whom the Constitution was the very life of our Republic.

To the honor roll of great men that Texas has sent to Washington we add the memory of courageous and independent Hatton W. Sumners.

To his sister who survives him, Mrs. Willis J. Davis, of Atlanta, Ga., we send our sincere condolences, and our appreciation of her brother's distinguished service to the Nation.

TO SECRETARIES WEEK—IN RECOGNITION OF OUR ABLE AND LOYAL ASSISTANTS

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, on the occasion of Secretaries Week, which was observed the week of April 23, 1962, we publicly express our thanks to the hard-working and self-effacing secretaries who take our dictation, correct our errors, sift the important from the unimportant in our correspondence, serve as office ambassadors of good will, set an example of prompt and courteous efficiency, and often run the office better than the boss himself when he is on the road.

The world is apt to think of them as stenographers.

But any executive in commerce, industry, and government knows better.

With growing confidence in their skill, loyalty, and good judgment, executives regard them as administrative assistants who have the capacity for doing the right thing at the right time in a way that makes the boss look like a combination of supersalesman, wise leader, and understanding friend.

During most of the year we are inclined to overload them with work and responsibilities.

But on this week that is set aside to honor them, we gratefully acknowledge the contributions they make to our success.

In the chain of command, a good secretary is an able deputy.

Eventually, we intend to give them the full recognition that they deserve.

Meanwhile, we want them to know how much we appreciate their competence, their diligence, and their trustworthiness.

We hope that, guided by the tributes expressed during Secretaries Week, more young people will prepare and qualify themselves to become members of this indispensable profession.

TO AMEND THE INTERNAL REVENUE CODE OF 1954

Mr. ALGER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ALGER. Mr. Speaker, today I am introducing a bill to amend the Internal Revenue Code of 1954 to eliminate the withholding of income tax from wages and salaries. I do this because I recognize we have lost all control over spending in this country, and who is paying the bill. Since the great burden of taxes is borne by the so-called little or modest income folks, I think it is high time that they found out how much taxes they are paying. In order to do that, I think we ought to let them pay their own. In any event, this bill might be a step in the direction of letting the people know who is footing the bill. I submit this bill to my colleagues on that basis.

The Members may remember that this legislation was originally passed in 1943 as part of the pay-as-you-go tax law. The early proposals of Beardsley Ruml, whose name was attached to the pay-as-you-go plan, did not include provisions for withholding. It was added later and despite extensive discussions of the Ruml tax plan the withholding proviso was adopted without serious debate. Its vital defects were overlooked. Congress did not reckon with its moral and political consequences. Even now, little attention is given to these factors.

Certainly withholding imposes an unjust burden on the employer, especially the small businessman. I may point out this is another additional cost of doing business which will reduce the employer's income and in so doing reduces income tax collections. We recognize, too, that employers pass on this additional expense to consumers in the form of increased prices with the result that the ultimate tax compliance burden is haphazard and capricious in its incidence. So it becomes, in effect, an excise tax.

Withholding is of questionable constitutionality. We force the employer to do the work of figuring, collecting, and remitting this tax to the Government without compensation. He is thus deprived of his property without due process of law.

A few statistics as to the effect of withholding may be of interest to Members who have taken this method of tax collection for granted without any serious study of what is happening. The Commissioner of Internal Revenue noted that in 1961 37.8 million refunds were made on account of excessive prepayment of individual income taxes. This usually means excessive withholding. These refunds for the year 1961 totaled $4.8 billion.

Mr. Speaker, it seems to me the serious questions concerning the withholding tax which have gone unanswered for nearly 20 years make it imperative that Congress take a long second look at this method of tax collection and I hope that by introducing the bill, which I have introduced today, Congress may be spurred to restudy the problem so that the American people will know how much tax is being paid and who is paying it.

Unquestionably the withholding of taxes has facilitated more expeditious, and far heavier, tax collection. As responsible officers of Government, each Secretary of the Treasury, therefore, has favored this system, rather than to question it. As a result we have the present effort in the name of consistency of the Kennedy administration to withhold taxes on interest and dividends. This will result in massive overwithholding and administrative and policing chaos, as well as departing from the principle of voluntary tax compliance. Simultaneously, our President is skyrocketing Government spending. So it seems to me timely and sensible that the American citizens demand a halt to the continuation of the tax, tax, spend, spend, elect, elect policy. This repeal of the withholding tax will be the means of beginning the necessary and agonizing reappraisal.

TRANSPORTATION: THE LIFELINE OF OUR ECONOMY—THE KEYSTONE OF OUR MILITARY DEFENSE

Mr. SHORT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. SHORT. Mr. Speaker, on the opening day of Congress, January 10, 1962, to be exact, I introduced H.R. 9554. This bill is identical to one introduced by Senator JOHN L. McCLELLAN, of Arkansas, on September 19, 1961, before the U.S. Senate, and I am proud to be able to cosponsor this bill with a fine and effective Senator, such as JOHN McCLELLAN.

This proposed legislation, if enacted into law, would make abuses of power by labor unions and their leaders in the transportation industry, subject to proper restraint under our Federal antitrust laws—the same restraints and the same laws to which business has been subject since 1890, when the Sherman Antitrust Act was passed. This proposed legislation would restore once more to the Federal courts the power to enjoin paralyzing strikes in the transportation industry which threaten the welfare of the public and the security of our Nation.

This power, possessed by the transportation unions and their leaders, was described by the late Justice Jackson in his dissenting opinion in the *Hunt* v. *Crumboch* (325 U.S. 821, 831) case as a power which permits to employees the same arbitrary dominance under the economic sphere which they control that labor so long, so bitterly, and so rightly asserted should belong to no man. Mr. David Josiah Brewer, an Associate Justice of the U.S. Supreme Court during the early years of this century, while speaking for the Supreme Court in a case involving the application of our Federal Antitrust laws—*In Re Debs* (158 U.S. 546, 581), had occasion to state:

> It is curious to note the fact that in a large proportion of the cases in respect to interstate commerce brought to this Court the question presented was of the validity of State legislation in its bearings upon interstate commerce, and the uniform course of decision has been to declare that it is not within the competency of a State to legislate in such a manner as to obstruct commerce.
>
> If a State, with its recognized powers of sovereignty, is impotent to obstruct interstate commerce, can it be that any mere voluntary association of individuals within the limits of that State has a power which the State itself does not possess?

The transportation system of a community or of a nation is the lifeline of its industrial economy and the keystone of its military defense structure. General Eisenhower once said:

> You will not find it difficult to prove that battles, campaigns, and even wars have been won or lost primarily because of logistics.

It is obvious, therefore, that power to control or disrupt the operation of the transportation facilities, or any major segment thereof, would pose a serious threat and danger to our national welfare.

No representative of government—including the President of the United States—has such power under our Federal Constitution. And no business organizations or representatives of business are permitted to exercise such power. Since 1890, the Federal antitrust laws have made it a criminal offense, punishable by imprisonment of up to 10 years, and fines up to $50,000, or both, for any business organization or its representatives to attempt to restrain trade and commerce by ordering a stoppage of public transportation.

Such power does exist, however, and is possessed by powerful labor leaders and powerful labor organizations in the transportation industry. It is possessed, for example, by James R. Hoffa, president of the International Brotherhood of Teamsters, the largest transportation union in this country—and by Harry Bridges, president of the International Longshoremen's and Warehousemen's Union, which controls the west coast shipping docks of this Nation, and by other transportation unions and their leaders.

These unions and their leaders not only have this tremendous power, but they are well aware that they have it. They have indicated what they can do with this power, should they decide to use it. In an interview which was published in the Los Angeles Mirror on April 10, 1961, Mr. Bridges was quoted as stating that any Government attack on him and Mr. Hoffa would mean a paralyzing strike on the Nation's land and sea transportation systems. In the same interview he is quoted further as saying: "We have the power—we can tie up the country from coast to coast." And he was not exaggerating.

To point up my contention, let us consider the west coast shipping strike which only a few days ago was threatening the very life and economy of our new State of Hawaii. President Kennedy saw fit to use the Taft-Hartley provision of the 80-day injunction in this strike—and this was the only thing which gave temporary relief to the entire State of Hawaii. I will not attempt to pass judgment on the question as to whether the shipowners or the maritime union were more at fault in this particular instance. This will be determined by other forums. The real question, and the most important one, is whether or not the public interest should be protected. It will be interesting to wait and see what happens after the 80-day injunction period is over. For the sake of those who live in Hawaii, I hope the problem is solved and speedily, but this does not mitigate the situation. Hawaii is the innocent victim of this strike. Further, two or three other similar strikes took place last year, but this strike is the longest on Hawaii's waterfront since a 6-month tieup in 1949.

Hawaiian shipping is almost a public corporation or utility. The Federal Government pays millions in subsidies to guarantee the existence of an American merchant marine. Therefore, any strike in west coast Hawaii shipping can, to some degree, be said to be a strike against the public—or even a strike against the Government.

Three unions appear to be involved in the strike—the Sailors Union of the Pacific, the Marine Firemen, and the Marine Cooks and Stewards. They have, if my information is correct, demanded increases in wages and fringe benefits of almost 18 percent over the next 3 years. The owners, represented by the Pacific Maritime Association, first offered increases of just under 12 percent annually in wages and fringe benefits over the next 3 years. When this was refused, the owners then withdrew their offer—citing the revenue lost because of the strike. As a result, with a combined membership of about 5,000 of the three unions involved in the strike, the health and welfare of over 700,000 people is involved.

An east coast maritime strike just this past year was—you will recall—also eventually settled at an 11.5 percent increase in pay and benefits, but the President had to obtain the same 80-day injunction before settlement was finally made.

For those who do not quite get the connection of the Hawaiian shipping strike to Senator McCLELLAN's and my bill, let me point out that this can happen anywhere in the United States or to the entire United States under our present labor legislation.

The stoppage of any one of the major forms of transportation alone can menace the economic life of a community, of an area, or even of the entire Nation. The power to do this rests in the hands of any transportation labor union and its leader. But you might ask: "Do we have reason to believe there is any real threat or danger that such tremendous power might ever be used?" Most definitely, we do.

Let us remember that the Internal Security Subcommittee of the U.S. Senate, after an extensive investigation into certain activities of Mr. Harry Bridges and the International Longshoremen's and Warehousemen's Union, as well as those of the Teamsters and some other transportation unions, issued a report under date of December 17, 1958. This report set forth the following conclusion:

> The ILWU (International Longshoremen's and Warehousemen's Union) has in the past had ties to international Communist organizations such as the World Federation of Trade Unions and the World Peace Congress. The Communist International has expressed intense interest in the San Francisco general strike, led by Harry Bridges. These ties and the union's activities over the years in cooperation with foreign Communist-controlled unions indicate that the ILWU is susceptible to appeals and pressures from international Communist sources.

A second conclusion stated in the aforementioned report is:

> The Communist Party, U.S.A., has for many years evinced a deep interest in operations on the waterfront and in the transport industry in general, with particular reference to operations in wartime.

Great as is the power now possessed by Mr. Harry Bridges and Mr. James Hoffa, and grave as is the danger which that power poses to the American people and the security of our Nation, there is ample evidence to indicate that each man is busily engaged in efforts to enhance that power. Not only have they entered into alliances between their respective organizations for the purpose of joint action and mutual assistance, they are also endeavoring to form alliances with other unions both inside and outside the transportation field.

In this connection, an editorial appearing in the Chicago Daily Tribune on February 26, 1958, refers to Mr. Hoffa's plan to form an alliance of all transportation unions, land, sea, and air, and quotes him as saying:

> You cannot have a one-city strike any more or a strike in just one kind of transportation. You have to strike them all.

And in regard to a proposed alliance between the Teamsters Union, the west coast Longshoreman's and Warehousemen's Union, and the east coast International Longshoremen's Association, Mr. Bridges was quoted in an interview appearing in the Wall Street Journal and Washington Daily News on August 2, 1957, as saying:

> There is one thing I know—if the Teamsters and the two dock unions got together, they would represent more economic power than the combined AFL-CIO.

He is further quoted as saying:

> They are so concentrated, an economic squeeze and pressure can be exerted that puts any employer in a tough spot—and furthermore, puts the U.S. Government on a tough spot.

It is difficult for me to convince myself that men who will make such intemperate and threatening statements in public have only the good and welfare of this country—and its citizens—at heart.

Now the obvious question is: What is wrong with our antitrust legislation, that the United States of America can be placed in such jeopardy by two such labor leaders?

Very briefly, the Sherman Antitrust Act, passed in 1890, was brought about because of the public's fear of the coercive power of large industry and massed capital. It is concerned mainly with the preservation of legitimate competition by maintaining free markets—by regulation of, if not actual control of, trusts and monopolies. Its first two sections contain the most important aspects of the statute. Section 1 states:

> Every contract, combination in the form of trusts or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, are hereby declared to be illegal, every person who shall make any such contract or engage in any such combination or conspiracy * * * shall be deemed guilty of a misdemeanor.

Section 2 states:

> Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor.

The Federal courts have power to enforce provisions of the law. The Attorney General is authorized to secure injunctive relief against any violations and to initiate criminal prosecutions. Any person who suffers injury as a result of the violation of the law by others can maintain civil suits for triple damages against the violators of the act.

Prior to and after passage of the law, many questions arose relative to coverage and exemption. The status of labor unions and their behavior under the statutes were among the chief questions. It was questioned as to whether the labor activities came under jurisdiction of this law—and if so, which of their activities and what should be the extent of the application? Some contended that Congress intended to regulate or eliminate unfair higher consumer prices, resulting from combinations of power groups to control the market. Since businessmen would gain more by these activities, it was felt these groups had more of an incentive to combine.

During this period of our American history, we must remember that labor unions were very weak. It was not for a good many years that they attained the strong position they now enjoy.

Another point of view expressed was that labor was not a commodity. Labor had the legal right to accept or terminate employment at will, refuse to buy goods, and to persuade others not to buy them—as well as to strive for higher wages—because while increased labor costs might affect prices, good wages would help trade. Therefore, some felt the Sherman Act was designed only to regulate trade and not suitable to regulate employee-employer relations.

Labor, prior to passing the Sherman Antitrust Act, had requested specific exemption from coverage of the law. This was considered by the Senate Judiciary Committee—according to the legislative history of this act—as well as considered on the Senate floor, but the exemption was not placed in the act when it was passed. The controversy continued, after passage of the act, and in case after case the courts were confronted with problems of apparent restraints of trade in which unions were involved. Finally the Supreme Court had to act in a case which involved secondary boycotts instituted by the United Hatters of America against Loewe & Co. The Supreme Court found that while unions as such were legal—in other words, the act of organizing into unions was no longer regarded as a conspiracy against the public—they had in this instance combined in restraint of trade and commerce among the several States. The peaceful boycott was declared to be illegal and damages were imposed because the boycott interfered with interstate transactions.

Time passed, during which corporations and business units and trusts grew larger and larger. A fear developed in the public that business combinations and monopoly would take the place of competition among many smaller units. At the same time there was a more favorable reaction to arguments of labor spokesmen that labor was not a commodity, therefore should not be subject to laws enacted relative to monopolies in production and commerce and to the conduct of competitive business.

More time passed, during which many other cases were brought before the Supreme Court. The Court appeared to follow two rules or standards, that is, first, that the intent to interfere with interstate commerce must be proven; and second, that the reduction in commerce due to a union's behavior must be unreasonable, not reasonable, and incidental. Labor unions became more and more concerned, since the Supreme Court held in some cases that illegal combinations could be dissolved under the Sherman Act—and did so—in the famous Standard Oil Co. against the U.S. case. The labor unions felt that if the act allowed such a dissolution of business enterprises, and had jurisdiction over certain labor union activities, the very foundation of unionism was also threatened.

Later on, in 1914, the Clayton Act was passed. This act attempted to allay the fears of the unions and to define more clearly the status of unions under antitrust legislation. While it did not grant labor unions complete exemption from the Sherman Act, it did establish the doctrine that the mere existence and functioning of unions was not illegal, that unions were not conspiracies as such, and that lawful operations of labor organizations did not illegally restrain trade. The law, in its section 6, definitely stated that labor was not a commodity. However, the Supreme Court continued to hold that the Sherman Act applied to any illegal behaviors of labor unions. In many cases the Court put much emphasis on intent and motive. The labor unions, who had hailed the Clayton Act as being a "bill of rights" for workers, became disillusioned. Unions and their sympathizers thereupon began agitating for a clarification of labor's status under the antitrust laws. This has been held by many to be one of the prime reasons for passage of the Norris-La Guardia Act, which took place in 1932.

Labor clearly had benefited greatly from favorable legislation under the administration of President Roosevelt. A change took place in congressional policy approaching Federal sponsorship of labor unions. A liberal Supreme Court combined with the passage of the Norris-La Guardia Act of 1932—called the Anti-Injunction Act—and the comprehensive Wagner Act—the National Labor Relations Act of 1935—quite effectively reduced the area of union responsibility under the antitrust statutes.

In a now famous case, called the United States against Hutcheson case, an important decision was handed down by a 5-to-4 decision, by the Supreme Court, stating that a union may not be prosecuted under the Sherman Act for conducting a jurisdictional strike. Even though there was no employer-union dispute involved—this being instead a dispute over a work assignment between two unions in the employer's plant—and the employer under agreement with both unions, assigned the disputed work to the machinists, subject to arbitration with the carpenters—the carpenters refused to arbitrate. Instead they called a strike, picketed, and by means of circular letters and the official union paper, urged union members and others not to buy a particular beer made by the employer. President Hutcheson and three other officers of the carpenters' union were charged with criminal combination and conspiracy in violation of the Sherman Act.

The majority opinion of the Supreme Court was delivered by Justice Felix Frankfurter. He held there was no violation of the Sherman Act, since section 20 of the Clayton Act specified certain union activities which should not be considered as violations of any Federal law. Even though previously the Supreme Court had held that section 20 of the Clayton Act covered only those union activities involved in the immediate employer-employee relationship—and the Hutcheson case dealt with union activities outside that relationship—Justice Frankfurter argued that it was not the true congressional intent of section 20 that it be limited to the immediate employer-employee relationship. He held that Congress had rendered the previous decisions inoperable by enacting the Norris-La Guardia Act, which clearly applied to union activities outside the immediate employer-employee relationship. He concluded that whether union conduct violated the Sherman Act was to be determined only by reading the Sherman Act, section 20 of the Clayton Act, and sections 13 (b) and (c) of the Norris-La Guardia Act as a harmonizing or interlaced text in regard to outlawry of labor conduct. The four dissenters stated that abuses existed that ought not to be tolerated, but that their hands had been tied by Congress in passing the Norris-La Guardia Act, and it was up to the Congress to correct the situation.

Later the area of union responsibility under antitrust laws was reduced to almost complete immunity in a case called Hunt against Crumboch, where relief was denied an employer after the union refused to supply workers to him or to accept his employees into union membership—thus causing destruction to his business.

I believe we all know the later history of labor legislation. Briefly, in 1933 the National Industrial Recovery Act was enacted—establishing the right of workers to organize and to bargain collectively with their employers. The first National Labor Relations Board was established under the NIRA, with Senator Wagner as Chairman.

In 1935, the National Labor Relations Act—the Wagner Act—was passed—and this act adopted the same principle of protecting the right of individuals to organize and combine into unions.

No thought was given at this time to the possibility that some labor combinations might tend to lessen competition or to create monopoly. Hardly more than 3 million union members were in this country at that time, and these were concentrated in a few industries, such as mining, railroads, newspaper printing and the apparel trades. There were practically no effective union organizations in basic manufacturing industries such as steel, chemicals, automobiles, rubber and electrical products, or in utilities or services. The old practices of employers who fought unions in the past and who had been protected in this by older legal concepts changed. Now they were told that they must cease and desist from engaging in practices which would hinder workers who desired to combine into unions, and that they must bargain with such union as the workers selected to represent them.

It became fairly clear that Congress had done this intentionally, due to the widespread opinion that business had grown big and powerful and individual workers therefore were not able to bargain effectively regarding terms and conditions of employment.

Congress had been trying to achieve legislation which would protect the freedoms of the rank-and-file American citizen, and at the same time protect the freedoms of union organizations. Instead of becoming simply an organization to protect the interests of labor by controlling the supply of labor, either on a comparatively limited scale or on a national scale—which after all is the obvious and avowed objective of labor unions, and which has been approved as a matter of public policy not only by the Congress but by the courts—labor unions became, in the opinion of many, an undisciplined threat to the economy of our country.

Since the Wagner Act appeared after a time to many to be one sided—in that while it placed employers under an obligation to do certain things and to refrain from others, unions had no obligations placed on them with respect to collective bargaining—attempts were made by Congress to amend the Wagner Act. The House of Representatives passed a bill in 1941—being a radical revision of the Wagner Act; however, Pearl Harbor came along, and efforts at modification were dropped until the end of the war. Numerous bills were introduced after the war and debated by Congress, but it was not until 1947 that Congress passed the Taft-Hartley Act. This act is actually an elaborate amendment to the Wagner Act, and was called the Slave Labor Act by many labor union leaders. While the act contains many new provisions which place obligations on labor organizations and influenced practices of collective bargaining—it still continued the national policy of encouraging combinations of employees into unions. It attempted to eliminate coercion with respect to such organizations and some say it reverts to a large degree to individual bargaining. It does attempt to make certain strikes illegal and prevents unions from engaging in certain practices felt not to be in the public interest.

Repeated attempts were made to destroy the Taft-Hartley Act and to replace it with the Wagner Act. However, in the prevailing climate of opinion in the United States and in the Congress, this proved to be an impossible task. Secondary boycotting, outlawed by the Taft-Hartley Act, somehow continued by various means to be practiced by some labor unions.

The Landrum-Griffin bill was introduced in 1959, during my first year in Congress. This was passed in a storm of demand by many sections of the public, and in a storm of dissent by many unions. I do not believe I will forget—nor, I am sure, will many other Members forget—a particular letter sent to all the Members of Congress who voted for the Landrum-Griffin bill by a certain labor union leader—in which we were clearly threatened with the loss of our congressional seats if we continued to support that bill. Oddly enough, I have the feeling that this letter had a great deal to do with the coagulation of opinion in Congress. In any event, the bill was passed. I was interested to note that the authors of the bill recently—in fact on April 10—took the floor of the House to protest instances where they felt the National Labor Relations Board had, and I quote:

> With the application of strained and tortured reasoning handed down a series of decisions which, in their total effect, operate to legalize many of the picketing and boycott abuses which Congress, through the Landrum-Griffin Act, sought to eliminate.

At the same time they denounced one of the members of the NLRB, stating he had said, and I quote:

> In my view the Board is unquestionably a policymaking tribunal.

This, of course, tends to undermine the rightful authority of the Congress to be the proper policymaking body.

It appears to me, and to many who are much more knowledgeable than I on labor-management matters, that under our labor-management and antitrust laws, as interpreted by the Supreme Court, we today have no actual control over labor unions. To control the market for commodities with the purpose of eliminating competition and creating monopolies is illegal; but to control the market for labor for the purpose of permitting one or more designated representatives of labor to bargain over wages and other conditions of their work has been encouraged as a public policy, and is perfectly legal.

The previous low point of 3 million union members in 1932 has now been increased to approximately 18.1 million national and independent affiliated union members today. There are, in addition, about one-half million small company union members, according to late Labor Department statistics, not affiliated with national unions. There are no longer industries of any importance in our country that do not recognize and deal with their workers as combinations of employees represented by a union. Indeed, this Congress has seen the first actual official recognition of a Federal Government employees union. From being merely an organization which could deal with a single industry, while the same type of industry in other States could continue to operate—unions have become centralized until entire industries, such as the coal mining industry, steel industry, automobile industry, and electrical manufacturing industry were effectively shut down for weeks and months and no member of the industry under the control of the union in that industry engaged in production at all.

What do I mean by labor monopoly? All successful labor unions are either labor monopolies—or they strive to become labor monopolies.

At one time we had the open shop, consisting of union members and nonunion members working side by side—but this was a short-lived period in American labor history. Although the closed shop is illegal under the Taft-Hartley Act, the union shop becomes legal if favored by a majority of those union members eligible to vote in an election.

Let me quote from a comment made by Mr. James Hoffa in May of 1959, at a press conference in Brownsville, Tex.:

> We can call a primary strike all across the Nation that will straighten out the employers once and for all.

This is the President of the Teamsters Union talking—the union known to be the largest and strongest of all unions in the transportation field. It is powerful enough to put a stranglehold on all our Nation's economy by means of a nationwide strike. If Mr. Hoffa and Harry Bridges form an alliance or cooperative working arrangement which would enable them to act in conjunction with one another, or provide support and assistance to each other in connection with labor disputes or strikes—I do not believe it would take much imagination to envision the results.

This—quite simply—is the reason I felt impelled to cosponsor Senator McCLELLAN's bill, and introduced H.R. 9554. It is my considered judgment that this bill constitutes a prescription which could help the sick commercial patient—our United States of America. I want to help our country in its need to foster, promote, and develop the foreign and domestic commerce of the United States. I feel this proposed legislation would be an added cornerstone in the arch of liberty.

Let me reiterate that the power to control or disrupt the operation of our transportation facilities, or any major segment thereof, poses a serious threat and danger to our national welfare.

No representative of Government—including the President of the United States—has such power under our Federal Constitution. And no business organization or representative of business is permitted to exercise such power. Since 1890, the Federal antitrust laws have made it a criminal offense for any business organization or its representatives to restrain trade and commerce by ordering a stoppage of public transportation.

Such power which exists, and is possessed by powerful labor organizations and their leaders in the field of transportation—is a perversion of freedom as guaranteed to us under the Constitution.

Our Federal Constitution denies such power to the President of these United States. Our Federal antitrust laws deny such power to any business organization or business representative. We must not, therefore, by the sin of omission, permit this power to rest in the hands of any man or small group of men.

We all subscribe to the American view that labor is not a commodity or an article of commerce. On the other hand, the Marxian or Communist definition of labor states that labor is a commodity and is measurable as such.

We need to remember that the free world's fight against the menace of world communism depends to a tremendous degree on the success of our traditional free enterprise system. It should be strengthened—not weakened—by trusts or monopolies of either big business or big labor unions. Further, it not only should, but must, if we are to have any hope of preserving our American way of life.

I would like to close by saying that I hope the House of Representatives will join hands in pressing for consideration of my bill by the House Judiciary Committee, and for passage by the House before the end of this session. While my bill does not cover every aspect of reform needed in the antitrust laws, I believe it is an important step forward which will, if enacted, safeguard one of the most important aspects of our economy and defense—our transportation system. Further, I do not believe it will harm legitimate aims of our labor unions, but will instead, create balance where there is imbalance.

I wish to include, at this point in my remarks, my bill H.R. 9554:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Antitrust Laws Amendments of 1961".

SHERMAN ACT AMENDMENTS

SEC. 2. (a) Section 1 of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (26 Stat. 209, as amended; 15 U.S.C. 1) is amended by—

(1) inserting, immediately after the section designation "SEC. 1.", the subsection designation "(a)"; and

(2) adding at the end thereof the following new subsection:

"(b)(1) Notwithstanding any other provision of law, it shall be unlawful and contrary to the public policy of the United States for any labor organization in concert with any employer or with any other labor organization (whether or not affiliated with the same national or international labor organization), to call for, conduct, engage, or participate in, any strike, action, plan of action, agreement, arrangement, or combination directed against any employer in trade or commerce who is engaged in the transportation of persons or property among the several States or with foreign nations if the effect of such strike, action, plan of action, agreement, arrangement, or combination may be to restrain substantially the transportation of persons or property in trade or commerce among the several States, or with foreign nations.

"(2) Notwithstanding any other provision of law, every contract, agreement, or understanding, express or implied, between any labor organization and any employer engaged in the transportation of persons or property in trade or commerce among the several States, or with foreign nations, whereby such employer undertakes to cease, or to refrain from, purchasing, using, selling, handling, transporting, or otherwise dealing in any of the products or services of any producer, processor, distributor, supplier, handler, or manufacturer which are distributed in trade or commerce among the several States, or with foreign nations, or to cease doing business with any other person, shall be unlawful.

"(3) Every person who violates, attempts to violate, or combines or conspires with any other person to violate, the provisions of this subsection shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $50,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court."

(b) Section 3 of such Act (15 U.S.C. 3) is amended by—

(1) inserting, immediately after the section designation "SEC. 3.", the subsection designation "(a)"; and

(2) adding at the end thereof the following new subsection:

"(b)(1) Notwithstanding any other provision of law, it shall be unlawful and contrary to the public policy of the United States for any labor organization in concert with any employer or with any other labor organization (whether or not affiliated with the same national or international labor organization), to call for, conduct, or engage or participate in, any strike, action, plan of action, agreement, arrangement, or combination directed against any employer who is engaged in the transportation of persons or property in trade or commerce in any territory of the United States or the District of Columbia, or between any such territory and another, or between any such territory or territories and any State or States or the District of Columbia or with foreign nations, or between the District of Columbia and any State or States or foreign nations, if the effect of such strike, action, plan of action, agreement, arrangement, or combination may be to restrain substantially the transportation of persons or property in any such trade or commerce.

"(2) Notwithstanding any other provision of law, every contract, agreement, or understanding, express or implied, between any labor organization and any employer engaged in the transportation of persons or property, whereby such employer undertakes to cease, or to refrain from, purchasing, using, selling, handling, transporting, or otherwise dealing in any of the products or services of any producer, processor, distributor, supplier, handler, or manufacturer which are distributed in trade or commerce in any territory of the United States or the District of Columbia, or between any such territory and another, or between any such territory or territories and any State or States or the District of Columbia or with foreign nations, or between the District of Columbia and any State or States or foreign nations, or to cease doing business with any other person shall be unlawful.

"(3) Every person who violates, attempts to violate, or combines or conspires with any other person to violate, the provisions of this subsection shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $50,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court."

(c) Section 8 of such Act (15 U.S.C. 7) is amended to read as follows:

"SEC. 8. As used in this Act—

"(a) The term 'person', or 'persons', shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the territories, the laws of any State, or the laws of any foreign country.

"(b) The term 'labor organization' means any organization of any kind, or any agency or employer representation committee or plan, in which employees participate, and which exists for the purpose in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and includes any national or international labor organization or federation thereof, and any conference, general committee, joint or system board, joint council, or parent, regional, State, or local central labor body.

"(c) The term 'employee' shall include any employee and any individual employed by an employer, and shall not be limited to the employees of a particular employer, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute.

"(d) The term 'employer' includes any employer, any person acting as an agent of an employer, directly or indirectly, and any person engaged in any trade or industry as a manufacturer, producer, distributor, supplier, carrier, or handler of any article, commodity, or service, and in the case of any corporate employer, includes all subsidiary corporations of the same parent corporation engaged in the manufacture, production, distribution, furnishing, transportation, or handling of articles, commodities, or services of the same kind.

"(e) The term 'strike' means any strike or other concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of or interference with operations by employees."

CLAYTON ACT AMENDMENTS

SEC. 3. (a) Section 6 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (38 Stat. 731; 15 U.S.C. 17), is amended to read as follows:

"SEC. 6. The labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws, except as provided by sections 1(b) and 3(b) of the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890 (26 Stat. 209, as amended; 15 U.S.C. 1, 3, as amended)", and

(b) Section 20 of such Act (29 U.S.C. 52) is amended by—

(1) striking out the word "That" in the first paragraph thereof, and inserting in lieu thereof the words "Except for the purpose of preventing a violation of section 1(b) or 3(b) of the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890 (26 Stat. 209, as amended; 15 U.S.C. 1, 3, as amended)"; and

(2) following the word "And" where it first appears in the second paragraph thereof, insert the words "except for the purpose of preventing a violation of section 1(b) or 3(b) of the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890 (26 Stat. 209, as amended; 15 U.S.C. 1, 3, as amended)"; and

(3) striking out the words "any law of the United States" in the second paragraph thereof, and inserting in lieu thereof the words "any other provision of the antitrust laws of the United States".

JURISDICTION OF COURTS

SEC. 4. The jurisdiction of courts sitting in equity to prevent and restrain violations of sections 1(b) and 3(b) of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890 (26 Stat. as amended; 15 U.S.C. 1, as amended), as amended", in this Act, shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity and for other purposes, approved March 23, 1932 (U.S.C., supp. VII, title 29, sec. 101–115)".

SCOPE OF JUDGMENTS

SEC. 5. Whenever a judgment for damages is granted against a labor organization under section 4 of an Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes (38 Stat. 731; 15 U.S.C.A. 15)", collection of such judgment shall be limited to the assets owned or controlled by such labor organization; and such judgment shall not be enforceable against any individual member.

NONEXCLUSIVE REMEDIES

SEC. 6. The provisions of this Act and the remedies provided herein shall not be exclusive, but shall be in addition to any other statutory provisions and legal or statutory remedies provided for protection against the same or similar actions under any law of the United States or of any State.

SEPARABILITY

SEC. 7. If any provision of this Act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Act, or the application of such provision to any person or circumstances other than those as to which its application is held invalid, shall not be affected thereby.

EFFECTIVE DATE

SEC. 8. The amendments made by this Act shall take effect on the first day of the fourth month beginning after the date of enactment of this Act.

RIBAULT QUADRICENTENNIAL

Mr. BENNETT of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT of Florida. Four hundred years ago, May 1, 1562, Capt. Jean Ribault, searching for a place to found a French colony where those seeking freedom from the religious persecutions in France could establish themselves, came to the mouth of what we now call the St. Johns River, Fla. He called it the River of May, after the date of its discovery. He wrote of the events in his book "The Whole and True Discoverye of Terra Florida"—London, Hacket, 1563—as follows:

> We did behold to and fro the goodly order of the woodes wherwith God hathe decked everywhere the said lande. Then perceving towardes the northe a leaping and breking of the water, as a streme falling owt of the lande unto the sea, forthewith we sett agayn up saile to duble the same while it was yet daye. And as we had so don, and passed byonde yt, there apeared unto us a faire enter (ye) of à great river, which caused us to cast ancre agen and tary there nere the lande, to thende that the next mornying we myght see what it was. And though that the wynd blewe for a tyme vehemently to the shore warde, yet the hold and auncordge is so good there, that one cable and one ancre held us fast withowt driving or slyding.
>
> The next daye in the morninge, being the ffirst of Maye, we assaied to enter this porte with two rowe barges and a boate well trymed, finding littlel watter at the entrye and many surges and brekinges of the water which might have astuned and caused us to return back to shippborde, if God had not speedely brought us in, where fynding fourthwith 5 or 6 fadom water, entered in to a goodly and great river, which as we went we found to increse still in depth and lardgness, boylling and roring through the multytute of all sortes of fishes. Thus entered we perceved a good numbre of the Indians, inhabytantes there, coming alonge the sandes and seebanck somewhate nere unto us, withowt any taken of feare or dowbte, shewing unto us the easiest landing place, and thereupon we geving them also on our parte tokens of assurance and frendelynes, fourthewith one of the best of apparance amonges them, brother unto one of there kinges or governours, comaunded one of the Indians to enter into the water, and to aproche our boates, to showe us the easiest landing place. We seeing this, withowt any more dowbting or difficulty, landed, and the messenger, after we had rewared him with some loking glases and other prety thinges of smale value, ran incontenently towardes his lorde, who forthwith sent me his girdell in token of assurance and ffrendship, which girdell was made of red lether, aswell couried, and coulored as is possible. And as I began to go towardes him, he sett fourthe and came and receved me gentlye and reiosed after there mannour, all his men ffollowing him with great silence and modestie, yea, with more then our men did. And after we had ahile with gentill usage congratulated with him, we fell to the grownd a littell waye

> from them, to call upon the name of God, and to beseche him to contynewe still his goodness towardes us, and to bring to the knoweledge of our Saviour Jesus Christ this pooer people. While we were thus praying, they sitting upon the grownd, which was dressed and strewed with baye bowes, behelde and herkened unto us very attentively, without eyther speaking or moving. And as I made a sygne unto there king, lifting up myne arme and streching owt one fynger, only to make them loke up to heavenward, he likewise lifting up his arme towardes heven, put fourthe two fynge(rs) wherby it seemed that he would make us tunderstand that thay worshipped the sonne and mone for godes, as afterward we understode yt so,

Laudonniere's account of the events of May 1562, is found in his book "The Notable History of Florida," printed in English in volume III of Hakluyt's Voyages—Glasgow, 1904—as follows:

> He discovered a very faire and great River, which gave him occasion to cast anker that hee might search the same the next day very early in the morning: which being done by the breake of day, accompanied with Captain Fiquinville and divers other souldiers of his shippe, he was no sooner arrived on the brinke of the shoare, but straight hee perceived many Indians men and women, which came of purpose to that place to receive the Frenchmen with all gentlenesse and amitie, as they well declared by the Oration which their king made, and the presents of Chamois skinnes wherewith he honoured out Captaine, which the day following caused a pillar of hard stone to be planted within the sayde River, and not farre from the mouth of the same upon a little sandie knappe, in which pillar the Armes of Franch were carved and engraved. This being done hee embarked himselfe againe, to the ende alwayes to discover the coast toward the North which was his chiefe desire. After he had sayled a certaine time he crossed over to the other side of the river, and then in the presence of certaine Indians, which of purpose did attend him, hee commaunded his men to make their prayers, to give thankes to GOD, for that of his grace hee had conducted the French nation unto these strange places without any danger at all. The prayers being ended, the Indians which were very attentive to hearken unto them, thinking in my judgment, that wee worshipped the Sunne, because wee alwayes had our eyes lifted up toward Heaven, rose all up and came to salute the Captaine John Ribault, promising to shew him their King, which rose not up as they did, but remained still sitting upon greene leaves of Bayes and Palmetrees: toward whom the Captaine went and sate downe by him, and heard him make a long discourse, but with no great pleasure, because hee could not understand his language, and much lesse his meaning.

This was the first Protestant prayer ever said in what is now the United States, and these were the first freedom-seeking people ever to come to our shores. They moved up the coast to Parris Island, S.C., and left a garrison there of about 30 men at Charlesfort, but they followed Ribault back to Europe after a grim effort for survival, including cannibalism.

Later in 1564, Ribault's second in command, Rene Laudonniere, came over to the River of May and established Fort Caroline. This began the permanent settlement of our country by requiring the Spanish to establish St. Augustine in 1565, while subduing Fort Caroline in that year. The colony had as one of its motives religious freedom, and it included both Protestants and Catholics.

For the next 2 weeks in Jacksonville, Fla., there will be celebrations about these early settlers celebrating our quadricentennial in Jacksonville, Fla. A key portion of the celebrations will be the showing of Kermit Hunter's symphonic drama "Next Day in the Morning," which is expected to be shown, hereafter, annually—for 2 weeks as a way of refreshing our memory of these important events in our heritage. I have seen this excellent play and believe every American would be benefited by viewing it. Its production is a community enterprise, not for the personal profit of those local leaders who have underwritten its expenses. I hope that it will have a good attendance.

Mr. Speaker, these people who came here to Fort Caroline were both Catholics and Protestants. They should be a great inspiration to us in this day, four centuries later. They reached an important plateau in the development of mankind, a large step forward in man's quest for freedom.

Mr. Speaker, 200 years later another high plateau of freedom was established when our Nation was founded. I think we are still approaching higher plateaus and greater things for mankind, not only in learning how to get along with each other, but also in many and varied advances in science and in spirit.

PERSONAL EXPLANATION

Mr. WALTER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Flood] be excused from attendance in the House for an indefinite period of time due to illness. Our distinguished colleague is confined to the Georgetown Hospital.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

IMPACT ON BUSINESS OF THE PRESIDENT'S ACTION AGAINST THE STEEL COMPANIES

Mr. LANGEN. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Alger] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ALGER. Mr. Speaker, before the House adjourned for the Easter recess, I pointed out the dangers to a free people embodied in the action by President Kennedy in using the power of his high office to set the price of steel. Since that statement was made, many of us have had an opportunity to go back to our districts and to learn, firsthand, what the people are thinking. I do not know what reaction some of the rest of you found at home, but my people are deeply concerned with the possibilities of future price and wage control by the Federal Government if the President follows the precedent he set in the case of steel. Regardless of what the labor leaders are saying in supporting the President's action against industry, many union members and working men and women are worried, and in my opinion rightly so, that any future wage demands will necessarily wait upon Presidential approval. Mr. Speaker, I think Congress should be equally concerned by the fact that we may be faced with price and wage control by Executive order without regard to any legislative action by this body.

We have not seen the end result of the gesture of dictatorship exercised by President Kennedy and none of us know what further steps he and his economic advisers, those who believe so strongly in a planned and directed economy, have in mind.

In order to bring the Members up to date on some further economic aspects in this situation I would like to include, as a part of these remarks a column written by David Lawrence in the Washington Evening Star, "An Economic Judgment in Steel," a special report by the Women Investors Research Institute, Inc., entitled "After the Steel Crisis, What?" a report by the American Institute for Economic Research, "Economic Aspects of the Steel Price Fiasco," a series of letters from the Chicago Daily Tribune, the text of a study by McGraw-Hill Publishing Co., "The Profits Squeeze," and finally the joint statement of the Senate-House Republican leadership of April 19, 1962:

AN ECONOMIC JUDGMENT IN STEEL—FACTS BEHIND PRICE-RISE DECISION TOLD IN QUESTION-AND-ANSWER FORM

(By David Lawrence)

This is the inside story of how an economic judgment of major importance was made within the steel industry only to be upset subsequently by the political judgment of the President of the United States, backed up by threats of criminal prosecution. The story is based on several days of research among many men in the steel industry and economists who analyze trade and financial news.

It is perhaps best to present the facts in what could have been a dialogue between an inquiring reporter and a group of men who, sitting as a finance committee, endeavored to make an economic judgment just after the contract with the National Steelworkers Union was signed. Here in composite form is the result:

Question. Did you assure the President or anyone else that you would hold the line on prices?

Answer. We not only didn't do this, but we couldn't do it without deliberately violating the antitrust laws. We sat down alongside our competitors only to negotiate with the labor unions. We could not mention prices either to the union representatives or to the men from the other companies.

Question. Wasn't it inferred or wasn't it implicit that, if the unions didn't get a big wage increase, you as a group wouldn't increase prices?

Answer. We gave no such promise or inference to anyone. The new increase of 10 cents an hour for labor in fringe benefits, it is estimated, will cost our industry about $100 million a year. Somebody has to pay for this. This is on top of the 30 cents an hour increase in wages in the last 3 years which we absorbed without making any increase in our prices.

Question. But after all the public discussion of wage and price stability, why couldn't you go along?

Answer. Because we have a responsibility to those who have invested in our property. We have promised to pay back what we owe. We had to make an economic judgment.

Question. On what was your economic judgment based?

Answer. On the simple fact that 3 years ago we in our company began a program to modernize our plant and equipment at a cost of $1,185 million.

Question. Where did you get the money?

Answer. We got part of it out of surplus and depreciation reserve and part of it out of profits after paying dividends. The balance—about $800 million—we borrowed.

Question. Why didn't you just sell more stock instead of borrowing?

Answer. Because, to pay dividends on your stock at 5 percent, you would have to earn 10 percent before taxes, which take about a half of your earnings, whereas you can borrow money at 5 percent and get a tax deduction on half of the interest cost. And that's one of the major reasons why there has been such a big limitation on stock issues not only in our industry but in others as well.

Question. But how do you relate this to your pricing policy?

Answer. We make a 5-year forecast in our company as we take a long-range look at the economy. It's difficult to do, but finally you must make an economic judgment based on whether the market for your product will take the increase in prices and on what your competitors will do. This can only be based on published information in annual reports and on common knowledge as to markets and also on financial data in trade and financial journals in our industry. We can also make a reasonable calculation of the amount of depreciation reserve we are going to have over a period of time.

Question. What was your judgment on this particular price increase?

Answer. We felt it was a moderate one that could rapidly be absorbed by our customers. We had experienced a 6-percent deterioration in our cost-price relationship even before the latest wage increase. So a 3½-percent increase in prices seemed logical, since it was a bit more than half of the deterioration which had occurred.

Question. How did you come out your 1961 operations?

Answer. We made just a little more than $2 million in our company above our dividend payments and above the $210 million reserved for depreciation. This latter sum is available for capital expenditures and amounts today to only a partial replacement of the capital we originally invested, during previous years, in plant and equipment that now is wearing out or becoming obsolete. In fact, all this depreciation reserve and profit put together has been less each year than what we have been spending for new plants. The total profit we earned in 1961 didn't even take care of our debt payment requirements. So it was obvious that if we didn't do better in 1962, we would have to dig further into this depreciation reserve just to keep going.

Question. Lots of people are saying you will have to cut your dividends in 1962—is that so?

Answer. Stockholders and investors play a vital part in the free-enterprise system, and the best way to shake their confidence and either limit or eliminate that investment source is to cut dividends.

Question. How does this relate to borrowing power?

Answer. Well, those who lend you money must see before them what is called a "cushion"—enough leeway between the annual payment on your debt and your annual profits so that the lenders will feel they have a normal margin of protection if default occurs. The profit squeeze we're going through just isn't healthy for us or for the future of industry generally.

Question. One last question: It has been said that what you did was "bad public relations." Did you take into account public reaction?

Answer. There is never a "right time" to tell somebody they've got to pay more for their products. But we nevertheless have to make our determinations and judgments on economic facts. Public relations will not help us if we cannot modernize our plant and equipment fast enough to enable us to compete with European products and to help us to keep our prices down so that we can compete with substitute products in this country. Nor will public relations help us if we cannot earn enough each year to pay back what we have borrowed. When you go broke, that's bad timing and bad public relations, too.

AFTER THE STEEL CRISIS—WHAT?

Last week, this country saw a strange and ominous performance.

It witnessed, perhaps, the death of free enterprise and individualism in the United States.

For certainly, free enterprise and individualism cannot survive in an atmosphere of threat, intimidation and blackmail boldly and openly thrust forward by an administration in control of the executive branch of the U.S. Government.

If that is not what took place last week—then what did happen?

The steel industry, operating in a supposedly free economy, availing itself of what it thought was the constitutionally guaranteed right of free enterprise, announced a price increase of $6 per ton.

The next day over TV and radio Mr. Kennedy denounced that price increase as a dire threat to national security. He called upon the people to help him in forcing the industry to forego what evidently in the face of cold facts was a much-needed price increase.

PRICE CONTROL BY THREAT AND BLACKMAIL?

Then the "high priests" of the New Frontier moved into action—with threats and blackmail.

High Cabinet officers went on long distance telephone to cajole and coerce managers of various steel companies to refuse to announce an increase—or to rescind if they had announced one—in the price of their steel products. The Office of the Attorney General, manned by Robert Kennedy, called in Capitol Hill cloakrooms "Crown Prince Bobby" even as his brother John now is called "King John" in the same circles—announced a Federal grand jury investigation of the steel industry to determine what violations of antitrust laws have been committed. And subpenas were quickly issued and served on leading steel companies.

Senator ESTES KEFAUVER and Representative EMANUEL CELLER quickly moved their Senate and House Judiciary Antitrust Subcommittees into action. More subpenas were rushed out.

It is admitted that Under Secretary Edward Gudeman of the Department of Commerce spent many dollars of taxpayers' money on long distance phone calls to officials of Inland Steel Co.—but what offers he made to those officials are not yet known. But whatever he said—or offered—the result was the announcement by Inland Steel that it would "not go along on the price increase announced by United States Steel."

The line was broken—the threats and blackmail succeeded—the announced price increase was rescinded.

HITLERIAN TACTICS?

No other example of pressure by an administration of power in any allegedly-free government can be found in present-day history—with the possible exception of actions of Adolf Hitler in the early thirties when he was forcing German industry to accept price, profit, and production controls in that country.

The New Frontier high priests in press, radio, and TV—and on the floors of the Congress—started the to-the-present continuing paeans of high praise for the "courageous action of our great leader."

One cannot but help call to mind that—almost 2,000 years ago—other high priests manipulated a mob with their paid-for cries of "Give us Barabbas."

Did Mr. Kennedy truly win a real victory last week—a victory that will be helpful to the American people—the American economy—and the American Republic?

What has really happened?

Is there anyone who will question that—after last week's exhibition of ruthless power against free enterprise—that all businessmen now must first look to Washington before daring to make any increase in any price of any product? Will not almost all businessmen now have to come to Washington—hat in hand—and, in effect, say "Pretty please—can I please increase my prices a little bit because if I can't I will be forced out of business?"

The record establishes that profits in the steel industry—as in practically all American industry—have been steadily declining. Any businessman—or even almost any high school student of economics—should know that the choice in such a situation is increased profits—or go out of business.

WHAT ABOUT PROFITS?

How can profits be increased?

Either by reducing costs or by raising prices.

If costs are to be reduced—plants must be modernized. And that costs money.

Where can American industry get the money required to modernize its obsolete plant in order to compete in both domestic and world markets today against the modern plants of Europe and Japan—plants, for the most part, built since World War II with the money of American taxpayers?

There are only two sources—in a free enterprise system—from which such money may be obtained.

From the savings of the people—from profits—or from both.

If profits are to be squeezed by administration edict to the point where the funds will not be available for such modernization—then the only remaining source is from the savings of the people.

And—under the present system of Government waste and high taxes—how much savings will be allowed the people to invest in corporate securities? And—if the present system of price and profit control by administration threat and blackmail is to continue—why should the people risk their savings in corporate securities? After all—they can get from 4 to 4¾ percent interest on their savings from savings banks—with their savings protected and guaranteed by the U.S. Government up to $10,000 under the FDIC.

And—if they are willing to "plow back" the interest payments on their savings accounts—they can double their money in 16 years at 4½ percent. So—why risk it in corporate securities and the threat of Administration reprisals?

Of course, there is another source from which money for modernization can come—but not in a country operating under a free enterprise system. That is through nationalization and printing press money. But—when that happens in this country—the free enterprise system and the Republic will be only memories of old people to discuss—very privately—with their grandchildren.

A 25-CENT DOLLAR?

Mr. Kennedy—in his raging speech last Wednesday—charged that the proposed steel price increase "threatened price stability" and "inflation" in this country.

What is the principal cause of inflation?

Government deficit spending.

And the U.S. Treasury recently announced that it "expects the deficit for fiscal 1962—ending June 30, 1962—will be approximately $9,700 million." Senator **Harry F. Byrd**, chairman of the Senate Finance Committee, whose estimate of deficits invariably are far more accurate than Treasury estimates—has stated he expects the fiscal 1962 deficit to be more than $10 billion.

What will a $10 billion deficit do to the inflationary pressures in this country? What will it do to the value of the dollar—not only in purchasing power of the people but in world commerce? Can it do anything but depress that purchasing power lower? It is estimated now that the dollar has a purchasing power of about 45 cents against the 1939 dollar.

Are we headed for a 25-cent dollar—as a result of Kennedy's New Frontier deficit spending?

And, if so, what will that mean to our present gold holdings?

Past experience has shown that when the currency of a country begins to depreciate gold is withdrawn from that country because the currency of that country ceases to be of much value in international trade.

Mr. Kennedy has talked much about halting the outflow of gold from this country—but will his present policies of deficit spending and squeezing of profits halt that outflow? It is very, very doubtful—rather it may be anticipated it will increase that outflow.

THREE MILLION NEW JOBS NEEDED ANNUALLY

Mr. Kennedy also has talked considerably about the need to end unemployment in this country.

Unemployment can be ended only by the creation of new jobs. Such jobs can be created in only one of two ways, by private enterprise or by Government. And, again, the sad record of 1930's established that, when the Government creates the jobs, such jobs are of no real value, contribute nothing to the economy, and cost from three to four times what it costs to create a job in private enterprise.

Recent figures from the Bureau of the Census and the Labor Department indicate that—if we are to take up the slack in employment—that is, end present unemployment—and, at the same time provide jobs for new employables coming into the market almost daily, we must create about 3 million new jobs each year for at least the next 5 years.

It is generally conceded by economists that it costs at least $15,000 to create a new job in American industry today—and that is a very low cost figure.

On that basis, if we are to create a minimum of 3 million new jobs annually for the next 5 years, it means the cost will be approximately $47 billion per year.

And—if profits are to be squeezed, taxes to continue high and private enterprise is to be under continual attack by the administration in power.

Where are we going to get that money?

Can it come from the squeezed profits of industry and/or the savings, if any, of a highly taxed people while prices, due to inflation caused by administration deficit spending, continue to mount?

WHO WON WHAT VICTORY?

Apparently there is only one answer—if the present policy of profit and price control by administration threat and blackmail is to continue and we are to meet that goal of 3 million new jobs a year.

The Government must nationalize the basic sources of production and resort to printing press money.

Can that mean other than socialization of our economy?

And, if that is the final end of it all, we should remember that Karl Marx, Lenin, Stalin, and William Z. Foster all have declared that "Socialism is the transition period from the overthrow of capitalism into the final goal of communism."

So, while the high priests of the New Frontier gleefully chortle over the "great victory of our leader" last week, the question is, Who won what victory?

Did the American people win, or will events establish that Khrushchev really won another advance toward the communization of the Republic of the United States?

WHO WILL BE BLAMED FOR RISING PRICES NOW?

Yes, the New Frontier now is looking gleefully forward to a great victory at the polls next November when its high priests are certain the people will vindicate our great leader by returning control of the Congress to us liberals.

But, while waiting for those delightful grapes to ripen on the vine to be pressed into the heady wine of such a victory. what if the people wake up through mounting prices, realize they really "bought a Barabbas" last week?

For, in indicting the steel industry for ruthlessly attempting to force unconscionably high prices on the American people—and by forcing the rescinding of that proposed price increase, on whom will Mr Kennedy try to place the blame if prices begin to climb due to his program of huge deficit spending? On the steel industry or American industry generally when the administration has prevented industry from raising its prices? Of course, he will not dare to place such blame of the high wage and benefit costs forced on American industry by uncontrolled, powerful unions.

Who, then, must accept the blame if prices do rise?

Barabbas?

The Profits Squeeze—Facts, Causes, Effects, Remedies

U.S. business is in a bind. Profits are caught between rising costs and stable prices. And unless the pressures are substantially eased, everyone—and not just the Nation's businessmen—will soon be hurt by the squeeze.

The situation is critical, but correctable. Much of what is needed is more understanding, a fuller knowledge of the facts, and a wider appreciation of the role profits play in the American economy.

This statement is designed to contribute to this end. It shows what has happened to profits since World War II. It looks at events behind the change. And it suggests routes out of the predicament.

A SMALLER SHARE OF SALES AND INCOME

Among the most important developments of the present business recovery is the rise in corporate profits. Edging slightly above the 1960 level, after-tax profits last year rose to $23 billion. They are likely to push on to a new high this year.

But this does not mean that corporations are doing unusually well. Far from it. As the table below shows, profits for 1961 were less than those for 1959 and 1956. They just equaled 1955 profits, and were only a hair's breadth above the earnings of 1950 when the economy was 45 percent smaller than it is today.

Profits after taxes of U.S. corporations

[In billion dollars]

Year:	
1946	13.4
1947	18.2
1948	20.5
1949	16.0
1950	22.8
1951	19.7
1952	17.2
1953	18.1
1954	16.8
1955	23.0
1956	23.5
1957	22.3
1958	18.8
1959	23.7
1960	22.7
1961 estimate	23.0

What's more, profit margins—profits as a percent of sales—are far below those earned in the earlier postwar years. From 5 percent of sales during the years 1946–50, profits dropped to 3.6 percent during 1951–55. They slid to 3.2 percent for the period 1956–60. And last year they were down to 3.1 percent.

Profits are also a shrinking share of national income, as the chart at the top of this column shows.

In considering these figures, it should be remembered that they are averages for all corporations. Some companies make more than the average, and some make no profits at all.

WHY WORRY?

If only a few companies were making low profits or showing losses, there would be scant reason for public concern. But when business firms generally begin showing a poor profit record, it becomes the proper concern of everyone—stockholders, managers, workers, Government officials, and consumers. This is because profits perform three indispensable jobs in the American economy:

First, profits provide economic motive power. They induce businessmen to research new products and new techniques of production. They encourage risktakers to put their savings into economic activity that is useful to the entire community.

Second, retained profits are the single most important source of growth capital. As President Kennedy said in his Economic Report to Congress, "While we move toward full and sustained use of today's productive capacity, we must expand our potential for tomorrow."

Third, the quest for profits directs labor and other resources to the jobs people want done. They tell management whether it is doing a good job or a bad job, and channel resources into the production of the things consumers want.

If profit margins continue dwindling at the present rate, these jobs can't be done efficiently. Businessmen will provide fewer new goods and services for consumers. Investors won't buy the new plants and equipment that mean more employment opportunities and better working conditions for labor. And some companies will lose their zeal for shifting their efforts in accord with consumer preferences.

BEHIND THE DECLINE

While profit margins have been falling, the corporate compensation of employees has taken a growing share of both corporate sales and national income. The following table shows what has been happening here.

Corporate compensation of employees

Year	Percent of total sales	Percent of national income
1946-50	23.5	40.1
1951-55	24.3	42.4
1956-60	24.4	43.8
1961 (estimate)	25.0	43.5

But generally confronted by increasingly competitive conditions, both at home and abroad, companies have usually been unable to pass along a bigger wage and salary bill to their consumers in the form of higher prices, even if they wanted to. In the early years after World War II it was often possible to pass along higher costs by marking up prices, but in these days of general abundance intense competition for sales makes this difficult. Hence the squeeze of profits between rising costs and relatively stable prices.

High Federal taxes also intensify the profit squeeze. Except for the profits of very small companies, the Federal Government still takes 52 percent of business profit. This is the same giant slice that was taken before tougher competition made profit dollars so much harder to acquire.

WHAT CAN BE DONE?

There is no disposition here to deprecate the desirability of high wages. Nor is there any lack of appreciation that the Federal Government must have very large revenues if it is to perform its role in the sixties properly.

But it is important to realize that excessive wage hikes and excessive taxes can be self-defeating. They can lead to reduced wages and reduced tax revenues if they squeeze profits to the point where these cannot play their vitally necessary role in the economy. Before this happens both labor and Government should take time out to ponder the long-run effects of today's actions.

There is an ancient and honorable phrase which says that "the laborer is worthy of his hire." Labor leaders, as they sit around the negotiating tables this year, should remember that profitmakers, no less than they, are likewise worthy of their hire.

In considering new tax legislation, it's up to Congress to keep constantly in mind that a prosperous business community is absolutely essential to the defense of freedom, to the maintenance of high employment, even to the revenues that pay congressional salaries. The present tax load works against having this prosperous kind of business community.

Of course, business too has an obligation to keep profits from falling to an ineffective remnant. One of the best ways it can discharge this obligation is by continuing its research efforts, by developing new products and new cost-cutting ways to make them as well as their present products and services.

The prevailing profits squeeze is a matter of vital concern to every American. We all have a stake in seeing that steps are taken—in the offices of business management, in halls of Congress where tax laws are made and revised, and at the bargaining tables where agreements on wage rates are made—to see that this squeeze is relaxed.

ECONOMIC ASPECTS OF THE STEEL PRICE FIASCO

Readers of these bulletins presumably are well aware that we have much confidence in the ability of free markets to establish prices such that exchange and distribution of goods will be effected most efficiently. In the ability of political agencies to determine such prices we have no confidence whatsoever for the simple, and to us adequate, reason that the historical record of innumerable such attempts reveals only a succession of abject failures. That colossal failure, the Nation's farm program, is only one example among many.

Our opinion is that present economic conditions and those to be expected in the near future would have forced the steel companies to rescind the price increase in any event. In fact, we suspect that price decreases rather than increases are what the free markets of the world will dictate for steel prices during the next few years.

Nevertheless, we believe that the steel companies, like the other participants in a free enterprise economy, should have the right to test the market, including the right to make mistakes in judging the market. The managements of steel companies, and of all other businesses, can best serve the public, their stockholders, and their employees, by following the dictates of free markets. When market pressures tend to raise steel prices, management should raise prices and should use the greater profits for expansion in order to meet the market demand, eventually perhaps at lower prices. On the other hand, when market pressures indicate that lower prices for steel are needed if production is to be absorbed, prices should be lowered and so also, when necessary, should the wages of labor, dividends, and management bonuses be reduced.

The notion that changes in the price of steel will determine whether or not more inflation occurs is ridiculous. If more inflationary purchasing media are added to those already in circulation, the increase will come from the same sources that have provided the inflationary purchasing media now in use: i.e., monetized Government and private debt. In the long run, and in spite of Mr. Kennedy's wishes, inflation or deflation will determine the price of steel, not the reverse.

As for Mr. Kennedy's part in the steel price fiasco, we confine our comments to the economic significance when a President apparently is laboring under the delusion that he or a few of his advisers can possibly know what the correct price for steel or any other commodity should be. Anyone who holds that conviction with such assurance that he is enraged when the companies concerned, however stupidly, attempt to test the market is, in our opinion, suffering from delusions as to the economic wisdom attainable by himself or his advisers. That an individual apparently suffering from such delusions should now be in the White House has seriously adverse implications, in our opinion, for the economic future of the United States.

KENNEDY AND STEEL

DES PLAINES, April 16.—President Kennedy did not win, as he would have us believe, a victory against inflation. What he did win was a propaganda victory based on the false premise that he was dealing inflation a severe blow. Furthermore, he took undue advantage of conditions which made him appear as a bold and courageous man; it was not necessary for him to attack labor or any other large segment of voters. Why has he not shown such boldness and decision in other vital matters?

GAYLORD M. PACKARD.

WILLOW SPRINGS, April 16.—The Pacific coast shipping strike forced the refunding of millions of dollars to thousands of passengers. Thousands were herded like cattle from ships as striking seamen walked off. Washington was unmoved.

Then, United States Steel decided to give a pay increase to that forgotten man—the investor. All Government agencies were mustered into action to stop the steel companies.

This no longer is a democracy. What is it?

MRS. R. E. CONE.

JONES, MICH., April 16.—When the Government by threats and intimidation can compel a citizen to do what it cannot legally require him to do, our liberties are gone. We then no longer live under a rule of law, but dance to the fiddling of a coterie of bureaucrats. It is the steel companies today—tomorrow, it may be you or I.

GARFIELD CANRIGHT.

CHICAGO, April 15.—Our votes go to Mr. Blough, a man who has been able to run his company since 1958 without price increases, while taxes were going up all around. If they can get men like him to run United States Steel, why can't we get the same kind of men to run our Government?

D. J. SMITHERS.

CHICAGO, April 12.—If Mr. Kennedy thinks it's wrong to raise the price of steel, why does he think it is right to raise the price of Government?

L. CARLTON MERTZ.

MILWAUKEE, April 15.—Now that our President has managed to prevent a raise in steel prices, perhaps he also will be able to prevent a raise in postal rates.

ED BATZNER.

THE STEEL DISPUTE

CHICAGO, April 16.—Now that the so-called steel crisis has ended, perhaps some clear thinking can be had.

Raising the price of steel in itself is not a crisis. This action didn't frighten me one bit. If the price of steel had gone up too high and if the demand wasn't there, the price could have been reduced again. Many industries have increased or lowered their prices according to the demands of the market. I don't know of any one person or any industry that was ever hurt by this fluctuation.

John Kennedy's comments during this period didn't upset me either. I thought on some points he went too far, but then I've grown accustomed to exaggerations by politicians. Possibly, if Mr. Blough had timed his increase to, say, 1 week after his visit to the White House, the increase would have been accepted and no one would have been hurt by what seems to have become an important factor in our lives—loss of face.

But what did frighten me was the action taken by Robert Kennedy. Certainly a mild crisis such as a steel price increase couldn't possibly call for three newspapermen being awakened in the middle of the night by Government agents on only the word from the Attorney General of the United States. Night raiding, without warrants, by an Attorney General is certainly reminiscent of Nazi Germany.

H. MITCHELL.

ELMHURST, April 15.—Those people who are thinking only about the fact that prices were held down by the President's action in the steel price dispute should also think about the following:

When an individual regardless of his position, has the power to bring the coercive forces of Government to bear against a law abiding industry in order to enforce his will in the name of some nebulous thing called the "national interest," he also has the power to bring these forces to bear against a law abiding citizen in order to bend him to his will in the name of the national interest. Is this freedom?

As Lord Acton said, "Power corrupts, and absolute power corrupts absolutely."

GEORGE L. BERGHORN.

CHICAGO, April 16.—Our President, who seems to enjoy tossing our money right and left by the bushel, became hysterical because the steel industry had the temerity to raise prices for the first time in several years. Does it bother him when unions "negotiate" new raises and fringe benefits? What choice does the employer have? Strikes cost him plenty; so he surrenders, and agrees to higher wages and fringe benefits every year or two. Who pays the difference? All of us—in higher prices, taxes, and everything—again and again.

JOHN BLASE MECCIA.

Evergreen Park, April 15.—At present several Senators are planning to introduce legislation to strengthen antitrust laws because of the recent proposed steel price rise. This is all well and good, but why not go a step further and also provide labor antitrust laws?

Legislation of this nature, is equally important, and I'm certain union members themselves would welcome more control over their moneys.

P. M. Paul.

Statement by the Joint Senate-House Republican Leadership

We, the members of the joint Senate-House Republican leadership, deplore the necessity for issuing this statement, but the issues involved are too compelling to be ignored.

Beyond the administrative operations of the Federal Government, it is a proper function of a President, in fact it is a duty, to help American private enterprise maintain a stable economy. In our free society he must usually find his way by persuasion and the prestige of his office.

Last week President Kennedy made a determination that a 3½-percent increase in the price of steel would throw the American economy out of line on several fronts. In the next 24 hours, the President directed or supported a series of governmental actions that imperiled basic American rights, went far beyond the law, and were more characteristic of a police state than a free government.

We, the members of the joint Senate-House Republican leadership, believe that a fundamental issue has been raised: should a President of the United States use the enormous powers of the Federal Government to blackjack any segment of our free society into line with his personal judgment without regard to law?

Nine actions which followed President Kennedy's press conference of Wednesday, April 11, were obviously a product of White House direction or encouragement and must be considered for their individual and cumulative effect. They were:

1. The Federal Trade Commission publicly suggested the possibility of collusion, announced an immediate investigation, and talked of $5,000-a-day penalties.

2. The Justice Department spoke threateningly of antitrust violations and ordered an immediate investigation.

3. Treasury Department officials indicated they were at once reconsidering the planned increase in depreciation rates for steel.

4. The Internal Revenue Service was reported making a menacing move toward United States Steel's incentive benefits plan for its executives.

5. The Senate Antitrust and Monopoly Subcommittee began subpenaing records from 12 steel companies, returnable May 14.

6. The House Antitrust Subcommittee announced an immediate investigation, with hearings opening May 2.

7. The Justice Department announced it was ordering a grand jury investigation.

8. The Department of Defense, seemingly ignoring laws requiring competitive bidding publicly announced it was shifting steel purchases to companies which had not increased prices, and other Government agencies were directed to do likewise.

9. The FBI began routing newspapermen out of bed at 3 a.m. on Thursday, April 12, in line with President Kennedy's press conference assertion that "we are investigating" a statement attributed to a steel company official in the newspapers.

Taken cumulatively, these nine actions amount to a display of naked political power never seen before in this Nation.

Taken singly, these nine actions are punitive, heavy-handed, and frightening.

Although the President at his press conference made it clear that "price and wage decisions in this country * * * are and ought to be freely and privately made," there was nothing in the course of action which he pursued that supported this basic American doctrine.

Indeed, if big Government can be used to extra legally reverse the economic decisions of one industry in a free economy, then it can be used to reverse the decisions of any business, big or small, of labor, of farmers; in fact, of any citizen.

Most disturbing in its implications was the use of the FBI. Since the days of our Founding Fathers, this land has been the haven of millions who fled from the feared knock on the door in the night.

We condone nothing in the actions of the steel companies except their right to make an economic judgment without massive retaliation by the Federal Government.

Temporarily President Kennedy may have won a political victory, but at the cost of doing violence to the fundamental precepts of a free society.

This Nation must realize that we have passed within the shadow of police-state methods. We hope that we never again step into those dark regions, whatever the controversy of the moment, be it economic or political.

TRIBUTE TO THE NASHVILLE TENNESSEAN PUBLISHER, AMON CARTER EVANS, AND EDITOR JOHN SEIGENTHALER, WHO WAS A NIEMAN FELLOW AND FORMERLY ADMINISTRATIVE ASSISTANT TO ATTORNEY GENERAL ROBERT KENNEDY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Boland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. BOLAND. Mr. Speaker, I want to take this opportunity to congratulate Publisher Amon Carter Evans and Editor John Seigenthaler on the 150th anniversary of the founding of the Nashville Tennessean, a great independent newspaper which for a quarter of a century has been a major weapon in the fight for America's and Tennessee's betterment.

The 34-year-old editor of the Nashville Tennessean is a native Tennessean who has spent years as a newspaper reporter and has an illustrious journalistic background. A native of Nashville, he broke into the newspaper business after school and under the tutelage of Silliman Evans, father of the present publisher, who took over the Tennessean in April 1937. Editor Seigenthaler was a Nieman fellow at Harvard University, devoting 1 full academic year in 1958–59 to research and study in American government and economics. He returned to the Nashville Tennessean where he became one of the outstanding and skilled investigative reporters in the Nation.

Mr. Speaker, one of Editor Seigenthaler's investigations and news stories ultimately resulted in the impeachment of a State judge whose connections with undesirable elements in the Teamsters Union had been revealed in the Nashville Tennessean. John Seigenthaler left newspaper work and joined the Kennedy team in the 1960 presidential campaign. He later was named administrative assistant to Attorney General Robert Kennedy, a position he filled for more than a year. He recently left the Justice Department when named editor of the Nashville Tennessean. I am sure that Attorney General Kennedy and his colleagues feel that this was a sad day for the Justice Department, but John Seigenthaler's return to active newspaper work was certainly a good day for Amercan journalism. Editor Seigenthaler has been the personification of the highest traditions of our American free press—thorough, honest, responsible, capable, and fair. His ability has been reflected in the daily newspaper he edits.

Again, I want to take this opportunity to offer my best wishes to Publisher Evans and Editor Seigenthaler for many years of success with the Nashville Tennessean, and to congratulate them for their fine 150th anniversary edition. I would like to have permission to include with my remarks at this point a telegram from President Kennedy to Publisher Evans:

The White House,
Washington, D.C.

Mr. Amon Carter Evans,
Publisher, the Nashville Tennessean,
Nashville, Tenn.

Dear Amon: I want to extend my congratulations to your mother and to you on the 150th anniversary of the founding of the Nashville Tennessean and the 25th anniversary of the Evans family ownership.

You may feel great pride in the progress made in your region over the last 25 years.

In 1812, your paper stood on the frontier of this country. Now our world stands on the frontier of space. The Tennessean, like all newspapers, can help this world meet today's challenges by informing our citizenry by continuing to report the daily history which is news, and explaining why it happens and what it means.

I am certain you and the staff of the Tennessean will fulfill the great task our Founding Fathers set for this Nation's press when they made freedom of information a basic tenet of our democratic way of life.

John F. Kennedy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. Weaver (at the request of Mr. Arends), for 5 days, beginning April 30, on account of official business.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

(The following Members (at the request of Mr. Langen) and to include extraneous matter:)

Mr. Fino.
Mr. Short.
Mr. Horan.
Mr. Kearns in two instances.
Mr. Alger.

(The following Member (at the request of Mr. Albert) and to include extraneous matter:)

Mr. Libonati.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1668. An act to authorize the imposition of forfeitures for certain violations of the rules and regulations of the Federal Communications Commission in the common carrier and safety and special fields.

BILL AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill and joint resolution of the House of the following titles:

H.R. 11027. An act to amend the Agricultural Adjustment Act of 1938, as amended; and

H.J. Res. 449. Joint resolution providing for the establishing of the former dwelling house of Alexander Hamilton as a national memorial.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 11 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 1, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1969. A letter from the Comptroller General of the United States, transmitting a report on the review of central rebuild of World War II vehicles and assemblies in the Pacific Area Command (PACOM) under the military assistance program (MAP); to the Committee on Government Operations.

1970. A letter from the Secretary of Defense, transmitting 17 reports covering 17 violations of section 3679, Revised Statutes, and Department of Defense Directive 7200.1, entitled "Administrative Control of Appropriations Within the Department of Defense", pursuant to section 3679(i)(2), Revised Statutes; to the Committee on Appropriations.

1971. A letter from the Secretary of the Army, transmitting a draft of a proposed bill entitled "A bill to amend sections 510 and 591 of title 10, United States Code"; to the Committee on Armed Services.

1972. A letter from the Assistant Secretary of Defense, transmitting the quarterly report on Federal contributions for the quarter ending December 31, 1961, pursuant to the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1973. A letter from the Assistant Secretary of Defense, transmitting the quarterly report of Federal contributions for the quarter ending March 31, 1962, pursuant to the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1974. A letter from the Administrator, General Services Administration, transmitting a notice of a proposed disposition of approximately 5 million pounds of molybdenum now held in the national stockpile, pursuant to 50 U.S.C. 98b(e); to the Committee on Armed Services.

1975. A letter from the Secretary of the Air Force relative to the number of officers assigned or detailed to permanent duty in the executive element of the Air Force at the seat of government as of March 31, 1962, pursuant to section 8031(c), title 10, United States Code; to the Committee on Armed Services.

1976. A letter from the President of the Board of Commissioners of the District of Columbia, transmitting a draft of a proposed bill entitled "A bill to amend provisions of law relating to personal property coming into the custody of the property clerk, Metropolitan Police Department, and for other purposes"; to the Committee on the District of Columbia.

1977. A letter from the President of the Board of Commissioners of the District of Columbia, transmitting a draft of a proposed bill entitled "A bill to amend the act entitled 'An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable diseases', approved August 11, 1939, as amended"; to the Committee on the District of Columbia.

1978. A letter from the Director, District Unemployment Compensation Board, Government of the District of Columbia, transmitting the 26th Annual Report of the District Unemployment Compensation Board for the year 1961; to the Committee on the District of Columbia.

1979. A letter from the president, D.C. Transit System, Inc., transmitting a report covering operations of the D.C. Transit System, Inc., for the year ended December 31, 1961, pursuant to the act of Congress approved March 4, 1913 (Public 435); to the Committee on the District of Columbia.

1980. A letter from the Chairman, National Labor Relations Board, transmitting the 26th Annual Report of the National Labor Relations Board for the fiscal year ended June 30, 1961, pursuant to the Labor Management Relations Act of 1947; to the Committee on Education and Labor.

1981. A letter from the Secretary of State, transmitting a draft of a proposed bill entitled "A bill to amend the act of September 7, 1950, to extend the regulatory authority of the Federal and State agencies concerned under the terms of the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington May 31, 1949, and for other purposes"; to the Committee on Foreign Affairs.

1982. A letter from the Director, Congressional liaison staff, Agency for International Development, Department of State, transmitting the report on the contingency fund use as of March 31, 1962, pursuant to section 451(b) of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

1983. A letter from the Administrator, General Services Administration, transmitting a draft of a proposed bill entitled "A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for a Federal telecommunications fund"; to the Committee on Government Operations.

1984. A letter from the Comptroller General of the United States; transmitting the report on a review of selected activities of the Federal-aid highway program of the Bureau of Public Roads, Department of Commerce, in the State of South Carolina; to the Committee on Government Operations.

1985. A letter from the Comptroller General of the United States; transmitting a report on the audit of the Government Printing Office for the fiscal year ended June 30, 1961; to the Committee on Government Operations.

1986. A letter from the Comptroller General of the United States; transmitting a report on a review of the fee arrangements made by the Small Business Administration (SBA) with lending institutions that participate in making business loans to small concerns; to the Committee on Government Operations.

1987. A letter from the Comptroller General of the United States; transmitting a report on the review of the procurement of certain major shipboard equipment by the Bureau of Ships, Department of the Navy; to the Committee on Government Operations.

1988. A letter from the Comptroller General of the United States; transmitting a report on the review of supply management of photographic supplies and equipment within the Department of Defense (DOD); to the Committee on Government Operations.

1989. A letter from the Comptroller General of the United States; transmitting a report on the examination of the procurement of special tooling for the B-58 airplane program under Department of the Air Force negotiated cost-plus-incentive-fee contracts with Convair, a division of General Dynamics Corp., Fort Worth, Tex.; to the Committee on Government Operations.

1990. A letter from the Comptroller General of the United States; transmitting a report on examination of the pricing of certain missile tooling under Department of the Air Force negotiated contract AF 33(600)-36319 awarded to the Boeing Co., Seattle, Wash., for the production of Bomarc missiles and related spare parts and support equipment; to the Committee on Government Operations.

1991. A letter from the Assistant Secretary of the Interior transmitting a letter citing that the Banta Carbona Irrigation District of San Joaquin County, Calif., has applied for a loan of $967,000 to be used for improvement and modernization of its irrigation facilities, and submitted pursuant to section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

1992. A letter from the Secretary of State, transmitting a draft of a proposed bill entitled "A bill for the relief of Don C. Jensen and Bruce E. Woolner"; to the Committee on the Judiciary.

1993. A letter from the Secretary of Commerce, transmitting a report, authorized under title XII of the Merchant Marine Act, 1936, as amended, empowering the Secretary to provide war risk insurance and certain marine and liability insurance for the American public, and upon request for any department or agency of the United States, as of March 31, 1962, submitted pursuant to section 1211 of the act; to the Committee on Merchant Marine and Fisheries.

1994. A letter from the Secretary of State, transmitting a draft of a proposed bill, entitled "A bill authorizing the acquisition of certain property in the District of Columbia and its conveyance to the International Monetary Fund, on a full reimbursement basis, for use in expansion of its headquarters"; to the Committee on Banking and Currency.

1995. A letter from the Acting Secretary of Commerce, transmitting a draft of a proposed bill entitled, "A bill to amend the act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities"; to the Committee on Science and Astronautics.

1996. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases where the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of such aliens, and presenting an attached list giving the names of aliens covered by the orders, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of April 19, 1962, the following bill was reported on April 24, 1962:

Mr. HARRIS: Committee on Interstate and Foreign Commerce. H.R. 11040. A bill to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes; with amendment (Rept. No. 1636). Referred to the Committee of the Whole House on the State of the Union.

[Submitted April 30, 1962]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: From the Delegation of the U.S. House of Representatives to the Seventh NATO Parliamentarians Conference. Report pursuant to Public Law 689, 84th Congress pertaining to the Seventh NATO Parliamentarians Conference (Rept. No. 1637). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 5532. A bill to amend the Armed Services Procurement Act of 1947; without amendment (Rept. No. 1638). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 11217 A bill to amend section 6112 of title 10, United States Code; without amendment (Rept. 1639). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALGER:

H.R. 11492. A bill to amend the Internal Revenue Code of 1954 to eliminate the withholding of income tax from wages and salaries; to the Committee on Ways and Means.

By Mr. BENNETT of Florida:

H.R. 11493. A bill to amend section 303 of the Career Compensation Act of 1949 relating to travel and transportation allowances of certain members of the uniformed services retired, discharged, or released to inactive duty; to the Committee on Armed Services.

By Mr. ELLSWORTH (by request):

H.R. 11494. A bill to amend the Civil Service Retirement Act to provide for the adjustment of inequities and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of California:

H.R. 11495. A bill to provide for an appropriation of a sum not to exceed $75,000 with which to make a survey of a proposed Sierra Way in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. KEARNS:

H.R. 11496. A bill to amend the act providing financial assistance for local educational agencies in areas affected by Federal activities in order to provide educational assistance under the provisions of such act to the District of Columbia and to make the change in the District of Columbia motor fuel tax law needed to insure that such assistance will be fully effective; to the Committee on Education and Labor.

By Mr. GEORGE P. MILLER:

H.R. 11497. A bill to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROBISON:

H.R. 11498. A bill for the establishment of a Commission on Federal Taxation; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 11499. A bill to provide for an appropriation of a sum not to exceed $75,000 with which to make a survey of a proposed Sierra Way in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. SPENCE:

H.R. 11500. A bill to extend the Defense Production Act of 1950, as amended, and for other purposes; to the Committee on Banking and Currency.

H.R. 11501. A bill to amend section 3515 of the Revised Statutes to eliminate tin in the alloy of the 1-cent piece; to the Committee on Banking and Currency.

By Mr. SISK:

H.J. Res. 702. Joint resolution designating the 7-day period beginning on the 23d day of September of each year as "National Miss Twins U.S.A. Week," to the Committee on the Judiciary.

By Mr. VINSON:

H. Con. Res. 473. Concurrent resolution providing the express approval of the Congress, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), for the disposition of certain materials from the national stockpile; to the Committee on Armed Services.

By Mr. RAINS:

H. Res. 621. Resolution expressing the sense of the House with respect to the restrictions presently being placed by the Budget Bureau on the availability of funds for farm housing loans which have been heretofore authorized by the Congress; to the Committee on Banking and Currency.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. LANE: Memorial of the General Court of Massachusetts, memorializing the Congress of the United States to provide for the establishment of a Civilian Conservation Corps; to the Committee on Interior and Insular Affairs.

Also, memorial of the General Court of Massachusetts, memorializing the Congress of the United States not to subject the interest on State and local bond issues to the Federal income tax; to the Committee on the Judiciary.

Also, memorial of the General Court of Massachusetts, memorializing the Congress of the United States to enact legislation presenting to the States a proposed constitutional amendment concerning equal rights for women; to the Committee on the Judiciary.

Also, memorial of the General Court of Massachusetts, memorializing the Congress of the United States to enact legislation providing for the establishment of a national health insurance plan financed through the Federal old age survivors insurance law; to the Committee on Ways and Means.

Also, memorial of the General Court of Massachusetts, memorializing Congress to consider extending medical aid to the aged to persons at age 62; to the Committee on Ways and Means.

Also, memorial of the Commonwealth of Massachusetts, memorializing the Congress of the United States to enact legislation providing for certain pensions, medical benefits, and funeral benefits for persons over 65; to the Committee on Ways and Means.

By the SPEAKER: Memorial of the Legislature of the Commonwealth of Massachusetts, memorializing the President and the Congress of the United States relative to providing for the establishment of a Civilian Conservation Corps; to the Committee on Interior and Insular Affairs.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, memorializing the President and the Congress of the United States not to enact legislation to subject the interest on State and local bond issues to the Federal income tax; to the Committee on the Judiciary.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, memorializing the President and the Congress of the United States relative to enacting legislation presenting to the States a proposed constitutional amendment concerning equal rights for women; to the Committee on the Judiciary.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, memorializing the President and the Congress of the United States relative to enacting legislation extending financial aid to the Commonwealth of Massachusetts for purification of the waters of the Merrimack River; to the Committee on Public Works.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, memorializing the President and the Congress of the United States relative to enacting legislation providing for certain pensions, medical benefits, and funeral benefits for persons over 65; to the Committee on Ways and Means.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, memorializing the President and the Congress of the United States relative to considering extending medical aid to the aged to persons at age 62; to the Committee on Ways and Means.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, memorializing the President and the Congress of the United States relative to enacting legislation providing for the establishment of a national health insurance plan financed through the Federal old age survivors insurance law; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLATNIK:

H.R. 11502. A bill for the relief of Lee Sun Hi; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 11503. A bill for the relief of Bohdan Oparko; to the Committee on the Judiciary.

By Mr. KILBURN:

H.R. 11504. A bill for the relief of Hedwig Hadbawnik Pearson; to the Committee on the Judiciary.

By Mr. WALTER:

H.R. 11505. A bill for the relief of Dr. Rafael H. Lopez; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

315. By the SPEAKER: Petition of Mrs. Ellija Druva, president, Baltic Women's Council, Washington, D.C., petitioning consideration of their resolution with reference to seeking congressional support for the restoration of freedom in Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

316. Also, petition of James J. Vigilante, president, New Jersey State Patrolmen's Benevolent Association, Inc., Morristown, N.J., petitioning consideration of their resolution with reference to deploring a recent statement of the Attorney General of the United States contained in a message to congressional leaders in which he impliedly charged policemen with the use of brutality and other so-called third degree methods, and declaring the statement unjustly criticizes policemen and defames law enforcement policy of this country; to the Committee on the Judiciary.

317. Also, petition of Chyung Sang Bak, Pusan, Korea, relative to requesting favorable action on H.R. 7704, a bill providing for compensation of expenditures and other claims following an accident May 28, 1951, at Pusan railroad station, Korea; to the Committee on the Judiciary.

SENATE

MONDAY, APRIL 30, 1962

(Legislative day of Friday, April 27, 1962)

The Senate met at 12 o clock meridian, on the expiration of the recess, and was called to order by the Vice President.

Rev. F. E. McKenzie, rector, St. Paul's Episcopal Church, Wilkesboro, N.C., offered the following prayer:

O Lord, our God, Who art the source of all power and authority in this world, and hast committed into the hands of man the ministry of reconciliation: We beseech Thee to bless and guide those whom Thou hast called to serve in this U.S. Senate, that in all things they may seek to do Thy will.

Direct and prosper all their consultations and deliberations, to the advancement of Thy glory and the safety, honor, and welfare of Thy people.

Grant unto them clear vision, true judgment, with great daring, as they seek to right the wrong; and so endue them with cheerful love that they may minister to the suffering and forlorn and seek in all things to bring peace among men and nations in this troubled world.

All of which we ask in the name of Him who came to bring peace, our Lord and Saviour, Jesus Christ. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 27, 1962, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on April 27, 1962, the President had approved and signed the following acts and joint resolution:

S. 505. An act for the relief of Seymour Robertson;

S. 508. An act for the relief of John E. Beaman and Adelaide K. Beaman;

S. 683. An act to amend the Communications Act of 1934, as amended, by eliminating the requirement of an oath or affirmation on certain documents filed with the Federal Communications Commission;

S. 704. An act for the relief of Marylys E. Tedin and Elizabeth O. Reynolds;

S. 1057. An act to provide for a National Portrait Gallery as a bureau of the Smithsonian Institution;

S. 1371. An act to amend subsection (e) of section 307 of the Communications Act of 1934, as amended, to permit the Commission to renew a station license in the safety and special radio services more than 30 days prior to expiration of the original license;

S. 1589. An act to amend the Communications Act of 1934 to authorize the issuance of radio operator licenses to nationals of the United States;

S. 2151. An act for the relief of Harvey Burstein;

S. 2319. An act for the relief of Harry E. Ellison, captain, U.S. Army, retired;

S. 2522. An act to defer the collection of irrigation maintenance and operation charges for calendar year 1962 on lands within the Angostura unit, Missouri River Basin project;

S. 2549. An act for the relief of Edward L. Wertheim; and

S.J. Res. 147. Joint resolution providing for the establishment of the North Carolina Tercentenary Celebration Commission to formulate and implement plans to commemorate the 300th anniversary of the State of North Carolina, and for other purposes.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 1668) to authorize the imposition of forfeitures for certain violations of the rules and regulations of the Federal Communications Commission in the common carrier and safety and special fields, and it was signed by the Vice President.

CALL OF LEGISLATIVE CALENDAR DISPENSED WITH

On request of Mr. MANSFIELD, and by unanimous consent, the call of the Legislative Calendar was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nomination on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

TREATY OF FRIENDSHIP, ESTABLISHMENT AND NAVIGATION WITH LUXEMBOURG—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from Executive B, 87th Congress, 2d session, transmitted to the Senate by the President of the United States today, and that the message from the President and the treaty be referred to the Committee on Foreign Relations, and the letter of transmittal printed in the RECORD.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty of friendship, establishment and navigation between the United States of America and the Grand Duchy of Luxembourg, together with a related protocol, signed at Luxembourg on February 23, 1962.

I transmit also, for the information of the Senate, the report by the Secretary of State with respect to the treaty.

JOHN F. KENNEDY.

THE WHITE HOUSE, *April 30, 1962.*

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

G. Griffith Johnson, of Connecticut, to be an Assistant Secretary of State;

Edwin M. Martin, of Ohio, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State;

Walter M. Kotschnig, of Maryland, to be the representative of the United States of America to the 17th plenary session of the Economic Commission for Europe of the Economic and Social Council of the United Nations;

Clark R. Mollenhoff, of Iowa, and Morris S. Novik, of New York, to be members of the U.S. Advisory Commission on Information;

Dr. Walter Adams, of Michigan, James R. Fleming, of Indiana, Dr. Mabel M. Smythe, of New York, Dr. Walter Johnson, of Illinois, Dr. Roy E. Larsen, of Connecticut, Dr. Franklin D. Murphy, of California, Dr. Luther H. Foster, of Alabama, Dr. John W. Gardner, of New York, and the Reverend Theodore Martin Hesburgh, of Indiana, to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs;

Lucius D. Battle, of Florida, for reappointment in the Foreign Service as a Foreign Service officer of class 1, a consul general, and a Secretary in the diplomatic service;

Alton W. Hemba, of Mississippi, now a Foreign Service officer of class 2 and a secretary in the diplomatic service, to be also a consul general;

John F. Archer, of California, and sundry other persons, for appointment as Foreign Service officers of class 7, vice consuls of career, and secretaries in the diplomatic service;

Michael J. Barry, of New York, and sundry other persons, for appointment as Foreign Service officers of class 8, vice consuls of career, and secretaries in the diplomatic service;

Gilbert F. Austin, of Washington, and sundry other Foreign Service Reserve officers, to be consuls;

James E. Bradshaw, of Tennessee, and sundry other Foreign Service Reserve officers, to be vice consuls;

Arthur M. Niner, Jr., of New Jersey, a Foreign Service Reserve officer, to be a vice consul and a secretary in the diplomatic service;

David H. Blee, of California, and sundry other Foreign Service Reserve officers, to be secretaries in the diplomatic service; and

William C. Kirk, Jr., of Florida, Frederick W. Shaffer, of Pennsylvania, and Mrs Corinne W. Spencer, of Texas, Foreign Service Staff officers, to be consuls.

By Mr. McCLELLAN, from the Committee on the Judiciary:

Ezra Glaser, of Virginia, to be an Assistant Commissioner of Patents; and

Nicholas deB. Katzenbach, of Illinois, to be Deputy Attorney General.

By Mr. HART, from the Committee on the Judiciary:

Stephen J. Roth, of Michigan, to be U.S. district judge for the eastern district of Michigan.

The VICE PRESIDENT. If there be no further reports of committees, the nomination on the Executive Calendar will be stated.

MISSISSIPPI RIVER COMMISSION

The Chief Clerk read the nomination of Col. Carroll H. Dunn, Corps of Engineers, to be a member of the Mississippi River Commission, under the provisions of section 2 of the act of Congress approved June 28, 1879.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. METCALF in the chair). Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communications and letters, which were referred as indicated:

Report on Government Contracting for Research and Development

A communication from the President of the United States, transmitting, for the information of the Senate, a report on Government contracting for research and development (with an accompanying report); to the Committee on Government Operations.

Proposed Amendments to the Budget, 1963, for Legislative Branch (S. Doc. No. 89)

A communication from the President of the United States, transmitting amendments to the budget for the fiscal year 1963, involving an increase in the amount of $1,050,495, for the legislative branch (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

Final Report of Office of Civil and Defense Mobilization

A letter from the Director, Office of Emergency Planning, Executive Office of the President, transmitting, pursuant to law, the final report of the Office of Civil and Defense Mobilization for the year 1961 (with an accompanying report); to the Committee on Armed Services.

Rules and Regulations Relating to Boating

A letter from the Assistant Secretary of the Treasury, transmitting, pursuant to law, a copy of the rules and regulations, as submitted for publication in the Federal Register, relating to boating (with accompanying papers); to the Committee on Commerce.

Amendment of Section 305 of Communications Act of 1934

A letter from the Secretary of State, transmitting a draft of proposed legislation to amend section 305 of the Communications Act of 1934, as amended (with an accompanying paper); to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of Alaska; to the Committee on Armed Services:

"House Joint Resolution 74

"Joint resolution relating to jurisdiction over Naval Petroleum Reserve No. 4

"Whereas the 1,300 residents of Barrow, Alaska, are in need of fuel with which to heat their homes during the intemperate arctic winter; and

"Whereas Federal agencies near Barrow are presently supplied by and have the exclusive use of natural gas from the South Barrow field; and

"Whereas the land around Barrow has been defined by the President as a naval petroleum reserve, with the result that residents in and around Barrow are prohibited from purchasing natural gas from the two wells now producing in that reserve; and

"Whereas there are not enough petroleum products under the land in the reserve to warrant its classification as a naval petroleum reserve; and

"Whereas if jurisdiction over the reserve were transferred to the Secretary of the Interior, he would be authorized to sell natural gas to those who so desperately need it: Be it

"*Resolved by the Legislature of the State of Alaska in second legislature, second session assembled,* That the Congress of the United States be respectfully urged to enact H.R. 3080 or its companion bill in the Senate, repealing Executive Order No. 3797–A, February 27, 1923, as amended by Public Land Order 289, July 20, 1945, and transferring jurisdiction over the land now in Naval Petroleum Reserve No. 4 to the Secretary of the Interior; and be it further

"*Resolved,* That copies of this resolution be sent to the Honorable John F. Kennedy, President of the United States; the Honorable Stewart L. Udall, Secretary of the Interior; the Honorable Fred Korth, Secretary of the Navy; the Honorable Lyndon B. Johnson, Vice President of the United States and President of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Richard B. Russell, chairman, Senate Armed Services Committee; the Honorable Carl Vinson, chairman, House Armed Services Committee; and to the members of the Alaska delegation in Congress.

"Passed by the house March 2, 1962.

"WARREN A. TAYLOR,
"Speaker of the House.

"Attest:

"ESTHER REED,
'Chief Clerk of the House.

"Passed by the senate March 17, 1962.

"FRANK PERATROVICH,
"President of the Senate.

"Attest:

"EVELYN K. STEVENSON,
"Secretary of the Senate.

"Approved by the Governor March 26, 1962.

"WILLIAM A. EGAN,
"Governor of Alaska."

A resolution adopted by the board of directors of the Dallas (Tex.) Chamber of Commerce, relating to the 1963 Federal budget; to the Committee on Appropriations.

Resolutions adopted by the City Council of the City of La Mesa, and the Board of Supervisors of Trinity County, both of the State of California, protesting against the enactment of legislation to impose a Federal income tax on income derived from public bonds; to the Committee on the Judiciary.

By Mr. SMITH of Massachusetts (for himself and Mr. SALTONSTALL):

Four resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"Resolution Memorializing the Congress of the United States To Enact Legislation Providing for the Establishment of a National Health Insurance Plan Financed Through the Federal Old-Age and Survivors Insurance Law

"Whereas the health of our citizens is a matter of national concern; and

"Whereas every study has demonstrated that the costs of adequate health care for those over the age of 65 is constantly increasing; and

"Whereas, a national health insurance plan, based upon the sound and proven social security principles, would not relieve its beneficiaries of their entire responsibility for the costs incurred by them for their medical needs, but it would enable them to meet most of their medical care costs without any humiliating means test: Now, therefore, be it

"*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation providing for the establishment of a national health insurance plan financed through the Federal old-age and survivors insurance law; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of the Congress, and to each Member thereof from the Commonwealth.

"Adopted by the senate March 30, 1962.

"THOMAS A. CHADWICK,
"Clerk.

"Adopted by the house of representatives, in concurrence, April 4, 1962.

"WILLIAM C. MAIERS,
"Clerk.

"Attest:

"KEVIN H. WHITE,
"Secretary of the Commonwealth."

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR CERTAIN PENSIONS, MEDICAL BENEFITS, AND FUNERAL BENEFITS FOR PERSONS OVER 65

"Whereas there are 16 million people in the United States who are over 65 years of age and whose average annual income is only half as much as the average annual income of persons under 65 while their average annual medical bill is twice that of persons under 65; and

"Whereas it is incumbent upon our Federal Government to assume part of the overwhelming retirement and health costs incurred by our senior citizens: Now, therefore, be it

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation providing for a pension of not less than $200 per month to all retired citizens at 65 years of age or over; also medical benefits to include physician's care, medicine, hospitalization, nursing home, rest home and nursing care at home not to exceed a total cost of $2,000 and funeral benefits of $400; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of the Congress and to each Member thereof from the Commonwealth.

"Adopted by the senate April 4, 1962.

"THOMAS A. CHADWICK,
"*Clerk*.

"Adopted by the house of representatives, in concurrence, April 10, 1962.

"WILLIAM C. MAIERS,
"*Clerk*.

"Attest:

"KEVIN H. WHITE,
"*Secretary of the Commonwealth*."

"RESOLUTION MEMORIALIZING CONGRESS TO CONSIDER EXTENDING MEDICAL AID TO THE AGED TO PERSONS AT AGE 62

"Whereas the Congress of the United States has recently reduced the eligible age allowing persons to collect benefits under the Federal Social Security Act from age 65 to age 62; and

"Whereas there exists a national tendency to reduce the age of retirement from age 65 to age 62; and

"Whereas the present program for aid to the aged now takes effect at age 65: Therefore be it

"*Resolved*, That the General Court of Massachusetts hereby urges the Congress of the United States to take such action as necessary to reduce the age of eligibility from age 65 to age 62; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the President of the United States, to the Presiding Officer of each branch of Congress and to the Members thereof from this Commonwealth.

"Adopted by the house of representatives, January 24, 1962.

"WILLIAM C. MAIERS,
"*Clerk*.

"Adopted by the senate, in concurrence, April 2, 1962.

"THOMAS A. CHADWICK,
"*Clerk*.

"Attest:

"KEVIN H. WHITE,
"*Secretary of the Commonwealth*."

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES NOT TO SUBJECT THE INTEREST ON STATE AND LOCAL BOND ISSUES TO THE FEDERAL INCOME TAX

"Whereas the Commonwealth of Massachusetts and its political subdivisions finance public improvements through the issuance of bonds; and

"Whereas interest on such bonds is exempt from the Federal income tax; and

"Whereas there are currently proposals to subject such interest, directly or indirectly, to the Federal income tax; and

"Whereas such taxation would tend to curtail construction of necessary public improvements, to increase State and local taxes or to lead to demands for Federal financial assistance for such improvements: Now, therefore, be it

"*Resolved*, That the General Court of Massachusetts urges the Congress of the United States not to enact legislation or to initiate any amendment to the Constitution of the United States having as its purpose the subjecting of such interest to the Federal income tax; and be it further

"*Resolved*, That copies of these resolutions be forwarded by the secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of the Congress and to the Members thereof from the Commonwealth.

"Adopted by the senate, April 9, 1962.

"THOMAS A. CHADWICK,
"*Clerk*.

"Adopted by the house of representatives, in concurrence, April 17, 1962.

"WILLIAM C. MAIERS,
"*Clerk*.

"Attest:

"KEVIN H. WHITE,
"*Secretary of the Commonwealth*."

The VICE PRESIDENT laid before the Senate four resolutions of the General Court of the Commonwealth of Massachusetts, identical with the foregoing, which were referred to the Committee on Finance.

RESOLUTION OF RHODE ISLAND GENERAL ASSEMBLY

Mr. PELL. Mr. President, on behalf of my colleague, the senior Senator from Rhode Island [Mr. PASTORE], and myself, I present, for appropriate reference, a resolution passed by the General Assembly of the State of Rhode Island and Providence Plantations memorializing Congress concerning the repayment provisions of the Temporary Unemployment Compensation Act of 1958.

Mr. President, I ask for unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Finance, and, under the rule, ordered to be printed in the RECORD, as follows:

S. RES. 495

Resolution memorializing Congress concerning the repayment provisions of the Temporary Unemployment Compensation Act of 1958

Whereas as a result of the national economic recession in the United States in 1958, the Congress passed the Temporary Unemployment Compensation Act of 1958 extending benefits to individuals who had exhausted their regular unemployment benefits; and

Whereas Rhode Island together with 16 other States which had entered into agreements with the Federal Government paid extended benefits under the said program, the repayment of which our employment security fund or the employers in the State can ill afford; and

Whereas the Congress has recognized by the adoption of the Temporary Extended Unemployment Compensation Act of 1961 that the matter of extended unemployment requiring extended benefits to individuals unemployed for a long period of time is a national problem and not one to be financed by individual States; and

Whereas the situation in 1958 was exactly comparable with that existing in 1961, when Congress provided for the financing of the program by a tax on all employers under the Federal Unemployment Tax Act of 1961: Now, therefore, be it

Resolved, That the Senators and Representatives from Rhode Island in the Congress of the United States be and they are hereby earnestly requested to use their best efforts to obtain passage of legislation in the said Congress which would either forgive repayment of funds made available during the 1958 program or provide for reimbursement by a uniform tax on all employers in all jurisdictions; and be it further

Resolved, That duly certified copies of this resolution be transmitted forthwith by the secretary of state to the Vice President of the United States, to the Speaker of the House of Representatives of the United States, and to each of the Senators and Representatives from the State of Rhode Island in the Congress of the United States, earnestly requesting that each use his best efforts to enact legislation which would carry out the purposes of this resolution.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARK:

S. 3228. A bill for the relief of Panagiota Makris; to the Committee on the Judiciary.

By Mr. CASE of New Jersey:

S. 3229. A bill for the relief of Ng Fung; to the Committee on the Judiciary.

By Mr. BEALL:

S. 3230. A bill for the relief of Edward Benedict Adams; to the Committee on Post Office and Civil Service.

RESOLUTION

TO PRINT AS A SENATE DOCUMENT A SYMPOSIUM ENTITLED "EDUCATION FOR SURVIVAL IN THE STRUGGLE AGAINST WORLD COMMUNISM"

Mr. EASTLAND submitted a resolution (S. Res. 335); which was referred to the Committee on Rules and Administration, as follows:

Resolved, That there shall be printed as a Senate document a symposium prepared for the Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary, United States Senate, entitled "Education for Survival in the Struggle Against World Communism". There shall be printed 6,000 additional copies of such Senate document which shall be for the use of the Committee on the Judiciary of the Senate.

NOTICE OF POSTPONEMENT OF HEARING ON NOMINATION OF IRVING BEN COOPER TO BE U.S. DISTRICT JUDGE, SOUTHERN DISTRICT OF NEW YORK

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that the public hearing scheduled for Thursday, May

3, 1962, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of Irving Ben Cooper, of New York, to be U.S. district judge for the southern district of New York has been postponed until further notice.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 30, 1962, he presented to the President of the United States the enrolled bill (S. 1668) to authorize the imposition of forfeitures for certain violations of the rules and regulations of the Federal Communications Commission in the common carrier and safety and special fields.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Statement prepared by himself in connection with the need for nationwide observances of Law Day.

Text of weekend radio-TV broadcast by himself over Wisconsin stations, recommending a proposed Agricultural Advisory Production Board.

FOR THOSE WHO WISH TO VISIT ALASKA THIS SPRING, SUMMER OR FALL

Mr. GRUENING. Mr. President, although it does not now look as if Alaska's Representatives in Congress would get back to their home State in time to witness the midnight baseball game, played in the daylight of the midnight sun, which has long been a uniquely Alaska event in Fairbanks on the longest day of the year, many fortunate Americans—especially those attending the Seattle Century 21 Fair—will wisely extend their vacations into "The Last Frontier."

An excellent article, replete with authoritative information and useful suggestions to those who want to visit Alaska, appears in the April issue of the Rotarian. It is written by Bob Henning, the editor of that excellent monthly magazine, the Alaska Sportsman. No one is better informed on the delights that await the visitor to Alaska than he.

I ask unanimous consent that his article, "Alaska—Adventure in the Big Land," be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALASKA—ADVENTURE IN THE BIG LAND

(By Bob Henning)

Experts on Alaska are a dime the proverbial dozen. I've spent 30 years reporting the Alaskan scene and I should be an expert, but to describe Alaska physically is an almost impossible task simply because the country is so doggone big and its geography so varied. And to describe an Alaskan is like trying to describe to your wife a good-looking secretary you've just hired. Anything you say is likely to get you into trouble.

Let's look first at three important considerations: time, weather, and money.

You can make a quick airplane trip from Seattle and see a small bit of Alaska in as few as 3 days. Various tour packages run from that length of time to 3 weeks or longer. But even a month is too short a time in which to see "all" of Alaska.

If you plan a quickie, be prepared to admit you'll have to come back again for the full treatment. A good many visitors return year after year to spend several weeks a season seeing and doing this immense, varied country that stretches a distance from east to west equal to that from Florida to California.

One of the most frequently asked questions Alaska-headed travelers pose is "What is the best summer month for seeing Alaska?" The answer is there isn't any best month. You can hit hot and sunny (up to 90 degrees) or cold and rainy days, and, like every other place you can go in North America, it is possible that "You should have been here a week ago."

But Alaska has a longer tourist season in summer than more southerly climes, from May 1 to October 1, to grab dates out of the air. Summer comes with a rush in early May in the north country, and daylight hours lengthen to 24 hours. You might honestly say we Alaskans deliver 2 days for the price of one. A lot of Alaskan outdoor play in the summer begins as late as 10 o'clock in the evening, and something you will never get used to is trying to catch up on sleep in the never-ending daylight.

If you go by air, there are daily flights year around. Tourist boats operate only from late April to October. If you plan to drive the Alaska Highway, you'll get a bit of snow and freezing nights in September.

Hotel and motel costs are comparable to above-averaged "stateside" prices, and, because our freight rates are unfortunately among the highest in the world, ham and eggs may cost you $1.85. Alaskans, incidentally, use credit cards widely, and there are plenty of places to cash checks.

Now let's try to get an idea of the shape and size of Alaska and where it is.

Let us say you are in Seattle—perhaps for the big Century 21 World's Fair, April 21 to October 21. Alaska lies north and west of Seattle roughly 3 flying hours or 2½ steamer days. (Don't count on a mid-summer steamer cruise unless you make reservations now.) If you intend to drive to Alaska via the Alaska Highway, don't plan a round trip of less than 30 days.

Canada's British Columbia, with nearly 500 miles of coastline, separates the State of Washington and southeast Alaska, or the panhandle. The bulk of Alaska lies almost an equal distance farther north and west.

Southeast Alaska is a thin strip of steep, fjord-slashed mountains and a maze of islands. Snow and glaciers on the mainland mountains separate southeast Alaska from Canada. The islands are blanketed by spruce and hemlock.

In southeast Alaska you find the towns of Ketchikan, Wrangell, Petersburg, the capital city of Juneau, Sitka, Haines, and Skagway. This section of Alaska is the upper end of the 1,000-mile-long "Inside Passage" for steamers from Vancouver, British Columbia.

This also is the only part of Alaska which you can reach by tourist cruise ships, although there is one 12-passenger freighter leaving Seattle monthly for Seward and the Aleutians. For the main body of Alaska you must either fly or go by way of the Alaska Highway.

Tourists headed this way as late as September, 1962, may have a chance to ride the State of Alaska's new passenger-car ferries from Prince Rupert, British Columbia, to Haines and Skagway, touching at all other major southeast Alaska ports en route.

The first of three fast "superferries" is expected to go into operation about September. This one is a must if your time schedule permits, or a must for another year of Alaska travel.

Prince Rupert in northern British Columbia can be reached in 3 to 4 days of driving from Seattle. Almost all the highway is paved. Here you'll be able to board a car ferry, taking in southeast Alaska's attractions en route to Haines, where you can hook up with the Alaska Highway for a drive through Canada.

As you proceed north and west from southeast Alaska, you note that you are following a westward-curving mountain range of stupendous proportions. Between Cordova and Seward on the south "underbelly" of Alaska, the mountains still preserve their great ragged peaks and giant glaciers plunging into the sea. But from here on the mountains change character and become less sharp and less snowcapped, and begin to swing southward. Instead of serrated snow fields and glaciers, these mountains begin to show puffs of smoke and flanks of ash. This is the beginning of the long volcanic chain which forms the backbone of the Alaska Peninsula for several hundred miles, then curves west and north through the lonely, fog-shrouded Aleutian Islands, which put Alaska's western border almost in sight of Petropavlosk on Russia's Kamchatka Peninsula.

Just behind that snowcapped mountain range between Cordova and Seward lies Anchorage, Alaska's biggest city. Anchorage has one of America's busier international airports. Japanese, Swedish, French, Dutch, and American airlines' North Pacific and polar flights come through here. Southwest of Anchorage is the famed Kenai Peninsula. Just north and east is the equally famed Matanuska Valley.

Alaska's only railroad (the storied narrow gage of the White Pass and Yukon from Skagway to Whitehorse is Canadian) runs 470 miles from Seward on the Gulf of Alaska, through Anchorage, past Mount McKinley, and ends at Fairbanks in what Fairbanksans term the "golden heart" of Alaska. You can take a train or plane to Mount McKinley National Park, or you can rent a car.

You'll notice real geography changes if you fly up the southeast Alaska coast and along the mountainous shore to Anchorage. On the coast, heavy precipitation nourishes dense forests of spruce and hemlock. From Anchorage north, in the lee of the coastal range, the hills and ranges are less rugged. Now you enter the soft green birch and cottonwood country with splotches of dark fir and spruce intervening. Instead of fishermen and loggers you find homesteaders and farmers along the highways, and brave new auto-camp enterprises hewn from neat 10- or 12-inch logs. You also see some tar-paper shacks and beat-up house trailers that mark any frontier boom country.

An automobile will take you almost anywhere in interior Alaska—Anchorage, Fairbanks, Seward, Homer, the booming oilfields of the Kenai, Valdez, Copper Center, Mount McKinley, or end of the line going north at Circle City on the Yukon River. Alaska's growing road system is, of course, hooked up with the Alaska Highway and such romantic old towns as Dawson, Mayo, Whitehorse, and the other camps of the old and new Klondike in the Yukon.

Much of this interior Alaska road system is paved, much of it good graveled highway, and little of it is tough, dirt-road driving.

If you get a notion to follow the Alaska Peninsula into the Aleutians, there is a passenger vessel operating out of Seward via Kodiak, and regular airplane service.

Airplane service is also available to the Pribilof Islands, where the fur seals live and are annually harvested.

You can fly to a variety of Eskimo towns and villages from either Fairbanks or Anchorage. Most Eskimo country tours originate in Fairbanks.

The Eskimo lives for the most part along the Bering Sea and Arctic Ocean. The real Eskimo villages begin, on the south, around Bethel at the mouth of the Kuskokwim River about 600 miles west of Mount McKinley. North of Bethel you find an interesting array of Eskimo-village names, like Tanunak on Nelson Island, Mekoryuk on Nunivak Island, Kipnuk at the mouth of the Yukon River, Unalakleet, Koyuk, Golovin, and Nome. West of Nome is St. Lawrence Island in the shadow of Siberia's mountains and the villages of Gambell and Savoonga. No need of planning a plane trip to King Island north of Nome. Most King Islanders, good ivory carvers and smart traders, head for Nome and Kotzebue to meet the tourists.

Kotzebue, northeast of Nome, is a booming Eskimo village, and north again the map will show you Point Hope, Point Lay, Wainwright, and the end of the line again, Point Barrow.

This Eskimo country has regular air service, and some of the villages have adequate overnight accommodations. Shorelines here will impress you with their bleakness. Stretching beyond is a treeless tundra with lakes and ponds of a thousand shapes and colors, the whole interconnected by writhing sloughs, rivers, and canals flanked by the gently rising distant mountains.

If you fly from Fairbanks to Point Barrow, you will get another geographic shock. You may have thought the big mountain ranges were left far behind you, but across the top of Alaska runs the Brooks Range, a western extension of the Rockies. The ranges of the Brooks are a sea of deeply river-cut barren ranges, for the most part brown in summer, and so little explored and so sparsely populated you feel an intense loneliness as you look down on this wildest and least-known part of North America.

Four airlines fly out of Seattle to Alaska daily. They are Pacific Northern Airlines, Pan American Airlines, Northwest Airlines, and Alaska Airlines. Within Alaska you will have a choice of many airlines, either regular schedule or charter.

Three steamship lines run cruises through southeast Alaska as far north as Skagway via the "Inside Passage" from Vancouver, British Columbia, which is only 4 hours' driving time north of Seattle. These lines are Alaska Cruise Lines, Canadian Pacific Railways, and Canadian National Railways. The 12-passenger freighter out of Seattle and Seward is operated monthly by Aleutian Marine Transport.

Airplane seats are plentiful—no problem. Hotel reservations in Alaska are something else again. It's getting better, and there's not much problem in early and late seasons, but still it's best to let a travel agency do your planning for you. It costs no more and they know the ropes.

As for getting berths on the steamers, summer space will be at a premium, and if you want to take an 8-day, round-trip cruise, with, perhaps, extra side trips to the rest of Alaska, see your travel agent right now. Remember, you can sample Alaska in 3 days, but you'll wish you had planned a month or longer.

Clothes? Take light rainclothes, good walking shoes, and spring-type outdoor gear. Alaskans aren't much for formality, but in the bigger cities you'll want something a little dressy for dining out.

Hunting? Fishing? I'd need a book to tell you just a little about these subjects. This is truly America's last great wildlife frontier, and the list of rod-and-reel trophies available is long.

Most hunting seasons begin in late August and hit their peak in September and October; fishing begins in April and runs through September. License fees are reasonable, and you need guides only for brown bear, polar bear, and sheep.

Now, where should you go? Well, we have secret places of our own, and a long list of Alaskan subscribers who will argue their locale is best.

You can't hit 'em all, but here are a few highlights:

Southeast Alaska is a boatman's paradise, a fisherman's paradise, and a cameraman's paradise. Plan on seeing a few glaciers and the fjords. Plan on at least a day for fishing. You may catch some fine salmon, and you'll enjoy having your host insist that you stop going down to the bottom to catch halibut. Trying to eat a 100-pound halibut is one thing. Trying to give away an extra 100-pound halibut to someone who already has one in the freezer is just as difficult.

A 4-day trip up the Stikine River to Telegraph Creek, British Columbia, in the *Cassiar* via passenger river boat out of Wrangell is another trip you might try to sandwich in.

If you have friends in the northwest area with yachts or outboard cruisers (or you can charter one in Seattle, Vancouver, or many southeast Alaska ports), the waters are protected (I run a caravan of outboarders north every summer) and this sort of vacation trip just about tops anything we can think of—short runs from town to town, uncrowded moorage facilities, and a new "front yard" every night.

If you or your friends fly your own plane, either wheels or floats will serve. There are plenty of fields, port facilities, and services the entire route. Alaskans use airplanes as you might use the second car. You'll see more private planes in this country than in any other region.

There are spectacular scenic air routes in almost every corner of Alaska, but one I recommend as a real breathtaker is the route between Juneau and Anchorage via Cordova. If the weather is clear, you'll see North America's biggest mountain uplift in the Fairweather and St. Elias Range. Bulging out into the Gulf of Alaska, its peaks hit 19,000 feet. Glaciers are everywhere. World travelers agree there is nothing like it in the Himalayas, the Andes, or anywhere.

Out Anchorage and Kenai way, plan to drive from Anchorage to Seward. It's beautiful country. And stop to talk to some of the farmers and homesteaders along the highways. You'll find the coffeepot always on. Don't expect red carpets, however. We're a bit backwoodsy in places and don't go in much for putting on the dog. But you can expect hospitality. We Alaskans take a back seat to no one in this department if you are regular folks. We have lots to show you: glacier ice that lasts four times as long as refrigerator ice in ginger ale, wild cranberries for your sourdough hotcakes, and 60-pound cabbages.

Don't expect to find redhot fishing right on the highways. Get a couple of miles back and you'll find some of the finest. Be sure to try grayling fishing (anywhere in the interior, little trickles, or major rivers and lakes). This fly-loving fish is a thing of loveliness in the moments after catching, before his blue and bronze-silver loveliness fades. And fish with a frying pan in one hand. Fresh grayling, with its slight perfume of thyme, is a taste experience you'll never equal.

Speaking of fish, you'll enjoy seeing a salmon run. Look for salmon in any coastal area stream. Some species get bright red on the spawning beds. Seeing a living, wriggling, thrashing mass of red bodies in a clear and unpolluted Alaskan stream is a nature experience you'll never tire of. Other salmon species get calico colored, or dull red, or black and white, but don't leave Alaska without trying to see a salmon run.

If you fly into the Alaska Peninsula country, look for rainbow trout. They are plentiful and as long as your leg.

At Sleetmute, on the Kuskokwin River, you can find some of the finest sheefish fishing in the north—or get them at Aniak on the Kuskokwim, or on the Kobuk. This is a real trophy fish, known only to the polar-rim country. He's a specie all his own, looks like a cross between a whitefish and a tarpon, is streamlined as a salmon, runs from a few pounds to 60 pounds, takes a lure readily, and battles like an irate mother-in-law.

Try your luck at seeing Mount McKinley. It's worth it, and you'll see lots of game as well. We don't guarantee the clouds will move back for a good view, but then you can belong to the I-Didn't-See-It-Either Society.

In the Fairbanks area be certain you go out to the University of Alaska just out of town. It's America's most northern university. It has a wonderful museum. What's more, this is where the constant building and growing of this northern land will become most evident to you.

I hope you have time to see Eskimoland. Try to take in some of the off-the-track villages as well as the regular tour towns. Best advice is to go in twosomes, or not more than foursomes for this sort of venture. The seldom-visited Eskimo villages usually have a trader or a schoolteacher with extra rooms to which you will be welcome, but big groups would have housing difficulties.

If you do have time for such traveling (and this sort of unplanned traveling I strongly urge), it would be wise to take along a light sleeping bag. If you don't have one, your pilot can dig one up for you before you leave town.

Whether it's an Indian camp beside a fish wheel or an Eskimo village on a barren spit, your nose will get some interesting experiences, too, but that also will be an experience and not unbearable.

Mosquitos? In town and in travels you won't need bug protection, but for fishing in the interior and on the brush-lined rivers, take along a good repellent.

Try to give us at least 2 weeks to show you a good time and some of Alaska. And save a couple of days of your schedule for resting up when you get back. We'll guarantee you'll need it.

One more thing. We have an Alaska Sportsman magazine office in Seattle and our coffeepot is always on. Just call us for any help—coming or going.

And don't walk up any salmon streams in Alaska in the summer without a rifle or a guide. The big brownies are the only critters in Alaska that don't like tourists.

INVESTIGATION OF BILLIE SOL ESTES

Mr. WILLIAMS of Delaware. Mr. President, in the April 26, 1962, issue of the Washington Daily News there appeared an editorial strongly urging the Congress to proceed with its investigation of the Billie Sol Estes case before the trail cools.

Certainly the strong allegations that Mr. Estes has been making unusual gifts or payments to Government employees in return for special favors are charges which cannot be overlooked.

I agree fully with the quotation in the editorial from Attorney General Will Wilson, of Texas, that "you cannot expect the Agriculture Department to investigate itself."

Among these allegations is one that Mr. Estes has been using between $100,000 to $200,000 a year for payoffs. Whether this is true or whether the amount has been exaggerated, I do not know, but the charge has been made and Congress now has a responsibility not to ignore the inference.

Another serious charge is that through manipulations cotton acreage allotments have been improperly obtained by Mr. Estes. Acreage allotments belong to the farmers, and any inference that acreage allotments, whether in cotton or in any other commodity, are being taken over by speculators is serious.

On April 17, 1962, I introduced Senate Resolution 331 requesting an investigation by the Senate Committee on Agriculture and Forestry; however, on that same date the Senator from Arkansas [Mr. McClellan], chairman of the Government Operations Committee announced that his committee was proceeding to investigate these charges. This is not a jurisdictional question, and I do not care which committee does the job, but it must be done.

I ask unanimous consent that this editorial entitled "Before the Estes Trail Cools" be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Before the Estes Trail Cools

If there had been any doubt of the urgency for a congressional investigation of the Government's grain storage program, the doubt surely is dissipated now.

Atty. Gen. Will Wilson of Texas, provided some of the clincher reasons in a Dallas interview with Jack Steele, reporter for the Washington Daily News and other Scripps-Howard newspapers.

Mr. Wilson has been probing the widespread and now collapsed house of cards of Billie Estes, the whirlwind promoter from Pecos. The Texas attorney general said most of the capital Estes amassed for his "empire" came from the quick bucks he reaped from warehousing $50 million worth of Government grain.

But Mr. Wilson said he has gone as far as he can go with his probe—he lacks the power to dig more deeply. Two Agriculture Department boys, accused of taking gifts from Estes, ducked Mr. Wilson's request to testify and he can't subpena them. One was fired, the other resigned.

"You can't expect the Agriculture Department to investigate itself," he said, rightly.

Now, after Estes has buckled, the Agriculture Department is asking a $10 million bond on the grain in Estes warehouses to replace the curiously low $700,000 previously required. Now, after all the publicity, the Department is preparing claims of $500,000 to $600,000 against Estes as penalties for cotton he allegedly grew and sold illegally.

Mr. Wilson claims evidence he has indicates Estes had gained "substantial favors" from the Agriculture Department. Witnesses have testified Estes had said he needed $100,000 to $200,000 a year for payoffs. This may have been braggadoccio—but some unbiased agency, with full power to exact the truth, ought to be finding out what is so and what isn't.

Senator McClellan's permanent investigating subcommittee offers the most promise of a competent, straightforward inquiry. We hope this group will get on the job, pronto, before the trail gets cold.

GOLD PRICE SHOULD BE RAISED

Mr. BARTLETT. Mr. President, much has been written and much has been said about the existing price of gold. The gold-mining community, economists and others interested in the international monetary situation have given especial consideration to this in recent months because a bill by our distinguished colleague, the junior Senator from California [Mr. Engle] and cosponsored by several other Senators, is before the Senate Committee on Interior and Insular Affairs and has already had one hearing. This bill would provide financial incentive to gold producers when circumstances warrant it.

It is generally assumed, Mr. President, that the only people interested in such a proposal are those who have a stake in gold mining. This is, of course, far from being the truth. The stakes are high; they are higher indeed than the welfare of all of our gold miners, important though that is. They relate to the stability of the dollar, among other things, and many of us who favor the Engle bill and favor generally a revival of the American gold-mining industry, believe that the dollar would be strengthened, not weakened, if the price of gold were increased.

Now we have a very distinguished witness who insofar as I know has no personal interest at all in gold mining who believes that the basis of credit would be increased by increasing the price of gold. This witness is Lord Chandos, chairman of the board of Associated Electrical Industries, Ltd., and subsidiaries and director of Imperial Chemical Industries, Ltd., of Great Britain.

On March 6 Lord Chandos made a speech to the American Chamber of Commerce in London. There he said some things about gold which everyone interested in this subject ought to read. Lord Chandos' remarks came to my attention by a very roundabout process indeed. One day I was reading the Nome, Alaska, Nugget and noted there an Associated Press dispatch from London referring to Lord Chandos' speech. So when I traveled to London, not long after, I mentioned my interest in this to Mr. George R. Jacobs, First Secretary of the American Embassy. Mr. Jacobs was good enough to obtain for me and send to me a copy of that speech and I ask unanimous consent that it be printed following my remarks. I should like to point out that the speech is available to me at this time only in uncorrected galley proof form.

There being no objection, the speech was ordered to be printed in the Record, as follows:

I am going to try and say three things: there is not enough money in the world; we ought to create some more; and if we do so it will not be inflationary.

I think I might begin by drawing a little upon history. I believe it to be without dispute that the industrial revolution, beginning at the end of the 18th century in this country, and growing from the use of mechanical and steam power and from the birth of the joint stock company system, received a great impetus—probably its greatest impetus—from the discovery of the goldfields of South Africa and the Rand, and of those in California in the United States and in other parts of the world. The price of gold in the 19th century was just under £4 an ounce, and for every ounce of gold mined, eight or nine times that amount of credit was created.

These discoveries of gold were fortuitous. Of course, they owed much to man's ingenuity, but man can only mine what Providence has put into the ground. Obviously it would be a curious fluke, an entirely haphazard matter, if this particular source of credit, this fortuitous source of credit, happened to match man's requirements at any given moment. Since the discovery of the Orange Free State goldfields there are no new sources of gold of very much significance whch are being opened up.

Ought we not, therefore, increase the basis of credit by increasing the price of gold?

One of the important facts is that gold is the only commodity which you can buy at the same price as you could 28 years ago. I have researched this very carefully. I wonder whether any electrical equipment could be bought for the same price as it could 28 years ago? As a digression, it might be quite amusing to examine the manner in which the various gold parities were originally fixed.

I think the rate just before the war of $4.02½ to the pound was arrived at because that was the parity fixed by Rothschilds that morning on the price of gold. When President Roosevelt revalued gold in 1933, I am told that the economic advice was to revalue it at about $32, but the President, with a sweep of the hand, so to speak, no doubt well advised, said, "Well, it will be $35—in round figures." When the British government revalued sterling I was in politics although in opposition, and I have some reason to remember that the rate of $2.80 was arrived at in a highly empirical manner. The late Sir Stafford Cripps, my great personal friend and political enemy, really practically cut through the pack with Ernie Bevin and said, "Let's make it $2.80."

I am making no particular bleat or complaint that these various rates of exchange—and I dare say it will always be true—have to be fixed to some extent by guesswork and by meeting the needs of the moment, rather than by fixing them by careful analysis—and naturally consultation with the economists over the weekend, possibly even with the financial editors—and pitching them at rates which are designed to look after the future.

I make no complaint, but I do say it is a little absurd when we see how these rates have been fixed, to genuflect in front of them as if they were the laws of the Medes and Persians, or the tablets which Moses brought down from the mountain.

Now, let me be quite clear that I do not mean that any single country of the Western World should raise the price of gold, but that we ought to do it as a concerted, commonsense measure; and when it was done, the relative value of the various currencies would be held at their present ratios.

Looking at this country, it is impossible, I imagine, for us to sustain a rate of exchange higher than $2.80 to the pound, and nothing that I am going to say should be construed to mean that there should be any single devaluation. In fact, devaluation as a term does not mean a concerted increase in the volume of credit, but it means the devaluation of one currency in relation to another. So, let us, in the examination of this proposition, eliminate the word "devaluation."

The second question which I think we have to ask is: Is it inflationary in the usual meaning of the word? I suppose inflation fundamentally means the creation of credit or the means of exchange which is not backed by a real increase in wealth. And I suggest it is not inflationary for me to borrow from the bank at the moment when a gusher appears in my backyard as it very often has done in Texas, and in other parts of the United States. The overdraft is then merely to finance that awkward period between controlling my gusher and selling the crude oil to the local refinery. It is, of course, highly inflationary if I try to borrow from the bank against my farm losses, and it is highly inflationary for the Government to borrow against losses of a State-owned industry instead of meeting the losses by taxation.

Nothing, as I say, is truly inflationary if it creates the means of exchange against a potential source of real wealth, provided that that potential is accessible and not too far distant. I believe today that the greatest characteristic of the developed modern world is our ability to increase the supply of new wealth, and I do not believe that the public or, for that matter, even some of our monetary pundits, are fully appraised of the accelerated rate at which we can produce wealth. Ask any industrialist and he will answer that if the demand is large enough he can produce it at ever-decreasing cost.

This perhaps leads me to a more important part of the subject, that of the so-called underdeveloped countries. It is now commonplace to say that one of the duties of the developed countries is to produce the finance as well as the technical skill to develop the underdeveloped countries and to raise their standard of life. The phrase "underdeveloped countries" is an overcoat one: it applies as well to countries which are partially industrialized as to those in which industries are in their earliest infancy or where they do not exist at all.

But let us look for a moment at the first category, partially industrialized countries. I have just come back from Australia so it is uppermost in my mind. Across the whole northern band of that country there are almost unbelievable undeveloped resources. For example, in western Australia, quite apart from 3 million or 4 million acres of agricultural land with a suitable rainfall, which every year is added to the land under the plough, there are huge deposits of iron ore—I am not talking about an iron ore mine but an iron ore field—and huge deposits of bauxite; and no doubt there are other great sources of mineral wealth.

Switching to the other side of the continent, we see the great bauxite deposits of the Cape York Peninsula which are in a very early stage of development. Again at Mount Isa, I do not think it is a hyperbole to say that the company has not got a copper mine but a copper field under development. The Snowy River irrigation and power scheme is one of the largest in the world.

So it would not be true to describe Australia, as the term is now used, as an underdeveloped country, but rather to say that she is a country on the threshold of immense developments which are partially held back from lack of capital.

If you are looking at the truly undeveloped countries, India, Nigeria, the Federation, the Republics of South America, and so forth, why is their development not proceeding as quickly as we should like? It is for two good reasons, and for this moment I am ignoring political turmoil. First of all, manifestly they cannot pay cash for present developments which are going to lead to future wealth in 5 or 6 or 10 years' time. This being so, they have to borrow to develop their countries. Conversely, the second reason is that the Western World, headed by the United States, fundamentally can only lend their surpluses. Only some financial editors think that you can develop and finance new countries upon a deficit. They can in fact only be developed by surpluses, and my main contention is that the surpluses we are throwing up are insufficient to develop these countries at a fast enough rate. We have, of course, in fact been pushed into a number of expedients to increase international monetary reserves. We have strengthened, for example—talking about the Western World—the resources of the International Monetary Fund, which was very difficult to do. More recently we have set up a fund within this fund, sometimes called the Paris Club, as an attempt to solve or to alleviate the problem.

These methods become inevitably interlocked with political questions and are subject to political pressure in a way which would not be true of an international decision to raise the price of gold. No one could express greater admiration than I do for the work of the World Bank, presided over by a great friend of mine, Eugene Black, or for the other international agencies which are at work on the main problem of our century, but have they enough chips? I doubt it.

At this point, I do not think it would be out of place to pay a tribute to the United States as a creditor nation—a prewar term. The United States has allowed her gold stock to dwindle away, and her short-term foreign liabilities to grow very rapidly. These actions have immensely helped the reserves of international currency, and I do not think that in this as in many other matters the United States gets quite enough thanks and credit for its action. No longer ago than December 1957 there was nearly $23 billion in the U.S. gold stock, and it had dropped to under $17 billion by December 1961. The logic of the position seems to be that the United States would benefit greatly by the writing up of its remaining gold stocks, on an international agreement.

If it be true historically that the industrial revolution gained a great momentum from the discovery of gold, does it not follow that homo sapiens in 1962 should artificially create another goldfield by raising the price of gold that it is already mining? I do think that the proposition of raising the price of gold is looked at too often from an emotional standpoint and words such as I have mentioned, about devaluation and inflation, are bandied about without any profound thought as to what they really mean. I am so unorthodox as to believe that the volume of credit which we have created would have been even more out of line than it is with our potential sources of wealth, if it had not been for the two world wars. The economic effects of these two wars have brought home to mankind in a way which no other events could have, the fact that money is a concept and not a fact. When I was a young man and a young soldier many economists held the view that the war between Germany and Great Britain and France—that is before the entry of the United States—would come to an end because the belligerents would be unable to finance themselves. All that sounds almost childish today, but it was seriously held by serious people in those days.

Are we not today in danger of being as absurd when we close our eyes to the fact that the development of real wealth is being held back by the lack of the means of exchange? Everybody would throw his cap in the air if a new goldfield were discovered in Missouri or Kansas or, better still from the British point of view, in Devonshire or Derbyshire. It would be greeted with even greater enthusiasm than if an oilfield were discovered in Australia or Nigeria.

Gold is a better thing to find than oil because of one thing: you have not got to deal with the oil company; you are not in competition with anybody and you have not got to look for a market, you have not got to have a market research department; you have not got to have a selling department.

Finally, it is said, and particularly in the United States, that a revaluation of gold would be of great advantage to the Soviet Union, which would be a bad, and to South Africa, which would be only a fairly good thing.

I cannot believe that these objections are sound sense. I cannot conceive that any serious person would retard the development of the world, which I think our lack of the means of exchange is doing, because by accelerating it the gold producers would get some extra benefits which the nongold producers would not. I can see no point in cutting off the Western nose in order to spite the Soviet face, and if we have the standard of life of the native population of South Africa at heart as much as we profess, no single measure would be likely to raise it more quickly than a rise in the price of gold.

Let me urge that this subject at least should be treated by the use of our rational faculties and not by the unleashing of our emotional ones.

I have said very little about the timing. Today all countries are still obsessed by the problem of inflation. Unemployment levels, certainly in Europe, are very low; and even if the price of gold were written up, it would not be likely that in this country we should immediately abandon the credit squeeze, but if we of the Western World are going to revalue the price of gold, as we shall be forced to do if we do not do it voluntarily some time or other, it is, I think, necessary now to look soberly and logically at this proposition.

NATIONAL GUARD CUT WOULD REDUCE MILITARY EFFECTIVENESS

Mr. BENNETT. Mr. President, the administration's decision to cut back the National Guard was made without the approval of the two Pentagon committee's responsible for advising the Secretary of Defense and the Secretary of the Army, and I believe the decision should be carefully scrutinized by Congress.

The effects of this decision on units throughout the country are just becoming apparent. In the case of the State of Utah, which is somewhat typical, the proposal would abolish six National Guard units, close three armories, and cast 550 Utah Guardsmen adrift by abolishing their units.

Maj. Gen. James Cantwell, President of the Adjutants General Association of the United States, has pointed out that the plan for the cutback was developed in the Office of the Defense Controller by civilians who have little understanding of Reserve military programs. The fact that the cut has only the reluctant approval of the Department of the Army and that it failed to gain approval of the two advisory committees previously mentioned is a measure of the highly controversial nature of this decision.

The cutback, in my opinion, would definitely reduce the Nation's overall defense capability because it would substantially reduce the Army's mobilization base. The plan concentrates on a small high-priority Reserve Force, but maintains thousands of nonpriority units at strengths too low to permit efficient training.

Furthermore, the plan overlooks the needs for an adequate force to provide internal security and perform recovery missions following a nuclear attack, and it also reduces opportunities for voluntary military Reserve units.

I hope Congress will force the Pentagon to reconsider this decision.

THE INDIANA DUNES

Mr. DOUGLAS. Mr. President, the bulldozers and power shovels of Bethlehem Steel are all poised to begin to destroy tomorrow the most beautiful section of the Indiana Dunes. A large section of the dunes is scheduled to be shoveled on to barges and then transported across Lake Michigan to Evanston, where it is to be dumped into the lake to create 77 acres of land fill which will become an addition to the campus of Northwestern University.

Previous appeals to Bethlehem to stay its hand have met with no response. This was at first the attitude of the Northwestern business authorities who maintained that they were only bound by their contract and could not concern themselves with where the sand came from. More recently, however, these representatives have implied that they would use an alternative source of fill, if such were available.

We have now found such an alternative. For in the process of deepening and widening the Cal-Sag Canal, no less than 10 million cubic yards of clay, earth, and rocks have already been dredged up and deposited on the banks of the canal. Since the canal is to be deepened by approximately 11 feet and widened by another 160 feet throughout its 16-mile course, this means that many million more cubic yards will be excavated.

The Sanitary District of Metropolitan Chicago is confronted with the terrific problem of what to do with this huge deposit of earth. It has no present place to deposit it, and it needs to clear the banks of the canal if they are to be leased to industrial concerns.

Here is a splendid opportunity for the sanitary district to offer to Northwestern the 2½ million cubic yards which the university says it needs. This has already been suggested by the well-known Chicago news commentator, Len O'Connor. I wish to take this opportunity to reinforce his suggestion. I hope the sanitary district will make a generous offer to Northwestern not only to provide the fill, but also to help with its transportation to Evanston as well.

Once this is done, there would seem to be no good reason why Northwestern should insist on getting its fill from the dunes and thus become a tacit accomplice in their destruction. A better fill will be provided to it from a more accessible source at a cheaper price.

As a matter of fact, such a suggestion was made to Northwestern over 5 years ago. I have in my possession a letter from a public-spirited citizen, Mr. John A. Ricker, the able attorney for the sanitary district, to Northwestern, under date of November 30, 1956. I ask unanimous consent that this be printed as an appendix to my remarks, together with two other apparently authentic letters dealing with the aftermath to this suggestion.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **DOUGLAS**. Mr. President, suffice it to say that, for one reason or an other, Northwestern did not choose to follow up Mr. Ricker's suggestion and, instead, proceeded to close a contract with two intermediate companies which involved the destruction of a large part of the most beautiful area of the dunes.

But while it is now the 11th hour and the 59th minute, it is still not too late to stay the hands of the despoilers. If the sanitary district will offer and Northwestern will accept this superior land fill, Northwestern can have its enlarged campus and the dunes can be saved.

Incidentally, even if Northwestern gets the 2½ million cubic yards from the sanitary district, the district will still have enough sand fill left over to create several hundred acres of off-shore land in Lake County, Ind., between Lake Calumet and Indiana Harbor, and thus provide National and Bethlehem Steel with alternative and superior sites for their mills than they could possibly get by destroying the dunes.

I will be happy to work with all these groups to obtain these facilities. But in concert with conservationists from all over the country, I will resist to the death the efforts of the steel companies, real estate rings, and politicians to destroy one of the most beautiful areas in the Nation and replace it with a jungle of smog, polluted water, asphalt, and concrete. Only those with a wanton sense of cruelty can proceed now that a superior alternative lies open.

We have no time to lose. Let the companies withhold their destruction, the sanitary district make a statesmanlike offer, and Northwestern accept this alternative in the great educational and humane tradition of which it is a part.

EXHIBIT 1

To the Honorable the President and Board of Trustees of Northwestern University and to the Honorable the President and Board of Trustees of the Metropolitan Sanitary District of Greater Chicago:

The purpose of this study is to find a practical method of disposing of the excavated earth or "spoil bank" now being excavated by the U.S. Corps of Engineers in the widening of the Calumet Sag Channel from 50 to 225 feet. The present channel is lined by spoil banks which have existed since the channel was built in 1922, and which have prevented this land from being rented to heavy industry as dock sites. During the past decades there was sufficient unburdened area for rental purposes so that the spoil banks posed no great problem. However, if the completion of the St. Lawrence Seaway makes Chicago a world port as many predict, then it is reasonable to assume that the value of, and the demand for dock sites will increase and the spoil bank problem will become more acute.

At the time the U.S. Army Corps of Engineers and the sanitary district trustees formulated plans for the canal widening it was their concerted opinion that there was no solution to the problem, other than to continue to build larger and higher spoil banks.

The sanitary district trustees have not been altogether satisfied with this solution and have from time to time considered other methods of disposing of the spoil bank, such as giving it to the toll road commissioners for construction of the superhighway.

It is suggested in this proposal that Northwestern University consider adoption of a program to use a part of this spoil bank to enlarge their campus by filling in lake front area.

The magnitude, the boldness and the great expense of this program might, on first consideration, be sufficient reason to reject the whole idea after a cursory examination.

However, upon second thought, there are salient aspects of this program which may help solve the expansion problem of the university:

1. The first hypothesis is that within the next generation, the demands upon institutions of higher learning, due to the population growth and to the general recognition of the importance of higher education, will overtax the physical capacities of those institutions.

These demands will afford such institutions an easy solution. They can fall into the error of becoming still more selective and admit only "A" type students. In this respect the argument is not to relax the present standards, but rather a warning against an inflation of standards due to physical limitations.

2. The university is hemmed in on three sides by residential improvement and the lake offers the only means of expansion, if the problem of trying to acquire vested interests on the other three sides is to be avoided.

3. It is sound from an engineering standpoint to fill in this area because of the existence of an underwater shelf extending out from the shore a distance of approximately 2 miles and extending from Wilmette, Ill. to Gary, Ind., over which the water depths are less than 30 feet. Lake surveys indicate that the depths required to be filled would slope off the campus shoreline to approximately 20 feet.

4. This program should not be rejected by the trustees herein concerned without studied contemplation and thoughtful guidance because if the opportunity herewith presented is foreclosed, it is reasonable to predict that it may never again present itself. This statement bears merit because:

(a) Approximately 14 million cubic yards, in addition to some existing "spoil bands," will be removed in the Cal-Sag widening.

(b) Approximately 5 million cubic yards of fill would be required to fill in approximately 100 acres off the Northwestern shoreline.

(c) The limestone rock being excavated is desirable for riprap in depths below 15 feet in the construction of a seawall if steel or concrete piling is used.

(d) While the material is being excavated it could be loaded onto barges by the Army Corps of Engineers. Once the fill is spread out beyond the banks, if the university then decides to use it, it may find the second cost of handling prohibitive. The secret of the success of this program will be the solution of the engineering problem of coordination in having barge transportation available for hauling as the army engineers make the excavations.

(e) It is conceivable that once this Cal-Sag widening is completed, there will never be another opportunity to acquire such quantities of rock and earth at such low cost.

(f) Should another highway of the Congress Street type be built the earth-trucking costs would be prohibitive. Should another subway branch be constructed, the earth fill might be available but in that situation, the rock for riprap purposes would not be available.

(g) Present lake surveys, while incomplete, indicate that there is little or no sand on the lake bottom off the shore of the university campus which could be used for fill, and the clay under the thin layer of sand is too hard or too stiff to be cut by the cutter on a hydraulic dredge.

(h) There is plenty of sand at the south end of the lake but after paying the cost of dredging, the cost of barging sand would approximate the cost of barging fill from the Cal-Sag area.

(i) The littoral drift of sand north of Wilmette is approximately 25,000 cubic yards per year. After passing the Wilmette harbor, the lake currents sweep outward past Northwestern University leaving little sand. The currents then come shoreward at about the Evanston-Chicago city line.

(j) Should the Chicago Park District at a later date demand this fill in order to complete the Outer Drive from Hollywood to Howard Street to relieve traffic congestion there might not be any fill remaining for a private institution.

The foregoing reasons tend to support the theory that if this opportunity is not pursued, any subsequent program for artificial fill will be more costly.

The Inland Steel Co. is presently engaged in a program to fill in 20 acres off its shoreline at the south end of the lake. The Commonwealth Edison Co. is seeking permission to fill in 79 acres. If the economic cost is justified in the opinion of the directors of these corporations, then should not the requirements of higher education be even more justified in the opinion of the trustees of Northwestern University.

* * * * *

COMMENT

At common law the riparian owner owned the bed of the river to the thread of the stream. The law was different as to navigable waters and the riparian owned only to the high water mark or tide. The balance of the soil of the sea belonged to the crown subject to the rights of navigation.

It is further suggested that there are a limited number of marine contractors in Chicago who are equipped to undertake such a contract and their bids would reflect items for contingent expenses which would make a marine operation of this magnitude prohibitive. One such illustration would be the lie-by charges for crew, tug, and barges during inclement weather when the lake was too rough for safe sailing.

When the lake States were admitted into the Union, they were given title to the soil under the lake from the State lines as extended, subject only to the rights of Congress to impose regulations for navigation, etc. The riparian owner of land abutting the lake owns only to the water's edge and his riparian rights consist of acquiring additional land by natural accretion only, and access to the use and enjoyment of the waters (*Revell* v. *People*, 177 Ill. 468; *Cobb* v. *Commissioners of Lincoln Park*, 202 Ill. 427).

Should the university proceed under the Rivers, Lakes, and Streams Act of Illinois and the Federal River and Harbor Act, and be successful in obtaining permits to build bulkheads and fill, then title to the filled in land might still be in the State of Illinois. It is therefore suggested that in addition to securing the permits above mentioned, the university proceed under the Cities and Villages Act inasmuch as a decree of the circuit court will by operation of the statute cause a conveyance of the new land from the State of Illinois to Northwestern University.

This would require the cooperation of the city of Evanston.

The Cook County commissioners would also need to approve the plans by virtue of the 1874 statute.

SOME MAJOR OBSTACLES TO THE PROGRAM

It has been suggested that steel sheet piling for a seawall is in short supply and none can be expected before 1958.

It is also suggested that tugs and barges are difficult to obtain in the Chicago area, that they are in great demand in the summer months, and that vested claims to their use might prevent success of the program.

SUGGESTIONS

It is admitted that steel sheet piling might be impossible to obtain. A vice president of Inland Steel Co. stated that they are not making steel piling for commercial use at this time. A vice president of United States Steel Co. stated that there is little hope of obtaining such steel before 18 months or 2 years from now.

Steel sheet piling installed, exclusive of future price and wage increases, is estimated to cost approximately $450 per lineal foot. A representative of the Portland Cement Association stated that prestressed concrete piling will compete favorably with steel, both as to cost and durability.

In answer to the statement that this program may be too costly, it is suggested that bids be invited from marine contractors and their figures be compared with those to be prepared by the Northwestern College of Engineering. The college of engineering might consider the advisability of organizing a private corporation to do the job.

In pursuing this thought, the college of engineering could learn what the university trustees desired in the way of an additional campus and then prepare designs and cost estimates. These studies would consider the most economical method of moving the fill from the Cal-Sag to the campus. One suggestion on unloading is by dump barge and dragline. Another suggestion is by deck bárge and heavy duty dozer alongside a barge length steel sheet wall.

The study should be made in cooperation with the city engineer of Evanston, to determine whether or not the new campus would have an adverse effect upon the Clark Street Beach, and whether or not the outer limits of the new campus would need to be extended southward in the form of a breakwater to prevent lake currents from aggravating the existing beach erosion conditions.

In the event the engineers should determine that concrete piling would be satisfactory, then consideration should be given to the suggestion of filling in the lake between the two concrete piers located near the south end of the Northwestern University shoreline, covering this area with a concrete slab and using this area as a concrete pile casting yard. (See publications—Concrete Piles-Concrete Shore Protection, submitted by Portland Cement Association).

For the sole purpose of refuting the suggestion that there may be no marine equipment available for this type of program, the market was sampled and it was learned that barges and tugs etc., may be available either for charter or purchase. (See attached exhibits.)

An agreement should be executed between the U.S. Army Corps of Engineers, the sanitary district and Northwestern University wherein approximately 5 million cubic yards of fill from the Cal-Sag will be made available.

The several governmental bodies should be contacted to learn whether or not full approval can be expected.

Publicity should be given the program in such a manner as to invite favorable public reaction.

The value of riparian land based upon a recent sale near Hollywood and Sheridan Road was $4.30 per square foot. This valuation would give the new campus of 100 acres a value of $18,730,800.

On the basis of 1 cubic yard of fill being required to produce one square foot of new land approximately 7 feet above city datum, 4,356,000 cubic yards of fill would be required.

It has been variously estimated that the cost of moving the fill by contract from the Cal-Sag area to the university may run from $1 to $2 per cubic yard. It is believed that engineering studies will show that loading operations can be synchronized with the excavation operations of the Cal-Sag contractor, and the fill moved in such large quantities, and unloaded in such a manner as to be attractive to the university under a self-help program. If this suspicion proves factual then the entire cost of financing a private corporation might be offset in the savings made on barging costs.

It may be customary for university trustees to consider only the present and near future needs of the university. Distant future planning might be described as a speculative fantasy. However, if one turns from a look toward the future to a look into the past, it is easy to recall the time when one building sufficed for all Northwestern purposes. The fact remains that future construction requires land upon which to set the buildings, and the opportunity for artificial accretion on an economic basis is not likely to be a recurring one.

This study has devolved into a promotion, but a promotion in itself is not bad if the promotion is practical, if a present or future need is present, and if the need justifies the cost. The program seems worthy of the challenge.

Respectfully submitted.

John A. Ricker.

I have advised Mr. Ricker on the engineering matters in the study which I believe are sound.

From the foregoing, it appears that 100 acres, having a current value of nearly $19 million, can be obtained for about $13 million by—

1. Building 6,000 lineal feet of seawall at $450	$2,700,000
2. Transporting and depositing 5,000,000 cubic yards of spoil from the Calumet Sag Channel at $2	10,000,000
Total	12,700,000

This indicated saving of $6 million (admittedly very approximate) should at least induce Northwestern University to make a thorough and more accurate study of the proposed project from all angles.

Northwestern University should have the 100 acres. The legal and political difficulties can be readily overcome. The engineering and financial difficulties require only a resolute spirit and the use of big ways to do big jobs against the fury of Lake Michigan.

Ralph R. Leffler,
Structural Design Engineer, the Metropolitan Sanitary District of Greater Chicago.

Northwestern University,
Evanston, Ill., February 21, 1961.
Mr. John A. Ricker,
Metropolitan Sanitary District of Greater Chicago, Chicago, Ill.

Dear Mr. Ricker: Mr. Alban Weber related to me the conversation he had with you last Friday regarding Northwestern University's proposal to extend the campus eastwardly into Lake Michigan. The proposal to extend the campus into the lake is not new, and it is undoubtedly my error in not making this fact clear to you when you were good enough to stop by to discuss fill material. As far back as 1898 a campus site plan was drawn up by Messrs. Brace and Burdick showing a lake fill area surprisingly similar to the one presently being proposed. Again in 1926, in conjunction with the Chicago Park Board, an elaborate plan was proposed, showing lagoons, golf courses, etc. In 1955, before the Evanston Planning Board the matter of extending the campus into the lake was again discussed. Needless to say, internally we have frequently gone over the pros and cons of the proposed lake fill.

I do want you to know that we were most grateful for your interest in our plans, and for the suggestions you made about possible use of fill material resulting from the Cal-Sag dredging operations. Our architects and engineers, Skidmore, Owings & Merrill, are well versed in this type of work, and up to the moment no firm decision has been arrived at as to the type or source of fill. If there are any similar operations to the type we discussed, presently available, I would be interested to hear about them.

In any event, my belated thanks for your suggestions. I am sorry you thought we had in any way disregarded them.

Sincerely yours,

W. S. KERR,
Vice President and Business Manager.

MARCH 22, 1961.

Mr. W. S. KERR,
Vice President and Business Manager, Business Administration Office, Northwestern University, Evanston, Ill.

DEAR Mr. KERR: I have your letter of February 21, 1961. I had first intended to ignore it, but then decided that I ought to set the record straight.

Let us consider the facts. When I submitted my proposal to you and Dr. Miller early in 1957, you hailed the idea as one which might solve one of Northwestern University's most troublesome problems. You gave me from 20 minutes to a half hour of time in discussing the problem. You stated that the university had spent close to a million dollars on jetties, but even this expenditure had not prevented shore erosion. Incidentally, this is understandable, because some of your monolithic structures are open piers and not jetties capable of capturing the littoral drift.

You further stated that in the expansion of the campus west of Sheridan Road you were spending an average of $50,000 per acquisition for house and lot, implying this was an expensive price to pay for parking lots, tennis courts, housing, etc. I pointed out to you that the campus was long and narrow and proper expansion was lakeward and not to the west. You did not inform me of other plans at this time, and, if there were others, it would have been natural for you to mention them. You thought the idea was great and asked me to furnish 50 copies of the proposal for submission to your board of trustees at their March 3, 1957, meeting. Within a day or two after our conference, I left the 50 copies with your secretary. You did not give me the courtesy of a report after the March 3 meeting.

I want to point out that the proposal which I submitted was not part of my duties as an attorney with the sanitary district. It was an undertaking of my own. It was made with the hope of helping the university and alleviating one of the traffic problems along Sheridan Road. It was not made for personal glory for I am well aware that public acclaim is transitory and passes with the setting sun.

I also appreciate the fact that it is standard corporate practice for executives to pick the brains of their employees for good ideas and advance them as their own. Because you chose not to continue to work with me in 1957, has been a loss to you and the university, not to me.

About 2 years ago, the sanitary district dredged the north shore channel. Approximately 335,000 cubic yards of earth were removed. While some of this dirt was the residue from digested sludge, the vast majority consisted of sand and gumbo clay. This material was hauled to the center of the lake and dumped. It could have been used by the university as fill. This amount of fill would have made approximately 10 acres of new land at water level considering an average water depth of 21 feet.

My objection to House bill 139 introduced by Representative DAWSON on your behalf is based upon the following:

1. It is a dangerous precedent for the State to establish in selling submerged shorelands to a private individual. If it is proper to sell to you, then a sale should be made to Loyola University, or other medical, religious, or charitable organizations which might claim as high a purpose as yours. You could accomplish more by obtaining a 99-year lease at a dollar a year and working out details with the State division of waterways.

2. No reservation is made for an express highway along the eastern perimeter of the new land for an express highway in the event the Leffler Causeway comes into being at some future date.

3. No planning or consideration has been given as to construction of the north boundary of the new land in the event the Wilmette Harbor is expanded into a flood detention pond at some future time.

The planning should not be for the benefit of the university alone but for the entire area.

I have now made my position clear and am content to close the matter.

Yours very truly,

JOHN A. RICKER.

WITHHOLDING OF DIVIDENDS AND INTEREST

Mr. DOUGLAS. Mr. President, most of us, I think, have received a tremendous volume of mail on the so-called withholding tax. In the last few weeks I have received over 30,000 letters. These letters portray that a very large portion of the population does not understand the nature of the withholding that is proposed. I have prepared a letter which I am sending to those who have corresponded with me about this matter, clearing up some of these misconceptions. I am also issuing it as my regular letter to constituents, and asking that it be printed in a number of Illinois papers.

I ask unanimous consent that the letter be printed at this point in my remarks, and that, following the letter, there be printed an editorial from the New York Times of April 27, this year.

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON BANKING AND CURRENCY,
April 1962.

DEAR FRIEND: I appreciate having your letter in which you oppose the proposal to withhold on dividends and interest at the source as is now done for wages and salaries. I have received thousands of letters on this subject and I hope you will understand that I must reply by a form letter. However, I shall try to cover the points which are made in greater detail than I could do if each were to be answered personally.

WHY I SUPPORT THIS PROVISION

Let me say to you directly that I favor the withholding provisions for interest and dividends at the source. Of the approximately $16 billion in interest and dividends paid out in this country each year, almost $4 billion is not reported on income tax returns. The tax on this amount would be $800 million a year, which is owed to the Government but which is not now paid.

Those who actually pay their taxes are required to pay more than their share because of the failure of others who owe taxes to pay their fair share.

Wages and salaries are now withheld at the source and there is no reason why the same system should not be applied to dividends and interest. In fact, we are giving the recipients of dividends and interest a much better break in terms of refunds and exemptions under this bill than is given now to a person who receives income from wages and salaries.

The withholding is needed; the method proposed is simple; almost every reasonable objection has been met by the provisions of the bill; and I intend to support it.

OBJECTIONS RAISED

Now let me deal with the objections which are raised against it.

The main arguments made against this proposal are: (1) that it would cause hardship to widows and retired persons who live on dividend and interest income; (2) that refunds would be hard to process; and (3) that it would involve extra cost to the Government and to companies.

Quite frankly, I do not think these arguments have very much merit as the new proposals are designed, specifically, to make certain that the hardships which are said to be involved will not happen. Let me give you just a few facts:

TAXES ALREADY OWED

1. In the first place, this proposal in no way raises taxes, for they are already owed to the Government, under present law. The fact that a great many people who write in to oppose the provision believe it is a new tax shows that thousands are not now paying the taxes already owed on dividends and interest and proves how much we need this bill. But if a person owes no tax, the Treasury bill provides he can receive a rebate on his tax once a quarter merely by filling out a simple form or postcard. Those on wages and salaries get only a yearly refund. So the recipient of interest and dividends is getting a much better break than do those with income from these other sources.

MANY CAN GET AN EXEMPTION

If a person is under 18, he can notify the bank or savings institution, and the amounts will not be withheld at all. If he is over 18—and this applies to all of those over 18—if he reasonably believes he will not be liable for the payment of any tax, he can also file an exemption certificate with the bank or savings institution and not be withheld against.

The Treasury has provided information which shows that the dividend income received by individuals who do not file tax returns because of their low income, amounts to only 1 percent of all the dividends which are paid. But 89 percent of the dividends which are not reported on income tax returns are received by those with incomes of over $5,000 a year. And 71 percent of the interest which is not reported is received by those with incomes of over $5,000 a year. Thus, it is not the people on very small incomes who, in the main, do not report their tax, but those people with incomes large enough to owe a tax, a situation which could be remedied by the passage of the withholding provisions.

But under the present system, of the $10.6 billion paid out in dividends each year, some $940 million, or 8.8 percent of the total is not reported on income tax returns.

Under the present system, of the $8.2 billion paid out each year on interest, only $5.4 billion is reported on income tax returns, even though taxes on these amounts are owed to the Government. This gap of $2.8 billion represents 35 percent of all interest payments made in the country.

COMPLIANCE WOULD BE SIMPLE

2. The second argument which is used is that the compliance would be too difficult. But a very simple means of complying with this proposal has been worked out by the Treasury. If a corporation paid a million dollars in dividends, it would merely withhold 20 percent at the source, transmit $200,000 to the Treasury, and send a check for 80 percent of the amount to each individual. The law would not require companies to report these by name.

When banks pay interest on savings accounts they would credit the individual's account with 80 percent of the interest due and transmit 20 percent to the Treasury. The bank or savings institution would not have to transmit the names, addresses, and amounts for each individual but merely 20 percent of the total amount of interest withheld.

You may ask, how is the individual going to know what to report on his income tax form? Again this is very simple. In the first place he is now required by law to report his income from dividends and interest. Of course, many do not comply. But under the bill there would be no change at all in the requirement and he must report what he receives.

A new space would be provided on the form for him to gross up the amounts so that he could get credit for the amount of tax withheld. Let me use a simple example: If a bank owed a person $100 in interest, the bank would credit the account of the person with $80 and send $20 to the Treasury. At the end of the year, the individual would merely report on the proper space on his income tax form that he had received $80. On the next line he would be told to take 25 percent or one-quarter of this amount. This would be $20, or the amount which had been withheld. He would thus know the amount received $80 and the amount withheld $20. He would enter the $80 under his income. He would enter the $20 in the space already provided on the income tax form for the amounts withheld from his wages or income. In this way he would get credit for the amount withheld without the paying institution having to send him this information or sending his name, his address, etc., to the Treasury.

COST WOULD BE SMALL—REVENUE LARGE

3. The third argument is that it would cost more to do this than it would be worth. The Treasury estimates that by withholding at the source it would receive at least $613 million in additional revenues a year. Remember, these taxes are already owed and are now evaded or avoided. The cost to the Treasury of collecting this amount by withholding would be $18 million, or only 3 percent of the $613 million which the Treasury would receive. It does not seem to me that the argument about cost is supported by the facts.

CONCLUSION

Since taxes are already owed on these huge amounts, since only a very, very small amount of dividend and interest income goes to those who otherwsie would have no taxes, since the proposal provides that where overwithholding results the person can either get a quarterly rebate or an exemption from the provision of the law, and since the cost of compliance would only be 3 percent of the additional revenue, I can see no reason why this proposal should not become law. I hope this explanation will reassure you.

With best wishes.

Faithfully,

PAUL H. DOUGLAS.

[From the New York Times, Apr. 27, 1962]

THAT WITHHOLDING TAX

The U.S. Treasury estimated that taxes amounting to as much as $650 million annually are lost to the Government through the failure of individuals to report income derived from bank interest and corporate dividends. It is for this reason that the Treasury has proposed, and the House of Representatives has adopted, a provision calling for the withholding, at the source of payment, of 20 percent of such interest or dividends—this amount to be credited against the total tax due. The arrangement here is precisely similar to the withholding tax which already operates in the case of salaries and wages, and the reason for its adoption is precisely the same—namely, to prevent intentional or unintentional tax dodging.

Both the necessity and the inherent fairness of this new plan have been widely recognized, but one criticism frequently made of it concerns its presumed effect on the very small taxpayer. Here it has been said that the individual whose income consists exclusively of interest and dividend payments, but whose total income is so small that he owes no tax, will suffer because 20 percent of his income will be withheld from him and because he will have to wait for a considerable time before he can collect a refund.

This criticism overlooks the fact that the new bill, as approved by the House, specifically provides that if any individual reasonably believes that he will not be liable for the payment of any tax he only has to file with any withholding agent (his savings bank, for instance) an exception certificate and thereafter all amounts payable by such withholding agent to such individual during the period such certificate is in effect shall be exempt from the requirements of deducting and withholding.

That the withholding provisions of the new bill will substantially increase the paperwork of banks and corporations is undeniable. But the particular criticism that it will hurt those who owe no tax does not stand up as valid.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business? If there be no further morning business, morning business is closed.

Mr. HOLLAND obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield so I may suggest the absence of a quorum, without his losing the floor?

Mr. HOLLAND. Mr. President, I am willing to yield, but I am prepared to yield to the distinguished minority leader. Perhaps he wants a quorum call before he begins to speak. If so, I shall be glad to yield for that purpose.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The PRESIDING OFFICER. Does the Senator from Montana want the unfinished business laid before the Senate?

Mr. MANSFIELD. Yes; I so move.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 1361) for the relief of James M. Norman.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate resumed the consideration of the bill.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. Who has the floor?

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. HOLLAND. I have been advised by, I think, two of my colleagues who do not hold the same views that I entertain on the pending matter, that they wish to speak rather briefly. I am perfectly willing to accommodate them, provided my position on the floor is recognized. I am perfectly willing to accommodate the majority leader on any request he may have to make. I simply want to have the right to complete my remarks sometime in the early part of the session today.

Mr. MANSFIELD. Mr. President, I appreciate what the distinguished senior Senator from Florida has said; and with the proviso he has mentioned, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, with the assent of the distinguished senior Senator from Florida [Mr. HOLLAND] and of the distinguished minority leader [Mr. DIRKSEN], I ask unanimous consent that when the Senate concludes its deliberations today it stand in adjournment to meet at 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. HOLLAND. Mr. President, I understand the distinguished minority leader [Mr. DIRKSEN] wishes to speak on the pending question. I shall be glad to yield to him for a reasonably brief speech, with the understanding that I shall not lose my right to the floor.

The PRESIDING OFFICER. With that understanding, the Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I propose to make two speeches on the measure now before the Senate, and in these remarks I shall deal essentially with factual matters rather than with the constitutional issue which has been raised.

In my approach, I think of one of the things of which we often lose sight; that is, the Preamble to the Constitution of the United States. It begins with the words "We the people of the United States," and then for specific purposes, "do ordain and establish this Constitution."

That preamble does not say, "We the white people of the United States." It does not say, "We the nonwhite people." It says, very simply, "We the people of the United States."

In a discussion of a matter of this kind I think we must recognize we are dealing with people, and sometimes I think that transcends a good many of the discussions which obtain on the Senate floor, in which we split the interpretation of a word so finely that we forget the human essence which is involved.

Among the many gaps, both real and fancied, which have been discussed from time to time and which have engaged the attention of Congress, there is what I call the "voter gap," and that is quite real. It is a double gap, in a sense, or a gap of several dimensions.

There is, for instance, the "phantom voter gap." That occurs when a vote is cast and is counted, but one cannot find the voter. I call that the phantom voter gap. I will not say where it exists, but I know where it exists, and we have had a lot of discussion about it, and had a lot of publicity on that subject in the last national general election.

Then there is also what I call the obstacle voter gap. That is the situation when the voter can be found—he is available, he is ready, he is willing, and he is able to vote—but certain obstacles are placed in his way. One of these obstacles is the so-called literacy test. Sometimes it is called the understanding test. Sometimes it is called the educational test. Sometimes it is called the interpretation test. But for our purpose and within the terminology of the measure which is before the Senate, we refer to it as the literacy test.

That such an obstacle voting gap exists cannot be denied. The investigation by the Civil Rights Commission in 1961, as reported in that rather substantial volume on the subject of voting, makes it unmistakably clear that this obstacle voter gap does exist.

Without naming counties or States, because I do not wish to embarrass anyone, one encounters some rather fantastic statistics. All one has to do is to look through the volume to find them.

In one county, with 5,122 nonwhite persons of voting age, not 1 was registered—not 1 out of 5,122.

In another county, with 4,450 nonwhite persons of voting age, only 5 were registered.

In another county, with 1,285 nonwhite persons of voting age, none was registered.

In another county, with 4,077 nonwhite persons of voting age, 26 were registered.

In still another county, with 3,560 nonwhite persons of voting age, only 1 was registered.

These may be cited as extreme examples from the statistics furnished by the Civil Rights Commission, but the Commission has pointed the finger at 100 counties in which there has been an arbitrary and flagrant denial of the right to vote—and 100 counties is a great many.

This condition continues to exist despite the action taken on the civil rights front by many agencies and groups, both official and unofficial.

There has been legislation. There has been court action. There has been action by the Executive. There has been action by the States. There has been work by private organizations and work by the Civil Rights Commission.

There are on the statute books at least a half dozen statutes, including the Civil Rights Acts of 1957 and of 1960, dealing with the preservation of and safeguarding of the right to vote; but despite all of this, the Commission still points to 100 counties in which Negroes are prevented from exercising the right to vote.

On this question both major political parties have spoken, and they have spoken very clearly.

On July 27, 1960, the Republican National Convention in Chicago adopted a platform containing a pledge:

> To secure legislation to provide that the completion of six primary grades in a State-accredited school is conclusive evidence of literacy for voting purposes.

That, Mr. President, is almost exactly the language of the crux of the pending measure.

On July 12, 1960, the Democrat National Convention in Los Angeles adopted a platform pledge:

> To support whatever action is necessary to eliminate literacy tests and the payment of poll taxes as a requirement for voting.

The Civil Rights Commission, after long study, made a formal recommendation in 1961 that it refers to as recommendation No. 2. The recommendation is as follows:

> The Congress enact legislation providing that in all elections in which under State law a "literacy" test or an "understanding" test or an "interpretation" test or an "educational" test is administered to determine the qualifications of electors, it shall be sufficient for qualification that the elector have completed at least six grades of formal education.

That there have been abuses in administering these tests cannot well be contradicted. In the so-called Raines case—U.S. against Raines, 1960—which was brought in Georgia, the court found that there were "distinctions in the registration process" so that 30 Negroes were deprived of their right to vote. This conclusion was supported by certain specified violations of the 1956 and the 1960 Civil Rights Acts.

These included using first, more lengthy and difficult paragraphs from the Georgia and U.S. Constitutions for Negroes to read than for whites in administering literacy tests; second, requiring Negroes to read aloud and to write from dictation while requiring white applicants only to write by copying; third, administering literacy tests to Negro applicants singly and apart from white applicants while administering such tests to white applicants in groups; fourth, requiring higher standards of literacy from Negroes than from whites in passing on the results of the literacy test.

Those were findings in the Raines case, to show that there was a distinction as between these groups. These violations were established to the satisfaction of the court. But the record compiled by the investigators of the Civil Rights Commission also disclose a capricious application of the literacy tests now employed in various States. Registration appears to have been denied because a Negro applicant could not read well enough or because he mispronounced words. Registration was denied where an unsatisfactory answer was made to questions which had no real relevancy to the applicant's literacy. Registrars as indicated by the record would ask questions like this: What does "create" mean? Who was the Creator? Do you know how you were born? Are all people born alike? When God made you and Eisenhower did he make both of you the same?

They also had a question about Queen Elizabeth, I believe. There were other questions of like character which are clearly irrelevant to the issue of literacy.

So, Mr. President, the whole record is pretty clear on these points: Literacy tests are administered in a number of States as a qualification for voting. The legal right of a State to employ such tests is not disputed. These tests are not uniformly applied as between Negroes and whites. They are, in fact, arbitrarily and capriciously applied. Both major political parties have pledged themselves to a correction of this situation. The Civil Rights Commission has made a specific recommendation that a uniform standard such as a sixth-grade education would be a reasonable standard.

Now the essence of the bill before us is simply this. It makes it unlawful to interfere with a person's right to vote as he chooses in a Federal election by means of coercion, threat or intimidation. It makes it unlawful to attempt to deprive a person of his right to vote in a Federal election. It defines deprivation of the right to vote as the use of standards of procedures which are not uniform with respect to all persons, and, finally—and this is the crux of the proposal before us—it includes within the phrase "deprivation of the right to vote" the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination, whether for literacy or otherwise, if such other person has not been adjudged incompetent and has completed the sixth primary grade of any public school or accredited private school in any State or territory, the District of Columbia or the Commonwealth of Puerto Rico.

That is the issue before us.

In most of the statements made on this matter there appears to be but one question; namely, the constitutionality of this proposal. I believe it meets the constitutional test, and that matter I shall discuss before the present debate is terminated.

Mr. HOLLAND. Mr. President, I understood that my distinguished friend from New York [Mr. KEATING] wished me to yield to him for a reasonably brief speech. I yield to the Senator with the understanding that I do not lose my right to the floor.

Mr. KEATING. Mr. President, I wish to express my appreciation to my friend from Florida, who, as he has already noted, entertains views which are at variance with my own on the proposed legislation before us, but who with his usual courtesy has permitted me to intervene at this point.

Mr. President, the debate on the literacy bill has shunted into the background other civil rights measures of much more urgency and consequence.

Certainly, there is no more reprehensible form of discrimination than that which denies all Americans equality at the polling booth. The right to choose one's representatives is the very heart of our republican government. It astounds me that a proposal to secure the right to vote against blatant racial discrimination, such as has been outlined by the distinguished minority leader, such as that testified before the Subcommittee on Constitutional Rights and the Civil Rights Commission has made its findings about, should be threatened with massive verbal resistance from any quarter.

This onslaught may be a smokescreen to conceal other measures and to give exaggerated importance to the literacy bill. The literacy bill is important. At the appropriate time, I intend to offer amendments to the bill to strengthen it and make it even more effective. But it is by no means the most critical problem facing this country in the field of civil rights. Certainly Congress will not be making a notable contribution to strengthening civil rights in America if at the end of this long debate all we succeed in doing is enact a literacy bill—with or without strengthening amendments.

I shall speak at greater length on the problems of voting when I offer my amendment to the literacy bill. What I am concerned about today is placing this issue in its proper context.

What is the fundamental objective of those of us fighting for civil rights? It is nothing more or less than to bring closer to realization the principles of the most sacred documents of our national existence—the Declaration of Independence and the Constitution. If this is a radical notion, then George Washington, Thomas Jefferson, and Abraham Lincoln were radicals, and I gladly join in this company.

The gap between the declarations in our fundamental law and their enjoyment by all Americans has been gradually narrowed, but it is still too wide for any complacency.

Almost 8 years ago the Supreme Court unanimously declared segregated schools a violation of the 14th amendment to the Constitution. Today, there are still more than 2,000 school districts in the United States in which segregated education is maintained. There has been some progress in implementing the Court's decision but it has been painfully slow and extremely burdensome to the children and organizations involved. Even more discouraging is the fact that resistance is not diminishing and each segregationist defeat spawns a new device for evading compliance with the law of the land.

Nothing demeans the law more than failure to implement its commands. The Supreme Court may have intended some elasticity in ordering compliance with "all deliberate speed," but no one could possibly justify an 8-year stretch-out under this concept. Furthermore, anyone who reviews the situation objectively must conclude that the delay has not been caused by problems of compliance but rather by a determination not to comply.

We are all sworn to uphold the Constitution. Officials of the Government under this obligation cannot forfeit to schoolchildren and their parents the sole responsibility for carrying out the 14th amendment. And, while we are all indebted to the NAACP for the outstanding work it has done in this field, that organization would be the first to admit that it simply does not have the resources or manpower to do this job alone.

The school situation deserves the highest priority in our deliberations. But, instead of the Federal Government lending every resource to the fight for equal protection, it is actually contributing huge sums to the support of practices we know violate the Constitution.

Let me give some specific examples. In 1960 the Federal Government contributed over $60 million for the construction and operation of school facilities in 11 States in which the rate of desegregation ranged from 0 to 1.21 percent. This was done under the program for Federal aid to impacted areas. In some cases almost all the pupils are children of military personnel; yet these schools are almost entirely segregated.

The Federal Government also provides grants for vocational educational training. Millions of dollars are allotted every year under this program to States which maintain almost wholly segregated school systems. The Office of Education of the Department of Health, Education, and Welfare has adopted a regulation requiring that these grants be made available "without discrimination because of race, creed or color," but it has made virtually no attempt to enforce this condition.

The Department of Health, Education, and Welfare also administers the billion dollar National Defense Education Act. In making allotments under this act, no consideration whatever is given to whether the funds will be used in segregated school facilities. HEW does not even have a pious regulation on this subject and in fact has given millions in grants to States whose schools are still almost wholly segregated.

Federal expenditures in the field of higher education are estimated at close to $2 billion annually. According to the Report of the Commission on Civil Rights on Equal Protection of the Law in Higher Education, these Federal funds are allocated, granted or disbursed "without regard to the discriminatory policy of the recipient institutions." As a result, tens of millions have been distributed under these programs to segregated colleges and universities. Almost half of all the research funds granted by the National Science Foundation in 1960 went to segregated colleges. In the same year, more than 40 percent of all the research grants made by the National Institutes of Health and the Atomic Energy Commission went to public institutions that refused admission to Negroes.

Congress must put an end to these vast outlays of public revenues to promote or maintain unconstitutional practices. We cannot either appease the opponents of civil rights or be intimidated by them when constitutional commands are involved.

There is hardly a subject of national concern with which the Federal Government has dealt more timidly. An indigent criminal is assigned counsel by the United States and given a transcript of proceedings, paid for by the taxpayers if necessary, to protect his rights. But the fight to protect the constitutional rights of our schoolchildren under present laws must be carried on without such assistance. Huge agencies have been created with multimillion dollar budgets to protect consumers against false advertising, investors against watered stock, employees against unfair labor practices, and shippers against discriminatory rates. But there is no administrative agency with power to protect Americans from being denied the equal protection of the laws.

It is the Constitution we are talking about—the Constitution we are all sworn to uphold and defend. It is ironic that those who oppose civil rights protest on every occasion that they are only trying to protect the Constitution and preserve States rights. In my opinion they protest too much. Their arguments dwell endlessly on the words of article I or phrases in other articles and sections. I do not doubt their sincerity. However, in taking a stand for the Constitution, no one can ignore the broad commands of the Bill of Rights—the command of equal protection, due process, and the right to vote without racial discrimination. In standing for States rights, they cannot pretend that there are no States wrongs, or that any State has the right to override the 14th and 15th amendments. The Constitution is a living, vital document. It has grown since 1789 as the Nation and the world have grown.

The failure of Congress to enact legislation to aid in enforcing the Supreme Court's desegregation decision cannot be attributed to any constitutional impediment. On the contrary, the failure to act has impeded the realization of the principles of the Constitution. It is the Congress, not the Constitution, which has fallen short.

I believe strongly that we should give the Attorney General the right to bring civil injunctive suits in school desegregation and other equal protection cases; that we should give technical assistance to school districts attempting to desegregate; that we should condition the grant of Federal funds on a policy of nondiscrimination; and that we should enact other legislation to speed compliance with the Supreme Court's decision. I fully expect that before this debate is over amendments will be offered on many important civil rights proposals. They will have my vigorous support. But they must also have the support of the administration and the leadership to have any chance of enactment.

Education is only one of the problems which demands attention in any civil rights debate. Fair employment practices, discrimination in the National Guard and against other members of the Armed Forces, discrimination in housing supported by Federal programs, denials of due process, raise some of the other problems which cannot be swept under the rug. The Commission on Civil Rights, which we created in 1957 to study and advise us on these questions, has made recommendations for action in all these areas. In most instances its recommendations have been unanimous. It deserves our backing. If we fail to give it support, we undermine its efforts; but even more importantly, we forfeit an opportunity to build meaningful progress in the field of civil rights on the solid foundation the Commission has structured.

We did not establish this Commission so that it could write reports of academic interest to be stored away in libraries and other convenient repositories. We created it and annually appropriate a substantial sum for its operations, so that it could serve as the agent of the Congress and the President in determining what needs to be done to carry out the requirements of the Constitution. The Commission has done its work well, but Congress has not done anything to date to follow the path its members have brilliantly illuminated.

A question that deserves consideration in any debate on civil rights is what action the Chief Executive can take to help solve the problems in this field. In the early days of this administration the impression was created that a determined President could pretty much do the job alone without any help from Congress. This was a false impression. Executive orders cannot abolish the poll tax or discriminatory literacy tests. They cannot finance programs of financial and technical assistance to school districts that want to desegregate. They cannot authorize suits by the Attorney General in all equal protection cases. They cannot give the Commission on Equal Job Opportunity the statutory backing it needs to be effective. In these and other areas Executive orders cannot substitute for the legislation that is needed.

In more recent months the Administration has tried to convey quite a different impression; namely, that its hands are tied and that it is up to Congress to make progress on civil rights. Secretary Ribicoff in testimony before the House Labor and Education Committee, for example, stated that under some statutes "little if any administrative authority remains that might be used to end discriminations." In general, he suggested that the Executive branch can play only a limited role in this field and that if meaningful changes are to occur, "Congress must take legislative action." The head of the Civil Rights Division of the Department of Justice in his testimony before the same committee took much the same position.

In my judgment, these recent administration pronouncements understate the power of the Executive as much as early Administration pronouncements overstated what could be done by the Executive. The fact is that while there are some vital areas in which only Congress can act, there are others as to which the President has a tremendous reservoir of reserved power.

The President, for example, could direct the Secretary of Health, Education, and Welfare to refuse to make grants for discriminatory schools, hospitals and other State programs.

He could execute that "bold stroke of the pen" which he said during the campaign was all that was needed to outlaw discrimination in Federally assisted housing so that Commissioner Robert Weaver would not have to administer a Jim Crow housing program.

He could direct the end of segregation in National Guard units receiving Federal support. He could assign to the reorganized Committee on Equal Employment Opportunity the same jurisdiction over employment under Federal grant-in-aid programs as it now exercises over Government employment and employment by Government contractors.

Such action by the President may offend some elements in the country and in the Congress. But there is no more justification for the President to compromise constitutional requirements in order to appease certain elements than there is for Congress to fail to implement constitutional guarantees. It is obvious that Federal grants for segregated facilities are no more lawful than State grants for such facilities. Any suggestion that the President is powerless to require that all such grants conform to constitutional requirements, in my judgment, is untenable.

The President has expressed in many ways his deep personal interest in securing equal justice for all Americans. I do not doubt his good faith or ignore his accomplishments in this respect. However, as long as the Federal Treasury is being used to finance discriminatory programs, his job cannot be considered done. The Constitution is part of every one of our enactments. It makes no exception for the Department of Health, Education, and Welfare or any of our housing agencies. It is up to the President to make this clear to all the officials in the executive branch and to the whole country.

In conclusion, I want to emphasize only one point: This land of ours, that we all love so dearly, represents the cherished ideals of the world's most illustrious champions of freedom. As Americans, we are the beneficiaries of the proudest heritage of liberty and justice any people have ever enjoyed. This imposes upon us solemn responsibilities—first, to allow all our citizens to enjoy the promises of the Constitution, and secondly, to pass this heritage on to future generations enriched and ennobled by our good example. Americans, like all other mortals, live only once. Let us, out of a spirit of reverence for life, do our part to remove the burdens of injustice and inequality from the backs of all of our people. This is the same mission to which our Founding Fathers and our great leaders throughout our history pledged their sacred honor. It is almost 100 years since the day on which slavery was abolished in the United States. Fortunately, no new emancipation proclamation is needed on this anniversary. What is needed, however, is a new resolve to measure up to every concept of the American dream.

Mr. President, if it would be entirely agreeable to the distinguished Senator from Florida, I have some short remarks on another subject which I could make now, or I should be very happy to defer them until the Senator has completed his speech. I leave it entirely to his discretion. I appreciate his yielding to me for the purpose of making the statement I have just concluded. Perhaps he would like to proceed with the debate on this issue.

Mr. HOLLAND. Mr. President, I was very glad to yield for discussions on the current business; but I think that other matters—and several Senators have approached me concerning them—had better wait at least until there is a lull in the present discussion.

I think it ought to be very clear from the brief remarks of the distinguished junior Senator from New York that a great battle is taking place in the Senate which is not related directly to the question of literacy tests for voters, but directly relates to the question of who will get a certain minority vote in the next and in subsequent elections.

The distinguished Senator from New York has very clearly placed a heavy onus on the executive branch, which happens to be headed by a distinguished gentleman who is a member of the opposite political party from that which proudly claims the membership of the Senator from New York. The Senator from New York has also made it clear that he believes the pending measure is relatively unimportant as compared or contrasted with other measures in the field of civil rights, measures which he hopes will be offered by way of amendment in the course of the present discussion, and around which he hopes that the administration and its cohorts will rally, so that the bill may become an omnibus civil rights bill, to include all the items which appeared in the platforms of both political parties in 1960.

Instead of considering the matter on the basis of a mere quest for votes, I prefer, Mr. President, to consider this proposal from the standpoint of the position of a moderate State—in fact, I think the most moderate of the States in the South—and to show what has been its experience in this field, and why the people of that State feel so keenly about this matter, and why they so keenly oppose the pending measure. In fact, I am sure that I speak for the great majority of the people of Florida when I say they oppose this measure.

First of all, Mr. President, I call attention to the fact that Florida, which has been a State since 1845, never has had a literacy test for its voters. Furthermore, for a long time Florida had statutes giving special status and aid to illiterate voters who sought to exercise the privilege of the franchise. In other words, Florida would not be affected either one way or the other by any measure, whether hostile or otherwise, relative to the enforcement by other States of literacy provisions, whether in their constitutions or in their statutes.

I also call attention to the fact that 25 years ago my State eliminated the poll-tax requirement, not only in connection with voting in Federal elections, but also in connection with voting in all State, county, and local elections, so that that slight material handicap might no longer exist in our State, in connection with the exercise of the franchise by all citizens who care to exercise it.

Thus, Mr. President, I have a right to state, and I am now stating for the RECORD, that our State has a moderate record in this field, and has a right to state, in connection with this debate, its objections in principle to legislation of this type.

Many of the Senators who already have spoken on this measure have gone exhaustively into the constitutional aspects of our conviction on this score. Therefore, I should be glad to say nothing about the constitutional aspects, except for the fact that I believe they are the anchor for the entire case of those of us who object so greatly to Federal legislation of this type. So I must speak about this aspect briefly, although by no means at the length that it has been spoken about heretofore.

It seems to me entirely clear that the proposed legislation flies in the face of the Constitution, violates the Constitution, and seeks to subject the States to regulation from the Federal Government which never was intended to be exerted and never was allowed to be exerted. Therefore, at the beginning of my presentation I must mention, at least briefly, the constitutional aspects of our position.

First, I shall quote again—although it has been quoted many times thus far in the debate—the provisions of article I, section 2, of the Constitution. It is the second paragraph of the Constitution, Mr. President; and it is one of the paragraphs fought over most heavily in the Constitutional Convention, and one of the paragraphs mentioned most often in the conventions in the various States which adopted or ratified the Constitution. It reads as follows:

> The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Mr. President, there was a reason for that paragraph; and that reason happened to be that each of the 13 Original States had its own provisions—either by law, whether existing in its constitution or in its statutes, or in some instances by its charter which it had continued in existence for a period of years—for the qualification of the electors who might vote in that State. It happened that in several of the States those qualifications in the case of voters for membership in the lower House—the one with the most numerous membership—were different from the qualifications for voters for membership in the House of smaller number—or, as it was generally called, the Senate. So in the long negotiation which took place in the Constitutional Convention, this was a practical—but a required—solution, if there was ever to be any chance at all of ratification of the Constitution by the several States, and this solution was reached on the basis of allowing the voters who were qualified under the laws of the several States to vote for the largest House of the State legislature to be qualified by the Constitution to vote for those who would serve in the Federal House of Representatives. That happened to be the only elective office, under Federal law, prescribed or provided for with certainty in the Constitution as an elective office. So this was the crux of the fight as to who should have the authority in the matter of qualifying electors and as to what the requirements should be.

Mr. President, 125 years later, when our Nation had had that much life and existence, and had grown from a small nation along the eastern seaboard to a great continental nation extending from the Atlantic to the Pacific, and from Canada to the gulf, Congress had before it the matter of trying to prescribe by constitutional amendment a provision whereby the Senate might be elected by popular vote, instead of in the legislatures, as had previously been the case. So in 1912—125 years later, and with the benefit of 125 years of experience—Congress submitted what became the 17th amendment, which of course was ratified and became part of the Constitution. It provided for the direct election, in the several States, of the two U.S. Senators to represent each State and to sit for each State in this great body. I quote now only a part of the 17th amendment, as follows:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

There, Mr. President, we find the same words and the same provision used a second time—the only instance, in the Constitution and in its amendments of a second appearance of the same words, used to settle the same question. In the 17th amendment it was thus provided that the qualification for voters for Members of the U.S. Senate would be exactly the same as those for voters for Members of the House of Representatives; and that decision was reached by two-thirds of the Senate and two-thirds of the House and three-fourths of the States; namely, that that was still a sound way to have the Constitution prescribe the qualifications for voters. Mr. President, I think those two provisions would be completely violated by the pending measure.

However, let us consider some other provisions of the Constitution which also would be violated by the pending proposal.

I shall not submit at great length, for the RECORD, the discussion between Gouverneur Morris, Mr. Butler, and other participants in the Constitutional Convention, although my prepared remarks—prepared before some other Senators spoke—do include such quotations at length. At this time I merely proceed hurriedly to the third constitutional provision which I think clearly would be violated by this measure. It is the provision found in article II, section 1, clause 2—which, by the way, is the Presidential or Executive article. It reads as follows:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress.

Other provisions prescribe what are the duties of those electors, how they meet, and how they select the President and Vice President of the United States; but here is the only provision in the Constitution which prescribes who has the power to say how those electors shall be named. This provision simply says:

> Each State shall appoint, in such Manner as the Legislature thereof may direct * * *

its own electors.

Could there be language more clearly descriptive of the fact that the Founding Fathers felt that the States, in the matter of selection of the electors to represent them in the naming of the President and Vice President, should have complete freedom as to how, in what manner, and what means should be followed in the selection of those electors?

I call attention to the fact that the Congress is mentioned in this second article, which has to do with the Executive, and is mentioned with reference to its powers relative to the presidential electors. Here is the wording in which Congress is mentioned, the only wording applicable to the Congress and applicable also to the selection of presidential electors, and I read:

> The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

If there ever was a clear limitation of power, which was a limitation upon the power of the Congress, in anything they might do relative to the selection of presidential electors to speak for the several States, it is there. I read that provision again:

> The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

We are all familiar with the well settled doctrine that the enumeration of certain powers eliminates others; but if that doctrine did not exist, the wording of the two provisions of article II to which I have referred makes it as clear as day that the framers of the Constitution intended that each State should be free to determine how its electors should be named, and through what methods, and in what manner.

The proposed legislation seeks to control the qualifications of electors for the naming of presidential electors by the several States; and if there ever was a complete departure from the powers given to Congress in this field, and a complete violation of the Constitution, it is in this abortive measure which seeks to find that the Federal Government has the power to prescribe the qualifications for each State, and for every State, of those voters who shall vote for the presidential electors.

I shall not go into the more general provisions of the Constitution, for example, the provisions of the 10th amendment, which states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Nor to the provision of the Constitution for its amendment, which is a very clear provision and one which prescribes a very difficult method for amendment of the Constitution. I am merely calling attention to the fact here that in the proposed statute are clear violations of the Constitution, both of its letter and of its spirit, violations which, if they are permitted to exist and are realized, would in fact take a shortcut across the field to amend the Constitution of the United States.

Mr. President, I do not know what experience the distinguished Presiding Officer may have had in the matter of shortcuts, but my experience has been that every time I get on the road and try to take a shortcut, I am likely to find that I have made a great mistake. Here in this matter where the Constitution itself is so very definite, I know we make a mistake if we adopt a shortcut and try to amend the Constitution by statute and try to wish hopefully, as some Senators do here, that the court as now constituted may find some way to uphold the legislation.

On that matter, I should like to quote from a distinguished former Senator on the question of just what the attitude of the Senate should be when a question of constitutionality is before us. I quote from our distinguished former colleague, Senator Joseph C. O'Mahoney, of the State of Wyoming, in a great speech which he made on November 20, 1942, which is reported at pages 9005 to 9014 of the bound CONGRESSIONAL RECORD for that date. He was debating a proposed method to repeal the poll tax requirement by statute, which is a quite comparable question to that now before us. Here is what he had to say. I quote from Senator O'Mahoney's speech. I wish I could read it at length, because it is a fine exposition of sterling adherence to the Constitution and a sterling exposition of why we should uphold that Constitution, and that when we take shortcuts, we break down that great document and help to break down the rights of minorities, instead of helping them. I read from Senator O'Mahoney's speech:

> Article V of the Constitution, like the provision which creates the equality of the States in the Senate, was designed for the purpose of making it necessary when any fundamental change of our system was desired, to present that change to the people through the States before it should become effective in order to maintain State power.
>
> Oh, Senators may say that is a difficult and wearisome process. Mr. President, the framers of the Constitution made it a difficult and wearisome process. They provided that a resolution of amendment to the Constitution should first be passed by two-thirds vote of each body, and then before it should become effective that it should be ratified by three-fourths of the States. Why did they do that? Because again it was their desire to protect the minorities; it was their desire to protect the small States and the scattered population from being overridden by central power.

Coming to a later point in Senator O'Mahoney's speech, I wish to read more of what he said. Some Senators were saying then, as they are now, in the cloakrooms, "Why should we worry about the constitutional question? Why do we not leave that to the Court? That is where it belongs." Here is what Senator O'Mahoney had to say at that time about the same weak position:

> So they say that the new Supreme Court which we now have, with a much more liberal point of view than the courts which have preceded it, will follow this reasoning, this special pleading advocacy of an amendment to the Constitution by legislative enactment. It is said they will sustain the proposal, and why not let them do it? Why not surrender your own judgment, Senators and Representatives, and pass it on to the Supreme Court, and let them be the judges of the constitutionality of the law?
>
> O, Mr. President, when we stood upon this rostrum and took the oath to support and maintain the Constitution, I conceive it to be a fact that by that oath we declared that, so long as we were Members of the Senate, creatures of the Constitution, which made the States equal, we would exercise our judgment and our conscience as to whether the bills we passed upon were within our power or not, and that we would not take the easy way, the slipshod and impatient way, of passing the judgment along to the Supreme Court.

Mr. President, I shall not elaborate further. I shall not quote longer from that distinguished address by a dedicated Senator who was one of our highest authorities on constitutional questions for so long, who came from a State which had no poll tax and which did not have the racial problems which frequently have been involved in discussions of the poll tax. He took the high ground, the constitutional ground, and called clear attention to the fact that every Senator has a duty to uphold the Constitution, and that when a Senator went to that rostrum—the rostrum right by your left arm, Mr. President—and raised his hand and took his oath, he swore he would protect, support, and defend the Constitution of the United States.

I say that was high ground, which was unassailable. It was unassailable when Joe O'Mahoney uttered those words in 1942. It has been unassailable since the beginning of this country. It is unassailable now, at this good time in 1962, when we are debating another proposal to shortcut the Constitution and to forget it long enough to throw something over into the laps of a court, which many think—and I do not join in that thought—would find a way to approve legislation of the kind proposed.

The next point I wish to make is that it seems to me that one of the grave objections to the proposed legislation, which is offered as an amendment to an innocuous bill, is that the standard which it proposes is so very uncertain and so very nonuniform as to be no standard at all, because it varies greatly between States, between communities in the same State, and between different schools in one community.

I shall call as my witness on this point not a distinguished citizen of the South—because we are always suspect, somehow, in this kind of debate—but a very distinguished citizen of this Nation, the Honorable James B. Conant, formerly president of Harvard University and one of our greatest Americans, relied upon by all of us as one of those who are best in a position to advise the people of the United States as to how they may make progress.

Mr. President, in his recent book "A Commentary on Schools in Metropolitan Areas—Slums and Suburbs" Dr. Conant deals with the question of nonuniformity in schools. He deals with it not in the Southland, Mr. President, where there is, of course, nonuniformity, also, but in the great metropolitan centers in which he conducted a very careful survey.

Dr. Conant was authorized to conduct the survey by a great agency which put up the money for the survey and which likewise gave him adequate personnel to make it. I should like for the RECORD to show the name of that agency which made possible the effort by Dr. Conant.

In the foreword, appearing on the flyleaf of the book I have mentioned, Dr. Conant says:

> The present volume is based primarily on observations made during my study of education in the junior high school years, which was financed by a grant from the Carnegie Corp. of New York to the Educational Testing Service of Princeton, N.J. The results of that inquiry have been published elsewhere. Those who assisted me were Messrs. M. P. Gaffney, F. O. White, and E. A. Dunham. I am indebted to them for their contributions to this book, particularly to Mr. Dunham, who rewrote and rearranged a considerable portion of the first draft and collaborated closely with me in the preparation of the final manuscript.

I think it is of interest to the whole Nation that Dr. Conant had no thought at all of ever being quoted in this debate. He was not interested in the question of legislation pending in the Senate. He was interested solely in the inequality of opportunity of students at various schools in our country. As a great educator, a great research head, he reports the results of his investigation in this very fine book recently published. I commend the reading of it to every Senator.

I shall read only two sentences from the introduction, in which Dr. Conant says:

> This is a book of contrasts. I shall present a picture of two totally different kinds of neighborhoods and the public schools which serve them. I shall discuss city slums and wealthy suburbs. In the large metropolitan areas of New York, Philadelphia, Detroit, Chicago, and St. Louis, one has no difficulty in locating examples of both.

There is so much that is meaty in this book, Madam President (Mrs. NEUBERGER in the chair) that I wish I could read it all, but I must confine myself to a few quotations. I wish to make it very clear that I am not trying to evade anything found elsewhere in the book, and any Senator can read the whole of it.

If anyone opposing my point of view gets any comfort from so reading I shall be surprised, because I think it is very clear that the conclusion is completely sound and cannot be questioned that there is a vast difference between one who has secured an education in a slum and one who in the same city has secured his education in a suburb.

Dr. Conant shows how that is the case. I continue to read an excerpt from the book, on page 2:

> The contrast in money available to the schools in a wealthy suburb and to the

> schools in a large city jolts one's notions of the meaning of equality of opportunity. The pedagogic tasks which confront the teachers in the slum schools are far more difficult than those which their colleagues in the wealthy suburbs face. Yet the expenditure per pupil in the wealthy suburban school is as high as $1,000 per year. The expenditure in a big city school is less than half that amount. An even more significant contrast is provided by looking at the school facilities and noting the size of the professional staff. In the suburb there is likely to be a spacious modern school staffed by as many as 70 professionals per 1,000 pupils; in the slum one finds a crowded, often dilapidated and unattractive school staffed by 40 or fewer professionals per 1,000 pupils. The contrast challenges any complacency we may have about our method of financing public schools—even within a rich State like New York.

I am sorry my distinguished friend the junior Senator from New York [Mr. Keating] did not stay in the Chamber to hear this discussion, which has to do definitely with his own city and with his own great State.

Next I quote this statement:

> In this and the next two chapters—

That means chapters 1, 2, and 3—

> I shall consider the special educational problems * * * in the big central cities of our largest metropolitan areas—especially New York, Chicago, Detroit, Philadelphia, and St. Louis.
>
> In each one of these cities one can find neighborhoods composed of various minority groups. * * * In particular one finds large Negro neighborhoods and often somewhat smaller areas made up entirely of Negro slums. The schools serving such neighborhoods must be visited in order for one to understand the nature of the difficult tasks which the teachers face.
>
> The slum areas of certain big northern cities are today largely inhabited by Negroes * * * New York State now has the largest Negro population of any State in the Union.
>
> Since I am going to be completely frank about Negro education in the largest cities—

I ask special attention to this, Madam President—

> Since I am going to be completely frank about Negro education in the largest cities, it may be well to take a few paragraphs to set forth my own interpretation of the distressing history of the Negro in the United States. At the outset I must make it plain that I approach the delicate and complex problem of interrace relations with the background of a 100-percent New Englander. My family tradition was that of the strong abolitionists. My mother, who remembered the Civil War, used to say that as a child she was brought up to think Negroes were, if anything, better than white people.

Continuing to another quotation:

> The idea of the Negro and the white living together peacefully on equal terms in a free society was literally inconceivable to Jefferson.

By way of interpolation, Dr. Conant had just quoted the statement by Mr. Jefferson insisting that colonization be practiced in the case of Negroes because he said that in his judgment there could not be any peace and progress with an admixture of the two races.

Continuing to read:

> Yet after nearly 200 years we are endeavoring to accomplish the building of just that type of society. We make a great mistake, I believe, if we fail to recognize the rough and weary road we have had in our attempt as a free and independent people to remove the social consequence of the inherited curse of Negro slavery.

Another quotation is as follows:

> The present situation is a consequence of a national policy, or rather the lack of a national education policy, which has persisted for generations. We now struggle with the consequences, and one of these is the situation in the northern cities to which I am directing the attention of the reader.
>
> I shall not discuss education in those many communities where segregation is still the policy of the school authorities. In all the cities to which I shall refer, the schools either have been desegregated for generations or were desegregated shortly after the decisions of the Supreme Court in 1954 and 1955.

Quoting further:

> It has been established beyond any reasonable doubt that community and family background play a large role in determining scholastic aptitude and school achievement. Anyone who thinks they do not simply has not visited widely among American schools.
>
> Within such a city as Chicago, or Detroit, or New York, for example, the figures showing the distribution of scores on scholastic aptitude tests in different neighborhoods are most revealing. In one of these cities the average score of the eighth-grade pupils in a school in a relatively well-to-do, stable residential section is 123; in another neighborhood of about the same size but composed entirely of people of low socio-economic status, the average score is only 76.

Coming to a later quotation, after mentioning the fact that that particular statement was made after surveying some of the white slums, he said:

> A careful study of a group of children in grade 4 of one such school showed that their average achievement level was a full year below their grade placement—a typical situation in any slum area.

Mr. Conant then returned to the Negro slums problem:

> These Negro slums seem to vary considerably with respect to the social mores. In some there are very bad gangs with gang warfare among the boys. There are also vicous fights outside of school between Negro girls. The condition in one such neighborhood was summed up to one of my staff by a principal of a junior high school who said even he was shocked by the answers to a questionnaire to the girls which asked what was their biggest problem. The majority replied to the effect that their biggest problem was getting from the street into their apartment without being molested in the hallway of the tenement.

Madam President, those are not pleasant things to read into the Record, but they come from Dr. Conant. They tend to show the complete disparity of opportunity from the standpoint of standards that can be fulfilled by our people who have been to school, depending upon what kind of school they have attended.

I quote again from page 21:

> The social attitudes found in this kind of slum neighborhood are bound to affect the atmosphere of the school. As one Negro teacher said to me, "We do quite well with these children in the lower grades. Each of us is, for the few hours of the school day, an acceptable substitute for the mother. But when they reach about 10, 11, or 12 years of age, we lose them. At that time the street takes over. In terms of schoolwork, progress ceases; indeed many pupils begin to go backward in their studies."
>
> I ask the readers of this volume, many of whom live in wealthy suburbs, to ponder the contrast between the lives and the education of their children and the lives and education of the boys and girls in the neighborhoods I have been describing. It is after visits to schools like these that I grow impatient with both critics and defenders of public education who ignore the realities of school situations to engage in fruitless debate about educational philosophy, purposes, and the like.

Madam President, I am quoting Dr. Conant on the aspect of this bill under which it must be very clear, from Dr. Conant's finding, that there is no standard, when an attempt is made to prescribe a standard under which a child passing the sixth grade, or having a certificate so stating, shall be held to be educated.

I continue to quote from Dr. Conant, at page 24 of his book:

> Evidence on this point is found in the large cities. Essentially the same methods are used in all the elementary schools in a city, and yet the average grade level of reading in the sixth grade, for example, may vary as much as two grades from one school to another. Concern with improving the reading of the pupils, particularly the slow reader, must continue well beyond the elementary school.

Again from the same page:

> One can only report that in spite of the Herculean efforts which are being made, there are many ninth-grade students in certain large city schools—in some as many as a half—who are reading at a sixth-grade level or lower.

Quoting further:

> In one school I visited, the teachers themselves, mostly Negroes, felt that the only way to improve the reading of the children in the first three or four grades was to do something with their mothers. If the head of the family unit could be located and brought into communication with the school, attempts were made to stimulate an interest in newspapers, magazines, and possibly even books.

I continue to read from the fine treatise by Dr. Conant. The book contains many statements which I would be happy to have in the Record, but I do not wish to encumber the Record. I am reading only the quotations which I think are most enlightening upon the subject before the Senate.

At a later point in the book I find the statement that anybody who wishes can ascertain a comparison of the IQ levels of youngsters in the schools of New York, Los Angeles, Chicago, Detroit, Philadelphia, Baltimore, Houston, Tex., Dade County, Fla.—that is, Miami—and I point out that we have no freedom from the problems which beset the rest of the Nation including the State of Hawaii, and the city of Cleveland, Ohio.

On page 68 we find the following quotation from Dr. Conant:

> Within the large cities the problem is complicated by the fact that the turnover rate of teachers in the slum schools is very high. Teachers who have achieved some seniority rights often apply for transfer to schools away from the slum neighborhoods, where working conditions are at best difficult. The result is that slum schools are

often staffed by either newly hired or substitute and emergency teachers. This is a real problem if one wishes to improve education in these neighborhoods. I suggest that school boards might examine the possibility of paying teachers in these schools more than teachers in other schools.

Again I express the hope that Senators will study the book by Dr. Conant to which I have referred, because it throws much light on the problem of nonuniformity of education and noncertainty of tests such as that proposed in the measure before the Senate.

Turning to page 145 of Dr. Conant's treatise, I find the following statement:

> As to the schools in the large city slums:
>
> 8. The contrast in the money spent per pupil in wealthy suburban schools and in slum schools of the large cities challenges the concept of equality of opportunity in American public education. More money is needed in slum schools.

I read recommendation No. 13:

> The answer to improving Negro education in the large northern cities is to spend more money and to upgrade Negro schools, many of which are in slums, rather than to effect token integration by transporting pupils across attendance lines. Fully integrated teaching staffs are a necessity as well.

Recommendation No. 14 of this learned man reads as follows:

> More teachers and perhaps more pay for teachers are necessary for schools in the slums than in either the high-income districts of the large cities or the wealthy suburbs. Special training programs for teachers in slum schools are needed.

Madam President, within the covers of this book is found enough material to make very clear, just as we in the South found years ago and as the citizens in the North are finding now in an abundant way, as determined by Dr. Conant and his staff and as reported in black and white in this book, that there is not a fair group of standards in public education, but that, to the contrary, there are frequently 2 or 3 years of difference between pupils in different schools in the same city, depending upon where these schools are located and from what kind of homes these children come.

How can it be said with serious voice that the standards proposed in the bill before us; namely, that anyone who applies, where there is an educational test, can be said to be educated to the degree required if that person has gone through the sixth grade? How can it be said that that prescribes a standard uniform enough to satisfy the law; uniform enough to mean anything in the administration of an act such as is proposed here, if it were passed; and uniform enough to be interpreted in the same way in the various precincts in the same city? How can anyone make the statement that such a standard is uniform and is satisfactory and does satisfy the first requirement of constitutional legality that a law must prescribe a standard by which those who administer it may do the job appropriately and may be given guidelines along which they can do the job acceptably in carrying out the mandates of the legislation?

Under the proposal now before us no such thing is provided.

I should now like to go to a discussion of a question which I believe is of great importance, namely, that we must assume that passing a law on this subject will solve any problem that has existed in the various States that are affected, whether those States are in the North or in the South. In that connection, let us remember that the Puerto Rican question is involved here in the State of New York to the extent of several hundred thousand people. They would be affected in the same way as would be the Negroes and underprivileged whites in other parts of the country.

Let us examine the question from the standpoint of whether or not the mere passage of a law is going to do anything about that matter. I call attention to the results in my own State, about which I know something, and about which we have carefully documented facts, as prepared by our secretary of state, by the Census Bureau, and as copied into the report of the Civil Rights Commission of 1961.

Madam President, I am quoting now from volume No. 1 of the Commission's report, and I am referring to pages 260, 261, 262, and 263, which show the record of the State of Florida with respect to this matter. It shows the percentage of eligible citizens, both white and nonwhite—which in our own State in most instances means colored—who have registered to vote and have shown their interest in government by such registration.

I may say, in the first instance, that I wish the Record to recall, as I have already stated in the beginning, that we have never had a literacy test in our State, and we do not have one now. At times, we have had a provision to help illiterate people in voting. We have not had a poll tax in our State in 25 years. We have, in effect, all the legisation that would be possible to make universal voting a reality in our State.

I first call attention to the fact—and I am rather proud to do so—that we have disproved in this Record what often has been stated as an allegation, that the people of the South are unfriendly to Negroes in the matter of voting.

In the case of the large counties in our State, the record shows exactly the opposite, because it shows that in the old South counties the percentage of registration of Negro citizens of voting age has been sizably larger, and their participation in voting has been sizably greater, than has been the case in the so-called new counties, where we are fortunate to have many new people who have come to us from other parts of the Nation, particularly from the North and the Northeast.

I first refer in this regard to Duval County, Fla. This is the county in which Jacksonville is the principal city. It is an Old South county. It has been a city a long, long time. In that city, which has over 100,000 Negro citizens, it will be found from this record that 52.5 percent of the Negroes of qualified age have registered and are exercising their right of franchise if they care to do so on election day.

I know something of the problem, because I have been in repeated campaigns in which the people of Jacksonville, both colored and white, have voted. I may say for the Record that there are 11 precincts in Jacksonville which are said to be solidly Negro and others in which there are a substantial number of Negroes. In the county of Duval 52.5 percent of the Negro citizens are registered to vote.

Let us go next to west Florida, where, of course, the Old South area closely adjoins, first, Georgia, and then Alabama. That part of our State is very narrow geographically, extending from the Old South States to the gulf. The people are typically southern people. They show their typical willingness to help the Negro move ahead by the facts which I shall quote now with reference to the counties in that area.

Escambia County is the county in which Pensacola is located. It is the farthest west county in our State. It is only a few miles from Mobile, Ala.

In that county it is shown by the record printed by the Civil Rights Commission, which record is based on figures supplied by the Census Bureau and the secretary of state of Florida, that 50.6 percent of Negro citizens of voting age have been qualified and have been welcomed to the suffrage.

In the case of Bay County, which is the county in which Panama City is the principal city, the figure is 51.8 percent. That county is far out west in our State. It is a vacation area to which the people in Alabama and Mississippi come in great numbers during the summer because of the lovely beaches we have there. However, it is a typically southern county. There, 51.8 percent of the Negro citizens of voting age have registered to vote.

In the county of Hillsborough, which is the county in which Tampa is the principal city, and Plant City is the city of next size, and which is not as typical of the South as the three counties which I have mentioned, but still is a southern county, and distinctively so, 50.7 percent of the Negro citizens of voting age have registered and are participating.

Madam President, I hope Senators will contrast these figures in our four most typical Old South cities with the figures I am about to cite, which are taken from the same list covering the six counties in the southern part of our State which are not typically Old South, but which are populated with good people who have come to us from other areas of the Nation, particularly the North, the Midwest, and the Northeast.

In the county of Dade, the county in which Miami is the principal city, 36.7 percent of the Negroes of voting age have registered.

In the county of Broward, which is north of Dade, in which Fort Lauderdale is the principal city, 35.8 percent of the Negroes of voting age have registered.

In the county of Palm Beach, which is north of Broward, 30.7 percent of the Negroes of voting age have registered.

Next let us go to the west coast of Florida. I think everyone in the United States knows that Pinellas County is the Republican stronghold in our State. Next to Pinellas County is Sarasota

County. Both counties have an almost complete slate of Republican officials in the courthouse and at the local level. Pinellas County has its own Republican Representative in Congress.

The figures show that in Pinellas County 31.5 percent of the Negro citizens of voting age were registered. I bear witness to the fact that I have seen editorials in the leading newspaper in circulation in St. Petersburg repeatedly urging Negro citizens to register—and they are just as free to register as they are to breathe the Creator's air. Yet only 31.5 percent of them have registered under those conditions, conditions which are of complete friendliness to them and are of invitation rather than otherwise to their participation in government.

In Sarasota County, a county of the same type as Pinellas, and again a Republican county in the main, 22.7 percent of the Negroes of voting age have registered.

Then we move over into Orange County, in which Orlando is located. It is a county which has had a huge growth. Only 18 percent of the Negroes of voting age have registered there. I do not know what conclusion to draw from these figures except to say that it ought to be very clear that there is something in the picture besides mere law, because Florida has never had a literacy test and has not had a poll tax in 25 years.

In every one of the counties which I have mentioned up to now, which are not all of our counties, but I shall come to the others later, Negro citizens are urged and invited to participate in government and to register; and the local candidates are glad to go out and speak to them in their portions of the city, and they do so. Yet it would appear that in the Old South there has been a much greater welcoming of the Negro and a greater participation by the Negro citizens in registering. That is also true in voting, as I say to the Senate on my own authority, because I have run for office in all those places. There is much more participation in voting by Negro citizens in the Old South cities of Florida than in the cities which are largely comprised of people who have recently come to our State, people whom we are proud to have as citizens of our State. We are happy to have them. But they come from other areas, mostly from the Northwest, the North, and the Northeast.

Let us discuss another factor shown by the record. I hope the distinguished Senator from Pennsylvania [Mr. CLARK] will listen, because I think what I am about to say may open his eyes.

The counties in Florida where there is the greatest participation in voting—I do not mean to talk now of big counties, but of all counties—the four counties in which the greatest participation by Negro citizens in voting takes place are not only the Old South counties, they are rural counties, as well. The impression seems to have gone out throughout the county that the rural people in the South have some sort of vendetta against their Negro neighbors; that they do not want the Negroes to participate in voting or to have an education or anything else.

I am proud to place in the RECORD the fact that the four counties in Florida which show the greatest participation in voting by Negroes are four small rural Old South counties. I shall mention them now.

Washington County, in West Florida, of which Chipley is the county seat, shows 85.2 percent of its Negro citizens, qualified as to age, registered to participate in its elections.

Okeechobee County, while it is in the peninsula of the State is made up mostly of people from the Old South, and is also a garden, grazing, and timber county, shows 79.4 percent of its Negro citizens registering and voting.

Walton County, which is the county of which DeFuniak Springs is the county seat, is an interesting county. It was settled many years ago by the Scotch. Many of the old families there are still Scotch, not only in their names, but also in their speech and their disposition. They are a frugal people. In that county a large number of Negro citizens live, and 73.6 percent of them are registered. When I say that the Scotch settled the area, I mean they settled it a way back in territorial times, some of them, even, when Spain owned what is now Florida.

The county with the fourth highest percentage of its eligible colored citizens registered to vote is Franklin County, of which Apalachicola is the principal city. It is not one of our most populous counties. Its percentage is 73.3 percent.

Mr. CLARK. Madam President, will the Senator from Florida yield for a question?

Mr. HOLLAND. I am happy to yield for a question.

Mr. CLARK. I am much interested in the statistics which the distinguished Senator from Florida is placing in the RECORD. I wonder if he has his data arranged so that we can tell for each county the percentage of Negro citizens to the total number of citizens in the county.

Mr. HOLLAND. Yes. If the Senator from Pennsylvania does not have it, I shall be glad to lend him Volume I of the 1961 Report of the Civil Rights Commission. It contains data on States other than Florida. I am simply citing the figures for Florida at this time, because I have made the point that our State is a moderate State. We have never had an education test or a literacy test, and we have not had a poll tax in 25 years.

I shall show some startling figures for Florida, indicating that this question is not primarily a legislative question at all, but is a question which goes much deeper than that, a question going to the attitude of the people, their good will toward one another, and their willingness to accord equality as before the law in matters like participation in voting, regardless of color and the like.

Mr. CLARK. Madam President, will the Senator further yield?

Mr. HOLLAND. I yield.

Mr. CLARK. I thank the Senator for the information he has given me. I should like to make two observations, if I may do so. First, in my opinion, Florida is indeed an enlightened State. I have just returned from a happy 2 weeks' vacation there. I can confirm what the Senator has said. I do not believe the bill under consideration should in any way be a reflection on the great State of Florida.

Second, I am surprised at what the Senator says about the percentage of Negroes who are registered in rural counties. I should like to study those figures, and I shall study them at greater length. But for my money the important figure is not what percentage of the Negroes is registered and votes, except when connected with the percentage of the total Negro population in a county. If I may put this in the form of a question, Is it the experience in Florida, as I am reasonably sure it is in some other Southern States, that the larger the percentage of the Negro population in a county, the smaller is the percentage of Negro population which registers and votes? In other words, where the white population is a substantial majority, there is not much trouble about Negroes registering to vote. But where the Negro population is close to the majority, that is where the problem is.

Mr. HOLLAND. The Senator can find illustrations among the counties of Florida which will bear out his point of view, and then he will find many others which will fail to bear out that point of view.

In Duval County, in which Jacksonville is located, there are well over 100,000 Negro citizens. They are just as free to vote as they are to breathe. The Negroes in that county have registered to the extent of almost 52½ percent of the total number of those of qualified voting age.

A similar situation will be found in Hillsborough County.

In Pinellas County, where the percentage of Negroes is very small, 8.9 percent to be exact, and the population is mostly from the North, a much smaller percentage of Negroes participates in voting. Why that is, I cannot say to save my life; but it is very obvious that something besides the mere passage of laws is involved.

If the Senator will consider the situation in Sarasota County, he will find that there the number of white persons registered to vote greatly exceeds the number of colored who are registered to vote, and that the percentage of colored registrants there is relatively small—22.7 percent. The Senator will also find that in Orange County, where the number of white persons greatly exceeds the number of colored, only 18 percent of the colored residents of voting age are registered to vote. So the only rule which applies is this: Instead of there being a question of legality or legalistics, the only question is one of good will and of overcoming the inertia of persons who, since gaining their freedom, have not been accustomed, to vote—in short, overcoming that inertia and reaching the point where they will participate in voting.

Before the Senator from Pennsylvania entered the Chamber, I had made two points: First, that in the Old South portion of our State, in the counties properly grouped in that category, the percentage of Negroes registered to vote is greater than in the parts of the State largely populated by recent arrivals from the North; and, second, the four counties of the State in which the largest percentage of Negro voters are found are rural counties. Those two facts thoroughly negate a position I have heard taken both on the floor and in the cloakrooms; that is to say, it is stated by some that white people in the "civilized" parts of Florida, North Carolina, Tennessee, and other States treat the Negroes properly, but that in the rural areas that is not the case.

However, Madam President, the facts show exactly the contrary; and the question is not one of legalistics. Instead, it is one of good will and of how the two races get along and how they understand each other.

Now I shall proceed to discuss the bad side of the situation in Florida, as I previously stated I would.

But before I do that, I wish to contrast the situation in Florida with that in North Carolina. In Florida, 39 percent of the Negro citizens who are of proper age are registered to vote. North Carolina also does not have a poll tax—North Carolina eliminated it 10 years before Florida did—but North Carolina does have a literacy test, which the Civil Rights Commission itself states is not being abused there now to any noticeable extent. In North Carolina, 38.2 percent of the Negro citizens of proper age are registered to vote. So my point is that in these two most liberal States and most moderate States in the Southland, where in the main Negro citizens are invited to vote, only 39 percent, at the most, have qualified to vote.

Therefore it should be apparent to the distinguished Senators from Pennsylvania and to the distinguished Senator from New York that much more than legalistics is involved in this situation, because not the slightest handicap of any sort or of any kind has been imposed anywhere in Florida in an attempt to prevent the registration of Negroes to vote, except in the few counties where the climate existing between the two races is not one of good will, and where there is discouragement, I take it, or, as stated by elder citizens of both races, an attitude of "Well, we do not think registration of Negroes to vote is the right thing to try to do."

Madam President, at this point I shall proceed to discuss the part of the situation existing in Florida which is not so complimentary to our State. I point out that earlier in my remarks I stated that I would discuss both sides of this situation.

The Civil Rights Commission has shown that in Florida there are five counties in which either no Negroes or only a negligible number of Negroes are registered to vote; and the Commission has named the counties, and has shown that in two of them no Negroes are registered to vote; in one of them, only six Negroes are registered to vote; and in the other two, only a nominal number of Negroes are registered to vote. They are scattered all around through the areas, whereas the very fine records I have indicated have been made in other counties. The Civil Rights Commission does not say that there is ground for prosecutions there. It said nine complaints had been filed, which came from one of the five counties, and none from the others. The Commission had not been able to show anything that indicated coercion or threats or intimidation, or anything of the kind. It has not brought any case, and it has not suggested that any case be brought.

Why am I bringing out this fact? I am reminding Senators that we are talking about something that is not going to be solved by legislation, because it depends on the attitude in people's minds toward each other.

In an urban area where the white race is dominant—a race of which we are proud to be members, and yet we do not want to deprive others of the right to have pride in theirs—where the officials, bankers, and merchants belong to the dominant race, where employment of teachers and others who do public work comes from the dominant race, where law enforcement is in the hands of the dominant race, how could one expect anything different than nonacceptance of registration by the race which is not dominant, unless they feel that there is a reasonable degree of good will toward them from the race that is dominant?

Madam President, I have been in public office a good many years. I have been a prosecutor. I have been a judge. I have been a Governor. I am in my 16th year in the Senate. I have found there is a whole lot of human nature involved in this problem, and that the facts of human nature are completely ignored by people who think the mere abolition of the poll tax, for example, is going to solve the problem overnight.

I call attention to this matter to the Senator from Pennsylvania [Mr. CLARK], and I appreciate his presence during my discussion of the subject. For 25 years we have not had a poll tax in my State, not alone as a requirement for voting for Federal officials, but for any officer, and yet only 39 percent of the qualified Negroes have registered, and much less than that in many of the most enlightened counties we have, many counties where the standards of literacy and education and the like, so far as the white people are concerned, are very high, counties where many people have come from the outside. Floridians are not exactly illiterate; their standards are high. Yet in those counties in which there has not as yet developed an understanding between the white people and colored people, there is a much lesser degree of acceptance of the benefits of voting by the colored people. Is it because the law is insufficient? We have a fortunate situation so far as the law is concerned, because we do not have a poll tax or a literacy test. Is it because somebody is threatening or intimidating? No, they are welcome to come. They are even spoken to by the candidates there. Nevertheless, there is some sort of a holding back because they feel that proper relations have not been established between themselves and the dominant race.

What can be done to change that situation? It is as clear as a bell to me that in five counties in our State where they have not registered in appreciable numbers, there is a difference in the attitude of the people from that prevailing in adjoining counties where they have registered in great numbers. There is no way to change that situation by changing the law; it must be done by promoting good will and doing the other things which all the officials of Florida, on a higher level, have been doing for many years, going back more than 25 years. I do not know of any Governor of Florida who has not made such efforts. Governor Collins now holds an important position here in Washington. He stated, some time ago, when interrogated by the Civil Rights Commission, when he was still Governor, that he had made a statement for the press to carry that any citizen of color who felt he had been wrongly treated in connection with a desire to vote and who came to him or let him hear about it would get immediate help in an effort to solve his problem. Not one person came forward from the time he made that statement until he so advised the Civil Rights Commission, and I believe that was still true after Governor Collins finished his 6 years in office.

The fact is that here is an effort to do by law something that will only worsen the situation, something that will only stiffen the resistance of those who do not want to give in, that will make worse the condition of those who perhaps would like to have greater participation, but who are not going to feel they are invited by the mere passing of a law in Tallahassee or Washington, rather than by the good will, the openheartedness, and the willingness of the dominant race to receive them on terms of active and equal participation in the exercise of the franchise.

Mr. CLARK. Madam President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Pennsylvania.

Mr. CLARK. I am much interested in the argument the Senator from Florida is making, and I congratulate him on the fact, which I am sure is a fact since he has said it, that there are no legal inhibitions against registration of Negroes and their voting in the State of Florida. That is fine. I suggest to the Senator from Florida that there is a fallacy which he draws from that fact. That fallacy, I suggest, is that there are a number of other States—and they are not 1,000 miles from the borders of Florida—where there are legal inhibitions against Negroes registering and voting, and that those legal inhibitions result from unfair and illegal application of literacy tests imposed by the laws of those States. I suggest to the Senator that it is a non sequitur to say that, because there are no legal inhibitions on voting in Florida, it follows that we will not accomplish anything by passing a law which will do for those other southern States that which Florida has done for itself. I ask the Senator to comment on my statement.

Mr. HOLLAND. I shall be very happy to do so. I think the Senator does not know this problem. Here is a State where for 25 years the voters have not had the slightest handicap; still, only 39 percent of the Negroes are registered. I do not know how the Senator would account for that fact. My own view is that it is, in the first place, frequently due to the inertia resulting from decades of nonparticipation. Second, there is a necessity to make sure that there exists the good will I mentioned a while ago. Third, I think it is going to take time for citizens, who only recently, in terms of life of nations, about 100 years ago, became citizens—of course, many of them were born in later years—to feel that they have a stake in government, and that as such it is their duty, privilege, and obligation to participate as voters.

I say I am just as sure as I am that I am standing here that I am right, that, just as is true of the white race, in which there are thousands and thousands who will not register and who will not vote simply because they do not have a sufficient sense of responsibility and obligation to their country, in the case of colored people that number is multiplied because they have only recently, so far as the life of nations and of races is concerned, been admitted to citizenship, and they are coming into voting only gradually.

If I had the figures, I would be glad to show the Senator that, from a very minor participation in 1937, when we abolished the poll tax in Florida, there has been a buildup each year, until now there are 183,197 Negro citizens registered to vote in our State.

Mr. CLARK. Madam President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. CLARK. I quite agree with the Senator that it takes time before Negro citizens may be made aware of the necessity to vote, after the legal but unconstitutional restrictions on their registration and voting have been removed; but the time does not begin to run until those legal but unconstitutional restrictions are removed, and they have not been removed in county after county and State after State in the South, not including the State of Florida.

Mr. HOLLAND. I realize that so far as literacy requirements are concerned, they exist in 7 Southern States and in 13 or 14 non-Southern States. One of the largest groups of people prevented from voting, as I understand it, is the group of Puerto Ricans in the State of New York, also covered by that particular law.

The point I am making is that if someone tries to ram something down the throats of people in a way which they soundly and convincingly feel is unconstitutional—after all, the main test will be, ultimately, "what is the attitude of people toward each other?"—we shall go backward instead of forward; we shall not make progress at all.

The Senator will recall that the present speaker has urged the submission of a poll tax ban for participation in Federal elections for 14 years. The Senator will remember that the Senate passed it twice, once recently. I appreciated the help of the distinguished Senator from Pennsylvania. The Senate this year voted 77 to 16 for that constitutional amendment approach.

That kind of approach, which is clearly constitutional—and which every southerner knows is constitutional and gives him a full right of having the question submitted to the jury of the States and acted upon as the Constitution requires—will not bring about obstructionism, will not bring about recalcitrance, will not bring about a feeling among people that they have been run over.

I am saying now to my distinguished friend, "If you want to make some headway in the States in which you most hope to make headway, do not approach them with a bludgeon like the present proposal, do not try compulsion such as the proposal would force, because these people are not built to be so treated, and they have shown it through the years. The more you use compulsion, from a source they think is unconstitutional"—a position in which I join them completely—"the more you will slide backward instead of moving forward."

We must have a little more patience than some of my friends seem to be willing to enjoy in this regard. I am speaking now for a moderate State, as a moderate Senator, who has shown his moderation by standing in the Senate for 14 years in a cause which was not universally popular throughout my area, the cause of abolition of the poll taxes as a requirement for voting for Federal officials.

I think I know of what I speak when I tell my distinguished friend I do not think there will be any resentment at all if the problem is approached in that manner, because then the southerners will have their full rights. That is the constitutional way to act. However, if the Congress attempts to pass a statute which cuts across the law and forgets the Constitution—at least, in the deep conviction of many good people and many soundly educated people—then there will be a great resentment, which will throw this country backward instead of forward in respect to the solution of the problem.

I invite the attention of my distinguished friend to the fact that there is very little difference between Florida and North Carolina in the percentage of registration. There is very little difference so far as Arkansas is concerned. That State has no literacy test, and the people there seem to have accepted the poll tax pretty well. Whether they should have it or not is for them to say, except that I think eventually they should recognize the stream of public opinion throughout the Nation. If that stream of public opinion runs as I believe it does, I think there will be a poll tax amendment ratified by three-fourths of the States.

When someone seeks to have compulsion used, based upon an avoidance of a direct head-on clash with a constitutional question, that compulsion will force men who come from moderate States, as I do, to stand in the Senate and say they think the attempt is to have the Senate do the wrong thing. If the attempt succeeds, I think we will slide backward instead of move forward. I am sure in my own mind that there has been grave trouble made in our Southland by the school decisions, because an attempt has been made to use compulsion.

Why do I say that? With all deference to my good friends from other Southern States, I wish to invite attention to the fact that a good many more of my southern colleagues joined me time after time, in session after session, in proposing the poll tax amendment before the school problem became so aggravated and before feelings became so intense that it became more and more difficult for people to take a moderate position anywhere in the South.

That is a good illustration of what happens when compulsion is tried, whether it be by passage of lefthanded legislation which would go around the Constitution, or whether it be by sociological opinions of the Supreme Court which ignore the fact that the Court does not have a bit of jurisdiction under the Constitution, which it is supposed to serve.

Madam President, there is one other point I should like to make, which has to do with an editorial I saw in the Washington Daily News the other day, which started a trend of thought which to me was interesting. I should like to contribute it at this time.

The editorial writer called attention to the fact that a very great and forthright President, who certainly was in favor of civil rights and who for that reason found great difficulties in respect to some of the problems in the South—President Truman—said some time ago what were his feelings. I wish to quote his remarks, but first I ask unanimous consent that the entire editorial may be printed in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LITERACY TESTS

The makers of the Constitution deliberately avoided voting requirements, leaving that job to the States which have set up a variety of regulations. Twenty-one of them use literacy tests.

On the other hand, the 15th amendment, adopted 5 years after the Civil War and designed to protect the ex-slaves, provides:

"1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

"2. The Congress shall have the power to enforce this article by appropriate legislation."

Congress clearly has the right to require equal treatment of all citizens, white or Negro. Whether Congress, under the Constitution, may prescribe general voting qualifications is being debated at great length in the Senate. We think there is room for argument.

Directly at issue is legislation providing that any citizen otherwise qualified shall be exempt from literacy tests for voter registration if he has completed the sixth grade.

Abuses exist in a relatively small area. The Federal Commission on Civil Rights limits them to 100 counties in 8 Southern States. Even one county is one too many, but the practices complained of are forbidden by present law and the Justice Department has filed 26 voting suits in 5 Southern States, all under the civil rights laws of 1957 and 1960.

Whatever new legislation is passed will have to stand the test of constitutionality. It also will have to stand the test of enforcement and it is a fair question whether this proposed law couldn't be circumvented as easily as the others: by intimidation, endless stalling on the part of registration officials, etc.

As long as voting tests are fairly applied, a higher literacy level would benefit the country. President Truman had the right idea when he suggested some years ago that every new voter should have to pass the same kind of tests given to aliens seeking naturalization. This would emphasize the value of the franchise and work for sounder government. Certainly a new voter, preparing to take part in vital public decisions, should know as much about his own country as an immigrant from another land.

Mr. HOLLAND. This statement is attributed to President Truman in the editorial:

> President Truman had the right idea when he suggested some years ago that every new voter should have to pass the same kind of tests given to aliens seeking naturalization. This would emphasize the value of the franchise and work for sounder government. Certainly a new voter, preparing to take part in vital public decisions, should know as much about his own country as an immigrant from another land.

That quotation of President Truman was very stimulating to me. I have noticed throughout the years that he has frequently said things which were stimulating, and sometimes things which were irritating. Sometimes his remarks stimulated in a friendly direction, and this was of that kind.

I was thinking about whether it is any more important, in regard to the solution of very serious problems which confront our citizens today, which are settled in the main at the ballot box, for an immigrant, coming from Canada, England, or from wherever else he may be admitted to citizenship, to know something about our Government and to know something about the issues which confront it and the world, compared to the importance of requiring that the youth who attains 21 years of age, required in most States, or a lesser age required in some other States, have a similar understanding of those problems and a similar education.

I thought it might be desirable to check on the laws affecting naturalization, and I did so. I checked with the Immigration and Naturalization Service. I found the acts themselves. I shall not encumber the Record by placing them all in the Record, but I wish to quote one briefly.

Section 1423 of title 8 of the United States Code is headed:

"Requirements as to Understanding the English Language, History, Principles, and Form of Government of the United States."

That refers to the requirements for understanding of new citizens coming to the United States from Canada, from England, or from any of the nations from which people are now admitted to citizenship.

The section reads:

> No person except as otherwise provided in this subchapter shall hereafter be naturalized as a citizen of the United States upon his own petition who cannot demonstrate—
>
> (1) an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language: *Provided*, That this requirement shall not apply to any person physically unable to comply therewith, if otherwise qualified to be naturalized, or to any person who, on the effective date of this chapter, is over fifty years of age and has been living in the United States for periods totaling at least twenty years: *Provided further*, That the requirements of this section relating to ability to read and write shall be met if the applicant can read or write simple words and phrases to the end that a reasonable test of his literacy shall be made and that no extraordinary or unreasonable condition shall be imposed upon the applicant; and
>
> (2) a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States.

With this in mind, I questioned the Immigration and Naturalization Service as to how candidates for naturalization satisfy the requirement in the Federal statute which I have quoted. I was advised that the necessary tests are given by examiners of the Immigration and Naturalization Service who question applicants and arrive at a subjective conclusion as to whether each applicant displays the proficiency in the English language and the knowledge and understanding of American history and principles of government required by this section. Then, if the examiner's judgment is favorable, the applicant may still be examined further by the judge if he decides to make an independent determination instead of accepting the finding of the examiner. In this event, the judge makes his own subjective determination. I was intrigued to note that the learned Attorney General, Mr. Robert Kennedy, in testifying before the Constitutional Rights Subcommittee recently—as Senators will find in the reported hearings, which have reached our desks only today, though we have been debating the question for nearly a week—objects to subjective determinations of comparable qualifications by State officials, and that he advocates the measure before us as a means of establishing an objective standard binding upon State officials.

However, no such objective standards have been established for making the finding required by the naturalization statute, which is administered and enforced under the Attorney General's jurisdiction.

I wonder how consistent it might be for the learned Attorney General to appear and demand that some State officials be deprived of their right, in good conscience, to go into the question and determine subjectively the intelligence, the education, and the literacy of an applicant for registration, while at the same time he denies that they will do so honorably, or honestly, or well. But then he says, to the contrary, by his enforcement of the naturalization law, that he has implicit trust in the examiners of the Immigration and Naturalization Service to make a determination on a higher level, including the determination of many additional facts, going far beyond the requirement of a sixth-grade education and, subjectively to determine whether or not an applicant is entitled to be naturalized.

I do not believe it is a crime to be consistent. I have tried to be consistent on the subject of civil rights. I fought for an anti-poll-tax constitutional amendment because I knew the measure was constitutional. I am fighting against the present measure because I firmly believe it is unconstitutional. I wish the Attorney General had been a little more consistent in recognizing the fact that some employees other than his own can administer laws fairly, and that unless there is to be some comity between the Federal Government and the State governments, unless there is to be some mutual trust, recognition, and confidence, we might as well decide that this procedure will be based upon compulsion from the minute it starts; and, knowing that, we must realize that we are whipped before it starts, because nothing in the field of compulsion can solve the particular problem before us.

In closing, I have noted several good editorials on the subject. I ask that there be printed in the Record at this point in my remarks an editorial from the Florida Times-Union entitled "Sixth Graders Can Read the U.S. Constitution."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

SIXTH GRADERS CAN READ THE U.S. CONSTITUTION

When President Kennedy named his younger brother Bobby U.S. Attorney General, he reportedly joked with intimates that, after all, it was only right to give the younger man a little practical experience before he began the serious practice of law.

Certainly, the young Attorney General will gain some valuable experience in the Senate showdown battle opening today on his bill to outlaw State literacy tests to qualify voters in Federal elections and fix a sixth-grade education as a standard.

The controversy, which promises to snarl the Senate in weeks of debate and throttle legislative machinery, will undoubtedly give the young Attorney General his first intimate experience with a solid-front determination by southern Senators to use all their powers to block arbitrary, punitive, and unconstitutional civil rights bills. Hopefully, it will encourage him to reread the Constitution's unequivocal declaration that Federal electors in each State "shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

Apparently, young Bobby was deceived by the apparent ease with which the session's earlier civil rights proposal to outlaw State poll taxes as a prerequisite to voting passed the Senate. Whatever the dangers inherent in that proposal, however, it at least had the virtue of legality as a proposed constitutional amendment.

But the new proposal, aptly described by Alabama's Senator Lister Hill as "Bobby

> Kennedy's foundling" which Congress is being asked to give respectability, is not entitled even to such faint praise. Flying directly into the face of all accepted constitutional principles, it can only be defined as a cynical, callous prostitution of constitutional processes for partisan gain.
>
> Perhaps the vicious proposal contains within itself the germ of its own destruction. Even most sixth graders have read, and are able to understand, the simple language of the Constitution.

Mr. TALMADGE. Madam President, will the distinguished Senator yield?

Mr. HOLLAND. I yield to my distinguished friend from Georgia.

Mr. TALMADGE. I have not had the privilege of hearing all the Senator's speech, but I have heard a portion and I wish to commend him for his outstanding logic and sound commonsense. To my mind it is inconceivable that we should require an examination of an alien to become an American, and yet, on the demand of the Attorney General, strike down the exercise by the respective States of their constitutional authority, to prescribe literacy tests for voting. Can the able Senator from Florida see any distinction whatsoever in that regard?

Mr. HOLLAND. No; the Senator from Florida has not been able to see such a distinction. He does not think any such distinction exists.

Mr. TALMADGE. Is it not true that aside from laying down one's life on the battlefield for his country, the most important duty and responsibility of citizenship is to exercise the right to vote?

Mr. HOLLAND. The Senator is eminently correct. It is a responsibility that is being ignored by too many members of the race to which he and I belong, and by a vastly greater number of members of the other race. I regret that such is the case.

Mr. TALMADGE. Is it not true that the election of Governors, U.S. Senators, mayors, members of the legislatures and school boards, and all other officials, requires a considerable degree of discernment on the part of the electorate of our Nation?

Mr. HOLLAND. It certainly does. The problems they confront are quite similar to the ones that confront us in greater detail here. The Senator knows how we must puzzle over what is right and what is wrong on numerous issues, which are in fact decided when the electorate decides who shall represent them in the Senate or in the House of Representatives.

Mr. TALMADGE. Is it not also true that from time to time the electorates of all 50 States must vote on complicated constitutional amendments, and that a high degree of intelligence is required to discern what should be done, and to vote accordingly?

Mr. HOLLAND. The Senator is correct. The voters must vote upon the issues directly in passing upon State constitutions. They must vote upon them indirectly in naming to their legislature members who shall pass upon proposed amendments to the Federal Constitution. The constitution of my own State specifically provides that no legislature can pass upon a proposed Federal amendment unless the members of the legislature were elected after the Federal amendment was proposed, so that there would be opportunity for discussion on the hustings, so the people might have an opportunity, if they desired——

Mr. TALMADGE. It could become an issue in that particular race.

Mr. HOLLAND. The Senator is correct. Our constitution in Florida so provides.

Mr. TALMADGE. Has the able Senator seen this afternoon's issue of the Washington Evening Star, and particularly David Lawrence's outstanding column therein?

Mr. HOLLAND. I have not had that pleasure, because I have been on the floor of the Senate since before the newspaper got to us.

Mr. TALMADGE. I have just had an opportunity to read it in full. In my judgment, it is one of the most outstanding articles that have been published on the issue now pending before the Senate. Mr. Lawrence deals in detail with the editorial endorsement of the New York Times of the particular literacy bill before the Senate. The New York Times takes the very strange position that while it is true that article I, section 2, of the Constitution of the United States authorizes each State to determine the qualifications of its voters, the 15th amendment changed all that, and Congress, acting under its authority, can pass sweeping laws which would override article I, section 2. Mr. Lawrence points out that 43 years later, the Congress of the United States and the people ratified the 17th amendment to the Constitution of the United States, which contains language identical with that of article I, section 2.

Does not the able Senator from Florida think that if the 14th amendment in any way modified article I, section 2, of the Constitution, the 17th amendment in turn superseded the 14th amendment?

Mr. HOLLAND. Of course, that would follow completely. I wish to say, however, that I believe this particular measure does not interlock with the 15th amendment, because I have before me the population figures certified to me by the superintendent of education of the State of Florida, showing that in my own State, which I believe is well above the average degree of literacy, the problem of illiteracy is not confined to the Negro race at all; we have a substantial number of our white people who would be considered illiterate under this test, particularly so far as the older people are concerned.

Mr. TALMADGE. That is very true.

Mr. HOLLAND. So the bill, if it becomes law, would apply to white and colored people and to people of all shades of color who are American citizens—and we have them all—and is not based upon the 15th amendment by any manner of means.

Mr. TALMADGE. I share the Senator's view completely. If the Senator will yield further, I wish to read to him a passage from a Supreme Court decision construing the 15th amendment, and then ask him if he agrees with its conclusion. I quote the following from the case of *Pope* v. *Williams* (193 U.S. 621; 48 L. Ed. 817):

> Since the 15th amendment, the whole control over suffrage and the power to regulate its exercise is still left with and retained by the several States, with the single restriction that they must not deny or abridge it on account of race, color, or previous condition of servitude.

Does the able Senator, who is a distinguished lawyer, share the view that this was and is now a correct statement of the law?

Mr. HOLLAND. I thank the Senator for referring to me in these very flattering terms. I certainly do share that view of the law. The Supreme Court has shared it later than that case, as the distinguished Senator knows.

Mr. TALMADGE. Every court in the land, State and Federal, has shared that view.

Mr. HOLLAND. That is correct.

Mr. TALMADGE. It is only in recent years that this strange theory of law has been advanced by those who seek to amend the Constitution of the United States by act of Congress.

Mr. HOLLAND. That is correct. I am glad to say that I have already placed in the RECORD as a part of my remarks the unanswerable statement of the distinguished former Senator from Wyoming, Mr. O'Mahoney, on that very point, that this is a shortcut. At the time he was speaking, referring to the proposed repeal of the poll tax by statute, he said it was a shortcut. He said it was the duty of every Senator to stand up for the Constitution, and that that is what he swore to do. He made an unanswerable argument to that effect.

Mr. TALMADGE. Would the Senator from Florida object if at this point I asked unanimous consent to insert in the RECORD the outstanding article by Mr. David Lawrence, which appeared in this afternoon's edition of the Evening Star?

Mr. HOLLAND. I would not only not object, but I would be very happy to have it appear at this point.

Mr. TALMADGE. I ask unanimous consent that it may be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ON FIXING STANDARDS FOR VOTING—CONSTITUTIONAL AMENDMENTS BELIEVED TO GIVE CONGRESS NO ADDED POWERS

(By David Lawrence)

An editorial in the New York Times on the subject of qualifications for voting has startled many of the constitutional lawyers of the country. The doctrine expressed is novel. It is that, when the 15th amendment was adopted just after the Civil War, this action gave Congress an overriding power to fix voter qualifications.

The Times editorial puts it this way:

"The Constitution does provide, in section 2 of article I, that voters for Congress shall have the qualifications fixed by each State for electors of the most numerous house of its legislature. But this provision, like all others in the Constitution, is subject to the overriding limitations imposed after the Civil War in the 15th amendment. The 15th amendment says that the right to vote shall not be 'denied or abridged' on account of race or color. And it gives Congress the power to enforce that sweeping command by appropriate legislation."

But, if this be true, lawyers are asking what was the meaning of the action taken—43 years after the 15th amendment was proclaimed—when the people of the United States in 1913 ratified the 17th amendment reiterating the exact language of the original article I.

For if an amendment adopted at a later date "overrode" its predecessors and opened the way to "appropriate legislation" on voter qualifications, then didn't the 1913 amendment supersede the 1870 amendment and restore to the previous language its full constitutional effect? Here is what the 17th amendment says:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures."

This relates specifically to the sole right of the States to fix voter qualifications. It is obvious that every voter must always be given a square deal and cannot be denied his chance to vote only because of race or color. But to say that, because the Constitution has forbidden the States to discriminate, they have thereby lost their power to set what they, in their judgment, consider a proper qualification for voting, is to argue that a mere act of Congress now can amend the Constitution.

The Times editorial does concede that the States still have some powers left. It says:

"The bill would leave the States free to impose their own educational qualifications for voting. They could require three grades of schooling, or they could make voters have a college degree. Those are objective qualifications, applicable to white and Negro alike. What a State could no longer do is adopt the vague standard of literacy and then apply it unequally to citizens of different color."

But the Attorney General himself admits that he could prosecute such discrimination today under the 15th amendment, though he frankly states that a Federal law would save him a lot of bother. What the proponents of the new legislation before the Senate this week really are saying is that, because they suspect the good faith of certain States and do not wish to take the trouble to prove in court that those State officers have exercised discrimination, the provisions of the Constitution which give the States the sole power to fix qualifications of voters can be ignored. If, indeed, a State can fix a third-grade education or a college degree as a standard for qualification, it will be asked: "Why doesn't a State have the constitutional power to determine and prescribe its own standards of literacy and to apply them equally to all persons?"

But if Congress has the overriding right to fix standards, then, in an endeavor to abolish racial discrimination in factories, a law could be enacted setting efficiency standards in employment based on a fixed number of years of experience in a particular trade or profession. It could require an employer to hire, whenever there are enough applicants, at least one colored worker for every white employee. The argument could be made that equal protection of the law, as set forth in the 14th amendment, overrides all other articles of the Constitution.

In reality, the Supreme Court in two decisions has declared that neither the 14th nor the 15th amendment gave any additional powers to Congress but merely forbade discrimination in respect to the use of existing powers.

There are plenty of ways, however, to circumvent the Constitution if the public is indifferent and accepts the doctrine that "the end justifies the means." There is currently prevalent in some quarters a mood of impatience with the method of amending the Constitution prescribed in that document itself. The New York Times expresses something of this mood in the concluding paragraph of its editorial as follows: "It is time to put aside specious legal arguments and consider the real issue before the Senate and before the country—the right of Negroes to vote."

Mr. TALMADGE. I thank the distinguished and able Senator for yielding to me. I commend him for the fight he is making on the floor of the Senate to protect the Constitution of the United States, not only for ourselves, but also for our posterity.

Mr. HOLLAND. I thank my distinguished friend.

I am about to conclude. I have two principal objectives in speaking on this issue. One of them is to defend the Constitution which I have tried to defend since I was a boy, whether in the armed services or in any other branch of service.

The other objective is to call attention time and time again to what I believe is the essence of this whole problem, this whole difficult problem of racial clash.

I say that we will never solve the problem by compulsion or by shortcuts. We will only worsen it, just as it has been worsened in recent years as a result of the school decisions. We will worsen it if we try either by court decree based on some sociological view or by statute, to undercut the Constitution and to force people to do something that is not in accord with what they believe in their hearts. We will never have a real solution of the problem until we approach it more patiently, through persuasion, through encouragement, which exists in my State to a very great degree, as has been shown by the record of the Civil Rights Commission, and which has grown in other States, as shown by figures from such other States as, for example, the State so well represented by the distinguished Senator from Arkansas [Mr. McClellan], showing a large degree of participation there of colored citizens, who have been welcomed by the white people, or else they would not participate in the degree that they have.

Madam President, what we must have is a willingness to recognize this problem, sometime, for what it is, to recognize the fact that it will not be solved legalistically by the mere passage of some laws, the handing down of decrees, and by the making of a great many challenging speeches on the floor of the Senate or the floor of the House. It must be settled in an area which is bigger than most nations of the world, inhabited by 50 million people, living in every kind of juxtaposition to each other, on a day-to-day basis, and in the main living peacefully together, with that peace becoming greater and greater during the nearly 70 years that I have seen it increase. I wish to see it increase. I do not want to see it fall back by the mistaken view of well-intentioned people who think the thing to do is to pass laws and more laws and who seek by compulsion to tell the people how to solve a problem which is rooted in prejudices, in the hearts and minds and souls of people, and which is being gradually solved, in a manner acceptable to both races, if we will be more patient and not try to ram solutions down the throats of people, who are real people, and are not going to accept that kind of effort to change their way of life.

Madam President, I yield the floor.

THOMAS JEFFERSON

During the delivery of Mr. Holland's speech,

Mr. CASE of South Dakota. Madam President, will the Senator from Florida yield?

Mr. HOLLAND. I am glad to yield to the Senator from South Dakota.

Mr. CASE of South Dakota. I wonder whether the Senator from Florida shares my great admiration for Thomas Jefferson.

Mr. HOLLAND. I do.

Mr. CASE of South Dakota. Recently, Hon. Sigurd Anderson, formerly Governor of South Dakota, and at present a member of the Federal Trade Commission, delivered a very perceptive and informative address in connection with the Jefferson Day program which the Sons of the American Revolution sponsors. The title of the address was "Thomas Jefferson: Giant in the Earth," and the address was delivered on the anniversary of the birth of Thomas Jefferson.

I wonder whether the distinguished Senator from Florida is willing to have me obtain unanimous consent to have printed in the Record, following his remarks, this beautiful tribute by former Governor Anderson to Thomas Jefferson. I submit the tribute at this time because many of the principles and traits of Thomas Jefferson are most important today to our country.

Mr. HOLLAND. Madam President, I shall be glad to have that done.

There being no objection, the address was ordered to be printed in the Record, as follows:

THOMAS JEFFERSON: GIANT IN THE EARTH

(Address by the Honorable Sigurd Anderson, former Governor of South Dakota and presently a member of the Federal Trade Commission, at the annual Jefferson Day program, Apr. 13, 1962, sponsored by the Sons of the American Revolution)

The fourth verse of the sixth chapter of Genesis of the Holy Writ reads, in part, as follows: "There were giants in the earth in those days."

With these words we can well begin this historic day. We are gathered here today to honor the birth of a giant in American and world history. Thomas Jefferson in company with George Washington, Alexander Hamilton, Patrick Henry, John Adams, John Quincy Adams, Benjamin Franklin, and others, could well be called the giants in the earth of early American history.

Monuments have been erected in memory of Thomas Jefferson in many parts of the world. We are standing in the shadows of one of those great monuments in our Nation's Capital. In my home State of South Dakota, the face of Thomas Jefferson is carved in the enduring granite of the Black Hills in the famous Rushmore Memorial. The moment that we cross the

Mississippi River we come upon another monument to the memory of Thomas Jefferson, namely, the Louisiana Purchase.

The purchase of the Louisiana Territory can well be said to be the greatest real estate transaction in our country's history, because the master stroke of adding Louisiana Territory to the United States doubled its area. When we read and study the Declaration of Independence, we salute another monument to the Sage of Monticello. The enduring words of that tremendous document can in a great part be attributed to the genius of Thomas Jefferson. So the monuments to this man are everywhere and in all forms—in marble, in physical area, in great documents, and in beautiful thoughts.

Thomas Jefferson, the subject of our veneration this day, has been called a Son of the American Revolution. Rather we should look upon him not as such but as one of the fathers of the American Revolution, as well as one of the great architects of the United States of America.

Thomas Jefferson was born and reared and died in Albemarle County of Virginia. This does not mean he never left home, because Jefferson was in every sense of the word a citizen of the world. This giant was well educated, in both the arts and in the law. He was educated for leadership and did not disappoint his teachers. He wasted no time in assuming his responsibilities of citizenship. The evidences of leadership came early in his life and continued until its very end. As a boy he chose this motto for his life:

"Resistance to tyrants is obedience to God." Only a person of unusual proportions could in his younger years assume an attitude like that, an attitude which, by the way, he maintained to the end of his days.

On this, the 219th anniversary of the birth of the third President of the United States, we are tempted to enumerate the greatness of his life, the multitude of acts that we call his accomplishments, but the mere mechanical enumeration of his accomplishments would consume all the time that has been allotted to this portion of the program. We can go to reference works for that. But just in brief, think of his versatility. He compiled an Indian dictionary, he built a prize-winning plow, he devised the decimal system used in our monetary system, he planned the University of Virginia, he hired the teachers and selected the books for its library, and he invented a clock that told the time of day and the day of the week. This busy man served as President of the United States for two terms, at a time when it was not easy to be President; he served two terms as Governor of Virginia; he was Minister to France; he was Secretary of State; he was Vice President of the United States; he was a member of the House of Burgesses; he was a member of the Virginia Conventions; he was a member of the Continental Congress; he was a Member of the Congress; and he was the author of the Declaration of Independence. Is it possible that one man could do so much? Only a genius could do that, but the man that we honor today was a genius. It has been said that Thomas Jefferson gave more broad principles of government to the world than any other person who has ever lived, and so indeed he did. Let us consider these: freedom of thought and speech; universal education; local self government; economy in government and small public debt; political equality and universal suffrage; opposition to boundaries and monopolies; separation of church and state; sovereignty of the people, and a host of others.

But this man, possessed of these great powers, was also a man of humility. On the day of his inauguration as President of the United States, he walked from his rooming house to the place where he was sworn in as President. He met diplomats from foreign countries and he met them in his carpet slippers because he said he had room to wiggle his toes so he could think. He had great feelings and consideration for the people who had not freedom.

We hear much of codes of conduct and codes of ethics these days. On the buildings of Government that surround us everywhere in this city could well be Thomas Jefferson's statement as to his concept of the code of ethics. His statement in this respect was: "The whole art of government consists in the art of being honest." This could be the code of ethics for this age and any other.

We are gathered today in the memory of this great American, not to mechanically place wreaths at his feet or to make utterances in his praise. Every citizen of this country, throughout this land, could today well consider the life of Thomas Jefferson as an inspiration not only for plain living but as an inspiration for active citizenship of this great country that has given so much to us and to which so many of us have given so little. The records and achievements of great men of history serve to either inspire those who follow or to act as curbs for meaner and baser passions. This, my fellow Americans, is a day of dedication and not a day of vain praise. From the life of Thomas Jefferson we can take a pattern. If the United States of America fails it will not be from the lack of example.

Well can we think upon the words of Genesis of the Holy Writ: That in those days there were giants in the earth—and one of them was Thomas Jefferson, the man who I believe, in the words of an American author, was a person possessed of an aristocracy of the mind and a democracy of the heart.

Mr. HOLLAND. Madam President, I ask unanimous consent to have printed in the RECORD, immediately following the address by Governor Anderson, a memorandum prepared for me by the Legislative Reference Service of the Library of Congress. The memorandum consists of selected quotations from the writings of Thomas Jefferson in regard to the importance of education. I had hoped to reach these excerpts earlier in my remarks; but I believe this is a good point at which to include them in the RECORD. They show that Thomas Jefferson believed that any government like ours requires for its safety, security, long life, and the attainment of great strength an educated citizenry; and that without public education to apprise the citizens of what is involved in the important public issues, there cannot be permanence of its government.

Mr. CASE of South Dakota. Madam President, that is a true and very worthwhile observation. Certainly Thomas Jefferson contributed greatly, and in a way that no other of our early Presidents did, to the concept of the importance of education in a government of the people and by the people—in fact, in any representative government. So I believe it extremely important that the Senator from Florida have these excerpts from the writings of Thomas Jefferson printed in the RECORD, and I am delighted to have them printed accompanying the address I have submitted.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

SELECTED QUOTATIONS OF THOMAS JEFFERSON ON EDUCATION

"If a nation expects to be ignorant and free in a state of civilization it expects what never was and never will be. The functions of every government have propensities to command at will the liberty and property of their constituents. There is no safe deposit for these but with the people themselves; nor can they be safe with them without information"—letter to Colonel Yancey. Monticello, January 6, 1816. Writings, page 517. Washington edition.

* * * * *

"I have, indeed, two great measures at heart, without which no republic can maintain itself in strength: (1) That of general education, to enable every man to judge for himself what will secure or endanger his freedom; (2) to divide every country into hundreds, of such size that all the children of each will be within reach of a central school in it"—letter to Governor Tyler. Monticello, May 26, 1810. Ibid., V, pages 523–24.

* * * * *

"I do most anxiously wish to see the highest degrees of education given to the higher degrees of genius, and to all degrees of it, so much as may enable them to read and understand what is going on in the world, and to keep their part of it going on right; for nothing can keep it right but their own vigilant and distrustful superintendence"—letter to Mann Page. Monticello, August 30, 1795. Ibid., VII, page 24. Ford edition.

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"Above all things, I hope the education of the common people will be attended to; convinced that on this good sense we may rely with the most security for the preservation of a due degree of liberty"—letter to James Madison. Paris, December 20, 1787. Ibid., IV, page 480.

"Enlighten the people generally and tyranny and oppressions of body and mind will vanish like evil spirits at the dawn of day. Although I do not, with some enthusiasts, believe that the human condition will ever advance to such a state of perfection as that there shall no longer be pain or vice in the world, yet I believe it susceptible of much improvement, and most of all, in matters of government and religion; and that the diffusion of knowledge among the people is to be the instrument by which it is to be effected"—letter to P. S. Dupont de Nemours. Poplar Forest, April 24, 1816. Writings, X, page 25. Ford edition.

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"I think by far the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be devised for the preservation of freedom and happiness"—to George Wythe. Paris, August 13, 1786. Writings, IV, pages 268–269. Ford edition. New York and London, 1894.

* * * * *

"I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion"—letter to William Charles Jarvis. September 28, 1820.

Mr. HOLLAND. I thank the distinguished Senator from South Dakota.

I had intended to submit these excerpts supplementary to my reading of many excerpts from a book recently published by the learned educator, Dr. James B. Conant. I am sorry the Senator from South Dakota was not in the Chamber when I read excerpts from that book. In it, Dr. Conant makes it extremely clear that in large areas of our country the standards of education are hopelessly nonuniform, that there is no such thing as equality of education, and that there are great differences in educational standing between the pupils in junior high schools in various cities—and he refers, in that connection, to New York, Philadelphia, Detroit, and other large cities—depending on the homes from which the students come and the communities in which they live; and he contrasts the lack of accomplishment in what he calls slum schools with the much greater accomplishments in the suburban schools and the private schools. I think the Senator from South Dakota will find the book very interesting. It was published only recently and it shows very clearly that any standard such as the one proposed in the pending measure—one which would declare qualified to vote a citizen who could show that he had had 6 years of grammar school education—means little or nothing, because so much depends on the location of the schools, the homes from which the prospective voters have come, and the standards of the schools which they have attended; and in the book Dr. Conant shows that there might be differences of years in educational attainment between those who have passed through six grades of grammar school in the so-called slum areas and those who have passed through six grades of grammar school in suburban areas.

So I believe that the proponents of the pending measure are attempting to do the impossible; they are attempting to write into an act a "slippery" standard, one which means virtually nothing, because there is so much difference between the maximum and the minimum of its meaning, as applied to various cases, that such a standard would be impossible of administration in a uniform way, and it would not and could not accomplish the objectives of the proponents—even though the objectives are good and conscientious. In short, we find that the adoption of such an inaccurate standard would be most ineffective, for it would really amount to no standard at all.

FOREIGN AID GUIDELINES

Mr. KEATING. Madam President, last week I made some remarks on the floor of the Senate and I suggested that the United States, particularly Congress, would follow the world reaction to the resumption of U.S. atmospheric nuclear tests very carefully to determine which nations make a real and honest effort to understand our position and which just parrot Khrushchev's line.

I further suggested that these reactions would be kept in mind when the time came for the Senate to consider the foreign aid bill.

On Sunday, one of the distinguished journalists who graces our gallery, Mr. Jack Bell, of the Associated Press, referred to my remarks, and quoted the distinguished Senator from Minnesota [Mr. HUMPHREY] and the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], as being in disagreement with my views, which, due to journalistic inhibitions, necessarily were somewhat abbreviated.

I have the feeling that had these distinguished Senators known the full purport of my remarks they would have answered differently. Both of these estimable Members of the Senate voted for the amendment which I offered last year to the foreign aid appropriation bill, as did every other Member of the Senate. It provided that some effect should be given to the very point which I was seeking to make in my remarks last week; namely, that our aid should be channeled primarily to Nations sharing our view of the world situation.

The fact is, Madam President, that on the whole the reaction to these tests from all except the Communist nations and, perhaps, one or two other exceptions has been quite fair and reasonable.

That was pointed out by the distinguished Senator from Minnesota [Mr. HUMPHREY], who said the neutrals have not been so bad in this instance. I think that is a reasonable and a fair comment. Although the resumption of testing was widely regretted, the reasons behind it appear to have been generally understood.

The Russian breach of the test ban last fall made testing by the United States inevitable, and most recognized this. Only a few voices, in India, in Brazil, and leftwingers in Tokyo echoed the strident hypocrisy of the Kremlin.

This appreciation of the American position and this unwillingness to swallow the Communist line without objection contrasts very strongly with the reaction last fall, when even the most vehement opponents of testing hesitated to condemn the Soviet Union for a unilateral breach of the test ban.

What is the reason for the apparent moderation of neutralist opinion today and this genuine effort to understand the problem?

There are a number of reasons for it, including continued U.S. efforts to get an effective arms control agreement. But, undoubtedly the strong U.S. feeling last fall, the resentment toward irresponsible neutrals, and the action which the Congress took on the foreign aid appropriation have had their impact. Last fall, the Congress adopted language stating "It is the sense of Congress that in the administration of these funds principal attention and consideration be given to those nations which share our view of the world crisis." This amendment reflected a grassroots U.S. anger at neutrals who seemed to be "neutral in favor of the Soviet Union and neutral against the United States."

This language, which I proposed, was adopted unanimously, with bipartisan support. The senior Senator from Ohio, for example, commented:

> I think there is becoming manifest in the attitude of some of these countries that they can play the United States against the Soviets and the Soviets against the United States. It is an old technique in international relations. We ought not to give encouragement to it. We ought in some way to indicate that we will consider with greater affection those who share our view on this crisis of the world.

The distinguished Senator from California [Mr. KUCHEL], the minority whip, said:

> The Government of the United States has a responsibility, an overpowering responsibility, to provide for the security of the American people and to cooperate with like-minded people and like-minded nations everywhere on the globe, thus having the free peoples and free nations stand up alongside the Government and people of the United States.

The senior Senator from Rhode Island [Mr. PASTORE] made this point:

> Nothing pleased me more than the position taken on September 4 by the President of the United States that from now on we will look to those who are helping us, who believe with us and support us; we will take a second look at our fair weather friends. Every time the Russians shoot off something, bomb or bombast, they become so terrorized that they promptly stand up and vote with the Kremlin.

Support was also voiced by the senior Senator from Vermont [Mr. AIKEN], a distinguished member of the Foreign Relations Committee and by the junior Senator from Iowa [Mr. MILLER], also by the junior Senator from Wisconsin [Mr. PROXMIRE], who declared:

> Obviously, when foreign aid goes to nations which are not on the side of freedom—particularly to those nations which give aid and comfort to the Communist conspiracy—it not only frustrates our purposes and wastes our tax money but also tends to defeat the cause of freedom in the world.

So there is abundant support for the position which I take, in these remarks by distinguished Members of the Senate, and it is hard for me to believe that the distinguished majority whip [Mr. HUMPHREY] and the distinguished minority leader [Mr. DIRKSEN] are at variance with those views and at variance with the amendment for which they voted last year.

Let me make it clear that the amendment did not deny U.S. aid to these neutrals if pressing reasons of national security could be raised; if anything, the amendment was on the mild side. However, the amendment did make clear that in the allocation of resources our greatest support should go to those nations which are ready to work for and support the same objectives of freedom and representative government for which we are working.

There is no valid reason why U.S. resources should be expended in countries which will use these resources, directly or indirectly, to undermine U.S. policies elsewhere. I am particularly concerned about long-term aid commitments to countries which have deliberately undertaken policies designed to weaken the free world and strengthen Soviet efforts.

Again, it is difficult for me to understand how the two Senators whom I have mentioned could differ in this respect.

For example, I am deeply concerned over the present tendency to set up a long-range aid program for Egypt. Nasser has mortgaged Egypt's cotton crop to Russia for years to obtain Soviet weapons to threaten Israel. Nasser's government budgets large sums every year for Voice of the Arabs programs throughout the Middle East and Africa, inciting hatred of Israel and opposition to U.S. policies. Surely U.S. aid to Nasser and to other neutralists should be extended on the same terms as in Latin America, with conditions to insure that the nation's own resources are wisely used and not frittered away on armaments or anti-American propaganda.

Madam President, I strongly favor language in the foreign aid bill which would certainly not apply to Egypt alone, but which would express the belief of the Congress that U.S. aid to all countries should be concentrated in areas where economic development has priority over economic warfare, where responsible political activity has priority over hatemongering, where new industries have priority over Soviet arms deals, and where fairness and objectivity have priority over Communist propaganda. There is widespread national support for such guidelines in our foreign aid program.

Mr. Fischer and Harper's magazine are known to be friendly to the program of foreign aid and certainly cannot be classed, by any stretch of the imagination, in the isolationist or foreign antiaid category. Mr. Fischer addressed an open letter to Fowler Hamilton, director of the foreign aid program in the November 1961 issue of Harper's. I shall read only a couple of sentences:

> I trust you will abandon our traditional hypocrisy, tie a chain on every dime, and yank hard if it is not spent in the clearly defined interests of the United States.
>
> That will offend a lot of our benefactees, of course, especially the so-called neutral nations. Don't let that give you gray hairs. We have worried too much about what they think of us; let them worry awhile about what we think of them. Besides they have finally taught us—notably at their Belgrade conference—that being nice to them gets us nowhere. What does influence them is (a) greed and (b) fear. The more Russia bullies them, the lower they kowtow. You will, I am sure, draw the appropriate conclusion.
>
> I also hope you will tell us a good deal more about where our money goes, and why.

Madam President, I ask unanimous consent to have printed at the conclusion of my remarks some excerpts from Mr. Fischer's letter which refer to this very problem which I have discussed. Much of the article deals with other aspects of the situation, as the excerpts below put the case very strongly for the establishment of an order of priorities in foreign aid, as I have suggested.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> Our Latin friends could do with a few plain words, too.
>
> For example, when Cheddi Jagan was elected Prime Minister of British Guiana a few weeks ago, he announced that he would condescend to accept our money. He is against "Yankee imperialism," of course. After all, he is an acknowledged Marxist, who plans to follow "a policy of neutralism like Nehru and Nasser." But since Tito, Nehru, and Poland get American aid, he wants his share of the gravy.
>
> Perhaps Dr. Jagan should be told these facts of life:
>
> 1. There isn't enough gravy to go around. Even if the United States—and Russia, and Western Europe—cut off their own economic growth and poured all of their savings into the underdeveloped countries, they still couldn't provide enough capital to industrialize all of those nations as fast as they demand. The aid which actually will be available, from all sources, East and West, won't begin to meet the expectations of Dr. Jagan and his 60-odd rival claimants. Some will have to do without; none will get all he wants.
>
> * * * It makes sense for us to concentrate our help in those countries where it is likely to produce really worthwhile results—both economic and political. (India may be the prime case. It has a fighting chance to build both a stable economy and a democratic government; and its race with China may well determine the future of all Asia. Annoying as Nehru may be from time to time, this looks like a good place to put our blue chips.) But the hopeless cases will have to go to the end of the queue. Can Dr. Jagan prove his case isn't hopeless?
>
> * * * If it is any comfort, you can look forward to dealing simultaneously with a different kind of pressure: blackmail. Your new clients are expert at it, because most of them have been using it on us for years. All they have had to say is: "Give me what I want"—it may be a hydroelectric project, or a flock of tanks to keep the army happy, or a few million to replace what the boys stole out of the last budget—"or I will go to Moscow."
>
> Nearly always they have been getting away with this kind of bluff. The one memorable exception was Nasser; when John Foster Dulles refused to give him his Aswan Dam, he did turn to Moscow, and he did get it there. But curiously enough, Egypt has not yet been gobbled up. In fact, Nasser has outlawed the local Communist Party, and he is, if anything, a bit more respectful to Americans than he used to be. He still calls us monsters, of course, but we are only one-headed monsters now.
>
> At some point, you too will have to say "No"—simply because you won't have enough money to pay off all the blackmailers who will be calling on you.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. McCLELLAN. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. What is the pending question?

The PRESIDING OFFICER. The question is on the adoption of the substitute for House bill 1361.

Mr. McCLELLAN. Has the substitute for House bill 1361 been offered, and is it now pending?

The PRESIDING OFFICER. Yes; and it is now the pending question.

Mr. McCLELLAN. I thank the Chair.

Madam President, I have listened with keen interest, appreciation, and approval to the remarks of the distinguished Senator from Florida [Mr. HOLLAND], who spoke for some time this afternoon. I think he has presented arguments which are unanswerable and are most persuasive to any impartial judgment on the issue before us.

I think it actually tragic that, in effect, Senators manipulate the rules of the Senate or make use of them under such circumstances, when there is pending a bill for the relief of a private citizen who may actually need the proposed relief. Very likely the private bill could be passed by unanimous consent, if it were not being used as a kite on which to hang the tail of proposed legislation that is unconstitutional, either when it sails by itself in the air or when it is attached to such a bill for the relief of an individual citizen.

So, Madam President, once again the Senate is engaging in a dubious task—one in which valuable time is consumed by lengthy debate in regard to what is termed a "civil-rights" proposal. I would make that statement without any reservation or qualification whatever, Madam President, if it were not for the fact that precedent proves and establishes beyond any doubt, in my opinion, that such prolonged debates have in the past proven to be of great value to the preservation of our country, to the preservation of the rights of the States, and to the maintenance of the principles of Government laid down in the Constitution of the United States.

The present device—if we are to call it that—of lengthy debate over such a proposal has served a very useful purpose in the past, and I trust that in this instance it will again serve the useful function of preventing this body, acting under the pressures which have been applied and are now being applied to get the Senate to do something unconstitutional; from passing a measure which has no constitutional basis; and from doing something which can be done only by constitutional amendment, not by statute.

So, Madam President, except for that situation, this lengthy debate is a dubious task, and one in which the Senate should not now be engaged.

But those of us who have deep convictions about the importance of the Constitution and are jealous of its great principles and ideals, believe we have a duty to defend and preserve it, and that we would be derelict in the performance of our duty if we did not exert every effort and use every legitimate means to prevent the doing of what now is attempted—namely, to bypass the Constitution, to proceed contrary to its provisions, and to undertake to legislate in a field where the authority to legislate and the power and function of legislative action are reserved to the several States and to the people thereof.

The powers the Federal Government has, under the Constitution, have been delegated to it by the people and by the several States; and the powers not thus specifically delegated and placed in the Central Government are reserved to the source from which have come the powers the Federal Government has.

Consider, Madam President, the magnitude and the importance of other legislative proposals now awaiting action by the Senate—bills either on the calendar or under study in the committees. Most of them certainly dwarf in importance the issue now before us, when we view these matters objectively.

Madam President, today the Senate's committees are performing only limited functions. Ordinarily, committee sessions would be held this afternoon and the committees would be working on proposed legislation, would be holding hearings, and would be engaged in marking up bills and processing bills, preparatory to their consideration and debate on the floor of the Senate, and preparatory to

Senate action on them. But in a situation such as the one which now prevails, the committees are inactive, particularly during the hours when the Senate is in session, and the wheels of legislation there are not turning. Instead, their turning is obstructed, and for no good reason—but only because of an issue which, as here presented, violates the Constitution of the United States.

Madam President, why should so much of our time be devoted to making a distinction between a person who can read and write and a person who has completed six grades of grammar school or who has a sixth-grade education?

That power was not vested in the Federal Government by the Founding Fathers. They delegated to the Federal Government only the power to fix the qualifications for voting in Federal elections for Representatives in Congress, for Senators, for President, and Vice President, which were to be the same as the respective States provided for eligibility in voting for the numerically largest branch of its State legislature.

Thus, it was the belief of the founders of this Republic that the several States should determine who could vote for members of the most numerous branch of the State legislatures, and having made that determination, that the Federal Government would accept the qualifications there specified for voting in Federal elections.

If this administration and the Congress would make the same effort and expend as much energy to find ways and means to economize, and produce a balanced budget, and stop deficit spending and increasing the debt and charging it to future generations—if this administration and Congress would dedicate themselves to that objective and spend a comparable amount of energy, time, and effort in finding ways and means to do that, instead of taking a private bill for the relief of a citizen of this country and undertaking to attach to it legislation that invades the province of the several States—legislation that has no power, that cannot be rooted in the Constitution—they would be doing a great service to this country, and future generations would have us to thank for putting on them a lesser burden of debt to carry, and possibly lower taxes to pay. We who have that responsibility here now would prove ourselves better stewards and better trustees of the responsibility that is ours.

I say this without trying simply to pass the time of day. We who have the responsibility at this hour of governing are not meeting our full measure of responsibility when we, day by day, Congress by Congress, and year by year, with indifference and seemingly very little concern, continue to build up more debt and more debt, passing it on to the next generation, and saying, "That will be your worry, and not ours."

I truly believe that we have a responsibility not to pass on to those who will follow us an impoverished country and an insolvent government. If we fail to carry out our responsibility, those who study history will know that there came a time in the United States when we were concerned with trivial issues, as compared with the duty that is upon us, who now have the responsibility, to so discharge our stewardship as to pass on to those who follow us a heritage as rich as the one it has been our blessing to enjoy.

No; they will trifle away our time by trying to find ways and means of embarrassing, if they can, one section of the country, by undertaking to do something that is unconstitutional, primarily for political expediency, in my judgment.

May I say at the outset of my remarks that in the State of Arkansas there is no literacy test in any form for its voters, nor has it ever had such a test. Therefore, the proposed amendment to the little private bill does not strike directly at my State.

We shall not have to change the law of our State. In fact, the laws of my State are now far more liberal than is this proposal. We simply believe the Federal Government has no right to interfere and say, "You have got to change the law to confirm with what we have decided the law should be," notwithstanding the provisions of the Constitution which already prescribe what the test shall be. Congress is asked to go further than the Constitution. We are asked to say "We have decided to remake it, to expand it, to extend it, so as to reach down and do other things that we were not given authority to include."

I am not speaking in defense of any law of my State. I do not have to. The truth is that if the bill were passed, providing that a sixth grade education was necessary for voting, many people in Arkansas who now vote would be excluded from voting. Is that what Senators want done? Of course not. Back of this whole proposal is a little politics, and I think it is of rather dubious value.

I think it would be a tragic thing to flout the Constitution of the United States, simply to make a bit of horseplay to make some people believe a lot of things are being done for them, and to pass a law which will make my State conform to it and disfranchise many persons there who are now voting.

We do not keep the Negro from voting. We solicit his vote. We campaign for it. Negroes have been voting in Arkansas as long as I can remember. I may say, frankly, that sometimes they were influenced when they went to vote. They went to somebody in whom they had confidence. Perhaps many of them could not read or write, and they went to a white citizen in whom they had confidence, and he would usually tell them who his candidate was.

I say they have not been precluded from voting, and they do not have to have even a first grade education certificate in order to vote in my State.

Mr. CHAVEZ. Madam President, will the Senator yield?

Mr. McCLELLAN. I am delighted to yield to my distinguished friend, if I may do so without losing the floor, for a question only.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAVEZ. The influence the Senator talks about is used with anyone else, is it not?

Mr. McCLELLAN. Of course. The Senator is correct. I say to him that I come to this Chamber at times and ask my distinguished friend the senior Senator from New Mexico, "What is the vote on? What do you think about it?" Not only once, but perhaps more than once, I have followed his advice. I make no apology for it. What is wrong with that?

Good white people go to others in whom they have confidence and ask, "What do you think of the election? What do you think of this candidate? Should I vote for the bond issue, or should I vote against it?" That is democracy at work. I should like to keep it that way. I do not wish to disfranchise thousands of people in Arkansas.

It has been said, "This proposal will not do that." It will do it if we conform to it in passing a law.

Mr. CHAVEZ. Madam President, will the Senator yield?

Mr. McCLELLAN. I am happy to yield to my distinguished friend, without losing my right to the floor.

Mr. CHAVEZ. Right now the National Guard in my State is asking me for advice. Is that influence? They are merely asking for advice.

Mr. McCLELLAN. The Senator is correct. When any one of us reaches the point that he cannot take a little advice, that he does not seek more advice, more knowledge, and more information, and does not try to become more intelligent, he will have reached the stage of deterioration, in my judgment.

I like the system we have. I do not wish to see it wrecked.

Madam President, since we do not have such statutes or literacy tests in my State, there are no statutes or constitutional provisions setting forth any requirements, and thus the action being attempted would not directly affect Arkansas. The proposal, however, does offend our sense of right and wrong under the Constitution of the United States. I am here in the capacity of trying to defend that position. My State needs no defense. The people of my State need no defense. I am not making any defense for them.

As I said, we have no such requirement in Arkansas. I wish to read from the laws of Arkansas. There are statutes of my State which clearly show the absence of literacy requirements in Arkansas. There are two statutes and an amendment to the constitution, amendment No. 8, relating to "Qualifications of Electors—Equal Suffrage—Poll Tax." I read:

> SECTION 1. Every citizen of the United States of the age of 21 years, who has resided in the State 12 months, in the county 6 months, and in the precinct, town, or ward 1 month, next preceding any election at which they may propose to vote, except such persons as may for the commission of some felony be deprived of the right to vote by law passed by the general assembly, and who shall exhibit a poll tax receipt or other evidence that they have paid their poll tax at the time of collecting taxes next preceding such election, shall be allowed to vote at any election in the State of Arkansas.

There is mention of a poll tax. Yes, we have a poll tax in Arkansas. I spoke about that at some length a few days ago. We have a poll tax for all races and all creeds. It is $1. That goes into the common school fund to help to educate these folks, to get them up to the sixth grade, where Senators wish to see them, so that they can be eligible to vote.

Mr. CHAVEZ. Madam President, will the Senator yield?

Mr. McCLELLAN. I am happy to yield to my distinguished friend, without losing my right to the floor.

Mr. CHAVEZ. Personally I am against the poll tax, but if it is not worth a dollar to a person to express an opinion with respect to my good friend from Arkansas, he should not be allowed to vote.

Mr. McCLELLAN. I thank my distinguished friend.

There are different opinions concerning the wisdom of the payment of poll taxes. Some States think poll taxes are proper. Many States have had them. Some States have repealed those requirements.

I point out that whether or not one feels there should be such a requirement, when it applies across the board and goes into the common school fund, when the money stays in the county in which it is paid, to help educate these folks, to bring them up to a sixth-grade education and above, if possible—and most often that is the case—I see nothing wrong with it.

The point I make primarily is that in Arkansas there is no literacy test in regard to voting. Perhaps we ought to have one, but we do not have one as of now.

Now I wish to read from the statutes, following up on the constitutional amendment to which I have referred.

Arkansas statute 3-101 reads:

> Whenever any person shall present himself to vote, and there shall be no specific evidence prescribed by law as necessary to establish his qualifications—

And there are none. I have read that from the constitution—

> the judges of elections may interrogate him under oath touching his qualifications as an elector—

That refers to the payment of a poll tax, whether he has lived in the State for 1 year, whether he has been in the county for 6 months, whether he has been in the ward or the precinct for 30 days. Those are the things about which he is questioned, and nothing else, because the constitution sets out what are the qualifications—

> or they may satisfy themselves in relation thereto by any legal testimony.

In respect to what? Those are the very things set out in the constitution and in the law.

Arkansas statute 3-1510 states:

> Any person who shall furnish any elector who cannot read—

We even have a statute providing how those who cannot read can vote—

> Any person who shall furnish any elector who cannot read with a ballot, informing him that it contains a name or names different from those which are written or printed thereon, with an intent to induce him to vote contrary to his inclination, or who shall fraudulently change a ballot of any elector, by which said elector shall be prevented from voting for such candidate or candidates as he intended, shall, on conviction thereof, be fined in any sum not exceeding one hundred dollars ($100).

We not only require no literacy tests, but also we go further and provide a penalty against anyone who would take advantage of the inability of a voter to read or write, who would take advantage of the fact that a voter is illiterate and mislead him by telling him something is on the ticket in order to get him to vote in a manner different from the manner in which the citizen wished to vote.

I am sure other States have different methods and provisions to test the qualifications of voters. Perhaps the statutes of other States are better than those of Arkansas. But I do not know a State in the Union that has fewer qualifications, more generosity and liberality in their voting requirements, and in which a greater effort is made to get the people to vote, than Arkansas. Of course, many in Arkansas who are entitled to vote do not do so. But it is by choice they do not vote. The number in Arkansas who do not vote because they would be required to pay a poll tax is infinitesimally small. I do not believe there are 100 such people. The number is so insignificant that it is not worthy of mention. Campaigns to pay the poll tax are conducted. Every candidate organizes movements to encourage citizens to qualify in order that they may vote.

With that statement as a background of the environment and circumstances of the people I represent, I can proceed to a judgment on the issue without its being prejudiced or unduly influenced by reason of any particular advantage or disadvantage that is peculiar to the State that I represent.

Even though my State does not have a literacy test as a requirement for voting, I certainly have no quarrel with the 20 States whose citizens have seen fit to establish such a test as a requirement for voting. Frankly, I think perhaps it might be well to establish some such test. However, the people of my State have not elected to do so. They have chosen to proceed in the other way. They have thrown the situation wide open. I am not quarreling about that.

All I am objecting to is the attempt to bring in the great power of the Federal Government, and in effect say, "Constitution or no Constitution, we are going to set up a standard that you must follow." The attempt may be successful. It would not be the first time that an unconstitutional act had taken place. I have seen other examples. But such unconstitutional actions have never served the best interests of our country. I have never seen anything unconstitutional that strengthened America economically, spiritually, politically, or otherwise. When we break away from the anchor of the Constitution and go adrift on the seas of uncertainty, we incur every hazard that any ship sailing on uncharted waters might encounter.

Many of the States have established by enactment of their State legislatures what they consider to be proper literacy requirements.

Madam President, we can very well trust the States. Everyone who votes for his State representatives in a State election can vote for a Federal officer. That statement applies to every State in the Union. We cannot establish a condition or requirement of eligibility, literacy test, or otherwise, to prevent someone from voting in a Federal election without applying the same requirement to all citizens to make them eligible to vote for their representatives in the legislature.

What is wrong with such a procedure? If a State penalizes a citizen for voting in an election for Federal officers, it must penalize its citizens in their voting for State officials. Such action would not last very long in any State.

If there is any rank discrimination or unfairness, the State will correct it. The States have corrected it. In this Nation there is none of any significance. Some States require one standard, and some another. But the effect is the same. There is no State voting requirement for Federal officers that does not apply to elections for members of the house having the largest membership in its own State legislature.

Some of the States have included the literacy test provision considered proper under the State constitutions. I am well pleased with the simplicity and nondiscriminatory application of the Arkansas voting laws. If I would do anything, I would strengthen them. I do not know how they could be further liberalized, except to provide that a citizen must reside in the State 6 months instead of a year, in the county 3 months instead of 6 months, and in a township 15 days instead of 30 days. Of course, the poll tax could be removed. That would liberalize the law to a great extent. A dollar is not much these days. I agree with what the distinguished Senator from New Mexico [Mr. CHAVEZ] said. A citizen who would not pay a dollar into a school fund is not much of a citizen anyway.

Mr. CHAVEZ. Madam President, will the Senator yield?

Mr. McCLELLAN. I am happy to yield to my distinguished friend for a question without losing the floor.

Mr. CHAVEZ. Years ago I made a campaign to register some votes in Texas. The complaint made, as Senators have pointed out, is "We cannot vote, we do not vote." "Why?" they were asked. "We cannot pay the poll tax." I said, "I do not like the poll tax either. How much is it?" The answer was, "$1.75." I replied, "If you cannot possibly afford $1.75, you should not vote for the candidates." I am glad it has benefited my friend the Senator from Texas [Mr. YARBOROUGH].

Mr. McCLELLAN. I thank my distinguished friend from New Mexico.

(At this point Mr. PELL took the chair as Presiding Officer.)

Mr. McCLELLAN. Mr. President, I am satisfied with the situation in my State; but should the citizens of Arkansas through their elected representatives deem it best to initiate a literacy test as a requirement for voting, it would certainly be their lawful right to do so.

It has that right. That is the right my State has reserved to itself, along with the other States of the Union. That is the power that is reserved to it. That is the issue. That is the right that we defend here today.

With the adoption of the U.S. Constitution in 1787, the power to fix qualifications for voters was reserved to State governments. Article I, section 2 of the Constitution provides:

> The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

It did not say they should have a part of those qualifications. It did not say they should have some of them and no more. It did not say they should have all of them, plus. It says that they shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

That is what the Constitution provides. What does the pending bill say? It goes further. It does not stop within the Constitution. It undertakes to set up other standards and authority which the Federal Government does not have under this section of the Constitution.

The bill would go further and say that "the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination, whether for literacy or otherwise, if such other person has not been adjudged incompetent and has completed the sixth primary grade of any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico," shall be unlawful.

It goes beyond this. There may not be a State in the Union which has that standard of eligibility for any of its voters. Some may have something comparable, or may have more, or may have less.

I say that if the Federal Government is going to fix a standard, it ought to fix it. If it has the power to do that, and to say it cannot be less than this or more than this, as the case may be, then it has the power and, I think, the duty to write out word for word from beginning to end a provision on who shall vote and who shall not vote on everything in this country.

If the Constitution does not mean anything, then it does not mean anything; then it ought to be obliterated and torn up into little pieces and gotten rid of. The Constitution will then consist of whatever is expedient. We will be guided by the principle of the end justifying the means. We should throw out Webster and Jefferson and Washington and Monroe and Madison, we should discard all those antiques, and our philosophy of government.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield to my distinguished friend, with unanimous consent that I do not lose the floor.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. STENNIS. I thank the Senator for yielding to me. While he is making his argument on article I, section 2 of the Constitution, I should like to direct his attention to the reverse situation that he has been so eloquently discussing, and ask him this question:

Could the State of Arkansas, through its legislature, pass a valid act providing that in the State of Arkansas the qualifications for electors who vote for Members of the House of Representatives and Members of the Senate of the United States have X, Y, Z qualifications; that it has authority to expressly pass separate laws providing the qualifications which are different from those for electors of the most numerous branch of the State Legislature of Arkansas?

Mr. McCLELLAN. If there is any prospect or possibility of consistency in the decisions of the Supreme Court, and if they follow the precedents they have established, I believe they would be compelled to hold Congress preempted the field by the passage of the act.

Mr. STENNIS. Under present law and under the Constitution of the United States, the State of Arkansas merely sets the qualifications for electors of its most numerous branch of its own State legislature, and the Constitution adopts those qualifications, so to speak, for the election of Members of the House of Representatives and the Senate. Is that correct?

Mr. McCLELLAN. That is exactly what they did, not only the States that were in existence at the time, but as the Constitution declares, all other States that may come into the Union hereafter would come into the Union under those conditions.

Mr. STENNIS. The Federal Government adopts them from year to year as they accumulate, and that is the present law and that is the constitutional provision. Is that correct?

Mr. McCLELLAN. Yes.

Mr. STENNIS. Can Congress, merely by legislative act, change the qualifications that are laid down so plainly and clearly in the Constitution itself?

Mr. McCLELLAN. It would have to do it without constitutional authority if it did it. That is what we object to.

Mr. STENNIS. If the bill were passed by Congress and upheld by the courts—which God forbid, and I do not believe it would be upheld by the courts—could that legislative enactment and the Constitution of the United States both live at the same time? Would not one have to be stricken down?

Mr. McCLELLAN. Where they conflict, one would have to be stricken down. If Congress passed a law such as what is proposed in the pending amendment, and the Supreme Court upheld it, it would mean that the States would lose control of establishing the eligibility of its voters.

Mr. STENNIS. If the act were passed and if it were upheld, and thus there were created an irreconcilable conflict with the Constitution, would not one have to be upheld and the other overruled, because they could not live together?

Mr. McCLELLAN. In my opinion any court that would uphold the proposed law which is now pending in the Senate would in effect repeal that provision of the Constitution. In other words, the two could not stand together. They could not be reconciled. They are not compatible. Either the States have the right or they do not have the right. The Constitution provides that the States shall have the right. The Constitution gives the States that right. The States did not, in the adoption of the Constitution, delegate that authority to the Federal Government. They provided that those who vote in Federal elections shall have the same qualifications as those who vote in the States for the members of the most numerous branch of the State legislature. The two cannot stand together.

Mr. STENNIS. The Constitution to which the Senator from Arkansas is referring, with its plain provisions, is the same Constitution that every Member of the Senate has sworn to uphold, is it not?

Mr. McCLELLAN. Yes. All of us swore to uphold the same Constitution, I am sure.

Mr. STENNIS. Does this provision of the Constitution apply clearly and unmistakably, in the opinion of the Senator from Arkansas?

Mr. McCLELLAN. Yes, and I believe also in the opinion of everyone else who gives any proper interpretation to the Constitution and to the proposed statute.

Mr. STENNIS. The proponents of the bill, in places, undertake to find support for its validity in the enactment in the Constitution after the original Constitution was written, namely, the 15th amendment, which has always been applied and clearly applies to the States; whereas the bill, if the Senator has examined it, expressly provides for and expressly operates on the individual. It provides that no person shall do so-and-so or that no person shall hold anyone accountable for literacy tests beyond a certain requirement.

Does the Senator care to comment, in addition to the argument he has made with respect to the original Constitution, upon this point at this place? If not, the Senator will doubtless take it up later in his argument.

Mr. McCLELLAN. The proposed language does not have anything to do with race, color, or previous condition of servitude.

Mr. STENNIS. The preamble undertakes to set forth the purpose of the bill.

Mr. McCLELLAN. Does the Senator mean certain findings in the preamble of the bill?

Mr. STENNIS. Yes.

Mr. McCLELLAN. Making findings does not have anything to do with constitutionality.

Mr. STENNIS. Nevertheless, the findings undertake to establish a constitutional foundation.

Mr. McCLELLAN. The findings undertake to do what findings cannot do. A bill is either constitutional or not constitutional, according to its language.

Conditions may be found which are terrible and should be corrected. Many undesirable things may be found, but the question reverts to whether there is power under the Constitution to correct them; whether such power has been delegated to the Federal Government by the States, and by the people thereof, to do the things which are necessary to correct the conditions.

An intolerable situation may exist in a community in my State or in the distinguished Senator's State. There might be conditions of crime, or other conditions, which would be abhorrent to us. The State might call upon the Federal Government to pass a law to correct the situation. But unless the power is vested by the States in the Federal Government to deal with the situation, it matters not how horrible or reprehensible the condition is; the condition does not determine the power. The condition might be nothing to complain about; still the Federal Government might have the power to step in and enact a law before conditions got bad. It does not make any difference how bad conditions get—if the Federal Government does not have the power to start with, the seriousness of the condition does not confer the power which is needed to deal with it.

Mr. STENNIS. The Senator from Arkansas is eminently correct. If Congress can confer jurisdiction upon itself to correct certain conditions, then when any conditions which were considered undesirable seemed to exist, Congress could crank itself up, so to speak, and give itself the authority to pass laws pertaining to the correction of such conditions, and could write into or write out of the Constitution any provision therein.

Mr. McCLELLAN. As the Senator has so well put it, Congress could just crank up the authority to remedy a set of conditions. If something seemed to need correction, it could be said, in effect, that the Federal Government would correct it. But the preamble of a bill does not change the Constitution; it does not do a thing in the world to the Constitution. It talks about a set of facts, not about the power which is delegated in the Constitution to the Federal Government, the power which is vested in the Central Government.

Mr. STENNIS. As was pointed out the other day, there are about seven different crankups, as I call them, launching pads. We start out with the authority. Then we put in new matter, one of the new space vehicles having a motor which will take the vehicle up to a certain height. Then we add another, and go on to where there are seven such motors to carry the vehicle up, thereby pumping up the authority in that way.

Mr. McCLELLAN. Very frankly, I believe that the very fact that this process is being undertaken clearly refutes any claim that there is power under the Constitution, because the proponents of the measure are seeking to reinforce and fortify the Constitution in order to be able to justify the proposed legislation.

Mr. STENNIS. That statement is the climax of the Senator's argument on this point. If there is one good ground or one solid ground on which to stand to pass a law, it is not necessary to have any other.

Mr. McCLELLAN. Why is it necessary to say anything? It is not necessary to have a single finding. All that is necessary is to say "hereafter."

Mr. STENNIS. Until a few years ago, it was virtually unthinkable to place preambles in bills, trying to get authority by factfinding to act upon a measure.

Mr. McCLELLAN. That is true. I do not find anything wrong with having Congress state the conditions and the reasons for seeking the enactment of a statute; but I say, again, that conditions do not change the Constitution. If conditions develop and the Constitution is disregarded, then there is no firmness to the Constitution.

Mr. STENNIS. The committee reports give the background and state the facts and problems; but to put them into the law in order to confer jurisdiction is unthinkable, is it not?

Mr. McCLELLAN. It is.

Mr. STENNIS. It is an effort to confirm the facts as stated.

Mr. McCLELLAN. That is what it amounts to. I thank the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Arkansas for yielding to me.

Mr. McCLELLAN. I have read article I, section 2, of the Constitution, along the lines we have been discussing. What could be clearer than this language? How could the Founding Fathers have expressed their intent more clearly and with a limitation better defined than is set forth in the Constitution? There is no authority for the Federal Government to add to it. Congress is not given any power to prescribe qualifications for voting. This omission was deliberate. The Founding Fathers did not presume to provide such power; they wrote the section in this way purposely. They knew what they were doing. I do not believe they ever contemplated that Congress would ever try to do what Congress is seeking to do now. If they did, they would have added one more sentence, and would have provided, "Congress shall not change this provision." But they did not have to do so. They did not so provide anywhere else in the Constitution.

Whatever the Constitution provides is the law of the land. It should be respected, not only in this instance, but in many others. There have been instances in which it has not been respected.

However, such basic fundamentals of government would not be too apparent to the young student who is familiar with Federal governmental developments of only the past decade. The fact that the Federal Government did not start with inherent power but was given only a limited power by the States is rather difficult to reconcile with some legislation which has erupted from Congress in recent years. The tendency now is to start with the assumption or to indulge the premise that all power is vested in the Federal Government; therefore, if any condition develops which is not satisfactory, which is disagreeable or unpleasant, or as to which a change is desirable, simply call upon the Federal Government to pass a law to provide the remedy, Constitution or no Constitution. When that is done, a dangerous road is traveled.

The original limited power granted by the States to the Federal Government has been expanded, and expanded again, by the oft-repeated rationale that the additional power must be assumed in order to perform the necessary functions of the Government.

Again I return to the statement I made a while ago. We are proceeding in too many instances nowadays upon the theory that the end justifies the means. We are willing to circumvent the Constitution, to disregard it, to take the expedient method of getting results to remedy conditions, by simply passing another Federal statute, instead of taking the course of constitutional amendment when conditions exist that should be corrected.

Some 124 years after the adoption of the Federal Constitution, when the people of the United States decided that Senators should be elected by popular vote they proceeded to adopt the 17th amendment to the Constitution.

If that issue had not developed until today, probably we would now be confronted with a bill—offered as a substitute for the present small, private bill—providing that hereafter Senators shall be elected by vote of the people, not by vote of the State legislatures. But those who sponsored the 17th amendment saw fit to submit a constitutional amendment for the election of Senators by direct vote of the people.

A while ago some question was raised about the 15th amendment and as to whether it had any impact on article I, section 2 of the Constitution. I said it did not; and to show that no one ever thought it did, I point out that when the 17th amendment was adopted—long after adoption of the 15th amendment—and when that change in the method of electing Senators was undertaken, the method followed was the same as that used for the qualification of voters as originally provided in article I, section 2 of the Constitution. The 17th amendment—as adopted in 1913, I believe—provided as follows:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

That amendment uses the same language as that used in the original Constitution in dealing with the election of Members of the House of Representatives; and the 17th amendment repeated that language long after the 15th amendment was adopted. Therefore, Mr. President [Mr. JORDAN in the chair], if the 15th amendment repealed by implication the original Constitution, then, insofar as it did repeal it, it has been repealed again by the 17th amendment, insofar as the election of U.S. Senators is concerned.

By adopting the 17th amendment, the people of the Nation, through the processes provided for the adoption of constitutional amendments, reaffirmed that provision of article I, section 2 of the Constitution, and reenacted it, at least insofar as it applied to the election of U.S. Senators. It has not since been changed; it is now the law and is now the Constitution. I hope it will not be changed—at least, not in the fashion here attempted. It is still the Constitution. But it is now proposed that we tamper with it by means of a statute.

Just as the distinguished Senator from Mississippi [Mr. STENNIS] pointed out a few minutes ago, if we pass such a statute, when the issue subsequently reaches the Supreme Court, it must either sustain and uphold the statute or sustain and uphold the Constitution. The two are not mutually compatible; both cannot survive. One will be stricken down and the other then will be the law of the land.

Mr. STENNIS. Mr. President, at this point will the Senator from Arkansas yield for a question?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. McCLELLAN. I am happy to yield to my distinguished friend, the Senator from Mississippi, for a question, provided that I may do so with unanimous consent that I shall not thus lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. In the 17th amendment, to which the Senator from Arkansas has referred, which provides that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures; and, as the Senator from Arkansas has said, that amendment was ratified in 1913—we find language identical to that used in the original Constitution, as cited by the Senator. Can he find there any possible basis for having one set of electors for the election of Federal officers and another set of electors for the election of members of the most numerous branch of the State legislatures in each State? Is there any possible way to reconcile the two?

Mr. McCLELLAN. There is no way to reconcile them by means of a statute, as here proposed. Mr. President, this demonstrates that at the time when the 17th amendment was submitted and at the time when the joint resolution was passed, after having been drafted in this body, those who then occupied the positions we now hold obviously believed they were simply extending to the election of Senators the same qualifications and the same provisions which applied and prevailed in regard to the election of Members of the House of Representatives. That is why they copied and followed the constitutional provision regarding the election of Members of the House of Representatives, and that is why that provision is now to be found in the 17th amendment. There has been no change in that provision.

Mr. President, as I have stated, I am not speaking today to prevent any direct change in the voting requirements of my State if the people of my State wish to change them. But I cannot, in conscience, and without a sense of failure in duty, sit idly by and watch the Senate pass a bill which is clearly unconstitutional.

I cite the cases of *Mason* v. *Missouri*, 179 U.S. 328; *Pope* v. *Williams*, 193 U.S. 621; *Guinn* v. *U.S.*, 238 U.S. 347; and *Lassiter* v. *Northampton Election Board*, 360 U.S. 45.

I cite those cases, because, unless the courts change their rulings, unless they overrule what they have heretofore decided, this statute, if enacted, would have to be stricken down.

In the Guinn case, to which I have just referred, the Supreme Court clearly held that the 15th amendment did not destroy the rights vested in the States by article I of the United States Constitution. Those who contend now that the 15th amendment to the Constitution changed the provisions of article I, section 2, and that it repealed or modified those provisions, are confronted with Supreme Court decisions holding to the contrary.

In the Guinn case, the Court said:

> Beyond doubt the amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of State and national authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and the State would fall to the ground.

That is what the Supreme Court said about this argument.

The opinion further states:

> In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals.

Those of us who contend it was unconstitutional, at least at one time, had the Supreme Court as our authority. Whether it is now contemplated that since the Court has changed personnel its reasoning will be changed, and former decisions of the Court will be upset, I do not know, but apparently such would have to occur for us to proceed in disregard of the Constitution in this body.

So, Mr. President, if the Senate is undertaking to pass an act which is unconstitutional I think it ought to cease and desist. We should quit trying to do a vain thing.

Proof of literacy as a prerequisite for voting may be established by a State—not by the Federal Government but by a State—within the power reserved to the State by article I and the 17th amendment.

In the Lassiter case, which I mentioned earlier, the Supreme Court held that the use of a literacy test by the State of North Carolina for voting was a valid prerequisite, absent a showing that it was applied in an arbitrary or discriminatory way, and that such a provision does not violate the 14th amendment or other related sections of the Constitution.

Again the Court said that the power was retained by the States; that it never passed from the States to the Federal Government. Unless the power was passed by the Constitution, and became vested in the Federal Government, the Congress cannot by statute invest such power in the Federal Government. Under the Constitution the power is held by the States and by the people, and not delegated in the Constitution to the Central Government.

I quote from a portion of the decision in the Lassiter case:

> We come then to the question whether a State may consistently with the 14th and 17th amendments apply a literacy test to all voters irrespective of race or color.

The decision again refers to the case of *Guinn* v. *United States*, to which I referred a moment ago, in support of the ruling.

I continue the quotation:

> The Court in *Guinn* v. *United States*, *supra*, at 366, disposed of the question in a few words, "No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted."

Mr. President, the States had the power then, according to the Supreme Court. The States not only had the power but also the duty, and the Court so held; and the Court did not waste much time in so doing. It was so obvious that there was no room for argument, and the Court almost summarily held that this is a State prerogative and not a Federal prerogative. I hope the Court takes less time, next time, if the question ever reaches the Court, to decide in the same way.

I read further from the decision:

> The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised.

Then is cited the case of *Pope* v. *Williams*, 193 U.S. 621. There is also cited the case of *Mason* v. *Missouri*, to which I referred a few moments ago, 179 U.S. 328, 335.

Then the decision states:

> Absent of course the discrimination which the Constitution condemns.

There is no allegation of discrimination. This issue deals with a literacy test, not with a law which discriminates.

I quote further:

> Article I section 2 of the Constitution in its provision for the election of Members of the House of Representatives and the 17th amendment in its provision for the election of Senators provide that officials will be chosen "by the people." Each provision goes on to state that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." So while the right of suffrage is established and guaranteed by the Constitution (*Ex parte Yarbrough*, 110, U.S. 651, 663–665; *Smith* v. *Allwright*, 321 U.S. 649, 661–662) it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed.

Congress cannot in this instance by statute deprive the States of powers which are reposed in them.

In view of these and many other Supreme Court decisions, I fail to see how it can be seriously argued that the Congress has any authority to legislate in this field; that is, to try to set up standards respecting literacy tests. If a State should create a literacy test which is unreasonable and arbitrary, of course we can be sure the U.S. Supreme Court would strike it down as being in violation of the 14th amendment and other related sections of the Constitution.

There is no charge of unreasonableness that I can see. Certainly, insofar as my State is involved, the statute proposed would permit the State to set up a literacy test which would require at least a sixth grade education by anyone before he could vote.

I do not know whether the proposed legislation would apply throughout all States of the Union, but if so, and the measure were constitutional—it is not, but I am merely assuming that it might be—and if a literacy test were then adopted by the several States of the Union, literally thousands of people who are able to vote today would be disenfranchised. So in their zeal to pursue the issue before us, the proponents have overlooked the fact that if the bill should pass and all States of the Union should enact statutes setting up a requirement of at least a sixth-grade education, many citizens in our country who today are privileged to exercise the right of franchise and to vote for their elected officials would be disfranchised.

In view of the Supreme Court decisions to which I have referred, and many others, I fail to see how anyone could insist that the Congress has the right and the duty to enact such a proposed law. Certainly if a high school or college education were required, the requirement would be declared unconstitutional. On the other hand, if the test itself were reasonable, but the manner of appliyng the test in a particular city or State were unreasonable, the existing law should be used to correct the situation. We have adequate statutes to correct the situation, if any such condition exists. The existing law should be used in such situations.

I shall have some additional remarks concerning existing Federal statutes for the enforcement of voting rights a little later in my remarks today or on some future occasion on which I may choose to speak, should the debate be unnecessarily and indefinitely prolonged.

I hope that will not be necessary. But we shall have to meet whatever situation arises. I am not too sure what level of literacy requirement a State could prescribe that would be on the borderline between what is reasonable and what is unreasonable. But in my examination of present statutes, which perhaps number 20, I have not found any State that has such test or requirement for the eligibility of voters that appears to be unreasonable. Therefore, there is no need for such a statute.

The measure would be an invasion of a province that is sacred, vital, and indispensable to the survival of our Republic of a union of States and of constitutional government. I say it is indispensable to the survival of this Republic as a union of States, because if we continue to whittle away at State sovereignty, if we continue to disregard the line of demarcation between the Federal power and the power that was reserved to the States and to the people, if we continue to encroach and transgress upon that which is most sacred, ultimately we shall convert the States of the Union from sovereign States into mere political provinces. There will be no union of States in the sense that the term was used and in the way the Republic was composed of a union of sovereign States. If we take away the sovereignty of States, what is left? Their possessions. They do not have sovereignty. Then they belong. They belong to what? They belong to a centralized government. Belonging means obedience. The States would be subject to the will of the Federal Government.

When the Government was created, the subservience of the States to the Central Government was limited and prescribed by the power and authority which the States reserved unto themselves. If we indulge the usurpation of that power by the Federal Government, we weaken the structure upon which American freedom was built and upon which it has thrived and prospered. If we tear down the foundations, the structure built upon it cannot endure. Surely, to tear down may be expedient. Somewhere in the process there may be some votes to be gained. But in my judgment such a victory would be a hollow victory. The injury which would result would far exceed any temporary advantages that would be gained for certain areas.

Is it realistic for the Civil Rights Commission, the Congress, or any other agency to say that a person who possesses a sixth-grade education is literate? Quite possibly a State might feel that a fifth-grade education would be a proper basis upon which to determine literacy. Another State might decide that a seventh-grade education should be the standard of literacy that should be required to make a citizen eligible to vote.

If the Federal Government has power by law to establish a limit of a sixth-grade education upon the literacy test requirements of a State, it has the power to establish a limit of a fifth-grade education, a fourth-grade education, a third-grade education, or a second-grade education—and, indeed, it could provide for no grade at all. If the Federal Government were now to invade that province and usurp a power that it does not have and, to enforce its will, should provide that a sixth-grade education would be required for a literacy test, it could require a first-grade education, or no grade at all.

Why should we seek to substitute a Federal standard for the standards of the States, especially when it is clear that to do so would be a usurpation and invasion of the rights reserved to the States? Do we want all power and all authority reposed in the Federal Government? The more power we repose in the Federal Government beyond what is provided in the Constitution, and particularly when we usurp a statute by court edict or by administrative action, the weaker is the structure upon which our liberties must depend.

I am quite sure that the ability of a graduate of the sixth grade to read and write varies greatly from State to State, from school to school, and from individual to individual throughout the country. Therefore even the enactment of the proposed statute, along with State statutes conforming to it, would not insure uniformity in the qualifications for voting. It would do so in name only, and not in reality.

How can we presume to establish an objective standard for all 50 States, when, due to the variance in the quality of education among the States, there is no objective basis upon which to approach the problem?

Therefore, is it not better, wiser, and more realistic to let the States retain the power which they did not delegate, the power which they now possess? Is it not better not to usurp it by statute, but to let the States retain such power, and allow each State to set its own standards in the light of its particular educational development, what it is willing to require, and the standard it is willing to set by which it is willing to be governed?

Each State sets the standard for voting for the members of its most numerous branch of its own State legislature. Why should it not be able to set the same standards, on the same basis, for voting in Federal elections, just as the Constitution, as originally written and subsequently amended, has provided, as was envisioned at the time when the great Founding Fathers established the greatest institution in the name of government that had ever been established on this earth, which has vouchsafed the most blessings to mankind? Why can we not be content? Why do we want to tamper with it? Are we smarter?

Occasionally there is need for an amendment to the Constitution. However, we are not trying here to amend the Constitution. If we were considering a constitutional amendment, I might oppose it, while others might in good conscience and sincerity be in favor of it. However, we would be proceeding in the proper way. If this change is needed, let us make the change in the constitutional manner. That would be a different issue. Certainly it would not deprive James M. Norman of the opportunity to have his little claim settled. I do not know whether he is entitled to it. I assume he is. The House passed the bill. It was reported by the Senate Committee on the Judiciary. That is a pretty good committee. I serve on it. I suppose I voted to report the bill. If not, I will vote for reporting it right now. I would like to vote for the bill right now if these obstructions could be gotten out of the way. I was about to say "these obnoxious instructions." If we must have obstructions, it is just as well to have one kind as another. At any rate, it is better that we proceed, if a change must be made, in the manner prescribed by the Constitution. We should not try to circumvent the basic law which vouchsafes to us all the liberties that we enjoy, the basic law that provides for a republican form of government by a union of States and not by a conglomeration of mere provinces under the domination of a centralized power.

However, in my opinion, the 20 States which have some form of literacy test have already reached a more objective approach by requiring that a voter be able to read and write, regardless of how quickly or how slowly he acquired this ability, in terms of years of formal training.

I do not agree that a sixth grade education or a fifth grade education or a fourth grade education, or even a first grade education certified by a school, should be the final test or even the formal test.

There are those who have learned to read and write without even having reached the sixth grade. There are those who are possessed of native intelligence. They have improved and trained themselves as a result of their own endeavors and self-instruction. They are just as capable as many who have received their formal training in a public school up to the sixth grade, if not more so.

I say, therefore, that the best course to follow is the one that was established by the Founding Fathers in their wisdom with respect to what was essential and vital to make this a strong republic, a republic of a union of States, and not a republic that holds States in subjugation to a Federal power.

Not only are the provisions of the pending amendment arbitrary and unwise, but, as I said, they are unconstitutional. Do we want to have the Federal Government compel all the States to conform?

Must all State laws conform to the will of the Federal Government? I do not think we want uniformity of State laws. If the Federal Government is to move into this field, where it now has no jurisdiction; if it is to invade that province, and state that, as a start, it is necessary to have a law which does not go beyond a particular limitation which is defined in the bill; then it can move again and say that the States must have a law which does not exceed another limitation, or that the States must have laws which require certain standards. Such compulsion emanating from the Federal Government and undertaken to be imposed on the sovereign States is a usurpation of power which in its implications carries with it dangers that could be destructive of everything which we cherish and hold dear.

Would we want the Federal Government to step in and say that every person convicted of the crime of larceny in any State must receive identical punishment? A citizen of Mississippi is just as much a citizen of the United States as is a citizen of Arkansas. I do not know what the law is in Mississippi with respect to larceny; but in Arkansas, if one steals more than $35, he commits a felony and can be sent to the penitentiary for a minimum of 1 year. In other States it may be necessary for a person to steal $50 before he can be charged with a felony, convicted, and imprisoned in a penitentiary. But in either instance, the persons are human beings; both are citizens. If it can be argued that the Federal Government can step in and invade the province of the State, as is proposed to be done by the amendment to the bill under consideration, why should not the Federal Government, the great arbiter of everything, which can say what is right, what is wrong, what is discrimination, and what is not, among all citizens of the Nation, step in and say to Arkansas, "You provide a lesser punishment for stealing. You have made it a felony to steal $35 before a person can be punished and sent to the penitentiary for stealing that small amount."

But in Montana, Oregon, and some other States, before a person can be sent to the penitentiary under the State law, he must have stolen at least $50. Thus the law of Arkansas discriminates. Arkansas imprisons a man for a lesser crime than does another sovereign State which is its neighbor. Therefore, the Central Government, the Federal Government, must step in to see that justice is done; that there is no discrimination. Arkansas must punish the person who steals $10 in that State upon the same standards and must provide the same penalty as is provided in other States. Otherwise, the Federal Government can step in and say that Arkansas cannot convict for a felony or call a crime a felony or send a man to the penitentiary unless he steals $100.

Mr. President, is the Federal Government to set the standard for everything? The same elements are involved. The persons convicted in the several States are human beings and are citizens. Yet in one State, if a person steals $35 he commits a felony. In an adjoining State, he may have to steal $50 before he commits a felony and can be sent to the penitentiary.

If the Federal Government is to be the guardian of every phase of human life and of all government in the United States, why does it not step in and compel the enactment of uniform laws with respect to punishment for all crimes? It has just as much reason to do that by statute as it has to attempt to act in this instance by statute, because it has not the authority to act in either instance under the Constitution.

I am using these illustrations merely to show how far the Federal Government can go, and some day may go, if it repeatedly indulges in the habit of ignoring the plain provisions of the Constitution, and sets out on a course to do that which seems expedient for the moment in order to gain its objectives, irrespective of the channels and the limitations provided by the Constitution itself.

Certainly these provisions, unwise as they may be, could be made a part of the Federal Constitution, as I have pointed out, by following the prescribed procedures which are appropriate for adopting constitutional amendments. The fact that the provisions of the bill now at issue are irrelevant and trivial does not prevent them from being made a part of the supreme law of the land, provided that the constitutional amendment route is followed to have them adopted. But a mere amendment to H.R. 1361, which is now pending, cannot stand.

On Thursday of last week I pointed out in a colloquy with the distinguished senior Senator from Florida [Mr. HOLLAND] that the power of the Federal Government is a limited power, and that the States, by the Federal Constitution, reserve to themselves the right to determine the qualifications of voters in the respective States. The Federal Government, by the Constitution, has said it would respect such determinations by the States, and has adopted certain provisions by amendment of the Constitution, not by statute. The Constitution cannot legally be changed except by amendment. A statute cannot amend the Constitution. Thus the States delegated no further power to the Federal Government than to provide that the qualifications for electors of Senators and Representatives shall be identical with the qualifications fixed by the States for State electors.

If a court could possibly sustain a change of the Constitution by Federal statute, Congress could fix educational qualifications at any grade it might choose. Therefore, it could require an absolute, uniform qualification as a voting requirement in every State of the Union. The pending proposal can be regarded as a long stride in the direction of absolute, uniform literacy standards. I daresay that if Congress should pass the bill and the courts should uphold it, the step which is sought to be taken today would be only the beginning. Other steps would follow until, finally, not only would the Federal Government take complete command and prescribe every qualification of eligibility for citizens to vote for their Representatives and Senators in Congress, but, in the light of Supreme Court decisions in the last few weeks, I think Congress would go further and prescribe the qualifications for voting, even, for township constable.

Otherwise it would be said that the people of one township were discriminated against, in that they did not have an equal voice in choosing their law enforcement officers, as compared with the voice of the people of another township in choosing their law-enforcement officers. It would be just as logical to take such a position.

The question before us really is whether, if Congress can, by statute, constitutionally and validly deal with one qualification and can prescribe it for all the States, can it not by the same means—although in my judgment it would be usurped authority—prescribe by statute every qualification affecting every State?

If the Supreme Court were to uphold such legislation, that would constitute a precedent for Congress to pass an act providing that criminals, dope addicts, insane persons, and children could not be barred by State law from voting. That seems a little farfetched, Mr. President; but we are discussing the power to take such action. In 1913, when the 17th amendment of the Constitution was adopted, no one ever dreamed that a bill such as the present one would ever be before the Senate, because the 17th amendment incorporated provisions identical with those to be found in article I, section 2, of the original Constitution.

So, Mr. President, it is clear that if the Constitution were to be repealed in this instance by Federal statute, there would be no limit whatsoever to the legislation which a majority of the Members of Congress could pass, for if Congress could by statute repeal one part of the Constitution, it could by statute repeal any or all other parts of the Constitution.

So the real issue before us is not whether a sixth grade grammar school education is a reasonable or an unreasonable qualification for voting or a proper standard in that connection, or not whether the qualification for voting should be education through some other grade in school; but the real issue is whether Congress has such power, and whether it can usurp the constitutional power in this instance, and, subsequently, by taking similar action in regard to other constitutional provisions.

I believe that the proponents of this measure are mistaken in the course they are pursuing. Instead, if they wish to pursue a correct and proper method in order to achieve the goal here sought, I believe they should proceed by means of a constitutional amendment. But they are not doing that, Mr. President, because they know that three-fourths of the States would never ratify such an amendment. Certainly I do not believe they would; I do not believe that the States would ever surrender that much more power to the Federal Government.

Some of my colleagues come from States which, under the Constitution, have in their wisdom prescribed certain literacy tests. I wonder whether those Senators now are willing to vote for such a measure, and thus say, in effect, "The people of my State do not know what is good for them, and I am willing by my vote to help the Federal Government usurp that power and thus tell the people of my State what is good for them, and proceed to change their election laws and the voter qualification standards which shall apply in their State."

Mr. President, I will not take that attitude in regard to the people in my State. If they make a mistake, they know how to correct it; and certainly it is right and proper for them to decide. I shall not cast a vote which would carry with it the implication that the people of Arkansas do not possess sufficient wisdom, integrity, and intellect to be permitted to determine what are proper qualifications for voting in Arkansas, or that they cannot be trusted to administer voter qualifications fairly, equitably, and without discrimination. I shall never cast such a vote. I am here defending the right of the people of Arkansas to make this choice; and my State has, I repeat, made that choice; and Arkansas has no literacy test.

I am not saying that the people of Arkansas have been unwise in undertaking to enact the statutes which now apply in Arkansas, and I am not saying that they have been unwise in failing to impose a more rigid voter eligibility test or in failing to impose a literacy test in that connection. Certainly the people of Arkansas have decided what they want, and in my judgment they have a right to decide what is good for them. They have made that decision; and today I defend it, notwithstanding the fact that if this proposed law were enacted by the Federal Government, and if tomorrow or next week, or at some other time before the next election, the State Legislature of Arkansas were to pass a similar statute, setting up some such standard, the result would be to deprive possibly thousands of the citizens of Arkansas of the franchise they now can exercise, and which they will exercise on the 30th day of next July, when our Democratic and Republican primary elections are held. Do the people of Arkansas want to be deprived of this right? I am sure they do not. But if the standard now proposed were to be followed, they would be deprived of it. Mr. President, I am not going to treat my people in that way.

I was rather shocked when I read the testimony of several of the witnesses who appeared before the Judiciary Committee when it held hearings on this proposed legislation. I fear that the opinions of some citizens and their interpretations of the Constitution have been somewhat colored because of their anxiety to achieve the end result sought. The impetus for the introduction of this bill, so I understand, came from a study made by the Civil Rights Commission. The Commission has alleged that literacy tests have been used and are being used in some States to prevent certain minority groups from registering to vote.

Mr. President, in 1959 Congress passed what became known as the Landrum-Griffin Act. I know that when that measure was being acted on by the Senate, it was then known as the Kennedy-Ervin bill; and I recall the battle we had, when that bill was pending, over an amendment which I offered—finally it became title I of the Landrum-Griffin bill—because the amendment was adopted by the Senate in the first place by a majority of only one vote, I believe.

Later there were some modifications, and the amendment was readopted with the modifications, possibly being adopted by a larger vote. The amendment was known as the bill of rights for workers in America. In its final passage, it provided, in section 101(a)(1) of the bill which was passed, and which was officially designated as the Labor-Management Reporting and Disclosure Act of 1959, as follows:

> TITLE I—BILL OF RIGHTS OF MEMBERS OF LABOR ORGANIZATIONS
>
> *Bill of rights*
>
> Equal rights: Every member of a labor organization shall have equal rights and privileges within such organization to nominate candidates, to vote in elections or referendums of the labor organization, to attend membership meetings, and to participate in the deliberations and voting upon the business of such meetings, subject to reasonable rules and regulations in such organization's constitution and bylaws.

Listen to paragraph 2, entitled "Freedom of Speech and Assembly":

> Every member of any labor organization shall have the right to meet and assemble freely with other members; and to express any views, arguments, or opinions; and to express at meetings of the labor organization his views upon candidates in an election of the labor organization or upon any business properly before the meeting, subject to the organization's established and reasonable rules pertaining to the conduct of meetings; *Provided,* That nothing herein shall be construed to impair the right of a labor organization to adopt and enforce reasonable rules as to the responsibility of every member toward the organization as an institution and to his refraining from conduct that would interfere with its performance of its legal or contractual obligations.

I could read many other provisions of that title, which establishes a bill of rights for the working people of this country who belong to labor unions. But I had the fight of my life on the floor of the Senate getting those simple, elementary rights of union members established and declared as a matter of law, as a part of the labor policy of this land.

Where were those bleeding hearts then who are afraid somebody is going to be discriminated against a little? Where were some of them then? Many of them were opposing it. No; if a laboring man belonged to a union, he should not be given that right; but the union officers should be the dominating power.

Now the rights of union members have been established as their fundamental and inherent rights. Do Senators know what is wrong, Mr. President? I doubt if I could get a bill passed to take care of it. The Federal Government lacks enforcement power. I have not heard anyone speaking for government asking for a law to let the Federal Government step in and protect the rights of workingmen when they are abused and violated by a labor tyrant who happens to head a union.

It makes a great deal of difference, but the principle is the same. The right to get the bread of life is a precious right.

I am speaking of the right and opportunity of a workingman to earn his bread without incrimination and without discrimination as to whether he has paid union dues or not, or with respect to whether or not the business manager likes him. That right is equal to, and in my judgment even superior to, the right to vote. A man can live without voting, but he cannot live without eating. In my judgment, the right to earn a livelihood transcends the right of suffrage itself. Yet, we trifle away a lot of time with a proposal like this which, in my judgment, would transgress the power reposed in the Federal Government by the Constitution of the United States, in order to impose conditions upon the States beyond the authority of the Federal Government as delegated to it by the Constitution.

Some day I think I shall offer a little amendment to give the Federal Government the power of enforcement of these rights. Do Senators believe I would get any support? I doubt it. I might get a little. I wonder if I would get enough. Yet those rights are more precious than the one we are debating today. But I would not get help. Senators who will vote for the pending proposal and argue for it, and probably vote for cloture in order to get the bill passed, would not vote to vest in the Federal Government, or in the Attorney General, power to take court action to force a union to accord one of its members the rights declared in the act to which I have referred to be the rights of union members.

Union members themselves will have to finance any action that is taken. They themselves will have to bring suit. A workingman, with his resources, his capital, and his wages, will be pitted against the millions of dollars in the treasury of a union which will be used to fight him. Someday we are going to get down to the question of those rights. We talk about discrimination. If Congress has a right to deal with the subject under consideration, and if it deals with it and does not go further and deal with the other subject I have mentioned, Congress will be guilty of discrimination. Why? In our hearts we all know the answer why.

I shall be as consistent as possible. The Commission has alleged that literacy tests have been used and are being used in some States to prevent certain minority groups from registering to vote. If that is being done, people are violating the laws—laws passed by the Congress, which the Attorney General and the Department of Justice are supposed to enforce. The Attorney General and the Department of Justice are capable of enforcing those laws. If this is the case, persons who are violating the law should be treated the same as any other lawbreakers. If they are prosecuted, as are other lawbreakers, there will be no need for the proposed statute.

There is extensive Federal legislation to assist the appropriate Government officials in their enforcement of the constitutional guarantee of the right to vote. I believe the statutes are adequate now.

If the things with respect to which complaints are made are happening now, an adequate remedy is already provided.

In 1870 the 15th amendment was adopted, and shortly thereafter Congress passed a law echoing the right to vote without distinction of race, color, or previous condition of servitude, as expressed in the 15th amendment. The act did not provide a legal remedy for enforcement, or the action to be taken for enforcement, but sections 241 and 242 of the United States Criminal Code were available to prevent discrimination in regard to voting.

In 1939 Congress enacted as a part of the Hatch Act another criminal provision protecting the right to vote. This provision sets penalties for anyone who intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such person to vote.

For many years the Federal Government has had the right to bring criminal cases against persons interfering with voting rights of others.

Apparently this was not enough for the bearers of the civil rights flag, and Congress therefore enacted what is known as the Civil Rights Act of 1957, giving the Federal Government more power.

In addition to the criminal actions available, the Federal Government was then authorized to bring civil actions for injunctive relief when discrimination either denied or threatened the denial of the right to vote.

I opposed the enactment of the proposed legislation at that time, since I felt there were adequate remedial processes available to the Federal Government under the then existing statutes. Nevertheless, the Attorney General was given the power to institute civil suits against persons involved in voting irregularities in primary as well as general elections. The Attorney General has that authority now.

Mr. STENNIS. Mr. President, will the Senator yield to me for a question?

Mr. McCLELLAN. I yield to the distinguished Senator from Mississippi, upon the condition that I shall not lose my right to the floor, and for a question only, and upon the condition that the statements will not interrupt this speech as a single address by me on the subject at issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, first I wish to commend the Senator from Arkansas for the very fine and logical argument he has made and also for a splendid covering of the legal points involved. From a constitutional standpoint as well as a practical standpoint, the Senator has made an unanswerable argument in a very convincing way, for which I doubly commend him.

I point out to the Senator from Arkansas the practice which has been growing, as reflected very clearly in the proposal before the Senate. Preambles and "whereas" clauses and statements of fact are being resorted to as an alleged basis for congressional authority to act in connection with any given subject matter. This can apply in the economic field. It can apply in the so-called political field. It can apply in any field the Congress may wish to consider.

Does not the Senator think that gradual system of encroachment, and the establishment of precedents in such a way, is one of the most serious things with which the Congress is confronted in regard to present-day legislation?

Mr. McCLELLAN. I think it is one of the great dangers to the maintenance of our Republic.

Benjamin Franklin, when coming from the Constitutional Convention, is reported to have made a statement in response to the question, "Well, doctor, what have we got, a republic or a monarchy?" It is said that Benjamin Franklin replied, "A republic, if you can keep it."

I think he must have had in mind, and many of the Founding Fathers must have had in mind, the question as to whether we, the succeeding generations, would have reverence for the document, whether we would cherish it, whether we would preserve it, whether we would defend it, and not attempt the expeditious to achieve that which there was no authority given or vested in the Federal Government to pursue.

Mr. STENNIS. Mr. President, I think the Senator has further fortified his argument on that point. The Senator from Mississippi has long believed that Benjamin Franklin was referring in part to conditions which could exist—as the Senator from Arkansas and I saw them exist during the depression of the 1930's—when conditions could become so severe that the people, in their distress, might be inclined to push aside and overlook the Constitution and to bring about innovations which would not be in accord with the strict letter and provisions of the Constitution.

In this instance, we do not face a situation of that kind.

Is it not true that measures of the type before the Senate, carrying the "whereases" and preambles in an endeavor to bestow jurisdiction, are largely political in nature—particularly this one—and are an outgrowth of the conventions and the platforms of the major parties, in which reckless promises are made? This finally culminates in bills of the type the Senate is considering. Will the Senator comment upon that point?

Mr. McCLELLAN. I said to my distinguished friend earlier today that I think in this particular instance, at least, the very fact that it is undertaken to have Congress make a finding about many conditions testifies to the suspicion or grave doubt in the minds of the proponents as to the constitutionality of this particular proposed legislation.

In that fashion they attempt to bolster their hopes. We are told that conditions are such that we ought to do something.

There is a proper way to proceed. A constitutional amendment could very well meet the desires of the proponents, if it were a wise step. I still do not think it is a wise thing to do, even by constitutional amendment.

I do not believe the distinguished Senator from Mississippi was in the Chamber a few minutes ago when I pointed out that if we consider human beings and their rights, particularly their rights of citizenship, discrimination, and so forth—if those values are what are involved—the Federal Government should not pass a uniform law which would provide that punishment for a given crime, in whatever State committed, must be uniform. Human factors are involved in crime. Human freedom is involved. Human liberty is involved. If an all-powerful Government is to be the final arbiter in every little issue such as the one we are discussing, it seems to me there should be a uniformity of punishment for crime.

Mr. STENNIS. The Senator has given a good illustration of the growing practice of bills being introduced which are bottomed, not on the Constitution, but on "whereas" clauses, preambles, and factual statements. It is a situation that must be exposed in debate. It should be exposed in editorials throughout the Nation. Weapons should be taken up to expose such practices. Otherwise continuance of the practice will lead to a creeping paralysis of the present provisions of the Constitution as well as adding spurious provisions to it.

I know that at one time in his courtroom days the Senator from Arkansas was a very fine trial lawyer. There is an old courtroom saying that applies to bills of the kind before the Senate. The saying is that the lawyer who came into the courtroom with the most books under his arm usually had the weakest case.

The bills that come before the Senate for consideration that have the most preambles, statements of fact, whereases, and arguments usually have the least constitutional basis upon which to stand. Does not the Senator agree with that statement?

Mr. McCLELLAN. Such practice has always created a suspicion in my mind as to why it was necessary.

A hurried glance at the findings does not reveal a single reference to the Constitution of the United States. There is no reference to the Constitution as the power, but the writers of the findings have found many other things.

We see before us an attempt to usurp power. Such laws as the one proposed violate the spirit and letter of the Constitution. Unless the authority to act stems from the Constitution, Congress has no authority. If that authority is not reposed in the Federal Government but is reserved to the States, then all the findings of commissions, no matter how sordid they might be, would not constitute a basis for legislative enactment. It might well constitute a basis for a constitutional amendment, but not for a statute.

Mr. STENNIS. I thank the Senator again. I commend him for a very fine, logical, and forceful presentation of some basic facts and constitutional law, which has been quite helpful to me and will be to others. I am sure.

Mr. McCLELLAN. I thank my distinguished friend from Mississippi.

Mr. President, there is unlimited material on the question which ought to be discussed. At the beginning of the discussion I believe the leadership said that the Senate would be in session reasonable hours. I assume we have reached a reasonable time to cease today. Indulging that assumption—unless I am mistaken—I am perfectly willing for the leadership to bring this particular day's session to an early close.

Mr. HUMPHREY. Mr. President, it is the desire to adjourn shortly, because many Senators have constituents in the Capitol this evening in connection with the meeting of the chamber of commerce. I appreciate the cooperation of the Senator from Arkansas.

GOVERNMENT SCIENCE FACING CRISIS

Mr. HUMPHREY. Mr. President, before the Senate adjourns I wish to invite the attention of Senators to an editorial that appeared in this morning's issue of the Washington Post in support of more adequate salaries for Government scientists.

Referring to the report of a committee of experts, headed by Allen V. Austin, Director of the National Bureau of Standards, the editorial notes the serious disadvantage of the Federal Government in recruiting and keeping able scientists due to inadequate pay scales.

This committee says that Government science is facing a serious crisis. Of this I have no doubt. From discussions I have had with scientists, in and out of Government, and with Government executives responsible for our scientific programs, I know this to be the case.

Mr. President, this Congress has a responsibility to see to it that salaries for Government scientists, technicians, and professional personnel are increased sufficiently to give them a fair choice between public service and private employment. The Congress has authorized Government programs in science which entail spending hundreds of millions of dollars each year. These programs are of vital importance to our country. It simply does not make sense to authorize these programs, appropriate funds for them, and then refuse to pay salaries adequate to keep the scientists needed to make these programs work.

It is well known that many of the departments of Government have the funds with which to pay qualified people, but the grades under the civil service system do not permit them to pay the amounts felt proper. I think the civil service grades ought to be altered and adjusted in the light of the present situation relating to the demand for scientific personnel. We can expect many of our fellow citizens to make great sacrifices for our Government, but there comes a time when salary schedules and pay become vitally important to a family. I suggest that it would be well for the executive branch and the Congress to review the entire salary structure of scientific, medical, technical, and professional personnel.

We often hear of crash programs in science. I think we need a crash program here in the Congress to see that salaries of our Government scientists and professional personnel are brought into line with private industry. There is no excuse for further delay. Delay can weaken the programs, cripple our scientific endeavors, and thereby weaken our national defense.

The projects cost the Government and taxpayers millions of dollars. The programs are very technical and costly. With inadequate personnel in either quality or quantity, we are in danger of wasting, through inefficiency and improper planning, vast sums of money. If the Congress wishes to save a little money and get a little more out of the dollar it appropriates—or, should I say, out of the billions of dollars it appropriates—I suggest that we start hiring people and paying them on the basis of their ability. When we do so, we will find we have a more efficient operation.

I ask unanimous consent that the editorial I referred to in the Washington Post entitled "Paying for the Best," which states the argument for adequate compensation for scientists very properly and succinctly, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PAYING FOR THE BEST

Scientists are much in demand these days. Industry wants them; research institutes of all sorts want them; the Federal Government wants them. But the Federal Government is at a serious disadvantage in recruiting and keeping the ablest scientists because its salary scales are hopelessly below those of its competitors. This is the principal burden of a thoughtful report by a committee of experts under the chairmanship of Allen V. Astin, director of the National Bureau of Standards. "Government science," the committee says, "is facing a serious crisis."

The Astin committee recommends that the Government establish a salary system competitive with salary systems in private enterprise, that it review and adjust Federal salaries periodically to keep them competitive, that it offer salary rates above the general entrance rate for exceptional ability in connection with particularly needed skills, and that it give "merit increases" beyond the regular step raises for exceptional competence and performance. "A maximum Government salary of at least $25,000 to $30,000 is necessary at this time" for superior research personnel, the committee concludes.

Higher Government salaries for scientists are warranted and needed, we have no doubt. We doubt very much, however, that they will, of themselves, solve the problem. Industry can always raise the ante in this competition, at any rate so far as particularly skilled and desired individuals are concerned. What is necessary is to assure able scientists a salary rate which will enable them to hold their heads up among their peers in private industry, enjoying status and a reasonable measure of the good things of life.

Government employment can offer a number of nonmonetary advantages to scientists. Its top policymaking positions afford a prestige which few nongovernmental posts can match. In a number of areas, besides, Government can offer research facilities and opportunities which are altogether incomparable. The National Institutes of Health, and the National Aeronautics and Space Administration, the Atomic Energy Commission, to cite but a few Federal agencies on the frontiers of science, can give researchers tools and equipment and access to classified information which can hardly be rivaled outside the Government. And to dedicated men of science, these mean a great deal.

The Government could usefully supplement these opportunities by giving its scientists changes for study and growth such as those afforded by the best universities. Government scientists ought to have sabbatical leave in order to pursue studies at institutions concerned with their special interests. One thing more is of major importance, we think. Scientists serving the Government ought to be kept free from the interference of crackpot hunters of heresy who judge scientific capacity in terms of ideological orthodoxy; some of these have been given hunting licenses by Congress which ought to be withdrawn.

The need, in short, is to enable scientists working for the Government to pursue science as freely and as richly as possible. Adequate pay is a vital element. Challenge and opportunity are indispensable corollary conditions.

TRADE AND JOBS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that there may be printed in the RECORD an editorial which appeared in the Minneapolis Star of Tuesday, April 3, 1962, entitled "Trade Equals Jobs."

The editorial relates to the export of commodities from the State of Minnesota. It states:

> A recent Census Bureau study pinpointing the value of products manufactured for export from every State underscores the great importance of foreign trade in our own region.
>
> For 1960, the value of products exported by Minnesota manufacturers was estimated at $176.4 million; for North Dakota, $2.4 million; South Dakota $7.4 million, and Wisconsin, $411.4 million. Total for the four States: $597.6 million.

As the editorial points out:

> Behind those figures are jobs—producing salaries that serve to generate other kinds of economic activity.

It goes on to state:

> In Minnesota alone, according to estimates by the Commerce Department field office, some 80,000 to 90,000 persons are engaged in businesses with foreign trade sales.

It is estimated that we could increase jobs by 350,000 within 5 years if the Trade Expansion Act were approved.

We need those jobs. One of the reasons why I strongly support the President's proposal for an improved and expanded foreign trade program is due to the urgent necessity of expanding our markets, increasing our investment of capital in new goods, and thereby increasing the employment of our skilled and qualified workers.

It seems to me that the President's foreign trade program is one of the most important programs that has been presented to Congress. The longer we delay the more difficult it will be to solve the problem of unemployment.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TRADE=JOBS

> As discussion of the administration's trade liberalization plan proceeds in Congress, there will be recurring assertions that reduced tariffs would hurt U.S. industries and deprive American workers of jobs.
>
> That point is not in dispute as long as it is kept in perspective. For the consequence of lower tariff barriers almost assuredly will be vastly increased sales opportunities abroad and creation of far more jobs here at home than the total lost through tariff reductions.
>
> A recent Census Bureau study pinpointing the value of products manufactured for export from every State underscores the great importance of foreign trade in our own region.
>
> For 1960, the value of products exported by Minnesota manufacturers was estimated at $176.4 million; for North Dakota, $2.4 million; South Dakota, $7.4 million; and Wisconsin, $411.4 million. Total for the four States: $597.6 million.
>
> Behind those figures are jobs, producing salaries that serve to generate other kinds of economic activity. In Minnesota alone, according to estimates by the Commerce Department field office, some 80,000 to 90,000 persons are engaged in businesses with foreign trade sales. At Minneapolis-Honeywell Regulator Co. alone, some 5,000 employees are directly dependent on export sales, President James H. Binger said last month.
>
> Continued growth of foreign trade will be a stimulus, not a deterrent, to expansion of job opportunities at home. (Labor Secretary Goldberg predicts a net increase of 350,000 jobs within 5 years if the Trade Expansion Act is approved.)
>
> But U.S. failure to seize the opportunity to become more competitive on world markets would spell just the opposite—a net decline as other nations took the initiative away from us.

WINNING BACK SOUTH VIETNAM'S RURAL AREAS

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an excellent article relating to South Vietnam, written by Robert Hewett, Minneapolis Star Far East correspondent. He is an international relations commentator and expert, who has traveled widely in the Far East. He is intimately acquainted with the political, economic, and social problems of southeast Asia. He has written what I consider to be one of the most perceptive and revealing articles about South Vietnam's economic problems that I have ever read.

He calls to our attention the basic problem in South Vietnam, in these words:

> It is going to be a slow process. But the deciding factor could well be whether young men and women in South Vietnam's civic action teams can provide the same amount of dedication and hard work toward achieving freedom as that of Communist activists who are trying to establish a Red rule in all of southeast Asia.

Mr. Hewett notes for our attention that military assistance to this area is not enough, even though it is vital. He states with what I think is compelling logic that unless something is done to improve the lot of the individuals in the rural areas, while giving them both economic security and military security, there will be very little hope for the prospect of survival of freedom in that country.

I hope my colleagues in the Senate will find the time to read about what is known as Operation Sunrise. As Mr. Hewett points out, Operation Sunrise, which is our best hope, may be very difficult to achieve. This is the sort of challenge that faces our Government and our allies. Whenever we hear about South Vietnam, we hear about helicopters and military missions and vast amounts of economic and military aid. We seldom hear about the people involved and what they are up against, and how difficult their lot has been. We seldom hear why the Communists have been able to make as deep a penetration in this country as they have. One of the reasons is laid out quite explicitly in this article; namely, that the peasantry has been harassed by the Communists, to be sure, but also by inefficiency in the local government and in the Central Government of Saigon, and has been harassed also by economic problems which are beyond their control.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAN WE WIN BACK SOUTH VIETNAM'S RURAL AREAS?

> (EDITOR'S NOTE.—In cabling the following article, the Star's Far East correspondent apologized for its length but added that he believes Operation Sunrise may prove the "most significant" story out of South Vietnam in the present stage of the war there. It will, he added, "have a direct bearing on whether American aid turns out to be a success or a flop.")
>
> (By Robert Hewett)
>
> SAIGON.—The old men looked on sullenly. They wandered listlessly among the scanty piles of hastily gathered personal possessions—rickety tables here, a box of crude kitchen pans there. The women squatted stolidly before their cooking fires, stirring boiling rice pots and clucking like mother hens at broods of children swarming underfoot.
>
> A teenage, white-clad Vietnamese nurse carefully swabbed antiseptic in the swollen eyes of a baby squalling in its mother's arms.
>
> Litters of pigs—peasants' most valuable asset—squirmed contentedly in the dust among piles of battered furniture. The pigs were the only sign of contentment in all of the sprawling collection of temporary communal huts, little more than 150-foot-long sunshades hurriedly built of palm thatch roofs propped on poles without sidewalls.
>
> About 850 people—more than half of them small and mostly naked children—looked like refugees from an earthquake as they wandered about last week in bewilderment and obvious fear of the future.
>
> All had lost their homes and the little farm plots where they had scraped out a miserable hand-to-mouth existence for as long as they could remember.
>
> There were the little people, caught in the middle of the vicious, ruthless war being waged today in South Vietnam.
>
> It is war between experienced fanatical Communist guerrillas supplied and directed from Red-ruled North Vietnam and the anti-Communist government of President Ngo Dinh Diem, which is supported by massive American economic aid and growing numbers of American military advisers and American weapons ranging from helicopters to hand grenades.
>
> This grim example of dislocated lives is taking place in an isolated area of rubber trees, rice paddies, and teak forests only 40 miles from Saigon. The new village of Ben Tuong (translation: elephants wallow) is in the center of an area which has been physically ruled by a Communist guerrilla organization known as the Viet Cong since about 1948.
>
> Ben Tuong, miserable as it is in its birth pangs, is vitally important because its creation marks the start of new top-priority campaign by which the Diem government—and its American advisers—hopes eventually to break the back of Communist guerrilla domination of the rural areas.
>
> A key step, it was reportedly inspired by Defense Secretary McNamara, to provide a better and more secure life for Vietnam's Communist-harrassed peasants.
>
> There is plenty of heartbreak and frustration ahead for the little man, but without that emphasis on peasant improvement and support, purely military operations against Viet Cong can only be repetition of the long, bloody struggle in which crack French troops finally had to confess defeat 7 years ago.
>
> The forcible relocation of more than 800 people in Ben Tuong is the beginning of Operation Sunrise, a plan devised by American military and civilian advisers and executed by Vietnamese themselves. As the idea spreads, it is hoped more peasants will cooperate and regroup themselves voluntarily, but as of now they have no say in the matter.
>
> When Operation Sunrise is completed in about 3 months, it is hoped that 85 percent of more than a million peasants in 10 provinces just north of Saigon will be regrouped in fortified hamlets—and that Communist guerrillas will no longer control, through force and subversion, this strategic central rural sector that runs from the Cambodian border to the South China Sea.

It is an ambitious plan and by no means certain of success, but it is a real hammer blow against Communist organization.

In the past the American-supported Vietnamese army would sweep a given area and sometimes kill or capture a few Communist guerrillas. But when army troops had moved away to another operation, Communists would return and resume control of the scattered villages, taking revenge on any unfortunate peasant who might have helped the Diem Government forces.

Operation Sunrise, in which U.S. Army and U.S. Information Service (USIS) psychological warfare specialists are working closely with Vietnamese Government officials, has three main objectives:

1. To isolate, by force if necessary, the mass of the rural population from Viet Cong guerrilla fighters. The Communist organization in the Ben Tuong area has been collecting taxes, requisitioning food and recruits and conducting intensive Red indoctrination among peasants who were powerless to resist, even if they wanted to do so.

2. To establish the Diem Government's presence at the village level for the first time and to counter Communist indoctrination. It has long been unsafe for government people except heavily armed military units to enter the Ben Tuong area.

3. To provide a base for the establishment of a better and more secure life for peasants all over the country. American economic aid emphasis is now being placed in this field after years in which the Dien Government had concentrated most foreign aid in urban areas and neglected the countryside because of the security problem.

There is nothing startlingly new in the program envisaged in Operation Sunrise. The British developed such regroupment tactics in finally crushing Communist guerrilla action in Malaya after 10 years of fighting—though Red action in South Vietnam is far stronger and more easily supported from outside than it was in Malaya.

However, planning such a drastic shakeup involving inevitable hardships in the lives of millions of people is one thing, and execution of such a plan is quite another matter in the life and death struggle with hardened Communist cadres schooled in the guerrilla tactics of Red China's Mao Tse-tung and reinforced by infiltrators from North Vietnam.

The plan for the very first action in Operation Sunrise started March 22.

It called for about 1,500 regular Vietnamese army troops more or less to surround and sweep nearly 75 square miles in the Ben Tuong area to catch and fight any overt Viet Cong warriors. This in itself is difficult because all a guerrilla fighter has to do to pose as an innocent peasant is to bury his rifle—they all dress alike.

And, as so frequently happens in South Vietnam, the Viet Cong had been tipped off in advance about army encirclement. The result was that as the army closed in only two Viet Cong guerrillas were encountered and killed. Three army soldiers were wounded. The worst setback was that almost all of the young men of military age had fled, obviously with Viet Cong forces. It is a mistake to assume that all who fled were Communist-indoctrinated. Some obviously are, but a favorite Viet Cong "recruiting" device is to force young men to join up, either as fighters or supply carriers, by threats to murder either them or their families. As has happened in the past, some of those who fled with the Viet Cong will undoubtedly return to their families when they can safely slip away.

The hardest job, from the humane standpoint, then followed. There were six small hamlets, clusters of a few houses in each, and scattered farms throughout the 75-square-mile area. To isolate residents from the Viet Cong meant that all people in the area must be moved to a preselected spot where a "fortified village" will be built—surrounded by barbed wire and a moat, with sharpened bamboo stakes to serve as defense against Viet Cong attacks—remindful of the stockades used by early American pioneers against Indian attack.

Their main purpose is for organized defense but obviously also such regrouping makes it easier to control a hitherto scattered populace and to keep them from contact with Communist guerrillas.

In the long run, Vietnamese peasants will be better off in every way by living in regrouped, larger villages—as has been proved in Malaya. Schools, health centers and community services can be provided to people who never had them before. In the new villages the people have some measure of security for the first time in 15 years.

But the short-term wrench is like a surgical operation; and like a surgical operation it hurts despite all the inducements the Government is offering.

Each family is to be given thatch and lumber poles to build traditional style peasant houses. Rice, the staple food, will be provided until the next harvest. Each family will be given 1,500 piasters (about $20) as compensation for loss of their previous home and any furnishings they were obliged to leave behind.

And each family will be given 2½ acres, outside the barbed wire stockade, which they can clear and farm as they wish. Agricultural cooperatives will provide farm credit.

Twenty dollars may not seem much to an American but few Vietnamese peasants see that much cash in a year. And a 2½-acre plot is about average by Vietnamese subsistence farming standards.

It should be emphasized that burning the abandoned houses—to deny readymade shelter to the Viet Cong—is not as wantonly destructive as it might seem to a casual Western observer. Average Vietnamese peasant homes are made of woven reeds daubed with mud and must be rebuilt completely every 2 or 3 years at little expense except personal labor.

But the outlined compensation is still a plan, rather than a fact. When I visited Ben Tuong last week, 7 days after troops had swooped down and started the forced migration, only rice had been distributed and a few families had been given palm thatch to start their new homes.

The government civil servant in charge said the rest would come later. It seems that checks on loyalty (to the Diem government) must first be carried out. Then, the official explained, cash compensation will be paid in installments of 500 piasters, and land also will be distributed on the installment plan.

The first loyalty check was whether families had moved to Ben Tuong site voluntarily. Seventy families apparently had, and were given thatching immediately. The other 135 families would not move until forced to do so by the army, and these are housed temporarily in the long communal structures.

The job of acclimating the population to their new homes has been given to newly formed civic action teams made up of health workers, teachers, and farming specialists as well as civil guardsmen to help organize local self-defense corps.

The United States is paying most of the bill for Operation Sunrise, but whether Operation Sunrise succeeds or fails depends mainly on the day-to-day work of the Vietnamese Government's own "civic action" teams, the tangible link between the displaced peasants and the Government of which they have rarely heard except from Communist propaganda.

Unlike the British in Malaya's guerrilla war, where colonial officers could order action and directly command, American advisers can only plan and suggest—work must be done by the Vietnamese. In the long run this will be a source of strength because it's up to the Vietnamese to run their own country.

But like other undeveloped countries, South Vietnam is woefully short of trained people, and it is going to be difficult to get enough health, education, public works, and agricultural specialists as well as just plain civil service administrators to run the new villages in a way which can carry out the promise of a better life for the "little man" and destroy the appeal of communism.

It's going to be a slow process. But the deciding factor could well be whether young men and women in South Vietnam's civic action teams can provide the same amount of dedication and hard work toward achieving freedom as that of Communist activists who are trying to establish Red rule in all of southeast Asia.

COMMUNIST AID IN PERSPECTIVE

Mr. HUMPHREY. I wish to invite the attention of Senators to a development that took place in the Soviet Union recently which to my mind is of great significance.

In announcing the makeup of his new Cabinet on April 25, Soviet Premier Khrushchev stated that one Michael Lesechko had been appointed "Chairman of the U.S.S.R. Council of Ministers Commission for Foreign Economic Affairs." This, Mr. President, is a development of some significance. What it appears to mean at first glance is that the Soviet Union's foreign aid and foreign trade program has become so big—and is considered so important by the Kremlin leadership—that it has been placed under a kind of superminister who is in direct contact with the inner Cabinet circle around Khrushchev.

In other words, the Soviet Union has set up its foreign aid program as an integral part of its overall national security program and its overall program of economic penetration in other areas of the world.

The Russians have discovered that impractical visionaries and lower level bureaucrats cannot design and implement an effective, comprehensive foreign aid program.

They have therefore reached out and obtained what they consider to be their best in terms of qualified administration and administrator. Furthermore, they have given that administrator a central position inside the Government. He is not an underling to the Minister of Foreign Affairs. He is in the very center of the governing force of the Kremlin.

They have learned that planning, programing, budgeting of funds, coordination of activities, training and assignment of personnel for foreign economic ventures is vital and demanding Government business. In the Soviet Union, as in the United States, foreign assistance programs need the planning and organizational talents of the best administrators.

I pause to point out that I believe Mr. Hamilton, the head of our foreign aid agency, is doing a fine job. He is a good administrator. He is painstakingly, carefully, and prudently bringing into his agency qualified and trained administrators. It is vital that that be done.

What does this development in the Soviet Union mean to the United States? Without either minimizing or exaggerating Khrushchev's announcement, I think it means the problem of mounting Soviet aid to the underdeveloped countries is going to be with us for a long time. The shrewd Kremlin strategists are plotting a long-term foreign aid offensive as an integral part of their growing penetration of foreign markets. The combined Soviet trade-and-aid offensive is a vital ingredient of Khrushchev's much-vaunted policy of peaceful coexistence with the rest of the world.

Mr. Khrushchev still has the same design and the same intention, namely, the expansion of the Communist-Socialist system to vast areas and other larger areas of the world, until, as he puts it, the Soviets will bury us by their system, or until communism reigns supreme in the world. He seeks to do it by a many-pronged attack. One of these prongs is the Russian foreign aid program, as a part of their total economic penetration of new areas and new markets.

I have said many times that we face competition from the Common Market. That is a friendly type of competition. What I am discussing is even more severe competition, from the Sino-Soviet bloc. We ought not to underestimate it. That economic competition is deep economic competition, which is used ruthlessly to upset and take over markets.

Here in the United States, Mr. President, we have many misconceptions about the effectiveness—or, conversely, the total inadequacy—of Soviet aid when compared with our own. Every week I receive letters asking if I have read Mr. Lederer's "A Nation of Sheep." The writers usually demand a purge of U.S. diplomatic personnel, who allegedly swill cocktails and push cookies while their Soviet counterparts are sharing the rude fare of underdeveloped peoples abroad and speaking exotic languages like natives. Along with this clearly overdrawn picture goes an opposite misconception of the Russians as inveterate bunglers overseas—as peasants just off the kolkhoz who dump petrified cement on Burmese wharves and who wield left-handed monkey wrenches with little or no proficiency.

We seem to be the victims of violent extremes.

In his recent testimony before the Committee on Foreign Relations, a leading official of our own aid agency, Mr. Frank M. Coffin, tried to correct these distorted views of Soviet aid efforts. In a series of vivid, but factual and objective statements, Mr. Coffin put this question into perspective. If I may summarize his conclusion, they are: First, the Soviet aid program is growing and dynamic; second, it is important to the recipient countries; third, it is not restricted to so-called showpiece projects but is largely channeled into projects of direct benefit to the recipient country; fourth, despite many examples of substandard equipment and faulty installation, Soviet equipment is "adequate to do the job for which it is intended" and is welcomed by the recipients; fifth the Soviet leadership apparently feels so strongly about the importance of foreign aid that it will be expanded, despite pressing economic priorities at home.

The Soviet foreign aid goes to countries which are not always friendly to the Soviet Union. For example, the Soviet Union continues to give aid to the United Arab Republic, which in recent years has been strongly critical of the Soviet Union and, indeed, of the Communist organization.

But, Mr. Coffin concludes, the Russians are by no means 9 feet tall. He seeks to put them in their proper perspective.

In the first place, the United States offers in the long run more favorable interest rates and amortization schedules than does the Soviet Union. Second, "the Soviets have run into the same difficulties in performance that we have" in implementing projects and in expending committed funds. Neither they nor we feel like pouring money into a country when the recipient country cannot immediately absorb a sudden influx of aid. Third, and perhaps most important, the "ugly Russian" exists and is even uglier than the legendary "ugly American." I am sure we recall the book entitled "The Ugly American."

The Russian bloc technician lives in self-designed ghettoes abroad, mixes poorly or not at all with the local population, complains of native living conditions, and has serious language difficulties.

Mr. Coffin levels out some of the extremes of either the overextravagant praise of Soviet capacities or the depressing and real misrepresentation of the inadequacies of the Soviet program.

Surely this is a more balanced picture than we are accustomed to seeing or reading about in some of the columns or journals that are essentially hostile to a rational, well-conceived foreign aid program. We need to see the problem in the cold, objective light of Mr. Coffin's testimony. For, as he says in his conclusion:

> The Russians are by no means 9 feet tall, but neither are they midgets. They have their problems, as we do. They make mistakes, they run into implementation difficulties, they struggle with language barriers, they are not 100 percent successful, or anywhere close to that perfect figure. The governments of the newly developing countries on the whole would probably rather have all their needs filled from Western sources * * * But at present, when the overall need for aid is so great, the [Sino-Soviet] bloc is a force and an influence which we cannot ignore and with which we must reckon in our dealings and discussions with the countries of the less developed areas.

I ask unanimous consent to have printed at the conclusion of my remarks the statement by Mr. Frank Coffin, Deputy Administrator for International Development, as delivered before the Committee on Foreign Relations on April 12, 1962. Mr. Coffin's statement is entitled "Sino-Soviet Bloc Aid: Myths and Facts." I wish it could be read by every American, because Mr. Coffin has laid at rest many of the myths and much of the fiction which exists about the Soviet Union and its foreign aid program and has given, instead, a balanced presentation and analysis.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SINO-SOVIET BLOC AID: MYTHS AND FACTS

(Statement of the Honorable Frank M. Coffin, Deputy Administrator for Program, Agency for International Development, before the Senate Foreign Relations Committee, April 12, 1962)

The Sino-Soviet bloc aid program is now in its 7th year. It was in 1955 that the Soviet Union, its satellites and Communist China followed the example of the United States by extending long-term credits and grants to the newly developing countries of the free world. The past 7 years have seen a sizable growth in the size and scope of the bloc aid program. They have also seen a sizable growth in the number of myths, misconceptions, and misimpressions that surround the program's operations. Much has been spoken and written on the subject, but for some reason most of what has been said has tended to center around two opposite poles of comment. On the one hand, the bloc gets virtually nothing but gold stars for aid efficiency, performance, and impact. This line of comment has no room for the "ugly Russian." Bloc technicians are portrayed as multilingual; they know the country they work in and mix in perfect harmony with the local population. On the other hand, the bloc aid program gets nothing but brickbats. This line holds that bloc aid is long on promises but short on follow-through. Commitment values are inflated, bloc goods are shoddy, the aid goes mostly for showpiece projects of little intrinsic economic worth. The program is limited to a handful of countries; it made a big initial splash but is petering out, and so forth.

After 7 years, I think we now have a better awareness of what the bloc is doing. We have gained enough knowledge of bloc operations to put their aid program in correct perspective. I should like to devote the discussion today to dispelling some of the myths, both good and bad, that have arisen around the bloc program so that we can all have a more realistic picture of what we have to deal with.

Myth: The bloc program started off with a big splash of publicity and many promises of large-scale aid, but the initial impact has worn away and the program has fallen off in the last few years.

Fact: Bloc aid commitments have risen steadily since 1955. Communist bloc aid to nonbloc countries in the less developed areas reached an estimated total of some $6.5 billion by the end of 1961—about $4.5 billion in economic credits and grants and about $2 billion in military aid. Economic aid commitments alone have averaged about $1 billion annually for the past 3 years. The Soviet Union is the largest supplier, providing over 70 percent of the total. The European satellites account for about 20 percent and Communist China for less than 10 percent.

Myth: Bloc aid goes to only a handful of countries and is really overplayed in terms of its worldwide effect.

Fact: It is true that some seven countries account for about 80 percent of total bloc economic and military aid. Those seven are Afghanistan, Cuba, Egypt, Indonesia, India, Iraq and Syria. However, substantial amounts of aid are going to many other countries. Some 28 nations are now listed as bloc aid recipients, and the list is constantly growing. Last year four new countries were added: Cyprus, Mali, the Somali Republic, and Sudan. The bloc is expanding its program in Africa and in recent months has been pushing harder in the Latin America Republics. In all probability, we shall see the bloc aid list continue to lengthen.

Myth: The whole bloc aid program is overvalued. Commitments are converted into dollars at unrealistic official rates. The true worth of the program is only a fraction of the $6.5 billion figure.

Fact: Most bloc agreements spell out the fixed gold content of the currency in which the aid is valued, whether it be rubles, pounds, rupees, dinars, or repiah, so that there is no question of inflated official rates. In many cases, the value of the aid agreement is denominated directly in dollars. The figures of $4.5 billion in economic aid and $2 billion in military aid are fairly realistic valuations of the bloc commitments to date, but it should be noted that there is room for overpricing in the bilateral negotiations on particular projects and technical services. In general, it appears that the prices for machinery and construction conform to those prevailing in the free world, although there have been notable instances—in Afghanistan, Indonesia and Iraq for example—where countries have complained about overpricing and price hiking after terms had been agreed upon. Recently, Ghana complained strongly that the Soviets were charging far too much in maintenance and salary costs for their aid technicians.

Myth: The bloc gives easy credits on terms much more favorable than the United States.

Fact: It is true that bloc interest rates tend to be generally lower than those of the United States. However, there are a number of significant offsetting factors that should be taken into account. U.S. loans usually carry longer amortization periods than bloc loans. Thus, annual payments on U.S. loans tend to be lower and can be met with less strain than payments on bloc credits. Moreover, the longer repayment schedules for U.S. loans mean that the recipient country will have more time to expand its productive capacity and to improve its ability to pay before fully discharging its debt. Finally, low bloc interest rates must be considered in the context of the negotiated price arrangements that apply to the assistance agreements. There is sufficient flexibility in the terms of those agreements to make it possible for the bloc to compensate for its low interest rate.

Myth: Most bloc aid goes for showpieces which make a big visual impact but are of little real economic worth to the recipient country. Projects are papier mache, nice to look at but without substance.

Fact: More than half the value of the $3 billion worth of bloc projects thus far identified is for expansion of the industrial sector of the recipient countries' economies. Projects in this sector include not only such heavy construction as the Bhilai steel mill in India, but a whole variety of industrial installations, large and small: cement plants, textile mills, sugar refineries, assembly plants, machine-tool factories of all types, farm-tool factories, bicycle and tire plants, fruit canneries, electric bulb, and pharmaceutical factories and even small nuclear reactors.

About 15 percent of the $3 billion of agreed-on projects goes for transportation and communications: highways, ports, airfields, bridges, and railroad projects. Twelve percent goes for multipurpose hydroelectric power projects such as the Aswan Dam in Egypt and smaller powerplants; 11 percent for mineral exploitation, especially petroleum development in Afghanistan, India, and Pakistan. Less than 3 percent of bloc economic aid goes for the type of showpiece projects represented by the hotel in Burma, or the Asian games stadium in Indonesia, or the various gift hospitals that are a part of so many bloc offers.

Myth: The Soviets execute their programs with jetlike speed, making the U.S. programs seem snaillike by comparison.

Fact: Perhaps the best way to put this claim in correct perspective is to note that out of the $4.5 billion in economic aid commitments to date, only about $1 billion or less than 25 percent has so far been expended. Bloc expenditures were at a peak in 1961, totaling some $300 million, but at the rate of $300 million a year it would take another 10 years to exhaust the present unexpended balance, even if no new commitments were made. However, I think we can expect the rate of expenditure to speed up considerably as surveys are completed and more and more projects move into the implementation stage.

It is true that in several cases, especially where the political stakes were high, the Soviets have moved ahead rapidly to carry out their program. We saw this in Afghanistan in the road-paving, bakery, and silo projects. But in the overall picture, it seems that the Soviets have run into the same difficulties in performance that we have: transportation problems, material shortages, lack of expertise and skills in the recipient countries, shortages of local currency, and similar impediments. In some countries, bloc implementation has moved at a creditable rate—in Afghanistan and Yemen, for example, where roads, airfields, ports, and several factories have been completed. In India, the U.S.S.R.-built Bhilai mill at Madhya Pradesh is now producing at the rate cf 1 million tons of steel annually; the plan is to expand output to 2.5 million tons a year. Czechoslovakia has completed a number of cement and sugar plants at Assam and Madras. In other countries, however, the programs have barely gotten off the ground despite the age of the commitment. This is true in Ethiopia, in Indonesia, and in Iraq. There are many countries where longstanding umbrella credits have not yet been obligated because of the inability of the bloc and the recipient country negotiators to reach agreement on specific projects.

Myth: The bloc gets rid of its obsolescent equipment through its aid program. Military aid equipment in particular is outmoded and of no further use to the Soviet Union.

Fact: In general, bloc equipment and construction materials, while in most cases below Western standards of quality, tolerances, and finish, appear adequate to do the job for which they are intended. There have been many instances, however, where bloc equipment has caused considerable difficulty and significantly delayed progress on individual projects.

Russian drills have been a particular object of complaint. In India, the petroleum exploration program has suffered a number of setbacks because of the poor quality of the bits on Soviet turbodrills. The bits wear out after only a few feet of drilling. Drilling rigs are antiquated, heavy and hard to handle. Argentina has also found Soviet oil-drilling bits unsatisfactory. Drilling equipment used at the Aswan Dam in Egypt is reported to be of inferior make, accomplishing only a fraction of the work that similar Western-type equipment could do.

A Czech-built cement plant in Afghanistan reportedly did not turn out too well. The cement apparently was of such poor quality that it could not be used for Soviet airfield construction at Bagram so that the Afghans were forced to import cement from the Soviet Union.

Egypt received a large number of diesel locomotives from Hungary which turned out to be inoperable because of faulty assembly, inadequate inspection, and damage in transit.

The stories in Indonesia of the continually failing East German sugar mill and the 4,000 jeeps with defective windshields and steering gears are already familiar.

Soviet aircraft have proven more expensive to operate and maintain than comparable Western planes. Nor are they as satisfactory from safety and performance standpoints. Cabin pressurization is faulty, take-off speeds too slow and landing speeds too fast. Soviet IL–18's have frequently crashed and eventually had to be grounded.

The story on bloc military aid is similar—generally satisfactory but with several exceptions. While it is true that many of the items delivered may be obsolescent by advanced Soviet standards, it is nonetheless a fact that those items are a desired and welcome addition to the military establishments of the recipients. Even so, not all of the equipment is outmoded, by any standards. Russian aid includes late model T–54 tanks, TU–16 jet bombers, MIG–19 and even MIG–21 jet fighters. Some short-range tactical missiles are also reportedly being delivered.

Here, too, there have been quite a few instances of defective equipment being received. Bloc naval vessels sent to Indonesia were not designed to operate in hot climates and have broken down frequently. Compressors have gone bad because of overheating. Spare parts have been unavailable, so that many ships have been rendered inoperable for long periods.

All in all, however, it appears that such deficiencies have not been major obstacles to the bloc aid program as a whole. Recipient countries complain, argue, bargain, and adjust, but desirous, and in some cases desperate, for more aid, they continue to move ahead with the bloc on project agreements and new aid commitments.

Myth: Countries are not overrun by large numbers of bloc aid personnel. There are no "ugly Russians" among bloc technicians working abroad. Bloc technicians mix well, cause little friction, and stay out of trouble.

Fact. Actually there are probably more bloc aid technicians in their 28 aid-recipient countries than there are U.S. Government technicians in the 80-odd countries to which we give aid. A major reason is that the bloc aid program is more heavily project-oriented than is our own program at present, so that more people are needed to survey, plan, supervise, and construct. Of course, this comparison does not take into account the technicians of private U.S. companies abroad or those of other Western nations.

It is estimated that about 8,500 bloc economic technicians were working in the less developed countries during the last half of 1961. This was a 30-percent rise over the number in 1960. There were nearly 2,000 technicians in Afghanistan, over 700 in Egypt, over 500 in India and large numbers in Guinea, Yemen, Iraq, Syria, and Indonesia. While in general Soviet personnel appear businesslike and competent, although too narrowly specialized, there have been a number of instances where the Russians have gotten out of line—too much drinking, gross rudeness, dissatisfaction with local living conditions, and racial friction. Recently in one country, two Russians, evidently the worse for vodka, accosted a lady in the street and tried to follow her into her house despite the loud protests of her husband. They were saved from a beating by an indignant crowd of local citizens only by the timely arrival of the police.

There has been a recent report that several Russian technicians were caught smuggling diamonds in coffee bags while supposedly working on mining projects in Guinea.

From all evidence, Soviet technicians do not mix well. They keep pretty much to themselves, living in self-contained enclaves, keeping their own schools, and shying away from social invitations. They do like to shop in the bazaars and marketplaces, however, and they are known, not too kindly, as very hard bargainers and very frugal tippers.

Myth: Russian technicians speak the local languages fluently and are thus able to get along better with the people of the country they are working in.

Fact: Bloc aid personnel usually have not had language training, but propaganda has exploited exceptional instances in order to create an impression that bloc countries have available large numbers of language-trained technicians. There are some reports of bloc technicians speaking fluently such languages as Hindi, Persian, Pushtu, and Farsi, but proficiency in foreign languages is the exception rather than the rule as far as bloc aid personnel are concerned. By contrast, it appears that bloc diplomatic personnel are generally well trained in the language and culture of the country to which they are assigned. Diplomatic officers reportedly receive a bonus of 10 percent of their base salaries for competence in European languages and 20 percent for exotic languages.

Reports indicate that bloc technicians occassionally attempt to learn the language of the area of their assignment, but that usually they are content to depend upon their own and foreign translators. Interpreters are an integral part of the Soviet technician team. A few bloc technicians may be competent in the second language of an area, such as English in India, but in general it appears, on the basis of available evidence, that bloc aid personnel probably encounter greater difficulty than American personnel in overcoming language barriers. In Burma, for example, it has been reported that American personnel are at an advantage because of the prevalence of the English language, whereas most bloc personnel have to be accompanied by interpreters. In Iraq, the Russians have encountered great difficulty with Arabic, and they are short of interpreters.

Myth: The U.S.S.R. cannot afford to continue an aid program of over a billion dollars a year to the free world, especially since it is also giving substantial amounts of aid within the bloc to the satellites and to North Korea and North Vietnam.

Fact: Despite heavy demands at home for military spending, the space effort, and domestic investment, the Soviet leadership apparently feels strongly that it is in its national self-interest to carry the added burden of foreign aid commitments, both within and outside the bloc. Soviet aid to other bloc countries is estimated at some $6 billion since 1955. Aid commitments to the newly developing nonbloc countries have recently been about a billion dollars a year. Together, Soviet aid to the bloc and nonbloc countries represents on the order of 1 percent of Soviet gross national product, about the same proportion as our own but from a smaller base. It should be noted, however, that although commitments are substantial, actual deliveries are spread over a period of years so that the real drain on Soviet resources is somewhat reduced at present. Undoubtedly requirements of the Soviet aid programs have caused short-run strains in certain sectors of Russian industry, especially in the case of capital equipment. Shipments of complete plants, such as sugar and oil refineries or cement mills appear to have caused some difficulties but not major ones. Similarly, requirements for such major products as the Bhilai steel mill, the Aswan Dam, and the oil refinery in Iraq have sometimes conflicted with bloc internal needs, but these conflicts are not judged to be of a serious nature.

The foregoing points, I feel, give us a fairly clear picture of what sort of competition we have to deal with in the foreign-aid field. The Russians are by no means 9-feet tall, but neither are they midgets. They have their problems, as we do. They make mistakes, they run into implementation difficulties, they struggle with language barriers, they are not 100-percent successful, or anywhere close to that perfect figure. The governments of the newly developing countries on the whole would probably rather have all their needs filled from Western sources. They would rather have Western goods and Western aid. Most of them know that bloc aid is based on the strictly political motives of the moment. Most of them are aware, although apparently some still have much to learn, of the serious risks of political subversion when they deal with the bloc, of dangerous dependence on bloc sources and markets which can be cut off at will, of critical spare parts difficulties, of pricing, cost and repayment problems. But at present, when the overall need for aid is so great, the bloc is a force and an influence which we cannot ignore and with which we must reckon in our dealings and discussions with the countries of the less-developed areas.

ADJOURNMENT

Mr. HUMPHREY. Mr. President, if there is no further business to be transacted, I move that the Senate adjourn, under the order previously entered, until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 55 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Tuesday, May 1, 1962, at 12 o'clock meridian.

CONFIRMATION

Executive nomination confirmed by the Senate April 30 (legislative day of April 27), 1962:

MISSISSIPPI RIVER COMMISSION

Col. Carroll H. Dunn, Corps of Engineers, to be a member of the Mississippi River Commission, under the provisions of section 2 of an act of Congress approved June 28, 1879 (21 Stat. 37) (33 U.S.C. 642).

EXTENSIONS OF REMARKS

A Sensible Plan for Parking in the Nation's Capital Which Could Save the Taxpayers a Million Dollars

EXTENSION OF REMARKS

OF

HON. CARROLL D. KEARNS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1962

Mr. KEARNS. Mr. Speaker, a sensible plan for parking in the Adams-Morgan area in uptown Washington, D.C., which could save the taxpayers a million dollars is being strongly urged by a small businessman, Joseph Elansky, proprietor of Wayne's Delicatessen on Lanier Place NW.

The parking congestion on Columbia Road, largely caused by two attractive chain stores, Giant, and Safeway, has been studied for more than 2 years by the National Capital Planning Commission and the District of Columbia Redevelopment Land Agency. They have come up with a plan which pleases the citizens, but displeases some of the members of the Land Use Subcommittee of the Adams-Morgan Planning Committee. The Land Use Subcommittee is demanding that parking be provided by the Government at the rear of the Giant and Safeway stores, which would destroy fine homes on the south side of Lanier Place, and replace them with a two-level parking facility. The purchase of these homes and the building of a parking facility, as proposed, would cost the Government $1 million.

Joseph Elansky is a small businessman who makes money the hard way by working 14 hours every day, 7 days a week. He insists that the Lanier Place homes be saved, and that Giant and Safeway provide roof-top parking over their one-story shops by private financing, just as the Sears, Roebuck and Hechinger stores on Wisconsin Avenue have done. He finds it hard to understand why the Government and taxpayers like himself should pick up the tab for private parking for rich and powerful chainstores like Safeway and Giant. Joe Elansky points out that the Giant and Safeway stores draw shoppers away from other stores all over town and in the suburbs, and that they should pay for their own parking and not try to put the burden on the poor taxpayers who have got all the tax burdens they can carry already.

Mr. Elansky fully supports the recommendations of the homeowners of Lanier Place who have organized the Lanier Place Protective Association to work for sound housing proposals, and to save their homes.

The Lanier Place Protective Association also has called attention to the rooftop private parking provided by the Sears, Roebuck and Hechinger stores on Wisconsin Avenue in the District of Columbia and makes the following points in its case for similar rooftop parking on Columbia Road:

> The parking congestion on Columbia Road is caused by the Safeway and Giant stores. Both are very powerful chainstores, and both have access to unlimited financial resources.
>
> Sears, Roebuck at Wisconsin Avenue and River Road, and the Hechinger store at 4555 Wisconsin Avenue NW., provide parking on their roofs and have done so under private financing.
>
> It does not make sense to destroy homes on Lanier Place to provide parking for such powerful chainstores as Safeway and Giant with the aid of the eminent domain powers of the Federal urban renewal program. These powerful stores could easily provide more convenient parking on their own roofs on Columbia Road.
>
> The one-story business establishments on Columbia Road do not, obviously, provide

efficient and economical use of the vast land area they occupy. Rooftop parking would be much more efficient and economical use of this land.

Certainly the city's planners should be able to plan equally as well as the architects and engineers who made the privately financed parking at Sears, Roebuck and Hechinger's possible.

The Lanier Place Protective Association states that the Adams-Morgan Planning Committee and its Land Use Subcommittee, which are urging that the homes on Lanier Place be destroyed for parking, are not truly representative of all the citizens of the Adams-Morgan area, and, furthermore, have denied representation on the Adams-Morgan Planning Committee to the Lanier Place Protective Association.

The Lanier Place Protective Association also states that three or four businessmen, who have bought fine homes on the south side of Lanier Place and let them decay, have been given a disproportionate voice in the Adams-Morgan Planning Committee by the District of Columbia Redevelopment Land Agency and the National Capital Planning Commission. In the Adams-Morgan Planning Committee these few businessmen are demanding that all property in the Adams-Morgan area be upgraded. The Lanier Place Protective Association, meanwhile, strongly urges that these three or four businessmen begin this upgrading operation with their own decaying property on Lanier Place which, when they bought it, was in excellent condition.

The National Capital Planning Commission and the District of Columbia Redevelopment Land Agency should immediately investigate this situation. It is the duty and responsibility of these two Federal agencies to make certan that all of the homeowners, and not just three or four businessmen, from the affected block of Lanier Place are represented on the Adams-Morgan Planning Committee. This is so because these Federal agencies helped organize the Adams-Morgan Planning Committee and have given it official status to work with them in the development of the urban renewal plan for the Adams-Morgan area including Lanier Place. These two Federal agencies have publicly vouched for the fully representative character of the Adams-Morgan Planning Committee. Certainly the Lanier Place Protective Association has as much right to be represented on the Adams-Morgan Planning Committee as do any of the other block groups which are represented on it. The National Capital Planning Commission and the District of Columbia Redevelopment Land Agency have both been delinquent in their duties and responsibilities by not requiring that all of the Lanier Place homeowners between Ontario Road and Adams Mill Road—where the parking lot would be located—be represented on the Adams-Morgan Planning Committee.

These two Federal agencies must now, to make sure that justice and equity are accorded all the homeowners on Lanier Place between Adams Mill Road and Ontario Road, take extraordinary steps to see to it that the homes of these citizens are saved from the bulldozers. It is a matter of public record, notably in the preliminary draft plan presented to the National Capital Planning Commission on June 16, 1960, that the homeowners on Lanier Place voted overwhelmingly for urban renewal and for the rehabilitation, renovation, and restoration features of the proposed Adams-Morgan urban renewal project. At the same time they overwhelmingly rejected the proposal made by three or four businessmen—who bought homes on Lanier Place and promptly converted the rear areas of these fine homes, in spite of residential zoning, to parking lots—that all of the homes on the south side of Lanier Place between Adams Mill Road and Ontario Road be destroyed for parking purposes.

The National Capital Planning Commission and the District of Columbia Redevelopment Land Agency are to be commended highly for that part of their official plan which calls for saving the Lanier Place homes, but they owe all of us a public explanation of why they have consistently favored three or four homeowners on the south side of Lanier Place, particularly with regard to representation on the Adams-Morgan Planning Committee with which they have maintained official connections for more than 2 years.

The plan of the Land Use Subcommittee of the Adams-Morgan Planning Committee is under attack from another quarter because it proposes that fine homes on the north side of the 1700 block of U Street be torn down and be replaced by public housing, a proposal which many competent observers consider morally wrong, and an utterly indefensible recommendation which could only result in the misuse of public funds. Homeowners in the 1700 block of U Street are, in the main, professional people, and they have justifiably complained that even if fair market value is paid for their property it will not give them enough money to buy suitable replacements.

The Midway Civic Association, which ably represents the homeowners of the 1700 block of U Street, strongly opposes the destruction of the fine homes on U Street. No urban renewal or housing plan deserves public support and congressional appropriations which proposes to destroy perfectly good homes and replace them with public housing. Such a step can only be compared with a runner on a treadmill who runs very hard but never really gets anywhere.

Congress is properly concerned with how well the housing and urban renewal programs are working out in actual practice because it is the Congress which authorized these programs in the first place, and it is the Congress which must appropriate tax funds to implement them. Congress has become increasingly disturbed over the bulldozing of perfectly good homes and the displacement of families and small businessmen which has taken place in the Nation's Capital.

Congress put more than $70 million into the Southwest Washington urban renewal project. The bulldozing of hundreds of good homes and business structures, and the displacement of scores of small businessmen and thousands of families for the benefit of a few shrewd real estate promoters, and the building in this 500-acre urban renewal area, with the aid of such vast sums of Federal tax money of luxury apartments renting up to $325 a month, resulted in strong public criticism of this urban renewal program in and out of Congress. As a result of this healthy criticism, led in part by religious leaders of all denominations, the Adams-Morgan urban renewal project's publicly stated objectives were confined to the rehabilitation, restoration, and renovation of homes in the 46-block, 230-acre Adams-Morgan urban renewal project area, the rejuvenation of its business district, and the provision of new housing where possible.

It is essential that these sound, publicly stated objectives be rigidly adhered to. They will be adhered to if the National Capital Planning Commission and the District of Columbia Redevelopment Land Agency pay as much heed to the preservation-minded citizens of the Adams-Morgan urban renewal area as they have paid to the few bulldozer-minded businessmen of the project area.

Among the citizens of the Adams-Morgan project area who deserve to be especially commended for the leadership they have given in the drive to preserve, rather than bulldoze, the sound residential and business structures of the Adams-Morgan urban renewal project area are: Joseph Elansky; Gover M. Koockogey, president of the Kalorama Citizens Association; Dr. Myror B. Smith, head of the Land Use Subcommittee of the Lanier Place Protective Association; Edward McClane and Dutton Ferguson of the Midway Civic Association; and Mrs. Pauline Leonard of the Mintwood Place block organization.

I include as part of my remarks items which illustrate and bear on some of the points I have made.

PARKING PROPOSAL

The plan developed for the Adams-Morgan area by the National Capital Planning Commission deserves broad and enthusiastic support. Especially to be commended is the Adams-Morgan Planning Committee which has devoted more than 2 years of sustained hard work to this project.

The Adams-Morgan Planning Committee is broadly representative of the community it has planned for.

All the more surprising, then, is the recommendation of the Land Use Subcommittee that the homes on Lanier Place be destroyed for a two-level concrete parking facility.

The Lanier Place Protective Association urges, instead, that the one-story establishments on Columbia Road provide rooftop parking as is done at Sears, Roebuck and Hechinger's on Wisconsin Avenue at River Road.

This would be an equitable solution to all concerned, and it conforms with the rehabilitation objectives of the Adams-Morgan Planning Committee and the National Capital Planning Committee, as well as the redevelopment land agency.

With good will on all sides, and some imaginative engineering rooftop parking can be provided easily by such powerful chainstores as Safeway and Giant whose attractive stores on Columbia Road draw shoppers from the entire District—and the surrounding suburbs. The congested conditions on Columbia Road are directly caused by these two chainstores.

JOSEPH ELANSKY.

EXCERPTS FROM THE RECOMMENDATIONS OF THE LAND USE SUBCOMMITTEE TO THE ADAMS-MORGAN PLANNING COMMITTEE

2. PUBLIC AND MIDDLE INCOME HOUSING

(b) The subcommittee recommends that the houses on the north side of You Street between Florida Avenue and 17th Street, NW. be restudied for possible acquisition, demolition and clearance. The committee further recommends that if said space is cleared it be incorporated into the overall design for the complex immediately adjacent to the south. The subcommittee makes this recommendation because it is not convinced that this row of buildings would be in character with the new structures in the area. It is felt their age, the appearance of the alley in the rear of the structures and the large, obsolete structures lending themselves to rooming house use indicate that it would be unwise to maintain them in a final plan. Vote—6 in favor, 1 opposed, 1 abstention.

5. BUSINESS AREA AND PARKING

(a) The subcommittee recommends that the planning staff consider the provision of a two-story parking facility along the south side of Lanier Place NW., from Adams Mill Road to the alley in the read of the 2700 block on Ontario Road NW. Further, it recommends that the parking building contain within its design provision for the service station now at the southeast corner of Adams Mill Road and Lanier Place, NW.

The subcommittee holds that it is necessary to utilize the entire south side of Lanier Place NW. to provide adequate parking for the business district.

The economic health of the north side of Columbia Road, including the two key office buildings in the block, hinge heavily on provisions of adequate customer parking. As we have seen, the development and future health of this neighborhood are truly intertwined with the future of its commercial complex. Parking is badly needed to make this future a bright one. In our estimation, this proposal, rather than the one embodied in the draft plan, is much more effective in providing for parking needs. The proposal seen here will accommodate only 350 cars, while utilization of the entire side of the street for a two-level facility would accommodate 436 automobiles as well as a needed service station. Moreover, placement of a parking garage on the valuable Columbia Road frontage is unwise economically, when one considers the alternative of utilizing the cheaper property values to be found on Lanier Place. Of course, the subcommittee feels that the parking building it recommends for this area ought to be suitable and tastefully designed to blend into the residential character of the south side of the street. It is felt that a building rather than a lot offers many more possibilities in this direction. The committee likewise recommends that no entrances to the parking facility be placed on Lanier Place NW. Vote—7 in favor, 1 abstention.

Respectfully submitted.

JOHN L. BARR, Jr.,
Chairman.
HERBERT DAVIS,
LIONEL KAPLAN,
General HOMER LITZENBERG,
FREDERICK MASCIOLI,
BISHOP M. REED,
BETTIN STALLING,
Members.
DONALD GARTENHAUS,
Ex-officio.

Needed: Agricultural Advisory Production Board

EXTENSION OF REMARKS
OF

HON. ALEXANDER WILEY

OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Monday, April 30, 1962

Mr. WILEY. Mr. President, the U.S. national farm policy—despite being a broad, complex program—still is inadequate to meet the needs of the farmer and the economy.

For this reason, I believe we need to continue to reexamine possible ways for: Creating more favorable supply-demand balance: improving the economic outlook for the farmer; and providing an adequate but not oversupply of food for the ever-expanding population.

In a weekend radio-TV broadcast over Wisconsin stations, I was privileged to discuss a recommendation for encouraging—and providing necessary assistance—for farmers, in attempting to voluntarily cut back commodities—particularly those in surplus.

I ask unanimous consent to have excerpts from my address printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

In a fast advancing age, we, as a nation, need to spur progress in all aspects of our economy: If we are to meet the ever-growing needs of a population of 186 million, and a complex, rapidly progressing economy.

The maintenance of a healthy farm economy, for example—traditionally birthplace of depressions—is essential to fulfilling the present and future food, as well as economic, needs of the country.

One hundred years ago, Abraham Lincoln, recognizing the significance of agriculture to national progress, signed a law establishing the Department of Agriculture.

During this century, farm efficiency and productivity has increased tremendously.

Unfortunately, greater efficiency and productivity has resulted in not just enough, but more food than it has been possible to distribute through existing consumption-distribution channels. Incidentally, I have long recommended the improvement of consumption-utilization programs—including specifically, the establishing of a Dairy Research Laboratory in Madison, Wis., designed to undertake research for more commercial-industrial uses for milk and milk products.

Despite such efforts, however, stockpiles of food commodities have accumulated, amounting to over $4 billion—including, at present about $250 million worth of dairy products.

Over the years, a variety of Government and nongovernmental efforts have been made to attempt to hold production in a relatively good balance with consumption and utilization. As yet, however, these have not been successful.

Generally, these farm programs have attempted to deal with the accumulation of farm products after they have been harvested. As yet, however, no formula has been successfully designed to gear production to meet normal demands. Fundamentally, the farmers—and the farmers' production plants—hold the key to establishing of a supply-demand balance.

For these reasons, I am urging Secretary Freeman to establish an Advisory Production Board within the Department of Agriculture. The objectives would be to provide: Better information on services, guidance and assistance now available through the Department; currently, only a small percentage of farmers are aware of, and utilize, such services; improved—and more widely distributed—forecasts on market outlook, price trends, and supply demand balance to farmers and farm organizations; guidance, and, as necessary, assistance, in helping farmers voluntarily cut back production, or as possible changeover to products not in surplus; recommendations to the Secretary of Agriculture on price support policies—still essential until there is improved supply demand balance—to: (a) prevent too great ups and downs in levels for price supports; and (b) gear supports to long-range—not just expedient—policies.

In proposing such a Board, I am not recommending more empire building within the Federal Government. Rather, the Advisory Group, I believe, can be created either by reassignment of such responsibilities to qualified individuals now serving the Department.

Overall, I believe the creation of such an Advisory Board would: Be of tremendous assistance to farmers in helping to voluntarily adjust production—particularly of surplus commodities; aid in long-range programing; and generally, contribute to an improved farm policy.

Washington Report

EXTENSION OF REMARKS
OF

HON. BRUCE ALGER

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, April 30, 1962

Mr. ALGER. Mr. Speaker, under permission to extend my remarks in the RECORD, I include the following newsletter of April 21, 1962:

WASHINGTON REPORT

(By Congressman BRUCE ALGER, Fifth District of Texas, Apr. 21, 1962)

Dangers and problems created by the President's handling of steel: (1) Illegal and unconstitutional action; (2) dictatorial—abuse of power—shows ruthless, arrogant, vindictive use of power concentrated at Federal level and assumption by President of greater power than exists; (3) intimidation and coercion of businessmen; (4) arouses distrust of people in business leaders and private enterprise; (5) attacks the profit motive; (6) denunciation without hearing; (7) intemperate anger; (8) President using television and public relations to arouse public indignation; (9) Federal agents at night disturbing newsmen; (10) as precedent, freedom of all is jeopardized; (11) freedom once lost is difficult to regain; (12) economic control leads to political control; (13) shows administration's distrust of people to govern themselves; (14) hope exists in reaction of press; (15) European leaders say ·President has gone further than even leaders in most socialistic countries in attacking industry; (16) damages private enterprise concept giving Communists excellent propaganda; (17) Attorney General's action smacked of hysteria; (18) President made use of every conceivable governmental weapon—criminal prosecution—liberalized depreciation tax—antitrust action; (19) any price increase now will be difficult.

(20) Labor will be forced to stay within Government's wage guidelines; (21) laws were used punitively and vindictively (carrot and stick style); (22) administration will determine economic matters, not the market-

place, management and labor; (23) Government will use force elsewhere; (24) steel never was asked, nor committed themselves to hold prices; (25) steel faces rising costs, toughening competition here and abroad, heavier taxes, more need for reinvestment capital; (26) in capitulating, Blough showed fear of government-government power is an accomplished fact; (27) consumer interest lies more in free economy than a forced lower price; (28) retaliation against press? Will the President dictate to press? (29) President violated a property right, price of products; infringe one right, all are infringed; (30) political freedom possible only when there is economic freedom (historical fact); (31) Government has made people beholden to it; (32) it is demogogery for President to bring in world events, dead soldiers at Vietnam, etc.

(33) If market decides price, Blough might quickly be corrected by market, no natural corrections are possible if Government sets price; (34) crime was that steel failed to get Government permission; (35) President's action proves lack of economic knowledge; (36) President misrepresents when he says "a tiny handful of steel executives whose pursuit of private power and profit exceeds their sense of public responsibility have shown utter contempt for the interests of 185 million Americans." Depicts American businessmen as unpatriotic; (37) frustration and resentment that the economy performs so well without the control of officialdom; (38) in 4 years, since last steel price raise, there have been four boosts in wages and benefits not counting the new contract; (39) this means Government price control (trade bill does this, too).

(40) This price control follows government's continued increase in cost of doing business, taxes, deficit financing and wage price spiral of inflation, while granting labor unions a host of legal immunities including exemption from antitrust prosecution in nationwide strikes. All of which proves ultimately the more Government meddling, the more Government control is needed; (41) Government's inflationary big spending and deficit financing add to the costs and prices of all goods. So the real culprit of price increases is the President, not the head of United States Steel; (42) national defense is no stronger than our economy. Any weakening of our economy, as for example caused by too little margin of profit, will weaken our military strength; (43) the President indulged in invective and impugned the patriotism as well as the integrity of steel executives; (44) recession and then deep depression must follow, as night the day, Presidential price and wage control accompanied by coercion of business. More people will be out of work if the profit squeeze continues; (45) businessmen will now be demoralized and uncertain; (46) it's popular and fashionable for politicians to jump on big business; (47) steel is a basic part of all business—whatever affects it will affect all business.

(48) In the last 10 years employment costs per hour have risen 85 percent and output per man-hour only 12 percent. Employment costs per ton went up to 70 percent, and prices only 49, with no increases in the last 4 years. The new contract adds another 2.5 to 3 percent to costs per hour; (49) through foreign aid United States has given Japan and Germany huge sums to build steel plants, out of 52 percent corporate taxes from United States Steel. So U.S. steelmakers have been subsidizing their own competition and possible extinction. Japan steel shipped to Cleveland sold for $18 per ton less than steel made in Ohio.

(50) Steel price increases are warranted for at least four reasons: (1) Costs are up, (2) labor through Government negotiation has gotten all the breaks, (3) plant and equipment reinvestment is needed for steel industries to stay alive, (4) millions of shareholders, the real owners of industry, deserve and must have a profit or the engine of private enterprise will stop and our form of society with the highest standard of living in the world's history will perish.

(51) President Kennedy is demagogically playing partisan politics, never at any time consulting with Republican congressional leaders in this action, while throwing the full weight of Federal law against the steel industry; (52) the Navy last week awarded a contract by telephone, not by advertising and competitive bidding, for 11,000 tons of armor plate costing $5 to $6 million to a company which had not raised its price. This is a violation of law. (53) White House historian, Sidney Herman, said regardless of precedent, the President could do anything he chose if public opinion was with him, overlooking the fact that the Constitution, not public opinion, is Government's limit of power and Government officials are sworn to support it.

The Department of Defense appropriation bill, 1963, passed unanimously, totaling $47,838 million, that's $47.8 billion (total Government spending for year estimate $115 billion). This represents the cost of all regular military functions, except military construction, civil defense, and military assistance (foreign aid). The breakdown shows $12.9 billion for personnel, $11.5 billion for operation and maintenance, $16.5 billion for procurement (all weapons), $1.6 billion for research, development, test, and evaluation. Another breakdown by component shows, Army $1.5 billion, Navy $15 billion, Air Force $19 billion and defense agencies $2 billion. This appropriation is a new high.

Without question, our defense needs have been carefully analyzed and provided for by Congress, despite differences of view which are generally minor. Our manned bombers, B–52 and B–58, with missiles will increase to a 1967 total of 700, also over 1,000 land-based ICBM's and 41 polaris submarines with 650 Polaris missiles aboard. Another analysis reports our alert portion of this force alone will have three times the destructive capability of our June 1961 alert force. Our forces continue so strong we can destroy any attacker after absorbing the first strike. This we call, therefore, a war deterrent force, or strategic retaliatory forces.

Our general forces include 16 Regular Army divisions with air defense, surface-to-surface missiles artillery, battalions, and aviation companies. The Navy forces include 824 ships, including 383 warships. Our airlift and sealift forces are increased. There will be higher strength levels in the Army National Guard (400,000) and the Army Reserves (300,000).

Research and development goes forward and includes the B–70 (mach 3 bomber), attack missiles of all kinds, antimissile missiles, Dynasoar—the manned space glider—nuclear test detection, missile defense systems, antisub warfare, new rocket motors, X–15 experimental aircraft, nuclear ramjet propulsion system, and others. Any vulnerability at this time is in our early warning and defense against missile attack (including from subs) in conjunction with followup manned bomber attack. We are assured that programs are underway to correct this. The tremendously complicated and technical nature and scope of our huge defense system makes it difficult for a Member of Congress to fully grasp. To the best of my knowledge, our military preparedness is adequate. Any concern I feel is not in the weapons or manpower, but in the leadership—political and diplomatic, that is, not military.

NEWSLETTER RECIPIENTS ARE HERE AND NOW ASKED TO HELP SPREAD THE WORD

The 8,500 newsletters can and must be multiplied in readership, so that the people are informed. Will you now, each, as a committee of one, mimeograph, type, photograph, or reprint this newsletter and send them out to others? In 8 years neither large Dallas newspaper has felt this newsletter worthy of printing (true, other newspapers elsewhere in the Nation have, but we must reach Dallas people). I am deeply concerned over the one-sided presentation of news by news media plus the determined effort of this administration to propagandize the Kennedy legislation. Huge quantities of Government material are being distributed at taxpayers' expense. Will you help now in this circulation increase and notify this office of your plans and success? Also advise me should you have suggestions of how this or other news media may be used more effectively. Our Nation's safety rests on an informed electorate. For my part, I am convinced a Congressman's ideas and actions representing his district are newsworthy and people are entitled to know them, whether they agree or disagree. Indeed, they may then express their agreements or disagreements to the benefit of all. I believe more heads are better than one or a few, in matters of government, and I represent over a million people.

Questionnaire returns are pouring in. May I ask you to stimulate more returns by asking others to return their questionnaire to this office?

Hatton Sumners is gone but not forgotten. His standard of public service is a beacon light to lead others down the right path. I shall try to follow that path.

The Japanese National Lottery

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1962

Mr. FINO. Mr. Speaker, I would like to tell the Members of this House about the national lottery of Japan, for our Asian ally is numbered among those many nations, throughout the whole of the free world, that have seen the merit in government control and regulation of the inextinguishable human urge to gamble.

In 1961, the gross receipts of the Japanese national lottery came to some $12 million. The revenue derived from the operation of this lottery—$4½ million last year—is earmarked for public works expenditures, such as construction of schools, hospitals, roads, and bridges.

Mr. Speaker, it never ceases to amaze me that among the nations of the free world, be they European, Latin American, or Asian, the United States stands virtually alone in its refusal to turn from hyprocrisy and show instead the wisdom to establish a national lottery.

Here in America, where more money is gambled than in any other country in the world, we refuse to admit to reality, and as a consequence, billions of gambling dollars flow each year into the treasuries of the crime empires. When will we wake up? When will we allow gambling dollars to work for the public good rather than against it? We need a national lottery in the United States—and we need it now.

Fool's Gold

EXTENSION OF REMARKS

OF

HON. DON L. SHORT

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1962

Mr. SHORT. Mr. Speaker, the gold outflow from the country—and our all too obvious imbalance of payments—is a continuing and serious problem.

Many people do not understand just what this is all about. As a matter of fact, I believe we could go further and say that even our Federal Government officials seem to not know what it is all about. And that is an even more serious problem.

The arguments of Secretary Dillon of the Treasury Department sound very plausible, when he discusses the problem of the foreign tax proposals which they would like to have a part of our tax reform bill, so-called. However, when examined closely, it appears the deferral privilege in our present tax setup—wherein earnings of American-owned foreign corporations are not taxed until returned to this country as dividends—was originally written for the purpose of fostering, without revenue loss, activity abroad of our American business firms.

Of course, our American businessmen—currently being looked upon as unprincipled "wolves"—have been able to operate their firms abroad and compete with West European countries by financing much of their investment out of retained earnings. We hear continually of the need for more and more exports and more and more competition among our business people. It is difficult to see how they can manage to do both things simultaneously, if the props are pulled out from under them.

Labor has been consistently granted wage raises. I have no quarrel with this, if it is in the public interest, and if reflected in increased output, and more efficient production. But business is told not to raise prices. Our businesses, in many instances, have gone overseas—where they can tap a labor market at lower wage rates—and set up brandnew manufacturing firms, the initial cost of which is tremendous. The products of those businesses, plus products of our foreign competitors, then come back to us at lower prices—oftentimes this includes even the cost of shipping to this country. Our laboring people who have gotten the raise in wages thereupon buy the cheaper goods rather than the American product. Few people have strong enough conscience to buy American when it means a much higher priced product, unless perhaps during actual wartime. This, of course, means an aggravation of the flow of dollars overseas, which is turned into gold by the foreign central banks through their purchase of gold from our U.S. Treasury.

At the same time, business here—working under the handicap of higher wages, higher expenses of running their plants, higher costs of raw materials—have to compete for business with the foreign imports—some of which are actually foreign made, but American products.

Our total gold outflow, according to Federal Reserve figures for the week ending Wednesday, April 25, went up to $40 million, pushing our decline in gold holdings this year to $39 million. This means our gold stock is at its lowest since August 16, 1939.

I could be wrong—and if I appear confused, let me say that this whole picture seems to be confused, from labor to business, to foreign countries, to our U.S. Treasury Department—but it all shapes up in my mind to the fear that eventually the only businessmen in this picture who will be prosperous will be those who have firms overseas. But if they, in turn, have to send back taxes to this country immediately, instead of adding to their investment overseas, their business will be bound to suffer by comparison with the European firms with whom they are in competition now. Labor in this country will be bound also to suffer when jobs are lost because of slowdowns in business, or by firms being forced to use automation to increase efficiency in order to compete with the oversea firms. In fact, labor is already suffering and suffering badly in some areas in our country because of automation. But the fault lies not in the fact of automation itself, but in what brought it about. It appears to me a simple matter of cause and effect.

When all is said and done, and this ridiculous hodgepodge of conflicting advice and opinion from our Government officials is all added up, who will finance the economy of this country? Do you suppose the foreign countries, whom we are still striving to help with our foreign aid—itself financed from the taxes of our hardworking laboring people, and hardpressed white collar workers—will in turn give us foreign aid in reverse?

It has been said that President Kennedy does not feel it necessary to hold full Cabinet meetings as often as former President Eisenhower did. I beg to disagree. He should hold them more often and try to find out what each Cabinet member is telling the American people, and then try to get this crazy-quilt pattern rearranged into some semblance of order. Somewhere along the line, the mass of conflicting advice, orders, and what-have-you is being poured out upon the unsuspecting public, which is in vain trying to sort out and decide what it all means and what it is supposed to do. For example, we are told to limit our travel abroad—or at least our purchases, while traveling—to lessen the flow of dollars and gold abroad. Our servicemen are told to leave dependents at home because this increases the outflow of gold. But, on the other hand, just a few days ago the President's brother, Attorney General Robert Kennedy, was enthusiastically urging and endorsing more and more travel abroad by a kind of "middle-aged peace corps," who are supposed to preach the beauties, joys, and benefits of being American citizens to all those who care to ask questions, on the assumption that our trained and educated people can thus reverse the downgrading of the American way of life in foreign countries. This is just a small example, of course, but indicative of the conflicting advice we continually hear from Government officials.

Another not-so-small example is our "disarmament experts" in Geneva, who insist we must disarm as rapidly as possible, while at the same time we are presented with an appropriations bill to increase spending for defense.

Still another example is the inconsistency of forbidding—with gestures—the steel companies to raise prices, while allowing increases in wages and fringe benefits, coupled with the peculiar picture of the Kennedy family business in Chicago where the Merchandise Mart raised rents because of increased operating costs.

And still a further example, which is being reflected all over the country today by protests of our American citizens, is the stringent antitrust laws being applied to business in order to prevent it becoming overlarge and monopolizing the market for products, while at the same time the labor unions are encouraged to grow larger and larger and to monopolize the market for labor.

This could go on and on, but as a last and final example, let us view the picture of President Kennedy exhorting the American people to give their all in self-sacrifice, to prove their love of country—a fine and laudable expression and one with which none of us could quarrel—but at the same time encouraging them to demand from the Federal Government countless handouts described in glowing terms in the over 44 messages he has sent to the Congress since taking office, covering an abundance of subjects from the feed grain program through education, public works, highways, housing, conservation, medical care and so on ad finitum, but at the same time promising the acme of fallacies—a balanced budget.

All I can say, I am glad I am just a rancher, dealing in a product—livestock—which happily so far is not directly under the control of the Federal Government.

I believe a phrase which goes something like this, "Let not your right hand know what your left hand is doing," is denounced in the Bible as a spiritual practice. It should be equally denounced as a Federal Government practice.

Egydio Souza, 57, Dies—OAS Economic Aid

EXTENSION OF REMARKS

OF

HON. ROLAND V. LIBONATI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1962

Mr. LIBONATI. Mr. Speaker, the people of the United States have lost an enthusiastic supporter for their way of life in the death of Egydio Souza, OAS economic aid, and Brazilian Minister for Economic Affairs. Throughout his entire professional career he worked diligently to encourage U.S. investments in developing the natural resources of his native Brazil.

Solely through his persistent appeals did American capital become interested in promoting Brazilian resources and industrial works.

He was really an ardent supporter of the Western nations and alert to the inroads of the enemies of freedom who sought to embarass Brazil's position with the United States and our Latin allies.

He was known for his great loyalty to his friends. There was nothing that he would not do for a friend. He suffered many personal sacrifices, both financial and to his political detriment; he felt it his personal obligation to relieve and serve the needs of his many friends in times of trouble.

His brilliancy in his chosen field of specialization, economics, created for him international recognition, as an authority in this subject, in international circles.

His advice was sought by many of his colleagues in the diplomatic field. He was an honest and sincere man and dedicated his services to his native Brazil in many important capacities, both domestic and public.

He was positive in his every attitude and tense in his declaration of conservative policy. His fine mind, fixed by logical reasoning of principle in this area, caused him many anxious hours of apprehension for the welfare of his native land.

He manifested a suppressed desire to be buried here in a national cemetery, preferably Arlington. This simple desire marks him as a true American, in viewpoint, with a patriotic dedication to the ideals of his adopted land.

Brazil has lost the services of a great diplomat, who "seeded" friendship and understanding for their cause in the United States. The United States has lost a stanch supporter of American ideals and constitutional standards in government. In times like these, his services could not be spared, his loss is an unfortunate one for both nations.

We extend our condolences to his lovely wife, Alda Lee, and his brothers and sisters in Brazil on their great loss. May the Good Lord bless and rest his soul in everlasting Grace.

[From the Washington (D.C.) Sunday Star, Apr. 29, 1962]

EGYDIO SOUZA, 57, DIES; OAS ECONOMIC AID

Egydio Souza, 57, a Brazilian minister for economic affairs assigned to the Organization of American States here, died at his home yesterday, apparently of a heart attack.

A maid found him dead in front of a television set shortly before 3 p.m. police said.

Since 1957, Mr. Souza has been Brazil's representative to the Inter American Economic and Social Council of the OAS, and was its president in 1959.

Born in the Rio Grande do Sul State of Brazil, Mr. Souza had been in economic affairs all of his professional life.

He served in Japan in the early 1930's, and was in this country in 1942, serving as a consul in Chicago.

From 1949 to 1951, Mr. Souza was an economic minister attached to the Brazilian Embassy in London, and for 4 years in the early 1950's was one of the directors of the Bank of Brazil.

He returned to the United States for his present tour in 1954.

Mr. Souza leaves his wife, Alda Lee, whom he met and married on an earlier tour of duty in America, and several brothers and sisters in Brazil.

Services will be at 11 a.m. Tuesday in Gawler's Funeral Home, 1756 Pennsylvania Avenue NW.

Law Day, U.S.A.

EXTENSION OF REMARKS

OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Monday, April 30, 1962

Mr. WILEY. Mr. President, tomorrow the Nation will observe Law Day, U.S.A.

The occasion offers the American people a new opportunity to gain a better understanding of the workings and meaning of law in our way of life.

Over the weekend, I was privileged to discuss the need for nationwide observances of Law Day.

I ask unanimous consent to have the text of this address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

Throughout our history, the spirit of this preamble to our Constitution has served as a philosophical foundation for our system of laws, and our way of life.

On May 1, the Nation will observe Law Day, U.S.A.

As a free people—inheriting a hard-fought-for free Government "of, by and for the people"—we, though patriotic, often take for granted the fundamental forces—including our legal system—which hold together and strengthen our system.

For example, there is little—far too little—understanding and appreciation of the role and significance of laws in our daily lives and national progress. This is true here in Wisconsin, as well as throughout the Nation.

The observance of Law Day will offer the American people a new oppportunity to become imbued with a deeper understanding of, respect for, willingness to abide by, and dedication toward further improving our U.S. system of laws; and, resultingly; provide not only for ourselves, but for posterity an improved judicial system to best preserve and perpetuate rights and interests of the people—indeed, the ideal of freedom, itself.

In a free land, laws—created by representatives of, and administered with the consent of, the governed—reflect the principles, morality, ethics, respect for human dignity and independence, and sense of justice of the people.

Without law, there would be chaos. Even within the United States—generally recognized as a law-abiding nation—the violation of rights and interests of citizens, includes a record of crime—amounting to about $22 billion annually—deplorably resulting in grave loss of property and sometimes of life. Along with a growing rampancy of juvenile and adult delinquency, this, then, reflects a greater need for a law-respecting spirit among our citizens.

Enlarging our perspective to global horizons, there also must be a concerted effort by humanity—if peace is to be established—to create, adopt, and enforce a system of law—guiding rules of good conduct—among nations in the world. Recognizing this will be difficult, there must, nevertheless, be a realistic attempt to imbue in humanity a recognition of the need for laws to protect universally recognized rights and privileges of men and nations; develop fundamental criteria for establishing a system of laws—reflecting high ethical and moral principles and ideals; creating machinery for administering justice; establish safeguards against transgressions; and generally; encourage a greater effort by people and nations to live—according to rules of good conduct—together in peace.

As a citadel of freedom, our major responsibility, however, must be directed toward preserving, perpetuation, and further improving our own judicial system. This will require encouragement among our citizens of a greater understanding of, respect for, and willingness to abide by laws; a rededication to continue to reexamine our statute books—to determine that laws reflect the best standards of ethics, morality, and justice; and that these are abreast of, and adapted to, changing conditions and times; to further improve our existing judicial system to insure that our citizens are provided not only justice, but timeliness in considerations of their cases.

Despite shortcomings, and imperfections in our system, we need to remember that law—reflecting the best judgment of representatives of the people, not of a single dictator, ruling clique, or party—serves as a best guardian of our rights and liberties.

One hundred years ago, Abraham Lincoln, recognizing the need for respect of the law, stated: "Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the Nation, and let the old and young, the rich and the poor, the grave and the gay of all sexes and tongues and colors and conditions sacrifice unceasingly upon its altars * * *."

Silver

EXTENSION OF REMARKS

OF

HON. WALT HORAN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1962

Mr. HORAN. Mr. Speaker, under the privilege granted me to extend my own remarks in the CONGRESSIONAL RECORD, I am pleased to include a column by George Sokolsky which appeared in the New Haven Register on April 23.

The column raises some questions that should be fully studied and every facet fully understood before we take any action on hastily conceived legislation.

Two bills have been introduced—namely S. 2885 and H.R. 10384—which would repeal the Silver Purchase Act, broaden Treasury Department powers, and remove the transfer tax on silver bullion. To me it is heartening that no action has been taken by either the House or Senate committees on these measures.

We must not place more pressure at this time on our gold reserves and we should not weaken silver by demonetization action.

As I see it the only real good for both the users and the producers of silver at this time would be the removal of the transfer tax on silver bullion for the effect that that would have on an orderly market.

The column follows:

DEMONETIZATION OF SILVER AND INFLATION

(By George Sokolsky)

Talking about inflation, it has been historical experience that when there is no metal support for currency, inflation occurs and the currency loses in value, that is, in purchasing power. I know of no data which upsets this basic principle and experience about money. Perhaps the U.S. Treasury has come into possession of such data.

On November 27, 1961, Secretary of the Treasury Douglas Dillon wrote a letter to the President in which he explained the present position of silver in the world and in the United States. He then made the following proposal to the President.

"I propose that we now begin an actual though gradual, withdrawal of silver bullion from the currency reserves, permitting substitution of Federal Reserve notes for the silver certificates withdrawn, and using the bullion thereby released to meet our continually heavy coinage requirements."

PRESIDENT REPLIES

It would seem to me that this is another step in the withdrawing of metal support for the dollar. On November 28, 1961, President Kennedy wrote Secretary of the Treasury Dillon as follows:

"On the basis of your recommendations and the studies conducted by the Treasury and other departments, I have reached the decision that silver metal should gradually be withdrawn from our monetary reserves.

"Simultaneously with the publication of this letter, you are directed to suspend further sales of free silver, and to suspend use of free silver held by the Treasury for coinage. In this way, the remaining stock and any subsequently acquired can be used, at your discretion, to contribute to the maintenance of an orderly market in silver and for such other special purposes as you may determine. In order to meet coinage needs, the amount of silver required for this purpose should be obtained by retirement from circulation of a sufficient number of $5 and $10 silver certificates.

"Pursuant to this general determination, I intend to recommend to Congress, when it reconvenes, that it repeal the acts relating to silver of June 19, 1934; July 6, 1939, and July 31, 1946. The existing tax on transfers of interest in silver bullion has been necessary only to provide reinforcement for this legislation. I will therefore simultaneously propose that the relevant portion of the Internal Revenue Code also be repealed.

"These actions will permit the establishment of a broad market for trading in silver on a current and forward basis comparable to the markets in which other commodities are traded. Our new policy will in effect provide for the eventual demonetization of silver except for its use in subsidiary coinage.

"Although the potential supply of silver now embodied in the outstanding $5 and $10 certificates will be sufficient to cover coinage requirements for a number of years, I believe this is an appropriate time to provide for the gradual release of the silver now required as backing for $1 and $2 silver certificates. I shall, therefore, also recommend that legislation be enacted to accomplish this purpose and authorize the Federal Reserve banks to include these denominations in the range of notes they are permitted to issue.

"Sincerely,

"JOHN F. KENNEDY."

BIMETALLISM ENDING

The publication of this letter, indicating "the eventual demonetization of silver except for its use in subsidiary coinage," did not startle Europe where the American inflation is being watched both as a political and an economic phenomenon. The end of the year 1961 brought to a virtual end bimetallism in the United States and as gold cannot, under the law, be exchanged for currency by an American but may be by a European or an Asiatic, the American dollar has only such metal support as the Treasury owns gold.

During the Hoover and Roosevelt administrations, Senators Borah and Pittman fought violently for bimetallism in the United States. Their principal interest was not sound currency but support for the American silver mining industry. It was the increase in the price of silver in the United States which produced a frightful inflation in China and was one major cause for the success of the Chinese Communists against Chiang Kai-shek. Both China and Hong Kong went on a gold basis and today there is practically no silver standard country on earth. As recently as the end of 1960 and the beginning of 1961, the London market reported a large exodus of silver from China.

Local Educational Agencies in the District of Columbia Need Financial Assistance

EXTENSION OF REMARKS

OF

HON. CARROLL D. KEARNS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 1962

Mr. KEARNS. Mr. Speaker, I am introducing today, at the request of the District of Columbia Congress of Parents and Teachers, a bill to amend the act providing financial assistance for local educational agencies in areas affected by Federal activities in order to provide educational assistance under the provisions of such act to the District of Columbia. In this respect my bill is similar to S. 2830 which was introduced in the Senate February 8, 1962, by Senators WAYNE MORSE, ALAN BIBLE, and BENJAMIN A. SMITH.

The District of Columbia is one of the most federally impacted areas in the United States. A memorandum dated February 1, 1962, addressed to the Board of Commissioners of the District of Columbia by Mr. Schuyler Lowe, Director of Administration, and included in the CONGRESSIONAL RECORD, page 2114, on February 8, 1962, by Senator WAYNE MORSE, shows that there is a Federal impaction of 30 percent in the schools of the District of Columbia. This impaction is caused by children of parents who live or work on Federal property.

Mrs. Arthur M. Blacklow, president, District of Columbia Congress of Parents and Teachers, points out in a letter which I shall include as part of my remarks:

> Thirty out of one hundred children in the District of Columbia schools are children of parents who live or who work on federally owned property. There are some 34,000 of these children in the school population of 115,000 pupils in the elementary and secondary schools of the District of Columbia.
>
> The percentage of Federal impaction which results in payment to the school districts in almost every case, with only one exception, is less than the impact percentage of federally connected children of the District of Columbia.

Certainly the District of Columbia is as entitled to Federal aid under the terms of Public Law 874 as Guam and the Virgin Islands.

The bill I am introducing today also makes a change in the District of Columbia motor fuel tax law which is needed to insure that Federal financial assistance for District of Columbia educational agencies will be fully effective.

In a recent study the Washington, D.C., attorney, Peter Craig, of the distinguished law firm of Covington & Burling, noted that the government of the District of Columbia proposed to the Congress an expenditure of $64,758,000 in fiscal year 1963 for the highway program.

Mr. Craig pointed out:

> "This capital outlay (representing 25 times what is proposed for schools) is made possible only by the diversion of general fund revenues to pay for highway expenses, thereby freezing the limited highway fund revenues for highway construction."

The increase in capital outlay for the District's highway fund, according to House Document No. 265, part 2, 87th Congress, 2d session, page 6, "represents an acceleration in the highway program resulting from additional Federal grants to aid in highway construction."

So it becomes clear that just because the Federal Bureau of Public Roads decided to encourage an accelerated highway program in the District of Columbia the critical needs of the District's schools and other general welfare programs will be neglected while the District government diverts from the general fund as much District revenue as possible to highway construction for the necessary matching money.

It would seem most unwise in this situation to provide Public Law 874 funds for schools in the District of Columbia without some provision which would make the change in the District of Columbia motor fuel tax law to insure that such assistance will be fully effective.

Accordingly I have added a section to the language of the measure, S. 2830, sponsored by Senators MORSE, BIBLE, and SMITH, to prevent further diversion of general fund revenue to pay for highway expenses.

The text of my amendment is as follows:

> The last sentence of the second paragraph of the first section of the act entitled "An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes", approved April 23, 1924, as amended (D.C. Code 47–1901), is amended to read as follows: "Except as permitted under the District of Columbia Mofor Vehicle Parking Facility Act of 1942, no revenues of the District of Columbia other

than those derived under this section shall be used for the purposes described in clauses (1), (2), and (3) of this paragraph."

I include as part of my remarks a letter from the District of Columbia Congress of Parents and Teachers, and an excerpt from the February 7, 1962, study of the highway and general funds of the District of Columbia by Peter Craig:

DISTRICT OF COLUMBIA CONGRESS OF PARENTS AND TEACHERS, BRANCH OF THE NATIONAL CONGRESS OF PARENTS AND TEACHERS,
Washington, D.C., April 30, 1962.

Hon. CARROLL D. KEARNS,
House of Representatives,
New House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: It is with sincere appreciation for your interest in the financial plight of the District of Columbia that I write to you to thank you for your sponsorship of the bill in the House of Representatives to include the District of Columbia in the program for impacted aid for this Nation's Capital.

The equities of the case alone would cry out that the District of Columbia should participate in the moneys provided under appropriation for impact aid.

The year 1961 marked the beginning of the second decade of Federal financial assistance for operating schools in those districts where large numbers of federally employed families are residing. The District of Columbia has never participated in this program.

The funds gained from this law are available for operating expenses of the schools for all the children in these federally impacted school districts. This money is presently being spent for the education of nearly 11 million children or about one-third of the Nation's children in attendance in school. The District of Columbia does not participate in this program to our financial regret.

The Congress of the United States enacted Public Laws 815 and 874 and their extension is recognition of the Federal responsibility for the impact Federal activities had on various school districts. Since 1950 funds have been appropriated to 3,700 communities under the Federal aid impact program, but not the District of Columbia.

Public Law 874 provided that a district which wished to be allocated financial assistance must fulfill any of four qualifications: If revenues available to a school district from local sources have been reduced as the result of the Federal acquisition of territory; if this district provided education for children whose parents are employed on Federal property; or if there has been or will be a sudden and substantial increase in the school attendance as the result of Federal activities, a school district will be allotted funds. The District of Columbia meets these requirements and therefore should be allowed to participate in this program.

The financial needs of the schools of the District of Columbia are compelling and the District of Columbia should not be excluded from the program of impact aid.

The policy of the National Congress of Parents and Teachers supports the use of Federal funds to augment State and local support for schools in federally impacted areas.

The District of Columbia Congress of Parents and Teachers has voted to request the National Congress to include in this policy specifically, support for the District of Columbia under the aid to federally impacted areas program. This matter is to be taken up at the national board of managers meeting prior to the national convention of the National Congress of Parents and Teachers to be held in Portland, Oreg., on May 20, 21, 22, and 23, 1962. A strong representation will be made at that time as it appears that certainly the District of Columbia should share with the other districts and on the same basis as other impacted districts, moneys under the impact aid program.

Congress should not neglect the District of Columbia schools system. There is a gross lack of classrooms, instructors and even the bare essentials of teaching materials such as textbooks, etc.

Only recently the House of Representatives voted $15.7 million to allow increases in the 1962 aid payments to school districts that serve large numbers of Federal employees' children, but again the District was not included. The House in the appropriation bill for the Department of Health, Education, and Welfare included $50 million more in impacted area school money than the administration asked. The impacted school funds included about $11 million for school districts in the Washington area whose enrollments have been increased by children of Federal employees. Once more it is noted that the District of Columbia was not granted any moneys under this appropriation.

Thirty out of one hundred children in the District of Columbia Schools are children of parents who live or who work on federally owned property. There are some 34,000 of these children in the school population of 115,000 pupils in the elementary and secondary schools of the District of Columbia.

The percentage of Federal impaction which results in payment to the school districts in almost every case, with only one exception, is less than the impact percentage of federally connected children of the District of Columbia.

We look forward to the immediate passage of this bill to include the District of Columbia in the impact aid program and thank you for your interest.

Very truly yours,
FRANCES C. BLACKLOW,
Mrs. Arthur M. Blacklow
President, District of Columbia Congress of Parents and Teachers.

THE HIGHWAY FUND

(A study by Peter Craig, attorney, Washington, D.C.)

The highway fund was established by legislation in 1937 upon the theory that the District's highway department (like the city's water and sewer systems) should be operated as a self-sustaining public utility. All highway-user revenues were to go into the highway fund which would, in turn pay for all operating expenses and capital outlay associated with the city's public highway system. This was supposed to prevent diversion of highway user revenues to nonhighway uses and likewise to prevent "diversion" of general tax revenue to highway use.

Thus the highway fund by law was declared to be the sole custodian of all motor vehicle fuel taxes, driver license fees, auto weight tax fees, license tag fees, paving assessments, etc. In turn, the highway fund was supposed to pay for all expenses related to the construction and maintenance of the street system including traffic control, street signals and lighting, streetside trees, etc.

Although there has been no basic change in the law since 1938,[1] the practice has gradually shifted away from the theory. Highway-user revenues failed to keep pace with the rapidly mounting operating expenses for highway maintenance and traffic control or with the highway department's perennial upward adjustments of new highway needs.[2] To remedy the highway department's operating deficits, the District Government both borrowed against the future [3] and transferred highway obligations from the highway fund to the general fund.

GENERAL FUND REVENUE DIVERTED TO HIGHWAY USES

This diversion of general fund revenues to pay for highway expenses has been so gradual that it has largely gone unnoticed. Nevertheless, the diversion has mounted each year. Thus, on September 10, 1959, the District's budget office recommended that for fiscal 1961 the general fund pay for $2,320,000 of operating expenses theretofore paid by the highway fund, explaining:

"Because of the financial needs of the highway program, it is being recommended that the Commissioners use this $2,320,000 of highway funds to finance the expanded highway program."

This staff recommendation was incorporated into the District's budget that was adopted for fiscal 1961.

Precise ascertainment of the degree of this diversion is difficult, because published District budget figures generally obscure the specific highway-related expenses. However, it is probable that this diversion now exceeds $10 million annually.

Among the highway expenses that are now being subsidized by the general fund are:

1. Traffic police: The highway fund is charged by law with the duty of paying "for the expenses necessarily involved in the police control, regulation, and administration of traffic upon the highways." The highway fund should be paying about $3 million annually for its share of the pay and allowances of the Metropolitan Police force; [4] instead, the general fund pays the bill.

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[1] In 1954, for administrative convenience the personal property tax on motor vehicles (a general fund revenue) and the weight-tax on motor vehicles (a highway fund revenue) were combined into a single motor-vehicle registration fee. The Commissioners were granted discretion to vary the highway fund share of this between 26 percent and 36 percent which had been the historic range of the two taxes. By the year 1959 the Commissioners had advanced the highway fund's share up to the legal maximum of 36 percent. By reducing it to 26 percent, the Commissioners could restore about $600,000 to the general fund.

[2] Between fiscal 1955 and fiscal 1962, highway fund revenues declined from $15.5 million to $15.1 million. During the same period, however, salaries for employees of the Department of Highways and Traffic and the Department of Motor Vehicles increased $4.5 million. Salaries for the police force, including traffic police, increased by $7.5 million. In the same period, revenue from general taxes (property, sales, income and other) have been increased 45 percent, in part to help absorb added highway expenses.

In 1954, the District Highway Department advised Congress that total highway construction needs for fiscal years 1955 through 1964 would average $14 million per year. The estimate at that time for fiscal 1963 was $11.4 million. The $64.7 million now being proposed represents an upward adjustment of $53.3 million.

[3] In 1954, the District obtained a congressional authorization to borrow $50 million for highway construction. Most of this loan has been exhausted.

[4] Because 15 percent of the police force in 1937 was on traffic duty, the law as originally written placed a 15-percent ceiling on the amount of total police pay and allowances to be reimbursed by the highway fund. This would be $3 million today. The 15-percent ceiling is no longer realistic, however. A far greater proportion of the Metropolitan Police force is now on highway-related duty than was true 25 years ago. The total operating expenses of the Police Department are now $26 million annually. However unrealistic the 15-percent limit is today, it is nevertheless a mandatory requirement that the highway fund pay this amount, a requirement that has been ignored in recent years.

2. Highway Department: The general fund now pays for $3.6 million (about 40 percent) of the annual operating expenses of the Department of Highways and Traffic. Although a small part of this relates to nonhighway activities,[5] most of it relates to purely highway activities—street lighting, traffic signals, etc.—and is properly paid for out of the highway fund.

3. Department of Sanitary Engineering: The highway fund pays for snow removal, but otherwise the expenses of street cleaning and the costs of relocating sewers because of highway contruction are paid for by the general fund. These maintenance and construction costs likewise properly should be financed from the highway fund.

4. Other expenses: Numerous other expenses arising because of highway use or construction are also carried by the general fund rather than the highway fund. These include such items as the costs of studying air pollution problems. Still other public obligations—such as the expenses of relocating families displaced by highway construction—should also be paid by the highway fund; instead, they are being neglected.

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[5] The Highway Department is responsible for maintaining telephone and radio communications for the District Government.

SENATE

Tuesday, May 1, 1962

The Senate met at 12 o'clock meridian, and was called to order by Hon. LEE METCALF, a Senator from the State of Montana.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God, our Father, in a world filled with sights that sadden and problems that perplex, may our hearts be strengthened by the realization that ours is also a time of splendor, bright with promise as we stand at the portal of a more glorious tomorrow.

Remind us of the better aspects of the civilization out of which we have come, which even now with new vitality is beating back the rampant powers of slavish barbarism.

May the crashing of outworn things that are falling to earth not hide from our eyes the coming of a new era struggling to birth.

If this weary flesh of ours, faced by determined foes, should fear or falter, keep us firm and steadfast, as in the global battle now raging we put on the whole armor of faith and hope and love.

We ask it in the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., May 1, 1962.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. LEE METCALF, a Senator from the State of Montana, to perform the duties of the Chair during my absence.

Carl Hayden,
President pro tempore.

Mr. METCALF thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, April 30, 1962, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 3008) for the relief of Hom Hong Hing, also known as Tommy Joe.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Interstate Commerce—Drafts of Proposed Legislation

A letter from the Secretary of Commerce, transmitting two drafts of proposed legislation, as follows:

A bill to provide for strengthening and improving the national transportation system, and for other purposes; and

A bill to exempt certain carriers from minimum rate regulation in the transportation of bulk commodities, agricultural and fishery products, and passengers, and for other purposes (with accompanying papers); to the Committee on Commerce.

Employment of Retired Foreign Service Officers as Advisers to Foreign Governments

A letter from the Secretary of State, transmitting a draft of proposed legislation to authorize retired Foreign Service officers to accept, with the authorization of the Secretary of State, employment as advisers to foreign governments (with an accompanying paper); to the Committee on Foreign Relations.

Report on Review of Central Rebuild of World War II Vehicles and Assemblies in the Pacific Area Command

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a classified report on the review of central rebuild of World War II vehicles and assemblies in the Pacific area command under the military assistance program (with an accompanying report); to the Committee on Government Operations.

Audit Report on Central Valley Basin, Calif., Revenue-Producing Water Resources Development Projects, Bureau of Reclamation

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Central Valley Basin, Calif., revenue-producing water resources development projects, Bureau of Reclamation, Department of the Interior, and Corps of Engineers (Civil Functions), Department of the Army, fiscal year 1960 (with an accompanying report); to the Committee on Government Operations.

Report on Tort Claims Paid by State Department

A letter from the Secretary of State, transmitting, pursuant to law, a report on tort claims paid by that Department during the calendar year 1961 (with an accompanying report); to the Committee on the Judiciary.

Dual Compensation Act of 1962

A letter from the Chairman, U.S. Civil Service Commission, Washington, D.C., transmitting a draft of proposed legislation to simplify, modernize, and consolidate the laws relating to the employment of civilians in more than one position and the laws concerning the civilian employment of retired members of the uniformed services, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a resolution adopted by the New Jersey State Patrolmen's Benevolent Association, Inc., of Morristown, N.J., relating to alleged charges of police brutality, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with amendments:

S. 1316. A bill to improve the land tenure patterns of the Fort Belknap Reservation (Rept. No. 1372).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 2696. A bill to correct certain land descriptions in the act entitled "An act to declare that the United States holds in trust for the pueblos of Santa Ana, Zia, Jemez, San Felipe, Santo Domingo, Cochiti, Isleta, and San Ildefonso certain public domain lands" (Rept. No. 1373).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 2179. A bill to amend section 9(d)(1) of the Reclamation Project Act of 1939 (53 Stat. 1187; 43 U.S.C. 485), to make additional provision for irrigation blocks, and for other purposes (Rept. No. 1377).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, without amendment:

S. 2893. A bill to declare that certain land of the United States is held by the United States in trust for the Prairie Band of Potawatomi Indians in Kansas (Rept. No. 1374).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, with amendments:

S. 2895. A bill to provide for the conveyance of certain lands of the Minnesota Chippewa Tribe of Indians to the Little Flower Mission of the St. Cloud Diocese (Rept. No. 1375).

By Mr. DWORSHAK, from the Committee on Interior and Insular Affairs, with amendments:

S. 2665. A bill to authorize the Secretary of the Interior to enter into an amendatory contract with the Burley Irrigation District, and for other purposes (Rept. No. 1378).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 8030. An act to amend the act admitting the State of Washington into the Union in order to authorize the use of funds from the disposition of certain lands for the construction of State charitable, educational, penal, or reformatory institutions (Rept. No. 1379); and

H.R. 9805. An act to change the name of Whitman National Monument to Whitman Mission National Historic Site (Rept. No. 1380).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 1605. A bill to authorize the Federal Power Commission to delegate its functions (Rept. No. 1376).

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated April 13, 1962, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAVEZ:

S. 3231. A bill to enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests, and for other purposes; to the Committee on Public Works.

By Mr. HUMPHREY:

S. 3232. A bill to amend section 33 of the Federal Employees' Compensation Act so as to provide a system of safety rules, regulations, and safety inspection and training, and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. MORSE:

S. 3233. A bill to amend the District of Columbia minimum wage law to provide broader coverage, improved standards of minimum wage and maximum hours protection, and improved means of enforcement; to the Committee on the District of Columbia; and

S. 3234. A bill to provide that no State shall impose any poll tax, property tax or any property ownership qualification or property tax, or any literacy or intelligence test as a condition of the right of any citizen to vote at any election for a Federal officer; to the Committee on Rules and Administration.

(See the remarks of Mr. MORSE when he introduced the above bills, which appear under separate headings.)

CONCURRENT RESOLUTION

ESTABLISHMENT OF AN INTERNATIONAL LIVING MUSEUM OF ANTHROPOLOGY AND ETHNOGRAPHY

Mr. LONG of Hawaii. Mr. President, I submit, for appropriate reference, a concurrent resolution requesting the President to use his good offices in investigating the feasibility of establishing an International Living Museum. I believe that such a museum, supported by all the nations of the world, would make a substantial contribution to the mutual understanding without which international peace and amity is likely to be a vain hope.

We have many forward-looking educational programs which will help to tie nations together on the frontiers of future knowledge. I believe this proposal will help us all to recognize our common heritage upon which that future can be built.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 70) was referred to the Committee on Foreign Relations, and, under the rule, ordered to be printed in the RECORD, as follows:

Whereas programs of international cooperation enhance the achievement of mutual understanding among the peoples of the world and promote the cause of international peace;

Whereas the establishment of an International Living Museum of Anthropology and Ethnography, planned, executed, and directed by all participating nations as equals, would provide a unique opportunity for international cooperation and for the peoples of the world to acquire a better understanding of themselves and each other;

Whereas the presentation of special exhibits such as those which would trace the development of man and his cultural achievements through the ages or show various means of gaining a livelihood in all parts of the world or the natural resources or geographic peculiarities of various sections of the world would offer infinite possibilities to instruct, enlighten, and delight those who would plan and work for, and those who would visit, such exhibits and enable them to better understand and appreciate the similarities and differences of the peoples of all parts of the world;

Whereas the benefits of such exhibits would be brought to peoples throughout the world by a program of traveling exhibits and the establishment of small permanent branches of the museum in many countries of the world; and

Whereas an International Living Museum would be continuous and might well prove to be one of the least controversial and one of the most generally cherished institutions in a world of great diversity: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States hereby expresses its interest in encouraging the establishment of an International Living Museum of Anthropology and Ethnography.

SEC. 2. The President is requested to institute studies within the Department of State and other interested departments and agencies of the United States Government with a view (1) to reporting to the Congress as to the feasibility of the establishment of an International Living Museum and the framework, functions, and purposes of such museum, and (2) to submitting to the Congress recommendations as to the extent of participation by the United States in the proposed operations of such museum.

SEC. 3. The President is further requested, through the United States delegation to the United Nations, to place before the United Nations for its consideration a proposal for the initiation of studies within the United Nations that would explore the feasibility of the establishment of an International Living Museum and the sponsorship of such museum by the United Nations Educational, Scientific, and Cultural Organization.

FEDERAL EMPLOYEES' SAFETY ACT

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a bill to amend section 33 of the Federal Employees' Compensation Act so as to provide a system of safety rules, regulations, and safety inspection and training, and for other purposes. The major segment of our private industry has found it necessary to place emphasis on rules for safety. Part of this concern for the prevention of disabling accidents, or damage to property, is due to the additional operational cost involved and partly due to promote efficiency.

The U.S. Government, largest single employer in the Nation, lags far behind private industry in promoting a coordinated practical program for safety. This lack of a fully uniform program is becoming increasingly costly in loss of time and payment for injuries sustained by Federal employees.

In 1948 the injury frequency rate for Federal employees was 8.1 disabling injuries per million man-hours. Dating from the same period the cost of injuries to Federal employees has increased some 80 percent from approximately $20 million in 1949 to $36.1 million in 1960.

At present the only safety program in Government is carried on by the Federal Safety Council, pursuant to section 33(c) of the Federal Employees' Compensation Act which declared it is the purpose of the act "to reduce the number of accidents and injuries among Government officers and employees, encourage safe practices, eliminate work hazards and health risks, and reduce compensable injuries."

The purpose and functions of the Federal Safety Council is to serve in an advisory capacity to the Secretary of Labor in matters relating to the safety of Federal employees. In carrying out the Council's duties there is no legal opportunity to enforce their recommendations and even after their advice is given to the Secretary of Labor he cannot enforce decisions of the Council. Because of this lack of enforcement or mandate from the Council, or Secretary of Labor, there are no minimum standards of safety required of all Federal agencies. With approximately 54 different Federal agencies responsible under the Federal Employees' Compensation Act there are approximately 54 different programs ranging from no program at all to others which are quite effective. This situation indicates there is considerable lack of interest in safety on the behalf of many Federal administrators.

With each agency responsible for its own safety program there presently exists much duplication of efforts in the way of disseminating publicity, training, inspections, and requests for appropriations for safety personnel.

There is no present agency coordinating body which has the authority to see that overall objectives are met, and that minimum safety standards are developed, and that they are met by all agencies. The Department of Labor has now the authority to urge cooperation and coordination of the Federal safety effort, it does not have recognized authority to compel an effective Federal safety effort.

Because of the increasing cost to the Federal Government in appropriations and impaired efficiency and to follow the trend in industry it becomes important to amend section 33(c) of the Federal Employees' Compensation Act. The proposed amendment would accomplish these things:

First. It would require the head of each Federal agency to establish a safety program in conformity with the standards, programs, and regulations prescribed by the Secretary of Labor.

Second. It would give the Secretary of Labor authority to develop, promulgate, and promote minimum safety standards for Federal employees.

Third. It would provide for surveys and investigations of injury causes which would provide useful data for individual agencies to use in controlling injuries to their employees.

Fourth. It would provide a means for coordinating and collecting the information and data developed by each Federal agency and making it available for all to use in helping prevent duplication of effort.

Fifth. It would provide an advisory staff of technicians for those agencies wishing to initiate or improve their safety efforts.

Sixth. It would provide a Federal safety advisory committee which would include representatives from both labor and management and thus insure a more closely knitted joint labor and management effort toward improving the safety record.

Seventh. It would provide resources for training and education of Federal advisory personnel in order to upgrade the safety know-how of those in positions of safety responsibility of all Federal employees.

This bill if enacted into law should result in a better overall safety program of the Federal Government with a consequent decrease in the appropriations supporting the Federal employees' disability compensation laws and a much improved safety program.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3232) to amend section 33 of the Federal Employees' Compensation Act so as to provide a system of safety rules, regulations, and safety inspection and training, and for other purposes, introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

DECENT, SAFE, AND SANITARY HOUSING FOR FAMILIES DISPLACED BY CONSTRUCTION OF HIGHWAYS — ADDITIONAL COSPONSOR OF BILL

Mr. SCOTT. Mr. President, I ask unanimous consent that the name of the junior Senator from Rhode Island [Mr. PELL] be added as a cosponsor of the bill (S. 2982) to assure decent, safe, and sanitary housing to families displaced by construction of highways forming a part of the Interstate System, introduced by me, for myself and other Senators, on March 13, 1962.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION AND WELFARE APPROPRIATION BILL—ADDITIONAL COSPONSOR OF AMENDMENTS

Mr. JAVITS. Mr. President, I ask unanimous consent that when the amendments to H.R. 10904, the Labor-HEW appropriations bill for 1963 are again printed, the name of the senior Senator from New Jersey [Mr. CASE] may be added as a cosponsor.

Also, by authority of the senior Senator from Connecticut [Mr. BUSH], I ask unanimous consent that the name of the senior Senator from New Jersey [Mr. CASE] may be similarly joined as a cosponsor of his amendment to the same bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF RESOLUTION CREATING SELECT COMMITTEE ON SMALL BUSINESS—ADDITIONAL COSPONSORS OF RESOLUTION

Under authority of the order of the Senate of April 26, 1962, the names of Senators BUSH, YOUNG of North Dakota, CARLSON, MCCARTHY, SCOTT, and KEATING were added as additional cosponsors of the resolution (S. Res. 333) amending the resolution creating the Select Committee on Small Business, submitted by Mr. CAPEHART on April 26, 1962.

NOTICE OF HEARING ON S. 1363 AND S. 3096, GOVERNMENT CONTRACT SET-ASIDES FOR SMALL BUSINESS

Mr. ROBERTSON. Mr. President, on behalf of the Senator from Minnesota [Mr. PROXMIRE], as chairman of the Subcommittee on Small Business of the Committee on Banking and Currency, I wish to announce that a hearing will be held on Wednesday, May 16, 1962, on the bills, S. 1363 and S. 3096, to amend the Small Business Act to provide that the program under which Government contracts are set aside for small business concerns shall not apply in the case of contracts for maintenance, repair, or construction.

The hearing will begin at 10 a.m., in room 5302, New Senate Office Building.

All persons who wish to appear and testify on these bills are requested to notify Mr. Reginald W. Barnes, counsel, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, telephone Capitol 4-3121, extension 3921, at the earliest possible date.

JAMES M. NORMAN—LITERACY TEST FOR VOTING—UNANIMOUS-CONSENT REQUEST FOR LIMITATION OF DEBATE

Mr. MANSFIELD. Mr. President, in view of the fact that an announcement was made to the Senate, and the desire of the leadership that as many Senators as possible be present, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and myself, I send to the desk a unanimous-consent request and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will state the proposed unanimous-consent agreement.

The legislative clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Wednesday, May 9, 1962, at the conclusion of routine morning business, during the further consideration of the bill (H.R. 1361) for the relief of James M. Norman, debate on the pending substitute amendment proposed by Mr. MANSFIELD (for himself and Mr. DIRKSEN) shall be limited to 4 hours, to be equally divided and controlled by Mr. MANSFIELD and Mr. RUSSELL, respectfully; and debate on any other amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided,* That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further,* That no amendment that is not germane to the provisions of the pending substitute amendment shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 4 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided,* That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

MAY 1, 1962.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. RUSSELL. Mr. President, I desire to reserve the right to object.

When this matter was first presented to the Senate, I made a brief statement outlining the odds that were against those of us who were undertaking to give the American people a complete picture of what was involved in the pending proposal. At that time I stated that many of the media of communication dealing with the subject matter had said this was an effort to enable Negroes in the South to vote. I pointed out that the strongest advocates of the bill had estimated that it affected only 100 counties or precincts in the South and that the bill was wholly and totally unnecessary.

I realized then, as did those associated with me in this fight, that it would be very difficult to get the issue before the American people. But I am glad to say we have made considerable progress.

Some of my colleagues have made masterful speeches, in the best tradition of the Senate. Some of the constitutional arguments that have been made here are, in my opinion, of as fine a quality as any that have ever been made.

We have not had large audiences here on the floor to hear the presentations that have been made, demonstrating that this bill is unconstitutional, but we have gradually pierced the curtain of prejudice that is thrown around the South on all issues of this kind.

The fact that this measure is clearly unconstitutional is being recognized more widely by members of the bar, by students and teachers of political science throughout the country, and the people of this country generally are getting a better understanding of the political aspects of this measure, rather than the merits or demerits of the bill.

The fact that it is wholly unnecessary, Mr. President, has been demonstrated by events, legislation, and litigation in the past 2 or 3 days—I believe in the State of Mississippi—demonstrating that there are ample laws on the books at the present time to deal with any deprivation of voting rights. The Attorney General has an option either of prosecuting under criminal procedures or of proceeding with equitable relief by injunction and the appointment of referees or registrars, as provided in the legislation passed in 1957 and in 1960.

Mr. President, we have made some progress, but the odds have been so great that we have not completed our task. In addition, there are many of those who are opposed to this measure who have not yet had an opportunity to speak on this subject. These Senators have devoted hours of labor in the preparation of their remarks.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. RUSSELL. I am glad to yield, if I may do so without prejudice to my reservation of objection. I ask unanimous consent that I may do so.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Georgia? Without objection, with that understanding, the Senator may yield.

Mr. ROBERTSON. With reference to those who have not had an opportunity to speak, the junior Senator from Virginia spent weeks studying and preparing his speech on this subject. He was to have delivered it on Monday of last week. The Senate met a few minutes and adjourned. He was to have delivered it on Tuesday of last week. In fact, he made a mimeographed summary of it and sent it to the press. Still he had no opportunity to be recognized. He is sitting here now, hoping that before this debate is concluded he will have an opportunity to express his views. Because he is convinced that if this proposal should be enacted into law it is so clearly unconstitutional that the Supreme Court, unless it reverses everything it has ever held in the past, will declare it null and void, the Senator from Virginia wants an opportunity to be heard.

Mr. RUSSELL. Mr. President, I assure the distinguished Senator that insofar as my efforts can affect the matter he will have ample opportunity to be heard. I think my record is clear in favor of free discussion in the Senate, the last forum of free expression on this earth, which should be kept open always.

As I said, Mr. President, many Senators have not yet delivered their remarks. Some of these speeches have been the subject of weeks of work, as stated by the Senator from Virginia, and require more than 1 hour in which to be delivered.

Another thing, Mr. President; as I have indicated, we have to depend very largely upon the power of repetition to get this issue across to the country. There are many facets of the subject which have not yet been discussed, many angles of it which have not been explored. In view of the situation which prevails, I do not think it would be appropriate to agree to a unanimous-consent request limiting debate at this time; and I therefore, with regret to both the majority leader and minority leader, feel constrained to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MANSFIELD. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. JAVITS. Mr. President, will the Senator yield before he goes on to something else?

Mr. MANSFIELD. I would rather go on, and then I shall be glad to yield. I think the Senate ought to have the benefit of the thoughts of the distinguished minority leader and myself.

Mr. JAVITS. Very well.

Mr. MANSFIELD. Mr. President, I regret that the usual procedure of a unanimous-consent agreement to bring a debate to a close after a reasonable period of time has been objected to. Apparently, it will be necessary to employ an unusual procedure if we are to finish with this matter one way or another and get on to the other business of the Senate for this session.

I would point out, Mr. President, that the pending business has been before the Senate for a week. The debate has been somewhat desultory, with two or three speeches a day and a very limited exchange of ideas. It seems to me, therefore, that any undue prolongation of this discussion will serve little constructive purpose.

Accordingly, Mr. President, I wish to announce that the leadership proposes to file a motion for cloture on Monday, assuming that there are 14 other Senators who will join us in a petition to that end. The leadership reminds the Senate that if this petition is filed on Monday, as is our intention, then somewhere in the neighborhood of 1 hour after the Senate meets on the Wednesday following, the motion of cloture will be voted on in the Senate.

All Members are thereby placed on notice a week in advance of this most important vote. It is expected that they will make their arrangements in order to be here at that time.

May I add, Mr. President, that if the motion for cloture receives a majority but less than the required two-thirds majority the leadership will attempt to obtain an expression of sentiment on the merits of the measure by another unusual procedure, but a procedure entirely in accord with the rules. The leadership will move to table its own measure and then vote against tabling. If the vote on this tabling motion is preponderantly against tabling, the leadership will assume that the Senate still desires to vote on the merits of the issue. It will, therefore, continue with the pending business and, at a subsequent point, if necessary, make a second effort to invoke cloture. If that effort again fails, then, insofar as the leadership is concerned, it will recognize that the Senate is unprepared or unwilling or unable, under its present rules, to face this issue on its merits, and it will proceed to other business.

I now yield to the Senator from New York.

Mr. JAVITS. Mr. President, first may I say to the Senator that he is showing what I feel, and what many other Senators feel, is complete good faith in this matter, by the procedure which he has outlined. Though the minority leader has not spoken, I know he joins in the statement fully. This is very heartening to those Senators who feel as I do.

Second, Mr. President, I assure the Senator he will have no difficulty, in my view, about getting 14 Senators to sign the cloture petition. Though it might sound unnecessary, I should like to tell the Senator that of course I should be honored to join.

But the most important part of what the Senator has said today is this, Mr. President: It is an appraisal by the majority leader himself as to the reasonableness of the compass of debate. We have not had much to say about the constitutionality of this particular measure, and yet I feel that enough has been said even on that score to make an adequate case before the Senate, even if the matter were allowed to rest at this point.

What the Senator is trying to do, and I understand it thoroughly—and our own leader has joined in it—is to make the Senate rules work.

Mr. President, I should I like to say in this regard, because those who feel as I do are often given advice, too, around here, I think all Senators, including Senators who feel that they want to discuss this matter a considerable amount further, ought to think very seriously about making the rules work.

Mr. President, I think one of the difficulties about amending the rules—which the Senator from Oregon [Mr. MORSE] and I and my colleague from New York [Mr. KEATING] and so many of us have tried to do—has been the argument, "Well, they can be made to work. If a majority really wants to do something, it can do it."

Now I think the majority leader is going to give us an opportunity to determine that. Mr. President, more will be at stake on this vote than cloture on the pending question. Perhaps what will be at stake on this vote is the whole validity of the Senate rules, built upon rule XXII.

If a majority, after reasonable debate, as found by the majority leader, cannot make its will felt, then it is high time that the country take notice of it; and the majority, as it can, should change the rules at the opening of the next session. I predict this vote will be really historic, because that is the subject on which it will bear.

I thank my colleague for yielding.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, the Senator from New York gives me too much responsibility in this matter, because this is a bipartisan effort on the part of the distinguished minority leader and myself, on which we see eye to eye, on which we have been working closely together, and which we hope will continue to be bipartisan in its consideration.

I now yield to the Senator from Oregon.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. I shall cooperate with the majority leader on the question before the Senate, as I have done on all other matters. But I have a suggestion or two to offer for the consideration of the majority leader.

First, if a cloture petition is filed on Monday and a vote is taken on Wednesday, some of us who are doing our best to campaign for reelection will not be present on Wednesday. So I should like to have the attention of my good friends on the Republican side of the aisle—the minority leader, the minority whip, and the chairman of the senatorial elections committee.

I think it would be very gracious and in keeping with our nonpartisan spirit, if it is possible, in case there are two Senators on the Republican side of the aisle who intend to vote against cloture, to try to arrange a pair so that I can go out to my State and conduct my campaign against the Republican candidate. Such action would be in keeping with the gracious reciprocity that prevails so frequently in the Senate. Of course, if I cannot arrange such a pair, I shall remain here. I am not so sure that my remaining in Washington would not be as effective campaigning as though I were to go home. But I am serious in pleading for cooperation in arranging a pair.

I have two suggestions for my majority leader. First, I believe that between now and Friday of this week would be ample time for the completion of debate on the question before the Senate. I should like to have the majority leader consider the possibility of filing a cloture petition on Friday instead of on Monday. Such action would save us some time and be helpful to many of us.

Second, I most respectfully suggest that we keep in mind the fact that the floor of this great Chamber is one of the great educational platforms of America, and that it is necessary to cause the American people to understand what is involved in an issue such as the one before the Senate. In my many years of experience in the Senate—and I think I am a qualified witness on this particular subject—I have found that there is no substitute for round-the-clock meetings of the Senate when we have a great educational issue to present to the country on a question such as the one before us.

Let us face the issue. There is behind the civil rights issue before the Senate a question which bears on rule XXII. I respectfully recommend that the Senate proceed with long night sessions up to midnight, until possibly Thursday and then conduct around-the-clock sessions. In that manner we shall give the American public a look at the Senate as it proceeds in such a session. Then perhaps next week we could reach a vote on the question.

Mr. MANSFIELD. Mr. President, thought has been given to the possibility of filing a cloture petition this week, but no matter which way we turned, there was always some obstacle in the way. So, within the limits of its wisdom, the leadership did the best it could in the light of events and tried to be as practical, understanding, and tolerant as possible.

So far as night sessions are concerned, I do not foresee any night sessions, though any Senator who wishes to do so can hold the floor all night and speak to his heart's content. I believe we ought to operate in a reasonable manner, within the rules and procedures of the Senate, to the end that the issues may be discussed, the health of Senators preserved. So far as educating the country is concerned, it appears to me that the best way to educate the people of the country is either through our own personal efforts on the floor of the Senate or through the various news media by means of which the American people can be reached.

The leadership has endeavored to be tolerant of all Senators on both sides of the aisle. As we promised in the beginning, we have no parliamentary tricks in the bag. We have tried to lay our cards on the table and operate under the procedures of the Senate. We intend to continue to do so; and if a little longer time is required, that is the way it will have to be.

The way things are going at the present moment, I do not anticipate that the Congress can adjourn before Labor Day. There have been suggestions to the effect that if we have not completed our business around Labor Day, we may well recess and come back after the election. That suggestion will be given every consideration. But I point out to Members of this body that the business of the Senate must always come first.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the distinguished minority leader.

Mr. DIRKSEN. Mr. President, in my judgment, the majority leader has manifested a rare patience and a commendable tolerance in dealing with the subject before the Senate. In line with the suggestion by the distinguished Senator from Oregon [Mr. MORSE] proposal to file a cloture petition on Friday was rather seriously entertained, so that a vote might be had on Tuesday. However, the difficulty is the intervention of primaries in a number of States. So in order not to put some Senators in an awkward position, the arrangement had to be changed. Yet we cannot operate forever day after day without precipitating the issue.

My only hope is that we can reach a vote on the merits. A vote on cloture is not a vote on the merits. If it were successful, it would only postpone the vote on the issue, after Senators had had an opportunity to speak under the cloture limitation, and then at long last we would reach a vote on the merits of the measure.

In a sense, we shall be voting on the merits if we vote on the proposed motion to table. Such action would indicate pretty well whether or not we intended to do something on the issue.

Speaking for myself, and very briefly, the language in the measure before the Senate has been virtually lifted out of a pledge that was made by my own party in Chicago in 1960. I do not wish to ignore that pledge. It was presented to the American people in good faith. In consequence, I should like to have a vote on the merits of the measure. The proposed action appears to be the only way in which it can be made possible.

Since business will be accumulating, and the Senate probably be behind schedule, the issue cannot go down the road too far.

I am sure that some Senator can be found who will give the distinguished Senator from Oregon a pair, so that he may be protected. On occasions I have joined in giving him a pair. I should like to cast my own affirmative vote, but if a pair cannot be found to give the Senator a pair, I shall join with him to see that a pair is arranged, and then express myself further on the pending measure.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. The Senator from Illinois has always been very helpful to the Senator from Oregon in arranging pairs. I have always reciprocated, and will always stand ready and willing to reciprocate on the question of pairs.

In recent years something has happened to a historic custom in the Senate in regard to live pairs. When I first came to the Senate there was no problem in arranging pairs. I speak not for myself, but for many Senators who have talked with me on the subject. In recent years it has become more and more difficult, for some reason, to arrange pairs. I think it is a very fair and helpful procedure.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ROBERTSON. Is it not true that whenever a Senator who is present at the time a vote is taken has announced a pair, the press reports that he did not vote? What Senator wishes to be recorded repeatedly as not voting when he was present?

Mr. MORSE. The senior Senator from Oregon is not very much concerned about press reports.

Mr. ROBERTSON. The press does not announce that a Senator had a live pair, and that the Senator was present and would otherwise have voted. It announces that the Senator did not vote.

Mr. MORSE. As I say, I am not very much concerned about that. We take the facts to the people of our State, if that happens, and if the press has made an erroneous issue of the situation, that fact reflects against the press. I have found it to be to my advantage on occasions. However, I believe that the historic policy of live pairs is one which ought to be revived with greater frequency than has been the case in the last few years.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. RUSSELL. I should like to say to the distinguished Senator from Oregon that I likewise lament the fact that the Senate has completely changed its procedure with regard to that situation. When I first came to the Senate, general pairs were used between Senators on each side of the aisle. That was done as a matter of course. As a general rule, a Senator did not even have to go to his pair to tell him that he would be out of town. The Senator from Connecticut, for example, would rise and inquire whether his pair had voted. If he were to be told, "No; the Senator has not voted," the Senator from Connecticut then would say, "I have a general pair with that Senator. Not knowing how he would vote if he were present, I withhold my vote."

Then the situation got down to the point where today it is necessary to get a special pair. A Senator must make inquiry and make a special arrangement in order to get a live pair.

Whether the situation changed because of the facts related by the Senator from Virginia [Mr. ROBERTSON], I do not know. The situation I have referred to certainly gave the Senate a clearer illustration of just how Senators felt on an issue so far as the record of the Senate was concerned. I am not referring to the press, but to the record of the Senate. It was certainly a better demonstration than the present system provides.

Mr. MORSE. The Senator is correct, of course.

Mr. RUSSELL. While I have been heartily in favor of the situation as it obtained previously, I am particularly in favor of the Senator from Illinois pairing with the Senator from Oregon on the pending issue. I am strongly in favor of that pair.

VISIT TO THE FLOOR OF THE SENATE OF THE HONORABLE MAURICE EDELMAN, MEMBER OF THE BRITISH PARLIAMENT

Mr. GORE. Mr. President, it is my honor and privilege to present to the Senate an honored guest who is in the rear of the Chamber. I introduce to the Senate the distinguished author, lecturer, and Member of the House of Commons of the Parliament of Great Britain, the Honorable Maurice Edelman.

[Applause, Senators rising.]

OFFICE BUILDING FOR HOUSING AND HOME FINANCE AGENCY

Mr. ROBERTSON. Mr. President, last week I announced that upon the conclusion of the pending business I would move to refer to the Banking and Currency Committee a public works bill which, in addition to authorizing $600 million in appropriations for public works in the discretion of the President, would authorize additional standby authority of $2 billion of side-door or back-door or indirect financing, all of which, except for one fund, would come from trust funds under the jurisdiction of the Committee on Banking and Currency.

I said that before that action was taken, on which no testimony had been taken, either pro or con, the Banking and Currency Committee should have presented to it some testimony, and an opportunity to express its view.

Today I read in the newspapers that because of the known opposition in the House of Representatives to back-door financing, the leadership would probably drop the standby authority of $2 billion and raise the direct authority to $900 million, and try to get the bill through the Senate in that form. Should I be informed by the leadership that it will drop the $2 billion back-door financing proposal, I shall not move to refer the bill to the Banking and Currency Committee, because we do not have jurisdiction over a public works bill.

Since that bill was reported the Public Works Committee has reported another bill, S. 3123, to use funds under the jurisdiction of the Committee on Banking and Currency. The bill proposes to use mutual mortgage insurance funds to the extent of $32 million to build a marble palace much larger than Jimmy Hoffa's Teamsters Union Building, for use of the Housing and Home Finance Agency. In these days of high construction costs, that will be quite an office building. The point I wish to stress is that if we are going to do it, let all the taxpayers contribute, and let the money be added to the public debt.

As I have said, the bill would authorize the Federal Housing Commissioner to lend money from the mutual mortgage insurance fund for the construction of the building. This loan would be paid off in 25 years, with interest at 4 percent, from annual payments in lieu of rent.

I wish to give notice that I intend to move to have this bill referred to the Committee on Banking and Currency in order that the Banking and Currency Committee may take testimony on and consider this proposal to lend money from the mutual mortgage insurance fund for Federal building construction.

The mutual mortgage insurance fund was created under section 202 of the National Housing Act, and it now appears in section 1708 of title 12 of the United States Code. The Federal Housing Administration places premiums, fees and other income received in connection with the FHA's regular home mortgage insurance program into the mutual mortgage insurance fund. From this fund insurance claims may be paid when mortgages insured under this program are foreclosed or acquired in lieu of foreclosure with losses to the mortgagee.

Under section 206 of the National Housing Act—12 U.S.C. 1712—moneys in the fund which are not needed for current operations of FHA must be deposited with the Treasurer of the United States or invested in bonds or other obligations of, or in bonds or obligations guaranteed as to principal and interest by, the United States.

It is this section 206 which would be amended by S. 3123. Instead of highly liquid assets appropriate to a reserve fund which backs up all mortgages insured under the FHA regular program, available at a moment's notice whenever needed to assure the stability of the real estate market, the bill would permit investment in a 25-year loan—doubtless a secure loan, but far from a liquid investment.

The Banking and Currency Committee has jurisdiction over the mutual mortgage insurance fund. It was created by the National Housing Act of 1934 and has been under this committee's jurisdiction ever since. In fact, no later than last June, in the Housing Act of 1961, the Banking and Currency Committee reported out an amendment to the provisions relating to the mutual mortgage insurance fund authorizing the FHA to set the annual premium charge between one-fourth of 1 percent and 1 percent per annum—formerly the range had been from one-half of 1 percent to 1 percent per annum. This became section 606 of the Housing Act of 1961.

In my judgment it is essential for the Banking and Currency Committee to have hearings on any proposal to amend the provisions of the National Housing Act relating to the mutual mortgage insurance fund. I believe this is particularly important in the case of an amendment which will substantially alter the kind of investments in which this fund may be placed. In my judgment such a change should not be made without obtaining testimony from all those who may be affected by such a change, including homeowners, the building industry, and the financial institutions which have so many billions of dollars invested in mortgages insured under the FHA mortgage insurance program.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

UNITED NATIONS

The legislative clerk read the nomination of Walter M. Kotschnig to be the representative of the United States of America at the 17th plenary session of the Economic Commission for Europe of the Economic and Social Council of the United Nations.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DEPARTMENT OF STATE

The legislative clerk proceeded to read sundry nominations in the Department of State.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations in the Department of State be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ADVISORY COMMISSION ON INFORMATION

The legislative clerk proceeded to read sundry nominations in the U.S. Advisory Commission on Information.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The legislative clerk proceeded to read sundry nominations in the U.S. Advisory Commission on International Educational and Cultural Affairs.

Mr. MANSFIELD. I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection the nominations are confirmed en bloc.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

DEPUTY ATTORNEY GENERAL

The legislative clerk read the nomination of Nicholas deB. Katzenbach to be Deputy Attorney General.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. DISTRICT JUDGE

The legislative clerk read the nomination of Stephen J. Roth to be U.S. district judge for the Eastern District of Michigan.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. PATENT OFFICE

The legislative clerk read the nomination of Ezra Glaser to be an Assistant Commissioner of Patents.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations today.

The ACTING PRESIDENT pro tempore. Without objection, the President will be immediately notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

LAW DAY

Mr. JAVITS. Mr. President, I wish to say a word about the fact that today is May 1, Law Day. It is deeply concerning and affecting to all of us, especially those of us who are lawyers, to note that this great day in which we hope for world law as a substitute for world force, comes at a time when we are exploding atomic bombs in the atmosphere in the Pacific.

I have previously stated my support of the President of the United States in the very critical decision which he has made. At the same time, as a lawyer and a legislator, I wish to take this opportunity upon so solemn a day to affirm my faith in the rule of law and to express my own dedication to the effort to make it effective in terms of our world, even during my own lifetime.

Mr. President, I ask unanimous consent to have printed in the RECORD, as a part of my remarks on the rule of law, an editorial entitled "For a World of Law," published in the New York Times of May 1, 1962; an editorial entitled "Law in Place of Force," published in the Washington Post of May 1, 1962, and a proclamation issued by the Governor of the State of New York, Hon. Nelson A. Rockefeller, declaring today, May 1, as Law Day in New York State.

There being no objection, the editorials and proclamation were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 1, 1962]

FOR A WORLD OF LAW

As decreed by law enacted by Congress, the United States observes today with appropriate ceremonies its fifth Law Day, U.S.A. In contrast to the Communist perversion of the traditional spring festival of May Day for purposes of both domestic and international class war, the day is set aside here to rededicate the American people to the ideals of equality and justice under law at home and between nations. But the day acquires special significance this year because of the American disarmament proposals envisaging a disarmed world that will be ruled by law enforced by a United Nations peace force.

This goal is still far distant. For the moment, when new nuclear explosions shake the skies, peace and a semblance of international order still depend on a delicate balance of power between East and West. But numerous beginnings toward the creation and codification of international law have already been made, especially by organs of the United Nations. Unfortunately, because the Communists scorn the West's traditions, principles and jurisprudence as products of its ruling class, and at Geneva reject the very concept of a peaceful world and a peace force, little progress has been made.

That is why the American Bar Association, through its special committee on world peace through law, backs other continental conferences espousing the cause and why it presses for a World Law Day to be proclaimed by a world conference next year. The purpose will be to develop a world law code for the World Court, to establish regional and special tribunals and to back new treaties and conventions.

There is general recognition, however, that a world ruled by law will also be ruled by politics, and that it therefore requires three institutions—a legislature which can make world laws to assure peaceful change, an executive to enforce them, and a court to interpret them. The United Nations is a still embryonic form of all three. Its Charter is already a kind of world constitution and its General Assembly passes resolutions applying it to specific cases. It is even developing into an executive agency able to enforce its "laws" in cases like the Congo. But it is unable to enforce them against larger powers. And its World Court is hamstrung by our own Connally reservation enabling this country to reject the Court's jurisdiction whenever the issue involved is deemed domestic.

This reservation encourages the Communists to reject the Court and prompts other nations to follow our example. That is why a repeal of this reservation must be one of the first steps toward a world of law.

[From the Washington Post, May 1, 1962]

LAW IN PLACE OF FORCE

Law Day, which is expected to generate more than 100,000 programs throughout the Nation today, is an expression of the almost universal yearning for an orderly world. The idea of emphasizing the role of law in the promotion of world peace, in contrast to the Communist displays of military might on May 1, originated with the American Bar Association 5 years ago when Washington Attorney Charles S. Rhyne was its president. Today the occasion is especially significant because the systematic movement to substitute law for force in the settlement of human disputes has become worldwide.

Mr. Rhyne and his ABA committee have, in the last 10 months, brought together more than 10,000 lawyers from 109 countries into 4 continental conferences in search of ways and means of developing world law. The eager participation of statesmen, diplomats, judges, professors, experts in international law, and eminent lawyers is ample proof of serious intent. While the results of the continental conferences in San Jose, Tokyo, Lagos, and Rome are not yet accurately measurable, the mere mobilization of legal thinking on a problem of this magnitude is a notable achievement.

Foremost among the facts that these conferences have highlighted is the present paucity of world law. Except for the law of the sea, diplomatic immunity, and the Postal Convention, there are no universal laws. In the face of national armed forces capable of virtually destroying mankind, the machinery for making world law is pathetically cumbersome and faltering. Even some of the widely respected instruments for judicial settlement of international disputes, such as the World Court, are little used.

The lawyers who have gone to work on these problems in virtually every country are not laboring under the illusion that they can suddenly displace the grim realities of atomic power by setting up courts of justice. But they have found many areas in which the orderly adjustment of differences can contribute to the cause of peace. Their influence is being used to help strengthen regional organizations, the United Nations, and the World Court. Noting the success of the European Court of Justice in settling more than 100 disputes, they are campaigning for the creation of regional courts for the Americas, Asia, and Africa.

Some groups are working for the ratification of regional treaties that have too long been neglected by national governments. Others are giving a boost to the European Common Market and similar hopeful projects. An attempt is being made to codify international law to make it more useful and meaningful. Next year a World Law Conference will be held in New Delhi to center attention in a still more dramatic way upon the need for expansion of international law and creation of agencies to make it effective. Agreement has also been reached to create a World Law Center, which would foster research in international law and serve as a clearinghouse for information in this field.

Sponsors of this hopeful movement recognize that it is still in its infancy. Its significance lies in the fact that lawyers are at last recognizing their global responsibility. Certainly their aim of enabling men to walk "in freedom, in dignity, and in peace" anywhere on earth should enlist the support of every thoughtful member of the profession.

PROCLAMATION BY GOVERNOR ROCKEFELLER

Jurisprudence, the knowledge of the laws of our country has been described as the principal and most perfect branch of ethics.

Men attain civilization by thinking and working together. The strength of one man against the forces of nature is little, but many men, bringing together their ideas, their skills and their strength, become mighty.

Law is the intangible force which makes freedom and progress possible. It is law that brings order into the affairs of men—that enables them to lift their sights above mere survival, to accumulate possessions, to develop the arts, to pursue knowledge, and to enjoy life among their fellows. Law gives the individual security that he could obtain in no other way; it protects the family and other groups organized for the advancement of common interest; it permits the growth of great cities and the development of vast enterprises. In other words, it is the cement that holds our free society together.

Law Day U.S.A. is dedicated to an understanding of this powerful force and to more extensive use of it for the benefit of mankind.

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York, do hereby proclaim May 1, 1962, as Law Day in New York State.

Given under my hand and the privy seal of the State at the capitol in the city of Albany this 13th day of April in the year of our Lord 1962.

[SEAL] NELSON A. ROCKEFELLER.
By the Governor:
WILLIAM J. RONAN,
Secretary to the Governor.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

Mr. MORSE. Mr. President, it is seldom that I disagree with the majority leader on a question of procedure; but when he speaks as he did with respect to the policy to be followed in connection with the pending measure, I desire to have the RECORD to show that I completely disagree with him.

In my judgment, the probabilities are very great that the cloture petition will not be agreed to by the Senate. That does not mean that majority rule in the Senate will be protected; it means it will be defeated. I am perfectly willing to try the cloture procedure, but I think we may as well face the fact that a part of the strategy of the opponents of the bill is to maneuver the Senate into a position whereby, procedurally, they will defeat the proponents. In my opinion, now is the time for the proponents of the measure to take on the filibusters and defeat them.

I believe there are large groups in this country who recognize that the very essence of the civil rights issue is the problem of providing men and women with the privilege of voting. In my judgment, the civil rights issue will not be solved until there is a uniform right to first-class citizenship on the part of all people, even though their skins may be black by the millions.

I believe that a serious mistake will be made if at this session of Congress we follow what I think will be the probable procedure in handling this issue. If the proponents of a cloture petition are defeated, there will be a little more debate, then a suggestion will be made that the Senate get on with other business, and the literacy test measure will be laid aside. I see such a suggestion coming like a great thundercloud on the horizon.

The time to face this issue is now. I believe that if cloture cannot be obtained, then the Senate ought to be held in session 24 hours a day, day and night, for as many weeks as it will take to meet the issue head on. Rule XXII will not be changed the way the Senate has been working in the last few years. In my view, there is not much time to face up to the civil rights issue. Not much time remains to give first-class citizenship to the colored people of the Nation. This session of Congress is the session at which we should meet that challenge.

Although I will go along with the cloture procedure, I will not go along with any procedure thereafter to lay the pending measure aside. The American people are entitled to have the Senate, at this session, face up to the problem and decide whether we will take the necessary steps to give to the colored people of the Nation the right to vote.

HYPOCRISY OF FREEDOM RIDES

Mr. RUSSELL. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an editorial entitled "Freedom Rides Hypocrisy," published in the Albany, Ga., Herald of April 26, 1962. The editorial clearly shows that hypocrisy is not limited to the so-called freedom rides.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FREEDOM RIDES HYPOCRISY

It is indeed amazing how the shoe will pinch when transferred to the other foot. We refer, of course, to the purported cries of outrage raised by politicians and pundits of the left to the proposal that a reverse-English freedom ride of Negroes northward be mounted by southern segregationists.

"Shocking," says Republican Senator Javits, of New York. "A heartless display of theatricalism."

"Hypocritical—a cruel hoax—a hypocritical effort to gain cheap publicity," cries Clarence Laws, field secretary for the National Association for the Advancement of Colored People.

"It violates every fundamental concept that we believe in as a people," thunders New York Gov. Nelson Rockefeller.

But where were all these self-righteous individuals when the freedom rides by Negroes—and some whites—began rolling southward? Why weren't their voices heard when State laws and local ordinances were flouted with flagrant disregard in community after community in the South?

And why, for Pete's sake, should not a southern Negro, desiring to go to the North, not accept the offer of a free, one-way train ride made by southern segregationists? What is illegal about this proposal? What is immoral? No one's civil rights are thusly violated, legally or morally. No question of segregation or integration is involved. The southern Negro in the North will not have to contend with challenging segregation statutes. He is guaranteed integration by law.

So what is all the fuss about?

Well, to be perfectly honest, it is about the North not wanting to pay the welfare costs of 1,000 southern Negroes. It is perfectly all right for the South to pay these costs. That is legal. That is moral. And it is consonant with "justice" for the South to be the scene of freedom rides. But, heavens to Betsy, not the North.

That is unthinkable. That is preposterous. Why, everybody knows that everybody in the North is exceptionally moral and blessed with unusual wisdom regarding the racial problem. How could it be otherwise?

Everybody, that is, except those forced to foot the welfare bill.

COLD-HOT WAR NOW IN PROGRESS CALLS FOR GI BILL NOW

Mr. YARBOROUGH. Mr. President, American men who have answered their country's call to arms are facing peril day and night in South Vietnam.

The fact that these men are risking their lives although no war has been declared underscores the fact that today's serviceman lives in the shadow of danger from the moment his civilian life is interrupted for military duty.

This is why I have been saying for a long time that our so-called cold war servicemen are entitled to the simple justice of a chance to piece together their lives after leaving the service. This is one of the reasons the cold war GI bill, cosponsored by me and 36 other Senators, was introduced.

By enactment of the GI bills for the veterans of World War II and the Korean war, Congress has demonstrated a national recognition of the need for assisting veterans in acquiring the training and education needed to fill the gap created by their time in service.

The fact that an American serviceman was or was not actually on duty in a combat area has never been a test of eligibility for educational assistance, either in World War II or in the Korean war. But those who give weight to combat as a qualification may, by looking at the risks American troops are taking in South Vietnam, acknowledge that the label "cold war" is a misleading name at times.

There is far more at stake on the cold war GI bill than the apparent act of justice involved. Our country is now building on a backlog of educators, doctors, scientists, technicians, and other highly trained persons who relied on one of the GI bills for their education.

What will provide our growing demand for trained and educated men in the future? The answer is in enactment of the cold war GI bill. Without it, the present shortages in teachers, medical personnel, and scientific personnel will worsen rapidly.

Mr. President, to show the danger faced by young men now going into service, I ask unanimous consent to have printed in the RECORD an article entitled "Crack U.S. Forces in Vietnam Surrounded by Constant Peril," written by Warren Rogers, Jr., of the Herald Tribune News Service, and published in the Tuesday, May 1, 1962, edition of the Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CRACK U.S. FORCES IN VIETNAM SURROUNDED BY CONSTANT PERIL

(By Warren Rogers, Jr.)

HOA CAM, SOUTH VIETNAM, April 30.—Hoa Cam, a crude camp built by native carpenters of native wood tougher than oak, sits on a flattened knoll about 8 miles northwest of Da Nang, a handsome harbor on the South China Sea which the French who built it called Tourane.

About 8 miles farther inland is a village called An Chau, nestled against a hill the American soldiers here call Pork Chop, because it resembles Pork Chop Hill in Korea. It was at An Chan that two American soldiers were killed and two others captured in a Viet Cong attack on April 8.

These four were members of the American Army's crack special forces, who run Hoa Cam. They are the world's most remarkable soldiers. Trained, cross-trained and retrained, they can do everything from delivering babies and teaching school to parachuting behind enemy lines and killing sentries with the heel of their hand.

The men here, like other special forces soldiers working closely with South Vietnamese antiguerrilla fighters, are on temporary detached duty from their headquarters on Okinawa. This TDY, as it is called, is supposed to last only 6 months.

Some of the Americans look forward to the end of that 6 months, as do soldiers on duty anywhere. It is grimly recalled here that the two men who were killed in the Viet Cong ambush were only days away from going back to their families and comrades on Okinawa.

But strange things happen sometimes. As a short-timer's time approaches, he begins to have deep thoughts. They told me about it:

"I don't know. Life is pretty rugged out here in the boondocks. Most of us have four or five kids, it seems, and we sometimes wonder what in the world we're doing out here at the end of nowhere risking our health and our lives. But as the end of your tour approaches, you get the feeling that this is where you ought to be, that this is where to fight communism, not lounging in some overstuffed chair and shooting off your mouth about democracy and things like that.

"And so we stay. Some of us ship over at the end of 6 months and take on another 6 months. The only way I can explain it is that this is where we are needed most and this is the kind of thing we can do best to pay back all those who suffered and died in our history for the same kind of idea. I'd rather fight here than in San Francisco at some later date."

SURROUNDED BY DANGER

This camp is a sitting duck, and all the Americans in it know it. The Viet Cong have a battalion of about 500 men staked out in the hills which surround and look down upon us here. They have another 600 or so part-time guerrillas who could be mustered for some sort of stealthy night operation.

But the men of Hoa Cam ignore this ever-present danger and go about their work. Living is primitive here, so a compound is maintained at Da Nang. Showers are available there and all it takes is a round trip jeep ride whenever south Vietnam's red dust begins to grind in too deep.

No GI yardbirds ever presented greater problems for the instructors. For example, there is the language barrier. While the special forces men are learning Vietnamese and the 20 other languages spoken hereabouts, they must depend at this time on interpreters—usually two of them, one from English into Vietnamese, the other from Vietnamese into Katan or Thai or Lao or whatever the native trainees happen to speak in this amazingly polyglot land.

TARGETS SHOOT BACK

Training in the field is interesting. When these recruits leave camp, out a couple of miles or so, the targets they shoot at often shoot back. The Viet Cong are everywhere, especially at night. And who knows how the raw south Vietnamese recruits, brought up from some soft-living lowland village or down from some aboriginal mountain hamlet, will react in a firefight?

One night I tagged along with Capt. Michael Phelan, 29, of Lancaster, Pa., and 1st Lt. George C. Lawton, 26, of 6200 Landon Lane, Bethesda, Md., son of Lt. Gen. William S. Lawton, retired, former Comptroller of the Army. They were taking 30 Vietnamese volunteer troops into the boondocks to teach them how to lay an ambush at night.

The trail was narrow and the grass was tall. We moved out silently, but only for a couple of miles because the trainees were not yet advanced enough to go 5 or 6 miles, where they were almost certain to encounter Viet Cong. All went well, and we lay down to wait for any movement along the trail, our trap baited and set for quarry. When none came after a couple of hours, Captain Phelan started shooting anyway and yelled, "Fire." It was a long time before they started shooting. After a full day in the hot sun of Hoa Cam, many apparently had fallen asleep while sprawled in the grass as ambushers.

CISCO CHAMBER OF COMMERCE OPPOSES RESERVE FORCE CUT

Mr. YARBOROUGH. Mr. President, grave concern has been aroused in the minds of many of our citizens over the announced intention of a cutback in the Nation's Army Reserve components. This is particularly rue in Texas, home State of the 49th Armored Division which provided a ready source of manpower in the callup of Reserve troops last year in the face of the Berlin crisis.

This country has always recognized the need for a strong and well-trained civilian force as a standby to meet emergencies where the security of the Nation is at stake. In this age of nuclear weapons, which could result in the mass destruction of property and lives, the need for such a force in the cities of the Nation was never greater.

As an illustration of this concern, I have recently received a resolution unanimously approved by the board of directors of the chamber of commerce in Cisco, Eastland County, Tex., April 26, 1962.

Mr. President, I ask unanimous consent to have the resolution printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

CISCO CHAMBER OF COMMERCE,
Cisco, Tex., April 27, 1962.

At a special called meeting of the board of directors of the Cisco Chamber of Commerce, a majority of the directors being present, the following resolution was introduced, seconded and adopted by unanimous vote:

"Whereas the city of Cisco has for the past several years enjoyed having a unit of the 49th Armored Division located in the city of Cisco, using an armory immediately north of the city; and

"Whereas the location of said battery and the Army has given many of the local boys an opportunity to fulfill their military requirements while living at home; and

"Whereas the existence of an organized National Guard unit has been of tremendous benefit and played a big part in the planning of the city of Cisco with respect to fires and natural disasters; and

"Whereas the chamber of commerce has been advised there is a possibility that the Department of Defense may plan to realine the reserve components of the Army, which might result in the city of Cisco losing its National Guard unit: Now, therefore, be it

"*Resolved,* That the chamber of commerce of Cisco, Tex., go on record opposing such realinement, and that copies of this resolution be furnished to the two honorable Senators from the State of Texas and to the honorable Congressman from this district, and to other interested parties.

"Passed this the 26th day of April 1962."

GENE ABBOTT, *President.*

Attest:

LARRY S. MILNER,
Manager.

WE HAVE MEDICINE AVAILABLE IMMEDIATELY TO CURE THE ILLS OF AN AILING GOLD MINING INDUSTRY—LET US USE IT

Mr. GRUENING. Mr. President, on April 25, 1962, the U.S. gold reserve hit another low mark. Newspaper reports published in both the Wall Street Journal and the New York Times for April 27, 1962, reported this distressing fact.

The Wall Street Journal noted:

> At $16,495 million Wednesday, the gold stock was at its lowest since August 16, 1939, when it was $16,335,000.

The New York Times stated:

> For the first time this year, the pace of 1962 gold loss exceeds that of 1961.

Mr. President, I ask unanimous consent that the full text of both newspaper articles be printed in the RECORD at the close of my comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRUENING. Mr. President, it is perfectly obvious that we must mine more gold to replenish depleted stock. When shoes wear out the consumer buys a new pair or has them repaired. He does not walk around barefooted, exposing his feet to cuts and bruises and possible infection.

I think it about time we applied medicine and helped stop this spreading infection which is destroying a once vigorous industry today hampered by an outdated pricing system.

The solution proposed in Senate Joint Resolution 44, a subsidy for newly mined domestic gold, is a medicine we can apply quickly and effectively.

Perhaps the solution will be found by the enactment of Senate Joint Resolution 44, of which the distinguished Senators from California [Mr. KUCHEL and Mr. ENGLE], the Senator from Idaho [Mr. CHURCH], the Senator from South Dakota [Mr. CASE], and I are cosponsors. It was Senator ENGLE who introduced the bill last year.

An excellent article describing the outflow of U.S. gold reserves appears in the May 1962 issue of the American Legion magazine.

The author of "The Flow of Gold" is Mr. Lawrence Fertig, a columnist for the Scripps-Howard newspapers.

Mr. Fertig writes:

> A chart showing the flow of gold into and out of the leading nations of the world can be compared to a fever chart of a patient striving to get well. And this flow of gold has a direct bearing upon the economic well-being of every citizen. It affects his job, the purchasing power of his weekly salary, the current value of his savings and the future value of the money which he or his Government has set aside to help support him in his old age.

Even as the article was written, our gold supply dribbled away, from $16.7 billion down to $16.5 billion.

Author Fertig has stressed the importance of having our Nation's monetary outflow match inflow. This is often described as our balance of payments.

He points out:

> It is obvious that our spending for foreign aid is of great importance in our balance-of-payments deficit.

Indeed it is. As I have so often stated on the floor of the Senate, it is time this Nation took a more realistic look at its foreign-aid program and made a more realistic appraisal of the results. Year after year we gallantly send our dollars overseas, to accomplish good works. I think it should be obvious that these missions too often have failed and have boomeranged.

Our gold reserves are going down. They will not be bettered until we end our imprudent aid attempts to certain nations which have been, and are, and will, I predict, continue to be flagrantly unfriendly. One cannot buy friendship. I shall have further comments to make on this matter later. But for the moment that is not the issue. The issue is to get more gold for Uncle Sam.

Today, I am concerned with the shaky state of the U.S. gold bullion reserve. A balance of payments will be in part corrective; but in our haste to make balance, let us not forget the industry which supplies our source of gold.

The gold-mining industry has not only been neglected. It has suffered unique and flagrant discrimination. It has been held in a price vise, an economic straitjacket, by Government decree.

How long must it pay 1962 prices and receive a 1934 income?

Times have changed. Yet the price paid by our Government is set at $35 per troy ounce of new gold. That price was set nearly 30 years ago.

I wish Mr. Fertig had included in his article on gold a statement on the pressing need today to assist our national gold-mining industry while it still breathes. A sick patient will recover if given proper treatment.

Mr. President, I ask unanimous consent that Mr. Fertig's article be reprinted in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From American Legion magazine, May 1962]

THE FLOW OF GOLD—HOW IT AFFECTS YOUR POCKETBOOK, YOUR JOB, AND YOUR FUTURE

(By Lawrence Fertig)

Gold. This magic word has echoed down the ages of recorded history in countless tongues among the world's many civilizations. Throughout history gold has always represented in the minds of people the ultimate in economic security. In good times and bad, gold has rewarded its owners with the ability to instantly command the goods and services of the world.

In modern times the British economist, John Maynard Keynes, dismissed gold as a barbarous relic of the past and asserted with unwarranted certainty that it represented an outworn dogma. But another British economist, Roy Harrod, who wrote a very sympathetic biography of Keynes, disagreed and more nearly expressed the truth when he said that "The collective wisdom of mankind has assigned a certain role to gold * * * it may not be a perfect device, but on the whole it is a remarkably good one."

Today, as in ages past, nations strive to accumulate gold in their national treasuries. Theorists arise from time to time who assert that gold can be dismissed except as a metal for industrial use. But nevertheless, the world goes on with its money closely linked to gold because people everywhere, as in all history, recognize it as a means of storing value for the future and retaining value for the present. Currencies which are linked to gold and therefore limited in quantity are most likely to retain their value. "Paper" currencies, manufactured at will, tend to lose their value.

A chart showing the flow of gold into and out of the leading nations of the world can be compared to a fever chart of a patient striving to get well. And this flow of gold has a direct bearing upon the economic well-being of every citizen. It affects his job, the purchasing power of his weekly salary, the current value of his savings, and the future value of the money which he or his government has set aside to help support him in his old age.

When a nation permits itself to be weakened by economic ills, gold flows from its treasury in more or less rapid fashion, the fever chart points up. When a nation achieves economic health, it attracts more of the world's gold, the fever chart points down.

For instance, when the Federal Republic of Germany was emerging from the chaos and destruction of World War II she was a povery-stricken nation with practically no gold in her treasury. Under the guidance of her Economics Minister, Ludwig Erhard, she started on the road to recovery by establishing sound economic principles. Germany vowed never to inflate her currency and her tax laws encouraged thrift, work, and investment in industry. As a result, she became the most prosperous nation in Europe and today the Federal Republic has in her treasury over $3.8 billion of gold (and approximately an equal amount of dollars which, as we shall see in a moment, are used in international exchange just like gold).

On the other hand, the United States which had over $24 billion of gold in its Treasury immediately after the war, took a different path. It followed the inflation formula. As a result, when Europe no longer was in dire need of everything we produced, she demanded gold for many of the dollars she had accumulated.

Our gold supply has steadily declined until today it is near a danger point. We have approximately $16.7 billion of gold and we have steadily lost some of it every few months. We have been losing gold because we have not, in the eyes of the world, successfully fought our economic ills. Our fever chart sometimes flattens out for a few months, but it is still rising, and if continued, will reach a crisis point.

LINK BETWEEN GOLD AND THE DOLLAR

Today the significant fact about gold is that it is linked to the dollar throughout the non-Communist world. But that link has been broken for the citizens of the United States. It is illegal for U.S. citizens to own gold either here or abroad. They cannot—as citizens of other nations can—express their preference for gold over dollars. It appears that our Government is fearful of how American citizens might act if they were free to change dollars for gold in a free gold market, such as the one that exists in London. Our Government does not want the price of gold to rise in free markets and the dollar to become weak. So the authorities have made it illegal for U.S. citizens either to buy gold abroad or to exchange their dollars for gold over here.

But the link between the dollar and gold internationally is so close that if anything should happen to the dollar—if our economic policies should undermine the world's confidence in our currency—then there would not only be a national crisis, but there would be a world crisis.

The reason is that every important nation of the non-Communist world employs dollars as the equivalent of gold for the foundation—the base—of its monetary system. Thus if the dollar, because of special weakness, is devalued by action of the United States unilaterally—if it becomes worth less in relation to gold and other major currencies—the treasury of every important nation of the West will suffer a great loss.

More important still, the confidence of the world in the United States would suffer a severe shock. Foreign trade would be confused and curbed because its basic unit of exchange—the dollar—would be under a cloud. People would be apprehensive about the dollar's future value. The implications would be not only economic, they also would be political and would affect our military alliances.

WHO CAN GET U.S. GOLD

Under our law the U.S. Treasury is empowered to sell gold at $35 an ounce to foreign governments and foreign Central Banks (such as the Bank of England, the Bank of France, etc. These Central Banks correspond in a way to our Federal Reserve System). This law does not apply to individuals.

The U.S. Treasury also buys gold mined by domestic companies at the same fixed rate. (Last year this amounted to $53 million.)

Many eminent economists assert that this $35-per-ounce price for gold today is too low and should be changed. They reason that it is an artificial price in terms of all other commodities, and also that it is a tiny base for the vast amount of bank deposits which have been created since the war. Only by establishing a realistic price for gold can we ever get back to a true gold standard which would permit U.S. citizens to freely exchange dollars for gold and restore complete confidence in the value of the dollar. But even the most ardent advocates of a higher gold price agree that:

(1) This must not be done by unilateral U.S. decision, but by international agreement; (2) All major world currencies must be realined, based upon the new higher gold price; and (3) Such a move should be made only if measures are simultaneously taken to prevent a new round of inflation resulting from this change in the gold price. This change in the price of gold is a highly technical and involved subject which need not be discussed here.

The important fact is that whatever the price of gold, the United States must be guided by sound economic policies outlined in this article, or it will get into trouble.

Today foreign nations must depend upon the fact that the U.S. Treasury will honor its commitments to give gold for dollars at the rate of $35 an ounce. This is an important fact to them because every foreign central bank employs dollars as the equivalent of gold in backing its currency, and these dollar holdings would represent a loss if the dollar plunged downward. When bankers refer to their "reserves" against currency and credit outstanding in their individual countries, they state their statistics as "gold and convertible exchange"—the "convertible exchange" being mostly dollars.

Foreign individuals as well as foreign central banks are concerned with the value of the dollar and can influence the flow of gold.

While individual citizens of foreign nations cannot bring their dollars to the U.S. Treasury and cash them in for gold as their central banks can, they nevertheless can easily get gold in the free market of London. In that market they register their fears, hope, and expectations on the future value of the dollar. They bid for gold with dollars which they can get in exchange for their own local currencies.

This free market gold comes mainly from the production of newly mined gold in South Africa, etc. Also, some comes from Communist countries which must have Western goods and pay for them this way. Last year Communists sold $200 million gold in free markets.

The price of gold in the London market can, to be sure, be somewhat controlled by the U.S. Government. We can—and have—used some of the vast gold stocks to dampen down speculative fever. When the price of an ounce of gold was pushed up to $40 an ounce in October 1960, the U.S. Treasury quietly arranged with the Bank of England to release a lot of gold for sale on the market. Today, the price in London is a little over $35 an ounce. Will it stay there?

No one knows. It all depends on how much confidence people have in the dollar and whether they begin to get a sneaking suspicion that the dollar might have to be devalued, after all. If confidence in the dollar is lacking, the price of gold will ultimately rise in the free market. The U.S. Government can, by special arrangement, dampen it down for a long time, but not forever.

It must also be remembered that the individual owners of pounds, marks, francs, etc., can register their fear about the dollar in another easy fashion. They can, if they are disturbed, simply swap their dollars for other currency. When they do this, their dollars end up in the vaults of the central banks of their country. If there is a flood of such dollars, the central banks become apprehensive. They may decide that they have too many dollars and not enough gold. So they in turn convert their dollars into gold, at the standard rate of $35 an ounce. This is precisely what they have been doing over the past few years.

Since it is in the interest of foreign central banks to see that the value of the dollars is maintained, it is to be expected that they will not press the U.S. Treasury to convert the dollars they own into gold at too rapid a rate. There is some kind of subrosa agreement among the central banks at the present time. Also, a formal agreement was reached in Vienna in the fall of last year by leading nations which set up the International Monetary Fund. They agreed to set up a pool of about $6 billion of various currencies of the world—pounds, francs, marks, liras, etc. These currencies can be loaned to any nation in trouble, under certain conditions.

It is an ironic fact that this Fund was really organized because of the threat to the dollar. The once-powerful U.S. dollar will probably now have to go hat-in-hand to other nations for support. The lending of these currencies can take the pressure off the dollar temporarily. But no currency in the world can be saved permanently by loans. Eventually the dollar will have to stand on its own feet, and its price will be determined by the value that other people place upon it.

CONFIDENCE: KEY TO THE GOLD DOLLAR PROBLEM

What is the basic reason for confidence or lack of confidence in the dollar? This is the heart of the problem. How do people judge whether the dollar should be converted into gold or not?

Their judgment is made on the basis of two facts which are closely related to each other:

1. How sound are the basic monetary, tax, labor, spending and other policies within the United States? Are they inflationary and are they undermining the strength of the dollar? If we are overspending, and our policies are inflationary, many people will demand gold for their dollars.

2. What is the trend of our balance of international payments? Our balance-of-payments may be described as the net figure resulting from balancing all the dollars we send abroad against all the dollars received over here from foreign sources in any one year. This figure is closely watched throughout the world and has an important bearing on the strength or weakness of the dollar. If our balance-of-payment threatens to be negative and fairly large (that is, if we are sending many more dollars out than we are taking in) it will shake confidence in the dollar.

The elements going into the balance of our payments are the following: (a) We export goods and we import goods. This gives us a net credit or a net deficit. Last year we exported $5.2 billion more than we imported. But that is not the entire story. (b) In addition, we paid out about $5.6 billion for military and foreign aid of various kinds. (c) We send dollars abroad for investment in foreign countries and we receive dollars for investment over here from those countries.

Our net balance for all these items last year showed a deficit of $2.4 billion, and in 1960 a deficit of nearly $4 billion. It is obvious that our spending for foreign aid is of great importance in our balance-of-payments deficit. Under Secretary for Monetary Affairs Robert V. Roosa summed up the matter recently when he said: "Unless we have our accounts in balance—that is, unless we have as much money or more money coming into the United States as we send overseas—we cannot maintain the value of the dollar."

This is a sobering appraisal.

Why is the deficit in our balance-of-payments so threatening? It is because foreign holders of dollars (who do not exchange them for gold) invest them to a great extent in short-term U.S. obligations of various kinds. These short-term investments can be quickly sold and converted into dollars, and dollars can then become a claim on American gold.

Currently, foreign short-term dollar claims total over $21 billion. Offsetting these, we have a total gold stock of $16.7 billion. But not all of our gold can be used today to meet foreign claims. For, according to the law, the Federal Reserve banks must hold a gold reserve (which currently would amount to $11.5 billion). Thus, there would be left a relatively small amount to meet foreign claims in gold. Some people have advocated that the law be changed to eliminate this gold reserve so that foreign holders could be assured of getting all of our gold stock if they wanted it. Such a move to deplete us of our gold would be disastrous. Furthermore, it would undermine foreign confidence in the dollar, not increase it.

Such a move would be made in an effort to soothe foreign holders of dollars. But its net effect would be to take away any automatic restraint upon the issuance of paper dollars. The dollar would be paper money—fiat money—with no legal gold backing behind it. The history of such paper money has not been a pleasant one. In fact, it is replete with tragic episodes, such as the bonfire that the French finally made of their paper "assignats" at the end of the 18th century.

So, basically, the only way we can make the dollar strong and stop the outflow of gold is to correct our balance-of-payments. This can be done only if we curb the inflationary policies in this country.

ANTI-INFLATION POLICY NECESSARY

What policies that contribute to inflation must be curbed?

1. At the root of all our problems is Government deficit spending. When the Government spends more than it takes in, it creates new money, manufactured through the banking system. This is outright inflation of the money supply, and eventually causes rising prices.

Increased spending for civilian projects, piled on top of necessary defense spending, is one of the major causes of our deficit spending troubles.

In a rich country like ours, defense money of whatever magnitude must be provided. But our projected increase for civilian spending in the 1963 budget, is at least 50 percent greater than the increase for defense spending, according to Senator **HARRY F. BYRD**, Chairman of the Senate Finance Committee and Chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures. Furthermore, we must stop indiscriminate handouts of billions abroad. It is necessary to aid our allies, but we give money to enemy countries like Poland and Yugoslavia. And why pour so many billions into so-called neutralist countries which side with our enemy at almost every opportunity?

2. Decreased spending will help us to balance the budget now, not in the dim future. This will halt inflation and encourage confidence in the dollar.

3. Our banking authorities must not go in for a policy of making money artificially cheaper to borrow. Low interest rates over here cause dollars to flee this country in search of higher returns abroad. A restrained monetary policy is essential to a sound dollar.

4. In order to sell more goods to foreign nations our prices must be competitive. But if our prices are to be competitive, then industry costs must not skyrocket. Therefore, an intelligent labor policy is essential for a sound dollar. We must put a curb on the monopoly feature of unionism which underlies the excessively high cost of American goods in many industries. If our costs and prices are pushed too high, our exports will diminish, the deficit in our international payments will increase, and the outflow of gold will become more rapid.

5. Our steeply progressive income taxes must be revised. These taxes place a penalty on the creative power of the United States and place us at a disadvantage with the rest of the world.

It is important to remember that the policies which this country pursued 10 or 15 years ago are no longer possible. They would cause a national and international crisis today. In those days the world needed American goods regardless of our prices. The world needed dollars and bought them with gold and foreign currencies regardless of our economic policies.

Even though we inflated the money supply, even though wage costs and prices zoomed upward each year, even though practically all our policies were inflationary, nevertheless, gold did not leave this country and the dollar remained strong in international markets during the early post-war years. This era may well be called the American Era, because we dominated it with our industrial and financial power, but that day is gone. The picnic is over.

Today, we must curb our inflationary policies if we do not want to bring on a crisis. Such a crisis could take the form of curbing the export of American dollars (exchange controls). It might mean an embargo on the shipment of U.S. gold, thus repudiating our promise to pay gold to central banks. Such moves would have the same effect as official devaluation, since they would cause the dollar to sink in foreign markets. Finally, of course, the dollar might be officially devalued.

If a dollar crisis developed, a new inflationary force would be set in motion. This could affect the value of our savings, income from our jobs, the prestige of the United States and, to a great extent, the strength of the entire Western World.

Even though the present outflow of gold from the United States has subsided for some months, our fever chart is still rising on an annual basis. The dollar is not in a healthy condition. Only noninflationary economic policies can make it well again.

EXHIBIT 1

[From the Wall Street Journal, Apr. 27, 1962]

U.S. GOLD OUTFLOW TOTALED $40 MILLION IN WEEK TO WEDNESDAY

NEW YORK.—A further $40 million outflow of gold from the U.S. monetary reserve in the week ended Wednesday pushed the Nation's total decline in gold holdings so far this year to $39 million, according to Federal Reserve figures.

At $16,495 million Wednesday, the gold stock was at its lowest since August 16, 1939, when it was $16,335 million.

This year's decline to date exceeds the net outflow of $277 million in the like 1961 period. In the first two months last year, there was a $394 million gold loss, but that was offset in part by a return flow which began in March and continued intermittently into July. A resumption of the outflow later in 1961 carried the year's total gold drain to $877 million.

Reduction in the Treasury's gold stock mainly reflects sale of the metal to foreign central banks and governments. The U.S. Treasury sells gold to them on demand at a fixed price of $35 an ounce, plus an additional charge of 8¾ cents an ounce.

These sales to foreign official agencies grow out of the continuing deficit in the U.S. balance of payments, an excess of payments to foreigners over receipts from abroad. As dollars accumulate overseas, they pass into the hands of foreign central banks, which convert some of them into gold by buying it from the U.S. Treasury.

[From the New York Times, Apr. 27, 1962]

U.S. GOLD SUPPLY DROPS AGAIN—BUSINESS LOANS DOWN FOR WEEK

The U.S. Treasury gold stock fell last week for the eighth time in the 16 weeks of 1962. The Federal Reserve Bank of New York reported yesterday that the latest drop in the Nation's store of monetary gold amounted to $40 million for the week ended on Wednesday.

This erosion followed a $75 million loss the week before. It raised the total gold outflow thus far this year to $395 million. For the first time this year, the pace of 1962 gold loss exceeds that of 1961. Last year at this time, the total outflow amounted to $377 million.

The U.S. supply of monetary gold—in effect, the Nation's international bank account—now stands at $16,495 million. This is the lowest level since August 16, 1939, when the figure was $16,335 million.

BUSINESS LOANS DOWN

On the local financial scene, the Reserve Bank reported that business loans at the major New York banks in the week ended Wednesday were down $150 million. In the year-earlier week, the decline was $100 million.

Much of the seasonal decline in business borrowings at this time of year results from net repayments of loans by tobacco companies. Last week, in addition to seasonal declines, transportation, communication and other public utility companies repaid bank borrowings from the proceeds of funds raised in the capital markets.

So far this year, there has been a net decline in business borrowings at the New York banks of $315 million. A year ago, these loans were down $237 million. Business loans normally decline during the first half of the year and increase from summer onward to year-end.

The total of business loans New York banks amounted to $10,787 million on Wednesday, compared with $10,538 million a year earlier.

In Chicago, business loans at the major banks were down $29 million for the week ended on Wednesday. In the 1961 week, they fell by $13 million.

Mr. KUCHEL. Mr. President, will the Senator from Alaska yield?

Mr. GRUENING. I yield with pleasure to the distinguished Senator from California.

Mr. KUCHEL. Mr. President, pending before the Senate Committee on Interior and Insular Affairs is the proposed legislation of which my very able friend, the Senator from Alaska, speaks. A number of us have joined him in sponsoring that measure.

The imbalance of payments and the outflow of gold occupy a considerable portion of the time of the Chief Executive of our country, of the Congress, and of all officials—high and low—in Government who are responsible for the economy of our country.

I agree completely with what my able friend, the Senator from Alaska, just now has said with respect to the magnitude of the problem and with respect to the difficulties of the gold mining industry—difficulties in part certainly resulting, I must say, from a regrettable, unrealistic position of the Government with respect to the price at which gold shall be purchased.

The **ACTING PRESIDENT** pro tempore. Under the 3-minute limitation, the time available to the Senator from Alaska has expired.

Mr. KUCHEL. Mr. President, I ask unanimous consent that I may proceed for an additional minute.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. KUCHEL. So I rise, Mr. President, not only to congratulate my friend, the Senator from Alaska, for the comments he has made on this subject, but also to use this floor to reiterate my own request that our proposed legislation be given a prompt hearing in the public interest.

Mr. GRUENING. I thank the Senator from California.

I wish to ask him whether he was not struck by the anomaly that in their adverse reports on this measure, of which he is a cosponsor—a measure which merely seeks "to subsidize the miners"—the executive department heads address themselves to an unrelated issue, namely, that the price of gold should not be raised, whereas the resolution does not seek to raise the price of gold.

Mr. KUCHEL. That is correct, and that is all the more reason why the public interest requires that this measure be given a prompt hearing by the Interior and Insular Affairs Committee.

Mr. GRUENING. I should like to ask the Senator from California——

The **ACTING PRESIDENT** pro tempore. The additional time yielded to the Senator from Alaska has expired.

Mr. GRUENING. I ask unanimous consent that I may proceed for 1 more minute.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. GRUENING. I should like to ask the Senator from California whether he knows of any other situation in our purportedly free economy in which an industry is compelled by Government action to sell its product at a price which existed 28 years ago, and cannot do otherwise, whereas it must pay all the increased prices and costs which have developed in the last 28 years.

Mr. KUCHEL. Of course I do not, for the simple reason that there is no other situation similar to this one.

I wish to say that I speak not only as a Californian who happens to know something of the plight of the gold industry, but also as a United States Senator who has an interest in having this country maintain a superiority with respect to the production of gold—which, on the basis of the record and the statistics encompassed in the article the Senator from Alaska has just now placed in the RECORD, is demonstrated to be on a dangerous and continuing downward trend.

Mr. GRUENING. I thank the Senator from California; and I hope we shall have further hearings on this measure and call before the committee representatives of the agency, executive agencies who have reported adversely and question them as to why they oppose this very wise, laudable, and needed measure.

The ACTING PRESIDENT pro tempore. The additional time yielded to the Senator from Alaska has expired.

ARIZONA FOUNDERS' DAY ADDRESS BY FORMER SENATOR ASHURST OF ARIZONA

Mr. GOLDWATER. Mr. President, several weeks ago the students, faculty, and friends of the University of Arizona were privileged to hear an address by a man who is recognized as one of the finest orators this country has produced, the Honorable Henry Fountain Ashurst, former Senator from Arizona. Senator Ashurst spoke on the occasion of the 77th anniversary of the founding of the University of Arizona and the centennial of the signing of the Land Grant Act. Although the printed word pales beside the spoken word of this distinguished Arizona Senator, I suggest that the message of Senator Ashurst would be of interest and value to all of my colleagues and I ask unanimous consent that his speech at Tucson, Ariz., on March 12 be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE HENRY FOUNTAIN ASHURST, FORMER U.S. SENATOR FROM ARIZONA

Mr. President, members of the faculty, student body, and other ladies and gentlemen. Last evening the long distance rang, and a gentleman from Washington—a friend of mine who is interested in speaking—said, "Well, Ashurst, my best wishes. Have you your speech in hand?" I said, "No." He said, "You have to speak to a distinguished audience. I know Tucson. You are to speak to a very discriminating audience. And you haven't your speech in hand?" I said, "No, I have it in my head."

After listening to the generous and brilliant introduction of President Harvill, my speech is not in my hand; it is not in my head; my speech is now in my heart. I am profoundly grateful for the honors that this university has conferred upon me, and I take this occasion to thank the people of Tucson and the press of Tucson for their kindness and their gentle conduct toward me.

If in the course of my address I stumble, or hesitate, forgive me. I'm old—no, I'm not old. I am a man of years. When the ambition to speak distinctly and the ambition to employ our English language no longer thrills me, you may then call me old. Before I leave this question of age, I'm going to recite you a couplet:

"When age enfeebles legs and arms
And works dire havoc with their charms,
Some foolish people fret with rage,
When they behold these signs of age.

"They buy restorers to renew
The vanished locks of raven hue,
And dopes and lotions to remove
The marks of time, the seam and groove.

"The more they fret, like that gazook,
The more they grieve the worse they look.
It's better far to say, I know
I have improved since long ago.

"I have a more majestic stride;
I have more dignity and pride.
There's no person I'll deride,
There's no storm I'd fear to ride,
And there's no fate I can't abide."

So much by way of camaraderie.

In this address I am adverting only to events occurring prior to statehood; the astounding advance and progress of Arizona subsequent to statehood are facts well known to all and require no recital from me.

Arizona was a populous land before the Egyptian Pyramids were built. Ancient Arizona peoples wove and spun cotton and flax into gay raiment and melted gold and silver into chieftain's ornaments and queen's girdles and melted copper into chieftain's battle axes before Julius Caesar's victorious legions brought tribute back to antique Rome.

Centuries before the Knickerbocker set foot on Manhattan Island, ancient peoples irrigated Arizona fertile sands from canals and reservoirs finished with hard linings of tamped or burnt clay which in some degree possessed the endurance of our modern concrete.

The origin of those peoples is unknown; wrapped in the mists of antiquity. Nothing has been found of sufficient distinctiveness to enable us to do more than form ingenious theories as to whence they came, how long they enjoyed their tolerable civilization and whither and why they went.

Likewise, obscure and meager is that portion of our annals where we must seek for the meaning and derivation of the name "Arizona." Authorities differ widely as to the derivation of the word "Arizona" but many of the authorities seem to agree that the word means: Place of small springs or land of few springs.

The first Caucasians to enter Arizona were two Friars, Asunsion and Nedal who came in 1538—Marcos de Niza came in 1539.

History reveals nothing more fascinating than the annals of the conquistadores representing Castilian pride and power; Coronado, Alarcon, and their comrades, who flourished in the 16th century and made what they called their grand tours over the Western Hemisphere impelled by a thirst for adventure and imbued with a contempt for danger. Francisco Vasquez de Coronado, a native of Salamanca, Spain, who had attained distinction as a soldier and statesman, entered Arizona in 1540 at the head of his command, wearing a plumed helmet of steel and wandered for years in search of the gems and gold of Arizona's mythical seven cities of Cibola. Coronado's rambles yielded him no pecuniary profit, but he reported to his sovereign that his explorations rewarded him as richly as if he had found the legendary cities; his men had discovered the Grand Canyon.

Hernando de Alarcon sailed from Acapulco in May, 1540, and reached the head of the Gulf of California, then known as the Sea of Cortez. He reported that he found a mighty river that ran with so great a fury that we could hardly sail against it. There began the acquaintance of Europeans with the Colorado River.

When these conquistadores omitted to establish settlements, Spain's interest in the Arizona region lapsed but was revived early in the 17th century and took the form of missionary zeal.

The leaders of the American invasion were Kit Carson, the scout and trapper; Sylvester Pattie and his son; Felix Aubrey; Lt. Zebulon Pike; Bill Williams; R. W. Hardy; Jedediah Smith; Pauline Weaver; Gen. John C. Fremont, Senator from California, candidate for President, Governor of Arizona; Gen. Stephen W. Kearney; Lieutenants Whipple, Sitgreaves, Beale and Jacob Hamlin and Alexander W. Doniphan, the soldier and lawyer from Missouri.

In 1850 the first steamboat, a sternwheeler, named *Yuma* entered the Colorado River.

In 1858 Lieutenant Ives, with the little steamer *Explorer*, ascended the Colorado River as far as the lower end of Black Canyon. Lieutenant Ives' son, Eugene Semmes Ives, of Tucson, was a learned lawyer—an accomplished, erudite gentleman. Major Powell, explorer and geologist, left a rich legacy of his early explorations of the Grand Canyon. Only a facile pen and it dipped into the ink of temerity may attempt a description of the Grand Canyon with its pyramids, minarets, temples and sheer cliffs between whose walls there rolls and tumbles the Colorado River.

Prior to the entry of the Southern Pacific Railroad into the Territory, in 1879 merchandise and supplies were brought to Yuma and Ehrenberg by steamboat and thence distributed by freight teams drawing wagons to the various settlements. Six months were frequently required to transport a consignment of goods from San Francisco to the interior of the Territory.

The transcontinental railroad lines followed the general course of historic trails and stage roads.

The Santa Fe Railroad, originally named "Atlantic & Pacific," followed the general course of the old Santa Fe Trail, while the Southern Pacific followed generally the once busy Butterfield stageline.

The Santa Fe Trail, established in 1822, first ran from the Missouri settlements to Santa Fe, N. Mex., and was later extended to the Pacific Ocean. This Santa Fe Trail passed through the Petrified Forest, whose trees lined their green milleniums and put on immortality 7 million years ago.

The city of Tucson, one of the oldest cities in the United States, has undergone various conditions of occupancy: An Indian pueblo; mission for Spanish priests; presidio for Spanish soldiers; rendezvous for Mexican troops; Capital of the Confederate Territory of Arizona and later capital of the Union Territory.

On December 12, 1846, Lt. Col. St. George Cook reached Tucson; he was the commander of the Mormon battalion, composed of 400 courageous Mormon soldiers who were marching to the assistance of Gen. Stephen W. Kearny in California.

The command passed through the gate into this then walled city, whereupon Colonel Cooke raised the American flag and announced that no civilian would be harmed, as his troops would not interfere with the private property or civil rights of the citizens.

Arizona was organized as a territory by the Congress of the Confederate States a year before the Congress of the United States in 1863 erected the Union Territory of Arizona.

In 1865 the Territorial Legislature created the county of Pah Ute in Arizona's northwestern corner but within 6 months thereafter, Congress attached Pah Ute County to the State of Nevada and Pah Ute citizens sang: "It was so soon that I was done for I wonder what I was begun for." Thus Arizona's square mileage was reduced from its original area of 120,812 square miles to its present 113,956 square miles.

The civil government of the Union Territory was formally set up at Navajo Springs in 1863; hence the capital may be said to have been once at Navajo Springs. The capital was at Prescott from 1863 to 1867; at Tucson from 1867 to 1877; again at Prescott from 1877 to 1889, when it was located at Phoenix. Almost immediately upon the erection of the Territory the question of statehood was agitated, as the Territorial government was organized by men of large ability and high ambition. The first Delegate to Congress, Charles D. Poston, born in Kentucky in 1825, was a brilliant orator and charming reconteur.

A constitution was framed in 1891 and was ratified by the voters but Arizona was denied admission into the Union because the proposed constitution contained a provision that silver as well as gold should be legal tender for the payment of all debts, public and private.

In 1906 Senator Beveridge of Indiana proposed a plan of uniting and admitting Arizona and New Mexico as one State; the Beveridge bill passed the House but Senator Joseph Benson Foraker of Ohio, assisted by the then Arizona Delegate, Marcus A. Smith, vigorously opposed the joint statehood bill. The bill passed the Senate with the Foraker amendment which provided that the vote of Arizona and New Mexico, counted separately, should determine whether the two Territories should be admitted as one State. Thus, under this Foraker amendment at the elections in 1906, Arizona by a large majority declined to link her destiny with another community.

An enabling act authorizing the admission of Arizona and New Mexico, as separate States, was passed by Congress through the efforts of Delegate Ralph H. Cameron and was approved by President Taft on June 20, 1910. The Constitutional Convention assembled in October of that year and, after a session of 60 days, framed a State constitution which was ratified by the voters and on February 14, 1912 President Taft issued his proclamation declaring Arizona admitted to statehood and on the same day George W. P. Hunt became the first State Governor.

Kansas is a State that had difficulty in securing statehood. She adopted as her motto—and I display my little Latin—Ad astra per aspera—to the stars through difficulties. Arizona reached the stars through difficulties but whether you are in politics, on the stage as Thespian or in any other energy of life, you reach stardom only through difficulties.

At the risk of being trite and boresome—but a number of the faculty historically minded—have asked me to tell something of the early-times people. You have been so kind to me that it would be a poor requital of your courtesies if I were to bore or tire you.

The early pioneers are vanishing. I seem to be a remnant of an epoch that's faded except in memory. I've had many tasks, in my time, but it is a very difficult thing for me—or for anyone else—to translate for you and bring to you the scenes of, early times—how different they were, not better nor worse, but different. The newspapers were well-printed; they were authority. They were fiercely partisan; the type was clear and their coverage was excellent. The teachers were adequate to the purpose. They knew the Greek and Latin elements, and were strict disciplinarians. Corporal punishment was inflicted on boys and girls for any infraction of rules. The clergymen were adequate to the purpose; they were fervent, and their sermons, many of them, were eloquent.

I am glad to hear that Dr. A. E. Douglass is still with us. I knew him in Coconino County nearly 70 years ago. He is a learned, erudite gentleman: an astronomer, a student of the cosmos, who pierced the skies with his telescope. Sixty years ago he was nominated by the Republicans as a candidate for probate judge, an important office in territorial days; the Democrats nominated against him a noted raiser of swine and that campaign went into history as the contest between a stargazer and a hog raiser. The stargazer won.

During our territorial days we had 12 different men who served as our delegate to Congress. They were virile, able men. Among them was Ralph H. Cameron, of Coconino County; he was a salty Yankee—I respect them. At that time there was one town in the territory that had no church. A resident of that town telegraphed to Mr. Cameron saying: "Please get us an appropriation for a church for this town." Delegate Cameron telegraphed in reply: "I cannot get you appropriation for church; Constitution of the United States does not permit. Moreover, Congress cannot do anything about religion. You do not need a church; what you need is a good jail. I'll get you a jail."

The governors of the territory were appointed by the President of the United States and the various governors were virile, able men, some of them of national fame. For example, Gen. John C. Fremont, explorer, Senator from California—once worth millions of dollars—lost it all; was reduced to penury. Gov. F. A. Tritle, friend of Mark Twain, signed the bill establishing this university. Gov. Ben Franklin—no relation—was a portly man. Had been a Representative in Congress from Missouri. He called upon President Cleveland and asked to be appointed as Consul to Hankow, China. President Cleveland said to him: "Mr. Franklin, it is the policy of my administration to appoint Consuls who speak the language of the country in which they are accredited—as they have to do with commercial affairs. Do you sir, speak Chinese?" Mr. Franklin replied: "Mr. President, ask me any question in Chinese and I'll answer you in Chinese." President Cleveland glared at him with mustachios bristling and then said: "Mr. Franklin, you will be appointed tomorrow, possibly this afternoon."

From the earliest territorial days culture and talent were worshiped; education was highly prized and in every settlement—however crude—there was a Shakespeare Club—a Milton Club. Tombstone, in her days of blood and silver, had a famous Shakespeare Club. At that time in Tombstone there was a versatile and sparkling lawyer who lingered long where the bubble, joy, danced in the bottle of inebriety. He accepted the club's invitation to speak on Shakespeare and instead of remaining sober he lubricated himself into lubricity. A few days prior to his engagement to speak—a slicker from New York—had filled Tombstone with rubber checks and many Tombstone persons were mourning the New Yorker's untimely departure. Our lawyer friend began his speech to the club: "Ladies, you will recall that Shakespeare begins his tragedy, Richard the Third as follows: 'Now is the winter of our discontent made glorious summer by this sun of York,' but I say, now is our glorious summer in Tombstone made into a winter of discontent by that son of a son from New York"; whereupon some of the club members fainted and the orator fled.

In territorial days professional men observed the admonition "Costly the habit as the purse can buy." Among their accouterments they wore quality boots. The lawyers had a habit of setting their feet upon a long table in front of the judge's bench.

There was a lawyer named Goodwin who always went barefoot. One rainy day—no pavements, streets muddy—Mr. Goodwin settled his feet upon the table—same table where his brother lawyers had settled their feet—feet encased in high-grade boots. The presiding judge said, "Mr. Goodwin, please remove your feet from the table. I do not object to boots on the table but I do object to you wriggling the mud out at me between your toes."

The birth of a State and its admission into the American Union is an important and majestic event. Under our Federal system it is the most beautiful and symmetrical creation of political authority known to statesmen.

An attachment to the fascination of bygone days is a sentiment found in all civilized peoples. Romance clusters around the history, the genesis, of every one of the States of our Union but it is doubtful if, in the history of any other State, there may be found characters more vivid, dramas more poignant, actions more heroic than those clustering around Arizona.

In the rhythm of life we revere bygone days and try to reconstruct their scenes, and when one speaks of Arizona's early days, one need not garnish one's narrative with prismatic allusions, that is: one is not tempted to overstatement—the simple facts require no embroidery and the wildest hyperbole—the wildest rhetorical exaggeration could not make our territorial days seem more romantic and glamorous than they really were.

In attempting to describe the grand drama of Arizona's settlement one must resort to the lines of the prolog of Shakespeare's play, "King Henry the Fifth": "O for a muse of fire that would ascend the brightest heaven of invention; A kingdom for stage, princes to act and monarchs to behold the swelling scene."

Neither silver tongue nor golden larnyx is eloquent enough, adequately to portray the contributions made by Arizona's pioneer women. In hunger, in thirst, in childbirth pain, in cruel isolation, in peril of savage men and savage beasts, the pioneer women walked their uncomplaining way and, with a courage beyond the range of eulogy, cheered their men onward in Arizona's panoramic settlement and development.

All the Arizona characters who had to do with the creation of Arizona Territory have completed their earthly journey; have gone beyond the twilight's purple haze to that vast realm where the innumerable dwell. The Arizona pioneers, generally, were clean spoken and chivalrous; slow to anger but when infuriated they burst forth with a profanity and ribaldry which ascribed to the object of their wrath, a canine ancestry and parentage. Some of the pioneer men may, at times here have trodden a tangled trail but they were gay, gallant, and generous, and are now, beyond doubt, happy on the serene and shining pathway of the stars.

To survive the pioneer must need be resourceful and of fortitude and endurance as well; life for many of them was necessarily a life of severe isolation; hence the lonely ranchman, prospector, teamster, cowboy, and sheepherder frequently took refuge from loneliness by entering into the domain of the imagination—that faculty of the human mind—where ideal experiences are possible without objective restraint—where globes of gold expand and float—glittering towers up-thrust themselves—that domain peopled with a phantom throng—invisible to all persons but the eye of the imaginer, and thus many pioneers became endued with intellectual power and tremendous personal charm.

Although territorial days were filled with tragedy and fantastic exploits, courtesy and good manners were the rule. The pioneers, generally, were intelligent, many of them were fairly well educated; they were good-humored and were hospitable toward religion, science, and literature.

Most of the pioneer men would have been at home in any metropolitan club and most of the pioneer women were familiar with art forms, cottage industry, domestic science, and with the fashion edicts of New York, London, and Paris.

Nowadays, it is frequently said by world-weary persons that the glamour and high emprise of other days have departed and that in this highly mechanized 20th century there is nothing that savors of the romantic or fabulous.

When, however, we make a careful survey, we perceive that high emprise and romantic exploits are occurring all about us; that opportunities for achievement are ever present in our world of today and are at the beck and call of all those persons who will woo those opportunities. The lovely enchantments of bygone days are with us here and now; there is much in everyday life that inspires and gives a mighty upsurge to the human spirit, and as for my single self, I should prefer to live in this present epoch rather than any other epoch this world has known. Romance departed.

It is only a fortnight since one of the most romantic achievements in history occurred. When Colonel Glenn entered his capsule to orbit the earth some papers said that he was alone. Alone. Colonel Glenn was accompanied by the most royal companions that may accompany a man. Above him was his faith in the providence of God; at his right hand sat courage; at his left hand sat skill reading the dials; below him was the glory of three sunrises following one another so closely that they were as the phantasmagora of a dream; below him was the earth spinning at 1,000 miles per hour and he was orbiting that same sphere at 17,500 miles per hour. He was not alone.

I take no stock in the gloomy jeremiads so constantly chanted that the human race will destroy itself; I do not subscribe to the defeatist attitude that human beings are but the hapless zanies of witless fate and thoughtless chance which will overthrow the wisdom of the wise, the valor of the brave, and the trophies of the truth. I reject such philosophy. I reject any philosophy that would doom mankind to futility; I assert that mankind is endued with reason, conscience, ample power of self-direction, and has his own fate in his own hands. Those explosive forces, which have brought such specters of dreadful terror to so many persons will (before the silver of years shall have crowned the temples of the young here) be the selfsame forces that will heat and illuminate man's habitation, transport him and his commerce, and heal and cure many of his physical ills and agonies.

History is but a record of mankind's struggle against his environment and he has, with courage, quite well succeeded thus far; mankind has a special obligation because the human race has been given a mystical strength called conscience, which binds mankind to a duty to survive. No nation, no group of nations can destroy civilization. Mankind is inexterminable as there is somewhere a conservation of moral and spiritual energy which preserves the core of every noble resolve and worthy action and binds them into a beneficent achievement aiding the human race in arduous struggle to establish justice and to conquer all the arts and sciences.

America is now the only first-rate power left in the world where liberty may speak with a voice of authority, amplitude and grandeur; therefore: "Our eternal maxim: All things for America; she is the vital axle of the restless wheels that bear us onward. Beyond the map of America, our hearts will travel not but fill that limit to its utmost verge."

BIG GOVERNMENT AND THE MORAL ORDER

Mr. GOLDWATER. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article entitled "Big Government and the Moral Order," written by Roger E. Freeman and published in the May 1962 issue of the Catholic World. Dr. Freeman is well known nationally for his work and writings on public finance, intergovernmental relations, and education. He is now on the staff of Claremont Men's College, Claremont, Calif.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIG GOVERNMENT AND THE MORAL ORDER

(By Roger A. Freeman, Claremont Men's College, California)

(When "Mater et Magistra" appeared, the New York Times headline announced that the Pope had backed the welfare state. Certain Catholic journalists agreed with this sweeping conclusion and even seemed to imply that the encyclical and other papal teachings endorse the present trend toward big government in the United States. Taking issue with Father Benjamin Masse's address to the Catholic Economic Association last December, Roger A. Freeman challenges certain implications of that address. He concludes that neither papal social teaching nor the current drift toward big government in the United States give us any reason to be complacent about the future of personal liberty in this country. Dr. Freeman is well known nationally for his work and writings on public finance, intergovernmental relations and education. He has served on the White House staff, on several presidential commissions, and as assistant to the Governor of the State of Washington. He is now on the staff of Claremont Men's College, Claremont, Calif.)

Public debate over the proper role and size of government was fanned to new intensity 4 years ago by the appearance of John Kenneth Galbraith's "The Affluent Society." It has not abated since. The Galbraith thesis soon engendered other publications supporting it, including books by Francis Bator, David Demarest Lloyd, and Frederick C. Mosher. It was sharply contradicted in volumes by Henry C. Wallich, Lawrence Fertig, and Barry Goldwater. Some day, when we can view the 1960's in calm retrospect, we may find that "big government" was the most important domestic issue of its time on the American political scene.

A new dimension was added to the debate, particularly for Catholics, when Pope John XXIII's great social encyclical, "Mater et Magistra," was interpreted by some as giving the papal seal of approval and even encouragement to big government. "Welfare State Given His [Pope's] Backing" heralded the New York Times (July 14, 1961), and several Catholic publications made similar, if more moderate, statements.

In his presidential address to the Catholic Economic Association, at its convention in New York in December 1961, Father Benjamin L. Masse, S.J., pondered "whether government in the United States—all government, Federal, State, and local—has become too big a factor in the Nation's economic life, whether it is spending too much, taxing too much, or, in general, throwing its weight around too much." He suggested that "these same questions, projected on a world scale, occupy Pope John XXIII in 'Mater et Magistra'." After a searching analysis of this eminent document Father Masse—"not without some diffidence"—concluded: "* * * it is my opinion that our sprawling government establishment can be amply justified on moral grounds."

It is difficult to take issue with this opinion. We may well hold that the nature and extent of certain governmental activities aggravate, rather than alleviate, moral danger and contribute to, rather than remedy, social ills. But it would take a bold man to assert categorically that government, as found in the United States today, is in violation of the moral law.

Still, I cannot help feeling that there is more in Father Masse's statement than appears on the surface, and that it is intended to convey to the audience not merely the absence of moral objection to the size and type of governmental activity we now experience in the United States. The citations and conclusions from "Mater et Magistra" and laudatory references to our major public programs seem to imply that papal teaching authority favors and endorses the apparent trend in governmental development in the United States. If this interpretation of "Mater et Magistra" is correct, those of us who view a continuation of the trend of ever-expanding government with apprehension may well have to search our conscience more deeply. But * * * is this a correct interpretation of the Holy Father's message?

Father John F. Cronin, S.S., one of our most eminent authorities on the social teaching of the church, holds that "the encyclical is as much pastoral as doctrinal. Those who were looking for innovations in the development of doctrine will not find it there" (Social Order, September 1961). In other words, then, "Mater et Magistra" primarily elucidates principles contained in earlier papal pronouncements. Pope John XXIII expounds the goals of justice and equity in economic and social affairs which public and private forces everywhere should strive for. He instructs us on the state of mind and on the attitude of charity and compassion with which we should approach the solution of social problems.

The Holy Father demands in no uncertain terms that public policies foster greater progress toward justice for families suffering from deprivation. But "the church teaches morals, not economics," as Father Cronin has pointed out in "Social Principles and Economic Life" (Bruce, 1959). Within the limits of the economically feasible and the morally permissible, the Pope leaves us free to choose the means that best fit local circumstances.

Pope John reveals in "Mater et Magistra" a keen awareness of the wide discrepancies among countries in regard to economic development and social conditions. We know that what is a fond hope in one country, to be achieved in years or generations, is a fact or proud achievement in another. What is accomplished by the national government in one country may be more effectively done by local or voluntary action in another.

The Pope, referring to the expanding activity of government, reminds us of the principle of subsidiarity, which was stressed in "Quadragesimo anno." According to this principle it is not fitting that government undertake what individuals and private bodies can achieve. Nor should larger government tackle what smaller (i.e., local) government can accomplish.

When we behold the appalling discrepancies between the wealth of a few and the abject misery of the masses in many countries, and the crass inequities that are permitted to persist, then we may well conclude that we in America are happily situated. To be sure, there is still much to be done here—and a prayerful study of the papal encyclical makes this painfully apparent. But on a comparative basis we may well say that greater social equity prevails in the United States than in many countries of Europe, Asia, Africa, or Latin America, and that it was brought about by the action of individuals as well as of government.

It is natural and right for those who have reached certitude in their own mind on the desirable magnitude of government to speak up and present their views to a wider audience. But has the study of "Mater et Magistra" and other Christian teachings progressed deep enough? Has it led to sufficient clarification and agreement, among competent scholars and ecclesiastical authorities, to permit us to use this body of teaching as a yardstick against which to measure the proper extent of governmental activity in this country? It seems to me that much fruitful research and discussion are required before final conclusions can be reached.

The great social encyclicals of our time aim at improving the condition of the "working class," a term that is more common in Europe than in the American environment. The difference is not merely semantic. The following example may well illustrate that more than one approach can succeed in achieving the goal that "a just share only of the fruits of production be permitted to accumulate in the hands of the wealthy and that an ample sufficiency be supplied to the workingmen."

"Mater et Magistra" refers twice to the practice of having the workers participate in the ownership and management of the enterprises. This has long been a demand—in some cases fulfilled—of some European labor unions. It is not on the program of American labor because the American worker has achieved the goal of obtaining the "fruits of production" and making his influence felt by other means. This is quite apparent from the changes in the distribution of income since the days of "Quadragesimo anno" as found in U.S. Income and Output, 1957 (1929 figures) and Survey of Current Business, 1962 (1961 figures), published by the Department of Commerce.

Sharing of personal income

[In percent]

	1929	*1961*
Labor and pensions	61.2	77.7
Corporate dividends	6.8	3.5
Proprietors and rental income	23.5	14.7

Sharing of national income

Employee compensation	58.2	70.4
Corporate net profits	9.4	5.4

Sharing of corporate income

Employees	74.6	81.3
Net profits and interest	22.4	9.2

Sharing of gross national product

Business investment	12.1	9.3
Government	8.1	20.9
Consumer expenditures	75.7	65.0

The increase in the American worker's share over the past 32 years has been truly dramatic. The owner's slice was meanwhile cut in half. Does equity require that it be further reduced? If so, how much would this add to the worker's income and how would it affect the already insufficient supply of investment funds? Plowback profits, a major source of funds for plant expansion, have sharply fallen over the past decade, and investment in producers' durable equipment has relatively declined. Could not further shrinkage of corporate profits harm our economy and the workers themselves?

The social encyclicals demand a living wage for all working people and rightly regret the inadequate income that prevails in many areas.

But American wages already average about three times the rates customary in the industrial countries of Europe—and many times those elsewhere—and adversely affect our competitive trade position. Many persons whose productive capacity is lower than the rate of pay required by law or contract find it difficult to secure jobs and are condemned to long-term unemployment or underemployment. Does this help to promote the employment goals outlined in Pope John's encyclical, "Mater et Magistra"?

To discuss economic problems adequately would clearly exceed the scope of this article. We are here concerned with the size of Government in the United States and with the question of whether it is getting too big. One overall measurement is the relationship between governmental revenues and the national income as found in "Historical Summary of Governmental Finances, Governmental Finances in 1960" (U.S. Bureau of the Census):

Governmental revenues in the United States (National-State-local) 1902–60

Fiscal year	Billions	Percent of national income
1902	$1.7	9.6
1922	9.3	15.0
1932	10.3	20.1
1940	17.8	23.1
1950	66.7	29.0
1960	154.0	37.7

Governmental revenues in 1960 equaled $856 per capita, or $3,424 per family of four. Few taxpayers know that they bear such a heavy burden because most of it is hidden—withheld from their wages, included in the price of goods or added to purchases in small amounts. We may wonder whether they would have approved if they had known and been able to vote on it.

Part of this phenomenal rise in governmental revenues to almost 38 percent of the national income was caused by the demands of national defense. But most of the recent increases can be traced to the growth in civilian services. In an earlier discussion with Father Masse in the pages of America (October 21, 1961), I used the period of 1952 to 1960 for comparison because (a) 1960 is the most recent year for which comprehensive fiscal data are now available; (b) war-connected outlays remained relatively stable between 1952 and 1960 and the depreciation of the dollar came to a crawl; (c) Galbraith and his followers have charged that during that period governmental activity stagnated and failed to meet expanding needs.

Growth of population, economy, and governmental expenditures, 1952–60 [1]

	Fiscal years—		Increase (percent)
	1952	1960	
Population (millions)	157.0	180.7	+15
National income (billions)	$285.8	$408.7	+43
Governmental expenditures (National - State - local):			
War-connected [2]	$58.3	$61.0	+5
Domestic services	$41.5	$90.3	+118
Total expenditures	$99.8	$151.3	+52

[1] U.S. Bureau of the Census.

[2] National defense, foreign aid, veterans' benefits, interest on the national debt.

During this 8-year period, when population grew 15 percent and national income 43 percent, governmental expenditures for civilian purposes jumped 118 percent. This is truly a phenomenal rise during a period of prosperity and under a national administration that proclaimed in its first budget, "We will reduce the share of the national income which is spent by government"

In his earlier mentioned CEA presidential address, Father Masse cited these figures and countered them as follows: "It is a fact that over this period government expenditures on nonmilitary goods and services increased, roughly, from $30 billion to $55 billion. Most of this spending was done by State and local units of government, and it went for such things as slum clearance, sewers, roads, schools, hospitals, fire and police protection. I find nothing dismaying in this."

The facts are essentially as Father Masse stated them. He might even have added that Federal Government purchases for nonwar purposes rose only from $6.7 billion in 1952 to $8.0 billion in 1960. But the Bureau of the Budget reports total Federal outlays (payments to the public) in 1960 for nonwar purposes at $33 billion. In other words—nonmilitary purchases of goods and services accounted for less than one-fourth of all Federal civilian expenditures in that year. "Purchases of goods and services" does not include governmental enterprises, unemployment benefits, public assistance, social security and several other substantial and expanding items. Thus, purchases are an inadequate yardstick for measuring the size of government. All Federal expenditures for nonwar purposes tripled between 1952 and 1960—climbing from $11 billion to $33 billion. This is an even faster rate than recorded for all governments (National-State-local) combined.

This trend has continued undiminished since 1960, though details are, at this time, available only for the National Government. According to the President's budget proposals to Congress in January 1962, Federal outlays for nonwar purposes will rise 31 percent between 1960 and 1963—from $33 billion to $43.4 billion. This might not seem excessive although it is 2 to 3 times the rate of growth that the Nation's economy is likely to experience. But if this trend continues for the next 15 years, Federal outlays for domestic services will quadruple. Does this seem impossible? The fact is that they multiplied six times in the past 15 years.

It took the National Government 160 years—from 1789 to 1948—to raise its civilian expenditures to $7 billion, but only another 15 years—to the fiscal year 1963—to lift them from $7 billion to $43 billion. The foundations for this expansion, particularly at the national level, were laid during the administration of Franklin Delano Roosevelt. But the spectacular growth itself is a phenomenon of the postwar period.

The budgets of all governments now equal about 38 percent of the national income, and public expenditures for domestic purposes are growing at twice the rate of our economy. If defense outlays also climb fast, government may, within a few years, expand to 40 percent or even 45 percent of the national income. If defense requirements climb more slowly or decline, the spokesmen for civilian activities of government are certain to rush in to "fill the gap." In either case government will become more dominant in our national life.

Of course, governmental expansion is not a force of nature that man is unable to control. But let us face it, the trend of the potswar period reflects the relative political strength of the opposing forces that favor or fight big government. Has there been a change in the balance of power toward the latter group? If not, what reason do we have to believe that the forces which succeeded in drastically expanding government in the past 15 years will command less strength in the years ahead?

We are all too familiar with the claims that public services—in education, welfare, natural resources, urban development and hundreds of other functions—are being starved, that appropriations are miserly ("pennywise and pound-foolish") and that "we have to make a breakthrough to a radically higher and broader conception of what is needed and of what can be done" (Walter Lippmann).

Just because education, social welfare or development of our natural resources are desirable does not mean, as Father Masse seems to suggest, that Government operations in those areas ought to be enlarged. It is becoming increasingly apparent that governmental growth restricts private and voluntary action. Several well-informed observers have lately come to feel and express a keen anxiety over proposed National Government ventures in the school field which would tend to restrict freedom of choice in education and work to the detriment of private institutions and their students.

Present plans for enlarging public-welfare programs pose a threat to the continued existence of private programs of assistance, as Msgr. Raymond J. Gallagher testified on behalf of the National Catholic Charities before a congressional committee in February 1962. America (March 3) editorially asked whether the conflict between public and private welfare agencies will lead "through sheer financial inequality, to the disappearance of voluntary efforts in this field," and proposed that "Congress should take a careful look at any proposed reform of expansion of public-welfare programs."

The natural safeguards against the influx of funds into private ventures that fail to yield a sufficient return are nonexistent in the public domain. When the results of a governmental program fall short of expectations, its failure is advanced as proof that the funds were inadequate and that they should promptly be doubled or tripled. Many such examples could be cited—schools being not the least. It may be well to consider what effect the steady governmental expansion in many fields has had on individual initiative, voluntary action and liberty itself.

The strengthening of personal liberty was the concern of Leo XIII's encyclical "Libertas praestantissimum," which preceded "Rerum novarum." That the size of government and the extent of liberty are inversely related has long been known. Thomas Jefferson concluded that "the natural progress of things is for liberty to yield and for government to gain ground"; and Woodrow Wilson warned that "liberty has never come from the government. * * * The history of liberty is the history of limitations of governmental powers, not the increase of it."

As Governor of Illinois, Adlai Stevenson wrote (Look, June 3, 1952):

"We can only keep Washington within reasonable limits and prevent it from becoming the Leviathan we fear by paddling vigorously against the stream whenever and wherever we can. If we don't we shall cast ourselves in the role of Dr. Frankenstein and eventually end in his same unhappy predicament."

Similar thoughts may have crossed the mind of a young Massachusetts Congressman, John F. Kennedy, who wrote (Boston Post, Apr. 23, 1950):

"The scarlet threat running through the thoughts and actions of people all over the world is the delegation of great problems to the all-absorbing Leviathan—the state. Every time that we try to lift a problem to the government, to the same extent we are sacrificing the liberties of the people."

The references to Leviathan are more than casual figures of speech. There is a spiritual kinship between Hobbes' "Leviathan" and Galbraith's "Affluent Society." Somewhere along the line, as Leviathan keeps growing, he conflicts with the moral law. Heinrich A. Rommen stated in "The State in Catholic Thought" (B. Herder Book Co., 1945, p.352):

"In social and economic relations it is a general principle that quantity may change the quality and nature of the social body. Social legislative intervention may likewise, as soon as it reaches a certain quantity, change the quality and nature of the state. The social-welfare state, as opposed to the watchman state, may by exaggeration grow to be a paternal, care-for-all state which, because of its spreading administrative bureaucracy, turns into totalitarianism.

Government expansion curtails personal freedom by claiming an ever-increasing share of the individual's earnings, and diminishes personal responsibility by offering to relieve man of duties toward himself, his family, his community, and of the consequences of his infractions.

It may have been such considerations and cognizance of our current drift toward all-encompassing government that caused the American bishops to devote their annual statement in 1960 to the "Need for Personal Responsibility." It may be well to recall their warning:

"Although personal responsibility and initiative have been our national characteristics, explaining in large measure our country's progress in human welfare, yet pressures are growing for a constantly greater reliance on the collectivity rather than on the individual. An inordinate demand for benefits, most easily secured by the pressures of organization, has led an ever-growing number of our people to relinquish their rights and to abdicate their responsibilities. This concession creates a widening spiral of increasing demands and pressures with a further infringement on personal freedom and responsibility. The result is the condition noted by our Holy Father: 'Modern man sees that the sphere in which he can think for himself, act on his own initiative, exercise his responsibilities, and affirm and enrich his personality is in many cases restricted to an excessive degree' (Letter of July 12, 1960, to the Semaine Sociale in Grenoble). Intensive socialization can achieve mass benefits, but man and morality can be seriously hurt in the process."

In conclusion: the present extent of governmental activity in the United States may well be held to be reconcilable with the moral order. But do the political forces at work and the apparent trends give us reason to be complacent about the future? Does it not behoove us to view our sprawling government with concern rather than with satisfaction?

NOMINATION OF STEPHEN J. ROTH TO BE A JUDGE OF THE U.S. DISTRICT COURT, EASTERN DISTRICT OF MICHIGAN

Mr. HART. Mr. President, the action of the Committee on the Judiciary in recommending unanimously that the Senate advise and consent to the nomination of Stephen J. Roth to the District Court for the Eastern District of Michigan, speaks eloquently the record and qualities of the nominee. I am proud as a lawyer and happy as a friend to be permitted to make this motion that the Senate advise and consent.

It seems to me particularly significant that this action should be taken on the first day of May, the day designated as Law Day by proclamation of the President of the United States, John F. Kennedy. On this May Day leaders in the countries under Communist rule parade their might and weapons; we in this country emphasize our devotion to liberty and the conviction that ideas are the ultimate in power. Law Day underscores the fundamental attributes of this free society and country—a society and country that makes the individual the central point in the measures of values. Ours is a nation and society which believes that freedom and liberty are good. This means that each individual should have the maximum opportunity to select his own purposes in life and to choose the means of accomplishing them. The core of liberty is self-determination; freedom and liberty mean more than just absence of external restraint. They include power to act toward chosen goals.

Stephen J. Roth is a dramatic example of the strength of a free society; of the opportunities this free country provides a man or woman to grow and to contribute. He was born in Hungary and was naturalized a citizen of the United States in 1933 at the age of 25. A successful lawyer in private practice, he was elected to the office of attorney general in Michigan in 1949. Since 1952 he has served as circuit judge of the county of Genessee. As a judge in this court of general jurisdiction he has demonstrated qualities which brought the committee of the Federal judiciary of the American Bar Association to report to the Judiciary Committee that Stephen J. Roth is well qualified to be U.S. district judge. The Senate Judiciary Committee was advised by Ronald M. Ryan, president of the State bar of Michigan, that the board of commissioners of the State bar is "pleased to recommend the appointment of Stephen J. Roth—highly respected by not only the bar in his own county but by the legal profession in general throughout the State."

As one who has known Stephen Roth for a good many years, as a lawyer and as a friend, I am proud and happy that this opportunity is given me to urge the Senate to advise and consent to his nomination.

LAW DAY, U.S.A.

Mr. LONG of Missouri. Mr. President, the observance of Law Day, U.S.A. throughout the Nation on May 1, 1962, should be participated in not only by lawyers but by all citizens as well. It is set aside as a day dedicated to thought about the blessings of liberty under law which we in this Nation enjoy as contrasted to the conditions that exist in Communist nations where individual liberties are superceded by the all powerful Communist Party and the personalities who control it.

Lawyers throughout the Nation started Law Day, however, and lawyers compose the mainstay of the observances that are held each year on May 1 to emphasize respect for the law and an appreciation of its benefits.

Here on Capitol Hill we have an association of lawyers of which I am proud to be a member—the Capitol Hill section of the Federal Bar Association. A founding member of this section, who is now Assistant Secretary of the Interior, returned to Capitol Hill last December and addressed the section. He is the Honorable John A. Carver, formerly administrative assistant to the junior Senator from Idaho. The theme of his address was a differentiation between the lawyer in Government and the Government lawyer, pointing out that a true lawyer, in keeping with the traditions and dignity of the profession can be of great benefit to his Government and to the Nation. I feel that his remarks are appropriate to the theme of Law Day, and I ask unanimous consent to have the text of his remarks printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Assistant Secretary of the Interior John A. Carver, Jr., Before the Capitol Hill Section of the Federal Bar Association, Washington, D.C., December 15, 1961

President John Grosvenor, Vice Chairman (and Congressman) Dick Lankford, friends and fellow members of the Capitol Hill section, I'm pleased to be back with the Capitol Hill section of the Federal Bar Association. I acknowledge the honor of lifetime membership tracing back to our organization days. Your chairman, Jim Palmer, has been gracious and generous in his introduction. This organization owes a great deal to him; I was here when he succeeded after long and devoted effort in getting this section autonomously chartered. His services as national president of the Federal Bar Association, as all of you know, built it strong and sound, and charted its course to the great achievement of recent years.

The other evening one of my old colleagues who remains an administrative assistant was ticking off the 1961 casualties of Senate types. Irv Hoff is gone; Frank McCulloch and John Horne, Mike Manatos and Eva Adams are gone. As an afterthought he included me in his list, then, wistfully, "I'm the last of the great AA's."

When I was one of you, I enjoyed being identified as a lawyer on the Hill. I thought (and still think) it was fine to keep the professional spirit alive by belonging and participating—talking shop, if you will, about those parts of our work which did involve our legal skills, and reminiscing about our earlier professional experiences.

There has been a change. I told an audience of foresters a couple of weeks ago that "in the Interior Department (as in some other departments) the real battle is between the lawyers and the administrators. I try to avoid being identified as a lawyer."

My new attitude about association with my "coprofessionals" (a term I've borrowed from some Unitarian friends of mine, who, I've noticed, always call each other coreligionists), brings me to a consideration of the subject of "Lawyers in Government."

This is not to be confused with government lawyers. The Government has need of the professional skills of a great many lawyers, who serve their client, the U.S. Government, pretty much as a lawyer would serve his client General Motors, or John Doe. I'm referring to the large number of lawyers who have a connection individually with the political or policy implications of government, whether Federal, State, or local.

I'm a lawyer in government, and so is the Attorney General and the Solicitor or General Counsel of most of the departments. Government lawyers can be lawyers in government—the distinction I'm trying to make is not related to job or title.

All of the members of the Capitol Hill section of the Federal Bar Association are lawyers in government. The great attraction of work on the Hill, whether for a Member or a committee, is that the work here, whatever it may be, takes you to the very vitals of a free government—the functioning of the legislative branch.

This kind of attraction is irresistible to lawyers. Look at the dominance of our numbers among the Congressmen and Senators and in the staffs of members and committees alike.

Let's consider some of the differences between government lawyers and lawyers in government as seen from the vantage point, if that's what it is, of an Assistant Secretary of the Interior in the field of public land management. The Federal Government's vast holdings of land and minerals are managed by the Interior Department and used by the public (oil and other mineral leases, grazing permits, timber sales, etc.), under a variety of complex statutes and administrative regulations.

This requires the services of an array of government lawyers, in the drafting of the regulations, leases, contracts, etc., and in the handling of the adjudicative and appellate burden.

Friction between lawyers and administrators is inevitable; and a lawyer on the administrative end of things has a chemical affinity to this kind of friction. He generates his share of it.

A lawyer in government sometimes finds himself trying to be a government lawyer—trying to second-guess his professional legal advisers. This won't work in government, any more than it will work in a corporation which happens to have a lawyer or two on its board or in its management staff.

But there is a tendency in government, as there is in business, for the government lawyer to seek to arrogate himself by virtue of his professional status alone, into the manager's chair. Granted the top legal staff member wears two hats—Attorney General Kennedy is the chief Government lawyer, and a ranking lawyer in government. But apart from this, the administrator occasionally suspects that the legal opinion he gets is written with a policy bias not his own.

This is dangerous, because the author of the opinion may bear no responsibility for the results which flow from it.

Policy apart, let's talk of expertise. Consider the clash of a Government lawyer with a country lawyer in government on a nuance of the regulations under the Mineral Leasing Act. The Government lawyer who has lived in the bowels of the act and its regulations for 25 years is understandably disdainful of criticism of his handiwork by a country lawyer recently come to Government.

But is it possible that the country lawyer in Government may have a point—is it possible that stare decisis, which has come to its ultimate glory not in the common law courts, but in the opinions and decisions of departments and agencies, might not be the touchstone in every situation.

Pope John XXII canonized Thomas Aquinas on the ground that his decisions were miracles. Government lawyers who haven't even been near Georgetown, much less Notre Dame, seem to feel themselves at least the spiritual legatees of St. Thomas. A later Pope said that on the wings of St. Thomas' genius, human reason has reached the most sublime height it can probably ever attain. I'm sure that the papal staff men weren't familiar with the challenge to this statement implicit in some of the Federal Government's legal opinions and decisions.

A country lawyer is accustomed to make judgments on the worth of the opinions of his professional colleagues on some better standard than hierarchical status. When a lawyer in government finds that an informal legal opinion he likes is later reversed in the reviewing process to one he doesn't like, he's likely to be exasperated. Are GS-15's automatically better lawyers than GS-14's?

The Capitol Hill section members of the Federal Bar Association don't usually examine contracts for legal sufficiency, or represent the Government at some level of administrative or court proceedings. But they find common professional ground on a much higher level. They are lawyers in government.

When I was practicing, I derived satisfaction in my bar association activities in the field of education—for lawyers, for law students, and generally. I've had occasion to tell lawyers and law students, and faculty members of my State's university, that I thought that lawyers were losing the right to call themselves members of a learned profession—educated men first and foremost.

I've graded bar examination papers which reflected failure of education at the secondary school level.

Now it may be that the public suffers no great or lasting harm when uneducated men practice in the civil courts. I think, however, that most law schools realize that they are educating as much for government as for the law's traditional role. And government, as well as law, is an honorable goal for law graduates.

In a new book by Marshall Dimock of New York University, entitled "The New American Political Economy," the following definition of what the author calls the public person appears:

"The ideal individual combines the cutting edge of his own trained intellect with the wisdom of past experience. He sees what society needs and how to progress toward higher levels, but he knows that in seeking change we must safeguard tested values. The ideal individual is sufficiently hardheaded to choose measures that will work, but he seeks constantly for solutions that promote human well-being and happiness. He knows how to get things done, which is sometimes considered the hallmark of the conservative, and at the same time he has the high aspirations and ethical standards that are associated with the liberal pattern. He believes in universal principles and has an incisive and catholic capacity to probe and to make connections in his thinking. He understands the theory of opposing forces and the need for balance, for specialization combined with integration. He recognizes the role of challenge and response in the various stages of institutional growth. He knows that these key ideas exist everywhere in the social sciences and the humanities, and especially in philosophy."

Although I doubt that Mr. Dimock would agree, I think that good law schools, particularly those which require a first-class education as a prerequisite to admission, come closer to producing the requisite number of public persons to meet our Nation's needs than any other kind of specialized education.

I have tried through the medium of recounting a few of my own experiences to differentiate between government lawyers and lawyers in government. I have brought to my discussion today a bias in favor of lawyers in government without meaning in any way to deprecate the high calling of government lawyers. I have said that it is inappropriate for lawyers in government to try to second guess the government lawyers, and I have said that it is equally inappropriate for government lawyers to step into the administrator's role. Each is mightily tempted. Each must resist the temptation.

But more important than the friction which attends the relationship, in my view, is the final thought I have tried to develop that lawyers can take pride in their training and professional qualifications when they serve the government, even though they may not be practicing law for the government.

I have a fascination with the business of government in these challenging times. No calling can be higher than the calling of government service. No business is bigger; no enterprise more demanding of our best. I think, again in the words of Marshall Dimock, that we have tended too often to "turn out men and women who are superficial manipulators instead of stewards, narrow instead of cultivated, segmented between knowledge on the one side and values and character on the other."

All of you in the Capitol Hill section of the FBA and many of your alumni downtown are lawyers in government. It is a high calling and worthy of our continued association.

LOCAL INDUSTRY AND THE COMMON MARKET

Mr. MURPHY. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Local Industry and the Common Market" which was in the April 25 issue of Foster's Daily Democrat, of Dover, N.H.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LOCAL INDUSTRY AND THE COMMON MARKET

Generally the American public is supporting the idea that the affiliation of the United States with the so-called Common Market of Western Europe would be good for the overall economy of this Nation. Even those areas and those industries that are likely to be adversely affected by such a policy, back the principle, although with considerable trepidation.

Such an industry is the manufacture of shoes, and such an area is our own small corner of southeastern New Hampshire and southwestern Maine. In this immediate section there are close to a score of concerns in the shoe and allied lines, employing several thousands of workers. Shoe factories, tanneries, etc., constitute what may be our largest industry; at least it is second only to the electronics field. If the United States should finally join the Common Market Strafford County stands to suffer a serious economic blow.

, At a hearing before the House Ways and Means Committee on April 5 a spokesman for the National Shoe Manufacturers Association and the New England Shoe and Leather Association, stated that his groups recognized the need for a program of full employment and trade expansion. However, he expressed serious concern as to the shoe manufacturing business being able to survive as a healthy industry under the proposed legislation unless there are improved safeguards for such business which face increasingly severe competition from imports.

American shoe manufacturing involves approximately 850 companies with 1,300 factories located in 263 congressional districts in 38 States. These plants are located primarily in communities of less than 25,000 population and provide essential and broad employment in many distressed labor areas. The industry is the major support to the economic life of hundreds of towns. With its suppliers, etc., the shoe industry employs between 350,000 and 400,000, affecting the welfare of nearly 1½ million Americans.

The industry spokesman explained that imports of leather footwear, if continued at the current tariff rates, would by 1965 amount to 76.6 million pairs, 11.7 percent of estimated domestic production; this would cost over 30,000 jobs. These figures, the industry added, could expand by 50 percent to 100 percent under H.R. 9900 with its reduced tariff authorization. He asserted that this rapid increase was, "simply a case of lower priced labor in foreign countries competing against higher priced labor in America." Nor, according to the witness, will the displacement result from lack of modernization in this industry which is already technologically far advanced. The shoe industry, he stated, is characterized by an especially high labor content in the production of its commodity.

The industry recommended, in part, that Congress enact a procedure for orderly marketing arrangements, preserve and strengthen the escape clause and peril point provisions.

The spokesman concluded:

"Finally, the American shoe industry goes on record as being in step with a recognition of the need for trade expansion—to help our own country and, doing so, to help the economy of friendly nations. We ask of Congress this consideration—a fair chance to survive as an industry in competition with countries having wage levels far below ours."

While this is an altruistic attitude, it does presage difficult times ahead for an industry that means so much to our Strafford County well-being. It is unfortunate that the results of our joining the Common Market will mean prosperity for some industries and sections, while seriously hurting other lines of business and other areas. It would be better relished if the gains and losses could be more evenly spread over the American economy.

Are we, here in Strafford County, ready to make the sacrifice that the proposal entails?

NEW HAMPSHIRE POLITICS

Mr. MURPHY. Mr. President, I ask unanimous consent to have printed in the RECORD the attached article taken from this week's issue of Time magazine.

This article concerns a distinguished New Hampshire citizen and an outstanding American. Gov. Wesley Powell is well known to many of you.

Governor Powell is chairman of the U.S. Governors Conference, president of the Council of State Governments, chairman of the New England Governors Conference, as well as two-term Governor of the State of New Hampshire. Governor Powell is a dynamic speaker, a dedicated public servant and a man of the people.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLITICS—THE BRASS RING

"Why not shoot for the brass ring?" asked New Hampshire's Republican Gov. Samuel Wesley Powell Jr. "Why not go for the presidency?"

So last week mused Wes Powell, 46, even as he recuperated in White Sulphur Springs, W. Va., from a mild heart attack suffered in March. The scoffers could scoff and the skeptics could skept, but Powell was in dead earnest about grabbing for the brass ring in 1964. He had already laid out a set of plans, based mainly on his record as a rip-roaring stump speaker, a perpetual-motion campaigner—and a fellow who has never seemed to know when he was whipped.

BRICK BY BRICK

Powell, along with most others, figures that he is a cinch for reelection next November to a third gubernatorial term. But his figuring goes far beyond that. He plans to start barnstorming nationally in 1963, then to enter New Hampshire's presidential primary, the first of the year, in March of 1964. He will gleefully invite other Republican national aspirants to contest him in that primary. And, as it happens, Powell can only be bad news for New York's Governor Nelson Rockefeller, who has a devoted Dartmouth College following and would love to get his own 1964 campaign off to a rousing start with a New Hampshire primary win. After that, Powell says he will enter the important Wisconsin primary—"I think a man with my background will appeal out there"—and then sweep on to the G.O.P. nomination.

That would leave only Jack Kennedy between Powell and the White House—and Powell says he has already figured out how to handle Kennedy. Beginning next January, Powell plans to take "a potshot a week" at the President. And if he wins the Republican nomination, Powell will really set out after Kennedy: "I'll just build up every brick, brick by brick, in that wall around Berlin. I'll ask every day, 'Why didn't you put those planes over the Bay of Pigs?' "

"BY GOD"

To Powell, the prospect is so real that he jokes with friends about becoming "the last President the country ever had who studied by lamplight." Powell has, in fact, climbed a long way. His father was a day laborer in Portsmouth, N.H.; his mother worked as a maid in the mansion of ex-Governor Ichabod Goodwin. Both of his parents were members of the Salvation Army, and young Wes tooted the cornet while his father pounded the big bass drum.

Powell worked his way through 2 years at the University of New Hampshire, then set out for the West to earn enough money to finish his education. He rode circuit in Wyoming as a lay Congregational minister, got his law degree at Southern Methodist, and ended up in 1940 working for a young New Hampshire Senator named Styles Bridges. When Powell arrived at 8:14 a.m. on his first workday, Bridges exclaimed: "By God, you and I are going to get along all right."

They did, indeed. As Bridges' political protege, Powell managed the office of the man who managed New Hampshire. After combat duty in World War II (he was severely wounded in the left arm as a B-24 gunner), Powell returned to Bridges' office. But in 1949 he quit to pursue his own political career and promptly ran into trouble. In 1950 and 1954, Powell was beaten in senatorial primaries; in 1956, he was defeated in the gubernatorial primary. Then, in 1959, he began his current regime as Governor. Last year, when Styles Bridges died, Powell completed his declaration of political independence by refusing to appoint the Senator's widow to his seat.

"YES, MA'AM"

A man who calls himself a "pragmatic" Republican, Powell's greatest political asset is his determination. In 1958, after years of defeat, he had just filed his papers for Governor when a woman approached him in the general store of his hometown, Hampton Falls. "You running again?" she sneered.

"Yes, ma'am," replied Powell. "The way I figure it, I've got a few times to go to catch up with Abe Lincoln. As I remember, he ran eight or nine times and was defeated.[1] Then they elected him President, and then they shot him. It's a hell of a future to look forward to." Come what may, Powell can hardly wait.

THOMAS JEFFERSON: GIANT IN THE EARTH

Mr. MUNDT. Mr. President, at a recent meeting sponsored by the Sons of the American Revolution, a distinguished former Governor of South Dakota, Sigurd Anderson, now serving as a member of the Federal Trade Commission, delivered a memorable address on the philosophy and achievements of Thomas Jefferson. I ask that Governor Anderson's address be printed in the RECORD.

I especially hope that present-day Democrats in and out of Congress will carefully read and thoughtfully ponder the sentiments of Thomas Jefferson whose contributions to our Nation will endure longer if they are followed faithfully in these uncertain times, both by members of his own party and by all other citizens concerned about our freedoms and our solvency.

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[1] In point of fact, Lincoln lost three elections for public office: one for the Illinois House of Representatives (1832) and two for the U.S. Senate (1855, 1858).

There being no objection, the address was ordered to be printed in the Record, as follows:

Thomas Jefferson: Giant in the Earth

The fourth verse of the sixth chapter of Genesis of the Holy Writ reads in part, as follows: "There were giants in the earth in those days."

With these words we can well begin this historic day. We are gathered here today to honor the birth of a giant in American and world history. Thomas Jefferson, in company with George Washington, Alexander Hamilton, Patrick Henry, John Adams, John Quincy Adams, Benjamin Franklin, and others, could well be called the giant in the earth of early American history.

Monuments have been erected in memory of Thomas Jefferson in many parts of the world. We are standing in the shadows of one of those great monuments in our Nation's Capital. In my home State of South Dakota, the face of Thomas Jefferson is carved in the enduring granite of the Black Hills in the famous Rushmore Memorial. The moment that we cross the Mississippi River we come upon another monument to the memory of Thomas Jefferson; namely, the Louisiana Purchase.

The purchase of the Louisiana Territory can well be said to be the greatest real estate transaction in our country's history, because the master stroke of adding Louisiana Territory to the United States doubled its area. When we read and study the Declaration of Independence, we salute another monument to the Sage of Monticello. The enduring words of that tremendous document can in a great part be attributed to the genius of Thomas Jefferson. So the monuments to this man are everywhere and in all forms—in marble, in physical area, in great documents, and in beautiful thoughts.

Thomas Jefferson, the subject of our veneration this day, has been called a son of the American Revolution. Rather we should look upon him not as such but as one of the fathers of the American Revolution, as well as one of the great architects of the United States of America.

Thomas Jefferson was born and reared and died in Albemarle County of Virginia. This does not mean he never left home, because Jefferson was in every sense of the word a citizen of the world. This giant was well educated, in both the arts and in the law. He was educated for leadership and did not disappoint his teachers.

He wasted no time in assuming his responsibilities of citizenship. The evidences of leadership came early in his life and continued until its very end. As a boy he chose this motto for his life: "Resistance to tyrants is obedience to God." Only a person of unusual proportions could in his younger years assume an attitude like that, an attitude which, by the way, he maintained to the end of his days.

On this, the 219th anniversary of the birth of the 3d President of the United States, we are tempted to enumerate the greatness of his life, the multitude of acts that we call his accomplishments, but the mere mechanical enumeration of his accomplishments would consume all the time that has been allotted to this portion of the program. We can go to reference works for that. But just in brief, think of his versatility. He compiled an Indian dictionary, he built a prize-winning plow, he devised the decimal system used in our monetary system, he planned the University of Virginia, he hired the teachers and selected the books for its library, and he invented a clock that told the time of day and the day of the week. This busy man served as President of the United States for two terms, at a time when it was not easy to be President; he served two terms as Governor of Virginia; he was Minister to France; he was Secretary of State; he was Vice President of the United States; he was a member of the House of Burgesses; he was a member of the Virginia Conventions; he was a member of the Continental Congress; he was a Member of the Congress; and he was the author of the Declaration of Independence. Is it possible that one man could do so much? Only a genius could do that, but the man that we honor today was a genius. It has been said that Thomas Jefferson gave more broad principles of government to the world than any other person who has ever lived, and so indeed he did. Let us consider these: Freedom of thought and speech; universal education; local self-government; economy in government and small public debt; political equality and universal suffrage; opposition to boundaries and monopolies; separation of church and state; sovereignty of the people, and a host of others.

But this man, possessed of these great powers, was also a man of humility. On the day of his inauguration as President of the United States, he walked from his rooming house to the place where he was sworn in as President. He met diplomats from foreign countries and he met them in his carpet slippers because he said he had room to wiggle his toes so he could think. He had great feelings and consideration for the people who had not freedom.

We hear much of codes of conduct and codes of ethics these days. On the buildings of Government that surround us everywhere in this city could well be Thomas Jefferson's statement as to his concept of the code of ethics. His statement in this respect was: "The whole art of government consists in the art of being honest."

This could be the code of ethics for this age and any other.

We are gathered today in the memory of this great American, not to mechanically place wreaths at his feet or to make utterances in his praise. Every citizen of this country, throughout this land, could today well consider the life of Thomas Jefferson as an inspiration not only for plain living but as an inspiration for active citizenship of this great country that has given so much to us and to which so many of us have given so little. The records and achievements of great men of history serve to either inspire those who follow or to act as curbs for meaner and baser passions. This, my fellow Americans, is a day of dedication and not a day of vain praise. From the life of Thomas Jefferson we can take a pattern. If the United States of America fails it will not be from the lack of example.

Well can we think upon the words of Genesis of the Holy Writ: that in those days there were giants in the earths—and one of them was Thomas Jefferson, the man who I believe, in the words of an American author, was a person possessed of an aristocracy of the mind and a democracy of the heart.

ALL AMERICA WANTS TO KNOW

Mr. SCOTT. Mr. President, last month I had the pleasure of viewing our esteemed friend and distinguished colleague, Senator Kenneth B. Keating, appear as guest on "All America Wants To Know," a television and radio series produced by Theodore Granik for the Reader's Digest, in cooperation with Freedoms Foundation. Senator Keating met with a notable panel consisting of Senator John Carroll, of Colorado; Lawrence Speiser, Washington director of the American Civil Liberties Union; Virgil W. Peterson, operating director of the Chicago Crime Commission; and Frank D. O'Connor, district attorney, Queens County, N.Y., to discuss the subject "Are Wire Tapping Laws Helping Criminals?" based on his article "Change the Law That Fosters Crime" in the March issue of the Reader's Digest.

In an attempt to get before the American public, in the widest fashion possible, an understanding of the issues affecting all of us, the Reader's Digest and Theodore Granik have pioneered a new concept in public-service programing. "All America Wants To Know" is made available at no cost to interested television-radio stations throughout the country by the Reader's Digest and Theodore Granik. This has resulted in these informative discussions of leading issues being seen and heard over more than 1,100 radio and television stations. I understand there are stations included in every State of our great country. Great tribute should be paid to DeWitt Wallace and Albert Cole of the Reader's Digest, and to Theodore Granik, for the concept they have pioneered to help provide for a better informed America by dramatic penetrating discussions on subjects of national concern.

Senator Keating has told me of the overwhelming response he has received concerning the wiretapping program. If this is any indication, the Reader's Digest, Freedoms Foundation, and Theodore Granik may be assured that their efforts are neither in vain nor unnoted by an appreciative American public.

I ask unanimous consent that following my remarks a copy of the article and the transcript of the program be printed in the Record.

There being no objection, the article and transcript were ordered to be printed in the Record, as follows:

All America Wants To Know

Announcer. Wiretapping and electronic recording devices have become an essential part of efficient law enforcement agencies. Most of the evidence gathered in this way cannot be used by our courts to convict and punish criminals. Despite this, wiretapping equipment and other recording services are being used throughout the Nation, without supervision and control, to monitor conversations and obtain confidential information through illegal means. Do we need to regulate and legalize wiretapping?

"All America Wants To Know," a monthly discussion of the questions facing our country, presented in the public interest by America's favorite magazine, the Reader's Digest, in association with Freedoms Foundation at Valley Forge and produced by Theodore Granik. This month's subject, "Are Wiretapping Laws Helping Criminals?" based on an article by Senator Kenneth Keating, "Change the Law That Fosters Crime," appearing in the March Reader's Digest.

To discuss this issue we are pleased to have as our guests Senator Kenneth Keating, Republican, of New York, and member of the Senate Judiciary Committee, Senator John A. Carroll, Democrat, of Colorado, and member of the Senate Judiciary Committee, Lawrence Speiser, Washington director of the American Civil Liberties Union; Virgil W. Peterson, operating director of the Chicago Crime Commission, and Frank D. O'Connor, district attorney, Queens County, N.Y. We will join our group in just a moment.

[Announcement.]

Now here is your moderator, Mr. Granik.

Mr. Granik. Senator Keating, why the need for wiretapping legislation?

Senator KEATING. Well, Mr. Granik, there have been hundreds of prosecutions in New York State and the other four States that allow court wiretapping, Nevada, Massachusetts, Maryland, and Oregon, which have been stymied even though the State law was completely complied with because of Federal decisions saying that the use of wiretap evidence properly done under State law was still a violation of Federal law and couldn't be used.

The district attorney of New York County recently had to dismiss indictments against a big narcotics ring involving sales of heroin of a half a million dollars. In upstate New York, there was a gambling syndicate that was caught redhanded and then had to be let go because some of the evidence had been obtained by wiretapping.

It has handcuffed the law enforcement officials of the States which duly authorized wiretapping under court orders and it is a menace to law enforcement in this country to get at the organized mobs.

Mr. SPEISER. Four State attorneys general testified that they did not want wiretap legislation and they thought it would be highly injurious to the rights of privacy of the citizen. You can't keep wiretapping limited and the price that you pay in order to get criminals isn't worth the price that a loss of privacy would involve in this.

Mr. GRANIK. Mr. Peterson.

Mr. PETERSON. Well, I certainly think that the law enforcement agencies of this country, the prosecutors, need tools in order to cope with an ever growing crime problem. And I certainly think that when States have through constitutional means and through legislation enacted laws in their own States approving this sort of thing, that then that should be legal insofar as the Federal Government is concerned.

Mr. GRANIK. Senator KEATING, you referred to your bill as a crime-tapping bill. Do you want to comment on that?

Senator KEATING. Well, I like that word better than wiretapping. The purpose of the bill is to assist the law enforcement officials in getting at the lawbreakers and the subversives in this country.

Now one point that I want to deal with that Mr. Speiser brought up; the particular legislation before us would in no way affect any State which barred wiretapping. If a particular State does not want to have prosecutions based in any degree on wiretapping, that's their business. The bill which is along the legislative path in the Congress is one which will say to a State, you have a State law which permits you to intercept communications and you comply with the provisions of a court order and you require the telephone be identified and the persons whose phone is to be tapped to be identified and to go to a court and show this probable cause that a crime has been or will be committed and you only have it on for 60 days and you can only extend it 30 days and you make reports to the Department of Justice, periodically, on what you are doing and all of those safeguards; if a State then wants to do it, then certainly I don't think that their prosecuting attorneys ought to be sent to jail, as has been suggested by one of the Federal judges, because he is complying with the State law.

Senator CARROLL. May I say that I am also a member of the Constitutional Rights Committee, the Senate Judiciary Committee and I think Senator KEATING's bill, if I remember it, does do what it says. It gives those States a right to intercept by wiretapping and those that don't want it do not have to do it, but we are not confronted with that alone. And this is the point I want to raise this evening.

We now have bills, a bill involving Federal legislation which gives the Federal Government the right now to intercept messages, wire messages. It also does this: It gives every State the right to do so, whether they have passed State legislation or not. And they have legalized this I think, in my opinion, I haven't reached the final judgment on it. I think this is a most serious situation.

Now I've asked a little while ago, Mr. O'Connor, I don't think it was on this program. It's true that 20 years New Yorkers had this experience, it's my understanding, with wiretap legislation. That is, it's been legal in the State of New York. This has been knocked out by the Federal courts. Am I not right in that?

District Attorney O'CONNOR. Yes; you are entirely right Senator, it has been knocked out, but the point that I'd like to bring out at this time and I think it's terribly important that in the 20 years that we have been using wiretaps according to the constitutional laws of our State, there has never been a single complaint by anyone of any abuse of the privilege by any district attorney, which I think is a tremendous thing.

Mr. SPEISER. But there may not have been any complaints about abuses by district attorneys but there have been complaints about abuses by policemen and other individuals. By private individuals.

Senator KEATING. Ah, and I think you should tighten up on that part of it just as much as possible. Legal wiretapping has been prosecuted in New York State, there have been actual convictions and it's a criminal offense to engage in illegal wiretapping. A felony. In most States that's true and I would entirely agree with you that as to illegal wiretapping, you should crack down on them just as hard as you can.

Mr. SPEISER. But under the present Federal law where it is a crime to intercept and divulge which is the reason for knocking out the New York constitutional provision. In effect, anyone who has tapped has violated a Federal law. There has never been a single prosecution of a law enforcement officer who has tapped without a court order for example in New York or in States where they don't provide for court orders. They have prosecuted where there have been attempts at extortion, where there's been blackmail, where there's been misuse, but for officers in line of their attempt to obtain evidence for prosecution purposes, there has never been a single prosecution of a law enforcement officer. Now if your bill is passed, what guarantee is there that you are going to prosecute people who then tap outside the limits of the law. The practice in the past has not been anything to give indication.

Senator KEATING. The State laws provide for prosecution and there were, in Brooklyn, two police officers——

District Attorney O'CONNOR. Let me say this very, very emphatically, that we do not get complaints of illegal wiretapping in New York State against policemen at all. The only times it has occured has been two or three times in the last two or three years and every single one of them have been diligently prosecuted.

Mr. GRANIK. Senator CARROLL.

Senator CARROLL. If I may ask a question? I think I'd like to clarify the issue in my own mind. When we are talking about wiretapping, what are you talking about? We are talking about tapping in on telephone conversations both private and public in the home, public booth, or wherever it is. This is a tapping process. Now the tapping goes on today in the Federal Government. This is the testimony before our committee. The FBI taps in on very important cases, kidnapping, subversion, but the difficulty is they cannot use that testimony in court. Now this raises a very basic issue. In New York they could introduce that in court as a result of a Federal court decision, they may tap in, but they may not use it. They cannot divulge, they cannot reveal and they can't use it as evidence. This is the basic issue. I'm not speaking about New York.

District Attorney O'CONNOR. I understand that Senator.

Senator CARROLL. I come back again to the Federal Government and if I may, pardon me Mr. ——

District Attorney O'CONNOR. What I wanted to say is—now is a good time to put this entire problem under strict supervision. Don't you think it's about time that we did pass a bill similar to Senator KEATING's bill where any Federal officer who violates, who tapped wires in violation of the law would be prosecuted?

Senator CARROLL. But Senator KEATING's bill applies to the States——

Mr. GRANIK. Senator KEATING.

Senator KEATING. There are two problems: One is the very limited bill which I've introduced and Senator CARROLL knows is now pending before the full Committee on the Judiciary. And that just says that in these five States which permit wiretapping by court order, they, if they comply with their State law, plus additional provisions which I have already outlined which are written in for the protection of the citizen, then they may use that evidence in court. Now there is the broader bill which Senator CARROLL has referred to which the Attorney General has now sent up to us which does get into the tapping in both the Federal and the State courts.

Now one difficulty that I see on the one side and this will appeal I think to Mr. Speiser, that the Attorney General's bill is that in certain classes of cases, he would permit wiretapping without any court order in the Federal court simply on the authority of the Attorney General. One man would determine whether tapping could take place. Now the bill is going to meet objection on that side. It meets objection on another side from the fact that when it attempts to deal with the State wiretapping, it does not include the three offenses, liquor, prostitution, and gambling, where all the evidence shows that most of the mob has moved in.

Now Frank O'Connor, former president of the New York State Association of District Attorneys and a distinguished prosecutor can speak with much more authority than I can on this.

Mr. GRANIK. Mr. Speiser.

Mr. SPEISER. In other words, you want to extend that to liquor, gambling, to racketeering; this would be in the State law of New York?

Senator CARROLL. Yes; but this would not be in the Federal——

Senator KEATING. This is the Attorney General's bill; he does not allow it in those areas, if the prosecution is in the Federal court. But in setting up the permission to tap wires in State court, in the States, he does not include those three important offenses where, I'm sure Frank O'Connor would agree, the mob are usually engaged.

Mr. GRANIK. Mr. Speiser, let me just ask one question. In the Digest article Senator KEATING says his bill contains practical safeguards against abuse. Do you think there are?

Mr. SPEISER. No. Let me take on this question on the protection of court orders. A court order has been analogized to a search warrant; you get a warrant and you go to a person's home, you look for particular articles, you go in, you come out, the persons know about it. With a court order in this particular situation, the individual whose phone is being tapped doesn't know about it. They aren't looking for a particular item, they will hear everything that comes over the wire. There have been taps which have been obtained in New York City in which anyone who uses a public telephone has had their conversation heard. It covers conversations between a husband and wife, between attorney and client and a doctor and patient. There is no practical way of limiting your information that you get from a wiretap with a court order. I don't think the analogy is a good one, I don't think it applies.

Mr. GRANIK. Senator KEATING.

Senator KEATING. I think I should let Frank O'Connor say more because he knows this subject very well——

Mr. GRANIK. May we hear from Mr. Peterson from Chicago.

Mr. PETERSON. Well, there is no question but what the organized criminal gangs today are utilizing interstate communications systems tremendously, extensively, in connection with the commission of all kinds of rackets and crimes. Now in many instances it's virtually impossible for duly constituted law enforcement agencies to deal with these problems unless they have some tools with which they can properly deal with them. Now the question is always raised, whenever you try to place in the hands of law enforcement some additional tools with which they can cope with the problem, there's always a red herring brought across the floor that there will be abuses.

District Attorney O'CONNOR. Certainly everybody on this panel and certainly everybody that I know in the law enforcement is agreeably concerned over the protection of individual rights. Where we become completely at divergent views is when we consider whether or not in the protection of individual rights we are doing it at a disporportionate loss to the rights of society——

Senator KEATING. Frank O'Connor and I have been fighters for civil liberties and civil rights for years, but the law-abiding citizens of this country have some rights to be protected from criminals also. And, Mr. Speiser, he referred to searching a man's home. I don't see any difference, you can go to a court and get a court order to search a man's home, you can go and get one to search his pants pocket. Now certainly if you show the same kind of evidence, you ought to be able to go and get an order to intercept his communication over the telephone.

Mr. SPEISER. But he knows you're searching his home, he knows you're searching his pocket, you can go into court and try and squash the evidence that was obtained by this, but when you tap a person's phone or a public telephone, he doesn't know who is listening.

Senator KEATING. If he isn't a criminal and hasn't committed a criminal offense, he doesn't have a thing to worry about——

Mr. SPEISER. You probably say things over your telephone that you would prefer not to have other people know about.

Senator KEATING. I don't expect them to get an order on me——

Mr. SPEISER. But the thing is you may not know when you make a phone call or someone calls you whether there is a tap on that wire. You may not have initiated it, it may not be on your phone, but if you call New York from the District of Columbia, where they have had a court order law in New York, you don't know whether the phone that you made a call to is tapped——

District Attorney O'CONNOR. I will concede in many instances where the wires are tapped, the persons whose wires are tapped may not know it, but look let me say this to you. That any D.A. who has projected the proper image of himself has been alert and conscientious and who cares about civil liberties will very quickly get complaints of all kinds. We get them against cops, we get them against people who are doing wrong things. Over 20 years if there has been illegal wiretapping by law enforcement officials, we would have gotten complaints. We've never gotten them.

Mr. SPEISER. There was the one instance of law enforcement officers who were engaged in wiretapping for private gain. Now you did have prosecution.

District Attorney O'CONNOR. I know, they were diligently prosecuted.

Mr. SPEISER. I know, but because you don't have complaints of law enforcement officers, I'm not talking about D.A.'s, I'm talking about police officials, doesn't mean that it isn't going on.

Senator CARROLL. But we have another basic question here; the right of privacy of individuals which is a basic constitutional question because it involves the liberty, one of the few liberties left to people. And this is why I think the Supreme Court will handle this matter. Senator KEATING knows this, we'll be handling the Kennedy bill, the Bob Kennedy bill and his bill in committee. We'll thrash it out, we'll try to come out with something, some sort of a bill I hope. I think his bill is far less comprehensive than the administration bill because I'm afraid—I repeat this once more and I'm done with it. Once they ask to tap a telephone wire because of certain Federal crimes, the next time, maybe 10 years from now, they'll ask for the electronic device like you had in New York.

Mr. GRANIK. All right, Senator KEATING, what about other recording devices which are used for monitoring conversations, such as briefcases with a hidden microphone in the handle, or a wristwatch recording instrument capable of picking up conversations, or a harmless looking tie clasp, which is also a highly effective recording device? Should we also legalize these devices, Senator KEATING?

Senator KEATING. Well, that, Mr. Granik, gets into an entirely different field from wiretapping. That's what's called eavesdropping, the use of electronic devices. I happen to have a bill, as Frank O'Connor said a few moments ago—we'll be here all night if we get on this subject—I happen to have a bill to tighten up on these devices. No, my answer is "no" to question whether that the same should apply to them as to wiretapping. My bill is very comprehensive on that subject. I think that's got to have a lot of study and I'll say this, any wiretapping legislation is really a stopgap because these devices to which you have referred are being used more and more and I must stress with all the strength I can, this wiretapping legislation has nothing whatever to do with the use of these devices.

Mr. GRANIK. Senator CARROLL.

Senator CARROLL. Mr. Granik, may I say, it may not have now, but it was not so long ago that we had testimony before our committee, think of this, the Government of the United States saying that because a spike was put only halfway into the wall, it was not a trespass and therefore not a violation of the constitutional rights of this individual. How easy it will be to take the next step and this is what I'm concerned with, why I raise basic constitutional questions dealing with the right of privacy which is basic.

Mr. GRANIK. Senator KEATING.

Senator KEATING. Those were court decisions and we can't interfere with them. What I'm saying is that this legislation or any legislation indeed relating to wiretapping, even if it's more comprehensive than the bill I've offered, any of that legislation has nothing whatever to do with the use of other electronic devices.

Senator CARROLL. I'd only say to you that I am sorry that the decision ever came up to interfere with New York. I'd like to see New York run its own show. But when I see the way that this is spreading over the country, I am very apprehensive, although I have not made up my mind finally. I have some strong feelings as Senator KEATING knows on this subject.

Mr. GRANIK. Senator KEATING, in his Digest article, quoted that District Attorney Hogan, your colleague in New York, as stating that wiretapping is the single most valuable weapon in the fight against organized crime. Would you agree with that, Mr. District Attorney.

District Attorney O'CONNOR. Well, I don't think that there is any question about it that the use of wiretapping under court supervision is a very very valuable weapon in the hands of a competent modern district attorney. There is one thing I want to point out and I think it is terribly important because there's a great deal of public concern about the use of wiretapping and there was a book written a few years ago that gave the outlandish, and I say totally outlandish figure between 16,000 and 29,000 wiretaps in New York City alone. Now I just want to put this across very forcefully that our District Attorney's Association in New York made a very careful and accurate and scientific survey of the number of wire taps used in the entire State of New York they do not exceed 500 for the whole total year.

Mr. GRANIK. I think Mr. Speiser wants a word here. Senator KEATING.

Senator KEATING. Could I add a word on what Frank Hogan said in this testimony because I think this. He said, and I quote him, "I do not think our office could have convicted Charles "Lucky" Luciano, Jimmy Hines, Louis "Lepke" Buchalter, Jacob "Gurrah" Shapiro, Joseph "Socks" Lanza, George Scallesi, Frank Erickson, John "Dio" Dioguardia, Frank Carbo." Now if there was ever a who's who of gangsters, it is that crowd. And he says that he never could have convicted them and Frank Hogan, like Frank O'Connor, is a distinguished district attorney, had he not had this weapon in his hands.

Mr. GRANIK. Mr. Speiser wants a word.

Mr. SPEISER. These are an infinitesimal number compared to the total of crimes that are charged.

And secondly, you say that they are used in only major crimes, they are generally used in prostitution, they are used in gambling, they are used in vice crimes of that kind. That is their general basic use——

Mr. PETERSON. The very lifeblood of organized crime is gambling, prostitution and that sort of things but the figures show, according to their experience in New York, that there has been no abuses of it, but let me tell you this, you are talking about an infinitesimal number of cases. The conviction of Jimmy Hines, or Charles "Lucky" Luciano from the standpoint of dealing with the overall crime problem is concerned is far more important than the conviction of a thousand——

Mr. SPEISER. You don't pass laws in order to get a Jimmy Hines, you pass laws in order to handle the situation.

Mr. GRANIK. I'm sorry, our time is up. We'll return after this important announcement.

[Announcement.]

Mr. GRANIK. Thank you very much, Senator KEATING, Republican, of New York, for being our guest on "All America Wants To Know." And thanks to our distinguished panel for a most interesting discussion: Senator John A. Carroll, Democrat, of Colorado; Lawrence Speiser, Washington director of the American Civil Liberties Union; Virgil W. Peterson, operating director of the Chicago Crime Commission, and Frank D. O'Connor, district attorney of Queens County, N.Y.

[March 1962—the Reader's Digest]

CHANGE THE LAW THAT FOSTERS CRIME

(Legal wiretapping, under proper safeguards, is a must if we are to hold our own against the crime empires and spy rings that plague the Nation.)

(By KENNETH B. KEATING, U.S. Senator from New York)

Last November a New York City courtroom was the scene of a shocking drama: a district attorney asked a judge to dismiss without prosecution seven defendants charged with conspiracy to sell narcotics valued at some $500,000. He made this request despite the fact that he had evidence "which could prove the guilt of the defendants beyond all doubt."

The seven men included four big-scale heroin importers who made all the arrangements for smuggling the drug into the United States and masterminded its trafficking in New York. Theirs was a multimillion-dollar annual business whose commodity was slow death. The gang used an intricate system which for months had baffled investigators of the Narcotics Bureau of the New York City police. Then, late in 1959, the investigators discovered that the communications center of the network was the telephone of one of the kingpins.

The Narcotics Bureau promptly obtained a State supreme court order permitting this phone to be tapped. Detectives listened in, and secured information about a forthcoming delivery. As a result, on the night of December 29, 1959, detectives witnessed an entire transaction, including the actual delivery of two packages containing one kilogram (2.2 pounds) of pure heroin—enough to be "cut" into 50,000 to 100,000 "decks" or shots. They arrested one of the gang with the heroin still in his possession.

Indictments by a grand jury followed, then preparation of the case for trial, then the district attorney's recommendation that the seven men be turned loose.

Why should these known criminals go free? Because none of the evidence obtained through wiretapping (or as a result of it) could be used against them, and without this evidence they could not be convicted.

On the same day, in a Brooklyn court, 98 persons indicted in criminal gambling cases, including bookmaking and the numbers racket, were also freed without trial—because there, too, the prosecutor's case was based on wiretap evidence.

In my home city, Rochester, N.Y., 25 cases of organized gambling have also been dismissed for the same reason. In New York, District Attorney Frank Hogan has reported that he has about two dozen cases of labor racketeering, abortion, official corruption and other crimes which he cannot prosecute because they involve the use of wiretap evidence.

This is precisely what I predicted some months ago. In a Senate speech I said there was bound to be "a gigantic legal jailbreak" if Congress did not do something about the wiretap muddle. Many who heard this warning thought I was exaggerating the problem. Unfortunately, my worst fears have now been realized. Scores of underworld characters under indictment have gone scot free. Communist agents pass messages back and forth across our telephone wires. The "call girl" business thrives in many major cities. Criminals have discovered that the ordinary telephone is the safest, most efficient tool of crime and espionage to appear in a century.

The Federal Bureau of Investigation and State and local police know of these messages throbbing across gangland, but their hands are tied by Federal court rulings which make it a crime for any police officer or prosecuting attorney to introduce wiretap evidence. This is an incredible situation.

In the case of the seven narcotics dealers turned loose in New York, every step of the police investigation was authorized by the New York State constitution and code of criminal procedure. But it was all nullified by new interpretations on the part of Federal courts of 31 obscure words in a 20,000-word 1934 statute called the Federal Communications Act. Here they are, in full:

"No person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect or meaning of such intercepted communication to any person."

In plain language, this means that you can't repeat anything you hear over the phone without the permission of the person who said it. I don't believe this provision was aimed at police officers. If it had been, Congress would logically have prohibited simple "interception" rather than "interception and divulgence." I strongly suspect that the real targets were telephone operators. In the early 1930's, when there was practically no dialing, we couldn't possibly prohibit operators from "intercepting," but we could prevent them from "divulging."

I doubt even more that Congress ever intended to make this ban applicable to State as distinguished from Federal law-enforcement officers. After all, one of the most important powers reserved to the States is their police power. Federal laws seldom nullify State criminal laws. Furthermore, for over 2 decades after these 31 words became law it was held that they did not prevent wiretapping under State laws. Then, beginning in 1957, came a series of rulings from Federal courts, including the Supreme Court, which held that these 31 words override all State laws on the subject: no evidence obtained by wiretapping can be used in any court in the land.

This ban applies not only to wiretapping evidence itself (what's heard over the phone) but to all evidence obtained from "leads" or clues developed as a result of the tapping. The Judith Coplon case revealed the appalling lengths to which this ban extends.

Miss Coplon, a Government employee, was arrested in the company of a Soviet agent with valuable U.S. secrets in her possession. Before she could pass them to the agent, FBI officers seized the incriminating documents. She was convicted but then set free—because the FBI had used wiretaps! No wiretapping evidence was offered by the Government, but the Coplon conviction was reversed because the Government failed to show that none of its other evidence derived from leads developed by the taps.

Under the present law as construed by the courts, the Government might learn through wiretapping that someone was plotting treason; but neither this information nor other clues to which the wiretaps indirectly led could be used in a prosecution.

There are still other absurdities. The Federal law bans wiretapping evidence but does not ban evidence picked up by hidden microphones, radio transmitters, wire recorders and other electronic devices. The ban does not apply to what a police officer might hear by putting his ear against a keyhole, or to data picked up from an adjoining room by putting a detectaphone against the wall.

Some people see no danger to law enforcement in this wiretapping muddle. They portray wiretapping as the lazy policeman's way of solving crimes and insist that crimes could be solved without it if the police would only work harder. These armchair opinions are refuted by men of unquestioned integrity and broad experience in law enforcement. For example, last May District Attorney Hogan told the Senate Subcommittee on Constitutional Rights:

"How valuable in the fight against organized crime is this court-authorized power to intercept telephone conversations? Without it I do not think that our office could have convicted Charles 'Lucky' Luciano, Jimmy Hines, Louis 'Lepke' Buchalter, Jacob 'Gurrah' Shapiro, Joseph 'Socks' Lanza, George Scalise, Frank Erickson, John 'Dio' Dioguardia or Frank Carbo. These men (all of whom were convicted before 1957) would be major figures in anybody's 'Who's Who of Gangsters.'" Hogan concluded that wiretapping "is the single most valuable weapon in the fight against organized crime."

At the same hearings the head of the Criminal Division of the U.S. Department of Justice, Herbert J. Miller, Jr., testified that wiretapping is "indispensable in dealing with major crimes affecting our national security." President Roosevelt authorized wiretapping by the FBI when necessary in security cases. So have Presidents Truman, Eisenhower and Kennedy. On a typical day last spring the FBI reported it was running 85 wiretaps—all in the field of national security, every one specifically authorized in writing by the Attorney General. These wiretaps help the FBI keep enemy agents and their confederates under surveillance. But even in these cases, under the present law, neither the telephone conversations nor data, leads and clues obtained as a result of overhearing them can be used as evidence.

Wiretapping is attacked by a second group of sideline experts. They argue that even if it is essential for solving certain crimes, the danger of abuse outweighs its benefits. I cannot agree. No doubt wiretapping can be abused, but so can many other essential law enforcement techniques: the right of arrest, interrogation, extradition, fingerprinting, cross-examination. But no one has suggested abolishing these procedures. Instead, we try to surround them with safeguards to prevent abuse without forfeiting their essential value to law and order.

To cope with the wiretapping problem, I have sponsored a Senate bill which contains practical safeguards against abuse. It would allow wiretapping only under court supervision, and only when there is reasonable ground to believe that the particular wiretap would produce evidence of a crime. An application to the court for a wiretapping order would have to specify the telephone line to be tapped, describe the person whose conversations were to be intercepted, state the purpose of the interception. The only crimes for which interception is to be allowed would be those in which organized crime is primarily engaged (narcotics, gambling, bootlegging, and prostitution) and those punishable by 5 years or more in jail. Thus, it would be more difficult to secure a wiretapping order than to get a search warrant.

Any evidence obtained by wiretapping other than in the manner prescribed by this law would continue to be inadmissible. Furthermore, anyone who engaged in unauthorized wiretapping would be subject to criminal penalties.

I believe my bill would immediately make this important crime-fighting weapon available to the five States which have carefully drawn State laws on the subject—New York, Massachusetts, Nevada, Maryland, and Oregon. It would clear the way for other States to enact similar laws. But the people of each State would make this decision, and nothing in my bill would compel a State to allow wiretapping if it did not want to.

For many years I have been deeply involved in the struggle to advance civil liberties in America. But too often we overlook the drastic deprivation of liberty and property suffered by the victims of crime, and permit an unbalanced, almost mawkishly sentimental concern for those charged with crime to shape our procedures for securing justice. The wiretapping restrictions illustrate this trend.

I do not contend that a sensible wiretapping law is all we need to eliminate major crime in this country. What I do contend is that the present wiretapping law adds needlessly to the already difficult problems of law enforcement. So I am urging Congress to act.

You can help. It is essential that Congress be convinced that the public wants something done to close this law-enforcement gap. If you agree with my analysis and remedy, then write to me expressing your support of S. 1086, which I like to refer to as a crime-tapping bill. I will show your letters to my colleagues in Congress to prove to them that the public is aroused. I have no doubt that most Americans want to end the legal jailbreaks and unshackle the police and the FBI.

ADDRESSES BY SENATORS KEATING AND DODD BEFORE AMEN CORNER

Mr. SCOTT. Mr. President, Senator KENNETH B. KEATING and Senator THOMAS J. DODD addressed the distinguished Amen Corner dinner on April 14, 1962, in Pittsburgh. Both men chose to discuss the fundamental issue of our time: the conflict between free and slave societies. While each examined the issue from a different viewpoint, both concluded that freemen must take a more active and more hardheaded attitude about the threat of the international Communist conspiracy.

I ask unanimous consent to insert these addresses in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR KENNETH B. KEATING AT THE AMEN CORNER ANNUAL DINNER, HOTEL PENN-SHERATON, PITTSBURGH, PA., SATURDAY, APRIL 14, 1962

For the past few years the free world has presented the picture of a football team that does not have possession of the ball—a team that's on the defense, that is eagerly studying its opponents deployment—its offensive formation, wondering what the next play will be, hoping to anticipate it, but not too sure—and trying to set up a defensive pattern that will prevent new gains—or at least assure a holding action.

If I use this football analogy, it is because it has been true of this two-power world where the entire globe is the gridiron, and where the tremendous struggle between freedom and communism leaves nobody in the stands. Even the neutrals, who think of themselves as mere spectators, have their fates and futures on the line as well as the players with names and numbers on their backs—and the winning or losing of this game will make the kind of history they'll have to live, as well as the rest of us.

Let's backtrack to when this whole game started—and I think this will give us the frame of perspective that we need in analyzing the statistics of losses and gains.

Communism came onto the world scene as an active political force in 1917. Now, at that time the Russian revolution appeared to be a great liberating force—an opening of tyranny's jail to let the prisoners out. Actually, as history has so clearly proved, the Russian revolution might better be described as the ceremony of the changing of the czars. While I hasten to add this vital difference: Imperial Russia marketed its misery at home. It had no export program. But Communist Russia went into business on a global scale. It worked out of the home office—the Kremlin—and began to set up branch offices throughout the entire world.

We Americans think we're pretty clever at advertising, at merchandising, at wrapping a product that will sell. But Madison Avenue could learn a lot from the Kremlin. They launched an inferior product and created a world market for it. How—? By a packaging job that made it look good. By a pitch that would make some of our career con men look like Simple Simons—by a sales organization that worked around the world and around the clock—and had sales techniques tailored to the customer.

This is not news to you. This is history—the history of what is undoubtedly the biggest confidence game since mortal man opened his door, and his ear—to the sweet-sounding commercial that promised pie in the sky—in big, generous slices. To put it in another way, the Communists are engaged in the most stupendous counterfeiting ring the world has ever known. But what they counterfeited was not currency. It was freedom. Their promise, their pitch, was to liberate man—to free him from the "shackles of an imperialistic, capitalistic society."

So while this hustler—this global hustler communism — was reaching around the world—the better to grasp it, the better to put a chain on the big ball of earth—what was freedom doing?

The sad truth is that freedom was scarcely aware that a competitor was after its territory. It kept selling to anybody who wanted to buy—but without zeal, without vigor, without imagination—merely taking orders, not going out and bringing them in on the open market. And so, on the one hand we had communism, dynamic as a hungry fighter—on the other hand, freedom, static as a frozen asset.

This fatal trend—this drift away from challenge—from reality—has now. I firmly believe, been stopped. The free world, at long last, appears to have awakened from the deep sleep of inertia and apathy—awakened to a realization that it is in a fight—that it must not retreat—that to keep fighting a rearguard action is to fight a losing action—that the time for reacting is past—the time for acting is here.

Our free society has come to the realization—the healthy realization—that you can't sit back and claim that freedom is man's best hope.

You've got to go out and prove that it's man's best hope—on the proving ground of human experience—in that ultimate battlefield which is the hearts and minds of men.

Freedom has known its dark hours, its hours of discouragement—as communism seeped its blood red across the map of the world—as it showed its bulging muscle, and boasted of muscles unveiled—as its Gagarin amazed and electrified mankind by being the first man to circle the world—a Magellan of outer space.

In this connection, I think there are some things that ought to be underscored. In a nation, as in a man, greatness is not the mere possession of power. It's the way that power is used. It's the leadership that harnesses and directs that power to the optimum good of our free society.

Too often, on the world stage, America has given the impression of—how shall I describe it—of playing to the gallery of world opinion—of being more interested in winning approval than in winning respect.

Our fault, I feel, is that we have attempted to be all things to all men—and in the process we have diluted the strength of our leadership, softened the impact of our influence upon events.

Indeed, if neutralism has prestige in this world—unmerited prestige—if it has been inflated to its self-appointed role as the conscience of mankind—if it wears the fake halo of righteousness—a great part of the responsibility for this sanctification of global fence-sitting devolves upon ourselves. Softness and pliability are desirable qualities in leather. They are not desirable in the conduct of foreign policy.

Our concern must be not to beef up the forces of indecision, not to give statute to neutralism—but to beef up freedom, to pursue what is right, not what is expedient. It might be said that U.S. policy is neutral toward its enemy, friendly toward the neutralists and hostile toward its friends. This may be an overstatement—but it contains enough truth to give us pause.

When another power is dedicated, openly, unmistakably, to the target objective of winning the world, we who must defend that world, far from engaging in a popularity contest, must tighten the fist of power, of purpose, and commit ourselves wholeheartedly not merely to the survival of freedom but to the triumph of freedom. The Communists know what they want—precisely—and they are going after it. We know what we want—and we must go after it—no matter how many egos we have to bruise, no matter how much criticism we have to face. We cannot alternate between toughness and softness—between showing our muscles and showing our smile. If we try to have it both ways, we'll have it no way.

Actually, Soviet Russia has not yet built the Iron Curtain that can hide its serious shortcomings, its failure to match words with deeds in its master plan of gaining title to the soil and soul of all mankind.

The Berlin wall stands not as a symbol of Communist power, but of Communist weakness. Like a giant billboard across the face of East Germany it proclaims to the world that Khrushchev, like a jail warden, must lock his gate and seal his compound to keep the prisoners from escaping.

Indeed, over these past years, the greatest jail break in all history has taken place, in Red-ruled lands—5 million brave freedom-loving people have risked their lives to find life—have slipped out of the darkness of tyranny into the sunlight of freedom. The people's government is a government the people don't want.

There are signs, too, within Soviet Russia, the very heartland of communism that the winds of change—however light—may be blowing. I heard recently of a former American diplomat who has made numerous trips to Russia. He has spoken of the growing spirit of irreverence for authority that he has noted, particularly among the young.

Something that happened to him on a recent trip, he explained, would not have happened on a trip he took in 1955. On this last trip he was in Moscow, and had an appointment to meet some friends in a cafe. On the way from his hotel to the cafe he noticed that he was being followed. His friends were waiting for him in front of the cafe—but carefully he pretended not to know them and whispered to one as he passed, "Don't recognize me. I'm being followed by an agent." "So what?" his acquaintances laughed. "Who's afraid of a shadow?" And they proved their words by turning and making derisive gestures in the direction of the agent—and heckled him when he walked into the cafe.

The diplomat expressed his surprise, and the Russian told him. "What can the government do? Maybe put us in the Lubianka jail over the weekend—so we get a break. We spend a weekend at government expense."

What Russia has been trying to do, of course, is to preserve a feudal society in the modern world. One might say that freedom is the ultimate weapon that Khrushchev has thrown up his defenses against—but its fallout is beginning to appear in Communist lands. Freedom is coming on the winds of change—and it cannot be kept out by walls or curtains.

If we could speak of Communist ideology as a script written by Marx and Lenin—and now being staged by Khrushchev—the fact is that the play isn't living up to advance notices. You remember the old Roman formula—give the people bread and circuses, and you'll keep them happy. The Soviet people are getting the circuses—the space feats of Gagarin and Titov, the satellites, and the moon shots—but the bread is less in evidence. Disturbingly less. In fact, the Communist failures in agriculture stand as a glaring indictment of the whole regime.

The world prestige of space feats—the parade of military might—these are heartlifting to the Russians, but they are not stomach filling. You can't eat prestige; you can't make a main meal out of national pride.

Then there is the matter of the world image of communism. Lenin and Marx saw it as a beautiful, harmonious image—integrated, coordinated, flawless—but such is not the case. The image is distorted, twisted out of focus by the deep division between the U.S.S.R. and Red China, blemished by the going-my-way policy of Tito, by the tendency of Albania to divorce the Kremlin and make eyes at Red China.

We must examine the meaning of these facts, these developments, not merely in the context of Communist relations with the United States but in the context of the Red propaganda drive throughout the world. As any salesman knows, it's hard to sell a product that doesn't work—or at least doesn't work the way the commercials say it will. When communism sets up its stand in the marketplace of ideas, it must dress its window with successes, or else the buyers will be scarce. And at this moment, successes are in short supply.

Emerging nations are not impressed by a system that can't feed its people—by a system that has the guns but not the butter, by a system that people are running from, not toward—that is split down the middle by basic disagreements—and fragmented by the cell separations of local style communism—and unable to keep a steady gravitational pull on all of its satellites.

This does not mean that communism is in the process of digging its own grave—but it does mean that communism is not burying freedom—that its so-called wave of the future looks on the contrary more like a backwash that is drenching the Reds with the cold hard facts of life.

In this connection, I am reminded of the story that is told of the Russian big shot, engaged in making an inspection tour of his country's grade schools. He was impressed by the answers he was getting from one bright sixth-grade boy. "What can you tell me about the United States?" asked the man from the Kremlin. The lad answered: "The United States is a country where a few rich men dominate millions of poor people, most of them downtrodden, illiterate, starving and stupid." "Ah," beamed the Russian leader, "very good. Now tell me what is the goal of Russia?" "The goal of Russia," said the bright lad, "is to catch up with the United States."

And our allies are a part of this total pattern of a revitalized freedom—of a system that doesn't merely blueprint a set of dreams—but makes those dreams come true. Western Europe, for example, has welded its separate national strengths into an economic power mass that has packed massive muscle into freedom's arm. Western Europeans are outproducing Russia in steel, coal, electric power and cement—all the big biceps that command respect—whose silent strength is a growing factor in the decisions that make history.

The facts are clear—and they are heartening. Across the world freedom is on the march. We must not, however, mistake gain for victory. The struggle will be long and hard. Our spirit, our drive, our zeal must be equal to that struggle. Above all, let us remember this: the defense of freedom is not the unique responsibility, the vested interest of government.

It is the personal responsibility of us all, as members of a free society under God—a society that so many before us have given their lives to defend and to preserve. Only when we are true to that responsibility are we true to ourselves—and to those we love.

And let us not forget the many ways in which freedom has died, gloriously, cravenly, courageously—but the saddest, most ignominious death of all is when freedom dies in its sleep.

Remarks of Senator Thomas J. Dodd, at the Amen Corner Annual Dinner, Hotel Penn-Sheraton, Pittsburgh, Pa., Saturday, April 14, 1962

The United States, up to now, has had a success as a nation which is unique in history. By every index of national achievement our country is unrivaled in the world today. Whether the standard be industrial production, agriculture, military strength, or standard of living, our country is truly the giant among the nations of the world.

Moreover, important as our physical resources and material wealth and military strength are, even more important is the fact that our national heritage has been an honest one; our national ideals are valid and have universal appeal; and the causes we uphold in the world are right causes, right for ourselves, and right for all peoples.

If all this is true—and it is—what we have seen in the world in the past 17 years represents a strange paradox. For we have seen the wealthiest, strongest, most successful Nation in the world, a nation which has used its wealth and strength not to enslave others but to assist them, losing round after round against Communist opponents who are markedly inferior in every index of real success.

There are many reasons for these defeats. Tonight I would like to speak about only one of the reasons.

On a variety of crucial issues we have allowed sentimentality to displace realism in the formulation of our national policies.

By sentimentality I mean a fuzzy emotionalism which approaches complicated problems either with the rapture of an ardent lover, or the indignation of a dragonslayer.

I mean a chronic optimism about the motives and nature of the Communists.

I mean the Hollywood-style approach to world problems; the placing of what we would like to believe ahead of the facts; the preferring of sentimental assumptions to cold unpleasant realities.

I refer to the lopsided state of mind which is so entranced with such general goals as peace, disarmament, brotherhood, and reform (with a capital "R"), that it ignores the real obstacle in the path of each of these goals.

Harold Ickes once said of Henry Wallace that he considered himself so firmly in possession of the truth that facts did not matter. So it is with the sentimentalists of today.

Sentimentality can be a very endearing trait in a personal relationship.

Surely it is a comforting thing to have some friend or loved one look at our faults not with the cold eye of reality, but with an attitude that sees only the good and ignores the bad. But this quality that can be so consoling in personal relationships can be very deadly in the conduct of national policy.

During World War II for instance, we allowed ourselves to get emotional about the Russians. We began to think of Red Russia as a land of happy peasants and brave soldiers, united under heroic leaders. Even our movies depicted scenes of colorfully dressed, singing peasants, parading arm in arm toward their collective fields as though they dwelt in some sort of paradise.

The direct results of swallowing all this moonshine about Russia was that in the later stages of World War II we formed a postwar foreign policy on the assumption that the Communists were all right after all, that they would honor their obligations of freedom for Eastern Europe, and would cooperate with us in building a free and democratic world.

One would have thought that the postwar Russian treachery would have punctured the balloon, and for many it did, but sentimentality has a way of enduring and regrouping, and of attaching itself to other fads.

We have always had a sort of Robin Hood complex in this country. We made a national folk hero out of Jesse James, who was really nothing more than a common thief, a murderer, and a pillager, on the false grounds that he took from the rich to give to the poor. This kind of nonsense gave a hand to Communist propagandists in the late 1940's and helped them to get away with fooling the American people when Communist thieves, murderers, and pillagers appeared in China under the guise of agrarian reformers who were to take from the rich and give to the poor. By the time we had gotten the dust out of our eyes, a nation of half a billion human beings had been enslaved.

Yet, 10 years later, the sentimentalists fell for the same thing all over again when Fidel Castro came on the scene, and they confused the whole Nation from the White House on down until a Communist dictatorship had been fastened upon our neighbors in Cuba.

Sentimentality has left its distorted mark on domestic issues as well. Let me use as an example what, for lack of a better name, I shall call the underdog sentimentality.

This approach views the criminal, the delinquent, the irresponsible person as the helpless victims of society rather than as a threat to society, or a drag upon it.

Here we encounter a frequent aspect of sentimentality, that of seizing upon an idea which has some merit and pushing it too far.

We have taken some wise measures in the field of probation of prisoners, rehabilitation, retraining, and humane sentencing. But in many places, the sentimentalists have gone overboard and pushed the soft approach so far as to severely hamper law enforcement and water down the principal deterrent to crime, which is the fear by the would-be offender that he will be swiftly apprehended and promptly punished.

Starting with the praiseworthy desire to take the big brother approach to juvenile delinquents, to shield them from the blot of a criminal record, to safeguard them from procedures that would throw them in with adult criminals, we have established a privileged sanctuary for many hardened criminals who are young only in years, and this soft treatment of them has served only to multiply the number of hideous crimes committed each day on our streets.

The sentimental desire to shield people from the results of their own actions has spilled over into a number of other fields.

Parental discipline seems to have gone out of style in many homes with the result that a growing number of young people are approaching maturity without any sense of responsibility, or respect for authority, or concern for the rights and interests of others.

Discipline in some schools has deteriorated to the point where a teacher recently told me she was prohibited from even making a disobedient child put his head down on his desk, as a mild discipline, on the grounds that this might contribute to the growth of some mental complex.

In many schools, the child who fails to do his work and pass his examinations is no longer kept back and made to repeat the year but is passed along from grade to grade as though he had met the qualifications.

This sort of thing can have no other effect than to encourage in the future citizen the idea that no matter how irresponsible he may be, no matter how dismally he may fail even the modest tests of life, he can expect to be taken care of and shielded from the results of his own incompetence and lack of effort. Nothing could be more dangerous to a free society than the growth of this sentiment.

Another variety of sentimentality is the persecution complex which afflicts many and which has had a lamentable influence on public policy. The victim of this persecution complex looks at the world and sees a few noble dissenters appealing vainly to a benighted, apathetic public, with the vicious forces of government lurking in the background ever ready to pounce upon the noble ones.

To these people Alger Hiss was and, I think, still is, a hero, and Whitaker Chambers, Richard Nixon, and J. Edgar Hoover are still villains. The leftwing press, which is addicted to most forms of sentimentality, fairly wallows in this variety.

When a congressional investigation begins into Communist activities, the leftwing press and its sympathizers always try to picture the various individuals who are willing or witless collaborators in the Communist conspiracy as helpless, defenseless underdogs who are being put upon by an irresponsible publicity seeking group of Congressmen.

If the investigative hearings are to be in public session, the committee is charged with smearing the witness. If it is to be in private session, the committee is charged with star chamber proceedings. If a long list of Communist-front affiliations is substantiated, the committee is charged with promoting guilt by association. If pro-Communist and anti-American statements are correctly attributed to the witness, the committee is charged with persecuting a person for expressing his ideas.

And so it goes. The danger is that those who investigate the Communist conspiracy are threatened with personal vilification and political destruction. This drives good men away from anti-Communist work, it impedes the struggle against subversion and espionage, and it endangers the security of the country.

Internationalism makes sense, it is a blessing, when combined with a hardheaded realistic attitude. But when internationalism is perverted by sentimentalism, it gives birth to the most exotic plants and flowers, and I might add, to the most dangerous.

For the danger of the exaggerations and misrepresentations and emotionalism of the international sentimentalists is compounded by the fact that they frequently parallel the goals of the Communist world propaganda apparatus. I refer to such groups as the various peace marchers, the disarmament agitators, the better Red than dead crowd.

Let us take up the peace marchers. They demonstrate against the launching of our nuclear submarines as though these submarines were threats to peace instead of the guardians and protectors of the security and peace of the free world.

They parade in front of the White House and make a public scene, the effect of which is to produce the impression that somehow the President of the United States is not interested in peace or is less interested than he ought to be.

They parade through the halls of Congress with half-baked appeals to legislators against our defense budget or against the development of weapons that are necessary to give our military forces the supremacy they need to prevent an enemy attack upon us.

There are among the peace marchers and picketers many sincere, dedicated pacifists, people of unquestionable integrity who simply cannot believe that communism is totally evil or completely proof against the force of moral example. For the genuine pacifists I have respect, even though I believe that their philosophy is dangerously starry eyed. But I must say in all frankness that they frequently do not show very much discretion about those that accompany them in these demonstrations.

Some of the people are Communists and Communist fronters.

Others are publicity seekers.

Others are screwballs, the kind who attach themselves to any demonstration movements.

Others are merely gullible and deluded people who, unwittingly or half-wittingly, allow themselves to be manipulated and used by the Communist world propaganda apparatus.

But, whoever they are, the effect of these demonstrations and marches is not as negligible as it ought to be.

This strange amalgam of idealists and Communists, of fellow travelers and innocents, succeeds somehow in leaving the impression that they are all honest idealists, and perhaps the United States is as guilty as the Communists for lack of real peace in the world.

They command a degree of attention from the American press and the world press that is altogether out of proportion to what they represent in terms of American public opinion.

They have a certain intimidating effect upon our policy planners, an effect which is revealed in the apologetic manner in which we invariably announce new defense measures or such necessary steps as the resumption of nuclear testing following the recent Russian treachery.

Even the President feels compelled to invite these demonstrators in for tea instead of showing them the door.

One recurring theme is that if the women and mothers of the country made their influence felt more, we would move toward peace.

I do not at all resent the uncomplimentary inference about men implied in this; it is not important.

What is important is that this sort of thing promotes the belief in the world that the cause of tensions and possible war is the ignorance of perverseness of willful men in our country and in other countries, when the truth is that Communist aggression and the Communist blueprint for world conquest is the only real threat to peace in the world.

Any attempt to lay the blame equally on both sides is not only a smear upon our leaders and our country, and an evidence of a basic lack of commonsense or patriotism but it tends as well to immobilize our people, it confuses them as to the real danger and thus makes more difficult the task of arousing them to the effort which must be made to preserve our freedom.

Another form of internationalist sentimentality is the worship of that nebulous thing called world opinion. Again and again we are cautioned against taking steps that would strengthen ourselves or our allies because of the adverse effect it would have on so-called world opinion.

World opinion was probably the principal factor in our tragic abandonment of nuclear development and testing 3 years ago. This so-called world opinion is little more than the organized propaganda of Communists and their neutralist sympathizers around the world.

We are told, for instance, that this or that course of action will offend the sensibilities of the Indian villager, or the Burmese peasant.

Yet if we think about it, the Indian villager does not even know what is going on in the next village, let alone having an opinion about our moves on the international scene.

Even if he did have an adverse opinion, it would be our duty to take those measures which we felt were necessary to our own just interests.

But we are gulled again and again through our desire to cater to something that does not exist.

One of the greatest myths of the sentimentalists, and one which is rapidly being exploded by events, concerns the neutralists. Neutral nations have been pictured as being somehow above the cold war, as being the final arbiters of the dispute between East and West and of being the people to whom we must make an idealistic appeal. Neutralists are held up as the moral leaders of the world.

The sentimentalists have lionized people like Nehru and Sukarno.

The fact is, of course, that the neutral in today's world is one who for reasons of self-interest refuses to take a side in the gravest and most clear-cut struggle between right and wrong in history.

The neutralist has been a sort of pawnbroker between good and evil, playing both sides of the street, trying to get as much as he can out of both sides. Some neutralists are not even neutral, but are disguised pro-Communists.

The Communists have used the neutrals when it suited their purpose and slapped them down when they got in the way of Communist plans.

The United States has pampered them, catered to them, and shown them a deference and a consideration out of all proportion to their merit or their influence in the world.

Nehru's aggression against Goa and Sukarno's declarations against west New Guinea have exploded a lot of misconceptions about the neutralists in the minds of all but the most hopeless sentimentalists. But myths die hard and the sanctification of the neutrals will continue to hamper our efforts for a more realistic foreign policy.

The mecca of the sentimentalists appears to be the United Nations. The overflow of emotion concerning the United Nations has acted against the interests not only of that body but of the free world.

The United Nations represents one of the hopes we have for eventual world peace based upon law and international justice.

I have supported the United Nations. I support it now, and I demonstrated this only a few days ago by voting for the United Nations bond issue proposal.

But the United Nations has grave structural defects at the present time and principal among those defects are the veto power of the Communist bloc and the inordinate strength in that body of the new nations; nations which do not have the population, the wealth, the strength or the responsibility to match their influence in the United Nations. It should be clear that reforms will have to be made if the U.N. is to become equal to the task of preserving peace in the world.

Any attempt to objectively analyze the U.N. is greeted with howls of protest by the sentimentalists. Any criticism of unjustified U.N. action is condemned as an attack upon world peace.

To the sentimentalists, the U.N. is the answer to most world problems. Whatever the crisis may be, there is an impulse to turn it over to the U.N.

The danger here is twofold: First, the U.N. is so ill equipped to deal with some crises that it would doubtless fail, make itself look impotent and ridiculous, and could discredit itself; second, there is the danger that resort to the U.N. will become a substitute for U.S. foreign policy, rather than an instrument of it. We must not let control of policy affecting our vital interests, and our survival, slip out of our hands. We must not shirk our responsibility for decisive action, and we must not burden the U.N. with problems it is not equipped to handle.

I make these criticisms of the sentimental approach to national problems not because I fancy myself as a critic, nor because I enjoy singling out any group for criticism.

I do it because the time has come to try to undo the damage which sentimentality has done to our national policy.

The moony assumptions that are so often allowed to go unchallenged must be met head on so they can be isolated and will cease to exert harmful influence on the conduct of our affairs.

There is a hope that the sentimentalists can be brought back to reality.

They regard themselves as idealists. They are a vain lot, with intellectual pretentions, but they mean well.

It may be possible to prove to them that sentimentalism is not idealism, that the goals they seek can be achieved, not by emotion but by reason; and that while dealing with the hard realities of national and international life may not be as exciting as pursuing phantoms, it can in the end be more rewarding.

Sentimentality can affect national policy only in a free country. Communist regimes are certainly the least sentimental of all governments.

We may hope that the free interplay of ideas which permits sentimentality to influence policy will at the same time provide the antidote to it.

Jefferson once said, "Error of opinion can be tolerated where reason is left free to combat it." It is time to put our reason to work.

PROPOSAL TO CHANGE TAX TREATMENT ON INCOME DERIVED FROM FOREIGN SOURCES

Mr. **CURTIS**. Mr. President, I ask unanimous consent to have printed in the RECORD a statement entitled "Proposal To Change Tax Treatment on Income Derived From Foreign Sources," prepared by me.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PROPOSAL TO CHANGE TAX TREATMENT ON INCOME DERIVED FROM FOREIGN SOURCES

(Statement by Senator CURTIS)

The administration's proposal to change the tax treatment we accord income derived from foreign sources would have far-reaching effects if enacted. It would reverse principles which have been included in our tax laws for many decades.

On February 12, the distinguished junior Senator from Tennessee reviewed our foreign policy objectives during the postwar period.

He expressed the view that immediately after the end of World War II our oversea obligations required the encouragement of private investment in the developed countries of Western Europe to restore their wartorn economies. Apparently many Americans believe that special tax inducements were provided in connection with the Marshall plan to encourage American firms to establish subsidiaries in Western Europe. The fact of the matter is that no such incentives were provided. Nevertheless, the impression persists that a tax advantage was granted and now that it is no longer needed, it should be repealed.

President Kennedy, in his message on our Federal tax system transmitted to the Congress on April 20, 1961, proposed the elimination of tax deferral privileges in developed countries, but he recommended, and I quote:

"That tax deferral be continued for income from investment in the developing economies. The free world has a strong obligation to assist in the development of these economies, and private investment has an important contribution to make. Continued income tax deferral for these areas will be helpful in this respect. In addition, the proposed elimination of income tax deferral on U.S. earnings in industrialized countries should enhance the relative attraction of investment in the less developed countries." [1]

This proposal for incentive taxation on income derived from investments in underdeveloped countries implies punitive taxation on the earnings of subsidiary companies in Western Europe and in other developed nations. This request supports the widespread belief that the present tax treatment of foreign source income is of recent origin. In our consideration of the administration's tax recommendations, it is necessary that we clearly understand that tax deferral and foreign tax credits have been reviewed by the Congress for many decades, and it has not changed these basic principles for more than 40 years.

The implication that tax deferral is a postwar concept is unfortunate. Ever since our first income tax laws were enacted in 1913, the income earned by foreign subsidiary corporations was not taxed until it had been remitted to the American parent corporation. All subsequent reenactions and revisions of the income tax laws have adhered to this concept. Likewise, the provision that credit be granted against U.S. taxes for taxes that have been paid abroad, is also found in our earlier statutes enacted long before the start of World War II. No provisions were enacted by the Congress after World War II to encourage American firms to invest capital in Europe.

We are accordingly not concerned with eliminating an incentive but rather with the broad considerations effecting the objectives we should seek with respect to American direct oversea investments.

President Kennedy and the Secretary of the Treasury agree that it is desirable to encourage private investors to assist in advancing economic growth and raising living standards in the underdeveloped countries of the world. Apparently, it is assumed that if investment in developed countries is made less attractive, that funds will automatically be made available for investment in the countries which had been selected for favored treatment by the administration. This concept is unrealistic. It has long been recognized that the major share of our merchandise trade comprising both exports and imports is with the developed countries of the world and not with the nations whose advancement we seek to promote. The reason that this trading pattern evolved stems from the existence of markets for a wide variety of goods in developed countries. American industry manufactures countless products which cannot be sold in any great quantity in the underdeveloped countries until their economies have advanced to a stage where there is a normal market for them.

Many of the problems which confront the Congress in dealing with taxation, tariffs, and trade, and foreign aid arise because too often we fail to consider that the entire world for all practical purposes must be regarded as a single trading area. Many witnesses who appeared before the House Committee on Ways and Means stressed the need to develop an integrated foreign policy. While the Marshall plan was in effect, our efforts were concentrated in Western Europe. At that time, our Latin American neighbors believed that their interests were being neglected—perhaps this explains the unrest in that area of the world today. Now we propose to right the balance by discouraging normal commercial relations with Western Europe and concentrate our attention on Latin America through the Alliance for Progress program.

Unless we remember that the principal support for America's global objectives must be provided by other developed nations, we may encounter future difficulties.

I believe that the Senate in its consideration of H.R. 10650, and particularly as it concerns the taxation of foreign source income, must develop policies that recognize the world for what it is—an entity—a worldwide trading area.

The administration apparently believes that it can control the investment decisions of private enterprise by a selective application of tax benefits and penalties. Those firms which responded to the appeals of previous administrations to risk their capital and develop markets in Western Europe are now to be penalized for so doing.

Let us remember that the funds invested overseas are private and that they could have been lost completely if the enterprises they made possible proved unsuccessful. The economic strength which exists in Western Europe today is a result of the joint efforts of private citizens and the U.S. Government since the inception of the Marshall plan. Since a concern for equity has been advanced to justify the elimination of tax deferral and a revision of the foreign tax credit by gross-up procedure, it is important to determine whether these changes are truly equitable. Funds have been committed which belong to American citizens for long-term fixed investments. At the time that the decision was made to venture overseas, American management acted against a background of basic principles with respect to the taxation of foreign source income than had been in effect for four decades.

Under both Democratic and Republican administrations, American firms were strongly encouraged to take advantage of the investment opportunities provided by a growing world economy.

Now that these oversea enterprises are profitable, is it truly equitable to change the tax laws which have been on the statute books for many years? Is it proper in effect to change the rules after the game has started? If we agree that regardless of equity considerations these changes are necessary to redirect overseas investments to underdeveloped countries, will their enactment have such an effect?

I am convinced that rather than encourage greater investment in underdeveloped countries, the administration's recommendations would have exactly the opposite effect. It is not too hard to perceive why this result should occur. Americans, who responded to requests by previous administrations and risked their funds in support of foreign policy goals will be concerned with only one question in determining whether to invest in underdeveloped countries. This question is a logical one. If they establish enterprises in underdeveloped countries—and they are equally successful—will their efforts result in a reclassification for tax purposes of these underdeveloped countries into developed nations? Every Senator confronted with a similar investment decision would have the same concern.

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[1] "President's 1961 Tax Recommendations," hearings before the Committee on Ways and Means, House of Representatives, 87th Cong., 1st sess., vol. 1, p. 9.

In the course of the extended colloquy with respect to the taxation of foreign operations between the junior Senator from Tennessee and the junior Senator from Alabama, the discussion turned to American activities overseas to secure necessary raw materials for the operation of American industry. The junior Senator from Alabama discussed iron ore mining operations in Venezuela which he had personally observed. He stated that—and I quote—

"It is good for Venezuela for private business from this country to be engaged in mining in Venezuela. It is good for us to get the iron ore here.

"Birmingham is in a very rich iron ore, coal, and limestone center. It is one of the few places in the world where all three are located in the same neighborhood, which is quite advantageous. Yet the Tennessee Coal & Iron Co., which operates its great installation in Birmingham, has found it to its advantage to import Venezuelan ore. It is richer ore than ours. By mixing it with the local ores, which are produced in Alabama, they are able to get out a better product, and really step up employment. Both sides are thus helped."[2]

The junior Senator from Alabama then raised an interesting question. I shall quote directly from the CONGRESSIONAL RECORD of February 12, 1962:

"I do skip over very lightly the question of whether or not it might be better for Venezuela if it had its own steel mill down there. I do not know. I do not know what the economic factors involved are."[3]

Venezuela is an underdeveloped country. In accordance with the criteria established by Secretary Dillon, it presumably would be in our national interest to encourage industrial development in that country.

Accordingly it is of some concern to determine where funds for new enterprises in a country such as Venezuela might originate. There are actually only three possibilities for the financing of such an enterprise.

1. The citizens of Venezuela through their own efforts might organize a private development corporation to undertake this task. However, past experience makes it seem unlikely that this would occur.

2. Funds for such an enterprise might be secured from international organizations or through grants or loans by our own Government. This would necessarily entail an additional burden in one form or another on U.S. taxpayers.

3. The most desirable and rapid method of creating industrial facilities would be to encourage American firms to establish subsidiaries for this purpose. Naturally, any responsible management in deciding whether to commit American dollars in such a venture would seek assurance that there would be a favorable business climate, market possibilities, and all of the other favorable factors to justify using funds belonging to countless American stockholders.

Venezuela is considered an underdeveloped country today. However, if Congress permits the Executive to classify the nations of the world into categories with different tax treatments, I seriously doubt that any American investor would consider a commitment that if successful would almost assuredly result in the imposition of a tax burden not present at the time it was made.

This third alternative to provide the funds for industrial development is consistent with our dedication to free enterprise principles. Furthermore, it would not entail any added burden on U.S. taxpayers.

However, if the Congress should adopt the recommendations advanced by the administration, there could be little doubt but that capital outflows to the developed nations will decline. This would produce a short-term improvement in our balance of payments at the price of an admitted serious decline in our favorable position within a few years. This proposal in many ways implies that capital funds should be used for current expenditures, as I do not believe that the funds which are deterred from use in the developed countries would necessarily be invested in the United States, and it is most unlikely that they would be ventured in the underdeveloped areas in the world under the conditions that I have already stated.

Many witnesses in their appearances before the House Ways and Means Committee reviewed their own specific corporate activities and showed conclusively that the earnings from Western Europe on which the tax was deferred provided the principal source of funds for projects in the underdeveloped countries of the world. As an illustration of what can be accomplished, the testimony of Mr. Harold D. Arneson, president and general manager of Abbott Laboratories International Co. is noteworthy. He state that—and I quote—

"In my opinion, it is an error to believe that retention of earnings abroad, in industrialized nations particularly, stimulates further investment in such countries, to the detriment of less-developed nations.

"Abbott's experience, here again typical of many other things, shows that our investments in Western Europe do not frustrate an increasing flow of private capital to the less-developed countries—but on the contrary we are using a substantial part of our earnings in Western Europe to expand our operations in less-developed areas.

"Abbott carries on all of its trading activities outside the Western Hemisphere through the use of a base company. During the past 5 years 48 percent of Abbott's base company's earnings were derived from industrial countries of the world, and 52 percent from the so-called developing countries. Upon analyzing the use of these earnings, we have found that 82 percent of the base company's funds that have been reinvested abroad have gone into the developing countries and only 18 percent back into the industrial countries."[4]

Still another witness described how foreign operations starting in the developed countries provided the funds for investments in the underdeveloped nations that would otherwise not even be considered. The gentleman to whose testimony I refer is Mr. Louis Putze, president of the Controls Co. of America, which manufactures specialized products used in the heating, refrigeration, air conditioning, automotive, appliance, aircraft, missile, and electronic industries. It is a relatively small corporation with gross receipts of $50 million a year. Mr. Putze describes how his organization first developed facilities in Canada and Western Europe before venturing into underdeveloped areas.

I quote from excerpts of Mr. Putze's testimony:

"To tax the unremitted earnings of American foreign subsidiaries would undoubtedly reduce investments by American corporations in Europe and in other developed areas. By so restricting foreign investment, the U.S. Treasury would in effect receive less in tax revenue. American investment overseas has demonstrated an ability to earn a substantial profit and to return to the U.S. parent dividends, interest, fees, and royalties many times the original investment. In addition, they have been responsible for the sale of American manufactured goods, resulting in profits on which Federal income taxes are paid.

"I believe that Controls Co.'s experience amplifies this point. Since 1950, Controls Co. has invested approximately $576,000 in two foreign manufacturing operations in Canada and in Holland. During this period up until March 31, 1961, we received from these two companies over four times this amount in dividends less foreign taxes withheld, service charges and interest, and these companies have purchased over $5 million of manufactured products from our American factories.

"The Federal income tax paid on dividends, service charges and interest, and on the estimated profit on sales to these companies, amounted to approximately $76,000, or 1⅓ times the amount of the original investment. If foreign income taxes had been lower, the U.S. Treasury would have collected more taxes.

"The point that I wish to make here and the point I hope will be remembered is that Controls Co. does not contribute to the balance-of-payment problem of our country but, in fact, we have assisted in bringing a substantial excess of foreign exchange to the United States over our foreign investment.

"If we add up our export sales to these two companies, our dividends, service charges and interest received from them, they total $7,400,000, compared with a net investment in Canada and Holland of only $576,000. This is a favorable balance of $6,800,000 by a small company in 10 years. Who could ask for more from an investment like this?

"The foregoing example of our Canadian and Dutch investments illustrates Controls Co.'s experience in industrialized countries. We believe it would defeat the Government's avowed purpose of increasing investment in undeveloped areas if its tax policy should discriminate against investment in the developed countries. It is our experience, and that of others, that earnings derived from investments in developed countries are utilized to invest in the comparatively more risky undeveloped countries. In our case, I am certain it would have been virtually impossible to obtain director approval for our subsequent investments in Brazil and Argentina if the European venture had not been successful enough to provide funds for these South American investments.

"Also, providing tax assistance in undeveloped countries is of no assistance to Controls Co., as a country must have achieved a substantial level of living before it can achieve assistance from the products of our company."[5]

While the administration contends that tax deferral would channel funds from developed nations to the underdeveloped countries, Mr. Putze showed that this is not likely to occur.

His testimony also shows that oversea investments, whether undertaken by large firms or small ones, will invariably contribute to a favorable balance-of-payments position for the United States. Direct subsidiary operations in developed countries with tax deferral will provide funds for those ventures which entail an element of great risk and where political and economic conditions are unstable, a characterization which unfortunately applies to most underdeveloped nations.

Investors who have experienced expropriation and nationalization in Cuba, the Congo, and Brazil are not likely to risk further funds which have already borne the impact of a 52-percent tax even before they are repatriated to advance the economic development of Asia, Africa, and Latin America.

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[2] CONGRESSIONAL RECORD, Feb. 12, 1962, p. 2195.

[3] Ibid.

[4] "President's 1961 Tax Recommendations," op. cit., p. 2848.

[5] Ibid., pp. 3171-3172.

The Machinery and Allied Products Institute in its statement filed with the House Committee on Ways and Means entitled "Private Investment Abroad" developed this thesis. I quote further from pertinent excerpts of this statement:

"It should be emphasized that earnings brought back to this country will normally not be transferred to underdeveloped areas. We have been informed by some companies that top management is extremely reluctant to approve new investment of capital in countries of South America, Asia, or Africa from earnings generated within the United States because of the relatively high risk accruing to such investments. They are considerably less reluctant to approve such investments from funds generated by oversea subsidiaries because they feel that the greater risks of such investment are offset to a significant degree by the lower tax liability accruing to such earnings. Until these earnings are brought back to the United States, they are not, of course, subject to U.S. tax. Withdrawal of tax deferral would tend to dry up this major source of venture capital for underdeveloped areas. This is not to suggest that the tax factor is the sole consideration involved in management decisionmaking with respect to investment abroad. Indeed, there are many factors, including cost of production, market, sources of supply, etc. However, it is perfectly clear that the tax factor is important, particularly in connection with the creation of investment capital in developed countries for transfer to lesser developed areas." [6]

The interrelationship of the expanding economies of the world clearly shows that there are many opportunities to secure a position in an oversea market for American exports if they can be combined with products produced by a subsidiary. The export of the finished article from the United States is not an alternative to such an opportunity. On the contrary, if American firms are unable to meet price competition in every market throughout the world, foreign firms operating without the tax impediments the administration now proposes will secure the business and provide job opportunities in other countries.

I quote a further excerpt from the statement prepared by the Machinery and Allied Products Institute which provides further evidence on this subject:

"Local identification helps to stimulate exports * * * the establishment of a permanent operation overseas serves to facilitate contacts with foreign customers and by giving the company greater local identification helps to penetrate markets which could not otherwise be penetrated. One company, with which we are familiar, prior to 1959 was unable to penetrate the German market to any significant degree. However, as a result of establishing an operation in that country it now finds that its German customers are not only willing to purchase from the German-based company but, because of the greater local identification established by the U.S. company as a result of its German subsidiary, it now exports in substantial volume to the German market products which it is manufacturing in the United States.

"Creation of foreign distribution channels * * * as companies invest abroad and become oriented to foreign markets they normally develop extensive foreign distribution channels to handle the products which they are manufacturing overseas. These same distribution channels can then be used in aggressively marketing related U.S. products which are not manufactured abroad. This frequently serves to facilitate greater U.S. exports.

"Demand created for U.S.-manufactured components * * * investments overseas create a demand for U.S.-manufactured components which are assembled in the company's foreign plants and can be shipped into third markets. By way of illustration, one capital goods company recently set up a manufacturing operation in Belgium, imported some of its components from its U.S. plant, assembled them in Belgium, and shipped the assembled product to Mexico. Had the company attempted to manufacture the entire product in the United States, the cost would have been too high for them to compete effectively with foreign competitors for the Mexican market. By establishing an operation in Belgium, it can sell U.S.-manufactured components in the Mexican market indirectly through its Belgium subsidiary. In short, investment abroad has saved for the company a share of the world market which would otherwise have been wholly lost, and of the total labor required to serve that market it has preserved a substantial portion for the United States by virtue of its foreign investment.[7]

"We are familiar with a company which recently received an inquiry from Latin America concerning certain of its equipment. On the basis of information as to prices quoted by some of its foreign competitors, the company realized that it could not quote the U.S. price and get the order. Fortunately, it was able to quote successfully from a lower cost European plant. Had the U.S. company not had an operation in Europe, it would have lost the order to a foreign competitor." [8]

These examples are typical of the relationships which exist between an American parent firm, its subsidiaries in developed nations, and the means to make jobs for American citizens by taking advantage of the market potential available in underdeveloped nations. We are not confronted with the problem of determining whether a special incentive to direct capital flows to Western Europe is no longer necessary inasmuch as the basic concepts involving the deferral of taxation and a U.S. tax credit for foreign income taxes have been included in our statutes for many years. The Congress never granted a tax incentive in connection with the Marshall plan as some apparently believe. American firms have developed markets when the opportunities were favorable with existing and long-established concepts of taxation, and there is every reason to maintain these principles, which have served us well, in any tax legislation which the Congress may enact.

I shall continue to develop further facets of this important issue relating to the taxation of foreign source income. It is of concern not only to American investors but to our national security. The attainment of our foreign policy objectives and the employment of our own citizens who are given access, directly or indirectly, to markets that would otherwise not be available to them must not be jeopardized by ill-conceived and unfounded tax theories. It will be very difficult to correct the damage which hasty legislation may create.

EVALUATION OF THE NATION'S SPACE EFFORTS

Mr. KERR. Mr. President, in the month of May, last year, the President of the United States completed an analysis and evaluation of this Nation's space efforts. Upon finishing this study the President told the Congress:

> Now is the time to take longer strides—time for a greater new American enterprise—time for this Nation to take a clearly leading role in space achievement which in many ways may hold the key to our future on earth.

The President issued a bold and daring challenge to the American people when he said, and I quote:

> Space is open to us now; and our eagerness to share its meaning is not governed by the efforts of others. We go into space because whatever mankind must undertake, freemen must fully share.

And then the President told us

> I believe that this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth.

These words are a testament to his vision and courageous leadership.

Now, almost a year later, we are witnessing an accelerating unfoldment of the President's plan. This drama of success is being enacted before the eyes of our own people and those around the world. Deeds of heroic magnitude which existed only in the imagination or in fiction yesterday have become real, routine, and factual today. Exploits which appeared impossible only a year or so ago have suddenly become realities. A magnificent example is the latest achievement of the National Aeronautics and Space Administration pilot, Joe Walker, who yesterday flew the X-15 experimental rocket plane to an altitude of more than 48 miles, and at a speed of about 3,500 miles per hour. Walker zoomed to the edge of outer space, and then brought the big rocket plane back through the searing heat of reentry into the atmosphere and to a safe landing on the California desert. Pilot Walker remarked upon his return;

> I had a feeling that if I ran the engine much longer I was going to be in orbit. I could take orbit with no strain at all. The success of today's flight means there is no question that we can put a winged vehicle in orbit and land it as I did.

That historic flight of yesterday, Mr. President, provided our space scientists and engineers with further data which will help them design and build even more efficient transport and space vehicles. Amazing feats are now coming at a faster and faster rate. During the past 10 days, event has raced after event to demonstrate the ever-increasing accomplishments by the National Aeronautics and Space Administration and other Government agencies and civilian institutions joined in these space age endeavors. In fact, a scientific, economic, and cultural phenomenon is now taking place in the world as a result of our own technological speedup, envisioned and inspired by our President, which has a profound meaning for all mankind.

Yesterday, here in Washington, a meeting got underway which points up the tremendous effect which space science and technology is having, and will continue to have in increasing volume, upon the affairs of men. This meeting to which I refer is the third annual session of the Committee on Space Research of the International Council of Scientific Unions, commonly called COSPAR.

The meeting started in an atmosphere of hope, an atmosphere created by the people of the United States who, through their Government, have demonstrated a willingness to cooperate in the development of space for peaceful purposes. Just a year ago next Saturday, the United States first sent a man into space. It was on May 5, 1961, that Comdr. Alan B. Shepard, Jr., made his historic suborbital flight from Cape Canaveral. The flight was made openly, as were succeeding Mercury flights, thus demonstrating our willingness to share this knowledge with the world.

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[6] Ibid., p. 3143.

[7] Ibid., pp. 3145-3146.

[8] Ibid., p. 3147.

During the past year, the tempo of the U.S. civilian space program has steadily advanced. It has become increasingly clear also that U.S. scientific space discoveries and achievements have far exceeded those of Soviet Russia. This leadership has been recognized by the vast majority of nations participating in the COSPAR symposium now underway.

During the past week, the United States successfully sent a spacecraft, Ranger 4, to the moon. This mission, while failing to gain much of the scientific knowledge which had been hoped for, did achieve amazing results. It proved that we have produced a launching and guidance system which will enable our scientists to continue unmanned lunar explorations with greater confidence and precision.

During this past week, also, the United States and the world were thrilled by the second successful flight test of the world's most powerful rocket, the Saturn. This test, like the first conducted last year, proved 100 percent successful. This second launch vehicle in the Saturn series carried a bonus experiment atop its 30-million horsepower engines, hoisting 95 tons of water into the ionosphere 65 miles above the earth. When this water was dumped on schedule into the near vacuum at that altitude, our scientists noted what Dr. Wernher von Braun termed "The first synthetic thunderstorm in space."

And, most appropriately, Mr. President, in advance of the international symposium now underway, U.S. scientists during the past week joined with the scientists of two friendly nations in successful international space experiments.

The first of these was an experiment conducted at Wallops Island, Va., by scientists of Japan and the United States. The Japanese had worked on their package of experimental instruments for nearly 3 years prior to this first launching. This cooperative program, designed to probe the ionosphere by the simultaneous use of different techniques which have been developed independently in Japan and the United States, will continue.

Last Thursday, the first international satellite was launched from Cape Canaveral. American rockets placed in orbit 132 pounds of scientific instruments supplied by scientists of the United Kingdom. History will duly credit, I believe, the scientific statesmanship which has resulted in these international "firsts" in space.

Another event of major significance was the disclosure late in the week of plans for a new geodetic satellite which will bear the label "Anna." Our scientists have indicated that the international scientific community will be invited to participate in this project designed to improve worldwide mapping techniques, radar signaling techniques, and more accurate astronomical measurements.

Still another event during the last week which merits our attention was the announcement that United States and Soviet scientists had agreed on plans to establish a worldwide system for collecting data from meteorological satellites. This is the direct outgrowth of work which NASA scientists, in cooperation with their fellow Americans in the U.S. Weather Bureau, accomplished in the development of the Tiros satellites.

We are indeed proud of the contributions that thousands of American scientists, engineers, technicians, and other workers have made in this trailblazing in the space age.

The National Aeronautics and Space Administration, in working not only with other agencies and branches of our own Government but also with American industry and scientists, has faithfully followed a course which the Congress charted with the passage of the Space Act in 1958, and accelerated last year in accordance with the President's great challenge.

Therefore, in calling attention to the hopeful trend of events up to this point in the current COSPAR symposium, I believe congratulations are in order for both the executive and legislative arms of this Government. For without this inspired and forthright leadership by the people and the Government of the United States, this dramatic and hopeful trend toward a new era in international cooperation and friendship would not exist.

FUNDS FOR REGION II PARK SERVICE OFFICE

Mr. HICKEY. Mr. President, on my behalf my colleague, the senior Senator from Wyoming [Mr. McGEE], a member of the powerful Appropriations Committee, has presented to the committee my request to restore funds for the transfer of the Region II Park Service office from Omaha, Nebr., to Wyoming. The Interior Department appropriation bill as passed by the House contained a restriction forbidding the use of any funds to move the office to Wyoming, although the Interior Department had already announced this would be done.

My request is that the committee report contain this language:

> The committee feels that the National Park Service should not be denied the use of funds contained in this bill to transfer its Region II headquarters from Omaha to Wyoming, if after the Secretary of the Interior's promised restudy is completed, the advisability of the transfer is confirmed.

The provision restoring the funds will be known as the Hickey Amendment to the appropriation bill, presented in an effort to transfer the Park Service headquarters from Nebraska to Wyoming.

NEW YORK STATE SENIOR CITIZENS MONTH

Mr. KEATING. Mr. President, today, May 1, is a significant day for senior citizens in New York. Governor Rockefeller has designated the month of May as Senior Citizens Month. He has called upon all New Yorkers "to coordinate their efforts on behalf of those to whom we owe so much."

As an illustration of the Governor's deep concern about the aged, I call attention to the fact that today he is also heading a special Conference on Aging in New York City under the auspices of the New York State Office for the Aging. This conference will consist of panels or workshops on specific needs of the aged and will be highlighted with an address by the Governor. Some one thousand people are expected to attend.

New York State has vibrant and progressive programs to help meet the needs of the aged—in terms of their health, employment, housing, recreation, and the encouragement of useful and productive retirement activities.

Governor Rockefeller has focused attention on these issues in New York State. It is with pleasure today that I call attention to his activities in this area and commend him and his administration for the strides which have been made by the Empire State in meeting this heavy challenge.

I ask unanimous consent that the text of the Senior Citizens Month proclamation referred to above appear at this point in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

> Our elderly citizens merit the equality of opportunity which is the goal for all our citizens—opportunity for employment, adequate housing, medical aid, recreation, and full participation in community life.
>
> Our task is to help provide a meaningful way of life for older persons so that they may continue to contribute to their community in a dignified and productive manner.
>
> We must never forget that our senior citizens are rich in potentiality as well as in years—that they are all of us, tomorrow or the next day.
>
> New York State is moving forward in a number of programs to improve the health and welfare of its aging residents.
>
> We have prohibited discrimination in jobs based on age.
>
> We are providing the most comprehensive program of medical assistance to the aged of any State in the Nation. More than 65,000 of our elderly have received assistance under this program since its inception last April.
>
> We are encouraging private health insurance companies to offer broader coverage at more reasonable rates to the aged.
>
> Last year the State office for the aging was established to coordinate, stimulate, and promote services for the aging throughout the State. This month the office will distribute a new publication, "Directory of Services for the Aging," providing for the first time a statewide listing of governmental and voluntary services available to New York's elderly.
>
> We have increased the State's housing program for our senior citizens in both low-rent and middle-income housing.
>
> In these and many other ways, the State is furnishing cooperation and leadership to citizens, volunteers, public officials, and the aging themselves in efforts to achieve our

common purpose—an independent, productive, satisfying way of life for our aging.

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York, do hereby proclaim the month of May, 1962 as Senior Citizens Month in the State of New York, and I call upon all citizens to multiply their efforts on behalf of those to whom we owe so much. Let us all use this month to examine our present resources and needs, to encourage comprehensive planning and programs by public and voluntary agencies, and to embark on those activities that will clearly express the value our free society places upon our revered elders—the society their ideas, experience, and contributions fashioned so magnificently.

Given under my hand and the privy seal of the State at the capitol in the city of Albany this 9th day of April in the year of our Lord 1962.

NELSON A. ROCKEFELLER.

By the Governor:

WILLIAM J. RONAN,
Secretary to the Governor.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its session today, it adjourn until 12 o'clock noon tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

Mr. MANSFIELD. Mr. President, I ask that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, the Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 1361) for the relief of James M. Norman.

The Senate resumed the consideration of the bill.

Mr. STENNIS obtained the floor.

Mr. LONG of Louisiana. Mr. President, will the Senator from Mississippi yield to me?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Massachusetts in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. HICKEY in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. THURMOND. Mr. President, during the debate on the proposal to enact a statute which would establish a sixth-grade education as fulfillment of any and all literacy requirements imposed by the several States as prerequisites for qualification to vote, the constitutionality of this proposal has been shown to be wanting. The question of constitutionality has been discussed, so far, primarily in terms of its consistency with various words, phrases, and clauses of the Constitution. This is, of course, quite proper and necessary, as well as sound, from the standpoint of strictly legal construction of the meaning of the Constitution. There is not, in this instance, even a minor ambiguity in the wording of the Constitution which would warrant a look outside the terms of the great document, itself, for contemporaneous events which might throw light on the intention of the framers of the Constitution. Clearly and unequivocably, the right to establish qualifications for suffrage was left to the several States, not in generalities, but in specific, concise, and understandable language.

Nevertheless, in this instance, I think that it would be proper and wise for the Senate to contemplate the meaning and effect of the Constitution from a viewpoint of its overall import and impact, in order that it may better fit the proposal before us into proper perspective.

There is nothing particularly meritorious in a constitution, per se. A constitution has potentialities for providing at least two of the most desirable ingredients of a government—stability and political principles. Some constitutions provide practically none of either; for example, the various Soviet constitutions, which are apparently changed at the whim of the central committee of the Communist Party and which are absolutely devoid of underlying principles. Khrushchev indicated within the last few days that a new one is even now being drafted.

The Constitution of the United States is a document to which we should and must adhere, not just because it is dignified by the high-sounding name of "Constitution," not even because of its relatively ancient vintage. In the first place, our Constitution provides stability. It is difficult to change by the prescribed methods, and has thereby proved largely impervious to emotional fads and the glib sales pitches for political expedients.

The quality of stability, alone, however, could never inspire men to fervently swear to defend a document from all enemies, foreign, and domestic. And even stability, itself, could not derive in permanence from a relatively slow and intentionally difficult method of amendment. Something deeper is responsible for the deference which is the due of the Constitution of the United States. The something more in the Constitution of the United States is its reflection of sound and timeless principles.

The framers of the Constitution labored in conscious or subconscious awareness that Government, while necessary, constituted a principal source of danger to individual liberty. The purpose of the Constitution is to provide a Government with sufficient power to maintain order, commercial intercourse, and common defense, but so limited and arranged as to constitute a minimum possibility of its use to infringe on individual liberty. This purpose precluded resort of Rousseau's "pure democracy," on the one hand, and any major concentration of power on the other.

In seeking—and finding—the proper balance, the Constitution drew primarily on three concepts—republican form, the doctrine of separation of powers, and federalism, although not in equal quantities nor with equal consistency.

In the shaping of this new government the principles of republicanism were heavily relied on, although not consistently adhered to; for there is little, if anything, that smacks of republicanism in the judicial branch of the General Government. Had the constitutional scheme relied solely on republicanism, the experiment in government would have been doomed to failure. The Constitution fairly shouts that republicanism is essential; but it, alone, is not sufficient to insure the preservation of individual liberty. Governments which are just republican in form are most susceptible of conversion at the hand of tyrants into instruments of despotism. As one impediment to such conversions, the powers of the National Government were separated according to their nature; and an elaborate system of checks and balances was devised to preserve the separation. Both the principles of republicanism and the implemented doctrine of separation of powers contributed most substantially to the dual objective of maintaining individual liberty and of providing orderly government, but in neither, nor in the combination of them, alone, lies the secret that distinguishes our great constitutional system from the mediocre. While it must be acknowledged that the constitutional blend of republican principles with the doctrine of separation of powers results in a near perfect superstructure of government, it is not on the superstructure that the strength and duration of the government depend, but on the foundation. The foundation of the constitutional system is federalism.

Federalism, as the foundation of our constitutional governmental system, cannot be numbered among the contributions of the delegates to the Philadelphia Convention, although with a few possible exceptions, the delegates both understood and endorsed the virtues of federalism. Indeed, when the convention met, it was predetermined by history that whatever governmental system, if any at all, might be designed, it be precluded from any foundation other than federalism. The constitutional concept—that the maximum safeguards consistent with the orderly government be imposed against the concentration of power in the hands of any individual or group—was thereby dictated in advance to the delegates at Philadelphia, so that it remained only for them to construct a superstructure of government which fitted the foundation and conformed to the concept. The plan they devised was a masterly one, inconsistencies and contradictions so widely cited by critics of the Constitution to the contrary notwithstanding, for the inconsistencies and contradictions lie in the application of republican principles, as illustrated by the absence thereof from the judicial branch of the National Government, and in the application of the doctrine of separation of powers, as is illustrated by the Executive's power of veto over legislative acts. The deviations from the principle of republicanism and from the doctrine of separation of powers were made to achieve consistency with the even more important constitutional concept which has its roots in federalism.

Those who assembled at the Constitutional Convention in Philadelphia in 1787 were not empowered as representatives of the population of European derivation on the American continent east of the Mississippi, north of Florida, and south of Canada, but as representatives of 13 separate States or nations at that time allied for specific purposes. The votes in the convention were, therefore, by States, each having an equal voice in the deliberations, without any distinction as to the size or population of a particular State. The proposed Constitution agreed on by the delegates was submitted not to the people as a whole but to the several States; and by its very terms it could not be ratified by the affirmation of a majority—not even a large majority—of the population of the combined United States, but only by 9 of the 13 States; and even when so ratified and adopted, it still applied only to those States which adopted it. Complete sovereignty lay with the people of any given State, and it was not within the legal power of the people of the other States, or all of them combined, to impose a political will from outside the State. The people of each State were sovereign.

Each of the Thirteen Colonies was a political entity. Although each, as a Colony, acknowledged the dominance of England, all attempts to eradicate distinctions between the separate Colonies were repulsed. New England refused to be governed by England as New England, even while each Colony in New England was still willing to be governed by England as an individual colony.

Even in the midst of a common cause—the war with England for independence—the Colonies maintained their distinct and separate identity. The Declaration of Independence presented to England and to the world a united front, not as a people united—however much so they may have been—but as 13 States, united in purpose. By that instrument it was declared not that the people of America were and ought to be free and independent, but that Colonies were and "ought to be free and independent States." The Revolution sought to establish 13 free countries, not 1, and it succeeded. Under the Articles of Confederation the States preserved the separate status of each with the express provision "each State retains its sovereignty," except to the extent that the Congress of States was authorized to act for them in certain specific matters. Although associated as colonies by geography, allied in a common cause against England, and federated under the Articles of Confederation in the early days of their independence, the Thirteen Colonies became 13 nations and so remained when the Constitutional Convention met in 1787.

Nothing better illustrates the complete sovereignty of the several States than the history and manner of the ratification of the Constitution. The final clause of the Constitution provided that—

> The ratification of the Convention of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

On June 21, 1788, the United States came into being, upon ratification of the Constitution by New Hampshire, the ninth State to do so. On the eastern seaboard there were then the United States, comprised of nine States, and four other independent nations, for a total of five. Of the other States, most ratified the Constitution and joined the United States shortly thereafter. None was compelled to do so. They could have remained separate and apart. Rhode Island did remain a separate nation for almost 2 years, despite former alliances and common causes with the others, and when Rhode Island did join the Union on May 29, 1790, it was by a two-vote margin of the Convention of that State and not from any external compulsion.

Federalism in America was a byproduct of the English colonial order, rather than the brain child of political theorists. Had the pattern of settlement developed all along the seaboard in one expansive colony and, therefore, been administered as one political entity, it is problematical whether federalism would have been incorporated into our political structure. Even in the settlement of English America, it was diversity of interests and purposes that dictated the plurality of colonies, rather than the other way around. In Virginia, profit was the prime motive for the settlement efforts. In New England, religious freedom was the prime motive; while in Georgia, humanitarianism in the form of providing a new life for unfortunates in debtor's prison, mixed with a desire for protection of the other Colonies from the Spaniards, were the motivating forces. These diversities were magnified, rather than diminished, under the influence of differences in geography and climate, after the Colonies achieved a foothold. The political structure of each colony developed in accordance with the needs of the particular colony, and the differences were carried over into the State governments when the Colonies became free. This political accommodation of diverse interests and purposes was the key to the success of the English colonial system, and the benefits of it were not lost on the politically sophisticated Americans of the Revolutionary period.

The emergence of federalism as a byproduct of historical occurrences, rather than as a designed institution to achieve a political end, does not detract from its potential as a worthy political device, but, indeed, accentuates its usefulness. In the absence of federalism, successful republican government is limited to areas in which there is substantial identity for geographical, climatical, and historical influences, for republicanism places the ultimate rule in the hands of some majority to the modified and limited dictates of which the minorities must conform. By the use of federalism, the need to require minorities to conform is minimized, thereby promoting individualism, and in individualism lies the seed of diversity.

One but need look to Europe for examples of the limited possibilities of republicanism without federalism. Republics in small geographic confines exhibit the greatest stability, as exemplified by Switzerland, the Netherlands, Belgium, and the Scandanavian countries. The French Republic, applied to a larger area and more diverse peoples, fluctuates between instability and absolutism, each occurring in turn as a reaction to the other. The British Empire, employing federalism in the form of dominionship and commonwealth devices, presents a graphic illustration of the possibilities of federalism grafted on colonialism.

If republicanism is the process for implementing self-government, federalism is the process for implementing local self-government. Local self-government is beneficial not only because it permits individualism, but also because of its contributions to the continuation of self-government at all levels. It is human nature for a person to be most apathetic about situations over which his individual conduct has the least influence. A citizen is therefore less motiviated to exert himself in matters of government in which his activity plays a smaller relative part. The same citizen is much more inclined to direct his influence to the solution of a local matter where his activity shows the most direct result. In the local political arena, where there is a local political arena, the citizen acquires the experience and sophistication with which to exercise his obligations of citizenship in relation to the furtherest removed level of government.

It is in local self-government, a product of federalism, that the real secret of domestic tranquillity lies. In no other way can the variances of human conduct be reasonably bounded, for requiring conformity over broad areas will inevitably lead to civil strife. For instance, a prohibition of gambling over the entire United States would conform to the will of the majority, in all probability, but there is a strong likelihood that it would promote civil strife in some areas, such as Nevada. Strict nationwide regulation of fishing might be only an inconvenience to recreation in some areas of the country, but would possibly impair the earning of a livelihood in others. A change in the legal relationship of an inn or hotel keeper and the guests would have a limited impact in the rural Midwest, but might change the pattern of economic existence in some resort States. Through the medium of local self-government, the laws can be adapted to whatever conditions exist, thus keeping civil strife at a minimum.

Although circumstances dictated that the Government of the United States be federal, it remained for the delegates to the Philadelphia Convention to shape the form of the federation. So ineffectual was the Central Government under the Articles of Confederation that for all practical purposes the several States, at the time of the Convention, each exercised the total powers of sovereignty.

Sovereignty was vested in the people of each State, and the people of the individual States had vested the power of sovereignty in their particular State. Through the Constitution the several States delegated certain specific ones of the powers of sovereignty to the National Government. This creation of a common agent of the States in no way affected the retention of sovereignty by the people of each State, for sovereignty is indivisible, and the creation of the General Government could not make the people of all the States collectively sovereign in some matters, and leave the people of one State sovereign in others. It was the power of sovereignty, and not sovereignty itself, that was delegated to the National Government; and the delegation of powers was made by each State—a sort of subleasing—and was not a delegation by the people of the several States collectively. The ratification of the Constitution did not accomplish a withdrawal of powers from each State by its own people and a revesting of those powers in a new government. Two facts are therefore explicit in our constitutional government. First, the National Government was and is a creation of the States, and as such is an agent of the States. Second, sovereignty in our country rests totally in the people of the individual States, rather than in the people of the United States collectively.

The National Government holds the right to exercise the specific powers delegated to it, not by virtue of any power of sovereignty vested directly from a people, but by virtue of a contract between the States. The specific powers delegated cannot be withdrawn by an individual State because of the agreement with the other States embodied in the Constitution. The contract can be changed only by the contracting parties—the States; and by agreement, most features of the contract can be changed with the consent of less than all the States. Nothing illustrates better and more emphatically that the National Government is a creation of the States, rather than of the people, than the fact that the Constitution can be amended by the States through their legislatures, and not by the people themselves. The equal representation of the States in the Senate is not, of course, subject to the amendment process; and any change in this feature would require unanimous consent of the States and, indeed, any change without unanimous consent would have the effect of dissolving the Union.

As complicated as these relations may seem to the contemporary citizen of the United States, they were elementary to the citizens at the time of the Constitution's adoption. Indeed, they were so fundamental in the minds of the delegates to the Constitutional Convention that they saw no need to specifically spell out all of them. By the mere delegation of certain specific powers to the National Government, the delegates considered it implicit in the whole document that those powers not delegated remained where they had been theretofore. To the people of their era, it was abundantly clear that the National Government was intended to exercise only those powers delegated, but it is most fortunate for those in later generations that many insisted that the matter not be left to conjecture. Perhaps these wise persons anticipated the tremendous upsurge of apathy that was to occur in later generations. The inclusion of the 10th amendment removed any doubt as to the nature of the powers of the National Government, and the relationship of the National Government to the States and to the people. The 10th amendment provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

The 10th amendment did more than spell out that the National Government was to be one of limited powers, although it accomplishes that purpose. It also provides an insight into the relation of the States to the National Government and of the National Government to the people of each State. The powers not delegated were not reserved to the States collectively, but to each individually. The retained powers of sovereignty of each State were not in any way compromised by the Constitution. There was no pledge to achieve uniformity, nor even to strive for it, in the administration of the reserved powers. There was not even a pledge of the States to exercise all of the reserved powers in any way at all. The States individually, had received their grant of sovereign powers from the people of the State through the State constitution, some States receiving more, and some less, powers. In each instance, the people reserved the right to themselves to modify or change the powers granted to the State, and the 10th amendment recognized this fact by the verbiage "or to the people." The reservation of power was not to the people of the entire country, but to those in each State. The people in the territories were people of the country, but not being within a particular State, were not among the group who had granted power to a State in the original instance, and were not, therefore, among those to whom powers were reserved.

The Constitution did not create the General Government as a supreme one, but as one parallel to the State governments. It is a fallacy to assume that with regard to the delegated powers, the right of the National Government to regulate is exclusive, for it was not so intended. As a practical necessity, a direct conflict between the exercise of delegated powers by the National Government, and an exercise of powers by a State in the same field, must be resolved in favor of the exercise by the National Government; or else the original delegation could be nullified by the action of a State. In the absence of such a direct conflict, however, the only consistent interpretation of the Constitution is to acknowledge in the States a power to act in the same fields as those in which powers were delegated to the National Government. In those matters where exclusive power was intended for the National Government, the Constitution specifically prohibits State action. It is not the general exercise of powers by the States that is prohibited, however, but only specific actions. Not only the substantive provisions of the Constitution attest to this intention, but also the form and order of the Constitution. The principal delegations of powers to the General Government appear in section 8 of article I. In section 9 of the same article, the powers delegated are limited by certain specific prohibitions against the National Government in the exercise of those powers delegated. In section 10 of the same article, there is an enumeration of prohibitions of those State actions which would obtain such exclusiveness in the exercise of delegated powers by the General Government as was deemed necessary. The exercise of powers by a State were restricted by the Constitution, then, in only two instances: First, when the State action is in direct conflict with an action of the National Government taken pursuant to a delegated power; and, second, when such action by the State is specifically prohibited by the Constitution. From this it is clear that the States did not necessarily surrender their power to act in fields in which power was delegated to the National Government.

The prohibitions against State action are not nearly so broad as even those limited powers delegated to the National Government, as readily appears from the provisions of section 10, article I, which is as follows:

> SEC. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of mark and reprisal; coin money; emit bills of credit; make anything but gold and silver coined a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.
>
> No State shall without consent of (the) Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of (the) Congress.
>
> No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

In addition to the deprivation of sovereign powers of the States that accrues through these prohibitions of State action and the requirement of consistency with actions of the National Government taken under the delegated powers, the States incurred additional obligations under the Constitution through provisions regulating certain mutual relations among the States themselves. These provisions are contained in article IV, sections 1 and 2. Section 1 provides that each State shall give full faith and credit to the public acts, records, and judicial proceedings of every other State. Congress is appointed as the arbitrator of this agreement, and is authorized to prescribe the manner in which such acts, records, and proceedings must be presented in order to qualify for the agreed status. In section 2, each State agreed to extend the privileges and immunities enjoyed by its own citizens to the citizens of the other States. Each State also agreed to extradite escaped criminals to the State from which they escaped upon demand by such State. The third agreement in this section, which bound each State to refrain from freeing slaves escaping into it from another, became irrelevant when slavery was abolished. The National Government is in no way concerned with the provisions of section 2, compliance being left to the good faith of each State, and to the advantage of reciprocal treatment which inure from strict observance of the agreement. The provisions of section 2 also serve as irrebuttable evidence as to the nature of the Constitution as a compact or treaty between sovereign States.

The sovereign powers of the several States were thus impaired by the Constitution in three ways: By the delegation of certain powers to the General Government, by mutual agreement to the prohibitions of specific State actions, and by agreement to four items of reciprocal conduct. Although these three areas contain the total impairment to State action embodied in the original Constitution, there is one remaining provision which restricts not the power of a State, but the sovereignty of the people of each State. This provision is contained in section 4 of article IV, and provides that the United States shall guarantee to each State a republican form of government. Despite the fact that prior to the adoption of the Constitution, each State did in fact have a republican form of government, the people of each State, being completely sovereign—and they remain so today except in this one instance—had the power to establish any form of government they desired, including a monarchy, a dictatorship, or, if they saw fit, a pure democracy. This power of sovereignty was surrendered by the people of each State upon the adoption of the Constitution. From a practical standpoint this surrender of sovereignty was and is inconsequential, for in no State have the people shown a disposition to deviate from a republican form. Realization of the full implications of this provision should serve as a refreshing reminder, however, that the pure "democracy," on the tenets of which so many of the radical proposals of the current age are based, is as foreign to our Government in the United States as are any of the hated "isms."

In any attempt to define the expanse of powers of each State which remain unimpaired by the compact of the States in 1788, it is necessary to reckon, not only with the provisions of the Constitution, but also with the fact that the people of each State are the source of sovereignty, both of those powers delegated by the States to the National Government, and of those reserved to themselves by the States. Of those delegated, any substantive power is subject to the sovereignty of the people of the several States, and through the prescribed method of amendment may be expanded, altered, returned to the several States, or revoked altogether. Except for those powers delegated to the National Government and those actions prohibited to the States, the several States retain all other powers exclusively, with one limitation—the total powers of sovereignty, at the will of the people, may be withheld from the State. Although subject to the same external limitations, the powers of one State may substantially exceed those of another State whose people have seen fit not to vest certain of the powers of sovereignty in any government. Such a limitation by the people on their State government would be embodied in a State constitution. The term "reserved powers of the States," therefore, refers to those powers of sovereignty which may be granted to a State by the people, and exercised by the State without conflict with the U.S. Constitution.

While enumeration of the powers of the National Government requires only a quick reference to the Constitution, where they are fully listed, the reserved powers of the several States are so broad as to defy enumeration. Any definitive approach to the State powers must necessarily be from the standpoint of what they are not, although we can list almost without end powers that are included among State powers.

By almost any definition, the police power encompasses a broader range of State actions than any other of those reserved. Under some definitions, it is almost synonymous with the entire scope of reserve powers, being in no way restricted to the realm of criminal law. For instance, in *Sweet* v. *Rechel*, 159 U.S. 380, p. 398, the U.S. Supreme Court—by no means a defender of State powers—referred with approval to a reference to the police power as—

> The power vested in the [State] legislature by the Constitution to make, ordain, and establish all manner of wholesome and reasonable laws, statutes, and ordinances, either with penalties or without, not repugnant to the Constitution as they shall judge to be for the good and welfare of the commonwealth and of the subjects of the same.

And from the same source, as expounded in *The License Cases*, 5 Howard 504, p. 599, comes this comment on police powers:

> The assumption is that the police power was not touched by the Constitution but left to the States as the Constitution found it. This is admitted; and whenever a thing, from character or condition, is of a description to be regulated by that power in the State, then the regulation may be made by the State, and Congress cannot interfere.

These definitions of police power are broad enough to encompass the majority of reserved powers, and attest to the intention of the Constitution to implement federalism in substance, as well as in form.

At a minimum, the police power includes the right to take such actions as seem necessary to protect life and liberty. Since life and liberty—and the latter necessarily includes property—are of the primary importance to society, laws made to protect them must take precedence over those of secondary importance.

Under the broader definitions, police power would include the right to take action in the field of social conduct and welfare; but whether within the police power or without, there can be no question that such actions are within the scope of reserved powers of the State. No authority whatsoever is delegated to the National Government in this area. Through this reservation, one of the most beneficial applications of federalism is obtained. In no other field is there more variance from State to State than in the field of welfare needs and desires for governmental action by the people. Indeed, there is even nothing static about the variance from State to State, for even within a single State, the needs and desires of the people in this area fluctuate substantially with time. Laws designed at the national level to meet the maximum need in one locality would be highly wasteful in most areas, as well as distasteful; and one designed to meet the average need—if such there be—would be too little in one area, and too much in another. The exercise of this power by the States, rather than by the National Government, makes it possible to fit the remedy of governmental action to the specific need, without either squandering the resources of the citizenry or encouraging slough in areas where governmental action is unneeded.

Mr. President, among the powers reserved to the States, none is more important than the regulation of the public educational system. It is in the educational process that lies the control of the minds of men, and no easier path to despotic power exists than the one available in a power to shape and mold the thinking patterns of immature minds. So inherently dangerous is this awesome power, that it would be unthinkable to trust any one human or group of humans with its totality. The individual liberty of all posterity depends on the diversification of the power to control education. Under the federated republican constitutional government prescribed for the United States, the control of education is dispersed at least to the level of the several States; even slight prudence dictates that it be dispersed even further to the hands of purely local authority. Americans should never forget examples of the establishment and perpetuation of totalitarian regimes in Germany and Italy, with the brainwashed consent of those subjected to the influence of an educational system in the control of a centralized power.

Although these are but a few of the many powers reserved to the States, they serve to illustrate that the total powers reserved are formidable, and constitute a broader jurisdiction by far than that comprised of the powers delegated to the National Government. It was the intention of the Constitution that neither the National Government nor the State governments be supreme. Each was to be supreme in its own realm, the two to operate on a parallel, with each accomplishing the tasks of government for which it was best suited. Strict limitations on jurisdiction were imposed on the

General Government, whose influence extended over the breadth of the country, while residual jurisdiction was reserved to the several States, whose influence was bounded by the geographic limitations of State boundaries. The total power of sovereignty was thereby dispersed among the 14 governments—13 State governments and 1 central one—at the time when the Constitution was adopted. The plan of decentralization permitted growth of the Nation without any weighting of the scales toward centralization. As a result, the total powers of sovereignty are now dispersed among 51 governments. No new power accrued to the National Government with the admission of new States, although its powers were thereby extended geographically.

Mr. President, despite the absence of any delegation of additional powers to the General Government, or of any consequential new prohibitions against State actions, the balance between the powers of the National Government, on the one hand, and those of the States, on the other, has tipped heavily in favor of the former. Almost from the beginning, events and practices have worked for a dimunition of State authority; and what began as a slow, almost imperceptible process, has now snowballed into such proportions that the whole concept of federalism is threatened with extinction. Once wholly autonomous States now appear doomed to conversion into mere subdivisions of an all-powerful centralized government, with the host of individual liberties, which flourished under the umbrella of the parallel governments of federalism, being squeezed to death in the formation of the triangle of pyramidal government with the top at Washington. So strong is the wave of centralization, that only a completely awakened and alarmed public can turn the tide.

Unfortunately, Mr. President, some of the most adaptable tools for the maintenance of federalism and States rights, designed for our use and protection by the authors of the Constitution, have been lost in the intervening years.

In this era, liberty is challenged worldwide on a scale unprecedented. We find ourselves in a position of leadership of the free world, not primarily because of our material wealth, but because our political structure has permitted and encouraged the individual freedom of thought and action which promotes diversity in the form of independent initiative, which, in turn, has permitted our great material rewards.

Let us not strike at the root of our success; let us, rather, recultivate and revere the sound and timeless fundamental concepts which are interwoven in such careful balance into our Constitution and the political structure thereby established. The literacy-test proposal provides the Senate with a unique opportunity to provide a hallmark of renewed respect for an adherence to the principles which make the Constitution of the United States a truly great and timeless document. No better hallmark of quality and stature could be inscribed by the Senate than that which would inure from the overwhelming rejection by the Senate of the literacy-test proposal.

Mr. STENNIS. Mr. President, will the Senator yield to me for a few questions?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. I commend the Senator from South Carolina for a very powerful and fine exposition of our system of government and the philosophy which underlies it and the fundamental principles which are involved.

Mr. THURMOND. I thank the Senator.

Mr. STENNIS. This question involves a very grave and serious constitutional question, as the Senator has said. I wish to put to him a series of questions along this line.

It is true, is it not, that when an individual citizen violates a provision of the Constitution, of course there is a remedy in the courts, and that remedy is usually applied, and if any wrong has been done, there is a redress. That is a common, ordinary experience under our form of government. Is that correct?

Mr. THURMOND. The Senator is eminently correct.

Mr. STENNIS. When a State, by the use of its powers, transgresses a provision of the Constitution or violates it in any way, there is a forum—which is the courts, of course—in which to redress that wrong or that grievance, whatever it may be. A remedy is provided there, and the remedy is used in restraint of the wrong, or the wrong is made right. Is that not correct?

Mr. THURMOND. The Senator from South Carolina concurs wholeheartedly with the statement of the distinguished Senator from Mississippi.

Mr. STENNIS. On the other hand, as a responsible branch of our form of government, if we exceed our authority and thereby violate the Constitution of the United States, particularly by such a provision as is reflected by the bill before us, as a practical matter, when the legislative branch of government runs over its authority or exceeds it, it very frequently turns out that there is no remedy and the Constitution is no further protection. Has not that been shown by experience?

Mr. THURMOND. I think the history of our Government would show that to be true.

Mr. STENNIS. There is a presumption in favor of a legislative act when it goes before the courts. If we pass a bill that goes clearly beyond the powers we have here, nevertheless, when it goes before the courts, according to the precedents, there is a presumption in favor of its validity. Is that not true of the bill before us? The Senator from South Carolina is an able and experienced lawyer.

Mr. THURMOND. The Senator from Mississippi was an able judge of the State of Mississippi, and he has expounded a legal principle which has been accepted in all legal fraternities and in the courts. Namely, that there is a strong presumption that an act passed by the Congress of the United States is constitutional. As a matter of fact, not once since 1936 has the Supreme Court held any act of Congress invalid simply because it exceeded the scope of power delegated to the Congress.

Mr. STENNIS. That puts the burden directly on our shoulders, and there is a direct moral responsibility on us, under our oaths, to give personal attention and judgment as to whether or not a proposed measure comes within the powers delegated to Congress—by the Constitution itself, which is all the power Congress has. Is not that duty particularly binding on us with reference to questions of the kind now presented?

Mr. THURMOND. The Senator from South Carolina feels that it is just as much the duty of a Senator to pass on the constitutionality of any proposal presented to Congress as it is the duty of the Supreme Court to pass judgment when the constitutionality of an act is challenged. In fact, the Senator from South Carolina has made it a policy, in voting on legislation, to adopt the criterion of asking himself three questions. First, is the proposal under consideration constitutional? Second, is it wise? Third, can we afford it?

The first criterion, constitutionality, should be the prime factor to be considered by a Senator when he votes on any measure coming before this body. Congress exercises the primary responsibility in this respect.

Mr. STENNIS. I heartily agree with the Senator. Is it true, from what the Senator has said, that a Senator can exercise his responsibility as a trustee for the people, under the constitutional powers, by merely saying, "Well, we will let the courts pass on it. We will let the courts decide this issue"? Does he not miss the total purpose of carrying out his responsibility if he does so?

Mr. THURMOND. The Senator from South Carolina feels that Senators are abdicating their sworn responsibilities when they take such an attitude. Most of the Senators in this body are lawyers, and I think there is a double responsibility on those who are lawyers. I think there is a full responsibility on every Senator to learn the Constitution, whether he is a lawyer or not. There is a binding duty on him to study proposals before the Senate and determine whether, in his judgment, they are constitutional.

The point has been made that thousands of people are being deprived of their right to vote and that the provisions of the 15th amendment provide redress for these alleged wrongs. It is said that Congress should pass this bill in line with that amendment, in order to give them protection. But I think it has been overlooked that the 17th amendment, which is, of course, a later amendment than the 15th amendment, not only provided that the Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years, but it also contained wording, identical with the original wording of article I, section 2 of the Constitution, which states:

> * * * the Electors in each State shall have the Qualifications requisite for Electors of the

most numerous Branch of the State Legislature.

I do not personally think there is a conflict, but if there should be a conflict, the later amendment would take precedence.

Mr. STENNIS. I thank the Senator for his explanation. I wish to ask him one more question on the philosophy of government.

Of course, before Senators take their oaths of office they are not permitted to sit in the Chamber and to cast votes. The oath we take is to defend the Constitution. That does not mean to defend it only against outside enemies, or only against enemies, as the word is used, from within. Do we not take an oath that we will defend the Constitution against encroachments of any kind, even our own? We will not encroach upon its powers. We will not encroach upon reserved powers. We will not try to extend power which is not possessed according to the provisions of the Constitution.

Is that not the hard core of the oath, as much as to defend the Constitution from enemies, as we ordinarily understand the term?

Mr. THURMOND. The Senator is absolutely correct. If we do not defend and adhere to it, our Constitution will be a meaningless document. The powers retained by the States are subject to be taken from them and centralized in Washington. This will tear down the Constitution which we took an oath to uphold and to defend.

Mr. STENNIS. I thank the Senator again. Again I commend the Senator for a very fine speech.

Mr. THURMOND. I thank the able Senator for his remarks.

BUSINESS AND GOVERNMENT

Mr. MORSE. Mr. President, I wish to speak briefly on three unrelated subjects. This morning there were published in the Washington Post and Times Herald two outstanding editorials. I shall make brief comments on each.

I refer first to the editorial on "Business and Government," which I ask unanimous consent to have printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. SMITH of Massachusetts in the chair). Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BUSINESS AND GOVERNMENT

President Kennedy's address to the U.S. Chamber of Commerce yesterday is an admirable statement of national economic purpose which every interest in the country should be able to endorse. It would be hard to state more succinctly the essence of our national economic goals. Surely all of us are interested, as the President is interested in "an economy which will be strong enough to absorb the potential of a rapidly expanding population, steady enough to avert the wide swings which bring grief to so many of our people, and noninflationary enough to persuade investors that this country holds a steady promise of growth and stability."

The President's blunt statement that the Government does not want "the added burden of determining individual prices for individual products" ought to clear the air of many misconceptions. It is a statement that was needed to exorcise some of the ghosts and hobgoblins that have been frightening the commercial community since the steel crisis.

The situation required more than mere words and the President fortunately was able to offer the chamber of commerce meeting more than a profession of mutual interests and more than a verbal disavowal of governmental hostility imputed to the administration. The profession of a belief in the legitimate profits of business was helpful; but the catalog of executive and legislative devices for improving the predicament of business enterprise was even more useful. When put together in this manner, this list is certainly impressive.

The President's discussion of amended depreciation schedules was especially timely. There is not much doubt about economic utility of such revisions of taxing policy; but the President correctly put his finger on the costs in terms of tax revenue. His defense of the investment credit was, if anything, conservatively stated and might have been even more optimistically put, but perhaps caution in setting out its advantages was warranted. In such devices as this, however, it surely is safe to count upon a multiplier effect not always present in general tax cuts or broad public spending.

There was in the President's remarks an appropriate emphasis upon the fact that governmental policy, however sound, will not effect even wisely conceived economic goals if they are not attended in the last analysis by the right "private decisions by private individuals."

Government that lives within the philosophy which the President expounded on Monday will create the atmosphere of "understanding and cooperation" of which the President spoke. If the political instincts of American commercial enterprise are as sound as the economic instincts of the governmental establishment, as expounded on Monday, the country can move forward toward a sounder and swifter economic growth that will provide fuller employment, greater production, larger exports, and a sounder prosperity.

Mr. MORSE. Mr. President, the lead sentence reads:

> President Kennedy's address to the U.S. Chamber of Commerce yesterday is an admirable statement of national economic purpose which every interest in the country should be able to endorse.

The President's speech yesterday was characteristic of his noble statesmanship. It was a very interesting speech given before a group, some representatives of which, in my judgment, have most unfairly attacked—yes, abused—the President in recent days, since his demonstration of great courage in the carrying out of his statesmanship obligation at the time of the unwarranted and unjustifiable proposal for an increase in steel prices in this country.

I say to the members of the U.S. Chamber of Commerce who share the point of view of the propaganda attack on the President of the United States which has been issued from time to time by the representatives of that organization, that it is not to their credit. It happens to be a responsibility of the President of the United States to give to all the people of this country the quality of leadership which he gave when Mr. Blough proposed to exploit the consumers of America by that shocking proposal for a steel price increase, knowing full well it would let loose the fires of inflation across this country, which would consume much of the economy as a prairie fire consumes dry grass. The fact that the proposed increase would have cost the taxpayers an extra $1 billion in defense costs alone makes a mockery of the contention that it is Federal spending, and not the proposed steel price increase, that is responsible for any threatened inflation.

When powerful business organizations—as I believe with respect to powerful labor organizations—follow a course of action which in effect exploits the consumers of this country, it is the duty of a President of the United States to exercise the great powers and educational force of his office to warn the parties and to warn the people of the Nation as to what is being proposed. It is also his responsibility to protect the taxpayers' interest as consumers, for the Federal Government is one of the greatest consumers of steel.

I was proud of the courage and of the statesmanship of the President of the United States when he made perfectly clear what Mr. Blough and the other steel executives of this country were proposing. Great as his action was, he did not act alone, for there spread across this country a wave of resentment on the part of the small businessmen of America, the small manufacturers of America, who all know what the resort to privateering on the part of these great and powerful steel monopolies of this country meant to the free economy of this Nation.

So I rise to salute the President of the United States and to explain to the members of the U.S. Chamber of Commerce, while they are in convention assembled in Washington, D.C., my great disappointment that they did not give to the President of the United States the backing to which he was entitled immediately when he did exactly what he should have done in pointing out the unconscionable economic thievery proposed on the part of the steel combine in this country.

I know something about the steel industry, because I was one of the four who wrote the steel decision of 1942, when, even in the midst of a war, the selfishness of the steel industry, had it had its way, would have exploited the economy of this country. We stopped them then under the war powers, backed up by a great Commander in Chief, Franklin Delano Roosevelt.

I have followed the steel industry ever since I participated in the writing of the decision in 1942, and in my judgment, Mr. President, there is no question about what the conditions were. There has never been an increase in labor costs in the steel industry in this country since 1942 in respect to which the steel companies have not tried to increase—and usually succeeded in increasing—the price three to four times more than they needed to increase it in order to take care of the additional production cost caused by an increase in labor cost.

This is an old alibi of the steel companies. When free labor, exercising the precious right of liberty in this country through collective bargaining, negotiates an increase in wages, the pattern of the steel companies is to follow with an increase in prices three to four times the amount of money necessary to take care of the increase in labor costs.

Whenever selfish greed and economic exploitation takes over a union in this country in a national emergency dispute, and threatens to take advantage of both business and the consuming public, the President of the United States should step in and say to it that avarice from the labor sector is to be met head on by the President. Thus I have offered in this body time after time the Morse proposal for the handling of emergency disputes in so-called emergency cases. I have been unsuccessful in respect to getting it passed, but, Mr. President, it is proposed legislation which recognizes the obligation of the President of the United States to step in to help protect a free economy from exploiters.

I do not share the propaganda of the U.S. Chamber of Commerce and of the National Association of Manufacturers and of other reactionary economic groups in this country, which would have the President of the United States be a figurehead when the consumers of America are being taken advantage of, I care not what the selfish group may be.

So I salute the President of the United States for his courage, for both his political and his industrial statesmanship, and I congratulate him on the speech he made before the U.S. Chamber of Commerce yesterday which not only warrants the fine editorial written about him in this morning's Washington Post and Times Herald, but also makes plain that the President faced his critics, stood his ground, and made perfectly clear that he does not function as the president of the U.S. Chamber of Commerce, but that he keeps his trust under his oath as President of all the people of the United States.

Mr. President, in this morning's issue of the Washington Post, appeared an editorial entitled "Law in Place of Force," upon which I wish to comment briefly. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LAW IN PLACE OF FORCE

Law Day, which is expected to generate more than 100,000 programs throughout the Nation today, is an expression of the almost universal yearning for an orderly world. The idea of emphasizing the role of law in the promotion of world peace, in contrast to the Communist displays of military might on May 1, originated with the American Bar Association 5 years ago when Washington Attorney Charles S. Rhyne was its president. Today, the occasion is especially significant because the systematic movement to substitute law for force in the settlement of human disputes has become worldwide.

Mr. Rhyne and his ABA committee have, in the last 10 months, brought together more than 10,000 lawyers from 109 countries into 4 continental conferences in search of ways and means of developing world law. The eager participation of statesmen, diplomats, judges, professors, experts in international law, and eminent lawyers is ample proof of serious intent. While the results of the continental conferences in San Jose, Tokyo, Lagos, and Rome are not yet accurately measurable, the mere mobilization of legal thinking on a problem of this magnitude is a notable achievement.

Foremost among the facts that these conferences have highlighted is the present paucity of world law. Except for the law of the sea, diplomatic immunity and the Postal Convention, there are no universal laws. In the face of national armed forces capable of virtually destroying mankind, the machinery for making world law is pathetically cumbersome and faltering. Even some of the widely respected instruments for judicial settlement of international disputes, such as the World Court, are little used.

The lawyers who have gone to work on these problems in virtually every country are not laboring under the illusion that they can suddenly displace the grim realities of atomic power by setting up courts of justice. But they have found many areas in which the orderly adjustment of differences can contribute to the cause of peace. Their influence is being used to help strengthen regional organizations, the United Nations and the World Court. Noting the success of the European Court of Justice in settling more than 100 disputes, they are campaigning for the creation of regional courts for the Americas, Asia, and Africa.

Some groups are working for the ratification of regional treaties that have too long been neglected by national governments. Others are giving a boost to the European Common Market and similar hopeful projects. An attempt is being made to codify international law to make it more useful and meaningful. Next year a World Law Conference will be held in New Delhi to center attention in a still more dramatic way upon the need for expansion of international law and creation of agencies to make it effective. Agreement has also been reached to create a World Law Center, which would foster research in international law and serve as a clearinghouse for information in this field.

Sponsors of this hopeful movement recognize that it is still in its infancy. Its significance lies in the fact that lawyers are at last recognizing their global responsibility. Certainly their aim of enabling men to walk in freedom, in dignity and in peace anywhere on earth should enlist the support of every thoughtful member of the profession.

Mr. MORSE. The first two sentences read as follows:

> Law Day, which is expected to generate more than 100,000 programs throughout the Nation today, is an expression of the almost universal yearning for an orderly world. The idea of emphasizing the role of law in the promotion of world peace, in contrast to the Communist displays of military might on May 1, originated with the American Bar Association 5 years ago when Washington Attorney Charles S. Rhyne was its president.

I extend my congratulations and compliments to Mr. Rhyne. He has been one of the great leaders in our country in recent years who have been seeking to help to lead the American people to an understanding of a great goal that we must approach and finally reach if we are to leave a heritage of peace and freedom to future generations of American boys and girls.

I have been very much interested in and closely identified with that movement for a rule of law ever since I first came to the Senate in 1945. I pay my tribute to the great legal organization known as the American Bar Association, because in 1945 the International Law Committee of the American Bar Association sought to have submitted in the Senate a resolution which would commit the United States to the compulsory jurisdiction of the World Court.

The man who undoubtedly influenced me in the field of foreign policy more than any other American was my mentor in those days. I refer to the late great Arthur Vandenberg, of Michigan. I talked with Senator Vandenberg about the American Bar Association resolution, and he advised me to make myself available to and work with that committee on the resolution, which I did for a period of several weeks.

We were joined by other international law groups. We were joined by international law committees of great organizations, such as the organization within the Catholic Church of the United States, a similar organization among the Protestant churches, and a group of Quakers who were working on the subject. On this Law Day, to which the Washington Post refers in its editorial this morning, I believe it is apropos and fitting that I should pay tribute to the work of those pioneers who, as recently as 1945, had the foresight to urge that the United States pledge itself to the rule of law in the settlement of international disputes by way of accepting the compulsory jurisdiction of the World Court in any dispute in which the opposing country was willing to accede to the decision of the court along with us.

The fight that resulted was rather dramatic. There were powerful forces at work that sought to prevent the resolution from ever reaching a vote on the floor of the Senate. I think those forces were quite surprised that I was ever able to get the resolution out of the Committee on Foreign Relations.

I remember very well the wonderful assistance I received not only from Arthur Vandenberg, but from the chairman of the subcommittee of the Committee on Foreign Relations at the time, the incomparable Senator Thomas, of Utah. We got the resolution through the subcommittee, and, with the assistance of Arthur Vandenberg, we got the measure through the full committee. It was placed on the calendar of the Senate. But for weeks it was impossible to have the measure scheduled for debate in the Senate.

It soon became clear that the leadership of the Senate had no intention of letting the resolution come to debate at that session of the Senate.

So day after day, sitting on the other side of the aisle, I would wait until the pending business was finished, and then I would seek to be recognized so that I could submit the resolution. But even though I can speak so that I can be heard, and even though I can rise in my place with some rapidity, for weeks the Presiding Officer of the Senate, whoever he might have been, never seemed to be able to see me or hear me until after some other business was taken up on the floor of the Senate.

As is still the practice, too frequently, apparently contrary to the rules of the Senate, there was kept at the desk a list of speakers to be recognized in the order shown by the list, and not in the order in which Senators sought recognition from the Chair.

Senator Vandenberg was very good natured about the situation. He explained to me the strategy that was taking place. He said, "The feeling seems to be that we should not put the measure to a vote this year."

One day a Senator whose name headed the speaker's list at the desk happened to be in the Republican cloakroom when the pending business was finished. The Presiding Officer, following the list and not recognizing other Senators seeking to be recognized—and the senior Senator from Oregon, who was then the junior Senator from Oregon, was one of those seeking to be recognized—recognized a Senator who was not asking to be recognized but was in the cloakroom.

Apparently my emphatic request for recognition rattled the Presiding Officer, and I think by reflex I was recognized. I immediately moved to consider my resolution to accept compulsory jurisdiction of the World Court. I was descended upon from all sides in the Senate. Vandenberg was particularly amused by the situation.

The absence of a quorum was suggested. During the quorum call persuasion was tried upon me, but Senators doing so discovered that although I had been in the Senate only a few months, when I do not want to be persuaded, because I think persuaders are wrong, I cannot be persuaded.

So the Senate recessed for the night.

To my embarrassment, the next morning Arthur Vandenberg came to my office.

I said, "If you wanted to see me, why in the world did you not tell me? I would have come to your office."

He said, "I want to talk to you alone. Your resolution is to be laid on the table today. I do not want to see that happen. I am for your resolution. I have come to tell you that I think you ought to arrive at some agreement with the leadership to bring up the resolution some time next year."

I said, "No; I owe too much to the American Bar Association committee. I owe too much to the committees and wonderful church groups that have worked with me over the weeks on this resolution. I will not agree to that course, for, Arthur, a vote to lay my resolution on the table will be a vote for or against the resolution. Just help me get a rollcall vote.

"Well," he said, "one of the arguments being made against you is that Jimmy Byrnes,"—he was then our Secretary of State—"is participating in a meeting in Paris at an international conference of foreign ministers, and the argument is that it would embarrass him at that meeting."

I said, "Arthur, I don't want to embarrass him. However, if you will see that I am recognized when the Senate meets at noon, my first argument will be to read into the RECORD a cablegram which I have received from the Secretary of State this morning, from Paris, urging the immediate passage of my resolution as an aid to him at Paris."

Vandenberg said, "Let me see it."

I showed it to him. I will never forget this. He almost pulled me out of my office, as he took me to the office of the majority leader. He had the majority leader call in the leaders of the Senate, and he served notice on the majority leader that he wanted him to know that from then on he was with me.

Mr. President, Senators who will review the great debate that followed will discover that one of the greatest disputes in support of my resolution was made by Arthur Vandenberg. I wish the ending were happier. It will be recalled that when it was clear that there would be great support for the resolution, which sought to take us a long way down the road to the goal of using the rule of law for the settlement of issues that threatened the peace of the world, the Connally reservation was offered.

The Connally reservation, as we all know, is a reservation which provides that in any dispute the United States shall retain the right to determine whether the issue is a domestic issue. I have always said, and I believe it is apropos that I say it on this day, Law Day, that the Connally resolution as a matter of international law never could have the effect that many in the Senate who voted for it thought it would have.

The Connally reservation in no way takes away from the World Court its jurisdiction to determine jurisdiction. If, in fact, an issue is an international law issue, no reservation by the United States to repeal international law, by refusing to grant jurisdiction on the ground the United States finds an issue to be a domestic issue, would control or prevail before the World Court.

I have made this argument before. I made it in opposition to the Connally reservation in 1945. There is no doubt about the fact that the Connally reservation has muddied the waters, so to speak, in that it gives an excuse to another country which may be a party litigant in a case to develop an uncooperative attitude in regard to the matter.

Therefore I have always stood for the repeal of the Connally reservation. We have been unsuccessful in getting the question to the floor of the Senate for a vote.

As various law groups across the Nation meet on this Law Day, to the number of 100,000, according to the Washington Post, in support of the ideal and at the same time the great practicality of the substitution of the rule of law for the jungle law of force, in seeking to attain permanent peace in the world, it is important, in my judgment, that someone in the Senate raise the issue of the Connally reservation.

We ought to get the situation cleared up. We ought to make it clear to the world that the United States believes in and is ready to practice the rule of law for the settlement of international law disputes that threaten the peace of the world. We ought to eliminate the Connally reservation now, this year. I respectfully point out that as long as we duck the issue—and I use the colloquialism advisedly, for the Senate is ducking the issue, and I will prove it in a moment—we raise doubts around the world as to our good faith.

There are doubts about our good faith. Come with me to New Delhi, India, Mr. President, as a representative of the Senate, as I was in 1957 as chairman of the congressional committee to the Commonwealth Conference, and speak about the rule of law as I did, and answer, if you can, Mr. President, the rebuttal arguments thrown at you, "Mr. Senator, what is the justification for the Connally reservation?"

Well, I was the proper person to be asked that question, because the record of that Conference will show that I said there is no justification for it. In my judgment the Senate has not lived up to its responsibilities in keeping faith with its professings about advocating the rule of law.

I said a minute ago that the Senate is ducking the issue. There is no question that a majority of the Foreign Relations Committee a year ago were on record in support of the repeal of the Connally reservation, but a majority were not in support of voting to report their opinion to the Senate. Why? The American people are entitled to know the reason why they were not willing to bring it to the floor of the Senate.

One reason was that it might stymie the Calendar of the Senate, that it might create issues on the floor of the Senate, that it might slow down the program, that it might have various deleterious calendar and legislative effects.

I said then, and I repeat now, in my judgment there never has been any justification for failing to bring to the Calendar of the Senate a bill or a resolution on its merits. The American people are entitled to no less. The American people are entitled to more than the Senate is giving them on the Connally reservation.

So, today, as there will be made very high-sounding speeches about the rule of law, I would have the American people take a long, hard look at the Senate. I would have the American people say to the hundred Senators who comprise the membership of this body, "When are you going to keep faith and bring to the floor of the Senate an amendment or a bill or a resolution that seeks to put the Senate of the United States on record as to whether in essence you are for the rule of law in the settlement of international disputes?"

I express my opinion that until we get rid of the Connally reservation we will only be engaging in a contest of semantics when we talk about the rule of law. So I say to the leadership of my party that my party has a responsibility on this issue, because the Democratic Party has taken its stand. The Democratic Party has said to the American people: "As a matter of policy, we are for the repeal of the Connally amendment."

I ask the question: When? If we favor the repeal of the Connally amendment, then we have the moral, political, and ethical duty to get on with the job and let the Senate stand up and be counted on the issue. I believe we do not have too much time to put our policy into practice. I say as a member of the Committee on Foreign Relations that my greatest lesson in foreign policy was taught to me by that great mentor to whom I have already referred, Arthur

Vandenberg, of Michigan. When he became a great internationalist, he discarded his philosophy of isolationism, which had characterized his political career for so many years, and joined and stood shoulder to shoulder with the great Franklin Roosevelt in the field of foreign policy in developing a nonpartisan approach to our international obligations. He pronounced the great assertion that partisanship in foreign policy must stop at the water's edge. He has left to our generation and to future generations the goal that gives us, in my judgment, our only hope of survival as mankind.

I believe that not much time is left to put into practice the great Vandenberg challenge. I paraphrase him, but accurately, for I think his views need to be restated on this Law Day, as Senators have heard me say before in the Committee on Foreign Relations, on the floor of the Senate, and from the platforms of America. So long as God gives me breath to speak, I shall continue to try to teach this great tenet, for I believe it is a dedicated cause. I believe that we who admired Vandenberg, as so many of us did, that we who have devoted so much of our time over the years to the ideal of seeking to promote a rule of law as a substitute for an immoral and shocking nuclear armament race, owe it to our teacher to carry on, although he has passed beyond.

So I paraphrase him, when I leave with the Senate again, as I close this part of my speech, the Vandenberg challenge. There will be no hope for permanent peace in the world until all the nations of the world are willing to set up a system of international justice through law, to the procedures of which will be submitted each and every issue that threatens the peace of the world, for final and binding decision, to be enforced by an international organization such as the United Nations.

I am aware of all the arguments that are raised against that ideal, including the argument that it is an ideal and, therefore, supposedly is not practical. Nevertheless, each of us knows in his own conscience that because it is a great ideal, it is a practicality. As I have said so many times, there are no practicalities except in terms of great ideals put to work. That is all a practicality is.

There is nothing practical about the Connally reservation, for what it is is a compromise of principle. What it is is an expediency; and an expediency is no substitute for practicality, because there is nothing practical about an expediency, for an expediency never makes an answer on the basis of an ideal put to work. So even expediencies are but manifestations of an intellectual weakness, in which the perpetrator rationalizes his own intellectual dishonesty.

I have moved and had my being in this body for many years; but one of my great disillusionments has been to see so many, so often, substitute expediency for their own ideals. When they do, they perform a great disservice to themselves, to their constituencies, and to their country.

On this Law Day, I would have Senators, as well as the people across the country, rededicate themselves to the Vandenberg ideal, and pledge anew a dedicated determination to do what they can to put into practice our professing to substitute adjudication for nuclear warheads.

I am so proud that in that great speech which the President of the United States made before the United Nations last fall, he had the courage and the foresight to be the first of our Presidents, speaking before the United Nations, to use the word "adjudicate," for I have no question about the idealism of the President, about his desire and his prayers that we all may help to lead our country toward the establishment of a system of international justice through law.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. MORSE. Mr. President, I turn now to the last item on which I wish to speak. I shall speak most respectfully and out of affectionate regard for many of my very close and fine friends in the Senate who represent the great States of the South, but with whom on the issue pending before the Senate I find myself in utter and complete disagreement with every major argument they have made thus far in regard to the so-called legal weaknesses of the pending measure. I respect their viewpoint; and out of that respect, I respectfully disagree.

I have listened to Senators' addresses on the floor of the Senate, and have read in the CONGRESSIONAL RECORD the speeches I did not hear, expounding the positions of some of my friends from the South concerning their opposition to the pending measure on constitutional grounds. I do not dismiss this subject on the basis of the old statement that, of course, lawyers enjoy disagreement; that when two lawyers discuss a subject, they will be found in disagreement on most of the points that are raised in the discussion. I do not dismiss their arguments on that ground.

To me, this is one of the most fundamental, historic problems that have met the Senate in some years in the whole field of civil rights; for, as I said earlier this afternoon, the whole background of the controversy over the proposed legislation is the background of civil rights. I think it is so important that we answer it by passing the bill, thus notifying the country and the world that we intend to put into application the 14th and 15th amendments of the Constitution of the United States, and put into application the full Constitution of the United States, in regard to all our citizenry, irrespective of race, color, or creed.

Mr. President, I do not expect that my good friends from the South will agree with my observations about this subject matter. But I have my obligations, as I see those obligations, in keeping with my oath, owed to those who send me here to represent a great sovereign State of this Union; and I make my constitutional argument very briefly by reading into the RECORD my answer to my good friends from the South—which happens to be the 14th and 15th amendments to the Constitution.

Section 1 of the 14th amendment reads as follows:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I shall skip section 2, section 3, and section 4; and now I read section 5:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

I say most respectfully that the case is as simple as that. When we examine the operative facts, then, as Senate jurors, when we render our verdict as to whether the facts show that any person is being denied equal protection of the laws, I think the case for the pending legislation is made.

But I refer briefly to the 15th amendment, which speaks for itself, as follows:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> The Congress shall have power to enforce this article by appropriate legislation.

Mr. President, those two amendments, the 14th and 15th—in fact, the entire Constitution, when read from its four corners—in my judgment leave no room for doubt as to what the majority of the Members of this body should do in voting on this proposed legislation. They should vote to pass it, so that the dynamics of the 14th amendment and the 15th amendment can live, instead of becoming dead letters.

Mr. CLARK. Mr. President, will the Senator from Oregon yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Pennsylvania?

Mr. MORSE. I yield.

Mr. CLARK. I wonder whether the Senator from Oregon agrees with me that the able and erudite constitutional arguments made in opposition to the pending measure by some Senators who oppose it are based on the situation which existed before the 14th amendment and the 15th amendment were adopted?

Mr. MORSE. I think that is true. However, I think the opposition arguments based on the situation since that time are just as fallacious.

Mr. CLARK. Let me inquire whether the position taken by the Senator from Oregon is supported by the Constitution.

Mr. MORSE. It is.

Mr. CLARK. Is the position of the Senator from Oregon also supported by what I regard as a very able memorandum prepared by the staff of the Civil Rights Commission, and supported by Dean Griswold, of Harvard Law School?

Mr. MORSE. It is.

Mr. CLARK. I thank the Senator from Oregon for his answers to my questions.

Mr. MORSE. Mr. President, it was argued by one Senator that because the 17th amendment was ratified after the 14th and 15th amendments were ratified, ergo the 17th amendment superseded the 14th and the 15th amendments. Well, let us see about that.

The 17th amendment reads as follows:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.
>
> When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.
>
> This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

So, Mr. President, I ask the simple question, What in the world does that have to do with the 14th amendment and the 15th amendment? The answer is, absolutely nothing. Furthermore, not even the strained argument to which I listened earlier this afternoon came in the slightest degree close to showing any relevancy between the 17th amendment and the constitutional guarantees to all citizens under the 14th amendment and the 15th amendment.

So, Mr. President, in coming to the close of my argument, I make a brief comment on the operative facts: Why do I favor this bill? Primarily, because I do not believe that State-imposed literacy tests should be used as a device by which colored citizens can be denied the right to vote. We have seen from the findings of the Civil Rights Commission the many ways in which the literacy test can be manipulated and interpreted so as to form a bar to colored citizens but not to white citizens of equal mental competency. My one serious criticism of the bill would be that it may set too high a standard. Thousands of men and women in the States where literacy is a requisite for voting do not have a sixth-grade education. But why should they be denied the right to vote?

I would find more merit and persuasion in the arguments made by my dear friends from the South if they were criticizing the bill because its standards are too high, because those who do not have the equivalent of a sixth-grade education pay taxes and are subject to all the obligations of government—as they should be; and if we have allowed the maintenance of an educational system which permits too many of them to slip through without being educated, we should not penalize them—instead, we should penalize ourselves—for their lack of formal education.

Let me say good naturedly, Mr. President, that I, myself, know a surprisingly large number of men and women who do not have a sixth-grade education, but who, in my judgment, have the sagacity and the perception which qualify them to pick a U.S. Senator or a Member of the U.S. House of Representatives with wisdom equal to that, I believe, of one who has a Ph. D. degree or a Phi Beta Kappa key. I speak as an old educator. It is so easy for us to accept fallacious premises.

Some of the wisest men I know, including my own father, would not meet the test of this bill, but I would not trade the political sagacity of my wonderful farmer father for any political science professor I have ever known when it comes to voting on who should be a Senator from my State.

Mr. President, you know a book needs to be written on legislative myths, and if one were written, there would have to be at least a little more than a footnote—it would have to be a pretty long footnote, if not a chapter—on the myths of some of the assumptions contained in the bill in regard to the high standards it proposes.

The Senator from Oregon has had a bill in the Senate on this subject. I get discouraged in introducing it. I have not introduced it this year, but I shall try to do so before the afternoon is over.

It would tackle the myth that formal education should be a requirement for the precious privilege of voting in the United States. I think it is wrong. I think an American citizen who can give instructions, under proper electoral judge observation, as to the person he wants to cast his vote for to be a U.S. Senator or Representative, or any other officer, should have the right to give those instructions, and should not be denied the privilege of voting.

But I am realistic about this question. I am going to vote for the bill, if I ever get a chance to vote for it, because the literacy tests imposed by some States should not be permitted to become an instrument for doing indirectly what the 15th amendment prohibits them from doing directly.

But I hope that in due time we can amend it along the lines of my bill, which directly challenges the myth based upon the assumption that formal education ought to be a prerequisite for the exercise of the right to vote anywhere in this country.

Before closing, I shall comment briefly on two other aspects in connection with this matter. First, what do the facts show as to the civil rights background of this issue? Second, what do I think the parliamentary situation is here in the Senate in regard to the issue?

I think the evidence is mountainous that in area after area and in county after county in the country thousands upon thousands of colored people are, in effect denied the opportunity to vote. I am not interested in the literal arguments of my beloved friends from the South. I am not interested in their formalistic rationalizations presented over and over again in this debate. I am interested in what the records show, for my duty is to follow where the facts lead, and the facts lead away from the arguments of the southerners, in my opinion. The facts lead to the support of the objectives of the bill.

I do not have to be hit over the head with a baseball bat to have my recollection jogged as to what the evidence submitted by one group after another that has studied the subject matter for years has shown, whether it is the Civil Rights Commission or the National Association for the Advancement of Colored People. And, let me say, that is not a bad name in my book.

In fact, I digress just long enough to pay tribute to the National Association for the Advancement of Colored People. What a great contribution they have made to humanitarian welfare in this country, as over the years they have had the courage and the daring to stand up and support fellow citizens equal to any of us, so far as their constitutional rights are concerned, and they should be, and as they have been subject to persecution and discrimination and unfairness time and time again, not only in the South, but in other parts of the Nation as well. Studies of church groups and findings of great organizations such as the friends show the sad, indisputable fact that in too many counties of the South either no Negroes vote or but a handful vote. I have not heard an argument yet in this debate that comes even close to a discussing of the cause. But the record is clear, Mr. President, that thousands and thousands of them do not vote not because they do not want to vote; they do not vote because they know they cannot vote, that they will not be allowed to vote. Thousands of them are afraid to try.

That is not a healthy situation for this body politic. It is a serious, cancerous growth in this body politic, I do not care from what angle one looks at it. If he looks at it from the standpoint of our domestic welfare, this cancer must be treated and eliminated.

If one looks at it from the standpoint of international affairs, may I say, as a member of the Foreign Relations Committee of the U.S. Senate, that the civil rights issue in this country is one of the most important foreign policy issues facing and confronting this Republic. In international councils, Mr. President, we do not look so good, when we talk about freedom, the dignity of the individual, personal liberty, civil rights, to have it thrown in our teeth by delegates from Africa, Latin America, southeast Asia—yes, Europe—that there seems to be a great deal of difference between our professings and our practice.

And so there is, Mr. President. There is a great deal of difference, and it is hurting. It is hurting our international standing. That is why I have been heard to say for many years, as I repeat today, we must do something about the civil rights issue in the United States. We must insist that the guarantees of the Constitution of the United States have meaning and application from east to west and north to south. The courts cannot do it alone.

It is also fitting, on Law Day, that tribute should be paid to those great Federal judges of the South who have placed their oath of office first and have placed the Constitution in its proper perspective and, in decision after decision, have faced up to the civil rights issue.

On Law Day, I would not wish to conclude without paying my compliment to that great court which sits in the great cathedral of justice only a stone's throw from where I speak, the tribunal which ever since the Marbury versus Madison decision in 1803, issued by that great southern Chief Justice, Justice Marshall has laid down the doctrine that the Supreme Court is the final arbiter and determiner of the meaning and the application of the Constitution of the United States as to the respective constitutional rights of each one of us, until the people under the Constitution exercise their right, if they decide to do so, to amend that Constitution in any particular.

The time has come for the Legislature of this country, the Congress of the United States, to do its fair share, to live up to its responsibility by enacting legislation which will seek to bring an end to what I consider to be the inexcusable discrimination against the colored people of this country in too many particulars.

That leads me to make a brief comment about the procedural obligations of the Senate in this historic debate. I commented briefly on this earlier this afternoon when I answered the majority leader. I now comment on it as a substantive point in the speech for the RECORD.

Mr. President, this civil rights issue has been raised. It is before us. In my judgment, it should be fought through to the end. I repeat, the American people have no substantive legislative rights separate from their procedural rights. I say to the American people, "Turn your eyes on the Senate of the United States right now, and don't take them off of the Senate of the United States until this issue is disposed of in its substance, and do not accept a procedural runaround that may end up in putting aside this basic legislative issue."

Again I speak impersonally. I speak in a friendly spirit. But I speak, Mr. President, as one who proposes to keep faith with the responsibilities he owes to the people of his State in this body.

So I say to every civil rights group in America and I say to every citizen in America who believes that the time has come to bring an end to the kind of discrimination practiced against the colored people of this country in too many counties of this country, in too many parts of this country, with respect to their right to vote or the denial of their right to vote, "Make clear to the leadership of the Senate of the United States, on both sides of the aisle, that you don't want this proposed legislation put aside until it is voted on in its substance."

I will tell Senators my fears. I fear for this lackadaisical debate on this subject which has been proceeding now for several days without a single night session. We shall be confronted next Monday with a cloture petition, which will stay at the desk for two days, and a week from Wednesday a vote will be called for. Well, a miracle might happen in the Senate. I guess almost anything could happen in the Senate legislativewise, but I would consider it almost a miracle, Madam President (Mrs. NEUBERGER in the chair), if the cloture motion were agreed to.

I have a hunch, coming from my sixth sense, which I would describe as a sense of political smell. My sense of political smell causes me to detect an odor, smelled by most of my colleagues in the Senate, that no one really expects that cloture petition to be agreed to. Let us suppose that hunch proves to be correct, and the debate resumes. My intuition tells me the debate will go on, in a somewhat lackadaisical fashion, for a few more days, and another cloture petition will be tried. In all probability it will fail.

Then the argument will start, "We have many other items we must take care of. Many Senators are running for office. We probably cannot finish the session until Labor Day now anyway, and perhaps later. Therefore, it would seem best to lay the issue aside."

There is a lot of talk to that effect in the cloakrooms now, Madam President. I think it is wrong. I think when an issue so vital to the constitutional rights of so many fellow Americans is before us we cannot justify laying it aside. In such a situation I have only one word of advice—fight.

No matter how long it takes to fight and win this battle—fight.

Let us focus 180 million pairs of eyes on the Senate of the United States in defense of the constitutional rights of colored people who, in my judgment, are being shockingly discriminated against in this country by being denied first-class citizenship and the greatest guarantee of freedom, which is a free ballot. Do Senators know how long it will take to win that battle? At the maximum, 2 weeks. I suggest that the Senate be held in session for 24 hours, day and night, for 2 weeks on a great historical cause which in my judgment is vital to the health of our Republic in the decades ahead. We will win.

Surely there will be some political consequences. During the battle the Senate will not be a peace corps. We can be sure of that. The Senate will be living up to its responsibilities. I do not buy the argument of my majority leader that it may take longer to produce the necessary action in the way he proposes—quitting for an early dinner and adjourning over weekends.

Madam President, the battle is not a new one for the senior Senator from Oregon. I have seen filibusters broken before. We shall move into a filibuster. We would be in it now if the leadership on both sides had not been so easy on the opposition. We heard some Senators complain today that they had not yet been allowed to make their speeches. I would accommodate them. I think there would be about as many Senators present in the Chamber at 3 o'clock a.m. as I have seen at 3 o'clock p.m. every afternoon since the debate started. Senators know that.

I know all the toes that my comments step on and all the feelings they offend. But speaking for the moment as a Democrat, I say to the Democratic Party, "You cannot continue to run out on the civil rights issue, for you are going to be held accountable for it."

The issue is before us. We should stay with it until we dispose of it. The only way to do so is to stay with it until we have a vote on the substance of the issue, which is the question whether the bill will be voted up or down.

That is my case. I have not meant to offend my leadership, but if I must make a choice between offending my leadership and underwriting the procedural policy that it announced on the floor of the Senate earlier today, I shall not hesitate to offend my leadership, for I think my leadership is dead wrong on the procedure it has proposed for the handling of the issue. I hope it will prove me wrong. It would not be the first time that I have "eaten crow" on the floor of the Senate, and I would be glad to do so on the present issue. But I do not think the leadership will prove me wrong, for under the procedure it is following, I do not think the leadership has a chance of bringing the issue to a vote on the merits in accordance with the procedure that the majority leader announced today on the floor of the Senate. I do not expect to see a vote on the substantive merits under that procedure.

In my opinion, it is the clear duty of the majority leader and the minority leader, the majority whip and the minority whip, representing the two sides of this great Chamber, to serve notice now that no matter how long we must remain here, whether or not it is to be throughout the campaign—and as a candidate for reelection I have a great interest in that campaign—the issue will be fought out. For myself, I have no intention, so long as I serve here, of ever putting a campaign ahead of my obligation to a particular forum on which I am serving.

In my judgment, the leadership should make very clear to Senators from the South that we are to vote on the substance of the issue, that once we know the filibuster is on, we will then use procedures to break it, including 24-hour sessions for as many weeks as may be required. We will break it, and we will reach a vote on the question.

Madam President, in yielding the floor, let me say that this is the only time I expect to speak on the substance of the issue, for I have made clear my rejection of every constitutional argument that I have heard in the debate or read in the debate. The 14th and 15th amendments speak for themselves in rejection of those arguments. I have spoken about my reasons why I think the colored people of America are entitled to this protection. I have protested what I think is an unsound procedure, parliamentarywise, for bringing the subject to a substantive vote of the Senate.

I yield the floor.

STEEL PRICES

Mr. JOHNSTON. Madam President, I have listened to the Senator from Oregon. I agree with his statement on the first subject he discussed. I believe that our President acted correctly in reference to the rise in steel prices. I think the President did what he should have done. If he had done anything else, he would not have been the kind of President that I think a President should be. I think there is a possibility that there may be some reaction hereafter. If the question is carried into the courts, it may be determined that all the steel companies, or at least the larger ones, got together and set the price of steel. If such a course is not price-fixing contrary to the laws of the United States, I do not know when any action could be a violation. So I agree with the Senator from Oregon on that point. I believe that the President acted rightly. When the grand jury started to investigate the question, and when the Committee on the Judiciary started to investigate, I believe that the steel companies were glad to have a way out and immediately withdraw the proposed price increases.

LITERACY TEST REQUIREMENTS

I disagree with the senior Senator from Oregon on the question he last discussed. I cannot agree with him from a legal standpoint; neither can I agree with him in my thinking, knowing the conditions in the South. I think probably I know them a little better than he does. I wish the senior Senator from Oregon and others who have discussed the issue in the Senate so fluently would go to South Carolina and spend perhaps a month investigating and seeing the conditions there. I believe they would probably change their attitude to a certain extent.

I noticed that the Senator from Oregon did not mention another section of the Constitution that has a direct bearing on the question before the Senate at the present time. We have contended throughout the debate that each State has the right to set qualifications of voters. We do so because of article I, section 2, of the Constitution. I read directly from the Constitution:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for electors of the most numerous Branch of the State Legislature.

The section which I have read deals directly with the qualifications of voters.

Let us turn now to the section which has also been read to the Senate. That is the 14th amendment. We must bear in mind that when the 14th amendment was adopted it was during the Reconstruction Period. What does it provide? Section 1 provides:

> All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

We must bear in mind that this deals with discrimination, if we wish to call it that.

The 15th amendment reads:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—

No one has asserted in the debate, in speaking against the pending proposal, that we can discriminate against anyone. We are arguing that the Federal Government has nothing to do with the setting of the qualifications, but that each State has the right to set the qualifications.

If the pending bill is passed it will only be the forerunner of many similar bills that will be brought before us in order to give to the Federal Government the power to prescribe regulations for voters in each State.

A Federal statute attempting to establish a uniform literacy requirement for voting in Federal elections is beyond question unconstitutional. The creation of such a qualification for voting would require an amendment to the Constitution of the United States.

To illustrate the point, I mention the fact that only a few days ago we passed a joint resolution in the form of a constitutional amendment prohibiting a State from requiring the payment of a poll tax. Some of the same Senators who are now on the other side on the pending issue argued at that time that that was the only way to proceed; namely, by way of a constitutional amendment. Senators made the argument that the Constitution is so clear on this subject that it does not even require the expertness of a lawyer to so interpret and reach this conclusion.

The language in the Constitution is specific in leaving the power to the States to determine the qualifications of its voters. It is a well deliberated point of constitutional history that had not the Constitution expressly provided that this power be left to the States there may well have not been any sacred document that has governed us so effectively through our years of hardship. Concerning the qualification of voters to vote for U.S. Senators and Representatives in Congress, the Constitution contains the following provisions:

REPRESENTATIVES

Article I, section 2, clause 1, reads as follows:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

SENATORS

Amendment XVII reads:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

It is evident from the above provisions that although the States may not prescribe the qualifications of voters of Congress as such, the qualifications prescribed by the States for electors of the most numerous branch of their legislatures are adopted by the Constitution for this purpose and certainly even the most ardent liberal will not argue that the States cannot exclusively name the qualifications of voters for the most numerous branch of its legislature.

In discussing this point, the Supreme Court in *Ex parte Yarbrough* (110 U.S. 651, 633), stated:

> The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures, do not do this with reference to the election for Members of Congress. Nor can they prescribe the qualifications for voters for those eo nomine. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualification thus furnished as the qualification of its own electors for Members of Congress.
>
> It is not true, therefore, that electors for Members of Congress owe their right to vote to the State law in any sense which makes the exercise of the right to depend exclusively on the law of the State.

As early as 1898, the Supreme Court held that the provision of section 244 of the constitution of Mississippi, making ability to read any section of the Constitution, or to understand it when read, a necessary qualification to a legal voter, does not on its face, discriminate between the white and Negro races, and does not amount to a denial of the equal protection of the law, secured by the 14th amendment to the Constitution. The constitution of Mississippi and its statutes, the Court stated in *Williams v. Mississippi* (170 U.S. 213), "Do not on their face discriminate between the races, and it has not been shown that their actual administration was evil, only that evil was possible under them." The Court thus clearly states that the Constitution gives to the States the exclusive right to make the qualification of the voters. Since this is among the oldest of precedents on this point, it behooves us as Members of this distinguished body to look at the language closely, to reflect upon our young country in the late 1800's and realize what the then members of the Supreme Court were trying to do. They were trying to do their sacred duty as judges of our highest court in the land not to provide where there was not provision, not to stretch or distort where the language was clear. They knew our Constitution was not a thing to be tampered with because of whim or circumstance of the moment, and they showed it time after time in their decisions on this issue. The socio-economic status of our country during that time was a lot rougher than it is today, but they chose to respect the provisions of the Constitution as written and not try to look outside them for some easy bypath that would suit the notions of a few. Their thinking was profound and their reasoning just, no matter what hardships had to be endured for the moment. No one can refute their judgment, as can be evidenced by our strides in many fields since that time.

Unfortunately, their logic falls on deaf ears during our atomic age.

The 15th amendment has been bounced around this chamber with such regularity lately that I doubt if even our most learned Members have better than a general idea of what its contents specify. To refresh the memory of those who tend to bend its contents, I will read verbatim sections 1 and 2 of the Constitution:

> SECTION 1. The right of citizens of the United States to vote shall not be denied by the United States or by any State on account of race, color, or previous condition of servitude—

I do not see how educational qualifications touch upon either of these subjects whatsoever, for it will be found that most of the States concerned, in setting up qualifications for voters, have adopted the same rule for white, colored, and all other persons concerned. The Constitution also provides:

> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

To enforce what? To enforce the requirement that there be no discrimination on account of race, color, or previous condition of servitude.

What is the effect of the foregoing language? Beyond doubt, the amendment does not take away from the State governments in any way the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the Constitution and the organization of both governments rest would be without support. Without this power, both the authority of the Nation and the State would fall into chaos. Rather than taking away any rights of the States to make their own qualifications for voting, guaranteed by the sections which I have cited, it again reemphasizes this constitutional right of the States exclusively to prescribe their own qualifications for voting.

Following the same line of thought, it might be well at this point to inject a passage from a book by Frederic A. Ogg and P. Orman Ray, entitled "Introduction to American Government," which deals with the facts leading up to and including the formation of the Constitution of the United States and other matters. This publication is considered recommended reading by the Library of Congress on the subject matter presented. On page 182, in the chapter entitled "The People as Voters" under subheading "Constitutional Basis of the Suffrage," the following language is set forth:

> The makers of the National Constitution might easily have provided for a uniform national suffrage, distinct from the suffrage systems existing in the several States, as did the authors of the Constitution of the federally organized German Empire created in 1867–71. But they chose, as did the framers of the Constitution of the Swiss Confederation, to utilize for national purposes such electoral arrangements as each State had made, or might subsequently make, for its own use, and hence, until 1870, the Constitution's sole provision on the subject was that persons voting for Members of the Lower House of Congress should, in each State, have "the qualifications requisite for electors of the most numerous branch of the State legislature." The 15th amendment, adopted in the year mentioned, imposed the first direct constitutional restraint upon the States in this matter by forbidding any State (or the United States) to deny or abridge the "right" of citizens of the United States to vote "on account of race, color, or previous condition or servitude."

Bear in mind that that provision was written into the Constitution. That was the only way in which it could have been adopted. It could not have been adopted by a bill passed by Congress.

In this instance, Congress is attempting to pass a bill in an attempt, as I see it, to change the Constitution of the United States. But that is not the way prescribed in the Constitution for a change of the Constitution.

I continue to read from the book entitled "Introduction to American Government":

> The 19th amendment, adopted in 1920, laid a further restriction by forbidding any State (or the United States) to deny or abridge the "right" to vote "on account of sex." Limited only by these restraints, every State, in its Constitution and laws, regulates suffrage qualifications as it desires. The two amendments tend to produce uniformity as far as they go: And their effects—especially in the case of the woman suffrage amendment—have been far-reaching. Plenty of room is left, however, for variation, and hardly any two States will be found with precisely the same arrangements.

From this statement of historical and judicial fact, the intent of the framers of the Constitution is without doubt or room for error. Stated again, "limited by only these restraints, every State, in its Constitution and laws, regulates suffrage qualifications as it desires." This is spoon-fed logic as gleaned from the events and happenings prior to and subsequent to the conception of our Constitution. There was ample opportunity to enact, or strongly suggest, uniform suffrage by the makers of the Constitution. But they had the foresight to realize that the National Government should not meander into the sacred province of States in the manner now under consideration. Had they thought this was the avenue of approach, or that it should even be done, they would have so provided.

Taking another facet into consideration at this point, the proposition that States employ the use of literacy tests may be unconstitutional. The Supreme Court's decision rendered in the case of Guinn against United States is among the hallmark citations on this issue. It reads, in part:

> No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted.

The decision in the case of Guinn against United States may be summarized by saying that it held that the power was left with the States to determine the qualifications of their voters, and a State may establish a literacy test as a prerequisite for voting, provided that such test applies alike to all citizens of the State, without discrimination as to race, creed, or color. This is not unlike the power a State has to make other qualifications, such as age, residence, and so forth, according to its own particular needs. The framers of the Constitution, recognizing that each State had different problems, omitted any language that would prevent a State from prescribing its own voting qualifications, inasmuch as any uniform suffrage qualification, dictated by a strong Federal Government to all citizens of the Nation, would be disastrous.

The principle laid down in the case of Guinn against United States, supra, was emphasized in *Lassiter* v. *Northampton Election Board* (360 U.S. 45), a 1959 Supreme Court decision. This case, along with the Guinn decision, has been elaborated upon at length, but it may be well to reiterate the judicial thinking of the Court. It seems that the Court need be reminded of the precedents set in the past, since it currently seems to have an unusual affinity for wandering outside the rule and reason that have prevailed in previous decades. The principle reads as follows:

> We come then to the question whether a State may consistently with the 14th and 17th amendments apply a literacy test to all voters irrespective of race or color. The Court in *Guinn* v. *United States*, supra, disposed of the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted.

Other momentous Supreme Court decisions that hit more at the heart of the matter as concerns the States' power to determine voting qualifications, are as follows:

> The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised (*Pope* v. *Williams*, 193 U.S. 621 and *Mason* v. *Missouri*, 179 U.S. 328) absent of course the discrimination which the Constitution condemns.

Article I, section 2, of the Constitution, in its provision for the election of Members in the House of Representatives, and the 17th amendment, in its provision as to Senators, provide that officials will be chosen "by the people."

Each provision goes on to state:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

So while the right of suffrage is established and guaranteed by the Constitution—*Ex parte Yarbrough* (110 U.S. 651, 663–665); and *Smith* v. *Albright* (321 U.S. 649)—it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed.

I may point out that Congress has no right or power to regulate the qualifications of voters in any State. Instead, that power is left entirely to each individual State.

Reading further:

> We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence re-

> quirement, age, previous criminal record (*Davis* v. *Beason*, 133 U.S. 333) are obvious examples indicating factors which a State may take into consideration in determining the qualification of voters.

Along that line, Madam President, I remember that many States once had in their laws requirements that one must own property in order to be allowed to vote. However, in most States that requirement has subsequently been eliminated.

I read further:

> The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters.

For instance, Madam President, I know some people in my State who cannot read or write; but I would rather trust their judgment as to who should represent them in Congress, instead of trusting the judgment of some with even a high-school education, not just a sixth-grade education.

I read further:

> Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise.

Of course that is a purely a question for the States to decide.

I read further:

> Of course a literacy test, fair on its face, may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot. No such influence is charged here. On the other hand, a literacy test may be unconstitutional on its face.

In that connection the Court pointed to *Davis* v. *Schnell* (81 F. Supp. 872, affirmed 336 U.S. 933), saying:

> The great discretion it (the legislation) vested in the registrar made clear that a literacy requirement was merely a device to make racial discrimination easy. We cannot make the same inference here. The present requirement, applicable to members of all races, is that the prospective voter "be able to read and write any section of the constitution of North Carolina in the English language." That seems to us to be one fair way of determining whether a person is literate, not a calculated scheme to lay springes for the citizen.

We may summarize Lassiter against Northampton County Board of Elections, supra, decided by the Supreme Court of the United States in 1959, to affirm the principle that the application of a literacy test by a State as a qualification for voting is consistent with State power under the 14th and 17th amendments if applied to all voters alike, irrespective of race or color; and if such requirement is not unfair on its face and does not show an intent to effectuate discrimination, it is not violative of the 15th amendment.

We all know that laws on the statute books can be properly enforced or not properly enforced. I have ofttimes said that I would rather have a poor law on the statute books which was enforced in a good manner than have a fine law on the statute books which was enforced in a shabby way. A good example of that statement is the manner in which former Secretary of Agriculture Ezra Taft Benson dealt with the farmers of this Nation. I think that is a good illustration of having a good law on the statute books, but having a poor enforcement of it.

We have seen from the aforementioned decisions that a State statute providing literacy as a qualification for voting in a Federal election is not only valid but actually derives its validity from article I, section 2, clause 1, supra, and from the 17th amendment, supra, the provisions of which give recognition to the fact that the States may set requisites for electors of the most numerous branch of the State legislature, by adoption of these requisites for electors of U.S. Senators and Representatives.

We come now to the effect which article I, section 4, clause 1, may have upon the question.

The Constitution provides in clause 1 of section 4 of article I:

> The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The case of *Ex parte Clarke* (100 U.S. 399 (1879)) involved the constitutional power of Congress "to enact a law for punishing a State officer of election for the violation of his duty under a State statute in reference to an election of a Representative to Congress." The court held that Congress did have this power. This type of statute was considered as covering the manner of holding an election.

The case did not involve the qualification of voters. However, Justice Field, in the dissenting opinion, does speak about qualifications of voters and makes the following comment:

> The power vested in Congress is to alter the regulations prescribed by the legislatures of the States, or to make new ones, as to the times, places, and manner of holding the elections. Those which relate to the times and places will seldom require any affirmative action beyond their designation. And regulations as to the manner of holding them cannot extend beyond the designation of the mode in which the will of the voters shall be expressed and ascertained. The power does not authorize Congress to determine who shall participate in the election, or what shall be the qualification of voters. These are matters not pertaining to or involved in the manner of holding the election, and their regulation rests exclusively with the States. The only restriction upon them with respect to these matters is found in the provision that the electors of Representatives in Congress shall have the qualifications required for electors of the most numerous branch of the State legislature, and the provision relating to the suffrage of the colored race. And whatever regulations Congress may prescribe as to the manner of holding the election for Representatives must be so framed as to leave the election of State officers free, otherwise they cannot be maintained. In one of the numbers of the Federalist, Mr. Hamilton, in defending the adoption of the clause in the Constitution, used this language: "Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power, and as a premeditated engine for the destruction of the State governments?
>
> The violation of principle in this case would have required no comment. By the act of Congress sustained by the Court, an interference with State elections is authorized almost as destructive of their control by the States as the direct regulation which he thought no man would hesitate to condemn.
>
> The views expressed derive further support from the fact that the constitutional provision applies equally to the election of Senators, except as to the place of choosing them, as it does to the election of representatives.

It is apparent from Justice Field's comments, that this provision of article I, giving Congress the power to "alter such regulations" of the times and "manner of holding elections for Senators and Representatives" does not apply to qualifications for voting. One cannot read that into the Constitution.

It would seem that if the Constitutional Convention had intended section 4 of article I to authorize Federal legislation concerning qualification of voters, then such intent must have been to nullify, by section 4, the power over qualification of voters which it had just left with the States in section 2 of the same article I. It is difficult to attribute such a motive to that body.

It has been a long time, almost 175 years, since the Constitution was adopted. For a long time no one thought it meant anything else than what it has been interpreted to mean in all the Supreme Court opinions.

Thus, since it is a "most fundamental principle of our constitutional jurisprudence" that "all the provisions of the Constitution are equally binding upon Congress" (Willoughby on the Constitution of the United States, vol. I, p. 493), it must be assumed that section 4 of article I means no more than what it says and applies only to the manner of holding elections, leaving the coverage of the qualification of electors to section 2 of said article.

I defy any Senator on this floor to read a Supreme Court opinion in which the Supreme Court has rendered any decision holding that the Federal Government has a right to regulate the educational qualifications of a voter. In every Supreme Court opinion, the Supreme Court has ruled that that power is left to each particular State.

My distinguished colleague from North Carolina [Mr. ERVIN], who was a judge on the North Carolina Supreme Court, compiled a notable work on the issue now pending before the Senate in his presentation before this body Friday, April 27, 1962. The elaborate length to which my distinguished friend has gone in preparing his argument, is truly a tribute to his own standing as an authority on constitutional questions.

It was the subcommittee under the chairmanship of the Senator from North Carolina which held hearings on this particular measure. I am a member of the subcommittee. The Senator from North Carolina was doing an excellent job, and I think that is one of the reasons why the measure was taken to the Senate without getting a report from the Judiciary Committee. Some Senators dare not wait until the report is completed. It will be so well annotated and to the point on this particular subject that no lawyer—it makes no difference whether he is a "cornfield" lawyer—could say it would be constitutional to pass the proposal now before the Senate.

It would be well for those who were not present to hear, in part, the statements concerning the bill made by distinguished legal authorities from various areas of the United States. These are judicial opinions rendered not from the heart of the South, or the South alone, but from authorities represented in several parts of our Nation, including the North. Some are attorneys general of their respective States; some are highly esteemed members of law school faculties; all are experts in the matter under discussion.

I begin by reading the statement made by the Honorable Richard W. Irvin, attorney general of Florida:

> It has long been my impression, and it seems well founded in law, that the right of suffrage is not conferred by the Federal Government, but is generally derived from the several States under State Constitutions. This being the case, there comes to mind a serious question as to the appropriateness of Federal legislation to provide for regulations in this area.

Prof. Richard V. Carpenter, of the Loyola University School of Law, Chicago, Ill., made this statement:

> S. 2750 would also provide that a sixth-grade education, even in a foreign language school (e.g., an accredited Spanish language school in Puerto Rico), must be accepted as compliance with the language proficiency as well as the literacy test of any State.

That would not be like the law in New York. New York has an English test, and the Puerto Ricans or other people who cannot read and write English cannot vote in New York.

I continue to quote the statement of Professor Carpenter:

> In effect, this would deny to any State the power to impose proficiency in English as a qualification for voters. If Congress were to enact this provision, I believe it would be usurping the power explicitly reserved to the States to determine the qualifications of electors in their respective elections. I disagree heartily, and any State legislature may fairly and justly disagree, with the recital or implication of S. 2750 that citizens who read, speak, and understand only Spanish are, generally speaking, as well qualified as those proficient in English to exercise the voting franchise. I further disagree with the recitals that such information as is necessary for the intelligent exercise of the franchise is available through Spanish-language news sources, and that lack of proficiency in the English language provides no reasonable basis for excluding these citizens from participating in the democratic process. To me, it seems ordinary commonsense that ignorance of the English language would tend to handicap any voters in this country from understanding campaign issues and the qualifications of candidates. The relatively limited Spanish-language news sources cannot be expected to give us broad coverage to campaign issues and candidates as English-language sources. Moreover, a State legislature might reasonably find that campaigners would be unduly burdened if they were under duress to duplicate their broadcasts in Spanish as well as English, and to meet all the challenges posed by Spanish-language publications as well as English.

There are many Spanish-speaking people in some of the States. When some Senators are candidates for election in their home States, in certain territories of their States they speak Spanish to the voters and in other sections they speak in English. Thus being able to speak in both English and Spanish, such candidates are persuasive, for when the Spanish-speaking people are addressed in their own language, they can understand the candidate.

Professor Carpenter continued:

> If a State wishes to enfranchise their foreign-language citizens, regardless of proficiency in English, it would certainly be within their power to do so—

That question has not been raised in relation to the State of New York, and I do not think anyone from the South will raise it. The South will leave to the people in each State the ability to regulate their own affairs. That is the only thing we are speaking about at the present time.

Professor Carpenter continued—

> but they would not be acting arbitrarily or unjustly if they elected not to do so. Under the Constitution, the States should have the freedom to make their own rules in the matter and Congress should not repress that freedom. The rule that might be best for New Mexico may not be appropriate for Maine or New York.

A rule that might be appropriate for New Mexico may not be appropriate for Maine or New York. The people of New Mexico may need certain laws which the people of New York or Maine would not need.

Prof. Alfred Avins, of Chicago-Kent College of Law, Chicago, Ill., said:

> Manifestly, it is futile to argue that the 15th amendment was mere surplusage, and that the 14th amendment was intended to encompass a restriction on State voting qualifications. And it is equally at war with reason that Congress, after having expressly deleted a provision banning educational qualification from the amendment, should have intended that the watered-down version which finally became the 15th amendment should encompass a provision which had been expressly deleted. The same Members of Congress proposed the 14th and 15th amendments, and it is preposterous to believe that extensive debate should be conducted over a provision already covered by some other enactment. It is clear that the deletion of the educational voting restriction ban forecloses any congressional action in this field. A State will be well within its constitutional prerogatives to provide that none but those who pass the eighth grade, or high school, or college, or law school, or who can read English, or Latin, or Greek, can vote at Federal or State elections.

I am quoting a law professor in Chicago:

> I might note that S. 2750 is unconstitutional for still another reason, and would be so even if confined to the District of Columbia where Congress has plenary power to legislate. It is reasonable to require literacy in English for voting since the overwhelming amount of information about the Government is printed in that language, and accordingly a person who cannot read English is barred by language barrier from obtaining most of the information about what his voice will affect, and accordingly such a classification or discrimination is a reasonable one. However, if the limited information obtainable about governmental activities is deemed enough by Congress for intelligent voting, which is obtainable from the Spanish-language press, then there is no rational ground for discrimination against persons literate in Hebrew, Yiddish, Italian, Polish, German, etc., since, in the northern metropolitan areas where such persons are concentrated, there are as many newspapers in those languages as there are printed in Spanish. Accordingly, this unreasonable discrimination against other foreign language groups violates the fifth amendment (*Bolling* v. *Sharpe,* 347 U.S. 497 (1954)).

In sum, it is my opinion that the bills are unconstitutional. Hon. John B. Breckinridge, attorney general of Kentucky, has this to say regarding the pending bill:

> Thus, in view of the Supreme Court's decision (in the Lassiter case), on the proposed bills, which attempt to set up literacy requirements as conditions for voting in face of the constitutional delegation of such authority to the various States, would appear to be invalid.

Attorney General Gremillion, of the State of Louisiana, says:

> There is nothing in the Constitution of the United States, either by inference or otherwise, which will give to the Federal Government the right it now seeks to determine qualifications of voters as set up the individual States.
>
> Suffrage and citizenship are not the same. Suffrage is not one of the inherent or natural rights given to man by his creator; nor is it a right of property or an absolute personal right. Suffrage is in all respects a conventional right, a right of the State, subject to be withheld or taken away by the power of the State.
>
> The regulation of the right to vote belongs exclusively to the States. It is not a civil right or privilege but a political right, and not necessarily resulting from citizenship, and over the acquisition and enjoyment of which the judicial power of the United States has no jurisdiction or control, except in cases falling within and governed by the 15th amendment. The 15th amendment does not confer the right of suffrage on anyone, but operates to prevent discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude (citing *Reese* v. *United States,* 92 U.S. 241).

Prof. Paul G. Kauper, of the University of Michigan Law School, has made the following observations on this bill:

> The Constitution makes clear that the qualification of electors is determined by State law, and in view of this explicit constitutional provision, it must be concluded that the breadth of Congressional power over Federal elections does not include power to override State-prescribed qualifications or to substitute federally prescribed qualifications in their place.
>
> Turning to the questions raised by literacy tests required by State law as a condition to voting, it seems clear that proof of literacy, as a condition to registration for voting is appropriately characterized as a qualification within a State's power to impose under the authority reserved to the States under article I. It seems to me that this question was put to rest by the Supreme Court's decision in *Lassiter* v. *Northampton Election Board* (360 U.S. 45), where the Court held that the imposition of a literacy test by the State of North Carolina came within the State's power to prescribe

> qualifications, and that absent any showing that the test was applied in an arbitrary or discriminatory way, such a qualification did not violate the 14th Amendment.
>
> I think the proposed legislation presents serious and substantial questions of constitutionality. It prescribes a drastic remedy at the expense of State power to prescribe a type of qualification which the Supreme Court has recognized as valid. Congress is prescribing a positive type of qualification, rather than prohibiting qualifications that lend themselves to discriminatory application, and this strikes me as raising a serious question of inference with a legitimate area of State power and law.

The proponents talk a great deal about discrimination. At the same time, however, the bill would set up the standard of a sixth grade education. Would it not be a form of discrimination to set up a sixth grade education? So I say the proposed legislation presents a very serious and substantial question of constitutionality.

Prof. John M. Gradwohl and Prof. Wallace M. Rudolph, of the Nebraska College of Law, have made the following joint statement on this subject:

> In our opinion, the power to Congress to establish voter qualifications is remedial only. The plenary power to fix the qualifications for voters in both State and Federal elections has constitutionally and traditionally rested with the States. Congress has no general power under the Constitution to establish voter standards.
>
> Article I, section 4, provides a limited congressional authority to make or alter State provisions relating to the time, places, and manner of holding congressional elections. Inferentially, article II, section 1, would seem to deny this same power concerning times, places, and manner, together with the general authority of the "necessary and proper" clause, should not be construed as a substantive grant of authority to Congress to fix the qualifications of voters which has been specifically left by article I, section 2, the 17th amendment, and article II, section 1, to the States.

Here is a matter that ought to be left with the States. The power ought to continue with the States.

> The scope of the 15th amendment is limited to discrimination on the grounds of race, color, or previous condition of servitude. Absent a showing that State requirements such as use of the English language or property ownership have been employed to discriminate along racial lines, Congress is not authorized to legislate on these subjects under the 15th amendment.

That is not the Senator from South Carolina speaking. I am still quoting:

> For practical purposes, Congress is not safe in assuming that the State requirements now on the books would be held to deny equal protection of the laws without a showing of discriminatory application. Until there is a finding of State action which violates the 14th amendment, Congress does not have the authority under the amendment to establish voter standards, and the States retain their traditional exclusive control over voter qualifications applicable to both State and Federal elections.

The Honorable T. Wade Bruton, attorney general of North Carolina, has made the following observation in regard to Senate bill 2750:

> Suffrage is a political right reserved and retained by the States subject to Federal constitutional limitations against arbitrary and discriminatory practices. The right to vote is a political right, and is not on a parity with so-called civil rights, vested rights, or property rights, and the right of suffrage is not conferred by the U.S. Constitution. It is derived from the States under their constitutions and statutes.

Prof. Maurice H. Merrill, of the School of Law of the University of Oklahoma, has this to say:

> The debates in the Constitutional Convention, as reported in "Madison's Notes," under dates of August 7 and 8, 1787, seem to confirm this, the general tenor of the debate indicating agreement with the thought that what now is article I, section 2, would give the States full control over the qualifications of electors. It also is to be noted that the debate, on August 9, concerning what now is article I, section 4, does not indicate that this provision was regarded as giving to the Congress any power respecting qualifications of electors., Moreover, it is clear that the provision could not have been regarded as permitting Congress to prescribe qualifications concerning electors for Senators in the face of the original prescription of article I, section 3, that Senators should be chosen by the legislatures of their respective States. To my mind, the weight of the available data suggests that, so far as the provisions of S. 2750 rely upon article I, section 4, for constitutional basis, they cannot be sustained.

The Dickinson Law School of Philadelphia, Pa., speaking through an individual lawyer, made this response to an inquiry as to its views on S. 2750:

> The language of the Constitution clearly reposes in the States the ultimate determination of the qualifications of the voters. Without constitutional amendment, I do not see how Congress can take from the States the power to determine such qualifications.

Prof. Walter A. Rafalko, of Duquesne University School of Law, at Pittsburgh, Pa., had this to say:

> These decisions and the provisions of the U.S. Constitution which speak of the right to vote, the right protected refers to the laws and constitution of the State. Subject to the constitutional limitations and restrictions as set forth, the exclusive control of the voting franchise lies with the States. On the other hand, if abuses in the administration of a State literacy test, fair on its face, take place, the Congress may pass corrective legislation to enjoin such prohibitive State action as they have done pursuant to 42 United States Code 1971, implementing section 2 of the 15th amendment which provides, the Congress shall have power to enforce this article by appropriate legislation. Corrective legislation is not synonymous with enabling acts beyond the scope of congressional power. For these reasons, S. 2750 and S. 480 are unconstitutional as written.
>
> Thus, the provisions of the bill cannot be reconciled with the holdings of the decisions and with the applicable provisions of the Constitution, in my opinion.

The attorney general of the State of Utah, the Honorable A. Pratt Kessler, declares on this subject:

> It seems clear, that the States are left to determine the qualifications of those persons who exercise the electoral franchise even as to Federal elections. The present bills will usurp, to a great degree, the discretion of the State to establish its own qualifications for electors. I feel, therefore, that since the proposed legislation is extremely broad in its possible application, that it may run afoul of the U.S. Constitution. Frankly, I am of the opinion that the proposed legislation creates as many problems as it would solve.

The Honorable Robert Y. Button, attorney general of the State of Virginia, made this observation:

> S. 2750 would grant to the Federal Government power to establish qualifications for those who vote in State elections. At the very least, this is an astounding proposition, as reason would dictate that each State should administer its own political system. But the fact that this proposition is offered not as a constitutional amendment, but as a simple act of Congress, can only produce amazement in the mind of anyone who has ever read the Constitution. The power given Congress to enforce the provisions of the 14th and 15th amendments is not all-inclusive. * * * The only laws Congress may pass in this regard are those counteracting such laws as the States may adopt or enforce and which, by the amendment, they are prohibiting from making or enforcing (citing *Civil Rights* cases, 102 U.S. 3 (1883)). If the State laws as to literacy are prohibited by the 14th amendment, Congress is authorized to enact S. 2750 to counteract those State laws. But if the State laws are constitutional, then Congress lacks the power necessary to enact S. 2750.

Prof. Stanley Dadisman, of the West Virginia School of Law, had this to say:

> The Supreme Court has recognized that a State may take into consideration residence requirements, age, criminal record, and literacy in determining voter qualification. But in these two bills, S. 480 and S. 2750, it is proposed that Congress cure a literacy test problem by prescribing a sixth primary grade school test or standard as a minimum voter literacy qualification. The language as used goes beyond creation of a rebuttable presumption. This, it seems to me, can cause several constitutional questions. On the face of the bill the language tends to stigmatize many voters and to create an arbitrary and discriminatory test. In many areas many voters without a sixth primary grade school education are intelligent people. Many will have sons and daughters in school and in the Armed Forces. They will be people active in business and industry and in the civic and commercial life of their community. They will be familiar with election issues and personalities, will be able and anxious to discuss them, and know how to mark their ballots and operate voting machines. It seems to me that the sixth primary grade school requirements, as in the bills proposed, may be politically, socially and economically unwise, and unconstitutionally unsound.

The Reverend Francis James Conklin, a native of Montana, and a professor of law at Gonzaga University at Spokane, Wash., had this to say:

> The inescapable conclusion is that article I, section 2, even as qualified by article I, section 4, expresses a fundamental constitutional compromise at the very core of the concept of federalism. The constitutional clause in question can only be understood as empowering the States and the States alone to set the qualifications for voters in Federal elections.
>
> Without question the second section of the 14th amendment gives Congress new substantive powers over the States, and the States right to set voter qualifications. Congress now has unrestricted power to diminish the number of Representatives from any State which excludes a portion of its male citizens over 21 years of age from the franchise—regardless of whether that exclusion is accomplished by property, education, or residence requirements. However, this explicit power to reduce a State's representation in the House of Representatives does not imply a Federal power to set uniform rules of voting qualifications, such as

> sex, education, property, etc., applicable in all States. It seems to be quite clear that the proponents of the 14th amendment had no intention of depriving the States of their historic right to set voting qualifications because they were well aware that the States would never ratify such an amendment.
>
> The congressional debates on the 15th amendment, particularly as they relate to the subject of educational requirements set by the States, clearly indicate that the participants regarded article I, section 2, of the original Constitution as being still in force and meaning what it says: "that the States have exclusive power to establish the qualifications of voters in national elections." The amendment was designed to limit the States power in one and in only one particular: The States can no longer deny the franchise for reasons of race, color, or previous condition of servitude. Consequently, the 15th amendment was never intended, directly, indirectly, or by any reasonable implication to empower the Congress to usurp the States constitutional power to establish electoral qualifications.
>
> From what has been said, the inescapable conclusion seems to be that when a State requirement is fair and reasonable on its face, Congress has no specific grant or implied power from any combination of constitutional clauses to replace a valid State requirement with a substitute of its own choosing. In other words, if the present States statutes and constitutional provisions requiring a knowledge of English as a requirement for voting did not violate the 15th amendment or some other specific provision of the Federal Constitution, then any attempt of Congress to substitute a different qualification is unconstitutional on its face.

Madam President, I have read statements upon S. 2750 from able attorneys general and distinguished professors of law from all areas of the United States. They concur in the opinion that S. 2750 is unconstitutional.

Twenty-one States have laws making literacy a qualification for voting. The charge that such laws are complicated and do not create objective standards is without validity. On the contrary, they are simple in nature and furnish definite, objective, and practical standards for determining the literacy of applicants for registration. Moreover, the Supreme Court has held that such laws are constitutional and do not violate any provision of the Constitution of the United States.

Madam President, the foregoing statements need no further comment. They speak by themselves, in the language that every reasonable student of jurisprudence understands, logic. They are supported by precedents written by the greatest legal minds of our time. Again I ask that these decisions and the Constitution of the United States be respected in preserving the power of our States.

I was glad to hear the distinguished senior Senator from Oregon [Mr. MORSE] state that he did not believe the bill would ever come to a vote. I hope he is right in his belief. I hope the Senate will not permit this measure ever to come to a vote, because I do not believe there should be a vote on it at all. We ought not to be debating such a measure at this time because, as I see it, it is clearly unconstitutional.

Mr. STENNIS. Madam President, first, I commend the distinguished senior Senator from South Carolina [Mr. JOHNSTON] for the excellent speech he has made on this important subject. I heard all of his speech on a preceding day during this debate, and a part of his speech today. I commend him most highly, particularly in view of the fact that he is conducting his campaign in South Carolina and is also carrying on his senatorial duties in the Chamber.

Mr. JOHNSTON. I thank the Senator from Mississippi for his kind statement. It is true that I am conducting a campaign. I was in Orangeburg, S.C., last night. When I spoke there, it was about 10:30 o'clock. I caught a train at 12:40 last night in order to be present in the Senate today. I am pleased to be here. I hope I can always carry my share of the burden, regardless of whether I am in a campaign or not.

Mr. STENNIS. The Senator from South Carolina always carries his part of the load, and more, too. We thank him for the speech he has made today.

Madam President, to me there is rather bitter irony in the fact that the U.S. Senate is today solemnly and seriously debating a proposal to establish by law the proposition that the completion of the sixth grade would constitute the literacy and educational requirements for voting in Federal elections. In my view, this proposal is replete with irony, because I have always had the conviction that we should concern ourselves with raising the standards of responsible citizenship rather than debasing them.

My concern about this proposition is sharpened by the days and days and weeks and weeks I have recently spent as chairman of the Special Preparedness Subcommittee in listening to testimony concerning the inadequate knowledge which both civilians and servicemen have concerning our American way of life. Witness after witness has told us in no uncertain terms that one of the major problems presented in the troop information program lies in the fact that the young recruits come into service with a wholly inadequate knowledge of our form of government, its basic principles, and its traditions and heritage. I am constrained to believe that in this vital area we have failed to discharge our obligation to our youth.

In these perilous times, when our existence, our philosophy of life, and our form of government are being challenged and threatened throughout the globe by an enemy of vast and determined strength, it is disturbing to be told that our young people of today are not aware of the basic philosophic foundations of liberty and democracy and the true meaning of the hallowed and cherished traditions of our American way of life. If this is true of young people with high school educations, as we have been told it is, it is all the more true of those who have gone no farther than the sixth grade.

Many times on the floor of the Senate I have emphasized my belief that suffrage is not an unbridled right, but that it is a privilege which should be earned by the assumption of civic and political responsibility. Liberty itself carries with it certain inescapable obligations. In a sense it is like a coin. On one side there is imprinted the rights and privileges of a free individual; on the other, the corresponding responsibilities and obligations of citizenship. If an individual desires to receive all of the privileges of our democratic processes, he must shoulder the corresponding responsibilities.

Surely, one of these responsibilities is an intelligent, informed, and enlightened grasp and comprehension of the basis of our Government, the principles upon which it operates, the reasons for its greatness, and the foundation of its cherished traditions. At the very least, an individual bestowed with democracy's greatest weapon, the ballot, should be able intelligently to contrast our form of government with the governments of the tyrannical forces which threaten us with destruction.

It seems to me that we fail both ourselves and posterity when we concern ourselves solely, as does the proposal now under consideration, with increasing the quantity of those participating in Federal elections. It is of more importance to me that we take some affirmative and aggressive steps to insure that the quality of the electorate is improved and upgraded. Rather than diluting and downgrading the privilege of suffrage, I believe that we would serve our country better if we took steps to insure that every citizen, whether in or out of uniform, came to the realization that he has a personal stake in America and its traditions of liberty; that he also has a personal stake in the ideological struggle; that liberty and freedom are not self-perpetuating, but that they can be lost; and that our Government is not self-sustaining, but requires support and sacrifice.

All of us have said, in one form or another, that an informed electorate is the bulwark of democracy. However, when proposals of this nature come before the Senate, I have a rather uneasy suspicion that, in saying this, there were too many of us who were giving lipservice only to the word "informed." The philosophy behind the present proposal appears to eliminate altogether the word "informed," and to substitute, instead, the philosophy that a numerically increased electorate, no matter how uninformed, is a thing to be desired and is the solution to our electoral problems.

However, all of us know that there is no substitute for judgment, and that judgment flows only from information, experience, and knowledge. If an individual who is suddenly handed the ballot does not have the informed judgment, the responsibility, and the knowledge to use it in a proper and politically responsible manner, then we shall have done the country a disservice by bestowing upon him the privilege of voting.

As I have said, my convictions in this area have been greatly reinforced by the testimony on the adequacy of troop information which has been presented to my special subcommittee. This conviction is, simply stated, that before a person is worthy of the privilege of voting, he should have a positive belief in the merits and advantages of our democratic way of life, and also a sense of personal dedication to our country. These things can be acquired only by adequate knowledge of the fundamental basis of our system of government.

Instead of providing that 6 years of formal schooling constitute a sufficient literacy test, we should be providing more effective methods of indoctrinating our people, both our youth and our adults, on the fundamentals of our system of government. More emphasis should be placed on the responsibilities of the individual in our system, and on the fact that the fulfillment of these responsibilities is necessary if our freedom and liberty are to continue. This emphasis could be supplied by an increased emphasis in our schools, and also at the civic-club level, where adult schools and courses in civics should be regularly sponsored and held. Our people at large have not yet been given a full understanding of our Constitution and what it means to the individual. If this understanding existed, this bill would not be seriously considered, because it is a clear violation of the Constitution itself.

Madam President, later I shall speak more at length; but at this time I wish to emphasize an added point. When an individual violates a provision of the Constitution, there is a remedy at law to restrain him; and usually this is promptly done. If a State of the United States, or any subdivision thereof, violates a constitutional provision, there is a remedy; and correction is usually made. But when the Congress violates our Constitution, there is usually no remedy, for presumptions in favor of Congress are often indulged by the courts. So it is the Congress that is the guardian of the rights of the people under the Constitution.

Madam President, under our oaths and under our entire system of government, we have no power or legal right, and certainly no moral right, to transcend what in our judgment is the extent of our constitutional powers and prerogatives. But certainly this bill would abandon the Constitution. In the Constitution there is no authority or no foundation for the enactment of this bill.

Madam President, I yield the floor.

REDS FAIL TO GAIN IN AFRICA

Mr. HUMPHREY. Madam President, in the United States there has been a growing concern over the possibility that an anti-United States, anti-Western Afro-Asian bloc would develop in the United Nations. Miss Marguerite Higgins, one of the most able, talented, and experienced foreign correspondents, has analyzed this situation, and has come to the conclusion that communism has failed to make significant gains in Africa. Furthermore, fears of an anti-Western Afro-Asian bloc have not developed or materialized.

This is most reassuring, particularly as there is a growing concern over the future of the United Nations and the role of the United States in the United Nations.

An article by Miss Higgins appeared in the Minneapolis Star of April 11. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Star, Apr. 11, 1962]

REDS FAIL TO GAIN IN AFRICA—FEARS OF ANTI-WEST AFRO-ASIAN BLOC DON'T MATERIALIZE

(By Marguerite Higgins)

WASHINGTON.—Propelled by crisis, Washington officialdom has not had time of late to pause for even a first hurrah concerning a most important crisis that did not happen. This was the communism-in-Africa crisis.

Despite widespread fears to the contrary, it now appears that the overwhelming majority of the new Africa is determined—so far—to stay this side of the Red paradise.

Failing to materialize are:

1. Fears that the 20 new African states entering the United Nations as the result of black Africa's sudden fragmentation into nationhood would be pushovers for Communist influences. Only Mali has gone the way of Ghana and Guinea, both of which incidentally, are far less wide-eyed about the Soviet bloc nowadays than they once were.

2. Predictions that in the United Nations the new Africa would fuse into an Afro-Asian bloc that would in turn gang up on the West on key issues.

So far as the United Nations is concerned it is significant that the majority of the Afro-Asian bloc ended up voting with the United States even on the procedural issue involving the admission of Red China. But this was by no means a monolithic vote. Indeed so far as the newest African states are concerned, there has been no completely predictable pattern of reasoning for the yeas, nays, and abstentions in the last year.

It has been the 12 new nations of French West Africa—the so-called Brazzaville states—who have most consistently voted with the United States. But even here there has been no steady pattern. Thus there is no such thing as an African bloc so far as U.N. voting is concerned.

Even Egypt has contributed to Africa's reputation for refusing to be typed. This happened for example when—to everyone's astonishment—Egypt voted against the Soviet bloc motion to seat Communist North Korea in the United Nations.

And on Russia's colonialism resolution calling for every nation to be free by 1963, the majority of African nations refused to go along, although most, as has been a habit, evaded the issue by abstaining.

In Africa itself, the Communists have failed countless missions even in the north where flirtations seemed at one time most likely to wind up in serious political romance.

Morocco is a case in point. This spring the Kremlin thought enough of trying to win friends and influence in Morocco to send Marshal Rodion Y. Malinovsky, Soviet Defense Minister, on a special mission there. It was no doubt of some interest to the Russians that at the time of the visit—mid-March—all 12 members of the Algerian provisional government were scheduled to be meeting in Rabat, the Moroccan capital.

Whatever Moscow's targets, the facts are that the Soviet marshal cut short his visit March 20 and flew home without having made an arms deal with either the Moroccans or the Algerians.

In the vast reaches of newly free black Africa, the miracle is that despite weirdly drawn national boundaries, tribal rivalries, etc., peace has been kept except of course in the Congo.

Outside the Congo, moderation and stability have been the rule at the price, it must be admitted, of a certain degree of authoritarianism and it has been accompanied, in most places, by outspoken wariness of Communist efforts to penetrate the area.

In former French and British territories, these attitudes and this progress have been made possible by the enormous financial and administrative help of the former colonial powers. But the new African leadership has had the commonsense to welcome this aid rather than resent it.

Overwhelmingly the leadership of black Africa today remains precisely those personalities who were in charge at the time of nationhood. If anything, their positions are now stronger and more secure than they were.

And as President Sylvanius Olympio, the learned and businesslike President of tiny Togo, recently put it, "We know that it takes a certain calm at home to keep aid and finances flowing our way. We know that we have won the battle of colonialism with the European powers. We see not the slightest sign that they want to reopen the battle. To the contrary, will history not show that perhaps President De Gaulle was the most courageous anticolonialist of all? Of the Russians, we have heard much but know little directly.

"But we do not wish to battle colonialism again in any form including eastern. And while we do not wish to offend the Russians, we do not wish to take the risk of trying to please them too much."

PROPOSED ESTABLISHMENT OF YOUTH CONSERVATION CORPS

Mr. HUMPHREY. Madam President, pending on the Senate Calendar is my proposal for the establishment of a Youth Conservation Corps, designed to employ young men between the ages of 17 and 21. This proposal has broad public support, and is receiving endorsements from a variety of groups and organizations.

Recently, the National Jewish Welfare Board at its annual meeting endorsed this proposal.

I ask unanimous consent that an article concerning this endorsement of the Youth Conservation Corps be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Morning Tribune, Apr. 9, 1962]

CONSERVATION CORPS URGED FOR U.S. YOUTH

MIAMI BEACH, FLA.—The National Jewish Welfare Board Sunday called for a National Youth Conservation Corps for those between 17 and 21 who would work "on Federal, State, and local conservation projects."

The resolution, adopted at the closing session of the national biennial convention, said the youths should be given "opportunities for education and training to be provided by local educational authorities."

The board also called for strengthening the Federal social security system to include health care benefits for older adults on the basis of "earned rights acquired through contributions to the social insurance fund."

Other resolutions endorsed Federal training grants for students and grants for schools to finance the training of social workers for public welfare programs, the Peace Corps, "for its policy of nonreligious indoctrination of any kind." And appointment of social welfare attachés in U.S. embassies to aid in dealing with social welfare problems.

Another resolution called for "a series of Federal legislative, social planning, and administrative steps aimed at prevention, control, and treatment of juvenile delinquency by appropriate private and governmental social welfare agencies."

Solomon Litt, of New York, N.Y., was reelected president and Walter D. Heller, of San Francisco, Calif., was named a vice president.

THE AREA REDEVELOPMENT ADMINISTRATION

Mr. HUMPHREY. Madam President, today the Area Redevelopment Administration marks its first anniversary. However, although it was established a year ago, it did not receive its appropriations from the Congress until September 30, 1961. So, in effect, it has been operating for only 7 months.

The program is designed to help revitalize the economies of areas plagued by substantial unemployment or underemployment, or by low farm or family income. A total of 148 urban-industrial areas, 735 rural and small labor markets, and 50 Indian reservations are eligible at present to take part in the program. These areas have a population of 34.7 million people and a labor force of 13.2 million, of whom the equivalent of more than 1.4 million are unemployed. In other words, these areas have 19 percent of the Nation's population and 19 percent of the labor force, but they have 31 percent of the unemployment in the United States.

Average unemployment in the redevelopment areas is in excess of 10 percent, as against 5.5 percent nationally; and some of these areas have joblessness running as high as 20 or 30 percent. In the underemployment areas, the medium family income is less than $1,560, and the medium farm family income is less than $1,170.

The basis on which the area redevelopment program is built is local initiative. Before the Federal Government can help the redevelopment areas help themselves, representative local groups must plan long-range economic programs in order to avoid any hit-or-miss approach to the economic problems. In the first year, locally conceived economic plans have been submitted by 535 areas and 22 Indian reservations—more than 60 percent of all of the areas designated. Of these, the ARA has approved plans from 431 areas and 12 Indian reservations.

A total of 40 financial assistance projects have been approved, involving an investment of $10.8 million in Federal funds, to help create an estimated 10,716 direct new jobs in industry, and 7,500 indirect jobs in trades and services. Out of this total Federal investment, $8.2 million is in the form of loans which will be repaid, with interest, to the Treasury. The Federal investment stimulated additional local private and public investment of $26.7 million in the same projects.

Behind these approved projects are many more in the pipeline. An additional 202 financial assistance projects, involving $94 million in Federal funds, 37,000 direct new jobs, and an estimated 26,000 indirect jobs, currently are being processed; and an additional 488 promising projects currently are being developed at the community level. In addition, 533 job-creating projects on which ARA assisted communities have been referred to other Federal agencies, to be handled under existing programs.

A total of 33 technical-assistance projects, involving $758,650, have been approved. Their purpose is to finance research studies by universities, private firms, and Government agencies, to help break bottlenecks which have impeded economic progress.

Approval has been given to a total of 89 retraining projects, involving $4.6 million, to help 7,666 worker-trainees acquire new skills in growing occupations.

By the end of the fiscal year 1962, the ARA expects to have approved financial assistance projects that will create an estimated 30,000 direct new jobs and 21,000 indirect jobs, and to have programs approved to retrain 15,000 unemployed workers.

This will provide a start toward solving a major domestic problem. To bring unemployment down to a 4-percent level in the areas designated as eligible because of substantial and persistent unemployment will require the creation of 660,000 direct and indirect new jobs. To make up the underemployment deficiency in the other designated areas will require an estimated additional 300,000 direct and indirect jobs.

This can be accomplished, given a continuance of the partnership of private enterprise, the communities, the States, and the Federal Government, which has existed in the first year of the Area Redevelopment Administration.

LAW DAY, U.S.A.

Mr. HUMPHREY. Madam President, today is Law Day, a day set aside by the Congress, on which we rededicate ourselves to the role of law in the promotion of order, equality, justice, and peace—both here at home and in affairs between nations.

What sharper contrast could there be between our May 1 Law Day ceremonies and the May Day celebrations taking place today in the Communist world.

While we emphasize law, in place of force, Communist nations emphasize the power of their military juggernaut. The United Press International reports from Moscow:

> The Soviet Union will celebrate May Day * * * with the traditional military parade through Moscow's Red Square. The parade was expected to emphasize, as usual, the country's military might.

The Associated Press reports from Berlin:

> In Communist-ruled East Berlin, tanks and guns of the East German Army will rumble through Marx-Engels Platz.

While the American Bar Association, through its special committee for world peace through law, is sponsoring international conferences of lawyers from over a hundred countries, to explore the ways and means of developing world law, the Communists continue to throw every conceivable roadblock into the path of a just peace based upon a system of law.

While the United States in the disarmament talks at Geneva works for a disarmed world under rules of law enforced by the United Nations peace force, the Communists stubbornly reject such proposals.

While the United States supports the International Court of Justice as the arbiter of international disputes, the Communist countries without exception reject this world tribunal's authority.

But despite the refusal of the Communists to work for a peaceful world order founded upon principles of justice, through an established system of law, the United States must continue to lead the way in finding the means to substitute law and order for brute force, in settling disputes between nations.

We can take pride in the fact that our country has been working untiringly for a world of law. We can take pride in the fact that our legal profession supports these efforts, and is playing an ever more active role in their promotion.

Today, being Law Day, seems an appropriate time to remind my Senate colleagues that we in this body have an opportunity to make an important contribution toward our country's efforts to promote world law. I refer to my resolution, Senate Resolution 39, which would repeal the so-called Connally amendment to our declaration of acceptance of the jurisdiction of the World Court. What better way to give evidence of our sincerity in the promotion of a world of law.

In conclusion, Madam President, I ask unanimous consent that editorials on Law Day from today's Washington Post and New York Times be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 1, 1962]

LAW IN PLACE OF FORCE

Law Day, which is expected to generate more than 100,000 programs throughout the Nation today, is an expression of the almost universal yearning for an orderly world. The idea of emphasizing the role of law in the promotion of world peace, in contrast to the Communist displays of military might on May 1, originated with the American Bar Association 5 years ago when Washington Attorney Charles S. Rhyne was its president. Today the occasion is especially significant because the systematic movement to substitute law for force in the settlement of human disputes has become worldwide.

Mr. Rhyne and his ABA committee have, in the last 10 months, brought together more than 10,000 lawyers from 109 countries into 4 continental conferences in search of ways and means of developing world law. The eager participation of statesmen, diplomats, judges, professors, experts in international law and eminent lawyers is ample proof of serious intent. While the results of the continental conferences in San Jose, Tokyo, Lagos, and Rome are not yet accurately measurable, the mere mobilization of legal thinking on a problem of this magnitude is a notable achievement.

Foremost among the facts that these conferences have highlighted is the present paucity of world law. Except for the law of the sea, diplomatic immunity and the Postal Convention, there are no universal laws. In the face of national armed forces capable of virtually destroying mankind, the machinery for making world law is pathetically cumbersome and faltering. Even some of the widely respected instruments for judicial settlement of international disputes, such as the World Court, are little used.

The lawyers who have gone to work on these problems in virtually every country are not laboring under the illusion that they can suddenly displace the grim realities of atomic power by setting up courts of justice. But they have found many areas in which the orderly adjustment of differences can contribute to the cause of peace. Their influence is being used to help strengthen regional organizations, the United Nations and the World Court. Noting the success of the European Court of Justice in settling more than 100 disputes, they are campaigning for the creation of regional courts for the Americas, Asia, and Africa.

Some groups are working for the ratification of regional treaties that have too long been neglected by national governments. Others are giving a boost to the European Common Market and similar hopeful projects. An attempt is being made to codify international law to make it more useful and meaningful. Next year a World Law Conference will be held in New Delhi to center attention in a still more dramatic way upon the need for expansion of international law and creation of agencies to make it effective. Agreement has also been reached to create a World Law Center, which would foster research in international law and serve as a clearinghouse for information in this field.

Sponsors of this hopeful movement recognize that it is still in its infancy. Its significance lies in the fact that lawyers are at last recognizing their global responsibility. Certainly their aim of enabling men to walk in freedom, in dignity and in peace anywhere on earth should enlist the support of every thoughtful member of the profession.

[From the New York Times, May 1, 1962]

FOR A WORLD OF LAW

As decreed by law enacted by Congress, the United States observes today with appropriate ceremonies its fifth "Law Day, U.S.A." In contrast to the Communist perversion of the traditional spring festival of May Day for purposes of both domestic and international class war, the day is set aside here to rededicate the American people to the ideals of equality and justice under law at home and between nations. But the day acquires special significance this year because of the American disarmament proposals envisaging a disarmed world that will be ruled by law enforced by a United Nations peace force.

This goal is still far distant. For the moment, when new nuclear explosions shake the skies, peace and a semblance of international order still depend on a delicate balance of power between East and West. But numerous beginnings toward the creation and codification of international law have already been made, especially by organs of the United Nations. Unfortunately, because the Communists scorn the West's traditions, principles and jurisprudence as products of its ruling class, and at Geneva reject the very concept of a peaceful world and a peace force, little progress has been made.

That is why the American Bar Association, through its special committee on world peace through law, backs other continental conferences espousing the cause and why it presses for a world law day to be proclaimed by a world conference next year. The purpose will be to develop a world law code for the World Court, to establish regional and special tribunals and to back new treaties and conventions.

There is general recognition, however, that a world ruled by law will also be ruled by politics, and that it therefore requires three institutions—a legislature which can make world laws to assure peaceful change, an executive to enforce them, and a court to interpret them. The United Nations is a still embryonic form of all three. Its charter is already a kind of world constitution and its General Assembly passes resolutions applying it to specific cases. It is even developing into an executive agency able to enforce its laws in cases like the Congo. But it is unable to enforce them against larger powers. And its World Court is hamstrung by our own Connally reservation enabling this country to reject the court's jurisdiction whenever the issue involved is deemed domestic.

This reservation encourages the Communists to reject the Court and prompts other nations to follow our example. That is why a repeal of this reservation must be one of the first steps toward a world of law.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. LONG of Louisiana. Madam President, for a number of days now we have been engaged in the consideration of proposals which the proponents describe as being designed to protect the right to vote. But a great deal more than just protecting the right to vote is involved in the proposed legislation to establish a literacy standard for voting. These proposals seek to establish a Federal literacy standard for voting. As such, the issue presented goes to the heart of our constitutional system. Senators are reminded that the Constitution of the United States is supposed to be the supreme law of the land. Until changed by the amending processes set forth in the Constitution, the law of the land clearly prohibits the kind of legislation which is being presented to the Senate at the present time.

It is true that it is far easier to pass laws than it is to amend the Constitution according to the orderly procedures set forth therein. But this is no excuse or justification for the pending proposal. The amending process was made difficult with a purpose, and there is no justification for ignoring the Constitution. If it is felt by civil rights advocates that a change in the fundamental law of this country is necessary, then the regular procedures for amending the Constitution should be followed.

The constitutional provisions with regard to the qualifications of voters were put together with a great deal of care. As a matter of fact, the proper method of determining these qualifications was a major issue during the debates of 1787.

Several prominent delegates to the Convention took entirely different views of how this matter should be resolved. For example, James Madison felt that a definite statement of qualifications should be written into the Constitution. So did Gouverneur Morris, who wanted a uniform rule of landowner voting. Jefferson wanted a rule whereby either property owners or persons who paid taxes could vote. All of these men felt that the document itself should set forth qualifications for voting.

Others differed. Oliver Ellsworth felt that attempting to set down rules of suffrage in the Constitution itself might mean that they would be unable to get the document approved. Others felt the same way.

Finally the Committee on Detail recommended the provision which is now found in article I, section 2 of the Constitution—that qualifications for voting for Members of Congress should be the same as for voting for the most numerous branch of the State legislature.

The "Federalist Papers" dealt at great length with this constitutional provision. In No. 52, James Madison wrote:

> The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone. To have reduced the different qualifications in the different States to one uniform rule would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention. The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is comfortable to the standard already established, or which may be established by the State itself. It will be safe to the United States because, being fixed by the State constitutions, it is not alterable by the State governments, and it cannot be feared that the people of the States will alter this part of their constitutions in such a manner as to abridge rights secured to them by the Federal Constitution.

In "Federalist 59," Alexander Hamilton further stated:

> It will not be alleged that an election law could have been framed and inserted in the Constitution which would have been always applicable to every probable change in the situation of the country; and it will therefore not be denied that a discretionary power over elections ought to exist somewhere. It will, I presume, be as readily conceded that there were only three ways in which this power could have been reasonably modified and disposed; that it must either have been lodged wholly in the National Legislature, or wholly in the State legislature, or primarily in the latter and ultimately in the former. The last mode has, with reason, been preferred by the Convention. They have submitted the regulation of elections for the Federal Government, in the first instance, to the local administration; which, in ordinary cases, and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety.
>
> Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarranted transportation of power and as a premeditated engine for the destruction of State government?

Note well these words of Alexander Hamilton. He is saying that if the National Government had been given the power to regulate elections in the States, everybody would have unhesitatingly condemned this provision, "as an unwarranted transportation of power, and as a premeditated engine for the destruction of State government." He continues:

> The violation of principle, in this case, would have required no comment; and to an unbiased observer it will not be less apparent in the project of subjecting the existence of the National Government in a similar respect to the pleasure of the State governments. An impartial view of the matter cannot fail to result in a conviction that each, so far as possible, ought to depend on itself for its own preservation.

Later, in "Federalist 60," Hamilton had more to say on this subject:

> Its—

He is speaking of the power of the National Government—

> authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked on other occasions, are defined and fixed in the Constitution, and are unalterable by the Legislature.

When Hamilton said that the qualifications of the persons who may choose are defined and fixed in the Constitution, he meant that the Constitution fixes these qualifications at whatever the qualifications for voting for members of the most numerous branch of the State legislature are in the various States. Note that he follows this assertion by stating that these qualifications "are unalterable by the Legislature." When he speaks of the Legislature, he has reference to the Congress, which is today engaged in trying to do exactly what he says we may not do.

Further historical background on this subject of the proper authority for providing voter qualifications may be gained from a study of a very fine text on American Government, the "Introduction to American Government," by Frederick A. Ogg and Orman Ray. In the chapter "The People as Voters," this book states:

> The makers of the National Constitution might easily have provided for a uniform national suffrage, distinct from the suffrage systems existing in the several States, as did the authors of the federally organized German empire created in 1867–71. But they chose, as did the framers of the constitution of the Swiss confederation, to utilize for national purposes such electoral arrangements as each State had made, or might subsequently make, for its own use; and hence, until 1870, the Constitution's sole provision on that subject was that persons voting for Members of the lower House of the Congress should, in each State, have "the qualifications requisite for electors of the most numerous branch of the State legislature." The 15th amendment, adopted in the year mentioned, imposed the first direct constitutional restraint upon the States in this manner by forbidding any State (or the United States) to deny or abridge the "right" of citizens of the United States to vote "on account of race, color, or previous condition of servitude." The 19th amendment, adopted in 1920, laid a further restriction by forbidding any State (or the United States) to deny or abridge the "right" to vote "on account of sex." Limited only by these restraints, every State, in its constitution and laws, regulates suffrage qualifications as it desires. The two amendments tend to produce uniformity as far as they go; and their effects—especially in the case of the woman suffrage amendment—have been far reaching. Plenty of room is left, however, for variation, and hardly any two States will be found with precisely the same arrangements.

Some further insight into the historical background of the matters we are considering can be gained from a study of the opinion of the Supreme Court in the case of *Minor* v. *Happersett*, 21 Wallace 162. This opinion contains a detailed analysis of the various State requirements for voting at the time the Constitution was adopted. Pertinent excerpts follow:

> When the Constitution of the United States was adopted, all the several States, with the exception of Rhode Island, had constitutions of their own. Rhode Island continued to act under its charter from the Crown. Upon an examination of these constitutions, we find that in no State were all citizens permitted to vote. Each State determined for itself who should have that power. Thus in New Hampshire, "every male inhabitant of each town and parish with town privileges, and places unincorporated in the State, of 21 years of age and upwards, excepting paupers and persons excused from paying taxes at their own request," were its voters; in Massachusetts, "every male inhabitant of 21 years and upwards, having a freehold estate within the Commonwealth of the annual income of three pounds, or any estate of the value of sixty pounds"; in Rhode Island, "such as are admitted free of the company and society of the Colony"; in Connecticut, such persons as had "maturity in years, quiet and peaceable behavior, a civil conversation, and forty shillings freehold or forty pounds personal estate"; if so certified by the selectmen in New York, "every male inhabitant of full age who shall have personally resided with one of the counties of the State for 6 months immediately preceding the day of election * * * if during the time aforesaid he shall have been a freeholder, possessing a freehold of the value of twenty pounds within the county, or have rented a tenement therein of the yearly value of forty shillings, and been rated and actually paid taxes to the State."

The opinion continues to outline the rather detailed property qualifications for voting in all of the States which were part of the Union at the time the Constitution was adopted. At the conclusion of this detailed analysis of these qualifications, the opinion continues:

> In this condition of the law in respect to suffrage in the several States, it cannot for a moment be doubted that if it had been intended to make all citizens of the United States voters, the framers of the Constitution would not have left it to implication. So important a change in the condition of citizenship as it actually existed, if intended, would have been expressly declared.
>
> But if further proof is necessary to show that no such change was intended, it can easily be found both in and out of the Constitution. By article IV, section 2, it is provided that "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States." If suffrage is necessarily a part of citizenship, then the citizens of each State must be entitled to vote in the several States precisely as their citizens are. This is more than asserting that they may change their residence and become citizens of the State and thus be voters. It goes to the extent of insisting that while retaining their original citizenship they may vote in any State. This we think, has never been claimed. And again, by the very terms of the 14th amendment, "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof is denied to any one of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in the rebellion or other crimes, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State." Why this, if it was not in the power of the legislature to deny the right of suffrage to some male inhabitants? And if suffrage was necessarily one of the absolute rights of citizenship, why confine the operation of the limitation to male inhabitants? Women and children are, as we have seen, "persons." They are counted in the enumeration upon which the appropriation is to be made, but if they were necessarily voters because of their citizenship unless clearly excluded, why inflict the penalty for the exclusion of males alone? Clearly, no such form of words would have been selected to express the idea here indicated if suffrage was the absolute right of all citizens.

The opinion goes on to point out several other constitutional anomalies which would result from acceptance of the assertion that the right to vote is guaranteed by the Constitution to all citizens. The case concludes with these words:

> Being unanimously of the opinion that the Constitution of the United States does not confer the right of suffrage upon anyone and that the constitutions and laws of the several States which commit that important trust to men alone are not necessarily void, we affirm the judgment of the court below.

In my judgment the Happersett case is important both because it establishes a constitutional principle important to the present debate—that is, that the Constitution never intended to confer the right of suffrage upon everyone—and because it gives us an example of the kind of thinking which legal scholars of only a few years ago engaged in. Sometimes it is well for us to realize how far we have traveled away from the kind of governmental system and the kind of philosophy which the framers of the Constitution, and others of our distinguished predecessors, envisaged.

Madam President, the literacy test bills which the Senate is now considering would violate three basic provisions of the Constitution of the United States. They would violate article I, section 2 of the Constitution, which provides:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

These bills would also violate the 17th amendment to the Constitution:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the quali-

> fications requisite for electors of the most numerous branch of the State legislatures.

The proposed legislation would also violate the 10th Amendment to the Constitution, which protects the power of the States by reserving to the States or to the people all those powers not specifically delegated to the Federal Government. As has been demonstrated, this provision protects the rights of the States to fix voter qualifications, by reason of the simple fact that nothing anywhere else in the Constitution delegates any such power to the Federal Government. Claims to the contrary are variously based upon article I, section 4 of the Constitution, or upon the 14th and the 15th amendments. My distinguished Southern colleagues have demonstrated the unwarrantability of such claims. I will also comment briefly upon them in due course.

A cogent statement of the unconstitutionality of these proposals is found in a recent editorial from, of all places, the New York Herald Tribune. The editorial is entitled "Literacy Bill Would Infringe States Rights." It reads as follows:

> The literacy-test bill on which Senate debate begins today is one of those many which would employ bad means to achieve a good end.
>
> The good end in this case is a breaking down of racial barriers to voting; the bad means are a too sweeping, too arbitrary, and seemingly unconstitutional invasion of the States rights to set voting standards.
>
> The Constitution explicitly gives this right to the States, even for Federal elections. The bill would limit their authority by providing that no one otherwise qualified could be denied the ballot "on account of his performance in any examination, whether for literacy or otherwise," provided he had a sixth grade education.
>
> The reason, of course, is that many Southern registrars have egregiously abused literacy tests. The rationale is that anyone with a sixth grade education can be presumed able to read and write.
>
> But the effect of this is to deny States the right to require any more than bare literacy, which is about all a sixth grade education is presumptive evidence of.
>
> Most States are satisfied with such a requirement. But those which might prefer to set their standards higher ought to be free to do so—as the Constitution clearly entitles them to do, provided they apply the standard without discrimination as to sex or race. The mere fact that a man has a rudimentary knowledge of how to read and write, after all, hardly makes him competent to pass on issues of state.
>
> One particularly pernicious provision of the bill would strike down New York State's requirement of literacy in English, by making 6 years schooling in Puerto Rico the legal equivalent of a literacy test. There is nothing arbitrary or unreasonable in requiring that voters be familiar with the language of government, which is also that of the candidates among whom they must choose.
>
> New York's large Spanish-speaking population makes this a local issue of some moment. To claim these people are discriminated against in voting the same way that Negroes are in the South is nonsense. All are welcome to vote if they trouble to learn English. But it quite properly is up to them to learn the language of the community first, as many do and all can.
>
> The need for breaking down racial barriers to voting is real and urgent. As a practical matter, this bill would go a long way toward their elimination. But by striking at the use of literacy tests rather than merely their abuses, it would throw out the baby with the bath water. It infringes the constitutional prerogatives of the States; to claim that it does not set voter standards by congressional fiat is an exercise in sophistry.
>
> Congress' proper aim should not be to set standards for voting, but to tighten enforcement procedures to insure that whatever standards are set are applied fairly and equally to all.

I certainly do not agree with everything that it stated in the editorial I have just read. In many respects, it is an example of the kind of thinking on the part of northern civil rights advocates which we southerners have learned through hard experience to thoroughly deplore. The assertion, for example, that New York is not discriminating against its Spanish-speaking population is nonsensical. Certainly if these people are not allowed to vote merely because of their language, they are being discriminated against. Congress, however, is not concerned primarily with this kind of discrimination, although it would appear to be a serious evil.

Contrast the situation in New York with that in Louisiana. The State of Louisiana does not see fit to impose an English-language requirement for voting upon her citizens. Many Louisianians who speak only French—and I might add, many colored Louisianians who speak only French—go to the polls every election day.

But despite my disagreement with this particular facet of the Tribune editorial I have just read, it does make a good case of the unconstitutionality of the proposals before us. As brought out by the editorial, the end never justifies the means. As a matter of actual fact, there is absolutely no need for proposals of this kind. The Department of Justice has enough weapons in its arsenal to compel any Southern State to do just about anything the Department would like. But even assuming for the purposes of argument that there were a need for legislation of the kind we are here considering, our system and philosophy of government does not and cannot afford to accept the premise that the end justifies the means. To accept such a premise would mean that we would no longer be operating under a constitutional system, a government of laws.

As I have pointed out, the State of Louisiana disagrees rather thoroughly with the State of New York as to the desirability of English-language requirements for voting. We in Louisiana do not feel that such requirements are at all desirable, while the State of New York sees fit to disenfranchise thousands of Puerto Rican-born Americans by the use of this device.

But, while we in Louisiana may disagree with New York on this subject, we are not seeking to compel the State of New York to change her ways. We are not seeking to push legislation through the Congress which is aimed at the State of New York. As a matter of fact, the bills which are being considered would affect this requirement of New York law. But it is well to remember that it is not a militant South which is pushing these bills. Southerners are content to rely upon the Constitution of the United States. We are aware that the Constitution leaves the matter of voter qualifications to the States. We are more than content to leave it that way. I am at a loss to understand why others are not willing to pursue the same kind of thinking.

This matter of New York's English-language requirement for voting is a useful means of illustrating the constitutional principle which we southerners are trying to get across during these debates. Last October, a three-judge court in New York upheld the constitutionality of this New York law, despite the fact that it disenfranchises several hundred thousand Spanish-speaking citizens. In its decision, the court stated:

> What is more proper than that the voter be literate in the language used to conduct the business of government in this State?
>
> It is not unreasonable to expect a voter not only to be conversant with the issues presented for determination in choosing between candidates for election, but also to understand the language used in connection with the voting.
>
> For example, there are printed in English on the ballot synopses of proposed constitutional amendments, titles of the offices to be filled, and directives as to the use of the paper ballot or the voting machine.

If southerners wanted to take the same tack that other Members of this body appear to desire to take, we could ask why the State of New York could not print these instructions on the ballot in Spanish, in those areas where there are large concentrations of Spanish-speaking citizens. We might even decide to introduce a bill to compel New York to do that. But, as I have stated, we do nothing of the kind, because we believe that the Constitution of the United States means what it says when it leaves the matter of qualifications for voting to the States.

On October 26, 1961, shortly after the above decision of the three-judge court was handed down, the New York Herald Tribune printed another editorial which has bearing on the subject under discussion. This editorial was titled "A Fair Requirement for Voters." It read as follows:

> In upholding New York State's requirement that literacy tests for voting be taken in English, a three-judge Federal court showed good sense.
>
> Proof of literacy is certainly a fair requirement for voting. The electorate is ill-informed enough as it is, without opening the polls indiscriminately to those who can't even read and write. And if the point of a literacy test is to establish some minimum standard of competence to pass on community affairs, there is nothing arbitrary or capricious in requiring literacy in the language of the community.
>
> The case before the court was brought by Jose Camacho, a Puerto Rican-born Bronx grocer who argued that he should be allowed to take the test in Spanish. It had a good deal of potential significance for the Puerto Rican community here. Unlike other foreign language groups, the Puerto Ricans come to New York as citizens; only residence and language requirements bar most from voting as soon as they arrive.
>
> The English-language specification does disenfranchise many Puerto Ricans who are fully literate in Spanish. Estimates of the

> number affected range to 200,000. In its 1959 report, the Civil Rights Commission declared that "Puerto Rican-Americans are being denied the right to vote, and * * * these denials exist in substantial numbers in the State of New York."
>
> These 200,000, however, are perfectly free to vote as soon as they meet the same standards that apply to everyone else. New York's is not a systematic disenfranchisement of Puerto Ricans as such. They have an important role to play in the future political life of city and State. Their participation is welcome. But only on terms of equality—not by a special dispensation which would have the effect of perpetuating, and institutionalizing, a separation by language within the city.
>
> A standard—any standard—is inherently discriminatory. But languages can be learned; there is ample opportunity in New York to learn English. And, as the court asked rhetorically in its ruling, "What is more proper than that the voter be literate in the language used to conduct the business of government in his State?"

Madam President, one statement in particular in this editorial is worth analyzing. The editorial states: "New York's is not a systematic disfranchisement of Puerto Ricans as such." This statement seems to me to contain implications which should be looked into further.

I would guess that many of the proponents of the bills we are now considering in the Senate would attempt to differentiate the situation which exists in New York with regard to the Pureto Ricans from situations which they imagine to exist in the South with regard to the Negro by making a statement similar to the one just quoted. The statement, of course, implies that in other areas—namely, in the South—there is systematic disfranchisement of Negroes as such. It is this implication with bears analysis.

The system of government under which we live embraces a court system which everyone will admit is an essential adjunct to what we in the Anglo-American legal tradition have come to regard as justice. One of the bulwarks of justice in the courts is the strictness of the requirements of proof. Hearsay evidence, for example, is excluded. The methods by which a given fact may be proven to the satisfaction of a court of law are relatively few, and relatively difficult. There are good reasons for the stringency of these requirements. In a criminal proceeding the life or liberty of a human being is at stake. In civil proceedings, the property of individuals will be at stake.

But we who are Members of the National Legislature have a function to perform which is at least equal in importance to the function performed by courts of law. They decide individual cases, which usually have great importance to the particular litigants involved, and only secondary importance to the remainder of the population. We in the Congress, on the other hand, are called upon to lay down rules of general application, which will usually have great importance to many thousands of people.

The point I am coming to, Madam President, is that, given the great importance of the job that we in the Nation's Congress are supposed to be doing, it seems strange that we are willing to accept hearsay evidence, and to act upon it. The editorial just quoted assumes that there is systematic disfranchisement of Negroes in the South. Those who introduced and who support the proposals we are now considering are proceeding, it seems to me, on the same assumption. But where is the proof that this is true? Where is the proof, Madam President? There is nothing more than hearsay evidence before the Congress to the effect that any such situation exists.

The reason why there is no credible evidence before us is simple. There is no truth in it. The assumptions which are being proceeded upon are false. No such systematic disfranchisement exists.

Madam President, the argument that these bills would be unconstitutional cannot be too strongly put. If the framers of the Constitution were sound in their view in 1789 that voting should be kept in the hands of the States, what has transpired to render that view no longer sound today? To give the Federal Government control over the machinery of elections, they felt, might well lead to Federal choosing of the candidates and the Representatives. If there was any merit to that view, would not the same danger be present today?

The 10th amendment to the Constitution reads:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Since there is nothing anywhere in the Constitution which delegates to the Federal Government any power whatsoever with regard to fixing the qualifications for voters, it would follow that this power is by the Constitution reserved to the States.

Proponents of this measure rely upon the 14th and 15th amendments in their claim for constitutionality. My distinguished southern colleagues have demolished these claims to my satisfaction, and, I would think, to the satisfaction of most who are familiar in the least with the Constitution. As has been repeatedly pointed out in these debates, there is a great body of case law in our law books which clearly establishes that it is solely the prerogative of the States to set literacy standards for voting. These cases clearly establish that to do so is within the rights of the States. *Lassiter* v. *Northampton Election Board*, 360 U.S. 45, was decided by the Supreme Court in 1959. It is directly in point.

In the Lassiter case, a Negro citizen of North Carolina was denied registration to vote because of her refusal to take a literacy test which the statutes of that State required. She brought an action in the State courts to have this statutory requirement declared invalid, as a violation of the 14th, 15th, and 17th amendments to the Constitution. The Court stated:

> We come to the question whether a State may consistently with the 14th and 17th amendments apply a literacy test to all voters irrespective of race or color. The Court in *Guinn* v. *United States* * * * disposed of that question in a few words: "No time need be spent on the question of the validity of the literacy test considered alone since, as we have seen, its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted."
>
> The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised, *Pope* v. *Williams*, 193 U.S. 621, 633; *Mason* v. *Missouri*, 179 U.S. 328, 335; absent of course the discrimination which the Constitution condemns. Article I, section 2 of the Constitution in its provision for the election of Members of the House of Representatives and the 17th amendment in its provision for the election of Senators provide that officials will be chosen "by the people." Each provision goes on to state that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." So while the right of suffrage is established and guaranteed by the Constitution * * * it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed. * * * While section 2 of the 14th amendment, which provides for apportionment of Representatives among the States according to their respective numbers counting the whole number of persons in each State (except Indians not taxed) speaks of "the right to vote," the right protected "refers to the right to vote as established by the laws and Constitution of the State" (*McPherson* v. *Blacker*, 146 U.S. 1, 39).
>
> We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal records * * * are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise. * * * It was said last century in Massachusetts that literacy tests were designed to insure an independent and intelligent exercise of the right of suffrage. * * * North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards.

One of the cases cited by the Court in the Lassiter case is *Pope* v. *Williams*, 193 U.S. 621, decided in 1904. This case is another important one bearing on the right of the States to fix literacy qualifications for voting. There, it was stated:

> The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States. * * * It may not be refused on account of race, color, or previous condition of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper. * * * The State might provide that persons of foreign birth could vote without being naturalized, and as stated by Mr. Chief Justice Waite in *Minor* v. *Happersett*, such persons were allowed to vote (in several of the

> States upon having declared their intentions to become citizens of the United States. Some States permit women to vote; others refuse them that privilege. A State, as far as the Federal Constitution is concerned, might provide by its own constitution and laws that none but native-born citizens should be permitted to vote, as the Federal Constitution does not confer the right of suffrage upon any one, and the conditions under which that right exists the States alone may prescribe. * * *
>
> The right of a State to legislate upon the subject of the elective franchise as to it may seem good, subject to the conditions already stated being, as we believe, unassailable, we think it plain that the statute in question violates no right protected by the Federal Constitution.
>
> The reasons which have impelled the State legislature to enact the statute in question were matters entirely for its consideration, and this Court has no concern with them.

And in *Ray* v. *Blair*, 343 U.S. 214, it was stated:

> The presidential electors exercise a Federal function in balloting for President and Vice President, but they are not Federal officers or agents any more than the State elector who votes for Congressmen. They act by authority of the State that in turn receives its authority from the Federal Constitution.

Madam President, the Lassiter case is by far the most important of the cases establishing the right of a State to fix literacy standards for voting. The constitutional provisions there involved were primarily the 14th and 17th amendments. However, the claim that the 15th amendment gives some constitutionality to the proposals presently before the Senate has also been definitely disposed of by the judiciary. The leading case deciding the scope, meaning, and effect of the 15th amendment was United States against Reese, decided by the U.S. Supreme Court in 1875.

The Reese case involved the indictment under the Civil Rights Act of May 31, 1870, of two municipal election inspectors in Kentucky. They were charged with refusing to receive and count the vote of a certain Negro. Section 3 of that act imposed penalties upon officials who prevented the performance of acts necessary for qualification as a voter. Section 4 imposed criminal penalties upon any person who by force or intimidation sought to hinder a citizen from voting or qualifying to vote. Both these sections were legislation based upon the 15th amendment to the Constitution.

The Supreme Court held that these legislative provisions could not be sustained under the amendment, because they were not limited to dealing with deprivation of the right to vote "on account of race, color, or previous condition of servitude."

The opinion of the Court was delivered by Mr. Chief Justice Waite. Certain excerpts from it are pertinent to the present discussion:

> Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and manner of the protection may be such as Congress, in the legitimate exercise of its legislative discretion, shall provide. These may be varied to meet the necessities of the particular right to be protected.
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> The 15th amendment does not confer the right of suffrage upon any one. It prevents the State, or the United States, however, from giving preference in this particular to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption, this could be done. * * * Previous to this amendment, there was no constitutional guarantee against this discrimination; now there is.
>
> It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting powers of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provision of the second section of the amendment, Congress may enforce by "appropriate legislation."
>
> This leads us to inquire whether the act now under consideration is "appropriate legislation" for that purpose. The power of Congress to legislate at all upon the subject of voting at State elections rests upon this amendment. The effect of article I, section 4 of the Constitution, in respect to elections for Senators and Representatives, is not now under consideration. It has not been contended, nor can it be, that the amendment confers authority to impose penalties for every wrongful refusal to receive the vote of a qualified elector at State elections.
>
> It is only when the wrongful refusal at such an election is because of race, color, or previous condition of servitude, that Congress can interfere, and provide for its punishment.
>
> We are, therefore, directly called upon to decide whether a penal statute enacted by Congress, with its limited powers, which is in general language broad enough to cover wrongful acts without as well as within the constitutional jurisdiction, can be limited by judicial construction so as to make it operate only on that which Congress may rightfully prohibit and punish. * * * We are not able to reject a part of the statute which is unconstitutional, and retain the remainder, because it is not possible to separate that which is unconstitutional and retain the remainder. * * *
>
> It would certainly be dangerous if the legislature could set a net large enough to catch all possible offenders, and leave it to the courts to step inside and say who could be rightfully detained, and who should be set at large.

Each time it has been presented with the question involved in the Reese case, the Supreme Court has adhered to the same principle. The identical question was presented to the Court in *James* v. *Bowman*, 190 U.S. 127, decided in 1903. There the Court said:

> But the contention most earnestly pressed is that Congress has ample power in respect to elections of Representatives in Congress; that the election which was held, and at which this bribery took place, was such an election; and that therefore under such general power this statute and this indictment can be sustained. The difficulty with this contention is that Congress has not by this section acted in the exercise of such power. It is not legislation in respect to elections of Federal officers, but is leveled at all elections, State or Federal, and it does not purport to punish bribery of any voter, but simply of those named in the 15th amendment.
>
> On its face, it is clearly an attempt to exercise power supposed to be conferred by the 15th amendment in respect to all elections, and not in pursuance to the general control by Congress over particular elections. To change this statute, enacted to punish bribery of persons named in the 15th amendment at all elections to a statute punishing bribery of any voter at certain elections would be in effect judicial legislation. It would be wresting the statute from the purpose with which it was enacted and making it serve another purpose. Doubtless even a criminal statute may be good in part and bad in part, providing the two can be clearly separated, and it is apparent that the legislative body could have enacted the one without the other, but there are no two parts of the statute. If the contention be sustained it is simply a transformation of the statute in its single purpose and scope. This question has been by this Court in two cases carefully considered "and fully determined."

Madam President, there we have a Supreme Court of years past establishing a principle against judicial legislation, as well as establishing the scope of the 15th amendment. I do not consider it a digression to remark how different is the present Court's view of its power. The unhealthy trend toward judicial legislation gives me great concern for the framework of our constitutional system. In my judgment, the proposed legislation we are here considering would have the singularly disturbing effect of encouraging this tendency on the part of the courts.

For this and for the other reasons I have given, I believe this measure should not be enacted in any event.

At a later date I shall discuss further the constitutional principles here involved. For the present, Madam President, I am content to surrender the floor at this time.

PROHIBITION OF IMPOSITION OF ANY TAXES OR LITERACY OR INTELLIGENCE TEST AS A CONDITION FOR A CITIZEN TO VOTE FOR A FEDERAL OFFICER

Mr. MORSE. Mr. President, earlier this afternoon, I referred to a bill which I introduced in the 86th Congress—a bill to provide that no State shall impose any poll tax, property tax, or any property ownership qualification or property tax, or any illiteracy or intelligence test as a condition of the right of any citizen to vote at any election for a Federal officer.

I was not very successful in obtaining consideration of the bill in the 86th Congress.

So, Mr. President, I now reintroduce the bill, and request its appropriate reference, and also request that it be printed at this point in the RECORD, in connection with my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3234) to provide that no State shall impose any poll tax, property tax or any property ownership qualification or property tax, or any literacy or intelligence test as a condition of the right of any citizen to vote at any election for a Federal officer, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That no State shall impose as a condition of the right of any citizen to vote at any election for any United States Senator, Representative to the Congress of the United States, Elector of the President or the Vice President of the United States, or the President of the United States, or the Vice President of the United States, any poll tax, or any property tax, or any property ownership qualification, or any literacy test or any intelligence test.

SEC. 2. The term "election" as used in this Act shall mean any primary election, or nominating election, or general election whereby persons are selected, nominated, or elected by and under the authority of the Constitution and laws of the United States, or by and under the authority of the constitution or the laws of any State or Territory for the nomination or election of any United States Senator, Representative to the Congress of the United States, or any Elector of the President or the Vice President of the United States, or the President or the Vice President of the United States.

AMENDMENT OF DISTRICT OF COLUMBIA MINIMUM WAGE LAW

Mr. MORSE. Mr. President, in my judgment, the time is long past due for Congress to take a very serious look at the minimum wage setup within the jurisdiction of the District of Columbia. So that this may be done, I introduce, for appropriate reference, a minimum wage and hours bill that will remedy some of the unfair wage and hours conditions presently existing in the District of Columbia.

It is regrettable that the District of Columbia has no minimum wage standard for men in establishments not governed by the Fair Labor Standards Act. The present District of Columbia minimum wage law was passed in 1918, and applies only to women and to minors under 18 years of age. Even here, domestic employment is excluded. Wages are fixed by a three-member board, representing employers, employees, and the public. Under present practice, the minimums are based upon wages which supposedly are adequate to supply the necessary cost of living to a single woman, without dependents, to maintain her in good health and to protect her morals. The wage rate varies according to occupation.

Important as the Fair Labor Standards Act and the current District minimum wage law are, they leave thousands of workers in the District of Columbia subject to sweatshop wages and working conditions which are substandard.

The principal provisions of my bill would accomplish the following:

First. Extend to all employees, without regard to sex, a minimum wage of $1.25 an hour, or any higher minimum wage as set by a wage order.

Second. Require overtime compensation for all employees at not less than time and one-half the regular rate for hours worked over 40 in a workweek.

Third. Keep in full force and effect, with certain modifications, the existing minimum wage orders issued by the Minimum Wage Board prior to the enactment of this act.

Fourth. Authorize and direct the Minimum Wage Board to determine the allowance to be made for tips, in occupations in which gratuities have customarily and usually been recognized as a part of the remuneration for hiring purposes.

Fifth. Keep in effect the existing Minimum Wage Board, a tripartite body appointed by the District Commissioners for a 3-year term.

Sixth. At any time after a wage order has been in effect for 1 year, the Board may, on its own motion, or on petition, reconsider the wage rates set therein. In such case, the Board would do the following: make an investigation of the wages paid in the occupation; convene an ad hoc advisory tripartite committee to consider and report to the Board on the appropriate wage rates to be established; upon receipt of the recommendation from the committee, the Board would publish a notice and hold a public hearing; within 30 days after such hearing, it would promulgate and publish the order, which would become effective 30 days after publication. A streamlined procedure is provided for the modification and initial promulgation of wage orders to include the new statutory standards.

Seventh. A wage order or regulation issued by the Board may be reviewed by the U.S. District Court for the District of Columbia within 30 days after the publication of the order. Unless specifically ordered by the court, the commencement of such a review would not operate as a stay of the wage order or regulation, and the court would not grant a stay unless adequate surety was filed to safeguard the wages that otherwise would be due employees.

Eighth. Any person who willfully violated any provision of the law would be subject to a fine of not more than $10,000, or imprisonment for not more than 6 months, or both.

Ninth. It would permit an employee to collect up to double the amount of back wages illegally withheld, plus attorney's fees and court costs, and would permit the Board to take an assignment of the wage claim and to institute legal action to collect the wages illegally withheld, plus attorney's fees and court costs.

Tenth. It would provide an exemption from the minimum wage and overtime for executive, administrative, and professional employees, as defined by the Board. Also, it would exempt individuals who gratuitously render services to educational, charitable, religious, or nonprofit organizations, as well as newspaper delivery boys who deliver to homes. In addition, the bill would exempt seamen and railroad employees from the overtime provisions, as they are covered under the Fair Labor Standards Act.

In addition, the bill would permit the Board by regulation to lower minimum wages for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury. Lower minimum wages could likewise be provided by the Board for learner and apprentices, to prevent curtailment of opportunities for employment.

Eleventh. For any claim for collection of back wages the statute of limitations would be 3 years.

The effective date of the act would be 180 days after enactment.

Mr. President, the philosophy of the bill I am introducing is, so far as I am concerned, based upon the thesis that if we are to protect economic freedom in the District of Columbia and elsewhere, upon which political freedom is completely dependent, we have to protect the labor force from exploitation of selfish interests, which will always exploit if the Government does not step in and impose the minimum prohibitions and the restrictions necessary to protect employees.

In my judgment, people ought to be protected by minimum wage and hour laws from exploitation of selfish economic interests. I also happen to believe that the Congress puts itself in an intolerable position when it says that it is all right if business exploits men and certain women in the District of Columbia, but that it is going to protect certain women and minors.

If it is sound from a moral standpoint to protect some employees from having to accept a wage below a wage of health and decency from business, there certainly does not seem to me to be any justification for having Congress fail to apply such protection uniformly to employees of both sexes in all occupations within the jurisdiction of the District of Columbia.

Mr. President, in permitting a depressed class of employees to continue to exist, we are condemning it to a way of life that falls farther behind the standards enjoyed by more fortunate workers in the community, and this is not in the best interest of the city or the Nation. There happens to be some cause-to-effect relationship between the wages that employers in a given area pay and such social problems as adult crime, spread of slums, disease, juvenile delinquency, desperation, and many other social problems that go along with hopeless poverty. I do not offer that as an excuse for crime, but it is an explanation for a part of crime.

It must be kept in mind that the very low-income class of workers I am speaking about are performing useful functions in a wide range of business, industrial, and commercial enterprises in the city. They are employed; but no matter how long and how hard they work, they cannot earn enough to meet basic minimum standards of shelter, food, clothing, and medical care.

In many cities, including the District of Columbia, the employed head of a family who earns $1 an hour or less is better off if he quits his job and goes on public assistance. I need not point out that this is done. He is often better off,. because public-assistance benefits which are designed to prevent starvation, frequently are more than his job would pay. As a member of the Senate District Committee, I have had this situation called to my attention on several occasions.

As I mentioned earlier, the moral and economic position of the District of Columbia is seriously weakened when Congress and the District of Columbia government allow hopeless poverty to continue to exist. In my judgment, we had better start carrying out our moral obligations to this class of people.

As a firm supporter of the private-enterprise system, I say to the businessmen of the District that this country's system of enlightened capitalism can afford a decent minimum wage for every person, no matter what his occupation may be.

The very low income employees survive and exist, and that is about the size of it. I do not believe that anyone should continue in business, and should continue to make a profit and to serve the public, while paying his employees substandard wages. It is not right to exploit human beings, just to keep a business going. I have a hunch that if the unskilled; low-income employees of whom I am speaking were in a better bargaining position, the employers would be paying them more adequate wages and they would have more favorable hours of work.

Our free enterprise system, with whatever assistance it may need from the Government in certain emergency situations from time to time, has proven that it is strong enough and vital enough to pay decent minimum wages to employees who help keep the private enterprise system going.

In my judgment, our free enterprise system itself is completely dependent for its strength upon a broad and deep base of purchasing power on the part of the consumers, which means that the consumers have to get wages high enough to be able to maintain that purchasing power.

One of the arguments which will be set forth at the hearings on my minimum wage bill will be that if decent wages are paid, many businesses will be forced out of existence. In my judgment, it is better to have some go out of business, rather than to remain in business on the basis of a subsidy, whereby human beings have to work for substandard wages in order to subsidize others, who supposedly will not use the services of such businesses unless they are asocial in their wage structures. I do not accept and never have accepted this thesis.

There may be some dislocations here and there; but we have to make up our minds as to what a fair wage is, and then we must say to industry that it must adjust to that wage, because exploiting human beings, in order to keep a business going, can never be justified. Unless we do this our free enterprise system is weakened.

Another equally specious argument which undoubtedly will be raised at hearings on the bill is that minimum wage legislation is inflationary.

Another argument which will be presented by the diehard, low-wage industries' opposition to minimum wage legislation in the District is that if they must raise wages, they will have to lay off employees. These low-wage industries have raised this tattered banner many times.

I sincerely hope the Senate District of Columbia Committee will not be deterred by such baseless arguments from reporting to the Senate a fair and equitable minimum wage bill.

Mr. President, there are a great many unknown facts and figures concerning the extent of low wage and poor working conditions in the District of Columbia. In the District government there is not a single agency which can even venture a reasonably informed guess as to wages being paid uncovered workers and the long hours they work. For this reason, I am requesting the U.S. Department of Labor to make a very careful and exhaustive study and survey of wages being paid, hours worked per week, and work practices in the District of Columbia.

I am requesting the Department of Labor to complete its study by the end of this year, so that early next year the Senate Committee on the District of Columbia can proceed with very thorough hearings, with the study as a partial basis for careful consideration.

Although we do not know the extent of the low-wage problem in the District, we do know that it is a serious and urgent one, and that it must be met promptly and firmly if we are to maintain a good conscience and a sound economy.

I ask unanimous consent that the bill be printed at this point in my remarks.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3233) to amend the District of Columbia minimum wage law to provide broader coverage, improved standards of minimum wage and maximum hours protection, and improved means of enforcement, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia minimum-wage law, approved September 19, 1918 (40 Stat. 960), as amended by the Act of October 14, 1941 (55 Stat. 738), is amended by striking out sections 1 through 23, inclusive, immediately following the designation "Title I—Minimum Wages" and inserting in lieu thereof the following:

"FINDING AND DECLARATION OF POLICY

"SECTION 1. (a) The Congress hereby finds that there are persons employed in some occupations in the District of Columbia at wages insufficient to provide adequate maintenance for themselves and their families. Such employment impairs the health, efficiency, and well-being of the persons so employed, constitutes unfair competition against other employers and their employees, threatens the stability of industry, reduces the purchasing power of employees, and requires, in many instances, that their wages be supplemented by the payment of public moneys for relief or other public and private assistance. Employment of persons at these insufficient rates of pay threatens the health and well-being of the people of the District of Columbia and injures the overall economy.

"(b) It is hereby declared to be the policy of this Act to correct and as rapidly as practicable to eliminate the conditions above referred to in such occupations without substantially curtailing opportunities for employment or earning power.

"DEFINITIONS

"SEC. 2. As used in this Act—

"(a) 'Board' means the Minimum Wage and Industrial Safety Board established by Reorganization Order Numbered 36 promulgated on June 16, 1953, pursuant to Reorganization Plan Numbered 5 of 1952;

"(b) 'Wage' means compensation due to an employee by reason of his employment, payable in legal tender of the United States or check on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by order or regulations of the Board under section 6 or 7;

"(c) 'Employ' includes to suffer or permit to work;

"(d) 'Employer' includes any individual, partnership, association, corporation, business trust, or any person or group of persons, acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include the United States or the District of Columbia;

"(e) 'Employee' includes any individual employed by an employer but shall not include any individual engaged in the activities of an educational, charitable, religious, or nonprofit organization whose services are rendered to such organization gratuitously;

"(f) 'Occupation' means any occupation, service, trade, business, industry, or branch or group of occupations or industries, or employment or class of employment, in which employees are gainfully employed;

"(g) 'Gratuities' means voluntary monetary contributions received by an employee from a guest, patron, or customer for services rendered.

"MINIMUM WAGE AND MAXIMUM HOURS

"SEC. 3. (a) Every employer (except as otherwise provided in this Act) shall pay to each of his employees wages at a rate of not less than $1.25 an hour or such higher rate or rates applicable under a wage order issued pursuant to sections 5 and 6.

"(b) No employer shall employ any of his employees for a workweek longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.

"(c) The minimum wage orders issued by the Board prior to the date of enactment of the Wage and Hour Amendments Act of 1962 shall remain in full force and effect, except that they shall, subject to the provisions of section 18 of this title, be modified, effective on the effective date of such Act, as follows:

"(1) any such order which does not provide for minimum wages at a rate of at least $1.25 an hour shall be modified by order of the Board to provide for the payment of wages at a rate of not less than $1.25 an hour;

"(2) all such orders shall be modified by order of the Board to provide for the payment of overtime compensation as prescribed in subsection (b) of this section; and

"(3) all such orders shall be modified by order of the Board to apply to all employees without regard to the sex of any employee.

"(d) For any occupation in which, on the date of the enactment of the Wage and Hour Amendments Act of 1962, there is no existing minimum wage order, the Board shall issue an order, effective on the effective date of such Act, providing for minimum wages at a rate of not less than $1.25 an hour and for the payment of overtime compensation as prescribed in subsection (b) of this section.

"(e) In carrying out its responsibilities under subsections (c) and (d) of this section, the Board shall, to the extent it deems practicable, follow the procedures prescribed for the revision of wage orders set forth in sections 5 and 6, and the Board shall, if it deems it necessary in order to effectuate the minimum wage and overtime provisions of this Act with respect to all employees, on the effective date of the Wage and Hour Amendments Act of 1962, modify any existing wage order or issue any wage order for an occupation in which such order does not exist, without appointing an ad hoc advisory committee as required by section 5, and publish any such new or revised wage order to become effective on the effective date of such Act without postponing its effective date for 30 days after publication as required by section 6(b).

"POWERS AND DUTIES OF BOARD

"Sec. 4 (a) The Minimum Wage and Industrial Safety Board established by Reorganization Order Numbered 36 promulgated on June 16, 1953, pursuant to Reorganization Plan Numbered 5 of 1952 shall continue in existence. The Board shall be subject to all of the provisions set forth in Reorganization Order Numbered 36 and shall have the authority vested in it by such Reorganization Order and by the provisions of this Act.

"(b) The Board or its authorized representatives shall, in addition to the foregoing authority have authority—

"(1) to investigate and ascertain the wages of persons employed in any occupation in the District of Columbia;

"(2) to enter and inspect the place of business or employment of any employer in the District of Columbia for the purpose of examining and inspecting any or all books, registers, payrolls, and other records of any such employer that in any way relate to or have a bearing upon the wages, hours, and other conditions of employment of any employees; to copy any or all of such books, registers, payrolls, and other records as the Board or its authorized representative may deem necessary or appropriate, and question such employee for the purpose of ascertaining whether the provisions of this Act and the orders and regulations issued thereunder have been and are being complied with; and

"(3) to require from any such employer full and correct statements in writing, including sworn statements, with respect to wages, hours, names, addresses, and such other information pertaining to the employment of his employees as the Board or its authorized representative may deem necessary or appropriate to carry out the purposes of this Act.

"REVISION OF WAGE ORDERS

"Sec. 5(a) At any time after a wage order has been in effect for one year the Board may on its own motion, or on the petition of fifty or more residents of the District of Columbia, reconsider the wage rates set therein. If after investigation, the Board is of the opinion that any substantial number of workers in the occupation covered by such wage order are receiving wages inadequate for their health, efficiency, and general well-being it may convene an ad hoc advisory committee for the purpose of considering and inquiring into and reporting to the Board on the subject investigated by the Board and submitted by it to such committee.

"(b) The committee shall be composed of not more than three persons representing the employers in such occupation, of an equal number representing the employees in such occupation, of not more than three persons representing the public, and one or more members of the Board. The Board shall name and appoint all the members of the committee and designate the chairman thereof. Two-thirds of the members of the committee shall constitute a quorum and the decision or recommendation or report of the committee on such subject submitted to it shall require an affirmative vote of not less than a majority of all of its members.

"(c) The Board shall present to the committee the information relating to the subject it submitted to the committee, and may cause to be brought before the committee any witnesses whose testimony the Board considers material.

"(d) Within ninety days after the convening of the committee by the Board, the committee shall make and transmit to the Board a report containing its findings and recommendations on the subject submitted to it by the Board including recommendations as to the highest minimum wages for employees in the occupation which it considers, having due regard to economic conditions, will carry out the policy of this Act without substantially curtailing employment in the occupation: *Provided*, That the wages recommended shall not be less than at the rate of $1.25 an hour or the rate prescribed in the wage order then applicable to such occupation, whichever is higher.

"(e) The committee may recommend permissible charges to the employees or allowances for board, lodging, apparel, or other facilities or services, customarily furnished by the employer to the employees, or reasonable allowances for gratuities customarily received by employees in any occupation in which gratuities have customarily and usually constituted and have been recognized as a part of the remuneration for hiring purposes. The committee may recommend a suitable scale of wages for learners and apprentices at rates less than the minimum rate otherwise applicable to the occupation. The committee may recommend different minimum wages for different classes of employments in the same occupation.

"(f) In the event any such committee fails to submit a report to the Board within the period specified in subsection (d), the Board may discharge such committee from further consideration of the subject submitted to it and convene a new committee for the purpose of considering such subject, or the Board itself may undertake to consider the subject and proceed to prepare and publish a revised wage order for the occupation in accordance with the procedure in section 6.

"Sec. 6. (a) Upon receipt of the report from any ad hoc advisory committee, or upon the discharge of such committee in accordance with section 5(f), the Board may prepare a proposed revised wage order for the occupation, giving due consideration to any recommendations contained in any report of such committee. In such order the Board may provide, among other things, such charges, allowances, tolerances and classifications as are referred to in section 5(e). The Board shall publish a notice of such order once a week, for four successive weeks, in a newspaper of general circulation printed in the District of Columbia, stating that it will, on a date and at a place named in the notice, hold a public hearing at which all interested persons will be given a reasonable opportunity to be heard. Such notice shall contain a summary of the major provisions of the proposed revised wage order.

"(b) Within thirty days after such hearing, the Board may make or render such an order as may be proper or necessary to effectuate the purposes of this Act. Notice of such order shall be published in a newspaper of general circulation printed in the District of Columbia and such order shall take effect upon the expiration of thirty days after the date of such publication.

"(c) Orders issued under this section shall define the occupation and classifications therein to which they are to apply, and shall contain such terms and conditions as the Board finds necessary to carry out the purposes of such orders, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage established therein.

"ADMINISTRATIVE REGULATIONS

"Sec. 7. The Board shall make and revise such regulations, including definitions of terms, as it may deem appropriate to carry out the purposes of this Act or necessary to prevent the circumvention or evasion thereof and to safeguard the minimum wage rates and the overtime provisions thereby established. Such regulations may include, but are not limited to, regulations defining and governing learners and apprentices, their number, proportion, and length of service; part-time pay; bonuses; special pay for special or extra work; permitted charges to employees of allowances for board, lodging, apparel, or other facilities or services customarily furnished by employers to employees; allowances for gratuities in any occupation in which gratuities have customarily and usually constituted and have been recognized as a part of the remuneration for hiring purposes; or allowances for such other special conditions or circumstances which may be usual in a particular employer-employee relationship. Regulations or revisions thereof issued by the Board pursuant to this section shall be made only after a public hearing by the Board, subequent to publications of a notice of the hearing at which interested persons may be heard. Such regulations or revision shall, except as may otherwise be provided by the Board, take effect upon publication.

"JUDICIAL REVIEW

"Sec. 8. (a) Any interested person in an occupation for which any wage order or administrative regulation has been issued under the provisions of this Act, who may be aggrieved by any such order or regulation, may obtain a review thereof in the United States District Court for the District of Columbia by filing in such court, within thirty days after the date of publication of such order or regulation, a written petition praying that the order or regulation be modified or set aside. A copy of such petition shall be served upon the Board. In such an action all findings of fact under the foregoing provisions of this Act shall, if based on evidence, be conclusive upon the court, and there shall be no appeals from the decision of the Board on any such findings of fact. The court may, however, determine whether the order or regulation is in accordance with law. If the court determines that such order or regulation is not in accordance with law, it shall remand the case to the Board with directions to modify or revoke such order or regulation. If application is made to the court for leave to adduce additional evidence by any aggrieved party, such party shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence before the Board. If the court finds that such evidence is material and that reasonable grounds exist for failure of the aggrieved party to adduce such evidence in prior proceedings, the court may remand the case to the Board with directions that such additional evidence be taken before the Board. The Board may modify such order or regulation, in whole or in part, by reason of such additional evidence.

"(b) Hearings in such court on all appeals taken under the provisions of this Act shall be privileged and take precedence over all matters except matters of the same character. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final except that the same shall be subject to review by the United States Court of Appeals for the District of Columbia. In all such appeals the Corporation Counsel shall appear for and represent the Board.

"(c) The commencement of proceedings under subsection (a) shall not, unless specifically ordered by the court, operate as a stay of a wage order or of a regulation issued under the provisions of this Act. The court shall not grant any stay of a wage order or of a regulation unless the person complaining of such order or regulation shall file in the court an undertaking with a surety or sureties satisfactory to the court for the payment to the employees affected by the order or regulation, in the event such order or regulation is affirmed, of the amount by which the compensation such employees are entitled to receive under the wage order or regulation exceeds the compensation they actually receive while such stay is in effect.

"AUTHORITY TO TAKE TESTIMONY SUBPENAS

"SEC. 9. Any member of the Board shall have power to administer oaths and the Board may require by subpena the attendance and testimony of witnesses, the production of all books, registers and other evidence relative to any matters under investigation, at any public hearing or at any meeting of any committee. In case of disobedience to a subpena the Board may invoke the aid of the United States District Court for the District of Columbia in requiring the attendance and testimony of witnesses and the production of documentary evidence. In case of contumacy or refusal to obey a subpena the court may issue an order requiring appearance before the Board, the production of documentary evidence, and the giving of evidence, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"HANDICAPPED WORKERS

"SEC. 10. The Board may provide by regulation for the employment in any occupation of individuals whose earning capacity is impaired by age or physical or mental deficiency, or injury at such wages lower than the minimum wage rates applicable under this Act, as it may find appropriate to prevent curtailment of opportunities for employment, to avoid undue hardship, and to safeguard the minimum wage rates under this Act. No employee shall be employed at wages fixed pursuant to this section except under a special license issued under applicable regulations of the Board.

"EXEMPTIONS

"SEC. 11. (a) The minimum wage and overtime provisions of section 3 shall not apply with respect to—

"(1) any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Board); or

"(2) any employee engaged in the delivery of newspapers to the home of the consumer.

"(b) The overtime provisions of section 3(b) shall not apply with respect to—

"(1) any employee employed as a seaman; or

"(2) any employee employed by a railroad.

"KEEPING OF RECORDS

"SEC. 12. Every employer subject to any provision of this Act or of any regulation or order issued under this Act shall make, keep, and preserve for a period of not less than three years, a record of the name, address, and occupation of each of his employees, a record of the date of birth of any employee under 19 years of age, the rate of pay, and the amount paid each pay period to each such employee, the hours worked each day and each workweek by such employee, and such other records or information as the Board shall prescribe by regulation as necessary or appropriate for the enforcement of the provisions of this Act or of the regulations or orders thereunder. Such records shall be open and made available for inspection or transcription by the Board or its authorized representatives at any reasonable time. Every such employer shall furnish to the Board or to its authorized representative on demand a sworn statement of such records and information upon forms prescribed or approved by the Board.

"POSTING OF LAW AND WAGE ORDERS

"SEC. 13. Every employer subject to any provision of this Act or of any regulation or order issued under this Act shall keep a copy or summary of this Act and of any applicable wage order and regulation issued thereunder, in a form prescribed or approved by the Board, posted in a conspicuous and accessible place in or about the premises wherein any employee covered thereby is employed. Employers shall be furnished such copies or summaries by the District of Columbia on request without charge.

"PROHIBITED ACTS

"SEC. 14. It shall be unlawful for any employer—

"(1) to violate any of the provisions of section 3, or any of the provisions of any regulation or order of the Board issued under this Act;

"(2) to violate any of the provisions of section 12 or 13, or any regulation or order made or continued in effect under the provisions of section 7, or to make any statement, report, or record filed or kept pursuant to the provisions of such section or of any regulation or order thereunder, knowing such statement, report, or record to be false in a material respect;

"(3) to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act, or has testified or is about to testify in any such proceeding or has served or is about to serve on any ad hoc advisory committee;

"(4) to hinder or delay the Board or its authorized representative in the performance of its duties in the enforcement of this Act, or to refuse to admit the Board or its authorized representative to any place of employment, or to refuse to make available to the Board or its authorized representative, upon demand, any record required to be made, kept or preserved under this Act, or to fail to post a summary or copy of this Act, or of any applicable regulation or order, as required under section 13.

"PENALTIES

"SEC. 15. Any person who willfully violates any of the provisions of section 14 shall upon conviction thereof be subject to a fine of not more than $10,000, or to imprisonment of not more than 6 months, or both. No person shall be imprisoned under this section except for an offense committed after the conviction of such person for a prior offense under this section.

"EMPLOYEE REMEDIES

"SEC. 16. (a) Any employer who violates the provisions of subsection (a) or (b) of section 3 of this Act shall be liable to the employee or employees affected in the amount of their unpaid minimum wages, or their unpaid overtime compensation, as the case may be, and in an additional equal amount as liquidated damages, except that if, in any action commenced to recover unpaid minimum wages, unpaid overtime compensation, or liquidated damages under this Act, the employer shows to the satisfaction of the court that the act or omission giving rise to such action was in good faith and that he had reasonable grounds for believing that his act or omission was not a violation of this Act, the court may, in its sound discretion, award no liquidated damages, or award any amount thereof not to exceed the amount specified in this section. Action to recover such liability may be maintained in any court of competent jurisdiction in the District of Columbia by any one or more employees for and in behalf of himself or themselves and other employees similarly situated. No employee shall be a party plaintiff to any such action unless he gives his consent in writing to become such a party and such consent is filed in the court in which such action is brought. The court in such action shall allow a reasonable attorney's fee to be paid by the defendant, and costs of the action. Any agreement between an employer and an employee to work for less than the wages or overtime compensation to which such employee is entitled under or by virtue of this Act shall be no defense to any action to recover such unpaid wages, overtime compensation, or liquidated damages.

"(b) At the written request of any employee paid less than the minimum wages or the overtime compensation to which he is entitled under or by virtue of this Act, the Board may take an assignment of such wage claim in trust for the assigning employee and may bring any legal action necessary to collect such claim. In such an action, the defendant shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court.

"(c) The Board is authorized to supervise the payment of the unpaid minimum wages or the unpaid overtime compensation owing to any employee or employees under subsection (a) or (b) of section 3 of this Act, and the agreement of any employee to accept such payment shall upon payment in full constitute a waiver by such employee of any right he may have under subsection (a) of this section to such unpaid minimum wages or unpaid overtime compensation and an additional equal amount as liquidated damages.

"STATUTE OF LIMITATIONS

"SEC. 17. Any action commenced on or after the effective date of the Wage and Hour Amendments Act of 1962 to enforce any cause of action for unpaid minimum wages, unpaid overtime compensation, or liquidated damages, under this Act may be commenced within three years after the cause of action accrued, and every such action shall be forever barred unless commenced within three years after the cause of action accrued.

"RELATION TO OTHER LAWS

"SEC. 18. Any standards relating to minimum wages, maximum hours, overtime compensation or other working conditions in effect under any other law of the District of Columbia on the effective date of the Wage and Hour Amendments Act of 1962, which are more favorable to employees than those applicable to such employees under this Act or the regulations issued hereunder, shall not be deemed to be amended, rescinded, or otherwise affected by this Act or orders or regulations issued hereunder but shall continue in full force and effect and may be enforced as provided by law unless and until they are specifically superseded by standards more favorable to such employees by operation of or in accordance with regulations issued under this Act.

"RIGHT OF COLLECTIVE BARGAINING

"SEC. 19. Nothing in this Act shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work in excess of the standards applicable under the provisions of this Act.

"SEPARABILITY OF PROVISIONS

"SEC. 20. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application thereof to other persons or circumstances shall not be affected thereby."

SEC. 2. (a) Except as provided in subsection (b), this Act shall take effect upon the expiration of one hundred and eighty days after the date of its enactment.

(b) Notwithstanding the provisions of subsection (a), the authority to promulgate necessary rules, regulations and orders with regard to amendments made by this Act may be exercised by the Board on and after the date of enactment of this Act. The modifications of existing wage orders and regulations and the issuance of new wage orders and regulations necessary to comply with the provisions of section 3 of the Act of September 19, 1918 (40 Stat. 960), as amended by this Act shall be effected by the Board in advance of the effective date of this Act and shall become operative on such effective date.

SEC. 3. This Act may be cited as the "Wage and Hour Amendments Act of 1962".

Mr. MORSE. Mr. President, I also ask unanimous consent that a very fine series of articles written by Rice Odell, which appeared in the Washington Daily News in 1959 and 1961, be printed at this point in my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, May 25, 1959]

WASHINGTON, D.C., IN THE YEAR 1959; 60 CENTS AN HOUR FOR HOURS AND HOURS

(NOTE.—How can a man be on the job 18 hours a day, 7 days a week, for $34 and still get by? And why does he do it? And how about thousands of other District citizens who work long hours for little pay. Today, the Washington Daily News looks into a situation which may surprise readers who have come to regard $1 an hour as, in fact, the minimum wage, and the 40-hour week as standard hereabouts. The names of workers in this story are not their real names. The rest is very real.)

(By Rice Odell)

Turner Jode, a strong looking, gray-haired, colored janitor in a District apartment house, works 7 days a week. He starts at 5 in the morning and gets off close to midnight.

For this, he is paid a salary of $34 a week.

First, there's the furnace to care for, and numerous other chores. He gets around to breakfast later. From 7 to 9 a.m., he operates the elevator. Then comes cleaning, repairing, burning the trash.

He runs the elevator again from 7 to 10 at night.

"It's always around midnight before I can get to bed," he said. And then the tenants are apt to call "at all hours of the night."

STUCK

Mr. Jode has held this job for a year.

"I haven't had a day off since I've been here," he said. "And I can't take another job. I might slip out and do 2 or 3 hours' work somewhere else, but they want me here all the time."

In addition to his salary, Mr. Jode gets free use of a three-room basement apartment for himself, his wife, and two children. And although he is on duty virtually all the time, there is plenty of opportunity to sit on the front steps and chat with friends and neighbors.

But that's about all. The $34 just covers food—common food, cheap as you can get—and enough clothing to keep the children in school. If you figure his apartment (which he gets free) as worth $60 a month, his pay is the equivalent of $50 a week.

NOT ALONE

Is Mr. Jodes' case unusual? Not at all.

There are hundreds, in fact thousands, of Jodes in the District. They do all kinds of work—mostly menial—for rockbottom wages and long, weary hours.

They include many—but by no means all—dishwashers, busboys, tray waiters, porters, messengers, janitors, elevator operators, trash collectors, night watchmen, garage attendants, handymen, theater ushers, short-order cooks, countermen, waitresses, cleaning women, and fountain girls.

A large percentage of these jobs pays between $30 and $40 a week and usually requires much more than 40 hours' work.

It boils down to wages of 60 to 90 cents an hour—sometimes less.

SAME FIX

Orville Pete, a 25-year-old Negro with a wife and three children, stood on top of a pile of bricks in the near Northwest section. He was hacking down a wall for a wrecking company.

For working an 8-hour day, 6 days a week, Mr. Pete gets $35.

"I'm just barely getting by," he said.

So are others. Here are some the Washington Daily News found:

A janitor, with a wife and one child, works 84 hours a week, lives elsewhere, and is paid $45.

A waitress earns $22.50 a week plus tips but, as an employment agency worker said: "You'd be surprised how little they get in tips sometimes—maybe $5 or $6 a week."

A dishwasher makes $30 for what is supposed to be a 48-hour week. It usually runs to 52.

An elevator operator gets $110 a month.

A waiter receives a basic salary of $11 a week for a 6-day split shift. With tips, he averages about $35.

The average car washer gets 75 cents an hour. He works a 7-day week, but anytime it rains there is no work and no pay. To bring home $40 a week, he has to make up a 53-hour week by working long hours on fair-weather days.

Other examples of below-average weekly wages reported by employment agencies:

Maids, $35; fountain girls, $30; porters and deliverymen, $33; trash collectors, $40; laundry workers, $38; counter girls, $38.

WHY?

Why do these people stay with such jobs?

"I don't think they have the training to do much else," Fred Z. Hetzel, district director of the U.S. Employment Service, said.

"There is nearly always an opening for a good skilled man at any trade," he said, "and if those holding menial jobs would take advantage of some of the inexpensive schooling available and learn a skill, they would qualify for these.

"Right now, for example, there are openings here for 1,000 typists and stenographers, 400 bricklayers, many shoe repairmen, and others," he said.

Are these openings also available to colored workers?

"To a lesser extent," Mr. Hetzel said.

[From the Washington Daily News, May 26, 1959]

IN TOO-PLENTIFUL SUPPLY: UNSKILLED ARE UP AGAINST IT

(NOTE.—Washington, the city of white collar workers with comfortable middle-or-higher level incomes, is also a city in which thousands work long hours for very short pay. This is the second of three articles on a side of life here which is unfamiliar to many Washingtonians.)

(By Rice Odell)

A considerable segment of Washington's labor force has been either actively or passively relegated to a low-wage status from which, at present, there is little hope of escape.

The reason: There is an oversupply of unskilled labor here. This exists preponderantly in the colored population.

A continuous influx of untrained colored people from the South keeps the labor supply for unskilled manual work at the saturation point.

"We sometimes get 100 job inquiries a week from them," the manager of one small employment agency here said. "Many can't read or write. Many come here with their last dollar."

He said some don't even qualify for the lowest paid jobs, by agency standards, and the problem of checking for police records is almost insurmountable.

OTHER PROBLEMS

There is little or no union protection for the unskilled worker in most private businesses here.

There is also racial discrimination.

It is no secret that, all other things being equal, in many positions a white employee will end up with a higher wage than his colored coworker. One reason for this is that there is not the same oversupply of this class of worker in the white group.

"To give you an example," an employment agency worker said, "a firm couldn't locate a girl to fill a switchboard position, so we persuaded them to hire a colored girl. But she was paid substantially less than the white girl had been."

This is not necessarily a widespread policy, especially among larger, better-known firms. But it does affect many. The wage discrepancies may involve as much as $10, $20 or more a week.

NO LAW

There is no law in the District which sets a minimum wage for men. (The National Fair Labor Standards Act, which establishes a minimum of $1 per hour, applies only to these engaged in work involving interstate commerce. It therefore does not cover many of those who normally receive the lowest wages.)

Women are protected to a certain limited extent.

There is no pressure on the part of employers to change this situation, and unskilled workers are generally apathetic. A middle-aged janitor who tries to support himself and his wife on $130 a month, inadvertently voiced this feeling of hopelessness:

"It's not very much," he said, "but I guess it'll do until * * *." He stopped abruptly, unable to think until what.

NO DESIRE

An employment agency official, who interviews scores of unskilled job hunters every week, said: "These men have lost the desire to serve the community because the community doesn't tangibly value their services."

A drugstore recently hired a porter for $30 for a 40-hour week. The man delivered prescriptions, helped at the counter, scrubbed floors, and sometimes did housework for his boss. The hours lengthened until they were often 11 or 12 a day.

Instead of overtime pay, he was allowed to buy things on credit at 10 percent off.

Many who seek to employ maids wish to pay 60 cents an hour, or $25 a week for 48 hours.

UNDERPAID

Minimum Wage Board investigations of 1,440 retail firms here in 1958 showed that 9 percent of them were paying less than the weekly minimum wage of $36 to some 450 women.

In 1957 a study was made of the laundry industry, which then employed 3,200 women here. At that time the minimum was $30 per week. It was found that about 13 percent of the employees were getting less than $35. The median was $41.

There are subtler ways of exploitation.

There are a number of pickup points in the District where employers can readily find men for part-time work, transport them to their jobs and bring them back.

A 39-year-old workman waited at one of them the other day—hoping to find the employer who owed him $11 for working the previous day. He'd promised to come back that day at 6 a.m. to give him more work. He hadn't showed up.

"He probably went out on another corner and got somebody else," the workman said. "I know where the job's at but I don't know the man's name. It's so far out there. But I'll have to go after him to get the money."

This problem is being combatted by the District of Columbia Minimum Wage Board which, though it does not fix wage minimums for men, is at least empowered to help them collect.

Part-time and odd jobs are a special problem. Painters, for instance. "Sometimes they can't give you the name of the man (who employed them) or where he lives," said Miss Carrie L. Allgood, executive secretary of the Board.

"They can tell you where they painted, that's all. People lose a lot of money that way."

Since 1956, when the Board was empowered to force collection of wages, it has closed about 400 cases, 30 of which went to court, for a total of about $22,000.

"But that doesn't take into account all those who didn't complain," Miss Allgood said.

[From the Washington Daily News, May 27, 1959]

Anachronism of Prosperity: Low Pay, High Living Cost Create Welfare Headaches

(By Rice Odell)

The thousands of workers here who receive substandard wages face far from substandard expenses. They live in a city which has one of the highest cost-of-living indexes in the country.

Serious social repercussions result from this selection. It fosters crime and delinquency, it perpetuates slums, creates a host of welfare problems.

Many among the low paid need part-time extra jobs—or even full-time second jobs—just to buy life's necessities.

"We have so many applications for part-time jobs, it just doesn't pay to handle them," said the owner of a small employment agency. He gets from 125 to 150 a week.

BREADWINNERS

Some of the biggest problems result from the fact that women in many jobs are protected to a certain extent by District minimum wage laws, while men are not. The woman of a family is thus often able to earn more for the same work than her husband would.

And if the woman can't work, families sometimes find some way of staying on relief, rather than keep the man of the house in a low-paying job.

The Welfare Department has stringent regulations. So how does a family get on relief when the husband can work?

The husband deserts.

One 34-year-old man was taking adequate care of his wife and seven children until he had an accident. While he was laid up, the family got $288 a month from welfare.

When he was able to return to work several months later, he couldn't get his old job back and had to settle for one paying only $150 a month.

Welfare couldn't help, so the man, in desperation, took four of his children to Junior Village and said, "Here they are. I simply can't manage it."

"It ends up with the District paying anyway," a welfare official said.

Such a situation "would be an incentive for him to desert his family," the official said. "The number of desertions is very high. The suspicion is that there are quite a few of them for that reason."

THE LAW

Low, low pay is hardly the exclusive property of Washington or the Washington area. Labor Department investigations show many people in many parts of the Nation and in many different industries are earning 35 and 40 cents an hour.

The Federal minimum wage law—$1 an hour—generally applies only to employers whose businesses are in interstate commerce.

Thirty-two States and the District have their own minimum wage laws—but only 10 of these (not including the District) have any coverage for men. Maryland and Virginia have no minimum wage laws at all.

It was just 9 years ago that the last bill was introduced in Congress to extend coverage to men in the District.

It was supported by the Labor Department, District of Columbia Minimum Wage Board, and employee representatives. It was opposed by the Board of Trade and various business associations. The bill died.

SLOW PROGRESS

The Minimum Wage Board meanwhile has made slow and steady progress in improving the minimum wages and hours of some 78,000 women in 7 basic industries here. In many cases minimums approach $1 an hour.

But in two industries—beauty culture and manufacturing-wholesaling—where wages were last set in 1948, it is possible to pay some employees, 55 cents and 66 cents an hour, respectively. New rates in these fields are in the works.

There are an estimated additional 24,000 women employees in the District who are not covered by wage laws. Of these, some 18,000 are domestic servants.

A local employment agent tells a story which, while not typical, shows how domestic employment can be a poor answer for the family in the bottom brackets.

A 32-year-old colored woman whose husband couldn't make enough to support her and their three young children took a job as a maid which paid $35 for a 48-hour week.

She had to get someone to care for her children while she was away. It cost her $25 a week. She showed a net gain of $10, some of which went for streetcar fares.

[From the Washington Daily News, May 27, 1959]

Our Not-So-Green Pastures

The existence of tens of thousands of unskilled, untrained workers in the District who somehow eke out a living by working long hours at short wages—sometimes as low as 55 cents an hour—has been examined by Rice Odell in three articles this week.

The minimum wage set by the Federal Government for certain workers engaged in interstate commerce is $1 an hour and Senator John Kennedy, Democrat, of Massachusetts, has a bill in Congress now that would raise this to $1.25 and extend its protection to another 8 million workers.

The District has fixed minimum wages for women in certain industries, but there is no minimum wage for men. Maryland and Virginia have none for either sex.

Unquestionably, the District's oversupply of unskilled laborers, living on marginal incomes, has a debilitating effect on the city's economic health. By the very nature of their precarious hand-to-mouth existence, they constitute a constant drain on the city's public health and welfare services. They contribute little or nothing to tax revenues and their meager lot is conducive to crime and delinquency.

Except for simple food and simple lodging, their purchasing power is nil. There is nothing left from their wages to help stimulate healthy business here.

The fact that most of these unskilled laborers are Negroes is beside the point. The fact that many of them should never have come here from the South, is also beside the point.

They are here. They must exist, somehow, in this high wage, high cost area.

It seems to us the District should strengthen and greatly expand the minimum wage laws it now has. What is minimum wage for one worker in this Federal area should be minimum wage for another doing the same kind of work.

Until this can be done, it would be well to broadcast in other parts of the country, particularly the South, that this is no easy town for ordinary laborers. The simple truth is that pastures in the District, for the unskilled worker, at least, are not as green as they seem.

[From the Washington Daily News, Apr. 27, 1961]

Underpaying Workers Breeds Problems: Sometimes the Salaries They Get Are Insults

(Note.—Two years ago, the Washington Daily News printed a series of articles which showed thousands of workers in the Nation's Capital, and in Maryland and Virginia, were being paid only a fraction of the Federal minimum wage. This year, Congress is about to pass a law hiking the Federal minimum from $1 an hour—the Senate has OK'd a figure of $1.25 over a 2-year period, the House, $1.15, immediately. But there will be no increase for the workers who are not covered by Federal legislation. This story gives an insight into their problem, and the problems it raises for society.)

(By Rice Odell)

Early in the morning in the rubble of a razed building several blocks from the Capitol, elderly men begin picking away for bricks. When one has unearthed and cleaned off a hack—500 bricks—he gets $3.

At the end of the afternoon, a 57-year-old man brushes off the dust and gets ready to leave.

"You've got to dig for 'em," he says. "I've been working all day and I haven't made a hack yet."

Two others figure they've earned $4. They keep at it.

A 19-year-old shows up for work as a deliveryman-clerk at a small grocery, also near the Capitol, at 7:30 a.m. When he took the job he was told he'd have an 8-hour day. But when his day is done, it's 10:30 p.m.

He is paid $42 for a 6-day week. Allowing an hour off for meals and a shorter Saturday, this comes to 51 cents an hour.

A restaurant busboy works 10 hours a day on a split shift, 6 days a week. He gets two meals a day and $35 a week.

An eager young man shows up early in the morning for a new job at a carwash. He has been promised "up to" 75 cents an hour.

SOME DAY

Charles Elliott, acting supervisor of the U.S. Employment Service's unskilled labor section, says the employers of men like these often say that if a man is good, he will be paid more.

"But he may stay there 20 years and that more never comes," Mr. Elliott says.

FEDERAL MINIMUM

If the job involved came under the heading of interstate commerce, as millions do, the workers holding them would have to be paid at least $1 an hour—a Federal minimum expected to rise soon under congressional action.

Since they don't it is frequently a pay-as-little-as-you-can-get-away-with proposition.

The District has no minimum wage law of its own for men, though it does have one for women and minors in certain fields—where weekly wages are generally set at from $35 to $44.

MARYLAND

Maryland has no wage law for men or women. A bill for a $1-an-hour minimum passes the house every 2 years but never gets through the senate.

The legislature has heard of cases in which hotels pay charwomen 35 cents an hour, and laundries pay women workers 29 cents an hour.

At this year's session, an unfavorable report by a senate committee was upheld by a 19–7 vote. The issue is now dead until next February, at least.

VIRGINIA

Virginia also has no wage law. At the general assembly's last session a proposed 75-cent-an-hour law failed to pass by a 44–44 tie vote. The next attempt must wait until January.

The Federal minimum wage could be extended to more workers this year—but far from all of them. The U.S. Senate bill would extend coverage to 4 million people throughout the Nation. The House bill would not.

THE PAYOFF

The low wages paid many people provide for the community many a social problem.

Children are often left improperly cared for, if at all, when both husbands and wives take jobs.

Wives often bring home more money than their husbands in the District, thanks to its minimum wage law for women. A husband may look for other ways to increase his status—and those ways aren't always legal.

Sometimes a man's pay is so low, his family could get more by going on relief. In order to allow his family to qualify, the husband deserts—sometimes in fact, sometimes not.

Low wages can bring a contempt for regular jobs, especially among the young. Crime is only a short step away.

Low wages have a "very definite relationship to crime," according to Fred Z. Hetzel, District Director of the U.S. Employment Service.

DISCOURAGING

Chief District Court Probation Officer Edward W. Garrett, through whose hands pass reports on thousands of felons, says it is a "discouraging factor" in his work that "such miserably low wages are paid by some employers."

He says rehabilitation of a criminal can hinge on a job with "dignity and worthwhileness."

Most of his charges "recognize they have limited ability," he says. "But sometimes the salaries they get are insults."

Probation reports show many men have given up $25 or $30 a week jobs for crime.

ARGUMENTS

Several years ago an executive here was being honored at a luncheon of a business group of which he was outgoing president.

He told his colleagues the thing he was proudest of during his term in office was beating down an attempt by the District of Columbia Minimum Wage Board to raise the minimum wages of women retail clerks.

Con

This reflects the philosophy of some employers, a philosophy underlying the defeat of attempts to pass minimum wage legislation in the District, Virginia, and Maryland, and which is summed up in arguments like these:

Higher pay at the bottom levels will wipe out many jobs through automation, through belt-tightening by businesses, or through elimination of some of the businesses themselves; it will destroy wage differentials at the lower levels; it will push other wages up, causing inflation; it will increase the problem of foreign competition.

It's better, foes of minimum wage laws say, to have a job paying 60 cents an hour than no job at all.

Pro

On the other side, it is argued that higher wages will boost consumer buying, giving the economy a lift.

And that if it's a good idea to have a minimum wage for some workers, why not for others?

DENNIS W. SIVERS

Mr. MORSE. Mr. President, it has always given me great pleasure to be able to give to a talented young man or woman a deserved commendation for outstanding scholastic achievement.

This pleasure is doubled for me when the recipient of an award based upon academic distinction is bestowed upon an Oregonian.

Mr. Dennis W. Sivers, of Beaverton, Oreg., has just been accorded a high honor. He has been chosen as 1 of 14 high school science students to represent the United States at the Fourth International Youth Science Fortnight, July 19, 1962, to August 4, 1962, in London, England.

Dennis is also outstanding in science and mathematics at the Sunset High School in Beaverton.

I am told that he will graduate first in his class of 280 pupils. Throughout his entire high school career he has consistently demonstrated his ability by winning prizes, first places, and medals at science fairs. I understand in addition that he has placed first twice in the American Mathematics Association competitive examination.

Dennis has a well-rounded ability because in addition to his mathematical and science honors he has won short story contests and he also was a State winner in Spanish competition at the University of Oregon Field Day during his junior year in high school. He speaks Portuguese and Italian and is proficient in Esperanto and Interlingua. I am sure that in his future academic career at the Massachusetts Institute of Technology where he plans to undertake the study of physics he will continue to achieve high distinction.

Mr. President, I ask unanimous consent that a news release dated May 1, 1962, giving details of the selection of these outstanding young men and women which was issued by the National Science Teachers Association be printed at this point in my remarks.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

U.S. SCIENCE STUDENTS CHOSEN TO ATTEND INTERNATIONAL CONFERENCE

Dennis W. Sivers, an 18-year-old senior from Sunset High School, Beaverton, Oreg., has been chosen as 1 of 14 high-school science students to represent the United States at the Fourth International Youth Science Fortnight, July 19 to August 4, 1962, in London, England. Several hundred students competed for the honor, plus $700 in supporting grants, and the 14 youthful science ambassadors were selected from a group of 56 semifinalists. A complete list of the selected students is enclosed.

Announcement of the selections, 10 boys and 4 girls, was made today by Robert H. Carleton, executive secretary of the National Science Teachers Association (NSTA), Washington, D.C. Participation in the London Youth Science Congress is one of several Future Scientists of America programs conducted by NSTA. Supporting grants for the meeting have been provided by the National Aeronautics and Space Administration, the National Science Foundation, and Scholastic Book Services, Inc., publishers of the NSTA Vistas of Science paperback books for students.

More than 400 students from 16 different countries will take part in the London International Youth Science Fortnight. They will be housed at London University. The program, arranged by the British Association for the Advancement of Science, includes lectures by eminent scientists; brain-trust panels; discussion groups; visits to laboratories, museums, and British industries; and an array of social activities. The whole affair is organized and conducted by the Worldfriends organization and under the patronage of His Royal Highness, the Duke of Edinburgh.

Following the London meeting, the U.S. students, together with their adult leaders, Dr. and Mrs. Millard Harmon of Newton, Mass., will make a 3 weeks' science study tour by chartered bus through the Netherlands, West Germany, Switzerland, and France. Each student is paying $500 to cover this portion of the total trip. The group will convene in Washington, D.C., July 13, spend 4 days in the Nation's Capital, and depart from New York City, July 18, by jet for London. Return will be August 21 from Paris.

THE AMERICAN STUDENT DELEGATION OF THE 1962 NSTA INTERNATIONAL YOUTH SCIENCE FORTNIGHT AND EUROPEAN SCIENCE STUDY TOUR

Miss Alice A. Dvorkin, 1279 South Ridgeley Drive, Los Angeles, Calif., Los Angeles High School, age 17, 12th grade, physics.

Mr. Benjamin M. Friedman, 2304 Woodford Place, Louisville, Ky., J. M. Atherton High School, age 17, 12th grade, chemistry.

Mr. William A. Geffen, 4131 East 48th Street, Tulsa, Okla., Edison High School, age 17, 11th grade, chemistry.

Mr. James B. Given, 16 Weidman Road, Route 1, Manchester, Mo., Parkway Senior High School, Chesterfield, Mo., age 17, 11th grade, biology.

Miss Danalee Goldthwaite, Quarters U., U.S. Naval Hospital, Chelsea, Mass., Brookline High School, Brookline, Mass., age 18, 12th grade, biology.

Miss Ann J. Kazanow, 5312 Conrad Street, Skokie, Ill., Niles Township West High School, age 17, 12th grade, biology.

Mr. Kai N. Lee, 552 Riverside Drive, New York, N.Y., age 16, 12th grade, physics.

Miss Lucy A. Lynch, 4638 Tompkins Drive, McLean, Va., McLean High School, age 16, 11th grade, chemistry.

Mr. Kenneth L. Ogan, Route 2, Box 139, Eaton, Colo., Ault High School, Ault, Colo., age 17, 11th grade, chemistry.

Mr. Sam Pasternack, Jr., 2107 Essex Street, Monroe, La., Neville High School, age 18, 12th grade, physics.

Mr. Dennis W. Sivers, 8585 West Stark Street, Portland, Oreg., Sunset High School, Beaverton, Oreg., age 18, 12th grade, physics.

Mr. Michael S. Teitelbaum, 1900 Rookwood Road, Silver Spring, Md., Montgomery Blair High School, age 18, 12th grade, general science.

Mr. Carl C. Wamser, 393 Mountain Avenue, Berkeley Heights, N.J., Governor Livingston Regional High School, age 17, 12th grade, chemistry.

Mr. Arthur S. Warshaw, 2029 South Corning Street, Los Angeles, Calif., age 16, 11th grade, physics.

Mr. MORSE. Mr. President, to Mr. Sivers and to each of his colleagues in the American student delegation I send my best wishes and commendations.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURDICK in the chair.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMATHERS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. SMATHERS. Mr. President, first I congratulate my very able and distinguished colleague from the State of Louisiana for the splendid speech he has delivered on this important subject. I know it has been a real contribution to the arguments which have already been made, in great number and with great persuasiveness. I am satisfied that if more Senators had had an opportunity to listen to him they would have been persuaded by what he said; and I am certain that if Senators who have not had the opportunity to listen to him will read the RECORD, they will be greatly persuaded by what he has said.

Prior to considering the merits of the goals professed by the legislation at hand, we must first consider the rights Congress has in the matter of regulating the qualifying standards for electors in Federal elections. After a careful study of the problems brought out by this question, I feel that the approach represented by the measures before the Senate for consideration is improper in its constitutional aspects. I feel, for reasons which I shall enumerate, that we would be passing beyond the boundaries set for us by the Constitution if we entered into the area of setting voter qualifications, which is exactly what the proposed measures would have us do. We would not only be entering an area which we have avoided in the past, but we would also be attempting to negate State legislation which, as recently as 1958, has been found valid by the U.S. Supreme Court. Once we recognize the reasons why such proposals on our part are unconstitutional, it is of no avail to consider the avenue any further, for any degree of unconstitutionality, as any degree of death, is necessarily fatal.

Nor is it of any value to us, in contemplating the form of legislation before us, to consider the specific cases in which wrongs have been alleged in the application of the standards set by the States. This is not to say that such alleged wrongs and alleged deprivations of rights as set forth by such groups as the Civil Rights Commission should not concern us here, for indeed they should. However, the point is that we are attempting to apply the wrong remedy to cure such ills. The path we are urged to take in adopting this proposed legislation is clearly unconstitutional and beyond the scope of our powers.

Our subject, or rather the subject of the measures before us, is qualifications of an elector in the election of Federal officials. In fact, S. 2979 would have us set the qualifying standard in both State and Federal elections. It is important that this topic be kept in mind if we are to trace this issue clearly through the Constitution. Regarding this subject, the Constitution has this to say in relation to election in a contest for Representatives to Congress:

> Article I, section 2: * * * the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

This provision was, of course, written by the Constitutional Convention. There can be no doubt from the terms of this article that it was intended for the States to set the qualifying standard in these elections. If the leaders of the country felt that this matter was to be governed by the States, it would, I believe, be informative to look at the practices of the various States at this time in order to note what qualifying standards were in vogue at that time, and to note any essential differences in the practices of that day and of ours. This will give us a method of interpreting how the constitutional fathers would view current standards set by the States.

It will be noted that at least 11 of the Thirteen Original States established qualifications which they felt the electors of that State must possess. While a literacy test was not included in these original qualifying factors, such standards as possessing a certain amount of real property, period of residence, payment of taxes, "quiet and peaceable behavior" and "maturity in years" were used. Thus it is evident that it was recognized, and indeed intended, that the States should exercise reasonable restrictions on the voting privilege. Indeed, such standards as these are not dissimilar to those in use today.

In regard to the establishment of qualifications for becoming an elector, James Madison, writing in Federalist No. 52, had this to say:

> The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress, would have been improper for the reason just mentioned. * * * To have reduced the different qualifications in the different States to one uniform rule, would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention. The provision, made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is conformable to the standard already established, or which may be established by the State itself.

Such a statement as this, made by one of the activists of the Constitutional Convention, must be given due weight.

Thus we see that from the time of the establishment of our Constitution, the power of setting the qualifying standards for becoming an elector was left in the hands of the States, and such was the intention of the framers of the Constitution. But was this power recognized by the Federal courts? Indeed it was. In the decision of *Ex parte Yarbrough* (110 U.S. 651, 663) handed down in 1884, a unanimous Supreme Court said:

> The States define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for members of Congress in that State. It adopts the qualifications thus furnished as the qualifications of its own electors for Members of Congress.

It is of interest to note that their decision, which so clearly recognizes the authority of the States to set reasonable qualifications, was issued after the passage of the 14th and 15th amendments.

Also in *Mason* v. *Missouri* (178 U.S. 328), the Supreme Court said:

> The general right to vote in the State of Missouri is primarily derived from the State and the elective franchise * * * as regulated and established by the laws or constitution of the State in which it is to be exercised.

Also in *Darby* v. *Daniel* (168 F. Sup. 170), the Court stated:

> Under our constitutional system the qualification of voters is a matter committed exclusively to the States.

Thus we see that the language of article I, section 2, was intended by the framers of the Constitution to give the powers of establishing these qualifications to the States. We see also that the Supreme Court has recognized that the exercise of this power is solely within the province of the State government. If then such power in the States is recognized, and has been unquestioned when used in a reasonable and nondiscriminatory fashion, why did the 17th amendment to the Constitution, adopted in 1913, include the exact, same provision for establishing the qualifications for voting in a senatorial election? This would have been the occasion to seek a change by the recognized and declared constitutional procedure. However, no change was made. The words are identical:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for 6 years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

This may be regarded, in a sense, as an affirmation of the Supreme Court's view of the matter, and of the manner in which these qualifications had been set over the 124 years preceding the adoption of this amendment.

In regard to the States setting qualifications for electors in national elections, the Supreme Court continues to recognize the power vested in the States down to the present day. In *Guinn* v. *U.S.* (238 U.S. 347 (1915)), in regard to a questioned literacy test, the Supreme Court said:

> No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision.

This decision was quoted with approval in the 1958 decision by the Supreme Court of *Lassiter* v. *Northampton Board of Supervisors* (360 U.S. 45) of which more will be said later.

TENTH AMENDMENT ARGUMENT

The importance of the existence of our tripartite system of government cannot be denied. The explicit provisions in the Constitution establishing such a system are too numerous to list at this time. However, I feel it would be of assistance to us to note one of the more important provisions of this nature.

Starting with the 10th amendment we see that the powers not expressly granted to the Federal Government or so prohibited to the States are reserved to the States. I feel it would be of use to us all if anyone would come forward and point out to us the express grant to the Federal Government of the power to establish the standards for becoming electors, or, on the other hand, to show us where the Constitution prohibits the exercise of such powers by the States. Indeed I have just illustrated how this power was not only not expressly granted to the Federal Government but was expressly and specifically given to the States.

TIME, MANNER, PLACE VERSUS QUALIFICATIONS

At the outset I pointed out that it is important for us to realize that the problem before us is one of the Federal Government attempting to set the qualifications which one must possess in order to vote. It is true that the Federal Government is granted some powers under the Constitution in regard to overseeing elections, but it is equally true that nowhere do these powers extend to allow the Government to set up the qualifying standards.

Some who feel this proposed legislation is the proper path for us to take, find solace in the fourth section of article I of the Constitution. This provision states:

> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations * * *.

It is the last clause quoted in which those who believe these proposals to be constitutional find support for their arguments. However, if we pay close attention to exactly what authority is granted to Congress via this clause, we conclude that this has no bearing on the proposals at hand. Note well that it is the times, places, and manner of holding congressional elections concerned here and it is in regard to these matters alone that Congress is permitted to "make or alter such regulations." Nowhere in this article does the word "qualifications" appear.

It might be said that it was the intention of the framers of the Constitution to construe these words broadly and include qualifications within their scope. However, Alexander Hamilton, who certainly cannot be classified as one who favored a weak central government, tells us of the limitations intended for this clause. In Federalist No. 60 he says:

> The truth is, that there is no method of securing to the rich the preference apprehended, but by prescribing qualifications of property either for those who may elect or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the times, the places, the manner of elections. The qualifications of the persons who may choose, or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution, and are unalterable by the (National) Legislature.

Thus it is evident that this clause was to be interpreted in a very narrow, strict sense by those who placed it in the Constitution.

So certain were the early Members of Congress of the narrow interpretation of this grant of power that it was 50 years after the adoption of the Constitution before any action was taken in regard to any regulation under this clause. At that time Congress passed a law requiring Members of the House of Representatives to be elected by districts; then, in 1870 more extensive laws were passed in regard to the conduct of congressional elections. However, it will be noted that after 24 years of maintaining such regulations, Congress repealed most of these provisions and has not again attained this high water mark in Federal control—a mark which would be greatly surpassed should we enact the proposals before us now.

But let us see how the courts have interpreted this grant of power. In *Ex parte Clark*, 100 U.S. 404, the Supreme Court indicated that the authority to legislate as to the manner of elections, as granted in the Constitution, and here I quote, "does not authorize Congress to determine who shall participate in the elections, or what shall be the qualifications of the voters." In regard to qualification, the Court goes on to say, "their regulation rests exclusively with the States." Even such cases as *U.S.* v. *Classic*, 313 U.S. 347, which grants a certain degree of Federal control over Federal primary elections, say that "it is the right of qualified voters to vote in congressional primaries" over which this control is to be exercised.

Also in *Ex parte Yarbrough* (110 U.S. 651) the Supreme Court said:

> That the right to vote for a Member of Congress is not dependent on the Constitution or laws of the United States, but is governed by the law of each State respectively.

Thus we see that both as intended by the constitutional fathers and as interpreted by later Supreme Court decisions, article I, section 4 does not authorize Congress to set the standards a person must meet in order to vote. So long as such standards are reasonable and just on their face, the setting of such standards is solely within the province of the States.

FOURTEENTH AND FIFTEENTH AMENDMENTS

The 14th amendment of the Constitution is as follows:

> AMENDMENT XIV
>
> SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
>
> SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.
>
> SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.
>
> SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.
>
> SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

As early as 1874 in *Minor* v. *Happesett* (88 U.S. 162), the Supreme Court stated that the purpose of the 14th amendment was not to prevent discrimination in fixing the right of individuals to vote in Federal elections. This landmark case points out that "if suffrage was one of the privileges and immunities—referred to in the 14th—why amend the Constitution to prevent its being denied on basis of race," and so forth, as was done in the 15th amendment. Clearly then the 14th amendment was not intended to authorize general legislation to be enacted as to voting rights, and it is this original intent which must control any subsequent legislation purported to be authorized by the amendment.

> The 15th amendment, not the 14th, outlined discrimination on the basis of race or color with respect to the right to vote (*Terry* v. *Adams*, 345 U.S. 162).

The 15th amendment provides in part:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. * * *
>
> The Congress shall have power to enforce this article by appropriate legislation.

It is apparent that under the 15th amendment, Congress is not authorized to legislate generally on the subject of voting rights. It was, instead, intended that Congress should penalize any State action under color of law, which States are prohibited from making or enforcing.

The 14th and 15th amendments may be considered together at this point since the proponents of the proposed legislation rely on the equal protection, due process, and privileges and immunities clauses of section 1 of the 14th amendment. The authority of Congress to act pursuant to these clauses is governed by the same principles as those which govern the power of Congress under the 15th amendment.

> Beyond doubt the amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to these governments from the beginning (*Darby* v. *Daniel*, 168 F. Supp. 170).

Therefore, Congress may pass general legislation on this subject only if the 14th and 15th amendments prohibit State enactments providing for literacy tests. It follows under the rule in the Darby case these State laws are not prohibited by the Constitution. Thus, Congress lack the power to act in the absence of a constitutional amendment.

Again referring to the case of Lassiter against Northampton Board of Supervisors, State literacy tests have been continually upheld as a valid exercise of State power. Congress may not declare such State laws unconstitutional by enacting conflicting general law, nor for that matter, may Congress enact preemptive legislation regardless of the intent of such legislation when there is no constitutional basis for such action. The only power granted to Congress by the Constitution in this area is the power to determine the time, place, and manner of choosing electors under article I, section 4.

The Supreme Court in 1958 unanimously upheld a North Carolina literacy test in the Lassiter case, stating:

> The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised, absent of course the discrimination which the Constitution condemns.

Therefore it is clear that all that is required of the State laws is that they meet the suffrage requirements of the 15th and 19th amendments. This is for the Court to determine and this is no proper basis for the imposition of a national "norm." Indeed, it would set a dangerous and unwarranted precedent in the history of constitutional interpretation.

As Mr. Justice Douglas stated in the 1960 case of *Hannah* v. *Larche* (363 U.S. 494):

> We live and work under a Constitution. The temptation of many men of good will is to cut corners, take short cuts, and reach the desired end regardless of means.

The "desired end" is not here challenged but unquestionably the "means" must be a constitutional amendment.

THESE STATE STATUTES ARE NOT UNCONSTITUTIONAL

The impact of these constitutional provisions is clear; the color of a man cannot be a reason to grant or deny him the right to vote. But, those qualifications, which have no reasonable relation to race or color, are to be decided by the States themselves. It is true that our form of government demands the widest possible availability of the right of suffrage for all citizens without discrimination as to race or color. It is up to the Supreme Court to determine whether these State laws setting up qualifications are arbitrary or unreasonable. The Supreme Court in *Pope* v. *Williams* (193 U.S. 621 (1904)), interpreted the 15th amendment:

> Since the 15th amendment the whole control over suffrage and the power to regulate its exercise is still left with and retained by the several States, with the single restriction that they must not deny or abridge it on account of race, color, or previous condition of servitude.

True also, these qualifications cannot be arbitrary, capricious, and unreasonable. For instance, no one would assert that a State could set up voting qualifications modeled after the philosopher kings of Plato's Republic. Such regulation of the right of suffrage would be unreasonable by any standard and would violate the due process clause of the 14th amendment. On the other hand, a literacy test has a definite reasonable relationship to the qualifications for voting, and such a requirement does not per se discriminate against any group.

In *Guinn* v. *U.S.* (238 U.S. 347 (1915)), the Supreme Court commented for the first time on the literacy tests:

> No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision.

This decision was reaffirmed by a unanimous decision in 1958 by the Court in *Lassiter* v. *Northampton County Board of Supervisors* (360 U.S. 45). These State statutes are not unconstitutional, it is not the State law that proponents of these three bills wish to attack, but it is the occasional abuse in their application that has caused the stir. As of March 23 of this year the Civil Rights Division of the Department of Justice has had 25 cases brought under the 1957 and 1960 Civil Rights Acts charging discrimination in the application of these voting qualifications. This discrimination was charged because the literacy tests were alleged not to have been fairly administered. In other words, the crux of the discrimination was not the State law, but instead, improper application of that State law.

In the 1957 and 1960 Civil Rights Acts, which we passed, we gave to the Attorney General authority on his own motion to move into any area of the country at any time if he felt or believed there was reasonable ground for his conclusion that some action needed to be taken by the Department of Justice to protect a citizen's voting rights.

In view of the fact that he has close to 2,000 lawyers working for him, overall, a large number of them in the Civil Rights Division, it seems rather interesting to me that, with all the publicity given to this kind of so-called discrimination since 1957, he has been able to bring only 25 court cases, and that there have bene only 523 complaints in a nation of more than 185 million. This would indicate that there is no basic need for any additional legislation. As a matter of fact, the Department has all the legislation which is now needed. If there is any criticism to be made, it cannot be based on any lack of legislation, but rather, possibly, on the lack of use of the legislation which is now on the books.

Nineteen States have literacy tests, but these cases brought by the Attorney General occurred in only four States. In short, violations have occurred, but we must not circumvent the Constitution in protecting against these violations. Instead, we must rely, as we have in the past, on the Attorney General and the Justice Department to make certain that no more discrimination, if that is what is occurring, takes place. As the able senior Senator from North Carolina [Mr. ERVIN] has observed:

> Congress would be killing the patient to cure the disease if it took away the right of a State to decide to have an intelligent electorate.

In Lassiter against Northampton County Board of Supervisors, the Supreme Court ruled that a literacy test is a reasonable requirement for exercise of the franchise to vote. The States are entitled as part of their policy to require some minimum standard of education. Today we live in a society that is constantly changing and consequently becoming more complex; in short, in order to cope with today's problems, it is inevitable that there be an increasing emphasis on education.

A standard needs to be set up in order to insure an intelligent electorate. No one would deny that a reasonable educational standard is needed. In fact the proponents of these three bills have set up a standard—completion of six primary grades in a public school or an accredited private school. They claim that the State standards are vague and nebulous and therefore discriminatory. When the Federal judiciary finds such laws are unreasonable, they strike down the standard as invalid. In *Davis* v. *Schnell* (81 F. Supp. 872 (D.C.S.P. Ala., 1949)), the Court found that an amendment to the Alabama constitution which limited registration of voters to "those who could understand and explain" any article of the Federal Constitution was invalid because "understand and explain" provided no reasonable standard. These proposed bills which set up the standard of completion of a sixth-grade education are unreasonable too. They dogmatically assume that completion of six primary grades equips every individual to exercise the franchise to vote intelligently. Such a standard does not take into account the individual; in fact, in many instances it may sacrifice the qualified individual who does not meet this dogmatic test, but who most certainly possesses intelligence and self-taught educational background. Even today there is a need in our society for the self-made man.

It would seem to me to be equally logical that the proponents of the bill, having proposed a literacy test on the basis of the accomplishment or completion of the sixth grade, should have gone further and said that anyone who finally finishes the sixth grade should be permitted to vote, because, according to their standards, that fact alone indicates that those particular individuals, whether they are 13 or 14 or 15 years old, having finished the sixth grade, have the competency, in the judgment of the proponents of the bill, to cast an intelligent vote. I do not subscribe to that theory; but it seems to me that if it can be argued that that should be the test, then, having adopted that test, if that is their proposal, and if that is what they seek to do, they should allow those persons to vote.

On the other hand, it is common knowledge that a standard of a sixth-grade education cannot be uniform on a national scale. It is dogmatic to assume that every school system maintains the same standards. Some schools have a policy of social promotion; other schools are engaged in educating the mentally retarded and therefore quite naturally maintain different educational policies. These bills create a conclusive presumption that all persons who have completed six grades can qualify as literate. The Census Bureau has found that the sixth-grade level was the point at which most people are able to read and write. This arbitrary cutoff point is patently untenable; we all know that many people due to mental and/or physical infirmities do not suddenly become literate at this stage in their education, and other people are literate before this time.

Even if such an act were constitutional in that we were to assume Congress did have the power to regulate voting qualifications, this arbitrary cutoff point is unreasonable and therefore would be invalid. The proponents of these bills claim to be protecting the rights of the individual, but to set up such an arbitrary standard as this would be sacrificing many individuals.

This power to set up voter qualifications belongs to the States because there, and only there, can the individual case be dealt with. Every State is striving to improve its educational standards today, but, as we all know, there is a great variance among States and even within a State as to the quality of education. Therefore, voting qualifications is a problem that must be dealt with on a local basis. The laws setting out the voting qualifications must not be discriminatory, and the application of these laws must be impartially applied to each individual. However, our Founding Fathers understood the need for this power to be left to the States themselves, and the courts have found that the same reasons continue to prevail today. When there is no longer any reason for a particular law, then that law should be stricken from the records, but in this instance the need still prevails. We do not have uniformity of education throughout this vast country, therefore there is no reason to strike down what the Constitution itself so clearly states and what the courts have so unanimously interpreted the Constitution to still mean.

ONLY CONSTITUTIONAL AMENDMENT CAN PROVIDE SUCH LAW

Mr. President, only a constitutional amendment can provide the proper medium to bring about the change which the proponents of the bill seek. In the case of *Texas* v. *White* (74 U.S. 700), the Court said:

> The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.

This is the real issue at stake now here before us because we have in this Republic a dual system of government—National and State—and each operates upon the same persona and within the same territory. Certain matters are absolutely left to the National Government. However, historically, for very practical reasons, voter qualification has been left to the States.

The Constitution clearly spells this out. As I have previously explained, there has been no express grant of this power to the National Government; in fact, there has been an express reservation of this power in article I, section 2, and in the 17th amendment. The 15th amendment only prohibits a State from using race or color as a prerequisite for qualifying to vote. In 1870, after the House passed the amendment, the Senate tried to amend it by adding prohibitions against discrimination on grounds of education. This proposed amendment was defeated in the House, and ultimately the present amendment became the law. It would be incongruous to argue that the 15th amendment implies prohibitions against educational qualifications, when Congress expressly rejected any such amendment.

In 1913, the 17th amendment, providing for the popular election of Senators, was passed. In the first paragraph of the amendment it is stated:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Nothing in the CONGRESSIONAL RECORD even intimates that Congress made any attempt to limit the authority of the States to prescribe the qualifications of voters for Senators. This provision is identical with that of article I, section 2, dealing with the choosing of Representatives for Congress. In other words, from the time of the adoption of the original Constitution to the adoption of the 17th amendment, over 123 years, there was no doubt that the responsibility for setting voter qualifications belonged to the States.

In order to give women suffrage, the 19th amendment had to be passed. Today the Constitution is just as clear in providing that the States shall regulate voter qualification as it was, before ratification of the 19th amendment, in showing that women had no right of suffrage. No one would contend that the suffrage could have been given to women without a constitutional amendment; and surely no one can now logically contend that the regulation of voter qualifications can be taken from the States without an amendment to our Constitution.

Mr. President, recently the Senate passed a joint resolution proposing a constitutional amendment to abolish the poll tax. Theretofore, bills to accomplish the same result had been introduced by Senators who maintained that could be done by having the Congress merely enact such a statute. However, I was proud of the fact that the President of the United States, the Attorney General of the United States, and others recommended that the only proper way to bring about elimination of the poll tax as a condition precedent to voting in any of the States of the Union was the ratification of a constitutional amendment for that purpose; and they very properly got in contact with my distinguished senior colleague, the Senator from Florida [Mr. HOLLAND], who was the sponsor of the proposed constitutional amendment to eliminate the poll tax, and urged him to go forward with his proposal. So by the constitutional amendment process we proceeded in connection with our efforts to eliminate the poll tax; and obviously, that is the way we must now proceed if we are to change the constitutional provisions with respect to voter qualifications. That can be done only by constitutional amendment, if it is to be done constitutionally, legally, and validly.

In the 1959 report of the Civil Rights Commission, it was recommended that the Constitution be amended in order to accomplish what the three measures now before us seek to accomplish. But now, 3 years later, the Commission seeks to circumvent the Constitution by congressional act. However, Mr. President, Congress does not have such power. The supreme law of the land clearly states that this power has not been given to Congress.

Mr. President, it is interesting to me to note that in 1959, in making the recommendation with respect to voter qualifications, the Civil Rights Commission specifically stated that the change could be made only by means of a constitutional amendment. Yet just 2 years later the Civil Rights Commission finally decided that that could be done merely by a congressional act. The only possible explanation which can be given for this change in the position of the Civil Rights Commission is the change in some of the membership of the Commission. Obviously, however, in 1959 the Civil Rights Commission was correct—in fact, the position it took at that time is supported by all the constitutional cases which bear on this subject—when it stated that the only way this objective could be achieved was by means of a constitutional amendment. Thus, it is obvious that in 1961 the Civil Rights Commission was completely incorrect when it recommended that the same result could be achieved merely by the enactment of such a law by Congress.

There is only one method by which these proposals can become law—by amending the supreme law of the land. Only by amending the Constitution itself can this proposed legislation become valid law. By putting into operation the machinery for constitutional amendment, the people of our United States can decide what the law should be. Congress, acting alone, cannot do this. Our forefathers sagaciously anticipated such legislation as this, and they realized the need for the individual deliberation of each and every voter. Therefore, they wisely chose to restrain Congress from passing on such matters.

A matter of this kind and of such importance can be decided only directly by the voters themselves; and if their decision calls for a constitutional amendment, every one of us here, regardless of our personal convictions, will abide by that decision, for then, and only then, would the proposed change be the valid law of the land.

I plead that we do not further erode our Constitution by attempting to short circuit it in order to obtain results, no matter how worthy may be the motives of those who promote this scheme.

Mr. President, with respect to those motives, I should like to state very briefly that, in my judgment, I really cannot believe there is any motive behind this particular measure except a political motive. As I have already stated, there are already on the statute books ample laws to cover this situation. As I have said, from the 185 million people of the United States, there have been received only a little more than 600 complaints, and only 25 court cases have been instituted, and there have been only 315 sworn complaints. So, even if all those complaints are valid, obviously no great injustice is being done.

The fact is that those who seek to promote the enactment of legislation of this kind have in the back of their minds, in my judgment, the desire to achieve the political result of obtaining the votes of those who make up certain well organized minority groups in some of the larger States, particularly in the eastern part of the United States, where these particular groups have "the swing vote"—in other words, where the votes ordinarily are so evenly divided between the two major political parties that this well organized minority vote is able to swing the election and to carry the electoral votes of such States in favor of the person who receives the votes of that minority group. So, the motive of those who favor this measure is to have exactly that happen—in other words, to obtain the votes of that minority group, and thereby swing the vote of the entire State. I believe it has been evident from the outset of this debate that such a political motive is really what is behind this entire proposal.

Therefore, Mr. President, I hope that in dealing with this matter, the good sense and the good judgment of the Senate will prevail. I am certain that Senators do not wish to cause great injustice to be done to innocent persons throughout the country who must look to the Constitution of the United States for their protection, and who clearly would find their rights in jeopardy if there were any further erosion or destruction of the constitutional provisions.

I hope and believe that good judgment and good sense will prevail in this body. I am of the opinion that it will.

ADJOURNMENT

Mr. SMATHERS. Mr. President, if there is no further business to be taken up by the Senate at this time, I move that the Senate now adjourn in accordance with the order previously entered.

The motion was agreed to; and (at 7 o'clock and 8 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Wednesday, May 2, 1962, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 1, 1962:

United Nations

Walter M. Kotschnig, of Maryland, to be the representative of the United States of America to the 17th plenary session of the Economic Commission for Europe of the Economic and Social Council of the United Nations.

Department of State

G. Griffith Johnson, of Connecticut, to be an Assistant Secretary of State.

Edwin M. Martin, of Ohio, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State.

U.S. Advisory Commission on Information

Clark R. Mollenhoff, of Iowa, to be a member of the U.S. Advisory Commission on Information for a term expiring January 27, 1965, and until his successor has been appointed and qualified.

Morris S. Novik, of New York, to be a member of the U.S. Advisory Commission on Information for a term expiring January 27, 1965, and until his successor has been appointed and qualified.

U.S. Advisory Commission on International Educational and Cultural Affairs

The following-named persons to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs for the term indicated, and until his successor has been appointed and qualified.

FOR A 1-YEAR TERM

Dr. Walter Adams, of Michigan.
James R. Fleming, of Indiana.
Dr. Mabel M. Smythe, of New York.

FOR A 2-YEAR TERM

Dr. Walter Johnson of Illinois.
Dr. Roy E. Larsen, of Connecticut.
Dr. Franklin D. Murphy, of California.

FOR A 3-YEAR TERM

Dr. Luther H. Foster, of Alabama.
Dr. John W. Gardner, of New York.
The Reverend Theodore Martin Hesburgh, of Indiana.

Diplomatic and Foreign Service

Lucius D. Battle, of Florida, for reappointment in the Foreign Service as a Foreign Service officer of class 1, a consul general, and a secretary in the diplomatic service of the United States of America, in accordance with the provisions of section 520(a) of the Foreign Service Act of 1946, as amended.

Alton W. Hemba, of Mississippi, now a Foreign Service officer of class 2 and a secretary in the diplomatic service, to be also a consul general of the United States of America.

The following-named persons for appointment as indicated:

To be Foreign Service officers of class 7, vice consuls of career, and secretaries in the diplomatic service of the United States of America

John F. Archer, of California.
Richard C. Barkley, of Michigan.
Robert L. Barry, of Pennsylvania.
Natale H. Bellocchi, of New York.
Norman M. Bouton, of Indiana.
A. Donald Bramante, of Virginia.
John R. Countryman, of New York.
Miss Marie R. de Gunzburg, of New York.
Eugene Klebenov, of Massachusetts.
James E. Leader, of Delaware.
William K. Mackey, of the District of Columbia.
Andrew J. Pierre, of New York.
Gilbert F. Rankin, of California.
Frederick S. Vaznaugh, of California.

To be Foreign Service officers of class 8, vice consuls of career, and secretaries in the diplomatic service of the United States of America

Michael J. Barry, of New York.
William W. Beyer, of New Jersey.
Richard A. Christensen, of Wisconsin.
John R. Davis, of New York.
Peter Jon de Vos, of the District of Columbia.
Charles F. Dunbar, Jr., of the District of Columbia.
Henry A. Engelbrecht, Jr., of Maryland.
Ronald D. Flack, of Minnesota.
Carmen L. Gentile, of Massachusetts.
John L. Gibson, of Iowa.
Miss Dixie L. Harrington, of Iowa.
Miss Ruth M. Held, of New York.
M. Charles Hill, of New Jersey.
Miss Carolyn M. Kruschke, of Minnesota.
Edward A. Mainland, of California.
Paul M. Meo, of Massachusetts.
Robert P. Myers, Jr., of California.
Thomas M. T. Niles, of Kentucky.
Ernest D. Oates, of California.
Arthur M. Odum, of Texas.
Walter E. Stadtler, of New York.
Carl Taylor, of Vermont.
Joel D. Ticknor, of New York.
Thaddeus C. Trzyna, of California.
Frank Tumminia, of New York.

The following-named Foreign Service Reserve officers to the office indicated:

To be consuls of the United States of America

Gilbert F. Austin, of Washington.
John H. Backer, of North Carolina.
James P. Burke, of Maryland.
James D. Conley, of Indiana.
Robert M. Gilkey, Jr., of the District of Columbia.
Benjamin H. Jackson, Jr., of Rhode Island.
William A. K. Jones, of the District of Columbia.
Barry R. Nemcoff, of Pennsylvania.
Robert L. Nichols, of New Hampshire.
Ralph G. Sheehafer, of Virginia.
Laurence Sharpe, of Illinois.
Robert B. Warner, of Michigan.

To be vice consuls of the United States of America

James E. Bradshaw, of Tennessee.
Earl Monroe Dennis, Jr., of Virginia.
Arthur P. Frizzell, of Maine.
Thomas J. Gunning, of Wisconsin.
C. Clark Rumrill, of New York.
Creed Davis Tucker, of Illinois.

To be a vice consul and a secretary in the diplomatic service of the United States of America

Arthur M. Niner, Jr., of New Jersey, a Foreign Service Reserve officer.

To be secretaries in the diplomatic service of the United States of America

David H. Blee, of California.
Charles O. Coudert, of Connecticult.
Charles B. Fahs, of New Jersey.
John P. Horgan, of Virginia.
Lloyd L. Lee, of Hawaii.
Alan D. Wolfe, of New York.

The following-named Foreign Service Staff officers to the office indicated.

To be consuls of the United States of America

William C. Kirk, Jr., of Florida.
Frederick W. Shaffer, of Pennsylvania.
Mrs. Corinne W. Spencer, of Texas.

Deputy Attorney General

Nicholas deB. Katzenbach, of Illinois, to be Deputy Attorney General.

U.S. District Judge

Stephen J. Roth, of Michigan, to be U.S. district judge for the eastern district of Michigan.

U.S. Patent Office

Ezra Glaser, of Virginia, to be an Assistant Commissioner of Patents.

HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Romans 8: 28: *We know that all things work together for good to them who love God.*

Eternal God, grant that, in the glory and wonder of this springtime, when all nature renews itself and reveals its splendor, we may have the inspiration and insight to see in it the promise and prophecy of the more abundant and radiant life which Thou wouldst have us possess and enjoy.

May we know the thrill and triumph of a life that has come under the spell and sway of Thy transforming and transfiguring spirit, releasing within us a new power that can challenge and conquer the forces of darkness and despair, of fear and frustration.

We earnestly beseech Thee that all who daily assemble in this Chamber and all who are in the galleries may be brought nearer to the sanctuary of Thy love; and wilt Thou sanctify to us alike the various experiences of life, the failures and good fortunes, its sunlight and shadows, believing that all things will work together for our blessedness if we love Thee.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

HOM HONG HING

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3008) for the relief of Hom Hong Hing, also known as Tommy Joe, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 8, strike out all after "fee." down to and including line 12.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

EXECUTIVE COMMUNICATION NO. 1944

Mr. ALBERT. Mr. Speaker, after consultation between the Speaker and the gentleman from Maryland [Mr. Fallon], I ask unanimous consent that Executive Communication No. 1994, which was referred to the Committee on Public Works, be referred to the Committee on Banking and Currency.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE ON BANKING AND CURRENCY

Mr. ALBERT. Mr. Speaker, on behalf of the gentleman from New York [Mr. Multer], I ask unanimous consent that Subcommittee No. 3 of the Committee on Banking and Currency may be permitted to sit during general debate from May 1 through May 11.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. BROWN. Reserving the right to object, Mr. Speaker, may I inquire what legislation is being handled that we are being asked to give unanimous consent for this committee to sit during general debate for 11 days?

Mr. ALBERT. It is in the field of mass transportation.

Mr. BROWN. That is a rather unusual request, Mr. Speaker. Has it been cleared with the leadership?

Mr. ALBERT. The gentleman from Illinois has cleared it.

Mr. BROWN. That is a rather unusual request, but I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE ON THE JUDICIARY

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have permission to sit during general debate on Thursday next.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

USE OF DIVERTED WHEAT AND FEED GRAIN ACREAGE

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11413) to amend the Agricultural Act of 1961 to permit the planting of additional nonsurplus crops on diverted acreage.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. HOEVEN. Mr. Speaker, reserving the right to object, would the gentleman explain the purpose of this legislation?

Mr. JONES of Missouri. The purpose of this legislation is to permit farmers greater flexibility in the use of the diverted acres; that is, acres diverted from wheat and feed grains under the 1962 program which is in effect. I think the thing that the gentleman would be interested in is the fact that it will reduce the cost to the Government of the 1962 wheat and feed grain programs and will encourage the production of crops that are not in surplus.

Mr. HOEVEN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from South Dakota [Mr. Reifel].

Mr. REIFEL. Mr. Speaker, this bill which I introduced is designed to make it possible, in the case of flaxseed growers, to grow flaxseed on diverted acres providing the Secretary of Agriculture finds that such crop is not in surplus; and by permitting the crop to be grown on diverted acres it would not add to the surplus. At the same time the crop would be grown without the expense to the Government of the diversion payments. This would in turn make it possible to effect a saving in that regard. Then in respect to other crops such as guar and safflower seed, and other crops mentioned in the bill, that are not in surplus, and which need some encouragement, as for example sesame seed, which is used in the making of crackers of various kinds; the Secretary of Agriculture, if he found it to be in the interest of the program, could permit up to 50 percent of the diversion payments to be paid to the farmers who would grow these kinds of crops.

In the overall effect, Mr. Speaker, this bill should make it possible for us to effect a saving so far as our diversion payments are concerned in these two 1-year temporary programs with regard to feed grains and wheat.

Mr. HOEVEN. Mr. Speaker, this bill was reported out of the committee unanimously.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 124(a)(2) of the Agricultural Act of 1961 is amended by changing the proviso to read as follows: "*Provided,* That the Secretary may permit such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, other annual field crops for which price support is not made available, and flax, when such crops are not in surplus supply and will not be in surplus supply if permitted to be grown on the diverted acreage, subject to the provisions of subsection (b)(4) of this section."

Sec. 2. Section 124(b)(1) of the Agricultural Act of 1961 is amended by striking out "or sesame." and inserting: "sesame, other annual field crops for which price support is not made available, or flax, payment for which shall be computed in accordance with subsection (b)(4) of this section."

Sec. 3. Section 124(b) of the Agricultural Act of 1961 is amended by adding the following new subsection:

"(4) Payment with respect to diverted acreage devoted to castor beans, guar, safflower, sunflower, seasame, other annual field crops for which price support is not made available, or flax, in accordance with the proviso of subsection (a) (2) of this section, shall be at a rate determined by the Secretary to be fair and reasonable taking into consideration the use of such acreage for the production of such crops: *Provided*, That in no event shall the payment exceed one-half the rate which would otherwise be applicable if such acreage were devoted to conservation uses and no price support shall be made available for the production of any such crop on such diverted acreage."

SEC. 4. Section 16(d)(1) of the Soil Conservation and Domestic Allotment Act, as amended, is further amended by changing the proviso in the first sentence to read as follows: "*Provided*, That the Secretary may permit such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, other annual field crops for which price support is not made available, and flex, when such crops are not in surplus supply and will not be in surplus supply if permitted to be grown on the diverted acreage, subject to the condition that payment with respect to diverted acreage devoted to any such crop shall be at a rate determined by the Secretary to be fair and reasonable, taking into consideration the use of such acreage for the production of such crops, but in no event shall the payment exceed one-half the rate which would otherwise be applicable if such acreage were devoted to conservation uses and no price support shall be made available for the production of any such crop on such diverted acreage".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRIVATE CALENDAR

The **SPEAKER**. This is Private Calendar day. The Clerk will call the bill on the Private Calendar.

LAND CONVEYANCE, FLORIDA

The Clerk called the bill (H.R. 5456) to provide for the conveyance of certain real property of the United States to the former owners thereof.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall convey, without consideration therefor, to Mayo Drake, Herman L. Drake, John Cecil Drake, Ruby M. Drake, Clara O. Drake, and Lilla H. Drake, as tenants in common, all right, title, and interest of the United States in and to the real property described as the northwest quarter southwest quarter, section 12, township 2 south, range 5 west, Leon County, Florida, containing 35 acres more or less, which real property was acquired by the United States under the final judgment entered October 29, 1941, by the United States District Court for the Northern District of Florida in the condemnation proceedings entitled United States of America against 24,814.602 acres, more or less, of land, T.C. Numbered 41.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The **SPEAKER**. This concludes the call of the Private Calendar.

COMMITTEE ON RULES

Mr. **SMITH** of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight to file a report on the so-called Satellite Communications Act.

The **SPEAKER**. Is there objection to the request of the gentleman from Virginia?

There was no objection.

THE HONORABLE CARL VINSON

Mr. **LANDRUM**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. **LANDRUM**. Mr. Speaker, last week down in Georgia the district Democratic executive committees of the various congressional districts met for the purpose of adopting rules and regulations under which the congressional primaries are to be run this year. The chairman of the Sixth District Democratic Executive Committee at this meeting made some statements with regard to one of our dear and distinguished colleagues that I feel are appropriate for the membership to hear, and I would like to read the brief statement and resolution that Mr. Charles J. Bloch, a distinguished attorney and very great American had to say about our dear and distinguished friend, the gentleman from Georgia, Mr. CARL VINSON. He said:

> This is a unique occasion, one without precedent, I believe, in the history of the United States of America. We are gathered to adopt rules for the Congressional Primary, Sixth Congressional District of Georgia. In that primary, the nominee of the Democratic Party of Georgia to be Representative of this District will be chosen.
>
> Since November 3, 1914, the Honorable CARL VINSON has been a Representative in Congress from Georgia.
>
> On November 3, 1914, almost 50 years ago, Mr. VINSON was elected to the 63d Congress to fill an unexpired term. Biennially since then he has been reelected, so that now, serving in the 2d session of the 87th Congress, he has been serving 25 consecutive terms—longer we believe than any living citizen ever before served consecutively in the House of Representatives of the United States.
>
> What a period of time that is:
>
> When the present Speaker of the House came there, Mr. VINSON had been there 14 years. When the minority leader, Mr. HALLECK, came there, Mr. VINSON had been there 21 years. When our friend, Judge HOWARD W. SMITH, chairman of the Rules Committee, came, Mr. VINSON had been there 17 years. When the President of the United States was born, Mr. VINSON had been in Congress almost 3 years; when the President was elected to the House from the 11th Congressional District of Massachusetts in 1946, Mr. VINSON had been there 32 years.
>
> That term of service has been along with eight Presidents: Presidents Wilson, Harding, Coolidge, Hoover, Franklin D. Roosevelt, Truman, Eisenhower and Kennedy.
>
> For 16 of those years, Mr. VINSON was chairman of the old Naval Affairs Committee. Since the Armed Services Committee was formed as a combination of the Naval Affairs Committee and the Military Affairs Committee, he has been its chairman save one term when the opposing party controlled the Congress.
>
> What changes have been his to view and supervise.
>
> From machineguns to atom bomb.
>
> From the days when the cruise of the *Oregon* was still being celebrated to this day when jet planes fill the air, and atomic submarines fill the sea.
>
> Through World Wars I and II, through the Korean war, he has served and guided us.
>
> That service, that guidance, has been without a blemish. That career has been one of unselfish, unsullied devotion to these United States of America. That career shines as an example of patriotism. In these days when there are those who scoff at the word "patriot," we are proud to hail Mr. VINSON as the superpatriot of this era.
>
> It is fitting that as the preliminaries of this meeting have been concluded, we pause in gratitude and thanks and hope.
>
> In gratitude to Almighty God for having given Mr. VINSON to us, and permitted him to serve in health and vigor these many, many years.
>
> In thanks to Mr. VINSON for those sturdy traits of character which have made the phrase, "Chairman VINSON of Georgia" a shibboleth of honor, service, and tradition.
>
> In hope that he will again become a candidate of the Democratic Party of Georgia for Representative of our district.
>
> In hope, too, that when elected he will be spared by providence to serve his beloved country and us, his friends and neighbors, not only so as to complete 50 years of service, but for years and years to come.
>
> I suggest to you, therefore, that a delegate move the adoption of what I have said to you as a resolution of this meeting—a resolution of thanks and hope—of gratitude—and of endorsement of Mr. VINSON's candidacy for nomination as your Representative from the Sixth Congressional District of Georgia.
>
> I realize that this resolution is unusual in form, that my request may be unusual at this particular phase of the meeting; but this is an unusual occasion, and all of us should be proud to be participating in it.

Now, Mr. Speaker, so am I proud, as I know each Member of this House is proud, to adopt the words of the resolution so beautifully expressed by Mr. Charles Bloch in behalf of Mr. VINSON, and say to him we are glad we can serve with a man who commands such great admiration from his homefolks and other outstanding citizens.

NATURAL GAS FOR RESALE FOR INDUSTRIAL USE

Mr. **BOLLING**. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 607, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6949) to amend section 4(e) of the Natural Gas Act, to authorize a gas distributing company to complain about a rate schedule filed by a natural gas company and to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. Brown] and pending that, myself such time as I may consume.

Mr. Speaker, so far as I know, there is no controversy over the adoption of this rule. The purpose of the bill, which this resolution makes in order, is to fill a loophole in the Natural Gas Act and empower the Federal Power Commission to treat rate increases proposed by companies distributing power for industrial use only in exactly the same way that other rate increases are treated today. It would enable the Power Commission to suspend the rate increases becoming effective until such time as the Power Commission made a decision and would thus put industrial users on the same basis as private users.

I repeat, Mr. Speaker, I know of no controversy over this rule and reserve the balance of my time.

Mr. BROWN. Mr. Speaker, the gentleman from Missouri [Mr. Bolling], my colleague on the Committee on Rules, has very ably and very well explained this rule and the bill which it makes in order for consideration under 1 hour of general debate.

The bill, H.R. 6949, as I recall, was reported unanimously by the very able House Committee on Interstate and Foreign Commerce. The rule was reported unanimously by the Committee on Rules. It is, as the gentleman from Missouri explained, simply a corrective measure to protect certain rights in connection with the sale and resale of natural gas.

Mr. Speaker, we have no requests for time.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ALL-CHANNEL TELEVISION RECEIVERS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 608 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8031) to amend the Communications Act of 1934 in order to give the Federal Communications Commission certain regulatory authority over television receiving apparatus. After general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. Brown], and pending that, myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 8031, which is made in order by House Resolution 608, is to authorize the Federal Communications Commission to require that all television receivers shipped in interstate commerce or imported into the United States be equipped at the time of manufacture to receive all television channels. The purpose of giving this authority to the Federal Communications Commission is to make useful both the VHF frequencies and the UHF frequencies.

I gathered there was some controversy about this bill in committee, but this represents a compromise that was finally agreed upon. There was little controversy before the Committee on Rules. I reserve the balance of my time.

Mr. BROWN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the distinguished gentleman from Missouri [Mr. Bolling] has explained, this resolution makes in order the consideration of H.R. 8031 under 2 hours of general debate.

Mr. Speaker, H.R. 8031 is a bill which would prohibit manufacturers to ship in interstate commerce, after a certain date, television receivers not equipped so as to receive all frequencies—the very high frequencies of which I think there are 13 channels, and a greater number of other channels to receive ultrahigh frequency telecasts.

Mr. Speaker, in my opinion this bill, over which there was some controversy in the Committee on Interstate and Foreign Commerce, and additional controversy in the Rules Committee, is stretching the interstate commerce clause of the Constitution once more a little too far. In other words, in recent years the interstate commerce clause of the Constitution has been used to permit the Federal Government to do about anything it might desire to do in connection with any matter, by limiting shipment in interstate commerce. Of course, under this act it would be legal to make the ordinary, old type television receiver, as we know it, able to cover the very high frequency telecasts—some 13 channels only—if one did not ship it out of the State. But if one did ship such a receiver out of the State, one would come under this law, and would be in violation of the law.

Mr. Speaker, in connection with this particular bill one must remember that the ultrahigh frequency stations are very, very short in their telecast range—10 to 15 miles, usually—with most of them located in large cities only. The very high frequency stations, which relatively occupy only a few channels—and I do appreciate that there is a question as to how to distribute those channels properly—cover long ranges of territory, hundreds of miles.

Mr. Speaker, the enactment of this bill would simply mean that everyone in the rural areas, where ultrahigh frequency stations are not available, will be compelled, when they purchase a new television receiver, to pay anywhere from $15 to as much as $40 more for equipment equipped to receive ultrahigh frequency signals which they cannot receive because of the limitations of distance. In other words, the only television service they can receive, or would be able to receive, is that which they receive now from very high frequency station telecasts or channels. But they would be required to purchase this higher priced new equipment regardless.

While I personally understand the problems which confront the Interstate and Foreign Commerce Committee in connection with the distribution of the few very high frequency radio channels now available in order to cover the country, because I did serve on the Communications Subcommittee of that great committee for a good many years, I still feel that placing this new burden of extra cost on all of the people in the rural districts, who will be unable to receive ultrahigh frequency signals, by requiring they must purchase equipment they do not need, do not want, and cannot use, is indeed a questionable use of our legislative powers.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. BROWN. I yield to my colleague from Ohio.

Mr. AYRES. I shall ask the gentleman from Ohio, Is it not true that there is an expansion of programing in the UHF field that this will help?

Mr. BROWN. I will answer by saying I am advised 75 percent of the present ultrahigh frequency stations are not now moneymakers; but are having difficulties, and many of them are closing down.

Mr. AYRES. In my hometown of Akron, Ohio, we only have one channel and it is a UHF channel. We would be very happy to have a VHF there, but in the meantime it would be very nice if all of the people could receive the UHF.

Mr. BROWN. I have the highest respect and regard for Akron and Summit County, and the people of that area; but I am very sure their Representative in Congress, with his great ability and ingenuity can soon get them a very high frequency station, if he desires.

Mr. AYRES. I have been trying for a number of years.

Mr. BROWN. I know of no man in the Congress of the United States who has been more able or zealous in taking care of the needs of his community than the gentleman from Summit County, my colleague from Ohio [Mr. Ayres].

Mr. AYRES. Will the senior member of the Ohio delegation, the gentleman from Blanchester, offer his assistance in getting us a VHF station?

Mr. BROWN. The gentleman has always been of assistance to all of his colleagues, whenever possible, and especially to the gentleman from the 14th District of Ohio.

Mr. AYRES. I thank the gentleman.

Mr. BROWN. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATURAL GAS FOR RESALE FOR INDUSTRIAL USE

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6949) to amend section 4(e) of the Natural Gas Act, to authorize a gas distributing company to complain about a rate schedule filed by a natural gas company and to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6949, with Mr. BASS of Tennessee in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HARRIS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the Committee on Interstate and Foreign Commerce reported H.R. 6949, a bill which would amend section 4(e) of the Natural Gas Act, to authorize a gas distributing company to complain about a rate schedule filed by a natural gas company and to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only.

Mr. Chairman, this is an amendment to the Natural Gas Act that every Member of this House can support. There is no controversy over this provision. It is an amendment to an act that it is thought desirable to bring in conformity the rate regulation and control by the Federal Power Commission of industrial sales for resale as with those of household and commercial sales.

When the Natural Gas Act of 1938 was passed it contained a provision authorizing the Federal Power Commission to postpone the effective date of rate increases while it held hearings to determine their lawfulness. If, at the end of the 5 months suspension period, the proceeding has not been concluded, the act further provided that with the natural gas company filing a bond, it could go ahead and collect the rate under bond until such time as the Federal Power Commission determined the rate that should be approved. If the Federal Power Commission determined that the rate for household, domestic uses, and commercial uses, was too high, a refund of the amounts collected would be made to the customers.

Let me say that at that time the natural gas industry had not developed extensively in this country and no one thought about the problem's developing insofar as industrial sales for resale by the natural gas company were concerned; therefore, the act in section 4(e) excluded this type of sale to be collected under a bond and refund if and when the Federal Power Commission decided the rate was too high. So consequently during these years, and when conditions have developed where substantial industrial sales at certain times of the year were made, there were no provisions for those sales to be collected under bond and for repayment if they were found to be too high. Consequently, if and when the Commission after perhaps several months and maybe a year or two years, decided that the rate was too high and reduced it to whatever level the Commission determined to be in the public interest, there was no provision for the company then to refund to the users of natural gas for that purpose.

The purpose of this legislation is to bring into conformity the treatment of sales for resale for industrial use the same as sales for resale for household, domestic, and commercial uses. That is all it does.

The committee has considered this legislation and reported it unanimously. There is no issue about it. It has only one purpose. It is very clear and precise as to what it would do, and what is needed is very understandable.

It was in the overall natural gas bill that was reported by the committee in 1956, passed by the Congress, and vetoed by the President. This was one of the provisions of that bill. It was included without any controversy or any question at that time.

I might say that the companies themselves have recognized there was a problem. So on their own, and particularly in the Kansas City area which seems to be more pronounced than any other area in the United States so far as we are able to find out, they recognized there was an inequity and the companies, as I say, on their own have been willing to enter into voluntary agreements, and there are instances in which they have entered into voluntary agreements, and have agreed to refunds in a number of instances. So this is one of the things we feel the Congress should rightfully provide in order to have what we think would be better regulatory procedures.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I am glad to yield to the gentleman from West Virginia.

Mr. BAILEY. During the consideration of the last natural gas act that was passed, there was a bit of controversy over bulk sales of surplus gas. For instance, in my State of West Virginia, we have two large gas companies that buy gas from, let us say, the Texas Gas Transmission Co. That is Southwest gas coming into West Virginia. We have one bulk plant in the southern part of my district, a 17,000-horsepower plant that handles 335 million cubic feet of gas coming in from the Southwest, and we have difficulty there. I am speaking now for the coal industry particularly, and as I say we have had difficulty there with respect to those two companies that purchase from the transmission company the gas to guarantee that they can take care of their customers during the year. There is nobody, not even the Federal Power Commission that can regulate the weatherman.

Mr. HARRIS. Commerce, I would say, has jurisdiction over the weather.

Mr. BAILEY. Well, yes, at least they try to operate it. There is no way that they can judge the amount of gas they have to buy to take care of their own customers. Quite often they have surplus gas and they have been disposing of that surplus gas in bulk sales to industrial customers along with transmission lines from the Southwest United States up to the State of West Virginia to take care of industrial plants that previously had been fueled with West Virginia coal or Tennessee coal or Kentucky coal or wherever it may have come from. Just what does this legislation do? Does it in any way affect that situation?

Mr. HARRIS. Not at all.

Mr. BAILEY. I wish the gentleman from Arkansas would explain.

Mr. HARRIS. As I just explained, I will say to the gentleman from West Virginia this is applicable only to industrial sales for resale. Let me explain. It means that the natural gas company, which is the pipeline company, will contract for the gas and transport it into a given area for sale to a distributing company. A certain amount of that gas is resold by the distributing company to household users. A certain amount of it goes to commercial users like retail establishments and pressing establishments and for purposes of that kind, for various types of commercial users. Then certain of these users are small industries within the area and in some rare exceptions they are rather large industries in the area where the fuel comes in in this way and the utility in the area sells the gas to this industry.

Mr. BAILEY. That is exactly what has happened in my State of West Virginia.

Mr. HARRIS. No, no, it is not. It is not, I will say to the gentleman because what the gentleman is talking about is not a resale situation. The gentleman is talking about direct sale from the pipeline company which is not regulated by the Federal Power Commission. The gentleman is talking about off-peak sales referred to by some as dumping gas. Now, that is not involved here at all. This has only to do with natural gas sales for resale.

Mr. BAILEY. The gentleman will understand why I do not want the Federal Power Commission to have control over that situation. I understand, however, the whole situation will be under consideration again in connection with a future bill.

Mr. HARRIS. Yes, I agree with the gentleman. It is long overdue, and one of these days the country is going to wake up to the present dilemma in the natural gas industry and it will be controlled. The Federal Power Commission will be given the authority it ought to have, and the American people will be served one of these days.

Mr. BAILEY. I want to thank the gentleman. I am sure he understands why I am concerned about this matter.

Mr. HARRIS. I understand the gentleman's concern, and I might say to him that this question of off-peak sales, sometimes referred to as dumping, during certain seasons of the year is a much larger problem that it seems. By the very nature of the natural gas industry that situation is important for various reasons. Some storage of natural gas has been experienced in certain parts of the country. The gentleman has had some up in his area, and there is some around in the eastern and western and northern part. That has helped out. There has been greater efficiency experienced in the regular progressive development. The natural gas industry itself has taken care of the situation largely, and we do not have so much of a problem with off-peak sales as we did at one time.

Mr. BAILEY. Again I want to thank the gentleman.

Mr. HARRIS. In addition to the primary purpose of the bill; namely, the correction of this inequity as to sales for resale for industrial use and those for domestic use, the bill also would amend the first sentence of subsection (e) of section 4 of the Natural Gas Act to include among those who may file complaints with the Federal Power Commission concerning proposed rate increases, a gas distributing company. In practice, the Commission has acted on its own motion, to enter into a hearing as to the lawfulness of a rate where a distributing company has filed a complaint, although the wording of the present statute directs such hearing only upon complaint by "any State, municipality, or State commission, or upon its own initiative without complaint." The effect of this amendment is to write into the statute this practice. There is no objection to this proposal.

Mr. Chairman, this, we think, is desirable legislation. It is needed and it should be approved just as the committee has reported it. I urge the approval of the legislation.

Mr. SPRINGER. Mr. Chairman, when we had hearings on this bill there were no people who appeared objecting to the bill; there were no people appearing who wanted the bill amended. We did have a considerable number of witnesses for the bill, and it is my purpose here in these few minutes to explain why this bill is in the public interest. Because of a proviso in existing law which would be repealed by the enactment of this legislation, the Commission has no power to suspend rate increases for resale for industrial use, which may go into effect automatically after 30 days' statutory notice, nor has it the power to order refunds if later it concludes the proposed increased rates are unlawful and not in the public interest.

The repeal of the proviso, here proposed, would place all proposed rate changes covering sales of natural gas for resale in the same position. All would now be the same, applicable under the law. In those instances where the higher rates for resale for industrial use go into effect, the burden of the increase, pending ultimate Commission decision, must be absorbed by the distributing company or passed on to its domestic consumers. The bill will eliminate these inequities.

It should be clear that this legislation applies only to sales for resale for industrial use; it does not apply to direct sales by pipelines for industrial use.

This bill is in the public interest and it is for that purpose that we are bringing the bill here at this time.

Mr. ELLSWORTH. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield.

Mr. ELLSWORTH. Mr. Chairman, representing as I do, the Kansas City industrial area and the Kaw Valley industrial area in eastern Kansas, and the Missouri area most vitally affected by this legislation, and without going into any of the technical details which have been so well and thoroughly explained by the chairman of the committee and the gentleman from Illinois, I would like to say that we are most grateful to the distinguished and able chairman of the committee, the gentleman from Arkansas [Mr. HARRIS], as well as to the leadership on the other side of the aisle for bringing this bill out to straighten out this unsatisfactory situation that has existed in the natural gas market.

As the chairman pointed out, the effect of this bill was first achieved in the natural gas bill that was passed several years ago. The overall bill was vetoed, although this part of it was not in controversy at that time, and never had been in controversy.

For several years the representatives of industrial users who are affected by this provision of the Gas Act have been coming to Congress testifying and asking for this relief. I was privileged to appear with them this year on their behalf and on behalf of the industrial users, as well as on behalf of the hundreds of thousands of working men and women who are employed in these industries in our area. This is a wonderful bill for our area, as well as for other areas of the country. It will contribute materially to job security in our area, and I want to express our tremendous appreciation to all members of the committee and to the very able and distinguished chairman of the committee, the gentleman from Arkansas.

Mr. SPRINGER. May I say to the gentleman we valued the advice and counsel which he gave to us in appearing for this bill. I think he has rendered to his area a very distinguished service.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. BREEDING].

Mr. BREEDING. Mr. Chairman, I take this opportunity to join my colleagues in support of this legislation and wish to compliment the leadership on both sides of the aisle for bringing this bill out to help correct a deficiency that has existed for some time. I am heartily in support of this legislation. It will benefit the people of my area, the State of Kansas, and many sections of the United States.

The CHAIRMAN. If there are no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of subsection (e) of section 4 of the Natural Gas Act, as amended (15 U.S.C. 717c(e)), is amended by changing the words "or State commission" to read "State commission, or gas distributing company".

(b) Such subsection (e) is further amended by striking out ": *Provided,* That the Commission shall not have authority to suspend the rate, charge, classification, or service for the sale of natural gas for resale for industrial use only".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BASS of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6949) to amend section 4(e) of the Natural Gas Act, to authorize a gas distributing company to complain about a rate schedule filed by a natural gas company and to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only, pursuant to House Resolution 607, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on passage of the bill.

The bill was passed.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1595) to amend the Natural Gas Act to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 4 of the Natural Gas Act (15 U.S.C. 717c(e)) is amended by striking out: "*Provided,* That the Commission shall not have authority to suspend the rate, charge, classification, or service for the sale of natural gas for resale for industrial use only;".

Mr. HARRIS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRIS: Strike out all after the enacting clause of S. 1595 and insert the provisions of H.R. 6949 as passed.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 6949) was laid on the table.

ALL-CHANNEL TELEVISION RECEIVERS

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8031) to amend the Communications Act of 1934 in order to give the Federal Communications Commission certain regulatory authority over television receiving apparatus.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8031, with Mr. Bass of Tennessee in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HARRIS. Mr. Chairman, I yield myself 20 minutes.

CALL OF THE HOUSE

Mr. YOUNGER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Thirty-five Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 79]

Addonizio
Alexander
Andrews
Ashley
Avery
Ayres
Baring
Barrett
Blitch
Boland
Boykin
Brademas
Brooks, Tex.
Broyhill
Cahill
Carey
Casey
Chelf
Clark
Cooley
Daddario
Davis, James C.
Dooley
Dowdy
Durno
Elliott
Fascell
Feighan
Flood
Fogarty
Frelinghuysen
Gavin
Grant
Gray
Halleck
Halpern
Hansen
Hardy
Harrison, Va.
Healey
Hébert
Hechler
Hoffman, Mich.
Horan
Huddleston
Jones, Ala.
Kearns
Kee
Kilburn
Kilgore
Kitchin
Kornegay
Loser
McMillan
McVey
Magnuson
Mason
Matthews
Merrow
Miller, George P.
Miller, N.Y.
Milliken
Montoya
Moulder
Murray
Norrell
O'Konski
Patman
Pfost
Powell
Rains
Riehlman
Rivers, S.C.
Roberts, Ala.
Rostenkowski
Santangelo
Saund
Scott
Scranton
Selden
Shelley
Shriver
Slack
Smith, Calif.
Smith, Miss.
Spence
Staggers
Steed
Stubblefield
Teague, Calif.
Thompson, Tex.
Tollefson
Weaver
Whitten
Wickersham
Willis
Yates

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Bass of Tennessee, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8031, and finding itself without a quorum, he had directed the roll to be called, when 337 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. HARRIS. Mr. Chairman, the legislation which the Committee on Interstate and Foreign Commerce is bringing before the House today is less than two pages long. The brevity of the bill is very deceptive, however, since it may induce the Members of the House to believe that the bill is a very simple one.

The bill's purpose is simple enough all right. It would authorize the Federal Communications Commission to require that all television receivers shipped in interstate commerce or imported into the United States be equipped at the time of manufacture to receive all television channels—that is 70 UHF channels and 12 VHF channels. Section 2 of the bill would prohibit shipment or importation of receivers unless they comply with the Commission's rules prescribed pursuant to this new authority.

While the bill's purpose is simple and easily understandable, the legislation's background is very complex and its implications for the future of television in the United States are highly important.

I would like to take this time to explain in some detail the background and the importance of the bill. Before doing so, however, it will be necessary for me to explain the meaning of some technical terms which are absolutely necessary to an understanding of this legislation.

Your normal television set in your home will receive VHF television signals, that means very high-frequency television signals. The channels range from channels 2 to 13, inclusive. There are a few receiving sets in the United States that will receive UHF as well as VHF signals. UHF means ultrahigh frequency. Those channels range from 14 through 82, inclusive.

Over the years efforts have been made to utilize this great resource—the radio spectrum—but due to the fact that most of the receiving sets that you have in your homes receive VHF only, most of these 70 television channels throughout the Nation are going to waste. They are not now being utilized. Now, the reason why practically no one will apply for a license to operate a UHF station is because the receiving sets in the homes of the people will not receive it. And, anyone who tries to operate a radio station or a broadcasting station, when he knows that there is practically no one in that community to receive them, he should have his head examined.

The manufacturing industry over the years has been making VHF receiving sets and very few sets that receive UHF signals. Because of that we have a vast part of the spectrum that has been assigned for commercial use going to waste. I think some of you have heard me say on the floor of this House before that the spectrum is one of the greatest of our natural resources in this country. And, I think many of you have heard me say that the UHF portion of the spectrum, which belongs to the American people, is not being utilized and is going to waste.

Now, we have seen our oil resources depleted and that valuable resource going down the drain. We recognize, from experience in the past, that our forestry resources have been depleted and destroyed by wasteful practices. We have experienced that waste of our many resources. Here we have 70 channels assigned throughout the United States that are not being utilized, and what we are doing here today is to try to utilize this valuable resource.

The Federal Communications Commission has tried to do something about this for a period of years. Some few years ago the Commission decided upon an experiment, and by rulemaking sought to bring about what is referred to as "deintermixture." Now, keep that term in mind. "Deintermixture" means that you take all of the UHF stations out of Memphis, as an example, and move them to Little Rock, and you would take all of the VHF stations out of Little Rock and move them to Memphis.

They would make one of them an all-UHF—ultra high frequency—and the other all-VHF.

Mr. Chairman, the purpose of this deintermixture policy of the Commission was to try to bring about a better utilization of this part of the spectrum. Well, there is where the controversy started. You can imagine how Springfield, Ill., feels about having the only VHF channel taken from Springfield, Ill., and having it moved over to St. Louis, Mo., which already has three VHF stations operating in that city. They took the UHF that was assigned to St. Louis and moved it elsewhere. This is an actual experience. As a result of that, St. Louis, Mo., now has four VHF channels, and Springfield, Ill., does not have any VHF channel. That is one of the situations which is in controversy. The matter went to the Supreme Court of the United States and the Court acted on it and sent it back down to the circuit court of appeals.

That court has given the Commission a mandate to hear the matter de novo.

Mr. Chairman, to go one step further: Last year, under its rulemaking procedures, the Federal Communications Commission decided it would deintermix eight of the major markets of the United States. Those markets are referred to in the hearings and the report. I would suggest that the Members of the House obtain copies of the hearings and the report and look at it. The FCC proposes to take all VHF which is considered to be actually better or more desirable broadcasting, and would move the VHF channels to some other community. They were going to take UHF channels and move them into these eight markets. Hartford, Conn., is one of those which has created a real controversy because of this. Columbia, S.C., I believe, is another one. Madison, Wis., is one also. I think that out in Illinois where the gentleman from Illinois [Mr. Springer] comes from, Rockford, Ill., I believe, is another. Anyway, there are eight of the major markets where the Commission proposed to impose this kind of a deintermixture policy.

Mr. Chairman, I do not know how many of the Members have received letters on this matter from those areas. However, I venture to say that those who come from those eight areas received a lot of letters, because people came to see me about it, and they came to see other members of our committee. We took the matter up with the Commission and we tried to do something about it. I do not blame these people, because they had only one VHF station, and to take it away from them, they felt—and I think with some justification—they were being deprived of superior television broadcasting.

Mr. Chairman, we hear a great deal about broadcasting, about programing, and the kinds of programs which we receive. We heard a lot about the broadcasting industry. It is true that our committee uncovered a lot of things that were not desirable during the course of our investigations in 1958, 1959, and 1960. But I want to say to the membership of the House that the broadcasting industry is trying to do a very good job and the FCC is now doing a very good job.

People in those eight communities thought they were going to be deprived of efficient broadcasting. So they started complaining, and with some justification.

Deintermixture was the short-range approach of the Federal Communications Commission to utilize these UHF assignments. We found that the long-range approach and the better approach from the standpoint of the public would be to require manufacturers to include all-channel-receiving equipment in their television receiving sets, and that is what this bill would do. There are those who raised the question: Is this the thing for the Government to do? Do we have a Government that is going to tell our private enterprise that produces certain products used by the American people that they have got to do it in a certain way? I had some feelings about that myself at the outset. When we measured the total problem involved here and the vast resource that goes to waste, we came to the conclusion that about the only way to develop the resource and utilize it was to pass this legislation. And I believe after the transition period when manufacturers manufacture all-channel-receiving sets, we will bring about an improved broadcasting service throughout the United States.

This is not going to take place tomorrow or next month or next year. In the homes throughout the United States there are television sets valued at billions of dollars which receive VHF only. We are not going to change that immediately. We do not attempt to do that here. So let no home be disturbed for fear that their particular set is going to be obsolete tomorrow or next month or next year.

In order to bring this gradual transition about there will have to be rulemaking procedures under the Administrative Procedures Act, and they will require some time. Then there will be a certain date set for comments to be received from the public and the industry. Then there will be additional time for replies thereto. Thus, it will take considerable time, before the Commission can get to the point where it can conclude the rulemaking that will be necessary to put this legislation into effect.

So it is estimated that it will take something like 3 years before we shall be well underway with the transition to all-channel-receiving sets. And it will probably take as long as 5 or 6 or maybe 7 years for the legislation to become reasonably effective. It is estimated that the average television receiving set has a life expectancy of some 5 or 6 or 7 years. So the country is not going to have its television economy disturbed by this procedure. But it is a long-range approach, and in my judgment it is a solution for which we have been striving for a good many years.

Mr. ROGERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. ROGERS of Texas. As a matter of fact, Mr. Chairman, it will also do this: It will open up an entirely new field of endeavor even during that formative period of 5 years, because gadgets can be put on present, existing sets to make it possible to receive these UHF channels. Once this bill is passed, UHF channels will come into being and be used, and the sale of those gadgets to be used on present sets will expand. It will not in any manner affect the reception they are getting from the VHF stations.

Mr. HARRIS. I thank the gentleman for reminding me of that. That is correct.

Anyone who would like to have an opportunity to watch a UHF broadcasting facility from right here in Washington, D.C., where there is channel 26, a UHF educational channel, can get one of these little box converters and attach it to his present receiving set for about $20 to $25. That can be done now.

Then the question arises, and it did arise before the committee, you are going to cause the American people to pay more for the television sets they buy. That is not necessarily so. Just a few days ago—I wish I had brought it with me; I forgot it this morning and left it home—I saw a double-page advertisement in the Washington Post. One of the local retail businesses down here was advertising all-channel receiving sets at the same price that they were advertising their regular VHF receiving sets.

In my judgment, the time will come, since we have the ingenuity of our industry, when they will bring out a single tuner capable of receiving UHF and VHF. I think we have the know-how, and I am thankful for the ingenuity of our technical people. I think they can give us this type of service in the United States of America.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Iowa.

Mr. GROSS. We are passing this bill today and we will be compelling the consumers of this country, the owners and purchasers of television sets, to buy two-way receivers; is that not correct?

Mr. HARRIS. To buy a receiver that can receive both UHF and VHF, as well as Nos. 2 and 3 or Nos. 12 and 13?

Mr. GROSS. Yes. We have no assurance that these sets are not going to cost substantially more, have we?

Mr. HARRIS. I have just given the gentleman an actual experience. I was going on to state that in my judgment they would not. I can cite an experience as of today. Our industry in this country has enough ingenuity. In my judgment, they are even going to improve on that in the future.

Mr. GROSS. Does the gentleman know whether this set he speaks of, the information about which he obtained only today, was a converter applied to an out-of-date model, that is, a 1961 model television, or was it a 1962 model television built with this equipment in it?

Mr. HARRIS. It was a 1962 model with all channel tuners in it.

Mr. GROSS. And they cost no more?

Mr. HARRIS. That is what this double-page advertisement said.

Mr. GROSS. It is difficult for me to believe they would put different equipment in. Now, how about the antenna? Does it require a different antenna for ultra high frequency than for very high frequency?

Mr. HARRIS. You can get UHF reception by modifying your present VHF antenna. In other words, from an antenna on top of your house, if that is what the gentleman referred to, you can receive VHF and the same antenna, after modification, can be made to receive UHF.

Mr. GROSS. If the gentleman will yield, it can be made to do this, just as the present television set can be made to receive UHF broadcasts, but what is going to be the cost of making it do these things?

Mr. HARRIS. Not necessarily any more than it costs today to prepare your antenna for three or more VHF channels. It depends on the location.

Mr. GROSS. If the gentleman will yield, if the gentleman will permit me, that is elective today as to how many channels you want to receive on your set.

Mr. HARRIS. It will be elective.

Mr. GROSS. But this is mandatory; this is compulsory in its ultimate effect.

Mr. HARRIS. No, it is not any more mandatory from the standpoint of the antenna problem than it is today.

Mr. ROGERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Texas.

Mr. ROGERS of Texas. I think the gentleman from Iowa, of course, is disturbed about something which can be cleared up, and I think it should be cleared up. I do not think anyone ought to have any doubt in their mind that this does not force anyone to do something that they are not doing today. The services you are getting today will be available after the passage of this bill. This simply provides a new service which will be available to you, if you want to buy it.

Mr. GROSS. If the gentleman will yield so that I may respond to that.

Mr. HARRIS. Of course, I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Now you are going to say that you have to buy a set equipped to receive both UHF and VHF.

Mr. ROGERS of Texas. No, you do not have to buy a set.

Mr. GROSS. So that you are not in the same position that you are in today.

Mr. ROGERS of Texas. You do not have to buy a set at all. You can keep the set you have, if you want to and you do not even have to put a gadget on it.

Mr. GROSS. What happens when the set wears out?

Mr. ROGERS of Texas. What happens when the set wears out? You can buy a set like this or you can buy one without it as long as it has not been shipped in interstate commerce. Certainly, you can buy such a set manufactured within a State.

Mr. GROSS. That is if you happen to have such a manufacturer in your own State, you can buy one in your State.

Mr. ROGERS of Texas. That is right.

Mr. GROSS. But you cannot buy a set that is manufactured in another State.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRIS. Mr. Chairman, I yield myself 2 additional minutes and now yield to the gentleman from Illinois [Mr. Collier], a member of the committee.

Mr. COLLIER. I thank the chairman, but I am going to take some time later.

Mr. HARRIS. Mr. Chairman, I have one other comment to make. We had full and extensive hearings on this legislation. Some of the major manufacturers of television sets came before the committee and they are supporting this legislation. So we feel that if some of the major manufacturers of the industry feel this is a good thing and is a way to improve and expand television services for the American people—if it can be done in this way instead of being done the hard way by deintermixture, as I described to you a minute ago, it would be a lot better. The committee overwhelmingly approved this bill and recommends that it be approved in the form in which it was reported by the committee.

Mr. Chairman, I urge the adoption of this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, may I say I do not know of any hearings which went into a problem more exhaustively than these hearings on the question of all-channel receivers. I think everyone in this country who wanted to be heard was heard and were given all the time that was necessary for them to make a detailed explanation of their position.

Mr. Chairman, I realize this is a somewhat complicated matter when I stand here to try to explain it to you and explain it in simple terms which you can understand. But I think, first of all, it is necessary to describe the difference between a UHF broadcast and a VHF broadcast in terms of how far away the broadcast may be received and the economics involved in it and then the action as a result of this by the Federal Communications Commission.

Consider a UHF broadcasting facility in the center of a circle to the limits of which the signals can be sent.

The diameter of this area would be somewhere in the neighborhood of 40 miles, about 20 miles from the center of the circle. That, as I say, would represent the UHF broadcast area. If we take the VHF the diameter of the area would be about twice that, 150 to 180 miles, or a radius of 75 to 90 miles. That shows the greater area of reception distance of the VHF broadcast as compared with the UHF. The result has been, so the UHF people have said, and so the Federal Communications Commission has told us, that the mechanics of the situation are very much in favor of the VHF station as compared with the UHF station. With the result that many UHF stations, so they say, have not been able to compete because their income does not enable them to maintain their service in competition with the longer range VHF stations.

For instance, in my own area there are some 750,000 to 1 million people who may receive from the V stations.

From any of the U stations there probably would not be over 200,000 people who could receive the broadcasts. So that gives you the picture, when you get into the advertising field, of the difference between the U's and the V's. That was the problem, said these UHF people when they came down to the Capitol 2 years ago and appeared before our committee and the Senate Interstate and Foreign Commerce Committee. They said they wanted all-channel receivers so that any receiver on the market could receive the U in addition to the V. We did not do anything about it; neither did the Senate. This year they came back and spoke of the importance of these 1,554 UHF assignments, of which only 7 percent are in use. If we are going to develop that approximately 1,300 UHF assignments which have not been taken advantage of, we will have to have some remedy for it. So what we are going to do in order to keep the U's in here, we are going to take the V's out of the areas where there are several U's and we are going to put them all over in another area. This will leave all UHF's in this area and all V's in the other. The U's will be taken away from certain areas and not be in operation; you will have the U areas and you will not have them going into the market of the V areas.

That was not acceptable to some of us. Why? In my own area, for instance, we have both V's and U's, but the V with its tremendous radius is able to serve the rural areas.

So then the suggestion was made that all new receivers should be so constructed as to receive VHF and UHF. Then we could conquer this problem because then the people could turn to the U's the same as to the V's as they wished.

Over a period of years the V sets have been more popular than the U sets. So the thing to do is to sell the UHF and the VHF together. They can both be built into the same receiver. That is simply what the problem was.

Finally, I think we got a very substantial number, if not all, of the VHF industries and the UHF industries to agree this would at least be a good starting place. This would help to conquer the problem and solve some of the problems which the Federal Communications Commission had come to our committee with and said something has to be done about it. "If you will give us all-channel receivers," they said, "by putting the UHF and VHF together, we will put deintermixture on the shelf for 5, 6, or 7 years"—I am using the exact words which they used in a letter to us—"we will merely put this thing off from further consideration of the deintermixture problem, if you will give us the all-channel receiver legislation." That is the reason that the television industry, I would say almost unanimously today, both in the UHF and the VHF field, have said, "Let us have an all-channel receiver. Maybe this will solve the problem." It at least is worth working on and "if we do that then there will not be the necessity in 5, 6, or 7 years from now to have a further hearing on the deintermixture policy."

Mr. DENTON. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Indiana.

Mr. DENTON. I want to ask the gentleman about the deintermixture proposition in Evansville, Ind. I gather from the gentleman's report that that litigation will continue and there will be no motions in that deintermixture proceeding.

Mr. SPRINGER. The gentleman is a lawyer and I am going to talk to him in legal terms. Actually, what happened in your case and in the Springfield case, which involves the gentleman from Illinois [Mr. Mack] and two other cases, one in Bakersfield and one other case, those were proceedings which were already in effect and were in the process of determination. So there was not anything the Commission could do in that those were contested cases, just as if you had a contested case in court. We could not cover legislation which would remove that. This in effect does not remove the deintermixture proposition at all. It only postpones the problem until some future date.

Mr. DENTON. As I understand it, they will go right ahead with the court proceedings in channel No. 7 in Evansville, Ind.

Mr. SPRINGER. There is not anything the Commission can do about that. They had to take these four cases because they were in litigation.

Mr. DENTON. But you are putting a moratorium on everything else but three other plans.

Mr. SPRINGER. Yes.

Mr. DENTON. The effect of the argument is that in a part of the district I represent we will be left without television.

Mr. SPRINGER. I regret that as much as he does, but looking at it from the legal viewpoint and from what I would say pure justice, that is all I see the Commission could do.

Mr. DENTON. And for 4 or 5 years they have to wait for the television.

Mr. SPRINGER. Yes. I understand the gentleman's position perfectly.

Just to wind this up on the question of how this should be done, first I want to talk about cost. You may hear people who will say this is going to increase the cost. We have manufacturers who came before our committee and said it would; however, most of those, as I remember, were those who were opposed to the legislation in the first place. There is going to be tremendous inertia by manufacturers to want to make that change. But I think all of the concrete evidence we have at the present time indicates that there will not be any increase in the cost of these receivers, even though they receive both VHF and UHF. The advertisement to which the distinguished chairman referred a minute ago that they were now on the market at the same price is not new. When the Federal Communications Commission came before our committee, the chairman of the Commission cited us an instance within 2 weeks from the time he came to the stand to point out there was a store here in Washington offering to sell all channel receivers at the same price they would sell VHF or UHF alone. That is the best indication as to whether this will increase the cost of all-channel receivers. There should not be any reason why it should be more, in view of the history we have had since the first of the year.

I want to speak now about another question which is usually called public interest. Is this in the public interest? I think the chairman made a point a moment ago when he said this is a question of whether you are going to say to the manufacturer, "You now have to produce an all-channel receiver if you are going to ship it in interstate commerce."

What we have done is to wrestle with the problem of saying to the manufacturer that you have to produce an all-channel receiver with the overall question which is wrapped up in VHF and UHF. I think my colleagues will agree that there is a serious problem here when you have some 1,300 UHF bands at the present time that are not being used. Now, if we are to ultimately make those 1,200 or 1,300 unused stations usable, the only solution that we could see that would help this proposition was to get an all-channel receiver.

Now, that is what I call the policy that we arrived at as the result of all of the evidence that was brought before us. May I say that I thought the committee did an excellent job. There was tremendous interest in it. I do not know of a time when more members were present every day listening to what was going on and trying to offer constructive suggestions. I know I have wrestled with this problem and I have come to the conclusion that this bill is in the public interest, and this is the only way that I can conceive at the present time whereby we can solve this problem and this difficulty between VHF and UHF reception.

Mr. Chairman, I now yield 5 minutes to the gentleman from Illinois [Mr. Collier].

Mr COLLIER. Mr. Chairman, I rise in deep opposition to this legislation, notwithstanding the fact that I, the FCC, the television stations, the networks, the educators, the farm groups, and even certain manufacturers of television sets, appear to be in favor of it. I am opposed to it for a very simple, basic reason. I do not think the Congress of the United States has any right to enact legislation which in sum and substance dictates not only the type of equipment any manufacturer must manufacture, and in the same breath dictating the type of equipment that a consumer must buy. And, I think we will be telling thousands of American people that they must buy a certain type of television set or a certain facility whether they need it or whether they want it or not; and I do not think this is good legislation from that standpoint. I understand the gravity of the problem of deintermixture, which I have been through with the chairman of the committee and other of my colleagues. But I do not care how you sugar coat this type of a bill, in the final analysis I do not think it is proper legislation in principle.

Do you know that presently you must have a special type of aerial in order to receive color television? How do I know, if we set a precedent in this legislation, that we might not be back enacting legislation at some future time saying that the aerial manufacturers have to manufacture aerials that receive both black and white and color television? The principle is the same.

Now, I am just not prepared to believe that this is not going to increase the cost of television sets, the advertisement of this particular retail store in Sunday's newspaper notwithstanding, because before our committee during the hearings on this bill the manufacturers testified, without exception—and I am pleased to be corrected if I am wrong—that it would in fact increase the production cost of television sets. The figures that were given to us ranged anywhere from $20 to $30 per set. As long as people who need a certain type of facility can obtain it, I do not see why those who do not need it should be required, as they would be under this legislation, to buy it. It seems to me that the first step should be to remove the 10-percent excise tax on television sets and enable some of the people to save the additional cost and pay for the facility necessary to receive UHF.

In summary, I think this is basically bad legislation in principle, and I am opposed to it.

Mr. NYGAARD. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I am happy to yield to the gentleman from North Dakota.

Mr. NYGAARD. Did the gentleman learn from the testimony that was given in the committee how many areas would be making use of the UHF, and how many areas possibly could not make use of the UHF broadcasts?

Mr. COLLIER. That information was given to our committee. I do not recall at the moment just how many there were. But it seems to me that with the proper receiving facility; that is, a television set that would receive signals from UHF, it would cover about 60 percent of the present area that cannot be reached where they do not have the equipment capable of receiving UHF.

Mr. NYGAARD. If the gentleman will yield further, as I understand it, the only necessity for this is in highly concentrated population areas where they need additional broadcasting bands to be placed into operation. I think I can frankly say that through the States of North Dakota, Montana, South Dakota, through a great deal of Iowa, through Kansas, Nebraska, Oklahoma, and a great portion of Texas, those people would be caused to pay additional money for something that they would never under any condition have the opportunity to make use of.

Mr. COLLIER. I thank the gentleman.

Mr. Chairman, let me just make this observation: If the television manufacturers are so amenable to this legislation, it just seems to me that we do not need the legislation. If they wanted to manufacture these sets, they would be in a position to do so without legislative compulsion. Therefore, if this sentiment does exist among the television manufacturers, then we need not this legislation which is pending before us today.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. Sibal].

Mr. SIBAL. Mr. Chairman, I rise in support of H.R. 8031. The passage of this legislation will assure the continuation of VHF television service to hundreds of thousands of viewers in the State of Connecticut. Many of these viewers would be deprived of all television service if the VHF service at Hartford were eliminated by deintermixture proceedings. Because of the intervening hills and other technical problems peculiar to this area UHF service cannot be a substitute for many years to come. The situation in Hartford is not unique. It is duplicated in many areas throughout the country.

Mr. Chairman, during the recess last fall I visited several European countries in order to study firsthand the experience they have had with UHF, which up to date has been used more extensively in Europe than it has here. I returned with what I think is a fairly clear view of the technical difficulties involved in switching over from VHF to UHF. Some of the more elemental problems concern the transmission of the signal. More transmitters and more powerful ones are needed for UHF than for VHF in order to provide comparable service.

Mr. Chairman, Europeans are confident of their UHF program, but they recognize and state very frankly that it is more costly. Despite this confidence they have in their UHF programing, I found a very general feeling that VHF would always be the No. 1 system in Europe.

Mr. Chairman, the ratio of power needed for UHF in larger towns is greater than the ratio of power needed in smaller towns. The transmitters have to be located with great precision in order to avoid "ghosts," or duplicate images on receiving screens.

These "ghosts" are caused by signals bouncing from intervening structures.

Mr. Chairman, where UHF would most clearly meet the VHF standard would depend primarily on the terrain. This is the governing consideration. The cost of an UHF network would be very much in excess of that of a VHF network covering the same area. I could get no precise figures from the European experts, but all agree that the cost differential would be substantial, and one man told me he thought it would be approximately double that of VHF.

The problems of UHF transmission derive from the greater sensitivity of the system. Delicate directional transmissions are required and good roof antennas are needed for proper reception. Each system must be carefully tailored to the geography of the particular area. Nevertheless and notwithstanding all this, it seems to me obvious that we have a responsibility to see to it that this important part of the spectrum does not lie dormant.

I have no doubt that UHF can be made workable and satisfactory. In some ways it is superior to VHF. I refer to the fact that it seems to be less affected by interference from the ionosphere and certain manmade static. But this development must be carefully prepared and we must make sure that existing service retains its quality.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. SIBAL. I yield to the gentleman.

Mr. MONAGAN. The gentleman has referred to the situation in Connecticut. Of course, all of us have great interest in that. Do I understand that this legislation will, in effect, take care of the problem of channel 3 that we have been discussing?

Mr. SIBAL. If the gentleman will refer to the report he will find, I believe in appendix B, a letter which the committee received from the FCC indicating that they were anxious to cooperate with us and that they would agree to a moratorium on deintermixture procedures in the event this legislation pass.

Mr. MONAGAN. So that there may be a requirement as to sets coming into the area, but there will not be the compulsion on moving channel 3 that we feared existed prior to this time?

Mr. SIBAL. It is my opinion that the future of channel 3 is definitely tied to this legislation. If this legislation passes I have every reason to feel that we will continue to have channel 3 in Hartford. If it does not, we have a problem.

Mr. MONAGAN. I thank the gentleman and the members of the committee for their consideration of this problem.

Mr. SIBAL. The gentleman from Illinois [Mr. COLLIER] referred to the cost. Actually, it is my recollection that the evidence in the hearings indicated that if we pass this legislation and dual receiving apparatus is developed on a mass production basis the increase in cost will be minimal, if any, after they get to a mass production basis.

I agree with the Chairman when he indicates that it is his conviction that the cost of purchasing the new type set is not a major factor. It is quite possible that the additional cost will be nonexistent very shortly. I recognize that this is not an easy question. On the surface it might appear that this is another example of Government interference with private business. But I think when we consider the fact that we have the responsibility for the airways which do not belong to any private company or industry but belong to the American people, only the Congress of the United States can see to it that the airways are used properly and efficiently for the public good, and this overrides whatever question we may have concerning the passage of this legislation.

Mr. Chairman, I urge the adoption of this bill.

Mr. NYGAARD. Mr. Chairman, will the gentleman yield?

Mr. SIBAL. I yield to the gentleman.

Mr. NYGAARD. The gentleman stated that the airways belong to the general public, and with that I certainly agree. On the other hand one-half of the United States is going to have to spend additional money for their TV sets. The airways can be aided without this legislation so I do not see any justification for passing this bill.

Mr. SIBAL. Mr. Chairman, I would respond to the gentleman in this way. I understand the problem the gentleman has in his district. I would point out that most of the educational TV systems are using UHF and it is my belief that the day is coming when we will develop educational TV to the point where the people in the gentleman's area will need UHF receivers.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. ROGERS of Texas. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I join the proponents of H.R. 8031, which authorizes the Federal Communications Commission to require that all television receivers shipped in interstate commerce or imported into the United States be equipped at the time of manufacture to receive all television channels; that is, the 70 channels in the UHF portion of the spectrum, as well as the 12 in the VHF portion. I note in passing that both the General Counsel of the Federal Communications Commission and former Deputy Attorney General and now Justice Byron R. White have submitted detailed opinions which are incorporated in the committee's report on this measure, to the effect that it is a constitutional exercise of congressional powers under the commerce clause of the Constitution.

I take it that there is widespread unanimity in the nature of the problem to which this bill is addressed—the need for the utilization of the ultrahigh frequency portion of the spectrum, in order to provide a truly nationwide and competitive system of television broadcasting, with adequate outlets serving communities' needs in all parts of the country.

In the recent hearings on this bill, the Committee on Interstate and Foreign Commerce has again heard authoritative testimony about the critical shortcomings in the service provided by the current pattern of allocations and assignments in the Nation's television markets. The distinguished and vigorous Chairman of the Federal Communications Commission, Newton D. Minow, has testified:

> The failure of our television system stems from the failure of UHF broadcasting to develop as had been expected. Moreover, it is clear that unless it is to be the decision of the country to settle for the present limited systems, we have no place to go except into the development of the 70 UHF channels which are practically lying fallow.

Here is a major resource that still remains largely untapped.

I do not wish to dwell on the experience to date, which has not been a happy one. Yet, we must face the fact that 1,600 out of over 2,200 television channel assignments made by the FCC remain unused. Significantly, over 1,400 of these are in the UHF band. Indeed, only about 100 out of a total of 1,500 UHF channel assignments—or about 7 percent—are currently in use, and 18 of these are educational stations. Meanwhile, some 100 UHF licensees in all have failed and gone off the air. In 83 areas where one or more UHF stations once operated, their signals are silent. The staggering losses incurred in both money and effort stand as an object lesson to those who would be tempted to risk their capital in such a venture.

However, the task at hand is no longer to catalog the symptoms or to diagnose the illness that afflicts the industry; rather the problem is to prescribe an effective and workable remedy while there is yet time.

UHF stations are at a crippling competitive disadvantage with competing VHF stations and the scarcity of television sets equipped to receive UHF telecasts is cited as one of the major factors in this disparity. It is estimated that of the some 55 million television sets now in use, only 9 million are equipped to receive UHF as well as VHF broadcasts. It should be emphasized in this connection, that only 6 percent of the new sets produced in 1961 were equipped for UHF reception as compared with 20 percent of the new receivers manufactured in the year 1953.

The theory of the legislation under consideration today is that getting UHF sets into the hands of televiewers will ultimately turn the tide, after which, according to the Chairman of the FCC, "time would start to run" in favor of UHF broadcasting. Here then is at least a concrete step which has the endorsement of the FCC, the broadcasting industry including the television networks, and the Committee on Interstate and Foreign Commerce, whose distinguished chairman, the gentleman from Arkansas, Representative OREN HARRIS, has submitted a favorable report. Moreover, the measure has received the endorsement of the President in his recent message to the Congress on protecting consumer interest.

I have, along with the other members of the House Antitrust Subcommittee, of which I am chairman, long been on record as an advocate of legislation to promote all-channel receiving sets.

Some 5 years ago, our Antitrust Subcommittee had this to say in its report issued after a full-dress inquiry into monopoly problems in the television broadcasting industry:

> The committee believes that receiving set incompatibility lies at the heart of the UHF problem. Faced from the beginning with a VHF circulation lead of over 17 million sets, UHF has never caught up but on the contrary has fallen further behind. The solution of the critical problem of receiver set incompatability requires legislative action.

This is likewise the current view of the Chairman of the FCC who states that "all-channel receiver legislation is the basic and essential key" to the television allocation problem. Chairman Minow has further stated:

> For with this legislation, time would begin to run in favor of UHF development. The UHF operator [both commercial and educational] could look forward to UHF receiver saturation not only in his home city but in the surrounding rural area as well, and could expect improvement in the quality of the UHF portion of the receivers in the hands of the public. With increased use of UHF, and increased incentive for both equipment manufacturers and station operators to exploit its maximum potential, there is reason to believe that several of the problems which presently restrict the coverage of UHF stations would be overcome.

In all candor, I must state that in less optimistic moments, I have felt that the all-channel bill standing by itself would only tend to lessen the heavy odds against UHF broadcasting.

While I hope that the high expectations of the Commission may be fulfilled, I am mindful of the further time lag that must inevitably occur, before this measure, if it is enacted, will be capable of exerting any appreciable or decisive effect. Chairman Minow estimates that "if this proposal is enacted, there will be available, within 4 to 6 years, a large enough percentage of all-channel sets in use to mark a beginning of the end" of the imbalance between VHF and UHF—Harris committee hearings, page 124.

In the critical years ahead there is no reason for complacency. I would caution and urge the FCC to leave no stone unturned in an unceasing effort to stimulate the demand for UHF by other means and to promote its technology.

Finally, I note that while the FCC has informed the Committee on Interstate and Foreign Commerce that if this legislation is enacted, the Commission will not proceed with the eight deintermixture proceedings initiated on July 27, 1961, pending an assessment over a "sufficient period of time of the effectiveness of the measure in achieving the Commission's overall allocations goals"—Harris committee report, page 19.

I note also that in its communication to the committee, the FCC has set forth at length cogent reasons why any deintermixture moratorium shall not be applicable to the pending deintermixture proceedings in Springfield, Ill., Peoria, Ill., Bakersfield, Calif., and Evansville, Ind. The Commission's expert views on this score warrant respect.

In 1961, FCC Chairman Minow submitted a progress report to our Antitrust Subcommittee regarding the record of the FCC in acting upon the subcommittee's prior recommendations. In the course of his testimony, the FCC Chairman said:

> As it has become clearly evident tht UHF could not compete effectively in areas where there were multiple VHF services, the Commission has devoted a considerable portion of its time and efforts to solution of the allocations problem. One by one, we have been forced to narrow the alternative approaches. It is impossible, for example, to have a competitive television system adequate for the Nation's growing needs in the commercial and educational fields within the confines of 12 VHF channels.

The broad vista of UHF is still open. I urge passage of H.R. 8031 as a means of proceeding in that direction.

Mr. ROGERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Chairman, I rise in support of this legislation, which I think solves a good many problems for this industry. One of the problems I think we are concerned with is the fact that when there is competition the UHF station, which is endeavoring to render the public assistance, education, service, and entertainment, is not profitably competing in the advertising market. We seek to help with the market and at the same time improve service.

When this problem first came up it was interlocked with the problem we call deintermixture. Let me publicly thank the chairman of our committeee, the gentleman from Arkansas [Mr. HARRIS] for working out this grievous problem which affected many areas of the country and particularly the areas of the country represented by the gentleman from Alabama [Mr. ROBERTS] and myself.

Mr. ROBERTS and I had identical problems in the fact that we had VHF channels in our State capitals which we felt and feel are necessary to the education, entertainment and enlightenment of the people of our respective States. If these particular channels had been removed from those State capitals, numbers of people would have lost the TV communications which they had with the State capitals of Alabama and South Carolina. They would have been deprived of the value of their television sets and they would have been deprived of the news from their capitals. I am happy we have reached a moratorium and a solution. I salute the efforts of the gentleman from Alabama [Mr. ROBERTS] to preserve the channel at Montgomery for the people of Alabama.

My distinguished colleague from Alabama and I put in some additional views which I hope receive the attention of the committee. We had expressed the hope the moratorium would be as long as 9 years. I was happy to note that although not that long it was made 5 or 6 or 7 years, and the chairman of the committee has stated today on the floor it will be possibly more years. So I think we have a very happy situation in which we get a chance to see if we cannot solve this economic as well as communication problem by popularizing, so to speak, UHF channels by giving the people television entertainment and at the same time retaining in those areas affected by the proposed intermixture proceedings those UHF channels we found so necessary.

As we said in our additional views, today we are facing the Federal Communications Commission and saying to them, "We accept your proposition that if you get this legislation you will solve the problem in part or at least have a vehicle for solution, an avenue for exploration." But at the same time we expect the Federal Communications Commission to keep faith with us in the moratorium, in lifting the deintermixture proceedings at this time and giving this thing a chance to work out by competition between the UHF and VHF in the very best American tradition.

I heartily support this legislation.

Mr. SPRINGER. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. SCHENCK].

Mr. SCHENCK. Mr. Chairman, seldom is it my privilege or custom to speak in the well of the House on any legislative matter because I have felt from time to time that some of these things are better left unsaid. However, I would like to pay a very sincere tribute to our Committee on Interstate and Foreign Commerce. It is a very great committee. It does a fine job under the great leadership of our very distinguished chairman, the gentleman from Arkansas [Mr. HARRIS]. So it is a privilege and an honor to serve on this committee and a privilege and honor that I cherish deeply.

Our distinguished chairman and others have explained the bill very well and pointed out the importance of both VHF and UHF television reception. I regret to find myself in opposition, however, to the bill as introduced by our chairman, and, in all honesty, I feel compelled to do so because I feel H.R. 8031 as presented here and now is not in the best public interest. Not everyone in this Nation will need or will be able to use an all-channel receiver. Yet, we are hereby in this measure requiring them to purchase such a receiver. Some who testified before our committee said there would be no additional cost or that there would be very little additional cost.

Others who testified before our committee said there would be an additional cost, and the testimony from those sources I felt was very reliable, knowledgeable and well informed. It was estimated that an all-channel receiver would cost approximately $25 more at the consumer level than would the single VHF receiver. It was also stated that there are some 6 million television sets manufactured each year. So if we are going to increase the price of these sets through this legislation by $25 each, we will be asking the public generally to pay an additional $150 million in 1 year for the purchase of these all-channel TV receivers. People who need them and want them will buy them—and they ought to have complete freedom of choice and the opportunity for self-determination as guaranteed in the Constitution of the United States.

If we here in the House of Representatives or in this Congress can tell people what they must buy in the way of a television receiver, then, of course, it follows that we can also tell every man that he must wear a three-button suit; or we can tell every purchaser of an electric refrigerator that he must have certain types of shelf arrangements in a refrigerator. Of course, we have made certain requirements in electric refrigerators for door latches to prevent the suffocation of children that have become law. We have made certain requirements in the purchase and sale of various kinds of other equipment and products sold in interstate commerce. But, these requirements have always been based upon the matter and the question of public safety and welfare and, certainly, not on the basis that "you must have them whether you need it or not." Yet, that is what we are attempting to do in this legislation.

UHF channels are very important in many areas of our Nation and they perform a very valuable public service especially in the field of educational television and in these instances they are in the public interest. But not everyone will need to have a UHF receiver available or have a UHF transmitter available. So there is not any justification for us here in the Congress to make a firm requirement that there can be only all-channel receivers sold in interstate commerce.

We have had some bills before our committee at the same time as H R. 8031 and which in addition to requiring all-channel receivers also included provisions which prohibited the FCC from proceeding with the intermixture referred to so well by our chairman and explained by him; and I am sure everyone understands it.

This is an important matter, and in my own judgement I personally feel that we should actually write into the law specific provisions prohibiting the Federal Communications Commission from taking away from any community a channel which is allocated to that community.

Certainly, I do not mean that we should say "Here is Mr. X who has had this TV channel or this TV license, and he must be protected." I do not mean that at all; I mean that that community should be protected by having certain facilities already assigned there not subject to be taken away at the will of the Commission.

Mr. MACK. Mr. Chairman, will the gentleman yield?

Mr. SCHENCK. I yield.

Mr. MACK. I am very pleased to hear the statement of the gentleman with regard to the deintermixture and a policy which denies first-class television service to certain sections of our country.

I presume the gentleman is in favor of my bill which would prohibit discrimination in the assignment of television stations, that would expand and clarify section 307(b) of the Federal Communications Act so that it would be eminently clear that the Congress does not want the Federal Communications Commission to have authority arbitrarily to select areas of our country where they can receive only the more limited service or VHF or UHF service.

Mr. SCHENCK. Mr. Chairman, I thank the distinguished chairman for his comment. Our distinguished colleague from Illinois has long been interested in this very important phase of this problem, and has made some very real contributions to the survey of this problem.

I will say to the gentleman that it seems to me we must be extremely careful in allocating discretionary power to an agency of the Government to permit it to do what it decides to do without having first received permission and authorization from the Congress to permit such action.

In discussing this matter before our committee the Federal Communications Commission indicated it was deeply opposed to having any prohibition placed upon it and its discretionary power to decide, if it wanted to move a VHF station somewhere else, so they said in substance they felt they must have the all-channel receiver and that if this committee would report out legislation which will grant them all-channel receivers they would then declare a moratorium and reconsider the deintermixture problem now before them.

From my own personal point of view I doubt the wisdom of bargaining with any Federal agency which must come to the Congress for authority on what they should do. It seems to me, therefore, that our colleague, the distinguished gentleman from Alabama, Mr. ROBERTS, who introduced H.R. 9267 and whose additional views are set forth in this report had a very excellent bill. I would recommend to the members of this committee that they look over the report and this legislation very carefully.

You will find on page 18 under appendix B where the question about deintermixture was raised with the Commission and the Federal Communications Commission decided they would not be happy with that at all and wanted the all-channel receiver legislation only.

You will find their statement beginning on page 18 such as I have outlined in brief.

So. Mr. Chairman, I am reluctant to oppose legislation presented by our committee, because we have a very wonderful and able committee in the House of Representatives.

Yet, in all honesty, and in the public interest, I feel that the bill now before us should either be amended to include a prohibition against any action by the Federal Communications Commission on its initiative to deintermixture any area or we should disapprove the bill.

Mr. ROGERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. MACK].

Mr. MACK. Mr. Chairman, the gentleman from Ohio has made a statement opposing the legislation before us because it will cost the television viewers of America, or television purchasers, a few cents more or a few dollars more when they purchase new television sets. Presently, it is estimated it will cost about $25 per set, but when we require all of the manufacturers to manufacture the all-channel receivers they will mass produce. Today only about 16 percent of the television sets are produced to receive all channels. When they begin to mass produce in competitive fashion the all-channel receiver, you will find that price is substantially reduced. I am not conceding it will cost an additional amount, but I say it will be substantially reduced at that time.

First of all, there are 45 million people today viewing television who are not able to receive UHF. I maintain it is in the public interest of our people to have competitive television. They will be forced to provide better service. It is in the public interest to have the set equipped so the people can receive the UHF stations if they want to.

I think, I was one of the leaders in the fight against the deintermixture. I pointed out consistently how much better the VHF signal is than the UHF and how much more important it is to have the UHF in all areas of our country. Even with that I still maintain this bill is in the public interest and we should have all of our sets equipped to receive all UHF signals.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. MACK. I yield to the gentleman from Illinois.

Mr. COLLIER. I just wanted to know upon what you base your conclusion that eventually, through mass production, this will not increase the cost of television sets, because it is contrary to the statement made by the people in the industry.

Mr. MACK. I will be glad to tell you. You know, the old Dodge group were ready to run Henry Ford out of the country when he reduced the cost of his product. But, he reduced it, and he was the most successful manufacturer in the industry. Now, that is exactly what will happen if you require the manufacturers to manufacture all-channel sets. They will all be fighting to see who can produce these sets for market at the lowest price.

Mr. COLLIER. This prediction is your only basis for this conclusion?

Mr. MACK. Well, I would argue in favor of this bill if it cost $25 more per set. But, I am satisfied in my mind, and I think the gentleman is satisfied, that when it comes to mass production, it will be substantially reduced.

Mr. SCHENCK. Mr. Chairman, will the gentleman yield?

Mr. MACK. I yield to my good friend and colleague from Ohio.

Mr. SCHENCK. I thank the gentleman. May I point out to the gentleman from Illinois that he is on rather shaky ground in predicting that mass production will make it possible to produce all-channel sets without increasing the cost.

Mr. MACK. I want to correct the gentleman right there. I did not make that statement.

Mr. SCHENCK. I suggest to you that the automobile to which you referred is probably the best illustration of that point, for as I recall, when my family bought a Ford automobile years ago, it was about $700. It is quite different today.

Mr. ROGERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MACK. I yield to the gentleman from Texas.

Mr. ROGERS of Texas. In regard to the price, I think it ought to be made very clear that the testimony on this issue was that the outside cost at the present time on the changeover would be about $25. Now, I have one television set in my house that cost me $300 just a few years ago. That set today sells for around $175; $125 less than a few years ago. Now, the $25 cost that is attached to the sets that will be produced with the all-channel receiver exceeds the changeover cost, but I think within a very few years this will be wiped out to where the cost of the set will not be affected. But, it must be remembered that in addition to the present service that you get on a set in Washington, D.C., of four or five channels, you get many additional channels. You get all of this additional reception at a much less cost. And, you do not have to do it unless you want to. It is elective.

Mr. MACK. I thank the gentleman.

I just wanted to mention the question that was discussed concerning refrigerators, putting a special kind of device on a refrigerator so that it can be opened from the inside. That matter came before our committee, and I recall the arguments that were made about that, that the burden was on the manufacturers. I recall General Electric and Westinghouse descending on the Congress and on our committee saying how unfair that was, even while every day there was some little child being killed in a refrigerator. We proceeded with our hearings, and the gentleman from Ohio served on that committee. I testified before the committee in favor of that bill. Certainly that was a worthy cause. I do not see anything wrong with the procedure that we are employing today in requiring manufacturers to produce an all-channel receiver, especially when the manufacturers are not opposing it.

Mr. HARRIS. Mr. Chairman, will the gentleman yield

Mr. MACK. I yield to the gentleman from Arkansas.

Mr. HARRIS. Is it not true that the subcommittee on which the distinguished gentleman from Ohio, Mr. SCHENCK, served, did a very fine and excellent job in connection with highway safety when the committee reported out legislation to require seat belts. Later, the manufacturers themselves went ahead and today they install seat belts as standard equipment.

Mr. MACK. The gentleman is exactly right.

Mr. Chairman, I would like very much to comment on the statement made by the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS] to this effect: We have a proposal pending before the Congress today to do something about exhaust stacks on automobiles, which exhaust gases have been very detrimental and many of the cities of our country are concerned about the matter and have contacted various Members of Congress. I predict that the gentleman from Ohio [Mr. SCHENCK] will be back before this Congress this year trying to get legislation which would require all of the manufacturers of automobiles to clean up the exhaust as it comes out of the exhaust pipes of automobiles.

Mr. SCHENCK. Mr. Chairman, will the gentleman yield?

Mr. MACK. I will be glad to yield to my very good friend, the gentleman from Ohio [Mr. SCHENCK].

Mr. SCHENCK. Mr. Chairman, I thank the gentleman for yielding. May I point out to the gentleman that in my statement I tried to carefully delineate the differences in the two types of legislation. It is quite true that the subcommittee on which I serve, and of which I am very proud, did produce legislation which required closers on refrigerators which could be opened from the inside. It is quite true that the subcommittee upon which I have the honor to serve did produce legislation requiring research in exhaust gases of automobiles. May I point out again, as I have tried to do in my statement, that this was a matter of public safety and welfare. The matter of VHF and UHF television reception is entirely a matter of voluntary decision upon the part of those who want to hear this program or that program. When we require them to purchase that, then we could also require men to wear four-button suits as a matter of appearance, and not as a matter of safety.

Mr. MACK. Well, I would say that the gentleman is correct, if this legislation required the people of America to purchase television sets. However, it does require the manufacturers of television sets to manufacture sets that will receive UHF broadcasts. They will be known as all-channel receivers. I feel that this is in the public interest. The people of our country own all of the airwaves. With the enactment of this legislation we can have more competition, we can utilize many of our UHF stations. I want to say to the gentleman—and I think the gentleman was interested in educational television—we have quite a few UHF stations that are going to be educational television stations, and if those people do not have the converters and if we do not pass this legislation, they will not be able to hear the station. I maintain that is in the public interest. There is a tremendous shortage of receivers in this country today. I supported the bill providing for educational television which was pending before the Congress only a few weeks ago. I believe it has a great future. This bill today will help the educational television program move along, and I am all for it.

Mr. Chairman, I am for this bill for another reason. I noticed that the gentleman from North Dakota said:

> We do not need it in North Dakota. We have all VHF channels out there. We have such vast distances involved that even the VHF will not cover these areas, and we do not use some of our VHF stations in these sparsely settled areas.

I concede the point in that area. But I do not think the people of one district send their Representative down here to represent the interests only of that district. They send him here to make this place a better country. They send him here to pass legislation that affects every section of the country. This legislation is in the public interest and I hope the gentleman from Ohio will change his mind and support it.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. MACK. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I wonder if the gentleman would agree that if price were the only consideration in the passage of this bill the bill ought to be defeated. But it seems to me that the transcendent issue here is whether or not we are going to build up the UHF stations to where they can compete on a financial basis with VHF in the United States. I am delighted that the gentleman made the point that most of the educational television in the United States will be covered by UHF stations. There is no doubt about that. A failure to take a step in this direction to protect the financial interests of UHF will have a serious impact. The hearings bear this out. I think it is open to serious question whether or not the UHF television industry can survive in this Nation without taking at least this step forward. There are other things that have to be done and the FCC is working on them. But from my own knowledge, sitting on a committee that makes money available to the FCC in its annual budget, there is no doubt that this is a step forward in the best interests of the people, as the gentleman from Illinois has pointed out.

Mr. Chairman, I come from an area in western Massachusetts where two UHF television stations have been operating successfully, namely WWLP-TV, channel 22, and WHY-TV, channel 40, broadcasting from Springfield, Mass. However, these U stations would experience great financial difficulty if an additional VHF station were to blanket their broadcast area. For the last several years I have been the sponsor of legislation in this Congress which would have the same effect on the television broadcasting industry, to assist in the utilization of channels in the ultrahigh frequency spectrum, as this bill, H.R. 8031, before us today.

This legislation, requiring that all television sets imported or shipped in interstate commerce be equipped at time of manufacture to receive all television channels, should do much to permit the use of the ultrahigh frequency portion of the spectrum, which to date has been subject to severe competitive disadvantage.

.In the early years of television, station assignments were made on VHF channels, as these frequencies were the first to be usable. Later, in 1952, the Federal Communications Commission made extensive commercial and educational television assignments in the UHF band. However, even at that time most of the television sets produced could receive only the VHF stations. As of 1961 only about 6 percent of the television receivers being produced were equipped for UHF reception.

Obviously, the UHF stations have been at a disadvantage in competing with their VHF counterparts. Understandably advertisers and the networks were reluctant to support stations which received such limited reception, and the public was reluctant to make the needed conversion when VHF television was available.

It has been argued that H.R. 8031 is unfair to the consumer as it requires him to pay more money for his television set. I think it is significant in this respect that President Kennedy supported legislation requiring the manufacture of all-channel television sets in his special message on protecting the consumer interest. On March 14 of this year, the President stated:

> I strongly urge its passage as the most economical and practical method of broadening the range of programs available.

Likewise, the House Committee on Interstate and Foreign Commerce, recognizing that the consumer would at least at first be charged a higher price for his television set, stated:

> Even at a slight increase in price, the investment in all-channel receivers will be well worth the cost if this is the only way in which the American people can be assured of the benefits of television service to the fullest degree.

If you observe the antenna arrays which Americans buy to receive television and remember the persons who subscribe to community antenna systems to bring television pictures into their homes, it should be clear that the American public is willing to pay for good television service.

And it is improved television service which this bill will bring. In the first place, it will permit the establishment of more television stations. At the present time 127 of the 278 television markets in the United States have only 1 television station. Use of the 70 UHF channels as well as those 12 in the VHF portion of the spectrum will give the consumer alternatives in the choice of programs. Furthermore, expansion in the number of usable channels will encourage the development of local television station interested in providing local advertising and furnishing channels for local news, local talent, and promotion of local charities.

In the second place, we should not forget that two-thirds of the channels reserved for educational broadcasting are UHF channels. The future of educational television is closely bound with the future of UHF television. I do not need to point out here the role which educational television can play in furnishing high quality education for an expanding school age population.

Mr. Chairman, as one who has for some time been concerned with the future of UHF television and who has introduced bills providing for the exemption of UHF television receiving sets from the Federal excise tax, I am especially pleased that H.R. 8031 has been favorably reported by the Interstate and Foreign Commerce Committee. This bill represents the minimum Congress can do to bring the benefits of all-channel television to the American public. I urge the Members of the House to exercise this opportunity to take a giant step forward in improving television service in the United States by passing this bill.

Mr. MACK. I thank the gentleman. He is familiar with his problem and he and his committee in the past have indicated that they are trying to solve a very difficult problem. It is a difficult problem. They appropriated $2 million to conduct a study in New York City to see what can be done to perfect and to improve UHF service, which all of us admit is inferior today. I thank him for his statement.

Mr. DENTON. Mr. Chairman, will the gentleman yield?

Mr. MACK. I yield to the gentleman.

Mr. DENTON. Mr. Chairman, I understand that the Federal Communications Commission has agreed that if this legislation is passed there will be a moratorium on deintermixture proceedings except in four areas; one of those in Springfield, Ill., in the gentleman's district, and another in Evansville, Ind., in my district. Does not the gentleman think that if this legislation passes, that will be an argument that Congress is favoring deintermixture in those two areas when we do not have it in the rest of the country?

Mr. MACK. Let me say first that I do not think anyone in the Congress made any stronger effort to have Springfield, Ill., included in this moratorium. I think the gentleman speaking made a strong argument in favor of stopping deintermixture everywhere and stopping it today. What the gentleman says is true, and I use again the case of the gentleman from North Dakota, who I understand is opposed to this bill, because they do not need it in his State or his district. I am for this bill even if it does not affect Springfield, Ill. I think it is in the public interest. I think deintermixture was a mistake in the first place. This is a sound approach to a very difficult problem.

Mr. DENTON. I do not think it is in the public interest to discriminate against any communities, which include the gentleman's and mine. There is one further point I want to make. The difficulty with UHF is not so much the cost, but because the signal does not carry as far as it does with VHF. I do not see how making everybody have ultra high frequency and very high frequency is going to solve that problem.

Mr. MACK. I hope the engineers will be able to improve it so we can get a stronger signal from UHF. It will travel only about half as far and takes in only about one-third as many people as VHF.

Mr. SPRINGER. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. YOUNGER].

Mr. YOUNGER. Mr. Chairman, I want to make it clear to start with that I voted to report this bill and I think it is a step in the right direction. My concern about this whole procedure arises from two points: One, I do not like legislation that comes from an agreement between the Congress and a regulatory body as to their not doing something if we will do something. That is the way this legislation originated. I think that as a principle that is not a good approach.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Arkansas.

Mr. HARRIS. I do not know that I would agree with what the gentleman has just said, because, if the gentleman will permit, the Federal Communications Commission was doing something. What the Commission was doing was deintermixture.

Mr. YOUNGER. Correct.

Mr. HARRIS. That was a very positive step, and it was wholly unsatisfactory. I know and the gentleman knows, we on the committee know, there has been an effort made over a long period of time to take these VHF channels from commercial operation and utilize them for other purposes. That, in my judgment, is behind this whole issue. It is the basic problem.

We know that the Commission just a short time ago on the basis of a so-called experiment was going to put pay TV in every major market in the United States, 108 of them. Everybody knows that type of experiment, when a policy of that kind is imposed, when you invade a market in such a way it is not an experiment, it is a policy.

In my judgment, the Commission is moving toward deintermixture; first five instances, then eight more, and ultimately it will be a dozen or so, and finally by this effort to make them all UHF. There is the problem involved. The Commission was doing something about it and we took this position in the bill because we believe it is the best in the interest of the public.

Mr. YOUNGER. That is very true. I do not question the word of our very fine chairman. But the gentleman also gives evidence of the fact that this originated out of an agreement with the Federal Communications Commission that they would desist from their deintermixture if we would pass this legislation. That is the way the legislation originated.

Second, if you will read the testimony, about 70 percent of the testimony in the hearings is on deintermixture and only about 30 percent of it is on the question of the advisability of the manufacture of the all-channel sets. This legislation is not required.

It is said that we are going to require the manufacture. This is all permissive legislation. It is permissive to the Federal Communications Commission that they may only require. There is nothing in the bill that says that Congress is going to require that that be done.

As so ably expressed by our chairman, this is a long-range program. I doubt if anything of importance can come of it for probably 3 years.

It is not something that we are going to be faced with in a very short time.

As to that double page ad that has been referred to. Neither of the gentlemen who referred to it, our chairman or the gentleman from Illinois, said that they tried to purchase any of these sets. I have a friend who went out there in answer to that ad on the all-channel sets who tried to buy one of them. The clerk said, "No, you do not want to buy one of these." And he did everything possible to discourage him. He finally said, "Well, if you buy one of these sets, you cannot get the UHF more than about two or three blocks from the station." I mean he was using every argument possible not to sell it. I think this ad, from what my friend said, who was out there, was more or less of a come-on ad because they had no intention of selling them. He is the only one I know of who went out there and went to the store and tried to buy one of the sets.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Illinois.

Mr. COLLIER. Even if the set were available, as advertised, would that necessarily mean that simply because there was a retail price established by one merchant, which is a practice in all types of bargain marketing, that that would be an indicator that there would be no increase in price?

Mr. YOUNGER. No, I think anyone who reads the hearings or who sat through the hearings, and I think I probably sat through as many days of the hearings as any Member on the committee, I think that it would show the cost of the set on an average will be approximately $30 more. I do not think there is any question of that at all because the testimony of the manufacturers and of everybody testifying in the hearings was to the effect that the price increase would be more than $30 and some less than $30, but the average was about $30. What I am afraid of and what I fear, and I have two amendments which I will offer in due time, is the fact that you will have to purchase an all-channel set but you will not have the broadcasting to listen to.

For instance, consider the testimony from Akron, Ohio. They have 80 percent of their sets in Akron which were equipped to receive the UHF signals and, yet, the UHF station in Akron, according to the owner, has lost approximately $2 million simply because the three VHF stations in Cleveland cover that whole area to the point where the UHF station cannot make money and cannot get the advertising. So the fact that you have a UHF receiver, I am afraid, is not going to be the whole solution.

I have in mind one thing. We ought to develop or probably at least try to develop the same process that was developed in reference to FM radio. The AM radio voluntarily developed FM radio and they are broadcast simultaneously, and now we have a very fine development in FM radio and it has been exceptionally good. In New York we are conducting an experiment now, and if you will recall we appropriated some $2 million something over a year ago for the FCC for this purpose. They have 100 sets which they are moving around in New York to test out the UHF reception in a canyon city. They were supposed to move the 100 sets around to about 5,000 locations. Their report will not be available until about October. But so far they have found the reception on the UHF receiver and they have their own broadcasting station, is as strong as the VHF station.

Thus far it has proven that a VH station can operate in a satisfactory manner even in the biggest canyon city we have in America.

At the proper time I shall offer an amendment providing again permissive legislation to the FCC, that they may require the V broadcasters to broadcast also over U, so the people will know they were going to have some broadcast, and it will be developed by people who know broadcasting.

Another amendment I shall offer is one to permit the networks of an individual to own as many, up to five, U stations as they or he now have V stations, in order that we can have the networks interested in development.

I think we have got to pay more attention to the developing of broadcasting so that when people have these sets there is going to be use for them. That is the problem that I think we are confronted with, and that is the problem that confronts these concerns. There is no use buying a set because of what may happen. You may make a set capable of receiving UHF and VHF. The UHF adapter is a little gadget in the receiver which can be removed. After the salesman gets the set, if you wanted a V receiver and not a U receiver he could take that portion out and he could sell it to you for $30 less. That is the thing I am fearful of it we do not develop the broadcasting to the point where we will make it advantageous for the individual to pay more for the U set.

Mr. SPRINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON of Illinois. Mr. Chairman, I shall take only a couple of minutes of the Committee's time this afternoon to indicate my support of this legislation. Although not a member of the committee, I had occasion to follow this legislation with a great deal of interest because in the deintermixture proceedings that were instituted by the Federal Communications Commission—I think in July of last year—Rockford, Ill., was one of the market areas selected as a target.

I simply take this time to indicate the reasons for my support of this legislation. I appreciate that the fear has been expressed this afternoon by some that in effect we are striking a bargain with the Federal Communications Commission; we are telling them that in exchange for passing this bill please call off the deintermixture in these eight areas. I would certainly hope that by the committee report, that by the debate that we are having on this bill on the floor of the House this afternoon, we are making it perfectly clear that we are not bargaining with the Commission. Rather we are making it perfectly clear that it is the will, that it is the purpose, that it is the intent of Congress that they shall not proceed in these eight areas with deintermixture. In that connection I want to associate myself with the additional views of the gentleman from South Carolina [Mr. HEMPHILL], and the gentleman from Alabama [Mr. ROBERTS].

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield.

Mr. HARRIS. I would like to join the gentleman in the statement he has just made. The Federal Communications Commission can do only what the Congress authorizes it to do; in other words, it acts for the Congress. The gentleman has just stated so well what we are doing here is to establish congressional policy. We are substituting congressional policy for Commission policy, and I think that is pretty important.

Mr. ANDERSON of Illinois. As long ago as September 19, 1961, I introduced in the House of Representatives a bill, H.R. 9291, which contained certain limitations on the authority of the Federal Communications Commission to delete previously assigned very high frequency television channels. This bill, if adopted, would have the effect of prohibiting any further action by the FCC with respect to the proposed deintermixture of the eight television market areas in the country, one of which was Rockford, Ill. I must confess to the members of the committee that I would have preferred to see the adoption of the absolute bar by statute to the further pursuit of the deintermixture by the Federal Communications Commission. However, as I have already indicated, I am satisfied from a careful study of the bill which we are debating today and the committee report which accompanied that bill that the practical effect of this legislation will be the same. At the risk of reiterating what I have already tried to make abundantly clear, I am supporting this bill because I feel it constitutes notification to the FCC that the Congress is opposed to the deintermixture proceedings which were begun in July of 1961. I have received literally hundreds if not thousands of letters from people in my congressional district reflecting their extreme distaste for and opposition to the proposal to eliminate the VHF station in Rockford, Ill. I am satisfied that the passage of this legislation represents a genuine victory under our democratic process for those who oppose the deintermixture policy of the Commission.

I appreciate that honest and sincere men have on the floor of the House this afternoon expressed their reservations about the constitutional implications of this bill. However, I believe that the vast majority of citizens recognize that Federal regulation of the assignment and allocation of television channels and regulation of the television spectrum in general, is a proper matter, under the Constitution, for the Federal Government as it involves so completely the subject of interstate commerce. I am further informed that the television industry as a whole has no objection to this legislation. Indeed, viewed in its proper perspective this act of Congress is not a regulation of a manufacturing industry but rather an act dealing with the utilization and development of that portion of the Nation's airwaves which are devoted to the transmission of television signals. Therefore, I think that the Congress is within its constitutional power in acting. Further, I believe that our action will be in response to the wishes of the American television public.

I can recall that it was only a few weeks ago that some columnist and others were issuing pious protestations against the dangers of a congressional dictatorship. This discussion arose in connection with the attempt by the House Armed Services Committee to issue a mandate to the executive branch with respect to the expenditure of funds for the RS-70 weapons system. I have taken exception to these fears and openly expressed the thought that the dangers lie in an entirely different direction. There is entirely too much tendency on the part of the Congress to delegate authority to the executive branch and its myriad administrative agencies. It is my firm belief that by this legislation we are enunciating clear and firm congressional policy against deintermixture, and we are serving notice on the Federal Communications Commission that we expect congressional policy to be observed. Particularly, within the context of the times in which we are living, I think that this is a healthy thing. I hope that in the future Congress will continue to make it clear that its policies when expressed in the form of law are intended to prevail over policies which issue from an executive or administrative agency.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. THOMSON].

Mr. THOMSON of Wisconsin. Mr. Chairman, when I purchased the television sets I have in my home, they were all-channel receiver sets, because Madison, Wis., was a completely intermixed market. We had two UHF stations and one VHF station. It was quite a shock to me to find out that some people could receive only VHF on their receiver sets and others could receive only UHF on their receiver sets. But after I arrived in Congress I discovered there was a tremendous pressure on the Federal Communications Commission to deintermix some markets or to eliminate from those markets the VHF signal. The district I represent has no television station in it, with one exception. Most of the signals that they receive come out of Madison, Wis., which is in another congressional district. The only regular and good signal they receive is the VHF signal that comes out of the station in Madison, Wis.

When I learned there was an effort on foot to deintermix the Madison market, which is one of the targets of the FCC, I introduced a resolution in the Congress to require the FCC to desist in further activities until they had made a report to the Congress on their experiments with UHF in the city of New York. Other Members of this body introduced resolutions which would have denied to the FCC the authority to deintermix. These bills, together with the bill for all-channel receivers, were referred to the very fine Committee on Interstate and Foreign Commerce that held simultaneous hearings on this entire subject of all-channel receivers and deintermixture.

I want to say the impression I got from attending those hearings and participating in them is that the Commission is trying desperately to preserve in this country a great natural resource. That is, the 70 bands on the spectrum that are assigned to the UHF transmission signal. Try as they may, try as the industry may, they have been unable to induce people to go into the transmission of the UHF signal. But this body in spite of that just the other day voted a fund of $25 million to encourage educational television, most of which will be on the UHF band.

On the one hand we are giving money to encourage its use, and here today when we have a bill which is attempting to make that band useful, we have people who are opposing it on the ground it might cost a little more money to purchase sets that are used in their homes.

My impression of that is that the people want a television receiver that will receive both UHF and VHF. I frequently hear an expression on the part of people who feel they cannot get the UHF signal or they cannot get the VHF signal, and they object to paying the $30 additional because it requires a little box to be placed on top of their present television set which the lady of the house has to move, dust, and take care of; and when it is added to a set it is not as effective as it probably should be. What we should do is try to eliminate the waste that is occurring when these 70 bands of the spectrum are not being used. We should encourage them.

There was no bargain or agreement made with any agency of this Government. It was a decision made in the Committee on Interstate and Foreign Commerce that the best solution to reach the desired objective of complete intermixture was the passage of this very bill requiring all-channel receivers on all sets made hereafter. It was a decision made in the Congress, and I certainly hope that the members of this committee and the House will approve this legislation.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. CRAMER].

Mr. COLLIER. Mr. Chairman, will the gentleman yield for just one brief comment?

Mr. CRAMER. I yield.

Mr. COLLIER. With reference to the statement that the gentleman from Wisconsin made, I think it is not so much a matter of the increased cost to many of us, because the principle involved would be the same whether the set was increased 30 cents or $30.

Mr. CRAMER. Mr. Chairman, I ask unanimous consent to proceed out of order and that my remarks follow the consideration of this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HARRIS. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, I have requested this time in order to clarify with the chairman of the Committee on Interstate and Foreign Commerce a question which appears on page 3 of the report, and to request his comment on educational television. That statement is as follows:

> At present 92 VHF and 189 UHF channels are reserved for educational broadcasting.

Mr. Chairman, it is my thought that when this legislation was considered and the allotment was made, that the number of educational television channels were considerably in excess of what are reported here. For instance, in the northern part of my State I led the fight to have channel 5 allotted to six State educational institutions. I find now that because they did not proceed to build the station within the year after the time was allotted, that that time has been allotted now to a commercial group and is no longer available, except about 10 or 15 percent, and perhaps, some days, as much as 20 percent is allotted to educational purposes.

Mr. Chairman, will this legislation permit any further invasion of those stations that are reserved for educational purposes?

Mr. HARRIS. If the gentleman will yield, on the contrary, I would say to the gentleman from West Virginia, I think it will make possible greater utilization of the assignments for educational purposes. That is one of the objectives of this legislation which was mentioned a moment ago, I think by the gentleman from Illinois [Mr. MACK]. Now, there has been a great demand, I will say to the gentleman from West Virginia, over a period of time to the effect that if these VHF channels assigned for educational television purposes were not going to be utilized, they should be reassigned for commercial purposes.

Mr. BAILEY. Who, might I inquire, has the authority to do that? Who, without notice, has authority to do that, and to take away channel 5 from the educational institutions of West Virginia and give it to a commercial group?

Mr. HARRIS. The Federal Communications Commission has the authority. As a matter of fact, the Congress has directed the FCC to make these determinations. After the rulemaking procedure under the Administrative Procedure Act, the Federal Communications Commission would make such judgment.

Mr. BAILEY. Is it not true, then, that there is a possibility these reservations for educational purposes with that authority given to the Commission that in a matter of a few years there will not be any reservation for education, and that all of them will be granted for commercial purposes?

Mr. HARRIS. No; not at all. We have just passed a bill which has been signed by the President today, I will advise the Members of the House, providing for an educational television program. In my judgment that legislation will enhance the program a great deal.

Mr. BAILEY. I thank the gentleman for that information.

Mr. HARRIS. Mr. Chairman, I yield myself 3 minutes in order to answer a question of the gentleman from California [Mr. Hagen] to whom I yield at this time.

Mr. HAGEN of California. Mr. Chairman, as I understand this legislation it creates a moratorium in respect to certain deintermixture proceedings which are current; and it divides those into two categories, eight in one category, and four in another. The Commission stipulates, and it is committee policy, that this moratorium definitely applies to the eight, but with respect to the four there appears to be some doubt. And I refer to the language on page 7 of the committee report which states:

> There are four other deintermixture proceedings referred to in detail in the appendix to the Commission's letter in the case of which the Commission may find it necessary to go forward with such proceedings and to reach a decision in these cases which the Commission determines to be in the public interest under the particular facts existing in the proceedings.

Now I emphasize the following language:

> In deciding these cases, however, the committee expects the Commission to give proper weight to the congressional policies set forth in this report. Furthermore, the committee notes the Commission's statement that in deciding these particular cases it will give great weight to any loss of service to the public which would result from the abandonment of VHF channels allocated to the particular communities involved in these cases.

May I have some further comment from the Chairman with respect to this particular language?

Mr. HARRIS. I will say to the gentleman that the committee did not feel that Congress had the authority to deal with the four stations to which the gentleman referred, because all four of those cases were in litigation in respect of deintermixture. They were cases on which the Federal Communications Commission had passed. They were appealed to the courts. As I said earlier today, those cases, being in litigation, the Congress did not feel that we should invade or could invade the prerogatives of the judiciary. What we did say had to do with establishing congressional policy on deintermixture. When the Commission makes the decision in these cases, the Commission is expected to follow the principles of the moratorium on deintermixture, as stated in the committee report, if it is found to be in the public interest. As an example, there is Fresno, Calif., where deintermixture has already been consummated, as I understand. They are finding that the UHF signal there is such that the people are apparently satisfied with it. It is operating in the public interest and therefore it should be assumed—I have no way of making any commitment—it would have to be assumed that in a matter of that kind it would be determined by the Commission to be in the public interest to continue the situation as is. In other words, where the Commission can make a determination that it is in the public interest, it will follow the policy of the moratorium.

Mr. HAGEN of California. I thank the gentleman.

Mr. HARRIS. Mr. Chairman, I yield 3 minutes to the gentleman from Montana [Mr. Olsen].

Mr. OLSEN. Mr. Chairman, the objection to this particular legislation from my part of the country, where we are rather sparsely settled, is that while it does take care of a problem for the urban areas the problems of the sparsely settled areas are not helped at all. That is hardly a really good objection to giving a remedy to the urban areas, but we are, in effect, being charged—we who buy television sets out in Montana—more for a television set, and yet the problems of the sparsely settled areas are not attacked by this bill.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from Arkansas.

Mr. HARRIS. Let me advise the gentleman that the effort has been made to move all commercials to UHF. If we were to permit ourselves to be in a position where all commercial television would be UHF, the gentleman's area would be really, seriously in trouble. From that standpoint I would urge the gentleman to think a long time before he opposes legislation of this kind, because whether the gentleman knows it or not this is an attempt to help the gentleman's area.

Mr. OLSEN. I thank you, Mr. Chairman. Let me point out two other present problems that are present in my area. There are local stations in Montana which are rebroadcast by translators, but the translators which rebroadcast to remote areas the signal of the urban areas are limited to 100 watts of power. In Canada, translators are permitted 275 watts. One hundred watts are not sufficient to get television out to some of our more remote rural areas and they are being denied any television at all.

Also, cable television in Montana urban areas is competitive with free TV in that cable TV will bring programs in from the larger cities like Salt Lake and Spokane, and then the larger advertisers of the country will not pay to advertise on the small stations in Montana because they get into our public free.

We need assistance and protection for free television in Montana, so that their programs are not duplicated by cable-pay television in the urban areas. This is necessary so that national advertisers on network programs must pay local free television in Montana for area coverage. I want to encourage every kind of enterprise in television. We need help from the Congress and the FCC to that end in Montana. Under this bill, we are not relieved or assisted, we will be paying for additional channels on our receivers yet those channels that are already on our sets are not properly regulated for us to receive all the television service we really need.

Mr. HARRIS. Mr. Chairman, I yield myself 2 minutes to answer a question of the gentleman from Illinois.

Mr. PUCINSKI. I am grateful to the gentleman for his yielding to me.

Can the chairman tell me if UHF reception in the present state of the art is as good as VHF reception?

Mr. HARRIS. I would say it is; within the limits of the reception of those who are capable of perfecting it, it gives as good reception. Insofar as the coverage of the area to be covered, no, it is not.

Mr. PUCINSKI. Because of my profoundly high regard for the chairman and his committee, I would be inclined to support this legislation, but this question is disturbing me. If we can tell the manufacturers to build UHF receivers into these new sets, will we then be moving in the direction of ultimately putting the country on UHF television and letting the Government, that now uses a lot of VHF, continue to use those?

Mr. HARRIS. On the contrary, I would say that we feel that this action is just the reverse. If we do not take some action like this we are ultimately going to find the country with nothing but UHF.

Mr. PUCINSKI. On the other hand, if we do not pass this legislation, or if we do not do this in forcing installation of UHF receivers in sets, will we then be able to start probing for an answer to this whole problem in a more efficient use of VHF facilities now in service? I am afraid the Government has a lot of VHF channels. There has not been a word said today about the Government using these channels. We are in effect telling the American people to secure their television entertainment on UHF television, when we have not seen whether there is really efficient use of VHF television at this stage of the art.

Mr. HARRIS. I will say to the gentleman, I have been involved in that subject now for several years, at least 5, or 6, or 7 years. We have held hearings and we have tried our best to do something about it. But, unfortunately, the Government has certain assignments of certain channels of the spectrum that have been assigned to them that you cannot get from them. An effort was made about 3 years ago to take these 12 or 13 away from the commercial operation and it created a terrible condition in the country. I would say to the gentleman, I have done all I can do and what the gentleman has suggested is something that our committee has pursued for the last several years. We even tried to bring about the establishment of a superagency that would have authority to reassign these channels, but I could get nowhere with that because of military domination.

Mrs. RILEY. Mr. Chairman, I rise in support of the legislation.

I am happy that we are able to preserve the fine services of channel 10 by this compromise.

We in South Carolina have worked long and hard to preserve this valuable resource which we call our VHF channel in Columbia which renders great service not only in Columbia and elsewhere in my district, but, also, in the districts of the other Congressmen from South Carolina.

I am happy that the Interstate Commerce Committee has effectively worked out a compromise to give the people the continued services of channel 10.

I appreciate the courtesies shown me by the various members of the committee and the chairman when I asked them to give us help in saving channel 10.

Mr. MONAGAN. Mr. Chairman, I favor the passage of this legislation. It will lead to a more effective use of the Connecticut television potential.

From the point of view of my district, however, it is extremely important to note in connection with this bill the assurances of the Chairman of the Federal Communications Commission, Mr. Minow, that the previously proposed deintermixture would be indefinitely delayed. This means that the threatened removal of Connecticut's channel 3 will not take place and the television service of this fine station, which constitutes the sole television service of many people in my district, will be continued.

I am sure that Governor Dempsey, of Connecticut, who took a leading part in the effort to save channel 3, and all of us who had any part in this result, will feel highly gratified that the high level of Connecticut television service will be maintained.

I have previously stated my position to the Federal Communications Commission, when I opposed the deintermixture of channel 3 on the ground that such action would adversely affect about 250,000 residents of Connecticut. Approximately 45,000 residents of the Fifth Congressional District would have been faced with a complete television blackout if this experiment with UHF had been approved. While I believe in the extension and enlargement of UHF television channel use where practical, it has been established that UHF is not effective in sparsely populated areas and in areas of rough, hilly, and wooded terrain such as we have in many parts of Connecticut.

It was my privilege to have testified at the hearings of the Committee on Interstate and Foreign Commerce in support of all-channel television receiver legislation and in opposition to the proposed elimination of VHF channel 3 from Hartford, Conn. I believe that with the adoption of this legislation we can be confident of improved television reception through greater development of UHF where practical.

Most important, however, to residents of my district, is the assurance provided by the Chairman of the FCC that proceedings for elimination of Connecticut's VHF channel 3 will be discontinued.

Mr. BRAY. Mr. Chairman, I rise in support of H.R. 8031 which would require the manufacture of all-channel television receivers.

I introduced similar legislation in H.R. 10532 to make possible further development of commercial and educational television on the 70 UHF channels that are now available and at the same time make sure that the existing television service to the American public now provided by commercial and educational stations operating on the 12 VHF channels is not impaired.

This bill would empower the Federal Communications Commission to require that any television receiver shipped in interstate and foreign commerce must be constructed so that it will be able to receive all of the present 12 VHF channels now allocated to television and all of the 70 UHF channels now allocated to television.

I had proposed in addition that legislation specifically prohibit the Federal Communications Commission from deleting any VHF channel assignment from any community in the country, or from all communities in the country, when such action would serve the purpose of, or have the effect of, making all television stations in any community operate on UHF channels.

It is the belief of many who are interested in this legislation that if all-channel television receiver legislation is passed, the Commission will preserve the present VHF allocations. I hope so, but I am not certain. Personally I would like to see more complete safeguards established to protect the VHF channels, but the present bill is an important step in the right direction. Members of the committee tell me that while this bill is not as strong a bill as they would like, that it is the best that they can get passed.

Last year the FCC issued a notice in which it stressed the importance of all-channel receiver legislation in connection with its handling of television allocation matters. But the thrust of that notice was not toward providing for the further development of UHF television in connection with and alongside VHF television. Rather, the notice contemplates doing away with VHF substantially, if not indeed completely. Thus, in the notice the Commission announced that it was starting proceedings that day to take VHF channels out of eight communities, that it was planning to start similar proceedings in an undisclosed number of other communities, and that ultimately it visualized a television system in which all stations, or almost all stations, would operate on UHF channels.

It is clear that the continuation of this policy by the FCC will lead to the complete elimination of VHF stations. UHF stations simply cannot do the job in providing the service to millions of viewers who are outside of heavily populated centers.

We do need to better utilize the UHF channels. If all television sets are built so they can receive both UHF and VHF stations, as this bill provides, the total television service can be increased rather than curtailed.

Whether or not a State is directly affected by immediate proposals for shift to UHF, it is apparent that if this philosophy once gains a foothold it will not be long before all the States and all the people will be suffering from it.

Indiana is now served by television stations which operate on UHF and VHF channels. Both UHF stations and VHF stations provide a very valuable service to the public. But neither VHF channels alone nor UHF channels alone could possibly do the job that is being done, and in the future can only be done, not only in Indiana but across the Nation, by stations operating in both frequency bands.

Although UHF stations can provide a worthwhile service within the limits of their inherent capabilities, they simply cannot cover the wide areas that can be covered by stations operating on VHF channels. If a VHF station is shifted to a UHF channel, a great number of people will lose an existing television service and many of these people will lose their only television service. For the most part, these people would be located in rural areas, on farms, in small and medium-size communities, and in outlying sections. They now get television service because VHF stations in larger, but distant, communities are able to bring the service to them. If this VHF service were taken away, the only way they could get service back would be to build local stations.

We all know, however, that television stations take a lot more money to build and operate than do radio stations. It just does not make economic sense to assume that these small and remote and lightly populated areas are going to be able to support their own local stations in order to replace the lost VHF service. Therefore, if we are to make sure that the public does not suffer loss of television service, we must make sure that VHF stations are not shifted to UHF.

If viewers can choose freely between VHF and UHF stations, then it will be possible for such stations to operate in the same areas. At the same time, those viewers in outlying areas will still be able to receive the stronger VHF programs and will not be denied service as the FCC policy would eventually bring about.

Because television is so very important to the people of this country, I believe it is essential for the Congress to state clearly that the public interest would not be served by an all-UHF system, but would be served by a system under which the present 12 VHF channels and the present 70 UHF channels operated alongside each other. This bill would make this clear, while at the same time opening the way toward further development of our television system in this direction.

Mr. BASS of New Hampshire. Mr. Chairman, I am opposed to the legislation before us—not because the end is necessarily unworthy, but because I question the means.

This bill—H.R. 8031—authorizes the Federal Communications Commission to require television set manufacturers to equip all sets to receive the 70 ultra-high frequency channels in addition to the 12 TV channels most sets now receive.

I object to this as one more area in which the Federal Government is intruding in the lives of our citizens.

It certainly would be an advantage to some people if their sets could receive more TV channels. However, it is also an advantage to have color television, but no one here is proposing that the Federal Government require all sets to receive color.

Why can we not leave it to the option of manufacturers to add this additional equipment to newly manufactured sets?

This would give people the free choice of buying the somewhat more expensive sets with this equipment, or not buying them if they did not choose to pay the additional money.

We are faced here with a question of principle. Our Constitution is clear in the limits set on the power of the Government. Throughout our history many people have been willing to forgo some benefits in order to hold the power of Government in check.

It is my belief that to extend the regulatory power of the Federal Government, even in so limited a way, would not be worth what this legislation hopes to accomplish.

Mr. KEARNS. Mr. Chairman, I shall vote in favor of H.R. 8031, a bill to authorize the Federal Communications Commission to require that all television receivers shipped in interstate commerce, or imported into the United States, be equipped by the manufacturer to receive all television channels; that is, the 12 channels in the VHF band, as well as those channels for the UHF stations.

This is particularly important in the 24th District of Pennsylvania which I have the honor to represent. Erie Broadcasting Station WICU will be assured, by the passage of this legislation, that it may continue its operations and continue to serve its viewers. True, also, is the fact that UHF stations such as WSEE in Erie, Pa., will benefit by the provisions of this legislation.

I have long advocated that TV sets be equipped by the manufacturer to receive all 82 TV channels, the VHF as well as the UHF channels. At the present time it costs from $35 to $50 to convert a standard TV set to receive all programs, including the educational programs which are usually broadcast on UHF stations.

If the American people are to benefit from TV to the highest degree, sets must be manufactured which are capable of receiving stations operating on UHF channels.

There are nearly 55 million TV sets in operation today, but only about 9 million of these, approximately 16 percent, are capable of receiving UHF television signals.

The overwhelming bulk of TV set production today is limited to VHF sets. The situation is steadily getting worse. In 1953 over 20 percent of the TV sets were manufactured to receive UHF stations, but, by 1961, only about 6 percent of the TV sets were so equipped.

In my opinion, the country as a whole will benefit by this legislation. It is also an important step toward the final solution of this difficult and perplexing problem.

Mr. ALGER. Mr. Chairman, it is quite apparent that none of us wants to see the approximately 70 UHF stations going to waste through lack of use. It is also apparent that many are concerned that the end does not justify the means when an improper means is used to attain the end. This problem is something like the chicken and the egg situation, whether you start with the UHF station or UHF–VHF receiving sets. Obviously both are needed. Again all of us share a concern over the deintermixture whereby UHF or VHF would be denied metropolitan areas as they are segregated one from the other in different areas.

My opposition to this bill is very fundamental. This is the wrong means to attain the end. Constitutionally, I do not believe this Congress has the right to lay down manufacturing specifications. Since we take an oath to support the Constitution, this argument alone is enough reason for me to oppose this bill. But even as the Constitution is soundly based on fundamental principles there are also other objections which I have that are quite fundamental:

First. Consumers would be forced to pay more for their television sets.

Second. After having paid more because the Federal Government forced manufacturers to include the additional UHF channels they would not be able to benefit from UHF reception if no stations were available in their area. Further, I have been reliably informed that UHF adapters can be added to present TV sets at such time as TV set owners choose to do so. Here there is an element of free choice, which I think is a basic fundamental of free society so typical of our constitutional Republic within a democracy Unfortunate as the deintermix action by the FCC, more unfortunate, it seems to me is this deal between the FCC and Members of Congress to force the manufacturers and the consumers to conform to Federal regulation.

In addition, it is my understanding that we are not even sure that the UHF broadcasting will work. The $2 million engineering investigation in New York City of technical problems relating to UHF signal characteristics prescribed by the Federal Communications Commission has not resulted in findings necessary to know if such UHF broadcasting will be successful. In passing this bill we therefore have the cart before the horse, it seems to me.

Finally, as a precedent, wherein the Federal Government controls the manufacturer there is no telling how far such control may extend in the future. For all these reasons, Mr. Chairman, therefore, I must oppose the bill.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303 of the Communications Act of 1934 (47 U.S.C. 303) is amended by inserting at the end thereof the following:

"(s) Have authority, whenever the objectives of this Act so require, to prescribe minimum performance capabilities for apparatus designed to receive television pictures broadcast simultaneously with sound, when such apparatus is traded or shipped in interstate commerce, or is imported from any foreign country into the United States, for sale or resale to the public."

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment on page 1, beginning with line 6, strike out all down through line 4 on page 2 and insert in lieu thereof the following:

"(s) Have authority to require that apparatus designed to receive television pictures broadcast simultaneously with sound be capable of receiving all frequencies allocated by the Commission to television broadcasting when such apparatus is shipped in interstate commerce, or is imported from any foreign country in the United States, for sale or resale to the public."

Mr. YOUNGER. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNGER: Page 2, after line 9, insert the following:

"SEC. 2. Section 307 of the Communications Act of 1934 (47 U.S.C. 307) is amended by adding at the end thereof the following:

" '(f) The Commission may require any licensee who is authorized to engage in television broadcasting on a very high frequency channel (between 54 and 216 megacycles) to also engage in television broadcasting on an ultra high frequency channel (between 470 and 890 megacycles) after the date on which rules prescribed under section 330 of this Act become effective.' "

Redesignate the following section accordingly.

Mr. YOUNGER. Mr. Chairman, before I explain what this amendment does, I would like to have the attention of the chairman, if I may, and refer to a paragraph at the end of page 4. The addition there refers to this very same question that I have raised. It says:

> Another method of promoting the UHF operation was suggested to the committee. It will require each commercial VHF station to operate a parallel UHF station in the same manner. The committee is convinced that such proposals would not provide the public with a significant amount.

And so forth.

As I recall, this was not discussed by the committee. I wonder if it would not be well to clear up the record on that at this point.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Arkansas.

Mr. HARRIS. Yes, I believe the gentleman is correct. This and any other provision should be cleared up as much as possible, if it needs any clarification. I would say to the gentleman, and the gentleman has talked to me about this and, therefore, I was aware of his interest, if he will read the hearings on the proposed legislation at pages 536 and 537, there is included a letter from the Electronic Industries Associated dated March 23, 1962, in which this question was raised.

The electronics industry proposed as an alternative to the problem that the broadcasting industry be required to broadcast over both a VHF assignment and a UHF assignment. The committee report paid no attention to this language because of the proposal that was made to the committee as an alternative. The committee did not consider or even discuss seriously, if indeed at all, the proposal of the electronics industry. Therefore the footnote here was included in the report merely to show that there was a discussion and the committee did not comply and go along with the suggestion of the electronics industry.

Mr. YOUNGER. The committee did not discuss it, or it was not discussed.

Mr. HARRIS. The committee moved to other phases. As a matter of fact they did not act on it even to discuss it in executive session.

Mr. YOUNGER. I did not think about it until afterwards, but as I pointed out before, I think our problem is to get the broadcasting started so that the all-channel receiver will be of value. I think the Members are clear as to the amendment's intent and what is involved. There is nothing new in this, because the FCC did have this same idea as one part of the deintermixture docket which they were processing.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield.

Mr. GROSS. Then the stations would have to broadcast on both VHF and UHF channels.

Mr. YOUNGER. Just as they do now with AM and FM radio. It can be received on the same receiver with proper additions.

Mr. GROSS. It seems to me there is a good deal of difference.

Mr. YOUNGER. Part of the difficulty arises from the networks taking so much of the time of the stations that they do not have the necessary time to broadcast local and public interest affairs. This would give them a chance at another station to do that. And their experience and facilities would enable them to do it at less cost than to establish a new broadcasting station.

Mr. COLLIER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, for whatever good it might do at this point I would like to summarize the opposition to this legislation, because it has been scant. First of all, let us get the issue in its proper perspective. What this legislation does is to make available by compulsion that which is already available to the television viewers of this country on a voluntary basis. In the process of doing this we force upon millions of American television viewers the necessity of buying equipment which they neither need nor necessarily want.

It has been stated in the course of the debate here today that everyone is for the bill, including the television manufacturers. I repeat that if the television manufacturers favor this bill then there is no need for the legislation. In recent years here in the Congress we have tried to amend and even repeal the law of supply and demand as we are doing today. The facility or apparatus that is necessary to those who cannot presently receive UHF may be purchased by the person who demands or who wants it.

Instead of leaving it on that basis, instead of accepting the fact that the television manufacturers apparently want this legislation and, therefore, would produce the sets based upon the need of the country, we say, "no; we are going to require by law the manufacture of a facility which everyone must buy, whether they want it or whether they do not." I cannot for the life of me figure out why under existing circumstances we need this legislation. It sets a very bad precedent. We are placing in the hands of the Congress through this legislation the right to dictate to any manufacturer what he shall manufacture, and specifications that go beyond the normal standards or requirements of the law in this field. And, secondly, it opens the door to an invasion in this same field in many other areas.

I would hope that the House in its wisdom will look at this bill in its perspective, not as a means of combating other legislation or perhaps an Executive order, but, rather, under the principle that is involved in this legislation, and defeat the bill.

Mr. ROOSEVELT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I should like to ask a question of the chairman, if he will allow me.

In your radio set you could have an AM and FM band, and a fairly good sized one. But in the little transistor set, it is my understanding you can have only one kind.

Suppose in a television set it becomes opportune to have a very small one which could only have conveniently for good reception one of these bands, it is not the intention of the committee, is it, to instruct the FCC that it must demand that this set have both? Have they not at least the authority, if they want to, to give them an exemption in order that they might be so manufactured?

Mr. HARRIS. The Federal Communications Act has that authority. Under this proposal here it does not increase, restrict, or interfere with the development of the electronics industry. As a matter of fact, they have some rather small television sets under way now.

Mr. ROOSEVELT. I happen to own one. I do not think it is possible to convert it to both and I do not want to lose it by action of this committee.

Mr. HARRIS. You may be surprised to know what you can do with it. In the future you will find as a result of scientific research it is possible to extend many of them, regardless of how small they might be, and that they may be converted.

Mr. ROOSEVELT. In the meantime, it is not the mandate in this bill that the Commission must require that every set have both kinds?

Mr. HARRIS. Not at all. That is done by rulemaking procedures of the Commission which develop all these facts as to what it should do in order that there may be brought about a utilization of these resources.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Iowa.

Mr. GROSS. If this bill has any meaning at all, it is mandatory that they did contemplate exactly what the gentleman suggests, it seems to me. If not, why the need for this legislation?

Mr. ROOSEVELT. I am not on the committee, but my understanding is it is not mandatory and it does go through a regular procedure under the Procedures Act which would only allow it in certain circumstances where it was found necessary to do so.

Mr. GROSS. Yes, but the purpose of this bill is to put the UHF into operation, is it not?

Mr. ROOSEVELT. To a limited degree that is all right, if it does not prohibit certain types of sets where the public may have little opportunity or any need to use both.

Mr. GROSS. In order to do that, it would be incumbent upon the FCC to order the dual operation, would it not?

Mr. ROOSEVELT. That is not my understanding.

Mr. HARRIS. Primarily, what the gentleman from Iowa said is correct. In the rulemaking procedure, as an example, the Federal Communications Commission determines that closed-circuit television as a matter of fact should not come under this procedure, but of course under the rulemaking procedure that will be done. But primarily it is to require, if the Commission finds it in the public interest, that generally television receiving sets in the homes be able to get both UHF and VHF.

Mr. ROOSEVELT. In other words, what you are setting down is a general rule to which anybody who has reason to want an exception may apply for the exception.

Mr. HARRIS. What we are doing is setting up a congressional policy for the Commission to establish a general rule.

Mr. ROOSEVELT. I thank the gentleman.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am one of those who would like to see ultra high frequency stations in operation, but I cannot go along with this business of compelling people, the consumers of this country, the television audience, whether they can get any benefit out of it or not, to put up $30 or more in order to put UHF in operation.

Mr. ROGERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. ROGERS of Texas. They do not have to buy the set with this UHF on it, and they do not have to buy the converter. Let me say this.

Mr. GROSS. Just a moment. What exempts them from buying if the Commission issues an order? Let us assume that the Commission issues an order, under the provisions of this bill, saying that every set manufactured after a certain date and shipped in interstate commerce must be equipped for dual reception. What is the exemption?

Mr. ROGERS of Texas. It is not an exemption at all except those for sale or resale to be shipped in interstate commerce. You can buy any kind of a set you want and carry it any place you want in the United States. But, let me say this.

Mr. GROSS. Wait a minute now. You mean I can buy a set in Washington, D.C., if this law goes into effect, take it out to Waterloo, Iowa, and sell it there?

Mr. ROGERS of Texas. No, no, you cannot sell it out there. You can take it out there and put it in your home and use it; ship it in either a car or bus or anything else.

Mr. GROSS. That is lovely. That does not mean anything to me.

Mr. ROGERS of Texas. Let me say this further in regard to the VHF. Once this trend is started to provide this additional service the people who have VHF and do not want UHF will be able to buy VHF sets at a much lower price than they are paying now. So, it would be a gain.

Mr. GROSS. They will be able to buy sets such as they now have in the State in which they live if there happens to be a television manufacturing plant there. That is what makes this bill just as discriminatory as it can be. For the State without a TV manufacturing plant a purchaser would be compelled to spend at least $30 extra for a dual receiver.

Mr. ROGERS of Texas. Not necessarily.

Mr. GROSS. Oh, yes.

Mr. ROGERS of Texas. They can buy the set in Chicago and take it to Texas or California or Iowa if they want to, and use it.

Mr. GROSS. Yes, if for instance they want to drive from Amarillo, Tex., to Chicago and buy a set.

Mr. ROGERS of Texas. Oh, they would not have to do that at all. They could telephone the man and make a trade in Chicago and the man could ship it.

Mr. GROSS. But it has to be dually equipped if he ships it interstate.

Mr. ROGERS of Texas. Unless it is shipped for sale or resale. There is not anything unreasonable about it, and I know the gentleman from Iowa is not unreasonable.

Mr. GROSS. Wait a minute. I am not a lawyer, Philadelphia or otherwise, so I cannot very well argue with the gentleman in legalistic terms. But let me read this provision in the bill:

> "(s) Have authority to require that apparatus designed to receive television pictures broadcast simultaneously with sound be capable of receiving all frequencies allocated by the Commission to television broadcasting when such apparatus is shipped in interstate commerce, or is imported from any foreign country into the United States, for sale or resale to the public."

That, to me, is clear.

Mr. ROGERS of Texas. Well, I am glad it is clear, because you can go to Baltimore and bring it back here in the back of your car and you would not be in violation of the law.

Mr. GROSS. Could a purchaser in Waterloo, Iowa, go to an appliance store, buy a television set and have it shipped without it being dually equipped at a cost of $30 or more?

Mr. ROGERS of Texas. If the set was made in this State?

Mr. GROSS. Yes.

Mr. ROGERS of Texas. No, no, no. It does not have to be manufactured here.

Mr. GROSS. Yes, according to the language in your bill.

Mr. ROGERS of Texas. Not unless it were shipped after the passage of this bill.

Mr. GROSS. Well, all right, we are assuming this bill will be passed. What else are we talking about?

Mr. ROGERS of Texas. Let me say this to the gentleman: If your television set wears out, your present VHF——

Mr. GROSS. Wait a minute. Just do not take all of my time. The gentleman has not convinced me of a blessed thing yet.

Mr. ROGERS of Texas. I thought the gentleman from Iowa was asking a question, and I was trying to help him.

Mr. GROSS. My friend from Texas volunteered his services.

Mr. ROGERS of Texas. Yes, I did, and I will say to the gentleman that I did because I know the gentleman wants to go down in history as helping the individual in this country.

Mr. GROSS. Yes, I would like to help some of the individuals in this country instead of helping individuals all over the world. I would prefer that, if that is what the gentleman means.

Mr. ROGERS of Texas. I thank the gentleman, and I agree with the gentleman on that. The VHF set would come down in price.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Chairman, as the gentleman from Illinois [Mr. COLLIER] said, this bill simply takes it out of the hides of the people who may never be able to get UHF reception in the State of Iowa, in the State of Texas, in the State of Montana, the State of Wyoming, and elsewhere.

Mr. ROGERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes.

Mr. ROGERS of Texas. One of the reasons that there are no UHF stations is because there are no UHF receivers. This is going to open up an entirely new vista of the business.

Mr. GROSS. Sure. You could build a UHF station in Amarillo, Tex., and not be able to hear it more than 15 miles from the center of town yet every purchaser of a new television set in Texas could have $30 added to the cost of his set.

Mr. ROGERS of Texas. Yes; but there is a great number of people who live around the center of town to whom it would render a great service.

Mr. GROSS. How about the fellow who is forced to spend an additional $30 for a television set, which fellow is located 30 miles out of town, and cannot see or hear the station's programs?

Mr. ROGERS of Texas. He has not been made to spend $30. He does not have to buy the set.

Mr. GROSS. Oh, yes; if that is the only TV station. Let me ask the gentleman from Texas a question: Why did not the gentleman and his committee come in with a bill some years ago when frequency modulation radio stations were being established all over the country compelling people to buy frequency modulation radio sets or converters?

Mr. ROGERS of Texas. If the gentleman will yield further, I do not think the gentleman from Texas was a Member of Congress at that time.

Mr. GROSS. There would have been many more radio stations in the country if that had been done. The gentleman could have stopped some of this sunrise to sunset radio station operation which always throws small radio station operations and their audiences out of gear, especially with the changeover to daylight saving time, and all of this funny business about time.

Mr. ROGERS of Texas. If the gentleman will yield further, we are working on that.

Mr. GROSS. Just as an aside, there are a lot of people who are never going to get that hour back which they lost last Sunday. They are going to be dead by next fall when the time goes back to normal.

Mr. ROGERS of Texas. If the gentleman will yield further, let me say this to the gentleman: I overslept this morning, and I am against it.

Mr. GROSS. So am I. But why did not the gentleman and his committee come in here with a bill to provide for frequency modulation radio sets?

Mr. ROGERS of Texas. Would the gentleman yield to the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS], in order to have him answer that question?

Mr. GROSS. Sure. I would like to have him answer that question.

Mr. Chairman, I yield back the balance of my time since it appears I am not likely to get an answer.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto conclude in 5 minutes, 2 minutes to be allotted to the gentleman from Illinois [Mr. MACK] and 3 minutes to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. MACK] for 2 minutes.

Mr. MACK. Mr. Chairman, we are trying today to help the gentleman from Iowa and other Members of the Congress by providing better television service for the rural communities of our country. The gentleman from Iowa is able to receive VHF television service. This VHF television service travels roughly twice as far with the same power as the UHF service. Some time ago the Federal Communications Commission thought it would be in the public interest to inaugurate a program to which they referred as deintermixture. They started in a limited number of markets and recently decided to expand into eight additional markets. Their plan was, I think, to continue to expand until they replaced all VHF service with UHF service. If this develops, if they are able to replace all of the VHF stations in the rural areas with UHF, our constituents will be left without any type of television service.

The effect will be to deny television service to many people living in the rural areas. I am not speaking just of the Far West. I am speaking of Illinois, Indiana, Ohio, Iowa, Kansas, and these other States. It would have the effect of denying television service to many of the people in the rural communities.

I regret that the Members were not present on the floor when my colleague from Illinois [Mr. Springer] made his opening remarks, because I thought he did a very good job of explaining this very difficult and technical problem by putting it in simple language so that everyone could understand it.

There still seems to be some misunderstanding but if this bill is not passed the Commission plans to continue its policy of deintermixture which would result in inferior service or perhaps no service at all for some of our rural areas.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. Harris].

Mr. HARRIS. Mr. Chairman, I hope the Members will not lose sight of the fact that there is an amendment before us. In my judgment it is far reaching and I hope the Members will carefully consider what would be done if this amendment is adopted. Very briefly, let me tell you what it would do.

Under the present procedure any one company or organization may own five VHF television stations and operate them and two UHF stations.

What the gentleman would do here would be to provide that the Commission may require that anyone who has a VHF station must also broadcast over a UHF station. Everyone knows that in order to obtain a license to operate a station you have to make an application and go through the procedure for the Commission to determine what is in the public interest. But here you would be turning over to the owner of this station this authority, make him take it. I cannot imagine such a procedure as that. Certainly in the same community where you have UHF and VHF, with the same company broadcasting; you might as well say turn over all of the radio stations and all of the newspapers and all of the television, UHF and VHF, to one man. That is how ridiculous this would be.

I do not think the membership of this House will consider favorably an amendment of this kind.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. Younger] to the committee amendment.

The amendment to the committee amendment was rejected.

Mr. YOUNGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Younger: Page 2, strike out line 9 and insert the following: "the public.

"(t) Have authority to make rules concerning the multiple ownership of broadcasting stations, including rules to authorize any person who has an authorization or authorizations to operate one or more commercial television broadcast stations on very high frequency channels (between 54 and 216 megacycles) to receive an authorization or authorizations to operate an equal or greater number of commercial television broadcast stations on ultrahigh frequency channels (between 470 and 890 megacycles); except that no such rule shall permit any person to receive an authorization to operate more than one commercial television broadcast station serving the same area."

Mr. YOUNGER. Mr. Chairman, this amendment has to do with networks, as we know them. It will give the Federal Communications Commission an opportunity to give to the networks additional U stations. They are limited now to five V's and two U's. This would give them an opportunity to own and operate additional U stations but not in the same market. If we are going to develop the U stations and the U broadcasting, I think this is at least a step in the right direction. It was drawn with the approval of the FCC legal division as to its legal phases.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Arkansas.

Mr. HARRIS. I wonder if the gentleman has left the wrong impression. I know he did not intend to but I seem to get it, anyway. The gentleman did not mean to imply that the FCC would approve this amendment?

Mr. YOUNGER. No.

Mr. HARRIS. Let us say the FCC was called on for technical assistance and they responded to that request.

Mr. YOUNGER. That is correct.

Mr. HARRIS. And they did assist the gentleman in preparing the amendment.

Mr. YOUNGER. That is correct.

Mr. HARRIS. But in no way indicated they would approve.

Mr. YOUNGER. No, I had no intention of conveying the thought the FCC themselves would approve it because they have not had a meeting and they would not be able to approve it, anyway, but it was drawn and submitted to their legal staff.

Mr. SPRINGER. Mr. Chairman, I move to strike out the last word.

May I ask the gentleman from California a question? Will he expand on this a little further? I am not sure I understand the gentleman's amendment and I would like to know what he has in mind.

Mr. YOUNGER. In answer to the gentleman from Illinois, as the rules now exist as made by the FCC rulemaking, any person—and we refer today to the networks because that is what they are—may own five V stations and two U stations. So far as I know, they do not own any U stations, although under the rule they could own seven stations. This would give the FCC the right to permit a person to own additional U stations by the rulemaking process, but no two stations could be in the same market. For instance, one of the complaints of ABC was that they wanted to get into a certain market which they are now prohibited from getting into. This would give them a chance to get stations in other markets. It also opens up other stations for the other networks. If we are going to develop the U stations, I think it has to be in connection with network operation because the people now are trained to listen to network programs.

Mr. SPRINGER. All the gentleman's amendment does is make it permissive for the FCC under rulemaking to be able to grant five U stations instead of two?

Mr. YOUNGER. Yes, or more than that if they wanted to.

Mr. SPRINGER. More than five?

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Arkansas.

Mr. HARRIS. I am very much interested in the gentleman's amendment. As I indicated to the gentleman heretofore, I thought there was some merit to it. But when you analyze it, does it change the present law at all? Is it not true that the Federal Communications Commission today has authority under rulemaking procedures to determine the number of stations any one organization or company can have?

Mr. YOUNGER. That is true. That is my understanding, yes.

Mr. HARRIS. Then this does not change the authority of the Commission, but what it would do would be to establish congressional policy which would be a directive, you might say, to the Federal Communications Commission to permit any one company to operate as many as 10 stations instead of 7. Is not that true?

Mr. YOUNGER. That is correct.

Mr. HARRIS. As to the possibility of more stations, I do not know, but I told the gentleman earlier I personally can see how it might not be objectionable to me but on a policy statement I would have some question about it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRIS. Mr. Chairman, I rise in opposition to the amendment. To continue what I was saying, there are two things that are important here and which I would want the membership of the House to take into consideration in passing judgment on this.

No. 1, there is a lot of opposition throughout the country against concentrating possibly too much power in one group or one company either network or any other organization which are not networks. Several networks and Westinghouse have their full quota and there are several others who have their quotas. That is the question the membership will have to consider. Another thing, I think we should be very careful about disturbing an affiliate of a network in a community. I do not think there would be any question but what some of the multistation operators who have affiliates might see a very lucrative market somewhere and go in and establish their own station instead of an affiliate station and the affiliate station would be put out of business. I can name you some communities in the country now that have suffered from that very policy. It has caused some suffering and a lot of pain among the people in those particular areas. I think that has to be considered.

Mr. YOUNGER. That would have to be done by rulemaking and the FCC would do it under the policy of the public interest.

Mr. HARRIS. Yes, except there is one thing which worries me a great deal. The law now gives the Commission that authority. If we adopt an amendment like this, even though it continues the authority, it is a congressional direction and it is congressional policy which in my judgment the Commission would have to follow.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. YOUNGER] to the committee amendment.

The amendment was rejected.

Mr. MACK. Mr. Chairman, I move to strike out the last word.

I take this time to ask the Chairman a question to clarify the situation with regard to channel 2 in Springfield, Ill. Mr. Chairman, it is my understanding that channel 2 at Springfield is still assigned to Springfield and that at the present time there is a rulemaking proceding underway which proposes to move it to St. Louis. I raise this question because channel 2 is operating in St. Louis and has been for 5 years. When the Federal Communications Commission came before our committee, they listed in the table of assignments channel 2 located at St. Louis. I believe in the course of the hearings we clarified this matter to show clearly that that assignment is still at Springfield. I wonder if the Chairman could comment on that.

Mr. HARRIS. If the gentleman will yield, the gentleman's statement is correct.

The Federal Communications Commission assigned channel 2 to Springfield, Ill. Under the rulemaking procedure that was started in 1956, I think—several years ago anyway—there was this deintermixture of that particular market. Channel 2 was proposed to be moved to St. Louis and the UHF station from St. Louis. I think the number of that channel was 26 or 36—I am not sure. It was to be moved to Springfield, Ill.

If the gentleman will recall, during the course of our hearings in 1938 investigating ex parte matters, it was determined that ex parte conditions did prevail, and the matter was appealed to the courts. It went all the way to the Supreme Court of the United States. The Supreme Court remanded the case to the circuit court of appeals and held they were ex parte proceedings and directed—I believe I am correct in this—directed that the circuit court of appeals mandate the Federal Communications Commission to take the matter up again and determine the extent of the ex parte proceedings and what the Commission should do in accordance with the supervision that was to be had by the circuit court of appeals. So the case is presently before the Federal Communications Commission for a determination to be made under supervision of the circuit court of appeals and under a mandate from the circuit court of appeals. Consequently, it has never been settled—that is, the issue has never been settled—and the gentleman is correct when he says that the assignment is still in Springfield, Ill., even though the station has been broadcasting in St. Louis, Mo.

Mr. MACK. I thank the gentleman for his explanation, because this is a very complicated situation and reference was made in the report to channel 2. So, as I understand the situation, the FCC is now considering, or has underway, rulemaking proceedings with regard to channel 2 similar to the rulemaking proceedings that are underway with regard to the other channels.

Mr. HARRIS. Yes; the matter has been referred by the Commission to an examiner. A former Federal judge in Pennsylvania, I believe—I do not remember his name at the moment—was designated to hear it. I think the hearings have been concluded. The Federal Communications Commission, however, has not yet made its decision on the matter, or reported to the circuit court of appeals in accordance with the mandate.

Mr. MACK. I want to thank the gentleman for the explanation, because there has been quite a bit of confusion concerning this case.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent Mr. MACK was allowed to proceed for 2 additional minutes.)

Mr. MACK. I would like the record to show that back in 1949 a VHF channel was allocated to Springfield, Ill. In 1953 following the television freeze there were competitive hearings and as the Chairman has mentioned, in 1956 it became involved in the deintermixture proceedings and even as of today, some 13 years later, Springfield, Ill., is still being denied first-class television. They are operating only with a single UHF television station—the capital of the State—and I hope that the Federal Communications Commission will proceed with this matter at a very early date so that the people of Illinois can receive first-class television service.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard a good deal in the debate this afternoon about local television problems.

Is this designed to settle local TV problems by providing for the reshuffling of VHF licenses? What is this all about? Do you want people in the agricultural areas to pay $30 extra for a television set so the FCC can reshuffle its VHF licenses and then fill the gaps with UHF stations? I doubt that we are told the full story concerning this bill.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. There is not going to be anything in here to hurt the big television stations. Everything that has been done so far has been with their influence. They have controlled not only the television but the radio business. I am like the gentleman, I do not understand everything in this bill, but it smells fishy to me.

Mr. GROSS. I thank the gentleman for his observation and say that I agree with him.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. Part 1 of title III of the Communications Act of 1934 is amended by inserting at the end thereof a new section as follows:

"TRADING IN APPARATUS DESCRIBED IN SECTION 303(S)

"SEC. 330. No person shall trade or ship in interstate commerce, or import from any foreign country into the United States, for sale or resale to the public, apparatus described in paragraph (s) of section 303 unless it complies with minimum performance capabilities prescribed by the Commission pursuant to that paragraph: *Provided*, That this section shall not apply to carriers transporting such apparatus without trading in it."

With the following committee amendments:

On page 2, line 12, strike out "1" and insert "I".

On page 2, line 15, strike out "Trading In Apparatus Described in Section 303(S)", and insert in lieu thereof "Prohibition Against Shipment of Certain Television Receivers".

On page 2, line 18, insert "(a)" after "SEC. 330.".

On page 2, line 18, strike out "trade or".

On page 2, line 22, strike out "minimum performance capabilities" and insert "rules".

On page 2, line 23, insert "the authority granted by" after "pursuant to".

On page 2, line 25, strike out "it.'" and insert "it.".

On page 3, beginning with line 1, insert the following:

"(b) For the purposes of this section and section 303(s)—

"(1) The term 'interstate commerce' means (A) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States and any place outside thereof which is within the United States, (B) commerce between points in the same State, the District of Columbia, the Commonwealth of Puerto Rico, or possession of the United States but through any place outside thereof, or (C) commerce wholly within the District of Columbia or any possession of the United States.

"(2) The term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States, but does not include the Canal Zone."

The committee amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BASS of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8031) to amend the Communications Act of 1934 in order to give the Federal Communications Commission certain regulatory authority over television receiving apparatus, pursuant to House Resolution 608, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The **SPEAKER**. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The **SPEAKER**. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER**. The question is on the passage of the bill.

The question was taken; and the Speaker announced that in his opinion the ayes appeared to have it.

Mr. **COLLIER**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. In accordance with the unanimous consent request heretofore entered into, further proceedings on the bill will go over until tomorrow.

Does the gentleman from Illinois withdraw his point of no quorum?

Mr. **COLLIER**. I do, Mr. Speaker.

GENERAL LEAVE TO EXTEND

Mr. **HARRIS**. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon and that all Members may have 5 legislative days in which to extend their remarks on the bill just passed and that the gentlewoman from South Carolina [Mrs. RILEY] may extend her remarks in the body of the RECORD during the consideration of H.R. 8031.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

FOREIGN AID LEGISLATION

Mr. **MORGAN**. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. **MORGAN**. Mr. Speaker, the Committee on Foreign Affairs of the House has completed its hearings in connection with the President's foreign aid proposals for fiscal year 1963 and is proceeding with the markup of the bill.

As in past years, the Executive has prepared several volumes containing detailed information, some of which is classified by the Executive as secret or confidential, about the foreign aid programs which I want to make available to all of you in the Foreign Affairs Committee room, G-3 in the Capitol. These are essential tools in the consideration of the foreign aid legislation.

The Committee on Foreign Affairs regrets the fact that so much information is classified and wants to do everything it can to make information concerning the foreign aid program available to any Member of Congress who is willing to respect the security classification.

Although the committee might disagree with the Executive as to the need for classifying certain specific items, it is our belief that there are reasonable grounds for maintaining classification of much of this material. For one thing, it is essential to keep from the enemy specific information in the military assistance volume about the armed forces of our allies.

We must recognize also that it is advantageous to the committee and to Members of the Congress to have the benefit of frank statements from U.S. officials about the officers and operations of foreign governments. Such frank statements of opinion cannot be made available except when classified.

There appears also to be justification for keeping confidential the specific country programs until legislative action has been completed and actual amounts are known, thus avoiding disappointment and ill will on the part of the recipients.

I believe knowledge of the information in these volumes is important to the consideration of the proposed amendments to the Foreign Assistance Act of 1962 and urge the Members to come to room G-3 of the Capitol where they will be available for examination. The volumes will also be available later at the committee table during the floor debate on the foreign aid bill.

AREA REDEVELOPMENT ADMINISTRATION

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, our colleague, the Honorable WRIGHT PATMAN, who acted as floor sponsor for the bill creating the Area Redevelopment Administration, is unable to be here today, but has brought to my attention the fact that today marks the anniversary of the establishment of the Area Redevelopment Administration.

I, therefore, Mr. Speaker, in recognition of this outstanding piece of legislation, marking the tremendous development which it has initiated, ask unanimous consent that the remarks of the Honorable WRIGHT PATMAN be inserted at this point in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **PATMAN**. Mr. Speaker, the Area Redevelopment Administration marks its first anniversary today. Although it was established a year ago, it did not receive its appropriations from the Congress until September 30, 1961, so, in effect, it has been operating only 7 months.

The program is designed to help revitalize the economies of areas plagued by substantial unemployment or underemployment, or by low farm or family income. A total of 148 urban-industrial areas, 735 rural and small labor markets, and 50 Indian reservations are eligible at present to take part in the program. These areas have a population of 34.7 million people and a labor force of 13.2 million, of whom the equivalent of more than 1.4 million are unemployed. In other words, these areas have 19 percent of the Nation's population and 19 percent of the labor force—but they have 31 percent of the unemployment in the United States.

Average unemployment in the redevelopment areas is in excess of 10 percent, as against 5.5 percent nationally, and some of these areas have joblessness running as high as 20 or 30 percent. In the underemployment areas, the median family income is less than $1,560, and the median farm family income is less than $1,170.

The basis on which the area redevelopment program is built is local initiative. Before the Federal Government can help the redevelopment areas help themselves, representative local groups must plan long-range economic programs to avoid any hit-or-miss approach to the economic problems. In the first year, locally conceived economic plans have been submitted by 535 areas and 22 Indian reservations—more than 60 percent of all of the areas designated. Of these, ARA has approved plans from 431 areas and 12 Indian reservations.

A total of 40 financial assistance projects have been approved, involving an investment of $10.8 million in Federal funds to help create an estimated 10,716 direct new jobs in industry, and 7,500 indirect jobs in trades and services. Out of this total Federal investment, $8.2 million is in the form of loans which will be repaid to the Treasury, with interest. The Federal investment stimulated additional local private and public investment of $26.7 million in these same projects.

Behind these approved projects are many more in the pipeline. An additional 202 financial assistance projects, involving $94 million in Federal funds, 37,000 direct new jobs and an estimated 26,000 indirect jobs, currently are being processed, and an additional 488 promising projects currently are being developed at the community level. In addition, 533 job creating projects on which ARA assisted communities have been referred to other Federal agencies to be handled under existing programs.

A total of 33 technical assistance projects have been approved, involving $758,650 to finance research studies by universities, private firms, and Government agencies to help break bottlenecks which have impeded economic progress.

A total of 89 retraining projects have been approved, involving $4.6 million to help 7,666 worker-trainees acquire new skills in growing occupations.

By the end of fiscal 1962, ARA expects to have approved financial assistance projects that will create an estimated 30,000 direct new jobs and 21,000 indirect jobs, and to have programs approved to retrain 15,000 unemployed workers.

This will provide a start toward solving a major domestic problem. To bring unemployment down to a 4-percent level in the areas designated as eligible because of substantial and persistent unemployment will require the creation of 660,000 direct and indirect new jobs; to make up the underemployment deficiency in the other designated areas will require an estimated additional 300,000 direct and indirect jobs.

This can be accomplished, given a continuance of the partnership of private enterprise, the communities, the States, and the Federal Government that has existed in the first year of the Area Redevelopment Administration.

My own district has shown great interest in the ARA program. A number of proposals have been filed. Indications are that more will be forthcoming in the near future. Two cities, Clarksville and Detroit, have already received a $474,000 public facility loan and grant.

While much remains to be done, it is clear that in only 7 short months ARA has already accomplished a great deal.

America is undergoing a population shift of major proportions. People in great numbers are moving from the countryside and our towns and smaller cities to urban areas. Yet if our Nation is to remain strong and free, it is of vital importance that the local economies of our smaller population areas remain healthy. It is of equal importance that areas of economic blight be helped to help themselves. We cannot have two national economies—one rich and one poor. The ARA program helps all areas of our country, directly or indirectly.

This kind of imaginative attack upon our Nation's economic problems holds high promise for the future. I have every confidence that excellent as the Area Redevelopment Administration record has been, that it is only a prolog to greater accomplishments in the months ahead.

BRIDGING THE GAP BETWEEN BASIC RESEARCH AND EDUCATIONAL PRACTICE

Mr. KING of Utah. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. KING of Utah. Mr. Speaker, short of another war which all of us pray the world can avoid, the struggle between the free world and the Communist world could be decided in the classroom. Today, more than ever before, education is our key to survival.

My interest in the improvement of American education compels me to draw the attention of the Congress and the Nation to an article by a team of University of Utah scholars which appeared in the January issue of the NEA Journal. It deals with one of the very serious problems which we face in achieving a goal of continuing improvement in education, which is the problem of putting the findings of educational research into classroom practice. Every American concerned about our progress in education should read this article, "Bridging the Gap," which follows:

Bridging the Gap Between Basic Research and Educational Practice

(By Calvin W. Taylor, professor of psychology; Brewster Ghiselin, professor of English; and John A. Wolfer, research assistant, Department of Psychology, University of Utah, Salt Lake City)

Today, there is scanty assurance that the many basic research findings with potential relevance to education will quickly—or ever—be applied in determining what happens in the classroom. Yet a great and immediate need exists for speedy action to close the gap between what is known through research and what is applied in educational practice.

This conclusion, by no means new, was freshly impressed upon us during a recent 2½-year research project supported by the U.S. Office of Education. Our research (soon to be reported under the title "Development of a Theory of Education From Psychological and Other Research Findings") was aimed at increasing the use of scientific methods and, especially, of unrecognized implications in scientific findings, to improve educational practice.

As the project progressed, we found that there is already much basic research in the behavioral and social sciences with potential educational value. We found, however, that nearly all such materials require a great deal of development through extension of fundamental insights, fresh applications of principles, and specific adaptations of procedures, before they can be put to use in the schools.

There is little precedent for such developmental programs in the educational fields, but fortunately there are interesting precedents in other fields. In the physical sciences, the development (D) effort is usually several times as large as the research (R) effort. In fact, in the total R. & D. program in the Nation, several billions of dollars are being spent annually for D activities (mainly in the physical, biological, and military sciences) in order to obtain rapidly the full fruits from the R activities. If educators would study the ratio of research to developmental activities, both in fundsand in human effort, in various fields such as engineering, agriculture, medicine, and the military, we believe they would get an idea of what ratio might be needed in education.

They might also be shocked to see how comparatively little has been done to make relevant research findings useful for education.

The difficulty and importance of the developmental problem—the problem of making research findings bear upon practice—may be seen in the way ideas of creativity have come to affect our thinking about education. But it will take great time and effort to shape into a form usable by teachers even a few of the most fundamental insights in the field of creativity. Only recently have tests of creativity, when adapted to use in the schoolroom and applied there in exploratory studies, revealed that a shocking misevaluation of giftedness has occurred in the schools through excessive dependence upon the IQ as the sole measure of superior ability. Now tests are being constructed that will reveal several other important kinds of giftedness. But the work of perfecting all of these tests and putting them to wide use remains to be accomplished. Likewise, great efforts will be needed to develop intelligent approaches for cultivating all these kinds of giftedness in the classroom.

To make up for lost time, tremendous developmental effort is required—effort, that is, to bring relevant research to bear on educational practice. This effort must go beyond the presentation of more research findings before discussion groups in education. The crux of the task is to get the research findings out of the basic research laboratories, off the library shelves, beyond the discussion stage, and into suitable shape for practical use.

At present, it would be almost impossible to spell out the needed developmental activities in education. They have yet to be determined, and a few persons are prepared to do this special type of "engineering" work for education. The work might be stimulated and guided, however, by a study of effective research and developmental procedures in the field of agriculture, as well as in the physical sciences and in the large military research and development programs, where too much lag in applying the findings of research could be suicidal.

For example, the military, in its developmental activities pertaining to equipment, begins with consideration of basic research findings. Feasibility studies follow. Practical application of insights is achieved through a series of projects, comprising engineering design, construction and study of mockups and prototypes, testing for soundness in engineering at all stages from design to final assembly, overall testing of the total equipment, consideration of the product for approval and adoption, planning and actuation of quantity production, installation of the items produced, and their integration into the military operations and organizations.

In the field of agriculture, likewise, basic research findings are utilized fully and systematically. Great changes in agricultural practices and in production of foods have occurred during the last few decades, mainly because farmers have utilized scientific findings. In the last century or so, the proportion of our population engaged in food production has been reduced from 85 percent to approximately 10 percent. Yet the 10 percent are now producing in abundance for the rest of the Nation.

Such agriculturists as Daniel G. Aldrich, Jr., university dean of agriculture, University of California, point to the very short lag between the emergence of basic research findings and their application in farming. The main reason for this efficient implementation, Dr. Aldrich explains, is an effective organization of persons with the special skills and responsibilities needed to bridge the gap between basic research findings and agricultural practice.

Their procedure is systematized in the following steps: Identifying basic research findings with implications for agriculture; doing the applied research and developmental studies necessary to turn these findings into something understandable and manageable in use; rejecting the unmanageable; setting up numerous well-designed demonstration studies to teach and to persuade the farmers of the merits of new methods, materials, or apparatus; and otherwise assisting the farmers in adopting more profitable practices.

Agriculture has produced large numbers of specially trained persons to perform these bridging functions, and the researchers who pioneered the bridging activities have thereby been freed to resume their research.

The first link between researcher and farmer is the technical specialist. Each must be expert in one of the many aspects of agriculture, completely trained to function successfully as a researcher, yet willing to engage full time in applied research and development activities. These technical experts act as middlemen between the basic researchers in their specialty and the county agents, who are the second link in the system. They constitute an "extension arm" put forth from the basic research centers toward the agricultural producers. Their task is to translate research findings into a form that will be generally understandable and manageable in practical demonstrations and use.

The county agents (who are three or four times as numerous as the technical specialists) are generalists in applied agricultural research. They depend upon the technical specialists to keep them informed in all fields and are capable of making demonstration studies and performing other services for the local farmers.

More and more farmers have learned the value of these developmental efforts and are eager to obtain the benefits of new research findings as soon as possible. The remarkably short time lag in applying new insights of research to agricultural practice can be attributed to two things: First, the efficiency of the numerous specially trained personnel who form a link between the researchers and the farmers and second, the receptiveness of the farmers themselves.

Education needs a similar setup to bridge the gap between the basic researchers in the behavioral and social sciences and the various educational practitioners. A first step would be to determine the kinds of bridging activities needed, and since activities of this sort are largely unknown in education, they would have to be determined by research.

Then specialists would have to be recruited and trained for specific professional roles.

A large corps of "educational engineers" could be employed to sift the findings of research, to test for relevance and feasibility, and to adapt for use. Presumably, other specially trained persons would introduce demonstration studies in an actual educational setting. If these stages of development proved satisfactory, the final step would be the difficult task of fitting the new features into existing (and crowded) educational programs.

Educators would need to be assured that, as in agriculture, local autonomy would be preserved, including freedom to pursue their own developmental activities. Every school system would have the right to accept or reject any results presented in demonstration studies, depending on whether or not they fitted in with their particular educational objectives.

Since new research ideas and findings are best known to the researcher, he is the most likely one to initiate bridging activities. Some researchers would have to sacrifice part of their basic research time in order to pioneer the developmental work needed to shape up their findings in various ways to make them manageable for practical operation.

Success in translating research findings promptly into educational practice would require cooperation on the part of educators as well as researchers. Experience has shown that wherever incorporation of research findings into education is extremely slow or lacking, both groups tend to become disturbed.

Researchers may be temporarily happy as their findings get into the discussion groups but become frustrated when they learn that concrete changes do not emerge as an outcome of the discussions. Teachers and administrators can justifiably say on their own behalf that the relevant research literature is often nearly incomprehensible and that the fruits of research are not presented in manageable form. Nevertheless, if they are accused of not utilizing available research findings, they tend to feel guilty, even though they are already swamped by their regular responsibilities and obvious lack the time, as well as the necessary training, needed for translating complex research findings into useful form. In order to increase that imaginative thinking about fresh educational approaches that might be required for utilizing new research findings, administrators would need to be relieved of some of their load and perhaps even freed for a time from their daily work situations in which the forces of traditional modes of organization are embodied.

Considering the force of current pressures on individual educators and the great decentralization of educational programs, it is understandable that educational research and development units have not rapidly emerged. When vigorous programs begin functioning in education to bridge the gap between researchers and practitioners, the feelings of frustration and guilt should vanish.

The utilization of research in education is full of challenges. Two things are equally needed: an increase in basic research and a marked decrease in the time required to apply this research in educational practice. If education catches up by putting to use all relevant research findings, then more and better basic research will probably be demanded by educators. Ideally, it should be possible for a school system to overhaul educational programs periodically in order to produce an up-to-date model based on all completed relevant research and developmental work.

The need for developmental work relating research to practice in education has been recognized and stated more than once before. But with a few exceptions, this recognition has never progressed beyond the fashionable discussion stage to tangible and sustained action. Until firm decisions are made to correct this deficiency—and correction will require the cooperative and integrated efforts of colleges of education, State departments of education, and school districts—major progress through basic research and development will not occur in education.

The future may belong to the nation or nations that build effective R. & D. programs in education which will lead to rapid identification and cultivation of all of their vital human resources.

AREA REDEVELOPMENT

Mr. WALTER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, today is a very significant day, for it marks the first anniversary of the signing by President Kennedy of the Area Redevelopment Act of 1961.

I am pleased at the progress that ARA has made in its first year of operation under the direction of a fellow Pennsylvanian, the Honorable William L. Batt, Jr. This new agency, starting from scratch, has built the nucleus of a competent staff, has stimulated local initiative, has helped private industry with its plans for establishing new operations or expanding in redevelopment areas, and has launched job retraining programs for unemployed workers to supply them with new skills so that they can find jobs.

This is a healthy beginning, for it demonstrates what can be done when private enterprise, community leaders, State governments, and the Federal Government join hands to tackle a problem that has plagued our country for several decades.

A look at the record of what this partnership has been able to accomplish should convince even the most cynical that the Area Redevelopment Act provides a workable solution to the problems of unemployment and underemployment:

Forty financial assistance projects have been approved.

These have resulted in an investment of $10.8 million in Federal funds—of which $8.2 million is in repayable loans—plus $26.7 million in local private and public investment. These projects will help create 10,716 direct new jobs in industry, and an estimated 7,500 indirect jobs in supporting industries, trades, and services. This is just the beginning, for another 202 financial assistance projects, involving $94 million in Federal funds are currently being processed. These should help create 37,000 direct new jobs and an estimated 26,000 indirect jobs.

Thirty-three technical assistance projects have been approved. Through these projects, ARA has invested $758,650 to help communities have studies made by universities, private firms, and Government agencies to develop some long-range answers to their longstanding problems.

Eighty-nine retraining projects have been approved, and ARA has invested $4.6 million in both tuition and subsistence allowances for the 7,666 jobless workers taking courses. The experiences that the Government has gained under this part of the program will be of tremendous assistance in putting the new Manpower Retraining Act of 1962 into operation.

As I have said, this is a good start. But a lot more must be done—not only under the Area Redevelopment Act but also with new legislation, including the Standby Capital Improvements Act which contains provisions for $600 million in immediate capital improvements assistance to the redevelopment areas and to the areas which have experienced substantial unemployment for more than a year.

The necessity for this supplementary assistance, to help make these areas better places in which to live, to work, and to invest, is evident when you look at the statistics: 148 urban-industrial areas, 735 rural and small labor markets, and 50 Indian reservations all eligible for the ARA program—areas with a population of 34.7 million—19 percent of the Nation's total—a labor force of 13.2 million—19 percent of the total—and the equivalent of more than 1.4 million unemployed—a staggering 31 percent of the total joblessness in the United States.

Capital improvements, plus the area redevelopment program, plus continued local initiative, investment, and planning, will add up to an economically healthier America.

MEDICAL CARE FOR SENIOR CITIZENS

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, on March 1, 1962, I addressed the House for 1 minute on the subject of social security medical care for Mr. and Mrs. Senior Citizen.

It has been brought to my attention that part of my statement was omitted in the CONGRESSIONAL RECORD. I would, therefore, like permission at this time to again include it so that the complete text of my statement will appear in the RECORD.

Mr. Speaker, as we enter the second session of the 87th Congress, I want to once again focus attention on the urgent need for medical care for our senior citizens. This is a domestic issue which we can no longer ignore, and we cannot delay legislation which will provide hospitalization and medical benefits for over 14 million of our Nation's elderly population.

Last year I introduced a bill which would provide these benefits through the social security mechanism. This was known as the "Forand bill" in the previous Congress. Other proposals have been introduced which would provide benefits along these lines—on a broader or lesser scale.

Coming at a time when earnings and income are sharply reduced, the rate of illness and medical expenses for the aged is much greater than for the rest of the population. Since they are poorer risks, the aged cannot secure the same level of health benefits for the same price as the younger age group. In our State of New York, only about 35 percent of those 65 or over have hospitalization insurance. As a consequence, a large proportion of these older people without financial resources must rely upon care provided by public agencies, charities, or relatives. And many do not seek the care they need because of the costs involved, and others go into debt.

The pitifully inadequate benefits, now provided by our Federal Government in matching funds with States, through the Kerr-Mills Act enacted in the 86th Congress, should be supplemented by legislation of the type I have introduced. Estimates of the cost of such a program have been placed at $1,050,000 during the first year of operation—all of which would be covered by the tax increase. This would provide medical benefits for 14¼ million elderly out of an aged population of 16¾ million.

My proposal, admittedly, will not entirely solve the medical problems encountered by Mr. and Mrs. Senior Citizen. It is not designed to achieve this purpose. But it is a measure of security that will guard against total financial disaster resulting from medical misfortunes beyond the control of individuals.

Our great Nation can ill afford to continue ignoring the plight of our elderly. This Congress must act, and I urge our Committee on Ways and Means to give this legislation speedy consideration.

CASTRO'S INDEMNITY DEMAND

Mr. CRAMER. Mr. Speaker, I have been deeply disturbed, and so expresssed myself prior to the Easter recess period, with the proposal for paying $62 million ransom or indemnity for Cuban prisoners, a new demand for indemnity on the part of Cuba's Communist Fidel Castro. I introduced House Concurrent Resolution 459 for the purpose of expressing the sense of the House in opposition to this new indemnity demand, which is being condoned and participated in by the Kennedy administration. There is no question about that. I have learned since the introduction of this resolution that as far back as early December, December 6, 1961, the Internal Revenue Service issued a preliminary regulation to the effect that contributions to the Cuban Families Committee would be tax deductible—as far back as December 1961, even before the demand was made by Fidel Castro for the money.

Now, I thought the tractors-for-prisoners deal was so bad that I introduced a resolution opposing it last year. That proposal was finally ditched. Apparently, the administration feels it necessary to try to do something to counteract making one bad mistake for not providing air coverage for the invaders, which it was decided was essential, by making a second and equally bad mistake by giving in to the demand by an enemy government, a Communist government, for indemnity. I do not think we should condone this one bad mistake with another equally bad mistake. There is no question but what the administration is doing exactly that.

I call this to your attention. It was in April of last year that the tractor deal was proposed, and it was over the weekend—the demand being made on Saturday—it was over the weekend that the American tractors-for-prisoners committee was appointed, and it was functioning by Monday. Now, look at the parallel of this situation. The demand was made on Saturday, reported in the press on Sunday, and the negotiators, the Cuban exile negotiators, were in Havana, had gotten their visas—which over the weekend is usually impossible—had gotten these visas by Monday, and were in Havana to negotiate this $62 million deal.

This is worse than the other tractor indemnity deal for the reason that he does not want tractors now; he wants American dollars, and he is demanding them. He wants four times as much money this time. He wants it in cash, all of which he can use to pay off his obligation to Communist countries for the purchase of war material or any other purpose for which he sees fit to spend it.

Now, Senator BYRD last fall, when the proposal by the administration was made that the contributions for tractors to the tractors-for-prisoners committee be tax deductible, stated to the executive branch that to do so would require an act of Congress. Certainly the same would be true in this instance.

The last time the issue was raised, and properly so, with Americans being the head of this committee for tractors—now the Cuban exiles head the committee—it was stated that it was a violation of the Logan Act, which prevents American citizens from negotiating with an enemy country.

Now, Mr. Speaker, in a clever way to get around that—and it is obviously for that purpose—the Cuban exiles are the ones collecting the money and have just recently announced the hiring of a high-powered fund-collecting agency in New York City for the purpose of raising money from American taxpayers which I estimate will result in about $30 million being paid by the Government in the form of lost revenue, the amount of money contributed being tax deductible under the December regulation.

Mr. Speaker, the Logan Act was in my opinion being violated then. Now, in order to get around this the administration is now letting the Cuban aliens or refugees negotiate—aliens in this country are being permitted to negotiate—with an enemy government which the President of the United States himself declared to be an enemy government under the Trading with the Enemy Act in very recent weeks. He invoked, upon my request, the Trading With the Enemy Act in order to prevent third countries such as the Canary Islands from shipping into this country cigars made of Cuban tobacco which would have circumvented the embargo previously placed into effect.

I say it is equally wrong to permit alien refugees to supply $62 million to Castro and I trust that my resolution will be acted upon favorably by the Foreign Affairs Committee particularly to cut off tax deductibility of contributions and to state the sense of Congress that this ransom and indemnity deal is against our best interests.

Mr. Speaker, as a Member of the Congress from the State of Florida, I have been rightfully outraged by the demand by Fidel Castro that an indemnity of $62 million be paid him for the release of somewhat more than 1,100 prisoners, all of whom participated in the ill-fated Bay of Pigs invasion of last year.

Accordingly, I have introduced House Concurrent Resolution 459, in which is expressed the sense of Congress that it is opposed to this blackmail proposal and to any plans of the Federal Government to afford tax relief, in any measure or way, to this scheme, either to an organization or contributors to the relief fund.

Not too surprisingly, my opposition to this blackmail has generated a great deal of interest, which I intend to bring to the attention of the administration and the Congress from time to time, and I am pleased to insert newspaper articles that include a Miami News story entitled, "Cuba Trying To Bait United States"; an editorial and news story from the April 20–22 issue of the Times, of Havana; an editorial from a recent issue of the Chicago Daily Tribune; an April 18 editorial from the Fort Lauderdale Sun-Sentinel; a news story from the Washington Post of April 12; and a UPI story describing Castro's desperation for money.

[From the Miami News]

CUBA TRYING TO BAIT UNITED STATES

(By Hal Hendrix)

Fidel Castro's Communist dictatorship continues to move carefully in its bid to gain acceptance in the hemisphere through "peaceful coexistence."

Several skillfully dressed pieces of bait for this kind of a prize catch have been tossed out in recent days. All can be linked to a well-planned maneuver toward some sort of reconciliation with the United States.

While there may be an occasional surface bubble to indicate that the maneuvering might be succeeding, it isn't in the cards for the bait to be swallowed.

Nevertheless, the Castro regime is ingenious in its bait-dangling activities and comments. While the schizophrenic Castro plays a role of an understanding and generous leader in surrendering 60 ill and wounded prisoners of the Cuban invasion last year, his Red cohorts are busily spreading a line of cooperation with the United States.

Current comments by Foreign Minister Raul Roa, whose harangues against the United States in the United Nations have been unprecedented, and Carlos Rafael Rodriguez, head of Cuba's National Agrarian Reform Institute and a key Communist strategist, offer examples of the new line.

Rafael Rodriguez now states that Cuba "will arrange for indemnification of seized U.S. property" if the United States "starts buying our sugar again." Castro has stolen about a billion dollars worth of U.S. property in Cuba.

"Just the other day," Rafael Rodriguez is quoted in an interview in Havana, "Castro, Dorticos (President Osvaldo Dorticos) and I discussed arrangements to pay the United States for intervened properties, provided we first settle political differences and provided Washington buys 3 million tons of our sugar."

It wasn't too long ago that Castro and all the top Communists in Cuba were boasting that they didn't have to sell sugar to the United States, because the Soviet Union could buy it all. They said sales to the United States only enslaved Cuba.

Roa, about the same time that the ill and wounded invasion prisoners were being released, asserted in cordial tones that Cuba was willing to negotiate with the United States.

DOUBLECROSS

"The United States is at war with Cuba and its people, but Cuba is not at war with the United States," the normally screeching Foreign Minister declared. "Cuba has no differences with the United States. We have always said we are ready to negotiate, and we will do so at a moment's notice, on a basis of absolute equality and sovereignty of both countries, without conditions from either side."

All this is about as logical as 365 consecutive sunless days in Miami. The Cuban Communists are fighting desperately for time now.

[From the Times of Havana, Americas Edition, Apr. 20–22, 1962]

WITH 99.9 PERCENT STILL IN CUBAN JAILS, WILL PRISONER SWAP DEAL ADD TO EXILE PROBLEMS?—MIAMI CUBAN COLONY RECALLS THAT 50,000 ARE STILL JAILED

The prisoner exchange is headed for rough weather. Signs are apparent even now. Indications are that the signs will become more evident every day.

Even now the backlash has started from the release of the 60 Bay of Pigs invaders. This represents only 5 percent of last year's invaders. And it is less than one-tenth of 1 percent of the Cubans who are now in jail for opposing the increasingly sullen dictatorship.

About 20,000 Cuban exiles greeted the 60 wounded and disabled prisoners when they landed last Saturday morning at Miami International Airport. And thousands attended the masses commemorating the first anniversary of the April 17 invasion.

But there has been a surprising lack of spontaneous pleasure. And a large part of the airport gathering could well have been the curious, as well as relatives of thousands of other prisoners still in Cuba. The reason for restraining is obvious. Many fear the effect that added financial support will mean to Castro. They resent the good will Castro gets for permitting himself to be cajoled into accepting blackmail.

A sample of feeling is evident at the Cuban Refugee Center in downtown Miami. Everyone honors the young men, but there is little talk about them. And several of them, even after being identified, went unnoticed in a downtown department store.

For many Cubans the storm signs are up. Some exile leaders see the beginnings of new splinter groups in the offing. There is no evidence that the money can be collected, and the travel junket of four crippled young Cubans is looked upon as a useless gesture. Some of the former prisoners have stated that they will go back to Cuba unless their comrades are speedily released.

And the death of guerrilla leader Osvaldo Ramirez, who spent 3 years of attacking Castro from within, adds resentment from some Cubans who are getting fed up with the prisoner exchange. They state that the group backing the effort never did have the backing of the bulk of the refugees. And they look upon the present developments as simply the breeding place for new dissension in their own ranks.

[From the Times of Havana, Americas Edition, Apr. 20–22, 1962]

THE TIMES MAKES ITS POSITION KNOWN

(By Clarence W. Moore, publisher)

On its editorial page last week the Times discussed the negative side of the prisoner exchange. It was stated that the United States, for obvious and understandable reasons, feels that it has no moral right to speak. But Cubans do have the right to speak. They should rise in unity to condemn freedom for a few which will mean longer imprisonment for 50,000 of their countrymen.

With the threat of death behind them, these men are not unique. Their sacrifice is matched by thousands of others who lie deserted in the jails of Cuba. They can be asked to accept the sacrifice of further imprisonment, rather than to be ransomed through the payment of money that will feed the evil they set out to kill. Thus the Times comes to these conclusions:

1. The U.S. press has magnified the prisoner exchange out of proportion to its importance because it makes good copy.

2. The result has been that the true issues are being forgotten, in the emotional outpouring attendant upon the fortunate ransoming of five dozen invaders.

3. The issue is to free Cuba of communism. This cannot be done by sending cash to Castro while he holds 50,000 prisoners in jail.

4. At all events, the chances of collecting $62 million simply do not exist. They are more remote than the collection for tractors several months ago. Thus, the whole affair is a snare and a delusion that can only lead to despair and bickering.

5. There should be public recognition of the fact that the group which concentrates only on the release of the Bay of Pigs prisoners does not have the complete backing of the Cuban exiles.

6. Therefore, all responsible Cuban groups should get back to the single goal which is the expulsion of communism from Cuba, and they should strive for unity looking toward that goal.

[From the Chicago Daily Tribune]

CUBA'S THUG

Fidel Castro is prepared to sell mercy for money, now that his puppet court has done the expected and convicted all 1,179 of the prisoners taken in last year's abortive invasion. The Cuban dictator says he will trade the prisoners, sentenced to 30 years at hard labor, for cash payments ranging from $25,000 to $500,000 each, depending upon their individual importance. The price for all is placed at $62 million.

The prisoners-for-dollars offer is a new and nastier chapter in a revolting story, but one which took in some Americans in high places.

Hard on the heels of the invasion, Castro suggested trading captives for farm tractors, an estimated $2 million worth. President Kennedy gave an unofficial blessing to a fund drive and Eleanor Roosevelt and Walter Reuther, another eminent humanitarian, became workers in the cause. Americans throughout the Nation were invited to give. But the scheme fell apart when Castro raised his price and demanded $17 million worth of bulldozers and heavy tractors as the cost of freedom.

Castro's latest gambit should, but probably will not, put an end to the arguments put forth by fair-play-for-Cuba followers and other dunces of Red sympathizers. Such people, month after month, have watched the dictator curtail freedoms, kill off honest newspapers, and transform Cuba into a Communist state (complete with food shortages) without a pause in paeans.

But, whether they like it or not, Castro has deepened his status as a criminal. He has placed himself near the level of the condemned Nazi, Adolf Eichmann, with his wartime offer to trade a million Jews for 10,000 trucks—"A hundred lives for a truck; that's cheap."

[From the Fort Lauderdale (Fla.) Sun-Sentinel, Apr. 18, 1962]

IS RECOGNITION NEARING FOR RED CUBA'S EXTORTER?

(By Harvey A. Call)

One of our faithful readers called several weeks back to place on the record a forecast.

"The United States will backtrack and formally recognize Cuba," he declared.

Bolstering that, he pointed out that this country has no qualms about its relations with Russia and numerous Communist satellites.

Further, he cited the efforts of some in our foreign policy ranks to bring about the admission of Red China to the U.N.

As the forecaster had been sound on numerous other analyses, we did not downgrade his view.

Now, Congressman WILLIAM C. CRAMER, of Pinellas County, underlines some facts which point in the direction of the forecast.

Mr. CRAMER is incensed over Fidel Castro's price tag on the Bay of Pigs prisoners. He is outraged by the open and flagrant attempt to blackmail the United States, demanding tribute and ransom in the amount of $62 million.

The Pinellas Congressman raises the question of whether our Logan, Trading With the Enemy, and Alien Anti-Sedition Acts bar five

Cuban negotiators from dealing direct with Cuba rather than going through authorized Government channels.

Mr. Cramer contends the issuance of visas to the negotiators amounts to U.S. approval of their ransom mission. That being so, he admits there may be no trading-with-the-enemy restraints as far as being unauthorized.

In any event, we do have a tacit approval for direct dealings between negotiators from this country and Cuba.

From that, it is not such a long step toward formal negotiations at the State Department level.

The fact is that we have a confused, indefinite situation, clouded in part by our own actions or that of our Government.

Mr. Cramer feels it is highly inconsistent for the United States to break off diplomatic relations, impose a trade embargo, and then condone what amounts to under the table dealing with a country that has done all in its power to insult our Nation.

He adds it is the President's responsibility to handle foreign affairs. Cramer adds that "if the President feels a responsibility for the plight of these prisoners whom he left stranded on the beaches of the Bay of Pigs by his bungling withdrawal of air cover and other strategic and logistic support, then he ought to have the courage to say so publicly and ask the Congress to appropriate funds for this obligation of indemnification."

The Pinellas Congressman condemns the President's action of "denouncing this blackmail publicly and then privately giving it encouragement and the sanction of our Government."

Most will agree that it is difficult to understand our position. On one hand, we cut off trade with Cuba as a means of keeping American dollars from being used to arm a Communist force threatening us.

Then, we appear perfectly willing to permit $62 million of blackmail money to be sent in there and used for exactly the same purpose.

Mr. Cramer's position is that the deal should be condemned by resolution of Congress. He cites that "this Nation, as a leading nation of the free nations of the world, would be kowtowing to the demands of a Communist dictator, as handed down by his kangaroo court and thus giving recognition to the court itself and indirect recognition of Castro's Communist government."

And that is about what the deal amounts to—an implied recognition of Castro's government. So, we are closer to backtracking on the Cuban issue than many would believe.

[From the Washington Post, Apr. 12, 1962]

Kennedy Raps Castro Offer To Sell Invasion Prisoners

(By Murray Marder)

President Kennedy yesterday deplored Cuban Premier Fidel Castro's attempt to sell the freedom of 1,179 invasion prisoners, and said the U.S. Government could never enter such bidding.

The President said at his news conference:

"All of us had hoped that the day when men were put on the block had long ago passed from this hemisphere."

Mr. Kennedy said he thinks Castro is aware that the U.S. Government cannot engage in a negotiation like that, and he knows very well that the families cannot raise these millions of dollars."

The President clearly was distinguishing between U.S. action to pay ransom for the prisoners seized in the abortive invasion attempt last April, and private action to reunite prisoners with their families in this country. Cuba has put a total ransom price of $62 million on the prisoners, in amounts varying from $25,000 to $500,000 a man.

By setting this kind of price, said the President, Castro really has sentenced the men to 30 years in prison—which is the declared alternative if the ransom is not paid. President Kennedy contrasted this to the "open trial" and 15-month sentence given Castro for his first attempt to overthrow the Cuban dictatorship of Fulgencio Batista. By ordering such harsh sentences for men who "fought in the open" to overthrow him, said the President, Castro has provided another example of the reasons why he "is increasingly isolated from the company of freemen."

Representative William C. Cramer, Republican, of Florida, has introduced a resolution which would have Congress request the President to refuse to allow the trading of American dollars for the Cuban prisoners by anyone.

The Kennedy administration, however, has raised no barrier to private attempts to negotiate the release of prisoners.

President Kennedy, in other comments on foreign policy, which were unusually brief yesterday because of the dominance of the steel price rise furor, also said:

He is extremely concerned about American soldiers who are in a great many areas in hazards—in Vietnam, and elsewhere. But in answer to the question of what he will do about "American soldiers getting killed in Vietnam," the answer must be "we cannot desist in Vietnam" to keep South Vietnam from falling under Communist domination. The four American sergeants who gave their lives there recently, he said solemnly, are "in that long roll" of Americans who gave their lives in World War I, II, and Korea to defend independence.

"It is hard to think of any proposal that we could make which would be welcome on both sides" in the Dutch-Indonesian dispute over New Guinea, but the United States will keep trying.

U.S. Ambassador Ellsworth Bunker, trying to bring the two sides to a peaceful solution as an agent of United Nations Acting Secretary General U Thant, is engaged in a task in which there is bound to be displeasure on all sides. The "role of the mediator is not a happy one" but the United States is "prepared to make everybody mad if we can make some progress."

[UPI Story]

Bartering for Human Lives—Castro Desperate for Money

(By Phil Newsom)

For the bereaved families, who for the last year have lived on the razor's edge of hope and despair, there clearly was no other course than to attempt to deal with Fidel Castro on his offer to barter lives for money.

Twenty-five thousand for one life, $500,000 for another to a grand total of $62 million.

For the refugee families of the men taken prisoner in last year's Bay of Pigs invasion, the figure obviously was an impossible one. It had almost tripled since Castro first offered to exchange his prisoners for $26 million worth of heavy tractors.

The tractors-for-prisoners committee long since had disbanded. The U.S. Government neither helped nor hindered.

Nonetheless an effort was being made.

Whether Castro would live up to a deal once it was made remained to be seen.

Communist barter in human lives is not a particularly new tactic.

The Communists had attempted to use it 10 years earlier in Korean armistice negotiations at Panmunjom.

In the seemingly endless talks between the United States and Red Chinese Ambassadors in Warsaw, the Reds had attempted to use American prisoners as a bartering weapon in exchange for a switch in the American attitude toward Formosa and Red Chinese membership in the United Nations.

Castro's first offer of men for tractors had aroused Latin American indignation.

Of the latest one, the São Paulo, Brazil, newspaper O Estado editorialized:

"While there is, in accordance to humanitarian and Christian standards, no material equivalent for the value of human life, Fidel Castro's new demand not only demonstrates his growing cynicism but also the total bankruptcy of the Cuban economy."

Both were clearly evident.

For the first time in their history, the Cuban people were on food rationing.

The refugee flow out of Cuba remained at about 2,000 per week.

Castro had in the neighborhood of $100 million worth of Communist Mig jet fighters, guns and tanks, but he had no money.

Industrial absenteeism was mounting and much of the sugar crop remained unharvested.

It seemed certain that Castro would be unable to meet his sugar commitments to Communist nations, and they in turn either could not or would not supply Cuba with desperately needed foodstuffs.

Castro himself was acting peculiarly. He still proclaimed himself a Marxist-Leninist but he denounced Cuba's old-line Communists and complained his own revolutionaries were being deprived of jobs.

There was speculation that perhaps Castro was on the way to becoming an American Hemisphere Tito.

Meanwhile, he had lost none of his invective abilities. Ousted President Frondizi, of Argentina, was a coward; Arosemena, of Ecuador, a drunkard; and Betancourt, of Venezuela, a murderer. Coincidentally, all had broken relations with Castro.

BATTLE CREEK, MICH., AREA CHAMBER OF COMMERCE

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Johansen] may extend his remarks in two instances at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, it is with genuine pride that I record a distinguished honor and recognition which has been awarded to the Battle Creek Area Chamber of Commerce by the U.S. Chamber of Commerce in conjunction with the latter organization's 50th annual meeting in Washington this week.

On Monday evening, the Area Chamber of Commerce of Battle Creek, in the Third Congressional District of Michigan, received the top Program-of-Work Award for 1961 for class C cities—25,000 to 50,000 population.

As an official entry in the nationwide competition, the Battle Creek Area Chamber of Commerce reported on 25 phases of activity in the areas of business development, economic-political education, legislative action and organization improvement.

I extend my warmest congratulations to the members of this valuable community organization in my hometown and in particular to Mr. Gordon W. Howard, who served as president of the chamber of commerce during the first 9 months of 1961; Mr. Laurence W. Love, present president of the chamber of commerce, and Mr. Fred E. Merrell, executive vice president of the organization.

PICKETING

Mr. JOHANSEN. Mr. Speaker, last week a youthful Navy recruit was arrested for picketing the Atomic Energy Commission Offices in San Francisco in protest against nuclear testing. He was placed in the brig.

Also last week, Dr. Linus Pauling twice picketed the White House, likewise in protest against nuclear testing.

On Sunday evening, Dr. Pauling was an honored guest of the President of the United States in the White House. Dr. Pauling's professional picketing activities in favor of Communist-supported causes are notorious. There is no question that his words and example have influenced many Americans—including many young people—to engage in similar activities in behalf of similar causes.

Of course, picketing by military personnel should be prohibited.

Of course, the legal right of Dr. Pauling to engage in picketing activities is unquestioned.

But there is certainly a grave question of good judgment and propriety, nevertheless, in the White House honors extended to Dr. Pauling in the light of those picketing activities, in the light of the cause which those activities are designed to promote, and in the light of the example he is setting for young Americans.

One recalls the sense of inconsistency which prompted President Lincoln, in a letter to Erastus Corning, June 12, 1863, to ask why he must punish "a simple-minded soldier boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert?"

A PATTERN FOR POVERTY

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. RHODES] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. RHODES of Arizona. Mr. Speaker, I wish to incorporate into my remarks a House Republican policy committee staff analysis of Presidential spending programs which I have termed "a pattern for poverty." It indicates a $7 billion deficit for fiscal year 1963 instead of a promised surplus of $½ billion.

It also points out trends of fiscal irresponsibility which, if continued, would result in total annual spending of $124 billion and a Federal debt of $330 billion by fiscal year 1970. This will be due not only to an overly optimistic revenue prediction based on a $570 billion gross national product but also to spending messages and proposals which, if enacted, could add $4 billion to our expenditures during the coming fiscal year.

Congress will be left with a greatly diminished control of spending—an unconscionable usurpation of constitutional powers reserved to the Congress alone. We can expect that our children and their offspring are going to be paying our bills for decades to come—surely a sad legacy for our generation to pass on to those yet to come. The analysis follows:

STATUS OF LEGISLATIVE PROGRAM AT EASTER RECESS, 1962

BILLS PASSED BY THE HOUSE IN 1962

1. Manpower retraining: Included Republican-sponsored amendments. Public Law 415.

2. Welfare and Pension Plan Disclosure Act amendments: Gave Secretary of Labor powers and established penalties for abuses in connection with administration of fund assets estimated to total over $50 billion. Public Law 420.

3. Military procurement for aircraft, missiles, and naval vessels totaled $12.7 billion including an unrequested $491 million for development of the RS–70.

4. Educational television: House passed March 7 a bill to provide $25.5 million in matching funds for the States, but Senate conference resulted in matching grant authorization of $32 million.

5. College aid: Loans and grants for academic facility construction for public and private colleges in the House, while the Senate approved loans only and added Federal college scholarships. The House Rules Committee has not as yet given a rule for a conference between the two versions of the bill.

6. Welfare amendments: House-passed bill to revise the extent and standards for Federal participation in the Federal-State welfare program. Did not prohibit residence requirements in excess of 1 year as the administration has requested. However, House bill provided more of a Federal share in some programs than the President had requested. Now pending in the Senate.

7. Tax reform: House passed on March 29 the tax reform legislation which was opposed by all Republicans, who voted to recommit—however, the three questionable features, including withholding of dividend and interest income, taxation of foreign subsidiaries and an investment credit plan, still were part of the bill when it reached the Senate Finance Committee. Republicans would have substituted more realistic depreciation for the tax credit plan.

8. Debt ceiling: House and Senate approved legislation to increase the national debt ceiling by $2 billion to $300 billion for the remainder of fiscal year 1962. Action will be called for again by the administration for an additional increase of $8 billion to $308 billion for fiscal year 1963.

9. Postal rate increase: The House passed January 24 an amended bill to increase postal rates to produce $691.3 million in new revenue for fiscal year 1963 ($69 million more than would have been the result of the administration bill). The bill is now in the Senate where the committee will perhaps merge the rate and pay raise bills (recommendations by the President for a 10-percent pay increase spread over a 3-year period).

10. Antitrust documents: The House (March 13) and Senate have both passed legislation permitting the Justice Department to subpena business records for use in civil antitrust cases. The conferees have not as yet met.

11. Cotton textiles: The House passed H.R. 10788 on April 11 giving the President authority to regulate trade from nonsigning nations to prevent flooding of the domestic market with cotton textile products.

BILLS DEFEATED BY THE HOUSE IN 1962

1. Reorganization Plan No. 1 of 1962: Setting up an Urban Affairs and Housing Department. A disapproval resolution passed the House, 264–150, on February 21.

2. House enlargement: A recommittal motion on the floor of the House killed a bill to increase the size of the House to 438 (March 8) after an amendment which had been added, raised the possibility that an entire delegation might have to run at large in 1962.

MAJOR LEGISLATION CURRENTLY PENDING IN HOUSE

1. Unemployment compensation: Legislation for permanent revisions in the Federal-State system looks doubtful at this time, but another temporary extension of benefits may result. Pending in Ways and Means Committee.

2. Youth Conservation Corps: Bill reported from Education and Labor Committee March 22. House version of the Youth Conservation Corps was twice as large as the 6,000-member corps recommended by the President.

3. Standby public works: A $2 billion standby public works program to combat economic recessions has not proceeded as far as the President's March 26 request to make $600 million available immediately. Hearings have been completed by the House Public Works Committee, while the Senate Public Works Committee has approved the administration bill authorizing the $2 billion and the immediate $600 million.

4. Communications satellite: The House Interstate and Foreign Commerce Committee reported on April 19 a bill providing for a private corporation owned jointly by carriers and the public, similar to that which the Senate Aeronautical and Space Sciences Committee also has approved.

5. Civil rights: Of the Kennedy proposals to ban the poll tax as a voting requirement and to make a sixth-grade education sufficient proof of literacy on literacy tests required of those registering to vote, the poll-tax proposal passed the Senate as a constitutional amendment. The House Judiciary Committee is holding hearings on the poll-tax amendment. During Easter recess, the Senate will debate the literacy test bill.

6. Omnibus farm legislation: Despite great pressure on one or two Democratic members of the Agriculture Committee, the farm bill (H.R. 10010) was not reported by the House Agriculture Committee, which will try to resolve their problems after the Easter recess (by a vote of 19–16). Dairy proposals have been altered in the most recent bill submitted, while the Senate Agriculture Committee has drastically revised feed-grain provisions of the bills.

7. Sugar Act: No action had been taken through April 30 to extend the 1948 Sugar Act which expires June 30. Hearings are scheduled before the House Agriculture Committee beginning May 1.

8. Wilderness bill: While S. 174 was passed by the Senate last year, the House Interior and Insular Affairs Committee has taken no action, but will hold hearings beginning May 7 on this bill to establish a National Wilderness Preservation System.

9. Transportation: The Senate is scheduling hearings on a bill for a 3-year, $500 million program to revitalize urban transit systems, while the House Public Works Committee has held hearings on three bills authorizing funds for the Federal-aid primary, secondary and urban road programs for fiscal years 1964–1965.

10. Medical care: The House Ways and Means Committee has not as yet reported out H.R. 4222—the King-Anderson bill for financing medicare benefits for the aged through social security. Hearings were held last year and no further action has been taken.

11. Aid to medical schools: The House Interstate and Foreign Commerce Committee reported on March 24 a bill to authorize

grants for construction of facilities for medical and related professional schools and for loans for students of medical and related professions, as well as extending the current health research facilities construction program. It now is pending before House Rules Committee.

12. General aid to education: The Rules Committee has still given no rule to H.R. 10145 to improve the quality of schoolteaching, while the House Education and Labor Committee has held hearings on the so-called Bailey bill to provide general Federal school aid by a different method.

13. Civil defense: The House Government Operations Committee has held hearings on a proposal to provide incentives for construction of civil defense fallout shelters at a cost of $450 million in fiscal year 1963 and $1.8 billion through 1967. The committee has not as yet reported a bill.

14. Battle Act: No action has been taken on the Kennedy recommendation (passed by the Senate) to amend the Battle Act to broaden the authority to provide aid to Communist-dominated areas. Also, the Export Control Act comes up for renewal this session.

15. Foreign aid: The House Foreign Affairs Committee has held hearings on the President's request for appropriation of $4.9 billion for economic and military aid and authorization of $3 billion for the next 4 fiscal years ($600 million to be appropriated in fiscal year 1963) for the Alliance for Progress.

16. U.N. bond issue: The Senate has passed (70 to 22, on April 5) an amended bill authorizing the President to loan the U.N. up to $100 million ($25 million outright and $75 million on a matching basis with other U.N. members) to assist the U.N. in a financial crisis. The bill is currently before the House Foreign Affairs Committee.

17. Reciprocal trade: The House Ways and Means Committee has completed over 4 weeks of hearings on the Trade Expansion Act of 1962 and is expected to report an amended bill within 2 or 3 weeks. The President wants authority over the next 5 years to negotiate tariff cuts up to 50 percent; to eliminate tariffs on goods of which the United States and the Common Market supply 80 percent of the free-world trade; and to eliminate tariffs on goods currently dutiable at 5 percent or less. He also seeks provisions loosening the restrictions on his authority under the peril-point and escape-clause provisions, and wants authority to relieve injured businesses and workers through loans and benefits.

BRIEF ANALYSIS OF MAJOR POLICY MESSAGES OF PRESIDENT KENNEDY, 2d SESSION, 87th CONGRESS

1. STATE OF THE UNION MESSAGE

(JANUARY 11)

Twenty specific legislative proposals. Most already had been budgeted or discussed in previous sessions, or would be spelled out in later messages by President Kennedy, so that exact cost estimate would be difficult. Several of the 20 proposals carried at least a billion dollar price tag.

(1) Manpower Training and Development Act; (2) Youth Employment and Opportunity Act; (3) 8-percent investment credit; (4) standby Presidential power to cut taxes temporarily; (5) unemployment insurance program; (6) Standby Presidential power to launch public works projects; (7) Federal pay increases; (8) higher postal rates; (9) withholding of dividend and interest income; (10) extension of excise and corporate tax rates; (11) creation of the Department of Urban Affairs and Housing; (12) new comprehensive farm program; (13) civil rights protection; (14) Federal aid to medical and dental colleges; (15) aid to State-administered program of mass immunization against polio, etc.; (16) tightening of food and drug laws; (17) compulsory health insurance for the aged under social security; (18) massive attack on adult illiteracy; (19) Federal aid to higher education; (20) Federal aid for public school construction and teachers' salaries.

President Kennedy promised a balanced budget and only 2 days previously asked Democratic leaders for immediate congressional action to increase the permanent national debt ceiling.

2. BUDGET MESSAGE (JANUARY 18)

President Kennedy called for record peacetime expenditures of $92.5 billion and projecting record-level receipts of $93 billion for fiscal year 1963, indicated a modest surplus of $463 million, enabling him to submit a budget strictly in balance and thus redeem his pledge of July 25, 1961. He acknowledged that the hope for sharply increased Federal receipts in fiscal year 1963 (based on a Treasury estimate of a $570 billion gross national product in calendar 1962) rested on the assumption that the brisk recovery from last year's recession will continue through the coming year and beyond.

Over 60 actual requests for legislation were included in the President's 1963 budget, in fields of agriculture, education and welfare, foreign policy, general government, national security, public works and resources, and taxes and economic policy. Among the more controversial were:

(1) Enact new feed grain, wheat, and dairy legislation to reduce Federal expenditures.

(2) Enact 1961 bill to aid construction of public schools and increase teachers' salaries.

(3) Authorize $3 billion over 4 years for loans and grants to the Alliance for Progress.

(4) Establish a Department of Urban Affairs and Housing.

(5) Enact the 1961 tax program.

(6) Give the President standby authority to expand Federal or federally aided public works programs.

(7) Give the President standby authority to reduce personal income tax rates by specified percentages in time of economic recession.

(8) Provide health insurance for the aged under the social security system.

3. PRESIDENT'S ECONOMIC REPORT (JANUARY 20)

While stating that the American economy in 1961 had "regained its momentum" and that the recovery should "carry the economy further toward full employment and full production in 1962," the President made several legislative requests and expanded on some of the key economic and fiscal requests earlier included in his budget and state of the Union messages as follows:

(1) Standby tax reduction; (2) standby public works; (3) unemployment compensation; (4) Federal Reserve recommendations; (5) repeal of the Silver Acts requiring support of the price of silver; (6) manpower retraining; (7) youth employment; (8) increased funds for the U.S. Employment Service; (9) welfare-pension plan enforcement; (10) tax proposals pending before House Ways and Means Committee; (11) Korean war tax extension; (12) aid to education; (13) trade expansion; (14) a standby U.S. commitment of $2 billion (out of $6 billion) to the International Monetary Fund.

Once more, duplication of programs in these three messages and the fact that many were already budgeted made any fiscal analysis wait on the specific legislative reports of the President which were to follow.

4. RECIPROCAL TRADE LEGISLATION (JANUARY 25)

While this program set up a revolving fund of $100 million to be authorized for adjustment assistance to firms or farms injured by tariff reduction, no cost was specified for adjustment cost to displaced workers, an integral part of the program.

5. AGRICULTURAL PROGRAM (JANUARY 30)

Acreage allotments for feed grains; the certificate wheat plan; milk price supports; rural renewal programs; and conversion of cropland to grassland and forests supposedly would save almost $5 billion over a 5-year period. However, the record is as follows:

Fiscal year 1961 expenditures, $5.9 billion.

Fiscal year 1962 expenditures, $7.2 billion (up 22.5 percent).

Fiscal year 1963 requests, $7.26 billion (again increased).

6. UNITED NATIONS BOND PROGRAM (JANUARY 30)

Recommendation was for the purchase of $100 million (50 percent) of U.N. bonds. They would be repaid at the rate of $10 million per year as part of the regular United Nations budget, and would be an obligation of the U.S. budget for fiscal year 1962.

7. TRANSMISSION OF REORGANIZATION PLAN NO. 1 (URBAN AFFAIRS DEPARTMENT) (JANUARY 30)

While considerable opposition arose against this plan for a variety of reasons, it should be pointed out that an increase of cost of $64,000 for fiscal year 1963 would have resulted had this department been established.

8. PUBLIC WELFARE (FEBRUARY 1)

The increases here in the share of Federal funds earmarked to States for rehabilitation and preventative services, as well as increased ceilings for child welfare grants and new programs for day care of young children of working mothers were estimated to cost $93 million for fiscal 1963 in the cost of new programs and $100 million annually for the cost of extending existing programs.

9. EDUCATION (FEBRUARY 5)

The 10-point program proposed by the President would result in new obligational authority in the amount of $5.7 billion over a 5-year period. For fiscal year 1963, $1.1 billion in authorizations and $166 million in appropriations would apply. Since the aid to public schools (school construction and teachers' salaries) would amount to $2.1 billion over only a 3-year period ($.7 billion per year), it is reasonable to assume that an extension of this program would add another $1.4 billion for fiscal year 1966 and 1967—bringing the 5-year total to $7.1 billion.

10. TELESATELLITE REQUEST (FEBRUARY 7)

The President requested a communication satellite development corporation to be privately owned and subject to Government regulation. The public could share ownership as well. The cost of establishing such a system was estimated at $500 million originally, though some counts run all the way up to the neighborhood of $1 billion.

11. STANDBY PUBLIC WORKS (FEBRUARY 19)

When "triggering conditions" exist, the President asked for a 12-month commitment of up to: $750 million for direct Federal expenditures for authorized programs and projects (dating back to any authorization no matter how ancient); $750 million in grants-in-aid to State and local agencies; $250 million in loans to State and local agencies; and $250 million in additional funds for any one or a combination of the above purposes. This marks a total potential of $2 billion within a fiscal year.

12. FEDERAL EMPLOYEES PAY REFORM PROGRAM (FEBRUARY 20)

This request by the President would lead to an eventual $1 billion annual increase, with the impact delayed due to a three-step program, beginning January 1, 1963 (4.2 percent); January 1, 1964 (3.7 percent) and January 1, 1965 (2.1 percent). This should therefore have a logical additional cost of $210 million in fiscal year 1963; $605 million in fiscal year 1964; $895 million in fiscal year 1965; and $1 billion a year thereafter. Of course, if a higher increase should be enacted by Congress, or if the effective date should be moved to July 1, 1962, as has been suggested, the impact on the Federal Treasury will be greater and sooner.

13. HEALTH CARE MESSAGE (FEBRUARY 27)

This 10-point program included 7 programs which had already been budgeted for fiscal year 1963 at a cost of $182 million, while mental health and mental retardation would be added later once studies had been completed. Thus, the major increase here lies in the medicare for the aged proposals, estimated to cost "just over $1 billion," but to be financed by increased social security taxes. The cost is estimated here to come closer to $1.4 billion annually.

14. CONSERVATION MESSAGE (MARCH 1)

This message included $2.2 billion already included in the budget for fiscal year 1963, but added a land conservation fund which would (1) reduce the planned revenues for fiscal year 1963 by $50 million and (2) set up a revolving fund of $500 million from the Treasury over an 8-year period to insure that "costly delay in beginning an acceptable program" would not result. The New York Times estimated that this phase of the program would ultimately cost $1 billion in a March 2 story.

15. NUCLEAR TESTING AND DISARMAMENT (MARCH 2)

There was no portion of this program, as outlined over radio and television on this date, which appeared to involve additional U.S. Government funding.

16. FOREIGN AID (MARCH 13)

The President recommended in this message, including those authorizations previously enacted, total fiscal year 1963 authorizations in the amount of $5.4 billion (including military assistance) and appropriations in the amount of $4.878 billion—which amount to some $1 billion more than were approved for the previous fiscal year. Of this sum, the $600 million asked for the Alliance for Progress was only the first installment on a 4-year $3 billion program.

17. UNEMPLOYMENT COMPENSATION (MARCH 12)

The President here endorsed provisions of the McCarthy-King (labor-backed) bill to increase the taxable base income to $4,800 and the Federal tax to eight-tenths of 1 percent. Federal funds would be made available to assist States hard hit by jobless benefit costs. A permanent extension of 13 weeks of benefits for those having a work history of 3 years was also provided for. While no costs were estimated, supporters claim that 3 million more workers would be brought under the program.

18. CONSUMER PROTECTION (MARCH 15)

Along with bills currently before Congress, new proposals were added in the fields of meat inspecting and patent publication. Admittedly, programs not already included in the fiscal year 1963 budget would add a cost of $10 million annually. While no further budgetary estimates were available, some portions of the program would increase the staff of the Food and Drug Administration by 25 percent; set up a Consumers Advisory Council; broaden existing pure food and drug laws, etc.

19. TRANSPORTATION MESSAGE (APRIL 5)

This long-delayed message increased Federal concern, control, and funding of intercity transportation, urban transportation, and international transportation, including emergency aid, long-range programs, "consistent policies of taxation and user charges," equal competitive opportunity and "protection of the public interest." Though the cost of much of this is intangible at present, a capital grant authorization of $500 million over a 3-year period would be set up under the Housing and Home Finance Agency to assist qualified public agencies to cover up to two-thirds of the cost of acquiring rights-of-way, fixed facilities and rolling stock to extend and rehabilitate existing systems or to create new ones in the field of urban mass transportation. In addition, a $50 million mass transportation loan fund which had been authorized under the 1961 Housing Act was to be converted into a revolving fund to provide Federal loans where private funds were not available.

An analysis of these 19 major policy messages finds the following picture:

1. Additional spending recommendations above and beyond the budgetary estimates in many areas.

2. Programs recommended but not carrying a price tag—the sum total of which might be very high indeed.

3. Many recommendations stretching out into a 3-, 5-, or 8-year-fiscal period, with increased authorizations in the future weakening the future abilities of Congress to hold the line when these built-in programs are already on the books.

4. Even if only a fraction of these recommendations are enacted by Congress, they spell the doom for a precariously balanced budget now and in years to come. If enacted today, the ultimate additional annual cost of each of these programs can be estimated as being as follows:

Recriprocal trade, $¼ billion; education, $1.5 billion; welfare, $¾ billion; public works, $2 billion (potentially, depending on triggering requirements); pay reform, $1 billion; health, $2 billion (to be ultimately financed from increased social security taxes); conservation, $¼ billion.

Close to $8 billion annually would be expended by fiscal year 1967 if Congress would enact the proposals of President Kennedy in just these few fields, to say nothing of an as yet indeterminate cost in increased agricultural, foreign aid, "consumer protection," and United Nations programs.

5. In addition to these major policy messages, the President and the administration have submitted messages to Congress in less-publicized areas as follows in 1962:

February 1: A $2 billion loan (33⅓ percent) to International Monetary Fund.

February 7: Supplemental appropriation of almost one-half billion dollars for fiscal year 1962.

February 8: Fallout shelter bill ($1.8 billion, fiscal year 1963–68, with $695 million through fiscal year 1963).

February 26: Increase of Peace Corps from 2,400 to 6,700 and a subsequent authorization increase from $40 million to $63.75 million for fiscal year 1963.

March 5: Changing the revolving fund of the Small Business Administration so as to end the double congressional review of funds.

March 13: Supplemental appropriation of $25 million to build pavilion at New York World's Fair.

March 19: Supplemental appropriation of $35 million, earmarked for storm relief.

March 26: Actual public works request (see major message of February 19) which would expend $25 million in fiscal year 1962; $350 million in fiscal year 1963; and $225 million in fiscal year 1964.

March 1: As part of conservation message, the President's request for a Youth Conservation Corps would mean funding of $197 million the first year; $230 million the second; $393 million the third; $482 million the fourth, and $400 million annually thereafter.

March 29: Reorganization Plan No. 2 to set up an Office of Science and Technology. No cost estimate, but the salaries of the Director and Assistant Director would total $43,000 annually.

April 3: Supplemental appropriation of $17.3 million for nine departments.

April 4: Proposal for recreation taxes—$3 for each automobile entering a national park; $5 a year for 14–16-foot boats and an extra $2 for each additional foot; with money earmarked for the land conservation fund recommended on March 1.

April 10: Emergency jobless pay extension: $183 million from special payroll tax imposed on 1962–63 payrolls while remainder would come from a special payroll tax of one-tenth of 1 percent for 1964.

April 17: President asked for power to select Federal Reserve Board Chairman and to raise salaries for Board members.

It is thus evident that the major and minor messages of the President during 1962 have recommended programs which would cost additional public money and thus threaten any possibility of balancing the Federal budget from this time onward.

We conclude that there may be a substantial deficit in the Federal budget for fiscal year 1963.

Expenditures, especially in areas such as agriculture; housing; health, labor, and welfare; education; pay increases; and international affairs will exceed $92.5 billion and will perhaps reach $97 billion. New obligational authority will depend greatly upon the attitude of Congress, but will surely surpass $100 billion as compared to an estimated $99.3 billion figure.

Revenues of $93 billion were forecast on a hope for sharply increased Federal receipts and a prediction by President Kennedy that the gross national product would reach $570 billion by the end of calendar 1962. It now looks as though the final GNP for 1962 will be at a rate closer to $560 billion. If this estimate is correct, Government expenditures will rise in accordance with the administration theory that enlarged Government spending on schools, roads, hospitals, etc., is the answer. Revenues may decrease to just under $90 billion, leaving a deficit of over $7 billion, in contrast to an anticipated surplus of $500 million. This is a nondefense deficit. That it is now anticipated by the administration will soon be in evidence with their expected request for a further increase of $8 billion in the debt ceiling limit. The reasons for this are obvious:

1. Built-in spending programs from the 1961 session of Congress and the original recommendations of President Kennedy are now taking their toll. For example, the following chart shows the recommendations of President Kennedy in 1961 and of President Eisenhower the year previous:

Function	President Kennedy	President Eisenhower
	Millions	*Millions*
Water pollution (annual)	$100	$50
Housing	[1] 8,900	1,100
Education (annual)	800	100
Area redevelopment (annual)	100	30
Foreign aid (annual)	5,400	4,300
Defense (annual)	46,400	39,200
Total	[1] 61,700	44,780

[1] Plus $8,000,000,000 back-door spending.

2. The theory held by the Kennedy administration is that Government spending will bring our Nation a tailormade solution to unemployment and depressed areas in contrast to the actual need for tax incentive

for investment and more realistic depreciation allowances to release the energies of our dynamic private enterprise economy. The administration is still waiting for their $575 billion gross national product despite the priming of the pump.

3. The fact is that in many instances the Democrat-controlled Congress not only passes all legislation recommended by the President, but on occasion also surpasses his figures (such as in the House passage of the welfare amendments in 1962). Given the legislation passed in 1961 and the $99.3 billion requests for new obligational authority for fiscal year 1963, it becomes quite evident that within 5 years we will be spending $120 billion annually.

4. Each dollar spent compounds the felony. A dollar added to the national debt (President Kennedy will soon recommend an increase in the ceiling to $308 billion) adds to the interest to be paid in future budgets. Loss of international confidence in the dollar due to our balance-of-payments situation leads to our enterprise not being able to compete, and thus lessens our tax incentive and investment back home. Even expansion of social security leads to inflation since every dollar assessed against a corporation for medical care under social security will reduce net taxable income; hence, the Federal Government must contribute 52 percent of these trust fund dollars from the revenues that would normally flow into the Treasury to finance the regular budget. In addition, as all social security taxes levied on individuals are in effect an income tax with no deductions or exemption, a continued increase in their level reduces take-home pay and ultimately will generate demands for increases in wage and salary rates.

5. Summing up the budget predictions for fiscal year 1963 by the President and our analysis, we come up with the following:

	Kennedy estimates	Current possibilities
	Billions	*Billions*
Federal revenues (fiscal year 1963)	$93.0	$90.0
Federal expenditures (fiscal year 1963)	92.5	97.0
Surplus (+) or deficit (−)	+.5	−7.0
Public debt, end of year	294.9	303.0

6. Whatever the results for fiscal years 1962 and 1963, the recommendations of the President in this regard and the probable reaction of Congress both last year and this year have built in spending programs for years to come which threaten to dash upon the rocks any chance of budget balance or fiscal integrity in this or future generations unless action is taken now.

7. The results of the Kennedy messages and the fiscal policies of this administration and Congress can best be seen by a look at the possible situation by fiscal year 1970. If current trends in Federal expenditures as seen through new obligational authority are continued, and deficits such as those now perceived for the first 2 years of the New Frontier are projected over the next few years, the following will be the picture by 1970:

Total annual Federal budget (expenditures), $124 billion. (Up over 30 percent.)

Total outstanding public national debt, $330 billion. (Up over 10 percent.)

Total annual interest on national debt, $12.4 billion.

Total built-in spending programs authorized for fiscal year 1970 by Congress in years up to and including fiscal year 1969, $28 billion.

Grand total annual budget already committed for fiscal year 1970 (including debt interest, defense spending, and the programs already referred to), $90 billion plus.

THE FREEMAN RETREAT

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. Dole] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. DOLE. Mr. Speaker, I have received a letter from Joseph M. Robertson, administrative assistant to U.S. Department of Agriculture Secretary Orville Freeman, indicating the Freeman directive authorizing career officials in the Department to promote pending legislation has been withdrawn. This reply was in response to my letter of April 20 requesting such action following an announcement of John W. Macy, Jr., Chairman of U.S. Civil Service Commission, that a previous memorandum issued by him to all departments had been rescinded.

The reply indicates USDA career employees no longer have the right or obligation to promote Freeman's pending farm program or any other legislation still pending before Congress. This represents a victory, not only for the public generally but for these employees who in some instances have been advised to sell the program or else, including those State ASC officials recently advised by the President personally not to let their Congressman get lonesome.

Certainly when Congress enacts a program Federal employees have the duty to administer it in accordance with directives and regulations authorized by the legislation. Government employees should not, however, be required to promote pending legislation and change their conviction every time there is a change of administration.

So that interested Members and others may be advised, included herewith is my letter to Secretary Freeman and the letter of Mr. Robertson, along with information on the Macy memorandum and the revision thereof. It is gratifying to note the letter of April 20 by Carl Barnes, Director of Personnel, USDA, to all agency heads calling their attention to the revision of the Macy memorandum. May this conclude what easily could have become a real threat to civil service employees and to the very system itself.

Now if those Department of Agriculture employees who have been engaging in lobbying activities throughout the country will devote their full time and energy to problems of the farmer and agriculture generally, it will represent a start in the right direction and may help bring order out of chaos.

Congress of the United States,
House of Representatives,
Washington, D.C. April 20, 1962.

Hon. Orville L. Freeman,
Secretary of Agriculture,
Washington, D.C.

Dear Secretary Freeman: As you know, John W. Macy, Chairman of the Civil Service Commission, has rescinded the memorandum under which Federal employees were advised they could explain the position of the administration on proposed legislation before interested groups. In view of this, it would seem imperative that instructions previously given to USDA employees to present the administration view of farm policies and programs should be immediately withdrawn.

I shall appreciate a reply at your earliest convenience.

Sincerely yours,

Bob Dole,
Member of Congress.

Department of Agriculture,
Washington, D.C., April 27, 1962.

Hon. Robert J. Dole,
House of Representatives,
Washington, D.C.

Dear Mr. Dole: This acknowledges your letter of April 20, 1962, in which you suggest that instructions previously given USDA employees to present the administration's view of farm policies and programs be immediately withdrawn.

Attached are copies of a memorandum of January 24, 1962, issued by Carl B. Barnes, Director of Personnel, to heads of our Department agencies, and a copy of a notice (PM-164) issued to offices of the Agricultural Stabilization and Conservation Service by Mr. R. P. Beach, Deputy Administrator for Management. It will be noted that both of these memorandums merely transmitted Mr. Macy's memorandum, which stated that career employees could explain the position of the administration on proposed legislation before interested public groups, and contained no instructions to do so.

We have issued to the heads of our agencies a memorandum (copy attached) informing them that Mr. Macy has deleted from his earlier memorandum the sentence: "Aware of the implications, however, the career official may explain the position of the administration in the proposed legislation before interested public groups." The agencies are directed to revise any previous instruction accordingly.

Sincerely yours,

Joseph M. Robertson,
Administrative Assistant Secretary.

Notice PM-1641—Role of the Career Official in Support of Federal Programs

The extent to which Federal career officials should publicly support current and discuss proposed programs of their departments and agencies requires thoughtful judgment by all concerned. The role of the career official is still evolving within our system of government with the consequence that the precedent of longstanding tradition is not available. It is understandable, therefore, that uncertainty exists regarding the role the career official should play in program advocacy. This uncertainty has prompted requests from career officials, particularly in the field service, and from department and agency heads for guidance.

No definitive standard can be enunciated to define this role. Discretion and judgment must be applied by both Presidental appointees and career officials within the context of each problem as it arises. With this in mind it may be helpful, nevertheless, to consider the following guidelines:

1. Programs already authorized by law or Executive order.

When a Federal program is based on law or Executive order, every career official has a positive obligation to make it function as efficiently and economically as possible and to support it as long as it is a part of recognized public policy. This means that a career official may properly make speeches explaining and interpreting a current program, identifying its public purposes, citing its achievements, defending it against uninformed or unjust criticisms, pointing out need for possible corrective action or soliciting views for improving it. The fact that the program was the subject of partisan controversy during the stages of enactment or development would in no sense lessen this obligation although the career official should exercise care in divorcing his remarks from a strictly political context.

2. Pending legislation.

A more difficult decision is faced when new or changed programs are pending before Congress in the form of proposed legislation. Definitive statutory language prohibits the use of appropriated funds for "publicity or propaganda designed to support or defeat legislation pending before Congress." Such language clearly limits the career official's position of possible support of or opposition to new or amendatory legislation. Aware of these implications, however, the career official may explain the position of the administration in the proposed legislation before interested public groups. Frequently, career officials are requested to testify on pending legislative proposals before congressional committees. Presidential appointees should recognize potential political involvement in assigning responsibility for legislative testimony to career officials. In most instances, the career officials should be used to present factual or technical testimony with policy advocacy reserved for presentation by the Presidential appointee.

A special circumstance arises when congressional committees request the technical services of career officials to assist in drafting bills or reports. Even in politically controversial areas such an assignment is appropriate if it is understood that the career official is serving as a technical expert to assist in committee work under the direction of committee leadership.

JOHN W. MACY, Jr.,
Chairman, U.S. Civil Service Commission.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF PERSONNEL,
Washington, D.C., April 20, 1962.

To: Agency heads.
From: Carl B. Barnes, Director of Personnel.
Subject: Role of the career official in support of Federal programs.

Under date of January 24, 1962, this office transmitted a statement by the Honorable John W. Macy, Jr., Chairman of the Civil Service Commission, with respect to the role of the career official in supporting administration programs. Chairman Macy has deleted the sentence from the second paragraph of his memorandum relating to pending legislation which was as follows:

"Aware of these implications, however, the career official may explain the position of the administration in the proposed legislation before interested public groups."

Agency instructions transmitting or otherwise implementing Mr. Macy's earlier memorandum should be revised accordingly.

CARL B. BARNES.

GRANT THE DISTRICT OF COLUMBIA DELEGATE REPRESENTATION IN THE HOUSE OF REPRESENTATIVES

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. MATHIAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MATHIAS. Mr. Speaker, I have today introduced a bill to give a voice in this House to the Capital of the Union. It is a happy circumstance that I am able to do so on Law Day, May 1, 1962, a date which is dedicated to extolling a government of laws. It is inherent in our traditions that laws should be framed in a representative body and should carry the consent of the freemen who are bound by them.

My bill proposes merely to grant the District of Columbia a Delegate to the Congress of the United States. Under the considerable body of precedent that exists, such a Delegate would be admitted to a very large degree of participation in the proceedings of this House. He could be an effective spokesman in committees and on the floor.

As I know from personal experience, there is a need for more than legislative representation of Washington. Many citizens of the District come to me seeking personal help, because they have no Congressman. While District residents are welcome in my office, and in the offices of other Congressmen, they must share my time with nearly 650,000 constituents. A Delegate to Congress could meet a substantial part of this need.

It is my hope, however, that the substantive proposal embodied in this bill will be viewed by my colleagues, and by the public, as both evolutionary and educational. In the first place, the granting of limited representation to the District in the House is a progressive step between full representation and no representation at all. Second, the need to nominate and elect a Delegate every second year will have a profound educational impact on the political life of the District. The major parties, which now are roused to full action only in presidential elections, will have a need and a reason to continue their political activities on a sustained basis. The results of this experience will be invaluable as the District develops its political institutions.

ANTELOPE VALLEY

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HIESTAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. HIESTAND. Mr. Speaker, one of the most unique areas which receives part of the defense spending authorized by the Congress is in California's 21st Congressional District, which I have had the pleasure and honor to represent for five terms.

I refer to the unique Antelope Valley, home of Air Force Plant 42 and Edwards Air Force Base. Antelope Valley is a magnificent aircraft center and today, I shall outline the work being performed ther so that my colleagues might better see the bargain—from the taxpayers' point of view.

First, Mr. Speaker, let us look at the Air Force flight test center at Edwards. It covers 301,209 acres, making it the Air Force's second largest installation. The flight test center is responsible for flight testing, research and development work on aircraft, requiring the joint efforts of nearly 10,000 workers—military and civilian. These workers include those of more than 30 commercial aircraft and other contractors maintaining facilities in the high desert air of Antelope Valley.

About 1,200 more military, Government and contractor civilian workers are at the Rocket Research Laboratory at Edwards AFB which is the largest rocket engine test facility of its kind in the free world. Edwards is unique; it enjoys excellent weather conditions. Located in the Mojave Desert, more than 350 days of flight operations a year are permitted at Edwards.

Hard surface, dry lake beds provide the flight test center with the largest land recovery area in the United States and a potential 13-mile long runway which will permit controlled recovery of maneuverable space systems from all directions of the compass.

The facility is within 75 miles of the majority of the Nation's space industry located in the Los Angeles complex, and it can draw on this technically skilled labor market. It also has ready access to the numerous highly accredited academic institutions in that area. The center represents a capital investment of nearly $200 million.

One of the special programs is the aerospace research pilot school. I had the honor to be present at the first graduating class ceremonies last fall. The school trains highly skilled pilots for the intricate, demanding role of experimental test pilots for aeronautical systems and it trains test-engineer pilots for space systems of the future. Although most students are Air Force pilots, some are from other branches of military service, governmental agencies, aircraft companies, and allied foreign air forces.

The free world's largest combined environmental test facility is operated by the Space Systems Division's 6593d Test Group—Development. Among missile propulsion systems being tested are the Air Force Titan ICBM; air-to-surface GAM-87 Skybolt; and multistage, solid propellant, ballistic Blue Scout, modified for special Air Force requirements as a research vehicle system for testing space equipment and technique. Previous projects included Thor IRBM engine testing and development of underground silos for the Minuteman ICBM.

The F-1 test complex is a $12 million cluster of three giant test stands for the new 1,500,000-pound thrust F-1 rocket engine. It is the Nation's most powerful single chamber engine, being developed by North American Aviation, Inc.'s Rocketdyne for NASA. Test stand 1-B, towering 250 feet over the rocket site, is believed the largest of its kind in the free world. During main stage burning, the F-1 engine gulps 3 tons of propellant a second.

Two tracking stations at Edwards keep tabs on manmade satellites orbiting the earth. Five certified international speed courses are at the site. The National Aeronautics and Space Administration is doing considerable work in Antelope Valley, offering nearby residents a ringside seat as the United States rockets into the space age.

Important to this space invasion is NASA's flight research center, one of six research centers of the Federal civilian space agency. It is a close scientific working partner of the Air Force flight test center. NASA personnel at the site has doubled since 1958, when the facility had 285 workers. In the same period, the annual budget of the facility has increased from about $2½ million to $8 million. Underway at the center are a new $1.3 million building and a $500,000 research facility.

NASA will study the lifting body vehicle, a wingless craft which will obtain aerodynamic life from the configuration of its body. It will test a weird, four-legged vehicle, with guidance rockets attached to each leg, which will be able to simulate moon landings. The TFX plane, which will serve both the Air Force and the Navy, will be assigned to NASA at Edwards in 2 to 3 years.

NASA is currently doing first-stage work on the concept of a supersonic transport. The Government allocated $11 million last year for the overall initial program and additional funds are expected annually in an 8-year program, designed to develop a transport that can attain speeds of 2,000 miles per hour. Some of the information gained from the development and flight testing of the RS–70—which I shall discuss later—will be used in this work.

NASA's highly publicized project concerns the X–15, America's highest flying and fastest plane. On April 30, 1962, X–15 Pilot Joe Walker streaked 3,443 miles per hour and attained a record altitude of 48 miles into space.

Dr. Hugh L. Dryden, Deputy NASA Administrator, says, "The X–15 is the most successful research plane ever built." It has been recently handed a new assignment—as a research laboratory rocketing across the threshold of space.

The flight test center has more than 200 test programs in operation. Here are some of them:

Tests on a multiweapons capability of the B–58 aircraft, a new two component pod, Convair B–58 escape capsule and new B–58 tactics are being conducted.

Testing is nearing completion on new modification of the Boeing B–52 bomber. Testing of the B–70 escape capsule has been in progress for the past year. In December of 1962 the XB–70 aircraft, which is being assembled at the North American Palmdale facility, will be flown to Edwards Air Force Base to commence testing.

Other tests include those on the C–135B, F–104 G and J aircraft, F–105, C–130E, T–38, T–39 and numerous helicopter programs. Intermittent testing on the Douglas DC–8, Convair 880 and 990, Norair N–156, and Navy's McDonnell F–4H, Norair's T–38 modification program, Douglas' A–4D–2N test program, and other contractor-conducted programs are currently being supported at Edwards Air Force Base.

The flight test center is currently supporting various testing being conducted for or by the Army and the Navy, including such craft as the JF–102, F–4H, A–4D, A–3D, H–37B, H–13K, and USD–5 Drone recovery system.

Edwards Air Force Base is really a city within itself. It has 2,110 units of family-type quarters; rail and bus service and a nearby commercial airport; elementary school with 1,300 pupils; high school with about 600 students; churches; a modern 13-store shopping center; a fully equipped 45-bed hospital and dental clinic; a nursery; a bank; fine recreation facilities.

Nearly every type of airplane used by the Air Force since 1946 has been flight tested at Edwards Air Force Base.

The flight test center, with a military and civilian payroll of $33 million—as of fiscal 1961—is an $83 million a year business. About $18 million goes for local purchase of materials, equipment and services. Nearly $4 million more is spent on utility and communications charges; machine and equipment rentals; travel, shipping charges; printing; off-duty education; and incidental operating expenses.

Another $28 million covers research and development procurement contracts.

Looking into the future, it is apparent that the workload at Edwards will continue to expand. The flight test center, operating for many years at the fringe of outer space with the X–1, X–2, X–3, and X–15, will play a significant role in testing future space systems. Experience and technology gained through the X–15 program is being carried into the Dyna-Soar program.

Studies are being conducted to determine the role that the flight test center will play in a program for land recovery of satellites. The Dyna-Soar vehicle will be rocket-launched into space from Cape Canaveral and recovered at Edwards. Other areas where the flight test center has supported the national space effort include the development testing of Discoverer, Samos, and Mercury recovery and retardation devices, and various special projects requiring the use of U–2, C–54, C–130, T–29, B–47, and other aircraft. A continued effort in these areas is projected into the future.

The Air Force says:

> If maximum exploitation of the Air Force flight test center potential is utilized by our Government in future years, activities at Edwards Air Force Base will vastly increase, and it will become a major facility for the research, development, and testing of space systems as it currently is for aeronautical systems.

Located in Antelope Valley, near Palmdale and Lancaster, is the facility known as production flight test installation, plant 42. It is an Air Force installation unique in the annals of modern aircraft production.

The operations of plant 42 have presented a striking example of the cooperation of the Air Force and industry, represented by several contractors, normally competitive, working harmoniously on the confines of one base using common facilities. Prior to plant 42, each aircraft manufacturer required its own complete layout of flight facilities, including hangars, runways, taxiways, control tower, and related equipment. The plant 42 concept made available all of these facilities to some of the Nation's largest airframe manufacturers for use on a common facilities basis. Air Force, industry, county, and local community planning has provided the country with an installation that—

First. Reduces duplication of similar facilities at other locations resulting in a tremendous saving of taxpayers' dollars while achieving the utmost in furthering the national defense effort.

Second. Provides Department of Defense aircraft contractors with Government-owned common-use facilities for the purpose of completing the final production and acceptance flight testing phases of high-performance jet aircraft.

Third. Gives the capability for conduct of flight test operations in established restricted airspace, free from densely populated areas and heavy terminal commercial aviation traffic.

Fourth. Establishes a production flight test installation in close proximity to the several prime airframe contractors located in southern California.

Fifth. Provides an installation that minimizes the exposure of large populated areas to the hazards, noises, and nuisances encountered during the daily operation of an airfield primarily associated with high-performance jet aircraft operation.

Lockheed Aircraft Corp. was the first tenant airframe contractor at the installation in 1952. Currently 10 Air Force and 1,085 contractor personnel are performing production operations of F–104 aircraft for Germany, Canada, and Japan. Present dollar value backlog on this program totals about $200 million. Firm contractual obligations are programed to be completed during the month of October 1963.

Northrop Aircraft Corp. is now performing final assembly and production flight test operations on the T–38 type aircraft, the Air Force's supersonic jet trainer. Three Air Force and 213 contractor personnel are employed. Total dollar value of existing contracts is approximately $118,770,000, and this program is due to be completed in December 1963. Future programing for production of T–38 aircraft is projected through August 1966. Additionally, Northrup will probably soon begin its program to supply the N–156 supersonic jet fighter to selected allied nations under the military assistance program. This will greatly increase Northrop's activity at plant 42.

Douglas Aircraft Corp., with its production of the Navy A–4D Mighty Midget jet aircraft, marked the first time that a contractor performing for another branch of military service was allocated Air Force-owned permanent facilities at plant 42. Currently, 9 Navy and 245 contractor personnel are employed in the A–4D final assembly and production flight test program. Total dollar value of existing contracts totals approximately $175,914,000, and this program is due to be completed during the month of December 1963. The Navy has programed facility requirements at the installation for future production flight test on the A–4D aircraft through December 1964, with an expected 10-percent increase over existing contracts.

North American Aviation, Inc., during the early part of 1961, started the initial buildup for the great B-70 Valkyrie mach 3 bomber program. Program requirements of the B-70—now labeled RS-70—brought about major changes and modification of plant 42 facilities. The aircraft is scheduled to make its first flight in December. Currently, 8 Air Force and 2,507 contractor personnel are employed performing modification and flight test operations on F-100 aircraft, and modification of facilities, fabrication of tooling, installation of equipment necessary to manufacture and assemble components and asemblies for the RS-70. Present dollar value of these programs totals approximately $123,220,000. The F-100 modification is scheduled for completion in August 1962. The RS-70 completion date is classified but will extend beyond 1963. Future programs include a possible modification of an unknown number of F-100's at plant 42.

Machinery Overhaul Co. provides services to operate and maintain the Air Force departmental industrial equipment reserve storage site No. 2. Two Air Force and 135 contractor personnel are employed. Dollar value of contract, equipment, building, et cetera, is estimated to be more than $25 million.

Lockheed Air Terminal, providing continuous maintenance and operations services for the common facilities, currently employs 122 persons. Value of the facilities is estimated to be in excess of $15 million.

Mr. Speaker, plant 42 is unique and plays an important role in our defense picture along with Edwards Air Force Base. Antelope Valley, to be sure, has a key role in the development of this Nation's defense capabilities.

COMPARISON OF DISCRETIONARY ANTIRECESSION ACTIONS TAKEN IN THE 1958 RECESSION UNDER PRESIDENT EISENHOWER WITH THE PROPOSAL BY PRESIDENT KENNEDY FOR LEGISLATION TO AUTHORIZE IMMEDIATE INITIATION OF A $600 MILLION CAPITAL IMPROVEMENTS PROGRAM SHOWS THE INSIGNIFICANCE AND INEFFECTIVENESS OF THE KENNEDY PROPOSAL

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CRAMER. Mr. Speaker, upon my request, the minority counsel for the Public Works Committee, Mr. Clifton W. Enfield, prepared a comparison of the antirecession actions taken in the 1958 and other recent recessions with the President's proposal for a $600 million capital improvements program, using the official report of 1961 by Maurice Stans, then Director of the Bureau of the Budget, entitled "Federal Fiscal Behavior During the Recession of 1957-58."

A study of the broad administrative and congressional actions taken, which included Federal public works pump priming far in excess of the very meager approach proposed by the Kennedy administration proves conclusively that public works pump priming is not the total answer to the problem, and is perhaps the least effective for the cost involved, and further that even if it were an effective tool the program for $25 million in fiscal 1962, $350 million in fiscal 1963, and $225 million in 1964, is more of a public relations pitch to the depressed areas and to the country than it is an effective tool to aid, substantially, unemployment.

It is foolhardy to suggest that a 3-year program totaling $600 million, which would be an average of $750,000 per depressed or redevelopment area for the total 3-year period of which there are approximately 1,000—874 area redevelopment plus 132 depressed areas—and which amounts to an average of $250,000 per year. When broken down annually, according to the amounts proposed to be allocated per year on the basis of $25 million for 1962, it would equal $25,000 per area in fiscal 1962, $350,000 in fiscal 1963, and $225,000 per area in fiscal 1964. Despite this, the administration proposal is being advertised as the answer to unemployment when even Mr. Meany's—president of AFL-CIO—testimony shows that the total $600 million would employ only 60,000 more persons over the total 3-year period, or an average of 20,000 per year directly attributable to Federal expenditures.

Taking Mr. Meany's further analysis that this 60,000 would, when considering local participating funds, be increased by 30,000 more and the indirect additional employment as the result of additional consumer purchases, and so forth, would add another 125,000 then the total average annual increase would still only be 75,000 per year, or about 83 persons per depressed area annually directly and indirectly employed which, of course, is an inflated figure because the employment in depressed areas would probably be limited to the 90,000 over the 3-year period, or an average of 33 persons per year, resulting from actual construction which includes both Federal and State and local funds. These figures, plus the analysis which follows, clearly show that this public relations approach is not the answer to the problem. Further, that failure of this administration to take many of the administrative actions that the Eisenhower administration took amounts to a failure on the part of the New Frontier to meet the problems even with the solutions presently available.

When added to these facts is the further fact that the administration is refusing to spend even available appropriated funds under authorized programs to help in unemployment areas it proves conclusively that this public works bill approach is largely for public relations and window dressing to get the administration off the spot for failing to carry out its promises of programs to employ the unemployed, particularly in labor depressed or area redevelopment areas. As examples of unexpended funds under authorized programs, according to testimony before our Subcommittee on Public Works, there is presently in existence $1.6 billion in urban renewal funds, $500 million in community facilities funds, $89 million of the $90 million authorized in area redevelopment funds and $300 million being held up in direct VA loan funds.

An Executive order to accelerate these programs, which is one approach the Eisenhower administration took in the 1958 recession, is an available tool which the administration to date has refused to use but, as a matter of fact, is directly the fault of the administration and of the President, himself, who, in January, announced to the public that he was advising all agencies to curtail expenditures wherever possible because of the foreseeable substantial deficit. The inconsistency of the New Frontier approach then, in ordering cutbacks, and now in requesting more Federal funds for public works, is obvious.

If public works is an answer then the President only has to issue an order to accelerate the expenditure of available funds in presently authorized funds. The direct long-range solution, however, lies in the encouragement of private enterprise to expand its activities and thus increase employment opportunities. This cannot be done when the administration is constantly taking an antiprivate enterprise posture. This cannot be done when the administration refuses to follow the Republican proposal for accelerated depreciation allowances. This cannot be done when the New Frontier is proposing the arbitrary 20-percent withholding on dividends which is bound to discourage broad private investments in free enterprise. This cannot be done when the administration is proposing changing the tax laws regarding foreign investments and foreign production by domestic corporations, putting U.S. private enterprise at a disadvantage when it is attempting to compete overseas and attempting to fill the gap in economic development in many foreign countries. A long-range approach to unemployment is needed, including a realization that automation and constantly increased labor demands for greater benefits that do not result in increased production, is resulting, not only in inflation, but also in some consumer resistance to higher priced goods.

The analysis on this subject follows:

APRIL 2, 1962.

Memorandum to: Hon. WILLIAM C. CRAMER.
From: Clifton W. Enfield, minority counsel.
Subject: Comparison of antirecession actions taken in the 1958 recession with the President's proposal for a $600 million capital improvements program.

Pursuant to your request, I have prepared a brief comparison of the highlights of the antirecession actions taken in the 1958 recession with the proposal by President Kennedy for legislation to authorize immediate initiation of a $600 million capital improvement program, which is transmitted herewith. I understand you wish to compare the effectiveness of actions taken by the Eisenhower administration with the anticipated results to be obtained by implementation of the President's proposal.

The Bureau of the Budget in its report entitled Federal "Fiscal Behavior During the Recession of 1957-58" has generally concluded that many of the deliberate countercyclical actions taken by the administration at that time made small contribution to the recovery or were poorly timed; whereas the biggest boost to the economy resulted from automatic built-in stabilizers which required no action on the part of the administration.

ANALYSIS

On January 13, 1961, Maurice H. Stans, Director of the Bureau of the Budget, transmitted to President Eisenhower a staff report entitled "Federal Fiscal Behavior During the Recession of 1957-58." This is a most informative report of fiscal policies and fiscal actions actually taken in the 1958 recession and the results thereof, which can be of great assistance to the present and future administrations and Congresses in shaping policies to counteract economic recession and its attendant unemployment.

In his letter transmitting the report, Mr. Stans pointed out that among the major findings of the report are:

"1. The fiscal actions of the Government which gave the biggest boost to the economy in 1958 were the 'built-in stabilizers,' such as automatic decreases in income tax revenues and automatic increases in unemployment benefits which took effect under existing law without the need for policy action by either the executive branch or the Congress.

"2. Many of the deliberate countercyclical actions, including some of the largest in terms of expenditures, made a small contribution in relation to their budgetary cost or were poorly timed. A major exception was the temporary extension of benefits for the unemployed who exhausted benefits under State programs, which worked promptly and efficiently. This suggests the need to make some long-range improvements in the regular Federal-State unemployment compensation system, which would prevent the periodic need for emergency action involving unexpected drains on the Federal budget."

Discretionary actions which had as their primary purpose counteracting the recession fell into two categories—strictly (except for supplemental appropriations) administrative actions, and those involving congressional action, as follows:

Strictly administrative action:

"1. Speedup in construction rates on direct Federal public works projects already underway, primarily water resource projects of the Corps of Engineers, the Bureau of Reclamation, and the Department of Agriculture, but also projects involving a number of other agencies. This item is listed as administrative rather than legislative, although supplemental appropriations for fiscal 1959 had to be requested in some cases.

"2. Encouragement of faster private and State-local action on urban renewal, college housing, community facilities under Federal loans, public housing, airports, hospitals, and construction supported by loans to REA cooperatives. In some of these cases funds that had been held in reserve were released or apportioned to the agencies for spending earlier than they might have been in the normal course of events. In other cases, the action consisted of exhortation only.

"3. Speedup within fiscal 1958 of agency procurement of supplies, materials, and equipment. (A separate action, advance procurement of 1959 supplies, materials, and equipment, which involved legislation, is listed below.)

"4. Speedup early in calendar 1958 in processing and payment of tax refunds.

"5. Liberalization of FHA and VA housing rules with respect to closing costs, discount allowances, permissible interest rates, and insurance premiums; and speedup in processing FHA loan applications.

"6. Release of budgetary reserves in various FNMA special assistance mortgage purchase programs.

"7. Liberalization of eligibility rules for Farmers Home Administration loans.

"8. Emphasis on labor surplus areas in procurement contracts placed by Defense Department and GSA."

Congressional action:

"1. Temporary extended unemployment compensation (Public Law 85-441 enacted June 4, 1958) which provided Federal funds with which States could pay benefits to unemployed individuals who exhausted their benefit rights for half as long again as they were able to collect under the regular State programs.

"2. Housing Act of 1958 (Public Law 85-364 enacted April 1, 1958) which authorized, among other things, a reduction in minimum downpayments on FHA-insured mortgages, $1 billion for special assistance purchase by FNMA of mortgages on new homes costing $13,500 or less, and $50 million in FNMA special assistance purchases of mortgages on military housing.

"Other provisions of Public Law 85-364, such as renewal of the expiring VA direct loan program, may also have had some counterrecession aspects, but would probably have occurred anyway and are not regarded here as antirecessionary.

"3. Advancement of procurement of fiscal 1959 supplies, materials, and equipment. Public Law 85-386, enacted April 24, 1958, authorized agencies to order (or buy) in 1958, if possible, up to 50 percent of amounts proposed in the January budget for 1959 supplies, materials, and equipment, whether or not the appropriation had been enacted, said amounts to be chargeable against 1959 appropriations when finally enacted.

"4. Highway Act of 1958 (Public Law 85-381 enacted April 16, 1958). This bill increased (above and beyond amounts authorized in previously existing law) (a) 1959 authorizations for the interstate, ABC, and forest and public lands highways, (b) 1960 and 1961 authorizations for Interstate highways, and (c) 1960 authorizations for forest and public lands highways. In addition, it provided for an advance to 1959 of ABC authorizations to be repaid from 1961 and 1962 authorizations, and, to make apportionments against these various authorizations possible, it waived, with respect to apportionment of the 1959 and 1960 authorizations, the (pay-as-you-go) requirement of the basic highway legislation."

The budget and trust fund impact of the major discretionary antirecession actions are indicated upon the table below which is contained in the report. The figures as shown there lend support to the widely held view that discretionary increases in expenditures to combat a recession are slow to start and slow to be turned off again, with the result of poor timing from the standpoint of helping the economy. As the figures indicate, the budgetary impact was much larger in fiscal 1959 than in fiscal 1958. By comparison, the economy reached its low point in the January-March quarter of 1958 (the third quarter of fiscal 1958), and rose steadily through fiscal 1959. Further substantial budgetary effects remained in 1960, and even later.

Estimated budgetary and trust fund impact of major discretionary antirecession actions taken in the 1958 recession—Fiscal year increase in expenditures [1]

[In millions of dollars]

	1958	1959	1960	1961 and later	Remarks
Administrative actions:					
Water resources; speedup of construction rates on going projects.	50	120	60	[2] 25	The figures are extremely subjective, since costs of speedup are not separable from other costs.
Farmers Home Administration, liberalization of eligibility for loans for home improvement.	....	10	2	−12	Figures represent rough estimate of the portion of expenditures attributable to the easing of eligibility rules. They are in addition to increases in expenditures that would have occurred.
Legislative actions:					
Temporarily extended unemployment compensation (repayable advances to States) (Public Law 85-441).	48	447	−13	−482	Program as originally passed was to expire Apr. 1, 1959; benefits were subsequently extended for claimants filing before Apr. 1, 1959. Repayments (due by 1963) will be miscellaneous receipts rather than negative expenditures.
FNMA special assistance, purchase of mortgages on homes costing $13,500 or less (Public Law 85-364):					
Purchases	....	657	186	....	Authorization was for $1 billion; attrition estimated at $157 million. Negative figures represent par sales and repayments, excluding interest income.
Repayments	....	−4	−14	−839	
FNMA special assistance, purchase of mortgages on military housing (Public Law 85-364).	....	....	25	−25	Interest income excluded from eventual sales amount.
Advance procurement (Public Law 85-386).	6	−6	....	....	No estimate available of the shift in purchases within 1959.
Federal-aid highways (Public Law 85-381):					
Increase in 1959 primary, secondary, and urban (A-B-C) highway authorizations and advance of 1961 and 1962 A-B-C highway authorizations.	....	262	241	−103	
Increase in 1959 and 1960 interstate authorizations and in 1959 and 1960 authorizations for forest and public lands highways.	....	20	156	334	Estimates for interstate portion based on past experience of how fast apportionments result in spending since actual expenditure figures are merged with those from other interstate authorizations.
Total, budget and highway trust funds.	104	1,506	643	334 +25 −1,461	(Interstate highways) per year (public works) in recoveries and reimbursements.

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[1] This table does not show changes which took place within the fiscal year without affecting the fiscal year totals.

[2] Per year.

The following table, also contained in the report, supplements the above table by showing the total levels for some of the programs for which only the antirecession add-ons appear in the table above:

Budget or trust fund expenditure totals for selected programs affected by antirecession actions (expenditures except where noted)

[In millions of dollars]

	Fiscal year				
	1957 actual	1958 actual	1959 actual	1960 actual	1961 current estimate [1]
Public works expenditures, water resources, and related activities [2]	969	971	1,024	1,080	1,221
Farmers Home Administration, farm housing loans (obligations)	21	33	61	43	40
Highways, grants to States:					
Primary, secondary, and urban (ABC)	729	791	1,095	923	902
Interstate system	296	673	1,481	1,901	2,078
Total	2,015	2,468	3,661	3,947	4,241

[1] 1962 budget document, January 1961.

[2] Comparable to data in table 7 of "Federal Activities in Public Works and Other Construction," a special analysis which accompanies the annual Federal budget document each year.

The report continues by pointing out the economic impact of the several actions taken. The economic effect of temporary unemployment compensation was significant and timely and rated high from the standpoint of efficiency. Speedup of going water resources construction was also relatively efficient in economic effect per dollar of budget outlay; however, this type of action rated low from the standpoint of reversibility, and the opportunities for speedup in this field are definitely limited. The effectiveness of advance procurement was disappointing. Two of the largest antirecession undertakings—FNMA special assistance and Federal-aid highways—appear to have been relatively inefficient from the standpoint of economic and employee effect per dollar of Federal outlay. The Highway Act of 1958 also appears to have entailed high Federal expenditures for the amount of immediate employment created.

The report summarizes the good and bad features of the discretionary actions taken according to what are believed to be some of the more important criteria and also rates them against the built-in stabilizers, as follows:

Tentative rating of the major countercyclical policies employed in the 1957–58 recession

	Relative economic impact [1]	Efficiency, impact per dollar of immediate Federal outlay or income	Reversibility
Built-in stabilizers:			
Receipts:			
Individual income taxes	Large	Good	Good.
Corporation income taxes	do	Fair to good	Do.
Excise taxes	do	do	Do.
Expenditures:			
Unemployment trust fund, withdrawals by States.	do	Good	Do.
Other unemployment programs.	Medium	do	Do.
Discretionary actions:			
Administrative:			
Construction speedup, direct Federal public works.	do	do	Poor.
Encouragement of faster private and State-local construction activities.	Small	do	Fair.
Advance procurement (fiscal 1958).	do	do	Good.
Speedup in tax refunds	Medium	do	Do.
Liberalization of FHA and VA housing rules and speedup in processing FHA applications.	do	do	Poor.
Discretionary actions—Continued			
Release of reserves in various FNMA special assistance programs.	Medium	Good	Good.
Liberalization, farm housing loans.	Small	Fair	Poor.
Emphasis on labor surplus areas in letting of contracts.	do	Good	Good.
Involving congressional action:			
Temporary extended unemployment compensation.	Large	do	Do.
FNMA special assistance	Medium to large	Poor	Do.
Reduction in FHA and VA downpayment requirements.	do	Good	Poor.
Advance procurement (fiscal 1959).	Small	do	Good.
Federal-aid highways:			
ABC	Large	Fair	Fair.
Interstate and other	Small	do	Poor.

[1] Relative economic impact in this tabulation is really a combination of size and speed of economic impact. A designation "large" in column one means that, by the end of fiscal 1959, the impact on the economy is judged to have totaled anywhere from about $200 million or more. A designation "small" means an economic impact of less than $20 or $30 million by the end of fiscal 1959. In some cases the classification has to be made on a subjective or arbitrary basis.

In his letter transmitting a draft of proposed legislation for an immediate $600 million capital improvement program, the President stated that if legislation and the supporting appropriations are enacted promptly, expenditures under this program would be approximately $25 million in the remaining months of fiscal 1962, $350 million in fiscal 1963, and $225 million in the early months of fiscal 1964. When compared with the expenditures resulting from major discriminatory actions taken to combat the 1958 recession, in the amounts of $104 million in fiscal 1958, $1,506 million in fiscal 1959, and $643 million in fiscal 1960, and increased totals for water resource public works, Farmers Home Administration and highways increasing from $2 to $4 billion from 1957 to 1960, it appears that the President's proposal would have little beneficial economic impact. It appears even less justified when measured in terms of new jobs which will be created.

As stated before, according to the most optimistic testimony of Mr. George Meany, President of the AFL–CIO, when he appeared before the House Committee on Public Works on March 29, 1962, in support of the President's proposal, the $600 million of Federal funds, plus matching State funds, would only create about 90,000 on-site and off-site jobs. He further testified that the earnings spent by these new workers would result in approximately 135,000 additional jobs in consumer industries and in wholesale and retail trades, for a total overall increase of approximately 225,000 jobs. When viewed in light of the present national unemployment of approximately 4,543,000 persons, it is obvious that the President's proposal would not substantially relieve unemployment.

The on-site and off-site jobs created would provide for only about 2 percent of the national unemployed, and the total of all jobs which might be created would provide work for no more than about 5 percent of the national unemployed. And these optimistic figures assume that those now unemployed would be given these new jobs, rather than presently employed workers being paid overtime compensation, particularly where public works projects now underway are accelerated.

To reduce the seasonally adjusted unemployment rate for February 1962, of 5.6 percent to the generally accepted goal of 4 percent would require the creation of approximately 1,298,000 new jobs, at a cost in pump-priming public works, if that is the approach to be used, of over $3 billion annually (it would cost over $18 billion to put all presently unemployed to work); whereas the President's proposal would create only 225,000 jobs, at most, which is approximately 17 percent of the additional jobs required to bring unemployment down to the 4-percent level. Based upon Mr. Meany's testimony that $1 million of construction expenditures will create approximately 250 on-site, offsite, and other jobs for 1 year, a 1-year capital improvement program involving expenditures in excess of $5 billion would be required to bring unemployment down to 4 percent. Obviously, we cannot spend ourselves into prosperity in this fashion.

A solution to the problem which will be more effective than the President's proposal must be found if those who are now unemployed and wish to work are to be given the opportunity to do so.

WHO ARE HCUA'S ENEMIES?

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. SCHERER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SCHERER. Mr. Speaker, Communist propagandists both here and abroad have had a field day echoing the contents of a full-page advertisement placed in the New York Times on February 22 by more than 600 persons who called for the House of Representatives to abolish the Committee on Un-American Activities. I think my colleagues are entitled to know the backgrounds of many of the key persons who participated in this smear job on the committee. I therefore include the following analysis of the ad and its sponsors at this point in the RECORD:

AN ANALYSIS—REPORT ON A RECENT SMEAR ATTACK AGAINST THE HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES

Functioning as a standing committee of the House of Representatives under mandates of the Congress of the United States, the House Committee on Un-American Activities (HCUA) courageously protects the Nation by continuous investigation of the extent, character, and objects of un-American propaganda activities in America. In fulfilling its legislative role, the HCUA seeks to develop factual information on the administration and operation of the Internal Security Act of 1950, the Communist Control Act of 1954, the Foreign Agents Registration Act, and various criminal statutes relating to sedition, treason, and subversion.

The HCUA has inflicted serious damage on subversive elements advocating the destruction of our Nation's precious sovereignty. Through the sponsoring of remedial legislation countering subversion and the publishing of documented reports (including transcripts of hearings except unreleased testimony taken in executive sessions), the HCUA has been highly successful in thoroughly exposing numerous activities of the Communist Party, U.S.A. As a result of the effectiveness of the HCUA, this congressional committee has become a prime target of attack by both domestic and international Communist and Communist-front organizations, including Soviet-controlled governments.

In a broadcast of February 28, 1962, beamed toward certain European countries, Radio Moscow (official agency of the Union of Soviet Socialist Republics) viciously attacked the HCUA by condemning it as a detriment to the American people. The broadcast specifically referred to "a declaration by 600 (sic) respected figures published in New York, appealing for the dissolution of the Un-American Activities Committee." According to the Soviet pronouncement, "this expressive document points out that U.S. citizens are sent to prison for refusal to disclose their personal views to the inquisitors. It (declaration) states that this notorious committee endangers democracy and national independence by its actions, dilutes elementary democratic rights anchored in the (U.S.) Constitution, encourages racial incitement by equating the struggle for civil rights with so-called subversive activities, detracts attention from the critical international situation and promotes arch reactionary traditions in American life."

The declaration mentioned in the Soviet broadcast was in reference to a full-page advertisement appearing in the February 22, 1962, edition of the New York Times. Signed by 613 individuals representing many diverse professions, the advertisement was actually an appeal to the House of Representatives to abolish the House Committee on Un-American Activities. According to the exact phraseology of the advertisement, the appeal stated that the HCUA "threatens democracy by: introducing the alien concept of a political test into our public life (and) encouraging corrosive mutual suspicion." The advertisement also stated that the HCUA "threatens national security by: dividing the Nation; setting neighbor against neighbor—depriving the Nation of the benefits of free discussion—diverting attention and energy from the critical world situation to the minuscule domestic Communist movement (and) creating doubt among the peoples of the world who look to us for a living example of the values of freedom." In a broadside smear against the HCUA, the advertisement characterized the House committee as an "engine of oppression" which must be prevented "from destroying our freedom and security."

Financial support for the advertisement was "contributed by many" signers of the appeal. The advertisement reflected that it was under the sponsorship of an Ad Hoc Committee of 160 North 15th Street, Philadelphia, Pa., of which Clarence E. Pickett and James Imbrie are chairman and treasurer, respectively. Imbrie, who has been affiliated with at least eight organizations cited as subversive by the HCUA, was instrumental in inserting a similar HCUA "abolition" petition in the New York Times of February 9, 1961. Interestingly, the entire February 22, 1962, advertisement was photographically reduced in size and published in the March 4, 1962, edition of the Worker, official newspaper of the Communist Party, U.S.A.

THE VICIOUS ATTACK IS REFUTED

Seriously disturbed over the New York Times advertisement and certain of those individuals affiliated with this "abolition" appeal, the patriotic American Jewish League Against Communism, Inc., released a statement to the press on February 28, 1962. Due to the forthright and timely nature of the league's statement, the entire release was inserted in the March 1, 1962, issue of the CONGRESSIONAL RECORD. The league stated in part as follows: "On Thursday, February 22, 1962, the New York Times published a full-page paid advertisement calling for the abolition of the House Committee on Un-American Activities. The advertisement was signed by some 610 (actual count 613) persons, many of whose names consistently appear on public statements advocating Communist-inspired positions in the United States."

The league declared: "To the unsophisticated reader, it might seem that the presence of names of rabbis in this statement (February advertisement) indicates that the American-Jewish community—in large measure—opposed the purposes of the HCUA. This is an incorrect appraisal of the situation. Marxism is abhorrent to Jews because it is a negation of the thousands of years of religious traditions of the Jews. Along with the overwhelming majority of Americans of all faiths and political parties, the American-Jewish community supports in principle the work of the HCUA and other duly constituted bodies which deal with the menace of communism as it affects this Nation."

According to the league's statement, "We recognize that our country is in constant jeopardy from Communist attack and subversion from both within and without our shores. We recognize that it is the duty of responsible agencies of our Government, such as the HCUA, and indeed, the duty and responsibility of every American—to exert all efforts to uncover and expose the activities of avowed enemies of our country and their agents. The American Jewish League Against Communism cannot speak for the entire American-Jewish community. No individual or organization can do so. However, on behalf of our officers, members, and friends in the Jewish communities throughout the country, we take this opportunity to reject the counsels of those who signed this advertisement and who would weaken our Nation's vigilance against our enemies. We call instead for ever greater efforts in mobilizing and informing the American people so that all appropriate action may be taken to weaken and ultimately destroy those who would threaten our freedom."

A COMPILATION OF PATTERNS

Documented public source information reveals that of the 613 signers of the February 22, 1962, advertisement appearing in the New York Times, approximately 30 percent of these persons have been affiliated with certain other enterprises or projects having varied objectives. An alphabetized statistical report follows; however, this does not imply that any individual listed herein is an identified Communist, Communist-fronter or supporter of pro-Communist causes, unless specifically identified as such:

Of the aforementioned signers of the anti-HCUA advertisement, 17 individuals were publicly identified as having been members of the Communist Party by congressional investigating committees or the Subversive Activities Control Board. They are: Ernest DeMaio, Benjamin Dreyfus, Robert W. Dunn, Rockwell Kent, Corliss Lamont, Prof. Lee Lorch, Seymour Mandel, Rev. Jack R. McMichael, George B. Murphy, Jr., Dr. Otto Nathan, Harvey O'Connor, John W. Porter, David Rein, Mrs. Rose V. Russell, Rev. William B. Spofford, Prof. Dirk J. Struik, and Rev. Claude C. Williams.

The Senate Internal Security Subcommittee, in its 1956 comprehensive report on the Communist Party, U.S.A., entitled "A Handbook for Americans," listed the names of the "most typical sponsors of (Communist) front organizations." Among those listed in this category were the names of the following 24 persons who signed the February appeal to abolish the HCUA: Elmer A. Benson, John W. Darr, Jr., Rev. Jerome Davis, Robert W. Dunn, Thomas I. Emerson, Philip Evergood, Prof. Robert J. Havighurst, James Imbrie, Robert W. Kenny, Rockwell Kent, Freda Kirchwey, Corliss Lamont, Rev. Jack R. McMichael, Carey McWilliams, Prof. Clyde R. Miller, Prof. Philip Morrison, Hugh N. Mulzac, Mrs. Rose V. Russell, Prof. Harlow Shapley, Rev. Guy Emery Shipler, Rev. William B. Spofford, I. F. Stone, Prof. Dirk J. Struik, and Dr. Willard Uphaus.

(A. J. Muste, a signer of the February anti-HCUA advertisement, was mentioned in a 1957 Senate Internal Security Subcommittee publication as one "who has long fronted for Communists and who recently circulated an amnesty petition calling for the release of Communist leaders convicted under the Smith Act.")

On October 9, 1961, a petition signed by 322 individuals was submitted to President John F. Kennedy urging "Executive action to halt further proceedings under the Internal Security Act and the membership provisions of the Smith Act." In effect, the petitioners were asking the President to use his Office to terminate the prosecution of the Communist Party and party membership for its illegal activities. The petitioners also requested that the President ask Congress to repeal the aforementioned Internal Security Act. Seventy-two of these petitioners were listed as signers of the February 1962 advertisement advocating the abolition of the HCUA.

They are Rev. Gross W. Alexander, Rev. Paul J. Allured, Katharine M. Arnett, Rev. Frederic E. Ball, Rev. Lee H. Ball, Elmer A. Benson, Prof. Derk Bodde, Rev. Karel F. Botermans, Rev. Walter Russell Bowie, James L. Brewer, Dr. Dorothy Brewster, Rev. Raymond Calkins, Prof. Rudolf Carnap, Prof. John W. Caughey, Rev. Chester V. Chambers, Prof. Robert S. Cohen, Prof. Ephraim Cross, Ossie Davis, Benjamin Dreyfus, Prof. Kermit Eby, Mrs. Phyllis Edgecumbe, Philip Evergood, Lincoln Fairley, Fyke Farmer, Rev. W. W. Finlator, Prof.

Joseph Fletcher, Rabbi Robert E. Goldburg, Dr. Alice Hamilton, E. Y. Harburg, Pearl M. Hart, Mrs. Dorothy Haven, Hugh B. Hester, Rev. Charles A. Hill, Rev. John Haynes Holmes, Rev. William Ernest Hocking, Leo Huberman, Robert W. Kenny, Rockwell Kent, Freda Kirchwey, Corliss Lamont, Dr. Walter Landauer, Rev. William P. Lemon, Prof. C. F. Littell, Bishop Edgar A. Love, Rev. Warren H. McKenna, Seymour Mandel, Rabbi Israel Margolies, Lafayette Marsh, Dr. Leo Mayer, Prof. Clyde R. Miller, Rev. Walter Mitchell, Stanley Moffatt, Prof. Philip Morrison, Rev. Arthur W. Moulton, Hugh N. Mulzac, George B. Murphy, Jr., Dr. Otto Nathan, Rev. Clarence T. R. Nelson, Rev. J. Pierce Newell, Harvey O'Connor, Rev. Clarence Parker, Rev. Malcolm E. Peabody, Rabbi Michael A. Robinson, Mrs. Rose V. Russell, Prof. Karl De Schweinitz, Rev. William B. Spofford, Prof. Arthur L. Swift, Jr., Dr. Willard Uphaus, Mrs. Clara M. Vincent, Rev. Claude C. Williams, Rev. David Rhys Williams, and A. L. Wirin.

The American Committee for Protection of Foreign Born (ACPFB) of 49 East 21st Street, New York, N.Y., is "one of the oldest auxiliaries of the Communist Party in the United States," according to the 1961 edition of the HCUA's "Guide to Subversive Organizations and Publications." The HCUA reported that this group was recently "found to be a 'Communist-front organization' within the meaning of the Internal Security Act of 1950 and ordered to register as such with the (U.S.) Attorney General." A leaflet distributed by the ACPFB in December 1961 contained the names of its current sponsors. Of these individuals, the following 24 ACPFB sponsors signed the advertisement attacking the HCUA: Rev. Paul J. Allured, James Aronson, Rev. Lee H. Ball, Elmer A. Benson, Dr. Dorothy Brewster, Prof. Ephraim Cross, Dr. Royal W. France, Dr. Alice Hamilton, Rev. Charles A. Hill, Robert W. Kenny, Dr. Walter Landauer, Prof. C. F. Littell, Prof. Oliver S. Loud, Rev. Warren H. McKenna, Rev. Walter Mitchell, Rev. Arthur W. Moulton, George B. Murphy, Jr., Dr. Otto Nathan, Harvey O'Connor, Rev. Clarence Parker, Prof. Dirk J. Struik, Dr. Willard Uphaus, Prof. Leroy Waterman, and Rev. Loyd F. Worley.

(NOTE.—The Reverend Moulton was also listed as the ACFB's honorary co-chairman and both Reverend Hill and Dr. Uphaus were named as co-chairmen.)

A recent report of the HCUA disclosed that an organization called the National Committee to Abolish the Un-American Activities Committee (NCAUAC), 555 North Western Avenue, Los Angeles, Calif., was established in the summer of 1960 "to lead and direct the Communist Party's 'Operation Abolition' campaign" against this congressional committee. The NCAUAC has been cited as a subversive organization by the HCUA. The following seven members of the NCAUAC's national committee signed the February advertisement in the New York Times: James Imbrie, Robert W. Kenny, Mrs. Dorothy Marshall, Harvey O'Connor, Dr. Otto Nathan, Russell Arthur Nixon, and Aubrey W. Williams.

(NOTE.—Key officers of the NCAUAC include Williams, chairman; Mrs. Marshall, secretary; and Kenny, treasurer.)

The New York branch of the NCAUAC is called the New York Council To Abolish the House Un-American Activities Committee of 150 West 34th Street, Manhattan. A February 1962 letterhead of the New York council disclosed the names of its officers and advisory committeemen, nine of whom signed the advertisement condemning the HCUA; namely, Rev. Lee H. Ball, Carleton Beals, Prof. Ephraim Cross, Dr. Leo Mayer, Dr. Alexander Meiklejohn, Dr. Otto Nathan, Henry Neumann, Prof. Norman Redlich, and Prof. William Vickrey.

(NOTE.—Listed among NCAUAC's New York council leadership are Nathan, chairman; Reverend Ball, treasurer; and Dr. Meiklejohn, honorary chairman.)

One of the organizations affiliated with the NCAUAC's program is the Chicago Committee To Defend the Bill of Rights, of 189 West Madison Street, Chicago, Ill., formerly known as the Chicago Committee To Defend Democratic Rights. Hearings recently conducted by the HCUA clearly established that both Chicago committees have functioned under the leadership of identified members of the Communist Party. A 1961 letterhead of the Chicago Committee to Defend the Bill of Rights contained the names of its officers and directors. Interestingly, the following seven members of the board of directors of the Chicago committee signed the advertisement calling for the abolition of the HCUA: Rev. Frederic E. Ball, Leo Berman, Prof. Kermit Eby, Pearl M. Hart, Prof. Robert J. Havighurst, Prof. Curtis D. MacDougall, and Lafayette Marsh.

The Emergency Civil Liberties Committee (ECLC), a nationwide organization with headquarters at 421 Seventh Avenue, New York, N.Y., functions for the avowed purpose to abolish the HCUA and discredit the FBI. In citing the ECLC as a subversive group, the HCUA reported that the ECLC, "established in 1951, although representing itself as a non-Communist group, actually operates as a front for the Communist Party. It has repeatedly assisted, by means of funds and legal aid, Communists involved in Smith Act violations and similar legal proceedings. One of its chief activities has been and still is the dissemination of voluminous Communist propaganda material." Twenty-nine current ECLC officers and national councilmen signed the New York Times advertisement attacking the HCUA.

The signers are: James Aronson, Prof. Stringfellow Barr, Prof. Robert S. Cohen, Joseph H. Crown, Benjamin Dreyfus, Prof. Thomas I. Emerson, Clark Foreman, Dr. Royal W. France, Prof. E. Franklin Frazier, Rabbi Robert E. Goldburg, Prof. Fowler V. Harper, Leo Huberman, Robert W. Kenny, Corliss Lamont, Conrad J. Lynn, Prof. Curtis D. MacDougall, Carey McWilliams, Prof. Clyde R. Miller, Dr. Broadus Mitchell, Prof. Philip Morrison, Russell Arthur Nixon, Harvey O'Connor, Prof. Helen U. Phillips, Prof. Norman Redlich, David Rein, Prof. Arnold A. Rogow, Rev. Guy Emery Shipler, Mrs. Edith Tiger, and Prof. H. H. Wilson.

(NOTE.—ECLC top leadership includes O'Connor, chairman; Lamont, vice chairman; Foreman, director; and Mrs. Tiger, assistant director. James Imbrie was formerly a member of the ECLC national council.)

In a vicious attack against the June 5, 1961, decision of the Supreme Court in upholding the constitutionality of the registration and disclosure provisions of the Internal Security Act and the membership clause of the Smith Act, the ECLC inserted a paid advertisement in the October 2, 1961, edition of the Washington Post. In effect, the October advertisement was a protest against the Federal Government's prosecution of the Communist Party and its leadership. Included among the signatories of the ECLC statement were the names of 25 persons who signed the February 1962 advertisement in the New York Times, as follows: Rev. Frederic E. Ball, Prof. Stringfellow Barr, Prof. Gerald A. Bertin, Prof. Derk Bodde, Dr. Dorothy Brewster, Dr. Allan M. Butler, Prof. Robert S. Cohen, Philip Evergood, Dr. Royal W. France, Rabbi Robert E. Goldburg, Mrs. Dorothy Haven, Hugh B. Hester, Leo Huberman, Dr. Horace M. Kallen, Rockwell Kent, Mrs. Emily C. P. Longstreth, Walter C. Longstreth, Prof. Curtis D. MacDougall, Seymour Mandel, Dr. Alexander Meiklejohn, Prof. Clyde R. Miller, Harvey O'Connor, Prof. Arnold A. Rogow, Mrs. Rose V. Russell, and Rev. Peter Lee Scott.

The Washington Area Committee for the Abolition of the House Un-American Activities Committee of Post Office Box 3595, Washington, D.C., was established in the summer of 1961 for the purpose of educating the "public to the undemocratic and unconstitutional nature of the HCUA, to gather support for activities in the nationwide campaign for its abolition, and to help those who have become its victims." The Washington area committee maintains a legislative office in room 108, 200 C Street SE, Washington, D.C. The Reverend Theodore R. Bowen, chairman, of the Washington area committee, signed the February 22, 1962, advertisement attacking the HCUA.

An active group operating in the religious field is the Methodist Federation for Social Action (MFSA), located at 11 Forest Boulevard, Ardsley, N.Y. Cited as a Communist-front by the Senate Internal Security Subcommittee, the MFSA is not affiliated in any way with the Methodist Church. Within the past several years, the MFSA has published or otherwise disclosed the names of some of its membership. Of these individuals, the following 20 MFSA members and supporters signed the February advertisement condemning the HCUA: Rev. Gross W. Alexander, Rev. Frederic E. Ball, Rev. Lee H. Ball, Prof. Irwin Ross Beiler, Dr. Corinne Chamberlin, Rev. Chester Chambers, Rev. Don M. Chase, Rev. B. F. Crawford, Dr. Jerome Davis, Prof. Kermit Eby, Bishop Edgar A. Love, Rev. Walter McCleneghan, Rev. Howard D. McGrath, Rev. Jack R. McMichael, Prof. Clyde R. Miller, Rev. Clarence T. R. Nelson, Rev. J. Pierce Newell, Dr. Willard Uphaus, Mrs. Clara M. Vincent, and Rev. Loyd F. Worley.

(NOTE.—MFSA officers include Bishop Love, president; Reverend Nelson, vice president; and Reverend Ball, executive secretary and editor of MFSA's newsletter, Social Questions Bulletin.)

The HCUA has characterized the National Lawyers Guild (NLG) of 38 Park Row, New York, N.Y., as the "foremost legal bulwark of the Communist Party, its front organizations, and controlled unions." In citing the NLG as a Communist-front, the HCUA revealed that the guild "has never failed to rally to the legal defense of the Communist Party and individual members thereof, including known espionage agents." Thirty-two individuals listed as current members of the NLG signed the advertisement in the New York Times. They are: Benjamin Algase, Leo Berman, Morris Bogdanow, James L. Brewer, Prof. Ephraim Cross, Joseph H. Crown, Benjamin Dreyfus, Prof. Thomas I. Emerson, Stanley Faulkner, Dr. Royal W. France, Prof. Fowler V. Harper, Pearl M. Hart, Len Holt, Stanley M. Isaacs, Robert W. Kenny, Norman Leonard, Morton Leitson, Walter C. Longstreth, Harry Lore, Seymour Mandel, Francis J. McTernan, Irving Meyers, Erwin Miller, Hugh B. Miller, Stanley Moffatt, Richard W. Petherbridge, Abraham L. Pomerantz, John W. Porter, David Rein, Dean A. Robb, Catherine G. Roraback, and A. L. Wirin.

(NOTE.—NLG officers include Dreyfus, president; and Emerson, France, and Kenny, vice presidents.)

Southern Conference Educational Fund, Inc. (SCEF), successor of the Southern Conference for Human Welfare, was cited as a Communist-front by the Senate Internal Security Subcommittee in 1956. The SCEF maintains its national office at 822 Perdido Street, New Orleans, La. A 1961 letterhead contained the names of SCEF's officials, 16 of whom signed the February 1962 advertisement attacking the HCUA; namely, Dean Julia F. Allen, F. Woods Beckman, Ellinor H. Behre, Dr. Eldon Dennis, Rabbi Herbert E. Drooz, Rev. W. W. Finlator, Prof. E. Franklin Frazier, Dr. Walter E. Hager, Rev. Daniel

J. Hughlett, Rev. Floyd M. Irvin, Dr. Herman H. Long, Bishop Edgar A. Love, Dr. Marion Pearsall, Dr. W. Carson Ryan, Rev. O. L. Sherrill, and Aubrey W. Williams.

(Note.—SCEF officers include Williams, president-emeritus; Bishop Love, president; and Dr. Long, vice president.)

Carl Braden, a SCEF field secretary, has been identified as a member of the Communist Party, U.S.A., in sworn testimony before the HCUA. Appearing before the HCUA on July 30, 1958, Braden refused to answer questions relative to his affiliations with certain subversive organizations. Braden was subsequently "convicted of contempt of Congress and sentenced to a year in jail as a result of his testimony." During his imprisonment in 1961, various petitions were submitted to President Kennedy urging clemency for Braden. One petition contained the names of the following 47 individuals who signed the February anti-HCUA advertisement: Katharine M. Arnett, Prof. Stringfellow Barr, James Baldwin, Dr. Algernon D. Black, Prof. J. N. Blankenship, Prof. Warren Bower, Prof. John W. Caughey, Grenville Clark, Ossie Davis, Rabbi Herbert E. Drooz, Prof. Kermit Eby, Philip Evergood, Rev. W. W. Finlator, Rabbi Oscar Fleishaker, B. W. Huebsch, Rev. Daniel J. Hughlett, Alfred Kazin, Dr. Martin Luther King, Jr., Freda Kirchwey, Rev. James M. Lawson, Jr., Dr. Herman H. Long, Walter C. Longstreth, Bishop Edgar A. Love, Prof. Curtis D. MacDougall, Carey McWilliams, Alfred Maund, Dorothy Maund, Dr. Alexander Meiklejohn, Prof. R. Clyde Minor, Rev. Walter Mitchell, Rev. Clarence T. R. Nelson, Henry Neumann, Dr. Reinhold Neibuhr, Harvey O'Connor, Prof. Howard L. Parsons, Dr. Marion Pearsall, Justine Wise Polier, Prof. C. Merrill Proudfoot, Prof. William G. Rice, Prof. Alfred Schuhmann, David H. Scull, Rev. Guy Emery Shipler, Burton H. Throckmorton, Jr., Prof. Paul Tillett, Prof. Robert M. White, Aubrey W. Williams, and Rev. David Rhys Williams.

A group found to be a Communist-front by the Subversive Activities Control Board is the National Council of American-Soviet Friendship, Inc. (NCASF) of 114 East 32d Street, New York, N.Y. Listed among the leadership of the NCASF are the following five current officers of this organization who signed the statement appearing in the New York Times: Elmer A. Benson, Rockwell Kent, Rev. Arthur W. Moulton, Rev. William B. Spofford, and Prof. Dirk J. Struik.

(Note.—Kent is the present chairman of the NCASF.)

The Committee To Secure Justice for Morton Sobell (CSJMS) is actively engaged in agitating for the release of Morton Sobell, currently serving a 30-year sentence for conspiracy to commit espionage on behalf of the Soviet Union. As a codefendant in the notorious Julius-Ethel Rosenberg case, Sobell was deeply involved in a Russian espionage network. The CSJMS, located at 940 Broadway, New York, N.Y., is the successor of the National Committee to Secure Justice for Morton Sobell in the Rosenberg case, cited as a Communist front by the HCUA. Listed among the current honorary sponsors of the CSJMS were the names of six persons who recently signed the anti-HCUA advertisement; namely, Rev. Gross W. Alexander, Prof. Kermit Eby, Rev. John E. Evans, Rabbi Robert E. Goldburg, Dr. Leo Mayer, and Mrs. Clara M. Vincent.

Three individuals presently affiliated with the San Francisco chapter of the aforementioned CSJMS who signed the New York Times advertisement are: Beniamino Bufano, Benjamin Dreyfus and Dr. Alexander Meiklejohn.

During the past 2 years an increasing number of petitions have been circulated in the United States requesting the President to commute the sentence of Sobell. For a variety of reasons known only to the petitioners themselves, an appalling number of clergymen have joined in the clemency appeal for this convicted Soviet espionage agent. The following 26 individuals who recently urged the commutation of Sobell's sentence were listed as having signed the February 1962 advertisement attacking the HCUA: Rev. Gross W. Alexander, Rev. Lee H. Ball, Dr. John C. Bennett, Rabbi Samuel A. Berman, Rabbi Elias Charry, Prof. Thomas I. Emerson, Rev. John E. Evans, Rabbi Moshe V. Goldblum, Rabbi Robert E. Goldburg, Rabbi Abram Vossen Goodman, Rabbi Simon Greenberg, Rev. John Haynes Holmes, Rabbi Philip Horowitz, Rabbi Daniel E. Kerman, Rabbi Isaac Klein, William Kunstler, Rabbi Arthur Lelyveld, Lewis Mumford, Dr. Reinhold Neibuhr, Rev. Victor Obenhaus, Clarence E. Pickett, Rabbi Michael A. Robinson, Rev. Peter Lee Scott, Rabbi Alan Mayor Sokobin, Rabbi Wilfred Solomon, and Rabbi Stanley Yedwab.

The Citizens Committee for Constitutional Liberties (CCCL) of 22 East 17th Street, New York, N.Y., was recently cited as a Communist-front by the HCUA. The CCCL principally functions as a defense organization for the Communist Party, U.S.A., and its leadership. Listed among the names of 32 current sponsors of the CCCL were 11 persons who signed the February 1962 anti-HCUA advertisement; namely, Rev. Lee H. Ball, Elmer A. Benson, Robert W. Dunn, Stanley Faulkner, Rockwell Kent, Dr. Leo Mayer, Hugh N. Mulzac, George B. Murphy, Jr., Dr. Otto Nathan, Dr. Willard Uphaus, and Mrs. Clara M. Vincent.

On September 23 and 24, 1961, the aforementioned CCCL staged a program called the National Assembly for Democratic Rights, cited as a Communist-front by the HCUA. Thirty-one of the following sponsors of CCCL's National Assembly project were listed as having signed the New York Times advertisement: Rev. Lee H. Ball, Elmer A. Benson, Paof. Derk Bodde, Prof. Rudolf Carnap, Prof. Ephraim Cross, Rev. John E. Evans, Stanley Faulkner, Dr. Royal W. France, Robert Gwathmey, Dr. Alice Hamilton, Pearl M. Hart, Mrs. Dorothy Haven, Rev. Charles A. Hill, Rabbi Philip Horowitz, Rockwell Kent, Rabbi Isaac Klein, Bishop Edgar A. Love, Francis J. McTernan, Lafayette Marsh, Dr. Leo Mayer, Stanley Moffatt, Hugh N. Mulzac, George B. Murphy, Jr., Dr. Otto Nathan, Rev. J. Pierce Newell, Rev. Clarence Parker, Prof. Howard L. Parsons, Rev. William B. Spofford, Dr. Willard Uphaus, Mrs. Clara M. Vincent, and Dr. Leroy Waterman.

COMMUNICATIONS SATELLITES: GIVEAWAY FOR THE 1960'S

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Ryan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. RYAN of New York. Mr. Speaker, I would like to bring to the attention of my colleagues a very important article on space communications satellites which appeared in the May 1962 issue of Progressive magazine. The article sets out the background of the legislation which will shortly be before the House and sets forth with great clarity some of the reasons why I believe public ownership is the only proper solution to this problem. Members will find the analysis of the compromise bill—which is in all respects similar to the legislation which will be before the House—most helpful. The author is Mr. Michael Padnos, legislative representative of the Americans for Democratic Action. The article follows:

One of the first and most exciting benefits of the Nation's satellite program is the promise it holds for improving and cheapening communications throughout the entire world. In a few short years, worldwide television of excellent quality will be a reality; radio will reach clearly and static free halfway around the globe; a 10,000-mile telephone call will come through as distinctly as if it were from next door. This giant step forward in communications, with all its ramifications in international relations, is possible because of the Federal Government's multi-billion-dollar satellite program.

No one seriously questions the need to build a communications satellite system. Not only would it be reassuring to beat the Soviet Union in an exciting and peaceable contest, but a satellite would more effectively and efficiently replace costly earthbound communications facilities and provide an economical means of opening up the large number of television, telephone, and data-processing channels essential to meet the vast expansion in international communications expected during the next few years.

From a technical point of view, the problems involved in building such a system are not overwhelming. The rocketry hurdles are largely surmounted and an apparently feasible plan for the communications aspects has been sketched by Government and private experts who have worked together on the problem under Federal programs. The scientists describe the system as one in which two or three active satellites (i.e., containing equipment for receiving and transmitting, instead of merely passively reflecting, messages from earth) would orbit around the earth at the equator high enough so that at least one would always be visible from every point on the entire globe, thus permitting the straight-line sending and receiving which is required for transmission of radio waves. The satellites would, ideally, be synchronized with the speed of the earth's rotation, to make them stationary in relation to the ground.

There is also general agreement that this approach is preferable, in terms of both the long-run economy and the potentially greater number of channels, to the alternative course advocated by American Telephone & Telegraph, which would require launching a large number (estimates vary from 30 to 400) of small satellites to circle the earth at a low (100–3,000 miles) altitude in random orbits; such a system is not favored because it would require costly ground stations to search the skies for the randomly flying satellites and many expensive launchings to mount the large number of artificial bodies.

The political questions, however, are more difficult to answer. They were first raised publicly in a report made to the Federal Communications Commission by an ad hoc committee of members of the communications carrier industry—telephone, telegraph, and other companies in the business of sending and receiving communications electronically.

Briefly, the industry committee's report recommended that the operation and management of a space communications system be turned over to a nonprofit corporation owned by those international communications carriers willing to put up at least $500,000 in equity. The corporation would have a board of directors composed of not more than two representatives from each company and three representatives from the public, the latter to be appointed by the President. Each carrier would be permitted to own its own ground stations and a certain number of communications channels, the channels to be allocated without charge to the investors in ratio to the equity contributed to the corporation. If a carrier should wish to exceed its pro rata quota of channels, it would be assessed a rental fee which would then be redivided among the other carriers. Finally, the equity contributions to the new corporation would be made part of the rate base of the contributing companies so that the investment would be charged off against other services provided by the owners. In brief: Ten big international communications carriers proposed that they own, operate, and allocate channels in the communications satellite, in return for which they agreed to contribute part of the cost of mounting the system. Their total promised contribution was and is $78 million; it should be noted that the Government has already spent $471 million on this program and a total of over $25 billion on other relevant research and development.

Although the specific recommendations made by the ad hoc committee have never been placed before Congress, a bill which contains the essence of the report (but without the public directors, without the limitation on directors from any one corporation, and stripped of some other committee recommendations designed to cover up the embarrassingly blatant giveaway) was introduced soon after the report first made its appearance by Senator KERR, powerful chairman of the Senate Committee on Aeronautical and Space Sciences. The bill was referred to KERR's committee which has recently completed hearings on the proposal. Under the unusual procedure agreed upon by Senator KERR and Senator WARREN G. MAGNUSON, Washington Democrat, the bill which has been reported out will be sent to MAGNUSON's Interstate and Foreign Commerce Committee before it goes to the floor of the Senate for debate and action.

Meanwhile, the administration was working on its own bill. Cloaked in mystery (anyone whose absolute devotion to the administration was not a matter of record was refused permission to see the draft), the bill was the subject of speculation on Capitol Hill for weeks before its contents were revealed. It appeared finally on February 7, 1962, accompanied as expected, by a clarion call to action from the President. His message called for the "dramatic demonstration of our leadership in this area of space activity" which would be made through the enactment of his bill, and declared, rather righteously, as it turned out, that the administration could not, "in good conscience" accept the Kerr proposal to limit ownership "to a few existing companies and exclude automatically all other potential investors who have equal rights to own a part of this federally developed enterprise."

No one who knows the record of Oklahoma's conservative Democratic Senator ROBERT S. KERR was particularly surprised that he had favored handing over this marvelous international communications development to private industry. The millionaire Oklahoman seemed to be acting quite in character when he introduced a bill which would, in effect, present the whole program to the communications industry as a guaranteed profitmaking gift. But there was stunned surprise when the Kennedy administration designed and presented its own rival proposal that would have achieved the identical end by an alternate route: A privately owned satellite winging its way through space, extending into the realm of the stars the stranglehold on electronic communications now enjoyed by the giant American Telephone & Telegraph Co.

At first glance the administration's bill seemed a more liberal approach to the problem. That measure proposed to establish a private corporation with two classes of stock: First, a dividend-bearing voting stock, class A, which was to be available to all members of the general public (at $1,000 a share); and, second, class B stock, which could be purchased only by the communications carriers. Any single company would have been able to own a maximum of 15 percent of the authorized or 25 percent of the outstanding class A shares, and ownership in class B stock, which presumably counted as a part of the investing company's rate base, would have been convertible to class A shares. Curiously, in the President's discussions of the bill he has acknowledged that the $1,000 share price was specifically intended to exclude the general public.

But because the class A stock would be issued only at the discretion of the corporation and would be unattractive to the public because of price (plus the more important fact that it would pay no dividends for many years) the likely result of this proposal was that at least a controlling share of the stock would have been purchased by A.T. & T. and two or three other corporations it controls or dominates. Furthermore, A.T. & T. could also be expected to dominate the class B shares, because it is the only company with both the desire and sufficient resources (i.e., assets larger than General Motors, Standard Oil of New Jersey, and Ford Motors combined) to make a really large investment. Proponents of public ownership maintain that these objective facts make it clear that the President's plan would lead to precisely the same result as would have been achieved under the Kerr proposal, with one notable difference: the automatic giveaway proposed by Senator Kerr would be replaced in the administration's bill by a bothersome and time-consuming manual operation.

To the credit of Capitol Hill, it must be said that the Congress had not been passively waiting with rubber stamp in hand for the arrival of the administration's bill. Long before even the Kerr bill was introduced, a number of liberal Senators and Congressmen had become concerned about the problem of giveaway and monopoly control in the space communications field, and under the leadership of Congressmen CELLER and RYAN and Senators HUMPHREY, KEFAUVER, and MORSE, a group of 35 Democratic legislators last August 24 wrote a letter to the President in which they spelled out the dangers which they foresaw in the FCC's intended plans. The Congressmen minced no words.

"The FCC orders appear for all purposes," they said, "to determine that the satellite communications system is to be owned and operated by this group of 10 international carriers. This would mean that only four concerns would participate in the system's ownership since the other six companies in this group have professed no interest whatsoever in space communications. More important, it would mean that one of these four companies, A.T. & T., would have a dominant and very probably a monopoly position in ownership of the space communications system. In effect, A.T. & T. would be the chosen instrument of the U.S. Government to own and control civilian space communications. This would be intolerable from the standpoint of the public interest." They further pointed out there was absolutely no need for a decision on ownership to be made before the system had actually become functional. Quoting the President, they noted that "To date no arrangements between the Government and private industry contain any commitments as to an operational system. We believe this is as it should be. Present commitments of any kind as to the control of the system may hinder its rapid development and prejudge vital questions of public interest and international relations."

Although it would still be sufficient for liberals to work merely to prevent an express giveaway of the system to private interests, the energy with which private ownership bills have been pushed has forced concerned legislators to present their own concrete alternatives. The thrust of liberal effort on the Hill for the last 6 months has been consequently directed toward an undiluted program of public ownership, and liberal argument has stressed three points: any private corporation would represent an unprecedented giveaway; every private scheme which has been proposed would lead to domination by A.T. & T., an industrial monopoly already all but unregulable by the Government; and finally, only public ownership can guarantee that this international communications system will not only take notice of foreign policy considerations but will actually serve as a dynamic force in the implementation of that policy.

Until recently, the force of these arguments had been directed against a divided opposition, for the advocates of private ownership had given every impression of being firmly divided between the administration and the Kerr approaches. How shocked was Washington then to discover that the Kerr committee was reporting out a bill which was satisfactory to both Senator KERR, who has repeatedly attacked the supporters of the administration's bill, and the administration, which had passionately defended the public interest against the forces of monopoly.

Yet such a compromise has indeed been achieved. On March 28 the Kerr committee reported out a bill which incorporates in a new and esthetic form all the thinking of the ad hoc report, and furthermore includes many of the modifications suggested in the recently introduced Celler proposal, a combination public-private ownership bill. The bill which was reported out, it is safe to say, will be completely satisfactory to A.T. & T.

Under the provisions of the new bill, a private corporation would be established to be governed by a 15-member board of directors. Six directors would be selected by the common carriers; six by the public owners and three would be appointed by the President, with the advice and consent of the Senate. The administration's proposal for class A and class B stock has been eliminated; in its place is only one class of voting stock, shares of which will sell for $100 and sold in two equal blocks: half to the carriers and half to the general public. Unlike the first administration bill, no limit is placed on the amount of stock which could be owned by any one carrier; if A.T. & T. contributes in the same proportion as it offered to contribute to the ad hoc committee it will own 42.5 percent of the stock available to the carriers. (Indeed, A.T. & T. could own the entire 50 percent of carrier stock, and the 50 percent available to the public could be divided among as few as five firms, possibly five equipment manufacturers, and between these six concerns the communications industry could control 9 of the 15 directors. If A.T. & T. left one share of carrier stock available to another carrier—General Telephone & Telegraph, for instance—the seven firms would elect 12 of the 15 directors.)

In addition to the voting stock, the corporation is authorized to issue nonvoting securities, debentures, bonds, or other certificates of indebtedness which a communications carrier may purchase and include in the company's rate base for international services. This investment may not be included in the domestic rate base, as would have been possible under earlier proposals. The highly controversial question of the ownership of ground stations has been resolved in favor of the carriers, who thereby obtain a position in which message content, rates and even actual use of the satellite will be under the direct control of the carriers much as the rates, content, and usage of present day cables are dictated by A.T. & T.

Finally, 20 percent of the voting stock—the same amount as under the previous administration bill—is reserved for purchase by all foreign interests, public or private, which may wish to participate in the system. This grudging provision was apparently included because of the President's invitation last July 24 to "all nations to participate in a communications satellite system, in the interest of world peace and closer brotherhood among peoples throughout the world." Of all provisions in the bill, this exclusion of our allies from effective participation in a system of international communications is perhaps the most gravely distressing.

It should be clearly understood that the new bill does not overcome these problems. Like every other bill providing for private ownership, it will allow the carriers to own the ground stations, elect at least half the directors, and be regulated principally by the FCC, an agency which for 27 years has failed to control the monopolistic practices of the carriers. Like all other private bills the opportunities for foreign participation which the President so earnestly requested in his policy statements have become all but nonexistant in reality. And like all other bills it gives tacit approval to a joint venture of communications carriers which is absolutely indistinguishable from the merger plans which Congress has rejected blankly and definitively for the last 10 years.

If these considerations are not compelling, it should be further noted that the corporation created by the new bill, like those proposed in former legislation, will be principally funded by A.T. & T. This is true mainly because no other company in the United States has sufficient assets to invest the enormous sums of money which A.T. & T. can easily afford to put into the system; it is no coincidence that A.T. & T. offered to put up $65 million in the ad hoc report, a sum 13 times greater than that offered by any other company. Second, no one but A.T. & T. (and a few other large carriers and equipment manufacturers with a vital interest in the corporation's purchasing policies) will have any interest in providing funds for the venture.

The fact that this financial dominance guarantees actual dominance of the corporation has been widely acknowledged, and even the Justice Department so stated in its testimony in opposition to the Kerr bill. What has not been mentioned is the fact that the argument is as valid in relation to the administration bills as it was in connection with the Kerr bill; in either case A.T. & T.'s ability to withhold or provide financing is the means by which it will be able to assure that the corporation will act in compliance with its particular interests. This fact and this fact alone is proof of the fact that private ownership in this field means monopoly ownership, and is totally inconsistent with our principles of free enterprise.

There are other defects in the bill. The Secretary of State can only "advise the corporation of relevant foreign policy considerations," a dangerous abdication of national sovereignty to private interests, and a large step backward from the first administration bill, which would have had such negotiations conducted or supervised by the State Department. Moreover, the bill does not permit the President to veto corporation decisions which he regards as unwise, as does the Celler bill.

But this list could be expanded indefinitely. The essential fact is that no system of private ownership can be acceptable because all such systems are opposed to the public interest. They result in public payment for private control; an increase in that industrial concentration which has already been described by experts as one of the prime causes of America's second-best status in space; and the abandonment to private interests of a technical marvel with incalculable potential for promoting the foreign policy of the United States.

In the opinion of many observers, public ownership is the only satisfactory way to resolve these difficulties. The legislation which has so far been introduced to accomplish this purpose has had two forms: the bill introduced by Congressman RYAN, Democrat, of New York, and the Kefauver bill, which has been cosponsored by Senators BURDICK, GORE, GRUENING, MORSE, NEUBERGER, and YARBOROUGH, and introduced in the House by Congressman KOWALSKI, Democrat, of Connecticut. Both forms would establish a public corporation to own and control the satellite and ground stations, use of which would be determined on a rental basis. Both forms would permit that cooperation with foreign governments and the U.N. which would be dictated by our foreign policy and not A.T. & T.'s; both forms would utilize tax moneys for the benefit of the taxpayer and not a group of stockholders. Whichever proposal would be accepted, the taxpayer would gain. It is unfortunate that the same cannot be said for the proposals which have received the support of the administration.

Senator KEFAUVER'S Subcommittee on Monopoly and Antitrust is presently holding hearings on the anticompetitive aspects of the private bills. The merger issue, the significance of A.T. & T.'s vertical integration and the manner in which A.T. & T. is able to dominate without possessing other communications carriers should finally be put on the public record. Within several weeks after the end of these hearings, Senator MAGNUSON is expected to finish consideration of the private ownership bill.

One issue seems clear: a space communications system, as Attorney General Robert F. Kennedy told a House committee, has been "made possible only because we have invested large sums of taxpayer's money." Yet the administration is supporting a measure that would enable the stockholders of a private corporation to reap the rewards of an investment of billions of dollars of the people's money in the most dramatic development in communications in the last 50 years. This support severely handicaps the drive by liberal forces to establish the space communications system as a public asset under public control—where it belongs.

STOCK MARKET DECLINE

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. PUCINSKI] is recognized for 5 minutes.

Mr. PUCINSKI. Mr. Speaker, I know that many Americans are very much concerned about the action of the stock market in recent days. I am sure that many theories and many suggestions are being offered as to the cause of this phenomena.

Mr. Speaker, I do not hold myself out as an expert on the stock market, but I would like to submit for consideration the fact that what is happening on the stock market today may be to a great extent related to a bill that we passed here several weeks ago which requires some 285,000 administrators of health, welfare, and pension plans, involving some $50 to $70 billion, to begin reporting in greater detail how these funds are being invested, beginning on June 18, when the new disclosure law becomes effective.

Mr. Speaker, it would seem to me that what is happening on the stock market today is what I had predicted would happen 4 months ago when my subcommittee reported this bill out. I supported this legislation. I think it is good, sound legislation. I believe it will have a great effect in the long run on the economy of the country. But at the time my subcommittee reported this bill out I said that as we approached the date of its effectiveness, if the bill were enacted into law by Congress, there would be a serious adjustment in the stock market simply because the administrators of these funds who had been investing these moneys in various stocks would undoubtedly want to bring their portfolios into order, so they could begin reporting the content and the method of investment.

Mr. Speaker, I do not believe that what is happening in the stock market today is going to have any long-range adverse effect on the economy of the country. On the contrary, I have every reason to believe that when these portfolios are brought into order and when those, perhaps, who should not have been in the stock market in the first place get out of the stock market and when new money is brought in, I think the stock market will emerge much stronger, much healthier, and much more stable. At the same time, the health and welfare and pensions funds which this Congress has tried to protect are going to be stronger and healthier and more reliable.

During the hearings on this bill before our committee there was evidence that the Department of Labor had practically no ability to determine how these pension funds were being invested. I do not think you have to be an economist to recognize that when you have $50 to $70 billion in 285,000 health and welfare funds, a sizable part of this money undoubtedly will find its way into the stock market. While there is nothing necessarily wrong in investing some of this money in stocks, my contention is that perhaps in too many instances too much of this money has heretofore been disproportionately invested in stocks making these trust funds too precarious for prudent management. So what is happening today is a situation that will in the long run create greater stability in the stock market. There is absolutely no other reason I can find for the recent developments in the stock market. On the contrary, all economic barometers indicate our economy going up. Carloadings are up; inventories are down; orders are up. The Nation's retail merchants have just reported record-breaking Easter sales. Sales of durable goods are up. Automobile sales are up. Every corporation reporting first-quarter earnings is reporting new and impressive profits. Therefore it would seem to me that those who are concerned about the fluctuations in the stock market should give consideration to the effect that this new pension disclosure act which will go into effect in about 6 weeks is bound to have on the stock market.

I repeat, what is happening today is that you are seeing a flushout of portfolios, a rearrangement of portfolios, so that the administrators of many of these funds will be in a better position to report how these $50 to $70 billion have been invested; because, beginning on June 18 they will have to report the nature of these investments.

There is nothing in the act that we passed and that the President signed into law which in any way permits the Secretary of Labor to tell an administrator of a health and welfare or pension fund how he is to invest that money. This Congress was very prudent in making sure that there would be no interference in the manner in which this money was to be invested. But the law now does provide that the administrators of these funds must, beginning on the 18th of June, report in greater detail how the money is invested so that the people who are counting on these funds for their pensions in retirement and other benefits will be able to see how the money is being managed.

Therefore, Mr. Speaker, it would seem to me that we may look forward to a sharp rise in the stock market in the foreseeable future and I see the market coming back bigger and stronger and healthier than it has ever been. There can be no question that when you have such a large amount of money as is involved in these pension funds—totaling between $50 and $70 billion—now coming under closer scrutiny by the Federal Government, it is bound to have an effect on the stock market.

I am confident, however, that once the readjustment is completed, the stock market will again begin to truly reflect the impressive upswing in our Nation's economy. I am equally confident the upward spiral will commence almost immediately.

FREEDOM WEEK

Mr. MacGREGOR. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MacGREGOR. Mr. Speaker, the Attorney General of the United States recently told the annual meeting of the Associated Press that we must present to the world the true image of America. I am sure that no one disagrees with this. However, it is important and necessary that Americans themselves reconsider at times what America means to them. Today we lead the last great bastion of freedom in a world that is greatly threatened by atheistic communism. There is now even more of a need for a rededication to our great Republic and to those principles for which it stands. Our individual citizens must know and appreciate the meaning of their country. It is only then that they can offer to the world a true and inspiring image of America.

Mr. Speaker, I would like to call the attention of the Members of the House of Representatives to the city of St. Paul, Minn., where many Americans are presently engaged in commemorating Freedom Week. This is a 4-day program which began last Saturday, April 28, and which will culminate today, May 1, in a tremendous celebration of Law Day, U.S.A. This project is sponsored by such groups as the St. Paul Chamber of Commerce, the Veterans of Foreign Wars, the American Legion, and the Ramsey County Bar Association. Each day is given over to a certain theme. On April 28 the theme was "Freedom of the Press." On April 29 the theme was "Freedom of Religion." Clergymen throughout the area spoke of the sacred freedom we possess; namely, the freedom to worship God. Yesterday, April 30, the theme was "Citizenship Responsibility." Today, May 1, the theme is "Law Day-Loyalty Day."

This is a community project. Commercial establishments are portraying various themes of our heritage by means of exhibits in their windows. Radio, television, and newspapers are carrying editorials pertaining to the different themes. Awards will be given to the best displays and editorials. Even prime television time has been purchased so that as many Americans as possible can share in this great experience.

The program culminates on May 1. An all-day seminar will feature such distinguished Americans as Ramsey Clark, U.S. Assistant Attorney General; Robert Hansen, VFW national commander; Dr. Nicholas Nyaradi, Bradley University; and Dr. Gerhart Niemeyer, Notre Dame University. This evening there will be a parade in downtown St. Paul, followed by a great rally in the St. Paul Auditorium to celebrate Law Day-Loyalty Day. Hollywood personalities such as Mr. George Murphy will participate. The Indianhead Drum and Bugle Corps will perform as will the Minnesota Mining & Manufacturing Co. Chorus. Mr. Ramsey Clark will speak as will Mr. Robert Hansen and Mr. John Jessup, the editorial chief of Life magazine.

The week will come to an end as the whole audience sings "God Bless America." I am sure that each participant in St. Paul will now be more aware of the greatness of his country and of the principles of individual freedom and human dignity which make it great.

I urge all members of the House to carefully assess the merits of this noble exercise of American citizenship. Programs of this kind can and should spread to all parts of our land. Americans do not feel that patriotism is old fashioned. On the contrary, patriotic Americans who love their country would welcome the chance to present to the world an image of America that is true and inspiring. Principles of freedom must be victorious over communism. Dedicated Americans want nothing else except that victory.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. MacGREGOR. I yield to my distinguished colleague from Minnesota, who I know participated in a similar gathering in Minnesota earlier during the Easter season.

Mr. NELSEN. I wish to thank the gentleman for his recognition of these occasions that are currently taking place in Minnesota. I was in Fairmont on Saturday of this past week when the VFW had a loyalty parade. It was a tremendous occasion, with a very large turnout of people from the Fairmont area. On Sunday at Waseca the VFW again staged a loyalty parade. The street was lined with people, and a tremendous parade took place. I think this demonstrates the interest of the American people in the preservation of the freedoms of America and the things we represent here in our great country.

I again thank my colleague from Minnesota for bringing this to the attention of the House. I join with him in the sentiments he has expressed.

Mr. MacGREGOR. I thank the gentleman from Minnesota. I know the people of Fairmont, Minn., and elsewhere in the southern part of our State appreciate the gentleman's participation in that program. In my judgment, that is the type of public programs in which Members of Congress ought to be participating.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. Milliken (at the request of Mr. Dague), for the balance of the week, on account of illness.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. Pucinski, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Cohelan.

Mr. Edmondson and to include extraneous matter.

Mr. Boland and to include extraneous matter in his remarks on H.R. 8031.

Mr. Daniels (at the request of Mr. Albert), notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $202.50 and to include extraneous matter.

(The following Members (at the request of Mr. Nelsen) and to include extraneous matter:)

Mr. Clancy.

Mr. Bray.

Mr. Saylor.

Mr. Berry.

Mr. Schneebeli.

Mr. Van Zandt.

Mr. Hoeven.

(The following Members (at the request of Mr. Albert) and to include extraneous matter:)

Mr. Anfuso.

Mr. Rogers of Florida.

Mrs. Granahan.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 44 minutes p.m.) the

House adjourned until tomorrow, Wednesday, May 2, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1997. A letter from the Secretary of the Air Force, transmitting a report of the Air Force military construction contracts awarded by the Department of the Air Force without formal advertising for the period July 1, 1961, through December 31, 1961, pursuant to Public Law 86–500; to the Committee on Armed Services.

1998. A letter from the Assistant Secretary of the Treasury, transmitting a certified copy of the rules and regulations as submitted for publication in the Federal Register in accordance with subsection 7(a) of the Federal Boating Act of 1958, pursuant to subsection 7(a) of the Federal Boating Act of 1958 (46 U.S.C. 527d); to the Committee on Merchant Marine and Fisheries.

1999. A letter from the Secretary of Agriculture, transmitting a draft of a proposed bill entitled "A bill to facilitate the work of the Forest Service, and for other purposes"; to the Committee on Agriculture.

2000. A letter from the Secretary of Agriculture, transmitting a draft of a proposed bill entitled "A bill to enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests, and for other purposes"; to the Committee on Public Works.

2001. A letter from the Director, Office of Emergency Planning, Executive Office of the President, transmitting the third and final annual report of the Office of Civil and Defense Mobilization, pursuant to Public Law 920, 81st Congress; to the Committee on Armed Services.

2002. A letter from the Secretary, Department of Health, Education, and Welfare, transmitting the report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes for the quarter ending March 31, 1962, pursuant to the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2003. A letter from the Acting Secretary of the Army, transmitting a draft of a proposed bill entitled "A bill to authorize General of the Army Douglas MacArthur to accept and wear the Grand Cordon of the Order of the Rising Sun with Paulownia Flowers which has been tendered him by His Majesty, the Emperor of Japan"; to the Committee on Armed Services.

2004. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting the July 1961–February 1962 report on Department of Defense prime contract awards to small and other business firms, pursuant to the Small Business Act, as amended; to the Committee on Banking and Currency.

2005. A letter from the Assistant Secretary of the Interior, transmitting a copy of the annual report of the Division of Coal-Mine Inspection, Bureau of Mines, for the calendar year January 1 through December 31, 1961, pursuant to the Federal Coal Mine Safety Act; to the Committee on Education and Labor.

2006. A letter from the Secretary of State, transmitting a draft of a proposed bill entitled "A bill to authorize retired Foreign Service officers to accept, with the authorization of the Secretary of State, employment as advisers to foreign governments"; to the Committee on Foreign Affairs.

2007. A letter from the Comptroller General of the United States, transmitting a report on the audit of revenue-producing water resources development projects of the Bureau of Reclamation, Department of the Interior, and the Corps of Engineers (Civil Functions), Department of the Army, in the Central Valley Basin, Calif. for the fiscal year 1960; to the Committee on Government Operations.

2008. A letter from the Chairman, Franklin Delano Roosevelt Memorial Commission, transmitting the sixth interim report of the Franklin Delano Roosevelt Memorial Commission; to the Committee on House Administration.

2009. A letter from the Secretary of State, transmitting a draft of a proposed bill entitled "A bill to amend section 305 of the Communications Act of 1934, as amended"; to the Committee on Interstate and Foreign Commerce.

2010. A letter from the Acting Secretary of Commerce, transmitting a report of the activities relating to providing aviation war risk insurance for the period as of March 31, 1962, pursuant to the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

2011. A letter from the Secretary of State, transmitting the annual report of tort claims paid by the Department of State for the calendar year 1961, pursuant to the Federal Tort Claims Act (28 U.S.C. 2673); to the Committee on the Judiciary.

2012. A letter from the Secretary of State, transmitting a draft of a proposed bill entitled "A bill to provide authority to protect heads of foreign states and other designated officials"; to the Committee on the Judiciary.

2013. A letter from the Acting Secretary of Commerce, transmitting a draft of a proposed bill entitled "A bill to amend section 1208(a) of the Merchant Marine Act, 1936, to authorize investment of the war risk insurance fund in securities of, or guaranteed by, the United States"; to the Committee on Merchant Marine and Fisheries.

2014. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of a proposed bill entitled "To simplify, modernize, and consolidate the laws relating to the employment of civilians in more than one position and the laws concerning the civilian employment of retired members of the uniformed services, and for other purposes"; to the Committee on Post Office and Civil Service.

2015. A communication from the President of the United States transmitting for the information of the House a report on Government contracting for research and development, prepared at his request; to the Committee on Science and Astronautics.

2016. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report to the Committee on Science and Astronautics of the House of Representatives pursuant to section 3 of the act of July 21, 1961 (75 Stat. 216, 217), and submitted to the Speaker of the House of Representatives pursuant to rule XL of the Rules of the House of Representatives; to the Committee on Science and Astronautics.

2017. A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting a report to the Committee on Science and Astronautics of the House of Representatives pursuant to section 1(d) of the act of July 21, 1961 (75 Stat. 216), and submitted to the Speaker of the House of Representatives pursuant to rule XL of the Rules of the House of Representatives; to the Committee on Science and Astronautics.

2018. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of Jan Peter Wittenber, A8538601, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

2019. A letter from the Comptroller General of the United States, transmitting a report on the audit of hydroelectric power and related activities of the Corps of Engineers (Civil Functions), Department of the Army, and the Bureau of Reclamation, Department of the Interior, in the Missouri River Basin project for the fiscal years 1959 and 1960; to the Committee on Government Operations.

2020. A letter from the Secretary of Commerce, transmitting drafts of two proposed bills entitled (1) "A bill to provide for strengthening and improving the national transportation system, and for other purposes," and (2) "A bill to exempt certain carriers from minimum rate regulation in the transportation of bulk commodities, agricultural and fishery products, and passengers, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1640. Report on the disposition of certain papers of sundry executives departments. Ordered to be printed.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 622. Resolution for consideration of H.R. 11040, a bill to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes; without amendment (Rept. No. 1641). Referred to the House Calendar.

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. S. 2008. An act to amend the act of September 16, 1959 (73 Stat. 561, 43 U.S.C. 615a), relating to the construction, operation, and maintenance of the Spokane Valley project; with amendment (Rept. No. 1642). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. H.R. 529. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Mann Creek Federal reclamation project, Idaho, and for other purposes; with amendment (Rept. No. 1643). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MacGREGOR: Committee on the Judiciary. S. 160. An act for the relief of Thomas O. Tate, Jr.; without amendment (Rept. No. 1644). Referred to the Committee of the Whole House.

Mr. PETERSON: Committee on the Judiciary. S. 1684. An act for the relief of Merle K. Loessin; without amendment (Rept. No. 1645). Referred to the Committee of the Whole House.

Mr. MacGREGOR: Committee on the Judiciary. H.R. 11122. A bill for the relief of Edward J. McManus; with amendment (Rept. No. 1646). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY:

H.R. 11506. A bill to amend the Civil Service Retirement Act to provide for the adjustment of inequities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BERRY:

H.R. 11507. A bill to amend the Communications Act of 1934, with respect to the hours of operation of certain broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. COHELAN:

H.R. 11508. A bill to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. DOMINICK:

H.R. 11509. A bill to promote the general welfare, foreign policy, and security of the United States; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 11510. A bill to amend title 39, United States Code, to permit the mailing of matter with a simplified form of address on city and village delivery routes, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HOLIFIELD:

H.R. 11511. A bill to authorize the Administrator of the Housing and Home Finance Agency to assist States, counties, cities, political subdivisions of States, and public corporations established under State law in providing improved mass transportation services in those metropolitan areas which have planned and developed a mass transportation system; to the Committee on Banking and Currency.

By Mr. ROBISON:

H.R. 11512. A bill to amend section 114 of the Federal-Aid Highway Act of 1956 to state the policy of Congress with respect to reimbursement for certain highways on the Interstate System; to the Committee on Public Works.

By Mr. ROGERS of Texas:

H.R. 11513. A bill to amend section 408 of the Sugar Act of 1948, as amended; to the Committee on Agriculture.

By Mr. SHEPPARD:

H.R. 11514. A bill to authorize the Administrator of the Housing and Home Finance Agency to assist States, counties, cities, political subdivisions of States, and public corporations established under State law in providing mass transportation services in those metropolitan areas which have planned and developed a mass transportation system; to the Committee on Banking and Currency.

By Mr. SMITH of Virginia (by request):

H.R. 11515. A bill to promote safe driving, to eliminate the reckless and financially irresponsible driver from the highways, to provide for the indemnification of certain persons suffering injury or loss as a result of the operation of motor vehicles by uninsured motorists, and for other purposes; to the Committee on the District of Columbia.

H.R. 11516. A bill to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, and for other purposes; to the Committee on the District of Columbia.

By Mr. ZELENKO:

H.R. 11517. A bill to prohibit discrimination on account of sex in the payment of wages by employers engaged in commerce or in the production of goods for commerce and to provide for the restitution of wages lost by employees by reason of any such discrimination; to the Committee on Education and Labor.

H.R. 11518. A bill to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas, and for other purposes; to the Committee on Banking and Currency.

H.R. 11519. A bill to repeal section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. BECKER:

H.R. 11520. A bill to amend title 10 of the United States Code to authorize the retention in an active status until age 60 of officers of the Army National Guard of the United States and of the Air National Guard of the United States who hold a Reserve grade above the grade of major and who are employed by the National Guard under the provisions of section 709 of title 32, United States Code; to the Committee on Armed Services.

By Mr. CONTE:

H.R. 11521. A bill to amend the Internal Revenue Code of 1954 to tax cigars having manufactured wrappers at rates no lower than those applicable to cigarettes; to the Committee on Ways and Means.

H.R. 11522. A bill to amend the Internal Revenue Code of 1954 to allow an individual a deduction from gross income for expenses incurred by him for his education or the education of his spouse or any of his dependents; to the Committee on Ways and Means.

By Mr. CORBETT:

H.R. 11523. A bill to authorize the employment without compensation from the Government of readers for blind Government employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CORMAN:

H.R. 11524. A bill to extend and strengthen the Federal air pollution control program; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.R. 11525. A bill to adjust the apportionment to States of moneys available under the Federal Aid and Wildlife Restoration Act to adjust the distribution of receipts from national wildlife refuges and other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. DWYER:

H.R. 11526. A bill to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. FARBSTEIN:

H.R. 11527. A bill to amend the Internal Revenue Code of 1954 to provide an exclusion from gross income for the first $1,500 of salary earned by a teacher in any year; to the Committee on Ways and Means.

By Mr. HAGEN of California:

H.R. 11528. A bill to require the establishment of an appeals procedure in matters related to the sale of timber from national forests, and for other purposes; to the Committee on Agriculture.

H.R. 11529. A bill to establish a Foreign Service Officers' Training Corps; to the Committee on Foreign Affairs.

H.R. 11530. A bill to provide for an appropriation of a sum not to exceed $75,000 with which to make a survey of a proposed "Sierra Way" in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 11531. A bill to promote the general welfare, foreign policy, and security of the United States; to the Committee on Ways and Means.

By Mr. McDONOUGH:

H.R. 11532. A bill to authorize the Administrator of the Housing and Home Finance Agency to assist States, counties, cities, political subdivisions of States, and public corporations established under State law in providing mass transportation services in those metropolitan areas which have planned and developed a mass transportation system; to the Committee on Banking and Currency.

By Mr. McMILLAN:

H.R. 11533. A bill to amend section 503 of title 38, United States Code, to provide an exclusion from income thereunder for Civil Service Retirement Act annuities paid to retired Federal employees; to the Committee on Veterans' Affairs.

By Mr. MATHIAS:

H.R. 11534. A bill to amend title 2 of the United States Code so as to make provision with respect to the establishment, in the House of Representatives, of the office of Delegate from the District of Columbia; to provide for the election of such Delegate, and for other purposes; to the Committee on the District of Columbia.

By Mr. NYGAARD:

H.R. 11535. A bill to amend the act authorizing participation of States in revenue from certain wildlife refuges in order to increase the amount of such participation; to the Committee on Merchant Marine and Fisheries.

By Mr. PUCINSKI:

H.R. 11536. A bill to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas, and for other purposes; to the Committee on Banking and Currency.

H.R. 11537. A bill to amend section 302(c) of the Labor Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances; to the Committee on Education and Labor.

By Mr. RHODES of Pennsylvania:

H.R. 11538. A bill to repeal section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN of New York:

H.R. 11539. A bill to amend section 625 of the Public Health Service Act to require that hospitals assisted under the Hill-Burton program shall not discriminate on the basis of race, creed, or color in the selection of their staff or employees; to the Committee on Interstate and Foreign Commerce.

By Mr. SILER:

H.R. 11540. A bill to amend the Civil Service Retirement Act so as to provide for retirement on full annuity at age 55 after 30 years of service; to the Committee on Post Office and Civil Service.

By Mr. WILLIAMS:

H.R. 11541. A bill to repeal section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. HAGEN of California:

H.J. Res. 703. Joint resolution providing for the establishment of a joint committee of the two Houses of the Congress to study all matters relating to national strategy; to the Committee on Rules.

By Mr. McMILLAN:

H.J. Res. 704. Joint resolution to amend the Constitution of the United States to provide the right of States to establish their own election districts; to the Committee on the Judiciary.

By Mr. MILLS:

H.J. Res. 705. Joint resolution to give effect to the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character, approved at Beirut in 1948; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States relative to jurisdiction over Naval Petroleum Reserve No. 4; to the Committee on Armed Services.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to aid to students of foreign countries attending colleges and universities in the United States; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to Federal aid for State Highway Route 115; to the Committee on Public Works.

Also, memorial of the Legislature of the State of New Jersey, memorializing the President and the Congress of the United States to consider resolutions concerned with long-term lasting protection to the several States on the Atlantic coastline against natural storm disaster and its preservation and conservation; to the Committee on Appropriations.

Also, memorial of the Legislature of the State of Rhode Island, memorializing the President and the Congress of the United States relative to the repayment provisions of the Temporary Unemployment Compensation Act of 1958; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANFUSO:

H.R. 11542. A bill for the relief of Melecia Garvillas Trinidad; to the Committee on the Judiciary.

By Mr. ASPINALL:

H.R. 11543. A bill to authorize the Secretary of the Interior to grant an easement to Suitland Lodge No. 1856, Loyal Order of Moose, across a portion of the right-of-way adjacent to the Suitland Parkway in Prince Georges County, Md.; to the Committee on Interior and Insular Affairs.

By Mr. BOGGS:

H.R. 11544. A bill for the relief of Dr. Louis van den Berghe; to the Committee on the Judiciary.

By Mr. BURKE of Kentucky:

H.R. 11545. A bill for the relief of Sabri Mehmet Akural; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 11546. A bill for the relief of Ioannis Bakalis; to the Committee on the Judiciary.

By Mr. CORMAN (by request):

H.R. 11547. A bill for the relief of Irene Regine Calef; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 11548. A bill for the relief of the estate of Bart Briscoe Edgar, deceased; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 11549. A bill for the relief of Siao-Sieu Mao Wu; to the Committee on the Judiciary.

By Mr. JOHANSEN:

H.R. 11550. A bill for the relief of Luisa Stocco; to the Committee on the Judiciary.

By Mr. LANKFORD:

H.R. 11551. A bill to authorize the Secretary of the Interior to convey certain lands in the State of Maryland to the Holy Cross Lutheran Church, Greenbelt, Md., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PELLY:

H.R. 11552. A bill for the relief of Henry E. Keiser; to the Committee on the Judiciary.

By Mr. RYAN of New York:

H.R. 11553. A bill for the relief of Mrs. Denise Jeanne Escobar (nee Arnoux); to the Committee on the Judiciary.

By Mr. TAYLOR:

H.R. 11554. A bill to authorize the Secretary of Agriculture to convey certain lands in Clay County, N.C., to Henry Mosteller and Elizabeth Mosteller, his wife; to the Committee on Agriculture.

By Mr. WILSON of California:

H.R. 11555. A bill for the relief of Oris S. Rollins; to the Committee on the Judiciary.

By Mr. YOUNGER:

H.R. 11556. A bill for the relief of Carolina Granucci; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

318. By the SPEAKER: Petition of John Buchanan, secretary, Fulton County, N.Y., Farm Bureau, petitioning consideration of their resolution with reference to deploring the arbitrary and unnecessary administrative action of the Milk Market Administrator of New York City in dealing with Jesse R. Stalker, farmer and dairyman, in the conduct of his business; to the Committee on Agriculture.

319. Also, petition of Leo M. Lyons, executive director, American Protestant Hospital Association, Chicago, Ill., petitioning consideration of their resolution with reference to recommending direct scholarship support of the individual student nurse in financing nursing education programs; to the Committee on Interstate and Foreign Commerce.

320. Also, petition of Dorothy H. McGee, member, Nassau County Historical Society Locust Valley, N.Y., relative to supporting legislation to establish Alexander Hamilton's home, The Grange, in New York City, as a national memorial; to the Committee on Interior and Insular Affairs.

321. Also, petition of Marion Keesling, county clerk, county of Trinity, Calif., relative to opposing legislation subjecting income from State and local bonds to a Federal tax; to the Committee on the Judiciary.

322. Also, petition of Chase Runyon, secretary, New Jersey State Association of Chiefs of Police, Springfield, N.J., petitioning consideration of their resolution with reference to statements made by the Attorney General and his staff charging, by implication, the police with brutality and third-degree methods of interrogation, and defending the performance of American policemen in carrying out their duties without fear or favor and irrespective of one's status or station in life; to the Committee on the Judiciary.

323. Also, petition of Margaret M. Reilly, city clerk, La Mesa, Calif., relative to opposing the imposition of Federal taxation upon the income from State and local bonds; to the Committee on the Judiciary.

324. Also, petition of Charles C. Parker, mayor, Redlands, Calif., relative to opposing Federal income taxation of the interest derived from public bonds; to the Committee on the Judiciary.

325. Also, petition of I. Irving Goldman, city administrator, Gonzales, Calif., relative to opposing Federal income taxation of the interest derived from public bonds; to the Committee on the Judiciary.

326. Also, petition of A. F. Levy, Los Angeles, Calif., petitioning consideration of his resolution with reference to a redress of grievance regarding the status of California as a State; to the Committee on the Judiciary.

327. Also, petition of Harry Bortin, executive director, Roosevelt Medal Associates and Senior Citizens, Burlingame, Calif., petitioning consideration of their resolution with reference to the enactment of legislation extending the benefits of the Panama Canal Construction Service Annuity Act to certain additional civilian officers and employees as provided in H.R. 6088; to the Committee on Merchant Marine and Fisheries.

328. Also, petition of Leo M. Lyons, executive secretary, American Protestant Hospital Association, Chicago, Ill., relative to discussing legislative proposals for hospital care for the aged; to the Committee on Ways and Means.

329. Also, petition of Thelma M. Wright, secretary, Santa Clara-Alameda-San Benito Water Authority, San Jose, Calif., petitioning consideration of their resolution with reference to opposing the imposition of Federal taxation upon the income from State and local bonds; to the Committee on Ways and Means.

330. Also, petition of Paul W. Salfen, city manager, Los Altos Hills, Calif., relative to opposing taxation of public bonds interest; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

Results of a Questionnaire

EXTENSION OF REMARKS
OF
HON. HERMAN T. SCHNEEBELI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 1, 1962

Mr. SCHNEEBELI. Mr. Speaker, the Members of Congress, I feel sure, will be interested in the results of a questionnaire survey recently compiled from opinions expressed by voters in the 17th Congressional District of Pennsylvania.

The following press release which accompanied the tabulation results is self-explanatory:

Congressman HERMAN T. SCHNEEBELI mailed 185,000 questionnaires to the 17th Congressional District voters and the first 10,000 questionnaires have been tabulated and the results are being sent for your information. The attached pages contain a list of the questions asked, with the responses listed in percentages rounded to the nearest whole number.

Over 20,000 replies have been received to date, and more are arriving daily. This has been a gratifying evidence of voter interest in current national affairs. Every section of the 10-county 17th District is represented in the tabulation, and the results represent a good cross section of opinion within the district.

A year ago, the subject of taxes represented the greatest area of indecision in voters' minds, but this year they have pronounced opinions on the subject. The previously expressed preference for the social

security approach to medical care for the aged has undergone a significant change. Diminishing support for the social security method and an increase in favor of the Kerr-Mills approach is substantial, but there is a greatly increased amount of indecision regarding this problem.

Other interesting aspects of the tabulation reveal a 2-to-1 opposition to the United States purchase of one-half of the U.N. bond issue. Approval of United States cooperation with the European Common Market is indicated by 4-to-1 margin.

The voters approved the President's method of handling foreign affairs by 4 to 3, but expressed dissatisfaction with his handling of domestic issues in the same ratio.

Retention of responsibility for primary and secondary education at the State and local level was endorsed on a 5-to-1 basis.

Better than 4 out of 5 persons believed the budget of $92.5 billion could not be balanced, while more than 9 out of 10 stated that the urban transportation problem should not be the financial responsibility of the Federal Government.

Recommended sources of increased revenue were a tightening of business expense and entertainment allowance by 8 out of 9 who replied; and a revision of the taxing schedules for "co-ops" and savings and loan associations by a 7-to-1 margin.

Pronounced opposition to the administration's proposed farm program was evidenced by the 13-to-1 result on this question.

Resumption of nuclear testing was favored heavily, while a Government program of fallout shelter construction was opposed by 9 out of 10 people.

The thousands of written comments and letters received covered a wide range of subjects and showed considerable interest and deep concern for the problems of Government at the Federal level. These generous expressions of opinion will serve as a valuable aid in considering legislative problems as they are presented for congressional action.

	Percent		
	Yes	No	Undecided
Foreign affairs:			
1. **Are you in favor of the United States buying ½ of the $200,000,000 U.N. bond issue?**	27	57	16
2. **Would you approve of the U.S. cooperation with the European Common Market in order to protect, and possibly expand, our $20,000,000,000 export market with a related increase in our imports?**	68	17	15
3. **Do you favor continuance of our foreign assistance program at its present $4,000,000,000 annual rate?**	24	58	18
4. **Are you generally favorable to the manner in which President Kennedy's administration is handling our foreign affairs?**	41	34	25
5. **Are you in favor of giving the President broad powers to make across-the-border tariff cuts on the basis of reciprocity?**	27	60	13
Social:			
1. Do you approve the creation of a Department of Urban Affairs at the Cabinet level to handle housing and other predominantly city problems?	20	69	11
2. Which concept of medical care for the aged do you prefer:			
(a) **Compulsory care financed by increased social security taxes?**	22	43	35
(b) Expansion of the present voluntary Federal-State program administered by the State (Kerr-Mills)?	37	21	42
(c) **The recently proposed Blue Cross plan whereby full financial responsibility for persons below a certain income level is assumed by the** Federal Government?	23	35	42
Education:			
1. **Should the Federal Government provide more aid for worthy students in higher education?**	47	37	16
2. Would you prefer indirect aid to college and university students by means of an income tax credit based on tuition costs?	44	34	22
3. **Should full financial responsibility for primary and secondary education be retained by the State and local authorities?**	75	15	10
Fiscal:			
1. Do you believe the proposed budget of $92,500,000,000 can be balanced as scheduled?	13	62	25
2. **Should a solution to the urban transportation problem** be the financial responsibility of the Federal Government?	8	78	14
Taxes:			
1. Do you agree with the following administration proposals to raise additional Federal revenue:			
(a) 20 percent withholding on dividends and interest?	22	64	14
(b) **Repeal present dividend exemption of $50 and 4 percent?**	20	54	26
(c) **Tightening business expense and entertainment allowances?**	79	10	11
(d) **Tax co-ops on same basis as commercial companies in the same business?**	71	12	17
(e) Tax savings and loan associations on a basis **more comparable to that now paid by commercial banks?**	72	12	16
2. Should the President be given authority to reduce **taxes as an adjustment to prevailing economic conditions?**	38	49	13
Agriculture:			
1. **Do you favor the proposed administration** farm program of further restrictions, increased price supports and **decreased acreage?**	6	78	16
2. Do you believe it would be beneficial to—			
(a) Maintain present crop quotas?	13	37	50
(b) Remove all crop quotas?	50	15	35
(c) Increase quotas?	7	35	58
(d) Reduce quotas?	14	28	58
Defense:			
1. **Should the United States gradually resume all types of nuclear testing?**	63	17	20
2. **Should the Federal Government embark upon a large scale, multibillion-dollar program of fallout shelter construction?**	9	78	13
3. Should we commit ourselves to a program of putting a man on the moon at an estimated cost of $40,000,000,000 to $50,000,000,000?	28	53	19
General:			
1. **Would you recommend that organized labor** voluntarily restrain from seeking wage increases in excess **of our** annual economic growth rate?	88	7	5
2. Do you favor a Federal program of retraining **for unemployed persons whose skills are no longer** required in their area?	56	32	12
3. Has the President's handling of domestic matters met with your approval?	31	42	27

Questionnaire Being Sent to Residents of the Seventh District of Indiana

EXTENSION OF REMARKS

OF

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

Mr. BRAY. Mr. Speaker, many thousands of Seventh District residents soon will receive a questionnaire asking their opinions about current national issues.

The questions I have posed deal with such international problem areas as Vietnam, Berlin, and Communist China. I am also asking voters' opinions about the national debt, tariff legislation, medical care for the aged, and aid to education.

The range of subjects covered is quite wide, although no list of questions could cover all the areas of national interest. Many people write me that it is difficult to answer these questions with a simple yes or no and I sympathize with their feeling because many complex questions must be decided in the House by a yea or nay vote. I have tried to phrase the questions objectively so as not to influence the responses in any manner.

I have found the results of such opinion polls very helpful in the past, and they also stimulate thinking and discussion among citizens about their Government. As in the past, I will place a summary of the results in the CONGRESSIONAL RECORD.

The questions follow:

DO YOU FAVOR—

1. The King-Anderson bill for medical care for elderly people financed through social security taxes?

2. Purchase by the United States of $100 million worth of U.N. bonds?

3. Giving the President authority to eliminate tariffs through agreements with other nations?

4. Federal aid for the operation of public elementary and secondary schools?

5. U.S. recognition of Communist China?

6. Use of force, if necessary, to maintain our position in West Berlin?

7. Increasing the national debt limit beyond the present $300 billion?

8. A reduction in the $4.8 billion President Kennedy has asked for foreign aid?

9. The use of U.S. troops to stop aggression in Vietnam?

10. The Freeman farm program of strict production controls?

Are you engaged in farming?

Farm Costs Hit Another Alltime High

EXTENSION OF REMARKS

OF

HON. CHARLES B. HOEVEN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

Mr. HOEVEN. Mr. Speaker, the latest issue of Agricultural Prices released yesterday by the U.S. Department of

Agriculture shows that the parity index reached another alltime high last month. The parity index is the statistical measuring device used to reflect farmer's living and production costs, including taxes, farm wages, and interest paid. By hitting this new alltime high, the parity index caused the parity ratio to drop 1 point to 79. The parity ratio is the relative comparison of costs paid and prices received by farmers.

As the House will recall, in calendar year 1961, this parity ratio hit the lowest level in 22 years when it averaged only 79. I pointed out to Secretary Freeman when he appeared before the Committee on Agriculture the fact that during the first year on the New Frontier the parity ratio was the lowest since 1939. The Secretary replied that his program of flexible price supports and strict controls was designed to move toward "parity of income."

How can farmers ever move forward to "parity of income" which would exist only in a rarefied economic atmosphere where the parity ratio was close to 200 when the ratio now is only 79 and farm costs are continuing to rise.

And what is one chief contributor of rising costs and inflation? Unbalanced Federal budgets, of course.

So with the prospects of $124 billion unbalanced budgets by the Kennedy administration, farmers will find little hope in the prospect of declining farm costs. Only with the establishment of responsible fiscal policies by the Federal Government will farmers, as well as all citizens, be able to bank the inflationary fires.

If the administration really wants to improve farm income, one of the best plans to start is in the management of the fiscal affairs of the Nation.

Americanization Day Celebration

EXTENSION OF REMARKS

OF

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

Mr. DANIELS. Mr. Speaker, on the occasion of the 31st Americanization Day celebration sponsored by Capt. C. E. Fisk Post No. 132, Veterans of Foreign Wars of the United States, in cooperation with the city of Jersey City, held at Pershing Field, Jersey City, on Sunday afternoon, April 29, 1962, I was pleased to participate and to deliver the following address.

I also request permission to include speeches made by the following distinguished participants in the Americanization Day celebration: Hon. Thomas Gangemi, mayor of Jersey City, N.J.; John Bashara, national commander, Veterans of World War I of the United States of America; Col. Arthur A. Gottlieb, commander, 2d U.S. Army Corps, Camp Kilmer, N.J.; Charles E. Kinney, national chief of staff, VFW.

The speeches follow:

Address of Congressman Dominick V. Daniels

I am proud to have the privilege of speaking to you briefly on this occasion of the 31st annual Americanization Day parade.

Throughout our history, veterans of our wars have constituted an alert, informed, and patriotic part of our population. They have organized themselves into groups such as the American Legion, AMVETS, Disabled Vets, Catholic War Vets, Veterans of Foreign Wars, and others and have become an integral part of our national life. Certainly, if there is one characteristic that their members have all shared, it is devotion to their country. In their service on active duty and in their patriotic civilian activities they have indeed asked what they could do for their country and they have gone ahead and have done it.

While the United States of America is a comparatively young Nation and its experience with wars has been rather limited as compared with those of other countries, yet, nevertheless, the American people fully understand and appreciate the real meaning and dreadfulness of war. We possess an insatiable desire for peace. However, while we seek peace, it must be sought without the sacrifice of our freedom or of those principles of justice without which civilization must fail. Such a sacrifice of freedom and justice would constitute a greater calamity than war.

I wish to compliment the VFW on its position on national security declared a few years ago when it advocated that the United States must maintain and possess the world's most powerful Army, Navy, Air Force, Marine Corps, and merchant marine together with a strong National Guard and Reserve program, a strong civil defense program, an aggressive space and missile program, traditional opposition to all forms of communism, both domestic and foreign, and to any proposal which would diminish the sovereignty of the United States.

These are goals and statements of principles in the great tradition of devotion to country. Advocacy of strength in our military forces is perfectly compatible with the strongest desire for peace. We know that our enemies will not be deterred by mere protestations of peaceful intentions; we must have the forces in being that can repel attack.

We must never weaken our attention to the danger of Communist activity in our midst. The Communists operate in secret to infiltrate, undermine, and destroy the principles and institutions which we hold so dear—our country, religion, family, and freedom. We must ever be vigilant to wipe out this serious menace. Therefore, I desire to compliment the Capt. E. Fisk Post No. 132 of the VFW for its action in combating the evils of communism by the sponsorship of this annual patriotic program.

Therefore, let us resolve on this occasion that we shall remain forever dedicated to our country and that we shall always be ready to defend her from all her enemies, and that we may continue to live in freedom, with justice and liberty for all.

Address of Hon. Thomas Gangemi, Mayor of Jersey City

Mr. Chairman, reverend clergy, distinguished guests, ladies and gentlemen, as the mayor of Jersey City, I welcome you to our 31st Annual Americanization Day celebration.

Today, we in Jersey City take time out to demonstrate to the world our love for our country and our determination to remain free.

The threat of international communism is ever present. As Americans, we must remain united behind our great President, John F. Kennedy, in his courageous battle against the evils of oppression.

We face trying days ahead. The unrest in Berlin, the creeping advancement of communism throughout Asia and the fighting in Africa are serious threats to world peace.

As the leading Nation in the free world, we Americans are charged with the responsibility of protecting the freedom of the little nations and the underprivileged people of the world.

By demonstrations such as we have witnessed here today, we Americans put the leaders in the Kremlin on notice that we will not tolerate any threats against our inherited freedoms. We will not stand idly by and watch other freedom-loving peoples trampled upon.

This country was founded upon the principles of equality and freedom for all. Over the years Americans have died in battles in every corner of the earth to protect those freedoms. We will fight again and again and again to save our precious heritage.

Thirty-one years ago, a group of nine men who were members of the Capt. Clinton E. Fisk Post No. 132, of the Veterans of Foreign Wars, thought something should be done in Jersey City for an Americanization Day celebration. Today we have seen the biggest parade ever held in Jersey City. Three of the original nine men still serve on the parade committee.

The city is proud to cooperate with the Capt. Clinton E. Fisk Post in sponsoring this great celebration. We hope that next year, it will grow even bigger.

I wish to congratulate General Chairman Sam Bardarch and his very fine committee for the wonderful job they have done. On behalf of the citizens of Jersey City, I want to thank all the bands, drill teams, and other participants in this great parade.

I am confident all who have witnessed it have been inspired by their patriotic demonstrations.

I am sure we have all experienced that deep down feeling inside of us today. I know I speak for all of you when I say I am proud to be an American.

Thank you and God bless you.

Address of John Bashara, National Commander, Veterans of World War I of the United States of America

Mr. Chairman, distinguished guests and fellow Americans, I bring to you today the greetings of the Veterans of World War I of the United States of America, Inc., which I have the honor to represent.

It is a real privilege to participate in a program of such unparalleled importance to our country. I want to commend the Veterans of Foreign Wars for the inauguration and sponsoring of Loyalty Day.

On this occasion we are here to pay tribute to a great institution, our own American Republic. We are here also to take direct issue with the challenge of communism which looms as a threat to the democratic principles which have made this Nation great.

What are these principles? Among them are justice, humanity and equality, freedom of speech, freedom of worship, freedom of ballot and of individual conviction.

To counteract the threat of subversion which unfortunately appears to be always with us, we must continue to advise the American people as to the nature of this anti-American influence which seeks to undermine our established way of life.

We must reexamine the history of America which will serve to strengthen our faith in the destiny of our Nation. We must help the youth of this Nation to understand the heritage which is theirs and which in later years will be theirs to defend and preserve.

Let us alert them to the fact that the privileges and rights they enjoy today cannot be taken for granted.

As faithful and loyal citizens, we must be always ready to defend those rights and traditions which are so strongly embodied in our national life.

As a graphic illustration of just how insidious Communist influence can undermine a country, we have only to look at the island of Cuba, just 90 miles off our shores. In a short space of less than 3 years, this little Republic has been taken over lock, stock, and barrel by the Communists. You have only to read the daily newspapers to get a true picture of the suffering and privation now being undergone by the Cuban people as a result of this infiltration.

Once again, may I express my sincere appreciation for the opportunity to participate in this splendid program.

Address of Col. Arthur A. Gottlieb, Commander 2d U.S. Army Corps, Camp Kilmer, N.J.

I am grateful to the members of the Capt. E. Fisk Post No. 132 of the Veterans of Foreign Wars for the opportunity to be here with you today and to participate in the celebration of the 31st Annual Americanization Day.

There is a song from a Broadway show that is currently being heard frequently on the radio and I like to think that its popularity is due in no small degree to the sentiment expressed in the lyrics, as well as to the catchiness of the tune. It is called "What a Country" and, as you might guess from the title, it brags about what a wonderful place this United States of ours really is. Actually, none of us need a song to remind us of what a wonderful country we live in, but, just as a woman wants to be told that she is loved and is beautiful, so does a country enjoy having the reaffirmation of the faith and loyalty of her citizens. This is especially true at a time of international tension, when the propaganda of those who are opposed to our way of life is being broadcast around the world. So don't be backward about singing it, or saying it, or writing it, "What a wonderful country, this United States of ours."

The song I mentioned comes from a musical show whose plot is pleasant and entertaining, but not very probable. We, on the other hand, are faced with the stark realism of a threat to what we proudly describe as our "American way of life." We need, therefore, more than a mere expression of faith and loyalty to combat this challenge. Both collectively as a Nation, and individually as private citizens, we need the moral strength and the willpower which will insure the willingness to sacrifice comfort, personal possessions and, if necessary, our lives, in the protection of our Nation and of its institutions.

We must be able to absorb setbacks, which, as mature human beings we must expect will occur, without despairing, just as we must evaluate all gains realistically in terms of ultimate success. This moral strength and power of will cannot be counted like the weapons in a stockpile or our industrial output, or our gross national income, but in the terms of national power, they are forces that are no less apparent and decisive in determining the ultimate fate of our Nation.

I have heard it said, particularly by young men faced with a tour of military service, "What good can I do with that little rifle, when we are faced with the big blast of atomic weapons?" You don't have to search very far to get your answer to that question. Look at the fabulous advances made by science in the construction of rockets and space vehicles. Yet, to date, what was the most noteworthy achievement? When we put a man into orbit. Just as this man was able to guide this fantastically complicated piece of machinery in its flights around the world, and just as he was able to provide the intelligence necessary to explain objectively what he saw and what he felt, so will the individual always be the ultimate factor, regardless of the advances that science makes in pushbutton operations of sputniks or H-bombs. Therefore, on this Americanization Day it appears fitting and proper that each one of us reappraise himself in the light of his considerable importance, as a thinking, reasoning American, vital to the future of our country, rather than as one little meaningless drop of water in a tremendous, powerful ocean. I submit, therefore, that just as each of us is grateful to be a citizen of such a fabulous country, so is the country grateful to have such wonderful citizens.

We cannot, however, be smug and complacent, just because we live in the richest and most powerful country on earth. The United States has accepted the responsibilities of world leadership, and as citizens, we must each accept our share of the burden. If sometimes those who we are attempting to sustain and support appear to be ungrateful, and even antagonistic, remember this is not an unusual reaction. We get this reaction often in our own homes from our own children; yet, in the long run, when the chips are down and each member of our international family is grown to maturity and contributing his share to the mutual welfare of the community, we can look back on our trials and tribulations with a feeling of pride that we shared in the hardships and hence, have every right to enjoy the fruits of the good times. In this respect, we can take a page from the book of our hosts, the Veterans of Foreign Wars. These are men who really know and appreciate our way of life. They have seen with their own eyes other unhappier ways and they have been willing to sacrifice life itself for the preservation of our ideals. With this type of example for the rest of the country to follow, I am confident that our future is in good hands and that you, the American public, will go any distance, along any road that leads to the just and lasting peace that signifies the attainment of our national goal.

Address of Charles E. Kinney, National Chief of Staff, Veterans of Foreign Wars

Today here in Jersey City we bring Veterans of Foreign Wars Loyalty Week to a rousing beginning in the State of New Jersey. Starting with this tremendous parade today; continuing with celebrations every day and night in the week to come in towns and cities throughout the length and breadth of our great State and climaxing with another spectacular parade in Asbury Park next Sunday. This is a ringing answer to those who advocate the evils of communism and other "isms" alien to our American system of government.

No other patriotic holiday recognized by the people of the United States of America is more important than Veterans of Foreign Wars Loyalty Day or as it is called here Americanization Day. It is the one day set aside for the exclusive purpose of letting the world know that we Americans vigorously reject the evils of communism in particular and all other subversive attacks on the American system of government in general.

Because the Veterans of Foreign Wars founded Loyalty Day we are annually confronted with the challenge of promoting widespread observance of this important day. We can take just pride in the constant growth of the Loyalty Day project and the increasing number of communities that are supporting this movement. Once again the Capt. Clinton E. Fisk Post 132, District 3, Jersey City, and Hudson County have demonstrated their leadership in commemorating Loyalty Day for this is truly the birthplace of this celebration which is now nationwide.

It is true that the origin of Americanization Day and VFW Loyalty Day was inspired by our resentment against Communist Party demonstrations on May 1 of each year in the United States. The fact that the Reds have been forced to abandon these traditional celebrations by our competition for public attention is significant. In this direction we can take much pride in the fact that our mission was accomplished.

We must make absolutely certain that there will never be a revival of these Communist May Day demonstrations in the United States of America. We must strive to dry up the reservoir of potential recruits to communism in the future.

The priceless ingredient which has made our Nation grow from a weak colony of 3 million souls on the Atlantic coast to a great power of 186 million people and the most productive Nation the world has ever seen, has been our constitutional form of government with its guarantees of religious, personal and economic freedoms.

In this atmosphere Americans of each generation have sought to leave to their children a better land than they themselves found. Not just better in a material way but in the educational and cultural developments that make for a better family and community life.

There was a time when our way of life in America was simpler and easier, when human values seemed to be more nearly black and white, when the currents of national pride ran more strongly than they do now. In those days, the Fourth of July orators called America the land of opportunity and the greatest country on the earth and we believed them. In our schools and churches and our homes we were taught pride in country and on holidays the bands played and the flags waved. It never occurred to anyone that all this was unsophisticated or corny.

The same spirit of pride and belief in our destiny pervaded the Nation as a whole during the early years of this century. It was an atmosphere, a state of mind, which gave meaning to life, put some purpose into toil and struggle and fired the soul of many a young man with a consuming desire to be somebody.

Now America is no longer an insular country. In a brief half century we have had to grow up and take our place among the nations of the world and it has been a painful and often a confusing experience. We have made some mistakes and have learned that we have some national faults. We have become indisputably the leaders of the Western World and we have found that such leadership involves some awesome responsibilities. We have also learned that a leader is always the target for criticism of all kinds, much of it captious and unreasonable.

The heads of so-called neutralist nations come to our shores and lecture us on our faults at the same time putting their hands out, palms upturned, asking for financial assistance. The press of many so-called friendly countries carries on a constant drumfire of criticism of America and its actions—and even sometimes of its motives. We are told by people who don't really know us, who don't know what America is like, that we are all materialists with but little desire or capacity for the finer things of life; that we are psychopathic about the threat of world communism; and so on and on down the list of our sins—personal, national and international.

But throughout all of this, in the name of heaven, let us remember that we still have a great deal to be proud of. We Americans have become so sensitive about what the rest of the world thinks about us that we are now inclined to lie down and roll over whenever the finger of criticism is pointed our way. Yet there is no reason to be apologetic about America or for being an American. Other nations have also made their mistakes and it would be difficult for any one of them to match the decent idealism which we have brought to our role in world affairs.

In World War II we did more than any other nation to destroy the evil forces which were determined to dominate the earth. We have continued to pour out our wealth and our manpower in an attempt to shore up freedom and human decency in other parts of the earth. We are now attempting insofar as our resources permit, to assist the undeveloped countries and the emerging nations and we know that the end is not yet in sight. We do these things because we believe that they are right—not for territory nor for trade or for the love of power. We have demonstrated that on the international scene we are an unselfish people and we all know even if it doesn't occur to our critics that the wherewithal for all this comes right out of our burdensome income-tax remittances and that in many families there is hardship because of our national generosity.

I sincerely believe that it is high time that we all start saying a few kind words for Uncle Sam whenever the occasion arises and perhaps even when there is no obvious occasion. Somehow we must revive in the hearts of our young people the deep pride that all Americans must have in their heritage.

The factor which made America an inspiration to the rest of the world grew out of our Declaration of Independence, the Constitution of the United States and the spiritual values which the founders of our Republic recognized and by which they were guided.

We have recognized that there was a higher moral law to which governments were also accountable. We have humbly acknowledged the divine inspiration which made and preserved us as a nation. We have read of and been inspired by the action of George Washington in kneeling in prayer during the dark days of Valley Forge. We in the Veterans of Foreign Wars have used this scene to depict the real significance of Loyalty Day and hundred of thousands of posters depicting the Father of our Country kneeling in prayer, in the snow at Valley Forge, have been distributed by Veterans of Foreign Wars posts throughout our Nation. We know that human freedom is a greater force than tyranny.

This great country of ours is in trouble—deep, serious trouble. We have been in trouble for a long time—I expect that we will be for a long time to come. The threat is detailed and complex. Basically, however, we cannot allow ourselves to be deluded as to the ultimate objective of international communism. That objective is world domination and the United States of America is included in their plans.

Against the external dangers of communism we must maintain strong and adequate defenses—air, sea, and land—at home and abroad as long as the menace continues. Against the internal dangers of communism as demonstrated by subversion, sabotage, and espionage we must be constantly on guard and must support wholeheartedly our bulwarks to detect these menaces—the Federal Bureau of Investigation, the House Un-American Activities Committee, the Senate Internal Security Committee—together with our local law enforcement authorities.

There is also danger of another sort. This does not come from an armed enemy from without nor from a foreign led conspiracy from within. This springs rather from our own people—the danger of apathy.

Apathy on our part or an inclination to let the other fellow assume the responsibility that each citizen has an obligation to undertake, can well lead to a chain of events that would undermine both our governmental and economic systems.

At the beginning of Veterans of Foreign Wars National Loyalty Week on Americanization Day here in Jersey City let us rededicate ourselves to take a more active part in the affairs of our community, our State and our Nation. We should look to the source of our real strength—the family, the schools, the churches, the community and the Government—and seek to strengthen them and to restore them to their proper places of importance.

As an American citizen and a representative of the commander in chief of the Veterans of Foreign Wars of the United States I am grateful for having been chosen to have a part in this great patriotic parade and demonstration. Capt. Clinton E. Fisk Post No. 132, Mayor Thomas Gangemi and the other city fathers of this progressive American city together with all the citizens are to be congratulated for their part in sponsoring this celebration.

I am convinced that we of this generation and our sons and daughters will use the same faith and courage that motivated the men at Philadelphia who, under divine guidance, gave us first our Declaration of Independence and later the Bill of Rights and our Constitution.

On Loyalty Day, 1962, we reiterate our creed, there are none of our great domestic problems which we as a free people cannot solve. There is no foreign foe for which we as a free people need ever fear.

The Race for Space

EXTENSION OF REMARKS

OF

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

Mr. EDMONDSON. Mr. Speaker, I have just read the text of an outstanding address prepared for delivery at a conference of the American Rocket Society by our colleague from Pennsylvania, the Honorable JAMES FULTON.

In his speech, Congressman FULTON has highlighted some very important questions in the area of research and development in the space race. As a ranking member of the Science and Astronautics Committee, I am sure he has spent considerable time researching and studying the questions presented in the speech.

At this time, I would like to include in the RECORD the text of Mr. FULTON's address as a challenging guideline to our space research and development effort.

The address follows:

A HANDFUL OF QUIETNESS

As we earthbound creatures proceed to the exploration of the great universe, we do need to sit down for contemplation and study with a good handful of quietness. The silence of the universe is simply the silence to earthbound ears and atmosphere trained hearing.

A meaningful quote to space enthusiasts and researchers is the verse from the Bible, "Better is a handful of quietness than two handfuls of oil and a striving after wind." (Ecclesiastes 4: 6). My recommendation today is that we sit down and restudy the overall purposes, parameters of our many space projects and programs, and restate the philosophy of the area of reference and background within which these programs are placed. Are we proceeding with our research development and exploration programs with two handfuls of oil and a striving after wind? This is a serious and meaningful challenge.

The adoption by President Kennedy of the manned flights to the moon as a national goal is one example in fitting many lesser programs into an integrated longer range target. But in consideration of the universe and the challenge of space, the moon flight, in terms of space, is simply a journey to a suburban community. Let us face the fact: a journey to a suburban community which takes 60 hours must be looked at as far from efficient and simply too long in time, and the effort with present boosters, present chemical fuels and payload capacity is completely out of proportion for practical purposes for the future.

Let us look at the proposal for the Nova rocket with the innocence of a child on a bright spring morning. We see a tremendous metal rocket as tall as a 30-story building, with the proportions of an elephant's body and the payload as big as a rabbit's head. A well proportioned dinosaur with a daily diet of herbs, foliage and grass would crack a big smile not only because of the ungainly proportions of the Nova rocket, but also because of the low yield chemical fuels and intricate plumbing for its insides. I have described the present day liquid fuel boosters as plumbers' nightmares, but the Nova rocket plans are really plumbers' nightmares in the big economy size. From the proposals already being made by our scientists and research workers, the costs of building and maintaining a string or a stable of Novas will dwarf the size of all other U.S. projects put together. The total U.S. budget of $2 billion annually for public works becomes lost in the budget shuffle and as can be seen, such a space change in the U.S. budget for one purpose alone, regardless of all the other research and development work, throws the U.S. Government's budget completely out of proportion.

I have been one of those people who has been a big booster for space and space programs for a number of years, and agree completely with the concept that the exploration, research and development of the universe is not only the industrial revolution but the opening up of the continents of the world multiplied many times. We have not yet felt the real impact of space and the space programs. My deep concern is that the space programs adopted be well thought out and placed in the proper perspective and philosophy, so that we do not wake up having shot a meaningless and expensive bolt into space, of high mass and velocity, but of bitterly low productivity and practical results.

Already we can see that the flight of 60 hours each way on a moon journey is too long practically and probably hazardous as well. While we are making radiation studies, we must remember that our moon programs are scheduled for the late 1960's when the solar storms and radiation can be expected to be at peak. The 11th year cycle of solar storms and radiation will be at its most stormy peak in the late 1960's, so that a suburban trip, even to the moon, must be looked upon with new parameters.

Looking at the proposals for the advanced Saturn programs and the Nova rocket programs, we might be well advised to remember the warning on September 1, 1901, of Dr. Simon Newcombe, writing in McClures for September 1901: "The first successful flier will be the hard work of watchmaking and will carry nothing heavier than in insect." While we are setting again the space targets ahead in ascending magnitude we should pause to take a survey on the platform where we now stand in space. We in the United States and the free world have a good platform to start into space. I have denied all along that there was a space or missile gap between ourselves and any other countries, and I believe present knowledge now bears out this fact. Back in 1959 and 1960 those of us who steadfastly maintained this point of view were often looked upon as being pedestrian and lacking imagination but sufficient it is to see that some of the statements of the pundits with whom we have argued now are classed in the nature of the ludicrous and cause a slight snicker because of the political overtones that were in evidence at the time.

We must remember that the Mercury manned space flights have been 99 44/100 percent successful so that of the three planned coming Mercury flights, at least one flight will probably be canceled as not necessary. We should not forget that the Thor booster has set a reliable record of 95 percent in 1960 space shots. We have thus come to the time when manned space flight becomes training and navigation and orbiting any satellite becomes highly efficient operational programing.

My recommendations for the new parameters of space are as follows: Plan for booster complexes and speeds of 1 billion pounds thrust and 100,000 miles per hour. For these parameters the present projects and plans are clearly inadequate. Taking the problem of speed, if we extrapolate the increase of speeds from 1909 to 1962, we can see what has been accomplished in the same proportion that I am suggesting. For example, Glenn H. Curtis at the First Bennet International Airplane Race at the first international flying meet at Rheims, France, flew at a speed of 45 7/10 miles per hour, and took the prize. For the X-15 present level of accomplishment, Major Walker, Neil Armstrong, Scott Crossfield, and Maj. Robert White are bringing within realization speeds of 4,200 miles and upward per hour and 250,000 feet altitude—and this is for a plane operating in what we know as the atmosphere. Using this hundredfold increase of speed in planes as the method of calculating speeds to come in space, we find some amazing figures. We find speeds of 100,000 miles per hour only 4 times the present planned escape speed of 25,000 miles per hour, which would shorten the moon trip to 2½ hours each way. But we find by extrapolation that 100 times the 25,000 miles per hour escape speed now planned becomes for the future 2,500,000 miles per hour. Such parameters of speed likewise force us to raise our parameters of distance because we are then planning out of the suburban or moon area as such speeds cannot be used and have burst the bounds of suburban moon travel.

I recommend strongly to the National Aeronautics and Space Administration and the Department of Defense:

Increased emphasis on research and development of high-energy propellants and fuels such as boron and fluorine. This will reduce the size of the boosters and increase the capacity of the payload. I do not believe that hydrogen can be depended upon for extended space missions such as the Apollo program to the moon because of its low boiling point and necessity for high insulation and increases in the demands of weight and room in the space vehicle. Borons and fluorine are space storable and do not require such insulation. Because of their high specific impulse, combination of these high-energy propellants would greatly increase payload.

I strongly recommend an increase of the NASA budget for boron fuels. Boron fuels fall under the Office of Research and Technology. The directorship of that office is now vacant, with only an acting director, Thomas F. Dixon, Associate Administrator of NASA. Within that office is the Propulsion and Power Generation Office, which was also without a director until recently. These gaps in NASA organization hold back progress.

It is impossible to find the specific project for boron fuels in the fiscal year 1963 budget because many projects are lumped together in a general research and advanced technology budget. Reprograming of funds within NASA is the usual way in which one project is built up and others deemphasized. Advanced technology for liquid propulsion includes many research programs besides boron fuels and, with a limited amount of money, the competition results in less of an effort in boron fuels than, I understand, even NASA would like. Therefore, to increase boron fuels work, the total advanced technology for liquid propulsion budget will have to increase.

The following table illustrates the situation:

	Fiscal year 1962	Fiscal year 1963
Total request 1963 budget of NASA for liquid propulsion	------------	$163,102,000
NASA budget request for analysis and experimental development for liquid propulsion	$7,000,000	13,700,000
Industry proposal to develop oxygen difluoride-diborane space storable propellant	400,000	[1] 4,000,000
Maximum possible to prudently spend	------------	20,000,000
NASA intent with respect to above industry proposal	200,000	------------

[1] Includes propellants.

I believe at least $500,000 should be added to fill the blank for fiscal 1953, in addition to regularly budgeted NASA funds.

NASA argues they do not know enough about diborane yet to decide whether it can be used as a fuel. The potential of diborane has been obvious for 2 years and yet now NASA has no experimental programs to try to answer their own questions, nor will the $200,000 planned go very far in getting answers. Also, at least one major rocket company is sure enough of diborane to put their own money into preliminary tests.

The Air Force plans to make a "go ahead or abandon it" decision on pentaborane by December 1962. It is most urgent that NASA try to gear its diborane work to this schedule so that NASA will have some idea of future requirements at that time. Then, the future scheduling could be done in the light of a coordinated national requirement.

The NASA has concentrated, in the high energy fuel field, on liquid hydrogen which may prove satisfactory for many space propulsion missions. However, it is equally certain that liquid hydrogen will not be satisfactory for all missions; this is due to its low boiling point which makes impossible space storability without special provisions which impose weight penalties.

Much work is needed to improve space-storable fuels. State of the art combinations, such as hydrazines and nitrogen tetroxide, do not allow payloads equal to liquid hydrogen. Advanced, high energy, space storable fuels, such as boranes and fluorine compounds, offer even higher payload capability than liquid hydrogen and are storable without special provisions. In addition, the development of these advanced propellants will allow increased system simplicity (reliability), ease of handling, and minimum vehicle size. For further discussion of a more technical nature, see exhibit 1 and charts attached.

Chemical fuels and oxidizers have developed from the alcohol-oxygen system of the German V-2 to the exotic boranes and fluorine compounds available today. The specific impulse and payload capability has increased markedly as these new propellants have changed from test tube curiosities to tank car reality.

However, the adoption of superior fuels by the systems engineers has been slow. In addition to specific impulse and physical characteristics, evaluation includes logistics, economy, launch operations, mission characteristics and spacecraft systems. Economy has dictated the recent U.S. standardization on kerosene and liquid oxygen for big boosters (the H-1 engine in the Saturn, etc.). The huge amount of fuel used during the boost phase requires the lowest possible cost per pound, even at some sacrifice in specific impulse.

In upper stages, fuel quantities are less and performance is the principal criteria. Several years ago, liquid hydrogen and liquid oxygen were thought to be the ultimate propellant combination from the standpoint of specific impulse, and so all of our upper stage propulsion work was centered about this system. It is a big gamble and the outcome still cannot be predicted because no person can presently assure practical operational feasibility of the liquid-hydrogen engine in extended space missions.

Even if the liquid-hydrogen engine is technically successful, its utility for some space missions is in doubt. The very low-boiling point of liquid hydrogen means that appreciable amounts will be lost through evaporation as time goes on, even in the cold of outer space, and especially near the moon or planets where sunlight is reflected to the vehicle. The penalty of much or appreciable heavy insulation cannot be afforded.

An important plan for space flights involves caching of supplies on the moon. Liquid hydrogen simply would not stay put. Thus the need for a truly space storable propellant is demonstrated.

Fortunately, such materials are available. The combination of diborane and a relatively new oxidizer would provide substantially the same impulse as hydrogen-oxygen and actually greater payload in such missions as lunar landing and takeoff. The diborane system is completely storable without insulation, in space and on the moon. Simple reflective coating of the tank is all that is necessary.

Concerning this boron system, Dr. Hugh Dryden, Deputy Administrator of NASA, said recently, "Analysis has shown that a new propellant combination holds considerable promise for certain applications. A test program will be initiated."

Much work needs to be done and the United States must avoid single approach solutions to the problem of space exploration. The missions of the future will be so varied and complex that no one propellant can best meet every requirement. We must have an arsenal of rocket engines to choose from; to minimize mission cost and to maximize the chances for success.

It appears that the United States has a substantial lead over Russia in this area of high energy propellants. While they concentrated on big boosters, we see no evidence of the capability of Russian chemical industry to produce these intricate boranes and fluorine compounds. Upper stages using high energy fuels can help overcome the booster gap. We should exploit this lead.

An aggressive program, coordinated between NASA and the DOD, could make a high energy fueled rocket engine a reality in several years. The United States would have unrivaled flexibility in upper stage selection for each mission. We can afford nothing less than the best that our amazing American technology can give us.

I recommend strongly the moving up in time and broadening the base of the nuclear propellant programs. The U.S. space programs should emphasize reactor development as there are plainly not enough reactors in being or currently planned to handle even a slightly expanded program. In my opinion these reactors are not adequate even for the present contemplated programs. Nuclear power is an absolute necessity for extended space probes by space vehicles, and I disagree with those people who place the practical use of nuclear propellant systems behind the development of the advanced

Saturn and Nova chemical systems. Experienced friends in the nuclear propellant field agree with this accelerated timetable.

When speaking of the performance of an automobile or an airplane, one frequently uses such terms as horsepower and rate of gasoline consumption. As we know, in the rocket business, the usual term for efficiency or merit is specific impulse, the pounds of thrust per pound per second of fuel consumed. Our best chemical rockets have specific impulse of around 300 seconds. The nuclear rocket, however, has a specific impulse about three times as high. This means that about two to three times as large a payload can be put in orbit using the same weight rocket engine.

A single Saturn with a nuclear third stage is adequate for a manned lunar mission with no need for rendevous. A first stage booster using five 1½-million-pound thrust, F-1 engines would be sufficient. For the more ambitious missions, such as to the planets, the advantages are even greater.

Obviously there is much development to be done on the nuclear rocket engine, but just because it is nuclear and unfamiliar, let's not overestimate the difficulty, let's get on with the job. The development required can, I believe, be accomplished in time for the nuclear engine to become a part of the Apollo program.

I strongly recommend increased emphasis on the solid propellant development programs and believe that the projected time for such development more nearly coincides with the statements of the companies engaged in this field, rather than the extended times estimated by various segments of the National Aeronautics and Space Administration and the Department of Defense.

I strongly recommend that increased emphasis be placed on new systems development. For example, ion engine development for outer space economical and high-speed navigation, and the four most important direct conversion methods now under research.

Progress in microminiaturization and molecular electronics has been amazingly rapid. Electronic packages which go into space have been and are being reduced in size drastically. Unfortunately, development of the advanced power packages which must supply electricity to these systems and to the other systems in our space vehicles and land and sea craft has not kept pace. Greater emphasis must be placed on these systems to achieve the size and efficiencies which appear possible.

Let's examine some of the systems which could and should provide radical improvement in these areas. First, magnetohydrodynamic power generation where the moving solid conductor of a conventional electric generator is replaced by a jet of ionized gases. The theory is simple and feasibility has been demonstrated, but much work needs to be done before magnetohydrodynamics can take its place as a competitive power generator. Methods must be found to improve the electrical properties of refractories at high temperatures. Extracting power from the gas stream presents additional problems. Materials are the key and research should lead to direct conversion at an efficiency 50 percent better than the very best powerplants now available. The possibility of such improvement for large-scale power generation is not the only attraction. Solution of the problems could lead to efficient magnetohydrodynamic generation of electricity from exhaust gases in jet and rocket engines.

Thermionic power generation shows striking possibilities for extremely lightweight power packages for space and its possible use in conjunction with nuclear reactors may lead to tremendous improvement over the present-day nuclear systems. Here again, just as with magnetohydrodynamics inadequate materials are the major problems. We need to find better methods of counteracting the space charge. Fabrication techniques suitable for the extremely small tolerance involved must be devised. Solving these problems appear entirely feasible but research must be concentrated in these problem areas.

Thermoelectricity has been with us longer. The familiar SNAP generators have rendered useful service. Thermoelectric devices, however, have by no means lived up to their early promise. Materials again are the problem. There are surely thermoelectric materials with higher figures of merit than any we have found so far. We must search these out, particularly in the higher temperature ranges to give us increased efficiency and smaller size.

I have mentioned three direct conversion methods. In each case, inadequate materials are the problem. Concentrated materials research can and should lead to drastic improvements enabling the fulfillment of the high promise shown by these systems for both space and terrestrial uses.

The other direct conversion system which should be mentioned is fuel cells. Large scale development is underway for the Apollo system. The U.S. Navy is also developing such systems for possible submarine propulsion. Progress has been excellent to date in the hydrogen-oxygen fuel cell, but is the hydrogen-oxygen fuel cell the ultimate? Are there any other fuels and oxidants which might give better efficiency and greater power density? Can we utilize a hydrocarbon directly? These answers must be found through research, whose success could have a tremendous impact, not only on our space and defense efforts, but in all aspects of our everyday life.

Finally, I strongly recommend that increased study and attention be paid to various types of rendezvous systems, whether earth orbital, direct flight, or moon orbital or moon located. We must make sure that the efficiency that can be obtained through proper rendezvous procedures is not lost through emphasis on the Nova big booster and direct ascent type of program.

In conclusion, I strongly recommend development of constructive and alternate programs as a broad base of approach, with great emphasis on R. & D. in high energy fuels, chemical and nuclear, and new power systems in the now basic research field, which in the long run will reach the most efficient and economical result. As we look ahead to our approach to the productive limit on the size of the earth launch boosters and vehicles, we must carefully plan, or our space methods will be looked upon as Egyptian pyramids by the generations of the future—a fine idea, a monumental task but how useful and how productive to the progress of mankind, the advance of civilization and the disciplines of research, development, and exploration of the universe.

One Hundredth Anniversary of the Lunkenheimer Co. of Cincinnati

EXTENSION OF REMARKS
OF
HON. DONALD D. CLANCY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 1, 1962

Mr. CLANCY. Mr. Speaker, this year one of the leading industries in my district, the Lunkenheimer Co. in Cincinnati, is celebrating its 100th anniversary, and Mr. Paul M. Arnall, president of Lunkenheimer, is in Washington to accept an award on behalf of the company from the Chamber of Commerce of the United States.

Lunkenheimer started in 1862 to originate and develop valves and metal alloys for industry. Over the next 100 years, it had a deep impact on industry standards. Lunkenheimer original designs and patents are legion, and its alloys have become the basis for numerous standard specifications.

As it observes its 100th anniversary in 1962, Mr. Arnall is confident that no end is in sight for industry's constantly growing needs for new valves and alloys to meet more severe operating requirements. In the past 10 years, Lunkenheimer has added more new plant space, modernized more facilities, developed and introduced more new valves than in any similar period in its 100-year history.

Back in 1862, Frederick Lunkenheimer, a young brass foundry owner in Cincinnati, believed he could devise a valve that would solve a problem plaguing the Ohio River side-wheelers—failure of steam boilers to withstand higher pressures and temperatures as these mainstays of early commerce tried for faster speeds. A better valve had to be made to regulate pressures of more than 100 pounds; most boats had been running in the 60- to 80-pound range. Paddleboat captains hung weights on their boats' lever safety valves to increase pressure and speed, often with disastrous results. Frederick Lunkenheimer, who emigrated from Germany in 1845, put a natural genius for metallurgy to work, developed a brass which became known as "steam metal," and adapted it to his new valve. This valve's basic principle remains today, a "first" for the company, as other "firsts" have been added over its 100-year history. It established the Lunkenheimer reputation for exclusive design and for quality and efficient performance standards, and all the economies of quality valves soon were adopted by industrial plants as the Lunkenheimer line began to expand.

In just a few short flourishing years, the foundry became the Cincinnati Brass Works in 1883, the Lunkenheimer Brass Manufacturing Co., incorporated in 1889, and then in 1892, the Lunkenheimer Co. Frederick Lunkenheimer was active until his death in 1889. His designs were not forgotten. At the beginning of the 20th century, the Lunkenheimer name and its leadership in quality valves had become worldwide. Around the world, Lunkenheimer products consistently received first awards for "general excellence and superiority" in world's fairs and expositions.

Along with changing times of the early 1900's, Lunkenheimer entered into something new. In its continuing effort to broaden markets and keep abreast a growing nation's needs, the company built two experimental automobiles under the name of the Lunkenheimer Motor Vehicle Co. When aviation was coming into its own, Lunkenheimer engineering devices went into the early planes. Charles A. Lindbergh, for one, specified Lunkenheimer products in refitting his "Spirit of St. Louis" for his transatlantic flight.

This is only to mention a few of the accomplishments of the Lunkenheimer Co. over the years in the development of valves and metal alloys for industry.

One of the key reasons for the advances made within the last decade lies with Mr. Arnall, who is widely known for his insistence upon the highest product quality, the most efficient service and sound profitable operation, and considerable attention has been given to personnel as well as product developments. Furthermore, Lunkenheimer has worked in close cooperation with its industrial distributors. Representatives of these distributors study at the company's own school for industrial distributors in Cincinnati. Sales meetings and training sessions are conducted to provide distributors and their salesmen with the latest technical, application, and service information on the old reliable as well as the new and improved Lunkenheimer lines.

As Lunkenheimer observes its 100th anniversary, Mr. Arnall sees new opportunities in the research and development of metal alloys and valve designs, as technological changes in industry and explorations in space continue their advances.

We in Cincinnati are proud of the progress of this great company, and extend to its management and employees deep appreciation for their example of initiative, courage, diligence and wisdom, and offer our best wishes for the company's continued progress in the years ahead. We also extend to them our congratulations for the many and varied contributions that they have made to the general welfare of Cincinnati proper and to the surrounding communities.

Freedom's Rule Under Law

EXTENSION OF REMARKS

OF

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

Mr. ROGERS of Florida. Mr. Speaker, today is a highly significant date in the history of our Nation. It is Law Day, U.S.A., and on this day the American people are observing the fact that America preserves and guarantees the individual liberties and dignity of mankind by a code of law. Law Day reminds us as citizens that we live under a government of laws, not men; that we proceed under a system of order and tradition into a world of chaos and threatening annihilation. Law Day serves to reinforce our faith in the heritage of this Nation, and demonstrates the contrasts between our democracy and communism.

On April 7, 1961, the President approved a joint resolution passed by Congress which designated May 1 each year as Law Day. We have even greater respect for Law Day when we realize that it comes at a time when America is engaged in a struggle for survival which knows no precedent. Beginning with the Constitution and the Bill of Rights, the bulwark of America's strength has been its rule of law. To many, the law is many things. The law may be a uniformed police officer, a jail, a courthouse, or the dome of the Capitol of the Congress of the United States. To others, the law may be our national documents encased in the National Archives. To some, the law represents restrictions, and denial of selfish ambitions. But to most Americans, the law stands for protection, not hindrance, for guarantees, not confiscation.

There are some who argue that freedom and liberty exist before the law, and that the creation of laws bring restriction. Should many of man's activities be left unbridled, man would never have progressed as he has—he would have destroyed himself, instead. The Constitution and the Bill of Rights were not written as doctrines of restriction, they were written as the framework for freedom and liberty. The law which has followed in the spirit of these doctrines has made our freedoms even more secure. It is my hope, and I am sure the hope of many of my colleagues, that as the Congress acts in these troubled times, it will not lose sight of the freedoms under law which made this Nation great. I sincerely hope that the American people will not resort to shortsighted measures to counter the threats to our existence. I am sure that much of the membership joins in the hope that the defenses we adopt will not infringe on the freedom and dignity of the individual American. If we are to surrender our freedoms to combat those abroad who have none, then our gain has no mark of victory.

On domestic issues, we must continue to foster free competition, and free enterprise. The freedom to decide economic questions has allowed each American more dignity and comfort than any other man. This same freedom of choice has kept our industries efficient, lean, and increasingly productive. We have seen that private capital and the freedom to invest it affords the American people a standard of living and economic might which knows no peer. And this miracle has taken place in the short span of 186 years, which is phenomenal in the face of the ages of history.

Those institutions we have thus far preserved we must continue to safeguard. Once America abandons its founding principles, the decay of its systems are sure to follow. Americans are known for their initiative, their willingness to accept risk. Our forefathers left their homelands to escape servitude. They traded security for chance. It is not state servitude which made America great, it is the opportunity for self-pursuit.

America's economy grows. The needs of the consumer increase. Our research progresses, new products are developed for new markets. We are living in an age which fosters freedom. We are part of an age which demands that each American puts forth his finest.

And each American must also have the courage to act. We are in the face of an enemy which uses quick and silent ways. Our defenses, therefore, must be many. They range from a sound, stable economy to high-powered missiles. The constitutional power of the Congress to raise and support armies has this Nation with the strongest defense in its history. Just this session, the Congress realized the need for additional defense measures, and we appropriated $47,839,491 for our armed establishment. This sum is an increase of some $1 billion over last years' appropriation. Our armed might has never been greater, and the atomic tests this Nation now conducts in the Pacific attest that we intend to keep it that way. In addition to raising military deterrents, we must also focus our attention to those who would destroy America from within. The Communist plot to subvert freedom also includes the destruction of our legal system.

The law, our judges, our courts, and all our legal institutions reflect the social order of today. The overthrow of this order is a definite part of the Communist tactics, and their methods range from one extreme of the political spectrum to the other. Part of the Communist tactics include bitter attacks on our law enforcement agencies and public officials. The Communists accuse the Federal Bureau of Investigation and our State and local police agencies of "violating civil liberties" and "misusing constitutional rights," when they themselves are the ones who misuse our constitutional rights.

The Communists attack the Congress, and it was the Congress which recognized the Communist threat in 1950, and passed the Internal Security Act. On the other hand, our fight against internal subversion must be fortified with a positive approach to the threat, instead of one based on negativism. We in America must respect our own morals, and we must keep faith in our institutions. It is this respect which has allowed America to remain free. Compare the American respect for law to that of Communist Cuba, where men make a mockery of justice. To quote an outstanding and dedicated American, J. Edgar Hoover, Director of the Federal Bureau of Investigation:

> Our fight against communism must be a sane, rational understanding of the facts. Unfortunately, there are those who make the very mistake the Communists are so careful to avoid. These individuals concentrate on the negative rather than on the positive. They are merely against communism without being for any positive measures to eliminate the social, political, and economic frictions which the Communists are so adroit at exploiting.
>
> These persons would do well to recall a recent lesson from history. Both Hitler and Mussolini were against communism. However, it was by what they stood for, not against, that history has judged them.

Mr. Speaker, May 1 is a day on which every American should marvel at the majesty of the law. On Law Day, each American should take a positive pride in his country, a positive position on its institutions, and a positive approach to its challenges. Each American should be positive, and speak his pride.

With the Constitution before us as a guideline, the law will continue to afford us the prosperity and freedom we have today.

A Report on Wilderness

EXTENSION OF REMARKS

OF

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

Mr. SAYLOR. Mr. Speaker, it was my privilege in the 1st session of the 85th Congress to sponsor two measures of outstanding importance to the conservation and enjoyment of our American heritage of outdoor resources both of which are coming to a common focus in this closing session of the 87th Congress. I refer to the outdoor recreation resources review bill and to the wilderness bill.

The first of these, authorizing a study, was enacted by the 85th Congress and signed into law by President Dwight D. Eisenhower. It immediately led to the establishment of the Outdoor Recreation Resources Review Commission, and this Commission submitted its report on January 31 of this year.

The other, a measure to establish a national wilderness preservation policy and a program to carry it out, is now before us as the Wilderness Act passed by the Senate last September—78 to 8—and urged upon us recently by President John F. Kennedy.

It has been my privilege to serve as a member of the Outdoor Recreation Resources Review Commission, and I have been personally concerned to see its important undertaking succeed. During these same years it has also been my continuing concern to see the proposed wilderness legislation so clarified and developed as to merit its passage by this House and its enactment into law.

From time to time I have emphasized the interrelationship of these two concerns. Accordingly, it is now especially encouraging to note the Outdoor Recreation Commission's recommendation that Congress should enact legislation providing for the establishment and management of wilderness areas and its declaration that—

> There is widespread feeling, which the Commission shares, that the Congress should take action to assure the permanent reservation of suitable areas in national forests, national parks, wildlife refuges, and other lands in Federal ownership.

The objective in the management of all such areas, the Commission says, "irrespective of size or ownership, is the same—to preserve primitive conditions."

> The purpose—

Continues the Commission—

> of legislation to designate outstanding areas in this class in Federal ownership as wilderness areas is to give the increased assurance of attaining this objective that action by the Congress will provide.

In arriving at these recommendations regarding wilderness resources the Commission had the benefits of an extensive and detailed report on wilderness obtained on contract from the Wildland Research Center of the University of California.

This report, prepared under the direction of the Wildland Research Center's Wilderness Project Director James P. Gilligan, was published in full by the Commission on April 16, 1962, and is now publicly available as is also the Commission's own report incorporating its wilderness recommendations after study of the special wilderness report and consideration of its own studies and observations.

The one, a 246-page volume, is entitled "Outdoor Recreation for America: A Report to the President and to the Congress by the Outdoor Recreation Resources Review Commission."

The other, No. 3 of 27 study reports which the Commission is in the process of publishing, is entitled "Wilderness and Recreation—A Report on Resources, Values, and Problems: Report to the Outdoor Recreation Resources Review Commission by the Wildland Research Center, University of California."

This and other study reports, says the Commission "do not necessarily reflect the views of the Commission," but they "contributed to the formulation" of the Commission's own final report.

There is much in the wilderness report to clarify our undertaking in wilderness preservation. The extent to which mining, lumbering, and other commercial interests are involved in the preservation of our remaining areas of wilderness is indicated by the report—an extent that, in my opinion, represents no significant sacrifice if our proposals in the wilderness legislation are carried out. The report includes many excellent recommendations regarding our management of the public lands that include wilderness. The report leaves no question about the need for action by Congress.

> It is difficult—

Says the report's concluding sentence—

> to avoid the conclusion that new legislation specifically directed at and with clear mandates toward preserving wilderness units in both the national forests and in the national park system will be necessary if wilderness areas are to be maintained.

Among the wilderness report's recommendations is, and I read:

> Congressional legislation which specifically authorizes establishment of wilderness areas within Federal agency jurisdictions, and management activities to perpetuate wilderness conditions. This should include restrictions on mineral entry, mining, and water development, limiting these activities to those clearly in the national interest.

Thus, in various ways, this wilderness report contributes to our efforts here in the House of Representatives to see established a sound national policy and program for wilderness preservation. I should like to call special attention to these contributions and for this purpose to have the report's excellent summary printed in the daily CONGRESSIONAL RECORD, introducing this, for the convenience of the Members of the House, part by part over the period of a week.

Entitled "Summary of Major Findings and Recommendations," this summary includes a few introductory paragraphs and six parts: First, "What Is Wilderness?" second, "Wilderness Resources"; third, "Potential Alternative Uses for Wilderness Resources"; fourth, "Wilderness Values"; fifth, "Future Supply of Wilderness Resources"; and sixth, "Problems in Administration of Wilderness Resources."

As the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs begins hearings next Monday, May 7, under the gracious chairmanship of the Honorable GRACIE PFOST, the contributions of the wilderness report will be especially timely, and I trust the Members of the House will look forward to a presentation of its summary in these six parts, day by day, during the coming week.

Establishment of New Academy of Food Marketing at St. Joseph's College, Philadelphia

EXTENSION OF REMARKS

OF

HON. KATHRYN E. GRANAHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

Mrs. GRANAHAN. Mr. Speaker, America's food-marketing methods are so outstanding that countries throughout the world are studying our techniques and trying to imitate them. Know-how in this field is, therefore, one of our most important exportable skills. Under the circumstances, and in view of the interest of so many of our Federal Government departments and agencies in this field, I know the Members of Congress will want to be informed about a new Academy of Food Marketing which will open this fall on the campus of St. Joseph's College in Philadelphia, with students drawn from all parts of the Nation. It is the first of its kind in the country, and will provide a great opportunity for training specialists in this field.

A further and most commendable aim of this new institution will be to make available to nations overseas, and especially the newly emerging nations, training and the knowledge that has made our food-marketing industry so vital a factor in our economy, to the end result that the living standards of people everywhere will be bettered.

The academy will offer, as no other educational institution does, comprehensive training in specialized food-marketing studies, which will augment the traditional 4-year liberal arts curriculum.

The program and concept of the new academy stems from a successful pilot operation of food-marketing studies established by St. Joseph's College in its evening division about 2 years ago.

The academy will aim primarily to create a pool of talented graduates who have been exposed to the problems, opportunities and technology of all phases of the food industry—processing, manufacture, distribution, retailing—which will fit them for future leadership in all segments of the industry. These young men will be well grounded not only in the complex specializations of their field, but cognizant as well of its broad, national impact and of its social and humanistic contributions.

The academy expects that while the majority of its graduates will enter the food industry of the Nation, others will go with the Department of Commerce, Department of Agriculture, foreign aid programs, CARE and such agencies, armed with the technological know-how that will be of assistance in programs projected to aid nations overseas.

The academy will render further assistance to the aim of bettering living standards everywhere through a National Reference Center, library, and research program established for the purpose of compiling, for the first time, a scientific body of knowledge in food marketing, and for the evaluation and development of concepts, precepts and practices which will enable the food industry to better serve our people.

The academy was conceived by Mr. James J. O'Connor who received the wholehearted endorsement of the Very Reverend J. Joseph Bluett, S.J., president of St. Joseph's College, and Mr. Myer B. Marcus, executive vice president of Food Fair Stores, Inc., who accepted the responsibility of chairman of the academy's board of governors.

Father Bluett has said:

> The American food industry, a $78 billion business and the largest in the world, is basic to our whole national economy so that any educational service which Saint Joseph's can render to this industry will ultimately be reflected in raising the standards of living throughout the whole country.
>
> The day is gone—

Father Bluett continued—

> when standards of living can be severely compartmentalized into given countries. The day is fast approaching when any raising of living standards in one country will be reflected in all countries.
>
> At this moment in history, two-thirds of the people of the world live and die without ever having known—even once in their whole lives—what we in America call a square meal. It is our hope that the Academy's training of junior executives who will some day inherit the leadership of their predecessors in developing and promoting our free enterprise food industry will contribute to alleviating a world situation that afflicts two-thirds of the human race.

The concept of the Academy of Food Marketing has won acclaim in educational circles of our Nation, as well as that of the food industry. Evidence of the esteem in which this academy is held by outstanding leaders of the food industry is the list of men in addition to Mr. Marcus who have accepted appointments to the board of governors. It is a virtual "Who's Who" of this industry, and includes other outstanding citizens interested in the work, such as:

Walter Annenberg, publisher, the Philadelphia Inquirer; Frank Armour, Jr., president, H. J. Heinz Co.; Dr. F. Bruce Baldwin, executive vice president, Abbotts Dairies, Inc.; Lee S. Bickmore, president, National Biscuit Co.; Leo Burnett, president, Leo Burnett Co.; Thomas C. Butler, president, Grand Union Co.; Nathan Cummings, chairman of the board, Consolidated Foods Corp.; John N. Curlett, president, McCormick & Co., Inc.; Theodore R. Gamble, president, Pet Milk Co.; Herman Heim, president, Frankford Grocery Co., Inc.; Henry B. King, president, Quaker City Wholesale Grocery Co., Inc.; R. Newton Laughlin, president, Continental Baking Co.; Mard Leaver, president, Kellogg Sales Co.; Thomas B. McCabe, Jr., vice president, Scott Paper Co.; David C. Melnicoff, president, Fels & Co.; William B. Nixon, president, Cambell Sales Co.; Frank Slaven, vice president, retired, R. T. French Co.; and Ross Yerby, vice president, marketing, California Packing Co.

The academy has also attracted attention overseas. As an example it has received a request from the French Government for the development of a specialized program for training of food marketing executives of that nation.

Among press and periodical comments on the new academy have been the following:

Progressive Grocer, in its April 1962 issue, said:

> This year, college level training in food distribution reaches its highest point—the founding of the Academy of Food Marketing at Saint Joseph's College, Philadelphia.

The Philadelphia Inquirer said:

> A new idea in instructional circles and a good one—is especially appropriate to Philadelphia, where food marketing is taking on larger proportions all the time—it could lead to better service at lower prices to the food shopper—and that's good news, too. Our congratulations to all concerned.

The Wall Street Journal declared:

> It is no accident that so many food industry leaders have agreed to be governors of the new academy. Their presence on the board reflects the industry's top-level concern with the problems of developing management talent.

Bakers Weekly stated:

> Here is a bold effort to establish new frontiers in the field of higher education.

A similar view is expressed in this excerpt from Food Trade News:

> The food business has outgrown a hit-or-miss method of instruction, but up until now no one has faced squarely the problem of training a new generation of food industry executives—professionals who will bring to their job the know-how covering every facet of the business. St. Joseph's College has shown courage and vision in facing and attempting to solve a problem so closely related to the Nation's economic health.

Supermarket News stated:

> [A] constant replenishment is needed in management ranks to maintain each company's progress and the momentum of the food industry itself. Under these circumstances, institutions of higher learning are now playing a role of unquestionable importance—a new and highly ambitious undertaking will be the establishment—of the Academy of Food Marketing.

Thus, Mr. Speaker, in a broad sense, the program of the Academy of Food Marketing is in effect another Alliance for Progress, through which industry and education join for the betterment of mankind.

Education, Not Bombs, Will Decide Fate of Humanity

EXTENSION OF REMARKS

OF

HON. VICTOR L. ANFUSO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

Mr. ANFUSO. Mr. Speaker, I was privileged to serve as chairman at a session of the Space Law and Sociology Conference of the American Rocket Society held last week at the Carnegie Endowment for International Peace Building in United Nations Plaza in New York. The session at which I presided was the luncheon session on Tuesday, April 24, on which occasion I delivered an address on the subject "Outer Space Belongs to All Mankind."

Under leave to extend my remarks, I wish to insert into the RECORD the text of my address which is as follows:

> OUTER SPACE BELONGS TO ALL MANKIND
>
> Mr. Chairman, Professor Cooper, members and guests.
>
> It's a propitious occasion that permits me to speak in these surroundings and at this moment in history.
>
> During the past year, men themselves and not merely their instruments have orbited the earth. At last, man has physically crossed the threshold of outer space. This feat has few parallels in history. Perhaps it compares with the discovery of fire or, in recent times, the achievement of flight through the air.
>
> There is no need to tell this audience where manned orbital flight may lead. But, as is true of all human accomplishments, its significance for good and evil will depend on the purposes to which it is put.
>
> The surroundings of which I spoke a moment ago are those in which the United Nations, for more than 15 years, have striven to build a world community of peace and justice. In this place, therefore, I ask your indulgence for a few remarks on the cause of international space cooperation—in which, like others here today, I have played a small but steadfast part.
>
> In one significant respect, this meeting stands in vivid contrast to the last Conference on Space Law and Sociology, held by the American Rocket Society in New York City on March 20, 1959. As many of you will remember, international cooperation in outer space at that time was extremely limited. Although the Soviet Union had cooperated in the IGN program and had agreed to join the International Committee on Space Research (Cospar), it had refused, along with other bloc countries, to take part in the United Nations study committee on the peaceful uses of outer space. Accordingly, at the last conference, I called upon the Soviet Government to join a full working partnership of all nations in space research and exploration. Today, that plea seems closer to realization than any of us dared hope 3 years ago.
>
> In the meantime, we have lived through many dark days for international space cooperation, when the faith of even its most ardent advocates grew dim. Beginning in the summer of 1959, I conducted a personal crusade for peace through international space cooperation and the peaceful uses of outer space for the benefit of mankind. This crusade led me to the Soviet Union, and took the form of correspondence and personal talks with President Eisenhower, Premier Khrushchev, and many leading officials and

scientists in both countries. I recommended, as I firmly believe today, that international cooperation in outer space should be fostered and expanded with vigor, especially between the United States and the Soviet Union. If these two nations work at cross purposes in the exploration and use of outer space, all mankind will be the losers. Working together in a spirit of cooperation, however, they can immeasurably benefit not only themselves but all humanity.

For many months, these words and hopes of mine appeared to fall like seeds on barren ground. Perhaps the Soviet leaders felt at that time that their country held the lead in space exploration and so needed no help from other countries. While I was in Moscow, for example, on September 14, 1959, a Soviet rocket hit the moon. At the time, this impressed everyone as a great and unmatched achievement. The very next day, it is true, Premier Khrushchev told me personally that the Soviet Union would not make any territorial claim to the moon or even to the spot where Lunik II had landed. And yet the Soviet leaders gave me little concrete encouragement in my quest for international space cooperation.

There is no need to dwell on the discouraging events that followed. In December of 1959, the United Nations established a permanent Committee on the Peaceful Uses of Outer Space. But the Soviet Union raised objections to the membership, insisted upon holding certain committee offices, and demanded that decisions be made unanimously rather than by majority vote. As a result, the Committee held no meetings until November 27, 1961—a period of almost 2 years. Meanwhile, the prospects for international space cooperation were dimmed by the U–2 incident, the Berlin deadlock, and other East-West tensions.

Then suddenly, or so it seemed, a fundamental change occurred at the end of last year. In late November and early December, informal discussions between the United States and the Soviet Union, together with certain other U.N. Delegations, led to agreement on a draft resolution which was adopted unanimously on December 20 by the General Assembly. The resolution embodies two principles: (1) "International law, including the United Nations Charter, applies to outer space and celestial bodies" and (2) "outer space and celestial bodies are free for exploration and use by all states in conformity with international law, and are not subject to national appropriation."

It is not too much to call this resolution the Magna Carta of international space cooperation.

Since then, a whole new series of exchanges on the subject has taken place between the United States and the Soviet Union, these exchanges were made at the summit, although without any face-to-face meeting of the national leaders.

The current exchange proposals for space cooperation was begun by Premier Khrushchev, who, in his congratulatory message on the Glenn flight (sent on Feb. 21, 1962), referred to the advantages that would result "if our countries pooled their efforts—scientific, technical, and material—to master the universe * * *."

President Kennedy replied on the same day, welcoming the possibility of cooperation, and informing Premier Khrushchev that he was instructing U.S. officials to draw up specific proposals which can become "immediate projects of common action." Soon afterward, on March 7, the President suggested 5 specific areas of United States-Soviet space cooperation: weather forecasting, tracking services, magnetic field studies, satellite communications, and space medicine. He also proposed discussions looking toward joint exploration of the Moon, Mars, and Venus. Premier Khrushchev expressed agreement with the President, and added three more areas of cooperation: search and rescue, a study of the legal problems of space, and an agreement to restrict experiments that might interfere with peaceful space exploration.

At present, the areas of cooperation proposed by the two leaders are being explored by technical and legal specialists assigned to work with the U.N. Committee on the Peaceful Uses of Outer Space.

I can hardly do less than applaud this development. For years, I have advocated every form of international space cooperation on which the two countries are now agreed in principle. As for the President's further suggestion for joint United States-Soviet exploration of the moon, I proposed more than 6 months ago, in a speech delivered at the 12th annual meeting of the International Astronautical Federation, that an international team, including Soviet as well as American participation, join hands for the manned exploration of the moon. I pointed out that "such a team, trained together, welded into a single operating unit, and experiencing together the glories and hardships of a flight to the moon, would symbolize dramatically the brotherhood of men and the spirit of international cooperation in the mastery of outer space." At the time I made this suggestion, it was regarded in some quarters as unrealistic or even radical. Now it is under serious study by both countries.

Certainly the current exchanges between President Kennedy and Premier Khrushchev seem very promising. The tone of Khrushchev's messages is reasonable and almost free from propaganda. No conditions are mentioned, though Khrushchev's last reply says that the scope of United States-Soviet space cooperation "depends to some extent on the settlement of the disarmament problem." It seems to me that the possibilities are encouraging and that we may well have, at last, in the not too distant future, a significant Soviet-American space effort.

Of course, there are some flies in the ointment. Khrushchev's mention of disarmament, however casual, raises doubts. Also, I'm afraid I know what Khrushchev meant when he spoke of restricting experiments that might interfere with peaceful space exploration. No doubt he was referring to Project West Ford—the controversial project for orbiting a band of copper filaments for communication purposes. Any specific comment seems inappropriate while Project West Ford is under active consideration by the U.S. Government. Yet it may be pertinent that the celebrated Soviet scientist, Peter Kapitza, recently suggested the use of outer space for "the disposal of waste from atomic reactors." While this is not a new suggestion, it receives a certain sanction when it comes from a scientist of international standing—who, furthermore, holds a high position (director of the Institute of Physical Problems) in the Soviet Academy of Sciences. Perhaps the critics of Project West Ford think that it would leave outer space as cluttered with copper hairs as the floor of an unswept barbershop. We can equally well ask Kapitza why he wants to use outer space as a garbage can.

What would happen, for example, if a Kapitza rocket loaded with radioactive waste fell back to the earth, scattering its contents far and wide?

In general, it seems to me that outer space, like the waters and air of our own earth, will become polluted unless its users exercise care, and that unnecessary pollution is something to avoid. I would suggest, therefore, that all countries engaged in space activities give serious thought to the avoidance of space contamination and waste.

Many people have speculated about the reasons for the current Soviet interest in space cooperation with the United States. Why did Khrushchev respond so favorably this time, after turning a deaf ear to specific proposals in the past, though he had always expressed approval of international space cooperation in principle? Of course, we can never know for sure, but I think the probable reasons are not hard to find.

One obvious reason is the success of John Glenn's flight around the world. Rightly or wrongly, as I said before, the Soviet leaders believed for a while that their country led the world in space exploration. Then came the Glenn flight. To quote the Speaker of the House, the Honorable JOHN McCORMACK, Glenn's historic flight broke the spell that Soviet space achievements had laid on world opinion. It shattered the delusion of Soviet space superiority and with it the myth of Soviet leadership in advanced technology and the space sciences. In short, it has become obvious that there is something to gain from partnership with the United States in space exploration.

A second reason, mentioned by Khrushchev himself, is the high and growing cost of space achievements. The exploration of outer space is costly—so costly that only the United States and the Soviet Union have been able to afford it on a large scale. We hear that the manned exploration of the Moon will cost more than $30 billion. Even this price tag will only cover the first stages of exploration. The establishment of scientific stations, the exploitation of natural resources—let alone colonization, if that occurs—will cost still more. And what will it cost to explore Mars, Venus, and the farther planets? The economic burdens involved will be too great for any nation to bear alone. International cooperation is no longer merely desirable: It has become imperative.

For that reason and for many others, I believe we should vigorously pursue the possibilities of space cooperation with the Soviet Union, always taking care to safeguard our vital interests and those of the free world.

In addition, I should like to suggest some steps for this country to take at the same time and with equal vigor.

First, as we make common cause with the Soviet Union, we should establish and strengthen an even closer and broader bond of space cooperation with other countries of the free world, especially with other members of the NATO alliance. We are already doing so. The pace and scope of this effort must be greatly increased. As some of you may know, the members of the U.N. Committee on the Peaceful Uses of Outer Space recently visited Cape Canaveral, at my suggestion, to witness preparations for the launching of the first international satellite, the U.K. 1.

More than 40 countries are now cooperating to some degree in the American space program. In addition to the United States-United Kingdom scientific satellites, sounding-rocket programs are underway, notably with Canada and with Italy. Many NASA tracking stations are located on foreign soil. The results obtained by the Tiros weather satellites have been made freely available to the whole world. These are encouraging first steps: they should be continued and extended.

Secondly, the mounting effort I recommend should be built on very broad foundations—indeed, on the whole dazzling structure of advanced technology and scientific knowledge. Like General Sarnoff, I should like to see a free world community of science, focusing its resources on the most pressing human problems. The work of such a community would extend beyond space exploration. It would tackle, for example, the problem of adequate world supplies of fresh water, food, and power.

In this connection, I favor greater emphasis on the form of international scientific cooperation recently recommended by the United States-Japanese Committee. This proposal requires a brief explanation. In the past, the U.S. Government has generously supported scientists of other countries in the hope that their work would produce results of universal value. Under the United States-Japanese Agreement on Scientific Cooperation, concluded last June, joint research teams will be set up to work on problems of common interest. Both countries will contribute men, materials, and money. This is a new and promising approach to international scientific cooperation. It deserves a fair trial and, if it proves effective, extension to space research, exploration, and perhaps such practical applications as weather forecasting and worldwide communications.

Lastly, the wellsprings of scientific knowledge must be replenished through better and broader education. It is education, not bombs or rockets, that will decide the fate of empires.

This problem is domestic as well as international. In the United States, I believe, the Federal Government has failed to play its full part in supporting education. I tend to share the view, which is prevalent in the scientific community, that the Federal Government, having created big science and the present shortage of technically trained manpower—by its lavish and increasing support of scientific research and development—bears at least a moral obligation for the educational consequences of its policies and acts. The time has come to recognize that obligation.

This presents a challenge for a prodigious national effort to strengthen and enlarge our educational capabilities.

There is probably no one right way to meet this educational challenge. I have personally advocated a National Science Academy, or an Institute of Science and Astronautics, established by the Federal Government: and I have introduced bills in Congress, and held many days of hearings, for that purpose. Much could be done, however, short of such Federal institutes—by State and local governments, by universities and research laboratories, by private industry. The important point is that something badly needs to be done, very soon and on a large scale.

Internationally, we should try to make the best use of our scientific and technical manpower. In science and in space exploration, capabilities should be fitted together for maximum results without regard to nationality. Furthermore, education can effectively be promoted on an international scale by such means as joint research teams, increased scholarships and fellowships, and educational exchanges. At present, there are 100 NASA fellowships for foreign students studying space science and engineering in the United States. This is good, but it is not good enough.

In conclusion, I would say that outer space belongs to all mankind in more than a merely physical sense. Its abundant byproducts of wealth and security—a whole new world of technology and scientific knowledge—are equally for everyone to share. Parenthetically, I believe that the mastery of outer space may bring world peace as well as abundance. The Chief of Staff of the U.S. Air Force, General LeMay, recently remarked that "* * * space capabilities may bring about the technological disarmament of nuclear weapons."

By the same token, the nations working together can best solve the problems, while reaping the fruits, of this new age. Their efforts should extend to all major fields of science, and be deepened to comprise the strengthening and broadening of education. Otherwise, the peoples of the world will be denied the full benefits of man's promethean thrust into outer space.

Problems Affecting the Individual Indian and His Property

EXTENSION OF REMARKS

OF

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

Mr. BERRY. Mr. Speaker, the Easter recess provided an opportunity for me to review many of the problems that affect the individual Indian and his property. Following this survey I wrote a rather full and complete letter to the Commissioner of Indian Affairs.

Because all of these problems are of great interest to every Member of Congress I have asked consent to insert the letter together with the footnotes included in the RECORD. Omitting the formal parts the letter follows:

The basic cornerstone in President Kennedy's Alliance for Progress in South America is a program of land reform. The plan is that the large estates and plantations and land holdings must be broken up and divided up among the less fortunate people, so that everyone has some property or an interest in property.

This philosophy is as old as man's experiments in economics. It was given a thorough test on the Indian reservations in North America. Here, lands were allotted to each Indian. In most allotted reservations each Indian was given 160 acres on the assumption that he would move onto that land, farm it and make his home.

The planners of those days forgot that all Indians could not become successful farmers any more than all non-Indians could be successful farmers. The result was that those who did not wish to use their lands for farming purposes decided to dispose of it.

It was then the Federal Government stepped in again—this time to tell the Indian he could not sell his land unless he was found by Bureau standards to be competent to handle his own affairs, unless the sale would not in any way jeopardize the communal interests of the tribe as a whole and unless the sale was conducted under rules and regulations laid down by the Federal Bureau and the proceeds of that sale disposed of under the jurisdiction of the Bureau of Indian Affairs.

Down through the years the Federal Government has shifted its position back and forth, depending upon the whims and ideas of those in power, but always extending greater authority of the Federal Government over the property of the individual. Each time, of course, that more authority was assumed over the individual's property it was justified on the theory that it was for the benefit of the individual Indian. The result has been that through the process of benefit after benefit the Indian allottee and his heirs have completely lost any and all private rights in his property.

There is no system of government in the world today that is more completely socialistic than the Federal system that has been evolved on the Indian reservations in the United States today.

LAND LEASES

As one example, the Bureau, in its wisdom, has on the allotted reservations devised a leasing system known as the unit allocation system. All allotted, and communal or tribally owned lands, within this established area are advertised for lease on a 3-year basis. Experts in land use, who are employed by the Bureau, determine what the overall carrying capacity of that unit shall be and the minimum the Bureau shall charge for lease of allotted lands which generally determines the lease rate for communal or tribal properties, as well.

In this range unit the owners of all lands receive the same lease compensation regardless of the value of their particular allotment. The Indian owner, with live water on his allotment, receives the same compensation as the Indian owner of stony, semibarren hilltop land.

The unit is generally offered for lease at public auction with a right of renewal with a provision in the permit that in the event an Indian livestock owner may decide he wishes to take over the unit he may do so at any time during the life of the permit and in most instances he may do so at the minimum appraised grazing value.

On most allotted reservations an Indian operator may file for any unit without being required to bid, in which event the Indian allottee receives not the value of his grazing but the price appraised by some range "expert." Although there is a constant claim by the Bureau that it leases only lands wherein the allottee has given to the Commissioner a power of attorney, in actual practice the execution of a power of attorney is on all fours with the choice the United States Steel Co. had in determining their prices. Every method of coercion is used to force the allottee to comply with Bureau prices and Bureau regulations. Should the allottee refuse to sign a power of attorney to the superintendent he is denied any right of use to his own land, other than for his own private personal use. If the allottee only owns an undivided heirship interest, he is not permitted to use the land even for his own use without obtaining permission from all of the interested heirs.[1]

CONFORMITY REQUIRED

In this connection, someone in the Bureau decides which Indian shall be given the opportunity to succeed. If it is decided that an Indian livestock owner should have a certain unit it makes no difference that the owner of land in that unit may wish to use his own land for the purpose of improving his own economic standards. He is required to conform.

I call your attention to the case of Moses Runs Against on the Pine Ridge Reservation in South Dakota, an Indian who is fully competent, owns 960 acres of allotted land, and tried to sell part of his land to finance the purchase of cattle. The Department refused the request. A non-Indian operator offered him $1,040 per year for the 960 acres. His land, however, was placed in a unit and assigned to an Indian operator. The Agency sent him a check for $282.18.

Moses Runs Against was informed that he must sacrifice his interests to the interests of the Indian "chosen by the Department" to succeed. In other words, he was forced to personally subsidize another Indian rather than use his own property for his own benefit and his own advancement.[2]

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[1] Dec. 27, 1961, letter from Standing Rock Agency, re SR-135, p. 2: "In regards to the request of Mr. Tiger, wanting to do his own leasing, this, of course, is not possible, as long as the land remains in a trust status."

[2] Mar. 14, 1962, letter from John O. Crow, Deputy Commissioner, BIA: "This is essentially a matter of individual leases versus grazing permits on range units. The regulations provide that Indian rangelands suitable for inclusion in range units may not be leased individually by the owners. The permit system, based upon these regulations, was inaugurated in the early 1930's to correct a very bad leasing situation and to provide conservative use of the Indian range. Prior to the permit system there was considerable

As I stated at the outset, the President has served notice on the land barons of South America that they must institute a land reform program, that their land holdings must be divided up among less fortunate people, giving each some property or interest in property. Indians in North America would be materially better off if the same principles were applied here.

Another instance—an Indian allottee refused to permit his land to be placed in a grazing unit because it was good hay land and he could get much more revenue by saving it for hay. He was advised, however, by the Bureau that the hay must be harvested by himself. Not owning sufficient equipment himself, he hired a non-Indian to put up the hay and paid the non-Indian on the basis of $15 per ton until the cost of the hay harvest was paid. The Agency stepped in, took over the hay, sold it to someone else and deposited the proceeds to the allottee's account. It was paid to him as the Agency decided it should be disbursed. In other words, his contract was summarily revoked by the Agency simply because he did not personally own the necessary equipment to do the harvesting.

The Agency reported to me, "The record of this matter seems clear that the Agency acted to prevent the use of Indian trust land without proper authorization." They also told me they were having trouble with this Indian because "he refuses to conform."

When the Founding Fathers established a system of government in this country to provide the utmost of freedom and opportunity they failed to take into account that certain forces would in later years be put to work at guaranteeing security for certain groups and along with that guarantee of security would come the responsibility of the work norm, or the rental norm in this case, which compels conformity of all, and that with this compelled conformity, individual rights, individual privileges and individual opportunity is, of course, sacrificed. Socialism? Totalitarianism? Where? Here in America.

LAND DISPOSAL

Because these Indian people have no place to go for help in their problems they are required to contact their Congressman. In my office I have about 200 files where Indian landowners, most of whom are competent, have been trying for years to get a patent to their land or sell their land so they can get some benefit from it.

Many of these Indian people are fully competent, many of them live off the reservation, are holding responsible jobs, are as competent and able to handle their own affairs as the thousands of employees in the Bureau, but bureaucracy, redtape and delay are used by the Bureau to discourage them and wear them down in hopes that they will eventually give up and let the Bureau continue to handle their affairs and their property. Of course, if the Bureau loses its jurisdiction it loses its argument for annually increased appropriations and for increased staffs and employees. I have picked only a few of the dozens and dozens of similar cases but in all of them the pattern is the same. Let me refer to only a few.

Ellene Hoyle, OS–6650. She made application for a supervised sale September 19, 1958. I contacted the Agency. They reported on September 25, 1958, that they were requesting an appraisal. On January 16, 1959, in reply to my inquiry they reported, "We will include this tract in one of our advertised sales provided the tribe cannot negotiate a purchase of the tract." On March 11, 1959, they reported to me, "The tribe is proposing to buy this tract as soon as funds are available from a loan of revolving credit funds to the tribe which is to be used for the purchase of land." On April 27, 1959, they made almost an identical report. On September 23, 1959, they reported, "All necessary documents are now being prepared for the signatures of all the heirs." On February 5, 1960, they reported, "Due to a limitation of funds the tribe has not been able to complete transaction." On April 27, 1960, they reported, "As soon as funds are available tribe will include this tract with other purchases being made." On July 15, 1960, they reported, "Tribe does not have funds at present time." On September 3, 1960, they made the same report. On January 24, 1961, the same was reported. On February 28, 1961, they reported, "We plan to include this tract in sale No. 12." On April 28, 1961, they reported, "Tribe will purchase when funds are available." On August 29, 1961, they reported, "Sale to tribe pending acceptance of three Rosebud heirs." On October 13, 1961, they reported, "Lacking the signatures of two heirs before case can be submitted to area office." On January 9, 1962, they reported, "We are lacking the signature of one heir before it can be submitted to area office."

Although this woman has not lived on the reservation since she was a child, and her home is in Minneapolis, Minn., and she has made her own living all through the years, has no use for the land, she has been trying for almost 4 years to get this land sold. The Department has wasted the manpower of my office and their office in another of their constant efforts to retain jurisdiction over this property.[3]

Another instance. Ernest Bad Horse, also of Pine Ridge, OS–2650. On January 24, 1958, the Pine Ridge Agency reported, "The appraisal report should be completed soon." On March 14, 1958, "Appraisal was requested August 27, 1957." On July 25, 1958, "Will include in sale No. 7." December 10, 1958, "Same." January 16, 1959, "Same." On February 20, 1959, "Tract will be purchased by tribe when funds are available." April 27, 1959, "Same." September 23, 1959, "All necessary documents are being prepared for signature of heirs." February 5, 1960, "Tribe short of funds." April 27, 1960, "Funds have not been obligated for purchase by tribe." July 15, 1960, "Tribe does not have funds." September 3, 1960, "Same." January 24, 1961, "Same." April 28, 1961, "Will be included in sale No. 12." On August 29, 1961, "Same." October 3, 1961, "Tract will be included in our next advertised sale." January 9, 1962, "Same report."

The truth is, the tribe does not have the funds and probably will not have the funds, which is a well-known fact to the Bureau. No special effort is being made by the Bureau to help the tribe get funds nor will they permit Bad Horse to sell his interest in the allotment to anyone else.

It should be pointed out that the Agency had collected at least $10 at the time Bad Horse was permitted to file his application. This is true of every supervised sale application on the Pine Ridge, yet little effort is being made to give any service to the Indian landowner.[4]

'checkboard' leasing of key tracts resulting in extensive trespass on lands not leased, or leased by others. The permit system has brought about orderly management and conservation of rangelands in units which is not possible to obtain under individual farm-pasture leases.

"It is true that there are instances where prospective lessees are willing to pay more for key parcels of lands within an established range unit. To approve such leases would break down the unit system."

[3] Ellene Hoyle, OS–6650; sale to tribe:

"She has an interest in OS–6650. Jennie Charges Enemy for which an application for a supervised sale has been submitted. A request for an appraisal was made on Sept. 19, 1958," Agency report dated Sept. 25, 1958.

"We will include this tract in one of our advertised sales provided the tribe cannot negotiate a purchase of the tract," Agency report dated Jan. 16, 1959.

"The tribe is proposing to buy this tract as soon as funds are available from a loan of revolving credit funds to the tribe which is to be used for the purchase of land," Agency report dated Mar. 11, 1959.

"The tribe is proposing to buy this tract as soon as funds are available from a loan of revolving credit funds to the tribe which is to be used for the purchase of land," Agency report dated Apr. 27, 1959.

"Allotment of Jennie Charges Enemy. Oglala Sioux tribal purchase. All necessary documents are now being prepared for the signatures of all the heirs," Agency report dated Sept. 23, 1959.

"Allotment of Jennie Charges Enemy. Due to a limitation of funds the OS tribe has not been able to complete this transaction," Agency report dated Feb. 5, 1960.

"As soon as more funds are received for land purchasing, the tribe will include this tract with the tracts being purchased. The heirs have not yet all signed the deeds," Agency report dated Apr. 27, 1960.

NOTE.—This allotment appeared in the land committee meeting minutes July 1, 1959, as a tract which the "tribe will purchase."

"The OS Tribe does not have funds with which to purchase land at the present time," Agency report dated July 15, 1960.

Same as above, Agency report dated Sept. 3, 1960.

Same as above, Agency report dated Jan. 24, 1961.

"We plan to include this tract in sale No. 12," Agency report dated Feb. 28, 1961.

"Tribe will purchase when funds become available," Agency report dated Apr. 28, 1961.

"Sale to the Oglala Sioux Tribe. Pending acceptance of 3 Rosebud heirs," Agency report dated Aug. 29, 1961.

"Sale to the OS Tribe. We are lacking the signature of 2 heirs before we can submit the case to the Aberdeen area office," Agency report dated Oct. 13, 1961.

"We are lacking the signature of one heir before it can be submitted to the Aberdeen area office," Jan. 9, 1962.

[4] Ernest Bad Horse, OS–2650; sale to tribe: Feb. 18, undivided interest in land; 25 heirs. Case pending since 1954 per Superintendent Towle's letter, June 1, 1960.

"The appraiser has inspected this tract and the appraisal report should be completed soon. We hope to advertise this in the next land sale," Agency report dated Jan. 24, 1958.

"Allotment of Big Woman, OS–2650. An appraisal of this tract was requested on Aug. 27, 1957. To date we have not received a complete report," Agency report dated Mar. 14, 1958.

"Will be included in sale No. 7," Agency report dated July 25, 1958.

"This tract will be included in sale No. 7," Agency report dated Dec. 10, 1958.

"This tract will be included in sale No. 7," Agency report dated Jan. 16, 1959.

"This tract will be purchased by the tribe as soon as funds are available from a loan of revolving credit funds to the tribe which is to be used for the purchase of land," Agency report dated Feb. 20, 1959.

"This tract will be purchased by the tribe as soon as funds are available from a loan of revolving credit funds to the tribe which is to be used for the purchase of land," Agency report dated Apr. 27, 1959.

"Allotment of Big Woman, Oglala Sioux tribal purchase. All necessary documents are now being prepared for the signatures of the heirs." Agency report dated Sept. 23, 1959.

"This will be a sale to the OST but due to a limitation of funds at the present time

METHODS OF DELAY

Another example, while it is not of such long standing, is the case of Mrs. Caroline E. Packard, of Rapid City, OS–181. This woman and her husband live in Rapid City, are good workers, make their own living, and are able to handle their own affairs. On April 9, 1962, the Agency advised me, "It has been determined that Mrs. Packard does meet all qualification standards for receipt of a fee patent and her program for making use of the proceeds of the sale is sound. We have requested an appraiser's judgment as to what lands of similar characteristics in the vicinity of her tract have been bringing on the open market. When we receive his report the executive committee of the OS Tribe will attempt to negotiate for tribal purchase of her tract. Mrs. Packard's land is situated within a range unit which the executive committee may wish to hold intact for allocation to an Indian loan client. For this reason we believe that she should give the tribe a chance to purchase it before selling it to a non-Indian but that is a matter for Mrs. Packard to decide."

It should be pointed out that the tribe has been without funds to buy many of these other tracts for 3 or 4 years and yet the Bureau is delaying and deferring another applicant with the same timeworn excuse.[5]

These are a few of probably 75 examples I have pending in my files where I have been attempting to be of assistance to these people without avail.

On the Rosebud Reservation, Noble Moore, RS–1922. The Department reported on December 12, 1961, "A determination was made that Noble Abraham Moore was competent to manage unrestricted title to his land and the prudent use of proceeds from any sale thereof. Although it is our belief that Noble Moore is competent to manage his affairs, we did not recommend that a patent be issued, because we believed the alienation of trust property in this area may have an adverse effect on proposed industrial development." The land is leased for grazing to a non-Indian. Mr. Moore resides in Rapid City and is making his own living, is fully competent, but the Bureau holds his land under guardianship with the excuse that better use can be made for communal purposes than in permitting him to maintain an individual property right.[6]

Ray Louis Coffee withdrew from the tribe in July 1952. He was given a patent to one quarter of land and has four more applications pending. He is no longer a member of the tribe but has been denied a patent on the basis that his lands are in a consolidated area and should be retained as a part of the commune.[7]

Mr. and Mrs. Isaac Afraid of Bear, RS–6589. The Agency reported to me on February 28, 1960, that the land was being appraised. On June 13, 1960, "Awaiting further administrative action." On July 20, 1960, "Needs more processing." On June 7, 1961, "Case to be processed further." On August 18, 1961, "Set for negotiated sale, awaiting further processing." On October 12, 1961, "Same." January 15, 1962, "Same." February 9, 1962, "Same." Possibly someday they may get around to advise us that they have decided to buy the land for communal purposes but for 2 years nothing has been done.[8]

These are only a few of dozens of cases I have in my files where the poor Indian owner can do nothing but wait while bureaucratic redtape gives him further excuses why his land sale is delayed. He has no other appeal except to me and even my efforts have proven of little avail in most instances.

TRIBAL CONTROL

Worse than all of this, through my letters prodding the agencies, we finally got a number of cases on the Rosebud Reservation ready to close and then the tribal council passed a resolution requesting a moratorium on land sales and patents in Todd and Mellette Counties. No action has been taken by the Bureau on any land sale applications since April 1961. The sad thing is that under the Bureau regulations if an application is more than 6 months old it is necessary to go through the whole process again—2 more years of my writing to the Agency, the area offices, back to the Agency and back to the area office, with each of them explaining the cause for this delay and that delay. It is difficult for many of these Indian landowners to understand how the tribal council can, by a simple resolution, tie up their private individually ownd lands and property, even though they are completely competent, purely for communal purposes.

Another method that is being used by the Bureau to stalemate any property right in private land is where there are between 2 and 100 heirs and the tribe, at the suggestion of the Bureau, purchases the undivided interest of 1 of the heirs. When this is done, the entire tract is completely tied up forever because, under the law, tribal property cannot be sold. The purchase by the tribe of one one-hundredth interest accomplishes the Bureau's purpose of subjugating forever the property rights of the other heirs unless at some future date the tribe obtains sufficient money to buy the property interests of the balance of the heirs.

Land sales and patents on the Standing Rock Reservation have been at a standstill for the past 2 years because of the fact that through its rehabilitation program, with funds obtained from settlement of the Oahe landtaking, the tribe has funds with which to purchase allotments in the consolidated areas.

The case of Anita Yellow Earrings Janis, SR–229 is illustrative of 50 or 75 cases on the Standing Rock in which the last report we received said, "Selected for tribal purchase. Will be processed with other applications filed in early 1960." The case is still pending, along with many, many more.

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the tribe has not been able to complete a purchase of this tract," Agency report dated Feb. 5, 1960.

"Funds have not been obligated for the purchase of this tract. As soon as more funds are received, it will be included with the tracts being purchased," Agency report dated Apr. 27, 1960.

"The OS Tribe does not have funds with which to purchase land at the present time," Agency report dated July 15, 1960.

"The OS Tribe does not have funds with which to purchase land at the present time," Agency report dated Sept. 3, 1960.

"Proposed tribal purchase. The tribe is presently without funds with which to purchase land," Agency report dated Jan. 24, 1961.

"Will be included in sale No. 12. A date for the sale has not yet been determined," Agency report dated Apr. 28, 1961.

"Will be included in sale No. 12. No date has yet been scheduled for the sale," Agency report dated Aug. 29, 1961.

"This tract will be included in our next advertised sale. A date has not yet been scheduled for the same," Agency report dated Oct. 3, 1961.

"Will be included in our next advertised sale. A date has not yet been scheduled for the sale. (Providing upon review that it is determined that this action is in the best interests of the applicant.)" Agency report dated Jan. 9, 1962.

Going on sixth year. See attached letter.

Also, on July 29, 1959, a deed was signed, transferring title from the heirs of the allottee to the tribe.

Also, in land committee meeting minutes July 1, 1959, this allotment appeared as a tract which the "tribe will purchase."

[5] Mrs. Caroline E. Packard, Rapid City, S. Dak., OS–181: fee patent application: Lizzie Shot to Pieces allotment (land in Shannon County).

"It has been determined that Mrs. Packard does meet all qualification standards for receipt of a fee patent and her program for making use of the proceeds of the sale is sound." But they state further, "We have requested an appraiser's judgment as to what lands of similar characteristics in the vicinity of her tract have been bringing on the open market. When we receive his report the executive committee of the OS Tribe will attempt to negotiate for tribal purchase of her tract. Mrs. Packard's land is situated within a range unit which the executive committee may wish to hold intact for allocation to an Indian loan client. For this reason we believe that she should give the tribe a chance to purchase it before selling it to a non-Indian but that is a matter for Mrs. Packard to decide." If Mrs. Packard is willing to sell to the tribe by negotiated sale is money available for the purchase? Agency report dated Apr. 9, 1962.

[6] Nobel Moore, RS–1922B: On Dec. 20, 1961, the Rosebud Agency advised me by letter that "On Dec. 12, 1961, a determination was made that Nobel Abraham Moore, Jr., was competent to manage unrestricted title to his land and the prudent use of proceeds from any sale thereof. Although it is our belief that Nobel Abraham Moore, Jr. is competent to manage his affairs, we did not recommend that a patent be issued, because we believed the alienation of trust property in this area may have an adverse effect on proposed industrial development."

RS–2988, Rosebud Agency report Jan. 5, 1962: "To be reviewed again in the light of recent stated policy of the Bureau." Supervised sale and had been awaiting inclusion in sale advertisement, Todd County.

[7] Ray Louis Coffee, RS–1940, RS–6436, RS–1202, RS–4260; fee patent applications: four patent applications pending. Indian withdrew from tribe in July 1952. In April 1953, patent application denied on basis lands in consolidated areas. Apparently after a lot of rigmarole this patent covering RS–1247 was issued. Now the Department on three applications is denying him right to sell his land.

RS–1940: "Awaiting further processing, Todd County," Agency report dated Jan. 5, 1962.

RS–6436: "Awaiting further processing, Todd County," Agency report dated Jan. 5, 1962.

RS–1202: "Awaiting further processing, Todd County," Agency report dated Jan. 5, 1962.

RS–4260: "Fee patent recommended," Agency report dated Jan. 5, 1962.

[8] Afraid of Bear, Mr. and Mrs. Isaac Mosher, S.D., RS–6589; (husband gets $13 monthly disabled pension. Had been hospitalized, heart and diabetes, and wants proceeds for home for wife.) Contacted E. Y. **Berry** Feb. 28, 1960; land not appraised.

"Awaiting further administrative action before processing further," Agency report dated June 13, 1960.

"Needs more processing," Agency report dated July 20, 1960.

"Case to be processed further," Agency report dated June 7, 1961.

"Negotiated sale. Awaiting further processing," Agency report dated Aug. 18, 1961.

"Negotiated sale. Needs further processing. Todd County," Agency report dated Oct. 12, 1961.

"Negotiated sale. Needs further processing," Agency report dated Jan. 5, 1962.

"Negotiated sale to RST member. Needs further processing," Agency report dated Feb. 9, 1962.

Mabel Red Legs, SR-4516. The Agency reported, "Selected for purchase by tribe, November 22, 1960. Will be processed as sale to the tribe." Still waiting for action.

HEIRSHIP LAW DISREGARDED

In this connection, it should also be pointed out that there is a vast amount of heirship land on the Standing Rock. Two years ago, when the Congress passed the Settlement Act, they included an heirship provision authorizing the Bureau to clean up these estates upon the signature of 25 percent of the heirs. Nothing has been done.

On the Cheyenne Reservation, all land sales have long been held in abeyance.

The tribe is without money to buy these allotments but refuses to authorize the sale on the ground that these allotments can be used for communal purposes and the tribe would like to buy them, if they could obtain the necessary funds. The standard report from the Agency is, "We have no authority to advertise land at the present time. We are unable to advise when the next land sale will be held."

Bert Yellow Hawk, CR-744, is a retired Army officer, has not lived on the reservation for 20 years, is fully competent, and his land is surrounded by deeded land, yet the Agency claims to have no authority to advertise this land for sale at the present time.

Another excuse offered by the Bureau is on heirship. When an estate has been probated and all of the heirs are fully competent, they find one that can be questioned and they turn down an application for land sale on this ground. If there are 50 heirs to an estate they have no difficulty in finding one whose competence is questionable.

One of many, many cases in point is Asa Steele, OS-2552, where the Agency said on April 25, 1961, "The mere fact that all of these people have agreed, or are in favor of a supervised sale does not place on this Agency a freedom of action to comply without determining whether the sale is in the best interest of all concerned." In this instance, last November one incompetent heir agreed to have the proceeds placed in irrevocable trust. The Department reported that the sale could now go forward. As of today, nothing has been done. Soon the appraisal will be 6 months old and a new appraisal will be required before the sale can be held. By that time another heir will have died and the Bureau will have accomplished its purpose in holding the land for another generation, with none of the property owners benefiting from their so-called property rights.

SUMMARY

My reason in reviewing these 200 files in my office and making this report today is because these people constantly write me; they want to know why they cannot dispose of this land, take the proceeds, apply it on the purchase of a home in some community where they are now living, where they now have a job and where they intend to continue their residence. Others want to know why they are not permitted to use their own property or lease their own property or get the most revenue from their property that it will produce.

In brief, these Indian people are unable to understand why a great bureaucracy should be permitted to completely control their lives and their property, forcing them to subsidize other members of the tribe for communal purposes, denying them the right to dispose of their property, denying them any right or any domain over their property, when they are as competent to handle their own business as are many of the Bureau employees who are establishing these policies.

The individual Indian is unable to understand why the tribal council should have authority to set his lease prices, to establish a range unit out of his land, to require the Bureau to withhold a 5 percent tax to be used by the tribe in hiring employees who are doing the work that the Bureau is required by law to do. These are some of the problems of the individual landowner. I present them to you and ask what you, as the Commissioner of Indian Affairs, intend to do to correct them.

Loyalty Day Program at Valley Forge Military Academy, Wayne, Pa., Saturday, April 28, 1962, 10 a.m., Sponsored by the Veterans of Foreign Wars of the United States

EXTENSION OF REMARKS

OF

HON. JAMES E. VAN ZANDT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 1962

Mr. VAN ZANDT. Mr. Speaker—

> No spot on earth, not the plains of Marathon, nor the passes of Sempach, nor the place of the Bastille, nor the dykes of Holland, nor the moors of England, is so sacred in the history of the struggle for human liberty as Valley Forge.—CYRUS TOWNSEND BRADY.

In keeping with the spirit of the annual observance of Loyalty Day, May 1, the Veterans of Foreign Wars of the United States sponsored an inspiring program at Valley Forge Military Academy, Wayne, Pa., Saturday, April 28, 1962, at 10 a.m. This fine program was one of the thousands of similar observances conducted by the Veterans of Foreign Wars throughout the Nation.

The purpose of the Loyalty Day program was ably explained by Mr. William J. Tepsic, past commander, Department of Pennsylvania, Veterans of Foreign Wars of the United States, and National Loyalty Day chairman.

I was pleased to accept the invitation to deliver the principal address and was preceded by Thomas L. Husselton, U.S. Treasury Department, who gave a thought-provoking speech emphasizing the importance of U.S. savings bonds and especially during the Freedom Bond Drive in May and June. He commended the Veterans of Foreign Wars in behalf of the U.S. Treasury Department for adopting the slogan, "Buy an Extra Bond," as part of its nationwide Loyalty Day campaign. Another speaker who spoke briefly was Brig. Gen. Rothwell H. Brown of Freedom Foundation.

Following is the address of Mr. Thomas L. Husselton and the address I delivered titled "The Significance of Loyalty Day":

LOYALTY DAY ADDRESS

(By Thomas L. Husselton, Director Sales Staff Development, U.S. Savings Bonds Division of the U.S. Treasury Department, at the Valley Forge Military Academy, Wayne, Pa., Saturday, April 28, 1962)

Today our principal confusion is our confusion of principle. It is extremely encouraging therefore to have the Veterans of Foreign Wars call all Americans everywhere to rededicate themselves to one of the principles that has made this Nation great—loyalty to and faith in this God given land of ours.

Every American worthy of the name wishes to express his loyalty; wishes to show his faith in his country, but most of us are confused. Confused by the enormity and complexity of the problems confronting us. Most of us look at them and say "But what can I, one small individual, do that will have any effect?"

I submit that when that feeling arises we should think back to the men who hallowed this ground at Valley Forge. When General Washington began that ghastly winter, the entire Continental Army numbered 16,000 men. At the conclusion of that winter the Continental Army numbered 3,600 men only 2,200 of whom were effective. Desertions took a great toll but 3,000 men are buried out there, only one of whom has a marked grave. These men assumed a great responsibility. They gave everything to their country. They did not ask it to give to them.

Just a few years before a small group of men in a city nearby pledged their lives, their fortunes, and their sacred honor, that this Nation should be free. They too assumed responsibility. They did not ask their country to give to them. They gave to their country and this country became free.

In her profound article "Lessons From the Past," Miss Edith Hamilton, the eminent Graeco-Roman scholar wrote these words.

"When the Athenians finally wished not to give to the state but the state to give to them when the freedom they wished most for was freedom from responsibility then Athens ceased to be free and was never free again."

Is there not some relatively easy way for every American to effectively assume part of his responsibility—to give to his country rather than asking it to give to him. Yes there is. And the Veterans of Foreign Wars point the way in their Loyalty Day program. They are saying in effect what better way to tangibly express our loyalty than by buying an extra U.S. savings bond during the Freedom Bond Drive this May and June?

Do you realize that if every American family would buy one extra savings bond of even the smallest denomination the total would be about $1 billion?

Do you realize that saving just 31 cents a day for 61 days will buy a U.S. savings bond?

Can you think of a better way to show to the world that we are loyal to our country? That we have abiding faith in it, that we are proud of our heritage and acknowledge the God given principles that have made this Nation great?

Individually perhaps buying an extra savings bond is not a great and heroic deed, but if all of us were to do so it would be an enormous contribution to our economic well-being and an unparalleled demonstration of our love for our country.

We must be strong economically or we cannot be strong militarily because of the costs of our defense efforts.

We must be strong economically or we cannot be strong spiritually, for hungry men fall easy prey to any ideology that promises better things.

The Treasury Department expresses its appreciation to the Veterans of Foreign Wars for making "Buy an Extra Bond" a part of its nationwide Loyalty Day campaign. And we ask every American family to invest in an extra savings bond during the Freedom Bond campaign.

Will you accept this small responsibility to help keep this Nation free?

When the Americans finally wished not to give to the state but the state to give to them when the freedom they wished most for was freedom from responsibility, then America ceased to be free and was never free again.

LOYALTY DAY ADDRESS

(By Representative JAMES E. VAN ZANDT, Member of Congress, 20th District of Pennsylvania, at the Valley Forge Military Academy, Wayne, Pa., Saturday, April 28, 1962)

THE SIGNIFICANCE OF LOYALTY DAY

To address the student body of Valley Forge Military Academy is an honor which is especially welcome to anyone who has—as I have—a profound and abiding faith in the youth of our Nation and in the American way of life.

Also, I am especially proud to have this opportunity to greet my good friend and your superintendent, Lt. Gen. Milton Baker. Since 1928 he has been a dedicated head of this academy and his career reveals him to be a top-rank educator, scholar, and citizen.

Frankly, Valley Forge Military Academy is fortunate, indeed, to have the benefit of the leadership of such a distinguished American.

It is our objective on this occasion to speak of Loyalty Day and its significance in our time. This is a natural subject to approach in this environment.

Your character-building program, which is a part of the purpose of this academy, has the term "loyalty" well defined in an honor system—a sense of fair play and a competitive educational program.

I do not need to tell you that the courses offered here are preparing you for a loyalty of the highest type. Loyalty to one's country is deeply imbedded in your curriculum.

May 1 marks the annual observance of Loyalty Day, sponsored by the Veterans of Foreign Wars of the United States.

It was to combat the infiltration of the Communist evil in this country that Loyalty Day was born. It was created at the demand of thousands of members of the Veterans of Foreign Wars who made their voices heard in the Congress of the United States.

It was my privilege as a Member of Congress to introduce a House joint resolution in 1958, which in simple language designated May 1 as Loyalty Day and called for its appropriate observance by the people of this Nation.

Since July 18, 1958, when the President of the United States affixed his signature to the measure, May 1 of each year has been officially proclaimed as Loyalty Day. This day belongs to all Americans. It signifies that we stand steadfast in support of those principles that we hold most dear—freedom, partiotism, and pride in our country.

I believe the public is becoming more and more conscious of the work of the Veterans of Foreign Wars in promoting Loyalty Day celebrations throughout the Nation.

This particular Loyalty Day celebration is especially enhanced by the very nature of our geographical location—we are close to Philadelphia—where in the early days of this Nation were written some of the most sacred chapters of our history and heritage.

As we observe Loyalty Day, every citizen should pause to ask himself the question, "What does loyalty really mean?" Does it mean only that you love America's mountains, lakes, and the ceaseless supply of material gadgets that make our way of life comfortable? I hope not. I also hope the concept of loyalty is not a society where merely to disagree is to be disloyal.

Periodically in the press, from the lecture platform, and, in fact, from most sources which seek to influence public opinion, there comes forth emphatic pleas for a higher, finer, and more noble loyalty.

But all too often we do not learn what loyalty really is. It is not a trite comment to ask, "What is loyalty?"

There is a definite need for an adequate appreciation of what constitutes the American spirit. A nation can be no greater than the people who are its citizens. Hence, its basic ideals and purposes must retain their splendor and meaning if effective public welfare is to remain a public trust.

In simple sincerity I give you the following thoughts that are advanced in the belief that an enlightened citizenry is any country's finest security.

Loyalty is fundamentally undying faith in our great Republic. It is not socialism, fascism, communism, or any other "ism." The real American believes implicitly in equality of opportunity for all men, regardless of race, color, or creed.

He will judge his fellow citizens by what they are, not by what they have or what they claim to be.

The real American is a proponent of fair play and cooperation. He is a firm believer in the Golden Rule: "Do unto others as they do unto you."

More than flag-waving emotionalism, loyalty is fortified in the individual by a reservoir of commonsense, which permits both balance and a sense of perspective in viewing the affairs of state.

Loyalty involves familiarity with our country's history; it involves training in the responsibility of government.

True to the heritage of freedom, loyalty causes a man to fight for the right with his life, if need be, but always with the cherished dream in his heart of the beauty of peace.

One of the greatest tests of loyalty, to my way of thinking, is one's day-to-day respect of the rights of one's fellow man:

(a) Your neighbor's right to voice his own opinion.

(b) His right to privacy.

(c) His right to his own property.

These basic freedoms are the heart of our loyalty to the great American ideals of Washington, Jefferson, and Lincoln.

It is ironic, indeed, that the Communists, who preach peace and freedom, live in terror:

(a) Terror of their fellow citizens.

(b) Terror to speak their minds.

(c) Terror of the midnight knock at the door.

Loyalty for them is not in their hearts. No, it is a gun in their backs.

History has shown us that down through the ages the battle has always been between two faiths. On the one side the faith of the conqueror:

(a) The faith based upon military ambition and personal power.

(b) The faith in blood and the sword.

(c) The faith based upon war, hatred, and inequality.

This is the type of faith by which Alexander, Caesar, Napoleon, and Hitler rose to power—only to fall. They fell because somewhere a small band of men had a different faith.

It was a faith based upon the inherent rights of the citizens; a faith that believed in the principles of equality, liberty, and sanity. And the scroll of history has shown that always this has been the greater faith.

We could just as easily substitute the word "loyalty" for the word "faith" in what I have just said.

So we have a loyalty based upon the inherent rights of man—a loyalty that believes in the principles of equality, liberty, and sanity. This type of loyalty has always been the harbinger of freedom.

Our loyalty must not consist merely of gay slogans, marching bands, flying flags, or shouting threats. It must be the loyalty of love and fellowship—not hate and fear.

It must be a loyalty based upon beneficial achievements in our social, economic, and spiritual life.

Loyalty demands—along with the understanding of the history of our country—that we not be afraid to replace the outworn, the impracticable, and unjust laws with laws that serve every citizen's modern needs, are useful, and above all, are just.

We must expect change to come in an orderly fashion. But to assume a self-appointed duty to change any written law is against our form of government. We must proceed in an orderly fashion.

We must move with zeal. But not be fired with folly. Any rebellious mood in this great Republic tends to wreck it rather than to build it. Frankly, the role of the fanatic is destructive.

Our lawmakers are charged with a serious and sacred responsibility. They are required to be faithful to their conscience, guided by the will of their constituents. But, above all, once they take their seats in the chambers of our legislative bodies—be it at State or national level—they must move ahead undisturbed by the selfish coercion of any special group or class.

The sovereignty of our legislators must remain paramount at all times.

History reveals that out of chaos our forefathers brought forth an orderly way of life.

Therefore, at all hazards we must "keep cool and calm" and move dispassionately in any of our undertakings.

Loyalty demands that we obey the laws of our country. For laws are made for the guidance of every man and woman living in a domain. Without them there can be no smooth existence of society. To disobey them is to advocate anarchy.

After fitting ourselves to be desirable and loyal citizens, we must expect and demand an honest administration in every branch of government.

Laxity in our own individual character is bound to reflect in everything around us.

Cynical men say a republic of freemen cannot be honest and efficient. But we know in our hearts that an honest government is simply the reflection of an honest people.

Among the multitudes of virtues by which we can demonstrate our loyalty we should observe self-reliance.

From our forefathers we inherited this great Republic that has proved to be a land of golden opportunities for advancement in every way.

We need not deny that with all the faults and imperfections lurking in the American way of life, we have made miraculous advances in proving the influence of self-reliance.

Several years ago a story came from the west coast that one of its shore towns—Monterey, Calif.—was a veritable Garden of Eden for pelicans. There fishermen cleaned their fish and fed the refuse to the pelicans. In the course of time the pelicans became so lazy that they would no longer fare forth to capture fish for themselves. Eventually, however, the refuse of the fish was utilized in other ways and the pelicans no longer had their source of food handed to them, so to speak.

But they had, in the meantime, become so listless that they were slowly starving. Someone finally hit on the idea of going farther down the coast and capturing some vigorous new pelicans and placing them among the semistarving pelicans. These new pelicans flew over the sea and captured their food, thus stimulating the hungry and decrepit pelicans to follow suit. Before many weeks had passed they had regained their former activity and robustness.

This story has many ramifications and applications to human conduct and affairs.

There was a time when it was necessary for the people of our country to exert a tremendous amount of self-reliance in order to survive. I believe that self-reliance is an important ingredient, not only for progress and survival, but is germane to America's formula for loyalty.

We must be very cautious, however, to guard ourselves against the experience of the pelicans.

Too much Government intervention, too much being done for us, too much lack of self-reliance—all these can enter the area of human endeavor and destroy the very lifeline of our republic before we are aware of such encroachment.

May I further remind you that all too often when self-reliance disappears loyalty to one's country is endangered. Therefore, we must not be tempted to become afflicted with a malady which is prevalent in a national life that is devoid of self-reliance.

In our anxiety to alleviate any economic pains we can easily destroy our moral fiber that is more precious than any material gain.

Americans have been exceedingly busy "living" in this age of jet and space travel and have too often taken loyalty for granted and forgotten it.

Upon genuine loyalty rests the destiny of mankind. But we must sacrifice. We must sacrifice our prejudices at the altar of national welfare. Prejudice that is akin to hatred—is poisonous in any analysis. It destroys the very individual.

The individual citizen's thoughts and actions are the very warp and woof of our national well-being.

We must sacrifice blind following. We cannot be tools in the hands of any political authority. We must put patriotism—American loyalty—above party.

For decades the people of this Republic of ours were never confronted with more serious and fundamental issues than are now apparent in this changing and troubled world.

Therefore, loyalty was never at a greater premium. Mark you, the fortunes of our freedom are in the balance. The enemies of our form of government are ever alert and working to destroy us. It is for us who profess loyalty to be alert and working.

Unless we respond to the deadly challenge to American ideals, the lurking dangers of communism will destroy us. Yes, unless we dedicate ourselves to a new birth of freedom, it may be too late.

Finally, our thoughts on this Loyalty Day 1962 must confirm our faith in that new birth of freedom.

Yes, we must show the world by our conduct what it means to be loyal citizens of the United States of America.

In short, by our undying faith in the principles of this great Republic—we can help provide an answer to the stirring prayer:

"God give us men
A time like this demands—
Strong minds, stout hearts, true faith, and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who express opinions and a will;
Men who have honor;
Men who will not lie!"

The Campus: Left? Right? or Neither?

EXTENSION OF REMARKS
OF
HON. JEFFERY COHELAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 1, 1962

Mr. COHELAN. Mr. Speaker, the increasing interest in politics on the part of college students across our country is being widely discussed today. A particularly thoughtful examination of this growing interest and its significance has been made by our very able colleague the gentleman from Indiana [Mr. BRADEMAS]. His article, entitled "The Campus: Left? Right? or Neither?" appeared in the New York Times Sunday Magazine on April 22, 1962.

Congressman BRADEMAS, who was formerly a college teacher and who currently serves on the House Education and Labor Committee, makes several important points regarding the university student's attitude toward politics. Among other things he emphasizes that because the crucial function of political parties in our democracy is to reconcile conflicting views on controversial issues, young people who will become the political leaders of the future must recognize that responsible and effective political action means action through our two great political parties.

Mr. Speaker, I wish to compliment our distinguished colleague from Indiana [Mr. BRADEMAS] for his literary industry and I commend his excellent article to all Members:

THE CAMPUS: LEFT? RIGHT? OR NEITHER?

(By JOHN BRADEMAS)

In this time of mass higher education, when leadership in government, business, labor, and every other segment of our society is recruited increasingly from the ranks of college graduates, the extent of political sensitivity on the campuses is worth considering.

When the peace marchers came to Washington a few weeks ago, they provided a well-organized demonstration of American college students engaging in political action. Some 4,000 young people picketed the White House to express their concern over the threat of nuclear war and to make their plea for disarmament. Their effort was completely nonpartisan, neither Republican nor Democratic.

I venture to suggest that it was an accurate reflection of the new generation's mood. The American college student today cares increasingly about political issues, but is cool toward political parties.

It has become fashionable to contend that conservatism is the new political wave sweeping the campus. The militants of the Young Americans for Freedom and the Intercollegiate Society of Individualists see themselves leading a return to the right. The list of rightist college publications may be growing and the flow of oratory by would-be Barry Goldwaters mounting, yet the students who act rather than talk, the peace marchers and the freedom riders, do not take their inspiration from the John Birch Society or even from the much less rabid National Review. I think it more correct to say, therefore, that the intensity of student interest in politics has increased on both ends of the political scale, left and right.

Here it ought to be noted that the great majority of American college students remain apathetic toward politics. I suspect they do so for several reasons. Some may feel that political activity should come later, following their education; others, that it is impossible for a student in our national tradition to participate in politics in any significant way. Many are simply preoccupied with plans for their private lives—a good job with a good firm with a good pension plan and the pleasures of suburbia.

It is of the student activists, however, that I want to speak. I believe that many analysts have missed the meaning of the political ground swell which has brought the sit in and the peace march by discussing student attitudes in traditional terms of liberal and conservative, Democratic and Republican.

It is more useful to try to understand the significance of this direct action in politics as contrasted with party activity than to attempt to plot the curve of student political opinion. In pronouncing on the politics of the American college student, I make no pretense to perfect knowledge, but I have been more than a curious bystander.

I was a member of the post-World War II college generation and can attest that few of my preoccupied contemporaries regarded politics with more than indifference. In the midfifties, I taught at Saint Mary's College at Notre Dame, Ind., and during recent years I have talked to students on a number of campuses. Several college students have worked as internes in my Washington office and I have met with hundreds of others in the church and college groups that come to Washington in ever-increasing numbers.

As a member of the House Education and Labor Committee, with a special interest in higher education, I made two trips abroad last year which enabled me to observe university students in Latin America and the Soviet Union and gave me a broader perspective on the American college student as a political animal.

Congressman ROBERT N. GIAIMO, of Connecticut, and I went to Argentina to look at higher education there and to recommend ways in which the United States might cooperate more effectively with Latin American universities to further the objectives of the Alliance for Progress. We quickly learned how radically different is the political role of the Latin American university student from that of his North American counterpart. The Latin American student participates with enthusiasm and the sanction of tradition in both the internal politics of his university and the political life of his nation.

At the University of Buenos Aires, for example, 55,000 to 60,000 students elect from their own ranks one-fifth of the members who sit on the superior council of the university. This power means that students on some occasions may try to influence what research the university should undertake, or even strike to oust a professor.

As for student involvement in national politics, Congressman GIAIMO and I had a taste of this when we went with U.S. Ambassador Roy Rubottom to visit the University of Córdoba. We were in the law library when the doors swung open and a group of 20 young people strode in. One of them, a young man in his twenties, went up to Ambassador Rubottom and rudely declared, "Señor Embajador, repudiamos el imperialismo norteamericano."

"We support Fidel Castro," he cried, as the group stamped out of the room, shouting "Cuba, Cuba," and showering us with mimeographed sheets which, in extravagantly left-wing language, attacked the United States, all our recent Ambassadors to Argentina, John Foster Dulles, and the United Fruit Co.

It would be unfair to conclude from this incident that all, or even a majority of, Latin American students are hostile to the United States. But the event does dramatize the fact that students there are far more likely to indulge in political demonstrations than they would be in our country.

In the Soviet Union, on the other hand, students appear to be almost entirely docile. It is true that a crowd of students in Moscow may turn up at a Western embassy to riot and throw ink bottles, but the indignation is obviously engineered. The idea of several thousand Moscow University undergraduates parading through Red Square to protect Soviet nuclear testing is clearly unthinkable.

Indeed, politics in the Soviet Union does not exist in the sense in which we use the word. What impressed me in my conversations with English-speaking Soviet students was their political apathy, a quietism that suggested an acceptance of a regime which rewards the individual if he is conscientious and obedient, and is prepared to punish him if he dissents.

For example, I talked with two English-speaking undergraduates at a Soviet university, Natasha and Olga, one a student of English and the other of theater production. Both girls wanted to talk about plays, playwrights and American jazz—"Death of a Salesman," Tennessee Williams and Dave Brubeck—rather than politics, Soviet or American.

Natasha belonged to the Komsomol, or Young Communist League, but was obviously not much interested in its activities. Olga was not a Komsomol member: "I don't want to go to all those meetings," she said, "I want to be free."

The contrast between the political circumstances of the Latin American and Soviet students is so sharp that it helps considerably to define the political situation of the student in the United States. He has more choice than the Russian, less influence than the Latin American. Between these extremes, then, how does the American student behave politically?

I have indicated my quarrel with the view that conservatism stalks in lonely splendor across the American campus, and have contended that there has been a rise of interest on both ends of the political spectrum. I must add, by the way, that the spectrum is not nearly as broad in the United States as elsewhere. There is, after all, no serious Communist or Fascist movement in American universities today.

If the campus liberals direct their protests against the arms race and segregation, the new student conservatives seem chiefly motivated by a desire to fight communism and the Federal Government, which in some cases one feels they do not trouble to distinguish between. It is clear that both fighters for peace and fighters for Katanga want their voices heard, and if the cries of the student right are more shrill today, it is probably because they are still more displeased with the Kennedy administration than are their counterparts at the other end of the scale. If Mr. Nixon were now in the White House, I have little doubt that the more strident complaints would come from the flaming liberals of the campus.

Much more significant, it seems to me, than the relative degree of liberalism or conservatism of the American college student is his attitude toward politics itself. Most notably, the genuine concern which many young people feel about nuclear disarmament and civil rights, on the one hand, or international communism and the welfare state, on the other, has not led to any widespread commitment to activity within our two major political parties.

It is not unusual to hear students say they see no difference between the two parties. Although I would argue that differences—important ones—do exist, it is true that both parties have in recent years attempted to occupy the political center. This is one of the reasons that those students who are the most militant, self-proclaimed conservatives or liberals tend to move to extreme positions and regard the parties as too temperate.

But also it seems to me that many students do not understand the crucial function of political parties in a democracy. They regard any kind of adjustment of conflicting views on highly controversial issues—which after all is one of the chief purposes of our political parties—as only cynical.

"I suppose you must have to compromise a lot" is a remark querulously put to many a Congressman who talks seriously with college students about his job. There seems to be little understanding that, if there were no "compromise," a House of Representatives with 437 members would explode.

This is another way of saying that today's students who care—and care deeply—about issues are impatient with the give and take, the horse-trading, that is characteristic of, and indispensable to, the functioning of representative democracy.

On the crucial issues of disarmament and civil rights, many of the most politically and socially sensitive students reject any solution but their own. They seek simple answers to highly complex questions.

Here is a good example of what I mean. The college students from my own district who came to talk to me during the week of the peace marchers gave me a copy of their letter to President Kennedy opposing the resumption of nuclear testing. One paragraph of the letter said: "We do not pretend to be aware of all the complications of political decisionmaking, but we would remind statesmen that Government action must be based upon moral considerations and not merely upon expediency or precedent. In doing so, we do not wish to offend, but merely to present our views as honestly as possible."

The important problem to these concerned students apparently was not so much that a difficult decision should be made wisely but that they should present their "views as honestly as possible"—that stating what they thought "as honestly as possible" somehow discharged them of any responsibility for the difficult decision that had to be made.

Charles Burton Marshall, in his excellent little book "The Limits of Foreign Policy," might be speaking to this generation of college students when he writes:

"We Americans tend to make these things too simple. We admire Davy Crockett's terse formula: 'Be sure you're right; then go ahead.' That is much too facile for purposes of world politics. The best we can expect is some such paraphrase as this: Be as sure as you reasonably can of the rightness of your premises. Take care as best you can to see that the conclusions which you draw from them are tolerably right. Take adequate account of the legitimate interests and viewpoints of others. After you have done your best to meet these obligations, go ahead as far as the circumstances taken as a whole warrant, getting others to go along as far as you can."

Few students look at politics this way.

One result of their highly moralistic approach is that they now express themselves on a very limited range of issues—usually ones on which it is possible to take a simple, ethical uncomplicated position.

Last year at Harvard University, for example, I found many students anxious to tell me the iniquities of the House Un-American Activities Committee but none who showed the slightest interest in unemployment or housing, aid to education, medical care for the aging or even foreign trade policy, all of which issues, I suggest, affect the lives of Americans as deeply as the operations of the House Un-American Activities Committee. All these problems, however, are complex. To understand them requires more facts than even the intelligent college student will busy himself to learn.

I do not say that the best lack all conviction—only facts. Unfortunately, many American college students are short both of information on major political issues and, worse, of the curiosity to acquire it.

I do not mean to disparage what the freedom riders or the peace marchers are doing. They are genuinely concerned and, moreover, have the courage of their concern. Freedom riders and the students in the sit-in movement have already had a significant effect on our society.

So I heartily applaud the passionate intensity with which many university students are today responding to the terrible issues which confront us. But passionate concern is not enough. To be politically effective, the American college student must understand more clearly than he does today, first, that there are no simple answers to these complex problems; and, second, that political parties remain our primary instruments for dealing with political issues.

The fact that American parties are imperfect and that politicians have shortcomings must be obvious to the most casual observer. This is no reason, however, for young people to turn their backs on either party activity or a career in politics. I suggest it is essential that the universities and colleges turn out men and women at least some of whom are educated for political leadership. In our democracy this means leadership through parties.

The young men and women we must educate for citizenship in a democracy should be willing to consider another point of view without necessarily discarding their own. They must understand—and the schools and universities must do a better job of teaching them—the real nature of the political process. They must learn adjustment, negotiation, and compromise, which are the stuff of democratic politics.

They must learn that, with all its shortcomings, the two-party system has been an extraordinarily effective instrument for political change in our country.

Equipped with this understanding, they will realize that, as Pierre Mendes-France once said, "To govern is to choose." It is to make a decision between alternative courses of action and not simply to present one's views as "honestly as possible."

It is from among young men and women who have this understanding that America will find the political leadership we require in this world we never made.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 2, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalms 146: 10: *The Lord shall reign forever unto all generations.*

Almighty God, the source of our life, and the guide of all our pilgrim days, as we now wait on thee in prayer, may we learn the wonder of Thy grace and goodness.

Beyond the dark clouds that often obscure our sight we know that the sun is still shining in all its splendor and that behind all the tangle of our human affairs Thy beneficent purposes are being fulfilled.

We penitently confess our many failures and broken resolutions but may we never cease from moral and spiritual strife, daring to hope and believe that Thou reignest and wilt cause peace and righteousness to prevail everywhere among men and nations.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

ALL-CHANNEL TELEVISION RECEIVERS

The SPEAKER. The unfinished business is the question on the passage of the bill (H.R. 8031) to amend the Communications Act of 1934 in order to give the Federal Communications Commission certain regulatory authority over television receiving apparatus, which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. The question is on the passage of the bill.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 279, nays 90, not voting 68, as follows:

[Roll No. 80]

YEAS—279

Abernethy
Adair
Albert
Alford
Anderson, Ill.
Anfuso
Arends
Aspinall
Auchincloss
Avery
Ayres
Bailey
Baker
Barrett
Barry
Bass, Tenn.
Bates
Beckworth
Belcher
Bennett, Fla.
Bennett, Mich.
Blatnik
Boggs
Boland
Bolling
Bolton
Bonner
Brademas
Bray
Breeding
Brewster
Broomfield
Broyhill
Bruce
Buckley
Burke, Ky.
Burke, Mass.
Byrne, Pa.
Byrnes, Wis.
Cahill
Cannon
Cederberg
Celler
Chamberlain
Chiperfield
Clancy
Clark
Cohelan
Colmer
Conte
Cook
Cooley
Corbett
Corman
Curtin
Dague
Daniels
Davis, James C.
Davis, John W.
Davis, Tenn.
Dawson
Delaney
Derwinski
Dingell
Dole
Donohue
Dooley
Downing
Doyle
Dulski
Dwyer
Edmondson
Elliott
Everett
Evins
Fallon
Farbstein
Feighan
Fenton
Findley
Finnegan
Fino
Flynt
Ford
Forrester
Frazier
Friedel
Fulton
Gallagher
Garmatz
Gary
Gathings
Giaimo
Gilbert
Glenn
Gonzalez
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Hagen, Calif.
Haley
Halleck
Halpern
Harding
Hardy
Harris
Harrison, Va.
Harvey, Ind.
Hays
Hébert
Hechler
Hemphill
Herlong
Holland
Hosmer
Hull
Ichord, Mo.
Jarman
Joelson
Johnson, Calif.
Johnson, Wis.
Karsten
Karth
Kastenmeier
Kearns
Keith
Kelly
Kilgore
King, Calif.
King, Utah
Kirwan
Kitchin
Kluczynski
Kornegay
Kowalski
Kunkel
Laird
Landrum
Lane
Lankford
Lennon
Lesinski
Libonati
Lindsay
McDowell
McFall
McIntire
McSween
Mack
Magnuson
Mahon
Mailliard
Marshall
Mathias
Meader
Merrow
Miller, Clem
Miller, George P.
Miller, N.Y.
Mills
Minshall
Monagan
Moore
Moorehead, Ohio
Moorhead, Pa.
Morgan
Morris
Morse
Mosher
Moss
Moulder
Multer
Murphy
Natcher
Nedzi
Nelsen
Nix
Norrell
O'Brien, Ill.
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
O'Neill
Osmers
Ostertag
Passman
Pelly
Perkins
Peterson
Philbin
Pike
Pilcher
Pillion
Pirnie
Poff
Powell
Price
Pucinski
Purcell
Randall
Reece
Reuss
Rhodes, Pa.
Riehlman
Riley
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Rutherford
Ryan, Mich.
Ryan, N.Y.
St. George
St. Germain
Santangelo
Saylor
Schadeberg
Scherer
Schweiker
Schwengel
Scranton
Seely-Brown
Shelley
Sheppard
Shipley
Shriver
Sibal
Sikes
Sisk
Slack
Smith, Iowa
Smith, Va.
Springer
Stafford
Staggers
Steed
Stratton
Stubblefield
Sullivan
Thomas
Thompson, La.
Thompson, N.J.
Thomson, Wis.
Thornberry
Toll
Trimble
Tuck
Tupper
Udall, Morris K.
Ullman
Vanik
Van Pelt
Van Zandt
Vinson
Wallhauser
Walter
Watts
Weis
Whalley
Whitener
Widnall
Williams
Willis
Winstead
Wright
Yates
Young
Younger
Zablocki
Zelenko

NAYS—90

Abbitt
Addabbo
Alexander
Alger
Andersen, Minn.
Ashbrook
Baldwin
Bass, N.H.
Battin
Becker
Beermann
Bell
Berry
Betts
Bow
Bromwell
Brown
Burleson
Chenoweth
Church
Collier
Cramer
Cunningham
Curtis, Mo.
Denton
Derounian
Devine
Dominick
Dorn
Ellsworth
Fisher
Fountain
Frelinghuysen
Garland
Goodell
Goodling
Gross
Hagan, Ga.
Hall
Harrison, Wyo.
Harsha
Harvey, Mich.
Henderson
Hiestand
Hoeven
Hoffman, Ill.
Horan
Jensen
Johansen
Jonas
Jones, Mo.
Judd
King, N.Y.
Knox
Kyl
Langen
Latta
Lipscomb
McCulloch
McDonough
MacGregor
Martin, Nebr.
Mason
Michel
Moeller
Norblad
Nygaard
Olsen
Poage
Quie
Ray
Reifel
Rhodes, Ariz.
Rivers, Alaska
Roberts, Tex.
Rousselot
Schenck
Short
Siler
Smith, Calif.
Stephens
Taber
Taylor
Tollefson
Utt
Waggonner
Westland
Wharton
Wilson, Calif.
Wilson, Ind.

NOT VOTING—68

Addonizio
Andrews
Ashley
Ashmore
Baring
Blitch
Boykin
Brooks, Tex.
Carey
Casey
Chelf
Coad
Curtis, Mass.
Daddario
Dent
Diggs
Dowdy
Durno
Fascell
Flood
Fogarty
Gavin
Granahan
Grant
Gray
Gubser
Hansen
Healey
Hoffman, Mich.
Holifield
Huddleston
Inouye
Jennings
Johnson, Md.
Jones, Ala.
Kee
Keogh
Kilburn
Loser
McMillan
McVey
Macdonald
Madden
Martin, Mass.
Matthews
May
Milliken
Montoya
Morrison
Murray
Patman
Pfost
Rains
Rivers, S.C.
Roberts, Ala.
Saund
Schneebeli
Scott
Selden
Smith, Miss.
Spence
Teague, Calif.
Teague, Tex.
Thompson, Tex.
Weaver
Whitten
Wickersham

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rains with Mr. Curtis of Massachusetts.

Mr. Roberts of Alabama with Mr. Durno.

Mrs. Hansen with Mr. Teague of California.

Mr. Holifield with Mr. Martin of Massachusetts.

Mr. Boykin with Mr. Schneebeli.

Mr. Daddario with Mr. Hoffman of Michigan.

Mr. Brooks of Texas with Mr. Kilburn.

Mr. Morrison with Mr. Gubser.

Mr. Dent with Mr. McVey.

Mr. Dowdy with Mr. Milliken.

Mr. Ashmore with Mr. Weaver.

Mr. Addonizio with Mrs. May.

Mr. CONTE changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

MEDICAL CARE PROPOSALS

Mr. BOW. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Speaker, if nothing else comes from the meeting yesterday between President Kennedy and the leaders of the American Medical Association, we have at least learned that the President insists upon Federal bureaucratic control of hospital services in the United States.

This is what he means when he says he can compromise and change details of his medical care proposals, but there will be no compromise on Social Security Administration control of the plan.

Anyone who has read the King bill carefully realizes that requirements for the certification of participating hospitals and for the establishment of fee schedules constitute the mechanics required for complete Federal control of the hospital services of the United States.

Anyone familiar with the disability benefits program of the Social Security Administration will recognize that this will require a horde of new Federal employees, endless redtape and delays for the old people who seek to take advantage of the benefits, and a bureaucratic overhead expense far greater than the estimates of the sponsors of this bill.

The American people will reject compulsion and Government control, if they understand that this is the real purpose and meaning of the administration hospitalization program.

Their reaction to my voluntary health insurance program for elderly people demonstrates that this is the approach that appeals to Americans. They want to take care of themselves. They will welcome Government incentives or assistance, but they will reject a program that adds unnecessarily to Government payrolls and requires them to conform with Government requirements if they wish health care.

An increasing volume of mail in my office and in the offices of other Representatives who have introduced the Bow bill establishes beyond any doubt that the voluntary, self-help insurance program is the program Americans want and will support.

COMMUNICATIONS SATELLITE

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution, House Resolution 622, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11040) to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill, and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Interstate and Foreign Commerce now in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Mississippi [Mr. COLMER] is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio [Mr. BROWN] and pending that, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the reading of the resolution indicates, this resolution makes in order the bill, H.R. 11040, a bill to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system and for other purposes. The rule is an open rule providing for 4 hours of general debate, and waives all points of order against the bill.

Mr. Speaker, the testimony before the Committee on Rules indicated that there was very little opposition to the bill; there was no opposition to the rule; there was some indication that there might be one or more amendments offered. The testimony before the Committee on Rules further indicated that a substantial majority of all of those who are interested in this vital subject matter, the executive department, the private carriers, the labor unions, and practically everybody was in accord that a happy solution has been reached in this bill.

Mr. Speaker, the bill deals with matters in a rather technical field. It is an important matter. It is another case of whether the United States of America, the leader of the free world, will take precedence in the field of space communications or whether another, to wit, Soviet Russia, will get ahead in that field.

Mr. Speaker, as I stated on the outset of my brief remarks, this is a very important piece of legislation. The Committee on Interstate and Foreign Commerce have, in my opinion, done a remarkably splendid job in this pioneering field of legislation. It not only has the blessing of the President of the United States, but of free enterprise and labor. This within itself is a remarkable achievement.

I shall not detain this House by analyzing the bill in detail. However, I shall insert here a rather comprehensive and somewhat detailed analysis of the bill for the RECORD.

The analysis follows:

SUMMARY ANALYSIS, SECTION BY SECTION

TITLE I—POLICY AND PURPOSE

It is the policy of the United States and purpose of the Communications Satellite Act of 1962 to establish, in conjunction and in cooperation with other countries, as expeditiously as practicable a commercial communications satellite system, as part of an improved global communications network, which will contribute to world peace and understanding (secs. 101 and 102(a)).

In effectuating this program, care will be directed toward providing the new communications services "to economically less developed countries and areas as well as those more highly developed, toward efficient and economical use of the electromagnetic frequency spectrum, and toward the reflection of the benefits of this new technology in both quality of services and charges for such services" (sec. 102(b)).

In order to provide for the widest possible participation by private enterprise, U.S. "participation in the global system shall be in the form of a private corporation, subject to appropriate governmental regulation." All authorized users shall have nondiscriminatory access to the system; maximum competition shall be maintained in the provision of equipment and services utilized; and the corporation shall be so organized and operated as to maintain and strengthen competition in the provision of communications services to the public" (sec. 102(c)).

The creation of additional communications satellite systems, "if required to meet unique governmental needs or if otherwise required in the national interest, shall not be precluded" (sec. 102(d)).

Definitions

(1) the term "communications satellite system" refers to communications satellites in space whose purpose is to relay telecommunication information between satellite terminal stations, together with such associated equipment and facilities for tracking, guidance, control, and command functions as are not a part of the generalized launching, tracking, control, and command facilities for all space purposes;

(2) the term "satellite terminal station" refers to the complex of communication equipment located on the earth's surface which receives from or transmits to terrestrial communication systems for relay via communications satellites;

(3) the term "communications satellite" means an earth satellite which is intentionally used to relay telecommunication information;

(4) the term "associated equipment and facilities" refers to facilities, other than satellite terminal stations and communications satellites, to be constructed and operated for the primary purpose of a communications satellite system, whether for administration and management, for research and development, or for direct support of space operations;

(5) the term "research and development" refers to the conception, design, and first creation of experimental or prototype operational devices for the operation of a communications satellite system, including the assembly of separate components into a working whole, as distinguished from the term "production", which relates to the construction of hardware to fixed specifications compatible with repetitive duplication for operational applications;

(6) the term "telecommunication" means any transmission, emission, or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems;

(7) the term "communications common carrier" has the same meaning as the term "common carrier" has when used in the Communications Act of 1934, as amended; and the term "authorized carrier", except as otherwise provided for purposes of section 304 by section 304(b)(1), means a communications common carrier which has been authorized by the Federal Communications Commission under the Communications Act of 1934, as amended, to provide services by means of communications satellites;

(8) the term "corporation" means the corporation authorized by title III of this Act;

(9) the term "Administration" means the National Aeronautics and Space Administration; and

(10) the term "Commission" means the Federal Communications Commission (H.R. 11040, pp. 20–22, sec. 103).

TITLE II—FEDERAL COORDINATION, PLANNING, AND REGULATION

Implementation of policy

The President shall: (1) aid in the development and foster the execution of a national program establishing a commercial communications satellite system; (2) provide for continuous review of all phases of its development and operation; (3) coordinate the activities of governmental agencies with responsibilities in the field of international communication; (4) exercise such supervision over relationships of the corporation with foreign governments or entities or with international bodies to be consistent with the national interest and United States foreign policy; (5) insure timely arrangements for foreign participation in the establishment and use of the system; (6) insure the availability and appropriate utilization of the system for general government purposes which do not require a separate communications satellite system; and (7) insure effective use of the electromagnetic spectrum and the technical compatibility of the system with existing communications facilities both in the United States and abroad (sec. 201(a)).

The National Aeronautics and Space Administration shall: (1) advise the FCC on technical characteristics of the system; (2) coordinate its research and development program in space communications with that of the corporation; (3) assist the corporation in its research and development program by furnishing, on a reimbursable basis, such satellite launching and associated services as the Administration deems necessary; (4) consult with the corporation on technical characteristics of the system; (5) furnish to the corporation, on a reimbursable basis, satellite launching and associated services required for the establishment, operation, and maintenance of the system approved by the FCC; and (6) to the extent feasible, furnish other related services to the corporation (sec. 201(b)).

The Federal Communications Commission, in its administration of the provisions of the Communications Act of 1934, as amended, and as supplemented by this Act, shall: (1) insure effective competition in the procurement by the corporation of apparatus, equipment, and services, and, to this end shall prescribe appropriate rules and regulations; (2) insure that all present and future authorized carriers shall have nondiscriminatory use of and access to the system on just and reasonable terms and conditions; (3) upon the advice of the Secretary of State that commercial communication to a particular foreign point via satellite should be established in the national interest, institute forthwith the proceedings to require the corporation to establish such communications; (4) insure the system's facilities are technically compatible and interconnected operationally with the satellite terminal stations and existing communications facilities; (5) prescribe such accounting regulations and ratemaking procedures as will insure that economies made possible by the system are reflected in rates to the public; (6) approve technical characteristics of the system and of the satellite terminal stations; and (7) grant a license for the construction and operation of each satellite terminal station, either to the corporation or to one or more authorized carriers or to the corporation and one or more such carriers jointly, as will best serve the public interest (sec. 201(c)).

TITLE III—CREATION OF COMMUNICATIONS SATELLITE CORPORATION

Creation of corporation

There shall be created "a communications satellite corporation for profit which will not be an agency or establishment of the United States Government." The corporation shall be subject to this Act and to the District of Columbia Business Corporations Act. The right to repeal, alter or amend this Act at any time is expressly reserved (sec. 301).

Process of organization

The President of the United States shall designate incorporators who shall serve as the initial board of directors until the first annual meeting of shareholders or until their successors are elected and qualified. Such incorporators shall arrange for an initial stock offering and take whatever other actions are necessary to establish the corporation, including the filing of articles of incorporation, as approved by the President. No incorporator shall be elected to the board of directors which first succeeds such incorporators as the board of directors of the corporation (sec. 302).

Directors and officers

The corporation shall have a board of directors consisting of individual U.S. citizens of whom one shall be elected annually as chairman.

"Three members of the board shall be appointed annually by the President of the United States, by and with the advice and consent of the Senate, effective the date on which the other members are elected, six members of the board shall be elected annually by those stockholders who are not communications common carriers, and the remaining members of the board, not to exceed six, shall be elected annually by those stockholders who are communications common carriers in a number determined as follows: If such stockholders own in the aggregate not exceeding 15 per centum of the outstanding voting stock of the corporation, they shall elect one member; if they own in the aggregate in excess of 15 per centum but not exceeding 25 per centum, two members; if they own in the aggregate in excess of 25 per centum but not exceeding 35 per centum, three members; if they own in the aggregate in excess of 35 per centum but not exceeding 40 per centum, four members; if they own in the aggregate in excess of 40 per centum but not exceeding 45 per centum, five members; and if they own in the aggregate in excess of 45 per centum, six members. No stockholder who is a communications common carrier and no trustee for such a stockholder shall vote, either directly or indirectly, through the votes of subsidiaries or affiliated companies, nominees, or other persons subject to his direction or control, for more than three candidates for membership on the board. Subject to such limitation, the articles of incorporation to be filed by the incorporators designated under section 302 shall provide for cumulative voting under section 27(d) of the District of Columbia Business Corporation Act" (District of Columbia Code, sec. 29-911(d), sec. 303(a)).

The corporation shall have a president and such other officers as the board may name at rates of compensation the board may fix. Corporation officers must be U.S. citizens and may not receive a salary from any source other than the corporation while employed by the corporation (sec. 303(b)).

Financing the corporation

The corporation is authorized to issue and have outstanding, in such amounts as it shall determine, shares of capital stock, without par value, which shall carry voting rights and be eligible for dividends. Shares of such stock in the initial offering shall be sold not in excess of $100 per share and in a manner to insure the widest distribution to the American public (sec. 304(a)).

Only those communications common carriers which are specially authorized by the FCC to own shares in the corporations may own such shares at any time and "no other communications common carrier shall own shares either directly or indirectly through subsidiaries or affiliated companies, nominees, or other persons subject to its direction or control." Fifty percent of the shares of stock offered at any time by the corporation shall be reserved for purchase by the carriers specially authorized by the FCC; and such carriers shall in the aggregate be entitled to purchase a total number of such reserved shares not exceeding the total number of nonreserved shares of any issue purchased by other persons. At no time after the initial issue is completed shall the aggregate of shares of voting stock directly or indirectly owned by authorized carriers exceed 50 percent of such shares issued and outstanding. And at no time shall any stockholder, other than an authorized carrier, or any syndicate or affiliated group of such stockholders, own more than 10 per centum of the voting stock issued and outstanding (sec. 304(b)).

In addition to the offering of voting stock, the corporation is authorized to issue nonvoting securities, bonds, debentures, and other certificates of indebtedness as it may determine. Such nonvoting corporation securities, bonds, debentures, or other certificates of indebtedness as a communications common carrier may own shall be eligible for inclusion in the rate base of the carrier to the extent allowed by the FCC (sec. 304(c)).

Not more than 20 percent of the voting stock held by holders other than approved carriers may be held by aliens and their representatives, foreign governments and their representatives, foreign corporations and certain corporations in which foreign persons have an interest (sec. 304(d)).

Any corporation stockholder shall have the right of inspection and copying without regard to the percentage of stock held, subject to FCC regulations in the interest of national security (sec. 304(e)).

Upon application by a communications common carrier, the FCC may in the public interest compel any authorized carrier owning corporation stock to sell to the applicant a number of shares determined to be reasonable in the light of the estimated proportionate use of the corporation's facilities by the applicant, at a price determined to be fair by the FCC (sec. 304(f)).

Purposes and powers of the corporation

The corporation is authorized to: (1) plan, initiate, construct, own, manage and operate, itself or in conjunction with foreign governments or business entities, commercial communications satellite systems; (2) furnish, for hire, channels of communication to U.S. communications common carriers and to other entities, foreign and domestic; and (3) construct and operate satellite terminal stations when licensed by the FCC (sec. 305(a)).

Among other not specifically named activities, the corporation is authorized to: (1) conduct or contract for research and development; (2) require the physical facilities and hardware necessary to its operations, whether by construction, purchase, or gift; (3) purchase satellite launching and related services from the U.S. Government; (4) contract with users, including the U.S. Government for the services of the system; and (5) develop plans for the technical specifications of all elements of the system (sec. 305(b)).

Mr. Speaker, I ask unanimous consent that I may revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. **COLMER**. Mr. Speaker, I reserve the balance of my time.

Mr. **BROWN**. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the gentleman from Mississippi [Mr. COLMER] my colleague on the Rules Committee, has described fully the rule under which this bill will be brought to the floor, so I shall not discuss the rule. I do, however, want to take just a few minutes, if I may, to discuss the bill itself.

This legislation, H.R. 11040, from the House Committee on Interstate and Foreign Commerce, would establish, for the first time, a privately owned free enterprise commercial satellite system of communications around the earth.

For a number of years I had the privilege of serving as a member of the House Committee on Interstate and Foreign Commerce and on its Subcommittee on Communications, at the time we were drafting and writing into law a great many of the statutory provisions to control radio, that later were expanded to include television.

I listened with a great deal of interest to the explanation of this bill by the distinguished chairman of the House Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS], when he appeared before the Rules Committee, and I have spent considerable time in studying this legislation. I would like, if I may, to point out this bill as drawn does not, of course, meet the original desires, views and requests of a great many people. It does not meet entirely the desires and requests of the President of the United States as set forth in his message to Congress on this subject. It certainly does not, in full manner, provide all of the things the communications industry would like to have written into the bill. Neither does it provide for the Government control and ownership some organizations, groups and persons would like to have in connection with the establishment of this new satellite broad-adroitly, very ably, and I believe very system.

Instead, however, the committee—very adroitly, very ably, and I believe very well—which drafted this bill, has brought together all the various interests, and views so, in my opinion, to give full protection to this new communication system, as well as to the people of the United States, and the Government.

If I may take just a moment or so—and I hope that I may be corrected if I am wrong—this bill provides for the establishment of a separate corporation to run this commercial, free enterprise type of satellite communications system. Under it the President of the United States would be authorized to name incorporators. The new corporation would be incorporated under the corporation laws of the District of Columbia, which, as I understand, are the strictest in the Nation.

Under this procedure, once the new company is incorporated, there would be 15 directors, 3 of whom are to be named by the President, for it must be remembered that there are international negotiations to be conducted in connection with the establishment of this satellite communications system. The law would also provide one-half of the stock, or 50 percent of the stock will be owned by the general public, or be available to the general public. The other 50 percent will be owned or available to the communications industry, and its various corporations, agencies, and so forth.

However, the bill goes a little further in providing protection. At no time can the communications industry control more than 50 percent of the stock, or control more stock than is owned by the general public. That is another safeguard, of course.

Then the bill further provides that no particular communications corporation or agency can have more than three representatives on the Board of Directors. Six representatives or members of the Board, are to come from industry, to be elected as representatives of industry; six to represent the general public, and three to be appointed by the President, subject to confirmation by the U.S. Senate.

This very well written piece of legislation, in my opinion, provides the Federal Communications Commission shall see to it, and have the authority under present regulations and powers now provided in reference to our television and radio industries, that every user of this type of service in international communications will have a fair opportunity to such system and any ground facilities that might be established.

What about the cost? It is estimated this new satellite communications system would cost about $170 million to put these satellites into space, anywhere from one up to four, according to the height they might be put into orbit, from which messages could be sent around the world through electronic impulses—radio, television, or what have you.

However, under the provisions of the bill, income from the new system would be regulated just as any other public utility earnings are regulated under present law. The charges for these services will be regulated, in other words, and the earnings would also be regulated, as is now the case with public utilities in practically every State of the Union.

The new satellites would be constructed, as I understand it, by the Federal Government or its agencies, and would be put into the air through the use of our Government missiles, or through the military projection power, perhaps down at Cape Canaveral. But this new free enterprise corporation will be required to reimburse the Federal Government for any expense which might be involved in connection with the establishment and creation of this satellite system.

We are told the average new satellite equipment would last for perhaps 7 years, or even a shorter time, because of the rapidity with which technical improvements are coming in the equipment used in such satellites, as well as in the ground stations which would be set up to handle these telecasts, broadcasts, and so forth.

The new private corporation would be charged with the responsibility of replacement and rebuilding the new system whenever necessary. If the Federal Government cooperates in connection with placing new satellites in the air, or in building new ones, or anything of that sort, again the Federal Government would be reimbursed fully.

I emphasize that in order to point out that under this legislation, the taxpayers of America will not be called upon to furnish a single penny of the money needed.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. BROWN. I yield to the gentleman from Ohio.

Mr. BOW. I note in the bill on page 34 there is a provision for the Department of State to cooperate with the corporation in the letting of contracts with foreign governments, and the corporation may request the Department of State to assist in negotiations, and the Department shall render, and so forth. Now, obviously after the satellites are in operation and beginning to work, they can call upon the Department of State, which would entail considerable travel abroad, considerable expense for the Department of State. Does the gentleman believe that the bill might be amended at that point where we could suggest that the Department of State be compensated by the corporation for this additional expense?

Mr. BROWN. I would certainly think the amendment would be accepted, because it is the general purpose of the bill that the Federal Government shall be reimbursed for any expense incurred. However, it is my understanding the primary assistance to be rendered by the Department of State would be in connection with the making of agreements with other countries for the use of this satellite system. And, just as we have today—for the State Department has cooperated, as I understand, in the past—agreements whereby American-owned cables and cables owned by foreign governments and foreign corporations work in conjunction with each other under international agreements. I think that is also true so far as certain other radio communications activities throughout the world are concerned. And, I think that is where the State Department would be called in.

Mr. BOW. It places a specific duty upon the Department if they are called upon to do so, but I think they should be compensated.

Mr. BROWN. I personally would be willing to see this sort of an amendment adopted, in spite of the fact I believe very firmly the State Department might be able to expend some of its funds to better advantage in establishing a free enterprise system like this than the ways they are spending money today on other projects and other activities.

Mr. BOW. With that I agree.

Mr. BROWN. And I hope the gentleman will agree with me that perhaps the State Department might find money somewhere else for this particular purpose.

Mr. BOW. So it does not come from the taxpayers' pockets.

Mr. BROWN. Yes.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. BROWN. I yield to the gentleman from Florida.

Mr. HALEY. The gentleman stated that only 50 percent of this stock would be owned by the communications people. He did not say what the limit might be as to an individual.

Mr. BROWN. Fifty percent; not over 50 percent by individual investors, and 50 percent by the communications industry and corporations making it up.

There is also a prohibition in this bill—and I have not mentioned them all, because it has been very ably drawn, as I said a moment ago—that no officer of one of these communications corporations can, as an individual, buy any of this stock. Also there is a provision in the bill that any of these communication corporations or agencies that avail themselves of this law can be compelled to sell a part of their stock, if it is believed such sale to be in the public interest, to some other perhaps newly created communications organization. Further it provides every applicant will have the right to use this new service; that is, the applicant must be given a fair and proper opportunity to participate according to the volume of business conducted.

Mr. HALEY. The gentleman answers my question. I was worried about the fact that if the various communications systems owned 50 percent, then the officers of this system could not, as individuals——

Mr. BROWN. Let me be frank with the gentleman from Florida. Of course, I do not know how this bill can stop someone's cousin from owning some stock, or something like that. But in the end, the general public has control of six of the new corporation directors, the President three, and the communications industry six of the directors. So, no one can ever have control.

Mr. Speaker, I would like to say that as far as the private investor is concerned this stock would not be too good an investment for the first 10 or 12 years, but that stock might probably be purchased by foundations, by insurance companies, or by others who could wait for a while in order to obtain a fair return on their investment.

Mr. Speaker, the bill, I say again, is very well drawn. It provides that in case the general public does not purchase the full amount of the stock it is entitled to purchase, the communications industry can buy no more than the public holds at any time. Instead, the corporation can issue debentures or bonds to borrow on the corporation assets, as such. I do not know of any safeguard that could be written into this bill which has not been written into it.

Mr. Speaker, I do want to congratulate the committee on taking a dozen different divergent views from different important people and industries, and getting all, including the Attorney General and the Department of Justice, satisfied—that is quite a job I might add—as well as getting the President satisfied, a lot of the people who wanted public ownership satisfied, and the communication industry that wanted everything for themselves, satisfied.

So, the committee has brought forth a bill that seemingly everyone is supporting.

Mr. Speaker, I would like to say one thing further, and then I will yield to the gentleman from Florida [Mr. HALEY] that there may turn up, in the passage of time some section of this bill, some activity under this legislation, that the Congress will want to look over again. Congress can amend this law at any time it desires. Also, under the rules of the House of Representatives the House Committee on Interstate and Foreign Commerce will be charged with the responsibility of riding herd, as the saying goes, on this entire activity as it proceeds along the way, and to keep the House advised as to what is being done under the provisions of this act.

Mr. HALEY. Mr. Speaker, I want to thank the gentleman for giving me this explanation. It has been very thorough. I want to say that if all of the people whom the gentleman from Ohio [Mr. BROWN] has enumerated here are in thorough agreement with the bill, I too want to compliment the committee, because it must have been quite a job.

Mr. BROWN. May I say I do not know how the committee did it, because it is an unusual accomplishment. If we could do more of this sort of thing, we might be happier here in the House of Representatives than we have been on other occasions in the past.

Mr. Speaker, I again wish to congratulate the Committee on Interstate and Foreign Commerce, and to ask the support of this rule so we may debate this bill fully, and have it discussed more ably than I have been able to discuss it.

Mr. JOELSON. Mr. Speaker, will the gentleman yield for one question?

Mr. BROWN. Yes, I shall be happy to yield to the gentleman from New Jersey.

Mr. JOELSON. On the subject of reimbursement to the Federal Government for expenses, I understand that of this space program, about $471 million was expended through research and development of the communications satellite program. Is there any provision for reimbursing this $471 million?

Mr. BROWN. No; not that I know of. I know of no reason why there should be, because we did that on our own as a government for other reasons, including defense reasons. But as a result of this research and development in this field we did ascertain—and the military, by the way, is using a satellite now, and is bouncing messages off the moon at certain times of the day and month, and so on and so forth—for military purposes to great portions of the world. That was all done originally for defense or military purposes. However, it was learned, during this research and development, that the use of these satellites for worldwide communications would be possible. Then the question arose as to how it should be done. This committee bill provides this method whereby the new corporation takes it from here on, and develops it further. Of course, it has to be developed further. However, there will be great developments and many changes in this system in the months and years ahead. It will be bettered, I am sure, as the result of further research and further effort. But it will be done at the expense of this private corporation under the free enterprise system.

Mr. JOELSON. Will the Federal Government be reimbursed for future expenses with regard to this?

Mr. BROWN. I am sure that is covered by the provision in the bill as far as putting up these satellites in the air.

Mr. JOELSON. Including research?

Mr. BROWN. If the Government is required to do research by the corporation then the corporation, of course, will pay for it. If not, it will do its own research. The fact of the matter is, let me say, that the communications industry has financed a great deal of research on their own which has been extremely valuable to the U.S. Government. Private enterprise, private industry, and private business, in other fields, have also carried on a great deal of research at their own expense which has proven very valuable to our Government, in time of war and in time of crisis such as this. They have furnished that material and information and development free of charge to the Federal Government in many, many cases.

Mr. JOELSON. I thank the gentleman.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. BROWN. I yield to the gentleman.

Mr. CRAMER. Mr. Speaker, I am sure the gentleman is familiar with section 302 involving the process of organization.

Mr. BROWN. I think I am.

Mr. CRAMER. Which requires that the President shall designate the initial incorporators who shall also serve as the initial board of directors; but it does not provide any criteria whatsoever for their appointment, and also does not provide for their confirmation by the Senate, which is necessary for the permanent board. It is understood, is it not, that these initial incorporators shall serve approximately 1 year and that they shall have the basic responsibility of setting up the corporation, which is very substantial?

Does not the gentleman feel that some congressional statement of purpose should be included to indicate what the makeup of the incorporators should be? Should it be similar, for instance, to the final board makeup, as contained in section 303—three members by the President, six on behalf of the industry, and six on behalf of the people?

Mr. BROWN. I do not agree with the gentleman's latter statement. I agree with the first part of his statement, that the committee, in debate, should make legislative history as to the intent and the purpose of the Congress as to this bill. But the reason for section 302 is that we have to get this thing started and that is the only way we can start it.

Mr. CRAMER. Mr. Speaker, if the gentleman will yield further, I fully understand that and I agree with it. But it is obvious that the initial incorporators are going to have very substantial authority in setting up this corporation, in incorporating it and putting it to work. And it is imperative that the Congress be certain that all interests involved be protected, particularly during this first year period. Does not the gentleman feel that requiring at least Senate confirmation of the initial incorporators would be justified?

Mr. BROWN. I am not certain that all of the incorporators should have to be confirmed by the Senate. Let me say frankly to the gentleman that there have been a number of times when I have disagreed with the present President. I have disagreed many times with former Presidents of my own party. I have always tried to disagree without being disagreeable. But I have confidence that the present President, even though I disagree with him quite often on many matters, is not going to name a board of directors that are not representative of the industry and of the investors interested in this matter. And we do have to have some incorporators to start a corporation, as the very able lawyer from Florida well knows.

Mr. CRAMER. Mr. Speaker, if the gentleman yields further, I trust the President, in considering the legislative debate, will take note of the observations of the distinguished gentleman from Ohio and of the legislative record which I am attempting to help prepare, and appoint people who are representative of the different groups who in the permanent organization are supposed to be representative.

Mr. BROWN. I thank the gentleman for his remarks. I think it would be a good situation if the President of the United States can agree with something

I have said on the floor of the House. I will be very happy over that. But I am sure the Committee will make very clear, in general debate, the intent and the purpose of this proposed legislation and establish, by the record, a legislative history that will not only guide the President but the courts in case of any matters that might be submitted to the courts.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BROWN. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding to me quickly.

Mr. BROWN. I am anxious to have the gentleman ask his question. Go ahead.

Mr. GROSS. The gentleman of course is aware of the new climate which the President is now attempting to build between himself and the business fraternity of this country. I agree with the gentleman from Ohio that the President will undoubtedly look with favor upon private enterprise in starting this enterprise.

Mr. BROWN. Let me say to the gentleman from Iowa I am convinced, as the result of recent happenings, that the President will not go out of his way at this time, if this bill becomes law, to offend any more elements in the business and industrial world, as far as that is concerned. I rather feel he may be very cooperative, and may be very desirous of discussing these matters on a proper basis. I am sure that under no conditions will he lose his temper in connection with the establishment of this new board of incorporators or board of directors.

Mr. COLMER. Mr. Speaker, if the gentleman from Ohio has no further requests for time, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11040) to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11040, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. HARRIS. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, the Committee on Interstate and Foreign Commerce has reported the bill H.R. 11040 as amended, with the recommendation that the bill as amended by the committee be passed. This bill would establish a private corporation which would be the U.S. participant in a global commercial communications satellite system.

I am sure that many of you observed in the press this morning the statement yesterday of General Sarnoff, who is recognized as one of the pioneers in the communications field in the United States. I do not have to relate to you the background, experience, and the marvelous record of this outstanding man in the communications field.

According to the press reports this morning, General Sarnoff said yesterday that communications satellites would revolutionize our communications industry and provide a potential that we ourselves today do not even know the import of. That is the kind of program we are considering here today. The bill provides for a new type organization. It is a special creature specifically designed to meet special needs. Special conditions and circumstances make this necessary. We feel that it is, under our system of private enterprise, the most appropriate way to get expeditious and effective action in this most important program. Because I can say to you, in my judgment—and I measure these words—in my judgment, the reason the United States has been permitted to become the leader in the world today is due primarily to the ingenuity of our people in developing our communications system. Without communications, as we have, superior to any other country in the world—without communications we would never be able to accomplish all of the things that we have accomplished in this country today. This is true not only in our commercial operation and social life but, also in our military endeavors and in our national defense and security. So in this age that we sometimes call the space age or the nuclear age we now have developed a new type of technical program where we are going to use outer space to bring to the people of this country as well as to people all over the world a new type of communications where we can by the flip of a button be in instant contact with any place in all the world, no matter how remote.

I say to you, Mr. Chairman, that this is revolutionary.

Mr. Chairman, any great idea which is ultimately consummated in order for it to serve the purposes and objectives that are sought must have a vehicle. There must be some organization that will permit that new development to burst forth with all of the potential that it must have in order to become a part of our lives.

That is another thing about this country of ours and our people. We not only have the ingenuity and the scientific know-how to research and develop these new ideas, but we also have the ingenuity and the intelligence to propose the vehicle or organization necessary to put it into being in order that we can reap the benefit of it. I think we are very fortunate that we do not have to depend upon the Government to do it all.

Today we are proposing this kind of organization, this vehicle to be established by congressional authorization. It is a corporation that is private and profit-making. I know the other members of this great Committee on Interstate and Foreign Commerce feel, as I do, pride in developing what most of us on the committee believe is a very good organization to accomplish the purposes and objectives. I know the other members of the committee feel as I do, that is, humble but grateful for the accolades that have been thrown our way. We are merely trying to look to the future to give to our own people all of the services which we can obtain from such a program. This will permit this country to continue its leadership in world affairs in this area of world communications. This is a global type operation, and we want to play a leading role in this.

It is important that we take the lead, as was said by the distinguished gentleman, a member of the Rules Committee, a moment ago. If we do not get there first with this development we are again put behind the eight ball. For that reason it is important: First, to have the right kind of organization which conforms to our way of life; and, second, to do it as expeditiously as we can so the corporation and those having to do with it may move on to get the job done. This is very important.

When we started on this program there were so many proposals that we of the committee never thought there would be a chance in the world of getting together the views that were so diverse and so extremely far apart. There were those who wanted ownership by the Government outright, every phase of it. The gentleman from New York, I understand, is going to propose such a program during the course of the consideration of this bill. Our committee, I believe, does not think this would be best, and I know in my own judgment it is not. There are those who wanted the international carriers to own and control this corporation without any Government supervision other than those that we now have in a field like this where you have foreign governments to deal with.

There are those who want it owned by this type of an organization or that type of an organization. So we conducted hearings. The committee held innumerable sessions on it, and we brought everyone who wanted to testify before us, people from Government agencies that have to do with it—that is, the Federal Communications Commission, the Department of Justice, NASA, all others that have to do with the program. We heard all segments of industry. Yes, we had very complete hearings and heard all of the interested parties.

The program is of a technical nature which has far-reaching conseqences. It is an interesting story which was told in the hearings and I commend to you the hearings which are printed and available to you.

We heard these various divergent views and the committee members interested in participating kept on developing and developing, knowing that we have to have a bill, knowing it was important to get something. We tried to bring these views together in a program which is in keeping with our system of government and our way of doing things. In my judgment that is what we have done.

We have a bill before the House today that has the approval of the White

House, the administration, the Department of Justice, the Federal Communications Commission, NASA, and all of the agencies of Government. I am not so sure the State Department is happy about some details because they wanted some other things that the committee did not feel should be included. We have tried to tie down the responsibilities of the State Department within the framework of the bill to be performed under the direction of the President of the United States.

The carriers, the "hardware" industry, are favorable to the legislation and support it. As a matter of fact, the only ones who are not in principle for this bill as we have it here today, are those who want outright Government ownership. Then there are others who are not satisfied with every provision. There will be a few amendments offered which the committee will have an opportunity to discuss. I believe one segment of the industry raises some questions indicating they are not fully satisfied with the committee work. But outside of that, the committee, in my judgment, has done a magnificent job in getting a program that we feel is practical and workable and in keeping with our own philosophy, and which, in my judgment, will permit us to move on.

What do we have? I have a prepared statement I am going to put in the Record that gives a more detailed account or analysis of the bill. But I will at this time give you some of the highlights.

In the first place, we have a statement of policy. So far as I know, the statement of policy is not only a very good one, but it has the approval and support of everyone interested in the program.

Then we have definitions. Now, our committee had to readjust the bill as it was proposed, not only originally but as it was reported by the Senate committee after hearings, and the way it has worked out, and we included definitions that we thought would be necessary to clarify the program and make it more workable. We define, as an example, which was not in the bill at first, communication common carriers. We thought that that would be necessary in order to understand the language of the bill. And, we define the term "communications satellite system."

Let me pause just a minute on that. Communication satellites are going to be put out into space a certain distance. They may be 150, they may be 300 miles out. That is called the low-type system. The one right now under consideration, I believe, is the one out 7,000 or 8,000 miles in space, which will give, we think, a more efficient service. But, the ultimate goal which we hope is the system which will be out some 22,000 miles, something like that, and in that case they will not have to have but three satellites.

Now, we define the system because under the provisions of the bill, the way it has worked out, the satellite could very well have been limited to, say, just one system or, if they developed it, say, in the first outer space, why, we would be limited to that. So, we made it where they could develop the whole category of systems, regardless of how far out they may be. If we go and use the one at 22,500 miles, according to the technicians and the scientists testifying before us, they could be more easily jammed in case somebody might undertake it, but if they develop a central system and then one nearer to us and possibly one even closer and we have several, say three satellites or more, then each one of them can be used for relays, and it would make it almost impossible to jam. We could then develop the communication program to the point where it would be impossible for any jamming to take place. So, the committee decided to work that out, and did, with those who were familiar with the terms and the operations, and you will find the other definitions in the bill, I think, clear and understandable.

Then we have other provisions under title II. Let me say here in passing that this bill is in four titles. There were those who wanted it as an amendment to the Space Act; there were those who wanted it as an amendment to the Federal Communications Act, but in this bill we put each of the jurisdictions in their own perspective.

I talked to the chairman of the committee, the gentleman from California [Mr. Miller], and other members about it. The gentleman from Pennsylvania [Mr. Fulton], also on that committee, sat with us during the course of the hearings part of the time when we had this part of the bill under consideration. That part relating to the Federal Communications Commission, which is the greater part of this program, is set out as supplementary to that act, so that we will at all times know the framework of this program and have it easily understood and know where it is.

We permit under this program the President to assume his responsibility. Where we have a program set up which is international in scope this simply must be done. There is no other way under our system of the Constitution except giving the President certain authority. We do that. I think the committee and those who worked on this bill have done a good job in coordinating this responsibility.

We provide responsibility for the National Science and Space Administration for the launching of the satellites and those things that go with the launching, as well as research and development which belongs to that Administration. We provide that they have their responsibility here on a reimbursable basis. We think that is important, because it is a private corporation, profitmaking, and therefore since it is global in character, that the Space Administration in the national interest and in the interest of our future development, should assume its burden and responsibility.

Mr. Chairman, then we supplement the Federal Communications Act and give the Federal Communications Commission the authority to control that phase of the operation, such as determining rates, the licensing of ground stations, and so forth, the allocation of channels where necessary, and every other function necessary to go with it. We try in this program to safeguard the public interest in every way, but yet set up an organization which gives it freedom to operate, and we establish this organization in order to serve the public interest.

Mr. Chairman, there has already been stated by the gentleman from Ohio [Mr. Brown] and the gentleman from Mississippi [Mr. Colmer] the facts with reference to the creation of the organization and it will not be necessary for me to go into that again. That will be included in the record. But suffice it to say we did not want the common carriers to control it. So, we provided that at least 50 percent of the stock be held by the public. There are those who wanted 100 percent of the stock to be held by the public. We provided that 50 percent of the issue would be reserved for the common carriers to purchase. There are those who wanted the common carriers to own all of it. But we safeguard the public interest by assuring that no more than 50 percent of any issue can be owned by the carriers themselves.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I shall be glad to yield to the distinguished chairman of the Judiciary Committee. Permit me to compliment the gentleman from New York [Mr. Celler] for his interest in this program, and for his contribution to the formulation of this legislation.

Mr. CELLER. I, too, want to express appreciation—and I am sure I speak for a great many Members of the House of Representatives—for the fine work that the gentleman from Arkansas [Mr. Harris], as chairman of the Committee on Interstate and Foreign Commerce, has done, as well as the members of the committee, in fashioning a bill as intricate as this and the manner in which the job has been performed. You have steered a middle course between public ownership and outright ownership by the communications companies. It has been a difficult task that you fashioned. It is a job well performed. However, nothing is perfect.

Mr. HARRIS. That is right.

Mr. CELLER. Perhaps the chairman of the Committee on Interstate and Foreign Commerce might want to answer one or two questions that might bring out what I deem to be some slight imperfections in the bill.

Mr. Chairman, I wonder whether the Committee on Interstate and Foreign Commerce considered the fact that it is possible for the American Telegraph & Telephone Co. actually to secure absolute control over this communications satellite system in this sense: First, I want to say that the committee provides that the communications companies shall own 50 percent—no more than 50 percent—of the stock, to be divided among them. Then you provide, on page 32, line 11, the following:

> The Commission may compel any authorized carrier which owns shares of stock in the corporation to sell to the applicant a number of shares determined by the Commission to be reasonable in the light of the estimated proportionate use of the corpora-

tion's facilities by the applicant and other factors consonant with the purposes of this act at a price determined by the Commission to be fair and reasonable.

My question is this. The A.T. & T., it has been indicated, would have a proportionate use of up to 85 percent of the facilities. If that is so it is possible, with the consent of the Commission, for A.T. & T. to purchase the stock of other communications companies so that it could have conceivably 85 percent of the 50 percent of the stock, which would be 42½ percent of the stock. If the A.T. & T. had 42½ percent of the stock that would give A.T. & T. an ironclad control. I should like the gentleman's reaction to that statement.

Mr. HARRIS. I do appreciate the gentleman's concern and he raises a very important question. But the premise of the gentleman, with all due deference and with respect for the gentleman's knowledge, is erroneous because we provide that no corporation or organization may vote for more than three of the 15 directors, or 20 percent of the board. That is to be found on page 29. Referring the gentleman to page 32, the purpose of paragraph (f) is just to the contrary of what the gentleman has said. As an example, should A.T. & T. get a larger share and one of the other carriers wanted to purchase some stock and were not able to do so, the purpose here is to give the Commission authority to sell stock to the other company.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Illinois.

Mr. SPRINGER. I think that could have been clearer language, may I say to the gentleman from New York, but I thought it was clear enough at the time. Paragraph (f) on page 32 applies only to new applicants. It applies to those who did not have any shares and who now wish to come in.

Mr. CELLER. Where is that language to which the gentleman refers concerning new applicants?

Mr. SPRINGER. This question was brought up but we felt at the time that this language was clear enough. I never assumed any other position than that. An applicant who did not own any shares and wished to come into the corporation, and it was determined there was a reason for it, the Communications Commission could grant that carrier the right to come in.

Mr. HARRIS. Mr. Chairman, let me say further to the gentleman that it cannot happen as the gentleman has suggested, because we also provide that no carrier at any time may have more than three members on the board. We have that safeguard. We provide a total board membership of 15; three to be appointed by the President and confirmed by the Senate, six to be elected by the carriers who own up to 50 percent of the stock, and six to be elected by the public stockholders. We provide that no more than three may be elected from one company or one group. I think there would be no way for any one company to gain controlling interest in this corporation.

Mr. CELLER. Mr. Chairman, if the gentleman will yield further, the reason I bring this out is the following. Under present conditions the FCC has a great deal of difficulty regulating the rates, for example, between States in this very country, by the A.T. & T. There are no criteria. There is no document by the Federal Communications Commission defining the rates that you and I pay when we use interstate communications. Those rates are fixed only by negotiation. And the gentleman knows when people sit across the table there are all manner and kinds of compromise.

Beyond that, in 1960 Western Electric, a wholly owned subsidiary of A.T. & T., sold equipment to A.T. & T. to the extent of $1,800 million, involving huge profits. We do not know whether those profits did or did not go into the rate base. We think they went into the rate base. The Bureau of the Budget has cried out aloud against this practice. The Federal Communications Commission seems helpless to control the operations of A.T. & T. on earth. If they have difficulty controlling and regulating A.T. & T. on earth, what difficulty will they have in regulating A.T. & T. up in space? They would need to send up a space capsule to do that. So that is why I am concerned about this language. I want to be sure it is riveted down that A.T. & T. could not possibly get control of this huge, mammoth, monolithic corporation we are now developing. That is the reason I am raising this question.

Mr. HARRIS. The gentleman appropriately raises the question. He appropriately talks about, How are you going to control A.T. & T. in space? With all the sincerity I know the gentleman has, I think the committee has put safeguards in here that will control this corporation. I do not care if it is A.T. & T., Western Electric, or the stock market that might enter into it, it is my judgment the committee has not left any loopholes for anyone. The committee has given consideration to these problems, and the committee, in my judgment, has gone as far as it ultimately and possibly can go with the knowledge we have today in order to be sure that the public is protected. In the example which the gentleman employed, of a wholly owned subsidiary of A.T. & T., Western Electric, we provided here that there must be competitive bidding for the hardware. We also provide that this satellite corporation, if it owns ground stations or if the FCC licenses someone else to own ground stations, they must be made available to others on reasonable terms. I do not think the gentleman or anyone else can sustain any kind of implication that we have not provided adequate provisions here that would give protection to the public, and yet permit us to move forward with this project.

Mr. CELLER. I read on page 14 of the report with reference to the statement about the 20 percent the following:

Under subsection (d) not more than 20 percent of the shares of voting stock of the corporation held by persons other than authorized carriers could be held by aliens and their representatives, foreign governments and their representatives, foreign corporations, and certain corporations in which foreign persons have an interest.

So that 20 percent refers not to communications common carriers.

Mr. HARRIS. Yes, that is right. But also, let me say that we have to be very careful in that foreign governments are ultimately—and we think it is inevitable—going to have to own some interest in this corporation. We cannot do business with the other governments where they insist on some ownership without letting them have it. We recognize that. We have to face it. We do not think that we will be able to own any ground stations in other countries, neither our own carriers, those authorized under this, or the corporation itself. We think that the foreign governments are going to have to own their own ground stations, and we have to negotiate with them about the utilization of their own facilities there. That is the reason we provide it here to bring it in line with the present Communications Act with reference to foreign ownership of these facilities. The gentleman is correct. It does not apply the limitation to common carriers as a part of this organization.

Now there was reason for that. The common carriers will have 50 percent of the stock reserved for them. It may be that some of the common carriers would feel that they do not want to take much interest in this. There may be a $100 stock. Some may feel that they do not want to take the interest and they, perhaps, would be interested in the issuance of debentures and so forth which may become a part of the rate base. In that case the other common carriers, perhaps, are going to have to take it up because if they do not we provide another safeguard here, that if the common carriers fail to take up their 50 percent of the capital stock, they will have representation on the board reduced accordingly.

In other words, we reserve 50 percent of the stock of the common carrier, but if they only take 25 percent of it, they then can have only three members of the board instead of six. That is another safeguard that we provide in this and we had these things in mind at the time it was worked out.

Mr. OSTERTAG. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from New York.

Mr. OSTERTAG. First of all, I want to commend the chairman of the Committee on Interstate and Foreign Commerce and all the members of the committee on a job well done. I think this very tough problem has been resolved in a very sensible sort of way. My question to the gentleman relates to the stock that has been or will be issued to the so-called public. It is not quite clear to me, and I wish the gentleman would devote a moment to that aspect of it. Suppose, and perhaps this is most unlikely, but suppose by chance the general public did not subscribe to this balance of investments. What happens in that event; or also, are people foreclosed from investing in this if they are investors in the common carriers?

Mr. HARRIS. To answer the last question, the answer is "No, it would not." To answer the other question, if there is an issue of *x* number of dollars and the general public decides it does not want to take all of it, there is no requirement for it. We do know somebody is going to be interested and if there are 10 shares that the general public does not take, then the common carriers would have 10 shares reserved to them—and they are in business. They can operate, but I say to the gentleman, our information is, from the reports we have had, that the underwriters, the brokers in the stock market seem to indicate that they have a backlog here that we need not worry about whether the stock is going to be taken up. While I am on that subject, let me emphasize here so that everybody will know it, and we have been trying to stress this point, we do not want the general public to think there is a windfall here and that they have something easy and that they can run up and put their money into something and get rich quick out of it. We think the public ought to be cautioned about dashing up and putting their money in it with the idea that they are going to get quick returns out of it because I do not think, and there is no one who knows anything about this who has any idea that there will be any returns on the investment within several years and, possibly, as much as 7 or 10 years. So we do not want the general public to think that because the Congress is taking this action that this is an indication to run in and invest some money that they are going to get a lot out of right away. I think they should be careful and know what they are doing. And even so, in my judgment, from the reports we have, we need not worry about the stock being taken up by the public.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield briefly.

Mr. JOELSON. Does not this in fact mean that the private investors will necessarily have to be large corporations?

Mr. HARRIS. Not necessarily so at all, not necessarily at all. They tell me they have all kinds of backlogs of requests from private individuals asking for shares in this corporation.

Mr. CLEM MILLER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. CLEM MILLER. Why then should we not wait in making this momentous decision until a later time when all the facts are available?

Mr. HARRIS. I am sure the gentleman does not fully realize the import of his question. The answer to that would be, Let us sit on our thumbs and let Russia take it over. Unless we move forward and set up this organization we are just sitting idly by and letting someone else take the leadership in this program that is going to mean so much to our future.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. COLLIER. Concerning the inquiry of the gentleman from New Jersey that only large corporations will be in position to purchase this stock, let me remind him that there are 2½ million Americans who own stock in the A.T. & T. I am sure those 2½ million Americans represent a cross section of the American economic status.

Mr. HARRIS. There are other provisions of the bill that will be discussed fully. I have already used too much time.

Therefore, at this point in the RECORD I am extending my remarks and I insert a carefully worked out section-by-section summary of the bill:

TITLE I—SHORT TITLE, DECLARATION OF POLICY AND DEFINITIONS

Section 101.—Short title:

This section provides that the act may be cited as the "Communications Satellite Act of 1962."

Section 102.—Declaration of policy and purpose:

The section sets forth the policy and purpose of the Congress in enacting the Communications Satellite Act of 1962.

In subsection (a) the Congress declares it to be the policy of the United States to establish as soon as practicable a commercial communications satellite system. This system is to be established in conjunction and cooperation with other countries and is to be a part of an improved global communications network. It would be responsive to public needs and national objectives, serve the communication needs of the United States and other countries, and contribute to world peace and understanding.

Subsection (b) provides that the new and expanded communications services are to be made available as soon as possible and extended to provide global coverage at the earliest practicable date. In carrying out this program care and attention would be directed at the following: (1) Providing such services to economically less developed countries and areas, as well as those more highly developed; (2) efficient and economical use of the electromagnetic frequency spectrum; and (3) reflecting the benefits of this new technology in quality of services and charges for them.

Subsection (c) provides that U.S. participation in the system shall be in the form of a private corporation, subject to appropriate governmental regulation. The intent of Congress is stated to be that all authorized users shall have nondiscriminatory access to the system; that maximum participation be maintained in the provision of equipment and services utilized by the system; and that the corporation be organized and operated so as to maintain and strengthen competition in providing communications services to the public.

Subsection (d) states that it is not the intent of Congress by this act to preclude creation of additional communications satellite systems, if required to meet unique governmental needs or if otherwise required in the national interest.

Section 103—Definitions:

This section defines some of the terms used in the bill. These terms are used, as defined, in this section-by-section summary.

Paragraph (1) defines the term "communications satellite system." This term refers to communications satellites in space whose purpose is to relay telecommunication information between satellite terminal stations, together with associated equipment and facilities for tracking, guidance, control, and command functions which are not part of the generalized launching, tracking, control, and command facilities for all space purposes.

In paragraph (2) the term "satellite terminal station" is defined. This term refers to the complex of communication equipment on the ground which receives from other ground communications system for relay via the communications satellite system or receives from the communications satellite system for relay via other ground communications systems.

Paragraph (3) defines "communications satellite" to mean an earth satellite which is intentionally used to relay telecommunication information.

In paragraph (4) "associated equipment and facilities" is defined to refer to those facilities, other than satellite terminal stations, which are constructed and operated primarily for the communications satellite system.

In paragraphs (5) and (6) the terms "research and development" and "telecommunication" are defined. These terms are self-explanatory.

In paragraph (7) "communications common carrier" is defined to give it the same meaning that "common carrier" has when used in the Communications Act of 1934, as amended; and except as specifically provided for in section 304, the term "authorized carrier" is defined to mean a communications common carrier authorized by the Federal Communications Commission under such act to provide services by means of communications satellites.

Paragraph (8) defines "corporation" to mean the corporation authorized to be established by title III of the bill.

Paragraph (9) defines "Administration" to mean the National Aeronautics and Space Administration.

Paragraph (10) defines "Commission" to mean the Federal Communications Commission.

TITLE II—FEDERAL COORDINATION, PLANNING, AND REGULATION

Section 201—Implementation of policy:

This section sets forth the functions to be exercised by the President, and by the Federal agencies whose responsibilities are most directly involved, in providing for the establishment and operation of the commercial communications satellite system contemplated by the bill in a manner calculated to achieve the objectives and carry out the purposes of the bill.

Subsection (a) sets forth the functions to be exercised by the President with respect to the communications satellite system.

It would be the general responsibility of the President to aid in the development and foster the execution of a national program for the expeditious establishment and operation of the system and to provide for the continuous review of all phases of its development and operation (including the activities of the communications satellite corporation authorized to be created under title III (discussed more fully below)). The President would also coordinate the activities of Federal agencies having responsibilities in the field of international communications so as to insure compliance by them with the policies of the bill, and would take steps to insure that (except in cases where a separate system is needed to meet unique governmental needs) the communications satellite system contemplated by the bill is made available to and appropriately used by the various departments, agencies, and establishments of the Federal Government for their general governmental purposes.

The President would be charged with the duty of insuring that timely arrangements are made for foreign participation in the establishment and use of the system, and would exercise general supervision over the relationships of the communications satellite corporation with foreign governments and foreign entities (and with international bodies) so as to make certain that such relationships are consistent with the national interest and foreign policy of the United States.

Finally, the President would be directed to carry out his responsibilities under the bill in such manner as to insure that the system to be established will make effective and efficient use of the frequencies in the electromagnetic spectrum and will be technically compatible with communications facilities (foreign and domestic) which are already in existence.

Subsection (b) enumerates the responsibilities of the National Aeronautics and Space Administration in connection with the communications satellite system. In addition to advising the Federal Communications Commission on the technical characteristics of the system, the Administration would be directed to assist the communications satellite corporation in several ways.

The Administration would consult with the corporation with respect to the technical characteristics of the system; and would furnish the corporation with satellite launching and associated services, both in order to assist it in the conduct of its research and development program in a manner calculated to promote the most expeditious and economical development of the system and to provide the services which are required (with the approval of the Federal Communications Commission) for the establishment, operation, and maintenance of the system.

More generally, the Administration would coordinate its research and development program in space communications with the corporation's research and development program, and would (to the extent feasible) furnish the corporation with any other services which it may require in connection with the establishment and operation of the system. All services provided by the Administration to the corporation would be furnished on a reimbursable basis.

Subsection (c) sets forth the duties and responsibilities which would be exercised by the Federal Communications Commission (as a part of or in connection with the exercise of its existing authority under the Communications Act of 1934) with respect to the communications satellite system.

The Commission would be charged with the duty of insuring that all communications common carriers authorized by it to use the communications satellite system (now or in the future) shall have nondiscriminatory use of and equitable access to the system and the ground stations serving the system, and would prescribe regulations governing the manner in which the facilities of the system are allocated among its users.

For the construction and operation of each ground station the Commission would grant a license, either to the corporation or to one or more authorized carriers or to the corporation and one or more such carriers jointly, as will best serve the public interest, convenience, and necessity; and it would encourage the construction and operation of such stations by communications common carriers wherever in its judgment such construction and operation are not inconsistent with the policies of the bill. It is not the intent of the committee that these provisions limit in any way the Commission in determining what meets the public interest, convenience, and necessity. It is, however, the intent of the committee that in exercising its licensing functions in this respect and in determining who is to be licensed, the Commission shall give consideration to all relevant factors, including such things as the amount and nature of the communications services which are being rendered and which are to be rendered by individual communications common carriers, the need for adequate reserve capacity on the part of such carriers in rendering such services, the need for developing improved technologies for rendering such services, the need for effective competition among the corporation and carriers in rendering such services, and any other factors which (in the case under consideration) might bear upon the public interest, convenience, and necessity.

The Commission would have to approve the technical characteristics of the operational system and of the ground stations, and would take such other action as might be necessary to insure that the system's facilities are technically compatible with such stations and with existing communications facilities.

In addition, the Commission would be directed to prescribe such accounting regulations and systems and to engage in such ratemaking procedures as will insure that any economies made possible by the system are appropriately reflected in the rates paid by the public for communications services, and would prescribe rules and regulations guaranteeing effective competition in the procurement by the corporation of apparatus, equipment, and services.

Finally, in any case where the Secretary of State (after obtaining advice as to technical feasibility from the National Aeronautics and Space Administration) advises the Commission that commercial communication to a particular foreign point by means of the system should be established in the national interest, the Commission would be directed to institute proceedings under section 214(d) of the Communications Act of 1934 to require that communication to such point be established by the corporation and the appropriate carrier or carriers.

TITLE III—CREATION OF COMMUNICATIONS SATELLITE CORPORATION

Section 301—Creation of corporation:

This section authorizes the creation of a communications satellite corporation. This would be a private corporation for profit and not an agency or establishment of the Government. The corporation would be subject to the act and, to the extent consistent therewith, to the District of Columbia Business Corporation Act.

Section 302—Process of organization:

This section provides for incorporation of the corporation by persons designated by the President. These persons would serve as the initial board of directors of the corporation, arrange for an initial stock offering, and take other actions necessary to establish the corporation, including the filing of articles of incorporation, as approved by the President. However, no incorporator could be among the directors first elected to the board.

Section 303—Directors and officers:

Subsection (a) relates to the composition of the board of directors of the corporation. All of the directors would have to be citizens of the United States. One director would be elected annually by the board to serve as its chairman.

Three members of the board would be appointed annually by the President, by and with the advice and consent of the Senate, effective on the date on which the other members of the board were elected.

Six members of the board would be elected annually by stockholders who were not communications common carriers.

The communications common carriers would elect the other directors, not exceeding six in number. The exact number of directors elected by the communications common carriers would depend on the amount of voting stock in the corporation owned by them. If the carriers owned 15 percent or less of such stock, they would elect one director, if they owned more than 15 percent but not more than 25 percent, they would elect two directors, and so on. They would elect the maximum of six directors if they owned from 45 percent of the voting stock up to 50 percent thereof (which is the maximum amount which they are allowed to own under sec. 304(b)(2) of the bill).

No communications common carrier owning stock in the corporation, together with certain other persons who might have related interests, would be permitted to vote for more than three candidates for membership on the board. Subject to this limitation, the articles of incorporation of the corporation would provide for cumulative voting as provided for in the District of Columbia Business Corporation Act.

Subsection (b) provides that the corporation would have a president and such other officers as might be appointed by the board. Officers of the corporation would have to be citizens of the United States and would serve at the pleasure of the board at rates of compensation fixed by it. During the period of employment by the corporation they could not receive any salary from any source but the corporation.

Section 304—Financing of the corporation:

Subsection (a) authorizes the corporation to issue and have outstanding, in such amounts as it determines, shares of capital stock without par value which would carry voting rights and be eligible for dividends. Shares of such stock issued as a part of the initial stock offering provided for in section 302 would be sold for not more than $100 per share and in a manner to insure the widest distribution to the American public.

Paragraph (1) of subsection (b) defines the term "authorized carrier" for purposes of section 304. For these special purposes (as contrasted with the general definition set forth in sec. 103(7)) the term would mean a communications common carrier authorized by the Commission to own stock in the corporation.

Paragraph (2) of subsection (b) prohibits any communications common carrier which is not also an authorized carrier from owning stock in the corporation.

Of the shares of stock offered at any time by the corporation, 50 percent would be reserved for purchase by authorized carriers. Such carriers would be entitled to purchase in the aggregate a total number of such reserved shares not exceeding the number of unreserved shares in the same issue purchased by other persons. At no time after completion of the initial issue could the aggregate number of shares of voting stock owned by authorized carriers, together with those owned by certain persons who might have related interests, exceed 50 percent of the voting shares of stock of the corporation issued and outstanding.

It will be seen that the effect of these provisions is that while persons who are not authorized carriers may purchase more than 50 percent of any one offering in the event that the authorized carriers do not purchase all of the 50 percent set aside for them, the authorized carriers may not purchase more of the offering than is purchased by persons who are not authorized carriers.

Paragraph (3) of subsection (b) limits to 10 percent of the shares of voting stock of the corporation issued and outstanding, the amount of such stock that may be owned by any stockholder who is not an authorized carrier, or any syndicate or affiliated group of such stockholders.

Subsection (c) authorizes the corporation to issue nonvoting securities, bonds, debentures, and other certificates of indebtedness. Such of these as were owned by a communications common carrier would be eligible for inclusion in the rate base of the carrier to the extent allowed by the Commission.

Under subsection (d) not more than 20 percent of the shares of voting stock of the corporation held by persons other than authorized carriers could be held by aliens and their representatives, foreign governments and their representatives, foreign corporations, and certain corporations in which foreign persons have an interest.

Subsection (e) provides that any stockholder in the corporation may exercise the rights of inspection and copying provided for in section 45(b) of the District of Columbia Business Corporation Act without regard to the percentage of stock held, subject to regulations prescribed by the Commission in the interest of national security.

Subsection (f) provides that the Commission may compel any authorized carrier owning shares in the corporation to sell a number of shares determined by the Commission to another communications common carrier which makes application therefor. To do this the Commission would have to make a finding, after notice and hearing, that the public interest and the purposes of the act would be served thereby. The number of shares which the Commission could so compel to be sold would be determined in light of the estimated proportionate use of the corporation's facilities by the applicant and other factors in keeping with the purposes of the act. The price of such shares would be that which the Commission determined to be fair and reasonable.

Section 305—Purposes and powers of the corporation:

Subsection (a) confers on the corporation certain powers in order to achieve the objectives and carry out the purposes of the act. These powers are (1) to plan, initiate, construct, own, manage, and operate commercial communications satellite systems either by itself or in conjunction with foreign governments or business entities; (2) to furnish channels of communication for hire to U.S. common carriers and to other entities, foreign and domestic; and (3) to construct and operate satellite terminal stations when licensed to do so by the Commission.

Subsection (b) sets forth some of the activities authorized to be carried out by the corporation. Those set forth are (1) to conduct or contract for research and development related to its mission; (2) to acquire physical facilities and hardware necessary to its operation by construction, purchase, or gift; (3) to purchase satellite launching and related services from the U.S. Government; (4) to contract for services of the communications satellite system with users thereof, including the U.S. Government; and (5) to develop plans for technical specifications of all elements of the communications satellite system.

Subsection (c) provides that the corporation shall have the usual powers conferred on a stock corporation by the District of Columbia Business Corporation Act in order to carry out the purposes described above.

TITLE IV—MISCELLANEOUS

Section 401—Applicability of Communications Act of 1934:

This section provides that the corporation shall be deemed to be a common carrier within the meaning of section 3(h) of the Communications Act of 1934, as amended, and as such fully subject to titles II and III of that act.

Section 402—Notice of foreign business negotiations:

Under this section, whenever the corporation enters into certain business negotiations with any foreign or international entity, it would have to notify the Department of State. The Department of State would in turn be required to advise the corporation of relevant foreign policy considerations. The corporation could request the Department of State to assist in the negotiations, and the Department would be required to render such assistance as might be appropriate.

Section 403—Sanctions:

Subsection (a) confers jurisdiction on certain district courts of the United States, upon petition of the Attorney General, to grant such equitable relief as may be necessary in order to prevent or terminate certain conduct inconsistent with the purposes of the bill which might be engaged in by the corporation or other persons.

Subsection (b) provides that nothing in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this act.

Section 404—Reports to the Congress:

Under subsection (a) the President would transmit to the Congress in January of each year a report with respect to activities and accomplishments under this legislation in the preceding year. Included in this report would be the President's recommendations for legislation or other action which he considers necessary or desirable to carry out the objectives of the act.

Subsection (b) requires the corporation to submit to the President and the Congress, annually and at such other times as it deems desirable, a report of its operations, activities, and accomplishments under this legislation.

Before closing, however, I would like to stress that our committee was unanimous in reporting the bill, though several members have reservations about particular provisions. Two members have filed additional views. I do not necessarily agree with one of their proposals which is aimed at deleting a particular provision of the bill relating to ground stations. I shall have more to say later on this particular point. I feel, however, that the additional views are very constructive in stressing the nature of the role which this corporation is to play.

I am in wholehearted agreement with some statements contained in their additional views and I quote:

> Since the general public is being given the opportunity to invest in the private corporation being authorized by this legislation, we believe it highly imperative that the general public be not misled or deceived as to the very limited role in space communications which this legislation carves out for the corporation to play.
>
> In effect, therefore, the corporation merely will be the repository of whatever may be the U.S. interest arising from international agreements covering the system.
>
> The essentiality of these agreements to the success of this corporation must be flagged. Apart from those with nations who are at the other end of the communications line, either in transmitting or in receiving, it is necessary that a general agreement be worked out through the International Telecommunications Union, of which we are a member, providing for the allocation of frequencies in the radio spectrum which may be used for this purpose. The conference on allocations is not meeting until late next year, and its determinations subsequently must be ratified by the participating countries before the corporation's system can get underway. Hence it will be some time before the corporation may be expected to receive any revenues, and some years before it may be expected to have net earnings that might enable the investor to receive a return on his investment.

I feel it is most important that the membership of the House and the investing public be completely aware of these unusual circumstances which render investments in this new corporation highly speculative.

Since the corporation is a private corporation and not a governmental instrument, the securities issued by the corporation would be subject to the provisions of applicable securities laws, including those administered by the Securities and Exchange Commission.

There are other aspects, such as the application of the antitrust laws and the Attorney General's powers to seek an injunction in labor disputes to which attention has been called.

At this time, however, I shall desist from going into any of these details because it is most important that we first discuss some of the basic principles on which this legislation is based. I stand now ready to answer to the best of my ability any questions which the Members might have with regard to this legislation.

Mr. BENNETT of Michigan. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, the Committee on Interstate and Foreign Commerce held extensive hearings on the Communications Satellite Act of 1962. There were many different opinions as to how this future communications system should be accomplished. The result of our deliberations is the bill under consideration.

This bill is as sensible and workable a compromise as the committee could arrive at and still come forward with a bill that was responsible and gave full consideration to questions of public policy.

This plan has been endorsed by the Department of Justice, NASA, the Department of State and others in the administration. It prevents domination by any single company. Competitive bidding procedures will prevent favoritism in procurement of equipment and Federal agencies have been given specific power to guarantee this.

If a national policy of ownership and operation of the U.S. portion of the international system is to be assured, the instrumentality therefor must be established now. The creation at this time of the needed instrument, in the form of a private corporation, will provide the machinery through which existing carriers and other private individuals and groups which desire to participate financially in this venture may do so.

The Attorney General, Mr. Robert Kennedy, stated in his testimony before our committee:

> It is the administration's considered conclusion that a corporation with wide public participation, which recognizes the special role of existing carriers, and which is subject to appropriate governmental controls, best meets our policy objectives.

The Senate Space and House Interstate and Foreign Commerce Committees take the same position on this problem.

The President is specifically charged with the duty of insuring that timely arrangements are made for foreign participation in the communications satellite system. In addition, the executive department will exercise general supervision over the relationships of the communications satellite corporation with foreign governments and foreign entities. This will insure that our relationships are consistent with the national interest and foreign policy of the United States.

In addition the responsibilities of the National Aeronautics and Space Administration and the Federal Communications Commission are clearly defined.

Thus, there will be no conflict between Federal agencies involved.

The Federal Communications Commission has the duty of insuring that all communications common carriers authorized by the Commission to use the system shall not be discriminated against in any way. The Commission in addition, shall prescribe regulations governing the manner in which the facilities are allocated among its users. The State Department in any instances where they believe that commercial communications to a particular foreign point must be established in the national interest shall direct the Federal Communications Commission to institute proceedings to require that such communications to that point be established by the Corporation and the necessary carriers.

The directors and officers have a unique position under this legislation.

Three members of the Board of Directors will be appointed annually by the President, with the advice and consent of the Senate.

Six members of the Board would be elected annually by the stockholders who are not communications carriers.

The communication common carriers would elect the other directors, not exceeding six in number. To insure that communications common carriers do not get a predominance, it is specifically provided that no carrier owning stock would be permitted to vote for more than three candidates for membership on the Board.

The corporation may issue and have outstanding such amounts of stock as it determines necessary. The stock will be sold for not more than $100 per share and in a manner to get the widest distribution to the public. Care has been taken to assure that it is not possible for one person or one carrier to garner an unreasonable share of the stock.

The effect of these provisions is that persons who are not authorized carriers may purchase a substantial amount. The authorized carriers may not purchase more of the offering than is purchased by persons who are not authorized carriers.

The Commission may compel by appropriate action any carrier to sell any number of shares determined by the Commission to any other communications common carrier which makes application to the Commission and who is authorized. The price of such shares would be that which is determined by the Commission to be fair and reasonable.

This bill is the result of a reasonable compromise of many of the views that were presented. This bill will hardly satisfy every individual viewpoint. But, the committee has brought forth the bill with the thought that it is as reasonable a bill as could be produced after hearing the varying viewpoints of all of those who had ideas about what this legislation should contain. It is possible that there will be legislation modifying this as the years pass—that is in the public interest. Experience with satellite communications at this point is almost nonexistent. We are entering a field that is almost as revolutionary in 1962 as was Columbus' voyage to the New World in 1492. Experience alone can dictate to us in the future what course of action should be taken. The committee does believe that this is a starting point and as the President has pointed out: "We must begin."

With all of this in mind, the committee recommends the passage of this legislation.

Mr. WESTLAND. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Washington.

Mr. WESTLAND. The gentleman mentioned England and the use of this satellite for relaying communications. Could the BBC, the British Broadcasting Corp., for example, buy stock in this company?

Mr. SPRINGER. I do not believe they could, unless they were so designated. Now, the BBC, if it is a part of the British Government, that might be possible, but being a separate corporation, I do not believe that they could.

Mr. WESTLAND. Could any foreign corporation?

Mr. SPRINGER. A foreign corporation could.

Mr. WESTLAND. Could buy in?

Mr. SPRINGER. Yes.

Mr. WESTLAND. How could BBC, say, buy in?

Mr. SPRINGER. Nobody can buy over 20 percent of 50 percent corporation.

Mr. WESTLAND. In other words, the British Broadcasting Corp. could own 20 percent?

Mr. SPRINGER. Yes. But, not more than 20 percent of one-half of the corporation could be owned by one foreign owner, under section 304(d).

Mr. WESTLAND. You were anticipating, probably, an oversubscription, and there would be a less amount of stock sold.

Mr. SPRINGER. I think I would be very cautious in the beginning with reference to foreign corporations ownership because of the fact that there may be in the course of a few years a number of countries that will want to apply or probably will want to own at least a small portion of the stock.

Mr. WESTLAND. I do not know what Russia is going to do. Amtorg, somebody is saying here. Could Amtorg buy into this satellite system?

Mr. SPRINGER. Under this legislation as it is written, I believe any foreign government with which we decided to do business could buy stock. However, we would have to decide this question first through the State Department to do business with them. Not just any company or any corporation could buy it.

Mr. WESTLAND. If the gentleman will yield further, would it not be possible to lose control of this corporation to foreign corporations if BBC bought 20 percent and Amtorg bought 20 percent?

Mr. SPRINGER. No.

Mr. WESTLAND. I am not so sure about that. I certainly do not want to dispute the gentleman on this question, but I would really like to know whether, let us say, Amtorg could not buy 20 percent, some French corporation or Yugoslavian corporation could buy 20 percent, and thereby we could lose control over this corporation to a group of foreign corporations?

Mr. SPRINGER. May I say to the gentleman I think that the categorical answer is "No."

Mr. WESTLAND. I beg the pardon of the gentleman?

Mr. SPRINGER. The categorical answer is "No."

Mr. WILLIAMS. Mr. Chairman, I yield 5 minutes to a member of the Committee on Interstate and Foreign Commerce, the gentleman from New York [Mr. O'BRIEN].

Mr. O'BRIEN of New York. Mr. Chairman, following the distinguished chairman of our Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS], one always has a feeling as though one is applying a wornout patch to a perfect tire.

Mr. Chairman, I think that all Members of this body appreciate the tremendous amount of work which the distinguished gentleman from Arkansas has put into this bill. He has covered the technical aspects. I have asked for a little time, Mr. Chairman, because I think that this is a historic action by the House of Representatives. I looked around the Chamber a few moments ago and I saw here several men with whom I had the honor 4 years ago—just 4 years ago—of serving on the Select Committee on Astronautics and Space. I remember well the desperation with which we faced the problem of that day. It was a desperation shared by the people of the country generally. We could not minimize the fact that the Russians were almost light-years ahead of us, it seemed, in the space activities. We looked around for a culprit and some of us blamed it on the kids. They said the children had not been taught enough science in the schools. But today, only 4 years later, we not only have witnessed the sensational orbit by Colonel Glenn which captured the imagination of all the American people, but we have arrived at a point in this House today where we are actually creating a corporation which will develop outer space commercially.

Mr. Chairman, I know that there has been and will be some discussion of the virtues of the private enterprise system versus Government control and operation. But may I state my philosophy in that respect very simply: Four years ago we had no choice. It was government against government, and the Devil take the hindmost, and we came pounding down the stretch. We are well on our way. But today in this House we have for the first time in this outer space question a naked challenge between this country based on private enterprise and a totalitarian country.

Mr. Chairman, I suggest this bill takes excellent care of the rights of the public of the United States. It also gives private enterprise the opportunity to put its know-how into full use. I think the entire world will watch this particular challenge to see whether the people, the companies developed under our system of private enterprise, can go into the arena of international communications against the totalitarian authorities and whip them to a frazzle. I feel that we can, that we will, and that this bill as presented to this House is the best way to do it.

Mr. CLEM MILLER. Mr. Chairman, will the gentleman yield?

Mr. O'BRIEN of New York. I yield to the gentleman.

Mr. CLEM MILLER. When I asked the chairman of the committee, the gentleman from Arkansas [Mr. HARRIS], the question on putting off this legislation, I did not mean we should not press forward as rapidly as possible. I think we should. But if we put off this bill, would we not assemble additional facts which would make for a much better bill if enacted later?

Mr. O'BRIEN of New York. I think the gentleman is correct. We always learn something with the passing of time. But I may say to the gentleman that if there were great uncertainty about the success of this system his point would have a great deal of merit. But there is so much certainty about it that the carriers, for example, are willing to invest their hard cash in it expecting an ultimate profit. In other words, they are ready with their money and willing to risk it and I think if they are ready we in Congress should be ready. I might say that I have been informed that various stockbrokers around the country even prior to the passage of this bill are being besieged by inquiries from members of the public who want to make a little investment in outer space.

Mr. BENNETT of Michigan. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. YOUNGER].

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I am glad to yield to the distinguished gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, the gentleman from Washington [Mr. WESTLAND] asked the question a few minutes ago of the gentleman from Illinois [Mr. SPRINGER] with respect to foreign corporations winding up with control of this satellite corporation. I should like to ask the gentleman as a member of the committee if section 303 of the bill as it appears on pages 28 and 29 does not specifically answer that question, when it says this:

> The Corporation shall have a Board of Directors consisting of individuals who are citizens of the United States.

And on page 29, line 16, where it says:

> No individual other than a citizen of the United States may be an officer of the Corporation.

Would not those provisions answer the question of the gentleman from Washington and say to us that under this legislation there would be no way by which any foreigner or foreign corporation could ever get control of this particular Corporation?

Mr. YOUNGER. As I understood the gentleman from Washington he was not directing his question as to the officers of the Corporation but the control of the stock; is that not right?

Mr. WESTLAND. Mr. Chairman, if the gentleman will yield to me, of course, that is exactly right. It would still be possible, it is conceivable, that while American citizens were the directors of the Corporation, there could be control by the stockholders. And if a sufficient number of foreign corporations or individuals had effective control of the stock then we would be in a bad position. It seems to me there ought to be some provision in this bill—there probably is, but I have not found it yet—regarding working control of the Corporation remaining here in the United States.

Mr. YOUNGER. I think that is covered in the bill when it provides that the maximum that anyone could own would be 20 percent of the 50 percent which is allocated to a communications company.

Mr. WHITENER. Mr. Chairman, will the gentleman yield to me further?

Mr. YOUNGER. I yield.

Mr. WHITENER. Mr. Chairman, I should like to say, too, that my question was not intended to be critical of the gentleman from Washington. I thought it would be well to bring out that insofar as the legislation itself is concerned it seems to me the committee has done all it could when it said that operating control, through a board of directors and officers, shall be by U.S. citizens. When they did that, they went about as far as they could.

Mr. WESTLAND. Mr. Chairman, if the gentleman will permit, I might say that there could be something in the legislation that would permit only a certain amount of stock to be sold to foreign citizens or foreign corporations.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. The language is to be found on page 31 of the bill under subsection (d) of section 304 of the bill. It states:

> Not more than an aggregate of 20 per centum of the shares of stock of the corporation authorized by subsection (a) of this section which are held by holders other than authorized carriers may be held by persons of the classes described in paragraphs (1), (2), (3), (4), and (5) of section 310(a) of the Communications Act of 1934, as amended.

When we go to that section of the Communications Act we find that these categories are as follows:

> (1) Any alien, or the representative of any alien;
>
> (2) Any foreign government or the representative thereof;
>
> (3) Any corporation organized under the laws of any foreign government;
>
> (4) Any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country;
>
> (5) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital is owned of record or voted after June 1, 1935, by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or the revocation of such license.

Those are the five categories of foreigners who will be able to own stock in this corporation, and the aggregate of the stock to be owned by all five of those categories cannot exceed 20 percent of the stock that is allocated for public sale.

Mr. SPRINGER. And that 20 percent of 50 percent means not more than 10 percent.

Mr. YOUNGER. I think there is one other feature which ought to be covered at this time which has not been mentioned; that is, under our corporate structure for the District of Columbia corporation any stockholder may require reports and look into the affairs of the corporation. We have covered that protection by saying they can do so. However, only under regulations which the Commission may prescribe in the interest of national security to the end that an alien cannot buy one share of stock and then require the corporation to disclose all of its affairs or the books of the corporation.

There is one thing more I might mention in passing: This bill as compared to the administration bill which first came to the committee is a 100 percent improvement. However, there are probably some improvements which could be made, and I want to cover them. There is one point which has been raised, and that is the reimbursement to the Government for the research that has been done in the space field. This bill follows the usual custom. There is no reimbursement to the Government in connection with the use of atomic energy for peaceful purposes. There is no reimbursement by the farmers for all of the research work that has been done in connection with the improvement of farm products. This bill follows the same process that has been followed by the Government in connection with all of these phases. There is no provision for reimbursement and there should be none because that has not been the policy that has been followed by our Government in other cases.

Mr. RYAN of New York. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from New York.

Mr. RYAN of New York. On that point, has not Mr. Webb of the Space Administration testified that future research will have to be carried on by NASA and that the corporation or the private companies cannot be expected to do revolutionary research?

Mr. YOUNGER. The corporation is supposed to reimburse the Government for certain usages. At the present time the A.T. & T. in order to get their space satellite into orbit will pay to the Government $1,700,000 for placing one satellite in orbit. This is to be based on a reimbursable basis, but this does not cover research.

There is one thing about the hearings I wish the Members would take rather to heart. If you will read them, you will find that the Federal Communications Commission which represents the Government, all of the communications companies, and the president of the Communications Workers of America, A.F. of L.-CIO, recommend that this corporation should be wholly owned by the communications companies. I regret exceedingly that that was not done and that it was not approved by the administration. I think we should have in this case, as we have in the other cases of our international communications, permitted a traditional private enterprise company. But that was not approved and we have adopted the best compromise possible. Because the communications companies came before the committee; they stated they were ready, willing, and able to completely finance this operation. I think we would have been well advised had we accepted that offer. That brings up a question that has already been covered somewhat by our very able chairman, the question of selling this stock to the public. I am convinced in my own mind that there are going to be serious repercussions in regard to this sale. That is why I am sorry the communications companies were not permitted to subscribe to all the stock and own the companies. For this reason, and all of the evidence in regard to the hearings points to the fact, as mentioned by the gentleman from Illinois and also the gentleman from Arkansas, that it will probably be 10 years before there are any earnings out of which to pay dividends. I am a little fearful that during that time the stock may well go down and we may have serious pressure on the part of individual owners of this stock on the Congress to bail them out. We will have, in all probability, the question to answer by virtue of such a statement as this, "Well, this is a Government corporation because the President has appointed some of the directors." That brings me to this point. I am going to introduce amendments which I hope the committee will consider. One is that the provision calling for three directors to be appointed by the President be removed. As the President said the other day when the question was raised about his price control activities, he said he did not want to control prices because he had plenty of other things to do. I think he does have plenty of other things to do, plenty of other appointments to make besides making these appointments, and as surely as he makes these appointments so surely will there be the implication on the part of stockholders, the public who purchase this stock, that this is a Government corporation, a Government responsibility. I feel that we would be well advised to remove those three directors from appointment and allow the stockholders who are not communications companies to elect eight directors and the communications companies themselves to elect seven.

I also feel that when the President appoints the organizers, and the organizers are charged with the responsibility of organizing the company and putting it into operation, preparing the articles of incorporation, and so forth, that it is not necessary for the President then to approve the articles of incorporation. Certainly if he appoints the men I am sure he will appoint, able men, he can trust that they will do a good job and that they will consult with the Attorney General, and it will not be necessary for him to approve the articles of incorporation. I think he ought to be relieved of that responsibility.

I hope to offer those two amendments at the proper time. I think we then would have a better and a more nearly free enterprise corporation, which I think we all want, than to tie it too closely with the Government and have the stockholders purchase the stock on such a supposition.

I do not care what kind of brochure is put out. I do not care what the members the SEC approve for the stock sale, the purchaser is going to purchase this stock with the idea that it is a Government corporation. You just cannot get away from this fact because it is created by the Congress; we are debating it; it is going to have its birth in the act of Congress, and I am afraid the public is going to buy the stock thinking it is a dividend stock because the bill says it is a dividend-earning stock. We all know, however, from all the evidence that there is no possibility of it earning a dividend for probably 10 years. As a matter of fact, according to the testimony I think the A.T. & T. have already, by the time they put this satellite into orbit, spent something like $50 million in research in connection with this project. It is not something that is cheap; it is expensive, and I sincerely hope that we can remove all possibility of any interpretation on the part of the public that this is a Government corporation and that the Government is going to bail them out if the stock will not pay a dividend.

Mr. ROGERS of Texas. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, the committee plowed new fields, fields of space, and went into undiscovered areas. Old concepts had to be uprooted; new ideas had to be planted. With painstaking effort of the chairman of the committee and with earnest cooperation of his members, the Interstate and Foreign Commerce Committee did a genuine creative job. But some work remains. May I light up some dark spaces and shore up some shafts of light and reinforce some corridors of space?

Mr. Chairman, a global communications system gives promise of revolutionizing world communications. Such a system has a great potential for linking the world closer together and thus encouraging a greater understanding among nations. It is crucial that the United States be the first to develop the system. This is a national objective that the Congress cannot permit to be frustrated by the desires of a few vested-interest companies.

I warmly endorse the President's decision, embodied in the bill now before us, to permit all Americans, as well as the communications carriers, to invest in this new venture. I am confident that a broadly based public corporation under adequate Government regulation can effectuate the national policy.

However, we are creating here a private monopoly. The pending bill, H.R. 11040, does not contain, in my estimation, sufficient safeguards to protect the public interest. For this reason, I shall propose certain amendments which I deem essential to that all-important end.

1. PRESIDENT'S POWER TO DISAPPROVE

The ultimate responsibility for effectuating the national policy regarding global communications through space satellites must rest with the President. This responsibility is strikingly shown by the recent correspondence between President Kennedy and Premier Khrushchev calling for a major cooperative program of space exploration, including communications by satellites. This has already resulted in negotiations at the United Nations on this subject by American and Soviet representatives.

For just such reasons I plan to offer an amendment giving the President discretionary power to disapprove all acts, both by the proposed space satellite communications corporation and departments and agencies of the Government, in order to attain full compliance with the national policy regarding communications through space satellites. For far less compelling reasons, the Congress vested in the President the discretionary power to disapprove decisions of the Civil Aeronautics Board relating to international air transportation. If the President has power of negation in aeronautic transportation how much more compelling should that power reside in the President over space satellite communications. There can be no question that the President should have such power where delicate negotiations intimately affecting the foreign policy of the United States have already occurred and may be expected to continue and grow in importance and complexity as the space satellite communications system develops. The satellite communications system is international by its very nature. Since the State Department's role has been drastically scaled down from the conduct of international negotiations, as originally proposed, to merely being kept advised, with the new corporation to make its own international agreements, it is all the more crucial to give the President ultimate power to prevent any agreement or action by the corporation which would be contrary to our national interest.

2. GOVERNMENT DIRECTORS

It is difficult to determine accurately the amount of public expenditures related to space activities. However, it has been estimated that the American taxpayers will have contributed in excess of $25 billion for this development. Since 1959 American taxpayers willingly poured $3.5 billion into our space effort. Congress is now asked to appropriate an additional $3.5 billion for 1963. The amount of public expenditures properly attributable to space communications, which is only a small part of space development, would be far in excess of the $175 million which NASA has programed through fiscal 1963.

In addition, anyone familiar with the history of the bill before us must be impressed by the numerous functions that must be carried out by the various departments and agencies, if we are to have a successful space satellite system. To cite but one example, the system must depend completely on the Government to launch its satellites into space.

For this reason, I am glad to see that this bill provides for three members of the Board of Directors to be appointed by the President by and with the advice and consent of the Senate. Thus, the bill recognizes our vital national stake in this new venture, together with the fact that the Federal Government has made and must continue to make major contributions toward a successful space satellite communications system at vast public expense.

However, this bill provides that these three directors shall be appointed annually by the President. The amendment I shall propose would provide instead that these directors shall serve for 3-year terms. This will enable them to become fully informed concerning the activities of the corporation. Furthermore, by extending their term of office, these directors will be freed for 3 years from political pressures and enabled to express their own conscientious views reflecting the overriding national policy and interest. It is self-evident that a 1 year term is entirely too short. Before the incumbent is oriented and has become conversant with his job his term will have expired.

3. DIRECTORS AND OWNERSHIP BY CARRIERS

The pending bill limits the number of directors elected by carriers to six, but permits all the carriers to own 50 percent of the stock. However, the bill discriminates against the American public by limiting any member of the public to 10 percent of the issued stock, although it would permit any one carrier to own up to 50 percent of the issued stock. Furthermore, H.R. 11040 permits any one carrier to elect three directors. I shall propose amendments under which any one carrier could only vote for two directors, as originally proposed by the administration, and would be limited to 15 percent of the issued stock.

These safeguards are necessary to protect the public interest by preventing A.T. & T. from gaining control or dominance over the corporation.

If A.T. & T. is permitted to elect three of the maximum of six directors allocated to the common carriers, as presently provided in the bill before us, it will be in a position to dominate the smaller carriers—RCA, Western Union, and A.T. & T.—which could only elect one director each. By reducing from three to two the number of directors any one carrier can elect, the smaller carriers would be given both the opportunity to obtain a voice roughly equal to A.T. & T. in the management of the corporation and an incentive to participate fully. For if A.T. & T. is limited, as I propose, to two directors, the smaller carriers, by purchasing all the stock available to them, could elect one director each, and they could join to elect one director to represent them collectively. Thus the smaller carriers would be given a chance and an incentive to counterbalance the otherwise dominant power of A.T. & T.

In addition, the pending bill would enable A.T. & T. to force the Federal Communications Commission to compel another carrier to transfer to A.T. & T. shares of stock in accordance with A.T. & T.'s proportionate use of the satellite system. Under such a formula, A.T. & T., which is expected to use 85 percent of the facilities of the system, could secure 85 percent of all the stock available to the communications carriers and 42.5 percent of the total stock of the corporation.

I shall offer an amendment removing this feature of the bill to prevent A.T. & T. from obtaining such a formidable share of the corporation, with the dominance sure to result from such a disproportion.

4. RATE BASE OF CARRIERS

The pending bill permits the carriers to add to their rate base the total cost of their investment in the corporation.

The amendments I shall propose today would prohibit carriers from including the cost of their voting stock in their rate base, thereby obtaining an advantage which the public stockholders cannot enjoy. On the other hand, the cost of the carriers' investment in nonvoting securities of the new corporation will not be eligible for inclusion in the rate base of the carriers for domestic service, but will be eligible for inclusion in their rate base for other international communication services.

These amendments are necessary to protect the millions of American telephone owners, who will never make an oversea call, from being charged by the carriers for international facilities they will never use.

5. GROUND STATIONS

Under the pending bill, the ground stations can be owned jointly or separately by the communications carriers. In addition, H.R. 11040 provides that the FCC shall lean over backwards to license these stations to the carriers. Nicholas Katzenbach, Deputy Attorney General, testified:

> We recognize that the carriers, having consistently opposed public participation in the ownership of the system, may feel that even with public investment they can still control the system, if only they can control the ground stations.

Much of the revenue from the satellite system will come from handling the messages on earth. Under my amendment the ground stations of the American part of the space satellite system shall be owned and managed by the corporation. This safeguard is necessary to enable the new corporation to make money, rather than handing its main source of income on a silver platter to the communications carriers. It would be difficult—indeed it might be folly—to sell to the investing public stock in a corporation shorn of its principal potential revenues.

My amendment would not preclude communications common carriers from leasing the facilities of the ground stations, or owning and managing other ground stations outside the United States, its possessions or territories. It would, however, secure to the new corporation a needed source of earnings.

The alternative, embodied in the bill before us, is to give away the ground stations to the communications carriers—principally A.T. & T. The administration is opposed to such a giveaway.

A.T. & T. has been boldly picketing the Halls of Congress advocating that the communications companies should be the sole beneficiaries of the communications satellite system. To grant the carriers the ground stations would make a gift to a few companies of a potential multimillion dollar a year monopoly, made possible by the expenditure of substantial amounts of taxpayers' money.

From A.T. & T.'s viewpoint, this campaign is quite understandable. This would mean that A.T. & T. would have a dominant and very probably a monopoly position in ownership and operation of the space communications system. In effect, A.T. & T. would be the chosen instrument of the U.S. Government to own and control civilian space communications to the detriment of the public interest. The Department of Justice has warned:

> Unrestricted ownership by interested parties may be subject to abuse by the dominant party.

Further, the Department of Justice has stated:

> The continuing opportunity [for A.T. & T.] to favor its own facilities would always be present and would inevitably result in discrimination or suspicion of discrimination no matter how strict might be the policy of [A.T. & T.] to provide equal service to its competitors. [Moreover], the opportunity to favor the purchase of equipment produced by [A.T. & T's subsidiary, Western Electric Co.] would be irresistible.

Judge Loevinger, the head of the Justice Department's Antitrust Division, has testified:

> The degree of concentration in this field may very well be one of the reasons why America is not further advanced in the field today than it is. * * * Our system has not produced as it should, and the public interest has suffered because there had been undue concentration in this field.

The Department of Justice has declared:

> A project so important to the national interest should not be owned or controlled by a single private organization.

A.T. & T. does not come before the bar of the Congress with clean hands. It is an old offender.

In 1953, the FCC negotiated with A.T. & T. a rate increase of approximately $65 million a year in long distance telephone rates. I would like to emphasize that the rate increase was through negotiation with A.T. & T. and was not regulation by the FCC as envisioned by Congress.

The FCC granted this rate increase because it believed A.T. & T. was entitled to a 6.5-percent rate of return on a net book cost basis.

Since 1955, however, A.T. & T. has enjoyed a rate of return far in excess of 6.5 percent. A.T. & T.'s rate of return from long distance telephone service was: in 1955, 7.7 percent on a net book cost basis; in 1956, 7.8 percent; in 1957, 7.3 percent; in 1958, 7.4 percent; in 1959, 7.8 percent; in 1960, 7.8 percent; and in 1961, 7.7 percent.

In the years 1955 through 1961, if A.T. & T.'s rate of return had been limited to 6.5 percent long distance telephone users would have saved approximately $985 million. Thus, over the past 7 years A.T. & T. has overcharged the American public by nearly a billion dollars. Having made such an exorbitant profit, it is little wonder that A.T. & T. wishes to expand by capturing the satellite communications system.

In 1957 and 1958, the House Antitrust Subcommittee of the Committee on the Judiciary, of which I am chairman, conducted a long series of hearings dealing with antitrust consent decrees. In its analysis of the A.T. & T. consent decree, it became necessary for the subcommittee to ascertain whether FCC long distance rate regulation has been adequate. The subcommittee found that between June 1955 and October 1957, the Commission was apprised of the fact that the Bell System, by virtue of the 1953 rate increase was deriving a return from interstate telephone service far in excess of 6.5 percent.

The Antitrust Subcommittee reached the conclusion that the FCC "has neglected in the 24 years of its existence to establish fundamental principles or standards by which to judge the reasonableness of Bell System's interstate telephone rates."

Only after continuous prodding by the Antitrust Subcommittee, did the FCC in 1959 negotiate with A.T. & T. a $50 million annual reduction in interstate toll telephone rates. Once again, this was negotiation and not FCC regulation.

Notwithstanding this reduction, A.T. & T.'s rate of return is still well in excess of 6.5 percent. If A.T. & T.'s rate of return had been limited to 6.5 percent during the years 1960 and 1961 alone, long distance telephone users would have saved approximately $125 million.

For the 12 months ended February 28, 1962, A.T. & T.'s profit was $1.3 billion. This is the largest ever reported by any company in any 12-month period.

Moreover, the FCC has candidly admitted that it has never regulated A.T. & T.'s oversea rates. As recently as July 6, 1961, the FCC wrote A.T. & T.:

> As you are aware, the Commission has never had before it data on which to properly evaluate the level of earnings on your oversea communications services.

The FCC has still not instituted a formal rate hearing. It is content to crawl laboriously along the route of an informal inquiry to determine the investment, expenses, and revenues associated with A.T. & T.'s oversea communications services.

Late last month the Bureau of the Budget released a report on the FCC by a team of management consultants. This report, like the Antitrust Subcommittee, concluded that the FCC "has established no firm criteria governing such rates of return and does not demonstrate that the reductions negotiated actually bring the overall rate of return down to reasonable limits. This activity merits far greater emphasis if the public interest is to be properly served."

The report declared that the Common Carrier Bureau of the FCC, which has jurisdiction over all telephone and telegraph media "is in no position to establish the reasonableness of charges in most areas of common carrier service."

Moreover, the report noted that in 1960 Bell System's purchases from its wholly owned subsidiary, Western Electric, amounted to $1.8 billion "which amount becomes part of the rate base on which the Bell companies expect a return. Apart from occasional review of periodic reports, no examination of the books of Western Electric or other leading telephone equipment manufacturers has been undertaken to determine the reasonableness of charges to the Bell System." This is a barbarous situation. Is Western Electric overcharging A. T. & T.? Is the American public paying for this unexamined, high profit? Remember Western Electric is a wholly owned subsidiary of A.T. & T.

Thus this recent independent report on the FCC, after exhaustive study, has reached conclusions virtually identical with those of the Antitrust Subcommittee after extensive hearings.

My Antitrust Subcommittee found the FCC very receptive to A.T. & T. The subcommittee concluded:

> The Commission's failure to advise the Attorney General of factors so pertinent to its lawsuit, coupled with its willingness to present to the Attorney General a one-sided view of the divorcement issue, reflect a singular receptivity to the A.T. & T. point of view and a patent indifference to the public interest.

A.T. & T. has succesfully avoided regulation on earth. Divine guidance will be necessary to regulate A.T. & T. if it is permitted to expand its domain into space. We arm ourselves with a sea of troubles if we enact legislation in this new field which fails to tether A.T. & T., or to safeguard the public interest. The amendments I shall propose are designed to achieve this purpose.

The rapid development and full use of the space satellite communications system is a national goal, paramount to the selfish interests of any vested-interest group. A.T. & T. has proposed a low-random orbit system which would require scores of satellites and ground stations in order to obtain worldwide coverage. This proposal is made at a time when there is a general agreement on the ultimate desirability of a system of three or four high orbiting synchronous satellites, which would give global coverage and would be cheaper both to set up and to maintain. If the existing communications companies are permitted to own and operate a system of their choice, they will have a strong motive to retard its development and use in order to protect their vast investment in existing equipment and facilities, such as the undersea cables which A.T. & T. is still laying to this very day.

Space satellites will revolutionize communications as the airplane revolutionized travel. Air travel as we know it today would still be a mere vision if Congress had delivered the budding airlines business into the hands of the existing and established railroads. If Congress delivers this new and extraordinary facility into the hands of a few vested-interest companies, it will retard progress and frustrate the national interests for generations to come.

I do not advocate outright Government ownership. On the other hand, I rebel against the idea of private ownership where the control and destiny of the system would be the means of lining the pockets of a small, select group of companies.

I do not believe we should place the American taxpayers in the position of being the fools who have prepared a feast for a wise man to eat. I earnestly hope, therefore, that the House will heed the amendments I shall propose. I shall offer these amendments to the end that all interests may be protected from monopoly control of this vast new venture.

The public interest should be protected by truly independent directors appointed by the President to serve for 3 years and by the ultimate right of the President to disapprove actions by the corporation which would be contrary to our national interest.

The interests of the investing public should be protected by securing to the corporation its main source of potential income—ownership of the ground stations. Otherwise we shall be guilty of selling the American people a pig in a poke.

The interests of the smaller communications carriers should be protected by giving them a roughly equal voice with A.T. & T. and by preventing A.T. & T. from obtaining monopoly control. Only thus may the technology of the satellite communications system be freed from the self-interest and technlogical limitations of A.T. & T.'s wholly owned subsidiary, Western Electric.

And only thus may this great new vault into the future be launched free of restraint by the vested interest of A.T. & T. in its existing facilities.

May all of our people have an equal opportunity to share in the bright promise of this new venture into space.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. HARRIS. I do appreciate the gentleman's concern with these highly complicated and important problems. But I would like to call attention of the gentleman and of the Committee to the fact that safeguards in regard to the points made by the gentleman are included in the bill on page 25. There it says that the Federal Communications

Commission's responsibility shall be, under (c)(1) to—

> Insure effective competition in the procurement by the corporation of apparatus, equipment, and services, and, to this end, shall prescribe appropriate rules and regulations;
>
> (2) insure that all present and future authorized carriers shall have nondiscriminatory use of, and equitable access to, the communications satellite system on just and reasonable terms and conditions and regulate the manner in which available facilities of the system are allocated among such users thereof.

It is our contention that these are adequate safeguards, and the Federal Communications Commission is given responsibility to see that those matters the gentleman has in mind do not actually occur.

Mr. CELLER. Mr. Chairman, I will say to the gentleman that language similar to that which the gentleman has read appears in present statutes, and still that language in present statutes is utterly ineffective.

The Federal Communications Commission has been most derelict when it comes to the A.T. & T. Why, I do not understand and never will understand. I have indicated to you what our Antitrust Subcommittee revealed. I have indicated to you what the Bureau of the Budget has indicated. I could go on and give much amplification of the fact that the Federal Communications Commission has been woefully derelict. The A.T. & T. seems too much for it—too powerful for it. It has not constituted over all these years, over a quarter of a century, any criterion on which they could base effective regulation. Every time they attack the rates of A.T. & T. for interstate purposes—they have no jurisdiction over intrastate rates—but for interstate purposes and international purposes, they sit across the table and they dicker one with the other, negotiate one with the other. That is no way to run a "railroad," if I may use that term. That is no way to run the Federal Communications Commission. I hope the new enlightened Chairman they have, Mr. Minow, will change all that.

I applaud fully this language. I wonder, however, whether it is sufficient, because we have similar language in similar statutes and it has been ineffective.

Mr. HARRIS. The gentleman's complaint is not to the language in the proposed legislation.

As I gather from what the gentleman is saying, his complaint is with reference to the actions of the agency of the Government which has the responsibility here.

Mr. CELLER. That is correct, but for this reason: Keep your language as you have it, but see to it that the A.T. & T. is not able to assume this gigantic power. Some of these amendments would be shearing the A.T. & T. of some of its power. I say approach it positively and approach it negatively, so that the public will be the gainer and not the loser.

Mr. HARRIS. If the gentleman will permit, I think the gentleman will find throughout the bill that is the approach, except in one section, and that has nothing to do with A.T. & T. It has to do with additional systems, and there will be an amendment, which I will offer, to make that a positive approach.

Mr. CELLER. That will be a decided improvement. I congratulate the gentleman again on his foresight in that regard.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. ROGERS of Colorado. I think the gentleman a moment ago read a part of paragraphs (1) and (2) of subsection (c), which appears on page 25. I wonder if those two paragraphs would make it possible for the agency charged with this to be compelled to accept competitive bids to purchase equipment in connection with the use that may be made of it by the corporation? Does the gentleman from Arkansas contemplate that in insuring effective competition in the procurement by the corporation of apparatus, equipment, and services, and, to this end, prescribing appropriate rules and regulations, the corporation would be directed that in its purchase of apparatus and equipment it would get them on a competitive basis, advertising as we do in the Government operations in the purchase of many articles?

Mr. HARRIS. That is exactly the purpose of this language. That is what is contemplated. I do not know any more positive approach that could be made to it. As a matter of fact, in arriving at this language we took into consideration the incident the distinguished chairman of the Committee on the Judiciary brought into the debate today, that is, the incident with reference to Western Electric in its relationship with A.T. & T., and out of that came this language, which would give the Federal Communications Commission the authority to require this competition in the procurement of material.

Mr. ROGERS of Colorado. I believe that that is one of the things the gentleman has been trying to point out.

Mr. CELLER. Here is another proposition we must not lose sight of. The Bell Laboratories spends vast sums of money—it is owned by A.T. & T.—in perfecting apparatus. They have all kinds of inventions. They give those inventions to another subsidiary of A.T. & T., Western Electric. When they ask for bids, other manufacturers, who have no authority to use Western Electric patents, cannot compete because there is a patent bar. That has happened all along here. So that when you use the word "competition"——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRIS. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York, but I am afraid we are going to run out of time. Will the gentleman yield at this point?

Mr. CELLER. I yield to the gentleman from Arkansas.

Mr. HARRIS. However, with reference to the example the gentleman has just used, there is no direction of the Federal Communications Commission or of any other agency of the Government to require that such competition be brought about. This is a positive thing. It is a positive direction.

Mr. CELLER. I do not quarrel with that language. I think it is good language. It ought to be in there. I think it advances the bill and helps. I am just trying to point out some of the operations whereby A.T. & T. has made it very difficult to regulate them, and I would say finally, if it has been so difficult to regulate the A.T. & T. on earth, how much more difficult is it going to be to regulate A.T. & T. way up there? As I said before, you will probably need divine guidance for that.

Mr. YOUNGER. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. COLLIER].

Mr. COLLIER. Mr. Chairman, I wish to get back to the content of the bill before us. But, before I do, I cannot help but make the observation in view of the remarks of the gentleman from New York who preceded me that the only thing I can think of that would be worse than total control of a communications system by a private industry would be its total control by the Federal Government. He mentioned, too, that because A.T. & T. was permitted a rate of return of 7.7 percent, instead of the established 6.5 percent, that it involved an additional cost to the long-distance users in the country of $50 million. I submit that 76 percent of the long-distance calls in this country are made for business and Government functions and purposes, leaving the balance to individuals making personal calls. The Federal excise tax which the gentleman from New York has not clamored to repeal, has cost the American long-distance callers $250 million a year. I want to mention at this time, I share the concern of the burden of public cost not alone as it represents profit to the A.T. & T. but as well as it applies to the unfair wartime telephone excise tax and which phone users must pay any time they make a long-distance call.

Mr. Chairman, getting back to the specifics of the legislation, I should like at this time to pay tribute to the chairman of our committee because, certainly, this legislation as it has been resolved is a tribute to him and to the work he did in committee on one of the most complex, and difficult bills that has come before this House in a long time.

It was difficult because it necessitated the defining and coordinating of the roles of several agencies getting in a new program, such as we are, including the National Space Administration, the FCC, and even the role of the State Department which necessarily must come into this program from time to time.

Let me say, however, at this time that this legislation leaves much to be desired. That is so because I can see in the future many pitfalls with which we are going to have to deal on an international basis as disputes of one nature or another develop. I think we must recognize too that as these disputes arise, many of them undoubtedly will wind up in the United Nations for settlement. I point in substantiation of that conclusion that presently the International Telecommunications Union in Geneva which is the international organization coordinating these problems at the present time, will have to deal with such things as disputes over the allotment of radio frequencies. Conceivably, of course, we might run into the situation where a frequency would be in dispute between the United States and Russia or between any other country and a Communist satellite nation. It was interesting to note that when the resolution was adopted in the United Nations to embark upon a cooperative program, it was in fact that Soviet Union that cosponsored the resolution providing for a global and nondiscriminatory satellite system and the establishment of it.

I commend the committee for having written into this legislation a limitation that would foreclose the possibility of any foreign power ever getting the controlling stock interest in this corporation. I should like to reiterate at this time the warning voiced by the gentleman from California that this should not be sold to the American people as a high-profit stock. Those of you who may have read the article which appeared in the U.S. News & World Report on this space communications satellite program a month or 6 weeks ago may have gathered from it the true picture of what is involved in the purchase of this stock. I should certainly dislike seeing any great number of the American people who cannot actually afford the purchase of this stock do so on the basis that it is going to provide a windfall, because, as has been pointed out here, it probably will be 10 years at least before there is any return. Actually, there is no guarantee of profit in a program of this nature. Notwithstanding its tremendous potential, that it may be a long time before there will be a dividend returned to the buyer of this stock. I am afraid that if a block of stock set aside for the American public is not fully consumed the Government will move in to purchase it. I would certainly dislike seeing this type of situation develop, because I am stanchly in favor of keeping control of the actual communications satellite program out of the hands of the Federal Government other than in the field of necessary regulation of the communications system.

Mr. DEVINE. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield.

Mr. DEVINE. I wish to commend the gentleman from Illinois for his studious presentation to the House of the overall problem involved in this communications satellite program. Those of us on the committee who studied this program were quite concerned over the original bill presented by the administration because of the strong area of possible Government control.

The gentleman from Illinois has consistently supported the free enterprise approach. As contained in the bill that originally came before the committee it looked like there would be a great multiplicity of controls starting with the President of the United States, continuing with the State Department, the Department of Justice, the Federal Communications Commission, as well as the space agency. Those of us who have spent any time here at all know that when there is a multiplicity of authority the program bogs down.

I think the chairman of the committee likewise should be commended for his handling of this bill. We feel it has been moved into the area of free enterprise as far as possible at this time fully knowing that this bill will have to go through the other body; and, as the gentleman from Illinois mentioned, there are some reservations that this is not the answer to all the problems involved. There are many of us, however, who will support it even though there may be some question of what the outcome may be. Many of us believe this should be a free enterprise system controlled by private rather than Government ownership.

It is my understanding also that several amendments will be offered to put this back into Government control which I am sure the gentleman in the well as well as the gentleman from Ohio will resist.

Mr. COLLIER. I thank the gentleman, and let me suggest that if the bill is so amended, that much as I favor this legislation and appreciate the need for it, I would be obliged to vote against any bill that placed in the hands of the Government any greater power in the operation of this corporation than exists in the legislation reported by the committee.

I would like, if I may, to point out one other thing that I think we should face with reality, and that is that in the establishment of the facilities in improving and expanding this satellite communications program in the years ahead, we might just as well resign ourselves that we are going to pick up a large part of the cost of its development. I say this because through the United Nations we are lending funds to many nations for the improvement of their domestic communications programs.

Undoubtedly we will have to continue to do so for many years to come. It is my understanding that the funds that shall be made available under the Alliance for Progress program in Latin-America will also be used to improve their communications systems, systems which are certainly in dire need of improvement. That is, of course, for the development of such things as ground stations, whether it is done by the governments of these foreign countries or whether they might be done by free enterprise in those countries, they may borrow money, of course, through the World Bank for such purposes.

I should mention one other thing, too, and that is, that in the foreign aid program, more popularly known of late as AID, there would also be funds available for this type of development in foreign countries. So that you can appreciate that through one means or another we will undoubtedly have—when I say "we" I mean the American taxpayers—to be picking up the tab, by direction or indirection, for the development of this program abroad.

I point this out because I think this should be a consideration in evaluating this legislation. It should be something that would make it incumbent upon this House to pass legislation wherein the United States will maintain control of this program, lock, stock, and barrel, though at the same time cooperating with our foreign neighbors to make it an effective system.

Mr. YOUNGER. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. DOMINICK].

Mr. DOMINICK. Mr. Chairman, I rise in support of H.R. 11040 but I think it only fitting that a few comments be made to point out some of the risks involved in this new legislative vehicle.

I was privileged as a member of the committee to attend the hearings so ably conducted by the chairman of the committee, the gentleman from Arkansas, and to watch with interest as the varied plans of different groups were tested and explored.

Out of this exploration has evolved a novel type corporation. It has been called a private corporation, but as any quick reading of the bill will evidence it is private only in the field of financing. In short, the company is to be financed by a combination of dollars derived from a public stock offering and investments by authorized common carriers. But a very large portion of the control and operation of the company remains in the hands of the Government. Specific powers in the bill are given to the President of the United States, the National Aeronautics and Space Administration, the Federal Communications Commission and the Attorney General. These powers are far-reaching and include not only the right and duty of the President to review all phases of the development and operation of the system but the right of the Attorney General to bring injunctive proceedings if the management does not operate in such a way as to promote world peace and understanding.

Furthermore, another hump in this camel is the inevitable conflict in the desires of the two investing groups. The public stockholder will quite naturally want to see the corporation make a profit as rapidly as possible so that his investment will become more valuable and dividends may be paid.

On the other hand one of the stated purposes of the act is to facilitate communications to the less developed countries and such activities are going to be unprofitable because of lack of internal communication facilities in those countries or at least far less profitable than connections with the developed countries.

Furthermore, the system itself is speculative in nature as it has not been thoroughly tested and the evidence indicated clearly that profits could not be expected for 8 to 10 years and perhaps even longer than that.

Largely for the reasons noted in this statement, the Federal Communications Commission, the Communication Workers of America, and the international carriers all favored the type of corporation proposed by the ad hoc committee which envisaged that the carriers absorb these risks and provide the financing, the management, the research, and the development skills to make it work, subject, of course, to appropriate regulation by the Federal Communications Commission. The public, in turn, would have the opportunity to invest in the corporation by investment through the carriers.

This proposal, namely, the ad hoc proposal, was beaten down by the combined activities of the administration and by those who also want complete Government ownership, and the compromise results we have before us today.

The three directors appointed by the President will be there largely to insure that national policy, as expressed in section 102, is carried out. The six directors of the public will be there to try and get the corporation on a money-making basis as soon as possible. The six directors of the carriers will be there to provide management ability, research and development drive, and to facilitate interconnection between this system and the existing international and national communication systems.

As I think you can see from those apparent purposes, these three groups of directors may readily be tugging in three different directions at the same time and in the same corporation, and this, to say the least, is a very difficult situation if any corporation is to prosper and to continue the development work which will be necessary in such a far-reaching plan as we have here.

Despite all these problems, I am going to support this bill because it is vital that a system be started as soon as possible in order to take advantage of the research and knowledge which has been developed by both the Government and the carriers. I do, however, want to point out the risks involved so that it will be a matter of public record for all potential investors to study. This public stock offering will have to go, I presume, before the Securities and Exchange Commission, and it seems to me imperative that these things be pointed out in the prospectus so that those people who are thinking of investing will know first of all that the Government is not guaranteeing any profit and, secondly, that there is a good chance that this corporation may not show any profit for a considerable period of time.

I hope that the next time we produce any kind of a bill under the heading of "private enterprise," it can be done in the fashion which has enabled this country to grow and prosper, and will not again produce that classic definition of a camel, namely, a horse created by a committee. We do not have classic private enterprise. We do not have free enterprise. We have a combination of three conflicting groups all under governmental control which we can only hope will work together for the best interest of all.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. Moss].

Mr. MOSS. Mr. Chairman, I believe that the remarks of my colleague, the gentleman from Colorado [Mr. Dominick], demonstrate the problems which the committee had in arriving at something reflecting a workable concensus. The bill has been characterized as a compromise. That, of course, it is in every sense of the word. I doubt that it would be possible to draft legislation dealing with a problem area so broad and so dramatic and one so little understood without creating many areas of disagreement. I think for all of those of us who voted to report this legislation there was a little giving up of some of the things that we felt essential. I felt compelled to write additional views which are a part of the report accompanying this legislation.

Mr. Chairman, I regard the type of corporation being created here as a privately owned corporation, subject to regulation, as any utility-type operation is subject to regulation, in virtually every jurisdiction in this Nation.

Mr. Chairman, we have heard a lot of discussion here of the merits of a free enterprise corporation versus a publicly owned corporation. Obviously the former philosophy prevailed, because we had the free enterprise, or more properly, the privately owned vehicle as the means chosen by the committee to take this Nation into the age of space communications. Well, I believe that the Congress at this point in creating a private corporation to undertake this assignment should not unnecessarily burden it. I think it should have its activities considered by the regulatory bodies under the same criteria applied to any of the existing carriers who will participate in the development of an effective space communications system. At an appropriate time, I shall offer amendments to make that possible. While we have heard many professions of confidence in free enterprise, I point out that on page 26 of this legislation, beginning with line 20, we add a new dimension to the criteria traditionally employed in determining whether or not a carrier will be granted a license by the regulating agencies.

Now, remember that at this point we are not testing here between a private and a public enterprise operator. We are laying down criteria for evaluating the applications of two privately owned systems. Yet, what do we find? First, we find that the Commission is instructed to grant a license for the construction and operation of each satellite terminal station either to the new corporation and one or more of the carriers, or to one or more of the existing carriers, and they shall do it under the long-established criteria as will best serve the public interest, convenience, and necessity. That is a fair test. Any privately held corporation should be perfectly willing to submit to that test of the one best able to serve the public interest. But we add the cute gimmick, a new dimension, at this point, and state that in determining the public interest, convenience, and necessity, the Commission shall encourage the construction and operation of such stations by communications common carriers.

Remember that under this mandate where the Commission finds that the public interest would be better served by the new satellite corporation it must, unless it is an overwhelming case, under the mandate to encourage, grant the license to an existing carrier. This could even discriminate against an existing carrier. Let us for purposes of discussion take a hypothetical instance where perhaps the Western Union corporation, joining with the satellite corporation, would compete with a single carrier for the license for a given ground station. Under the language which I propose to strike it is my opinion that the Commission would have to grant it to the single carrier. I do not think we need that type of encouragement to permit effective operation. This is my primary objection to the language of the bill at the moment.

But there is another condition imposed which I regard as totally unrealistic, occurring on page 28. We instruct the President to appoint three directors, and to appoint them annually with the advice and consent of the Senate. I am not in any way attempting to detract from the efficiency, the effectiveness, the efficacy in any manner, of the other body. But I think it conceivable that some directors under this onerous condition could be appointed and wait many months before they were confirmed. And this would be an annual occurrence, an annual appointment. I know of no precedent for it; I know of no parallel. I think it imposes an unrealistic and most onerous condition which would render highly ineffective the services of these 3 directors to be appointed by the President.

I indicated at the opening of my remarks that there are other areas where I could object, but I recognize that in the process of legislating we are dealing with the art of the possible, and I am willing to yield many of my positions in order that we come up with something which I think at the moment we must have, because there is no assurance that the United States can preempt space communications. We know that Russia has assigned a high priority to the development of such a system. I believe at the time of the hearings last year I had inserted in the Record extracts from a Russian scientific journal indicating their interest in the development of a system. I want this Nation to demonstrate its ability to do the best possible job of providing this new means of communication. Our initial step may not be with the ideal tools but it gets us underway. However, I hope I will have support when I offer an amendment to make this a little bit more free enterprise.

Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. Holifield] may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOLIFIELD. Mr. Chairman, as a businessman I have good reason to believe in the free competitive enterprise system. Over the years I have spoken out in defense of this system and have attempted to offer constructive measures to alleviate some of the evils that have appeared to threaten it. I will continue to do so. Further, many of these evils arise under the guise or appearances of benefiting the system.

I have noticed with alarm and anxiety the retreat from the principle of competition in then what is referred to as the so-called free enterprise system. Great segments of business have, for all practical purposes, deserted the principle of real competition.

What is true with business as to steel, electrical equipment, rubber, petroleum products, and chemicals also finds its counterpart situation in finance and labor.

We have been told throughout the complete development of our economy that our progress has been based essentially on the incentives of reward under competitive effort in a free enterprise system incorporating the necessary safeguards to protect small business and also creative and promotional items. However, in the past few years throughout the length and breadth of our land we can see a pattern of monopoly, managed prices, pyramiding prices, regional distribution agreements, collusive agreements between great labor unions and their employers, and rigged collusive bidding gradually taking the place of competitive practices and procedures.

These practices are conducted purposefully and knowingly. They would impair even the national defense of this Nation.

Profits no longer are based primarily on efficiency of production and distribution between real competitors. Profits depend too often upon the elimination of competition through various devices, collusive and otherwise. I am deeply concerned with the erosion of the competitive principles.

To prevent the recent steel price increase the President had to exercise all his clubs of big government. Such powers indiscriminately used can be dangerous and could lead to bureaucratic practices which rather than aiding competition would increase monopoly concentration. This has been true in the communications equipment manufacturing and other industries.

If our system of competitive free enterprise is a valid one, and if it is to succeed in the world struggle against the Communist system of production, it must be allowed to function without crippling distortion. We will not be able to successfully compete with the Soviet system through operating a system that denies the transmission of its benefits to the consumer.

I say we cannot deny to all our people the advantages and improvements in the productive and distributive processes of a free society which operates under the competitive principle and which is inevitably stifled when monopoly takes over.

We are in desperate cold war struggle with the Soviets, not only for the minds, but for the markets of free and neutral nations. If we are to be crippled with the dead weight of monopoly, managed prices, limited production, and unjustified profits we cannot win. We are doomed to failure.

It would be wise to utilize the traditional principles of competition as much as possible before it is too late.

We allow monopolies under regulatory agency control because it is thought that under such control they may best serve the public interest and that duplication is expensive and unwarranted in this sector of our economy. However, in the operation of such monopolies many times the public interest is not protected, let alone best served.

The American Telephone & Telegraph Co. and the Bell System companies are the major operators of telephonic communications in the United States. The wholly owned nonregulated manufacturing subsidiary Western Electric provides about 90 percent of the market equipment as the Bell System companies purchase practically all their equipment from this subsidiary.

By this bill through the language relating to ground station control as interpreted by Nicholas deB. Katzenbach, the present Deputy Attorney General, the present A.T. & T. monopoly will be preserved—nay increased—and in time further expanded so that it also will include television data, meteorological data, and other communication transmission operations. This 90-percent potential ground station control, in turn, will make A.T. & T.'s operation automatically cheaper than any other operators. The revenues collectible from a communication satellite system will come from ground station control. As A.T. & T. could use their stations for greater capacity, greater area coverage, and many more purposes such as voice, data, wire, and other forms of transmission, whereas the other international carriers are limited to wire and if domestic companies participate, they are restricted to voice. It is very probable that the ground station cost may be beyond a reasonable factor for an eligible participating company or a cost resulting in service charges that would be very expensive in contrast to A.T. & T.'s due to limited allowable volume of companies other than A.T. & T. and the Bell System companies.

Also Western Electric obviously will supply all or practically all the equipment needed for the ground stations which will require the greatest percentage of goods and services needed in a communication satellite system.

The effect of this bill is to bar all electronic equipment manufacturers other than Western Electric from supplying goods and services to the sector of the communication satellite system which represents 80 to 90 percent of the system's needs.

The Government has spent already vast sums of tax moneys in the development of booster, electronic research, communication satellite experiments, and developing an inhouse capability and a contracting capability. Many, many companies have participated in this program and many more have had the opportunity to participate. Are we now to shut the door in their faces? May I remind you that not only these companies and their employees have been taxed to provide the necessary funds to provide for the present investment but all the people of the United States. Are we now to grant away the results of this investment in such a manner that only one company and its manufacturing arm may benefit?

I believe that A.T. & T. and Western Electric have contributed much to the growth and development of this country. I hope they will continue to do so as they have much to contribute, but I also believe it is our duty to assure other companies the right to compete. I realize that the bill purports to give competitors certain rights to participate in satellite communication stations and satellites, but from a realistic and economic point of view, their rights are worth very little. The existing widespread A.T. & T. system and their practice of purchasing electronic equipment from their subsidiary Western Electric, effectively nullifies competitive efforts in producing electronic equipment and selling competitive services.

I am not in favor of the bill H.R. 11040 as reported by the committee.

The rights of present and future competitors to use ground stations on an economic basis and to manufacture and sell equipment in a nonexcluded market should be established by statute.

Unless amendments are accepted during the debate on this bill which will accomplish these goals, I will be constrained to vote against the bill.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that the gentleman from Oregon [Mr. ULLMAN] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ULLMAN. Mr. Chairman, as one of the 32 Members of this body who wrote to the President last year regarding the communications satellite program, I have followed developments since then with keen interest and considerable concern. It seems to me impossible to overstate the importance of this issue and of the public interest, both direct and indirect, which is at stake.

In the first place, the development and implementation of a global communication system utilizing space satellites will represent a tremendous breakthrough in this field of technology. Not only will it have the widest social and economic ramifications, but it will involve international cooperation on a virtually unprecedented scale. The public interest is therefore vitally concerned, as the President has recognized, and as everyone must concede.

Second, we are dealing here, as we are in every phase of our space program, with fantastic public investments. It is impossible to state precisely what the taxpayers' financial stake in this proposed system already is, but I think that no one can deny that it amounts to the hundreds of millions of dollars, even if we narrowly limit the research and development investment to be credited directly to a communications satellite system. Realistically, since space technology is so interrelated, the stake of the taxpayers is already much in excess of that level. Furthermore, it is crystal clear that, whatever action we take today, the public will continue to foot the bill for the major portion of this development. Testimony of scientists and administrators concerned with our space program have made that obvious.

This undeniable and vast public interest involvement requires that we focus our attention in considering the legislation before us on the twin issues of ownership and control. We cannot avoid the fact that what we are dealing with is a prospective monopoly—whether it be a public one or a private one. There is no question of competitive free enterprise at stake here—the technological facts of the matter preclude that completely. There will, of necessity, be one satellite system and our objective must be to insure that in the development and operation of that single system, the public interest—both in terms of the public's already vast investment in it and in terms of the operational control of the system—is fully protected.

I deeply regret the haste with which this issue has been brought to the floor of the House for action. As the report of the Committee on Interstate and Foreign Commerce concedes, there remain a great many unanswered questions at this stage of the game—questions which are, in the nature of things, unanswerable at this point in the system's development. Two members of the committee have called the proposal a pig in a poke. Furthermore, I believe that there has been completely inadequate public discussion of all of the issues involved.

Nonetheless, the legislation is before us and we are called upon to act. I want to indicate briefly the reasons for my belief that public ownership of the system is the soundest course and the best guarantee of full protection of the public interest.

First, as I have already said, the taxpayers of this Nation have footed the bill to date and will continue to foot a major portion of the bill in the future—no matter what we decide here. The proposal to establish a private monopoly corporation to own and operate a communications satellite system may give the superficial appearance of turning its financing over to private investors. This is a completely misleading appearance and discerning people will recognize that what is being proposed is a sort of an iceberg arrangement in which the private company will foot the very small portion of the costs which show above the water while the major portion of them will remain the investment of the taxpayers of the United States. Only under public ownership will those taxpayers retain the fruits and the returns of their investment, both direct and indirect.

Second, it seems clear to me that—paradoxical as it may sound—public ownership of the communications satellite system offers far greater prospects for a competitive situation in this field of communications via space satellite than would the committee bill. Why is this so? It is so because a publicly owned satellite system, including the necessary ground stations, would provide a real common-carrier situation whereby the facilities would be available on an equal basis to all communications firms desiring their use. A private corporation, such as is proposed by the committee bill, will merely perpetuate and vastly increase the aspects of the existing structure in the communications industry in which the giant firm of A.T. & T., because of its size and scope of operations, tends to dominate and control. Again, it seems clear to me that testimony on the record underlines the fact that public ownership of the satellite system and ground stations will produce a far more competitive atmosphere into the communications industry than now exists and certainly more than would exist under a private corporate arrangement.

We all are aware of the economic fact that financial ownership is not the total key to operational control. It is true, on the contrary, that what appears to be minority financial ownership can still be majority operational control. Thus, even were the committee bill to actually guarantee that no single firm or single sector of the industry could have a majority financial interest—and I am far from convinced that the legislation would do that—it would still not guarantee that operational control would not rest, in actual effect with a single firm and/or a single sector of the industry.

This being the case, I think that we must consider a third very basic and important question—that of the speed and efficiency of the system's development. This is a basic question because of the existing communications industry's large investment in present facilities—the obsolescence of which is likely to be accelerated by the development of the space system. One must ask whether the motivation for going ahead with this important new development in communications would be such under the committee bill as to insure its most rapid development. Furthermore, there is the question of the low-orbit, random satellite system versus the high-orbit, synchronous system involved. The fact that A.T. & T. has made clear its current bias toward the low-orbit system raises the question of whether we could be assured that the private monopoly proposed by the Committee bill would give fair consideration to the technological aspects of the high-orbit system—which appears to me, at this stage, to offer the greater potential. Again, I think the public interest rests on the side of public ownership.

Finally, and related to this, is the whole question of our antitrust policies and the implications of the committee bill in that area. As I have indicated, it seems clear to me that creation of a private corporation to own and operate this new and revolutionary technology is far too likely to accentuate the noncompetitive aspects of the communications industry and that public ownership is far more in accord with our traditional policies in the field of antitrust and competition.

For all of these reasons, I urge that we adopt as the policy of this Congress and this Nation, that of public ownership of this global communications system which is being developed at such vast cost to the American public and which is so clearly affected with the public interest as well as the public pocketbook.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I want to pay tribute to our chairman for the careful and conscientious job he did in guiding the committee on this legislation. I feel that, although there are things in this measure with which I do not agree, basically the legislation before the House is sound. I feel that it is incumbent upon the House that we consider this legislation expeditiously, that we enact it speedily, and I hope that the administration will handle the legislation in such a way as to bring about the early implementation of its provisions. I do, again, wish to express my commendation and warm good feeling toward the chairman of the committee for the fine and careful job he has done in the consideration of this legislation.

Mr. Chairman, there are, however, two points about which I have been greatly concerned in the legislation which have not been discussed by previous speakers, the first of which is the question of whether or not this legislation in any way, aside from its express terms, alters, amends, or otherwise affects the antitrust laws. It is for that reason that I ask the attention of the distinguished chairman of the Committee on Interstate and Foreign Commerce for two questions which I should like to direct to him.

I should like to direct the first to our chairman as to whether or not there is any intention on his part as author to alter or amend the antitrust laws by implication, except insofar as may be necessary to carry out the clear, precise, and concise language of the legislation presently before us.

I note that the chairman of our committee has had some correspondence with Mr. Katzenbach, Acting Deputy Attorney General, on this point. I wonder if he might care to use that in reply to my question.

Mr. HARRIS. If the gentleman will yield, I may say that the gentleman gave time and attention to this subject matter when it was before the committee. As the gentleman knows, there was no discussion in the committee about the problem that he raises, except I believe the gentleman did bring it to the attention of the committee just before we concluded our consideration of it. I have asked the Department of Justice about it, as I told the gentleman I would. The Department confirmed the position that I took at the time the gentleman offered the suggestion in the committee, that there is no intention of amending or in any way affecting the application of the antitrust laws except in the usual and normal way, as would be expected in a matter of this kind.

Mr. DINGELL. I appreciate the chairman's comment on this. I have here a copy of the letter which our chairman received from Mr. Katzenbach in response to the injury I raised, and I should like to read this letter:

April 26, 1962.

Hon. Oren Harris,
House of Representatives,
Washington, D.C.

Dear Congressman Harris: This is in response to your letter of April 19, 1962, setting forth two questions which arose during your committee's consideration of H.R. 11040.

The first inquiry is whether this legislation might modify the antitrust laws by implication and whether a provision might be inserted to make clear that the intent of Congress is to the contrary. Since the establishment of a communications satellite system involves the creation of a monopoly, the administration has, of course, been mindful of antitrust laws and policy from the beginning of its studies as to the best means of promptly developing an operational system. The concern of the administration in this connection is reflected by its proposal, approved by your committee and the Senate Committee on Aeronautical and Space Sciences, that the legislation provide for broad public participation in the ownership of the system as contrasted with ownership limited to communications common carriers. That concern is reflected also in the requirements that there be equitable access to the system by all its users and effective competition in the satellite communications corporation's procurement of equipment and services. Aside from the creation of a single enterprise to carry out the purposes of the legislation, I see nothing in its provisions or in its history to the present time which implies the grant of an exemption from the antitrust laws. Accordingly, although I see no objection to a congressional expression of intent of the nature mentioned in your letter, I do not believe it would add anything of substance.

The second inquiry noted in your letter is whether section 403 would authorize the granting of an injunction in a case of a labor dispute. This section was not intended to override any present prohibitions against the issuance of injunctions, whether in connection with labor disputes or otherwise. Since repeals of existing law by implication are not favored by the courts, I do not believe the language of section 403 would be construed to reach a contrary result. However, in order to remove any ground for argument afforded by a literal reading of the present language, it may be well to amend section 403 by inserting the following words after the word "jurisdiction" which appears at page 17, line 22 of H.R. 11040 as originally introduced: "except as otherwise prohibited by law,".

I appreciate your kindness in referring the two points to me for comment. Congressman Dingell has also asked for my views on these points, and I am taking the liberty of sending him a copy of this letter.

Sincerely,
Nicholas deB. Katzenbach,
Acting Deputy Attorney General.

I should like also to ask our distinguished chairman about this point. I noticed in reading the sanctions section language which might be construed as repealing the Norris-LaGuardia Act or some of the other statutes which might prohibit the utilization of injunctions in cases involving labor disputes. I was concerned, as the chairman recalls, lest this might have this language in the sanctions section of the bill in section 403 and might by implication or otherwise be aimed at repealer of any of the great statutes like the Norris-LaGuardia Act. I was wondering if our chairman would care to comment on that.

Mr. HARRIS. There was no intention at any time by the committee to change or to alter or in any way override present prohibitions with reference to the issuance of injunctions. So far as I am concerned, if there is any question in the mind of anyone, I would concur with a suggestion made by the Acting Deputy Attorney General who handled this matter for the Department of Justice for an amendment which would make it clear that there was no such intention.

Mr. DINGELL. I appreciate the gentleman's comment.

If I may take the liberty of again referring to the language of the letter received by our distinguished chairman.

I think it is particularly important that our good friend and colleague, chairman of the committee, and also the author of this legislation has so construed it because I feel this is a very important point. I do not think the Congress is anxious to repeal this section by implication.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRIS. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. Ryan].

Mr. RYAN of New York. Mr. Chairman, in the first place I would like to compliment the distinguished Chairman and the Committee for a very conscientious study of many of the serious implications which I believe are raised by this proposal. I am rising to speak in opposition to this bill. I am rising to speak in opposition because I consider this bill to be in the nature of the greatest giveaway of the space age. A workable communications system is possible now only because of vast expenditures of taxpayers' dollars on Government financed space research. Dr. Welsh of the Space Council has estimated that 90 percent of the expenditures in this research have been Government expenditures. We know that the space program has already involved some $25 billion. Of that amount some $471 million are directly attributable and allocable to the development of a communications satellite system. I do not believe that the benefits to be derived from these billions of research dollars should be turned over to a private monopoly which will be dominated by American Telephone and Telegraph, the greatest monopoly in America today, a private monopoly which will be immune to any meaningful regulation as explained very eloquently and cogently by the distinguished chairman of the Committee on the Judiciary, the gentleman from New York [Mr. Celler]—a private monopoly which will increase concentration and facilitate conduct inconsistent with the antitrust laws.

Furthermore, it would be a private monopoly which would be inevitably inclined to lag in space research and development in order to preserve the investment it will have in existing facilities.

It seems to me that we must also retain flexibility to permit us to enter into international negotiations and arrangements for this global system.

I favor retention of this satellite system in the hands of the Government where it can be most effectively utilized on behalf of all of the people. The taxpayers' dollars made it possible, and I believe that it should be retained as a public resource for their benefit. I have previously introduced a bill (H.R. 9907) to accomplish this. At the proper time I will offer a substitute bill which would preserve this natural resource for the benefit of the taxpayers.

My amendment would provide for Government ownership, through a communications satellite authority, of the satellites and ground stations. This would constitute a carrier's carrier which would lease its facilities to the carriers which now exist or which may come into existence in the future.

The single most important fact in this whole question is this: Any system of private ownership will be a private monopoly, and this is not free enterprise. This private monopoly will lack the single, most important ingredient of free enterprise; it will lack competition. There will be no competition because we cannot achieve either economically or technologically more than one system. This corporation, therefore, will be a Government-created private monopoly contrary to our traditions and the exact antithesis of free enterprise. Furthermore, the carrier investors are not embarking upon a risk because their investment will go into the rate base.

I should like also to point out that in the conduct of this system the Government will be deeply involved at all times. The Government will have to furnish launch vehicles; the Government will have to launch the satellites and provide crews and associated services for the launching of the vehicles. The Government will have to consult the corporation regarding the technical specifications of satellites and of the ground stations. The Government will have to coordinate continued research and development with the activities of the proposed private corporation. The Government must insure that the satellite system be technically compatible with existing facilities. The Government must insure that present and future access to the system be on an equitable and nondiscriminatory basis. The Government must preserve competition in the field of supplying hardware and services to the corporation. The Government must assure that opportunities are provided for foreign participation; and the Government must insure that the corporation provide communication service to areas of the world where it may be economically unprofitable and yet in our own national interest; and, finally, the Government must regulate the rate-making process.

With so much necessary Government involvement I do not see why this system should be turned over to a private monopoly.

Furthermore, this private monopoly will be dominated by A.T. & T., the most powerful monopoly in the United States today. This dominance will result, firstly, from the fact that A.T. & T. would put up most of the money.

At the ad hoc carrier committee, which included all the major carriers but the General Telephone & Electronic Corp., A.T. & T. indicated a willingness to put up more than 80 percent of the then contemplated financing—$65 million. Under the proposed plan, A.T. & T. will have the right to buy all the stock it can, up to 50 percent of the total. In light of the ad hoc committee estimates, A.T. & T. will probably own at least 40 percent of the total stock. Indeed, Deputy Attorney General Katzenbach, has conceded that A.T. & T. is likely to take 35 percent.

Second, many other carriers, such as Western Union, RCA, and others are currently dependent on A.T. & T. for overseas and other long-distance cables. These carriers are hardly likely to oppose A.T. & T.'s wishes.

Thirdly, A.T. & T. will be by far the largest commercial user. Thus, it will be responsible for much of the corporation's revenues, and by threatening to withhold use, it can force the private company to charge higher rates in order to survive. A Government-owned corporation will not have this survival problem.

Under this bill A.T. & T. may take up to 50 percent of the carrier stock, and a few other large noncarrier companies may jointly own most of the other 50 percent. In addition, there is nothing to prevent A.T. & T., and a few other corporations, from buying all the nonvoting securities or bonds which are permitted to be issued.

This investment would go into the rate base where it would be recouped from the public.

Limitation of directors is an illusory safeguard, as both Western Union and the Department of Justice pointed out in testimony before the Senate Space Committee. Deputy Attorney General Katzenbach pointed out that the size of A.T. & T.'s financial interest was sufficient to insure its dominance, even without any directors—hearings before Senate Space Committee, 726, March 7, 1962. Judge Loevinger has concurred, as has Western Union—hearings before the Long committee, 576, November 8, 1961. A.T. & T.'s anticipated huge financial interest, its high usage, the present dependence by others on its facilities, its truly colossal size and enormous power beside which every other potential investor is dwarfed—all these factors will inevitably join to make A.T. & T. the dominant force, despite the administration's professed concern that this should not happen.

It seems to me that the proposed Satellite Communications System offers us a magnificent opportunity to reduce concentration and to encourage competition.

In the first place, Government ownership will assure equitable access to all, which will relieve all other carriers from dependence on the facilities of A.T. & T.

Secondly, it will reduce concentration in long line and cable facilities. At the present time A.T. & T. owns most of these facilities. An independent satellite corporation, governmentally owned, would bring competing facilities into the picture, perhaps lowering rates and improving service.

Third, it will offer a vast new market for small manufacturers who up to now have been frozen out of the telephone and communications equipment business. Only Government ownership offers a real opportunity for such equipment manufacturers.

It seems to me that reliance on wide ownership as the panacea betrays a shocking ignorance of the facts of American corporate life—the wider the ownership, the smaller the amount necessary for control and the easier it is for a tightly concentrated block to dominate a corporation.

Moreover, even some of the bigger shareholders will not be inclined to oppose A.T. & T. With the latter's 35 to 40 percent investment, and with no other company being able to buy more than 10 percent, who will oppose A.T. & T.'s wishes, especially when further financing is necessary?

But the problems involved do not stop with the communications industry. This corporation will be buying equipment in enormous amounts. Most of the prospective investors are in the equipment business, either directly or through affiliates. As a matter of fact, of the communications carriers themselves, I.T. & T. and RCA are primarily manufacturers. Sixty percent of General Tel's revenues are from equipment; and A.T. & T. itself has a huge equipment subsidiary, Western Electric, from which it buys its telephone equipment. On the basis of past experience and normal human behavior, these carrier manufacturers will almost certainly try to favor themselves or their affiliates in procurement.

Moreover, I think we should not overlook the fact that the proposed system sets up a joint venture of companies which are currently supposed to be competing with each other. Insofar as the international telegraph companies are concerned, Congress has refused to permit such a merger for 19 years.

Government ownership would actually encourage competition, for it would make procurement and access available to all on an equal basis without the inevitable self partiality and conflict of ownership inherent in ownership by suppliers.

I think there is another point that should be stressed, and that relates to continued research and development.

I believe that Government ownership is the only way to insure maximum research and development. The private carriers, including A.T. & T., have enormous investments in facilities, such as cables and long lines. If the satellite system goes up quickly and is used to capacity, these cables will become obsolete. Since the first and proper duty of rational businessmen is to protect their stockholders, there will be a certain lag in the development and actual use of means for making obsolete the present equipment. This was pointed out very clearly by Deputy Attorney General Katzenbach before the Senate Space Committee.

Then there is another point, and it is this: The first system to go into operation will probably be the low orbit system. However, there is pretty much unanimous agreement that this system should be superseded by the more efficient and more economical high orbit, three-satellite synchronous system. Once this private corporation has invested millions of dollars in a low orbit system, its investors and directors will not be inclined to proceed expeditiously with research and development necessary to produce the high altitude synchronous system.

Failure to push the introduction of new techniques and new technical improvements has been demonstrated in the past. Witnesses before the subcommittee in the Senate presided over by Senator RUSSELL LONG gave numerous illustrations where new techniques were either not developed or introduced by A.T. & T. These include, for example, one-piece telephones, modern switching equipment, and the dial phone, which were not placed on the market for years after they had been developed.

Furthermore, this corporation, this profit-seeking corporation, is not likely to invest in research and development in nonprofit or less profitable operations. It may be for this reason that the A.T. & T. vice president and other carrier spokesmen have insisted on minimizing the revolutionary potential of the satellite system. As the Deputy Attorney General pointed out, however, the industry has downgraded the system by calling it just another link in a communications system. It is much more than that. It is revolutionary.

As a matter of fact, James Webb, Administrator of NASA, has expressly stated that because the industry will not be interested in truly revolutionary research, the research in the future would still have to be done by NASA at Government expense and the fruits turned over to the corporation.

I think that the distinguished chairman of the Committee on the Judiciary has pointed out very ably the failure over the years of the FCC to regulate A.T. & T. I cannot take extensive time to reiterate what he has said, but I should like to call the attention of the House, however, to the fact that last week a report was published which was the result of a study by Booz, Allen & Hamilton for the Bureau of the Budget, a study of the operations of the A.T. & T. The study concluded that the FCC has not adequately protected the public interest by insuring reasonable rates.

I have pointed out, Mr. Chairman, many of the issues and implications which I feel are important in this proposed piece of legislation.

I do not understand, despite the arguments that have been made, why we should be in such a rush to turn the benefits of the space research paid for by the taxpayers, this public resource, over now to a private monopoly. RCA and others have concurred that the first problem is to settle the technical questions, the development. Later we can determine the form of the organization.

Mr. Chairman, Dr. Welsh said that the lack of an organizational structure has not delayed the development of the communications satellite system. How could it, since what is necessary now is to conduct space research and also to proceed with international negotiations? These things must be done primarily by the Government. I think that the committee report to the House is revealing. The report of the committee on page 8 concludes that the reason for the urgency for this legislation is to insure private ownership. I do not believe that by proceeding with this legislation we in any way advance the date when the communications satellite system will be operational. We know that the Department of Defense and the National Aeronautics and Space Administration are proceeding rapidly with this development. They are moving ahead and will produce in short order a really revolutionary concept, which will provide communications to all parts of the world, provided we provide the proper form of organization to see to it that the objectives are not impeded, are not impaired and are not obstructed by a private monopoly which will necessarily be dominated by the self-interest of the private corporations which will constitute the largest investors.

Mr. Chairman, space is the greatest natural resource of our time. We do not even know its vast potentialities. Why should we hasten to give away the fruits of these billions of dollars of the taxpayers' money to a private monopoly? Our great space achievements have been made possible only by the entire American public's investment. The full value of this investment should stay with the American people. I believe that, if the Government retains ownership of the satellites and the ground stations and leases the use of them to carriers in competition with each other, we will assure that the benefits from this great public resource will be preserved for the benefit of all the people.

Mr. KOWALSKI. Mr. Chairman, will the gentleman yield?

Mr. RYAN of New York. I yield to the gentleman from Connecticut.

Mr. KOWALSKI. Mr. Chairman, I want to express myself as being in full support of the splendid statement which has been made by the gentleman from New York [Mr. RYAN].

Mr. RYAN. I thank the gentleman.

Mr. KOWALSKI. Mr. Chairman, I wish to express my opposition to the legislation before the House. Let us make no mistake about the bill before us—it proposes to place in private hands a Government-created monopoly over a natural resource made productive by Government-financed technology. Henceforth, if we pass this bill the Government and the public as well as the rest of the world, will be able to use only such facilities as this profit-invented monopoly chooses to make available, at a toll which assures it a very comfortable profit. Through regulation, we may exercise some restraint; but we will give up all of our right and power to act affirmatively on space satellite communication. Does our foreign policy and our convenience require continuously operating circuits with every country, around the globe? The unprofitability of many of these may foreclose them. Does our prestige, or our spirit of adventure, call for the development of ever-new systems, higher satellites in additional functions? The rational monopolist will not obsolete an existing system before it has paid for itself. Are our people and the world best served by low rates? The private owner is best served by high rates. No regulatory commission has any right to require a private corporation to operate at less than a reasonable profit, or to place its investment in any type of facility which its business judgment considers unwise.

Two things make space satellite communications possible: First, the natural resources of space and the radio spectrum which belong to all the people; and, second, the aerospace capability which the United States, under the leadership of its Congress, developed at great cost. To the first, the people are entitled by birthright. They are entitled to the second by proprietary right.

How much treasure, contributed by the taxpayers of our country, has been expended, and will certainly yet be expended, in developing the technological capacity to put aloft and use communications satellites? On all space capability, much of which will be utilized in satellite communications and without which there can be no communications satellite, estimates are that our taxpayers have spent $25 billion. On communications satellite research and development alone, NASA and the Department of Defense will have spent $470 million by the end of fiscal 1962. Dr. E. C. Welch, Executive Secretary of the National Aeronautics and Space Council, testified that the taxpayers have financed in excess of 90 percent of our space communications competence. Does the bill before us require the private monopoly to pay anything for this valuable asset? It does not. It constitutes, simply, a giveaway, and the Government will continue to give. James E. Webb, NASA Administrator, testified before the House Commerce Committee that NASA research and development on space communications will not end with the establishment of the satellite corporation, but will continue as before—and the advances made will be available to the satellite corporation at no charge.

The President does not deny or ignore the vast taxpayer investment in space communication, and he acknowledges that it would be inequitable to give this asset to a favored few, leaving the taxpayers without a shred of their investment. In an attempt to reconcile this equitable consideration with other motives, the President suggested that one-half the stock of the corporation be made available for purchase by the American public. A variation of this proposal is embodied in the bill. But surely, it must be known to all the gentlemen of the House that the class of stockholders is not coextensive with the class of taxpayers—few are wealthy enough to be stockholders. Classically, one buys stock with surplus funds, after the taxes are paid, the needs of life provided, and savings and insurance are adequate. A recent study found that 1.6 percent of adults in our country own 82 percent of the stock held in the personal sector. The proposed remedy does not satisfy the purpose for which it was fashioned.

It is no answer that the communications companies, primarily A.T. & T. and the few participating members of the public who are able to buy stock, will be putting in additional capital. Rather than a venture, this is a privilege which outsiders must envy. There is no risk of loss in monopoly. Dr. Welch testified before the Senate Commerce Committee that the satellite corporation is certain to enjoy financial success, for three reasons: First, expanding demand for the service; second, improving technology, which will lower costs; and, third, absence of competition.

It has never been made clear why we are urged to set up a private monopoly now, to own and operate space communications. Little if anything is yet known about what type of space communication system will eventually be used, or what will be the nature of the international organization for its use. Several technical systems have been proposed, and it is still possible that one not yet proposed will be chosen. Other countries have not been formally consulted, and their wishes are not known. Do they wish to participate in ownership or participate at all? What technical system do they prefer? How much of the international radio spectrum are they willing to reserve for communications satellite use? Some other nations, notably the Soviet Union, have space competence. Should not space planning be cooperative, as frequency allocation has been?

Technical development is not being impeded by the absence of commercial organization, and it will not be. Let us not hurry to give away this national asset, but keep it in the people's hands, at least until events have informed our judgment.

Mr. YOUNGER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN. Mr. Chairman, I ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN. Mr. Chairman, I have asked for this time to simply state to the membership of the House that a few moments ago, in the Rules Committee, that committee reported out a resolution to make in order the sending of H.R. 8900, the so-called college facilities bill, to conference. Immediately thereafter I made a motion to report, for consideration at the same time, the so-called medical facilities, or doctors' training, bill from the Interstate and Foreign Commerce Committee. On motion of the gentleman from Missouri [Mr. BOLLING], by a straight party-line vote, action on my motion to report the bill was deferred, thus defeating my attempt to get prompt consideration of this important legislation.

Mr. Chairman, I took this action because I believed very strongly the American people, and especially the House of Representatives, should be given an opportunity to decide for themselves, and itself, whether it wants doctors of philosophy and of social sciences, or whether it wants medical doctors first of all. I am hoping that a little later on, if there is proper consideration and pressure on the House Rules Committee from the American people, we may be given the opportunity to vote on this very important measure which comes from the Committee on Interstate and Foreign Commerce, and which would provide facilities to train more doctors, more medical technicians, dentists and others who are so badly needed in our present-day civilization.

I have taken this action deliberately, and purposely, because I do believe that in view of the findings of the Ford Foundation and of the Prudential Life Insurance Co. staff studies of present college and university facilities, the greatest need of all rests in the field of medicine, and its affiliated activities, and that we should begin to put first things first in this country, in connection with education, as well as other matters.

Mr. YOUNGER. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana [Mr. ROUDEBUSH] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROUDEBUSH. Mr. Chairman, I wish to express my support for H.R. 11040 as amended by the Committee on Interstate and Foreign Commerce.

The Communications Satellite Act of 1962 is in keeping with our traditional policy, expressed in the Communications Act of 1934, of private ownership and operation.

Under this precept of free enterprise and the profit system, the United States has produced the best communications system in the world. The same excellent results can be expected in space communications if we give our scientific minds the free rein they need, without the stultifying and depressive controls and supervision of Government ownership and interference.

American private industry has the manpower, know-how, and facilities to develop a satellite communications system in the most economical way and at the earliest practicable time. All it needs is the go ahead signal.

This proposed legislation before us today seems an appropriate vehicle to speed American participation in the developing field of space communications.

It establishes machinery through which existing carriers and other private individuals and groups may play a vital role.

It is urgent that we establish now an instrumentality for private ownership and operation of this system if we are to maintain and increase our supremacy in this crucial area.

Government ownership of our communications satellite system would be an abandonment in this Nation's fundamental doctrine of progress through free enterprise. It would weaken confidence throughout the world in private enterprise and provide grist for the Communist propaganda mill.

Government ownership of the satellite system would open the way to more and more Government ownership of all forms of communications.

Government ownership of delay would destroy the incentive of private industry to continue the research that it has done at its own expense and that has contributed so much toward opening the door to making space communications possible. It would be shortsighted for Congress to discourage private industry to go forward at its own expense with research activities in this field.

I believe most emphatically that all private inidviduals and groups which desire to participate financially in this new venture should be allowed to do so.

This is the free enterprise way; this is the capitalistic way; this is the profit system way; and this is the American way.

Mr. YOUNGER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. COLLIER].

Mr. COLLIER. Mr. Chairman, I requested this time because I was intrigued in a completely negative way with the approach to total Government ownership of this program as prescribed by the gentleman from New York [Mr. RYAN], who preceded the gentleman from Ohio [Mr. BROWN], in the well of the House. I should like to direct a couple of questions to him to clarify certain questions in my mind.

My first question is, Upon what basis of fact or historical record did you reach the conclusion you apparently reached in your statement that total Government ownership in this program would provide lower rates and improved services?

Mr. RYAN of New York. If there is competition forced upon the common carriers, it will in and of itself reduce rates. One of the reasons rates have been high is because this whole field of communications has been controlled by a handful of companies and dominated particularly by one.

Mr. COLLIER. That is a conclusion without basis of fact but merely assumption; is it not?

Mr. RYAN of New York. I think it is a conclusion that certainly flows from the economics of the situation.

Mr. COLLIER. Do you find this same conclusion flowing from the economics of any other situation where the Federal Government has control of such things as hydroelectric power? I am speaking of a historical record.

Mr. RYAN of New York. I would certainly say to the gentleman that the record of TVA shows that the rates were reduced as a result of competition in that area through the yardstick provided by the TVA, which certainly served the public interest.

Mr. COLLIER. Rates reduced through the use of taxpayers' money across the face of the country; is that correct?

Mr. RYAN of New York. I can only point out to the gentleman that the taxpayers have funded this entire program and have a tremendous investment in communications satellites.

Mr. COLLIER. The conclusion is that you take the money out of the left pocket and put it into the right pocket and then you have saved everything that you have taken out of the left pocket.

The gentleman made another statement—I think I may be correct in this, because I tried to take it down as he made it—that profit-seeking corporations are not likely to invest in research in a nonprofitable operation. Eighty percent of all private research done in this country over the last half century has been done by profit-seeking corporations.

Mr. RYAN of New York. The gentleman did not record my remarks correctly. I should like to point out that some 90 percent of the research done on space communications has been done at Government expense.

Mr. COLLIER. I have great doubt of the accuracy of that 90-percent figure.

Mr. RYAN of New York. Dr. Welsh of the Space Council cites that as the figure.

Mr. COLLIER. Dr. Welsh testified before the committee and in all kindness let me say that everything he said to the committee was not necessarily something that I or other members of the committee would agree with.

Then you do not believe profit-seeking corporations are not likely to invest in research; since you say I took it down incorrectly, then this is an incorrect statement and therefore you do not really believe this?

Mr. RYAN of New York. No, what I said was very clear. I pointed out that history shows that corporations which have an investment in existing facilities will not progress to the point of making their own facilities obsolete, and that is the problem here.

Mr. COLLIER. That was a different part of the gentleman's statement. Then profit-seeking corporations will actually invest in research and improve apparatus and services. Is that a fair statement?

Mr. RYAN of New York. I think we must talk about what the situation is with respect to this bill and this system. We are concerned about the fact that the Government has a tremendous investment in space research and development, that the space satellite system would not be at the point it is today, in fact we would not be here today debating this bill, if it were not for the $471 million spent directly on communications by the Government and the $25 billion spent on the general space program.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Chairman, I think it is time we get back to what we are really here for, and that is communications. We hear talk about space, but the issue here is whether the progress in communications and toward freedom, of this country and in the free world—and I hope all the world will soon be free—will be hastened and helped by this legislation. You can talk about Government ownership all you want, but the fact of the matter is that in the field of communications today the A.T. & T. and the private carrier companies are carrying 80 percent of all the communications of this country, domestically and internationally, and give excellent service.

As the president of the CWA said before our committee, it is singular that not only is management in favor of private ownership but also labor. He said that the workers for private companies have the know-how and have done the job, and can do the job. We now have a proposition here to socialize this idea, or nationalize it, if you want.

What are you going to do about servicing this thing except use the people who have the know-how? As far as I am concerned, I would prefer that we not have to have a Government operation. I would prefer that we let those people who have given us the finest communications system in the world own and operate it. They are regulated by the Federal Communications Commission and the agencies of the various States. They have done the job. Sure, they have made profits for the investors of this country, but those profits have been funneled back into the operations or paid in dividends for the benefit of people who are stockholders—the widows, orphans, and others—to become a factor in a consumer market. But, since we have to have a corporation, what finer one could we have than one that contemplates a partnership, as it were, between the Government of the United States and private enterprise? What better corporation could we have than one that recognizes the ability and efficiency of private enterprise rather than the Red type of a socialistic operation?

It is true we are going to use the space effort to get this particular satellite into the air, but after it gets into the air who is going to have the know-how? What Government bureaucracy has the know-how in communications? Not one that I know of that has the know-how of A.T. & T. or any other of these big corporations, which are already regulated here. So to me it is fantastic to say, "Let us abolish the free enterprise system in this particular instance, let us look beyond the horizon and pull the skeletons out of the closet and say something is going to happen which has not happened, something is going to take place which has not taken place in the history of the private enterprise of this country." Let us say to a company that is doing a good job, "Keep on with it."

Mr. KOWALSKI. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield to the gentleman from Connecticut.

Mr. KOWALSKI. I am a little bit disturbed to hear that no other agency but a private enterprise knows about this. The whole SAGE system, which is operating our warning system, is not being operated specifically by private enterprise. It was let out by the Government. I think there is room for both. Government ownership of satellites still permits rental and other kinds of arrangements.

Mr. HEMPHILL. I think if the gentleman will read the statement referred to in the hearings, by Mr. Bierne, of C.W.A., to the effect that they had the know-how, what are you going to do? Are you going to train all these people in the Government to do something which the A.T. & T. people and the AFL–CIO say they know how to do? Are you going to cause the taxpayers that additional expense? Of course, you are not if you are reasonable with the taxpayers' money.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I am delighted to hear the gentleman refer to this because right now NASA has as some of its experts, former employees in the communications field and some of the top men in the communications field who came from the Bell system, who came from the A.T. & T. and who came from some of the other companies and there has to be dependence on this particular informed opinion in order to make this satellite work. I am delighted to see the gentleman make the point that he is making.

Mr. HEMPHILL. I thank the gentleman. I think we ought to thank A.T. & T and the private companies for the training they have given to people, which we have been able to utilize in NASA.

Mr. ANFUSO. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I am happy to yield to my colleague.

Mr. ANFUSO. Does the gentleman believe if telephone communications that we have today were under Government ownership that we would have cheaper rates?

Mr. HEMPHILL. I certainly do not. Not only would we not have cheaper rates, but we would have less efficiency and less service and the taxpayers would have to be reaching down in their pockets all the time to pay the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YOUNGER. Mr. Chairman, I will be glad to yield 2 additional minutes to our colleague.

Mr. HEMPHILL. I thank the gentleman. Had the gentleman from New York [Mr. ANFUSO] completed his statement?

Mr. ANFUSO. Is it not the history of other countries that where they have tried government ownership of the telephone system that they had poor service and also high rates?

Mr. HEMPHILL. That is my information although, of course, I do not have the exact facts and figures on that at this time.

Mr. RYAN of New York. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I am happy to yield to the gentleman.

Mr. RYAN of New York. I should like to call the attention of the gentleman to the testimony before the Senate Space Committee of Assistant Secretary of Defense John H. Rubel who said and I quote:

> About 90 percent, I would say of the problem associated with the communications satellite system really doesn't have much to do with communications, Mr. Chairman. It has to do with launch vehicles, it has to do with spacecraft that you put into orbit, it has to do with controlling those spacecraft when they are up there in orbit, it has to do with the life of electric and mechanical equipment in space.

Mr. HEMPHILL. I think the gentleman from New York is just confused. He is talking about space and we are talking about communications. I suppose that that same Assistant Secretary of Defense knows, and if he does not know he ought to know, that the Defense Department is using private companies for 80 percent of their communications all over the world today. This is a matter of communications. Space is just incidental in getting this particular satellite into the air. This space effort is to get into orbit such satellites as we may have to use, but the communications problem is one which is so vital that we cannot afford to let the Government come into it as a new thing and take this thing over, and as the gentleman from New York so ably pointed out, give less efficient service at increased cost.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Chairman, I wish to compliment the gentleman on his fine statement. I also want to point out in the committee hearings the predominance of witnesses there indicated a desire to steer the handling of this communications facility in the area of the free enterprise system. I think the gentleman would agree with me that one of the finest witnesses there was Mr. Beirne of the Communications Workers of America. He pointed this out probably more specifically and pointedly than anyone, possibly, who appeared before the committee; or just as well or, perhaps, better. I want to thank the gentleman for his statement and for his observation. I thoroughly agree with him. I think the House is indebted to him for his statement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRIS. Mr. Chairman, I yield 1 additional minute to our colleague.

Mr. HEMPHILL. I thank my colleague.

I thank the gentleman from Minnesota for calling to mind something else which I think is very important here. We have private enterprise ready to go. Time is a factor here. Time is such a factor it scares me to think that while we are wasting time trying to put the Government's finger in this thing that, perhaps, our enemies are making progress. The private companies are ready to do the job for the United States just as they have done in the training of some of these men.

That is the reason I say we ought to encourage them. Let them do it, and let us get on with this thing for the progress of communications in this country.

Mr. HARRIS. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. ANFUSO].

Mr. ANFUSO. Mr. Chairman, I rise in support of the bill under consideration, H.R. 11040, which is a compromise of the original recommendations of the administration for the United States as a participant in a global satellite communications system and the views of the communications industry in the matter.

This bill would make possible the establishment of a private corporation, on a profitmaking basis, owned half by individual stockholders and half by private communications carriers. I understand that there is to be no Government ownership of the corporation in any way, and that Government controls or regulations would be at a minimum and limited to such matters as FCC licensing of ground stations, the determination of rates, the supervision of stock issuances and similar matters which are also applicable in other private enterprises.

I believe that this bill is definitely in the public interest and will help bring the benefits of space communication to the American people in a most efficient manner and at reasonable rates. It would help save money for the American taxpayer since private industry and private investors would provide the funds, the experience and the know-how in developing a commercial communications satellite system, just as they did in the case of existing communications system which is the best in the world and which they developed under Government regulation.

I want to commend private industry and particularly A.T. & T. for their initiative in getting this program started with their own money, and the know-how in developing the communications satellite. Were it not for these sources this program would never have gotten underway.

Let me emphasize another very important factor. We cannot afford to be second to any other nation in space communications. We must also make sure that space communications, just as other space explorations, must be used for peaceful purposes for the benefit of all mankind. In order to assure the development of space communications along those lines and that we play a leading role in it, it is imperative that we adopt a national policy of private ownership and operation of the U.S. portion of the international communications system. We must take early and definite steps to prevent preemption of this very important field on the part of the Communist bloc.

The bill under consideration lays the foundation for U.S. participation in the global system. The actual establishment of a global system will depend, of course, on future international conferences and agreements to allocate the radio frequencies for the respective countries. I understand that such a conference, under the auspices of the International Telecommunications Union, is scheduled for late 1963. This means in the next 15 to 18 months.

We do not have too much time. We must utilize the time to set up our plans and machinery, and it must be established on a basis which will be flexible enough so that the United States can gain the support of other nations in a fair and just allocation of frequencies under the global system.

This bill will help us achieve our goals in world communications. It will make it possible to protect our public interest, private enterprise, the investor, the taxpayer, and the interests of free nations everywhere. For these reasons, I am happy to support it.

Mr. HARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. Kornegay].

The **CHAIRMAN.** The time of the gentleman from Arkansas has expired.

Mr. YOUNGER. Mr. Chairman, I will be glad to yield the gentleman from North Carolina 2 minutes.

Mr. KORNEGAY. Mr. Chairman, I should like to compliment the gentleman from New York and the gentleman from South Carolina on their position on and presentation of this matter, and to say that I wish to associate myself with their remarks. I should also like to congratulate and commend the chairman of the Committee on Interstate and Foreign Commerce and to say what a splendid job he has done in bringing this bill to the floor. In it are contained many of the ideas presented to the committee by representatives of both industry and Government. As the newest member of that committee, I am proud to have had a part in its deliberations insofar as the consideration and drafting of this legislation are concerned and I am wholeheartedly in favor of this bill.

As has been pointed out, we are in a race with our enemies, and it is imperative that we move forward as rapidly as possible. To my way of thinking, this is a splendid opportunity for the United States and the free world to show that in competition with the communistic world, we can, through the power of free enterprise and private ownership of property, certainly get there the fastest with the mostest.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. Mack] may extend his remarks at this point in the Record.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MACK. Mr. Chairman, I want to commend our chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. Harris], for his excellent work in reconciling the conflicting points of view regarding this bill and for his leadership in dealing with this most important problem.

At the start of the hearings on this bill it seemed that it would be virtually impossible to report legislation that would satisfactorily serve the public interest and at the same time be acceptable to the private companies in this field.

Our distinguished chairman, the Honorable Oren Harris, deserves the major credit for solving this problem. This bill, in my opinion, represents the best features from the various proposals put forward for the establishment of a communications satellite system.

This legislation is necessary now to assure that the U.S. portion of the global communications satellite system remains under private ownership and operation. As explained in our committee report, if legislation is not enacted now, all planning for U.S. participation in the international system will have to be done by Government agencies. This bill creates a private corporation through which the existing communications companies, other groups and private individuals may participate financially in this new area of space communications.

I endorse this bill as I have wholeheartedly supported our Government's other efforts to probe the secrets of space and use them to our advantage. I voted last year for the NASA authorization bill. I realize that some people object to the money we are spending for the moon shot program but I do not believe we can afford to let the Soviet Union get there first.

The communications satellite program will bring more immediate practical benefits than our moon shot effort but both are necessary to assure U.S. supremacy in the vital field of space.

Mr. ALBERT. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. Clem Miller] may extend his remarks at this point in the Record.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. CLEM MILLER. Mr. Chairman, my observations are, of necessity, very tentative. In answer to a question of mine, the chairman of the committee, the gentleman from Arkansas [Mr. Harris], has said we must proceed with this legislation in order to forestall Russia. The gentleman from New York [Mr. O'Brien] agrees that we may profitably proceed now.

Certainly, I agree that we must press forward as quickly as possible in the development of the satellite program. By all means we must do so. I support this activity with enthusiasm.

Does this mean that we must enact this bill at the present time? There are grave questions to be answered. It does seem possible to me that our development and implementation of a satellite program could proceed, and defer ownership and control considerations until we have assembled vital data.

Research and development, I am informed, are proceeding at top speed—almost entirely under Government auspices, of course. Negotiations with foreign governments are proceeding apace. It is impossible to predict where these delicate and far-reaching diplomatic negotiations will find us a year from now, or what they would mean in the drafting of a meaningful bill.

Turning to the operational field, we cannot even begin production and installation of the necessary equipment or train a staff. No final agreements can be instituted until some time next year.

All these activities depend on the results of experiments which will not be concluded until next year. When we know more, we will be in a position to make a more informed decision. As a matter of fact, RCA, Western Union, and others have expressed reluctance about making any investment at this time because they don't yet know what is involved. It seems most significant to me that Western Union's vice president flatly states that enactment of this legislation will not hasten the date on which the system becomes operational by 1 day. As he said, that date will be determined by what NASA does, and not by anything else.

A recent study by the Rand Corp. stresses that we must retain maximum flexibility at this time, for, as Professor Lipson of Yale, a Rand consultant, has pointed out, making a decision at this time will freeze the situation before we know what we are doing. We will lose the benefits of competition as to development and we will be making an organizational decision without full consideration of all the problems. It seems to me that if we pass H.R. 11040 at this time, these disadvantages will be keenly felt and cause great regret.

As I said at the beginning, there may be adequate answers to the questions I have raised. I do not feel that this debate has revealed them, because concern seems directed elsewhere.

I am not so much concerned with ownership as with control. Is the public interest adequately protected? It does not seem that this is adequately answered by talk about stock ownership, and directorship appointments. We know that control in the modern corporation is only remotely connected to ownership.

We are unloosing here a vast and awesome thing. It is not to be compared to a signal tower in any manner. Some of the proceedings here indicate the almost Orwellian possibilities in store for us. The effect this will have on us as individual Americans and as citizens of a difficult world must be carefully considered, before the power is bestowed on anyone, however benevolent their ideals.

The **CHAIRMAN**. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

TITLE I—SHORT TITLE, DECLARATION OF POLICY AND DEFINITIONS

Short title

SEC. 101. This Act may be cited as the "Communications Satellite Act of 1962".

Mr. RYAN of New York. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Substitute offered by Mr. RYAN of New York: Strike out all after the enacting clause and insert in lieu thereof the following:

"TITLE I—SHORT TITLE AND STATEMENT OF POLICY

"Short title

"SEC. 101. This Act may be cited as the 'Communications Satellite Authority Act'.

"Statement of policy

"SEC. 102. (a) The United States is engaged in the development of a space communications program which will permit worldwide communication by means of a system of satellites and related space devices. This program will be intimately related to the space program of the United States, to the national defense, and to other scientific activities over which Federal agencies exercise jurisdiction and control, and will require facilities, equipment, and technical capabilities which only the Federal Government can effectively provide. Further, the placing of communications satellites in orbits passing over the various parts of the earth has serious international political implications and raises difficult questions of international law which will necessitate negotiations with foreign countries, and the utilization of such satellites raises antitrust and regulatory problems under domestic law.

"(b) In view of these considerations it is clear that if the space communications program is to be truly effective, possessing maximum utility and conferring maximum benefits consistent with the national interest of the United States and the interests of the users of the system throughout the world, it should be owned and operated by the United States through a single Federal authority, with coordinated participation by all the other Federal agencies whose functions or jurisdictions might be involved.

"(c) It is accordingly declared to be the policy of the United States and the purpose of this Act to provide for the establishment of a Federal instrumentality which will own and operate the satellites and related facilities and equipment that make up the space communications system of the United States, and which will coordinate the activities of other Federal agencies that are directly related to such system or form a necessary part of its operation or administration.

"TITLE II—ESTABLISHMENT OF THE COMMUNICATIONS SATELLITE AUTHORITY

"Establishment of the Authority

"SEC. 201. (a) To carry out the purpose and policy of this Act, there is hereby created a body corporate which shall be known as the Communications Satellite Authority (hereinafter referred to as the 'Corporation') and which shall be an instrumentality of the United States.

"(b) The Corporation shall maintain its principal office in or near the District of Columbia, but it may establish other offices and facilities at such places within or outside the United States as its Board of Directors may deem appropriate.

"Board of Directors

"SEC. 202. (a) The Corporation shall be directed and controlled by a board of three directors (hereinafter referred to as the 'Board'), who shall be appointed by the President, by and with the advice and consent of the Senate. In appointing the members of the Board, the President shall designate the Chairman. The members of the Board shall be citizens of the United States. All other officials, agents, and employees shall be designated and selected by the Board. Each member of the Board, and each of its officers, before entering upon the duties of his office, shall subscribe to an oath (or affirmation) to support the Constitution of the United States and to perform faithfully and impartially the duties imposed upon him by this Act.

"(b) The terms of office of the members first taking office after the enactment of this Act shall expire as designated by the President at the time of nomination, one at the end of the third year, one at the end of the sixth year, and one at the end of the ninth year after the date of the enactment of this Act. A successor to a member of the Board shall be appointed in the same manner as the original members and shall have a term of office expiring nine years from the date of the expiration of the term for which his predecessor was appointed.

"(c) Any member appointed to fill a vacancy in the Board occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(d) Vacancies in the Board, so long as there shall be two members in office, shall not impair the powers of the Board to execute the functions of the Corporation, and two of the members in office shall constitute a quorum for the transaction of the business of the Board.

"(e) Each of the members of the Board shall receive a salary at the rate of $20,000 a year (or $20,500 in the case of the Chairman), to be paid by the Corporation as current expenses. Members of the Board shall be reimbursed by the Corporation for actual expenses (including traveling and subsistence expenses) incurred by them in the performance of the duties vested in the Board by this Act. No member of the Board shall, during his continuance in office, be engaged in any other business, but each member shall devote himself to the work of the Corporation.

"(f) No director shall, during his continuance in office, have a financial interest in any corporation, firm, institution, or other person or entity which may enter into any contractual relation with the Corporation or otherwise participate in the activities contemplated by this Act.

"(g) The Board shall direct the exercise of all the powers of the Corporation.

"Officers and employees

"SEC. 203. (a) The Board shall, without regard to the provisions of civil service laws applicable to officers and employees of the United States, employ such officers, employees, attorneys, agents, and consultants as are necessary for the transaction of its business, fix their compensation, define their duties, require bonds of such of them as the Board may designate, and provide a system of organization to fix responsibility and promote efficiency. Any person so employed may be removed in the discretion of the Board. Officers and employees of the Corporation shall be classified and remunerated in conformity with the Classification Act of 1949 and the pay scale of the United States civil service, except as specifically exempted by this Act. By a majority recorded vote of the Board, particular contract, short-term, or expert employees of the Corporation may be exempted from the Classification Act of 1949 and the pay scale of the U.S. civil service.

"(b) In the employment, selection, classification, and promotion of officers and employees of the Corporation, no political test or qualification shall be permitted or given consideration, but all such employments and promotions shall be given and made only on the basis of merit and efficiency. Any member of the Board who is found by the President to be guilty of a violation of this subsection shall be removed from office by the President; and any officer or employee of the Board who is found by the Board to be guilty of a violation of this subsection shall be removed from office by the Board.

"(c) The benefits of the Act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended, shall extend to persons given employment under the provisions of this Act, subject to the provisions of the Federal Tort Claims Act.

"(d) All contracts to which the Corporation is a party and which require the employment of laborers and mechanics in the construction, alteration, maintenance, or repair of buildings or other structures or facilities shall contain a provision that not less than the prevailing rate of wages for work of a similar nature in the vicinity shall be paid to such laborers or mechanics. In the event any dispute arises as to what are the prevailing rates of wages, the question shall be referred to the Secretary of Labor for determination, and his decision shall be final. In the determination of such prevailing rate or rates, due regard shall be given to those rates which have been secured through collective agreement by representatives of employers and employees. Where such work as is described in this subsection is done directly by the Corporation, the prevailing rate of wages shall be paid in the same manner as though such work had been let by contract.

"(e) The Corporation is authorized to request the assistance and advice of any officer, agent, or employee of any executive department or any independent office or agency of the United States, to enable the Corporation the better to carry out its powers successfully, and as far as practicable shall utilize the services of such officers, agents, and employees, and the President shall, if in his opinion the public interest, service, or economy so require, direct that such assistance, advice, and service be rendered to the Corporation, and any individual that may be by the President directed to render such assistance, advice, and service shall be thereafter subject to the orders, rules, and regulations of the Board, and the Corporation shall reimburse such department, office, or agency for the compensation of such individuals while serving pursuant to such direction.

"Corporate powers

"SEC. 204. (a) Subject to the provisions of this Act, the Corporation—

"(1) shall have succession in its corporate name;

"(2) may adopt and use a corporate seal, which shall be judicially noticed;

"(3) shall have power to enter into such contracts and agreements, and to exercise such powers and do such things, as may be necessary or appropriate to carry out the powers now or hereafter conferred upon it by law; and

"(4) may sue and be sued in its corporate name and may settle and adjust claims held by it against other parties or persons and by other parties and persons against it, except claims cognizable under the Federal Tort Claims Act. The district courts of the United States shall have original jurisdiction of all proceedings against the Corporation or against any director, officer, employee, or agent thereof by reason of his being such director, officer, employee, or agent; and the Corporation or any such director, officer, employee, or agent thereof who is a defendant in any such suit may, at any time before the trial thereof, remove such suit from a State court into the district court of the United States for the proper district by following the procedure for the removal of causes otherwise provided by law.

"(b) The Corporation is hereby authorized—

"(1) to acquire, by purchase, lease, condemnation, right of eminent domain, or donation, such real and personal property and any interest therein, and may sell, lease, or otherwise dispose of any real and personal property and any interest therein, as in its judgment may be necessary in carrying out the purpose of this Act. Title to all real property or interest therein, whether acquired by condemnation or otherwise, shall be taken in the name of the United States of America, and thereupon such real property shall, for the purposes of this Act, be entrusted to the Corporation as agent of the United States to accomplish the purposes of this Act; and

"(2) to purchase and acquire such materials and other personal property as may be required to carry out the purpose of this Act. All purchases and contracts for supplies or services, except for personal services, made by the Corporation shall be made after advertising, in such manner and at such times sufficiently in advance of opening bids, as the Board shall determine to be adequate to insure notice and opportunity for competition: *Provided, however,* That advertisement shall not be required when (A) the Board determines that an emergency requires immediate delivery of the supplies or performance of the services; or (B) repair parts, accessories, supplemental equipment, or services are required for supplies or services previously furnished or contracted for; or (C) the aggregate amount involved in any purchase of supplies or procurement of services does not exceed $500, in which cases such purchases of supplies or procurement of services may be made in the open market in the manner common among businessmen: *Provided further,* That in comparing bids and in making awards the Board may consider such factors as relative quality and adaptability of supplies or services, the bidder's financial responsibility, skill, experience, record of integrity in dealing, and ability to furnish repairs and maintenance services, and the time of delivery or performance offered.

"(c) In exercising the right of eminent domain, and in the purchase of any real estate or the acquisition of real estate by condemnation, the proceedings shall be instituted in the United States district court for the district in which the property involved is located.

"Financing and accounting

"SEC. 205. (a) To obtain funds for the purpose of carrying out its functions under this Act, the Corporation is authorized to issue and sell bonds not exceeding in the aggregate $500,000,000 outstanding at any one time. Such bonds shall be in such forms and denominations, have such maturities, be sold at such prices, bear such rates of interest, and be subject to such terms and conditions as may be prescribed by the Board with the approval of the Secretary of the Treasury. Such bonds shall be fully and unconditionally guaranteed both as to principal and interest by the United States, and such guarantee shall be expressed on the face thereof; and such bonds shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds the investment or deposit of which is under the authority or control of the United States or any officer or officers thereof. In the event that the Corporation should not pay on demand when due the principal of, or the interest on, such bonds, the Secretary of the Treasury shall pay to the holder the amount thereof, which is authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such bonds. The Secretary of the Treasury is authorized, in his discretion, to purchase any bonds issued hereunder, and for such purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended; and the purposes for which securities may be issued under such Act are extended to include any purchase of such bonds. The Secretary of the Treasury may at any time sell any of the bonds of the Corporation acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such bonds shall be treated in every respect as a public debt transaction of the United States. With the approval of the Secretary of the Treasury, the Corporation shall have power to purchase such bonds in the open market at any time and at any price.

"(b) The net proceeds for each fiscal year derived by the Board from the activities of the Corporation, including the disposition of any real or personal property, after deducting the cost of operation and maintenance, and an amount deemed by the Board as necessary to withhold as operating capital or devoted by the Board to the conduct of new or expanded activities, shall be paid into the Treasury of the United States at the end of each calendar year or used to redeem bonds issued under subsection (a). Any funds retained by the Corporation shall be devoted only to activities of a character directly incidental to the projects authorized by the Congress except as appropriated by the Congress for the specific purposes.

"(c) The Corporation shall at all times maintain complete and accurate books of account. The system of accounts and books and records kept for that purpose shall be subject to the approval of the Comptroller General of the United States, as to their adequacy for the accounting purposes of the Corporation. In December of each year the Board shall file with the President and the Congress a financial statement and a complete report as to the business of the Corporation covering the preceding governmental fiscal year.

"(d) The Corporation shall determine and prescribe the manner in which its obligations and expenses shall be incurred, allowed, and paid: *Provided,* That the Corporation shall be a wholly owned Government corporation within the meaning of the Government Corporation Control Act, and its transactions and operations shall be subject to control in the manner provided in that Act except as specifically set forth in subsection (b).

"(e) Nothing in this Act shall be construed to relieve the treasurer or other accountable officers or employees of the Corporation from compliance with the provisions of existing law requiring the rendition of accounts for adjustment and settlement pursuant to section 236 of the revised statutes, as amended, and accounts for all receipts and disbursements by or for the Corporation shall be rendered accordingly: *Provided,* That subject only to the provisions of this Act, the Corporation is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions, and in such manner as it may deem necessary, including the final settlement of all claims and litigation by or against the Corporation; and, notwithstanding the provisions of any other law governing the expenditure of public funds, the General Accounting Office, in the settlement of the accounts of the treasurer or other accountable officer or employee of the Corporation, shall not disallow credit for, nor withhold funds because of, any expenditure which the Board shall determine to have been necessary to carry out the provisions of this Act.

"(f) The Corporation shall determine its own system of administrative accounts and the forms and contents of its contracts and other business documents except as otherwise provided in this Act.

"(g) All appropriations necessary to carry out this title (including appropriations to provide initial capital for the Corporation) are hereby authorized.

"TITLE III—FUNCTIONS OF THE AUTHORITY

"In general

"SEC. 301. (a) It shall be the function of the Corporation to administer the space communications program of the United States, in accordance with the policy and purpose set forth in section 102.

"(b) In carrying out such function the Corporation, in accordance with the provisions of this Act, shall—

"(1) provide for the development and manufacture of the satellites and related facilities and equipment making up the space communications system of the United States, and own, operate, and service such satellites and all necessary facilities and equipment;

"(2) coordinate other Federal activities which are related to or form a part of the space communications program, and coordinate such activities with related activities of State and local governmental agencies and private persons;

"(3) provide for the launching and placement in orbit of communications satellites through arrangements with the National Aeronautics and Space Administration as specified in section 302;

"(4) lease or otherwise make available the facilities of the space communications system to authorized users in the manner provided in section 303;

"(5) provide for the development of the space communications system as an effective worldwide system, and make arrangements for foreign participation in such system in the manner specified in section 304; and

"(6) take any and all other actions which may be necessary or appropriate to carry out the policy and purpose of this Act.

"Launching and placement of communications satellites

"SEC. 302. (a) In accordance with the procedures set forth in subsection (b), the National Aeronautics and Space Administration shall—

"(1) furnish the launch vehicles required for the space communications system on a schedule which will facilitate its economical and efficient development and operation;

"(2) launch the communications satellites and furnish the necessary launch crews and associated services;

"(3) consult with the Corporation on the technical specifications for satellites and all necessary facilities and equipment; and

"(4) coordinate to the maximum extent practicable its research and development program in the field of space telecommunications with that of the Corporation so as to give maximum assurance of rapid and continuous scientific and technological progress.

"(b) The National Aeronautics and Space Administration shall perform the functions specified in subsection (a) at the request of the Corporation, in accordance with arrangements and schedules worked out and agreed upon jointly by such Administration and the Corporation. In any case in which such Administration determines that it is unable to comply with such a request of the Corporation because of other programs having a higher priority or for any other reason, and such Administration and the Corporation are unable to reach an agreement, the matter shall be referred to the President, whose decision shall be final.

"(c) The costs of the launch vehicles and the launching and related services furnished by the National Aeronautics and Space Administration under subsection (a) shall be reimbursed by the Corporation as a credit to current appropriations of such Administration.

"(d) The National Aeronautics and Space Administration is also authorized to furnish other services, on a reimbursable basis, upon the request of the Corporation and as required for the successful development and operation of the space communications system.

"(e) The Corporation shall consult with the National Aeronautics and Space Administration, and coordinate its research and development program, as provided in subsection (a).

"Use of space communications facilities

"SEC. 303. (a) The Corporation shall establish and maintain rate schedules for the use by private communications carriers and other persons of the space communications system of the United States.

"(b) In connection with the exercise of its functions under subsection (a), the Corporation shall take such action and issue such regulations as may be necessary to insure—

"(1) that private communications carriers are eligible to utilize the space communications system on a nondiscriminatory and equitable basis;

"(2) that the rate structure established under subsection (a) bears a fair relation to the cost of the services provided; and

"(3) that the space communications system is technically compatible with and operationally interconnected with existing communications facilities.

"(c) The Corporation shall enter into arrangements with the Secretary of State, the Secretary of Defense, the Director of the United States Information Agency, and the heads of other interested Federal departments and agencies, providing on a reasonable basis for the use of the facilities of the space communications system by such departments and agencies in the performance of their official functions and duties.

"(d) Nothing in this Act shall be construed as restricting, limiting, or otherwise affecting the existing jurisdiction of the Federal Communications Commission with respect to the rates charged consumers for communications facilities and services by private communications carriers.

"Participation by foreign governments and foreign carriers

"SEC. 304. The Corporation, under the foreign policy guidance of the President, shall take all possible steps to provide opportunities for participation in the space communications system, on an equitable basis and on reasonable terms, by foreign governments and foreign communications carriers, in order to develop such system as an effective worldwide communications system as soon as it is technically feasible.

"TITLE IV—MISCELLANEOUS

"Payments in lieu of taxes

"SEC. 401. (a) In order to render financial assistance to those States in which the Corporation establishes facilities and for that purpose acquires properties previously subject to State and local taxation, the Corporation is authorized and directed to pay to such States during each fiscal year a sum in total not less than the revenue lost to the State and political subdivision affected by the Corporation's removal of property from the tax rolls formerly subject to State and local taxation. The first payment to be made by the Corporation to the States and political subdivisions affected shall be based on the then prevailing tax rate. Subsequent annual payments shall be made according to the property tax rates effective for the major portion of the year for which payment is due. The determination of the Corporation of the amounts due hereunder to the respective States shall be final.

"(b) The Corporation shall, not later than five years after the enactment of this Act, submit to the Congress a report on the operation of the provisions of this section, including a statement of the payments to the various States hereunder; the effect of the operation of the provisions of this section on State and local finances; an appraisal of the benefits of the program of the Corporation to the States receiving payments hereunder, and the effect of such benefits in increasing taxable values within such States; and such other data, information, and recommendations as may be pertinent to future legislation.

"(c) The payments authorized under this section are in lieu of taxation, and the Corporation, its property, franchises, and income are hereby expressly exempted from taxation in any manner or form by any State, county, municipality, or any subdivision or district thereof.

"Penal provisions

"SEC. 402. (a) All general penal statutes relating to the larceny, embezzlement, conversion, or to the improper handling, retention, use, or disposal of public moneys or property of the United States shall apply to the moneys and property of the Corporation and to moneys and properties of the United States entrusted to the Corporation.

"(b) Any person who, with intent to defraud the Corporation, or to deceive any director, officer, or employee of the Corporation or any officer or employee of the United States, (1) makes any false entry in any book of the Corporation, or (2) makes any false report or statement for the Corporation, shall, upon conviction therof, be fined not more than $10,000 or imprisoned not more than five years, or both.

"(c) Any person who shall receive any compensation, rebate, or reward, or shall enter into any conspiracy, collusion, or agreement, express or implied, with intent to defraud the Corporation or wrongfully and unlawfully to defeat its purposes, shall, on conviction thereof, be fined not more than $5,000 or imprisoned not more than five years, or both."

Amend the title so as to read: "A bill to establish a Communications Satellite Authority to provide for the unified public control and operation of the space communications program of the United States."

Mr. RYAN of New York. Mr. Chairman, I ask unanimous consent to speak for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN of New York. Mr. Chairman, my amendment which I have referred to in general debate upon the bill would establish a Communications Satellite Authority which would own and control and maintain the proposed communications satellite system. This Authority is patterned after the Tennessee Valley Authority and would be financed by Government bonds.

I strongly believe that a Government-owned corporation is the only way to protect the national interest and to allow the public to enjoy the full benefits of this new technology which has been developed with public funds. Only 2 weeks ago we turned in our income tax forms. Only a week ago we saw the progress of the Ranger moon shot. These two events are a dramatic illustration, first, of how we are paying for our space program, and, second, what space research can achieve.

Today we are asked to decide who will get the benefits of this vast expenditure in space research and development.

As I pointed out earlier, in the last decade the American taxpayers have paid $25 billion for space research and some $471 million for the development of a communication satellite system which involves, as the Defense Department points out, more than communications. Communications, as the Assistant Secretary of Defense pointed out, is only 10 percent of the problem. Ninety percent is space technology.

The question really is, Are we paying our taxes for space research for the benefit of a few huge corporations or for the benefit of all Americans, rich or poor, stockholders or nonstockholders, investors or noninvestors? Are the techniques and the tools of this program to be used for people or are they to be used for profit?

Are we setting off into the space age with the greatest giveaway of all time? I fear that we may be.

Let me also say that I am a firm supporter of our system of free enterprise; I mean by that a system of risk capital employed in competition and, when it is successfully employed, paying a profit. I am opposed to unnecessary Government regulation of business, and I am opposed to business regulation of Government. But by now I think we all know that what is good for General Motors is not necessarily good for the United States. It is not necessarily true that increased steel prices, although they may be good for United States Steel, are good for the United States. It is not true that what is good for communications carriers is necessarily good for the American taxpayer.

It should be made clear that this argument does not involve free enterprise.

Setting up a private corporation, a private monopoly, to own the communication satellite system has nothing to do with free enterprise or competition or American capitalism. No enterprise is required, and there will be no competition. Actually the Government will be setting up a private monopoly, a joint venture of companies which should be in competition with one another. The President has described this proposed corporation as a "Government-created monopoly."

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. RYAN of New York. I yield to the gentleman from California.

Mr. YOUNGER. Do you propose that every communication corporation put up its own satellite system in order to meet competition?

Mr. RYAN of New York. I propose that the U.S. Government put up the satellites and own the ground stations and make this facility available to all carriers on a competitive basis, leasing the facilities, and at the same time recouping some of the vast investment that has been made in this space communication satellite system.

Mr. KOWALSKI. Mr. Chairman, will the gentleman yield?

Mr. RYAN of New York. I yield to the gentleman from Connecticut.

Mr. KOWALSKI. What will the Government own under this system?

Mr. RYAN of New York. Under my proposal the Government will own the satellites themselves, the equipment necessary to launch them, and the ground stations.

Mr. KOWALSKI. If this were a natural satellite in space, then the Government would not be providing this equipment.

Mr. RYAN of New York. In a sense that is correct. In a sense I think we can look at the satellites as a channel placed in space by the American taxpayers which should be available for the benefit of all of them.

Mr. KOWALSKI. And under private enterprise any company could lease the facility and use it for communication purposes; is that correct?

Mr. RYAN of New York. That is correct.

Now who is going to get the primary benefits?

Dr. Wernher von Braun has suggested the huge revenues of the communications satellite system could be used to pay for past and future research. Under Secretary of State George McGhee pointed out recently that if a private corporation is set up—the Government could never recover what moneys have been spent in this field, which are very large.

Yet if a private corporation is set up, the Government is nevertheless going to have to be involved in just about everything except the profits.

The Government will have to furnish launch vehicles, do the launching, work out technical specifications, coordinate continuing research, regulate the system so far as possible, insure opportunities for foreign participation, regulate rates and pay for extension of the system to underdeveloped areas and for less profitable uses.

Further the carriers investing in the private corporation, served by Government, will not only have risk-free investment. They will get a double return. Under the plan, they will be able to charge their investment off on their rate base; that is, to their customers. Then when the satellite corporation starts paying dividends, the corporations will get a dividend on this same investment.

Not only would the private satellite corporation be a private monopoly, it would be a monopoly dominated by the most powerful monopoly in America—American Telephone & Telegraph.

First. A.T. & T. would put up most of the money.

Second. A.T. & T., because it owns oversea and other long-distance cables, dominates other carriers which must use those cables.

Third. A.T. & T. will be by far the largest commercial user of the communications satellite system and thus responsible for much of its revenues.

Deputy Attorney General Katzenbach has pointed out that the size of A.T. & T.'s financial interest would insure its dominance of the corporation—even if it had no directors on the board.

H.R. 11040 does not avoid A.T. & T. dominance or protect the public interest. A.T. & T. can, and there is good reason to suspect that it will, purchase most of the 50-percent carrier stock and a large percentage of the nonvoting securities and bonds. The rest of the carrier stock and nonvoting securities will be purchased by other carriers who are dependent on A.T. & T.

Although the bill purports to allow the public to participate in this enterprise, in actuality there will be little if any participation by John Q. Public. H.R. 11040 allows the public to buy up to 50 percent of the outstanding voting stock with a limitation of 10 percent on any one holder. However, foreign corporations, including carriers, can own up to 20 percent of this 50 percent. In addition, noncarrier corporations can purchase from this 50 percent. How much will be left for the public? Even if the ordinary citizen could buy stock, we know that the overwhelming majority of those who own stock play no part in corporate decisions.

There is another aspect of this problem which should concern us.

This private satellite corporation will be buying enormous amounts of expensive equipment. From whom? From whom do most monopolies buy? From themselves.

I.T. & T. and RCA are primarily manufacturers; 60 percent of General Tel's revenues are from equipment; and A.T. & T. buys its telephone equipment from its huge subsidiary, Western Electric.

For the big communications carriers, the supplier often is the profitable tail that wags the corporate dog. And you can be sure the proposed private satellite corporation will be buying its equipment from its owner-suppliers.

Needless to say, the high prices paid for equipment will be passed on by the corporation to the public.

On the other hand, if the Government owns it, it can encourage competition in communications, can insure competition in procurement on behalf of small business and can reduce concentration in the communications industry.

Government ownership also is the only way to insure maximum research progress. The private carriers have enormous investments in facilities such as cables and are investing in a low altitude communications satellite system.

Seeking profits—as they must—the private satellite corporation simply will not move as fast as possible to put up a more economical high orbit system which will make their equipment obsolete.

And monopolies are notorious in their failure to push introduction of new developments. Witnesses before Senator RUSSELL LONG's subcommittee gave numerous illustrations of delays in introducing new techniques—for example, one-piece telephones, modern switching equipment and the dial telephone. Moreover, only the Government will undertake research and development in less profitable areas such as weather and navigation. The private companies have already indicated a lack of interest in this.

But, some say, regulation by the FCC of the private satellite monopoly is the answer.

As for the FCC, let us look at the record of its performance. The Bureau of the Budget recently received a report on the FCC from Booz, Allen & Hamilton, a private management firm. The report's conclusion was brief and simple: the FCC had not effectively protected the public interest.

Other students have come to the same conclusion. In the first place, the FCC, despite the recommendations of its own staff, has never completed a full formal rate hearing on A.T. & T.'s rates. It, therefore, has no idea of what the proper rate should be or what the components of the rate base should be—the two most important elements in ratemaking.

The FCC has never checked A.T. & T.'s cost figures except to check whether or not uniform accounting principles were followed. Thus, the FCC has no way of knowing whether the rate base was properly computed.

How has the FCC been able to deal with A.T. & T? By "negotiation" the FCC accepts A.T. & T.'s figures and then tries to negotiate either a rate reduction or a rate increase. In 1953, the FCC permitted A.T. & T. a rate increase to provide a 6.5-percent rate of return which the Commission staff, then and since, has considered a fair rate of return in view of A.T. & T.'s financial and market position. In 1959, and again recently, the FCC negotiated two rate reductions. Nevertheless, from 1955 through 1962, A.T. & T.'s return has averaged well over 7.5 percent. Congressman CELLER has computed the amount A.T. & T. collected by earning in excess of 6.5 percent—$985 million. And this, on A.T. & T.'s own figures.

Finally, not until last summer, a period of 26 years, did the FCC even try to regulate A.T. & T.'s oversea rates. Rates between New York and London have not fallen since 1946 despite a huge increase in traffic. A Rand Corp. study concluded that on a conservative basis A.T. & T. was earning a 66-percent profit on its oversea operations—"Communication Satellite and Telephone Rates: Problems of Government Regulation," by Leland L. Johnson, prepared by Rand Corp. for NASA, October 1961, page 74.

It is clear that the FCC is not engaging in the difficult and time-consuming process of making sure that a giant monopoly is not abusing its position and taking advantage of the American people. To those who say the FCC will improve, I say, let us wait until it does. There is no need for haste in giving away the satellite communications system to a private monopoly. We can always give it away; but once we do, we can never get it back.

Mr. Chairman, I think we should also not overlook the fact that the establishment of this system will have far-reaching ramifications in our foreign relations. The system will be global. It will provide, or should provide, economical and rapid communications throughout the world. It will expand commerce, make foreign cultures accessible, transmit data for computers anywhere in the world, transmit whole libraries anywhere in the world, and bring the benefits of knowledge to the furthest corners of the globe. Such vast ramifications mean that the satellite system will have enormous social, political, and economic ramifications, and many nations will be involved with different ideas and approaches.

Mr. Chairman, State Department spokesmen have pointed out that many of the problems will be unique and unprecedented.

The experience of the private carriers in this field will not be significant for several reasons. In the first place, the prospective negotiations and discussions will be multilateral. The carriers' experience has been largely in bilateral negotiations. When multilateral negotiations have been in question, the State Department necessarily has stepped in.

Second, international communications have been of relatively minor significance until recently; the FCC gave this as the reason for not trying to regulate oversea telephone rates until last summer.

Third, a good many disputes are bound to arise where the other party will be a governmental entity. These disputes can only be resolved on the intergovernmental level.

The only way of effectively furthering and safeguarding our foreign policy objectives is by making sure that the foreign policy aspects are controlled by the President and the State Department. The only effective and efficient way of insuring this is by Government ownership, which will enable the satellite to be operated exclusively in the public interest.

Communications will be one of the most vital aspects of our foreign policy goals. If we enact this bill, we shall be subjecting those goals to the wishes of a private monopoly and relegating the Government, which has paid for and developed this system, to the position of a passive bystander. To insure that our foreign policy goals will not be impeded or compromised by a powerful private monopoly, I urge support for my amendment.

I do not need to remind the Members of the Committee that space is the greatest natural resource of our time. We have as yet no idea of its vast potential.

Retaining the proposed system in Government hands will provide time to determine which is the best system technically and to negotiate the necessary international arrangements. Creating a private monopoly does not advance the completion of an operational system one day. Research and development and international negotiations are moving as fast as possible.

Mr. Chairman, as we stand on the threshold of space, as we stand on the threshold of a new era, I do not believe that we have reached the point where we know enough about the potentialities of this system to engage in a giveaway of this vast investment. It seems to me that now is the time to reserve the benefits of our space program and the future possibilities of this system for the benefit of all the American taxpayers. I urge the Members of the Committee to give serious consideration to my amendment and to support it.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that all debate on this amendment offered by the gentleman from New York [Mr. RYAN], and amendments thereto, close in 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York.

Mr. Chairman, we have had a great deal of discussion on the philosophy that is embodied in the amendment offered by the gentleman from New York [Mr. RYAN]. It is a matter that we had pending before our committee, and witnesses, including the gentleman from New York [Mr. RYAN], appeared and testified. It was a matter that we discussed in the committee. It has also been debated here on the floor of the House this afternoon. I think it is a clear-cut issue. I believe that Members of the House are ready to pass judgment on it, and I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. RYAN] to the committee amendment.

The amendment to the committee amendment was rejected.

The Clerk read as follows:

Page 18, line 16:

"Declaration of policy and purpose

"SEC. 102. (a) The Congress hereby declares that it is the policy of the United States to establish, in conjunction and in cooperation with other countries, as expeditiously as practicable a commercial communications satellite system, as part of an improved global communications network, which will be responsive to public needs and national objectives, which will serve the communication needs of the United States and other countries, and which will contribute to world peace and understanding.

"(b) The new and expanded international communications services are to be made available as promptly as possible and are to be extended to provide global coverage at the earliest practicable date. In effectuating this program, care and attention will be directed toward providing such services to economically less developed countries and areas as well as those more highly developed, toward efficient and economical use of the electromagnetic frequency spectrum, and toward the reflection of the benefits of this new technology in both quality of services and charges for such services.

"(c) In order to facilitate this development and to provide for the widest possible participation by private enterprise, United States participation in the global system shall be in the form of a private corporation, subject to appropriate governmental regulation. It is the intent of Congress that all authorized users shall have nondiscriminatory access to the system; that maximum competition be maintained in the provision of equipment and services utilized by the system; and that the corporation created under this Act be so organized and operated as to maintain and strengthen competition in the provision of communications services to the public.

"(d) It is not the intent of Congress by this Act to preclude the creation of additional communications satellite systems, if required to meet unique governmental needs or if otherwise required in the national interest."

Mr. HARRIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. HARRIS: Page 19, strike out lines 22 through 25 and insert the following:

"(d) The Congress reserves to itself the right to provide for additional communications satellite systems if required to meet unique governmental needs or if otherwise required in the national interest."

Mr. HARRIS. Mr. Chairman, this is an amendment suggested by our distinguished Speaker of the House with whom I conferred on this legislation concerning two or three matters that we thought would strengthen it. I have not had an opportunity to discuss it with the committee, but paragraph (d) in the committee bill is a provision that was included at the outset and had to do with reserving the right to the Government to provide an additional system should it be determined in the public interest. But as the Clerk read a moment ago, it is approached in a negative way. In other words, as originally proposed, I assume at the council level in the administration, or somewhere along the line, I am not sure just where, this was a provision in various proposals and the committee did not disturb it. But it was agreed that it was not the intent of the Congress by this act to preclude the creation of an additional communication satellite system or systems, and so forth. I thought the suggestion made by our distinguished Speaker was very good, that we should take a positive rather than a negative approach.

The amendment, therefore, is that that Congress reserve to itself the right to provide an additional communications satellite system if required to meet unique governmental needs or if otherwise required in the national interest.

It is a positive approach instead of a negative approach.

The CHAIRMAN. The question is on the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The Clerk read as follows:

Definitions

SEC. 103. As used in this Act, and unless the context otherwise requires—

(1) the term "communications satellite system" refers to communications satellites in space whose purpose is to relay telecommunication information between satellite terminal stations, together with such associated equipment and facilities for tracking, guidance, control, and command functions as are not a part of the generalized launching, tracking, control, and command facilities for all space purposes;

(2) the term "satellite terminal station" refers to the complex of communication equipment located on the earth's surface which receives from or transmits to terrestrial communication systems for relay via communications satellites;

(3) the term "communications satellite" means an earth satellite which is intentionally used to relay telecommunication information;

(4) the term "associated equipment and facilities" refers to facilities, other than satellite terminal stations and communications satellites, to be constructed and operated for the primary purpose of a communications satellite system, whether for administration and management, for research and development, or for direct support of space operations;

(5) the term "research and development" refers to the conception, design, and first creation of experimental or prototype operational devices for the operation of a communications satellite system, including the assembly of separate components into a working whole, as distinguished from the term "production", which relates to the construction of hardware to fixed specifications compatible with repetitive duplication for operational applications;

(6) the term "telecommunication" means any transmission, emission, or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems;

(7) the term "communications common carrier" has the same meaning as the term "common carrier" has when used in the Communications Act of 1934, as amended; and the term "authorized carrier", except as otherwise provided for purposes of section 304 by section 304(b)(1), means a communications common carrier which has been authorized by the Federal Communications Commission under the Communications Act of 1934, as amended, to provide services by means of communications satellites;

(8) the term "corporation" means the corporation authorized by title III of this Act;

(9) the term "Administration" means the National Aeronautics and Space Administration; and

(10) the term "Commission" means the Federal Communications Commission.

TITLE II—FEDERAL COORDINATION, PLANNING, AND REGULATION

Implementation of policy

SEC. 201. In order to achieve the objectives and to carry out the purposes of this Act—

(a) The President shall—

(1) aid in the development and foster the execution of a national program for the establishment and operation, as expeditiously as possible, of a commercial communications satellite system;

(2) provide for continuous review of all phases of the development and operation of such a system, including the activities of a communications satellite corporation authorized under title III of this Act;

(3) coordinate the activities of governmental agencies with responsibilities in the field of international communication, so as to insure that there is full and effective compliance at all times with the policies set forth in this Act;

(4) exercise such general supervision over relationships of the corporation with foreign governments or entities or with international bodies as may be appropriate to assure that such relationships shall be consistent with the national interest and foreign policy of the United States;

(5) insure that timely arrangements are made for foreign participation in the establishment and use of a communications satellite system;

(6) take all necessary steps to insure the availability and appropriate utilization of the communications satellite system for general governmental purposes which do not require a separate communications satellite system to meet unique governmental needs; and

(7) so exercise his authority as to insure effective and efficient use of the electromagnetic spectrum and the technical compatibility of the system with existing communications facilities both in the United States and abroad.

(b) The National Aeronautics and Space Administration shall—

(1) advise the Commission on technical characteristics of the communications satellite system;

(2) coordinate its research and development program in space communications with the research and development program of the corporation;

(3) assist the corporation in the conduct of its research and development program by furnishing to the corporation, on a reimbursable basis, such satellite launching and associated services as the Administration deems necessary for the most expeditious and economical development of the communications satellite system;

(4) consult with the corporation with respect to the technical characteristics of the communications satellite system;

(5) furnish to the corporation, on a reimbursable basis, satellite launching and associated services required for the establishment, operation, and maintenance of the communications satellite system approved by the Commission; and

(6) to the extent feasible, furnish other services, on a reimbursable basis, to the corporation in connection with the establishment and operation of the system.

(c) The Federal Communications Commission, in its administration of the provisions of the Communications Act of 1934, as amended, and as supplemented by this Act, shall—

(1) insure effective competition in the procurement by the corporation of apparatus, equipment, and services, and, to this end, shall prescribe appropriate rules and regulations:

(2) insure that all present and future authorized carriers shall have nondiscriminatory use of, and equitable access to, the communications satellite system on just and reasonable terms and conditions and regulate the manner in which available facilities of the system are allocated among such users thereof;

(3) in any case where the Secretary of State, after obtaining the advice of the Administration as to technical feasibility, has advised that commercial communication to a particular foreign point by means of the communications satellite system should be established in the national interest, institute forthwith appropriate proceedings under section 214(d) of the Communications Act of 1934, as amended, to require the establishment of such communication by the corporation and the appropriate communications common carrier or carriers;

(4) insure that facilities of the communications satellite system are technically compatible and interconnected operationally with the satellite terminal stations and with existing communications facilities;

(5) prescribe such accounting regulations and systems and engage in such ratemaking procedures as will insure that any economies made possible by a communications satellite system are appropriately reflected in rates for public communication services;

(6) approve technical characteristics of the operational communications satellite system to be employed by the corporation and of the satellite terminal stations; and

(7) grant a license for the construction and operation of each satellite terminal station, either to the corporation or to one or more authorized carriers or to the corporation and one or more such carriers jointly, as will best serve the public interest, convenience, and necessity. In determining the public interest, convenience, and necessity the Commission shall encourage the construction and operation of such stations by communications common carriers wherever, in the judgment of the Commission, such construction and operation are not inconsistent with the policies of this Act. The Commission shall insure that each authorized carrier shall have equitable access to, and nondiscriminatory use of, such stations on just and reasonable terms.

Mr. HARRIS (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the remainder of section 201 be considered as read and open to amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRIS: On page 23, line 3, strike out "exercise such general supervision" and insert "exercise such supervision".

Mr. HARRIS. Mr. Chairman, this is merely another one of the amendments suggested by the Speaker, which I feel also strengthens the bill. It has to do with Presidential powers. We, of course, know that in certain fields the President is the only man under our system that can do certain things. As reported by the committee, we use the term "exercise such general supervision." If you will observe, this has to do with the powers of the President under the bill. After careful analysis and study of the word "general" it is, I think, agreed that there might be some vagueness in the term, and it was thought it might be much better if we struck out the word "general" and said that the President shall "exercise such supervision over relationships of the corporation," and so forth.

The CHAIRMAN. Without objection, the amendment is agreed to.

There was no objection.

Mr. MOSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Moss: On page 26, beginning in line 20, strike out "In determining the public" and all that follows down through the period in line 2 on page 27.

Mr. MOSS. Mr. Chairman, all that is done by this amendment is to afford the new corporation, which we are authorizing by this series of amendments to the Communications Act, the right to have its applications for licenses considered on the same basis, utilizing precisely the same criteria, as apply to any other applicant.

Let me emphasize we are here through these amendments authorizing the creation of a new privately owned corporation. Whether or not we expressly indicate it, we are going to be inviting the American investing public to put their dollars into the capital structure of this new corporation. The only test which should be applied in considering its application for license for the operation either by itself or in cooperation with common carriers of the necessary ground stations is the traditional one of the public interest, convenience, and necessity. There is no justification for the modifying language which I seek to strike which says that in considering the public interest, convenience, and necessity, the Commission shall encourage the existing common carriers in the construction, operation, and ownership of these ground stations. If we are going to invite the public to invest, then this new entity should have the opportunity to compete on equal grounds where it shows conclusively that it can better serve; or where it shows in partnership with an existing carrier it can better serve the public interest. I think if we really believe in free enterprise, then we should put both of these new private creatures in the position to compete on a reasonable and equitable basis. I hope you will support my amendment

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield.

Mr. YOUNGER. How about a ground station in a foreign country which I understood this paragraph was supposed to encourage?

Mr. MOSS. This paragraph has no specific application to the ground stations of foreign countries. This is where the Commission licenses an applicant to construct a ground station. It is very specifically within that area where the Commission itself must issue the license to the applicant best able to serve the public interest, convenience, and necessity.

Mr. YOUNGER. Might not that be in a foreign country?

Mr. MOSS. I do not think we are going to be licensing the stations in a foreign country. Those will be controlled to a large extent by the agreements consummated with the foreign countries.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I am happy to yield to the gentleman from New York.

Mr. CELLER. As to foreign countries, neither the United States nor any of its agencies would have any jurisdiction over any ground station in any foreign country.

Mr. MOSS. That, in my judgment, is correct. This is primarily in the area of domestic service.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment. I think we are here dealing with a question of basic fairness to those who will invest in this new and novel corporation which we are establishing. We are establishing a corporation here with the sacred imprimatur of a Federal charter, in effect. We are, in effect, passing a special enabling act and in a large measure the investors who would invest in this new corporation will rely on the action of the Congress today to see to it that this new corporation has a means to compete fairly in the field of the carrying of messages and to make adequate earnings to justify their investment and their confidence in this new corporation which we are, in effect, creating by our action today. It might be said that this is an anticarrier amendment. It might be said that this is an amendment which is directed unfairly at any one of the carriers. I say this is not true. I do not favor public ownership of this corporation nor do I take the position that the carriers are unfair or that they have ever breached their trust to the people of the United States.

As a matter of fact, I will state for the record that the American Telephone & Telegraph Co., which has been somewhat pilloried in the discussions of this legislation in the press, in the Congress, and elsewhere, is a fine corporation. It has never had a breath of scandal attached to it. Its officers are devoted to the public interest and to the interest of the corporation which they so well and capably represent and which they have well and properly served. They have given good service to our people. But here we have a question of basic fairness to the people who will invest in this corporation. If we do not adopt in the Congress of the United States this amendment today we may well find that we will create a corporation in fact but so crippled in its earning power that it will be little more than a husk the people will be investing in.

So I say this amendment and its adoption are essential to a sound piece of legislation to be passed by this Congress at this time; and I say if we fail to, we are engrafting upon the principles of regulatory law in these United States a new and novel principle and a new and novel criterion which has never been in the law before; we even do a potential wrong to the carriers, because we say that the criterion of the public convenience, interest, and necessity is not to be utilized in determining who will have a ground station. We even say, Mr. Chairman, that conceivably the carriers under the language which this amendment would strike, if not stricken from the bill, may be compelled to take an uneconomical ground station, an uneconomical operation when it is not in the interest of public convenience and necessity that they should so do.

I say, therefore, that in the very interest of fairness to the new investors who will invest in this, in the interest of fairness to the corporation which we are creating, in the interest of fairness to the investors who will place their money into this new corporation, and in the interest of fairness to the people of the United States this amendment should be and must be adopted.

There is no reason for language as unique and different as this language happens to be being in a bill which serves no wholesome or useful function or purpose in the legislation; and I say that this language should therefore be stricken from the bill, and that we should enact today a bill without this language so clearly and manifestly in conflict with the public interest.

Mrs. GREEN of Oregon. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Chairman, I support the amendment of my colleague, the gentleman from California [Mr. MOSS], and at the same time I wish to add my protest against H.R. 11040.

Mr. Chairman, we are confronted once again in the Congress of the United States with a giveaway in the guise of legislation. I refer to H.R. 11040, which would, if enacted in its present form, turn over to a few large private corporations, mainly the American Telephone & Telegraph Co., the fledgling space communication satellite system. This communication system to date is a federally developed enterprise. It was conceived, researched, and developed with the tax moneys of the American people. To now turn it over to these corporations is inequitable and unjust. It may be scientifically unsound.

The research and development for this communications program is largely a Federal Government-financed one. For example, the combined budgets of NASA and Defense Department for fiscal 1963 total about $185.4 million for space communications. In the years 1959–63, the comparable sum totals more than $470 million toward development of a communication space satellite system.

There unfortunately seems to be a preponderance of uninterest, if not sentiment, in the turning of a major new revolutionary communications system, which will have to be dovetailed internationally, over to oligopolies. The latter, principally A.T. & T., will fund the proposed operating corporation for the communications system. The result will be to sanctify the indefensible concept of public payment for private control. It will result in increased industrial concentration, about which even now we profess to be alarmed. It will place in private hands an international system of communications which properly falls within the competence of our foreign policy. The Congress after World War II properly rejected all this after a raging fight over public or private control of our federally financed atomic energy establishment.

The bill before us is objectionable on scientific, economic, and public policy grounds.

I have already, Mr. Chairman, pointed out my objections on the last two aspects.

As for scientific grounds, Mr. Chairman, it should be realized that the communications space satellite system is more than a means of relaying long-distance communications. It will be of great significance in the astounding space age for navigation, meteorology, and in space research.

Under the terms of the legislation now before us, the Federal Government would still of necessity be required to continue its leading role in the development of the system. For example, the Government would furnish launching vehicles, launching crews, and supporting services. It would launch the satellites. It must insure the satellite system is technically compatible with existing facilities with which it will interconnect. It will set technical specifications for satellites and the number and location of ground stations. The Senate version, in fact, requires supervision by the Government of the relations of the proposed corporation with foreign governments and with international bodies. The Government will be a major user of its nonmilitary aspects which will become increasingly inseparable from military aspects. As to the latter, of course, our Government is the user.

Now, why is the bill before us today, Mr. Chairman? Why the haste? Why the rush? The answer, it seems to me, is to give legislative protection to private profiteering from this communications system before the Americans wake up to what is being done.

The House Committee on Science and Astronautics concluded in a report last October:

> Because of the many significant questions of public policy raised, and the absence of precedents on which to rely, the Government must retain maximum flexibility regarding the central question of ownership and operation of the system. No final decision should be made during the early states of development which might prejudice the public interest or U.S. international relations.

Now, Mr. Chairman, it should be realized that there is a difference within the scientific community over the best method of establishing the communications system in space.

A.T. & T., for example, does not plan to test its low-orbit system until this June. This system, if adopted, would probably mean launching anywhere from 30 to 400 satellites to circle the earth at a low altitude of 100 to 3,000 miles. This system is both more expensive and may not be as reliable. If this bill is passed, the A.T. & T.-favored approach may be adopted.

But there is a preponderance of opinion for a high-orbit system under which two or three active satellites—which, unlike the A.T. & T. satellites, would receive and transmit messages instead of merely reflecting messages—would orbit the globe at extremely high altitudes. The first experiment of this system is not scheduled until January 1963.

Let the United States, Mr. Chairman, not instigate a rivalry among space communication satellite programs that might result in a number of technically incompatible systems for communications in our universe. We all remember the railroad systems of Europe. The Russian and Spanish track gages did not accommodate themselves of the railroad gages of other rail systems of European nations. International travel was thereby impeded.

Here is a magnificent opportunity, given the time that is available to us, for international cooperation in the development and establishment of a revolutionary communications system.

I support the amendment offered by the gentleman from California but at the same time do not see the reasons for the rush and would hope that action would be postponed until more knowledge is available to us and to the American people.

Mrs. CHURCH. Mr. Chairman, a point of order.

The CHAIRMAN. Does the gentleman from Michigan yield to the gentlewoman from Illinois?

Mr. DINGELL. I yield.

Mrs. CHURCH. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. HARRIS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose, and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 11040, to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes, had come to no resolution thereon.

AMENDING THE HILL-BURTON ACT

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN of New York. Mr. Speaker, yesterday I introduced a bill which would amend the Hill-Burton Act to prohibit granting funds to any hospital that discriminates in "the employment of personnel, selection of professional and nonprofessional staff, or in permitting the use of the facilities of such hospitals by physicians and other professional health personnel."

This bill is a companion to my bill H.R. 10407 which prohibits the use of Hill-Burton funds for construction of separate but equal facilities.

The Hill-Burton program, as it is presently administered, has sanctioned segregation in hospitals. The program has helped finance more than 2,000 medical care facilities in the 11 old Southern States. These States have received $562,921,000 of the $1,550,214,062 spent or obligated by the Federal Government under the act. It has been pointed out that in these institutions there is widespread discrimination against Negro citizens. These hospitals have segregated facilities for Negroes; they refuse to allow Negro doctors and other Negro health personnel the use of hospital facilities. In addition, the hospitals discriminate in their employment practices.

It is shameful that such procedures are federally supported.

It is almost 100 years since the Emancipation Proclamation. I urge all of my colleagues to support legislation to eliminate segregation and discrimination under the Hill-Burton Act.

GENERAL LEAVE TO EXTEND REMARKS

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have permission to extend their remarks on the amendment which I offered earlier in the day and have 5 legislative days in which to do so.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. RYAN]?

There was no objection.

THE AMERICAN ESTABLISHMENT

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. ROUSSELOT] may extend his remarks at this point in the RECORD and include an article.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ROUSSELOT. Mr. Speaker, yesterday I placed in the CONGRESSIONAL RECORD an article by Mr. Richard H. Rovere entitled "Notes on the Establishment in America." Mr. Rovere has written a followup article for the May 1962, issue of Esquire magazine, the title of which is "The American Establishment."

I will insert this article at this point in my remarks:

THE AMERICAN ESTABLISHMENT[1]

(By Richard H. Rovere)

(Of this article, Gore Vidal says: "Richard H. Rovere has done it again. Not since J. Edgar Hoover's "Masters of Deceit" has there been an exposé of such startling impact as Rovere's daring perscrutation of the American Establishment. Every geninuely troubled American must read this fearless analysis—twice."

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[1] Some of this material originally appeared in the American Scholar ("Notes on the Establishment in America," vol. 30, No. 4, autumn 1961, pp. 489–495). Many readers professed to be puzzled by my approach. Some even asked if I intended my work to be taken seriously. I found their questions disheartening and, I might as well add, more than a bit offensive. They cast doubt not only on my own integrity but on that of the distinguished journal which had the courage to publish my findings. The American Scholar is, after all, an official publication of the United Chapters of Phi Beta Kappa. Its editors, of whom I am one, would certainly not be parties to a hoax. I might add, however, that the present work entirely exhausts my knowledge of the subject. Readers wishing further information are advised to get in touch with their friendly FBI agent or the House Committee on Un-American Activities. They may also buy the New York Times and read between the lines.

("To understand the United States today, it is necessary to know something about the establishment. Most citizens don't realize it exists. Yet the establishment makes its influence felt from the President's Cabinet to the professional life of a young college teacher who wants to obtain a foundation grant for research. It affects the Nation's policies in almost every area."—The News and Courier of Charleston, S.C., Oct. 18, 1961.)

It is now, of course, conceded by most fair-minded and objective authorities that there is an establishment in America—a more or less closed and self-sustaining institution that holds a preponderance of power in our more or less open society. Naturally, establishment leaders pooh-pooh the whole idea; they deny the existence of the establishment, and disclaim any connection of their own with it, and insist that they are merely citizens exercising citizens' rights and responsibilities. They often maintain that the real power is held by some other real or imagined force—the voters, the Congress, the comsymps, Madison Avenue, the rich, the poor, and so forth. This is an ancient strategy; men of power have always known how to use it. "Wouldst thou enjoy first rank?" St. John Chrysostom wrote. "Then cede it to another."[2] The News and Courier is absolutely right.

Conceptions of the establishment, to be sure, differ widely, just as do conceptions of the church, the state, and other important institutions. Hilary Masters, a leading member of the Dutchess County School of Sociologists, defined it in a recent lecture[3] as "the legitimate maffia."[4] To William F. Buckley, Jr., and his collaborators on the National Review it is almost interchangeable with the "liberal machine," which turns out the "liberal line." Their establishment includes just about everyone in the country except themselves,[5] and the great hidden, enlightened majority of voters who would, if only they were given the chance, put a nonestablishment man in the White House and have John Kenneth Galbraith recalled from India, or left there and relieved of his passport. Galbraith, himself a pioneer in the field of establishment studies, sees the establishment as a rather small group of highly placed and influential men who embody the best of the conventional wisdom and can be trusted with substantial grants of power by any responsible group in the country. The perfect establishment type, in his view, would be the Republican called to service in a Democratic administration (e.g., the present Secretary of the Treasury, Douglas Dillon) or the vice versa. "They are the pivotal people," he observed in one of his earlier studies. That was before his appointment as the establishment's man in New Delhi. (He is not a member of his own establishment, however, for he could not hope to be held over in a Republican administration.)

The fact that experts disagree on exactly what the establishment is and how it works does not mean that they are talking about different things or about something that does not exist. Experts disagree about the Kingdom of God. This is not an argument against its existence; plainly the Kingdom of God is many things. Differences of opinion over the meaning of "justice" has given rise to one of the most honored professions in the world. One dogmatic Marxist may quarrel with another over the proper "role of the proletariat" and even about who should and who should not be counted as belonging to the "bourgeoisie." This does not make a fiction or a meaningless abstraction of either the proletariat or the bourgeoisie. The establishment can be thought of in many different ways, all of them empirically valid in one or another frame of reference. Masters, Buckley, Galbraith, and Corradini[6] look upon the establishment from quite different points of view—which grow in the main out of their differing disciplines—but they would have no difficulty in agreeing that Douglas Dillon is true blue or that, say Senator Thomas J. Dodd, of Connecticut, is on the outside looking in—disapprovingly, in his case. Despite their differences of emphasis and approach, none of them would have many reservations about the News and Courier's definition:

"The establishment is a general term for those people in finance, business, and the professions, largely from the Northeast, who hold the principal measure of power and influence in this country irrespective of what administration occupies the White House. [It is] a working alliance of the near-socialist professor and the internationalist Eastern banker calling for a bland bipartisan approach to national politics."[7]

For my own part, I think the definition is a pretty good one. I would cavil a bit at the notion that "the establishment is a general term," and so forth. It is a good deal more than a collective noun, as I shall make clear. Moreover, there is a slight ambiguity in the phrase "principal measure of power." Too many journalists, awed by their observations of the establishment at work, leap to the conclusion that its power is not only great but invariably decisive. This is by no means the case. There are powerful antiestablishment forces at work, and frequently they prevail. It seems to me perfectly clear, for example, that the establishment has never found a way of controlling Congress.[8] Indeed, there are times when Congress appears to be nothing more or less than a conspiracy to louse up the plans of the establishment. Whatever the establishment wants, it often seems, Congress mulishly opposes.

Nor has the establishment ever made much headway in such fields as advertising, television, or motion pictures. The basic orientation of the leaders in all these fields is antiestablishment, and what establishment strength exists is concentrated mainly on the lower levels—in advertising, the copywriters; in television, certain of the news departments (most notably at Columbia Broadcasting); and in the motion pictures, a few writers and actors. Still, establishment strength in these areas is generally unimpressive. In Hollywood, to take a simple example, the Independent Committee of the Motion Picture Arts for Freedom and Peace With Justice, an establishment front, held a fundraising meeting in the Beverly Wilshire Hotel on November 20, 1961. Only 28 persons attended, and the take for the evening, after eloquent pleas for support from Paul Newman and Joanne Woodward, was $3,067.50. (Of this amount $2,900 was in the form of pledges, only about 15 percent of which, in all likelihood, were actually redeemable). On the very same evening, at the Beverly Hilton, the National

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[2] Homilies, 388.

[3] Before the Edgewater Institute, Barrytown, N.Y., July 4, 1961. Vide "Proceedings," 1961, pp. 37–51. Also see Masters' first-rate monograph "Establishment Watering Places," Shekomeko Press, 1957.

[4] It was the figure of speech, not the actual analogy, that seemed so striking and appropriate. Actually, the analogy was not actual—and doubtless was not intended to be regarded as such. The establishment exists; the maffia does not exist. Modern scholarship has pretty well destroyed the myth of the maffia. (Vide, "The Myth of the Mafia," in "The End of Ideology," by Daniel Bell, the Free Press, Glencoe, Ill., 1960.) Bell cites a report by Serrell Hillman, a journalist who went all over the country to find out if there really was a maffia at work in this country. He checked in at the Federal Bureau of Investigation and asked the top men there if they believed in the maffia. They said they did not. Chicago Crime Commission—same story. [Hillman could not check with Central Intelligence Agency because it is forbidden by statute to intervene in domestic affairs.] But he did talk with innumerable police officials, criminal lawyers, criminals, private detectives, and the like—none of whom could put him on the trail of the maffia. He was eventually forced to the conclusion that the only people who believed in it were (1) Senator Estes Kefauver, of Tennessee; (2) Hearst crime reporters; and (3) the Treasury Department's Bureau of Narcotics. Senator Kefauver once described the maffia in concrete terms. "The maffia," he said, "is the cement that helps to bind the Costello-Adonis-Lansky syndicate of New York and the Accardo-Guzik-Fischetti syndicate of Chicago." This sounds good but isn't. Note that tricky word "helps." Besides, it is unproved that there is any cement. If I may interject a purely personal note here, I may say that I have done a bit of work on my own. One day, in the summer of 1960, I was on an airplane (United Air Lines, flight 420) and learned that the Honorable Frank S. Hogan, district attorney of New York County, was a fellow passenger. The air was turbulent, and seatbelts had to be fastened, so I could not approach the famous prosecutor myself. I asked a stewardess if she would deliver a note to Mr. Hogan. She said she would be delighted. My note read: "Dear Mr. District Attorney: Is there a maffia?" His reply was prompt and categorical. "No, Virginia, there is not," he wrote. Still and all, I think that Masters' phrase caught the spirit of the thing admirably. Dante's "Inferno" was a product of the imagination, but it has helped many men to approach the reality of beauty and even the beauty of reality. The establishment really is the cement that binds the Rockefeller-Gill-Sulzberger syndicate in New York to the Stevenson-Field-Sandburg syndicate in Chicago.

[5] It is characteristic of most thinkers and writers on the subject to define the establishment in such a way as to keep themselves outside it and even victimized by it. Werner von Fromm has suggested that they all tend toward a mild paranoia, and what little clinical evidence there is tends to support him. The one exception known to me is François Grund, a French economist of conservative leanings, who has applied to the establishment Burke's phrases for the nobility—"an ornament of the civil order—the Corinthian capital of society." Both Von Fromm's and Grund's observations are to be found in the 1961 Edgewater "Proceedings."

[6] H. D. Corradini, author of "Patterns of Authority in American Society" (Gainesville Press, 1958). Corradini, an anthropologist, draws striking parallel between the American Establishment and the Ydenneks, an intertribal council that still functions in Canada.

[7] The newspaper's antiestablishment bias is plain enough, as is the editorialist's sense of exclusion. "Southerners have no place in the establishment," he writes "except for a domesticated handful who have turned their backs on regional beliefs." For "regional beliefs" read Senator Strom Thurmond and Gov. Orval Faubus.

[8] From time to time, it has managed to hold a balance of power in the Senate, but it has never done even this much in the House. The Congressional Monthly for January 1962, surveying the entire performance of the 1st sess. of the 87th Cong., found that only 19 Members of the House had establishment voting records of better than 80 percent. Of the 19, who accounted for less than 5 percent of the total membership, 12 were Democrats, 7 were Republicans; 14 were from the eastern seaboard, 2 from California, and 1 each from Oregon, Louisiana, and Minnesota.

Foundation for Amoebic Dysentery raised more than five times as much, all in cash or checks of that date, from three times as many people.

The establishment does not control everything, but its influence is pervasive, and it succeeds far more often than its antagonists in fixing the major goals of American society. Though it does not, as I have noted, come anywhere close to controlling Congress, Congress is everlastingly reacting to it. Within the next couple of years, for example, Congress will spend a good part of its time fighting the establishment program for a great revision of American trade practices and for eventual American association with the European Common Market. This whole scheme was cooked up at a 3-day meeting of the executive committee at the Sheraton-Park in Washington immediately after President Kennedy's inauguration on January 20, 1961.[9] The odds are heavily against the establishment winning this battle in 1962 or even in 1963. The important thing, though, is that the establishment has taken the initiative and put its great antagonist on the defensive. Practically everyone is agreed that in time the victory, even in this difficult matter, will go to the establishment.

The establishment is not, of course, at any level a membership organization in the sense that it collects dues, issues cards, or holds meetings openly under its own auspices. It is a coalition of forces, the leaders of which form the top directorate, or executive committee—referred to sometimes as "central." At the lower levels, organization is quite loose, almost primitive in some cases, and this is one of the facts that explains the differences in definition among experts. In the upper reaches, though, certain divisions have achieved a high degree of organization. For instance, the directors of the Council on Foreign Relations make up a sort of presidium for that part of the establishment that guides our destiny as a nation.[10] (The unimpeachable source, a dissident executive committee member who leaked the story about the Common Market decision, said that the Gist subcommittee appointed to work on the Common Market matter had only two members not drawn from the council.) The presidents and senior professors of the great eastern universities frequently constitute themselves as ad hoc establishment committees. Now and then, the executive committee regroups as an establishment front for some particular end. In the summer of 1961, as a case in point, when anti-establishment forces in Congress and elsewhere threatened the President's foreign aid program, the establishment, at the request of the White House, hastily formed the Citizens' Committee for International Development and managed to bull through a good deal of what the President wanted. The establishment has always favored foreign aid. It is, in fact, a matter on which establishment discipline may be invoked.

Summing up the situation at the present moment, it can, I think, be said that the establishment maintains effective control over the executive and judicial branches of Government; that it dominates most of American education and intellectual life; that it has very nearly unchallenged power in deciding what is and what is not respectable opinion in this country. Its authority is enormous in organized religion (Roman Catholics[11] and fundamentalist Protestants to one side), in science, and, indeed, in all the learned professions except medicine. It is absolutely unrivaled in the great new world created by the philanthropic foundations—a fact which goes most of the way toward explaining why so little is known about the establishment and its workings. Not one thin dime of Rockefeller, Carnegie, or Ford money has been spent to further establishment studies.[12]

If it were not for the occasional formation of public committees such as the Citizens' Committee for International Development, establishment scholars would have a difficult time learning who the key figures are. Committee rosters serve establishmentologists in the same way that May Day photographs of the reviewing stand above Lenin's tomb serve the Kremlinologists. By close analysis of them, by checking one list of names against another, it is possible to keep tabs quite accurately on the executive committee. A working principle generally agreed upon by establishment scholars is this: If in the course of a year a man's name turns up 14 times in paid advertisements in, or collective letters to, the New York Times, the official establishment daily, it is about 14 to 1 that he is a member of the executive committee. (I refer, naturally, to advertisements and letters pleading establishment causes.) There are, to be sure, exceptions. Sometimes a popular athlete or movie actor will, innocently or otherwise, allow himself and his name to be exploited by the establishment. He might turn up 20 times a year and still have no real status in the institution. But that is an exception. The rule is as stated above.

One important difference between the American establishment and the party hierarchy in Russia is that the establishment chairman is definitely not the man in the center of the picture or the one whose name is out of alphabetical order in the listings. The secret is astonishingly well kept. Some people, to be sure, have argued that when, as happens most of the time, the establishment has a man of its own in the White House, he automatically becomes chairman just as he automatically becomes Commander in Chief of the Armed Forces. I am quite certain that this is not the case. For one thing, the establishment rarely puts one of its tried and trusted leaders in the White House. Dwight Eisenhower and John F. Kennedy have both served the establishment and been served by it, but neither is or ever was a member of the innermost circle. Both, indeed, were admitted with some reluctance on the part of senior members, and Eisenhower's standing has at times been most insecure.

I am not sure who the chairman of the establishment is today, although I would not be altogether surprised to learn that he is Dean Rusk. By a thrust of sheer intuition, though, I did get the name of the 1958 chairman and was rather proud of myself for doing so. In that year, I discovered that J. K. Galbraith had for some time been surreptiously at work in establishment studies, and he told me that he had found out who was running the thing. He tested me by challenging me to guess the man's name. I thought hard for a while and was on the point of naming Arthur Hays Sulzberger, of the New York Times, when suddenly the right name sprang to my lips. "John J. McCloy," I exclaimed. "Chairman of the board of the Chase Manhattan Bank, once with Cadwalader, Wickersham & Taft, and a partner in Cravath, de Gersdorff, Swaine & Wood, as well as, of course, Milbank, Tweed, Hope, Hadley & McCloy; former U.S. High Commissioner in Germany; former President of the World Bank; liberal Republican; chairman of the Ford Foundation and chairman—my God, how could I have hesitated—of the Council on Foreign Relations, Inc.; Episcopalian." "That's the one," Galbraith said. He congratulated me for having guessed what it had taken him so much patient research to discover.

The establishment is not monolithic in structure or inflexible in doctrine. There is an establishment "line," but adherence is compulsory only on certain central issues, such as foreign aid. On economic affairs, for example, several views are tolerated. The accepted range is from about as far left as, say, Walter Reuther to about as far right as, say, Dwight Eisenhower. A man cannot be for less welfareism than Eisenhower, and to be farther left than Reuther is considered bad taste.[13]

Racial equality is another matter on which the establishment forbids dissent. Opposition to integration is a cause for expulsion, or at least suspension for not less than a year, unless it is mere "token" opposition. The only white southern members of the establishment in anything like good standing are reconstructed southerners or southerners the establishment has reason to believe would be reconstructed if political circumstances would allow it. Take Senator William Fulbright, of Arkansas. He is a pillar of the establishment even though he votes with the unenlightened on racial matters. The Council on Foreign Relations gave him an "A-1" rating when he was up for chairman of the Senate Foreign Relations Committee.[14] The executive committee accepts him because it assumes his heart is in the right place. He is, after all, a former Rhodes scholar and a former university president. Moreover, the Fulbright scholarships have provided an enormous subsidy for establishment intellectuals.

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[9] The meeting had been called not for this purpose alone, but to review the state of the world generally at the start of the new President's term. The question of American intervention in Cuba, for example, was discussed at length and, eventually, tabled because the committee members were so divided among themselves. A resolution was passed urging President Kennedy to meet with Nikita Khrushchev "at an early date with a view to determining whether any basis for negotiations to reduce tensions presently exists." The Common Market matter came up when Roscoe Gist reported that George Ball, Under Secretary of State for Economic Affairs, wished to pressure the United Kingdom into joining the Common Market and looked to a day when we, too, might belong. By a vote of 23–5, with two abstentions, he was authorized to go ahead.

[10] The President, of course, has constitutional responsibility for foreign affairs, and I am not suggesting that any recent President has abdicated to the CFR. But policy and strategy are worked out in the council and reach the President by way of the State Department, which, of course, is largely staffed and always directed by council members.

[11] It should be noted, though, that it is becoming influential in Catholic journalism. A content survey of 12 leading Catholic periodicals showed 38 percent of the text to be establishment inspired.

[12] The situation approaches scandal at times. The foundations and universities have subsidized a number of first-rate establishment scholars. Daniel Bell, H. E. Corradini, Alfred Kazin, and Mary McCarthy have received Guggenheim fellowships or other such benefactions, but always for something other than establishment studies. A few universities—Florida, Southern Methodist, Ramona, Virginia Military Institute, and Michigan State—have done what little they could to help out, and so have a few of the less-well-heeled foundations. But there is a general lockout in the richer and better known institutions. Some have even gone so far as to encourage what might be called red-herring scholarship—efforts to prove that something other than the establishment dominates the country. A notorious example is C. Wright Mills' "The Power Elite" (Oxford University Press, 1956). It was subsidized by the Huntington Hartford Foundation, Columbia University's Social Science Research Council, and Brandeis University. Even the parent body, the British Establishment, got into the act through the Oxford University Press, which, Mills admits, went "beyond the ordinary office of publisher in helping me get on with this."

[13] Setting the limitations on the left is not much of a problem nowdays, for the left has been inching toward the center at the rate of, about 7 inches per year; the only extreme positions in this epoch are on the right, and these are inadmissible. It is interesting to consider the change that has come over the establishment in the last 20 years. In their views on government intervention and related questions, Wendell Willkie in the early forties and Dwight Eisenhower in the early sixties seemed peas from the same pod. But Willkie in his time was regarded as an economic liberal, whereas Eisenhower in ours is clearly a conservative. It has been estimated that by 1968, views such as Eisenhower's will be considered excessively rightist—as BARRY GOLDWATER's are today—and will not be tolerated.

The establishment has lately been having a most difficult time with those of its members—clergy, scientists, and academicians, in the main—who have joined the Committee for a Sane Nuclear Policy. The executive committee—in particular that powerful "hard-line" faction led by Dean Acheson and Roscoe Gist—has no use at all for this organization and would deal very sharply with its supporters if they did not include so many people who incorporate most of the establishment virtues. Exactly what stand it will take remains to be seen.

In nonpolitical affairs, great doctrinal latitude is not only tolerated but encouraged. In religion, the establishment is rigorously disestablishmentarian. Separatism is another matter on which discipline may be invoked.[15] Like a citywide ticket in New York, the executive committee is carefully balanced religiously as well as racially. (The only important difference is that several places are kept for nonbelievers.) The only proscribed views are the noisier ones. Though he now and then gets an audience in the White House, Billy Graham is persona non grata in establishment circles. Msgr. Fulton J. Sheen is regarded as a Catholic Billy Graham and is similarly a pariah.

Reinhold Niebuhr is the official establishment theologian, and Bishop Angus Dun is the chaplain.

In matters of public policy, it may be said that those principles and policies that have the editorial support of the New York Times are at the core of establishment doctrine. And those irregularities and eccentricities that receive sympathetic consideration in the Times (not only on the editorial page but in the Sunday magazine and the book review) are within the range of establishment doctrinal tolerance.

It is essential to an understanding of the establishment to recognize its essentially national characteristics. The whole of its power is greater than the sum of its parts. Its leading figures have national and international reputations, but very often are persons of only slight influence or standing in the cities and States from which they come. Former Chairman McCloy, for example, cuts a lot of ice in Washington, Geneva, Paris, London, Rio de Janeiro, Bonn, Moscow, and Tokyo, but practically none in Manhattan. In Albany, he is almost unknown. The relative weakness of the establishment in the States undoubtedly helps to explain the shellackings it repeatedly gets in Congress. Statewide—or one might say, statewise—it is often torn by a kind of factionalism that seldom afflicts its national and international operations. In New York, for example, Averell Harriman and Nelson Rockefeller have often found themselves locked in combat like Grant and Lee; in Washington, they are Alphonse and Gaston. And so it goes.

A State-by-State canvass of establishment strengths and weaknesses was conducted by Perry Associates, a St. Louis firm, in 1959. Some of the highlights follows:

In three States—Texas, Oklahoma, and North Dakota—the establishment is virtually outlawed. There are no restrictive or represive measures on the statute books, but there is persistent harassment by police and other officials. The American Civil Liberties Union had expressed some interest in arranging a test case, but no suitable one was found. Despite constant police surveillance, there is considerable underground establishment activity in the Dallas area and in San Antonio.

The Indiana authorities are openly hostile to the establishment, and there has been continuing agitation for a law requiring establishment agents to register with the attorney general and be fingerprinted. It is hard to see what would be accomplished by this, for the Perry people could find no trace of establishment activity anywhere in Indiana, except at Indiana University, in Bloomington. The faculty people there are State employees anyway and can quite easily be dealt with. In neither Nebraska nor Idaho could any establishment influence be found. There were only the faintest traces in Wyoming, New Hampshire, Utah, and Florida.

Florida was the one Southern State in which establishment forces seemed exceedingly weak. Elsewhere, it was learned, nearly all those who described themselves as "moderates" were actually connected with the establishment.

The big centers are, as one might expect, the States with large cities and large electoral votes: New York, California, Illinois, Pennsylvania, Ohio, and Massachusetts. A rather surprising case, though, was Kansas, which ranked ahead of New Jersey and Maryland.

For some reason, establishment studies have attracted few historians. Most of the work thus far has been undertaken by journalists, economists, sociologists, and psychologists. In consequence, very little has been done to uncover the origins of the establishment. One British historian, Keith E. D. Smith-Kyle, maintains, in "America in the Round" (Polter & Polter, Ltd., London, 1956), that "the American pretense to equality was, to speak bluntly, given the lie by the formation in the early days of the Republic of the sort of 'command' group simmilar in most respects to what Britons nowadays speak of as 'the establishment.' By 1847, when the Century Association was founded in New York, power had been consolidated in a handful of hands. From then on, whenever there was a 'laying on of hands,' the blood in those extremities was the very blood that had coursed through those that had molded the clay of life in the so-called Federal period."

It is plain that Smith-Kyle is trying to say, in a roundabout British way, that a hereditary aristocracy runs the show here. He is as wrongheaded in this matter as he is in most others.[16] American students, though they number few trained historians[17] among them and none of a celebrity that compares with Smith-Kyle's, subscribe almost unanimously to the proposition that the establishment came into being at a far later date—to be exact, as well as neat, at the turn of the century. They see the institution forming during the administration of Theodore Roosevelt, who by common consent was the first establishment President—and in a way the last.[18] The founding fathers of today's group zeroed in on T.R. as if they had caught him in a perfect bombsight. Consider them all, a few of them still alive, all of them within living memory: Henry L. Stimson, William Allen White, Nicholas Murray Butler, Robert Frost, Albert Beveridge, Abraham Hummel, Joseph Choate, William Travers Jerome, Jacob Riis, Charles Evans Hughes, Felix Frankfurter, Ida M. Tarbell, Joseph Pulitzer, Martin Provensen, Lincoln Steffens, Benson Frost, Learned Hand, W. Adolphe Roberts, Jane Addams, Nelson W. Aldrich, Eleanor Alice Burgess, John Hay, John Ray, John Jay Chapman, Van Wyck Brooks, Carl Schurz, Hamlin Garland, Oscar Straus, Winthrop Chanler, James R. Bourne, Whitelaw Reid, and Gifford Pinchot.[19]

There, plainly, was the first executive committee.

Some uninformed publicists confuse the establishment with the organization. The two could not be more different. The establishment man and the organization man could not be more different, or more at odds. The establishment uses the organization from time to time, as a ruling group must in an industrial and commercial society. But it devoutly hopes that in time the organization will wither away. The organization would like to overthrow the establishment. It had a near success when it ran its 1960 chairman, Richard M. Nixon, for President of the United States.

The New York Times has no close rival as an establishment daily. Technological advance is making it possible for the Times to become a national newspaper. This development should add immeasurably to the growth of the institution's powers.

Most establishment personnel get at least one newspaper besides the Times, in order to keep up with Walter Lippmann. Papers that carry both Lippmann and Joseph Alsop are in good standing with the establishment and get a lot of advertising that way.

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[14] It exercised the veto power, though, when he was proposed as Secretary of State. It wanted Dean Rusk to get the job, and used Fulbright's record on racial questions as an argument against Fulbright's candidacy.

[15] "The establishment," the Reverend F. Q. Shafer said, in the first of his 1961 Geist lectures at Brownlee Seminary, "takes the view that religion is a matter of conscience and has no place in politics or in education. It evidently sees no contradiction between this and its endlessly repeated dictum that politics and education must always be informed by conscience."

[16] Vide, his revolting apology for Munich, "The Noble Experiment" (Heineken, London), and his blatantly Stalinist "The Bear and the Jug" (Bafer & Bafer, 1949).

[17] Arthur Schlesinger, Jr., has done some fairly decent work in the past, vide "The General and the President" (with Richard H. Rovere), but his judgments are suspect because of his own connections with the establishment.

[18] This is a rather fine point. Since Roosevelt's time, every President except Harding and Truman has taken office with full establishment approval. So far as can be determined though, no one has ever gone directly from the executive committee to the office of Chief Executive. Woodrow Wilson is sometimes cited as an exception, but it is dubious in the extreme that he was one. Charles Evans Hughes, his 1916 opponent, was an executive committeeman.

[19] I am indebted for this list to F. W. Dupee's illuminating study "The Suckleys of Wildercliff and the Origins of the Establishment," No. IV in the "Occasional Papers" published by the Mid-Hudson Historical Society. Mr. Dupee is professor of English at Columbia University and perhaps the country's leading authority on Henry James.

There are some specialized magazines but none of general circulation that can be described as official or semiofficial organs. I have pondered long over the case of Time magazine and have concluded that it has no real place in the establishment. It goes too far in attacking establishment positions and it has treated many establishment members with extreme discourtesy and at times with vulgarity. The establishment fears Time, of course, and it now and then shows cravenness in its attempts to appease it by putting Henry Luce on some commission or other (on freedom of the press, national goals, and so forth), or by giving his wife some political job. But the Luce publications generally must be considered as outside the establishment.

Now that control of Newsweek has passed to Philip L. Graham, publisher of the Washington Post, it may be that the establishment will adopt it as an official weekly.

U.S. News & World Report is widely read, but held in low regard.

Foreign Affairs has, within its field, the authority of Pravda and Izvestia.

Harper's, the Atlantic, and the New Yorker all have establishment clienteles, but none can be regarded as official. The Saturday Review was once heavily patronized but no longer is. The New Republic is coming up. The Nation has long since gone down. A few of the younger establishment intellectuals read Partisan Review, but the more sophisticated ones regard it as stuffy and prefer the Noble Savage, edited by Saul Bellow and issued in April and November by the World Publishing Co.

As Thomas R. Waring, the noted southern journalist, has pointed out, "The significance of the establishment can be discovered by finding out who is not a member." No one has yet compiled a complete list of nonmembers, but the following names may help significance seekers to get their bearings. These people are known to be nonmembers:

The Honorable Lyndon B. Johnson, Vice President of the United States.

The Honorable Richard M. Nixon, former Vice President of the United States.

The Honorable John Nance Garner, former Vice President of the United States.

Cus D'Amato, prominent New York sportsman and manager of Floyd Patterson, the heavyweight champion of the world.

J. Edgar Hoover, Director, Federal Bureau of Investigation.

General of the Army Douglas MacArthur.

Allen Ginsberg, poet.

The Honorable James A. Farley, former chairman, Democratic National Committee.

Fowler Harbison, president, Ramona College.

James Hoffa, president, International Brotherhood of Teamsters.

Hetherington Wells, chairman of the board, Consolidated Hydraulics, Inc.

Spruille Braden, diplomatist. (Here is a curious case indeed. Former Ambassador Braden has held many leading positions in the establishment and is even now a member of the council on foreign relations. But he is also a member of the national council of the John Birch Society. He was read out of the establishment on April 14, 1960, before his John Birch connections were known.)

Sherman Adams, formerly the assistant to the President of the United States.

Drew Pearson, syndicated columnist.

Edgar Queeny, chairman of the board, Monsanto Chemical Corp.

Charles Goren, bridge expert.

Charles A. Lindbergh, aviator.

The Honorable John McCormack, Speaker, House of Representatives.

The Reverend Norman Vincent Peale, pastor, Marble Collegiate Church of New York (Dutch Reformed) and author of "The Power of Positive Thinking."

Cyrus S. Eaton, industrialist and philanthropist.

The Honorable Everett McKinley Dirksen, U.S. Senator from Illinois and the minority leader of the Senate.

Dr. Edward Teller, nuclear physicist, often known as "father of the hydrogen bomb."

Conrad Hilton, hotel executive.

The Honorable Richard J. Hughes, Governor of New Jersey.

Michael J. Quill, president, Transport Workers Union.

Morris Fishbein, M.D., editor and official, American Medical Association.

George Sokolsky, syndicated columnist.

Duke Snider, Los Angeles Dodgers.

John L. Lewis, president, United Mine Workers of America.

Carleton Putnam, writer, former chairman of the board, Delta Airlines.

The establishment has in its top councils some people who appear to the unsophisticated to be oppositionists. For example, Norman Thomas, the Socialist leader; Norman Mailer, the self-styled "hipster" novelist; and Norman Podhoretz, the firebrand editor of "Commentary" all enjoy close relations with leading figures on the executive committee. The Reverend Martin Luther King has been proposed for membership on the executive committee. On March 3, 1962, a planning committee that met for 3 days at the Royalton Hotel in New York reported that "we need informed, constructive criticism fully as much as we need support" and urged the recruitment of "people who will take a long, cold look at our policies and procedures and candidly advise us of any weaknesses they see. We recommend that in the cases of people playing this indispensable role of 'devil's advocate,' all discipline be suspended."

It is interesting to observe the workings of the establishment in presidential politics. As I have pointed out, it rarely fails to get one of its members, or at least one of its allies, into the White House. In fact, it generally is able to see to it that both nominees are men acceptable to it. It is never quite powerful enough, though, to control a nominating convention or actually to dictate nominations. National conventions represent regional interests much as Congress does, and there is always a good deal of unarticulated but nonetheless powerful antiestablishment sentiment at the quadrennial gatherings of both Republicans and Democrats. Nevertheless, the great unwashed who man the delegations understand—almost intuitively, it seems—that they cannot win without the establishment, and the more responsible among them have the foresight to realize that even if they did win they couldn't run the country without assistance from the executive committee. Over the years, a deal has been worked out that is almost an operating rule of American politics. The rule has been formulated by the novelist Margaret Creal in this way:

"When an establishment man is nominated for the Presidency by either party, the vice-presidential candidate must be drawn from outside the establishment. When, as has occasionally happened, the establishment is denied the presidential nomination, it must be given the vice-presidential nomination."

The system has worked almost perfectly for the last 30 years. In that time, the only nonestablishment man in the White House has been Harry Truman, and he had been Franklin Roosevelt's nonestablishment Vice President. Putting Henry Wallace aside as a pretty far-out case and not counting Alben Barkley (a Vice President's Vice President), the Vice Presidents have all been nonestablishment: John Nance Garner, Harry Truman, Richard Nixon, and Lyndon Johnson.

Now observe what happens when the establishment has to yield first place, as it had to do at the Republican Convention in 1960. Richard Nixon, a nonestablishment Vice President, simply could not be denied the presidential nomination. So the establishment Republicans demanded and of course obtained Henry Cabot Lodge. There was a similar case in 1936, when the Republicans went outside the establishment to nominate Alf Landon for first place. The vice presidential candidate was Col. Frank Knox, the publisher of the Chicago Daily News, and later Roosevelt's Secretary of the Navy.

Four years later, the establishment nominated Wendell Willkie on the Republican ticket and agreed to Charles McNary, distinctly nonestablishment. In 1944, it was Dewey (establishment) and Bricker (non). The establishment was particularly powerful in 1948 and not only got Dewey again but Earl Warren. In 1952, the usual deal was made in both parties: Eisenhower versus Stevenson (establishment) and Nixon and Sparkman (non). Same thing in 1956, with Estes Kefauver in for Sparkman.

The Russians have caught on to the existence of the establishment and understand some of its workings quite well. Nikita Khrushchev showed himself to be no slouch when he told Walter Lippmann, last spring, that President Kennedy was controlled by Nelson Rockefeller. Many people regarded this as depressing evidence of the grip of old-school Marxism on Khrushchev's mind. They thought he was mistaking a faded symbol of industrial and mercantile power for the real wielder of authority under people's capitalism. He was doing nothing of the sort. He was facing the facts of establishment life. Not as a Standard Oil heir but as an establishment agent, Nelson Rockefeller had forced the Republicans to rewrite their platform so that it conformed very closely to Chester Bowles' Democratic platform and provided for a vigorous anti-Communist defense program. Where did the central ideas of both platforms originate? In—where else?—the studies made by the Rockefeller panel for the Rockefeller Bros. Fund and published as "Prospect for America." Who was on the Rockefeller panel? Here are just a few of the names:

Dean Rusk; Chester Bowles; Jacob Potofsky; Anna Rosenberg; Henry Kissinger, director of the project; Lucius D. Clay; Arthur F. Burns; Henry Luce[29]; Oveta Culp Hobby; and David Sarnoff.

And when Kennedy became President, from what foundation did he get his Secretary of State? The Rockefeller Foundation, of course.

DEPRECIATION ALLOWANCES

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Scranton] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

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[29] The outsider inside. I once asked an authority on the parent body, the British Establishment, how he accounted for the sudden eminence of Barbara Ward. He explained that every establishment agency (the BBC directors, for example) had to have at least one woman and one Roman Catholic. Miss Ward was a neat package deal.

Mr. SCRANTON. Mr. Speaker, the intense excitement sparked by the steel price rise announcement smothered potential solutions to the problems of our steel industry. Instead, America was first subjected to an untimely big steel decision possibly furthering inflation, and then a dramatic series of hair-raising activities by the administration, threatening the steel industry with reprisals of unprecedented magnitude. Both the action and the extreme reaction were not in the national interest.

In place of dramatics, we ought to be taking well-considered steps to solve the steel industry's pressing problem of obsolesence.

To frame the present situation, I reach back to November 16, 1961, and an address by David Rockefeller, president, the Chase Manhattan Bank, a portion of which reads as follows:

> Business must work out new methods of cooperating with Government in pursuing policies which will achieve basic national objectives such as a high level of employment, a rate of economic growth that meets the needs of the times, and price stability. This calls for a greater, a more realistic, and a more effective presentation by business of its position on broad issues of public policy than it has made in the past.
>
> There are some in business who feel that everything that is done by Government is wrong. But such a point of view fails to see the world as it is. We could not, if indeed we would, turn the clock all the way back to the days when the role of Government was a half or a quarter of what it is today. Yet society in our time must be concerned lest Government extend its sway too far into affairs that properly belong to private initiative. The ever-present problem is one of achieving a balance in which Government and business work together, each assuming the role and the responsibilities which will contribute most efficaciously to the general welfare. It is here that business needs to assert its leadership. Business leaders must point out forcefully and persuasively those Government policies or actions which prevent the private economy from achieving its full potential and from making its maximum contributions to the common good. To be effective, the approach must be forward-looking and realistic—not mere nostalgia for the past, or a rear-guard action to preserve positions of narrow self-interest. Businessmen, above all, have a vital stake in progress, in the constructive development of the fabulous new vistas being opened by technology.
>
> To be more concrete, let us look at some of the specific fields in which businessmen can appropriately assume leadership in securing effective action. For example, there is the maintenance of price stability. By now there is ample evidence to prove that inflation is a deadly enemy of economic progress, as well as of social and political stability, both of which are so essential in our society if the free world is to measure up to its challenges.
>
> Inflation can be held in check and economic growth can be fostered by policies which are well known and have been thoroughly tested over and over again. They include responsible monetary and fiscal policies linked with appropriate policies to hold increases in wages and other costs in line with the economy's ability to pay them without raising prices. Businessmen need to give vigorous support to these policies, for the arguments in favor of creeping inflation are highly seductive to men seeking elective office.
>
> A second field where business must exercise leadership is that of tax reform to encourage saving and investment and to provide broader scope for initiative and enterprise. It is clear that the Nation suffers from an outmoded tax system which holds back investment and plant modernization to the detriment of all members of our society. Here again, sound policy often is at odds with what is made to have popular appeal from the soap box.
>
> Third, business should press for the removal of unnecessary and unwise restrictions and controls. To pick only one example, our economic advance is held back in needless fashion by far too many controls and restrictions on agriculture. It is ironic that, in a field where the Soviet system has failed most abysmally, we have not pressed to the utmost our basic advantage in agricultural productivity.
>
> These three fields for action do not begin to exhaust the list. Yet I am sure that they strike a responsive chord in most of your minds and experience. And I am equally sure that effective action in these fields would make a profound contribution to the solid economic growth and well-being of our Nation.

And again a brief paragraph from a statement of the American Iron & Steel Institute—January 1962:

> The present wide gap between American and foreign employment costs and the greater burdens in the United States of unrealistic and obsolete depreciation and taxation policies are fundamentally the reasons why the American steel industry finds it increasingly difficult to compete with foreign steel producers, in spite of any tariff reductions which can be made here or abroad. Labor and government, as well as management, must cooperate in the solution of these problems, if the American steel industry is to share in the benefits of increased international trade.

And finally, three paragraphs from an address by E. J. Hanley, president, Allegheny Ludlum Steel Corp., before the Economic Club of Detroit on February 5, 1962, as follows:

> The shortsighted, modernization-killing tax laws of the United States—which have proved to be the biggest single deterrent to the modernization of the American industrial plant—must be changed. For years the U.S. Treasury has used every means to minimize depreciation charges until we have probably the most restrictive rules of any industrialized country. Consequently, we who have long-lived assets find ourselves replacing 1945–50 equipment with the 50-cent dollars of 1962. Obviously we have only half enough of the funds we need to do this job. Had we been permitted to accumulate adequate funds, our profits over the years would have been substantially lower than those we reported with inadequate depreciation charges, and we would have not paid taxes on phantom profits.
>
> So now we find it necessary to obtain new capital to replace the losses in our capital structure, growing out of inadequate depreciation rates, or letting the modernization of our plants and equipment, so badly needed in the competitive battle, await a better year. Unfortunately, too much of the latter has been done in our Nation.
>
> This problem of funds has much to do with the noncompetitive condition of much of the plant of American industry. It is estimated that $100 billion worth of our industrial plant and equipment is obsolete today, and $60 billion worth more will become obsolete by 1970. If we continue down the road we have been going, in just a few years we face the dismal prospect of having $160 billion worth of obsolete manufacturing plants in the American economy. Our foreign competitors, favored with more realistic depreciation policies on the part of their governments, are installing new plant and equipment at unbelievable speed to beat us at our own game of cost reduction.

Mr. Speaker, the administration has been telling us for months now that liberalized depreciation allowances for industry are forthcoming. But first they insisted on a hodge-podge tax reform bill in which even the desirable provisions were secondary in importance to the need for liberalized depreciation schedules.

America's problems with international trade and tariffs, balance of payments, gold outflow, deficit spending, and unbalanced budgets are heightened by the intense competition from Western Europe and the Common Market, in particular. Our industry must be modernized to meet this competition.

Liberalized depreciation allowances for all industry are long overdue. There is a new investment potential in this, of $100 billion, an enormous boost to our economy. Most important of all, this would mean jobs for many Americans now unemployed.

CITIZEN INTEREST IN OUR GOVERNMENT

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. LANGEN] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. LANGEN. Mr. Speaker, whoever said that the average citizen is no longer interested in government should have spent recent weeks in my office. My staff has completed the time-consuming but rewarding task of tabulating the recent questionnaire that was sent to all constituents in my home district. Let me assure you that the good people in the 23 counties surveyed are interested in government and showed their interest by responding by the thousands. Not only did they answer the questions, but many added lengthy comments that will be of considerable value to me in the important days ahead. The response was truly rewarding.

One of the most heartening things we learned is the tremendous interest in fiscal responsibility. A whopping 94 percent feel that the Federal budget should be balanced during peacetime years, and an overwhelming majority believe planned domestic programs should be postponed if the country needs more money to support defense and foreign policies. I also noted a concern by our people over the increasing encroachment by the Federal Government into the affairs of State and local governments. Many wrote at length in opposition to this trend.

It is good when the people speak. And it is time we stopped to listen. Here are the results of that opinion poll.

1962 public opinion poll covering 23 counties in Minnesota comprising the current 9th Congressional District and the counties to be added this year as a result of redistricting

	Percent		
	Yes	No	No opinion
1. Do you believe the Federal budget should be kept in balance in peacetime?	94	2	4
2. If greater Federal expenditures are required to support this country's defense and foreign policies, should revenue be raised from—			
a. Increased taxes?	29	31	40
b. Deficit spending?	17	33	50
c. Postponement of planned domestic programs?	62	13	25
3. Should Communist China be admitted to the United Nations?	8	84	8
4. Has U.S. foreign policy been firm enough in meeting the Communist threat?	13	78	9
5. Should greater authority to negotiate trade agreements be given the President?	24	67	9
6. Should the Federal Government—			
a. Provide funds for public school construction?	26	65	9
b. Provide funds for public school teachers salaries?	11	80	9
c. Provide loans or scholarships to college students?	48	44	8
d. Leave full responsibility for primary and secondary education to the State and local communities?	79	14	7
7. Should Congress abolish the Un-American Activities Committee?	13	71	16
8. Generally, are there enough laws regulating business?	71	16	13
9. Generally, are there enough laws regulating labor unions?	21	69	10
10. Should postal rates be increased to make Postal Department self-supporting?	66	29	5
11. If you answered "yes" to No. 10, would you increase—			
a. 1st-class mail rates to 5 cents?	57	43	-------
b. 2d- and 3d-class mail rates?	83	17	-------
c. Other postal rates?	74	26	-------
12. Do you believe farm income shculd be stabilized oy—			
a. Curbing imports of commodities already in surplus?	72	12	16
b. Decreasing new acreage by curtailing irrigation projects	61	22	17
c. More Federal control with the Government having the means by which it can establish orderly markets?	16	66	18
d. Less Federal control, more emphasis on supply and demand?	79	11	10
13. Do you believe medical care for the aged should be handled by—			
a. Increased social security taxes, regardless of need?	22	65	13
b. Increased Federal grants to States to be administered by the respective State and local units of government?	23	54	23
c. Leave full responsibility for additional funds to State and local governments?	62	22	16

POLISH CONSTITUTION DAY

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. NYGAARD] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. NYGAARD. Mr. Speaker, the Poles are proud of their glorious achievements. They are known not only as diligent and skillful workers, but they are equally well known as accomplished masters in the arts and the sciences. They are no less famous as gallant warriors for great human causes. As a nation they have constantly struggled for their freedom and independence. This was particularly true during the last half of the 18th century when their very existence as a nation was seriously threatened by Russia, Prussia, and Austria. After they had lost part of their territory to their autocratic and greedy foes in the 1770's, they made strenuous efforts to strengthen themselves, thus hoping to face their adversaries more successfully than heretofore. So their leaders began to reshape and remodel their governmental machinery. It was at this time, in the late 1780's, that they began to draw up a new constitution. Thus was born the famous constitution of 1791.

This constitution as adopted and promulgated, represented a decisive advance step over anything yet attempted in Poland's modern history. By it the unlimited powers of the monarch were drastically reduced, and Poland became a constitutional monarchy. A responsible cabinet type of government was provided for, parliamentary representation was expanded, the towns regained their long-lost local autonomy, and the peasantry was placed under the protection of the law. Freedom of conscience as well as religious toleration were guaranteed. These liberal and progressive provisions marked the constitution as a pioneering document.

But the international situation was not conducive for the birth and growth of liberalism in that part of the world at that time. There was hardly any chance to put to the test the constitution of 1791. No sooner had its provisions become known, then Poland's enemies seemed determined to eliminate Poland as an independent entity by partitioning it among themselves. Unfortunately this is what happened, and by 1796 Poland had ceased as a sovereign and independent state; it was partitioned by Austria, Prussia, and Russia. But the end of the Polish state did not mean the death of the ideas and ideals embodied in that memorable document. Since then these goals have lived on in Poland, and it is the hope of all Poles and their friends everywhere that they again attain their freedom and independence. That is my ardent hope and my sincere wish to my American friends of Polish ancestry on the 171st anniversary of the adoption of the Polish Constitution of 1791.

RETIREMENT OF DR. FLOYD S. DAFT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. FOGARTY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FOGARTY. Mr. Speaker, I would like to draw the attention of the House to the retirement on May 1 of this year of one of our distinguished commissioned officers of the Public Health Service.

This man is Dr. Floyd S. Daft, who is leaving the position of Director of the National Institute of Arthritis and Metabolic Diseases—NIAMD—after more than 25 years of outstanding service to the health of this Nation.

Dr. Daft is internationally known for his research in the field of nutrition and through his long career with the Public Health Service has combined a high level of scientific competence and achievement with the outstanding executive skill, initiative, and leadership required by the important programs of his Institute.

Dr. Daft was appointed to the Public Health Service in 1937 and spent 3 years as Chief of the Laboratory of Biochemistry and Nutrition at the old Hygienic Laboratory, where he participated in the important nutrition research which began with Dr. Joseph Goldberger's classic studies on pellagra.

These studies were later expanded by Dr. Goldberger's associate, Dr. William Sebrell, into the general field of nutrition, including research on the B vitamin complex. Dr. Daft soon became associated with Dr. Sebrell in these studies.

Under Dr. Daft, today's work on nutrition at NIAMD reflects the direct continuity of research started by Dr. Goldberger and extended by his protege, Dr. Sebrell.

In 1940 Dr. Daft was named Assistant Director of the Experimental Biology and Medicine Institute. This Institute formed the nucleus of NIAMD when the latter was established in 1950.

When the National Institute of Arthritis and Metabolic Diseases was created it incorporated many of the oldest and most productive laboratories of the Public Health Service. Through the years these laboratories have made an outstanding record of accomplishment in basic research, developing new painkilling compounds, performing some of the earliest work on the lifesaving sulfa drugs, and helping to eliminate the vitamin deficiency disease, pellagra, as a health hazard in the United States.

Although originally created for the study of the arthritic disorders and metabolic diseases such as diabetes, the Institute has continued to expand its activities to the point where it now is conducting and supporting research in a great variety of disorders. These include thyroid disease, peptic ulcer, ulcerative colitis, cystic fibrosis, and disorders of blood and bone. In addition, and of equal importance, a great deal of basic research is carried on—fundamental studies in biochemistry, enzymology, physical biology, nutrition. The nature of the arthritic and metabolic diseases makes such studies vitally necessary, for there is still too little known about their fundamental cause and nature.

An authority on nutrition, Dr. Daft's work in directing and conducting nutrition studies has contributed to the understanding of dietary deficiencies causing anemia and cirrhosis of the liver.

He was a pioneer in the study of an unidentified substance later shown to be folic acid. This essential B complex vitamin is widely used today in treatment of blood disorders. He also played a major role in research on pantothenic acid, another essential B vitamin.

Dr. Daft's most recent work has concerned the relationship of bacteria to nutrition through studies with germ-free animals. He was instrumental in setting up a germ-free research laboratory at NIAMD to examine the role of intestinal bacteria in supplying essential nutrients to their hosts. It was here that he and his associates developed new techniques in germ-free research.

He also initiated many studies which have indicated that some bacteria are helpful to animal nutrition and, presumably, to human nutrition as well.

His outstanding role in nutrition research was recognized last year when he was the only American among a group of internationally known nutritionists invited to participate in a Swedish symposium on intestinal bacteria and nutrition. He was also a recent visitor to the Soviet Union as part of a five-man American team surveying Russian progress in metabolic research.

Dr. Daft's role as scientist-administrator in furthering research progress was praised last year at ceremonies marking NIAMD's first decade of operation.

At a program capping these ceremonies, he was presented a silver plaque by the American Rheumatism Association and the Arthritis and Rheumatism Foundation in recognition of his "constant devotion to, and effective support of, a national program of research, training, and education in arthritis and connective tissue diseases."

Before joining the Public Health Service, Dr. Daft engaged in teaching and research at Yale, Harvard, the University of Rochester School of Medicine, and the Carlsberg Laboratories in Copenhagen, Denmark.

He has been a member of the Public Health Service commissioned officer corps since 1945, is associated with numerous scientific and professional organizations, and has received many honors and awards, including an honorary doctor of science degree from Simpson College in Indianola, Iowa, from which he was graduated in 1921, and, most recently, the Distinguished Service Medal, the top honor of the Public Health Service commissioned corps.

Personally modest and self-effacing, his dedication and sincere interest in people and their welfare has earned him the respect of fellow workers and acquaintances throughout the world. On behalf of the American people, I would like to thank him sincerely for his research accomplishments, his outstanding scientific leadership, and his continuing dedication to the health of the Nation. I want to wish him every success in his "second" career, in which he plans to continue his important germ-free research and engage in university work.

ESTABLISHMENT OF A HOSPITAL AT ELLIS ISLAND, N.Y.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ADDABBO] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ADDABBO. Mr. Speaker, today I have introduced legislation which would provide that the Surgeon General of the United States establish a hospital at Ellis Island, N.Y., for the treatment of persons addicted to the use of habit-forming narcotic drugs.

I believe that it is essential that this hospital be established due to the great increase of those addicted, especially in the New York area. The latest survey by the Federal Bureau of Narcotics for the period ending December 31, 1961, showed that, of the known addicts, New York led with 46.6 percent. California 16.2 percent, Illinois 14.8 percent, Michigan 4.2 percent, and the other States 18.2 percent.

The survey clearly indicates that the greatest need for additional facilities is in the New York area. Surveys also indicate that all present facilities have long waiting lists for those wishing to be admitted for help through care and treatment.

The problem of drug addiction has long been with us and possibly too long overlooked as a true menace to our youth and Nation.

I know that the establishment of a hospital for the care of the drug addict is not the complete answer to this problem, for reports indicate that the ratio of those cured is very small, but I believe, as many others do, that, if given proper care and treatment and then with a complete program of rehabilitation and training, the ratio of those cured would greatly increase.

The establishment of a hospital at Ellis Island could easily be effected for we have there Government-owned land and facilities which can be utilized without too great a cost and, more importantly, delay to set into being a full program of treatment, aftercare, rehabilitation, training, and education, so that these lost beings may be returned to normal social life.

I believe much of the failure in the past has been the failure to provide for a complete program, and I have on this date written to the Secretary of Health, Education, and Welfare, Hon. Abraham Ribicoff, asking for a full investigation and report of the workings and programs at the hospital for addicts at Lexington, Ky., for recent reports indicate a great failing and possible misdoings at that hospital.

I believe, to stop this increase in addiction, we must do our utmost to cure and rehabilitate those already addicted to curtail the market for those who deal in this insidious crime, the illegal sale of narcotics.

I further believe that a program of education and alerting the public to this great menace must be instituted to stop this menace at its inception, and, at this point, I wish to compliment the newspapers in New York City, especially the Long Island Press, Journal-American, and World-Telegram, to name a few, and a county organization in my county of Queens, N.Y., the Queensboro Federation of Parents' Clubs, Inc., for their great work in trying to alert the public to this great menace, for laws and law enforcement agencies alone cannot accomplish this work without the understanding and the help of the public.

Mr. Speaker, to fight this growing menace, for it is spreading as recent newspaper accounts show that other States are now, for the first time, setting up special narcotic divisions, we must immediately institute this crash program of education, treatment, and rehabilitation. I respectfully pray that the committee and this Congress will quickly adopt and pass the legislation I have this day introduced which is greatly needed.

REQUIRING CERTAIN TESTS BEFORE THE ISSUANCE OF A MARRIAGE LICENSE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST. GERMAIN] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ST. GERMAIN. Mr. Speaker, the bill I introduced today will promote the health and welfare of the people of the District of Columbia and protect the health of the children who will be born in the District.

The bill requires a physical examination and other tests of applicants for a marriage license in the District. A marriage license will not be issued until the intended bride and groom have had the examination and tests at least 30 days before the issuance of the license.

These requirements will detect the presence of any tuberculosis or venereal disease of any of the applicants. The examination and tests will also show the presence or absence of the Rh factor in the blood which will be an invaluable aid in the birth of children resulting from the marriage.

Venereal disease is becoming an increasing problem in the District and should be curtailed. The communication of these social diseases is detrimental to the health and welfare of the District and the bill further provides that in cases where the applicants cannot afford the service of a private physician the Board of Commissioners of the District of Columbia shall provide for the examination and tests at no cost to the applicants. The examination is necessary for all the citizens of the District and where the means are not available the requirement should still be fulfilled, if not for the benefit of the applicants then for the welfare of the citizens of the District.

The tests required will disclose whether or not the woman applying for a license has the Rh present as well as disclosing the presence of tuberculosis or venereal disease in the communicable stages. The test for the Rh factor will disclose whether or not special care and consideration must govern in the pregnancy of the woman. When the woman and the physician know whether or not Rh is present the immediate care and medication necessary in such cases can be given and possibly a baby that would have been lost, or a mother, will be saved.

The bill also provides that the records of the examination and the tests shall be confidential and there is a penalty imposed for one who discloses the information without the proper authorization. The information as to the Rh factor is to be recorded on the marriage license and is for the use of the applicants and their physician.

I am amazed, Mr. Speaker, at the number of instances in which the District of Columbia, the Capital of the Nation, is so far behind the rest of the Nation in its laws and regulations. The States and local communities have long recognized their responsibilities but the Congress has long neglected to make needed regulations for the District. Washington should be a symbol of the best in America and should lead the Nation, not lag miles behind, in promoting and providing for the health and welfare of the residents. It is my hope that the District Committee will act favorably on this measure as soon as possible, for the need for the legislation is present and action must be taken as soon as possible.

CAPTIVE NATIONS WEEK, JULY 15–21, 1962; AND A SPECIAL HOUSE COMMITTEE ON CAPTIVE NATIONS

The **SPEAKER**. Under previous order of the House, the gentleman from Illinois [Mr. DERWINSKI] is recognized for 15 minutes.

Mr. **DERWINSKI**. Mr. Speaker, in many sections of our country preparations are now underway for the most successful observance yet of Captive Nations Week. This year's week falls on July 15 to July 21. One of the most significant facts of our day is the consistent and unremitting attacks made by Moscow, Peiping, and their puppets against this week and the resolution which Congress passed in July 1959. Even at the recent 22d Party Congress, Khrushchev denounced vehemently both the week and the resolution. He evidently fears something very deeply.

THE WEEK AND OUR RESPONSIBILITY

By passing the Captive Nations Week resolution in 1959, Congress performed one of the greatest services to this Nation and to the free world. It disclosed for all free minds to see the most penetrating weakness in Soviet Russia's totalitarian empire; namely, the captive nations both within and outside the Soviet Union. The record on this is indisputable and unmistakable. Now the Congress has the grand opportunity to perform another valuable service both to our Nation and the free world, and that is to form a Special House Committee on the Captive Nations.

Mr. Speaker, in view of all the data and evidence submitted this past year to establish such a special committee in the House of Representatives, it is quite evident that we bear a heavy responsibility toward our constituents in this regard. The rudimentary blunders of the Secretary of State and his letters to the distinguished chairman of our Rules Committee, the contradicting stand taken by our U.N. Ambassador in the United Nations on the captive nations in the U.S.S.R., the manifest confusion of thought shown on this subject by the Department of State, and the glaring fact that virtually nothing can or is being done by our present committees on the aggregative subject of the captive nations are only a few of the points we should ponder when we face our constituents.

We know the pressures of work opposing early action on this proposal by the Rules Committee. I am convinced that some sources fear the efficient and practical results of such a Captive Nations Committee. However, with all the detailed material already presented to the Rules Committee, it appears to me that the members of this committee must weigh carefully the somewhat ridiculous position the Department of State placed itself in with the two Rusk letters and the Stevenson memo in the U.N. With all this evidence and more, the Rules Committee must come to a decision on this matter soon. Too much has been said and written about this vital subject to permit any evasion from a final decision. Not only to us, their colleagues in this Chamber, but to all of our constituents, the members of the Rules Committee have now a clear-cut responsibility. The clear-cut evidence is in.

THE WEEK AND OUR OPPORTUNITY

Mr. Speaker, on the basis of the evidence submitted, we in this session of Congress have not only a responsibility but also another splendid opportunity to advance the cause of freedom. With Captive Nations Week approaching this July 15, this House can make another valuable contribution by implementing the 1959 Captive Nations Week resolution. This implementation would take the form of an established House Committee on Captive Nations. The highlight of this year's Captive Nations Week observance will be the formation of such a committee. Our citizens look forward to constructive action on our part in this regard, and I feel certain that we shall not fail them. Of course, Khrushchev will not like this, nor those among us who fear him and are willing to conceal the truth. Our decision is clear. What remains is the exercise of a determined will to do what all evidence shows must be done.

In support of my remarks, I include the article written by Dr. Lev E. Dobriansky, of Georgetown University, on "Progress in Captive Nations Ideology" to be printed at this point. I commend this article, which appeared in a recent issue of the Ukrainian Quarterly, to the careful reading of my colleagues. I also include the article, "There Are No Giants," written by Frank Gannon in the February issue of the Georgetown University Foreign Service Courier.

The articles follow:

[From the Ukrainian Quarterly, Autumn 1961]

PROGRESS IN CAPTIVE NATIONS IDEOLOGY

(By Lev E. Dobriansky)

On net balance the events of 1961, both international and national, register further progress in the captive nations ideology. That ideology is well summed up in the Captive Nations Week resolution passed by the U.S. Congress in 1959. Its alpha and omega are that Moscow's vast imperio-colonial system is the base of further Soviet Russian aggressions against the nontotalitarian free world and that to liquidate this base gradually and to crush Soviet Russian totalitarianism in the cold war, the prime target of free world polwar attention and concern is necessarily the two dozen captive nations in Eastern Europe and Asia. The ramifications of this outlook are totalistic, ranging into the economic, political, diplomatic, cultural, scientific, athletic, and many other spheres.

The points of evidence educed here are selectively representative of multiple events and developments. In the course of the year there were many acts and declarations which militated against the further cultivation of captive nations consciousness and thought. Circles within and outside the United States striving to appease Moscow, overemphasizing the political consequences of foreign aid, and propagating falsehoods about substantial changes in the Soviet Russian Empire contributed heavily to this dangerous tendency. Fortunately, there were many other significant events to offset this tendency toward false coexistence. The year can be best characterized as a natural ebb and flow of contending forces, one checking out the other, with a net result of progressive movement in the right direction.

THE IZVESTIA INTERVIEW AND STEVENSON IN THE U.N.

An excellent example of this characterization is provided by two recent concurrent actions of the Kennedy administration. The first is the Izvestia interview in which President Kennedy entertained questions posed by Alexei Adzhubei, the editor of Izvestia and also Khrushchev's son-in-law. "Who Interviewed Whom" may be an appropriate caption to this dialog, but there can be no question about the merits and demerits of the President's answers to the Russian's questions. The editorials and reports of Moscow criticizing the President attest to the advantages reaped from the interview. However, as concerns the captive nations, the score was almost completely on the demerit and disadvantage and loss side.

There was no reason, for example, to assert that "Now we recognize that today the Soviet Union does not intend to permit reunification, and that as long as the Soviet Union has that policy Germany will not be reunified." As one of our leading columnists puts it, "This unnecessary concession will dash the hopes of the German people and indicate to the world that the United States accepts indefinitely Communist domination not only of East Germany, but of Hungary, Rumania, Poland, Bulgaria, Czechoslovakia, and of the other captive nations of Europe and Asia."[1] The impact of this utterly unnecessary concession on the captive peoples far exceeds any wished-for gain to be derived from contact with the Russian people.

Worse still are the concepts and conceptions revealed by the President in regard to our chief adversary. These fundamental aspects have been completely overlooked by critical observers and analysts. There is no doubt that Moscow will capitalize heavily on them. One, the President could have displayed a more valid understanding of the Soviet Union when with reference to World War II, he said: "I will say that the United States also suffered, though not so heavily as the Soviet Union, quite obviously." We can well imagine Adzhubei's reaction to the valid answer: "Though not so heavily as Ukraine, Byelorussia, Lithuania, Georgia, and Russia."

Second, the President's misconception of the Soviet Union, which Adzhubei nurtured skillfully with these carefully phrased questions, was put into full relief when he replied: "If the Soviet Union had lost the war, the Soviet people themselves would object to a line being drawn through Moscow and the entire country. If we had been defeated in war, we wouldn't like to have a line drawn down the Mississippi River."[2] It is evident from this that the President believes that the Soviet Union is a nation like ours, the Volga having the same significance as the Mississippi. Aside from his own contradictions in thought and verbiage on this basic subject, it is a sad commentary for the head of state to reveal to our chief enemy such acute limitations of knowledge and understanding concerning the enemy's environment.

The further assertions by the President that the "Soviet Union is a strong military power" and that "No one is ever going to invade the Soviet Union again. There is no military power that can do that," not only furnish propaganda bonanza to the totalitarian Moscow regime but also betray a highly deficient familiarity with the military history of the Russian empires and what essentially constitutes military power in any empire. These, too, were plainly gratuitous and detrimental statements which can only give comfort and encouragement to the enemy and depressed hopes to the captive nations, particularly those in the Soviet Union.

While the President was exuding these false notions about the Soviet Union, our Ambassador to the United Nations, Adlai Stevenson, stunned the Russian delegation with a factual recital of Soviet Russian imperialism and colonialism in Eastern Europe and Asia. He faced the colonialism issue squarely and courageously, and produced the finest and best U.S. presentation in the U.N. yet on Moscow's colonialism within the Soviet Union. For instance, citing the 1917 Declaration of Rights issued by the People's Commissariat on "the right of the nations of Russia to free self-determination, including the right to secede and form independent states," Mr. Stevenson raises the question, "How did this right work in practice?" To which he answers: "An independent Ukrainian Republic was recognized by the Bolsheviks in 1917, but in 1917 they established a rival Republic in Kharkov. In July 1923, with the help of the Red Army, a Ukrainian Soviet Socialist Republic was established and incorporated into the U.S.S.R."[3] He goes on to cover the conquests over Azerbaijan, Armenia, Georgia, and other now capitive non-Russian nations in the Soviet Union. "During the war," he says, "the Soviets deported entire ethnic groups to the East, fearful that they would use the occasion to fight for their independence."[4]

In sharp contrast to the President's conception of the Soviet Union, Mr. Stevenson's memorandum on Soviet Russian colonialism described Moscow's empire as being barbaric and as enslaving nations in the Soviet Union as well as outside. To be sure, the President in his brilliant U.N. address raised this signal: "Let us debate colonialism in full—and apply the principle of free choice and the practice of free plebiscites in every part of the globe."[5] But judging by the Izvestia interview his measure of fullness didn't measure up to the conception disclosed by Ambassador Stevenson. This example of comparative strides in the development of the captive nations ideology is seen over and over again.

WHY A CAPTIVE NATIONS WEEK?

The 1961 Captive Nations Week observance in this country represented another marked stride in the cultivation of the captive nations ideology.[6] In connection with examples similar to that given above we may well ask ourselves, "Why do we need a Captive Nations Week?" From time to time many people ask, "What is the meaning and significance of this work?" "What do you hope to achieve and accomplish by it?" Complete answers to these questions require a number of preconceptions and perspectives. One requirement is a fixed conviction about the nature and independence of our own Nation. A second is an appreciation of the impact of our history upon Eastern Europe and Asia. Third, an understanding of the ideas of Captive Nations Week is necessary. And fourth, a restless will seeking the translation of our ideas and convictions into concrete, imaginative, and fearless action is indispensable.

Considering the first requisite on the nature of our own Nation, one can't help but recall the President's remarks concerning our Revolution, "We dare not forget today that we are the heirs of that first Revolution."[7] If you will reread the clauses of the Captive Nations Week resolution, which is now Public Law 86–90, you will again be impressed by its initial emphasis on the revolutionary symbol of American independence. Based on this resolution and law, President Eisenhower issued proclamations, both in 1959 and 1960, giving eloquent expression to this symbol. And in 1961 President Kennedy issued a stirring proclamation. The revolutionary symbol of American independence cannot be anything but a living and dynamic symbol, signifying strong motivation to action itself. We were soundly advised early in 1961, "Ask not what your country can do for you—ask what you can do for your country." Some time ago millions of Americans asked themselves this question, and their answer was in part given in these annual observances of Captive Nations Week.

Their answer to this bestirring question is founded on a fixed conviction about the nature and independence of our Nation. We celebrate our Independence Day, and we look inward, reexamining our souls and consciences as a free and responsible people. Two weeks hence we look outward and with our blessings give thought to the millions who have actually lost their independence and freedom in the past 42 years.

Many who give purpose and direction to the Captive Nations ideology are living evidence of the history of Soviet Russian aggression.[8] Calvin Coolidge once said, "Whether one traces his Americanism back 3 centuries to the Mayflower or 3 years to the steerage is not half so important as whether his Americanism of today is real and genuine." Whether many of these citizens are products of the Hungarian Revolution, the free voices of a conquered Poland, the escapees of a Russian-genocided Latvia, Lithuania, Estonia, past fighters of a Ukrainian or White Ruthenian underground, or past victims of tyranny and oppression in Czechoslovakia, Rumania, Bulgaria, East Germany, Yugoslavia, or in the Caucasus and Asia and now Cuba—or indeed, freedom-loving Russians who have found a haven here—their Americanism is no less than that of those born and reared here. Together we share a common conviction about the nature and independence of our Nation.

Our Day of Independence symbolizes for us, under God, our national freedom, the untampered will of a sovereign people, our firm determination to meet any enemy who would attempt to destroy our independence. It symbolizes, too, the spiritual and moral power of our great tradition, the just institutions of our country, and the warm humanism of its laws. Often different peoples throughout the world see the meaning and essence of this Nation more objectively and even more appreciatively than many of us do.

As the Captive Nations Week resolution indicates, our Nation, built on the free and creative energies of people drawn from every quarter of the globe, is a unique historical experiment—in short, the great experiment of mankind. Our Nation is a living revolution that moves the hearts and minds of freedom rather than just peace-loving peoples everywhere, particularly those in captive Eurasia. Placed against this revolution, the so-called Communist revolution is but a dressed-up phantom shielding the most reactionary, barbaric and feudal forces of all time. Significantly, the Stevenson memorandum emphasizes this. Our society, to be sure, is not perfect. But, by all evidence, it is unquestionably one that has given so much in so many ways to so many within a short span in the history of man.

Contrary to some false notions, we do possess an ideology which inspires our continued growth as a morally leading nation and remarkably equips us to contend sucessfully with the present threat of imperialist Red totalitarianism. This ideology is plainly and precisely spelled out in our Declaration of Independence and the Bill of Rights. It is vitally important for us to reflect continually upon the moral and political principles embodied in these historic documents. Nuclear weapons, missiles, luniks and the whole array of new technological innovations—which by nature are only instruments and means—cannot possibly reshape or antiquate these natural norms of civilized human existence.

But at this time even more important is the conscious application of the perennial principles of national independence and personal liberty to other nations and peoples. For not only is the living application of these principles crucial to the further growth and development of our Nation, but it is also indispensable to the existence and survival of the nontotalitarian free world. A persistent application by every conceivable medium of communication and contact would dwarf the inflated accomplishments and pretensions of Moscow and its colonial puppets.

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[1] Lawrence, David, "Kennedy Talk With Soviet Editor," syndicated column, December 1961.

[2] Text of Kennedy interview with editor of Izvestia, Nov. 28, 1961, Washington, D.C.

[3] "U.S. Delegation to the General Assembly," press release No. 3862, Nov. 28, 1961, p. 4.

[4] Ibid., p. 5.

[5] Text of President Kennedy's address to General Assembly, United Nations, New York, Sept. 25, 1961.

[6] For a substantial report on the observance see the CONGRESSIONAL RECORD, volume 107, part 10, pp. 13168–13196.

[7] President Kennedy, text of inaugural address, Jan. 20, 1961.

[8] See Dobriansky, Lev E., "A History of Communist Aggression," Vital Speeches, Sept. 15, 1961, pp. 719–723.

THE LIVING FORCE OF THE AMERICAN REVOLUTION ON EASTERN EUROPE AND ASIA

This conviction about our own Nation and about the revolutionary symbol of American independence is, of course, not enough. It is a base that in these times demands a structure of appreciation, understanding, and a will to act in the community of mankind. The captive peoples of Eastern Europe and Asia form a major and, in the cold war sense, a primary part of this community.

Many events of 1961 have therefore stressed the additional need of a vivid appreciation of the profound impact of our history upon Eastern Europe and Asia. In Congress and elsewhere they pointed out what a moving and powerful force our Declaration of Independence was on the various nations which were subjugated in the empires of the last century and a half. They cited the nations in the Russian, Austro-Hungarian, and Ottoman Empires which rose at the beginning of this century to declare their independence with a will to pursue an independent national existence similar to ours. But, in significant part, this tendency was shown to be short lived as the unchecked surge of totalitarian Russian imperialism since 1918 once again reduced the many non-Russian nations of Eastern Europe and Asia to servility.

It is vitally significant that stress was placed also on the first major counterattack against the ravenous forces of Soviet Russian imperialism by the Polish-Ukrainian alliance between Pilsudski and Petlura. Had this alliance destroyed Trotsky's Red army completely and decisively, the course of world developments would surely have been different. The myths of communism and Marxism-Leninism would have only been a peep in the arena of human history. As it was, this alliance gave Europe and other parts of the world a breather of some 20 years before the Soviet Russian scourge began to spread again.

Today, the United States is itself seriously threatened by this barbaric peril, which, as in past centuries, poses as the wave of the future, as the Third Rome of mankind, as the Slav center of culture, power, and might. Worst of all, in our confusion, generated in the greatest degree by the unsurpassed propaganda skill of the enemy, we aren't even aware of the tremendous opportunities we have to defeat this menace in the cold war and thus stave off an otherwise inevitable hot global war. The prime and chief forces of patriotic nationalism in central Europe, in the Soviet Union itself, in central Asia and east Asia are our paramount ally. As the facts of 1961 show, Moscow has had to kill off representatives of these forces.[9] We haven't even begun to tap the enormous potential of non-Russian nationalism within the Soviet Union. The insecurity of Moscow's imperialist and colonial domination over the captive non-Russian nations from the Danube to the Pacific would be permanently sealed and intensified once we seriously begin to direct the words of the President to the peoples of these over 20 captive nations: "Fellow citizens of the world, ask not what America will do for you, but what together we can do for the freedom of man."

THE IDEAS OF CAPTIVE NATIONS WEEK

This necessary togetherness for freedom is best expressed in the Captive Nations Week Resolution. This observance gives a crystallized expression to the necessity for working together for freedom, especially in the one area of the world that thirsts for it. Above everything else Khrushchev craves to have his captive world undisturbed and neglected by the free world. This is much of his motive behind his effort toward negotiations. But it should be obvious that we must never allow him to consolidate his farflung empire. We must never forget that his growing insecurity about the captive nations is our great weapon in the cold war, not to speak of a hot one. Nor must we ever forget that the field of the cold war is also eastern Europe and Asia, not only between imperialist Moscow and the free world but also between the captive peoples and the colonial puppets imposed on them.

Captive Nations Week, as its powerful observances demonstrated in 1961, means all this and more. And an understanding of the ideas of Captive Nations Week must be transmitted to all Americans. What Public Law 86–90 calls for is, in essence, a universalized Declaration of Independence. It is based on the knowledge that the captive peoples of central and southern Europe—the Poles, Hungarians, Slovaks, Czechs, East Germans, Rumanians, Bulgarians, Serbs, Croats, Slovenes, Montenegrins, Macedonians and Albanians—have a common bond for freedom with the captive peoples in the Soviet Union and Asia. For the first time our Government recognized the fundamental fact that the Soviet Union itself is an empire, in which the majority of people constitute captive non-Russian nations.

Most of us recall how in 1959 the self-confident, blustering and cocky Khrushchev reacted violently against the resolution. At every turn he harried Vice President Nixon with the question: "Are these captives?" Isn't it strange that this colonial and imperialist ruler of a vast empire, forever boasting about his missiles, sputniks, aircraft, steel—and even donning an ill-fitting military uniform to press his points—should be alarmed and explosive over a mere congressional resolution. Ask yourselves what, except for the U–2 incident, has stirred Khrushchev more to this explosive point of fear and anxiety than the ideas contained in the resolution? The fact is that we have focused the spotlight of imperialism and colonialism on the only important center where it today belongs—Moscow. Ambassador Stevenson underscored this in the U.N.

As in Poland, Hungary and elsewhere, there is a serious colonial problem within the Soviet Union. To this day Khrushchev is concerned about this when he attacks "Those who say the Soviet Union's Asian Republics are colonies."[10] And if this is emphasized more and more in the forum of world opinion and attention, the proper characterization of Russian Moscow as the last major colonial and imperialist power in the world would be devastating to its propaganda and cold war efforts. Khrushchev well understands this and rants endlessly. However, many in this country remain puzzled and bewildered by all this. We muffed our opportunities on this score before and do so now.

The hour of decision is rapidly approaching. An increasing number of Americans are convinced that only a policy of emancipation and liberation of Khrushchev's captives is the decision for freedom-loving men. Many have come to hold that a policy of liberation is inescapable for victory in the cold war. And the horrors of a nuclear war only reinforce this position. Our opportunity will come once we realize a number of basic truths. The first is that the issues of colonialism and imperialism in Moscow's empire are prime targets for our national concern and effort.[11] Second is the fact that the Soviet Union, which poses as an equal to the United States, is an empire in itself, holding in bondage the captive nations of Latvia, Lithuania, Estonia, White Ruthenia, Ukraine, Georgia, Armenia, Azerbaijan, Turkestan, Cossackia, North Caucasia and Idel-Urel. Incessantly the peoples of these captive nations are being attacked by Moscow for "bourgeois nationalism."[12] It should also be recognized that the only types of warfare that Moscow can wage with success are propaganda and guerrilla warfare. The fourth truth is that the cold war will be as permanent as the colonial imperium maintained by Moscow from the Danube to the Pacific. And, lastly, the universalization of our Declaration of Independence is the most formidable weapon in this type of war. Initiative, positive action, imaginative ideas can be ours with these fixed and new dimensions of thought.

Although it is said that "the fool's treasure is in his tongue," Khrushchev has never uttered a more complete truth when he said in the summer of 1961 that his tongue is his chief weapon. The typical Russian potemkin village tactics practiced by him, whether in economic, military, space, cultural, or other fields, should frighten no one. In each of these areas a persistent, continuous, and popular concentration and study by us would easily reveal the breadth and depth of the Russian con game. For instance, the economic boasts of Khrushchev could be easily exploded by revelations of the rampant economic imperialism and colonialism within the U.S.S.R. itself, a matter that appears to frighten him most.

ADDITIONAL 1961 EXPRESSIONS OF THE IDEOLOGY

In Congress, in the public forum, in periodicals and books these and additional ideas were consistently advanced and disseminated through the year. It is often said by some that the American people haven't the will to prepare for and do the tasks that these ideas imply. We don't believe this. The Captive Nations Week observances alone demonstrate in themselves a restless will in many sections of our country, seeking the translation of these ideas and convictions into concrete, imaginative and fearless action. Our best defense in the cold war is the offense. There are many things that are required for the successful development of a cold war strategy.

For example, considerable emphasis was placed in 1961 on the necessity of a firm stand without any compromise on West Berlin. The issue of West Berlin is part of the issue of a free reunited Germany, and this is an integral part of the general issue of the captive nations. Initiative in expressing our rights in East Berlin was underscored. Heavy stress was also placed on a determined opposition to the admission of Red China to the United Nations. Mainland China is the largest of all captive nations. Its hope of eventual freedom is in Taiwan. There is nothing inevitable about Peiping being in the U.N. Here, too, no compromise; here, too, no illusions about any mutual suicide pact between Peiping and Moscow.

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[9] Reports on Moscow-instigated assassinations: "Former Soviet Spy Confesses Two Assassinations in Munich," Daily Mail, London, Nov. 18, 1961; "Bonn Holding Russian in Munich Murders," New York Post, Nov. 20, 1961.

[10] Ensz, Reinhold G., "K Suggests To Boost Cotton Crop," Associated Press, Moscow, Nov. 19, 1961.

[11] "Captive Nations—Moscow's Achilles' Heel," the Manion Forum, No. 372, Nov. 12, 1961.

[12] E.g., "Latvians Accused," Reuters, Moscow, Nov. 21, 1961.

Essential to the development of the ideology is the passage of H. Res. 211 and similar resolutions proposing the creation of a Special House Committee on Captive Nations. The necessity for such a committee has been ably set forth in congressional discussion.[13] There is no agency in government or private life that continually and persistently studies and investigates all of the captive nations. We desperately need such a body. As was often shown in 1961, this also applies to the passage of the Freedom Academy Bill in Congress. We shall surely continue to lose the cold war unless we decide to develop a cold war strategy and apparatus. The Captive Nations Resolution is the basis for such a strategy; the establishment of a Freedom Academy is an essential of the apparatus.

Months before Castro made his public confession, proper attention was given to Cuba as a captive nation.[14] This attention was focused on the activation of the Kersten Amendment to the Mutual Security Act with reference to Cuba. What we failed to do 10 years ago with regard to the European captive nations, we must do now with regard to Cuba. The fact of a new captive nation existing at our doorstep should awaken us to the need of forming units of Free Cuba, prepared for guerrilla warfare and the process of liberating Cuba. Related to this on the basis of the ideology is the expansion and improvement of the Voice of America broadcasts to the non-Russian nations in the U.S.S.R. It is strange, indeed, that the enemy in effect determines the shifts in Voice of America frequencies as, for example, in Africa and Latin America, while we virtually leave his vulnerable areas untouched, e.g., Turkestan and the Caucasus. There are over 30 million Moslems in the U.S.S.R. who deserve our closest attention and whose significance for the entire Islamic world is immense.

Captive Nations action in 1961 was also directed at the restoration and extension of the Champion of Liberty Stamp series. The goodwill impact of these stamps has been well demonstrated. The decision of our postal authorities to downgrade the series is mystifying and even irrational, especially when many fighters of freedom among the captive nations should be appropriately honored. This action aimed also at the creation of an executive agency on the self-determination of the Captive Nations. Such an agency would steadily focus world attention on the captive nations of Europe and Asia and, by deed, attest to our policy of never acquiescing to their permanent captivity. By all evidence such an agency is more important than a disarmament agency.

These and other issues were forcefully expressed. There is no question but that in time most of them will be realized. They stand in the best interests of our Nation, for the survival of freedom, and for the avoidance of a cataclysmic hot global war. Colonial Moscow knows best from decades of experience and evidence that it cannot trust its own armed forces. This was shown in World War I, World War II, and in Hungary. The momentous conflict of our day will not be resolved by military arms but, instead, by nonmilitary means, particularly in the field of propaganda. But we seek to propagate a diplomacy of truth, the dynamics of freedom, and the certainty of victory in the most essential area of the cold war—the area of Moscow's colonial empire. And the greatest contribution we could make to the independence and freedom of the 100 million Russian people is to work for the independence and freedom of all the captive non-Russian nations now under the heel of imperialist Moscow.

In 1962 and the years ahead the tone and character of the Captive Nations ideology will be cultivated in terms of a posture suggested decades ago. President Theodore Roosevelt was entirely right when he advised, "Speak softly and carry a big stick." But let us, for the sake of world freedom, speak—continuously, persistently, truthfully; and as he also said, "Fear God and take your own part"—for the freedom of the captive nations, for, in reality, our own freedom.

[From the Georgetown University Foreign Service Courier, February 1962]

There Are No Giants—A Conversation and Some Notes on a Conversation With Dr. Lev E. Dobriansky

(By Frank Gannon)

With his characteristic intensity and verve, Dr. Lev Dobriansky is, as chairman of the National Captive Nations Committee, attempting to create a public awareness of the facts of international life.

"People have been led to believe—and, since it's the most comfortable thing to do, have believed—that we face an impregnable and monolithic opponent in the Soviet Union. Nothing could be further from the truth. Make no mistake about its strength, but don't be fooled by the monolithic part. Marx himself described Russia as 'a prison-house of nations,' and that, in fact, is what the so-called Soviet Union is."

The present roll of nations subjected to Moscow domination is impressive indeed in its covering a multitude of peoples of extremely different and extremely non-Russian heritage and culture. Included are Turkestan (west central Asia); Ukraine, Moldavia, Byelorussia, Lithuania, Latvia, Estonia, Karelo-Finland, Georgia, and Azerbarjania (all in Eastern Europe). These numerous and largely unfamiliar countries include more racially different groups than in any other country except India. There are some 174 ethnic groups and nationalities. The second largest group, the Turko-Tartar, is utterly non-Russian. "These people are the descendants of a distinct heritage, from the 13th century, and Ghengis Khan and Tamerlane. Then there are the non-Russian Japhetic groups of the Caucasus regions, and the Finno-Ugiran groups of Eastern Europe. Then you must consider the Jewish group, Iranians, Germans, Mongolians, Greeks, Bulgarians, Koreans, Gypsies, Kurds, Chinese, Czechs, Arabs, Assyrians, and even the Chuckchi, people of Siberia who are thought to be related to the Eskimo and the American Indian." Concluding the list, Dr. Dobriansky pointed out that some 200 dialects are spoken within these countries. "And that list doesn't include the puppet regimes like Germany, Hungary, Poland, North Vietnam, Red China, and so on."

NO UNION AT ALL

The Soviet Union is in fact an imposed organization which is at very best simply alien to most of its constituents. Many actively hate and work against it.

The uprisings in East Germany, Hungary, Poland, and Tibet are only the overt formulations of activities and hopes of many hundreds and thousands trapped behind the Iron Curtain. The empty faces staring across the wall can be endlessly multiplied and projected across the entire map of the Soviet Empire.

"And that is exactly what the Soviet Union is," Dr. Dobriansky explained, "an empire the likes of which have probably never been known. Unlike the empires of antiquity which depended upon sheer force for constant control, the Russians have been able to use all the modern weapons as well as the insidious psychological methods and the pol-war techniques as well as the gruesome niceties of diplomacy which have developed since the First World War."

The Soviet Empire is staggering in its extent and conception. It is dedicated to an absolutely untrue theory of history; through both treachery and stupidity (largely on the part of the United States), it has spread its pall over 30 percent of the globe, and today poses a far more serious threat to western civilization than Hitler's empire even at its height; a threat the more serious because (again treachery and stupidity) we refuse to recognize either that (a) it is a threat or, (b) it even exists. But the most appalling fact is that through sheer psychological manipulation and simple gall, the West has been convinced that it faces a monolith whose power is supreme and uncontestable, rather than a prison-house fraught with fear and suspicion and slowly but certainly becoming aware that the Marxist-Leninist vision is in fact illusion. In Poland today, the joke is told (albeit furtively) about the powerful ruler who, once upon a time, ordered his portrait painted. This ruler had no right eye and no right arm. The first painter painted the ruler as he was, without an arm and an eye. He was hanged for bourgeois formalism. A second artist painted the portrait with both arms and eyes; he was shot for bourgeois idealism. A third painted the ruler facing toward the right, with only the good arm and eye showing; he was given the state prize for Socialist realism.

Socialist realism is being painted everywhere in terms of squalor and deprivation, of fanatical capital formation and military development rather than rising or even improving consumer standards.

"We just don't seem to be conscious, much less awake," Dr. Dobriansky lamented. "The number of opportunities to exploit the many chinks in the Iron Curtain that we have let pass is vast. We continue to accept all of Moscow's dictates, and passively continue to play the cold war game as the Kremlin calls it. Laos, Cuba, Tibet, Indochina, the Congo—their great importance to Khrushchev is not that they serve as forward posts of the Communist conspiracy, but rather that they serve the much greater purpose of diverting our attention from the area that is most important as well as most vulnerable to Khrushchev—the non-Russian nations in the U.S.S.R. Why do you think that Khrushchev was so furious when Congress at last passed the captive nations resolution in July 1959? Why was it that as recently as the 22d Party Congress, last October, that Khrushchev ranted and raved about the efforts of the United States to exploit the non-Russian captives?"

CAPTIVE NATIONS RESOLUTION

The story of the captive nations resolution is, like most congressional stories, a long and involved one. Beginning in August 1959 under the sponsorship of Congressman Cretella, of Connecticut, one might say that its first climax came with Khrushchev's violent reaction as registered by the then Vice President Nixon on his famous Moscow visit. Since its passing, a continuous stream of propaganda articles, speeches, and denunciations—many of the latter at the United Nations—has broken forth from Khrushchev and his puppets. As late as this past summer, President Kennedy was severely denounced for proclaiming Captive Nations Week. This kind of action really puts Khrushchev on the defensive, and this is, truth be told, a position with which he is generally unfamiliar. It demonstrates irrefutably that we do not accept the Moscow geography which divides the world into two zones: theirs, the peace zone in which no interference is to be allowed, and ours, the war zone in which anything goes.

Our record has been far from admirable. The abortive Hungarian revolution marked a very definite psychological turning point in East-West relations. After sanctimonious exhortations to captive peoples to make themselves free, we sat back on our hands while brutal Soviet intervention, in what is ostensibly an independent country, put down the revolt. We didn't even threaten with the possibility of support. As the then Senator John F. Kennedy put it, "We did not warn that intervention in Hungary might threaten world peace * * *. We did not even try to make the Soviets feel we might resist their intervention to do as much for Hungary as Russia was doing for Egypt by bluffing the Western powers away from the Suez Canal." This policy of inaction and indecision carries right up to April 18 and the debacle at the Bay of Pigs.

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[13] E.g., "U.S. Government Policy and a Special Committee on Captive Nations," the Congressional Record, vol. 107, pt. 11, pp. 14610–14620.

[14] Dec. 2, 1961, speech: "I am a Marxist-Leninist and will be one until the day I die."

"Our blindness, our utter bumbling stupidity, our inability to perceive even the forest or the trees, may be ascribed to faulty knowledge, basic misconceptions, outright policy contradictions, and, consequently, a heavy dose of specious reasoning. Let me consider each of these briefly.

"To simply demonstrate the problem of faulty knowledge, let me quote to you from a State Department research newsletter on the Soviet Union called "Soviet Affairs Notes." The notes are done by research staffs to keep Department officials up to date while at the same time sparing them from reading the copious pertinent materials. Issue 158, on the first page, informs the reader that:

"The term 'Ukraine' is itself a modern political rather than a historical term. It was invented in the 19th century by nationalists seeking to detach the southwestern borderlands of Russia from the Tsarist empire.

"Now need I say that many volumes have been written by German, English, French, and other writers of the 16th, 17th, and 18th centuries, using the term 'Ukraine.' The term of reference may be traced back to the 12th century. But for our State Department experts, it is a 19th century invention. You can draw your own conclusions from this.

"Basic misconceptions are rampant, but I can begin at the top by quoting a letter written last summer from the Secretary of State to Mr. SMITH, chairman of the House Rules Committee. The letter expressed the hope that the House would not set up a special captive nations committee at this time, because it might upset Moscow and this would be particularly inadvisable given the Berlin crisis. Also, the Secretary of State wrote, private and governmental sources have long been reviewing this subject. Now I repeat the challenge to Mr. Rusk that I first made over the air on the Manion Forum: I challenge Mr. Rusk to produce any comprehensive study on, for example, Russian economic colonialism within the Soviet Union. To quote Mr. Rusk's letter:

" 'The U.S. Government's position is weakened by any action which confuses the rights of formerly independent peoples or nations with the status of areas, such as the Ukraine, Armenia, or Georgia, which are traditional parts of the Soviet Union. Reference to these latter areas places the U.S. Government in the undesirable position of seeming to advocate the dismemberment of a historical state.'

"The statement should be thoughtfully read—it will be a classic on how to lose the cold war. The poor state of knowledge, interpretation and vision reflected by it is well nigh appalling at this perilous juncture of our history. Each of the countries mentioned was independent in the post-World War I period, was recognized by Soviet Russia and numerous other countries, and has fought valiantly to this day to regain its independence. But the Secretary says, in effect, so what, they are traditional parts of the Soviet Union.

"The Soviet Union has scarcely been in existence for 40 years, but Mr. Rusk deems this traditional enough to seal the fate of the first victims of Soviet Russian imperialism. If he tries to wiggle out of this by interpreting the Soviet Union as a successor of the 'historical state' of the Tsarist Russian Empire, he is even worse off. Armenia was not a traditional part of this historical state and since when has our State Department become the sanctifier of the Russian Empire, whether white or red?

"The President has declared that we support 'the just aspirations of all people for national independence and freedom.' The Congress did the same in the captive nations resolution, which lists, among others, Armenia, Georgia, and Ukraine. Khrushchev, deeply stung by these declarations, grows hoarse telling these captives that they are 'independent.' But some in the State Department obtusely brush all this aside and, in effect, say—don't bother about them, don't even study their plight, for they are 'traditional parts' of the Russian Empire. Can you imagine what would have been the course of our history if the revolutionaries of 1776 had swallowed similar talk about traditional parts of the British Empire—not for 40 years, not for a century, but for almost two centuries?"

CALLS FOR INTERVENTION

"As far as basic policy contradictions are concerned, simply compare Kennedy's interview with Khrushchev's son-in-law for Izvestia and Stevenson's great statement on colonialism at the U.N.—both made in the same week, both utterly opposed; which is right? Which do we mean? Or more important, which will we stand by, the Bridge of Andau or the Bay of Pigs?"

All the above and more, Dr. Dobriansky feels merit, nay, demand, a full-scale congressional investigation into State Department policy regarding the Soviet Union.

WHAT TO DO

Our course of action must be reset, and by clever, careful, and coordinated moves, much can be gained. We have tools at our disposal, like the U.N., and diplomatic recognition, which we have yet to even begin to use.

Much will be done about the captive nations committee in Congress next session. Postponed because of the quoted Rusk letter, Congressman MADDEN, of Indiana, has demanded that a representative of the State Department appear before the Rules Committee, but only a letter was sent.

"The original captive nations resolution was introduced by Congressman DANIEL J. FLOOD, of Pennsylvania, and to date there are about 39 similar resolutions. The Republican Congressional Policy Committee is on record as favoring such a committee. Letters to members of the Rules Committee, individual Congressmen, and copies of these letters to Congressman FLOOD are most vital. As a matter of fact I heartly suggest that the reader put this article down now and write his or her Congressman about the captive nations committee. Such a committee will perform invaluable informational work—keeping our people informed—and also serve to focus worldwide attention on the writhing millions yearning to be free under the yoke of Moscow's colonial empire. The committee would produce recommendations of the greatest value to our national interest."

AFTERTHOUGHT: THERE ARE NO GIANTS

In the Fourth Book of Moses, the 12 spies sent out to investigate the promised land report that it is truly a land of milk and honey, but that it is peopled by "giants, sons of giants" and that "we felt like mere grasshoppers beside them, and must so we have seemed to them." "Disbelieving Moses when he insisted that there are no giants, the people were sent wandering in the desert for 40 years before being again permitted to view Canaan.

In the 40-odd years since the Bolshevik revolution, we have been wandering aimlessly about in a desert of "faulty knowledge and basic misconceptions, outright policy contradictions, and, consequently, a heavy dose of specious reasoning." These, together and separately, account for the grave losses in initiative and lost opportunities for the expansion of freedom which seem to have been the hallmark of our policy for the last four decades.

But the Kremlin is not peopled with "giants, sons of giants," but rather with men—and highly fallible and even scared men at that. We must remember that Khrushchev told an East German Communist Party delegation a few years ago:

"If anyone believes that our smiles involve abandonment of the teaching of Marx, Engles, and Lenin, he deceives himself poorly. Those who wait for that must wait until a shrimp learns to whistle."

And we must use that knowledge and all the problems vis-a-vis the non-Russian captives inhering in it to make Mr. Khrushchev sweat. Nothing less than the fate of Western civilization rests upon our shoulders.

And we had better start soon, for time is wasting.

PENNSYLVANIA NATIONAL GUARD

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. SAYLOR] is recognized for 15 minutes.

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, the people of Pennsylvania, and in particular, those who reside within the 22d Congressional District, were shocked to learn that the Defense Department has proposed a drastic reduction of National Guard units.

The effect has been felt in many homes in my area because one of the specific units marked for elimination is the entire 876th Engineer Battalion of the Pennsylvania National Guard located at Johnstown, Indiana, Ford City, and Ridgway. This highly trained unit has had an outstanding record from a State whose National Guard has always maintained an excellent rating.

A brief history of the 876th Battalion discloses these highlights:

The Army National Guard of Pennsylvania was first introduced in the Johnstown area with the organization of the 1902d Engineer Battalion in April 1949 under the command of Lt. Col. Joseph E. Lindsay. The guard unit was housed initially at the Oakhurst School in Morrellville, where it trained and increased its strength to over 150 men. The construction of a new $240,000 armory was started in the spring of 1950 at the Johnstown Cambria County Airport. On October 1, 1950, the organization was called to active duty, during the buildup of the armed services for the Korean war. The battalion departed for Fort Leonard Wood, Mo., with a strength of approximately 250 officers and men from the Johnstown, Pa., area; these were H and S and C Companies. At Fort Wood, two other companies of the battalion joined the two companies from Johnstown. The other two companies, part of the 1902d Engineer Battalion, were A Company from the Texas National Guard, stationed at Dallas, and B Company from the Ohio National Guard, stationed in Cincinnati, Ohio.

On May 29, 1951, upon the completion of basic training, the engineer battalion moved to Wolters Air Force Base, Tex., with a strength of approximately 900 officers and men. At Wolters a vigorous advance training program was conducted which included the construction of a complete runway on the home base; the construction of a troop living area at Donaldson Air Force Base, S.C.; a troop area at Alexandria Air Force Base, La.; and participation in the Longhorn maneuver, one of the largest military exercises ever conducted. Commendations were received for the speed and excellence of construction projects completed at Donaldson and Alexandria Air Force Base and the Longhorn maneuver headquarters at Fort Hood, Tex.

On September 30, 1952, the National Guard members were released from active duty and returned to their homes.

On December 1, 1952, the 876th Engineer Battalion was organized under the command of Lt. Col. Joseph E. Lindsay and moved into its new armory at the airport, with a strength of 73 officers and men. All of these officers and men were members of the former 1902d Engineer Battalion. To date this strength has been increased to over 700 men, the largest nondivisional battalion in the Pennsylvania National Guard. The battalion consists of five companies with battalion headquarters, Headquarters Company and Company A located in Johnstown, Company B in Ford City, Company C in Ridgway, and Company D in Indiana, Pa.

The 876th Engineer Battalion—construction—was originally activated as an engineer aviation battalion on November 15, 1942, at Camp Claiborne, La. Upon completion of intensified training, the battalion was assigned to the European theater of war in September 1943. There the organization proved itself under fire while participating in the campaigns of Normandy, northern France, Rhineland, and Central Europe. The 876th Engineer Battalion returned to the United States and was deactivated at Camp Miles Standish, Mass. The battalion was then alloted to the National Guard.

The 876th Engineer Battalion—construction—trains annually at Indiantown Gap Military Reservation. During these annual periods this battalion has constructed a taxiway, extended the existing runway by some 800 feet, constructed a recreational area, and engineer training site, various roads and parking areas. Combat training is also conducted in the defense of airfields in case of enemy attack. The battalion is one of the highest rated battalions in the Pennsylvania Army National Guard and the Nation.

Its strength report is as follows:

Strength report, Headquarters, 876th Engineer Battalion (Construction), Johnstown, Pa.

Unit	Location	Officers	Warrant officers	Enlisted
Headquarters and Headquarters Company.	Johnstown, Pa.	11	3	96
Company A	do	2	3	174
Company B	Ford City, Pa.	3	2	136
Company C	Ridgway, Pa.	4	2	153
Company D	Indiana, Pa.	3	2	107
Total		23	12	666
Aggregate			701	

The 876th unit was one of four separate engineer battalions to serve during the Korean conflict. Over 80 percent of its officers and enlisted men, as veterans of that war, are personally familiar with combat and guerrilla tactics. This type of training is considered so important that the Defense Department has just announced that a new training program of guerrilla warfare will have to be given to selected units of our Army. It seems strange that a National Guard unit already possessing this type of training and experience should suddenly be liquidated.

In addition to this background and training, the 876th Engineering Battalion has received an excellent rating in field training and in the annual armory inspections. It received the highest proficiency rating in the Pennsylvania National Guard for field training in 1961 by the 2d Army inspection teams.

Adj. Gen. Malcolm Hay, of Pennsylvania, stated in an interview Friday:

> I am particularly upset about the possible loss of the engineer battalion headquartered in Johnstown. It's a finely trained unit with the right kind of equipment, and the men who know how to use it.

He stated further that he would urge Gov. David Lawrence, upon his return from a world tour this week, to join in the opposition to the elimination of this outstanding National Guard unit.

I call upon all Members of the Pennsylvania congressional delegation to join me in a protest against the elimination of this outstanding military unit—the 876th Engineer Battalion of the Pennsylvania National Guard. I have pledged to the Adjutant General every available assistance I can render in setting up an effective plan of action. I have also requested to be heard before the House Armed Services Subcommittee, which is making a study on Reserve posture, and intend to protest vigorously the action of the Defense Department in this instance.

This is a serious flaunting of professional military judgment, and of demonstrated military requirements, by the civilian secretariat of the Defense Department, and, in my opinion, this constitutes an ex posto facto impediment to the life plan of many of our families who committed themselves to military obligations.

Under unanimous consent, I include letters and telegrams sent to me by the individual members of the various units of the 876th Engineer Battalion:

JOHNSTOWN, PA., *April 28, 1962.*

Representative JOHN P. SAYLOR,
Washington, D.C.:

It has been proposed by the Department of Defense to eliminate the 876th Engineer Battalion located in Johnstown, Cambria County, Pa. Over 80 percent of the officers and noncommissioned officers served in World War II and/or the Korean war. All of its enlisted men are highly qualified in their military occupational specialty. The strength of this battalion is 701 officers and enlisted men. All of their valuable training and experience will be lost to the country if this battalion is included in any reduction proposed by the Department of Defense.

This type military organization is best equipped for service in case of natural disasters. This has been proved in several instances when this battalion was called upon to render assistance during the winters of 1958 and 1960. During the Stroudsburg flood of 1955, elements of this unit, with equipment, were on duty there for a period of 7 days.

We ask your immediate action to oppose this proposed reduction in this depressed area.

SEVEN HUNDRED AND ONE OFFICERS AND MEN, 876TH ENGINEER BATTALION, CONSTRUCTION, JOHNSTOWN, PA.

INDIANA, PA., *April 29, 1962.*

Representative JOHN P. SAYLOR,
Washington, D.C.:

I would like to request your support and influence against the recently announced action by the Department of Defense to eliminate units of the Pennsylvania National Guard, including units of the 876th Engineering Battalion. There has been a National Guard unit located here at Indiana, Pa., since 1875, and in the past years the community has benefited from its existence in many ways. Since this area is considered a critically unemployed area it would mean the loss of over $29,000 annually to the members of this unit and the community. Without the availability of a National Guard unit at Indiana many young men would not have the opportunity to complete their military obligations in a reserve component. Thus this would result in the creation of many personal hardships to future members and those already assigned. The officers and enlisted men of this unit presently numbering 120 solicit your favorable support against the announced defense cuts to the National Guard.

DEAN L. LAMBING,
Commanding Officer, 876th Engineer Battalion, Indiana, Pa.

COMPANY B, 876TH ENGINEER BATTALION (CONSTRUCTION), PENNSYLVANIA ARMY NATIONAL GUARD,
Ford City, Pa., April 29, 1962.

Hon. JOHN P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR MR. SAYLOR: Now as in the past the National Guard has served a worthwhile as well as useful position in the community as well as the country. It would be a great disservice to all concerned if this unit in Ford City were to be disorganized.

There are many different aspects that we must look at. There is defense of the country which is everybody's business, there are boys who must serve their Reserve obligations, and taking of money out of a depressed area as we have here would be precarious indeed.

We feel as our elected Representative you have an obligation to us the voters as well as active members of the Pennsylvania Army National Guard. Anything that you might do to prevent such a catastrophe would be greatly appreciated.

Sincerely yours,

Jack I. Lenavitt,
First Lieutenant, CE PARNG.

Johnstown, Pa., *April 30, 1962.*
Congressman John P. Saylor,
Washington, D.C.:

Request every effort be extended to save 876th Engineering Battalion from being eliminated as proposed by the Army.

The 876th would be very valuable to the airport and the community in the event of enemy attack or national disaster.

Robert L. Burman,
Manager, Johnstown Cambria County Airport.

Johnstown, Pa., *May 2, 1962.*
Hon. John P. Saylor,
House of Representatives,
Washington, D.C.:

Please exert your influence toward the reconsideration of the abolition of the 876th Engineering Battalion. Headquarters, Pennsylvania National Guard now located in Johnstown. While we do not usually oppose a reduction in expenditures we are of the opinion that this unit should not be sacrificed, for it supplies in excess of one-quarter million dollars annually to our local economy. As you know, we have been depressed far enough without this additional burden. We believe other communities could better make the adjustment than we of the Greater Johnstown area. In addition the 876th has supplied this community with much needed volunteer help in reconstructing some of our unsightly areas as well as accepting many other community services. We hope you will give this matter your earnest consideration and support.

Howard M. Picking, Jr.,
President, Johnstown Savings Bank.

April 29, 1962.
Representative John P. Saylor,
House Office Building,
Washington, D.C.

Dear Sir: I am a member of Company B, 876th Engineer Battalion located in Indiana, Pa. I am violently opposed to the program that will disband any or all members of the above mentioned battalion. The Engineers are as important an outfit to the Army as the Infantry is. It would be a very foolish move to even attempt to eliminate the 876th. We are a highly trained organization and it would be an economic waste to even consider throwing the company out.

This is also a depressed area and many of the men depend upon the small paycheck we receive quarterly to help support their families.

I hope I have expressed my viewpoint on this issue quite clearly. Any help you can give us will be greatly appreciated.

Sincerely,

Darhl Say.

Indiana, Pa.

Indiana, Pa., *April 28, 1962.*
Hon. John P. Saylor,
House Office Building,
Washington, D.C.

Dear Sir: At this time I feel that the 876th Engineers, Company D, should stay in Indiana. I would find it a great hardship to have to drive to another town for our weekly meetings. The National Guard unit of Indiana is a great asset to our community and provides a source of security to its people. I am hoping that this will be of some help to hold our unit in Indiana, Pa., where it is needed.

Very truly yours,

Pvt. Frances F. Moreau,
NG23773587.

Indiana, Pa., *April 29, 1962.*
Hon. John P. Saylor,
Washington, D.C.

Dear Sir: I have been hearing that the 876th Engineers Battalion, Pennsylvania National Guard, is being considered one of the units to be done away with. I am a member of the unit and have an obligation to fulfill and it would be a disadvantage to me and my family if I had to go on active duty or in another location to train. This would also affect a lot of other people, not only myself. Our battalion is only one of a few like it in the United States and I am learning a lot about equipment that I would never know if it wasn't for the National Guard. If you would think this over and come up with the right decision. I believe the Government would be making a mistake if it abolished the 876th Engineers Battalion, Pennsylvania National Guard.

Respectfully yours,

Lewis H. Edwards, Jr.

Blairsville, Pa., *April 29, 1962.*
Hon. John P. Saylor,
Washington, D.C.

Dear Mr. Saylor: As a member of Company D, 876th Engineers, in Indiana, Pa., I feel that the unit should be kept in Indiana. The employment in this area is poor and the pay which the Guardsmen receive helps them and also helps other businesses in the area. Some $29,000 pass through the hands of this unit each year. I realize that you are very busy with other problems and are trying to do the best in your position and I feel that writing this letter is my part in helping you in your duties. Please send a reply to this letter.

Respectfully yours,

George McElhoes.

Representative John P. Saylor,
House Office Building,
Washington, D.C.

Dear Sir: Cutting back on Armed Forces is something. But doing away with the National Guard is another thing. I think this is one of our first lines of defense. I belong to the 876th Engineer Battalion Company D of Indiana, Pa.

I understand this unit is one to be done away with.

I served my country during the Second World War. I love my country and this is one way I have of showing it. I think that this is a grave mistake, and I hope you can help do something about it.

Sincerely,

Thomas M. Redinger.

Shelocta, Pa.

Representative John P. Saylor,
House Office Building,
Washington, D.C.

Dear Sir: This letter is concerning the 876th Engineer Battalion. If the 876th Engineer Battalion is aborted it will put a hardship on me and many others. And the 876th Engineer Battalion, Pennsylvania National Guard, is of great importance to so many in this area. So please think it over as the 876th Engineer Battalion means so much to so many people.

Sincerely,

John R. Gallagher.

R.F.D., Clarksburg, Pa.

April 28, 1962.
Hon. John P. Saylor,
House Office Building,
Washington, D.C.

Dear Sir: As a soldier and member of Company D, 876th Engineer Battalion, of Indiana, Pa., I am extremely interested in seeing that our unit is not disbanded. This would work a hardship in my case, if I had to attend drill in another city. Also, the money spent by the members of our unit in Indiana, is a great factor in our local economy.

Please do everything in your power to see that these various units of the Pennsylvania National Guard are not disbanded.

Thank you,

Donald Berkebile.

Indiana, Pa.

John P. Saylor,
House Office Building,
Washington, D.C.

Dear Sir: I am writing to you in regard to the dismissal of the 876th Engineer Battalion, Pennsylvania National Guard unit.

I have been in regular service for 3 years and have a 3-year obligation to fill with the Army in a Reserve unit and I feel by doing away with my unit it will be too much of a disadvantage to the safety and welfare of this community in the face of a war or a community disaster. We would have no one to give any kind of support at the most needed time.

For these reasons I am asking your help in keeping the 876th Engineer Battalion, Pennsylvania National Guard unit, an active unit.

Sincerely yours,

Howard Clevinger.

Indiana, Pa.

Homer City, Pa., *April 29, 1962.*
Representative John P. Saylor,
House Office Building,
Washington, D.C.

Dear Sir: I was sorry to hear that there is a possibility of the 876th Engineer Battalion, Pennsylvania National Guard, being disbanded. I am a member of Company D of this organization. This company is located in Indiana, Pa.

If this disbandment takes place, it will cause a great inconvenience to many members of the battalion. Besides, the area of Indiana County is a depressed region because of the fact that there are few industries and the unemployment rate is high. The disbandment of the 876th Engineer Battalion will only cause this area to be further depressed. I think an organization of this caliber should be continued for the benefit of the community as well as the men of the organization.

Thank you,

Arthur E. Gemmell.

Crookside, Pa., *April 29, 1962.*
Hon. John P. Saylor,
Washington, D.C.

Dear Mr. Saylor: I have just joined the 876 Engineering Company in Indiana, Pa., National Guard. I am truly disappointed in the news of banning the company from here and am personally objecting to the idea for many reasons. It will cause many hard feelings and inconveniences not only from me but from the whole company and anyone connected to it. Anything I can do to possibly object and help keep the unit here I am willing to go out of my way. I feel myself that it is unnecessary to do this to us.

Just think (not only of me) but the other boys in the 876 Company that have been putting in their time to serve their State and country and what it would mean to most all of us. If this unnecessary idea goes through think of the things that it will mean to our town of Indiana, our county, our State, as well.

Please do what I am willing to do and keep a good Company 876 active in Indiana. Really consider this matter before acting because it is really something important to us, Company D, 876.

Please do all you can in keeping us here in Indiana as 876.

Yours truly,

Harold L. Welch.

Hon. John P. Saylor,
Washington, D.C.

Dear Sir: I am in the 876th Construction Engineer Battalion, Company D, of Indiana, Pa.

I have been in the Regular Army for 2 years and in this 876th Construction Engineer Battalion, Company D, for 10 months. I still have a 14-month military obligation to my country. I am sure that this would be a hardship for me if this unit was to discontinue its training.

I will appreciate if you will look into this situation.

Thank you sir,

John H. Ditch,

Saltsburg, Pa.

Indiana, Pa.

Representative John P. Saylor,
House Office Building,
Washington, D.C.

Sir: It is my understanding that the Department of Defense has recommended a general cutback of the number of men in the National Guard and that the 876th Engineer Heavy Construction Battalion of the Pennsylvania National Guard is one of the units which would be eliminated in this move.

This would cause a real hardship to many people. The unit payroll is a lift to a depressed area. Also, many of its members are students with no other source of income.

The deactivation of this unit would cause the loss of the services of a large number of trained, prior-service men who received their training at Government expense. Many of these men have fine service records in World War II and Korea. These men have completed their military obligation and they would be totally lost and their training wasted.

For those who have not completed their 8 years, the elimination of the 876th Engineer Heavy Construction Battalion would cause a serious problem since it would become necessary for some of these men to drive as much as 50 miles to attend drills.

The fact that a great number of Pennsylvania National Guard units were placed on alert or called to active duty clearly demonstrates the value of this organization to national defense.

I am sure that you will give this matter your careful consideration.

Thank you,

William S. Carlson.

Representative John P. Saylor,
House Office Building,
Washington, D.C.

Dear Sir: I am a member of the 876th Engineer Battalion, Pennsylvania National Guard. We have received word that this unit may be done away with. This would be a great inconvenience. It would have a great effect on me financially. There would be a problem of transportation if I had to transfer to another unit. It would also have an effect on the area as a whole. It is already very hard hit by unemployment.

I was just recently married and my wife is expecting a child. I have just started working and this means I may have to move somewhere else closer to another unit. It would be very difficult to find another job.

I would appreciate it if something could be done to keep this unit intact.

Thank you.

Respectfully yours,

Terry Barnett.

Indiana, Pa.

Representative John P. Saylor,
House Office Building,
Washington, D.C.

Dear Sir: I am sorry to hear that they are considering dropping the 876th Engineering Battalion. It is hard enough for us working men to make a living but alone worry about failing our military obligation. This does not only affect me, but many around me. I hope that you and your staff can do something to help now, not only me but everyone else in this unit, will surely appreciate it.

Sincerely yours,

Dale Moorhead.

Indiana, Pa.

Representative John P. Saylor,
House Office Building,
Washington, D.C.

Dear Sir: I am writing this letter concerning the fact that the Defense Department plans to disband certain Reserve and National Guard units. One of these units is the 876th Engineer Batallion, Pennsylvania National Guard. And that is why I am writing this letter. For the simple reason that this concerns me.

Not only does it concern me but a lot of others like me. One reason it deeply concerns me is because I've just gotten a job after finishing a trade school. Should the disbanding of this unit actually occur it would work a hardship on me. Due to the fact that I would have no place to attend my meetings in order to fulfill my military obligation. The slightest recognition of this letter would be deeply appreciated.

Richard C. Blankenship.

Clarksburg, Pa.

April 29, 1962.

Hon. John P. Saylor,
Washington, D.C.

Dear Mr. Saylor: Upon hearing of the doing away with the 876th Engineer Battalion, I am concerned. If you abandon the 876th Engineer Battalion in Pennsylvania, I as well as others will have a great deal of difficulty fulfilling our military obligation. I live many miles from any other unit and with my job I can't afford that much time not mentioning the traveling expense involved.

I will do everything I can to keep this unit in existence, and I hope you can help also.

Yours truly,

Kenneth D. Beatty.

Clarksburg, Pa.

Mr. Speaker, I also insert in the Record an editorial from the Daily Leader Times, Kittanning, dated April 30, 1962:

Is Guard Dispensable?

There can be little joy for Armstrong Countians in the Defense Department proposal to cut back the National Guard.

The 876th Engineering Battalion, of which the unit headquartered at Ford City is a part, is among 19 Pennsylvania National Guard groups ticketed for the discard.

The blow is one to sentiment as well as to the economic well-being of this vicinity.

The time when there was not a National Guard company headquartered in the vicinity is beyond the memory of anyone now living.

Through two great conflicts, World War I and World War II, the nucleus of brave and distinguished fighting units emerged from the armory at Ford City. Although rarely called upon for peacetime duty, the unit was a ready and competent one for whatever duties befell it—in war or peace.

Equally vital to the community the guard unit served has been the steady flow of dollars that has funneled into the Kittanning-Ford City environs as pay of the citizen soldiers.

Although never an astonishing amount, the Federal and State money in an amount of more than $60,000 a year has been an important supplement to the income of guard members, and a constant pick-me-up to an area that often enough in the past has wanted for steady spendable income.

This country's citizen soldier heritage has been a proud one, standing the Nation in good stead in its every hour of peril. The Defense Department, in revealing details of its plan for President Kennedy's proposed National Guard cut, seems certain to run into influential opposition.

It could be that the United States can no longer afford the maintenance of National Guard units, for show, sentiment, or economic reasons.

But it could also be that even in an age of automated weaponry, the Nation can ill afford to throw away the esprit and know-how which, through weekly drill repetition, is built into the National Guard.

This is a plus that should not be lightly dismissed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. Granahan (at the request of Mr. Barrett) for Wednesday, May 2, 1962, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Saylor, for 15 minutes, today.

Mr. Curtin (at the request of Mr. Nelsen), for 10 minutes, on May 3.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

(The following Members (at the request of Mr. Nelsen) and to include extraneous matter:)

Mr. Clancy.

Mr. Fino.

Mr. Ellsworth.

(The following Members (at the request of Mr. Albert) and to include extraneous matter:)

Mr. Toll.

Mr. Dent in two instances.

Mr. Gilbert.

Mr. Shelley.

Mr. Roosevelt.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3008. An act for the relief of Hom Hong Hing, also known as Tommy Joe.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p.m.) the House adjourned until tomorrow, Thursday, May 3, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2021. A letter from the Administrator, Foreign Agricultural Service, U.S. Department of Agriculture, transmitting a report on title I, Public Law 480, agreements concluded during March 1962, pursuant to the provisions of Public Law 85–128; to the Committee on Agriculture.

2022. A letter from the Secretary of Defense, transmitting a proposed draft of legislation, entitled "A bill to amend the Career Compensation Act of 1949 with respect to the residency requirement of dependent parents and with respect to quarters allowances payable when both husband and wife are members of the uniformed services"; to the Committee on Armed Services.

2023. A letter from the Comptroller General of the United States, transmitting a report on a followup review of the Post Office Department's Money Order Center, Kansas City, Mo., with comments on action taken by the Department on recommendations included in prior report on review of the Money Order Center, which was submitted to the Congress on February 29, 1960, pursuant to authority contained in the Budget and Accounting Act, 1921 (31 U.S.C. 53), and Public Law 86–682, section 1 (39 U.S.C. 2206); to the Committee on Government Operations.

2024. A letter from the Assistant Secretary of the Interior, transmitting a proposed concession contract with Fred Harvey to continue to provide concession facilities and services in Petrified Forest National Monument, Ariz., for a term of 20 years expiring December 31, 1981, and conditioned upon certain stated improvements; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CELLER: Committee on the Judiciary. House Joint Resolution 688. Joint resolution providing for the designation of the week commencing October 14, 1962, as "National Public Works Week"; without amendment (Rept. No. 1647). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 11557. A bill providing that the Surgeon General of the United States shall establish a hospital at Ellis Island, N.Y., for the treatment of persons addicted to the use of habit-forming narcotic drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. COLMER:

H.R. 11558. A bill to promote the general welfare, foreign policy, and security of the United States; to the Committee on Ways and Means.

By Mr. DANIELS:

H.R. 11559. A bill to amend the act of August 30, 1890, to eliminate the provisions thereof authorizing Federal contributions for the maintenance of schools of higher education in which racial segregation is practiced; to the Committee on Education and Labor.

By Mr. HERLONG:

H.R. 11560. A bill to amend section 4216 of the Internal Revenue Code of 1954 with respect to the exclusion of certain local advertising charges from sales price for the purpose of computing manufacturers' excise taxes; to the Committee on Ways and Means.

By Mr. GEORGE P. MILLER:

H.R. 11561. A bill to amend the act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities; to the Committee on Science and Astronautics.

By Mr. PELLY:

H.R. 11562. A bill to make clear that fishermen's organizations, regardless of their technical legal status, have a voice in the ex-vessel sale of fish or other aquatic products on which the livelihood of their members depends; to the Committee on Merchant Marine and Fisheries.

By Mr. RIVERS of Alaska:

H.R. 11563. A bill to authorize the construction, operation, and maintenance of the Crater-Long Lakes division of the Snettisham project, Alaska, and for other purposes; to the Committee on Public Works.

By Mr. ROGERS of Colorado:

H.R. 11564. A bill to promote the general welfare, foreign policy, and security of the United States; to the Committee on Ways and Means.

By Mr. ROOSEVELT:

H.R. 11565. A bill to authorize the Administrator of the Housing and Home Finance Agency to assist States, counties, cities, political subdivisions of States, and public corporations established under State law in providing mass transportation services in those metropolitan areas which have planned and developed a mass transportation system; to the Committee on Banking and Currency.

By Mr. ST. GERMAIN:

H.R. 11566. A bill to promote the health and safety of the people of the District of Columbia and to protect the welfare of their issue by requiring a physical examination and certain tests before the issuance of a marriage license, and for other purposes; to the Committee on the District of Columbia.

By Mr. VINSON:

H.R. 11567. A bill to amend sections 510 and 591 of title 10, United States Code; to the Committee on Armed Services.

By Mr. DAGUE:

H.R. 11568. A bill to amend the Civil Service Retirement Act to provide for the adjustment of inequities and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FORRESTER:

H.R. 11569. A bill to repeal section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. LANE:

H.R. 11570. A bill to reunite families in the United States by granting nonquota status to certain aliens entitled to a preference under the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 11571. A bill to amend the Immigration and Nationality Act to provide that the unused annual quota of any quota area shall be available for use in quota areas where the annual quota is oversubscribed so as to permit the entry of brothers, sisters, married sons, and married daughters of citizens of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. WALTER:

H.R. 11572. A bill to amend the Tariff Act of 1930 to protect the interests of consumers and the public and for other purposes; to the Committee on Ways and Means.

By Mr. ZELENKO (by request):

H.R. 11573. A bill to make clear that fishermen's organizations, regardless of their technical legal status, have a voice in the ex-vessel sale of fish or other aquatic products on which the livelihood of their members depends; to the Committee on Merchant Marine and Fisheries.

By Mr. O'HARA of Illinois:

H.R. 11574. A bill to amend the law relating to pay for postal employees; to the Committee on Post Office and Civil Service.

By Mr. ZELENKO:

H.R. 11575. A bill to amend the Civil Service Retirement Act to provide for the adjustment of inequities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KEARNS:

H.R. 11576. A bill to protect postal patrons from obnoxious mail matter; to the Committee on Post Office and Civil Service.

By Mr. RHODES of Pennsylvania:

H.R. 11577. A bill to amend the Civil Service Retirement Act so as to provide for increases in annuities, eliminate the option with respect to certain survivor annuities, and provide for interchange of credits between the civil service retirement system and the insurance system established by title II of the Social Security Act; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Hawaii, memorializing the President and the Congress of the United States relative to extending congratulations and thanking the President of the United States for his prompt and effective action in holding the line on steel prices; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of Hawaii, memorializing the President and the Congress of the United States relative to requesting the Congress of the United States to amend the Agricultural Adjustment Act of 1938, as amended, to include coffee under the parity payment program; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LANE:

H.R. 11578. A bill for the relief of Don C. Jensen and Bruce E. Woolner; to the Committee on the Judiciary.

By Mr. MOELLER:

H.R. 11579. A bill to authorize the Secretary of the Interior to convey certain lands in the State of Maryland to the Holy Cross Lutheran Church, Greenbelt, Md., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. O'BRIEN of Illinois:

H.R. 11580. A bill for the relief of Antoinette Tremblay; to the Committee on the Judiciary.

SENATE

Wednesday, May 2, 1962

The Senate met at 12 o'clock meridian, and was called to order by Hon. J. J. Hickey, a Senator from the State of Wyoming.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, Father of all, who art above all and through all and in all, without whom life has no spiritual source or destiny, but with whom there is power for the present and hope for the future, we seek Thee as our fathers before us have sought Thee in every generation.

When the problems which front us seem insoluble, when the very principles for which brave men have died are betrayed, when the seamless robe of world unity is rent in twain, when even the shining river of our fairest dreams seems to sink into the sands of futility, still may we labor on, serene and confident, knowing that while the weeping of hopes deferred may endure for a night, the joy of Thy sure victory cometh in the morning. In the Redeemer's name we ask it. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., May 2, 1962.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. J. J. Hickey, a Senator from the State of Wyoming, to perform the duties of the Chair during my absence.

Carl Hayden,
President pro tempore.

Mr. HICKEY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, May 1, 1962, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Louis C. LaCour, of Louisiana, to be U.S. attorney for the eastern district of Louisiana, which was referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 1595) to amend the Natural Gas Act to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 5456. An act to provide for the conveyance of certain real property of the United States to the former owners thereof; and

H.R. 11413. An act to amend the Agricultural Act of 1961 to permit the planting of additional nonsurplus crops on diverted acreage.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 3008) for the relief of Hom Hong Hing, also known as Tommy Joe, and it was signed by the Acting President pro tempore.

HOUSE BILL REFERRED

The bill (H.R. 5456) to provide for the conveyance of certain real property of the United States to the former owners thereof, was read twice by its title and referred to the Committee on Agriculture and Forestry.

ORDER FOR ADJOURNMENT UNTIL NOON, TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its session today, it adjourn until 12 o'clock noon tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. Mansfield, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROHIBITION OF COMMITTEE MEETINGS DURING SENATE SESSIONS

Mr. DIRKSEN. Mr. President, I wish to take only a minute to remind the Senate that there has been objection to committees meeting when the Senate is in session. I understand that notwithstanding the objection some of the committees have been meeting, and I wish to have it noted for the Record that I have objected to the meetings of committees while the Senate is considering the pending business, and it would be a violation of the rule if the committees were to meet.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Agreements Under Agricultural Trade Development and Assistance Act of 1954

A letter from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a report on title I agreements under the Agricultural Trade Development and Assistance Act of 1954 (with an accompanying report); to the Committee on Agriculture and Forestry.

Audit Report on Hydroelectric Power and Related Activities, Missouri River Basin Project

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on hydroelectric power and related activities, Missouri River Basin project, Corps of Engineers (Civil Functions), Department of the Army, and Bureau of Reclamation, Department of the Interior, fiscal years 1959 and 1960 (with an accompanying report); to the Committee on Government Operations.

Proposed Concession Contract in Petrified Forest National Monument, Arizona

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract in the Petrified Forest National Monument, Arizona (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Agriculture and Forestry:

"Whereas the Congress of the United States has passed numerous legislative measures assisting farmers in the production of specific agricultural commodities; and

"Whereas such assistance and support through programs authorized by the Agricultural Adjustment Act of 1938, as amended, is necessary to encourage the growing of coffee in the State of Hawaii: Now, therefore, be it

"*Resolved by the House of Representatives of the First Legislature of the State of Hawaii, regular session of 1962 (the Senate concurring).* That the Congress of the United States is hereby respectfully requested to enact legislation to include coffee among the basic agricultural commodities assisted and supported by programs under the Agricultural Adjustment Act of 1938, as amended, and to authorize parity payments to coffee growers in the State of Hawaii; and be it further

"*Resolved,* That certified copies of this concurrent resolution shall be sent to the

President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of Agriculture and to Senator Oren E. Long, Senator Hiram L. Fong, and Congressman Daniel K. Inouye."

A resolution of the House of Representatives of the State of Hawaii; ordered to lie on the table:

"Whereas an increase in the basic price of steel is soon reflected in subsequent increases in the prices of many consumer goods such as automobiles, refrigerators, and certain building materials; and

"Whereas such increases would further burden the economy and people of Hawaii and retard the development of the 50th State; and

"Whereas President Kennedy, by speedy and forceful action, has forestalled an unnecessary increase in basic steel prices, to the benefit of the people of the Nation and of Hawaii: Now, therefore, be it

"*Resolved by the House of Representatives of the First Legislature of the State of Hawaii, budget session of 1962*, That the President of the United States be congratulated and thanked for his prompt and effective action in holding the line on steel prices; and be it further

"*Resolved*, That a duly certified copy of this resolution be forwarded to the President of the United States, to the President of the Senate, and to the Speaker of the House of Representatives of the Congress of the United States."

A resolution adopted by the City Council of the Town of Los Altos Hills, Calif., remonstrating against the imposition of a Federal income tax on income derived from public bonds; to the Committee on Finance.

A resolution adopted by Four Flags Barracks No. 1093, Veterans of World War I of the U.S.A., Inc., of Niles, Mich., favoring the discharge of the House Committee on Veterans' Affairs from further consideration of the bill (H.R. 3745) to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Finance.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. DWORSHAK, from the Committee on Interior and Insular Affairs, with amendments:

S. 1485. A bill to authorize the Secretary of the Interior to sell certain public lands in Idaho (Rept. No. 1381).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ELLENDER (by request):

S. 3235. A bill to facilitate the work of the Forest Service, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. PROUTY:

S. 3236. A bill to assist in the reduction of unemployment through the acceleration of public works programs of the Federal Government and State and local public bodies; to the Committee on Public Works.

(See the remarks of Mr. Prouty when he introduced the above bill, which appear under a separate heading.)

By Mr. KEFAUVER (by request):

S.J. Res. 182. Joint resolution extending the duration of copyright protection in certain cases; to the Committee on the Judiciary.

HEALTH CARE INSURANCE FOR CERTAIN RETIRED INDIVIDUALS—AMENDMENTS

Mr. JAVITS submitted amendments, intended to be proposed by him, to the bill (S. 2664) to provide a program of health care insurance for individuals aged 65 or over who are retired, which were referred to the Committee on Finance and ordered to be printed.

NUTRITIONAL ENRICHMENT AND SANITARY PACKAGING OF CERTAIN RICE—ADDITIONAL COSPONSOR OF BILL

Mr. ELLENDER. Mr. President, I ask unanimous consent that the name of the junior Senator from California [Mr. Engle] may be added as an additional cosponsor at the next printing of the bill (S. 3152) to provide for the nutritional enrichment and sanitary packaging of rice prior to its distribution under certain Federal programs, including the national school lunch program, which I introduced on April 11, 1962.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONVEYANCE OF CERTAIN LANDS IN SOUTH CAROLINA TO FORMER OWNERS—ADDITIONAL COSPONSOR OF BILL

Mr. MANSFIELD. Mr. President, on behalf of the Senator from South Carolina [Mr. Johnston], I ask unanimous consent that at the next printing of the bill (S. 3172) to provide for adjustments in the lands or interests therein acquired for the Hartwell Dam project, South Carolina and Georgia, by the reconveyance of certain lands or interests therein to the former owners thereof, the name of the junior Senator from Georgia [Mr. Talmadge] may be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Robert C. Zampano, of Connecticut, to be U.S. attorney, district of Connecticut.

Joseph T. Ploszaj, of Connecticut, to be U.S. marshal, district of Connecticut.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, May 9, 1962, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON S. 2813, IN REGARD TO WIRETAPPING LAW, AND S. 1495, A RELATED BILL

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for 10:30 a.m., Thursday, May 10, 1962, in room 2228, New Senate Office Building, on S. 2813, to prohibit wiretapping by persons other than duly authorized law enforcement officers engaged in the investigation or prevention of specified categories of criminal offenses, and S. 1495, a related bill.

NOTICE OF HEARING ON AMENDMENT IN THE NATURE OF A SUBSTITUTE TO S. 1396, TO AMEND THE ACT ENTITLED "AN ACT TO PROVIDE FOR THE REGISTRATION AND PROTECTION OF TRADEMARKS USED IN COMMERCE, TO CARRY OUT THE PROVISIONS OF CERTAIN INTERNATIONAL CONVENTIONS, AND FOR OTHER PURPOSES"

Mr. McCLELLAN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, May 16, 1962, at 10 a.m., in room 2228, New Senate Office Building, before the Subcommittee on Patents, Trademarks, and Copyrights, on an amendment in the nature of a substitute to S. 1396, to amend the act entitled "an act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes" approved July 5, 1946, as amended.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from South Carolina [Mr. Johnston], the Senator from Michigan [Mr. Hart], the Senator from Tennessee [Mr. Kefauver], the Senator from Wisconsin [Mr. Wiley], the Senator from Pennsylvania [Mr. Scott], and myself, as chairman.

CONSTITUTIONAL AMENDMENTS—NOTICE OF HEARINGS

Mr. KEFAUVER. Mr. President, on May 10, 1962, the Subcommittee on Constitutional Amendments will begin hearings on proposals to amend the Constitution to provide representation for the District of Columbia in the Congress. Senate Joint Resolution 85 and Senate Joint Resolution 181 are now pending in the subcommittee on this subject.

The subcommittee will meet at 10 a.m. in room 457 of the Old Senate Office Building.

Those who are interested in testifying should contact the offices of the subcommittee at extension 5581 or room 141 of the Old Senate Office Building.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. MUSKIE:

Statement relating to the expansion of leather and rubber footwear imports.

VISIT TO THE SENATE OF DISTINGUISHED VISITORS FROM THE FEDERAL REPUBLIC OF GERMANY

Mr. DIRKSEN. Mr. President, as a parliamentary body we are honored this morning to have present with us in the Chamber the very distinguished majority leader Dr. Heinrich von Brentano of the Bundestag of the Federal Republic of Germany and the onetime Foreign Minister of his country. We also are honored to have with us this morning the very distinguished Ambassador of the Federal Republic of Germany, to the United States, Ambassador Wilhelm G. Grewe. We also have Dr. Wolfgang Pohle with us, who was a member of the Bundestag.

I wonder if they will rise up and accept the plaudits of the Senate.

[The visitors rose and were greeted with applause.]

Mr. MANSFIELD. Mr. President, will the distinguished minority leader yield?

Mr. DIRKSEN. I yield to the distinguished majority leader.

Mr. MANSFIELD. I join my colleague in extending my best wishes and greetings to our distinguished guest. This is not the first time our distinguished visitor has visited us in this country, nor is it the first time he has honored us by appearing in this Chamber, but Dr. von Brentano is a man of illustrious background. He has served his country and the free world well, and we are delighted to welcome him, once again, and express the hope that his visit this time will prove to be fruitful and that he will visit us many times in the future. I also extend our welcome to Ambassador Grewe and to Dr. Pohle, who have accompanied Dr. von Brentano to the Chamber.

Mr. AIKEN. Mr. President I wish to add my word of welcome to our distinguished visitors from Germany, Dr. von Brentano, Ambassador Grewe, and Dr. Pohle, the latter of whom, incidentally, was on this floor 5 years ago as a visiting member from the Bundestag of West Germany.

We hope that the visit of our distinguished guests will be fruitful in cementing still further the already cordial relations which exist between our countries, and we hope that they may return and visit us in the near future.

Mr. FULBRIGHT. Mr. President, I join with my colleagues in welcoming our distinguished guests here today, I am sure the discussions which are going forward today between the representatives of the German people and their associates in the Common Market and our people are perhaps the most important development, certainly since World War II, for the future not only of our bilateral relations, but for all the people of the free world.

I cannot exaggerate the importance of these discussions, and from what I have learned this morning in our discussions, and from the attitude of our friends from Germany, I assure them we wish them well, and hope that all our plans succeed.

Mr. JAVITS. Mr. President, I have had the honor of being met and hospitably treated by Dr. von Brentano and the associates whom he has with him this morning, both in the Federal Republic of Germany at Bonn and in their Embassy in Washington. I join my colleagues in extending a warm welcome to Dr. von Brentano and his associates.

There is no more urgent problem in the world than the integration of Europe, and in that the German Federal Republic plays a key and vital role.

I join with the distinguished chairman of the Senate Foreign Relations Committee in recognizing these negotiations and developments as key conferences to the security of the free world, and as emphasizing the fact that the German Federal Republic thus far has shown a pan-European attitude, which is affirmatively reassuring to all of us who have assessed the results and record of World War II. Dr. von Brentano has been one of the leaders in that effort, strongly sustained by the German Ambassador, and under the fundamental policy guidance and direction of the leader of the German people, Dr. Adenauer. This represents a most significant development in our relations and is one of the most affirmative steps in the direction of solving the problems we have in the world.

Mr. DIRKSEN. Mr. President, I add to what I have said that, through understanding, I am sure the problems of the areas involved can be equitably solved; and I trust that as our visitors come back year after year I shall have the privilege of seeing them in the Senate.

THE ABUSE OF LITERACY

Mr. MANSFIELD. Mr. President, is morning business concluded?

The **ACTING PRESIDENT** pro tempore. Morning business is in order.

Mr. TALMADGE. Mr. President, there appeared in this morning's Wall Street Journal an outstanding editorial entitled "The Abuse of Literacy." This outstanding editorial concludes its excellently stated position with this statement:

> Passionate arguments about discrimination ought not to obscure the real question, which is whether a free society has the right to require that those who pass on public issues be, at the very least, not illiterate.
>
> For our own part, we think those who would deny society that right have not been very literate readers of the history of fallen democracies.

I ask unanimous consent that the editorial in its entirety appear at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Abuse of Literacy

Although you might never know it from listening to the impassioned oratory, the senatorial debates over the proposed literacy bill really involve two separate, and quite distinct, public questions. Indeed much of the passion of the debate is sparked by confusing the two.

There is first the question about the abuse of literacy tests in some of the many states which require them before they give a man the privilege of voting. It is said that in many localities these tests are merely subterfuges to disfranchise people because of the color of their skin or other irrelevant reasons.

The answer to this problem ought to be a simple one. Any requirement for voting—whether dealing with literacy, age or length of residence—must apply equally to all comers. If there are literacy tests the same questions should be put to every applicant and the same answers demanded. And the authorities ought to be vigilant to see that this is so.

The basic responsibility for this vigilance rests on the State governments, which by the Constitution are required to establish the voting requirements. But if they fail in a just administration of their laws, then it is difficult for any man to argue that the national authorities can stand aloof. If we need it, let us by all means have a Federal law—and Federal enforcement—to guarantee impartiality in this most basic privilege.

But here, as always, the abuse of a thing is not to be confused with the thing abused. The other and separate question is whether, as a matter of good public policy, we should ask that a man be able to read, and understand what he has read, before he is entitled to vote on public candidates and public issues. And if so, what those literacy requirements should be.

If there is any single cornerstone supporting a free society it is the existence of an informed public. We recognize this implicitly when we do not extend the voting privilege to children or when in local elections we ask that a man, however intelligent, live in the community a time before he passes judgment on local affairs.

We can also see, when we look around at the world, what happens when this cornerstone is absent. Achieving democracy among the emerging peoples, as in the Congo, is so terribly difficult precisely because the great mass of the people are illiterate or so poorly educated that they cannot understand what the issues are about. Even in some older nations, as in South America, the great obstacle to political stability and progress is the low educational level.

That is why the raising of the educational level has been a primary concern of this country since its foundation. It is the most powerful of all arguments for demanding high and equal educational opportunities for all our citizens. It is why in welcoming strangers to become citizens of our country we have wisely insisted that they demonstrate a literate understanding of the political principles of our society and of the language in which our affairs are conducted. It is why if anything we should raise, not lower, the requirements for voting.

Yet what is now proposed is the opposite. The proposed bill says that if a person attended as much as six grades in any elementary school, no literacy test could be required. And there are those who contend that the schooling need not even be in English.

The argument for all this is that literacy tests pose an obstacle for Puerto Ricans who speak only Spanish and for many Negroes whose schooling, through no fault of their own, has been inferior.

This is true. But is it not also true that an inability to read the language in which all our Nation's affairs are conducted also poses an obstacle to understanding what an election is all about. And it is certainly curious to argue that a backward school gives an inadequate education but at the same time that six grades of any such school are automatically adequate to make an informed citizen. Any way you look at it, a man who cannot read is an easy prey for any demagog who can catch his ear.

New York and other States have long applied literacy tests sensibly and fairly, and the correction of abuses in other places is to halt the abuses. Passionate arguments about discrimination ought not to obscure the real question, which is whether a free society has the right to require that those who pass on public issues be, at the very least, not illiterate.

For our own part, we think those who would deny society that right have not been very literate readers of the history of fallen democracies.

A BERLIN AGREEMENT IS NOT AN IMPERATIVE AT THIS TIME

Mr. JAVITS. Mr. President, if I may have the attention of my colleagues, I ask unanimous consent that I may be recognized for 6 minutes, instead of the usual 3 minutes.

Mr. ROBERTSON. Mr. President, how long did the Senator say?

Mr. JAVITS. Six minutes.

Mr. ROBERTSON. Reserving the right to object, I am not going to object to this request, but I hope no other Senator will take more than the agreed to 3 minutes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from New York? Hearing none, it is so ordered.

Mr. JAVITS. I am very grateful to my colleague from Virginia for his understanding of my desire to make this statement. I desire to address myself to the issue of Berlin.

The Berlin issue is the primary topic on the agenda at the ministerial conference of the North Atlantic Treaty Organization, which will get underway in Athens Friday. As the U.S. and allied policy on Berlin is being crystallized, it is imperative that our Government know the views of public officials who have followed events closely in this dangerous area for a long time.

In that constructive spirit, I should like to discuss today what in my view are the indispensable guidelines to an effective Berlin policy.

The recent preliminary meetings between Secretary of State Dean Rusk and Soviet Ambassador Anatoly F. Dobrynin have given rise to a disquieting tendency to accept as fact that a Berlin agreement with the U.S.S.R. must be the immediate and primary objective of our current policy on Berlin. I believe that action based on the assumption that we must somehow have an agreement is dangerous and ignores the fundamental principles and objectives of our Berlin policy, to which we have remained steadfast under three Presidents. The fact is that ultimatums by the Soviet Union on Berlin have lapsed from time to time and we are still where we were; therefore, apparently the U.S.S.R. also can live without a Berlin agreement.

A Berlin agreement would certainly be desirable if it would bring greater security to Europe and higher hopes of peace to the world, but it is not an indispensable condition of American policy at this time. Indeed, rather than make concessions that are inconsistent with our fundamental principles, it would be better to do without a Berlin agreement for the time being.

Our Berlin policy has been one of fidelity to the freedom of the people of West Berlin, respect for the integrity of the German Federal Republic and refusal to compromise the ultimate hope for self-determination of the Soviet satellites in central and southern Europe. In adhering to those principles, we have run risks and we have faced up to many crises. Impatience over continued tensions must not lead to a feeling that an agreement is now imperative—whatever may be the cost. We can live without an agreement; and we should make one only when we have reasonable grounds for believing that it contributes materially to the security of Europe and to world peace.

I believe the primary considerations for a Berlin agreement now must be based on the following:

First. Uncontrolled access to West Berlin from West Germany. This is the primary and immediate objective which the free world must seek in any negotiations which admittedly would be directed at an accommodation awaiting permanent settlement of the larger German and Central European questions.

Such access could be achieved through the establishment of a United Nations Commission, responsible directly to the General Assembly, to administer the uncontrolled access routes. Under such a plan, the United States, the United Kingdom, France, and the Soviet Union would bear the financial responsibility for the administrative costs. A clearly delineated United Nations Commission would avoid the impotence which has plagued such neutral commission as those in Korea and Laos which have failed in their jobs. An official complaint to the Secretary General of the U.N. by any of those four nations should be cause for an immediate reevaluation of the Commission, its members and functions, by the General Assembly. Should the Commission fail to get a vote of confidence from the Assembly, it would have to be reconstituted within a stated term by the Assembly or power over the access routes would devolve upon the four nations—the United States, United Kingdom, France, and the U.S.S.R.—having ultimate responsibility, and conditions would revert to their present state.

Second. Integration of West Berlin into West Germany. This could be symbolized by granting voting rights to the Berlin representatives in the Bundestag and Bundesrat and by making West German laws effective in West Berlin. It would represent a logical legal step forward. Nor need it interfere with the prewall status of the relation of the Soviet forces to the divided city and the divided Germany.

Third. Removal of the Berlin wall. The wall is illegal as a violation of the four-power agreement on Berlin, and it is an affront to the dignity of the United States, British, and French position in Berlin. It should be removed if there is to be any rational relationship between East Germany and West Germany. Substitute arrangements with the U.S.S.R., even if the dividing line were treated as a border, would still not be the foreboding horror of the wall.

Fourth. Maintenance of present U.S. troop strength in West Berlin. Our garrison is there to do a job: to defend occupation rights and the rights of the citizens of West Berlin. We need an effective force not only to serve as a deterrent to military action but also to prevent Communist-inspired subversion or violence.

Fifth. A nonaggression pact between NATO and the Warsaw Pact powers should not compromise NATO's internal capability for defense, including a nuclear capability, or give any legal sanction to the domination of central and southern European nations by Communist regimes installed by the U.S.S.R.

Negotiations always suggest hope. I am all for them and I want to encourage them when they offer even the slightest possibility of success. I want us to continue negotiations. But concessions made on Berlin which are not consistent with the basic objectives I have outlined will only lead to conjectures, false hopes, and more trouble.

Let us remember that the prime objective of Chairman Khrushchev's policy is to expand Soviet influence into the German Federal Republic just as the objective of our policy is to maintain the independence of the German Federal Republic under free institutions as a key basis for an integrated free Europe. The objective of our policy, therefore, must be to take careful account of what any Berlin agreement with the U.S.S.R. means to the people of the German Federal Republic. It must mean that we are adhering to our objectives as they have been stated successfully by Presidents Truman, Eisenhower, and Kennedy. If not, we are better off without an agreement at all at this time.

Mr. President, I thank my colleague from Virginia for his forbearance.

DIVERSIFICATION OF INDUSTRY ON LONG ISLAND

Mr. KEATING. Mr. President, much has been said before on the Senate floor and elsewhere with regard to the serious crisis now facing Republic Aviation Corp. and its employees as a result of an abrupt shift in Defense Department procurement. It is unfortunately evident that the Defense Department does not intend to alter its basic decision. Whether that decision is correct, only time and events will tell. What all those who are concerned with our national economy must continue to regret, however, is the manner in which many of these decisions are made and particularly the way in which the Defense Department permits defense work to accumulate in certain areas.

As Defense Secretary McNamara himself pointed out on my March 11 television program, "Defense business is an unstable business. For an area to build its economy on the foundation of defense seems to me contrary to the interest of that area." I would carry that reasoning one step further and suggest that it is also contrary to the interest of the Nation and to the interest of strategic security. I would further suggest that the Defense Department has a responsibility to consider active policies that would discourage the concentration of procurement divisions and military installations, as well as defense-oriented industries, in a few parts of the country.

On a more optimistic note, however, Mr. President, I should like to make note of the fact that Long Island is not taking this blow lying down. A committee has been formed, consisting of local elected officials and Dr. Harold Gleason of the Franklin National Bank, to counteract the impact of Department of Defense methods by encouraging more diversified industries on the island. Although I am informed that Defense Department procurement on Long Island has increased by about a quarter billion dollars in fiscal 1962, and will go up by about $170 million in the next fiscal year, defense industries are always unstable and liable to shifts in defense technology.

Therefore, one of the main interests of the group is to find other areas in which Long Island efforts can be expanded and the great potential of local industries developed. One meeting has already been held at which representatives of the Federal Government, including the Defense Department, were present to explain how existing Federal programs could be utilized and coordinated with State efforts to meet the demand. At that time the Labor Department was asked to assist in a labor survey to determine what skills are most readily available and how they can best be channeled into the area's already growing economy. Another meeting is scheduled for this week.

To assist this important community effort, I directly contacted Labor Secretary Goldberg, urging him to support the project as rapidly as possible. He has indicated that a study may be undertaken soon. I have also been in touch with the State agency which has direct responsibility in initiating the study. I shall be following these efforts very closely to insure that all the available State and Federal resources are made available. Planning on the community level has been started in time and I take this opportunity to wish the group great success in their foresighted efforts to meet the economic challenge.

Mr. President, I ask unanimous consent to include in the RECORD the text of Secretary Goldberg's letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, April 20, 1962.

HON. KENNETH B. KEATING,
U.S. Senate, Washington, D.C.

DEAR SENATOR KEATING: In response to your letter about a labor survey in Nassau and Suffolk Counties, the Bureau of Employment Security of the Labor Department sponsors area skill surveys, as funds are available, as part of its national responsibility for development of skills and utilization of the work force.

The initial determination of where the studies are needed and the actual conduct of them, is the responsibility of the State employment security agencies.

In the Nassau and Suffolk case, these counties are part of the New York metropolitan area, for which it may be necessary quite soon to conduct a survey in connection with the Manpower Development and Training Act, to determine training needs. Such a survey would include data useful to Nassau and Suffolk, and perhaps could be made so as to provide information on them separately.

The responsible person in New York is Mr. Alfred L. Green, executive director, Division of Employment, New York State Department of Labor, and we are bringing the matter to his attention.

Yours sincerely,
ARTHUR J. GOLDBERG,
Secretary of Labor.

NEED FOR INTEGRATION OF NATIONAL GUARD

Mr. KEATING. Mr. President, I welcome the recent Defense Department move to integrate Reserve units throughout the country. This will rectify one serious and glaring area of discrimination in the Armed Forces of our Nation.

There still remains, however, another area, an area which admittedly does not come directly under Federal control, but an area in which State action has been deliberately used, with no Federal objections, to retain segregation. I am referring to the segregated National Guard units now maintained in 10 States. We can rejoice that there are only 10 States in which National Guard units are segregated today, but that is still 10 too many. No effort should be spared to bring an end to segregation in those units.

Mr. President, I have protested to the National Guard Bureau and have received a reply from Major General McGowan, Chief of the National Guard Bureau. I am very glad to note that within the last 2 months General McGowan has been in touch with the adjutants general of these 10 States urging serious consideration of the situation.

Frankly, however, I am disappointed by the implication of one of General McGowan's other comments. The general writes:

> The problems incident to integration in the National Guard are not easily separated from the problems of the community from which the membership is drawn. Fundamentally, the concept of the National Guard is that membership is voluntary. The strength of the National Guard can be assured only by making membership appealing to qualified men of the community.

I, for one, find it very hard to believe that qualified Americans are only interested in joining a segregated National Guard, that an integrated National Guard would not be "appealing" to qualified men of the community. To my mind, one of the most important qualifications for any serviceman or potential serviceman is the ability to accept other men on the basis of their individual abilities and achievements, regardless of race and to use their skills in the best interests of the national security.

Mr. President, we cannot afford to have any qualifications in any of our service requirements directly or indirectly based on racial discrimination. I urge General McGowan to step up his efforts and to make an appeal to the qualified men of the Nation's communities on the basis of fairness and equality for all those who wear the uniform of the United States.

Mr. President, I ask unanimous consent to have included in the CONGRESSIONAL RECORD the letter which I have received from Major General McGowan.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 25, 1962.

HON. KENNETH B. KEATING,
U.S. Senate.

SENATOR KEATING: This will supplement my interim reply of March 7, 1962, in response to your request for information as to the procedures in progress to eliminate segregation in the National Guard.

At the present time there are only 10 States in which, because of State law, or practices and customs, the National Guard units are not integrated. This reflects a considerable advancement in recent years, both in the elimination of all Negro units and in the appointment and enlistment of personnel in National Guard units without regard to race. It is true that in some States there may be no Negroes in National Guard units. But this does not connote discrimination, and it is accounted for by such things as lack of applicants or, in some instances, little or no Negro population in the area from which the unit draws its personnel.

As I am sure you know, federally recognized National Guard units and personnel have dual State and Federal status. The Federal status stems from the State status. When the National Guard is in an inactive status—or, as the language of the Constitution provides, when not "called into the actual service of the United States"—there are constitutional and statutory provisions which make the attainment of the objective of our national administration with respect to integration more difficult than in the active Armed Forces where Federal authorities have the direct authority to require integration. The National Guard, not in Federal service, is composed of State forces serving under the command of a State Governor. Section 3079, title 10, United States Code, provides: "When not on active duty, members of the Army National Guard of the United States shall be administered, armed, equipped, and trained in their status as members of the Army National Guard." Section 8079 contains similar provisions for the Air National Guard.

As you mentioned in your statement, the National Guard units are organized and manned according to the structures of the active services. The procurement of personnel within these structures is the responsibility of the States. The State laws which authorize the organization, consolidation, or reorganization of National Guard units by State authorities are designed to permit them to reorganize their units to conform to the everchanging organization of the active Army and Air Force and the composition of Army and Air Force units, as envisioned by section 104 of title 32, United States Code. Since such laws are to be found in States where discrimination or segregation has never existed, it is apparent that they are not aimed at creating or maintaining segregation or discrimination.

The Federal recognition of a National Guard unit is a function of the Department of the Army or Department of the Air Force, respectively. To obtain or continue Federal recognition, all organizations and reorganizations of units must be approved by these Federal authorities. Support from Federal funds is contingent upon such Federal recognition.

The source of your statement that barely 5 percent of the financial support of the

National Guard comes from the local or State governments is not known. The total appropriation by the Congress for fiscal year 1961 was, in round figures, $663,500,000, for the Army and Air National Guard. Information furnished us by the States reveals that the State legislatures annually provide approximately $50 million for National Guard support. Not reflected in the uncalculated but tremendous additional support the States provide through making available a large number of State-owned camps and other areas for field training purposes, such as Camp Smith at Peekskill. As a single example, estimated conservatively the value of the land provided by State or local governments on which armories have been constructed exceeds a quarter of a billion dollars.

You mentioned the statutes of certain States. North Carolina is the only State in which the statute reads as you have quoted on page 3 of your statement. West Virginia is the only State in which the statute would seem to require the organization of separate Negro units; however, that State has for a number of years maintained integrated National Guard units.

To attempt by denial of Federal funds to enforce integration at this time in the 10 States referred to at the beginning of this letter would result in a serious weakening of our Nation's combat capability. This is a risk our Nation can ill afford at this time, and it does not appear to be justified as long as progress in integration can be made through such means as we are now using. I have within the past 2 months again communicated with the adjutants general of those 10 States, urging that they give this subject their most serious consideration. The responses reflect the full appreciation of the adjutants general of the urgency of the problem. There is a cautious optimism and a definite indication that the number of segregated States will be reduced in the coming months. Thus, I feel that integration is being accomplished on a gradual and relative basis which will in the reasonably near future assure that membership in the National Guard will be based entirely on ability and willingness to serve.

The problems incident to integration in the National Guard are not easily separated from the problems of the community from which the membership is drawn. Fundamentally, the concept of the National Guard is that membership is voluntary. The strength of the National Guard can be assured only by making membership appealing to qualified men of the community.

When National Guard units have been ordered into active Federal service, they are filled out by personnel assigned by the active services. Thus, there is no question as to the integration of these units when in Federal status, regardless of the State of origin. We hope that their active duty experience will demonstrate to the personnel in the units of all the States that, irrespective of race, qualification to perform the duties involved should be the overriding factor in the selection of personnel for membership to fill vacanices which will occur after the units have returned to their home States.

I trust the foregoing will be helpful to you.

Sincerely,

D. W. McGowan,
Major General, Chief, National Guard Bureau.

"THE GRAND JURY: SWORD AND SHIELD"—ARTICLE BY JUDGE IRVING R. KAUFMAN

Mr. KEATING. Mr. President, the April issue of the Atlantic Monthly contained an excellent article by Judge Irving R. Kaufman entitled "The Grand Jury: Sword and Shield."

The article explains the function and usefulness of the grand jury with great cogency and reflects unusual insight into this important subject.

I know that this article will be of interest to many Members and, therefore, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE GRAND JURY: SWORD AND SHIELD

(By Judge Irving R. Kaufman)

(Note.—As district judge for the southern district of New York, Judge Irving R. Kaufman presided over several prominent civil and criminal trials, among them the Rosenberg atom-spy case, the Apalachin conspiracy, and the New Rochelle segregation case. Last September, he was elevated to the U.S. Court of Appeals for the Second Circuit, which includes New York, Connecticut, and Vermont.)

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury." So begins the fifth amendment to the Federal Constitution, which also protects the individual against compulsory self-incrimination, double jeopardy, and the deprivation of life, liberty, and property without due process of law. Most State constitutions contain similar language, all attesting to the importance placed upon the grand jury by the architects of our Government. Yet in recent years the very institution of the grand jury has been under increasingly severe criticism.

There is no lack of provocation for these attacks. In one part of the country, a grand jury hands up a presentment subjecting the private conduct of individuals to scathing attack without an opportunity for retort. In another region, persuasive evidence is apparently ignored by a grand jury because of the racial overtones of the crime charged. Moreover, the criticism is by no means limited to exaggerated reaction to isolated instances. It goes to the very heart of the institution. Lawyers, scholars, and even judges charge that the grand jury is a useless vestige of another age, when the regime was the main enemy of its own people. It is said that the grand jurors themselves have acquiesced in this judgment by becoming mere rubberstamps for the prosecutors' cases. On the other hand, it is urged that the grand jury is at times guilty of nullifying important legislation because of the local popularity of the criminal or public lethargy to the crime. Other critics point out that the grand jury may occasionally run away on an irresponsible tear, using its tremendous power to muddle the law-enforcement process, not to mention the lives of innocent individuals. Even more basic is the thought that the grand jury is a sport among our legal institutions in that it operates in secret and its members are accountable to no one for their actions. The sixth amendment to the Federal Constitution assures a public trial in criminal cases, yet a grand juror could find himself in contempt of court for divulging the testimony he heard in the grand jury room. Star-chamber proceedings are feared.

All of this criticism has a certain degree of validity. It has led to the abolition of the grand jury in England, the land of its origin, and to the curtailment of the institution in certain of our States. Nevertheless, I believe that the grand jury, with all its acquired flaws, is well worth retaining. Its abolition, even if this could be achieved, could be a serious net loss.

Because the grand jury does its work in secret and because its function is so often misunderstood, it is important that this ancient institution be reviewed in its modern context and that its place in the criminal law be appreciated.

From the time the illegal act is committed, and for a long time after, a criminal case is in the almost untrammeled control of the executive branch of the Government. Generally it is the enforcement agency—the local police, the FBI, the Securities and Exchange Commission, or some other investigative agency—which first acts on suspicion of crime.

If at any time the police become satisfied that no crime has been committed, or that further pursuit is impractical, the case aborts.

Because this system is inevitable and rarely abused, few realize the tremendous power it confers upon the police. This becomes apparent enough when the sheriff of a corruptly governed county chooses not to investigate corruption, or when certain ordinances are enforced only against political enemies of a local administration. When the enforcers are satisfied that they have a criminal case, the matter is turned over to another arm of the executive department, the prosecutor. In the Federal system he is the U.S. Attorney, who operates under the Attorney General of the United States. He may take steps to bring the case to court, but he does not have to. If, in his judgment, the suspect's acts are not in law a crime, or if he believes that it is impossible to secure a verdict of guilty, he, too, has the power to let the matter drop. If he believes that he has a triable criminal case, he will then lay the facts before the grand jury and ask for an indictment.

The Federal grand jury, the type with which I am most familiar and to which I will direct most of my attention, is composed of 23 persons. For 12 years, I was U.S. District judge for the Southern District of New York. In that district, which covers a territory roughly from the lower tip of Manhattan to a point just south of Albany, N.Y., the grand jurors are selected by public drawing from a jury wheel containing names assembled from the same voter registration lists and other sources which provide trial jurors. The judge presides over this first session and passes upon requests by prospective grand jurors to be excused. Hearteningly, these are few. I have found that business and professional persons are more willing to serve on grand juries than they are to serve on petit, or trial, juries. As a result, the grand juries tend to have a high educational level with concomitant ability to follow complex cases.

The judge then selects a foreman and his deputy. In the case of a Federal trial jury in New York City, the first person selected is automatically the foreman; not so with the grand jury. Because the grand jury has much more initiative, and because the grand jury foreman may question witnesses and control the questioning by other grand jurors, the selection of a proper foreman may set the tone for everything that follows. Most judges try to select as a foreman a person with previous grand jury experience or some other background which fits him for this unusual responsibility. The 23 men and women will serve for at least 1 month, and may serve up to 18 months in an extended investigation.

The judge now charges the grand jurors, instructing them in general terms on their powers and duties. These are extremely broad. It is the grand jury's duty to investigate suspected crimes committed within its territorial jurisdiction. Following the charge, the grand jury retires to hear its first case. From now on the jurors will rely heavily upon the guidance of the prosecutor. Ordinarily the grand jury will investigate only suspected crimes brought to its attention by the prosecutor, and will pass upon the filing of the indictments which he prepares. Evidence, witnesses, and documents will ordinarily be brought before the grand jury by subpena prepared by the prosecutor in the name of the grand jury. It is upon this subpena power, the ability to compel the attendance of witnesses and the production of records, that much of the grand jury's effectiveness depends. This is a power which the prosecutor himself lacks.

The prosecutor will begin by briefing the grand jury on the particular crime involved in the case and the law applicable. In a few minutes the grand jury is ready to hear the first of its witnesses. No witness hears the testimony given by any other witness. In fact, no one is permitted in the grand jury room except the jurors, the prosecutors, the witness being interrogated, and a court reporter. None of these persons may divulge what he has heard.

PRESENTING THE EVIDENCE

Someone familiar with courtroom procedure would find much in the grand jury hearing that seemed strange if he failed to keep in mind that this body is not passing on guilt or innocence but only on whether a minimal case has been made out. Leading questions are permitted. There is only one lawyer in the room, and he, the prosecutor, will present only one side of the case. A suspect is almost never called. In the rare instances when a suspect is granted permission to appear, he must do so without counsel. Moreover, television-trial aficionados would miss their favorite objection: "That question is irrelevant, incompetent, and immaterial." So broad is the grand jury's power to question that rarely is a question genuinely irrelevant.

Naturally, this doctrine cannot be attenuated indefinitely. The grand jury may not subpena clearly irrelevant documents. Neither may it demand evidence that is privileged, such as communications with one's lawyer or religious adviser.

But by far the most important limitation on the grand jury's power to demand answers is imposed by the privilege against self-incrimination, guaranteed by the fifth amendment. So complete is this privilege that without special immunity statutes, many important investigations would be entirely frustrated.

Basically, special immunity statutes allow a U.S. attorney, with the approval of the Attorney General, to make a choice. If he decides that the story that a particular witness may tell is worth allowing the witness' own crimes to go unpunished, he can make application to the court to compel the witness to answer all questions. But if he does, that witness can never be prosecuted for the crime under investigation. In the case of State grand juries, immunity statutes are often broad and are frequently invoked. The result is sometimes an "immunity bath," a situation in which the grand jury finds that it has given up the bird in the hand and is still unable to locate the two in the bush. In the Federal system, on the other hand, the immunity statutes are limited to particular types of cases—for example, espionage and narcotics.

Generally the grand jury hearings progress rapidly, with the average case consuming less than 30 minutes. The prosecutor lays out the bare bones of his case. The prosecutor, then the foreman, and the individual grand jurors may question the witness—usually a Federal investigative agent. The grand jurors may also request that the prosecutor call additional witnesses if they are not satisfied as to a doubtful point.

Sometimes the grand jury embarks on a full investigation. No one knows what the outcome will be. For example, a number of years ago one of the country's most famous and conservative drug houses was suddenly thrown into receivership. In a single day its bonds fell from 103 to 57, the stock from 7½ to 1¼. The Securities and Exchange Commission ordered an investigation, and for the next 8 days, one after another of the Federal, State, and local law-enforcement agencies began to investigate this corporation. At first the results were inconclusive. The U.S. attorney was not even sure that a crime had been committed, or if so, by whom. The grand jury was impaneled to consider the case. All the facts were presented, and a vast amount of new evidence was unearthed through the use of the grand jury subpena. This investigation took months to complete. Several hundred witnesses, 91 bank accounts, and 57 brokerage accounts were minutely examined before the details of an ingenious multimillion-dollar embezzlement emerged.

It is thus apparent that grand jury investigations are not always narrow. Sometimes State grand juries will broadly investigate a type of suspected illegal activity, such as wiretapping, ticket fixing, or municipal graft, with a view to eventual indictment.

Whether the investigation is long or short, broad or narrow, the prosecutor's job is only to present the evidence. When this has been done, the grand jurors dismiss everyone from the grand jury room and commence their deliberation in secret. Their job is to decide not the guilt or innocence of the suspect but only whether the prosecutor has presented sufficient evidence to permit the case to go on to the next stage, the trial. The judge has instructed them that they must not indict unless "upon the credible evidence which you have heard, absent an explanation by the defendant, you would be willing to convict * * *."

Sixteen of the grand jurors constitute a quorum. Unless 12 of them believe that the prosecutor has made out a case, a "no true bill" is voted. If 12 believe an indictment is proper, the grand jury votes a "true bill" and subsequently hands the written charge (indictment) to the judge.

At that moment, the secretly suspected becomes the publicly accused, bound to stand trial, with his liberty, and perhaps his life, turning on the decision of a 12-man trial jury. From this moment, too, the defendant is surrounded by the myriad safeguards subsumed under the phrase "due process." He need not speak a word in his defense, for the prosecutor carries the burden of proving guilt beyond a reasonable doubt. At trial, rules of evidence will be vigorously applied to exclude hearsay and prejudicial material, and the defendant has a constitutional right to counsel and to present his case. But none of this can change the fact that even if found innocent, he will have been a defendant in a criminal case, a fact that, unfortunately, will not be forgotten by many of the community.

The significance of the handing up of the indictment is reflected in procedural requirements. The document must be handed directly to the judge in open court and in the sight of a quorum of the grand jury. Our bewigged forebears were unwilling to let so important a document out of authorized hands even for a moment. They were concerned lest an enemy of the accused get possession of the indictment and write an additional crime at the bottom of it. In the days when courtrooms were more imposing than they are today, a direct reach between foreman and judge was impossible, and there are preserved in England several long poles with clamps which were used to make sure the passing of the indictment was direct.

With a picture of the workings of the modern grand jury in mind, we can now consider some of the criticisms that have been lodged against its functionings.

RUBBERSTAMPING

The grand jury's function of screening the prosecution's cases has been solidly established in this country from earliest times. In 1734, William Cosby, a particularly incompetent royal governor of New York, was stung by the attacks upon him carried in the New York Weekly Journal. Cosby had his handpicked chief justice indicate to the grand jury that John Peter Zenger, the paper's printer, had committed the crime of seditious libel. The grand jury refused to indict, and repeated its refusal when Cosby tried again several months later. The fact that Zenger was later charged in an information and that he won his acquittal through the heroic efforts of his lawyer, Andrew Hamilton, does not change the fact that for the best part of a year the grand jury stood between a thoroughly ruthless executive and an unjustly accused citizen.

There is little doubt that such cases as Zenger's were very much in the minds of the framers of the fifth amendment. They probably considered that the grand jury's most important function was its job of screening the prosecutor's cases.

But it is not necessary to go back to Peter Zenger to realize the importance of this function. The power to subject whomsoever the executive wishes to the ordeal of a criminal trial is the power to tyrannize. The grand jury is the people's check on that power. However, I am as much concerned with the possibility of sloppy police work and opportunistic prosecution as I am with the possibility of tyranny. Not every police officer is a J. Edgar Hoover, nor is every prosecutor one who believes it is his function not to obtain a conviction but to see that justice is done. If there were no check on the executive's power to bring citizens to trial, it is quite possible that the litigious tendency, which is unfortunately so prevalent in civil matters, would be imported into the criminal law.

Some power must screen the prosecutor's cases. The real question is, Does the grand jury accomplish this effectively?

I believe that it does the job, not perfectly, but probably as well or better than it could be done by any other body or person. Those who read rubberstamping into the fact that indictments are forthcoming in the great majority of cases presented to the grand jury are misinterpreting the evidence.

First of all, the vast majority of prosecutors are sufficiently conscientious to screen their own cases. They do not ask for an indictment unless they are convinced that the accused is guilty and reasonably sure that a trial jury will eventually convict. They realize that if a weak case does get by the grand jury, it will probably founder at the trial. The rare prosecutor who is too callous to care that a defendant suffers unnecessarily is probably tenderly solicitous of his conviction record. Thus, it is only in the unusual case that the grand jury's screening power comes into play. Furthermore, with the grand jury, as with other institutions, the existence of power is more important than its exercise. The power to refuse to indict need be used only often enough to demonstrate that it has not atrophied. This power-in-being automatically eliminates cases brought for improper motives and with no hope of success. The fact that the grand jury rarely refuses to indict may be more of a tribute to its success than evidence of a failure.

NULLIFICATION

The question remains why this admittedly important function must be performed by a group of 23 citizens. One well-trained man might do the job as well or better; one well-trained man does do the job in England, on the Continent, and, most of the time, in Michigan. Moreover, it is said that an indicting magistrate, or one-man grand jury, would be less likely to nullify important legislation because of local prejudice.

Critics of the present system point out that the ideal grand jury is a machine, a calculator for weighing the facts. All of the evidence is considered, weighed according to the credibility of its source, and then measured against the standard supplied by the judge in his charge. The answer—true bill or no true bill—should follow automatically, they say, dependent only on the facts in the case, not upon the identity or the state of mind of the trier of those facts. These critics say that the employment of ordinary citizens as sifters of the evidence allows the mores of the time and place to permeate the judicial process. To that extent, they say, we dilute the evenhanded justice which is our pride.

There are those who would answer this argument by striking at its major premise. They urge that the grand jurors with their commonsense soften the sometimes cruel logic of the law. But I do not favor the grand jury because it reaches less logical results than would be reached by an indicting magistrate. After almost a quarter century of working with criminal juries and grand juries, I am convinced that in a difficult case a body of citizens is likely to reach the correct result.

The grand jury is sometimes deprecated as irresponsible, but it is this very "irresponsibility" which caused the institution to be so cherished by the framers of the Bill of Rights. The grand jury is answerable to no one. Its members are not subject to reelection or reappointment by one man. They owe no political debt to anyone, and when their job is done, they disperse. When a grand juror swears that he will present no one from envy, hatred, or malice; nor shall he leave anyone unpresented from fear, favor, or affection, for reward, gain, or the hope thereof, but shall present all things truly as they shall come to his knowledge, there is every reason to believe that he will fulfill his oath.

Some months ago the people of New York were justly incensed over a series of hit-and-run accidents. At the height of this indignation, a taxicab struck a small girl. The driver stopped, carried the injured child into his cab, and said he would take her to a hospital. Several hours later, the body of the girl was found abandoned beneath a parked car. A howl of rage arose from public and press. When the driver was apprehended, the newspapers pointed out that he might well be guilty of homicide. Evidence was presented to the grand jury, but a homicide indictment was not sought because there was no evidence of that crime. In fact, the grand jury did not even indict for the two less serious crimes charged, but sent the case to the court of special sessions instead. There the driver was charged by information with the two lesser crimes, to which he pleaded guilty. His sentence was 30 days (which he had already served pending trial) and 1 year, suspended.

The public accepted the judgment of its own representatives without a murmur. I cannot help wonder whether the reaction would have been the same had a decision not to prosecute for homicide not been accepted by a grand jury, but been made solely by an elected or appointed official. It is likely that such an official would have resisted the great pressures upon him. But it is best to minimize the number of times a man is called upon to choose between his honor and his future.

Finally, a decision to indict or not to indict must be more than just. It must be accepted as just by the public. One object of the criminal law is the achievement of a sense of security on the part of the community. As the hit-and-run case demonstrated, there are few cries of "foul" when unpopular decisions are made by grand jurors, selected at random and beholden to no one. The public has great confidence in this honored institution.

Certainly there are occasional cases where a grand jury is swayed by prejudice and so fails to indict. But I do not think that this is really a criticism of the grand jury as such. It is a flaw in our basic system of entrusting citizens with factual decisions in criminal cases, a system very few of us would change.

THE RUNAWAY GRAND JURY

The importance of the grand jury's role in screening cases stems from the fact that it is generally the first nonexecutive power to review criminal cases. Here it serves as the people's shield against unfair accusations. However, its unique position may also require that it be a sword against the unjustified refusal of an executive to prosecute. If the executive refuses to initiate criminal proceedings against wrongdoers, the grand jury may. The local district attorney who expects a grand jury tamely to confine itself to handling indictments in a few major cases may suddenly find that his own office is under searching investigation by that same body.

Occasionally we still read of such runaway grand juries. Sometimes they perform a valuable service; sometimes they merely represent 23 good citizens momentarily carried away by power. Sometimes the runaways must be restrained. In a fairly recent case in the West, one grand jury got completely out of hand. The Federal district judge sitting in the district concluded that the jurors' attacks on privacy had overstepped decent bounds. He decided that justice required the dismissal of the grand jury.

Runaway grand juries are faced with immense procedural difficulties. Modern investigation is a job for professionals, and when the grand jury takes off on its own, it cuts loose from the investigatory agencies which are its eyes and ears. Unless it somehow obtains facts, counsel, and a staff, substantial investigations are likely to be hopeless. Furthermore, its zeal may cause it to cut away from the restraints which bind all responsible investigators.

THE PRESENTMENT

A more serious problem, however, arises when a grand jury is active and vocal but does not indict. We recall that more than 2 years ago a New York State grand jury began an investigation of television quiz shows. In the course of 59 session days covering a 9-month period, the grand jurors heard 200 witnesses. It soon became clear to the panel that a shabby trick had been played upon the viewing public. It became equally clear that, aside from possible perjury, no crime had been committed. The grand jury decided that in lieu of an indictment it would hand up a presentment, or a report setting out its findings and its conclusions. It was hoped that the report would become a matter of public record, and public opinion might be expected to mete out its own punishment. Anticipating such a report, counsel representing certain television interests, the obvious subjects of such a report, sought to submit memoranda of law in opposition to its filing. Soon four bar associations, the Citizens Union, the Civil Liberties Union, two grand jury associations, and the district attorney's office had joined in an argument that vividly delineated the most controversial question involving grand juries. Should these bodies be permitted to inform the public upon immoral and undesirable conduct of private citizens where there is no evidence of the commission of a crime by these citizens?

Before the case could be decided, a congressional committee had laid bare the facts of the television quiz scandals. The public was justifiably incensed and eager for further details on how it had been duped. Nevertheless, a judge presiding in the court where the grand jury had been impaneled eschewed the easy solution. He suppressed the report. More recently, the highest court of New York has reaffirmed that grand juries may not report on misconduct if they do not indict.

Those who oppose presentments of the quiz-show type point out that numerous judges have used the term "foul blow" to describe this kind of presentment. They point out that any report issued by a grand jury is armored with tremendous prestige. For most people, no number of fine legal distinctions between accusation and conviction will change the fact that the person named has been accused by a public body whose primary function is to indict for "infamous" crimes. Since there will be no trial, the victim is deprived of a forum for answering the charges made against him. He does not have even the military officer's alternative of demanding a court-martial. Moreover, the secrecy of the grand jury proceedings is an insurmountable obstacle. The accused man has no way of knowing the real nature of the evidence against him. The result can be devastating.

Several years ago a Federal grand jury handed up a report on the alleged Communist affiliation of certain labor leaders. During the hearing, witnesses were question as to their views on religion, God, baptism, their particular religious beliefs, the length of adherence to them, atheism, and agnosticism. The labor leaders had invoked the 5th amendment when questioned about non-Communist affidavits which they had filed, and the grand jury concluded that the affidavits were thus not "worth the paper they are written on." No names were used, but on the day the report was handed up, the newspapers carried the names of 13 labor leaders who had testified before that particular grand jury. A Federal judge concluded that the names had been deliberately leaked, whether officially or unofficially. It is doubtful whether even the expunging of this report by a judge could have repaired any damage already done.

Reports concerning inefficient, incompetent public officials stand on a somewhat different footing. Some States apparently grant their grand juries the power to investigate the conduct of public officers and to report on malfeasance falling short of a crime. The New Jersey Supreme Court, for instance, last year upheld such a right. This practice is defended on historical grounds and on the need for good government. It is contended that the public interest requires that officials must accept a certain degree of loss of privacy. Furthermore, many of these reports are careful to criticize a condition but avoid naming names.

On the other side is the argument that this very need for good government should deter us from making public service forbiddingly disagreeable. Officials, too, are entitled to fair play.

A few years ago in Florida, a dispute arose as to the handling of an incompetent's estate. Somehow the matter came to the attention of the grand jury, which proceeded to investigate and to report on the action of a circuit judge. The report purported to tell "what happens to helpless old people who seek the protection of Judge ———'s Court." The grand jury concluded that the judge should resign. Must an official submit to unanswerable accusations of this kind at the price of his office? The Florida Supreme Court answered this question in a ringing opinion.

"For the future guidance of the grand juries of this State, we repeat the admonition * * * that a grand jury will not be permitted to single out persons in civil or official positions to impugn their motives, or * * * hold them to scorn or criticism. * * * Neither will they be permitted to speak of the general qualifications or moral fitness of one to hold an office or position."

While such general attacks on public officials are rightly to be condemned, there remains the question of a report on general conditions which the grand jury encounters in the course of its investigations of indictable crime.

For example, a New York judge once recalled a report which had been handed up to him some years previously. Without vituperation the grand jury had pointed out that a type of school run by the city had outlived its usefulness. As a result of this one report, the taxpayers were saved millions of dollars. Would the general interest have been served if this report had been automatically suppressed because it did not charge a crime? Perhaps there is a compromise. Where the grand jury uncovers a condition which it believes requires remedial legislation, there should be orderly machinery for making a secret report to the appropriate body of the legislature. The report would remain forever sealed, but it could be used by the legislature as a basis for its own investigations. If the legislators then wished to draw the public's attention to the condition, they might.

Proponents of this plan point out that when a congressional committee makes a charge, the political careers of its members stand surety for some standard of fair play. This is a safeguard entirely absent in the case of the grand jury.

SECRECY

The secrecy surrounding the grand jury proceeding is admittedly designed to aid the jury in carrying out its law-enforcement duties. Witnesses at grand jury hearings are more likely to talk freely if they are assured that their testimony will not be made public. Moreover, it is a practical necessity that the subject of a grand jury investigation remain secret. If a suspect has advance notice that he is under investigation, not only can he seek to put pressure on the grand jury directly or to intimidate witnesses, but he can destroy documentary evidence, and, if palpably guilty, flee. The secrecy of its proceedings also protects the grand jury from public hysteria, either for or against indictment. So much is obvious. But we often lose sight of the fact that the total secrecy of the grand jury room is also a valid protection to the accused. We have seen that the grand jury hears only evidence against the suspected. Some of this evidence is hearsay; all of it is usually damaging; and the accused is not represented by counsel. If an indictment is returned, it is undesirable that this testimony, some of it inadmissible at trial, yet carrying the prestige of the grand jury, be made known to prospective jurors or to the public. Even if the accused proves his innocence at trial, his reputation will thus have suffered additional besmirching.

More important, however, is the position of a person investigated but not indicted. He will never have the opportunity to rebut the charges made against him, if the secrecy has been lifted, in any forum comparable to a courtroom. The witness before the grand jury may have been mistaken or untruthful. This is all the more likely since the grand jury had refused to indict. But revelation of these charges would nevertheless deal a blow to an innocent reputation. Yet the knowledge that a grand jury was investigating may seriously harm the individual's good name. Many would choose not to invest through a stockbroker who had been under a grand jury investigation for allegedly defrauding investors, although he was not indicted. In balance, it appears that secrecy of the grand jury proceedings is desirable and necessary, both from the standpoint of effective law enforcement and protection of individual reputations.

The grand jury operates as a check upon the executive in an area wherein few checks occur other than the ballot. Occasionally it acts as a prod to unwilling officials. It can save a man from embarrassment and unmerited punishment, and it can, by being lax, inflict both. But, whether used as a sword or a shield, it is an implement of the public, the unofficial, nongovernmental public. It is the citizen's personal entry into government and justice. As such it has its justification, and because it is such, it should be retained.

FEDERAL AID TO EDUCATION

Mr. TOWER. Mr. President, I ask unanimous consent to have printed in the Record following this brief introduction, an article entitled "National Interest, Si—Federal Aid, No" by Dr. Roger A. Freeman of Claremont Men's College, Calif. This article will appear in the Graduate Journal of the University of Texas as a part of their important study of Federal aid to education.

Dr. Freeman is an outstanding authority in this field, and one who apparently feels that such aid is unnecessary, unwanted, and inadvisable.

There being no objection, the article was ordered to be printed in the Record, as follows:

National Interest, Si—Federal Aid, No

(By Roger A. Freeman)

Not so many years ago, when President Truman's Commission on Higher Education (1946–48) advocated a comprehensive program of Federal aid, the Association of American Universities sponsored the Commission on Financing Higher Education which, after laboring for 3 years, roundly condemned the demand for Federal funds: "This Commission has reached the unanimous conclusion that we as a nation should call a halt at this time to the introduction of new programs of direct Federal aid to colleges and universities. We also believe it undesirable for the Government to expand the scope of its scholarship aid to individual students."

One of the Commission members, President Carter Davidson of Union College, Schenectady, explained in an article: "One broad highway to financial security the members of the Commission viewed unanimously as the 'primrose path that leads to everlasting bonfire.' This road was named 'Federal Government support.' * * * There was a feeling that increased Government support from Federal sources was not only a blind alley, but also blinded those who traveled down it." Soon after, the American Council on Education developed an income tax credit plan for educational expenses as the proper method for the National Government to express its interest in higher education. The suggestion was seconded by President Eisenhower's Commission on Education Beyond the High School in 1957. But Congress never acted on it despite widespread interest as evidenced by more than 40 such bills in the 86th Congress, from sponsors covering the whole ideological spectrum from Senator HUMPHREY to Senator GOLDWATER.

Sharply rising support seemed to suggest that the established sources of financing higher education produced satisfactory results during the 1950's. Between 1950 and 1960 educational and general expenditures of colleges and universities jumped from $1.7 to $4.5 billion (if organized research is included from $2.3 to $6 billion). At that rate of advance, the institutions' educational budgets will exceed $10 billion by 1970. What reason do we have to assume that the long-range trend of allocating, through the existing channels, a growing share of the national income to higher education—from 0.6 percent in 1930, to 1.0 percent in 1950 and to 1.5 percent in 1960—will not continue through the 1960's?

Whatever the prospects are, there can be little doubt that the prevailing sentiment in higher education circles has swung around 180 degrees: proposals for vast Federal aid programs have become acceptable and are being assiduously lobbied for. A poll among institutions would now return a large majority for Federal Aid.

What explains this turnabout? Have budgetary problems suddenly become overwhelming? Have charges by the Secretary of HEW that college presidents really don't care about education—"None of you educators was interested in doing something for education as a whole" hit home? Did academic administrators hold a wet finger in the wind blowing in from the New Frontier and heed William Jennings Bryan's warning: "There is no percentage in batting one's head against a stonewall, even in a righteous cause"? Or is it just that the sweet scent of "free" money proved too strong a temptation to resist any longer?

Whatever the reasons for this change of mind may be, the common attitude is that the only taint that attaches to Federal money is that it'aint enough. This position is being justified by stressing the national interest in education which, like any sincere interest and honorable intentions, ought to be expressed in cash.

Of course, nobody would deny that there is a national interest in education. Under every division of labor such as established by our Federal system of Government, each member has an interest in the performance of his partners. But that does not mean that he may take over his partner's chores. There is a national interest in almost every activity of State and local governments and of private organizations and individuals. Likewise there is a State, local and individual interest in defense, foreign affairs, and every function of the National Government. If dissatisfaction with the other party's performance were sufficient grounds for getting into the act, might not the States have a good case for sticking their fingers into foreign relations?

It is generally agreed that the allocation of powers and responsibilities by the Constitution left education in the realm of the States and the people. Few find fault, nor is there much argument, with the principle advanced by the U.S. Commission on Intergovernmental Relations (Kestnbaum Commission) that public functions should, to the extent possible, be handled at community and State levels and by private initiative, and that we should "reserve national action for residual participation where State and local governments are not fully adequate, and for the continuing responsibilities that only the National Government can undertake." Few hold that only within the National Government is there sufficient brainpower to direct higher education. But some assert that State and local governments and individuals lack the capacity to raise the vast funds which higher education needs, estimated at over $10 billion by 1970. So, one Federal aid advocate reasoned, "the logical source of funds seems to be the Federal Government, the only entity that can provide large sums for national purposes, the only entity that has a taxing authority commensurate with the job to be done."

This suggests some pertinent questions: If the Federal Government has a taxing authority commensurate with its job, why has it been unable to raise enough revenues to meet its expenditures in 26 years of the past 32, with a cumulative deficit that averages $9 billion annually? If, on the other hand, the Federal Government already is trying to bite off more than it can chew, as the record suggests, why give it additional responsibilities? What taxing authority, is it claimed, does the Federal Government have which the States do not also possess? What types of income, property or transactions can it tax which are not located within the boundaries of the 50 States and subject to their taxing powers? What makes the Federal Government such a logical source of funds when it seems incapable of financing its established activities, while the States have multiplied their educational appropriations beyond expectation? Is it because Federal money is believed to come for free from an inexhaustible National Treasury? Are State tax systems inadequate to meet requirements? "The weakness of State and local taxing systems is the impact of heavy Federal taxes" advised New Jersey Gov. Robert B. Meyner before a congressional committee.

The National Government has boosted its share of the tax dollar from one-third some 30 years ago to about two-thirds now. This, it has been charged, leaves State and local governments with inadequate revenues and imposes an obligation upon the National Government to aid them. But, we may ask, what caused the national tax share to rise? Largely soaring defense needs and partly the assumption of functions which used to be in the State, local, or private sphere. Can we improve that situation by shifting more responsibilities to Washington? Or shall we try to correct it by leaving a larger share of the tax dollar in State treasuries and private pockets? In the postwar period the Federal portion of the revenue dollar shrank from 79 to 65 cents. This trend is not very likely to continue if additional responsibilities are transferred from the States to the national level.

THE LOW SALARIES

It has been said that low salaries clearly prove the inadequacy of the established financial arrangements. They force faculty members to engage in consulting and other outside business activities and to turn into contract-getters at the expense of their teaching function.

If it be true that college teachers accept—or hunt for—research projects because of low salaries, why is it that, as a rule, the best-paid professors at the institutions with the highest salary scales hold the most numerous and juiciest research contracts while lowly paid instructors and assistant professors, and low-paying institutions in general, receive far less of the manna from heaven? Is it not likely that the magnitude and location of sponsored research is governed by factors other than the salary level? Does it not appear that, by and large, the job is seeking the man rather than the man seeking the job?

In his provocative article "The Affluent Professors" (the Reporter, June 23, 1960) Spencer Klaw observed correctly: "The need to supplement low academic salaries is only one of the reasons why professors consult. When a group of sociologists were asked a few years back about their extra-curricular activities, more than 90 percent of those who consulted said that even if their salaries were much higher they would go on doing so. Professors point out that consulting can be exciting, intellectually stimulating, and good for their teaching." It is unlikely that even a sharp rise in college salaries would reduce the practice of consulting to a significant extent.

My heart does not bleed for professors who, it is charged, are "systematically engaged in stock market ventures or real estate trading" because I know some of them. They regard such extracurricular escapades as a fate far less worse than death, and are not sorry for themselves, save in time when the Dow-Jones drops or land prices sag. Some even tell me that they like "business ventures on the side," and, in fact, the experience of having to meet a payroll may elevate their understanding of the practical working of our economic system. I could name some to whom such an experience could prove most beneficial.

HIGHER SALARIES AND COLLEGE EFFICIENCY

All of this does not mean that colleges should not continue to boost faculty salaries. Better pay for academic work is an urgent and most worthy objective. But the solution is not simply support for current operations by the Federal Government. It is a strange fact that so many academicians are unable to see the connection between the effectiveness with which college resources are used and their level of pay. Executives in private industry seldom suffer from such myopia. But then, an industry which utilized its skilled staff and costly facilities as inadequately and wastefully as colleges would have been bankrupt long ago.

In its better utilization of college teaching resources the fund for the advancement of education outlined four "handles" to attack the problem of increased efficiency: place greater responsibility on students for their education, rearrange course structures, discover new resources both in teaching and in performance of duties ordinarily expected of the teacher, and increase the institutional reach of colleges and universities.

When will institutions be ready to abandon the superstition that a low faculty-student ratio is a measure of quality? "All that is accomplished [by low ratios] is to enable the teacher to communicate his mediocrity in an intimate environment" commented the late President Charles Johnson of Fisk University. All over the country the faculty-student ratio has been falling in recent decades and is now far lower than in European universities. Hundreds of studies and experiments have failed to show an advantage of small classes over large or of low faculty workloads. John Hicks of Purdue wrote in the summary of the American Council on Education conference report on faculty workload: "To the best knowledge of the author, no objective study has ever been made of the relationship between quality of faculty performance and faculty workload." Also, an outstanding course on TV, once on tape, such as the famous White physics course can be taught to hundreds at a fraction of the cost of live instruction.

Most institutions keep spoonfeeding their students just because high schools do not train them adequately in the essential skills nor teach them study habits. Could not higher admission standards force the common schools to shift from more pleasurable pursuits to the grim business of education? Is there any reason why our institutions of higher learning should not place upon the student more responsibility for getting an education, as universities do throughout the rest of the world?

In a recent survey of several studies Samuel Baskin reported in a booklet "Quest for Quality," published by the U.S. Office of Education "The data from the present experimentation in independent study seem clear on this point: Students are able to learn as well with much less classtime than we have been accustomed to require of them."

Why must we continue the "phantastic proliferation" of the curriculum which Seymour Harris, head of the Harvard economics department called "a scandal from the viewpoint of both economics and education"? I wonder what Mr. Khrushchev thought when on visiting Iowa State University he was shown a class in "ironing"? But then maybe we were lucky he did not drop in on courses in fly casting, family camping, or bachelor living.

Beardsley Ruml and Donald Morrison (both since deceased) proposed in their book "Memo to a College Trustee," prepared for the fund for the advancement of education 3 years ago, to trim the curriculum and to double the number of students per faculty member to about 20. This would enable the institutions to double salaries without additional funds. The authors concluded that "new money is not needed in anything like the amounts presently estimated. Many of the necessary funds are already at the disposal of the college or can be made so; but they are being dissipated through wastes in curriculum, wastes in methods of instruction, wastes in administration, and in the use of property and plant."

We have stretched 12 to 13 years of education and spread them over 16 or more years. This fritters away the institutions' resources, and the students' time. It postpones their earnings career and dissuades many talented young men from following academic pursuits.

Columbia University President Grayson Kirk wrote an article in the Saturday Evening Post that "College Should Not Take 4 Years" but compressed into 3. Chancellor Edward H. Litchfield of the University of Pittsburgh pioneered the trimester plan which keeps the plant in operation the year round and enables students to obtain a B.A. degree in 3 years. A few other institutions are now using or considering similar plans. Why should this not become more general? Dean Elmer Easton of Rutger's Engineering College pointed out in a booklet, "Year-Around Operation of Colleges" that such a schedule would provide up to 56 percent more degrees, per year, make up to 30 percent more use of instructional facilities, increase faculty salaries approximately 30 percent.

PLANT NEEDS AND SPACE UTILIZATION

The need for additional college facilities is sometimes pictured to be staggering. A study of the American Council of Education by John D. Long and J. B. Black placed the 1958–70 requirements at $11 to $14 billion. A U.S. Office of Education report by W. Robert Bokelman and John B. Roark set the 1956–70 needs at $17 billion ($7.1 billion for academic, $5.3 billion for residential facilities, $4.8 billion for replacement, rehabilitation, and repair). But several studies have shown the present inadequate use of college facilities. A recent M.S.U. survey of 100 schools placed the utilization, on the basis of a 44-hour week at 46 percent of capacity; at only 25 percent of capacity in terms of student stations.

Space Utilization Analysis, a group of management consultants who have done work for several universities, Government, and industry, placed the 1957–70 facility requirements of American colleges and universities at $12.7 billion under current space utilization practices but estimated that with better space programing in new buildings the amount could be cut to $7.2 billion, with such practices in all (new and old) buildings to $4.3 billion.

The above-mentioned ACE and USOE estimates call for annual plant expenditures slightly over $1 billion. Outlays for physical plant of all colleges and universities totaled $417 million in 1950, $685 million in 1956 and exceeded $1 billion in 1958. There is no indication that the construction boom in higher education is about to collapse. With national income and produce expected to climb another 40 or 50 percent in the 1960's, what reason do we have to believe that the established sources will not be able to meet all essential requirements for plant funds?

ARE TOO FEW GOING TO COLLEGE OR TOO MANY?

A more fundamental question may be raised about the desirability and potential effect of sending two-fifths—and if current trends continue much longer, one-half—of our young people to college. Few of the culturally leading countries have as much as 10 percent of their youth in higher educational institutions. Do they all fail to meet their professional manpower needs?

It may at first glance appear to be encouraging that, under current projections, between 1930 and 1970 the population of the United States will have grown 72 percent, the college-age population (18–21) 61 percent while college enrollment and the number of earned degrees will have jumped 500 percent. But will it really advance the Nation's welfare that in our eagerness to make everybody fit for college we have made college fit everybody? "Are we going to get fewer sheep just by handing out more sheepskins?" asked Fordham President Father Gannon a few years ago.

Seymour Harris concluded in 1948 "that we may be turning out too many graduates and that there is a danger not only of a relative but of absolute deterioration—falling income and employment" ("How Shall We Pay for Education?" p. 67). While employment has absolutely risen there has been a relative decline in the earnings of professional workers. David Blank and George Stigler pointed out in their book, "Demand and Supply of Scientific Personnel," that supply has been rising faster than demand and that scientific earnings have been drifting downward in relation to manual workers, as census statistics also show and as academicians well know.

In a paper for the National Manpower Council's Arden House Conference in November 1959, Professor Harris predicted that it will not be easy to find openings for an average of a half million college graduates in the next 10 years in managament and the professions. They may find jobs but at depressed wages. What this country needs is not more college graduates but better qualified ones who are more broadly educated and thoroughly trained. Our present love affair with numbers may be leading us into a blind alley.

Over the past 20 years professional workers have lost 15 to 20 percent in earnings relative to manual workers. In 1939 the annual earnings of the average professional or technical worker exceded those of a craftsman by 38 percent; in 1960 by only 17 percent. In 1939 the professional worker was 80 percent ahead of the operative (semiskilled factory hand); in 1960 only 48 percent.

Albert Rees of the University of Chicago reasoned that the gains of wage earners relative to salaried workers have been the result of economic forces—the vast increase in the supply of highly educated white-collar workers. In his book "American Higher Education in the 1960's" Robert J. Havighurst concluded that beginning in 1960 the demand for college-trained people will be exceeded by the supply and that there will be less incentive for going to college. Why spend 4 years in college when an electrical worker makes $198.40 a week working 35 hours? This may well explain the large number of young men who are intelligent enough to qualify for college but smart enough not to apply.

Present projections foresee an increase in the population of the United States over the next 10 years of 18 percent; in the number of earned degrees of 75 percent. What impact will that have on the wages of the average college graduate? Clearly, the United States cannot and should not do what the Soviet Union did: freeze higher education enrollment. But it can become more selective by raising standards. Is it not about time to do some rethinking of investment in marginal prospects for higher education? Gary Becker's study for the National Bureau of Economic Research raises some weighty questions in regard to comparative rates of return (American Economic Review, May 1960).

WHO SHOULD PICK UP THE CHECK?

No matter how successful colleges and universities may be in using their resources more wisely and more effectively, they will still need to boost their income very substantially. Some have estimated that funds ought to be doubled while others want them tripled. Such increases are well within the realm of possibility if government spending for other purposes does not get out of hand.

What indication is there that the States will not continue to expand their financial resources and educational appropriations? Since World War II national income increased 130 percent, National Government revenues 96 percent. But State and local government revenues from their own sources jumped 298 percent and State-local educational expenditures 583 percent.

The public schools had prior claim on State funds during the 1950's when 12-grade enrollment climbed 43 percent. But most of the rush is over and school attendance will rise only 20 percent in the 1960's. This will help channeling a larger share of State funds to colleges and universities.

Private giving also has shown a splendid growth. Why should students and their parents, as well as private donors, not be able to augment their contributions as incomes rise, particularly if the Federal Government keeps its budget under control and grants tax relief?

The most neglected source of higher educational income is tuition payments in State institutions. Most State colleges and universities charge no or low tuition, or mere token fees. It has at times been charged that the American people spend more on liquor and tobacco than on education. This is incorrect except for many students at State colleges and universities who spend more on cigarettes than on payments to their alma mater, and far larger amounts for cars, liquor and various forms of entertainment.

It has been suggested that higher tuition fees might ease the parking problem around certain campuses where now one-half or more of the students park their cars. It is, of course, possible that some of our students would rather part with college than their car. If so, why should they not be allowed to spend their time as well as their money according to their own set of values?

The "Carnegie Foundation for the Advancement of Teaching" suggested in its 1956–57 report:

"Private institutions may eventually have to charge the full cost of education in tuition. They can then go even further than they have to date in providing various forms of scholarship aid for those students who need it." Grants and loan scholarship funds from State and private sources have shown a healthy growth and may be expected to expand further unless the Federal Government decides to enter the field with a major program which would tend to dry up other sources. Private finance companies are now advertising loans for college students. Most promising is the plan by the United Student Aid Fund to set up guarantees for student loans for educational purposes. Some observers, however, frown on what they call "students mortgaging their future" although they find no objection to no downpayments on large purchases and debts for more mundane purposes.

Earlier I referred to proposals which would permit students and their parents to offset part or all college expenses on the Federal income tax through additional exemptions, deductions or tax credits. This would make higher tuition fees easier to bear. Students from families which pay little or no income tax would still be eligible for scholarships. Donations to institutions could also be encouraged by a more liberal form of income tax credit.

Why do those who believe financial aid from the National Government to be necessary not support such proposals? Tax credits would eliminate the controversial problem of an equitable allocation of governmental grants among public, private nonsectarian and sectarian institutions and leave the freedom of choice to students and their parents, as the GI bill did. If it is held that the support of higher education has become a national problem, or even a national responsibility that calls for action by the National Government, why not use the fiscal powers of the National Government without disturbing the structure of higher education?

In summary: Higher education, under our Federal system, is no more a responsibility of the National Government than foreign relations is a responsibility of the States. To be sure, all levels of government have an interest in the essential functions of all other levels, and a duty to further them within their own proper range of activities. But there is no justification for any Government to enter another Government's domain without clear proof that such action is absolutely necessary.

No such proof has been advanced for the expansion of National Government activities in higher education by assuming responsibility for support of institutions, construction, or students. There are three ways of meeting higher education's financial needs: greater funds from established sources and wiser use of those funds; Federal income tax credits; direct Federal grants. But the worst of these is Federal grants.

PROPOSED DRUG LEGISLATION

Mr. KEFAUVER. Mr. President, because of its great importance I ask unanimous consent to have printed in the RECORD a copy of the President's letter of April 10, 1962, to the chairman of the Judiciary Committee [Mr. EASTLAND], in which he urges prompt enactment of S. 1552, the drug bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, April 10, 1962.

Hon. JAMES O. EASTLAND,
U.S. Senate, Washington, D.C.

DEAR SENATOR: In the message I sent to the Congress on March 14, I called attention to the need for new legislative authority to advance and protect the interests of consumers in the marketing of drugs.

S. 1552, which is now pending before your committee, incorporates the major recommendations I made. It will strengthen and broaden existing laws in the food and drug field, contribute toward better, safer and less expensive medicines, and establish a better system of enforcement. As you know, the bill is the outgrowth of the 28 months of intensive investigation and hearings by your Subcommittee on Antitrust and Monopoly. I believe that early passage of this legislation will substantially improve the ability of the drug industry to serve the Nation and help provide consumers with quality drugs at low competitive prices.

I understand that the members of the Subcommittee on Patents have decided that the compulsory licensing feature of the legislation requires further study and consideration. I would hope that this would not, however, delay enactment of the other provisions of the bill—provisions which will establish necessary safeguards to assure the reliability and effectiveness of drugs placed on the market, provide for standardization of drug names, and thereby encourage physicians to prescribe drugs by nonproprietary rather than by brand names, require disclosure of adverse as well as beneficial effects of drugs in drug promotion, and assure consideration of therapeutic effectiveness in the granting of patents for drugs that are modifications of other drugs.

The message I sent to the Congress made several other suggestions which, it would seem to me, might appropriately be included in the bill now before your committee. They are:

1. Drug manufacturers should be required to keep records on and report to the Department of Health, Education, and Welfare any indications of adverse effects from the use of a new drug or antibiotic.

2. The Department of Health, Education, and Welfare should be empowered to withdraw approval of a new drug on the basis of a substantial doubt of its efficacy or safety.

3. The provisions requiring drug manufacturers to maintain facilities and controls to assure the reliability of their product, and to institute more effective inspection to determine whether drugs are being manufactured in accordance with the law, cannot feasibly be limited to a particular class of drugs and should therefore be made applicable to over-the-counter as well as prescription drugs.

4. An enforcible system of preventing the illicit distribution of habit-forming barbiturates and amphetamines should be provided.

The need for these amendments is based upon the accumulated years of experience of the Food and Drug Administration, and they appear to be properly within the scope of the subject matter dealt with in the extensive hearings of the Subcommittee on Antitrust and Monopoly.

In addition, I recommend two minor procedural changes:

1. In the section having to do with the rendering of advisory opinions by the Department of Health, Education, and Welfare to the Patent Office on the therapeutic effect of modifications and combinations, I suggest that the requirement providing the applicant with an opportunity for a plenary hearing be deleted. Under the provisions of S. 1552 in its earlier form, the Secretary's finding was conclusive and therefore should have required a formal hearing. But since the bill in its present form requires no binding decision to be made by the Secretary, the requirement of the hearing seems inappropriate and would tend to unduly delay the rendition of the Secretary's purely advisory opinion to the Commissioner. The action of the Commissioner is, of course, subject to well-established de novo judicial review.

2. The provision requiring the filing of patent agreements with the Commissioner of Patents should more properly be in the form of an amendment to the Patent Act rather than the Sherman Act.

I have asked the Department of Health, Education, and Welfare to transmit to you promptly any additional recommendations to strengthen, clarify, or improve the bill that it may have and that will not require additional hearings or substantially delay action on the bill.

It would not appear that the consideration of these proposed changes should occasion any further delay in the approval of this important measure.

With the above changes, S. 1552 adequately deals with the most pressing problems in the drug field, and it is my sincere wish that it be enacted during the current session of the Congress. Your cooperation and assistance to this end will be greatly appreciated.

Sincerely,

JOHN F. KENNEDY.

Mr. KEFAUVER. Mr. President, I also ask unanimous consent to have printed in the RECORD an editorial published in the Washington Post and Times Herald, April 21, 1962.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

J. F. K. ON DRUGS

President Kennedy has followed up commendably on his general recommendations in the recent consumer message by directly appealing for the passage of drug legislation now before the Senate. In a letter to Chairman JAMES O. EASTLAND, of the Senate Judiciary Committee, Mr. Kennedy not only specifically endorsed proposals for policing the drug industry but suggested some useful improvements on the pending legislation.

In essence, the President approved suggestions for testing drugs for reliability and efficacy as well as safety. He asked for the standardization of drug names, in order to encourage physicians to prescribe medicine by generic rather than more costly brand names. He proposed that Congress require disclosure of adverse as well as beneficial effects in drug promotion and that consideration be given to therapeutic effectiveness in granting patents for drugs that are modifications of other drugs.

All of these reforms are embodied in the bill that is the fruit of 28 months of hearings and investigation by Senator KEFAUVER's Antitrust Subcommittee. In addition, drawing on advice of the Food and Drug Administration, Mr. Kennedy urges that drug manufacturers be required to keep records of the adverse effects of new drugs. His other suggested modifications are technical and are designed to tighten-up the application of the bill.

The President sidestepped the question of requiring that drugs be licensed, as they are in most other major democracies. But since this provision has been dropped from the present legislation, the White House is wise to focus attention on what can be achieved in this Congress. The major provisions of the bill before the Judiciary Committee are broadly supported by medical authorities and should have the effect of assuring better and cheaper drugs for the public. We hope Mr. Kennedy also follows up on other important recommendations in his consumer message.

Mr. KEFAUVER. Mr. President, the editorial commends the President for following up his general recommendations with respect to drugs in his recent consumer message by "directly appealing for the passage of drug legislation now before the Senate."

This proposed legislation, as the editorial correctly notes, "is the fruit of 28 months of hearings and investigation by Senator KEFAUVER's Antitrust Subcommittee." The editorial also correctly notes that the major provisions of the bill, S. 1552, now before the Senate Judiciary Committee, "are broadly supported by medical authorities and should have the effect of assuring better and cheaper drugs for the public."

HIGHER FACULTY SALARIES NEEDED IN AMERICAN COLLEGES

Mr. YARBOROUGH. Mr. President, an interesting and highly informative article on the subject of salary levels for the academic profession was published in the New York Times Sunday, April 29, 1962.

The report touches on the possibility of a relation between academic salary levels and the quality of educational institutions in the United States, and shows high and low points in various parts of the country.

The article, by Fred M. Hechinger, is based on a report made by the American Association of University Professors, titled "The Economic Status of the Academic Profession." Since I am a member of the Senate Subcommittee on Education and strongly support bills now pending in the Congress to aid higher education, and since the Congress is exploring means by which to assist in the educational advancement of our country and is therefore interested in all problems related to this goal, I ask unanimous consent to have printed in the RECORD the article published in the New York Times entitled "Dollar Yardstick: Report on Professors' Salaries Hints at Quality Criteria."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 29, 1962]

DOLLAR YARDSTICK: REPORT ON PROFESSORS' SALARIES HINTS AT QUALITY CRITERIA

(By Fred M. Hechinger)

An extensive survey of faculty salaries by the American Association of University Professors, made public last week, combines in its findings a mixture of progress and danger signals. A total of 588 colleges and universities were taken under the close economic scrutiny of a committee headed by Dr. William J. Baumol, professor of economics at Princeton. By contrast with most educational statistics, this survey is up-to-date—it compares faculty salaries during the 1961–62 academic year to those of the year before.

By way of summary the survey finds the overall salary picture better by 6.5 percent than a year ago, but adds that at many institutions salary levels remain "scandalously low" and the public universities, which had been doing well in the past, are slipping.

What are the key findings and their implications?

1. Bright spots: Although Harvard, with average salaries of just over $15,000 and an average for full professors of $18,750, is in a class by itself, the list of top-level averages just below Harvard's level now includes nine other institutions: Princeton, Duke, Yale, Amherst, the Massachusetts Institute of Technology, and the four municipal colleges of the City University of New York. Duke is the first southern university to be placed in the top list.

IMPROVED CONDITION

Teachers' colleges and church-related institutions, which started from a dangerously low level and therefore still have a long way to go, have improved significantly in the past year.

The AAUP considers it especially praiseworthy that "many of the institutions which are not the large and notoriously affluent" are crowding the lists of those with outstanding performance."

If there is any relationship between such improvement of faculty salaries and educational excellence—and at a time of intensive competition for college teachers this is inevitable—then the extensive "honors lists" in the report may add new yardsticks by which institutions can be judged. This is important because too few yardsticks now exist.

Faculty salaries: Average annual pay in U.S. colleges, 1961–62

Professors	$11,595
Associate professors	8,926
Assistant professors	7,461
Lecturers	6,706
Instructors	6,033

What is most encouraging is that "honors lists" find side by side some well-known prestige colleges and other institutions which, it would be safe to bet, few college applicants have ever heard of. It would, of course, be foolish to equate colleges simply because they are doing equally well by their teachers or are improving salaries at the same rate, but it is worth looking at Ripon College in Wisconsin or the University of the Pacific in California if they are on the same improvement list as Cornell and Bryn Mawr. It is even more appropriate to look at, say, Lake Forest College in Illinois or Harvey Mudd College in California if, as happens to be the case, they share the actual salary rating with a Barnard, Brandeis or California Institute of Technology.

Finally, the AAUP has added a special "honor roll" of the 20 institutions which are offering the highest faculty salaries per full-time students enrolled. In other words, this measures the high investment in teaching staff made by some institutions on behalf of a relatively small number of students. Admittedly this is a "somewhat controversial" yardstick. In some instances, it may merely signify that the faculty's time is squandered. But in general, a high ratio of well-paid teachers can be taken as a hint of high quality. And while this list includes some of the prestige colleges, it also is significant because some less widely recognized institutions are represented on it.

2. Trouble spots: here are wide areas of such serious lag that they may constitute a threat to American higher education at a time when a demand for unprecedented expansion is imminent. Thirty-one institutions, for example, were found to be paying their full professors less than an average of $6,000.

The most depressed region remains the South. Typically, southern colleges and universities lag behind comparable institutions in the rest of the country by between 12 and 20 percent.

But probably the most serious and, from the national point of view most ominous, aspect of the report is its summary of the lack of progress of State and municipal universities.

STATE UNIVERSITIES LAG

Whereas five private independent universities were in the highest category, no State university reached the very top level.

Even this is not as serious as the fact that almost half of all public universities are in category D on a scale that ranges from AA to F. Only 3 percent of the independent institutions range as low.

Rapid growth and huge enrollments are, of course, a problem for many State universities. As a consequence, they must rely heavily on the services of low-salaried instructors to cope with masses of sections, especially in the required courses of freshman and sophomore years. But this also depresses quality, particularly at a time when better prepared high school students are more demanding.

This is a crucial problem now that the public institutions already enroll more than 60 percent of all students and, according to some predictions, may eventually educate 80 percent. Yet, faculty recruiting will become much tougher.

TREND MAY REVERSE

If the gap between private and public universities thus becomes wider, the trend toward academic excellence which marked public institutions in recent years would be reversed. And this would inevitably mean that students who cannot afford the rising tuition costs of private institutions would be condemned to an education of lower quality than can be afforded by their wealthier contemporaries. This would be a serious blow to that equality of opportunity which a combination of scholarship aid in private colleges and free or low-cost education in high-quality public colleges has offered in the past.

Further details on the report, which is titled "The Economic status of the Academic Profession," may be obtained from the AAUP, 1785 Massachusetts Avenue NW., Washington 6, D.C.

Mr. YARBOROUGH. The present occupant of the chair, the distinguished Senator from Montana [Mr. METCALF] is one of the most able exponents of increased aid to higher educational institutions in our country. I believe he, too, will be interested in the article.

MORE RATHER THAN LESS AIR TRANSPORTATION IS NEEDED FOR ALASKA

Mr. GRUENING. Mr. President, the House-Senate conference committee on S. 1969, the supplemental air carrier bill, has been so amended in the House as to change completely the concept and purpose of the bill. The Senate version of S. 1969 would have acted to preserve the supplemental air carriers and take advantage of the yardstick which they provide for establishing and maintaining low cost competitive air transportation. The bill, with the crippling House amendments, would, in effect, create a starvation diet for most of the supplemental air carriers and most probably would result in the elimination of this very necessary group of competitors to the airline industry.

Too often, the CAB has used its authority to eliminate small air carriers whose only crime has been to exceed the standards of frequency and regularity in their competition with the major airlines.

In Alaska the Territorial legislature twice memorialized the CAB to permit the continued operations of the number of air carriers that were serving Alaska up to as late as 1953. However, these appeals were totally disregarded and every one of the supplemental carriers whose low cost passenger and cargo transportation had filled a great need for Alaska, were put out of business. Although my colleague, [Mr. BARTLETT] and I protested against these actions at the time along with chambers of commerce, labor organizations, and citizens of Alaska, the services of these carriers were terminated. The consequences were that transportation charges on cargo from Seattle to Anchorage and Fairbanks, Alaska, increased. Passenger fares also increased. I pointed out, and the Senate Small Business Committee report of 1951 made clear, that Alaska did not have the alternative rail and highway systems that are available in the continental United States, and therefore should receive special consideration from the CAB. The Senate report recommended this special consideration for Alaska but these recommendations were totally ignored. If the pattern of congressional action is to support the restrictive policies of the CAB, we can look forward only to a monopoly control of our air transportation system under which the average consumer in Alaska or elsewhere will be unable to register his demand for lower price transportation. In other words, the average consumer is to be economically disenfranchised, having no lower cost service to turn to.

This, I believe, is the heart of the question we must face. Is the consumer to be permitted an opportunity to select, if he so desires, a slower but safe transportation at lower cost, or is this choice to be denied him? I have been informed that three tragic accidents in charter transportation were the cause of much concern in the House, and consequently may have resulted in restrictive provisions in the House language in S. 1969, but I feel that it should be pointed out that these accidents particularly involve charter operations as differentiated from ticketed supplemental air carrier service and that the House bill nevertheless is not concerned with charter operations. The strange and important story appears to be that the opponents of the original Senate bill are attempting to eliminate the independent ticketed operations when such operators have an amazing history of having no passenger fatalities for the last 10 years. Such a record is unequaled by any other group of carriers in the airline industry. In addition to this exemplary record of safety, these ticketed supplemental carriers have consistently provided lower cost transportation between essential traffic points throughout the Nation. Of fundamental importance to an area such as Alaska is the continuation of this service.

The Congress should have new hearings to expand rather than reduce the field of economic operating authority permitted these carriers. It should be especially noted that these are the only carriers that offer price competition. The larger scheduled air carriers merely compete at the same fare levels.

THE FINANCING PROVISIONS OF THE STANDBY PUBLIC WORKS ACCELERATION ACT OF 1962

Mr. HICKENLOOPER. Mr. President, the Republican policy committee and those members of the Republican conference who were present at a meeting May 1 authorized a statement regarding the financing provisions of the Standby Public Works Acceleration Act of 1962.

At the direction of the committee the action was released to the press.

I ask unanimous consent to have printed in the RECORD at this point a copy of this press release.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Republican policy committee, and those members of the Republican conference present at the meeting today, unanimously resolved to oppose the financing provisions of the Standby Public Works Acceleration Act of 1962, as reported by the Committee on Public Works.

Despite the efforts of Republican committee members to revise the bill submitted by the administration, the bill reported to the Senate contains provisions which set a dangerous precedent and strike at the financial stability of institutions in which the American public has great faith and confidence.

According to the committee's report, the bill as introduced would have authorized the President of the United States under certain circumstances to expend $2 billion for new public works as often as three times within a period of 2 years. Republicans on the committee opposed any standby authority, and the committee limited this authority to one expenditure of $2 billion.

The provisions which still remain in the bill, however, and to which the Republican Party object most vigorously, would allow the President of the United States, and those to whom he would delegate the power, to take up to $2 billion—without the approval of the Appropriations Committee—of the funds set aside in the U.S. Treasury for the World Bank (International Bank for Reconstruction and Development), the Housing and Home Finance Agency, the Federal Home Loan Banks, the Federal Savings and Loan Insurance Corporation, and even the Federal Deposit Insurance Corporation.

The four Federal agencies involved were established by the Congress of the United States to protect the homes and savings of American citizens. Their reserve capital would be switched to public works projects, under this bill, at a time of crisis when these funds would be most needed.

The Congress of the United States never intended these funds to be used for any purpose other than that specified by law. It is inconceivable that power be given the President not only to bypass the appropriations process, but also to transfer from agency to agency funds authorized by the Congress for established programs and specific purposes.

This vast money scheme could jeopardize the financial stability of the agencies concerned, and would constitute a unique and peculiar method of deficit and backdoor financing. The Republican members of the Public Works Committee moved to strike this provision in committee, and when it was not removed voted against the bill.

The Republican Party intends to make an issue of this financing method when the standby PWA program comes before the Senate, and will do its utmost to place the facts before the American people.

NARCOTICS HOSPITAL CONSTRUCTION AND MEDICAL RESEARCH

Mr. JAVITS. Mr. President, I am pleased to note the administration's favorable report to the Senate Judiciary Committee on S. 1694, the bill to provide for civil commitment of certain narcotics addicts for medical treatment in lieu of criminal prosecution. This bill, introduced by my colleague, Senator KEATING, myself, and a bipartisan group of cosponsors, was part of a series of bills which were designed to complement each other in a forward-looking approach to combating this grave national problem.

But clearly, a system of civil commitment must have both adequate physical facilities for treatment and a constant effort to develop the medical techniques necessary to make such treatment permanently effective. Such a bill was also introduced by virtually the same group of sponsors—in this case with me as principal sponsor. It is S. 1693, which provides for narcotics hospital construction needed to receive those addicts who are committed under the provisions of S. 1694, where there is the major density of such addicts. Present facilities at Lexington, Ky., and Fort Worth, Tex., are, of course, essential, but cannot fill the on-the-spot need if the program of civil commitment under S. 1694 is to work out successfully. S. 3098, introduced subsequently, provides for Federal aid to continuing research into methods of control and cure of addiction.

I ask unanimous consent that an article in the splendid series of the New York Journal-American on this subject be inserted in the RECORD at this point in my remarks. It underscores the great immediate need for additional hospital facilities. I also ask unanimous consent to have inserted an editorial in the Journal-American which supports this view.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the New York Journal-American, Apr. 27, 1962]

THE ADDICT'S PLIGHT: NO PLACE TO GO

(By James D. Horan, Dom Frasca, and John Mitchell)

His name is Edmond. He is 27, but he looks older. Suffering has lined his face and deadened his eyes.

Edmond has been addicted to heroin for 3 years. He is trying to kick the habit. But he must wait. And for Edmond, time is not measured by the hour hand of the clock. It is measured by the seemingly endless minutes between "fixes."

At this moment there are 400 others like him in New York City. His story could very well be all of theirs.

HE WANTED HELP

Edmond came yesterday to the New York Journal-American from his home in the Bronx. He sought help.

"I'm desperate, I need help. You're my last resort," he pleaded.

"It's getting hard to find there on the street," he remarked, referred to the heroin he injects into his arm three times daily.

One of these reporters went with Edmond to the admissions office at Manhattan General Hospital, 18th Street and Second Avenue.

The clerk, a woman with sympathetic eyes, was pleasant.

"You've been here before, haven't you?"

CALL US MONDAY

It was more of a statement than a question.

Edmond told her he had been there twice before as an addict-patient. She pulled his card from the file.

"You call us on Monday," she told him.

Monday was 100 hours away.

"He needs help now," pressed the reporter, who identified himself as Edmond's friend.

"I can see he does," the woman nodded. "But his name won't come up before the hospital board until Monday."

"What happens then?" the reporter asked.

"If readmission is approved the name goes on the bottom of the waiting list."

"How many on the list?"

"One hundred and fifty," she replied.

Edmond shrugged his shoulders, as if to say, "See, what's the use?"

"We're taking about four addict patients a day," the clerk continued, as if to explain that the fault wasn't hers.

"That means Edmond won't get a bed for 37 days," the reporter observed.

"More or less," the clerk affirmed. "I'm sorry. We just have 97 beds here for men. First applicants get priority."

IT'S TIGHT HERE

"What are Edmond's chances at Metropolitan Hospital?" the reporter asked.

"It's tight here," the woman replied. "The wait is much longer.

"I'm sorry. Call us Monday."

The words hung in the air for a few moments. Then Edmond and the reporter headed uptown in a cab.

Riding through sun-splashed streets, the city seemed at peace. Kids scampered in the park, women peered in shop windows, elderly men talked on street corners.

NO BEDS AVAILABLE

And the city's addicts, hunched with pain and sickness, besieged New York's narcotics wards and were turned away by the hundreds.

The reason: no available beds.

Waiting periods range from 2 to 4 months.

Nowhere in the city—or out of it—can an addict obtain immediate admission to a hospital unless he is prepared to pay at a private institution.

"It's no good the way it's set up, you know?" Edmond remarked during the taxi ride. "You stay in a hospital 2, maybe 3 weeks. You're over it physically, but it's still in your mind."

"And there's nothing to do. So you just hang around back in your old neighborhood and you associate with your friends and they're using the stuff and sooner or later you're sticking a needle in your arm again."

The reporter asked what he would suggest to avoid this posthospital trap.

ONLY ONE SOLUTION

"Man," said Edmond, blinking at sunlight on the East River. "There's only one thing. Get out of town."

Then they were walking down a long hallway on the third floor of Metropolitan Hospital, 1st Avenue and 97th Street. There are 50 beds for addicts here. Half for boys, half for men.

"He needs a bed," said the reporter to a nurse in the mental hygiene clinic.

The nurse looked at Edmond with genuine concern. She seemed to be echoing her counterpart downtown because suddenly she said:

"I'm sorry. He would have to be screened first. You want an appontment?"

"When?"

The nurse consulted her datebook. "June 11," she said.

"Nothing before then?"

"I can give you a standby for May 7. That means if the applicant scheduled at that time doesn't show up, you get the appointment."

Edmond's last "fix" was beginning to wear off. His eyes watered.

"I can't wait that long," he said. "I need help today."

"Try Manhattan General," said the nurse.

Edmond smiled. "Ma'am," he said. "We tried it. There's just no place."

There was "one place," however. A call to Mrs. Angela Gallo at Manhattan State Hospital, which has a backlog of applicants equivalent to 2½ weeks waiting, drew hopeful response.

Mrs. Gallo said Edmond could have an appointment at 9 a.m. today to be screened for admission to the State's addict ward at Central Islip, Long Island.

"If everything goes all right," she said, "he'll be under treatment out there next Thursday. That's the earliest possible date."

Edmond has promised to keep his appointment with Mrs. Gallo.

But in the twilight world of heroin addiction, where physical craving for dope is intense, appointments are not always honored.

Edmond needed a bed yesterday.

What he needs today might be something entirely different.

WAGNER ACTION ASKED

The problem facing addicts was considered so acute that a Brooklyn church leader today urged Mayor Wagner to take emergency steps to provide more beds.

The Reverend Richard L. Francis, executive secretary of the Brooklyn Division of the Protestant Council of New York City, wired the mayor:

"New York City must act now to provide hospital beds for these people. They should not have to wait 1 month to get into a hospital, or even 1 week."

Dr. Alexander K. Krueger, general medical superintendent for the department of hospitals, said the city was expanding its bed facilities for addicts rapidly. He said the present total of 355 beds for addicts in municipal or city-supported institutions would be increased to 480 in mid-July.

The film, "Assignment: Teenage Junkies," detailing the New York Journal-American expose of the narcotics racket, will be shown to several hundred teenagers and their parents tonight at the Upper Park Avenue Baptist Church, 85 East 125th Street.

[From the New York Journal-American, Apr. 30, 1962]

WE NEED U.S. NARCOTIC HOSPITAL

A survey by this newspaper has disclosed the tragic fact that there are more than 400 dope addicts in this city desperately seeking help to kick the vicious habit that has made their lives a living hell.

But no help is available because every city and State institution that has facilities for rehabilitating these pitiful victims of narcotics is jammed to capacity.

Not only are there no beds available—there is a waiting list so long that addicts who apply for admission are told to come back next week, even next month.

And medical experience has shown that no addict can kick the habit by himself. He must undergo withdrawal from the drug under supervision which only a hospital can provide.

Under the plan announced by Mayor Wagner, the number of beds available in city institutions will be doubled to a total of 710 this year. This should be sufficient to handle voluntary commitments.

But under the new Metcalf-Volker law enacted by the State, another 6,000 persons arrested each year in this city on narcotics charges will be able to apply for hospital treatment instead of going to jail.

Under what standard of morality could the courts decree that addict A may be committed to a hospital because a bed is available and addict B must go to jail without treatment because no beds are available?

Theoretically, if 6,000 defendants eligible for Metcalf-Volker treatment were to occupy beds in a security hospital for 30 days each—the standard minimum for physical withdrawal—we would need 500 beds for this group.

Yet all city hospitals presumably would be filled with voluntary patients. Where are we going to find 500 additional beds, since the State now provides less than 200?

That is why we must have a Federal narcotics hospital in the New York area if we are to implement effectively the humane provisions of the Metcalf-Volker law, which treats the addict as a sick person, not a criminal.

It is a shameful fact that although the metropolitan area has one-half of all the dope addicts in the country, the nearest Federal rehabilitation center is in Lexington, Ky.

And Lexington has no facilities for aftercare, which is considered essential if the addict is to be kept from returning to dope. With a Federal hospital here, such aftercare would be available right in the area.

The objection has been raised that a narcotics hospital might be expensive to operate. Police estimate the average addict steals an average of $50 a day to finance his habit. Certainly, hospital ward treatment for one addict is going to cost less than that.

We believe that President Kennedy should put the power and prestige of his office behind the Javits-Keating bill which calls for a Federal hospital here with the Government paying 75 percent of construction cost and 60 percent of operating expense.

If you agree, clip and sign this editorial and mail it to the President, the White House, Washington 25, D.C.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The ACTING PRESIDENT pro tempore. Without objection, the Chair lays before the Senate the unfinished business, which will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 1361) for the relief of James M. Norman.

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the so-called Mansfield-Dirksen amendment in the nature of a substitute.

Mr. ROBERTSON. Mr. President, before beginning my remarks against the so-called literacy test proposals, I would like to commend the senior Senator from Texas [Mr. YARBOROUGH] for the position which he took when the Senate leadership moved to substitute S. 2750 for the body of H.R. 1361, a bill which would grant relief to James M. Norman, a citizen of the State of Texas.

The distinguished senior Senator from that State said last Friday:

> I share my constituent's surprise at finding this bill (H.R. 1361) the center of another great constitutional controversy.

I might add that the junior Senator from Virginia is no less surprised at the method employed to bring S. 2750 to the Senate floor, when this bill had been referred to the appropriate committee but 3 months previously and when subcommittee hearings on the bill had not even been printed, much less acted upon, prior to the leadership's action.

The senior Senator from Texas stated further:

> Mr. President I consider that I am still bound by the obligation I undertook to a constituent to secure action for the relief of James M. Norman, American. Accordingly, I shall be compelled to vote against any substitutes, amendments, or other motions which would prevent the Senate from undertaking action on the subject matter of H.R. 1361 now before us.

I commend the senior Senator from Texas for his unwillingness to depart from normal Senate practice, particularly when this departure would deny one of his constituents what the Senator considers to be appropriate relief.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. RUSSELL. I was interested in the commendation by the Senator from Virginia of the Senator from Texas [Mr. YARBOROUGH] for undertaking to prevent his constituent from being a victim of the proposed amendment. Undoubtedly the constituent of the Senator from Texas is a fine man. I would not like to see him victimized. But does not the Senator agree that the great victim of the proposed legislation, should it ever be enacted into law, would be the Constitution of the United States, under which that constituent is tilling his soil and enjoying his liberties as an American citizen?

Mr. ROBERTSON. There is no doubt about it. The measure would pull out two of the cornerstones of the Constitution—section 2 of article I and the 17th amendment—which expressly give to the States the exclusive control of the qualifications of their electors, subject only to the 14th, 15th, and 19th amendments.

We from the South have stood upon the floor of the Senate hour after hour, and day after day, commencing early last week, continuing through this week, and prospectively into next week, explaining first the provisions of the Constitution and all of its amendments, explaining that our Founding Fathers, the courts, and including even the Reconstruction Congress left no question about the fact that the Constitution, as framed, reserved to the States the right to determine the qualifications of electors.

We have cited Willoughby on the Constitution, Coolidge on the Constitution, and Corwin on the Constitution. We have called the Senate's attention to the comments of the attorneys general of nearly all the States of the Union and of many of our country's ablest constitutional lawyers. They are almost unanimous in the opinion that the measure before the Senate is clearly and unequivocally unconstitutional.

However, we are told that a petition for cloture will be filed. The opposition, we hear, will attempt to muzzle us, strangle us, notwithstanding the fact that all Senators have taken a solemn oath to uphold and support the Constitution.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. RUSSELL. I am interested in the statement of the Senator. I am surprised that an attempt to apply a gag rule has not been made earlier. Those who support the measure, to protect what is left of their consciences, do not remain in the Chamber in order to hear the unanswerable arguments against the bill on the ground that it would be violative of the Constitution. They stay away from the floor of the Senate. The argument resolves itself down to the question, "What is a little thing like the Constitution of the United States between friends in an election year when we need a few votes? Therefore we will gag this group and proceed to run roughshod over them and the Constitution of the United States."

Mr. ROBERTSON. A great Englishman named Lord Bacon wrote an essay on truth. He started the essay with the statement, "What is truth? said jesting Pilate; and would not stay for an answer."

I believe I have the truth, certainly several pages of it. Who has remained in the Senate Chamber for an answer? Only the distinguished Senator from Georgia [Mr. RUSSELL] and myself. We have before us a serious issue. There is an attempt to undermine the Constitution by running roughshod over the one amendment—the 10th amendment—without which the Constitution would never have been adopted. Senators will remember Madison's assuring the colonists that:

> As soon as we meet, I will put in this Constitution the essence of George Mason's Bill of Rights.

One of our great Presidents, Woodrow Wilson, said:

> I would rather have been the author of that instrument than of any political document that has ever been framed.

The Bill of Rights is a part of all State constitutions in one form or another. It expresses the philosophy of government of those in Virginia who contributed, in my humble opinion, as much or more than anyone else in any other State to the formation and birth of a new nation, a nation which gave us a private enterprise system within the framework of American constitutional liberty.

Under that system we have prospered. Nevertheless we now have a proposal before us to destroy one of the very essential principles upon which our Union of self-governing sovereign States was founded.

How can we have a strong, representative democracy without intelligent voters? The great political philosopher from Virginia, Thomas Jefferson, said:

> I am willing to trust the judgment of the people when they are informed.

He did not say, "Let every Tom, Dick, and Harry vote." Oh, no; he did not say that. He said, "Let us educate the people."

Thomas Jefferson wanted public schools in Virginia. He wanted the university established. Why, Mr. President? It was because he believed that the people could be trusted provided they were informed.

We say that our classrooms are bursting at the seams; that our schools can no longer accommodate the great population increase; that we are in a scientific age, and that more and more intelligence is required of our people in order to compete successfully with other nations.

The literacy test bill, therefore, is a most definite step backward.

Furthermore, it is farcical in this day of social promotions to provide that a student who has completed the sixth grade shall, by act of Congress, be declared literate.

Schools make social promotions because they choose not to let the big fellows with broad backs and small minds stay long in one grade. A person might be a veritable dumbbell, but few school authorities would have him at a grade level compatible with his intellectual achievements. He may not be able to read B from bullsfoot, and he may not even know who is on the ticket, but his sixth-grade certificate would, nevertheless, qualify him to vote.

On the other hand, someone who had not gone to school, and who may be as smart as Abraham Lincoln—who did not go to school either—would be subject to a test.

We could at least require a voter to meet the standards expected of a foreigner before he can be naturalized. What do we require of a foreigner? We provide that he must be able to read and write English. We do not say to a man from Spain, for example, "If you have finished the sixth grade in Spain, you can qualify for citizenship in this country. You do not have to read and write English. You do not even have to know anything about our form of Government or our history. If you have finished the sixth grade in Spain, we will make you a citizen after you have lived here for 5 years."

We do not do that.

That is one of the absurdities of this whole thing.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the Senator from Georgia.

Mr. RUSSELL. The Senator is making a very telling point, which I have not heard emphasized heretofore. It so happens that one of the greatest scholars that I have ever known never went to school a day in his life. Yet he could read Greek and he could read Hebrew. He had worked perhaps more diligently than anyone else to educate himself. He had done more to educate himself than most people do who have degrees of all kinds from various schools and colleges and universities throughout the land. As the Senator points out, a person who was probably forced out of the sixth grade, and was finally forced out of school as being completely incapable of digesting any education whatever, could be held, under the provisions of the bill, to be entitled to vote. On the other hand a man who is a scholar and who can speak 8 or 10 languages, and who can read the hieroglyphics of the past and understand and read the Rosetta stone, could be subjected to any examination that a registrar might desire to impose upon him.

Mr. ROBERTSON. That is exactly correct. It shows the unreality of the position of the Attorney General, when he says that the provisions of the bill do not represent a qualification, but only a test to which all States shall conform. He does, however, say that if this bill did fix voter qualifications—and to hold that S. 2750 does not do this challenges commonsense—it would be unconstitutional.

The Attorney General went to a good school, Mr. President. He graduated from the University of Virginia Law School. He was trained in sound principles there. However, somehow the Attorney General has gone overboard on this matter, particularly in view of his admission, I believe, before the Subcommittee on Constitutional Rights that he could not cite even a justice of peace ruling to sustain his position on the bill.

Mr. RUSSELL. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. RUSSELL. I understood that the distinguished Senator from North Carolina, who is chairman of the subcommittee, had addressed a letter to the attorneys general of the several States of the Union, seeking their opinion as to the constitutionality of this measure, and that practically all of them in their replies had analyzed the bill based upon their experience as attorneys general for many years in dealing with constitutional matters, as being wholly and completely unconstitutional. Is that a correct statement?

Mr. ROBERTSON. The Senator is correct.

The attorney general of Virginia, Hon. Robert Y. Button, said that the bill is clearly unconstitutional. A former attorney general of Virginia, one of the ablest teachers in my State, Hon. Frederick F. Gray, testified before the subcommittee for an hour and made one of the most convincing arguments. If it becomes necessary for the Senate to proceed beyond next Wednesday—and I hope it will not be, because we really have much important business to consider—I plan to read that wonderful dissertation by the former attorney general of Virginia, which illustrates quite clearly the constitutional flaws of this measure.

Mr. RUSSELL. I dislike to draw comparisons, because they are always invidious; but as between the training and experience of men who have been elected, in most instances, by the people of their States to serve as attorneys general, and the present Attorney General of the United States—all of the State attorneys general may not have replied, but a pretty good sampling has been received from Alaska to Florida; there may have been some in between who did not answer—none of the State attorneys general contended that the bill is constitutional.

I agree that the Attorney General of the United States is a brilliant, able young man.

Mr. ROBERTSON. He attended a first-class law school.

Mr. RUSSELL. I shall not get into an argument about that. All of us believe our respective schools are the best. There was a time when a man could hardly get a job in Washington unless he had been graduated from Harvard Law School. But that day is past. I am glad to see that the University of Virginia has been able to have one of her graduates become Attorney General of the United States.

The President once, in attempted humor, said that some persons were objecting to his appointing his brother Attorney General. He said he did not see anything wrong with giving his brother a little on-the-job training. Unfortunately, so many persons throughout the country took that statement seriously that, to my knowledge, it has not been repeated.

Mr. ROBERTSON. He cannot be accused of a lack of vigor.

Mr. RUSSELL. Many persons know Mr. Kennedy only as a graduate of the University of Virginia Law School; but he also worked for a long time on Capitol Hill.

Mr. ROBERTSON. And he served here as a conscientious young attorney.

Mr. RUSSELL. We know he is an able, diligent young man; but he has not had nearly the experience in the actual operation and application of constitutional law as have a large number of attorneys general of the States, men who are, in most instances, elected by the people, not appointed; and who were elected on the basis of their maturity and understanding.

I think we may safely say that the mere fact that a man serves in the exalted office of Attorney General of the United States does not necessarily make him a constitutional lawyer. Greater qualifications are necessary for the attorney general of a State, who has perhaps served in that capacity for a number of years.

Mr. ROBERTSON. That is correct. I think that, with all due modesty, I can boast of the reputation of Dr. D. F. G. Ribble, dean of the Law School of the University of Virginia, where he teaches constitutional law. Prior to the unfortunate development in 1954, when the Supreme Court began to cite sociological works as authorities for amending the Constitution, Dean Ribble was cited as a constitutional authority no less than any current teacher or lecturer on constitutional law in the Nation. I submitted to Dean Ribble my rather extended discussion of the voter qualification bill and asked him to check the validity of my constitutional arguments. He replied by giving his full approval to them. He also was highly commendatory of Attorney General Gray's statement, which I had sent him.

So I maintain that we who claim that the bill is unconstitutional have the backing of the legal fraternity, a fraternity which justly claims recognition for its constitutional analyses. The Attorney General of the United States and Dean Griswold, of Harvard, a member of the Civil Rights Commission, admitted, I believe, that they could not cite any real constitutional authority for their position. That is the whole thing in a nutshell.

Mr. RUSSELL. One or the other of them—I do not now recall which it was, although I read their testimony—testified that the bill would be unconstitutional were it not for the declaration of facts which precedes the legislation.

Mr. ROBERTSON. I shall discuss that. Everyone who has ever studied logic will concede that a deduction can be made from a fact. But a deduction cannot be made from a deduction; that is not good logic, and it is not good law either.

Mr. RUSSELL. The Senator knows, however deplorable the fact may be, that there is no basis for changing the Constitution of the United States by statute. A rash of murders may break out in some State, and the State may be incapable of grappling with the situation. But to have Congress enact a statute to punish the murderers in Federal courts because the State government could not handle them properly would certainly violate the Constitution. Unless such a situation happened to accur in one of the Southern States, no one would think of seeking to have Congress pass such a statute.

Then there might be two statutes: one for the Southern States and one for the rest of the Nation.

Mr. ROBERTSON. There was a time when the Supreme Court would uphold the limitations upon the spending powers of Congress. Congress, those former judges held, could spend only if the purchase were authorized under the powers specifically delegated to Congress in the Constitution.

Congress then resorted to the device of the pious declaration. Congress said, "We want to spend for this particular project. The project is in the general welfare. Although the project may be for the benefit of a single county, the welfare clause of the Constitution gives Congress the power to spend for anything which it says is for the general welfare."

That question went to the Supreme Court. The Supreme Court said, in effect, "We have tried for the last time to hold Congress within its powers. If Congress wishes to construe the general welfare clause as an unlimited grant of power, in spite of the fact that all grants of power to the Central Government are specific—as confirmed by the 10th amendment—then, Congress, you be the keeper of your own conscience. You have taken an oath to uphold the Constitution. If you now wish to violate it and spend for what you please, that is up to you."

What has been the result? Congress no longer bothers even to salve its conscience with a pious declaration in order to spend for what it chooses.

Mr. RUSSELL. Mr. President, I should like to ask the Senator from Virginia what would be the effect of this proposed law on the law of a State regulating the registration of voters, if a State had a law providing that a person who had passed the fourth grade or the fifth grade of grammar school should be permitted to register. Would not this measure likewise strike down that law?

Mr. ROBERTSON. The point is that this measure would violate the rights of the States to determine all voter qualifications.

Furthermore, if Congress can provide at this time that completion of the sixth grade shall be the standard, subsequently Congress could provide that completion of the fourth grade shall be the standard; or Congress could go in the other direction by providing that only those who had graduated from high school could register and vote. So the standard could fluctuate up or down, forward or back, according to the uncertain majorities in Congress and the political considerations of the future.

At the present time, we are supposed to be moving toward what is called the New Frontier. Evidently some think we shall reach it sooner if everyone is allowed to vote. However, that trend could be reversed—with the result that perhaps in the future only property owners would be allowed to vote.

So we see the evil which was recognized by the framers of the Constitution. They did not attempt to tell the States what the qualifications of voters must be.

If S. 2750 were to become a law, and if by chance the Supreme Court were to overrule every decision it has ever made on this subject by upholding such a law, the States would have no protection.

Mr. President, let no one think that the effects of this measure will be felt only by Puerto Ricans in New York or by Negroes in some 100-odd southern counties. No, Mr. President; this measure would apply to every State of the Union.

Some have asked, "Why do not the proponents of S. 2750 follow the constitutional method in this case, as was done in connection with the attempted repeal of the poll tax?" Mr. President, it is significant that only five States would be affected by the poll-tax repeal. Those who favored a constitutional amendment to accomplish this result thought they could overrun that small group of States. But 21 States of the Union have literacy test requirements; so the proponents of S. 2750 do not dare to propose this measure in the form of a constitutional amendment to be submitted for ratification by three-fourths of the States.

Mr. RUSSELL. I thank the Senator.

Mr. ROBERTSON. Mr. President, in order to assist those who may hereafter read in the CONGRESSIONAL RECORD my objections to the bill S. 2750, I ask unanimous consent to have printed at this point in the RECORD an outline of my subsequent remarks.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

I. Introduction.
II. Unconstitutionality of S. 2750.
A. History of article I, section 2:
1. Constitutional Convention.
2. The Federalist.
3. Ratifying conventions.
4. The 17th amendment.
B. History of article I, section 4:
1. Constitutional Convention.
2. Federalist interpretation of "manner."
3. Ratifying conventions.
C. Court decisions regarding article I, sections 2 and 4.
D. Presidential electors.
E. The 14th and 15th amendments.
1. Introduction.
2. History of the 14th amendment.
3. History of the 15th amendment.
4. Court decisions re State voter qualifications.
5. "Appropriate legislation."
6. Conclusive presumptions.
III. Public policy objections to S. 2750:
A. Literacy tests and naturalization requirements.
B. "Arbitrary denials" and "inadequate statutes."
C. "Six primary grades."
D. "Spanish language."

Mr. ROBERTSON. Mr. President, I wish to express my unqualified objection not only to S. 2750 but also to S. 480, which was introduced by the senior Senator from New York [Mr. JAVITS], and S. 2979, introduced by the junior Senator from New York [Mr. KEATING].

Although these bills are dissimilar in some respects, they have in common a purpose to encroach further upon the rights of sovereign States and make meaningless the 10th amendment. Each bill is reprehensible; however, I shall address my remarks toward S. 2750, sponsored by the majority and minority leaders. The objectionable features of this bill are, with minor exceptions, identical to those of S. 480 and S. 2979.

During the past 25 years, I have watched with alarm and deep regret the steady, persistent erosion of State sovereignty, a process which has continued despite the efforts of a dwindling minority to halt the dangerous drift toward centralized government.

The pending assault on State sovereignty is one of the most deplorable, because the proposed legislation would in effect strip each State of its sovereign and constitutional right to protect itself. If a State cannot exercise its constitutional right under article I, section 2 to determine the qualifications of its voters, it cannot guarantee to its citizens the election of responsible representatives. Certainly, the constitutional right of a State under the second amendment to maintain its militia is no more of an integral part of a State's sovereignty than is the related right of a State to determine the qualifications of its voters.

I intend to show that S. 2750, a bill completely political in its inception and scope, is neither constitutional nor otherwise in the public interest.

UNCONSTITUTIONALITY OF S. 2750

A. HISTORY OF ARTICLE I, SECTION 2

1. CONSTITUTIONAL CONVENTION

The deliberations of our Founding Fathers at the Philadelphia Convention in 1787 establish conclusively their intention that the power to determine the qualifications of voters be reserved to the States.

Article I, section 2 of the Constitution states in part:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legisture.

It will be recalled that the Constitution originally provided for the election of Senators by State legislatures.

According to James Madison's notes in "Elliot's Debates on the Federal Constitution," volume 5, page 385:

> Mr. Gouverneur Morris moved to strike out the last member of the section, beginning with the words, "qualifications of electors," in order that some other provision might be substituted which would restrain the right of suffrage to freeholders.

Most of the original States including Virginia had property-ownership voter qualifications.

Thomas Fitzsimons seconded the motion of Gouverneur Morris, and James Wilson of Pennsylvania then rose to discuss the matter.

In summarizing Wilson's remarks, Madison continues:

> This part of the report was well considered by the committee (of detail), and he did not think it could be changed for the better. It was difficult to form and uniform rule of qualifications for all the States. Unnecessary innovations, he thought, too, should be avoided. It would be very hard and disagreeable for the same persons, at the same time, to vote for representatives in the State legislature, and to be excluded from a vote for those in the National Legislature.

Wilson's arguments against any alteration of article I, section 2 emphasizes the following two points: First, the formulation of a "uniform rule of qualifications for all States" would be "difficult"; and second, the practice of having different voter qualifications for State and Federal elections would be "very hard and disagreeable."

Morris, however, in support of his proposed amendment argued, according to Madison:

> Another objection against the clause, as it stands, is that it makes the qualifications of the National Legislature depend on the will of the States, which he (Morris) thought not proper.

Here the very delegate to the Constitutional Convention who proposed that the language of article I, section 2, be altered admits that this section as it then stood, and also as it now stands, left to the States the power to determine the qualifications of electors.

During the debate Mr. Oliver Ellsworth of Connecticut made the practical observation that if the Constitution did not give the States this power, they might refuse to ratify it.

I quote again from Madison's notes:

> Mr. Ellsworth thought the qualifications of the electors stood on the most proper footing. The right of suffrage was a tender point, and strongly guarded by most of the State constitutions. The people will not readily subscribe to the National Constitution, if it should subject them to be disfranchised. The States are the best judges of the circumstances and temper of their own people.

To this Col. George Mason, the author of Virginia's Declaration of Rights, said:

> Eight or nine States have extended the right of suffrage beyond the freeholders. What will the people there say, if they should be disfranchised? A power to alter the qualifications would be a dangerous power in the hands of the [National] Legislature.

At the conclusion of the debate the proposed amendment of Gouverneur Morris was defeated by a vote of seven States to one. Think of that, Mr. President. Only one State voted in favor of having the Federal Constitution set voter qualifications. Quite clearly the delegates assembled at the Philadelphia Convention intended that the power to determine the qualifications of voters be reserved to the States.

They could hardly have reinforced this intention with words less susceptible to a contrary interpretation. As Mr. Justice Brewer said in *South Carolina* v. *United States* (199 U.S. 437, at page 449):

> It must be remembered that the framers of the Constitution were not mere visionaries, toying with speculations or theories, but practical men, dealing with the facts of political life as they understood them, putting into form the Government they were creating and prescribing in language clear and intelligible the powers that Government was to take. Mr. Chief Justice Marshall, in *Gibbons* v. *Ogden* (9 Wheat. 1, 188), well declared: "As men whose intentions require no concealment, generally employ the words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution, and the people who adopted it, must be understood to have employed words in their natural sense, and to have intended what they said."

2. THE FEDERALIST

Madison's notes confirm that the delegates to the Constitutional Convention were conscious that the American public must be satisfied with the Convention's recommendation on the question of suffrage. This was, therefore, one of the subjects that received close attention in the Federalist Papers which themselves were written to convince State conventions of the Constitution's merit.

In No. 52 of the Federalist, Madison points out that the right of the States to determine the qualifications of voters is established in the Constitution with the single limitation that these qualifications must be the same as those for the electors of the most numerous branch of the State legislature:

> The definition—

He said—

> of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention therefore to define and establish this right, in the Constitution. To have left it open for the occasional regulation of the Congress, would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States, would have been improper for the same reason; and for the additional reason, that it would have rendered too dependent on the State governments, that branch of the Federal Government, which ought to be dependent on the people alone.

The following words of the paragraph should be noted:

> To have reduced the different qualifications in the different States, to one uniform rule, would probably have been as dissatisfactory to some of the States, as it would have been difficult to the Convention. The provision made by the Convention appears therefore, to be the best that lay within their option. It must be satisfactory to every State; because it is conformable to the standard already established, or which may be established by the State itself. It will be safe to the United States; because, being fixed by the State constitutions, it is not alterable by the State governments, and it cannot be feared that the people of the States will alter this part of their constitutions, in such a manner as to abridge the rights secured to them by the Federal Constitution.

Then in the 54th Federalist, it was remarked:

> The qualifications on which the right of suffrage depend, are not perhaps the same in any two States. In some of the States the difference is very material.

3. RATIFYING CONVENTIONS

Later, at the Massachusetts Ratifying Convention, in answer to a query as to whether Congress might prescribe a property qualification for voters, Rufus King, a member of the Federal Convention, said:

> The idea of the honorable gentleman from Douglass * * * transcends my understanding; for the power of control given by this section extends to the manner of election, not the qualifications of the electors.

And James Wilson, who had warned in the Constitutional Convention of the difficulty that might result if qualifications of State and national electors were different, had this to say in the Pennsylvania convention:

> In order to know who are qualified to be electors of the House of Representatives, we are to inquire who are qualified to be electors of the legislature of each State. If there be no legislature in the States, there can be no electors of them; if there be no such electors, there is no criterion to know who are qualified to elect Members of the House of Representatives. By this short, plain deduction, the existence of State legislatures is proved to be essential to the existence of the General Government.

In explaining the voting plan to the North Carolina convention, John Steel said:

> Can they, without a most manifest violation of the Constitution, alter the qualifications of the electors: The power over the manner of elections does not include that of saying who shall vote. The Constitution expressly says that the qualifications are those which entitled a man to vote for a State representative. It is, then, clearly and indubitably fixed and determined who shall be the electors; and the power over the manner only enables them to determine how these electors shall elect—whether by ballot, or by vote, or by any other way.

Those familiar with the Virginia ratifying convention know that Patrick Henry opposed the ratification of the Constitution on the ground that it gave the Federal Government too much power. One issue was whether the Federal Government could pass on the qualifications of the voters or whether Virginia, as in the past, could fix those qualifications.

Wilson Nicholas, a delegate to Philadelphia, assured the Virginia ratifying convention that article I, section 2 reserved to the States, and the States alone, the power to fix the qualification of voters:

> I will consider it first, then, as to the qualifications of the electors. The best writers on government agree that, in a republic, those laws which fix the right of suffrage are fundamental. If, therefore, by the proposed plan, it is left uncertain in whom the right of suffrage is to rest, or if it has placed that right in improper hands, I shall admit that it is a radical defect; but in this plan there is a fixed rule for determining the qualifications of electors, and that rule the most judicious that could possibly have been devised, because it refers to a criterion which cannot be changed. A qualification that gives a right to elect representatives for the State legislatures, gives also, by this Constitution, a right to choose representatives for the General Government. As the qualifications of electors are different in the different States, no particular qualifications, uniform through the States, would have been politic, as it would have caused a great inequality in the electors, resulting from the situation and circumstances of the respective States.
>
> Uniformity of qualifications would greatly affect the yeomanry in the States, as it would either exclude from this inherent right some who are entitled to it by the laws of some States at present, or be extended so universally as to defeat the admirable end of the institution of representation.

Virginia agreed to ratify only on the assurance that the first session of the Congress would propose bill of rights amendments to the Constitution and even went a step further when the convention named a committee, headed by Gov. Edmund Randolph and including James Madison and John Marshall, to draft a form of ratification that would include certain reservations as to States rights.

4. 17TH AMENDMENT

The significance of this history is reinforced by the fact that as late as 1912, when the 17th amendment was proposed by Congress, providing for popular election of Senators, language was used identical to that of article I, section 2. This amendment provides:

> The Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislatures.

It should be noted that these words were adopted after more than a century of experience with the suffrage provisions contained in the Constitution and also after there had been ample time to observe the institution and application of State literacy tests.

The 17th amendment, of course, follows both the 14th and 15th amendments and is, therefore, the last expression of the Constitution regarding voter qualifications. Furthermore, in language identical to that of article I, section 2 it reserves specifically to the States the power to determine the qualifications of voters—in this case, for senatorial elections.

B. HISTORY OF ARTICLE I, SECTION 4

S. 2750 would have the Congress find that, "under article I, section 4 of the Constitution, Congress has the duty to provide against," what the bill terms, "the abuses which presently exist." On the contrary, Congress has neither a duty nor a constitutional right under this section to limit the power of the States to determine the qualifications of their voters. That is exclusively the right of the States.

Article I, section 4 provides in part:

> The Times, Places and manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

Nothing could be more preposterous than the contention that the Constitutional Convention which had reserved determination of the qualifications of voters exclusively to the States in section 2 of article I would in section 4 of the same article surrender this power to the Federal Government. It is a "most fundamental principle of our constitutional jurisprudence" that "all the provisions of the Constitution are equally binding upon the Congress"—"Willoughby on the Constitution of the United States," volume 1, page 493.

1. CONSTITUTIONAL CONVENTION

I have reviewed above the circumstances which led to the adoption of article I, section 2, by the Constitutional Convention in 1787. In view of the compelling arguments advanced in favor of leaving with the States the power to determine the qualifications of voters, it would impeach the intelligence of the delegates at that Convention to say that they modified in section 4 what they had specifically granted in section 2.

Madison's notes on this Convention at page 402, volume 5, of "Elliot's Debates" affirm the limited application of section 4.

In arguing for the adoption of this section, he said:

> What danger could there be in giving a controlling power [to determine the times, places, and manner of holding elections] to the National Legislature? Of whom was it to consist? First, of a Senate to be chosen by the State legislatures.

Until the 17th amendment, above, Senators, under article V, section 3, were elected by the legislatures of the several States:

> If the latter, therefore, could be trusted, their representatives could not be dangerous.

And this is the part to note:

> Secondly, of Representatives elected by the same people who elect the State legislatures.

To what else could this refer but article I, section 2, which provides:

> The Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature?

In the above discussion of article I, section 4, Madison clearly confirms that the Federal Government's power to alter the "manner of holding elections" by no means includes the power to determine the qualifications of voters.

2. FEDERALIST INTERPRETATION OF "MANNER"

It is readily apparent in the Federalist Papers that there was no intention to include in the Central Government's final authority to regulate the manner of holding elections the authority to determine the qualifications of voters.

In the Federalist No. 52, Madison says:

> The first view to be taken of this part of the Government, relates to the qualifications of the electors and the elected. Those of the former are to be the same with those of the electors of the most numerous branch of the State legislatures. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention therefore to define and establish this right, in the Constitution. To have left it open for the occasional regulation of the Congress, would have been improper for the reason just mentioned.

Alexander Hamilton, in the Federalist No. 59, justifies article I, section 4, on the ground that a government must be able to insure its self-preservation. He states:

> I am greatly mistaken, notwithstanding, if there be any article in the whole plan more completely defensible than this. Its propriety rests upon the evidence of this plain proposition, that every government ought to contain in itself the means of its own preservation.

And continues:

> Nothing can be more evident, than that an exclusive power of regulating elections for the National Government, in the hands of the State legislatures, would leave the existence of the Union entirely at their mercy.

However, Hamilton makes it emphatically clear that the preservation of the Federal Government is not dependent upon a Federal power to determine the qualifications of voters. In answering the argument of objectors to the Constitution that the "wealthy and the well born" would achieve some preference, Hamilton had the following to say in No. 60 of the Federalist:

> But upon what principle is the discrimination of the places of election to be made in order to answer the purpose of the meditated preference? Are the wealthy and the well born, as they are called, confined to particular spots in the several States? Have they by some miraculous instinct or foresight set apart in each of them a common place of residence? Are they only to be met with in the towns or cities? Or are they, on the contrary, scattered over the face of the country as avarice or chance may have happened to cast their own lot, or that of their predecessors? If the latter is the case (as every intelligent man knows it to be), is it not evident that the policy of confining the places of elections to particular districts would be as subversive of its own aim as it would be exceptionable on every other account? The truth is that there is no method of securing to the rich the preference apprehended, but by prescribing qualifications of property either for those who may elect, or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the regulation of the times, the places, and the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon another occasion, are defined and fixed in the Constitution; and are unalterable by the legislature.

3. RATIFYING CONVENTIONS

I have already indicated the State ratifying conventions, beyond any doubt, claimed for the States in article I, section 2 the power to determine the qualifications of electors. The delegates to these conventions, several of whom had represented their States in Philadelphia, did not intend that article I, section 4, which reserved to the Central Government the final authority to determine the times, places, and manner of holding elections, should in any way restrict the power of the States under article I, section 2.

James Wilson, a delegate to the Pennsylvania ratifying convention, in discussing the relationship of article I, section 4 to the preservation of the States, had the following to say:

> After all this, could it have been expected that assertions such as have been hazarded on this floor would have been made "that it was the business of their (the delegates to the Philadelphia Convention) deliberations to destroy the State governments; that they employed 4 months to accomplish this object; and that such was their intentions?"
>
> Mr. President, the only proof that is attempted to be drawn from the (Constitution) itself, is that which has been urged from the fourth section of the first article. I will read it: "The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators."
>
> And is this a proof that it was intended to carry on this Government after the State governments should be dissolved and abrogated? This clause is not only a proper, but necessary one.

Referring to his remarks on article I, section 2, supra, he continues:

> I have already shown what pains have been taken in the Convention to secure the preservation of the State governments. I hope, sir, that it was no crime to sow the seed of self-preservation in the Federal Government; without this clause, it would not possess self-preserving power.
>
> This system, it is said, "unhinges and eradicates the State governments, and was systematically intended so to do."
>
> Now, let us see what this objection amounts to. Who are to have this self-preserving power? The Congress. Who are Congress? It is a body that will consist of a Senate and a House of Representatives. Who compose this Senate? Those who are elected by the legislature of the different States? Who are the electors of the House of Representatives? Those who are qualified to vote for the most numerous branch of the legislature in the separate States. Suppose the State legislatures annihilate; where is the criterion to ascertain the qualification of electors? And unless this be ascertained, they cannot be admitted to vote; if a State legislature is not elected, there can be no Senate, because the Senators are to be chosen by the legislatures only.

James Wilson in his discussion of the relationship between sections 2 and 4 of article I, leaves no doubt that the authority of Congress to determine the times, places, and manner of holding elections included, by no means, the power to determine the qualifications of voters.

The intention to exclude section 2 from the application of section 4 is also apparent in the debates of the Massachusetts ratifying convention.

Mr. Turner, an opponent of the Constitution, admitted the power of the States to determine the qualifications of voters under article I, section 2 when in objecting to section 4 he noted:

> I now proceed, sir, to the consideration of an idea, that Congress may alter the place for choosing representatives in the general Congress: they may order that it may be at the extremity of a State, and, by their influence, may there prevail that persons may be chosen, who otherwise would not; by reason that a part of the qualified voters, in part of the State, would be so incommoded thereby, as to be debarred from their right as much as if they were bound at home.

In the Virginia convention Wilson Nicholas had the following to say about article I, section 4:

> There is another objection which has been echoed from one end of the continent to the other—that Congress may alter the time, place, and manner of holding elections; that they may direct the place of elections to be where it will be impossible for those who have a right to vote, to attend; for instance, that they may order the freeholders of Albemarle to vote in the county of Princess Anne, or vice versa; or regulate elections, otherwise, in such a manner as totally to defeat their purpose, and lay them entirely under the influence of Congress.
>
> If I understand it right, it must be, that Congress might cause the elections to be held in the most inconvenient places, and at so inconvenient a time and in such a manner, as to give them the most undue influence over the choice, nay, even to prevent the elections from being held at all—in order to perpetuate themselves. But what would be the consequence of this measure? It would be this, sir—that Congress would cease to exist; it would destroy the Congress itself; it would absolutely be an act of suicide; and therefore it can never be expected. This alteration, so much apprehended, must be made by law; that is, with the concurrence of both branches of the legislature.

This discussion of article I, section 4, immediately followed Nicholas' explanation of the States exclusive power to determine the qualifications of voters, supra.

Furthermore, Madison noted during the same debate that:

> If the general government were wholly independent of the governments of the particular States, then, indeed, usurpation might be expected to the fullest extent. But, sir, on whom does this general government depend? It derives its authority from these governments, and from the same sources from which their authority is derived. The members of the Federal Government are taken from the same men from whom those of the State legislatures are taken.

Certainly Madison is referring here to article I, section 2, which provides that, "Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature." What, I ask, can be more lucid than this?

The foregoing history is convincing evidence that the members of the Constitutional Convention and the Ratifying Conventions intended the Constitution to give to the States—and to the States only—the power to prescribe qualifications for voters. The courts have consistently followed this interpretation.

C. COURT DECISIONS REGARDING ARTICLE I, SECTIONS 2 AND 4

Ex parte Clarke (100 U.S. 399 (1879)), contains an illuminating discussion of the relationship between sections 2 and 4 of article I. This case established the constitutional power of Congress, "to enact a law for punishing a State officer of election for the violation of his duty under a State statute in reference to an election of a Representative to Congress"—page 404. It is to be noted that this case dealt with the power of Congress to regulate the manner of holding an election, not the qualifications of voters.

Although the matter was not at issue in Ex parte Clarke, Justice Field in his dissent reviewed the distinction between the right of the States under article I, section 2, and the right of Congress under article I, section 4—pages 418–419:

> The power vested in Congress is to alter the regulations prescribed by the legislatures of the States, or to make new ones, as to the times, places, and manner of holding the elections. Those which relate to the times and places will seldom require any affirmative action beyond their designation. And regulations as to the manner of holding them cannot extend beyond the designation of the mode in which the will of the voters shall be expressed and ascertained. The power does not authorize Congress to determine who shall participate in the election, or what shall be the qualification of voters. These are matters not pertaining to or involved in the manner of holding the election, and their regulation rests exclusively with the States. The only restriction upon them with respect to these matters is found in the provision that the electors or Representatives in Congress shall have the qualifications required for electors of the most numerous branch of the State legislature, and the provision relating to the suffrage of the colored race.

Five years earlier *Minor* v. *Happersett* (21 Wall. 162), had upheld the constitutionality of a voter qualification in the Missouri Constitution limiting suffrage to men.

The decision states in part:

> The Constitution does not define the privileges and immunities of citizens. For that definition we must look elsewhere. In this case we need not determine what they are, but only whether suffrage is necessarily one of them.
>
> It is clear, therefore, we think, that the Constitution has not added the right of suffrage to the privileges and immunities of citizenship as they existed at the time it was adopted * * *.

The Supreme Court in *Pope* v. *Williams* (193 U.S. 621 (1904)), upheld a provision in the Maryland Constitution which required a new resident to declare his intention to be a citizen before he could register to vote. The opinion includes the following:

> The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States. *Minor* v. *Happersett* (21 Wall. 162). It may not be refused on account of race, color, or previous condition of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as it may seem proper, provided, of course, no discrimination is made between individ-

> uals in violation of the Federal Constitution. * * * The question whether the conditions prescribed by the State might be regarded by others as reasonable or unreasonable is not a Federal one.

In *Ex parte Yarbrough* (110 U.S. 651 (1884)), the Supreme Court said, after quoting article I, section 2:

> The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures, do not do this with reference to the election for Members of Congress. Nor can they prescribe the qualification for voters for those eo nomine. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualification thus furnished as the qualification of its own electors for Members of Congress.
>
> It is not true, therefore, that electors for Members of Congress owe their right to vote to the State law in any sense which makes the exercise of the right to depend exclusively on the law of the State.

Or, to summarize, article I, section 2 of the Constitution empowers the States to set voter qualifications for both Federal and State elections; however, under this section the States are limited by the requirement—and the single requirement—that the qualifications for voters in Federal and State elections be identical.

See also *Swafford* v. *Templeton* (184 U.S. 487 (1902)), following Yarbrough and pointing out once more that it is the Constitution, not Congress that adopts qualifications of State electors; *McPherson* v. *Blacker* (146 U.S. 1, 27, 35 (1892)), reaches the same conclusion.

More recently in *Breedlove* v. *Suttles* (302 U.S. 277 (1937)), a case holding a State poll tax constitutional, the Supreme Court had the following to say regarding the derivation of voting rights:

> The privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate. (*Minor* v. *Happersett* (21 Wall. 162, 170 et seq.); *Ex parte Yarbrough* (110 U.S. 651, 664–665); *McPherson* v. *Blacker* (146 U.S. 1, 37–38); *Guinn* v. *U.S.* (238 U.S. 347, 362).)

The power of the States to determine the qualifications of voters was again affirmed by the Supreme Court as recently as June 8, 1959. In *Lassiter* v. *Northampton Board of Elections* (360 U.S. 45), upholding a North Carolina literacy test, Mr. Justice Douglas said at page 50:

> The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised.

These cases clearly establish that the States—and the States alone—have the power to determine the qualifications of voters. This power is limited only by the requirements of the 14th, 15th, and 19th amendments.

Both the States and the Federal Government, under section 4 of article I, may legislate with regard to the times, places, and manner of holding elections; where there is a conflict, the Federal legislation must govern. However, the courts have affirmed the position of our Founding Fathers that the power to regulate the manner of holding elections does not include the power to determine the qualifications of voters.

This interpretation was verified in *U.S.* v. *Classic* (313 U.S. 299 (1941)). Mr. Justice Stone stated the case as follows:

> Two counts of an indictment found in a Federal district court charged that appellees, Commissioners of Elections, conducting a primary election under Louisiana law, to nominate a candidate of the Democratic Party for Representative in Congress, willfully altered and falsely counted and certified the ballots of voters cast in the primary election. The questions for decision are whether the right of qualified voters to vote in the Louisiana primary and to have their ballots counted is a right "secured by the Constitution" within the meaning of sections 19 and 20 of the criminal code, and whether the acts of the appellees charged in the indictment violate those sections.

It is noteworthy that Mr. Justice Stone uses the term "qualified voters." He continues at page 310:

> Article I, section 2 of the Constitution, commands that "The House of Representatives shall be composed of Members chosen every Second Year by the People of the several States and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

Mr. Justice Stone concludes that:

> Such right as is secured by the Constitution to qualified voters to choose members of the House of Representatives is thus to be exercised in conformity to the requirements of State law subject to the restrictions prescribed by section 2 and to the authority conferred on Congress by section 4, to regulate the times, places and manner of holding elections for representatives.

Although this case has been used as authority for the position that the Federal Government may prescribe the qualifications of voters, the language of Mr. Justice Stone indicates, on the contrary, that the power to determine the "manner of holding elections" does not—and under the Constitution cannot—encompass the power granted specifically to the States under article I, section 2.

D. PRESIDENTIAL ELECTORS

Article II, section 1, of the Constitution provides in part:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress.

This language is clear and unequivocal. Nor has it been altered in any way by the 12th amendment. Mr. Justice Fuller said in *McPherson* v. *Blacker* (146 U.S. 1), at page 35:

> In short, the appointment and mode of appointment of electors belong exclusively to the States under the Constitution of the United States. * * * Congress is empowered to determine the time of choosing the electors and the day on which they are to give their votes, which is required to be the same day throughout the United States, but otherwise the power and jurisdiction of the State is exclusive.

S. 2750, however, since it is drafted to include elections "for the Office of President, Vice President [or] presidential elector," would invade a field where the power to determine not only the qualifications of voters but also the very manner of a candidate's selection—that is, by election, appointment, or otherwise—remains with the States, and with the States alone.

E. THE 14TH AND 15TH AMENDMENTS

1. INTRODUCTION

I have shown that article I, section 4 of the Constitution does not authorize the Central Government to determine the qualifications of voters as reserved to the States in article I, section 2, and in the 17th amendment.

Since, however, the advocates of S. 2750 rely also upon the 14th and 15th amendments, I intend to show that these amendments—like article I, section 4—give Congress no substantive power to set uniform voter qualifications.

The 14th amendment provides in part:

> SECTION 1. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
>
> SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such States.
>
> * * * * *
>
> SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The 15th amendment provides:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any States or by any State on account of race, color, or previous condition of servitude.
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

2. HISTORY OF THE 14TH AMENDMENT

Since the obvious is often overlooked, I would like to point out that the 14th and 15th amendments are, of course, amendments and not statutes. The radical Republican Party which controlled Congress during the unfortunate Reconstruction Era passed a number of laws directed toward the enfranchisement of the Negro. For example, acts were passed providing that in all Territories thereafter admitted to the Union and in the District of Columbia, no one could be deprived of the right to vote because of race, color, or previous condition of servitude.

The Reconstruction legislators, however, despite their willingness to pass punitive legislation against the prostrate South, were not prepared to flaunt the Constitution in the process by attempting to extend the franchise to the Negro through statute rather than constitutional amendment. As their course of action illustrates, it was apparent to these legislators that article I, section 2 of the Constitution reserved to the States complete authority to determine the qualifications of their voters.

There is another significant point: The Reconstruction Congress did not attempt to repeal article I, section 2 of the Constitution and place it with a constitutional amendment which would transfer from the States to the Federal Government the power to determine the qualifications of voters. Clearly if this procedure had been followed, the States would never have ratified the amendment. Instead, Congress determined to amend the Constitution by establishing certain prohibitions on State action.

The significance of the prohibitive nature of these amendments I will discuss later; however, to continue with the history of the 14th amendment, on December 4 and December 12, 1865, the House and the Senate, respectively, approved by resolution the formation of the Joint Committee on Reconstruction. The first constitutional amendment proposed by the Joint Committee provided in part:

> Whenever the elective franchise shall be denied or abridged in any State on account of race or color, all persons therein of such race or color shall be excluded from the basis of representation. (The Congressional Globe, 39th Cong., 1st sess., Mar. 9, 1866, pp. 1288–1289.)

Had the 14th amendment been ratified in this severe form, it would have excluded all Negroes in a State from being counted in the basis of representation if a single Negro had been denied the franchise by that State. The proposed amendment passed the House but fortunately failed to receive the required two-thirds Senate majority.

Thaddeus Stevens on April 30, 1866, reported to the House the Joint Committee's second draft of the proposed 14th amendment.

Section 2 provided:

> Representatives shall be apportioned among the several States which may be included within this Union according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever in any State the elective franchise shall be denied to any portion of its male citizens not less than twenty-one years of age, or in any way abridged, except for participation in rebellion or other crime, the basis of representation in such State shall be reduced in the proportion which the number of male citizens shall bear to the whole number of such male citizens not less than twenty-one years of age. (Ibid., Apr. 30, 1866, p. 2286.)

Section 3 of the proposed amendment, incidentally, provided that:

> Until the 4th day of July, in the year 1870, all persons who voluntarily adhered to the late insurrection, giving it aid and comfort, shall be excluded from the right to vote for Representatives in Congress and for electors for President and Vice President of the United States (ibid).

This proposed amendment was denounced in an editorial in the New York Times as "A plan to prolong indefinitely the exclusion of the South from Congress by imposing conditions to which the Southern people will never submit"—The Congressional Globe, 39th Cong., 1st session, May 10, 1866, page 2531.

On May 10, 1866, Congressman Bingham, of Ohio, a member of the Joint Committee on Reconstruction, explained the second section of the proposed amendment as follows:

> Allow me, Mr. Speaker, in passing, to say that this amendment takes from no State any right that every pertained to it. No State ever had the right, under the forms of law or otherwise, to deny to any freeman the equal protection of the laws or to abridge the privileges or immunities of any citizen of the Republic. The amendment does not give, as the second section shows, the power to Congress of regulating suffrage in the several States.
>
> The second section excludes the conclusion that by the first section suffrage is subjected to congressional law; save, indeed, with this exception, that as the right in the people of each State to a republican government and to choose their Representatives in Congress is of the guarantees of the Constitution, by this amendment a remedy might be given directly for a case supposed by Madison, where treason might change a State government from a republican to a despotic government, and thereby deny suffrage to the people (ibid., pp. 2542–2543).

Shortly after this lucid explanation by Congressman Bingham, the proposed amendment passed the House by a vote of 128 yeas to 37 nays.

On May 29, 1866, the Senate by unanimous vote moved to adopt the proposal of Senator Johnson, of Maryland, to strike the vindictive third section from the House resolution. Senator Howard, of Michigan, offered a series of amendments to the joint resolution, none of which were related to section 2—Congressional Globe, 39th Congress, 1st session, May 29, 1866, page 2869.

Finally, Senator Williams, of Oregon, on June 8, 1866, proposed a revision of section 2 which—after an amendment by Senator Johnson dealing primarily with the basis for representation—corresponded with section 2 of the 14th amendment as finally ratified—Congressional Globe, 39th Congress, 1st session, June 8, 1866, pages 3026–3029.

During the debate on the Williams proposal, Howard moved to strike the first part of the second sentence of section 2 which reads:

> But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or members of the legislature thereof.

And to insert in its place:

> But whenever the right to vote at any election held under the constitution and laws of any State for members of the most numerous branch of its legislature.

So that the second section, as amended, would read:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever the right to vote at any election held under the constitution and laws of any State for members of the most numerous branch of its legislature is denied to any of the male inhabitants of such State.

Senator Howard considered section 2 of the 14th amendment to be unenforceable in practice because it lacked a uniform standard such as that in article I, section 2 of the Constitution prescribing the "most numerous branch of—a State's—legislature" as the criterion for Federal electors.

According to Senator Howard:

> It appears to me that it (section 2 of the 14th amendment as finally approved) introduces a rule which is so uncertain, so difficult of practical application, as not only greatly to increase the expenses of ascertaining the basis of representation by Congress in procuring the necessary information, but in many cases the returns must be so inaccurate and unreliable as to be next to worthless.

And further:

> One class of qualifications may by a State be made necessary in the election of a Governor; another set in the election of the members of the senate in that State; another in the election of members of the most numerous branch of the legislature; another set of qualifications may be required by the State in the election of its several judicial officers; another in the election of electors of President and Vice President of the United States; and so on. * * * It is a system which must * * * necessarily lead to great difficulty in its practical operations and results, and in many cases be almost entirely worthless for want of the necessary exact information which Congress should acquire and use in fixing the basis (ibid., p. 3039).

The argument of Senator Howard for a uniform standard failed to convince his colleagues; however, the Senator's interpretation of section 2 itself—with or without a uniform standard—is an eloquent expression of the 14th amendment's limitations.

In his words:

> We know very well that the States retain the power, which they have always possessed, of regulating the right of suffrage in the States. It is the theory of the Constitution itself. That right has never been taken from them; no endeavor has ever been made to take it from them; and the theory of this whole amendment is, to leave the power of regulating the suffrage with the people or legislatures of the States, and not to assume to regulate it by any clause of the Constitution of the United States (Ibid).

Senator Howard, it will be recalled, was a member of the Joint Committee on Reconstruction; in addition, he was the recognized spokesman for the committee's Senate membership—"20 Years of Congress," J. H. Blaine, 1884, page 207. Consequently, his interpretation of the 14th amendment—particularly since it was not challenged or in any way controverted during the debate—carries great authority.

Reemphasizing his position at a later date, Senator Howard said:

> As many of the Senators well know, I served on the Joint Committee on Reconstruction, who reported the 14th amendment to the Constitution to the Senate and to the House of Representatives; and I am not unfamiliar with the object of that amendment. It was discussed at great length before the committee, and by the committee, as well as in the Senate; and I feel constrained to say here now that this is the first time it ever occurred to me that the right to vote was to be derived from the 14th article. I think such a construction cannot be maintained. No such thing was contemplated on the part of the committee which reported the amendment; and if I recollect rightly,

> nothing to that effect was said in debate in the Senate when it was on its passage.
>
> One word further, the construction which is now sought to be put upon the first section of this 14th article, it seems to me, is plainly and flatly contradicted by what follows in the second section of the same article. After declaring in the first section that "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside," and after declaring that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," the second section goes on to say:
>
> "But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State," etc.
>
> These are plainly and in the clearest possible terms words recognizing the right of each State to regulate the suffrage and to impart or to declare the necessary qualifications of voters for Members of the House of Representatives, electors of President and Vice President, and members of the State legislature. Sir, can anything be clearer? Here is a plain, indubitable recognition and admission on the very face and by the very terms of this 14th amendment of the right and power of each State to regulate the qualifications of voters (the Congressional Globe, 40th Cong., 3d sess., Feb. 8, 1869, p. 1003).

I ask you, Mr. President, could words more clearly refute the absurd proposition that the 14th amendment authorizes Congress—whatever its findings—to set positive voter qualifications?

The 14th amendment passed the Senate on June 8, 1866, by a vote of 33 to 11. The House approved the Senate version 5 days later by a vote of 120 to 32 under the urging of Thaddeus Stevens, "to take what we can get now, and hope for better things in further legislation"—Congressional Globe, 39th Congress, 1st session, June 13, 1866, page 3148.

In summary, the 14th amendment restricted in part what was initially an absolute power of the States under article I, section 2 to determine the qualifications of their voters. Subsequent to this amendment Congress could, by appropriate legislation, reduce the representation in Congress of a State that denied the franchise to any male citizen over 21. Nevertheless, the power of Congress to reduce a State's representation carries with it no inference of a more extensive power to set uniform voting qualifications such as education, property, and so forth, for all States.

3. HISTORY OF THE 15TH AMENDMENT

The "better things" to which the South's archantagonist Thaddeus Stevens had referred were not long in coming.

On February 17, 1869, the Senate refused by an affirmative vote of 31 to 27, less than the required two-thirds majority, to adopt House Joint Resolution 402—the Congressional Globe, 40th Congress, 3d session, February 17, 1869, page 1300.

This resolution would have enacted the 15th amendment in the following form:

> SECTION 1. The right of any citizen of the United States to vote shall not be denied or abridged by the United States or any State by reason of race, color, or previous condition of slavery of any citizen or class of citizens of the United States.
>
> SEC. 2. The Congress shall have power to enforce by appropriate legislation the provisions of this article. (Ibid., Feb. 3, 1869, pp. 827–828).

However, immediately after its rejection of the House Joint Resolution, the Senate resolved itself into a Committee of the Whole to consider Senate Joint Resolution 8, introduced by Senator Stewart, of Nevada.

This proposal was almost identical to the House resolution. It provided:

> The right of citizens of the United States to vote and hold office shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.
>
> The Congress shall have power to enforce this article by appropriate legislation (ibid., Feb. 17, 1869, p. 1300).

Senator Howard objected to the Stewart proposal on the ground that if the United States or any State were specifically prevented from denying a citizen the franchise because of race, color, or previous condition of servitude, the Central Government, by implication of this restrictive amendment, would be empowered to set all remaining voter qualifications. He argued, and I quote:

> The implication is perfectly irresistible in the mind of every instructed lawyer * * * that, with the exception of race, color, and previous condition of servitude * * * the United States may impose whatever qualifications Congress may see fit to impose, both upon the voter and holder of office in the States and in the United States, and * * * prescribe a rule which shall exclude in the States from the right of voting and holding office every person who shall not be of a particular religious creed, every person who shall not be of a certain age, every person who shall not have been born in some particular locality (ibid., p. 1301).

And further:

> I think we go far enough when we say to the black man, North and South, "You shall have the same right to vote as is possessed by the white man" (ibid., p. 1302).

Senator Howard feared, in particular, that the proposed amendment would repeal by implication article VI, of the Constitution, which provides in part that:

> No religious test shall ever be required as a qualification to any office of public trust under the United States.

He continued:

> Sir, I would not part with that great security for human liberty, religious freedom, for any consideration that could be addressed to me (ibid.).

And finally:

> I say it is an irresistible inference from the very language we use, that in respect to all other qualifications the power is given to Congress to restrict voting and office holding. They may in any test that is not prohibited by this article; Congress may establish a religious test, an educational test, a property test, that shall take effect * * * in any and all of the United States (ibid., p. 1304).

Senator Edmunds, of Vermont, however, in response to Senator Howard argued persuasively that the Congress was being given no power—either direct or implied—to regulate the qualifications of voters. According to Senator Edmunds:

> To say that because it is provided that the United States shall not deny to anybody the rights of voting and of being voted for for a particular reason it is implied that they may and shall deny it for all other reasons would be equivalent in criminal law to saying that a statute which forbade murder and said that no man should commit murder implied that every man might commit adultery (ibid., p. 1305).

And further:

> Now, if Senators are right in supposing that the right to regulate suffrage and hold office is now with the States, then when we prohibit that regulation being made effective upon certain points named in this amendment we leave all the rest of it just where it was before (ibid.).

The logic of Senator Edmunds clearly represents the intention of the Congress. If the 15th amendment had by implication empowered the Central Government to determine voter qualifications, particularly religious ones, it would never have received the required two-thirds majority of both Houses or three-fourths majority of the States.

On February 17, 1869, the amendment proposed by Senator Stewart passed the Senate by a vote of 35 to 11—ibid., p. 1318. It was first read in the House on February 20, 1869.

Congressman Bingham, of the Joint Committee on Reconstruction, moved to broaden the amendment to include qualifications regarding not only race, color, and previous condition of servitude, but also "nativity, property, and creed."

He argued:

> If my amendment shall be adopted you will strike down as well the constitutions of other States, as for example the State of Rhode Island, which wrongfully and unjustly discriminates this day by property qualifications against naturalized citizens of the United States as compared with native-born citizens.

He continued, and note this:

> I would have inserted the other word "education," but I know that the general sense of the American people is so much for education, that chief defense of nations, that if they will not take care of that interest they will take care of nothing (ibid., Feb. 20, 1869, p. 1427).

And yet today, Mr. President, we are faced with an attempt to wrest from the States their constitutional power to set educational qualifications for their voters.

The House quickly adopted the Bingham revision of the Stewart amendment by a vote of 140 to 37, and 3 days later Senator Stewart introduced this proposal in the upper body. There it was disagreed to by a vote of 32 to 17—in the same place, February 23, 1869, page 1481.

Conferees were appointed, and a compromise was reached whereby the House agreed to drop the "nativity, property [and] creed" provisions of the Bingham amendment in exchange for the Senate's removal of the phrase "to hold office" from the Stewart proposal—in the same place, February 25, 1869, page 1564.

On February 25 and 26, the 15th amendment passed the House and the Senate, respectively, by votes of 144 to 44 and 39 to 13—in the same place, February 25, 1869, pages 1563–1564; February 26, 1869, page 1641.

This review of the Reconstruction debates verifies my contention that the 14th and 15th amendments gave Congress neither the express nor the implied power to set voter qualifications—particularly educational or religious ones.

The 15th amendment prohibited the States from denying their citizens the right to vote because of race, color, or previous condition of servitude. It did not authorize the Congress to set positive voter qualifications of any kind.

Congress, therefore, has the power to prohibit, for example, literacy tests which on their face or in their administration are used to deny citizens their right to vote because of race, color, or previous condition of servitude. However, Congress cannot draw from this power an implied power to set a sixth-grade standard of education as a uniform voter qualification in all States. This is true regardless of the findings which Congress may choose to make in setting its standard.

The Reconstruction Congress recognized the exclusive power of the States under article I, section 2, to determine voter qualifications. The 15th amendment clearly was intended to limit the power of the States in a single respect: no longer could a State prescribe qualifications which would deny a citizen the franchise because of race, color, or previous condition of servitude. Beyond that restriction, the exclusive power of the States under article I, section 2 remains intact. Since S. 2750 attempts to impose a sixth-grade literacy qualification, the bill is clearly unconstitutional. It would not ban literacy tests which violate the 14th and 15th amendments; it would ban the application of all literacy tests to those who have completed the sixth grade.

The courts have adopted an interpretation of the 14th and 15th amendments, which is in accord with the intention of the Reconstruction legislators.

4. COURT DECISIONS RE STATE VOTER QUALIFICATIONS

I mentioned earlier the decision of the Supreme Court in *Minor* v. *Happersett* (21 Wall. 162 (1874)), which established that a State's denial of suffrage to women was not a violation of the 14th amendment. I also noted the Court's refusal to declare unconstitutional various State poll tax requirements—*U.S.* v. *Reese,* 92 U.S. 214 (1875); *McPherson* v. *Blacker,* 146 U.S. 1 (1892); *Breedlove* v. *Suttles,* 302 U.S. 277; *Butler* v. *Thompson,* 341 U.S. 937 (1951).

With regard to literacy tests, the target of S. 2750, the Supreme Court held in *Williams* v. *Mississippi* (170 U.S. 213 (1898)), that a literacy test provision in the constitution of Mississippi does not in itself discriminate between the white and Negro races and does not amount to a denial of the equal protection of the law secured by the 14th amendment.

Quinn v. *U.S.* (238 U.S. 347 (1915)), concluded that a State may establish a literacy test as a prerequisite for voting if it applies alike to all citizens of the State without discrimination as to race, creed, or color. In discussing the relationship of the 15th amendment to the States authority to determine voter qualifications, Chief Justice White said at page 362:

> Beyond doubt the amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals.

And at page 366:

> No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted.

In *U.S.* v. *Reese* (92 U.S. 214 (1875)), which arose from the indictment of two municipal election inspectors in Kentucky for refusing to accept the vote of a Negro citizen, at page 20 observed:

> The 15th amendment does not confer the right of suffrage upon any one. It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, or education. Now it is not.

Lassiter against Northampton County Board of Elections, supra, reaffirmed as recently as 1959 that the application of a literacy test by a State as a qualification for voting is consistent with State power under the 14th and 15th amendments if it is applied to all voters alike irrespective of race or color, if it is not unfair on its face, and if it shows no intent to effectuate discrimination.

In discussing the Court's position in the Lassiter case, Mr. Justice Douglas said:

> We come then to the question whether a State may consistently with the 14th and 17th amendments apply a literacy test to all voters irrespective of race or color. The Court in *Guinn* v. *United States,* supra, at 366, disposed of the question in a few words. "No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted."
>
> The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised, *Pope* v. *Williams,* 193 U.S. 621, 633; *Mason* v. *Missouri,* 179 U.S. 328, 335, absent of course the discrimination which the Constitution condemns. Article I, section 2, of the Constitution in its provision for the election of Members of the House of Representatives and the 17th amendment in its provision for the election of Senators provide that officials will be chosen "by the people." Each provision goes on to state that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." So while the right of suffrage is established and guaranteed by the Constitution (*Ex parte Yarbrough,* 110 U.S. 651, 663–665; *Smith* v. *Albright,* 321 U.S. 649, 661–662) it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed. (See *United States* v. *Classic,* 313 U.S. 299, 315.)
>
> We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record (*Davis* v. *Beason,* 133 U.S. 333, 345–347) are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise.
>
> Of course a literacy test, fair on its face, may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot. No such influence is charged here. On the other hand, a literacy test may be unconstitutional on its face.

In that connection Mr. Justice Douglas pointed to the literacy test requirement held unconstitutional in *Davis* v. *Schnell,* 81 Fed. Supp. 872, aff'd 336 U.S. 933, saying that:

> The legislative setting of that provision and the great discretion it vested in the registrar made clear that a literacy requirement was merely a device to make racial discrimination easy. We cannot make the same inference there. The present requirement, applicable to members of all races, is that the prospective voters "be able to read and write any section of the Constitution of North Carolina in the English language." That seems to us to be one fair way of determining whether a person is literate, not a calculated scheme to lay springes for the citizen.

As recently as March 26 of this year Mr. Justice Douglas stated at page 2 of his concurring opinion in the case of Baker against Carr, the unfortunate reapportionment decision:

> That the States may specify the qualifications for voters is implicit in article I, section 2, clause 1, which provides that the House of Representatives shall be chosen by the people and that "the electors (voters) in each State shall have the qualifications requisite for electors (voters) of the most numerous branch of the State legislature." The same provision, contained in the 17th amendment, governs the election of Senators.

Apparently—for Justice Douglas at least—article I, section 2, has lost none of its original and true meaning. He continues:

> Within limits those qualifications may be fixed by State law. (See *Lassiter* v. *Northampton Election Board,* 360 U.S. 45, 50–51.) Yet, as stated in *Ex parte Yarbrough,* 110 U.S. 651, 663–664, those who vote for Members of Congress do not "owe their right to vote to the State law in any sense which makes the exercise of the right to depend exclusively upon the law of the State."

Clearly these "limits" are the restrictions imposed by the 14th, 15th, and 19th amendments, none of which—as I have shown—authorizes Congress to set voter qualifications. The word "exclusively" no more than underlines the constitutional prohibition that States may not deny the franchise to citizens because of race, creed, color, or sex.

Mr. Justice Douglas continues:

> The power of Congress to prescribe the qualifications for voters and thus override State law is not in issue here.

I submit that this statement by Justice Douglas does not, as some might assume, show an inclination on his part to accept as constitutional—were it to become law—a bill such as S. 2750. Rather, this jurist appears to be following the customary judicial technique of deferring consideration of an issue not presently a "case or controversy" before the Court until such a time—if ever—as the issue might arise.

The cases to which I have just referred are significant in that they confirm beyond any doubt the power of the States under article I, section 2, to employ literacy tests which on their face or in their administration do not violate the 14th and 15th amendments.

5. "APPROPRIATE LEGISLATION"

The 14th and 15th amendments authorize Congress to enforce these amendments by enacting "appropriate legislation."

The word "appropriate" has an indefinite meaning. What one man may regard as appropriate—that is, suitable, fit, or proper—another may not.

Nevertheless, "appropriate" has certain boundaries of definition and application beyond which it cannot be extended. Congress could not rely upon the 14th and 15th amendments in passing legislation totally unrelated to the purposes of these amendments.

We may go a step further. It would also be unconstitutional for Congress to rely upon its limited power under the 15th amendment in enacting legislation which would have a much broader application.

In *Karem* v. *U.S.*, 121 Fed. Rep. 250 (1903), a decision quashing a conspiracy indictment, the Court said at page 255:

> The 15th amendment is therefore a limitation upon the powers of the States in the execution of their otherwise unlimited right to prescribe the qualification of voters in their own elections, and the power of Congress to enforce this limitation is necessarily limited to legislation appropriate to the correction of any discrimination on account of race, color, or condition. The affirmative right to vote in such elections is still dependent upon and secured by the Constitution and laws of the State, the power of the State to prescribe qualification being limited in only one particular. The right of the voter not to be discriminated against at such elections on account of race or color is the only right protected by this amendment, and that right is a very different right from the affirmative right to vote.
>
> There are certain very obvious limitations upon the power of Congress to legislate for the enforcement of this article: First, legislation authorized by the amendment must be addressed to State action in some form, or through some agency; second, it must be limited to dealing with discrimination on account of race, color, or condition.

This case erects certain boundaries within which "appropriate legislation" under the 15th amendment must reside. In particular, we find that, "appropriate legislation is limited to the subject of discrimination on account of race, color, or condition"—page 258. The Court continued at page 259:

> Section 5508 has for its object the punishment of all persons who conspire to prevent the free enjoyment of any right or privilege secured by the Constitution or laws of Congress, without regard to whether the persons so conspiring are private individuals or officials exercising the power of the United States or of a State. Neither does it draw any distinction between a conspiracy directed against the exercise of the right of suffrage based upon race or color, and a conspiracy not so grounded. It is therefore not legislation appropriate to the enforcement of the 15th amendment.

The observation of the Court that Congress did not "draw any distinction between a conspiracy directed against the exercise of the right of suffrage based upon race or color, and a conspiracy not so grounded," is very significant. Presumably if Congress did not "draw any distinction between a literacy test directed against the exercise of the right of suffrage based upon race or color, and a literacy test not so grounded," the legislation would also be inappropriate.

The Karem case relies in part on the earlier Supreme Court case of United States against Reese, supra.

In the Reese case the Court held unconstitutional two sections of a Federal statute punishing election officers who should refuse to any person lawfully entitled to do so the right to cast his vote at an election. The Court was of the opinion that Congress could punish such denial at a State election only when it was on account of race, color, or previous condition of servitude.

Here, as in the Karem case, a Federal law was deemed not to be "appropriate legislation." The Court observed at page 218:

> This leads us to inquire whether the act now under consideration is "appropriate legislation" for that purpose. The power of Congress to legislate at all upon the subject of voting at State elections rests upon this amendment. The effect of article I, section 4, of the Constitution, in respect to elections for Senators and Representatives, is not now under consideration. It has not been contended, nor can it be, that the amendment confers authority to impose penalties for every wrongful refusal to receive the vote of a qualified elector at State elections. It is only when the wrongful refusal at such an election is because of race, color, or previous condition of servitude, that Congress can interfere, and provide for its punishment. If, therefore, the third and fourth sections of the act are beyond that limit, they are unauthorized.

And at pages 220, 221:

> But when we go beyond the third section, and read the fourth, we find there no words of limitation, or reference even, that can be construed as manifesting any intention to confine its provisions to the terms of the 15th amendment. That section has for its object the punishment of all persons, who, by force, bribery, etc., hinder, delay, etc., any person from qualifying or voting. In view of all these facts, we feel compelled to say, that, in our opinion, the language of the third and fourth sections (of the statute) does not confine their operation to unlawful discriminations on account of race, etc. If Congress had the power to provide generally for the punishment of those who unlawfully interfere to prevent the exercise of the elective franchise without regard to such discrimination, the language of these sections (of the statute) would be broad enough for that purpose.
>
> * * *
>
> We must, therefore, decide that Congress has not as yet provided by "appropriate legislation" for the punishment of the offenses charged in the indictment.

In *James* v. *Bowman*, 190 U.S. 127 (1903), the Court noted at pages 139, 140 that:

> A statute which purports to punish purely individual action cannot be sustained as an appropriate exercise of the power conferred by the 15th amendment upon Congress to prevent action by the State through some one or more of its official representatives, and that an indictment which charges no discrimination on account of race, color or previous condition of servitude is likewise destitute of support by such amendment.
>
> But the contention most earnestly pressed is that Congress has ample power in respect to elections of Representatives in Congress; that the election which was held, and at which this bribery took place, was such an election; and that therefore under such general power this statute and this indictment can be sustained. The difficulty with this contention is that Congress has not by this section acted in the exercise of such power. It is not legislation in respect to elections of Federal officers, but is leveled at all elections, State or Federal, and it does not purport to punish bribery of any voter, but simply of those named in the 15th amendment. On its face it is clearly an attempt to exercise power supposed to be conferred by the 15th amendment in respect to all elections, and not in pursuance of the general control by Congress over particular elections. To change this statute, enacted to punish bribery of persons named in the 15th amendment at all elections, to a statute punishing bribery of any voter at certain elections would be in effect judicial legislation.

And at page 142:

> Congress has no power to punish bribery at all elections. The limits of its power are in respect to elections in which the Nation is directly interested, or in which some mandate of the National Constitution is disobeyed, and courts are not at liberty to take a criminal statute, broad and comprehensive in its terms and in these terms beyond the power of Congress, and change it to fix some particular transaction which Congress might have legislated for if it had seen fit.

United States against Reese, supra, was last referred to by the Supreme Court in *U.S.* v. *Raines*, 362 U.S. 17 (1960), an action under the Civil Rights Act of 1957 to enjoin public officials of a State from discriminating against Negro citizens desiring to vote.

In United States against Reese, it will be recalled, the Court declared two sections of a Federal law unconstitutional since they were not confined in their operation to unlawful discrimination on account of race, color, or condition. The defendants in the circuit court were State inspectors in a municipal election who had refused to receive a Negro's vote, creating a factual situation which placed this incident clearly within the authority of Congress to correct by "appropriate legislation" under the 15th amendment.

The Raines case questions not the conclusion of the Reese Court that the Federal law was too broad but rather the advisability of reaching such a conclusion when the circumstances themselves were within the boundaries prescribed by the 15th amendment.

Referring to United States against Reese, the Court said at page 22:

> Perhaps cases can be put where their application to a criminal statute would necessitate such a revision of its text as to create a situation in which the statute no longer gave an intelligible warning of the conduct it prohibited.

And at pages 24 and 25:

> There are, to be sure, cases where this Court has not applied with perfect consistency these rules for avoiding unnecessary constitutional determinations, and we do not mean to say that every case we have cited for various exceptions to their application was considered to turn on the exception stated, or is perfectly justified by it. The district court relied primarily on *United States* v. *Reese*, supra. As we have indicated, that decision may have drawn support from the assumption that if the court had not passed on the statute's validity in toto it would have left standing a criminal statute incapable of giving fair warning of its prohibitions. But to the extent Reese did depend on an approach inconsistent with what we think the better one and the one established by the weightiest of the subsequent cases, we cannot follow it here.
>
> Accordingly, if the complaint here called for an application of the statute clearly constitutional under the 15th amendment, that should have been an end to the question of constitutionality. And as to the application of the statute called for by the complaint, whatever precisely may be the reach of the 15th amendment, it is enough to say that the conduct charged—discrimination by State officials, within the course of their official duties, against the voting rights of U.S. citizens, on grounds of race or color—is certainly, as "State action" and the clearest form of it, subject to the ban of that amendment, and that legislation designed to deal with such discrimination is "appropriate legislation" under it.

In short, confronted with an opportunity to restrict the "appropriate legislation" determination of the Reese case the Court in United States against Raines chose instead to criticize it merely as having been an "unnecessary constitutional determination."

These cases establish certain limitations upon the power of Congress in its enactment of "appropriate legislation." They show an unwillingness on the Court's behalf to uphold congressional legislation passed under the enforcement clause of the 15th amendment when this legislation is too broad or too remotely related to race, color, or condition.

And what is the relationship between these cases and S. 2750? This bill would prohibit "the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination, whether for literacy or otherwise, if such other person has completed the sixth primary grade."

In short, State literacy tests administered to students who have completed the sixth grade would be eliminated regardless of their relationship to race, color, or condition; and a uniform sixth-grade standard would be applied across the board in all Federal elections in all States. What could be broader or more unrelated to the 15th amendment?

S. 2750 would not prohibit State literacy tests which on their face or in their application deprive citizens of the right to vote because of race, color, or condition. On the contrary, this bill would prohibit the administration of all literacy tests to all citizens who have completed the sixth grade. I, therefore, submit that this bill cannot stand.

At the very least, it must be shown that the maladministration of literacy tests is so widespread as to constitute the actual standard and that Congress has no available remedy to correct this administrative problem other than by passing a general corrective Federal statute, such as S. 2750.

The maladministration of literacy tests, however, is not widespread. No charge has been made against Virginia. The U.S. Commission on Civil Rights in its 1961 report on voting states that:

> In 1961, then, the problem of denials of the right to vote because of race appears to occur in only 8 Southern States * * * Even in these 8 States, however, with a total of 3,737,242 nonwhites of voting age, some 1,014,454 nonwhites are registered to vote. Moreover, discrimination against Negro suffrage does not appear to prevail in every county in any of these States. The Commission has found that in [three of these States], it is limited to only a few isolated counties (1961 U.S. Commission on Civil Rights Report, "Voting," p. 22).

Even if we assume widespread State abuses, I cannot conceive of anyone's seriously arguing that the present 20-odd civil and criminal statutes are inadequate to deal with the problem; however, I will discuss this matter later.

The Attorney General recently in hearings on S. 2750 before the Constitutional Rights Subcommittee of the Judiciary Committee observed:

> This legislation does not set the qualifications of these voters. It merely sets the test, the testing of these qualifications. And, in my judgment, that is clearly constitutional.
>
> If we were setting the qualifications for the individuals then, I believe, that it would be unconstitutional and would require a constitutional amendment.

I am gratified that the Attorney General believes the Federal Government's "setting the qualifications for individuals would be unconstitutional."

His position, however, that "this legislation does not set the qualifications of voters" is, I feel, completely unrealistic. I cannot conceive that the establishment of the sixth grade as a conclusive standard of literacy can be anything but a voter qualification. Clearly, S. 2750 extends the franchise to any citizen who, after meeting other State requirements, can submit evidence of having completed the sixth grade. If this is not a voter qualification, what is?

I can only refer the Attorney General to the statement of that able Justice, Oliver Wendell Holmes, who in *U.S.* v. *Johnson*, 221 U.S. 488, remarked at page 496, that, "the meaning of a sentence is to be felt rather than to be proved." Or as we read in Matthew 7: 20: "By their fruits ye shall know them."

6. CONCLUSIVE PRESUMPTIONS

Conclusive presumptions are not generally favored by the courts. They have on several occasions been held to be arbitrary, capricious, unreasonable, and, therefore, unconstitutional under the due process clauses of the 5th and 14th amendments.

I will review briefly three cases in which the Supreme Court has ruled on irrebuttable presumptions.

In *Manley* v. *Georgia*, 279 U.S. 1 (1928), a Georgia statute declared that every insolvency of a bank shall be deemed fraudulent and the president and directors punished by imprisonment. This presumption was held to conflict with the due process clause of the 14th amendment, the Court stating at page 6:

> A statute creating a presumption that is arbitrary or that operates to deny a fair opportunity to repel it violates the due process clause of the 14th amendment.

In *Heiner* v. *Donnan*, 285 U.S. 312 (1932), the Court held unconstitutional a provision of the Revenue Act which created a conclusive presumption that gifts made within 2 years prior to the death of the donor were made in contemplation of death and must be included in the donor's estate. Justice Sutherland noted at page 325 that "a statute which imposes a tax upon an assumption of fact which the taxpayer is forbidden to controvert, is so arbitrary and unreasonable that it cannot stand."

An excellent example of the Court's view toward such statutes may be found in *Tot* v. *United States*, 319 U.S. 463 (1943). This case involved a section of the Federal Firearms Act which contained a presumption that from a prisoner's prior conviction of a crime and his present possession of a firearm or ammunition it would be presumed that he received the article in interstate or foreign commerce. Although the presumption was rebuttable, the language of the Court is very pertinent to the instant problem. On page 467 it declared:

> The due process clauses of the 5th and 14th amendments set limits upon the power of Congress or that of a State legislature to make the proof of one fact or group of facts evidence of the existence of the ultimate fact on which guilt is predicated.

The Court continues on pages 467 and 468:

> Under our decisions, a statutory presumption cannot be sustained if there be no rational connection between the fact proved and the ultimate fact presumed, if the inference of the one from proof of the other is arbitrary because of lack of connection between the two in common experience. This is not to say that a valid presumption may not be created upon a view of relation broader than that a jury might take in a specific case. But where the inference is so strained as not to have a reasonable relation to the circumstances of life as we know them, it is not competent for the legislature to create it as a rule governing the procedure of courts.

The standard set by S. 2750 would, beyond a doubt, be a conclusive presumption of literacy. Consequently, once a voter had submitted his sixth-grade certificate of education to a registrar, the presumption of his literacy would be irrebuttable.

But is it true that everyone with a sixth-grade education is literate? An analysis of the widespread use of "social promotion" programs in the schools illustrates the absence of a causal connection between literacy and completion of the sixth grade.

In this connection I would like to quote several passages from recent material published by the National Education Association of the United States.

In a December 1958 pamphlet entitled "School Marks and Promotions," the association indicates at page 17:

> Some educators believe that the system of fixed grades based on achievement is much too arbitrary and that the means, such as retention, used to enforce the system have definitely detrimental effects on the pupils who do not fit into the administrative pattern. These educators, therefore, recommend the ungraded school, in which the problem of promotion is not a key one as it is in the typical school today.

What of these ungraded schools which, by definition, have no sixth grade? Are there to be standardized Federal tests administered to students of such schools—tests the successful completion of which create a conclusive presumption of literacy? And how long will it be before a passing mark on this Federal literacy test by a prospective voter from any type of school—or perhaps no school—will be irrebuttable evidence of literacy?

One need not be a prophet to foresee a Federal literacy test if Congress takes the first step in this direction by adopting S. 2750.

The pamphlet continues:

> Just as other qualities besides scholarship are now being evaluated and reported to parents, there has been a tendency to consider these other factors in promotion. The all-round development of the individual pupil is considered. Some pupils need to work with those of their own age in order to work to their best ability; for others this consideration is not as important. It has been suggested that within each school system a definite set of factors influencing promotion be agreed upon and that each teacher take these factors into consideration in forming his judgment as to whether or not a particular pupil should be promoted.
>
> Recent studies cast doubt on the wisdom of nonpromotion. Not only may retention have actually harmful effects on the pupil because of his feeling of failure and rejection, but also it may not even accomplish the academic goals toward which it is aimed.

In a NEA research memo dated February 1959 the authors noted at page 5:

> Some schools have maintained that in order to preserve grade standards, they had to fail pupils who did not reach a satisfactory level of achievement. This idea fits in which the concept of education as an obstacle course whose purpose is to eliminate all the intellectually unfit and preserve the last laps of the course for the intellectually elite. Whether or not this view is philosophically sound will not be discussed here, but even for the achievement of this goal, nonpromotion is likely to be unsuccessful.

The memorandum continues at page 7:

> If the effects of failure are likely to be bad, is the answer to be found in the promotion of all pupils? Some schools have attempted a 100-percent promotion plan, and others maintain a chronological age, or 'social promotion' plan. Social promotion does not entirely eliminate nonpromotion, but it attempts to keep the child moving along with his approximate age group, occasionally by setting an arbitrary limit on the number of times he may be retained. Several writers suggest that these plans may also have bad effects although they may not be as unfortunate or as numerous as those that result from continual nonpromotion. The problem, therefore, becomes one of avoiding the bad effects of both nonpromotion and 100-percent, or chronological-age promotion.

And further at page 8:

> All the studies reviewed here have shown that there is no simple solution to the problem of failure. A school that adopts a plan of automatically retaining in a grade all children who do not meet standards, or of promoting all children no matter what their achievement, without considering individual cases, is not fulfilling its responsibility to society. In light of present evidence, however, it seems that nonpromotion should be used only as a last resort and be recognized as the serious measure that it is.

Finally, I would like to refer to another NEA research memo dated December 1960. This report states at page 3:

> Most commonly, school districts reported that promotion is based on an individual study of each pupil and a consideration of all the factors which may be involved in order to serve his best interests. This was the approach taken by almost 80 percent of the respondents. Slightly less than one-fifth still base promotion only on meeting academic standards, with a limitation on the number of years a pupil will be retarded.

I do not presume to be an authority on the merits of "social promotion" in grade schools. Like most people, however, I have my opinions on the matter and these include the view that not only sixth grade graduates but the average high school graduate knows little history and is a poor speller.

Nevertheless, as I have tried to point out, the movement of a student toward the goal of literacy is but one—and apparently a minor—consideration in determining whether he will be promoted. Consequently, the conclusive presumption which S. 2750 would impose with regard to literacy is no more conclusive in fact than the presumption in Heiner against Donnan, supra, regarding gifts made in contemplation of death.

The Health, Education, and Welfare Department observes in its April 1962 pamphlet entitled "Indicators," that:

> Persons with low educational attainment have great difficulty in meeting the economic and social needs of modern society. They have limited adaptability to changing requirements for employment, and they frequently are rejected for military service. Those who lack an education extending beyond elementary school are deprived of many opportunities for personal development and participation in community affairs. Often they cannot avoid unemployment and dependency.

This, of persons whose education has extended, no doubt in some instances, beyond the seventh grade. I read further:

> Persons who have less than 5 years of formal schooling thus lack, by and large, the background for effective performance as employees and as citizens. For these reasons they are frequently called functional illiterates.

Clearly there is little difference between a person with 5 years or less of schooling and one whose education has extended through the sixth grade. The standard set by S. 2750 is, therefore, but one grade above functional illiteracy.

The resulting situation—were S. 2750 constitutional—magnifies the flaws in this bill; for presumably if the Federal Government could under the 14th and 15th amendments set one positive voter qualification, it could under the same authority set them all. For example, if Congress were to find that requirements as to residence, age, property, lack of criminal conviction, and so forth, were being used by States to disfranchise voters on account of race, color, or condition, it, under this thinking, would have the constitutional authority to set uniform, positive voter requirements thereby controlling the entire electoral process. This was never anticipated by the framers of the Constitution or by the legislators who considered the 14th and 15th amendments.

Over the years that I have had the privilege and honor of representing the State of Virginia in the Congress, I have objected on numerous occasions to encroachments of the Central Government on States rights. I have repeatedly cited as authority for my position the 10th amendment which provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Today, we are faced with proposed legislation under which Congress not only would exercise powers never specifically delegated to it, but also would enter a field specifically reserved to the States. Clearly, S. 2750 cannot be justified under the 14th and 15th amendments; it would be a reprehensible invasion of the States power under article I, section 2, to determine the qualifications of their voters.

PUBLIC POLICY OBJECTIONS TO S. 2750

A. LITERACY TESTS AND NATURALIZATION REQUIREMENTS

It has been argued that many States set too high a standard for their voters. In my opinion, higher standards would give us better government.

To my knowledge, no State requires more of its voters than does the United States itself of those who would become naturalized citizens.

I refer to a pamphlet issued in 1959 by the Department of Justice entitled "United States Naturalization Requirements, a Brief Summary of General Provisions."

Under "Petition for Naturalization," beginning on page 6, the pamphlet states that an applicant must understand English and be able to read, write, and speak words in ordinary usage in that language. He must know how to sign his name in English. By any interpretation this is a literacy test.

In addition, he is required to have resided continuously in the United States for at least 5 years. He must be a person of good moral character. Furthermore, he must be attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States. He must be able to demonstrate a knowledge and understanding of the history, and of the principles and form of government, of the United States.

I would be the last person to consider these naturalization requirements excessive. To protect the Nation's security and to preserve the high standard of its electorate, the United States must discharge its obligation to its present and future citizens by naturalizing only those who meet requirements of the type set forth in the pamphlet.

Must a State, which is equally sovereign in its sphere and which has a similar obligation to its citizens, be denied the right to prescribe requirements for its electorate? If it is in the Nation's best interests for the Federal Government to require that a naturalized citizen be able to read, write, and understand the Constitution, can it be detrimental for a State to require that its citizens meet similar standards before they are given the franchise?

B. "ARBITRARY DENIALS" AND "INADEQUATE STATUTES"

Section 1(c) of S. 2750 states:

> Congress further finds that many persons have been subjected to arbitrary and unreasonable voting restrictions on account of their race or color; that literacy tests and other performance examinations have been used extensively to effect arbitrary and unreasonable denials of the right to vote; and that existing statutes are inadequate to assure that all qualified persons shall enjoy the right to vote.

As authority for such sweeping findings, the sponsors of S. 2750 presumably are relying on part I of the 1961 U.S. Commission on Civil Rights Report. The Commission at page 137 of the report offers its own interpretation of the Constitution regarding the power of the States to determine voter qualifications:

> The U.S. Constitution leaves to the States the power to set the qualifications for voters in Federal, as well as State, elections. This power is not, however, unlimited. The 15th amendment prohibits the States from denying the right to vote to any citizen on grounds of race or color, and empowers the Congress to enforce this prohibition by appropriate legislation.

With this, no constitutional authority would argue; however, it is here that the Commission leaves the realm of fact and begins to speculate. The report continues:

> Therefore, if Congress found that particular voter qualifications were applied by States in a manner that denied the right to vote on grounds of race, it would appear to have the power under the 15th amendment to enact legislation prohibiting use of such qualifications.

How can a mere finding by Congress that a particular set of circumstances exist give it the power to legislate regarding these circumstances? If the Congress were to "find" that a State court had in a particular case denied to a citizen his rights under these amendments, could Congress "legislate" the State courts out of existence?

Article III, section 1, of the Constitution provides:

> SECTION 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

It is for the courts to decide through their interpretation of State voter qualification provisions—and not for the Congress to find—whether "persons have been subjected to arbitrary and unreasonable voting restrictions on account of their race or color."

Congress cannot by any finding grant itself power, as the Commission's report would suggest. If Congress does not possess the constitutional power to enact legislation, it cannot bestow this power upon itself by making certain findings.

Continuing its indictment of the States, section 1(c) of the bill would have Congress find, as I have noted, "that existing statutes are inadequate to assure that all qualified persons shall enjoy the right to vote."

When the so-called civil rights legislation of 1957 and 1960 was under consideration, I discussed my objections to it both in general and in particular. My position has not changed. However, I find it inconceivable that the legislation, especially title VI of the 1960 act, authorizing the unconstitutional appointment of Federal "voting referees," could by any interpretation be considered "inadequate."

The U.S. Commission on Civil Rights declares in part I of its 1961 report at page 78:

> Title VI, then, does not become a weapon against discriminatory denials of the vote until a suit filed in the "affected area" has resulted in a finding that such discrimination has actually occurred, and a further finding that such discrimination "was or is pursuant to a pattern or practice."

In other words, why bother with proof of discrimination when it is so easy to amend the Constitution by an act of Congress that abolishes State literacy tests.

What added humiliation must the States endure? The constitutional structure of our Government has already been severely dislocated by Federal intrusion in the field of civil rights.

Nor has the Justice Department been what one might call slothful or hesitant in its enforcement of the acts of 1957 and 1960. The 1961 report of the Civil Rights Commission, to which I referred earlier, notes in part I on page 136:

> The U.S. Department of Justice has acted with vigor to apply the Civil Rights Acts of 1957 and 1960 to prevent racial discrimination in the franchise. As of August 4, 1961, it had brought suits to protect the right to vote in 15 counties in 5 States. Three of the cases had been successfully concluded, one case had been partially determined, and a fifth had been tried but was awaiting decision. The remainder were awaiting trial. In addition, as of August 1, 1961, the Department of Justice had made demands for the inspection of records under title III of the 1960 Civil Rights Act in 26 counties in 6 States.

I cannot comprehend how existing legislation could be considered, of all adjectives, "inadequate," particularly in light of the Justice Department's crash program of enforcement.

C. "SIX PRIMARY GRADES"

S. 2750 continues at section 1(d):

> Congress further finds that education in the United States is such that persons who have completed six primary grades in a public school or accredited private school cannot reasonably be denied the franchise on grounds of illiteracy or lack of sufficient education or intelligence to exercise the prerogatives of citizenship.

It is important to note that S. 2750 would set an arbitrary standard for literacy. By this I mean that if a citizen of a State has completed the sixth grade, he is "literate" at law whether or not he is literate in fact. His inability to read, write, or show some understanding of the Constitution would cease to be material.

Although certainly most people who have completed the sixth grade are literate, there are some, nevertheless, who unfortunately remain unable to read, write, or understand the Constitution. Extending the franchise to this group could do representative democracy in this country no possible good.

Furthermore, it should be noted that the power to set the requirement at 6 primary grades includes the power to reduce the 6 to 1 or to raise it to 12, perhaps higher. Inherent in the power to increase the electorate is the power to restrict it. Those who today favor S. 2750 because they consider six primary grades to be a reasonable literacy standard may tomorrow find a majority in Congress establishing standards which appear unreasonable. The acceptance of any Federal literacy standard would open a Pandora's box of evils.

D. "SPANISH LANGUAGE"

S. 2750 continues at section 1(e):

> Congress further finds that large numbers of American citizens who are also citizens of the several States are deprived of the right to vote by virtue of their birth and education in a part of the United States in which the Spanish language is commonly used; that these citizens are well qualified to exercise the franchise; that such information as is necessary for the intelligent exercise of the franchise is available through Spanish-language news sources; that lack of proficiency in the English language provides no reasonable basis for excluding these citizens from participating in the democratic process.

It is worth noting, first of all, that the citizens to which subsection (e) would automatically and arbitrarily extend the voting franchise have not been deprived of the right to vote because of their race, creed, or color. Consequently, since the 14th and 15th amendments are not involved and since the constitutional power of the Federal Government is limited under article I, section 4, to legislation involving the times, places, and manner of holding elections, the Congress, if it approved this legislation, would unquestionably be usurping the constitutional rights of the States.

Furthermore, the citizens to which subsection (e) refers have not likely been denied the privilege of voting "by virtue of their birth and education in a part of the United States in which the Spanish language is commonly used."

On the contrary, any withholding of the franchise most likely resulted, in all probability, from the fact that the citizens concerned were unable to read and write English.

Let us be candid; subsection (e) of S. 2750 is directed in large measure toward New York, a State which, more than any other, has experienced the difficulties and problems that arise in meeting the needs, desires, and best interests of many residents who are not proficient in the native language of our country. Without question millions of Americans who were not born in the continental United States have been prepared for full, contributing lives as citizens by New York.

Consequently is there any State which presumably would have a better understanding of these difficulties and problems? I doubt it; and I cannot but wonder if the Congress realizes that New York in its wisdom and with its vast experience has seen fit to provide as one of its voter qualifications in article II, section 1, of the State constitution:

> No person shall be entitled to vote * * * unless such person is also able, except for physical disability, to read and write English.

Incidentally, of the 21 States with literacy tests, but 7 are Southern States—*Lassiter* v. *Taylor*, 152 F. Supp. 295. Furthermore, Alaska and Hawaii—who presumably have benefited from a long-term observance of the wisdom and folly of their 48 sisters—have adopted literacy tests as qualifications for their voters.

Even if this proposed legislation were constitutional, I cannot but consider it unwise to foster the presumption that the Congress is better qualified than the State of New York, or any other State, to determine what voting qualifications are in the best interest of its citizens and of those residents who are not at present proficient in English.

Indeed, the absence of a qualification that voters be able to read and write English would remove an incentive for those who had not acquired this capability to become familiar with our native tongue. The standards which a naturalized citizen must meet take cognizance of this.

It is not my intention to presume to speak for the State of New York—or for the States of Montana and Illinois. However, I am convinced that if a resident of San Juan, P.R., for example, moved to the city of Richmond, Va., and had to rely on "Spanish-language news sources" to acquire a knowledge of current political events, he would have no small amount of difficulty becoming informed. In fact, the assertion of subsection (e), "that such information as is necessary for the intelligent exercise of the franchise is available through Spanish-language news sources," is valid, if at all, in but a few areas of the Nation.

It is indeed unfortunate that the lure of potential votes has influenced the supporters of this bill to attempt to impose on all States a set of standards which obviously are designed for limited areas. This is particularly objectionable, in view of the fact that New York, perhaps the major target of section 1(e), has rejected such an approach.

In summary, not only would S. 2750 impair the sovereignty of the States, it would also lower the standards of our national electorate. In the age of space exploration when one cannot read a newspaper without learning of some significant achievement in science, medicine, or the arts, I am astounded by the regressive attempt of S. 2750 to reduce voting standards when apparently all other standards are being increased.

The bill is unconstitutional and unwise. I am unqualifiedly opposed to it.

Mr. ELLENDER. Mr. President, I have served in the Senate for over 25 years now, and in my judgment the issue before the Senate today presents one of the most blatant attempts I have ever witnessed to openly do violence to our Federal Constitution.

Minority groups seek to do this through the guise of so-called civil rights. But that is not what they want. What they really desire is complete control over the election machinery of the 50 sovereign States.

The matter now pending before the Senate is not a civil rights measure. This is merely a catchall phrase that these persons employ to disguise their true intentions.

During the past 25 years, I have seen the same smokescreen used time and time again. Only a few weeks ago this body considered a constitutional amendment which would put an end to poll taxes as a requisite to voting.

I said at that time that although I myself had sponsored such legislation in the past, I was then opposed to it. It was my hope that should the poll tax issue be settled in that manner it would mean the end of the fight on Federal legislation on voting rights. But since more and further efforts were attempted in the field of regulating elections by Federal legislation I would oppose all efforts, including the constitutional amendment just mentioned.

As has been forcefully presented to the Senate by many Senators who preceded me, there is no doubt in my mind that if Congress should make the mistake of passing this bill, and should the issue then be submitted to the Supreme Court, and the Supreme Court hold the law constitutional, the entire system of voter qualifications would be transferred from the States, where it rightfully belongs, to the Federal Government. I believe there is no doubt about that. Let us not make any mistake about it. All of that is in face of the fact that we might not have a Constitution today unless the States were assured that they retained, in the Federal Constitution, the right to decide for themselves the qualifications of all voters within their respective jurisdictions.

Mr. President, I say that these misled minority groups will never rest until this country is absolutely ruled by a small group of militant, well-organized fanatics, who do not see that as they chip away at the Constitution, they run the risk of having the entire structure fall upon them and destroy them, as they destroy the Nation.

Our country has grown strong and wealthy over the years under the rights and privileges guaranteed to us under the Constitution. As has been often stated in debate, our great Constitution may have never been adopted had the right to prescribe voting qualifications not been left to the States.

This proposal is a brazen attempt to remove a constitutional right that has been retained by the States. Should this first step be taken, then other attempts would follow that would chip away still more of the rights of the States in determining who should and should not vote. I predict that if the bill is enacted, and should the Supreme Court hold it constitutional, then the rights of the States to legislate on qualifications of voters would be wiped out.

I say we must not allow this to happen. The historic right of the States to set forth their own voting rights must be maintained. As I said earlier, it is through this system of local self-government that the Nation has prospered, and I honestly believe that should the right of self-rule—which is inherent in setting forth voting qualifications—be abrogated by the Federal Government, then the Nation will have started on the decline.

The debates of the constitutional drafting period show very clearly that if the right to determine voter qualifications had not been left in the hands of the individual sovereign States, the Constitution would never have been ratified.

Two sections of article I of the Constitution very clearly point this out.

Section 2 of article I of the Constitution provides that—

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Section 4 of article I proclaims that—

> The Names, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

There are also the two amendments which have to some extent contracted the otherwise unqualified right of the States, as guaranteed in section 2 of article I, to establish the qualifications of voters. I refer to the 15th amendment, which provides that a citizen of the United States may not be denied the right to vote on account of race, color or previous condition of servitude; and to the 19th amendment, which establishes the same protection against discrimination based on sex. Then, of course, there is the 17th amendment, adopted in 1913, whereby the right of the States to establish the qualifications of electors was again reaffirmed, this time with respect to the choosing of U.S. Senators.

Mr. President, the Nation has profited greatly from the rich heritage of learning left to us by the great constitutional lawyers of years gone by. One of the greatest of those illustrious pioneers of American constitutional history was George Ticknor Curtis. Mr. Curtis' name will live forever in the annals of American history for many reasons; first and foremost, of course, because he was the author of two monumental works; the first, which was to become a standard authority, ranking alongside Justice Storey's "Commentaries on the Constitution," was published in 1854 in two volumes and entitled "History of the Constitution of the United States." The second of this great constitutional lawyer's legal compositions was entitled "Constitutional History of the United States," published in 1896, 2 years after his death. Mr. Curtis also will be remembered by students of American history for his able and successful defense of President Andrew Johnson in the impeachment proceedings instituted against the American Chief Executive in 1867; George Ticknor Curtis is remembered, too, for the brilliant and cogent argument he presented to the U.S. Supreme Court on December 18, 1856, in the famed Dred Scott case.

During the course of his presentation to the Supreme Court, in the Dred Scott case, Mr. Curtis made this significant statement as a preface to his analysis and interpretation of the constitutional provisions in issue in the Dred Scott case—that is, the provisions of our Constitution relating to the status and government of American territories:

> I wish, in the next place, to say, may it please your honors, what indeed is obvious to everyone—that this is eminently a historical question. But I shall press that consideration somewhat further than it is generally carried on this subject, and much further than it has been carried by the counsel for the defendant in error; for I believe it to be true of this, as it is of almost all questions of power arising under the Constitution, that when you have once ascertained the historical facts out of which the particular provision arose, and have placed those facts in their true historical relations, you have gone far toward deciding the whole controversy. So true is it that every power and function of this Government had its origin in some previously existing facts of the national history, or in some then existing state of things, that it is impossible to approach one of these questions as one of mere theory, or to solve it by the aid of any merely speculative reasoning. Hence it is eminently necessary on all occasions to ascertain the history of the subject supposed to be involved in a controverted power of Congress, and, above all, to approach it with the single purpose of drawing that deduction which the constitutional history of the country clearly warrants ("Constitutional History of the United States," George Ticknor Curtis, p. 502).

Mr. President, keeping these words of George Ticknor Curtis in mind, I shall ask the indulgence of the Senate while I embark upon the task of reviewing the circumstances surrounding the genesis of the constitutional provisions at issue in the right-to-vote legislation now before the Senate. It is with the utmost humility that I undertake the enormous assignment of refreshing the memories of Members of the U.S. Congress, and the public at large, with the historical backdrop against which the language of article I, sections 2 and 4, of our Constitution was framed.

It was no easy job, I can assure Senators, to research and assemble the vast amount of data that I am about to present to the Senate. It was a monumental task, but it will be well worth the effort if it helps to awaken in Senators a better understanding and awareness of the precarious, perilous ground we are about to tread upon—to point up the misguided, imprudent, unwise course that is being urged upon us.

It is sheer folly, Mr. President, for the Congress of the United States to seek to enact laws aimed at undermining and destroying our one great constitutional bulwark against despotism—our time-tested system of local elections controlled and operated by the 50 sovereign State governments, free from coercion or subversion from a Federal bureaucracy. Heaven help us if this precious birthright is lost forever to us and to our posterity because we here today are unable to distinguish between political expediency and commonsense.

Mr. President, a study of colonial history reveals that regulation of suffrage was one of the first tasks to concern the American pioneers. From their inception the colonies maintained qualifications of voters. As I shall point out during the course of these remarks, when the colonies formed the Original Thirteen States of our Union, they still jealously and zealously guarded their right to prescribe qualifications for voting. Even a cursory reading of the discussions that took place during the Constitutional Convention at Philadelphia, and of the debates in the Thirteen States while the proposed Constitution was up for ratification, leads to the inescapable conclusion that a majority of the Thirteen States would never have formed a union and bound themselves under the Federal Constitution if clear and unmistakable language had not been included to guarantee to the respective States the right to establish qualifications of electors. Nor is there any doubt, Mr. President, that the Thirteen Colonies did not intend to surrender to the Federal Government their primary right to control the time, manner and places of holding elections; all evidence points to the unmistakable conclusion that they intended to vest in the Central Government only secondary authority to regulate elections, limited to those situations where extraordinary circumstances prevailed or where the States refused to conduct elections for Members of the House of Representatives and thereby threatened the very existence of the Federal legislative branch.

Later during these remarks I shall discuss more fully the meaning given to section 4 of article I by the framers of our Constitution. Right now I want to direct the attention of the Senators to the interpretation placed by our Founding Fathers on the language found in section 2 of article I—the requirement that "the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

As early as 1750 there were different qualifications for voting in the different Colonies. I quote from "Formation of the Union," 1750–1829, by Hart, page 15:

> In each there was an elective legislature; in each the suffrage was very limited; everywhere the ownership of land in free-hold or other property, or the occupancy of a house was a requisite, just as it was in England for the country suffrage. In many cases there was an additional provision that the voter must possess a specified large quantity of land or must pay specified taxes. In some Colonies there was a religious requirement.

Mind you, Mr. President, all these requirements I have just mentioned were prerequisites for the exercise of the voting privilege.

While there were few specific provisions concerning suffrage in the charters of the Colonies, popular elections existed in each of the Colonies from the earliest date down to the Revolution. Popularly elected assemblies carried on local government. Virginia had a House of Burgesses as early as July 30, 1619.

And what was the first consideration of these colonial groups who were fiercely protective of their rights?

One of the first tasks of these colonial assemblies was to regulate the elective franchise. See McCulloch, "Suffrage and Its Problems," at page 18.

While the qualifications were vague and indefinite, there were many requirements, each a proof of the local regulation of voting qualifications. Even the Crown and the English Parliament made no serious attempt to modify or harmonize the various suffrage regulations. I quote from the same volume, page 19:

> This left each colony practically free to pass its own laws providing for the franchise. By the time of the Revolution this practice became thoroughly established, thus allowing each Commonwealth to make suffrage laws to fit its peculiar electorial problem.

Down to 1776 there were seven qualifications for the elective franchise. The outstanding one was the landed-property qualification, which probably arose because of the business corporation-like nature of the early colonies. A piece of land was considered as giving a person the freedom of the company, as provided by Massachusetts in 1621, just as a block of stock entitles its holder to vote in a corporation.

Porter, in his "History of Suffrage in the United States," stated at pages 3 and 4:

> But this very simple test of property-holding could not long hold out alone, although it was the first and the dominating consideration for almost 200 years following. The population became so complex, the interests of colonists expanded so far beyond mere commercial enterprise that other standards of fitness for participation in the affairs of the community were sought out and established. Strict limitations had been put upon the right to joint the company, and after the companies ceased to exist and the colonies became exclusively political institutions, the same limitations were carried over for the suffrage with some elaboration. They dealt with all the various things which are supposed to determine capacity to take intelligent interest in community affairs. Race, color, sex, age, religion, and residence were now investigated before the applicant was admitted to the suffrage. The theory was that only those who clearly had an interest in the colony—measured in terms of tried standards—should exercise the right of suffrage.

There we find a yardstick or a method of providing qualifications for voters during colonial days.

Virginia had varying requirements. In 1655 a voter had to be a habitant and a householder; in 1699 he had to be 21 years of age, a male habitant and freeholder, papists barred. By 1762 this had been further refined by the freeholder being particularly required to own 50 acres, or 25 acres and house 12 by 12.

Massachusetts first required religious standards, Puritan and Orthodox, in 1631. By 1691 Massachusetts required a voter to be English and to own 40 shillings' freehold or 40 pounds of property.

Connecticut in 1638 required a voter to be a habitant, a Puritan, and a freeman, and varied this by 1702 to specify that he had to have 40 shillings' freehold or 40 pounds of property.

Rhode Island, as early as 1665 required a competent estate and barred Christian papists. By 1767 Rhode Island added to this the requirement of living in a town, plus owning 40 shillings' freehold or 40 pounds of property.

New Hampshire in 1680 required that a voter be 24 years of age, English, Protestant, and have an estate of 20 pounds. By 1728 the last requirement was increased to 50 pounds' realty.

North Carolina in 1669 required a voter to be a deist and to have a 50-acre freehold. By 1760 this had varied. The qualifications were 21 years of age, 1½ years' residence, British nationality, and a 50-acre freehold.

South Carolina in 1669 required a person to be a deist and to have 50 acres freehold. By 1759 a South Carolina voter had to be white and 21 years of age, Protestant, and have a settled freehold.

Georgia demanded a man to be 21 years of age and to have 50 acres of land, papists barred. In 1775 the land requirement took on a subtle change. It was replaced by the word "taxpayer," plus one-half year's residence required, and papists barred.

Pennsylvania in 1683 required a voter to own 100 acres, 10 cultivated, or 50 acres, 20 cultivated, or pay taxes. In 1700 Pennsylvania required a man to be 21 years of age, a 2-year resident, English, and own 50 acres, 12 cultivated, or £50 in property.

Delaware, in 1701, had a 2-year residence requirement, 21-year age requirement, and landownership of 50 acres, 12 cultivated or £50 in property. By 1733 British citizenship had been added to the list.

Maryland's only requisite in 1637 was that voters be freemen. In 1718 Maryland had barred Catholics and required 50 acres or £40 worth of property.

New York in 1683 accepted a vote from any freeholder. In 1701 21-year age requisite and £40 worth of realty was necessary, and—listen to this—papists and Jews were barred. That was in New York.

New Jersey in 1668 allowed any freeholder to vote. In 1725 that freeholder had to be a 1-year resident, and had to own 100 acres or £50 worth of property.

It is interesting to regard some of the varying reasons for the above requirements, keeping in mind that the very fact they have varied in each State, with the particular conditions of growth and the existing population, adds undeniable power to the case I am presenting for each State in the Union, for their own continued right to judge their own needs and provide therefor.

I read from Porter, "History of Suffrage in the United States," pages 4 and 5:

> Standards of character and fitness varied from one part of the country to another. In Massachusetts, the Puritans believed that only by restricting suffrage to men in their churches could the future well-being of the colony be insured. The problem of the right to vote became distinctly subordinate. They restricted the suffrage for the good of the community. The fact that their standard of good character (church membership) was narrow is not at all surprising. The character of the man's employment was often considered a criterion of his ability to vote intelligently, and thus college men and clerical officers were presumed to be especially fit for the suffrage.
>
> The philosophy of suffrage has always been more or less opportunistic, if the word is permissible. Suffrage qualifications are determined for decidedly materialistic considerations, and then a theory is evolved to suit the situation. In the early days riot and disorder might accompany an election. The authorities would thereupon fix the qualifications so that the disorderly people could not vote next time. Then would come the theory to justify it—only those owning a certain number of acres would be considered fit to vote, only those of a certain religious faith, et cetera.
>
> Unquestionably, this has happened in times of stress, for theory did not come to be the preliminary determining factor until complete peace and order prevailed, and even then theory was not uncolored by materialistic considerations. Suffrage limitations were bound to adapt themselves to social and economic conditions. In rural Virginia the freehold requirement of 50 acres excluded very few of the best type of men. But such a requirement in an urban community would have been intolerable. Obviously, an absolute criterion could not obtain. It became necessary to adopt whatever criterion was calculated to embrace the best men.
>
> Moral qualifications were restricted almost exclusively to New England. It was sometimes necessary for the voter to show proof of his good character. At other times if one were accused of improper conduct it would cost him his vote, although the particular offense was not mentioned in the law. In the South there were restrictions against men of certain race—foreigners and Negroes were excluded.

I read further from Porter, "History of Suffrage," bottom of page 5 and all of page 6:

> All of the restrictions and qualifications can be seen to support one of two fundamental principles: One may be called the theory of right and the other the theory of the good of the state. Every qualification imposed had one of these two principles in view. Either it was established in order to fulfill the right which certain people were supposed to have, or else it was established simply in order to serve the best interest of the state. It might have been said that a man had a right to vote because he owned property, or because he was a resident, or because he paid taxes, or simply because the right to vote was a natural right. And this would be the guiding consideration without regard to the effect it might have on the well-being of the community. Thus in some places nonconformists were allowed to vote because their property right was recognized. Nonresidents were permitted to vote where they owned property solely because they were supposed to have a right to vote on account of their holdings. This theory of right was the first to appear and has always persisted. Each generation would seek to add a new subhead to the title, as it were, and base a right to vote on some new ground.
>
> The other great principle or theory had to do with the good of the state. It developed as soon as the narrow business-corporation concept was abandoned, and it was most emphasized by the Puritans. It continues to the present day but has never been entirely divorced from the theory of right. Under this theory of the good of the State men were excluded because they were not church members, because they were criminals, because they had not been residents a long enough time. It is not always possible to classify every restriction definitely, but it may be said that one of these two theories controls every modification of the suffrage.

In the North, there were no race qualifications, because the few free Negroes scattered through the northern Colonies seemed to have caused little alarm along suffrage lines. North Carolina, Georgia, South Carolina, and Virginia were the only Colonies which disfranchised Negroes before the time of the Revolution, showing that either very few of them tried to vote or there was little aversion to it, the former probably being correct. At any rate, there was no race issue injected generally into the suffrage regulations. Another generation saw a marked change.

There was in none of the Colonies except Pennsylvania the rigid residence requirement of 2 years. And why the particular need there, true locally, yet not present elsewhere? Probably because of the conservative proprietor's desire to limit the influence of the many recent immigrants.

The property test was the most frequent and weightiest qualification. The cheapness of land led to the requirement above stated, in some instances, that the land be worth a certain sum in money or produce a certain income. Again we see the ever-present variations in the different Colonies. In Georgia there could not be the same money value requirement as in more thickly populated New England, and conversely, a voter in crowded New England could not have been required to own the same quantity of land as the voter in sparsely settled Georgia. In Virginia the varying standard of 50 acres of land, or 25 acres of land being worked and occupied by a house 12 feet square, or a town lot with a house of similar dimensions, was the answer to the rural versus urban problem. The city dwellers could not acquire land to a broad extent, and the rural dwellers resented a value fixation being set on the land to be held.

Five of the Colonies allowed the substitution of personal property for real estate.

> This indicates a distinct concession of the urban communities, and it is significant that four of these States are in the small New England group, where the supply of real estate was limited. This adaptation of the suffrage qualification to the particular economic situation illustrates the willingness of men to adjust their ideal of what is fundamentally right to the needs of the dominant group—(Porter, "History of Suffrage in the United States," p. 9).

The next breakdown in this type requirement is from personal property to taxpaying. As conditions change, a trend emerges, the picture alters, and the statutory machinery with which we are equipped permits each State to shift or vary its position with the times.

Religious tests were decisive in New England, and common everywhere except in Pennsylvania. In the South papists were usually specifically barred. New York barred Jews. Maryland also barred Catholics.

Massachusetts supplemented the religious tests by moral character qualifications. Later a property qualification was inserted as an alternative. Later the religious test disappeared. South Carolina, with her requirement that a voter acknowledge the being of God, was the last State to have the statutory religious standards for suffrage and religion as a qualification for voting pass out with the colonial period.

Citizenship and residence were of comparatively little importance in a new country, predominantly British.

Before turning to the Articles of Confederation and our Constitution, the following words concerning voting qualifications in the Colonies seem particularly appropriate:

> It is of moment to note that there were no efforts at uniformity in the regulation of suffrage. In each colony by charter, or more often by acts of the assembly, the elective franchise was controlled independently. This Commonwealth treatment of suffrage was the natural result of colonial history. So thoroughly grounded was this policy that when the Colonies seized sovereignty and organized a Federal Government the suffrage program was undisturbed. It continued as the basic foundation on which all Federal elections must rest. (See McCulloch, "Suffrage and Its Problems," p. 29.)

The truth of the proposition that each State best knows its own conditions and is best equipped to handle them, is shown by the direction of the Continental Congress, on May 10, 1776, following the outbreak of the Revolution, to each of the Colonies to "adopt such governments as shall best conduce to the happiness and safety of their constituents in particular, and America in general"—Hart, "Formation of the Union," 1750–1829, at page 29.

Following these instructions, the Colonies had already begun, before July 4, 1776, to draw up written instruments of government. I now desire to read a few paragraphs from McCulloch on "Suffrage and Its Problems." I read from page 30, the first paragraph:

> With the separation from the the Mother Country came very little change for the Colonies severally. The Union took the place of the Crown, while the various Commonwealth governments went on very much as before. Therefore, suffrage regulations were not disturbed at all; each Commonwealth continued to regulate the elective franchise independently. The several States sought directions of the Continental Congress as to framing constitutions to replace the old charters which had been granted by the King.
>
> But after this had been done, the two sets of governments moved along independently. The Central Government under the Articles of Confederation interfered with the States as little as possible, and they do not seem to have looked to it even for advice.
>
> The only point at which the two governments could touch even indirectly on suffrage matters was article V, which provided that the delegates to the Confederation Congress should be "appointed in such manner as the legislatures of each State should direct."

Also, quoting directly from the Articles of Confederation, and to demonstrate the doctrines that remained ever uppermost in the minds of the founders of our country, I quote article II:

> Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States in Congress assembled.

I now read from the Federalist Articles of Confederation, article V, the first paragraph:

> For the more convenient management of the general interest of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

Also:

> In determining questions in the United States in Congress assembled, each State shall have one vote.

The above provisions show clearly that matters of voting qualifications were to be left strictly to each State. The Articles of Confederation were inadequate and hurried, and later proved insufficient to cope with the changing United States and its manifold problems. A new and farsighted instrument was needed, a considered and well-debated structure built on a framework with a future. But, it is noteworthy, before we turn from the Articles of Confederation, that even though the country was in the midst of revolution, torn by varying doctrines and lacking in all organization at the time they were written, there was one thing that was not left out.

Many important things were left out, much was left a blank, but even in a time of crisis these men who were struggling for a workable governing organ to suit their needs and their hopes kept one thing before them, the inviolable right of each State to determine the qualification of its voters and to control its own elections. They did not fail to preserve this right in the articles they drafted.

When the Articles of Confederation, which were adopted in time of stress without full cognizance of the problems to be solved and with the States themselves ill defined geographically and politically, proved unsatisfactory and insufficient, it was suggested by Hamilton in 1780, and later by Tom Paine, that a convention be called to revise the Articles of Confederation, and to draft a Constitution of the United States of America.

Let us go back to that convention. There is drama in the air. Vital provisions for the constitutional structure of a new country are in the making. Each delegate has his own theories, his own pet beliefs to advance. All are filled with a desire for the best in government for their new country.

Maj. William Pierce, of Georgia, made some notes of the membership of the convention. Among those historically well known to us today who were prominent in drafting provisions affecting voting qualifications was Rufus King, about whom Major Pierce said:

> Mr. King is a man much distinguished for his eloquence and great parliamentary talents. He was educated in Massachusetts, and is said to have good classical as well as legal knowledge. He has served for 3 years in the Congress of the United States with great and deserved applause, and is at this time high in the confidence and approbation of his countrymen. This gentleman is about 33 years of age, about 5 feet 10 inches high, well formed, a handsome face, with a strong expressive eye, and a sweet high-toned voice. In his public speaking there is something peculiarly strong and rich in his expression, clear, and convincing in his arguments, rapid and irresistible at times in his eloquence but he is not always equal. His action is natural, swimming, and graceful, but there is a rudeness of manner sometimes accompanying it. But take him tout en semble, he may with propriety be ranked among the luminaries of the present age. ("United States, Formation of the Union, Documents," p. 96.)

There was Nat Gorham, about whom it is said:

> Mr. Gorham is a merchant in Boston, high in reputation, and much in the esteem of his countrymen. He is a man of very good sense, but not much improved in his education. He is eloquent and easy in public debate, but has nothing fashionable or elegant in his style; all he aims at is to convince, and where he fails it never is from his auditory not understanding him, for no man is more perspicuous and full. He has been President of Congress, and 3 years a Member of that body. Mr. Gorham is about 46 years of age, rather lusty, and has an agreeable and pleasing manner. ("United States, Formation of the Union, Documents," p. 96.)

One of the highlights was Alexander Hamilton.

> Colonel Hamilton is deservedly celebrated for his talents. He is a practitioner of the law, and reputed to be a finished scholar. To a clear and strong judgment he unites the ornaments of fancy, and whilst he is able, convincing, and engaging in his eloquence the heart and head sympathize in approving him. Yet there is something too feeble in his voice to be equal to the strains of oratory; it is my opinion that he is rather a convincing speaker, than a blazing orator. Colonel Hamilton requires time to think, he inquires into every part of his subject with the searchings of philosophy, and when he comes forward he comes highly charged with interesting matter, there is no skimming over the surface of a subject with him, he must sink to the bottom to see what foundation it rests on. His language is not always equal, sometimes didactic like Bolingbroke's, at others light and tripping like Stern's. His eloquence is not so defusive as to trifle with the senses, but he rambles just enough to strike and keep up the attention. He is about 33 years old, of small stature, and lean. His manners are tinctured with stiffness, and sometimes with a degree of vanity that is highly disagreeable. ("United States Formation of the Union, Documents," p. 98.)

From Connecticut came Oliver W. Ellsworth, who was on the Committee of Detail charged with forcing the provisions affecting elections:

> Mr. Ellsworth is a judge of the supreme court in Connecticut; he is a gentleman of a clear, deep, and copious understanding; eloquent, and connected in public debate, and always attentive to his duty. He is very happy in a reply, and choice in selecting such parts of his adversary's arguments as he finds make the strongest impressions, in order to take off the force of them, so as to admit the power of his own. Mr. Ellsworth is about 37 years of age, a man much respected for his integrity, and venerated for his abilities. ("United States Formation," supra, p. 98.)

From Pennsylvania, on this committee, came Mr. James Wilson:

> Mr. Wilson ranks among the foremost in legal and political knowledge. He has joined to a fine genius all that can set him off and show him to advantage. He is well acquainted with man, and understands all the passions that influence him. Government seems to have been his peculiar study, all the political institutions of the world he knows in detail, and can trace the causes and effects of every revolution from the earliest stages of the Grecian Commonwealth down to the present time. No man is more clear, copious, and comprehensive than Mr. Wilson, yet he is no great orator. He draws the attention not by the charm of his eloquence, but by the force of his reasoning. He is about 45 years old. ("United States Formation," supra, p. 101.)

From Virginia came James Madison and Edmund Randolph:

> Mr. Madison is a character who has long been in public life; and what is very remarkable, every person seems to acknowledge his greatness. He blends together the profound politician with the scholar. In the management of every great question he evidently took the lead in the convention, and though he cannot be called an orator, he is a most agreeable, eloquent, and convincing speaker. From a spirit of industry and application which he possesses in a most eminent degree, he always comes forward the best informed man of any point in debate. The affairs of the United States, he perhaps, has the most correct knowledge of, of any man in the Union.
>
> He has been twice a Member of Congress, and was always thought one of the ablest Members that ever sat in that council. Mr. Madison is about 37 years of age, a gentleman of great modesty, with a remarkable sweet temper. He is easy and unreserved among his acquaintance, and has a most agreeable style of conversation. ("United States Formation," supra, p. 104.)
>
> Mr. Randolph is Governor of Virginia, a young gentleman in whom unite all the accomplishments of a scholar and a statesman. He came forward with the postulate, or first principles, on which the convention acted, and he supported them with a force of eloquence and reasoning that did him great honor. He has a most harmonious voice, a fine person, and striking manners. Mr. Randolph is about 32 years of age. ("United States Formation," supra, p. 105.)

Robert Morris, with James Wilson, Benjamin Franklin, Gouverneur Morris, and others, represented Pennsylvania:

> Robert Morris is a merchant of great eminence and wealth; and able financier, and a worthy patriot.
>
> He has an understanding equal to any public object, and possesses an energy of mind that few men can boast of. Although he is not learned, yet he is as great as those who are. I am told that when he speaks in the Assembly of Pennsylvania, that he bears down all before him. What could have been his reason for not speaking in the convention I know not, but he never once spoke on any point. This gentleman is about 50 years old. ("United States Formation," supra p. 101.)

On May 29, 1787, Edmund Randolph presented the following resolution:

> *Resolved therefore*, That the rights of suffrage in the National Legislature ought to be proportioned to the quotas of contribution, or to the number of free inhabitants, as the one or the other rule may seem best in different cases.
>
> *Resolved*, That the National Legislature ought to consist of two branches.
>
> *Resolved*, That the Members of the first branch of the National Legislature ought to be elected by the people of the several States every (———) for the term of (———). ("United States Formation," supra, p. 116.)
>
> Then Mr. Charles Pickney laid before the House the draft of a Federal Government which he had prepared, to be agreed between the free and independent States of America. (U.S. Formation of the Union, p. 119.)
>
> By all these statesmen the United States was referred to as a Union of free and independent States, a group of varying entities with varying problems, soils, industries, populations, having in mind future additions of more States, united for the common good of all.
>
> Article III of Mr. Pickney's draft reads: "The Members of the House of Delegates shall be chosen every (blank) year by the people of the several States; and the qualifications of the electors shall be the same as those of the electors in the several States for their legislatures." (Elliott, Constitutional Debates, vol. 1 (first edition) p. 145.)

Pickney also provided in article 5 of his plan:

> Each State shall prescribe the time and manner of holding elections by the people for the House of Delegates.
>
> (See III Records of the Federal Convention, p. 597—Appendix D.)

Alexander Hamilton's suggested provision was a general one:

> III. The Assembly to consist of persons elected by the people to serve for 3 years. (U.S. Formation of the Union, p. 979.)

When Mr. Randolph's plan was considered, what was the feeling concerning the provision for election of Members of the first branch of the National Legislature by the people of the several States? The discussion is illuminating in showing the angles considered, which make clear the meaning of the provisions ultimately adopted.

> Mr. Sherman opposed the election by the people, insisting that it ought to be by the State legislature. The people, he said, immediately should have as little to do as may be about the Government. They want information and are constantly liable to be misled.
>
> Mr. GERRY. The evils we experience flow from the excess of democracy. The people do not want virtue, but are the dupes of pretended patriots.
>
> In Massachusetts it had been fully confirmed by experience that they are daily misled into the most baneful measures and opinions by the false reports circulated by designing men, and which no one on the spot can refute. One principal evil arises from the want of due provision for those employed in the administration of Government. It would seem to be a maxim of democracy to starve the public servants. He mentioned the popular clamor in Massachusetts for the reduction of salaries and the attack made on that of the Government though secured by the spirit of the Constitution itself. He had, he said, been too republican heretofore: He was still, however, republican, but had been taught by experience the danger of the leveling spirit.

Mr. President, I may say the word "republican" as there used was spelled with a small "r," not with a capital "R".

> Mr. Mason argued strongly for an election of the larger branch by the people. It was to be the grand depository of the democratic principle of government. It was, so to speak, to be our House of Commons—It ought to know and sympathize with every part of the community; and ought therefore to be taken not only from different parts of the whole Republic, but also from different districts of the larger members of it, which had in several instances, particularly in Virginia, different interests and views arising from difference of produce, of habits, and so forth. He admitted that we had been too democratic but was afraid we should incautiously run into the opposite extreme. We ought to attend to the rights of every class of people. He had often wondered at the indifference of the superior classes of society to this dictate of humanity and policy; considering that however affluent their circumstances, or elevated their situations might be, the course of a few years, not only might but certainly would distribute their posterity throughout the lowest classes of society. Every selfish motive therefore, every family attachment, ought to recommend such a system of policy as would provide no less carefully for the rights and happiness of the lowest than of the highest orders of citizens.
>
> Mr. Wilson contended strenuously for drawing the most numerous branch of the legislature immediately from the people.
>
> He was for raising the Federal pyramid to a considerable altitude, and for that reason wished to give it as broad a basis as possible. No government could long subsist without the confidence of the people. In a republican government this confidence was peculiarly essential. He also thought it wrong to increase the weight of the State legislatures by making them the electors of the National Legislature. All interference between the general and local government should be obviated as much as possible. On examination it would be found that the opposition of States to Federal measures had proceeded much more from the officers of the States, than from the people at large.
>
> Mr. Madison considered the popular election of one branch of the National Legislature as essential to every plan of free Government. He observed that in some of the States one branch of the legislature was composed of men already removed from the people by an intervening body of electors. That if the first branch of the general legislature should be elected by the State legislatures, the second branch elected by the first—the Executive by the second together with the first, and other appointments again made for subordinate purposes by the Executive, the people would be lost sight of altogether; and the necessary sympathy between them and their rulers and officers, too little felt. He was an advocate for the policy of refining the popular appointments by successive filtrations, but thought it might be pushed too far. He wished the expedient to be resorted to only in the appointment of the second branch of the legislature, and in the executive and judiciary branches of the Government. He thought too that the great fabric to be raised would be more stable and durable if it should rest on the solid foundation of the people themselves, than if it should stand merely on the pillars of the legislatures.
>
> Mr. Gerry did not like the election by the people. The maxims taken from the British Constitution were often fallacious when applied to our situation which was extremely different. Experience he said had shown that the State legislatures drawn immediately from the people did not always possess their confidence. He had no objection however to an election by the people if it were so qualified that men of honor and character might not be unwilling to be joined in the appointments.
>
> He seemed to think the people might nominate a certain number out of which the State legislatures should be bound to choose.
>
> Mr. Butler thought an election by the people an impracticable mode.
>
> On the question for an election of the first branch of the National Legislature by the people:
>
> Massachusetts, aye; Connecticut, divided; New York, aye; New Jersey, no; Pennsylvania, aye; Delaware, divided; Virginia, aye;

> North Carolina, aye; South Carolina, no; Georgia, aye. ("Formation of the United States," p. 125.)

In the final report on Mr. Randolph's plan the Committee of the Whole merely said:

> 3. Resolved, That the Members of the first branch of the National Legislature ought to be elected by the people of the several States for the term of 3 years. ("United States Formation of the Union," at p. 201.)

And nothing about voting qualifications, leaving this for specific provision in the States.

On Monday, August 6, the Committee of Detail reported finally the following provision:

> (Art. IV, sec. 1) The Members of the House of Representatives shall be chosen every second year by the people of the several States comprehended within the Union. The qualifications of the electors shall be the same, from time to time, as those of the electors in the several States of the most numerous branch of their own legislature. (See "United States Formation of the Union" at p. 472.)

It is particularly interesting to turn to the reports of the work of the Committee of Detail to see through what stages article IV, section 1—which is article I, section 2, of our Constitution today—progressed. The very regulations being proposed at this time in this body were suggested in 1787 at the Constitutional Convention and rejected at that time. On June 19 one draft was set forth. It provided:

> That the Members of the second Branch of the Legislature of the United States ought to be chosen by the individual legislatures—to be of the age of 30 years at least; to hold their offices for the term of 6 years, one-third to go out biennially; to receive a compensation for the devotion of their time to the public service; to be ineligible to and incapable of holding any office under the authority of the United States (except those peculiarly belonging to the functions of the second Branch) during the term for which they are elected, and for 1 year thereafter." (II Ferrand, "Records of Federal Convention," pp. 129 and 130.)

The next step was as follows:

> The qualification of electors shall be the same (throughout the States, viz) with that in the particular States unless the legislature shall hereafter direct some uniform qualification to prevail through the States. (II Farrand, Records of Federal Convention, p. 139.)
>
> (Citizenship; manhood; sanity of mind; previous residence for 1 year, or possession of real property within the State for the whole of 1 year, or enrollment in the militia for the whole of a year.)

Next:

> The Members of the House of Representatives shall be chosen biennially by the people of the United States in the following manner. Every freeman of the age of 21 years—having a freehold estate within the United States—who has—having—resided in the United States for the space of 1 whole year immediately preceding the day of election, and has a freehold estate in at least 50 acres of land. ("II Farrand," supra, p. 15.)

Then:

> The Members of the House of Representatives shall be chosen every second year—in the manner following—by the people of the several States comprehended within this Union—the time and place and the manner of holding the election and the rules. The qualifications of the electors shall be (appointed) prescribed by the legislatures of the several States; but their provisions—which they shall make concerning them shall be subject to the control of—concerning them may at any time be altered and superseded by the Legislature of the United States. ("II Farrand," supra, p. 153.)

Mr. President, that was a proposal which was made at one time, and I am citing all these various proposals to show how the members of that Convention finally drifted to the provision of the Constitution which is now in that sacred document.

In other words, every form of proposal was presented to the Convention. The one I read last was one in which the National Legislature would have the right to prescribe qualifications, but it was turned down. It was considered by the Convention and the Convention finally drafted that part of article I which is now in the Constitution.

In my mind, any Senator who will take the time to read these excerpts, to read the history of the present article of the Constitution which gives to the States the right to prescribe qualifications of voters, will come unequivocally to the conclusion that this was to be done by the States and not by the Congress. Again, see the next report:

> The Members of the House of Representatives shall be chosen every second year, by the people of the several States comprehended within this Union. The qualifications of the electors shall be prescribed by the legislatures of the several States but these provisions concerning them may, at any time, be altered and superseded by the Legislature of the United States—the same from time to time as those of the electors, in the several States, of the most numerous branch of their own legislatures.

That proposition was submitted in debate, and I cite it to show the varying views of the members of the Convention and the manner and method proposed by each of them. I cite it merely to show that I do not believe anyone overlooked any argument. In other words, there was free debate on the entire subject, and everyone knew what it was all about. After long debate the present amendment to the Constitution was finally adopted by the Convention, and later ratified by three-fourths of the 13 States.

Every one of these suggestions was thought of long ago. They were discussed and wisely rejected by the framers of our Constitution, when they finally agreed on the form above set out; that is:

> The Members of the House of Representatives shall be chosen every second year by the people of the several States comprehended within this Union. The qualifications of the electors shall be the same, from time to time, as those of the electors in the several States, of the most numerous branch of their own legislatures. (See Farrand, p. 178, art. IV, sec. 1.)

This point, as all others in the much-debated text, was discussed fully. It is interesting to note what such well-informed and brilliant men as Gouverneur Morris; James Wilson, who was a Justice of the United States; Oliver Ellsworth, who was later Chief Justice of the Supreme Court; Colonel Mason; Benjamin Franklin; John Rutledge, who was also a Chief Justice of the United States; and James Madison, thought of the proposed resolution.

I now quote from "Formation of the Union," pages 487, 488, 489, 490, 491, and 492:

> Mr. Gouverneur Morris moved to strike out the last member of the section beginning with the words "qualifications of electors," in order that some other provision might be substituted which would restrain the right of suffrage to freeholders.
>
> Mr. Fitzimmons seconded the motion.
>
> Mr. Williamson was opposed to it.
>
> Mr. WILSON. This part of the report was well considered by the committee, and he did not think it would be changed for the better. It was difficult to form any uniform rule of qualifications for all the States. Unnecessary innovations he thought too should be avoided. It would be very hard and disagreeable for the same persons at the same time, to vote for representatives in the State legislature and to be excluded from a vote for those in the National Legislature.
>
> Mr. GOUVERNEUR MORRIS. Such a hardship would be neither great nor novel. The people are accustomed to it and not dissatisfied with it, in several of the States. In some the qualifications are different for the choice of the Governor and the Representatives; in others for different houses of the legislature. Another objection against the clause as it stands is that it makes the qualifications of the National Legislature depend on the will of the States, which he thought not proper.
>
> Mr. Ellsworth thought the qualifications of the electors stood on the most proper footing. The right of suffrage was a tender point, and strongly guarded by most of the State constitutions. The people will not readily subscribe to the National Constitution if it should subject them to the disfranchised. The States are the best judges of the circumstances and temper of their own people.
>
> Colonel MASON. The force of habit is certainly not attended to by those gentlemen who wish for innovations on this point. Eight or nine States have extended the right of suffrage beyond the freeholders, what will the people there say, if they should be disfranchised? A power to alter the qualifications would be a dangerous power in the hands of the legislature.
>
> Mr. BUTLER. There is no right of which the people are more jealous than that of suffrage. Abridgment of it tend to the same revolution as in Holland where they have at length thrown all power into the hands of the senates, who fill up vacancies themselves, and form a rank aristocracy.
>
> Mr. Dickinson had a very different idea of the tendency of vesting the right of suffrage in the freeholders of the country. He considered them as the best guardians of liberty; and the restriction of the right to them as a necessary defense against the dangerous influence of those multitudes without property and without unpopularity of the innovation it was in his opinion chimerical. The great mass of our citizens is composed at the time of freeholders, and will be pleased with it.
>
> Mr. ELLSWORTH. How shall the freehold be defined? Ought not every man who pays a tax to vote for the representative who is to levy and dispose of his money? Shall the wealthy merchants and manufacturers, who will bear the full share of the public burdens be not allowed a voice in the imposition of them—taxation and representation ought to go together.
>
> Mr. GOUVERNEUR MORRIS. He had long learned not to be the dupe of words. The sound of aristocracy therefore had no effect upon him. It was the thing, not the name, to which he was opposed, and one of his principal objections to the Constitution as it is now before us, is that it threatens the

country with an aristocracy. The aristocracy will grow out of the House of Representatives. Give the votes to people who have no property, and they will sell them to the rich who will be able to buy them. We should not confine our attention to the present moment. The time is not distant when this country will abound with mechanics and manufacturers who will receive their bread from their employers. Will such men be the secure and faithful guardians of liberty? Will they be the impregnable barrier against aristocracy? He was as little duped by the association of the words taxation and representation. The man who does not give his vote freely is not represented. It is the man who dictates the vote. Children do not vote. Why? Because they want prudence, because they have no will of their own. The ignorant and the dependent can be as little trusted with the public interest. He did not conceive the difficulty of defining freeholders to be insuperable. Still less that the restriction could be unpopular. Nine-tenths of the people are at present freeholders and these will certainly be pleased with it. As to merchants, and so forth, if they have wealth and value the right they can acquire it. If not they don't deserve it.

Colonel **Mason**. We all feel too strongly the remains of ancient prejudices, and view things too much through a British medium. A freehold is the qualification in England, and hence it is imagined to be the only proper one. The true idea in his opinion was that every man having evidence of attachment to and permanent common interest with the society ought to share in all its rights and privileges. Was this qualification restrained to freeholders? Does no other kind of property but land evidence a common interest in the proprietor? Does nothing besides property mark a permanent attachment. Ought the merchant, the monied man, the parent of a number of children whose fortunes are to be pursued in his own country, to be viewed as suspicious characters, and unworthy to be trusted with the common rights of their fellow citizens?

Mr. **Madison**. The right to suffrage is certainly one of the fundamental articles of republican government, and ought not to be left to be regulated by the legislature—

When he spoke of the legislature he meant Congress—

A gradual abridgment of this right has been the mode in which aristocracies have been built on the ruins of popular forms. Whether the constitutional qualification ought to be a freehold, would with him depend much on the probable reception such a change would meet within the States where the right was now exercised by every description of people. In several of the States a freehold was now the qualification. Viewing the subject in its merits alone, the freeholders of the country would be the safest depositories of republican liberty. In future times a great majority of the people will not only be without land, but any other sort of property. These will either combine under the influence of their common situation; in which case, the rights of property and the public liberty, will not be secure in their hands; or what is more probable, they will become the tools of opulence and ambition, in which case there will be equal danger on another side.

The example of England had been misconceived (by Colonel Mason). A very small proportion of the representatives are there chosen by freeholders.

The greatest part are chosen by the cities and boroughs, in many of which the qualification of suffrage is as low as it is in any one of the United States, and it is in the boroughs and cities rather than the counties that bribery most prevailed, and the influence of the Crown on elections was most dangerously exerted.

Dr. **Franklin**. It is of great consequence that we should not depress the virtue and public spirit of our common people, of which they displayed a great deal during the war, and which contributed principally to the favorable issue of it. He related the honorable refusal of the American seamen who were carried in great numbers into the British prisons during the war, to redeem themselves from misery or to seek their fortunes, by entering on board the ships of the enemies to their country, contrasting their patriotism with a contemporary instance in which the British seamen made prisoners by the Americans, readily entered on the ships of the latter on being promised a share of the prizes that might be made out of their own country.

This proceeded, he said, from the different manner in which the common people were treated in America and Great Britain. He did not think that the elected had any right in any case to narrow the privileges of the electors. He quoted as arbitrary the British statute setting forth the danger of tumultuous meetings, and under that pretext narrowing the right of suffrage to persons having freeholds of a certain value; observing that this statute was soon followed by another under the succeeding Parliament, subjecting the people who had no votes to peculiar labors and hardships. He was persuaded also that such a restriction as was proposed would give great uneasiness in the populous States. The sons of a substantial farmer, not being themselves freeholders, would not be pleased at being disfranchised, and there are a great many persons of that description.

Mr. **Mercer**. The Constitution is objectionable in many points, but in none more than the present. He objected to the footing on which the qualification was put, but particularly to the mode of election by the people.

The people cannot know and judge the characters of candidates. The worst possible choice will be made. He quoted the case of the senate in Virginia as an example in point. The people in towns can unite their votes in favor of one favorite, and by that means always prevail over the people of the country, who being dispersed, will scatter their votes among a variety of candidates.

Mr. Rutledge thought the idea of restraining the right of suffrage to the freeholders a very unadvised one. It would create division among the people and make enemies of all those who should be excluded.

On the question for striking out as moved by Gouverneur Morris, from the word qualifications to the end of the article III:

New Hampshire, no; Massachusetts, no; Connecticut, no; Pennsylvania, no; Delaware, aye; Maryland, divided; Virginia, no; North Carolina, no; South Carolina, no; Georgia, not present.

WEDNESDAY, AUGUST 8, IN CONVENTION

Article IV, section 1 being under consideration—Mr. Mercer expressed his dislike of the whole plan, and his opinion that it never could succeed.

Mr. **Gorham**. He had never seen any inconvenience from allowing such as were not freeholders to vote, though it had long been tried. The elections in Philadelphia, New York, and Boston where merchants and mechanics vote are at least as good as those made by freeholders only. The case in England was not accurately stated yesterday (by Mr. Madison). The cities and large towns are not the seat of Crown influence and corruption. These prevail in the boroughs, and not on account of the right which those who are not freeholders have to vote, but of the smallness of the number who vote. The people have been long accustomed to this right in various parts of America, and will never allow it to be abridged. We must consult their rooted prejudices if we expect their concurrence in our propositions.

Mr. Mercer did not object so much to an election by the people at large including such as were not freeholders, as to their being left to make their choice without any guidance. He hinted that candidates ought to be nominated by the State legislatures.

On the question of agreeing to article IV, section 1, it passed nem. con. (Quoted from "U.S. Formation of the Union," p. 487.)

How timely this discussion is today. How true and to the point. I have no need to search for reasons or to manufacture a logician's arguments. I need only take the very words of men whom history has stamped with greatness and foresight to prove my position.

I repeat some of these well-considered words, in fact, I delight to dwell upon their wisdom.

The right of suffrage was a tender point, and strongly guarded by most of the State constitutions.

The States are the best judges of the circumstances and temper of their own people.

A power to alter the qualifications would be a dangerous power in the hands of the legislature (referring to the National Legislature).

Particularly note what Benjamin Franklin, noted for his practical, earthy, commonsense, said:

He did not think that the elected had any right in any case to narrow the privileges of the electors.

Turning now from the remarkable document of James Madison, recording the activities of the Constitutional Convention, to the notes of Rufus King, a delegate from Massachusetts to the Constitutional Convention, corroborating the Madison papers, here is King's record of the debate over the clause, "electors to be the same as those of the most numerous branch of the State legislature."

Morris proposed to strike out the clause and to leave it to the State legislatures to establish the qualification of the electors and elected, or to add a clause giving to the National Legislature powers to alter the qualifications.

Mr. **Ellsworth**. If the legislature can alter the qualifications, they may disqualify three-fourths, or a greater portion of the electors—this would go far to create aristocracy. The clause is safe as it stands—the States have staked their liberties on the qualifications which we have proposed to confirm.

Mr. **Dickinson**. It is urged that to confine the right of suffrage to the freeholders is a step toward the creation of an aristocracy. This cannot be true. We are all safe by trusting the owners of the soil; and it will not be unpopular to do so, for the freeholders are the more numerous class. Not from freeholders, but from those who are not freeholders, free governments have been endangered. Freeholds are by our laws of inheritance divided among the children of the deceased, and will be parceled out among

> all the worthy men of the State; the merchants and mechanics may become freeholders; and without being so, they are electors of the State legislatures, who appoint the Senators of the United States.
>
> Mr. Ellsworth. Why confine the right of suffrage to freeholders? The rule should be that he who pays and is governed, should be an elector. Virtue and talents are not confined to the freeholders, and we ought not to exclude them.
>
> Mr. Morris. I disregard sounds and am not alarmed with the word "aristocracy," but I dread the thing and will oppose it, and for this reason I think that I shall oppose this Constitution because it will establish an aristocracy. There cannot be an aristocracy of freeholders if they all are electors. But there will be, when a great and rich man can bring his poor dependents to vote in our elections—unless you establish a qualification of property, we shall have an aristocracy. Limit the right of suffrage to freeholders, and it will not be unpopular, because nine-tenths of the inhabitants are freeholders.
>
> Mr. Mason. Everyone who is of full age and can give evidence of his common interest in the community should be an elector. By this rule, freeholders alone have not his common interest. The father of a family, who has no freehold, has this interest. When he is dead his children will remain. This is a natural interest or bond which binds men to their country—lands are but an artificial tie. The idea of counting freeholders as the true and only persons to whom the right of suffrage should be confided is an English prejudice. In England, a Twig and Turf are the electors.
>
> Mr. Madison. I am in favor of entrusting the right of suffrage to freeholders only. It is a mistake that we are governed by English attachments. The Knights of the Shires are chosen by freeholders, but the members of the cities and boroughs are elected by freemen without freeholds, and who have as small property as the electors of any other country. Where is the crown influence seen, where is corruption in the elections practiced—not in the countries but in the cities and boroughs.
>
> Mr. Franklin. I am afraid that by depositing the right of suffrage in the freeholders exclusively we shall injure the lower class of freeman. This class possess hardy virtues and great integrity. The Revolutionary War is a glorious testimony in favor of Plebeian virtue—our military and naval men are sensible of this truth. I myself know that our seamen who were prisoners in England refused all the allurements that were made use of, to draw them from their allegiance to their country—threatened with ignominious halters, they still refused.

This was not the case with the English seamen, who on being made prisoners entered into the American service and pointed out where other prisoners could be made—and this arose from a plain cause. The Americans were all free and equal to any of their fellow citizens—the English seamen were not so. In ancient times every freeman was an elector, but afterward England made a law which required that every elector should be a freeholder. This law related to the county elections—the consequence was that the residue of the inhabitants felt themselves disgraced, and in the next Parliament a law was made, authorizing the justice of the peace to fix the price of labor and to compel persons who were not freeholders to labor for those who were, at a stated rate, or to be put in prison as idle vagabonds. From this period the common people of England lost a great portion of attachment to their country.

> ### WEDNESDAY, AUGUST 8—QUALIFICATIONS OF ELECTORS OF REPRESENTATIVES
>
> Mr. Gorham. The qualifications (being such as the several States prescribe for electors of their most numerous branch of the legislature) stand well.
>
> Gentlemen are in error, who suppose the electors of cities may not be trusted. In England the members chosen in London, Bristol, and Liverpool are as independent as the members of the counties of England. The Crown has little or no influence in city election, but has great influence in boroughs, where the votes of freeholders are bought and sold. There is no risk in allowing the merchants and mechanics to be electors; they have been so time immemorial in this country and in England. We must not disregard the habits, usages and prejudices of the people (pp. 873, 874, 875, to top p. 876).

This debate, with the resulting provisions duly considered, was again recorded by Dr. James McHenry, delegate from Maryland. See "United States Formation of the Union," pages 934 and 935.

When all the views were aired, and the pros and cons of leaving the qualifications of voters for the National Legislature to be decided by the several States had been debated, the considered result was article I, section 2, of the Constitution of the United States, adopted September 17, 1787:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Every word of that provision had been torn apart in open discussion, until there can be no possible doubt that it was the intention of the framers of the Constitution to leave to State control the field of voting qualifications.

In submitting the Constitution, Dr. Samuel Johnson, the Delegate from Connecticut, added to it the following letter:

> The friends of our country have long seen and desired that the power of making war, peace, and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities should be fully and effectually vested in the General Government of the Union; but the impropriety of delegating such extensive trust to one body of men is evident—thence results the necessity of a different organization.
>
> It is obviously impracticable in the Federal Government of these States to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interest.
>
> In all our deliberations on this subject we kept steadily in our view that which appeared to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid in points of inferior magnitude than might have been otherwise expected, and thus the Constitution, which we now present, is the result of a spirit of amity and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable. That it will meet the full and entire approbation of every State is not perhaps to be expected, but each will doubtless consider that had her interest alone been consulted the consequences might have been particularly disagreeable and injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish. (P. 713, "Formation of the United States.")

Thus we see that at a time when all rights of independent sovereignty could not be secured to each State, when the interest of each State alone could not be considered, when the greatest interest of every American was the consolidation of the Union, even then, when the line was drawn between the rights which had to be surrendered and those which would be reserved, the right to determine the qualification of voters was reserved to each State.

A comment on this is found in McCulloch. "Suffrage and Its Problems," at page 30:

> When the more perfect union was formed under the Constitution of the United States, each State had the right to frame its own laws respecting suffrage. Hence article V was carried over into the new Constitution and became article I, section 2: The franchise for the election of the Members of the House of Representatives shall in every State be the same as for the "most numerous branch of the State legislature." The Constitution did not disturb the diversities of suffrage regulations existing in the several Commonwealths: It adopted them. For the Constitution to have been anything but silent on the regulations of suffrage would have been an innovation, and, as Viscount Bryce observed, the members of the Constitutional Convention were too sound political scientists to ignore precedents. Only in three amendments (and only directly in the 15th and 19th) has the Constitution trenched on the Commonwealth right to regulate suffrage—and even then under extraordinary circumstances (McCulloch, p. 30, par. beginning "When," through 1st par. on p. 31).

These amendments I shall discuss later, when I have fully covered the formative period.

McCulloch, further commenting, says:

> While there has been a revolution in the conception of citizenship, there was no such change in the regulation of suffrage, the determining and regulating power continued to rest with the States. However, much as publicists and reformers may desire a uniform national suffrage law, it is unattainable; expediency and constitutionality are both adverse. In fact such a plan was considered by the Constitutional Convention itself, but it received the vote of only one Commonwealth—Delaware. "The provision made by the convention appears to be the best that lay within their option." The "fathers" were satisfied for the States to continue to make their own suffrage tests, rather than to further prolong the convention and so further endanger the rather slim chances of ratification by the several Com-

> monwealths. The prospect in the convention itself was anything but promising. Even Franklin moved to call in a person that they might invoke the "assistance of Heaven."
>
> The Constitution conferred the franchise on no one. Likewise citizenship does not bestow suffrage, either upon the natural born or the naturalized alien. The several States have the unqualified right to impose qualifications and regulate suffrage subject only to the limitations in the amendments referred to above. In handing down the decision in the case of *Corfield* v. *Coryell*, Judge Washington in enumerating the privileges and immunities that are usually associated with citizenship, said: "To which is to be added the elective franchise, as regulated and established by the laws or constitutions of the State in which it is exercised." (McCulloch, "Suffrage and Its Problems," p. 32, paragraph starting "while" to end of paragraph on p. 33, starting with line 6, word "The Const." through word "exercised" line 18, p. 33.)

Also note what Hart says in his "Formation of the Union," at pages 136–137:

> The real boldness of the Constitution is the novelty of the Federal system which it set up.
>
> This was the best of the few elaborate written constitutions ever applied to a federation; and the details were so skillfully arranged that the instrument framed for 13 little agricultural communities works well today for 48 large and populous States. * * * The Convention knew how to select institutions that would stand together; it also knew how to reject what would have weakened the structure.
>
> It was a long time before a compromise between the discordant elements could be reached. To declare the country a centralized nation would destroy the traditions of a century and a half; to leave it an assemblage of States, each claiming independence and sovereignty, would throw away the results of the Revolution. The Convention finally agreed that while the Union should be endowed with adequate powers, the States should retain all powers not specifically granted, and particularly the right to regulate their own internal affairs. ("Formation of Union," p. 137, paragraph beginning "it was" through paragraph word "affairs.")

Mr. President, for over 2½ hours I have been citing The Federalist and other works pertaining to the U.S. Constitution. As I have pointed out during the course of this discussion, every conceivable argument was advanced as to the best method of determining who should or should not declare or define the qualifications of voters when our Constitution was being considered. Every method that could be conceived was suggested and discussed at the Convention.

As I have pointed out, some effort was even made to leave to Congress the right to decide who shall or shall not vote. Specific provisions were submitted to the Convention so as to make that possible.

But what did the Convention finally do? It adopted the language now in the Constitution which leaves it to the individual States to determine voter qualification. That concept was confirmed in 1913, when the constitutional amendment providing for the election of U.S. Senators by popular vote rather than by the State legislatures—was adopted. This makes it abundantly clear that the right of voter qualification remains with the individual States.

So, Mr. President, if Members of the Senate desire to sustain their oath of office, I hope they will vote against this measure. What is more I certainly hope they will not vote in favor of invoking cloture.

(At this point Mr. METCALF assumed the Chair as Presiding Officer.)

TAX DELINQUENCIES

Mr. WILLIAMS of Delaware. Mr. President, today I present the eighth annual report on delinquent Federal taxes. This report is rendered as of December 31, 1961, and as in preceding years is broken down; first, to show the delinquencies in employment taxes, and second, to show the total of all delinquent Federal taxes, including employment.

Under the term employment taxes are included withheld income taxes, social security taxes, unemployment taxes, railroad retirement, etc.

The total of all types of tax delinquencies for the United States as of December 31, 1961, was $1,063,248,000 as compared to $1,072,440,000 on December 31, 1960. This compares with a total of $1,614,494,000 in 1954—the first year in which these statistics were assembled.

While this is less than a 1-percent drop over last year, nevertheless it does represent another alltime low in total tax delinquencies since these statistics were first compiled in 1954.

On the other hand I am greatly concerned by the lack of progress which has been made in reducing the amount of delinquent employment taxes. Employment taxes represent cash which is withheld by the employer from the pay envelopes of his employees to cover their income and social security tax liabilities, etc. This money, withheld by employers from their employees, does not belong to the employers, and there can be no justification for any employer's diverting these funds to his own use or to the use of his business. These are in effect trust funds and should be so treated; therefore, it is a matter of concern to find that the amount of delinquent employment taxes as of December 31, 1961, had risen to $268,465,000, representing an increase of 13 percent of last year's total of $236,843,000.

When these employment tax delinquencies are broken down by districts some of them show an alarming increase over last year's report. For example, on December 31, 1961, seven offices reported an increase in excess of 50 percent in their delinquent employment taxes. Sixteen offices reported increases of between 25 percent and 50 percent in employment tax delinquencies, while 19 other offices showed increases of between 10 percent and 25 percent in the dollar volume of delinquent employment taxes. Only two offices reported reductions in employment tax delinquencies for 1961 in excess of 25 percent.

I am proud to state that Wilmington, Del., reduced its employment tax delinquencies during the past year by 40 percent and its total tax delinquencies by 4 percent. Springfield, Ill., reduced its delinquent employment tax accounts by 25 percent, but its total tax delinquencies rose 5 percent. Five other offices last year showed reductions of between 10 percent and 25 percent in the dollar volume of their employment tax delinquencies.

First, I shall list the seven offices which reported an increase in excess of 50 percent in their employment tax delinquencies for 1961.

Pittsburgh, Pa.: In this office 7,179 employers were reported as delinquent in forwarding their employment taxes in the amount of $6,091,000. This represented a 59 percent increase over last year's report, and it established a new 8-year high in delinquent employment taxes for that office.

Indianapolis, Ind.: This office reported an 83 percent increase in its delinquent employment taxes, bringing total dollar delinquencies to $5,643,000. Not only does this represent a new high in delinquent employment taxes for Indianapolis, but it is more than double the delinquencies for that office 8 years ago. Also, total tax delinquencies in this office during the last year rose 40 percent.

Jackson, Miss.: Jackson, Miss., reported an increase of 58 percent in delinquent employment taxes for 1961, bringing its delinquent employment tax accounts to $1,267,000. This again is an all-time high and nearly double its preceding record. During 1961 total tax delinquencies in Jackson jumped 40 percent.

Nashville, Tenn.: Delinquent employment taxes in Nashville jumped 74 percent last year or from $1,142,000 on December 31, 1960, to $1,993,000 on December 31, 1961, again establishing a new high.

Omaha, Nebr.: Delinquent employment taxes in Omaha, Nebr., established a new high in 1961, rising 74 percent over the preceding year.

Little Rock, Ark.: Little Rock, Ark., joined the parade of those establishing all-time highs in delinquent taxes in both categories by reporting an increase of 72 percent over 1960 in employment tax delinquencies and an increase of 6 percent in total tax delinquencies.

Honolulu, Hawaii: Delinquent employment taxes in Honolulu, likewise established a new high in 1961, showing a jump of 50 percent over last year's report. What is equally alarming is that total tax delinquencies for this same office jumped a shocking 179 percent last year.

Sixteen offices reported increases of between 25 and 50 percent in the dollar amount of their employment tax delinquencies. They are as follows:

Boston, Mass.: Boston, on December 31, 1961, reported delinquent employment taxes in the amount of $13,455,000, or an increase of 41 percent over the preceding year. This established a new high in delinquent employment taxes for that office. During the same period total tax delinquencies rose 9 percent.

Providence, R.I.: Providence likewise reported a new high in delinquent employment tax accounts, or an increase of 46 percent over the preceding year. Total tax delinquencies in Providence last year jumped 163 percent over the preceding year.

Albany, N.Y.: Albany reported a 43-percent increase in its employment tax delinquencies as compared with the preceding year.

Baltimore, Md.: Baltimore reported a 44-percent increase in the dollar volume of delinquent employment taxes for last year.

Philadelphia, Pa.: Employment tax delinquencies on December 31, 1961, showed an increase of 38 percent over delinquencies reported on December 31, 1960.

Cincinnati, Ohio: Cincinnati is another office which established an 8-year high in employment tax delinquencies, showing a rise of 36 percent over the report for 1960. In the previous year—1960—delinquent employment taxes in Cincinnati had risen 58 percent. Total tax delinquencies in Cincinnati did show a drop of 7 percent in 1961.

Richmond, Va.: Richmond reports a new high in delinquent employment taxes, showing a jump of 49 percent last year. This brings the total employment tax delinquencies for that office on December 31, 1961, to $3,693,000.

Greensboro, N.C.: Delinquent employment taxes for the Greensboro office rose 30 percent last year over the preceding year's report, thus establishing an 8-year high, but during the same period total tax delinquencies dropped 22 percent, establishing a new low.

St. Louis, Mo.: Delinquent employment taxes in St. Louis on December 31, 1961, were reported at $1,247,000, or a 30-percent increase over the preceding year.

Dallas, Tex.: Delinquent employment taxes in 1961 in Dallas rose to a new high, with a 48 percent increase over the preceding years. This brings the total employment tax delinquencies for that office to $5,918,000 on December 31, 1961. In the same period total tax delinquencies rose 13 percent.

New Orleans, La.: Employment tax delinquencies in the New Orleans office established a new high, showing an increase of 45 percent in 1961 over the preceding year, thus bringing its employment tax delinquencies on December 31, 1961, to $3,041,000. Total tax delinquencies for New Orleans in 1961 rose 19 percent over the preceding year.

Helena, Mont.: In Helena, Mont., delinquent employment taxes rose 37 percent in 1961 on top of an 86-percent increase for the year 1960, thus bringing its total delinquent employment taxes on December 31, 1961, to $1,022,000, or more than double the delinquent employment taxes reported 8 years ago—when these reports were first assembled. Total tax delinquencies in Helena rose 12 percent in 1961.

Los Angeles, Calif.: The Los Angeles office likewise reported an alarming increase in employment tax delinquencies by showing on December 31, 1961, an increase of 40 percent over the preceding year's report. This brings the employment tax delinquencies for Los Angeles to $28,692,000. During 1961 its total tax delinquencies rose to 17 percent to an 8-year high, or to a total of $92,954,000.

Portland, Oreg.: Portland was another office establishing a new high in delinquent employment taxes, rising from $2,248,000 on December 31, 1960, to $2,879,000 on December 31, 1961, or an increase of 28 percent over 1960. Total tax delinquencies for Portland, however, dropped 13 percent last year.

International operations—includes accounts for those living abroad, the military, resident, and nonresident aliens, foreign corporations, et cetera: Under this classification there is another alarming increase reported for the year 1961. It shows a 40-percent rise in delinquent employment taxes for last year on top of an increase of 180 percent in 1960, an increase of 45 percent in 1959, and an increase of 73 percent in 1958. This means that delinquent employment taxes under the classification "International operations" have increased over 400 percent in the last 6 years in which its report has been separated.

Puerto Rico: Delinquent employment tax accounts in Puerto Rico likewise need attention. They have jumped 32 percent last year on top of an increase of 64 percent in 1960. On December 31, 1961, this office showed an increase of nearly 400 percent in its employment tax delinquencies as compared to its report 8 years ago.

Nineteen other offices showed increases of between 10 percent and 25 percent in their delinquent employment taxes on December 31, 1961, as compared with the preceding year, while only seven offices reported reductions in excess of 10 percent in the dollar volume of their delinquent employment taxes.

I cannot emphasize too strongly the importance of keeping these delinquent employment taxes at a minimum. We must not lose sight of the point that they represent money withheld from the pay envelopes of the employees. They in effect are trust funds, and under no circumstances does an employer have a right to divert these funds for his own personal use.

At this point I ask unanimous consent to have printed in the RECORD a letter dated March 8, 1962, signed by Mr. Bertrand M. Harding, in which he explains some of these increases, followed by a detailed breakdown of delinquent accounts of each of the district offices for the past 8 years.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., March 8, 1962.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This will give you the annual report on our taxpayer delinquent account inventories requested in your letter of February 1, 1962.

I think it is significant to note that the trend is again down in the matter of total dollars outstanding. In fact, our gain this year was sufficient to more than offset the modest loss in ground of a year ago, with the result that the dollar inventory is now lower than it has been in any recent year. We feel that this is particularly noteworthy since it was brought about in a year when our issuance figures were particularly high. Actually, in the trust fund area, the yearend figures are inflated.

The latter statement, of course, needs some explanation. Here I would like to point out that shortly after the first of the year, we instituted a program aimed at accelerating contact with those employers who file their employment tax returns unaccompanied by required payments. The issuance of taxpayer delinquent accounts has now been stepped up by about a month in the case of those who do not respond to our initial demand for payment. As a result, some 36,000 employment tax accounts normally issued in January were actually issued in December and appear as an abnormal increase in our 1961 yearend inventory. Except for this program, we would have increased our employment tax inventories of a year ago only slightly. As a matter of interest, our current inventory for all classes of tax is lower both in number and amount than at the same time last year.

The vigor of our collection enforcement program is evidenced by increases in closures of delinquent accounts—up 323,000 or 11.8 percent over 1960, as well as in the money represented by these closures—up $124.3 million or 8.8 percent over 1960.

The table which follows is a summary as of December 31, 1960 and 1961 of the taxpayer delinquent account inventory broken down as to those in an active and an inactive status. As we have previously advised you, inactive accounts are those on which collection action has been deferred pending the outcome of court decisions, audit examinations or other contingent actions:

Amount

[Thousands]

	Active	Inactive	Total
Dec. 31, 1960	$649,243	$423,197	$1,072,440
Dec. 31, 1961	637,328	425,920	1,063,248
Change from Dec. 31, 1960 to 1961	−11,915	+2,723	−9,192
Percent of change	−1.8	+0.6	−0.9

Number

	Active	Inactive	Total
Dec. 31, 1960	934,994	88,776	1,023,770
Dec. 31, 1961	972,400	99,260	1,071,660
Change from Dec. 31 1960 to 1961	+37,406	+10,484	+47,890
Percent of change	+4.0	+11.8	+4.7

The inactive accounts are shown in the columns to the right in the attached tabulation. As in previous years, however, the figures reported in the columns under the various tax groups include those in the inactive category. All offices were current in their issuances as of December 31, with the result that the table includes all accounts that were in a delinquent status as of that date.

In closing, we would like to assure you that the delinquent account situation will receive our continuing attention. We believe it is already beginning to respond to the measures we have adopted. Although issuances of delinquent accounts have been so heavy that we have had to concentrate most of our collection enforcement manpower on delinquent account collections during the past year, we hope soon to be able to put more of our manpower on returns compliance activity. We are committed to a balanced, well-rounded program aimed at bringing about maximum voluntary compliance with both the filing and paying requirements as well as with all other provisions of the internal revenue laws.

With kind regards,

Sincerely,

BERTRAND M. HARDING,
Acting Commissioner.

Delinquent taxes

District	Year	Employment tax		Percent change over previous year	Total taxes		Percent change over previous year
		Number	Amount		Number	Amount	
			Thousands			*Thousands*	
Augusta, Maine	1954	1,145	$665	--------	3,478	$2,582	--------
	1955	1,119	489	−26.4	3,018	1,915	−25.8
	1956	1,138	543	+11.0	3,582	1,489	−22.2
	1957	1,185	543	--------	4,027	2,032	+36.4
	1958	1,176	588	+8.2	3,986	1,569	−22.7
	1959	889	815	+38.6	2,992	3,842	+144.8
	1960	1,003	851	+4.4	3,242	3,565	−7.2
	1961	1,715	977	+14.7	4,361	3,857	+8.1
Boston, Mass	1954	15,058	11,226	--------	57,082	41,306	--------
	1955	11,122	10,000	−10.9	39,723	37,835	−8.4
	1956	9,477	9,632	−3.6	36,337	36,896	−2.4
	1957	8,826	8,597	−10.7	36,239	30,255	−17.9
	1958	9,372	8,456	−1.6	34,992	34,107	+12.7
	1959	8,837	8,586	+1.5	30,952	31,601	−7.3
	1960	9,595	9,531	+11.0	31,389	33,512	+6.0
	1961	12,411	13,455	+41.1	35,486	36,658	+9.3
Burlington, Vt	1954	619	241	--------	1,424	644	--------
	1955	441	145	−39.8	1,245	409	−36.4
	1956	421	201	+38.6	1,714	685	+67.4
	1957	510	236	+17.4	1,936	604	−11.8
	1958	702	322	+36.4	2,514	1,009	+67.0
	1959	373	200	−37.8	1,601	722	−28.4
	1960	658	396	+98.0	1,807	876	+21.3
	1961	709	370	−6.5	2,054	937	+6.9
Hartford, Conn	1954	4,232	2,831	--------	22,554	15,271	--------
	1955	5,079	3,298	+16.4	21,219	15,348	+.5
	1956	4,079	3,202	−2.9	21,783	11,445	−25.4
	1957	5,156	4,317	+34.8	23,188	14,572	+27.3
	1958	4,836	4,370	+1.2	22,122	14,402	−1.1
	1959	3,885	3,413	−21.8	16,149	13,077	−9.2
	1960	5,610	4,973	+45.7	18,172	13,380	+2.3
	1961	6,771	5,313	+6.8	20,977	13,920	+4.0
Portsmouth, N.H	1954	1,017	460	--------	2,854	3,252	--------
	1955	840	310	−32.6	2,347	2,179	−32.9
	1956	829	315	+1.6	3,144	1,948	−10.6
	1957	718	347	+10.1	2,556	1,018	−47.7
	1958	779	307	−11.5	2,785	911	−10.5
	1959	511	266	−13.3	2,006	744	−18.3
	1960	538	357	+34.2	2,628	979	+31.5
	1961	547	314	−12.0	2,107	905	−7.5
Providence, R.I	1954	1,847	1,204	--------	8,060	7,389	--------
	1955	1,259	894	−25.7	5,985	7,173	−2.9
	1956	1,874	1,254	+40.2	7,329	6,041	−15.7
	1957	2,447	1,358	+8.2	7,169	3,331	−44.8
	1958	2,234	1,383	+1.8	6,828	3,421	+2.7
	1959	1,960	1,243	−10.1	5,551	2,864	−16.2
	1960	1,935	1,303	+4.8	5,381	2,760	−3.6
	1961	2,693	1,907	+46.3	5,922	7,275	+163.5
Albany, N.Y	1954	4,679	3,559	--------	13,822	15,061	--------
	1955	4,770	3,454	−2.9	14,246	11,274	−25.1
	1956	3,818	3,368	−2.4	14,296	11,142	−1.1
	1957	3,960	3,366	--------	15,598	12,223	+9.7
	1958	4,177	3,200	−4.9	13,413	8,988	−26.4
	1959	3,014	2,074	−35.1	9,233	8,397	−6.5
	1960	2,698	2,044	−1.4	9,384	6,912	−17.6
	1961	3,666	2,925	+43.1	10,663	7,338	+6.1
Brooklyn, N.Y	1954	28,903	18,534	--------	88,274	106,522	--------
	1955	37,482	24,523	+32.3	100,932	133,339	+25.1
	1956	33,648	23,624	−3.6	105,604	129,428	−2.9
	1957	35,112	24,882	+5.3	108,819	125,382	−3.1
	1958	28,275	21,773	−12.4	83,173	90,776	−27.6
	1959	22,196	18,637	−14.4	62,176	75,461	−16.8
	1960	13,658	14,431	−22.5	41,091	60,670	−19.6
	1961	11,743	13,588	−5.8	38,621	58,504	−3.5
Buffalo, N.Y	1954	4,664	2,351	--------	21,869	12,368	--------
	1955	4,756	2,916	+24.0	18,203	12,058	−2.5
	1956	4,141	2,778	−4.7	20,172	12,309	+2.0
	1957	4,836	3,436	+23.6	19,184	12,869	+4.5
	1958	4,031	2,969	−13.5	17,021	10,174	−20.9
	1959	3,128	2,508	−15.5	10,655	7,961	−21.7
	1960	3,395	2,666	+6.2	9,089	6,786	−14.7
	1961	3,255	2,218	−16.8	10,727	5,772	−14.9
Lower Manhattan (2 New York).	1954	22,636	17,622	--------	48,155	171,309	--------
	1955	25,952	20,573	+16.7	53,341	169,476	−1.0
	1956	19,669	21,087	+2.4	44,725	153,697	−9.3
	1957	17,600	18,495	−12.2	36,963	124,178	−19.2
	1958	13,497	13,689	−25.9	30,560	117,290	−5.5
	1959	10,081	13,867	+1.3	20,980	73,946	−36.9
	1960	(1)	(1)	(1)	(1)	(1)	(1)
Upper Manhattan (3 New York).	1954	24,420	26,447	--------	67,328	158,538	--------
	1955	31,922	32,691	+23.6	109,567	195,098	+23.0
	1956	33,586	31,514	−3.6	124,641	202,676	+3.8
	1957	32,259	32,466	+3.0	121,388	176,094	−13.1
	1958	30,135	32,199	−.8	116,608	182,180	+3.4
	1959	19,616	21,505	−33.2	78,620	120,370	−33.9
	1960	(2)	(2)	(2)	(2)	(2)	(2)
Manhattan (New York)	1960	24,325	32,750	−7.4	81,025	149,762	−22.9
	1961	22,607	28,346	−13.4	68,863	115,918	−22.5
Syracuse, N.Y	1954	3,046	1,552	--------	12,486	5,650	--------
	1955	2,565	1,664	+7.2	9,308	5,395	−4.5
	1956	3,341	2,019	+21.3	13,955	6,443	+19.4
	1957	4,593	2,411	+19.4	16,618	5,921	−8.1
	1958	2,974	2,044	−15.2	11,859	5,415	−8.5
	1959	2,185	1,841	−9.9	7,287	5,550	+2.4
	1960	2,584	1,917	+4.1	8,555	5,226	−5.8
	1961	3,270	2,146	+11.9	9,649	5,338	+2.1
Baltimore (Maryland and District of Columbia).	1954	12,249	$6,296	--------	120,870	$68,663	--------
	1955	9,577	5,733	−8.9	95,861	62,497	−8.9
	1956	6,963	4,402	−23.2	60,642	42,778	−31.5
	1957	7,246	5,100	+15.8	44,982	36,069	−15.6
	1958	5,965	4,010	−21.3	32,469	25,705	−28.7
	1959	3,560	2,739	−31.6	29,066	17,133	−33.3
	1960	4,662	3,014	+10.0	32,941	23,106	+34.8
	1961	6,485	4,341	+44.0	37,783	23,390	+1.2
Camden, N.J	1954	3,526	2,090	--------	16,986	10,638	--------
	1955	3,684	2,657	+27.1	16,958	16,896	+58.8
	1956	4,709	2,950	+11.0	19,659	14,015	−17.0
	1957	4,876	3,590	+21.6	19,376	14,881	+6.1
	1958	4,379	4,194	+16.8	16,187	15,040	+1.0
	1959	2,700	1,984	−52.6	10,848	8,580	−42.9
	1960	3,445	2,852	+43.7	11,952	10,745	+25.2
	1961	4,070	3,308	+15.9	14,654	11,883	+10.5
Newark, N.J	1954	37,438	24,083	--------	122,953	92,962	--------
	1955	23,673	22,244	−7.6	84,883	79,793	−14.1
	1956	17,240	18,193	−18.2	71,578	79,913	+.1
	1957	14,575	17,170	−5.6	55,722	55,667	−30.3
	1958	10,929	13,291	−22.5	36,048	44,825	−19.4
	1959	8,169	10,160	−23.5	30,459	38,527	−14.0
	1960	9,432	11,998	+18.0	39,146	37,731	−2.0
	1961	10,347	12,441	+3.6	37,028	37,905	+.4
Philadelphia, Pa	1954	18,014	15,700	--------	95,824	63,450	--------
	1955	17,918	17,060	+8.6	87,594	74,744	+17.7
	1956	11,923	12,342	−27.6	55,994	66,115	−11.5
	1957	7,564	10,317	−16.4	42,254	48,455	−26.7
	1958	5,816	8,944	−13.3	29,852	42,563	−12 1
	1959	4,387	6,274	−29.8	21,134	34,203	−19.6
	1960	5,222	7,515	+19.7	26,953	36,874	+7.8
	1961	9,095	10,393	+38.2	29,948	34,577	−6.2
Pittsburgh, Pa	1954	4,880	3,800	--------	40,973	28,955	--------
	1955	6,651	5,079	+33.6	34,891	30,144	+4.1
	1956	5,251	4,858	−4.3	28,534	23,103	−23.3
	1957	4,592	3,583	−26.2	21,759	15,683	−32.1
	1958	5,976	4,560	+27.5	27,821	17,374	+10.7
	1959	3,998	3,206	−29.8	20,494	12,386	−28.7
	1960	4,301	3,823	+19.2	19,233	16,849	+36.0
	1961	7,179	6,091	+59.3	26,104	19,934	+18.3
Scranton, Pa	1954	2,134	2,345	--------	9,414	7,948	--------
	1955	1,743	2,324	−.8	6,659	7,233	−8.9
	1956	1,397	2,220	−4.4	4,975	6,516	−9.8
	1957	1,547	2,127	−4.1	5,096	8,075	+23.9
	1958	1,598	1,655	−22.1	5,393	6,196	−23.2
	1959	1,563	1,421	−14.1	4,897	5,931	−4.2
	1960	1,585	1,679	+18.1	4,841	3,900	−34.2
	1961	2,016	1,907	+13.5	5,439	5,192	+33.1
Wilmington, Del	1954	571	303	--------	5,460	22,009	--------
	1955	683	327	+7.5	4,586	3,639	−83.4
	1956	621	301	−7.9	5,522	3,722	+2.2
	1957	522	272	−9.6	4,817	3,811	+2.3
	1958	331	347	+27.5	3,706	3,296	−13.5
	1959	325	184	−46.9	3,435	2,043	−38.0
	1960	695	415	+125.5	3,743	2,701	+32.2
	1961	516	248	−40.2	3,717	2,591	−4.0
Columbus, Ohio	1954	1,207	594	--------	13,054	6,652	--------
	1955	1,290	657	+10.6	11,010	6,624	−.4
	1956	1,517	845	+28.6	12,340	9,972	+50.5
	1957	1,625	878	+3.9	13,217	9,079	−8.9
	1958	1,714	1,087	+23.8	12,916	10,244	+12.6
	1959	904	681	−37.3	6,917	6,433	−37.2
	1960	(3)	(3)	(3)	(3)	(3)	(3)
Cincinnati, Ohio	1954	3,431	1,784	--------	26,545	15,128	--------
	1955	3,630	1,947	+9.0	24,423	12,685	−16.1
	1956	3,060	1,801	−7.4	22,534	11,410	−10.0
	1957	3,349	1,980	+9.9	24,995	10,228	−10.3
	1958	2,764	1,529	−22.7	16,539	9,681	−5.3
	1959	1,886	1,273	−16.7	8,652	6,916	−28.5
	1960	5,015	3,102	+58.7	23,794	16,245	+21.6
	1961	5,212	4,243	+36.7	21,184	15,038	−7.4
Toledo, Ohio	1954	929	392	--------	6,072	3,317	--------
	1955	785	393	+.2	4,855	2,896	−12.6
	1956	1,078	617	+56.9	6,277	2,471	−14.6
	1957	980	633	+2.5	6,328	3,180	+28.6
	1958	981	500	−21.0	6,449	2,373	−25.3
	1959	1,306	772	+54.4	5,426	4,495	+89.4
	1960	(4)	(4)	(4)	(4)	(4)	(4)
Cleveland, Ohio	1954	7,958	5,272	--------	49,841	42,963	--------
	1955	8,720	5,523	+4.7	46,546	35,547	−17.2
	1956	8,219	5,924	+7.2	39,521	42,590	+19.8
	1957	7,431	5,788	−2.2	37,631	36,371	−14.6
	1958	5,951	3,794	−34.4	26,206	29,076	−20.0
	1959	4,777	3,021	−20.3	16,291	21,195	−27.1
	1960	6,444	4,351	+14.7	26,993	24,311	−5.3
	1961	6,579	4,899	+12.5	26,165	27,511	+13.1
Indianapolis, Ind	1954	3,420	2,477	--------	23,475	19,133	--------
	1955	4,767	2,953	+19.2	22,273	20,760	+8.5
	1956	3,959	3,120	+5.6	20,007	20,574	−.8
	1957	4,667	3,386	+8.5	19,952	21,993	+6.8
	1958	3,594	2,907	−14.1	15,511	16,397	−25.4
	1959	2,889	2,376	−18.2	10,164	13,072	−20.2
	1960	4,278	3,070	+29.2	14,577	13,992	+7.0
	1961	5,337	5,643	+83.8	15,290	19,682	+40.6
Louisville, Ky	1954	2,019	1,035	--------	12,161	11,834	--------
	1955	2,934	1,228	+18.6	12,963	13,172	+11.3
	1956	2,457	1,343	+9.3	12,331	12,930	−1.2

[1] Merged with Upper Manhattan as "Manhattan."

[2] Merged with Lower Manhattan as "Manhattan."

[3] Merged with Cincinnati.

[4] Merged with Cleveland.

Delinquent taxes—Continued

District	Year	Employment tax		Percent change over previous year	Total taxes		Percent change over previous year
		Number	Amount		Number	Amount	
			Thousands			*Thousands*	
Louisville, Ky.—Con.	1957	2,468	$1,380	+2.7	11,367	$10,876	−15.8
	1958	1,696	1,117	−19.0	8,725	8,378	−22.9
	1959	1,981	1,034	−7.4	7,463	8,682	+3.6
	1960	2,940	1,630	+57.6	11,289	9,609	+10.6
	1961	3,050	1,839	+12.8	11,954	8,807	−8.3
Parkersburg, W. Va	1954	3,221	1,952	----	15,917	12,931	----
	1955	2,257	1,376	−29.5	11,094	10,627	−17.8
	1956	1,533	1,064	−22.6	8,357	9,032	−15.0
	1957	1,574	1,117	+4.9	6,877	6,860	−24.0
	1958	1,769	1,077	−3.5	7,794	5,372	−21.6
	1959	1,518	997	−7.4	5,243	4,299	−19.9
	1960	1,807	1,055	+5.8	6,446	4,492	+4.4
	1961	2,114	1,188	+12.6	6,674	3,581	−20.2
Richmond, Va	1954	4,692	2,239	----	32,611	20,986	----
	1955	5,147	2,663	+18.9	29,332	21,881	+4.2
	1956	4,118	2,420	−9.1	26,199	23,932	+9.3
	1957	3,988	2,263	−6.4	19,830	15,687	−34.4
	1958	3,502	1,929	−14.7	15,574	12,333	−21.3
	1959	3,339	2,235	+15.8	14,553	11,927	−3.2
	1960	3,920	2,471	+10.5	18,203	12,781	+7.1
	1961	5,607	3,693	+49.4	21,895	13,762	+7.6
Atlanta, Ga	1954	4,963	2,947	----	26,021	20,972	----
	1955	5,889	3,572	+21.2	24,979	18,809	−10.3
	1956	5,540	3,432	−3.9	24,713	17,080	−9.1
	1957	5,864	3,829	+11.5	25,328	18,972	+11.0
	1958	5,981	3,948	+3.1	23,875	15,388	−18.8
	1959	4,506	2,101	−46.7	16,554	10,763	−30.0
	1960	5,610	2,362	+12.4	22,928	10,996	+2.1
	1961	5,410	2,539	+7.4	18,469	11,386	+3.5
Birmingham, Ala	1954	4,874	2,299	----	19,506	19,488	----
	1955	3,655	1,965	−14.5	16,003	17,636	−9.5
	1956	3,658	1,880	−4.3	16,780	21,969	+24.5
	1957	3,826	1,772	−5.7	15,986	18,889	−14.0
	1958	3,653	1,735	−2.0	14,130	17,066	−9.6
	1959	2,489	1,461	−15.7	12,188	14,954	−12.3
	1960	2,796	1,753	+19.9	12,516	11,930	−20.2
	1961	3,604	2,183	+24.5	15,121	13,156	+10.2
Columbia, S.C	1954	3,727	1,078	----	14,246	7,201	----
	1955	3,318	822	−23.7	12,972	6,511	−9.5
	1956	3,311	850	+3.4	13,202	5,413	−16.8
	1957	2,938	948	+11.5	13,339	4,462	−17.5
	1958	2,773	1,064	+12.2	11,573	4,471	+.2
	1959	1,697	1,011	−4.9	7,141	3,082	−31.0
	1960	2,595	1,159	+14.6	10,681	3,882	+25.9
	1961	3,362	1,308	+12.8	10,621	3,843	−1.0
Greensboro, N.C	1954	5,332	2,016	----	22,459	26,395	----
	1955	4,318	1,998	−.8	15,687	21,018	−20.3
	1956	4,336	1,957	−2.0	17,696	22,222	+5.7
	1957	4,922	2,023	+3.3	17,598	14,872	−33.0
	1958	4,186	1,359	−32.8	15,706	12,716	−14.4
	1959	4,078	1,441	+6.0	15,763	10,381	−18.3
	1960	3,682	1,597	+10.8	18,321	9,917	−4.4
	1961	4,834	2,079	+30.1	20,255	7,661	−22.7
Jackson, Miss	1954	1,500	636	----	5,563	4,717	----
	1955	1,526	596	−6.2	5,231	2,957	−37.3
	1956	1,321	656	+10.0	5,371	2,744	−7.2
	1957	1,634	684	+4.2	7,229	2,975	+8.4
	1958	1,774	852	+24.5	5,999	2,411	−18.9
	1959	1,505	614	−27.9	5,165	2,903	+20.4
	1960	1,891	797	+29.8	7,190	2,674	−7.8
	1961	2,725	1,267	+58.9	7,800	3,750	+40.2
Jacksonville, Fla	1954	8,451	4,686	----	31,020	47,883	----
	1955	8,239	4,996	+6.6	30,918	49,361	+3.0
	1956	10,203	6,562	+31.3	36,962	41,546	−15.8
	1957	11,447	8,519	+29.8	36,770	39,272	−5.4
	1958	10,375	8,029	−5.7	33,938	39,915	+1.6
	1959	9,947	8,608	+7.2	27,780	34,367	−13.8
	1960	10,813	9,407	+9.2	33,299	31,131	−9.4
	1961	14,095	10,436	+10.9	38,359	34,787	+11.7
Nashville, Tenn	1954	3,721	1,775	----	15,763	12,463	----
	1955	3,181	1,601	−9.8	12,971	13,220	+6.0
	1956	3,100	1,587	−.8	13,320	11,457	−13.3
	1957	3,214	1,679	+5.7	13,248	12,115	+5.7
	1958	2,522	1,287	−23.3	10,667	9,053	−25.2
	1959	1,910	870	−32.4	8,943	7,166	−20.8
	1960	2,411	1,142	+31.2	13,616	10,353	+44.4
	1961	4,065	1,993	+74.5	16,756	11,043	+6.6
Chicago, Ill	1954	21,439	12,802	----	136,532	81,659	----
	1955	22,891	15,915	+24.3	119,822	87,843	+7.5
	1956	24,597	20,829	+30.8	143,457	120,971	+37.7
	1957	35,678	32,698	+56.9	180,796	154,085	+27.3
	1958	25,352	22,996	−29.7	122,072	120,323	−21.9
	1959	20,410	17,580	−23.5	76,597	83,625	−30.4
	1960	16,550	15,445	−12.1	59,022	63,051	−24.6
	1961	15,062	12,682	−17.8	62,488	60,273	−4.4
Detroit, Mich	1954	11,891	7,782	----	68,809	44,787	----
	1955	16,325	10,808	+38.8	81,569	68,904	+53.8
	1956	16,871	13,328	+23.3	93,782	70,964	+2.9
	1957	20,538	15,168	+13.8	95,549	68,369	−3.6
	1958	18,337	14,121	−6.9	75,443	62,288	−8.8
	1959	14,465	13,259	−6.1	45,933	46,530	−25.2
	1960	14,326	12,437	−6.1	43,908	44,154	−5.1
	1961	16,816	13,830	+11.2	43,712	38,163	−13.5
Milwaukee, Wis	1954	3,759	1,704	----	16,962	16,592	----
	1955	3,781	2,087	+22.4	14,322	16,279	−1.8
	1956	4,534	2,314	+10.8	14,936	13,455	−17.3
	1957	4,529	2,551	+10.2	18,403	14,964	+11.2
	1958	4,608	3,033	+18.9	12,065	13,418	−10.3
	1959	3,090	2,180	−28.1	9,139	10,893	−18.8
	1960	4,015	3,176	+45.6	10,827	12,047	+10.5
	1961	3,933	2,902	−5.7	10,489	9,929	−17.5
			Thousands			*Thousands*	
Springfield, Ill	1954	4,563	$1,903	----	19,192	$9,101	----
	1955	3,381	1,627	−14.5	12,885	8,723	−4.1
	1956	3,374	2,171	+33.4	15,117	8,526	−2.2
	1957	3,255	2,007	−7.5	15,829	9,442	+10.7
	1958	2,027	1,378	−31.3	8,070	7,126	−24.5
	1959	1,432	885	−35.7	5,478	5,750	−19.1
	1960	1,995	1,474	+66.5	6,338	5,289	−8.1
	1961	1,837	1,092	−25.9	5,333	5,597	+5.8
Aberdeen, S. Dak	1954	734	282	----	3,092	1,255	----
	1955	604	248	−12.0	2,488	1,613	+28.5
	1956	823	248	----	2,948	1,441	−10.6
	1957	788	264	+6.4	2,844	1,391	−3.4
	1958	515	209	−20.8	1,865	971	−30.1
	1959	439	137	−34.4	1,476	676	−30.3
	1960	559	242	+76.6	1,763	1,003	+48.3
	1961	665	277	+14.4	2,006	1,420	+41.5
Cheyenne, Wyo	1954	688	248	----	2,445	1,629	----
	1955	727	256	+3.2	2,215	1,344	−17.4
	1956	639	264	+3.1	2,126	1,077	−19.8
	1957	490	205	−22.3	2,013	1,266	+17.5
	1958	616	264	+28.7	2,305	1,326	+4.7
	1959	354	182	−31.0	1,480	1,053	−20.5
	1960	667	380	+108.7	2,405	1,513	+43.6
	1961	946	448	+17.8	3,275	1,244	−17.7
Denver, Colo	1954	2,754	1,319	----	9,888	7,552	----
	1955	3,056	1,642	+24.4	9,748	7,960	+5.4
	1956	2,483	1,402	−14.6	10,236	8,142	+2.2
	1957	2,346	1,475	+5.2	10,336	7,163	−12.0
	1958	2,917	1,586	+7.5	10,946	7,938	+10.8
	1959	1,806	1,042	−34.3	7,339	4,795	−39.5
	1960	2,674	1,818	+74.4	10,078	8,056	+68.0
	1961	3,420	1,983	+9.0	11,772	8,605	+6.8
Des Moines, Iowa	1954	1,781	770	----	5,810	9,737	----
	1955	1,596	749	−2.7	5,207	8,200	−15.7
	1956	1,989	989	+32.0	6,729	9,118	+11.1
	1957	2,069	947	−4.2	6,351	7,480	−17.9
	1958	1,730	850	−10.2	5,101	4,564	−38.9
	1959	1,217	683	−19.6	3,995	4,965	+8.7
	1960	1,987	1,138	+66.6	6,236	5,289	+6.5
	1961	2,310	1,056	−7.2	6,945	4,566	−13.6
Fargo, N. Dak	1954	843	310	----	2,352	1,353	----
	1955	578	217	−30.0	1,607	1,011	−25.2
	1956	563	228	+5.0	2,199	1,336	+32.1
	1957	628	236	+3.5	2,135	1,414	+5.8
	1958	729	307	+30.0	2,320	1,342	−5.0
	1959	397	255	−16.9	1,430	1,001	−25.4
	1960	682	391	+53.3	2,038	1,073	+7.1
	1961	962	463	+18.4	2,558	1,248	+16.3
Kansas City, Mo	1954	1,783	884	----	8,155	9,021	----
	1955	2,030	1,146	+29.6	7,615	9,433	+4.5
	1956	2,522	1,466	+27.9	8,650	8,673	−8.0
	1957	2,591	1,497	+2.1	10,168	7,887	−9.0
	1958	2,882	1,454	−2.8	9,889	8,820	+11.8
	1959	1,754	1,414	−2.7	5,902	8,298	−5.9
	1960	2,324	1,539	+8.8	8,005	23,454	+182.6
	1961	2,875	1,514	−1.6	9,574	22,990	−1.9
Omaha, Nebr	1954	810	548	----	3,932	4,180	----
	1955	638	480	−12.4	2,697	3,364	−19.5
	1956	770	528	+10.0	3,441	3,544	+5.3
	1957	834	585	+10.7	2,884	2,729	−22.9
	1958	601	267	−54.3	2,234	2,770	+1.5
	1959	512	267	----	1,764	1,684	−39.2
	1960	585	366	+37.0	2,456	2,052	+21.8
	1961	919	640	+74.7	2,721	2,071	+.9
St. Louis, Mo	1954	1,958	974	----	11,539	12,267	----
	1955	2,686	1,323	+35.8	9,999	10,085	−17.7
	1956	2,001	1,119	−15.4	8,997	9,606	−4.7
	1957	2,202	1,308	+16.8	10,578	10,031	+4.4
	1958	2,665	1,302	−.4	12,875	9,447	−5.8
	1959	1,824	846	−35.0	7,876	6,167	−34.7
	1960	1,699	956	+13.0	8,147	6,138	−.4
	1961	2,483	1,247	+30.4	10,745	6,096	−.6
St. Paul, Minn	1954	3,096	1,929	----	10,916	9,725	----
	1955	3,110	2,093	+8.5	9,616	9,270	−4.6
	1956	3,590	2,546	+21.1	12,035	11,203	+20.8
	1957	3,830	2,711	+6.4	12,512	13,600	+21.3
	1958	3,969	2,494	−8.0	11,474	12,139	−10.7
	1959	2,376	1,951	−21.7	7,481	10,644	−12.3
	1960	2,735	2,176	+11.5	9,271	11,012	+3.4
	1961	3,287	2,384	+9.5	9,708	12,702	+15.3
Wichita, Kans	1954	2,405	939	----	10,542	7,316	----
	1955	2,912	1,018	+8.4	10,279	6,757	−7.6
	1956	2,300	1,269	+24.6	9,038	8,047	+19.0
	1957	2,294	1,299	+2.3	7,703	7,084	−11.9
	1958	2,298	1,104	−15.0	7,044	7,621	−6.5
	1959	1,815	1,094	−.9	5,612	6,323	−5.8
	1960	2,138	1,224	+11.8	7,121	5,203	−16.5
	1961	2,570	1,438	+17.4	8,147	5,359	+2.9
Albuquerque, N. Mex	1954	1,911	741	----	5,491	2,824	----
	1955	1,994	853	+15.1	5,078	2,960	+4.8
	1956	1,957	1,062	+24.3	5,888	3,926	+32.6
	1957	2,378	1,192	+12.2	6,777	3,935	+.2
	1958	2,077	1,075	−9.8	6,085	3,233	−17.8
	1959	1,717	1,095	+1.8	4,576	2,915	−9.7
	1960	1,947	1,345	+22.8	5,391	3,930	+34.8
	1961	1,954	1,434	+6.6	5,104	3,671	−6.5
Austin, Tex	1954	5,609	3,021	----	22,355	20,202	----
	1955	6,580	2,702	−10.5	18,391	12,754	−36.8
	1956	5,283	3,080	+13.9	19,534	15,230	+19.4
	1957	5,664	3,336	+8.3	23,351	14,386	−5.5
	1958	4,445	2,797	−16.1	19,437	12,246	−14.8

Delinquent taxes—Continued

District	Year	Employment tax		Percent change over previous year	Total taxes		Percent change over previous year
		Number	Amount		Number	Amount	
			Thousands			*Thousands*	
Austin, Tex.—Con.	1959	3,700	$2,439	−12.7	18,126	$14,070	+14.8
	1960	3,306	5,271	+116.1	24,407	17,744	+26.1
	1961	5,798	5,486	+4.0	25,329	17,874	+.7
Dallas, Tex.	1954	9,311	5,077		31,244	23,748	
	1955	6,816	3,608	−28.9	22,420	16,337	−31.2
	1956	6,158	3,642	+.9	25,793	20,822	+27.4
	1957	8,225	4,750	+30.4	30,526	22,022	+5.7
	1958	5,530	3,225	−32.1	23,620	18,221	−17.2
	1959	5,515	3,658	+13.4	20,481	18,037	−1.0
	1960	5,187	3,976	+8.6	26,676	20,660	+14.5
	1961	7,678	5,918	+48.8	25,741	23,377	+13.1
Little Rock, Ark.	1954	1,801	462		5,431	2,315	
	1955	1,259	319	−30.9	4,182	2,108	−8.9
	1956	1,179	453	+41.5	4,781	2,355	+11.7
	1957	1,209	489	+7.9	5,338	2,465	+4.6
	1958	975	374	−23.5	4,115	6,930	+181.1
	1959	1,511	437	+16.8	4,481	8,849	+27.5
	1960	1,179	465	+6.4	4,256	8,844	
	1961	2,377	800	+72.0	5,636	9,435	+6.6
New Orleans, La.	1954	4,566	1,948		19,566	17,472	
	1955	4,261	2,260	+16.0	14,225	13,613	−22.0
	1956	4,097	2,214	−2.0	15,298	11,536	−15.2
	1957	4,300	2,489	+12.4	15,851	10,182	−11.7
	1958	4,342	2,420	−2.7	14,751	9,249	−9.1
	1959	3,638	1,920	−20.6	12,920	6,977	−24.5
	1960	3,569	2,093	+9.0	13,962	7,968	+14.2
	1961	5,140	3,041	+45.2	15,077	9,534	+19.6
Oklahoma City, Okla.	1954	3,311	1,790		9,904	9,043	
	1955	3,123	1,825	+1.9	9,455	9,421	+4.1
	1956	3,764	2,167	+18.6	12,886	8,737	−7.2
	1957	4,998	2,239	+3.3	15,637	7,629	−12.6
	1958	3,975	2,189	−2.2	11,580	8,452	+10.7
	1959	3,425	1,965	−10.2	9,482	11,017	+30.3
	1960	3,176	1,973	+.4	9,448	6,125	−44.4
	1961	3,255	2,177	+10.3	10,052	5,976	−2.4
Anchorage, Alaska [5]	1961	851	996		2,314	2,079	
Boise, Idaho	1954	1,050	470		3,115	2,083	
	1955	1,099	472	+.5	2,949	1,988	−4.5
	1956	860	411	−13.1	3,211	2,155	+8.4
	1957	842	513	+24.8	3,559	2,280	+5.8
	1958	760	395	−23.0	2,812	2,213	−2.9
	1959	791	509	+28.8	2,382	2,106	−4.8
	1960	1,068	656	+28.8	3,241	1,381	−34.4
	1961	1,066	659	+.4	3,059	1,546	+11.9
Helena, Mont.	1954	1,064	436		3,214	2,863	
	1955	831	333	−23.6	2,912	2,575	−10.0
	1956	1,035	527	+58.2	3,299	1,799	−30.1
	1957	1,122	624	+18.4	4,136	2,047	+13.7
	1958	1,040	550	−11.8	3,572	2,024	−1.1
	1959	802	398	−27.6	2,857	1,510	−25.3
	1960	1,231	742	+86.4	3,912	2,098	+38.9
	1961	1,835	1,022	+37.7	5,031	2,368	+12.8
Honolulu, Hawaii	1954	1,338	898		4,682	4,620	
	1955	1,196	876	−2.4	3,835	4,345	−5.9
	1956	1,047	668	−23.7	3,800	3,929	−9.5
	1957	1,095	772	+15.5	4,101	3,297	−16.0
	1958	989	606	−21.5	3,448	2,887	−12.4
	1959	738	543	−10.3	2,092	1,606	−44.3
	1960	770	631	+16.2	2,064	1,828	+13.8
	1961	873	950	+50.5	2,565	5,102	+179.1
Los Angeles (6th California).	1954	16,989	13,396		86,733	88,047	
	1955	22,429	19,706	+47.1	105,039	83,679	−4.9
	1956	17,151	16,600	−15.7	92,176	68,937	−17.6
	1957	19,853	20,762	+25.0	89,014	76,679	+11.2
	1958	19,895	18,723	−9.8	81,683	83,911	+9.4
	1959	15,736	16,199	−13.4	58,231	60,562	−27.8
	1960	20,005	20,468	+26.3	71,305	79,326	+30.9
	1961	25,123	28,692	+40.1	79,080	92,954	+17.1
Phoenix, Ariz.	1954	2,158	1,384		8,957	5,510	
	1955	2,059	1,327	−4.1	7,023	5,057	−8.2
	1956	1,533	1,169	−11.9	5,871	4,095	−19.0
	1957	2,039	1,396	+19.4	6,760	4,452	+8.7
	1958	1,961	1,288	−7.7	6,218	4,276	−3.9
	1959	1,881	1,560	+21.1	5,162	4,265	−.2
	1960	2,674	2,019	+29.4	7,463	6,169	+44.6
	1961	2,823	2,218	+9.8	8,263	7,076	+14.7
Portland, Oreg.	1954	4,059	2,053		14,799	15,351	
	1955	3,950	2,281	+11.1	11,636	12,429	−19.0
	1956	2,767	1,934	−15.2	10,300	13,215	+6.3
Portland, Oreg.—Con.	1957	2,554	$2,073	+7.1	10,295	$13,139	−0.5
	1958	2,410	1,766	−14.8	9,496	12,879	−1.9
	1959	2,659	1,857	+5.1	9,471	10,798	−16.1
	1960	3,140	2,248	+21.0	13,638	15,107	+39.9
	1961	3,366	2,879	+28.0	13,732	13,138	−13.0
Reno, Nev.	1954	1,455	1,480		4,576	6,043	
	1955	1,195	1,470	−.6	3,782	6,697	+10.8
	1956	1,038	1,574	+7.0	3,545	5,995	−10.4
	1957	928	1,393	−11.4	3,739	6,324	+5.4
	1958	717	1,174	−15.7	3,152	6,804	+7.5
	1959	715	1,143	−2.6	2,665	4,965	−27.0
	1960	1,088	1,977	+72.9	4,140	5,984	+20.5
	1961	1,170	2,194	+10.9	4,095	4,628	−22.6
Salt Lake City, Utah	1954	1,671	925		5,554	4,649	
	1955	1,491	809	−12.5	4,668	3,560	−23.4
	1956	1,374	778	−3.8	4,505	3,771	+5.9
	1957	1,527	861	+10.6	4,878	3,906	+3.5
	1958	1,344	807	−6.2	4,572	4,084	+4.5
	1959	1,137	741	−8.1	3,929	3,605	−11.7
	1960	1,517	968	+30.6	4,102	3,160	−12.3
	1961	1,849	1,122	+15.9	5,022	3,334	+5.5
San Francisco (1st California).	1954	17,616	10,597		85,750	66,858	
	1955	17,509	11,951	+12.7	73,245	88,983	+33.0
	1956	11,473	9,214	−22.9	61,138	77,550	−12.8
	1957	12,797	10,119	+9.8	60,441	74,781	−3.5
	1958	12,169	9,562	−5.5	50,947	63,834	−14.6
	1959	8,360	7,103	−25.7	37,997	56,626	−11.2
	1960	8,972	7,909	+11.3	43,648	59,661	+5.3
	1961	11,763	9,480	+19.4	43,675	57,977	−2.8
Seattle, Wash.	1954	5,932	4,324		27,707	19,804	
	1955	6,417	5,409	+25.0	22,634	18,285	−7.6
	1956	5,937	5,687	+5.1	20,852	16,441	−10.0
	1957	5,715	4,786	−15.8	20,940	15,890	−3.3
	1958	5,238	3,935	−17.7	18,424	13,462	−15.2
	1959	4,315	3,246	−17.5	14,446	10,886	−19.1
	1960	4,997	4,011	+23.5	15,166	13,294	+22.1
	[5] 1961	4,095	2,500	−12.8	11,493	11,779	+4.2
International Operations (exclusive of Puerto Rico).	1956	197	146		11,812	16,704	
	1957	129	69	−52.7	11,372	16,722	+.1
	[6] 1958	255	120	+73.9	7,637	41,230	+146.5
	1959	428	175	+45.8	19,886	35,532	−13.8
	1960	475	490	+180.0	20,166	50,492	+42.1
	1961	512	689	+40.6	19,651	44,280	−12.3
Puerto Rico	1954	1,530	147		2,020	273	
	1955	1,853	252	+71.4	3,249	622	+127.8
	1956	1,307	296	+17.4	2,509	624	+.3
	1957	1,755	375	+26.6	2,674	721	+15.5
	1958	1,612	290	−22.6	2,451	593	−17.7
	1959	1,129	260	−10.3	1,682	393	−33.7
	1960	1,616	428	+64.6	2,205	686	+74.5
	1961	1,850	565	+32.0	2,622	951	+38.6

TOTALS

Year	Employment tax		Percent increase or decrease over preceding year	Total taxes		Percent increase or decrease over preceding year
	Number	Amount		Number	Amount	
		Thousands			*Thousands*	
1954	390,398	$254,062		1,725,474	$1,614,494	
1955	399,260	284,803	+12.0	1,596,615	1,646,383	+1.9
1956	356,748	279,183	−1.9	1,560,685	1,619,629	−1.6
1957	377,253	300,678	+7.6	1,554,876	1,504,709	−7.0
1958	329,457	263,186	−12.4	1,280,642	1,375,737	−8.5
1959	256,287	216,439	−17.7	949,146	1,071,016	−22.1
1960	268,396	236,843	+9.4	1,023,770	1,072,440	+.1
1961	316,612	268,465	+13.3	1,071,660	1,063,248	−.8

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[5] Alaska included in Seattle prior to 1962. Percentage change for Seattle for 1962 adjusted to reflect separation of Alaska from that office.

[6] Result of district offices' transferring to this division delinquent accounts of taxpayers known to be abroad and out of reach.

ACCESS ROUTES TO BERLIN

Mr. SCOTT. Mr. President, the matter upon which I wish to speak cannot be delayed because of the fact that Secretary of State Rusk is meeting in Athens at about this time, and I wish to say certain things regarding our commitments on West Berlin.

Mr. President, there is a memorial in front of Tempelhof Airport in Berlin that is dedicated to those who gave their lives to sustain the Berlin airlift in 1948. There are three fork-like prongs symbolizing the three air corridors used by the free world as access routes into Berlin. I would wonder, Mr. President, if those who gave their lives to sustain our rights and those 161,000 who died in the European theater in World War II to win those rights would endorse any proposal by our Government to mitigate them.

I hardly feel it necessary, Mr. President, to argue that the United States has an undeniable right not only to the occupation of Berlin but free access thereto.

Every Secretary of State and every President since the cessation of hostilities with Nazi Germany has, without equivocation, taken that position. Thus, from our standpoint, there is no disagreement as to our hardwon rights.

Recently, Mr. Rusk, the Secretary of State, met with Soviet Ambassador Anatoly F. Dobrynin and reached an agreement that formal negotiations on the Berlin question would be conducted in Washington. Although no formal proposal was made by Mr. Rusk, it is my understanding that the latest version of the U.S. proposal on Berlin calls for the creation of a 13-member international authority to control access to that city. It has been reported by Murray Marder, in the Washington Post of April 21, 1962, that such an authority which would control all traffic to Berlin might supervise such access. The countries reported to be included in this proposal are the United States, Britain, France, West Germany, the Soviet Union, Poland, Czechoslovakia, East Germany, Switzerland, Sweden, and Austria, and East Berlin and West Berlin would also be represented on the Council.

Again, only in proposal form, it is contemplated that a majority of these countries voting would determine traffic and access rights.

Understandably our Government as well as our allies are anxious to reach a peaceful settlement of the Berlin question. But such a settlement must be not only peaceful but honorably in keeping with our obligations to free peoples.

For the life of me, I cannot understand how a country dedicated to the principles of individual and national freedom can negotiate or propose to negotiate on the basis of new limitations upon the people of West Berlin and indeed upon the rights of the Western World.

I cannot help recalling what two of our Presidents have said about Berlin: First, President Eisenhower:

> We have no intention of forgetting our rights or of deserting a free people.

Second, President Kennedy:

> We cannot and will not permit the Communists to drive us out of Berlin either gradually or by force.

Mr. President, those statements reflect the views of a nation that is now alleged to be proposing a mitigation of our rights.

We have the right of free access, we have fought to sustain that right and it would be a step in the wrong direction to bargain away a part, or perhaps ultimately, all of that right.

It is my feeling that this provision or proposal to internationalize the access routes to Berlin will dilute the American commitment to Berlin on the key issue of access.

It is reported that Secretary Rusk will present this proposal to the British, French, and West German foreign ministers during the ministerial conference of the North Atlantic Treaty Organization in Athens this week. It is a pity that Congress has no knowledge of whether we are, or are not, about to make costly concessions to the Soviet and to East Germany.

I might add that I was happy to read that both the United States and Britain are reported to be strongly against any de facto recognition of Communist East Germany.

But, Mr. President, not the willingness to negotiate but the tendency to negotiate away one's rights is alarming.

Because of my desire not unnecessarily to delay the Senate at this time, I purposely have not gone into great detail, although this problem deserves serious consideration.

Such a proposal merits close study by the Senate, which has also the duty of advising the Executive on such matters.

Because of my belief that this reported proposal would seriously dilute a right won with the blood of our Nation's youth, I have written to both the chairman of the Committee on Foreign Relations and the chairman of the Committee on Armed Services, asking that they promptly consider the feasibility of calling before them—in executive session, if necessary—General Clay, the retiring personal representative of the President to Berlin. General Clay's intimate knowledge of Berlin and its relation to our foreign policy and our military posture in Europe and the free world ought to be made available to the relevant committees of Congress before, not after, the making of such commitments as might result in de facto recognition of East Germany or the dilution of American rights by submission to a possibly hostile multinational commission.

Mr. President, I shall read the text of my letter to both chairmen:

> Dear Senator: Because I am concerned about the steps the United States may take in the near future in relation to our access rights to Berlin, I feel it imperative to write this letter. The proposal to internationalize our right of access to this citadel of freedom could not only jeopardize our position in Berlin, in Europe, but in the world.
>
> It is for this reason that, although I am not a member of the Senate Armed Services Committee or the Senate Foreign Relations Committee, I respectfully request your committee to consider the feasibility of shortly calling before you Gen. Lucius D. Clay for the purpose of getting the benefits of his views on this proposal.
>
> Because of your intimate knowledge on General Clay's background and his association with Berlin and its problems since World War II, it is unnecessary for me to spell out his qualifications as an expert on this matter.
>
> I would earnestly hope for your immediate and favorable consideration of this suggestion.

Mr. President, it is my understanding, although I may not be correct, that General Clay has not, as of now, had occasion to testify before either of these committees. While there is so much curiosity about General Clay's recall, and some persons have said, perhaps without warrant, that his recall may signify the end of the tough policy in West Berlin; because of the fear that the recall of General Clay may be misapprehended at home and abroad; and because of the concern which we all have that our attitude toward West Berlin as an integral part of the free world shall in no wise be mitigated or minimized, I hope that General Clay's testimony will be made available. I do not ask that it be made public; there may be many reasons why it is not desirable that such information be made available to general public consideration, possible controversy, or clash of opinion. However, it seems to me that the proper bodies of Congress ought to have and ought to embrace this opportunity, so that they may be able to reassure the rest of us in Congress that the United States does, indeed, intend to continue its strong, firm, unyielding policy in West Berlin.

Today the United Press International reports as follows:

> Athens.—The Western Big Four Foreign Ministers will meet tomorrow to work out new allied peace terms on Berlin, reliable sources reported today.
>
> The sources said Secretary Rusk, Britain's Lord Home, France's Maurice Couve de Murville, and West Germany's Gerhart Schroeder have agreed to meet privately to seek accord on the next in the Berlin probe with the Soviet Union.
>
> Rusk and Schroeder will meet separately before the Big Four session in an effort to iron out differences which have arisen from German fears that the projected American Berlin plan may imply recognition of the Communist East German regime.

Mr. President, if this report is correct, then it must be believed that West Germany holds what it believes to be valid fears that there may be some derogation from the hitherto strong stand which we have taken.

Also, the UPI today reports as follows from Washington:

> Senator Jacob K. Javits, Republican, of New York, cautioned the administration today against making concessions in Berlin that could compromise principles for which the United States has risked war in the past.

The distinguished senior Senator from New York is now in the Chamber. Without reading the rest of the news report, I may say that what he has said in his expression of concern is very much in accord with what I have just said. If he wishes to comment at this time on what I have said, I shall appreciate it.

Mr. JAVITS. Mr. President, I am most grateful to the Senator from Pennsylvania for making so gracious a comment on what I said about Berlin.

This is a subject in which, as the Senator from Pennsylvania knows, I have been interested and concerned for many years. In 1949 and 1950, I was a member of a special committee of the other body which investigated the situation, and actually held hearings the length of West Germany—from Hamburg to Munich—on this and other subjects; and as Chairman of the Economic Committee of the NATO Parliamentarians' Conference, I have also been deeply immersed in these problems.

What struck me so forcibly—and I am very much pleased that the thinking of the Senator from Pennsylvania coincides with my own—is the seeming lash on our backs in an attempt to force us to make an agreement on Berlin with the Russians. This could have very unfortunate repercussions insofar as the German people themselves are concerned, because their fidelity to the effort to make a community of Europe is one of the most essential guarantees of the peace of Europe and the peace of the world; and if they were to lose confidence in the capability of that movement, and were to feel that they had to take some other road, we would indeed be in trouble.

I should like to say to the Senator from Pennsylvania—and I should also like to have him express his view of the matter, if he will do so—that, in my opinion, if we ever let Khrushchev get any real influence in West Germany, Germany would be unified so quickly that it would make our heads swim. That is all that Khrushchev wants—to unify Germany, but on his own terms.

Therefore, it is most important that we make an agreement, if that is at all possible, to improve the situation there, so as not to be upset constantly by Khrushchev's ultimatums.

But if we have to pay the price of compromising the fundamental position of West Germany, either by recognizing East Germany, or by jeopardizing the status of the central European countries now enslaved by the Communists, or by accepting some technique which would implicitly recognize East Germany or would in any way interfere with access to Berlin, based on what the neutral countries do or do not wish to allow, then we would be greatly weakened.

Mr. SCOTT. Mr. President, the Senator from New York has expressed my concern, too, particularly as to dealing with a multinationality committee. One may ask who would be the chairman of such a committee. Does anyone think the Russian member of the committee would agree to have the United States member be the chairman—or vice versa; or would we and our allies agree to have the East German member be the chairman; or, contrarywise, would the East German member agree to have the West German member be the chairman? In that event, would the chairmanship be given to the representative of one of the neutral countries or to the representative of one of the satellite countries? In that event, the chairman, with all the power he would have, would not necessarily operate in the interest of the United States and in the interest of the protection of Berlin and of the right of access to West Berlin.

Must we again throw the fate and the foreign policy of the United States into the hands of those whose interest in the United States is surely not paramount to their own national interest—those who perhaps might decide some questions favorably to us, but who would almost certainly decide other questions unfavorably to us—in other words, against us. Whenever the committee first decided against us, we would then be confronted with the possibility of violation of our commitment never to yield an inch and never to give up, as President Kennedy says, either directly or gradually, if I may paraphrase what he said—our rights to be in West Berlin.

I thank the distinguished Senator from New York for his comments.

Mr. KEATING. Mr. President, I commend the distinguished Senator from Pennsylvania on the eloquent and persuasive address he has just made. Mr. President, to enter into negotiations in which the East German Government may have some say over access rights to West Berlin would be a bitter renunciation of the position which we have upheld in the past. No matter what cloak of plausibility may be pulled over this maneuver, it is in essence catastrophic. Our experience with international authorities in cold war situations has been frightening. The situation in Laos and Vietnam today, for instance, is the immediate result of the failure of the International Control Commission to provide the surveillance and protection against outside aggression which was its principal reason for existence.

Mr. President, we have been severely handicapped in Berlin under present conditions because every American action has to be cleared with NATO. Differences between the United States, Britain, France, and Germany have to be argued down to the last letter. What will be the case if we have to get the approval of a 13-member Commission before we can enforce our rights, before we can enforce rights which exist not only in theory but also in the determination and practice of nearly 20 years? Furthermore, Mr. President, the United States appears to be entering these negotiations from the weakest conceivable point. Since last August 13, when the East Germans built their infamous wall, the Communists have learned that bit by bit they can chip away at Western rights. Bit by bit they can erode our position and we will not oppose it. From the very time that the wall was built—and, incidentally, it was built by East Germans who have no legal rights whatsoever to block anybody's access to anything—we have been retreating. Originally were many entry points that could be used. Today there is only one principal entrance. Originally West Berliners were permitted to travel freely in East Berlin. Now they are barred.

Originally American civilians could travel freely in East Berlin. Now they must show identification cards.

Originally the Western air corridors were reserved for Western flights. Now they are threatened by Soviet military flights, many of which are unannounced.

Mr. President, 90 percent of the American rights in Berlin today exist only on paper because we have failed to enforce them. Our whole position has been lost in a legalistic muddle. Before we react to any Soviet step, we must find a document giving us permission. If we do not find the document fast enough, we do not resist. Needless to say, the State Department does not call this losing rights. They merely say that we possess rights which we have not recently tried to exercise. Verbalisms and legalisms are the disguise for what, in fact, amounts to a complete lack of policy with regard to Berlin.

Mr. President, I am deeply concerned over this, for I fear we are entering negotiations with our feet on quicksand. Virtually all Soviet demands and pressures have been acceded to in practice, if not in theory. What demands have we put forward?

Mr. President, as far as I am aware there is not a single area of the entire Berlin situation where the United States has put forth a claim for a right which we did not previously possess. There is not a single instance where the United States has advanced its cause in Berlin, where our rights have been expanded in any way, whether so acknowldeged by the Soviets or not.

Mr. President, we have already retreated so far that in some ways it is hardly a surprise that our Government is planning now to permit a degree of East German control of access routes. Had this proposal been put forth last year when the President's brave words at the meeting with Khrushchev still rang in American ears, the reaction would have been astonishment and shock. Yet in one short year we have come to this position.

Mr. President, before entering any kind of serious negotiations, our own position must, where possible, be strengthened. The Soviets have still not dared question our rights to send uniformed soldiers on patrol through East Berlin. (We now send about two small patrols through East Berlin.) This is an important point. It is one of the basic strengths of our position that Allied forces have the right to patrol in any part of Berlin. It is one area in which we can take an initiative. American patrols through East Berlin should be increased and stepped up. The American flag should be shown on these patrols at frequent intervals; perhaps every 3 or 4 hours. Tanks, jeeps, and American soldiers, not just one or two, but many should patrol the dark and gloomy streets of the Soviet city steadily and thereby keep alive the recognition that, despite the wall, no Soviet or German force can keep American soldiers out of an area to which they have an inviolable right.

Mr. President, there are some who would say this action was provocative. But in the cold war in which we are today engaged, let me be perfectly honest, every step can be considered provocative unless it is a step backwards. Mr. President, the biggest step backwards we could possibly take would be to give the East Germans any kind of say whatsoever over access to West Berlin. One of the most important steps which we can take forward is to move right now to increase the American patrols, and thereby the American presence in East Berlin. This is one step we should take right now before entering into any kind of negotiations over Berlin.

PUBLIC WORKS EMPLOYMENT ACT OF 1962

Mr. PROUTY. Mr. President, unemployment is still a very serious problem.

The upturn in business has not spread to all sectors of the economy; and our recovery—the slowest recovery from any recession since the end of World War II—has done very little to help put groceries on the shelf of the distressed worker, or to improve the profit situation of the small business.

During the 11-month period after the economy began its upturn, the Federal Reserve Board industrial production index rose 11 percent. That is far below the 19-percent jump attained in the comparable period of the 1958–59 recovery, as well as the 14-percent rise achieved in the same period of the 1954–55 recovery.

Although there were rosy predictions by spokesmen for the administration in the first quarter of 1962, the actual outlay by industry for new plant-equipment spending fell at least half a billion dollars below official estimates.

The poor progress in industry has cast its shadow on the unemployed worker.

Today there are 4,400,000 Americans without jobs. One and a half million men and women have been unemployed for 15 weeks, or longer. Of perhaps even greater concern is the fact that more than 700,000 human beings have been out of work for over 6 months.

Unskilled workers are among the hardest hit in this economy of ours which has not yet started to really move.

Although the unskilled make up only 5 percent of the Nation's labor force, they constitute 15 percent of the long-term unemployed.

Construction workers as a group have a very serious unemployment problem. One out of every eight of these workers is pounding the pavements looking for a job.

The President has brought into his administration a large number of bright young men who are full of sound and theory; thus far, their notions, seemingly directed toward a completely federally planned and managed economy, have been signifying nothing.

I hope that in the months ahead the White House will look to those with a more practical turn of mind and a broader background of experience.

We are badly in need of policies designed to spur private investment. Private investment means jobs. Jobs mean a healthy economy, and a healthy economy will be a growing economy.

It is time to discard the discredited and outworn creed that public spending is a good, long-range substitute for private investment.

The countries in which a high percentage of private income is plowed back into their economies are the ones with full employment and a good growth rate.

I have before me a table which lists a dozen nations; the average ratio of their total fixed investment to gross national product and their average annual increase in gross national product. This is a very interesting document, and I ask unanimous consent that it be inserted at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[In percent]

	Average ratio of total fixed investment to gross national product, 1950-60	Average annual increase in gross national product at constant prices, 1950-60
Japan [1]	23.1	8.5
Germany	21.4	7.5
Austria	21.4	5.9
Italy	20.2	5.8
Netherlands	22.8	4.7
France	17.3	4.6
Switzerland [2]	23.5	4.3
Canada	23.3	3.7
Sweden	20.3	3.5
Belgium	16.3	3.1
United States	17.6	3.0
United Kingdom	14.5	2.6

[1] Data for 1953-60.

[2] Data for 1954-60.

Source: All data from "Capital Investment and Economic Progress in Leading Industrial Countries, 1950-60," George Terborgh, Machinery & Allied Products Institute.

Mr. PROUTY. Mr. President, the table indicates that the United States stands 11th in the average ratio of total fixed investment to gross national product, from 1950 to 1960, and stands 11th in the average annual increase in gross national product at constant prices, for the same period.

It is no coincidence that the nations, such as Japan, Germany, and Austria, which have a high ratio of fixed investment, also show the greatest increase in gross national product.

I firmly believe that tax cuts and increased unemployment compensation are the quickest and most direct means of stimulating a lagging economy. Another method of increasing employment is through the construction of public works projects which can be initiated and completed in a short period of time.

I cannot be persuaded, however, that in order to have a public works program, it is necessary for Congress to hand over to 1600 Pennsylvania Avenue every vestige of its discretion, power, and authority. This, Mr. President, is what would be done if the Senate approved the committee-reported bill, S. 2965.

The administration did not get everything it wanted. The administration asked for authority to spend $600 million now on public works, and $2 billion on public works every time in the future when there is a serious dip in employment.

It was decided that such a proposal would be laughed down in the Senate; and the committee reported, instead, a bill which will permit the executive branch to spend $1,850 million on projects which never have won a stamp of approval by Congress.

The committee bill would give the White House permission to spend $600 million now and raid the Treasury to the extent of $2 billion the next time the economy slides backward.

The President could snatch this $2 billion out of the funds of the Housing and Home Finance Agency, the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, and other agency funds never intended for public works.

Both the press and the public are aware that the committee measure puts a tremendous political blackjack in the hands of the President. He may spend immense sums within a few States of his own choosing. He could, also, pump money into marginal districts which could go either way in a congressional race. This Federal largess would come, of course, at key times in key campaigns.

Power of this kind should not rest in the hands of any man, however respected and capable he may be.

Aside from the political overtones of the committee bill, there are other evils in this legislation which must be corrected.

I announced in the committee report that I would have a constructive alternative to offer in place of the administration program. I, therefore, introduce at this time a bill which will assist in the reduction of unemployment through the acceleration of public works programs of the Federal Government and State and local public bodies.

I send the bill to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3236) to assist in the reduction of unemployment through the acceleration of public works programs of the Federal Government and State and local public bodies, introduced by Mr. PROUTY, was received, read twice by its title, and referred to the Committee on Public Works.

Mr. PROUTY. Mr. President, the provisions of my bill bear witness to the fact that we can aid our unemployed without subordinating their needs to political expediency and opportunism.

I think most reasonable men would agree that a program of public works, to be of maximum benefit, must foster employment not only during actual construction, but after completion as well.

Mending a sidewalk in an alley might provide a few temporary jobs, but constructing a hospital would make a lasting contribution to the employment of the jobless and the welfare of the community.

The only projects that would be eligible under my bill would be projects that help reduce unemployment permanently.

Virtually every project imaginable would be eligible under the committee measure, even though the project might bring only a very few pay checks to a very few people for a very short time.

It should be noted, also, that the committee bill would hold out false hope to millions of people in many of the 958 localities which are theoretically eligible for projects under the $600 million immediate program. Eligibility is one thing, but getting money is quite another.

There is another provision in the committee reported bill which would allow a single State to get as much as 12½ percent of the $600 million. This means that the President could spend the entire bundle in a handful of States of his own choosing.

As one Senator suggested, this calls to mind the "Now you see it, now you don't" shell game.

My bill requires that not more than 6 percent of the grant funds be spent in any one State.

During the depression—when unemployment never ran below 14 percent in any one year—the Roosevelt administration found it possible to conduct a public works program with a 30-percent Federal and 70-percent State and local matching requirement.

While it is true that the old PWA was permitted to lend money to States to put up their matching funds, nevertheless, the ultimate cost to the Government was only 30 percent.

How times have changed.

The committee reported bill would permit a 90-percent Federal and 10-percent State and local ratio. In my judgment, this provision is far too extreme.

A Governor of one of our great States suggested that the proportion of costs to be met by the Federal Government should vary directly with the proportion of the local labor force that is unemployed. He recommended a scale which would provide in some instances for a Federal contribution as low as 10 percent. I think his approach, which takes into account the ability of the local community to participate in a public works program, is far more realistic than the provisions in the committee bill.

My proposal contains a section that allows a 40- to 50-percent Federal contribution for project construction in the average labor surplus area.

However, I recognize that there are some labor surplus areas in which there is extraordinary economic distress. In those areas, and in those areas alone, the President could make a 75-percent contribution to the cost of a public works program.

My bill authorizes the expenditure of $600 million and up to 50 percent of this sum may be used in areas of extraordinary economic distress.

The bill would, also, establish a $75 million loan fund which might be utilized by the Federal Government to aid the hardest hit States and local communities in their cost sharing.

Mr. President, I think few Senators are aware of the fact that there is a tremendous backlog of Federal projects, which have been specifically authorized by Congress. They represent a potential expenditure of $12.8 billion on nondefense construction.

States and local communities also have a project backlog, the potential cost of which is calculated to be nearly $22 billion.

Should we not ask ourselves then this very important question: Why should Congress give the President authority to spend $600 million immediately on projects never approved by the House and Senate when we have on the statute books billions of dollars worth of projects already authorized?

I am pleased to say that not one single dollar authorized by my bill could be expended for a public works program, unless that program has been previously specifically sanctioned by the Congress.

Mr. President, the committee reported bill is frequently referred to as one which will be of help during recessions. This tends to be very misleading.

Under the terms of the bill, if the unemployment rate should drop down to 2 percent and then within a year rise to 3 percent, the President would have the privilege of triggering a $2 billion construction program.

My bill would not permit anything of this kind to happen. It specifically provides that no funds may be obligated for the acceleration of public works projects when the national unemployment rate dips below 4 percent.

In summary, then, Mr. President, I am presenting to the Senate a bill which gives the unemployment problem priority over political considerations. The bill would cost $600 million contrasted with the $2,600 million administration proposal.

It is my hope that this measure will receive the thoughtful study and attention of every Senator.

By way of summary, may I briefly explain again just what the provisions of the bill are.

1. PUBLIC WORKS PLAN

The President shall draw up a public works plan immediately for:

First. The acceleration of Federal public works projects.

Second. The acceleration of public works projects of State and local governments.

The plan shall include only public works projects to be constructed in areas of substantial unemployment and redevelopment areas.

The plan shall give priority to those public works projects which will help reduce unemployment not only during construction but after completion.

2. ACCELERATION OF EXISTING FEDERAL CONSTRUCTION PROJECTS

The President may accelerate existing Federal public works projects and programs, or initiate new projects and programs already authorized by law.

3. ACCELERATION OF EXISTING FEDERAL GRANT-IN-AID PROGRAMS

The President may initiate or accelerate public works projects for which Federal grants to States and local governments are authorized by Congress.

The Federal Government shall match at the rate of not less than 40 percent nor more than 50 percent of the cost of undertaking and completing the project.

4. ACCELERATION OF GRANT-IN-AID PROGRAMS IN AREAS OF EXTRAORDINARY ECONOMIC DISTRESS

In areas suffering extraordinary economic distress, the President may make grants for projects authorized by Congress on a 75-percent Federal and 25-percent State basis.

Up to $300 million may be spent in the areas of extraordinary economic distress.

The high 75-percent Federal contribution will not be made in all surplus labor and redevelopment areas—rather only in those areas where the President finds extraordinary economic distress.

5. FEDERAL LOANS

When the President makes a determination that proposed projects authorized by Congress are in areas suffering extraordinary economic distress, the executive branch may make loans to States and local governments which would be unable to meet their 25-percent share of the cost of the projects. The loans would run up to 40 years.

The loan funds would not be made available to all surplus labor and redevelopment areas but only to those where the President finds extraordinary economic distress.

6. RESTRICTIONS AND LIMITATIONS

There can be no financial assistance with respect to any project unless the project, first, can be initiated or accelerated within a reasonably short period of time; second, can be completed within 20 months after enactment of the Prouty bill; third, will meet an essential public need; and fourth, is not inconsistent with local plans.

7. OTHER RESTRICTIONS AND LIMITATIONS WHICH REPRESENT SUBSTANTIAL CHANGES IN THE COMMITTEE BILL

Not more than 6 percent of the funds provided for in the form of grants shall be made available within any one State.

No Federal funds shall be obligated under the Prouty bill with respect to any project when the national rate of unemployment falls below the level of 4 percent of the civilian labor force after adjustment for seasonal variation.

8. TOTAL COST OF THE BILL

There is an authorization of $600 million which specifies that the money may be used only for projects authorized by Congress .

Mr. President, I ask unanimous consent that the text of the bill may be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Public Works Employment Act of 1962".

FINDINGS AND PURPOSE

SEC. 2. The Congress finds that unemployment in the United States has reached an undesirable level, and that measures to increase employment opportunities are necessary in the interest of the public welfare. The Congress further finds that one means of increasing employment is through the acceleration of public works programs of the Federal, State, and local governments particularly through smaller projects which can be initiated promptly and completed in a short period of time. Many communities in the Nation in which there is severe unemployment have a backlog of needed public works projects, and an acceleration of these projects now will not only increase employment at a time when jobs are most urgently required but will also meet longstanding public needs, improve community services, and enhance the health and welfare of the citizens of the Nation.

It is the purpose of this Act to stimulate the economy where needed by accelerating programs of Federal public works projects.

It is also the purpose of this Act to provide where needed an incentive, through Federal grants, for State and local governmental bodies to accelerate their capital expenditures programs through the initiation of public works projects which can be begun promptly and completed over a reasonably short period of time, such assistance to be automatically terminated when the rate of unemployment falls below the level of 4 per centum of the civilian labor force after adjustment for seasonal variation.

PUBLIC WORKS PLAN

SEC. 3. The President may prepare and carry out a public works plan which—

(1) shall have as its basic purpose the acceleration of the construction of public works necessary to increase employment and to stabilize the economy;

(2) shall provide for the use of the authority granted in this Act to the extent of funds authorized in this Act for the achievement of such purpose;

(3) shall include only public works projects to be constructed in areas currently designated by the Secretary of Labor as having been areas of substantial unemployment in each of at least nine of the twelve immediately preceding months, and in areas currently designated as "redevelopment

areas" pursuant to the Area Redevelopment Act;

(4) shall give priority to those public works projects which can contribute significantly to the reduction of unemployment during construction and after completion; and

(5) shall provide for the immediate termination of assistance to any public works project under the provisions of this Act when the rate of unemployment in the area of such project falls below the level of 4 per centum of the civilian labor force after adjustment for seasonal variation.

ACCELERATION OF FEDERAL PROJECTS

SEC. 4. In addition to the authority otherwise available to him, the President may, for the purpose of carrying out the plan prepared under section 3 of this Act, direct the departments and agencies of the executive branch, under such rules and regulations as he may prescribe, to use funds provided for the purpose of this Act to accelerate existing Federal public works projects and programs or to initiate new projects and programs already authorized by law.

ACCELERATION OF EXISTING FEDERAL GRANT PROGRAMS

SEC. 5. For the purpose of carrying out the plan prepared under section 3, the President may direct the departments and agencies of the executive branch to use funds provided for the purpose of this Act to make grants, upon application and under such rules and regulations as they may prescribe, to States and local governments to finance the initiation or acceleration of public works projects and programs for which Federal grants to such governments are authorized by the Congress and under the terms and conditions prescribed by the Congress: *Provided,* That all grants shall be made by the head of the department, agency, or instrumentality of the Federal Government administering the law authorizing such grants in accordance with all of the provisions of such law: *Provided further,* That no grant under this section shall be subject to any limitation in other laws with respect to the apportionment of funds, the time in which grants may be made, or the aggregate dollar amounts of grants for any prescribed purpose, project, or program: *And provided further,* That, notwithstanding any limitation in other laws, the amount of any grant made under the authority of this section shall be not less than 40 nor more than 50 per centum of the cost of undertaking and completing the project or program for which the grant is made.

AREAS SUFFERING EXTRAORDINARY ECONOMIC DISTRESS

SEC. 6. (a) If the President determines that an area suffering extraordinary economic distress (because of a sustained extremely severe rate of unemployment or an extremely low level of family income and severe underemployment) does not have economic and financial capacity to assume all of the additional financial obligations required by section 5, a grant otherwise authorized pursuant to such section for a project or program in such area may be made under the provisions of this section without regard to any provision of law limiting the amount of such grant to a fixed portion of the cost of the project or program, but the recipient of the grant shall be required to bear such portion of such cost as it is able to and in any event at least 25 per centum thereof.

(b) For the purpose of determining what constitutes an area suffering extraordinary economic distress the President shall prepare and use uniform standards as part of the plan under section 3.

(c) Of the funds authorized pursuant to section 9 not more than $300,000,000 shall be used for the purpose of this section.

FEDERAL LOANS

SEC. 7. (a) For the purpose of carrying out the plan prepared under section 3, the Housing and Home Finance Administrator, or such agency or officer of the Federal Government as he may designate, is authorized, upon application and under such rules and regulations as he shall prescribe, to purchase the securities and obligations of, or make loans to, States and local governments which otherwise would be unable to meet their share of the cost of projects and programs for which grants have been authorized pursuant to section 6 of this Act.

(b) All securities and obligations purchased and all loans made under this section shall be of such sound value or so secured as reasonably to assure retirement or repayment, and such loans may be made either directly or in cooperation with banks or other financial institutions through agreements to participate or by the purchase of participations or otherwise.

(c) No securities or obligations shall be purchased and no loans shall be made, including renewals or extensions thereof, which have maturity dates in excess of forty years.

(d) Financial assistance extended under this section shall bear interest at a rate determined by the Administrator which shall be not more than the higher of (1) 3 per centum per annum, or (2) the total of one-half of 1 per centum per annum added to the rate of interest required to be paid on funds obtained for the purposes of this section as determined by the Secretary of the Treasury as provided under subsection (e) of this section.

(e) The Administrator may use for loans authorized under this section funds appropriated pursuant to section 9 in amounts prescribed from time to time by the President: *Provided,* That the aggregate of all funds allocated by the President for the purposes of this section shall not exceed $75,000,000: *And provided further,* That funds obtained by the Administrator for the purposes of this section shall bear interest at a rate determined by the Secretary of the Treasury which shall be no more than the higher of (1) 2½ per centum per annum, or (2) the average annual interest rate of all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the preceding fiscal year and adjusted to the nearest one-eighth of 1 per centum.

RESTRICTIONS AND LIMITATIONS

SEC. 8. The authority conferred by this Act shall be subject to the following restrictions and limitations:

(1) No financial assistance shall be made with respect to any project or program unless the project or segment of work to be assisted under this Act—

(A) can be initiated or accelerated within a reasonably short period of time;

(B) will meet an essential public need;

(C) if initiated hereunder, can be completed within 20 months after enactment of this Act; and

(D) is not inconsistent with locally approved comprehensive plans for the jurisdictions affected, wherever such plans exist.

(2) Not more than 6 per centum of the funds provided for in the form of grants pursuant to sections 5 and 6 of this Act shall be made available within any one State.

(3) Each department or agency administering financial assistance authorized by this Act shall adopt such rules, regulations, and procedures as will assure that no such assistance shall be made available to any State or local government unless such project or program for which the assistance is granted produces a net increase in the expenditures of the State or local government for public works projects approximately equal to the non-Federal contribution to the project or program.

APPROPRIATIONS

SEC. 9. There is hereby authorized to be appropriated the sum of $600,000,000 to carry out the provisions of this Act.

DELEGATION OF POWERS

SEC. 10. The President may exercise any functions conferred upon him by this Act through such agency or officer of the United States Government as he shall specify. The head of any such agency or such officer may from time to time promulgate such rules and regulations as may be necessary to carry out such functions, and may delegate authority to perform any such functions, including, if he shall so specify, the authority successively to redelegate any of such functions.

DEFINITIONS

SEC. 12. As used in this Act—

(a) The term "States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States.

(b) The term "local governments" includes public corporate bodies or political subdivisions; public agencies or instrumentalities of one or more States, municipalities, or political subdivisions of States; Indian tribes, and boards of commissions established under the laws of any State to finance specific public works projects.

(c) The term "public works" includes the construction, repair, and improvement of: public streets, sidewalks, highways, parkways, bridges, parking lots, airports, and other public transportation facilities; public hospitals, rehabilitation and health centers and other public health facilities; public refuse and garbage disposal facilities, water, sewage, sanitary facilities, and other public utility facilities; civil defense facilities; public police and fire protection facilities; public educational facilities, libraries, museums, offices, laboratories, employee housing, and other public buildings; and public land, water, timber, fish and wildlife, and other conservation facilities and measures.

(d) The term "project" includes a separable, usable feature of a larger project or development.

(e) The term "segment of work" means a part of a program on which the work performed can be separately identified by location and will provide usable benefits or services.

DICTATOR FRANCO

Mr. YOUNG of Ohio. Mr. President, the time has come for this country to reexamine a policy whereby the United States is enriching the coffers of one of the world's most powerful dictators.

Gen. Francisco Franco is in every way as much a dictator in Spain as Khrushchev is in Russia. Franco is chief of state, dictator, commander in chief of the armed forces, Prime Minister of Spain, and also protector of the church. He is head of the Falange Party which is the only legal political party in Spain. He holds absolute veto power over all legislation submitted by the Spanish Parliament. He has complete control over education, books, newspapers, radio, communications, and speech.

The story of Franco is a story of violence. He rose to power during the Spanish Civil War which lasted from

July 1936 until March 1939. General Franco was a leader of the rebel forces against the then republican government in a brutal war during which hundreds of thousands were killed in battle, cities were destroyed, industries wrecked, and agriculture starved. With the military and financial support of Hitler and Mussolini, the Spanish Fascists under Franco were finally victorious.

Franco emerged from this war as absolute ruler of Spain, since the end of the war he has maintained his power by ruthlessly suppressing all opposition. It is estimated that 6,000 political prisoners are now languishing in Spanish prisons. Thousands more have died in concentration camps or were executed without legal trials.

In 1959 17 Spanish youths were tried for "military rebellion" before the supreme military tribunal of Spain. They were civilians—university students. Their "crime" was that at a football match they distributed leaflets condemning low wages and the high cost of living. The judges at this trial were four generals with an admiral presiding. None of the prisoners was allowed to be present nor testify during the proceedings. All 17 were found guilty.

Mr. President, the Spanish people of today are deprived of even the rudiments of civil liberty, parliamentary rule, and democratic processes. Franco would not be dictator today except for the financial help and military and air assistance during the civil war from his axis partners, Hitler and Mussolini. The tyranny of Hitler and Mussolini has been ended, but Franco is with us still.

After the Allied victory in Europe the countries that had fought in the war against Fascist dictators classified Spain as a defeated Fascist country. In March of 1946 our State Department published a "White Paper" on Spain. This publication exposed Spain's and Franco's intimate relations with Nazi Germany. These documents include a letter to Hitler on February 26, 1941, in which Franco states:

> I stand ready at your side, entirely and decidedly at your disposal, united in a common historical destiny.

In 1946 the Governments of France, the United Kingdom, and the United States agreed that so long as Franco continued to rule Spain, that nation could not participate in the United Nations. At that time it was hoped that Franco's power would collapse and a democratic form of government would be established in Spain.

In 1953 an astonishing turnabout took place. The United States changed its attitude toward Spain. It was decided that we needed bases for our Armed Forces on the Spanish side of the Pyrenees. The United States signed three military aid agreements with Spain. Franco by this single act acquired international respectability. In 1955 Spain was admitted to membership in the United Nations.

Thus America, the main bulwark of democratic traditions and freedom, heretofore contemptuous of Fascist Spain, changed overnight apparently to high appreciation of Dictator Franco. This development has continued. It reached its culmination in the visit by President Eisenhower to Madrid in December 1959. This visit placed the official seal of approval on Franco.

Notwithstanding how much American foreign policy has changed, there has certainly been no change in Franco Spain. It is still a legalized tyranny with a Fascist dictator in power.

Mr. President, I would never advocate any measure which I felt would weaken the military security of our country. I feel strongly that we should thoroughly investigate the need for continuing our alliance with Franco Spain.

We should ask our defense experts if the Strategic Air Command bases in Spain are truly vital to our defense and our retaliatory capability. We now have new long-range ballistic missiles such as the Atlas ICBM and Polaris firing submarines.

Since January 1961, our defenses and the might of our arms and retaliatory power have been greatly strengthened in missilry, and our Polaris-firing submarine force is being added to constantly.

Could these new weapons be based in other areas of the European-Mediterranean sector without sacrificing any of the retaliatory power which our Strategic Air Command bases in Spain now afford us? That is an inquiry for our military experts to answer.

Since the first year of the Eisenhower administration—1953—we have poured more than $1.3 billion into Spain. Three major Strategic Air Command built in Spain at a cost of over $400 million. Franco can use and has used these bases to try to put us over a barrel. The Generalissimo is not bashful about making demands on the United States, and there is always the veiled threat of confiscation of our bases if we fail to comply.

Dictators come high these days and this dictator has our bases as hostages. Indications are that Franco will increase his demands for money and for modern arms to strengthen his dictatorship. He wants not only modern aircraft, but also nuclear arms for his army and air force.

We would do well to consider the words of John Gunther in his recent book, "Inside Europe Today":

> One lesson that may well be drawn from all this is that it is always dangerous for a democracy, like the United States, to become too closely involved with a dictator or semi-dictator, no matter how convenient this may seem to be. It is the people who count in the long run, and no regime is worth supporting if it keeps citizens down—if only for the simple reason that they will kick it out in time.

Mr. President, we should now reassess our policy of knuckling under to Franco. The time has come to cut this despot down to size. Franco has demonstrated that he is quite capable of ruthlessness and treachery. Can we tolerate his demands? Can we put aside our democratic ideals? Do we really need those bases in Spain?

Throughout that portion of the Eisenhower administration while I was a Senator and throughout the present administration, I have supported our Nation's foreign assistance program. However, I am not convinced that $4.9 billion should be appropriated for the coming fiscal year for foreign assistance, at one time improperly called mutual assistance, or as was improperly camouflaged in the last years of the Eisenhower administration, mutual security, I intend to support the administration's proposal but my present view is that it calls for expenditures of too much money for foreign assistance to some governments where I consider assistance should be denied, and would not in fact help the citizens of those countries.

I assert that the waste and fat should be cut from all foreign assistance authorizations and appropriations. More money has flowed from this country overseas than has returned due in large part to the establishment of military bases in many foreign countries and the drain of our dollars in maintaining them. In my judgment a thorough reexamination of our oversea military installations should be made. Some of these bases may be as unnecessary and useless as our frontier forts maintained so long against the Indians after their uselessness should have been apparent to everyone.

With the advance of science and the continuing development of missiles and other modern weapons, surely some of our bases overseas should be eliminated. I find the practice of paying many millions of dollars to Franco's government abhorrent. We should stop, look, and listen before handing out taxpayers' money lest we further enrich the ruling class in countries such as Spain, where the ruling group is already swollen with wealth and power while the millions of common people of such countries are subjects practically in chains.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. EASTLAND obtained the floor.

Mr. DIRKSEN. Madam President——

Mr. EASTLAND. Madam President, I ask unanimous consent that at this time I may yield to the distinguished Senator from Illinois [Mr. DIRKSEN], with the understanding that in yielding to him, I shall not lose my right to the floor; that at the conclusion of his remarks, I may proceed with my speech; and that my yielding for this purpose shall not be counted as one speech by me against the pending measure.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). Is there objection? Without objection, it is so ordered.

Mr. DIRKSEN. Madam President, it has been almost 100 years since the Congress has stated as clearly and unmistakably as it can be said in the 14th and 15th amendments to the U.S. Constitution that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States" and that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude, [and] the Congress shall have power to enforce this article by appropriate legislation."

The pages of history since the adoption and ratification of these amendments have reflected the glory of our republican form of government to every corner of this planet and have inspired the souls of men everywhere in the long struggle toward freedom, self-determination, and the investing by them of their brothers with the sacred duty and responsibility to preserve ideals of personal freedoms unparalleled in the history of mankind.

Enriched by the transfusion of freedom-loving people who deported from home and homeland for our shores, very often with little else than hope and a rugged will to make good in a new life, we have built upon the foundations laid down for us by them to the envy and inspiration of men everywhere.

At this very moment, government of, by, and for the people stirs the hearts and minds of oppressed peoples who risk, and frequently encounter, death in piercing curtains of iron, and walls of concrete, to demonstrate that such barriers will never effectively shackle the mind of man, designed by his Creator a little less than the angels and endowed with free choice in the equal pursuit of liberty.

Liberty came not easily to this Nation, nor has its enjoyment been peaceful. In almost every generation it has become necessary for us to take up arms in defense of our heritage and we are today on guard in far places to protect our form of government from those who would bury it. Our dedication to personal freedom must not be impassive to the pleas of our own citizens who ask only to be allowed to vote.

The findings of the U.S. Commission on Civil Rights and the testimony of the chief law enforcement officer of the United States, the Attorney General, have made it abundantly clear that there are "grounds to believe that substantial numbers of Negro citizens are, or recently have been, denied the right to vote on grounds of race or color."

Abhorrent for 98 years to fairness and decency has been the history of such discrimination, be it applied to only the minutest number of our citizens. It is today, intolerable. No thinking person can seriously rebut evidence that literacy and other tests have been for a long time, and are today, widely used and abused by persons sworn to uphold the law and the Constitution who subvert the Constitution and distort the law, under whose sacred mantle they operate, to impede and preclude the registration of Negroes who desire only to be allowed to cast a vote for their representation in government.

The U.S. Civil Rights Commission has found and reported that in one State for example, a Federal district judge found that six Negro applicants—two with master's degrees, five with bachelor's degrees, and one with a year of college training—were denied the right to vote on the grounds that they could not read intelligibly or write sections of the State constitution.

In another State it was found that Negro registrants, clearly able to read and write had been disqualified for misspellings, mispronunciations or for failing to answer questions which were clearly irrelevant to literacy or to intelligent exercise of the right to vote.

Father Theodore Hesburgh, president of the University of Notre Dame and a member of the Civil Rights Commission, stated in a speech on February 14, 1960, some of his experiences in the investigation of voter discrimination. Referring to individuals who were qualified but unable to vote he said:

> Some were veterans with long months of oversea duty and decorations for valor in service. Some of the people were ministers. Some of them were college teachers. Some of them were lawyers, doctors. All of them were taxpayers. Some were mothers of families who were hard pressed to tell their children what it is to be a good American citizen when they could not vote themselves. All of them were decent, intelligent American people, and yet they could not cast their ballots for the President of the United States. Some had gone through incredible hardships in attempting to register and had been subjected to incredible indignities. I don't know if any of you in this room have had to go through this experience, but vicariously we had to go through it in listening to their tales. They would go down to the courthouse and instead of going in where the white people registered, they would have to go to a room in the back where they would stand in line from 6 in the morning until 2 in the afternoon, since only two were let in at a time. Then people with Ph. D.'s and the master's degrees and high intelligence would sit down and copy like a schoolchild the first article or the second article of the Constitution. Then they would be asked the usual questions, make out the usual questionnaires, hand in a self-addressed envelope and hear nothing for 3 months. And then they would go back and do it over again, some of them five, six or seven times, some of them standing in line 2 or 3 days until their turn came.

Attorney General Kennedy has stated that existing laws are inadequate to solve this problem and that the 14th and 15th amendments are an affirmative grant of power to Congress to enact legislation to guarantee rights protected by these amendments, including principally the right to vote.

With respect to the 14th and 15th amendments, Mr. Kennedy has said:

> I have no doubt that this bill is valid under that grant of power. There is no doubt that widespread deprivations of the right to vote because of race have occurred and continue to occur. The question is not whether this bill is valid, but whether it would correct the situation. Voting tests, which in this day of high educational achievement can exclude persons with a sixth grade education, are potential devices for discrimination. In my judgment, virtually no one with that amount of education has been turned down as a voter for other than racial reasons. Congressional action adapted to correcting this evil is not a questionable innovation. It is overdue.

Even among opponents of this bill, there are those who concede that it is constitutionally sound, and again in a letter to the distinguished chairman of the Constitutional Rights Subcommittee, dated April 19, 1962, the Assistant Deputy Attorney General stated: "S. 2750, therefore, avoids any real constitutional problem."

Accordingly, Madam President, I urge you who are present today in this Chamber only by reason of free elections, you who are sensitive to their right to vote, to listen to the supplications of our disenfranchised Americans who ask only that we fulfill the command of the 15th amendment to the Constitution, ratified in 1870, which reads as follows:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

There exists incontrovertible evidence given by the Attorney General of the United States and by the U.S. Civil Rights Commission that citizens of the United States are today denied the right to vote because of their color.

A compelling urgency exists for the passage of this bill. The authority for congressional action has been clearly spelled out for us. We would be derelict in our duty not to act. I urge your support for this substitute measure now before us, which is identical in text with S. 2750.

In connection with my remarks, I ask unanimous consent to include in the RECORD as a part of my remarks, first, a memorandum prepared by the Department of Justice on the constitutionality of the pending bill, and, second, a staff memorandum from the U.S. Commission on Civil Rights, which also deals with the constitutionality of the pending measure.

There being no objection, the memorandums were ordered to be printed in the RECORD, as follows:

CONSTITUTIONALITY OF S. 2750

The facts calling for the exercise of congressional power under S. 2750 are set forth in the statements of the Attorney General; in the findings and unanimous recommendations of the Civil Rights Commission; and in other statements and materials. This memorandum discusses the constitutional bases for that exercise of power in the context of those facts.

Under the bill the States would be prohibited from denying the right to vote for Federal officials on account of performance "in any educational-type examination (whether for literacy or otherwise) to any person who is otherwise qualified by law, has not been adjudged incompetent, and has completed the sixth primary grade of any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico.

Because separate legal problems are involved, this memorandum deals separately with (1) congressional authority to prohibit denials of the right to vote to citizens who have completed the sixth grade in a school in a State or territory or the District of Columbia, and (2) its authority to prohibit denials to citizens who have completed the sixth grade in a school in Puerto Rico. Part I is concerned with the general application of the bill; part II discusses it as applied to citizens who have completed six grades in a Puerto Rican school.

THE BILL AS IT APPLIES TO CITIZENS WHO HAVE COMPLETED SIX GRADES IN A SCHOOL IN A STATE OR TERRITORY OR THE DISTRICT OF COLUMBIA

The Civil Rights Commission has unanimously found that literacy and interpretation tests have been widely employed to disenfranchise Negroes. It has reported that (Report of the U.S. Commission on Civil Rights on Voting, 1961, p. 137):

"A common technique of discrimination against would-be voters on racial grounds involves the discriminatory application of legal qualifications for voters. Among the qualifications used in this fashion are requirements that the voter be able to read and write, that he be able to give a satisfactory interpretation of the Constitution, that he be able to calculate his age to the day, and that he be of good character."

To remedy this situation the Commission unanimously recommended (report, at 141):

"That Congress enact legislation providing that in all elections in which, under State law, a 'literacy' test, an 'understanding' or 'interpretation' test or an 'educational' test is administered to determine the qualifications of electors, it shall be sufficient for qualification that the elector have completed at least six grades of formal education."

As it applies to elections for Federal officials, this unanimous recommendation of the Commission is embodied in S. 2750.

Although no language in the Constitution expressly confers such authority, the courts have held that the States have the power to prescribe reasonable qualifications for voting in State and Federal elections. *Lassiter* v. *Northampton Election Board*, 360 U.S. 45, 60 (1959); *Breedlove* v. *Suttles*, 302 U.S. 277 (1937); *Pope* v. *Williams*, 193 U.S. 621, 633 (1904). But no court has held that, acting pursuant to its delegated powers, Congress cannot restrict the States with respect to the qualifications they impose or the manner of testing those qualifications. There are at least four constitutional sources of such congressional power: section 2 of the 15th amendment; section 5 of the 14th amendment; article I, section 4; and the implied power of Congress to protect the purity of Federal elections. The article I, section 4 power in terms extends only to congressional elections; the implied power of Congress extends to all Federal elections; and the 14th and 15th amendments are adequate to reach both State and Federal elections. S. 2750 extends only to Federal elections, and it is therefore not necessary to discuss congressional power to deal with State elections as such.

A. The 15th amendment

The 15th amendment prohibits the racially discriminatory administration of State voting laws, even if such laws are valid on their face. *United States* v. *Raines*, 362 U.S. 17 (1960); *United States* v. *Thomas*, 180 F. Supp. 10 (E.D. La., 1960), affirmed 362 U.S. 58 (1960); see *Davis* v. *Schnell*, 81 F. Supp. 872 (S.D. Ala., 1949), affirmed 336 U.S. 933. It also prohibits "contrivances by a State to thwart equality in the enjoyment of the right to vote by citizens of the United States regardless of race or color * * *"; it "nullifies sophisticated as well as simple-minded modes of discrimination"; it forbids "onerous procedural requirements which effectively handicap exercise of the franchise by the colored race although the abstract right to vote may remain unrestricted as to race" (*Lane* v. *Wilson*, 307 U.S. 268, 275 (1939); see also *Myers* v. *Anderson*, 238 U.S. 368 (1915); *Guinn* v. *United States*, 238 U.S. 347 (1915)); and it vitiates measures which have the "inevitable effect" of disenfranchising Negroes. *Gomillion* v. *Lightfoot*, 364 U.S. 339, 342 (1960). Where there is a purpose or effect of discrimination, the amendment forbids qualification laws which vest broad discretion in State voting officials, including laws which permit State officials to determine whether an applicant can understand or explain constitutional or other provisions. *Davis* v. *Schnell*, *supra*.

Under section 2 of the 15th amendment Congress is vested with the power to enact appropriate legislation to enforce the amendment. This power is to be interpreted broadly, and includes the enactment of measures reasonably adapted to counteract discriminatory devices. See, *e.g.*, *United States* v. *Raines*, 362 U.S. 17, 25 (1960); *Hannah* v. *Larche*, 363 U.S. 420, 452 (1960).

The measure of congressional power to enforce prohibitory constitutional amendments is illustrated by *James Everard Breweries* v. *Day*, 265 U.S. 545 (1924). There, the Supreme Court held that, although the 18th amendment in terms prohibited only the manufacture and sale of intoxicating liquors for beverage purposes, Congress could, under the appropriate legislation clause of that amendment, bar the prescription of intoxicating liquor for medicinal purposes, for the sole reason that prohibiting traffic in the latter was reasonably adapted to enforcing the terms of the amendment. The Court said (265 U.S. at 561):

"The opportunity to manufacture, sell and prescribe intoxicating malt liquors for medicinal purposes, opens many doors to clandestine traffic in them as beverages under the guise of medicines; facilitates many frauds, subterfuges and artifices; aids evasion; and thereby and to that extent, hampers and obstructs the enforcement of the 18th amendment."

See also *Ruppert* v. *Caffey*, 251 U.S. 264 (1920); *United States* v. *Darby*, 312 U.S. 100, 121 (1941); *McCulloch* v. *Maryland*, 4 Wheat. 316 (1819); *Westfall* v. *United States*, 274 U.S. 256, 258–59 (1927).

This means that Congress, acting under its power to enforce provisions such as those of the 18th or the 15th amendment by appropriate legislation, is not limited to outlawing practices which are forbidden by the terms of the provisions themselves. It may also do whatever is reasonably necessary to remove obstructions to fulfillment of the purposes of the provisions. Congress may restrict the employment of literacy or other qualifying tests, even though on their face they do not violate the amendment, if it deems this necessary effectively to eliminate their use in a manner forbidden by the amendment.

The findings of the Commission on Civil Rights, and those contained in section 1 of S. 2750, make clear that the adoption of objective standards is necessary in order to enforce in an effective way the prohibitions of the 15th amendment. By substituting an objective standard for vague and subjective tests, the bill would strike both at tests which on their face vest excessive and uncontrolled discretion in State registrars and at tests (or other requirements, such as the completion of forms which are treated as tests) which have been administered in a discriminatory manner.

B. The 14th amendment

(1) The Equal Protection Clause

The actions of voting registrars in applying literacy and other qualification tests so as to disenfranchise Negroes, while applying the same tests to whites in a different manner, constitute a denial of the equal protection of the laws guaranteed by the 14th amendment. See, e.g., *Davis* v. *Schnell*, *supra*. See also, *Cooper* v. *Aaron*, 358 U.S. 1 (1958); *Yick Wo* v. *Hopkins*, 118 U.S. 356 (1886); *Rice* v. *Elmore*, 165 F. 2d 387, 392 (C.A. 4, 1947). These actions are a proper subject of congressional power under section 5 of the amendment, which grants Congress authority to enforce the provisions of the amendment by "appropriate legislation." *Virginia* v. *Rives*, 100 U.S. 313 (1879); *Ex parte Virginia*, 100 U.S. 339 (1879); *Strauder* v. *West Virginia*, 100 U.S. 303 (1879). The scope of congressional powers under section 5 has been broadly defined by the Supreme Court. Thus, in *Ex parte Virginia*, the Court said (100 U.S. at 345–46):

"Whatever legislation is appropriate, that is, adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws, against State denial or invasion, if not prohibited, is brought within the domain of congressional power."

The power vested in Congress by section 5 of the 14th amendment is like its power under the enforcement clause of the 18th amendment, which was sustained in *James Everard Breweries* v. *Day*, 265 U.S. 545 (1924), discussed above.

It is sufficient to support restrictions upon qualification tests which may be valid on their face if Congress finds such action appropriate or necessary effectively to eliminate the discriminatory application of the tests.

(2) The Privileges and Immunities Clause

In *Twining* v. *New Jersey*, 211 U.S. 78, 97 (1908), the Supreme Court said that "* * * among the rights and privileges of national citizenship recognized by this Court are * * * the right to vote for national officers, *Ex parte Yarbrough*, 110 U.S. 651 * * *." See also *United States* v. *Thomas*, 180 F. Supp. 10 (E.D. La., 1960), affirmed, 362 U.S. 58 (1960). The power of Congress to enforce the provisions of the 14th amendment extends to all its provisions. It is as applicable to the privileges and immunities clause as it is to the equal protection clause. Since the bill is limited to Federal elections, the privileges and immunities clause independently supports remedial legislation such as S. 2750 to secure the right to vote.

(3) The Due Process Clause

Arbitrary State tests to determine qualifications of voters in national elections are invalid under the due process clause. *Davis* v. *Schnell*, 81 F. Supp. 872 (S.D. Ala. 1949), affirmed, 336 U.S. 933 (1949). As a privilege and immunity of national citizenship (*Twining* v. *New Jersey*, supra) and as a right implicit in and guaranteed by the Constitution (*United States* v. *Classic*, 313 U.S. 299, 315 (1941) and cases cited), the right of qualified voters to vote for Federal officers cannot be denied without violating "fundamental principles of liberty and justice which lie at the base of all of our civil and political institutions. * * *" *Herbert* v. *Louisiana*, 272 U.S. 312, 316 (1926). The right to vote for such officers is therefore an aspect of "liberty" protected by the due process clause of the 14th amendment from arbitrary and unreasonable infringement by the States. By virtue of its power under section 5 of the 14th amendment, Congress may proscribe State qualification tests which are arbitrary and which for that reason violate the amendment.

Beyond that, however, Congress shares with the judiciary the power to enforce the 14th amendment. *Ex parte Virginia,* 100 U.S. 339, 345 (1879). Upon appropriate findings, it may declare that certain State restrictions upon the exercise of the franchise (i.e., the requirement that an applicant with a sixth grade education must take a literacy, understanding, or interpretation test) are arbitrary in nature. This is essentially what S. 2750 would do.

The starting basis for the declaration by Congress would be the finding that it is reasonable to believe that persons who have achieved a sixth-grade educational level are sufficiently literate to understand the nature and operation of our Government. Congress can note the generally accepted high standards of education which prevail throughout the United States. Since virtually no one can reasonably be expected to fail a literacy or similar test—fairly administered—if he has completed six grades. Congress is beyond question justified on the evidence available to it in finding that the exclusion of Negroes from the voting rolls is the real purpose of the testing in those places where persons of sixth-grade or higher educational achievement are rejected. It can find that the tests are required on arbitrary grounds having no relations to literacy. Such a finding, based in part on the Civil Rights Commission's report, would be entitled to great weight in the courts. See *Communist Party* v. *Subversive Activities Control Board,* 367 U.S. 1, 94–95 (1961). There the Court said:

"It is not for the courts to reexamine the validity of these legislative findings [about the dangers to the United States of the "worldwide Communist conspiracy"] and reject them. * * * They are the products of extensive investigation in committees of Congress over more than a decade and a half. * * * We certainly cannot dismiss them as unfounded or irrational imaginings."

On the basis of its findings Congress may declare that State performance test requirements are arbitrary and, notwithstanding decisions such as *Lassiter* v. *Northampton Election Board, supra,* and *Camacho* v. *Rogers,* 199 F. Supp. 155 (S.D. N.Y. 1961), it may restrict their application. It is pertinent to note that findings of this sort were not before the courts in the *Lassiter* and *Camacho* cases. The arbitrary use of literacy tests on a wide scale in a matter peculiarly within the province of the National Legislature to investigate—either directly, or through a congressionally created arm such as the Civil Rights Commission, or in both ways. And where Congress, upon the basis of such an investigation makes a declaration of arbitrariness, that declaration is entitled to very great weight in the courts. See Goodnow, *Congressional Regulation of State Taxation,* 28 Pol. Sci. Q. 405, 429–431 (1913); cf. *NLRB* v. *Hearst Publications, Inc.,* 322 U.S. 11 (1944).

Congress has, in fact, previously exercised similar power in order to prevent discriminatory State action by defining the equal protection of the laws to which a person is entitled under the 14th amendment to include the right to make and enforce contracts, to sue, and to give evidence, 42 U.S.C. 1981, and the right to inherit, purchase, lease, sell, hold and convey property, 42 U.S.C. 1982, and by defining under the enforcement clause of the 13th amendment, involuntary servitude to include the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, 42 U.S.C. 1994.

There is little doubt that the courts would be bound by a congressional declaration that literacy and similar tests required of persons who have completed the sixth grade are arbitrary and unreasonable within the meaning of the due process clause of the 14th amendment.

C. Article I, section 4

(1) Historical Evidence

Article I, section 4 of the Constitution provides that:

"The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

With minor revision, this was substantially the provision as it was submitted by the Committee of Detail of the Constitutional Convention on August 9, 1787. As submitted by the committee, the provision read as follows (Prescott, "Drafting the Federal Constitution," 488 (1941)):

"The times, and places, and manner of holding the elections of the members of each house, shall be prescribed by the legislature of each State; but their provisions concerning them may, at any time, be altered by the Legislature of the United States."

A motion was made by Pickney and Rutledge to strike out the words "but their provisions concerning them may, at any time, be altered by the Legislature of the United States." It was urged that the States could and must be relied on in such cases (id. at 489). James Madison answered this contention as follows (ibid.):

"The necessity of a general government supposes that the State legislatures will sometimes fail or refuse to consult the common interest at the expense of their local convenience or prejudices. The policy of referring the appointment of the House of Representatives to the people and not to the legislatures of the States supposes that the result will be somewhat influenced by the mode. This view of the question seems to decide that the legislatures of the States ought not to have the uncontrolled right of regulating the times, places, and manner, of holding elections. These were words of great latitude. It was impossible to foresee all the abuses that might be made of the discretionary power."

His arguments were persuasive and, after relatively brief discussion, the motion to strike was defeated (id. at 490).

Madison's statement affords impressive support for the view that the authority conferred upon Congress by article I, section 4 should be construed broadly so as to permit Congress to counteract State election laws which leave the election of national officers wholly at the mercy of local prejudices. His words suggest, moreover, that the congressional power was intended to reach the substance, not merely the form, of such an election. That this indeed was the intent is confirmed by the discussion of article I, section 4 in the Federalist No. 59 (The Federalist (Ed. J. E. Cooke, 1961), 398–399), written by Hamilton:

"It will not be alleged, that an election law could have been framed and inserted in the Constitution, which would have been always applicable to every probable change in the situation of the country; and it will, therefore, not be denied, that a discretionary power over elections ought to exist somewhere. It will, I presume, be as readily conceded, that there are only three ways in which this power could have been reasonably modified and disposed: That it must either have been lodged wholly in the National Legislature, or wholly in the State legislatures, or primarily in the latter and ultimately in the former. The last mode has, with reason, been preferred by the Convention. They have permitted the regulation of elections for the Federal Government, in the first instance, to the local administration; which, in ordinary cases, and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety.

"Nothing can be more evident, than that an exclusive power of regulating elections for the National Government, in the hands of the State legislatures, would leave the existence of the Union entirely at their mercy."

Hamilton also stressed that "it is more consonant to the rules of a just theory to intrust the Union with the care of its own existence, than to transfer that care to any other hands." (Id. at 399.)

Similarly, when a motion to strike the portion of article I, section 4, vesting authority in the Congress to regulate elections of national officers was made, Madison said (5 Elliot's "Debates on the Federal Constitution" 402):

"What danger could there be in giving a controlling power to the National Legislature? Of whom was it to consist? First, of a Senate to be chosen by the State legislatures. If the latter, therefore, could be trusted, their representatives could not be dangerous. Secondly, or Representatives elected by the same people who elect the State legislatures. Surely, then, if confidence is due to the latter, it must be due to the former. It seems as improper in principle, though it might be less inconvenient in practice, to give to the State legislatures this great authority over the election of the Representatives of the people in the General Legislature, as it would be to give to the latter a like power over the election of the Representatives of the State legislatures."

Madison's views were concurred by King, who said (ibid.):

"If this power be not given to the National Legislature, their right of judging of the returns of their members may be frustrated."

It is true that in The Federalist No. 60, in discussing whether the congressional power under article I, section 4 could be used to favor the wealthy and the well born, Hamilton said (The Federalist (Ed. J. E. Cooke, 1961) 408, 409):

"The truth is that there is no method of securing to the rich the preference apprehended, but by prescribing qualifications of property either for those who may elect, or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the regulation of the times, the places, and the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon another occasion, are defined and fixed in the Constitution; and are unalterable by the Legislature.

Hamilton's view that the congressional power was not so broad as to permit Congress to alter the qualifications of voters (it may be noted parenthetically that Hamilton was discussing the issue of whether Congress could impose more stringent requirements for voting) reflects a measure of disagreement as to the ultimate scope of article I, section 4. Others took the view that such power was conferred by article I, section 4. The question was touched upon in the Massachusetts ratifying convention. Hon. Mr. White said (2 Elliot's "Debates on the Federal Constitution" 28):

"If we give up this section * * * there is nothing left. Suppose the Congress should say that none should be electors but those worth 50 or a 100 [pounds] sterling; cannot they do it? Yes, said he, they can."

So too, Dr. Taylor mentioned the possibility that the two branches of Congress could agree to play into each other's hands, and "by making the qualifications of electors 100 [pounds] by their power of regulating elections fix the matters of elections so as to keep themselves in." (Id. at 49–50.) Compare the statement of Rufus King (id. at 51). Similarly, speaking of article I, section 4 in the Virginia convention, Patrick Henry said (2 Elliot's "Debates" 149):

"According to the mode prescribed, Congress may tell you that they have a right to make the vote of 1 gentleman go as far as the votes of 100 poor men."

He continued (ibid):

"The power over the manner admits of the most dangerous latitude. They may modify it as they please. They may regulate the number of votes by the quantity of property without involving any repugnancy to the Constitution."

As this memorandum emphasizes in detail elsewhere, S. 2750 does not prescribe or alter State-imposed qualifications for voting, but simply establishes an objective method of ascertaining whether an applicant possesses the State-imposed qualification, i.e., ability to inform one's self of election issues. The critical question, then, is not whether the Founding Fathers intended to permit Congress to alter qualifications—an issue upon which history provides inconclusive answers—but whether they intended to permit the States, without redress by Congress, to abuse their powers over Federal electoral processes by enacting procedures for determining the existence of particular qualifications which are of such a nature as to permit local prejudice to disfranchise qualified citizens. Unquestionably the Founding Fathers did not intend to confer such vast and unchecked power on the State legislatures.

The power given Congress by article I, section 4, was intended to provide the means to remedy abuses by the States in their regulations concerning congressional elections.

In the Virginia ratifying convention, for example, Monroe wanted to know "why Congress had the ultimate control over the time, place, and manner, of elections of Representatives * * *." Madison gave article I, section 4, this construction (3 Elliot's "Debates on the Federal Constitution," 367):

"Should the people of any State by any means be deprived of the right of suffrage, it was judged proper that it should be remedied by the General Government. It was found necesary to leave the regulation of these, in the first place, to the State governments, as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity, and prevent its own dissolution."

In the Massachusetts convention, Parsons feared that without the power vested in Congress under section 4, "the people can have no remedy" against unequal and partial division of the States into districts for the election of Representatives, and that if the manner were left to State legislatures free from control by Congress, "they might even disqualify one-third of the electors." (Id. at 27.) The various views in the Massachusetts convention were summarized by the reporters as follows (id. at 35):

"Several other gentlemen went largely into the debate on the fourth section, which those in favor of it demonstrated to be necessary; first, as it may be used to correct a negligence in elections; secondly, as it will prevent the dissolution of the Government by designing the refractory States; thirdly, as it will operate as a check in favor of the people against any designs of the Federal Senate and their constituents, the State legislatures, to deprive the people of their rights of election; and fourthly, as it provides a remedy for the evil, should any State, by invasion or other cause, not have it in its power to appoint a place where the citizens thereof may meet to choose their Federal Representatives."

In the debates in the New York convention, Jones opposed article I, section 4, upon the ground that it might be construed to deprive the States of an essential right which the Constitution intended to reserve to them. Morris replied (2 Elliott's "Debates on the Federal Constitution," 326):

"That so far as the people, distinct from their legislatures, were concerned in the operation of the Constitution, it was absolutely necessary that the existence of the General Government should not depend for a moment on the will of the State legislatures. The power of perpetuating the Government ought to belong to their Federal Representatives; otherwise, the rights of the people would be essentially abridged."

In the debates in the North Carolina convention, Spencer objected to article I, section 4, on the ground that it gave Congress unlimited power over the election of Representatives and "seemed to throw the whole power of election into the hands of Congress." (Id., vol. 4, p. 52). Iredell defended section 4 upon various grounds, saying at one point (id. at 54):

"It might also be useful for this reason: Lest a few powerful States should combine, and make regulations concerning elections which might deprive many of the electors of a fair exercise of their rights, and thus injure the community, and occasion great dissatisfaction."

In the debates in the Pennsylvania convention, Wilson said (id., vol. 2, p. 482):

"It is repeated again and again by the honorable gentleman, 'that the power over elections which is given to the General Government in this system is a dangerous power. * * * The times, places, and manner of holding elections for Representatives may be altered by Congress.' This power, sir, has been shown to be necessary, not only on some particular occasions, but even to the very existence of the Federal Government. I have heard some very improbable suspicions, indeed, suggested with regard to the manner in which it will be exercised. Let us suppose it may be improperly exercised, is it not more likely so to be by the particular States than by the Government of the United States? Because the General Government will be more studious of the good of the whole than a particular State will be; and, therefore, when the power of regulating the time, place or manner of holding elections is exercised by the Congress, it will be to correct the improper regulations of a particular State."

And in the debates in the South Carolina convention, Pinkney said (id. at 303):

"It is absolutely necessary that Congress should have this superintending power, lest by the intrigues of a ruling faction in a State the Members of the House of Representatives should not really represent the people of the State, and lest the same faction, through partial State views, should altogether refuse to send Representatives of the people to the General Government."

In the light of these debates at the National and State Conventions, it is fairly clear that sections 2 and 4 of article I, read together, are concerned with realities of the situation, not with mere form. These debates show that the Founding Fathers intended to secure not the shadow but the substance of the right of the people to choose Federal officers, and that they did not want to leave unprotected at the outset the very machinery by which the constitutional right to choose Federal officers could subsequently be exercised. Of what practical use would this important constitutional right be if a citizen could be barred at the threshold by subtle and sophisticated manipulation in order to disqualify him?

Little in the history of the Constitution prior to its adoption lends support to such an artificial, harsh, and undemocratic result. The most serious disagreement in the Constitutional Convention hinged over whether the people or the State legislatures should elect the Members of the House of Representatives. The conflict was resolved by specifically providing in article I, section 2 that Members of the House shall be "chosen by the people." The power of selection was not given to the State legislatures because of the fear that they might devise types of elections which would defeat the end of representative government, i.e., election by the people. Thus, when on June 21, 1787, General Pinckney moved "that the first branch [the House of Representatives], instead of being elected by the people, should be elected in such manner as the legislature of each State should direct" (Prescott, "Drafting the Federal Constitution" (1941), 208 et. seq.), his resolution was vigorously attacked, and ultimately defeated. According to Mr. Madison's note (id. at 208–209):

"Hamilton considered the motion as intended manifestly to transfer the election from the people to the State legislatures, which would essentially vitiate the plan. It would increase the State influence which could not be too watchfully guarded against.

"Wilson considered the election of the first branch by the people, not only as the cornerstone, but as the foundation of the fabric * * *. The difference was particularly worthy of notice in this respect, that the legislatures are actuated not merely by the sentiment of the people, but have an official sentiment opposed to that of the General Government, and perhaps to that of the people themselves.

"King enlarged on the same distinction. He supposed the legislatures would constantly choose men subservient to their own views, as contrasted to the general interest, and that they might even devise modes of election that would be subversive of the end in view. He remarked several instances in which the views of a State might be at variance with those of the General Government."

If the authority to determine the method of electing Representatives to Congress was denied to the State legislatures because of the fear that they "might * * * devise modes of election that would be subversive of the end in view," the framers could hardly have contemplated that Congress should sit powerless while States subvert "the end in view" by devices susceptible of abuse and actually used to disfranchise qualified citizens. Such a construction of the Constitution would be wholly inconsistent with its spirit.

It is significant, moreover, that in seven State conventions on the ratification of the Constitution, resolutions were adopted which embodied objections to article I, section 4, and proposed that it should not be invoked except where the legislatures of the States refused or neglected to perform their duties as required by the Constitution. "Documents, Formation of the Union of the American States" (1927): 1018–1019 (Massachusetts); 1023 (South Carolina); 1025 (New Hampshire); 1033 (Virginia); 1039–1040 (New York); 1056–1057 (Rhode Island); 1050 (North Carolina). Despite these objections and proposed changes in language, article I, section 4 was not revised when the Constitution was ratified, and, although the First Congress recommended 12 amendments to the Constitution, none of these related to article I, section 4. Indeed, the First Congress specifically considered and rejected an amendment which would have restricted the congressional power over elections. I "The Debates and Proceedings in the Congress of the United States" 797–800 (1834).

The attemped changes in article I, section 4 demonstrate common recognition that under article I, section 4, the power of Congress was sweeping, and reinforce the conclusion that the Founding Fathers intended the power of Congress under article I, section 4 to apply not merely to the mechanical aspects of elections for national officers, but also to the substance of such elections.

(2) Judicial Construction

The courts have also recognized that article I, section 4 is concerned with substance as well as with form. As the court said in *United States* v. *Munford*, 16 Fed. 223, 228 (C.C.E.D. Va., 1883):

"There is little regarding an election that is not included in the terms, time, place, and manner of holding it."

In *Smiley* v. *Holm*, 285 U.S. 355, 366 (1932), the Supreme Court spoke of article I, section 4 in equally broad terms:

"It cannot be doubted that these comprehensive words embrace authority to provide a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necesary in order to enforce the fundamental right involved."

Acting under article I, section 4, Congress in the Enforcement Act of 1870 and associated measures, 16 Stat. 144 (1870); 16 Stat. 254 (1870); 17 Stat. 347–349 (1872), provided measures (mostly later repealed) extensively regulating the conduct of elections of Members of the House. False registration, bribery, voting without legal right, making false returns, interference with election officers, and the neglect by any such officer of any duty required of him by State or Federal law, were made Federal offenses. These laws also made provision for the appointment by Federal judges of persons to attend at places of registration and at elections, with authority to challenge any person proposing to register or vote, to witness the counting of votes and to identify by their signatures the registration of voters and election tally sheets. See *United States* v. *Gradwell*, 243 U.S. 476, 483 (1917). This far-reaching legislation, which "committed to Federal officers a very full participation in the process of the election of Congressmen, from the registration of voters to the final certifying of the results," ibid., was held to be a constitutional exercise of the power conferred upon Congress by article I, section 4, with respect to the election of its Members. *Ex parte Siebold*, 100 U.S. 371 (1880); *Ex parte Clarke*, 100 U.S. 399 (1880); *United States* v. *Gale*, 109 U.S. 65 (1883).

In *Ex parte Siebold, supra*, the Court, in sustaining indictments of officers of election for stuffing ballot boxes, relied upon the power of Congress under article I, section 4. The Court said (100 U.S. at 388):

"It is the duty of the States to elect Representatives to Congress. The due and fair election of these Representatives is of vital importance to the United States. The Government of the United States is no less concerned in the transaction than the State government is. It certainly is not bound to stand by as a passive spectator, when duties are violated and outrageous frauds are committed. It is directly interested in the faithful performance, by the officers of election, of their respective duties. Those duties are owed as well to the United States as to the State."

S. 2750 would constitute a permissible regulation of the "manner" of holding elections for Federal officials in two respects. First, it would alter the method of testing whether a prospective voter possesses the particular educational or similar qualification set by the State. Instead, it would substitute an objective and easily ascertainable requirement—completion of six grades of formal education. Second, it would eliminate the racially discriminatory fashion in which existing tests have been administered. In these ways Congress would insure that "the manner" of holding elections for its members is not improper.

Improper conduct of election officials, as ex parte Siebold states, is an end within the reach of Congress under article I, section 4. As Chief Justice Marshall wrote in *McCulloch* v. *Maryland*, 321 U.S. 316, 421 (1820):

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."

Although the validity of S. 2750 does not depend upon it, the Supreme Court has recognized that even the qualifications which the States may set for voting in elections for Members of Congress are subject to restrictions which Congress may impose under its article I, section 4 power. This was suggested as early as 1875, when, in holding that denial of suffrage to women did not contravene the privileges and immunities clause of the 14th amendment, the Court said (*Minor* v. *Happersett*, 21 Wall. 162 (1875)):

"It is not necessary to inquire whether this power of supervision [over congressional elections] thus given to Congress is sufficient to authorize any interference with the State laws prescribing the qualifications of voters, for no such interference has ever been attempted. The power of the State in this particular is certainly supreme until Congress acts."

In 1941, the Supreme Court went further to declare that under article I, section 4, as supplemented by article I, section 8, clause 18 (the "necessary and proper" clause) Congress may limit the States in the imposition of qualifications themselves. In *United States* v. *Classic*, 313 U.S. 299, 315 (1941), the Court, speaking through Justice Stone, declared:

"While, in a loose sense, the right to vote for Representatives in Congress is sometimes spoken of as a right derived from the States, see *Minor* v. *Happersett*, 21 Wall. 162, 170; *United States* v. *Reese*, 92 U.S. 214, 217–218; *McPherson* v. *Blacker*, 146 U.S. 1, 38–39; *Breedlove* v. *Suttles*, 302 U.S. 277, 283, this statement is true only in the sense that the States are authorized by the Constitution, to legislate on the subject as provided by section 2 of article I, to the extent that Congress has not restricted State action by the exercise of its powers to regulate elections under section 4 and its more general power under article I, section 8, clause 18 of the Constitution 'to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.'"

The above language of the Court in the *Classic* case was cited with approval in *Lassiter* v. *Northampton Election Board*, 360 U.S. 45 (1959). Although holding that a North Carolina literacy test did not violate the 14th and 17th amendments, the Supreme Court was careful to note that it was not suggesting that the Congress had no power to set limits on the imposition of qualifications. Citing the passage from the *Classic* case quoted above, the Court said (360 U.S. at 51):

"So while the right of suffrage is established and guaranteed by the Constitution (*Ex parte Yarbrough*, 110 U.S. 651, 663–665; *Smith* v. *Allwright*, 321 U.S. 649, 661–662) it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed. See *United States* v. *Classic*, 313 U.S. 299, 315."

The issue in the Lassiter case was the validity of State literacy tests. The Court in the quoted sentence was referring to literacy (as well as other qualifications) in speaking of the State "standards" which would be invalid and ineffective where they conflict with restrictions imposed by Congress "acting pursuant to its constitutional powers." The only constitutional power discussed on the page of the Classic opinion cited by the Court in Lassiter was the power of Congress under article I, section 4, and article I, section 8, clause 18. It is a necessary inference that the Court in Lassiter was reaffirming congressional power to restrict State standards or qualifications for voting for Federal officials. If the congressional power under article I extends this far, there can be no doubt that it permits Congress to set limits upon the manner in which particular qualifications are determined.

D. The implied power of Congress to protect the purity of the Federal ballot

It is settled that Congress possesses powers which, though not specifically enumerated in the Constitution, are implied because they are "necessary and proper" (art. I, sec. 8, clause 18) to carry out the powers expressly delegated by the Constitution to Congress. For example, the Federal criminal power is largely an implied power. *United States* v. *Fox*, 95 U.S. 670, 672 (1878); *United States* v. *Hall*, 98 U.S. 343, 357 (1879); *United States* v. *Metzdorf*, 252 Fed. 933, 935–36 (D. Mont. 1918). See *Ex parte Yarbrough*, 110 U.S. 651, 658–59 (1884). So, too, are the powers to protect the Government from armed rebellion, *Dennis* v. *United States*, 341 U.S. 494, 501 (1951); *Barenblatt* v. *United States*, 360 U.S. 109, 127–128 (1959); and to regulate lobbying for Federal legislation and financial contributions to candidates for Federal office. *United States* v. *Harriss*, 347 U.S. 612 (1954); *Burroughs and Cannon* v. *United States*, 290 U.S. 534, 545 (1934).

As the Burroughs case illustrates, the implied powers of Congress extend to measures to insure the purity of the Federal ballot. The Burroughs decision sustained the validity of the Federal Corrupt Practices Act, which required political committees to keep detailed accounts of contributions and to file statements thereof with the Clerk of the House of Representatives. The term "political committee" was defined as including any organization which accepted contributions for the purpose of influencing or attempting to influence the election of presidential or vice-presidential electors in two or more States. The defendants, charged with criminal violation of this act, contended that the power of appointment of presidential electors and the manner of their appointment are expressly committed by article II, section 1 of the Constitution to the States, and that congressional authority was limited by that section to prescribing "the time of choosing the electors, and the day on which they shall give their votes * * *." Rejecting this contention, the Court declared (290 U.S. at 545):

"While presidential electors are not officers or agents of the Federal Government (*In re Green*, 134 U.S. 377, 379), they exercise Federal functions under, and discharge duties in virtue of authority conferred by, the Constitution of the United States. The President is vested with the Executive power of the Nation. The importance of his election and the vital character of its relationship to and effect upon the welfare and safety of the whole people cannot be too strongly stated. To say that Congress is without power to pass appropriate legislation to safeguard such an election from the improper use of money to influence the result is to deny to the Nation in a vital particular the power of self-protection. Congress, undoubtedly, possesses that power, as it possesses every other power essential to preserve the departments and institutions of the General Government from impairment or destruction whether threatened by force or by corruption."

In Burroughs the Court relied heavily upon the leading case of *Ex parte Yarbrough,* 110 U.S. 651 (1884). The decision in that case established that the right of qualified voters to vote in congressional elections is derived from the Constitution of the United States and that in the exercise of its implied power to secure the integrity of such elections Congress may legislate to bar the intimidation of voters in those elections. Addressing itself to the argument that "[b]ecause there is no express power to provide for preventing violence exercised on the voter as a means of controlling his vote, no such law can be enacted," the Court said (110 U.S. at 658).

"It [the argument] destroys at one blow, in construing the Constitution of the United States, the doctrine universally applied to all instruments of writing, that what is implied is as much a part of the instrument as what is expressed. This principle, in its application to the Constitution of the United States, more than to almost any other writing, is a necessity, by reason of the inherent inability to put into words all derivative powers—a difficulty which the instrument itself recognizes by conferring on Congress the authority to pass all laws necessary and proper to carry into execution the powers expressly granted and all other powers vested in the Government or any branch of it by the Constitution, article I, section 8, clause 18."

There is an obvious similarity between corruption of the Federal electoral process by the use of money and corruption of the same process by devices susceptible of being used and actually used to disenfranchise voters because of race. If anything, the latter is more subject to congressional control for a number of reasons: (1) it is directed toward a special class; (2) it is inconsistent with constitutional principles given express recognition in the 14th and 15th amendments; and (3) it is perpetrated by the State, or by State officials sworn to uphold the Constitution, rather than by private persons. As the Court of Appeals for the Fifth Circuit said in *United States* v. *Wood,* 295 F. 2d 772 (C.A. 5, 1961):

"The foundation of our form of government is the consent of the governed. Whenever any person interferes with the right of any other person to vote or to vote as he may choose, he acts like a political termite to destroy a part of that foundation. * * * Eradication of political termites, or at least checking their activities, is necessary to prevent irreparable damage to our Government."

E. The relationship between the powers granted to Congress and other powers reserved to the States

It has been suggested that, whatever powers to correct voting abuses Congress might possess, the exercise of these powers by S. 2750 would clash with other constitutional provisions: Article I, section 2 and the 17th amendment (which provide that the qualifications for voting in congressional elections shall be the same as those requisite for voting in elections for the most numerous branch of the State legislature); and article II, section 1 (which deals with the method of appointment of presidential electors). These provisions, however, are not inconsistent with the proposed legislation. Moreover, it is obvious that any exercise of State power based on these provisions cannot override the limitations imposed by the 14th and 15th amendments.

1. S. 2750 would not prescribe qualifications for voting in Federal elections and would not interfere with the imposition of qualifications by the States.

It would leave the substantive State-imposed qualification (e.g., literacy) untouched and merely prescribe an objective method of ascertaining whether an applicant possesses that qualification. The power to establish the manner of ascertaining this derives from the express language of article I, section 4 of the Constitution, and as such forms no part of the "qualifications" for voting, as that term is used in article I, section 2 and in the 17th amendment.

At the time of the adoption of the Constitution, the qualifications which the States required were the possession of such qualities or status as were thought to render probable a responsible exercise of the franchise. See *Minor* v. *Happersett,* 21 Wall. 162, 172–3 (1875) for a list of the qualifications then imposed by each State. There is no reason for believing that the means of proving the qualifications were regarded by the framers as an inseparable part of the qualifications themselves.

In short, article I, section 2 and the 17th amendment permit the States to prescribe qualifications for elections to congressional office—they do not vest in them the power to override a congressional judgment concerning the manner in which qualifications are to be tested. S. 2750 deals with the manner of testing qualifications—not with the qualifications themselves. Thus, it is clear that article I, section 2 and the 17th amendment do not conflict with the congressional exercise of power embodied in the instant bill.

2. Nor is there any conflict between the bill and article II, section 1, which deals with the appointment of presidential electors.

Congress has the power to protect the presidential election process from any corrupt influence, and it has exercised this power on a number of occasions. See, e.g., 42 U.S.C. 1985(c); 42 U.S.C. 1971(b); 18 U.S.C. 610. The courts have sustained this exercise as applied to the regulation of campaign contributions in presidential elections (*Burroughs & Cannon* v. *United States,* 290 U.S. 534 (1934) and to the protection from intimidation of Negroes who seek to vote in such elections (compare *Burroughs and Cannon, supra,* at 545–546 with *Ex parte Yarbrough,* 110 U.S. 651 (1884)). Upon the same basis, Congress may also adopt measures effectively to control racial or other discrimination in the administration of literacy or similar performance tests where such discrimination corrupts elections for the Presidency of the United States.

3. The 14th and 15th amendments prohibit arbitrary State action, denial of equal protection, and racial discrimination in the voting process, irrespective of whether these practices occur in connection with qualifications for voting or with the manner in which qualifications are tested. It is no defense to an action alleging violation of the 14th or the 15th amendment that the activity involved is otherwise within the jurisdiction of the State. Cf. *Gomillion* v. *Lightfoot,* 364 U.S. 339 (1960) (power of States to control their own municipalities overcome by the 15th amendment). Thus, appropriate congressional action under the amendments would be valid with respect to all elections, Federal and State, notwithstanding article I, section 4, article II, section 1, or the 10th amendment. And, as we have shown, supra, this proposed legislation constitutes an appropriate enforcement of the 14th and 15th amendments.

THE BILL AS IT AFFECTS CITIZENS WHO HAVE COMPLETED THE SIXTH GRADE IN A SCHOOL IN PUERTO RICO IN WHICH SPANISH IS THE LANGUAGE OF INSTRUCTION

There are also several independent sources of congressional power to support the bill as it affects citizens of the United States who have completed six grades of education in Puerto Rico.

In considering these powers it is important to understand the status of Puerto Ricans in relation to the United States and the development of that status. When Puerto Rico was acquired by the United States, Puerto Ricans lost the protection of the Government of Spain. As stated in *Balzac* v. *Porto Rico,* 258 U.S. 298, 308 (1922) "[t]hey had a right to expect, in passing under the domination of the United States a status entitling them to the protection of their new sovereign." Under the Treaty of Paris between the United States and Spain of 1899 (30 Stat. 1899), it was provided that "the civil rights and political status of the native inhabitants of [Puerto Rico] shall be determined by the Congress." In the Jones Act of 1917 Congress conferred U.S. citizenship on Puerto Ricans. In giving to Puerto Ricans the status of citizens of the United States, Congress was motivated "by the desire to put them as individuals on an exact equality with citizens from the American homeland, to secure them more certain protection against the world, and to give them an opportunity should they desire to move into the United States proper and there without naturalization to enjoy all political and other rights." *Balzac* v. *Porto Rico, supra,* at 308. The Jones Act "enables them to move into the continental United States and becoming residents of any State there to enjoy every right of any other citizen of the United States, civil, social, and political." Ibid. "A citizen of the Philippines must be naturalized before he can settle and vote in this country * * *. Not so the Puerto Rican under the Organic Act of 1917." Ibid.

At the present time Puerto Rico occupies what is designated as a "Commonwealth" status. It has a special and unique relationship to the United States. See Public Law 600, 64 Stat. 319 (1950); *Constitution of Puerto Rico,* 48 U.S.C. 713(d); 66 Stat. 327 (1952); Magruder, *The Commonwealth Status of Puerto Rico,* 15 U. Pitt. L. Rev. 1 (1953). This relationship is in the nature of a "union [of Puerto Rico] with the United States of America," *Const. of P.R., Preamble,* 48 U.S.C. 731(d). The Puerto Rican constitution recognizes the "coexistence in Puerto Rico of the two great cultures of the American Hemisphere * * *," ibid. It further declares that "We consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective enjoyment of its rights and privileges." Congress approved the Puerto Rican constitution by a joint resolution of July 3, 1952, 66 Stat. 327 (1952).

With this background in mind, there are a number of powers vested in Congress that support the Puerto Rican provision of the bill: (1) the express power of Congress provided by article IV, section 3, clause 2, of the Constitution to "make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States," (2) the implied power of Congress to regulate the activities of persons entitled to the special protection of the Government (cf. *United States* v. *Nice,* 241 U.S. 591, (1916) (American Indians); *United States* v. *Holliday,* 3 Wall. 407, 416 (1886) (same); *United States* v. *Kagama,* 118 U.S. 375 (1886) (same); and (3) the Treaty of Paris, 30 Stat. 1754 (1899) which provides that "the civil rights and political status of the native inhabitants of Puerto Rico shall be determined by the Congress." Compare *Missouri* v. *Holland,* 252 U.S. 416 (1920) (reserved power) with *Reid* v. *Covert,* 354 U.S. 1 (1957) (express prohibition)).

In considering the extent of these powers as they relate to the instant bill, it is clear that whatever may ultimately be the status of Puerto Rico, they are to be construed in a manner that would enable Congress to encourage the close association of Puerto Rico with this Nation as contemplated in the constitution of Puerto Rico.

Moreover, as the decisions cited above show, the courts have recognized a far-reaching power in Congress to grant privileges to and to protect citizens who occupy a special dependent status with respect to the Federal Government, and have sustained the extension of this power to areas within the several States. The courts have also upheld the power of Congress to give U.S. citizenship status to citizens of Puerto Rico. S. 2750 would make more effective this grant of citizenship by precluding the denial of the franchise to a person of Puerto Rican origin merely because, even though he is literate, the language in which he was educated—under the auspices of the United States—is Spanish rather than English. Congress has the relatively vast power to confer citizenship upon Puerto Ricans. It must also have the power to accomplish the far more limited aim embodied in the bill. This is especially so since the bill deals only with elections to Federal office—a matter in which both the United States and those affected by this bill have an obviously close interest.

In addition to these several special sources of congressional power, the bill as applied to persons educated in Puerto Rico rests also upon the constitutional provisions discussed in part I of this memorandum. Article I, section 4 confers power to regulate the manner of testing State-imposed qualifications in congressional elections. Congress, as indicated, has the duty of assuring to every State a republican form of government and to legislate concerning arbitrary discrimination. The declaration of the Congress that denial of the franchise to Spanish-educated Puerto Ricans is arbitrary within the meaning of the due process clause of the 14th amendment, would, of course, be accorded considerable weight by the courts. See part I above. And the relationships of all these powers to article I, section 2, the 17th amendment and article II, section 1 is the same as that of the powers discussed in part I respecting English-speaking citizens.

The bill is valid in its several applications.

U.S. COMMISSION ON CIVIL RIGHTS STAFF MEMORANDUM, MARCH 1962

CONSTITUTIONALITY OF LEGISLATION ON THE SUBJECT OF LITERACY AS A REQUIREMENT FOR VOTING

In its 1962 report on voting the Commission on Civil Rights unanimously recommended legislation to provide "that Congress enact legislation providing that in all elections in which, under State law, a literacy test, an understanding or interpretation test, or an educational test is administered to determine the qualifications of electors, it shall be sufficient for qualification that the elector have completed at least six grades of formal education."

Legislation related to the Commission's recommendation is now before the Congress. There is ample support in the Constitution for legislation to correct the kinds of abuses to which literacy requirements for voting have been put. For the sake of convenience, relevant constitutional issues are discussed with reference to S. 2750, the Mansfield-Dirksen bill.

A. Substance of the bill

Section 2 of the bill defines a "deprivation of the right to vote" to include "(1) the application to any person of standards or procedures more stringent than are applied to others similarly situated and (2) the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination, whether for literacy or otherwise, if such other person has not been adjudged incompetent and has completed the sixth primary grade of any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico."

In a sense, the proposal does not establish qualifications of electors; it merely treats as a deprivation of the right to vote in Federal elections the refusal to qualify any person on the basis of any test, provided he has completed the sixth grade. Narrowly viewed, the provision tells the States that a sixth-grade education qualifies an elector of Federal officers regardless of "any examination, whether for literacy or otherwise," which may be imposed by the States voter qualification laws.[1]

B. The power of the States to provide for the qualification of electors for Representatives and Senators

1. Article I, section 2, of the Constitution provides:

"The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

2. The 17th amendment makes similar provision for the qualification of electors for Senators.

3. Also pertinent is the 10th amendment providing that powers not delegated to the United States by the States are reserved to the States or to the people.

A series of cases illustrates the extent of the power of the States to provide for the qualification of electors. In *Minor* v. *Happersett,* 88 U.S. (21 Wall.) 162 (1874), the Court upheld a provision of the Missouri constitution limiting the suffrage to males. The power of a State to impose a literacy test requiring the prospective voter to read or interpret any section of the Constitution was upheld in *Williams* v. *Mississippi,* 170 U.S. 213 (1898). Similarly, the Court validated a provision of the Maryland constitution which required new residents to declare their intention to be a citizen before registering to vote, *Pope* v. *Williams,* 193 U.S. 621 (1904). The Court approved the constitutionality of the poll tax as a prerequisite to registering to vote, *Breedlove* v. *Suttles,* 302 U.S. 277 (1937). In a recent case the Court upheld the literacy test imposed by the State of North Carolina, *Lassiter* v. *Northampton County Bd. of Elections,* 360 U.S. 45 (1959).

Article I, section 2 is not, however, authority for the States to enact voter qualifications for State electors—that right existed prior to and independent of the Constitution. In a sense, article I, section 2, is not a grant of power to the States at all, for the Constitution, particularly article I, concerns the delegation of powers from the States and the people to the Federal Government. Nor does article I, section 2, grant a power to the States in any degree superior to or different from powers reserved to the States by the 10th amendment. This is clear from the Supreme Court's characterization of article I, section 2, and from its description by persons who attended the Constitutional Convention.

The Court considered article I, section 2, in *ex parte Yarbrough,* 110 U.S. 651 (1884), where the power of Congress to enact laws to protect the right to vote in Federal elections was in issue:

"The States, in prescribing the qualifications of voters for the most numerous branch of their own legislatures, do not do this with reference to the election for Members of Congress. Nor can they prescribe the qualification for voters for those eo nomine. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State." *Ex parte Yarbrough, supra,* 663.

Turning to the 15th amendment to illustrate the nature of article I, section 2, the Court stated:

"The 15th amendment of the Constitution, by its limitation on the power of the States in the exercise of their right to prescribe the qualifications of voters in their own elections, and by its limitation of the power of the United States over that subject, clearly shows that the right of suffrage was considered to be of supreme importance to the National Government, and was not intended to be left within the exclusive control of the States." Supra, 664.

Referring again to the right of the States under article I, section 2, the Court in *Lassiter* v. *Northampton County Board of Elections,* 360 U.S. 45, 51 (1959), pointed out:

"While the right of suffrage is established and guaranteed by the Constitution [citations omitted] it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress acting pursuant to its constitutional powers, has imposed."

James Madison explained:

"The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the convention, therefore, to define and establish this right in this Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone." "The Federalist Papers," Mentor Ed., pp. 325–326.

Viewed from the standpoint of the Federal Government, article I, section 2, serves to identify the class of persons who shall elect Federal officers; it incorporates by reference those qualified under the laws of the States. Viewed from the standpoint of the States, article I, section 2 is a limitation on the power of the Federal Government to create a different electorate from that created by the States. Properly speaking, then, article I, section 2 does not concern a grant of power either to the Federal Government or to the States. The only power involved is the power of the Federal Government to protect its elections. This power of protection is implied from the existence of Federal elections, the subject of article I, section 2. The same considerations apply to the identical language in the 17th amendment. In this connection the Court has said:

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[1] The following States provide for literacy as a qualification for voting: Alabama, Alaska, Arizona, California, Connecticut, Delaware, Georgia, Hawaii, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, New York, Oregon, North Carolina, South Carolina, Virginia, Washington, and Wyoming.

"If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends, from violence and corruption." *Ex Parte Yarbrough,* 110 U.S. 651, 658 (1884).

See also, *Wiley* v. *Sinkler,* 179 U.S. 58 (1908); *Swafford* v. *Templeton,* 185 U.S. 487 (1902); *United States* v. *Classic,* 313, U.S. 299 (1941). The power to protect the right thus secured is not limited to State action but extends to the acts of private individuals.

Yarbrough concerned private persons who intimidated a Negro from voting at an election for a Member of Congress. The criminal statute's application to private persons was therefore beyond the scope of the 14th and 15th amendments, which reach only State action. The power of Congress to protect Federal elections, even from racial discrimination, exists under article I, section 2, and appears to be independent of authority to do so under the amendments.

C. Constitutional limitations on the power of States to prescribe voter qualifications

The Constitution contains other important limitations on the power of the States to enact voter qualification laws. These take the form of powers granted to the Federal Government and limitations imposed upon the States.

1. Article I, section 2, has been dealt with above.

2. Article I, section 4, provides:

"The Times, Places, and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators."

The Constitution distinguishes between "qualifications" mentioned in article I, section 2, and the "times, places, and manner of holding elections" referred to in article I, section 4. No case has settled the issue of whether there may not be some qualifications which might also be subject to regulation by the Federal Government as affecting the times, places, and manner of holding elections.

3. The 14th amendment is a further limitation upon the States, and section 5 gives the Congress the power to enact legislation appropriate for its enforcement.

4. The 15th amendment is a limitation upon the United States and the States. It provides:

"SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—"

Section 2 empowers Congress to enforce its provisions by appropriate legislation.

5. The 19th amendment imposes a further limitation upon both the Federal and State governments:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

Section 2 empowers Congress to enforce its provisions with appropriate legislation.

6. Two other provisions of the Constitution are relevant, the supremacy clause, article VI, clause 2, providing that the Constitution and laws shall be "the supreme Law of the Land," and the necessary and proper clause, article I, section 8, clause 18, empowering Congress "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, * * *."

D. The bill's findings and references to constitutional powers

Section 1 of the bill lays a factual and legal predicate for the proposition that what follows in section 2 of the bill is designed as appropriate legislation. The most important of these facts are the following according to their designations in the text of the bill:

Section 1(c): "Congress further finds that many persons have been subjected to arbitrary and unreasonable voting restrictions on account of their race or color; that literacy tests and other performance examinations have been used extensively to effect arbitrary and unreasonable denials of the right to vote; and that existing statutes are inadequate to assure that all qualified persons shall enjoy the right to vote."

Section 1(d): "Congress further finds that education in the United States is such that persons who have completed six primary grades in public school or accredited private school cannot reasonably be denied the franchise on grounds of illiteracy or lack of sufficient education or intelligence to exercise the prerogatives of citizenship."

Section 1(e): "Congress further finds that large numbers of American citizens who are also citizens of the several States are deprived of the right to vote by virtue of their birth and education in a part of the United States in which the Spanish language is commonly used; that these citizens are well qualified to exercise the franchise; that such information as is necessary for the intelligent exercise of the franchise is available through Spanish-language news sources; that lack of proficiency in the English language provides no reasonable basis for excluding these citizens from participating in the democratic process."

Section 1(f) invokes article I, section 4, of the Constitution, section 2 of the 15th amendment, and the "power to protect the integrity of the Federal electoral process."

It is not clear how any provision of the bill fairly relates to regulation of the times, places, and manner of holding elections authorized by article I, section 4. However, as will be pointed out below, it is arguable that clause (1), section 2, of the bill relates to the manner of holding elections. *United States* v. *Classic,* 313 U.S. 299 (1941). The power of Congress to enact legislation to protect Federal elections, article I, section 2, and the powers to enact laws appropriate to the enforcement of the 14th and 15th amendments are clearly relevant, however.

Article I, section 2, has already been referred to. The scope of the 15th amendment is indicated by cases involving State as well as national legislation. In the cases of *Guinn* v. *United States,* 238 U.S. 347 (1915), and *Lane* v. *Wilson,* 307 U.S. 268 (1939), the Court struck down Oklahoma grandfather clauses. Referring to the scope of the 15th amendment the Court stated in the *Lane* case:

"The reach of the 15th amendment against contrivances by a State to thwart equality in the enjoyment of the right to vote by citizens of the United States regardless of race or color, has been amply expounded by prior decisions [citations omitted]. The amendment nullifies sophisticated as well as simple-minded modes of discrimination. It hits onerous procedural requirements which effectively handicap exercise of the franchise by the colored race although the abstract right to vote may remain unrestricted as to race." *Lane* v. *Wilson, supra,* 275.

The Court upheld the Civil Rights Act of 1957 as appropriate legislation for carrying out the purpose of the 15th amendment, *Hannah* v. *Larche,* 363 U.S. 420 (1960). In still another recent case the Court interposed the 15th amendment between citizens and the power of the State to draw political boundaries under circumstances indicating a purpose to disfranchise voters on the ground of race or color, *Gomillion* v. *Lightfoot,* 364 U.S. 339 (1960). In *Davis* v. *Schnell,* 336 U.S. 933, affirming 81 F. Supp. 872, the Court overturned a provision of State law requiring a citizen to understand and explain any article of the Constitution. The Court found that the purpose of the law was to discriminate and that the administration of the law was in fact discriminatory and therefore within the effective range of the 15th amendment.

E. The necessary and proper clause

It is reasonable to conclude that the States right to prescribe voter qualifications cannot be exercised in any area defined by the limitations of the 14th and 15th amendments. Difficulty arises from the fact that in many of the States whose voter qualification laws will be affected by the bill, there has been no discrimination. The power of Congress to enact legislation pursuant to a granted power regardless of the fact that such legislation affects objects and persons outside the scope of direct Federal control supports the power of Congress to strike at discrimination despite its effect upon nondiscriminatory State laws.

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional." *McCulloch* v. *Maryland,* 17 U.S. (4 Wheat.), 316, 421 (1819).

In the case of *United States* v. *Darby,* 312 U.S. 100 (1941), the Court upheld the Fair Labor Standards Act and in so doing approved the control of a purely intrastate activity, manufacturing, as a necessary and proper regulation of interstate commerce.

In *Guss* v. *Utah Labor Relations Board,* 353 U.S. 1 (1957), the Court approved the displacement of all similar labor measures affecting interstate commerce despite the fact that the NLRB declined to exercise its jurisdiction. In *First Iowa Hydro-Electric Cooperative* v. *Federal Power Commission,* 328 U.S. 152 (1946), the Court upheld provisions of the Federal Power Act authorizing Federal licenses to construct dams, even where the States forbade their construction. While some State dams would be harmless to the national interest, Congress found it necessary and proper to take over the control of all damming of streams, affecting interstate commerce. Likewise, the Court approved the Corrupt Practices Act, which employed the device of regulating campaign contributions.

"If it can be seen that the means adopted are really calculated to attain the end, the degree of their necessity, the extent to which they conduce to the end, the closeness of the relationship between the means adopted, and the end to be attained, are matters for congressional determination alone." *Burroughs* v. *United States,* 290 U.S. 534, 547 (1934).

See also, *Everards' Breweries* v. *Day,* 265 U.S. 545 (1924); *Westfall* v. *United States,* 274 U.S. 259 (1927); *Ruppert* v. *Caffey,* 251 U.S. 264 (1920).

F. Scope of the bill and the effect of its limitation to Federal elections

1. The Mansfield-Dirksen bill is an amendment to the Civil Rights Act of 1957. Subsection (b) of title 42, United States Code, section 1971, a part of the 1957 act, concerns threats, intimidation and coercion of persons for the purpose of interfering with their right to vote in Federal elections. Subsection (c) of the 1957 act authorizes the

Attorney General to enjoin violations of both subsection (a), which extends to State and Federal elections, and subsection (b).

Subsection (a) is based directly upon the 15th amendment; it concerns only denials of the right to vote on account of "race, color, or previous condition of servitude." The 15th amendment, and therefore subsection (a) implementing it, cover State as well as Federal elections. The limitation of subsection (b) to Federal elections indicates that it is based on article I, section 2, or on article I, section 4, both of which support the power of Congress to protect Federal elections. Subsection (b) reaches private as well as State action, which is beyond the scope of the 14th and 15th amendments. *James* v. *Bowman,* 190 U.S. 127 (1903); *United States* v. *Reese,* 92 U.S. 214 (1875).

The Mansfield-Dirksen bill amends subsection (b) rather than subsection (a). Presumably the limitation of subsection (b) to Federal elections was dictated by a desire to reach violations in the form of economic reprisals, usually committed by individuals and not by persons acting under color of State law. The limitation to Federal elections included in the Mansfield-Dirksen bill conforms to the original scope of the statute. However, there are several reasons why a limitation to Federal elections appears unnecessary, even if subsection (b) is to be amended.

(a) If it is the intent of the bill to rely upon the power of Congress to protect Federal elections (art. I, sec. 2) and to regulate the times, places, and manner of holding Federal elections (art. I, sec. 4), it is not clear why the bill expressly invokes the 14th and 15th amendments. Congress has the power under article I to secure its elections against any kind of abuse. *Ex parte Yarbrough,* 110 U.S. 651 (1884); *Ex parte Siebold,* 100 U.S. 371 (1879); *United States* v. *Classic,* 313 U.S. 299 (1941). But the factfindings and express reference in the bill to the amendments show an intention to invoke them. The fact that subsection (b) as amended by the bill will reach persons "whether acting under color of law or otherwise" does not mean that Congress is confined to its article I powers. Subsection (b) reaches private action in the form of economic reprisals. *United States* v. *Beaty,* 288 F. (2d) 653 (6th cir., 1961). As amended by the bill, it will still reach private action. In addition it will reach State registration officials. The fact that the law as amended will reach both private and State action does not mean that the law is not based upon the amendments or that it does not observe their limitation to State action. It only raises the question of what powers Congress has acted upon.

It is clear that the bill is based not only upon the article I powers but also upon the amendments. The 15th amendment supports clause (2), section 2, of the bill, which strikes at discriminatory use of literacy and other tests, while the 14th amendment supports clause (1), section 2, of the bill, which guarantees equal protection in the matter of administering standards and procedures. The power of Congress to act is in each particular clearly supported by the Constitution. The fact that different parts of the bill are based upon different powers under the Constitution does not, of course, limit the powers, unless there is some basis for assuming that power to do one thing will be used to accomplish another.

The bill's limitation to Federal elections is therefore not because the bill aims at private persons rather than persons acting under color of law. The limitation is not dictated by the amendments. The same powers in the Constitution support appropriate legislation to cover State as well as Federal elections.

(b) Once the legal distinction between these different powers is understood, there is no reason to assume that the Court will find that Congress has acted beyond the scope of one power rather than within the admitted range of the other.

(c) No case can be imagined which would involve deprivation of the right to vote by reason of a literacy test which did not also involve the necessary State action.

The Court has consistently found that voting is so integrally a Government function that the concept of State action is broad enough to include private persons not acting directly for the State. *Nixon* v. *Condon,* 286 U.S. 273 (1923), State executive committee of a political party; *Smith* v. *Allwright,* 321 U.S. 649 (1944), a State party convention; *United States* v. *Classic,* 313 U.S. 229 (1941), a party primary; *Terry* v. *Adams,* 345 U.S. 461 (1953), a preprimary convention; and most recently *United States* v. *McElveen,* 177 F. Supp. 355 (E.D. LS. 1959), affirmed sub nomine, *United States* v. *Thomas,* 362 U.S. 58 (1960), a citizens council.

(d) Finally, the Court has shown impatience with arguments based on this limitation of the Civil War amendments. The defendant registrars of voters in the recent case of *United States* v. *Raines,* 362 U.S. 17 (1960), had argued that the Civil Rights Act of 1957 was unconstitutional for the reason that subsection (b) of the act reached private action. Even though they were sued under subsection (a) of the act, they maintained that they could raise the issue of the scope of the law. To this the Court responded:

"In the exercise of that jurisdiction, it [the Court] is bound by two rules, to which it has rigidly adhered: One, never to anticipate a question of constitutional law in advance of the necessity of deciding it; the other, never to formulate a rule of constitutional law broader than is required by the precise facts to which it is to be applied." *United States* v. *Raines,* supra, 21.

2. Clause (1), section 2, of the bill, quoted above, broadens the basis upon which the Attorney General may proceed in voting cases. The bulk of litigation pursuant to the Civil Rights Act of 1957 and 1960 involves discriminatory registration procedures. These suits are based upon the power of the Attorney General to file a civil suit to enjoin violations of subsection (a) and (b) of title 42, United States Code, section 1971. One of the difficulties with subsection (a) is that it imposes the burden of proving that the acts or practices complained of are based on race or color. Clause (1), section 2, of the bill will permit the Attorney General to enjoin the use of different standards for Negroes and white persons without the necessity of proving that the use of such standards is motivated by race.

The use of different standards or procedures is not a voter qualification in the sense of article I, section 2, and therefore legislation to curb this kind of abuse is not in any sense controlled by the States. Discriminatory administration of voter qualification laws is within effective range of article I, section 2, as well as article I, section 4, *Ex parte Siebold,* 100 U.S. 371 (1870).

Direct support for clause (1), section 2, of the bill, however, flows from the equal protection clause of the 14th amendment under which Congress has the power to enact appropriate legislation. The equal protection clause has been the basis for judicial action to curb discriminatory administration of otherwise constitutional laws. *Yick Wo* v. *Hopkins,* 118 U.S. 256 (1886); *Davis* v. *Schnell,* 336 U.S. 933, affirming 81 F. Supp. 872 (1949).

3. Section 1(e) of the bill finds that American citizens who have been educated in a part of the United States where the Spanish language is commonly used are deprived of the right to vote by reason of their lack of proficiency in the English language and that "lack of proficiency in the English language provides no reasonable basis for excluding these citizens from participating in the democratic process."

The bill therefore provides in clause (2), section 2, that it will be a deprivation of the right to vote in Federal elections to deny any citizen the vote who has completed the sixth grade of any public school "in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico." This provision, it should be noted, does not limit the law to Spanish.

The New York Court of Appeals on November 19, 1959, upheld the lower court's ruling that a New York resident, a citizen of Puerto Rican birth, was not deprived of his right to vote by reason of the refusal of the election officials to permit him to take a voter registration literacy test in the Spanish language.

"The inspectors of election contended in the court of appeals that distinction between literacy in English and literacy in another language was reasonable and did not violate the 14th amendment, and that the requirement of literacy in English did not violate the 15th amendment because it made no distinction based on race or color. Order affirmed, without costs. All concur." *Camacho* v. *Doe*, 5 Race Rel. Law Rep. 778, 7 N.Y. 2d 762, 194 N.Y.S. 2d 33 (1959).

The bill's fact findings in regard to the Puerto Ricans avoid reference to race or color. This part of the bill therefore seems to rest upon the powers of the Congress to enact laws pursuant to article I and the 14th amendment. At issue is the power of Congress so acting to substitute its judgment for that of the States in the matter of voter qualifications. This puts the issue in an unfavorable light, but it may be so argued. The Supreme Court has stated:

"We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record [citations omitted] are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. * * * Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. * * * It was said last century in Massachusetts that a literacy test was designed to insure an independent and intelligent exercise of the right of suffrage. [Citation omitted] North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards." *Lassiter* v. *Northampton County Bd. of Elections,* 360 U.S. 51, 51–53 (1959).

However, the bill does not go so far as to outlaw literacy tests; it merely declares that a sixth-grade education in any public school, including those of Puerto Rico, is a sufficient demonstration of literacy. Under the bill it would be unreasonable and a denial of the right to vote to impose a higher standard. The bill assures all Americans, whether educated in a State or territory, the District of Columbia or the Commonwealth of Puerto Rico, of a minimum standard for voting purposes.

Since English is now required in the elementary schools in Puerto Rico, the effect of the bill on New York residents from Puerto Rico will be minimal.

Even if this part of the bill is regarded as an improper exercise of power under article I or the 14th amendment, the severability clause will save other portions of the bill.

Since Congress may clearly impose the standard of a sixth grade education as a necessary and proper means of exercising its powers under article I and the amendments, it is possible that the extension of the standard to all Americans, including those of Puerto Rico, is but a part of the means adopted and therefore without need of direct support in the Constitution.

In conclusion, it appears beyond reasonable doubt that the Constitution supports the power of Congress to act by any necessary and proper means (art. I, sec. 8, cl. 18) to secure Federal elections from any abuse, private or public, which deprives citizens of the right to vote (art. I, sec. 2); that Congress may likewise regulate the times, places, and manner of holding elections (art. I, sec. 4); that Congress may, acting pursuant to the 15th amendment, legislate against abuses which deprive citizens of the right to vote in State or Federal elections on the grounds of race, color, or previous condition of servitude; and, under the equal protection clause of the 14th amendment, secure all elections from discriminatory administration of law.

The authority of the States to prescribe the qualifications of electors must yield to the exercise of these substantial powers. Finally, against generalized claims of interference with States rights, one further provision of the Constitution, should be cited:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof * * * shall be the supreme Law of the Land * * * any Thing in the Constitution or Laws of any State to the Contrary notwithstanding" (art. VI, cl. 2).

Mr. DIRKSEN. I am deeply grateful to my distinguished friend from Mississippi.

Mr. EASTLAND. Madam President, my distinguished friend from Illinois has grieved me very much by conducting a filibuster against a vote on this matter——

Mr. DIRKSEN. Madam President, will the Senator yield?

Mr. EASTLAND. The Senator is a very distinguished Member of this body. I know that he is sincere. I know that he is honest. I know that he is conscientious. What I am going to say does not apply to my distinguished friend, but the driving power behind this bill is not to give the Negro suffrage, because all who are qualified to vote, both black and white, exercise the right of suffrage in my State, as I am sure they do in Louisiana and other Southern States. I think the driving power behind it is an appeal to the Negro vote in northern cities for political purposes.

Mr. DIRKSEN. Madam President, will the Senator yield?

Mr. EASTLAND. For a question.

Mr. DIRKSEN. Without losing his right to the floor?

Mr. EASTLAND. No.

Mr. DIRKSEN. When my friend says I am participating in a filibuster, I can only say I am always entranced by his delightful sense of humor. [Laughter.]

Mr. EASTLAND. Now, you see, Madam President. See how he takes up time. [Laughter.]

What is happening, truly—and I hope I am not letting the cat out of the bag—is a filibuster against a vote on this measure, and it is not conducted by southerners. There are too many able Senators who know the Constitution of the United States and who will uphold that Constitution, and who realize that this bill cannot be enacted into law.

Madam President, our distinguished majority leader in his opening remarks on the substitute amendment he has offered to H.R. 1361, raised certain issues that go far beyond the immediate consideration of the so-called literacy standard bill that will be applied in fixing the qualifications for voters to participate in the election of national officers. It is my position that this proposed substitute is wholly and completely unconstitutional and beyond the power of Congress to enact by simple legislation. While the proposed legislation is confined to the narrow question of contravening existing or prospective literacy qualifications that are established or might be established by the 50 States, the principle involved deeply concerns the very bottom and foundation of our republican form of constitutional Government—the basic relationship of the sovereign States to the National Government, the relationship of the Federal judicial establishment to the legislative and executive branches of the Federal Government, and the relationship of both the judicial and executive branches of our Federal Government to the States. I say with all the sincerity and force that I can command that the fundamental issue involved is whether the United States of America will survive and continue under the form of government envisioned by our forefathers and now delineated in the U.S. Constitution and the amendments thereto, or whether it will be completely transformed and perverted into an instrument of power, oppression, and tyranny.

The majority leader said in his remarks:

> I suggest again, therefore, that Members ponder the question before us as they should any other issue of significance. I suggest that they ponder it not only in the light of the Senate's capacity to prevent rash change but also in the light of the Constitution's wise provision for change. The recent constitutional history of this Nation is most pertinent in this connection. It makes clear that progress toward the equalization in practice of the ideals of human freedom on which this Nation stands will not be halted indefinitely. It makes clear that when one road to this end fails, others will unfold as, indeed, they have unfolded. If the process is ignored in legislative channels, it will not necessarily be blocked in other channels—in the executive branch and in the courts.

So said the majority leader.

First, I must say, Madam President, that I full well appreciate that different individuals can sincerely hold different ideas as to what constitutes progress toward the equalization in practice of the ideals of human freedom on which this Nation stands. If equalization of ideals means that we are going to destroy the individual, his individuality, individual initiative and the right of persons to live at the level of the local community and within the several States free from the oppressive, dictated and arbitrary powers and control of a Federal establishment, then I want no part of it. I hold with Jefferson that those who are governed best are those who are governed least, and if liberty and freedom require the subjection of an individual to the whims and dictates of a totalitarian central government, deliver me from it.

I deny that either the executive branch or the judicial branch of our Federal Government has any statutory or constitutional right or power to take the plain and simple language of the Constitution of the United States and the amendments thereto and consider the established judicial precedents that have existed for over 175 years in interpreting this document; overturn the precedents; deny the simple meaning and intent of the language itself, and embark on a course of judicial and executive tyranny with the pious disclaimer that these decisions, acts and orders are performed for the purpose of the equalization in practice of the ideals of human freedom on which this Nation stands.

The ideals of human freedom on which this Nation stands are founded upon the political position, heritage and history of those brave and courageous people who traveled an uncharted sea, settled this vast continent, and carved this great civilization out of a wilderness. They are the sources of our traditions. Their blood was shed to make possible the birth of these United States; and it was a document drafted by them in Philadelphia that constituted the charter of their liberties and set forth the details of the forms of the political institutions under which they wished to live. If we do not wish today to live under a charter of government such as they drafted, then we should abolish or change the Constitution—not pervert and distort it out of all semblance of its specific meaning and intent.

With sadness, I must agree with our distinguished majority leader that in the recent constitutional history of this Nation, the Supreme Court of the United States has infringed, invaded, and usurped the powers vested by the Constitution in the legislative branch of the Federal Government. Congress has from time to time vested in the executive branch of the Government vast power and authority to exercise prerogatives that are fundamentally in their nature legislative powers. Further, the executive branch of our Government, through the use of Executive orders, has invaded and usurped the power of the legislative branch in creating rules of law and conduct that are not to be found in any statute law of the United States and cannot be justified by any remote constitutional authority.

The Members of the Senate and our colleagues in the House of Representatives are the last bastion for the defense of constitutional government. Far from yielding to the pressures and demands of the courts and the Executive, it is our duty to resist on every side the encroachments on our power and prerogatives, and to begin here and now to restore to the people of the United States the proper balance of power between the three coordinate branches of the Federal Government, and to protect the rights of the States and of the people thereof in preserving to them all powers that were not specifically delegated to the National Establishment.

This is the challenge that is laid down, and I know of no greater service that could be performed for all the people of the United States than that we here and now begin to turn and reverse the tide and to assert that our republican form of government shall continue to operate and exist in the manner and form that it was so designed to operate and exist under the Constitution of the United States.

It is a mockery for Congress to so concern itself over any federally established right to vote, when nine men appointed for life, with no responsibility to the people in either their appointments or tenure, can arrogate unto themselves the power to dictate to the sovereign States how they shall conduct their internal affairs, even to the point of stepping in and overturning the established constitutions and laws of the States and sitting down with a slide rule and dividing people by the head in the same way that a skilled butcher could carve meat. This is not a fancy—it is a fact. Not only has the Supreme Court directed the inferior judges in the Federal judiciary to undertake the task of remaking States, but also it has advised the judiciary systems of the States themselves that it is now their bounden duty under the U.S. Constitution to put the courts and judges in the political thickets, and for these State courts and judges to get about the business of either blackjacking State legislatures to reapportion or, if the threat and intimidation fails, do it themselves.

Madam President, the great genius of our constitutional system lies in the fact that it was designed, both at the level of the National Government and the State governments, to protect the liberty, freedom, and right of the individual as against actions by a raw majority of the people. Are we to define liberty and freedom as that which 51 percent of the people want, as opposed to the wishes of 49 percent who voted on the other side? If the individual is to be given a number, and the numbers are going to be added and divided, this will be the inevitable result. No one has ever claimed that our system of government is perfect, any more than anyone has ever claimed that courts and judges render perfect justice under the law. Only the Infinite can be infallible, but by and large we have rightly claimed that we have a better form of government and a system for deciding cases and controversies that has resulted in giving a better and more equitable form of justice than results from any other device, by human ingenuity. I deny that nine platonic guardians who sit on the bench of the U.S. Supreme Court have any more infallibility or perfection than either the people or the elected representatives of this country, be they at the level of the State or within the National Establishment.

As early as 1936 a U.S. Senator, speaking on the floor of the Senate, criticizing a decision of the Supreme Court, said:

> The Supreme Court now, in effect, for all practical purposes, is a continuous Constitutional Convention.

Another Senator said:

> This means that 120 million are ruled by 5 men.

Today he can amend his statement of a quarter of a century ago and say:

> One hundred and eighty million are ruled by five men, and I am one of them.

If Ripley himself were alive today and wanted to pose one of the most incredible and incredulous "believe it or nots," this would be the one for him, because this statement was made by none other than Associate Justice Hugo L. Black of Alabama when he was a member of the U.S. Senate.

On March 26, 1962, Justice Black joined with six of his colleagues on the Supreme Court Bench to render a decision that is the culmination of the long line of cases which this Court has previously decided destroying and usurping first one power and then another unconstitutionally invading and weakening the reserved powers of the States in first one area and then another, and lending aid and comfort to the conspiracy that is dedicated to the overthrow and destruction of our system of government itself. The case of Baker, et al. against Carr is commonly known as the Tennessee apportionment case, and in this case for the first time the Supreme Court declared that the Federal judiciary had an alleged constitutional authority to invalidate State constitutions and statutes and divide the representation in State legislatures in such a manner and form as the courts might deem just and equitable in the premises.

The impact of this decision is even now reverberating throughout State after State, and inevitably the judiciary in both the State and Federal departments is being drawn into the heart of the political thicket and will become so enmeshed in partisan power politics that it is doubtful if the courts can ever be restored to the point of dignity and confidence that is required in the character of a judicial system that was envisioned by the founders of this Republic and that continued down to the change in the complexion of the U.S. Supreme Court in the late 1930's.

The words that Mr. Justice Harlan wrote in his separate dissenting opinion in the Tennessee case will be prophetic. He said:

> In conclusion, it is appropriate to say that one need not agree as a citizen with what Tennessee has done or failed to do in order to deprecate, as a judge, what the majority is doing today. Those observers of the Court who see it primarily as the last refuge for the correction of all inequality or injustice, no matter what its nature or source, will no doubt applaud this decision and its break with the past. Those who consider that continuing national respect for the Court's authority depends in large measure upon its wise exercise of self-restraint and discipline in constitutional adjudication, will view the decision with deep concern.

Mr. Justice Frankfurter in his long dissenting opinion, with which Justice Harlan joined, said:

> The Court today reverses a uniform course of decision established by a dozen cases, including one by which the very claim now sustained was unanimously rejected only 5 years ago. The impressive body of rulings thus cast aside reflected the equally uniform course of our political history regarding the relationship between population and legislative representation—a wholly different matter from denial of the franchise to individuals because of race, color, religion or sex. Such a massive repudiation of the experience of our whole past in asserting destructively novel judicial power demands a detailed analysis of the role of this Court in our constitutional scheme. Disregard of inherent limits in the effective exercise of the Court's "judicial power" not only presages the futility of judicial intervention in the essentially political conflict of forces by which the relation between population and representation has time out of mind been and now is determined. It may well impair the Court's position as the ultimate organ of "the supreme law of the land" in that vast range of legal problems, often strongly entangled in popular feeling, on which this Court must pronounce. The Court's authority—possessed neither of the purse nor the sword—ultimately rests on sustained public confidence in its moral sanction. Such feeling must be nourished by the Court's complete detachment, in fact and in appearance, from political entanglements and by abstention from injecting itself into the clash of political forces in political settlements.

No language that I can employ can speak as loud and as forcefully as the words from these two dissenting opinions as to the ultimate result that is going to flow from this Tennessee decision, joined in by six of the nine justices. The sovereign States are hereby reduced to the status of automatons who must blindly follow the voice and direction of the Federal judges, regardless of what area of human conduct and relationship in either the political or social field the Court chooses to direct its attention. The day is coming when such a usurpation of power on the part of nine such men must and will be repudiated.

My voice has been raised time and time again in viewing with alarm both the language and effects of decisions by that body that transgress constitutional principles, established precedents, and threaten fundamentally the basic security of our country from the onslaught of the Communist conspiracy from without and within. In 1958 I had prepared charts and statistics concerning the attitudes and decisions of individual members of the Supreme Court in cases that involved one aspect or another of the Communist conspiracy. The rule of thumb applied to determine the results of the survey is simple. If the decision of the individual judge was in favor of the position advocated by the Communist Party, or the Communist sympathizer involved in the particular case, it was scored as pro, meaning pro-Communist. If the judge's decision was contrary to this position, he was scored as con—or contrary.

Since 1919 through June of 1961, the U.S. Supreme Court rendered 115 decisions involving Communists or subversive activities in cases where the position of the individual judge could be determined.

In 24 years—1919 to 1942—the Court decided only 11 cases in this category. Of these 11, the first 7 were decided against the Communist position and in favor of the Government.

Since 1943 down to June 1961, 104 cases involving communism or subversion have been decided where the position of the individual judge could be ascertained.

Madam President, I ask unanimous consent that a chart containing a detailed breakdown of the cases to which I have referred be printed at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Supreme Court cases involving subversive activities

[Legend: Pro—vote in accordance with position advocated by Communists; Con—vote against position advocated by Communists; Dnp—Justice did not participate in this case]

	Stone	Roberts	Black	Reed	Frankfurter	Douglas	Murphy	Jackson	Rutledge	Burton	Vinson	Clark	Minton	Warren	Harlan	Brennan	Whittaker	Stewart
Schneiderman v. *U.S.*, 320 U.S. 118 (1943)	Con	Con	Pro	Pro	Con	Pro	Pro [1]	Dnp	Pro									
Bridges v. *Wixon*, 326 U.S. 135 (1945)	Con	Con	Pro	Pro	Con	Pro [1]	Pro	Dnp	Pro									
U.S. v. *Lovett*, 328 U.S. 303 (1946)			Pro [1]	Pro	Pro	Pro	Pro	Dnp	Pro	Pro	Pro							
Marzani v. *U.S.*, 335 U.S. 895 (1948) [2]						Dnp												
Christoffel v. *U.S.*, 338 U.S. 84 (1949)			Pro	Con	Pro	Pro	Pro [1]	Con	Pro	Con	Con							
Dennis v. *U.S.*, 339 U.S. 162 (1950)			Pro	Con	Pro	Dnp		Con		Con	Con	Dnp	Con [1]					
Morford v. *U.S.*, 339 U.S. 258 (1950) [3]			Pro	Pro	Pro	Pro		Pro		Pro	Pro	Dnp	Pro					
U.S. v. *Bryan*, 339 U.S. 323 (1950)			Pro	Con	Pro	Dnp		Con		Con	Con [1]	Dnp	Con					
U.S. v. *Fleischman*, 339 U.S. 349 (1950)			Pro	Con	Pro	Dnp		Con		Con	Con [1]	Dnp	Con					
American Communications Assoc. v. *Douds*, 339 U.S. 382 (1950)			Pro	Con	Pro	Dnp		Pro		Con	Con [1]	Dnp	Dnp					
Osman v. *Douds*, 339 U.S. 846 (1950) [2]												Dnp						
Blau v. *U.S.*, 340 U.S. 159 (1950)			Pro [1]	Pro	Pro	Pro		Pro		Pro	Pro	Dnp	Pro					
Blau v. *U.S.*, 340 U.S. 332 (1951)			Pro [1]	Pro	Pro	Pro		Con		Pro	Pro	Dnp	Con					
Rogers v. *U.S.*, 340 U.S. 367 (1951)			Pro	Con	Pro	Pro		Con		Con	Con [1]	Dnp	Con					
Gerende v. *Election Board*, 341 U.S. 56 (1951) [3]			Pro	Pro	Pro	Pro		Pro		Pro	Pro	Pro	Pro					
Joint Anti-Fascist Refugee Committee v. *McGrath*, 341 U.S. 123 (1951)			Pro	Con	Pro	Pro		Pro		Pro [1]	Con	Dnp	Con					
NLRB v. *Highland Park Manufacturing Co.*, 341 U.S. 322 (1951)			Dnp	Con	Pro	Pro		Con [1]		Con	Con	Con	Con					
Dennis v. *U.S.*, 341 U.S. 494 (1951)			Pro	Con	Con	Pro		Con		Con	Con [1]	Dnp	Con					
Garner v. *Board of Public Works of Los Angeles*, 341 U.S. 716 (1951)			Pro	Con	Pro	Pro		Con		Pro	Con	Con [1]	Con					
Bailey v. *Richardson*, 341 U.S. 918 (1951) [2]												Dnp						
Stack v. *Boyle*, 342 U.S. 1 (1952)			Pro	Pro	Pro	Pro		Pro		Pro	Pro [1]	Pro	Dnp					
Adler v. *Board of Education*, 342 U.S. 485 (1952)			Pro	Con	Pro	Pro		Con		Con	Con	Con	Con [1]					
Carlson v. *Landon*, 342 U.S. 524 (1952)			Pro	Con [1]	Pro	Pro		Con		Pro	Con	Con	Con					
Harisiades v. *Shaughnessy*, 342 U.S. 580 (1952)			Pro	Con	Con	Pro		Con [1]		Con	Con	Dnp	Con					
L'Hommedieu v. *Board of Regents*, 342 U.S. 951 (1952) [3]			Pro	Con	Pro	Pro		Con		Con	Con	Con	Con					
Sacher v. *U.S.*, 343 U.S. 1 (1952)			Pro	Con	Pro	Pro		Con [1]		Con	Con	Dnp	Con					
U.S. v. *Spector*, 343 U.S. 169 (1952)			Pro	Con	Pro	Con [1]		Pro		Con	Con	Dnp	Con					
Brunner v. *U.S.*, 343 U.S. 918 (1952) [3]			Pro	Con	Dnp	Con		Pro		Pro	Pro	Pro	Pro					
Wieman v. *Updegraff*, 344 U.S. 183 (1952)			Pro	Pro	Pro	Pro		Dnp		Pro	Pro	Pro [1]	Pro					
NLRB v. *Dant*, 344 U.S. 375 (1953)			Pro	Pro [1]	Pro	Pro		Pro		Pro	Pro	Pro	Pro					
Orloff v. *Willoughby*, 345 U.S. 83 (1953)			Pro	Con	Pro	Pro		Con [1]		Con	Con	Con	Con					
Heikkila v. *Barber*, 345 U.S. 229 (1953)			Pro	Con	Pro	Con		Con		Con	Con	Con [1]	Con					
Albertson v. *Millard*, 345 U.S. 242 (1953) [3]			Pro	Con	Con	Pro		Con		Con	Con	Con	Con					
In re Isserman, 345 U.S. 286 (1953)			Pro	Con	Pro	Pro		Pro		Con	Con [1]	Dnp	Con					
Bridges v. *U.S.*, 345 U.S. 979 (1953) [3]			Pro	Con	Pro	Pro		Dnp		Pro	Con	Dnp	Con					
Bridges v. *U.S.*, 346 U.S. 209 (1953)			Pro	Con	Pro	Pro		Dnp		Pro [1]	Con	Dnp	Con					
Rosenberg v. *U.S.*, 346 U.S. 273 (1953) [3]			Pro	Con	Pro	Pro		Con		Con	Con [1]	Con	Con					
Sacher v. *Association of the Bar of the City of New York*, 347 U.S. 388 (1954) [3]			Pro	Con	Pro	Pro		Pro		Con		Dnp	Pro	Pro				
Barsky v. *Board of Regents*, 347 U.S. 442 (1954)			Pro	Con	Pro	Pro		Con		Con [1]		Con	Con	Con				
Galvan v. *Press*, 347 U.S. 522 (1954)			Pro	Con	Con [1]	Pro		Con		Con		Con	Con	Con				
Quinn v. *U.S.*, 349 U.S. 155 (1955)			Pro	Con	Pro	Pro				Pro		Pro	Con	Pro [1]	Pro			
Emspak v. *U.S.*, 349 U.S. 190 (1955)			Pro	Con	Pro	Pro				Pro		Pro	Con	Pro [1]	Con			
Bart v. *U.S.*, 349 U.S. 219 (1955)			Pro	Con	Pro	Pro				Pro		Pro	Con	Pro [1]	Con			
Peters v. *Hobby*, 349 U.S. 331 (1955)			Pro	Con	Pro	Pro				Con		Pro	Pro	Pro [1]	Pro			
Ullman v. *U.S.*, 350 U.S. 422 (1956)			Pro	Con	Con [1]	Pro				Con		Con	Con	Con	Con			
Pennsylvania v. *Nelson*, 350 U.S. 497 (1956)			Pro	Con	Pro	Pro				Con		Pro	Con	Pro [1]	Pro			
Slochower v. *Board of Education*, 350 U.S. 551 (1956)			Pro	Con	Pro	Pro				Con		Pro [1]	Con	Pro	Con			
United Mine Workers v. *Arkansas Oak Flooring Co.*, 351 U.S. 62 (1956)			Pro	Pro	Con	Pro				Pro [1]		Pro	Pro	Pro	Dnp			
U.S. v. *Zucca*, 351 U.S. 91 (1956)			Pro	Con	Pro	Pro				Pro		Con	Con	Pro [1]	Dnp			
Communist Party, U.S.A. v. *Subversive Activities Control Board*, 351 U.S. 115 (1956)			Pro	Con	Pro [1]	Pro				Pro		Con	Con	Pro	Pro			
Black v. *Cutter Laboratories*, 351 U.S. 292 (1956)			Pro	Con	Con	Pro				Con		Con [1]	Con	Pro	Con			
Jay v. *Boyd*, 351 U.S. 345 (1956)			Pro	Con [1]	Pro	Pro				Con		Con	Con	Pro	Con			
Cole v. *Young* 351 U.S. 536 (1956)			Pro	Con	Pro	Pro				Pro		Con	Con	Pro	Pro [1]			
Mesarosh v. *U.S.*, 352 U.S. 1 (1956)			Pro	Pro	Con	Pro				Con		Pro	Pro	Pro [1]	Con			
Leedom v. *International Union of Mine, Mill and Smelter Workers*, 352 U.S. 145 (1956)			Pro	Pro	Pro	Pro [1]				Pro		Pro		Pro	Pro	Pro		
Amalgamated Meat Cutters and Butcher Workmen v. *NLRB*, 352 U.S. 153 (1956)			Pro	Pro	Pro	Pro [1]				Pro		Pro		Pro	Pro	Pro		
Gold v. *U.S.*, 352 U.S. 985 (1957) [3]			Pro	Con	Pro	Pro				Con		Con		Pro	Pro	Pro		
U.S.A. v. *George Witkovich*, 353 U.S. 194 (1957)			Pro		Pro [1]	Pro				Con		Con		Pro	Pro	Pro	Dnp	
Schware v. *Board of Bar Examiners of the State of New Mexico*, 353 U.S. 232 (1957)			Pro [1]		Pro	Pro				Pro		Pro		Pro	Pro	Pro	Dnp	
Konigsberg v. *State Bar of Calif. and the Committee of Bar Examiners of the State Bar of California*, 353 U.S. 252 (1957)			Pro [1]		Con	Pro				Pro		Con		Pro	Con	Pro	Dnp	
Jencks v. *U.S.*, 353 U.S. 657 (1957)			Pro		Pro	Pro				Pro		Con		Pro	Pro	Pro [1]	Dnp	
Joseph Curico v. *U.S.*, 354 U.S. 118 (1957)			Pro		Pro	Pro				Pro [1]		Pro [1]		Pro	Pro	Pro	Pro	
Yates v. *U.S.*, 354 U.S. 298 (1957)			Pro		Pro	Pro				Pro		Con		Pro	Pro [1]	Dnp	Dnp	
Schneiderman v. *U.S.*, 354 U.S. 298 (1957)			Pro		Pro	Pro				Pro		Con		Pro	Pro [1]	Dnp	Dnp	
Watkins v. *U.S.*, 354 U.S. 178 (1957)			Pro		Pro	Pro				Dnp		Con		Pro [1]	Pro	Pro	Dnp	
Sweezy v. *New Hampshire*, 354 U.S. 234 (1957)			Pro		Pro	Pro				Con		Con		Pro [1]	Pro	Pro	Dnp	
Service v. *Dulles*, 354 U.S. 363 (1957)			Dnp		Pro	Pro				Pro		Dnp		Pro	Pro [1]	Pro	Pro	
Heikkinen v. *U.S.*, 355 U.S. 273 (1958)			Pro		Pro	Pro				Pro		Pro		Pro	Pro	Pro	Pro [1]	
Yates v. *United States*, 355 U.S. 66 (1957) [3]			Pro		Con	Pro				Con		Con [1]		Pro	Con	Con	Con	
Rowaldt v. *Perfetto*, 355 U.S. 115 (1957)			Pro		Pro [1]	Pro				Con		Con		Pro	Con	Pro	Con	
Green v. *United States*, 356 U.S. 165 (1958)			Pro		Con	Pro				Con		Con		Pro	Con	Pro	Con	
Winston v. *United States*, 356 U.S. 165 (1958)			Pro		Con	Pro				Con		Con		Pro	Con	Pro	Con	
Perez v. *Brownell*, 356 U.S. 44 (1958)			Pro		Con [1]	Pro				Con		Con		Pro	Con	Con	Con	
Yates v. *United States*, 356 U.S. 363 (1958) [3]			Pro		Pro	Pro				Con		Con		Pro	Pro	Pro	Con	
Sacher v. *United States*, 356 U.S. 576 (1958) [3]			Pro		Pro	Pro				Dnp		Con		Pro	Pro	Pro	Con	
Bonetti v. *U.S.*, 356 U.S. 691 (1958)			Pro		Con	Pro				Pro		Con		Pro	Con	Pro	Pro [1]	
Nowak v. *U.S.*, 356 U.S. 660 (1958)			Pro		Pro	Pro				Con		Con		Pro	Pro [1]	Pro	Con	
Maisenberg v. *U.S.*, 356 U.S. 670 (1958)			Pro		Pro	Pro				Con		Con		Pro	Pro [1]	Pro	Con	
Kent et al. v. *Dulles*, 357 U.S. 116 (1958)			Pro		Pro	Pro [1]				Con		Con		Pro	Con	Pro	Con	
Briehl v. *Rogers*, 357 U.S. 116 (1958)			Pro		Pro	Pro [1]				Con		Con		Pro	Con	Pro	Con	

See footnotes at end of table.

Supreme Court cases involving subversive activities—Continued

[Legend: Pro—vote in accordance with position advocated by Communists; Con—vote against position advocated by Communists; Dnp—Justice did not participate in this case]

	Stone	Roberts	Black	Reed	Frankfurter	Douglas	Murphy	Jackson	Rutledge	Burton	Vinson	Clark	Minton	Warren	Harlan	Brennan	Whittaker	Stewart
Dayton v. *Dulles*, 357 U.S. 144 (1958)	------	------	Pro	------	Pro	Pro[1]	------	------	------	Con	------	Con	------	Pro	Con	Pro	Con	------
Beilan v. *Board of Public Education*, 357 U.S. 399 (1958)	------	------	Pro	------	Con	Pro	------	------	------	Con[1]	------	Con	------	Pro	Con	Pro	Con	------
Lerner v. *Casey*, 357 U.S. 468 (1958)	------	------	Pro	------	Con	Pro	------	------	------	Con	------	Con	------	Pro	Con[1]	Pro	Con	------
Speiser v. *Randall*, 357 U.S. 513 (1958)	------	------	Pro	------	Pro	Pro	------	------	------	Pro	------	Con	------	Dnp	Pro	Pro[1]	Pro	------
Prince v. *City and Co. San Francisco*, 357 U.S. 513 (1958)	------	------	Pro	------	Pro	Pro	------	------	------	Pro	------	Con	------	Dnp	Pro	Pro[1]	Pro	------
First Unitarian Church of L.A. v. *City and County of L.A.*, 357 U.S. 545 (1958)	------	------	Pro	------	Pro	Pro	------	------	------	Pro	------	Con	------	Dnp	Pro	Pro[1]	Pro	------
Valley Unitarian-Universal Church v. *City and Co. of L.A.*, 357 U.S. 545 (1958)	------	------	Pro	------	Pro	Pro	------	------	------	Pro	------	Con	------	Dnp	Pro	Pro[1]	Pro	------
Flaxer v. *U.S.*, 358 U.S. 147 (1958)	------	------	Pro	------	Pro	Pro[1]	------	------	------	Pro	------	Pro	------	Pro	Pro	Pro	Pro	Pro
Uphaus v. *Wyman*, 360 U.S. 72 (1959)	------	------	Pro	------	Con	Pro	------	------	------	------	------	Con[1]	------	Pro	Con	Pro	Con	Con
Barenblatt v. *U.S.*, 360 U.S. 109 (1959)	------	------	Pro	------	Con	Pro	------	------	------	------	------	Con	------	Pro	Con[1]	Pro	Con	Con
In re Sawyer (*Bousleg*), 360 U.S. 622 (1959)	------	------	Pro	------	Con	Pro	------	------	------	------	------	Con	------	Pro	Con	Pro[1]	Con	Pro
Nelson et al. v. *Cal.*, 362 U.S. 1 (1960)	------	------	Pro	------	Con	Pro	------	------	------	------	------	Con[1]	------	Dnp	Con	Pro	Con	Con
Abel v. *U.S.*, 362 U.S. 217 (1960)	------	------	Pro	------	Con[1]	Pro	------	------	------	------	------	Con	------	Pro	Con	Pro	Con	Con
Nuikkanen v. *McAlexander*, 362 U.S. 390 (1960)	------	------	Pro	------	Con	Pro	------	------	------	------	------	Con	------	Pro	Con	Pro	Con	Con
Chaunt v. *U.S.*, 364 U.S. 350 (1960)	------	------	Pro	------	Pro	Pro[1]	------	------	------	------	------	Con	------	Pro	Pro	Pro	Con	Con
McPhaul v. *U.S.*, 364 U.S. 372 (1960)	------	------	Pro	------	Con	Pro	------	------	------	------	------	Con	------	Pro	Con	Pro	Con[1]	Con
Polites v. *U.S.*, 364 U.S. 426 (1960)	------	------	Pro	------	Con	Pro	------	------	------	------	------	Con	------	Pro	Con	Pro	Con	Con[1]
Travis v. *U.S.*, 364 U.S. 631 (1960)	------	------	Pro	------	Con	Pro[1]	------	------	------	------	------	Con	------	Pro	Con	Pro	Pro	Pro
Wilkinson v. *U.S.*, 365 U.S. 399 (1961)	------	------	Pro	------	Con	Pro	------	------	------	------	------	Con	------	Pro	Con	Pro	Con	Con[1]
Braden v. *U.S.*, 365 U.S. 431 (1961)	------	------	Pro	------	Con	Pro	------	------	------	------	------	Con	------	Pro	Con	Pro	Con	Con[1]
Konigsberg v. *State Bar Cal.*, 366 U.S. 36 (1961)	------	------	Pro	------	Con	Pro	------	------	------	------	------	Con	------	Pro	Con[1]	Pro	Con	Con
In re Anastaple, 366 U.S. 82 (1961)	------	------	Pro	------	Con	Pro	------	------	------	------	------	Con	------	Pro	Con[1]	Pro	Con	Con
Scales v. *U.S.*,—U.S.—(6-5-1961)	------	------	Pro	------	Con	Pro	------	------	------	------	------	Con	------	Pro	Con[1]	Pro	Con	Con
Note v. *U.S.*,—U.S.—(6-5-1961)	------	------	Pro	------	Pro	Pro	------	------	------	------	------	Pro	------	Pro	Pro[1]	Pro	Pro	Pro
CPUSA v. *Board*—U.S.—(6-5-1961)	------	------	Pro	------	Con[1]	Pro	------	------	------	------	------	Con	------	Pro	Con	Pro	Con	Con
CPUSA v. *Catherwood*,—U.S.—(6-12-1961)	------	------	Pro	------	Pro	Pro	------	------	------	------	------	Pro	------	Pro	Pro[1]	Pro	Pro	Pro
Deutch v. *U.S.*,—U.S.—(6-12-1961)	------	------	Pro	------	Con	Pro	------	------	------	------	------	Con	------	Pro	Con	Pro	Con	Pro[1]

[1] Wrote opinion.

[2] Per curiam decision; Court equally divided.

[3] Per curiam decision.

Summary: Beginning with Schneiderman *v.* U.S. (*1943*) *and ending with* Deutch *v.* U.S. (*June 12, 1961*)

Justices	Number of cases participated	Number of opinions written	Pro	Con	Justices	Number of cases participated	Number of opinions written	Pro	Con
Stone	2	0	0	2	Burton	81	6	37	44
Roberts	2	0	0	2	Vinson	32	8	9	23
Black	102	5	102	0	Clark	82	8	21	61
Reed	54	3	14	40	Minton	45	2	10	35
Frankfurter	103	7	69	34	Warren	65	9	62	3
Douglas	100	10	97	3	Harlan	65	14	30	35
Murphy	4	2	4	0	Brennan	51	6	49	2
Jackson	31	4	11	20	Whittaker	42	3	12	30
Rutledge	4	0	4	0	Stewart	20	4	6	14

Mr. EASTLAND. Madam President, from 1943 through 1953, a total of 34 cases in the described category were considered. A majority of the Court voted in favor of the position advocated by the Communists in 15 cases, and held contrary to what the Communists wanted in 19 cases.

Earl Warren took the oath of office as Chief Justice in October 1953. In the 7½ years since he has been Chief Justice, the Court has heard the enormous total of 70 cases or more involving Communist or subversive activities in one form or another. Forty-six of these decisions have sustained the position advocated by the Communists, and 24 have been to the contrary.

In regard to decisions involving subversive activities, the balance of power on the presently constituted Court has been frightfully narrow. Justice Stewart was appointed to the Court in October 1958. He did not participate in any of the cases contained in the original tabulations. He has participated in 20 of the decisions now under discussion since that time. In 12 of these 20 decisions, he was the swing man in a 5-4 decision contrary to the position advocated by the Communist Party. If these 12 decisions had been on the "pro" side, the box score of the Warren Court would stand at 58 pro-Communist decisions and only 12 taking the contrary position.

Now let me turn from the composite results of the opinions to the box score registered by the individual judges. Hugo Black is the senior judge on the Supreme Court. He has been on the Court since August 1937. As to cases involving communism or subversive activities, it is impossible for a man to demonstrate greater consistency than he has evidenced. Over this span of 24 years, he participated in 102 decisions where his position could be ascertained. He supported the position urged upon the Court by the Communist Party or its sympathizers exactly 102 times. His support of decisions contrary to the position urged by the Communists is zero.

Justice Douglas participated in a total of 100 cases. Out of this total he reached a conclusion favorable to the position urged by the Communists 97 times and held to the contrary 3 times.

Chief Justice Warren participated in 65 decisions. His box score is 62 pro and 3 contrary.

Justice Brennan has participated in 51 cases. His score is 49 pro and 2 con.

Justice Frankfurter participated in a total of 103 decisions. His record reveals 69 votes pro and 34 votes con.

Now the pendulum swings to the judges who have opposed the position urged by the Communists more than they have supported it. Justice Clark has the longest record of vigorous opposition to the position favoring communism or subversive activities. Out of a total of 82 opinions, he has been on the pro side only 21 times and contrary 61.

Justice Harlan's decisions total 65—30 pro, 35 con.

Justice Whittaker, 42 decisions—12 pro, 30 con.

Justice Stewart, 20 decisions—6 pro, 14 con.

I ask unanimous consent, Madam President, that the chart reflecting the specific cases decided by the Supreme Court involving subversive activities, with the position of the individual judges and the summary of their pro and con votes, be inserted in the RECORD at this point in my remarks.

There being no objection, the chart was ordered to be printed in the RECORD.

Supreme Court cases involving subversive activities

[Legend: Pro—vote in accordance with position advocated by Communists; Con—vote against position advocated by Communists; Dnp—Justice did not participate in this case]

	Stone	Roberts	Black	Reed	Frankfurter	Douglas	Murphy	Jackson	Rutledge	Burton	Vinson	Clark	Minton	Warren	Harlan	Brennan	Whittaker	Stewart
Schneiderman v. *U.S.*, 320 U.S. 118 (1943)	Con	Con	Pro	Pro	Con	Pro	Pro[1]	Dnp	Pro									
Bridges v. *Wixon*, 326 U.S. 135 (1945)	Con	Con	Pro	Pro	Con	Pro[1]	Pro	Dnp	Pro									
U.S. v. *Lovett*, 328 U.S. 303 (1946)			Pro[1]	Pro	Pro	Pro	Pro	Dnp	Pro	Pro	Pro							
Marzani v. *U.S.*, 335 U.S. 895 (1948)[2]						Dnp												
Christoffel v. *U.S.*, 338 U.S. 84 (1949)			Pro	Con	Pro	Pro	Pro[1]	Con	Pro	Con	Con							
Dennis v. *U.S.*, 339 U.S. 162 (1950)			Pro	Con	Pro	Dnp		Con		Con	Con	Dnp	Con[1]					
Morford v. *U.S.*, 339 U.S. 258 (1950)[2]			Pro	Pro	Pro	Pro		Pro		Pro	Pro	Dnp	Pro					
U.S. v. *Bryan*, 339 U.S. 323 (1950)			Pro	Con	Pro	Dnp		Con		Con	Con[1]	Dnp	Con					
U.S. v. *Fleischman*, 339 U.S. 349 (1950)			Pro	Con	Pro	Dnp		Con		Con	Con[1]	Dnp	Con					
American Communications Assoc. v. *Douds*, 339 U.S. 382 (1950)			Pro	Con	Pro	Dnp		Pro		Con	Con[1]	Dnp	Dnp					
Osman v. *Douds*, 339 U.S. 846 (1950)[2]												Dnp						
Blau v. *U.S.*, 340 U.S. 159 (1950)			Pro[1]	Pro	Pro	Pro		Pro		Pro	Pro	Dnp	Pro					
Blau v. *U.S.*, 340 U.S. 332 (1951)			Pro[1]	Pro	Pro	Pro		Con		Pro	Pro	Dnp	Con					
Rogers v. *U.S.*, 340 U.S. 367 (1951)			Pro	Con	Pro	Pro		Con		Con	Con[1]	Dnp	Con					
Gerende v. *Election Board*, 341 U.S. 56 (1951)[2]			Pro	Pro	Pro	Pro		Pro		Pro	Pro	Pro	Pro					
Joint Anti-Fascist Refugee Committee v. *McGrath*, 341 U.S. 123 (1951)			Pro	Con	Pro	Pro		Pro		Pro[1]	Con	Dnp	Con					
NLRB v. *Highland Park Manufacturing Co.*, 341 U.S. 322 (1951)			Dnp	Con	Pro	Pro		Con[1]		Con	Con	Con	Con					
Dennis v. *U.S.*, 341 U.S. 494 (1951)			Pro	Con	Con	Pro		Con		Con	Con[1]	Dnp	Con					
Garner v. *Board of Public Works of Los Angeles*, 341 U.S. 716 (1951)			Pro	Con	Pro	Pro		Con		Pro	Con	Con[1]	Con					
Bailey v. *Richardson*, 341 U.S. 918 (1951)[2]												Dnp						
Stack v. *Boyle*, 342 U.S. 1 (1952)			Pro	Pro	Pro	Pro		Pro		Pro	Pro[1]	Pro	Dnp					
Adler v. *Board of Education*, 342 U.S. 485 (1952)			Pro	Con	Pro	Pro		Con		Con	Con	Con	Con[1]					
Carlson v. *Landon*, 342 U.S. 524 (1952)			Pro	Con[1]	Pro	Pro		Con		Pro	Con	Con	Con					
Harisiades v. *Shaughnessy*, 342 U.S. 580 (1952)			Pro	Con	Con	Pro		Con[1]		Con	Con	Dnp	Con					
L'Hommedieu v. *Board of Regents*, 342 U.S. 951 (1952)[2]			Pro	Con	Pro	Pro		Con		Con	Con	Con	Con					
Sacher v. *U.S.*, 343 U.S. 1 (1952)			Pro	Con	Pro	Pro		Con[1]		Con	Con	Dnp	Con					
U.S. v. *Spector*, 343 U.S. 169 (1952)			Pro	Con	Pro	Con[1]		Pro		Con	Con	Dnp	Con					
Brunner v. *U.S.*, 343 U.S. 918 (1952)[2]			Pro	Con	Dnp	Con		Pro		Pro	Pro	Pro	Pro					
Wieman v. *Updegraff*, 344 U.S. 183 (1952)			Pro	Pro	Pro	Pro		Dnp		Pro	Pro	Pro[1]	Pro					
NLRB v. *Dant*, 344 U.S. 375 (1953)			Pro	Pro[1]	Pro	Pro		Pro		Pro	Pro	Pro	Pro					
Orloff v. *Willoughby*, 345 U.S. 83 (1953)			Pro	Con	Pro	Pro		Con[1]		Con	Con	Con	Con					
Heikkila v. *Barber*, 345 U.S. 229 (1953)			Pro	Con	Pro	Con		Con		Con	Con	Con[1]	Con					
Albertson v. *Millard*, 345 U.S. 242 (1953)[2]			Pro	Con	Con	Pro		Con		Con	Con	Con	Con					
In re Isserman, 345 U.S. 286 (1953)			Pro	Con	Pro	Pro		Pro		Con	Con[1]	Dnp	Con					
Bridges v. *U.S.*, 345 U.S. 979 (1953)[2]			Pro	Con	Pro	Pro		Dnp		Pro	Con	Dnp	Con					
Bridges v. *U.S.*, 346 U.S. 209 (1953)			Pro	Con	Pro	Pro		Dnp		Pro[1]	Con	Dnp	Con					
Rosenberg v. *U.S.*, 346 U.S. 273 (1953)[2]			Pro	Con	Pro	Pro		Con		Con	Con[1]	Con	Con					
Sacher v. *Association of the Bar of the City of New York*, 347 U.S. 388 (1954)[2]			Pro	Con	Pro	Pro		Pro		Con		Dnp	Pro	Pro				
Barsky v. *Board of Regents*, 347 U.S. 442 (1954)			Pro	Con	Pro	Pro		Con		Con[1]		Con	Con	Con				
Galvan v. *Press*, 347 U.S. 522 (1954)			Pro	Con	Con[1]	Pro		Con		Con		Con	Con	Con				
Quinn v. *U.S.*, 349 U.S. 155 (1955)			Pro	Con	Pro	Pro				Pro		Pro	Con	Pro[1]	Pro			
Emspak v. *U.S.*, 349 U.S. 190 (1955)			Pro	Con	Pro	Pro				Pro		Pro	Con	Pro[1]	Con			
Bart v. *U.S.*, 349 U.S. 219 (1955)			Pro	Con	Pro	Pro				Pro		Pro	Con	Pro[1]	Con			
Peters v. *Hobby*, 349 U.S. 331 (1955)			Pro	Con	Pro	Pro				Con		Pro	Pro	Pro[1]	Pro			
Ullman v. *U.S.*, 350 U.S. 422 (1956)			Pro	Con	Con[1]	Pro				Con		Con	Con	Con	Con			
Pennsylvania v. *Nelson*, 350 U.S. 497 (1956)			Pro	Con	Pro	Pro				Con		Pro	Con	Pro[1]	Pro			
Slochower v. *Board of Education*, 350 U.S. 551 (1956)			Pro	Con	Pro	Pro				Con		Pro[1]	Con	Pro	Con			
United Mine Workers v. *Arkansas Oak Flooring Co.*, 351 U.S. 62 (1956)			Pro	Pro	Con	Pro				Pro[1]		Pro	Pro	Pro	Dnp			
U.S. v. *Zucca*, 351 U.S. 91 (1956)			Pro	Con	Pro	Pro				Pro		Con	Con	Pro[1]	Dnp			
Communist Party, U.S.A. v. *Subversive Activities Control Board*, 351 U.S. 115 (1956)			Pro	Con	Pro[1]	Pro				Pro		Con	Con	Pro	Pro			
Black v. *Cutter Laboratories*, 351 U.S. 292 (1956)			Pro	Con	Con	Pro				Con		Con[1]	Con	Pro	Con			
Jay v. *Boyd*, 351 U.S. 345 (1956)			Pro	Con[1]	Pro	Pro				Con		Con	Con	Pro	Con			
Cole v. *Young* 351 U.S. 536 (1956)			Pro	Con	Pro	Pro				Pro		Con	Con	Pro	Pro[1]			
Mesarosh v. *U.S.*, 352 U.S. 1 (1956)			Pro	Pro	Con	Pro				Con		Pro	Pro	Pro[1]	Con			
Leedom v. *International Union of Mine, Mill and Smelter Workers*, 352 U.S. 145 (1956)			Pro	Pro	Pro	Pro[1]				Pro		Pro		Pro	Pro	Pro		
Amalgamated Meat Cutters and Butcher Workmen v. *NLRB*, 352 U.S. 153 (1956)			Pro	Pro	Pro	Pro[1]				Pro		Pro		Pro	Pro	Pro		
Gold v. *U.S.*, 352 U.S. 985 (1957)[2]			Pro	Con	Pro	Pro				Con		Con		Pro	Pro	Pro		
U.S.A. v. *George Witkovich*, 353 U.S. 194 (1957)			Pro		Pro[1]	Pro				Con		Con		Pro	Pro	Pro	Dnp	
Schware v. *Board of Bar Examiners of the State of New Mexico*, 353 U.S. 232 (1957)			Pro[1]		Pro	Pro				Pro		Pro		Pro	Pro	Pro	Dnp	
Konigsberg v. *State Bar of Calif. and the Committee of Bar Examiners of the State Bar of California*, 353 U.S. 252 (1957)			Pro[1]		Con	Pro				Pro		Con		Pro	Con	Pro	Dnp	
Jencks v. *U.S.*, 353 U.S. 657 (1957)			Pro		Pro	Pro				Pro		Con		Pro	Pro	Pro[1]	Dnp	
Joseph Curico v. *U.S.*, 354 U.S. 118 (1957)			Pro		Pro	Pro				Pro[1]		Pro[1]		Pro	Pro	Pro	Pro	
Yates v. *U.S.*, 354 U.S. 298 (1957)			Pro		Pro	Pro				Pro		Con		Pro	Pro[1]	Dnp	Dnp	
Schneiderman v. *U.S.*, 354 U.S. 298 (1957)			Pro		Pro	Pro				Pro		Con		Pro	Pro[1]	Dnp	Dnp	
Watkins v. *U.S.*, 354 U.S. 178 (1957)			Pro		Pro	Pro				Dnp		Con		Pro[1]	Pro	Pro	Dnp	
Sweezy v. *New Hampshire*, 354 U.S. 234 (1957)			Pro		Pro	Pro				Con		Con		Pro[1]	Pro	Pro	Dnp	
Service v. *Dulles*, 354 U.S. 363 (1957)			Dnp		Pro	Pro				Pro		Dnp		Pro	Pro[1]	Pro	Pro	
Heikkinen v. *U.S.*, 355 U.S. 273 (1958)			Pro		Pro	Pro				Pro		Pro		Pro	Pro	Pro	Pro[1]	
Yates v. *United States*, 355 U.S. 66 (1957)[2]			Pro		Con	Pro				Con		Con[1]		Pro	Con	Con	Con	
Rowoldt v. *Perfetto*, 355 U.S. 115 (1957)			Pro		Pro[1]	Pro				Con		Con		Pro	Con	Pro	Con	
Green v. *United States*, 356 U.S. 165 (1958)			Pro		Con	Pro				Con		Con		Pro	Con	Pro	Con	
Winston v. *United States*, 356 U.S. 165 (1958)			Pro		Con	Pro				Con		Con		Pro	Con	Pro	Con	
Perez v. *Brownell*, 356 U.S. 44 (1958)			Pro		Con[1]	Pro				Con		Con		Pro	Con	Con	Con	
Yates v. *United States*, 356 U.S. 363 (1958)[2]			Pro		Pro	Pro				Con		Con		Pro	Pro	Pro	Con	
Sacher v. *United States*, 356 U.S. 576 (1958)[2]			Pro		Pro	Pro				Dnp		Con		Pro	Pro	Pro	Con	
Bonetti v. *U.S.*, 356 U.S. 691 (1958)			Pro		Con	Pro				Pro		Con		Pro	Con	Pro	Pro[1]	
Nowak v. *U.S.*, 356 U.S. 660 (1958)			Pro		Pro	Pro				Con		Con		Pro	Pro[1]	Pro	Con	
Maisenberg v. *U.S.*, 356 U.S. 670 (1958)			Pro		Pro	Pro				Con		Con		Pro	Pro[1]	Pro	Con	
Kent et al. v. *Dulles*, 357 U.S. 116 (1958)			Pro		Pro	Pro[1]				Con		Con		Pro	Con	Pro	Con	
Briehl v. *Rogers*, 357 U.S. 116 (1958)			Pro		Pro	Pro[1]				Con		Con		Pro	Con	Pro	Con	
Dayton v. *Dulles*, 357 U.S. 144 (1958)			Pro		Pro	Pro[1]				Con		Con		Pro	Con	Pro	Con	
Beilan v. *Board of Public Education*, 357 U.S. 399 (1958)			Pro		Con	Pro				Con[1]		Con		Pro	Con	Pro	Con	
Lerner v. *Casey*, 357 U.S. 468 (1958)			Pro		Con	Pro				Con		Con		Pro	Con[1]	Pro	Con	
Speiser v. *Randall*, 357 U.S. 513 (1958)			Pro		Pro	Pro				Pro		Con		Dnp	Pro	Pro[1]	Pro	
Prince v. *City and Co. San Francisco*, 357 U.S. 513 (1958)			Pro		Pro	Pro				Pro		Con		Dnp	Pro	Pro[1]	Pro	
First Unitarian Church of L.A. v. *City and County of L.A.*, 357 U.S. 545 (1958)			Pro		Pro	Pro				Pro		Con		Dnp	Pro	Pro[1]	Pro	
Valley Unitarian-Universal Church v. *City and Co. of L.A.*, 357 U.S. 545 (1958)			Pro		Pro	Pro				Pro		Con		Dnp	Pro	Pro[1]	Pro	

See footnotes at end of table.

Supreme Court cases involving subversive activities—Continued

[Legend: Pro—vote in accordance with position advocated by Communists ; Con—vote against position advocated by Communists ; Dnp—Justice did not participate in this case]

	Stone	Roberts	Black	Reed	Frankfurter	Douglas	Murphy	Jackson	Rutledge	Burton	Vinson	Clark	Minton	Warren	Harlan	Brennan	Whittaker	Stewart
Flaxer v. *U.S.*, 358 U.S. 147 (1958)			Pro		Pro	Pro[1]				Pro		Pro		Pro	Pro	Pro	Pro	Pro
Uphaus v. *Wyman*, 360 U.S. 72 (1959)			Pro		Con	Pro						Con[1]		Pro	Con	Pro	Con	Con
Barenblatt v. *U.S.*, 360 U.S. 109 (1959)			Pro		Con	Pro						Con		Pro	Con[1]	Pro	Con	Con
In re Sawyer (Bousley), 360 U.S. 622 (1959)			Pro		Con	Pro						Con		Pro	Con	Pro[1]	Con	Pro
Nelson et al. v. *Cal.*, 362 U.S. 1 (1960)			Pro		Con	Pro						Con[1]		Dnp	Con	Pro	Con	Con
Abel v. *U.S.*, 362 U.S. 217 (1960)			Pro		Con[1]	Pro						Con		Pro	Con	Pro	Con	Con
Nuikkanen v. *McAlexander*, 362 U.S. 390 (1960)			Pro		Con	Pro						Con		Pro	Con	Pro	Con	Con
Chaunt v. *U.S.*, 364 U.S. 350 (1960)			Pro		Pro	Pro[1]						Con		Pro	Pro	Pro	Con	Con
McPhaul v. *U.S.*, 364 U.S. 372 (1960)			Pro		Con	Pro						Con		Pro	Con	Pro	Con[1]	Con
Polites v. *U.S.*, 364 U.S. 426 (1960)			Pro		Con	Pro						Con		Pro	Con	Pro	Con	Con[1]
Travis v. *U.S.*, 364 U.S. 631 (1960)			Pro		Con	Pro[1]						Con		Pro	Con	Pro	Pro	Pro
Wilkinson v. *U.S.*, 365 U.S. 399 (1961)			Pro		Con	Pro						Con		Pro	Con	Pro	Con	Con[1]
Braden v. *U.S.*, 365 U.S. 431 (1961)			Pro		Con	Pro						Con		Pro	Con	Pro	Con	Con[1]
Konigsberg v. *State Bar Cal.*, 366 U.S. 36 (1961)			Pro		Con	Pro						Con		Pro	Con[1]	Pro	Con	Con
In re Anastaple, 366 U.S. 82 (1961)			Pro		Con	Pro						Con		Pro	Con[1]	Pro	Con	Con
Scales v. *U.S.*,—U.S.—(6-5-1961)			Pro		Con	Pro						Con		Pro	Con[1]	Pro	Con	Con
Noto v. *U.S.*,—U.S.—(6-5-1961)			Pro		Pro	Pro						Pro		Pro	Pro[1]	Pro	Pro	Pro
CPUSA v. *Board*,—U.S.—(6-5-1961)			Pro		Con[1]	Pro						Con		Pro	Con	Pro	Con	Con
CPUSA v. *Catherwood*,—U.S.—(6-12-1961)			Pro		Pro	Pro						Pro		Pro	Pro[1]	Pro	Pro	Pro
Deutch v. *U.S.*,—U.S.—(6-12-1961)			Pro		Con	Pro						Con		Pro	Con	Pro	Con	Pro[1]

[1] Wrote opinion.

[2] Per curiam decision, Court equally divided.

[3] Per curiam decision.

Summary: Beginning with Schneiderman *v.* U.S. *(1943) and ending with* Deutch *v.* U.S. (*June 12, 1961*)

Justices	Number of cases participated	Number of opinions written	Pro	Con	Justices	Number of cases participated	Number of opinions written	Pro	Con
Stone	2	0	0	2	Burton	81	6	37	44
Roberts	2	0	0	2	Vinson	32	8	9	23
Black	102	5	102	0	Clark	82	8	21	61
Reed	54	3	14	40	Minton	45	2	10	35
Frankfurter	103	7	69	34	Warren	65	9	62	3
Douglas	100	10	97	3	Harlan	65	14	30	35
Murpy	4	2	4	0	Brennan	51	6	49	2
Jackson	31	4	11	20	Whittaker	42	3	12	30
Rutledge	4	0	4	0	Stewart	20	4	6	14

Mr. JAVITS. Madam President, will the Senator yield at that point?

Mr. EASTLAND. I yield.

Mr. JAVITS. May I ask the Senator, so that we may have his view clearly in the RECORD, whether before I came in, or whether he will do so now, state what specific criterion he has set for his statement?

Mr. EASTLAND. That has been put in the RECORD.

Mr. JAVITS. May I ask who sets the criterion that these are pro or anti-Communist decisions?

Mr. EASTLAND. Any lawyer with any sense at all could do that. Intelligent lawyers have done it.

Mr. JAVITS. Could the Senator tell us who the lawyers are who have done that?

Mr. EASTLAND. Yes; my staff has done it.

Mr. JAVITS. The Senator's staff?

Mr. EASTLAND. Yes.

Mr. JAVITS. The Senator's staff is the authority for the criterion?

Mr. EASTLAND. No. I believe the record speaks for itself. I believe the decisions speak for themselves. I do not want to argue the matter with the Senator from New York. This is what the record shows. I know it might displease the Senator from New York, but the record shows it. The test was, if the decision of the individual judge was in favor of the position advocated by the Communist Party or the Communist sympathizer involved in the particular case, it was scored a pro, meaning pro-Communist. If the judge's decision was contrary to this position, it was scored as a con, or contrary position.

Mr. JAVITS. Can we say, therefore, in all fairness that it is the Senator himself, then, who determined that standard, in the Senator's judgment?

Mr. EASTLAND. I think anybody with any intelligence, Madam President, must realize that these cases speak for themselves. This is taken from the documents of the Government of the United States. It is a public record.

Mr. JAVITS. There is no other authority, other than the Senator's statement, then?

Mr. EASTLAND. There is no other authority than the official record. That record speaks for itself.

Mr. JAVITS. The Senator's statement is that that is the official record.

Mr. EASTLAND. That is the official record. It is the record that has gone into the RECORD of this debate.

This is the grim picture of the individual and aggregate results of the attitudes and predilections of both the individual judges and the Court as a whole on issues that have involved the relationship of our laws with activities and manifestations of the Communist conspiracy or related subversive activities within this country. The present balance of opinions on the Court is such that each new decision becomes a grab bag or a game of chance as to which way the Court will go. This is a most narrow balance when fundamentally the issue involved is the security of this country and its ability to protect itself from the machinations of communism.

The Court must be restricted. Unless it is, it will not only snap and bite, but will tear to pieces and devour constitutional government.

> Illegitimate and unconstitutional practices get their first footing * * * by silent approaches and slight deviations from legal modes of procedure (*Boyd* v. *United States*, 116 U.S. at page 635).

The widespread illegitimate and unconstitutional practices of today got their first footing by deviations from legal modes of procedure, deviations in fields and areas which aroused sympathy for those deviations rather than criticism of them.

Deviations were of no concern to those who were not harmed by them.

When, in 1944, the Court, with just one Justice dissenting—*Smith* v. *Allwright*, 321 U.S. 649—deliberately and brazenly overruled its decision of a few years before and nullified the white primary nominating system in Texas, people of the North and East and West thought that that served southerners right; why should not Negroes vote in nominating primaries? Overlooked was the fundamental principle: The fact that the Supreme Court, for political purposes, was in that presidential election year invading an area forbidden to it by the Constitution of the United States.

Having succeeded in this first stride, perceiving that most people would wink at deviations when they thought the end justified the means, the Court took another stride.

With only one Justice dissenting, the Court nullified one of its 70-year-old decisions—*Hall* v. *DeCuir*, 95 U.S. 485, 1878—and held that a Virginia statute relating to the segregation of passengers according to color was a burden upon interstate commerce.

People outside of the South were not concerned about that. Tacitly they said, "Let Virginia and the other Southern States worry about that. Why should not Negroes ride on buses and be seated like any other people?" They overlooked the fundamental principle. They overlooked the fact that again the Supreme Court was testing its strength, and finding out just how far it could go without interference.

Having learned that only we southerners seemed much disturbed by its usurpation of power, and seeing that our fears, and that our expressions of our fears could be drowned out by shouts of "racism" and "demogoguery" and all sorts of name calling, and being aware of the election returns and having read the census reports, a couple of years later it took another step.

For years it had been held that agreements between property owners restricting sales of their property to white persons were not violative of the 14th amendment. The principle had been firmly established, we thought that the 14th amendment erected no shield against mere private conduct, however, discriminatory or wrongful—334 U.S. 13.

But along came election year 1948, and on May 3 of that year the Supreme Court decided that while these restrictive covenant agreements were perfectly legal as between the parties, they became unconstitutional if any State court attempted to enforce them—334 U.S. 1.

The Department of Justice of the United States intervened as a friend of the Court in that case, and helped to induce the Court to decide as it did.

The Honorable Tom C. Clark was Attorney General of the United States then. On August 24, 1949, after President Truman had been elected in November 1948, Mr. Clark became an Associate Justice of the Supreme Court. He still is. He was one of the six who participated in the judgment rendered on March 26, 1962.

At first, many people could not seem to understand the South's distress over the 1954 school segregation decision. Again they overlooked or ignored fundamental principles—eternal constitutional verities. Ever since the adoption of the 14th amendment, the Supreme Court and all other courts which had passed on the question had held that the field of public education was one reserved to the States. These United States had given their pledged word to us. We believed, as Justice Black recently said in an Indian case:

> Great nations like great men should keep their word.

We believed that the United States of America would keep its word to us. We believed that it was firmly established as a corollary to the written Constitution of the United States that the matter of the education of their people in their schools was one for decision by the legislatures of the several States. We believed that because Chief Justice Taft, speaking for a unanimous Court, had said so in 1927—*Gong Lum* v. *Rice*, 275 U.S. 91.

We believed that, and in our belief we spent billions of our people's money relying on the pledged word of the Nation to its people. Our belief was not well founded, as you know.

We tried to say that if the pledged word of the United States of America, speaking through their highest judicial tribunal, could be broken in one respect, it could be broken in any respect, and that your right, Madam President, and my right to worship, to speak, to write—that every one of our constitutional rights—was jeopardized if one of them could be swept aside by five men at any given time.

We "deprecated" them—as Senators and citizens—what now, belatedly, Judge Harlan, as a judge, does.

Where was this deprecation when the Supreme Court, time after time, in year after year, constituted itself "as the last refuge for the correction of" what any five of its members at a given time deemed to be inequality or injustice.

Most of those decisions and their break with the past were applauded.

Let me recount a few of them.

There was *Brown* v. *Board of Education*, 347 U.S. 483.

There were the extensions of that ruling which purported only to nullify the separate but equal doctrine as it applied to public education. Nevertheless, without opinion in any case the Court has applied it to swimming pools, municipal buses, parks, golf courses. The court in Brown against Topeka had said:

> In the field of public education, the doctrine of "separate but equal" has no place.

Without even deigning to tell us why, the Court has universally extended and applied that repeal, even to privately operated businesses—*Burton* v. *Wilmington Parking Authority*, 365 U.S. 715; *Boynton* v. *Virginia*, 364 U.S. 454.

There was *Thompson* v. *City of Louisville*, 362 U.S. 199, and the innumerable cases in which the Court has constituted itself as the supervisor of judicial processes of every State.

Now we turn again to Baker against Carr. We are supposed to live under a government of laws, not of men, and the law covering the question involved in the Tennessee apportionment case was supposed to have been established when *Colegrove* v. *Green*, 328 U.S. 549, was decided in 1946. The three judge court composed of Judges Martin, Boyd and Miller, all Tennesseeans, thought that it was, because they—179 F. Supp. 824—said:

> The question of the distribution of political strength for legislative purposes has been before the Supreme Court of the United States on numerous occasions. From a review of these decisions there can be no doubt that the Federal rule as enunciated and applied by the Supreme Court is that the Federal courts whether from a lack of jurisdiction or from the inappropriateness of the subject matter for judicial consideration will not intervene in cases of this type to compel legislative reapportionment.

Ten decisions of the Supreme Court were cited to support this conclusion of law. First among them was *Colegrove* v. *Green*, 328 U.S. 549. Also there was *MacDougall* v. *Green*, 335 U.S., and *Radford* v. *Gary*, 352 U.S. 991.

That was no answer then, and is no answer now to what Justice Frankfurter had said in his opinion in the Colegrove case regarding elections at large:

> Of course no court can affirmatively remap the Illinois districts so as to bring them more in conformity with the standards of fairness for a representative system. At best we could only declare the existing electoral system invalid. The result would be to leave Illinois undistricted and to bring into operation, if the Illinois Legislature chose not to act, the choice of Members for the House of Representatives on a statewide ticket. The last stage may be worse than the first. The upshot of judicial action may defeat the vital political principle which led Congress more than a hundred years ago to require districting. This requirement, in the language of Chancellor Kent, "was recommended by the wisdom and justice of giving as far as possible to the local subdivisions of the people of each State, a due influence in the choice of representatives so as not to leave the aggregate minority of the people in a State, though approaching perhaps to a majority, to be wholly overpowered by the combined action of the numerical majority, without any voice whatever in the national councils" (p. 553).

Those who speak so lightly of elections at large might think on those words of Chancellor Kent, and think of what an election of Representatives at large would mean in Illinois, New York, Pennsylvania, or even Georgia, with their heavy concentrations of population. They might think, too, of what an election of Senators at large would mean with State lines disregarded. Five States would probably be well represented, and 45 not at all.

The fallacy of the position of at least four of the majority in this Tennessee case follows the fallacy appearing in Justice Black's dissent in the case of Colegrove against Green. If a voter lives in a congressional district having a population of 900,000 and another voter lives in a congressional district having a population of 112,000, the former suffers no discrimination as to any voting right, despite the fact that Mr. Justice Black thought that in such a situation—

> Such a gross inequality in the voting power * * * irrefutably demonstrates a complete lack of effort to make an equitable apportionment (328 U.S. 569).

The right of an American citizen to representation in the American Congress stems from the Constitution of the United States, and he has only such rights as the Constitution or some amendment thereto gives him.

The right of an American citizen to representation in his State legislature is only such as the constitution of his State gives him, provided only that his rights shall not be affected by his race or color or sex.

The right of the States of the Union, and of an American citizen residing in any one of them, to representation in the House of Representatives was initially determined by article I, section 2, paragraph 3, of the Constitution. After the War for Southern Independence, that paragraph was altered by section 2 of the 14th amendment. The appellants' rights were said to rest on section 1 of that amendment; to wit, that no State shall deny to any person within its jurisdiction the equal protection of the laws. But the very next section is the only basis upon which any State or any person in a State can claim any constitutional right to be represented in Congress. That constitutional provision is that Representatives shall be apportioned among the several States according to their respective numbers. If there are 437 Members of the House of Representatives, to be divided among 50 States having a population of 180 million, a State having a population of 3 million has a constitutional right to three one-hundred-and-eightieths or one-sixtieth of those Representatives. That is the sum total of the State's constitutional right. A fortiori, no citizen of a State can have a greater constitutional right. I am not unmindful of *Smiley* v. *Holm*, 285 U.S. 355, nor of the statute codified as title 2, section 2a, United States Code, the validity of which has never been confirmed. (See 171 F. 2d 986; 339 U.S. 162, *Dennis* v. *United States*.)

The right of the States of the Union and the right of an American citizen residing in any one of them, to representation in the Senate of the United States was initially determined by article I, section 3, paragraph 1 of the Constitution. It is now determined by amendment 17:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for 6 years and each Senator shall have one vote.

It makes not the slightest difference in a State's constitutional rights to the Senators, or in whatever constitutional right any citizen of a State may have in that respect, that both of those Senators may be from the same block in the same street.

I have said that the right of an American citizen with respect to his State legislature is only such as the Constitution of his State gives him, provided only that his rights shall not be adversely affected by his race, color, or sex—*Smith* v. *Blackwell*, 34 F. Supp. 989, affirmed 115 F. 2d 186; *Tedesco* v. *Board of Supervisors*, 43 So. 2d 514, 339 U.S. 940.

All of the States had governments when the Constitution was adopted. In all, the people participated to some extent, through their representatives elected in the manner specially provided. These governments the Constitution did not change. They were accepted precisely as they were, and it is therefore to be presumed that they were such as it was the duty of the States to provide. Thus we have unmistakable evidence of what was republican in form, within the meaning of that term as employed in article IV, section 4 of the Constitution. It is this clause which expresses the full limit of national control over the internal affairs of the State—*South Carolina* v. *United States*, 199 U.S. 454.

The 14th amendment added nothing to the national control over the internal affairs of the State so far as a citizen's right to representation is concerned. Indeed, until the recent change in notions by Justices of the Supreme Court, it could safely have been said that it added nothing to the national control over the internal affairs of the State, so far as a citizen's right to vote was concerned.

That that is a truism is demonstrated by the fact that in 1875 the Supreme Court decided that the 14th amendment did not require a State to permit women to vote—*Minor* v. *Happersett*, 21 Wall. 175. It was not until the adoption of the 19th amendment in 1920, a half century after the ratification of the 14th, that female citizens received the constitutional right to vote.

If the 14th was not intended to give a female citizen the right to vote, and was not sufficiently broad in its terms so to do, certainly it could have no legal, constitutional effect on the question at issue in the Tennessee case.

Long after the adoption of the 14th amendment, the Supreme Court had for adjudication the meaning of the term "legislatures" as used in article V of the Constitution.

Of it, the Court said:

> That was not a term of uncertain meaning when incorporated into the Constitution. What it meant when adopted it still means for the purpose of interpretation. A legislature was then the representative body which made the laws of the people. The term is often used in the Constitution with this evident meaning. (*Hawke* v. *Smith*, No. 1, 253 U.S. 221, 227 (1920).)

How that representative body was to be composed, how selected, how apportioned was not changed by the 14th amendment.

Because of the diversity of opinion among the eight judges, there were 54 pages in the so-called opinion of the court delivered by Mr. Justice Brennan. Justice Douglas concurred with 10 pages; Justice Clark wrote a separate concurrence of 12 pages, plus 3 of tables. Justice Stewart concurred in 2 pages or so. The Chief Justice and Justice Black concurred without writing. Justice Frankfurter, with whom Mr. Justice Harlan joined in dissenting, wrote 4 pages, and then Justice Harlan wrote a separate dissent of 19 pages. No one knows exactly what the majority of six judges had in their minds. They only cried havoc, and sowed a wind that was soon to reap a whirlwind. In both State and Federal jurisdictions courts will be enmeshed in the political thicket of apportionment for years to come unless something is done to give back to the States and to the people those precious and basic rights not only to which they are entitled under the Constitution, but also which were reserved forever by those who entered into the original compact and who delegated only certain specific and enumerated powers to the Federal Establishment.

As violently as I am opposed to the enactment of the presently pending literacy standard bill, I must say, in all candor, that it is of small concern considering the more far-reaching and basic issues which confront the people of this country today. The political, economic, and social growth and development of this country was achieved without the Supreme Court of the United States acting as a superlegislature and arrogating unto itself powers and rights not granted under the Constitution and involving areas wherein it has no constitutional authority to act. This growth and development was not achieved by the executive branch of this country seizing unto itself the power to legislate through Executive orders and using the Department of Justice as an instrument to interfere with and influence the action of our courts through amicus curiae appearances in cases and controversies not involving the U.S. Government. When this debate is closed and the presently pending substitute amendment is defeated, this Senate and the Congress should turn its attention to more important considerations, and none can be more important than the taking of proper steps to curb and to restrain the judicial branch of this Government from its present heedless and headlong course and to see that the executive branch performs only those functions which it is entitled to perform by statutory authorization from this Congress.

Madam President, the Senate is again confronted with the prospect of a long debate on the alleged issue of proposed "civil rights" legislation. At least it can be said about the presently proposed bill that it is new and unique. We will not be required to go over the ground that has been plowed time and time again in past debates.

It is now proposed that by an act of Congress the constitutions and laws of the 50 States of the Union be restricted in regard to voter qualifications by an arbitrary rule of thumb fixed by the Congress of the United States in regard to so-called literacy requirements, and that the constitutions and laws of at least 21 States be nullified, abrogated, or supplemented in their presently enacted form.

Few measures have ever been proposed in the Senate that were more basically and patently unconstitutional than is this bill "to protect the right to vote in Federal elections free from arbitrary discrimination by literacy tests or other means." It would contravene the division of powers set forth in the Constitution, in article I and article III, between the legislative and judicial branches of the Federal Government.

The entire portion of section 1 of the bill represents the legislative performance of a judicial function, in that it attempts to make findings of fact and conclusions of law on matters which are clearly controversies that must, under our system, be determined under article III, which provides:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.

The whole purpose of section 1 of the proposed bill is to establish a predicate which will form no part of the organic law of the statutes of the United States, but which must be set forth in detail to give any slight degree of credence, validity, or constitutionality to the language of the new statute that is proposed to be enacted. This attempted exercise in factfinding is a gross invasion of the judicial processes.

Section 1(a) provides:

> Congress finds that it is essential to our form of government that all qualified citizens have the opportunity to participate in the choice of elected officials.

This country has managed to survive, develop, and prosper during the 175 years of its existence without any such alleged finding being required on the part of Congress to insure the continuation and existence of our form of government. Basically, the growth and development of our country has resulted from a form of government that delegated to the Federal Establishment certain specific powers and reserved to the States and the people all other powers not so specifically delegated. The establishment of qualifications for citizens to have the opportunity to participate in the choice of elected officials not only was within the residual powers retained by the States and the people, but also was specifically written into the language of the Constitution itself as being basic to the form of government that was established. When article I, section 2, was drafted, it meant and was intended to mean when it was written into the Constitution the same thing that it means today, that—

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

When the time came to make a basic change in the original charter and the people were permitted to vote directly for Members of the Senate in addition to Members of the House, the 17th amendment to the Constitution reiterated, insofar as the election of Senators was concerned:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

For this Congress to attempt to find that it is essential to our form of government to transgress not only the Constitution of the United States but also the experience of history shocks both sense and reason. The truth is that when one stands on the floor and waves what is purported to be an issue involving civil rights, sense and reason go out the window. Nothing is more important to the ultimate survival of our country and to the welfare of our people than the preservation of both the form and the fabric of our republican form of government as established by the United States Constitution, and this Congress has neither the power nor the right to make such a finding as is included in 1(a) of the proposed bill.

Section 1(b) provides:

> Congress further finds that the right to vote in Federal elections should be maintained free from discrimination and other corrupt influence.

Both the civil and criminal statutes of the United States are filled with a vast arsenal of legislative enactments designed solely and alone for the purpose of protecting that class of citizens encompassed in the language of the 15th amendment from being denied or abridged the right to vote on account of race, color, or previous condition of servitude. Tools not only are available to individuals, per se, to protect themselves from being denied or abridged the right to vote by the United States or any State, but also the Attorney General of the United States has been clothed with the power to act as both the guardian and advocate of this class and see that the right of this class of citizens to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. Nothing could be more surplusage nor more meaningless than this proposed finding for Congress to make.

Madam President, I propose to finish my argument later in the debate, but at this time I ask unanimous consent that I may yield to the distinguished Senator from Pennsylvania [Mr. CLARK] on the same terms on which I yielded to the distinguished Senator from Illinois [Mr. DIRKSEN] and after the Senator from Pennsylvania concludes, that the Senate then recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CLARK. Madam President, I thank my friend from Mississippi for his courtesy in yielding to me. As I am one of the supporters of the pending bill, I believe it desirable that I should state for the public record my reasons for believing that legislation should be enacted by the Congress and signed by the President which would require all of the States to permit any citizen of the United States to vote for candidates for Federal office, whether in a primary or in a general election, provided the citizen of the United States had completed six grades of education in the public school system or its equivalent in a recognized private school.

First, I wish to develop the need for the proposed legislation. For many years it has been well known that in certain States of the Union so-called literacy requirements of State legislation have been utilized for the purpose of denying to citizens of the United States the right to vote because of their race or color. That fact, widely known for many years, has been documented in recent reports of the Civil Rights Commission. Those reports have been available to Members of this body and have been referred to from time to time in the present debate. I quote only a very few of the more outstanding findings of the Commission made after extensive hearings and investigation. I quote from a report of the Commission:

> Substantial numbers of Negro citizens are, or recently have been, denied the right to vote on the grounds of race or color in about 100 counties in 8 Southern States.

That statement appears on page 135 of the 1961 report of the Commission.

The Commission further found:

> A common technique of discriminating against would-be voters on racial grounds involves the discriminatory application of legal qualifications for voters. Among the qualifications used in this fashion are requirements that the voter be able to read and write, that he be able to give a satisfactory interpretation of the Constitution, that he be able to calculate his age to the day, and that he be of "good character."

That statement appears on page 137 of the 1961 report.

It must be clear that registrars or other officials of the voting precincts under legislation of that sort are able, if they so desire, to discriminate against citizens of the United States on the ground of race or color. The Commission has found that what they can do under such legislation they have done extensively in 100 counties in 8 Southern States.

As another example, in one county a Federal district judge found that six Negro applicants, two of whom had master's degrees from recognized universities, five of whom had bachelor's degrees from recognized colleges or universities, and one of whom had 1 year of college training, were denied the right to vote on the ground that they could not read intelligently or write sections of the State constitution. That statement appears at page 116 of the Senate hearings.

As another example, a Negro schoolteacher was rejected when she appeared to register or to vote because in reading a long passage aloud, she pronounced the word "equity" as though it were spelled "eequity," with two "e's" instead of one.

Some of my colleagues will perhaps recall incidents on the floor of this body of Senators taking at least equal liberties with the English language and its pronunciation.

The incident to which I referred appears in the hearings on page 262.

As another example, on six occasions Negro applicants alleged that they were rejected because they did not answer questions to the registrar's satisfaction. Among such questions were the following:

> What does "create" mean? Who was the Creator? Do you know how you were born? Are all people born alike? Was I born like Queen Elizabeth? When God made you and President Eisenhower, did he make both of you the same?

It occurs to me that these questions raise, in addition to interesting problems of physiology, various problems of philosophy, which are well beyond my capacity to answer definitively, and which, I suspect, should not in a properly administered voting precinct be required to be answered to the satisfaction of a registrar as a condition to the right to register to vote.

This incident appears on page 33 of the 1961 report.

Finally, a witness from Red River Parish, La., testified that the registrar asked him certain questions concerning, "I believe, in the Constitution, about habeas corpus. I told him I thought it was speedy trial, you know, been in jail and you want to get a hearing, he asked for speedy trial. He said, 'Well, that wasn't quite it.' "

His application to register was denied.

This appears at page 59 of the report.

Perhaps after practicing law for more than 35 years, I could come forth with a better definition of habeas corpus than that, but I submit that it would not be much better. I suggest that even under the stringent literacy test imposed, the applicant made a good enough answer to permit a fairminded registrar to register the applicant and allow him to vote.

So much for the need for this proposed legislation.

I turn now to the question as to whether the pending proposal meets that need in a wise and reasonable manner. I conclude that it does. It has been argued in the debate with great ability and conviction by the senior Senator from Florida [Mr. Holland], among others, that the bill is unwise because we cannot by legislation enfranchise those who either do not wish to be enfranchised because they will not exercise the franchise, or those whom a substantial portion of the local population do not wish to see enfranchised, and are prepared to take drastic action to insure that the franchise is not granted to such people.

The able Senator from Florida quoted examples of substantial progress that has been made in Negro voting in Florida, where there is neither a poll tax nor a literacy test. He indicated that there was still a long way to go before a majority of the Negro population in Florida would vote. He attributed that condition to two factors: First, indifference; second, the existence in a few counties in the State of Florida of an unfortunate atmosphere of antagonism between the races, which, he felt, prevented Negroes from registering to vote, which condition he hoped in due course would be eliminated from those areas, as it had been in the rest of the State.

My own view is that the legal situation in Florida as described by the able Senator is entirely satisfactory and one to which I can take no present exception. My point is, however, that what is true in Florida is not true in many other States, and that the basic legal condition under which all States should operate is one in which no artificial restrictions are imposed on the rights of citizens of the United States to register and vote by reason of their race or color; and that this requirement of the Constitution of the United States is one which, in view of the facts found by the Civil Rights Commission, and well known throughout the country before they were so elaborately and ably documented, imposes a duty on the Congress of the United States and on the President to remove legal disparities which now exist in States where the 100 counties are located, and where citizens of the United States are being denied the privileges and immunities to which they are entitled.

So I conclude upon this point as I began, that the proposed legislation is wise.

I should like to say a word, finally, as to whether the legislation is constitutional. If it is needed—and I suggest that it is—and if it is wise—and I believe it is—in my judgment Congress should adopt it and send it for signature to a President who is prepared to sign it, unless it is reasonably clear that the proposed legislation is unconstitutional.

I turn now to the question of constitutionality. It must be apparent from the debate to date that able lawyers are in disagreement as to whether or not the proposed legislation meets the requirements of the Federal Constitution. In the Congressional Record for yesterday I have read the comments of two very able Senators who are also able lawyers, appearing in connection with the effort of the majority leader to obtain a unanimous consent agreement to limit debate on the pending business. These were comments by the senior Senator from Georgia [Mr. Russell] and the junior Senator from Virginia [Mr. Robertson], both of whom stated that the unconstitutionality of this provision was very clear.

With deep regret, I must differ with the legal opinion of my respected colleagues. I suggest to them and to my other good friends in the Senate who contend so ably and strenuously that the proposed legislation is unconstitutional, that most, if not all of them—and I do not charge all of them—are very much inclined to discuss the constitutionality of the proposed legislation as though the Constitution of the United States, as drafted by the Founding Fathers and approved by enough of the Original Thirteen States to bring it into effect, had never been changed.

I submit that their argument proceeds not only without giving proper weight to the first 10 amendments, but by practically ignoring the Civil War amendments, especially the 14th and 15th. We who rest our case on the adoption of the 14th and 15th amendments are of the legal view that those amendments removed any doubt whatever which might have arisen under the original Constitution as to the constitutionality of the pending measure. Certainly, able lawyers who are not Members of this body have spoken clearly in support of the constitutionality of the proposed legislation.

I do not intend to engage in an elaborate or detailed legal argument on the question of constitutionality, but I point out that the opinion of the Attorney General of the United States on a legal question is entitled to great weight in this body. It may not be binding. Even in my brief stay in this body, I have participated with other Senators in voting for legislation which an Attorney General of the United States felt was legally unwise or even unconstitutional. Nevertheless, I believe the chief legal officer of the executive arm of the Government is entitled to have his opinion treated with great weight in this body. This must be particularly true when we consider that that opinion is not only his own opinion as an individual lawyer, but is also buttressed by the views of a large group of able attorneys, most of whom are not emotionally involved in the political, sociological, or even economic aspects of the proposed legislation, but are advising their chief purely on the basis of their objective opinion as members of the bar, sworn to support and defend the Constitution of the United States.

At page 264 of the hearings, the Attorney General said:

> Let me say a word or two about the constitutional basis for the proposed legislation.

I interpolate that he is talking about the bill under consideration.

> We have gone into the matter with great care and thoroughness. * * * But the essential constitutional basis for the proposed legislation is really quite simple.
>
> On their face and as a matter of history, the 14th and 15th amendments are an affirmative grant of power to Congress to enact legislation to guarantee the rights protected by these amendments, including principally the right to vote.

I stress the phrase "including principally the right to vote." The Attorney General continues:

> I have no doubt that this bill is valid under that grant of power.

The opinion of the Attorney General of the United States and of the lawyers of the Department of Justice, which he heads, is buttressed by the opinion of Dean Erwin Griswold, of the Harvard Law School, a member of the Civil Rights Commission speaking for himself and for the Civil Rights Commission:

> In my opinion and in the opinion of the Commission, the proposed legislation meets the test of constitutionality.

That statement appears on page 117 of the hearings.

Dean Griswold, it should be noted, making clear that he was speaking for himself as a lawyer and for the Civil Rights Commission, and not as the dean of the Harvard Law School, based his argument on the 14th and 15th amendments, with which all Senators are familiar, and which I do not need to read into the Record. However, I should like to read into the Record section 1 of the 14th amendment, because it seems to me to make this question very clear. I quote section 1 of the 14th amendment:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

I shall not read the remainder of the section, although it is pertinent and relevant; but I stress that the people in 100 counties in 8 States are citizens of the United States, without the shadow of a doubt. As citizens of the United States, they are entitled to the privileges and immunities thereof, without a doubt; and one of the most important of those privileges and immunities is the right to vote on an equal basis with every other citizen of the United States, regardless of race or color.

My view, the view of Dean Griswold, and the view of the Attorney General, Hon. Robert F. Kennedy, as to the constitutionality of the present proposed legislation, find substantial support in decisions of the Supreme Court of the United States. I shall cite only three.

Lassiter v. *Northampton Election Board*, 360 U.S. 45, page 53, decided in 1959, states:

> Of course, a literacy test, fair on its face, may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot.

The provision of the 15th amendment which I did not read into the RECORD earlier is this:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

In the Lassiter case, there was no finding of such discrimination; but the evidence before the Senate, represented not only in the hearings held by the Subcommittee on Constitutional Rights of the Committee on the Judiciary, but also in the reports of the Civil Rights Commission, makes it very clear that in 100 counties of 8 States the discrimination which the 15th amendment was designed to uproot does exist, and exists on a widespread basis.

Another case is *Ex parte Yarbrough*, 110 U.S. 651, decided in 1884, an old case frequently cited, has a pertinent quotation at page 664, which I should like to read:

> The 15th amendment of the Constitution, by its limitation on the power of the States in the exercise of their right to prescribe qualifications of voters in their own elections, and by its limitation of the power of the United States over that subject, clearly shows that the right of suffrage was considered to be of supreme importance to the National Government, and was not intended to be left within the exclusive control of the States.

Finally, Madam President, I refer to the case of *Davis Schnell*, 336 U.S. 933, affirming the decision of a lower court—the District Court for the Southern District of Alabama—decided in 1949, which had overturned a provision of the Alabama law requiring a citizen to understand and explain any article of the Constitution, because, said the Court, that law had a discriminatory purpose and was also administered in a discriminatory manner.

From these cases and from this brief consideration of the 14th and 15th amendments, buttressed by the opinions of the Attorney General and of Dean Griswold, I take it that this proposed legislation is constitutional. It is clear to me that it is so apparently constitutional that no Member of the Senate, particularly no Member of the Senate who is also an attorney, need hesitate for an instant to vote in support of this bill because of a fear of its lack of constitutionality.

Madam President, in opposition to the constitutional argument I have very briefly made, Senators who oppose this measure refer to article 1, section 4 of the Constitution, which provides:

> The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations.

Some Senators say this provision gives the States the unqualified right to set the qualifications for voting, and to set the qualifications by literacy test statutes in the eight Southern States. Reference is also made to article I, section 2 of the Constitution and to the 17th amendment, which provides for the direct election of Senators, on the ground that these provisions of the Constitution and of the amendment permit the States to set the qualifications for electors for Members of the House of Representatives and Members of the Senate, respectively.

But, Madam President, in rebuttal to that argument, I submit that the second clause of section 2 of article 1 shows that the States' power to set such qualifications is not absolute. Furthermore, I submit that even if it were absolute, it is further qualified by the 14th amendment and the 15th amendment of the Constitution, which must be carried into effect to the same extent as are all other provisions which were adopted earlier, and which, as I have argued, render the pending legislation constitutional.

The findings of the Civil Rights Commission constitute ample proof that literacy tests have been used and are being used today to deny voting rights to citizens of the United States who, under the 14th amendment and the 15th amendment, are clearly citizens entitled to the privileges and immunities of all citizens—and, in particular, to the right to vote.

I submit further that the pending legislation does not set qualifications; it merely states that an individual who has a certain degree of education—namely, 6 years of grade school—is entitled to these privileges and immunities and to the right to vote. It does not deny anything to anyone. It does not set any qualifications of that sort. It merely states that if a person has this qualification, no one may deny him the right to vote because of his race or his color.

In conclusion, Madam President, I strongly support the pending measure, first, because I think the record demonstrates that it is needed; second, because I believe it to be wise; and, finally, because I have no doubt that it is constitutional.

Madam President, I yield the floor.

Mr. DOUGLAS. Madam President, I congratulate the Senator from Pennsylvania on his very able argument. The bar of Philadelphia has long been known as the most learned in the Nation; and the Senator from Pennsylvania [Mr. CLARK] is one of the most able members of that most able bar.

Mr. CLARK. I thank the Senator from Illinois for his statement. He and I have been teasing each other about that matter for some years now.

WITHHOLDING OF THE TAX OWED ON DIVIDENDS AND INTEREST

Mr. DOUGLAS. Madam President——

Mr. EASTLAND. Madam President, I ask unanimous consent that at this time I may yield to the Senator from Illinois, under the same terms under which I yielded to the Senator from Pennsylvania [Mr. CLARK].

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOUGLAS. I thank the Senator from Mississippi.

Madam President, during the last few weeks I have received more than 30,000 letters from constituents in Illinois who protest against the withholding provisions for dividends and interest which are included in a tax bill which now is before the Senate Finance Committee.

I find that from one-third to one-half of those who have written the letters seem to think such a withholding is a new tax on dividends and interest. But, of course, that is a mistake. Dividends and interest are income, just as wages and salaries are income; and income is taxable. Dividends and interest are taxable, just as wages and salaries are taxable.

The only difference is that some 20 years ago Congress included in the Revenue Code a provision which causes the basic tax on wages and salaries to be withheld by those who pay them. In other words, that resulted in withholding at the source for wages and salaries; but that has never been practiced insofar as dividends and interest are concerned. In the case of dividends and interest, the recipient is expected to declare the amount so received, in the income tax statement which he files at the end of the year.

The records show that approximately $4 billion of dividends and interest paid out each year is not reported by the recipients, and therefore escapes taxation; and it is estimated that approximately $800 million in taxes is thus avoided or evaded. The fact that this $800 million of taxes is not paid means that the burden on those who do pay taxes becomes correspondingly heavier.

I wish to emphasize that the withholding system that is proposed for dividends and interest does not impose new taxes; it is merely a better means of collecting existing taxes. The very fact that such a large proportion of those who have written letters to me and to other Members of the Senate assume that this is a new tax is an indication of the widespread evasion or avoidance of the taxes now owed on these amounts.

I want to make it very clear that in a large percentage of cases this is a perfectly innocent avoidance. Very commonly, the person who has a deposit in a building and loan association or in a savings institution allows the interest which is credited to him annually to be accumulated as a capital deposit to his account, and it does not pass into his checking account. Many people innocently do not realize that this is income, and consequently do not declare this income upon their income tax statements.

I hope very much that the basic fact that taxes are already owed on these amounts can be conveyed to the public. I am trying to do so in connection with the taxpayers of my own State.

It is estimated by the Treasury that, while not all of this $800 million would be collected by the proposed withholding system, approximately $650 million would be.

This is the most important loophole which the administration is trying to plug in the current tax bill. If this effort should be lost, either before the bill passes the Senate or if it should be eliminated from the final tax bill, there will be very few gains in revenue which can then be distributed either in the form of lower taxes or, as the administration proposes, in the form of an investment subsidy.

I have had prepared a series of questions and answers upon this bill which try to go into the question of the magnitude of the problem and the methods of collection and recording.

We have checked these questions and answers with experts, and we believe the answers to be accurate. They do not cover the entire field. Later I hope to insert in the RECORD additional questions and answers which will cover further points, but there has been so much misunderstanding that I felt I should not delay further in putting into the RECORD some material on these basic points, so that a certain degree of popular enlightenment may be carried out.

So, Madam President, I ask unanimous consent that there may be printed in the RECORD at the conclusion of my remarks a series of questions and answers on the withholding of taxes on dividend and interest.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. COOPER. Madam President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. COOPER. I am glad the Senator has made this statement. Like other Members of Congress, I have received thousands of letters on the withholding section of the tax bill. In the last week or 10 days we have answered 2,500 letters. After a time, I realized that many persons, particularly older persons, believe an additional 20 percent tax on dividends and interest would be imposed by the bill.

Some of these persons have sent me letters which they had received from institutions, which could convey the impression that a 20-percent additional tax was being levied upon them. I tried to answer those questions in the letters and give the facts, but I am very glad the Senator from Illinois has spoken on the floor and has made this statement. I think it is very bad that some institutions are leaving the impression that a new tax is being imposed upon people, particularly older persons.

Mr. DOUGLAS. I thank the Senator from Kentucky. As usual, the widows and orphans are being dragged into a discussion of this matter. I wish to point out that all children under the age of 18 by merely filing a statement of their age would be exempt from the withholding provision. Also, anyone over the age of 18 who reasonably believes that he or she would not have any tax to pay can, under the bill, file a withholding exemption certificate with the paying institution, and there will be no withholding whatsoever upon that income.

The Treasury estimates, also, that of the over 22 million individuals who receive dividends and interest, only about 2 million will be overwithheld against. That is only about 1 out of every 10. And of those, only 1 million will be overwithheld against to the extent of more than $10 annually.

It is interesting to note, and I am informed of this by the Treasury, that there are 37 million wage earners and salaried workers who are overwithheld against each year. In other words, 37 million are now overwithheld against in the case of wages and salaried workers—but only about 2 million would be overwithheld against in the case of those receiving dividends and interest.

I have not heard any weeping on the floor or in the mails about these 37 million wage and salary workers who are overwithheld against. It should be further noted that the refunds in the case of wage and salaried workers come only once a year, generally five quarters after the beginning of the taxable year upon which there has been overwithholding. The refunds in the case of recipients of dividends and interest will be quarterly, or four times as rapidly. Therefore, there will be very little loss of interest during that time.

To me it is really extraordinary that people who will not only accept but defend the system of withholding on wages and salaries should nevertheless balk on the withholding tax being applied to dividends and interest. Should not they, in common fairness, be given equal treatment?

As a matter of fact, we are giving easier terms to the recipients of dividends and interest than the revenue law accords to the recipients of wages and salaries. If we eliminate from the tax bill the provision for withholding against dividends and interest, then, in all fairness, we should eliminate the withholding provision on salaries and wages from the tax code. I shall be sorely tempted to make such a motion. I do not think, in logic or consistency, unequal or superior treatment should be given to dollars received as a result of ownership than is accorded to dollars received from immediate effort.

I think it is about time that some sanity was introduced into a discussion of this measure, and I hope very much the building and loan associations and some of the savings institutions realize just what the issue is and desist from stirring up this mail campaign. I also hope that they will get their facts straight in the information which they give to their depositors.

Mr. COOPER. Madam President, will the Senator yield once more?

Mr. DOUGLAS. I yield.

Mr. COOPER. One of the charges made to me in the hundreds and thousands of letters I have received is that if dividends and interest should be withheld over and above the amount of tax liability, there will be no procedure by which the overpayment may be collected from the Federal Treasury. Will the Senator respond to that statement?

Mr. DOUGLAS. I am very glad that the Senator from Kentucky has mentioned that point. What will happen is that the recipient of dividends or of interest, who believes he has been overwithheld against, can file a statement quarterly and receive a refund without elaborate checking on the part of the Federal Government. There will be spot checks instituted to determine whether recipients are lying, but there will be a minimum of auditing of claims. The claims, if made, will be honored without elaborate bookkeeping.

After the first quarter the Treasury Department will actually send to the recipient a form upon which the refund claim can be made for the second, third, and fourth quarters of the year.

The Treasury Department is willing to take such statements on faith because if an untrue statement is made it will represent fraud, and fraud is punishable. There will be a minimum of checking.

I think if these facts were widely known that a great deal of the opposition would disappear. Our tax system is based on the assumption of the honesty of taxpayers. There is only enough checking to try to keep people from straying too far. Sometimes this imposes too severe a temptation for people to withstand. This is why withholding has been so beneficial in the case of whose who earn wages and salaries. It would be equally beneficial in the case of those who receive dividends or interest.

There is a further advantage. When there are annual or even quarterly payments, if one waits until the end of the quarter or the end of the year to pay taxes, one may have spent his money. Therefore, the people who work for wages and salaries find it more convenient to have the tax money withheld from each week's pay than to face the payment of the tax at the end of a quarter or at the end of a year.

Although recipients of interest or dividends, on the average, have higher incomes than those who receive wages and salaries, this will also be a convenient method for those who receive dividends or interest. It will enable them to pay taxes on the income as the income is received, and the tax will not accumulate until the end of the year.

We have received estimates that the cost to the paying institution after the initial year will not exceed 30 cents per $100 of tax withheld, or three-tenths of 1 percent.

I am very happy that one or two banks and savings institutions—notably the Franklin Bank of Mineola, Long Island, and a bank on the North Side of Chicago—have taken positions in favor of the withholding of taxes on dividends and interest. I wish the number were larger, but we are grateful to those who have testified.

I congratulate also the association of the bar of the city of New York, which had the courage to come to this city and testify to the same effect.

The savings and loan institutions and the savings banks, in my judgment, already have spent enough on the campaign against the withholding tax to

pay all of the administrative costs which they will experience under the act for 3 or 4 years, and they have distributed, unfortunately, a lot of material which is not accurate.

Madam President, I yield the floor, and I thank the Senator from Mississippi.

EXHIBIT 1

QUESTIONS AND ANSWERS ON THE WITHHOLDING OF TAXES ON DIVIDENDS AND INTEREST

1. How many individuals do not report dividends and interest?

	Million
Number of individual tax returns which should include dividends or interest	17.7
Number of individual tax returns which should report dividends or interest but which do not	6.0

NOTE.—There are no figures available by which to classify these returns as to income groups.

2. Question. What about the widows and orphans and the old people?

Answer. Under the bill, all children under 18 would be exempt from withholding.

Anyone over 18 who reasonably believes that he would not be subject to tax can file a withholding exemption certificate with the paying institution.

In addition, the Treasury estimates that only 2 million individuals of the 22.5 million individuals who receive interest and dividends will be overwithheld against. Of these, only 1 million of them will be overwithheld against to the extent of more than $10 annually.

Of the 1 million in general those with annual incomes of less than $10,000 ($5,000 if single) can claim quarterly refunds up to the amount of their "refund allowance" which takes into account personal exemptions, retirement income, and deductions.

As a result, opposition to this measure on grounds that it would hurt the "widows and orphans" is virtually without substance.

3. Question. Won't the withholding tax take 20 percent of a person's savings account and return it to the Government?

Answer. No. It will take only 20 percent of the interest on the savings account. This, of course, is already taxable but not paid in the case of millions of people.

For example. If a person has $100 in his savings account and receives $4 interest during the year, the withholding will be 20 percent of the $4 or 80 cents, not 20 percent of the savings account or $20.

4. Why would not automatic data processing be an effective substitute for withholding?

Contention. The Internal Revenue Service is adopting an automatic data processing system and this, coupled with account numbers and information returns, should be used to collect the unreported tax on dividends and interest.

Answer. This contention fails to state that an ADP-information return system would probably be more burdensome on the payers of dividends and interest, would be unworkable in some areas, and would, for a higher cost, recoup only one-third as much of the unreported tax as withholding.

Use of ADP-information returns would necessitate requiring information returns with respect to almost all dividend and interest payments. At present, only savings account interest payments of $600 or more must be reported and no reporting is required in the case of bond interest. Because of the millions of interest payments, the information return requirement would be very burdensome on the payers. Some people have told the Treasury that it would be more burdensome than withholding for many paying institutions.

When an individual purchases a bond between interest payment dates, he is only required to include in income that portion of the interest paid at the end of the period which is allocable to the time he held the bond. The seller is required to report the other portion which was paid him as accrued interest by the purchaser. However, since the paying institution does not know whether a bearer bond has been transferred, it would file an information return showing the full interest payment going to the purchaser. This would mean that a matching of the information return with the purchaser's return would indicate a discrepancy where none exists. As a result, the purchaser may be subject to an unnecessary audit. On the other hand, there would be no information filed as to the accrued interest taxable to the seller. In this area, ADP and information returns would be an unworkable method for enforcing the tax on interest.

Even with an expanded information return system and a complete matching of these returns with the returns of the dividend and interest recipients, not one cent of tax would have been collected. There would have to be audit and enforcement followup in each case where a discrepancy is indicated. These procedures are not economically feasible for the millions of relatively small dividend and interest payments involved. The Commissioner of Internal Revenue estimates that no more than $200 million of the over $800 million annual revenue loss could be recouped through these enforcement procedures. This would be at a cost of $27 million.

For only $19 million, withholding can recoup $650 million each year. In addition, with withholding, the ADP-audit procedures would be left free to recapture most of the remaining $150 million of the yearly revenue loss, since this loss involves dividends and interest received by higher income groups where these procedures can be more economically applied.

One additional consideration is that ADP will not be fully operational until 1966. Therefore, without withholding in the interim, the Government will not even be able to collect the limited $200 million of revenues that ADP and audit would help collect.

5. Some say withholding on interest and dividends isn't necessary.

Contention. Some charge that there is no real need to enact the burdensome procedure for withholding income tax from dividend and interest payments.

Answer. Withholding of tax from interest and dividend payments is a greatly needed reform in our tax structure; one that is necessary for both budgetary and equity reasons.

The most convincing argument for withholding on interest and dividends is told by the figures themselves. On the plus side is the fact that about $18.8 billion of dividends and interest is reported on income tax returns each year. On the other side, however, is the fact that around $4 billion of dividends and interest which should be reported each year is not, either because of inadvertence or an unwillingness to pay one's fair share of tax. This results in an annual revenue loss to the Government of over $800 million. Withholding of income tax from interest and dividend payments will recoup almost $650 million of this large yearly loss.

These revenue figures are based on Treasury estimates from data compiled from 1959 returns (the latest data available). They are in substantial accord with the estimates of the prior Republican administration For example, Mr. David A. Lindsay, former General Counsel of the Treasury, in an address before the Tax Institute Symposium on September 29, 1960, estimated that $4 billion of interest and dividends were not reported on tax returns of individuals. To quote him:

"Recent studies have indicated a gap in the amount of dividends paid to individuals and the amount of the dividends reported on individual tax returns of approximately $1 billion, or failure to report about 10 percent of the total amount of dividends received.

"It was also estimated that about $3 billion of interest, which is about one-half of the interest received by individuals, was not reported."

Withholding is important for another reason. It is unfair to those taxpayers who faithfully and accurately pay their full share of taxes to also require them, through higher taxes, to make up the over $800 million of taxes which others fail to pay on their interest and dividends. To have an effective self-assessment system, people must believe that their neighbors are also bearing their share of the taxes. When this belief is questioned, the whole self-assessment system is threatened. Withholding on interest and dividends will be a big step toward making sure that one group does not bear the tax responsibilities of another. In this way it will bolster our self-assessment system.

Withholding is nothing new or novel. It has operated efficiently for many years in helping to collect the taxes due on salaries and wages. There is no reason to believe it is not equally suitable in the area of dividends and interest.

Many people argue that a withholding system is not necessary. They say that the underreporting problem can be solved by taxpayer education. Unfortunately, history shows this is not true. The Treasury and Internal Revenue Service in recent years initiated an extensive educational program to remind taxpayers to report their dividend and interest income. The payers of dividends and interest wholeheartedly cooperated in this program by distributing tens of millions of notices reminding people to report this income. The Government organized a mass publicity campaign, using newspapers, radio, television, and other media. Despite this program, there was no indication of substantial improvement in taxpayer reporting.

6. Some say withholding on interest and dividends will discourage thrift.

(a) Charge that people will withdraw savings:

Contention. If people are subjected to withholding on their dividends and interest, they will sell their stock or withdraw their savings to avoid withholding. This, of course, will discourage thrift.

Answer. It is hard to believe that an individual will forgo any earnings on his savings to avoid having tax withheld from these earnings. For the taxpayer who has been reporting his tax, withholding will merely afford him an efficient method for paying that tax. He would hardly have a motive for withdrawing his savings. For other taxpayers, withholding will result in their paying a tax for the first time. But even for these people, interest or dividends after tax is certainly better than no interest or dividends at all. There is no motive for them to withdraw their savings.

Since withholding would be required with respect to nearly all types of investments available to the average individual, there will generally be no opportunity for him to shift investments to avoid withholding. This is an important safeguard in that it insures that withholding will be a neutral factor when an individual decides where to invest his funds and will not result in giving one type of investment a competitive advantage over another.

(b) Charge that withholding will reduce invested funds:

Contention. Many depositors never withdraw their interest with the result that it increases their savings. The same is true in the case of dividends declared by mutual funds. Withholding will automatically reduce by 20 percent the earnings reinvested by the depositor or shareholder, thereby reducing his savings.

Answer. This is an effect that naturally flows from any withholding system. It would seem, however, that much of the noncompliance occurs in those cases where people automatically reinvest their dividend and interest income and therefore do not receive any cash payments. Many of these people apparently forget or do not bother to check how much interest or dividends have been credited during the year. Therefore, it would seem that withholding is especially important in this area.

7. Answer to objection that there will be massive overwithholding; and that exemption and refund procedures are inadequate and burdensome.

(a) Charge of massive overwithholding:

Contention. The withholding system will result in massive overwithholding.

Answer. It is estimated that 22.5 million individuals receive interest and dividends. Only 2 million of these individuals will be subject to overwithholding and only 1 million of them to the extent of more than $10 annually. Of the latter 1 million, those with annual income of less than $10,000 ($5,000, if single) can claim quarterly refunds of the overwithheld tax up to the amount of their "refund allowance". This refund allowance in effect gives an individual credit for his personal exemptions, retirement income credit, and standard deduction, to the extent there is no other income against which to apply them.

According to Treasury estimates, $3 billion will be withheld on dividends and interest received by individuals, of which only $170 million would be overwithholding. This is a mere 5 percent of overwithholding, as compared to 14 percent in the case of wages. In terms of number of individuals subject to overwithholding, 73 percent of wage earners are overwithheld while only 13 percent of dividend and interest recipients would be overwithheld.

In fact, overwithholding is almost completely avoided by the exemption system. Nontaxable individuals would be eligible to file exemption certificates and, thereby, completely exempt their dividends and most forms of interest from withholding. In addition, 6 million schoolchildren would be automatically exempt from withholding on their school savings accounts.

(b) Charge that individuals will forget to claim their refunds resulting in a windfall to the Government:

Contention. Even though the bill provides for quarterly refunds, many people will forget to claim them with a resulting windfall to the Government.

Answer. Under proposed administrative procedures, an individual would need to initiate only the first quarterly refund claim for the year. The Internal Revenue Service would recompute his "refund allowance" for the second and third quarters and would mail him a partially completed claim for refund on which he would need only enter the amount of dividends and interest he received during the quarter. At the end of the year, the Internal Revenue Service will send each individual who has claimed quarterly refunds a summary statement. For the fourth quarter the refund would be claimed on the individual's regular tax return which he could file immediately after the end of the year. Although no quarterly claim could be filed for an amount under $10, the individual could cumulate amounts withheld during more than one quarter for purposes of meeting the $10 limit.

8. Charge that withholding of funds from low income persons may cause severe hardship.

Contention. Withholding of 20 percent of dividend and interest payments to low income (but taxable) individuals might cause severe hardship to these individuals who need that money on which to live.

Answer. Most of these individuals would be eligible for quarterly refunds of the overwithheld tax. The individual does not have to wait until the end of the quarter to file his claim for refund but may do so any time during the quarter. For example, an individual who receives all his interest and dividends during the first week of a quarter may file his quarterly refund claim at the end of that first week. Therefore, in many cases, individuals will be without the withheld funds for only a very short period of time. Even if an individual must withdraw funds from his savings to make up for withholding, the net effect is the loss of interest on those funds for up to 3–4 months at the very most. In the case of an individual who receives $500 of interest during a quarter, the loss would amount to only $1 (assuming a 4-percent rate of interest).

9. The charge that lack of withholding receipts will result in fraud.

Contention. There is no requirement that payers of dividends and interest must furnish the recipients withholding receipts (similar to the W–2 receipts in the case of wage withholding). As a result, there will be a great deal of fraud, with the result that extensive audits of records will be necessary.

Answer. There is no area of tax law in which deliberate fraud is not possible. It is known that people claim dependents who do not exist, list charitable contributions they never gave, and claim medical expenses they did not have. Some of this, of course, goes undetected. But deliberate tax fraud is relatively rare. Specifically, deliberate claims for unjustified refunds and credits could never even approach in either dollar volume or numbers of individuals involved the tax evasion currently possible in the absence of a withholding system.

10. Argument that small interest payments should be excluded from withholding.

(a) Generally not subject to tax:

Contention. Small interest payments should be excluded from withholding since they are usually not subject to tax anyway.

Answer. The size of an individual's savings account does not necessarily have any relation to his tax status. For example, an individual could be earning a substantial salary and yet, because of his expenses or other forms of savings, have a relatively small savings account. Since the withholding system has as its major purpose the collection of tax, there is no logical reason to exclude arbitrarily from withholding small amounts which, nevertheless, may very well be fully subject to tax.

In addition, an exclusion from withholding for small interest payments would provide a means by which people could avoid withholding on all of their bank account interest. This could be done merely by opening relatively small accounts in different banks or by opening several small accounts in the names of different members of the family.

Moreover, an exclusion from withholding for interest payments below a specified amount would materially reduce the effectiveness of the "gross-up" system. For example, in some cases an individual may have two savings accounts, one subject to withholding and one not. This could occur, for example, when an individual has a large account for his family's ordinary savings (earning interest above the minimum limit) and a small account (earning interest below the minimum limit) containing savings for a particular purpose, such as a vacation. In such a case, part of the interest received by the individual would be subject to withholding and part would not. This could cause considerable taxpayer uncertainty in applying the "gross-up" system, since part of the interest would be included and part not.

(b) Unclaimed refunds will be large:

Contention. Withholding will result in a large windfall to the Government in the form of unclaimed refunds. As an example, it has been indicated that there are some 32 million bank accounts involving withholding of less than 40 cents, and that many of the depositors in these accounts will not undertake to file either an exemption certificate or a claim for refund with the result that these withheld funds will be a windfall to the Government.

Answer. These figures are very misleading. The 32 million accounts evidently include accounts paying no interest because they are dormant accounts or accounts where no interest is paid as a matter of bank policy. Therefore, this figure in itself is open to question.

However, even assuming they are correct, it is by no means true that all the withheld funds will be forfeited to the Government. First, many of these small accounts will be automatically exempt through the exemption for all school savings accounts without regard to the filing of exemption certificates. It is estimated that savings accounts of 6 million children will fall in this category.

Second, most dividend and interest recipients, even though receiving small payments, will have other income (such as wages) and, as a result, will owe tax for the year. These individuals are required to file income tax returns on which they will be able to take credit against their tax liability for the dividend and interest withholding. The returns will clearly show that these individuals must report their interest and dividend income and also that they may take a credit or obtain a refund for any withheld tax. There should be no reason for them to forget to take the credit or claim the refund.

Third, even though they owe no tax for the year, many of these recipients will be required to file tax returns because they have more than $600 ($1,200 if over 65) of income. The returns will clearly indicate they are entitled to a refund.

Fourth, many of these individuals will avail themselves of the exemption certificates procedure.

Therefore, after taking into account all those different situations, it seems clear that only a very small number of people will in fact forfeit their withheld tax.

11. The charge that withholding will do nothing to enforce tax on high income people.

Contention. Since the withholding rate is only 20 percent, it will have no impact on the collection of taxes on dividends and interest received by individuals in the higher income tax brackets.

Answer. It is necessary to set a rate of withholding approximating the first tax bracket in order to avoid undue overwithholding on the great majority of recipients. However, with withholding taking care of the tax liability of the great majority of dividend and interest recipients, the Internal Revenue Service will be able to concentrate its ADP facilities and enforcement personnel on enforcing the tax on higher income individuals. It is in this area that the new ADP system will prove very effective in helping to enforce the tax on dividends and interest.

12. The mechanics of withholding.

The withholding procedures to be followed by payers of dividends and interest will be relatively simple. Basically, a payer will perform three steps in performing withholding:

(1) The payer will total up the amount of dividends or interest that is to be paid to persons who have not filed exemption certificates and will deduct 20 percent of this total amount. This 20 percent is the amount of taxes to be withheld.

(2) Each recipient will then be paid 80 percent of the dividend or interest due him. Persons who have filed exemption certificates will be paid their full dividends or interest.

(3) At the end of the month following the close of the quarter in which the dividends

or interest were paid, the payer will remit to the Government the 20 percent withheld reduced by any taxes withheld on dividends and interest received by the payer during that quarter. The remittance to the Government will be in a lump sum with no breakdown according to individual recipients.

The following are examples of how these withholding procedures would operate when a bank credits interest to its depositors, and when a corporation pays dividends:

Example 1 (interest paid to depositors):

Bank A credits interest to its depositors twice a year, January 1 and July 1, at a rate of 4 percent annually (2 percent on each payment date). The total interest due depositors on July 1, 1963, is $110,000, broken down as follows:

(a) School savings accounts	$2,000
(b) Accounts of persons who have filed exemption certificates	8,000
(c) All other accounts	100,000

Since school savings accounts and accounts of persons who have filed exemption certificates are exempt from withholding, Bank A will credit interest to these accounts in the amount of 2 percent.

The bank will then deduct 20 percent (or $20,000) from the $100,000 of interest due on all other accounts and credit the remaining $80,000 to these accounts. This means that the bank would credit interest in the amount of 1.6 percent, rather than 2 percent, to each such account. It would not be necessary for the bank to make two computations for each account since it is not required to show the gross interest before withholding.

If the bank reports its taxes on a calendar year basis, it may retain the $20,000 withheld on July 1 until October 31. In determining how much it must remit to the Government on October 31, the bank may take a credit for any taxes withheld on dividends and interest it received. Thus, if $15,000 was withheld on interest and dividends it received during the quarter beginning July 1, it will only be required to remit $5,000 to the Government on October 31.

Example 2 (dividends):

Corporation B declares a dividend of 50 cents a share, payable on April 1, 1963. The total amount of dividends to be paid is $52,000, broken down as follows:

(a) Dividends on shares owned by individuals who have filed exemption certificates	$2,000
(b) Dividends on all other shares	50,000

Corporation B will then pay the full dividend of 50 cents a share (totaling $2,000) to those individuals who have filed exemption certificates. It will deduct 20 percent (or $10,000) of the dividends payable on all the other shares and pay out dividends at the rate of 40 cents a share. It will not be necessary for the corporation to make two computations with respect to each shareholder since there is no requirement that the gross dividend must be shown.

If the corporation reports its taxes on a calendar year basis, it may retain the $10,000 withheld on April 1 until July 31. In determining how much it must remit to the Government on July 31, the corporation may take a credit for any taxes withheld on its dividend and interest income. Thus, if $2,000 was withheld on dividends and interest it received during the quarter beginning April 1, the corporation will only be required to remit $8,000 to the Government on July 1.

Gross-up procedure for individuals:

Although there is no provision for withholding receipts (similar to the W-2 receipts under wage withholding), a person will easily be able to determine the total amount of his dividends and interest and the amount of withheld tax. This will be done through a simple gross-up schedule which will be a part of the income tax returns and refund claims. For example, assume that an individual receives a dividend of $80. He will then perform the following simple calculations·

(1) Amount of dividend received	$80
(2) One-fourth of this amount (withheld tax)	20
(3) Total amount of dividend ((1) plus (2))	100

From this schedule, the individual would know that $100 is the total amount of his dividend to be included in his income for tax purposes and that $20 of tax was withheld for which he is allowed a credit against his tax liability and a refund of any excess.

ADJOURNMENT

Mr. EASTLAND. Madam President, I move, pursuant to the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 25 minutes p.m.) the Senate adjourned, under the previous order, until tomorrow, Thursday, May 3, 1962, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate May 2, 1962:

U.S. ATTORNEY

Louis C. LaCour, of Louisiana, to be U.S. attorney for the eastern district of Louisiana for the term of 4 years, vice M. Hepburn Many, resigned.

EXTENSIONS OF REMARKS

The National Lottery of Israel

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1962

Mr. FINO. Mr. Speaker, I should like to acquaint the Members of this House with the national lottery of Israel.

In 1961, the gross receipts of the national lottery of Israel amounted to about $20 million, an increase of $6 million over the previous year. The net income to the Government, earmarked solely for the construction of schools and hospitals, exceeded $6 million.

Mr. Speaker, the fight to establish a national lottery in Israel was not easily won. It took a few years after the declaration of the State of Israel before the Government and public circles consented to the organization of a lottery in that country. It has now been in existence about 10 years and proven very successful.

Mr. Speaker, why cannot we, like Israel and other nations, overwhelm the hypocrites, bluenoses and moralists? If we can only wipe out hypocrisy in the United States we could, with a national lottery, pump into our Government Treasury over $10 billion a year in new revenue which could be used for tax cuts and reduction of our national debt.

Friendship Day Camp

EXTENSION OF REMARKS

OF

HON. JAMES ROOSEVELT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1962

Mr. ROOSEVELT. Mr. Speaker, for the past 10 years Los Angeles has been justifiably proud of Friendship Day Camp, a nonprofit interracial day camp serving children between the ages of 6 and 15 in the Greater Los Angeles area.

It is camp policy to be representative of all Los Angeles' racial, religious, and cultural groups. This applies to counselors as well as to the children. While enjoying the experience of outdoor camping, the youngsters share songs, dances, stories, and games of various cultures, thereby developing a sense of pride in their own backgrounds as well as learning the true meaning of democracy through the appreciation of the rich variety in America's racial and cultural diversity.

Friendship is operated on a nonprofit basis, and with an extremely limited budget. Although a small sum is charged for tuition, any child whose parents cannot pay the full tuition is nevertheless eligible to attend even if circumstances permit payment of as little as 25 cents a week.

I am happy to join those civic-minded citizens and groups of the community who have praised and endorsed Friendship Day Camp for its contribution to the preservation of our American way of life.

Alexander Gsoell, Winner of National Maritime Poster Contest

EXTENSION OF REMARKS

OF

HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1962

Mr. CLANCY. Mr. Speaker, tomorrow, May 3, 1962, will be a proud day in the life of 17-year-old Austrian-born Alexander Gsoell, of 6743 Hearne Road, Cincinnati, Ohio, as he stands on the steps of the Nation's Capitol to receive a $500 check and the congratulations of the

Honorable Clarence D. Martin, Under Secretary of Commerce for Transportation, as this year's first prize winner in the annual National Maritime Poster Contest for high school students.

Following the unveiling of his winning poster on the steps of the Capitol the immigrant youth, who came to the United States from Vienna only 18 months ago, will participate with Deputy Postmaster General Brawley and Under Secretary Martin in placing the first poster on a mailtruck. The same poster will appear on all 40,000 mailtrucks throughout the Nation during the month of May. The poster will be displayed in post offices and other public buildings and on the Nation's mailtrucks in every city, town, and hamlet across the country, to focus public attention on the importance of the American merchant marine to the peacetime trade and commerce of the Nation, and as the "Fourth Arm of Defense." Alexander Gsoell's prize-winning poster depicts a crate of cargo being hoisted aboard ship, proclaiming that "American Ships Strengthen America."

The National Maritime Poster Contest, sponsored annually by America's maritime industry, in cooperation with the U.S. Government, drew 7,700 high school student entries from 44 States and Guam this year.

I wish to speak for the people of my congressional district in congratulating Alexander Gsoell on this happy occasion, and for his outstanding achievement. I know my feelings of pride are shared by his family, his art teacher, and the other faculty members and students of Central High School in Cincinnati.

Victims of a Cruel Hoax

EXTENSION OF REMARKS

OF

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1962

Mr. GILBERT. Mr. Speaker, the one-way ticket to the North being offered to Negroes by some racist groups in southern communities constitutes one of the most dastardly actions against the Negroes of our country.

The Negro who submits to this enforced relocation is the victim of a lifetime of discrimination; he has been denied job opportunities, decent housing, and educational opportunities for himself and his children. The final insult, the final hoax perpetrated upon him, the last inhumane punishment that can be inflicted upon him is to tear him away from his home soil, his home community, his relatives, his friends. He surely cannot be blamed for accepting the one-way ticket; he is desperate and afraid; a hope has been held out to him and he grasps for it.

Those in the South who paint a bright future for the Negroes they are enticing into their one-way buses are guilty of the greatest deceit and cruelty; their action is a grave offense against the human race. We of New York City and other northern cities to which these unfortunates might be sent, realize that they will find the same difficulties which white persons without funds or industrial skills would encounter, for our cities are overburdened with housing shortages, heavy welfare rolls, and unemployment.

Here is another convincing argument against discrimination. We must use the power and prestige of our Federal Government to bring about effective and necessary changes in those States in which citizens of the United States are being denied the equality guaranteed them under the Constitution. These rights must be available to all in the South as well as the North.

Martin de Porres

EXTENSION OF REMARKS

OF

HON. JOHN F. SHELLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1962

Mr. SHELLEY. Mr. Speaker, there is rejoicing all over the world upon the canonization of Martin de Porres, who has been the patron of the interracial movement in all places where segregation and discrimination have made such movements necessary. As a mulatto, Martin de Porres belonged equally to the white and to the Negro race, and forms for us a symbol of interracial sympathy and cooperation. His life history is a story of unselfish devotion to the welfare and happiness of all whom he could help. In his ministrations, he made no distinction between Spaniard, Indian, mulatto, and Negro. The poor and neglected, the sick and afflicted, could be sure of the affectionate care of this Dominican lay brother; and his native city of Lima loved him, living, and sincerely mourned him when he died, in 1639.

In giving official recognition to the sanctity of Martin de Porres, Pope John is adding a new name to the roster of saints in the Order of Preachers, commonly known as the Dominican Order, who contributed greatly to the development of civilization and culture in the Spanish and Portuguese territories of the new world.

It was late in the history of the new world, but early in the history of California as one of the United States, that the Dominicans began their contribution to the development of the State, with Bishop Joseph S. Alemany, O.P., as bishop of Monterey in 1850, and then as first archbishop of San Francisco in 1853. Bishop Alemany, as soon as he was established in Monterey, brought in the Dominican Fathers, and also the Sisters of St. Dominic, who founded in 1850 St. Catherine's Convent, the first foundation of religious women in California. This convent was the institution out of which grew, in 1891, Dominican College. California and San Francisco rejoice with these men and women of the following of St. Dominic, that this high and well-deserved honor has come to one whose life so thoroughly exemplified the high ideals of their order.

Deductible Business Expenses

EXTENSION OF REMARKS

OF

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1962

Mr. DENT. Mr. Speaker, the following material concerns a situation in the State of Pennsylvania that has been called to my attention because of its nationwide scope.

You will note that the information is in the form of a letter to Commissioner Caplin of the Internal Revenue Service requesting that a tax court finding in the case of the Coca-Cola Co. of Indianapolis allow deductible expense accounts as business costs.

In this correspondence I am requesting that the local decision be made in all like cases on a national basis. The seriousness of this situation was first called to my attention by the remarks of the Honorable RAY J. MADDEN of Indiana, in February of this year.

Since this move has just started in Pennsylvania, I have reviewed Mr. MADDEN's remarks recently, and came to the conclusion that it would be best if those interested in this endeavor would know beforehand that their contributions to such a fund will not be deductible as legitimate business expense.

There are many of us who believe that there is a lack of sincerity in the promotion efforts of this group and that many innocent persons are led to believe that their contributions are tax exempt, and after the money has been spent they find that such is not the case.

Other Members of Congress interested in this particular subject would do well to contact Commissioner Caplin as per the explanation contained in my letter of this date to the Internal Revenue Service.

The letter follows:

The Honorable MORTIMER M. CAPLIN,
Commissioner of Internal Revenue,
12th and Constitution Avenue N.W.,
Washington, D.C.

DEAR COMMISSIONER CAPLIN: It has come to my attention that an organization with the soubriquet of "Pennsylvania for the Right To Work, Inc.," has been formed in my native State to spearhead a propaganda campaign seeking to lobby punitive antilabor legislation through the State legislature.

To finance this campaign, both the Pennsylvania committee and the national parent body are soliciting contributions from Pennsylvania business and industrial firms.

The objective of this group, according to its public announcement, is to achieve enactment of a law, which would deny labor and management their present freedom of contract and accepted legal right to negotiate a union security provision as part of a labor-management agreement.

The purpose of the legislation which Pennsylvania for the Right To Work, Inc., seeks to have enacted is to destroy the collective bargaining process that is the keystone of Federal labor-management policies and to weaken and make ineffective the voice of organized labor at the collective bargaining table. This law would substitute individual bargaining for collective bargaining, placing the worker at the mercy of the employer. The proposal is called by its sponsors a "right-to-work" law, which is a misnomer, for it guarantees no one a job.

The Pennsylvania group has been organized under the aegis of an organization known as the National Right To Work Committee, of Washington, D.C. In other States, such as Oklahoma and Kansas, affiliates of the National Right To Work Committee bear similar titles. In the case of Oklahoma the organization is known as Oklahomans for the Rights To Work, Inc." In Kansas it is called Kansans for the Right To Work, Inc. The titles bear out the close working line between the National and State groups.

As I have stated, both the National and State groups obtain their operating funds for influencing legislation by soliciting members of the business community. It is my understanding that in past elections some part of these funds have been spent seeking to elect candidates for public office who, these organizations hope, will be friendly to enactment of the antilabor legislation they espouse. I would like to point out that spokesmen for the Pennsylvania "right-to-work" group have stated publicly they will take similar action in the present election year.

Solicitations for funds to support these political activities are filling the mail of businessmen in Pennsylvania, as well as in other States.

In this connection, the National Better Business Bureau, Inc., of New York City, recently distributed to its membership a report on the activities of the National Right To Work Committee, including this fund solicitation.

This report stated that the National Right To Work Committee had retained the firm of Wilson E. Hamilton and Associates, Washington, D.C., at a fee of $3,000 per month, plus a commission of 33⅓ percent of the net income on all membership dues and contributions obtained through their fund-raising efforts. For the year 1960, the Better Business Bureau stated the National Right To Work Committee reported it "paid commissions and fees to Wilson E. Hamilton and Associates totaling $74,503.30, or 17.8 percent of dues received amounting to $418,732.50."

My colleague from Indiana, Representative Ray J. Madden, made available to the House of Representatives on February 7 the report of the Better Business Bureau which further stated that:

"The committee also advised the National Better Business Bureau that the total fund-raising expense for 1960 including fees, commissions, mailings, office space, clerical and secretarial help amounted to 42.2 percent of income, and that the comparable figure for the first 6 months of 1961 was 31.6 percent."

The remaining 57.2 percent of these contributions by businessmen and industrial concerns were expended to influence the enactment of the antilabor "right-to-work" laws.

The Better Business Bureau reported that on the tax status of these contributions, the National Right To Work Committee advises members and contributors "that contributions to this organization may be classed as a business expense, but we can give no assurance that this will not be challenged by the Internal Revenue."

This would appear to be a tacit invitation to business contributors to list their right-to-work contributions as a Federal income tax deduction. Some allied committees openly state that contributions are deductible as a business expense.

In this connection, it is my understanding that in a recent Indiana case involving the Coca-Cola Co. of Indianapolis, the Indiana District of the Internal Revenue Service ruled that contributions to a right-to-work committee were political expenditures and not deductible as a business expense.

Inasmuch as widespread right-to-work fund solicitation is taking place in Pennsylvania, I should like to inquire of the Internal Revenue Service whether the Indiana ruling applies likewise to such contributions made by business and industrial firms to right-to-work committees in Pennsylvania?

I feel that the businessmen of Pennsylvania should know where they stand in order that they may decide whether to claim Federal income deductions on funds contributed to a movement which creates friction in our industrial life.

I should also like to ask whether a ruling has been made by the Internal Revenue Service on the tax status of such contributions on a national basis and, if not, whether such a ruling, as in the Indiana case, should not be made for general application to all?

Very truly yours,

John H. Dent,
Member of Congress.

Leather and Rubber Footwear Exports

EXTENSION OF REMARKS

OF

HON. EDMUND S. MUSKIE

OF MAINE

IN THE SENATE OF THE UNITED STATES

Wednesday, May 2, 1962

Mr. MUSKIE. Mr. President, for some time, the shoe industry has been concerned about the rapid expansion of leather and rubber footwear imports. This industry, which is vital to the economy of the State of Maine, is threatened with market disruption by a rising volume of shoe imports from efficient but low-wage industries in various parts of the world.

The following statement relating to shoe facts illustrates the problem:

THE FACTS ABOUT SHOE IMPORTS

First. Leather shoe imports have increased 234.5 percent since 1957, from 11 million in 1957 to 36.8 million pairs in 1961. In the first 2 months of 1962, leather footwear imports were 82 percent above the comparable period of last year. Rubber footwear imports dropped last year, but this year the rate is 45 percent higher than last year.

Second. At the present rate, footwear imports will reach 76.6 million pairs by 1965, which would be 11.7 percent of U.S. output. If imports of sneaker types were added to leather imports, then total imports would represent 20.4 percent of estimated U.S. output of leather and sneaker types combined.

Third. While imports have been increasing, our exports have dropped from 4.4 million pairs in 1957 to 3 million pairs in 1961.

Fourth. For every 10 million pairs of leather footwear produced, there are jobs for 4,100 workers in shoe manufacturing, and another estimated 1,400 jobs in the supplying trades, or 5,500 jobs in all. Since 1956 alone 15,000 jobs have been lost in the leather shoe and supplying industries. By the end of 1965, another 22,000 jobs will have been sacrificed in the leather shoe and supplying industries. This is at current tariff levels.

Fifth. The trade expansion bill, H.R. 9900, if passed as written, could result in tariffs on imported shoes being lowered to one-half, or in some cases, even to zero during the next 5 years.

Sixth. The United States pays the highest wages to shoeworkers of any country in the world. The U.S. shoeworker receives from 2 to 5 times the wages of foreign shoeworkers.

Seventh. With the new equipment and machinery in foreign shoe factories —financed in large part with U.S. help and easier tax laws—foreign shoe output per worker approximates our own production rates.

Eighth. Imported shoes land in this country at far lower prices than for like items produced here. This is simply cheap foreign labor competing against higher price U.S. labor.

Ninth. U.S. tariffs are among the lowest in the world. For shoes, U.S. duties average 12.6 percent on all shoes imported from all countries. Foreign tariffs plus taxes loaded on exported U.S. shoes range up to as high as 53 percent of landed cost. This is certainly a poor example of how foreign nations have lived up to our reciprocal trade agreements.

Mr. President, in spite of this grave problem to the shoe industry, it has taken a lightened approach to our basic trade policy and to the President's recommendations.

Recently, I had an opportunity to discuss the problems of trade with the shoe executives of Maine. Because of the problems of the shoe industry and because of the relationship of their problems, to that confronting other industries in our country, I ask unanimous consent that my remarks to the Association of Shoe Executives of Maine, on April 28, 1962, be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

ADDRESS BY SENATOR EDMUND S. MUSKIE TO SHOE EXECUTIVES OF MAINE AT THE CALUMET CLUB, AUGUSTA, MAINE, APRIL 28, 1962

I remember—too many years ago for my own comfort—when the subject of international trade was a dry-as-dust part of my studies. The questions of "comparative advantage," "balance of trade," and "international payments" were remote from my personal concerns, and not particularly exciting.

Today I find the jargon of trade talk as dry as ever; but the subject of trade is a vital preoccupation for me and for my constituents. Next to the subject of taxes, it is the question which is absorbing the most attention on Capitol Hill, these days.

I come before you with mixed feelings to talk on trade. In the words of the folk song "Goober Peas": "The subject's interesting but the rhymes are mighty tough."

I think most of you know my general philosophy on the subject of trade policy. The President's bill has been introduced and hearings have been concluded by the House Committee on Ways and Means. Now the committee is closeted in executive session to work its will on the President's recommendations. My own opportunity to cast my vote and to exert my will directly on the bill is three steps away: House Committee action, House passage, and Senate Finance Committee action. I do plan to appear before the Finance Committee to offer some suggestions which, in my opinion, will improve the bill and will provide a more realistic form of assistance to domestic industries threatened by import competition, particularly where that competition comes from highly industrialized, low-rate areas.

As a Senator from the State of Maine, I am very much concerned over the economic growth of our country. Maine has been plagued by unemployment for many years and I realize that we must encourage general economic growth if we are to overcome many of our economic difficulties.

I recognize that expanding international trade represents one important facet of the President's efforts to stimulate a dynamic domestic economy. However, although I agree with this objective, I think there are substantial problems involved in the trade bill, H.R. 9900, which must be resolved. Expanding trade can be harmful as well as beneficial unless the policies affecting it are realistically devised.

In approaching the specific legislation pending in Congress, it is well to keep one's perspective. It is altogether too easy to be drawn off into one of the two extremes in the trade debate. On the one side we have the "free traders" who follow the ideal of absolute and untrammeled international competition like knights in search of the Holy Grail. At the other extreme are the committed protectionists who see in every import statistic the threat of imminent collapse for the American economy. In the trade debate, neither contributes substantially to the kind of balanced trade policy which will encourage sound economic growth.

What are the objectives offered by the President? What are the conditions under which we are being asked to formulate a new trade policy?

The President is convinced that increased trade is vital to "the unity of the West, the course of the cold war, and the economic growth of our Nation for a generation to come."

The factors which have triggered the new debate over trade are the expiration of the Reciprocal Trade Act and the development of the European Common Market.

The expiration of the Reciprocal Trade Act confronted the President with a choice of three alternatives:

First. He could let the act expire and wait for the nonelection year of 1963 to press for trade legislation;

Second. He could call for a simple extension of the act; or

Third. He could request a new law revising our present trade policy.

He has chosen the latter course.

Coincidental with this circumstance has been the spectacular development of the Common Market.

Since the close of World War II, the United States has supported the principle of European integration, because of its conviction that the creation of a broad, competitive market in Western Europe would be advantageous to the United States and that it would build up the economic strength of Europe, thus making for a strong free world.

In 1958, six European countries—France, West Germany, Belgium, Luxembourg, the Netherlands, and Italy—formed the European Economic Community for the purpose of integrating their economies. The Treaty of Rome, which created it, represents the most ambitious step yet taken toward economic integration. The most important aspect of the Community, from the point of view of U.S. foreign trade, is the Common Market.

Under the treaty, the six member countries agreed to eliminate all tariffs and quotas among themselves starting January 1, 1959. It was contemplated that 12 to 15 years would be required for the progressive attainment of free trade within the area. The target date for the complete elimination of internal tariffs is now 1966 instead of 1969–1972, as originally contemplated. Import quotas among the member countries on industrial products are to be eliminated by the end of 1961 and on other goods by 1970.

Because of the acceleration of internal tariff reduction and of the early institution of the common external tariff, the impact of the European Common Market of U.S. exports will be felt earlier than had been contemplated. Since the common external tariff will be determined by the average of rates prevailing in each of the six countries in 1957, the tariffs that eventually will be applicable to U.S. products will be higher in some countries and lower in others. Generally speaking, the tariffs of France and Italy will be lower, while those of the Benelux countries and Germany will be higher.

If the Common Market is carried through to completion, as there is every reason to believe it will be, the net effect will be the formation of a large free trade area of great potential economic growth. The United Kingdom has applied for membership in the European Economic Community, and when she does join, the resulting market area of Western Europe will be the largest in the world, larger even than the United States.

There is no way of knowing what will happen with regard to commodities on which tariffs are to be determined by negotiation. Neither is there any way of knowing what will happen to external quotas. Here, too, only time can tell whether the net effect of the European Common Market will be to liberalize trade or to intensify protection.

In the short run, certain U.S. exports will decline as the new discriminatory tariffs become effective. In the long run, however, it is reasonable to suppose that some products which the United States does not export in large quantities may be in greater demand because of the changed structure of European industry. Indeed U.S. exports to the Common Market countries probably will increase as time passes.

The Common Market will make it possible for Europe to compete in world markets more effectively than heretofore. The lowered costs and prices which usually accompany an expanding economy will increase the capacity of Europe to earn dollars and, consequently, to increase its capacity to import more than it does now from the dollar area. Under the circumstances, it is essential that U.S. industry increase its efficiency and improve its exporting and marketing methods.

About 25 percent of all U.S. exports to Western Europe consist of raw materials, such as ores, textile fibers, nonmineral oils, and raw chemicals. Not many products in this category will be affected by the new Common Market tariffs, since duties on most of them will remain low. In fact, the industrial growth of Europe probably will cause U.S. exports in these categories to increase.

About 5 percent of U.S. exports to Western Europe consist of fuels, principally coal and petroleum products, most of which will remain subject to low tariffs. The prospects for U.S. fuel exports depend more on the degree of quota protection on coal, and on how much oil is developed in Europe and other countries, than on tariffs.

About 30 percent of U.S. exports to Europe consist of food and tobacco, tariffs on which vary widely. Tariffs on these goods are not as significant, however, as quotas, subsidies, and administered pricing. The European Economic Community's new agricultural policy will extend national preferences to producers throughout the Common Market area. It also will stimulate competition among European farmers and encourage more efficient production of foodstuffs within the area. There is no way of telling, now, whether these effects will be counterbalanced by increased total demand for food and tobacco. Their objective is, obviously, to stimulate their own agricultural production and to reduce their reliance upon agricultural imports.

The remaining 40 percent of all U.S. exports to Western Europe consist of manufactured goods, principally machinery, transportation equipment, and manufactured chemicals. Most of these products will encounter external tariffs and discrimination within the Common Market, while internal Common Market tariffs approach zero. At the same time, European producers are likely to enjoy cost advantages brought about by increased efficiency and larger scale production. In consequence, many American producers will find European competition increasingly difficult to meet.

For many manufacturers this increased competition will extend to markets outside Europe. Western Europe must export manufactured goods in order to import needed raw materials. At the present time, the six Economic Community countries, together export more than the United States.

However, this does not necessarily mean that American manufacturers will not be able to compete in world markets, or even that they will be unable to export to the Common Market countries. It is characteristic of the U.S. economy to emphasize research, to improve products, and to reduce costs. It is quite likely that, through research, American companies will find new ways to produce certain goods more efficiently and better than they can be produced anywhere else in the world.

As the European economy grows and becomes more highly specialized, it will become capable of producing a wider range of goods cheaply, but its imports are likely to grow as well as its exports. The leaders of the European Economic Community have expressed the intention of pursuing a liberal trade policy, and it seems clear that their interests lie in expanding, rather than in contracting, trade.

This, then, briefly, is the problem and the opportunity posed by the Common Market. How do we take advantage of the opportunity created by this great new market, and, at the same time, meet the problem of competition, at home and abroad, which the Common Market countries will give our products?

In the long run U.S. exports that will best be able to stand up against the new competition, are those unique in performance and design, in the light of cost. There can be no doubt that technical progress in the United States will be rapid throughout the decade.

The avowed purpose of the President's trade program is to minimize the discriminations resulting from the formation of the European Common Market by reducing our trade barriers on a bargaining basis.

Such bargaining cannot be one way. As the President said in his state of the Union message: "Concessions, in this bargaining, must, of course, be reciprocal, not unilateral. The Common Market will not fulfill its own high promise unless its outside tariff walls are low."

Assuming the desirability of expanded trade, and this is an assumption I accept, how do we develop a rational trade policy?

First, we must recognize that not all industries are going to view expanded trade in the same light. For example, Maine is sometimes regarded as a "protectionist" State. And yet, the pulp and paper industry, which is vital to our economy, was the first major industry to endorse the President's trade proposal. And the cotton textile industry has announced its support.

There are, I think, four categories of manufacturers in relation to trade:

First. Those industries which are not affected directly by trade;

Second. Those who benefit from free trade policies because of their export opportunities;

Third. Those who benefit from free trade because of their raw material import requirements; and

Fourth. Those industries which find it difficult to compete in the world market.

It is this latter group, those industries who do not enjoy a comparative advantage, which is of greatest concern to us in a new trade policy.

I believe our trade policy should be shaped in such a way as to serve the legitimate requirements of each of these groups. I think it can be.

Most of the industries at the low end of the comparative advantage scale in the United States are those that require a high proportion of labor relative to capital. In the United States, where capital is plentiful and labor is relatively scarce, such industries find it difficult to compete against products from countries where labor is plentiful and capital is scarce. The shoe industry is a case in point.

Under a system of complete free trade these industries, or at least certain segments of them, would not be able to compete. To adjust our production in favor of imports, unlike adjustment to increased exports, is often painful. This is the situation in which most of our producers who complain of import competition find themselves.

Obviously, it is not a real answer to the problem to say, as some of the more extremists do, that these companies should simply get out of business. One of the most troublesome facts of all is that the lines of production that are hardest hit by import competition are included in what we in the United States call "small business." And these small businesses are often found in small towns, such as in Maine, where the survival of such businesses is vital to the local economy.

With bigness all but swallowing us up and with little businesses each year finding competition against bigness more difficult, it doesn't seem to make much sense to force an additional burden upon them in the form of increased competition from abroad. It seems too much like kicking a man who is down and almost out.

Yet it is essential that the United States increase foreign trade, both exports and imports. And to achieve this goal, the President must have the power to negotiate favorable trade agreements. This is the fundamental point in any trade legislation.

Lest some misinterpret what I have just said, I want to point out that I said we need favorable trade agreements.

And yet, we must recognize that any trade program, no matter how favorable to the Nation as a whole, is bound to involve adjustments for some industries. As I have already shown, one of the painful facts in the situation is that the injured firms and labor that are most seriously affected by import competition usually are small businesses. Under the present law, all that the President can do is either to perpetuate them or to throw them to the wolves, so to speak.

A third choice has been offered in H.R. 9900, the administration trade bill. This choice would allow the President to provide "adjustment assistance" in those industries and areas suffering from import injury.

The adjustment-assistance approach, involving earlier retirement for older workers, retraining programs for younger workers, special unemployment compensation, family moving allowances, technical assistance to the owners of capital, small business loans, and so forth, is a new and relatively untested approach to the problem of trade adjustment.

It should be noted that such an approach has no assurance of substantial success in providing relief. In Maine, and in many parts of New England, we have been carrying out an intensive industrial development program to help replace lost jobs in the textile industry, and other similarly affected industries. It is a long, slow, and hard process. The area redevelopment program is similarly aimed at restoring lost jobs. It offers some useful tools, but it is too soon to predict how successful it will be.

There is another possible line of attack on the problem, to which I have given much thought.

Last year, I introduced S. 1735, the Orderly Marketing Act. This proposed legislation would give the President the power to enter into trade agreements with exporting countries restricting the importation of commodities to a certain percentage of our domestic market where such commodities are produced at a substantially lower labor cost than applies in the United States. My bill has the twin advantage of defining injury far more explicitly than in existing trade legislation and of adopting the principle of permitting exporting countries to share in our expanding domestic market even in cases where our domestic industries are threatened with injury. I believe that trade legislation must take into account the peculiar problems of those industries which require high labor input in highly industrialized, low-wage countries. In interstate commerce, we have used the minimum wage law to insure fair competition, as well as to protect workers from substandard working conditions.

In international trade, we cannot impose a minimum wage requirement, but we can adjust trade in commodities produced by foreign industries with substandard wages so as to minimize the impact of such competition.

To take this position is not to embrace the cause of protectionism. It is, I believe, a realistic approach to our trade problem.

I have been very much encouraged by the attitude taken by the shoe industry on this issue. This industry, as well as others in the State of Maine, is confronted by rapidly expanding imports from low-wage countries. The industry has substantial reason to be concerned over import threats. In spite of this, it has taken a very balanced and reasonable approach to the trade problem.

For when we come down to the heart of the problem, we have to recognize once more that what we, and the rest of the free world, are after is economic growth and stability. This will not be achieved by raising impossible barriers to trade, and neither will it be gained by throwing our doors open, willy-nilly, to imports.

In the final analysis, our trade policy should be guided by the following principles:

First. That with respect to the highly industrialized, economically advanced countries, the President must have powers to bargain effectively for the reduction of trade barriers against U.S. goods;

Second. That with respect to the highly industrialized, but low-wage countries such as Japan, the President must have the powers to negotiate agreements which will allow such countries to share our markets provided that the sharing is done in an orderly way which will not seriously disrupt these markets for our own domestic industries;

Third. That Congress must have adequate review powers over the President's actions in negotiating trade agreements;

Fourth. That downward adjustments in tariffs must be made gradually so as to give domestic industries an opportunity to adjust to changed conditions; and

Fifth. That "adjustment assistance" to domestic industries and areas injured by imports be coordinated with other Government aid programs such as the Area Redevelopment Administration.

I do not think this is an impossible task for us to set for ourselves. It has always been the genius of our democracy to meet our needs in a practical fashion. There is no reason to stop the practice when it comes to the matter of setting trade policy.

We know our goals; we have the facts; now Congress should work with the legislation offered by the administration and mold it into an effective instrument for the creation of jobs, income, and opportunity for all Americans.

Continuing Crisis

EXTENSION OF REMARKS

OF

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1962

Mr. DENT. Mr. Speaker, our bituminous coal industry faces a grave problem which I want to call to the attention of the Congress and the country. That problem is residual oil. Unless we act quickly, it will seriously cripple the coal industry, further reduce employment in the Nation's mines, and create havoc in a large industrial sector of our economy should a national emergency arise.

Again and again, during the last few years, despite the demonstrable fact that foreign-produced residual oil was harming the domestic coal industry, the administration—both administrations—have seen fit to increase its import quota. The last of these increases was granted only 3 months ago, in March 1962. The quota then was raised by 10 percent, bringing the daily total to 507,000 barrels. That raise was more than unnecessary, it was unsound and uncalled for. It gave foreign residual oil an industrial hunting license, an open invitation to grab more markets from coal in sections of the country which it had not previously penetrated.

For some years, residual oil looked for and found customers in New England and other sections of the eastern seaboard. It conquered important coal markets; but it was contained to the coastal area. Now, as the result of unrealistic quota policies, it has broken through its boundaries and is flooding westward.

This is precisely what the international oil companies, which must dispose of vast quantities of residual oil, wanted. They knew they had saturated their existing outlets, and they needed more dumping ground for the residue of their refining process. Because they are willing and able to keep its price below that of coal, no matter at what price coal sells, they found markets in the past, and they will find markets in the future. They will find them to the detriment not only of the coal industry and its 200,000 workers, but to the detriment of our national industrial capability in times of emergency.

Let me explain my meaning. The international oil companies' bargain-basement bait has already resulted in many industrial consumers installing equipment which can use only residual oil. They cannot switch back to coal, except at large expense involved in buying coal equipment. These consumers are dependent on residual oil, utterly dependent. They have become the prisoners of a supplier who may suddenly, overnight, be unable to deliver his goods. For, let us remember, residual oil comes to these shores from foreign lands in foreign-flag vessels. It is not hard to imagine what will happen to the supply—and the customer—if an international crisis, or a political upheaval in the country of the fuel's origin, should interrupt shipments. A large and important sector of America's industry might have to lie idle, at least for a time, at a moment when this country would desperately need the goods it produces. Surely, such a possibility must not be allowed to arise.

Even now, the uncertainty created by large-scale importation of residual oil has created havoc with coal industry planning. How can individual coal companies plan their production when they cannot tell today what changes will be made in residual oil quotas next year? When, in fact, they can only look on helplessly as increase after increase opens the floodgates of that foreign cut-rate fuel?

The bitter irony here is this: Residual oil is gushing into large industrial areas of this country, its advance nourished and protected by a steadily rising quota, and conquering markets from a domestic fuel—coal—which is well able to supply those markets. Our coal reserves are enormous. There are some 800 billion tons of bituminous coal waiting to be tapped. I understand that means we have enough coal for 2,000 years at the 1961 production rate. Thus, the backers and boosters of residual oil are not supplying a real, urgent need. This country could well afford to live without their product. The question is, Can it afford to live with it?

I said that residual oil had saturated New England coal markets. Well, now there are reports that it is driving coal out of business in other areas, including Albany, N.Y., where a coal company is losing several accounts to that foreign fuel. Residual oil has already shut down mines, many mines; it aims to shut down even more, if we allow it to. A mine shutdown does more than put people out of work temporarily and depress economic conditions in the area for a little while. In many cases, the mine shutdown and the worker out of a job remain a permanent scar on the economy of this Nation.

The coal mining industry cannot open and close and once again open its physical facilities that easily. Often a mine once abandoned has to be abandoned forever, or can be reopened only at huge expenditures of time and money. In a national emergency, such a breathing spell may not be permitted us. And in peacetime, the closing of mines means a retrenchment in the industry's production capacity, a movement which we may not be able to reverse, come the day when we once again have a desperate need for coal.

I do not think we can sit idly by while disaster threatens one of our vital industries. I think we must act, and act now.

The present quota policy has proved a failure. It has hurt, not helped, coal. An overall import policy for oil is needed. A law specifying the amount of crude and residual oil which is to be permitted into this country is needed. I think that such a law should include a provision stating that the amount of oil imported can be only a certain percentage of the total domestic production of petroleum.

We simply cannot allow oil, in whatever state of refinement, of whatever type, to come into this country in unlimited quantities. This is not a plea against foreign trade, or a plea for less foreign trade. Let the goods of the world flow freely between nations, but not to the point of destruction.

Let us not deliberately be partners in the potential destruction of a major American industry, particularly one which supplies not only the private but also the public sector of our economy. Let us not throw away the tools out of which, in the event of an armed conflict, we might have to forge the very weapons of victory.

James P. Clark

EXTENSION OF REMARKS
OF
HON. HERMAN TOLL
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 2, 1962

Mr. TOLL. Mr. Speaker, on April 16, 1962, an outstanding leader in the Democratic Party passed away in his sleep. James P. Clark was a nationally known and influential factor in the party. He participated in many campaigns and served in a number of leadership capacities. His strong interest in city, State, and national party affairs made him one of the best known and popular officials. He played an important role in many national conventions and was devoted to party affairs during his entire adult life.

James P. Clark served for many years as the chairman of the Philadelphia Democratic City Committee in the 1940's. He then served as eastern regional chairman for the Pennsylvania Democratic State Committee. He served as chairman of the Philadelphia Democratic Finance Committee under Congressman WILLIAM J. GREEN, JR., the city chairman, for nearly a decade. His great success in constructing the annual party dinners and the Jefferson-Jackson Day celebration dinners was unmatched throughout the country. He contributed much to the success of the Democratic Party in Philadelphia.

James P. Clark was also a success in business and in the sports field. He was head of the huge Highway Express Lines, Inc., a firm which transported nearly all films to theaters in the Eastern United States. He was owner of the champion Philadelphia Eagles football team. He was also president of Motor Transport Labor Relations, Inc., which negotiated contracts and handled grievances for about 300 trucking firms in the Philadelphia area.

Philadelphia has lost a great citizen, a leading sportsman, a successful businessman and an intimate friend of many people active in politics.

Controls Beget More Controls—Congressman Bob Dole Speaks Out on the Farm Program in Letter to Editor

EXTENSION OF REMARKS
OF
HON. ROBERT F. ELLSWORTH
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 2, 1962

Mr. ELLSWORTH. Mr. Speaker, our distinguished colleague, the gentleman from Kansas [Mr. DOLE], who is an able member of the Committee on Agriculture, recently wrote a letter on the legislative situation of the farm program and agricultural economics to Mr. Whitley Austin, editor of the Salina (Kans.) Journal. The Salina Journal issue of Tuesday, April 24, 1962, carried Congressman BOB DOLE's letter in full. It is a thoughtful, penetrating, and cogent letter, and I am pleased to be able to share it with my colleagues as well as with all who read the RECORD.

The letter follows:

CONTROLS BEGET MORE CONTROLS

Because agriculture touches so intimately upon the lives of all of the people of western Kansas, there is understandably broad interest in the farm programs which are currently being developed in Washington and in the economic outlook for agriculture in the sixties.

It seems to me that farmers of Kansas and the Nation will prosper in the years ahead if two basic conditions are met:

1. If the disturbing increases in farm operating costs are halted.
2. If harsh, stifling production controls are not extended to an everwidening range of commodities, which could eventually include livestock.

These are the two principal threats not only to the future income of small- and middle-sized farm operators but even to their chances of remaining in agriculture in the sixties. Both are very real threats today.

Some 840,000 people left the farms of America last year (1961), many of them victims of the cost-price squeeze. While the population trend from the farms to the cities may be expected to continue in the years ahead, it would be greatly accelerated if massive Federal crop and land retirement programs are undertaken. The impact upon rural communities would be staggering if some of the land retirement programs which have been proposed before the House Agriculture Committee this year are placed in operation.

The owner or the tenant of a family farm can remain in business only under conditions which permit him to achieve at least a reasonably satisfactory standard of living. He can remain in business only if he is given at least a reasonable opportunity to use his productive capacity. Overly harsh controls will bankrupt him just as certainly as will ruinous prices.

COSTS GO UP

The reasons for many of the income problems facing farmers today can be found in a few simple statistics. For example, while cash receipts from farm marketings increased from $34 billion in 1960 to $34.7 billion in 1961, farm production expense rose from $26.4 billion in 1960 to $26.9 billion in 1961. In other words, most of the increased income was wiped out by higher costs.

More alarming is the fact that production costs have continued to move higher in recent months. They reached an all-time record peak in January 1962, and then set another new high in February. The inflationary forces at work in the national economy today—heavier Government spending, growing deficit financing and mounting labor costs—will almost certainly combine to push farmers' costs to new peaks in 1962. There is nothing in the Nation's present economic and fiscal policies to suggest that even further advances in the cost of farming are not in store for at least several more years. The evidence clearly points toward such increases.

Thus, it seems to me, that the Government could do more to improve farm income by adopting policies which would curb increased agricultural production costs than it can hope to accomplish through controls over farm production. The parity ratio—the Department of Agriculture calculation which measures prices received by farmers against those they pay—averaged only 79 during 1961, the lowest in more than 20 years.

It is unlikely that the parity ratio will show any significant rise in 1962 and it could drift even lower.

This imbalance between what the farmer pays and what he receives is one of two major threats to the future of the Nation's family farms.

Now what of the other great threat—the threat of more and more controls over the production of an expanding list of farm commodities?

CUTS PROPOSED

There is before the House Agriculture Committee, of which I am a member, administration-supported legislation which would provide these new controls over farm production:

1. An additional cut of 10 percent in wheat acreage for 1963 and subsequent years, over and above the 10 percent cut producers are taking this year.
2. Mandatory production controls for the first time over grain sorghums and other feed grains which would mean, in effect, a form of livestock control over the producer who feeds all of his grain on the farm.
3. Production controls on milk for the first time and a step which would, in effect tell the dairyman how many cows he may milk.

And with this for the first time, there were proposed heavy fines and even prison sentences for farmers who failed to keep such books and records as the Secretary of Agriculture orders or who disobeys regulations he might issue.

Controls such as these would inevitably beget more controls. Eventually, every one of the 256 agricultural commodities produced in the United States would be brought under Government regulation, as Secretary Freeman asked for last year but which Congress refused to do. The sweeping, all-embracing controls envisioned by the top agricultural planners of this administration would shake the foundations of our rural economy and bring about certain liquidation of the family farm as we know it.

CONGRESS BALKS

It now seems unlikely that the administration will receive from Congress the vast authority over agriculture which it seeks. The House Agriculture Committee has eliminated from the bill nearly all of the harsh penalty sections. Milk production controls are out. Some other improvements have been made in the bill but the mandatory controls over feed grains are still in the measure.

Unless further important changes are made, it is a tossup as to whether the committee will even report out a general farm bill this year. The demands for a better bill than the one presently before the committee come from Members of both political parties in Congress.

It is possible that the wheat section will finally emerge as a separate bill.

I know many wheatgrowers would prefer this as they fear, and I believe with reason, that if wheat legislation is tied into a controversial package including dairy and feed grain programs the entire bill may be defeated. Congressmen should and will vote on the overall merits of the bill, not on just a single section of it.

In my opinion, the wheat section is the best portion of the bill, though it is loosely drawn in many respects and does not offer the farmer in positive terms any assurance his income would be maintained over the next 1, 2, or 3 years.

I have suggested the following amendments in an effort to improve the wheat section of the bill:

1. Providing that no farmer, despite any provision in the programs, be required to idle more than one-half his cropland.
2. Providing that certificates could be carried forward and used in a subsequent crop year. This would take care of cases where a crop is short for any reason and would permit the producer to increase his planting in the subsequent year. This would help insure maintenance of his income.
3. Providing for interchange of wheat or feed grain acreage to permit planting of all wheat or all feed grains on combined base acreage as a matter of right at the option of the farmer.
4. Providing complete revision of the penalty section so that farmers would not be subject to fines and jail sentences for failing to keep proper books and records, etc.

I plan to propose additional amendments when the bill is again considered by the full committee. If unsuccessful before the committee, I will offer amendments on the House floor.

I would like particularly to have stricken from the wheat section two amendments adopted by the committee. One of these would provide a declining scale of land retirement payments of not more than 50 percent in 1963, not more than 40 percent in 1964, and not more than 30 percent in 1965 for wheat acres taken out of production. This would not provide sufficient income protection. The farmer would know what the maximum payment might be in each year but not what the minimum payment might be. Secretary could set it at any level under the ceiling.

SENATE

THURSDAY, MAY 3, 1962

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

Rev. Lockett Ford Ballard, rector, Trinity Episcopal Church, Newport, R.I., offered the following prayer:

Look, we beseech Thee, O Lord, upon the people of this land who are called after Thy holy name; and grant that they may ever walk worthy of their calling to serve Thee. Grant unto us all that, laying aside our divisions, we may be united in heart and mind to bear the burdens which are laid upon us. Help us to respond to the needs of our country according to our several powers; put far from us selfish indifference to the needs of others; and give us grace to fulfill our daily duties with constant diligence. Keep us from all uncharitableness in word or deed, and enable us by patient continuance in well-doing to glorify Thy name throughout this land and world; through Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. PELL, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, May 2, 1962, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed a bill (H.R. 8031) to amend the Communications Act of 1934 in order to give the Federal Communications Commission certain regulatory authority over television receiving apparatus, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 8031) to amend the Communications Act of 1934 in order to give the Federal Communications Commission certain regulatory authority over television receiving apparatus, was read twice by its title and referred to the Committee on Commerce.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. PELL, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

On request of Mr. PELL, and by unanimous consent, it was ordered that at the conclusion of its session today, the Senate adjourn until tomorrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Report on Fluorspar

A letter from the Chairman, U.S. Tariff Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission's investigation relating to fluorspar (with an accompanying report); to the Committee on Finance.

Report on Followup Review of Money Order Center, Kansas City, Mo.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the followup review of the Money Order Center, Kansas City, Mo., Post Office Department, dated April 1962 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KUCHEL, from the Committee on Interior and Insular Affairs, with amendments:

S. 1988. A bill to aid in the administration of the Tule Lake, Lower Klamath, and Upper Klamath National Wildlife Refuges in Oregon and California, and for other purposes (Rept. No. 1383).

By Mr. HICKEY, from the Committee on Interior and Insular Affairs, with an amendment:

S.J Res. 151. Joint resolution permitting the Secretary of the Interior to continue to deliver water to lands in the Third Division, Riverton Federal reclamation project, Wyoming (Rept. No. 1382).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1526. A bill for the relief of Joey Kim Purdy (Rept. No. 1391);

S. 1889. A bill for the relief of Mrs. Goehar Ogassian (Rept. No. 1392);

S. 2247. A bill for the relief of Elvira Ciccotelli (Rept. No. 1393);

S. 2309. A bill for the relief of Tio Sien Tjiong (Rept. No. 1394);

S. 2482. A bill for the relief of Ronald Whiting (Rept. No. 1395);

S. 2565. A bill for the relief of Michael Najeeb Metry (Rept. No. 1396);

S. 2574. A bill for the relief of Constantina Caraiscou (Rept. No. 1397);

S. 2586. A bill for the relief of Alexandra Callas (Rept. No. 1398);

S. 2649. A bill for the relief of Hamburg Tang (Rept. No. 1399);

H.R. 1349. An act for the relief of Fong Chun Hong (Rept. No. 1400);

H.R. 1435. An act for the relief of Jacinto Machado Ormonde (Rept. No. 1401);

H.R. 1588. An act for the relief of Fong Kai Dong (Rept. No. 1402);

H.R. 1604. An act for the relief of Spencer E. Hewitt (Rept. No. 1403);

H.R. 1697. An act for the relief of Viola Borwick Warbis (Rept. No. 1404);

H.R. 1701. An act for the relief of Mrs. Kikue Yamamoto Leghorn and her minor son, Yuichiro Yamamoto Leghorn (Rept. No. 1405);

H.R. 1703. An act for the relief of Mazimo B. Avila (Rept. No. 1406);

H.R. 1918. An act for the relief of John D. Morton (Rept. No. 1407);

H.R. 2687. An act for the relief of Miss Helen Fappiano (Rept. No. 1408);

H.R. 3148. An act for the relief of Maddalena Haas (Rept. No. 1409);

H.R. 3247. An act to amend section 2385 of title 18 of the United States Code to define the term "organize" as used in that section (Rept. No. 1410);

H.R. 3696. An act for the relief of Gertrude M. Kaplan (Rept. No. 1411);

H.R. 4365. An act for the relief of Specialist Five Daniel J. Hawthorne, Jr. (Rept. No. 1412);

H.R. 4563. An act for the relief of Abraham Gelb (Rept. No. 1426);

H.R. 5610. An act for the relief of Pierino Renzo Picchione (Rept. No. 1427);

H.R. 5686. An act for the relief of Mrs. Willie Mae Brown (Rept. No. 1428);

H.R. 6464. An act for the relief of Cecil D. Rose (Rept. No. 1429);

H.R. 6772. An act for the relief of Hendrikus Zoetmulder (Harry Combres) (Rept. No. 1430);

H.R. 6773. An act to repeal the Act of August 14, 1957 (Private Law 85–160) (Rept. No. 1431);

H.R. 7671. An act for the relief of Louanna L. Leis (Rept. No. 1432);

H.R. 8195. An act for the relief of Ronald L. Mutter (Rept. No. 1433);

H.R. 8482. An act for the relief of Paul J. Pericle (Rept. No. 1434);

H.R. 8515. An act for the relief of James R. Banks (Rept. No. 1435);

H.R. 8628. An act for the relief of Joseph A. Tedesco (Rept. No. 1436);

H.R. 8941. An act to authorize acceptance of the gift made to the United States by the will of Esther Cattell Schmitt (Rept. No. 1437);

H.R. 9060. An act for the relief of Rhea G. Burgess (Rept. No. 1438);

H.R. 9188. An act to relieve Theodore A. Anderson from loss of agricultural conservation program benefits (Rept. No. 1439);

H.R. 9409. An act for the relief of Mrs. Iris Ann Landrum (Rept. No. 1440);

H.R. 9596. An act for the relief of Daniel E. Moore (Rept. No. 1441);

H.R. 9597. An act for the relief of James N. Tull (Rept. No. 1442);

H.R. 9753. An act to amend sections 3(7) and 5(b) of the Internal Security Act of 1950, relating to employment of members of Communist organizations in certain defense facilities (Rept. No. 1443);

H.R. 9830. An act for the relief of John B. Hogan (Rept. No. 1444); and

H.R. 10643. An act for the relief of Gail Hohlweg Atabay and her daughter (Rept. No. 1445).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 1074. A bill for the relief of Chao Yao Koh (Rept. No. 1413);

S. 1568. A bill for the relief of Chiara Palumbo Vacirca (Rept. No. 1414);

S. 1739. A bill for the relief of Mrs. Antonia A. Zaccaria Epifani (Rept. No. 1415);

S. 1882. A bill for the relief of Assunta Bianchi (Rept. No. 1416);

S. 1999. A bill for the relief of Anna Marie Erdelyi (Rept. No. 1417);

S. 2446. A bill for the relief of Wojciech Antoni Drogoszewski (Rept. No. 1418);

S. 2555. A bill for the relief of Fong Yee Hin (Rept. No. 1419);

S. 2607. A bill for the relief of Lee Hwa Sun (Rept. No. 1420);

S. 2622. A bill for the relief of Michelina Lanni (Rept. No. 1421);

S. 2679. A bill for the relief of John Axel Arvidson (Rept. No. 1422);

S. 2709. A bill for the relief of Ernst Fraenkel and his wife, Hanna Fraenkel (Rept. No. 1423),

H.R. 1348. An act for the relief of William Burnice Joyner (Rept. No. 1446); and

H.R. 5652. An act for the relief of Kevork Toroian (Rept. No. 1447).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 2606. A bill for the relief of Kim Booshin (Rept. No. 1424);

S. 2633. A bill for the relief of Choi Sun Hee (Rept. No. 1425); and

H.R. 1458. An act for the relief of Lee Dock On (Rept. No. 1448).

By Mr. LONG of Missouri, from the Committee on the Judiciary, without amendment:

S. 2270. A bill to amend section 105 of title 28, United States Code, so as to transfer certain counties from the Western Division of the Western District of Missouri to the St. Joseph Division of such district, and for other purposes (Rept. No. 1384).

By Mr. WILEY, from the Committee on the Judiciary, without amendment:

S. 2572. A bill for the relief of the Merritt-Chapman & Scott Corp. (Rept. No. 1385).

By Mr. ERVIN, from the Committee on the Judiciary, without amendment:

H. Con. Res. 438. Concurrent resolution to provide for a joint committee of the Congress to represent the Congress at ceremonies celebrating the 375th anniversary of the landing of the Lost Colony and the birth of Virginia Dare (Rept. No. 1386).

By Mr. DIRKSEN, from the Committee on the Judiciary, without amendment:

S.J. Res. 149. Joint resolution authorizing the President of the United States to designate the week of May 6, 1962, as International Castings Week (Rept. No. 1389);

H.J. Res. 576. Joint resolution to designate calendar year 1962 as Cancer Progress Year (Rept. No. 1387); and

H.J. Res. 628. Joint resolution authorizing the President to proclaim the week in May of each year in which falls the third Friday of that month as National Transportation Week (Rept. No. 1388).

By Mr. DIRKSEN, from the Committee on the Judiciary, with amendments:

S. 1308. A bill to incorporate the Sea Cadet Corps of America, and for other purposes (Rept. No. 1390).

By Mr. KEFAUVER, from the Committee on the Judiciary, without amendment:

S.J. Res. 123. Joint resolution to amend the Constitution to authorize Governors to fill temporary vacancies in the House of Representatives (Rept. No. 1449).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

John K. Mansfield, of Connecticut, to be Inspector General, Foreign Assistance.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ENGLE (for himself, Mrs. NEUBERGER, Mr. MORSE, and Mr. KUCHEL):

S. 3237. A bill granting the consent of Congress to the States of California and Oregon to negotiate and enter into a compact relating to the distribution and use of the waters of Goose Lake Basin; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. ENGLE when he introduced the above bill, which appear under a separate heading.)

By Mr. YARBOROUGH:

S. 3238. A bill to authorize the Starr-Camargo Bridge Co. to construct, maintain, and operate a toll bridge across the Rio Grande, at or near Rio Grande City, Tex.; to the Committee on Foreign Relations.

By Mr. BARTLETT:

S. 3239. A bill to extend the principles of equitable adjudication to sales under the Alaska Public Sale Act; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. BARTLETT when he introduced the above bill, which appear under a separate heading.)

By Mr. ANDERSON:

S. 3240. A bill for the relief of Mrs. Lee Ma Chin-Ying; to the Committee on the Judiciary.

By Mr. GRUENING (for himself and Mr. Bartlett):

S. 3241. A bill to amend section 201(a)(3) of the Federal Property and Administrative Services Act (40 U.S.C. 481(a)(3)), and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. Gruening when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (by request):

S. 3242. A bill to provide for strengthening and improving the national transportation system, and for other purposes; and

S. 3243. A bill to exempt certain carriers from minimum rate regulation in the transportation of bulk commodities, agricultural and fishery products, and passengers, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. Magnuson when he introduced the above bills, which appear under a separate heading.)

S. 3244. A bill to amend section 1208(a) of the Merchant Marine Act, 1936, to authorize investment of the War Risk Insurance Fund in securities of, or guaranteed by, the United States; and

S. 3245. A bill to amend the act of March 3, 1901 (31 Stat. 1449) as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities; to the Committee on Commerce.

(See the remarks of Mr. Magnuson when he introduced the above bills, which appear under separate headings.)

By Mr. ALLOTT:

S. 3246. A bill to provide for the construction, operation, and maintenance of the Bostwick Park Federal reclamation project, Colorado; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Allott when he introduced the above bill, which appear under a separate heading.)

By Mr. CASE of New Jersey:

S. 3247. A bill for the relief of Joao Andre Senos; and

S. 3248. A bill for the relief of Ruth Cliver; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3249. A bill to amend the Internal Revenue Code of 1954 so as to exclude from gross income gain realized from the sale of his principal residence by a taxpayer who has attained the age of 62 years; to the Committee on Finance.

(See the remarks of Mr. Hartke when he introduced the above bill, which appear under a separate heading.)

By Mr. MONRONEY (for himself and Mr. Kerr):

S. 3250. A bill to provide for the disposition of judgment funds of the Cherokee Nation or Tribe of Indians of Oklahoma; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Monroney when he introduced the above bill, which appear under a separate heading.)

By Mr. DIRKSEN:

S. 3251. A bill to reduce from 12 to 10 the number of years of service required as a condition of the continuation after retirement of coverage under the Federal Employees' Group Life Insurance Act of 1954 and the Federal Employees Health Benefits Act of 1959; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. Dirksen when he introduced the above bill, which appear under a separate heading.)

By Mr. FULBRIGHT (by request):

S. 3252. A bill to amend the Communications Act of 1934, as amended; to the Committee on Foreign Relations.

(See the remarks of Mr. Fulbright when he introduced the above bill, which appear under a separate heading.)

CONCURRENT RESOLUTIONS

PRESENTATION, ACCEPTANCE, AND DEDICATION OF STATUE OF JOHN BURKE, OF NORTH DAKOTA, FOR PLACEMENT IN STATUARY HALL OF CAPITOL

Mr. YOUNG of North Dakota (for himself and Mr. Burdick) submitted the following concurrent resolutions, which were referred to the Committee on Rules and Administration:

S. Con. Res. 71. Concurrent resolution to place in the rotunda of the Capitol a statue of the late John Burke, of North Dakota, and authorizing ceremonies in connection therewith;

S. Con. Res. 72. Concurrent resolution accepting the statue of the late John Burke, of North Dakota, to be placed in Statuary Hall; and

S. Con. Res. 73. Concurrent resolution authorizing the printing of certain proceedings in connection with acceptance of the statue of the late John Burke, of North Dakota.

(See the above concurrent resolutions printed in full when submitted by Mr. Young of North Dakota, which appear under a separate heading.)

COMPACT BETWEEN STATES OF CALIFORNIA AND OREGON RELATING TO DISTRIBUTION OF WATERS OF GOOSE LAKE BASIN

Mr. ENGLE. Mr. President, on behalf of myself, my colleague, the senior Senator from California [Mr. Kuchel], and the Senators from Oregon [Mr. Morse and Mrs. Neuberger], I introduce, for appropriate reference, a bill to obtain the consent of the Congress to the negotiation of an interstate compact on the use and distribution of the waters of the Goose Lake basin.

This bill is recommended by Gov. Edmund G. "Pat" Brown, of California, and by Gov. Mark Hatfield, of Oregon. It has administration clearance. It is a necessary legislative step toward development of the water resources of the Goose Lake basin which lies partly in California and partly in Oregon. Under terms of the bill the resulting interstate compact will in due course have to be ratified by the legislatures of the two States and by the Congress.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3237) granting the consent of Congress to the States of California and Oregon to negotiate and enter into a compact relating to the distribution and use of the waters of Goose Lake basin, introduced by Mr. Engle (for himself, Mrs. Neuberger, Mr. Morse, and Mr. Kuchel), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

AMENDMENT TO ALASKA PUBLIC SALE ACT

Mr. BARTLETT. Mr. President, I introduce, for appropriate reference, a bill to extend principles of equitable adjudication to sales of public land under the Alaska Public Sale Act. Experience with this act, since it was approved in 1949 has proved its provisions inadequate to protect the equities of purchasers who conform with the development requirements which qualify their rights but who, through inadvertence or error, fail to make timely application for patent.

At the present time there is one such case pending before the Secretary of the Interior which illustrates the hardship which is brought to bear under existing law. The purchaser, an Alaska partnership, has complied with all regulations of the Bureau of Land Management except that which requires application for patent within 3 years of the grant by the Government of a certificate of conditional purchase. In this case, the purchaser submitted final papers immediately after notification of its default. In this case alone, there are improvements on the land valued at more than $18,000. It is to save these improvements and a successful business enterprise that such an amendment is desirable.

The bill would not jeopardize any legitimate interest of the Government as it gives the Secretary of the Interior discretionary authority to apply equitable principles to the consideration of late applications in the same manner in which these principles are now applicable to Homestead Act entries.

As evidence of the need for this legislation, I refer to an executive communication, dated June 14, 1961, which transmitted to Congress proposed legislation to repeal the Alaska Public Sale Act along with other public land laws characterized by the Secretary of the Interior as obsolete.

In appendix C of this communication it is mentioned that private bills have been introduced in the past to relieve purchasers from forfeiture. I introduced one such bill which became Private Law 654 of the 84th Congress, 2d session, as Delegate in Congress from Alaska.

Assistant Secretary of the Interior John A. Carver advises me that even if S. 2319, the administration bill to repeal the Alaska Public Sale Act, is approved, there will be a need to enact the provisions of the amendment I introduce today. It will operate to the benefit of any purchaser whose application precedes repeal of the act.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3239) to extend the principles of equitable adjudication to sales under the Alaska Public Sale Act, introduced by Mr. Bartlett, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

EQUAL TREATMENT FOR ALL FUELS IN GOVERNMENT CONTRACTS

Mr. GRUENING. Mr. President, on behalf of myself and my colleague, the senior Senator from Alaska [Mr. BARTLETT], I introduce, for appropriate reference, a bill to amend the Federal Property and Administrative Services Act of 1949 to provide equality for all fuels—natural gas, coal, and oil—used by any executive agency of the Federal Government in the production of utilities.

The necessity for this amendment arises because of the interpretation of a provision in the Federal Property and Administrative Services Act which permits natural gas suppliers to enter into 10-year contracts to supply Government agencies with natural gas for the production of utilities but denies the same privilege to coal and oil producers. The present provision reads as follows:

> *Provided,* That contracts for public utility services may be made for periods not exceeding 10 years.

Alaska, Mr. President, is fortunately blessed not only with an abundance of fuel but also with a variety of fuels. It has oil, natural gas, and coal in goodly amount and the greatest hydroelectric potential under the flag. Less than one quarter of 1 percent of it has been developed. I am pressing for early completion of projects to utilize this great resource at Rampart on the Yukon, at Snettisham in southeastern Alaska, and at Lake Bradley in the Kenai Peninsula. Others will follow.

We in Alaska welcome the discovery and development of new sources of fuel be they oil fields, gas fields or coal mines. All are needed and, in the true spirit of free enterprise, should compete, without let or hindrance, for their sale.

However, the provision of the Federal act to which I have referred, places coal and oil under a competitive handicap in bidding for Government contracts and gives to natural gas a competitive advantage.

That should not be.

All three fuels should be treated alike and should be permitted to compete equally. To achieve equality, the enactment of my amendment is necessary. I ask unanimous consent that the full text of my bill be printed at the end of my remarks and that the bill itself lie on the desk until the close of business on May 11, 1962, in order to give those of my colleagues who care to an opportunity to join me in cosponsoring this bill.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and will lie on the desk, as requested by the Senator from Alaska.

The bill (S. 3241) to amend section 201(a)(3) of the Federal Property and Administrative Services Act (40 U.S.C. 481(a)(3)), and for other purposes, introduced by Mr. GRUENING (for himself and Mr. BARTLETT), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 201(a)(3) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481(a)(3)), is amended by changing the proviso at the end thereof to read, as follows:

"*Provided,* That contracts for public utility services, and for the purchase of natural gas, coal, or oil for the production of such utilities directly or indirectly by any executive agency, may be made for periods not exceeding ten years; and".

PROPOSED LEGISLATION RELATING TO INTERSTATE COMMERCE

Mr. MAGNUSON. Mr. President, by request, I introduce two bills relating to interstate commerce. I ask unanimous consent that a letter from the Secretary of Commerce, requesting the proposed legislation, be printed in the RECORD.

The VICE PRESIDENT. The bills will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bills, introduced by Mr. MAGNUSON, were received, read twice by their titles, and referred to the Committee on Commerce, as follows:

S. 3242. A bill to provide for strengthening and improving the national transportation system, and for other purposes; and

S. 3243. A bill to exempt certain carriers from minimum rate regulation in the transportation of bulk commodities, agricultural and fishery products, and passengers, and for other purposes.

The letter presented by Mr. MAGNUSON is as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., May 1, 1962.

Hon. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There are submitted herewith drafts of proposed bills "to provide for strengthening and improving the national transportation system, and for other purposes," and "to exempt certain carriers from minimum rate regulation in the transportation of bulk commodities, agricultural and fishery products, and passengers, and for other purposes."

The proposed bills implement certain recommendations contained in the President's message on transportation which was submitted to the Congress on April 5, 1962.

The first bill empowers the regulatory transportation agencies to sanction experimental freight rates, and modifications in existing systems of service, classification, and documentation; prohibits common carriers subject to the Interstate Commerce Act from discriminating as to service or rates in the transportation of vehicles or containers tendered by shippers or carriers; declares it to be in the national interest that through service and joint rates, fares and charges between carriers of all modes of transport be encouraged and promoted and authorizes the Federal Maritime Commission to participate with the Civil Aeronautics Board and the Interstate Commerce Commission in joint boards for the review of such rates; authorizes the Interstate Commerce Commission to enter into cooperative agreements with the States for enforcement of the economic and safety laws and regulations of the States and the Federal Government concerning highway transportation; provides for extension of civil forfeiture penalties of the Interstate Commerce Act to violations of safety regulations and involving lack of operating authority, and for increases in such penalties; requires that air carriers pay reparations to shippers charged unlawfully high rates; provides for simplification of Government transportation rates and procurement, and for greater flexibility in the use of motor vehicle common carriers for the transportation of mail; and provides for transfer to the Secretary of Commerce the powers and duties vested in the Civil Aeronautics Board and the Interstate Commerce Commission with respect to the guaranty of loans to air carriers and common carriers by railroad, respectively.

The second bill exempts carriers from minmum rate regulation by the Civil Aeronautics Board, the Federal Maritime Commission, and the Interstate Commerce Commission in the transportation of bulk commodities and certain agricultural and fishery products. Carriers transporting passengers are also exempted from such regulations by the Federal Maritime Commission and the Interstate Commerce Commission. Carriers exempted from minimum rate regulation who engage in any act or practice in violation of the antitrust laws will be subject to the proceedings and penalties specified in such laws.

This Department believes that enactment of these bills, together with enactment of legislation relating to tax policies and user charges to be submitted by the Secretary of the Treasury and legislation pending before the Congress implementing recommendations in the President's message relating to making motor carrier safety regulations of the Interstate Commerce Commission applicable to private carriers (H.R. 5598 and S. 1287); repeal of the prohibition against rail carriers transporting certain commodities in which they have an interest (S. 734); making domestic trunk air carriers ineligible for operating subsidies in the future (H.R. 10813 and S. 2297); and the requirement that motor carriers and freight forwarders pay reparations to shippers charged unlawfully high rates (H.R. 5596 and S. 1283), will materially assist in the development of an efficient and dynamic transportation system, which is vital to our economic growth and progress.

The Department of Commerce recommends, therefore, the enactment of the proposed bills.

There are enclosed section-by-section analyses of the proposed bills.

The Bureau of the Budget advises that enactment of the proposed bills will be in accord with the program of the President.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce.

SECTION-BY-SECTION ANALYSIS OF PROPOSED TRANSPORTATION ACT OF 1962

1. The first section identifies the act as the "Transportation Act of 1962." (A separate bill is proposed to exempt certain carriers from minimum rate regulation in the transportation of bulk commodities, agricultural and fishery products, and passengers.)

2. Experiments: Section 2 would empower the three regulatory agencies, the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission, to authorize controlled experiments in rate, classification and documentation systems. Participation by common carriers in the experiments would be voluntary and the experiments may be authorized intramode or jointly with carriers by different modes. The purpose of these experiments is to determine the best service/price transportation patterns by testing new services, service combinations or arrangements, simplified documentation, and different or simplified rate bases and freight classifications. Legislation to authorize these experiments is recommended in order to provide a clear statement of congressional intent that such experiments should be authorized by the regulatory agencies.

3. Nondiscriminatory rates to all shippers: Section 3 would require railroads or common

carriers by motor vehicle or water subject to the Interstate Commerce Act, to accept shipment by any carrier, whether regulated or not, of loaded or empty vehicles or shipping containers without discrimination as to service or rates. The purpose of this legislation is to provide the carrier shipper—as in "piggyback"—with the same competitive opportunities as noncarrier shippers. Basic laws underpinning the Civil Aeronautics Board and the Federal Maritime Commission do not permit carriers regulated by these agencies to discriminate against other carriers who desire to ship vehicles or containers, hence no change in those laws is required.

4. Through service, joint rates, and joint boards: In section 4 Congress would declare it to be a matter of public policy that through routes and joint rates should be encouraged and promoted by use of joint boards to act on proposals for intercarrier services. New joint boards, comprised of the Interstate Commerce Commission, the Civil Aeronautics Board and the Federal Maritime Commission, would supersede the joint boards of the ICC and CAB, which is presently authorized in the Federal Aviation Act.

In the case of through service, the duty is placed on the carriers to establish just and reasonable rates and equitable divisions thereof between the participating carriers. Complaint as to these matters may be referred to the joint board, which is empowered to fix the rates, after notice and hearing if it finds that the rates fixed by the carriers are or will be unjust or unreasonable, or unjustly discriminatory or unduly preferential or unduly prejudicial.

5. Enforcement, highway transportation: Section 5 would authorize the Interstate Commerce Commission to make agreements with States to cooperate in the enforcement of the economic or safety laws and regulations of the various States or of the Federal Government with respect to highway transportation. This law would be consistent with collateral efforts to develop and adopt uniform State registration laws for motor carriers operating within States but handling interstate commerce. The purpose of both of these efforts is to help eliminate unlawful ("gray area") trucking operations which abound because of diverse, ambiguous laws and practical limitations in enforcement.

6. Civil penalties for operating without authority; increase in penalties: Section 6 extends the civil forfeiture provisions of the Interstate Commerce Act, as increased hereunder, to any person who operates a motor vehicle in interstate or foreign commerce without the operating authority required under the act. The civil penalty applies upon "failure or refusal" to comply with applicable provisions requiring operating authority. Previously, such persons were subject only to the criminal penalty provisions of section 222 of the act if they "knowingly and willfully" violated the applicable provisions. The purpose of the amendment is to make the increased civil penalties a significant deterrent to unlawful motor carrier operations and to assist in policing unscrupulous operators who have persisted in such unlawful operations in the knowledge that the more demanding requirements for proof under the criminal sanctions, as compared to civil penalties, make enforcement considerably more difficult.

7. Civil liability for violations of Federal Aviation Act by air carriers: Section 7, which would make air carriers subject to payment of reparations to shippers charged unlawfully high rates, is consistent with H.R. 5596 and S. 1283 presently before the Congress which propose that motor carriers and freight forwarders be subject to the same liability. Similar authority already exists with respect to railroads and water carriers. The existing and proposed legislation would make all common carriers liable to any person for the full amount of damages (together with reasonable counsel's fees) sustained as a consequence of such carriers' charging an unlawfully high rate. Such injured person may sue, alternatively, in an appropriate district court of the United States, or he may bring an action before the regulatory agency having cognizance of the carrier in violation. Under the latter procedure, after hearing the agency is empowered to order the carrier to pay the damages to which he is entitled. If the carrier does not pay as ordered, the injured person may sue for payment in an appropriate Federal district court or any State court of general jurisdiction having jurisdiction of the parties and the order must be accepted as prima facie evidence of the facts involved.

This amendment is another of those whose purpose it is to strengthen enforcement of applicable laws in interstate and foreign transportation. Primarily, however, it provides a way to recover damages.

8. Reparations orders to be reviewed by district court: Section 8 amends section 1006 of the Federal Aviation Act. It is necessary to make orders of the Civil Aeronautics Board, concerned with reparations by air carriers to a shipper charged unlawfully high rates, reviewable by a Federal district court, as provided in the reparations statute, rather than by a court of appeals, which is the court to which orders of the Board are usually referred.

9. Simplification of Government transportation rates and procurement; transportation of mail by motor vehicle common carriers: The purpose of section 9 is to simplify rate structures for the procurement of Government transportation and by experiments to develop systems that will rate ascertainment and publication less costly and more convenient. In addition, it will give the Post Office Department greater flexibility in the use of motor vehicle common carriers for the transportation of mail.

The simplification and automation of the common carrier's transportation rates offer a means to remedy the complex pricing system presently employed. Such simplification does not appear to be feasible under the present commercial tariff system, consisting largely of special commodity rates which are subject to too frequent changes to be practical for automatic data processing. Therefore, any changes in this regard require that such a simplified system for Government transportation be established separate from commercial transportation.

In order to provide a broad base for such a system, the first subsection of the amendment would authorize the procurement of Government transportation, including mail transportation services by common carrier motor carriers, and accessorial services, from all modes of transportation, without regard to any law requiring formal advertised bidding procedures. Under existing law, the negotiating authority extends only to transportation services by common carriers.

The second subsection would provide for the initiation and establishment, through progressive research and development, of a system of simplified rate structures for Government traffic. The first proviso would require a determination that the proposed simplified rate structure is in the public interest and may be expected to result in lower overall costs to the Government, or at least no increase in costs. The second proviso prescribes the initial direction to be taken in research and experimentation, viz, diminished differentiation among commodities, simplified methods for determination of distances adaptable to automatic data processing and improved procedures for evaluation of charges.

These experiments are to be pilot studies for a more general simplification of rates and for the application of new kinds of service to transportation in general.

10. Transfer of loan guaranty authority: Sections 10 through 14 would transfer the railroad loan guaranty authority of the ICC and the aviation loan guaranty authority of the CAB, to the Department of Commerce. Provisions are included for the continuance of actions taken by the Civil Aeronautics Board and the Interstate Commerce Commission unless or until changed by the Secretary of Commerce, and for the transfer of persons, property, records, and unexpended appropriations from those agencies to the Department of Commerce.

The purpose of these amendments is to achieve a better balance of Federal promotional programs by transferring this authority to the Department of Commerce, which is already a focal point for Government transportation activities, and which, because it is an executive agency, can act upon guaranty loan applications more expeditiously than the regulatory agencies.

ANALYSIS OF A PROPOSED BILL TO EXEMPT CERTAIN CARRIERS FROM MINIMUM RATE REGULATION IN THE TRANSPORTATION OF BULK COMMODITIES, AGRICULTURAL AND FISHERY PRODUCTS, AND PASSENGERS

Section 1. Exemption for ICC carriers: The exemption from minimum rate regulation provided in this section would apply to all carriers subject to regulation by the Interstate Commerce Commission. Such exemption applies to (1) bulk commodities, (2) agricultural and fishery products, and (3) passengers.

(a) Bulk commodities: Rates charged by any carrier subject to the Interstate Commerce Act for the transportation of commodities in bulk which are loaded and carried without wrappers or containers and received and delivered by the carrier without transportation mark or count, or to the transportation of liquid commodities in bulk, would be exempt from the minimum rate regulation of the Interstate Commerce Commission. However, such carriers would be subject to applicable antitrust laws as discussed below.

The purpose of this exemption is to equalize competitive opportunities between carriers of different modes of transportation and to permit the forces of competition to replace cumbersome regulation for these commodities. At present, the transportation of bulk commodities by water carriers is exempt from all rate regulation under the Interstate Commerce Act, including the approval of minimum rates; but this exemption is denied to all other modes of transportation. Extending to such other carriers the exemption from the approval or prescription of minimum rates would correct this inequity.

(b) Agricultural and fishery products: Similarly, the exemption from minimum rate regulation for the transportation of certain agricultural and fishery products (specified in sec. 203(b) of the Interstate Commerce Act) now available only to motor carriers and freight forwarders would be extended under this section to all carriers subject to the Interstate Commerce Act. The purpose of this amendment, like the exemption from minimum rate regulation for bulk commodities, is to reduce drastically and equalize fairly the regulation of freight rates in this country. Freed to exercise normal managerial initiative, carriers will be able to rationalize their operations and reduce costs; and shippers should consequently enjoy a wider choice, improved service, and lower rates.

(c) Passengers: Consistent with the freedom from minimum rate regulation for certain kinds of freight is the freedom to set minimum fares for passengers. Accordingly, this section would withdraw the power of the Commission to determine that a fare prescribed by a carrier is lower than a reasonable minimum fare. Again, as with the freedom to set minimum rates for bulk commodities and agricultural and fishery products, the carrier would be subject to the proceedings and penalties in the applicable antitrust laws with respect to the fares charged.

This amendment is designed to unshackle carriers from the uniform minimum fares fixed by the Commission for passenger travel. This will permit vigorous competition and innovation which in the long run should end chronic overcapacity and deficits in providing this service.

To prevent the absence of minimum rate regulation under the above three proposals from resulting in predatory, discriminatory trade practices or rate wars reflecting monopolistic ambitions rather than true efficiency, there is included in this section a provision making carriers who engage in such practices subject to applicable antitrust laws. However, in recognition that it is acceptable practice for a common carrier to establish through routes with other such carriers, or to consider, initiate, or establish jointly with other such carriers the rates, fares, classifications, divisions, allowances, or charges applicable solely to such reasonable through routes, a proviso has been included making it clear that such joint action shall not be construed as a violation of the antitrust laws.

Section 1(b) would amend section 5a of the Interstate Commerce Act (which exempts agreements among carriers subject to the act, respecting rates or procedures for making rates, from the antitrust laws if the agreements are approved by the Commission) to withdraw the power of the Commission to approve agreements and thereby grant immunity from the application of the antitrust laws, for any party who makes an agreement with respect to any rate, charge, or fare for the transportation of passengers, bulk commodities, or agricultural or fishery products referred to in section 1(23) of the act.

In short, a carrier exempt from minimum rate regulation in the transportation of passengers, bulk, or agricultural or fishery products is subject to the antitrust laws, except where an agreement as to rates is reached with other carriers on the carriage of those items on through routes.

2. Section 2 amends section 303(b) of the Interstate Commerce Act, which is the present bulk commodities exemption, by removing the requirement that no more than three such commodities can be carried in one vessel or tow and by revising the definition of bulk commodities to eliminate the requirement that the commodities must have been treated as bulk commodities in 1939. This has the effect of exempting bulk commodities transported by water carrier from all regulation.

3. Section 3 amends section 418 of the Interstate Commerce Act to include all carriers authorized to transport bulk commodities as carriers, the services of which freight forwarders may utilize. The amendment merely takes account of the fact that the bulk commodities exemption has been extended to carriers other than by water.

4. Section 4 extends to intercoastal water carriers the same exemption from minimum rate control for the transportation of persons or bulk commodities or agricultural or fishery products as is proposed for carriers subject to the Interstate Commerce Act under section 1.

5. Section 5 would amend the Federal Aviation Act to limit the authority of the Civil Aeronautics Board to the determination and prescription of just and reasonable maximum rates or charges for the transportation of bulk commodities or agricultural or fishery products. As to these items of freight, air carriers would be as free from minimum rate control as carriers subject to the Interstate Commerce Commission or Federal Maritime Commission. Antitrust laws would be applicable in the same way.

Such freedom from minimum rate control has not been extended to the carriage of passengers, as with the other carriers, in recognition of the need to proceed more gradually in the deregulation of passenger fares in air transportation. The intent of Congress to attain this freedom from minimum rate control is expressed in the last subsection so that business incentives and competition may play a more influential role in the pricing of air transportation.

INVESTMENT OF WAR RISK INSURANCE FUND IN U.S. SECURITIES

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to authorize investment of the War Risk Insurance Fund in U.S. securities. I ask unanimous consent that a letter from the Acting Secretary of Commerce, requesting the proposed legislation, be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3244) to amend section 1208(a) of the Merchant Marine Act, 1936, to authorize investment of the War Risk Insurance Fund in securities of, or guaranteed by, the United States, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. MAGNUSON is as follows:

SECRETARY OF COMMERCE,
Washington, D.C., April 26, 1962.

Hon. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There are submitted herewith four copies of a draft bill, together with a statement of its purposes and provisions, to authorize investment of the War Risk Insurance Fund (created under title XII of the Merchant Marine Act, 1936) in securities of the United States or securities guaranteed as to principal and interest by the United States. As of September 30, 1961, there was $2,420,000 in this fund. In our opinion, sound business judgment dictates that this fund should be invested.

We are advised by the Bureau of the Budget that, from the standpoint of the administration's program, there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,
EDWARD GUDEMAN,
Acting Secretary of Commerce.

STATEMENT OF PURPOSE AND PROVISIONS OF DRAFT BILL TO AUTHORIZE INVESTMENT OF THE WAR RISK INSURANCE FUND IN SECURITIES OF, GUARANTEED BY, THE UNITED STATES

The draft bill would authorize the Secretary of the Treasury upon the request of the Secretary of Commerce to invest all or any part of the War Risk Insurance Fund in securities of, or guaranteed as to principal and interest by, the United States. When the war risk insurance program was begun in 1950, funds accruing in the insurance fund were not substantial because fees for the agent and appraisals required a substantial part of income. In 1953, however, the war risk builder's risk insurance program under section 1203(a) of the Merchant Marine Act, 1936, was inaugurated which brought in premiums. As of September 30, 1961, the combined payments into the War Risk Insurance Fund consisting of binding fees after expenses and premiums for prelaunching builder's risk war risk insurance totalled approximately $2,420,000. These funds are expected to increase. They are not, however, bringing in any income.

Under the Federal ship mortgage insurance program, however, (title XI of the Merchant Marine Act, 1936) authority was provided (in section 1102) from its inception that "Moneys in the fund [Federal ship mortgage insurance] shall be deposited in the Treasury of the United States to the credit of the fund or invested in bonds or other obligations of, or guaranteed as to principal and interest by, the United States."

Since both are insurance programs under the same Act there would seem to be no possible objection to similar authority being granted with respect to investment of the war risk insurance funds. This fund, which so far consists largely of actual premiums, would be kept separate as a reserve against losses, settlements, judgments and all other liabilities incurred by the United States under the program. Since the arrangements for the War Risk Insurance Fund may continue indefinitely, sound business judgment requires provision for permitting investment of the moneys in the fund, the interest from which would augment the fund.

AUTHORITY FOR NATIONAL BUREAU OF STANDARDS TO MAKE CERTAIN IMPROVEMENTS OF FISCAL AND ADMINISTRATIVE PRACTICES

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to authorize the National Bureau of Standards to make certain improvements of fiscal and administrative practices. I ask unanimous consent that a letter from the Acting Secretary of Commerce, requesting the proposed legislation, be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3245) to amend the act of March 3, 1901 (31 Stat. 1449) as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. MAGNUSON is as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., April 24, 1962.

Hon. LYNDON B. JOHNSON,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There are attached four copies of a proposed bill to amend the act of March 3, 1901 (31 Stat. 1449) as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities.

There are also attached four copies of a statement of purpose and need for the proposed legislation.

We are advised by the Bureau of the Budget that there is no objection to the submission of this proposed legislation to the Congress from the standpoint of the administration's program.

Sincerely yours,

EDWARD GUDEMAN,
Acting Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED FOR PROPOSED LEGISLATION

To amend the act of March 3, 1901 (31 Stat. 1449) as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities.

The proposed amendments to the Organic Act of the National Bureau of Standards would permit the following:

1. Appointment of visiting scientists to temporary positions within the National Bureau of Standards and payment of travel costs to their duty station and to return to permanent place of residence.
2. Appropriation of funds to remain available beyond 1 fiscal year.
3. Transfer of appropriations from other agencies and merger with appropriations of the National Bureau of Standards.
4. Discretionary expenditure from undesignated gifts and bequests to aid and facilitate the work of the Bureau.

The Organic Act of the National Bureau of Standards is the act of March 3, 1901, as amended (31 Stat. 1449; 15 U.S.C. 271–278e). The functions and authorities of that act are lodged in the Secretary of Commerce by Reorganization Plan No. 5, 1950. The bill proposes to add new sections 16, 17, and 18, as well as paragraphs (c) and (d) to section 11. The intent of and need for each amendment are explained in the following paragraphs.

SECTION 16. VISITING SCIENTISTS

The proposed legislation would authorize the appointment of U.S. citizens and aliens to temporary positions as visiting scientists to the National Bureau of Standards. Normally such appointments would be for 1 year or less, but they would be renewable up to a second year upon determination that renewal would best serve the interests of the Government. The visiting scientists would not come under the civil service and classification laws; and they would not be appointed by competitive examination nor would they accrue civil service retirement benefits. Normal leave privileges would be provided under the leave act.

Compensation would be administratively established, taking into account the education, experience, and planned assignment of the appointees, at rates corresponding to those of civil service employees.

When appropriate and of sufficient benefit to the Government to justify doing so, visiting scientists would be reimbursed for the cost of moving to their duty station and back to their original place of residence. Section 7(b) of the Administrative Expenses Act of 1946 authorizes such payments for the cost of moving scientists and engineers to their first duty station. The proposed bill would extend that authority to include the visiting scientists of the National Bureau of Standards, with three changes in the authority in order to provide for the special needs of the visiting scientist program:

1. The present statute applies to appointment to positions in the United States only. The proposed bill would not be so limited. While most of the NBS field stations outside the United States would not be appropriate duty stations for visiting scientists, one present station would be quite appropriate and others may be in the future. The Bureau has recently established a field station near Lima, Peru, to exploit a major advance in the radio probing of the ionosphere and upper atmosphere. This station is to be the site for research that is expected to be of major importance to radio science and upper atmosphere physics. It would be extremely unfortunate not to be able to utilize the visiting scientist authority in such work.

2. The present statute requires that an appointee agree in writing to remain in Government service for 12 months or repay the cost of his travel to the first duty station. The proposed bill does not include such limitation because the 12-month period will not be appropriate in all cases. The Department would, however, establish regulations requiring such agreement covering the term of the visiting scientist's initial appointment.

3. The proposed bill would also permit payment of travel and transportation costs of visiting scientists back to their previous place of residence or up to an equivalent amount for travel to a new place of residence. This authority is, of course, not required in the Administrative Expenses Act because that act is not concerned with temporary employees. The proposed authority is, on the other hand, specifically for temporary employees. The visiting scientists authority is needed by the Bureau to obtain the short-term services of highly qualified scientists who are unwilling to enter the career civil service. Even at the salaries authorized by the proposed bill, it will be difficult to attract some of the scientists needed by several of the Bureau's modern research programs. This difficulty would at least be minimized if the authority is broad enough to assure the appointee that he will not be out-of-pocket for the travel and transportation costs. The use of this authority would, of course, require a specific determination that it was in the interest of the Government, taking into account both the expected value of the appointee to the Government and the cost of salary and related expenses.

The proposed bill provides also an alternative to the payment of the costs of transportation of household goods. When an appointee does not wish to move his family to his temporary duty station as a visiting scientist, or when the term of his appointment does not warrant the Bureau's payment of their moving costs, he could be paid a subsistence allowance just as is now authorized for intermittent employees who are away from their place of actual residence.

The wide range of NBS research and development activities in the frontier areas of science and technology results in the frequent need to attract outstanding specialists to bring special experience to bear upon a complex program or to adapt special techniques to a special research problem. In addition, in a period when competent scientific talent is in short supply, the Bureau must look to temporary employment of capable scientists as a means to fill its staffing needs. The proposed visiting scientist program is expected to serve each of these objectives. It will permit employment of specialists under certain circumstances that are not now possible. It will permit the temporary employment of research scientists to supplement and complement the Bureau's teams of civil service scientists.

The authority provided by Public Law 600, 79th Congress, to procure the temporary or intermittent services of experts or consultants has often been of real value to the Bureau as a means of obtaining the advice and assistance of eminent scientists and engineers who would otherwise have been unavailable. That authority needs certain modifications—in terms of rates of pay and employment of foreign nationals—to have optimum value to the Government, but it is an authority which should be retained. Nevertheless, even with modifications, that authority does not meet all of the needs that the visiting scientist program is expected to cover. It falls short in a number of ways:

1. The general prohibition against the employment of noncitizens, except nationals of certain countries, prevents the use of a number of valuable scientists and specialists under Public Law 600 appointments. A bill to authorize the Secretary of Commerce (S. 2236) to employ aliens in a scientific or technical capacity passed the U.S. Senate on September 1, 1961, and was referred to the Interstate and Foreign Committee on September 5, 1961, where it is now pending. Approval of this bill would also make the Public Law 600 authority more valuable to the Bureau.

2. The Civil Service Commission interprets the Public Law 600 authority to employ experts and consultants in a manner that precludes its use to meet many of the urgent requirements of the National Bureau of Standards. Consultants may be used only in an advisory capacity, usually on an intermittent basis. Experts must be highly specialized and may assist in Bureau research activities only when it is not within the scope of current operating programs. In other words, the statute has been intrepreted—quite appropriately, with respect to its original intent—in a strict fashion to preclude appointments under it from being a substitute for civil service appointments. The modern research programs of the National Bureau of Standards, however, require a category of employment which goes beyond the experts and consultants category and which, to a limited degree, does substitute for civil service employment where that category falls short of the Bureau's needs.

3. The employment of experts under Public Law 600 is limited by the statute to a temporary period not exceeding 1 year. Such appointments are not renewable, even with a break in service. In keeping with this requirement, the regulations require that temporary employment be limited to work on programs or phases of programs in which the need will not extend beyond 1 year. Basic research has never fit well in a straitjacket. The need for expert assistance on a basic research project cannot be limited to 1 year, especially in these days when it may take that long to set up and check out experimental equipment.

4. There is no provision in Public Law 600 for payment of travel costs of temporary employees to their duty stations and back to their homes at the termination of their appointment. Often this factor is more critical in obtaining the services of a research scientist than is the question of the salary rate.

Perhaps the Bureau's need for this new category of employee can best be illustrated by some examples of situations in which the authority would be used:

1. Each year a number of scientists on university faculties would be interested in spending their summer on a research project at the Bureau. At present, the salary structure is not competitive with industrial laboratories or with Government contract laboratories. Because summer research positions are an important source of augmentation of faculty salaries, the better salary opportunities elsewhere will often override more desirable research opportunities at the Bureau. More frequent use of visiting scientists from universities would be of great benefit to the Bureau above and beyond the obvious benefits from the addition of top level research scientists to Bureau laboratories. The fresh approach that such a visiting scientist could bring to a project is often invaluable. The opportunity for Bureau scientists to know first hand what is going on in university laboratories is beneficial, as is the opportunity to have a first-hand knowledge of Bureau activities to go back to the universities at the close of the summer. Finally, former visiting scientists can be expected to be of assistance to the Bureau in its efforts to attract young scientists at the completion of their graduate study at the universities.

2. Much the same can be said for the opportunity to employ faculty members as visiting scientists during their sabbatical year.

3. Occasionally, the Bureau is called upon to give special emphasis to a particular program for a temporary period in order to exploit a new technique or accelerate the dissemination of results of a special line of research. A recent example was a 3-year program to study the fundamental properties of highly reactive molecular fragments by using a technique of trapping them at extremely low temperatures. The program was of great interest to several other agencies, to university scientists, and to industrial laboratories. In such cases, the authority to appoint visiting scientists for the temporary period of acceleration and emphasis on the program would aid the Bureau in attracting scientists from university and foundation laboratories, from Government contract laboratories, and from industrial laboratories.

4. Some areas of the Bureau's research program are outside the popular or currently fashionable areas of modern science and are therefore not particularly attractive to many American scientists. A recent example has been seen in a program to develop standards and precise data required for the proper interpretation of astrophysical data and plasma physics research. The work at the Bureau is thus of great importance to several major national programs, but it requires physicists who are interested in classical atomic physics rather than some of the newer areas of research. The Bureau finds that the supply of such scientists is much more plentiful in Europe than in the United States. It would therefore be extremely helpful to be able to bring in visiting scientists from Europe for temporary periods to help initiate the research programs while the slower process of building a permanent staff is getting underway.

5. Much of the Bureau's work is of international interest and importance. This is particularly true of radio propagation research which, by its nature, must be conducted on a worldwide basis. It would be extremely valuable to the Bureau to bring in visiting scientists from other countries to work in Bureau laboratories for a year before returning to their home laboratory to continue cooperative research programs with the Bureau.

6. Visiting scientists can often be used as an effective training device. A specialist working in Bureau laboratories for a year can impart much of his special knowledge or unusual technique to several Bureau scientists and serve a much more effective training function than would be gained by sending one or more Bureau scientists to him on special training assignments.

As these examples illustrate, the authority for visiting scientists could be most beneficially used by the Bureau. It is true that some of these purposes could be achieved through a broadening of the Public Law 600 authority and through the broadening of the authority to appoint foreign nationals in the civil service. Such changes would not meet all of the Bureau's needs and they would leave unsolved one basic problem. There is a psychological barrier to the acceptance by some scientists of appointments under present authority. Foreign nationals especially, but also some staff members of American universities, are reluctant to accept positions in the U.S. civil service. The Bureau believes that there would be no reluctance to accept appointment to positions designated as visiting scientists. The National Institutes of Health have authority for visiting scientists and find this to be the case.

It should be noted that although the proposed legislation would provide broad authority for the employment of foreign nationals as visiting scientists, this would in no way eliminate the usual executive requirement for appropriate security clearance. Some of the visiting scientists would undoubtedly come under the State Department exchange visitor program. Others would be required to meet established Department of Commerce security criteria.

SECTION 17. APPROPRIATION AVAILABILITY

The proposed section 17 would provide statutory authorization for appropriations for the Bureau to be on a multiple-year basis or to be without fiscal year limitation. The final determination whether to limit the availability of an appropriation is made when the Congress acts on the appropriation bill, but an appropriation bill providing for a departure from single-year availability would be subject to a point of order if an authorizing statute had not previously been enacted. The proposed legislation is, therefore, merely a first step that must be taken before the question of extended appropriation availability can be raised with the Appropriations Committees.

Almost all research and development appropriations for other agencies are provided as "no-year" funds, available until expended. Their justification is found in the uncertainties inherent in research programs, the high incidence of unpredictable factors that compel readjustment of program activity, and the need for flexibility to permit prompt response to changed circumstances. It is probably not necessary to present a detailed discussion of the reasons for appropriating research funds on a "no-year" basis, but a summary of some of the permanent NBS situations may be helpful.

1. Problems of obtaining or developing essential equipment or recruiting essential scientists will often delay implementation of an initial stage of a research project. If the funds budgeted for that first stage are available only for 1 fiscal year and cannot be used that year, they are lost to the project and must be replaced in the succeeding year by all or part of the funds programed for the second stage of the project. If the funds could be carried over from the first year, at least some of the lost time might be made up by a doubling up of effort during the second year.

2. The opportunities to hire high-potential scientists and engineers frequently arise at the most inopportune time in the budget cycle.

Because the academic year closes at about the same time as the fiscal year, recruitment commitments are often needed just at the time when appropriation requests are being considered by the Congress. The uncertainty about appropriation levels frequently prevents timely recruitment commitments. If appropriations could be carried forward to the succeeding year, funds could be set aside to assure the financing of the new staff members long enough to permit other adjustments in the succeeding appropriation if that becomes necessary.

3. The rigid deadline on availability of funds often induces a premature decision concerning initiation of a task or purchase of equipment because postponement of the decision means the loss of the funds and thus elimination of the task or purchase.

4. Program expansions, especially in times of recruiting difficulty, involve problems of budgeting that are aggravated by the single-year availability of funds. It would be much more efficient and desirable to budget for the first 12 months or first full stage of a research project, even though this would cross over into a second fiscal year.

It is also very desirable to have appropriations for construction, plant improvement, and major equipment items available without fiscal year limitation. Many such projects are carried out by Bureau personnel and it is quite important that the funds be available for the entire cost of a project before it is initiated.

SECTION 18. FUND TRANSFERS

Section 18 would permit the transfer into NBS appropriations of research and development funds appropriated for other agencies, when the Secretary of Commerce determines that the purpose of the other agency's appropriation can best be achieved by the National Bureau of Standards. The concurrence of the head of the other agency and the Director of the Bureau of the Budget would be required.

The need for a contingency fund for research and development programs has long been evident. Scientific activities involve an exploration for new ideas, a seeking for new solutions, a search for new understanding of physical laws. The new ideas, the radical innovations, the scientific or engineering breakthroughs do not appear in a steady stream. They occur intermittently, often without warning, and they usually carry with them a large price tag for adequate exploitation or application. Experience has shown, therefore, that prompt and full use of the results of research cannot be achieved by waiting for the next regular cycle of the budget process.

In order to be able to take advantage of new ideas or developments as quickly as possible, the Department of Defense has had for a number of years an emergency fund which may be transferred into research and development appropriations. On several occasions the Department of Defense has recognized that a research success at the National Bureau of Standards should be exploited promptly or that the Bureau could best undertake to explore the application of new knowledge in a particular field. These were precisely the sort of emergency needs that the emergency fund was set up to cover, but that fund is available for transfer only among Defense appropriations. The result was that emergency funds were provided to one of the Defense agencies who then contracted with the National Bureau of Standards to initiate the work. Since such tasks are rarely completed in 1 year, the Bureau in turn was faced with the task of budgeting for succeeding years, usually as a major increase within a minor total increase.

The proposed legislation would parallel the present arrangement for the use of the emergency fund within the Department of Defense. It would permit any research and development appropriation, or any procurement or production appropriation involving research, to be the source of transfers to the NBS appropriation. It is based on two premises:

1. The ready exploitation of research results is as desirable in a civilian agency as in the military.

2. The National Bureau of Standards must improve its ability to respond to the needs of the major beneficiaries of its research and technical services.

One of the most troublesome problems facing the Bureau is the problem of closer coupling with the major Federal programs that are so closely tied to an advancing technology. The content of the Bureau's work is closely related to the programs of the Defense agencies, the civilian space agency, the Atomic Energy Commission, and such other users of technology as the Federal Aviation Agency. But the Bureau's resources are so inadequate with regard to the modern demands upon the Bureau that none of the necessary flexibility of programing is possible.

The Bureau is a primary producer of the basic physical data which the major Federal programs devour. The Bureau is the keystone in the structure of a technological economy, a technological military machine, and a technological society. We cannot expect the large Federal agencies to do their jobs efficiently and effectively if they must rely on an undermanned National Bureau of Standards for essential data and services. We cannot continue to pour hundreds of millions of dollars into major national technological programs without either providing comparable support for the NBS programs on which they are dependent or providing a mechanism to make a portion of the large resources available to NBS when needed.

The proposed legislation would serve the latter purpose. It would not automatically affect any agency, but it would provide authority to solve problems which the agencies themselves recognize. It would not provide a unique authority for transfers between appropriations; it would merely recognize that the need for such authority is not limited to the Defense Establishment. It would provide a means through which new research programs which are basically the responsibility of the National Bureau of Standards, but which become urgent because of an unforeseen development in the program of another agency, can be accommodated in the Bureau's fiscal program.

If this legislation is enacted it is the intent of the Bureau to attempt to use it in any case where a project is requested by another agency which is (1) significant in financial impact (approximately $100,000 per year or more), (2) represents a need which is likely to continue for several years, and (3) falls within the scope of the Bureau's statutory mission. Subsequent to the transfer the Bureau would budget to carry the project with its own direct appropriations. If a transfer between appropriations cannot be arranged in such a case the Bureau intends either to reprogram within available appropriated funds or postpone action until the project can be covered in a future budget.

AMENDMENT TO SECTION 11. GIFTS AND BEQUESTS

The proposed legislation would amend the existing authorization to accept gifts and bequests to aid the work of the Bureau, permitting the use of certain gifts for purposes for which appropriated funds may not be used. It would also clarify the status of royalties and honoraria received by the Bureau.

At the present time, when gifts and bequests from private citizens or organizations are deposited in a trust account, they take on the character of appropriated funds and can be used only for the same type of expenditure for which appropriated funds may be used. In most cases this limitation does not interfere with the accomplishment of the purpose of the donor, but occasionally it will. If certain types of otherwise prohibited expenditures would be of benefit to the Bureau, the use of nonappropriated funds would appear to be quite reasonable, especially if adequate safeguards against abuse are provided.

The Bureau is a research institution that, in many ways, is comparable to a university laboratory, a research foundation, or a Government contract laboratory. In many of its relationships with scientists and scientific societies in particular, the Bureau is a research institution rather than a Government agency. The informal relationship thus derived is of great benefit to the Bureau's performance of its mission through the ready exchange of ideas and the better understanding of the needs of the scientific community.

This informal relationship, however, is hampered and restricted by some of the normal restrictions on Government expenditures. The Bureau believes that those restrictions are, by and large, appropriate, but it would welcome some relief from their rigid application. Recognizing that Government funds cannot be used to provide refreshments, for example, when the Bureau is host to scientific meetings, it does not provide them although this is a failure to reciprocate in such amenities received by Bureau representatives at meetings elsewhere. A moderate relaxation of the restriction would serve an extremely valuable purpose, promoting informal interchange and cooperative activities.

Occasionally, this function is served through contributions by Bureau employees of the Employee's Association. For many years, for example, the Bureau has entertained at a tea for the members of the American Physical Society during their annual Washington meeting. This affair must be financed by employee contributions although the real benefit is to the Bureau, and the Government, not the employees. Similarly, senior staff members who have been entertained officially by foreign scientists or American institutions cannot reciprocate, except out of their own pocket and that is often embarrassing.

The proposed legislation would permit this sort of expenditure from funds contributed to the Bureau from private sources. If such funds were not otherwise designated for particular purposes, they would be included in a discretionary fund to be disbursed upon certification and approval by the Director. Expenditures for the purpose of entertainment, however, would be limited to $1,000 per year.

Although the explanation of the purpose of the legislation has dwelt upon entertainment cost, the legislative language has been broadly drawn to cover all items of expenditure otherwise prohibited by law or Comptroller General ruling. It would not, however, waive prohibitions or restrictions that are not tied to expenditure restrictions. Thus it would not permit the consumption of alcoholic beverages in public buildings, nor the employment of persons at unusual salary rates or outside prescribed conditions.

The authority would be used in those areas where the Director determines that an expenditure is desirable but where it cannot be found to be a "necessary expense" in the rigid sense prescribed for appropriated funds. In certain circumstances, for example, laboratory costs might be provided despite the failure to meet the rigorous criteria currently enforced by the Comptroller General. Similarly, certain desirable but not necessarily essential equipment or furnishing items might be purchased.

The proposed bill would also provide that payments to the Bureau as honoraria or royalties for papers, books, articles, and speeches prepared or delivered by employees of the Bureau may be deposited in the discretionary fund. Such receipts are more in the nature of gifts than payments because they usually are of nominal value compared to the cost of the service provided. Because they do not represent the full cost of the service, or even an identifiable element of cost, and because they are often paid after the fact with no prior advice to the Bureau, it is difficult and expensive to try to set these receipts up as partial reimbursements for the costs of the services rendered. Depositing them in the discretionary fund seems to be the most appropriate way to carry out the wishes of the donor to aid the Bureau.

BOSTWICK PARK FEDERAL RECLAMATION PROJECT, COLORADO

Mr. ALLOTT. Mr. President, I introduce, for appropriate reference, a bill providing for the construction, operation, and maintenance of the Bostwick Park Federal reclamation project in Colorado.

The authorization of this project as a participating unit of the Colorado River storage project was approved by this body some 7 years ago; however, when the Colorado River storage bill came back from the conference committee, in the form in which it was finally enacted into law, the Bostwick Park unit, along with some 23 other participating units, was simply designated to receive priority in the completion of planning reports.

The report of the Bureau of Reclamation on the Bostwick Park project was completed last year, and it has been approved and adopted by the Secretary of the Interior.

Bostwick Park is a proposed multipurpose water resource development in the Gunnison River Basin in west-central Colorado. The project would develop presently unused flows of Cimarron Creek for irrigation and for important benefits to sport fishing and recreation. Over three-fourths of the acreage which would receive irrigation water from this project is presently being irrigated but is badly in need of supplemental water supplies during the latter part of the irrigation season and in years of drought. This project would fill that need.

The major portion of the land to be irrigated would continue to be devoted to the production of livestock feed crops, for the raising of livestock in the principal agricultural activity in this general area. The project would stabilize and permit some expansion in this livestock industry.

A major feature of the project would be the proposed Silver Jack Dam and Reservoir on Cimarron Creek with a total storage capacity of 10,600 acre-feet. This reservoir would be located within the Uncompahgre National Forest in an attractive Alpine Valley framed by the rugged and lofty Uncompahgre Mountains. This area of Colorado has become popular with vacationers who will benefit from the sport fishing and recreation benefits of the proposed project.

The costs of this project which will be allocated to irrigation will be repaid in full in accordance with usual reclamation practices. The benefit-cost ratio for the project is 2.48 to 1 over a 100-year period of analysis.

State and local interests have given their support to this project, and the Tri-County Water Conservancy District, which will serve as the general administrative and repayment contracting agency for the project, is already in existence.

I urge the Senate to act promptly upon this proposed legislation, which is important to the State of Colorado.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3246) to provide for the construction, operation, and maintenance of the Bostwick Park Federal reclamation project, Colorado, introduced by Mr. ALLOTT, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for the construction, operation, and maintenance of the Bostwick Park Federal reclamation project, Colorado, in substantial accordance with the engineering plans set out in the report of the Bureau of Reclamation thereon approved by the Secretary of the Interior September 11, 1961, and as a participating project under the Colorado River Storage Project Act (70 Stat. 105, 43 U.S.C. 620), section 1 of said Act is amended by inserting the words "Bostwick Park" between the words "Seedskadee" and "Silt"; section 2 of said Act is amended by deleting the words "Bostwick Park"; and section 12 of said Act is amended by increasing the amount therein authorized to be appropriated by the sum of $4,010,000 plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved, which increase shall be available solely for construction of the Bostwick Park project.

EXEMPTION OF CAPITAL GAINS TAX, THE APPRECIATION IN SALES PRICE OVER COST, FOR CERTAIN OLDER CITIZENS

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill to exempt from the capital gains tax the appreciation in sales price over cost for those older citizens who wish to sell their owner-occupied homes or are forced to sell and relocate because of Government action.

The elements of this bill provide tax exemption for families, including single elderly people, in which the head of the house or his spouse is 62 years of age or older. Eligibility for such exemption is limited to elderly families who have owned and occupied their homes for a period of 5 years.

I should like to point out that exemption is permitted only on private homes, not apartment houses, tenements, boarding houses and similar structures.

The tax laws already provide relief from capital gains resulting from the sale of homes if another home is purchased within a year. However, this is of most benefit to younger families who are more likely to buy other homes than older people, relatively few of whom are interested in buying private homes.

The Nation's population of people 62 and over already totals over 20 million and is increasing at a net rate of about 400,000 per year. Older people tend to be in the low income and moderate income groups. The passing years inevitably result in deteriorating physical condition and poorer health. Many find that an excess of leisure time becomes available after retirement or after their children mature and establish separate households. Substitutes need to be found to provide continuing relationships with the community; which satisfy the need to "belong"; and which replace status symbols of work and bringing up the family.

Increasing longevity, the death of one's friends and spouse suggest added years of loneliness and pose vexing social problems. Given these and other factors, suitable housing becomes more and more the focal point of the lives of our senior citizens. Housing which prolongs their ability to live independently with dignity and self-respect becomes particularly important to them and increasingly significant to the Nation's total welfare.

Two-thirds of our senior citizens now live in their own homes. Many would like to sell their homes and move into more suitable housing, most generally of the rental type. Other elderly home owners find themselves forced to relocate because of urban renewal activity, road programs and similar programs of progress. In many cases, their present homes were purchased 30 or more years ago, and now are too large, or old, inefficient and even unsafe for their elderly occupants. Many of the older homeowners now face rising maintenance costs, higher taxes and major repairs when their physical capacities and incomes are materially reduced.

Because many homes now owned and occupied by elderly families have depreciated in value over the years, their sale would subject their owners to capital gains taxes on the appreciation in sales price over their original purchase price. For many older people, a substantial portion of their assets is represented by their equity in their homes, and as a result, this potential tax inhibits their willingness to sell and to obtain housing better suited to their current needs.

In effect, the capital gains tax acts to stifle attempts to improve the lives of our millions of senior citizens and in so doing, conflicts with the national interest.

Stimulated by the elimination of the capital gains tax on the sale of their homes, our senior citizens would be encouraged to find housing more fitting to their present circumstances and needs. This bill, enacted into law, would allow the later years of our senior citizens to be more satisfying to themselves and to their communities and the Nation would be enriched.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3249) to amend the Internal Revenue Code of 1954 so as to exclude from gross income gain realized from the sale of his principal residence by a taxpayer who has attained the age of 62 years, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

DISPOSITION OF JUDGMENT FUNDS OF CHEROKEE NATION OR TRIBE OF INDIANS OF OKLAHOMA

Mr. MONRONEY. Mr. President, on behalf of my colleague, the senior Senator from Oklahoma [Mr. KERR] and myself, I introduce, for appropriate reference, a bill to provide for the disposition of judgment funds of the Cherokee Nation or Tribe of Indians of Oklahoma.

The Cherokee Nation was awarded a judgment last year by the Indian Claims Commission, and it was finalized by action of the Justice Department. The money has been provided, and this measure merely specifies the means of payment to members of the tribe or their proper heirs at law.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3250) to provide for the disposition for judgment funds of the Cherokee Nation or Tribe of Indians of Oklahoma, introduced by Mr. MONRONEY (for himself and Mr. KERR), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

REDUCTION IN YEARS OF SERVICE REQUIRED UNDER FEDERAL EMPLOYEES' GROUP INSURANCE ACT AND FEDERAL EMPLOYEES' HEALTH BENEFITS ACT

Mr. DIRKSEN. Mr. President, if a Federal employee retires before completing at least 12 years of creditable service he will not under existing law be entitled to continue life insurance coverage without cost to himself under the Federal Employees' Group Life Insurance Act, or to continue enrollment under the Federal Employees' Health Benefits Act unless he retires on account of disability.

Both the Insurance and the Health Benefits Acts require that the employee complete at least 12 years of creditable service—5 of which must be civilian—or retires on account of disability after 5 years of creditable civilian service to qualify for benefits under these acts as a retired employee. There is no provision in the Civil Service Retirement Act whereby an employee can make a deposit for service not actually rendered and thereby acquire credit for additional service.

Therefore, Mr. President, I introduce, for appropriate reference, a bill to reduce from 12 to 10 the number of years of service required as a condition for the continuation after retirement of coverage under the Federal Employees' Group Life Insurance Act of 1954 and the Federal Employees Health Benefits Act of 1959.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3251) to reduce from 12 to 10 the number of years of service required as a condition of the continuation after retirement of coverage under the Federal Employees' Group Life Insurance Act of 1954 and the Federal Employees Health Benefits Act of 1959, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

AMENDMENT TO THE COMMUNICATIONS ACT OF 1934, AS AMENDED

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a bill to amend section 305 of the Communications Act of 1934, as amended.

The proposed legislation has been requested by the Secretary of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the RECORD at this point, together with the letter from the Secretary of State, dated April 24, 1962, in regard to it.

The **VICE PRESIDENT.** The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 3252) to amend the Communications Act of 1934, as amended, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 305 of the Communications Act of 1934, as amended, is further amended by addition of a new section "d" as follows:

"(d) The provisions of sections 301 and 303 of this Act notwithstanding, the President may authorize a foreign government, under such terms and conditions as he may prescribe, to construct and operate at the seat of Government of the United States a low-power radio station in the fixed service at or near the site of the Embassy or Legation of such foreign government for transmission of its messages to points outside the United States, where he determines that the authorization would be consistent with the national interest of the United States and where such foreign government has provided substantial reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction. Foreign government stations authorized pursuant to the provisions of this subsection shall conform to such rules and regulations as the President may prescribe. The authorization of such stations, and the renewal, modification, suspension, revocation or other termination of such authority shall be in accordance with such procedures as may be established by the President and shall not be subject to the other provisions of this Act or of the Administrative Procedure Act."

The letter presented by Mr. FULBRIGHT is as follows:

APRIL 24, 1962.

The Honorable LYNDON B. JOHNSON,
President of the Senate.

DEAR MR. VICE PRESIDENT: Rapid, secure, and dependable communication between the Department of State and American diplomatic and consular posts abroad is essential to the conduct of U.S. foreign policy. This fact increasingly is true due to the accelerating pace of international negotiations and our need to obtain multilateral solutions to foreign policy problems. Many posts abroad now must rely upon commercial telegraph facilities, usually controlled by local governments which often are Communist dominated. In addition to the difficulties thus encountered in daily operations, internal uprisings and disruptions of international relationships frequently interrupt these commercial facilities at the very time our communication needs are most acute.

The most satisfactory solution to this problem is use of radio transmitters located in our missions abroad. We are severely restricted in the use of such facilities because the Communications Act of 1934 does not permit granting of reciprocal privileges to foreign governments. The Communications Act provides that aliens and representatives of foreign governments may not be licensed to operate radio transmitting stations in the United States. Consequently, many governments will not permit us to operate radio transmitters in their countries.

Principal considerations opposing the granting of reciprocal radio transmitting privileges to representatives of foreign government in the United States are:

1. Potential loss of revenue to American carriers.

2. Facilitation of transmission of intelligence from the United States by foreign governments.

3. Frequency and interference problems for other radio services in the United States.

There is considerable evidence to indicate that the advantages to be realized by this Government in operating its own radio transmitters abroad materially outweigh the possible disadvantages. Treating them in order, it does not appear that American carriers would suffer significant losses of revenue. The amount of business diverted from American carriers would be small as limitations on power, operating hours and frequencies of foreign government operated transmitters would not permit diversion of a large volume of traffic.

As to intelligence considerations, the use of diplomatic radio facilities can be interpreted merely as a modern extension of the time-honored privileges of the diplomatic pouch. The pouch normally enjoys complete immunity from inspection and, with present international air schedules, offers a very rapid channel for transmission of practically unlimited quantities of intelligence material. The foreign missions have open access to international telegraph service and in some instances are in position even to lease international radio or cable channels from the carriers and thus gain all the advantages of speed through direct telegraphic transmission. Additionally, it is contemplated that a bilateral agreement would be negotiated with a foreign government only after it has been carefully determined that a net gain would accrue to the United States.

While there are frequency and interference problems, with the low power permitted and the low volume intermittent transmission to be expected, they are not insoluble. This is confirmed by the fact that such networks are operated extensively throughout the rest of the world without any serious complication.

I believe that it is in the national interest to amend section 305 of the Communications Act of 1934 to permit granting of reciprocal privileges to selected foreign governments for operation of radio transmitters in their missions in the United States when in the opinion of the President such action is warranted. A draft of the proposed amendment is enclosed.

The Bureau of the Budget advised that, from the standpoint of the administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress.

Sincerely yours,

DEAN RUSK.

PRESENTATION, ACCEPTANCE, AND DEDICATION OF STATUE OF JOHN BURKE, OF NORTH DAKOTA, FOR PLACEMENT IN STATUARY HALL OF CAPITOL

Mr. YOUNG of North Dakota. Mr. President, on behalf of myself and my colleague, the junior Senator from North Dakota [Mr. BURDICK], I submit, for appropriate reference, three concurrent resolutions providing for a statue of the late John Burke, of North Dakota, to be placed in the National Statuary Hall.

Mr. Burke was elected to the North Dakota House of Representatives in 1890, to the North Dakota Senate in 1892, and served three terms as Governor of North Dakota.

In 1913, Mr. Burke was appointed Treasurer of the United States, a position he held until 1921. In 1925, he became associate justice of the North Dakota Supreme Court, and in 1935 became chief justice, serving until his death, May 14, 1937.

Selection of Mr. Burke for honoring in the Statuary Hall was made by the North Dakota Statuary Hall Commission, headed by the Honorable Murray S. Baldwin, of Fargo, a longtime member of the North Dakota House of Representatives. I would like to commend Representative Baldwin and members of the selection commission for their long and diligent work and good judgment.

The commission had a very difficult assignment in selecting one outstanding citizen from among many great citizens since North Dakota became a State. I think their choice is a popular one. Mr. Burke not only had a distinguished career as a public offical but he was a highly respected and talented attorney with an outstanding reputation for his trial work.

Mr. Burke was a man who devoted much time and effort without financial compensation to defend people who were without financial means.

The concurrent resolutions provide for the presentation, dedication and acceptance of the statue of John Burke to be presented by the State of North Dakota in the rotunda of the Capitol; that the statue is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of its most eminent citizens, illustrious for his historic renown and distinguished civic services; and that appropriate ceremonies be held in the rotunda on said occasion, with the Architect of the Capitol authorized to make the necessary arrangements therefor.

The **VICE PRESIDENT.** The concurrent resolutions will be received and appropriately referred.

The concurrent resolutions, submitted by Mr. YOUNG of North Dakota (for himself and Mr. BURDICK), were received and referred to the Committee on Rules and Administration, as follows:

SENATE CONCURRENT RESOLUTION 71

Resolved by the Senate (the House of Representatives concurring), That the North Dakota National Statuary Hall Commission is hereby authorized to place temporarily in the rotunda of the Capitol a statue of the late John Burke, of North Dakota, and to hold ceremonies in the rotunda on said occasion; and the Architect of the Capitol is hereby authorized to make the necessary arrangements therefor.

SENATE CONCURRENT RESOLUTION 72

Resolved by the Senate (the House of Representatives concurring), That the statue of the late John Burke, presented by the State of North Dakota, now in the Capitol Building, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of its most eminent citizens, illustrious for his historic renown and distinguished civic services.

Resolved, That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of North Dakota.

SENATE CONCURRENT RESOLUTION 73

Resolved by the Senate (the House of Representatives concurring), That the procedings at the presentation, dedication, and acceptance of the statue of John Burke, to be presented by the State of North

Dakota in the rotunda of the Capitol, together with appropriate illustrations and other pertinent matter, shall be printed as a Senate document. The copy for such Senate document shall be prepared under the supervision of the Joint Committee on Printing.

SEC. 2. There shall be printed three thousand additional copies of such Senate document, which shall be bound in such style as the Joint Committee on Printing shall direct, and of which one hundred copies shall be for the use of the Senate and one thousand four hundred copies shall be for the use of the Members of the Senate from the State of North Dakota, and five hundred copies shall be for the use of the House of Representatives and one thousand copies shall be for the use of the Members of the House of Representatives from the State of North Dakota.

Mr. BURDICK. Mr. President, it is with the greatest pride that I join with my colleague from North Dakota [Mr. YOUNG] in introducing the concurrent resolutions presenting the statue of John Burke to be placed in Statuary Hall. This great pioneer American and North Dakotan well deserves such recognition, and I am happy to have the honor and privilege of assisting in making this possible.

John Burke was selected by a Statuary Hall commission made up of prominent North Dakotans. Their selection was made on the basis of great services rendered to North Dakota and to the Nation by this patriot.

Judge Burke moved to North Dakota in 1888, 1 year before statehood. He began his long career of public service as a member of the first State legislature and became North Dakota's first Democratic Governor in 1907, retaining this position until 1913. From that time until 1921 he served his country as Treasurer of the United States, a Wilson appointee. At the end of his term as Treasurer, he returned to North Dakota and was elected to the State supreme court, where he served with distinction until his death in 1935.

North Dakota is one of the last States to honor one of her citizens in this matter, but the selection made by the State commission is a splendid one, and we are gratified that, with the acceptance by this body of this resolution, we are now to be represented in Statuary Hall.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENT

Mr. BUSH submitted an amendment, intended to be proposed by him, to the bill (S. 2996) to amend further the Foreign Assistance Act of 1961, as amended, and for other prposes, which was referred to the Committee on Foreign Relations and ordered to be printed.

REPRESENTATION IN HOUSE OF REPRESENTATIVES FOR DISTRICT OF COLUMBIA—ADDITIONAL COSPONSOR OF JOINT RESOLUTION

Mr. KEFAUVER. Mr. President, on April 25, 1962, on behalf of the Senator from Connecticut [Mr. DODD] and myself, I introduced Senate Joint Resolution 181 to provide for representation in the House of Representatives from the District of Columbia.

I request unanimous consent to have the name of the Senator from New York [Mr. KEATING] added as a sponsor of this resolution. It is particularly appropriate that he join in sponsorship, as he has worked long and hard for the objective of this joint resolution, and I know that his name will add impetus to its adoption.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. KUCHEL:

Excerpts from address entitled "What Happens in Washington Is of Great Importance to California," delivered by him on April 25 at a joint meeting of the Rotary and Kiwanis Clubs of Compton, Calif.

POLAND'S CONSTITUTION DAY

Mr. SALTONSTALL. Mr. President, this is a day when the thoughts of many in America turn toward the people of Poland, for in the free days before the Communist domination, this was Poland's equivalent of our Fourth of July. On May 3, 1791, a constitution was established, and introduced for the first time in that country the principle of the responsibility of the ruler.

A few years earlier, Poles such as Pulaski and Kosciuszko came to America to help the emerging United States achieve its freedom. Two years prior to the Constitution we are remembering today, the French people limited the absolute power of their King. In 1791 this revolutionary 18th century spirit kindled the action which led to the Polish Constitution and their first attempt at a government responsible to the people's representatives. The King's power was to be shared with a cabinet. An elected bicameral legislature was established. Religious toleration was decreed. The citizens of the cities were given many of the privileges formerly reserved only for the nobility. The landlord became bound by contracts with his tenants.

Today, these do not seem to us to be very phenomenal steps. However, for the Europe of 1791 they were indeed a giant stride toward democracy and freedom for the people. Perhaps for this very reason her neighbors, the Czar of Russia, the Emperor of Austria, and the King of Prussia, all autocrats, invaded and partitioned Poland. It is one of the ironies of history that such a freedom-loving people as the Poles should have been under the domination of the most absolute of autocrats for all but 20 of the last 170 years. Perhaps Poles cherish independence, freedom of the individual, and a democratic government of limited powers more than their neighbors, just because the Poles have been denied them for so long.

Through all the decades of oppression, the Polish people remembered. When, after the First World War, Poland finally achieved independence again, the day they chose to celebrate it was May 3, the anniversary of the 1791 Constitution.

We are proud to recall the important part that the United States played in winning independence for Poland in 1918. We are also proud of the significant role which millions of Americans of Polish descent have played in the building of the United States, which they have so greatly enriched with their vigor, their courage, their talent, and their patriotism. I number many among my friends in Massachusetts.

Today, the desire to be free burns as strongly as ever in Poland. Since the Polish people are not allowed to do so, it is fitting that we in the United States pay tribute to the centuries-old struggle of that great country for freedom and independence, by marking the 3d of May as Polish Constitution Day. In doing so, we wish to remind Poles everywhere, both in this country and in Europe, that America's struggle for a free world is also the struggle to restore the cherished independence and freedom of Poland.

Mr. YOUNG of North Dakota. Mr. President, today, May 3, Poles and citizens of Polish origin throughout the world will celebrate a Polish national holiday—the Polish 3d of May Constitution Day.

Americans of Polish descent join in paying tribute to the freedom-loving Polish people, with appropriate events throughout the month of May. These are solemn reminders for fellow Americans that Poland was one of the first pioneers in liberalism in Europe.

This year's celebration marks the 171st anniversary of the 1791 Polish Constitution, which with one stroke eliminated the most fundamental weakness of the Polish parliamentary and social system. The Poles raised this great moment in their history to the forefront of their tradition, rather than any one of their anniversaries of glorious victories or heroic revolutions.

We Americans have been reared in the principle given us as a birthright by the founders of our great Republic, the principle of the sovereignty of the people in the state, which is the primary meaning of the 1791 Polish Constitution.

That Constitution represented, for its time, a shining example of public policy and democracy. Its principles were rooted in the Poles' love and attachment to freedom and independence. These principles lived in the hearts of many Polish generations. Both in times of national well-being and in times of misfortune, they represented the fountainhead of national consciousness, patriotism, and ever-present readiness to make sacrifices for the common cause of freedom of all nations.

Today, the Polish nation, though deprived of freedom, and forced to live under a totally alien system of communism, still is one of the leading nations of Europe.

Poland's ceaseless fight for ideals of freedom and her will to regain her proper and richly deserved place in Christian civilization are undaunted. Her moral unity, her spiritual unity, remain unshaken.

The Polish nation represents a unique phenomenon: Although submerged during the last 18 years by the Soviet tide of colonialism, Poland is, in her inner life, more anti-Communist than almost any other nation on earth.

We Americans are linked with the Polish people by the common tradition of the struggle for freedom and common ideals of civil values and of search for social justice.

The American people and the Polish people are confronted by a common danger which is threatening our civilization, our freedom, and our very existence. This danger is, of course, the totalitarian, doctrinal, and armed aggression of communism.

Unified by this common tradition and this common threat, we realize that the Poles cannot throw off the yoke without active political and material aid from the United States; and this nation cannot know peace and security until Poland's freedom and independence are restored, with the Soviet forces rolled back beyond the boundaries of old Europe.

I am proud to join with the Polish American Congress, representing over 7 million Americans of Polish descent, in expressing faith for the ultimate triumph of justice and a return to the life of freedom that the Polish people so richly deserve.

Mr. DIRKSEN. Mr. President, May 3, 1791, is a most significant day in the history of the Polish people, for it was on that day, 171 years ago, that the Polish Diet adopted its new Constitution without a bloody revolution or even without a disorder and succeeded in creating a new public life and eradicating the internal decline that effected the stability of the Polish Nation of that era.

The date of May 3, 1791, was only a few years after the adoption of the Constitution of the United States, which was created by the pilgrims in America who were looking for a new birth of freedom in the New World. Many nations of Europe take pride in the fact that they were influenced in their new birth of freedom by what was done by the Declaration of Independence in 1776. The Polish people take pride that many of the basic principles of the Constitution of the United States were incorporated in the Constitution of Poland.

History relates how the Polish nation was repeatedly caught in a crossfire of ambitious and imperialistic empires on the east and west of Poland, by the Russians, the Prussians, and the Austrians. However, this true spirit of freedom never left the Polish people from that date in 1791. The courage of the Polish people was shown during World War II and they fought bravely to resist the Nazi tanks, weapons, and airpower. Not much later after that the might of the Soviet forces overtook the Polish Nation and brought it behind the Iron Curtain against the will of the people. The spirit of freedom is still burning within the Polish people and history of their courage against great odds has been related and will continue to be related in the future as they strive for freedom and liberty in what appears now to be insurmountable odds.

Mr. President, next week hundreds of thousands of residents of Illinois will gather in Chicago, in Humboldt Park, at the statue of Tadeusz Kosciuszko, colonel in the American Revolutionary Army, to commemorate the 171st anniversary of the adoption of the Polish Constitution. Colonel Kosciuszko volunteered to fight for the cause of freedom in the Revolutionary Army and fought under Gen. George Washington, and then after that war returned to Poland to help in the adoption of the new Polish Constitution. The Americans of Polish descent, who constitute one of the largest segments of peoples from any one nation in Europe, have played an important role in the building of America and today they have emerged as great leaders in government—local, State, and National—they have been Members of the Congress, a part of the judiciary branch of government, mayors, Governors, leaders in industry, labor, and agriculture, and in many other facets of our American way of life. These Americans of Polish descent, as other freedom-loving Polish people throughout the world, are doing everything they can to give moral support to the Polish people behind the Iron Curtain so that freedom may be restored to all peoples behind the Iron Curtain.

Mr. President, I know it is the fervent hope of the Members of Congress that the day will come when people living under despotic power will be able to regain that God-given right to be free and to be under a government of their own choosing.

Mr. SCOTT. Mr. President, May 3 is the 171st anniversary of Poland's great Constitution of 1791 and that anniversary has special significance today.

There is a historic parallel between events following that Constitution and what happened to Poland in our own lifetimes. The Constitution of 1791 marked a great rebirth and assertion of democracy, and it eliminated the fundamental weaknesses of the previous Polish parliamentary and social system. But 4 years later Russia, Prussia, and Austria sent troops in to partition the country.

After World War I the Poles declared their independence and continued as a free and independent nation for two decades, making important contributions to cultural and scientific affairs of the world. Then, in 1939, Nazi Germany and the Soviet Union invaded Poland, bringing to an end the freedom which the Poles had fought so hard to attain and worked so hard to preserve.

Now Communist puppets rule the land. Why then should we in the United States consider that we have a link to Poland? There are two important reasons. First, we are joined to the Poles by a common tradition in the struggle for freedom, common ideals of civic values, and the search for social justice.

Second, the people of Poland have a 1,000-year-old battle cry, "Polak nie sluga"—a Pole shall never be a serf. We in the United States know that despite 18 years of Communist rule, the people of Poland are more fiercely anti-Communist than almost any other nation on earth.

Therefore we speak in the Senate, as do our colleagues in the House, to remind the people of Poland that we know of their yearning for freedom.

I would like to pay special tribute to the Polish American Congress, which represents over 7 million Americans of Polish ancestry, for keeping all Americans informed about conditions in Poland.

We intend to do everything possible to help the people of Poland attain their freedom eventually and we look forward to the day when they will throw off the yoke of foreign domination.

Mr. LONG of Missouri. Mr. President, Poles are one of the most gifted and courageous peoples of Europe. They have a long and glorious history, and their contribution to Western civilization in the arts and sciences, in statesmanship and military leadership, has been immense. That they have also made a significant contribution to the art of governing is borne out by the liberal and progressive Constitution which they adopted in May of 1791.

That Constitution expressed the true spirit of the age. The powers of the monarch were curtailed, and a real check was placed upon the exercise of his authority. Autocratic practices were cast aside and in their place ministerial responsibility was introduced. Many intricate and obsolete features of the old and unwieldy system were abolished, and class distinctions were drastically reduced. Personal privileges formerly enjoyed by the few were made available to all townsmen, and the peasantry was placed under the protection of the law. Religious toleration was established and religious freedom guaranteed. These advanced features of the Constitution represented a decided advance over anything yet known in Central and Eastern Europe.

The anniversary observance of the birth of this Constitution provides a fitting occasion for all those who believe in freedom and independence, to pay tribute to the memory of the men who drafted that inspiring and historic document, and also to those brave souls who through the years have sacrificed their lives so that the ideals embodied in that Constitution of 1791 might take firm roots and live on.

Mr. CAPEHART. Mr. President, I quote from the Polish 3d of May Constitution, of which today is the anniversary:

> All power in civil society should be derived from the will of the people, its end object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

That declaration was a part of the Constitution adopted by the then free nation of Poland, adopted in 1791, barely 2 years after adoption of the Constitution of the United States.

It stands today as a beacon of hope to citizens of Poland and of Polish descent throughout the world, including many hundreds of thousands in the United

States. Thousands upon thousands are among the finest citizens of my own State of Indiana.

We express the fervent hope and dedicate ourselves to the proposition, Mr. President, that the great nation of Poland will before too long be able to shed the shackles of communism which today make impossible the application of the principles of freedom so ably expressed in the 3d of May Constitution.

Mr. WILEY. Mr. President, the anniversary of Polish Independence Day can best be celebrated by a rededication of people—not merely those of Polish descent but of the free world—to:

First. More effectively combat communism, including: (a) For the present, preventing its outspreading; (b) diminishing its influences; and (c) stepping up efforts to erode its strength as a menace to freedom.

Second. Undertake renewed effort to lift the Iron Curtain, and loosen the stranglehold of colonial power by the Soviet Union upon the Communist empire, including the captive nations.

Third. Create machinery for establishing and maintaining a climate of peace—including the right of self-determination for all nations.

During the 171st anniversary observances, U.S. citizens—particularly more than 7 million Americans of Polish descent—and the free world need, then, to join together in a renewed pledge for ultimately lifting the chains of slavery from the captive people.

Constitution Day tributes, however, would ring hollowly if not accompanied by realistic steps aimed toward brightening the ultimate outlook for freedom. Fundamentally, I believe these efforts should include:

First. Greater penetrations of the Iron Curtain—via word-of-mouth, radio, and other channels—to assure freedom-seeking people, wherever they may be, that the free world has not forgotten them;

Second. Stepping up pressure on the Soviet Union—advocating anticolonialism, but holding an iron grip on the greatest colonial empire in the world—to ultimately allow self-determination for the captive nations;

Third. Clarifying distinctly that Western pressures against the Red orbit are not directed toward the freedom-loving people, but, rather, against the strangulating force of communism;

Fourth. Greater ultilization of the United Nations as a podium for advocating self-determination for the captive nations, including the rights of people to speak through secret ballot;

Fifth. As possible, assisting the dominated people in patriotic efforts to reestablish freedom in their country; and

Sixth. The strengthening of NATO and other anti-Communist alliances: To provide (a) a stronger bulwark against Communist aggression; and (b) more launching pads for nonmilitary counteroffensives—political, economic, and ideological—aimed toward dissolution of the Red empire as a threat to peace and freedom.

Germane to this discussion, I believe, would be a commentary on the recent report in Pravda—an official newspaper of the Kremlin—that the Soviet Union would consider giving atomic weapons to the Warsaw pact nations of Eastern Europe—if NATO further arms Western Europe.

Despite its interest in countering a Western buildup of forces, the Soviet Union would—in all probability—be extremely wary of providing nuclear armaments to the captive nations. Why? Because the Warsaw pact—although ostensibly binding together the Communist-dominated nations—really is more a relationship of puppeteer to puppet—with Khrushchev as the puppeteer pulling strings of party-picked heads of captive countries—than a voluntary association of nations. Within the orbit countries, there is a great smouldering force of potential rebellion. In the event of crises, the Kremlin—if A-weapons were truly in the hands of representatives of captive people—could not always be sure whether these would be pointed West or East.

Overall, the 171st anniversary of Polish independence offers us—and the free world—a new opportunity to reevaluate our anti-Communist programs; and take necessary steps to improve the outlook for ultimately providing the captive nations an opportunity of self-determining their own destinies.

Mr. HART. Mr. President, the 3d of May marks the 171st anniversary of the adoption of the Polish Constitution of May 3, 1791; and free Poles throughout the world are marking the occasion with commemorative programs and rededication to its lofty liberal ideals.

Early in her history, Poland chose to join Europe and to follow the great Western tradition inherited from Greece and Rome. The Constitution of May 3 was a document which looked to the future. It flowered in the climate of liberalism which was engulfing Europe, and it further affirmed Poland's adherence to the ideals of Western Europe at a time when a powerful despot from the East threatened her sovereignty. Its main features were the admission of the townspeople to the privileges of the nobility; the admission of the nobility to the pursuits of trade, without loss of status; and the betterment of the conditions of the peasantry under serfdom, which was not abolished.

Let us briefly place this truly remarkable document in its historical perspective. The great Constitution of the United States was written in 1787, after the American Colonies had, in military struggle, won their independence from England; slavery was not abolished. The great French Revolution began in 1789, amid frightening violence leading to liquidation of the nobility.

The Polish Constitution of May 3, 1791, was adopted without violence, without bloodshed, without political upheaval. It won the praise of that stanch lover of liberty, Edmund Burke, who said:

> We have seen anarchy and servitude at once removed; a throne strengthened for the protection of the people, without trenching on their liberties * * * not one man incurred loss, or suffered degradation. All, from the King to the day laborer, were improved in their condition. Everything was kept in its place and order; but in that place and order, everything was bettered. To add to this happy wonder—this unheard of conjunction of wisdom and fortune—not one drop of blood was spilled; no treachery; no outrage; no system of slander more cruel than the sword; no studied insults on religion, morals, or manners; no spoils; no confiscations, no citizen beggared; none imprisoned; none exiled. The whole was affected with a policy, a discretion, an unanimity such as have never been known before on any occasion; but such wonderful conduct was reserved for this glorious conspiracy in favor of the true and genuine rights and interests of men.

Unfortunately, this noble instrument also incurred the wrath of the Russian despot, who aroused her opposite numbers in Austria and Prussia to a fear that the breath of liberty from Poland would waft their thrones into oblivion. The further dismemberment of Poland quickly followed, and liberty in Poland was extinguished for over a century.

But, Mr. President, no one has ever succeeded in extinguishing the flame of the spirit of liberty in the hearts of the Polish people. So it was then, in that dark hour in Poland's history. Carefully, through more than a century of brutal suppression, the Polish people preserved their language and customs; and at the conclusion of the First World War, the Polish nation was reborn in the spirit of liberty and in the great tradition of Western Europe.

Mr. President, for centuries the Polish nation defended Europe against autocratic and despotic powers of the Asiatic steppes and the Ottoman Empire which threatened to overrun all of Europe. The eastern borders of Poland were the eastern borders of Europe. Today, this is not so, for today we see the melancholy spectacle of a ruthless despotism again oppressing the Polish nation. We see the despotic powers of the East, against which the Poles had been protecting Europe for hundreds of years, stifling the liberty of the Poles.

But, Mr. President, today—as so often in the past—the Polish people still nuture in their hearts a passion for freedom and the ideals of Western civilization; and one day—may God grant that it be soon—the Polish nation will again rise in freedom and will roll back the specter of the East, and will reestablish the frontiers of Europe to their historic limits as the eastern borders of Poland.

Mr. SMITH of Massachusetts. Mr. President, today we commemorate the 171st anniversary of the enactment of the Polish Constitution of 1791.

This distinguished document, which was adopted just 2 years after our own Constitution in 1789, embodied fully the ideals of the Polish people. Its guiding principles, which proclaimed that "all power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state", were derived from the same sources as our own.

In 1795, the tyrants on Poland's eastern and western borders—Russia and Prussia—joined forces to crush Polish liberty, partition the country, and remove the rights the people had gained through their Constitution.

Many years of foreign oppression passed before the Polish people again regained their liberty, only to lose it once and for all, in 1939, to the same two nations. Since 1945, they have been under the rule of a Communist government imposed by the Soviet Army.

The United States and Poland have been linked in many ways for over 180 years. Their common tradition dates back to their struggles for freedom in the 18th century. The Polish heroes Thaddeus Kosciuszko and Casimir Pulaski fought on our side in the Revolutionary War. Over 4,000 Americans of Polish lineage also fought with the Union Army during the Civil War. In addition, the two nations have always shared ideals of civil values and social justice.

In recent years, of all the countries behind the Iron Curtain, Poland has made the greatest effort to pursue a way of life independent of the Soviet Union and to keep up its traditional contacts with the Western World. As a result of this, the Poles have achieved a degree of freedom that no other country in that part of the world has had. Their culture is still closely tied to that of the West. The Poles have access to, and a great appreciation of, American literature, art, and music. In turn, the United States has done everything it could to show the Polish people that it has not forgotten them.

I hope my fellow Senators will join with me in telling the people of Poland that the Western World still looks forward to the day when they will once more join the company of free nations.

Mr. BUSH. Mr. President, on this day, 171 years ago, an historic document was adopted in Poland, the Polish Constitution of 1791. This marked a distinct break with medieval thought and practices and was a major step forward for democracy and constitutional procedures.

Among the principal features of this Constitution are: First, the principle of sovereignty of the nation; second, the proclamation of a division in the legislative authority; third, the acceptance of the principle of religious toleration; and fourth, the elimination of class distinction. Other principles embodied in that Constitution are the secret ballot, and freedom of thought and expression.

In commemorating this anniversary, freemen everywhere should reflect upon Poland's plight today and remember that that courageous nation was among the first to develop constitutional government.

The Polish people are under the domination of a philosophy which is completely alien to their traditions and spiritual beliefs. While communism has forcibly taken hold in Poland, we know that the deep and abiding faith of the Polish people in God, which has been so much in evidence throughout history, will one day be instrumental in bringing about the elimination of communism from that land.

When this comes about, the Constitution of 1791 no doubt will provide an excellent basis for Poland's return as a full member of the free world community, where she rightfully belongs.

On this anniversary of a glorious day in their history, we express to the people of Poland, and to the millions of Americans of Polish extraction, our warmest admiration and extend to them our assurances that we share a parallel faith in ultimate victory over the forces of atheistic communism.

Mr. President, I ask unanimous consent that the text of a letter from Mr. Charles Burke, Washington representative of the Polish American Congress, be printed in the RECORD, along with a statement prepared by the Polish American Congress commenting on the significance of the Polish Constitution of 1791.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

POLISH AMERICAN CONGRESS, INC.,
Washington, D.C., April 18, 1962.

Hon. PRESCOTT BUSH,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR BUSH: From the time, when first among the free nations of the world, Poland heroically responded to the challenge of the Soviet-Nazi totalitarianism, the Congress of the United States has been annually demonstrating its feelings of faithful friendship toward the Polish nation. Each year a special observance is being held in the House of Representatives and in the Senate on May 3, in commemoration of Poland's great Constitution of 1791.

This Constitution represents for its times a shining example of public policy and democracy. Its principles were rooted in the Poles' love and attachment to freedom and independence. These principles lived in the hearts of many Polish generations. In times of national well-being as well as in times of misfortune, they represented the fountainhead of national consciousness, patriotism and of ever-present readiness to make sacrifices for the common cause of freedom of all nations.

Today, the Polish nation, although deprived of freedom and forced to live under a totally alien system of communism, belongs, nevertheless, to the leading nations of Europe. Not only because of its thousand-year-old historical heritage, not only because of its numerical strength or its geopolitical position in the heart of east central Europe, but, above all, because of its ceaseless fight for ideals of freedom. Its will to regain its proper and richly deserved place in Christian civilization is undaunted. Its moral and spiritual unit remains unshaken. The Polish nation represents, indeed, a unique phenomenon: although submerged during the last 18 years by the Soviet tide of colonialism, it is in its inner life more anti-Communist than almost any other nation on earth.

The American Nation is linked with Poland in many ways. We are joined by common tradition of struggle for freedom, common ideals of civic values and of search for social justice.

It is sufficient to remember that while commemorating our Civil War Centennial, we pay tribute to great military leaders of the War Between the States. Among them we find generals of Polish origin; Włodzimierz Krzyzanowski, Jozef Karge, and Franciszek Schoepf.

Over 4,000 Americans of Polish lineage fought with the Federal Armies of the North, and about 1,000 joined the Confederate Army of the South, in this epochal struggle for the essence of America's future.

We do not, however, need to look into the past, to realize how strongly the fate of both nations, American and Polish, is joined.

We are confronting today a common danger which is threatening our civilization, our freedom, our very existence. This danger springs from the totalitarian, doctrinal and armed aggression of communism.

The Polish nation cannot throw off the foreign yoke without active, political and material aid from the United States, and the American Nation will not know peace and security as long as Poland's freedom and independence are not restored and the Soviet forces are not rolled back beyond the boundaries of Old Europe.

We will pay tribute to the Polish nation in a most fitting way by substituting the rhetoric question, "What can we do for this gallant nation?" with a resolute answer to a more pertinent question, "What must we do in our vital interest to help Poland to regain its freedom and independence?" Current international crises demand that an answer to this question be ready and convincing.

In this spirit, the Polish American Congress, representing over 7 million Americans of Polish ancestry, expresses its fervent hope that you will see fit to participate in the observance scheduled to take place on the floors of both Chambers of the Congress on the 3d of May.

I take the liberty to enclose for your attention a leaflet explaining in a few words the meaning of the Polish Constitution of 1791.

Respectfully yours,
CHARLES BURKE,
Washington Representative, Polish American Congress.

MAY 3D—THE POLISH NATIONAL HOLIDAY

On May 3 Poles everywhere and citizens of Polish origin in many countries celebrate a Polish national holiday—the Polish 3d of May Constitution Day.

In the United States, wherever Americans of Polish descent live, in cities and towns from coast to coast, this holiday is observed with appropriate exercises throughout the month of May, to pay tribute to the Polish nation and to remind fellow Americans that Poland was one of the first pioneers of liberalism in Europe.

It was on May 3 in 1791, barely 2 years after the adoption of its Constitution by the United States in 1789, that Poland without a bloody revolution or even without a disorder succeeded in reforming her public life and in eradicating her internal decline. But this great rebirth and assertion of democracy came to the Poles too late, and did not forestall the third partition of Poland in 1795 by Russia, Prussia, and Austria.

POLAND PIONEERED LIBERALISM IN EUROPE

The greatness of the May 3d Polish Constitution consisted in the fact that it eliminated with one stroke the most fundamental weaknesses of the Polish parliamentary and social system. The Poles raised this great moment in their history to the forefront of their tradition rather than any one of their anniversaries of glorious victories or heroic revolutions.

We Americans who have been reared in the principle given us as a birthright by the founders of our great Republic, the principle of the sovereignty of the people in the state, which is the primary postulate in the 1791 Polish Constitution, can see how this truism cut off the Poles and the Polish political tradition completely from both the Germans and the Russians, who have been reared in the principle of state, and not national sovereignty.

The light of liberalism coming from Poland was then as it has been throughout the years that followed and even on to today, a threat to tyranny and absolutism in Russia and Germany. In 1795, Russian and Prussian soldiers were sent to Poland to partition and rape her. In 1939, Russian and Prussian soldiers met again on Polish soil, as the absolute totalitarianism systems of nazism and communism again felt the danger of true liberalism coming from Poland just as in 1791.

In the Polish 3d of May Constitution this liberalism was formulated in these words:

"All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation."

AMERICAN AND POLISH CONSTITUTIONS SIMILARLY INSPIRED

The philosophy of government discernible throughout the 3d of May Polish Constitution leads one to believe that the American people and the Polish people had each drawn inspiration for their respective constitutions from the same source.

Mediation on the anniversary of May 3 deepens the faith and heightens the courage of every Pole and of every American of Polish origin. It reminds all Americans of Poland's destiny in the history of mankind, and prophesies the ultimate triumph of justice, even though Poland once more has been deprived of her independence, sovereignty and her territory by one of our victorious allies, Soviet Russia, with the consent of other united nations.

Mr. SYMINGTON. Mr. President, May 3, 1791, is a great day in the history of free people everywhere, for on that day Polish patriots gave to their nation and to the world a document that has lived as a statement of the principles of freedom and constitutional government.

This document has served as an inspiration and a support for the movement toward constitutional government throughout Europe.

Although the Polish nation is still deprived of freedom and is forced to live under the alien system of communism, the spirit and ideals of freedom live on among these people; and the great Polish Constitution of 1791 serves as a beacon and hope.

Mr. President, it is an honor to join with my colleagues in saluting our gallant friends on this great day in their history.

Mr. LAUSCHE. Mr. President, today is the 171st anniversary of that significant day in Polish history when the historic Constitution of May 3 was adopted. That day the Polish Parliament took action and voted unanimously for the substitution of limited constitutional monarchy for the previous oppressive rule. The action which the Polish Parliament took on that day in May has stood through the years since as a landmark in European history. It has been a landmark because the Polish Constitution of May 3 was one of the earliest democratic constitutions. It established a separation of powers, ministerial responsibility, gave the people of the cities some representation, and released the peasants from many of their onerous ties to the nobility.

Unfortunately, the period of Polish liberty was short lived. With the aid of some of the corrupt elements among the Polish nobility the Russian Army invaded Poland and routed the Polish Army. Not even the brave General Kosciusko was able to rally enough Polish followers to overcome the might of the Russian armies. Poland was again the victim of its neighbors and partitioned between Austria, Russia, and Prussia in 1795. She remained submerged until the peace settlement of World War I.

In the years following the creation of an independent Poland the Poles enjoyed for the first time the freedom provided for in the Constitution of May 3. In fact the May 3 Constitution was then and remains a source of inspiration to those who have struggled for Polish liberty.

We all know the terrible story of the conquest of Poland in 1939—how the Polish people continued to struggle for national independence in the face of such overwhelming odds is one of the great chapters in the history of Western man. From the presses of the underground came these words:

> We do not believe in the victory of barbarism. * * * We also know that throughout the world numberless millions are aroused to indignation at the sight of the barbarism which inundates Europe. Nations shake off their apathy and arm to save civilization from ultimate destruction. Neither have the conquered nations given up the fight. They are waging a constant struggle, and will claim their national and human dignity, their liberty and independence at the hour when the oppressor finally collapses.

Today we honor the Polish people for their undaunted spirit and trust that they will find again that moment when their dreams of liberty become reality.

Mr. JAVITS. Mr. President, the people of Poland are a proud people who renew their loyalty to the principles of freedom and liberty each year on May 3, in commemoration of Poland's great Constitution of 1791. That historic document drew its inspiration from the same sources that inspired the American revolution.

There are many links between our Nation and Poland that go back to the time when General Kosciusko offered his services to General Washington in the fight for American independence. Ties of culture and a common ideal of liberty as well as ties of blood have strengthened that bond between the nations over the decades, and the Polish people have responded to the many instances of American concern and assistance with expressions of strong affection and high esteem.

Thus, in spite of Soviet imperialism, the Polish people have kept alive the democratic principles and traditions of the constitution and their hopes for eventual independence. We can help keep that hope alive in the context of the present effort by the free world to arrive at a peaceful accommodation with the Soviet Union by rejecting any compromise affecting Poland's ultimate hope for freedom.

Indeed, it is in Berlin that we can best demonstrate our own determination, not only to help defend the freedom of Western Europe but also to continue to hold out the hope of ultimate freedom to the Captive Nations of Eastern Europe. It is important for them to know that we would rather do without an agreement than compromise these principles. Our respect for the self-determination of peoples, their right freely to determine their political, economic, social, and cultural status, continues to underline our entire foreign policy, and we shall continue to fight Communist aggression and the trampling of these rights with all the resources of diplomacy, morality, and defensive strength at our command.

In connection with the celebration of Poland's Constitution Day, I ask unanimous consent to have printed in the RECORD with my remarks the proclamation by Gov. Nelson A. Rockefeller naming May 3 as Polish Constitution Day.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

The rights of the Polish people to personal liberty were proclaimed 171 years ago on May 3 in a constitution adopted by the Polish Diet. It pointed out that "all power in civil society should be derived from the will of the people."

Since that time, Poland's guaranty of religious and personal freedom many times has been trampled on by autocratic rulers. Today, the people of Poland again are under the yoke of foreign oppression. But the same pride in their country and recognition of human dignity which guided the writing of their Constitution in 1791 inspires the Polish people throughout the world today. Poland's spirit is still free although her people are denied the protection of their Constitution On the anniversary of the adoption of their Constitution they are inspired anew to strive for full freedom in the future.

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York, do hereby proclaim May 3, 1962, as Polish Constitution Day in New York State.

Given under my hand and the privy seal of the State at the capitol in the city of Albany this 19th day of April in the year of our Lord 1962.

By the Governor:

NELSON A. ROCKEFELLER.
WILLIAM J. RONAN,
Secretary to the Governor.

Mr. PELL. Mr. President, I rise to pay tribute to that remarkable document, the Polish Constitution of 1791. The Polish people of today and their unborn descendants of tomorrow, like those of yesterday, cherish and will cherish the fundamental liberties of the human spirit so beautifully expressed in the Constitution of 1791. Basic to all these liberties is the right to worship as each individual pleases.

Unfortunately, the Polish people do not enjoy today the liberties provided for in their magnificent Constitution of 1791. Many Poles are feeling increasingly the heavy hand of the atheistic Polish Government. In this connection, on August 26, Cardinal Wyszynski, before some 120,000 pilgrims at Czestochowa, attacked new laws which, among other things, would authorize government supervision of catechism classes conducted on a voluntary basis by the Church. He declared:

> I have the right to criticize * * * because I am a free man and not a slave. We are all free and we all have the right to express our views—bishops, priests, and people. * * * Christ sent bishops and priests, not Ministry of Education inspectors, to teach religion.

Mr. President, these were brave words by a most dedicated man. The search for religious freedom, which brought many of our forefathers to this country, goes on in Poland today. The need of the human soul to worship as it chooses will never be extinguished. Communist efforts to stamp out this need will never succeed—and in this ultimate truth lies great hope for the future of Poland and for the world.

Mr. KEATING. Mr. President, the late 18th century was a revolutionary age. The American Revolution and the French Revolution had given rise to new liberal and democratic ideas, and the old monarchical ideas were in decline. At that time Poland was in mortal danger of annihilation by her enemies. Many Poles were aware of this, yet they could do little under the existing autocratic and inefficient government. Some courageous political leaders, however, correctly sensed the seriousness of the situation, and set themselves to the task of drafting a constitution. These patriotic and liberal-minded leaders discharged their difficult task with great distinction. The result was the Constitution of 1791, which was adopted and promulgated on May 3 of that year.

This Constitution was, judged by any set of liberal and progressive standards, a great document. In one sense it led the Polish governing class from the Middle Ages to modern times. The monarch's powers were drastically curtailed, and a constitutional monarch with a responsible form of government came into being. While many of the powers of the Central Government were reduced, its prestige and authority were enhanced. Old privileges and class distinctions were cast aside, and a spirit of equality pervaded the Constitution. Complete religious freedom was guaranteed. The Constitution was noteworthy for its liberalism and moderation, and it was acclaimed by Edmund Burke as a masterpiece.

Today is the 171st anniversary of the adoption and promulgation of that memorable Constitution. I am glad to join all Polish-Americans on this occasion, and in doing so honor the memory of those who produced that historic and great document, the Polish Constitution of 1791.

Although Poland today is bound by the fetters of Communist totalitarianism, where the very word "constitution" means fraud and hypocrisy, this memory of the past lives on. The ideal of government by law, of liberty and individual freedom is not dead in Poland, despite the hand of the Kremlin and of its henchmen. In the hearts of the Polish people, freedom lives on. And in the hearts of the American people, the hope that Poland will one day be free is not dead. It is a living dream which Americans and the Polish people will continue to cherish until its ultimate joyful achievement.

Mr. DOUGLAS. Mr. President, today is the anniversary of the adoption of the Polish Constitution of May 3, 1791. This Constitution was promulgated only 4 years after the establishment of our own Government, and it expressed the attachment of the nation of Poland to the idea that government should be restrained by law—restrained by bounds beyond which no government authority had the right to go. Government by the whim and pleasure of an all-powerful monarchy was replaced by constitutional government.

Living dangerously on the edge of the dictatorship of Catherine II of Russia and Frederick William of Prussia, Poland had suffered onslaughts on her territorial rights in 1772 and 1788. King Stanislaw August Poniatowski recognized the need for a free constitution to assist the peoples in the great project of maintaining liberty, and for this reason the Constitution was drawn up, adopted, and promulgated on May 3, 1791. George Washington hailed the new Constitution, and Edmund Burke noted that, "So far as it has gone, it probably is the most pure and defecated public good which ever has been conferred on mankind." Parliamentary representation was expanded and the peasantry was placed under the protection of the law. The privileges of the nobility were reduced, and the townsmen were given certain political rights. Freedom of conscience and religious toleration were guaranteed. Liberty was proclaimed for everyone living in the Republic.

In 1795 when the new government was only 4 years old, Poland's larger neighbors, deeply fearful of such radical innovations, partitioned Poland, added her territory to their own and thus terminated her independent existence. For 123 years, Poland was not a nation on the map of Europe; but in spite of partition, slavery, and repression, Poland lived in the hearts of brave men. After World War I an independent Poland again arose, out of the ashes of czarist Russia and Prussian Germany. But after two decades Germany and Russia again overran Poland. And now Russia occupies and dominates Polish affairs once more.

Today there are again those within Poland who seek to replace the arbitrary rule of the Communist Party. The Poznan revolts of 1956 demonstrated the unrest that simmers beneath the surface. There is no tyranny on earth—none is possible—that can permanently destroy the great principles of the Polish Constitution of May 3, 1791. Let us pray that the day will soon come when the Communist tyranny that now rules Poland and crushes civil and religious liberties will be overwhelmed and destroyed and reaffirm our own intention to support the Polish people's quest for liberty by every proper means at our disposal.

Polish Constitution Day is a good day on which to pay tribute to the brave Polish people who have endured so much and to Americans of Polish descent who have been among our finest citizens and who have contributed greatly to this country.

Mr. DODD. Mr. President, today the Polish people and people of Polish origin all over the world celebrate the adoption of the Polish Constitution of 1791.

To the Polish people, this has become perhaps the most meaningful of all their national ceremonies and celebrations. The Constitution of 1791 has for the Poles a national significance similar to that which our own Constitution has for the American people. Freed from foreign tyranny and from foreign political pressures, the Polish people in their Constitution placed the same central emphasis on the freedom of the individual and the will of the people, as we did in ours.

> All power in civil society—

Said the Polish Constitution of 1791—

> should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty, and the good order of society, on an equal scale and on lasting foundations.

The Polish Constitution was one of the most advanced and liberal documents of its day in Europe. The similarity between the Polish Constitution and the American was no accident. The Polish people had openly sympathized with the American Revolution, and Polish patriots like Thaddeus Kosciusko had crossed the seas to champion the cause of freedom in the Western Hemisphere. Polish intellectuals and leaders had studied the writings of Thomas Jefferson and the Founding Fathers, and they had found in these writings inspiration for the framing of a Polish charter of freedom.

Polish freedom, unfortunately, did not last very long. Four years after the Constitution was adopted, in 1795, Poland was partitioned for the third time in her history, this time by Russia, Prussia, and Austria. Not until the close of World War II did Poland achieve her independence again. But history repeated itself once more in 1939 when Communist Russia and Nazi Germany collaborated in the destruction and partitioning of this heroic and persistent nation.

I know there are some people who say that these annual commemorative ceremonies have become little more than meaningless rituals. But they are far more than this. So long as the Polish people remain enslaved, so long as a quisling constitution imposed by the Soviets usurps the place of the great democratic Constitution of 1791, just so long will it be necessary to remind ourselves of the plight of our Polish brothers and to rededicate ourselves to the end that they will some day enjoy the blessings of freedom with us.

Mr. President, on this anniversary of the adoption of the Polish Constitution the least we can do is to let the people of Poland know that we have not forgotten them, that we have their plight constantly in mind, and that we shall continue to seek their liberation by every proper method short of war.

STANDBY AUTHORITY TO ACCELERATE PUBLIC WORKS PROGRAMS OF THE FEDERAL GOVERNMENT AND STATE AND LOCAL PUBLIC BODIES

Mr. CAPEHART. Mr. President, last Friday the Senator from Virginia [Mr. ROBERTSON] expressed his concern about the method of financing proposed in S. 2965, the standby public works bill. At that time he referred to the bill's effect upon the Federal Deposit Insurance Corporation and the Federal Savings and

Loan Insurance Corporation. There has been prepared a memorandum which sets forth the effect of the bill with respect to each of the agencies whose funds might be drawn upon. I ask unanimous consent that the memorandum be printed in the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CAPEHART. Mr. President, I agree fully with Senator Robertson's objections to the proposal, insofar as the FDIC and the FSLIC are concerned. In my judgment, it would be hard to imagine anything which could be more upsetting to the Nation's banking and savings and loan systems than this attempt to draw on the reserve funds which Congress has deemed it necessary to provide in order to back up deposits in banks and savings and loan associations.

In the case of the International Bank for Reconstruction and Development—the World Bank—it is proposed to draw upon the unpaid balance of the U.S. Government subscription to the Bank. This commitment was given, clearly and without qualification, in the Bretton Woods Agreements and in later international agreements and in the Bretton Woods Agreements Act and later amendments. The World Bank has sold about $2.4 billion of bonds, in the United States and elsewhere, on the basis of this commitment and the corresponding commitments of foreign governments. To tamper with this commitment would be a breach of our international agreements on which purchasers of the Bank's bonds in the United States and abroad have relied for years.

Federal home loan banks have issued about $1.5 billion of obligations which are backed up in part by the authority to borrow $1 billion from the Treasury at any time. It would be a breach of faith for the U.S. Government to tamper with or withdraw from this commitment.

The HHFA has many programs which are financed through the borrowing authority. The bill would use up the HHFA borrowing authority on the accelerated public-works program, and then would let the HHFA attempt to get back its money by way of appropriations. I am sure this would result in cutting down many of the HHFA programs.

I agree that S. 2965, the standby public works bill, should be referred to the Banking and Currency Committee, so that its effect on insured banks and savings and loan associations, on the World Bank, on Federal home loan banks, and on the HHFA can be fully explored.

EXHIBIT 1

FINANCING PROVISIONS OF S. 2965, THE STANDBY PUBLIC WORKS BILL

Section 10 of S. 2965 provides a $2 billion fund for the public works acceleration program authorized by the bill. Section 10(b) would provide, in part, as follows:

"In order to expedite financing activities under this act, the President may, during the existence of the public works acceleration period, cause the unobligated balances of authorizations to expend from public debt receipts available for the Housing and Home Finance Agency, for loans to the Federal Saving and Loan Insurance Corporation, for loans to the Federal Deposit Insurance Corporation, for the purchase of obligations issued by the Federal home loan banks, and for payment of the subscription of the United States to the International Bank for Reconstruction and Development, which are estimated to be in excess of the amount needed in the current fiscal year for obligation or expenditure for the purposes for which they were made available (but not the balances of trust funds), to be transferred to the appropriate accounts of any such agency or other department or agency in such amounts and at such times as he may deem appropriate and, notwithstanding the provisions of any other law, such transferred balances may be used for the purposes of this act: *Provided*, That there are hereby authorized to be appropriated such amounts as may be required to restore such transferred balances not otherwise restored to the sources of funds from which they were derived."

FEDERAL DEPOSIT INSURANCE CORPORATION

Accounts in more than 13,000 banks are insured by FDIC up to $10,000 per account. This is about 97 percent of the country's banks. A total of $150 billion of accounts is insured, and the total deposits in insured banks is about $260 billion. These include both commercial and savings banks. This insurance is backed up by an insurance fund of almost $2½ billion built up from assessments on the banks. In addition to this reserve fund, the Government has agreed to make available $3 billion by the use of borrowing authority provided under the Federal Deposit Insurance Act. This borrowing authority has never yet been used, but it is generally considered an essential part of the Federal deposit insurance program.

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Savings accounts in more than 4,000 savings and loan associations, Federal and State, are insured by FSLIC, up to $10,000 per account. Savings in insured savings and loan associations are about 95 percent of total savings in such associations and amount to more than $67 billion, about 96 percent of which is covered by insurance. This insurance is backed up by an insurance fund which last December amounted to about $450 million, built up from premiums on insured savings and loan associations. In addition to this reserve fund, the Government has agreed to make available $750 million by the use of borrowing authority provided under the National Housing Act. This borrowing authority has never yet been used, but it is generally considered an essential part of the Federal savings and loan insurance program.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

The United States is a member of the International Bank for Reconstruction and Development—the World Bank—through its participation in the Bretton Woods Agreements and the Bretton Woods Agreements Act and amendments thereto. The United States has paid in $635 million of its subscription in accordance with the Bank's articles. The balance of $5,715 million is subject to call to meet obligations of the Bank. Based on this commitment of the United States and similar commitments from the other members of the Bank, the World Bank has sold about $2.4 billion of bonds in the United States and in foreign countries. These bonds are considered, in large part because of the commitment of the United States Government, as being of the highest value and soundness. In selling its obligations, the Bank has included in its prospectuses the following language: "Under the Bretton Woods Agreements Act, the Secretary of the Treasury is authorized, without any requirement of further congressional approval, to pay the $5,715 million unpaid portion of the subscription of the United States from time to time when payments are required to be made to the Bank and to use for this purpose the proceeds of United States Government borrowings."

FEDERAL HOME LOAN BANKS

Federal Home Loan Banks are authorized to issue obligations to the public in order to provide funds for savings and loan associations belonging to the Federal Home Loan Bank System. About $1.5 billion of such obligations are now outstanding. These obligations are secured in part by the authority to borrow from the Secretary of the Treasury up to $1 billion outstanding at any one time. No borrowings have been made under this provision, but it is generally considered an essential part of the security behind Federal Home Loan Bank obligations.

HOUSING AND HOME FINANCE AGENCY

(TREASURY BORROWING AUTHORITY)

The HHFA has authority to borrow from the Treasury in order to carry out a number of its loan programs:

[Total borrowing authority, millions of dollars]

Program:	
College housing loans	2,875
Public facility loans	600
Transportation facility loans	50
Urban renewal loans	1,000
Public Housing Administration loans	1,500
Federal flood indemnity	500

In addition, FNMA has authority to borrow from the Treasury $2¼ billion as part of its secondary mortgage operation. Such borrowings are ordinarily used in order to carry on these operations. However, to some extent this borrowing authority could conceivably serve to back up FNMA's liability on money borrowed from the public. FNMA also has authority to borrow $3,425 million from the Treasury in order to carry out its special assistance programs.

CONFIRMATION OF APPOINTMENT OF CLARK R. MOLLENHOFF TO THE U.S. ADVISORY COMMISSION

Mr. WILLIAMS of Delaware. Mr. President, on May 1 the Senate confirmed Mr. Clark R. Mollenhoff to be a member of the U.S. Advisory Commission on Information.

I was unavoidably detained from the floor at the time of this confirmation; however, I do want the RECORD to show that I consider this to be an excellent appointment.

I have known Mr. Mollenhoff for a number of years and consider him not only one of Washington's most respected reporters, but also an able student of foreign affairs. With his experience as an extensive traveler and as a reporter he can make an invaluable contribution to the Commission to which he has been appointed, and I compliment the President upon selecting him for this appointment.

PRIVILEGE OF FLOOR FOR DONALD A. WEBSTER, OF THE STAFF OF THE JOINT ECONOMIC COMMITTEE

Mr. BUSH. Mr. President, I ask unanimous consent that this afternoon, when I address the Senate on the subject of the balance of payments, Mr. Donald A. Webster, of the staff of the Joint Economic Committee, be permitted to be on the floor.

The VICE PRESIDENT. Without objection, it is so ordered.

COLLECTING TAXES THE HARD WAY

Mr. BUSH. Mr. President, an editorial from the May 2 issue of the Washington Daily News has especial significance. It represents a change of editorial opinion regarding those provisions of H.R. 10650, the Revenue Act of 1962, that would for the first time impose a 20-percent withholding tax on interest and dividend payments by corporations. The News now opposes that proposal. It is hoped that this fine example of thoughtful reconsideration may cause a similar reexamination of position by those among my colleagues who until now have been inclined to favor imposing the proposed withholding tax on interest and dividends.

I ask unanimous consent that the editorial to which I have referred may be printed in the body of the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Collecting Taxes the Hard Way

Income taxes are deducted from pay checks. Interest and dividends also are income. It seems fair, therefore, that taxes on interest and dividends also should be deducted at the source, to trap tax dodgers.

On this theory we have favored such deductions. We now would like to eat whatever words we have used along that line.

Form 1099 is used by banks, corporations, etc., to report payments of dividends and interest. All such payments are thus reported. But there are millions of such reports and tax returns. IRS finds it impossible to check them all by hand, or even read them. In effect, the bulk of them are so much waste paper. Only part are audited each year, hence some escape paying their fair share of taxes. It was to close this loophole that the withholding system was designed.

But IRS is installing a new, automated, electronic tape system which will do the checking in a flash, at the touch of a button. If this gadget works as advertised no one can dodge and get away with it. Fines and jail will await those who try.

Then why does IRS need this awkward new withholding system which involves mountains of new paperwork and admittedly penalizes citizens with small investment income.

If there is a solid answer, we'd like to hear it. Until we do we will have to conclude that this withholding plan would be quill-pen bookkeeping in an electronic age. It would be an expensive nuisance further snarling a system of tax returns already so complicated it takes a Philadelphia lawyer to know top from bottom.

GOVERNMENT BY THE CONSENT OF THE GOVERNED—ADDRESS BY SENATOR HICKENLOOPER ON THE FREE ENTERPRISE SYSTEM

Mr. DIRKSEN. Mr. President, I wish to call the attention to the Senate to an address on the free enterprise system which the chairman of the Republican Senate policy committee, Senator Bourke Hickenlooper, made last night at the golden anniversary dinner of the U.S. Chamber of Commerce. The importance of the voluntary aspect of the American system is stressed, and I believe the Senate will find the text worthy of consideration.

I ask unanimous consent that the address be printed in the Record.

Mr. THURMOND. Mr. President, at the banquet referred to by the Senator from Illinois, the Senator from Iowa [Mr. Hickenlooper] spoke on the subject of "Government by the Consent of the Governed," and made a magnificent address. His concluding paragraph was as follows:

> May I conclude by quoting Thomas McCauley: "Nothing is so galling to a people as a paternal or, in other words, a meddling government, a government which tells them what to read and see and eat and drink and wear."

The address was so timely that I feel it should be read not only by Members of the Congress but by the American people generally. I am, therefore, glad to join in the request of the distinguished Senator from Illinois that the address delivered by the able and distinguished Senator from Iowa be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Government by the Consent of the Governed

(Speech by Senator Bourke B. Hickenlooper before the U.S. Chamber of Commerce, Washington, D.C.)

It is a pleasure to be here tonight and to congratulate you on this golden anniversary of the Chamber of Commerce of the United States, representing, as you do, half a century of cooperating business leadership. This leadership represents the opportunity, strength, and success of our American system. I understand, however, that there is a rumor abroad that businessmen, as a group, may be the offspring of disreputable parentage, but I assure you that I don't subscribe to that view. If as a figure of speech, you are sons of anything, you are the progeny of freedom, and your heritage has been opportunity and hope.

I note that the theme of your convention is "Advancing Voluntary Leadership in a Changing World." I therefore hope that my subject may conform acceptably to this thesis, and that "Government by consent of the governed" will continue to be the mark of the American system.

When the U.S. Government was established it was, in fact, unique in history. The theory that residual authority was the property of the people was not new, but for the first time, a new nation had its origins with this concept. Such freedoms as men had acquired before had been won from political despotisms. Through the wisdom of the Founding Fathers, and with the consent of the people, we started from scratch and gave limited authority to government rather than being the recipients of limited privileges from government.

Our whole idea of government is therefore based upon the idea of public consent and that government is the servant rather than the master of the people.

Freedom, of the individual, except as it was voluntarily limited by them in the common interest, has been basic with us.

History is replete with civilizations that have built magnificent temples, cities, roads, fleets, economic systems and other monuments to materialism under the despotic force of government, but as the sands of time have run, most of these monuments have decayed, leaving only silent evidence to remind us of societies which failed because human freedom was not the basis for their being.

In accepting our inheritance we in the United States, born and raised in an atmosphere of individual liberty and constitutional reservations of authority which protect our person and our property, seldom realize that freedom has not been a natural state in the history of humanity. For every decade in which men have enjoyed a substantial measure of freedom there have been centuries when they have lived only at sufferance of those who govern through power and force.

In history, therefore, freedom is actually an anachronism or perhaps it has been relative. Increasing degrees of freedom throughout the ages have been won, step by step, through struggle, sacrifice and vision. It can only survive, expand and be transmitted if each generation is familiar with the past, understands the present and is willing to assume the personal responsibilities that preserve it.

The magnificent and almost miraculous achievement of the United States is that 180 million people inhabiting a land mass of over 3 million square miles, with extremes of climate and with people of every origin, religion and creed, have been able to join together and maintain a voluntary system for their spiritual and material benefit, and under their own authority.

There are, of course, inequities in our system, but the marvel is that we have been able to create a society which has provided more opportunity and material benefits for more people than has ever been previously recorded in human history. This system has been built on the basic concept of individual freedom, which stimulates private genius and adventure and rewards effort.

The best proof of our success, and one which I often point out to those who would criticize us, is that most everyone seems to be trying to get into this country and very few want to leave, and certainly we build no walls or curtains around our borders to keep people in.

Broadly speaking, the bedrock foundation of our entire social strength is our free private enterprise system. It is a voluntary system; it is the binding force of our society and reinforces the willingness of our people to stand together. As a result of the material benefits which flow from it, we have built our churches, our schools, strengthened our family ties and raised our children in dignity, hope and self-respect. In this land no man is master and no man must be permitted to become master. People own our economic system and people operate it. We have been able to invest in our future with mutual confidence and in reliance on the fact—we control, and are not controlled by, our Government.

However, I am increasingly concerned that government and expanding bureaucracy, under the guise of service to the public, may be moving more and more into control of our private enterprise system. We see so much evidence of the attempt to substitute academic theory and government regulation for private experience and responsibility. Manifestly, as our social and economic system becomes more complex and advanced there is increased necessity for the people to provide, through government, certain safeguards against injustice, but the reaching for such necessary authority should come from the people and not from an ambitious bureaucracy.

This is not a period of emergency or war when temporary government controls over our economy may be necessary. Since the close of the Korean war we have had a period of unprecedented peacetime prosperity and expansion when almost everyone has attained a substantial stake in our private enterprise system—and almost everyone has something to protect. That stake must be protected by the people themselves through their power over the Government, because if Government, through political motivation or otherwise, attempts to substitute bureaucratic management for private management it will inevitably lead to impaired production, the discouragement of private investment in the future and to regimentation.

It has not been the overseer's whip or the whim of the bureaucrat that has inspired our citizens to produce. Rather it is opportunity, ambition and industry and the anticipation of reasonable reward that stimulates us. We are dedicated to the belief that as the individual improves himself, his community, his state, and nation improve accordingly. We have demonstrated that under our voluntary private enterprise system we can produce material goods and provide services sufficient not only for our own needs but for the assistance of millions of others throughout a good portion of the world.

It has not been an accident that we, with somewhere around 6 percent of the world's population, account for almost half of its total income and product. We have vast natural resources but they are certainly equaled in other areas of the world where poverty and despair are still the order of the day. It is our system of private responsibility, jealously guarded by the people, that has enabled us to take advantage of these natural blessings and to create the comforts and prosperity that we enjoy.

I again emphasize that these accomplishments do not come about through regulation, regimentation, or whimsical control. They have been accomplished by free people working in a free society.

We can easily contrast our situation with that of the Soviet Union and other countries controlled by international communism which through its aggressive political ambition poses the greatest threat to the world today. The Soviet philosophy is the complete reverse of ours. They believe that the individual is only a part of the mass instrument for the service of the state and that the proper function of the state is to control every segment of the social and economic structure through rules, regulations, and regimentation enforced by brutal means.

This simply means that man is a creature of the state in contrast to our belief that the state is a creature and servant of man. Despite the claims of infallibility from the Soviet, the record shows a history in Communist countries of famine, poverty, torture, and mass murder. Progress has only been made in the Soviet Union as it has begun to recognize to some slight degree that individuals may have some inherent rights and that the incentive system is actually a stimulus to success.

In fact, it is paradoxical that we seem to be moving toward socialistic types of control while the Soviet, through experience and necessity, seem to be moving, a few inches at least, toward capitalism by the incentive route.

The real achievements of man have always come through incentive. He works and he dies if necessary for loyalty, for ideals, and for freedom. Iceboxes, TV sets, automobiles, and vacations are dividends—freedom and opportunity to create are the real incentives.

While the world is troubled with the political upheavals which go on and there is indeed a struggle between competing ideologies, we have a tremendous advantage and a corresponding responsibility. Our advantage lies in our strength. It is a strength of character and a strength of accomplishment and it must not be inhibited or weakened. We deal in hope, not in fear. We attempt to promote people and not sow discord or discontent. Our goals are stability and human benefit, and not revolution and human misery. Because we know that freedom and government by consent of the governed is the best hope for mankind, we try to extend a helping hand to those who grope for leadership.

There are nations who are jealous of us and who claim to be suspicious of our motives, but every nation in the world actually knows that we have no aggressive ambitions and that real human progress is our goal. Deep down in their hearts these nations, and especially those who are struggling for stability and searching for responsibility, have the United States as their model and the pattern of our success as their objective.

We do have a responsibility, therefore, to see that our system remains strong and responsible. We have demonstrated for almost two centuries that free people are capable of solving their own problems.

I am greatly disturbed by the trend in our Government today, such as the cavalier attitude toward increasing public debt and deficit financing. I see no evidence in the multitude of bills sent to the Congress, most of which demand more money and more authority in the executive branch—without any provision for balancing income against expenditures (to say nothing of the retirement of the national debt), that indicates that the people are expected to do anything for government—except pay more taxes. I see evidence that government is encouraging and stimulating segments of our people to demand more and more from government. This is contrary to philosophies which were announced only a short time past and which produced a ray of hope and encouragement.

We see, for instance, demands by government, or its spokesmen, that the President be given authority to raise and lower income taxes on such segments of the people as he may from time to time determine; that he be given authority to alter tariffs at will; that the Congress abdicate its legislative responsibilities in the appropriation field by giving the Executive the right to spend billions of dollars on undefined public works, whenever and wherever he sees fit; that, instead of having this money appropriated by Congress, he would have blanket authority to borrow from the reserves of the World Bank, the Housing and Home Finance Agency, the Federal Home Loan Bank, the Federal Savings and Loan Insurance Corporation, and even the Federal Deposit Insurance Corporation.

These funds were never intended to be used for any purpose other than the protection of the operation of the agencies under which they are set up. It certainly is inconceivable that the Congress would be subservient enough to bypass the appropriation process, to say nothing of authorizing the uncontrolled transfer of reserve funds from agency to agency for uses that were never contemplated when these agencies were established.

We see the executive branch moving into the private enterprise system and using the coercive power of Government agencies to force price fixing, regardless of costs. I don't know whether an increase in the price of steel was necessary or not, but I do know that costs and prices in a private enterprise system have always been considered to be the responsibility of those who operate those businesses. I also know that collective bargaining for labor and industry has been considered to be a responsibility of the private sector of our economy. We have laws to prevent monopolies and injustice. People and industries can be punished if they violate them, but how much protection do we have against coercion.

Are we coming to the point where business cannot establish a price commensurate with cost and that prices cannot be increased regardless of increased costs? This may be the case unless you own an office building.

According to press reports, the President said to you day before yesterday, something to the effect that he did not desire to engage generally in price fixing at this time. This is the first time I ever understood that anyone thought that there is any authority in the Executive, outside of declared emergency or war and when authorized by the Congress, to assume the powers of price fixing in our private economy. I may also ask, Is price fixing to be selective or will it apply equally across the board? What does this mean?

Even this morning I was further surprised to read of the suggestion in the press that the 80 days' injunction provision under the Taft-Hartley law be removed from the jurisdiction of the courts and that such authority be given to the President. This would seem to be moving far down the road toward an attack on the due process system and place the supervision over human and economic rights in the hands of political rather than judicial forums. To whom would the parties appeal from decisions thus made? Would this be moving more toward a government of man than of law?

In agriculture, we see proposals, seriously made, that farm bills be written in the Department and submitted to Congress only for rejection and that under these proposals the Congress would surrender its right to amend or change and could only reject in whole.

It is proposed that a Department of Urban Affairs be established in Government. The result of this, of course, would be that cities and towns would bypass responsible local authority and begin to look to Washington bureaucracy, with a corresponding extension of power of the Federal Government over our municipalities. It is true that we have had big city political machines for many years, but this is the first program which could lay the basis for a big city Federal machine.

We also see increasing attempts by the Federal Government to take over the marketing system in this country through various regulatory devices that go far beyond public health, welfare, or monopoly.

The record is replete with many other programs for regulation and control, but I hope these illustrations may make the point. One can only again ask: "Why do we have to tinker with a system that has worked so well?" If our economy is moving more slowly than we desire the answer is not to further curtail it through bureaucratic regulation, deficit spending and increased tax burdens but to unshackle it by less Government interferences, curtailed Federal spending for nonessentials and sensible tax adjustment which will permit more of the earnings of a free nation to go into development for jobs and production. Our policies must continue to be the encouragement and not the discouragement of incentive and opportunity.

Perhaps I seem pessimistic in some of the things I have said, but I am not. I have unbound faith in the genius of the American people. At no time in our history has opportunity been so unlimited nor real prospects so great. As a very small boy, I remember when the Wright brothers flew the first plane a shorter distance than the present wingspread of some of our huge transports today. We had no radio; we had no television; we had no automobiles. Transportation was by slow train and by horse and buggy; electricity was not much more than a gleam in Edison's eye. We had a scientific basis then and during the last half century or so we have seen the fantastic growth of science, technology and development.

Health techniques were in their infancy. As late as World War I most of you remember that in this country alone over a half million people died of influenza in a period of 3 months. When we consider what we have done in the last 50 or 60 years from the launching pad of knowledge which then existed, consider, if you can, the fantastic possibilities of the next half century with the infinitely broader base from which we can go today. The horizons of the future are unlimited and even conquest of the universe is commonplace discussion.

This past progress has been made under a voluntary system of private responsibility. The success of the future can only be assured if we protect and enlarge that system. We have laws against and we can control monopoly in the private sector but there is nothing that will protect us if we permit ourselves to be taken over by Government monopoly.

The shores of history are strewn with the wrecks of society which failed to recognize, protect, and advance the dignity and the responsibility of the individual. It is, therefore, incumbent upon us to examine every proposal which is placed before our people and to determine whether or not such a proposal advances our voluntary system or leads us backward toward the age-old concepts of government supremacy and regimentation. Our job is to move toward the future with hope and prospect and not to turn back the clock of human progress.

In the last analysis, however, the power still remains with our people—if we exercise that power and are vigilant we will go forward and tomorrow's generation will continue to have more opportunity and prospect than we have had. However, if we neglect our responsibilities, and that means the responsibility of you and of me and of every citizen of our country, unnecessary encroachment of government can discourage progress and the full sweep of the future can be curtailed. It is essential that you as leaders of the private enterprise system of this country devote the same kind of time and genius, which has measured your success, to the preservation of the system which makes it possible. Politics and government are in the hands of the people. Let's keep them there.

May I conclude by quoting Thomas McCauley, "Nothing is so galling to a people * * * as a paternal or in other words a meddling government, a government which tells them what to read and see and eat and drink and wear."

IN DEFENSE OF THE SUPREME COURT

Mr. JAVITS. Mr. President, I wish to call the attention of the Senate to the speech made yesterday by the chairman of the Judiciary Committee, the gentleman from Mississippi [Mr. Eastland]. By virtue of its source and the amount of public attention which has been engendered, as we observe this morning from the press, it is most important that the speech be answered.

I was on the floor of the Senate when the speech was made, and I tried to question the Senator from Mississippi on the subject. But without the benefit of the chart which he submitted and the detailed analysis of the speech which is possible by reading the Record this morning, it was impossible to find a point at which debate could ensue.

The reason why it is so important that the speech be answered is that this situation, as I view it, is one in which—regardless of whether it is desired or undesired, whether it is done wittingly or unwittingly—a very serious cloud would be cast upon the Judges of the U.S. Supreme Court, in trying to identify them; and the box score specifically sets forth their names and the number of decisions, and attempts to indicate a calculated process of eroding, step by step, the Constitution of the United States, almost as if they were planning to do so.

I call attention to the fact that it is stated, at page 7604 of yesterday's Record, that the Supreme Court took one stride in which it is said that it invaded an area forbidden to it by the Constitution of the United States. Then it says that, having succeeded in this first stride, it went further. At page 7605 it is stated that "having learned that only we southerners seemed much disturbed by its usurpation of power," it went even further. This is all endeavored to be proved by a box score showing how a majority of the Court voted in favor of the position advocated by the Communist Party or Communist sympathizers, and in one case, in the case of Judge Black, it said he decided that way 102 times, and contrary not even once.

We all are deeply concerned with the efforts which are being made by groups in this country to discredit the basic principles of our country and its highest organ.

Unless one is a careful lawyer and knows the cases, this kind of statement has a tendency to confirm in certain minds and to have them accept this kind of tommyrot. As long as it is alleged, it must be answered.

Mr. President, who is it who sets the standard as to who is a Communist or Communist sympathizer? What were the legal issues involved? Is it expected that our Judges are going to decide differently because those involved are alleged to be Communists or Communist sympathizers?

In short, if the Supreme Court is to be attacked, it must be defended. So I shall undertake, with the aid of bar associations that will be interested, to analyze this situation and these cases and to come back to the Senate, the same forum in which these charges were made and implied, and reply in order to set the case absolutely straight.

The Supreme Court is one of the noblest of bodies. It is a fundamental part of our governmental system. Attempts are being made to discredit it. It is not healthy to attempt to tear it down, as was attempted yesterday. I think the Supreme Court is doing very well, whether I agree with one of its decisions or not. It seems proper to defend it, and I shall do so on the floor of the Senate.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. KUCHEL. I commend and congratulate the distinguished Senator from New York. I was not here yesterday when the utterances to which the Senator alludes were made. I shall have some comments to make in my own time, but I rise now to salute a patriotic American who served his country in war and peace and who performs a duty to the people and the country, under our constitutional system, in rising and speaking as he has today.

Mr. JAVITS. I thank the Senator for his thoughtful remarks.

Mr. KUCHEL. Mr. President, yesterday, in the course of the filibuster, another pitiful, puny, and highly regrettable attempt was made by one of our colleagues to slur and to slander the Chief Justice of the Supreme Court of the United States, and his colleagues.

The distinguished senior Senator from Mississippi saw fit to place in the Record yesterday, Wednesday, what he termed a chart demonstrating that the U.S. Supreme Court was pro-Communist. That is a shocking and an evil charge.

Lincoln said:

> To sin by silence makes cowards of men.

I suggest that there is a responsibility upon one who is honored by the title of Senator to stand and to repudiate the charge which was made, and to deny it. And that is precisely what I propose now to do.

The charge is not new, nor is it, nor has it been, confined to the highest tribunal in America. Some of our fellow citizens—I am happy not too many—on other ugly occasions have pointed a finger at a gallant American, Dwight Eisenhower, who served his country, not alone as Chief Executive, but also as a great military leader, and leveled against him the charge that he was a Communist. They called the late John Foster Dulles a dupe of communism. Some people in your administration, Mr. President, have vilified and abused the present Secretary of Defense.

Yesterday the Senator from Mississippi said what I quote from page 7604:

> The Court must be restricted. Unless it is, it will not only snap and bite, but will tear to pieces and devour constitutional government.

Let the intemperate heap their spleen on the U.S. Supreme Court. That institution will stand in history as a symbol of honor and courage and undeviating devotion to the American Constitution and to the splendid American theory of equal justice under law.

The PRESIDING OFFICER (Mr. Metcalf in the chair). The time of the Senator has expired.

Mr. KUCHEL. I ask unanimous consent that I may continue for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. Mr. President, I speak as an American. I speak as an independent American citizen, proud to sit on this side of the aisle as a Republican, who has a right to disagree with you, Mr. President, to disagree with any of my colleagues in the Senate, to disagree with the President of the United States, or to disagree, if I desire, with the U.S. Supreme Court; but I am not going to sit here in silence when one of my colleagues points a finger at the members of the U.S. Supreme Court and calls them Communists, almost in so many words.

Like you, Mr. President, I hate communism. The overwhelming majority of 180 million American citizens also hate communism. We intend to maintain and to preserve our American freedom.

I have no doubt that there are in our population a few people who are guilty of treason; and, as has been said on this floor time after time in the past, the American Government is discharging its obligation with respect to our country in this regard. I salute once again J. Edgar Hoover and the Federal Bureau of Investigation, who at this moment know precisely who are those treasonable Americans, where they are, and what they are doing.

It is a dreadful disservice to the cause of America and to the cause of security of our country for anyone to attempt to undermine our people's faith in any of our national governmental institutions.

Stand up and criticize if you wish, Mr. President. Let the criticism be constructive. We on this side of the aisle will try to do a constructive job in improving American government and in improving your administration. But, Mr. President, let us close ranks in the U.S. Senate and in the Nation in repudiating those who would slander dedicated Americans who serve this Nation—in uniform or out, in the executive branch, legislative branch, and in the judicial branch as well.

Several Senators addressed the Chair.

Mr. KUCHEL. I yield to the able Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I have listened with attention, with respect, and with admiration to the remarks of the distinguished minority whip, my friend the Senator from California.

I was not on the floor last evening when the statement was made by the senior Senator from Mississippi. Had I been present I would have taken exception to the body of his argument.

I did say, however, to one of our press service representatives last evening, when I was questioned about the statement, that I was of the opinion that these constant attacks upon the Court, particularly when the attacks equate the decisions of the Court with the position of the Communist movement, represent a disservice to the cause of constitutional government and to the basic freedom of our Nation.

I do not believe it is necessary to defend the individual members of the Court. They were appointed by the President, whoever the President might have been at the time, and their nominations were confirmed with the advice and consent of the Senate of the United States. If the men on the Court have erred in judgment, then we all share some responsibility, particularly the Members of the Senate.

I agree with the Senator from California that it is entirely our right to disagree with the Court, to disagree with the Court's decisions, and to point out what we believe are errors of judgment or the alleged fallacious evidence upon which judgment was rendered. But to indicate by direction or indirection, overtly or covertly, directly or subtly, that the highest tribunal of this land—which is dedicated to the cause of justice, to equal justice under the law, to equal treatment under the law—is aiding and abetting, or sympathizing with or agreeing with, the objectives of the Communist Party, is, to my way of thinking, grossly wrong. It is a disservice to the cause of constitutional government and it cannot be justified.

Mr. President, it has been said that the Chief Justice has decided for the Communists in a certain number of decisions.

I read from the RECORD of yesterday, page 7602, with respect to Justice Stewart.

> In 12 of these 20 decisions, he was the swing man in a 5-to-4 decision contrary to the position advocated by the Communist Party. If these 12 decisions had been on the "pro" side, the boxscore of the Warren Court would stand at 58 pro-Communist decisions and only 12 taking the contrary position.

The **PRESIDING OFFICER.** The time of the Senator from California has expired.

Mr. KUCHEL. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The **PRESIDING OFFICER.** Without objection, the Senator from California is recognized for 5 additional minutes.

Mr. KUCHEL. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, first, this Court is not the "Warren Court." This Court is the Supreme Court. Justices come and Justices go.

I happen to think that the present Chief Justice of the Supreme Court is a fine, good, learned, scholarly, able man. He is as dedicated to this country as any man who ever claimed the title of citizen of the United States of America. I respect him. I admire him. I cannot say that I have always agreed with his every position and every statement; but, so what? That is very insignificant.

The next thing I wish to point out is that when one says "58 pro-Communist decisions," it is a charge which would lead people to believe that the Court was actually aiding and abetting the cause of communism.

Mr. President, the Supreme Court did not decide for the Communists or for the anti-Communists. The Supreme Court decides cases on the basis of rules of evidence. I am no lawyer, but I know enough about jurisprudence and I know enough about rules of evidence to know what prevails in a court. The Supreme Court decides cases within the tradition of Anglo-Saxon law, of statutory law, of constitutional law; and the Supreme Court decides for civil liberties, for civil rights, for constitutional rights, for property rights—or it can decide against them. For anyone to indicate that the Supreme Court decides for a Republican or for a Democrat, or for a Communist or for an anti-Communist, I think is a gross disservice to the cause of justice under law.

I say that the primary difference between the totalitarian system and the system which we love, the system of freedom, is the fact that ours is a government under law. We have a government of law. We have a government by the people, a government of the people, a government for the people.

These institutions of law involve procedures. The senior Senator from Oregon [Mr. MORSE], who is indeed a respected student of the law, has said the procedure may well determine what is the substance of the law. Our Supreme Court follows established procedures of the law and of the courts that have been with us for centuries.

Even though I might disagree with members of the Court—and I have; and I have publicly said so—I for one stand up as a Democrat, but more importantly as an outraged citizen, to say that the Supreme Court must never be called pro-this or pro-that and surely not pro-Communist because to do so undermines faith in the Government of the United States and undermines faith in the cause of justice.

We must depend upon these Justices to be fair. We must depend upon them to be honorable. We must depend upon them to be learned in the law. We must depend upon them to be objective. We cannot preserve objectivity and we cannot preserve a respect for the law, for the young and for the old, if we destroy the highest institution of the law in this land, namely, the Supreme Court, or the faith of the people in that Court.

I thank the Senators who have spoken up. I did not want it to appear that only my colleagues on one side of the aisle would speak up, even though I say had they done so alone I would honor them for it, because I think these things need to be said. Thank God for the Supreme Court of the United States, even when it votes contrary to your interest or to my interest, because that Court interprets the greatest document ever written by the hand of man; namely, the Constitution of the United States, as a living instrument for our needs.

I am happy to have the opportunity to say a word in defense of the Court and, may I add, in defense of those who occupy seats on that Court—and, indeed, the Chief Justice.

Mr. KUCHEL. Mr. President, I am most grateful for the stirring and eloquent words uttered by the distinguished Senator from Minnesota. Across the front of the Supreme Court Building, as my able colleague knows, is the phrase, "Equal Justice Under Law." That is one of the American rights this country is prepared to fight for and to defend. "Equal justice under law" means that whether one who appears before the U.S. Supreme Court is a Senator, or even the most craven thief, he will receive equal justice.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to the able Senator from New York.

Mr. JAVITS. I am filled with great joy to be in the Senate on such a day as this. We are talking about the source from which the charge emanates—the chairman of the Judiciary Committee of the Senate. Let us understand that point. Citizens who read the statement have a right to assume that the source is very authoritative, unless it is refuted. The statement has received unusual publicity, which it has a right to receive because of the source of the charge. So it must be refuted. The so-called radical right of this country is a serious problem for our country. The statement is not merely an isolated one. Most unfortunately, it falls upon ground which is being furrowed by many in this country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I am delighted that a number of Senators are joining in refuting the charge. I hope many more will do so. I hope the Senate as a whole will do so. I shall be honored to share the result of my researches, and those of any bar associations that I can enlist, with all of my colleagues who have an interest. Let us pursue the argument. The radical right has a way of going overboard, as it did in the Walker case. It exceeds itself by undermining the institutions of our country. But unless we are as indefatigable as are the right wing members in digging out the facts, figures, charts, and box scores, we cannot adequately do our job. I intend to lend myself to the effort, and I shall make the results fully and freely available to my colleagues. I commend my colleagues. I cannot fully express to them the joy I feel at being a Senator today.

Mr. KUCHEL. Mr. President, it is exhilarating to listen once again to my able friend from New York. What he has said is perfectly true. Senators ought to rise up and speak out in response to the kind of charge that has been made.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to my able friend from Connecticut.

Mr. BUSH. Mr. President, having been yielded to by the distinguished Senator from California, I ask unanimous consent that I may have 3 minutes to speak on the subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUSH. Mr. President, I am shocked and offended when I look at the chart which appears on page 7602 of the RECORD of yesterday, and note the charge that it makes against men like Justice Stanley Reed, Justice Tom Clark, Justice John Harlan, Justice Potter Stewart, and Justice Charles Whittaker. I mention only those whom I happen to know very well personally and in whom I have particular faith because of my personal knowledge of those men.

When a chart shows that a man like Justice Stanley Reed voted pro-Communist 14 times and against the Communist 40 times, I consider it an affront to a great American citizen who, in my judgment, has not voted for communism once.

The same statement is true of Justice Tom Clark, who is reported in the chart to which I have referred to have voted 21 times pro-Communist. Justice John Harlan is reported on the chart to have voted pro-Communist 30 times; Justice Charles Whittaker 12 times; Justice Potter Stewart 6 times. But, in my judgment, not one of them voted even once on an issue in a way that could be called pro-Communist.

So I believe that such a charge is an affront to those very able men—indeed, to all members of the Court. I join with my colleague, the able Senator from California [Mr. KUCHEL], and other Senators in protesting against that type of analysis of votes of the members of the Supreme Court.

If one wished to avoid the charge that is implicit in the chart, he would have to go to the Communist Party headquarters and find out what the Communist line is before he started to reach a decision on a case as a Justice of the Supreme Court of the United States. If that is not the most ridiculous proposition I have ever heard, I do not know what would be.

Mr. President, the charge is indeed a sad one, a very grave charge without foundation, in my judgment, and a very great affront to members of the Supreme Court. I am delighted to join in the protest being made under the leadership of the distinguished Senator from California.

Mr. KUCHEL. Mr. President, I am grateful to my able friend from Connecticut for his comments. I agree with everything he has said. He has served this country in war and in peace. He has the honor to call a number of the members of the Supreme Court his friends. He, like all other Senators, whether they agree or disagree with the decisions of the Court, respects and salutes them as honorable American citizens dedicated to the type of service which each is rendering to our country.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to my able friend the Senator from North Dakota.

Mr. BURDICK. I compliment the able Senator from California for the fine contribution he has made today. I associate myself completely with his remarks.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to my able friend the Senator from New York.

Mr. KEATING. I commend the able Senator from California for his remarks on the Supreme Court. This morning the Senate Committee on the Judiciary favorably reported a bill which would alter the interpretation given by the Supreme Court in the Yates case to the "organize" provisions of the Smith Act. The Supreme Court held in that case that Congress did not intend to make it a crime under the Smith Act to organize a cell of the Communist Party, but only to have participated in the original organization of the Communist Party. Since I believe as a legislator that the continuing organizational activities of the Communist Party should be unlawful, I support this legislation to clarify the intent of Congress.

The enactment of legislation is the orderly and proper way to deal with problems raised by Supreme Court decisions which we believe have misconceived the intent of Congress. Such action does not reflect any lack of respect for the Court or challenge the sincerity, character, or motivations of any member of the Court.

In my judgment, it is a disservice to our national security and to constitutional government to launch an attack upon what is behind the Court's decisions, and to imply that any member of the Court has sinister motivations. It is ridiculous to set up a category of pro-Communist and anti-Communist decisions. It is dangerous to undermine public confidence in the function and operation of the High Tribunal.

Much as I may have disagreed with a number of the decisions of the Court, I protest any inference that the members of the Court are not well motivated. Their character and integrity are of the highest order. It is up to the members of the other coordinate branches of the Government to rise in defense of the Supreme Court when any attack is launched against its status and independence.

I express the hope that the Senator who voiced the attack will see fit to withdraw his remarks and remove any implications against the character and motivations of members of the Court. The Senator can express his disagreement with the decisions of the Court, but one may disagree with every single decision of the Supreme Court without attacking the characters of its members.

Mr. KUCHEL. I thank my able friend, the Senator from New York, for the comments which he has just made. He serves as a very distinguished member of the Senate Committee on the Judiciary, after a lifelong practice of law at the bar of the great State of New York. What he has said merely demonstrates once again that I can disagree with the present occupant of the chair or he can disagree with me without impugning the motives, the character, or, indeed, the patriotism of anyone in voicing disagreement.

That is the burden of what I have to say on this occasion.

Mr. YARBOROUGH. Mr. President, I join in and applaud what has been said on the floor today about the attacks on the patriotism of the Supreme Court and its individual members, and their loyalty to this country.

In connection with intemperate attacks I believe the remarks I am about to make are appropriate.

AFTER BURNING BOOKS NEXT LOGICAL STEP OF EXTREMISTS WOULD BE TO BURN THE AUTHOR, DR. CROOK WARNS

Mr. YARBOROUGH. Mr. President, Dr. William H. Crook, a minister, the young and dynamic president of San Marcos Baptist Academy in San Marcos, Tex., recently delivered a speech against book burning which is one of the most intelligent comments on the subject ever called to my attention.

The speech was delivered in Kyle, Hays County, Tex., at a ground breaking for the new library there.

In his Kyle speech, Dr. Crook stated:

> The burning of books usually precedes by just a little the burning of men. I am afraid of those who would burn my books; I suspect that they would rather burn me. After all, it is the next logical step. If it is good to burn a book, it is better to burn the author.

I ask unanimous consent to have the text of this brilliant, timely, thoughtful speech by Dr. Crook printed in the Record because his views are so well expressed that, in my opinion, the speech should be recognized as a classic in American literature:

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech on the Occasion of Ground Breaking for the Library in Kyle, Tex., March 27, 1962, Delivered by Dr. William H. Crook, President, San Marcos Baptist Academy, San Marcos, Tex.

In these days of personal insecurity and desperation, the attention of our Nation has been focused on books. In our own State a controversy of considerable proportions has arisen over the contents of textbooks used in our school systems. Since the time of Thomas Jefferson, book burners and book banners have not enjoyed the favoritism of the Nation that they are now in some sections receiving.

It is even more commendable, therefore, that the community of Kyle should move at this time in an affirmative way toward the construction of a library that will make knowledge available to anyone who will come and lift it from the shelves. Shelves which, I have no doubt, will be filled with good books. But who determines the goodness or badness of a book? If these books are made available to the impressionable minds of your children, it is necessary that such a determination be made. But to whom shall we entrust this responsibility?

The easiest thing would be the appointment of a censorship committee. America tries to solve most of its problems through the appointment of committees. But what guarantee is there that a committee is blessed with any higher wisdom or deeper insight than an individual? Supposing the committee is corrupt, or subversive, or biased toward dogmatic thinking? Will you leave the choice of what is right—what is wrong—what is good—what is bad, in the hands of someone else and in so doing forfeit the privilege and dodge the responsibility of individual choice? As long as such a committee suppresses the ideas that you fear and promulgates the ideas that you approve, you will favor it. But when their standards and tastes differ from yours, what then? No, committee action is not the answer. You cannot enjoy either patriotism or morality by proxy. It is my firm conviction that the committee circle is not the place for the trial of an idea. The human mind is.

Every idea is born in the mind. Books are but the transposing of these ideas from the center of human reasoning to the printed page. The mind is superior to the book and the mind alone is capable of passing judgment and sentence upon the book. And since there is no such thing as a composite mind or a committee mind, the full responsibility rests upon the judgment of the individual.

But you say this reasoning leads us in a circle back to ourselves. Precisely. This is both the wonder and the frustration of a freeman. He cannot escape the burden and the glory of choice.

I will not question the motives of these good people who oversimplify our problems with the cry, "Burn the books," but it is my observation from history that the same flames that have consumed books have lighted the paths for tyrants. The burning of books usually precedes by just a little while the burning of men. I am afraid of those who would burn my book; I suspect that they would rather burn me. After all, it is the next logical step. If it is good to burn a book, it is better to burn the author.

Flames have never killed ideas. Ideas, like germs, thrive in protective isolation. Ban an idea to the shade of secrecy and moisten it with the sweat of fear, and it will grow strong and break out with epidemic force. But expose an idea to the sun and light, bring it out where it can be examined, measured, weighed, compared; yes that's the word, compared. If our ideas of good and right pass the test of soundness and truth, why should we hesitate to use them as the standard by which we compare all other ideas and theories? Throughout time, men and books have been burned in the name of God, morality, and patriotism, but there is a better way. Let those who would protect free enterprise by burning books really come to believe in the lasting power of free enterprise and let them apply this free enterprise to the area of ideas as well as economy.

I do not propose to know the solution to all the problems that obscene, warped, and foolish minds transmit through books. There are bad books and bad books influence the thinking of a people as much as good books. But it seems to me that the answer, if it is to be found, is in the developing of the powers of individual discrimination, which powers cannot grow without the daily exercise of the right of choice and the necessity of decision. America, presently suffering from a free-floating anxiety of epidemic proportions, will not find the security, personal or national, that she is searching for by burning books. This is panic and retreat. She will find her security, a security that will give way to new confidence, when she comes to believe in herself again and in those ideas that have made her great and strong.

REDUCTION IN STRENGTH OF NATIONAL GUARD VERY UNTIMELY

Mr. YARBOROUGH. Mr. President, the announced plan to reduce the strength of the National Guard is viewed with mounting concern in Texas and throughout the Nation.

The American people have come to rely on this ready citizen military force as an important standby in times of crisis, and there can be no question but that these are perilous times.

Any decision to cut our defensive strength when American troops are stationed in combat areas, as they are now in South Vietnam, is one that bears with it grave responsibility. Where is the necessity for this calculated risk?

National Guard units throughout this land have served nobly and have responded to the country's call as needed. They have demonstrated their readiness to do so again if the need arises.

It should be remembered that the National Guard serves other purposes than that of readiness for war. Last September, when Hurricane Carla struck deep into Texas, an estimated 200,000 people fled their homes to seek refuge inland.

The National Guard, with its personnel and facilities, housed, fed, hospitalized and clothed thousands of these people who were forced from their homes, and protected their property while they were gone. The mass exodus generally conceded to be the greatest in American history, owes a generous share of its great success to the help of the National Guard.

National Guardsmen are on standby at points all over Texas, trained and ready to assist in all emergencies, natural or manmade. Where will communities faced with disaster turn for help if this citizen army is reduced in strength to a token force?

Mr. President, to show the concern over the impending loss of National Guard strength in Texas, I ask unanimous consent to have printed in the Record several letters and resolutions from officials in Texas, including: a resolution from the commissioners court of Cooke County; a resolution from the city of Lockhart in Caldwell County; a letter from Mayor Grover C. Harrison of the city of Electra in Wichita County; a letter from Mayor pro tempore Wilford B. Pitts of Temple in Bell County; a resolution from the city and county of Coleman; a letter from A. B. Crowther, brigadier general, AUS, retired, of San Antonio, in Bexar County; a letter from City Councilman W. H. Jones of Houston, in Harris County; a resolution from the city commission of Brownsville in Cameron County; a resolution from Bonham, home of the late Speaker, Sam Rayburn; a resolution from Fannin County; a letter from Mayor F. G. Pfardrescher of the city of El Campo in Wharton County; a resolution from the city of Cisco in Eastland County; and a letter from State Representative George H. Richards, of Huntsville, Tex.

There being no objection, the material was ordered to be printed in the Record, as follows:

Resolution of Cooke County, Tex.

Whereas, the commissioners court of Cooke County, Tex., meeting in special session this 26th day of April 1962, among other business, entered the following resolution; and

Whereas it has come to the attention of the commissioners court that there is a proposal by the Defense Department to realine or cut the National Guard units of company size, which can result in a reduction of National Guard units in 22 Texas cities, and it is feared that the Gainesville National Guard may be included in this proposed reduction; and

Whereas the Gainesville National Guard is now on active duty in Louisiana and has performed some outstanding service, both before being mobilized and at the present time in Federal service, it is believed by this court the Gainesville unit is contributing a real service to the city, State, and Nation: Therefore be it

Resolved, That the commissioners court of Cooke County, Tex., urges the Defense Department and the Congress of the United States to prevent the proposed reduction of the National Guard units during the coming fiscal year.

In addition to the above, there is a large investment in the National Guard Armory Building in Gainesville, which may be lost if the National Guard unit is deactivated.

For the commissioners court of Cooke County, Tex.

Shelby Fletcher,
County Judge.

Resolution by City of Lockhart, Tex.

Whereas the city of Lockhart has been advised that the Department of Defense plans to realine the Reserve components of the Army;

Whereas that under this realinement the State of Texas will lose 10 percent of its company sized National Guard units;

Whereas these units represent a very real and efficient recovery force for the community and a very economical fighting force for the Nation: Now, therefore, be it

Resolved by the city of Lockhart, Tex., That this commission does oppose this reduction of National Guard units and does encourage you as our representatives in Washington to support us in this cause.

Passed and approved unanimously at a special meeting this the 25th day of April 1962.

Sam J. Glosserman,
Mayor.

Attest:

Pat Kelly,
City Secretary.

City of Electra,
Electra, Tex., April 27, 1962.

Hon. Ralph B. Yarborough,
Senator from Texas,
Washington, D.C.

Dear Sir: We have received word that Electra, Tex., may be one of the 22 cities in Texas from which the National Guard is required to withdraw should the Department of Defense's present plans to realine the Reserve components of the Army be carried out.

We are hereby registering with you our opposition to this programed move to reduce the remaining divisions to 50 percent strength and deactivate 10 percent of all company or battery sized National Guard units in Texas. This opposition is being voiced due to the fact we would lose a National Guard unit with a strength of 74, 1 full-time employee with an annual payroll of $5,490 and total local expenditures of $62,160 in addition to an armory valued at $15,514 and a proposed construction of $98,000.

Thanking you for your consideration of this matter, I remain

Very truly yours,
Grover C. Harrison,
Mayor.

City of Temple,
Temple, Tex., April 27, 1962.

Hon. Ralph Yarborough,
U.S. Senator,
Washington, D.C.

Dear Mr. Yarborough: As mayor pro tempore of the city of Temple, Tex., I have viewed with great alarm the plan outlined by the Department of Defense to reduce certain National Guard and Reserve units within this and other States. Naturally, I am primarily interested in the State of Texas and the city of Temple, Tex.

There are a number of facts I would like to point out for your consideration.

1. For many years the citizens of this State and this community have worked diligently to organize, train, and maintain our National Guard and Reserve units in such a manner as to be ready for duty any time and any place when called upon.

2. I need not call your attention to the record of the 36th Infantry Division during World War II. I shudder to think what would have happened to these United States had it not been for the 18 National Guard divisions called to duty during 1940 and 1941.

3. The record being made at Fort Polk, La., by our 49th Armored Division is a record that will always live in the hearts of my fellow Texans.

4. During and after Hurricane Carla, our city housed, fed, hospitalized, and clothed hundreds of refugees from south Texas. Had it not been for the facilities and personnel of our local National Guard unit, this would have been an impossible task.

5. I have no quarrel with the DOD about having six prior divisions with 80 percent strength but I sincerely feel that these divisions should not be reduced in strength at the expense of our units which we have spent years in building.

6. In view of the present situation, it appears to me that reducing any trained units at this time would be a serious mistake to our national defense effort.

For these reasons I beg you to please use your influence in defeating any proposal to reduce the strength of the National Guard and Reserve units at this time.

Sincerely,
Wilford B. Pitts,
Mayor pro tempore.

Resolution by City of Coleman, Tex.

Whereas the Texas National Guard has one of its finer units stationed in the city of Coleman and the county of Coleman and State of Texas; and

Whereas there has recently been completed in the city of Coleman a National Guard armory which serves such unit and serves the public in this area to great benefit; and

Whereas the city of Coleman, Tex., has expended some $15,000 in buying and furnishing, free of cost to the Texas National Guard, a lot upon which to build said armory and to expend moneys for the furnishing of utilities to said armory; and

Whereas a proposed reduction will cause the loss of the National Guard unit and the above facilities to this city and to this Nation: Now, therefore, be it

Resolved by the city council of the city of Coleman, Tex., That this city and this council go on record as opposing any reduction in the Texas National Guard and in particular opposing any removal or reduction in size of the unit of said Texas National Guard located in Coleman, Tex., and respectfully request that the proper authorities not permit such reduction and that a copy of this resolution be sent to the adjutant general of the State of Texas and Congressman O. C. Fisher.

Foster Miller,
Mayor.

Attest:

Norris Sneed,
City Secretary.

Bexar County National Bank
of San Antonio,
San Antonio, Tex., April 25, 1962.

Hon. Ralph Yarborough,
Senator, Washington, D.C.

Dear Mr. Yarborough: The present effort being made by the Department of Defense as publicized in news media to again attempt the massive reduction of the troop strength and unit locations of the Reserve Forces is disturbing to many of us who for many years have recognized the need for an adequate military force comprised of the civilian components.

During my active service with the Reserve and National Guard of approximately 33 years I learned and I am sure you are aware of the important part the civilian components played in World Wars I and II as well as in the Korean war. During World War II, particularly when it was so vitally necessary to expand the Armed Forces of this country rapidly, the Army, particularly with which I am familiar, the National Guard was able to furnish the cadres of officers and key enlisted personnel for the organization of many new divisions which became combat efficient in a much shorter period of time as a result.

I believe you are fully aware of the savings to the taxpayers of having a large part of our military forces comprised of the civilian components. While it is recognized that we must have adequate permanent military forces, the training of personnel in the civilian components is also vitally necessary.

It is my belief that any future wars with the potential threat of this Nation being invaded by one means or another, suffering severe casualties and destruction, and with the potential of chaos existing among the civilian population, it is more necessary than ever to maintain a large civilian component force, since one of the major missions of this military force may be to also defend our principal industrial areas which would be prime enemy targets.

I sincerely hope that you will exert the maximum effort possible in preventing further reduction of our National Guard and Reserve Forces.

Very truly yours,
A. B. Crowther,
Brigadier General,
AUS (Retired).

City of Houston, Tex.,
April 23, 1962.

Hon. Ralph Yarborough,
U.S. Senate, Washington, D.C.

Dear Senator: It is my understanding that the Defense Department plans to cut off several divisions of our Reserves here in Texas.

This would be detrimental to our economy as well as our defense. I urge that you protest this cut.

Sincerely,
W. H. Jones,
Councilman.

Resolution by City Commission of Brownsville, Tex.

Whereas it has come to the attention of the City Commission of the City of Brownsville, Tex., that the Department of Defense plans to realine the Reserve components of the Army and such action will result in the loss of National Guard units by 22 of the cities of Texas during the coming fiscal year; and

Whereas the Texas National Guard has fought with great distinction in every war in which this Nation has participated since the year 1836, in addition to serving in a most commendable manner during the emergencies which have confronted this country from year to year; and

Whereas the City Commission of the City of Brownsville, Tex., and the residents of this community are very proud of their local National Guard unit, and it is a well-known fact that a National Guardsman costs only one-sixth as much to maintain as does a regular soldier, thus stretching our defense dollars sixfold; and

Whereas the withdrawal of our local National Guard unit will result in a heavy financial loss to this community and will also endanger the lives and property of this region of Texas because of its geographical location: Now, therefore, be it

Resolved by the City Commission of the City of Brownsville, Tex.:

Section 1. That this commission go on record as being unalterably opposed to the reduction of the Reserve components of the Army, resulting in the loss of National Guard units by the cities of the State of Texas because the National Guard is one of the strongest factors having to do with the defense of our country and the safeguarding of the lives, property, and welfare of the residents of our Nation.

Sec. 2. That the city secretary be, and he is hereby, instructed and directed to transmit a certified copy of this resolution to the Honorable Ralph W. Yarborough, U.S. Senator, the Honorable John Tower, U.S. Senator, and the Honorable Joe M. Kilgore, Member of Congress from the 15th Congressional District, with the request that they do everything within their power to ensure that the cities of the State of Texas do not lose their National Guard units under the proposed plan of the Department of Defense to realine the Reserve components of the Army.

Unanimously adopted by the City Commission of the City of Brownsville, Tex., at a regular meeting thereof held on April 26, 1962.

H. E. (Gene) McNair,
Mayor.

Attest:

J. W. Sloss,
City Secretary.

RESOLUTION BY CITY COMMISSION OF BONHAM, TEX.

At a special meeting of the City Commission of the City of Bonham held at the regular meeting place of said city on the 26th day of April 1962, a majority of the members of said commission being present, the following resolution was moved, seconded, and unanimously passed:

"Whereas the city of Bonham has been advised that the Department of Defense proposes to reduce the number of National Guard units in the State of Texas; and

"Whereas the National Guard unit at Bonham, Tex., is a member of the 49th Division, is now serving with distinction at Camp Polk, La., has a present unit strength of 62 members, has during the past few years increased in size and efficiency; and

"Whereas moneys have been appropriated by the U.S. Government for the erection of a National Guard armory headquarters building at Bonham, Tex., and at the request of the Texas National Guard Armory Board the city of Bonham has expended in excess of $11,000 of its moneys to condemn and acquire approximately 8 acres of land as a site for such proposed armory and at the request of the Texas National Guard Armory Board has conveyed said land to such armory board; and

"Whereas the elimination of the Bonham unit of the 49th Division or reduction in the size of such unit will cause an irreparable economic loss to the city and to the community: Be it

"*Resolved,* That the City Commission of the City of Bonham express to its elected Representatives the opposition of said city and community to any reduction in the size or operation of the National Guard unit now stationed at Bonham, Fannin County, Tex."

Attest:

[SEAL] RUTH JONES,
City Clerk.

RESOLUTION BY COMMISSIONERS' COURT OF FANNIN COUNTY, TEX.

Whereas it has been called to our attention by the adjutant general's department of the State of Texas that Texas might lose 10 percent of its company-sized National Guard units under the proposed Department of Defense plans to "realine" the Reserve components of the Army unless Congress can prevent this reduction; and

Whereas 22 Texas cities might lose their National Guard units during the coming fiscal year; and

Whereas it has also been called to our attention about the members of our local National Guard unit in Fannin County and especially the $166,000 which has been proposed for a new armory in Bonham, Fannin County, Tex.: Therefore

We, the members of the Fannin County Commissioners' Court, meeting in special session in the courthouse in Bonham, Tex., on this 30th day of April 1962, do hereby go on record as urging the Honorable RAY ROBERTS, our Congressman for the Fourth District of Texas, and the Honorable RALPH YARBOROUGH, U.S. Senator, and the Honorable JOHN TOWER, U.S. Senator from Texas, to do everything in their power to prevent any reduction which might harm our National Guard units in Texas.

CHOICE MOORE,
County Judge.
ROBERT BELLOWS,
Commissioner, Precinct 1.
JOHN KENT,
Commissioner, Precinct 2.
JOHN AVERY,
Commissioner, Precinct 3.
JIM WISE,
Commissioner, Precinct 4.

CITY OF EL CAMPO,
El Campo, Tex., April 27, 1962.
Hon. RALPH YARBOROUGH,
Austin, Tex.

DEAR SENATOR YARBOROUGH: As mayor of the city of El Campo I am deeply concerned by the recent move of the Department of Defense to reduce the strength of the National Guard.

I would certainly be in favor of any additional economy in the operation of any phase of the Federal Government but many times efficiency as well as economy must be considered.

The city of El Campo is greatly indebted to our National Guard for the help and assistance offered during the Hurricane Carla last year. Even during this natural emergency more guardsmen could have been utilized.

In the best interests of this community, I ask your help by opposing this proposed streamlining of our National Guard by the Department of Defense.

Very truly yours,
F. G. PFARDRESCHER,
Mayor.

RESOLUTION PASSED BY CITY COMMISSION OF CISCO, TEX., ON APRIL 26, 1962

At a special called meeting of the City Commission of the city of Cisco, a majority of the commissioners being present, the following resolution was introduced, seconded, and adopted by unanimous vote:

"Whereas the city of Cisco has for the past several years enjoyed having a unit of the 49th Armored Division located in the city of Cisco, using an armory immediately north of the city; and

"Whereas the location of said battery and the Army has given many of the local boys an opportunity to fulfill their military requirements while living at home; and

"Whereas the existence of an organized Army Reserve unit has been of tremendous benefit and played a big part in the planning of the city of Cisco with respect to fires and natural disaster; and

"Whereas the city of Cisco has been advised there is a possibility that the Department of Defense may plan to realine the Reserve components of the Army which might result in the city of Cisco losing its National Guard unit: Now, therefore, be it

"*Resolved,* That the city of Cisco go on record opposing such realinement, and that copies of this resolution be furnished to the two honorable Senators from the State of Texas and to the honorable Congressman from this district, and to other interested parties."

Passed this the 26th day of April 1962.

JOHN WEBB, *Mayor.*

Attest:

HAL LAVERY,
City Secretary.

THE STATE OF TEXAS,
HOUSE OF REPRESENTATIVES,
Austin, Tex., April 30, 1962.
Hon. RALPH W. YARBOROUGH,
U.S. Senate, Washington, D.C.

DEAR MR. YARBOROUGH: I, and the people of this area, are strongly opposed to the plan announced for the realinement of the Army Reserve Forces, which was announced by the Department of the Army on April 5.

We trust that you will use all your influence to have this plan abandoned. The guard is needed in Texas and all the other States in cases of emergency at the local level as well as in time of war.

You know that it costs about one-sixth as much to maintain a soldier in the guard as it does in the Regular Army. This is real economy.

With kindest personal regards, I am,

Sincerely,
GEORGE H. RICHARDS.

USE OF DIVERTED WHEAT AND FEED GRAIN ACREAGE

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 11413.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Presiding Officer laid before the Senate the bill (H.R. 11413), to amend the Agricultural Act of 1961 to permit the planting of additional nonsurplus crops on diverted acreage, which was read twice by its title.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment.

Mr. HUMPHREY. The Senators from North Dakota [Mr. YOUNG and Mr. BURDICK] have some comments to make on the bill, which has been cleared by the minority and the majority.

Mr. YOUNG of North Dakota. Mr. President, a similar bill was sponsored in the Senate by myself and my colleague from North Dakota, the two Senators from South Dakota [Mr. CASE and Mr. MUNDT], the two Senators from Montana [Mr. MANSFIELD and Mr. METCALF], and the two Senators from Minnesota [Mr. HUMPHREY and Mr. MCCARTHY]. Because of the urgency of the situation, it has been decided by the chairman of the Committee on Agriculture and Forestry [Mr. ELLENDER] to ask that the House bill be considered by the Senate today. There is a shortage of the crops covered by this bill at the present time, and time is of the essence, because the crop seeding season is about half over now.

House bill 11413 provides two things.

First, it adds nonprice supported annual field crops and flax to the list of commodities which the Secretary of Agriculture may permit to be produced on diverted acres under the 1962 wheat and feed grain programs.

Second, it permits the Secretary to make payments on diverted acres planted to the permitted crops at up to half the rate payable on diverted acres devoted to conservation.

Participation in the 1962 wheat and feed grain programs is required as a condition of price support for the commodities covered by those programs. Participants receive payments for diverting land from wheat and feed grains to conserving uses. In lieu of receiving payments, they may at present, with the Secretary's approval, produce guar, sesame, safflower, sunflower, or castor beans on the diverted acres. The bill extends the list of commodities the Secretary may permit to be produced to include nonprice supported annual field crops and flax. Their production on diverted acres could be permitted only if they would not then be in surplus. Their production therefore cannot harm the program, but will give producers greater freedom in using their land, provide for the production of needed crops, and reduce the cost of the program.

In order to encourage producers to divert to nonsurplus crops, the bill authorizes the Secretary to pay up to half of the payment rate that would be applicable if the land were diverted to conservation. The Secretary is not required to make any payment, and would do so only if he determined that to do so was in the best interest of the program. The payment rate, if any, would have to be fair and reasonable taking into consideration the crop produced.

Production on the diverted acres would not be eligible for price support.

I ask unanimous consent to have explanation of the purpose of the House bill, as included in the report, inserted in the Record as a part of my remarks.

There being no objection, the excerpts from the report was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of this bill is (1) to permit farmers greater flexibility in using acreage diverted from wheat and feed grains under the 1962 programs for these crops; (2) to reduce the cost to the Government of the 1962 wheat and feed grain program; and (3) to encourage the production of crops not in surplus.

HISTORY OF THE BILL

In enacting the 1962 wheat and feed grain programs, it was recognized that it would be good farming practice, sound economics, and a saving in cost, to permit acreage diverted from wheat and feed grains to be used for the production of a limited number of nonsurplus crops, designated by the Secretary of Agriculture, instead of being devoted to conservation uses and eligible for full payment therefor. Accordingly, a limited number of crops (castor beans, guar, safflower, sunflower, and sesame) were placed in this category in the enactment of both the feed grain and the wheat provisions of law applicable to the 1962 crops.

Since the enactment of the Agricultural Act of 1961 (providing for the 1962 wheat and feed grain programs) there has been extensive consideration of this use of retired acres, particularly in connection with the 1962 farm bill, and a refined and improved provision with respect to the planting of nonsurplus crops on such retired acreage has been adopted by the committee for inclusion in the wheat and feed grain programs of H.R. 11222. The nature of the refinements is to (1) extend the crops which may be grown on diverted acreage, subject to a finding by the Secretary that the crops are not in surplus and that their planting on the diverted acreage would not create a surplus, and (2) to provide partial payment, not to exceed 50 percent of the rate which the farmer would have received for devoting the land to conservation uses, when such crops are planted. The rate of payment is to be set by the Secretary in consideration of the income which the farmer might expect to receive from the alternative crop. It might be at any rate from 0 to 50 percent of the payment for retiring the acreage.

During these considerations, the committee had referred to it two bills making some amendment to these provisions in the 1962 wheat and feed grains programs. The bills were H.R. 9886 by Mr. Reifel and H.R. 10330 by Mr. Purcell. The former would have added flax to the list of crops which might be designated by the Secretary for production on diverted acreage and the latter would have provided for partial payment for diverted acreage on which such crops are produced. After considering these bills and the provisions which have been adopted for inclusion in the 1962 farm bill, the committee has consolidated the two bills and the provisions which it has already adopted with respect to pending legislation and ordered the introduction of a clean bill, which is reported herewith.

COST

The pending bill will reduce the cost of the 1962 wheat and feed grain programs, since payments on acreage devoted to alternative nonsurplus crops under the provisions of this bill will be paid for at less than half the rate for which they are otherwise eligible and since any crops which may be grown pursuant to the provisions of this bill will not be eligible for price support.

DEPARTMENTAL APPROVAL

The committee has not requested a separate report from the Department of Agriculture on this bill because the Department has approved similar provisions which have been included in pending farm legislation and representatives of the Department have worked actively with the committee in developing the language of these provisions.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

"AGRICULTURAL ACT OF 1961

* * * * *

"Sec. 124. (a) If marketing quotas are in effect for the 1962 crop of wheat, producers on any farm, except a farm on which a new farm wheat allotment is established for the 1962 crop, in the commercial wheat-producing area shall be entitled to payments determined as provided in subsection (b) upon compliance with the conditions hereinafter prescribed:

"(1) Such producers shall divert from the production of wheat an acreage on the farm equal to either (i) 10 per centum of the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961: *Provided*, That such acreage in each of such years did not exceed 15 acres, or (ii) 10 per centum of the farm acreage allotment for the 1962 crop of wheat which would be in effect except for the reduction thereof as provided in section 334(c)(2) of the Agricultural Adjustment Act of 1938, as amended.

"(2) In 1962, such diverted acreage shall be devoted to conservation uses including summer fallow, approved by the Secretary, and such measures shall be taken as the Secretary may deem appropriate to keep such diverted acreage free from insects, weeds, and rodents: *Provided*, [That such diverted acreage may be devoted to castor beans, guar, safflower, sunflower, or seasame, if designated by the Secretary, subject to the condition that no payment shall be made with respect to diverted acreage devoted to any such commodity.] *That the Secretary may permit such diverted acreage to be devoted to the production of guar, seasame, safflower, sunflower, castor beans, other annual field crops for which price support is not made available, and flax, when such crops are not in surplus supply and will not be in surplus supply if permitted to be grown on the diverted acreage, subject to the provisions of subsection* (b)(4) *of this section.*

"(3) The total acreage of cropland on the farm in 1962 devoted to soil-conserving uses, including summer fallow and idle land, but excluding the acreage diverted as provided above and acreage diverted under the special 1962 program for feed grains, shall not be less than the total average acreage of cropland devoted to soil-conserving uses including summer fallow and idle land on the farm in 1959 and 1960. Certification by the producer with respect to such acreage may be accepted as evidence of compliance with the foregoing provision. The total average acreage devoted to soil-conserving uses, including summer fallow and idle land, in 1959 and 1960 shall be subject to adjustment to the extent the Secretary determines appropriate for abnormal weather conditions or other factors, affecting production, established crop-rotation practices on the farm, changes in the constitution of the farm, participation in other Federal farm programs, or to give effect to the provisions of law relating to release and reapportionment or preservation of history.

"(4) If the diversion of acreage is made pursuant to the provisions of (1)(i) of this subsection (a), the actual acreage of wheat planted on the farm for harvest in 1962 shall not exceed 90 per centum of the highest actual acreage of wheat planted on the farm for harvest in any of the years 1959, 1960, or 1961; and if the diversion of acreage is made pursuant to the provisions of (1)(ii) of this subsection (a), the farm shall be in compliance with the 1962 farm wheat acreage allotment.

"(b)(1) Upon compliance with the conditions prescribed in subsection (a) producers on the farm shall be entitled to payments which shall be made by Commodity Credit Corporation in cash or wheat equal to 45 per centum of the value, at the basic county support rate per bushel for No. 1 wheat of the 1961 crop for the county in which the farm is considered as being located for the administration of farm marketing quotas for wheat in effect at the time the payment rates for the 1962 special wheat program are established, adjusted to reflect changes between the national support rates for the 1961 and 1962 crops, of the number of bushels equal to the adjusted yield per acre of wheat for the farm, multiplied by the number of diverted acres other than acres devoted to castor beans, guar, safflower, [or sesame.] *sesame, other annual field crops for which price support is not made available, or flax, payment for which shall be computed in accordance with subsection* (b) (4) *of this section.*

"(2) The Secretary may make such adjustments in yields for the 1959 and 1960 crop years as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop rotation practices, type of soil, soil and water conservation measures, and topography. To the extent that a producer proves the actual yields for the farm for the 1959 and 1960 crop years, such yields shall be used in making determinations.

"(3) The Secretary shall provide by regulations for the sharing of payments among producers on the farm on a fair and equitable basis. The medium of payment shall be determined by the Secretary. If payments are made in wheat, the value of the payments in cash shall be converted to wheat at the market price of wheat as determined by Commodity Credit Corporation. Wheat received as payment-in-kind may be marketed without penalty but shall not be eligible for price support.

"(4) *Payment with respect to diverted acreage devoted to castor beans, guar, safflower, sunflower, sesame, other annual field crops for which price support is not made available, or flax, in accordance with the proviso of subsection* (a)(2) *of this section, shall be at a rate determined by the Secretary to be fair and reasonable taking into consideration the use of such acreage for the production of such crops: Provided, That in no event shall the payment exceed one-half the rate which would otherwise be applicable if such acreage were devoted to conservation uses and no price support shall be made available for the production of any such crop on such diverted acreage.*

"SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

* * * * *

"SEC. 16 * * *

"(d) Notwithstanding any other provision of law—

"(1) The Secretary shall formulate and carry out a special agricultural conservation program for 1962, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments in amounts determined by the Secretary to be fair and reasonable shall be made to producers who divert acreage from the production of corn and grain sorghums, and barley, respectively, to an approved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil conserving crops or practices including summer fallow and idle land by an equal amount: [*Provided, however,* That any producer may elect in lieu of such payment to devote such diverted acreage to castor beans, guar, safflower, sunflower, or sesame, if designated by the Secretary.] *Provided, That the Secretary may permit such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, other annual field crops for which price support is not made available, and flax, when such crops are not in surplus supply and will not be in surplus supply if permitted to be grown on the diverted acreage, subject to the condition that payment with respect to diverted acreage devoted to any such crop shall be at a rate determined by the Secretary to be fair and reasonable taking into consideration the use of such acreage for the production of such crops but in no event shall the payment exceed one-half the rate which would otherwise be applicable if such acreage were devoted to conservation uses and no price support shall be made available for the production of any such crop on such diverted acreage.*

"In order to be eligible for a payment, a producer (other than a producer of malting barley as described in section 105(c)(4) of the Agricultural Act of 1949) who participates in the special agricultural conservation program of 1962 for corn and grain sorghums must not knowingly devote an acreage on the farm in excess of the average acreage devoted on the farm to barley in 1959 and 1960, and a producer who participates in the special agricultural conservation program for 1962 for barley must not knowingly devote an acreage on the farm to corn and grain sorghums in excess of the average acreage devoted on the farm to corn and grain sorghums in 1959 and 1960. Such special agricultural conservation program shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from insects, weeds, and rodents. The acreage eligible for payments in cash or in an equivalent amount in kind under such conservation program shall be an acreage equivalent to 20 per centum of the average acreage on the farm planted to corn and grain sorghums, or barley, in the crop years 1959 and 1960 or up to twenty acres, whichever is greater. Such payments in cash or in kind at the basic county support rate for the 1961 crop in effect at the time payment rates for the special feed grain program for 1962 are established, adjusted to reflect any changes between the national support rates for the 1961 and 1962 crops may be made on an amount of the commodity not in excess of 50 per centum of the normal production of the acreage diverted from the commodity on the farm based on its adjusted average yield per acre for the 1959 and 1960 crop acreage. Payments in kind only may be made by the Secretary for the diversion of up to an additional 20 per centum of the average acreage on the farm planted to corn and grain sorghums, or barley, in the crop years 1959 and 1960. Payments in kind on such additional acreage may be made at the basic county support rate for the 1961 crop in effect at the time payments rates for the special feed grain program for 1962 are established, adjusted to reflect any changes between the national support rates for the 1961 and 1962 crops on an amount of corn and grain sorghums, or barley, not in excess of 60 per centum of the normal production of the acreage diverted from the commodity on the farm based on its adjusted average yield per acre for the 1959 and 1960 crop acreage. The Secretary may make such adjustments in acreage and yields for the 1959 and 1960 crop years as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop rotation practices, type of soil, soil and water conservation measures, and topography. To the extent that a producer proves the actual acreages and yields for the farm for the 1959 and 1960 crop years, such acreages and yields shall be used in making determinations. The Secretary may make not to exceed 50 per centum of any payments to producers in advance of determination of performance.

"(2) There are hereby authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this section 16(d). Obligations may be incurred in advance of appropriations therefor and the Commodity Credit Corporation is authorized to advance from its capital funds such sums as may be necessary to pay administrative expenses in connection with such program during the fiscal year ending June 30, 1962, and to pay such costs as may be incurred in carrying out section 133 of the Agricultural Act of 1961.

"(3) The Secretary shall provide by regulations for the sharing of payments under this subsection among producers on the farm on a fair and equitable basis and in keeping with existing contracts."

Mr. BURDICK. Mr. President, will my colleague from North Dakota yield?

Mr. YOUNG of North Dakota. I yield.

Mr. BURDICK. Is it not true that these provisions in the proposed legislation are identical with the farm bill reported by the Committee on Agriculture and Forestry in this regard and applying to the 1963 crop?

Mr. YOUNG of North Dakota. That is correct. The omnibus farm bill now pending has some of the same provisions.

Mr. BURDICK. In other words the provisions of the 1963 farm bill are applied to the 1962 crop, are they not.

Mr. YOUNG of North Dakota. A number of the provisions are not quite the same, but they would accomplish the same purpose.

Mr. BURDICK. That is correct. For example, a crop such as flax could be grown in 1962 on diverted acres largely because flax is not in surplus.

Mr. YOUNG of North Dakota. That is correct. Flax is in short supply and can be produced in an area which sustained a severe drought last year and is quite dry this year.

Mr. BURDICK. The proposed legislation would apply to a crop that is not in surplus; is not that correct?

Mr. YOUNG of North Dakota. That is correct.

Mr. BURDICK. Mr. President, I urge the favorable consideration and approval of the bill.

Mr. CASE of South Dakota. Mr. President, will the Senator from North Dakota yield?

Mr. YOUNG of North Dakota. I yield.

Mr. CASE of South Dakota. As the distinguished senior Senator from North Dakota has said, the proposed legislation will accomplish what was proposed in a bill which the Senators from North Dakota and South Dakota had introduced earlier. The principle adopted is contained in the general bill as reported from the Committee on Agriculture and Forestry, except that that bill if passed would not be applicable until the 1963 crop season. The bill now being considered would make it possible in the current season, 1962, for those who divert acres from wheat or feed grain, to plant crops not in surplus, on some of the diverted acres. The bill is particularly helpful for flax, since some nonsurplus crops may be planted under the present law, notably guar, safflower, and sesame. The bill as amended, also permits the Secretary of Agriculture in his discretion to make some payment for the diverted acres thus planted but the payment which the Secretary might make could not be more than one-half the entire payment to the farmer for his diverted acres if they were not cropped at all. In this way it will reduce the cost to the Government of the acres diverted from surplus crops under existing contracts or signups for the 1962 season.

Thus the bill accomplishes both the purpose of encouraging the growth of crops not in surplus and, at the same time, of reducing the cost of diverted acres. This is good legislation; it improves existing law. I commend the Senators from North Dakota for their initiative in bringing the bill before the Senate at this time with the approval of the Senate leadership.

Also, Mr. President, I commend the diligence of my colleague in the House, Representative BEN REIFEL, of South Dakota, for having introduced H.R. 11413, which was reported by the House Committee on Agriculture of which he is a member, the bill now before us. I urge favorable action on the bill at this time.

Mr. JAVITS. Mr. President, will the Senator from North Dakota yield?

Mr. YOUNG of North Dakota. I yield.

Mr. JAVITS. I should like to ask two questions. Can the Senator say, and is it reasonable for us to contemplate, whether there will or will not be any added cost to the consumer of the ultimate products which are dealt with in the bill?

Mr. YOUNG of North Dakota. No; I think the effect would be directly the opposite. The bill applies only to crops which are in short supply. A more abundant supply will be provided and when supplies are ample cash prices usually are lower.

Mr. JAVITS. I think that is laudable; I appreciate the Senator's answer to that question.

Second, does the Senator see anything which would represent a precedent in the action which we might be taking in this bill as compared with the farm bill which is now being considered by the Committee on Agriculture and Forestry? In other words, are we proposing to adopt a part of the farm bill in terms of principle or in fact?

Mr. YOUNG of North Dakota. No; this provision is similar to one which related to durum wheat for 4 separate years. Because durum wheat was in short supply, it was permitted additional acreage.

The omnibus farm bill soon to be considered by the Senate contains a provision to permit the Secretary of Agriculture to increase acreage allotment of any wheat which is in short supply. That would apply to the type of wheat in which the Senator of New York is greatly interested, Soft Red Winter wheat. A provision such as this is in the new farm bill, if it passes.

Mr. JAVITS. I thank the Senator from North Dakota.

Mr. CASE of South Dakota. Mr. President, will the Senator from North Dakota yield further?

Mr. YOUNG of North Dakota. I yield.

Mr. CASE of South Dakota. To supplement what the Senator from North Dakota has said, the present law provides, in the Soil Conservation Domestic Allotment Act, section 16, that the Secretary may, with respect to 1962, permit the planting of diverted acreage to castor beans, guar, safflower, sunflower, or sesame, if designated by the Secretary. That is in the present law. By this bill we are adding flax and spelling out the details a little more. So if there is any precedent, it is in existing law; we are not creating a precedent in that respect.

Mr. JAVITS. I thank the Senator.

Mr. MANSFIELD. Mr. President, will the Senator from North Dakota yield?

Mr. YOUNG of North Dakota. I yield.

Mr. MANSFIELD. I wish to express thanks to the distinguished Senator from North Dakota for having the bill reported from the Committee on Agriculture and Forestry and to express thanks to the acting majority leader, the distinguished Senator from Minnesota [Mr. HUMPHREY], for having it called up during the course of the debate on the important measure now under consideration. I assure the Senator from North Dakota—I am sure he is aware of it—of the personal interest of my colleague from Montana [Mr. METCALF] and me in this proposal. The bill is of great importance to the Dakotas and to Montana, especially in view of the drought conditions which prevailed last year. I commend the Senator for his foresight and leadership.

Mr. YOUNG of North Dakota. If it had not been for the interest of the distinguished Senator from Montana and the rest of the leadership of the Senate, the bill would not have been called up now. I am sure farmers deeply appreciate your interest and help as well as that of your colleague [Mr. METCALF].

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 11413) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 11413) was passed.

Mr. HUMPHREY. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. BURDICK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, is morning business again in order?

The PRESIDING OFFICER. Morning business is now in order.

AMENDMENT OF MILITARY PAY ACT OF 1958

Mr. MORTON. Mr. President, it is high time that the Congress stop procrastinating on legislation adjusting the pay schedule of retired military officers and initiate immediate consideration of bills which would correct the inequity imposed on these officers by the Pay Act of 1958.

It is difficult to understand why legislation has not already been enacted to correct a situation which 20–20 hindsight quickly told us should not have been created in the first place. From previous attempts to remedy the inequity, it is obvious that the Senate must take the initiative at this time. Unless it does, another year will go by without any actions being taken.

One of our primary responsibilities during these dangerous and critical times is to maintain the strongest possible defense establishment, not only in superiority of weapons, but also in superiority in manpower. Modern military technology dictates the absolute necessity of attracting and retaining in uniform the finest of American military manpower. The military and the Congress have always recognized the need for experienced and seasoned leadership, and particularly the value of inducements and benefits to keep our armed forces in fighting trim.

In 1958, Congress enacted legislation, based in part on recommendations of the Cordiner Committee, designed to increase the attractiveness of a service career for young officers, thereby reducing a rather sharp turnover among promising and outstanding junior officers who were abandoning military service for civilian pursuits. The basic pay of senior commissioned and noncommissioned officers was increased substantially, to enhance the attractiveness of career military service. However, in its application to retired personnel, that Act departed from customary and historic procedures.

For more than a century prior to the enactment of Public Law 85–422 in 1958, retired pay had been computed on the regular pay schedules for the uniformed services. At the time of any general increases in regular pay schedules persons receiving retired pay were entitled to recompute their retirement pay on the basis of such increased rate schedules.

Section 4 of Public Law 85–422 amended the traditional practice of adjusting the pay of persons already retired, by providing, in general, that the pay of retirees was to be increased by a flat 6 percent, reflecting a cost-of-living increase, rather than be recomputed in accordance with the standard formula previously adhered to.

It soon became apparent that deviation from traditional retirement pay procedures probably was not in the long-term best interests of the military. In view of concern expressed from many quarters, Congress rather promptly initiated action on corrective legislation; but thus far nothing has been accomplished.

In May 1960, the House passed H.R. 11318; but the Senate failed to act. Shortly after the 87th Congress convened in January 1961, two bills introduced in the Senate and numerous bills introduced in the House would have restored the historic relationship between pay rates of active-duty members and those of retired members of the Armed Forces.

The two bills now pending before the Senate Armed Services Committee are S. 401, introduced by the Senator from Arizona [Mr. GOLDWATER], with whom I joined as cosponsor, and S. 626, introduced by the Senator from Washington [Mr. JACKSON]. Both bills, although worded slightly differently, would accomplish the same objective. S. 626 is identical with H.R. 11318 of the 86th Congress, as is H.R. 4331, which I am informed is the administration's bill in the House.

There seems to be little controversy, if any at all, over the proposed legislation. H.R. 11318 passed the House unanimously nearly 2 years ago, and the principle has been supported by both the Eisenhower administration and the Kennedy administration. As a matter of fact, budget submissions for the past 3 fiscal years have contained contingency items amounting to about $30 million for retired pay increases.

In commenting on S. 401 and S. 626, the Treasury Department said on March 13, 1961, that it had no objection to the proposed legislation. On March 28, 1961, the Department of Commerce recommended the enactment of such legislation. The Department of Defense on March 6, 1961, reaffirmed the previous administration's support, but stated that S. 626 was preferred to S. 401, from a drafting standpoint.

The Bureau of the Budget has not interposed any objection.

It is immaterial to me whether the Senate Armed Services Committee takes S. 401 or S. 626, because of the overriding necessity to enact corrective legislation in this field this year. More than a year has now elapsed since the receipt of supporting comments from the major departments concerned; and it is apparent that if we are to enact any bill this year it must start in the Senate.

I hope the Senate Armed Services Committee will acknowledge the widespread endorsement of the pending legislation by scheduling any hearings that may be necessary and by reporting a bill for our early consideration. There is still plenty of time at this session to enact a bill correcting the injustice in the

1958 Pay Act to retired military personnel and to strengthen the active-duty career incentives.

PROPOSED CONGRESSIONAL INVESTIGATION OF THE ESTES CASE AND GOVERNMENT GRAIN STORAGE

Mr. WILLIAMS of Delaware. Mr. President, in yesterday's Washington Daily News, the lead editorial entitled "Let the 'True Beauty' Be Exposed," states reasons why the Estes case and the entire Government grain storage activities should be investigated by a competent congressional committee. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, May 2, 1962]

LET THE "TRUE BEAUTY" BE EXPOSED

Every time you pick up the paper, you see another reason—or a number of them—why the Billie Sol Estes case and the whole Government grain storage business should be investigated by a competent committee of Congress.

Some of the latest examples:

William E. Morris, as assistant to the man in charge of the whole "farm stabilization" program, wrote a series of letters to Estes suggesting the boy wonder of the Pecos (Texas) expand his operations into a worldwide empire to sell or trade Government surplus grains. Mr. Morris said he could help, and outlined plans to enable Estes to gain "competitive advantages" over other grain traders.

Estes was appointed to the National Cotton Advisory Board—which counsels the Secretary of Agriculture—after (not before) the Department itself was checking the legality of some of Estes' cotton acreage.

Mr. Morris lately was fired, another Agriculture official quit, and a third has been dispatched to the woods. Estes is under indictment for fraud, but it appears his now collapsed financial giant was built primarily from profits he made storing Government grain.

But the Agriculture Department has avoided any cooperation with a Texas State investigation. Texas officials can't force cooperation, and the Department obviously isn't the agency to investigate itself. Only an eager congressional committee can do the job—and Senator MCCLELLAN's permanent investigating group would be the logical choice.

In one of his expansive letters to Estes, the now dismissed Morris wrote: "No one has ever come close to writing the Billie Sol Estes story that I feel so strongly must be written before your material successes completely overshadow the true beauty of your philosophy of life. * * *"

Estes' "material successes" now have gone the way of many a get-rich-quick scheme. But we would like to know more about the "true beauty" of Estes' relationships with the Agriculture Department—and about the whole "philosophy" of plush contracts which feature the grain storage program.

We hope some beauty-loving Senators soon get on the job.

NOMINATION OF VICE ADM. EDWIN J. ROLAND TO BE COMMANDANT OF U.S. COAST GUARD

Mr. PELL. Mr. President, soon it will be our duty to take action on a Presidential nomination for one of the most important posts in our Government. The nomination is that of Vice Adm. Edwin J. Roland, who upon your confirmation, will be elevated to the rank of admiral to assume his duties as Commandant of the U.S. Coast Guard.

I have said that it will be our duty to take action in this matter. I should have said rather that it will be our privilege to take favorable action on this nomination. As a Reserve officer of the Coast Guard, I have had the personal pleasure of being associated with Admiral Roland in many Coast Guard activities. I can safely say that no one in the service enjoys a higher reputation as a great officer and gentleman than the man whose nomination we are considering today. This admiration is shared by his fellow Coast Guard officers and by the American public.

Admiral Roland's keen mind, broad comprehension of Coast Guard operations, as well as his graciousness and warmth have won him the respect of all those with whom he has come into contact both in and out of Government. There could be no more ideal selection for the post of Commandant of the Coast Guard than this man who has devoted the better part of a liftime to a service dedicated to maritime safety and law enforcement. By virtue of his qualifications, he is especially suited to fill the void created by the retirement of another great Coast Guard officer, Adm. A. C. Richmond, present Commandant of the Coast Guard. I should like to take this opportunity to say that Admiral Richmond's administration has been one of the most outstandingly successful in the history of this 172-year-old service. He has certainly earned the thanks of all Americans for his brilliant performance of duty.

Admiral Roland's faith in the future of the Coast Guard is attested to by the fact that his two sons are graduates of the Coast Guard Academy.

I now read into the RECORD a biographical sketch of Admiral Roland:

Edwin John Roland was born on February 11, 1905, in Buffalo, N.Y., where he was graduated from Canisius High School and attended Canisius College.

He entered the U.S. Coast Guard Academy at New London, Conn., with an appointment as cadet in 1926, and was graduated with a bachelor of science degree in engineering and a commission as ensign on May 15, 1929. Subsequently he advanced in rank as follows: lieutenant (junior grade) May 15, 1931; lieutenant, May 15, 1933; lieutenant commander, January 1, 1942; commander, December 14, 1942; captain, August 5, 1949, rear admiral, July 1, 1956; vice admiral, February 12, 1962.

His earliest assignments were as gunnery officer aboard the destroyers *Shaw* in 1929–30, and the *Wilkes* in 1930–31, which were part of the old destroyer force operated by the U.S. Coast Guard between 1924 and 1934 in an all-out suppression of smuggling. He won a commendation for being instrumental in capturing the gunnery trophy for both vessels. During 1929–31, he was, in addition to his regular duties, captain of the Coast Guard football team which won the President's Cup in competition with the Army, Navy, and Marines in 1931. The trophy was presented to Admiral Roland by Mrs. Herbert Hoover, wife of the then President of the United States.

In 1932 he was in charge of target observation and repair for the destroyer force target practice in the Gulf of Mexico, and for cutter target practice off Norfolk, Va. In September of that year he was ordered to the cutter *Escanaba* at Grand Haven, Mich., as navigation and gunnery officer. Detached in 1934, he spent the next 4 years at the Coast Guard Academy as instructor in physics and mathematics, and as assistant coach in football, basketball, and baseball. During the summer cadet practice cruise of 1936 aboard the cutter *Cayuge*, he participated in the evacuation of refugees of Spain during that country's civil war (1936–39).

He became executive officer of the patrol cutter *Nemesis* at St. Petersburg, Fla., in September 1938, later assuming command. In January 1940, he was transferred to the Eighth Coast Guard District office in New Orleans, La., as communications officer.

From May 1942, to October 1943, during World War II, he was Chief, Enlisted Personnel Division at Coast Guard Headquarters in Washington, D.C. He was next designated commander, Escort Division 45, a unit of Task Force 60 which escorted convoys from the United States to Mediterranean ports. His flagship at that time was the destroyer escort U.S.S. *Vance* (DE–387). For meritorious performance of this duty, he received the Navy Commendation Ribbon.

In December 1944, he became the first commanding officer of the newly commissioned cutter *Mackinaw*, the first heavy duty U.S. icebreaker ever built and which was specially designed for work in the Great Lakes. Her home port was the Coast Guard Base in Cheboygan, Mich. For meritorious service as commanding officer of this unique icebreaker, he received a Coast Guard Commendation Letter. In it he was cited for successfully undertaking the task of icebreaking on an unprecedented scale in the Great Lakes, permitting passage through ice to tide water Navy and Army vessels urgently needed for the war effort, and merchant vessels transporting cargoes of freight essential to war industries.

In the postwar period of April 1946 to June 1949, he was Chief of Staff and Chief, Operations Division, Ninth Coast Guard District, Cleveland. He then commanded the cutter *Taney* out of San Francisco, remaining at that post until August 1950, when designated Commandant of cadets at the Coast Guard Academy.

Four years later he was selected to undertake 1 year of instructions at the National War College. Completing the course in June 1955, he was assigned duties in the office of the Chief of Staff at Coast Guard Headquarters. While there on March 16, 1956, he relieved Rear Adm. Ira E. Eskridge, U.S. Coast Guard, as Deputy Chief of Staff, and with the approval of the President and confirmation of the Senate was advanced from captain to the permanent rank of rear admiral effective as of July 1, 1956.

Following this promotion, Rear Admiral Roland was assigned as commander, 1st Coast Guard District, Boston, relieving Rear Adm. Roy L. Raney, U.S. Coast Guard, on his retirement August 1, 1956. In January 1960, he was designated commander, 3d Coast Guard District, and commander, Eastern Area, effective as of July 1, 1960 (as successor to retiring Rear Adm. Henry C. Perkins, U.S. Coast Guard). He exercised the duties of this post from offices in New York City.

It was while there that with the approval of the President and the Senate he was appointed Assistant Commandant of the U.S. Coast Guard with the permanent grade of vice admiral to rank from February 12, 1962. He succeeded Vice Adm. James A. Hirshfield, U.S. Coast Guard, on his retirement February 1, 1962.

Vice Admiral Roland's World War II campaign service medals and ribbons include the following: American Defense Service; American Area; European-African-Middle Eastern

Area; World War II Victory; as well as the Navy Commendation Ribbon and the Coast Guard Commendation Letter. He also has the Expert Rifle, and Expert Pistol Medals.

Vice Admiral Roland is married to the former Jane Dare Fitch of New London, Conn. They are the parents of three children, Janet D., William F., and Edwin J., Jr. Janet is currently employed as a guide at United Nations headquarters in New York City. Both sons are graduates of the Coast Guard Academy and are serving in the Coast Guard as commissioned officers. William is presently undergoing postgraduate training at the U.S. Naval Post-Graduate School in Monterey, Calif., while Edwin is serving aboard the Coast Guard icebreaker *Mackinaw* which the admiral placed into commission 17 years ago.

"PROTECT THE TULE LAKE WILDLIFE REFUGE"—EXCERPTS FROM ADDRESS BY SENATOR KUCHEL

Mr. KUCHEL. Mr. President, on April 25, I delivered a speech before the Southern California Council of Conservation Clubs, in Los Angeles, with respect to the Tule Lake Wildlife Refuge bill which I introduced last year, and which only 2 days ago was unanimously approved by the Senate Committee on Interior and Insular Affairs; and in a matter of minutes it is to be reported from that committee to the Senate, to await what I trust will be prompt passage by the Senate. I ask unanimous consent that a partial text of my remarks on April 25 be printed at this point in the RECORD.

There being no objection, the excerpts from the address were ordered to be printed in the RECORD, as follows:

PROTECT THE TULE LAKE WILDLIFE REFUGE

(Partial text of remarks of U.S. Senator THOMAS H. KUCHEL, of California)

I am delighted to be here in my native State with you this evening to discuss conservation developments in America and in California. Conservation, in all its ramifications, is a subject to which I have devoted much of my time in the public service, both in California and now as your Senator in Washington.

We are meeting at a propitious time. I would venture to say we are on the threshold of a new era in conservation development—and badly needed it is.

The westward movement of people to the Pacific coast, and to California in particular, during the last decade has been described as the largest human migration in history. Within a year, California will be the most populous State in the Nation. At the turn of the next century, California's population will have grown from our present 17 million to 50 million people.

Because of the onslaught of the farmer, the factory, the dam, and the highway bulldozer, outdoor recreation has become one of the most imperiled commodities of the resource marketplace. Our most productive fish and wildlife habitats have been disappearing at an alarming rate. Simultaneously, increasing leisure time, and a higher standard of living for more people, have brought wildlife sports within the reach of vastly greater numbers. Unlike past generations, the hunter of 1962 comes from no particular walk of life. Hunting has become one of the most cosmopolitan of sports. The next hunter you meet in the field could just as easily be a bank president as a shipping clerk—and in field clothes, as at the ballot box, there is rightly no distinction.

The fate of our Nation's and our State's resources rests largely on the outcome of two essentials—imaginative land use planning, and the intensification of a constructive, forward-looking conservation program for forestry, range, water, wildlife, and other resources. To hope that demands for outdoor recreation can be met is to believe that a balance can be struck between housing and commerce and land and water resources. I frankly think it can, particularly with the implementation of the several comprehensive and farsighted measures now before Congress, and with continued active interest and wise planning on the parts of State and local governments and civic-minded organizations such as are represented here this evening.

We in the West are more fortunate than most. We still have a good resources base from which to work. But this does not mean we need not act swiftly to prevent further encroachments on what remains. Once destroyed, there will be no replacement. While Providence has been kind, it will not replace what its children spoil or waste.

One of the most far-reaching proposals in this respect is the wilderness bill which overwhelmingly passed the Senate last year and is now before the House. I am proud to be both a co-author of this long overdue legislation and a member of the Senate Committee on Interior and Insular Affairs which has actively studied in great detail for the past 5 years this proposal to establish a National Wilderness Preservation System.

Once established, its impact will be significant. Recognizing "that an increasing population, accompanied by expanding settlement and growing mechanization, is destined to occupy and modify all areas * * * except those that are designated for preservation and protection in their natural condition," this bill declares a congressional policy of securing "for the American people of present and future generations the benefits of an enduring resource." This measure spreads a protective umbrella over our scenic refuges. By special provision, it shields our zealously guarded State water rights, as well as our State laws applicable to fish and game life.

Why is this legislation so necessary? Under present law, the designation—or the elimination—of wilderness areas is subject to the whim of the stroke of an executive pen. In the case of those lands under the jurisdiction of the Secretary of Agriculture, for example, if the area is larger than 100,000 acres, the Secretary of Agriculture has a sole untrammeled discretion to do as he pleases. If the area is less in extent, it is up to the Chief of the Forest Service. There is too much at stake in wise resources planning to leave unchecked the decision of one or two people.

Under the wilderness bill, the executive branch could no longer classify areas and throw the key away. A decade would be provided in which each department could make a careful survey of the lands under its jurisdiction. The passage of S. 174 would compel the Secretary of Agriculture, who is custodian of the largest restricted acreage, to examine carefully these areas, such as those now designated as "primitive," and then to recommend either that they be placed in the wilderness category or that they go back to their original status. The Secretary would submit his plan to the President, who, after review, would, in turn, send it to Congress. If the President's recommendations were not disapproved by either House of Congress, they would then take effect. If either House rejected them, the administration might resubmit a new version, and, under the bill, no additions could be made to the present wilderness system without positive statutory approval by Congress.

Like our museums and our art galleries, our wilderness areas may at any given time be visited by a relatively small percentage of our people, yet they are available and essential as part of our national and cultural heritage. We should regard them as such and cherish them. In my view, the interest of the people is served by this legislation.

I am confident that final and favorable committee action will soon occur on another measure of mutual interest. The nationwide support for S. 1988, the legislation which I introduced to stabilize the boundaries of the Tule Lake-Klamath wildlife refuges, has been gratifying. Without the resounding help which has come from California conservationists and sportsmen, I am sure that we would not have been able to secure the progress this bill has made, and will make.

The Nation's wilderness areas and the Tule Lake and Klamath refuges on the California-Oregon border exist solely by Executive order. The same stroke of the pen that established those incomparable refuges can abolish them completely, or cut them down in size, piece by piece, acre by acre, to the point where they would not fulfill our obligations with Mexico and Canada under international migratory bird treaties. But more important, these areas could be shriveled away where they would not fulfill the obligations we have to ourselves and to those who come after us.

Over the years, various agricultural and reclamation interests have nibbled away at this great wildlife complex. On occasion they have been successful. I propose to put a stop to their ravenous appetite once and for all.

Historically, the Klamath Basin contained 500,000 to 750,000 acres of ideal waterfowl habitat. Now, we hope to save and preserve 100,000 acres of marsh and related land within the three refuges of Tule Lake, lower Klamath, and upper Klamath.

These refuges provide nesting, resting, and feeding habitats for almost 80 percent of the waterfowl of the Pacific flyway, one of the major flyways between Canada and Mexico. As many as 7.5 million waterfowl and shore and marsh birds use the area at any one time during the spring and fall migrations. Most stop to feed and rest and thousands of others bear their young here. Large numbers of the Pacific flyway's scarcest species of diving ducks—redheads and ruddies—are here reproduced. Acre for acre, these refugees are fully as productive as Canada's best nesting marshes.

These refuges are not large, yet each fall they accomplish the herculean feat of holding back the southward movement of ducks toward the lush agricultural areas of the Sacramento, San Joaquin, and even Imperial Valleys. It is mainly because these refuges attract and hold tremendous flocks of ducks and geese from 6 to 8 weeks each year that farmers and ranchers in the valleys of California can harvest their rice and grain without serious danger of crop depredation.

Over a week ago, on April 17, the Irrigation and Reclamation Subcommittee favorably and unanimously reported S. 1988 to the full committee. I look forward to positive Senate action soon.

Our mushrooming population has spread up and down much of the choice and beautiful waterfront of California. It has gotten so that unspoiled and undeveloped beach stretches are getting hard to find, particularly near urban areas, where the recreation potential they offer is most needed. For this reason, I am glad to see that the House of Representatives is at long last taking action on the Point Reyes National Seashore bill, of which I am coauthor.

This bill successfully passed the Senate last year. It was my privilege, as a member of the Senate Committee on Appropriations, to secure the funds for the National Park Service to undertake the study which led to this legislation. If this bill is enacted, 53,000 acres of the 64,000 acres of the Point Reyes

Peninsula north of San Francisco would be set aside for the benefit of all our citizens rather than a handful of subdividers who seek to bulldoze away beauty for the fast buck. Much of the unique value of Point Reyes is its close location to one of the major metropolitan areas of our State—the San Francisco-Oakland complex. It provides easily accessible recreation and beach facilities as well as shelters for geese and pelicans and animals, such as sea lions and hair seals.

Moreover, it is not an encroachment on the local economy and tax base since, of the 53,000 acres, 26,000 would continue in its pastoral ranching and dairying state, operated privately, merely conforming in use to the overall character of the park.

These proposals are steps in the right direction. Translated into action, they will assure the preservation of indispensable wildlife and recreational lands. In addition, a number of Federal administrative directives and proposals will add some optimism to the outlook. The Departments of the Interior and Defense recently agreed to open and develop land around Federal reservoirs for maximum recreation and wildlife production. Last year, I coauthored the Water Resources Planning Act which had this as its aim. The new agreement reversed a detrimental policy that was adopted several years ago. It will provide innumerable public benefits.

Another sweeping directive from the Pentagon ordered the commanders of all military installations to work out wildlife management and public recreation programs in cooperation with State conservation departments. Recently I urged Federal agencies to turn over to the State surplus Federal land at Beale Air Force Base near Marysville for use as a wildlife management area. The military was severely criticized several years ago, you may recall, because certain commanders reserved hunting lands under their control as personal shooting areas. The new policy almost completely reverses the previous situation and the sportsmen should make sure it is maintained and implemented.

The excellent report of the Outdoor Recreation Resources Review Commission clearly outlines the obligations and the challenges that lie ahead for the conservationist, sportsman, and other interested citizens. One result has been the introduction this month of legislation to authorize the expenditure of $50 million over a 5-year period to assist States in planning outdoor recreation programs and to promote effective coordination of Federal and State effort in this area. I coauthored the original bill that established the Outdoor Recreation Resources Review Commission. I am optimistic that their report will stimulate more widespread interest in resources planning.

There are still many rough spots in the road ahead. These range from the nature of the major concepts in resources planning to smaller, more short-range, but irksome problems.

I know some of you are interested in the Navy's recent request to establish a danger zone for aerial mining and test firing in the vicinity of San Clemente Island's West Cove. During scheduled periods, boats will be barred from the prescribed area—one of the best fishing spots for both sport and commercial anglers. Both groups will be affected by this closure.

Many choice fishing waters are already closed to civilian use and this will mean an additional squeeze on the public's fishing grounds in the Southland. While our first concern, as Americans, must be the country's military security, I am sure we both agree that the public's recreational needs merit decent consideration. We share a common hope that a more equitable solution can be arranged.

A somewhat similar situation occurred a few days ago when an attempt was made to cut off large expanses of water to recreational boating, sport and commercial fishing. After some representations to the Navy, I was able to help in the modification of times of use and areas of restriction.

The mail coming into my office indicates a concern among sportsmen regarding a firearms registration bill, H.R. 613. A concocted newspaper story said I was for the bill. This concocted story was then carefully mailed to various sportsmen's groups by a few tireless stamp-lickers who, I am told, find some disagreement with some other views of the senior Senator from California. These midnight mailers really believe in consternation rather than conservation. They shoot for voters rather than for birds. I must admit that, when the first letter arrived denouncing a stand which I had not taken, I had truly never heard of the bill. H.R. 613 was introduced on January 3, 1961. This legislation would require the registration of all pistols with the Federal Bureau of Investigation. The bill was referred to the House Committee on the Judiciary. There it lies. There it will continue to lie. It is dead; shot by the unlicensed pistol of public opinion. I believe that, despite good intentions, it is poor public policy and probably unconstitutional.

In closing my prepared remarks, I would like to bring up the President's recent message to Congress on natural resources. One of his proposals is the establishment of a conservation fund to acquire lands for outdoor recreation and other conservation measures.

To start the fund, the President has asked for a $500 million authorization to be repaid, beginning in 1971, with proceeds from a series of new fees and taxes on the use of Federal recreation areas. These include:

1. User and entrance fees at a federally owned land and water areas;
2. A 2-cents-a-gallon tax on fuels used in motorboats, which is now refundable;
3. A new Federal tax of $5 a year on 14- to 16-foot boats, plus $2 for each additional foot; and
4. Receipts on the sale of surplus Federal nonmilitary lands.

This is a complicated, far-reaching proposal that could have several drawbacks. Those of you here represent the active, thinking sportsmen of southern California. You are commendably interested in conservation and outdoor recreation. This measure will soon come before the Committee on Interior and Insular Affairs of which I am a member. I want your ideas on this proposal so I will best know how to serve the growing needs of southern California.

PRESIDENT'S E AWARD TO THE MOTION PICTURE ASSOCIATION

Mr. KUCHEL. Mr. President, I have just learned that the President's E Award in the export expansion program, has been given to the Motion Picture Association of America, at ceremonies which took place earlier today. Mr. Eric Johnston, the distinguished president of that association, accepted the award in its behalf.

Mr. President, I am sure all Members of Congress are very proud of the accomplishments of the motion picture industry of America. Perhaps we who come from California may be pardoned for being particularly proud of what our people in that farflung and highly important industry have accomplished over the years.

I must say that the leaders of the motion picture business—and I speak of the management, labor, producers, actors and, indeed, all of those associated with this great undertaking—represent a militant patriotism; they successfully endeavor to police their own; and the manner in which they have endeavored over the years with increasing success, to portray to the people of the world America and the unique American institutions, all of which we hold dear, constitutes, I believe, a particularly creditable public service which the motion picture industry of America has been able to render.

I ask unanimous consent that the text of the Department of Commerce announcement relative to the award be printed at this point in the Record.

There being no objection, the announcement was ordered to be printed in the Record, as follows:

President's E Award to Motion Picture Association

Secretary of Commerce Luther H. Hodges today presented the E-for-export flag to the Motion Picture Association of America for its work in support of the President's export expansion program.

The blue and white E flag, a revival of the World War II production excellence award, was accepted by Eric Johnston, Motion Picture Association of America president, at a special ceremony at the Department of Commerce.

In presenting the award, Secretary Hodges lauded the association for "the skill and thoroughness with which it has organized since World War II to deal with its export problems."

He noted that, "by presenting a united front, the association has been able to work successfully despite foreign government monopolies, private cartels, and a wide variety of prejudicial governmental actions."

"As a result," he added, "American films command about 60 percent of the screen time worldwide. Now more than half of the U.S. industry's earnings come from abroad, compared with only about 10 percent before World War II."

"Apart from this," the Secretary stated, "U.S. films play a vital role abroad as a chief communications link between the United States and countless people all over the world."

The association, too, has shown remarkable skill and ingenuity in getting many millions of dollars in blocked earnings out of foreign countries, resulting in a number of commendations, including congressional recognition.

The association's work has been credited with bringing the motion picture industry's foreign exchange earnings up to $200 million a year, making the U.S. film industry the largest earner of foreign exchange (proportionately, in relation to total earnings) of any American industry.

The association was selected from among several hundred nominees still under consideration for future awards. Selection was made by Secretary Hodges after consideration by an awards committee which includes the Departments of Commerce, Interior, and Agriculture, the Small Business Administration, and other Government agencies.

Awards are granted in two categories—companies which manufacture products for export; and companies, individuals, organizations, and institutions which work in support of increased exports.

TRISTATE TRANSPORTATION AGENCY

Mr. KEATING. Mr. President, there has been a lot of discussion lately of

Federal action to aid metropolitan areas in resolving our tremendous transportation dilemma. The administration bill in mass transit aid has been the subject of hearings in the Senate and in the other body. I support this legislation for I think it is absolutely imperative that we do something about mass transportation. If we continue to look the other way, our existing facilities will deteriorate to the point that the taxpayer will have to pay an even bigger price to build and operate new transportation systems.

But, Mr. President, Federal action is not the only solution. Vigorous State and local efforts are necessary if we are to succeed. It is, therefore, with pleasure that I call attention to the excellent and farsighted program of the tristate area of New York, New Jersey, and Connecticut to develop a comprehensive program for the future of mass transportation in and around the great city of New York. The Tristate Transportation Committee was set up in August by the Governors of the three States involved. The committee is composed of able and experienced administrators from the three States. New York's delegation is headed by Governor Rockefeller's secretary, Mr. William J. Ronan, who is chairman of the committee and who has done a considerable amount of distinguished and imaginative work in the transportation field. The executive director is Mr. Roger H. Gilman, on loan from the New York Port Authority. Other members are J. Burch McMorran, New York State Superintendent of Public Works; Arne C. Wiprud, director of Office of Transportation, State of New York; George A. Dudley, director of Office for Regional Development, State of New York; Dwight R. G. Palmer, New Jersey Commissioner of Highways; Otto H. Fritzsche, State highway engineer, New Jersey; Herbert A. Thomas, Jr., director, Division of Railroad Transportation, State of New Jersey; H. Mat Adams, commissioner of Conservation and Economic Development, State of New Jersey; Carl Lalumia, executive aid to the Governor of Connecticut; Howard S. Ives, Connecticut Commissioner of Highways; Eugene S. Loughlin, chairman, Public Utilities Commission of Connecticut; Graham R. Treadway, chairman, Connecticut Development Commission; James Felt, chairman, New York City Planning Commission; John A. Swanson, regional engineer, U.S. Bureau of Public Roads; John C. Kohl, Assistant Administrator for Urban Transportation, Housing and Home Finance Agency; Lester Eisner, Jr., regional administrator, Housing and Home Finance Agency.

Mr. President, I commend the Governors of the tristate area for their initiative in this vital field. This is more than a study. It is a plan of action. It is a striking example of the kind of effort that is needed if we are to solve the perpetual bottleneck of our cities—the transportation crisis.

Mr. President, I ask unanimous consent to include at this point in the Record an excellent editorial on this subject and on the role of the tristate committee from the New York Herald Tribune.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

TRISTATE ACTION ON TRANSPORTATION

In the search for solutions to the transportation problems of our tristate metropolitan region, much more has been happening in recent months than the average citizen realized.

It is on record, of course, that the port authority is about to buy, rebuild, and operate the Hudson Tubes as part of a gigantic improvement of the New York-New Jersey commuter's routine.

But of perhaps greater ultimate importance is the work of the Tristate Transportation Committee, established last August by the Governors of New York, New Jersey, and Connecticut and now linked in official agreement on "the largest and most comprehensive study and action program of land development and transportation planning ever undertaken in a metropolitan area."

Offhand this might seem to be another of those well-meaning research projects which have so often failed because they were overly academic, fiscally impracticable and politically impossible.

This time, however, there is an unprecedented unity of purpose between the States. The exact ends are not entirely plain, but the common responsibility for broad-scale examination and recommendations is recognized. A vast variety of studies are underway, with more still to come. Some are already completed.

In every case these studies, whether dealing with the immediate or long-range, are action oriented. The committee, naturally enough, has a skilled man of action in charge—Roger H. Gilman, on loan from the port authority. Furthermore, because the committee speaks with organized purpose, it is taking advantage of the availability of Federal funds.

Right now, for instance, proposals for five mass transportation demonstration projects are ready. These are frankly experimental, and vary in detail, but the general idea is to provide improved service and facilities on several parts of the New Haven, Long Island, New York Central, and Pennsylvania Railroads.

The hope is to win back passengers, something that the lines have not been able to do on their own. But the committee sees possibilities in such things as the underutilized Hell Gate Bridge, by which some New Haven riders could be brought to Astoria and perhaps nearer their jobs, or in park-and-ride lots at New Brunswick which might reduce highway congestion.

And if the Federal Government thinks well of these fully planned projects, as seems likely, it grants two-thirds of the cost. This certainly is worth trying, and after that the tristate committee has plenty more demonstration projects taking shape.

All this is good, for here is the evidence that regional planning has got out of the talking stage. Our three States are at last covenanted for studies and for action on transportation problems.

SHORELINE RECREATION FACILITIES—RESOLUTION

Mr. ANDERSON. Mr. President, last year the Senate passed S. 543, the shorelines recreation area bill, which provides for a three-pronged approach to meeting the Nation's requirements for shoreline recreation facilities.

Title I of the bill directs that a careful study be made of 15 specific sites to determine if they are suitable to become national seashore, or lakeshore, recreation areas.

Title II directs the national Forest Service to study the ocean, lake, and river shores in the 181 million acres of national forests to determine if we cannot locate many fine, water-based recreational areas on these public lands, which can be developed without acquisition cost to the Government.

Title III authorizes the appropriation of $25 million in future years to provide matching funds to be given to the States for acquisition of shoreline areas.

On April 18 the Governors of 12 Atlantic Coast States met in Newark, N.J., to confer on problems resulting from the devastating storm earlier this year. They unanimously adopted a resolution, presented by the Honorable Mat Adams, commissioner of conservation and economic development of the State of New Jersey, endorsing S. 543.

Mr. President, I ask unanimous consent to have printed in the Record the text of the Eastern States resolution.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

"Whereas we, the Governors of the Atlantic Coast States most directly affected by the recent devastating storm, recognize that the Federal Government well understands and is interested in the shoreline preservation and conservation; and

"Whereas a bill has already passed the Senate of the United States incorporating many of the features of meaningful Federal participation (S. 543): Now, therefore, be it

"*Resolved*, That the States herein convened recommend the endorsement and passage of S. 543 in the U.S. House of Representatives; and be it further

"*Resolved*, That the representatives from the States represented at this east coast meeting favor the passage of this bill."

Adopted unanimously by the States of Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Virginia.

APRIL 18, 1962.

REPAIR OF DAMAGE TO ST. LAWRENCE SEAWAY

Mr. McNAMARA. Mr. President, the scheduled spring opening to shipping of the St. Lawrence Seaway this year was delayed by unexpected damage to the Eisenhower lock at Massena, N.Y.

For unexplained reasons, an 80-foot crack, 3 feet wide, opened up in the sill of the lock, holding up ship traffic in both directions.

Although repairs might be expected to take weeks, the job was done in just 8 days—the backlog of more than 100 ships was passed through in about 40 hours—and traffic is now normal.

Credit for this extraordinary performance is being given Mr. Joseph H. McCann, of Detroit, who only recently became Administrator of the St. Lawrence Seaway.

An editorial in the Syracuse (N.Y.) Post-Standard on April 28, entitled "Great Job on Seaway," called attention to Mr. McCann's efforts.

I ask unanimous consent that the editorial be printed in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GREAT JOB ON SEAWAY

Compliments are due St. Lawrence Seaway Administrator Joseph H. McCann and his assistants for the tremendous job they performed in repairing a crack in the great Eisenhower lock at Massena in 8 days, enabling scores of vessels to pass through the seaway since Monday.

With the seaway originally scheduled to open for traffic on April 15, an 80-foot crack 3 feet wide was discovered in the sill of the Eisenhower lock on April 12, due to some unknown cause. Ordinarily, repairs of such a huge structure would take weeks; but, with ships waiting at anchor on either side of the lock, speed was of the essence to prevent heavy losses to shippers.

Himself working practically around the clock directing the job, Administrator McCann engaged a contractor and put his own at work with the Army Corps of Engineers. Repairs were completed in 8 days, and shipping commenced moving through the lock last Monday.

Consulting engineers have now been hired to keep a constant check on all the seaway facilities, in hope of preventing such costly mishaps in the future. But it is good to know that when the chips were down, the seaway organization was able to perform a construction miracle and get the vital machinery functioning again in jig time.

SABIN ORAL POLIO VACCINE

Mr. GOLDWATER. Mr. President, several weeks ago it was my pleasure to call to the attention of this body the success of volunteer citizens in their efforts to eliminate polio in the State of Arizona. At that time I pointed out that this program was carried on with no Federal direction or assistance and reflected the responsible attitude which citizens in every corner of the country have toward meeting civic problems. Since the time I first remarked on this program in my State, it has continued with remarkable success. In reporting on a speech by Dr. Albert B. Sabin, creator of the oral polio vaccine, the Phoenix, Ariz., Republic stated:

> Maricopa County's Sabin Oral Sundays were the largest volunteer program of their kind in the world.

The news story went on to quote Dr. Sabin as saying:

> Phoenix and Maricopa County proved that organized medicine and the community, on a cooperative basis could perform a public experiment so successful that other areas of the country were glad to copy it.

Mr. President, I ask unanimous consent that the news story headlined "World Record Set by Sabin Sundays," printed in the April 29, 1962, issue of the Arizona Republic, be inserted in the RECORD at this point of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WORLD RECORD SET BY SABIN SUNDAYS

Maricopa County's Sabin Oral Sundays were the largest voluntary program of their kind in the world.

Dr. Albert B. Sabin, creator of the oral polio vaccine, told a Phoenix Press Club forum yesterday that the "incredible thing about this is that it was done almost entirely with volunteers. And you didn't have to go to the city or State for money."

The veteran medical researcher said Phoenix and Maricopa County proved that organized medicine and the community, on a cooperative basis, could perform a public experiment so successful that other areas of the country were glad to copy it.

"The ball wasn't fumbled here," said Dr. Sabin. "As a matter of fact, the entire experiment resulted in the most enthusiastic cooperation. We hope what you have done will become even more catching."

Dr. Sabin admitted he "didn't have much hope that the Phoenix procedure would be successful."

"The results," he added, "were much greater than anyone could have anticipated."

Paying tribute to the Maricopa County Medical Society and Dr. Richard B. Johns, Phoenix pediatrician and chairman of the SOS, Dr. Sabin said the Phoenix technique is adaptable to any part of the country.

"It would depend upon leadership, however," he declared. "Here, there was no question of leadership."

He has been setting up polio clinics, research programs and checking results in other parts of the world.

Dr. Sabin will spend most of today visiting some of the Sabin Oral Sunday clinics in the county where type III vaccine will be administered to an estimated 600,000 persons on this and the following Sunday.

During the day he also will confer with officials of the County Medical Society which inaugurated the history-making massive immunization programs.

Tomorrow Dr. Sabin will go to Tucson to meet with medical authorities there in charge of a Pima County immunization program patterned after Maricopa County's.

A native of Russia, Dr. Sabin came to this country in 1921. He obtained his degree in medicine from New York University. Since then he has received numerous awards for his research in polio and virus diseases of the nervous system. He is currently associated with the University of Cincinnati School of Medicine.

CHARLES HAGERTY: A LESSON IN DEVOTED PUBLIC SERVICE

Mr. ENGLE. Mr. President, Charles J. Hagerty, one of the really great public servants in California, died recently. A much deserved and eloquent tribute to Mr. Hagerty's memory was made in an article by Herbert L. Phillips, an outstanding political writer for the McClatchy newspapers in California. I ask unanimous consent that the article in the April 29 issue of the Sacramento Bee be included at this point in the RECORD.

I owed Charlie Hagerty many a favor which will forever remain unpaid. He was a friend of every man in public life in California. He was an expert in his field and a devoted, conscientious public servant. I join with Mr. Phillips in his statement that:

> If divine providence loves democracy, as we Americans like to believe, He could further it by sending a few more men with selfless devotion of Charles J. Hagerty to this small and often confused planet.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, Apr. 29, 1962]

CHARLES HAGERTY: A LESSON IN DEVOTED PUBLIC SERVICE

(By Herbert L. Phillips)

Retired Assistant Secretary of State Charles J. Hagerty was a quiet, unpretentious man, a conscientious, hardworking public official who helped to keep California elections clean, honest, and well regulated for almost half a century.

He died at 72, in Sacramento last Wednesday evening. His funeral was yesterday.

It often happens that the powerful executives of Government, the widely hailed reformers, the brilliant orators and the wielders of vast political influence, with controversy inevitably swirling about them, are not remembered as the men who have best served the orderly, day-by-day processes of democracy and contributed most to its durability.

It is sometimes the devoted, less spectacular man, having given a whole life to the drudgery of mastering one particular but significant phase of Government operations, who better epitomizes the virtues of democracy in action and more nearly approaches that elusive ideal we look for but so seldom find—the perfect public servant.

None of us, obviously, attains satisfying perfection in anything, but Charles J. Hagerty, in that important corner of governmental institutions which he made peculiarly his own, perhaps came nearer to it than most men are privileged to do.

Popular government is no better than the integrity of the voting system upon which it is based. The management of California elections, with a strict, unswerving adherence to the complicated laws which govern and protect the rights of men and women at the ballot box, was chosen by Hagerty as his field when he was 23. He pursued it until he was 70.

A consideration of the election history of California since the first decade of this century, contrasted with the flaring scandals in some States and the grievous inequities of discrimination which still exist in others, provides some measure of the legacy of decency which this unassuming man has left behind him.

Charlie Hagerty served California under 3 secretaries of state and during the administrations of 10 Governors.

A native of Rio Vista, Solano County, a child of San Francisco, he went to the State capital in Sacramento in 1912, 2 years after the progressive Republican governorship victory of Hiram W. Johnson and the beginning of Frank C. Jordan's 30-year incumbency as secretary of state.

Over the years, as he worked in and ultimately headed the secretary of state's election supervisory office, Hagerty became recognized as the State's foremost authority on all regulations pertaining to the exercise of the franchise. It was claimed at one time that he could practically recite the election code verbatim. Not only did he enforce the letter of the law with evenhanded justice, but at times, with quiet guidance, he influenced the law's betterment before legislatures where he was regarded with respect and affection.

To many he was a pleasant, obliging, painstaking official, a "nice guy" with a ready Irish smile, whose admitted efficiency was equaled only by his almost excessive modesty. To those who knew him intimately over a long career, which eventually brought him service seniority over all the State's employees, there was much more to it than just that. There was, behind the smile, a self-imposed necessity to labor almost incessantly at the task for which his ability already had become legendary; a private disdain for sham and chicanery; an insistence that all rights of the electorate and of candidates, from the most influential to the lowliest, be safeguarded scrupulously; a deeply held conviction that a square deal for everybody, and without partisan deviation, was an imperative of the democratic system.

One remembers his light often burning in the capitol late at night; his frequent appearance in his office at a morning hour when most State officials still were in bed; his long hours of unrequired work making sure that the candidacy papers of political neophytes were in proper legal order—even those of the Communists back in the days when their party lawfully participated in California elections. It was a matter of pride with Hagerty that, if he could avoid it, no officeseeker should be deprived a legitimate place on the ballot through ignorance of the election code's technicalities. And, to the same end, he kept a watchful eye, coupled with that disarming smile, on California's 58 counties.

This is a far cry from conditions in certain other American jurisdictions where technicalities have been used—and in recent times, too—to bar not only candidates but voters.

When Hagerty finally retired in 1959, the great sum of his unostentatious contribution to good government was hailed by every county clerk and registrar of voters and by almost every other public official in California.

It has been said before, but it will bear repeating, that public civil servants would be much less frequently criticized if there were more Hagerty's in their ranks.

These are a few of the thoughts which come to mind with the passing of this dedicated, shy, humble, hardworking former assistant secretary of state.

God rest his soul. If divine providence loves democracy, as we Americans like to believe, He could further it by sending a few more men with the selfless devotion of Charles J. Hagerty to this small and often confused planet.

INDONESIA-NETHERLANDS DISPUTE OVER WEST NEW GUINEA

Mr. DODD. Mr. President, there have been many articles in the press in recent weeks concerning the conflict between the Netherlands and the Government of Indonesia over West New Guinea. I feel that the gravity of this situation is not commonly understood in this country, and that there is even less understanding of the serious political and strategic implications of the solution now proposed.

Because of these misgivings, I addressed a memorandum to Senator LAUSCHE, as chairman, and to the other members of the Subcommittee on Far Eastern Affairs of the Foreign Relations Committee, urging that hearings be held before any irrevocable policy commitment was made by the State Department.

I ask unanimous consent to insert in the RECORD at the conclusion of my remarks my memorandum on the West New Guinea situation to members of the Subcommittee on Far Eastern Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. In my memorandum, I took the stand that the Indonesian demand for West New Guinea was really fabricated in Moscow, and, despite the present assurances of the Indonesian Government to Australia, the cession of West New Guinea would lead in the very near future to a demand for the cession of the eastern half of the island, which is today under Australian administration.

Since I made this statement, two interesting documents have come to my attention. The first is a joint statement issued by the Dutch and Indonesian Communist Parties which, in my opinion, demonstrates dramatically that the demand for West Irian is made in Moscow. The second document is a broadcast by Radio Moscow on February 23. Commenting on the West New Guinea situation, Radio Moscow said, in effect, that the justness of the Indonesian claim to West New Guinea was recognized by the entire world and that, after the liberation of West New Guinea, it would be the turn of East New Guinea to be "liberated" from colonialism.

I ask unanimous consent that the text of these documents also be inserted into the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 2 and 3.)

Mr. DODD. In my memorandum, I also stated that President Sukarno has shown himself dangerously shortsighted in his dealings with the Communists. In the light of an article which appeared in the Washington Star on April 30, I now believe that this was an understatement. According to this article, President Sukarno boasted of his personal responsibility for the growth of the Communist movement in Indonesia. He was quoted as saying:

> I am very happy to have removed the Communist phobia from the minds of our people. Two years ago communism was regarded as satan and devil by the majority of the Indonesian people. There is general acceptance now of the role they (the Communists) should play.

I ask unanimous consent to have the complete text of this article printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. DODD. Since releasing the text of my memorandum, I have received communications from Australian Senator John A. McCallum and from Dr. J. M. van der Kroef, associate professor of Sociology and Political Science at the University of Bridgeport in Connecticut.

I ask unanimous consent to insert in the RECORD at the conclusion of my remarks the text of the letters from Senator McCallum and Dr. van der Kroef.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. DODD. I earnestly hope that my colleagues will find the time to study these important documents.

EXHIBIT 1

THE INDONESIA–NETHERLANDS DISPUTE OVER WEST NEW GUINEA

To Members of the Subcommittee for Far Eastern Affairs, Senate Foreign Relations Committee.

From Senator THOMAS J. DODD.

The past few weeks have brought ominous news from Netherlands New Guinea.

Negotiations between the Netherlands Government and the Government of Indonesia appear to have broken down. Indonesian commando units have invaded several of the minor islands surrounding New Guinea. The Netherlands forces on the islands have taken countermeasures against the invaders. Meanwhile, the cries of President Sukarno and all the other extremist leaders in Indonesia have become shriller and more threatening.

New Guinea, say the Indonesian extremists, belongs to Indonesia, and the Netherlands must cede it forthwith to Indonesia, or the Indonesian Government will embark on all-out military action to assert its rights to the area. To this the Netherlands replies that New Guinea does not, by any stretch of the imagination, belong to Indonesia and that the only just solution would be to permit the people of West New Guinea to determine their fate in a future vote under U.N. auspices.

The outcome of this dispute will, to a very large degree, depend on the position taken by the United States and by the manner in which we exercise our influence. But our present policy in this matter has been defined only by rumors and by unconfirmed reports in the press. There have been no formal hearings or discussions in depth on the matter with the Senate Foreign Relations Committee; and such hearings should be held before any irrevocable decision is made.

The island of New Guinea, half of which is administered by the Netherlands government and half by Australia, is larger than the State of Texas. It is a land of savage mountains and steaming jungles, a land of incredibly primitive peoples who still practice cannibalism and head hunting, a land whose interior areas are so inaccessible that one might well wonder why anyone should want it and why it should be of any strategic importance.

But the thousands of American boys who died in New Guinea provide the most eloquent testimony to the strategic importance which both sides attached to it in World War II. And the fierce dispute now raging over Netherlands New Guinea and the volume of Communist propaganda on the subject strongly indicate that the island remains of equal strategic importance in the present conflict between the free world and the slave world of communism.

The voices that urge that we avoid unpleasantness with Indonesia by persuading our Dutch allies to cede West New Guinea to the government of President Sukarno do not understand the strategic significance of New Guinea; nor do they appreciate the fact that in turning over control of this territory to President Sukarno, we are turning it over to a government which, of all the governments in the non-Communist world, runs perhaps the greatest chance of falling to communism before the decade is out.

Of all the territorial demands made by the governments of the countries that have recently achieved independence, the claim of the Indonesian Government on Netherlands New Guinea is the most arrant, the most baseless, the most flagrantly imperialistic, the most threatening to the free world, and the most offensive to the spirit of the United Nations Charter.

While we all condemned India's forcible annexation of Goa, it was at least understandable that the Indian people should wish to put an end to this foreign enclave in the territory of the Indian subcontinent. One might question the thesis that the Goan people welcomed their annexation by India; but it is understandable that the Indians should look upon the Goan people as fellow Indians, because ethnically there is no dispute that the Goanese are of Indian stock.

But none of these considerations apply to Indonesia's claim to New Guinea. The Indonesian peoples have no personal nostalgia for West New Guinea, because very few of them have even visited there. They have no sense of ancestral attachment, because none of their ancestors, going back to prehistoric days, ever came from West New Guinea. They have no feelings of brotherly love for the people of Netherlands New Guinea, because there is no common bond of race or language or culture or religion. In short, none of the ingredients that have historically justified nationalist movements, enter into the fraudulent nationalist demands for West New Guinea which are now being advanced by the Sukarno government.

The Indonesian demand for Netherlands New Guinea is not anti-imperialism, as President Sukarno pretends; it is imperialism. It is not anticolonialism; it is new colonialism, which is all the more immoral because it is being advocated by a government that has itself only recently emerged from colonialism, and that should know something of the evil of colonialism.

Geographically, New Guinea is almost a thousand miles removed from Java and the Celebes. It is, in fact, much closer to Australia than it is to the main Indonesian islands. The islands of Indonesia, geographically, are part of the great continental shelf of Southeast Asia. New Guinea, on the other hand, is distinctly a part of the continental shelf of northern Australia.

Ethnically and culturally, the Papuan peoples of New Guinea have absolutely nothing in common with the Indonesians. The Indonesian peoples are of Malay stock. The Papuans are a black people of Melanesian stock who bear no affection for the Indonesians and who would, in fact, look upon Indonesian sovereignty as an intolerable form of imperialism.

Approach the New Guinea dispute from whatever standpoint you wish—from the standpoint of morality or of political common sense, or of international law or of historic tradition—and it is impossible to find a single valid argument to support Indonesia's claim on West New Guinea. That is why the Indonesian Government has consistently refused to submit the case to the International Court in the Hague. And that, too, is why the Indonesian demand that the Netherlands enter into bilateral negotiations on the case of West New Guinea has been repeatedly turned down by the United Nations.

The Dutch position on New Guinea has been clear and positive and irreproachable from every standpoint. The Netherlands Government maintains, and I quote from an official statement:

"That no historical, constitutional, or cultural ties ever existed between Netherlands New Guinea and the territories now known as the Republic of Indonesia; to the contrary, the facts show that the separate and distinct character of West New Guinea was always recognized under the Netherlands Indies administration.

"That far from being included in the transfer of sovereignty over territories now part of the Republic of Indonesia, West New Guinea was specifically excluded, and letters acknowledging and agreeing to this exclusion were exchanged between the Netherlands and the Republic and became part of the official records of the Charter of Transfer of Sovereignty.

"That the Netherlands administration is firmly determined to foster in west New Guinea, through a comprehensive developmental program already well underway, a free political conscience which is a prerequisite for self-determination.

"That this growth toward eventual self-determination would be automatically exterminated if West New Guinea were arbitrarily to be made part of the Republic (of Indonesia)."

Far from exploting West New Guinea, the Dutch have been sinking many millions of dollars into the country each year to develop its economy and to educate its people toward self-government.

Considering the forbidding geography of New Guinea and considering the fact that its peoples were among the most primitive to be found anywhere in the world, the progress registered by the Netherlands administration has perhaps not been equaled in any other country.

Of the 700,000 Papuans in Netherlands New Guinea, about 400,000 live in areas that have been brought under administrative control. In these areas, fully 80 percent of the children are receiving education. There are almost 1,000 schools functioning in the country, including secondary and technical schools and teachers' training courses.

At the end of 1959, native Papuans held 52 percent of the civil service posts, and the Government of the Netherlands had committed itself to raise this percentage to 95 percent by 1970.

The Netherlands administration has also been moving rapidly to provide the Papuans with an adequate economic base for ultimate self-government. There have been vast increases in the production of nutmeg and coconut and cocoa and other crops; a lumber industry has been built up; and geological surveys have turned up promising deposits of minerals.

All of this progress would be lost if, through the delinquency of the United Nations and the weakness of the Western Powers, the Netherlands were forced to cede New Guinea to the Indonesian expansionists.

But much more than this would be lost. As the Right Honorable R. G. Casey, former Australian Minister of External Affairs, has pointed out, "If West New Guinea passed to Indonesia, the native inhabitants would lose once and for all any opportunity of determining their own future."

Why is the Sukarno government so insistent in pressing its claims to this remote island territory? One would imagine that Indonesia had problems enough of its own. Her economy is bogging down. There is galloping inflation. The Christian Science Monitor of April 9 pointed out that Indonesia's financial-economic situation had slumped to one of the lowest points since the proclamation of independence in 1945, and that the price of rice, which is the staple food of the Indonesian diet, had reached the alltime high of $1.10 per kilogram. This is a price which spells near starvation for most of the Indonesian people.

Political parties, with the exception of Sukarno's party and the Communist Party, have been suppressed and many prominent members of the opposition parties have been thrown into prison. And there are large areas of Sumatra and the Celebes and even Java that are not under the firm control of the Central Government.

Why, in the light of all its own difficulties, does Indonesia want to add to her island territories a new territory, peopled by alien and hostile tribes, a territory that can only be developed into an economic asset with substantial capital investment and which, at the best, will remain an economic liability for a period of many years?

The answer to this question is easy to find if one takes the trouble to examine the output of the Communist propaganda apparatus on the subject of New Guinea over the course of the past few years.

The fact is that Indonesia's strident claims to West New Guinea are primarily due to the agitation of the Indonesian Communist Party, the largest Communist Party outside the Soviet bloc, and of the international Communist apparatus. If there were ever any doubt on this score, it should have been dispelled by a UP dispatch from Indonesia which appeared in the Washington Post this last Thursday, April 12. The dispatch described a mass meeting in the city of Jambi, addressed by President Sukarno. After he had whipped the crowd up into a fury with a fiery speech demanding "freedom for West Irian" (the Indonesian name for Netherlands New Guinea), President Sukarno called to the podium one after another, the Ambassadors from the Soviet Union, Hungary, Poland, Yugoslavia, and Communist China. To roars of approval from the crowd, the Communist Ambassadors all shouted: "Meredeka Irian barat." (freedom for West Irian). They were joined in this dismal and undiplomatic display by the Ambassadors from India and Burma.

Before we commit ourselves to the support of Indonesia's demands, it would be well to ponder the significance of this demonstration.

As in so many other cases, the Communists have pointed the way to an ultranationalist position, and they have been able to carry the extreme nationalists along with them in agitating for this position. And in Indonesia the Communists have found this particularly easy because President Sukarno has been so willfully shortsighted with regard to communism, and because he is so desperately seeking to divert popular attention from the problems begotten by this own administration.

This leads us to the next question: Why are Moscow and Peiping so intensely interested in this remote underdeveloped jungle territory? The strategic and political significance of West New Guinea becomes immediately apparent from a look at the map of the southern Pacific.

New Guinea lies athwart the trade routes between southeast Asia and Australia, from which it is separated by only 150 miles of water. It lies squarely between the two most important and most reliable SEATO nations—Australia and the Philippines.

Less than a year ago, when I was in the Far East, I discussed the situation in southeast Asia with a member of the Australian Senate. Australia and New Zealand were very worried over the situation in Laos, he told me, and that was why they had taken a stand in favor of SEATO intervention in Laos to prevent a Communist takeover. They were afraid that the fall of Laos would pave the way for Communist takeovers in Cambodia, Vietnam, Thailand, Malaya, and Burma. And once the mainland of southeast Asia was firmly under Communist control, Indonesia, they felt, would be a pushover; it would be a pushover because the Communist Party there was already so powerful and because President Sukarno had done so much to weaken and destroy the anti-Communist forces.

"We see the tide of Asian communism creeping down toward us," said the Senator from Australia, "and we know that if it succeeds in conquering southeast Asia and Indonesia, we are doomed." In a future that may lie only several decades ahead, he warned, Indonesia and New Guinea might be used as springboards for an Asian-Communist invasion of Australia. But long before this came about, he pointed out, the entire strategic position of the free world would be gravely compromised if the forces of world communism held control of the whole Pacific littoral, from the Bering Straits to Singapore, and of the southern island chain from Sumatra to New Guinea. For if this ever came to pass, the Communists would, in effect, have cut the world in half.

The Communists are inciting and supporting the Indonesian agitation for West New Guinea because they do look far ahead, because they do have long range strategic aims, and because they are confident that the time is not too far distant when the hammer and sickle of communism will fly throughout the lands of southeast Asia and the islands of Indonesia.

For the moment, the Indonesian Government takes the stand that its claim extends only to West New Guinea, and not to the eastern portion of the island which is a non-self-governing territory under the Commonwealth of Australia. In fact, President Sukarno has gone out of his way to assure the Australians that Indonesia has no pretensions of any kind to East New Guinea. But the Australians are skeptical about these assurances; and who can blame them for being skeptical?

It is in the interest of the free world, it is in the interest of the people of New Guinea, it is in the ultimate interest of the United Nations, that the people of New Guinea, after an appropriate period of preparation, be given the right to determine for themselves what form of government they wish to have and what political affiliations they wish to enter into.

To deny this right to the people of New Guinea would be to abandon the cardinal principle on which the United Nations is based; the right of all peoples everywhere to determine for themselves the form of government desirable to them.

To accede passively to the hysterical demands of the Indonesian Communists and nationalists by surrendering New Guinea to them would gravely imperil the future of Australia and the Philippines and of all the free world's positions in the west Pacific.

Many people have been disturbed by the fact that we have taken no action and made no protests when the Indonesian Government has flouted the United Nation's Charter by its repeated public announcements that it planned to take West New Guinea by force, if it were not ceded peacefully.

They have been even more disturbed by the fact that when our Dutch NATO allies sought to transport troops to New Guinea in order to defend a non-self-governing territory of which they are recognized as the legal administrators by the U.N. against a threatened invasion in violation of the U.N. Charter, we reacted to this situation by denying our NATO allies the right to land and refuel their transport planes at American Pacific bases.

But they have been most disturbed, by the persistent reports that we are endeavoring to persuade, or perhaps I should say, to pressure our Dutch NATO allies to cede West New Guinea to Indonesia without a fight. Only last week, the Washington Star carried an AP story which spoke of a reported U.S. proposal that the administration of West New Guinea be switched from Dutch to Indonesian control over a 2-year period. According to this story, the reported proposal met with stiff opposition from The Hague, which still insists that self-determination under U.N. auspices is the only proper way to dispose of the fate of the Papuan people. According to the same story, President Sukarno told a cheering crowd in South Sumatra that he holds to his pledge to put his government in control of the disputed territory by the end of the year. "Who said I want to accept a 2-year condition?" he asked rhetorically.

I earnestly hope that these reports, at least as they relate to the attitude of the U.S. Government, are in error.

I earnestly hope that we are not endeavoring to appease Sukarno and his Communist supporters at the expense of our NATO and SEATO allies.

I earnestly hope that we will not seek thus to ingratiate ourselves with Sukarno, Nehru, Nasser and Nkrumah, despite the fact that this action would break the hearts of our staunch allies in Australia, the Philippines, New Zealand and Thailand; despite the fact that it would place further serious stress on NATO; despite the obvious peril it would create to the free nations in the area and to the strategic position of the free world.

I earnestly hope that in any action we take with regard to West New Guinea, we will be guided above everything else by considerations of morality and by the basic principles on which the United Nations is founded. For in this situation, as in so many other situations, the path of morality coincides with the enlightened self-interest of the free world.

Since the United States first achieved its own independence, it has remained a stanch friend and supporter of the cause of national liberation and of every nation, young or ancient, seeking freedom from foreign bondage. In the post World War II period, the moral influence of the United States has played a role of central importance in bringing about the peaceful liberation of the great majority of the colonial countries. The colonial countries have had no better friend than the United States: our record in this respect is something of which we have every reason to be proud. But having supported the colonial countries in their struggle for independence, we can not be indifferent to the new and infinitely greater danger of Communist colonialism which now threatens many of these countries. Nor can we, out of our long-standing sympathy for the national aspirations of these countries, permit or assist these newborn countries to establish their own systems of imperialist and colonial subjugation in neighboring territories.

In approaching the dispute over Netherlands New Guinea, we should say these things frankly but firmly to our friends, to our enemies, and to the recently liberated neutralist nations, some of whom, unfortunately, are not prepared to concede the same right to other peoples that they demand for themselves.

Exhibit 2

[From World Marxist Review]

Unity in the Struggle Against Colonialism

The delegations of the Dutch and Indonesian Communist parties to the 22d Congress of the CPSU exchanged views on questions of interest to both parties and the peoples of their countries and adopted a joint statement.

They expressed the view that the settlement of the West Irian question would signify the complete abolition of colonialism in what was called the Netherlands East Indies. Such a settlement, however, has been fiercely opposed for more than 10 years by the Dutch reactionaries, despite the protests of the Afro-Asian peoples and the U.N. resolution on the complete liquidation of colonialism.

The two parties, the statement says, resolutely reject the shameful policy of the so-called self-determination for West Irian through the mediation of the U.N., as suggested by the Dutch Foreign Minister Luns. This is a barely disguised attempt to use the United Nations as a cover for the U.S.-Dutch colonization of West Irian. The two delegations reaffirmed their conviction that the way to settle the question lies in the immediate and unconditional transfer of West Irian to Indonesia.

If the Dutch reactionaries persist in their refusal to do this, they will deliberately provoke a war with Indonesia over West Irian. In the event of war breaking out this would be for the people of Indonesia a just war of liberation which would complete the struggle for independence started by them on August 17, 1945. This war would, doubtlessly, get much greater support from all the anticolonial and progressive forces, including those of the Netherlands, than was the case in 1947 and 1948. For the Dutch imperialists it would be a colonial war, a hopeless adventure which would shock the whole of mankind, a protracted and hard war in which the blood of both Dutch and Indonesian people would be shed. The two delegations stressed that the danger of such a war and its consequences should not be underestimated.

The two parties declared that they would do everything to consolidate and rally the progressive forces of their countries in the struggle for the transfer of West Irian to Indonesia and that this would be their contribution to the cause of preserving world peace.

Exhibit 3

[From U.S.S.R. International Affairs, Mar. 9, 1962]

Demise of Australian Colonialism Seen

(Moscow in Indonesian to Indonesia, Feb. 23, 1962)

(Lev Armasov commentary: "The Approaching Storm")

Dear listeners: I am quite certain that not many among you have heard of an island called Buka. It is located in the Solomons group, which belongs to East New Guinea and is placed under Australian trusteeship. At present, the name of the island is frequently quoted in the press. What has happened there?

Due to their heavy burdens the Buka islanders refused to pay extremely high taxes. Since then, Australian authorities decided forcefully to (collect taxes?) from the islanders. For this purpose the police were strengthened considerably. The police took firm action against resentful citizens and arrested them. In defiance, several thousand islanders, armed only with spears, hatchets, and rocks, resisted the colonialists. The Australian authorities then started to use firearms. Bloodshed followed. Nevertheless, the Buka islanders refused to surrender and continued their struggle. The administrator of Papua and New Guinea, Cleland, has stated that the crisis on Buka Island has taken the form of a real war.

The events on Buka are not (restricted only to that island?). The events reflect the awakening of the national freedom movement even in the most isolated regions still under colonial oppression. East New Guinea has arisen from the long darkness of the disgusting colonial regime established there by Australia in violation of its international obligations. The anticolonial movement in that region has been largely influenced by the growing national freedom movement in neighboring West Irian, where the Dutch feel as if they were sitting on a volcano.

People in East New Guinea and the nearby islands, who are witnessing the approaching moment of the unavoidable downfall of Dutch colonialism, are intensifying their struggle against the Australian colonialists for complete independence and freedom of their country. The West Irian people's struggle for reunification with the Indonesian Republic and the struggle of those in East New Guinea for freedom are both anticolonial movements. The Dutch colonialists and their friends in Australia, in their colonial plundering, look with great fear at the approaching storm; they have pledged mutual solidarity and support.

Responsible Australian leaders have intimidated Indonesia. For instance, Australian Defense Minister Townley has stated that the Australian armed forces were never as ready for combat as they are at present. He also stated that the Australian armed forces are ready to take action together with those of its allies firmly and effectively. The Australian bourgeois press has launched an anti-Indonesian campaign and asks not to let a possible enemy enter New Guinea. In Canberra people hold the view that if West Irian frees itself from Dutch colonialism and eventually joins the Indonesian Republic, the freedom movement in East New Guinea will spread with more interest. Australian administrators may then have to pack their belongings and leave the territory.

The loss of the territory will be a great blow to colonialists of the Australian bourgeoisie. In that region, Australian monopolists have produced gold, platinum, silver, bronze, oil, copra, lumber, and other valuable raw material. By cruelly exploiting cheap manpower, every year they make extraordinary huge profits.

Most of mankind has approved the declaration, introduced by the Soviet Union, on granting freedom to colonial nations and countries, including trust territories. Those who refuse to honor the declaration and act in contradiction to the wish of the people will certainly lose. People in the colonial territories and trust territories will achieve their independence and freedom.

EXHIBIT 4

[From the Washington Evening Star, Apr. 30, 1962]

SUKARNO TAKES CREDIT FOR COMMUNIST GAIN

JAKARTA, INDONESIA, April 30.—President Sukarno declared today he had brought respectability to Indonesia's Communists because he is convinced they are beneficial to this young nation.

Mr. Sukarno, who is trying to establish a socialist state, told the closing session of the Communist Party Congress: "I am very happy to have removed the Communist phobia from the minds of our people. Two years ago communism was regarded as satan and devil by the majority of the Indonesian people."

Some people in Indonesia still discriminate against Communists, Mr. Sukarno said, but added: "There is general acceptance now of the role they should play."

Indonesia's Communist Party claims 2 million members.

Mr. Sukarno said the Communists have become strong because of their opposition to imperialism and their full backing of Indonesia's claim to West New Guinea now held by the Dutch.

"You may say I give room to Communists and that I encourage them," Mr. Sukarno said. "But I have often emphasized I am serving the people's interest."

Mr. Sukarno called on the Communists, "let us go ahead together to complete our revolution."

Resolutions adopted by the Communist Congress were critical of government inaction in the worsening economic situation. The congress also called for the ending of martial law, promised by Mr. Sukarno more than a year ago.

The party also urged full implementation of Mr. Sukarno's political manifesto of 1959 which provides the Communists a share in governing.

EXHIBIT 5

UNIVERSITY OF BRIDGEPORT,
Bridgeport, Conn., April 23, 1962.

Senator THOMAS J. DODD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DODD: I heartily endorse your recent demand that hearings be held on American policy in the Dutch-Indonesian dispute over the future of West New Guinea. The threat of Indonesia to the aspirations of the people of West New Guinea is also a threat to the safety and leadership of the United States in the entire South Pacific area.

I would greatly appreciate receiving from you the text of the memorandum addressed to the Far Eastern Affairs Subcommittee of the Senate Foreign Relations Committee in which you urge that an inquiry be held into the policy of the United States in the West New Guinea dispute.

I have for many years been professionally engaged in the study of the West New Guinea problem and in Indonesian affairs. Herewith I include some recent publications of mine on the subject in the hope that these will be of some interest.

Sincerely yours,
DR. J. M. VAN DER KROEF,
Associate Professor of Sociology and Political Science, University of Bridgeport.

THE SENATE,
COMMONWEALTH OF AUSTRALIA,
Sydney, April 19, 1962.

Senator THOMAS J. DODD,
Washington, D.C.

MY DEAR SENATOR: I wish to thank you for your opposition to the Indonesian claim to West New Guinea. I completely agree with you.

Unfortunately, my only chance to influence policy is to say what I think privately to ministers and to members and to state the case against Indonesia in the Senate in rather academic terms. * * *

I was recently in the United States. Both at Washington and St. Louis I tried to persuade the many good friends I met that Sukarno's claim was unjust and spurious, that it means "imperialism" and "colonialism" and that Holland's administration of West New Guinea was a genuine new deal for the natives. (I have visited the Netherlands New Guinea and found their civil service, and especially their education service, excellent.) I was told that the policy of your Department of State was to build up Indonesia as an anti-Communist bastion and that New Guinea was the price. The policy of our government is to place the American alliance first and I fully support this. But I feel that on this issue we should have stood firmly by the Netherlands.

Your statement gives me great hope that an opportunity of a change in policy may come.

Yours sincerely,
JOHN A. MCCALLUM,
Senator for New South Wales and Member of Parliamentary Committee on Foreign Affairs.

EDUCATIONAL TELEVISION NEW TOOL TO HELP ENLIGHTEN MANKIND

Mr. GRUENING. Mr. President, May 1, 1962, will one day appear in U.S. history textbooks as the date President Kennedy signed Public Law 87–447, legislation designed to expedite the utilization of television facilities for educational purposes.

It is proper, I suggest, that the educational television bill should have been signed on May 1. In the countries whose rulers would destroy the free world, displays of military might were paraded before the populace even as part of that populace starved or rotted in prison camps.

In the United States on May 1 children exchange May Day baskets of flowers, and this year the Nation's President placed his written approval on S. 205 which provides the tools to help educate mankind.

Television might be, as able Federal Communications Chairman Newton Minow dared to observe last year, "a wasteland."

Television can be a wonderland—opening wide the doors of learning to all mankind. It is a medium of communications whose maximum good is as yet unknown, untested, and untried.

I am confident that the tools provided in S. 205 will help television to face and meet the challenges this century has hurled at it. As Mr. Fred Hechinger, education editor of the New York Times, has written:

> The place of TV in education should be the same as that of books. Bad books are of no help in education. Bad teaching is magnified many times over on TV. By the same token, good teaching is not only magnified by TV, but becomes contagious.

When my good friend and able colleague, the Senator from Washington, the chairman of the Senate Interstate and Foreign Commerce Committee [Mr. MAGNUSON], reported S. 205, the written report submitted March 14, 1961, stated:

> Through education television great teachers can fire the imagination and kindle the desire to excel in thousands of students simultaneously and the thoughts of these teachers can be instilled permanently on tape. The greatest minds of our time can share their knowledge with pupils all over the country and eventually all over the world. Their skill, their knowledge, and their experience can be brought to the small schools located thousands of miles away through the medium of television.

America and the world can be grateful that the Senator from Washington [Mr. MAGNUSON] had the determination and foresight to fight for the legislative tools which will give educational television the assistance it needs to be utilized properly. Let us hope each State avails itself of these tools which he sought to provide during the 85th and 86th Congresses.

I am proud that it has been possible for me to support educational television legislation since I have been a member of the United States Senate.

We of the West have not been asleep. Thirteen Western States have an interstate compact establishing the Western Interstate Commission for Higher Education. It is popularly known as WICHE. Alaska is a member of the Commission which has as one of its goals that of promoting an exchange of college television teaching and assisting in promoting interstate cooperation and higher education in graduate professions, technical fields, and in health provisions.

I will not dwell at length on the need for educational television—ETV—because we have recognized that need. Obviously, when only 62 educational channels of the 273 reserved for this purpose by the Federal Communications System 9 years ago had been used, there was a need. The new legislation ought to go a long way toward taking care of the needs of schools and colleges in this vast new field of education.

And I believe my good friend the capable junior Senator from Oregon [Mrs. NEUBERGER] was correct when she remarked on this floor April 17 that:

> Educational television promises the most fundamental advance in educational methods since the invention of the printing press 500 years ago.

Public Law 87–447 amends the Communications Act of 1934 to provide Federal matching grants, up to the limit of $1 million per State, for the acquisition and installation of transmission equipment for educational television facilities. This assistance will, I hope, be helpful to the nine television stations in Alaska.

Alaska's terrain is vast. Its mountains are high and its population either concentrated in a few cities or sparsely scattered throughout its 586,000 square miles. Many Alaskans cannot come to the bigger cities because there are no roads today which make such trips possible. One day I am hopeful that this condition will have been corrected. A positive step is contained in Senate Joint Resolution 137 which I sponsored and which has been reported by the Senate Public Works Committee and contains funds with which to make road surveys beyond those at present provided in the State's program. But pending roads development, Alaskan educational needs in outlying areas are, because of the lack of transportation, unique. So ETV programs can, in part, expand tremendously in educational opportunities in Alaska.

Public Law 87-447 authorizes 50 percent matching grants for initial construction of a facility plus 25 percent of the cost of an already constructed facility, for expansion of that facility, up to a limit of 75 percent of the cost of the expansion.

The law provides:

> Sums appropriated pursuant to sec. 390 which provides for matching grants shall remain available for payments of such grants for projects for which applications, approved under section 392, have been submitted under such section prior to July 1, 1968.

The money shall be used to expedite the utilization of television transmission facilities in public schools and colleges, and in adult training programs. It will be of importance to Alaska's schools.

In States having educational television agencies, applicants for construction grants must first notify such agencies. Otherwise the Secretary of Health, Education, and Welfare has been designated to administer the program.

The House and Senate conferees wisely agreed that "under no circumstances should the ETV program be subordinated to or tied in with other Federal programs in the field of education." The Secretary of Health, Education, and Welfare was given the responsibility for the execution of the program so that the program could immediately get underway.

Other help is available immediately through the Federal Communications Commission which has established in its Broadcast Bureau an Office of Research and Education which is to assist educational broadcasters in their efforts to expand and improve educational broadcasting.

To whom may grants be made?

The law provides that construction grants may go to "any nonprofit foundation, corporation, or association, which is organized primarily to engage in or encourage educational television broadcasting and which is eligible according to the rules and regulations of the Federal Communications Commission in effect on April 12, 1962, to receive a license from the Commission for a noncommercial educational broadcasting station."

And, of course, applicants may be:

First. An agency or officer responsible for the supervision of public elementary or secondary education or public higher education within that State, or within a political subdivision thereof.

Second. The State educational television agency

Third. A college or university deriving its support in whole or in part from tax revenues.

Regrettably, Mr. President, even today, after the successful fight to expand the vistas of television in education, too few Americans are familiar with educational television because their communities do not have educational television stations. The matching funds available under Public Law 87-447 should correct this blackout.

Education is a formidable weapon against the forces of tyranny of any age. If we are to know "why," we must know "how."

The Senate in 1961 passed S. 1021, the administration's education bill, which provided funds for public school maintenance and construction and for teachers' salaries. I strongly supported this measure, after securing an amendment which by a change of formula increased Alaska's participation, for the bill would have been helpful in all States.

Now it appears that a desirable bill or similar legislation will not be reported by the House Rules Committee in this Congress. Thus, other means must be used to promote education.

Under the terms of the public law which makes possible matching grants for educational television purposes the States can apply aids to plug at least a part of the gaps now facing educators. Millions of Americans own television sets.

Many of these sets are in Alaska.

In Alaska there is no direct tie-in with the television networks of the lower 48 States. This truth always appalls those who hear it for the first time. It seems incredible that this situation exists in the 20th century. But it does, and Alaskans, as well as Hawaiians meet the challenge in the best way they can.

Our television stations use tapes. We see the programs a week later than most other viewers, but we see them on film tapes.

Education television can be utilized in the same fashion. But we do need the help provided in Public Law 87-447.

Our isolated communities ofttimes have the services of a single teacher, a teacher who may be overworked and underpaid. The assistance available through educational television channels cannot be weighed in dollars.

Of course, we will face obstacles. But men have crossed mountains before.

Education is on the march. As I have often had occasion to remark, education and democracy are one and inseparable. We move ahead with education television. We can move forward more rapidly if ETV is implemented with other tools such as those provided in S. 349, introduced by my capable and good friend the Senator from Texas [Mr. YARBOROUGH] and now pending on the Senate Calendar. I have cosponsored S. 349 because it would give veterans who served in the Armed Forces between January 31, 1955, and July 1, 1963, the educational benefits received by those who served in the Korean war. Some people have called this the cold war GI bill. I doubt that anyone would argue that this is not a time of cold war. We need every weapon available to win this battle. Education is available if we but avail ourselves of the opportunity.

Television is a powerful and vital medium. It should be so used. In our Nation today live nearly 8 million adult Americans who are illiterate. This is shocking and unnecessary. Adult education programs on television can help us correct this situation.

THE LAND-GRANT TRADITION IN AMERICAN EDUCATION

Mr. HUMPHREY. Mr. President, recently the University of Minnesota—a land-grant college and university—held a formal convocation to celebrate the centenary of the Land Grant Act. The president emeritus of the university, Dr. J. L. Morrill, addressed the convocation; and I think his remarks are worthy of the attention of my colleagues in the Senate. Dr. Morrill is one of the truly great educators and educational administrators. I should also like to point out a fact which has great significance for me. Dr. Morrill states in his address that the author of the Land Grant Act was Justin Smith Morrill, U.S. Senator from Vermont, and that he has always wanted to believe that there is a family relationship, although he has never been able to prove it. Let me simply say that, in my opinion, if Senator Morrill could be with us today, he would be happy to claim relationship to this educator who has done so much for the State of Minnesota and for our Nation.

I ask unanimous consent that this significant address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE LAND-GRANT TRADITION IN AMERICAN EDUCATION

(Land-grant centennial convocation address by J. L. Morrill, president emeritus, University of Minnesota, Apr. 13, 1962, University of Minnesota)

Mr. President, members of the university, regents, faculty and staff, students and alumni, distinguished official guests and friends, ladies and gentlemen, speakers often begin by saying, "It's a pleasure to be here," and sometimes you have the feeling that they "say that to all the girls."

In Norway and Sweden some years ago—where any Minnesotan finds warm welcome—I was the special guest at a university dinner. This was not long after the World War when the traditional friendly relations between the two countries were a bit strained. Sweden had escaped the tragedy of the Nazi occupation of Norway, and this made a difference.

When I said goodby to the rector of the university that night—and I won't say whether it was a Swedish or Norwegian university—he remarked with some feeling: "I'm glad you came to our country first on your visit. You will receive elaborate courtesy when you get to the other country, I'm sure. The difference will be that we mean it."

Well, it is a pleasure for me to be here today—and I do mean it. To stand in this great hall again, among so many with whom I lived and worked, brings a wealth of rewarding remembrance. Like Antaeus of old, to touch again the ground of this campus renews my strength and inspiration.

For here were spent the most important years of my life, associated with others, on and off the several campuses of this great institution, sharing the endeavor to build a university worthy of the confidence, the support and the finest aspirations of the good people of Minnesota.

I envy President Wilson his succession to that responsibility. I share what I know must be your respect for the high intellectual and administrative competence and deep sense of commitment that he brings to it. I congratulate the university upon the good fortune of his leadership.

We celebrate in this convocation the centennial of the congressional enactment 100 years ago of the so-called Land-Grant College Act—an educational emancipation act signed by President Abraham Lincoln, different to be sure from that great man's emancipation of the slaves, yet worthy of comparison with it in its impact on the American destiny.

For it was more than an act. It was an idea—the idea, as Chancellor Deane Malott of Cornell has said, of "the future in the process of being born." Defined in one way it was just the idea that the Federal Government would join hands with the States to establish a system of higher education in this country different from any in the Nation then, or in the world.

The author of the act, its unremitting congressional sponsor—Justin Smith Morrill, U.S. Senator from Vermont—stated his purpose quite simply: "I would have higher learning more widely disseminated," he said. This great university of ours and the 67 other land-grant colleges and universities (at least one in every State) are one result of his aim.

But there were other outcomes. The land-grant idea has penetrated and influenced American higher education, both public and private, in all of our 2,000 colleges and universities. Along with America's invention of the 4-year liberal college, it has been one of this country's two contributions to the whole tradition of higher learning in the Western World.

I wish I could claim to be a direct descendant of Justin S. Morrill. I like to think—but have never been able to prove it—that there is a family relationship because my paternal grandparents came from Massachusetts, where he was born, and from Vermont where from early childhood he lived and worked and died.

He rose to eminence from early New England hardship, the son of a blacksmith, with no formal schooling beyond the age of 14. He was largely self-taught by reading. His youthful yearning for books he never forgot. The great Congressional Library in Washington today, with its 12 million volumes, is also a monument to his senatorial labors. It was just a national reading room when his persistence converted it to what has now become one of the world's great libraries.

Great men and minds have struggled to conceive, in their time, the meaning and mission of universities. We remember the celebrated Cardinal Newman's book, "The Idea of a University," and his often-quoted statement that "if, then, a practical end must be assigned to a university course, I say it is that of training good members of society."

We recall Thomas Jefferson's letter to George Wythe in 1786 in which he wrote: "I think by far the most important bill in our whole code is the diffusion of knowledge among our people," and his founding of the University of Virginia for which he hoped to be longest remembered.

In his thoughtful book on "The University in a Changing World," Prof. Walter Kotschnig wrote many years ago that "the character of a university is determined by the idea of knowledge which it professes to advance, by the type of man it purports to produce, and by the economic, social, and political community in which it finds itself."

This I remembered when I heard President Wilson of this university say to a distinguished group of North and South American educators in Rio de Janeiro last month that national aims and needs should not only control the aims of education but that education must also help to shape these aims as a prime instrument of social change.

This philosophy, let us look back and remember today, was at the heart of the Land-Grant Act of 1862, which provided and I quote, for "the endowment, support and maintenance of at least one college in each State where the leading object shall be, without excluding other scientific or classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts * * * in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life."

That was it: the crux of the charter for what has been described as "the most comprehensive system of scientific, technical and practical higher education the world has ever known"—for what former President Frank P. Graham of the University of North Carolina has declared was "one of the most creative developments in the history of democracy in the world."

It broke the mold of higher education in that early day, widening its limits to comprehend not only classical and traditional liberal education, but also the practical purpose of knowledge for use. It brought workaday agriculture and the mechanic arts into the academic environment, gaining dignity and academic acceptance and the methodology of science and scholarship thereby. It added the challenge of useful relevance to a concept of higher education too remote from the needs of the Nation a century ago.

It opened far wider the doors of educational opportunity, not only for men but for women. Its requirement of military training was the forerunner of the ROTC which years later led Gen. George C. Marshall to say that the ROTC program speeded mobilization for World War II by 6 months of precious time. More than half of the officers thus available came from our land-grant campuses.

The Federal endowment, provided in the act, of 30,000 acres of federally owned land to each State for each of its Representatives in Congress, was the touchstone of the enterprise. At the University of Minnesota, this became the nucleus of one of our sources of support which yields only a little more than $1 million each year toward the multimillion dollar budget of the university. Thus, the 1862 act was the encouraging catalyst for the generous legislative support which, increasing over the years, has built this institution to its present eminence and integrity.

In these days of legislative and taxpayers association debate over the relation of public revenues and public responsibilities, let us remember and revere the vision of the Congress 100 years ago and of the pioneer State legislature of the Minnesota Territory in 1851.

For it was in that year, 1851, that those pioneers in what was then, as Dean Theodore C. Blegen has described it, "a land of lonely lakes and rivers"; that these men—struggling to maintain the barest kind of elementary education—dared to dream of founding a great university which their descendants have brought into being. The institution they founded was designated by the State legislature 16 years later as the Land-Grant College of Minnesota.

And it was the Nation's Representatives in the Congress a century ago, as Mr. Russell I. Thackery, executive secretary of the American Association of Land-Grant Colleges and State Universities, has written, who, "in a country torn by internal dissension to the point that its very existence was threatened (by civil war), bankrupt and dependent upon printing press money, had the courage to give away vast areas of the public domain in the faith that the education of young people was a better investment by far than the hope that a huge land speculation might sometime balance the budget."

With what result? What is the measure of the land-grant century?

Who can measure the impact upon society of trained intelligence at work in the myriad pursuits and professions of life, in the advancement of knowledge for use, and the never-ending search for new truths?

The statistics of the moment are these:

Sixty-eight land-grant colleges and universities in 50 States, with 100,000 teachers and researchers and extension workers, and with 600,000 students, one-fifth of the Nation's higher education enrollment.

These institutions confer approximately 105,000 degrees annually in 160 fields of study, granting 22 percent of all bachelor degrees conferred, 25 percent of the masters and 30 percent of the doctorates, with far higher percentages in agriculture, technology, mathematics, and the sciences. Twenty-one of America's living Nobel Prize winners studied in land-grant colleges.

By throwing far wider open the door to educational opportunity these institutions led the way in harvesting the talent and brainpower of the Nation on a scale nowhere matched in the world today.

In one of the papers prepared for the conference at Rio de Janeiro which President Wilson and I attended, this sentence occurred: "No institution can escape its past. And none can escape its present or its obligation to the future."

New occasions teach new duties. Education and the social institutions to carry it forward—the schools and colleges and universities—require reappraisal, reorganization and redirection to meet the challenge of time and change. The Land-Grant Act 100 years ago was itself the result of that requirement.

It was not the colleges of that day which were the inspiration of that reform, it must be said. Most of them, indeed, were hostile to the establishment and support of the land-grant institutions in their States: the cow colleges as they called them. For it is always hard to see outside the system in which we find ourselves.

The early land-grant college, with its special concern for agriculture has long since lost its original identity. It ranges today into almost every realm of knowledge. It has fulfilled the ancient admonition to find itself by losing itself.

But deep in that identity was the determination to pioneer; to break new ground; to discern and to respond to the needs of the time. That challenge to pioneer still stands—but now to meet a need the founders could not then foresee. Let me speak of this—it is very much on my mind.

It is the challenge of "The University and World Affairs." For world affairs have become American affairs with a vengeance. All of us find ourselves, like it or not, citizens of the world as never before.

Today we find ourselves rudely awakened, not to ancient Homer's "rosy-fingered dawn," but to what Dr. Detlev Bronk, in his Gideon Seymour lecture here, called the jet-powered dawn. Every day, as some "wag" said, it seems to take less time to fly the ocean, but longer to find a place to park.

Last New Year's, when the newspapers and magazines were full, as usual, of prophecies for the future, I read the prediction of a noted French authority on aviation. Jet passenger planes, he said, will fly at mach 3 within the next 10 years—three times the speed of sound.

You would be able to leave Paris at 11 a.m., having had your breakfast, he said, and because of the time-zone difference, arrive in New York at 8:20 a.m., just in time for breakfast. Then, leaving New York for Los Angeles, you would arrive there at 7:45 a.m.—and breakfast.

And so the whole wide world is at our doorstep—a world in which distance has disappeared; a world in which we find ourselves confronted, and outnumbered, by peoples, and problems with whom, and with which, we must somehow deal (if only in self-defense) with greater understanding and assistance and good will.

And this isn't easy, for, as the philosopher, Whitehead, once wrote: "The love of humanity as such (too often) is instigated by a violent dislike of the next-door neighbor." Cuba, for example, just 90 miles from our shores.

All this is the more on my mind because of my recent membership on a committee including men of such eminence and experience as Mr. Dean Rusk, our Secretary of State, and Senator J. W. FULBRIGHT, chairman of the U.S. Senate Committee on Foreign Affairs.

In the very first paragraphs of its report on "The Role of the University and World Affairs," our committee said, and I quote:

"The American university is caught in a rush of events that shakes its tradition of scholarship and tests its ability to adapt and to grow. The United States is just awakening to the fact that world affairs are not the concern of the diplomat and soldier alone. They involve the businessman, the farmer, the laborer, the economist, the lawyer—indeed, every citizen."

And in "the upsurge of demands for independence and advancement among hundreds of millions abroad who have known little of either * * * they see education as indispensable to their quest for growth and dignity"—and "at the center of these new educational demands stands the American university." So our committee said.

Since leaving the university, too, I have spent some time in India and in East Africa; and in Latin America especially, in connection with the Ford Foundation's overseas development program in that region.

Whatever is meant by "cultural shock" I have surely suffered—to see the thousands of homeless and hopeless unemployed refugees sleeping on the sidewalks in the cold gray dawn at Calcutta. Or little half-naked African children in the Mau Mau countryside of Kenya, attending school in ramshackle shacks open to the rain and weather, but pathetically eager to study and learn. Or the wretched thousands clustered in squalor in shanty settlements, the favelas, on the outskirts of some of South America's splendid cities.

And if you ask, as understandably you might, what possible connection is there between universities and those shivering schoolchildren in the African bush, or the myraid illiterates of Asia and Latin America and their children—there is a good answer to that question.

Old Jonathan Turner, of Illinois, a partner with Justin S. Morrill in the campaign for passage of the Land-Grant Act, gave the answer when he declared that "the whole history of education * * * shows that we must begin with the higher institutions or we can never succeed with the lower, for the plain reason that neither knowledge nor water can run uphill."

Most American universities have not, as yet, made the full-scale and wholehearted commitment to international affairs that the land-grant colleges undertook to make national affairs a century ago. They are just beginning, really, to see outside the Western World of our own heritage and culture; to train our people, as we older ones never were, to meet the problems and prospects of this dangerously divided world; to help in upgrading, through education, the capacities of peoples everywhere for responsible self-government and freedom, for productive and peaceful partnership.

Surely, if we are to think of civilization as the Spanish scholar, Ortega y Gassett, defined it, as "above all, the will to live in common," then what other means to create that will than education?

More than any other group of American universities, I am glad to say, the land-grant institutions have been present-day pioneers on the international frontier.

They have sent more of their professors abroad to the underdeveloped countries than any other group—and Minnesota had a hand in this, I like to recall.

During my service as chairman of the Land-Grant Association executive committee, our association was the first to respond to President Truman's point 4 oversea program appeal, with the appointment of a land-grant college president as its director. And, Mr. Harold Stassen, of Minnesota, was head of the Foreign Operations Administration which conceived the college contract abroad expansion in which our university was an early partner in Korea.

As of a year or so ago, the land-grant colleges and universities were helping to strengthen and to reorganize higher education abroad through 8 contracts in 6 African countries, 7 in European countries, 12 contracts in 9 countries in the Far East (including ours in Korea), 14 in 12 Latin American countries, and 15 in 7 countries of the Near East and south Asia.

In Latin America especially, with its suspicion of so-called U.S. imperialism, American university cooperation and assistance escape that charge. Rector Gomez Millas, of the National University of Chile, has well said why:

"The world of men of science and of educators has to a great extent been international," he says. "In it there is no narrow nationalism * * * as there often is in the political and economic world. Throughout the world, scholars form communities bound by common ideals and common aims. They possess a firm feeling of human responsibility and a great respect for men and values. They try always to speak the language of truth.

"I think that inter-American cooperation must be stimulated on the university level, and in this way mold the leaders of the common future of America."

Two other Latin American leaders have said to me what they think North American higher education can best contribute to the South American scene. Not dams and factories and more money—these can't do the job alone.

Our liberal arts college and the land-grant college can be this country's most helpful exports, Dr. Jose Maria Chaves, one of the founders of the progressive University of the Andes in Colombia, believes. And the land-grant college idea, adapted to Latin American needs, offers the best hope of Latin American university reform to effect social and economic development, President Jaime Benitez of the University of Puerto Rico has declared.

Half of the foreign graduate students and more than a third of the undergraduates from other lands in U.S. institutions are studying in our land-grant colleges. Last year our university ranked fifth among American universities in foreign student enrollments.

We can be proud of that—especially so since our State owes so much to the early immigrant settlers who, with their descendants, have given Minnesota so much of its character. These students bring the wide one world to our door and to our better understanding. I remember so well my meetings here with the student groups from other countries, and wish I might have been here last week to share again in your celebrated International Spring Festival.

The work of our Minnesota World Affairs Center, with its constituent member-groups, has attracted national attention and respect.

Professor Emeritus Harold Quigley's account of the university's early commitment to international relations and its "challenge to isolationism" is a document both of fascinating personal and of historically significant importance. The range and scope of the Center for International Relations and Area Study which he described are impressive. It reveals a strongly internationally minded faculty here.

Our university, a leading land-grant institution, has been a pioneer.

Few of our students, I suppose, and of our Minnesota citizens, have really known what a land-grant university was and is, or even that we are one. Few have known the name of Justin S. Morrill, and of our debt to him.

It is well to be reminded. That is why we are met today. It is well to remember the tradition which is our strength. Someone has said, "History is community memory." Without memory a man, or a nation, is almost mindless—helpless, alone at sea without the compass of experience.

Abraham Lincoln, signer of the Land-Grant Act, once wrote:

"Let us hope * * * that by the best cultivation of the physical world beneath and around us, and the best intellectual and moral world within us, we shall secure an individual, social, and political prosperity and happiness whose course shall be onward and upward—and which, while the earth endures, shall not pass away."

This great objective is the ultimate one of all education; is it not? The mission of the land-grant and all other institutions of learning? A mission widened to world dimensions in this troubled time?

Instinctively, we envision it in terms of democracy—and whatever we mean by "democracy" the land-grant university historically has helped to illuminate, to ennoble and to make productive.

To be sure, the meaning and dimensions of democracy transcend our shores and history. But ours is the oldest major surviving republic on the face of the earth today.

To the poet sometimes is given insight denied even to the statesman:

"Sail, sail thy best, ship of Democracy;
Of value is thy freight; 'tis not the present only,
The past is also stored in thee," Walt Whitman wrote.

"Thou holdest not the venture of thyself
Alone, not of the Western continent alone.

"Earth's résumé entire floats on thy
Keel, O Ship—is steadied by the spars;
With thee time voyages in trust,
The antecedent nations sink or swim with thee."

ATOMIC ENERGY COMMISSION ACTS IN BEST AMERICAN TRADITION

Mr. HUMPHREY. Mr. President, the Atomic Energy Commission has just recently announced that job applicants and its employees shall have the right to confront accusers in security cases. I hail this decision and I commend the Atomic Energy Commission for acting to restore what to me seems a basic right in our country—the right to face one's accusers when a person's reputation is put in jeopardy through allegations and charges.

As my colleagues know, this question of the handling of Federal employees' security problems is one that has confronted us for the past several years.

In 1955, it was my privilege to introduce a resolution on behalf of myself and the junior Senator from Mississippi [Mr. STENNIS], Senate Joint Resolution 21, to establish a Commission on Government Security to look into this whole field and to make recommendations. As the acting chairman of the Subcommittee on Reorganization, I conducted extensive hearings on this resolution, which was approved and enacted into law in that same year.

This bipartisan Commission on Government Security was under the chairmanship of Loyd Wright, a highly respected lawyer and former president of the American Bar Association. In 1957 the Commission submitted its final report to the President of the United States and to the Congress. One of its recommendations was:

> Confrontation and cross-examination should be extended to persons subject to loyalty investigation whenever it can be done without endangering the national security.

The Commission went on to say:

> Those whose livelihood and reputation may be affected by such loyalty investigations are entitled to fair hearings and to decisions which are neither capricious nor arbitrary. The Commission recommends that, where loyalty charges are involved, no derogatory information, except that supplied by a regularly established confidential informant engaged in intelligence work for the Government whose identity may not be disclosed without compromising the national security, shall be considered over the objection of the individual involved unless such individual is given the opportunity to cross-examine under oath the person supplying such derogatory information.

Mr. President, the report of the Commission on Government Security, as I have noted, was made in 1957. I had hoped that our Government departments and agencies would accept the recommendations of the Commission that employees in the security cases be given the right to confront their accusers. Even though it is 5 years later, I am most pleased to see this action by the Atomic Energy Commission, and I only hope that it will set an example for other agencies of our Government.

Certainly, Mr. President, the right to face one's accuser is a fundamental and basic right in this country. The denial of this right runs contrary to the whole spirit of our country and our respect for the right of the individuals and our devotion to the cause of civil liberty. The Washington Post today, in an editorial on this subject, reminds us of what President Eisenhower said on this subject some years back:

> Where governmental action seriously injures an individual, and the reasonableness of the action depends on factfindings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots.

The action of the Atomic Energy Commission granting the right of confrontation is in line with the code to which President Eisenhower referred, and I am confident that it is one to which the vast majority of the people in this country subscribe.

In conclusion, Mr. President, I ask unanimous consent that the Washington Post editorial commending the Atomic Energy Commission for its action be inserted at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Back to America

The Atomic Energy Commission has announced that it will henceforth give its employees and job applicants the right to confront accusers in security cases. How could this right ever have been denied in the United States? What right is more fundamental to the discovery of truth and the administration of justice? What right is more characteristically American?

Speaking some years ago about the code of the American frontier, President Eisenhower said: "In this country, if someone dislikes you or accuses you, he must come up in front. He cannot assassinate you or your character from behind without suffering the penalty an outraged citizenry will impose. * * * If we are going to continue to be proud that we are Americans, there must be no weakening of the code by which we have lived."

But the stark truth is that there was a terrible weakening of that code. Fifteen years ago, in a sudden panic over internal security, the country adopted a clearance program for Federal employees which did violence not only to its traditions but to its commonsense as well. It chose to rely, in determining the trustworthiness of Federal employees, on unverified and unverifiable allegations from unidentified informers.

In some cases not even those who had to decide whether an accused employee was loyal or disloyal were permitted to know the source of the accusations against him.

Denial of the ancient right of confrontation and cross-examination meant not only that accused employees were at a loss to defend themselves and were punished by dismissal and disgrace without any semblance of due process; it meant, in addition, that the Government could not apply reason or intelligence in the selection of its personnel. The Government, as well as the individuals involved, was denied the benefits of cross-examination which Dean John H. Wigmore characterized as "beyond doubt the greatest legal engine ever invented for the discovery of truth."

The Supreme Court has never categorically ruled that the denial of the right of confrontation and cross-examination in the Government security program is unconstitutional. But in 1959 it struck down the industrial security program covering employees of defense contractors on the ground that neither Congress nor the President had authorized a denial of that right. And the Chief Justice in his opinion for the Court characterized the right as among those principles which "have remained relatively immutable in our jurisprudence." He wrote:

"Where governmental action seriously injures an individual, and the reasonableness of the action depends on factfindings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots."

The Atomic Energy Commission has set an example which every agency of the Federal Government ought to follow. It will be stronger, not weaker, for dealing with its employees justly. It has pointed the way back to America.

NEED FOR CONFIRMATION OF THE NOMINATION OF THURGOOD MARSHALL

Mr. JAVITS. Mr. President, I should like to make a comment about the appointment of Thurgood Marshall to be a member of the circuit court of appeals. I am always loath to say much about foot dragging or delays with regard to actions on appointments. I make such a statement only in an extreme case.

Whatever may be the history of the case—and my colleague, the Senator from New York [Mr. Keating], has felt there was undue delay and has criticized it sharply, and I respect him for the criticism—the fact is that the subcommittee has opened its hearing, and my colleague from New York and I have appeared. There was no adverse witness. On the contrary, the reputation and standing of Judge Marshall are among the highest in our land, and we should accept his legal qualifications. The fact that in 32 appearances before the Supreme Court, his cause, or the cause which he represented, was successful 29 times would entitle him, in my view—and I am certain it would in the view of eminent members of the bar—to a confirmation of his appointment.

If there has been a delay—and it has been stated that one Senator was delayed, and one was busy, and only one Senator of the subcommittee attended, the Senator from Nebraska [Mr. Hruska]—there is no reason for delay now. Hearings have been started on his appointment. His reputation and the fact that there has been no adverse testimony entitle Judge Marshall to have his nomination immediately confirmed.

We need his services as a full-fledged judge. I attended the occasion of his induction on October 23, 1961, when he received a recess appointment. It is time that his nomination was confirmed by the Senate. So perhaps bygones should be bygones, and, whatever the reason for delay previously, there is no excuse for delay now.

I urge upon the committee and the Senate immediate action on the nomination, to refute any implication by any Senator that there has been any undue delay, or foot dragging. The nomination is under hearing. The first hearing has already been held. This is the time to proceed, and promptly. There is no reason why action is not taken. We very much need, in one of the busiest courts in our land, a judge whose nomination has been confirmed, and I urge that this be done without delay.

The PRESIDING OFFICER (Mr. Smith of Massachusetts in the chair). Is there further morning business? If not, morning business is closed.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 1361) for the relief of James M. Norman.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate resumed the consideration of the bill.

ORDER FOR ADJOURNMENT FROM FRIDAY TO MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns tomorrow, it adjourn to meet at 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE U.S. BALANCE-OF-PAYMENTS DEFICIT: REALISM NEEDED—NOT ROSE-COLORED GLASSES

Mr. BUSH. Mr. President, in the 1962 Annual Report of the Joint Economic Committee, the minority members, in separate views, said that the continuing high rate of unemployment and the persistent deficit in our international balance of payments were the Nation's two most serious economic problems.

Several weeks ago, I discussed in some detail the unemployment problem. Today, as ranking Republican member of the Joint Economic Committee, I want to examine carefully our balance-of-payments position and the continued drain upon our gold stocks.

At the outset, let me say that it is time that the White House took off the rose-colored glasses through which it views the balance-of-payments deficit and woke up to the seriousness of the situation. The facts speak for themselves, and demand that this problem be faced realistically.

The United States has had a deficit in its international balance of payments every year—except one—since 1950. From 1950 through 1961, the total net deficit amounted to about $24 billion. Our gold stock has also been dropping sharply. From 1950 through mid-March of this year, we lost about $6 billion in gold. Our gold stock now stands at $16.7 billion—the lowest level since 1939. Of this, $11.7 billion is required by law to be held as a reserve against our currency.

In a March 26 report to the President, Secretary of the Treasury Dillon said our balance of payments showed significant improvement in 1961. The deficit dropped from an average of $3.7 billion in the 3 previous years to $2.5 billion. Although he admitted that part of the improvement came from "palliatives," he said the "lasting cure" was beginning to work.

A closer examination of the 1961 figures will show how far we are from a lasting cure. Secretary Dillon himself said that "our progress did not stem entirely from factors of a lasting sort." As a matter of fact, the improvement last year resulted from temporarily favorable developments in the first half of the year, when we ran a deficit of only $188 million.

The first half of the year was favorable because imports dropped sharply to a recession low 10 percent below the level of 1960. At the same time, we received debt prepayments—principally from West Germany—of nearly $700 million.

During the second half of the year, when our imports rose with recovery, the deficit soared to over $2.2 billion—or an annual rate of $4.5 billion.

The administration, I feel, has been misleading the public by claiming that our trade surplus in 1961 was over $5 billion. This was admitted by Secretary Dillon before the Senate Finance Committee on March 16 under questioning by the chairman, the distinguished senior Senator from Virginia [Mr. Byrd]. I quote from the hearings:

> The Chairman. Have the export figures been corrected? Of course, you and I have talked about this a number of times. Commerce Department includes food and other things that we have given away. In other words, I think you told me the Commerce Department figures were 2½ billion too high.
>
> Isn't that misleading?
>
> Senator Kerr. Two and one-half billion too high insofar as balance of payments are concerned.
>
> The Chairman. That is what I mean, and so far as cash income is concerned. They have included in the export figure 2½ billion more than we have taken in because we gave it away.
>
> Secretary Dillon. Yes. That is correct, Senator.

I am glad to say that Secretary Dillon was able to assure the committee that the Commerce Department recently has begun to publish a new table, which distinguishes between commercial exports which earn dollars, and thus help our balance-of-payments problem, and those exports which, in effect, we give away.

But the damage has been done. Administration spokesmen have broadcast, and continue to broadcast, the misleading $5-billion figure in the continuing propaganda campaign in support of the trade bill. In fact, our commercial export surplus in 1961 was only about $3 billion. Nearly $2.5 billion of our overall trade surplus was accounted for by U.S. Government grants and loans.

A close analysis of the 1961 figures makes clear that we should not permit the relatively better overall showing to gloss over the highly unfavorable trend in the second half of the year. Our balance-of-payments problem is far from solved. In fact, Secretary Dillon already has said that our commercial export surplus will drop by more than $1 billion in 1962.

The administration must do more than simply nibble at the fringes of the deficit.

Three things need doing which the administration is not doing at all or not doing with sufficient vigor:

First, it should call a conference of the major industrial nations with whom we are allied to discuss ways of eliminating our hard-core $2 billion to $3 billion balance of payments deficit, including a more equitable sharing of the free world's common defense and development aid burdens, and unilateral tariff reductions by the Common Market countries.

Second, it should make a determined effort to balance the Federal budget instead of continuing spending policies which already have resulted in cumulative budget deficits estimated at $11 billion to $13 billion and which, if unchecked by Congress, will increase the total for a 3-year period to $16 or $17 billion by the end of fiscal year 1963.

Third, it should seek a major tax reform as soon as the budget is balanced. The object of this tax reform should be the removal of impediments to savings and investment in job-creating plant modernization and expansion.

Finally, coupled with these actions by the administration, there must be a determined effort in the private sector of the economy to make American-produced goods more competitive in world and domestic markets. We should strive to price consumers into the market, not out of it.

The days when labor unions could count on generous wage increases at every contract renewal, and when management could pass on the increased costs and something more to the public through higher prices, are over. Those days are over, I repeat. Competition has become too severe.

There must now be a more equitable sharing of gains in productivity—in lower prices and better quality goods for customers as well as in wages earned by increased labor productivity and in profits which management may use to modernize plant and equipment.

Mr. President, permit me to discuss each of these points in turn.

First, I shall discuss the need to balance out our hard-core international payments deficit of $2 to $3 billion, which arises largely from our defense and economic aid expenditures overseas.

Mr. President, the administration has sought to lull the American public into complacency about the balance-of-payments problem by assurances that if the President is empowered to negotiate tariff reductions with the European Common Market, our exports will expand enough to absorb the deficit. This assertion is dangerously oversimplified and totally unsupported by the facts. It is clearly a part of the "Operation Oversell," which has been used to promote all items in the administration's legislative program.

The administration's claim for its trade program was examined by the Subcommittee on Foreign Economic Policy of the Joint Economic Committee last December. Following the hearings, which I attended in part, I was joined in a statement by Representative Thomas B. Curtis, of Missouri, in which we concluded that no easy solution was in prospect. On the contrary, we said that trade concessions, on top of the rise in imports normally associated with recovery, would have the immediate effect of making the payments deficit worse instead of better. This would be especially true if we negotiated a lowering of trade barriers without first improving our cost-price structure.

Subsequently, the full Joint Economic Committee, Democrats and Republicans alike, reached the unanimous conclusion that:

> The proposed new trade legislation will not solve our immediate and pressing balance-of-payments problem. This will take vigorous and immediate steps to obtain fair concessions from the countries of Western Europe.
>
> What is needed is for the major industrial nations to sit down in conference and agree on a set of recommendations for balancing out the hard-core $2 to $3 billion in U.S. payments deficits and their corresponding European payments surpluses. We would hope that the recommendations for balancing would be achieved by European action with respect to unilateral tariff reductions, greater development aid, and larger defense contributions, rather than by recommendations for U.S. import restrictions, curtailment of U.S. tourist travel, restrictions on capital movements, and other undesirable measures.

Mr. President, I had hoped that this expression of bipartisan congressional opinion from a committee which has expert knowledge of these matters would impel the administration to call immediately a conference of the Atlantic nations to consider ways of achieving closer unity and greater collective strength in the free world.

In such a forum, the bargaining power of the United States should be far greater than in negotiations which are narrowly confined to trade matters. With our trade barriers already among the lowest in the world, how much bargaining power have we left in an atmosphere where striving for commercial advantage would dominate?

What is needed is a conference of the Western nations in which all of the problems of the alliance can be placed on the table and candidly faced, including the U.S. balance of payments deficit, the lack of a joint policy on trade with the Sino-Soviet bloc, the need to achieve agreement on nuclear weapons in NATO and other problems which cause stress and strain among the free nations.

In such a forum, surely the nations of Western Europe would recognize that the military strength of the United States, which has shielded them from attack by the Soviet Union since World War II, depends upon the strength of the American economy. Surely it is in their self-interest, as well as in the greater common interest, to take steps to insure the continued strength of the economy which provides so much of their own defense.

So, here is an area in which the administration should act, and act promptly, if it wants to come to grips with one of the real causes of our balance-of-payments problem; namely, the fact the United States is carrying too heavy a share of the free world's burdens.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BUSH. I yield.

Mr. JAVITS. I have the honor to serve on the Joint Economic Committee with my colleague from Connecticut. This is a most interesting and important experience. He is a wonderful associate in that regard.

The suggestion the Senator is now making I consider to be most important and of a critical nature to our country for many of the reasons which he has stated and for other reasons which are analyzed in my own views in the report to which he has referred. I should like to ask the Senator if he would like to relate that suggestion to the effort of President Franklin D. Roosevelt to have a similar Atlantic economic conference in 1933, which failed, it may be remembered. It was unsuccessful. It is alleged that that conference was very heavily involved in—I would not say responsible for—the protraction of the depression, which, as we all know, did not really work itself out, notwithstanding the herculean new departures in American political life, until Nazi Germany embroiled the world in war. Can the Senator give us some comparison of view as to the period to which I have referred and the present situation as he sees it?

Mr. BUSH. I thank the Senator for his inquiry. I begin by saying that I believe the worldwide situation and the circumstances 30 years ago were so different, economically and militarily, that they can hardly be compared with the present situation. I am not too familiar with the details of the conference to which the Senator has referred, but my belief is that whatever happened at that time should set no precedent or hurdle in front of us in connection with what seems to me to be our plain duty today. Today the United States is carrying a preponderance of the military and economic burdens all over the world on behalf of the free nations in the cold war. Today our country has the lowest tariff barriers of all countries. This situation is quite different from the one that existed in 1933, which the Senator has mentioned. Frankly, I do not think whatever happened at that time necessarily has any connection with the problem which we face today. It is an entirely different problem.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. BUSH. I yield.

Mr. JAVITS. I appreciate the Senator's reply. I think it might be helpful to the Senator's general thesis if the following were said:

First, there are now available a great number of new international media for coordination and for achieving success in such a conference. Such facilities were not available at that time. Among them are the International Bank for Reconstruction and Development, the International Monetary Fund, the International Finance Corporation, the International Development Association, and all the new techniques for establishing an integrated Europe.

Mr. BUSH. Including the United Nations, too.

Mr. JAVITS. Of course, including the U.N. and the European Economic Committee.

Mr. BUSH. Also the OECD.

Mr. JAVITS. And the Organization for Economic Cooperation and Development, to which we are a party.

The other point which is very important to emphasize is that it is true that we carry the major share of the world's responsibility. It is also true that we produce a great share of the world's goods and have a vast share of the world's product. Indeed, we have more than 50 percent of the gross national product of the entire Atlantic community; and other nations are carrying, in relation to their gross national product, comparable burdens, and in some cases greater burdens, in terms of defense. But we all recognize that we could do a better job with what we are using in the way of resources if we would coordinate better. We recognize also that with the greater development of the newly developing areas, the base of that effort will be broadened. With respect to all these considerations I think the Senator is absolutely correct. We must have some dramatic confrontation on the highest level which will bring all the component parts into focus.

The point I would like to make with the Senator—and I appreciate the Senator's observations on it—is that not only is this important for us who are carrying the burden, but it is also important for others, who complain that they are not given enough credit, considering what they do within their resources, to show what they are doing and also to bring up the backsliders. We talk a great deal about summits. The Senator is talking about an economic summit.

Mr. BUSH. That is correct.

Mr. JAVITS. It seems to me the proposal could be very useful. I believe the Senator feels very much as I do. So long as we cannot make too much progress with the Russians and Communist China—and we know that—let us at least make major progress in the integration of the free world. There we can make progress and put ourselves in a more advantageous position to win the cold war decisively.

Mr. BUSH. Mr. President, I thank the Senator for his pointed observation. From his long experience in foreign affairs in the House of Representatives before he came to the Senate, the Senator has impressed me and all of his colleagues with his understanding of the problems to which we refer. But in addition to his knowledge of foreign affairs, the Senator also has a very good business head on his shoulders and relates his knowledge of foreign affairs in a practical way to our economic problems. As a member of the Joint Economic Committee he has been able to make most constructive suggestions. His remarks today are most helpful. I agree with him that there should be a high level free-nation conference to consider all the problems together, because they are interrelated, and each of them affects us very seriously.

Mr. JAVITS. I thoroughly agree with my colleague. I hope what he has suggested will take place. I hardly see how it can be avoided. I think it must happen because, as the Senator has said, although our balance-of-payments situation may look a little better on Wednesday than it does on Friday, it is basically extremely difficult and extremely dangerous. Therefore, the Senator's feeling that we must meet it on a very high level makes a great deal of sense to me.

I hope we will both have, as we have had before, the privilege, as colleagues in arms, to work for the implementation of such an idea. I commend the Senator from Connecticut for making this suggestion and recommendation in such an effective way.

Mr. BUSH. I thank the Senator from New York. I am certainly always happy to cooperate with him in matters related to these very important foreign affairs and the economy of our country.

Mr. President, I now turn to my second recommendation, which is that the administration should act to end budgetary deficits and make sure that the fiscal 1963 budget will be in balance. Here, the Congress must take charge if the administration fails to act.

Why is this so important? Continued confidence in the dollar rests on two foundations. First, we must keep our financial house in order and maintain the stability of purchasing power of the dollar—in other words, avoid inflation. This will help solve our gold problem both by improving the balance of payments and by inducing foreigners to hold their reserves in the form of dollars, rather than converting them to gold.

There is a big question of confidence involved here. If they have confidence that we are managing our affairs in a proper way, there is no advantage to them in converting to gold. On the other hand, if they do not have that confidence, and if they feel that our control over our own affairs is slipping in this country, they will become suspicious of the value of the dollar, and possibly, unhappily, withdraw gold from our limited reserves.

Second, we must insure that the dollar in terms of gold will not be devalued. We must guarantee that we will continue to sell gold at $35 an ounce. Anything which leads foreigners to believe that the dollar might be weakening—and budget deficits have this effect—results in an overflow of gold.

Mr. President, the persistent balance of payments deficit confronts the United States with a dangerous situation. The so-called free gold reserves of the United States—those reserves which are available to meet foreign claims—have been reduced to about $5 billion at a time when foreign nations have dollar claims against us totaling about $22 billion.

If foreign creditors lose confidence in the stability of the dollar, if they suspect that devaluation may occur because of a new round of inflation in this country, they will demand payment in gold. Our free gold reserves would be quickly exhausted in that event.

The drastic consequences were illustrated in a recent colloquy between Secretary Dillon and the distinguished chairman of the Senate Finance Committee, the Senator from Virginia [Mr. BYRD], after it was brought out that the free gold was down to $5 billion. I quote from the Committee's hearings on the administration's tax bill:

> The CHAIRMAN. Suppose that goes and we cannot give gold in our settlements that we make abroad, we cannot give to those central banks the choice of gold or dollars. What will happen?
>
> Secretary DILLON. We will still give them their choice.
>
> The CHAIRMAN. I did not ask that. I said suppose when the time comes our free gold is gone, what will happen when we make the settlements and some foreign nations demand gold and we have not got the gold?
>
> Secretary DILLON. If we have not got the gold and do not give them the gold, we would be off the gold standard and our dollar would depreciate in value.
>
> The CHAIRMAN. That would be a great catastrophe; would it not?
>
> Secretary DILLON. It certainly would. I cannot imagine a greater one.

I do not wish to be misunderstood. I do not believe such a catastrophe is imminent, nor likely to befall us in the months immediately ahead. As a matter of fact, I want to point out that at the end of 1960, the international investment position and gold position of the dollar showed an excess of assets over liabilities of about $44 billion. These assets contribute to the long-range strength of the dollar. Since most of them are privately owned or in the form of long-term investment, however, they cannot be readily mobilized to meet a threat to the dollar.

We must not leap to the conclusion that the United States is insolvent. On the other hand, there is no reason for complacency about the heavy claims on our shrinking free gold stock which could be presented. It is a danger against which we must guard more vigorously than the administration has been doing.

The course that this administration has followed in its fiscal policy is scarcely inspired to promote confidence in the dollar.

It inherited a budget for fiscal 1961 which showed a surplus and proceeded to convert it into a $3.9 billion deficit. It submitted a budget for fiscal 1962 which it claimed showed a modest surplus. Now it concedes that when the books are balanced after June 30 there will be at least a $7 billion deficit. The administration is claiming a modest surplus for its fiscal 1963 budget. Yet the usually accurate staff of the Joint Committee on Internal Revenue Taxation said recently that, if the administration's tax bill passes, the actual result will be a deficit of over $4 billion. And this does not take into account any increase in the President's spending recommendations.

Cumulative deficits totaling $16 to $17 billion are unlikely to inspire confidence in the dollar.

In my judgment, it is imperative that the Appropriations Committees and the Congress review the 1963 budget with extreme care and strike from it all those items which are nonessential.

With defense costs mounting higher and higher, it is necessary that Congress establish a system of priorities which will distinguish among domestic programs which must go forward now and those which, while desirable, are postponable.

Third, Mr. President, is the need for a basic and far-reaching tax reform which will release funds for job-creating investment. Such tax reform must, of course, await a balancing of our Federal budget.

But, as I have already indicated, this is exactly opposite to the direction in which this administration is headed. The tax bill which is now before the Senate Finance Committee would result in a revenue loss attributable to the investment credit provision of about $20 billion between calendar years 1962 and 1972, according to the Joint Internal Revenue Taxation Committee. This tax credit—which is neither needed nor wanted by the business community—would cost the Treasury over $1 billion in fiscal 1963.

It is a costly and uneconomic giveaway which would favor the large taxpayer over the small, without stimulating much new investment that would not otherwise occur.

As an example, those taxpayers who have expanded and modernized without having to rely on tax inducement would be put at a competitive disadvantage. The proposal also gives special and unwarranted preferences to workers and investors in construction and equipment manufacturing as opposed to those laboring in services, which make relatively less use of depreciable plant.

I believe that the immediate goal of increasing investment and raising productivity can best be met—and without large revenue loss to the Treasury—by a liberalization of depreciation allowances. This is a fair and effective way of removing impediments to modernization of industry. In a world of rapid technological change, depreciation schedules must be changed to permit investment costs to be written off over the useful life of the equipment rather than over the period of its physical life.

Once our budget is balanced, we must work for a much broader tax reform which will remove impediments to, and provide adequate incentives for, the modernization of plant and equipment.

There is abundant evidence that this is needed. Our tax structure today seriously dampens incentives for growth and prosperity in a free society. Professor Gottfried Haberler of Harvard University has said, "taxation of both personal income and corporate income is much more oppressive in this country than in most competing industrial countries. This tax structure exerts a disincentive effect on domestic investment and savings."

This conclusion is reenforced by a study of Prof. Emile Benoit of Columbia University, which shows that from 1953 to 1960 U.S. productivity in manufacturing rose only 15 percent, compared to 53 percent in Germany, 54 percent in France, 58 percent in Italy, and 71 percent in Japan.

Some of the funds released by tax reform would flow to job-creating investment which would increase the productivity of our industrial plant. With restraint by both business and labor, these productivity increases would result in lower prices to the consumer both at home and overseas.

Federal Reserve Chairman William McChesney Martin, Jr., has said that one of the major reasons for our postwar economic troubles has been that we have been pricing consumers out of the market. Lower prices realized through productivity gains would, in effect, price consumers back into the market.

A 10 percent cut in the cost of living is far better than a 10 percent increase in wages. A reduction in the cost of living is a nontaxable gain, while an increase in wages is taxed at 20 percent or more. Thus, lower prices represent an increase in real wages and lead to an increase in demand, which stimulates output and employment. We would be achieving exactly the same results as the policy of artificially stimulating aggregate demand through Government spending—but without inflation and the personal hardships and balance-of-payments pressures which it produces.

Lower prices would help to make our export products more competitive in world markets. Many people say we are already competitive because we sell more abroad than we buy.

It is, of course, going too far to say that we have priced ourselves out of world markets. What has happened is that our competitors have priced themselves into world markets. We have lost something of our competitive edge. In some commodities, we may have lost our competitive position altogether.

A clear understanding of this point is vital if we are to know what we must do to realize a net gain in exports. Consider, first, the strong evidence of a serious deterioration in our competitive position.

Undersecretary of the Treasury Roosa in a March 28 speech said that from 1953 to 1960 our export prices for manufactured goods rose 14 percent relative to those of our major competitors abroad. At the same time, he said, our share of world exports declined. This was substantiated by Dr. J. Frederic Dewhurst before the Joint Economic Committee's Foreign Economic Policy Subcommittee last year. He said that between 1953 and 1960 the physical volume of world exports increased 54 percent, but that our exports increased only 20 percent. Our exports of finished goods—by volume—declined 11 percent.

Professor Haberler pointed out last year that our export prices went up substantially more than those of our principal competitors. The deterioration in our balance of payments, he said, was due to two developments. First, the rapid economic recovery and growth of industrial Europe and Japan, accompanied and stimulated by sound financial policies. Second, our own inflation, which, while not large, was simply too much in view of the greater competition we faced.

On the basis of a detailed analysis, Professor Benoit said in a recent article that our relative competitiveness in industrial goods had declined since 1953. He said we may no longer be competitive in a number of important items in which we had previously been highly competitive.

The National Industrial Conference Board in a thorough study of this problem last year found that 64 percent of a sample of U.S. affiliates in the Common Market, and 74 percent in the United Kingdom, now have lower unit costs than the parent companies in the United States. On April 18, the Wall Street Journal reported that Otis Elevator Co. was considering importing parts produced in its European plant into the United States in an effort to cope with the continuing cost-price squeeze in this country. A company officer reportedly said that the effect on domestic plants, which employ 12,000 persons, would be "very sad."

Restoring our competitive position in the world is keyed to the exercise of responsibility and restraint by business, labor, and government. Initially, the restraint must come from government in the form of a balanced budget and tax reform. This is the only sound way to create a climate of confidence in which our free economy can prosper and grow. Once our economy begins to move again, many of our economic problems—particularly unemployment—will begin to take care of themselves. But to hold the gains realized from increased investment and productivity, we shall have to continue to keep profit and wage increases well within the limits of productivity gains. Our rewards will be greater real income, principally through lower prices, and higher profits, principally through greater volume. Confidence in the dollar will strengthen as our balance-of-payments position rights itself with a rising level of competitive exports.

Mr. President, this is the basic line we should pursue in solving our balance-of-payments and gold problems.

Before concluding, I should like to mention briefly several other steps which I believe we should take in order to set other important, though less basic, corrective forces to work on our balance-of-payments deficit.

It is time that the nations of Western Europe stopped discriminating against Japan by refusing to extend most-favored-nation treatment to her goods. The United States now takes a disproportionately large share of Japanese exports. This is not healthy for Japan or for the United States. Japan—which must export to live—should sell more to Western Europe. Japanese markets, in turn, should be opened more widely to European goods.

A related problem is the discrimination against Latin American products. This discrimination is inherent in the Common Market's preferences on goods from its associated areas, largely in Africa. Much of the good which might be done by our Alliance for Progress will be undone if Latin America is deprived of its important European markets.

The problem of both Latin America and Japan is so important for all the free world that I believe the United States should not negotiate mutual tariff reductions with any nation or group of nations which refuses to extend most-favored-nation treatment to the goods of those areas. This is not now provided in the administration's trade bill. I believe that it should be. The administration will gain respect both at home and abroad if it reverses its timid position on this issue and stands firm for what commonsense and fairplay dictate is right.

We should also insist that discrimination against American goods be entirely eliminated by the nations of Western Europe. This particularly applies to our agricultural goods, where we have a strong comparative advantage. One way in which we can help to increase our agricultural exports is by lowering our own barriers to certain agricultural imports. The burden of tariff reductions should not fall primarily on manufacturing, but this is where the administration proposes to place it.

In connection with our export drive, I think it would be useful to explore what tax assistance within the permissible limits of GATT we might render to export industries. Prof. Henry Wallich, of Yale University, told the Foreign Economic Policy Subcommittee of the Joint Economic Committee last year that accelerated depreciation on equipment used in manufacturing exports would draw new firms into the export business and enable them to lower their prices. It is an idea we should explore.

Finally, we can add strength to the dollar and discourage gold outflows through a stronger world reserve system. The recently concluded agreement to add $6 billion to International Monetary Fund reserves will help, but it, too, has been oversold. We must seek other means of strengthening the reserve system so that it can meet any demands which might be placed upon it.

Mr. President, this discussion of our balance-of-payments and gold problems has necessarily covered only the major considerations we should have in mind when making policy in this delicate area. No mention has been made, for example, of the high level of short-term capital flows. But continuing efforts are underway to mitigate these flows, and I think this aspect of the problem will fade to comparative insignificance, once we eliminate our basic deficit.

In conclusion, let me stress again that the United States cannot permit a weakening of confidence in the dollar. We are now banker for a large part of the world. The dollar is the key international currency on which the world payments system rests. Should confidence in the dollar weaken and a "run" on the dollar result, the United States and all the rest of the free world would face the most serious consequences.

Our balance-of-payments and gold problems have important domestic consequences, as well. We shall not achieve stable, long-term growth in this country without our first having restored reasonable balance in our international payments. Without it, our freedom of action is narrowed in adopting appropriate domestic policies for healthy and sustainable growth that will provide jobs for all who want them. As Dr. Dewhurst told the Subcommittee on Foreign Economic Policy, of the Joint Economic Committee, late last year:

> What can really cause a threat to employment is a continuation of our balance-of-payments difficulties.

The solution to our balance-of-payments problem goes right to the heart of our economic system. Once we solve this problem, we shall have removed a major source of pressure on our gold stock. But a solution to the related gold problem—which will exist so long as large dollar balances are outstanding in the world—will also demand a continuing adherence to sound fiscal and monetary policies here at home. Only by following noninflationary policies can we assure the continued strength and stability of the dollar.

Mr. President, because the Senate Committee on Foreign Relations is now considering the foreign-aid bill, this is a particularly appropriate time for the Congress to issue a declaration of policy on the balance-of-payments and gold problems.

To further this objective, I submit an amenment to S. 2996, the Foreign Assistance Act of 1962. This amendment would put Congress on record as recognizing first, that the persistent balance-of-payments deficit imposes constraint upon the ability of the United States to continue to provide financial support for the achievement of our foreign aid and other foreign policy objectives, second, that elimination of the deficit is vital to the security and well-being of the United States and all the rest of the free world, third, that in attacking the deficit problem we should not impair any of our basic and vital foreign policy objectives and, fourth, that administration efforts to solve the problem have been insufficient.

The amendment recommends that, to the maximum extent possible, foreign aid be provided in ways that do not involve dollar expenditures overseas. The amendment also urges that the industrialized countries of the free world be called together in conference. The objective of the conference would be to find ways to achieve a more equitable sharing of the aid and common defense burdens and a lowering of discriminatory tariffs and other trade barriers against imports from the United States and the other unaffiliated countries of the free world.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment was referred to the Committee on Foreign Relations.

Mr. GORE rose.

Mr. BUSH. Mr. President, I yield to the Senator from Tennessee.

Mr. GORE. Mr. President, I congratulate the distinguished senior Senator from Connecticut for his contribution to the consideration of a problem which is both basic and pressing.

Problems purely within the domestic area afford us much more opportunity to wrestle with them, to prepare solutions, and to "rock and roll with the punches," than is the case with this problem, which is not purely domestic, for it involves also our position in the international economy. I take it that my friend, the Senator from Connecticut, agrees with me.

Mr. BUSH. Certainly.

I have watched with much appreciation the increasing interest which the Senator from Tennessee has taken in foreign affairs in recent years and since he has been a member of the Foreign Relations Committee; and I commend him for his fine activities as a member of that committee.

In the past, he and I have had many debates on this floor; but frequently I find myself admiring the position the Senator from Tennessee takes on many matters of great significance both to our country and internationally; and I thank him for his comments at this time.

Mr. GORE. I thank the Senator from Connecticut.

I am apprehensive that unless we determine what improved policies are to be pursued, and then embark upon them, the problems will become greater by the month.

Mr. BUSH. The Senator from Tennessee is absolutely correct.

Mr. GORE. Recently, I made some comments in regard to this subject, and at that time I expressed the opinion that the solution cannot be reached merely by increasing exports, even though some assume that can readily be done.

Mr. BUSH. The Senator is absolutely correct.

Mr. GORE. The imbalance is too great to permit of solution merely by an increase of exports. As other national economies, both in Western Europe and in the Far East, have recovered from their war-damaged status, and have become modernized and vigorous, international competition has increased. Insofar as its share of international trade is concerned, I have the feeling that the United States must redouble its efforts—both those of private industry and those of the Government—in order to keep the share of international trade which we presently enjoy.

Mr. BUSH. I believe that is correct; and in order to do so, American firms must increase their effectiveness and must improve their competitive position.

Mr. GORE. In order to improve our competitive position, we must rely fundamentally upon both an awareness by private industry of this threat to it and to us, and the vigor with which our private industry seeks to export products from this country. In that connection, I emphasize the words "from this country," because there has been a discouraging tendency of American business to build foreign manufacturing subsidiaries with which to meet foreign competition. That does not solve our balance-of-payments problems at all.

Mr. BUSH. It aggravates them.

Mr. GORE. It aggravates them, because the second, importing into the United States, step has been taken by a great many of the foreign subsidiaries.

Mr. BUSH. The Senator is so right, and I mentioned it in my remarks before the Senator came to the floor.

Mr. GORE. I have read the Senator's remarks. He has made an able address.

Mr. BUSH. The Otis Elevator case illustrated the situation very well. They have had plants abroad, but for the first time they are considering importing parts to this country because, they say, they have to do so to be competitive at home.

Mr. GORE. The Senator has suggested a step which I think might be very fruitful. Indeed, it is a step upon which the present administration and the previous administration have already embarked. They propose, although not with the vigor which the Senator would like to see, to persuade our allies in the free world, who have regained their strength, whose rates of growth are now far greater than ours, to themselves share a greater part of the burden of international security.

Mr. BUSH. Exactly.

Mr. GORE. I wonder if the Senator would think the corollary of that suggestion would be that some more fundamental thought than has been evidenced be given to the creation of an International Monetary Fund, so more adequate and more available and more flexible reliance can be had than a strict reliance upon a gold base for convertibility.

Mr. BUSH. Of course, there is a very modest step about to be taken in that direction. I believe there is a bill before the Senator's committee providing for the United States share of an increase in the International Monetary Fund of some $6 billion. I also mentioned that in my comments. I think it is very inadequate to the point we are talking about, because there is no permanence. We would lend money and we would then have a call on the money. It really is not a very sound proposition. I think the need for an international reserve authority—which is really what the Senator is speaking of—would not be nearly so great if our balance-of-payments problem and the budgetary situation in the United States were under better control. I think those two matters involve confidence in the dollar. If there is confidence in the dollar, we do not need very much more than we have in the way of International Monetary Fund activities; but if confidence in the dollar is lacking, no amount of new reserve funds or additions to the International Monetary Fund will take the place of that confidence.

Mr. CHAVEZ. Mr. President——

Mr. BUSH. I am glad to yield and to see the Senator from New Mexico on the floor today. We do not see him often enough.

Mr. CHAVEZ. It is not my fault.

I appreciate the position of the Senator from Connecticut and the Senator from Tennessee, but I come from New Mexico, where we have copper, uranium, oil, and other minerals. What are we going to do if we let the internationalists have free trade?

Mr. BUSH. I am not apprehensive about the raw materials in the Senator's State. They are basic, and as our economy expands, as we all want it to, and as our exports expand, and even our imports, I see no threat to the wealth of the United States as it reposes in our minerals.

I can assure the Senator that as a result of my studies on this subject I see absolutely no threat to basic raw materials in any State.

Mr. CHAVEZ. I want to cooperate with my good friends from Tennessee and Connecticut, but, by the eternal, I do not want them to stretch our confidence.

Mr. BUSH. May I say to the Senator that my State of Connecticut is one of the best customers his State has. We probably fabricate more copper goods in Connecticut than any other State.

Mr. CHAVEZ. They can afford it.

Mr. GORE. Madam President, will the Senator yield?

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). Does the Senator yield?

Mr. BUSH. I yield.

Mr. GORE. I not only want to congratulate the Senator for making a provocative speech, but I also wish to express great pleasure and to extend my warmest congratulations to the senior Senator from New Mexico, who has made a game and gallant fight to overcome an illness and comes to the floor of the Senate to engage in a debate through sheer will.

Mr. BUSH. I second heartily what my good friend, the Senator from Tennessee, has had to say. In my early days in the Senate I had the pleasure of serving under the distinguished Senator from New Mexico when he was chairman of the Committee on Public Works, which he still is. He is on of the finest men I know. I cherish his friendship, and I join with the able Senator from Tennessee in saying that we want to see you more often than we have been seeing each other.

Mr. CHAVEZ. It is very well for the Senator to say that, but I want to say, do not forget our uranium, our copper, our oil. [Laughter.]

Mr. BUSH. Madam President, I am about ready to yield the floor. Once more I thank my distinguished friend, the junior Senator from Tennessee [Mr. GORE], for his observations this afternoon, as well as other Senators including the senior Senator from New York [Mr. JAVITS].

I hope that what we have said this afternoon will filter through to the administration chiefs and that they will give some consideration to moving ahead more rapidly with respect to this very vital problem of our balance-of-payments deficit. Much depends upon the credit of the Government of the United States today. We are carrying a very heavy burden, probably much heavier than our normal or fair share would be. Nevertheless, we carry this burden. It is likely we shall have to carry it until we can come to some satisfactory agreement regarding a more equitable sharing of the burden.

I think it is incumbent upon the administration to take action. The administration must take the lead in bringing the nations together for a consideration of this very vital problem, and the related problems I have mentioned today.

I yield the floor.

TRIBUTE TO SECRETARY OF THE ARMY ELVIS J. STAHR

Mr. KEFAUVER. Madam President, I am personally very sorry to learn that the Honorable Elvis J. Stahr is leaving as Secretary of the Army.

Secretary Stahr's dedicated leadership has been a great asset to our Nation's Defense Establishment and all that it means to our security. He brought an excellent background and executive experience to the secretaryship, and these will be sorely missed.

Secretary and Mrs. Stahr have made a host of friends during their stay in Washington, Mrs. Kefauver and I among them. For this personal reason, also, they will be missed.

But I know I speak for all his friends when I wish Secretary Stahr Godspeed in his new undertaking as president of the University of Indiana.

Mr. MANSFIELD. Madam President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. MANSFIELD. I wish to join the distinguished Senator from Tennessee in expressing regret that the Secretary of the Army, Elvis Stahr, is retiring from Government to once again become the president of a great university—this time the University of Indiana, one of the outstanding institutions of the Midwest. I am sorry to see him go, because his service has been distinguished. He is a man of great integrity and ability. His loss will be felt quickly by the Department of Defense, and most especially by the Department of the Army, in which he has served so capably and so well.

THE FUTURE OF SUPPLEMENTAL AIR CARRIERS

Mr. KEFAUVER. Madam President, developments in the field of civil aviation are moving so rapidly that they compel attention without delay. As several Senators have already pointed out, unless there is prompt action—and the right action—at this time, we may wake up to find the sky foreclosed, much to the detriment of the general public and the national interest.

Briefly, I should like to mention the legislation dealing with the future of the supplemental air carriers, the small business element in air transportation, which innovated aircoach and airfreight, and has functioned as a price yardstick in keeping coach fares down. I understand that these carriers also comprise the bulk of the civil reserve air fleet.

This bill (S. 1969) presently in conference with the House, is most laudable in the form originally passed by the Senate. It is my understanding that the Senate bill, introduced by the Senator from Oklahoma [Mr. MONRONEY], would preserve the competitive yardstick by authorizing these independent carriers to provide supplemental service between points fixed by CAB where there is no significant diversion from the route carriers. The Senate formulation insured that this would be done in a manner providing for improved safety, economic soundness, reliable management, in the interest of the traveling public. Thus the yardstick would be preserved, and this new aviation enterprise would be allowed to grow and prosper as the Nation moves ahead with increasing air travel.

The House version—which is a complete substitute using the Senate number—goes 180° diametrically in the opposite direction. It would eliminate these supplemental carriers from selling tickets to the general public, confining them exclusively to charter service.

This would limit them to a most precarious market, in which reduced earnings would impair safety. It is interesting to note that this question of authority to sell tickets to the general public, which is the major difference between the House and the Senate, was never adequately explored at the hearings in the House, nor was any evidence presented justifying the elimination of this service. Yet it is this right to sell tickets to the general public on a supplemental basis which contains the principle of a price yardstick, and is the essential which the Senate version provides.

It is also ironic that there has been much talk about safety in all this. To drive these carriers into charter service takes them out of the very function as to which they have had a safety record far superior to the route carriers over the past 10 years, and plunges them into the erratic and sporadic type of operation where maintenance and backup facilities cannot be regularized, and tragic accidents have resulted. One is baffled by the logic of those who, in the name of safety, want to eliminate the carriers from their proven supplemental service, confining them to the sporadic charter operation.

There are basic principles in the Senate version which must not be compromised, and the Senator from Oklahoma [Mr. MONRONEY] should receive all possible support for the Senate's position. If those supplementals which have a good record are banished by statute from being a factor in aviation travel, the loss will be irreparable. Any mistake here will be impossible to undo.

Elimination of the competitive element is only one facet of the problem of growing monopoly in aviation. On April 11, the senior Senator from Oregon warned of the maneuvers that have been going on since the end of the war, to eliminate any new competition, then reduce internal competition, and divide the sky among a few supercarriers—a giant aviation cartel. And the House Antitrust and Monopoly Subcommittee, under the able chairmanship of Representative CELLER, has just revealed how the largest financial interests in the country have moved into air transportation, dominating the management, pushing for mergers and the elimination of competition on vast segments of the airlanes. We must remember that the original number of route carriers has already been cut almost in half and that since 1938, I am informed, not one certificate has been granted to a new enterprise to compete with the grandfather carriers.

These supplementals are legitimate and necessary competitors. Their demise would create a sizable problem of lost competition in an industry which is already gearing itself for increased concentration. Because of the antitrust aspects of this matter, some of which have already been spotlighted by the senior Senator from Oregon, I have asked the staff of the Antitrust and

Monopoly Subcommittee, of which I am chairman, to analyze the issues and the facts presented by this situation in connection with its present investigation of mergers and concentration in the transportation field. And I urge my colleagues most strongly to rise to the support of the original Senate version of S. 1969 as introduced by the very able and knowledgeable Senator from Oklahoma, who as "Mr. Aviation" is recognized by the airline industry as a fair and sincere legislator in the interests of aviation for all of the people.

Mr. HILL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HILL. Madam President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED STANDBY PUBLIC WORKS ACT OF 1962

Mr. COOPER. Madam President, Senate bill 2965, entitled the "Standby Public Works Act of 1962," has been reported to the Senate and may become the pending business after the literacy test measure. In the committee I moved with the Senator from Delaware [Mr. BOGGS] to strike from the bill all except section 8, known as the Chavez amendment, and the sections needed to implement it. The motion was defeated, and I then voted against reporting the bill, although I support a public works program to assist people who cannot secure employment.

When S. 2965 becomes the pending business, I shall again offer my amendment.

The effect of the amendment would be twofold. First, it would strike from the bill the sections giving authority to the President to accelerate or initiate the construction of $2 billion of public works projects whenever unemployment increases, from any level, by 1 percent in a period of 3 to 9 months.

The second purpose of my amendment would be to retain the Chavez amendment. Distinct from the $2 billion standby proposal, this section authorizes Congress to appropriate up to $600 million for civil works projects to relieve existing unemployment. The Chavez amendment should be modified, and its authority limited. But it does define the areas where unemployment is most serious, and provides criteria for the employment of persons who are in the greatest need. It is designed to give immediate help, and would enable projects to be started quickly. Further, funds for this section would be provided in the regular way, through appropriations by the Congress.

I shall briefly identify my reasons for proposing the elimination of all of S. 2965 with the exception of the Chavez amendment.

First. The unprecedented authority provided to the President to borrow $2 billion from funds of other agencies—without approval of the Appropriations Committees—should not be granted. The proposal to borrow money from agencies, such as the Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, Federal Home Loan Bank and Housing and Home Finance Agency—which protect the homes and savings of the American people—cannot be justified. To show how far reaching this bill is, it moves beyond agencies which are purely U.S. agencies, and could even impair the credit of the World Bank. Today, I will make a statement on the Senate floor describing the effect of transferring to some public works agency the resources of the World Bank.

Second. The borrowing scheme may be a method of avoiding deficits and the appropriation controls of the Congress in one fiscal year, but it would be necessary to replace the sums borrowed in future years.

Third. Authority is given to the President to modify the criteria and standards of the established civil works programs, considered and approved by the Congress, for which funds have been appropriated, and which are accepted by State and local governments. No effective guidelines binding the President and his delegates are set forth in the bill.

Fourth. It has not been determined that a $2 billion public works spending program is the best method of reducing unemployment. We have not yet even had sufficient experience with the Area Redevelopment Act, which I cosponsored, to know the effectiveness of its programs.

I support a public works program to assist people who cannot secure employment. It is evident that in our growing and rapidly changing economy, with the modernization and automation of industry, there are people for whom employment must be provided until retraining programs become effective and longer term programs develop.

When S. 2965 becomes the pending business, I expect to elaborate these arguments. But it is important that the Congress, and the country, know about this bill and its far-reaching implications.

USE OF RESOURCES OF THE WORLD BANK TO FINANCE THE STANDBY PUBLIC WORKS ACT OF 1962

Mr. COOPER. Madam President, I wish to discuss for a few minutes the proposal in the Standby Public Works Act of 1962 to draw on the credit of the World Bank. I doubt if the implications of that proposal have been thoroughly considered by the Department of the Treasury, the Department of State, and the appropriate committees of the Congress. The bill, S. 2965, as reported to the Senate last week by the Committee on Public Works, proposes to finance a $2 billion public works program in whole or in part by drawing on funds now authorized to be used, if needed, for payment of the stock the U.S. Government holds in the International Bank for Reconstruction and Development, known as the World Bank.

This might have been possible under the very broad language of the administration bill as introduced, which permitted the President and his delegates to transfer to some new public works agency or other agencies almost any unobligated funds they chose or discovered. I point out, however, that the bill as introduced authorized the transfer of unobligated balances "available to the departments and agencies of the executive branch." The World Bank is not in the executive branch, but is an international organ.

However, in reporting the bill, the committee specified the use of funds now reserved by law for the World Bank. It set out in the proposed statute itself that the public works program could be financed from the unobligated balances of authorizations available for "payment of the subscription of the United States to the International Bank for Reconstruction and Development." It did so by adopting a list of items proposed to the committee by officials of the Bureau of the Budget. Later, the precise language of the committee amendment, now incorporated in the bill, was supplied by the Bureau of the Budget.

I am surprised that representatives of the President should suggest such a thing. It is a great mistake. I cannot believe the Senate would ever adopt such a provision. However, it is now in the bill before the Senate, and the effect of the provision must be made clear.

I moved in committee to strike this financing provision from the bill. It was not done, and I voted against reporting S. 2965. I think it proper to state what is involved in the proposal to finance a standby PWA from resources available to the World Bank.

Under the Bretton Woods Agreement of 1944 the United States has joined with 67 other nations in establishing and governing the International Bank for Reconstruction and Development. By the authority of the Bretton Woods Agreements Act of 1945, as amended in 1959, the United States has subscribed to 63,500 shares of the capital stock of the World Bank, according to the economic strength of the United States relative to that of the other member nations. The 63,500 U.S. shares have a par value of $6,350 million. Our capital stock subscription determines, among other things, the voting power of the United States in the World Bank; it is the largest of any nation, and amounts to 29 percent of the total vote in the organization.

On its $6,350 million stock subscription, the United States has paid in $635 million, or 10 percent. The balance is subject to call by the World Bank if and when needed. It is this balance of $5,715 million which S. 2965 tampers with.

The capital stock of the World Bank—both the paid-in and the uncalled portion of the subscriptions—represents the resources behind the Bank's obligations. While the amounts paid in on this stock have been available in large part for loans by the Bank, the remaining 90 percent has not been required;

it remains on call if needed to meet obligations on the Bank's borrowings and guarantees. It backs up the Bank's own bonds, which are held by investors all over the world. To quote the point from a publication of the World Bank, "International Bank obligations are backed to the extent of $18.1 billion by the unpaid portion of the Bank's capital. Of this amount, the U.S. share is $5.7 billion."

It is not hard to describe the importance of the uncalled payments of the subscriptions to the capital stock of the World Bank, including the $5.7 billion uncalled portion of the U.S. subscription. The paid-in capital equivalent to $2,111 million—of which the United States has supplied $635 million—is only one of the two sources of financing the Bank's lending operations. An even larger source is the investment market, for the World Bank issues its own bonds and notes, of which $2,228 million are outstanding. The Bank has had 46 issues of bonds and notes, purchased in more than 40 countries. Investors in the United States hold more than $1 billion or about 47 percent of these World Bank bonds.

The credit of the World Bank, backed by the subscription of member nations to its capital stock, stands behind these bonds and notes. The unpaid balances of the subscriptions may never be asked for or needed. But to the extent S. 2965 impairs the authorization for the payment of the United States subscription, it tampers with the financial structure of the World Bank, the resources behind its bonds, and the Bank's ability to raise funds for its lending operations.

I will not describe at this time the development loans of the World Bank in 57 countries on 6 continents, which are made to member governments, their political subdivisions, government agencies, and private enterprises. These loans, amounting to over $600 million last year, make possible the development of electric power, of transportation and communications, of agriculture and forestry, and of industry. The purposes of this multilateral financing parallel the purposes of the United States in its own programs of loans to aid the development of the countries of the free world. But I emphasize that the subscription of the United States to the capital stock of the World Bank is fundamental to the Bank's financial structure, and is the basis for its own funding operations to support the development loans.

The Bank's own funding operation exceeds the funds it has available for loans from paid-in capital. It permits firms such as insurance companies, and individuals through their pension funds, to invest in the sound development of other countries, rather than having the Bank depend wholly on government funds supplied by taxpayers. This is a good thing. I cannot understand why anyone would propose to impair even temporarily the ability of the United States to guarantee the credit of the World Bank, which could result in the Bank having to depend instead for its loan funds on additional capital paid in by its member nations, and particularly by the United States.

The Secretary of the Treasury, Douglas Dillon, is Chairman of the National Advisory Council on International Monetary and Financial Problems, and represents the United States in its dealings with the World Bank. The Secretary of State, Dean Rusk, is a member of the Council, as is the Secretary of Commerce, the Chairman of the Board of Governors of the Federal Reserve System, and the President of the Export-Import Bank of Washington. Yet, neither the Secretary of the Treasury nor the Secretary of State, who also has a primary concern with the successful operation of the World Bank, or any of the other prominent officials, was asked by the committee to testify on the propriety of financing a standby PWA by taking the funds reserved in the Treasury for the World Bank, which are subject to call by the Bank when needed. I doubt very much that the Department of the Treasury and the State Department were aware of the proposal by officials of the Bureau of the Budget to specify in the bill the use of these funds. I have written Secretary Dillon and Secretary Rusk about this matter, and will present their replies to the Senate when I receive them.

The offensive language of S. 2965 is contained in section 10(b) which states that the President, an officer or the head of some agency he names, his delegates, and their redelegates in turn, may cause to be transferred to some new public works agency or any other department or agency "the unobligated balances of authorizations to expend from public debt receipts available for payment of the subscription of the United States to the International Bank for Reconstruction and Development."

In other words, this authority, which has been given by Congress for further payments on the U.S. subscription to the capital stock of the World Bank, if needed, could be transferred to some new public works agency or other agencies, and the Secretary of the Treasury could then use this authorization to borrow money to finance the public works agency.

The authority given to the Secretary of the Treasury by the Congress under section 7(b) of the Bretton Woods Agreements Act to pay the subscription of the United States to the World Bank "from time to time when payments are required to be made to the Bank" and "to use as public debt transaction" the proceeds of any securities issued under the Second Liberty Bond Act as amended, was given to him for the specific purpose of meeting such calls if and when made, and, of course, not for public works spending.

The U.S. Government has assumed a valid and binding international obligation to meet such calls. It seems to me highly questionable whether any part of the borrowing authorization given for that purpose can be regarded as "unobligated."

The uncalled portion of the World Bank's capital constitutes in effect a guarantee for the Bank's own obligations. It is a fundamental feature of the Bank's financial structure, and an indispensable element of its credit worthiness.

Accordingly, I understand the Bank in selling its obligations in the capital markets of the world, including the United States, has included in its prospectuses a statement regarding the obligations of its members on account of the unpaid portion of the subscribed capital. In view of the importance of the United States market, and because the United States is the largest shareholder of the Bank, special reference is made to the obligations of the United States on account of the unpaid portion of its subscription, and to the fact that this obligation can be met without further congressional appropriation.

If section 10(b) of Senate bill 2965 were enacted into law, the President of the United States would be authorized by means of transfers permitted under that section to reduce the borrowing authority now possessed by the Secretary of the Treasury to meet the obligations of the United States to the World Bank. While the bill authorizes appropriations to later restore the borrowing authority, it would require action by the House and the Senate to do so. No one can guarantee it would be done, or done promptly. Qualifying the statement now in the Bank's prospectuses to this effect would have incalculable effects on the Bank's ability to raise funds for its operations.

I see no reason or excuse to place the Government of the United States in the position of being open to criticism by owners of the bonds of the World Bank—among whom U.S. and foreign insurance companies, pension funds and trust funds are prominent—for having impaired in this standby public works bill one of the basic considerations underlying their purchase of the Bank's bonds.

The balance of the U.S. subscription to the capital stock of the World Bank may be an "unobligated balance" for the purposes of compiling the Federal budget. But it represents an obligation of the United States entered into under an international agreement implemented by acts of Congress. It is irresponsible for the Bureau of the Budget to propose that these funds be used as part of the peculiar method of financing proposed for the $2 billion standby public works program.

It is an anomaly that, at the very time the Senate Committee on Foreign Relations was considering and approving an authorization to appropriate up to $2 billion for loans to secure the International Monetary Fund—also created by the Bretton Woods Agreement—the Bureau of the Budget and the Committee on Public Works, in order to avoid authorizing an appropriation for the standby public works program, proposes that $2 billion could be taken from the authorization securing the credit of the International Bank for Reconstruction and Development.

As I said, I moved in committee to strike this method of financing from the bill, which includes also authority to transfer funds reserved for the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the Federal Home Loan Board, and the Housing and Home Finance Agency.

The Senate will later have an opportunity to debate the wisdom of this unique financing proposal. I will address myself at that time also, to the merits of the proposed public works program itself, apart from its financing.

Meanwhile, I wished to call attention to the possible effect of this proposal—which I think will never be adopted—in beclouding the financial structure and creditworthiness of the International Bank for Reconstruction and Development.

Mr. HILL. Madam President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HILL. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The **PRESIDING OFFICER** (Mr. PELL in the chair). Without objection it is so ordered.

A NEW CODE OF BUSINESS ETHICS

Mr. McCARTHY. Mr. President, Mr. Clarence B. Randall, former president of Inland Steel Co., has written an article entitled "For a New Code of Business Ethics."

Mr. Randall writes about the serious scandals which have been revealed, and lists his recommendations for improvement of standards in the business community.

In my judgment, each profession has the basic responsibility for applying ethical principles to the particular circumstances of its members, and also the responsibility for making a continuous effort to make the members of the profession respectful of, and responsive to, its code of professional ethics. The Government can outlaw certain practices, and can establish criminal penalties for violations; but the standards required for business and professional activity in a democratic society go beyond the question of what is legally definable. We cannot expect to achieve by law alone a proper moral climate.

I ask unanimous consent that the article by Mr. Randall, which appeared in the New York Times magazine on April 8, 1962, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOR A NEW CODE OF BUSINESS ETHICS

(By Clarence B. Randall)

The subject of business ethics, which has been smoldering for some months, has burst into flame. Sparked originally by such events as the prosecutions and convictions in the electrical industry and the fall from grace of a member of the New York stock exchange, this fire has fed rapidly on highly combustible material which it has encountered in the field of public opinion. Sensing the possibility of a major conflagration, the Kennedy administration has sounded an all-out alarm.

Secretary of Commerce Hodges recently made a most courageous and forthright address on the subject in Miami, and the Pentagon has announced that it will firmly enforce a new policy directive requiring the very highest moral standards on the part of all who are engaged in military development and research activities.

Above all, President Kennedy himself did exactly the right thing when he placed the responsibility where it belongs: mainly, on industry itself. He appointed a committee of distinguished businessmen from all sections of the country to serve as his Business Ethics Advisory Council. They have now presented to him a report which poses very searching inquiries, indeed, to the industrial community.

From these and other signs it is clear that industry in this country is facing a moral crisis. The American people are taking a new, hard look at us and are asking themselves whether by any chance the whole lot of us are dishonest.

They demand urgently to know whether we operate behind a pious facade, whether our public posture is a fraud, whether deep down inside we are completely antisocial in our purposes. We are not yet convicted in the public mind, but a heavy cloud of suspicion surrounds us.

We must face this issue squarely, as indeed the electrical industry itself has. In my opinion, we must at once do one of two things. If our ethical practices are in fact shameful, we must change them forthwith, and make it clear that we have done so. If conscience tells us that they are completely above reproach, we must offer a new declaration of faith to the American people, and then by our conduct demonstrate the complete integrity of our purposes.

No man of senior years, like myself, can fail to sense that the moral climate in industry today is greatly improved over what we knew in earlier years, but this is partly because it was so bad in the period when we first went to work. We remember all too vividly practices which prevailed then, and which we would now like to forget.

For example, in the steel industry, I knew a time when it was common for one company to endeavor continuously by subversive means to steal the research secrets of its competitors. This was done in many ways, with all the stealth of a Communist agent. Technicians in other laboratories would be suborned and for a fixed payment per month, delivered in rolls of bills at secret rendezvous, would turn over copies of blueprints or duplicates of new formulas. A second and even more effective way was simply to hire away the chief chemist or other research officer by doubling his pay, on condition that he would bring his secrets with him.

During the Great Depression, these methods were applied to sales. The vice president of a company whose pay had been severely cut was an easy mark for the competitor who offered a big increase. When he changed jobs, he brought his little black book with him, and revealed the secret rebates which he had been giving customers. The trouble was that his aroused former employer often hired him back at the end of the first year, and when he returned he crossed up his new employer and took his new little black book with him.

There was another kind of venality—a betrayal of trust within a company for a cold cash payment. I was once trapped in the midst of one such nasty situation where, for every carload of steel scrap shipped to the steel plant, the inspector was paid handsomely for not looking beneath the top layer. Nor was this enough. A further shocker was in store for me, because I found that the shipper who had bought the inspector had also bought the court.

Bribery of public officials, the crude buying of legislators, was also widely practiced in earlier days. The notorious black bag was not a fiction in my day but reality, and devious indeed were the mental processes by which otherwise high-minded men justified the practice. For example, I knew a company which for years secretly put a particular member of the legislature on its payroll for $400 a month (that was real money then) with the justification that he was making a great personal sacrifice in accepting the office. I do not recall, however, that he ever voted for a measure of which the company disapproved.

And I knew another corporation in which the officer who handled the taxes was directed by the president to get the assessment reduced, and not to report back. He did in fact get the assessment down. He did it by meeting the assessor in a hotel room. And he did not tell the boss what he had done—but he did tell me.

Now most of those crude and crass practices have disappeared from American business practice—most, but not all. For example, the large-scale pirating of trade secrets in big industry is no longer resorted to. In steel, at least, technical information is now openly and freely exchanged. Advances based upon research by one company become available to all. Competitors have learned that they gain more that way than they lose. Nevertheless, in new industries which depend heavily on design factors and advanced technology, or in fields where only a few large companies carry on research programs, I suspect that the stealing still goes on.

Graft, unhappily, is still practiced by many at the municipal level, in such cases as buying off an alderman for an alley permit and this is very wrong. Though undoubtedly rare, money may still sometimes actually pass a member of a State legislature, or of Congress, to influence his attitude.

I regret, too, that in all candor I must record the unsavory fact that there is a related area of business endeavor where the state of morality is very low indeed, and where there is a stain on the conscience of industry which needs to be removed, and removed soon. I mean the bribery of officials in the governments of new countries in the underdeveloped parts of the world.

In the course of my government service, I visited many of these areas. I know whereof I speak, and I say that there are many otherwise respectable companies which still buy their way in when it comes to securing a mineral concession or establishing an operation in a remote part of the world.

This must stop, and it can only be accomplished by self-discipline. Surprisingly enough, I happen to have grave doubt whether it is a violation of any present Federal law for an American citizen to corrupt an officer of a foreign government, but that fact merely highlights the challenge to our business leadership. I reject the argument that other nations are doing it, and therefore we must if we are to compete. Better to lose the business than to deny our heritage. The entire prestige of our country, and its ability to preserve our way of life in the world, is at stake. Those precious values must not be jeopardized by individual dishonor.

In the host countries, someone always knows the facts. What could be more tragic than for us to lose an air base that is vital to our national security because of moral turpitude on the part of American business? What will be our position when some demagog from the desert calls his people to arms with the cry, "Drive the filthy Americans into the sea. We have been robbed of our ancient heritage"?

Either we have a code of morals, or we do not. If we do, it is for universal application, and must be adhered to in all circumstances, regardless of the impact on earnings. This is the acid test of our integrity.

That was the moral point at issue in the investigations of the electrical industry—setting artificially high prices to keep profits up. It is perhaps unfair to pass judgment upon those cases without personal knowledge of the facts, but who among us can avoid it, when so much is at stake?

For myself, there is no doubt whatever that serious mistakes were made. Things were done which have prejudiced the continuing development of the private enterprise system, and this is bad for all of us. How could this have come to pass? How may one explain these incredible circumstances? All that an outsider may do is to speculate.

Conceivably, for example, these were mistakes of the head, and not of the heart, committed by overzealous executives. It might be argued that here were men who in their daily lives were decent, law-abiding citizens, and who responded to the highest loyalty they knew, the desire to advance the interests of their companies. In other words, it is possible that they put corporate welfare above that of their country merely because they knew no better. It is possible that they simply did not understand the vital function of a free market in a democratic society.

If this were the answer, it would still be bad. To hold the confidence of our public, we in industry must not only have the moral courage to do the right, but sufficient insight to know the right. Our minds must be clear, as well as our consciences.

This hypothesis does not ring true, however. These executives were men of long years of service and broad experience, and it is hard to believe that they did not know that they were violating the law. Our moral crisis is there, either way.

But beyond these proved and punished aberrations there are large, new, somewhat peripheral areas of moral problems, of such comparatively recent origin that the issues have not yet been sharply defined, nor full corrective measures taken. Here the impeccable conduct of the many is being placed in jeopardy by the rascality of the few.

This is a partial list:

1. Lack of truth in advertising: There is still an occasional business buccaneer who misrepresents the quality of the product, or who understates the price by concealing the fact that there are indispensable accessories which will also be required.

2. The credit racket: There are still unscrupulous vendors who overpersuade the unwary buyer of modest means by the no-payment-down, take-all-the-time-you-need pitch. The true interest charge on the deferred balance is not revealed, and the seller makes his money out of the financing of the debt rather than as legitimate profit on the merchandise.

3. The union agent racket: There are still evil-minded employers who cross the palm of the organizer, and buy exemption from legitimate worker grievances, thus cheating the employees, and rejecting the responsibilities of orderly collective bargaining.

4. Denial of promotion on merit to minority groups: There are still those who give lipservice in public to the doctrine of fair opportunity for all workers, regardless of creed or color, but who deny it in actual practice.

5. Expense account cheating: No well-informed observer can doubt for a moment that the Federal Government is still being deprived of large sums of revenue by the unscrupulous padding of income tax deductions claimed as business expenses. The honest citizen pays more than his share of the taxload when the man who cheats pays less.

In listing this catalog of corporate sins one must, in fairness, point out that industry is not alone in having its moral lapses. The commercial world has no monopoly on character weakness. There are newspaper reporters who state as fact that for which they have no documentation; there are clergymen whose conduct is such that they have to be unfrocked; there are scholars who must be dismissed from faculties; there are surgeons who split fees, and lawyers who are disbarred.

But the human frailty of others can never justify moral turpitude in business. The American people are entitled to expect the very best from us at all times. We have no present alternative other than to submit forthwith all our practices to the most intensive reexamination, done in an atmosphere of heart-searching humility, and thereafter we must have the fortitude to do the right, wherever that may take us. We can and must set off a moral and spiritual reawakening which will touch every segment of American life.

Here is a unique challenge for our trade associations. Let our two great groups, the National Association of Manufacturers and the U.S. Chamber of Commerce, seize the initiative in denouncing obvious misconduct and in proclaiming new codes of ethical conduct. Then let the trade groups, industry by industry, promote the doing of the right as zealously as they now promote the sale of the product.

Above all, let each corporate officer determine in his own heart that never again will he put expediency above principle, never again let a chance for a quick profit stifle the dictates of his conscience.

Only thus can the survival of private enterprise in this troubled world be assured.

HANDLING WELFARE PROBLEMS

Mr. McCARTHY. Mr. President, the manner in which welfare problems have been handled and are being handled throughout the country has been a subject of much discussion in the Congress and among the press and other publications in our country. In St. Paul, Minn., an excellent program has been worked out. It is the subject of an article entitled "A Way Out of Our Welfare Dead End," which was published in Look magazine for May 8, 1962. The article briefly outlines the constructive approach taken by the Ramsey County Welfare Board to welfare problems.

Because of the concern with effective welfare work and its rising costs throughout the Nation, I should like to bring this article to the attention of the Senate. Therefore, I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Way Out of Our Welfare Dead End

(By Jack Star)

It is becoming increasingly obvious that something is radically wrong with our public-welfare program. More than 7 million persons now receive public assistance, and annual relief costs have risen from less than $1 billion to more than $4 billion since the end of World War II. What can be done about this problem?

"We're at a dead end," says a social worker who is critical of social work as it is practiced today. "The emphasis should be on rehabilitation and not on determining who's eligible for relief. But we don't have time to rehabilitate anybody."

There are only 35,000 social workers and supervisors for the 7 million people on relief, he points out. "When a social worker has to take care of 150 or 200 or even 250 cases, he only has time to be a bookkeeper. Once a year, he may get the chance to visit a family needing help, but mostly he shuffles papers. His daily routine is the handling of emergencies, such as a family being evicted or an old person running out of groceries. He certainly doesn't have a chance to get to the bottom of a problem."

Welfare administrators in big cities are uneasily aware that present techniques are failures. James R. Dumpson, welfare commissioner of New York City, and Chicago's Raymond Hilliard, director of the Cook County Department of Public Aid, criticize legislators for their unwillingness to finance research and experimentation.

"It's ridiculous to have a $300 million budget and not be allowed to spend money to see if we can do our work better," says Dumpson.

"Our lawmakers seem to think research is just a waste of money," says Hilliard. "And too many among us in our society just plain don't like poor and disadvantaged people." Hilliard believes this may be the case in Newburgh, N.Y., where harsh measures were taken against persons getting public assistance. Yet the Newburgh case reflects a growing dissatisfaction with welfare programs.

Even President John F. Kennedy has been critical. In a recent message to Congress, calling for new laws to meet the situation, he said: "Public welfare . . . must be more than a salvage operation, picking up the debris from the wreckage of human lives. Its emphasis must be directed increasingly toward prevention and rehabilitation."

What the President called for is already underway in St. Paul, Minn. The St. Paul program may well be an answer to the welfare crisis. Experts agree that it is a valuable experiment in a field where there has been too little experimentation.

The St. Paul project had its beginnings in 1948. Bradley Buell, a New York community planner for health and welfare services, was invited to make a survey of 108 health and welfare agencies serving 100,000 families in St. Paul and surrounding Ramsey County. What he discovered may be one of the great breakthroughs in social work. Buell found that only 6 percent of all the families took 50 percent of the welfare agencies' time and money.

"These were the problem families," says Charles J. Birt, executive director of the Greater St. Paul Community Chest and Council, Inc. "Every social service agency in town knows them. They're the ones for whom everything seems to go wrong."

Only half the families had both parents living at home. Half the parents were heavy drinkers, and nearly half had been arrested for one crime or another. Half the families had delinquent children. Two-thirds were getting some kind of public assistance, and nearly all had been on relief at one time. A typical family had dealt with at least nine different welfare agencies. In some families, recipients were the third generation on relief.

The surveyed files hold countless horror stories of wasted lives. One 136-page case history tells of a Mrs. J., who had registered as an unmarried mother with the department of welfare in 1936 at the age of 16. Between then and 1955, her case was opened 20 times. She got married, and during 128 months of her marriage of 201 months, she received $13,000 in relief.

"In many ways, the survey produced a heartening discovery," says Birt. "We now knew that not every family in St. Paul but only a manageable number were in severe trouble. Even with our resources, it looked as though we might cope with a problem of this size."

St. Paul's civic leaders sought an answer right at home, by considering how new social work techniques might help the troubled families. Bradley Buell looked elsewhere by setting up ambitious 5-year research projects in three cities: In Winona, Minn., he wanted to know why families landed on relief; in San Mateo, Calif., he surveyed disordered behavior; in and around Hagerstown, Md., he examined medical indigence.

"What bothered us," says Birt, "was the waste of our slim resources. We knew St.

Paul couldn't afford additional funds for welfare, and we knew that much of what we spent wasn't being used constructively."

It was particularly disturbing that members of the same family might be getting help at the same time from the Family Service Agency, the county probation office, the Family Nursing Service and a free dispensary. Even though there is only one department of public welfare, the county's federally aided programs were run on an individual basis. Thus, a family with an unmarried mother, a crippled child, an aging grandfather and a sick father might, conceivably, be watched over by a half-dozen social workers—all perhaps operating at cross purposes. This is the way it goes over much of the United States.

Working together, committees of St. Paul's private citizens and the city's welfare leaders agreed that, to make progress in treating these troubled families, two things had to be done: (1) A single social worker must be responsible for the entire family. (2) The social worker should not handle more than 30 cases at a time.

In the summer of 1954, backed with funds contributed by several charitable foundations, Birt started the St. Paul Family Centered Project. Seven leading welfare agencies—including Family Service, Catholic Charities, county welfare and Jewish Family Service—joined in the experiment. The agencies contributed skilled caseworkers, who were each assigned 20 problem families from a pool of 400 families.

The results were exciting. Gains were made by about two-thirds of the families. Sometimes, the improvement was small: a slovenly housewife learned how to keep her apartment clean, a child stopped being a truant, a father ceased drinking. Added together, the social gains were considerable. A study of the first 150 cases closed after an average of 2 years' work showed a change for the better in 65 percent of the families and a worsening in only 16 percent. The others stood still.

The police force noted a sharp decline in the rate of juvenile offenses among these families. At a time when the boys of these families were going into their most troublesome years, their delinquency increased less than 5 percent, while the delinquency rate for all boys in the community (during the same period of time) shot up 86 percent. The girls did almost as well.

Helping the families wasn't easy. "They are troubled people, unhappy and suffering, whose feelings of self-worth are low," says a researcher who worked with them. "In many subtle (and unsubtle) ways, they have been told they are failures as family providers, as parents, as neighbors, and they have heard this so often they have come to believe it themselves. It is not surprising that they are defensive and distrustful and see society and all its parts—including social workers—as a threat."

Bernard Hyman, a young social worker who rose to become coordinator of the project, said that it took infinite patience to make progress with a family. "Sometimes, it would require 10 visits a week by the worker in charge of a family," Hyman says. "There is nothing we wouldn't do." If a boy had trouble getting a job, Hyman would take the role of a prospective employer and interview the youth. Then he would offer advice: "You're wearing blue jeans. Wear something else when you look for a job. You came in late this morning. Be on time for appointments."

Project workers would take a sick couple to a clinic to correct a long-neglected health problem. A disorganized housewife might be shown more efficient housekeeping methods. A pastor might be asked to welcome a lonely family to church. Often, just looking and listening could help. In one family, a schoolboy was becoming a problem truant. The social worker discovered that the boy stayed away from school only on days when he had to go to gym class; he was afraid he would look funny because gym shorts would expose his bowlegs. The boy lost his fear after talking to the worker about it.

The families like the new system. "We've been getting help for 30 years, and I know from my experience that their attitude toward us has changed," said one woman. "They're trying, and I think we are all trying too. They're trying with us."

The new method didn't fail to include the forgotten man of social work: the father. Many busy social workers traditionally ignore the heads of troubled families. The wife is generally the stronger person, and, anyway, it may require a night visit to catch the father at home.

Sharing family problems with the fathers had a good effect. "This is the first time anyone ever sat down with me and talked about the family as a whole," said one man, now determined to change his behavior.

For some of the problem families, little could be done. Their intelligence was too low, or they suffered from disabling mental illness. But others simply had never learned better ways of doing things in the harsh world where they grew up. A teenage father who preferred hot rods to the responsibilities of parenthood had to be shown what it meant to be a parent. A man who badly needed medical treatment, but had been barred from a clinic because of his behavior, had to be taught how to keep appointments and not to insult clinic workers.

By 1958, the family centered project had accumulated a large store of information. Books had been written, and social workers had been trained in new methods. But it is one thing to tackle 400 families and another to put over such a program in an entire community.

Miss Ruth Bowman, executive director of Ramsey County's Welfare Board, was willing to try it for all of her families. "I was more than willing, because anything was better than what we had been doing," says Miss Bowman. "Our caseworkers were caring for 150 cases each, and only had time to handle emergencies. It was very bad for morale."

Don Tomsuden, the welfare board's director of family services, agrees: "As a public assistance supervisor, I had responsibility for 800 families. I had six caseworkers to do the job; none had graduate-school training. Forty percent of my time was spent in initialing proposed budgets for our families. I almost never had time to read a case record to see how a worker was doing."

Rehabilitation was impossible, Tomsuden says. "I would ask a worker to get a psychological examination for a boy, because his school reported he was in trouble. But to do this, the worker would have to write a report to the psychologist, and the worker didn't have time for that. So she couldn't get the child tested. But even if she got him tested, she wouldn't have time to do anything about the psychologist's recommendations. It was a rat race."

The Welfare Board selected 300 families to try out a pilot program and train its workers. The workers now had new tools—tools developed by the St. Paul researchers and by Buell in his 5-year programs. The problems of a troubled family were recorded on punch cards, a diagnosis was made, and a course of treatment—based on family-centered techniques—was prescribed. Last year, St. Paul became the first city in America to have a complete machine-accounting system of its public-welfare program, all readily available on punch cards. The 7,957 families getting assistance were broken down into three categories:

A. The 1,599 cases with serious problems who, social workers think, can be helped through intensive effort.

B. Another 1,489 serious cases that are less complicated because of problems caused by environment, rather than personality.

C. The 4,869 cases that are relatively simple because nothing can be done for them except to give them financial aid. Some will get better by themselves; others won't change. These include healthy old people living alone or the aged in nursing homes, mentally deficient wards of the State, children in good foster homes and temporarily unemployed single men.

Now, for the first time, Ramsey County (in and around St. Paul) can do a real job of social work—and without any more manpower. "We just use our manpower more efficiently," says Miss Bowman. "The C's didn't need a great deal of attention, but they still used to clutter up our office. Now, case aids with a high school diploma or some college training can handle their problems, often by mail or telephone. This frees our best workers for the most urgent and the most complicated cases. Our people have only 30 cases each to handle."

There is another saving of manpower in the system. Miss Bowman says her agency no longer has to send a number of different workers to the same family just because different members are involved in different public-aid programs.

The pilot program has produced excellent results. In a 6-month period, a sixth of the families were able to get off relief, a sixth were greatly improved, and a third showed some improvement. This has been encouraging enough to warrant switching the entire county public welfare system over to the new method by the end of the year. And St. Paul is now trying to work out ways whereby its private social service agencies can also use the new techniques.

Buell's classification and diagnostic system is being taken over by nearly all the Minnesota counties and by cities elsewhere, including San Francisco. The value of intensive treatment of problem families has also been demonstrated in Chicago, where two special neighborhood programs have rehabilitated three times as many persons getting assistance as the regular city program.

New York City, too, is considering adopting the classification system. "It may not be the answer," says Commissioner of Welfare Dumpson, "but it could well be one of the answers."

Every week, social service administrators from every part of the United States visit St. Paul. They are there—hopefully—to see if the St. Paul way is a way out of their welfare dead end. It is certainly the way to the bold experimentation needed if we are to find the solution to this problem.

Case history No. 1: Sam W. always had trouble holding a job. For 18 months, he had been completely unemployed. His wife was so demoralized that she had been bedridden for several months. Sam sought comfort from another woman. The W.'s six children suffered. One child became a truant, another ran away from home repeatedly, and a third failed in school. By giving her moral support, the social worker induced Mrs. W. to get out of bed and function as a wife and mother. Mr. W. was helped to get a part-time job and, with steady encouragement, got a full-time job that he seems able to hold. The children joined youth groups and are contented in the new environment.

Case history No. 2: Miss Mary K. at the age of 28 had the sorry distinction of having had four illegitimate children. "And the way her life was going, it appeared she might have another four," said her social worker. The worker decided that Miss K. needed to become self-sufficient. He helped her find a nursery where the children could stay. Then he interested her in enrolling in a training course for travel clerks. With the social worker's help, Miss K. found a job far from

St. Paul. He induced relatives to care for the children until Miss K. was firmly established. Now, she has become self-supporting, takes care of the children herself and has ceased to be promiscuous.

Case history No. 3: The R. family was a mess. Joe R. had left home and wasn't sharing his unemployment compensation with his wife and four children, who lived in a filthy slum apartment. Mrs. R. was so apathetic that she neglected the children's health and discipline. The social worker first got Mr. R. to share his check with the family. Then she showed the wife how to become a better housekeeper. The children were enrolled in a medical clinic, and the social worker joined a marriage counselor in tackling the couple's personal problems. Now, the R.'s are reunited, the family is moving to a better apartment, and Mr. R. is getting a job with the Government.

IMPORTANCE OF ADVANCES IN THE MICROFILM INDUSTRY—EXCERPTS FROM ADDRESS BY DONALD W. McARTHUR

Mr. McCARTHY. Mr. President, the microfilm industry is making great strides in developing new equipment which will be of vital assistance to government, industry, science, and education.

The vital role which this relatively young industry can play in promoting the advance of education and employment was stressed by one of my constituents as he assumed the presidency of the National Microfilm Association, at its meeting in Washington, D.C.

I was impressed by some of the new scientific advances which I viewed during my visit to this convention; and I feel the thoughts expressed by Mr. McArthur with respect to the broad scope of possibilities which microfilm advances will open up are worthy of the attention of my fellow Members of Congress.

I ask unanimous consent that certain excerpts from Mr. McArthur's speech be printed at this point in the Record.

There being no objection, the excerpts from the address were ordered to be printed in the Record, as follows:

Excerpts From the Acceptance Speech of Mr. Donald W. McArthur

An area where I feel the members of this organization can contribute substantially is in the general field of employment. I have been told that to a certain degree, the techniques of operating a camera, a processor, a mounter, densitometer, etc., have been looked upon as menial jobs. Yet when you look through the industry, you find many of the leaders in this field started out as camera operators or in the production end of microfilm.

I believe now that the industry is getting to a size where we should actually be organizing programs to encourage good young people to make their careers within this industry.

It is my understanding from reading recent articles and talks I have had with people in the State Department of Education, that one of America's real problems today is finding a place for the good high school graduate who finds himself in a position where he cannot go on to college.

Apparently, only one-third of our high school graduates are able to further their formal education, and trade schools are able to take care of only a very minor percentage of the remainder. This leaves very large numbers of high school graduates that are going into the Armed Forces, or are seeking employment. Finding employment is becoming increasingly difficult for these fine young people.

Since there is no question as to the high caliber of the type of work we offer in the microfilm industry, it is my sincere hope that we can find a way to encourage good young people to work for careers in this industry.

Each of you as individuals will naturally be the most important factor, since each of you can either encourage or discourage these young people as they talk to you personally. I would hope, however, that this association, as an association, can also do its part to encourage these youngsters to enter our field, since this can become one of the most vital elements to assure our continued growth.

THE LABOR ANTIMONOPOLY BILL

Mr. TOWER. Mr. President, the rapid development, in recent years, of the economic power of labor unions has given rise to a number of evils which are intolerable in a free society. It is quite plain that some union practices, either through design or as an inevitable consequence, impose serious restraints upon trade, suppress competition, and adversely affect the prices of goods and services to consumers. The need for regulation in the public interest cannot be disputed.

The essential purpose for which a labor union exists is to represent employees in bargaining collectively with the employer on matters relating to hours, wages, and working conditions. In the early years of union development, it was recognized that a union's bargaining power was in direct proportion to its economic strength; and it was, therefore, felt by many that a union should be free to organize as completely as possible the total labor supply in an area. Unless this were done, it was reasoned, the employer could replace union workers with nonunion workers, and thus could effectively frustrate the purpose of the union. For this reason, many authorities felt that the concepts embodied in the antitrust laws should not be applied to labor organizations, but that unions should frankly be recognized as monopolies of labor, and should be treated as beyond the reach of the antitrust laws.

The major flaw in this approach as applied to the present-day situation, is that it fails to take account of the drastic changes which have occurred in the position of labor unions in the past quarter of a century. Under the National Labor Relations Act, as amended by the Wagner Act, the Taft-Hartley Act, and the Landrum-Griffin Act, the status of unions received legislative protection against any conduct on the part of an employer to weaken or undermine a union. Not only is the union protected in its organizational activities, but the employer is required by law to recognize and bargain with it when it represents a majority of the employees. Furthermore, the law gives the union the special privilege of acting as exclusive bargaining agent of all employees, both union and nonunion, in the bargaining unit. Hence, the need for a union to achieve a monopoly status, in order to safeguard its very existence, no longer is present.

Nevertheless, union leaders have either failed to recognize this transformation, or have, by virtue of their increased power, undertaken many activities which go far beyond ordinary union organization and mutual protection purposes, and are designed to eliminate competition or establish monopolies in the product market.

A distinction must, therefore, be drawn between the legitimate union purpose of representing the interests of its members in collective bargaining and activities which are carried on for the purpose of economic aggrandizement and have the effect of controlling production, competition, and the prices of goods and services. This differentiation between legitimate economic activity and improper economic activity in the commercial practices of business firms has been fully recognized under the antitrust laws. In a sense, a business firm could argue, as have the labor unions, that in order to function most successfully, it must exercise some degree of economic control over production, competition, and markets. But it is precisely this sort of thing that the antitrust laws are designed to prevent. Nevertheless, despite the recognition of this distinction, the antitrust laws have not destroyed business enterprises, but, on the contrary, when properly administered and applied, have been responsible for their continued progress and prosperity.

Indeed, Mr. President, no one could raise a valid argument against the antitrust laws. After all, the function of government is to preserve order in the society; and, in pursuing that function, the antitrust laws, which aid in the preservation of order in the economy, are vital and necessary.

In the case of trade associations the antitrust laws have been effectively utilized to curtail some objectionable activities without limiting the legitimate functions of such associations. Similarly, application of the antitrust laws to labor unions need not impose any restrictions upon their legitimate functions. These laws could be so administered as to protect the public against those types of union activities which go beyond legitimate union conduct and create antitrust problems.

Even if unions are conceived as being monopolistic per se, it does not necessarily follow that all of their activities should be immune under the antitrust laws. In the world of trade and commerce, it has also been recognized that in some enterprises monopolistic development is an economic reality. In such cases, the courts, in applying the antitrust laws have drawn a line between those activities which are "honestly industrial" and those which were the result of the firm's "free choice of business policies."

The point involved here is that although labor unions may possess certain inherent monopolistic characteristics, these characteristics do not necessarily create a condition which calls for application of the Sherman Act. The principle of the statute is violated only when the union, as the result of its "free choice of business policies," engages in activities which place additional or further restrictions upon free competition and trade in the commercial as distinguished from the labor market.

The labor movement, of course, is unreservedly opposed to any attempt to apply the antitrust laws to any of its activities. Among more disinterested elements, including some quite friendly to labor, the major argument in opposition is that the policing of labor union activities should be placed with an administrative body which is specializing in the handling of labor relations problems.

There is little that a specialized administrative agency can bring to the enforcement of sanctions against the improper practices I have described. The courts for years have been determining what are and what are not restraints of trade. In this area a remedy to be effective at all, must be quick. If enforcement is placed in an administrative body, the delay involved will be enough to make the remedy ineffective. A parallel may be drawn here with the decision of Congress to place concurrent enforcement of the price discrimination provisions of the Robinson-Patman Act in the courts even though the Federal Trade Commission, a specialized administrative agency, was in existence. The result was a more effective control of these practices than could have been achieved by the Commission.

The fundamental purpose of the antitrust laws is the protection of the consumer. Monopolies, restraints of trade, price discrimination, and so forth, by virtue of their adverse effect upon the consumer interest, also contravene the national interest. It necessarily follows, therefore, that if labor union practices go beyond the area of legitimate union objectives and also adversely affect the interest of consumers, there is a valid reason for consideration of these practices within the context of the antitrust laws.

In connection with each of these practices, three questions must be asked and satisfactorily answered:

First, Are the interests of the consuming public damaged by this practice?

Second, Would any legitimate labor union activity be impaired by restriction of this practice?

Third, Will the application of the antitrust laws furnish a more effective remedy or a remedy which is not now available or likely to become available through amendment of the labor statutes?

I have introduced a bill, which if enacted, would proscribe only such labor union conduct as, first, damages the interests of the consuming public; second, does not impair any legitimate labor union activity; and third, would provide an effective remedy not presently available under any existing law. Let me describe some of these activities as they have actually occurred as found by various Federal agencies and courts.

First. The refusal of a union to supply workers—or permit its members to work—where the union has virtual control of the labor supply in the area—*Joliet Contractors* v. *NLRB*, 202 Fed. 2d 606.

In this case, as in many similar cases, the union applied a rule that it would not permit its members to work on any project where certain types of material—such as preglazed sash, prefabricated door and window frames, et cetera—were used. By reason of complete control of the skilled labor supply in the area, the union effectively cuts off any labor supply to projects where these items are used, and as a result their use is discontinued.

Second. The refusal of the union to permit its members to handle certain types of goods.

In this type of situation the union prohibits work on goods or materials which do not have a union label or have the label of another union. A concrete example was presented in the case of *Neon Products Company*, 74 NLRB 766. In that case the company manufactured neon signs for distribution and erection throughout the country. This case arose prior to the merger of the AFL and the CIO. The company bargained with a CIO union and the signs it produced carried a CIO union label. However, where sign-erecting companies had contracts with an AFL union, the latter prohibited work by its members on the erection of the signs. Although this type of situation occurs quite frequently, the NLRB held that this was not a violation of the National Labor Relations Act.

Third. Geographical restrictions on employers.

By means of this practice, a union which has effective control of the labor supply can limit the geographical area in which an employer is permitted to operate. An example of this is set forth in the 1953 hearings before the House Education and Labor Committee—volume 8 at page 2809 of the hearings. A Chicago roofing firm was ordered by the union not to operate north of 47th Street in Chicago because it would thereby compete with another employer whose employees were represented by the same union. When the employer refused to abide by this restriction, the union cut off his labor supply and also advised other contracting firms that they would be put out of business if they utilized the services of this roofing firm.

Fourth. Restrictions on production.

In 1948 the United Mine Workers decreed a 3-day workweek in the bituminous coal industry. The union also decreed certain "memorial periods" of idleness, during which all production was halted for several weeks at a time. The union's acknowledged purpose in decreeing these work stoppages—they were not strikes in the conventional sense, was to limit the production of coal and thereby to influence the market price. The Senate Committee on Banking and Currency of the 2d session of the 81st Congress issued a report entitled the "Economic Power of Labor Organizations," in which, referring to this episode, it declared:

> If this usurpation and abuse of the power to control production and price is tolerated by the Congress, its unbridled use will quickly spread from union to union, from industry to industry, and the Congress will never regain its own narrowly circumscribed power to control the economy of the Nation consistently with the Constitution of the United States.

The committee also noted that no relief from such conduct could be found under the antitrust laws as interpreted by the courts. It referred to various recommendations for amendments to the antitrust laws to deal with such practices, and it referred the matter to the Senate Judiciary Committee for appropriate action with respect to amendments to the antitrust laws. To date, no such action has taken place.

Upon this background I prepared my bill, S. 2931, which was designated "Labor Union Antitrust Laws Amendments of 1962."

An examination of the bill and the accompanying analysis will clearly show that the proposed measure would apply the antitrust laws in a strictly limited fashion to certain activities of labor unions. This proposed legislation is not designed to impose any restrictions on legitimate union activities, and I am convinced that it would not do so. It is not intended to establish any legislative principle having the effect of treating associations of wage earners as combinations or conspiracies in restraint of trade. To the contrary, the bill would have no application whatsoever to the supply or the price of labor; that is, to the effects which union conduct may have in the labor market. Its sole purpose is to prohibit certain types of union activity intended to lessen competition or to establish monopolies in the markets for products and commodities.

In other words, the bill constitutes a recognition that the basic objective of our antitrust legislation was to protect the consuming public by preserving competition and prohibiting monopolies in the production and sale of articles of commerce. Unfortunately, this fundamental principle was discarded by the Supreme Court when in 1941 it held, in the *Hutcheson* case (312 U.S. 219), that a proper interpretation of the Sherman and Clayton Acts in the light of the Norris-La Guardia Act required the conclusion that labor unions were, for all practical purposes, immune from the application of the antitrust laws. In the words of the Court, "so long as a union acts in its self-interest and does not combine with nonlabor groups, the licit and the illicit are not to be distinguished by any judgment regarding the wisdom or unwisdom, the rightness or wrongness, the selfishness or unselfishness of the end of which the particular union activities are the means."

This decision involved so sharp and drastic a departure from well-established legal principles and judicial precedent that in his dissenting opinion, Mr. Justice Roberts was compelled to characterize it in critical language not usually to be found in a judicial opinion. I quote:

> By a process of construction never, as I think heretofore indulged by this Court, it is now found that because Congress forbade the issuing of injunctions to restrain certain conduct (Norris-La Guardia Act) it intended to repeal the provisions of the Sherman Act authorizing actions at law and criminal prosecutions for the commission of

> torts and crimes defined by the antitrust laws. The doctrine now announced seems to be that an indication of a change of a policy in an act as respects one specific item in a general field of law, covered by an earlier act, justifies this Court in spelling out an implied repeal of the whole of the earlier statute as applied to conduct of the sort here involved. I venture to say that no court has ever undertaken so radically to legislate where Congress has refused so to do.
>
> In the light of this history, to attribute to Congress an intent to repeal legislation which has had a past, by resurrecting a rejected construction of the Clayton Act and extending a policy strictly limited by the Congress itself in the Norris-La Guardia Act, seems to me a usurpation by the courts of the function of the Congress not only novel but fraught, as well, with the most serious dangers to our constitutional system of division of powers.

In the case of *Apex Hosiery Co.* v. *Leader* (310 U.S. 469), decided in 1940, the late great Chief Justice Stone of the Supreme Court, in the majority opinion, pointed out that when Congress passed the Sherman Act in 1890 "the end sought was the prevention of restraints to free competition in business and commercial transactions which tended to restrict production, raise prices or otherwise control the market to the detriment of purchasers of goods and services, all of which had come to be regarded as a special form of public injury."

This bill is designed to achieve precisely that end, no matter who imposes the restraints, whether business enterprises or labor unions.

Prior to the Hutcheson decision, Thurman Arnold, the then Assistant Attorney General heading the Antitrust Division of the Department of Justice, assumed, as did practically the entire legal profession, that the Sherman Act was applicable to labor union conduct which imposed such restraints. In 1939, he described the types of union activity against which he intended to proceed. I quote:

> The antitrust laws should not be used as an instrument to police strikes or adjudicate labor controversies. The right of collective bargaining by labor unions is recognized by the antitrust laws to be a reasonable exercise of collective power. Therefore, we wish to make it clear that it is only such boycotts, strikes, or coercion by labor unions as have no reasonable connection with wages, hours, health, safety, speed-up system, or the establishment and maintenance of the right of collective bargaining which will be prosecuted. * * * The types of unreasonable restraint against which we have recently proceeded or are now proceeding illustrate concretely the practices which in our opinion are unquestionable violations of the Sherman Act, supported by no responsible judicial authority whatever.
>
> 1. Unreasonable restraints designed to prevent the use of cheaper material, improved equipment or more efficient methods. An example is the effort to prevent the installation of factory-glazed windows or factory-painted kitchen cabinets.
>
> 2. Unreasonable restraints designed to enforce illegally fixed prices.
>
> 3. Unreasonable restraints designed to enforce systems of graft and extortion.
>
> Among the powerful private groups restricting production must be included a few strategically located labor unions. Economists in the Antitrust Division estimate that these labor restrictions on production, which have nothing to do with wages or hours or conditions of labor, are today costing the American consumer over $1 billion a year. They are increasing. I am not talking about high wages. I am talking about holdups and bottlenecks in housing, and in food and in fuel and in transportation, created by powerful labor unions which claim the legal right to institute strikes and boycotts for such illegitimate objectives as (a) to enforce price-fixing agreements and freeze channels of distribution; (b) to eliminate small competitors and owner-operators; (c) to restrict the use of labor-saving devices; (d) to keep more efficient materials off the market which might interfere with static jobs; (e) to prevent self-employment; (f) to make arbitrary classifications of jobs which retard the efficient use of labor; (g) to tie up huge industries in the struggle to determine which of two unions will dominate the field.

After the decision in the Hutcheson case, however, Thurman Arnold recognized that new legislation would be needed to deal with these abuses. In his annual report for 1941 he declared:

> The antitrust laws, as construed by recent decisions of the Supreme Court of the United States, have left consumers, independent businessmen, and farmers without any effective remedy against organized coercion by certain labor unions to further illegitimate objectives. Therefore, new legislation is imperatively needed to meet a growing evil.

Twenty years have passed since Mr. Arnold made that recommendation, but no legislation has been passed and the evil has continued to grow.

The bill which I have introduced, if properly administered were it to become law, would effectively outlaw the most serious of these evils, and would do so without imposing any unreasonable restrictions upon legitimate union activities. I take no pride of authorship in the basic approach embodied in the bill. I am frank to admit that this basic approach was suggested several years ago by a man who is now an eminent and important part of the present administration, the Solicitor General, Archibald Cox, who was also President Kennedy's chief labor advisor during the latter part of the President's career in the Senate. He recommended, while professor of labor law at the Harvard Law School, legislative language, which, essentially, is the same as that contained in section 3 of this bill. Moreover, the 1955 "Report of the Attorney General's National Committee to Study the Antitrust Law" recommended "appropriate legislation to prohibit these union efforts at outright market control."

> (a) It should cover only specific union activities which have as their direct object direct control of the market, such as fixing the kind or amount of products which may be used, produced or sold, their market price, the geographical area in which they may be sold, or the number of firms which may engage in their production or distribution. By "object" this Committee means only the immediate concession demanded from an employer as a condition precedent to halting corrective action against him.

Under this bill, as under the language suggested by the Solicitor General, the commission of any of the enumerated objects would be proof that a union's direct object is direct control of the market and any secondary results would not be weighed in reaching a determination.

This approach is an attempt, in my opinion a successful one, to give legislative recognition to the conflict between two existing congressional policies—encouragement of effective collective bargaining and promotion of product market competition—and to draw a clearcut line between lawful and unlawful activities within the area of conflict.

The enumeration of unlawful, rather than of lawful acts, as in this bill, adds clarity and avoids some difficulties of definition. To list the lawful acts of unions would require a clear cut, inclusive definition of labor union functions and would imply that all unlisted activities were unlawful. To the extent that the listing was incomplete, unions might be unfairly hampered. Since unions, like business, continually explore new methods, eventually such a listing would be incomplete.

The enumeration of specified unlawful acts has the advantage of giving persons precise knowledge of exactly what is lawful or not lawful before the commission of the act. There is no need to determine the real purposes behind the act, to judge which are primary and which secondary objects, or to determine, for example, whether a given act "unreasonably" restrains competition.

The time has come to provide effective remedies for those situations in which the economic power of the union is so great that all other parties are left with no alternative other than to submit to the demands of the union. I submit that the bill which I have introduced will go a long way toward providing a few of those remedies.

Mr. President, I ask unanimous consent to have the text of my bill, S. 2931, printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Labor Union Antitrust Laws Amendments of 1962".
>
> SHERMAN ACT AMENDMENTS
>
> SEC. 2. (a) Section 2 of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (26 Stat. 209, as amended; 15 U.S.C. 1), is amended by inserting, immediately after the section designation "SEC. 2.", the subsection designation "(a)".
>
> (b) Section 3 of such Act is amended by striking the designation "SEC. 3." and inserting in lieu thereof the subsection designation "(b)" and by adding the following new section 3:
>
> "SEC. 3. (a) It shall be unlawful for a labor organization or its officers, employees, or members to enter into any contract, agreement, or arrangement affecting trade or commerce among the several States, or with foreign nations, or in any territory of the United States or of the District of Columbia, or between any such territory and another, or between any such territory or territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, which—
>
> "(1) fixes prices, or

"(2) limits the volume of production or sales (otherwise than by establishing hours of employment, overtime premiums, workloads, work standards, or measures for sharing available work), or

"(3) restricts the number or kind of employers or other persons who may engage in any particular kind of business activity or for whom the members of a labor organization will work, or the area in which the employer or other person may sell goods or services, or the persons with whom an employer may do business, or

"(4) otherwise, but in like manner, limits access to a market other than a labor market by employers and other persons engaged in business activity.

"(b) It shall be unlawful for a labor organization or its officers, members, or employees to engage in a strike, or other activities where an object thereof is to compel any employer or other person to enter into a contract, agreement, or arrangement prohibited by subsection (a): *Provided*, That nothing contained in this Act shall be deemed to make unlawful the exclusion of an employer from the market if such exclusion is an incident of a current dispute between a labor organization and such employer concerning the association or representation of employees or their terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

"(c) Every person who violates, attempts to violate, or combines or conspires with any other person to violate, the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court."

(c) Section 8 of such Act is amended to read as follows:

"SEC. 8. As used in this Act—

"(a) The term 'person' or 'persons' shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the territories, the laws of any State, or the laws of any foreign country, and as used in section 3 of this Act, shall include labor organizations as defined in this section.

"(b) The term 'labor organization' means any organization of any kind, or any agency or employee representation plan, in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and includes any national or international labor organization or federation thereof, and any conference, general committee, joint or system board, joint council, or parent, regional, State, or local central labor body.

"(c) The term 'employee' shall include any employee and any individual employed by an employer, and shall not be limited to the employees of a particular employer, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute.

"(d) The term 'employer' includes any employer, any person acting as an agent of an employer, directly or indirectly, and any person engaged in any trade or industry as a manufacturer, producer, distributor, supplier, carrier, or handler of any article, commodity, or service, and in the case of any corporate employer includes all subsidiary corporations of the same parent corporation engaged in the manufacture, production, distribution, furnishing, transportation, or handling of articles, commodities, or services of the same kind.

"(e) The term 'strike' means any strike or other concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of or interference with operations by employees."

CLAYTON ACT AMENDMENTS

SEC. 4. (a) Section 6 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (38 Stat. 731; 15 U.S.C. 17), is amended by inserting before the period at the end thereof, a comma, and the following: "except as provided by section 3 of the Act entitled 'An Act to protect trade and commerce against unlawful restraint and monopolies', approved July 2, 1890 (26 Stat. 209, as amended; 15 U.S.C. 1, 3, as amended)".

(b) Section 20 of such Act (29 U.S.C. 52) is amended by—

(1) inserting after the word "that" at the beginning thereof, and after the word "And" at the beginning of the second paragraph thereof, a comma, and the following: "except for the purpose of preventing a violation of section 3 of the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890 (26 Stat. 209, as amended; 15 U.S.C. 1, 3, as amended)"; and

(2) striking out the words "any law of the United States" at the end of the second paragraph thereof and inserting in lieu thereof the words "any other provision of the antitrust laws of the United States".

JURISDICTION OF COURTS

SEC. 5. The jurisdiction of courts sitting in equity to prevent and restrain violations of section 3 of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890 (26 Stat. 209, as amended; 15 U.S.C. 1, as amended), as amended in this Act, shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity and for other purposes, approved March 23, 1932 (U.S.C., supp. VII, title 29, sec. 101–115)".

SCOPE OF JUDGMENTS

SEC. 6. Whenever a judgment for damages is granted against a labor organization under section 4 of an Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" (38 Stat. 731, 15 U.S.C. 15), collection of such judgment shall be limited to the assets owned or controlled by such labor organization and such judgment shall not be enforcible against any individual member.

NONEXCLUSIVE REMEDIES

SEC. 7. The provisions of this Act and the remedies provided herein shall not be exclusive, but shall be in addition to any other statutory provisions and legal or statutory remedies provided for protection against the same or similar conduct under any law of the United States or of any State.

SEPARABILITY

SEC. 8. If any provision of this Act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Act, or the application of such provision to any persons or circumstances other than those as to which its application is held invalid, shall not be affected thereby.

EFFECTIVE DATE

SEC. 9. The amendments made by this Act shall take effect on the first day of the fourth month beginning after the date of the enactment of this Act.

ANALYSIS OF SENATOR TOWER'S LABOR ANTITRUST BILL BY MICHAEL J. BERNSTEIN, MINORITY COUNSEL, COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. TOWER. Mr. President, I wish to read an excellent analysis of the bill I have been discussing. The analysis was prepared by a brilliant labor lawyer, Mr. Michael J. Bernstein, a member of the staff of the Committee on Labor and Public Welfare. The analysis is as follows:

AN ANALYSIS OF SENATOR TOWER'S LABOR ANTITRUST BILL

(By Michael J. Bernstein, minority counsel, Senate Labor Committee)

The proposed bill, to be known as the Labor Union Antitrust Laws Amendments of 1962, would amend the antitrust laws (the Sherman and Clayton Acts) to prohibit certain activities by labor unions which may have the effect of diminishing competition or establishing a monopoly in the product or commodity markets.

Under existing Federal law, as construed by the courts, labor unions are, for all practical purposes, wholly immune from the prohibitions of the Federal antitrust laws. The single exception is the rare case in which a labor union combines or conspires with management to engage in conduct which the Sherman Act or the Clayton Act now make unlawful when engaged in by management without union participation.

The first amendment made by the bill to the Sherman Act is a technical one. It redesignates section 2 of that act which prohibits monopolies and restraints of trade in interstate commerce as subsection 2(a) and makes section 3 of that act which prohibits such monopolies and restraints affecting the District of Columbia and the territories a part of section 2 by redesignating it as section 2(b).

The bill then inserts a new section 3 which is concerned exclusively with the activities of labor unions. This new provision prohibits labor unions from entering into any contract, agreement, or arrangement affecting interstate commerce, the District of Columbia or the territories, which (1) fixes product or commodity prices, (2) limits the production or sales of products or commodities except as an incident to legitimate labor union activities dealing with terms and conditions of employment and questions of union representation, (3) restricts the number and kinds of employers who may engage in a particular business or for whom the union members will work, or restricts the area in which any person may sell his products or commodities, or limits the persons with whom an employer may do business, and (4) in any similar manner, limits access to a product or commodity market by persons engaged in business.

This is the bill's key provision and it is the only way in which the bill substantively modifies the present application of the antitrust laws. It merely imposes on labor unions the same prohibitions against attempts to establish monopolies or eliminate competition in the product and commodity markets which are now imposed on nonlabor union elements.

In order to make this prohibition effective, the bill makes it unlawful for a labor union or its agents or members to engage in a strike or other type of union activity such as a boycott or picket line, where one of the objects of such activity is to compel anyone to enter into a contract, agreement, or arrangement of the prohibited variety. This provision contains a proviso which excludes from the prohibition any exclusion of an employer from the product or commodity market which is a purely incidental result of legitimate labor union activity dealing with terms and conditions of employment or the representation of employees or labor disputes involving such issues.

Violations of these new provisions are made misdemeanors and punishable by fines up to $5,000 or imprisonment up to 1 year, or both, in the discretion of the court.

These penalties are identical with those presently contained in the Sherman Act.

The Sherman Act contains but a single definition—that of the term "person." This bill uses a number of terms which do not appear in the Sherman Act—labor organization, employee, employer, and strike. Hence, it is necessary to define them and the bill does so by using existing definitions of these terms as they appear in the Taft-Hartley Act, with modifications appropriate to the different objectives of the proposed measure.

The definition of the term "person" is the same as in the Sherman Act, but it is broadened to include "labor organizations."

"Labor organization" is defined broadly so as to include any organization in which labor unions participate for any purpose which has a concrete bearing on the relations between labor and management in the field of collective bargaining and its necessary accompaniments. Thus, it includes not only unions which directly engage in such bargaining, but also any organization to which labor unions belong or in which they participate, such as a State federation, a district council, or a central labor body, which plays any role, even if indirect, in collective bargaining or in connection with strikes, boycotts, blacklists, picketing, unfair lists, or any other type of union activity designed to strengthen unions in their collective-bargaining activities. The basic approach of this definition is the same as that in the Landrum-Griffin Act, but is broadened so as to include labor organizations which the Landrum-Griffin Act fails to cover, such as State or local central labor bodies.

"Employee" is defined substantially as it is in both the Taft-Hartley Act and the Landrum-Griffin Act, to mean any employee of any employer, including employees who are on strike. This definition omits the limitations which are in the Taft-Hartley Act and the Landrum-Griffin Act, and which are appropriate to those statutes. It is designed to be as broad as the dictionary meaning of the term "employee."

The term "employer" includes all employers in the dictionary sense of that term, any agent of an employer, any manufacturer, producer, distributor, supplier, carrier, or handler of any product or commodity, and any subsidiary of a parent corporation performing the foregoing functions. It is broader than the definitions in the Taft-Hartley and the Landrum-Griffin Acts, because it does not include the exceptions contained in those statutes—exceptions which would be inappropriate in an antitrust bill proper, as they may be in a management-labor relations statute.

The term "strike" is defined to include any concerted stoppage, slowdown, or interruption of work by employees.

The bill amends section 6 of the Clayton Act, which provides that labor unions shall not be held to be illegal combinations or conspiracies in restraint of trade, by adding language denying this immunity to unions which have violated the new provisions which this bill would add to the Sherman Act, and which have been described above.

It also amends section 20 of the Clayton Act, which, subject to certain qualifications, limits the authority of Federal courts to issue restraining orders and injunctions in labor disputes and against certain conventional types of union activity, by removing such limitations on the judicial power in cases involving violations of the new provisions added to the Sherman Act by this bill, and described above.

The bill also contains a provision which would remove the restrictions on the jurisdiction of Federal courts under the Norris-La Guardia Act, in cases involving labor disputes, where the case brought before a Federal court involves a violation of the new provisions added to the Sherman Act by this bill, and described above.

The bill specifically provides that the collection of any judgment granted against a labor union under section 4 of the Clayton Act shall be limited to the assets owned or controlled by such union, and that such judgment shall not be enforceable against any individual member of the union.

Finally, there is in the bill a provision which prevents the Federal Government from preempting this field of law, by providing specifically that the bill's provisions and remedies shall not be exclusive, but shall be in addition to any other provisions and remedies in the same area of conduct which are available under any other Federal law or under any State law.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. TOWER. Mr. President, we have been met here, the past few days, and I trust we shall also meet for some days to come, to discuss the question of a literacy test as applied to qualification for suffrage.

Generally speaking, Mr. President, the American people are highly literate and well informed. We are a people who, conscious of our history and our background, and also conscious of the mistakes of older societies, have been able to govern ourselves with stability and order. We have inherited a great tradition. We have inherited a system of government based on certain Anglo-Saxon traditions of law and right that had evolved even before Columbus discovered America.

The history of Anglo-Saxon society over the past thousand years has been the striking and dramatic history of a people's seeking to perfect their institutions of law and government. We today enjoy great individual liberty and freedom of choice. We enjoy a system which is at once both free and orderly, because our institutions have evolved over a period of many centuries; and as the Anglo-Saxon people become more mature, they also became more sophisticated in the art of government.

The history of our people has been marked, of course, by war and bloodshed and by dynastic struggles; but out of all of them has come a system of law and government which is the envy of peoples everywhere in the world—a system which is emulated by some, is copied in form by others, but is enjoyed in substance by very few other peoples in this world. We have been able to develop the institution of self-rule because we have been a people who have consistently sought to better ourselves and our social institutions.

Mirabeau Bonaparte Lamar, the second President of the Republic of Texas said:

> A cultivated mind is the guardian genius of democracy.

Indeed, Mr. President, a system in which the responsibilities of government devolve on the governed, require a people with good minds well prepared to assume the awesome and terrible responsibilities of government.

In the various States of this country, in order to insure that people who are informed will make the decisions which affect the lives and the destinies of us all, literacy tests are required as a qualification to suffrage.

My State does not have a literacy test. In the great State of Texas anyone who has $1.75 in his poke can vote. All he has to do is pay his poll tax, which, let me hasten to say, is not a qualification for suffrage, but merely a condition that he must fulfill before he casts his vote.

Indeed, the poll tax is a direct capitation tax which is required of all citizens. It is, of course, a law that is not vigorously enforced. Enforcement of the payment of the poll tax would be a very costly thing, but payment of the poll tax is merely evidence of residence.

I am happy to say that in my State no serious attempt is made anywhere to use this means as a method of preventing people from voting; and, indeed, anyone may pay his poll tax. But even though we do not have a literacy test in Texas, I believe there is great merit in the idea that a citizen should be able to read and write before accepting the responsibility and exercising the privilege of casting a ballot.

How can we expect someone who cannot even read the names of the candidates in an election, who cannot even read the proposed new amendments to State constitutions, to be able to ballot intelligently?

I do not think we can expect him to do so. It is proposed that a sixth-grade education be considered as satisfactory in fulfilling literacy requirements for suffrage. I submit that this is little more than an empty gesture. Indeed, I believe it to be a sham. Where there is discrimination in voting, where citizens are precluded from casting their ballot on invalid grounds, it is not because of the law setting forth certain qualifications for the privilege of voting. The fault lies in the administration of such laws.

Let us think for a minute of what could happen if this measure were passed. Assume that we now have a Federal law that provides that it makes no difference what the State literacy requirements are for voting; if a man has a sixth-grade education, it will satisfy those requirements and he may vote. Consider my case, that of a poor Republican in the South. I present myself before Democrat election officials and say that I would like to vote. I say to those gentlemen, "I am quite literate. I have a master of arts degree from Southern Methodist University." The officials may say to me, "That is very good." I may present to one of the officials my diploma. He may say, "That is very interesting, but where is your sixth-grade certificate?"

Mr. President, I do not have a sixth-grade certificate. So I could be denied the vote, not because I was illiterate, but because I was a Republican.

Let me hasten to say that my party is becoming more and more respectable in the South, and that this type of discrimination has been considerably reduced in the past few years. In fact, in some sections, republicanism is becoming fashionable, and Democrat candidates are even beginning to curry Republican support. But, as a case in point, I know of the case of a Negro who held a Ph. D. degree who was denied the vote because he was illiterate, or, rather, because in the opinion of the officials he was illiterate. He certainly should have had the right to vote, because some white people who were themselves hardly literate were allowed to vote. They were illiterate.

The fault is not in the law, but in the administration of the law. There are adequate remedies available in the courts. There is no need to enact another law. However, if such a law were enacted, this same gentleman might present himself to the election officials, who would say, "Where is your sixth-grade certificate?"

Or, let us look at the question in another way. Let us assume a man has no formal schooling, but is a literate, educated man. He might be self-educated. My grandfather, for example, had only 3 days of formal schooling in his whole life. Yet he was a surveyor, a historian of no mean ability, and a Methodist clergyman respected throughout the eastern portion of my State. He was a highly educated man. But he could be denied the vote if he were alive today, if the law as proposed were enacted, because he had no sixth-grade certificate, or no evidence of a sixth-grade education, regardless of how literate he might be.

Mr. President, it is real folly to think that enacting a law providing that a sixth-grade education shall satisfy the requirement for literacy would result in great numbers of people, who are currently discriminated against, being allowed to vote. So it is really cruel deception. It might have some political value, but I doubt it.

We are tampering with the constitutionally recognized privilege, right, and responsibility on the part of the States to determine the qualifications of electors. Article I, section 2, of the Constitution, and section 1 of the 17th amendment both provide:

> The Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

There was early recognition in that doctrine by the Founding Fathers of the responsibility of the State itself to determine who is entitled to vote. No mention of the qualifications for electors for President and Vice President is contained in article II, section 1, of the Constitution. Section 1 of article II states:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress.

This method varied greatly in many States up until the mid-19th century. I believe the State of South Carolina choose presidential electors in the State legislature until 1860.

Suffrage provisions have been liberalized in the past 100 years. Many States previously had religious qualifications or property qualifications. Now more and more people participate, on a percentage basis, in making public decisions than at any other time in our history.

Our people have shown in this vital area of government that they will face their responsibilities, exactly as they have shown in the many other areas of politics, law, economics, and social need that they will face their responsibilities and will meet those responsibilities if left alone.

The right to vote for national officers is a national right, but it is conferred by the Constitution only upon those who qualify under State law. While State law is supreme, it is of course subject to the requirements of the 14th amendment that States must not abridge privileges and immunities, deny due process, or deny equal protection of the law.

But is it a denial, by law, of due process—is it a denial, by law, of a privilege and immunity—is it a denial, by law, of equal protection of the law for a State to require that a person be literate before he is allowed to exercise the privilege of the franchise?

Let us be very candid and note that the proposed legislation is aimed at Southern States, although the majority of the States which require a literacy test are outside the South. Let us remember that if the literacy test measure should pass this body, and subsequently should pass the House, and be signed by the President, it would affect every State which has a literacy requirement. Let us remember also that many Southern States do not have literacy requirements, so if someone is taking out after the South he will miss a few with this proposal.

I think this proposal is unfair to many States in regard to their attempts to have sensible government by attempting to establish a requirement of literacy.

The constitutionality of literacy tests has been upheld in a very recent case by the Supreme Court, virtually as presently constituted. In *Lassiter* v. *Northampton County Board of Elections* (360 U.S. 45), a 1959 case, the Court held:

> Literacy and illiteracy are neutral on race, creed, color and sex, as reports around the world show.

The Supreme Court of the United States has said that literacy and illiteracy are neutral. Therefore, there is no discrimination against an ethnic group, a religious group, or a particular political group when a literacy test is required.

True, the administration of the test may be such that there is a denial of a privilege, or a denial of equal protection of the law, but the fault is in the administration and not in the law.

As we have noted, the problem is in the administration of the law and not in the law itself. We noted earlier that adequate recourse can be had to the courts by those who have been discriminated against in the administration of a literacy test. Any test may be void on its face, as was true in the case of Davis against Snell, or be unconstitutional in its application. But again I submit that there is no need for legislation of the kind proposed in order to correct injustice which is subject to action under the 14th amendment and many laws on the subject, both State and Federal. Even the 14th amendment recognizes the right of States to require certain qualifications for voters. Such qualifications might effect the disenfranchisement of otherwise qualified persons. The right to establish qualifications necessarily carries with it the right to determine the requirements for meeting the standards set. Otherwise, the qualifications will mean nothing.

If we should pass the bill, it is highly doubtful that it would change anything so far as concerns discrimination against citizens who should be allowed to vote. There might still be faulty and unfair administration of the law. The only way to prevent such discrimination would be to man every precinct in the United States with Federal election judges who themselves had no political opinions whatsoever. Such judges would have to be completely impartial. They would administer the voting and the counting of the votes, and then determine who had won a sufficient number of votes to be elected to public office. Even to think of creating such a gigantic Federal election machine that would act impartially is fantastic. It could not be done. So we would not remedy anything by passing the bill.

Let us return to the Constitution. Article I, section 4, provides:

> SEC. 4. The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

That provision does not extend to setting qualifications. It should be read in the light of article I, section 2, which leaves qualifications to the States. The rule of law is, of course, that specific language controls when it is in seeming conflict with general language. Civil rights cases have limited congressional enactments under the 14th amendment to prohibiting certain State actions. Those cases have not given power for general legislation. The only way to alter the suffrage qualification laws of the States by Federal action consistent with the Constitution of the United States is by constitutional amendment.

Our system has developed in several ways. The Constitution does not stand alone. It is a great document, setting forth the organic law of our great Nation, stating, as a good constitution should, what the organization of government shall be, what its powers and functions shall be, and what limitations must apply to it.

Mr. HILL. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the distinguished Senator from Alabama.

Mr. HILL. The Senator is making a fine statement. He has paid a just tribute to the American people and to our American form of government. Is it not true that we pride ourselves on the fact that we have a government of laws and not of men?

Mr. TOWER. I appreciate the kind comments of the distinguished Senator from Alabama, who, I understand, has only recently won renomination in the Democratic primary of his great State.

It is true that ours is a government of laws and not of men. All of the world's ills have been perpetrated by men who sought to gather power unto themselves, who sought personal aggrandizement, or who might have been loftily motivated, but were possessed of a messianic complex. There are no messiahs in America. No one man is indispensable. No handful of men are indispensable. If the entire membership of this body were wiped out tonight, however able we may regard ourselves, there would be others to take our places, because our system is ordered not by personalities, not by the whims of individuals, not by the arbitrary will and expression of any one man, but by the law in all its majesty.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. TOWER. I am glad to yield to the distinguished Senator from Alabama.

Mr. HILL. Is it not true that we can only have a government of laws and not a government of men as we respect, uphold, and defend the Constitution of the United States?

Mr. TOWER. That is absolutely correct. We cannot have a government of laws unless the integrity of the Constitution is preserved and protected. When we start playing fast and loose with the Constitution, we play fast and loose with the American system, and thus threaten that system with destruction. We could undermine it. If a great nuclear bomb destroyed our cities and factories and laid waste our land, we could rebuild the destroyed area and facilities in a generation or two. But if we lose our free institutions that operate within the framework of the American Constitution, we may never get them back. Consider what happened to the great governmental systems of ancient times, the forerunners of our own. They are now gone. The preservation of the Constitution is a necessary concomitant of the preservation of government by law and not of men.

Therefore, when we strike at the roots of the Constitution, when we have so little faith in ourselves, so little faith in our people, so little faith in the Constitution itself, that we attempt to go around it and attempt to do things with speed and dispatch, and become impatient with the Constitution, we are perhaps hastening the day when Americans will no longer be free.

We cannot say that one section of the Constitution is good and fine and does a great deal for us, and then say another section is not entirely to our liking, and therefore we will amend it by passing legislation.

The Constitution specifically states in article VI:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.

A law, to be valid, must be made pursuant to the Constitution. How often have the courts struck down our man-made laws when they have been in conflict with the spirit and the letter of our fundamental law.

Let us not be destructive of this great Constitution and the body of tradition that has developed around it.

Mr. President, there are many ways in which the constitutional system has developed. As we noted awhile ago, it does not stand entirely by itself. It is the fundamental law; but how does it become operative? What breathes life into this great document? Laws passed in pursuance of the Constitution, laws that implement its provisions, laws that reflect its spirit and intent, custom, and usage.

For example, the two-party system really makes our constitutional system work. One of the reasons why the electoral college system works, however inequitable it may be, and however we may want to change it, is because we have the two great political parties in existence.

The members of these parties agree that their electors will vote for a recognized candidate. If it were not for the two-party system, or if we had a multiparty system, or if we had no political parties, the electoral college system would not work at all. There would be chaos. So that is a contribution. It is a part of the body of custom and usage that has grown up around the Constitution. The Constitution develops through the interpretation of constitutional provisions by the courts, by judicial precedent. The Constitution also develops through the amending process.

Thomas Jefferson felt that probably we would have to write a new fundamental law every generation. Thomas Jefferson thought that the Constitution was probably all right. He did not get to help write it, and perhaps that was why he was not as pleased with it as he would have been had he helped write it himself. He thought that each generation would have to create its own fundamental law. However, that has not come to pass. This prediction of Thomas Jefferson has not come about because we have the amending process, which enables us to change the Constitution. Actually we have had to change it very few times. It has been changed a total of only 13 times, when we consider that the first 10 amendments were adopted at one time. Of the original 84 affirmative provisions of the Constitution, 73 still remain in force and effect. We have not had to resort to frequent amendment.

However, if we wish to make such basic and fundamental and organic change as the invasion of the Federal Government into the right and responsibility of the States to determine qualifications for suffrage, we must do it through the amending process.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the distinguished Senator from Louisiana.

Mr. LONG of Louisiana. The Senator is speaking about a proposed law which is supposed to help protect somebody's rights. Is it not true that if we undertake to amend the Constitution by an unconstitutional method, and seek to persuade the Court to uphold this method, we are in effect denying the people of this country and the legislatures of the 50 States their right to decide whether the change should be made?

Mr. TOWER. The Senator is right. I appreciate his question. The Senator points up a very vital and important point. If we attempt to make a change through legislation, we are attempting to alter the basic law of the United States without consulting the people of the United States. The Founding Fathers, in their infinite wisdom, established a provision in the Constitution which would prevent it being amended as a result of a whim.

It was the desire of the Founding Fathers that we should not be stampeded into hasty and ill-advised amendments, and that the people should have the opportunity, either through conventions in their separate States or through their State legislatures, to determine whether they wanted certain alterations made in the basic law. This is vitally important. We cannot presume to pass this proposed legislation in the name of democracy when we are denying the very process that we seek to support.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. TOWER. I yield further to the Senator from Louisiana.

Mr. LONG of Louisiana. The Senator well knows that the Attorney General of the United States and the President of the United States were content, after many other proposals had been made for the statutory approach, to settle for the constitutional approach to the poll tax issue. I wonder whether it has occurred to the Senator that perhaps the Attorney General and even the President might have been unwilling to settle for the same approach on this issue, on the theory that if this matter were submitted to the State legislatures, this is the kind of thing the State legislatures could be expected to turn down when they exercised their proper functions.

Mr. TOWER. Absolutely. We could look at the practical aspect of this thing, and we could get into the numbers game. We could note, for example, that only five States have the poll tax, and therefore it was perfectly safe to take the amendment route with respect to the poll tax. However, there are perhaps 20 States which have literacy tests, and of course that comes close to the number necessary to defeat the measure if it were submitted to the States in the form of a constitutional amendment.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. TOWER. I yield further to the Senator from Louisiana.

Mr. LONG of Louisiana. Has the Senator seen any proof submitted that the matter of the literacy test actually is subject to the kind of widespread abuse that some would have us believe?

Mr. TOWER. There is no evidence of widespread abuse. We would be less than candid if we said there were no abuse. There is abuse. I dare say not all of it occurs south of the Mason-Dixon line. However, the fault is not in the law itself, but in the manner in which the law is administered. Where there is abuse it is because the law is improperly administered.

If we tried to pass legislation to deal with every subject on which there is poor administration of law, we would never get out of here; we would have to go around the clock. Tax laws may be poorly administered in some areas. Is that any reason why we should pass Federal legislation to deal with the matter?

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. TOWER. I yield further to the Senator from Louisiana.

Mr. LONG of Louisiana. The State of Louisiana has been one of the States which has been criticized on occasion. As a Senator from that State, I am familiar with it. It has been contended that the constitution of our State requires a person to be able to give a reasonable interpretation of any provision in the Constitution of the State or of the United States.

That could be a very unreasonable requirement if it were in any way interpreted to mean that a person should be able to explain everything in the Constitution. I am sure the Senator would agree that if an interpretation were given which makes sense, it would be that a person should be able to explain anything which appears in the Constitution, more or less choosing for himself what he wished to explain. Any person who has had any experience in administering his own affairs could explain some part of the Constitution.

Mr. TOWER. I should say that such an interpretation could be a liberal one. Probably many persons who were not really too bright could select whatever sections they chose and give a reasonable interpretation of them. So perhaps it is conceivable that the administration of the law might be too loose in some areas rather than too tight. The whole object is to make certain that there be an informed electorate, one which knows what it is doing.

Mr. LONG of Louisiana. Mr. President, will the Senator from Texas further yield?

Mr. TOWER. I yield.

Mr. LONG of Louisiana. The Senator recognizes, does he not, that when the law is not applied uniformly among the people, the person administering the law is actually violating the law?

Mr. TOWER. He is, indeed, violating the law. As I commented earlier, before the Senator from Louisiana entered the Chamber, there is adequate recourse in the courts for persons who have been offended and denied their privilege or right to vote by reason of the action of an administrator who was actually discriminating.

Mr. LONG of Louisiana. Did not Congress give the Attorney General of the United States both the power and the money to institute lawsuits to redress any denial of the right of franchise or any violation of the voting right which might occur?

Mr. TOWER. I believe that is so, and the Department of Justice has been acting in pursuance of that law.

Mr. LONG of Louisiana. Is it not true that Congress appropriated more than $500 million for the FBI to deal with violations of the law, not only of this law, but of all Federal laws?

Mr. TOWER. That is true. The FBI has pursued its responsibilities and its assignments with great zeal and ability. It is perhaps the most effective such body in the world.

Mr. LONG of Louisiana. Did not Congress take such action because it recognized that even the Federal laws will be disobeyed from time to time?

Mr. TOWER. Absolutely. Even Federal laws will be disobeyed, and even the Federal laws will be poorly administered. But we do not change the character of administration or eliminate unfair administration by passing another law, because the violation of the law through the willful improper administration of a law is itself an illegal act and can be prosecuted. So it is not necessary to pass another law.

If an employee of the Internal Revenue Service were found to be administering a law improperly, it would not be necessary to pass a new law to deal with him; he could be dealt with now through the courts. Such persons can be dealt with through the courts; there is no need to pass a new law.

Even if this bill became law, it could run into the same administrative problems. I do not know whether the Senator from Louisiana has a certificate attesting to the fact that he has completed the sixth grade, but I have no certificate to show that I have completed the sixth grade.

Mr. LONG of Louisiana. Neither do I.

Mr. TOWER. I have a high school diploma and a college diploma; but if I were asked to present a certificate to show that I had completed the sixth grade, I could not do so.

Mr. LONG of Louisiana. The same is true of the Senator from Louisiana. I could not produce a certificate to show that I had completed the sixth grade. But even if I could, it does not seem to me that that would solve the problem.

I should like to discuss the problem which exists in Louisiana. Our State has been administering the provisions to which I have referred, but there has not been uniform application among the States. Some registrars make no effort to test the intellectual capacity of a person applying for registration. Other registrars attempt to apply the law strictly and make it difficult for people to register, without any regard to race. So far as I know, there is no discrimination in that regard.

I myself had a discussion with a young man who is the head of the State sovereignty commission, which is working on the same problem. He proposed to me that a list of questions should be drawn up which any reasonable person should be able to answer. He proposed the list of questions which appear on the Immigration and Naturalization Service test, which the Federal Government requires to be answered in order to enable a person to obtain citizenship. My understanding is that a person would be asked to answer two or three of the questions. One question would be a giveaway, such as: Who was the first President of the United States?

Another question might be a difficult one, such as: How many States must ratify a constitutional amendment before the amendment becomes effective? The third question would be in between the first two in the range of difficulty. If the person could answer two out of three of the questions, one of them being a complete giveaway, he would be deemed completely qualified to vote. If he did not pass that test, he could return at a later time, perhaps a month later, and have another chance to answer different questions.

That proposal was considered a fair and reasonable basis for uniform voting requirements throughout the State of Louisiana, and is what was proposed to be submitted to the State legislature. But now we are told that the State legislature will not be permitted to pass on the question. We are men of good conscience. I have always advocated, and sometimes have been condemned for advocating, that no person should be discriminated against in his right to vote because of his race. Yet while our State officials are trying to devise some method to be submitted to the State legislature, a method which would be fair to all concerned, including aged persons, 70 to 80 years old, who have never voted, but who now desire to be admitted to the franchise, like everyone else, we are told that that will not do; that the Federal Government must get into the picture and take charge. Is that the proper attitude for the Federal Government to take toward a State of the Union?

Mr. TOWER. The test which the Senator from Louisiana has described is eminently fair and liberal. I think it reflects, or will reflect, an attitude of contempt on the part of Congress toward the people who seek to establish their own laws and regulations in the respective States for the Federal Government to say, in effect, "You must accept our proposal; Congress has decreed it. The States have no voice in this, because although the proposal has not gone through the regular channels of constitutional amendment, we will impose it on you anyway." Such an attitude could be offensive to people all over the United States, because, remember, the literacy test requirement occurs not only in the Southern States, but in other States throughout the Union. Actually, the majority of the States which have literacy tests are States outside the South. Congress will be offending them, too.

I imagine that in States outside the South there are instances of maladministration of the election laws. Like the Senator from Louisiana, I hold no brief for discrimination against people in their right to vote because of color or creed. I have been a constant advocate of allowing every person who possesses the qualifications to exercise his right of suffrage, regardless of race or creed. I voted for an extension of the Civil Rights Commission for 2 years. However, I do not like to see Congress attempt to pass a law which will strike at the very roots of the Constitution, when such a law really can have no useful effect, but will actually be a cruel deception practiced upon people throughout the country who have been discriminated against, because it does not insure that they will not be discriminated against in the future.

Mr. LONG of Louisiana. Will not this type of legislation, if passed, more or less irritate the States which are making this effort, and actually encourage them to make it difficult for the colored people to vote?

Mr. TOWER. Naturally, the States will be offended by such an act; they will be determined to assert their independence of Federal dictation. If one suggests that a man should do something because it is the wise thing to do, he may follow the advice; but if he is compelled to do something, he may say, "You cannot compel me to do anything, because I am a freeman."

Federal assistance is a wonderful thing. It has given the American governmental system the resilience and flexibility it has needed to be so durable. One reason why it has not been necessary to do what Jefferson suggested should be done—that is, to write a new Constitution every generation—is that so much power and responsibility were left to the people in their capacity as citizens of the States, and under local governments, so that they could determine for themselves the type of laws which should regulate their day-to-day needs. It is inconceivable that Vermont land law would be enacted in a Western State and could function properly there. That was found out when the West was being settled.

In short, we must have enough diversity and enough flexibility in our laws to allow people to meet the local needs with laws tailored to meet them.

So when we strike at the roots of the Federal system, actually we are trying to create a rigid unitary system, which at some time, some day, may crack from within because of its very rigidity.

Mr. LONG of Louisiana. Mr. President, will the Senator from Texas yield further?

The PRESIDING OFFICER (Mr. Hickey in the chair). Does the Senator from Texas yield to the Senator from Louisiana?

Mr. TOWER. I yield.

Mr. LONG of Louisiana. Perhaps the Senator from Texas knows that in Louisiana, and for as far back as I have been able to ascertain, our State law has permitted persons to qualify in French to vote. That is allowed because for a long time Louisiana was a French-speaking area; and there are still many parts of Louisiana where French is spoken.

Mr. TOWER. Let me say to the Senator from Louisiana that some Frenchmen might raise a question with the Senator from Louisiana on that score. We in Texas regard the language spoken in those parts of Louisiana as a dialect which is very interesting and pleasing to the ear; but Frenchmen might not regard it as strictly French, I assume.

Mr. LONG of Louisiana. Of course that is correct. However, French was spoken there for many years, although changing times require adaptations, in order to fit new developments and innovations. So, when the air-filled tire was invented, the French word for it began, I believe, with the letters "pneu"; but our Cajuns became accustomed to saying, "J'ai un flat tire," and became accustomed to use many other interesting expressions, more or less combining English and French.

Mr. TOWER. They say many other interesting things, too.

Mr. LONG of Louisiana. Yes.

Therefore, because of that French-language background, in Louisiana a person is permitted to qualify in French to vote. But such an arrangement would not be sensible if applied in Vermont or in other Northern States. However, in Louisiana it has helped meet the local problem. Similarly, such an arrangement would not make good sense in New York; but in New York it would be good sense to permit—although I regret to say that State does not so provide at the present time—a person to qualify in Spanish to vote. Although we who live in Louisiana do not attempt to impose such a requirement on New York, no doubt that is an arrangement which New York should consider, in connection with meeting its problems.

Mr. TOWER. I thank the Senator from Louisiana for his comments.

After all, our laws must be tailored and adapted to meet the special local problems and needs. Because ours is a great and heterogeneous nation and a continental power, we build on various ethnic, social, historic, and national backgrounds. So we have to have diversity everywhere in our laws, so that the laws will meet the specific needs of the people.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HILL. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MASSACHUSETTS CONSUMER CONFERENCE

Mr. HART. Mr. President, some days ago there was held in the Commonwealth of Massachusetts a meeting of very great significance. As we have come to know in the case of meetings where consumers seek to organize this conference may not have been given very much press attention. I think the least that we who have the opportunity to develop a broad understanding among those who read the Record or the proceedings in the Congress can do is, in brief summary, to add to this Record some of the materials that were presented in the program of the Massachusetts Consumer Conference held April 14, 1962, at Boston College, Massachusetts.

First of all, I should express the thanks of the greatest single unorganized group in America, the consumers, to the one who actually spearheaded the organization of this conference. He is the chairman of the Advisory Consumer Council to the attorney general of Massachusetts, and serves as chairman of the Department of Economics at Boston College, Rev. Robert J. McEwen, S.J.

He made some brief introductory remarks when the consumer conference was opened. I ask unanimous consent that at this point in the Record the introductory remarks made by Father McEwen be made a part of the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Introductory Remarks by Rev. Robert J. McEwen, S.J., Opening Massachusetts Consumer Conference Held at Boston College, April 14, 1962

Ladies and gentlemen, let me bid you welcome to the second annual consumer conference held at Boston College. The first, 2 years ago, was an all-New England affair. The present one is restricted to the Commonwealth of Massachusetts. The main purpose of the present conference, as is evident from the afternoon workshop sessions, is to further the association of Massachusetts consumers in a permanent organization, or federation of organizations.

Four years experience with a consumer council created by the attorney general, Edward J. McCormack, Jr., in his own office and by his own personal initiative, have convinced me that there is need for a vigorous association of consumers, independent of the State structure. Therefore, even if the bill to establish a statutory consumers council were to be passed, there would still be room for, and need of, an independent association of consumers throughout the State. You all know this to be true, and the main reason was emphasized by President Kennedy in his recent message, when he reminded the public that the consumers of the United States are the only unorganized group and, therefore, without an adequate voice in national affairs, or in the economic life of their cities, towns, and States.

Ladies and gentlemen, let us emphasize once again that we support all the good and honest businessmen who flourish in our cities and towns today. I have repeatedly said that it is my personal conviction that the very best protection for a consumer is to trade with an honest and reputable businessman whom he can trust to the full. Unfortunately, the complexity of today's economy makes it difficult for each individual to have sufficient information to select a reliable retailer or seller, known to himself, in every instance. Therefore, there is necessity for an association such as we have in mind here today so that consumers can mutually exchange their experiences, can join forces in support of sellers who have treated them fairly and honestly, and can oppose practices which they regard as undesirable.

I firmly believe that the American public as a whole, including the consuming public, is basically fair minded and seeks nothing more than ordinary fair dealing. We are not antibusiness in any sense. The consumers of the Commonwealth merely ask for a fair deal in their economic affairs. The fact that there is a latent desire for an association of consumers, and such strong support for the consumer movement, shows that there are many areas in which the consumers feel that they are not fairly treated in today's economy. Most people are not unreasonable and it would behoove sensible businessmen to sit down with consumer groups and explore those business areas where the consuming public feels itself unfairly treated. It would result in mutual benefit to both sides.

The honest, reliable, decent businessmen are the ones we support. Those we do not support are the minority cheating the public. We do not support news media which refuse to give space to consumer news and information. We do not applaud the spirit of certain businessmen who seem to reject even the right of consumers to join together to talk to each other or to have an organized voice. It reminds us of the days when a similar right of organization was denied the laboring man. Finally, we are not enthusiastic about some politicians who find it convenient to give lipservice to the consumer interest, but do nothing in the way of a concrete vote on a specific measure that could help the consumer situation.

We are, therefore, engaged in an effort at self-help and self-sufficiency. I congratulate you all who have taken the time from a busy schedule to devote this day to a consideration of the consumer problems of Massachusetts, and I wish you all success in your deliberations.

Mr. HART. Mr. President, a principal feature of the conference was an address delivered by Mrs. Mildred Brady, editorial director of Consumers Union. Consumers Union, as all of us know, is an organization devoted to attempting to broaden understanding among consumers and to enable all of us as consumers to make a more rational decision as we put down a dime or $100 at the retail counter.

Her address, headed "Toward Consumer Sovereignty," is, as are other writings and speeches by Mrs. Brady, exciting and stimulating. All of us, whether we are consumers and housewives, or consumers and businessmen—and certainly if we are consumers and legislators—should read the address with very real attention. For this reason I ask unanimous consent that the address be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TOWARD CONSUMER SOVEREIGNTY

(By Mildred Brady)

Early in this century Upton Sinclair published a book which took its readers deep into the meatpacking plants of the country. Through the pages of "The Jungle" readers saw, heard and smelled the bellowing cattle, the bloody carcasses, and the brutally careless processes from which packers derived the lard, ham, chopped meat and sausages they offered through sale to the Nation's dinner tables.

The astonished horror aroused by that intimate view of the processing of a major food supply furnished the immediate impetus for the passage of our first food and drug legislation. But the author was neither happy nor flattered by the dramatic reaction to his work. His concern had been for the packinghouse employee, not the meat eater. He commented ruefully: "I aimed a book at the heart of America and by accident hit its stomach."

We who intentionally investigate, write, speak or otherwise deal with those consumer problems in which Upton Sinclair felt little or no interest often find ourselves in a reverse position. We begin with an individual's pocketbook but wind up dealing with the ethics of the marketplace. When we try to make price, quality and quantity evaluations of consumer goods and services, to assemble the information needed before buying, we find we are not dealing with anything simple.

This country of ours is no longer largely an agricultural, handicraft Nation as it was less than 50 years ago. The artisans and farmers of the last century knew a great deal about the goods they used. But today we live in cities and work at highly specialized jobs. The division of skills has been carried to such a point that even those who work on the production line of a given product frequently know little about the final unit produced. Spending all our working time, as most of us do, at one or another tiny segment of the total effort that finally adds up to current living standards, we lose touch.

Meantime, productive processes have grown more complex at a geometric rate. Nearly everything we use has been subjected, at one point or another, to a transforming treatment and is available to us in a form altered by a fabricator's or a seller's decision. Even the egg, which the hen packages, has been, or has not been (and we usually do not know which) refrigerated between the time it was laid and the time we bought it.

From the output of this complex and complicated productive and distributive system, however, we must choose. And upon our choice rests a significant burden. Whether we know it or not, whether we like it or not, our consumer buying decisions are a major determinant in the way we, as a nation, exercise our stewardship over the resources granted to us by the very earth itself. The decisions we make to buy this or that product, and then to buy from this or that maker, are decisions that reverberate backward through a network of exchanges that has led up to this last trade—the trade of our own specialized effort in the form of cash, for the products of other specialized labor in the form of goods.

Two-thirds of our total spending is consumer spending. These transactions at the retail counter in a free enterprise system are where the proof of our economic pudding lies. Here is where we decide how our heritage of resources shall be handled, whether we shall enhance our birthright or trade it for a mess of pottage. If our choices are profligate, we raid our own cupboards, debauch and destroy our own substance, to the end that those who come after us will face the harsh problems of a have-not nation.

A first step toward a more meaningful consumer sovereignty is a heightened awareness that this is, at bottom, what the consumer movement is about—the best use and the best care of our human and natural resources. This first step toward consumer sovereignty does not demand too much of us. None of us would disagree with the objective it moves toward and it requires no change in the values we cherish. Our big trouble is that we forget it. We let it drop out of mind. And it is little wonder that we do. The clangor of the promoter has pounded so relentlessly that we have become distracted.

The advertising industry has estimated that each and every one of us receives each and every day 1,600 selling impressions from our exposure to television, radio, newspapers, magazines, direct mail, car cards, sides of trucks and buses, covers on matchbooks, packages of goods, theater programs, and from thousands of uncounted areas of space, as big as the side of a hill and as little as a button. The sheer volume, the endlessly repetitive overwhelming volume, of sales persuasion has become well nigh intolerable. We could hardly bear it without a protective callousness to deaden its impact. We can be awakened, now and then, can recognize the import of Carl Sandburg's one-line poem reading: "Papa, what does the moon advertise?" But we sink back into benumbed tolerance.

TV advertisers even have a word for it. They call it "selective inattention." And they complain that the cost of commercials is rising because sellers have to hit so much harder and so much oftener now to rouse us. This dulled sensitivity by means of which we minimize the intrusions of a multibillion-dollar sales cacophony is a relief for which we pay much too dearly, however. It allows us to forget that our major efforts to communicate with one another are controlled by sellers. It allows us to accept from them dual standards of morality and behavior. No one expects the whole truth when a man is selling. Conspiracy to defraud through the use of phony list prices or hidden credit charges is common practice. And we tolerate on the part of sellers what we would deny to beggars, an uncouth display in public of the agonies associated with decayed teeth, indigestion, constipation, dripping noses, acid stomachs, headaches, infected sinuses, and ingrowing toenails.

We are all, of course, prisoners of our age and time to one degree or another. But we are also creators, at least in part, of the environment that surrounds us. And we have a moral obligation to try to mold it closer to the good life in the fullest sense of that word. So far as the marketplace goes, that obligation rests largely with us consumers.

The sovereignty of careless, witless consumers is, however, the sovereignty of an idiot king who neither knows nor cares about the problems of his realm—the kind of sovereign, I fear, the advertisers actually have in mind when they proclaim at one and the same time that the consumer is irrational and is also king.

Here, then, is the second step toward consumer sovereignty—a heightened awareness to the crudities of the marketplace. Unlike the first step, this is a hard one. What it requires, to begin with, is shedding our coat of callousness. Instead of seeking relief in a self-imposed stupor, we must open our ears to the hawker's cries and our eyes to the tricks of trade.

This is a hair shirt, this second step toward consumer sovereignty. The longer you wear it, the more sensitive you will become, the more you will hear and see. And as you become oriented to the marketplace with full awareness be prepared to accept in yourself a measure of indignation, but be forewarned that indignation is not enough.

The simple fact of the matter is that our present distribution system is an anachronism. Sharp practices flourish because today's consumer marketplace is too clumsy a fit to modern technology. It provides no effective feedback. Documentation of this failure in the control mechanism, which all too often allows bad practice to drive out the good, is the objective of the second step toward consumer sovereignty.

The third step will take time, patience, know-how and numbers—numbers of other consumers because it will require the use of governmental powers. The objective of step three toward consumer sovereignty is the creation of a new marketplace so designed that consumer choice may function effectively to husband our economic resources while providing rising living standards

Are we talking about Government interference in business? Indeed we are. But don't be disturbed about that. One of the best kept secrets of our times is that Government interference in business is precisely what most business lobbyists spend most of their time and their money on—not opposing it, mind you, but promoting it. All tariffs are Government interference in business—interference sought with vigor by hundreds of domestic producers. Fair trade price fixing is Government interference with business; so are defense stockpile subsidies, milk pricing laws, anti-loss-leader laws, oil prorating laws, and a whole maze of State and Federal laws limiting the supply of goods allowed on the market. Nearly every State law calling for the licensing of a trade or profession was lobbied through by a group in that trade more interested, usually, in standards of price than standards of practice. Even a law so apparently consumer-centered as the Textile Labeling Act had its genesis in the fear of the big manufacturers of miracle fibers that shoddy goods would destroy their market and they (these sellers) provided the chief impetus for its passage.

So when consumers seek Government interference in business, they join no small or cranky band. The pursuit of interference in business is the business of a large and richly comparisoned cavalcade, wandering in and about our legislative halls. It is not interference, per se, but the kind of interference that matters and the kind of interference that consumers need is the kind which helps create a marketplace geared to 20th century production.

It is not possible to describe here how this new marketplace will operate in detail but some of the ways in which it will differ from today's can be suggested. The most basic change will be an ideological one. Instead of the 18th century rule of caveat emptor (let the buyer beware), the guiding principle in the late 20th century's market will be caveat venditor (let the seller beware).

This is not so radical an innovation as it might seem to be. Our courts recognized caveat venditor as a valid principle for modern commerce as early as 1916. In an automobile case that year, the court held that where products are complex and where the ultimate consumer cannot be expected to be able to make a reliable judgment of performance, the maker, by the very fact of producing such a product for sale, has assumed an implicit warranty for it. Since then, a long series of judgments has emphasized this shifting of responsibility in the legal relationship between buyer and seller.

To be sure, most of the court decisions have dealt with the safety aspects of the products. But the principle is applicable in a far broader sense as some other and more recent decisions indicate. For example, there is a growing body of court opinion implying that an advertisement may, of itself, constitute a warranty. There is no reason why it should not. It is time to abandon our dual standard of truth—one for use in advertising and selling, and another for the rest of our dealings with each other.

Most of these so-called warranties, by the way, that are touted so highly in advertising are a snare and a delusion, and the courts have declared them so. What are sold to us as product performance guarantees are, legally speaking, not protections for the buyer but limitations of the seller's liability. In our new marketplace there will be no such limitations on a seller's liability. What a seller promises, that a seller must deliver. His word is to be his bond, even when it comes in the form of a singing commercial.

Another change in our ways of trading would follow directly from the requirement that a maker's description of his goods be truthful. The description must also be useful. "The pause that refreshes," "There's a reason," "Breakfast of champions," or "Clean inside, well outside"—such pleasantries will not be enough. Each advertisement and any other commercially sponsored inducement to buy must carry a full declaration of all information pertinent to the exercise of rational choice.

The principle of full declaration is also not new. It is a partial requirement already laid on food and drug manufacturers by our Federal Pure Food, Drugs, and Cosmetics Act. This principle derives, of course, from the commonsense observation that the absence of falsehood does not necessarily mean the presence of truth. Here is one of the greatest loopholes in our present truth-in-advertising law. It provides simply that advertising be truthful. Hence the absence of lies too often means the presence of nonsense. The result is that public persuasions financed to the tune of tens of millions of dollars are engaged in the dissemination of irrelevancies—irrelevancies such as "Luckies are toasted" when all cigarettes are, or so-and-so's beer bottles are steamed when all beer bottles are.

One of the most difficult and challenging problems in devising new marketing practices that will be in tune with modern times and modern techniques will lie in the vital area of definitions of terms. A product language by means of which the buyer may understand what the seller says is urgently needed. Today Armour calls some of its ham Premium. What does Armour mean? Is today's Premium ham the same as last year's, or even last week's? Armour does not tell us. Those knowledgeable in the meatpacking business say that Premium means what Armour wants it to mean and that at different times and under different circumstances, it means different things.

Neither Armour nor the retailer that processor supplies, however, would be satisfied with so fluid a definition of what we hand across a counter in exchange for a 15½-pound Armour Premium ham. That $10 bill had better not be counterfeit. A reader of Consumer Reports once puckishly suggested that what we consumers should do was pay for debased products in debased coin. The same need for standard terms of communication between buyer and seller that led to our establishment of a standard of currency as essential to trade, now exists for the quality, quantity and performance features of consumers' goods. In the old days before governments honestly enforced reliable currency standards, coin clipping almost ruined commerce. Today, the clipping is at the expense of the product and Gresham's Law has moved over into this area. This answer here and now, as it was then and there, lies in the enforcement of a standard nomenclature and objective standards of quality, quantity, performance and safety.

Let me hasten to point out, however, that in one vital respect the analogy between coinage standards and product standards is a highly misleading one when it is taken too literally. Standards for goods do not mean rigid uniformity. They mean, rather, controlled variation. Standards for goods are best likened to the language itself—a dynamic, evolving method of communication. Among the most highly standardized goods in the world today, for example, are the instruments used in a symphony orchestra. This does not mean that all music sounds alike. On the contrary, the standardization of the instruments is absolutely essential to musical performance in the Western World.

So don't let that old phony question, "Do you want all products to be alike?" throw you when the subject of consumer standards comes up. Keep in mind that here, too, as in the case of full declaration, or the principle of caveat venditor, the idea is neither new nor untried. We live with a great number of governmentally enforced standards for goods. And in most cases the goods bearing the U.S. Government grades contribute a small and most welcome island of good faith in a market where relations between buyers and sellers have degenerated to the point where buying is too often a gamble with the cards unfairly stacked.

Let me sum up these three steps toward consumer sovereignity this way: there is the need, first, to reaffirm the basic function of consumer choice in a free enterprise system; second, to foster an awareness of the growing disparity between market procedures and the ability to exercise that function; and, lastly, to take those steps required to create a market on which consumer choice could be meaningful. All three of these steps are designed to shift the direction of pressure toward a distributive system that conforms to modern industrial technology. The obligation to undertake that task rests, it seems to me, squarely upon us. If we decide to avoid this obligation we also decide to forego consumer sovereignity.

Mr. HART. It may be of interest to see some of the resolutions that were adopted following the full day's meeting at Boston College of the Massachusetts Consumer Conference. I ask unanimous consent that three such resolutions be made a part of the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION 1—ADOPTED

Whereas the growing concern on the part, and in the behalf of, the consumer has been manifested through this Massachusetts Consumer Conference, held this 14th day of April 1962 at Boston College: Now, therefore, be it

Resolved, That the steering committee of this conference, jointly with the members of the advisory consumer council to the attorney general, shall be constituted an organization committee under the temporary chairmanship of Rev. Robert J. McEwen, S.J.; be it further

Resolved, That it shall be the function and duty of this organization committee to draw up bylaws and such other necessary papers of organization and to submit the proposed bylaws at the fall conference for adoption and ratification, so that the Massachusetts Consumers' Conference may become a permanent body; and be it further

Resolved, That this organization committee shall choose all necessary officers and committees, and that they shall have the power to act for the Massachusetts Consumer's Conference until its next meeting which shall be in the fall of 1962, at which time its officers and committees shall be elected in accordance with the bylaws as drawn up by this organization committee.

RESOLUTION 2—ADOPTED

Whereas in the workshop sessions of the Massachusetts Consumer Conference held April 14, 1962, deep concern was expressed over a multiplicity of problems facing the consumer: Now, therefore, be it

Resolved, That when a continuing Massachusetts Consumer's Conference is established, it shall be the aim of such a conference to carry out its functions in behalf of the interests of the consumers of this Commonwealth in areas determined by it's governing body; through releases to its members; through releases to the general and specialized communications media (including special TV and radio programs); through testimony before legislative committees and regulatory and supervisory agencies having to do with these predetermined areas affecting consumers in this Commonwealth; through the proposal of, endorsement of, or opposition to legislation affecting these areas of interest to the consumers of the Commonwealth; through a speakers bureau; and through releases and information to specialized groups such as librarians who could aid our program.

RESOLUTION 3—ADOPTED

Whereas Massachusetts is one of the few States in the Union that has no usury law governing the cost of credit of amounts in excess of $1,500; and

Whereas senate No. 1 (p. 6), No. 81, and house Nos. 8, 710, and 3572 have been proposed to meet this situation, and have encountered vigorous opposition from lending institutions and other extenders of credit; and

Whereas in a effort to satisfy the objectives of these special interest groups, it now appears that under the proposed legislation there will be so many exclusions from coverage—including loans to small businessmen, and certain types of real estate loans—and the permissible maximum rates will be so high: Now, therefore, be it

Resolved, That the Governor of this Commonwealth, the president of the senate, the speaker of the house, and the chairman and members of the banks and banking committee do all in their power to prohibit the passage of legislation that will legalize rather than prohibit usury; and be it further

Resolved, That the Massachusetts Consumer Conference as here assembled at Boston College on April 14, 1962, call upon the members of the Great and General Court and the Governor of the Commonwealth to enact a usury law which shall set a limit not in excess of 12 percent simple interest, inclusive of all charges incident to the extension of credit, on all loans or credit transactions in excess of $3,000.

Mr. HART. Mr. President, the program of this conference is of interest and may be of help to others who may be considering such conferences in other jurisdictions. For this reason I ask unanimous consent that the program, as well as a list of the members of the steering committee for the conference, be listed in the Record at this point in my remarks.

There being no objection, the program and list were ordered to be printed in the Record, as follows:

Program, Massachusetts Consumer Conference, Bapst Library Auditorium, Boston College, Chestnut Hill, Mass., April 14, 1961

9:30–10 a.m.: Registration, Bapst Library auditorium foyer.

10–11 a.m.: "Consumer Credit Practices—Problems and Protection," Mr. Jonathan Lindley, staff assistant to Senator Paul H. Douglas, originator of the Douglas bill, Committee on Banking and Currency, U.S. Senate, Washington, D.C. Chairman: Rev. Robert J. McEwen, S.J., honorary chairman of Massachusetts Consumer Conference, chairman of the advisory consumer council to the attorney general, and chairman of the Department of Economics, Boston College.

11–12 a.m.: "Consumer Problems in Food and Health Deceptions," Dr. Fredrick J. Stare, professor of nutrition and chairman of the Department of Nutrition, Harvard University, Cambridge, Mass. Chairman: Miss Helen McClintock, president, Massachusetts Home Economics Association and member of Steering Committee for Massachusetts Consumer Conference.

12:15 p.m.: luncheon at Lyons Hall. Invocation: Rev. Francis McDonnell, director, Catholic Labor Guild of Boston. Greetings: Mr. Edward J. McCormack, Jr., attorney general, Commonwealth of Massachusetts. Speaker: "Toward Consumer Sovereignty," Mrs. Mildred Brady, editorial director, Consumers Union, Mount Vernon, N.Y. Chairman: Miss Winifred Eastwood, Head Extension Division of Home Economics, University of Massachusetts and General Chairman of Massachusetts Consumer Conference. Benediction: The Reverend Bruce Milam Jones, Episcopal League, Boston.

1:45–3 p.m.: workshops, "What can Massachusetts' Consumers do for self-protection?" "Do Massachusetts' Consumers need to organize?"

3–4 p.m.: reports from workshop, Bapst Library Auditorium. Chairman: Rev. Robert J. McEwen, S.J.

4 p.m.: adjournment.

MEMBERS—STEERING COMMITTEE FOR MASSACHUSETTS CONSUMER CONFERENCE

Mrs. Marie Andrews, president, Massachusetts State Nurses' Association.

Berry Aronson, Massachusetts State Labor Council, AFL–CIO.

Julius Bernstein, regional director, Jewish Labor Committee.

Mrs. Yvonne Broadcorens, director, public relations, Simmons College.

Sid Bronstein, educational director, International Ladies' Garment Workers' Union.

Phillip Camp, director, public relations, the Co-op, Inc.

Mrs. Estella Crosby, president, Greater Boston Housewives League, Inc.

Velia DiCesare, American Federation of State, County and Municipal Employees, AFL–CIO.

Winifred Eastwood, head, Extension Division of Home Economics, University of Massachusetts.

Marion J. Ego, teacher, 92 Stimson Street, West Roxbury.

Annie Galbraith, president, Massachusetts Dietetics Association.

Philip Good, staff assistant, Massachusetts Farm Bureau,

Jasper Grassa, Massachusetts Federation of Teachers.

Mrs. Henry Grinker, National Federation for Neuromuscular Diseases.

Lloyd Hathaway, president, Massachusetts Farm Bureau.

Clara, Iovino, executive secretary, Credit Union League of Massachusetts.

Mrs. Marion Johnson, lecturer, Massachusetts State Grange.

Mrs. Rosa S. Johnston, extension specialist, Home Furnishing, University of Massachusetts.

James Laughlin, Massachusetts State Labor Council, AFL–CIO.

Margaret A. Learson, director of home economics, Boston public schools.

Anna M. Manion, Massachusetts Federation Business and Professional Women.

William Martin, managing director, Credit Union National Association.

Mrs. Grace F. Mattair, special manager, Boston Home and School Association.

Helen McClintock, president, Massachusetts Home Economics Association.

Mrs. Edward J. McCormack, Jr., 1110 Morton Street, Dorchester.

Rev. Francis McDonnell, director, Catholic Labor Guild of Boston.

Mrs. Margaret McDonough, Massachusetts Department of Commerce.

Rev. Robert J. McEwen, S.J., chairman, Advisory Consumer Council to the Attorney General.

Mrs. Harold McKinney, chairman, Public Health, Massachusetts Civic League.

Mrs. Philip McNiff, 101 Waban Hill Road, Chestnut Hill.

Mrs. Marcia Memmott, director, Women's Division, Massachusetts Department of Commerce.

Marjorie M. Merchant, extension specialist in consumer marketing education, University of Massachusetts.

Mrs. David Mintz, vice president, National Foundation for Neuromuscular Diseases.

Virginia M. Morrissey, president, Massachusetts Federation Business and Professional Women.

Mrs. Helen T. O'Donnell, vice president, Massachusetts State Labor Council, AFL–CIO.

Mrs. Frank J. Piper, chairman, Mass Media, Massachusetts Division, American Association University Women.

Mrs. Ralph Rosenbaum, National Council of Jewish Women.

Helen Sandstrom, Settlement House Executive Committee.

Mrs. Charles Shepard, president Massachusetts State Federation of Women's Clubs.

Mrs. Raymond Smith, president, Massachusetts Home Demonstration Council.

Patricia Stefanik, Massachusetts Dietetics Association.

Mrs. Mary Jane Swanson, president, Home Economics in Business Greater Boston.

Francis Turley, president, Boston Teachers' Alliance.

Mary Walsh, assistant director of home economic, Boston public schools.

Mrs. Phyllis Walsh, Massachusetts Department of Agriculture.

Mrs. Marion Zuretti, chairman, Women's Committee, Massachusetts Farm Bureau.

Mr. HART. It is a repetition of something that all of us know, but too often lose sight of, that each of us is a member of the vague body described as the consumers. Most of our spending as consumers is in the retail market, and a very great percentage of it at what has now become known as the supermarket.

Once upon a time, and certainly in the memory of each Member of this body, we would go to a store, talk to the salesman, who was a live man. We knew him, and generally he knew us. We would come away from the store with a package in a brown paper bag. Nothing would be printed on the package, but we knew exactly how much we had in it. We knew exactly the cost of it, and the per unit cost of what was in it, because we could talk to the salesman, and he would talk to us.

Today in the supermarkets the package is the salesman. We take the salesman home with us, but many times we know less after we take the salesman in the package home with us than we did when we left the live salesman in the store and took home only the plain paper bag.

I am not at all convinced that our laws and marketing techniques have adjusted to the very great changes which have taken place in retail distribution. As the chairman of the Antitrust and Monopoly Subcommittee has held hearings on packaging and labeling in these past months, the consumers of America have persuaded me that they are convinced of the inadequacy of information and specific details which are requisite if one is to make a rational shopping choice. They are not to be found on a great many packages and labels.

I salute the Food and Drug Administration and its Commissioner, Mr. Larrick, upon their action a week ago in seizing about 5,000 jars of an instant coffee—an instant coffee made, I may say parenthetically, not by some alley shop, but by one of the largest producers of food in this country. It was seized because on the label, in big, bold print, were the words "Giant Economy Size." It so happened that the cost per ounce of the "Giant Economy Size" was 2 cents more than that of a 6-ounce standard size of the same product on the same shelf. Unless one were an MIT graduate with a slide rule—and even then he might have difficulty unless the supermarket aisle were not crowded—he would be likely not to notice that fact.

I am glad the Food and Drug Administration did what it did. This is the kind of deception that causes the consumer increasing concern and valid reason for complaint. It is to this sort of problem that the consumer conferences give attention.

I congratulate Boston College and the Commonwealth of Massachusetts and all those associated in the conference which was held in April, and which I think was a significant step toward organization by consumers.

THE INTERSTATE COMMERCE COMMISSION

Mr. MOSS. Mr. President, we recently celebrated the 75th anniversary of one of the most important of the Nation's regulatory agencies—the Interstate Commerce Commission. On April 5 Mr. James K. Knudson, a former Chairman of the Commission, made a scholarly and eloquent appraisal of the sociological climate in which the Commission was born and discussed the growth and development of the Commission itself. Jay Knudson, a Utahan, who is the former Director of the Office of Defense Transportation, and now a leading practitioner before the ICC, is widely respected in the transportation field. I ask unanimous consent that his speech, which was delivered to the Commission bar, be entered into the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks on Behalf of the Commission Bar on the Occasion of the 75th Anniversary of the Interstate Commerce Commission, April 5, by James Knudson

It was Benjamin Franklin who said:

"The way to convince another is to state your case moderately and accurately. Then scratch your head, or shake it a little and say that is the way it seems to you, but that of course you may be mistaken about it; which causes your listener to receive what you have to say, and as like as not, turn about and try to convince you of it, since you are in doubt. But if you go at him in a tone of positiveness and arrogance you only make an opponent of him."

It is in this spirit that I should like to address this great audience tonight.

May it please the honorable Interstate Commerce Commission.

May it also please the friends of the Commission who are gathered here to mark the diamond anniversary of this great governmental agency and who may be said to represent the public interest.

And may it please the Congress whose right arm of transportation regulation this independent Commission is.

And may it please the Commission's bar—you attorneys at law and authorized practitioners on whose behalf I have the honor to speak on this splendid occasion and to voice by proxy your esteem.

And may it please my charming wife who edited this script.

We have assembled tonight for a lofty purpose—to do honor to the Interstate Commerce Commission.

We have brought no daggers.

We have come to praise Caesar, not to bury him.

The good that the men of this Commission have done lives after them.

There is no evil to enter, and we make no bones about that.

That virtue for which great Government is known—good judgment—"has never fled to bruish beasts," as Shakespeare calls evil men in government, nor to "men who have lost their reason," as far as the Interstate Commerce Commission is concerned.

It is appropriate, therefore, that we examine into the background of this great agency in an effort to determine why and wherefore it has become one of the most respected and yet one of the most beneficently powerful of all similar governmental organizations in the free world today.

In a Republic such as ours, whenever a public evil has reared its head, ways and means ultimately have been found to overcome and control it. And whenever a public good, sounding in terms of future convenience and necessity, has become necessary, ways and means have been found ultimately to insure it.

So it was between 1873 and 1887 in these United States. And so it was with the coming of the Interstate Commerce Commission into existence in 1887.

Before we examine specifically the nature of the public interest that finally resulted in the enactment of the Interstate Commerce Act in February of 1887, let's take a quick look at some of the other and no doubt related events in our post-Civil War society. These were dark days in the Nation. After them we needed moral reconstruction. We could go all the way back to the commerce clause of the Constitution for a beginning. But for the purpose of this tribute let's take 1873 as a starting point. By such a look, however casual, we can determine the social, political and economic forces that were slowly but surely giving our country a new character, and we can determine why that character became a good, not a bad, one.

Since most of us here tonight are lawyers so that a case approach should be satisfactory as well as stimulating, let's start in Louisiana with the so-called *Slaughter House* cases (16 Wallace 36).

In 1869 the Legislature of Louisiana, in order to protect the health of the people of New Orleans, granted a slaughterhouse company the exclusive privilege of conducting an abattoir business within the city limits of New Orleans. The validity of the act was challenged on the ground that it violated the 14th amendment, which had been but recently added to the Constitution. In 1873 the U.S. Supreme Court held in these cases that there are two kinds of citizenship—Federal and State—that these two citizenships are distinct from each other and that the privileges and immunities placed by the 14th amendment under the protection of the Constitution stem from Federal citizenship.

Thus were our States in 1873 given an area of managerial discretion, as we call it in the transportation. This gave them also a new moral fiber and a new freedom and helped to define the Nation's true character.

Then there was the crime of 1873, so called—an act of Congress revising the coinage system of the country and omitting therefrom the coinage of the standard silver dollar of 412½ grains. (Coinage Act of 1873, U.S. Statutes at Large, vol. XVII, p. 424 ff.) In the presence of an enormous increase in silver production this act was said to be part of a gold conspiracy and this concept became almost an article of faith for a large part of the American people for the next 20 years. The act was an unpopular one but it reawakened and stimulated in the Nation a sense of fiscal responsibility, which has been a healthy checkmate on Government right down to this day.

It was in this era, also, that a decision was made, involving certain Topeka, Kans., bonds to the effect that a State could not impose taxes for other than a public purpose, in this case to subsidize a bridge manufacturing company (*Citizens Savings and Loan Assn. of Topeka*, 20 Wallace 655). For if this were done, the merchant, mechanic, innkeeper, banker, builder—all could claim equally to be promoters of the public weal and, therefore, equally deserving of the tax aid of citizens. And thus our citizenry achieved another control over the power to tax—which has been called the power to destroy—and added to its character and its good reputation.

Add to this President U. S. Grant's 1874 recommendation for the resumption of specie payments to put an end to ruinous fluctuations in the value of currency. Said he in his first annual message and sixth annual message to Congress:

"The vast resources of the Nation, both developed and undeveloped, ought to make our credit the best on earth. * * * The entire public debt could be paid in 10 years. But it is not desirable that the people should be taxed to pay it all in that time."

Here was a declaration of national monetary integrity coupled with a frank recognition of hardship.

The recommendation was accomplished in 1875, when $300 million in greenbacks with guaranteed integrity were issued in the Hayes administration.

Today when citizens are wondering why they can't pay their Diner's Club bills with their American Express cards and when many nations are indulging in similar credit orgies, it's refreshing to behold a time when we as a nation tack a different tack.

Then, on another front, in 1875, the Nation's highest Court decided that women were not entitled to vote in the several States because of the 14th amendment. The Court went so far as to say that the Constitution of the United States does not confer the right of suffrage upon anyone. This was negative but the stirring of unrest that underlay this decision gave rise later to the 19th amendment. (*See Minor* v. *Hoppensett*, 21 Wallace 162.)

In assaying the temper and the political morals of the day, we come next to the *Civil Rights* cases of 1883 (109 U.S. 3).

In each of these five cases a colored person had been denied some accommodation or privilege. The opinion of the High Court that the rights which this law attempted to protect were social rather than civil rights, and that the Federal Government had no jurisdiction over these matters, practically put an end to the effort to the Federal Government to enforce the guarantees of the 14th amendment or shall we rather say nowadays that the issue was raised but that its solution was postponed. Here, again, was evidence at least of a moral awakening.

A presidential apology to the Congress covering certain personnel scandals during his term of office was a memorable State paper in 1876. Said the President:

"Mistakes have been made, as all can see and I admit. It is impossible, where so many trusts are to be allotted, that the right parties, should be chosen in every instance. History shows that no administration from the time of Washington to the present has been free from these mistakes. But I leave comparisons to history, claiming only that I have acted in every instance from a conscientious desire to do what was right" (extract from eighth annual message to Congress).

The important thing here to note, it seems to me, is that even a President was big enough to apologize.

Then in 1887 the last carpetbag Governor was defeated in South Carolina by Wade Hampton, when Federal support was withdrawn from ex-Governor Chamberlain. Thus another moral advance was made and our Nation's character was added upon.

I'm led to observe that there is ofttimes so much good in the worst of us and so much bad in the best of us, that it's rather hard to tell at times which of us ought to reform the rest of us. This is especially true today in Washington.

And in 1878 the Knights of Labor, precursors to all modern labor movements, framed their constitution advocating the principle of industrial democracy and declaring that:

"The recent alarming development and aggression of aggregated wealth, which unless checked, will invariably lead to the pauperization and hopeless degradation of the toiling masses, render it imperative, if we desire to enjoy the blessings of life, that a check should be placed upon its power * * * and a system adopted which will secure to the laborer the fruits of his toil." (Preamble to the constitution of the Knights of Labor; see T. V. Powderly, "Thirty Years of Labor," p. 243.)

Here was a declaration to counter the Biblical doctrine that "a labor should be worthy of his hire," an employer should also be worthy of the men and women he employs.

Then came the Bland-Allison Act which again authorized the coinage of silver dollars as legal tender, a public moral reaction to the crime of 1873, which I mentioned earlier.

In terms of documents affecting the course of American history, we should pay note next to a papal encyclical of 1878:

"We are alluding," said Pope Leo XIII, "to that sect of men who, under the motley and all but barbarous terms and titles of Socialists, Communists, and Nihilists, are spread abroad throughout the world and, bound intimately together in baneful alliance, no longer look for strong support in secret meetings held in darksome places, but standing forth openly and boldly in the light of day, strive to carry out the purpose long resolved upon, of uprooting the foundations of civilized society at large. These are they in very truth who, as the sacred text bears witness, 'defile the flesh, despise dominion, and blaspheme majesty' (Jude 8). They leave nothing seathless or uninjured of that which human and divine laws alike have wisely ordained to ensure the preservation and honor of life." (Encyclical letter, Quad Apostolici Muneris.)

Thus, it wasn't the Un-American Activities Committee in the 1940's who first decried this evil.

The great western arid region next came into the focus of history with Major Powell's famous report, as Director of U.S. Geological Survey, in 1879, advocating that the right to use water, man's most precious gift of nature next to air itself, should inhere in the land, thus putting a stop to the unbridled expropriation of water by greedy takers for sale. (J. W. Powell, "Report on the Lands of the Arid Region of the United States," 37, ff.) Again, public interest with a moral overtone.

In 1879 the Congress itself was brought into check by President Hayes in his veto message on an appropriation bill to which a House rider had been attached repealing certain election laws. Said the President:

"The new doctrine, if maintained, will result in a consolidation of unchecked and despotic power in the House of Representatives. A bare majority of the House will become the Government. The executive will no longer be what the framers of the Constitution intended—an equal and independent branch of the Government."

The bill failed.

The Indian problem loomed large in 1881. President Arthur declared that it had given rise to a century of dishonor. He recommended that the Indian be allowed to respond to State law; be given a reasonable amount of land; be given liberal appropriations for Indian schools, all to the end of absorbing Indians into the mass of our citizens. (Extract from first annual message to Congress, December 6, 1881.) To this day we're rectifying our fine deals to the red man.

Our foreign relations came under moral scrutiny in 1881. Secretary of State Blaine advocated, what has since become a vigorous pan-Americanism, "the exercise of our sacred duty of making every endeavor to do away with the chances of fratricidal strife."

Our moral climate enhanced even further in 1883 with the enactment of the Pendleton Civil Service Act which established the merit system in Government.

Then in 1885 the Supreme Court held that legal tender notes issued during the Civil War should not be canceled but reissued and kept in circulation and be honored in redeeming private debts, thus giving some more needed fiscal integrity to our Nation's credit structure (*Julliard* v. *Greenman*, 110 U.S. 421).

Reform of the slums was attempted in 1885 when New York sought to prohibit the manufacture of cigars in tenement houses. The New York Supreme Court invalidated the legislation. Gov. Theodore Roosevelt called the decision one of the most serious setbacks to the cause of social reform ever received (autobiography, p. 81). His views eventually prevailed.

It thus appears that we who evaluate political and social achievements in our own day and age must admit that during the period 1873 to 1887 there was a moral quality in the electorate and the elected that gave great impetus to the success and grandeur of what Toqueville called the noble experiment—American democracy. It was in the process of becoming a many-splendored thing.

In this double decade we developed more than in any similar period the genuine character of America. In these 24 years, we washed away some of our worst national sins; we confessed others, and we knowingly reserved a few for future repentance.

It was during this period of national soul-searching that the Interstate Commerce Act was conceived, gestated and born. This took longer than it takes the whale or the elephant, but it has been equally durable.

Before 1870 there was no public demand for effective regulation of railroads which were the dominant transportation media of the day and which were out of tune with the temper of the times. It remained for a group of farmers called the National Grange of the Patrons of Husbandry to crystallize the public interest against the evils of discrimination and subversion of competition that characterized their operations. This started in 1873 when the Springfield, Ill., Grange—

"*Resolved, * * * in mass meeting assembled*, That all chartered monopolies and regulated and controlled by law, have proved detrimental to the public prosperity, corrupting in their management, and dangerous to republican institutions * * * arbitrary, extortionate * * * opposed to free institutions and free commerce between States * * * we hold, that this despotism, which defies our laws, plunders our shippers, impoverishes our people and corrupts our Government, shall be subdued and made to subserve the public interest."

The resolution was consistent with the 1874 declaration of purpose of the National Grange which was:

"To develop a better and higher manhood and womanhood. * * * To enhance the comforts and attractions of our homes. To maintain inviolate our laws * * * to hasten the good time coming."

I love that phrase "the good time coming." We ought to always keep this perspective. Sometimes I wonder whether the farmers of today have this kind of an outlook.

This was the kickoff rally for a regulatory reform. It took 24 years and *Munn* v. *Illinois* and the Wabash case to give coinage to this Springfield resolution.

In 1876 the Supreme Court held in *Munn* v. *Illinois* (94 U.S. 113), which is called the most important of the Grange's cases, that:

"When private property is affected with a public interest it ceases to be juris privati only. * * * Property does become clothed with a public interest when used in a manner to make it of public consequence; and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest in that use, and must submit to be controlled by the public for the common good."

But the same Court put limitations on such State control in the Wabash case, wherein it was held that a State could not prevent a railroad engaged in interstate commerce from charging more for a short haul than for a long haul of the same commodity. The Court said:

"And if it be a regulation of commerce, it must be of * * * national character, and the regulation can only appropriately exist by general rules and principles, which demand that it should be done by the Congress of the United States under the commerce clause of the Constitution."

Thus was the delivery room set for the birth of the Interstate Commerce Act in 1887.

There were other events shaping the Nation's destiny occurring—bloody strikes in the Carnegie Steel Works at Homestead, Pa., and in the Pullman Co. plant at Chicago, Ill. The Haymarket riot in Boston was still a fresh and unsettling memory. The Knights of Labor had increased their membership to 700,000. There was much unemployment. The struggle for an 8-hour day had just culminated in a general strike under the leadership of Samuel Gompers whose slogan was "Whether you work by the hour or by the day decreasing the hours increases the pay."

The great commentator on American society, William Dean Howells, has written about this time in his "Traveler from Altruria" that:

"Once if a man got out of work, he turned his head to something else; if a man failed in business, he started in again from some other direction; as a last resort, in both cases, he went West, preempted a quarter section of public land and grew up with the country. But now the country has grown up; the public land is gone; business is full on both sides and the hand that turned itself to something else has lost its cunning. The struggle for life has changed from a free type to an encounter of disciplined forces and the free fighters that are left get ground to pieces between organized labor and organized capital."

The shrinking American frontier, the unequal distribution of wealth, the growing organization of capital and labor—such forces as these in 1887 filled thinking men with a sense of frustration. Commerce was at the crossroads.

To one of these men, Edward Bellamy by name, came the urge to pen an indictment of this gilded age. "There was no thought," he said, "of contriving a house which practical men might live in, but merely hanging in midair, far out of reach of the sordid and material world * * *, a cloud palace for an ideal humanity."

And so Bellamy wrote the great American novel "Looking Backward," one of the most influential books ever written by an American; next to the Bible the bestseller of its day.

To Bellamy competition was the root of all evil. To him it was absurd economically, morally abominable, and merely the instinct of selfishness. He indicts the age thus:

"Do your work ever so well * * * arise early and toil late, rob cunningly or serve faithfully, you shall never know security. Rich you may be now and still come to poverty at last * * * you cannot buy the assurance that your son may not be the servant of your servant or that your daughter will not have to sell herself for bread."

His hero, Julian West, sought to leave behind what Bellamy calls "the fatal defects and prodigious imbecilities of the systems of private enterprise," on the night of May 13, 1887, but only, he thought, for the night, by mesmerizing himself to induce sleep in his secret cement chamber beneath his mansion in Boston.

But instead of waking up on May 14, 1888, Julian West was aroused by the gentle voice of people in a new society in Boston in the year A.D. 2000, a society in which there was no competition. As Bellamy records it:

"Early in the last century the evolution was completed by the final consolidation of the entire capital of the Nation. The industry and commerce of the country, ceasing to be conducted by a set of irresponsible corporations and syndicates of private persons at their caprice and for their profit were entrusted to a single syndicate representing the people, to be conducted in the common interest for the common profit. The Nation, that is to say, was organized as the one great business corporation in which all other corporations were absorbed; it became the one capitalist * * * the sole employer, the final monopoly in which all citizens shared. The epic of trusts had ended in The Great Trust. In a word, the people of the United States concluded to assume the conduct of their own business, just as 100-odd years before they had assumed the conduct of their own Government."

That was Edward Bellamy's Utopia. Here were no rich, no poor, no drones, no crime, no labor problem, no illiteracy, no usury, no jails, no dread of middle age, no overproduction, no malnutrition, no cultural distinctions, no dependent classes, no violence, no competition.

It is now circa 1962. In many ways our world is a utopia compared with 1887 and we still have 38 years to go to realize the ideal of Edward Bellamy. But our utopia is not developing out of a big, beneficent Government trust. We trend in that direction but we've stopped short of it. Our utopia is arising full fledged, like Venus from the waves, out of the competition of private enterprise, but it has become more and more a kind of competition that is responsive by choice, by fiat or by regulation—ethically, morally and legally—to the public interest. We have found in short that competition can't be allowed to run wild.

And this is as it should be—and I add so long as we have agencies like the Interstate Commerce Commission to hold the check reins on unrestrained competition.

The proof of this declaration insofar as transportation is concerned is evidenced by the results achieved.

The Interstate Commerce Act arose out of the same social and economic circumstances that motivated Edward Bellamy. But it also came into being at a time when there were strong moral and social pressures for reform, when the moral climate of the Nation was sunnier and more healthful than in the heyday of Gould and Fisk and Sage and Tweed and Vanderbilt and the others who played with transportation as if it were a speculative toy invented for their pleasure and aggrandizement.

The dubious financing practices that accompanied the growth of transportation for several decades after the Civil War made Government intervention imperative. These practices were characterized by trickery and piracy, manipulation of securities and unscrupulous monetary dealings, all of which thoroughly aroused public opinion and indignation. Competition really reared the ugly side of its schizophrenic nature in those days. There were serious rate abuses which produced great unrest because of their far-reaching effects. The history books say that:

"Rates were lowered sharply and suddenly and devious methods were employed to secure traffic that might go to the competing carrier."

There were also traffic managers then, as now, who played upon the good will of railroad officials, who themselves endorsed the principle that the acquisition of additional business is desirable so long as out-of-pocket costs are covered and a little or something is added for fixed costs. This was managerial discretion 1880 style. It has a familiar ring even today. In the late sixties cattle, for instance, were moved from Buffalo to New York City for $1 per car. Between 1866 and 1870 the first class rates for shipments from Chicago to New York varied between 25 cents and $2.15 per hundred pounds, and in some instances the first four classes took the same rate. The annual report of the Interstate Commerce Commission for 1887 states that:

"In some sections of the country, if rates were maintained as they were at the time the interstate commerce law took effect, it would have been practically impossible for a new town, however great its natural advantages, to acquire the prosperity and the strength which would make it a rival of the towns which were especially favored in rates for the rates themselves would establish for it indefinitely a condition of subordination and dependence to trade centers."

The operations of the Commission have made these past evils in the main disappear. This has been done without the Commission and its counterparts in Government becoming one vast corporation as Bellamy predicted.

We have in America today, thanks in part to the wise tolerant and yet persuasive regulatory practices and procedures of the ICC, acting outside of the realm of politics as an arm of Congress, not only the best transportation system in the world, but the best commerce, agricultural and industrial communities to serve with that system.

This has not come about by happenstance. Farsighted men serving as Commissioners of the Interstate Commerce Commission in the tradition of the social environment in which the act was passed and ever conscious of the possibility that the giant Government corporation might indeed be just around the corner if their actions were unbridled, have laid down a body of law that has been justly celebrated and which we here tonight proclaim.

It has been our privilege as the Commission's bar to participate in this achievement and it will be our privilege and responsibility to continue to do so.

Ladies and gentlemen, the Interstate Commerce Commission is to be viewed not as a weapon but as a tool of American character, efficiency, and refinement. We should change or abandon the philosophy, the ethics, the morals and the laws by which this tool is kept sharp only after the most serious and statesmanlike deliberation. But on the other hand, new occasions do indeed teach new duties and this too we must not forget. It's like a friend said: "If my wife keeps buying colonial furniture there's going to be an American revolution in my house."

In closing I am reminded of a poem written by a man who has great and justifiable reputation in Washington today—Robert Frost. It is called—

"THE OBJECTION OF BEING STEPPED ON

"At the end of the row
I stepped on the toe
Of an unemployed hoe,
It rose in offense
And struck me a blow
In the seat of my sense.
It wasn't to blame
But I called it a name.
And I must say it dealt
Me a blow that I felt
Like malice prepense.
You may call me a fool
But was there a rule
The weapon should be
Turned into a tool?
And what do we see?
The first tool I step on
Turned into a weapon."

We of the Commission's bar will continue to strive as becomes our station to use the tool of the Interstate Commerce Act to achieve the results that were intended thereby to the best of our humble abilities. We will do so knowing full well that the Commission will never, with malice prepense, make of that tool a weapon.

Therein lies the Commission's greatness. Therefore, bring we tribute.

THE CASE AGAINST THE CIGARETTE

Mr. MOSS. Mr. President, as one of the sponsors of the resolution before the Senate to create a Commission on Tobacco and Health to conduct a massive educational program on the hazards of cigarette smoking, I strongly approve of factual articles on the subject such as the one which appeared in the March 31 issue of the Nation, entitled "The Case Against the Cigarette." The article was written by Abraham M. Lilienfeld, a former member of a U.S. study group on smoking and health, and now a faculty member of the Johns Hopkins School of Hygiene and Public Health.

Surely no sensible citizen can object to outlining for our people—and particularly our young people—the scientific evidence on the relationship of cigarette smoking to lung cancer—so they may judge for themselves what they want to do about a smoking habit they may already have acquired, or are in danger of acquiring. I ask unanimous consent that the Nation article be carried in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CASE AGAINST THE CIGARETTE

(By Abraham M. Lilienfeld)

Earlier this month, a committee of the Royal College of Physicians of England, headed by Sir Robert Platt, the college's distinguished president, reported that "it's the cigarette smokers who get cancer of the lung. Indeed, those who smoke 25 or 30 cigarettes a day have about 30 times the chance of dying of it that a nonsmoker has." The return of this issue to public prominence might make it profitable to review the scientific evidence on the relationship of cigarette smoking to lung cancer and the interpretation of this relationship.

Probably one of the most striking disease phenomena in the past 20 years has been the marked increase in mortality from lung cancer in the United States and elsewhere. In 1930, the age-adjusted death rate from lung cancer in this country was 3.8 per 100,000; in 1956, the rate was 31.0 and more than 29,000 Americans died of lung cancer in that year. The gravity of the situation is enhanced by the fact that the totality of available diagnostic and therapeutic methods are not very effective: only 5 to 10 percent of people with lung cancer survive 5 years after diagnosis.

So marked an increase within so short a period is most probably a result of the introduction of one or more etiological agents into man's environment. In attempting to uncover possible agents, it seemed natural to study inhalants such as tobacco smoke. In 1939, the results of the first of a series of retrospective studies were reported by Muller. In this study, the smoking habits of patients with lung cancer were compared with those of individuals without lung cancer who were selected as controls. It was found that a larger proportion of lung-cancer patients smoked cigarettes than did the controls. Since then, about 30 similar studies have been reported with essentially similar results. One recent study showed that 92 percent of lung-cancer patients were cigarette smokers as compared to 73 percent of controls; 53 percent were heavy smokers as compared to 23 percent of controls. Several of these studies were carried out on female patients with results similar to those found among men.

The association of lung cancer with smoking was further investigated here and in Great Britain by three independent research units who questioned population groups on smoking habits and then followed the groups for several years to determine mortality rates and causes of death. In one such study, conducted by the American Cancer Society, 187,783 white men aged 50 to 69 were followed for 44 months. Those who never smoked cigarettes had a death rate from lung cancer of 12.8 per 100,000 man-years as compared to a rate of 127.2 for those who had a history of having smoked cigarettes. Also, the death rate increased with the increasing number of cigarettes smoked, while ex-smokers had a lower death rate. On the whole, these studies have been consistent in indicating that cigarette smokers had about 10 times the number of deaths from lung cancer as did nonsmokers. Pipe and cigar smokers had death rates that were only slightly higher than nonsmokers. It is fair to say that there is no disagreement over the fact that a statistical association exists between cigarette smoking and lung cancer. Differences have developed over the interpretation of this association.

The two major explanations that must be considered are: (1) Cigarette smoking causes lung cancer (the term "cause" is here used in a pragmatic sense; i.e., we would say that a "cause" is some factor that, if removed from the environment, would result in a decreasing frequency of a particular disease); (2) the association is an indirect one, resulting from the existence of a common unknown factor that causes people both to smoke and to develop lung cancer. This explanation is sometimes referred to as the self-selection or the constitutional hypothesis. Clearly, if this situation exists, lung cancer and cigarette smoking are statistically related not on a causal basis, but through the common factor. R. A. Fisher, the noted British statistician, agrees with this hypothesis and argues that the common factor is a genetic one.

The debate over the relationship of cigarette smoking to lung cancer consists essentially of attempts to discriminate between these two hypotheses. What are the available data in support of each?

The first approach to the problem—and the ideal one in that the results would be definitive—would be to carry out experiments in population groups. Theoretically, this could be done in two ways:

Establish an experimental group that would smoke and a control group that would not smoke, participants being allocated at random to each group. Such an experiment would have to be launched with preteenage groups and the groups followed for a number of years to determine their mortality from lung cancer. Needless to say, a test of this kind is quite impractical, although it is the only kind that would convince some investigators of a causal interpretation.

One might set up a well-controlled experiment to determine whether cessation of cigarette smoking results in a decrease in the death rate from lung cancer. In this instance, one would start with a group of cigarette smokers, allocating them at random to an experimental group that would stop smoking and to a control group that would continue to smoke. Both groups would then be followed for a number of years to determine their death rates. Again, the possibility of successfully conducting such an experiment is small. I feel, however, that some attempt should be made to determine its feasibility, at least.

The second general approach is to try to produce lung cancer in animals with cigarette smoke and to determine the biochemical or biophysical mechanisms by means of which cigarette smoking produces lung cancer. To date, attempts to produce lung cancer in animals with cigarette smoke have been unsuccessful. However, it has been possible to produce lung cancer in a dog by the local application of tobacco tar to the mucous membrane lining of the bronchus. Also, several investigators have produced skin cancer in mice, following repeated long-term applications of tobacco tar. While one might question the validity of generalizing from results achieved on mouse skin, which is quite different from the human lung, the results are significant in that they do indicate the presence of a carcinogenic agent in tobacco tar. Several such chemical agents actually have been isolated. Also, experiments of this type could elucidate the mechanisms by which these agents produce cancer and perhaps determine if similar mechanisms are present in humans. Several investigators are now conducting research along these lines.

Related to this experimental approach are histopathological studies which have shown that there is a notably increased frequency of cellular changes, of a kind generally considered to mark early stages in the development of cancer, in the tracheo-bronchial tree of cigarette smokers as compared to nonsmokers. Clearly, the results of these studies are consistent with and strengthen the causal hypothesis.

The third approach to the problem is epidemiological. Certain types of epidemiological studies can be carried out that would provide data relevant to the two hypotheses under discussion. We can consider three types of such studies.

1. The first type is one in which the distribution of lung cancer among the population, according to such characteristics as age, sex, and race, is first determined. Then the distribution of frequency of cigarette smoking, using the same population characteristics, is determined. Finally, the two distributions are compared to discover how far they are consistent with each other. Essentially, this approach attempts to determine whether variations in the distribution of lung cancer in the population can be explained on the basis of variations in the distribution of smoking habits. Here is an aspect that has not been sufficiently studied, but whatever studies have been done along this line indicate that many of the variations in frequency of lung cancer among different popultion groups are explainable by differences in cigarette-smoking habits. In fact, it is of more than passing interest that a good part of the excess lung-cancer mortality among urban residents is explained by the fact that more urbanites are cigarette smokers than rural residents. But all of the excess cannot be so explained, and therefore air pollution, exposure to certain occupations, or other as yet unknown factors associated with urban living may be of etiological importance.

2. A second type of epidemiological study that could be done is to compare smokers and nonsmokers with respect to as many sociological, biological, etc. characteristics as possible. Essentially, this approach attempts to determine the existence of the possible common factor, since if the smoking-lung cancer association is an indrect one, cigarette smokers should differ from nonsmokers with respect to this factor. In such studies, it should be kept in mind that any differences found between cigarette smokers and nonsmokers must be at least as great as the degree of association of cigarette smoking with lung cancer. Otherwise, these differences cannot be shown to be of importance in the etiology of lung cancer. Also, it then becomes necessary to determine whether the characteristics which differentiate cigarette smokers from nonsmokers are independently related to lung cancer before they can be assumed to be the common factor. (Of course, in reasoning in this manner, we run the risk of overlooking the pertinent common factor simply because we just do not know what to look for. But this is a risk common to most scientific research.)

On the other hand, in such studies, the more nearly similar cigarette smokers and nonsmokers are shown to be, the less likely is it that the association is merely indirect.

Several studies have indicated differences between cigarette smokers and nonsmokers. Cigarette smokers consume more alcohol, more black coffee, change jobs more often, engage in more athletics and respond differently on an emotional questionnaire. They are more likely to have had at least one parent with hypertension or coronary disease, and to have more native-born parents. However, in none of these relationships is the degree of difference between cigarette smokers and nonsmokers sufficiently great (although statistically significant) to account reasonably for the degree of association of cigarette smoking and lung cancer. To date, the results of these studies decrease the plausibility of the indirect-association theory.

3. A third type of epidemiological approach consists of attempting to discover other etiological agents. Even if the casual association is accepted, it does not mean that cigarette smoking is the only causal agent; nonsmokers, too, develop lung cancer. By means of epidemiological studies and the determination of the nature of other etiological factors, it may be possible to develop reasonable explanations for all cases of lung cancer. At present, there are leads upon which further inquiries can be based. Some studies definitely incriminate certain types of occupational exposures, such as in the chromate industry. There is an increasing incidence of lung cancer with decreasing socioeconomic status (which may or may not be related to occupation). Several studies have indicated an increased risk of lung cancer among the foreign born. There exists a real need for further epidemiological studies in lung cancer.

The results of such studies to date tend, in general, to make the causal interpretation more likely and the indirect association less likely. Putting all the evidence together, it seems that the causal hypothesis has a high probability of truth. Despite the evidence, however, objections have been raised with respect to certain aspects of the problem.

If cigarette smoking causes lung cancer as a result of a carcinogenic substance in tobacco, one would expect that the risk of developing lung cancer should be higher among inhalers than among noninhalers. In the retrospective study by Doll and Hill, no differences between inhalers and noninhalers were observed—a major point made by R. A. Fisher. However, three more recent studies have reported an excess risk for lung cancer for cigarette-smoke inhalers. It isn't clear as to why the results of Doll and Hill differ from the others, but the weight of present evidence would seem to be a suitable answer to Fisher's strictures.

Another objection raised against the causal hypothesis is that not all cigarette smokers develop lung cancer. Actually, the lifetime risk of dying from lung cancer is about 1 in 10 for heavy cigarette smokers. The lack of a complete correspondence between an etiological agent and a disease is not uncommon in human illnesses. Not all those who ingest contaminated food or water develop illnesses caused by the contaminants. In industries where there is exposure to various toxic agents, not all those exposed develop diseases caused by these agents. There exist factors that influence the susceptibility of an individual to such exogenous agents. In only a few diseases do we have sufficient information to define, measure, or detect the state of susceptibility. More research in this area would be welcome, but it must be noted that the control of a disease does not need to wait for determinations of this kind.

Of possible importance to the question of susceptibility are the sex differences in mortality from lung cancer: men have a much higher risk than women. Opinions vary as to whether the difference is explainable by variations in cigarette-smoking habits—including inhalation—or whether there are constitutional characteristics of women which decrease their susceptibility to environmental causative agents. Further research is needed.

One of the most frequent objections to the causal hypothesis is that the statistical relationship between cigarette smoking and lung cancer is nonspecific. This is based on the observations, in the prospective studies, that cigarette smoking is related not only to lung cancer, but also to chronic bronchitis, cancer of the esophagus, peptic ulcer, and coronary heart disease. However, the relationship between cigarette smoking and lung cancer is outstanding; in these studies, cigarette smokers had a tenfold excess risk of dying from lung cancer, as compared to nonsmokers, in contradistinction to a 3.3-fold risk for chronic bronchitis, a 2.8-fold risk for peptic ulcer and a 1.6-fold risk for chronic heart disease. It would seem reasonable to take the degree of relationship into account in evaluating specificity. Also, we must consider that tobacco, a complex substance, may well contain agents that may be of etiological importance in many diseases. And there is no biological necessity for one agent to cause only one disease. Excessive exposure to ionizing radiation may result in gastrointestinal disturbances, cancers of a variety of organs (thyroid, ovary, bone, and others), nephrosclerosis and other diseases. Yet, this fact has not been a deterrent to inferring a casual relationship.

There are some who feel that a causative explanation is not acceptable because, at the moment, we do not know the "cause" of cancer. It appears that by "cause" is meant that all of the detailed mechanisms, in terms of cellular biochemistry or biophysics, have not been worked out so that we understand completely how a normal cell becomes a cancer cell. However, such criteria would make invalid generally accepted causative interpretations of various types of cancer resulting from exposures to toxic agents in industry. No one doubts that exposure to various aniline dyes is a cause of bladder cancer and that chromate workers have a higher risk of developing lung cancer. Absence of data on cellular mechanisms has not deferred the application of preventive measures to decrease the risk of cancer from these exposures. In fact, it is well to point out that the evidence upon which causal relationships in industry have been determined is of the same kind and even less extensive than is already available with respect to cigarette smoking and lung cancer.

The decision as to the amount and type of evidence necessary to prove a causal interpretation is dependent on the psychological outlook of the person making the decision. A laboratory scientist without direct responsibility for the health of the public may well desire so much evidence that he can say that his causal interpretation is 99 percent correct; he wants to be absolutely certain. On the other hand, a public health official may feel that he does not require absolute proof before preventive action is indicated. In his case, a 55-percent chance of being right may provide a sufficient basis for preventive action. This viewpoint has been expressed best by the noted biostatistician, Edwin B. Wilson, who stated:

"One of the difficulties of following the mathematical fraternity is that one may adopt some of their conventions too literally * * * and they have a way of using $P=0.05$ as a standard significant level, which is all right if understood, but the businessman, the investor, the weather forecaster, the executive, or the cardplayer who waited for that degree of significance would be so out of the game as to be without a livelihood. Theodore Roosevelt is said to have remarked that an executive who made four right decisions out of seven was good—a confidence of 0.556 instead of 0.95. For practical purposes we have to take chances with our inferences, and actually no matter how meticulous our probability calculations, we have to take chances on those probabilities."

Those with responsibilities for the public health have reviewed the evidence and believe that it is most reasonably interpreted as indicating that cigarette smoking is a major causative factor in the increasing incidence of lung carcinoma. In addition to the Royal College of Physicians mentioned earlier, the Public Health Cancer Association (U.S.A.), the Ministry of Health of England and Wales, the Medical Research Council of Great Britain, the Netherlands Ministry of Social Affairs and Public Health, the State Medical Research Council of Sweden, the American Public Health Association, and the Surgeon General of the U.S. Public Health Service have concurred in this decision. A study group convened by the World Health Organization to make recommendations on desirable avenues of research in lung-cancer epidemiology made a series of recommendations on types of studies needed to fill in existing gaps in knowledge. However, the group was careful "to call attention to the fact that existing knowledge of the etiology of lung cancer is already sufficiently well established to justify prophylactic action aimed at reducing exposure to known etiological factors."

The kinds of preventive action called for have never been systematically developed by any group or agency. There is a general feeling that it would be difficult, if not impossible, to motivate adult smokers to stop smoking. The Royal College of Physicians recommended that (1) special clinics be established to help those who find it hard to give up the habit and (2) the price of cigarettes be increased to encourage people either to give them up or to turn to less harmful pipe or cigar smoking.

That smoking habits can change is indicated by the results of a survey of Massachusetts physicians in 1954 and 1957 by Sneigreff and Lombard: in 1954, about 52 percent of the physicians smoked cigarettes compared with 39 percent in 1959; in 1954, 34 percent were nonsmokers as compared to 45 percent in 1959. Perhaps large-scale publicity campaigns might have an effect, but they would have to counteract the approximately $146 million spent annually in advertising by the six major tobacco companies. Would it be easier, perhaps, to influence the future habits of teenagers than the fixed habits of adults? Here again, one is up against what Dr. Shimkin of the National Cancer Institute calls the "shameful appeals from tobacco advertising such as those which equate smoking with bravery, sexual virility, and social status" (Advertising Age, Jan. 29, 1962). It is astonishing to find that one major cigarette company actually has 165 undergraduate representatives serving on college campuses throughout the country (New York Times, Oct. 20, 1960). Doesn't the Government and the tobacco industry have some obligation to eliminate or curtail this amount and type of advertising?

The best means of control is probably dependent on the results of further research in which the harmful components of tobacco would be isolated, removed or counteracted. Another approach that has not received much consideration relates to the problem of susceptibility. If we could learn to identify individuals who are particularly susceptible to lung cancer when exposed to environmental agents, it might be possible to convince them, at least, that they ought to quit smoking cigarettes.

COMMUNIST PRESSURES ON THE WESTERN WORLD

Mr. MOSS. Mr. President, I am sure we all agree that there cannot be too much discussion of the tremendous pressures which are changing today's world. Because the broad forces at work are threatening many of our basic beliefs and institutions, some of our citizens have reacted with a bitterness and criticism which is born, I am sure, of their sense of frustration and insecurity.

They write and speak as they do only because they do not understand.

Occasionally, there comes to us an analysis of the forces at work that is so clear and inspired it helps point the way he must go. Such is the article in the General Electric Forum by that rare and talented British economist and writer, Barbara Ward. Entitled "World in Ferment," it discusses Communist pressures on the Western World, and relates them to specific human needs. I think it well worth reading, and ask unanimous consent to place it in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WORLD IN FERMENT

(By Barbara Ward)

"If we could first know where we are and whither we are tending, we could then better judge what to do and how to do it." The words are Abraham Lincoln's, but the dilemma is our own. Over the last decade, we in the Western World have become more and more aware of being under steady, undermining attack. We have felt our institutions threatened, our aims thwarted, our pretensions mocked. After 300 years of worldwide dominance, nothing in our experience prepares us for this sense of insecurity; our temptation is to lash out at it blindly and angrily. But there is no safety in such reactions. We must know "where we are and whither we are tending." Otherwise, we shall fight against symptoms, not causes, and battle with shadows whereas our real struggle is with the angel of history itself.

The point can be quickly illustrated. Just over a hundred years ago, Western power in the Far East began to seem virtually irresistible. The Western merchants with their new goods and vessels, the Western soldiers with their new weapons, moved inexorably in. It was the first rising—in the China Sea—of the great tide of modern science and technology. In China, the Westerners were dismissed as barbarians and blamed for all the disruption they brought with them. Their techniques were ignored while a passionate rearguard action was fought to keep old Mandarin society unaltered down to its last ceremonious particular. Within 50 years, Chinese society all but collapsed and then entered on another 50 years of anarchy.

In Japan, on the contrary, the West had been studied by leaders and soldiers long before Commodore Perry arrived to demand the opening of the hermit kingdom. Westerners were seen not as "barbarians" but as representatives of a new type of society which, to resist, Japan would need in some measure to assimilate. Heroic readjustments—including profound structural changes such as the abolition of feudal land tenure—were made and within 50 years, the West acknowledged Japan as an equal. In short, the Chinese suffered history, the Japanese controlled it. A similar choice confronts the West today.

COMMUNIST PRESSURE

Communist pressure on our contemporary society to some degree resembles Western pressure on the Far East a century ago. We can, like the Manchu dynasty in China, regard our adversaries as "red devils" and attribute all the disruption they cause to an immoral and violent conspiracy. Or we can, like the Japanese, look at the pressure not so much as a pressure exercised by malevolent enemies but rather as a deeper historical pressure of change and upheaval which they simply project and exploit.

Which of these interpretations should we choose? Let us look at three areas in which we are most keenly aware of Communist competition and challenge. They force us to confront the issue of a working world order for mankind, in part by their boasts that it will be Communist—"we will bury you," in part by the frightful dangers of the arms race upon which both sides are engaged. Again, they compel us to consider the future allegiance of the "uncommitted" third of humanity by their claim that capitalism simply exploits the underdeveloped peoples whereas communism offers them the way to both equality and abundance. And this claim is in turn part of their more fundamental credo—that only communism has the secret of long-term economic expansion and can confidently promise its people standards of living which, by 1980—so goes the boast—will be half as high again as those in stagnant, inhibited, self-contradictory capitalist economies.

Clearly in this confrontation between communism and the West, none of the basic conditions has been created by the Communists. We need some form of coherent world order because science has annihilated space, opened up instant communication, and made the world a single neighborhood of potential destruction. Equally, the Communists did not create the desires and tensions of the emergent peoples. Modern industry and technology drew them into the web of world trade and set their feet on the first rung of the ladder of a modern economy. Communists or no Communists, they would try to climb the rest of the way.

MATERIALS FOR ABUNDANCE

As for the dream of abundance, science and technology are making it, not a dream, but a fact. In the developed world of the West, living standards are higher than ever before; yet some $60 billions are spent on arms each year. An American road program can swallow up as many billions in a few years. A space program will do the same. Yet men are unemployed, food is in surplus, oil is in surplus, aluminum threatens a surplus, steel capacity is not fully used, most colonial products are in surplus. In spite of the immensity of demand, science keeps supply ahead of it.

If, therefore, the Communists say they will increase their national income by 5 or 6 percent a year, there is no reason to doubt their ability. They have been doing so for years. So have Italy and West Germany and—more recently—France. And the reason is the same. Science and technology have created the preconditions and the materials for abundance. All that is needed is the community's decision to mobilize them, by one means or another, to the full.

REVOLUTION OF SCIENTIFIC CHANGE

Nor is the picture any different in other areas of Communist challenge. We may become aware of the need for more widespread, vigorous, and scientific education as a result of Russia's sputnik. But the need for such education is inherent in our growing technological sophistication. We may reach out into space to answer a Soviet challenge. But the decision to explore the upper air was in fact made when the new technology first took Orville Wright a few feet off the ground. Soviet competitiveness does no more than underline in more violent colors challenge and upheavals which are inherent in the fact that we are living through the greatest revolution humanity has ever known—the revolution of scientific change.

Nothing like it has ever happened before. When mankind moved from hunting and fishing to settled agriculture and the city state, the change stretched over milleniums. Even so, it modified every human habit and institution. Today, changes of infinitely greater magnitude are occurring in decades, not even in centuries. Everything is exploding—population, knowledge, communication, resources, cities, space itself. These are the forces of changes which we have to understand and master. Communism is in a sense incidental. It exploits a revolution it did not create, and its pretension to produce satisfactory human solutions is answered by the wall across Berlin.

CHALLENGE TO THE WEST

Communist success or failure is not the point. The fundamental question is whether we in the West are able to confront the challenge of our times. And here we face the agonizing difficulty that some of the creative responses we need to make run deeply against the grain of our traditional thinking. The analogy from China and Japan is again relevant. China was so dedicated to the old rule of courtly mandarin and country gentleman that it could not renew its leadership in terms of the new forces of industry and city, of entrepreneur and industrialist. But Japan did so, even at the cost of root and branch land reform, and then was able to counter the new pressures from the West.

Today, in each of the major areas of challenge—international order, the developing world, the use of our abundance—we are inhibited by attitudes inherited from our prescientific past. The attitudes are dear to us. We can modify them only with great distress and questioning. But these are precisely the pains of any great historical transformation. History does not offer men only the easy options. It tends to come up on their blind side and challenge them precisely where their interests and beliefs are most deeply engaged.

We instinctively distrust the idea of an organized international society because our emotional allegiance is still to our own isolated, independent, sovereign nation. We instinctively question the idea of a special effort or program to speed the development of the emergent peoples for we inherit the belief that "normal" trade and investment should govern the relations between sovereign states, developed or otherwise. And we tend to reject the idea of a sustained program of economic growth—by whatever percentage a year—because our instincts still regard "big government" as a menace and private activity as the really legitimate tool of economic expansion.

NO NATION CAN BE ISOLATED

Now, as we have seen, communism rejects all these reactions. What is more serious is that the facts of our scientific age belie them too. No nation can be isolated in the atomic age. Fallout rains down on the committed and uncommitted alike. The underdeveloped areas cannot speed up their growth without special long-term assistance since "normal" investment tends to go to wealthy countries, while in "normal" world commerce, the price of manufactured goods produced in developed countries goes up while the price of raw materials produced in emergent territories goes down. The national circuit is making the rich richer while the poor lag further behind.

PRIVATE DEMAND NOT ENOUGH

Above all, the experience of the last decades underlines the fact that private demand alone does not unlock the full range of modern scientific production. It took a vast arms effort to jerk American industry to double its size after 1940. It took the Marshall plan to push Europe into the new pattern of the mass consumption economy. American food production, maintained by Government aid, so far outstrips American—or Western—demand that the surpluses, grown on less and less land, could feed a hungry world. And Europe's farming now promises to show the same surge.

In short, the astonishing secret of the modern scientific economy is that, after a certain stage of development, we can have what, as a community, we decide to have. Imagination is not limited by scarce resources. On the contrary, resources are limited by scarce imagination. Yet it is broadly true to say that in the West today this freedom of imagination comes only when—as with arms or the space race—fear is involved. Even education has had to beg for funds under the guise of national security.

This, then, is the agonizing confrontation of needs and policies in the West today. It is possible to plan purposefully—through public agencies, through private agencies, through the cooperation of both—for an abundant world. But to many Western minds planning is seen as the abdication of freedom to total government. This is their core of orthodoxy. Here, as with the Manchus and their ancient traditions, they would, sooner than compromise, rather face defeat.

ABUNDANCE CAN BE ORGANIZED

Happily, however, the choice is not in fact so stark. To opt for purposive policies aimed at abundance does not involve slavery or totalitarianism or total government control. A profound inventiveness has marked much of Western policy since 1945 and on every side, there are now creative experiments to show how abundance can be organized in freedom.

The Common Market proves that free nations can concert their policies and achieve greater cooperation. France's Monnet plan has shown how sensible governmental direction can stimulate free enterprise to new vigor while strengthening the country's social capital—Britain is tentatively adopting the same approach. The example of West Germany, Sweden, and Holland has shown how wise restraint by trade unions and careful consultation between government, labor and management can check potential inflation and allow rapid growth to be combined with stable prices.

CLOSER INTERNATIONAL COOPERATION

All these experiments point to the way the West must go—to closer international cooperation in the Atlantic area as the nucleus of world order; to Western support for quicker economic growth in new Common Markets in Latin America, in Africa, in Asia; to consistent Western programs for higher, steadier domestic expansion, for bolder aims in education, in culture, in better urban living, and for prosperous, free economies rolling forward on the two essential wheels of lively private expansion and vigorous public investment.

These are not pipedreams. They have been partially achieved. What is needed now is that we should generalize them, weave them into an accepted grand strategy, and then challenge communism at its most vulnerable point, saying to the world: we can give you cooperation, abundance, growth, more equal sharing—and we can give you freedom too.

FREE-WORLD PROGRESS

Mr. MOSS. Mr. President, in a second article in the same issue of the General Electric Forum, Miss Ward emphasizes the influence of the individual citizen in all aspects of free-world progress. She also discusses, among other things, a point under considerable controversy here in the United States, and that is whether our complex technology, our increased internationalism, and our greater dependence on governmental action are decreasing existing freedoms of the individual. She concludes they are not. I ask unanimous consent that this article, entitled "Freedom on the March," also be carried in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FREEDOM ON THE MARCH

(Barbara Ward, Forum keynoter, now provides a concluding analysis on "Frontiers of Human Progress," emphasizing the individual citizen's influence in all aspects of free-world progress. Example: "The computer does not wipe out the unit. It enables the smallest unit to be registered and weighed.")

Yet can freedom in fact be preserved in the scientific age? It has become a commonplace of our times to argue that modern trends—toward a more complex technological environment, toward a wider role for government, toward greater international action—all threaten to dwarf the ordinary citizen and to reduce him to a puppet of forces he neither understands nor controls. What are we to say to these fears?

First of all, we must ask what kind of freedom is in question. That a farmer in Jefferson's day had more freedom than a city dweller is true in that his life was less complex, less hemmed in by other people, more guided by individual choices. But that kind of freedom vanished with the coming of industry and the cities. The freedom we have to define is freedom in the modern increasingly urban world—above all, freedom to participate in the social process, and freedom to influence political decisions in an effective way. And it is by no means clear that these freedoms are less than they were—or, rather, it is not clear that changes in our new scientific and technological environment are suppressing freedoms we would otherwise enjoy.

THREE ELEMENTS OF RISK

Let us take the three elements of risk—our more complex technological background, the increased activity of government, the greater range of international action. Do they necessarily decrease existing freedoms? A good case can, on the contrary, be made for the argument that the average man has rather more elbow-room today. When the modern industrial and technological frame of our society was built in the 19th century, the overwhelming majority of citizens had no say in it at all. The vast social influence exercised by business decisions flowed from autocratic rule with virtually no public participation.

Today, all is changed. Big decisions—for instance, to shift a whole industry out of a city—are usually taken in close cooperation with local authorities. There is infinitely more consultation within the plant. The majority thus have more influence over their immediate environment. In fact, in one of the West's most successful postwar industrial experiments—West Germany's recovery—the right of the majority to be consulted is sustained by law in the Mitbestimmungrecht by which, in large companies, workers sit with managers to determine major policy. Under France's Monnet plan, at least 22 different divisions of industry representing managers and unions meet with government officials to chart the course of further economic expansion. Thus increasing industrial sophistication in the West has led to more industrial democracy, not less.

GOVERNMENTAL INTERVENTION

Does the increasing role of government reduce the citizen's freedom? It depends in part on the kind of governmental intervention. To give the most obvious instance, a ban on child labor reduces the freedom of a few industrialists, while increasing the freedom of a lot of children. But the decisive issue is whether government today is more responsive to public opinion, more open to intervention by individual citizens, more aware of shifts and changes in public mood. And it can be argued that it is all these things.

One important reason for the change is undoubtedly the very great increase in effective communication. Too often this fact is seen as a potential danger—that of government propaganda manipulating a bemused citizenry. But it also works the other way. The web of mass media which makes the Western world one vast sounding board allows the citizen to speak up in a totally new fashion. There are few forgotten village Hampdens or mute, inglorious Miltons these days. Anyone who has anything worth saying, any group that has anything worth doing, can be fairly sure of reaching the mass circulation media and of having the experiment discussed from end to end of the country. And it then becomes a factor influencing government via the pressure of public opinion.

This has been a decade in which single individuals have sparked great changes. M. Jean Monnet and his small dedicated group of followers have remade a continent. Dr. Martin Luther King is reshaping the social mores of millions. Both men have had behind them the full publicity of modern mass communication. The pressure they could exercise has been in direct proportion to the widespread interest and discussion they could arouse.

GOVERNMENTS MAY LISTEN TOO MUCH

Another aspect of increased communication is the ease with which government can be made to feel the changes of mood and outlook among majorities and minorities. This has its dangers. Governments may listen too much and lead too little. The fanatical lobby may exercise pressure beyond its proper weight. But these risks are not the risks of total government. On the contrary, they illustrate the sensitiveness with which the views of the citizen are checked and courted. The computer does not wipe out the unit. It enables the smallest unit to be registered and weighed.

Even the growing importance of international decisions does not necessarily deprive the ordinary citizen of controls and safeguards he once enjoyed. Thanks to television and the press, he can now—if he will—be better informed about the world scene than he was, 40 years ago, about his own country. His views, whether they be mature or irresponsible, are constantly sought by eager pollsters and become one of the factors which influences statesmen in their decisions—an attention very largely lacking in earlier days of professional diplomacy.

And since the facts upon which to base decisions are so much more accessible than ever before, it is not surprising to find that even over the gravest international issues, the influence of citizens outside government has its effect. The case of M. Jean Monnet has been cited. Another can be found in the pressure exercised by Lord Gladwyn and his nonpartisan committee on the British Government to encourage its bid for Britain's admission to the Common Market. The picture of a vast, passive, mass electorate manipulated by government is a caricature of the West today. Citizen opinion has probably never been livelier or more listened to. Alert, well-informed groups these days have a wholly new leverage upon public opinion and hence upon public affairs.

VOICE OF THE CITIZEN

That the quality and responsibility of the citizens themselves determine the role they can play can be illustrated from the other end of the political spectrum—decisionmaking in units of government so small that no threat of hugeness or distance or strangeness inhibits the ordinary voter. Where in Western politics today do elections most often tend to produce unrepresentative and unfortunate results? The answer is not in doubt. Municipal politics tend to be more open to corruption, trade union elections tend to be most rigged. There is no excuse here that issues are remote or candidates unknown. The point is simply apathy.

Again and again—in Britain, in Australia, in America—extremists or dishonest leaders have been able to manipulate a trade union election because they did not go home to look at television and the majority of their fellow workers did. And how many cities tolerate graft-ridden, boss-ridden government because citizens are too indifferent to organize and vote the grafters out of power?

PICTURE OF THE NATION

No, the citizen of today is not the voiceless, faceless man of the modern anti-utopias. He can influence government at every level—directly by participation in honest local politics and by choosing men of integrity to represent him at higher levels, indirectly by the views he holds, the courage with which he holds them, the letters he writes to his elected representatives, the lobbies—interested or disinterested—he supports, even the replies he makes to pollsters. From the sum of his activities and those of his fellow citizens emerges the picture of the Nation—informed or ignorant, reactionary or bold, mean or generous, scared or unafraid. And at no time in history has so much depended upon the quality of his response.

We know what is profoundly at stake in this epoch of total scientific upheaval—and of communism's efforts to exploit the upheaval for its own advantage. It is quite simply the freedom of man. But it is not enough to state the truism. Freedom can mean so many things—freedom not to worry, freedom to enjoy myself in my own way, freedom to abstain from politics, freedom from foreign entanglements, freedom to do which I like with my own. No doubt these liberties are included within the definition of a free society. But it is clear that they are not the sum of freedom as it has been strenuously lived in the Western World. Nor do they make up a picture of freedom that can survive the even more strenuous challenge of the present age.

FREEDOM TO CREATE

The freedom we defend is a freedom that has flowered in the West as the crown of a complex tradition. One element in it is a liberating sense of creativeness. From our Jewish heritage we learned to see history not as an iron destiny, but as an unfolding drama in which man—unimaginably—could engage in a creative dialog with the living God. As a result, the West never succumbed to the pessimistic vision of history as an eternal recurrence, a melancholy wheel. All things could be made new. Progress was written into the evolutionary basis of creation. For all his sins and betrayals, man could cooperate in the building of a better world. To lose that sense of creative purpose, to believe that our present stage—even with shining suburbs and the barbecue pit—is man's last, best end, would be to destroy the fundamental creativeness of Western freedom. It leads us forward, not back.

THE AMERICAN EXPERIMENT

Our tradition has had, too, its roots in a universal aspiration. The God of the Jews was not a tribal god but the God of all mankind; in Christianity the ideal of human brotherhood knew neither Jew nor Greek, neither bond nor free. And at every great turning point in Western thought, men have felt that the discoveries they made or the institutions they devised were the patrimony of the whole human family. The American experiment itself was, for its greatest leaders, a portent for humanity—man's last, best hope, the promise that the burdens would one day be lifted from all mankind. Today, when world society is an inescapable need, it would be a betrayal of our deepest drives to deny that it can be organized in freedom.

Above all, alone in human history, our tradition of freedom is based on the belief that all men must share its benefits and that the foundation of true freedom can be found only in justice. The rights and woes of the disinherited have thundered out in our society from the days of the first Jewish prophet down to the last of them—who was Karl Marx. That salvation for the rich depends upon compassion for the poor has been the inescapable lesson of the Gospels through two millenia.

FREEDOM TO END POVERTY

Today, for the first time in human history, our Christian duty—to feed the hungry, to clothe the naked—can be physically and actually fulfilled. Modern science provides the material resources to do precisely this. Therefore, to leave disease, starvation, and misery untended is now, for the rich nations, a matter of choice. They have a new freedom added to the dimensions of their liberty—they can choose or not to end the servile poverty of their fellow men.

It is no coincidence that communism claims each of these Western traditions for its own. It claims to remake heaven and earth, it claims a universal brotherhood, it claims to offer abundance and equality to all the children of men. We may know how much is specious and corrupted in its claims. But what will our claim to freedom look like if the world sees it to be uncreative, isolationist, and locked up in its own selfish wealth?

The Western citizen of today—if he is to face the world's crisis of freedom—cannot ignore the deepest ideals of his own free tradition. He must wish to recreate the face of the earth. He must see the human race as one brotherhood. He must set his abundance to work to end other people's misery and want. In this spirit, freedom will conquer. Without it, freedom hardly deserves the name.

FEDERAL JUDGE FOR IOWA

Mr. MILLER. Mr. President, in the April 22 issue of the Des Moines Register appeared an editorial entitled "How Long Must Iowa Wait?" which points out that it has been almost a year since the President signed the bill authorizing additional Federal judgeships, including one additional for Iowa; also, that in the meantime one of Iowa's two other Federal judges retired, leaving the Iowa Federal bench more short handed than ever. To date, neither of these two vacancies has been filled by the President.

Accordingly, I have written to the President, pointing out the serious situation which exists in Iowa as a result of the long delay in filling these vacancies. I have also called the President's attention to the problem of preserving a reasonable balance between the two major political parties in the matter of judicial appointments.

I ask unanimous consent that the editorial and my letter be printed in the RECORD.

There being no objection, the editorial and letter were ordered to be printed in the RECORD, as follows:

HOW LONG MUST IOWA WAIT?

The Kennedy administration is facing an anniversary. It was May 19, 1961, when President Kennedy approved the bill passed by Congress to create additional Federal judgeships, including one for Iowa.

President Kennedy had written a letter to the Presiding Officers of the two Houses, urging the passage of the bill. He had quoted evidence showing very clearly that the administration of justice in the Federal court system is unduly delayed.

Iowa was one of the States in which the need for an additional judge had been stressed by court officials and lawyers for many years. The action of Congress and the President to give Iowa another judge to help the two sitting district judges seemed to answer Iowa's plea.

Congress created the Iowa judgeship but it hasn't been filled. The reason is politics. Democratic wars were fought over whether the appointment should go to a Democrat and which Democrat. Meanwhile, one of Iowa's two sitting judges retired, leaving the Federal bench in Iowa more short handed than ever.

There were reports a few weeks ago that two names to fill the vacancies had been submitted to the White House by the Justice Department. Unfortunately reports are not official action, which still seems lacking.

Iowa is not the only State having this kind of trouble. An editorial in the Los Angeles Times complains about the delay in appointment of three Federal judges there and cites an intraparty squabble as the cause.

"Prompt and favorable consideration of the measure will be of direct benefit to millions of people throughout the country," President Kennedy wrote a year ago in urging passage of the additional judges bill. Appointment of judges here within a year of the time the bill passed would be of direct benefit to a lot of Iowans.

U.S. SENATE,
Washington, D.C., May 2, 1962.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On February 9, 1961, you advised the Speaker of the House that you had requested the Attorney General to submit legislation to create 59 additional Federal judgeships "to relieve serious congestion and delays in many Federal courts"—50 to be Federal district court judges. You referred to information from the American Bar Association and other interested groups "showing very clearly that the administration of justice in the Federal court system is unduly delayed."

On February 10, 1961, the Attorney General referred to the Vice President a bill to create the additional judgeships, pointing out: "The proper functioning of the Federal courts is necessary to protect the basic rights of our people. Those rights are seriously jeopardized by the present lack of judicial manpower." He urged enactment of "this much needed legislation."

Almost a year ago, on May 19, 1961, you approved a bill which had been enacted by Congress pursuant to these requests. Meanwhile, due to death and retirement, vacancies had arisen in existing Federal judgeships. I am advised that to date, you have appointed 99 Federal judgeships, of which only 5 have been Republicans.

One new Federal district judgeship for Iowa was authorized by the bill signed last May 19. Additionally, as a result of the retirement of the Honorable Henry Graven, Federal judge for the northern district of Iowa, last August 31, another vacancy on the Federal bench in Iowa arose. To date, you have not filled either of these vacancies.

Numerous articles have appeared in the Iowa press relating to possible candidates being considered for these appointments. The Iowa State Bar Association has investigated many of these possible candidates and made its recommendations regarding their fitness. Delay has proved embarrassing to some of these candidates, whose fine reputation is being jeopardized by misplaced inferences arising from this delay.

The situation has become further degraded by widespread reports that the delay has resulted from differences among organization and public office holders of your party.

I am advised that as of March 31, there were 162 civil cases pending in the northern district of Iowa—the highest backlog in 4 years, and it is only by the temporary assignment of judges from other districts that the backlog has not become worse.

In view of the foregoing, I urgently request that you make the appointments to the two vacancies in Iowa judgeships without any further delay.

I have always believed very strongly that our Federal judiciary should be as much removed from the arena of partisan politics as possible. It is common knowledge that the ratio of Democratic judges to Republican judges became greatly disproportionate prior to the Eisenhower administration. In order to bring the proportion more nearly in balance, President Eisenhower made a majority of his appointments from Republicans. Still, the ratio today among the 409 Federal judges is 60 percent Democratic and 40 percent Republican. May I express the hope that you will make every effort to preserve a reasonable balance in our judiciary to the end that the confidence of the people therein will not be diminished?

With sincere good wishes, I remain,
Faithfully yours,
JACK MILLER.

GUIDELINES ON REAPPORTIONMENT

Mr. MILLER. Mr. President, an editorial entitled "Guidelines on Reapportionment" appearing in the April 22 issue of the Des Moines Register, points out that some indication has recently been given by the Federal courts to how the recent Supreme Court decision in the Tennessee reapportionment case will be implemented. In a tentative personal opinion by U.S. Circuit Judge Elbert Tuttle, the judge stated a policy that in one House or the other it must be numerically possible for a majority of the people of a State to control a majority of votes in that House.

In a further editorial in the April 25 issue of the Register, the potential application of this policy and the impact of the recent Supreme Court's decision in the Michigan reapportionment case to the State of Iowa is also discussed. Also, in the same issue there appears an article by Mr. Arthur Krock, of the New York Times News Service, discussing the reapportionment decisions. Mr. Krock apparently holds to the view that the Supreme Court has been amending the Constitution by its two recent decisions. Although I have a high regard for Mr. Krock's great ability as a political writer, I regret that I must disagree with him on this view. To me, as I said the other day when the decision in the Tennessee case was handed down, the Court has only given life to an unwritten law—unwritten though implicit in the equal protection clause of the Constitution.

I ask unanimous consent that these editorials and the article be printed in the Record.

There being no objection, the editorials and article were ordered to be printed in the Record, as follows:

[From the Des Moines Register, Apr. 22, 1962]

Guidelines on Reapportionment

Signs of what Federal courts may be prepared to do about reappointment of State legislatures now are appearing in the wake of the U.S. Supreme Court decision in the Tennessee case. One sign is the warning of a three-judge Federal court in Alabama that if the legislature doesn't do something about reapportionment the court will. Alabama has ignored its State constitutional requirement for years.

Another interesting sign is contained in the tentative personal opinion expressed by U.S. Circuit Judge Elbert P. Tuttle for the guidance of Georgia legislators meeting in special session. Georgia is struggling to revise its legislative reapportionment and its county unit election system, two methods of denying the cities fair representaticn. The validity of the unit system has been attacked in court.

Judge Tuttle said that an acceptable system of apportionment of the Georgia General Assembly would require that "in one house or the other it would be numerically possible for a majority of the people of the State" to control a majority of the votes.

In these two instances, Alabama and Georgia, Federal judges seem to have laid down what they think are to be guidelines for conformance with the U.S. Supreme Court decision. One is that at least one house of the legislature should give representation on a basis of population. The other is that the Legislature must carry out any requirements of its State constitution to reapportion at regular intervals.

[From the Des Moines Register, Apr. 25, 1962]

Apportionment in Iowa

From Iowa's standpoint the most important case on legislative apportionment which has arisen under the new U.S. Supreme Court decision is the Michigan case.

The Court by a 7 to 1 vote this week told the Michigan Supreme Court to decide whether the State's 34 geographic senatorial districts affirmed by popular vote in 1952 are valid.

The challenge to the Michigan legislative system and the court's acceptance of the challenge raises two vital questions. They are:

If a legislature has one house based on population, does the representation in the other house have to be based on population also? Michigan's senate is based on geographic districts, its house on population.

If the people of a State vote to put one of the houses on a basis of geographic representation, will the courts insist that this plan is invalid in spite of the public acceptance? The Michigan voters accepted the geographic senatorial districts in 1952.

The answer to these questions, when it comes, could affect the plan of legislative representation Iowa has and the one which has been proposed as a substitute, the Shaff plan. Take the present Iowa system:

It provides for a house of 108 members, 1 for each county, except the 9 largest which are entitled to 2 each. It provides for a senate of 50, elected from population districts, except that no single county can have more than 1 senator. In effect this means that there are 99 geographic units in the house and at least 4 geographic units (big-city counties now clearly entitled to more than 1 senator by population count) in the senate. If geography is the wrong basis in Michigan, it might also be held to be in Iowa.

Now, take the Shaff plan, the proposed constitutional amendment approved by the 1961 legislature, subject to further legislative approval in 1963 and a popular vote in 1964:

The Shaff plan would create a senate of 58 members chosen from population districts, a basis which presumably is not questionable in the courts. But it would create a house of 99 members, 1 for each county.

This is the same situation which exists in Michigan, except that it is reversed. Under the Shaff proposal Iowa would have one house on population, subject to periodic adjustments, and one house on geography, fixed areas not affected by adjustments for population. Therefore, the decision for Michigan, when it comes, could be vital for Iowa.

It must be emphasized that the decision for Michigan is not in yet. The U.S. Supreme Court has only done what it did in the case of Tennessee and some other States—told a lower court to hear the case.

But the parallels between the legislative systems in Michigan and Iowa are so close that Iowans will feel as though their future plans are on trial in their sister State.

[From the Des Moines Register, Apr. 15, 1962]

Court View in Another State Case

(By Arthur Krock)

Washington, D.C.—The Supreme Court's order in the Michigan legislative apportionment issue preserves for eventual review a case on which the Court could broaden the assumption it made on March 26 (in the Tennessee case) of jurisdiction over internal political processes in the State. This interpretation, in effect, amended the Federal Constitution.

And, though that document cannot be textually amended save by a proposal submitted by two-thirds of both branches of Congress and approved by three-fourths of the States, the Court several times in history—twice since 1953—has substituted for this procedure a ruling with the force of an amendment.

REASONABLE EQUITY

In this order a Court majority directed the high tribunal of Michigan to take another look at its validation of an apportionment of State senatorial districts drawn on geographical lines.

As a caveat, Justices Clark and Stewart warned that Monday's order "reflects no view on the merits" of the claim in the Michigan appeal that the State senate apportionment there also violates the equal protection clause of the 14th amendment to the U.S. Constitution.

The order, they said, "simply reflects our belief that the Michigan Supreme Court" should weigh the claim "free from any doubts of its justiciability."

Nevertheless, the Supreme Court's action broadens the Tennessee decision to make room for an ultimate holding that any allocation of seats in either branch of a State legislature is invalid that is not based on a reasonable ratio of equality of the population in the districts.

COMMAND IGNORED

In Tennessee, the State constitution requires the legislature every 10 years to reapportion its districts on that principle. Since 1901 the State legislature has ignored this. And, as Justice Brennan pointed out in the March 26 decision, because of the composition of the Tennessee Legislature fixed in 1901 "redress in the form of a State constitutional amendment to change the entire mechanism for reapportionment, or any change short of that, is difficult or impossible."

On these considerations of fact the Supreme Court, reversing a long line of decisions that the Constitution gave the Federal judiciary no jurisdiction over State legislative apportionment, in effect amended the Constitution by ruling for the first time that it has this authority.

HARLAN'S DISSENT

But in Michigan the situation is not the same as in Tennessee. And in Michigan the division of State senate seats on the geographical line of counties had been submitted to the voters and approved by a large majority.

In his dissent to the Court's new order Justice Harlan sharply noted these fundamental differences with the Tennessee situation to argue that "nothing decided or said" by the Supreme Court on March 26 "casts any light, much less controls, the only issue" disposed of by the high tribunal in Michigan.

This, he said, was solely that neither the 14th amendment nor a Supreme Court decision prohibits a State from establishing senatorial districts on a geographic pattern by which a rural-urban voting inequality may be created.

EQUIVOCAL POSTURE

Wherefore, he contended, the appeal from the Michigan court either should be dismissed for want of a substantial Federal question, or probable jurisdiction should be noted, and the issue now argued and decided one way or another.

Hence, said Harlan, the majority had been less than forthright with the court below and left the matter * * * in an equivocal posture. But the Supreme Court evidently wanted to enlarge the new jurisdiction over State legislative apportionment it discovered in the Constitution March 26.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. LONG of Louisiana. Mr. President, on Tuesday I quoted at some length the arguments made by other Members of this body to the effect that the proposal of the Federal Government to outlaw literacy tests is clearly unconstitutional and flies into the face of article I of the Constitution and of the 17th amendment of the Constitution.

I resume where I left off last Tuesday. First I wish to quote from the two sections.

Article I, section 2 of the Constitution is as follows:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Mr. President, that very clearly places the burden upon the States to determine what the qualifications of electors shall be.

Subsequent to that there was the 15th amendment, upon which those who try to use what I deem to be an unconstitutional method of changing the law rely. That amendment provides:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account

> of race, color, or previous condition of servitude.
>
> The Congress shall have power to enforce this article by appropriate legislation.

Mr. President, it is worth pointing out that when the 15th amendment was adopted, a great number of State legislatures which ratified the amendment represented States which had intelligence tests as a part of their qualifications for voting, and the Court has held, as I have previously indicated in my earlier speech, that the test of literacy applies uniformly and has nothing to do with race, color, or creed. It is clear that a person should be and can well be required to be literate in order to exercise the right of the franchise; and the courts have so held.

If there be any doubt that this is the kind of thing States should pass upon, the 17th amendment, providing for the direct election of Senators, provides in the second sentence:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

There we have the same provision as is in the Constitution. It is stated and affirmed twice.

The principal qualifications for voting that varied among the States were the property requirements, poll taxes, and measures of that sort, with respect to which even the present administration has agreed the approach should be by the constitutional method rather than by the method of a direct statute.

The 17th amendment reaffirmed the provision in article I of the Constitution. The fact that the 17th amendment was adopted after the 15th amendment clearly contemplates that this type of qualification, which has existed historically since the beginning of this Union, was never intended to be a method for disfranchising, and never regarded as a method for disfranchising because of race, color, or creed. Inasmuch as that was not the case, and was never intended to be the case, it is clear that the 15th amendment in no respect authorizes the Congress of the United States by a simple statute to deny to States the right to have a reasonable literacy test. That is the question we have been debating.

When such a test is uniformly applied, it is clearly in pursuance of article I of the Constitution and of the 17th amendment to the Constitution, and it in no wise violates the 15th amendment to the Constitution.

The first comment by the Supreme Court directly on the question of literacy tests was in the case of *Guinn* v. *United States*, 238 U.S. 347, decided in 1950.

> Beyond doubt the amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals.
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> It is true also that the amendment does not change, modify, or deprive the States of their full power as to suffrage except, of course, as to the subject with which the amendment deals and to the extent that obedience to its command is necessary. Thus, the authority over suffrage which the State possesses and the limitation which the amendment imposes are coordinate and one may not destroy the other without bringing about the destruction of both.
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> * * * * *
>
> No time need be spent on the question of the validity of the literacy test considered alone, since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision.

This language of the Guinn case, as we have seen, was confirmed in the Lassiter case 3 years later.

A cogent exposition of the power of Congress—as distinguished from the powers of the States—under the 15th amendment, as well as of the power of the States under article I, section 2, is found in the lower court case of *United States* v. *Miller*, 107 Fed. 913. The court there stated:

> Before the adoption of the 15th amendment, it was within the power of the State to exclude citizens of the United States from voting on account of race, age, property, education, or on any other ground however arbitrary or whimsical. The Constitution of the United States, before the adoption of the 15th amendment, in no wise interfered with this absolute power of the State to control the right of suffrage in accordance with its own views of expediency or propriety. It simply secured the right to vote for members of the most numerous branch of the State legislature. Further than this, no power was given by the Constitution before the adoption of the 15th amendment to secure the right of suffrage to anyone. The 15th amendment does not in direct terms confer the right of suffrage upon any one. It secures to the colored man the same rights to vote as that possessed by the white man, by prohibiting any discrimination against him on account of race, color, or previous condition of servitude. Subject to that limitation, the States still possess uncontrollable authority to regulate the right of suffrage according to their own views of expediency.

I point out that the court said:

> The States still possess uncontrollable authority to regulate the right of suffrage according to their own views of expediency.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. HILL. Is it not true that the uncontrollable authority of which the Senator has spoken was in the States before the Constitution was ever drafted in 1787? Was it not made definite, precise, and absolutely clear in all the debates of the Constitutional Convention and the conventions in the several States which met to ratify the convention that the authority would remain in the States? When the writers of the Constitution met, the authority was in the States. It was in the States after the Constitution was written in 1787, and was there after the Constitution had been ratified by a sufficient number of States and became the Constitution; and the authority is still in the States. Is that not true?

Mr. LONG of Louisiana. The Senator is absolutely correct. The literacy tests existed at the time the 15th amendment was adopted. The 15th amendment left the States the right to make all sorts of requirements for eligibility to vote, which rights the States historically had. The literacy test was one of the most prevalent requirements for the privilege of voting that existed anywhere in the Union.

The literacy test existed in a great number of States, including those that originally formed the Union. The literacy test requirement was not written into State laws because of race, color or previous condition of servitude. The States previously had the right to outlaw prospective voters for that reason. They simply said, "Hereafter you shall not prevent a person from voting because of his race, color or previous condition of servitude." It was clearly recognized that property qualifications, poll tax requirements, literacy requirements, and residential requirements were all restrictions that any State had a right to apply based upon their own discretion in their own local situations, as determined by their own State legislatures.

Many States that had literacy test requirements established such standards without regard to race whatever. As was pointed out, many of the Northern States have literacy requirements. Most of the States that have literacy requirements are Northern States. It is fair to assume that none of those States had such literacy requirements because of race, color, or previous condition of servitude. It is clear beyond any shadow of doubt that the States which fought the Civil War on the side of the North, ostensibly for the purpose of abolishing slavery and enfranchising the colored man, established literacy requirements because of race.

If the proposed legislation were not unconstitutional as it applied to the South, how under the sun could anyone argue that it would be constitutional as applied to Northern States, where no one has ever contended that the literacy requirements were established in order to prevent anyone from voting because of race?

Authorities other than case law are also available to aid in the demonstration of the fact that claims for constitutionality of these bills under the 15th amendment are without merit. One source which is very helpful is the writings of constitutional scholars at the time the 15th amendment was adopted. In his book "A Treatise on the American Law of Elections," published in 1875, George W. McCrary, who was a Member of the House of Representatives and who had served as chairman of the Committee on Elections, had this to say:

> Subject to the limitation contained in the 15th amendment to the Constitution of the United States, the power to fix the qualifications of voters is vested in the States. Each State fixes for itself these qualifications, and the United States adopts the State law on the subject, as the rule in Federal elections, as will be seen by reference to section 2 of article I of the Constitution.

> The right of suffrage is not a natural right, nor is it an absolute, unqualified personal right. It is a right derived in this country from constitutions and statutes. It is regulated by the States, and their power to fix the qualifications of voters is limited only by the provisions of the 15th amendment.

James G. Blaine was a former Speaker of the House, and a Member of the Senate. In his book "Twenty Years of Congress," published in 1886, he stated:

> The 15th amendment, now proposed, did not attempt to declare affirmatively that the Negro should be endowed with the elective franchise, but it did what was tantamount, in forbidding to the United States or to any State the power to deny or abridge the right to vote on account, of race, color, or previous condition of servitude. States that should adopt an educational test or a property qualification might still exclude a vast majority of Negroes from the polls, but they would at the same time exclude all white men who could not comply with the tests that excluded the Negro. In short, suffrage by the 15th amendment was made impartial, but not necessarily universal, to male citizens above the age of 21 years.

In his book "Story on the Constitution," another student of the formation of that document, Mr. Justice Story, stated:

> What is particularly noticeable in the case of this article (the 15th amendment) is the care with which it confines itself to the particular object in view. The pressure of a particular evil was felt; the reproach of a great wrong was acknowledged; and that evil was to be remedied, and that wrong redressed. There was no thought at this time of correcting at once and by a single act all the inequalities and all the injustice that might exist in the suffrage laws of the several States. There was no thought or purpose of regulating by amendment, or of conferring upon Congress the authority to regulate or to prescribe qualifications for, the privilege of the ballot. From the beginning the States had exercised that authority, and however diverse had been their action, there was no complaint of any resulting evil which in any case had become of national importance except the single one at which this article was aimed. The correction of this was consequently the immediate need, and whatever else was wrong or impolitic might properly be left to the action of the States where the subject was left when the Constitution was framed.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield to the Senator.

Mr. HILL. Is it not true that the debates published in the Congressional Globe, which was the publication of its time corresponding to our CONGRESSIONAL RECORD of today, shows that Thaddeus Stevens of Pennsylvania, who was chairman of the Reconstruction Committee which reported the 14th and 15th amendment, not only stated on the floor of the House that the 14th and 15th amendments in no way attempted to take from the States what the Senator has spoken of as uncontrolled authority in the matter of fixing qualifications of electors, subject only to the one restriction the Senator has referred to and made clear, which is the limitation that there shall be no discrimination on the ground of race, color, or previous condition of servitude, but also said he knew any attempt to put into any amendment, whether it be the 14th or 15th or any other amendment, any provision which would in any way take from the States or impair the right of the States to fix the qualifications of electors, would be defeated by the States?

Is it not true that he said such an amendment would not get the required 19 States to vote for it—at that time it was necessary to have 19 votes to accomplish such a change—and did he not also say he doubted that such a proposal would get as many as 5 votes? This is all in confirmation of what the Senator has been saying.

Mr. LONG of Louisiana. The Senator is correct. While I do not propose to speak for other Senators, there is no doubt in my mind that what is being proposed here would be withdrawn if the issue could be debated before a full Senate membership day in and day out.

That is one of the reasons why it is such an injustice to Senators who encourage Senators to uphold the oath they took when they become Senators, namely, the oath to uphold the Constitution, when a few Senators are compelled to speak to an empty Chamber in pointing out that what is being proposed to be done under a gag rule is clearly in direct violation of the oath Senators took when they became Members of the Senate.

I do not believe that any Senator would want to violate the oath he took. Therefore I say there is no doubt whatever that any Senator who could find the time to sit through, not every speech that is being made, but merely a few speeches that are being made by Senators who have studied the problem, would have to conclude in all fairness that the legal arguments being made by those who have drafted the report of the Civil Rights Commission are just as fallacious, and can be proved as wrong historically by those who know what the purpose of the 15th amendment was as any fallacious argument I have ever heard presented in many years.

The point made by the Senator from Alabama is demonstrated when it is made clear that the proposed amendment to the 15th amendment was aimed at the South, to keep the South from disfranchising a man because of his race. No one who voted for the amendment back in the 1860's when it was proposed and when the States voted to ratify it, had in mind that he would give the Federal Government the right to strike down a right which his own State legislature had properly provided down through the years.

Mr. President, it seems to me that the authorities, cited and quoted, establish beyond any doubt that claims of constitutionality under the 15th amendment for these proposals are completely unfounded.

By the same token, it is easily enough established that claims under article I, section 4 are equally unfounded. Article I, section 4 provides:

> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

Any dispute about the scope of this provision, for present purposes, will turn upon the meaning of the phrase "the manner of holding elections." The case law under this section of the Constitution, as well as prior actions by the Congress acting under that provision, will amply demonstrate that it was never intended to have anything to do with setting the qualifications for voters. In Ex parte Yarbrough the Supreme Court said it was the duty of the National Government "to see that its service shall be free from the adverse influence of force and fraud practiced on its agents, and that the votes by which its Members of Congress and its President are elected shall be the free votes of the electors, and the officers thus chosen the free and uncorrupted choice of those who have the right to take part in that choice."

In the case of *United States* v. *Gradwell*, 243 U.S. 476, decided in 1915, the Supreme Court stated:

> Although Congress has had this power of regulating the conduct of congressional elections from the organization of the Government, our legislative history upon the subject shows that except for about 24 years since the Government was organized, it has been its policy to leave such regulations almost entirely to the States, whose representatives Congressmen are. For more than 50 years no congressional action whatever was taken on the subject until 1842 when a law was enacted requiring that Representatives be elected by districts, thus doing away with the practice which had prevailed in some States of electing on a single State ticket all of the Members of Congress to which the State was entitled.
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> Then followed 24 years more before further action was taken on the subject when Congress provided for the time and mode of electing U.S. Senators, and it was not until 4 years later, in 1870, that, for the first time, a comprehensive system for dealing with congressional elections was enacted. The laws provided extensive regulations for the conduct of congressional elections. They made unlawful false registration, bribery, voting without legal right, making false returns of votes cast, interfering in any manner with officers of election, and the neglect by any such officer of any duty required of him by State or Federal law; they provided for appointment by circuit judges of the United States of persons to attend at places of registration and at elections, with authority to challenge any person proposing to register or vote unlawfully, to witness the counting of votes and to identify by their signatures the registration of voters and election tally sheets; and they made it lawful for the marshals of the United States to appoint special deputies to preserve order at such elections, with authority to arrest for any breach of the peace committed in their view.
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> It is a matter of general as well as of legal history that Congress, after 24 years of experience, returned to its former attitude toward such elections and repealed all of these laws with the exception of a few sections.

The dissent of Mr. Justice Field in the case of *Ex Parte Clarke*, 100 U.S. 399, decided in 1879, also has bearing on the question of a claim for constitutionality of the proposals we are considering under article I, section 4. That case involved the constitutional power of Congress to enact a law to punish a State election officer for violating his duty under a State statute regulating congressional elections. The Court held that Congress did have such power, reasoning that the kind of statute involved dealt with the "manner of holding" elections. In dissent, Mr. Justice Field stated:

> The power vested in Congress is to alter the regulations prescribed by the legislatures of the States, or to make new ones as to the times, places, and manner of holding the elections. Those which relate to the times and places will seldom require any affirmative action beyond their designation. And regulations as to the manner of holding them cannot extend beyond the designation of the mode in which the will of the voters shall be expressed and ascertained. The power does not authorize Congress to determine who shall participate in the election, or what shall be the qualifications of voters. These are matters not pertaining to or involved in the manner of holding the election, and their regulation rests exclusively with the States. The only restriction upon them with respect to these matters is found in the provision that the electors of Representatives in Congress shall have the qualifications required for electors of the most numerous branch of the State legislature, and the provision relating to the suffrage of the colored race. And whatever regulations Congress may prescribe as to the manner of holding the election for Representatives must be so framed as to leave the election of State officers free, otherwise they cannot be maintained.
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> In one of the numbers of the Federalist, Alexander Hamilton, in defending the adoption of this clause in the Constitution, used this language: "Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power, and as a premeditated engine for the destruction of the State governments? The violation of principle in this case would require no comment."
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> The views expressed derive further support from the fact that the constitutional provision applies equally to the election of Senators, except as to the place of choosing them, as it does to the election of Representatives.

Justice Field's comments demonstrate to me that the provision in section 4 of article I giving the National Legislature the power to regulate the "manner of holding" elections was not intended to give Congress any power whatever over voter qualifications. And if the exercise of such congressional authority cannot be sustained under article I, section 4, there would seem no other constitutional peg upon which to hang it. The claims for constitutionality based upon the 14th and 15th amendments would appear to me to have been thoroughly demolished.

Mr. President, while it would seem to me that the proposals before us are unconstitutional, and that the fact has been amply demonstrated, I would like, before leaving the subject of the unconstitutionality of these bills, to comment briefly upon a memorandum of law, which the Senator from New York [Mr. JAVITS] placed in the CONGRESSIONAL RECORD on April 25. The following day, the Senator referred to his memorandum, in his words, as "distinctly showing that the measure before us as a statute is entirely constitutional based upon the cases of the courts and the amendments to the Constitution."

I think it would be well to comment briefly upon this supposedly conclusive memorandum of law. It makes several points. In the first place, it points out that while it is undoubted that article I, section 2, and the 17th amendment of the Federal Constitution permit the States to set the qualifications for electors for Members of the U.S. House of Representatives and Senate, respectively; the States cannot do so in violation of the 14th, 15th, and 19th amendments. The remainder of the memorandum is devoted to the assertion that as the Commission on Civil Rights reported that it had discovered some discriminatory uses of literacy tests for voters in the South, the appropriate way of dealing with this matter is by statute.

Mr. President, I think right here we go to the heart of the constitutional issues concerning these bills. The Senator from New York, and I assume other proponents of the bills, take the position that the proper way to deal with any abuses of literacy tests which may exist is by Federal legislation abolishing the use of literacy tests entirely. This puts the issue rather pointedly. Both sides of this debate are agreed that it is the sole prerogative of the States to fix qualifications for voting. Both sides further agree that literacy tests come within the category of qualifications for voting. But the proponents contend that literacy tests have been used in violation of the 15th amendment, and that therefore they ought to be abolished entirely.

An editorial published a few days ago in the New York Herald Tribune describes the pending proposals as "striking at the use of literacy tests rather than merely their abuses." This seems to me to go to the heart of the matter. Assuming for purposes of argument that abuses in the use of literacy tests have occurred, the pending legislation does not purport to deal with abuses. It denies to the States the right to use literacy qualifications at all. Since the bills do not really go to the question of abuses of literacy tests, but to the question of their use per se, the 15th amendment is in a very real sense irrelevant to the present discussion. If abuses have occurred, then the proper way to deal with them is in a court of law, under legislation which is aimed at abuses. There is already plenty of legislation on the books under which this can be done. To enact a sweeping piece of legislation which abolishes all literacy tests because there is an allegation that such tests have occasionally been used in an abusive fashion is to deny to the States of the Union the same consideration that any defendant in a court of law would be afforded—the right to have the case proven against him before punitive action is taken.

Mr. President, the unconstitutionality of these proposals seems to me to have been thoroughly established. It is equally easy to show that the bills are unnecessary. There is at the disposal of the Department of Justice at the present time an arsenal of legislative weapons which is enough to subdue any State at any time the Department wishes to bring its weapons into play.

There is no doubt, for example, that under existing statutes it is unlawful to intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any person for the purpose of interfering with his right to vote in any Federal election. Section 594 of title 18 of the United States Code provides criminal penalties against this contingency.

In 1960, the Congress acted to provide the Attorney General of the United States with still more weapons. It might be well for us to review some of the background surrounding this 1960 civil rights fight.

The opponents of the Civil Rights Act of 1960 were, as might be expected, the Senators from the Southern States. Some of us believed that no voting problems existed in our States. We felt that the proposed legislation would deprive our States of constitutional powers, as well.

During the 1960 debate, a big point was made by proponents of the measure of a report by the so-called Commission on Civil Rights, a "temporary body" which the Congress has apparently decided to endow with everlasting life. That report contained certain voting statistics—completely erroneous—which led some civil rights advocates to feel that some coercion of the Southern States was in order. Despite the fact that many southerners pointed out that Negro voter apathy was the chief cause of any lessened degree of Negro voting, the proponents persisted. On this point, it is interesting to note what the Commission itself said about this problem of Negro apathy: "Apathy is part of the answer."

I consider this to have been a fairly revealing admission, when the source is considered.

The upshot of the 1960 fight was that the proponents got just about what they wanted. The law which finally emerged from the congressional battle was to a great extent based on the seven-point administration proposal. It included just about everything the civil rights fighters wanted, including a provision for a Federal voting referee.

Despite the scope of this 1960 law, here we are again hashing over the same old subject.

During past years Congresses have been reluctant to invade the prerogatives of the States by seeking to legislate in this area. Of course, after the Civil War, a reconstruction Congress enacted sweeping voting legislation. It was a portion of this legislation which was at issue in the Reese case. This legislation was called the Enforcement Act of 1870, and was supplemented in 1875 by a voting-supervisors provisions. Both these laws were utter failures, both because of resistance to them in the South, and because of corrupt and unfair administration on the part of the northerners. A Democratic Congress in 1894 removed the voting-supervisors law from the statute books. In 1883, the Civil Rights Act of 1875 was declared unconstitutional in the famous Civil Rights cases.

It will be noted that one reason for the failure of these early civil rights measures was corruption on the part of the administrators. Another reason was stubborn and determined resistance on the part of southerners.

It is interesting to note that when the Federal Government has undertaken to conduct elections for States, the Federal Government has, itself, found its attempts to be complete failures, with the result that Congress has been willing to junk the whole thing, and to call it a scandal and a failure, and to rid itself of the burden, and return it to the States.

Mr. President, there is no reason whatever to believe that the laws which are being sought to be forced on the South today will not produce the same kind of resistance that the previous ones caused. I do not advocate this. Many southerners are led to commit rash and unwise acts because of the depth of their passion at the thought of being coerced by the Federal Government, and at the thought of further force legislation aimed solely at the South. Their reaction is understandable, however deplorable. But this is not the point. The point is that it is unwise for the Government to enact laws which will almost certainly provoke resistance. We saw the undesirable consequences of this with prohibition. Aristotle said that the first requisite of a good law is that it be completely enforceable. By enacting further force legislation and pushing it on the South, the Congress will accomplish nothing except to stir up further trouble and further disrespect and disregard for lawful authority.

Returning to my discussion of the history of prior civil rights legislation, a very pertinent part of any discussion of proposed Federal voter legislation is the judicial history of the so-called white primaries in the South. Early cases afford no discernible test for the presence of State action, a necessary element to a violation of either the 15th or the 14th amendments. But the eventual outcome was suggested in the case of *United States* v. *Classic,* 313 U.S. 299, which came before the Supreme Court in 1941. The Classic case involved prosection under what is now 18 United States Code 241 and 242 of some New Orleans election commissioners. They were charged with altering and falsely counting ballots cast at a Democratic primary election in which a candidate for Congress was nominated.

The questions before the Court were first, whether a federally guaranteed right had been interfered with—that is, whether the right of qualified voters to vote in the Louisiana primary and to have their ballots counted was a "right secured by the Constitution" within the meaning of the statute; and second, whether the acts of the defendants violated the statutes.

On the basis of a finding that the Louisiana primary was an integral part of the procedure for the popular choice of a Congressman, the Supreme Court held affirmatively on both questions. In other words, the Court held that the right to have one's vote counted in a primary that is an "integral part of the procedure of choice" is a right included in and safeguarded by article I, section 2 of the Constitution. The Court stated:

> The right to patricipate in the choice of representatives for Congress includes the right to cast a ballot and to have it counted at the general election, whether for the successful candidate or not. Where the State law has made the primary an integral part of the procedure of choice, or where in fact the primary effectively controls the choice, the right of the elector to have his ballot counted at the primary is likewise included in the right protected by article I, section 2. And this right of participation is protected just as is the right to vote at the election, where the primary is by law made an integral part of the election machinery, whether the voter exercises his right in a party primary which invariably, sometimes, or never determines the ultimate choice of the representative.

Following this decision, a bigger step was taken in *Smith* v. *Allwright* 321 U.S. 649, in 1944. There the Court held that if membership in a political party is essential to making one's voice heard in an election, then to be a party member is a constitutionally protected privilege.

By 1953 the judicial die was cast, insofar as the white primary cases were concerned. But consider how far the Court has come in the last several years. Consider the legal and jurisprudential gap between the white primary cases—which in light of subsequent occurrences we know to have been models of judicial deference—and cases such as Gommillion against Lightfoot and Baker against Carr.

From 1875 to 1957, no significant civil rights legislation was enacted by Congress. But in 1957, four major additions were pinned onto the tattered remnants of the Reconstruction era civil rights legislation. Two of these changes have direct bearing on the present consideration of Federal voter legislation. These were the creation of a temporary Commission on Civil Rights, and the provision of certain so-called reinforcements to existing voter laws. These reinforcements involved giving the Federal Attorney General the power to seek injunctive relief for persons who alleged that they were denied the right to vote because of race, color, or previous condition of slavery. With that kind of weapon at the disposal of the Attorney General, Mr. President, I am somewhat at a loss to understand how he could again be before us pressing for more laws.

The fact is that the Department of Justice has not used the weapons it already has at its disposal. As of 1960, only four preventive suits had been instituted by the Attorney General under the authority granted him in 1957. In 1960, Clarence Mitchell, an NAACP director, said that the Government would not bring one of these suits unless victory seemed assured. But Attorney General Rogers said the reason why they were not using the power they had fought so hard to get was that nobody was asking them to.

Imagine that, Mr. President, we are being asked to deny to States rights they have had ever since the beginning of the Republic, but no one but the Attorney General has asked us to take away those rights. He said:

> I have been surprised how few complaints we have had. Constitutional rights cannot be enforced unless the people attempt to exercise them.

I am at a loss to understand why the Department did not reflect upon this before working so hard to get these laws. In any event, there is the statement of Mr. Rogers, the then Attorney General.

As a matter of fact, the 1957 civil rights law established within the Department of Justice a civil rights division. This division is supposed to prosecute cases of alleged interference with the right to vote. In the course of 5 years, this civil rights division has prosecuted only 25 cases. During the same period the Commission on Civil Rights—which was also brought into existence by the 1957 legislation—has been able to scrape together only 613 complaints of any sort of discrimination or bad treatment in this field of voting. Yet, Mr. President, that Commission has been seeking to encourage people to make complaints of that sort.

Mr. President, nothing whatever could be possibly accomplished by the bills which are being sought to be passed which could not already be done under existing law. The Attorney General of the United States has already been constituted the tax-paid lawyer for private litigants in this area of the law. The Federal judiciary is already authorized—without benefit of trial by jury—to take over the offices of local registrars of voters, and appoint Federal referees in their stead. What more in the way of legislation could possibly be needed?

The first case to be brought before the Supreme Court under the power granted the Federal Attorney General by the act of 1957 was the case of *United States* v. *Raines,* 362 U.S. 17, decided in the year 1960. There, the Attorney General brought a civil action for injunctive relief against the members of the Board of Registrars and against certain deputy registrars of Terrell County, Ga. The allegation was that these officials were practicing discrimination on racial grounds in the administration of their offices, against Negroes who desired to register to vote in elections conducted by the State.

The district court dismissed the complaint, holding this 1957 legislation unconstitutional. The reasoning of this court was persuasive. It was felt that the provision sought to allow the United States to enjoin purely private action which deprives citizens of the right to vote, whereas the 15th amendment is aimed only at State action.

The Supreme Court, however, held that the district court's dismissal was error. Some of the reasoning of the Supreme Court is interesting, if alarming:

> As to the application of the statute called for by the complaint, whatever precisely may be the reach of the 15th amendment, it is enough to say that the conduct charged—discrimination by State officials, within the

course of their official duties, against the voting rights of U.S. citizens, on grounds of race or color—is certainly, as "State action" and the clearest form of it, subject to the ban of that amendment, and that legislation designed to deal with such discrimination is "appropriate legislation under it."

Mr. President, nothing is more alarming from the standpoint of those of us who fear this trend toward more and more judicial legislation than the way the Court will bend, twist, and strain the law to try to find State action so as to bring the 14th and 15th amendments into play. I have often referred to the case of Shelley against Kraemer as perhaps as extreme an example as may be found of this kind of thing. There, the court used the 14th amendment to invalidate a purely private race restrictive covenant in a private housing development. The court did this by way of the interesting device of stating that, while the covenant itself, being private, was not within the scope of the 14th amendment, it would have to be enforced in the State courts to have any practical effect. And if the State courts acted to enforce it, this would constitute State action in violation of the 14th amendment. The court's sophistries in finding State action have gone so far as to find a private parking lot part of the State because of its proximity to State property. This was the case of the Wilmington Parking Authority against Burton. Holdings of this kind pave the way for findings that restaurants accessible to the public are part of the State. There appears to be no stopping this trend.

Under the decisions as they stand right now, Mr. President, you are not required to bring Negroes into your home. You cannot yet be forced to do that, because the courts have not yet devised a way to constitute you an arm of the State. But if Negroes force their way into your home, you cannot enlist the aid of any agency of the State to keep them out, and this includes the police and the courts, for this would be State action and the 14th amendment would forbid it. You must be able to enforce your own desires. Otherwise, the Federal courts have decreed that they go unenforced.

Mr. President, the situation is indeed serious. The actions of the Federal courts have rendered the situation serious. Congressional action has not helped any. And now some are seeking to make it worse. The proposals before the Senate appear to constitute yet another step in the march toward complete domination of the South, and of all the States by the Federal Government. It has been demonstrated beyond argument, it seems to me, that these laws would be unconstitutional. It is equally clear that they are totally unnecessary. I therefore urge the Senate to forgo further action along these lines, and to proceed to other business.

ADJOURNMENT

Mr. HUMPHREY. Mr. President, I believe there is no further business to come before the Senate. Accordingly, under the previous order, I now move that the Senate stand in adjournment until tomorrow.

The motion was agreed to; and (at 6 o'clock and 14 minutes p.m.), under the previous order, the Senate adjourned until tomorrow, Friday, May 4, 1962, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, MAY 3, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

John 16: 13: *The spirit of truth will guide you unto all truth.*

O Thou God of all wisdom and understanding, inspire us daily with a vivid sense of Thy presence and power, guiding us safely through the strain and stress of these agitated times which try men's souls.

Grant that we may seek to identify and join ourselves more closely and sympathetically with the stricken people of other lands in their struggles and sorrows, knowing that we cannot be truly happy while so many are still suffering under injustice and oppression.

On this day of solemn and sacred meaning in the life of the people of Poland, we are earnestly beseeching Thee that all their longings and labors may be crowned with the blessings of freedom and peace.

Hear us in the name of our blessed Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

THE FEDERAL DEFICIT—TIME FOR THE AMERICAN PEOPLE TO WAKE UP

Mr. TABER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Speaker, I hold in my hand the daily statement of the U.S. Treasury for April 25, 1962. It shows receipts for the fiscal year which will end on June 30, 1962, of $76,010,890,867.82, and disbursements of $86,617,134,720.84. This makes a deficit of $10,606,243,853.02.

How are we ever going to balance the budget with the present approach of trying to accomplish it by spending more than we ever spent before? It is time for the American people to wake up.

CALL OF THE HOUSE

Mr. CEDERBERG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. HARRIS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 81]

Addonizio
Alford
Andrews
Ashmore
Blitch
Boggs
Bolling
Boykin
Brewster
Brooks, Tex.
Casey
Chelf
Curtis, Mass.
Curtis, Mo.
Daddario
Dent
Dowdy
Downing
Dulski
Durno
Elliott
Ellsworth
Fascell
Flood
Fogarty
Fountain
Fulton
Gavin
Goodell
Goodling
Granahan
Grant
Hansen
Harrison, Va.
Hays
Hébert
Hoffman, Ill.
Hoffman, Mich.
Huddleston
Inouye
Joelson
Jones, Ala.
Kearns
Kee
Kilburn
Kornegay
Loser
McMillan
Madden
Martin, Mass.
Matthews
Miller, N.Y.
Milliken
Montoya
Murray
Norrell
O'Brien, N.Y.
O'Hara, Mich.
Patman
Pfost
Pillion
Powell
Rains
Reifel
Rivers, S.C.
Roberts, Ala.
Saund
Schwengel
Scott
Scranton
Selden
Shelley
Sheppard
Short
Smith, Miss.
Spence
Steed
Stubblefield
Thompson, Tex.
Weaver
Whitten
Wickersham

The SPEAKER. On this rollcall, 352 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMUNICATIONS SATELLITE ACT OF 1962

Mr. HARRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11040) to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11040, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday there was pending the amendment offered by the gentleman from California [Mr. MOSS] to section 201 of the committee amendment.

Without objection, the Clerk will again report the amendment offered by the gentleman from California.

There was no objection.

The Clerk read as follows:

On page 26, beginning in line 20, strike out "In determining the public" and all that follows down through the period in line 2 on page 27.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. HARRIS.]

Mr. HARRIS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARRIS. Mr. Chairman, as I understand it, on yesterday the gentleman from California [Mr. MOSS] had offered an amendment on which he utilized his allotted time, following which the gentleman from Michigan [Mr.

DINGELL], a member of the committee, was recognized. Was the allotted time of the gentleman from Michigan [Mr. DINGELL] fully utilized, or who is recognized at the moment?

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] had expired. The Chair recognizes the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I rise in opposition to the amendment offered by the distinguished gentleman from California, a member of the committee [Mr. MOSS]. I want to emphasize to the Members present that this is a most important amendment with far-reaching consequences that has been offered to this bill. I should like to urge the Members of the House to remain on the floor of the House during the course of the further discussion of the amendment, and for them to be here when the amendment is voted upon.

Mr. Chairman, permit me also to say that it was not my intention to interfere with the gentleman from Michigan [Mr. DINGELL], who had his time yesterday, but I do feel that as chairman of the committee I should have the first chance to comment now in view of the fact that two members had spoken in favor of the amendment. I feel that this amendment is of such importance that it should be called to the attention of the House as to what the effect of it will be.

Mr. Chairman, I would like to ask the Members to get a copy of the bill and turn to page 26 thereof. It is my purpose to give to the Members of the House a little of the background of this amendment, and then to discuss with the Members the effect of the adoption of said amendment, should this House agree to it. This amendment has to do with ground stations. Let us keep that in mind. It has to do with the ownership and the operation of ground stations, the ground facilities that will receive and emit the signals to the satellites.

Mr. Chairman, this has been one of the most controversial questions of the entire program that we have had to consider. The bill, as it was introduced, would provide for the Federal Communications Commission to license the ground stations. We think that is the most appropriate way to do it, for someone to control this important phase of this operation. There are those who feel, as was stated here yesterday, that the ground stations ought to be owned and controlled by the Government. There are those who feel that they should be operated, owned, and controlled by the satellite corporation. There are those of us who feel that the Federal Communications Commission should have the authority to determine, in the public interest, who should own, operate, and control the ground stations.

The gentleman from California says that is precisely what he proposes to do. Anticipating what the gentleman was going to ask I have already answered his question. But when you take into consideration the history of this legislation, in my judgment to strike out this language will be a congressional mandate to the Federal Communications Commission that no common carriers be permitted to have any ground station. All of us know that legislative history has a great deal to do with what is finally determined by an agency of the Government. In my judgment, this Congress should mean what it says. We say this is a private enterprise corporation. We know that if it is going to be a private enterprise corporation it must have the freedom to operate. I believe the Congress in carrying out the philosophy in this bill should encourage the ownership and operation of ground stations by the common carrier when the Commission finds that it is in the public interest.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. HARRIS] has expired.

(By unanimous consent (at the request of Mr. MOSS) Mr. HARRIS was given permission to proceed for 5 additional minutes.)

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. Of course, I am glad to yield to the gentleman from California.

Mr. MOSS. First let me say that the gentleman's statements do not accord either with the fact or with the intent of the author of the amendment. In what manner, Mr. Chairman, does the usual test, "public convenience and necessity," grant discriminatory rights either to the proposed new corporation or an existing corporation? These are words of the art, well settled in law; and that is a proper test between two private corporations. How does the language remaining create any discriminatory condition?

Mr. HARRIS. First let me say to the gentleman that I did not in my statement refer to what was intended in the gentleman's amendment or what was intended in the gentleman's statement, or what was in the mind of the gentleman. I was merely stating to this House what I believe in my judgment would be the effect of the adoption of this amendment. I can tell you exactly what I think would be the result of it. Had we started out with this language to—

> grant a license for the construction and operation of each satellite terminal station, either to the corporation or to one or more authorized carriers or to the corporation and one or more such carriers jointly, as will best serve the public interest, convenience, and necessity.

And stopped there—yes, I think the gentleman would be correct. But the bill included at the outset this additional language:

> In determining the public interest, convenience, and necessity the Commission shall encourage the construction and operation of such stations by communications common carriers wherever, in the judgment of the Commission, such construction and operation are not inconsistent with the policies of this act.

Who can object to that in the first place? And in the second place, with the legislative history behind it and with this in the bill, if you strike it out now in my judgment the Commission will say that the Congress intended that the ground station not be owned or controlled, or any part of it, by the common carriers themselves. We feel by this language that we mean what we say, and we mean that the Commission shall consider whether it is in the public interest to encourage the ownership by common carriers, and if the Commission finds that it is in the public interest to have ownership by the common carriers it shall so find. If the Commission finds it in the public interest to be owned by the corporation, it shall so find. If the Commission finds that it is in the best interests for the corporation and the carriers to have a joint operation, let the Commission so find. That is all we are asking by this language.

In my judgment, to change it now would mean a green light to the Commission.

In our conference with all the groups represented and the various agencies of the Government I said to the Chairman of the Federal Communications Commission, that if we strike this language out, and the Commission decided as a matter of policy that the carriers who provide international service for the American people should not have any part of the ground stations, and if the Commission set that policy up to start with, was it not a fact that will be the way it will be and no Commission in the future would very likely have any right or authority to change that policy? And the Chairman admitted that that very well could be the result of it. I will say in all candor I had an understanding with Mr. Katzenbach of the Department of Justice and with the President himself, who is concerned about this, and with Dr. Welsh and others, and with the Chairman of the Federal Communications Commission, and we all agreed that it would be in the best interests of the entire operation under the circumstances to leave this as it is but have it spelled out in no uncertain terms, clearly, in the report, if you will refer to the report on page 12. The language there would be a direction and guide for the Federal Communications Commission in the administration and regulation of this program.

Mr. RHODES of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to ask the gentleman from California to explain more fully the intent of his amendment, and I yield to the gentleman from California [Mr. MOSS].

Mr. MOSS. Mr. Chairman, the intent of my amendment is to place two corporations, the one to be created under the act and an existing carrier, on precisely the same grounds when they go before the Commission and ask for the right to construct a ground station. It is not my intent or desire that there be discriminatory treatment accorded either or that either be given an advantage. The test here should be the traditional test, the one which in the particular instance best serves the public interest, convenience, and necessity.

I disagree with the chairman. There is nothing, in my judgment, in the legislative history here which would bring about the prejudice he envisions. I think it is abundantly clear that these words are well established, words of art, that they have been well defined in many, many instances. I think it is appropriate where we are seeking to encourage the American investor to put his dollars into this new corporation that we not place that corporation under a disadvantage, making it impossible for it to compete on an equal basis. After all, it cannot transmit messages originally. It is limited by the definitions of this bill to the relaying solely of messages that originate with existing carriers. Equality before the Commission is a minimum requirement if we are to permit this new corporation to earn any dividends at all for its investors. I hope that answers the gentleman's question.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Pennsylvania. I yield to the gentleman from Arkansas, the distinguished chairman of our committee.

Mr. HARRIS. I think it is a very fine thing for the membership that we have this discussion, because each one should make up his own mind out of his experience as a legislator in this House. I do not want to tie this thing down to where this corporation will be the only entity that will own and operate the ground stations. I know what has happened in this whole thing, and I know what the result may very well be. I do not think the gentleman from California and I have any difference as to the ultimate objective that we seek, but we disagree because of the history that is in back of this.

In my judgment, if we take this action to delete this language, there is a great possibility that the Federal Communications Commission would take that as a positive policy declaration of the House, that only the corporation itself shall own and control the ground stations. I think that would be to the great detriment of the future of this whole operation and the development of this very fine resource for the benefit of our American people.

Mr. MOSS. Mr. Chairman, will the gentleman yield further?

Mr. RHODES of Pennsylvania. I yield to the gentleman from California.

Mr. MOSS. I would like to direct a question to the chairman of the committee. Is it not true that under the language you propose in this bill there can be instances where the corporation, that is, the new corporation, joining together with another carrier would be competing solely with a carrier for a ground station and that under the mandate of this language, the Commission would have to, in determining the public interest, determine it in a manner to encourage the construction of the ground station by the existing carrier rather than the joint venture of the corporation and a carrier?

Mr. HARRIS. No, I do not agree with the gentleman at all, because the Commission then is further directed in its own judgment to decide whether the construction and operation are not inconsistent with the policies of this act.

Mr. MOSS. Is it not true that the policies of the act are to construct a satellite system and that this language itself is a mandate which in itself makes it consistent with the policies of the act, because it becomes the mandated policy upon which the Commission must base its determinations?

Mr. HARRIS. In my judgment, this language is necessary to prevent the Commission from establishing a policy that will be continuous and lasting, to the effect that only the corporation shall own and control the ground stations and that no common carrier or joint common carrier operation will be permitted.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HEMPHILL. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, on yesterday here in the well of the House I addressed my remarks to the public and private features of this particular legislation. Let me be a little bit elementary at this point. We are going to have a satellite, if our programs and our plans progress—and if the delays that we have here do not let the Russians get there first—we are going to have a satellite or satellites in orbit which will reflect the communications signals to all parts of the earth. In order to accomplish our purposes, we are going to have down on earth, not only in this country but in foreign countries, things that are known as satellite stations or ground stations. We have provided in this particular legislation that the foreign governments may own part of the stock of this corporation. We have provided here that the carriers, which have done the job that nobody disputes in the communications field, shall have a right to own up to a certain part of the stock of this corporation which the Government here is seeking to create by legislative direction. Remember, insofar as a satellite is concerned, there being no people there, the problem of service is automatically incorporated once a satellite is put into orbit. But down here on the ground in the United States and in other parts of the world, there will be people who will have to operate and who will have to give the same thing the private companies are giving now—and I am speaking of service—the same sort of service you get from your telephone company at home and the kind of service that we get here on Capitol Hill—and it is good service.

If we mess this thing up, and I use the term advisedly, by putting the Government's fingers further into it, which this amendment really seeks, then we are saying to the people: You are not going to be able to give the service because you are going to have so much Government redtape that you are not going to be able to give it.

If the provisions of this legislation did not take this into consideration the fine gentleman from California whom I love, respect, and admire——

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I would be happy to yield if the gentleman would get me additional time.

Mr. MOSS. I will do my level best.

Mr. HEMPHILL. I will have to get the time first before I can yield.

Mr. MOSS. Mr. Chairman, I ask unanimous consent that the gentleman from South Carolina be allowed to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from South Carolina is recognized for 3 additional minutes.

Mr. HEMPHILL. Now I am happy to yield to the gentleman.

Mr. MOSS. In what manner does my amendment place the Government any further into this when you are dealing here with a determination to be made by the Commission between two private corporations?

Mr. HEMPHILL. I would refer the gentleman to the legislation and also to the report.

Mr. MOSS. I have the report before me; I would be glad to have a citation.

Mr. HEMPHILL. If the gentleman would listen instead of talking, I would be glad to give him the citation. On page 27 of the bill, line 2, we have written into this legislation the following:

> The Commission shall insure that each authorized carrier shall have equitable access to, and nondiscriminatory use of, such stations on just and reasonable terms.

Mr. MOSS. With that language in the bill, does the gentleman contend that the amendment puts the Government any further into it? The determination, both under my amendment and under the language of the bill, is to be made by the Federal Communications Commission between two competing applicants.

I submit there is nothing in the amendment that could be remotely inferred as putting the Government any deeper into it.

Mr. HEMPHILL. If the gentleman intended what he said, then there is no use for the amendment.

Mr. MOSS. Yes, there is.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield to my chairman.

Mr. HARRIS. I think there is something in what the gentleman just said. If by this amendment we approve a policy which would result in common carriers not having any ownership or operation in connection with ground stations, I think it would be. This is a unique corporation, even though it is a private corporation the Government does become a part of it. The President of the United States nominates three of the directors. The President of the United States has certain obligations and responsibilities. The various agencies of the Government have certain responsibilities in connection with it. I think if we keep the private carriers from having any part it will tend to do what the gentleman has suggested.

Mr. HEMPHILL. I might also——

Mr. MOSS. Mr. Chairman, will the gentleman yield further?

Mr. HEMPHILL. Let me make this statement, then I will yield. In the committee report, I may say to the gentleman from California and the gentleman from Michigan, on page 12 there is this statement:

> It is not the intent of the committee that these provisions limit in any way the Commission in determining what meets the public interest, convenience, and necessity.

So we have written into the bill and we have written into the report the legislative intent of the Congress.

If the gentleman's amendment is accepted, then the intent of the Congress as written in the report is distorted and we do not have the same thing that the committee intended after many months of study.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield.

Mr. DINGELL. As a matter of fact, I will say to the gentleman—rather, I will ask the gentleman where in this bill according to him, is there language, or where in this amendment is there language which would preclude a common carrier from having a ground relay station if the amendment is adopted?

I challenge either the gentleman in the well or the chairman of the committee to cite one word or one sentence in either the bill or in the report which would preclude a private carrier from having a ground station if this amendment prevails.

Mr. HARRIS. I thought I made it as clear and as plain for anyone to understand as I could. Anyone who knows anything about legislative history knows that where you propose something as a given policy, then withdraw it, that is, as we all know, an invitation to a Government agency or Government people to do exactly contrary to what was in the bill on the basis that striking it out means for them to administer it in that form. If the gentleman knows anything about legislation, and he does, he can understand that.

Mr. DINGELL. I say to the distinguished chairman of the committee what this amendment strikes is the preferential language which works against persons who would buy stock in this corporation, and it works against the interest of the carriers.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

(By unanimous consent (at the request of Mr. HEMPHILL) he was allowed to proceed for 3 additional minutes.)

Mr. HEMPHILL. Mr. Chairman, I may say to the gentleman from Michigan that despite the great respect and love that I have for him, he has placed, in my opinion, an interpretation on this which is not included in the language of the bill or in the report. The amendment of the gentleman from California seeks to amend line 20, page 26. He must go back to line 15 on page 26 that in the granting of the license we did put in the legislation these provisions:

> Grant a license for the construction and operation of such satellite terminal station, either to the corporation or to one or more authorized carriers jointly, as will best serve the public interest, convenience, and necessity.

In adopting language of the gentleman's amendment, what we are really doing is putting a double negative in it and killing it. That I think is the purpose of the amendment.

We have also written into the report the following:

> The Commission—that is the Federal Communications Commission—would be charged with the duty of insuring that all communications common carriers authorized by it to use the communications satellite system, now or in the future, shall have nondiscriminatory use of and equitable access to the system and the ground stations serving the system, and would prescribe regulations governing the manner in which the facilities of the system are allocated among its users.

That is what the committee has said, and that is what the legislation says.

The amendment offered by the gentleman from California is unnecessary, it is an amendment that will clog up this legislation, it will cause a delay, because of the Government trying to get its finger in here. It will cause a delay which I am fearful would be detrimental to the progress of the Nation.

I am therefore opposed to the gentleman's amendment. I am opposed to sabotaging the private enterprise system which I think would result from adoption of his amendment.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. HEMPHILL. I yield to the gentleman from California.

Mr. MOSS. I submit that the language placed in the report says that the committee does not intend to be precise about what it does through the language in section 201.

Mr. HEMPHILL. The gentleman proposed the amendment in the committee. It was beaten by a substantial majority. I cannot divulge the exact vote, and I do not recollect it. There were not many votes in favor of it. The committee has considered it. We have taken the matter up with the administration, with the people involved, and America is sitting here ready to go if we can get this legislation passed. Then we can go ahead. That is what we are trying to do. Any amendment that is proposed that will slow down this progress I am opposed to.

Mr. HARRIS. Is it not also true that the legislative history we are making here today will have a tremendous influence on the courts in the event of the legislation being challenged?

Mr. HEMPHILL. I agree with the gentleman. It always has, and I hope it always will.

GROUND STATIONS

In considering this bill, we have given a great deal of thought as to how the earth terminals should be operated. Who should own them? How would they be controlled?

Every witness was asked for his thoughts and the subject was discussed in detail by members of the committee.

Now in speaking of earth terminals, I am not talking about the stations on the ground that will track the satellites, keep records on who is using them and for how long and all the other intricate details on the operation of the satellites themselves. These stations, of course, are an integral part of the satellite system itself and will be owned and operated by the satellite corporation. Our bill refers to these stations as "associated equipment and facilities."

When I discuss earth terminals, I am speaking of the ground transmitters and receivers which link the satellite to the land systems, here or abroad.

In considering who should own and operate these terminals in the public interest, these are the factors that stand out:

First. Responsibility for service should remain with those who serve the customer.

Second. Encouraging competition among the communications companies.

Third. Maintaining flexibility in basic Government policy for the years ahead.

We know that for some time only one commercial satellite system will be feasible. However, there will be many earth terminals. Two or three here, possibly, at the start, and others abroad. The satellite corporation will not own the terminals overseas. They will be owned and operated by those who run the communications systems in those countries.

It makes good sense for us to have a similar setup here, with the communications people building and operating their own terminals if they wish—subject, of course, to the decision of the Federal Communications Commission. The FCC will also see that companies who do not wish to own a terminal are guaranteed access to one on reasonable terms.

Communications satellites are, in effect, microwave radio relay stations linking ground communications networks here and abroad. The earth terminals are comparable to the long-distance telephone switching centers that serve each region within the country. A call from any city in the country goes to one of these regional centers which directs it to the regional center closest to the point you are calling.

The satellites are merely amplifiers in space and will have no people aboard. But the earth terminals are switching centers which must be operated by crews of skilled people, experienced in the intricate job of switching telephone calls and other communications.

Decisions are required every minute of the day. The amount of traffic varies in unpredictable patterns. Circuits must be assigned to handle the varying load. When a circuit fails for any one of a thousand reasons, it must be replaced immediately by another. In emergencies, the whole picture of service requirements must be matched against the availability of circuits and the best human judgment applied to solving the problem of how best to get all the messages through. Which go first? Which can wait for a time?

When international messages are involved, these decisions cannot be made at one place by one group of people, however skilled. Groups of people in each country involved, at each location involved, must agree upon and execute the same plans. This complex process of coordination is continuous throughout normal days as well as days where things are not normal.

If the ground terminals in the United States were owned by the satellite corporation this critical process of coordination would be seriously impaired.

When service by satellite was involved, no longer would the communications companies here be dealing directly and conclusively with the communications people who serve the public abroad. Yet they would still be able to do so when cable and other radio circuits were concerned.

While the communications carriers would still remain sensitive and responsive to traffic demands and emergency needs, they would be able to translate these needs into action only by dealing with a third party—the satellite corporation. In turn, the communications people overseas, long accustomed to dealing with their U.S. counterparts—and still able to do so regarding other facilities—would have the satellite corporation standing between them and their desire to take the steps agreed upon with the U.S. carriers.

We can see no need for insisting upon the addition of the third party in the middle of this complex relationship. In fact, it would tend to impair service.

A second very important point is maintaining competition. Carriers could compete in ground station design and construction. Ownership by the satellite corporation would foreclose this.

Many of the communications companies have indicated strong interest in building and operating their own terminals. Each feels that he can "build a better mousetrap." Each seems to be confident that his technological ingenuity will result in a terminal which can do the job better and cheaper.

Carrier ownership of ground terminals will build competition into satellite communications. When a company—through its technological and management skills—develops a better terminal, this will spur others to equal or exceed the accomplishment. In this way, the quality of the job done by all will continue to improve—and the customer will benefit. If the U.S. terminals were under a single ownership, the tendency might be to slow the technological pace, which would not be in the public interest.

It is unlikely that there will be any more than two or three earth terminals here in the early years of this enterprise. However, the field of communications satellites is new and our job here is to pass a law which will establish basic policy to be controlling far into the future.

In drafting our provision on earth terminals, therefore, we have not foreclosed the question of ownership of earth terminals.

Instead, we are maintaining flexibility by placing the power of deciding when, where, and by whom, ground stations shall be provided in the hands of the FCC, which is responsible for the best use of our communications resources.

INDIVIDUAL OWNERSHIP OF GROUND STATIONS

In the hearings that have been held in committee concerning the Communications Satellite Act of 1962, H.R. 11040, much of the discussion has concerned itself with the ownership of the ground stations—whether it should be the province of the satellite corporation, the carriers, or a combination of the two.

In considering the subject of ownership of the ground stations, it is vital to understand the nature of these stations and how they fit into the complete communication system.

For simplification, the system should be considered in three parts: the satellites, the ground stations, and the existing communications networks of the world. Hardly anyone advocates or suggests that the present communications network should be changed in any way. True, natural expansion of these systems will come about with time, but this will merely give needed coverage in conjunction with the satellite system or systems that come into being.

What exactly are these new ground stations which we are discussing? They are stations which will connect the satellite system with the existing communication networks of the carriers on land. In studying this area, I have discovered that if we take standard communications equipment, normal to the ordinary microwave carrier station used in the overland communications network today, and add a special antenna and receiver, you then have a satellite microwave ground station.

This, then, is what we are talking about when we discuss satellite ground stations. This simplified description is not meant to mislead anyone into thinking that such a ground station is not complex, difficult, and expensive to build. The point I make is that the ground station is essentially a microwave station consisting of standard microwave parts—with some refinements.

The communications companies argue unanimously that on the basis of this similarity it is difficult to justify ownership of ground stations by anyone except the carriers—and I agree. If any other arrangement for ownership is made, the new owners will be forced into the area of terminal equipment and research that is already ably covered by the communications companies. The carriers own and maintain hundreds of these microwave stations today. In some cases it has taken them 10 or 20 years to establish the standards for microwave components. The carriers have organized substantial technical staffs which are now extensively engaged in research on microwave communications. We cannot afford not to take advantage of these resources. They should be encouraged to build ground stations.

The Senate Space Committee in its report has recommended that the carriers be encouraged to establish ground stations, but that the corporation should not be excluded from providing such stations if circumstances should so require. I agree with this.

If the carriers owned their own ground stations they would be encouraged, in such a competitive situation, to develop technology that results in efficiencies and economics of service. The public and the customer would benefit from this healthy competition, under Government regulation.

It seems to me that if the carriers are not encouraged to own these satellite ground stations, serious harm will be done to the public, the customers, and the carriers themselves. Competition could be stifled, satellite rates could be adversely affected, and operating conditions could present serious difficulties to the carriers providing service.

Under a plan which would permit and encourage individually owned ground stations, each carrier would staff, maintain, and operate its own ground stations just as it operates its own facilities today. The satellite ground stations would be extensions of their present facilities.

Under such a plan, the creation of an operating entity one step removed from the customer would be eliminated. Each carrier could fashion his station to best meet his requirement, which may be different from those of another carrier. For example, the facilities that are best for telegraph might not necessarily be best for telephone or television, and vice versa. Each carrier could locate its ground station where it is most economical and desirable.

Finally, what would individual ownership mean to security or in times of emergency? It is logical to conclude that with individual ownership and operation there would be more ground stations. A greater number provides versatility as well as backup facilities in case of equipment failure and a greater pool of trained personnel.

These are some of the reasons for encouraging the carriers to own ground stations. They make sense.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I reluctantly oppose the gracious and able chairman of the Committee on Interstate and Foreign Commerce. Logic compels me to do so.

Mr. Chairman, I am somewhat familiar with the use and interpretation of statutory language. As the chairman of the Committee on the Judiciary, it is necessary for me constantly to interpret language, legislative language, and I think I know what public convenience and necessity means. Those words, as has been said by the distinguished gentleman from California [Mr. Moss], are words of art. They have been interpreted myriads of times by the courts. In all my experience in this House, which goes over 40 years, I have never yet seen a statute which embraces the words "public convenience and necessity" hedged around by limitations of the type contained in the language that is sought to be deleted by the amendment offered by the gentleman from California. You give with one hand and you take away with the other. You say that the application shall be granted in accordance with public convenience and necessity by the Federal Communications Commission. When, however, you interpret "public convenience and necessity," you must give preference to the common carriers involved here. You utterly negate, you utterly destroy that which you say in the first instance. You practically say to the FCC, give preference to the carriers, not to the corporation.

Now, it will not have the effect that the distinguished chairman says, that if you strike out this language, it will mean, according to the legislative history, that the Federal Communications Commission could not give a license for a ground station to any of the common carriers. I must emphatically disagree with the distinguished chairman in that regard.

Now, as has been said also, the very guts of this bill lies in the ground stations. That is where the money is. The profitability lies in the ground stations and nowhere else. And, if these ground stations are under this bill to be given exclusively to the common carriers, then what of the investors in the corporation, the common stockholders of the corporation, the public. They go in under the assumption that these ground stations might be given not only to the carriers but to the corporation, but this language in the bill as originally devised with the Moss amendment negates and prevents, actually prevents, the ground stations from being operated or owned by the corporation unless the common carriers find the ground stations to be uneconomical, unprofitable, inconvenient, or cumbersome. Then they will say to the Federal Communications Commission "We do not want this ground station," and they will dump worthless stations onto the corporation for the corporation to own and/or operate. There again the investing public is duped. This is a hoax. The Federal Communications Commission opposed this original language. Why was it put in? That is a mystery to me.

Mr. HARRIS. Mr. Chairman, will the gentleman yield to answer his question?

Mr. CELLER. I gladly yield to the chairman.

Mr. HARRIS. That was the point I was going to make. First let me say that I do appreciate the gentleman's position, and I admire and respect him. When the bill was originally proposed it was provided that the common carriers would own the ground stations outright; that there would be no joint ownership nor would they be owned or controlled by the corporation. In an effort to try to resolve that situation, if we had gone completely to the other extreme, that would have been a green light to say that the common carriers should have no part of it. Now, this language was designed to make certain that licensing the common carriers to operate ground stations would also be considered as in the public interest. That is the reason the language is here.

Mr. CELLER. There is nothing in the original language which would deny the application of a common carrier if the application satisfies public convenience and necessity.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. CELLER] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Chairman, I shall not take the time of the gentleman, except to say this, if the gentleman will yield——

Mr. CELLER. I yield to the gentleman from Arkansas.

Mr. HARRIS. The legislation as originally introduced—not this bill, but the first bills on this subject matter; there have been several bills introduced—and the original proposal in several bills that were dropped in the hopper would have prevented the common carriers from having any part in the ground stations at all.

Mr. CELLER. I will say that not only does the Federal Communications Commission object to the language that was added, which involves a preference to the common carriers but the administration objects to the language. The administration favors this amendment. Both the FCC and the administration realize this is the gimmick that would be grist to the mill of the common carriers, and the grist would be the hard-earned dollars of the American investors who put their money into this corporation thinking that the corporation as well as the common carriers would operate some of these relay satellite stations. Now only the carriers would operate and/or own these stations.

Mr. Chairman, Mr. Katzenbach, whose name has been mentioned, made this statement before the Senate committee. Mr. Katzenbach is Deputy Attorney General:

> We recognize that the carriers, having consistently opposed public participation in the ownership of the system, may feel that even with public investment they can still control the system, if only they can control the ground stations.

Mr. Chairman, if we do not embrace this amendment, then the carriers will control completely the ground stations. With the ground stations under their control, as Mr. Katzenbach stated, they will control the communications satellite system entirely.

Frankly, without the amendment we ask the public generally to invest in a corporation which becomes an empty husk. The corporation without ground stations is like Samson without his locks.

Mr. FLYNT. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I shall be glad to yield to the chairman of the Committee on Interstate and Foreign Commerce.

Mr. HARRIS. Mr. Chairman, at the conclusion of the remarks by the gentleman from Georgia [Mr. FLYNT] I ask unanimous consent that all debate on the amendment offered by the gentleman from California [Mr. Moss] and amendments thereto, conclude within a period of 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. FLYNT. Mr. Chairman, the subject matter of this legislation, H.R. 11040, is one which came before the great Committee on Interstate and Foreign Commerce, and before the Subcommittee on Communications and Power many months before the gentleman from Georgia left his assignment on that committee. I have followed this legislation with interest. I have followed the subject matter of this legislation with intense interest, because this legislation is needed. The need for it is urgent. I believe it is imperative that this legislation be passed in the best form possible at the earliest possible date. I reluctantly oppose the amendment offered by the gentleman from California [Mr. Moss], because I know of his ability, I know of his sincerity, I know that his actions and his thoughts not only on this legislation but upon legislation generally are activated by the very highest motives. However, I must very vigorously disagree with the amendment which the gentleman from California has offered, and which is under discussion and debate at this time.

Mr. Chairman, I am of the opinion that the legislation itself, the language of the committee report, the legislative history which was made yesterday and today during debate in Committee of the Whole, are such that it would automatically direct a preference toward the corporation set up by this legislation. However, there is a proviso in the bill beginning on line 20, page 26, which says:

> In determining the public interest, convenience, and necessity the Commission shall encourage the construction and operation of such stations by communications common carriers wherever, in the judgment of the Commission, such construction and operation are not inconsistent with the policies of this Act.

Let me try to bolster that language which is in the bill and which the gentleman from California, by his amendment, seeks to delete, by quoting from the President of the United States. I quote from page 7 of the committee report:

> The purpose of the legislation is to bring into being a private corporation which would be the U.S. participant in a global satellite communications system. The legislation thus is designed to carry out President Kennedy's statement of July 24, 1961, with regard to communications satellites. In his statement, President Kennedy pointed out that "science and technology have progressed to such a degree that communication through the use of space satellites has become possible," and that, as a matter of national policy, "private ownership and operation of the U.S. portion of the global system is favored provided that such ownership and operation meet [certain] policy requirements."

Mr. Chairman, I believe the language in the bill implements that very statement by the President of the United States. I have reason to believe from the debate which preceded the remarks of the gentleman from Georgia that if the amendment of the distinguished gentleman from California were adopted, the underlying purpose set out in the statement of the President of the United States might very well be defeated.

I think the gentleman from California [Mr. Moss] would be the first to agree with me—we sat side-by-side on the Subcommittee on Communications for 4 years preceding January of 1962—I know of his devotion and of his dedication. But I believe that the gentleman from California, the author of the amendment, will agree with me that anything that private enterprise can do it can do better than the Government can do it.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from California.

Mr. MOSS. Is it not true that in the language of the amendments to the Communications Act contemplated here we create a private corporation; and every dollar going into it will be a private dollar coming 50 percent from existing communications carriers and 50 percent from the investing public? And we are concerned here only with the standing of two private entities seeking a license before the Commission and the conditions under which the license will be granted; is not that the fact?

Mr. FLYNT. The gentleman has said exactly what I have tried to say all along, that the basic requirement in this is and should be the public interest. All that the language of the bill does is to provide in no uncertain terms that if in the discretion and judgment of the Federal Communications Commission the public interest—and that means the public interest of the United States and the people of the United States—will be best served by the method that the Federal Communications Commission deems best and most proper we should not by the language of the amendment of the gentleman from California seek to do anything which would defeat the public interest in this very important subject matter.

Therefore, Mr. Chairman, I oppose the amendment offered by the gentleman from California and ask the Committee to reject the amendment. I support the committee bill and express the hope that it will be overwhelmingly approved and passed by the House.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. Holifield].

Mr. HOLIFIELD. Mr. Chairman, it is very seldom I take the floor of the House to comment on bills from other committees, but I feel constrained at this time to rise in support of the amendment offered by the gentleman from California [Mr. Moss].

I realize this is a very complicated subject and I realize there are a great many factors that have been considered by the committee. I have tried to study this problem in my own way.

It seems to me this bill is slanted in favor of one major communications system, a great system, no one will cavil at that, and one that is very efficient in its operation, one that we could not do without; but in my opinion we should not close the door to the legitimate opportunity of other free enterprise companies to enter this important new field at any time, now or in the future, that the public interest might require.

The language which the amendment offered by the gentleman from California [Mr. Moss] seeks to strike is in my opinion discriminatory in favor of the dominant communications system that we have now in the field. It is influential language. It goes far beyond the first part of the paragraph (7) where the public interest, convenience, and necessity are the criteria on which the licenses for these ground stations will be granted. It seems to me if these three criteria are followed, if the public interest is considered by the Federal Communications Commission, if the public convenience is considered, and if the public necessity is considered, this would automatically cover this great communications system, which is favored in the language which the gentleman from California seeks to strike.

These words in the first part of paragraph 7 cover not only this great common carrier but the corporation, and it covers joint operations of the corporation and other carriers. It seems to me it is completely adequate. We do not need this language beginning in line 20 and following through the rest of the paragraph unless we do wish to influence the Federal Communications Commission to do that which is discriminatory.

I would make one more point, if I might. I would oppose the position the esteemed and respected chairman of the committee takes with regard to the legislative history. The gentleman from California [Mr. Moss] has offered an amendment. He has explained that amendment. Certainly the person who offers an amendment and explains it indicates the legislative intent, not those who are opposed to the amendment. They cannot establish the legislative intent of an amendment offered by a Member. That Member establishes the intent. The point is made by the chairman of the committee that if the language in the bill is stricken that is a very important thing in the legislative history, but this would be true of any legislation that was changed on the floor of the House. The language in the forepart of the paragraph plainly covers any common carrier without urging the Commission to give preference to a specific common carrier. That common carrier can establish its own preference on the basis of its facilities and its know-how, its technology. Certainly that in itself would give it a great advantage. I therefore believe that the Moss amendment should be sustained.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. Clem Miller].

Mr. CLEM MILLER. Mr. Chairman, I rise in support of this amendment, but more particularly to seek some answers of the chairman of the committee.

I feel that the debate, which I have read carefully and most of which I listened to yesterday, has been primarily about who is going to control the satellite corporation, but if you search the discussion you will find most of it is declaratory in nature.

The gentleman from Oregon [Mr. Ullman] yesterday distinguished between control and ownership. There has been a lot of talk here about ownership, but in my mind and evidently in the opinion of the gentleman from Oregon ownership and control do not have anything to do with one another in the modern corporation.

Where does this record tell us about the control of this satellite corporation and who will actually exercise that control? In fact, the gentleman from Illinois [Mr. Collier] mentioned that it will be years before there will be a profit from the corporation. Therefore, these noncarrier directors will have to be men of great wealth and great public interest. What kind of people will own this stock? Where do they fit in as public-interest owners? Yes, the directors of this satellite corporation are the key to control. Three will be appointed by the President and six, presumably, since selected are by noncarrier stockholders may be described as "public" members. I would like to know in actual fact, may it not be true and will it not be true that the carriers are actually going to control this corporation by virtue of the fact that they will get control of the six public members? So I believe, actually, this bill is not an instrument of compromise as the chairman of the committee has frequently said. I do not see where there is compromise if control is vested in the hands of the carriers.

Furthermore, in examining the bill, where do we see in the language any indication of a compromise? When you search for Presidential powers, and the gentleman from Colorado [Mr. Dominick] says he has vast powers—where are they? Read the language. All he can do is "aid in the development." He can provide for "a continuous review." Three, he can "coordinate" and he can "insure the availability of." He can "advise," "coordinate," "assist," and "consult." Where is the authority vested in these words? These are not words of power and authority. These are words of consultation. So I ask the gentleman from Arkansas, the chairman of this committee, wherein, first of all, is the compromise, and, secondly, where does actually the control of the satellite corporation rest? Is it actually a compromise bill? Is it a compromise between private and public enterprise that we are being asked to vote on or rather, indeed, is it something that is so heavily weighted in favor of the carriers that it is no compromise at all? That is a long question, Mr. Chairman.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. CLEM MILLER. I am glad to yield to the chairman.

Mr. HARRIS. I will undertake to answer the gentleman's question very briefly. In the first place, all the gentleman needs to do is to take the innumerable bills that have been introduced on this subject and compare the bill we have here on the floor of the House with those bills and he will be convinced that this is a drastic compromise.

Mr. CLEM MILLER. A vast improvement.

Mr. HARRIS. In the next place, the ownership and control of the corporation rests primarily with the Board which will be selected—three by the President and six by the carriers and six by the general public. The stockholders themselves will control it.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. Thomson].

Mr. THOMSON of Wisconsin. Mr. Chairman, I rise to support the position taken by the very able, distinguished chairman of the Committee on Interstate and Foreign Commerce in opposition to the Moss amendment. I am fearful that in this debate we have been overlooking the real difference in the character of the satellite corporation and the communications carriers themselves. The bill that is under discussion would create a corporation, the purpose of which would be to put into orbit a new microwave tower. That is essentially distinct from the business of operating a communications carrier business or doing the day-to-day operations of a communications system. We are overlooking the difference in the very nature of the service that is to be offered by these two distinct types of corporation. I think we should be mindful of the testimony which you will find in the record by Mr. Joseph A. Beirne of the Communications Workers of America, in which it points out on page 63 of the hearing record that these workers in the industry are interested and dedicated people, as he says, and I want to quote Mr. Beirne from page 635:

> Another factor to be considered in connection with ground station ownership is the matter of employee-employer relationship and labor-management relations. Just how many employees will be required at a ground station is difficult to estimate. Nevertheless, communications workers will be required—probably a substantial number. Communications workers, on the whole, are career employees of their chosen employer. They do not jump around among the different carriers for employment.

I think that point has been overlooked. The communications satellite corporation will not be a carrier of messages. Its purpose is merely to orbit this microwave reflector. The people who manage the day-to-day communications, whether they be between countries or between continents, are the ones who are going to be running the business. They are very much interested in seeing that people who are experienced and educated to this service have control of the ground stations.

I think it would be a mistake for this Congress to write into this law something that would be confusing, that would decrease the efficiency and the service that is being rendered.

Mr. Beirne further said that—

> If these ground stations would be owned by the corporation and each of the present carriers would have to deal with this separate entity to take care of their oversea business, difficulties would arise as to the type of service and the kind of service, and in my judgment this would adversely affect the public interest.

I think this is a most dangerous amendment. I hope the Members of this House will agree with the chairman of this committee in the position he has taken in opposition to the amendment of the gentleman from California.

The CHAIRMAN. The gentleman from California [Mr. YOUNGER] is recognized.

Mr. YOUNGER. Mr. Chairman, I rise in opposition to the amendment for two reasons. First, it seems to me if this section were stricken it would show a very distinct lack of confidence in the FCC because this particular section gives to the FCC the discretion of what to do but it does say to the FCC that so far as the Congress is concerned we do want them to encourage the ownership of these ground stations by the common carriers.

Let me give you an illustration of what happens in regard to some little resolution that may be passed and its effect on the FCC: Years ago the other body passed a resolution limiting the power of radio stations to 50 kilowatts, and the FCC has considered that as a mandate ever since. Our committee is now wrestling with a change in order to get that particular phase of our communications system changed.

Second. If we eliminate this clause I am very positive that some future Federal Communications Commission will take it upon itself to see that only the corporation may own a ground station. That is why this clause is in there. I think it is a protection to the private enterprise system; and, as I said the other day, I would be much happier if only the communication carriers were the owners of the corporation we are creating. But that was not possible. Certainly we ought to be able from a legislative standpoint to give an indication to the FCC that we are in favor of the communication carriers, and we trust the FCC will see that the ground stations will be available to everybody and at fair rates, as is provided by this particular bill.

Mr. Chairman, I am opposed to the pending amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I believe we have had sufficient debate on this. It has been thoroughly discussed and everyone knows what the question is.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MOSS].

The question was taken; and on a division (demanded by Mr. DINGELL) there were—ayes 33, noes 116.

So the amendment was rejected.

The Clerk read as follows:

TITLE III—CREATION OF COMMUNICATIONS SATELLITE CORPORATION

Creation of corporation

SEC. 301. There is hereby authorized to be created a communications satellite corporation for profit which will not be an agency or establishment of the United States Government. The corporation shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Business Corporation Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.

Mr. JOELSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. JOELSON: Add the following paragraph immediately after the first paragraph of section 301, which first paragraph shall be designated as subsection (a):
>
> "(b) Before exercising any powers under this Act, the Communications Satellite Corporation shall legally obligate itself to reimburse the United States Government in the sum of $471 million for the cost to the United States government of developing the communications satellite system. Such reimbursement shall be provided to be made over a ten-year period commencing January 2, 1969, in equal annual installments."

Mr. JOELSON. Mr. Chairman, the amendment which I have offered is not aimed against private ownership as proposed by this bill, but it is aimed against the gift or subsidy to a private corporation to be formed for profit, the sum of $471 million of taxpayers' money which has been spent by the Government in research and development of the communications satellite system.

I did not pluck this figure out of the air. The testimony shows that out of the billions and billions of dollars that we have spent for space exploration, $471 million has been specifically authorized for the communications satellite program.

Now, this bill as it presently stands does not require the Government to be reimbursed from this profit corporation for one thin dime of that expenditure. You know, when the Government takes property or anything of value, it has to pay for it, and very rightly so. But, here we have a private corporation taking from the Government and not undertaking in any way to reimburse the Government for this very, very valuable research and development.

Mr. Chairman, I wonder where the economy bloc is now? I do not hear any outraged cries against giveaways, and I am beginning to wonder if it is wrong for our Government to give away money to the poor and the needy but have the right to donate it to a corporation which will be largely owned by the American Telephone & Telegraph Co. and the other commercial giants. I would like to know how this can be justified.

I repeat, I am not opposing the operation of the system by private industry, but I am strongly challenging the right of our Congress to make a free gift of public research and development to further the interests of these corporations which go into this thing for profit and can well afford to pay. My amendment proposes that no payments will become due until 1969, and then over a 10-year period. I think it is an equitable amendment. It is good for our country's economy, and I urge its adoption by my colleagues.

Mr. RYAN of New York. Mr. Chairman, will the gentleman yield?

Mr. JOELSON. I yield to the gentleman from New York.

Mr. RYAN of New York. Has the gentleman made provision for the future expenditures by the Federal Government in space research which will be involved in the further development of satellite communication?

Mr. JOELSON. I have made no such provision. I will be very happy if we can get the $471 million without interest.

Mr. HARRIS. Mr. Chairman, I think the import of this language is very clear, and I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

Mr. RYAN of New York. I object, Mr. Chairman.

Mr. HARRIS. Mr. Chairman, I will amend my request and ask unanimous consent that all debate on this amendment close in 8 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

Mr. RYAN of New York. I object, Mr. Chairman.

Mr. COLLIER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in opposition to the amendment basically because it is a bad amendment and it does not make sense. The gentleman has talked about reimbursing the Government for research expenses. If we were to apply this rule to every area of research in every field where the Federal Government has invested money in research and this research subsequently used for the general good of the public, we would be getting involved in too many different fields. For example, this would then necessitate, in the interest of consistency, that we ask the corporate farms of the country to pay back to the Department of Agriculture or to the Federal Government the profits they received as the result of the research work done through the various laboratories of the Department of Agriculture and the various programs promoted by this department.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I shall be happy to yield to the gentleman from New Jersey.

Mr. JOELSON. Those programs, to which the gentleman refers, are programs where Government research is going into private industry which is in competition, one with the other, and therefore it serves a healthy purpose. I am talking about this research being donated to a Government-created private monopoly, and there is a vast difference between them.

Mr. COLLIER. Of course, basically, the gentleman and I disagree on the fact that this is a Government-created private monopoly. The gentleman is entitled to his opinion that it is so. I certainly do not think in any sense that this is a Government-created private monopoly. Therefore, we start with a different premise and, consequently, cannot argue the point.

Mr. Chairman, if we were to go further with this same feeling, we would be obliged, then, to have private hospitals return to the Federal Government funds that were used in the course of medical research and development from which they benefited and from which, in turn, they received a profit, and so on down the line. If we are going to get into a program such as this, where primarily we have to stop fiddling while Rome is burning, and get into a program where we are going to utilize the brains and the know-how and the experience and the background of people who have been dedicated in the field of communications which is highly essential to the success of this program, we cannot afford to get involved in writing into this legislation the type of amendment that the gentleman from New Jersey proposes. I hope that the House will soundly defeat the amendment.

Mr. RYAN of New York. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I shall be happy to yield to the gentleman from New York.

Mr. RYAN of New York. Does the gentleman, then, disagree with the President, who says in his letter on page 17 of the report, that this is by nature "a Government-created monopoly"?

Mr. COLLIER. Yes; and I disagree with the President on many other things.

Mr. Chairman, I yield back the balance of my time.

Mr. RYAN of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, yesterday we heard a great deal about private enterprise. We were told that, by creating the corporation delineated in this bill, Congress would affirm its faith in the free enterprise system and show the world that in the United States, pure, unadulterated private enterprise could establish operable communications by satellite and demonstrate the ingenuity, resourcefulness, and capability of American capitalism.

I suggested that it was inconsistent with the ideology of competitive free enterprise to deliver the first potentially profitable fruits of a Government-funded program to a "Government-created monopoly"—as the President's letter described it—a joint venture of corporations whose urge to merge had been frustrated by Congress for 19 years.

I fought to prevent the giveaway of a public resource to a private monopoly. My substitute bill for Government ownership and control through a Communications Satellite Authority did not prevail.

I do not despair, for I am mindful of Shelly's lines, "If winter comes, can spring be far behind." And I am also mindful of President Eisenhower's characterization of TVA as "creeping socialism."

I am even hopeful that the logic in the pending amendment will be seen and that there will be agreement with the proposition that this "private enterprize" corporation should pay for the gifts it is about to receive. The American taxpayers have invested their capital in the development of a space communications system. The U.S. Government by act of Congress is about to expropriate this investment. Surely just and adequate compensation is in order.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, if the charge made in the statement of the gentleman from New York [Mr. RYAN] in the words he has just uttered from the well of the House had any substance to it at all, in my judgment it would deserve response. I can appreciate the fact that the gentleman from New York has his own ideas. But in my judgment if this Congress were to follow such a philosophy, God pity the country. I would say, as we are about to pass on this amendment, it is about as ridiculous a proposal as it would be for the Congress to require that the Indians now be paid for Manhattan at present real estate values.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. JOELSON].

The amendment was rejected.

The Clerk read as follows:

Page 27, line 17:

PROCESS OF ORGANIZATION

SEC. 302. The President of the United States shall designate incorporators who shall serve as the initial board of directors until the first annual meeting of shareholders or until their successors are elected and qualified. Such incorporators shall arrange for an initial stock offering and take whatever other actions are necessary to establish the corporation, including the filing of articles of incorporation, as approved by the President. No incorporator shall be elected to the board of directors which first succeeds such incorporators as the board of directors of the corporation.

Mr. YOUNGER. Mr. Chairman, I offer an amendment to that section, which also applies to the next section. I ask unanimous consent that the two amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HARRIS. Mr. Chairman, reserving the right to object, I would suggest, if it meet the approval of the gentleman from California, that we read section 303 and then let the two sections be considered together, in view of the fact that the amendments referred to are applicable to sections 302 and 303.

The CHAIRMAN. I should like to remind the gentleman from Arkansas that if the Clerk were to read the next section then the right of the gentleman from California to offer an amendment to section 302 would be lost, in the opinion of the Chair.

Mr. HARRIS. Mr. Chairman, that is agreeable to me, if it is to the gentleman from California.

The CHAIRMAN. If there are no amendments offered, the Clerk will read.

The Clerk read as follows:

Page 28, line 4:

DIRECTORS AND OFFICERS

SEC. 303. (a) The corporation shall have a board of directors consisting of individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Three members of the board shall be appointed annually by the President of the United States, by and with the advice and consent of the Senate, effective the date on which the other members are elected, six members of the board shall be elected annually by those stockholders who are not communications common carriers, and the remaining members of the board, not to exceed six, shall be elected annually by those stockholders who are communications common carriers in a number determined as follows: If such stockholders own in the aggregate not exceeding 15 per centum of the outstanding voting stock of the corporation, they shall elect one member; if they own in the aggregate in excess of 15 per centum but not exceeding 25 per centum, two members; if they own in the aggregate in excess of 25 per centum but not exceeding 35 per centum, three members; if they own in the aggregate in excess of 35 per centum but not exceeding 40 per centum, four members; if they own in the aggregate in excess of 40 per centum but not exceeding 45 per centum, five members; and if they own in the aggregate in excess of 45 per centum, six members. No stockholder who is a communications common carrier and no trustee for such a stockholder shall vote, either directly or indirectly, through the votes of subsidiaries or affiliated companies, nominees, or other persons subject to his direction or control, for more than three candidates for membership on the board. Subject to such limitation, the articles of incorporation to be filed by the incorporators designated under section 302 shall provide for cumulative voting under section 27(d) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-911(d)).

(b) The corporation shall have a president, and such other officers as may be named and appointed by the board, at rates of compensation fixed by the board, and serving at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the corporation. No officer of the corporation shall receive any salary from any source other than the corporation during the period of his employment by the corporation.

Mr. HARRIS (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that further reading of the section be dispensed with.

The CHAIRMAN. To which section does the gentleman refer?

Mr. YOUNGER. Section 303.

The CHAIRMAN. Is the Chair correct in understanding that the gentleman asks unanimous consent that further reading of section 303 be dispensed with and that section 302 and section 303 be open to amendment?

Mr. HARRIS. That is correct.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California [Mr. YOUNGER].

The Clerk read as follows:

Amendments to the committee amendment offered by Mr. YOUNGER: Page 27, strike out the comma at the end of line 24 and insert in lieu thereof a period.

Page 28, line 1, strike out "as approved by the President."

Page 28, beginning in line 8 strike out "Three members of the board" and all that follows down through line 11 and insert in lieu thereof "Eight".

Page 28, line 14, strike out "six" and insert in lieu thereof "seven".

Page 28, line 19, strike out "one" and insert in lieu thereof "two".

Page 28, line 21, strike out "two" and insert in lieu thereof "three".

Page 28, line 22, strike out "three" and insert in lieu thereof "four".

Page 28, line 24, strike out "four" and insert in lieu thereof "five".

Page 29, line 1, strike out "five" and insert in lieu thereof "six".

Page 29, line 2, strike out "six" and insert in lieu thereof "seven".

Mr. YOUNGER. Mr. Chairman, it seems to me with regard to the first sentence of section 302, where the President appoints the organizers for this corporation, and while I admit that it is rather loosely drawn in that there is no limitation on the number of organizers that are to be appointed nor is there any time limit for his action, it does seem to me that if the President appoints two, four, seven, or any number of organizers which he elects, it would not be necessary to burden him with the further duty of approving the articles of incorporation which they prepare. It seems to me that they normally would confer with the Attorney General and the other officers of the Government in preparing those articles of incorporation.

As to section 303, I would eliminate the directors appointed by the President for the simple reason that I think we ought to make this as much as possible a free enterprise system and not controlled by the Government. As I pointed out in my talk yesterday, I am fearful that when this stock is offered to the public and there are directors of this corporation appointed by the President the public will get the idea that this is a Government corporation and, when dividends are not paid, which they surely will not be for many years, there will be pressure on the part of the holders for the Congress to bail them out.

In lieu of the three which would be appointed by the President, I would assign eight to the stockholders, the general public, and seven to the stockholders which are the common carriers. That is the only purpose of this amendment.

I think the Congress is burdening the President too much with all of these various corporations which are formed. I noticed in the paper only yesterday that the Labor Advisory Board now suggests that in the amendments to the Taft-Hartley Act the injunctive procedure of the court should be abolished and that power should be vested in the President. I believe the President should be relieved of as much of this responsibility as possible, because we have the Federal Communications Commission seriously involved in this bill, and we have the State Department seriously involved. If those two agencies cannot amply represent the President, then I do not see how the President himself can burden himself with these various duties.

Mr. HARRIS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I oppose the amendment and I trust that the Committee will not seriously consider the proposal of our distinguished colleague from California. We have tried diligently to work this matter out, to make it a workable organization. We think we have done a fairly good job.

I will admit my objection to the first part of the gentleman's amendment is not, in my judgment, too strong. In other words, that part having to do with the articles of incorporation being approved by the President. I am not too concerned about that, although I do think it is rather important. But, the makeup of the board of the corporation is all important. The bill provides that three directors shall be appointed by the President. We do have an interest here; the President has a responsibility, as I said yesterday, that no one else can perform. This corporation has to negotiate with foreign countries. So why should not the man who under our Constitution has authority in that field appoint someone to represent him who would be on the board in order to carry out the duties and responsibilities involved? I think it is in the interest of the corporation and its future and help it to be a success. If the gentleman's amendment to strike this out were to prevail, he would be setting up a seven to eight member board, and I just think that it would not be in the best interests at all. Let me remind you that we did not just pick this idea out of thin air. We can go back to 1862 to the time when the Union Pacific Railroad was organized. The president had the authority there to appoint directors. This is patterned after that. The Union Pacific was organized at that time as a domestic corporation to operate, of course, domestically. But, yet, it was provided at that time that the President would appoint two directors and it was also provided at that time that the directors to be appointed by the President should not be stockholders in the Union Pacific, and so forth. In other words, the President was given a responsibility in the creation of that corporation at that time, and it certainly was appropriate to do that because we were developing the great West of this country at that time.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from New York.

Mr. CELLER. Would it not be necessary for our Government to expend vast sums of money in addition to these moneys that have already been spent to further the space satellite system? And in that sense the Government would have a vital interest and, therefore, it would be essential for the present at least to have what in common parlance is called a finger in the pie.

Mr. HARRIS. Of course, the gentleman is eminently correct. It is sensible, as the gentleman from Illinois said a moment ago. It makes sense to do it this way.

Mr. Chairman, I ask that the amendment be defeated.

Mr. CLEM MILLER. Mr. Chairman, I rise to strike out the last word.

Mr. Chairman, I take this time to ask the chairman of the committee, the gentleman from Arkansas, a question which relates to the reasons for proceeding with this legislation at once rather than deferring it. It is dealt with in the committee report on page 8. The gentleman yesterday told me we must proceed at once in order to keep ahead of the Communist nations in this vital field. I certainly applaud every effort in that direction. Every effort must be made to do just that. In contrast to this the committee report says that if we do not proceed now, it will mean that all the developmental work will be in governmental hands. There is a substantial rumor around that in any case no private development can take place until next year at the earliest because the carriers will not be prepared until that time to do anything. Therefore, my question is, if this is the case, and because of the tremendous complexity of this legislation and the international negotiations which must take place and so on, then why no delay on the legislation? I wonder if I might ask that question at this time?

Mr. HARRIS. Mr. Chairman, if the gentleman will yield, I shall be glad to undertake to reply.

Mr. CLEM MILLER. I yield to the gentleman.

Mr. HARRIS. First, let me say I know the gentleman desires, as I do and as all Members of the Congress and the people in this country do, to keep ahead of the Communists. But not only do we want to keep ahead of the Communists and get this development in operation, but we want to keep ahead of anybody else and any other nation. We want to be the leader in the world in this. I would say to the gentleman, if we do not set up a vehicle, as I indicated yesterday, to get this in operation, then there is no way it can be developed. So far as the research is concerned, that has been completed. We know that the research and development has by this time reached the stage that it can become operational.

Mr. CLEM MILLER. Then the private corporation can proceed at the present time and they do not need to wait for a year?

Mr. HARRIS. There is no question about it. They can proceed. As a matter of fact, we are continually putting satellites into orbit.

In a few minutes I am going to make a statement about a very dramatic success we had in this field just today.

Mr. CLEM MILLER. Then, if I might ask the chairman further, it is time that if the private corporations are now prepared to act, is the position of the committee that they should be given the opportunity to participate at once rather than later?

Mr. HARRIS. First we have got to have negotiations with foreign governments over the use of the channels, the use of portions of the spectrum by each country in accordance with international agreement. The corporation will have to enter into negotiations with foreign governments about space use. This is going to require time. Until we get it set up they cannot enter into such negotiations. It is all important that we get started on it now.

Mr. CLEM MILLER. I thank the gentleman and yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. YOUNGER].

The amendments were rejected.

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk reads as follows:

Amendment offered by Mr. CELLER: Page 28, line 9, strike the word "annually".

Page 28, line 11, strike the words "effective the date on which the other members are elected", and insert in lieu thereof "for a term of three years".

Mr. CELLER. Mr. Chairman, I am delighted to see that the bill before us provides that there shall be three directors of the board appointed by the President by and with the advice and consent of the Senate. Thus the bill recognizes our vital national stake in this new venture together with the fact that the Federal Government has made and must continue to make major contributions toward a successful space satellite system at vast public expense. However, this bill provides that these three directors shall be appointed annually.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. HARRIS. As I understand, the amendment offered by the gentleman would provide for the appointment of the three members by the President, and thereafter the effective date of the appointment of the members so selected would be 3 years.

Mr. CELLER. That is correct.

Mr. HARRIS. I think there is a great deal of merit to the gentleman's amendment. After conferring with other members of the committee I am prepared to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. CELLER].

The amendment was agreed to.

The Clerk read as follows:

FINANCING OF THE CORPORATION

SEC. 304. (a) The corporation is authorized to issue and have outstanding, in such amounts as it shall determine, shares of capital stock, without par value, which shall carry voting rights and be eligible for dividends. The shares of such stock initially issued shall be sold at a price not in excess of $100 for each share and in a manner to insure the widest distribution to the American public. Subject to the provisions of subsections (b) and (d) of this section, shares of stock issued under this subsection may be issued to and held by any person.

(b)(1) For the purposes of this section the term "authorized carrier" shall mean a communications common carrier authorized by the Commission to own shares of stock in the corporation.

(2) Only those communications common carriers which are authorized carriers shall own shares of stock in the corporation at any time, and no other communications common carrier shall own shares either directly or indirectly through subsidiaries or affiliated companies, nominees, or other persons subject to its direction or control. Fifty per centum of the shares of stock offered at any time by the corporation shall be reserved for purchase by authorized carriers and such carriers shall in the aggregate be entitled to make purchases of the reserved shares in a total number not exceeding the total number of the nonreserved shares of any issue purchased by other persons. At no time after the initial issue is completed shall the aggregate of the shares of voting stock of the corporation owned by authorized carriers directly or indirectly through subsidiaries or affiliated companies, nominees, or other persons subject to their direction or control exceed 50 per centum of such shares issued and outstanding.

(3) At no time shall any stockholder who is not an authorized carrier, or any syndicate or affiliated group of such stockholders, own more than 10 per centum of the shares of voting stock of the corporation issued and outstanding.

(c) The corporation is authorized to issue, in addition to the stock authorized by subsection (a) of this section, nonvoting securities, bonds, debentures, and other certificates of indebtedness as it may determine. Such nonvoting securities, bonds, debentures, or other certificates of indebtedness of the corporation as a communications common carrier may own shall be eligible for inclusion in the rate base of the carrier to the extent allowed by the Commission.

(d) Not more than an aggregate of 20 per centum of the shares of stock of the corporation authorized by subsection (a) of this section which are held by holders other than authorized carriers may be held by persons of the classes described in paragraphs (1), (2), (3), (4), and (5) of section 310(a) of the Communications Act of 1934, as amended (47 U.S.C. 310).

(e) The requirement of section 45(b) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-920(b)) as to the percentage of stock which a stockholder must hold in order to have the rights of inspection and copying set forth in that subsection shall not be applicable in the case of holders of the stock of the corporation, and they may exercise such rights without regard to the percentage of stock they hold, subject, however, to such regulations as the Commission may prescribe in the interest of national security.

(f) Upon application to the Commission by any communications common carrier and upon a finding by the Commission after notice and hearing that the public interest and the purposes of this Act will be advanced thereby, the Commission may compel any authorized carrier which owns shares of stock in the corporation to sell to the applicant a number of shares determined by the Commission to be reasonable in the light of the estimated proportionate use of the corporation's facilities by the applicant and other factors consonant with the purposes of this Act at a price determined by the Commission to be fair and reasonable.

PURPOSES AND POWERS OF THE CORPORATION

SEC. 305. (a) In order to achieve the objectives and to carry out the purposes of this Act, the corporation is authorized to—

(1) plan, initiate, construct, own, manage, and operate, itself or in conjunction with foreign governments or business entities, commercial communications satellite systems;

(2) furnish, for hire, channels of communication to United States communications common carriers and to other entities, foreign and domestic; and

(3) construct and operate satellite terminal stations when licensed by the Commission under section 201(c)(7).

(b) Included in the activities authorized to the corporation for accomplishment of the purposes indicated in subsection (a) of this section, are, among others not specifically named—

(1) to conduct or contract for research and development related to its mission;

(2) to acquire the physical facilities and hardware necessary to its operations, including communications satellites and associated equipment and facilities, whether by construction, purchase, or gift;

(3) to purchase satellite launching and related services from the United States Government;

(4) to contract with users, including the United States Government, for the services of the communications satellite system; and

(5) to develop plans for the technical specifications of all elements of the communications satellite system.

(c) To carry out the foregoing purposes, the corporation shall have the usual powers conferred upon a stock corporation by the District of Columbia Business Corporation Act.

TITLE IV—MISCELLANEOUS

Applicability of Communications Act of 1934

SEC. 401. The corporation shall be deemed to be a common carrier within the meaning of section 3(h) of the Communications Act of 1934, as amended, and as such shall be fully subject to the provisions of title II and title III of that Act.

Notice of foreign business negotiations

SEC. 402. Whenever the corporation shall enter into business negotiations with respect to facilities, operations, or services authorized by this Act with any international or foreign entity, it shall notify the Department of State of the negotiations, and the Department of State shall advise the corporation of relevant foreign policy considerations. Throughout such negotiations the corporation shall keep the Department of State informed with respect to such considerations. The corporation may request the Department of State to assist in the negotiations, and that Department shall render such assistance as may be appropriate.

Sanctions

SEC. 403. (a) If the corporation shall engage in or adhere to any action, practices, or policies inconsistent with the policy and purposes declared in section 102 of this Act or if the corporation or any other person shall violate any provision of this Act, or shall obstruct or interfere with any activities authorized by this Act, or shall refuse, fail, or neglect to discharge his duties and responsibilities under this Act, or shall threaten any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which such corporation or other person resides or may be found shall have jurisdiction, upon petition of the Attorney General of the United States, to grant such equitable relief as may be necessary or appropriate to prevent or terminate such conduct or threat.

(b) Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this Act.

Reports to the Congress

SEC. 404. (a) The President shall transmit to the Congress in January of each year a report which shall include a comprehensive description of the activities and accomplishments during the preceding calendar year under the national program referred to in section 201(a)(1), together with an evaluation of such activities and accomplishments in terms of the attainment of the objectives of this Act and any recommendations for additional legislative or other action which the President may consider necessary or desirable for the attainment of such objectives.

(b) The corporation shall transmit to the President and the Congress, annually and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act.

Mr. HARRIS (interrupting the reading). Mr. Chairman, I ask unanimous consent that further reading of the section be dispensed with, the section to be open to amendment at any point.

The CHAIRMAN. Does the gentleman wish to limit it to the amendment or to the remainder of the bill?

Mr. HARRIS. I modify my request to include the remainder of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

The amendment is open for amendment at any point.

Mr. YOUNGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNGER: Page 34, line 25, change the period to a semicolon and add: "and the Department of State shall be reimbursed by the corporation for all costs, including salaries, of such assistance".

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Arkansas.

Mr. HARRIS. Mr. Chairman, this is an amendment that was suggested yesterday by the gentleman from Ohio [Mr. Bow].

Mr. YOUNGER. That is right. He is absent, and asked me to introduce the amendment.

Mr. HARRIS. During the discussion of the rule yesterday, he and the gentleman from Ohio [Mr. BROWN] brought this up and discussed it. Later I had occasion to consider it. There was a technical change in it suggested by the staff. This seems to be acceptable, and as far as I am concerned, we will accept the amendment.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask the chairman of the committee a question.

I have read this bill quite carefully and I do not find any mention of the United Nations. Is the House about to approve a bill as international in scope as this one in which the United Nations has no jurisdiction?

Mr. HARRIS. Will the gentleman state his question again?

Mr. GROSS. Yes. Is the United Nations written into this bill with any jurisdiction at all? If not, I wonder how it was possible to get a bill to the House floor with the international implications of this one without any reference to the Tower of Babel, otherwise known as the United Nations.

Mr. HARRIS. I am not sure that we can say the United Nations by name and letter would be included, but I will refer the gentleman to page 25, paragraph 3. There might be a possibility that the gentleman could construe that the United Nations might get in under the curtain somewhere.

Mr. GROSS. What line of the bill on page 25?

Mr. HARRIS. Starting in line 15, paragraph 3, provides:

> In any case where the Secretary of State, after obtaining the advice of the administration as to technical feasibility, has advised that commercial communication to a particular foreign point by means of the communications satellite system should be established in the national interest.

And so on. That is as near as I can think of that they get to it.

Mr. GROSS. I hope the gentleman is not serious about that, and I would hope that if he is we can somehow or other delay action until I can write an amendment to make sure none of the provisions is subject to the whim and caprice of the United Nations.

Mr. HARRIS. I assure the gentleman under this bill the United Nations has nothing in the world to do with it.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. YOUNGER].

The amendment was agreed to.

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Page 31, line 2, after the word "outstanding", insert "Such shares shall not be eligible for inclusion in the rate base of the carrier."

Page 31, strike line 14 and insert in lieu thereof the following: "for other international services to the extent allowed by the Commission, and shall not be eligible for inclusion in the rate base of the carrier for domestic services."

Mr. CELLER. Mr. Chairman, the pending bill permits the carriers to add to their rate base the total cost of their investment in the corporation. Under the amendment I suggest, the cost of the carriers' investment and in nonvoting securities in the new corporation will not be eligible for inclusion in the rate base of the carriers for domestic service but will be eligible for inclusion in their rate base for other international communication services. In other words, if the carriers invest in debentures, preferred stocks, or bonds, they should be included in the rate base, but this investment should be only included in the rate base for international services; otherwise you and I who never place oversea calls will have to pay for the cost of the investment concerning international communications.

On the other hand, when it comes to the rate base as far as interstate services are concerned, I do not think it would be fair to have the carriers use the cost of their investment, that is, the cost of the purchase of the stock in the corporation, in their domestic rate base. If you do that, then you create two kinds and two classes of stockholders.

You or I who invest in the corporation have, of course, no rate base, and we cannot, therefore, charge off our investment into a rate base and get back the cost of our stock. But the carriers, if they are permitted to use the cost of the common stock of the corporation, as part of their rate base, they could get some of their money back. But, beyond that, if dividends are declared—and I hope they will be declared in the future—they will get a double return. They will get a return in their rate base as far as the cost of the common stock is concerned, and they will get dividends.

So, as I say, you create, in a certain sense, two classes of stockholders, although there is only one class. Now, this may sound technical to you, but in my estimation it is very important. And, of course, it should take more than 5 minutes to dilate upon it, but I am not too hopeful about success in offering the amendment. I offer it for whatever it may be worth so that you may ponder upon it, and those who may consider this legislation subsequently may also give earnest consideration to these very important factors.

I have proposed three additional amendments for the earnest consideration of my colleagues. However, the temper of the Committee appears bent on rejecting all amendments. I am therefore offering them for the RECORD. It is hoped that Members of the other body, when they consider this legislation, will take into consideration these three amendments. I think they are constructive and, therefore, desirable. The amendments are as follows:

Amendments to H.R. 11040

I

Page 23, line 22, after the word "abroad" insert the following:

"(8) disapprove all acts or actions, both by the corporation and by departments and agencies of the Government, whenever necessary, to attain full compliance with the national policy regarding communications through space satellites."

Purpose

President discretionary power to disapprove all acts, both by the corporation and departments and agencies of the Government, in order to attain full compliance with the national policy regarding communications through space satellites.

The ultimate responsibility for effectuating the national policy regarding global communications through space satellites must rest with the President. This responsibility is strikingly shown by the recent correspondence between President Kennedy and Premier Khrushchev calling for a major cooperative program of space exploration, including communications by satellites. This has already resulted in negotiations at the United Nations on this subject by American and Soviet representatives.

For far less compelling reasons, the Congress vested in the President the discretionary power to disapprove decisions of the Civil Aeronautics Board relating to international air transportation. There can be no question that the President should have such power where delicate negotiations intimately affecting the foreign policy of the United States have already occurred and may be expected to continue and grow in importance and complexity as the space satellite communications system develops. The satellite communications system is international by its very nature. Since the State Department's role has been drastically scaled down from the conduct of international negotiations, as originally proposed, to merely being kept advised, it is all the more crucial to give the President ultimate power to protect our national interest.

II

Page 29, line 7, strike the word "three" and insert in lieu thereof the word "two."

Purpose

The bill before us permits any one carrier to elect three directors. Under my amendment any one carrier could only vote for two directors, as originally proposed by the administration.

This safeguard is necessary to protect the public interest by preventing A.T. & T. from gaining control or dominance over the corporation.

If A.T. & T. is permitted to elect three of the maximum of six directors allocated to the common carriers, as presently provided in the bill before us, it will be in a position to dominate the smaller carriers—RCA, Western Union, and I.T. & T.—who could only elect one director apiece. By reducing from three to two the number of directors any one carrier can elect, the smaller carriers would be given both the opportunity to obtain a voice roughly equal to A.T. & T. in the management of the corporation and an incentive to participate fully. For if A.T. & T. is limited, as I propose, to two directors, the smaller carriers, by purchasing all the stock available to them, could elect one director each, and they could join to elect one director to represent them collectively. Thus the smaller carriers would be given a chance to counterbalance the otherwise dominant power of A.T. & T.

III

Page 32, line 14, after the word "Commission" strike the remainder of the paragraph and insert in lieu thereof "to be fair and reasonable. This power shall not be exercised so as to result in any communications common carrier, its subsidiaries, or affiliated companies subject to its direction or control, owning more than 15 per centum of the shares of voting stock of the corporation issued and outstanding."

Purpose

The pending bill would enable A.T. & T. to force the Federal Communications Commission to compel another carrier to transfer to A.T. & T. shares of stock in accordance with A.T. & T.'s proportionate use of the satellite system. Under such a formula, A.T. & T., which is expected to use 85 percent of the facilities of the system, could secure 85 percent of all the stock available to the communications carriers and 42.5 percent of the total stock of the corporation.

My amendment removes this feature of the bill to prevent A.T. & T. from obtaining such a formidable share of the corporation, with the dominance sure to result from such a disproportion and limits the carrier to 15 percent of the issued stock.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I rise in opposition to the amendment. I trust that the amendment offered by our distinguished friend and colleague from New York will not prevail.

First let me say that the first part of the amendment just simply does not fit, the way I see it, when you read the provision that it would amend, having to do with stock that is issued and outstanding. Now, the gentleman would strike out the word "outstanding." I do not know enough about stocks and bonds and all to try to explain to you what would happen, but it just does not make sense to me to have it that way. But, in lieu thereof, the gentleman refers to the stock that is issued but which is not outstanding. None can be outstanding. Even so, it shall not be included in the rate base. I just do not get it.

I do not believe that this House intends or would imply that this unknown, vast potential should be limited to international operations alone. Certainly it is going to be a global benefit and, certainly, we with the farflung activities that we have in our Government are going to be benefited by it. But that does not mean that we rule out domestic service for it.

Mr. Chairman, let me read to the membership of the House, one of the most important announcements in connection with this problem—one of the most important announcements—that just came over the wire, which we have had in recent months. This announcement carries a Washington dateline:

> The United States chalked up a historic space first last week by transmitting television pictures via an orbiting communications satellite, the Air Force announced today.
>
> The transmission was between Camp Parks, Calif., near San Francisco, and Middlestone Hill, near Westford, Mass., a distance of 2,700 miles.
>
> The TV signals were bounced off this country's 2-year-old Echo I satellite, a 100-foot balloon which is now partly deflated and wayward in its orbit.
>
> Echo I was about 1,000 miles above the earth at the time.
>
> The Air Force said the feat was made possible by very high frequency—8.350 megacycles—broadcasting and receiving equipment. It was built by the Massachusetts Institute of Technology (MIT) in a not yet successful attempt to detect tiny radio-reflecting "needles" in space.
>
> The equipment was used on Tuesday, April 24, to broadcast a television picture of a sign showing the institute's letters—MIT. On Thursday the satellite successfully reflected television pictures showing a cowboy on a horse and a trained seal in action.
>
> The announcement came as the House moved toward passage of a bill to speed development of earth-circling satellites which some day will relay television broadcasts around the world.

Mr. Chairman, we already have it. We are the first. This is from the east coast to the west coast. Domestically it can be utilized. But the United States means Alaska and Hawaii also, and it is much further from here to Hawaii than it is to Europe. I do not believe the action of this House should be such that the corporation should be limited to international service in its scope. I think, therefore, that the Members of Congress should vote down this amendment.

Mr. RYAN of New York. Mr. Chairman, will the gentleman yield for a question?

Mr. HARRIS. Yes, I yield to the gentleman from New York.

Mr. RYAN of New York. Is it correct to assume that the accomplishment—the great accomplishment—to which the chairman referred, was carried out by the Air Force?

Mr. HARRIS. Yes. The Air Force made the announcement. It has been researching in this field for some time. Then, one of the private carriers is launching an experiment in the next few days in an attempt to develop further in this field, which I think should be a recognition beyond anything that we know of in the world today, and we should be very proud of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. CELLER] to the committee amendment.

The amendment to the committee amendment was rejected.

Mr. RYAN of New York. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent that all Members desiring to do so may extend their remarks in the RECORD following mine.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN of New York. Mr. Chairman, we have heard during this debate the words "free enterprise" used time and time again as an answer to the arguments for public ownership of the communication satellite system. Free enterprise is a label not an argument. A slogan is being used as a substitute for rational analysis. The issue, as I see it, is not between "free enterprise" and Government ownership. It is a question of which organizational structure, Government ownership or private monopoly, best serves the public interest.

We should not discuss the issue of public or private ownership in any doctrinaire spirit. Under some circumstances private ownership of a natural resource or a technological innovation is best for the common welfare. Under other circumstances public ownership and operation will achieve greater public benefit. What are the conditions which should determine our choice? What are the applicable criteria in the grave decision that Congress must make about the development of the communications satellite system?

Public rather than private ownership should be considered when: First, the resource on technology has been partly or entirely developed with public funds; second, free competition is not possible and monopoly inevitable; third, public participation is extremely limited; and fourth, national objectives and normal business efforts to make normal commercial profits are likely to conflict.

Let us use these four standards as our guide in determining the form of ownership and control of the communications satellite system. Let us apply them one by one:

First. John H. Rubel, Assistant Secretary of Defense, has said:

> About 90 percent, I would say, of the problem associated with the communications satellite system really doesn't have much to do with communications, Mr. Chairman. It has to do with launch vehicles, it has to do with space craft that you put into orbit, it has to do with controlling those space craft when they are up there in orbit, it has to do with the life of electronic and mechanical equipment in space. All of these are technologies and techniques that are being developed by the Department of Defense, partly as part of our communications satellite efforts, but not exclusively so I just can't imagine that this kind of effort could successfully be undertaken by any organization other than both the NASA and the Department of Defense.—Hearing before U.S. Senate Committee on Aeronautics and Space Sciences, 87th Cong. 2d sess., hereinafter referred to as Senate Space Committee, 462, Mar. 5, 1962.

The vice president of Western Union has said:

> Not only speed but the mere fact of establishing such a system depends upon the amount and the speed at which the research and development under NASA are proceeding.—Hearings before Subcommittee on Monopoly of the U.S. Senate Select Committee on Small Business, 585, 87th Cong. 1st sess., hereinafter referred to as the Long committee, Nov. 8, 1961.

And Dr. E. C. Welsh of the Space Council declared:

> The taxpayers have financed in excess of 90 percent of this space communication competence.

Second. The ideology of private enterprise is misapplied to economic situations where no competition is possible and monopoly is inevitable. This bill creates a private monopoly in which A.T. & T. would be dominant. Although A.T. & T. has a respected place in American life, we should pause before expanding the size of an organization which already does an annual business of some $25.5 billion.

In situations of this kind the true choices are not between free competition and public ownership but between public regulation and public ownership. The cumbersomeness and relative inefficiency of regulation of public utilities are powerful arguments for preferring in this instance public ownership to public regulation.

Third. The bill before us attempts to give the average citizen a chance to invest in the corporation. In fact, however, there will be little opportunity for him to do so—20 percent of public's 50 percent participation can be allocated to foreign carriers. The remaining 30 percent of this portion can be purchased by the noncarrier corporations.

Fourth. If commercial considerations are to be dominant, then it appears likely that comparatively inefficient, shortlived, and ultimatly more expensive low-altitude satellites will be constructed. It is generally agreed that such a system is a second best. Its major justification is the speed with which it can be developed and made commercially usable. In addition, A.T. & T. has a vested interest in this system which it is now developing. Once the low-orbit system is established, the private corporation will be reluctant to abandon it. It may well be preferable scientifically to concentrate on the rapid development of a three satellite high-altitude synchronous system. Certainly optimum scientific results will flow from an organization which will not be influenced by the immediate commercial consequences of its decisions.

We should not foreclose any of the technical alternatives at a time when the whole field is still tentative and subject to rapid change. Indeed, a Rand study prepared by Leland L. Johnson argues that a satellite system will not be economically profitable before 1970.

Public ownership is by far the most rational approach to the complex uncertainties of this latest development of space technology. It promises the largest scientific returns. It avoids extension of public regulation into a new and difficult field.

It encourages public exploitation of public research and avoids a substantial free grant to private companies of public research. As Americans, we have never been doctrinaire in our judgments of where the line between the public and private sector should be drawn. In pragmatic tradition we have looked at problems one by one. Experience, not doctrine, has given us a post office, which is a public operation, and a telephone system, which is privately operated. Similar experience has divided our transportation facilities and our electrical utilities between private and public ownership. There is room for both TVA and Consolidated Edison. And many would say that TVA is not the less efficient of the two organizations.

It is in this spirit that I suggest to the House that we continue to develop this great public achievement publicly and cooperatively.

Mr. ROSENTHAL. Mr. Chairman, I wish to record my protest against turning over the communications space satellite, one of America's greatest assets, paid for and made possible only by taxpayer money, to a private monopoly controlled and dominated by a few huge corporations. Many have pointed to the patent inconsistency between this legislation and our antitrust laws and antimonopoly traditions. Others have shown that no decision is necessary at this time because research and development and international negotiations are proceeding at top speed by the Government. Enactment of this legislation at this time, as Western Union's vice president has pointed out, will not hasten the date of operations by one day.

It has also been pointed out that turning over this great new facility to companies with a vested interest in competing facilities can only retard the fullest and speediest development of space communications. As proof of this, the carriers and their friends refer to the communications satellite as merely the extension of present facilities, merely a cable in the sky. But as RCA and other knowledgeable observers including scientists and Government people realize, this is more than simply that, it is revolutionary.

And let us make no mistake about it—under the proposed legislation, A.T. & T. will dominate it completely—it is many times bigger than all the other investors combined; many of the other carriers are totally dependent on A.T. & T. lines and facilities for these carriers' own operations; and under the proposed stock ownership, A.T. & T. can invest up to 50 percent of the total voting capitalization and can take an unlimited percentage of the nonvoting securities which are limited to carriers, and which no other carrier has indicated an ability to take. This huge financial interest, plus a usage which is expected to be between 80 and 90 percent of the satellite's capacity, plus the external dependence—can anyone seriously doubt that all the other carriers and equipment manufacturers will follow A.T. & T.'s lead on whatever it does?

We are told that unless we let the carriers have a large interest in the system it will not effectively operate. This is nonsense. Since when does a corporation's shareholders have to have any technical competence? Moreover, the U.S. Government is presently doing everything in both the space and communications fields to develop an operational system. For the 1959–63 period alone, NASA and the Department of Defense have budgeted $471 million. And much of our man on the moon program involves communications problems.

We also hear talk that the carriers must own a good part of the corporation in order to integrate the system into their existing facilities. This is also fallacious. Today, independent telephone companies and others interconnect with A.T. & T. without either owning part of A.T. & T. or using equipment made by A.T. & T.'s subsidiary, Western Electric. A.T. & T. itself connects with the Signal Corps in Alaska, without difficulty.

As to putting together a competent staff, that problem exists no matter who owns the satellite. The private companies and carriers are not going to denude themselves of competent people in order to staff a satellite corporation. The only one which might be able to do it is, again, A.T. & T., and there again, the primary allegiance of these men may remain with A.T. & T.

In summary, the arguments for private ownership are all fallacious and are designed to hide the fact that these private monopolies and huge corporations want to get control of the operations and revenues of this last and revolutionary competitor.

The answer to this, we are told, is broad ownership in some way. This is the most cynical of all the arguments. Anyone with the slightest awareness of the facts of corporate life knows that the broader the ownership, the easier it is for the insiders to control, because few small investors bother to vote their stock. Moreover, broad ownership will not avoid antitrust problems—it will merely allow a few more big companies to get a part of the procurement pie. Finally, this so-called broad ownership will undoubtedly include only a tiny fraction of the American public.

To conclude, Government ownership is the only way to develop the communications satellite systems to the fullest, and on behalf of all the people. The legislation presented to us at this time will result in a giveaway of the greatest natural resource this country has yet to develop. I oppose the bill.

Mr. ROSTENKOWSKI. Mr. Chairman, the Communications Satellite Act of 1962, H.R. 11040, provides for the establishment, ownership, operation, and regulation of a commercial communications satellite system, in conjunction and in cooperation with other countries, as part of an improved global communications network, which will be responsive to public needs and national objectives, which will serve to communication needs of the United States and other countries, and which will contribute to world peace and understanding.

The present space age is another step in man's progress for a better life on earth. It follows in the tradition of man's previous exploits to harness nature's wonders, bringing about a more lasting and enjoyable existence. By returning to the early days of the caveman and following the path of history, we see the era of the stone age, the iron age, and other related periods along the way, which have added to our present comforts. And with the passing of each era, the developments have come more rapidly because man has profited from experience, broadening his overall knowledge to overcome the unknown challenge facing us each day.

The threshold of the space age is a wide opening to progress, so vast that it is difficult for the imagination to comprehend. And yet we must fully anticipate that the wonders of space can provide us with greater advancement toward the age-old dream of utopia.

Today we are in the process of securing one segment of this advancement. Communications have proven to be a vital part of everyday life. The inventions of telephone, telegraph, and radio have brought the people of the world closer together. It has enabled humanity to coordinate for a better understanding of our expectations in life, so we can realize our ambitions.

Improving the operation of this important field will benefit all people, and it is a peaceful means of establishing unity among the nations of the world: a much needed lift in this day of uncertainty concerning peace on earth.

Under the provisions of this bill, the communications satellite operation will be administered in the framework of a privately owned corporation, subject to governmental regulation of rates and service, as is this country's national communications system. The bill authorizes the establishment of such a corporation financed through the sale of stock to the public, stock which can earn dividends for the investor, keeping it within the tradition of our economical progress, enabling private investors to take part in the rewards of this progress.

There is widespread recognition in other countries of the prospective and political benefits which may be derived from the successful development of communication satellite relays. We must keep pace with expanding progress of the space age.

By establishing our foundation in this field of global satellite communications at this time, we can demonstrate our leadership in the area of space activity, and affirm our intention to share the benefits of space for peaceful use.

I urge we favorably enact the legislation before us, H.R. 11040.

Mr. SIKES. Mr. Chairman, the Communications Satellite Act of 1962, H.R. 11040, should be speedily approved by this Congress. Here is an opportunity for us to demonstrate to the world the peaceful achievements possible with satellites and rockets. The Committee on Interstate and Foreign Commerce has held lengthy hearings on the bill and has now recommended its passage by this House. We should get on with it. We should enact this legislation which points up our faith in the free enterprise system and which permits private industry to do the job.

There are those who advocate that the Government should step in and take over satellite communications. If we followed this line of reasoning, we would simply be admitting to the rest of the nations that we have little faith in the democracy we have established. A turn toward socialism is most emphatically not the public image that the American people want to present to the rest of the world today.

The proponents of Government ownership would have you believe that there is great clamor across the country for their proposals. This is simply not true. The letters which people have written tell us they want private enterprise—the American way of doing things—to set up a satellite communications system. The leaders of Government, labor and industry who testified before the committee strongly advocated the cause of private ownership. And, the Nation's press—which reflects sentiment from all over the land—has overwhelmingly endorsed the principle of private enterprise for satellite communications. The editors urged strongly that private enterprise be allowed to do the job, and that the go-ahead be given quickly. In the first quarter of this year, a survey of newspaper editorials shows that 150 editors favor private enterprise while 1 wants the Government to take control and ownership. I think that is a rather conclusive indication of the Nation's views.

Private enterprise is willing to finance and operate the satellite communications system. If it had not been for private enterprise America would not be so far advanced toward such a system as it is today. The private enterprise system has produced for this country the finest communications service in the world. It also has assured that these services are available to everyone and at prices they can afford to pay.

It is certainly true that the Government has spent a great deal of money in developing rockets. These, of course, were originally developed for national defense. Now this Government research in rocketry—much of it under contract utilizing the best brains and skills of private industry—makes it possible for the communications industry to put communications satellites in orbit. But it has been the research and development of private industry that makes this type of communication possible. The invention of the transistor, the solar cell, the maser, the traveling wave tube, and other such devices all make it possible for our Nation to reach skyward. Without these things—all of them products of private industry today—we would not have satellites giving us weather reports, furnishing us vital information of outer space, and enabling us to send man in orbit about the earth. It is fair to say that in the communications satellite, Government-paid research provides the transportation, and industry-paid research provides the communication payload.

In the case of satellite communications, free enterprise will be paying its own way. The rockets and other equipment necessary to make such a communications system operational will be paid for by the satellite corporation and the people who invest in it. And, equally important is the fact that the satellite communications corporation, proposed under this bill, would be a profitmaking organization and would pay Federal and local taxes just like any other business enterprise. Rather than spending Government money to run such a communications system we would be getting the benefit of these tax moneys.

This bill is not a give-away as some opponents have charged. In the form of taxes, the Government will receive a measure of reimbursement for its research in rocketry. No Government subsidy is proposed under this bill—nor is it needed.

This proposed legislation has been carefully considered by the committee. It is recommended by both Democrats and Republicans. Its speedy enactment has been recommended by the administration. The leaders of the communications industry have signified their willingness to enter into the corporation to be set up and to get on with the work involved. And the large group of labor union people involved—the Communications Workers of America—have told us that private enterprise should do this job. Let us now stand behind the principle of free enterprise and get going so we can maintain the leadership we now have in the peaceful use of outer space. Instead of "pie in the sky" with all its socialistic trimmings, let us set about getting up a "voice in the sky" as dramatic proof of what American private enterprise can accomplish. Let us not waste any more time in getting started. I strongly urge the immediate passage of H.R. 11040.

Mr. BOLAND. Mr. Chairman, I rise in support of H.R. 11040, the bill to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system. This legislation is designed to carry out President Kennedy's proposal of July 24, 1961, with regard to communications satellites, by establishing a private corporation which would be the U.S. participant in a global satellite communications system. This bill will lay the foundation for accomplishing the President's objectives. It is the instrumentality through which a national policy of private ownership and operation of the international communications satellite system is to be assured. If this legislation is not enacted, and this instrumentality of a private corporation is not created at the earliest possible date, all planning for U.S. participation in the international system will have to be done by Government agencies. Our American private communications carriers, especially in view of the antitrust laws, will be prevented from cooperating effectively with each other and with the Government agencies in preparing effective plans for U.S. participation in the international system.

Mr. Chairman, the creation of the private corporation will provide the machinery through which existing carriers and other private individuals and groups which desire to participate financially in this new venture may do so. As a private corporation, its securities would, as the committee report indicates, be subject to applicable securities laws, including those administered by the Securities and Exchange Commission.

The actual establishment and operation of such a global communications satellite system will depend entirely on future international arrangements involving the allocation of radio frequencies for such a system. The international allocation of radio frequencies is under the control of the International Telecommunications Union of which the United States is an active member. Allocations for experimental space communications were made in 1959, and an extraordinary administrative radio conference is tentatively scheduled for late 1963 to consider allocations for continuing space communications uses. The committee report points out that if we are to secure general support for the allocation of frequencies for a global commercial satellite communications system, it will be important for other nations to feel that they will share in and benefit from the establishment of such a system.

The Federal Communications Commission, the Department of State, the National Aeronautics and Space Administration, and other interested Government agencies with the cooperation of the American communications industry are now engaged in preparing the specific proposals for these allocations of frequencies which the United States expects to submit to the 1963 conference.

Mr. Chairman, I urge the passage of this bill so that America's contribution to space satellite system will be as a joint Government-private communications enterprise.

Mr. REUSS. Mr. Chairman, I am pleased to see that the final recommendations from the Committee on Interstate and Foreign Commerce includes a provision that the minimum price for stock in the communications satellite corporation be lowered from $1,000 to $100 a share. This accords precisely with a suggestion made to me in early February by Mrs. Ruth Cortell, 1811 West Galena Street, Milwaukee, Wis., an instructor in current history at the Milwaukee Institute of Technology.

Mrs. Cortell wrote to me to recommend that the price be lowered and her letter outlined her reasons for recommending a change in the amount:

> When I first read of President Kennedy's space corporation plan, I was thrilled to hear of something that would give the common people of this country a chance to invest in so imaginative and progressive a project. It would give people a lively interest in something their Government is sponsoring. Now I read that the President intends to make this stock available only at $1,000 a share. This cuts out the common people. It means really that only those who have a lot of money will have a chance to get in. How come the stock has to be so expensive? Is it to be only for the big money people? The common people would buy this, at perhaps $100 a share, even if a person bought only one share. Let's make it a people's project instead of a big business deal. I know we have to have the help and skill of big business, and we appreciate it, but let the people share in it too.

I am particularly pleased that the committee not only reduced the amount to $100, but that it also required that the stock be sold in a manner to insure the widest distribution to the American public.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. Albert] having assumed the chair, Mr. Walter, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11040) to provide for the establishment, ownership, operation, and regulation of a commercial communications satellites system, and for other purposes he reported the bill back to the House with an amendment, adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

Mr. HARRIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 354, nays 9, not voting 74, as follows:

[Roll No. 82]

YEAS—354

Abbitt
Abernethy
Adair
Addabbo
Albert
Alexander
Alger
Andersen, Minn.
Anderson, Ill.
Anfuso
Arends
Ashbrook
Ashley
Aspinall
Auchincloss
Ayres
Bailey
Baker
Baldwin
Baring
Barry
Bass, N.H.
Bass, Tenn.
Bates
Battin
Becker
Beckworth
Beermann
Belcher
Bell
Bennett, Fla.
Bennett, Mich.
Berry
Betts
Blatnik
Boggs
Boland
Bolling
Bolton
Bonner
Bow
Brademas
Bray
Breeding
Brewster
Bromwell
Broomfield
Brown
Broyhill
Bruce
Buckley
Burke, Ky.
Burke, Mass.
Burleson
Byrne, Pa.
Byrnes, Wis.
Cahill
Cannon
Carey
Cederberg
Celler
Chamberlain
Chenoweth
Chiperfield
Church
Clancy
Clark
Coad
Cohelan
Collier
Colmer
Conte
Cook
Cooley
Corbett
Corman
Cramer
Cunningham
Curtin
Curtis, Mass.
Dague
Daniels
Davis, James C.
Davis, John W.
Davis, Tenn.
Dawson
Delaney
Denton
Derounian
Derwinski
Devine
Diggs
Dingell
Dole
Dominick
Donohue
Dooley
Dorn
Doyle
Dwyer
Edmondson
Everett
Evins
Fallon
Farbstein
Feighan
Fenton
Findley
Finnegan
Fino
Fisher
Flynt
Ford
Forrester
Fountain
Frazier
Frelinghuysen
Friedel
Gallagher
Garland
Garmatz
Gary
Gathings
Giaimo
Gilbert
Glenn
Gray
Green, Pa.
Griffin
Griffiths
Gross
Gubser
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Harding
Hardy
Harris
Harrison, Va.
Harrison, Wyo.
Harsha
Harvey, Ind.
Harvey, Mich.
Healey
Hébert
Hechler
Hemphill
Henderson
Herlong
Hiestand
Hoeven
Holifield
Holland
Horan
Hosmer
Ichord, Mo.
Jarman
Jennings
Jensen
Joelson
Johansen
Johnson, Calif.
Johnson, Md.
Jonas
Jones, Mo.
Judd
Karsten
Karth
Keith
Kelly
Keogh
Kilgore
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kitchin
Kluczynski
Knox
Kunkel
Kyl
Laird
Landrum
Lane
Langen
Lankford
Latta
Lennon
Lesinski
Libonati
Lindsay
Lipscomb
McCulloch
McDonough
McDowell
McFall
McIntire
McVey
Macdonald
MacGregor
Mack
Magnuson

Mahon
Mailliard
Marshall
Martin, Mass.
Martin, Nebr.
Mason
Mathias
May
Meader
Merrow
Michel
Miller, Clem
Miller, George P.
Mills
Minshall
Moeller
Monagan
Moore
Moorehead, Ohio
Moorhead, Pa.
Morgan
Morris
Morrison
Morse
Mosher
Moss
Moulder
Multer
Murphy
Natcher
Nedzi
Nelsen
Nix
Norblad
Norrell
Nygaard
O'Brien, Ill.
O'Hara, Ill.
O'Konski
Olsen
O'Neill
Osmers
Ostertag
Passman
Pelly
Perkins
Peterson
Philbin
Pike
Pilcher
Pirnie
Poff
Powell
Price
Pucinski
Purcell
Quie
Randall
Ray
Reece
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Riley
Rivers, Alaska
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney
Roosevelt
Rostenkowski
Roudebush
Roush
Rousselot
Rutherford
Ryan, Mich.
St. George
St. Germain
Santangelo
Saylor
Schadeberg
Schenck
Scherer
Schneebeli
Schweiker
Seely-Brown
Shelley
Shipley
Short
Shriver
Sibal
Sikes
Siler
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, Va.
Springer
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taber
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thompson, La.
Thompson, N.J.
Thomson, Wis.
Thornberry
Toll
Tollefson
Trimble
Tuck
Tupper
Udall, Morris K.
Utt
Vanik
Van Pelt
Van Zandt
Vinson
Waggonner
Wallhauser
Walter
Watts
Weis
Westland
Whalley
Wharton
Whitener
Widnall
Williams
Willis
Wilson, Ind.
Winstead
Wright
Yates
Young
Younger
Zablocki
Zelenko

NAYS—9

Gonzalez
Green, Oreg.
Johnson, Wis.
Kastenmeier
Kowalski
Poage
Rosenthal
Ryan, N.Y.
Ullman

NOT VOTING—74

Addonizio
Alford
Andrews
Ashmore
Avery
Barrett
Blitch
Boykin
Brooks, Tex.
Casey
Chelf
Curtis, Mo.
Daddario
Dent
Dowdy
Downing
Dulski
Durno
Elliott
Ellsworth
Fascell
Flood
Fogarty
Fulton
Gavin
Goodell
Goodling
Granahan
Grant
Hansen
Hays
Hoffman, Ill.
Hoffman, Mich.
Huddleston
Hull
Inouye
Jones, Ala.
Kearns
Kee
Kilburn
Kornegay
Loser
McMillan
McSween
Madden
Matthews
Miller, N.Y.
Milliken
Montoya
Murray
O'Brien, N.Y.
O'Hara, Mich.
Patman
Pfost
Pillion
Rains
Reifel
Rivers, S.C.
Roberts, Ala.
Saund
Schwengel
Scott
Scranton
Selden
Sheppard
Smith, Miss.
Spence
Stafford
Thompson, Tex.
Weaver
Whitten
Wickersham
Wilson, Calif.

So the bill was passed.

The Clerk announced the following pairs:

Mr. McMillan with Mr. Avery.
Mrs. Hansen with Mr. Reifel.
Mr. Ashmore with Mr. Hoffman of Illinois.
Mr. Inouye with Mr. Kilburn.
Mr. Kornegay with Mr. Miller of New York.
Mr. Sheppard with Mr. Weaver.
Mr. Dent with Mr. Scranton.
Mr. Daddario with Mr. Milliken.
Mr. Rains with Mr. Hoffman of Michigan.
Mr. Roberts of Alabama with Mr. Goodling.
Mr. Addonizio with Mr. Pillion.
Mr. Alford with Mr. Wilson of California.
Mr. Brooks of Texas with Mr. Durno.
Mr. Hull with Mr. Gavin.
Mr. Madden with Mr. Goodell.
Mr. O'Brien of New York with Mr. Stafford.
Mr. O'Hara of Michigan with Mr. Ellsworth.
Mrs. Granahan with Mr. Fulton.
Mr. Dulski with Mr. Kearns.
Mr. Downing with Mr. Schwengel.
Mr. Loser with Mr. Curtis of Missouri.

The result of the vote was announced as above recorded.

GENERAL LEAVE TO EXTEND

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 11413. An act to amend the Agricultural Act of 1961 to permit the planting of additional nonsurplus crops on diverted acreage.

TRANSPORTATION

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, under leave to extend my remarks, I wish to insert a letter addressed to the Honorable John W. McCormack and the Honorable Lyndon B. Johnson, written by the Secretary of Commerce, the Honorable Luther H. Hodges:

THE SECRETARY OF COMMERCE,
Washington, D.C., May 1, 1962.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

Hon. LYNDON B. JOHNSON,
President of the Senate, Washington, D.C.

DEAR SIRS: There are submitted herewith drafts of proposed bills: "to provide for strengthening and improving the national transportation system, and for other purposes," and to exempt certain carriers from minimum rate regulation in the transportation of bulk commodities, agricultural and fishery products, and passengers, and for other purposes."

The proposed bills implement certain recommendations contained in the President's message on transportation which was submitted to the Congress on April 5, 1962.

The first bill empowers the regulatory transportation agencies to sanction experimental freight rates, and modifications in existing systems of service, classification, and documentation; prohibits common carriers subject to the Interstate Commerce Act from discriminating as to service or rates in the transportation of vehicles or containers tendered by shippers or carriers; declares it to be in the national interest that through service and joint rates, fares and charges between carriers of all modes of transport be encouraged and promoted and authorizes the Federal Maritime Commission to participate with the Civil Aeronautics Board and the Interstate Commerce Commission in joint boards for the review of such rates; authorizes the Interstate Commerce Commission to enter into cooperative agreements with the States for enforcement of the economic and safety laws and regulations of the States and the Federal Government concerning highway transportation; provides for extension of civil forfeiture penalties of the Interstate Commerce Act to violations of safety regulations and involving lack of operating authority, and for increases in such penalties; requires that air carriers pay reparations to shippers charged unlawfully high rates; provides for simplification of Government transportation rates and procurement, and for greater flexibility in the use of motor vehicle common carriers for the transportation of mail; and provides for transfer to the Secretary of Commerce the powers and duties vested in the Civil Aeronautics Board and the Interstate Commerce Commission with respect to the guarantee of loans to air carriers and common carriers by railroad, respectively.

The second bill exempts carriers from minimum rate regulation by the Civil Aeronautics Board, the Federal Maritime Commission and the Interstate Commerce Commission in the transportation of bulk commodities and certain agricultural and fishery products. Carriers transporting passengers are also exempted from such regulation by the Federal Maritime Commission and the Interstate Commerce Commission. Carriers exempted from minimum rate regulation who engage in any act or practice in violation of the antitrust laws will be subject to the proceedings and penalties specified in such laws.

This Department believes that enactment of these bills, together with enactment of legislation relating to tax policies and user charges to be submitted by the Secretary of the Treasury and legislation pending before the Congress implementing recommendations in the President's message relating to making motor carrier safety regulations of the Interstate Commerce Commission applicable to private carriers (H.R. 5598 and S. 1287); repeal of the prohibition against rail carriers transporting certain commodities in which they have an interest (S. 734); making domestic trunk air carriers ineligible for operating subsidies in the future (H.R. 10813 and S. 2297); and the requirement that motor carriers and freight forwarders pay reparations to shippers charged unlawfully high rates (H.R. 5596 and S. 1283), will materially assist in the development of an efficient and dynamic transportation system, which is vital to our economic growth and progress.

The Department of Commerce recommends, therefore, the enactment of the proposed bills.

There are enclosed section-by-section analyses of the proposed bills.

The Bureau of the Budget advises that enactment of the proposed bills will be in accord with the program of the President.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce.

AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, I am introducing today two bills to amend the Federal Food, Drug, and Cosmetic Act.

These bills will give effect to a portion of the President's message on consumer protection, namely, the portion dealing with strengthening the regulatory authority with respect to food, drugs, cosmetics and devices—87th Congress, 2d session, House Document 364.

The first bill, cited as the "Drug and Factory Inspection Amendments of 1962," would authorize the Department of Health, Education, and Welfare, first, to issue regulations requiring drug manufacturers to maintain facilities and controls that will assure the reliability of their products; second, to require a showing that new drugs and biologicals are effective for their intended use—as well as safe—before they may be marketed; third, to withdraw clearances granted on new drugs when there is substantial doubt as to the drug's safety or efficacy; fourth, to require manufacturers to advise the Food and Drug Administration of clinical experience and reports of any adverse reactions to new drugs and antibiotics; fifth, to require the same safety testing and certification procedures for all antibiotics as are now applicable to only a few antibiotics; sixth, to assign generic names to drugs; seventh, to establish an enforcible system of preventing the illicit distribution of habit-forming barbiturates and amphetamines; and eighth, to institute more effective factory inspection for all products subject to the act.

It would also authorize the Federal Trade Commission to require the disclosure of ingredients of prescription drugs, their efficacy and their adverse effects in advertisements directed to physicians.

The second bill, cited as the "Cosmetics and Therapeutic Devices Amendments of 1962," would authorize the Department of Health, Education, and Welfare first, to require a manufacturer of cosmetics to show that the products are safe before they may be marketed; second, to issue regulations requiring manufacturers of devices subject to the act to maintain facilities and controls that will assure the reliability of their products; third, to require the manufacturer of devices to show that products are safe and efficacious before they may be marketed; and fourth, to require appropriate cautionary labeling of hazardous substances or pressurized containers of articles subject to the act.

This bill also provides that the anticancer clause in the food and color additive amendments to the act would not apply to additives used in feed for animals raised for food production where the chemical does not harm the animal and its use does not leave a residue in the edible products from the treated animal.

FORESTRY TECHNIQUES

Mr. GARY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GARY. Mr. Speaker, I want to remind the Members about the special train that will be running from Washington next Tuesday to a site in Chesterfield County, Va., where a most impressive demonstration of forestry techniques will be held. More than 60 of you have already accepted the invitation of the Virginia delegation to make the excursion and if any others are interested in going along I will be glad to make train tickets available to you.

The train will leave Union Station at 8 a.m., Tuesday, and will be back in Washington by 6 o'clock that evening. Stops will be made at Alexandria both coming and going for anyone wanting to board the train there. Orange juice, breakfast pastries, and coffee will be served on the southbound train and there will be a box luncheon at the forestry demonstration site.

Because of a number of primary elections that day, no votes will be taken on the floor of the House on Tuesday and I am sure you will find the program most interesting. It has been arranged by the Seaboard Airline Railroad Co. but will feature the contributions of almost every segment of government and industry with an interest in the role that forestry has had in the great development of the Southeastern part of the United States.

The demonstrations will run from the mechanical planting of trees to the use of helicopters in the water bombing of fires and in the seeding of new forests. It gives promise of being a most enjoyable day in a most beautiful State at a most wonderful time of year and I will look forward to seeing you on the train.

PROGRAM FOR THE BALANCE OF THE WEEK AND NEXT WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I take this time to inquire of the majority leader as to the program for the balance of this week and, if he can tell us at this time, about the program for next week; and, particularly might I suggest that I am very hopeful, in view of the fact that there are a number of primaries on Tuesday next, that any rollcalls on Monday or Tuesday may go over until Wednesday.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the first question of the gentleman, we have completed the legislative business for this week.

Mr. Speaker, the program for next week is as follows:

Monday is Consent Calendar Day. There are two suspensions: H.R. 9736 from the Committee on Agriculture, having to do with transfer, forest tree nursery, and H.R. 5546 from the Committee on Agriculture having to do with importation, seed screenings.

On Tuesday there is scheduled for consideration H.R. 8617 which deals with the balance of awards, Philippine War Damage Commission.

Mr. Speaker, I might advise the gentleman after I finish announcing the program that I shall ask unanimous consent that any rollcall votes, except on rules and procedural matters, on Monday and Tuesday of next week, may go over until Wednesday of next week because of primaries in Florida, Indiana, New Mexico, Ohio, and West Virginia.

The SPEAKER. Would the gentleman make his request at this time?

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that any rollcall votes in order on Monday or Tuesday next, except on rules and procedural matters, may go over until Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HALLECK. Mr. Speaker, at this time I would like to inquire of any members of the Committee on Agriculture who are present whether or not there is any serious controversy with reference to the two suspensions that are scheduled for Monday?

Mr. JENNINGS. No; there is not.

Mr. ALBERT. It is my understanding that there is no controversy whatsoever.

Mr. HALLECK. If I might say to the majority leader, the ranking minority member of the Committee on Agriculture is here. Perhaps the gentleman from Iowa [Mr. HOEVEN] could help us.

Mr. HOEVEN. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Iowa.

Mr. HOEVEN. As far as I know, there is no controversy on the two bills that are scheduled for suspension on Monday.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, for Wednesday and the balance of the week we have for consideration a resolution from the Committee on Rules to take and send to conference H.R. 8900, having to do with schools, college academic facilities act. There is also for consideration, H.R. 23, which provides for the construction of the Arbuckle reclamation project in Oklahoma; and S. 383, which deals with a mining claim in the Grand Canyon National Park.

Mr. Speaker, the following bills may be brought up, if rules are reported:

S. 476, to establish Point Reyes National Seashore.

H.R. 11221, Armed Forces, allowances for quarters.

H.R. 11257, Armed Forces, nonjudicial punishment.

This announcement, of course, is made with the usual reservation that conference reports may be brought up at any time and that any further program may be announced later.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. ALBERT. Now, Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday next may be dispensed with.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ADJOURNMENT OVER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet at 12 o'clock noon on Monday next.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CUBAN PRISONERS

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, prior to the Easter recess I introduced House Concurrent Resolution 459 opposing the ransom-as-indemnity demand of Castro of $62 million for about 1,100 Cuban prisoners on the basis that I do not believe in the United States condoning payment of indemnity. I think it is against the best interests of this Government. Also it makes no sense to prevent dollars from flowing to Cuba by cutting off tobacco trade and putting people out of work in the cigar manufacturing industry on the one hand, and on the other hand reversing that no-trading-with-the-enemy policy and permitting $62 million to go to Cuba in the form of an indemnity.

Mr. Speaker, on December 6 the administration through the Internal Revenue Service issued a preliminary regulation permitting all contributions to the Cuban Families Committee for the Liberation of Prisoners of War, made up of alien refugees, to be tax free, meaning that the U.S. taxpayers are going to have to pay for it in the long run as a result of lost revenue in an estimated amount of $30 million of the $62 million. This is wrong.

Mr. Speaker, I have sent a letter to the President and one to the Secretary of the Treasury, asking that this regulation be revoked. I trust that this action will be taken, which is necessary in the best interests of this country. Not to do this can only be interpreted as condoning this abortive ransom and indemnity deal.

The letters follow:

APRIL 25, 1962.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Two weeks ago, I introduced House Concurrent Resolution 459, opposing the dollars-for-prisoners ransom or indemnity demand by Fidel Castro, and specifically opposing any decision on the part of the Treasury Department to make contributions to the Cuban Families Committee for the Liberation of Prisoners of War, for the purpose of paying indemnity and/or ransom for Cuban prisoners, tax-free contributions. Action on the resolution is pending.

Meanwhile, it now develops that the Treasury did indeed make such contributions tax deductible through a temporary ruling dated last December 6. Thus, the administration is condoning this nefarious plot in spite of your remarks to the contrary at your April 11 news conference, at which time you stated, in part:

"I think Mr. Castro knows that the U.S. Government cannot engage in a negotiation like this and he knows very well that the families cannot raise these millions of dollars."

The United States should not be placed in the position of condoning the payment of indemnity demands to any country, least of all Cuba against which you invoked the Trading With the Enemy Act just a few weeks ago to prevent the flow of expendable currency and dollars to Cuba, even from friendly third countries in the form of exporting products containing Cuban goods to this country, which was a followup of the total trade embargo.

Because of this apparent conflict in the administration's thinking, I have no choice but to request that you instruct the Secretary of the Treasury to immediately rescind this ruling. Meanwhile, a copy of my letter of today to the Secretary is attached.

I have a particular interest in this matter as an American citizen, as a Representative from Florida, which is only 90 miles from Castro's Communist island, and as the Representative of 6,000 Tampa cigar workers, 1,100 of whom are now unemployed as a result of your trade embargo. These cigar workers have constantly shown a willingness to make this sacrifice in order to deprive Castro of $20 million in tobacco dollars each year, and they maintain this willingness today, but if the U.S. Government continues to back this indemnity plot by taking more than that amount in tax revenue losses alone, the cigar workers will have every reason to feel that they were let down by their own Government.

Unless this ruling is lifted, I am fearful that Castro will continue to confront us with these tractor-prisoner-money trades, and your action in taking the necessary steps to rescind this ruling will be appreciated by all freedom-loving Americans.

Sincerely yours,

WILLIAM C. CRAMER.

APRIL 25, 1962.

HON. DOUGLAS DILLON,
Secretary of the Treasury, Department of the Treasury, Washington, D.C.

DEAR SECRETARY DILLON: This is to inform you that I have introduced House Concurrent Resolution 459, opposing the dollars-for-prisoners ransom and indemnity demand by Fidel Castro, and specifically opposing any decision on the part of the Treasury Department to make contributions to the Cuban Families Committee for the Liberation of Prisoners of War, for the purpose of paying indemnity and/or ransom for Cuban prisoners, tax-free contributions, as ruled by your Department. You will note the provision in House Concurrent Resolution 459 opposing any such regulation being issued by the Treasury Department in behalf of the U.S. Government.

I have been informed that the Internal Revenue Service, on December 6, 1961, which interestingly enough preceded the demand by Fidel Castro for ransom and indemnity by some 4 months, made a preliminary determination and issued a tentative regulation that contributions to the Cuban Families Committee for the Liberation of Prisoners of War, to be used for the purpose of paying ransom and indemnity to Fidel Castro's Communist government for the release of the invasion prisoners, would be tax free.

This is to inform you that, consistent with the resolution I have introduced, I strongly oppose this regulation and ask that it be rescinded in that it is, in my opinion, against the best interests of the United States in our fight against atheistic communism. It is unconscionable to me that the United States should be put in the position of ratifying or condoning this ransom and indemnity deal, first by issuing visas to the negotiating refugee party and, now, by the issuance of the Treasury regulation making contributions to the Cuban Families Committee for the Liberation of Prisoners of War tax free.

Worse yet, it further places the U.S. Government in the position of paying an estimated 50 percent, or $30 million, of the total ransom through the loss of general tax revenues because of the Treasury Department ruling.

It is obvious to me that we have here a case where there was prior knowledge, as early as last December, that Castro would be making the prisoner trade offer, and the U.S. Treasury Department was instructed to get ready for it by issuing the tax deduction ruling. Then, on April 10, the administration was quoted by the Washing Daily News as "playing it by ear" and refusing to place obstacles in the way of private negotiations by Cuban exiles. The next day, April 11, the Washington Post ran a story carrying a headline, "Kennedy Sympathetic to Captives Purchase," over a story that said the administration would take a "sympathetic" look at any privately negotiated ransom deal.

That same day, at his news conference, the President seemed to shy away from what the news stories contained, and registered his dismay with the whole idea. He said, in part, and I quote: "I think Mr. Castro knows that the U.S. Government cannot engage in a negotiation like this and he knows very well that the families cannot raise these millions of dollars."

In short, it is an example of the administration saying one thing and doing another. The President registers his horror at the whole idea, but he makes no mention of lifting the ruling.

The United States cannot be put in the position of condoning the payment of indemnity demands to any country, particularly to Communist Cuba, against which the President a few weeks ago invoked the Trading With the Enemy Act to prevent the flow of expendable currency and dollars to Cuba, even from friendly third countries in the form of exporting products containing Cuban goods to this country, which was a followup of the total trade embargo.

Fidel Castro recently reiterated his previously stated position that the $62 million he is demanding for his Cuban prisoners is indemnity for damages suffered by Cuba as a result of the invasion which he said was the direct responsibility of the United States. The condonation of payment of such indemnity by the United States, even though payment is made through the committee, as evidenced by the issuance of visas, and now the determination that contributions to that committee are tax free, is contrary to the historical traditions of our great free Nation, where the last time a demand for indemnity was made, the answer was "millions for defense but not one cent for tribute."

I have a particular interest in this matter, not only as an American citizen, but as a Representative from the State of Florida which is some 90 miles from Castro's Communist island, and also as the Representative of the Tampa cigar workers, of which some 1,100 are now out of work, and the jobs of some additional 5,000 are threatened. This resulted from the trade embargo which was imposed, supposedly, to cut off dollars from Communist Castro, with the obvious hope that the economic squeeze would topple his Red regime. The tobacco trade was approximately $20 million a year and it is obvious that this $62 million indemnity demand would give Castro as much economic support, immediately, as he would get in 3 years of tobacco trade. Rightly so, these cigar workers are incensed, as I am, and as I am sure many people throughout the country are, that the reversed position now taken will open the floodgates for the flow of $62 million to Castro, and in the most objectionable form of indemnity.

I am therefore requesting that this regulation be rescinded immediately and that, thus, the stamp of approval by the U.S. Government on this abortive ransom and indemnity demand will be withdrawn.

With best wishes, I am

Sincerely,

WILLIAM C. CRAMER.

STAND UP, AMERICA

Mr. McSWEEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. McSWEEN. Mr. Speaker, before I came to Congress in 1959 I was concerned about the lack of firmness and direction of American foreign policy. Serving here in my 4th year and having observed the molding of foreign policy by the State Department under Presidents from both political parties, I can say that this concern was justified.

In discussing this serious problem with my colleagues on both sides of the aisle I find a widespread dissatisfaction. This is particularly true among those of us of the World War II generation. We are able to remember so clearly the tragic examples of appeasement by Britain that played into Hitler's hands at a time when Britain was the leader of the Western World. Now that the United States wears this mantle, it is imperative that we manifest the moral courage and determination to stand up before Communist aggression around the world. We must abandon the shopworn policy of containment and take the offensive.

In a speech before the American Legion National Convention in Miami on October 18, 1960, Mr. J. Edgar Hoover made these three vital points:

> In dealing with the treacherous Red Kremlin and its satellites, the road of appeasement is not the road to peace. It is surrender on the installment plan.
>
> We are at war with the Communists, and the sooner each red-blooded American realizes that, the better and safer we will be.
>
> We should make it crystal clear to the Red master of the Kremlin that we intend to win the cold war and at the same time impress upon him that we have the military power to prevent a hot war.

I cite Mr. Hoover neither for his eloquence nor for his candor, both of which he exhibits, but because he is an acknowledged authority on the subject of the Communist conspiracy and its goals.

In contrast to Mr. Hoover's exhortations America has been guilty of appeasement, America has not become fully aware that war does exist with the Communists, and America has not made it clear that it intends to win the cold war.

It is a real disappointment not only to veterans of the World Wars and of Korea but to all Americans that, although we did such a splendid fighting job during World War II in destroying the forces of tyranny, we have thus far failed to achieve an honorable peace. Even greater tyranny now menaces. In the 17 years since cessation of hostilities with Japan, Russia and Communist China have steadily increased their spheres of influence to the point that they now defy the free world to interfere with their aims of world conquest. This has been accomplished in the face of superior military might and superior economic strength in the hands of the free world. Free world and American resoluteness, however, has been lacking.

Our Government is not to be blamed for dedicated Communist ambitions to sovietize the world, but it is to blame whenever these ambitions are fired and strengthened by our own weakness, poor judgment, or indecision. It is particular irony that the United States has actively, if not purposely, contributed to the strength of these two Communist world powers.

An example of this occurred at war's end when this Government generously handed over to the Russians most of Eastern Europe as well as valuable aid and concessions and when our China policy was switched from that of fully supporting Chiang Kai-shek's Nationalist regime to that of supporting a coalition government which included the Chinese "agrarian reformers."

While still a Congressman, John F. Kennedy said at Salem, Mass., on January 30, 1949:

> At the Yalta Conference in 1945 a sick Roosevelt, with the advice of General Marshall and other Chiefs of Staff, gave the Kurile Islands as well as the control of various strategic Chinese ports, such as Port Arthur and Darien, to the Soviet Union.

Congressman Kennedy in the same speech quotes former Ambassador William C. Bullitt from a 1948 magazine article as follows:

> Whatever share of the responsibility was Roosevelt's and whatever share was Marshall's the vital interest of the United States and the independent integrity of China was sacrificed, and the foundation was laid for the present tragic situation in the Far East.

Since these blunders occurred there have of course been others. The one closest to our shores and one most difficult to fathom was the decision in 1958 to abandon the Batista regime in Cuba and allow a "land reform" movement to gain control. This was decided by the State Department ostensibly for the reason that the Batista regime was both corrupt and out of step with the spirit of liberalism then pervading Latin America.

This is an example of State Department policy being influenced by the preferences of certain Latin American governments rather than by our own best interests. There are other examples of American foreign policy being influenced by the views of other nations in conflict with our best interests.

There also have been examples in recent years of American weakness at crucial times. What did we do when the Soviets closed our ground access roads to Berlin in 1948? We chose not to try to enforce our rights to use these roads. We instead gambled on an uncertain plan to mount a successful airlift. When we persisted and succeeded in establishing an effective airlift Russia elected to back down.

Our change of heart in China coupled with our indecision led the Red Chinese to miscalculate and move on South Korea in 1950. We stood firm in defending the Korean peninsula, although it is regrettable that we were so cautious that we did not proceed to finish the job, thus being yet required to maintain large forces there 10 years after the cease-fire agreement.

The July 1954 Geneva settlement of the Indo-China dispute resulted in the Chinese possession of North Vietnam, while Laos, Cambodia, and South Vietnam became independent. Unfortunately we have failed to make clear our attitude toward this area, relying instead on a weak SEATO alliance. The result is the virtual loss of Laos. Apparently we are now standing firm in South Vietnam.

Contrast this with our strong stand at Quemoy in 1958 which deterred a Communist attack on the Chinese offshore islands. At approximately the same time Khrushchev backed down again from another ultimatum on Berlin.

Our incredible failure in 1961 to adequately support the Cuban invasion doubtlessly encouraged the next Soviet ultimatum on Berlin later last year. Our initial 1961 firmness in Berlin, however, caused Khrushchev to have second thoughts.

Important negotiations have been going on in recent months with regard to Berlin and nuclear testing. In fact some of these talks are taking place now. There are many other pressure points in the world. In light of the facts of recent history it should be our hard-earned lesson that we must be resolute and firm in our dealings with Communist aggression wherever it might occur. The American people support and yearn for a strong and firm American foreign policy. We will prevail and peace will be maintained if we will stand up to the Communists and chart a course of our own.

NATIONAL RAISIN WEEK—HONORING 85TH BIRTHDAY OF CALIFORNIA RAISINS

Mr. SISK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SISK. Mr. Speaker, in the week of May 6 the American raisin industry will celebrate its 85th birthday, and on May 9, in agreement with my colleague from California [Mr. HAGEN] we will serve in the House restaurant some very fine raisin dishes. Mr. Speaker, I have the honor to rise today to call the attention of the Members and the Nation to our country's pioneer and longest celebrated event honoring a great American food industry—National Raisin Week, which this year is observed from May 6 to 12.

This is the 85th birthday of the American raisin industry, which reached commercial stature in 1878 with a production of 500 tons, and which, today, produces more than 200,000 tons, approximately half of the worldwide production.

This important agricultural industry is centered around Fresno, Calif., in the district I represent. The great, fertile San Joaquin Valley of California produces almost all the raisins grown in the United States. It contributes greatly to the economy of California and the country. Value of the crop in the field is $50 million annually, with an industry valuation of a quarter of a billion dollars. There are about 7,500 raisin grape growers, who employ some 40,000 farm workers. It is estimated that 100,000 persons, including growers, processors, employees and their families, depend on this income.

The raisin industry has stabilized itself and taken effective steps to reopen foreign markets under a Federal marketing order and is carrying on an effective and continuing program under the California Raisin Advisory Board, organized under a California State marketing order.

This self-help program is designed to expand present markets and open new markets for raisins. The California Raisin Advisory Board carries on its work through national promotion and advertising, product research and improvement, and an expanding program to build raisin sales in foreign markets. This is a prime example of a farm industry determined to put its own house in order, find markets, and bring fair income to its growers, processors, and workers. We are proud of its achievements, largely won through State and Federal governmental climates which have encouraged the industry to help itself.

The raisin industry's foreign program is being carried on in Sweden, United Kingdom, Denmark, Germany, France, and Japan, with some work starting in Finland and Switzerland. The California Raisin Advisory Board, through industry contributions, is paying for this market promotion program in the United Kingdom, and is operating with the assistance of the Foreign Agricultural Service of the U.S. Department of Agriculture in most of the other areas.

This program has resulted in an increase of the market in Japan from a few tons in 1960 to 17,000 tons in 1961. To achieve this result, it was necessary to partly change the nation's eating habits and educate bakers, cooks, and housewives in the use of a new and unknown food. This is aggressive, effective salesmanship of the type we need in other food and industry fields.

The raisin industry provides a good illustration of the potential impact of trade legislation now under consideration in the Congress on a wide variety of our Nation's specialty crops. Raisin growers share the concern of our vine and tree fruit and nut industries over handling of their export and import problems in this legislation and in any negotiations with the European Common Market and other international trade agencies.

In the case of raisins, continued competitive access to European and other export markets is vital to the health of the industry and the 100,000 persons dependent upon its prosperity. This is also true of other dried fruits. In other related fruit industries, however, including the fig industry, which is also centered in Fresno County, Calif., American production is insufficient to satisfy domestic requirements in the United States, so that we are an importing nation, and our growers are properly concerned about competing with cheap imports landed in this country at prices less than the costs of our domestic production.

Together, these vine, fruit, and nut industries account for a major share of the money value of farm crops which makes California the number one agricultural State of the Nation. Their impact on the State's economy is tremendous, and in turn, California is the leading market for the Nation's industrial production.

The Nation's interest is paramount in considering the trade legislation before this Congress, but it is also evident that the Nation's interest is greatly affected by the continued prosperity or decline of these specialty crop industries.

Raisins are a versatile food, with a great variety of uses to provide fine flavor and quick energy, alone or in combination with other food products. I have had the opportunity through the years to cooperate toward research programs to greatly increase and broaden raisin use and open new markets, and I want to thank the Members for their cooperation in moderate research appropriations, which I am glad to report have been successful.

The people of the San Joaquin Valley are proud of their most distinctive product, which is of worldwide reputation for its golden goodness, and they invite the Nation and the world to join with them during National Raisin Week in enjoying this most delectable fruit of the vine.

On Wednesday, May 9, we have arranged with the House and Senate restaurants to serve delicious raisin dishes furnished through the courtesy of the California Raisin Advisory Board, and the Members will also receive appropriate raisin gifts. May you enjoy them in the health they will bring, on the occasion of this memorable National Raisin Week.

POLISH CONSTITUTION OF MAY 3, 1791

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, today we are commemorating one of the important events in the history of man's advancement in freedom. That milestone is the famous Constitution of May 3, adopted by the Polish nation in 1791.

It is fitting for us in the Congress of the United States to pause in our deliberations to consider that remarkable political instrument. The constitution of May 3 had many features which are familiar to us who have lived and legislated under the Constitution of the United States.

The Polish Constitution provided for the separation of powers between the executive, legislative, and judicial branches of the Government. It was based on the principle that all power in civil society is derived from the will of the people, that sovereignty resides in the citizenry, not in the state itself. It constituted a government of law, not of men. It reaffirmed the principle of religious freedom, which was characteristic of Poland's historical tradition.

Inspired by the freedom-loving spirit of the Polish people and marked by their own particular genius, the Constitution of May 3 was hailed upon its adoption by no less a statesman than England's Edmund Burke as "this happy wonder—this unheard of conjunction of wisdom and fortune."

But unlike our own beloved Constitution, Poland's Constitution of May 3 was never tested by the rigors of time. For, as you know, short years after its adoption, the Polish nation was overwhelmed and partitioned by its stronger, less politically enlightened neighbors.

None of us need be reminded of the unhappy situation of the Polish nation today or how different its life is from the envisage of the Constitution of May 3. Although their burning spirit of liberty and independence has gained for them more freedom than other nations behind the Iron Curtain, the Polish people, nevertheless, are dominated by the Communists. To their credit they have not succumbed to the totalitarian doctrines of their oppressors.

This brave people, I am confident, will continue the dedication to the principles of freedom and democracy represented by the Constitution of May 3. I pray that they can take their rightful place in the family of free, democratic nations of the world.

POLISH CONSTITUTION DAY

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, the Polish Constitution of May 3, 1791, was a great landmark in Poland's political and constitutional history. That constitution initiated the progressive process of evolving a popular form of government in Poland, something rather new in that part of Europe at that time. By this historic document Poland accomplished what many other countries had hoped to do only by bloody revolutions. By the provisions of this document the king's autocratic and unlimited powers were sharply reduced, and a constitutional government was established with a responsible cabinet. The upper chamber lost some of its powers, while the lower and popularly elected chamber gained considerable legislative power. Religious freedom was guaranteed, and the peasants were taken under the protection of the law. Townsmen recovered their judicial autonomy, and received a number of political rights.

For all these liberal and progressive provisions the Polish Constitution of 1791 was hailed as a great step forward in making the Government an instrument of the people. Unfortunately, patriotic Polish statesmen who framed and enacted this Constitution into law, were not given the chance to see it work, and have the people enjoy its benefits. Soon after its adoption and promulgation, Poland was attacked, invaded and overrun, and finally partitioned among its three powerful neighbors—Austria, Prussia, and Russia. But the spirit of freedom and progress embodied in that constitution did not die, and Poles show their devotion to that spirit of freedom by observing the anniversary of its adoption as their national holiday, the Polish Constitution Day.

POLISH SECTION—RADIO FREE EUROPE—OBSERVES 10TH ANNIVERSARY

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, 10 years ago, on May 3, 1952, the voice of Polish radio station, Radio Free Europe, was broadcast to people behind the Iron Curtain for the first time from Munich. Before that, only a 1-hour-a-day program was broadcast from New York. On May 3, 1952, Radio Free Europe began broadcasting to Poland from early daylight to midnight, including radio news, commentaries, cultural, historical, musical, and plain entertaining features—in other words, a full normal radio program.

In the course of these past 10 years, Radio Free Europe has become the biggest radio station of the free world, serving enslaved countries. Its Polish programs more than twice exceed the sum total of the two remaining big foreign radio stations, the Voice of America and the London BBC. Therefore, it is the most powerful means of bringing free thought to the enslaved people of Poland.

As a private institution, not restricted nor limited by the requirements of diplomatic protocol, Radio Free Europe is a true reflection of public opinion. It is also a faithful expression of feelings and views of large Polish groups throughout the world. Suffice it to mention the fact that, during the past year, Poles who have settled in 22 countries in 5 continents took part in Radio Free Europe programs, in order to realize the extent to which it has become a connecting factor between Polish emigrees and the people in Poland.

In my opinion, Radio Free Europe fulfills a threefold task:

First, it gives the Polish community in Poland the possibility of listening to radio programs which serve the truth and the ideas of freedom, thus it provides a means of struggle against the materialistic, totalitarian ideology of communism.

Second, it forces the official Communist propaganda agencies in Warsaw to take better account of the truth, since striking Communist falsehoods are immediately exposed by Radio Free Europe.

Third, it demonstrates the interest in Poland manifested in the entire free world, but particularly in the United States. It reminds the Poles that the United States consistently aims at a world in which each country could enjoy freedom and build its life according to the needs, likings, and views of its citizens. All these tasks are performed by Radio Free Europe with a great sense of responsibility. More than once did it warn the people in Poland not to take desperate actions which would only result in a fatal shedding of blood. At the same time, it encouraged them, pointing out to them that the fight for ultimate restoration of freedom for all people in the world continues and will result in a final triumph of liberty, which means the return of independence to Poland and all other enslaved nations.

This sensible reporting of actions along with the courage of hope, of a realistic hope; this support of Latin culture and Western European ideals without any spreading of hatred; this association of positive elements of tradition with the aims toward which the development of the events in the world is directed, are the measure of achievement attained by the Polish broadcasting section of Radio Free Europe toward the common cause in the struggle for the freedom of men and nations. Along with my sincere congratulation of its past achievements, I wish the Polish section of Radio Free Europe a continued success in service to our common ideals, until the time comes when Poles once again will be true masters in their own country and freedom will again be their most cherished possession.

It is indeed fitting that we pay tribute to the Polish section of Radio Free Europe today on its 10th anniversary when we also commemorate the 171st anniversary of Polish Constitution Day. Just as the Polish Constitution of 1791 symbolized freedom, so today does Radio Free Europe bring the people of Poland renewed hope that the world has not forgotten their plight and freedom will again return to the people behind the Iron Curtain—including Poland.

POLISH CONSTITUTION DAY

The **SPEAKER.** Under previous order of the House, the gentleman from Illinois [Mr. DERWINSKI] is recognized for 60 minutes.

Mr. DERWINSKI. Mr. Speaker, I have requested this period of time to permit Members of the House to express their thoughts on Polish Constitution Day, which was the national holiday of Poland prior to the Communist takeover of their nation.

The Constitution of the 3d of May 1791 symbolizes the deep-rooted governmental institutions of Poland, and its principles have been cherished by the Polish people through centuries of oppression and foreign domination.

Mr. Speaker, I was especially gratified, and wish to thank our beloved Chaplain, Dr. Braskamp, for his stirring words in his invocation this morning when he voiced his prayer in hope for the restoration of freedom to the people of Poland and other enslaved nations.

It is especially appropriate that on the 3d of May 1962, Radio Free Europe commemorates its 10th anniversary. The people of Poland have been effectively served by RFE, and the symbolic relationship to the 3d of May and the messages of hope that reach the ears of the Polish people through these facilities are particularly appropriate.

Certainly, the statement that I make this afternoon and those that will be made by other Members of the House will be an effective demonstration of the sense of the U.S. Congress that the cornerstone of our foreign policy should continue to be the restoration of freedom to people held in bondage by communism imposed by the Soviet Union. In this respect, Poland and the Polish people suffer a fate similar to dozens of nations and their people controlled by the Soviet slave empire. The people in Poland are not free to celebrate their national holiday this 3d of May 1962, but the voices of free Poles throughout the world are raised in commemoration of this day, and a reaffirmation of the traditional love of liberty the Polish people have exhibited throughout their history. It is most fortunate and encouraging for the cause of restoration of freedom to Poland that outstanding spokesmen and leaders continue to represent the Polish cause in free world areas.

One of these spokesmen is Mr. Charles Rozmarek, president of the Polish-American Congress and the Polish National Alliance, who has for over 20 years been a driving force for the Polish cause throughout the length and breadth of the United States.

Mr. Speaker, at this point, I wish to include in the RECORD the remarks that Mr. Rozmarek delivered over Radio Free Europe on the occasion of Polish Constitution Day:

> In keeping with the annual custom, I have the honor and the pleasant duty to speak to you on behalf of the Polish American Congress on the national holiday of all freedom-loving Poles—May 3.
>
> Although the Communist regime is trying to annul the significance of this historic event in the political thought of our ancestors—the Polish Constitution of 1791 remains "the May aurora" of all Polish people striving for a Poland that is truly free internally and truly independent externally.
>
> For the May 3 Constitution is to all the generations of Poles born in Poland as well as outside of their now oppressed homeland, a symbol of civic virtues and social prudence which place Poland and her people among the great nations of the free world.
>
> The May 3 Constitution proves that Poland occupies an honorable place in the human-

> istic culture of the Western World and that the Communist Byzantine East is alien and abhorrent to her.
>
> The May 3 Constitution is the fruit of centuries-old development of the Polish political and social thought.
>
> It has been attracting ever closer attention of American historians, not only as a legislative achievement of the 4-year Sejm—Polish Diet—but also and especially as the product of Polish political thought, an evidence of which may be seen in the eminent works of Poland's great writers and thinkers, such as Andrzei Frycz-Modrzewski, Wawrzyniec Grzymala Goslicki and others. These great Poles are becoming the subject of scientific papers and scholarly dissertations in America, all pointing to the magnificent growth of the Polish political and social thought, the crowning of which was the May 3 Constitution.
>
> That great legacy of our forefathers speaks with mounting eloquence to the free peoples of the world, telling them that Poland belongs to the West, that her historic place was, is, and will remain forever with the family of nations brought up in the Latin culture, that the subjection of Poland and her people to an alien and hostile system of Eastern tyranny is the main cause of the tragic division of Europe we are now witnessing.
>
> The West, under the U.S. leadership, has always recognized the right of the Polish people to a truly free and independent existence.
>
> The Polish American Congress has been doing all in its power in these critical and difficult times in order to emphasize Poland's key position and her 1,000-year-old glorious ties with the West.
>
> We have already started preparations in the United States for the observance of Poland's millenium as a Christian country. The celebrations will remind the American people of the undeniable truth that, in the year 966, the Poland of Mieszko I took a solemn vow, binding her with the Latin culture and linking her future forever with the West.
>
> This is the truth of the millenium, which even the most cunning Communist sophistry cannot deny.
>
> The truth is always victorious, even though it may encounter obstacles and may suffer temporary setbacks.
>
> For the past 10 years Radio Free Europe has served that truth efficiently and with great devotion, and I am speaking to you dear fellow countrymen over the RFE facilities.
>
> I want to take this opportunity to express my deepest appreciation and thanks to the Radio Free Europe founders and management.
>
> Radio Free Europe has been carrying on a great mission of telling the truth about Poland and the West, opposing effectively the lies of the Communist propaganda.
>
> Radio Free Europe is one of the main media of bringing you the news from the free world and giving you the assurance that the West has not forgotten Poland and that the problem of your freedom is of great concern to us.
>
> Furthermore, Radio Free Europe gives true and reliable reports about the internal situation in Poland.
>
> For these reasons Radio Free Europe is doing an extremely valuable and unique job.
>
> On the 10th anniversary of that great organization serving freedom and truth, I want to offer the Radio Free Europe management, and especially the management of the Polish desk, my deep appreciation and best wishes for the future.

Meanwhile, the legitimate Polish government-in-exile continues to function in London, representing the Poles scattered throughout the world who remain steadfast in their determination to keep the light of freedom burning in the hearts of Poles everywhere. They are free to state their convictions and hopes outside the Polish borders, while their countrymen in Poland itself maintain a spirit of great strength in their hearts and souls, but must be silent. The President of the Republic of Poland, Mr. August Zaleski, has issued an inspiring message to Poles all over the world on the occasion of this Polish national holiday, and I wish to include his remarks in the Record at this point:

> Although the Constitution of May 3, 1791, was never actually applied in practice, the anniversary of its enactment has become the Polish National Day. It is necessary, for an understanding of this choice, to realize the state of the Polish Commonwealth at that epoch and what the new basic law was expected to bring into the life of the Nation, but also, and above all, to appreciate the manner in which it was accepted.
>
> At a time when the Great Revolution was raging in France, with thousands upon thousands of victims, in Poland—as Fr. Walerian Kalinka, the historian, points out—"the enactment and promulgation of the Constitution cost not a single drop of blood, not a single tear. Shaken by over a century of internal confusion, unable to govern or defend itself, the country, withal, proved itself able to rise by its own powers."
>
> The new basic law enacted reforms which reached deep into the life of the nation. Proclaiming the holy Roman Catholic faith as the dominant religion, it simultaneously assured freedom of conscience to all other creeds; it brought equal rights to the lower estates, repealed the liberum veto, abolished the system of electing successive kings of Poland, established a strong executive authority, independent courts of justice, and envisaged the formation of a powerful army which was "to assure the nation the defense of the borders and general tranquillity. And for the faultless execution of this purpose, it should always remain obedient to the executive authority pursuant to the wording of the law; it should take an oath of fidelity to the nation and the King, and swear to defend the national constitution."
>
> Unfortunately, none of these stipulations could be carried out since a conspiracy of the neighboring powers, who carried out the third partition of Poland, ruled this out.
>
> Nonetheless, the nation spontaneously hailed the 3d of May Constitution as a great achievement and, despite the prohibitions of the alien occupation authorities, celebrated every anniversary of its enactment. It was only after Poland recovered her independence that May 3 received statutory recognition as a national day, whilst His Holiness Pope Pius XI linked this day with the festival of the Virgin Mary as Queen of the Polish Crown.
>
> As an outcome, simultaneously with the anniversary of the 3d of May Constitution, we commemorate another important event in Polish history: the solemn pledges of King Jan Casimir at Lwow in 1656 whereby he placed Poland under the protection of the Most Holy Virgin Mary at a time when the country was successfully issuing from a very difficult period evoked by a number of enemy invasions. During those hard times, some Polish citizens in their search for power declared themselves for the enemy and came out against their own King. But, inspired by the miraculous defense of Czestochowa, the nation soon aroused itself and the foe had to retreat beyond the frontiers of the Polish Commonwealth.
>
> On this holy day of the Queen of the Polish Crown, let us implore at her altars that the present enemy occupation of our country also come to an end, as it did then by the restoration of freedom and independence to the whole Poland.

As an American of Polish extraction, I have been especially cognizant of the issue of the captive nations, representing as they do the Achilles heel of the Soviet empire. It would be most appropriate for us on this occasion of Polish Constitution Day to reaffirm our continued interest in and sympathy to the people behind the Iron Curtain. A most effective way to put our actions into a practical direction would be to obtain Rules Committee approval of the Captive Nations Committee resolution introduced by the gentleman from Pennsylvania [Mr. Flood] so that despite our State Department objections, truly effective work in exploiting Soviet colonialism could be commenced.

Mr. PIKE. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. PIKE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I should like to join my colleagues in sincere tribute to the gallant Polish people, who through their unfortunate geographic location—Germany on the west, the Baltic Sea on the north, the Soviet Union on the east, and Czechoslovakia on the south—have constantly been conquered by tyrannical forces sweeping across their flat plains, and are now once again under ruthless Russian domination.

Their history has been tragic. In the years 1772 through 1795 Poland was partitioned by foreign powers three successive times, and disappeared entirely from the map. Yet during those dark days—exactly 171 years ago—the indomitable Polish people drew up a democratic constitution proclaiming that "all power in civil society is derived from the will of the people," and granting the basic human rights as natural to us as breathing.

Unhappily this Constitution never had a fair trial, but it has always lived in their hearts as an ideal they hope one day to realize.

It is that event we celebrate here today, and I wish to pay particular tribute to my Polish-American friends and neighbors in the First Congressional District of the State of New York, whose vitality, industriousness and hard work are a byword. Seldom in the 7 years I served as justice of the peace in my hometown of Riverhead, Long Island, N.Y., have I found one in trouble; their many contributions to the life and progress of the district are immeasurable.

Many of them have beloved families now forced to live under Communist enslavement, who will not be permitted to recognize this significant day in Polish history. But we can recognize it for them, and I say now to my Polish friends and neighbors, "Jeszcze Polska nie zginela"—"Poland has not yet perished"—with complete assurance that their longing for a free Poland will one day be realized.

Mr. LANE. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Massachusetts.

Mr. LANE. Mr. Speaker, the whole free world sends its greetings to the people of Poland on the anniversary of Polish Constitution Day.

Some of the people have the mistaken impression that the Polish people, because their country is behind the Iron Curtain, have resigned themselves to the tyranny of communism. Nothing could be further from the truth.

Time and again Poland has been overrun by its big neighbors, and has had alien rule imposed upon it, but has always come back to reassert its independence and regain its sovereignty. The reason for this is not hard to find. Individualism is basic in the character of the Polish people and no form of oppression can ever conquer it.

There is a very strong kinship between the United States and Poland, strengthened and enriched by the contributions of Polish immigrants to the making of America, and the blending of our faith and culture. Although separated by thousands of miles, it is a coincidence of history that our respective peoples led the way in the struggle for freedom.

The Constitution of the United States was drawn up on May 14, 1787, and the Constitution of Poland was promulgated on May 3, 1791. The legacy that we share and the aspirations that give meaning to our lives find expression in the fact that the Congress of the United States takes time out from its busy schedule to honor Polish Constitution Day.

The Prussians, the Austrians, the Nazis, and the Cossacks; each in turn ruled Poland by force and terror, but failed to conquer the spirit of its people.

So, too, will the Communists fail. The 30 million human beings of Poland will see to that. All the Communist controls and brainwashing techniques can never overwhelm a people who have experienced independence and who know that there is no substitute for its rights and its responsibilities.

By this celebration of Polish Constitution Day we affirm the universal fellowship of freemen, and the need of all peoples and all nations to overthrow atheistic communism or any other form of tyranny that a few would impose upon the many.

The people of Poland will be encouraged by our friendship and support. Our two countries speak the same language of liberty, and we seek the same goals.

Despite the dangers of the present we are confident that the future will vindicate the rights of all men to be free.

Mr. DERWINSKI. I thank the gentleman from Massachusetts.

Mr. RYAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield.

Mr. RYAN of Michigan. Mr. Speaker, it is with great pride and pleasure that I join freedom lovers everywhere in paying tribute on this solemn occasion to the Polish people. Those who share a background of Polish heritage and ancestry are both proud and humble as we recall the glorious but tragic history of the Poles.

One hundred and seventy-one years ago today Poland produced a memorable constitutional document which held out to the Poles and to the world a great promise for the future. Today we pay tribute to the Polish Constitution of 1791, to a great nation, and to a brave people.

Peace, liberty, security and progress are fundamental objectives sought by nations everywhere. Such goals are seldom completely achieved; but some lands are more fortunate than others. Throughout her history Poland has been one of the most unfortunate of nations in her quest for these ideals.

Since the first partition of Poland in 1772, with the exception of the brief period between World Wars I and II, the Poles have known only oppression and strife. Within the Polish annals of glorious deeds and sad tragedies, the Constitution of May 3, 1791, stands out as a magnificent chapter in Polish history. In the past, Poland has fallen under aggression and dismemberment four times by her stronger, greedy neighbors. In 1772, her lands were divided between Austria, Prussia and Russia; and in 1939, between Germany and the Soviet Union. Each time Poland has risen from apparent death to re-create a new state for her people.

Late in the 18th century, after Poland suffered her first partition, her wise leaders, realizing Poland was not strong enough to prevent such external threats, decided that the country's governmental machinery must be improved and strengthened by the solid support of the populace, thereby strengthening their country internally and enhancing Poland's prestige externally. With that purpose in mind, the Poles revamped their government by drawing up what has come to be known as the Constitution of May 1791.

That historic Constitution was an epoch-making document—a great landmark in Poland's history. It was, in fact, a revolution in that it changed substantially the structure of the Polish state. But in contrast with the violent French Revolution at that time, Poland's remarkable transformation of the government from the old to the new was marked by peace, orderliness, and conciliation. The reforms—many of them radical—were carried out without violence, terror, or civil disorder. When the Polish Diet accepted the new Constitution, all Poland rejoiced at this dawning of a new day of liberty. Poland's enthusiasm was with just reason: for this memorable constitutional document contained elements which would undoubtedly have brought Poland to the threshold of renewed national greatness. The Constitution was, for the times, a liberal instrument, which converted Poland from an unlimited autocracy to a limited monarchy. In its day, this was considered a phenomenal advance, particularly when accomplished without bloodshed. Certainly it was the most advanced governmental reform in central and eastern Europe.

Studying this document, we observe that it represented a nice synthesis of liberalism and conservatism. It contained features found both in our own Constitution as well as in the British system of government—separation of powers, a bicameral legislature, the elements of cabinet responsibility, the independent judiciary, extension of suffrage, the principle of government derived from the will of the people, and majority rule—all vital parts of the American and British systems found expression in the Polish Constitution of May 3.

To the Polish people, it meant the promise of a better life. The peasantry was brought under the protection of the law. Towns were given administrative and judicial autonomy, and were entitled to a certain measure of parliamentary representation. Freedom of conscience was guaranteed and absolute religious toleration was established. Certainly all these measures represented genuinely democratic forward steps.

But the Poles never got the opportunity to fulfill the promise of their new-found freedom. Their day of liberty was glorious, but brief. The darkness of aggression and tyranny fell upon Poland almost immediately after the adoption of her liberal instrument. Poland's enemies feared that the birth of liberal ideas in Poland may spread to their lands. Furthermore, the Polish document contained elements which promised to create a strong Poland.

Even before the Constitution was put into force, Poland found herself under attack. She could not long resist such superior forces.

Thus Polish hopes for the future were soon crushed. The second partition followed in 1793. Poland's Constitution became a dead, defunct document; Poland herself ceased to exist as a nation in 1795, as she was parceled out among her three powerful neighbors.

For more than a hundred years Poland lived only in the hearts and minds of suffering Poles. But never did they give up the hope of regaining their national independence and reviving the spirit of their Constitution. World War I brought freedom to Poland; and for a brief period Poland knew independence once more. In September 1939, however, Poland was again despoiled by her powerful neighbors, Nazi Germany and Soviet Russia. Then, at the close of World War II, when all the free world believed that peace, freedom, security, and progress would again exist in the world, Poland was seized once more and brought forcibly into the Communist empire. Although the Polish State and Constitution exist today, for all practical purposes the Communist seizure of Poland has meant the destruction of the Polish State—again by Russia.

There is no freedom in Poland today, which has been reduced to the level of a Soviet satellite. But the Polish people have hated their Russian oppressors and have boldly made threatening noises at their conquerors. In 1956 world attention focused on the turbulent revolt in Warsaw—a stirring and heart-lifting spectacle of a brave captive people attempting to break loose many of their shackles. The cruel stranglehold of Communist tyranny, however, was too great for the Poles to overthrow. Nevertheless, their oppressors recognized in these people a spirit of freedom not to be ignored.

The suppression of freedom has persisted in Poland, but reports of unrest and even rebellion indicate the continuing resistance of the Poles against Soviet rule and their aversion to every form of communism.

Today—the 171st anniversary of the Polish Constitution—is a day of national dedication for all freedom-loving Poles. Let all American rededicate ourselves to the cause of our forefathers—to the cause of constitutional democracy. We must rededicate ourselves for freedom's sake if we expect to inspire the downtrodden and oppressed.

Poland is now a captive of conspirators who plan to destroy freedom throughout the world and substitute their own oppressive despotism. All free Poles have the duty to speak out for their enslaved brothers. Everyone should support them in their tireless struggle for freedom. The historic ideal of a free and democratic Polish Republic continues to live in Polish hearts. The Constitution of 1791 and the place of honor it has in Polish hearts is proof of that. This spirit cannot be forever enslaved. The promise it held over a century and a half ago still lives in the hearts and minds of freedom-loving Poles throughout the world.

On this day we proudly join Poles everywhere in fervent prayer that the spirit of the 1791 Constitution will soon prevail again in a free and independent Poland.

Mr. DERWINSKI. I thank my colleague from Michigan. I would like to make a special comment. The gentleman is one of our newest Members in the House of Representatives and it is gratifying that he has taken the time from his very active schedule to participate in this observation of the commemoration of Polish Constitution Day.

Mr. Speaker, I yield to the gentleman from Minnesota [Mr. MacGregor].

Mr. MacGREGOR. Mr. Speaker, I should like to take this occasion to commend particularly and congratulate the distinguished gentleman from Illinois [Mr. Derwinski] not only for the initiative and leadership he has shown in the commemoration of Polish Constitution Day, but for the leadership he has shown in keeping alive the hopes of freedom for all people in Eastern Europe and all the people in this country who have in their veins the blood of the peoples of the captive nations of Eastern Europe.

Mr. Speaker, in a day when interpretations of recent history become often confused and twisted, even in this country where we pride ourselves on a high level of education and public information, it is important that we join today in commemoration of Polish Constitution Day.

May 3, 1791, represents a dramatic milestone in the efforts of independent-minded men to establish social order under law and free of foreign domination. On that day Poland established its Constitution, thereby asserting a commitment of the Polish people to the democratic principles which they cherish and for which they have fought time and time again.

The Polish Constitution of the 3d of May stresses the will of the people and in this concept the people of Poland were introducing a new liberalism in Europe. It was such a threat to tyranny and absolutism that only 4 years later the armies of totalitarianism were sent to Poland to crush it. In our day, true liberalism in Poland was again defeated by military force in 1939.

Polish people everywhere, and Americans of Polish origin, are wonderfully qualified to remind the world of the true and real meaning of individual justice, of national pride and independence, and of true political liberalism.

I am deeply humble and thankful, taking note of the great contributions the people of Poland made to our own American independence, to join today in honoring the Polish national holiday as a great day in the struggle of mankind for individual freedom, self-government and human dignity.

Mr. DERWINSKI. I thank the gentleman from Minnesota.

Mr. Speaker, I yield now to our colleague, the gentleman from New York [Mr. Lindsay].

Mr. LINDSAY. Mr. Speaker, I congratulate our distinguished colleague, the gentleman from Illinois, on the contribution he is making on the floor of the House of Representatives today in giving appropriate and due recognition to Polish Constitution Day, and for the contribution he has continually made since he has been a Member of the Congress to the hopes and aspirations of all people who love freedom, particularly those under the yoke of communism in Eastern Europe, and, of course, to the people who are so close to his heart—the Polish people.

In many respects the gentleman has served his constituency and the country in this regard. In his championship of better and more liberal immigration laws he tried to see to it that the American concept is held high and carried abroad to people all over the world.

I would like to join the gentleman in paying tribute to the Polish people as they celebrate this holiday today, the anniversary of the adoption of the Polish Constitution on May 3, 1791.

The jubilation of the American people was boundless when the first news of the Polish Constitution reached Boston in July 1791. For this extraordinary document embodied many of the precious ideals of human freedom and international sovereignty which had guided the Founding Fathers of our country and had served as the touchstone in our immortal struggle for independence.

Throughout the grand and tragic days of 1792–95, which culminated in the ill-fated Kosciusko insurrection of 1794, the Polish people waged a valiant but unsuccessful struggle to preserve their newly won rights and freedoms against the hosts of Russia's Catherine the Great and Prussia's Frederick William II.

The tragic events in Poland were the source of intense concern to Americans as the memory of our young Nation recalled in gratitude the sacrifices of Kosciusko, Pulaski, and so many noble Polish people who, during our fight for independence, had offered their lives in the cause of liberty, asking nothing in return.

Poland once again came under the yoke of foreign domination. In vain did Woodrow Wilson announce his 13th point at Versailles in 1919, which called for a united, independent, autonomous Polish State with secure access to the sea. For within a generation her short-lived independence was destroyed by the superior force of Nazi and Soviet oppression.

It is only fitting that the American people pay tribute to the heroic efforts of a nation which has so long been in the vanguard of the struggle for freedom and human dignity everywhere. I would like especially to give recognition to the contribution the Polish people have made in the formulation of the free democratic process and free government, wherever it is found; to the contribution Polish intellectuals have made to the foundations of our own country, to our own constitutional structure, and to the implementation of that basic body of law known as the Bill of Rights.

This is an important day for a great many people, and it is a day that should be celebrated and remembered from year to year, looking forward to the day when the Polish people will no longer be under the yoke of Communist imperialism and will be free to determine for themselves their own future, free to live and grow under the blessings of freedom.

Mr. DERWINSKI. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. Morse].

Mr. MORSE. Mr. Speaker, I would like to join in congratulating our colleague from Illinois for the outstanding contribution he has made in bringing to our attention the occasion of the 171st anniversary of the Polish Constitution. I am pleased also to join with him and my other colleagues of the House in the continuing efforts on behalf of the aspirations of captive peoples everywhere.

The people of Poland know the value of freedom for they have enjoyed it and suffered its loss. From Nazi dictatorship to Communist tyranny—the Polish people have grown in their love of God and love of freedom and independence. The strains of the "Polonais" stir the hearts of not only the Poles but of all freedom-loving men. America remembers the contribution of Kosciusko in its fight for freedom and we look forward to the day when the shackles of godless communism will be cast from the brave people of Poland.

On this occasion I think it proper to remind ourselves of the contribution to our own democracy by the Polish people, and I take this opportunity to extend to the people of Poland and our own Polish-American citizens my best wishes on the commemoration of the birth of true freedom in Poland May 3, 1791.

Mr. Derwinski. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. Judd]

Mr. JUDD. I thank the gentleman from Illinois for taking this time today and for allowing me to add my word to this series of statements by Members of Congress expressing admiration for the wonderful contributions which the

Polish people have made to their own land and to civilization through their long and heroic history. All freemen everywhere pay grateful tribute to the Polish people for the valiant fight they have always made against tyranny of any sort, and for the fight they are continuing to make, through the only means available to them just now, against the cruel Communist tyranny imposed upon them against their wishes and their will.

Let me say that persons like the gentleman from Illinois [Mr. DERWINSKI] who are from families which relatively recently came to this country from Poland and other captive nations are oftentimes more keenly aware of the priceless value of our freedom here than are some of those Americans whose ancestors came over so many generations ago that they take the privileges and rights of freemen for granted. They have not known tyranny here; they have not lived for centuries, as have the Poles, under the shadow of giant powers on their east and on their west, periodically trampling them underfoot. Those Members of this House and of our society in general, who are closer to the mother countries from which we all came originally, have, in a sense, both a greater opportunity and a special obligation.

They have had the opportunity to know the older countries better than we whose families have been here longer; they also know better and sometimes appreciate more deeply the wonderful freedoms, privileges, benefits, and blessings available in this land of ours. This double opportunity gives them a special obligation—to this country and to the mother country. It is their obligation to alert us and our fellow citizens who otherwise are inclined to be casual and complacent and relaxed in a false sense of security. All who have been under communism or who know it for what it is, either through personal experience or having relatives and friends behind the Iron Curtain, have a duty to America to constantly cry the alarm. They will be called extremists or fearmongers or witch hunters, or seeing ghosts under the bed. But they are not anything of the sort, and they must keep on warning. They know what they are talking about, and they owe it to this country, the United States, to keep it awake and alert to the Communist threat which can overcome us only if through ignorance, apathy, or indifference we permit ourselves to relax.

In a sense, I might include myself with Americans like the gentleman from Illinois in that I was under communism in China for many months 30 years ago. All who have had such an experience, or have lived or talked with people from behind the Iron Curtain, or who have relatives under Communist domination have this other special obligation: unceasingly to do what the gentleman and others of us are doing today, send messages to the Poles and other captive peoples that they are not forgotten. While we cannot start an atomic war to free them, because they as well as their enemies would be destroyed in the process, we are not accepting their enslavement as permanent; we will never accommodate ourselves to the notion that human beings can be as well off, or ever be content under a godless regime which denies them the opportunities to live with dignity and decency as children of God.

I congratulate and commend the gentleman on this anniversary for his leadership in rewarning the United States by calling to the attention of the people of this country what it means to have worked out and adapted a noble Constitution and then to have had the free government established under it destroyed from the outside by ruthless forces—forces that will do the same to our American Constitution if we are not everlastingly on guard. At the same time we are sending messages of hope to the courageous peoples behind the Iron Curtain who are living under such difficult circumstances. We are sending them reassurances that they are not forgotten, that they will not be forgotten; that we will continue to support both freedom in the free world and the forces of freedom in the Communist world until the day comes that their strength and the inherent evils and weaknesses of communism together force it to change or to disintegrate. We look forward to that day; and, please God, it may come for our friends and coworkers for freedom in Poland earlier than may at this time seem possible. I have great faith that when the cruel dictatorship controlled by the Communist Party begins to fall it will go to pieces quickly and that the day of deliverance is nearer at hand than we have dared to hope.

We salute the Poles of yesterday who wrote their Constitution, and the Poles of today who battle on for the right to live under it again.

Mr. DERWINSKI. Mr. Speaker, I thank the gentleman.

The remarks of the gentleman from Minnesota are particularly gratifying since he is an outstanding member of the Committee on Foreign Affairs, and understands the tragedy which has befallen the people behind the Iron Curtain. The gentleman from Minnesota has devoted a lifetime of service to humanity and in his long service in the Congress has established a well-deserved reputation as the outstanding congressional authority on both the external and internal dangers of communism.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I would like to associate myself with the remarks of my colleague from Chicago who has taken time today to pay tribute to the 171st anniversary of the Polish Constitution. I think it is indeed extremely fitting that we should pay tribute here today in the Congress of the United States to this magnificent charter adopted by the Polish nation 171 years ago.

There will be no similar tribute to this great doctrine and to the ideals it espoused in Communist-dominated Poland today. There will be no tribute to this Polish Constitution, because this Constitution was patterned exactly after the American Constitution and brought to the people of Poland and to the people of Europe a new concept of freedom, a new concept of dignity for the individual, a new concept of freedom of speech, a new concept of freedom of religion, a new concept of freedom of enterprise. All of these freedoms guaranteed in Poland's Constitution of 1791 are contrary to the despotic philosophy of complete subjugation imposed on the people of Poland today by her Communist rulers.

Therefore I think it is fitting that we here in this country should today rise in tribute and remind the Polish people and the people of the world that it was this Nation that brought to the European Continent in 1791 those concepts that had been fought for with such great dignity and great effort in our own American Revolution and carved out by our own American forefathers. It should come as no surprise that the people of Poland should have followed the United States very quickly in adopting this concept of human dignity in 1791.

The first record of Poles in this country goes back to 1610 when Capt. John Smith invited the first group of Polish immigrants to come to America and settle in Jamestown, Va., where they helped establish the first factory in this country, a glass factory. It so happened that these people were expert glassmakers in Poland, and Capt. John Smith, through his travels in Poland, recognized it, and when he came to America and helped found a colony here he recognized he needed skilled mechanics and artisans to build American industry.

But, one thing stands out particularly in that first group of Poles that came here in 1610. Because America had not yet adopted its own Constitution, these Polish immigrants were treated as second-class citizens. They were permitted to work in this first American factory, but they were not permitted to vote and they were not permitted to own property. It did not take very long before the real spirit of the Polish people, the spirit that has survived over 1,000 years of history, came to the fore. These Polish immigrants staged the first sitdown strike in America in 1619. But, it was not a sitdown strike for economic gains; it was a sitdown strike for recognition of the dignity of man. They said at that time that if we are permitted to live in this country, if we are to be permitted to work for this country, if we can share in its economy, certainly we ought to have the dignity of owning property and of having the right to vote. This yearning for complete equality as American citizens among the Polish immigrants created a serious crisis in the Jamestown Colony. As a consequence, Capt. John Smith assembled the legislative assembly of that day and very quickly the legislators bestowed on the Polonians, as they were known in those days, full rights of American citizenship along with all other American rights of freedom.

This is the sort of spirit that has prevailed among these Polish people for 1,000 years of their history. And, I daresay it is the same kind of spirit that prevails in Poland today. Mr. Khrushchev in Moscow and Mr. Gomulka in Poland know very well that the spirit of freedom, the spirit of the dignity of man runs deep in the Polish people today. And, I do think we can safely predict that just as Poland for over 1,000 years of history has withstood oppression and just as many other tyrants have tried and tried hard to destroy the spirit of freedom in the Polish people and have failed, so will the Communists fail. There is no question in my mind that the Communist ideology which is today holding the Polish people in chains, supported by the overwhelming strength of the Communist war machines, their soldiers, their tanks—keeping these Polish people in suppression—sooner or later will have to collapse by the weight of its own tyranny. And, I know just as the Polish people have brought to the European Continent in 1791 those concepts of democracy, those concepts of freedom, those concepts of the dignity of man which we Americans value so highly and we Americans defend with such vigor, that that same spirit which exists in the Polish people today will emerge and Poland again will take her place among the family of free nations of the world.

Mr. Speaker, a free Poland will again be able to make her full contribution to the development of Europe and the world in the sciences, in the cultures, in education and in all other fields of human endeavor and dignity.

So, I congratulate the gentleman from Illinois [Mr. DERWINSKI], for arranging today's tribute, and I congratulate my colleagues for joining in this tribute.

Mr. Speaker, I am sure that the expressions being voiced here today by free Americans in this House of Representatives will be a source of great comfort and inspiration to the people of Poland. These messages will penetrate the Iron Curtain, and the Polish people will know that they have not been forgotten by the free world, and that we share with them their yearnings that they shall again be free and enjoy the dignity of freedom that God has destined for all mankind.

Mr. DERWINSKI. I thank the gentleman from Illinois [Mr. PUCINSKI].

Mr. Speaker, I point out to the Members of the House that the gentleman from Illinois [Mr. PUCINSKI] is recognized throughout the country as one of the outstanding spokesmen of Polish-American groups and organizations.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, I thank the gentleman for yielding. I wish to make the observation that many of us have observed our colleague's constant concern about good government and of the freedoms that our great democracy has made available to us. I know that concern is prompted because of the fact that he has recognized, as we all do, how easily some countries of the world, including Poland, have lost those freedoms.

Mr. Speaker, I want to commend the gentleman for providing the leadership and the opportunity for those of us in the Congress to make our comments relative to this Polish Constitution Day. I know it is the hope of everyone here that our messages today and our sentiments expressed today may find a way to reach them, to encourage them, for further continued struggle for the freedoms that we want them to enjoy as we enjoy them in this beloved America.

Mr. Speaker, again I extend my thanks to the gentleman from Illinois [Mr. DERWINSKI], for yielding to me.

Mr. DERWINSKI. I thank the gentleman from Minnesota.

Mr. Speaker, in conclusion I make special mention to the Members of the House that I was especially pleased to see the statement from the gentleman from Pennsylvania [Mr. FLOOD], who has been an outstanding spokesman for the cause of the people behind the Iron Curtain for many, many years, and who is particularly recognized for his work on the Special House Committee which investigated the Katyn Massacre, perpetrated by the Soviets back in 1940.

Mr. Speaker, I am especially gratified to note that he continues his tremendous interest and concern in the problems of the Polish people, and displays his tremendous respect for the history of the Polish people.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BATES. It is appropriate indeed that the Congress of the United States should, on this day, demonstrate its warm feelings of faithful friendship toward the Polish nation for its heroic response to the challenge of the Soviet-Nazi totalitarianism.

The commemoration today of Poland's great constitution of 1791 is a reminder to us all of Poland's love and attachment to freedom and independence. These principles lived in the hearts of many Polish generations, and in times of national well-being as well as in times of misfortune, they represented the fountainhead of national consciousness, patriotism, and of ever-present readiness to make sacrifices for the common cause of freedom of all nations.

Poland, although deprived of freedom and forced to live under a totally alien system of communism, belongs nevertheless, to the leading nations of Europe, and its ceaseless fight for ideals of freedom has our highest admiration.

The light of freedom burns vividly and we are positive that it will regain its richly deserved place among freedom-loving peoples. We know that Poland's moral and spiritual unity remains unshaken, and we welcome continuing reports that although submerged during the last 18 years by the Soviet tide of colonialism, the Polish people are as anti-Communist as almost any other nation on earth.

We, in the United States, are closely linked with Poland in many ways. In the Sixth Congressional District which I have the honor to represent, are thousands of fine Americans of Polish descent who rightfully boast of their great heritage.

Both nations are closely linked. We are joined by common tradition of struggle for freedom and social justice. Over 4,000 Americans of Polish lineage fought with the Federal Armies of the North and about 1,000 joined with the Confederate Army of the South in this great struggle for the essence of America's future. Need we mention Poland's great help to our Revolution and liberty, and such leaders as Casimir Pulaski, Ignace Jan Paderewski, Frederic Chopin and others who have enriched the world by their life and spirit?

Poland's desire to regain its freedom and independence has our unswerving support and we pray that this proud nation will soon throw off this foreign yoke and soon realize its dream of liberty.

Mr. MULTER. Mr. Speaker, throughout the world today Poles and persons of Polish ancestry along with liberty-loving peoples everywhere will commemorate the anniversary of the adoption of the Polish Constitution of 1791. One hundred and seventy-one years ago the Polish Parliament acclaimed the Constitution of 1791 and heartened the struggle of people everywhere to secure a free and democratic way of life.

The history of the Polish people is a monument to the spirit of bravery and honor which has distinguished the Polish people since their national history began in the 10th century. It is appropriate that we mark here today the courage of the Poles who never faltered in their pursuit of the ideals of liberty.

It has been said that the best measure of a people's greatness is in its fidelity to its highest ideals. In this respect the Poles are without equal. For in the history of mankind they have achieved something of a record in their ferocious resistance to tyranny in spite of overwhelming odds. The remarkable resilience of the Polish people in standing off their oppressors must stand as an example to all people throughout time.

Throughout the centuries the great Polish leaders have all exhibited certain common characteristics. Those characteristics are courage, moral fortitude, and capable leadership. No matter how different or varied were their occupations they all demonstrated the same love of God and their religion, love of country, and steadfast determination to liberate their homeland.

The lonely and heroic stand of Poland in 1939 in resisting the invading forces of Nazi Germany and the Soviet Union was without parallel in European history. We here today remember well how Poland stood alone in offering the first resistance to the Hitler war machine and the crushing force of Nazi totalitarianism. The people of the free world were inspired by the example of the Poles and for the first time realized how great was the threat of the Axis Powers to civilization. What would have been the course of history in our time if the Poles had not offered this valiant opposition?

The contribution of Poland to the allied cause during World War II and the continuing demonstration by the Polish people of their devotion to freedom makes it incumbent upon us in this country to keep faith with the Polish people during their present condition as a satellite nation. There is much that the United States can do to ease the burden of the Polish people.

We must remember on this anniversary of the Polish Constitution of 1791 the promises which we made to the Polish people to insure a free, viable, independent republic, in the postwar years. The Polish people are not without hope. They have the same deep love of liberty and the same patriotism which enlivened their forefathers. The anniversary of the May 3 Constitution will not pass unmarked in the Polish homeland. Polish civilization has always had strong ties with the West. Although the Polish people have been disillusioned often in their hopes of a freer way of life, they still look to the West for inspiration. In particular, they look to the United States for leadership. We must not disappoint them.

Here in the United States we sometimes delude ourselves with the notion that our liberty and our national strength are the result of our own unique efforts. We forget that our Republic reached its present development on a continent rich in natural resources and protected from invasion by thousands of miles of ocean. We would do well to remember that the desire for liberty is not enough. Liberty must be protected by strong defenses. The tragedy of Poland is that it has had no natural barrier to protect it from the aggression of its rapacious neighbors.

Through our economic and financial assistance the nations of Western Europe have rebuilt their economies. They form a bulwark against the tide of communism. In the nonindustrial nations we have pioneered programs of agricultural and industrial development. So too must we turn our attention to the satellite nations and assist them wherever possible in throwing off the chains which bind them to the Soviet Union.

I hope the day may come soon when the liberty of which the writers of the noble Constitution of 1791 dreamed will be a reality for the long-suffering Polish people.

Mr. ST. GERMAIN. Mr. Speaker, each year on May 3d we commemorate the adoption of the Polish Constitution of 1791. In this way we honor the Polish nation for its valiant struggle against tyranny.

The struggle of the Polish nation has been unremitting in nature. Three times Poland was partitioned in the 18th century. Each time the Poles resisted only to be submerged by the armed forces of her neighbors. Again the Poles attempted to declare their independence in the 19th century only to be overwhelmed by the czarist forces.

Only between the two World Wars did Poland maintain an independent national existence. The independence was short lived, for Poland was once more partitioned, this time by Soviet Russia and Nazi Germany.

Thus the determined nature of the Polish resistance to national supression has been demonstrated dramatically twice in our time. The first occurred in September of 1939 when Poland was invaded by Nazi Germany. The second demonstration took place in 1956.

Poland was the first nation of the free world to resist the totalitarian forces of World War II.

Since that time of sorrow and stalwart resistance we, here in the House of Representatives, have held a special observance. In our observance we honor the ideals of liberty which the Poles have kept before them in their long and tumultuous struggle for national survival.

Those ideals, embodied in the constitution of 1791, were expressed emphatically by the Polish Government in exile in London. The pledges made by the Polish leaders in the dark days of 1941 serve to remind us of the enduring nature of man's struggle for liberty. I would like to pay tribute to the determined struggle of the Polish nation by repeating those pledges here:

First. The Polish State will be based on Christian principles and culture.

Second. Poland will be a democratic state. All her citizens will enjoy equal rights and equal treatment by the administration and the courts, regardless of race, creed, or nationality. Personal liberty, the democratic rights of individual citizens, and the national rights of the minority groups—Slavs, Lithuanians, and Jews—will be fully respected.

Third. Poland's administrative apparatus will be responsible to and controlled by the national representatives, elected by the secret, equal, universal, and direct vote of all her citizens.

Fourth. Economically and socially Poland will strive to realize the principles of social justice. Every citizen's right to work will be assured and safeguarded, every peasant will own the land he tills. A just redistribution of the land will be effected by the Government. Manual and clerical workers will have a voice in the control of industrial production, and a share in its fruits. The productive system will be reorganized according to just and rational principles, and workers will be protected from exploitation and assured a decent standard of living and health.

We are proud to salute a people who, though under Communist tyranny, still cherish these splendid principles.

Mr. McCORMACK. Mr. Speaker, we are taking time in our busy schedule today to honor the Polish Constitution of May 3, 1791. We Americans would do well to consider the unflinching determination and courage of the Polish people down through the years since that May of long ago. We as well as the Polish people can take inspiration from the past, for our Nation owes much to the Polish people.

Similarly the Polish people look to our country for guidance and hope. In the words of Aleksander Skrzynski, the distinguished Foreign Minister of Poland during its period of independence following World War I:

> It was no more caprice of chance that brought Kosciuszko, the defender of a perishing old democracy and the hero of its rebirth, to this free land and to the side of your illustrious forbears to fight a disinterested battle for the ideal of liberty and progress. The Kosciuszko statute in Washington is a great deal more than the commemoration of a curious or even touching historical anecdote. It symbolized in Kosciuszko's act the existence and the disclosure of a certain deep spiritual and idealistic union between Poland and the United States, which existed before any mind was able to detect, describe, or explain it. It is a union of the same yearnings, the same affections, and of the same ideals in which these yearnings and affections became incarnated. And when, on the most prominent spot in Warsaw, there stands a statue of President Wilson, then will the symbolic feature of this union become fulfilled; and then will it be distinctly indicated that this union was and is reciprocated. * * * Democracy in Poland is objectively driven to model itself upon the democracy of the United States; to adopt its patterns; to pursue its aims. It not only desires, but is compelled to be its most faithful ally.

The commitment to democratic government so aptly described by the Polish diplomat in 1925 was demonstrated in action during World War II. Poland has long opposed international aggression and totalitarian expansion.

She supported the League of Nations and counted herself among the backers of the Atlantic Charter. The sacrifices and courage displayed by the Polish people during World War II were almost without parallel in the history of Western man. One-fifth of the population was lost. Warsaw was subjected to almost total destruction and has symbolized for our time the atrocities of an utterly ruthless dictatorship. The shocking slaughter of the Polish officers in Katyn Forest was only a part of the campaign of decimation carried out on Polish soil. And yet the Polish people continued to resist their oppressors. The Polish underground was among the more effective in Europe. Many chapters in its heroic story are still unpublicized. Poles in exile fought bravely in the European theater.

The spirit of the Polish people was not dashed by the incredible massacres of World War II nor by the Communist dictatorship enforced by Russian troops. In June of 1956 the Polish people again rose in protest. The Poznan riots were the end result of 12 years of Stalinist suppression. The hopes of the free world rose with the Polish people in those eventful days of June 28 and 29. And the United States continues to encourage the Polish people in their tentative moves toward great freedom under their present form of government.

Today it is a pleasure to honor the anniversary of the May 3 Constitution and to express our hopes that the Polish nation may achieve the goals of democratic government stated so boldly 171 years ago today.

Mr. MARTIN of Massachusetts. Mr. Speaker, the date of May 3 is annually a significant occasion for the people of Poland and for people of Polish origin everywhere in the world. It was on this day, in 1791, that a constitution was adopted guaranteeing the people of Poland their liberty and their freedoms.

The essence of the Polish Constitution was closely allied, in spirit, and in purpose, with the terms of our own American charter of liberties. Consider this statement of intent, this ideal of liberalism, in the Polish Constitution.

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society on an equal scale and on a lasting foundation.

This expressed the ideals and aspirations of the Polish people in 1791. It still expresses their fundamental ideals and aspirations today. But the tragic fact is that the condition of servitude of Poland today is completely reversed from the purposes enunciated in the constitution of 1791. On the other hand, the fact that the ideals of freedom, liberty, national integrity, and dignity still remain the undiluted aspirations of the people of Poland is the bright hope of the future.

The will of the Polish people to regain their rightful place as an independent state in Christian civilization remains fixed and constant. Although engulfed during the last 18 years by the tide of Soviet domination and colonialism, Poland has never lost its determination to regain its freedom and independence.

Communism rules Poland and its European neighbors by force, by threat, by the police state, by the gun and the tank. No government which must depend upon these ruthless methods to control its people can survive indefinitely.

The desires burning in men's hearts for human dignity and freedom will eventually bear fruit.

This observance here today in the House of Representatives and by free Poles wherever they are located will serve as living proof to the people of subjugated Poland that their plight is not forgotten and that we in America share with them their sorrows and their aspirations for a better and happier day.

Mr. SCRANTON. Mr. Speaker, since the days of the Revolutionary War, Poles and Americans have joined in a common enterprise. That enterprise has been to secure liberty under a democratic national constitution. We have been more fortunate in our history than the Poles. For that reason this country has served as a fortress and a shelter for Polish refugees and immigrants.

The Polish Constitution of May 3, 1791, was adopted only 3 years after our own. It had much in common with the American Constitution. Liberal thinkers throughout Europe proclaimed it as a significant step in establishing a democratic system of government. But the recognition of equality of all men, and the establishment of religious liberty were repugnant ideas to the autocratic rulers of that day. Russia, Prussia, and Austria invaded Poland. Although the Polish Army at first held the line against the aggressors under the brilliant generalship of Kosciuszko, the overwhelming forces of the oppressors were successful at last.

The year of defeat in 1795 was a bleak one in Polish history. Yet the Constitution of May 3 became a landmark in European history. It served as a beacon on the obscure and gloomy landscape of eastern European despotism.

One immediate result of the defeat of the Polish reformers was the immigration of many Poles to the United States. It was only natural that they should choose a country where the free institutions for which they fought were firmly established. In this country they made lasting contributions to American life.

The military tradition of Pulaski and Kosciuszko was continued by those who followed in their footsteps to the United States. During the Civil War many Poles distinguished themselves. Vladimir Kryzanowski was among the first to answer Lincoln's call for volunteers. Six months later he was a colonel; he served in many battles including Bull Run, Chancellorsville, and Gettysburg. At the end of the war he was a brigadier general. Joseph Karge was another distinguished Polish officer. All told, aproximately 300 Poles served as officers during the Civil War. During both World Wars and the Korean war Americans of Polish descent served their country bravely.

The achievements of Americans of Polish descent are well known in other fields. In music the names of Leopold Stokowski, Josef Hoffman, and Artur Rodzinski are well known. Polish names figure among the Nation's distinguished scientists—Bronislaw Malinowski, Felix Pawlowski, and Louis Karpinski are but a few who have made outstanding contributions. One of the most spectacular engineering feats of our time was accomplished by an engineer of Polish descent, Ralph Modjeski, who supervised the construction of the enormous Oakland Bay Bridge. In the area of humble labor this country owes much to the Polish immigrants. They sweated in the coal mines, packing plants, and steelmills and helped make this country a great industrial power. And who today is ignorant of the prowess of Stan Musial and Ted Kluszewski?

Today on May 3 it is a pleasure for me to speak of the notable service of the Polish people to the cause of liberty here and in their homeland.

Mr. DEROUNIAN. Mr. Speaker, during the last war the Poles suffered more and lost more than any other people. They were the first to be victimized in that war, and today they remain the helpless victims of wartime and postwar world events. But even in the face of their unhappy lot they have not been deflected from the goals they had set before them, goals which were enunciated in the great Polish Constitution of 1791. That historic document embodies their national goals and heritage—freedom, liberty, and independence.

The Polish Constitution of 1791 was conceived at a time when Poland's greedy neighbors were on the verge of partitioning Poland for a second time among themselves. With that constructive and democratic document the Poles hoped to revamp their governmental institutions, strengthen themselves and be better prepared for the imminent struggle. By the provisions of that Constitution, Poland became a constitutional monarchy. A liberal parliamentary system was introduced and ministerial responsibility was establishd. The electorate was enlarged and certain privileges formerly enjoyed by the few were made available to the many. The peasantry was brought under the protection of the law, and the prerogatives of the landlords were sharply curtailed. Though Poland remained officially Roman Catholic, religious freedom to other sects was guaranteed.

Most of the above provisions represented sweeping political and social innovations and great advances in Poland. The promulgation of this Constitution was a symbolic assertion of Poland's determination to link her fortunes with the enlightened and progressive West. And all liberal leaders of the West were delighted to have Poland as an outpost of democracy in Eastern Europe. They all praised the Polish Constitution as a liberal, progressive, and constructive document embodying the spirit of the age.

It is a real tragedy that the Polish people cannot commemorate this anniversary, the 171st anniversary of their Constitution Day, in their homeland. To the patriotic Poles who suffer under alien oppression there, that privilege is denied. But the profound significance of this anniversary is not lost to them. They all cling to the ideals embodied in their great Constitution and abide by them, and fervently cherish the hope that eventually their righteous cause for freedom, for liberty, and for independence will win, even against the brutal, powerful, and stifling forces of Communist totalitarian dictatorship. They all pray silently and clandestinely, for the day of their freedom, for the realization of the spirit of the Constitution of 1791. On this 171st anniversary of the adoption of that momentous document, the Polish Constitution of 1791, we all join them in their prayer.

Let us remain firm and preserve moral principle. Let us not retreat in Poland, Berlin, or any other place. Let there never be another sellout as perpetrated by President Franklin D. Roosevelt.

Mr. BROOMFIELD. Mr. Speaker, May 3 is Polish Constitution Day. One hundred and seventy-one years ago—barely 2 years after the adoption of our own Constitution—the Polish Diet proclaimed a new Constitution which was the first democratic instrument in the history of Poland. Although this Constitution is not in effect today, it has served as the inspiration of freedom-loving Poles in their continuing fight for independence over the years.

Poland today suffers under a Soviet-imposed constitution of a Communist pattern, but the indomitable spirit of freedom lives on in the hearts of the great majority of its people. I am happy to join with peoples of Polish origin in all free communities of the world in commemorating this day, and extend assurances that the American people support the courageous people of Poland in their fight for the restoration of a democratic system of government, which for so many years has been under the heels of communism.

Mr. KLUCZYNSKI. Mr. Speaker, the first verse of the Polish National Anthem states: "As long as we are alive, Poland is not lost."

Today, on the 171st anniversary of Polish Constitution Day, May 3, the above should be our motto. As long as we, Americans of Polish descent, are alive in this great American democracy, there must be a hope that Poland will once again regain its independence, sovereignity, and liberty, from the Kremlin leaders. I feel that in this goal we are not alone. Standing behind us are many of our colleagues of Irish, Italian, English, French, and other nationalities, and behind them are the masses of constituents they represent. That is the reason that once again I can proudly call out, "As long as we are alive, Poland is not lost."

Right after World War II we were shocked because of the treatment given to Poland. We could not forget how she first fought bitterly to oppose Nazi aggression; how cruelly she was stabbed in the back 17 days later by the Soviet Union, although both countries had a nonaggression pact. On top of the Nazi persecutions, we learned about the Katyn massacre and we had to swallow more bitter pills when our press and most of our Nation were hailing the "glorious achievements of the Red army." We were ignorant as to the true goal of the Soviet invaders, and it took us a long time to understand and realize that a new tyranny, replacing that of Hitler, had appeared on the horizon. Poland was the first country to experience the Kremlin's intent.

In vain did Polish political leaders cry out to the world, warning everyone against the danger of a world conquest. Whole territories were swallowed up by the Communist masters, countries disappeared from the map of the world, one after another.

In the name of the people of the world, butchers in the Kremlin expanded their empire, setting up puppet regimes, pilfering, persecuting, and murdering those who cherished freedom. We saw them later joining up the United Nations and right from the beginning they have asked for more seats than they were entitled to. Even here we gave in and more was to come.

The consequences of our shortsightedness are to be seen today. A recent map printed in the New York Times tells us that there are 20 world problems confronting us. In almost every problem Soviet Russia has its hand in it. A divided Korea, China's militant policy, pressure from Peiping on Taiwan, North Vietnam as a threat to southeast Asia, danger of Communist takeover in Laos; question of nuclear tests; Soviet threat to Scandinavia; threat to Berlin; disarmament stalemate; the future role of the United Nations; Cuba as a Communist bridgehead; tensions in the Middle East and North Africa. I do not think that in our entire history there were so many burning questions to be settled, and so many of them at the same time as there are today. We should not hesitate to admit that we have built up a Frankenstein at a time when the Soviet monster was still limited to its borders in 1917. We have fed them and we have armed them and above all we have trusted them only to find ourselves attacked by the same Kremlin henchmen barely before the war against Nazi Germany was over.

Poland, who experienced and scented the Soviet true picture first, was muffled. Those of us who sounded off and warned against the grim future, were called warmongers. Reasoning, logic, and pleadings remained unheard. When Poland's Gomolka was thrown into jail under the Bierut regime, we felt sorry for him. We hailed him in 1956 when he returned to power, and we quoted his liberal trends in our daily press. Granted that there was some liberalization in Poland in those days. But, for how long? Jakub Berman, Moscow's henchman for Poland between 1945 and 1956, one of the most brutal men responsible for all terror in Poland, lives a quiet and prosperous life now in Warsaw. Stanislaw Radkiewicz, another hoodlum sent to Warsaw under Stalin's auspices, was never even indicted. Hilary Minc, Poland's economic boss under the Stalin era, the man responsible for Poland's economic catastrophe, today spends most of his time traveling from one resort to another, in Poland and abroad. All this should not surprise us, considering Wladyslaw Gomolka's own attitude in this respect. Full of cynicism he addressed his party congress on the occasion of the 20th anniversary of the so-called founding of the Polish Communist Party. Here he went so far as to justify Stalin's participating with Hitler in the partition of Poland in 1939, by blaming the responsibility on all Polish political parties opposed to the Soviet Union. Anyone reading his speech would think that it was Poland along with Hitler's Germany that attacked the Soviet Union. How cynical can you get, Mr. Gomolka.

Once again we will have to celebrate Poland's greatest holiday outside of Polish soil, and once again we can only pray that Providence shall stop the evil tide that blows from Moscow. Only then the people of Poland and the rest of all Soviet enslaved nations will be able to breathe freedom once again.

Mr. ROSTENKOWSKI. Mr. Speaker, on May 3, 1791, the people of Poland adopted a system of fundamental laws and principles which provided:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

What is the significance of this document? Where did they receive their inspiration to adopt it? The answer to the first question is self-evident. The people must abide by a standard of rules to maintain their rights in society, however the rules should be formulated by the people governed, which gives meaning to the document.

The answer to the second question falls into the category of the mysterious guidance which seems to influence our daily lives in many ways. A guidance not segregated to any one class, race, or creed, but blanketing all humanity. The feeling of love for fellow man, although in many areas of the world today, we question the predominance of this feeling because there are rebels without a cause of goodness in their hearts. However, these rebels have raised their ugly heads on many occasions since the beginning of man. Fortunately they have always been beaten down, for goodness cannot be oppressed.

It is the same inspiration that fell upon the first citizens of our great Nation, when they adopted our Constitution, to establish a government of the people, by the people, and for the people. The desire for equality in a period of history of rebellion against tyranny.

The Poles achieved their goal without the flow of blood we experienced in achieving the same fundamental aims.

But the fortunes of freedom were short lived by the Poles, for they did not have the protection of an ocean separating them from the evils of imperial rulers that prevailed around their borders. In 1795 they were again engulfed by the powerful rulers of the time.

This discouragement would cause many to give up in despair and accept the rule of slavery. But not the Poles, for the taste of freedom was instilled in their hearts and minds, and they continued to work for their goal. With the conclusion of World War I, Poland rose again as a free nation governed by themselves.

This period of independence lasted for two decades and the Poles enjoyed a happy and carefree existence. But during these 20 years, secret forces were working to enslave the world. To the east and west of their borders, new tyrants arose, greedily seeking control of humanity. Poland was once again in the center of this vise.

The Poles fought gallantly to preserve their way of life, but the German juggernaut was too powerful for them to overcome. They lost their struggle and were once again forced to live under a police state.

With the defeat of the German dictators, the world felt that the Baltic and Central European nations would be given their freedom. But in defeating the Nazi regime they were overrun by a new form of dictatorship, Communist Russia.

Poland today is still dominated by this new menace—a stronger menace than previously experienced. But it has not daunted their spirits, for they still long for their independence.

We, as a free people, must provide them with added encouragement to achieve their goal. We are the leaders of democracy and, as such, we cannot deny humanity the purposes for which we stand. With continued vigilance, fortitude, and determination, not only the Poles, but all oppressed nations, will one day again rise as a freedom-loving people.

On this anniversary of Polish Constitution Day, let us raise our voices to show the Poles that we believe in their cause. Let us inspire them to continue their struggle for independence. With this spirit and the mysterious guidance for goodness, their time of liberation is coming nearer, which can eventually lead to peace on earth. For only as free people will the world ever enjoy a truly peaceful society.

Mrs. GRIFFITHS. Mr. Speaker, today we are once again celebrating the anniversary of Polish Constitution Day.

This historic document enacted on May 3, 1791, brought about important political, social, and educational reforms destined to strengthen the Polish state.

It is the firm belief in the principles of this Constitution and the courage and stamina of the Polish people that have enabled them to survive the many attempts to impose the will of another nation upon them.

So it has been in the past and so it will be in the future. The Communist menace will never succeed in breaking the Polish spirit.

Once more we in the United States reaffirm our common bonds with the Poles. Our own heritage and our basic belief in man's unalienable right to liberty, life, and orderly pursuit of happiness will never let us rest until Poland is free. The cause of Poland is the cause of freedom.

Mr. MACDONALD. Mr. Speaker, it is most fitting that we of the Congress of the United States grant due recognition to the historic date of May 3, 1791, the date of the birth of democratic constitutional government in Poland. We, along with the free peoples of the world, are paying homage to Polish Constitution Day, a holiday which the inhabitants of Poland themselves are prevented from observing because of the Communist terrorists who presently dominate that country.

In 1791, Poland was surrounded by powers practicing oppression and tyranny, and threatening its existence. It was in such an atmosphere that this great constitution was adopted, recognizing the equality of all men, proclaiming religious liberty and establishing by basic law freedom of thought and speech. The Polish Constitution was the first democratic constitution in Europe establishing the rights of all classes and assuring the religious freedom of all groups. Like our own Federal and State Constitutions, that document is one of the outstanding monuments which man has erected in support of the human right of self-determination and equality before the law.

Just as they have abolished the observance of Polish Constitution Day, the Communist oppressors have abolished the Polish Constitution. Without their Constitution, Poland is suffering one of the greatest attempted purges and religious annihilations of modern times. Instead of delegating their powers to the Polish people, the Communists have diabolically taken away all rights of self-government. Although Russia has now usurped all the civil liberties from the Polish people, the intangible factor such as morale, love of country, and devotion to freedom are still in the hearts of every Polish citizen.

Today, even though Poland has been subjugated to the might of godless communism, the Polish Constitution has lived on as a symbol of the day when Poland will again be free. In their long history the Polish people have had little opportunity to enjoy freedom, yet they have constantly and valiantly struggled to attain it. Despite the sufferings of invasions, partitions, and occupations, Polish patriotism has never faltered.

It was this love of liberty denied them in their homeland that brought many Poles to our shores. Poland's loss was our gain, for their contributions in our struggle to earn and preserve our freedom were vital. During the Revolutionary War, it was Gen. Thaddeus Kosciusko, Gen. Casimir Pulaski, and almost a thousand other Polish patriots, who fought for the Continental Army. During the Mexican, Civil, and Spanish-American Wars, Americans of Polish descent died for the preservation of freedom. More recently, during World War I, 300,000 Polish-Americans fought brilliantly in many theaters of war in defense of their adopted country, and in World War II more than 900,000 served.

Our Polish-Americans have helped in building American civilization and culture. The cultural achievements of Poland have become part of the varied culture of America. The Poles have contributed to the spiritual and religious growth of our country. Without the technical, cultural, and physical contributions the people of Polish ancestry have given to the American scene we would not be the Nation we are.

I am happy to relate that the U.S. Government has not foresaken the Polish people. Since 1957, our Government has entered into a number of agreements with Poland providing principally for the sale of surplus agricultural commodities to Poland under Public Law 480. These agreements have brought significant benefits to the Polish people. Ships of items such as dried milk, fruit, pharmaceuticals, medical equipment and food processing machinery have contributed to an improvement in the diet and medical care of the Poles. Over 200 million American dollars have purchased poliomyelitis vaccine to immunize about 3 million Polish children.

Private organizations in the United States have been active in Poland. The Ford Foundation has a program facilitating travel and research in the United States by Polish academicians, particularly in the social sciences. The Rockefeller Foundation has allocated a substantial sum to a program with Poland which is used both for the acquisition of scientific materials for Polish institutions of higher learning and to enable Polish scholars to travel to America. The Institute of International Education and the National Student Association are among private American organizations and institutions now active in the field of the United States-Polish exchanges. Since 1956, the following private U.S. voluntary relief agencies have resumed activities and opened offices in Warsaw: The American Jewish Joint Distribution Committee, the American Organization for Rehabilitation and Training, American Polish National Relief for Poland, American Relief for Poland, CARE and Church World Service.

Mr. Speaker, the people of Poland have the right to know that we in America who owe so much to those of Polish birth, cherish the thought that a free and sovereign Poland will one day rise again. Today, when liberty-loving Poles celebrate their national holiday and the anniversary of their constitution, they should be plainly given the encouragement that is inherent in the simple fact that we have not forgotten them.

The anniversary of the Polish Constitution of 1791 provides a proper occasion for us to rededicate ourselves to the cause of oppressed Poland. To a great extent this cause of Poland is our cause because it has its roots in a desire for freedom. And, so long as Poland and the other oppressed nations of the world do not enjoy the blessings of liberty, the world itself will never know the meaning of peace, security, and progress.

Mr. KOWALSKI. Mr. Speaker, the yearly memorialization of May 3 as Polish Constitution Day presents us with a valuable opportunity to weave recollections of the past into the fabric of today's world.

The Polish Constitution of 1791 was constructed in an atmosphere heavy with the threat of foreign intervention and domestic schism. Yet the document was a remarkable one. Its authors dealt admirably with questions which only a few years earlier had confronted our own Founding Fathers. Poland's Constitution of 1791 decreed the abolition of class distinction and privilege, the establishment of local and administrative autonomy, and formal recognition of the inalienable freedoms of speech, conscience, and equality under law.

The tragic circumstances in which foreign powers prevented Poland from experiencing the merits of this enlightened document only dramatize its place as a landmark in Poland's apparently endless struggle for national independence.

This 171st anniversary of Polish Constitution Day can bring us sharply to the present. The nation which produced this estimable Constitution has also given the United States many fine citizens. Poles were with Capt. John Smith at Jamestown, they fought with us for our independence, and during the 20th century over 1,200,000 Polish-Americans fought for this country in two World Wars.

This day should remind us that the urge for freedom so eloquently expressed in the Polish Constitution of 1791 is represented here today by the Americans of Polish descent who live among us. We value their contributions to our national life in the same breath wherein we recall the high ideals of that document.

Mr. MURPHY. Mr. Speaker, great historic documents are the genuine expressions of lofty ideas conceived and formulated by men of vision and foresight. Such documents make landmarks in national histories and leave their lasting impression on national institutions. Our Declaration of Independence and our Constitution mirror our national character. By the same token, the Polish Constitution of 1791 reflects the liberal and progressive character of Poland's leaders in the late 18th century. At that time when Poland was partly partitioned and despoiled, patriotic Polish leaders produced the Constitution of 1791, which was, and still remains, a landmark in Poland's modern history.

With its broad and liberal provisions, such as the establishment of religious freedom, the elimination of class distinctions, introduction of ministerial responsibility, and the provision for mandatory periodic reforms at specified intervals, this historic document ushered in a new era in Poland and also in central and eastern Europe. That Constitution signaled the beginning of limited, constitutional monarchy and the establishment of democratic principles in that part of Europe.

Today, 171 years after its drafting and adoption, the ideals of that Constitution still retain their validity and vitality. In commemorating this Constitution Day, we humbly pay tribute to all those brave Poles who suffered untold sacrifices for the realization of their national ideals—freedom, liberty, and independence.

Mr. SANTANGELO. Mr. Speaker, I wish to associate myself with my colleagues in paying tribute to the Polish people who are suffering under tyranny.

Today we salute the Polish people for their contribution to the best tradition of western political life. Poland's Constitution of May 3, 1791, has been the purest expression of the endless striving of the Poles for liberty under law.

The adoption of the Constitution of May 3 brought Poland into the group of new democracies which revolutionized political life at the end of the 18th century. The greatness of the May 3 Constitution lay in its elimination of the fundamental weaknesses of the Polish political and social system. It is also remarkable in that the basic social change embodied in the document came about peaceably through parliamentary methods.

The most lasting provision of the Polish Constitution of May 3 was the one which invested sovereignty in the people. To Western Europeans nurtured on the ideas of the French Revolution or the tradition of British parliamentarianism and to Americans, the principle of that provision is taken for granted. But in Eastern and Central European political thought the notion that sovereignty stems from the people was an alien concept. Thus the political heritage of the Polish nation binds it to the tradition of the western democratic rule.

We pay tribute here to the unflinching efforts of the Polish people to achieve their ideals of democratic life. May the future be kinder to this brave nation than the past has been.

Mr. MONAGAN. Mr. Speaker, I am happy to join with my colleagues in marking the third of May which is celebrated all over the world as Polish Constitution Day.

This celebration is important because it recalls to our mind the fact that Poland was one of the pioneers of freedom in Europe. Only 2 years after the adoption of the U.S. Constitution, Poland took the great step of asserting democracy and in striking the blow for freedom in adopting her Constitution. This Constitution set forth the immortal formula that "All power in civil society should be derived from the will of the people."

We regret the sad plight of Poland today when the liberty which she proclaimed in 1791 is so greatly restrained by foreign power. At the same time, we pay tribute to the glorious past and express fervent hope that the freedom which was proclaimed with such optimism 171 years ago may once again be hers.

Mr. ANFUSO. Mr. Speaker, today, on Free Poland's national holiday, it is fitting that the American Congress offer this special salute.

On May 3, 1791, Poland adopted a constitution, and the King, who had voluntarily limited his authority, vested legislative power in a bi-cameral legislature much like ours. The American and French revolutions had planted seeds of democracy which were quick to flower, and it is to the great credit of Poland that the new liberal order was established without bloodshed.

The ensuing years have often been sorrowful. This proud country has been pillaged and partitioned unmercifully, and now it is entangled in the sticky web of a Communist hypocrisy which tries to deny freedom of thought and of action.

But "the disease of liberty," as Jefferson said, "is catching," and it is with enormous compassion that we realize how often and for how long the Polish people have defied their captors and kept aloft the once-bright image of their destiny.

Recent struggles at Poznan in 1956 proved a wedge which has acquired for them quite special concessions from the Communist Government, such as privately-owned land, and a less rigid conformity to Soviet ideologies. They proved that the Communist idea will not win over the allegiance of the deeply Catholic masses, and that of the Western-oriented intelligentsia.

On this memorable Polish Constitution Day we wish to join the people of Poland and Americans of Polish descent in prayers for the re-emergence of a free Poland, and to express our deepest gratitude for their efforts in the cause of liberty.

Mr. ADDONIZIO. Mr. Speaker, the revolution in Poland 172 years ago was of great interest to Americans who had just completed their own war for independence. The same revolutionary ideals which inspired our own struggle for freedom were cherished by the leaders of the Polish Revolution of 1791.

What were the ideals which so many fought and died to uphold? Essentially they were those of the Declaration of Independence—that men are endowed with certain unalienable rights, that to secure those rights governments are instituted among men, and that governments derive their just powers from the consent of the governed. The words penned by Thomas Jefferson and boldly subscribed to by American revolutionary leaders reached far beyond the confines of the provincial British colonies on the eastern seacoast of the North American Continent.

Some of us have grown up in the lazy habit of thinking of the American Revolution as a rather quaint and picturesque affair fought behind stone fences in New England and engendered by an annoying pastime of the British Parliament of taxing tea. Above all we have forgotten the international effect of the audacious doctrine of the American revolutionaries.

The American Revolution was a source of anxiety and inspiration abroad. It brought fear to the hearts of the tyrants of Europe who persisted in their outmoded policies of oppression. But to those struggling to bring reform to their own governments it was a source of inspiration.

The number of illustrious Europeans who fought beside the Americans during the war years testifies to the international character of the American Revolution. The French contribution is well known. Equally important was that of the Poles.

Two names in particular are remembered from the desperate days of fighting—Kosciuszko and Pulaski. Kosciuszko was the first foreign officer to arrive in America. Even before the Declaration of Independence was signed, he sailed to America to offer to serve under General Washington. Before his appointment was formally approved, he was actively engaged in engineering projects. He was responsible for the construction of the fortifications around Philadelphia. Later he was commissioned in the Engineering Corps and assigned to the New York area. He fortified West Point and then Ticonderoga. The versatile officer also fought in the cruel campaign in the Carolinas. He served as a cavalry leader and was in the forefront in driving the British from Charleston. Kosciuszko, a close friend of Thomas Jefferson was given sanctuary in this country following the defeat of the Polish revolutionary forces in 1793.

Pulaski gave his life to the American cause. Like Kosciuszko, he was an exile when the American Revolution broke out. He was in Paris at the time and offered his services to the American revolutionaries through Benjamin Franklin. Before the Continental Congress voted him a general, he took command of a troop of cavalry. He was highly successful in defending Washington's retreat from Brandywine and in raiding through the British lines for food and supplies during the terrible winter at Valley Forge. He asked for and received permission to form his own cavalry corps—the Pulaski Legion. He was killed at Savannah leading a cavalry charge.

What better way to honor the anniversary of the Polish Constitution of 1791 than to recall the ideals of our own revolution. And to persist in our efforts to fulfill those ideals.

Mr. BUCKLEY. Mr. Speaker, it is my privilege to rise on the floor of the House this afternoon and pay a well-deserved tribute to the people of Poland, who throughout the years during their long and honorable history have consistently stood for the rights of freedom and independence of human beings. This date, May 3, is celebrated by Poles everywhere and citizens of Polish origin as a national holiday. This is the Polish 3d of May Constitution Day.

On this date in 1791, just 4 short years after the adoption of our own great Constitution, the people of Poland by peaceful means established a constitution which reformed Polish public life and placed Poland in the category of one of the most progressive nations of its time. It is a tragic fact of history that this assertion of democracy was enjoyed for but a short period by the Poles. In 1795, Poland was partitioned for the third time by Russia, Prussia, and Austria. Since that date Poland has consistently suffered under the yoke of tyranny. We can all recall the meeting in 1939 of Soviet and Prussian soldiers on Polish soil as the absolute totalitarianism systems of nazism and communism placed their full weight upon the necks of the Polish people. Today, Poland suffers under the yoke of an unspeakable Communist tyranny. The Polish nation as such is truly deprived of freedom and is forced to live under this alien system of communism, but it belongs, nevertheless, spiritually and within the hearts of its people, to the free nations of the world. This is true not only because of its thousand-year-old historical heritage, not only because of its geopolitical position in the heart of East Central Europe, but, above all, because of the ceaseless and unwavering fight of the Polish people for freedom.

The history of this country is interwoven with the actions of many brave citizens of Polish descent. We can go back to the days of our own revolution to recall some of the distinguished Poles who helped us gain the freedom we cherish so highly. Poles have joined and fought in every war that this Nation has been involved in to carry forward the heritage of freedom for all mankind.

Time is too short to enumerate the many contributions that have been made in all walks of life to the welfare and prosperity of this Nation by our Polish citizens.

It is true that today the Polish nation itself cannot enjoy the true fruits of a free and unshackled government. It is also true that as long as this foreign yoke rests on the shoulders of the Polish nation no country in the world can rest easy, for if one nation suffers tyranny then all nations must feel its effect. We cannot fully enjoy our own freedom and live in peace and security until the day when Poland can once again rule its own destiny.

In this spirit and on this date, which is such an important one in Polish history, and in tribute to those gallant Poles not only in their homeland but throughout the world who yearn for the day when Poland will take its rightful place in the family of nations, I am proud to salute Poland and the Polish people, and as I stand here may I prophesy that in the end truth will prevail, that justice will triumph, and that some day Poland will take its rightful place in the family of freedom-loving nations.

Mr. SEELY-BROWN. It is not only the contribution to American life and strength that is made by the more than 7 million Americans of Polish ancestry now in this country and their ancestors here for four or five generations, that makes the kinship of America and Poland so far reaching.

The United States of America has become the greatest Nation in the modern world partly because of its inheritance of the human riches of many races and many lands. Bred into the heart and mind and spirit of our people are principles of freedom for the individual, of justice for all under law, and, as stated in the Declaration of Independence, recognition that "all men are endowed by their Creator with certain unalienable rights."

These are principles which endure in other men, too, and it is for them as well as for ourselves that we accept the responsibilities that go with carrying the torch of freedom.

Today, we in the House of Representatives, as we have each year on the 3d of May while I have been a Member of this body, take notice that this is the anniversary of Polish Constitution Day.

It was on May 3, 1791, less than 2 years after we in the United States ratified our own Constitution "in order to form a more perfect Union," that Poland succeeded in ordaining its great Constitution which signaled the nation's rebirth and assertion of democracy.

That the freedom thus proclaimed was foreclosed when great powers of Europe carved up and appropriated Poland in 1795 takes nothing away from the lasting signficance of Polish Constitution Day.

The greatness of the Polish Constitution lies in the fact that it eliminated the most fundamental weaknesses of the Polish parliamentary and social system. The people of Poland raised this great moment in their history to the forefront of their tradition rather than any one of their anniversaries of glorious victories or heroic revolutions.

The light of freedom coming from Poland was then as it has been throughout the years that followed and even until today, a threat to tyranny in its totalitarian neighbors.

The Polish Constitution of May 3, 1791, said: All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

The philosophy of government which underlies the entire 1791 Polish Constitution is akin to the philosophy of our own precious charters of freedom, the Declaration of Independence and the Constitution.

Every Polish citizen and every American of Polish descent today has a deepening of faith and a strengthening of courage to do the things ahead which must be done for freedom. This anniversary reminds all Americans of Poland's destiny in the history of mankind, and prophesies the ultimate triumph of justice.

Mr. BECKER. Mr. Speaker, the late 18th century was a revolutionary period in European history. The French Revolution had given rise to new, liberal, and democratic ideas, and the old monarchical ideas were losing ground. At that time Poland was in fatal danger of annihilation by her enemies on all sides. Many Poles were aware of this danger, but they could do little under the existing autocratic government. Some of their courageous leaders, however, sensing the seriousness of the situation, set themselves to the task of drafting a constitution. This Constitution, known as the Constitution of 1791, was adopted and promulgated on May 3 of that year.

Judged by any liberal and democratic yardstick the Polish Constitution of 1791 was a great document. In one sense it led the Polish governing class from the Middle Ages into modern times. The king's unlimited powers were reduced, and a limited, constitutional monarchy, with a responsible form of government came into being. Much of the powers of the central government were also reduced, but its authority and prestige were enhanced immensely. Many old privileges and class distinctions were cast aside, and complete religious freedom was guaranteed. The Constitution was particularly noteworthy for its liberalism and for the progressive ideas it contained, and it was acclaimed by many liberal leaders in Europe as a masterpiece. But its positive merits did not save Poland. Soon after its adoption Poland's foes overran the country, partitioned it among themselves, and put an end to her independent existence. But the spirit of the Constitution of 1791 lived on, and still lives in the hearts of unfree Poles in their homeland today. I am glad to join Americans of Polish ancestry in the celebration of Polish Constitution Day.

Mr. FINO. Mr. Speaker, the Polish 3d of May Constitution, whose 171st anniversary we commemorate today, represented a great moment for the Polish people. This farsighted document, which enacted fundamental changes in the Polish parliamentary and social system, embodied the spirit of liberty, constitutionalism, and national independence which had been expressed 2 years earlier in the American Constitution. But the torch of liberty was permitted to burn brightly in Poland for only a few years, for her autocratic neighbors saw the light of liberalism as a threat to their own tyranny and absolutism. In 1795, Russian and Prussian soldiers invaded Poland, the country was partitioned for the third time within 23 years, and Poland was destroyed as a national entity for over a century.

But the ill will of Poland's neighbors did not destroy the faith and courage of the Polish people or their commitment to the principles of the 3d of May Constitution. Today Poland has once again been deprived of her independence, sovereignty and territory, and Poles have been forced to live under the totally alien system of communism. Yet the thousand-year-old historical heritage of the Polish people has not been lost. Poland's moral and spiritual unity remains unshaken, and her national consciousness has not been dimmed by 18 years of Soviet occupation. On the anniversary of the Polish 3d of May Constitution, I wish to pay tribute to the entire Polish people for their indomitable struggle for liberty, justice, and independence.

Mr. HALPERN. Mr. Speaker, on the 3d of May 1791, a bold and new approach toward government was taken when King Stanislas proclaimed the new Constitution to the Polish people. And with the proclamation of this innovating document, for which Poland and her people are rightly proud of, foreign domination and subservience were delayed.

This is the event that I am glad to join the Polish people in commemorating today. This event commemorates not only the proclamation of the Constitution, but also the bloodless and glorious revolution that it brought to many indeed. "Humanity must rejoice and glory when it considers the change in Poland," wrote a famous Englishman. And rejoice we must when we consider that it gave Poland liberty, independence, and added respect in the eyes of the world. The Constitution of the 3d of May not only did away with the archaic, and utterly burdensome form of medieval government, but it replaced it with a modern constitutional monarchy and a truly representative and democratic parliament. Economic and social barriers were torn asunder, when political rights were granted to the people. Many townsmen gained admission to the higher offices and magistracies that hitherto had been closed for them. And setting a precedent to many, the peasantry was taken out of the grasp of the autocratic masters, and given protection under law.

Unfortunately, the Polish people did not taste the fruit of their works, nor did they see the permanent realization of their ambitions. It was not long that the new and progressive national life ended even before it began. The perennial enemy of democracy, liberty and happiness brought an end to the immortal gleam that the republic garnered; all the innovations that have given honor to the individual were brought to nought in that country.

However, it is only in darkness that we welcome light; it is in times of stress that we have great men. The Polish people, during this time of stress were given such men as Prince Joseph Poniatowski and Thaddeus Kosciuszko, for whom they will always be proud.

Today, Poland still longs for the light of liberty and democracy and we hope that someday she will enjoy it. So it is that on this 171st anniversary of the Polish Constitution, I am honored to participate with the Poles in commemorating a glorious moment of their history.

Mr. PHILBIN. Mr. Speaker, hail and salute today to the glorious Poles wherever they may be upon the occasion of the great, national birthday of Poland.

We in this great land of freedom know full well what Poland and the gallant Polish people have meant to our own country and to the world, for in every crisis where the cause of freedom has been at stake and men are struggling and dying to establish, defend, or redeem human liberty, the Polish people have been in the vanguard of the struggle, and if necessary, the battle, for justice and free, democratic government.

The inevitable sweep of history has brought the Americans and the Poles together. We were drawn together by common heritage, common philosophy, common devotion to ideals, common purposes. Poles fought and bled in the Revolutionary Army. Americans fought and bled to redeem conquered Poland. Poles have joined with us to combat tyranny wherever freedom was challenged. In every war of our country, Poles have played a prominent part and willingly gave their lives to defend the precious heritage of free men and women.

In many incidents of history, our fortunes have been drawn together, because they have been essentially the fortunes of men passionately interested in the free way of life, in freedom of belief and worship and speech and press and assembly, and freedom of thought and action under orderly government.

These ideals and interests were the cement that bound our peoples firmly together and united us in standing boldly and courageously for free democratic institutions.

The history of Poland has been one long, bloody struggle for liberty that has never ceased. For more than a thousand years, tyrants visited their indignities and persecutions upon this great country, but were never able to conquer it in the real sense, because they could not extinguish, do what they might, the fire and passion for liberty coursing through the veins of the loyal Poles.

Not even the mighty, ruthless Soviet Union, Lenin, Trotsky, and now Khrushchev with their chains, their brainwashing, their malign persecutions, their mass starvation tactics, their brutal suppression of the individual, their ruthless treatment of religion, their savage brutality against believers, their destruction of culture, learning, and the fruits of the intellect, their incessant warfare against the people and free institutions; none of these horrible things, continued and brutal though they are, could dim for one moment the brilliant luster of Polish loyalty and Polish resolution never to give up the sacred birthright of their country, compromise their high-minded convictions or turn their backs on the living God.

That Poland was sold down the river and abandoned to Russian domination was one of the greatest crimes ever committed in the history of mankind. It cries to high heaven for redemption and for a drastic revision of the extremely ill-advised concessions which the allies afforded to the Soviet Union in terms of the diplomatic surrender of millions and millions of loyal, democratic-minded Christian peoples to the cruel domination of the Soviet Union and its puppet Communist states.

Most people here in America and the free world knew that these arrangements were morally indefensible and politically revolting. It did not take the people of Western civilization very long to learn that these so-called provisional solutions were not wise, not sound, and would produce nothing but trouble, bloodshed, and injustice.

It can be said, not to the credit of the free nations concerned, and particularly, not to the credit of our own Nation, that we allowed the conditions of servitude of the Polish people, imposed on them by the provisional agreements of Yalta and Teheran, to continue without abatement or redress.

Not one single, serious move was made by this country, or the Allies, to release this great and gallant people from the Communist bondage into which the Allies had delivered them.

We knew that this provisional arrangement was wrong, that it cried to high heaven for change. Why did we never demand, as we should have demanded, in accord with diplomatic understandings, that the Russians join a peace conference such as follows every great war to finalize all the questions of war and peace that were left pending by the interim agreements of Yalta and Teheran, and other ill-fated executive meetings?

Why did we not demand the general elections that were provided for by some of those agreements, so as to determine what the peoples of the affected territories wanted, rather than what their de facto Russian masters wanted? Why did we stop General Patton from occupying all of Germany as he could have done without spilling one drop of blood and thus preventing most of the woes the free world has suffered since?

This is the saddest story of all, my friends, because it affects, not only the Poles, but many other peoples who were cast into bondage following World War II. It affects the standing of the American Government and people before the bar of world opinion and history. To some, it brands us as a nation, weak, compromising, timid, afraid to stand up for the ideals we professed when our sons were bleeding and dying for freedom, afraid to assert the rights we had claimed for ourselves and for others of the free world in great battles that were to determine the total defeat of German and Japanese imperialistic dictatorships.

Why did we soft-pedal and repudiate these ideals? Why did we give mere lip-service to the great sacrifices of our heroes? This was the sad, sad picture we presented to the world, my friends, a great nation, jubilant with the success of arms resulting from the heroic sacrifices of American boys and allied boys who fought with them, faint hearted, almost cringing before Russian threats and blandishments, afraid to stand up and challenge the greed, avarice, selfishness and territorial designs of the tyrannous Soviet Union, because to do so might mean a major war. What of our honored dead, our cause, the cause for which they died? What of our ideals of freedom?

The fact is that our failure to stand up to this challenge merely compounded and made more difficult the whole situation. If we had stood firm and forthright in victory after World War II, and demanded our rights and the rights of freemen, when we had great, ready strength, the Russian imperialism of today would have its own 200 million people as its entire domain and not 800 or 900 million people, of whom it can now claim forcible dominion in whole or in part and whom it has enslaved.

The Polish Nation is the most tragic victim of this shortsighted, irresolute policy, and we cannot move fast enough or far enough to correct the grave injuries that have been done them by the bestial persecution and cruel bondage of the great, hungry Red Communist colossus of the north that has its eyes fixed upon the enslavement of all mankind.

It is time for us to realize that appeasement leads only to setbacks and defeats for the cause of freedom and serves only to whet the unappeasable appetite of the aggressor. We tried it at Yalta and Teheran and it failed; we tried it at Potsdam and Moscow and it failed; we tried it at Korea where our boys were allowed to fight a cynical, barbarous enemy with their hands tied behind their backs, and it failed; and unless we change our tactics and stand up to this great tyranny which is threatening to make us all thanes and vassals of the Soviet Union there will be more defeats, more bloodshed, even disaster, believe me, even perhaps the complete collapse, not only of our own Nation, but the complete collapse of all democratic institutions in the world, and the replacement thereof by the hard totalitarian absolutism of the Marxist Socialist Soviet Republic.

This is the great challenge of the age. Whether we will meet it at home and abroad is up to us. We can meet it abroad by remaining firm and resolute in our purpose to defend ourselves against conquest and infiltration, and we can meet it at home by combating those insidious movements of penetration and subversion that are softening up our people and leading us away from our accustomed pathways of freedom and independence to the collectivist patterns of dependency on the government, paternalism, centralism, and appeasement of those who threaten our liberties.

The liberation of enslaved millions of people must not only be the constant concern of this Nation, but it must be the avowed objective toward which we must work every day of our lives. This Nation, no more than any other nation, cannot live half slave and half free, and we might as well make up our minds to that fact before the crushing hordes of Marxist barbarians lay our land to waste, even before our own softness and weakness make us ready for the kill.

We must give, in this world struggle for right and justice, every encouragement to the Polish people, and other tyrannized peoples and help, them speed the way to the day when they can establish free governments of their own and live and breathe again as free men and women.

The question is, not whether the Poles and Poland are giving in to Russian pressures because we know that they are not, that they are fighting bravely against overwhelming odds to try to redeem their rights as free men and women. The question is, whether we will have the courage to stand up for freedom in a real militant way, the way of our forefathers, the way of the great heroes of the past, the way that our religious and political heritages points to us as the one way to remain free in a world that has been disordered and ravaged by the greatest and bloodiest conspiracy of aggressive, conquest, and slavery in history against the rights of man.

History will write this verdict. Let us hope and pray that it will be written in strength of purpose, idealism, mutual agreement, love of humanity, and brotherhood, peace and freedom which will lead to victory for all mankind rather than in abject surrender and appeasement that will lead to defeat and disgrace and destruction of everything that we and all free peoples hold dear.

Long live the free people of Poland. May they continue to battle bravely and gallantly against the cruel, cynical enemies that betray and shackle them and try to subvert them to atheism and communism. May the day of their deliverance be near at hand, and may our great country, the strongest, freest, and most powerful in the world, continue to hold out the hand of friendship and assistance to the Poles and the other helpless, lowly, oppressed nations, so worthy of our encouragement, assistance and loyal support.

Mr. WALLHAUSER. Mr. Speaker, I feel deeply privileged to join today with my distinguished colleagues in the observance of Polish Constitution Day for it is a sacred anniversary for all true believers in liberty and freedom.

It is an anniversary that will be celebrated throughout the United States wherever Americans of Polish descent live, in cities and towns from coast to coast, to pay tribute to the Polish nation and its people.

It also should be a day of celebration within Poland itself, for the Polish Constitution, adopted on May 3, 1791, barely 2 years after the adoption of our own Constitution in 1789, is a great landmark in the centuries-old struggle of mankind for liberty and freedom.

However, because of a cruel oppressor, those abiding in Poland must keep their joy within their hearts. They must pray silently to the memory of those patriots who brought into being the memorable Constitution. They must pray silently for the day when Poland will be free again.

In these hallowed halls of Congress we join these brave people in their prayers and with them we look forward fervently for the day when Poland will be free from the yoke of their Communistic oppressors.

Though the clouds still are dark the light of ultimate victory and freedom shines over the Polish people for they do not believe in the ungodly philosophy of the Communists. Poland must be free again and stand in its rightful place as one of the great nations of Europe and of the world.

For more than 200 years, in spite of partitions, in spite of attempts at suppression, the great spirit of the Polish people has remained firm and unflinching. Poland has remained a nation even when it was under the heels of the oppressor and the tyrant.

Why have attempts to eradicate Poland proved unsuccessful? For the answer, we have only to look at our friends and neighbors of Polish origin who live among us to understand the strength and spirit of the Polish people. Law abiding and industrious, Americans of Polish descent have made a real contribution to the American scene and the American way of life.

In my own State of New Jersey, we owe much to those who migrated from Poland to America and to their descendants for fine traditions which they carried on. They contributed greatly, and are continuing to contribute greatly, to the development of New Jersey.

On this Polish Constitution Day of 1962, let us all reaffirm the friendship of the American and Polish people. Let us assure our Polish friends that our sympathies are with them as they work for the reestablishment of their nation as an independent force in world affairs through which they may enjoy the liberties and freedoms which they so devotedly cherish.

Mr. GREEN of Pennsylvania. Mr. Speaker, today is the 171st anniversary of the adoption of the Polish Constitution of May 3. Under that constitution the Poles enjoyed more liberty than they have at the present time. However, their freedom lasted but 2 short years.

In the decades which followed the third partition of Poland in 1795 there have been numerous revolts by the Polish people against the suppression of their liberty and national existence. Seldom in the history of mankind has there been such a determined struggle as that of the Polish people to regain the liberties set forth in the Constitution of 1791.

We here in America have always cherished the cause of Polish independence as closest to our own. Our own revolutionary struggle and that of Poland occurred within a few years of each other. Many of the ideals written into our Constitution were carried across the Atlantic with Kosciuszko and incorporated by the Polish Parliament into that inspiring document of May 3.

The sympathies of this country toward the Polish people must be the same now as they live under Communist tyranny, as it was in the 1790's, when Americans rejoiced with the Poles in making great progress toward liberty. Our hearts go out to the Polish people on this independence day of theirs. We hope that Poland will be again free and that the Polish people will be able to enjoy the rights for which they have fought so bravely so many times.

Mr. CAREY. Mr. Speaker, revolutionary and reforming zeal was the hallmark of the late 18th century. New ideas were everywhere throughout the Western World. In this country the American Revolution produced the Declaration of Independence and a constitutional form of government. Then the motto "liberty, equality, fraternity" was heard in France and other parts of Europe. And in Poland a new spirit of freedom was born, represented in the Constitution of 1791.

That Constitution was a revolutionary attempt to bring Poland's old and unwieldy governmental machinery up to date. It placed a real check on the absolutism of the King. Irresponsible cabinet form of government was cast aside and one with ministerial responsibility was introduced in its place. Many intricate and obsolete features of the old system were abolished, and all class distinctions were practically wiped out. Personal privileges formerly enjoyed by the few were made available to all townsmen and the peasantry was placed under the protection of law. All these progressive features represented a decisive advance over anything yet attempted in that part of Europe.

It is sad, almost tragic, that the Polish people in Poland can not commemorate the anniversary of this day, the Polish Constitution Day. We in the free world join our Polish friends on the observance of the 171st anniversary of that historic document, and echo the genuine patriotic sentiments of the Polish people in their homeland.

Mrs. DWYER. Mr. Speaker, the celebration of Polish Constitution Day is an annual event of great importance. Each year since I have been a Member of Congress—6 years in all—I have been privileged to join many of our colleagues on the floor of the House of Representatives where, in a series of speeches, we have called public attention to Constitution Day and to its great significance for all who believe in personal freedom and national independence.

Today, the strategic position of Poland in Eastern Europe, the crisis in Berlin, the constant pressure on the Polish people to conform with Communist dictates, the worldwide conflict between freedom and communism, and the opposition of some of our people to United States' shipments of agricultural commodities to the people of Poland—these and other developments make it more important than ever that we tell the American people the truth about the Polish people and the long and fruitful tradition of freedom which Poles everywhere have carried with them. I believe that this 171st anniversary of the Polish Constitution is a good and appropriate occasion for us to do it.

First of all, let me say that I disagree very strongly with those who would have us shut the door on Poland and deprive the Polish people because of crimes of a foreign government which was inflicted upon them by the force of arms. To do this would be to play into the hands of the Communists themselves. If the free world should abandon Poland, we would be proving that Communist propagandists are right when they say the West does not care or cannot be counted on for help. We would be forcing the Polish people to turn to the Russians and away from freedom.

We in the United States should, instead, be doing just the opposite. We should increase our assistance to the Polish people. We should distinguish carefully between the Polish people and their alien government, and help the people in every way that will not strengthen the government. We should seek to increase the contacts between the people of Poland and the people of the West. We should reinforce their hopes for the future. We should convince them that the free world has not gotten their brave struggles against tyranny. We should compete against, rather than give into, the Communist forces and prove to the Polish people that freedom and democracy are the great hope of mankind and that godless communism will eventually collapse as a result of its own abuses and contradictions.

If we of the Western World truly believe in our ideals of freedom and independence, democracy and self-government, and the dignity and worth of each human being, then we have nothing to fear from communism. We should oppose Communists wherever we find them—oppose them by demonstrating the superiority of freedom, by proving that we really care about people and that we are willing to help them in their hour of need. It will not be easy. The odds are heavily against us in parts of the world already occupied by the forces of Soviet oppression. But freedom is never easy, either to win in the first place or to maintain. But because freedom is priceless it is always worth fighting for, to those who understand it and value it.

This, I believe, is the spirit of the occasion we are celebrating today. This is the meaning behind the Polish Constitution of 1791, just as it is the meaning that underlies the Constitution of the United States which was adopted just a few years earlier and which became such a great inspiration to the Polish patriots who were seeking freedom from foreign powers.

This kind of spirit does not die. It lives on as strongly as ever in the hearts of the Polish people, despite the severe restrictions under which they live today. It lives on and is given strong voice and effective action wherever Polish people, outside their homeland, are free to gather together and to plan and work for better days.

To me, it is nothing less than amazing that, in spite of years of Soviet occupation, the fundamental values and hopes and love of freedom and independence have survived among the people of Poland. Yet, this is the nearly unanimous report of those who have visited Poland in recent years. I have talked with several of our fellow Members here, with Polish-American constituents, and with former Vice President Nixon, all of whose experiences in Poland have confirmed the warmth and friendship felt by the Polish people toward their friends in America—and this despite the constant "hate America" propaganda to which Poles are forced to listen.

Polish Constitution Day is an ideal opportunity for reminding the rest of the world that the people of Poland and the people of the United States have too much in common, too long a history of friendship and cooperation, ever to let the forces of communism separate us. There are limits, of course, to what we can do in the present circumstances. But within those limits, we must never miss a chance to strengthen the bonds that unite freedom-loving people in both our countries. Personal contact, correspondence, assistance to private schools and hospitals, the shipment of food and medicine—these and other activities can provide the fuel to keep alive the flame of freedom.

These are troubled times almost everywhere in the world. The cost of our leadership of the free world is high, but it is a burden from which Americans have never shrunk. If peace and freedom are ever to bless this earth again, we must lead the way. It is essential that we give of ourselves and our resources, and, while doing so, thank Almighty God for having made it possible.

What better occasion could there be than this one to rededicate ourselves to the goal of replacing fear with confidence, of substituting freedom for slavery, of bringing hope to the people of Poland and other Communist-dominated lands—and, by so doing, justify the gifts and the trust which God has bestowed upon us.

Mr. ROBISON. Mr. Speaker, the constitution adopted by the Polish nation on May 3, 1791, states that—

> The happiness of nations depends on just laws; the effect of laws depends on their execution.

The framers of the 3d of May Constitution were moved by the desire to introduce constitutional and democratic government, improve the lot of the peasants, and strengthen the Polish nation. The leaders of the reform movement were Stanislaw Malachowski, Hugo Kollontaj, and Ignacy Potocki, who urged the Polish Diet, which was assembled in Warsaw, to modernize the life of the country. The peasants were placed under the protection of the law and complete religious freedom was introduced. In contrast to the spirit of absolute government which dominated Poland's neighbors, the Polish people relied on their ancient tradition of freedom, which was consistent with the philosophy of Thomas Jefferson, the American Constitution, and the French Declaration of the Rights of Man.

The happiness of nations depends on just laws, as the Polish leaders proclaimed in the new Constitution. Yet 2 years after reforming their way of life, the Polish people saw their country reduced to about one-third of her original dimensions by Russia and Prussia. From 1795 until the First World War Poland was wiped from the map of Europe. Today the Polish people once again live under the domination of a foreign and tyrannical system of government. They long for the return of a government based on just laws fairly executed. Yet while the Communist regime strives to blot out the spirit of freedom, the Polish people remain committed to the principles of the 3d of May Constitution. I wish to pay tribute to the courageous Polish people for their devotion to the ideals of freedom.

Mrs. CHURCH. Mr. Speaker, today we stand again to commemorate an event significant in the history of Poland and memorable to Poles in all lands—and, indeed, to all who cherish the ideals of freedom and justice.

The adoption of the Constitution of Poland 171 years ago, on May 3, 1791, gave to its people freedom of thought, speech, and religion. This Constitution has become a symbol of faith in the sovereignty of man and his right to justice and the pursuit of happiness.

The record of the Polish people in the long historic struggle of man to be free is indeed heroic. This valiant nation, as we know, has been the victim of great suffering and has endured throughout centuries occupations, partitions, invasions, and ruthless tyranny. And now the despotism of communism has gripped the land and has stifled the voices of a people who having known liberty are surely determined to stand once again as freemen.

In paying this annual tribute to Poland, we mourn again her present enslavement. We know, however, that a people that has historically so exemplified a strong passion for freedom and has advanced so greatly in social, economic, and cultural endeavors when free, will not accept as permanent the present deprivation of their rights and human dignity. We hope and pray that the time of deliverance will soon come.

It is appropriate today also to emphasize that the peace for which mankind yearns cannot be realized so long as men and women anywhere in this world are deprived of their God-given rights. It is equally important to remind ourselves that this hour calls for a firm and united stand against the methods of totalitarianism and the intimidation of the human spirit which it practices. Violation of human rights will continue unless and until freemen everywhere rededicate themselves to the great cause of human liberty. The exigencies of this day in the history of the human race demand, more than ever before, that freemen stand firm and ready and that they be willing to sacrifice for their ideals.

Mr. Speaker, it is fitting also to add my tribute to the millions of Americans of Polish ancestry who have so greatly contributed to the culture and political heritage of our own beloved country and who have immeasurably enriched the pattern of American life by their devotion to democratic ideals. We join with them today in celebration of the Polish 3d of May Constitution Day.

Mr. BYRNE of Pennsylvania. Mr. Speaker, to liberty-loving Poles their Constitution of 1791 is almost as important as their political independence. They have always attached extraordinary significance to this historic document because they felt, and still feel, that by the implementation of its liberal and sweeping provisions they were to be freed from the shackles and obstructive intricacies of their old, unwieldy, and inefficient regime. With that definite goal in mind their leaders framed, adopted, and promulgated that Constitution, which, by its democratic and progressive provisions, was considered a model charter for the Poles.

The Constitution drastically limited the power of the King and made Poland a constitutional monarchy. Responsible cabinet form of government was established; the old system of class distinctions was eliminated. The upper legislative chamber lost some of its powers, and the second chamber was vested with genuine legislative authority. Existing economic barriers between the nobility and the bourgeoisie were practically obliterated, and the peasantry was taken under the protection of the law. In many ways the Constitution abolished the worst abuses from which Poland had been suffering for centuries. Its promulgation was hailed not only by the Poles, but it was also acclaimed by liberals in other lands.

Unfortunately, Poles were not given the chance to test the efficacy of this Constitution. Soon after its promulgation the country was overrun by its inveterate enemies; it was then partitioned, and Poland's independence was no more. But the spirit of the Constitution of 1791 lived on, and today all free Poles celebrate the 171st anniversary of the promulgation of that Constitution. I am indeed glad to join them in this anniversary celebration.

Mr. SIBAL. Mr. Speaker, I am proud to join in the observations of this anniversary of the 1791 Polish Constitution. It is entirely fitting that we pause to pay tribute to the faith and principles which animated this historic document. Adopted only 2 years after our own Constitution, it breathes the same air of liberty and expresses the same convictions that common men can govern themselves in freedom and justice.

Poland, tragically sharing a common and lamentable fate with many other nations, has had little opportunity to enjoy the fruits of its Constitution. Over the years, foreign oppressors have crushed Polish freedoms and imposed a rule from outside through the force of arms. This oppression has never been more severe than it is today. The spirit of the Polish Constitution, however, lives on in the hearts of a brave people who dream of the day when liberty will rule again.

The lesson for Americans of every national origin is clear. The preservation of our own Constitution is a daily work of the highest dedication. We must protect our liberty from outside aggression and nourish it by accepting wholeheartedly the responsibilities which it imposes.

The Polish Constitution which we salute today is a continuing inspiration to freemen everywhere but our freedoms can never be secure as long as any land is enslaved.

Mr. DANIELS. Mr. Speaker, today marks the 171st anniversary of Poland's Constitution Day. It is a day that all Americans want to remember as it recalls the historic struggle by the Polish nation for their independence and sovereignty as a nation.

The history of Poland and the Polish people is the history of a nation dedicated to the principles of independence and individual liberty. It is tragic that this valiant country has enjoyed only brief periods of liberty as a nation since the adoption of its democratic constitution on May 3, 1791. This great document takes on added significance as a symbol for all those who are working for the restoration of a democratic system of government in Poland.

Perhaps more than anything else, Poland has given free peoples everywhere an inspiring example to follow and their determination to preserve freedom and justice against overpowering odds should be an example for those who take this privilege for granted.

Americans know the Polish people as gifted and versatile—as a people who have distinguished themselves as gallant fighters in war and industrious workers in peace. They are renowned for their outstanding achievements in the arts and sciences. To name but a few—Chopin, Paderewski, and Madame Curie—symbolize the true spirit of this country.

America has strong ties with the people of Poland, millions of our citizens are of Polish ancestry—sons and daughters who have settled in the United States to become outstanding citizens in their respective communities and who have contributed much to America's greatness. In my own State of New Jersey there are, according to the 1960 census figures, 238,532 persons of Polish extraction—including foreign born and second generation. In the 14th Congressional District, Hudson County, there are 36,437 persons of Polish extraction.

These bonds between the United States and the Polish people will continue to remain strong no matter what hostile government Poland is forced to endure.

On this occasion I am happy to join in the commemoration of Poland's Constitution Day and in extending assurances that the American people support the fight of the courageous people of Poland for their liberty and independence.

Mr. NEDZI. Mr. Speaker, as an American whose parents were both born in the great country of Poland, May 3 is a day which has particular significance to me; and it is with great pride that I rise in this Chamber today to honor the anniversary of a contribution of my ancestors to the fuels which kindled the fires of freedom throughout the years. The Constitution of 1791 must rank with those of the United States, France, and free countries throughout the world as an expression of the aspirations of those not free. Although the Polish people remain in the clutches of Soviet colonialism, there can be no doubt that the Constitution of 1791 would receive overwhelming approval as the law of Poland today, if only free elections were permitted.

On May 6, 1962, a formal celebration of this historic day will take place in Detroit, Mich. I was honored by being invited to speak in commemoration of this event under the auspices of the Polish community in the city of Detroit. My speech will, in greater detail, reflect my thinking with regard to the significance of Polish Constitution Day, and it is my intention to request unanimous consent of the House of Representatives to include my remarks in the RECORD next week.

Mr. FRELINGHUYSEN. Mr. Speaker, there are nearly 7 million Americans of Polish ancestry here in the United States. I personally feel strongly that these people, with their strong love of freedom and sound moral traditions, have contributed greatly to the growth and strength of the United States. This is one reason why we all gladly join in commemorating the day when Poland established her Constitution, which has served as a model for democratic principles ever since.

The oppressed condition of the Polish people today has its parallel in historic events of the past. From 1795 until the resurrection of the Polish nation after World War I, czarist Russia was the chief oppressor of the freedom-loving people of Poland. Today this same Poland, despite the utterances of its puppet government, is enslaved behind the Iron Curtain as the result of Soviet Communist oppression.

However, it is to the future that we must direct our thoughts and energies. We must look forward to the day when Poland, and all other freedom-loving peoples now enslaved behind the Iron Curtain, will be free to establish governments of their own choice.

All Americans have been shocked and angered by the religious persecution of the Polish people. We know that the Communists have struck at the church with fire and sword and imprisonment. The Polish people, however, have never bowed to anyone. As they resisted Nazi aggression in the past, so today they are resisting Communist enslavement. Theirs is not a futile shooting war; it is a silent, moral resistance of the spirit. Eventually, freedom will again prevail over tyranny.

Mr. KARTH. Mr. Speaker, I consider it a privilege to participate each year in the celebration on May 3 of Polish Constitution Day because the occasion affords us an opportunity to commemorate the historic close ties of Americans and Poles.

After helping Americans wrest their independence from Great Britain, Polish patriots returned to their homeland inspired with the ideals of the enlightenment and of freedom which had come to the New World. In 1791 these great sons of Poland sought to incorporate the liberalism of the American Declaration of Independence, the U.S. Constitution, and the French Revolution's Proclamation of the Rights of Man into a basic charter for their own nation. The 3d of May Polish Constitution which was the fruit of their labors lives even yet today as a brilliant monument to their momentarily successful effort to bring an effective parliamentary system, freedom, and justice under law to their nation. But the example of democratic freedoms and sovereignty of an independent Poland was an intolerable challenge to its powerful and tyrannical neighboring states which in 1795 overran and partitioned this brave nation. However, the spirit of the 3d of May Polish Constitution was carefully nurtured and has survived the many, many decades of oppression by the tyrannies which have since dominated this hapless but proud and freedom-loving people.

It is particularly fitting that we in Congress pause momentarily and pay this tribute. The many Poles who have come to make their home here have been welcomed for the heritage of respect for justice and the concern for human rights which we treasure. If we can by our present tributes to the 3d of May Polish Constitution of 1791 rekindle the faith in their heritage of those Polish people who are burdened by Russian oppression, I believe that our efforts will have been eminently worthwhile.

Mr. FLOOD. Mr. Speaker, Poland has struggled unceasingly for freedom throughout her long history. Faced with prolonged suffering, foreign invasions, partitions by neighboring powers, and lengthy occupations, the Polish people have never lost the desire for liberty. The Polish search for freedom has brought many Poles to the United States, who did much to assist us in our own struggle to maintain our freedom and independence. Thaddeus Kosciuszko and Casimir Pulaski gave invaluable assistance to the cause of the American Revolution, and Americans of Polish descent have fought with honor for the preservation of our Nation's liberty in every American war since that time. The vast energy of the Polish immigrant has also contributed to the development of every aspect of American life—the cultivation of our soil, the development of our mines, and the construction of the railroads. Today Polish-Americans occupy leading positions in science, government, and industry.

On this 171st anniversary of Polish Constitution Day, we recall how the Polish nation adopted a liberal democratic constitution, just 2 years after the signing of our own Constitution. The Polish deputies assembled in their parliament in Warsaw and without bloodshed or violence approved far-reaching changes in the government of their country. The Polish 3d of May Constitution reflects a deep commitment to the principles of liberty—the spirit of Thomas Jefferson and the spirit of the French Revolution. The third partition of Poland in 1795 prevented the Polish people from fully realizing the political, economic, and social reforms foreseen by their new constitution, but it did not put a stop to the Polish love for freedom.

The Polish nation, Mr. Speaker, is now almost 1,000 years old. Thus we must understand the events surrounding the 3d of May Constitution of 1791 as part of a larger picture—a pattern which can be traced back to the Middle Ages, and which has continued to this day. The alternation between a flourishing independent country and a people suppressed by foreign invaders has continued to the present day, but the Polish love for freedom runs like a single, continuous thread through the ups and downs of Polish history. Today the Communist regime in Poland is striving to blot out the ancient Polish tradition of freedom and independence. The Catholic Church has been singled out as a particular target of Communist harassment, for—like every totalitarian state—the Communist government of Poland cannot tolerate the competition of free institutions. On this 171st anniversary of the adoption of the 3d of May Constitution I wish to salute the Polish people and reaffirm the ties which bind freemen everywhere.

Mr. YATES. Mr. Speaker, May 3, Polish Constitution Day, is an important day in world history, for it recalls the great contributions of the Polish people to foster the development of a democratic order. In remembering the rich heritage given to the world by the Polish people, we pay them the honor and tribute which they deserve. The United States is very fortunate, indeed, that millions of Polish men and women have decided to settle here and lend their impressive talents to the building of this Nation.

Polish Constitution Day marks a high-water mark in the history of mankind. Polish patriots declared that their nation would dedicate itself to the preservation of liberty and independence for freemen everywhere in the world. The Polish Constitution which was struck in 1791 is a model for all other freedom-loving peoples to follow. It is a profound testimonial to the ingenuity of man. It provides for a framework of government that is both visionary in outline, yet practical in detail. It is a useful blueprint for men of freedom and good will to adopt.

Unfortunately, Poland's neighbors have been unwilling to allow her the freedom which she needed to bring the ideals embodied in the Polish Constitution to fruition. At the close of the 18th century, Prussia, Russia, and Austria joined in a cynical conspiracy to partition Poland and destroy it as a geographical entity. Their success was purely formal. It was without real meaning. They were unable to break the fighting spirit and moral unity of the Polish people. This lived on and grew stronger as the years passed. After World War I, the Polish people again asserted themselves and established an independent nation devoted once more to the basic tenets inscribed in the Polish Constitution of 1791.

Poland lived and flourished for about 20 years before the infamous Nazi invasion of September 1, 1939, which began the Second World War. Once again her liberty was snuffed out. After Hitler's armies had been cleared from Polish soil, they were replaced by the tyrannical domination of the Red army. Today Poland is still burdened by the crushing yoke of Communist tyranny.

Despite their continuing oppression, the Polish people still look forward hopefully to the future. True to their God, their country, and their sacred principles, they know deep in their hearts that they will be free. They know, too, that freemen everywhere are ready to join them in their fight for their way of life. By honoring Polish Constitution Day, all Americans publicly pledge their unflagging support to the Polish people. It gives me great pleasure to raise my voice with millions of other Americans in praise of the indomitable spirit and courage of the Polish people.

Mr. CAHILL. Mr. Speaker, I am delighted today to join my colleagues in the House of Representatives in paying tribute to the Polish people on this Constitution Day of 1962.

It was back on May 3, 1791, that this day was first celebrated. As our own Constitution sets forth and symbolizes the freedom of the citizens of our country, so does the Constitution of the great Polish nation.

Regrettably, Poland throughout the years between 1791 and 1962 has been subject to a great number of oppressions and a great number of tyrannical rulers. Even today Poland finds itself under the heel of the tyrant with a resultant suppression of all civil and religious liberties. In spite of these oppressions and tyrannical rulers, however, Poland has remained for all the world a symbol of courage and freedom. Her sons and daughters have continued even under the conditions prevailing in Poland today to fight, sometimes at the loss of their very lives, for the preservation of those liberties and freedoms symbolized and set forth in their Constitution.

America indeed has prospered because of the citizens of our country of Polish descent. I am very proud personally that thousands of citizens of Polish descent live in the First Congressional District of New Jersey. Throughout the years they have contributed immeasurably to the arts and sciences, to religion, to industry, and to the commerce of our area. More importantly, however, they have contributed by their exemplary manner of living, an example and challenge to all of us and have served by their stalwart support of their nation, even under the existing adverse conditions, as an inspiration and a symbol of the true meaning of patriotism.

I salute the Polish nation and the citizens of Poland on this anniversary of the Constitution Day. Regardless of the oppression, regardless of the tyrant, there is no question in my mind that Poland will live forever.

Mr. FENTON. Mr. Speaker, May 3 marks a Polish national holiday—the Polish May 3 Constitution Day.

In the United States, wherever Americans of Polish descent live, in cities and towns from coast to coast, this holiday is observed with appropriate exercises throughout the month of May to pay tribute to the Polish nation and to remind fellow Americans that Poland was one of the first pioneers of freedom in Europe.

It was on May 3, 1791, barely 2 years after the adoption of its Constitution by the United States, in 1789, that Poland without a bloody revolution or even without a disorder succeeded in reforming her public life and in eradicating her internal decline. But this great rebirth and assertion of democracy came to the Poles too late, and did not forestall the third partition of Poland in 1795 by Russia, Prussia, and Austria.

The light of freedom coming from Poland was then as it has been throughout the years that followed and even onto today, a threat to tyranny and absolutism in Russia and Germany. In 1795 Russian and Prussian soldiers were sent to Poland to partition her. In 1939 Russian and Prussian soldiers met again on Polish soil, as the absolute totalitarianism systems of nazism and communism again felt the danger of true democracy coming from Poland just as in 1791.

We are confronting today a common danger which is threatening our civilization, our freedom, our very existence. This danger springs from the totalitarian, doctrinal, and armed aggression of communism.

Today, the Polish nation, although deprived of freedom and forced to live under a totally alien system of communism, belongs, nevertheless, to the leading nations of Europe. Not only because of its thousand-year-old historical heritage, not only because of its numerical strength or its geopolitical position in the heart of east-central Europe, but, above all, because of its ceaseless fight for ideals of freedom.

Poland's will to regain its proper and richly deserved place in Christian civilization is undaunted. Its moral and spiritual unity remains unshaken. The Polish nation represents indeed a unique phenomenon: Although submerged during the last 18 years by the Soviet tide of colonialism, it is in its inner life more anti-Communist than almost any other nation on earth.

The American Nation is linked with Poland in many ways. We are joined by common tradition of struggle for freedom, common ideals of civic values, and of search for social justice.

The Polish nation cannot throw off the foreign yoke without active, political, and material aid from the United States, and the American nation will not know peace and security as long as Poland's freedom and independence are not restored and the Soviet forces are rolled back beyond the boundaries of old Europe.

We will pay tribute to the Polish nation in a most fitting way by substituting the rhetoric question "What can we do for this gallant nation?" with a resolute answer to a more pertinent question "What must we do in our vital interest to help Poland to regain its freedom and independence?" Current international crises demand that an answer to this question be ready and convincing.

So in this spirit, Mr. Speaker, today on the anniversary of the Polish May 3 Constitution Day, we join the Polish American Congress representing over 7 million Americans of Polish ancestry, and free men and women everywhere, in renewing our fervent prayers and pledges that the day will soon dawn when Poland's independence and freedom is rightfully restored.

Mr. DULSKI. Mr. Speaker, today, May 3, we honor the proud and independent spirit of the Polish nation and recognize the bonds between the Polish nation and the American Republic.

Characteristic of Polish-American relationships is the American postscript to the Polish uprising of November 29, 1830. After the defeat of the Polish Army, several thousand Poles fled abroad to France, England, and Switzerland. Those who were unable to get passports to France and England and who refused to return to the dominion of the Russian Czar were sent to America.

In America they petitioned Congress for relief. Here are the touching words of the Polish petitioners on April 9, 1834:

> As lovers of freedom and of free institutions, we accepted the alternative of living among a free people; although, in so doing we had to give up all hopes of the land of our love, of our habits, of our laws, and our language. Arrived at Trieste, we were there confined for 3 months, until, finally, we were embarked on board of two Austrian frigates, and, after a navigation of 4 months and 10 days, landed at New York, in these United States, where we now find ourselves placed in the most critical situation, being ignorant alike of the language and of the customs of the country, and destitute of everything but the means of a few days' support.
>
> Although pilgrims in a foreign land, with nothing but the sad recollection of the past and hopes for the future, we wish to live a life of active industry, and become useful to the country of our adoption. Since providence, in its inscrutable wisdom, has deprived us of the land of our birth, we wish to plant in these United States a second Poland, where our countrymen, the still unconquered sons of adversity, may congregate and prosper.
>
> With these views, we respectfully solicit of your august body a grant of land under such provisions as will enable us to live by our industry, to rally around us such of our countrymen as may visit these shores, and to become of use and of service to the people of these United States, and for such other aid and assistance as may seem meet. And your petitioners, as in duty bound, will ever pray.

I am pleased to record that Congress answered this moving plea by granting 36 sections of land for the unfortunate refugees. And I speak for all Americans in gratefully acknowledging the contribution which the Polish people have made to America.

Mr. RYAN of New York. Mr. Speaker, 171 years ago liberal opinion throughout the informed world was inspired by the birth of Polish independence. It was one of those rare times when the spirit of national independence of an oppressed nation was able to assert itself briefly on the stage with great powers. The 18th century alliance between Russia and Prussia had kept Poland in the condition of a satellite nation. However, when Frederick the Great died in 1786, the bonds between Russia and Prussia were loosened. The rift between Russia and Prussia gave Poland an opportunity to assert its own national integrity.

Fortunately, vigorous and capable leaders were able to seize the advantage at this critical moment in Polish history. The Polish Diet assembled in 1788 and remained in session for 4 years under the leadership of Stanislaw Malachowski, Hugo Kollontaj, and Ignacy Potocki. An army was raised and direct diplomatic contact was established with Prussia, England, and Holland. However, the most significant work of the Diet was to revise the archaic Polish Constitution. Redrafting the Constitution was not an easy task. A year of careful work was required before the Constitution assumed its final form.

Even greater skill was required in maneuvering the new Constitution through the Diet. For 2 years the sponsors waited for an opportune moment. Suddenly on May 3, 1791, when most of the deputies were out of town, Kollontaj and his allies brought the Constitution before the Diet and demanded an immediate vote. As part of the prearranged strategy, the marshal of the Diet produced the latest dispatches from abroad which grimly foretold of another partition. Also part of the strategy was Potocki's plea to the King to urge the deputies to accept the Constitution as the last hope for national survival. King Stanislaus made the appeal and swore a solemn oath to defend the new Constitution. The strategy was successful and the Constitution was adopted.

The new Polish Constitution was inspired by the same 18th century current of thought that produced the American Declaration of Independence, the American Constitution, and the French Declaration of the Rights of Man and Citizen. It is difficult for us to realize from the distance of the 20th century with its attendant cold war pall that the American Revolution was hailed in Europe as the beginning of a new age. Governments were justified only to the extent that the rights of the individual were respected. The idealistic nature of the Polish Constitution is revealed in the following excerpt: "In human society all authority originates from the will of the nation. In order therefore that the integrity of the country, civil liberties and the order of society may be forever equally maintained, three powers should, and by virtue of the present law shall forever, constitute the Government of the Polish nation: these are, the legislative power vested in the assembled estates, the supreme executive authority vested in the King and the guardianship, and the judicial power vested in the jurisdictions established or to be established for that purpose." The new constitution established a limited constitutional monarchy, and set up a cabinet government responsible to a biennial parliament. Towns were given greater administrative and judicial autonomy and some parliamentary representation. Townsmen gained the right to own land and to hold office in the government and church hierarchies. The stranglehold of the nobility on the Polish peasant was broken. The peasants were placed under the protection of law, and many of the onerous features of serfdom were eliminated. Religious toleration was established by law. Finally, constitutional provision was made for further reforms by future parliaments.

This was the enlightened government which the Polish liberal reformers hoped to maintain between the autocrats of the West and the East. Unfortunately, the Government was not to the liking of the Czarist Empress Catharine who formed a conspiracy with the leaders of a dissident Polish faction. Russian troops were dispatched to eastern Poland. Although the Polish Army expected aid from their Prussian allies, the Prussian King reneged his promises. For 3 long months the gallant Polish Army of 46,000 held its own against the Russian troops. The outnumbered Polish troops were led in this hopeless struggle by a graduate of the American Revolutionary War and close friend of Thomas Jefferson—Tadeusz Kosciuszko. Eventually the superiority of Russian forces was acknowledged reluctantly by the Polish King. The officers of the Polish Army gave up their commissions, the rank and file scattered over the countryside, and many of the reformers fled abroad. Once again Poland was partitioned between Russia and Prussia in September of 1793.

However, the Polish patriots refused to give up their dream of national sovereignty. They reassembled in Leipzig and made further plans for defeating their enemies. Although their efforts to make an alliance with the French revolutionaries were unsuccessful, they made one final attempt to reinstill the Constitution of 1791.

When a group of Polish officers revolted against a further reduction in the Polish Army, Kosciuszko seized the occasion to return to Cracow and proclaim a national insurrection. He reasserted the provisions of the Constitution of 1791 and called the peasants to arms. They responded enthusiastically, for Kosciuszko carried the emancipation of the serfs even farther than the Constitution had provided. In his famous manifesto of May 7, 1794, he decreed:

> That every peasant is free and that he is allowed to move freely from place to place, provided he notifies the Orderly Commission of the province whither he goes, and provided he pays all his outstanding debts and national taxes. That the peasants shall have relief from labor, so that he who has worked 5 or 6 days in the week, shall be freed for 2 days in the week; he who has worked 3 or 4 days, shall be freed for 1 day; he who has worked 2 days, shall be freed for 1 day.

Although the Poles were at first successful in their battles against the Russians, their forces were worn down ultimately by the superior numbers and equipment of the Russian troops. Warsaw was taken with a terrible slaughter of its populace, and Kosciuszko himself was captured. A final partition of Poland was carried out in 1795 and 1796.

Americans befriended the Polish revolutionaries throughout their struggle. When Kosciuszko was released by the Czar, he returned to America where he had fought so bravely in the Revolutionary War. He was received in honor in Philadelphia and lived there for 2 years. When he left to return to Europe, he appointed Thomas Jefferson the executor of his property in the United States. True to his ideals of emancipation, his testament provided that Jefferson use his property "in purchasing Negroes from among his own as any others and giving them liberty in my name, in giving them an education in trades or otherwise, and in having them instructed for their new condition in the duties of morality which may make them good neighbors, good fathers or mothers, husbands or wives, and in their duties as citizens, teaching them to be defenders of their liberty and country."

It is in recognition of our common heritage of enlightened democratic rule that we honor today the 171st anniversary of the Polish Constitution of 1791.

Mrs. KELLY. Mr. Speaker, this May 3 represents the 171st anniversary of the promulgation of the Polish Constitution. This Constitution, although commemorated by freedom-loving Poles throughout the world, failed after a very brief existence. It did not fail due to inaction and complacency on the part of the Polish people. Indeed not. It failed because of the armed intervention of Russian forces. The Poles had gained some sense of security due to an alliance with Prussia. This, however, evaporated when Russia invaded. The Poles fought bravely under Prince Joseph Poniatowski and Thaddeus Kosciuszko but could not halt the advancing Russian columns. The Poles were fighting not only for their sovereignty but for their newly conceived Constitution, which represented a complete reform from the feudal system which Poland had experienced for centuries.

In 1788 the Diet met to reform Poland's old Constitution along modern lines. In September 1789 a commission was formed expressly for this purpose. Three years elapsed before action was finally taken. The final draft, however, was a masterpiece embodying the most worthy of political philosophies. In addition, the Constitution contained ideas taken from the French Revolution such as the Declaration of the Rights of Man. English constitutional theories and practices were also incorporated into the Constitution.

The Constitution was an attempt to replace a medieval government with a constitutional monarchy and a parliamentary system. The power of the executive was increased but he was required to work through a council of ministers or cabinet. The legislature was also strengthened. The Members of the lower Chamber were to be regarded as representatives of the entire Polish nation.

Social and economic reform were also included. Class distinctions were, for the most part, abolished. Privileges which previously could only be enjoyed by the gentry were made available to all townspeople. The peasants were given protection of the law. Religious toleration was guaranteed. The Polish Constitution of 1791 was an instrument upon which a truely democratic government could be based.

Democracy did not follow because of the intervention of the Russian Army. Today, democracy does not exist in Poland for the very same reason. However, the Constitution of 1791 is dear to the masses who today are living in Poland under communism. It offers these brave people hope. It serves as an inspiration for those who look to the day when Poland will live under the principles of the Constitution of 1791.

Mr. VAN ZANDT. Mr. Speaker, I rise on this 171st anniversary of the Polish Constitution of May 3, 1791, to call attention to certain aspects of Polish history which offer some lessons for our time. As a result of the partitions of 1772, 1773, and 1795, the Royal Republic of Poland was overrun by foreign troops and the freedom of the Polish people was destroyed. The first treaty of partition was signed by Prussia and Russia; Austria shared in the spoils from the second division, to which the Polish Parliament, the Sejm, was forced to consent in 1773. Poland lost about one-fifth of her population and one-fourth of her territory. After the second partition, the partitioning nations gave Poland a new constitution, but it did not give them the right to run their own affairs.

As the result of a shift in alliances among the European nations, Poland was given an opportunity in 1788 to strengthen her government and to increase her control over her own way of life. It was then that the remarkable 4-year Diet assembled. Stanislaw Malachowski, Hugo Kollontaj, and Ignacy Potocki, the leaders of this assembly, were vigorous and imaginative statesmen. Kollontaj, who has been called the real framer of the Constitution of May 3, urged the Polish people to wipe out social differences and create a strong and effective central government. In 1788, when the 4-year Diet assembled, he reflected on the difficult life of the Polish people, and saw in national strength a way out of national suffering:

> Let us reflect for a moment—

Kollontaj wrote—

> that all of us, as many as are borne by the Polish earth, rich or poor, are the subjects of the Republic. It is Poland which wields the supreme power over us, whose laws govern us, whose will commands us, whose power protects us, whose might curbs and punishes us. * * * Through what presumption can we arrogate unto ourselves the sovereign and independent rule over the poor farmer, and how can the freeman, contrary to his feelings, dare to be the despot over another and violate that law which he prizes in himself more than the pupil of his eye?

What the Polish nation needed, Kollontaj concluded, was a new birth of freedom and greater opportunities for its average citizen:

> The third estate does not require great sacrifices of us—

He wrote.

> It has no need of empty democracy, it merely demands natural justice, civil justice. Let us return to it what we sacrilegiously took from it, violating divine and human law, let us return to it the freedom of its person and of its hands. If we do this, this industrious folk * * * will love the fatherland and will consider it truly its own, instead of, as today, feeling no different from animals in relation to it.

Within a few months of its assembling the Polish patriots had reorganized the entire government, despite major difficulties, and the Constitution which they drafted in December 1789, was approved by the Diet in May 1791. Kollontaj and his associates managed to win approval for the new Constitution, and the King urged the deputies to accept the document as the last best hope for saving Poland. Thus Poland was changed from an absolute monarchy into a hereditary monarchy with regular meetings of the Parliament and responsible ministers. As if in answer to Kollontaj's fervent prayers of a few years earlier, the 3d of May Constitution reorganized the life of Poland, and the spirit of the American Constitution and the French Declaration of the Rights of Man was proclaimed in the following words:

> In human society all authority originates from the will of the nation. In order therefore that the integrity of the country, civil liberties, and the order of society may be forever equally maintained, three powers should, and by virtue of the present law shall forever constitute the government of the Polish nation: these are, the legislative power vested in the assembled estates, the supreme executive authority vested in the King and the Guardianship [Council of Ministers] and the judicial power vested in the jurisdictions established or to be established for that purpose.
>
> The happiness of nations depends on just laws—

The deputies proudly announced—

> and the effects of laws depend on their execution.

The new Constitution provided for political, economic, and social reforms. The power of the King and nobility were reduced, and relations between peasants and landlords were placed under the rule of law. The schools were reformed, and the new organization of her society enabled Poland to develop and husband her resources and strengthened her sense of national consciousness.

These changes did not suffice to forestall the third partition of Poland in 1795, but the 3d of May Constitution of 1791 has provided a reminder and a symbol to all Poles and friends of Poland throughout the world that the principles of freedom and independence cannot be indefinitely suppressed by foreign despots. After the First World War the Polish people were again given an opportunity to live according to their own system of government, and for two all-too-brief decades they enjoyed the fruits of national independence. But once again foreign armies invaded Poland and this tiny nation suffered the full brunt of twentieth century totalitarianism. Once again the spirit of the 3d of May Constitution has been trampled under foot by a foreign power.

The Polish nation, deprived of freedom and forced to live under the totally alien system of communism, has not given up its ceaseless fight for the ideals of freedom. Its will to regain its proper and richly deserved place in Christian civilization is undaunted.

Yet Catholic Poles are increasingly feeling the heavy hand of the atheistic Polish government, to mention just one example of how the rights of man are violated under communism. Just last weekend Stefan Cardinal Wyszynski was charged with fostering an atmosphere of persecution and martyrdom in Poland—just because the cardinal protested a long series of continuing harassments by which the Communist regime has been suppressing the Catholic religion in Poland. The cardinal has called the attention of the world to the fact that religious freedom does not exist in Poland. The Communist regime has introduced heavy taxes on the institutions of the church and burdened the practice of religion with many unnecessary regulations. Meanwhile the Communist authorities have removed all religious instruction from the schools, in a nation which is overwhelmingly Catholic.

Mr. Speaker, the 171st anniversary of the 3d of May Constitution cannot be celebrated publicly in Poland. The historic document which symbolizes the spirit of the Polish people has been supplanted by a Constitution in which the power is derived, not from the will of the people, but from the foreign oppressors. Tyranny has been substituted for liberty and communism has replaced freedom. Yet despite the brutal suppression, despite all attempts at Russification and communization, the spirit of 1791 survives. The Polish people love their liberties and hate the form of government that rules over their land. They preserved their sense of nationality through a century and a quarter—throughout the five generations that witnessed the rise and fall of Napoleon, the drastic political changes on the European Continent during the 19th century, and the rise of the United States as a world power. A free nation was born in Poland after many years of despotism, and we can be confident that a free nation in Poland will be born once again, when the testing time of the present has receded into history. On this solemn occasion we salute the Polish people and pay tribute to the spirit of the Polish Constitution of 1791.

Mrs. BOLTON. Mr. Speaker, it is an honor and a privilege for me to join my colleagues in commemorating the 171st anniversary of the adoption of the Polish Constitution.

The United States has a long and enduring history of friendship with the Polish people. Indeed our Nation, the melting pot of the world, and my own city of Cleveland are proud of the many fine citizens of Polish descent.

The story of Poland's struggle for independence is an extremely unhappy one. Despite a repetition of events resulting in the enslavement of the nation, the Polish people's devotion to liberty and independence remains an inspiration to man's eternal quest for life, liberty, and the pursuit of happiness. Seldom has history witnessed such faith in the ultimate triumph of liberty over tyranny.

Now for the first time in the history of the Communist bloc what is good for the Soviet Union is no longer automatically good also for the satellites and international communism. The changes in Poland, the eruptions in Hungary, the rift with China, the cold war with Albania, and the coexistence with Tito herald the disintegration of the monolithic Communist camp. The subtle transformations occurring behind the Iron Curtain must not blind us to the continued oppression of the people by the Communist conspiracy. But the genuine nationalism of Poland is a force that communism finds exceedingly difficult to subjugate.

Let us pray that Polish nationalism can continue to flourish and assert a greater influence over the destiny of these people.

Let us keep alive the brave legacy of Poland until that day when the people can again rejoice in freedom.

Mr. DAGUE. Mr. Speaker, it has become our custom each year around this time to pause for a brief tribute to the great Polish nation and especially to their distinguished forebears who gave the world and all freedom-loving people everywhere a constitution that has served as a model for so many who have followed in their footsteps.

Poland today writhes in her bonds as a giant that has been overrun and pinioned to the earth by the Communist horde. A proud people, they resent the dictatorship that keeps them in thraldom and their restlessness under restraint serves notice on their masters that they will not always accept the bitter draft of servitude.

Here in America, we count the Polish people in our midst as among our stanchest citizens and we have only to look back along the years to mark the outstanding contributions made by heroes of Polish descent to the cause of American liberty and progress. Each year as we review the trials to which our Polish friends have been subjected we must renew our determination to lend them every aid as they undertake to reassert their God-given rights, and we must remind ourselves that so long as their liberty is circumscribed even so must our own be in jeopardy.

Mr. CURTIS of Massachusetts. Mr. Speaker, I join my colleagues in commemoration of the Polish Constitution of 1791. The Polish people are a freedom-loving people and their Constitution was based on democratic principles and ideals. It showed the influence of the American Constitution adopted only a few years earlier. Our peoples have much in common.

Poland was, however, destined by geography and fate to become a world battleground, and the freedom provided for in the Constitution of 1791 was lost. Today the people of Poland live under the yoke of Communist bondage, but their will to regain their lost freedom remains undaunted.

Many sons of Poland have come to America, and have made fine citizens, and made valuable contributions to our communities and Nation. We share their concern over the plight of Poland, and join with them in looking to the day when Poland will once again be a free nation.

Mr. KEOGH. Mr. Speaker, in recent months, press dispatches, radio news commentaries, and television news films have provided us with poignant reminders of the enduring courage and steadfast devotion to freedom of the Polish people. Despite the ever-present threat of ruthless punishment, many Poles have spoken out in Poland. Many have demonstrated by forthright action that repression has not stifled the Polish spirit of liberty.

The Polish people know well the face of the tyrant—and his fist, his boot, and his whip. This is a people, though, not easily cowed, as history can testify.

Today is 3d of May Constitution Day, a Polish national holiday. With the homeland in fetters forged in Moscow, it cannot be a joyous day for Poles, or for Americans of Polish descent—or, for that matter, for freemen anywhere. The day will be marked in pride and hope, however, by a Polish people resolute in its conviction that a Poland truly free again will emerge from the dreary shadowland of Communist debasement of human dignity.

We can do no less, on such a day, than assure our historic friends, the freedom-minded Poles, that we have not forgotten their countless contributions to our own heritage of individual liberty and independence. The Polish Constitution commemorated today was proclaimed on May 3, 1791, only 2 years after the adoption of our own. It was a straightforward document, acknowledging, as did ours, that the power of government derives from the people, or it is no valid power. The force of this Polish charter soon was lost to the Polish people, however, in the partition of 1795, one of a succession of national heartbreaks which this uncommonly resilient country of Eastern Europe has had to bear through the centuries.

Let us pray with Poles everywhere that the carefully tended fire of Polish independence again will flare to fullest brightness, so that Polish Constitution Day may be celebrated joyously, not only by an unchained Poland but also by the United States—thousands of whose sons and daughters owe to sturdy and resolute Poles of generations long gone their own appreciation of, and dedication to, the principles of individual dignity and freedom.

Mr. BARRY. Mr. Speaker, among the glorious deeds in the history of the Polish nation no date is more important than the 3d of May 1791, when the leaders of Poland enacted a democratic constitution. In the United States this anniversary is observed with appropriate exercises wherever Americans of Polish descent live. In addition, the commemoration of the Polish 3d of May Constitution provides an opportunity for all Americans to pay tribute to a people who pioneered in the struggle for liberalism in Europe. Barely 2 years after the adoption of the U.S. Constitution, the Polish leaders met in Warsaw and unanimously enacted this historic document, embodying their plans for political, social, and educational reforms.

The Poles regard this great moment as a crucial date in their history because the May 3d Constitution eliminated with one stroke the most fundamental weaknesses of the Polish parliamentary and social system. Europe was startled by the scope and liberal philosophy embodied in the Polish Constitution. European despots feared that it might inspire their own peoples to similar actions as an expression of their own love of liberty. To be sure, the 3d of May Constitution did not forestall the third partition of Poland in 1795, and the subsequent history of the Polish people has been tragic. But on this 171st anniversary of the Polish 3d of May Constitution we pay tribute to the past and present heroes of the Polish people and restate our confidence that injustice cannot triumph indefinitely when a people wants to be free and independent.

Mr. BAILEY. Mr. Speaker, today is the 171st anniversary of the adoption of the Polish Constitution of 1791. May 3 is a day in Polish history comparable to our own Fourth of July. Not only is the timing similar—the Polish Constitution was proclaimed only 2 years after our own—but also the ideals expressed by the Polish Constitution have much in common with our own. Provision was made for three separate and equal branches of the Government—executive, legislative, and judicial—and religious toleration was written into the Constitution. The Constitution was acclaimed by the Poles as a symbol of democracy and personal liberty.

Unfortunately, Poland was invaded and divided among Russia, Prussia, and Austria in 1795; but the May 3 Constitution kept alive the spirit of liberty. For 127 years the Polish people continued to struggle for their national independence. Even though their successive uprisings were crushed, still the Poles persisted. The May 3 Constitution throughout their struggle served as a beacon of democratic rule and individual liberty.

At last in 1918 the people of Poland achieved their long sought goal and became an independent nation. With a few minor changes the structure of the new Government resembled that of 1791. Once again, however, Poland became the victim of its aggressive neighbors. First Germany and then the Soviet Union took over the country and enslaved its people.

During the Second World War the Poles fought bravely on three battlefronts—Africa, France, and Italy. They fought not only for their own freedom but also for that of all the free world. In return the Western democracies pledged that Poland would regain its independence and freedom.

It is one of the dismal failures of postwar policies of the Allies that the promises to Poland were not kept. The Soviet Union was able to draw Poland into its string of satellites. The regime was so repressive of the economic, religious and cultural life of the nation that at last it became unbearable. On June 28 and 29 in 1956 riots broke out in Poznan. While the riots were suppressed by Soviet military might, the sacrifice of the Polish workers was not in vain. Reform was instituted within the Polish Communist Party which has resulted in greater freelom for the individual.

The United States today can do much to encourage the Polish people to continue their efforts to throw off their bondage to the Soviet Union. We must be ever conscious especially on this anniversary of the Polish Constitution of May of our promises to guarantee a free, strong, and independent Polish nation. In shaping our policies to combat communism we must not forget this proud nation which has fought so long and so valiantly for its independence.

Mr. COLLIER. Mr. Speaker, the Polish Constitution of 1791 was a liberal document embodying many democratic and progressive principles. It was framed by the gifted patriots of Poland, adopted and promulgated on May 3 of that year as the best means of reforming and strengthening Poland's Government.

This historic Constitution made Poland a limited, constitutional monarchy. Ministerial responsibility was instituted. Intricate and obstructive features of the old system were eliminated and many class distinctions were abolished. The towns were given administrative and judicial autonomy, and also a measure of parliamentary representation. The peasantry was placed under the protection of the law, and religious freedom was guaranteed. Judged in the light of current ideas of full, unhampered freedom, and compared even with the long list of present-day human rights, the Polish Constitution of 1791 might be considered a real instrument of democratic government at that time.

It is a pity that the unfortunate Poles had little chance to live under this model democratic Constitution. Before it could be put into force Poland was overrun and partitioned among its three greedy neighbors, thus putting an end to Poland's independent existence. But the fine and noble ideals embodied in that memorable document lived on, and still lives in the hearts of freedom-loving Poles in and out of their homeland. I gladly join them in the celebration of the 171st anniversary celebration of the Polish Constitution Day.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, as we pause here in the House of Representatives of the United States to commemorate Polish Constitution Day on May 3, we are in a sense honoring also our own Fourth of July and all other victories for human freedom. And, in addition, we are paying tribute to a great nation, Poland.

Since the Middle Ages, the Polish people have been famous for their love of country and of freedom. It is not surprising that in 1791, only 2 years after our own Constitution was ratified, the Poles adopted a similar document granting sovereignty to the people—an idea of unprecedented liberalism in that time and that place. Unfortunately, Poland's neighbors, Russia and Prussia, had governments of great tyranny and they saw the liberal Polish Government as a constant threat to their own harsh systems. As a result, Poland has been attacked time after time by her large aggressive neighbors.

Many fine Polish people have immigrated to America where they made notable contributions to our own country, beginning with the famous Revolutionary War hero, Kosciuszko. Less well known are the three generals of Polish origin who fought in the Civil War: Wlodzimierz Krzyzanowski, Josef Karge, and Franciszek Schoepf. In addition, 4,000 men of Polish lineage fought with the Union forces in the Civil War and 1,000 with the Confederate Armies. Far greater than their fighting strength is the vibrant strand of patriotism which these men brought to their adopted country.

In the United States, in the 20th century, there are some who feel that perhaps patriotism is an old-fashioned emotion, no longer relevant in the whole world environment of today. For those who feel this way the Poles have a great lesson. Poland has had a history of extreme hardship. Invaded time after time by Russia or Prussia, or both, today she exists as national entity after 18 years under the iron fist of communism. No nation has been more successful in resisting the crushing power of this ideology. The Polish peasants fought so tenaciously against the communes, a favorite Marxist device, that they have been released from this system and today are allowed a measure of freedom.

The Poles have known for centuries that their national existence depended on their inner strength, their fierce love of their country, their patriotism. By relying on this one factor, they have been able to continue as a nation in the most hostile environment that may be imagined. They have made great contributions in science and music. Poland has given the world such people as Chopin, Paderewski, and Madam Curie.

In the United States our Constitution, our national history, is only 2 years older than that of the Poles. In other ways we have had a vastly different history, isolated as we were by two great oceans and occupying a rich land. But the boundaries of this earth have been greatly reduced by modern technology, our isolation greatly diminished. Today we find ourselves, like the Poles, threatened by myriad hostile factors. We have a great lesson to learn from the Poles—the real value of love of country—of patriotism. Our greatest strength is in ourselves.

Mr. McDONOUGH. Mr. Speaker, on May 3 the people of Poland are joined by people of Polish ancestry everywhere and by freedom-loving people throughout the world in the commemoration of the great Polish Constitution which was adopted in 1791, just 2 years after the adoption of our Constitution of the United States.

The history of Poland has been the history of the determined struggle of the Polish people to attain and hold political and individual liberty from tyranny.

Freedom was gained by Poland only through the valiant efforts and sacrifice of the Polish people, and we in the United States have tremendous admiration for the courage, the patience, and the fortitude the people of Poland have displayed in their struggle to regain their independence.

The United States, as a nation dedicated to the principles of liberty and individual freedom, maintains the right of the Polish nation to independence and will never be reconciled to Poland's subjugation by Russia.

On this May 3 in commemoration of the adoption of the great Polish Constitution, we Americans join with the people of Poland and those of Polish ancestry in a fervent prayer for the independence of Poland and the restoration of individual liberty for the citizens of Poland.

May the struggle of the Polish people against oppression triumph, and may their confidence and faith in the might of justice and the destiny of Poland culminate in the reestablishment of Poland as a free nation.

Mr. CELLER. Mr. Speaker, since Polish Constitution Day cannot be celebrated in Poland now held captive under the iron heel of communism, we and freemen everywhere can not afford to ignore this day.

Only 2 years after the adoption by the United States of our Constitution, the people of Poland gave to the world its own study in constitutional government on the 3d of May 1791. The words of that Constitution, "All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation," finds its echo and reecho in all lovers of liberty whether they live in the land of the free or under suppression and domination.

With each tradition behind it, it is inevitable that freedom once again will find its way for the people of Poland who, when that glorious day comes, can join with the world in proclaiming the triumph of true humanity.

Mr. BOLAND. Mr. Speaker, on May 3, 1791, the Polish people established a constitutional government, founded on the principles of freedom and equality. The Constitution enacted at that time was an expression of their faith that every people has the right to determine its own form of government and its own destiny. Today, 171 years later, we gather in solemn commemoration of this act, and our thoughts turn both to the undying principles which were expressed in the Polish 3d of May Constitution and the tragic circumstances which kept the Polish people from enjoying the fruits of their peaceful revolution.

The principles of May 3 are the principles which determined the American Constitution and the French Declaration of the Rights of Man. The unanimous decision of the Polish Diet to enact this immortal document placed Poland in the forefront of the struggle for democracy in Europe. The new Constitution aimed at a complete overhaul of old and unwieldly governmental machinery, at the same time strengthening Poland against her foreign enemies. The autocratic king became a constitutional monarch with limited powers, the nobility lost many of its privileges, and the authority of the representatives of the people was enhanced. Relations between peasants and landlords were brought within the protection of the law. Freedom of conscience and freedom of speech were guaranteed. For these and other liberal provisions the Constitution was regarded as a model of the time.

The 3d of May Constitution brought joy to the hearts of the Polish people, yet was feared by Poland's autocratic neighbors who fully realized as did Thomas Jefferson, that "the disease of liberty is catching."

Four years after the Polish people adopted the 3d of May Constitution, their country was invaded by Russian and Prussian soldiers; during the next century and one-half the Polish people have undergone indescribable suffering in the name of the principles of 1791. While much of her modern history has been tragic, we must not forget that the Polish nation rose again after World War I and for two decades rekindled the principles of democracy. This most recent period of freedom for the Polish people came to an end with the infamous Ribbentrop-Molotov agreement of 1939, and once again foreign powers took over the Polish nation. This time the despotic invaders were equipped with the full arsenal of suppression and terror which has been developed by the modern totalitarian state.

Yet the spirit of Poland remains unconquered. The Polish love of freedom will survive the forces of dictatorship in the 20th century just as it survived the despotism of earlier years. On this 171st anniversary of the 3d of May Constitution, we salute the Polish people and reaffirm our faith in their ability to triumph.

Mr. DONOHUE. Mr. Speaker, on this 171st anniversary of Polish Constitution Day all Americans of every racial descent join with the people of Poland in a prayer for Polish independence and a renewed pledge to continue to work for the restoration of liberty and freedom to Poland and the rest of the enslaved Christian world.

No one who understands the great contribution to our own independence of the immortal Polish heroes of the revolution or who has read of the glorious history of Poland in defense of Christian principles can help having tremendous admiration for the courage, patience, and fortitude of the Polish people in their persistent struggle to regain independence.

Heroic Poland gave us the best and most inspiring modern example of sacrifice for Christian principle in that terrible engagement with the Communists in 1920. The Polish people proved then to the world that they were among the very, very few who early recognized the planned and determined Kremlin objective of reducing the free world to pagan slavery. Would that we had wisely learned from their example and the recent years of too much appeasement and too often retreat, of developing world confusion and of increasing turmoil, might well have been avoided.

The price the Polish people paid for their early courageous resistance to Communist attack was catastrophic and the blow was even more severe when it appeared that their supposed allies turned their backs upon and heads away from their cruel plight under Soviet subjugation and tyranny. The debt the free world owes to heroic Poland for her courageous struggle against the Communist horde 42 years ago still remains unpaid and will remain a blot upon the moral integrity of this country and the United Nations until it is paid.

That is why we as Americans must never relax our efforts to help the Polish people to reestablish their freedoms under their own chosen government. As a nation dedicated ourselves to the democratic principles of personal liberty and individual freedom, the U.S. Government has an obligation to unceasingly maintain the right of Poland to her independence and persevere, both as an individual nation and as a member of the United Nations, in demanding that the Communist leaders grant freedom and independence to Poland. We can do no less and still call ourselves a Christian democratic country while we join in prayer that the day will soon come when Poland, and all the other enslaved nations, will once again happily enjoy their personal and national freedom.

Mr. DENT. Mr. Speaker, in 1791 the Polish Diet, meeting in Warsaw, adopted a new constitution and proclaimed fundamental changes in the political, social and economic organization of the Polish nation. The framers of the Polish 3d of May Constitution, reflecting the spirit of the American Constitution and the French Declaration of the Rights of Man, proclaimed:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

Unfortunately, this assertion of democracy came too late to prevent the third partition of Poland in 1795, and since that time—with the exception of the period between the two World Wars, Poland has been occupied by foreign powers.

While the 3d of May Constitution provides a good starting point for understanding the Polish devotion to liberty, this commitment can also be seen in the lives of such men as Tadeusz Kosciuszko, a distinguished Polish soldier and statesman who volunteered to fight for the cause of American freedom in the Revolutionary Army and became General Washington's adjutant. When Kosciuszko returned to Poland after the war, he worked to secure adoption of the new, liberal Constitution. I wish to pay tribute to the framers of 3d of May Constitution and the heroic spirit of the Polish people in their continuing struggle to realize its principles.

Mr. GILBERT. Mr. Speaker, I am happy to join with my colleagues in commemorating Polish Constitution Day. This day holds important significance for the people of Poland and those of Polish origin throughout the world, for on May 3, 170 years ago, the Polish Diet adopted one of the first constitutions in Europe providing for a democratic form of government.

The people of Poland strove for religious freedom, liberty, and justice; they have been denied all of these through the years. Their days under their constitution were numbered; the nation suffered partitions and oppression.

In 1918 the nation once again joined the family of free nations, and during the 20 years which followed, the Polish people made remarkable advances in all their endeavors in economic, cultural, and educational fields. Our admiration and respect were given them because of their unending fight for the freedom and their loyalty to the ideals of democracy. Then in 1939, they suffered another tragedy when they were overrun by the enemy, and thereafter they were subjected to a Moscow-dominated government and oppression.

Although they have lost their political freedom, they continue to have faith in the freedom of man and the principles of democracy. We pay tribute to them for their courage and strength of purpose. Freemen everywhere are thinking of the Polish people today as they reaffirm their right to liberty and independence.

We feel close kinship between Poland and the United States; we shall always give Poland our friendship. The people of Polish ancestry in the United States have made outstanding contributions to our Nation and they have our admiration for their fine qualities and accomplishments. We earnestly hope that the day is not far off when Poland will again enjoy true political freedom and complete independence.

LANDMARK IN MAN'S QUEST FOR FREEDOM

Mr. MERROW. On May 3, 1791, Poland adopted a Constitution which is still revered today as a landmark in man's quest for freedom. It marked the first attempt by a European nation to incorporate the principles of representative self-government and justice for all, which had been proclaimed in our own Constitution 2 years before. Poland was transformed into a hereditary limited monarchy, old class distinctions were abolished, townspeople were given administrative autonomy and some parliamentary representation, and religious toleration was established.

Unfortunately, Poland's Constitution of 1791 was short lived. Poland was soon afterward partitioned and did not experience freedom and self-government again until the First World War. However, the date May 3, 1791, is still commemorated. It is commemorated not only as a historic step in extending liberty, but also as a tribute to the freedom-loving Polish people imprisoned behind the Iron Curtain. Perhaps most important of all, it is commemorated as an expression of faith that in the future liberty and self-government will be restored to this ancient nation.

HISTORY ENCOURAGES THE POLISH PEOPLE

The Polish people who must now endue the hardship of Communist tyranny can find many sources of encouragement in their history. Poland was a great nation in the late Middle Ages, stretching eastward into Russia and southward to the Black Sea. Even in more recent times, however, when Poland was partitioned by its more powerful neighbors, the spirit of nationalism remained strong and vibrant. In spite of attempts by its alien rulers to wipe out the Polish language and customs, the people retained their national identity and were eventually able to reassert their right to be an independent state.

UNQUENCHABLE THIRST FOR FREEDOM

Today the plight of the Polish people is not to be envied. Their unquestionable thirst for freedom and their devotion to religion have made it impossible for them to accept communism. Yet the military power and instruments of tyranny wielded by the Communists have prevented them from throwing off Soviet domination. Daily the people must walk a narrow path between abject subjugation and the degree of defiance which would result in additional Soviet controls. Nevertheless, knowing the Polish people and the many sons of Poland who have given their lives for liberty in America as well as Poland, we can be sure that the Communists will have no more success than the Russians of earlier days in trying to wipe out the spirit of liberty in Poland.

We may be celebrating Polish Constitution Day for many more years before the way will be found for the Polish people to continue the progress in freedom and self-government signified by that document of 171 years ago. Nevertheless, if we continue to work together to strengthen freedom in our own country and throughout the world, we can be confident that some day the Polish people will be able to enjoy the blessings of liberty once again.

Mr. FARBSTEIN. Mr. Speaker, I am delighted to have this opportunity to add my voice to the accolades being offered here today in commemoration of Polish Constitution Day.

Only one tragedy mars this signal event—the fact that it cannot be celebrated in its country of birth. But as we pay tribute today to a great historical document of freedom, and the Polish people who brought it into being, let us add our fervent hope—along with the rest of the free world, the courageous but subjugated people of Poland, and the more than 7 million Americans of Polish ancestry—that Poland will again some day be free and returned to its rightful place as one of the great and early centers of democracy.

The Polish Constitution, which came into being on this day in 1791, remains as a model in the annals of political liberty. Throughout their long history of invasion after invasion, the people of Poland continued to draw inspiration and sustenance from this great document which was formulated in these words:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty, and the good order of society, on an equal scale and on a lasting foundation.

These stirring words—strikingly similar to the philosophy of our Constitution which predates the Polish Constitution by only 2 years—is no doubt in part responsible for the fact that Americans of Polish descent have been in the forefront of every struggle for freedom. For example, the names of great Polish generals may be found among the military leaders of our civil war whose centennial is now being marked—men such as Wlodzimierz Krszyzanowski, Josef Karge and Franciszek Schoepf.

And indeed, it is the inspiration of this document to which we pay tribute today that makes present-day Poland unique—despite its life under the heel of dictatorship. Fired by the words of the May 3 Constitution, the people of Poland today remain anti-Communist in spite of their submersion under communism for 18 years.

Mr. Speaker, meditation on the anniversary of the Polish Constitution not only serves to deepen the faith and heighten the courage of every Pole and of every American of Polish origin—but of every American regardless of his ancestry.

I extend my gratitude to the Polish-American community for keeping alive that spirit through this annual commemoration. I wish them well in their struggle to obtain the eventual freedom of Poland—pioneer nation of European liberalism.

Mr. BOW. Mr. Speaker, it is with a sense of deepest sympathy for the people of Poland that I rise today to join in commemoration of Polish Constitution Day.

The Poles have known oppression and outside domination for centuries, but none of the oppressors has been able to destroy the love of liberty and the respect for the individual which lies at the heart of Polish philosophy.

I am certain the true spirit of liberty lives in the hearts of the Polish people today, under the cruel domination of the Soviet Union, as it lived through earlier periods of occupation.

All of us today should reaffirm our determination that the Soviet empire shall not continue to hold nations once free in the bonds of colonialism.

The love of freedom and independence demonstrated throughout history by the people of Poland assures us that the Soviets must fail in their plans for world domination.

Mr. O'HARA of Illinois. Mr. Speaker, it is a high privilege to join with my colleagues in observing Polish Independence Day here in the House of Representatives of the Congress of the United States. I speak not alone my own sentiments but as well those of all my constituents in the Second Congressional District of Illinois, where so many thousands of our neighbors and friends, held by all in the highest admiration and affection, are of Polish birth or descent. No group has contributed more to the building and the maintenance of the greatness of Chicago than that composed of men and women in whose veins courses the proud blood of Poland.

The Polish Constitution of 1791 represented a long step forward in individual liberty and a gesture of defiance toward Poland's enemies. It was an advance in constitutional government bolder than anything hitherto attempted in Eastern Europe. It marked a new pinnacle of greatness for the Polish people.

That memorable document drafted by men "rich in integrity and intellect and fervent patriotism" reflected in the spirit of the age. By this Constitution, Poland became a limited constitutional monarchy. Ministerial responsibility was provided, many class distinctions were eliminated. Towns were given administrative and judicial autonomy, and a measure of parliamentary representation. Personal privileges formerly enjoyed only by the gentry were accorded to all townsmen. The peasants were placed under the protection of the law. Freedom of conscience and religious toleration were guaranteed.

In one sense this Constitution was in the spirit of the age: in a broader sense it was the heritage of Polish history and a forecast of the future. The empire was founded by the first Polish King, Bodeslav the Great—992–1052—was the first formidable barrier in Eastern Europe against the onrushing Asiatic hordes. Poland's King John Sobeski—1674–96—saved Europe from the seemingly invincible Ottoman Turks by inflicting a crushing defeat upon them at the very gates of Vienna.

Polish settlers were the most valuable aids to John Smith in colonial Virginia. The names of Kosciusko and Pulaski are landmarks in our fight for freedom. Kosciusko used the proceeds from a Government grant of land to liberate many Negroes. During the Civil War, the names of Kryzanowski, Karge, Bielwaski, Gloskowski, Zychlinski, Krolbaso are listed among the freedom fighters. Sister Veronica and her sister, both Mercy Nuns, ministered to our Union troops on the battlefields and were precursers of the Grey Samaritans, Polish-American women who nursed the pestilence-stricken homeless and crippled families of Poland during World War I.

Love of freedom and willingness to fight for it is in the Polish blood. Today, as in the past, Poland has been enslaved by Russia. But the mounting tension between the Poles and their alien opposers is proof that Polish love of freedom and independence lives on.

The success of the Polish peasants' threefold resistance against collectivization, Kulak liquidation and state regulation makes it obvious that the Polish peasant will have none of the Soviet system. He may not overthrow communism in any tremendous upheaval, but his stubborn opposition has begun to erode it slowly away.

June 14, 1953, on Corpus Christi Day Cardinal Wyznski said:

> Polish Catholics must be ready, if necessary, to die the martyr's death. They must, resist the force of the state to the point of bloodshed.

In another sermon on September 25, the Cardinal said:

> Today people speak of criminals. Tomorrow they will speak of sainted criminals.

He was arrested the following day. Arrests, imprisonment of higher clergy, priests, seminarians, and Catholic laymen prove the indomintable character of Polish resistance to oppression and the undying quality of their love of freedom. It may well be as Cyril Foster Barbett, Anglican Archbishop of York has said:

> Once again it will be shown that the church is the anvil on which the hammer of the persecutor is broken.

Western writers, visiting Poland are struck by the fact that in Poland "the flavor of freedom still persists." Despite the efforts of the Soviet regime to force its ways by every means from brutality to cajolery, it has met resistance from the peasants in the field, the workers in the factory, the students in the universities and the intellectuals in their clubs and discussion groups. In 1961 two honored Communist writers, Jerzy Kornacki and Andrzy Stawar, a distinguished Marxist literary critic, jolted the Reds and shook Warsaw by secret criticism of Communists. On October 12, 1961, Professor Schaff in "Freedom of the Individual," sounded a clarion call for the defense of "freedom of discussion and collision of diverse opinions." Later, however, when he attempted to hedge in favor of a more orthodox Communist standpoint, he met a barrage of questions and comments indicative of mounting tensions.

As the elderly economist, Edward Lipenslci, put it:

> Either you have freedom or you don't.

Today we celebrate the Constitution of 1791. While we recognize that Poland in her fight for freedom has met with reverses and cruel oppression, we know that the spirit of Polish freedom stands upright and unbroken. We have confidence that one day Poland shall be free. And until that happy day has dawned, we here in the Congress of the United States shall stand as steadfast friends, unwavering in our determination to help.

Mr. DINGELL. Mr. Speaker, modern history of the Poles is marked with great deeds of gallantry and heroism, of suffering and untold sacrifices. And their more recent history may be described as tragic. Through no fault of their own, they have suffered and endured more hardships than almost any other national group in Europe. Being smaller than their powerful neighbors, Germans on the west and Russians on the east, they have not been able to withstand the periodic onslaughts against them by their powerful foes. In 1772, when Austria, Prussia, and Russia appropriated a large part of Poland, helpless Poles could not prevent the rape of their country. From then on, however, Poland's leaders resorted to every means of strengthening the country so as to be able to meet future attacks successfully. They decided to overhaul Poland's governmental machinery, to make it liberal, democratic, and up-to-date. With these lofty ideals in mind the Constitution of May 3, 1791, was drafted and adopted.

This document marks a new epoch in Poland's history. By its adoption Poland stepped out of the Middle Ages and moved into modern times. The powers of the King were curtailed, and Poland became a constitutional monarchy. There was a legislature of two chambers, which was to meet regularly at stipulated times, and it had to revise the Constitution periodically. The nobility lost most of its special privileges, and the townsmen were allowed to share certain privileges with the nobility. Peasants were protected against the arbitrary power of their landlords and religious freedom was guaranteed. Judged even by today's standards, the Polish Constitution of May 3 was a liberal and democratic document. Its adoption and promulgation was hailed in all parts of Europe, particularly by the prominent liberal leaders in the West. But what was liked by democratic forces was most distasteful to Poland's foes. Unfortunately, they succeeded in carrying out their evil designs. A few years after the adoption of this historic Constitution, Poland was parcelled out among her three autocratic foes—Austria, Prussia, and Russia. Thus before there was any chance of enjoying the blessing of this Constitution, the Poles had lost their freedom and independence.

But the spirit of freedom was not dead among them. Nor was the spirit of the Constitution of May 3. At the end of World War I, when the Poles regained their independence, the spirit of that Constitution began to reign in Poland. Then for about two decades they lived in freedom. Today Poland's genuine freedom and independence has vanished, and the people there suffer under Communist totalitarian tyranny, but they still cling to their spiritual heritage, to the liberal spirit of the Constitution of May 3. In celebrating the 171st anniversary of the adoption of that great Constitution, Poles affirm their undiminished and undying faith in their heritage. I am happy to join all Americans of Polish descent in the celebration of this great anniversary, the Polish Constitution Day.

Mr. DORN. Mr. Speaker, I join my colleagues in commemorating Poland's great Constitution of 1791. I join with them in expressing the hope that the Polish people can in the near future be free from Communist domination, enslavement, and ruthless dictatorship. The heroic struggle for a thousand years by the Polish people for freedom and true democracy is one of the classic struggles of all history. Slavery and atheism will never prevail over the courage and determination of the Polish people. It is with a feeling of great admiration that today I commend the patriotism, gallantry, and devotion to the cause of liberty always paramount in the character of the people of Poland.

Mr. RODINO. Mr. Speaker, the emancipation of feudal central Europe began in the year 1791 when the Poles adopted a modern constitution. Inspired in large part by our own Constitution, written but 4 years previously, the Polish people, acting through their parliament, the Sejm, decided that the common man could own land and be given the protection of national law. Thus through altogether peaceful means a responsible parliamentary government was established.

Poland's neighbors regarded these changes as heresies and a threat to their own autocratic rule. So the outcome of this courageous action by the Polish leaders was the dismemberment of their country, and Poland did not emerge again until it was proclaimed a sovereign and independent state at the end of the First World War. At that time the hopes and aspirations of the free world and of the Poles were once more fulfilled. The whole world thought and prayed that an ethnic Polish state would attain the destiny that it had sought for over a century and that liberty and democracy would finally prevail in Poland.

But in 1939 Poland was invaded once more by her dictatorial and unprincipled neighbors. This time the dismemberment of Poland was accompanied by a slaughter of unparalleled proportions. The Poles fought bravely for their country but were completely overwhelmed. The occupation of Poland from the west was matched by an occupation from the east. The end of World War II brought no relief, for since 1945 the Communist regime has been engaged in a continuous effort to suppress the liberties of the Polish people. Yet the spirit of the 3d of May Constitution lives on.

On this 171st anniversary of the 3d of May Constitution of Poland, I salute the Polish people for their courage and perseverance. Let us now all join with the thousands of Polish-Americans who still have relatives and friends in the oppressed land of their fathers in the prayer that tyranny will soon be overthrown from Poland forever and that liberty will again rule the land as well as the hearts of the brave Polish people.

Mr. BURKE of Massachusetts. Mr. Speaker, we in this country always join hands with the Poles in celebrating their national holidays, in the observance of memorable anniversaries. We rejoice in their successes and achievements, and are saddened when some misfortune overtakes them. We feel and act that way not only because of the high esteem in which we hold our loyal, patriotic, hardworking, and devout citizens of Polish descent, but also because we have always had a profound sympathy for the Poles suffering in their homeland under the oppressive yoke of alien rulers. For these and other reasons there has been created a bond of mutual friendship and spiritual alliance between the people of this great republic and the sturdy Poles of unfree Poland. Misery and misfortune have been their lot for hundreds of years, as it is today under totalitarian dictatorship, but stout-hearted and liberty-loving Poles, even under the most cruel of regimes and most heartless of oppressors, cling to the fine and noble ideals embodied in their great Constitution of 1791.

That Constitution has been considered, by Poles as well as by liberals everywhere, as a model instrument for the just administration of the affairs of a people who have always had as their national goal freedom and justice. It was the work of a band of patriots who framed it after years of calm and calculated deliberations, and it was adopted May 3, 171 years ago. The truly great ideas and ideals embodied in it still stand on their own merit, and the Poles still cling to them as fervently as ever, and wherever they be, they observe the anniversary of its adoption as their national holiday.

Mr. Speaker, I am glad to join them on this memorable and solemn occasion, the Polish Constitution Day.

Mr. BYRNES of Wisconsin. Mr. Speaker, during much of the 18th century most Europeans had their troubles, but the Poles had more than their share in the way of misery and misfortune which led to the loss of their independent existence. By the late 1780's they were already robbed of a part of their country, and their Government was not strong and efficient enough to ward off another partition of Poland among her cruel and greedy neighbors. Certain patriotic progressive leaders planned to reform their Government, and thereby strengthen the country against its foes. The Constitution of 1791 was the result of such careful planning by a committee of the Diet—Parliament.

This Constitution, adopted and promulgated on May 3, marked a new era in Poland's modern history, a democratic and progressive era. It was aimed at bringing Poland's governmental machinery up to date, and in a considerable measure it succeeded in doing so. The King was divested of his unlimited powers, and Poland became a constitutional monarchy, with a responsible ministerial cabinet type of government. The upper House lost much of its powers, and correspondingly the powers of the popularly elected lower House were considerably enhanced. The peasants were placed under the protection of the law, and the landlord's authority over the peasants was drastically limited. Freedom of conscience and religious toleration were guaranteed. With these liberal provisions the Constitution was hailed as a democratic document, as a new charter for Poland.

Unfortunately, before the effectiveness of this model document could be put to a test, Poland's foes overran the country, partitioned it and put an end to Poland's independence. However, the spirit of the Constitution did not die; it still lives on, and on its 171st anniversary let us all hope that it will live until Poles regain their freedom.

Mr. RHODES of Pennsylvania. Mr. Speaker, I join with my colleagues in paying tribute to the spirit of freedom which dwells in the hearts of Polish people everywhere on this 171st anniversary of Poland's Constitution Day.

In the lives of all nations, there are those days which are most symbolic of a people's noble aims and aspirations. For Poland, one of these days is May 3, the anniversary of that nation's first Constitution.

On May 3, 1791, Poland made a great effort to free herself from an outmoded political and economic system and let the glow of liberty flow through her land.

Through this document Poland was converted into a limited constitutional monarchy. Class distinctions were abolished. The common people were allowed to own land and enter the clergy and government service. These privileges which previously had belonged only to the gentry were now extended to all of the Polish people.

The protection of law was extended to the peasants and serfdom was mitigated with a view to eventual abolition. Religious toleration was also inscribed in the new document.

It is a tragedy, Mr. Speaker, that this document was so short lived. It is a tragedy that Russian authoritarianism and Russian might served to black out this hallmark in the cause of liberty.

As Poland was in bonds in the 19th century, so it is under the yoke of Russian imperialism today. Yet, the spirit of liberty and freedom has not been extinguished in the hearts of the Polish people. As recently as 1956 all of the nations were given evidence of the strong desire for liberty among the people of Poland.

The Polish descendants in this country can be proud of their heritage, their culture, and their traditional love of freedom. I join in saluting them on this important anniversary of their Constitution.

Mr. ADDABBO. Mr. Speaker, it gives me pleasure to join my colleagues in paying tribute to the Polish people on this Polish national holiday—the Polish 3d of May Constitution Day. This holiday which is observed wherever people of Polish descent live is a time of reflection upon the long struggle of the Polish people to live in freedom and independence. They have long aspired to this freedom and, though Poland is today under the yoke of international communism, her people are strongly anti-Communist and continue their struggle for freedom.

Throughout our history, people of Polish origin have joined in our quest for independence and freedom. Citizens of the United States, claiming Polish forebears, have answered the call whenever needed. I have many constituents of Polish ancestry, and they are people who are vitally interested in every facet of the American way of life—they play an important part in the life of their communities, State, and Nation.

Our nations have a kindred heritage—we must do all that we can to assist these valiant people in their determination to once again join the nations of the free world.

Mr. FRIEDEL. Mr. Speaker, the Polish Constitution of 1791 was a great liberal document containing many democratic and progressive principles. It was the work of a band of zealous and liberty-loving patriots who, sensing the deficiences of their antiquated governmental institutions, and the need for urgent reforms, wanted to recast and reconstruct Poland's governmental machinery. With these lofty ideas in mind, they framed a progressive and model Constitution, one that was deemed sufficiently advanced and strikingly liberal in those days.

Many fine ideas and ideals were embodied in that Constitution. Much of what we today regard as basic human rights were included in it. The King's authority was drastically curbed, and that of the elected legislative chamber greatly enhanced. The wealthy lost some of their privileges, and the peasantry was brought under the protection of the law. In general, it was an instrument which restrained the powerful, and guaranteed the rights of the weak. At the same time, it aimed to strengthen the National Government of Poland. Unfortunately, the Poles never had the chance to put the Constitution to work. Soon after its adoption, Poland was overrun by its neighbors, partitioned once more, and losts its political independence. Thus, the Constitution remained on paper, but the ideas and ideals embodied in it have become the political creed of the Polish people. That is the reason why the date of its promulgation, May 3, is marked annually by them as their Constitution Day. I am glad to join all loyal Americans of Polish ancestry on the observance of this anniversary, the Polish Constitution Day.

Mr. DADDARIO. Mr. Speaker, today, the 171st anniversary of Poland's Constitution Day, marks the day on which the liberal Polish Constitution of 1791 was enacted. History records that unlike the French, the British, and our own Constitution, the Polish Constitution of 1791 was not born of revolution. It was instead the product of a resolution—a resolution of all the people led by King Stanislaus to heal the wounds of internal dissension and to found a new basis for harmony and national strength. Using the lessons of experience of the French Revolution, but avoiding its excesses, the people of Poland skillfully formulated a government based on freedom and delivered to the nation without new wounds of violence.

The only violence to result from the formulation of this historic document came from without. Russia, that perennial enemy of Polish autonomy, was quick to realize the potential of a rejuvenated Poland and was ruthless in her suppression. Since 1791, Poland has been overrun by Austrian, Prussian, and Russian forces and is even now enslaved under the iron cloak of Soviet communism.

Although the territory of Poland has been repeatedly partitioned and occupied, the people of Poland have preserved their culture and their spirit of liberty. History gives us proofs from the past but no example is a greater testimony than the heroic declaration of Poznan in 1956. Even under the terror of modern weapons, the spirit of the Polish people could not be dimmed and could not be stifled. It is this spirit that we honor today. It is the spirit that motivated Poland in 1791 and Kosciusko and Pulaski in our own Revolution.

In this annual commemoration of the Polish Constitution of 1791 America is honoring the people of Poland, past, present, and future. Through the millions of Polish-Americans genuine ties of fraternity have been established between our two peoples. America shares the dreams of the Polish people who aspire toward restoration of their country's rightful role among the great nations of the world.

Mr. NELSEN. Mr. Speaker, I wish to join with many of my colleagues today in commemorating Polish Constitution Day. There are many millions of Americans of Polish descent and my own Second District in Minnesota includes representatives of this proud, independent, and handsome people. It is to them, as well as to their countrymen living behind the Iron Curtain of Soviet-imposed tyranny, that I would like to address myself.

Through many centuries, the people of Poland have had to resist the thrusts of great powers into their country, have had to fight to maintain their homeland, have had to contend with nations which cut and mutilated their national boundaries, exploiting them and their great resources.

Over the last 171 years of conflict and heartbreak, the fine-steeled resistance of this great people to oppression has been reinforced by a document embraced by Poland on May 3, 1791, a document which abolished tyrannical practices, limited powers of government, and provided for representative machinery to enforce the will of the people. This document, like our own, is enshrined as a symbol of freedom and justice, a compellingly protective force in the cause of individual liberty.

In Poland, this great document has been trampled like its people under the heel of tyranny. Under Poland's present "constitution" imposed by Soviet force, elections are held under police terror, candidates for office are confined to a single list of candidates carefully screened by Soviet masters, and abridgments of freedom are commonplace.

Today, tragically, there can be no celebration in Poland of its real Constitution except in the hearts and minds of its citizens. But freemen everywhere may celebrate for them—and do. Let us pledge our hopes and prayers that Poland's noble Constitution may one day be restored to a place of honor, returning freedom to its people.

Mr. STRATTON. Mr. Speaker, I am glad to join with my colleagues today in commemorating the 171st anniversary of Polish Constitution Day.

Poland was the first of the European nations to follow this country's lead to establish a constitutional republic based on freedom and equality of men, and on the supremacy of law. On May 3, 1791, when the Polish Constitution was adopted, the tide of dictatorship and aggression was sweeping the European nations. The display of courage and determination shown by the people of Poland in establishing a constitutional republic under the conditions existing in Europe at the time inspired and affirmed the faith of freemen everywhere in government by the dictates of established law instead of by the will of a few men.

We are all familiar with the treatment Poland has received from her militarily powerful and aggressive neighbors since 1791. Having thrown down an iron curtain between Poland and the free world, the Soviets today have a puppet government which has taken upon itself the responsibility of extinguishing the hope of the Polish people to again establish a free and independent state.

In spite of their history of oppression and of the Soviets' recent efforts to suppress their hope for freedom, the Polish people continue more than ever to work and pray so that their independence can be achieved.

We in this country—which has benefited so substantially from the contributions made by Americans of Polish descent and which, in addition, has taken on the responsibility for the leadership of the free world—have a particular obligation, inspired by the determination of the people in Poland for freedom, to use and pursue every available means at our disposal to aid in the eventual reestablishment of a free and independent state.

It is in this spirit that I join with my friends of Polish descent from New York and throughout the country in commemorating Polish Constitution Day, and in expressing my fervent hope that we shall soon see the rebirth of Polish freedom.

Mr. REUSS. Mr. Speaker, we are paying tribute today to the magnificent Constitution of Poland which was adopted by that nation 171 years ago today. We are mindful of the fact that Poland's Constitution of 1791 placed the heroic Polish people in the forefront of the struggle for democracy in Europe. Only 2 years after the American Revolution, the Polish leaders gathered in Warsaw to enact this historic document by unanimous vote and thus initiate major political, social, and educational reforms. The Poles made this courageous move at a time when despotism was on the rise in European history. They knew that a decision of the Polish Diet to support the principles of democracy and self-government would provoke antagonism and resentment among the rulers of the many European nations. Yet, inspired by the ideals of the American Declaration of Independence and the French Proclamation of the Rights of Man and Citizen, the Polish leaders declared in the 3d of May Constitution that "all power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation."

How strikingly appropriate do these words sound on the 171st anniversary of the Constitution of 1791. The Constitution of 1791 did not forestall the third partition of Poland in 1795. In 1939 foreign troops met again on Polish soil, just as they had in 1795. In 1961 the courageous Polish people still suffer under the yoke of an absolute totalitarian system. Yet as we meditate on the anniversary of an earlier Constitution, we have faith in the ultimate triumph of justice over cruelty and we know that independence, sovereignty, and democracy will return to the Polish nation.

Mr. RIEHLMAN. Mr. Speaker, it is a great privilege for me to take part this afternoon in the honoring of Polish Constitution Day. As I join freedom-loving persons everywhere and persons of Polish extraction everywhere in commemorating the date of the adoption of Poland's Constitution, I know I also join them in looking forward to the day when Poland will shed the oppressive yoke of communism and once again assume her rightful place among the community of free nations.

For me there is more sadness than joy in the commemoration of an event rooted in a people's love of freedom when those people are under the domination of an alien and a godless ideology, and those in the homeland are unable to celebrate this occasion themselves.

More than anything else, this is a time for us Americans to reaffirm our dedication to the cause of freedom for all people and to let the people of Poland and people everywhere who are under communism's iron fist know in clear and certain terms that our unceasing efforts will be devoted to the downfall of their oppressors.

Mr. SHELLEY. Mr. Speaker, during the second half of the 18th century Poles were faced with insurmountable troubles. They were on the verge of losing part of their country, and there was the danger of losing the remainder to their aggressive and powerful neighbors. They felt that their governmental structure was not suited to making them strong enough to resist effectively Poland's foes. So their liberal and progressive leaders drafted a constitution which aimed at strengthening their Government. This Constitution was adopted on May 3, 1791, marking a new era in Poland's history.

Mr. Speaker, by this document Poland ceased to be an autocratic monarchy and became a constitutional monarchy; the King's unlimited powers were drastically reduced and a responsible ministerial type of government was instituted. The nobility lost most of its privileges, the powers of the landlords were reduced, and the peasantry was placed under the protection of the law. Freedom of conscience and religious toleration was guaranteed. With these and similar liberal provisions the Polish Constitution of 1791 was rightly regarded as a liberal, progressive, and in many ways a model constitution. As such it was acclaimed by liberals everywhere. Unfortunately international complications, caused by Poland's foes, did not permit the implementation of this Constitution. Soon after its promulgation Austria, Prussia, and Russia attacked, invaded and overran Poland, and then put an end to her independent existence. That was, in my mind, Mr. Speaker, the tragedy of Poland.

Mr. Speaker, from then on for more than 100 years Poles suffered under alien regimes in their homeland, always praying for the day of their freedom. Many of them left their homes and sought freedom in other lands, some finding refuge and haven in the United States. Today there are more than 6 million sturdy and stouthearted American citizens of Polish ancestry here, who have contributed immensely and in every way to our way of free and democratic life.

Mr. Speaker, I know through personal knowledge that the large and very active Polish community in San Francisco has done, and continues to do wonders in its efforts to enrich community life in San Francisco. There they are active in social, political, educational, and religious circles, and in every one of these circles they are a boon to our community. Polish residents came to San Francisco soon after 1860. The Polish Society of San Francisco was organized in 1862, one of the oldest in America. San Francisco has over the years been famous in Polish cultural history as the haven of so many refugees from the revolutions in 1848 and 1862, including the great revolutionary leader, General Krzyzanowski, General Keller who fought with the devoted Louis Kissuth, Mme. Helena Modjeska, the greatest dramatic actress in the world, and one of the foremost religious writers, Sienkiewicz, author of "Quo Vadis?"

Mr. Speaker, I am indeed pleased to join these loyal and patriotic citizens in the celebration of the 171st anniversary of Polish Constitution Day.

Mr. HOLLAND. Mr. Speaker, Polish genius has demonstrated its presence in nearly every phase of human activity. The West is indebted to the Poles in innumerable ways. In the arts they have been superb; in literature they have been no second-raters; in science they have had more than their quota among the great immortals. Of course, they are also noted for their bravery and daring, and for their almost endless struggle for freedom and independence. But in certain fields they are not as well known as they should be. Their Constitution of 1791 is proof that they deserve to be known in governmental reform as pioneers in central and eastern Europe. That historic document marks not only a decided advance in progressive reforms in governmental institutions in Poland, but it also stands as one of the earliest attempts at reform by peaceful and deliberative methods.

Unfortunately all the liberal and democratic provisions of that Constitution, and all the good and noble intentions of its patriotic framers, could not forestall impending dangers that were threatening Poland in the late 18th century. As one partition followed another, leading to the eventual extinction of Poland's independence, it was, of course, impossible to implement the Constitution of 1791. Even so, all patriotic and liberty loving Poles have always held sacred the ideas embodied in that memorable document, and to this day they commemorate the day of its adoption as a national holiday. I am glad to join all Americans of Polish ancestry on the observance of the 171st anniversary of Polish Constitution Day.

Mr. FEIGHAN. Mr. Speaker, each year, on the occasion of Polish Independence Day, people throughout the free world commemorate their struggle for independence. Each year I commemorate it with an increasingly heavier heart when I realize the Polish people are still under the yoke of Russian communism. Recently the Secretary of State of the United States stated before the House Select Committee on Export Control that—

> Poland is clearly a member of the Soviet bloc. It is bound to the U.S.S.R. not only through such formal instrumentalities as the Warsaw Pact, but also because of its exposed geographic position and its heavy economic dependence upon the Soviet Union. Even more important is the fact that Soviet troops are still present in Poland. The Polish position on international issues is rarely distinguishable from that of the Soviet bloc itself. In brief, Poland is a part of the Soviet bloc and U.S. policies must fully take account of this fact.

Then in an almost direct contradictory statement the Secretary of State said:

> It is equally important to recognize that Poland reflects nationalist sentiments within the Soviet system * * * the Polish Government has enjoyed a measure of autonomy which, while limited is nevertheless unique within the bloc.

The Secretary of Commerce also stated:

> In 1957, U.S. export policy with respect to Poland was altered due to the greater independence from Soviet domination which was asserted and demonstrated by the Polish Government.

In a release the Secretary of Commerce stated:

> Poland has been treated as a friendly country since 1957 in line with U.S. policy to encourage greater independence on its part.

These contradictory statements are hard to explain. The reassurances of two high Government officials that aid to the Communist government of Poland is in the interest of the United States are difficult to comprehend. They are basing their estimates upon false premises or are deliberately misleading the American people. The true facts are, the Polish people are a friendly people and are governed by a government subservient to a foreign power, the Soviet Union, which has as its objective the destruction of our system of government and our way of life.

When our Government speaks of "greater independence from Soviet domination for the Polish Government" they should realize that this can only be brought about by destruction of the present Communist government of Poland and its master, Russian communism.

The Polish people will continue to struggle for their independence. If we show the same determination, it will be only a matter of time before the Polish people will be free and again celebrating independence on their own soil.

Mr. PIRNIE. Mr. Speaker, once again on May 3, we celebrate the great Polish national holiday—Constitution Day. Friends of Poland join with Poles everywhere, as well as citizens of Polish origin in many countries, to observe this significant event in the history of that freedom-loving nation.

Barely 2 years after the adoption of our own Constitution, Poland was fortunate in reforming its government without a revolution. Unfortunately, this assertion of constitutional democracy was soon countermanded by the destructive partition of Poland in 1795, but the idealism that sparked the drafting of that great charter and the principles it enunciated has served to inspire a freedom-loving people to recapture its territorial integrity and national sovereignty.

The repeated observance of the Polish 3d of May reminds the world of Poland's contribution to Western civilization and strengthens the faith that Poland has a significant role to play in the future history of liberty everywhere.

Mr. ROONEY. Mr. Speaker, May 3 marks the day when almost 200 years ago in 1791 the Polish people proclaimed one of the first democratic constitutions in Europe. That day was the culmination in Poland of a fervor for freedom and individual rights which had just begun to take hold in the rest of Europe, subsequent to the American Revolution. Unfortunately, patriotic Poles who framed and enacted this constitution into law, were not given the chance to see it work, and have the people enjoy its benefits. Soon after its promulgation, Poland was attacked, invaded, and overrun, and finally partitioned among its greedy neighbors. However, the spirit of freedom and progress embodied in that document did not die. For almost 200 years the Polish people have kept alive the memory and belief in the ideals illustrated in their Constitution, and they still cling to them under today's Communist totalitarian tyranny.

I firmly believe that we shall again have an independent Poland for any people who can endure what the Polish people have endured in the last years and can still believe adamantly in a country of their own determination shall certainly see it exist again free and independent.

Mr. LESINSKI. Mr. Speaker, we are today commemorating the adoption of one of the outstanding documents of history, the Polish Constitution of 1791, a shining symbol of democracy and freedom.

Although that document had only a short life before the totalitarian forces overran Poland and subjugated her people, it remains as a vivid reminder that out of oppression, a vigorous and spirited people will unceasingly seek to free themselves from oppressors who hold human life and dignity of little value.

The spirit of the Polish people which produced the Polish Constitution still lives in the hearts and minds of the modern day Poles, for although the alien Communist force emanating from Moscow has cast its dark shadow over them, it has not quenched their burning desire for freedom and liberty. As the present-day oppressors know, that unconquered spirit, if too heavily burdened, will rise to break the chains as it has done in the past.

As we commemorate Polish Constitution Day, we look forward to the day when the Polish people, as well as the people in other captive nations of the world, will once again be able to live under a free, democratic government of their own choosing.

GRAND CANYON NATIONAL PARK

Mr. SMITH of Virginia, from the Committee on Rules, reported the following privileged resolution (H. Res. 623, Rept. No. 1651), which was referred to the House Calendar and ordered to be printed:

> *Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 383) to provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

ARBUCKLE RECLAMATION PROJECT, OKLAHOMA

Mr. SMITH of Virginia, from the Committee on Rules, reported the following privileged resolution (H. Res. 624, Rept. No. 1652), which was referred to the House Calendar and ordered to be printed:

> *Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 23) to authorize the Secretary of the Interior to construct, operate, and maintain the Arbuckle reclamation project, Oklahoma, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

Mr. SMITH of Virginia, from the Committee on Rules, reported the following privileged resolution (H. Res. 625, Rept. No. 1653), which was referred to the House Calendar and ordered to be printed:

> *Resolved,* That immediately upon the adoption of this resolution the bill (H.R.

8900) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities, with the Senate amendments thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendments be, and they are hereby, disagreed to and that the conference requested by the Senate on the disagreeing votes of the two Houses be, and the same is hereby, agreed to.

IT IS TIME TO SELECT A NATIONAL FLOWER

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. CURTIN] is recognized for 10 minutes.

Mr. CURTIN. Mr. Speaker, last week a discussion ensued on the floor of the other Chamber which was precipitated by the statement of one of the eminent members of that body who felt that the Capitol grounds should be enlivened and beautified by more flowers and shrubs. This developed into a most interesting discussion of flowers and shrubs, and the time and place they should and could be planted.

This lively colloquy recalled to my mind the fact that the United States still does not have a national flower.

Over the years there have been many resolutions introduced on this subject, the Members who introduced the same all strongly advocating the flower of their choice. I am included among the Members in this category, as I introduced a resolution in both the 86th and the present Congress advocating that the Marigold be chosen as the national flower.

The selection of a floral symbol, which shall be worthy of the high honor of joining the American Flag and the American Eagle as a symbol to the nations of the world of the national character of this country, is, indeed, a difficult task. The flower to be selected should not be selected for its beauty alone, but it should be a flower which can portray symbolically some of the characteristics of this great Nation. What, then, are the criteria which I submit are important in selecting a national emblem?

First, it should be American. Just as the American Eagle is an American bird, so should our national flower be native American and native to no other country.

Second, it should not be the national symbol of any other country.

Third, it should be common to all America, to all the States and cities, to all the villages and hamlets that make up America. Our American eagle soars high over the mountains and plains all over these United States. And just so, should the national flower be found in the gardens of Maine and California, Washington and Florida, and every one of the States of this Union, including our two newest States, Alaska and Hawaii.

Fourth, the national flower should represent to the world the proud ideals which we Americans claim for our country. Our national flag stands for freedom. Our national American eagle is a symbol of power, courage, and strength. to stand side by side with these two great symbols should be a flower which fully measures up to them as symbolic of American characteristics of which we can be proud.

What are the characteristics of the marigold which make it a candidate for this high honor?

On the strength of being a friendship flower alone, the American marigold is worthy of representing our Nation, botanically.

But, the American marigold comes with stronger credentials for this glorious honor. Not the least is its claim to being a native American flower and native to nowhere else in the world.

You may be interested to learn that marigolds were discovered by the great Spanish Conquistadore Cortez during his expeditions in the land of the Aztecs. The gay colored flowers blooming throughout the fields so attracted the invaders that they sent its seed back to Spain.

There the simple golden blooms taken from the American continent gained such a great popularity that the people used them to decorate the altars of the Virgin Mary. Thus they became known as Mary's gold which through popular usage contracted into marigold.

The American marigold is not a sophisticated flower demanding a great deal of care and pampering. To the contrary, as any gardener will tell you, it possesses a vigor and vitality which enables it to grow easily, quickly, and inexpensively in the gardens of our 50 States. Its adaptability, strength, and virility are characteristics generally identified with the American people.

I point out these characteristics of the flower of my choice for the national flower, as it seems to me that this revival of interest in flowers and blooms, as shown in the other body last week, makes it a most appropriate time to consider again the adoption of a national flower.

This flower is hardy, adaptive, and disease resistant. It can be grown by any homeowner, by any garden lover, in any of the States of this great country, developing from a seed to a bloom in a few short weeks. It is not a pampered hot house flower, and once in bloom in the gardens and fields of this country, it blooms continually all summer and fall. It is an attractive flower, both in the garden and as a cut flower, and unlike many of its competitors, it is practically free from insect pests and diseases. It is a flower which is truly all American. It is a flower that is physically strong and virile, a flower that grows in peaceful gardens and not one that has ever associated with war and bloodshed as has England's national flower. It is truly a flower and not a vegetable or a grain.

Each of us may be partial to a certain flower for a particular reason: its beauty, its scent, its fragility, its daintiness, and even its impact on the economy of a country. I submit, however, that these attributes should not be determinative of the national floral emblem, which is to be symbolic of the character of America. I submit that the flower which most nearly meets the criteria for a national emblem is the marigold.

It seems to me that it is high time that we resolve this question and decree for the United States a flower which will have the high honor of being the national flower of this country. For this reason, I call the attention of this distinguished body to House Joint Resolution 99, which I introduced last year designating the American marigold as the national floral emblem of the United States.

POSTAL PAY INCREASE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Massachusetts [Mr. LANE] is recognized for 10 minutes.

Mr. LANE. Mr. Speaker, today in your Committee on the Post Office and Civil Service we started hearings with reference to the salary increases for postal employees and for other Federal employees. For that reason, I wish to say a few words at this time.

Mr. Speaker, approximately 50 Members, including myself, have introduced postal pay raise bills identical with the Morrison bill, H.R. 9531. For unity of action we are concentrating our support in behalf of the Morrison bill. This fact alone indicates the widespread belief that the postal workers deserve a substantial pay increase this year.

There has been mounting dissatisfaction among carriers and clerks during recent years as they have watched the aggregate personal incomes of their fellow Americans rising, while theirs stood still. Furthermore, the rise in the cost of living has reduced the purchasing power of their fixed incomes. The tendency of more and more businesses to rely upon the Post Office Department for below-cost services has forced the postal employees to do more work for which they do not receive additional pay.

To compensate for these human and economic losses, we propose—not just a token increase that does not square with the needs but an average increase of 14 percent. We are not opposed to increases, even proportionately higher ones, for the executives in the Department. But we do oppose such increases if they are to be paid for by sacrificing the pay claims of the men and women in the ranks. These are the low paid employees who merit a real increase, not on the installment plan, but whole and entire and retroactive to January 1, 1962.

The reason for this is to make up for the dilatory and delaying tactics of their employers. When postal employees seek a pay raise, so many obstacles are placed in their way, that 1 or 2 years pass before the battle is won. By that time, part of the raise that would have been negotiated under normal conditions, is already lost and irrecoverable.

There is no justification for any legislative "slow motion" on this matter. We are getting deep into the session and there will be understandable pressure from many Members for an early adjournment so that they will have time to campaign for reelection.

The associations representing the postal employees have presented us with impressive reasons to warrant a pay increase. The Administration has recommended a 3-stage plan, providing large increases for those in the higher pay brackets so that Federal salary rates for these positions shall be comparable with private enterprise rates for the same levels of work, and small increases for the bulk of postal workers.

I do not believe that the President would veto a bill to provide substantial increases for executives, that he considers necessary to meet the competition from private enterprise, and, substantial increases for clerks, carriers, and other low-paid personnel as well.

In addition, H.R. 9531, would award longevity increases after 10, 13, and 16 years of service, instead of the current 13, 18, and 25 years. This would place postal employees on an equal basis with other Federal workers. I cannot see how anyone could object to this fair and equitable adjustment.

As the Post Office Department serves every person and every business in the Nation, it is essential that we provide pay standards that will attract and hold the most competent and dependable employees who will help the Department to function promptly and efficiently under an increasing burden of work.

In my opinion, and that of many other Members, the Morrison postal pay increase bill is not only advisable but necessary. The long overdue incentive of a pay raise for faithful but hard-pressed postal employees has strong support from Congress and the general public who appreciate the value of their services.

MINORITY VIEWS ON H.R. 5532

Mr. GUBSER. Mr. Speaker, I ask unanimous consent to file minority views on the bill H.R. 5532; and that other members of the Committee on Armed Services be permitted to join me, and that these minority views be printed as part 2 of the committee report on that bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SALUTE TO POLAND

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Miller] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MILLER of New York. Mr. Speaker, May 3 is a day when we who live in freedom pause to salute the enduring courage of a gallant nation dedicated to democracy but held prisoner in a vise of Communist oppression.

People of Polish extraction throughout the world—people for whom we have the deepest respect and friendship—observe Poland's Constitution Day with a pride born of overriding devotion to justice and the rights of the individual.

Two years after the adoption of the Constitution of the United States in 1789, the will of the Polish people, which has never changed through years of painful adversity, was expressed in these words:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty, and good order of society, on an equal scale and on a lasting foundation.

Thus more than 170 years ago the Poles affirmed their partnership with the United States in a concept of government which never has been surpassed through history. That partnership is meaningful today as America and Poland face a common enemy and with a common determination to be free.

All through the years of successive partitions, all through the years as victims of Soviet colonialism, the Poles have electrified the free world by their faith in the rightness of their fundamental beliefs and the goals they are determined to achieve.

Indeed, one of the wonders of our times is that a nation so torn by frustrated desires is able to project the traditional image of its people—an image marked by individual skills and progressive spirit. One looks upon Poland as a country whose rightful destiny has been delayed, not lost, no matter what pressures are brought to bear upon it to accept the status quo of communism.

I would recall against the heroism of the Polish people when in 1939 they rose to the defense of principle and resisted the mechanized forces of the invading Nazis at the cost of thousands of lives. This was the beginning of World War II and it is one of history's saddest facts that in the immediate aftermath of the struggle Poland's independence was not restored. Instead of freedom, the year 1945 saw communism move in.

But I know that when the captive peoples throw off the yoke of communism, Poland will be in the vanguard of the movement. Toward that end she has earned the right to expect the support of all free nations.

I would not let this day pass without expressing deep gratitude for the contributions people of Polish extraction have made to our country in both war and peace. As freedom lovers they have fought and died for American principles. As peaceful citizens they have enriched our family, cultural, and industrial life.

This indebtedness I speak of must be repaid—and there is no better way to do it than to let it be known that America stands with Poland in its determination to regain full independence.

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Conte] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CONTE. Mr. Speaker, today, May 3, 1962, marks an anniversary that has become important not just to Poles the world over but to all who hold freedom dear. It should be even more significant to those of the world who have and know freedom, for we are the fortunate ones. The people whose courage we honor today do not have this liberty, yet they desire it as greatly as we experience it daily appreciate it.

We of the Western World cannot forget the peoples who are suffering under the yoke of communism against their will and helpless to liberate themselves. Nor can we forget that communism's goal is to remove all signs of a national culture and heritage from the countries in which it reigns.

Just this week Cardinal Wyszynski of Poland openly criticized the Communist regime for trying to remove religion from the lives of Poland's youth. The age old annual celebration of St. Adalbert, the first patron saint of Poland, was the occasion for Cardinal Wyszynski's charges, and also the scene of a more subtle attempt to discredit religion. The processional of the event was quietly pushed to the back streets and off of the main street of Gniezno, Poland, the town which has the first Catholic cathedral in Poland.

So we might well take this occasion to rededicate ourselves as a nation and as individuals to freedom for all peoples throughout the world. And, in the process, all Americans can be thankful for their way of life and work to strengthen and protect it.

TRIBUTE TO REPRESENTATIVE WALTER, OF PENNSYLVANIA

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Scherer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SCHERER. Mr. Speaker, having had the privilege of serving on the House Committee on Un-American Activities for the past 10 years with our chairman Francis E. Walter, I heartily concur with sentiments expressed in the following editorial appearing in the Brooklyn Tablet:

> Tribute to Representative Walter, of Pennsylvania
>
> Unfortunately many good men in Congress retire at the height of their career when they are most useful in furthering and protecting the best interests of the country. We are happy to note Representative Francis E. Walter, Democrat of Pennsylvania, is not going to join their ranks. The distinguished Congressman announced last week, amidst widespread applause from members of both parties, that he will run for a 15th term and not retire as he had previously intended.
>
> The fact is that Representative Walter, one of the most influential Members of the House, has for years been one of our Nation's best legislators. As head of the House Committee on Un-American Activities, he has been particularly vigorous and vigilant in defense of the country against subversion. His reports and recommendations have

been praised by Americans of every description. The opposition of Communists and anti-anti-Communists has been met head on, and usually he has been returned the victor.

Representative Walter's announcement touched off 25 minutes of bipartisan praise on the House floor. It got underway even before the House met, when Speaker John W. McCormack, Democrat, of Massachusetts, told reporters he was "very glad" Representative Walter was planning to run again. The majority leader, Representative Carl Albert, Democrat, of Oklahoma, set off the round of plaudits on the House floor.

Among the many others who joined in was Representative Clarence J. Brown, of Ohio, senior Republican on the House Rules Committee, who praised Representative Walter for dedication to "Americanism and sound government." Mr. Brown remarked that Mr. Walter had always acted not from political or partisan motive, but was imbued with patriotism and consideration for the welfare of the country. Even those who have criticized him—and some of the legislation he promoted has drawn attacks—have never reflected on his sincerity, integrity or public interest. All in all he has offered the country, particularly on the Communist issue, splendid service.

Mr. Walter is not a Catholic, but Catholics and other Americans are united in tribute to his service to our beloved Nation.

POLAND'S CONSTITUTION DAY

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Ostertag] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OSTERTAG. Mr. Speaker, I join today with my colleagues in commemorating the 171st anniversary of Poland's Constitution Day. This brave nation, many of whose citizens aided us in our fight for independence, can no longer celebrate this day. Their freedom has been crushed under ruthless Communist oppression since 1953 when their 3d of May constitution was replaced by a Communist constitution forcibly imposed upon the Polish nation.

But the 3d of May constitution still lives as an embodiment of the ideals and aspirations of the Polish people. This day is still observed in the hearts of the people within the country, and throughout Polish communities in the world.

Mr. Speaker, the men who undertook the task of guiding the Polish nation on the path of social progress were among the most enlightened citizens of 18th-century Poland. They were inspired by the ideals of our own American Declaration of Independence and influenced by the French Proclamation of the Rights of Man and Citizen.

It is, therefore, especially fitting that Members of the U.S. Congress commemorate Poland's National Day on May 3, to evoke links of friendship between both nations, and to emphasize our support for returning to Poland the freedom and national sovereignty she has known in brighter periods of her history.

DOES THE ADMINISTRATION'S TAX BILL VIOLATE OUR TAX TREATIES?

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Betts] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BETTS. Mr. Speaker, with the pendency of the administration's tax bill before the House Committee on Ways and Means I became concerned over representations that had been made to the membership of the committee to the effect that the proposals affecting income derived from foreign sources would be violative of our tax treaties in effect with other nations of the free world.

My concern in this regard prompted me to write to the State Department asking for a legal opinion as to whether there was any basis for the representations that had been made. Unfortunately, I did not receive an answer to my inquiry until after the Revenue Act of 1962 had passed the House of Representatives. On April 11 of this year I received a reply from the State Department which quoted a Treasury Department opinion that the Treasury Department's tax proposals did not unilaterally violate any tax treaties. The State Department letter containing the Treasury Department opinion did not alleviate my concern in regard to this very important matter. As a consequence, I conducted a personal study of the subject and consulted with several persons who are authoritatively knowledgeable in regard to international tax matters.

My efforts in this field led me to the conclusion that certain provisions of the Treasury's tax package did conflict with obligations the United States has undertaken in regard to tax treaties. If I am correct in my conclusion that the enactment of H.R. 10650 as it passed the House of Representatives would result in violation of our tax treaties, then I am very concerned that the consequences of such a unilateral action on the part of the United States would have dangerous and undesirable implications that go far beyond the tax considerations directly involved.

The Revenue Act of 1962 is now a subject of public hearings by the Senate Committee on Finance. I deemed it important that the State Department letter to me of April 11, 1962, commenting on the issue of whether or not U.S. tax treaties would be violated by the administration's tax proposals be made a matter of public record. As a consequence, I addressed a letter to the Honorable Carl T. Curtis, a distinguished member of the Senate Finance Committee, transmitting a copy of the State Department letter and expressing in some detail the results and conclusions from the personal study that I had conducted in regard to this subject. I will at this point in the Record include my letter to Senator Curtis and the letter I received from the State Department dated April 11, 1962:

Congress of the United States,
House of Representatives,
Washington, D.C., May 2, 1962.

Hon. Carl T. Curtis,
U.S. Senate,
Washington, D.C.

Dear Senator Curtis: I am writing to commend you for the very excellent series of commentaries you have recently made on current administration proposals to increase the tax burdens imposed on American free enterprise operations in world commerce. Your perceptive analysis of the contribution such commerce makes to the creation of American jobs, to improvement in our balance-of-payments position, and to the fulfillment of our commitments to our free world allies has done much to reveal the confusion and concern arising from the Treasury recommendations.

During the time the Committee on Ways and Means was considering these Treasury tax recommendations that were later included in H.R. 10650, I became concerned over the risks and dangers that could result from a precipitous and unwise shift in the ground rules covering the taxation of American business endeavors overseas. One of my concerns in this regard was derived from the assertion made by many informed persons to the effect that certain of the Treasury proposals would result in the United States unilaterally dishonoring its treaty obligations.

On February 23 I wrote to the Department of State asking that agency for a legal opinion as to the validity of the allegations that the tax proposals did involve treaty violations by the United States. I did not receive a responsive answer to my inquiry until April 11, 1962, which was after the House had concluded action on H.R. 10650. A copy of the State Department's reply is attached to this letter.

The expression by the State Department was in fact a conclusion by the Treasury Department that the Treasury proposals did not entail a violation of our treaty obligations. This Treasury conclusion, apparently subscribed to by the Department of State, seemed rather remarkable in view of the numerous times the Congress has received executive communications asserting that an action involving tariff commitments should not be taken because of treaty obligations or other forms of international undertaking.

I was dissatisfied with the authoritative quality of the arguments in the State Department letter seeking to establish that the Treasury foreign income proposals were not violations of our treaty obligations. Accordingly, I have consulted with several authorities in the field of international law in an attempt to make a careful study of this matter. I have concluded that H.R. 10650 conflicts with many of our treaties as well as raises a host of other knotty problems involving relations with our allies abroad.

For example, proposed section 21 of the Bill provides that section 7852(d) of the 1954 Internal Revenue Code shall not apply in respect of any amendments made by the bill Section 7852(d) in turn provides that no provision of the Internal Revenue Code of 1954 shall apply in any case where its application would be contrary to the treaty obligations of the United States in effect on the date of its enactment. Section 21 thus represents a complete reversal of our tax policy with respect to treaty obligations. In 1954 we were careful to honor our treaty obligations. In 1962 we propose to tear up all existing tax treaties to the extent that they are contrary to our new tax policies.

Also, we have treaties with 19 countries establishing exemptions from tax or rates of tax of less than 20 percent on interest and dividends paid to nonresident aliens. The language in section 19(c)(1) of H.R. 10650 abrogates all of these treaties, and will require withholding at the general 20 percent rate regardless of whether or not section 21 remains in the bill. Of course the nonresident alien may be entitled to a refund, but there has been imposed upon him the delays, burdens and complexities involved in filing the necessary claims for refund.

Far more serious conflicts, however, are those involved under section 11, the so-called gross-up provision. Dividends from foreign corporations are of course included in income and subjected to tax at the full rate. Recognizing the undesirability of double taxation, however, our tax laws have long provided a credit for foreign taxes imposed upon the foreign income.

To illustrate, a U.S. parent corporation receiving a dividend of $100 from a foreign subsidiary computes a tentative U.S. tax of $52 and then applies a credit to the extent of the effective rate of foreign income tax paid by the foreign subsidiary. If the effective rate of the foreign income tax was 40 percent, for example, the U.S. parent would deduct a credit of $40 and pay an additional U.S. tax of $12.

Under proposed section 11, however, the U.S. taxpayer is required to "gross up" the dividend to $166 by adding to income the related foreign tax of $66. His dividend income is therefore deemed to be $166 even though only $100 is ever received in the United States. The tentative U.S. tax on this is $86. Deducting a credit of $66 (40 percent of the grossed up dividend), the U.S. tax under proposed section 21 is $20 instead of $12.

Section 11 of H.R. 10650 thus obviously changes very considerably the computation of the foreign tax credit. By increasing the U.S. income tax on foreign dividends, the gross-up provision reduces substantially the effect of the foreign tax credit. The question then arises, does this conflict with any of our treaty obligations? I have concluded that the answer is clearly "Yes."

The Norwegian Treaty has been cited to me as a good example. Article XIV states:

"(1) It is agreed that double taxation shall be avoided in the following manner:

"(a) The United States in determining its taxes specified in article I of this Convention in the case of its citizens, residents or corporations may, regardless of any other provision of this Convention, include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of the United States as if this Convention had not come into effect."

This reservation clause, reserving to the United States certain rights with respect to its own citizens, residents or corporations, is followed immediately, however, by the following limitation clause making it perfectly clear that the foreign tax credit provisions are not to be altered without renegotiation of the treaty. This limitation clause states:

"The United States shall, however, subject to the provisions of section 131, Internal Revenue Code, as in effect on the date of the entry into force of this convention, deduct from its taxes the amount of Norwegian taxes specified in article I of this convention.

The Norwegian Treaty is only 1 of 13 treaties containing such a specific provision for the allowance of the foreign tax credit in its present form. Eleven of these treaties are with economically developed countries so that if the courts were to decide in the future that these treaties are to be honored, the anomalous result is that the gross up provision would apply primarily to the less developed countries, thus discriminating against those emerging countries. Of these 13 treaties, 7 were effective before the enactment of the 1954 code. If the new bill is not to contain section 21, section 7852(d) of existing law would clearly and expressly preclude any change in their provisions. As to the six post-1954 treaties the spirit of section 7852(d), if not its letter, would certainly require that they also be unaffected by the bill.

The Treasury arguments contained in the aforementioned State Department letter can be summarized as follows:

1. The limitation clause in the treaties quoted above is not intended to require the application of section 131 in its exact form, but permits any reasonable amendment. This interpretation seems to read into the limitation clause both intent and language that simply are not there.

2. Gross up does not involve section 131. This argument apparently assumes that the full credit under section 131 is being given, the only change being that the taxpayer's income is increased by the foreign tax of the payor corporation. In support of this argument reference is made to the reservation clause.

There are several answers to this argument. In the first place, there are five treaties in which there is no reservation clause. Any distinction in the application of the gross up provision based on the presence or absence of a reservation clause would be whimsical indeed. Secondly, this kind of reasoning is pure semantics. Lip service is given to section 131, but only upon the condition of including in the taxpayers' income part of the income of the foreign subsidiary, a separate entity, with a net increase in tax burden. This argument is not only superficial, therefore, but if taken at face value, points up another serious issue; namely, the constitutionality of the taxpayer being forced to include in his income a part of the income of a separate taxable entity. One taxpayer may not be taxed upon the income of another. Furthermore, the reservation clause, itself, only permits inclusion in the basis upon which taxes are imposed "items of income taxable under the revenue laws of the United States."

3. Finally, the Treasury argues that gross up involves a favorable change on the ground that the credit is increased, apparently relying on the fact that most of the treaties contain a no restriction provision. Article XX of the Norwegian Tax Convention is an example:

"(2) The provision of the present convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance now or hereafter accorded by the laws of one of the contracting States in the determination of the tax imposed by such State."

This provision clearly does not grant any power to a contracting party to make the provisions of the treaty more onerous. It merely says that a contracting party shall not be restricted in according any allowance it wishes; i.e., in being more liberal. And any argument that the Treasury is being more liberal by allowing a higher credit under gross up is entirely specious. The higher credit is only obtained at the cost of unconstitutionally including income in the base of the tax, with a substantial net increase in tax burden.

In conclusion section 11 clearly abrogates many of our treaties. The arguments to the contrary are not persuasive. But even if there were some technical basis for the Treasury position, we should honor the spirit of the treaties. As my colleague from Michigan, the Honorable George Meader, said before the House during the debate on H.R. 10650:

"Before the eyes of world opinion the U.S. Government has held itself out as a champion of morality in world affairs. We have repeatedly called the Government of Communist Russia to task as a treaty violator. How can we continue to take this firm moral position if we ourselves disregard treaty obligations when it suits our purpose to do so?"

Mr. Meader's point would seem to be reason enough for eliminating the gross-up provision from the bill. If more persuasion is needed, however, the practical results of any other course should be considered. If section 11 is enacted, and these 13 treaties abrogated, we must be prepared for similar treatment at the hands of other nations around the world. I am informed that most continental countries, for example, are particularly sensitive about modification of international treaties by internal laws, for they consider the former sacrosanct. Retaliation may be expected, therefore, and may not be limited to tax treaty obligations, but may involve also our important treaties of friendship, commerce, and navigation.

The present financial strength of many of our allies is in great part due to the efforts of American business, but they are now competing with us on even terms, or better. The time has come when they might well welcome an excuse to adopt our proposed approach and unilaterally abrogate treaties now preventing discrimination against our business abroad. The result would be to hamper our efforts to expand our foreign sales that are vital if we are to reduce our current deficit in balance of payments.

As a matter of morality we should not abrogate these treaties. As a matter of practicality I submit that we cannot afford to do so. But if the decision is made to abrogate them, then it should be done forthrightly and not indirectly. It is unseemly for us to say we are going to honor our treaties if in fact we intend to dishonor them.

Sincerely yours,

Jackson E. Betts,
Member of Congress.

Department of State,
Washington, April 11, 1962.

Dear Congressman Betts: Reference is made to your letter of February 23, 1962, with which you enclosed a memorandum prepared by the International Telephone & Telegraph Corp. concerning the "gross up" proposal in the draft tax legislation. You inquired whether the statement on page 1 of the memorandum that "gross up" would violate the provisions of 13 treaties entered into by the United States for the avoidance of double taxation on income is accurate.

You were informed by letter dated March 6, 1962, that the Treasury Department is the appropriate agency of the Government to determine the effect of "gross up" on the tax treaties and that a substantive answer to your inquiry would be made after consultation with the Treasury Department.

This Department has received from the Treasury Department a letter dated March 29, 1962, in which the following statements are made in regard to the above matter:

"The statement in the memorandum of the International Telephone & Telegraph Corp. to the effect that 'gross-up' would violate the provisions of 13 income tax treaties is not accurate in the view of the Treasury Department. The statement is probably based on an argument raised elsewhere that the violation would occur because of the agreement of the United States in certain of its treaties that the foreign tax credit as in effect on a particular date will be applied to taxes paid to the other signatory country. Aside from the fact that these provisions do not require the continuance of the exact credit provisions in effect on such dates but only require that a reasonable and effective foreign tax credit be accorded in good faith under our tax law, this argument is not relevant to the 'gross-up' provisions of H.R. 10650. The United States does not limit in its income tax treaties its right to determine the tax base of U.S. citizens, residents, and domestic corporations. In fact in most treaties, the United States expressly reserves to itself the right to determine the basis upon which U.S. tax may be imposed. The 'gross-up' provision relates to the amount of income to be included in gross income of U.S. shareholders with respect to distributions from foreign corporations. The 'grossing up' of this income is therefore within this retained right and cannot be considered to be in violation of any of the treaties. The changes in the credit provisions themselves as a result of H.R. 10650 are to increase the amount of foreign taxes which may be credited with respect to dividend distributions and this, being a favorable change, cannot be considered as violating the obligation of the United States with respect to the allowance of a foreign tax credit. Let me assure you that this matter was given the most careful consideration and review by the Treasury Department prior to its recommendation of the 'gross-up'."

If I can be of further assistance to you, please do not hesitate to call on me.

Sincerely yours,

Frederick G. Dutton,
Assistant Secretary.

COMMUNICATIONS SATELLITE ACT

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Barry] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BARRY. Mr. Speaker, the action of the House in acknowledging the progress our country has made through private enterprise has indeed been gratifying. The outstanding communications systems which we presently enjoy were not developed under Government control and I do not believe that we should resort to that approach now.

I shall not dwell at any great length on the merits of the Communications Satellite Act now before us. I believe the committee has done an excellent job and that the bill's advantages have been admirably set forth by many of my colleagues. Nonetheless, I oppose any attempt to limit the authority of the Federal Communications Commission in determining the ownership of individual satellite ground stations.

Under the legislation before us, the FCC has the authority to grant licenses for the construction and operation of each ground station "as will best serve the public interest." This makes sense, not only because the establishment of each ground station calls for an individual determination as to who logically ought to be given control, but also because the FCC has, over the years, done a fair and, I think, competent job. It is the basic regulatory agency for communications and ought to remain so.

More specifically, however, there is some feeling that the language of section 201(c) ought to be changed in order to favor the corporation over the common carriers in regard to the ownership of the ground stations. With this reasoning I cannot agree. It is the carriers who are directly responsible to the public for services rendered and therefore they who in many cases should be given control of these critical links which connect the complex communications network. Furthermore, let us not forget that it is private industry who, by utilizing its technical experience and by investing its own capital, has made it possible to launch this program at the present time—a time which in the light of world events is none too soon. Therefore, it would not seem fair to adopt a measure which would unduly hamper the FCC in their decision-making capacity, or the common carriers in their efforts to share in the ownership of the ground stations. The flexibility and the safeguards provided by the FCC as set forth in the present bill should be sufficient to protect the public interest.

Accordingly, I support the bill, and urge that the common carriers retain their fair share of control and ownership of the satellite stations.

THE INTER-AMERICAN SYSTEM IN CRISIS: A TELLING SPEECH BY DR. CARLOS URRUTIA APARICIO, AMBASSADOR OF GUATEMALA, GIVEN AT A STATE BANQUET IN HIS HONOR ON APRIL 13, 1962, ON THE OCCASION OF THE CLEARWATER FUN 'N' SUN FESTIVAL

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Cramer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CRAMER. Mr. Speaker, knowing of the dedicated fight of Guatemala to prevent the onrush of communism, and it being the one country in this hemisphere that has overthrown Communist dictation, it is my privilege to place in the Record the remarks of Dr. Carlos Urrutia Aparicio, Ambassador of Guatemala to the OAS, in which he discusses some of Central and South America's problems, he certainly being well qualified to do so.

His discussion of neutralism and the Alliance for Progress deserves the attention of the Members of Congress:

The Inter-American System in Crisis

(Address by His Excellency Dr. Carlos Urrutia Aparicio, Ambassador of Guatemala to the Organization of American States, at a state banquet given in his honor by the city of Clearwater, Fla., on April 13, 1962)

My wife and I want to take this opportunity to express our deepest gratitude for the honors which you have bestowed upon us and for your kindness since we arrived in your beautiful city. We have enjoyed every minute of our stay in Clearwater and we honestly regret that we must leave tomorrow. Our visit has been a memorable one, which will be cherished by both of us.

Florida is known throughout the Americas for its southern hospitality, its natural beauty, its delicious citrus and other fruits, its charm and, of course, its sunshine. For these reasons my wife and I feel perfectly at home here.

Florida is historically linked to Latin America. It is the State most aware of the Caribbean, no doubt because of its proximity to the area. Whenever one looks at Florida on a world map, one cannot but notice that it points south—to our region of the world.

Since tomorrow is the 14th of April, Pan American Day, and since I am honored to represent my country to the Organization of American States (OAS), it is fitting for me to discuss with you something that vitally concerns us all: the great crisis with which the inter-American system is presently confronted. Allow me to recall, with all due respect, the understatement of the eighth meeting of consultation of Ministers of Foreign Affairs, held recently at Punta del Este, Uruguay, when it asserted in the first paragraph of the resolution entitled "Communist Offensive in America":

"The Ministers of Foreign Affairs of the American Republics declare that the continental unity and the democratic institutions of the hemisphere are now in danger."

The inter-American system, which became more cohesive and dynamic at Rio de Janeiro in 1947 (when the Inter-American Treaty of Reciprocal Assistance was adopted) and at Bogotá a year later (when the Charter of the OAS was drafted), has had to face many dangers during its 72 year history. For example, poverty, sickness, and hunger have been obstacles in the democratic socioeconomic evolution of the member States of the Organization; tyranny has plagued the history of our countries and often paved the way for chaos; revolutionary upheavals have, in some cases, made popular efforts to achieve a rule of law, based on justice, more difficult; and, last but not least, unilateral action of States against the sovereignty and territorial integrity of others has challenged the ability of the Organization to act collectively.

The 20 Latin American Republics have learned, by trial and error, from these dangers and challenges. For example, the Declaration of Santiago was accepted in 1959, outlining what has been correctly called a decalog of democratic principles and procedures; the Alliance for Progress—which took a multilateral shape 8 months ago, when the Charter of Punta del Este was signed—is a collective attempt to raise the standard of living of millions of Latin Americans; and nonintervention and nonaggression have been incorporated in the OAS Charter as basic postulates of American international law.

The challenges and dangers are great, but none as lethal as the threat of international communism. This conspiratorial movement has already established a base 90 miles from the most southern tip of your State and about 450 miles from Guatemala's northern ports, enslaving the Cuban people and seriously and constantly endangering the very existence of the democratic people of the Caribbean. It is indeed tragic that the island of Cuba has fallen prey of the imperialistic designs of the Soviet Union; and it would be catastrophic to have a second Castro seize power anywhere in the Americas.

The greatest element of strength and wisdom in our regional system has been the desire and the ability of its members to work together in the solution of common problems. Solidarity is, in the last instance, the power behind a working inter-American system. Without it, I am afraid, the Organization would be seriously handicapped and could perhaps even be converted into a defunct institution.

About 10 years ago, when the Communist-dominated Arbenz regime in Guatemala betrayed the ideals of our October 1944 revolutionary movement, the unity and solidarity of the American Republics began to decline and deteriorate. This became apparent in 1954, when the 10th Inter-American Conference declared, after painful negotiations, "that the domination or control of the political institutions of an American State constitutes a threat to the sovereignty and political independence of the American States * * * and would call for a meeting of consultation to consider the adoption of appropriate action * * *." It became obvious in 1960, when the American Republics refused to refer to Cuba by name at the seventh meeting of consultation and no action was provided to meet the danger of Castro-communism.

The deteriorating process was accelerated after Castro seized power in Cuba on January 1, 1959. The Cuban Communist regime succeeded in breaking the unity of the Continent and in undermining the traditional solidarity of the American Republics. These facts were conclusively proven during the last Punta del Este Conference, which I attended from January 22 to 31, and during the subsequent discussions and decisions of the OAS Council.

It is not my desire to convey the impression that the results of the Punta del Este Conference were negative or unsatisfactory. On the contrary—given the unusually difficult circumstances which then prevailed—the results exceeded nearly all expectations. Not only was the present Government of Cuba excluded from participating in the organs and organisms of the inter-American system (an unprecedented measure which amounted to a "collective" break in diplomatic relations), but economic sanctions were also applied against it. The meeting of consultation authorized the OAS Council to establish a special consultative committee on security which is bound to render valuable services to the governments which request them. Its preliminary report, to be submitted on May 1, should be extremely helpful.

I would like to refer now to two aspects directly related to the problem of the cold war in the Americas. One is neutralism and the other the effects of the Alliance for Progress on the cold war. The question of neutralism, or unalined countries, or not belonging to any politico-military pact, may be possible for Nehru's India and Tito's Yugoslavia, but it is invalid for an American state which has ratified the Charter of the OAS and the Rio Treaty of Reciprocal Assistance. We are and must be alined to freedom in its fight for survival. The preamble of the OAS Charter states, and I quote:

"Confident that the true significance of American solidarity and good neighborliness can only mean the consolidation in this continent, within the framework of democratic institutions, of a system on individual liberty and social justice based on respect for the essential rights of man."

And article I clearly asserts that "the American states establish by this Charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity and their independence." The preamble of the Rio Treaty also states that "the obligation of mutual assistance and common defense of the American Republics is essentially related to their democratic ideals and to their will to cooperate permanently in the fulfillment of the principles and purposes of a policy of peace." The objective of the treaty is "to assure peace, * * * to provide for effective reciprocal assistance to meet armed attacks against any American state, and * * * to deal with threats of aggression" against any of the signatories. Isn't it incredible to talk about neutralism in this continent of liberty?

I have always maintained that the Alliance for Progress is a program which, if I may say so, is long overdue. It is a positive and enlightened approach to the solution of common problems. But it is a long-term proposition. It can never be the answer for the immediate and mortal threat of international communism. Its primary function is not one of security. Other measures must be adopted to preserve our individual security and the peace of the Western Hemisphere; measures fully capable of counterattacking the direct military and political threat of international communism.

Unfortunately, Latin America is a coveted plum in the cold war. It would be terrible for us, and for you, if Latin America would be subjugated by communism, either by subversion from within or by aggression from without, both stemming from the Soviet Union's satellite in the Continent. A case in point would be precisely my own country, which has experienced the only instance where a Communist-dominated regime has been overthrown in Latin America. The leaders of that regime are not dead, nor are they physically behind the Iron Curtain, nor are they sleeping. Arbenz, who I mentioned earlier, and the top Guatemalan Communists are in Havana and in other places of Cuba actively plotting with Castro for their forcible return to power in Guatemala. That is why I do not agree with those leaders who, although well intentioned, are naive enough to urge us not to become "obsessed with Castro communism." On the contrary, I believe we all must remain vigilant, striving day and night, night and day, to preserve our free institutions, our individual liberty and our democratic way of life.

Ladies and gentlemen, on behalf of the Government and people of Guatemala, I salute you.

Thanks.

POLISH CONSTITUTION DAY

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. OSMERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OSMERS. Mr. Speaker, it gives me great pleasure to join with my distinguished colleagues in paying tribute to the Polish people and to the great community of Americans of Polish ancestry on the occasion of this anniversary.

The people of Poland have made great contributions to Western civilization, and Kosciusko, Pulaski, and many Polish immigrants played a heroic role in the winning of American independence. Today over 7 million Americans of Polish origin are contributing their full share in maintaining our traditions of freedom and independence. Eight score and eleven years ago, on May 3, 1791, the Polish Diet passed a bill establishing a constitution that would have made Poland a counterpart in the Old World to the rising United States in the New World. But this Constitution lasted scarcely 6 months. Poland was wedged between Russia, Prussia, and Austria. Though still under the overbearing influence of Russian power, Polish leaders hammered out a constitution during 2 years of discussion that set freedom for serf, landowner, and general citizen on a pedestal. Inherent in this freedom was the abolition of the inherited privileges of the nobility, the redivision of land, the lessening of taxation, reorganization of the army, town councils, provincial, and state governments.

Central to all innovations granted was the freedom of the individual. No longer were men to be serfs and no longer were men to be creatures subject to the whims of their overlords. With this new freedom came the responsibility of men acting under law. Thus the Polish Constitution of May 3, 1791, was a new beacon of freedom in Eastern Europe, a worthy fundamental law for that bastion of independence, the Polish Nation.

The fierce determination of the Poles to withstand all threats—from the Russians in the east, from the Swedes in the north, from the Austrians and the Prussians in the south and in the west—and to fight for their way of life against any odds, give the realm of St. Casimir its great strength.

In spite of great resistance, the Polish Nation was finally partitioned among the great powers. Since that time Poland has been in many wars, yet at no time has there been an opportunity to proclaim the old Constitution. It remains an ideal to be achieved.

Today Soviet Russia is still hovering like an evil influence intent on destroying the deep-seated desire of the Poles for freedom.

May I raise my voice in concert today with those of the many here and abroad who long for the day when a free Poland will be able to proclaim liberty and freedom promised so long ago by an enlightened constitution. I join with them in hoping that day will come soon. It is the expressed purpose of this great Nation of ours that men everywhere now denied freedom be given the right to live free lives under a government of their own choosing.

Wherever Polish people and others gather to honor this day, a solemn prayer is given that soon their great Constitution may in the near future become a reality. I join in that prayer and trust that complete freedom for Poland and all other captive nations will soon be a reality.

THE 186TH ANNIVERSARY OF INDEPENDENCE OF RHODE ISLAND

Mr. RYAN of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST. GERMAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ST. GERMAIN. Mr. Speaker, I rise today, Mr. Speaker, as a representative of the people of the State of Rhode Island. Tomorrow is the 186th anniversary of the independence of my native State. Rhode Island, the smallest State in the Union, has done many things first, has led the Nation in many areas, but none stands higher than the declaration of its independence on May 4, 1776. This declaration came 2 months before the declaration of our sister colonies. The people of the State of Rhode Island stood then, as they stand now, for the independence of man, the freedom of government, and the free worship of God.

From its founding by Roger Williams in 1636 as an area for the free worship of God without state coercion, our proud State has always sought the protection of the civil liberties of its citizens. From the burning of the revenue schooner *Gaspee* in 1772, the people of Rhode Island have cherished their liberty and their participation in the service of their Nation in times of great need is testimony to that esteem. The dedication of our public servants and the industry of our people are indicative of the best that the Nation has produced.

The motto of Rhode Island is "Hope." This motto is, as it has been, foremost in the minds and hearts of each and every citizen of the great State of Rhode Island. It expresses the perseverance, the foresight, and the dynamism that has so characterized the history of my State. Wherever one looks there are international trouble spots, but Rhode Islanders know that the free world will win the cold war; Rhode Islanders have a positive hope that peaceful solutions to world problems can be found.

Mr. Speaker, tomorrow is a proud day for Rhode Island, as it should be for the Nation. The first State to declare its independence will celebrate the anniversary of that event. Coupled with the dedication of the State's founder that the free worship of God is fundamental to the liberty of man, the Declaration of Independence of Rhode Island stands as a proud tribute to a great State.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Norrell (at the request of Mr. Albert), for next week, on account of official business.

Mr. Cramer (at the request of Mr. Holland), for 3 days, May 7, 8, and 9, on account of attending the inauguration of the President of Costa Rica, as representative of the Congress on authorization of the Public Works Committee of the House.

Mr. Dent (at the request of Mr. Byrne of Pennsylvania), for May 3, 1962, on account of illness.

Mrs. Granahan (at the request of Mr. Green of Pennsylvania), for Thursday, May 3, 1962, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Lane, for 10 minutes, today.

Mr. Whitener (at the request of Mr. Pucinski), for 1 hour, on Tuesday, May 8, 1962.

Mr. Hemphill (at the request of Mr. Pucinski), for 1 hour, on Tuesday, May 8, 1962.

Mr. Wallhauser (at the request of Mr. Nelsen), on Monday May 7, for 15 minutes.

Mr. Ryan of Michigan, for 30 minutes, on Monday, May 7, 1962.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Flood (at the request of Mr. Walter).

Mr. Tollefson and to include extraneous matter.

Mr. Wilson of Indiana.

Mr. Wharton.

Mr. Philbin.

(The following Members (at the request of Mr. Nelsen) and to include extraneous matter:)

Mr. Cunningham.

Mr. Fino.

Mr. Alger.

Mr. Curtis of Massachusetts.

Mr. Berry.

Mr. Derwinski.

(The following Members (at the request of Mr. Ryan of Michigan) and to include extraneous matter:)

Mr. Dulski.

Mr. Nix.

Mr. Pucinski.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on May 2, 1962, present to the President, for his approval, a bill of the House of the following title:

H.R. 3006. An act for the relief of Hom Hong Hing, also known as Tommy Joe.

ADJOURNMENT

Mr. RYAN of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until Monday, May 7, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2025. A letter from the Acting Administrator, General Services Administration, transmitting a report on the progress of the liquidation activities of the national defense, war and reconversion activities of Reconstruction Finance Corporation to comply with the provisions of the RFC Liquidation Act (Public Law 163, 83d Cong.; 67 Stat. 230, 231), as amended, and with Reorganization Plan No. 1 of 1957 (22 F.R. 4633); to the Committee on Banking and Currency.

2026. A letter from the Comptroller General of the United States, transmitting a report on review of the procurement of spare parts and assemblies for the support of naval aircraft, pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67); to the Committee on Government Operations.

2027. A letter from the Assistant Secretary of the Interior, transmitting a copy of the following law enacted by the Legislature of the Virgin Islands which was inadvertently omitted from letter dated April 11, 1962; pursuant to the requirements of section 9(g) of the Revised Organic Act of the Virgin Islands of the United States:

"Act No. 802—To amend section 3(b) of title 3 of the Virgin Islands Code, relating to the Virgin Islands Planning Board, to provide for legislative confirmations of appointments thereto"; to the Committee on Interior and Insular Affairs.

2028. A letter from the Chairman, U.S. Tariff Commission, transmitting a report of the investigation concerning fluorspar made pursuant to Senate Resolution 206, 87th Congress; to the Committee on Ways and Means.

2029. A letter from the Assistant Secretary of State, transmitting a draft of proposed legislation, entitled "A bill to provide for adjustments in the annuities under the Foreign Service retirement and disability system"; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GUBSER: Committee on Armed Services. Minority views on H.R. 5532; without amendment (Minority Rept. No. 1638, pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. TRIMBLE: Committee on Rules. House Resolution 623. Resolution for consideration of S. 383, an act to provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park, and for other purposes; without amendment (Rept. No. 1651). Referred to the House Calendar.

Mr. TRIMBLE: Committee on Rules. House Resolution 624. Resolution for consideration of H.R. 23, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Arbuckle reclamation project, Oklahoma, and for other purposes; without amendment (Rept. No. 1652). Referred to the House Calendar.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 625. Resolution taking H.R. 8900 from the Speaker's table and sending it to conference; without amendment (Rept. No. 1653). Referred to the House Calendar.

Mr. CELLER: Committee on the Judiciary. H.R. 8216. A bill to amend section 105 of title 28, United States Code, so as to transfer certain counties from the Western Division of the Western District of Missouri to the Saint Joseph Division of such district, and for other purposes; without amendment (Rept. No. 1654). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee on the Judiciary. H.R. 10016. A bill to waive section 142 of title 28, United States Code, with respect to the holding of court at Decatur, Ala., by the U.S. District Court for the Northern District of Alabama; without amendment (Rept. No. 1655). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POFF: Committee on the Judiciary. H.R. 3492. A bill for the relief of Sebastian Hermosilla Sanches; with amendment (Rept. No. 1648). Referred to the Committee of the Whole House.

Mr. POFF: Committee on the Judiciary. H.R. 8862. A bill for the relief of Miss

Eleanore Redi; without amendment (Rept. No. 1649). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 9468. A bill for the relief of Dr. Charles C. Yu; without amendment (Rept. No. 1650). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HARRIS:

H.R. 11581. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety, efficacy, and reliability of drugs, authorize standardization of drug names, establish special controls for barbiturate and stimulant drugs, and clarify and strengthen existing inspection authority with respect to any articles subject to the act; and to amend related laws; to the Committee on Interstate and Foreign Commerce.

H.R. 11582. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to require a premarketing showing of the safety of cosmetics; assure the safety, efficacy, and reliability of therapeutic, diagnostic, and prosthetic devices; and amend the act with respect to cautionary labeling; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11583. A bill to exempt certain carriers from minimum rate regulation in the transportation of bulk commodities, agricultural and fishery products, and passengers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11584. A bill to provide for strengthening and improving the national transportation system, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANFUSO:

H.R. 11585. A bill to amend the Civil Service Retirement Act so as to provide for increases in annuities, eliminate the option with respect to certain survivor annuities, and provide for interchange of credits between the civil service retirement system and the insurance system established by title II of the Social Security Act; to the Committee on Post Office and Civil Service.

By Mr. BONNER:

H.R. 11586. A bill to amend section 2 of the act of July 7, 1960, as amended, to continue the 55-percent limit on construction-differential subsidy for construction, reconstruction, and reconditioning of ships for 3 additional years; to the Committee on Merchant Marine and Fisheries.

H.R. 11587. A bill to amend the Merchant Marine Act, 1936, in order to provide for the reimbursement of certain vessel construction expenses; to the Committee on Merchant Marine and Fisheries.

By Mr. CELLER:

H.R. 11588. A bill to provide authority to protect heads of foreign states and other designated officials; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 11589. A bill to amend the Internal Revenue Code of 1954 so as to provide that lawful expenditures for legislative purposes shall be allowed as deductions from gross income; to the Committee on Ways and Means.

By Mr. EDMONDSON:

H.R. 11590. A bill to provide for the disposition of judgment funds of the Cherokee Nation or Tribe of Indians of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. EVERETT:

H.R. 11591. A bill to promote the general welfare, foreign policy, and security of the United States; to the Committee on Ways and Means.

By Mr. FORRESTER:

H.R. 11592. A bill to amend section 314(k) of title 38, United States Code, to provide a statutory award for the complete loss of the sense of smell; to the Committee on Veterans' Affairs.

By Mr. GLENN:

H.R. 11593. A bill to amend the Civil Service Retirement Act to provide for the adjustment of inequities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HOLIFIELD:

H.R. 11594. A bill to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments; to the Committee on Government Operations.

By Mr. HOSMER:

H.R. 11595. A bill to incorporate the Sea Cadet Corps of America, and for other purposes; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 11596. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to provide that a fully insured individual may elect to have any employment or self-employment performed by him after attaining retirement age excluded (for both tax and benefit purposes) from coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. JOHNSON of California:

H.R. 11597. A bill granting the consent of Congress to the States of California and Oregon to negotiate and enter into a compact relating to the distribution and use of the waters of Goose Lake Basin; to the Committee on Interior and Insular Affairs.

By Mr. MACDONALD:

H.R. 11598. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income gain realized by individuals who have attained age 65 from the sale of certain residences; to the Committee on Ways and Means.

By Mr. MULTER:

H.R. 11599. A bill to amend the Federal Deposit Insurance Act and title IV of the National Housing Act to require that any stock option issued by an insured bank or savings and loan association be made available to the general public on equal terms (or, if offered only to shareholders, be made available on equal terms to all of them); to the Committee on Banking and Currency.

By Mr. ROONEY:

H.R. 11600. A bill to amend the Civil Service Retirement Act to provide for the adjustment of inequities and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SCHWENGEL:

H.R. 11601. A bill to make the treatment under the Internal Revenue Code of 1954 of certain foundations, all of which are closely associated with State colleges and universities and which act as intermediary recipients and administrators of gifts for the exclusive use or benefit of those colleges and universities with their consent, identical with that of those institutions; to the Committee on Ways and Means.

By Mr. SPENCE:

H.R. 11602. A bill to amend the Federal Reserve Act to adjust the terms of the Chairman and Vice Chairman of the Board of Governors of the Federal Reserve System, to increase the salaries of members of such Board, and for other purposes; to the Committee on Banking and Currency.

By Mr. STAGGERS:

H.R. 11603. A bill to promote the general welfare, foreign policy, and security of the United States; to the Committee on Ways and Means.

By Mr. STUBBLEFIELD:

H.R. 11604. A bill to amend title VIII of the National Housing Act with respect to the authority of the Federal Housing Commissioner to pay certain real property taxes and to make payments in lieu of real property taxes; to the Committee on Banking and Currency.

By Mr. THOMPSON of Louisiana:

H.R. 11605: A bill authorizing modification of the Gulf Intracoastal Waterway, La. and Tex., in the interest of navigation; to the Committee on Public Works.

By Mr. TOLLEFSON:

H.R. 11606. A bill to make clear that fishermen's organizations, regardless of their technical legal status, have a voice in the ex-vessel sale of fish or other aquatic products on which the livelihood of their members depends; to the Committee on Merchant Marine and Fisheries.

H.R. 11607. A bill to amend section 103 of title 38, United States Code, with respect to the manner of proof of certain marriages; to the Committee on Veterans' Affairs.

By Mr. ULLMAN:

H.R. 11608. A bill granting the consent of Congress to the States of California and Oregon to negotiate and enter into a compact relating to the distribution and use of the waters of Goose Lake Basin; to the Committee on Interior and Insular Affairs.

By Mr. WIDNALL:

H.R. 11609. A bill to extend the Defense Production Act of 1950, and for other purposes; to the Committee on Banking and Currency.

By Mr. KING of New York:

H.R. 11610. A bill to amend section 503 of title 38, United States Code, to provide that payments for jury duty shall be disregarded in the compensation of income for purposes of payment of pensions, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MORRIS:

H.R. 11611. A bill to amend section 408 of the Sugar Act of 1948, as amended; to the Committee on Agriculture.

By Mr. ROSTENKOWSKI:

H.J. Res. 706. Joint resolution to authorize the President to proclaim July 9, 1962, as General Krzyzanowski Memorial Day; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.J. Res. 707. Joint resolution to authorize the President to proclaim July 9, 1962, as General Krzyzanowski Memorial Day; to the Committee on the Judiciary.

By Mr. CURTIS of Massachusetts:

H.J. Res. 708. Joint resolution authorizing the Secretary of Health, Education, and Welfare to assist certain persons migrating because of discrimination; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DERWINSKI:

H.R. 11612. A bill for the relief of Teena Marie Remencus; to the Committee on the Judiciary.

By Mr. DIGGS:

H.R. 11613. A bill for the relief of Nicolas N. Velarde; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 11614. A bill for the relief of Amnon and Ruth Kaminer; to the Committee on the Judiciary.

By Mr. HIESTAND:

H.R. 11615. A bill for the relief of Eugenio Loza-Bedoya; to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 11616. A bill for the relief of Johanna Gristede; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H.R. 11617. A bill for the relief of Josip Lusic; to the Committee on the Judiciary.

By Mr. RYAN of New York:

H.R. 11618. A bill for the relief of Mau-Tong Kuo; to the Committee on the Judiciary.

By Mr. VINSON:

H.R. 11619. A bill to authorize General of the Army Douglas MacArthur to accept and wear the Grand Cordon of the Order of the Rising Sun with Paulownia Flowers which has been tendered him by His Majesty the Emperor of Japan; to the Committee on Armed Services.

By Mr. YATES (by request):

H.R. 11620. A bill for the relief of Mrs. Barbara Lambrecht; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

"What Happens in Washington Is of Great Importance to California"—Excerpts From Address by Senator Kuchel

EXTENSION OF REMARKS

OF

HON. THOMAS H. KUCHEL

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Thursday, May 3, 1962

Mr. KUCHEL. Mr. President, a week ago last Tuesday, I had the honor to speak before a joint luncheon meeting of the Rotary Club and the Kiwanis Club of Compton, Calif. I ask unanimous consent that a partial text of my remarks on that occasion be printed in the RECORD.

There being no objection, the excerpts from the address were ordered to be printed in the RECORD, as follows:

WHAT HAPPENS IN WASHINGTON IS OF GREAT IMPORTANCE TO CALIFORNIA

For better than 2 decades, communities like yours in many sections of our Nation, and a large number in southern California, have suffered a distressing assortment of growing pains. Two wars, each followed by demobilization periods, and a phenomenal population explosion accompanied by massive migration, brought and still cause repeated social, economic, and governmental headaches.

Nobody should be more aware of the consequences of these conditions than the civic, business, industrial, and professional leaders of Compton where you felt in the last decade the effects of a 50-percent population rise and saw the number of people multiply more than 4½ times between 1940 and 1960.

Such sensational growth and expansion present major challenges. Probably the greatest are in providing a pleasant, attractive environment for living and in maintaining a dependable, balanced economic structure.

The working men and women of America and the owners and operators of businesses and industries have common interests in meeting such challenges. In the traditional, characteristic, American way, they do their utmost to solve local problems themselves.

But these two decades also have brought the world and the Nation closer together. They have seen an evolution whereby happenings a long way off, such as the signing of a labor contract for the steel industry, or Communist-provoked tensions in Berlin, have repercussions over an unbelievable expanse, and affect directly and indirectly millions of people.

Hence, the Federal Government has come to play, over these years, a constantly more significant role in the normal shaping of our social and our economic structures. Policies adopted and programs framed in the National Capital inevitably influence our way of life, bear upon the making of a livelihood, and affect the opportunities of all our people, including your city of Compton.

Let me deal briefly with a few matters very much alive back in Washington, which are of more than passing significance on the opposite side of the continent, here in California. They particularly concern this thickly settled, bustling metropolitan area of which Compton is an integral part.

Probably all of you appreciate that the Los Angeles industrial complex is the most important supplier in the whole United States of items required by our Armed Forces for the defense of America. California on the average receives contracts representing about 24 percent of all the dollars expended by the Department of Defense for munitions, rockets, weapons, ships, aircraft, and other supplies. In one specialized field alone, electronics manufacturing, the West accounts for over one-quarter of the armed services' purchases, and the preponderance of this business is done with California firms.

Repeatedly in recent years, the policies of the Defense Department in placing procurement contracts, have come under fire from envious civic leaders, would-be competitors in business and industry, and Members of Congress from other parts of the Union. There have been repeated demands that different purchasing methods be employed to correct what jealous spokesmen for those sections denounce as an unbalanced condition. Whenever, unfortunately, some local economic distress has occurred elsewhere, cries burst forth that Defense purchases should be channeled to industries in adversely affected sections or communities.

I have asserted repeatedly that defense purchasing cannot be a tool for social or economic planners. I have opposed turning such procurement into a grandiose type of WPA program. I have insisted the Defense Department should follow one basic rule which involves three fundamental tests in placing its orders.

The selection of a contractor—be it for a simple electronic device or a complex weapons system—should be determined solely by consideration of what is in the best interests of the Nation as a whole. The producer should be the one who does the job most efficiently, most economically, and most speedily. There should be no discrimination against a California producer merely because firms in our State in the last 6 months of 1961 were awarded $2,600 million worth of defense orders.

On that point, let me note that those who covet business going to California blithely ignore some important fundamental facts. While it is true that a large share of California jobs are attributable to orders from the armed services, those contractors headquartered in our State do not receive by any means all of the dollars called for by defense procurement placed with them. On the contrary, our firms subcontract with others all over the Nation. They buy from every section of America. As an indication, a recent survey of seven of the largest California-based defense contractors revealed that, in 1960-61, they in turn placed orders for $2,700 million worth of articles, materials, and services in other States. Such lower level procurement benefited 48 of the 49 other States. And significantly, New York, whose cries of anguish about alleged favoritism for California are loudest, got most of this spending: $330 million.

In Washington, it is necessary to be on guard every moment against selfish tactics advocated by those who would make a political football out of defense procurement. At one stage, it was necessary for me to point out publicly that there is, and has been for a number of years, a law on the books forbidding the Department of Defense to pay any premium "for the purpose of relieving economic dislocations." I was gratified, of course, when the Comptroller General of the United States, an agent of the Congress, agreed with my position and told the Defense Department that it must make its purchases at "the lowest price available."

In almost parallel fashion, our west coast ship building industry is the target of repeated assault from what might be called a want more segment. Right now it is under attack not from groups which might qualify for a "have not" label but industry members and their friends in Congress who think they are entitled to a greater share of merchant marine construction.

There has been on the statute books since 1936 a sound and forward-looking provision designed solely and simply to assure it of equal opportunity, not to give the west coast any special advantage. This is known as the 6-percent differential feature of the law recognizing the greater cost of fabricating ships in California, Oregon, and Washington.

The differential provision is tightly restricted. It applies only to the building of vessels toward which the Federal Government contributes a portion of the cost, and, more significantly, only to those which are purchased by companies with headquarters on the west coast and whose lines primarily serve Pacific ports.

The purpose of this feature of the 1936 act was not to give undue benefit to one section of the Nation. To the contrary, it was prompted by realization that, for our national security, a three-coast shipbuilding industry is essential. The wisdom of that provision was demonstrated by the fact that when a buildup for World War II was ordered, there was at least a nucleus of an industry available on this western seaboard to start turning out the combat ships, the tankers, and the cargo vessels which were indispensable to victory.

Those who would wipe out this sound and equitable arrangement—and thereby put a tremendous obstacle in the way of shipbuilding on this coast—have never given up during my years in Washington. The danger this year is greater than ever because the House of Representatives on April 12 approved a repeal bill which had lain on the calendar since the summer of 1961. The last-ditch fight undoubtedly will occur later this session in the Senate where, a year ago, foes of the differential came within a hair's breadth victory. We will be hard pressed to preserve this necessary provision in view of the 1960 rollcall vote by which repeal was averted only 41 votes to 40. But you may be sure those of us from the Pacific seaboard will do everything in our power to prevent catastrophe for this industry, which employs many workers and, incidentally, buys locally an increasing proportion of the multitudinous items needed for a modern steamship.

In a host of other directions, what happens in the National Capitol is of great importance to the growth and the prosperity of California. With our growing pains, we need help in meeting the demands for housing, for water, for urban transit. Because of our climate and our terrain, we require assistance in providing flood protection. Due to the large number of military installations and defense plants, with great numbers of people stationed and employed there, we deserve financial aid in building and operating schools to educate the children of federally connected personnel.

On this latter issue, I should like to make a few observations. The type of assistance given for school maintenance and operation is important to dozens of communities in the Los Angeles metropolitan area. You here in Compton have a direct stake, because in the fiscal year ended last June 30, the Office of Education contributed $105,408 toward running expenses of the Compton city school district and $62,641 to help the Compton unified high school district. All in all, over the last decade, impacted areas in California have received over a third of a billion dollars from the Federal Government.

For some years now, efforts have been made to cut back those programs. I have maintained the Federal Government has a clear obligation to assume part of the burden of educating Federally connected children. The growth of the school population has been so amazing that invariably the best estimates fall short of actual enrollments. Hence, a shortage of funds to pay the entitlements has been experienced. Two years ago I offered an amendment on the Senate floor to provide $14 million needed to avoid a deficiency and last year I was in the forefront of the successful drive to extend the aid law for 3 more years. Had this law not been continued, some 500 of our California school districts would have suffered. California real property owners would have been forced to pick up an education tab of over $33 million or 4 percent of the State's school operating expenses.

I maintain such Federal assistance to local communities is simple justice and a justified assumption of a national obligation. At least until some equitable, workable plan is devised whereby the Federal Government joins States and communities in remedying critical deficiencies in public education, all the taxpayers should help carry the financial load of providing for the children whose presence in a school district is directly due to Federal defense activities.

Public Opinion Polls Back House Ban on Free or Subsidized Delivery of Red Propaganda

EXTENSION OF REMARKS

OF

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1962

Mr. CUNNINGHAM. Mr. Speaker, several of our colleagues have recently conducted their annual public opinion polls on current national issues. In widely separated parts of the Nation, the results showed that an overwhelming majority of the people are solidly behind the House ban on free delivery and subsidized delivery of Communist propaganda by our postal services.

Our colleague, the gentleman from Florida [Mr. CRAMER], asked his constituents this question: "Do you favor permitting Russian propaganda to be mailed at subsidized rates in this country?"

While all returns have not been tabulated, the first 2,000 resulted in this decision: Yes, 40; no, 1940; no answer, 20.

Our colleague, the gentleman from Oregon [Mr. NORBLAD], asked his constituents this question: "Should the United States continue to allow free distribution of Soviet Communist propaganda through our postal service?"

The complete returns from this questionnaire show this vote: Yes, 5 percent; no, 93 percent; undecided, 2 percent.

Congressman Wilson Proud of His Hometown's Accomplishment

EXTENSION OF REMARKS

OF

HON. EARL WILSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1962

Mr. WILSON of Indiana. Mr. Speaker, I am extremely proud of my home community in placing first in its category in the 1961 Cleanest City Award contest.

In its first effort in 1960, Bedford, Ind., placed second in the contest sponsored by the National Clean Up-Paint Up-Fix Up Bureau here in Washington.

Citizens of the community redoubled their efforts in 1961, and Bedford emerged with first place in the 10,000 to 25,000 population category. Now the community is in an all-out effort to reach the ultimate—the Ernest T. Trigg Trophy which is awarded each year as the grand national award of the National Clean Up-Paint Up-Fix Up Bureau.

I also am very proud of the achievement of the capital of Indiana, Indianapolis, which placed third in the 500,000 to 1 million population category, and of Mitchell, Ind., which placed third in the under-5,000 category.

OUTSTANDING ACHIEVEMENT

Of 24 trophies presented by the national bureau for last year's accomplishments, 3 went to cities in the Hoosier State. Two went to cities in my home county. I doubt that this has been achieved in the past in any other county in the Nation.

Bedford's achievement in the national contest may be attributed largely to the efforts of women of the community. Working through the beautification committee of the chamber of commerce, they set out with determination early in 1960 and by the end of the year they had filled a large scrapbook with clippings telling of improvements that had been made. The ladies recruited help of city and county departments, of businessmen, of homeowners—of virtually everyone—and they refused to take "no" for an answer.

They were responsible for a flower-planting campaign which spread throughout the city. The city of Bedford even built beautiful planters at each corner of the courthouse square and visitors to downtown Bedford now see beautiful flowers growing at four important intersections.

The beautiful courthouse built of native limestone and situated in the center of the public square is now bathed in brilliant light at night so that the beauty of the building might be enjoyed by those who pass through Bedford at night as well as those who are in the city during daylight hours.

I fully believe that Bedford will remain in the winners' circle in the national contest for years to come. The entire community is proud of its first place award and pride gives incentive for greater achievement. Bedford has shown what can be done with public interest and cooperation.

David Brinkley's Journal

EXTENSION OF REMARKS

OF

HON. J. ERNEST WHARTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1962

Mr. WHARTON. Mr. Speaker, David Brinkley and the National Broadcasting Co. deserve a great deal of credit for last night's program featuring a number of the 156,000 exasperated reservists and their irate wives.

The administration has used unprecedented time and facilities to sell this callup farce to the public and it is refreshing to know that someone has gone to the trouble of extending a few minutes to the reservists at Fort Devens to air their personal views.

We heard the callup referred to as an ideological project and of the great propaganda powers of the President's action, but as time goes on there is certainly a growing suspicion in the public mind that we have here something akin to the Cuban fiasco. While the reservists have at long last been promised out in the month of August, the necessity for several months additional delay is not apparent. It is very doubtful that this $3-million-a-day display and waste of manpower is presently impressing anyone.

Let me briefly outline the experience of one of my constituents who has had the misfortune to invest his life's savings of $20,000 in a business venture, plus an $80,000 mortgage obligation in a desirable seasonal enterprise. Unfortunately, the major opportunity for him to save his investment is during the months of June, July, and August, and his application for a hardship discharge has been summarily denied. He now stands to lose his life's savings while sitting around camp awaiting an August discharge at the whim of someone at the Defense Department. His detailed application has been flatly denied under circumstances which suggest that little or no attention was paid to it. Whether he can survive this personal emergency or lose his life's savings is problematical, but many in lesser circumstances have been granted relief and I certainly agree that this serviceman, his wife, and family, have every cause to complain.

I am asking for a reconsideration of his case and in the meantime, salute David Brinkley and the National Broadcasting Co. for airing another misguided project of the New Frontier.

Sale of Indian Lands

EXTENSION OF REMARKS

OF

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1962

Mr. BERRY. Mr. Speaker, last week I wrote a detailed letter to the Commissioner of Indian Affairs and placed a copy in the CONGRESSIONAL RECORD. It appears on page 7485 of the May 1 CONGRESSIONAL RECORD. My purpose was to bring to the attention of Congress the serious situation that exists on allotted Indian reservations here in the United States.

My purpose was to point out that the theory of allocation of land to an individual was to provide that individual with certain property rights but that the new policy apparently confiscates all property rights, with the possible exception of the trust title, which still remains in the allottee or to his heirs, but that the Indian has no right to sell the property and in many instances even to use it unless the individual can show that his personal need is greater than the communal need of the group.

This week I had a letter from an attorney at Tulsa, Okla., by the name of Elliott Howe. Part of his letter is as follows:

> My sister called me the other day and said that she was sending me an application to sell some of their land in South Dakota and asked me to contact you and see if you would again help us.

The letter also contained a copy of the application for land sale and a copy of the letter from the reservation superintendent. The letter was addressed to Raymond Chief at Charlottesville, Va., where the Chief family reside and have lived for a number of years, almost 2,000 miles from the reservation, and concerned land on this reservation to which they are supposed to have some property right. The letter is dated April 6, 1962, and is as follows:

> A change in Bureau land policy has prompted another review of all land sale applications, even though such applications may have been approved before. Basically, the recently stated Bureau policy emphasizes that Indian trust lands shall be used productively for the support and advancement of trust beneficiaries (Indian), and further, to promote the consolidation of such lands through exchanges, purchase, and management by the tribe and by individual Indians.
>
> In line with the policy stated herein, your application for "a supervised sale of land described as * * * of the allotment of * * * has been reconsidered, and it is determined that the subject land lies within an area necessary for the economic development of the Indian people of this reservation.
>
> Pursuant to these conditions your property cannot be permanently taken out of trust, and the application which you submitted for a supervised sale in denied for that reason.
>
> Your certified check in the sum of $20 intended for filing fees in this matter has just been received and we are herewith returning the same. You probably could at some time in the future negotiate a sale to the tribe, when funds are available for the purchase of individually owned tracts.

Mr. Speaker, I call your attention to the specific statement which reads as follows:

> Basically, the recently stated Bureau policy emphasizes that Indian trust lands shall be used productively for the support and advancement of trust beneficiaries. * * *

My question is this. What can be the difference between this kind of a taking and an absolute confiscation of property and property rights? We make a great fuss about Castro confiscating private property for public use in Cuba and yet this exact identical policy is being promulgated day by day on the Indian reservations across the United States under the direction of the Commissioner of Indian Affairs and with the apparent sanction of those employed in the Department.

Mr. Speaker, I have another letter that came this week from a lady who years ago was declared competent, who has lived all of her life off the reservation, who is a one-eighth Indian, whose children have been denied enrollment in the tribe because this woman and her husband, who is a non-Indian, are fully competent and the children do not have sufficient blood to warrant enrollment and yet she is denied the sale of her land at a time when land prices are good and she has two persons who are willing to purchase this land and pay her a substantial price, but she, too, is advised that the land must be held for communal benefit. In other words, her property rights are confiscated, without process of law, without payment and without consideration of any person other than employees of the Bureau of Indian Affairs.

I quote parts of her letter. I withheld her name because of her fear of reprisal. After telling about her lining up two individuals who would be interested in paying a good price for her land, she says:

> Only then did I request application blanks from the ——— office so I could apply for fee patent. At that time I asked if the tribe would want to buy my land. My question was not answered. They sent blanks which I filled out as directed for patent and returned them to the ——— office. I was told it would be months before it would be sent to area director, the delay due to a review of cases, appraisal of land, et cetera, as for a sale.
>
> Now I am informed in a letter from acting superintendent that my application has been rejected, evidently right there at * * * before even going to Aberdeen. By whom or by what authority, I don't know.
>
> They, the tribe, think they need my land to help the "future economy of an Indian operator." My economy is here and now. I need to get some good from the land. I am 50 years old. The most I have realized from it is $93 last year. I can't possibly live on the land or on the lease money. I have three children. The land will be heirship someday if I don't sell it. The tribal council has never done anything for me. They would not enroll my children. They probably never will do anything for me. I am one-eighth Indian.
>
> I was declared a competent Indian years ago by Mr. ———, agent at ———. I feel I can handle my affairs and want to sell my land and buy an acreage where we can get some good from it. Many Indians are not satisfied with the way their affairs are managed. They are pushed around like children or dumb animals. Many of us are educated and live away from the reservation. I was born and lived in South Dakota. We moved to ——— for my husband's work and school for the children.

Mr. Speaker, my question is this: Is Congress going to sit idly by and sanction by inaction this program of property confiscation and this program of communal enterprise? There can be no question about the trend the Department of Interior intends to follow when they send out form letters from every agency, telling the Indian, over whose property they hold complete domain:

> The recently stated Bureau policy emphasizes that Indian trust lands shall be used productively for the support and advancement of trust beneficiaries and to promote consolidation and management by the tribe and by individual Indians.

Traffic in Human Misery

EXTENSION OF REMARKS

OF

HON. LAURENCE CURTIS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1962

Mr. CURTIS of Massachusetts. Mr. Speaker, the country has been shocked by the traffic in human misery seen in the cruel and heartless undertaking of some persons and organizations to uproot American citizens from their homes and provide them with transportation to another section of the country. Where these unfortunate individuals have been unemployed and have been recipients of public welfare in their own communities, this procedure results in a shift of the burden of providing for them from the community from which they are uprooted to the community where they land penniless after having been given a free bus ride and a few dollars to keep them whole while en route.

This heartless procedure puts the local community into which these souls are transported in a difficult position. They arrive friendless and penniless, and emergency arrangements must be made to provide them food and lodging and help them find employment in their new environment.

This places an unfair burden on these communities. The burden is thrust upon them partly as a result of national policy which seeks to free American citizens from discrimination in their own communities, and it is only fair therefore that the Federal Government should lend a hand in the form of Federal aid to the recipient communities who are faced with this problem.

I have therefore today filed a bill providing that in such cases the Secretary of Health, Education, and Welfare shall be authorized expenditures designed to assist such persons to become assimilated into the new communities. As a people, we have never turned our back on American citizens in need and who under the Constitution are entitled to equal protection of our laws. We should not turn our backs on these people now, and I therefore urge that this bill be given a prompt hearing and receive the favorable action of the Congress.

House Resolution 211—Special Committee on Captive Nations

EXTENSION OF REMARKS

OF

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1962

Mr. FLOOD. Mr. Speaker, on March 8, 1961, I introduced a measure calling for the establishment of a Special Committee on Captive Nations in the House of Representatives. This measure is now House Resolution 211. There are not sufficient words to express my profound gratitude and personal delight to the more than 20 Members of the House who joined with me in that most stimulating and very enlightening discussion which took place then on the subject of the captive nations—Congressional Record, volume 107, part 3, pages 3518–3544, "Russian Colonialism and the Necessity of a Special Captive Nations Committee."

The popular response to House Resolution 211 has been so enthusiastic and impressive that I feel dutybound to disclose the thoughts and feelings of many Americans who have taken the time to write me on this subject. These citizens are cognizant of the basic reasons underlying the necessity of the proposed committee. They understand clearly the vital contribution that such a committee could make to our national security interests. In many cases, they know that no public or private body is in existence today which is devoted to the task of studying continuously, systematically, and objectively all of the captive nations, those in Eastern Europe and Asia, including the numerous captive nations in the Soviet Union itself.

Because their thoughts and sentiments are expressive and valuable, I include the following responses of our citizens to House Resolution 211 in the Record:

Philadelphia, Pa., *March 20, 1962.*

Dear Congressman Daniel J. Flood: Enclosed you find a copy of a letter that was sent to Mr. H. W. Smith, Chairman of the House Rules Committee.

Respectfully yours,

Zdanna Krawciw.

Philadelphia, Pa., *March 20, 1962.*

The Honorable Howard W. Smith,
Chairman, House Rules Committee, New House Office Building, Washington, D.C.

Dear Chairman: We the American students of Chestnut Hill College in Chestnut Hill, Pa. hereby support the Ukrainian Students Organization of Michnovsky, Philadelphia Branch, in its petition for the passage of the House Resolution 211 for the creation of a Special House Committee on Captive Nations.

Truly yours,

Carolyn Vetter, Jane Schallis, Denise A. Duckworth, Katharine Winterer, Joanne Connor, Eileen Weigand, Kathryn Magee, Christine Quinn, Anne O. Donnell, Casmina Klekotka, Patricia Deegan, Rebecca M. Barney, Lyn Dunsmore, Sue Neisser, Denise Belcher, Joyce Wannog, Sheila Maykey, Kathleen Green, Mari Wilderotter, Maureen Whyte, Regina Maxwell, Linda Rizzo, Zdanna Krawciw, Sandy Butler, Leona Guongo, Claudette Simpson, Pamela Wood, Christina Saunders, Mary Beth Honeyman, Kathleen Reilly, Mary Clare Hunt, Sara Anne McCuen, Marcy Zin, Virginia Vantine, Connie Bellino, Norina Melograna, Marie Sclafani, Judie Falconnero, Alice Notaris, Mary-Anne Adgie, Nancy Diamond, Betty Newmiller.

Detroit, Mich., *March 19, 1962.*

The Honorable Daniel J. Flood,
New House Office Building,
Washington, D.C.

Dear Congressman Flood: I am sending to you a copy of the letter I mailed to Congressman Howard W. Smith, chairman of House Rules Committee, concerning your House Resolution 211.

Enclosed you will find statements of various Congressmen from Michigan, that support your resolution.

Sincerely yours,

Walter Tustaniwsky,
Chairman.

Detroit, Mich., *March 19, 1962.*

The Honorable Howard W. Smith,
Chairman, House Rules Committee,
New House Office Building,
Washington, D.C.

Dear Congressman Smith: With each passing day it becomes more evident that the United States of America is engaged in a mortal struggle with the world communism and especially with its standard bearer the imperialistic Soviet Union. One of the best ways to fight this menace is through understanding its inner problems, and they are as many as there are different nations within the Soviet Union.

House Resolution 211 calling for the establishment of a permanent Committee of the Captive Nations in the House of Representatives, introduced by Hon. Daniel J. Flood from Pennsylvania, deserves most serious consideration. The creation of the Committee on the Captive Nations in the House of Representatives would benefit our Government and its various agencies by supplying necessary information on the various captive nations in the Soviet Union and thus help us to formulate most effective foreign policy.

Negative statement of our Secretary of State, Mr. Dean Rusk, with respect to the creation of permanent Committee on the Captive Nations derives from the lack of understanding the feelings and aspirations of the enslaved nations, especially Ukraine, and kills their last hope for freedom. We strongly oppose the views of Mr. Dean Rusk, our key statesman, which are contrary to our democratic beliefs and tradition. It is our opinion that one of our main goals is the freedom for all who are presently suppressed by the Soviet Union.

Our organization enthusiastically supports the House Resolution 211 and strongly appeals to you, dear sir, to consider favorably this resolution, which now is pending before your House Rules Committee.

Sincerely yours,

Walter Tustaniwsky,
Chairman.

Congress of the United States,
House of Representatives,
Washington, D.C., January 2, 1962.

Mr. Walter Tustaniwsky,
Chairman, Ukrainian Congress Committee of America, Inc., Hamtramck and North North Eastern Detroit Branch, Detroit, Mich.

Dear Mr. Tustaniwsky: Thank you for your letter of December 28 regarding the establishment of a Special Committee on the Captive Nations.

As I am sure you are aware, I am the sponsor of such a measure, H.R. 385. I intend to continue doing everything I can to have early and favorable action taken on such legislation. I am enclosing a copy of my bill for your information.

With kindest personal regards and best wishes,

Sincerely yours,

John D. Dingell,
Member of Congress.

Congress of the United States,
House of Representatives,
Washington, D.C., January 12, 1962.

Mr. Walter Tustaniwsky,
Chairman, Ukrainian Congress Committee of America, Inc., Detroit, Mich.

Dear Mr. Tustaniwsky: Thank you for your letter of recent date urging my support of legislation to establish a permanent subcommittee to deal with the problems of captive nations.

You may be certain I will give this legislation my support if it comes before us this year.

With kindest regards, I am,

Sincerely,

Charles E. Chamberlain.

Congress of the United States,
House of Representatives,
Washington, D.C., January 2, 1962.

Mr. Walter Tustaniwsky,
Chairman.
Mr. Taras Harry Kohut,
Secretary, Ukrainian Congress Committee of America, Inc., Hamtramck and Northeastern Detroit Branch, Detroit, Mich.

Gentlemen: This will acknowledge your letter urging support for the resolution which would establish in the House a Subcommittee on Captive Nations.

Please be assured that I enthusiastically support the resolution. In my opinion, the establishment of such a committee would be an effective cold war tool.

Frankly, I am at a loss to understand why President Kennedy and the interested committees of Congress, which are controlled by his party, have not given this resolution more support.

With best wishes and kind personal regards, I am

Sincerely yours,

Robert P. Griffin,
Member of Congress.

Congress of the United States,
House of Representatives,
Washington, D.C., January 8, 1926.

Mr. Walter Tustaniwsky,
Chairman.
Mr. Taras Harry Kohut,
Secretary, Ukrainian Congress Committee of America, Inc., Hamtramck and Northeastern Detroit Branch, Detroit, Mich.

Dear Sirs: This will acknowledge your letter of December 28, 1961, concerning the creation of a permanent House Committee on Captive Nations. May I say that I sympathize with your attempts to dramatize the plight of millions who are presently suppressed by the Soviet Union. This is an area which deserves most serious consideration by all free peoples.

Thank you for bringing your views to my attention.

Sincerely yours,
LUCIEN N. NEDZI,
Member of Congress.

—

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 6, 1962.
WALTER TUSTANIWSKY, *Chairman,*
TARAS H. KOHUT, *Secretary,*
Ukrainian Congress Committee of America, Inc., Detroit, Mich.

GENTLEMEN: This is to acknowledge and thank you for your letter regarding House Resolution 211, to establish a Special Committee on Captive Nations.

Let me assure you that this measure will continue to receive my full support.

My kindest regards.

Sincerely yours,
MARTHA W. GRIFFITHS,
Member of Congress.

—

TRENTON, N.J.,
March 10, 1962.
The Honorable HOWARD W. SMITH,
Chairman of House Rules Committee,
New House Office Building, Washington, D.C.

DEAR CONGRESSMAN: We ask you to support the resolution (H. Res. 211) calling for the establishment of Committee on the Captive Nations in the House of Representatives.

The more we press the Russian rulers, the weaker they are and the more they talk about coexistence.

Every fourth man in Soviet Russia (empire) is Urkrainian, every other fourth is of other nationalities—all hating the Russian yoke. That is the weakest point of the whole of Russia and therefore the advisers of Secretary of State—Russophiles from Department of State—make the pressure through Mr. Dean Rusk to bar the creation of Captive Nations' Committee.

During the last war hundreds of thousands of Ukrainian soldiers and officers in the Russian Armies surrendered to German Armies expecting freedom and independence—as Nazi propaganda trumpeted. And in a couple of months Hitler was ante portas of Moscow. During the last Hungarian revolution Russian leaders did not use their occupation troops consisting mostly from Ukrainians. The massacre started when they brought Russian troops.

If Ajubey—son-in-law of Khrushchev—said, that Latin America's nations are slaves of U.S.A., why we should be afraid to talk about real slavery?

Hoping you will favor the creation of permanent Committee on the Captive Nations, we remain,

Respectfully,
THEODOR PANASIUK,
Secretary.
DMYTRO KUZYK,
Chairman.

—

MINNEAPOLIS, MINN.,
March 20, 1962.
The Honorable DANIEL F. FLOOD,
New House Office Building, Washington, D.C.:

Copy of message sent to the Honorable HOWARD W. SMITH, Chairman, House Rules Committee, New House Office Building, Washington, D.C., quote "Dear Sir, we, Americans of Ukrainian descent to ask you kindly to take into consideration House Resolution 211 because we are certain this would be of vital importance in our fight of communism. Thus we are in favor of a permanent House Committee on the Captive Nations. Please give us your fullest support.

Sincerely yours,
AMERICAN UKRAINIAN YOUTH ASSOCIATION.

—

HARTFORD, CONN.,
March 17, 1962.
The Honorable HOWARD W. SMITH,
Chairman, House Rules Committee,
New House Office Building, Washington, D.C.

DEAR CONGRESSMAN SMITH: The members of the Ukrainian National Association, Branch 277 in Hartford, Conn., kindly submit this communication to you to consider favorably the resolution (H. Res. 211) in regard to establishing a permanent Committee on the Captive Nations in the House of Representatives.

The policy of Soviet Union toward the captive nations enslaved by communism proved to be destructive also to our great country. Letters from our friends and relatives in Soviet Union received here speak clearly of political and religious oppression of the peoples once free in their independent Republics, and of passive resistance to Russian Communist slavery and despotism. This situation constitutes weakness of the Soviet Union. Therefore, it is to our advantage to know these weaknesses and to materialize them in dealing with Soviet propaganda.

The Secretary of State, Mr. Dean Rusk has taken a negative position to the proposal of establishing a permanent Committee on the Captive Nations, and thus displayed a certain amount of misinformation on the matter of Soviet threat to the freedom of peoples behind the Iron Curtain, especially in Ukraine.

The existence and proper functioning of the Committee on Captive Nations in the House of Representatives would help the U.S. Government in shaping its policies to aid the oppressed nations in their resistance to subjugation and in the hope to be free.

We strongly urge you, Mr. Congressman, to speak in favor of the resolution, House Resolution 211, in your House Rules Committee. Thank you.

ST. JOHN SOCIETY,
WALTER WASYLENKO,
President.

The National Lottery of Yugoslavia

EXTENSION OF REMARKS
OF

HON. PAUL A. FINO

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 3, 1962

Mr. FINO. Mr. Speaker, I would like to acquaint the Members of this House with the national lottery of Yugoslavia. This country is one of only three Communist nations utilizing the lottery device. It is perhaps noteworthy that the three Communist nations using lotteries, Yugoslavia, Poland, and Czechoslovakia are the three countries in the past most heavily subjected to Western influences. The more stringent Communist nations will have no part of lotteries because it manifests human individualism which they are trying to wipe out.

The gross receipts of the Yugoslav national lottery came to $8,446,000 in 1961. The net income to the state last year was $2,762,000. The bulk of the gross income is used to improve social conditions; that is, orphanages, hospitals, benefits to orphans, widows, disabled veterans, and the blind.

Mr. Speaker, it is interesting to note that even this Communist nation recognizes and capitalizes on the normal human urge to gamble. A national lottery in the United States can bring into our Government Treasury over $10 billion a year in new income which can certainly help to cut our high personal income taxes and reduce our national debt.

Dr. Nicholas Despotopulos: Leader of Distinction

EXTENSION OF REMARKS
OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 3, 1962

Mr. PHILBIN. Mr. Speaker, the famous Hellenic American Order of Ahepa, through its celebrated, illustrated national magazine, the Ahepan, admirably chronicles the nationwide activities of Greek-Americans and brilliantly displays the ideals and aspirations of people of Greek heritage.

Our Nation has been blessed with many fine, outstanding leaders of Greek blood who throughout our history have contributed greatly to the promotion and advancement of the rich culture of Greece and the free institutions of America as well as to the business, political, industrial, and civic life of the Nation.

In every day and age, in war and in peace, our Greek-American friends and neighbors have developed leaders in every field who have made a deep impression upon our times and have immeasurably advanced the building of our Nation.

That our Greek-American fellow citizens are contributing in increasingly vital ways is abundantly emphasized once again by the March issue of the Ahepan, containing timely articles and glowing, detailed reports of the well-nigh incredible scope and intensity of the activities of a dynamic, fast emerging young Greek-American, national leader in the person of young Dr. Nicholas Despotopulos of Clinton, Mass.

Those of us who have had the opportunity of watching this very able, dedicated young professional man in action are literally stunned by the sweep and impressiveness of his interests and achievements.

A neighbor friend and constituent of mine of Clinton, Mass., scion of a famous, highly respected Hellenic family that first came to this country many years ago, Dr. Despotopulos not only conducts one of the most successful dental practices in the Bay State, but takes part in a host of fraternal, civic, patriotic and brotherhood activities and functions ranging from Ahepa, the Sons of Pericles, and the religious life of his historic church to farflung official work for charity, the veteran, the community and the nationwide projections of his beloved Hellenic cultural organizations.

In a series of brilliant articles, the Ahepan pinpoints some of Dr. Despotopulos' contributions, but it would be quite impossible for anyone to cover them completely, so broad is the range of his interests, so intense his fervor for promoting the national heritage of his fathers and the American heritage which he exemplifies, loves, and serves so well.

Dr. Despotopulos is bound by no provincial barriers of race, creed, station, or distance. He moves among all men. In his great work, he moves from East to West and North to South in fast-moving jets usually accompanied by his beautiful wife and helpmate, Helen, spurring action for every Greek-American cause, for Ahepa, and the Sons of Pericles wherever he goes.

Since his lovely wife is a native of the great State of California and the daughter of the late distinguished Deputy Supreme Governor of Ahepa, Mr. John E. Dakis, prominent west coast business and civic leader, the doctor may be said to unite the sound, conservative values of New England and the dynamic, progressive values of our great West. Notwithstanding their hurried, very busy life, he and his charming wife manage to spread their personal visitations over practically the entire country and over a wide spectrum of composite American life.

It would be hard to conceive of finer, more altruistic, more effective leadership than that which is being demonstrated by Dr. Despotopulos. Well trained, well educated, a polished gentleman, a very creditable representative of his great profession, the doctor is endowed with a learning, wisdom, and knowledge rare for one of his years. He is a sensible, articulate, forward-looking and forward-moving leader of a great people.

In his personal relationships the doctor exhibits a warmth, understanding, and interest in people that soon endears him to all those he meets. He is equally at home with people of all levels and stations, and has achieved a popularity, not only among his own group, but among all others, that marks him as a man of destiny in Hellenic affairs as well as in the life of the Nation. He and his wife represent the finest type of American citizenship.

When I dwell upon the unselfish contributions of this splendid young American, my confidence in the present generation and the future are greatly fortified, because I believe that any nation that can produce a young man of the endowments and spirit of loyal dedication like Dr. Despotopulos is assured of sound counsel and wise, inspired leadership.

The Greek-American fraternity the country over, greatly honored as it is in the minds of their fellow citizens, is all the more fortunate to be blessed with a great, vigorous young leader like Dr. Despotopulos since he truly represents the glory of Greece and the great destiny of America.

A young man of rare, personal attributes, who is destined for lofty causes, for great accomplishments for his own people, for the Nation, and for the free world, Dr. Despotopulos truly embodies those aims so well expressed by the Ahepan for the order of the Sons of Pericles—"dedicated to the preservation of our form of government, trained for leadership and responsibility in the community." Proud of his Hellenic heritage, and I may add, grateful for the opportunities his parents and America have given him, pledged to sustain and support her great destiny at all costs, this tireless, devoted young Greek-American leader will achieve greater things.

I know not what the future holds for Dr. Nicholas Despotopulos, but God willing, he will certainly be advanced by his people to still higher posts of responsibility, where he can continue his great work for freedom, humanity, and justice to which they are committed and to which all of us must be consecrated today if we would preserve and enrich our common heritage.

I congratulate and commend the Ahepan for its recognition and support of Dr. Despotopulos, because Americans of every class applaud the emergence of vital leadership we so urgently need today.

Our Railway Post Office System

EXTENSION OF REMARKS

OF

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1962

Mr. DULSKI. Mr. Speaker, I am sure most of us have no idea as to what is involved in the mechanics and operation of our postal system in the movement of mail between the cities, towns, and villages of our Nation. Few of us, after we affix a stamp to our letter and drop it in the mailbox, realize what is involved in bringing about the delivery of that letter. We know only that we have faith it will reach the addressee.

Recently I had the privilege to board a railway post office car at Buffalo, N.Y., on its run to Erie, Pa., and returning on the same day. To observe and witness at firsthand the mail operations on these two trains was not only interesting, but enlightening and educational as well. It was particularly advantageous since these two runs, of 12-hour duration, are considered to be among the most difficult. They involve the flow of mail between Chicago, Ill., and Buffalo, N.Y.—two great cities with a large volume of commercial and private mail between these points.

Upon embarking on this trip, I was met by Mr. John Miller, Director of Transportation Requirements for the Post Office Department, and Mr. George Wood, who is the Mobile Unit Superintendent in Cleveland, Ohio.

Mr. Kenneth C. Miller, president of the Buffalo branch, and Mr. Glen Palmer, president of the Cleveland branch, United Federation of Postal Clerks, also accompanied me.

The mail car was loaded with stacks of sack mail which had to be sorted. In an adjoining storage car there were more sacks of mail piled high.

The crew aboard the train approached the appointed tasks with a confidence and skill that obviously could come only through years of experience. Upon inquiry, I found that the average length of service of these postal employees was approximately 30 years. Their efficiency in the performance of reducing this jumbled mass of mail into its proper slots and pouches, while the train was speeding through the countryside at 60 miles an hour, was a wonder to behold. Bag after bag of mail was dumped on sorting tables. With a precision resulting from complete mastery of the schemes and intricate knowledge of every city, village and hamlet en route, the volume of mail was quickly reduced in orderly fashion into its proper slots and pouches for distribution.

At Brocton, N.Y., a town not scheduled for a train stop, mail was exchanged by pickup hook while the train flew through the town. This same procedure took place on the return trip. The split timing of this procedure, using landmarks along the track for guidance, can also be attributed to the extensive experience and ability of the crew.

I would like to pass on to my colleagues some of my general observations pertaining to this question.

First, the equipment used in this railway postal operation is owned by the railroads. It is obsolete—both from the viewpoint of the employees' working conditions and from an operational standpoint in moving the mails. The reluctance of the railroads to invest large sums of money for new and modern equipment for this function, based on the lack of any clearcut policies by Congress and the Post Office Department as to the future of this operation, is understandable. Passenger traffic is declining on our railroads and this postal operation, by its very nature, requires that it be serviced by passenger trains and their schedules. Competition by other modes of transportation is also a factor which has helped to create this lack of interest in providing new equipment. As a result, these postal employees are required to work in surroundings that are too hot in summer and too cold in winter.

In my opinion, a further decline in the condition of this equipment and service will result in a delay of the mails. At some point, Congress will have to make a decision as to whether this time saved in the movement of mails—by the primary and sometimes secondary sorting of the mails while it is on the move from city to city, and the service rendered to rural areas along the route—is worth the price we are paying for it.

If it is determined that the time saved is worth the money and effort, we should say so in crystal-clear language so that both the Post Office Department and the railroads can take the necessary steps to promote long-range plans required before this operation falls apart at the seams.

If Congress decides that the time saved is not worth the money expended, then we should let the American public know it can expect delays in the mails over and above the present normal. We can thus proceed to liquidate the entire operation by a policy determination rather than let it wane by default under pressures from the Bureau of the Budget and the General Accounting Office.

I have also observed the inadequacy of the per diem allowance provided these employees who are required to lay over in a city other than their head-out, or home city, while waiting for their turnaround trip home. Increased living costs have steadily whittled away the real purchasing power of the present allowance for meals and lodging to the extent that these employees are required to use substandard facilities to obtain living essentials while in layover cities. I strongly recommend that this allowance be increased to $12 per day, as provided in my bill, H.R. 10760, which I introduced in this session. This is a fair and equitable allowance for this group of employees.

I highly recommend to all my colleagues that they avail themselves of the opportunity to observe this railway mail operation at some appropriate time within their respective districts. It is time well spent.

Results of Poll Taken in the Sixth Congressional District of Washington State

EXTENSION OF REMARKS

OF

HON. THOR C. TOLLEFSON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1962

Mr. TOLLEFSON. Mr. Speaker, I recently mailed questionnaires to 65,000 residents of my congressional district, which includes all of Pierce County and all of Kitsap County with the exception of Bainbridge Island. It contained 12 questions dealing with issues the majority of which the President has presented to Congress.

The names of the individuals receiving the questionnaires were selected at random from lists which gave no indication of the political leanings of those people. The number of recipients and the number of returns were sufficiently large to give assurance that a good cross-section opinion of my constituency would be obtained.

To date there has been a much better than average response, indicating an increased interest on the part of my people in the affairs of government. I have received thus far responses from 21 percent of the people who received questionnaires. More returns are expected, of course, but a sufficient number have now been received to determine the general views of the people of my area. I am sure that their opinions will be of interest to the other Members of the House.

The results of the poll expressed in terms of percentages are as follows:

[In percent]

	Yes	No	No opinion
1. Should Congress give new authority to the President to further reduce U.S. tariffs on goods imported from abroad?	40	48	12
2. Do you favor a new Cabinet post and Department of Urban Affairs and Housing?	28	55	17
3. Do you favor Federal financial aid to schools as follows:			
(a) Aid for school construction?	64	31	5
(b) Aid for teachers' salaries?	38	55	7
(c) Aid to parochial schools?	13	74	13
4. Should Congress grant authority for the Treasury to purchase up to $100,000,000 in U.N. bonds?	32	50	18
5. Should the U.S. withdraw from the U.N.?	18	71	11
6. Do you favor a program of medical care for the elderly financed through increased social security taxes?	67	28	5
7. Should the President be given standby authority to reduce income taxes up to 5 percent?	51	38	11
8. Should Congress appropriate $460,000,000 for incentive grants for fallout shelters in community buildings, such as schools?	20	67	13
9. Do you favor continuation of the foreign aid program at a cost of $4,800,000,000 for fiscal year 1963?	24	63	13
10. Should the Government withhold income taxes on dividends and savings accounts?	28	64	8
11. Should Congress raise the Government's debt limit to $308,000,000,000	18	59	23
12. If new overnight facilities are to be built at Rainier National Park. should they be built at—			
(a) Paradise area?	66	5	29
(b) Crystal Mountain area?	8	14	15
(c) Elsewhere?	4	13	15

The Retirement of Morton Bodfish, an Outstanding Financial Leader

EXTENSION OF REMARKS

OF

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1962

Mr. PUCINSKI. Mr. Speaker, one of our most outstanding financial leaders in Chicago and in the Nation has announced his retirement, and I think it only fitting and proper that this body afford him some recognition.

The gentleman to whom I refer is Morton Bodfish, who has just retired as board chairman and president of the First Federal Savings & Loan Association of Chicago. Founder of this great institution, Mr. Bodfish will continue his active interest in its welfare and progress by remaining a director, a member of the executive committee, and honorary chairman of the board.

Being one of the first American savings and loan leaders to realize the value of exporting our system of savings and homeownership to countries in other parts of the world, Mr. Bodfish in his retirement plans to devote his energies to the continuation of this program. During the past several years he has served in several Government posts having to do with our foreign aid in the housing field. He was elected president of the International Union of Building Societies and Savings & Loan Associations in 1938 and held that post until 1959. The International Union is the worldwide arm of the thrift and homeownership movement.

In connection with his activities with the International Cooperation Administration, he was instrumental in drafting savings and loan legislation for Austria, West Germany, and Peru.

In recognition for his efforts along these lines he was awarded the Commander's Cross of the Order of Merit by the German Federal Republic, and the citation and medal of a Commander of the Order of Merit by the Government of Peru.

Mr. Bodfish has long been one of the most prominent leaders in the U.S. savings and loan industry and a brief summary of his career up to this point will be of interest.

He was born in Mount Pleasant, Mich., on June 13, 1902. A graduate of Ohio State University in 1924, he took his postgraduate degree there and also studied at Northwestern University, University of Chicago, and the University of Grenoble, France.

From 1927 to 1944, he served on the faculty of Northwestern University as assistant professor, associate professor, and full professor in various phases of real estate and economics. In addition to his teaching at Northwestern, he served on the faculty of Stanford University during 1946 and 1949.

From 1929 to 1953 he served as chief executive officer of the U.S. Savings & Loan League. During this period he was executive vice president of the American Savings & Loan Institute, a consulting economist for the National Association of Real Estate Boards and was instrumental in founding the Society of Residential Appraisers.

He is recognized as an outstanding authority on savings and loan matters in the United States and is one of the men most responsible for the formation and steady growth of the thrift and home financing industry as we know it today.

In 1934, during the great depression, he founded the First Federal. It grew, under his leadership, from a few thousand dollars into the largest savings and loan association under one roof in the world. It is the largest in Chicago and Illinois.

He was a member of the original Federal Home Loan Bank Board in Washington during 1932–33. He was vice chairman of the Federal Home Loan Bank of Chicago from 1934 to 1938. He was chairman of the city planning advisory board from 1940 to 1948 and vice chairman of the Chicago Plan Commission from 1940 to 1950.

During the war he served with the Office of Strategic Services under the late Maj. Gen. William "Wild Bill" Donovan.

He is a trustee of the International Benjamin Franklin Society. He is also a member of the National Thrift Committee, a past president of the Civic Federation of Chicago, a member of the executive board of the Chicago Council, Boy Scouts of America, and many other business and civic organizations.

He is an honorary member of the Building Societies Institute in London, a trustee of Fellowship House in Chicago, a member of the American Economic Association, and the Royal Economic Society in London.

In all ways he is a splendid figure of an American businessman who has contributed much to the welfare of the citizens of this country as well as those of other countries. I am happy to present this résumé of his brilliant career to this body and to wish Mr. Bodfish many years of pleasure in his retirement.

Free Enterprise Versus the Welfare State

EXTENSION OF REMARKS

OF

HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1962

Mr. ALGER. Mr. Speaker, under leave to extend my remarks I would like to include the following address by our colleague from New York, Mr. FRANK BECKER, before the Third Financial Conference of the Edison Electric Institute held in Dallas, Tex., April 30, 1962. I would like to report that the ideas in support of the free enterprise system and against interference by the Federal Government in the lives of our citizens as expressed by FRANK BECKER were roundly applauded by the people of Dallas who are stanch believers in freedom and liberty.

The address follows:

FREE ENTERPRISE VERSUS THE WELFARE STATE

(An address by Congressman FRANK J. BECKER, of New York, Before the Third Financial Conference of the Edison Electric Institute, Marriott Motor Hotel, Dallas, Tex., April 30, 1962.

I appreciate the opportunity to address you here today. As the men responsible for dealing with the financial aspects of the electric utility industry, I am certain you must have some very positive ideas on fiscal responsibility, not only in business but also in government.

Every one of you is, I am sure, a firm believer in free enterprise, in limited government, in fiscal sanity in government, and in a sound dollar. And I would like to talk to you today about the responsibilities we all have to protect these things we believe in and not just to pay lipservice to them.

I am very well aware of the difficulties the electric utility industry has in coping with the growth of Federal power. Probably many of you have been at one time or another actively involved in this threat to your industry. From your experience you must know that government in business is a menace to the whole American system of economic enterprise. Yet, it has seemed to me at times that members of the utility industry have a very narrow area of concern. Your belief in free interprise comes out strongly when your industry is threatened by government encroachment. But what happens to that belief when it comes to the many other activities of the Federal Government in which it is gradually crimping our traditional freedoms?

Your concern with the welfare and future of your own industry is perfectly understandable. On the other hand, I have to remind you as citizens that it isn't going to do you much good to preserve traditional American principles in your own business if the whole economic system as we have known it is crumbling all around you.

I saw some interesting figures the other day based on a public opinion survey with respect to free enterprise. Over the past decade there has been a steady decline in the public's opposition to Government control, to Government regulation of business, to Government spending, and to Government lending. Yet, in the same period, the trend of public opinion favoring investor ownership of the electric power industry has remained steady or increased slightly, whereas the sentiment for Government ownership has declined. This indicates to me that the electric utilities have done an excellent job of informing the public, not only of the threat of Government encroachment but of the fact that they are doing a good job.

Nevertheless, the fact that there are two trends running in opposite directions is most disturbing. It would seem logical that at some point in time they would start to go in the same direction.

It requires no expert in government to realize that we have gone spending mad. There is reason enough to be concerned about the fiscal implications of this spending but what concerns me even more is where this spending is taking us. That direction is to ever greater Central Government control over all phases of American life.

There are those who would have us believe that increased Government expenditures are the result of increased defense spending. This is only partly true. The real truth is that our increased national spending can be identified with ever-increasing expenditures for domestic, nondefense programs.

It is not defense and security outlays that have forced us to increase the national debt, that have prevented us from balancing the budget, and that have inflated the dollar. It is the nondefense programs and the fact that we borrow money to finance them rather than pay as we go.

In the 5 years through 1960, national defense spending increased only $5 billion and was 29 percent above 1955. But domestic, nondefense spending increased 84 percent above 1955. The budget presented at the beginning of this year proposed further nondefense increases and hopefully held out the prospect of being balanced. That balanced budget prospect grows dimmer every day, and it is more likely now to run into a deficit of 3 to 5 billions.

When we dispose of the argument that increased defense spending is the cause of our money troubles, we hear arguments to justify the rapid growth of domestic nondefense spending in the last few years: (1) Inflation, (2) population growth, and (3) retarded economic growth which results, they say, because public services have been starved in recent years. They argue that Government nondefense spending must, therefore, be boosted sharply.

These claims have no validity. Price inflation as measured by the Consumer Price Index might reasonably be charged with an 11.4 percent increase in Government costs from the beginning of fiscal 1955 until now. But, as I mentioned earlier, Federal nondefense spending is 84 percent higher than it was in 1955.

As for population growth, it has an identifiable impact on only a relatively small portion of the total budget and considerably less than half of the nondefense programs. The principal areas in which population growth would tend to increase Federal spending are postal service, housing and community development programs, tax collecting, protective services, health, education, labor, and welfare programs. Considering these areas, then, we find that spending has increased 135 percent from 1955 to 1963, whereas population growth in the same period was only 15 percent.

The third argument also does not stand up when we examine the figures. Public services have not been starved in the years prior to 1960. If we measure these against national income from which they must be paid, we find that while national income increased 26 percent from 1955 to 1960, expenditure increases for public services were far greater. For instance, consider these percentage increases over the same period: Education 53 percent, public health and hospitals 53 percent, public welfare 39 percent, natural resources 29 percent, highways 47 percent, police and fire protection 48 percent, sanitation 51 percent, housing a whopping 87 percent. This does not look like "starvation" to me.

The inescapable conclusion is that the basic reasons for the sharp rise of recent years in nondefense spending are these: (1) expansion of activities and liberalization of benefits and subsidies under existing programs usually to satisfy demands of special interest groups, (2) enactment each year of entirely new spending programs also usually in response to special interest demands, and (3) failure to terminate or revise existing programs which have already served their intended purpose or which no longer warrant continuation because of unsatisfactory performance.

We have only to look at the 1963 budget to see how Federal programs can get started at relatively modest costs which increase in subsequent years to many millions of dollars.

For instance, the budget this year proposes a program of Federal aid to public schools to cost $90 million in 1963. But it would be $700 million a year thereafter. Another program would provide financing of supplementary teacher training and teaching aids at an expenditure of $40 million in 1963. Thereafter it would be $100 million a year.

There is a proposal to finance construction of college facilities and college scholarships calling for $21 million in 1963. But it would take $350 million a year over the next 5 years. Financing medical school facilities and scholarships would require $9 million in 1963, but $100 million a year thereafter. A manpower development and training program would cost $60 million in 1963 then jump to $150 million or more in subsequent years. An experimental youth employment and training program that would require $60 million in 1963, then rise to $100 million over the next few years, and if it became a permanent program, it would require over $500 million a year.

No matter how modest the initial outlay, in any Federal program, once started, the Government will always find reasons why the program should be maintained rather than terminated and expanded rather than contracted.

The reason we have to be concerned about such things is because they reflect a trend which has changed in the last 15 months from a steady upward creep to a jet-propelled gallop. The campaign for more Federal social legislation, involving more Federal spending, and carrying with it more Federal control over our daily lives has now reached an all-time high in activity.

We may well ask, "What is the reason for it all?" Well, partly it comes from the many pressure groups which think they have a "good thing" in Federal handouts and Federal intervention and Federal control. On the other hand, what has the Federal Government done to exercise intelligent leadership and to point up the dangers in this trend? Instead, it has probably done more than any pressure group to foster the delusion that Uncle Sam can solve all our personal problems and guarantee our economic security.

Nevertheless, while we might like to throw bricks at a Government which year after year reaches further out with its bureaucratic hand of control, this does not relieve any of us from responsibility. That is why I have reviewed for you what is happening in our country today. I am deeply concerned; concerned not only about trends I have described, but about the apathy and lack of concerted action by businessmen to do something about it.

Our economic system, our political system—and the two are interdependent—is either going to grow stronger because we all work together to make it stronger, or it is going to sink a little at a time because we are not paying attention to all its components and making sure that every component is protected.

Acceptance of one socialistic venture leads to more ready acceptance of others. So the power of the Central Government grows. Government medicine, Government housing, Government-controlled agriculture, Government control of urban affairs, the Government getting into depressed areas, education, and the generation and sale of electric power—all lead in the same direction. And if you are going to be consistent, you cannot be against one and not against the others.

If the Federal Government tomorrow came out with a program proposing, say, to build 10 Federal steam powerplants around the country, your reaction as an industry would be immediate and forceful. You would go to work in every conceivable way you could think of to stop such a program. But let's look at some other areas of governmental activity.

Earlier this year, you will recall, Congress defeated an effort by the executive branch to establish a new Department of Urban Affairs. While this did not represent Government competing with business, nevertheless, it would have begun the erosion of one of our system's basic principles. It would have represented a serious inroad by Central Government into the responsibilities of States and local communities. This principle of diffusing political power to prevent too great a concentration in a few hands is fundamental to the American political system, and it shows strongly throughout the writings and thinking of such men as Abraham Lincoln and Thomas Jefferson. As I said before, it was defeated. But let me ask all of you here: How many of you exercised your rights as citizens and did something positive to convey your opposition to the measure?

I might ask the same question in a number of other fields. Are you helping the medical profession in opposing Federal moves that could result in a first step toward socializing medicine? How about the continued inroads of the Federal Government into the fields of agriculture? Federal control in this activity is nearing the point of being absolute, and it has grown this way little by little over the years. If farmers are going to become complete wards of the Federal Government, do you think they will seriously care about who owns the electric industry?

The same thing applies to Government aid to education, Government in the housing business, Government aiding depressed areas, and Government programs of aid to the States. How can you expect States and local governments to retain any degree of independence when over the past 10 years Federal aid to these entities has more than tripled, rising from $2.9 billion in 1953 to an estimated $9.9 billion in 1963.

These things might seem remote from your own pressing concerns, but I am sure you can see the interrelationship. Don't misunderstand me. I am not saying that in our complex society today we should not be concerned about such things as unemployment, good housing for everybody, and the assurance and availability of good medical attention. What I am saying is that there are other ways of doing the job without turning it over to the Federal Government. But unless people such as you and the thousands of others who feel the same way you do get up and actively work against these things, nothing else is going to stop the inevitable trend toward a welfare-socialistic form of government.

I repeat again, that it is perfectly understandable that the utility industry should be concerned first and foremost with its own problems of Government encroachment. But if you protect only your own industry, and forget about what is happening to the Constitution and what is happening in other areas of the economy, you are really only stalling for time. If you let the Government get powerful enough, I question whether there would be any court of appeal if it decided to do to you what British Columbia did to its private utilities, nationalizing them overnight.

The departments of Government that directly handle electric utility matters are headed by men who, in my opinion, would make no effort to block moves which would lead to the nationalization of the electric industry.

So my plea to you is to become active in politics in connection with all those Government activities that are taking us down a path which probably very few Americans would vote for if they were given the opportunity.

In contrast to the relative apathy of business to politics, consider organized labor. Labor today is intensely active in the whole field of legislation. Not only does labor concern itself with those things that affect labor directly, but you will find them active in virtually everything else that comes up. Certainly, if labor can do it, you can too; you not only can, you should. It is your responsibility as citizens. If you don't, you'll get exactly the kind of government you deserve.

Let me say a few words about legislation in your own specific field. Even here, it sometimes seems to me that the electric utilities are too timid in exercising their political rights. I assure you this is no time to be timid about anything.

There cannot be any compromising with Government even though the Government already is in the power business. Perhaps we cannot yet expect to get the Government out of the electric power field. But we can fight to keep more Government from coming into the field. It can't be done by some people in your industry standing on the sidelines while others get their noses bloodied in the fight. If utility companies don't stand together at all times, sooner or later the enemies of investor ownership will divide and conquer.

You will notice one thing about the Government-power proponents: they never stop trying. Let me cite some examples.

Last year Congress decisively defeated the administration's proposal to put power generating facilities on the Hanford plutonium reactor in the State of Washington. One might say, "Amen, the people have spoken." But, not so. This project again is active and its supporters have been busy in recent months trying to figure out a formula for getting around Congress. From what I have heard, such a formula has now been developed. However, there are two vital elements missing in this formula: How much the project will really cost the taxpayers and what it will mean in terms of furthering the growth of public power.

Another unnecessary Federal undertaking that never got out of committee in the House last year and which the committee decisively rejected this year is the Burns Creek project in Idaho. Is this dead? By no means. We now find the administration endeavoring to have this project included with a great many others in the public works appropriations bill. It will still have to go through committee, but the whole position has changed because when you have a bundle of projects in one bill, inevitably there will be some bargaining of votes somewhere along the line.

But look at the prize of them all, Passamaquoddy. This project has been studied, restudied, and studied again ever since the 1930's. When the International Joint Commission—a highly respectable and capable body—rejected Passamaquoddy last year as economically unfeasible, we had a right to think that there was nothing more to study. But Mr. Kennedy told his Secretary of the Interior to find some way of justifying the project and so it is being studied again. Don't for a moment think that the people now studying it in the Interior Department are not going to find the means of justifying this venture, regardless of what it will cost the hapless American taxpayer. And when the recommendation comes, this thing will be glamorized and dressed up in so much razzle-dazzle that the public probably will fail to see two significant facts: (1) That the expenditure is completely unnecessary, and (2) that it is merely a device to establish Federal power in the Northeast and get the Government further into the power business.

I personally have been deeply concerned for some time with the situation surrounding the REA program. Here is a program which embodies, to my way of thinking, everything that can go wrong in a Federal program. It was started as a temporary program, then it was made permanent. Its cost should have begun to decline as the job neared completion. Instead, the cost has continued to increase. It should have served to encourage its loan beneficiaries to become independent. Instead, it has steadily undermined their independence and made them more and more reliant on the Government. Today, despite the repeated protestations to the contrary, rural electric cooperatives are to all intents and purposes part and parcel of the Federal power program.

Of course, the whole program operates as a subsidy on account of the fixed 2-percent rate of interest. I have had a bill in Congress for some time now which would make this rate of interest conform with the cost of money to the U.S. Treasury. I am not sure that anything will ever come of it because there are too many in Congress who will regard the legislation not on its merits, but in terms of what a vote for or against it will mean to their political futures. I say that without intending to be critical, simply realistic.

This REA program as the administration now conceives it stands clearly revealed as a device to establish the cooperative principle firmly in the electric power field. Cooperatives, as I am sure you all know, are a favorite economic device of the Socialist countries. They permit the illusion of some degree of economic independence without those things which, in the Socialist book, are such horrible sins—profits and dividends. Add to this the fact that rural electric cooperatives escape Federal taxation, and, instead of putting up their own money, borrow it at a subsidized rate from the Government, and you can begin to see the type of monster we have created. Throw in one or two more ingredients such as changing the rules to permit these co-ops to use their Federal money for nonfarm, nonrural electrification purposes and you can see that the Federal power proponents have a mighty potent weapon against the electric companies.

A deplorable example of Government waste and mismanagement—if indeed these words are not being too charitable—occurred in Illinois. Money was loaned by the Rural Electrification Administration to an electric cooperative at a 2-percent interest rate. The co-op in turn loaned the money to a private resort at 4 percent to help buy snowmaking equipment and to install outdoor lighting. The result, of course, is a 2-percent profit for the cooperative on taxpayers' money. And carrying it to an even more ridiculous cost to the taxpayer, the Federal Government has to pay up to 4-percent interest on funds which it borrows to have money to lend to cooperatives. In effect, this robbing Peter to pay Paul travesty actually costs the taxpayers twice.

Of course, you know these facts. But what are you doing about them? Are you all standing together as one industry to fight these things or are there companies among you which think (a) it's none of their business, let the other fellow worry about it, or (b) there is some way of compromising with the enemy.

You folks may think I am being rather hard on you. I am. But it is with the hope of jarring you into action.

We need your help constantly just as you need our help from time to time. We need your help not only at election time but in between elections as well. Don't leave us feeling we are fighting alone and forgotten, or you might start losing some of us.

Thank you.

The Meaning of African Freedom Day

EXTENSION OF REMARKS

OF

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1962

Mr. NIX. Mr. Speaker, celebrations last month of African Freedom Day by Africans, their friends, and would-be friends, in many parts of the world were but annual reminders that Africans everywhere are still "tramping trying to make Africa their home." These festive occasions are, in fact, intended as public notices that they shall not rest until every one of their black brothers are liberated and their forefathers vindicated. These events mark a rededication to the cause that all Africa's children of all nations shall in their own time breathe the fresh air of liberty and justice everywhere.

I am privileged and happy to be living in these crucial days when there is underway a universal resurgence of the desire for individual dignity; when there is abroad a renaissance of intellectual and moral aspirations irristibly moving toward self-determination for all peoples wherever they may reside. In this spirit and out of a past heritage of suffering identity with Africans, I humbly salute the new states on the African continent. I am convinced and encouraged by the thought that the world will once again have an opportunity for peaceful existence and cultural enrichment.

As the sound of rejoicing from recent Freedom Day festivities fade into the background, I am reminded of the following words from a popular song by C. K. Harris:

After the ball is over,
After the break of morn,
After the dancers' leaving,
After the stars are gone;
Many a heart is aching,
If you could read them all,
Many the hopes that have vanished,
After the ball.

Of all the enormous problems confronting the statesmen and politicians of these United States none surpasses in complexity or implications for the future that of the African challenge.

African Freedom Day for U.S. citizens may have varied significance as diverse as the multiracial, polycultural complexion of our great country. Among the celebrants there were those who seriously question whether the new nations of Africa can govern themselves or whether their governments can survive if their nationalistic leaders suppress freedom as freedom has been traditionally interpreted by Western Nations; or, if a unitary political system, so foreign to us of the West, can work. There were those, however, less worried about the political framework of the new nations, recalling that this Nation was no utopia immediately after the British were forced out. Africans are well aware of the facts of our history; that slavery was tolerated for a century thereafter with Negro segregation following in its wake another century. Yet today with full freedom for the Negro still unrealized, we talk glibly of freedom and have faith that full equality is coming.

With the festivities out of the way, as the song above suggests, we must return to the task of framing a sound foreign policy mutually beneficial and satisfying to both the United States and African nations. As I reflect on these issues of the times, I am reminded of a statement attributed to the Honorable Senate Majority Leader MANSFIELD that "the tendency is to ignore the realities and to go on hoping that just a little more aid will somehow do the trick."

I would charge further that too many of the celebrants of Freedom Day sincerely labor under the false impression that besides promoting ourselves personally a few handshakes and cocktails are all that is necessary to turn everybody and everything on the virgin African frontier to our way.

Many joined in the festivities because they consider the occasion in keeping with our traditional Fourth of July. Others say it afforded an opportunity to extend moral support to the struggle for freedom in those sectors of Africa where it does not now exist in any form. Still again it is possible there were among the guests those concerned for guaranteeing or continuing after freedom the previous individual rights of the long-privileged or exploiting white settler minority. For most Negroes of these United States, themselves kidnap victims brought in chains from that continent, Freedom Day has deep and abiding and significant meaning.

Chester Bowles says we must show maturity in our relations with Africans, we must show tact and exemplify patience with the revolution now sweeping the continent. I further agree with Mr. Bowles in his contention that we must understand the force behind the thrust for freedom, their aspirations, their prejudices, and their frustrations in the difficult years ahead. Thus framers of our African foreign policy are commanded to offer full respect for African independence and freedom over their policymaking while accepting the cold fact that Africa's independent growth and development is essential to the promotion of mutual good will and, in the long run, the promotion and advancement of our national interest.

Just yesterday we were saying Americans had great investments of private capital in Africa which alone should make us willing to favor more aid to Africa. Such an explanation today in support of a progressive African policy is inadequate in the face of marching freedom-loving Africans and, moreover, reflects a basic ignorance of the nature of nationalist movements which are committed to removing foreign monopoly over their wealth and raw materials—raw materials many of which are vital to our high standard of living and to keeping the wheels of industry turning in this great Nation. Yes, Africans need us, but we need Africans as well.

There are two ways we can work with Africans. We can offer aid and technical assistance and insist in return upon controlling these new nations, forcing acquiescence in our cold war endeavors, running the risk, thereby, of losing them, their markets and their vitally needed resources and their good will. Or, we can determine to call in or call on our African neighbors in this New World which technology has forged and arrive at a foreign policy based on mutual and reciprocal helpfulness. This, in the long run, is the only dignified and satisfying and human way to exchange and communicate and live on this planet. And, in my considered judgment it is the only approach that is destined to succeed.

We may quibble over how much a good policy will cost in dollars and cents, but who can question or deny that the great material advantages which initiated industrial and economic progress in these United States and the whole Western World are inextricably related to Africa. Africans tilled the soil, cleared the forest, became machines in a machineless age, and even served as a medium of exchange on the frontier. That is how the United States was born.

In modern times our giant enterprise has expanded because of resources extracted from the bowels of Africa. African sons played well their role in the fight against Hitler and Congo uranium fired the first bomb which knocked Japan out of the war. And, there is no getting around the fact that Africa is today a balance of power in the cold war. Consequently, aid to Africa is not charity; it is an economic necessity. Aid to Africa is the key to our survival in this nuclear age. Interaction with Africans can be mutually rewarding, if we but permit it. Mutuality and reciprocal helpfulness must become the objective and guide our policies in the days ahead, if we intend to stay in the running.

There are guidelines to lead us through the labyrinth of African politics in our effort to shape a sound, workable policy with these new nations which, simply stated, demand of us that we understand the whole people, their heritage, their past grievances, their human values, and that we reflect an awareness of the existence of an African deity who directs all their actions "from land to prayer." These are certainly times when money is becoming more like love: The more we share of it, the more we shall surely have.

We, too, are moving forward or being pushed forward by the revolutionary tide now sweeping Africa, Asia, and Latin America. Lest we forget, may it be recalled that a new concept of political rights and government and social values following in the wake of the Revolutionary War and stirred by the wisdom of Jefferson, Franklin, Jackson, Lincoln, changed old Europe more than old Europe changed the former Colonies of these United States. In his plea for support Mr. Bowles has concluded:

> If our generation, if our duly elected leaders are supported in their efforts to weld a policy out of all that's good in our heritage, a policy that advances, we shall not be neutralized by factionalism at home.

In any case, Africans contend, and who can deny the fact, that the whole Western World, the United States no exception, owes Africa some back pay. We who have gathered to ourselves so many of the advantages of Africa can ill afford now to fashion a policy which will detract from rather than enhance our status with the independent nations of that great continent. L. Gray Cowan, writing in the Journal of Negro Education, summer 1961, has commented that American relations with the African states can be placed on the surest foundation by our appreciation of their determination to remain free. To understand more fully the apprehension of nationalist leaders, former Prime Minister Nyerere, of Tanganyika, explained that dedication in his criticism of Soviet and Western bloc nations:

> It is almost as if these giants expect to produce little men out of their pockets, who then run through the voting lobbies before being safely gathered up again.

It may be presumptuous on my part, but I am constrained to make the following observation on what freedom means to the Africans:

First. The freedom to give expression to their passion for national sovereignty which is as ineradicable as that of the largest nations.

Second. The freedom of African leaders to establish irreversibly patterns for the economic and political future of their countries.

Third. The freedom to develop their own culture.

Fourth. The freedom to remove the universal distortion of African primitivity and freedom from feeling of racial inferiority.

Fifth. The freedom to be a third force, a passive force, a passive neutral, if such a role is deemed by the African to be in the best interest of their respective countries and the continent as a whole.

Sixth. The freedom, in short, to be as free as the NATO powers to bring together their nations in a political, cultural, economic, and moral unity and to coordinate policies and undertake long-range planning.

Seventh. The freedom of African leaders to assert themselves in the international arena without coercion from those who insist that they reflect their image rather than the passion of the people back home.

Eighth. The freedom of sovereign African nations to relentlessly seek complete freedom for all Africans not yet liberated.

Ninth. The freedom to enjoy the prerogatives, responsibilities, and the full accomplishments of members of the sovereign states toward the end of a pan-Africa if they should deem it wise and necessary—toward seeking means of arriving at a peaceful and purposeful unity, maybe in a mere decade; a unity which Western Europe after some 500 years is now at last beginning to fashion.

Tenth. Freedom and independence of the mind as concluded by Chancellor Williams, of Howard University, in the Journal of Negro Education, summer 1961, which is, after all, the highest form of freedom after a people have experienced the more concrete returns from political independence. Dr. E. Franklin Frazier, also of Howard University, and in that same journal reports already:

> These [Africans] artists and thinkers are creating the new ideologies and the new African culture which with its base in traditional culture of Africa is providing the soul of the new African nations.

In summary, African Freedom Day is an annual notification that the mobilization is yet underway against foreign domination, against the existing pockets of remaining whites and vested interests susceptible of setting off little Congos elsewhere. The occasion affords the opportunity for a reassertion of African determination to free their entire people of the poverty and ignorance which in the past subordinated them to others. It means that Africans are as resolved as ever to pursue a course of action which will encourage a recapture of the ancient culture, gives eloquent voice to that culture in all its exalted ramifications and, thereby, give to mankind again this priceless possession which has been so ruthlessly suppressed.

A SOUND FOREIGN POLICY FOR AFRICAN NATIONS

For those of us charged with policymaking in this changing world, each contact and every opportunity for communication, serious or recreational, is a privilege. Whether African Freedom Day is passed in festive celebration or in serious meditation, it must be a day of concern, of stocktaking no less than backslapping, entered into with the full knowledge that as is the usual habit in all African-American contacts, as many questions will be posed as are answered.

There is no escaping it. We must deal with some 20 new nations sired by colonialism—nations long robbed of some of their most valuable people by the slave traders and foreign kidnapers. There is literally a brood of these new nations born since 1957 with several others incubating in preparation for independence from metropolitan powers.

If you study any modern world map, you will discern the emergence of two important forces; the solid groupings of the Communist bloc and the huge Western or Atlantic nations. But now look again and let your imagination trace a third bloc, just beginning to take shape out of a huge unorganized sprawl of uncommitted nations in Africa, Asia, and Latin America. George Kimble, a noted British writer on African affairs, commented in the New York Times recently that 20 years from now the political map of Africa will be very different from what it is today.

> It may not be more rational in design—

He says—

> but it will be simpler in appearance.

Who doubts that white islands in Africa secured against a sea of blacks will soon be gone with the wind whether through flight of white settlers or a mending of their ways. Africans contemplate a future life based on cooperation among all people in accordance with their intratribal heritage of communalism with common concern for the welfare of all members and respect for their personal dignity. Hence, as a consequence of this traditional common concern rather than rugged individualism they are more inclined to the view in governmental administration and social action that no individual member of clan or tribe or nation of Africa can be totally free of all other members and institutions. Which fact explains why some African leaders subscribe to the principle that mutual restraints are the price of remaining free.

A Washington Post columnist in a recent series of articles on Africa reported that few Africans have found the principles of individual liberty or parliamentary democracy relevant to their tribal experience. There is more interest in a unitary state, he noted. And, he concluded—which is of extreme significance here—that thus no one should be surprised if African countries, while continuing to need help, evolve patterns of their own.

African nations are eclectic or choosy. Although they will enter into trade agreements or exchange cultural groups or take help from any quarter, they are unlikely to end up again in the pockets of outside forces or sell a brother to an enemy or into slavery if they can prevent it. We must learn to respect and even sympathize with their apprehensive attitude. That is why liberated Africans in the United Nations or anywhere on the world scene is our conscience and a reminder to the two blocs that they cannot count on a certain number of votes on any issue regardless of the right or wrong of it. They seek, instead, to avoid any risk which might negate their freedom victory.

Prof. Roland Young of Northwestern University in the Journal of Negro Education, summer 1961, contributed an extremely penetrating article entitled "The Stake of the United States in an Independent Africa South of the Sahara." In it he concluded:

> Aid to African countries presents many problems not solvable by legislation alone. Development on a major scale requires not only the cooperation of the people but also, in some cases, the reorganization of society. Traditional methods of farming may have to be changed and the rules of tenure modified, and they may engender violent internal opposition. To be on the receiving end of an assistance program may not always be a gratifying experience, and some experts in the aid program have said ruefully that aid often seems to be more popular in the neighboring countries than in the recipient countries. Nevertheless, despite the obvious difficulties in carrying on a successful aid program, it is vital to the development of Africa and will require an increased measure of our money and goods and talents and wisdom as time goes on.

To stop extending or limit unduly aid now to these African nations half way up freedom's hill would be disastrous. I recall here the words of Secretary of State Rusk when discussing the Mutual Security Act before the House Committee on Foreign Affairs last year:

> Here is opportunity, the opportunity to lead a movement for progress in freedom.

And further continued the Secretary:

> The proposals before you are necessary to the conduct of a firm and successful foreign policy for our country in the decade ahead. Their thoughtful consideration by the Congress and the provisions of the authority and of the funds required is central to what we can accomplish. The costs will not be small—but what they can accomplish will be great. We can afford to do what has to be done. As I have said before, what we cannot afford is to fail to undertake the effort—and a sufficient effort.

I certainly feel these words of wisdom apply in the case of struggling African nations.

The movement of men to control their own destinies has now gone too far for anything to stop. In recognizing this, and not merely recognizing it, but assisting it, we will achieve probably the most important success of our international career. However, we need ponder the estimation of Professor Chancelor Williams of Howard University, a scholar on African Affairs, that, policy will become more critical as Africanization becomes complete. Further, Professor Williams adds, we may sell our wares to Africans but we can no longer export our minds to be substituted for theirs. Africanization, marking the completion of the African revolution against Western imperialism will emancipate the minds and spirits of the Africans.

However much we might wish to identify our struggle against British colonialism in the 18th century with that of modern day Africa, attributing African freedom criterion to the Declaration of Independence, African nationalist leaders insist, I am told, their freedom is homegrown, born of a common concern for equality and freedom for all as handed down by their forefathers. Moreover, it is strongly argued that it was the cohesion, the values and traditional ethics flowing from tribal beliefs and customs which supplied meaning and direction to nationalist leaders, inspiring and welding the people together which in turn is now sweeping colonialism from that continent.

We are facing new men on the continent of Africa—men capable of modifying, if not reforming our whole foreign policy, not merely our policy with African nations. It is significant to note here in passing that the presence of Africans in the Western World has consistently influenced national policy and shaped values and molded the minds and hearts of the American people. Obstacles, whether on the domestic scene or in the international arena, do not discourage the African nationalist in his search for freedom, causing him to retreat from the unpleasant; rather he quickens his pace, hastening the day when we will be forced to work and negotiate and cooperate with a whole generation of new Africans throughout the continent. This is a message implicit in the Freedom Day celebration. And, we cannot start too soon preparing for that day for it is almost upon us.

Finally in our policymaking we are commanded to try to understand the relations between African States where there is often identity of African with African which they attribute to their common suffering as much as to geographical location or skin coloring. In our African relations what is breathtaking for many is the thought that new Africa, all its parts, free and unfree are coming closer. However challenging to others a unified Africa may be, it is inspiring to Africans. We must condition ourselves, if we have not already, to the driving desire of Africans for unification as the only answer they think to plunder and exploitation—to pan-Africa as the wave of the future.

I am certain that if the world does not destroy itself first, a new world power, encompassing the entire continent of Africa will be born of all the now warring factions before this century ends. This is the great promise of our times. This is a hope which is annually rekindled by African Freedom Day observances.

At a time when the atomic age has trapped the natural scientists and Christian alike in a host of contradictions, Africa's freedom drive may very well contribute the third force to lead the way of this latter day land of bondage into the promised land of peace and freedom for all humanity. Moreover, Africans may assist us all in arriving at a new ethic that will provide relevant restraints upon both ends and means of warfare.

In closing I would like to quote from Karl W. Deutsch Nationalism and Social Communication:

> A person blind and deaf or insensible to further impressions; an organization or people effectively isolated to all messages or experiences from its larger physical or social environment * * * all tend to lose more or less of their power of self-steering * * * a person without memory, an organization without values or policy, a people without effective traditions, a ship or missile without set goal—all these no longer steer, but drift.

Is Federal Aid to Education Really Needed?

EXTENSION OF REMARKS

OF

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 1962

Mr. DERWINSKI. Mr. Speaker, the March 24 issue of the Ave Maria, a national Catholic weekly, contained a debate on Federal aid to education between Mr. Roger A. Freeman, of Claremont Men's College, Claremont, Calif., and our colleague, the Honorable Frank Thompson, Jr., of New Jersey. Since by their respective positions as recognized spokesmen for sharply conflicting views on the subject, this debate serves a very practical purpose in emphasizing the importance of the issue, and the wide variance of opinion which is enveloped in it.

I ask leave to insert into the Record the statements as they appeared in the Ave Maria on the question "Is Federal Aid to Education Really Needed?" Mr. Thompson answers "Yes"; Mr. Freeman answers "No."

The statements follows:

Is Federal Aid to Education Really Needed?

(Affirmative statement by the Honorable Frank Thompson, Jr., chairman of the Select Subcommittee on Education of the House of Representatives)

Almost every first-year law student knows of "The Case of the Kettle." This legendary lawsuit was instituted by a plaintiff who sought damages for a cracked kettle. The defense to the suit was in three parts: The defendant claimed: (1) he had never borrowed the kettle; (2) the kettle had not been cracked; (3) the kettle was cracked when he borrowed it.

The "Case of the Kettle" is used in law schools to illustrate "inconsistent pleading," a concept easily fathomed by the legal mind. It is recalled here because it bears a marked similarity to the arguments put forth by many of the opponents of Federal aid to education: (1) there is no need; (2) even if there is, the Federal Government should not get involved because the need can be satisfied at lower levels; (3) if the Federal Government does get involved, it must provide aid to private schools as well as public schools.

With the issues thus drawn, vigorous advocates will naturally argue all three points without regard to niceties of consistency. One who favors Federal aid, however, is at a forensic disadvantage, for he has the burden of carrying his case on all three, while his opponent need only persuade on any one.

The editors of Ave Maria, in posing the question as they have here, have limited the discussion to the first two points; I am happy to debate on these terms, but I must ask forgiveness if I touch on other arguments in order to complete my defense. I might add that the question as phrased tends to exclude from debate some of the broader and more important questions that are involved in the subject of Federal aid. For example, one might well approach the problem by asking "Will Federal aid help to raise standards of education in the United States?" or "Will Federal aid help to increase educational opportunities in the United States?" It is obvious that if the question were put in this fashion debate would have a somewhat different focus, and the real issues might receive more attention.

The question of educational needs in the United States is generally argued on a statistical basis, and argument inevitably becomes weighted down with attacks and counterattacks on the reliability of data, sampling techniques, and so on. It may be that the country's need can be objectively assessed only by use of statistics, but one fact tends to be obscured in the argument: There is a continuing need to improve standards of education. This is not to say that there are no more tangible immediate needs, but rather to say, in effect, that even if there were no classroom shortage or no lack of qualified teachers, there would still be a need to pursue excellence in the quality of education in this country.

The tangible needs that do exist are, in my view, staggering. Consider classroom requirements, for example. The latest report by the Department of Health, Education, and Welfare states that there is a presently existing need for 127,200 public elementary and secondary classrooms, both to relieve overcrowding and to replace unsatisfactory facilities. And this need existed at the end of a record year for school construction. More than 72,000 classrooms were constructed during the year ending in the fall of 1961.

Although a decline in school construction is expected this year, we have averaged about 69,000 new rooms a year for the last 6 years. This is only slightly more than is needed to compensate for increased enrollment and to replace abandoned facilities. It is true that the computation of classroom shortages is not an exact science: but even if one concedes some error, the dimensions of the need are tremendous.

And there is little comfort in predictions that school enrollment will decrease during the 1960's. As a matter of fact, the only decrease in sight is in the rate of increase. Last year public school enrollment increased by 1.2 million over the preceding year; this rate is expected to continue until middecade, when the annual increase will fall off to a mere 600,000. Moreover, even when the yearly increments become smaller our high schools and colleges will continue to feel the pinch of present-day increases for years to come.

Of course, there are ways to avoid building more classrooms. We could work for a shorter school day and encourage more schools to go on double or even triple sessions. Or we could institute a "four-quarter" plan and limit or eliminate summer vacations. But in all the mail I have received in opposition to Federal aid to education—mail from parents, that is, not paid lobbyists—these suggestions have never been made. It appears that even those Americans who recognise school needs are not willing to disrupt established patterns of education in order to meet these needs.

Consider next the problem of attracting and holding qualified teachers. In my view, discussion of this problem must start with these basic premises: Higher salaries alone do not guarantee that we will get a greater number of skilled and intelligent teachers in our schools, but an inevitable result of higher salaries would be that more young people would be attracted to teaching as a profession, and at a minimum our range of choice would be increased. Of course, a sense of dedication and a desire to teach are necessary ingredients of a good teacher, but I suspect that the bright, intellectually motivated student who sees the attractive prospects in private industry and in professions like law and medicine does not have great difficulty transplanting his desire and dedication to these other fields. The strength of the temptation to eschew teaching is directly related to the student's range of choice and the disparities in living conditions among the various choices available.

At the present time four-fifths of the States require a bachelor's degree as a minimum requirement for certification of new teachers, and many professional educators and administrators see a 5-year program of preparation as a goal. In a recent survey of 33 States, the National Education Association found that at present more than 75 percent of elementary schoolteachers hold bachelor's degrees, and of these some 17 percent hold master's degrees.

Compare the earnings of those in fields in which our schools compete for trained manpower. In 1958 the average earnings of doctors, lawyers and dentists was $13,457; engineers $9,647; for 17 other professions requiring college graduation, $9,439. In 1958 the average earnings for public school teachers was $4,827. Today it has risen to $5,275. It is obvious that this pitifully low figure cannot even be raised significantly during the weeks of summer vacation available to many teachers—assuming that those weeks are available for supplementary employment and that the teacher is not continuing his own professional education during that time.

Just as with school classrooms, the need for new teachers consistently exceeds the supply. These needs are obviously related, for as new classrooms are constructed, as overcrowding is relieved, as school enrollments grow, more teachers are required. Furthermore, the demand for teachers is increased by an annual loss of about 8.5 percent of the total number of teachers, by the need to provide more qualified instruction in such areas as the sciences and modern languages and to increase the educational services offered in our schools, and by the need to replace unqualified teachers as our standards of preparedness are raised.

It is worth noting that, even under present criteria of teacher preparedness, there are some 89,000 teachers, out of a total of 1.4 million, that have substandard certificates. Taking into account these different categories of need, and discounting the total by the number of 1961 college graduates who are likely to enter teaching, the National Education Association estimates a current shortage of 138,000 teachers.

In discussing classroom and teacher shortage, I have not attempted to present refined or detailed statistical analyses, such as have been presented at congressional hearings on the school aid bills. Frankly, I do not believe that many people are convinced one way or another on the question of Federal aid to education by a statistical aurora borealis. Indeed, the chief value of Mr. Roger Freeman's writings in this area has been to illustrate how difficult it is to accumulate precise data and how easy it is for advocates of one position to select from available data in order to "prove" their case. I have an admitted bias in favor of Federal aid, and I am therefore inclined to take this data at its most dismal; I prefer to resolve any doubt in favor of the Nation's schoolchildren.

Assuming for the moment that there is a need of significant dimension—and even Mr. Freeman has admitted that there is some need—we must next contend with the objection that there is no requirement for the Federal Government to become involved. I will not dwell here on the argument that Federal assistance means Federal "control"; this seems to me to be more an appeal to a rather unthinking emotionalism than an appeal to history and rationality.

The Federal Government has provided assistance of many sorts to education since 1787, when public lands were first set aside for the endowment of schools, and there has never been a serious objection to such programs on the grounds of Federal control. Indeed, even today the most ardent opponents of Federal assistance vote eagerly for so-called "impacted areas" aid. Mr. Freeman and others argue that this is not Federal aid to education, but "payment-in-lieu-of-taxes"; but, oratory aside, there has never been a clearer example of Federal aid in our history.

There are really two parts to the question whether the Federal Government should provide financial assistance: The first concerns the appropriateness of Federal participation; the second concerns the need for Federal assistance.

The appropriateness of Federal aid is made indisputably clear when one considers the national interests involved in education. (Of course, there is no question of the Government's constitutional power to act in this area.) When the National Defense Education Act was passed in 1958, education was related directly to the physical security of the United States; Congress acted pursuant to its constitutional power to "provide for the common defense." The NDEA was inspired by sputnik, but one need only have looked at the startling correlation between educational standards and draft rejections for low intelligence to find a more basic and immediate "national defense" interest in education.

But certainly the national interest in education goes far beyond "defense." The relationship between education and unemployment or juvenile delinquency, for example—both national problems—is obvious. The magnitude of these interests might lead one to ask whether the United States can afford to leave the financing of education wholly to the States; yet we debate here on the premise that the Federal Government should only assist if a critical need is demonstrated indisputably—if, in effect, there is no other way out.

The need for Federal financial assistance is also clear, it seems to me. The estimated average cost for constructing a new classroom is about $40,000, and, as I have pointed out, there is a current shortage of more than 127,000 classrooms. This means that were the shortage to be eliminated in one stroke, today, there would be an immediate requirement for $5,080 million in construction funds—and this figure does not include the cost of building those classrooms required to compensate for continuing growth in enrollment and abandonment of facilities.

Furthermore, the fact that we have been constructing some 69,000 new classrooms annually in recent years is no assurance that we will be able to continue doing so as long as the need exists. New construction requires huge capital outlays, generally financed by bond issues. In many areas legal debt limitations are being reached or approached, and annual debt-service requirements are raising taxes to new highs.

More than half of the funds used to support our public schools are raised at the local level, traditionally by means of the property tax. The largest part of the remaining funds is furnished by the States. But there are wide variations in the abilities of the States to bear these expenses, and need is generally inversely proportional to ability.

For example: Compare Connecticut and Mississippi, States with roughly equal populations and public school enrollments. The estimated personal income per public school child during 1959 was $16,245 in Connecticut and $5,202 in Mississippi. The estimated school expenditures per pupil in the 1959–60 school year were $538.82 in Connecticut and $290.12 in Mississippi. Yet Connecticut has a current need for 941 classrooms while Mississippi has a need for 1,578; and the average annual salaries of classroom teachers in Connecticut is almost $6,000, while in Mississippi it is $3,500. It must be noted, moreover, that these disparities are not the result of any lack of tax effort in Mississippi. The Mississippi taxpayer in 1959 paid $10.57 of each $100 of personal income to his State and local government, while the Connecticut taxpayer paid only $7.06.

It is true, of course, that whether the necessary funds are provided at the State or local level or at the national level, the money comes from taxpayers. One might conclude from the painful moans of those who complain of increased Federal spending that only when the Federal Government spends money does it come from taxpayers, and that when States and municipalities spend, the money comes from someplace else. It is my feeling that in a situation in which there is a critical need and a strong national interest it is absurd to argue about increased Federal spending; but if we assume that there is a critical need and that the need must be filled, there still is a very strong practical reason for preferring the National Government as the spending agency: The impact upon individual taxpayers is much greater when the funds are collected and spent at lower levels of government.

There are two reasons for this. First, the "overhead" cost of collection is considerably lower at the Federal level than at the State and local levels. Federal taxes are collected at an "overhead" cost of about 44 cents for each $100 collected, while the cost of collecting State taxes is estimated to be more than $1 per $100. The cost of collecting local taxes varies widely, ranging from about $5 to $10 per $100.

Second, State and local taxes are generally regressive, that is, they are imposed without relation to ability to pay. Sales taxes, excise taxes and property taxes, which provide the great bulk of the revenues used to finance education at the State and local levels, fall heavily on families having incomes of less than $10,000. The Tax Foundation has estimated that these three regressive taxes represent some 7 or 8 percent of the income of families in the $5,000 range, but only about 4 percent of the income of families in the $15,000-and-up range. The Federal income tax, however, which provides the greatest part of Federal revenues, is a graduated or progressive tax.

It is true, of course, that every family has certain minimum needs and that even a progressive tax may have more of a practical impact upon low income families than upon higher income families; but it seems clear that when one considers the relative impact of governmental expenditures for education the great majority of American families would feel the cost less if the Federal tax structure were employed to assist in meeting the needs of our schools.

It cannot be a valid objection to Federal aid that rich States will be paying for better schools in poor States. I have always been somewhat impatient with the notion that a State should receive back in Federal expenditures an amount commensurate with the Federal revenues provided by that State. In our cities and towns the taxes of wealthier citizens go to pay for increased municipal services—such as police and fire protection and welfare—that are required by the existence of slums and poverty. The interests of all the people in the community are involved and the cost falls upon all of them. Similarly, all American citizens have an interest in raising educational standards; this is a problem of the national community, and the cost must be spread throughout that community.

Finally, although it is not strictly within the subject presented for debate here, I feel that, as a Catholic writing for a Catholic magazine, it is incumbent upon me to say something about the religious issue in order to complete my argument for Federal aid to education.

President Kennedy has taken the position that Federal aid to religious schools is unconstitutional, and while constitutional scholars have differed over the question the position of the President must be given great weight. Under our system of separate powers the Supreme Court of the United States generally has the final word on matters of constitutional interpretation. It can pronounce this word, however, only when a specific case is brought to it for adjudication.

The President holds office under an oath, set out in the Constitution itself, that he will, to the best of his ability, "preserve, protect, and defend the Constitution of the United States." Thus, both in proposing legislation and in considering whether to sign legislation that has been enacted by the Congress, the President must, if he would hold true to his oath, make a constitutional decision. His oath binds him to refrain from proposing and to refuse approval of legislation that he believes to be unconstitutional.

I mention the constitutional responsibilities of the President not because I agree with his position—in fact, I believe that a program of loans to religious schools might be fashioned to square with the Constitution—but because President Kennedy's position has too often been dismissed as one taken for political expediency. In my view one may disagree with his position, but one must also realize that in rendering an opinion as serious and far-reaching as this the President is acting under his constitutional oath of office.

It is true, of course, that as a matter of political reality a Federal program of general school aid that included funds for religious schools would have little chance of getting through Congress. This would result in part from the sincere constitutional convictions of some legislators—they bear the same kind of responsibility that the President does—but it would undoubtedly have to be attributed in great measure to the bigotry and hostility of those people, unskilled in constitutional law, who would rather see no Federal aid to education than see 1 cent go for religious education. As much as I deplore this attitude it does seem to have a perfect analogue in that attitude which holds that unless there is aid provided for religious schools there will be no aid at all.

Cardinal Cushing has taken the position that Catholics should make their feelings known and fight hard to achieve their purposes, but that they should not attempt to gain their ends at the expense of killing all Federal assistance to our schools. There is more in Cardinal Cushing's viewpoint than a great sense of political fairness, I believe. I do not agree that parochial schools would be doomed by a Federal aid program for public schools, and I think it would be well for Catholics who are sincerely interested in the problem to look a little deeper for some idea of what the effect would in fact be. Let me cite a ready example of what I mean.

In the December 16, 1961, issue of Ave Maria, in a column entitled "Let's Have Intelligent Federal Aid Discussion," one commentator made the statement that the President's school bill "pointedly" excluded children in "independent" schools. He went on to explain:

"I use the word 'pointedly' advisedly. Despite pleas from a couple of Senators that salt not be rubbed in the wound of the parents, the Kennedy administration proposed to count their children to determine the amount of money to be given to each State, but to count them out when the money was distributed."

Analyze this intelligent discussion. The bill proposed to distribute funds to the States according to a formula that included as a factor the school-age population of the State—all children of school age, including those in parochial schools. This meant that the more children a State had in private schools, the greater would be the allotment that went to the State's public schools. Keeping in mind that the issue here is purportedly the distribution formula alone, I fail to understand the criticism.

If there is to be any aid to public schools alone, I cannot conceive of a formula that would benefit private-school parents more. If State X has a given need for public school funds, it seems perfectly clear that the tax burden on parents of private school children will be lessened if their children are included in determining the amount of the Federal share. But because of the kind of criticism quoted above, this formula was scrapped.

The discussion I have quoted continued with this statement:

"Not only was this discrimination of the sorest kind against religious parents; it would also have given an advantage to the largest and wealthiest States, which have the greatest proportion of children in independent schools."

This is factually incorrect. The President's bill also included income per public schoolchild as a "need" factor. Thus, the allotment of lower-income States, who might be expected to have fewer children in private schools, would have been increased proportionally in relation to the "wealth" of the State.

I am not suggesting that there are hidden benefits for the parents of private schoolchildren in the President's program, but I do suggest that a program of public school aid need not be an intolerable burden upon these parents or a "threat" to the existence of private schools. The problems involved in providing assistance for private schools are not the same as those involved in providing aid to public schools, and I find no logical imperative requiring both to be treated in the same legislation.

Certainly our private schools have their own needs, but men of good faith must recognize that the great majority of the country's schoolchildren are in public schools. The needs in the public schools are enormous, as I have tried to show, and it is time we started to ease these needs.

(Negative Statement by Mr. Roger A. Freeman, of Claremont Men's College, Claremont, Calif.)

Each year when the sweet scent of congressional adjournment begins to flavor the Washington air, I look forward to a new crop of "Who Killed Federal School Aid?" editorials in a certain group of metropolitan newspapers, national magazines and in the educational press. I have never yet been disappointed and am looking forward with keen expectation to reading many more such heartrending stories.

The school-aid bill, one commentator wailed, "has been clobbered in the House Rules Committee, bludgeoned by institutionalized business, bloodied by bitter religious controversy, and greeted coldly by much of the middleclass—despite the baby boom, the crowded schools and the suspicion that Johnny's reading and writing need improving." (James Deakin in the "New Republic," August 7, 1961.) It seems that somehow, contrary to script, Big Bad Wolf managed to swallow and digest poor Little Red Riding Hood.

Why has Congress consistently turned thumbs down on school aid proposals ever since the first such bill was introduced in February, 1870? Why has it seen fit meanwhile to approve dozens of Federal grants to States, totaling over $8 billion annually, but cold-shouldered measures for general school support? Why did Mr. Kennedy win his other battles—on unemployment compensation, minimum pay, public housing, depressed areas, etc.—but lose the war over what he called "the most important piece of domestic legislation"? Why did the House vote 242 to 169 against considering even a much watered-down school aid proposal on August 30, 1961?

Are we to blame these repeated defeats on the injection of "extraneous" issues at the wrong time and on the intricacy of parliamentary procedures? If so, why did no such obstacles obstruct the paths of hundreds of other new spending programs which boosted Federal civilian outlays from $1 billion to $40 billion over the past 30 years?

The leader in the fight for Federal aid, the National Education Association, faced up to an unpleasant truth: "The refusal of the House to take up general education legislation was based not on a reluctance to override the Rules Committee procedurally but rather a lack of enthusiasm for the legislation." The administration bill's sponsor in the House, Representative FRANK THOMPSON, JR., sadly admitted: "The only fair conclusion that can be drawn is that those who voted against debating the school bill are opposed to Federal aid to education." And Health, Education, and Welfare Secretary Abraham Ribicoff, who assured his audience that "when other people slept, we were awake," explained his failure: "I couldn't produce a miracle. It was impossible to bring together a majority for a bill when most Members didn't want one."

Why do the Members of Congress patently discriminate against the schools? Are they enemies of education and/or hate children? If so, is this also true of the representatives of America's school boards who, at their national convention in May 1961, voted overwhelmingly to oppose expansion of Federal aid to education? Should we level the same charge at the broad American public which flooded legislators with protests against pending school aid proposals but displayed coolness toward positive action—as the school administrators' magazine "Overview" sadly conceded: "Congressional friends of school aid are frank to admit that spontaneous public interest in education legislation has been disappointing." It concluded that "the general public is as yet unconvinced of the need for large-scale financial support of education at the Federal level."

Secretary Ribicoff was probably right when, in addressing the annual meeting of the American Council on Education on October 5, 1961, he complained that "the one measure that couldn't go through, the one measure that no one would take except professional (public school) educators, was one of the measures closest to my heart. This was to do something for the teachers. But there was a solid wall of resistance against Federal aid for teachers' salaries from every group."

Could this "solid wall of resistance" in Congress, among school board and the public, have been due to te fact that in their century-long campaign the proponents have never been able to make a persuasive and fact-supported case for Federal aid while the opponents presented solid evidence against it? No such thought crossed Secretary Ribicoff's mind. Instead, he went on to denounce his audience of 1,000 college presidents as well as the American people at large: "I don't think the people of this country really care about education, and I am not so sure that you really care. I am not so sure that you really want to do anything about it. * * * None of you educators was interested in doing something for education as a whole. * * * I don't believe there is a strong public opinion for education in America."

This brings the issue down to the basic question: Is opposition to Federal aid tantamount to opposition to education? Are votes against Federal aid votes against adequate school support? Mr. Ribicoff left no doubt that he so believes and that he sees a general resistance to paying for education at every level. He said: "I knew time and again when it came to increase taxes or it came to a question of more money for education, the vote was against education and against increasing the taxes."

Does this grave indictment stand up in the light of evidence? Even a cursory look at the record proves otherwise: The American people have loyally and faithfully supported their schools. The record of steeply increasing school revenues is nothing short of spectacular and makes no persuasive case for holding insufficient funds responsible for shortcomings in the product of our public school system. Outlays for education at all levels—public and private—climbed from 1.4 percent of the national income in 1890 to 4 percent in 1950 and now equal 6 percent of the national income.

On any basis of comparison they are second to no other nation and far ahead of most—and probably all—other countries. The charge that the American people spend frivolously on their own consumption but are stingy with the public schools is a perversion of truth. Between 1900 and 1960 the population of the United States grew 2.4 times, public school enrollment 2.3 times. Personal consumption expenditures meanwhile multiplied 25 times, school expenditures 74 times (if adjusted for a 75-percent loss in the value of the dollar, personal consumption multiplied 6 times, public school outlays 18 times).

Over the past 20 years, when the number of children increased 42 percent, the income of the public schools jumped 507 percent which, even allowing for the loss of half the dollar's value, would seem to be a phenomenal boost. Over the past 10 years school support climbed an average of $1 billion each year, without Federal aid. The funds were voted in many thousands of State and local tax and bond elections, most of which, Mr. Ribicoff notwithstanding, succeeded. The White House Conference on Education, in 1955–56, suggested that school funds ought to be doubled within the next 10 years; they doubled within 7 years (between 1955 and 1962).

It is understandable that the voices clamoring for Federal aid have become shrill, that spokesmen have turned panicky. To advance a respectable looking case for Federal aid which is not immediately buried under an avalanche of facts to the contrary is becoming more difficult each year.

The truth is that by any objective standard or comparison, the American people have financially done well by the public schools. The opposition to Federal aid does not aim to prevent adequate support but to obstruct further intrusion of the National Government into education and to block a shift in control over school policies from the parents and communities to the educational bureaucracy.

Complaints that "the (financial) problem faced by our school systems has grown progressively more severe" and that "there is a shortage of teachers and of classroom space which has been growing rather than shrinking" are easily refuted by the available facts.

For some years the national classroom shortage, as reported by the U.S. Office of Education, has been coming down. From 370,000 classrooms in the fall of 1954, according to testimony of the U.S. Commissioner of Education before a congressional committee, the deficiency—predicted to soar to 600,000 by 1958—shrank to 127,165 in the fall of 1961. To be sure, not everybody agrees with the Office of Education. James B. Carey, vice president of the AFL–CIO stated in November 1961: "Right now 370,000 classrooms are needed for children already enrolled." He placed the 5-year need at 720,000 classrooms.

This just goes to show that the classroom shortage is what you make it. A number of State departments of education have in recent years "reevaluated" their shortage and doubled or tripled it—or, in some cases, reduced it. With such "reevaluations" taking place each year, Federal and State departments of Education have no difficulty placing the classroom shortage at whatever level they desire. This is a case of greyhounds chasing a mechanical hare. The greyhounds never win.

But the cheerful fact is that according to the latest report of the Office of Education, released in January 1962, the number of classrooms in use grew 33 percent over the past 6 years while enrollment increased only 22 percent; the number of pupils per classroom declined from 29.4 to 27.1. A reduction of 2.3 pupils per classroom seems no mean accomplishment within 6 years of rapid enrollment growth.

Adding Office of Education construction reports we find that newly completed classrooms in the 10 years 1952–53 through 1961–62 total close to 650,000, although only 400,000 would have been required to seat the almost 12-million additional children. This suggests a comfortable margin for replacement and the reduction of class sizes.

Analysis of the reports on "pupils in excess of normal capacity" and of "pupils in attendance for less than a normal school day" shows so much juggling of figures from year to year that no conclusion can be drawn from them other than that they can be made to prove anything their authors wish.

Actually, the classroom picture can be presented in simple terms and easily evaluated. In his education message on February 20, 1961, President Kennedy said: "In order to meet current needs and accommodate increasing enrollments, if every child is to have the opportunity of a full-day education in an adequate classroom, a total of 600,000 classrooms must be constructed during the next 10 years." This estimate which accepts all claimed shortages at face value was reiterated by the President on February 6, 1962.

A construction need of 60,000 classrooms annually for the next decade—a figure I first computed in my book "School Needs in the Decade Ahead" in 1958—should not be hard to meet. States and communities have been building an average of 70,000 classrooms a year for the past 5 years. This means that the volume of school construction can materially decline during the 1960's and still produce all the classrooms the schools need. Construction requirements will shrink because annual enrollment increases will soon fall to half their current size when the postwar babies start graduating and the difference between entering and leaving classes is sharply cut.

In its January 1962 report the Office of Education predicted school construction to fall from its record level of 72,157 classrooms in 1960–61 to 62,737 in 1961–62. How reliable is this forecast? School bond sales hit a new all-time high of $2.4 billion in 1961 which, with the customary 1- to 2-year lag between bond sale and plant completion, does not suggest an immediate decline in schoolbuilding activity. The U.S. Department of Commerce, in its "Construction Outlook for 1962," estimated a 5-percent increase in public educational construction in 1962 over 1961. So we could well repeat the experience of 1959–60 when a drop in school construction to 61,727, predicted by the Office of Education, failed to materialize: 69,400 classrooms were completed that year.

In summary: States and communities have been building schools so fast that, despite a spectacular enrollment growth, the number of pupils per classroom has been steadily reduced. For the past 8 years school construction has been running at a higher level than needs to be maintained through the 1960's. The trend still points upward; but it is a foregone conclusion that sometime within the next few years, as enrollment growth slows down, school construction will adjust to the attendance trend. States and communities which have been able to cope with the unprecedented demands of the 1950's should certainly be capable of handling the relatively lower requirements of the 1960's.

We have long been told that the schools are suffering from a severe and growing shortage of instructional personnel. The U.S. Office of Education placed the teacher shortage at 72,000 in 1953 and gradually raised it to 195,000 in the fall of 1959. But during the intervening 6 years enrollments rose 25 percent, the certificated instructional staff 35 percent. When faced with the facts by congressional leaders, the USOE was at a loss to advance a satisfactory explanation and omitted thereafter the customary reference to a teacher shortage from its annual reports, both in August 1960 and August 1961.

The NEA estimated the shortage for fall 1961 at 138,000; Congressman FRANK THOMPSON, speaking in the House on September 27, 1961, placed it at 250,000; and Douglas Cater, 1 day later, at 48,000 (The Reporter, Sept. 28, 1961). We can take our choice among these figures and be about equally right; each is as fact-based and defensible as the others.

They do not aim to measure the shortage at a particular time but to project it for a future date, on the assumption that—

One, the supply available to meet the demand will consist of about three-fourths of the particular year's teacher graduates—although experience has shown that close to half the newly-hired teachers come from other sources. They graduated in earlier years, may have continued their studies, taken other jobs, or started a family, and are now (for the first time or again) taking teaching jobs. In other words, the supply is almost twice as big as these computations assume.

Two, existing services be expanded, teacher-pupil ratios be reduced, and so-called "substandard" teachers be replaced.

The fact is that the number of teachers in the public schools has consistently risen faster than the number of pupils: Between 1900 and 1962 attendance grew 149 percent, instructional staff 262 percent; the number of pupils per teacher declined from 36 in 1900, to 29 in 1930, and to 24.5 in 1962. This sharply contrasts with trends in private schools where the teacher-pupil ratio has been climbing and was at last count (1958) about 7 pupils per teacher higher than in the public schools.

The rate of decline in the pupil-teacher ratio has not satisfied the organized teachers who would prefer to cater to smaller classes. Many educational researchers set out to prove that children learn more in small classes than in large. Dozens of such studies have been conducted but the evidence has been negative. If anything, it seemed to point in the other direction.

Teacher organizations are rightly troubled because present pupil-teacher ratios and enrollment trends point to a large teacher surplus by the late 1960's. Annual school enrollment increases have averaged 1.2 million for the past 5 years; they will shrink to 600,000 by the mid-1960's. In the past 5 years the public schools have increased their instructional staffs by an average of 61,000 annually. But the Department of Health, Education, and Welfare, in a 10-year projection released in January 1961, estimated that the need for additional instructional staff in the second half of the 1960's will average only 25,000 annually.

This shrinking demand will be accompanied by a dramatic rise in the supply. The wave of postwar babies which swelled school rolls in the 1950's is moving into colleges during the 1960's. The Department of Health, Education, and Welfare projected the output of graduates in all colleges and universities to rise from an annual average of 336,000 in the past 5 years to an average of 594,000 in the second half of the 1960's. So, if the percentage of students aiming for a teaching career were to remain stable, it would increase the supply by about 80 percent during the current decade while the demand for additional teachers will be shrinking. But the percentage of graduates who completed preparation for a teacher's certificate has been climbing—from 21 percent of all students in 1948 to an alltime high of 33 percent in 1960.

Teacher organizations are aware of this prospect as well as of the threat of instructional television and other types of technological advances. The Education Digest reported (November 1959): "Organized teachers are expected to fight the introduction of the gadgets in the classrooms with the same fervor that 18th-century workers fought the automatic looms." The magazine might have added "and for the same reasons."

How do teachers' organizations intend to deal with their bleak market outlook? They will push even harder for reductions in pupil-teacher ratios and plan to cut supply and competition by requiring a minimum preparation of 6 years for an elementary or high school teacher certificate—as proposed by the NEA's research director, Sam Lambert at the Fourth National School for Teacher Salary Scheduling in September 1961.

Will this raise the caliber of teachers? Will it improve the present situation in which the U.S. Commissioner of Education, a former academic vice president of a State university, had to admit: "I can't qualify to teach anything in high school. * * * As far as I'm aware there's no State in the Union that would certify me. * * * Of course, I think in some places I might get on the list of the 100,000 or so teachers who are permitted to teach on a temporary basis without full certification" (U.S. News & World Report, Aug. 28, 1961).

The picture was well presented by Henry M. Wriston, president of the American Assembly, who for many years served as Brown University's president: "We have developed an artificial shortage of teachers, and made procedures so rigid that reform is needlessly difficult. Lacking the stimulation of adequate competition, protected by all kinds of security arrangements, the lazy, the incompetent, the uninterested, were fastened like leeches upon school systems. Even salaries have ceased to reflect teaching skills and capacity so much as years spent or points gained without reference to performance" (the New York Times, Oct. 28, 1961).

The chances are that the percentage of college students who enter teaching will decline sometime during the 1960's because there just won't be enough jobs for them in the schools. No doubt, inadequate salaries will then be blamed for the trend. But if teachers' salaries are inadequate and compare unfavorably with pay in other job opportunities, why has the percentage of college graduates who choose a teaching career been rising? Why did the number of degrees in education increase 51 percent between 1950 and 1960, while all other degrees declined 15 percent? Why did the number of certificated teachers in the public schools grow 56 percent while civilian employment expanded only 11 percent?

It has become customary to demonstrate the "teachers' plight" by comparing current teachers' salaries and the pay of other wage earners with the rates that prevailed during the 1930's. On that basis, teachers have done poorly indeed. Persons in private employment or self-employed had their incomes cut severely (or lost their source of income) during the depression, while not many teachers had their salaries materially reduced or lost their jobs. Compared with the rest of the people, the teachers never had it so good as in the depression. But if we relate present earnings of teachers and of other wage earners or self-employed persons to any year or period either before or after the depression, we find that the teachers have been able to advance more rapidly than nonteachers. This is all to the good, and the trend, by all indications, may well continue.

It is true that men physicians, engineers, scientists, lawyers, dentists, architects working about 240 days a year earn, on the average, more than a teacher working 180 days. Why shouldn't they? But only 1 teacher in 10 is a man with a family, and he usually takes a summer job. Seventy-one percent of the teachers are women and two-thirds of those 25 years and over are married, with husbands present. Women teachers receive higher salaries than most other women college graduates or professional workers, as surveys of the Labor Department and the Census Bureau have shown. Very few jobs offer a college girl as much pay for her time as public school teaching.

Despite their seeming disadvantage, men have been streaming to the schools in evergrowing numbers. The percentage of men among public school teachers climbed from 14 percent in 1920, to 22 percent in 1940, and to 29 percent in 1960. Between 1950 and 1960 the number of women teachers increased 34 percent, of men teachers 100 percent, although during the same period the number of all men college graduates declined 18 percent while the number of women college graduates grew 28 percent.

The schools' problem of attracting a higher caliber of men candidates to the teaching profession will not be solved until they are used more fully and effectively and until, as Dr. Wriston suggested in his comment above, methods of pay reflect teaching skills and capacity rather than years spent and points gained.

In summary: The much-advertised teacher shortage is contrived. Within not too many years the teachers' market will be characterized by the difficulty of finding enough jobs rather than enough teachers.

When the claims of vast and growing material deficiencies and of past and present inadequate school support are proven fallacious, the protagonists of Federal aid present a final, and to them incontrovertible, argument. Said Secretary Ribicoff to the American Council on Education: "If our States and communities could do the whole job alone, I would say to them: 'Go to it. Do what needs to be done, and we in the Federal Government will applaud your efforts.' But the States and local governments alone cannot do the job of developing to the utmost our greatest natural asset, the youth of this Nation * * * education has become such a big, expensive, national problem that unless the Federal Government plays the role that the cities and States can no longer play by themselves, we are gradually going to slip further and further behind in the field of education."

This raises any number of questions. Where is the evidence that States and communities can no longer provide the support of education? What resources are available to the National Government which are not located within the borders of the 50 States and subject to their taxing powers? What makes the National Government such a superior source of funds when it seems incapable of financing its established activities—having been unable to raise enough revenues to meet expenditures more than 80 percent of the time in over 30 years?

Where is the evidence that the job of financing the public schools is becoming more difficult rather than easier? Between 1950 and 1960 school enrollment grew 43 percent, prices 23 percent; but State and local school support soared 167 percent although national income and product grew only 77 percent (actual dollars). In price-adjusted dollars the economy expanded 39 percent in the 1950's—at a slightly lower rate than enrollment (43 percent)—State and local school support 110 percent.

In the current 10 years (1960 to 1970) national product and income are generally expected to advance between 40 percent and 50 percent. But public schools will see their enrollment grow by only 20 percent—or at the most 22 percent. Obviously it will be much easier to support the schools in the 1960's, when enrollment will grow at half the rate of the economy, than it was in the 1950's, when it grew faster than national product or income.

The National Education Association has demanded that school support in the 1960's be doubled—raised from $15.5 to $31 billion. Why should school funds be boosted 100 percent when enrollment rises 20 percent? True, some such relationship has existed in the past—school revenues climbing at several times the rate of attendance. What evidence is there that this has raised the quality of the educational product? How certain are we that the paramount need now is for more money for education rather than more education for the money? Has not the time come to demand greater wisdom and efficiency in the use of the available resources and a general raising of educational standards?

If school funds are to be boosted from $15.5 billion to $24 billion—or, according to the NEA, to $31 billion—how much help would a Federal-aid program of $600 million or even $1 or $2 billion provide? It would still leave the State responsible for better than 90 percent of the school support. Do we assume that the States can raise $23 or $30 billion under their own powers but lack just the extra billion or two, and that that amount spells the difference between excellent and deprived schools?

Can it be seriously claimed that the citizens of New York, California, Illinois or Connecticut cannot afford—or are unwilling—to pay for the education of their children and need outside aid or outside force? Some hold that the wealthier States can well meet their needs but that the poorer States cannot. If so, why not just aid the low-income States? It is, of course, well known that such a plan would not stand a chance in a million. Income differentials among the States have long been narrowing—in the past 30 years, on a per capita basis from 1:4.3 to 1:2.5—and the educational dollar buys more in the low-income States. It costs 2 to 3 times as much to build a classroom in New York as in Georgia or Mississippi; teachers' salaries have been rising faster in the South and place teachers there in a better position relative to income levels in their respective communities than northern teachers. Moreover, most of the enrollment increase over the next decade will take place in the wealthy States; the 12 lowest-income States will enroll fewer children in 1970 than they did in 1960. Why take from the States that will take care of most of the problem and give to the others?

That States are prevented from boosting taxes by interstate competition is a myth that has been amply refuted by dozens of research studies. State and local tax differentials are insignificant when compared with other cost factors and do not determine industrial location, save in very exceptional cases. The postwar record of almost continuous State and local tax boosts in every State and community proves that taxes can be and are being raised where necessary with the consent of the voters.

But, we are being told, State and local revenues lag behind economic growth while Federal revenues soar ahead. This fable has been around for a long time because few have bothered to check the record. Since 1945 tax collections have less than doubled at the national level, quadrupled at State and local levels. Between 1920 and 1940 tax receipts declined at the national level, multiplied 2½ times at State and local levels. The period prior to 1916 shows the same picture. Only in the years 1916 to 1920, 1940 to 1945 (and 1950 to 1952)—that is, during shooting wars—did National Government tax revenues rise faster than either national income or State and local receipts. In peacetime, States and localities have proven more effective in boosting their revenues.

The fact that State and local governments have been expanding their finances faster than the National Government is now being held against them by the Federal aid advocates: State and local taxes, they assert, have become excessive, and the taxpayers need relief—by getting money for free from the inexhaustible Federal Treasury. Of course, if States and communities had not expanded their tax receipts so fast this would have been advanced as proof that they just could not do it. This seems to be a "heads I win, tails you lose" proposition. States and localities are damned if they raise taxes and damned if they don't.

To push public spending upward at a faster rate than economic growth means higher taxes at some level, National, State, or local. That States and localities have exhausted their fiscal capacity is no more true today than it was 10 or 20 years ago. "The weakness of State and local taxing system is the impact of heavy Federal taxes," said New Jersey Gov. Robert B. Meyner. Can this be corrected by placing added responsibilities on the overburdened National Treasury?

We may seriously doubt that a Federal program would mean a net addition to otherwise available school support. Part or all of it would be in substitution. State and local officials would not continue to push so hard for tax boosts if they could obtain the funds with less political pain and risk from Washington.

Those who truly believe that the National Government possesses a superior and more expandable taxing capacity could, of course, support plans that would permit the deduction from Federal income taxes of all or part of local school taxes and tuition payments to public and private schools. This is being proposed in several bills before the 87th Congress (e.g., S. 792, S. 991). Such indirect aid would enable the schools to raise additional funds, with the cost channeled through the National Treasury.

Federal aid proponents dislike such plans intensely: Tax credits would leave decision-making powers and policy control in the hands of parents and communities. Moreover, they could—perish the thought—help strengthen the private schools.

In conclusion: Those who have not taken a definite stand on the need or desirability of Federal aid to schools may well choose their position according to their preference among the following choices:

Do you favor centralization of governmental power—or home rule and local autonomy?

Do you favor control of school policies by parents and communities—or by the nationally organized educational bureacracy?

Do you favor a monopolylike position for the public schools—or a freedom of choice among types of schools for parents and students?

Most of the facts, arguments, and considerations in the school-aid controversy are being advanced to promote one side or the other of these choices. Whichever side the American people choose, they will have to live on in years to come.

SENATE

Friday, May 4, 1962

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Father of Light, in whom is no shadow caused by turning: In a world that lieth in darkness, swept by fitful winds of doubt and despair, blighted by suspicion and intrigue, we would pause in this sheltered sanctuary of Thy grace to make sure that Thy light is not shuttered from our inner lives.

To this forum of democracy Thou hast summoned to serve the few among the many, in a world where millions in awakening nations are halting between two opinions.

In such an hour, join us, we pray, to the great company of unconquered spirits who in other troubled times have stood their ground, preserving the heritage of man's best, and whose flaming faith made their lives as lighted windows amid the encircling gloom.

We ask it in the ever-blessed name of that One who is the Light of the World. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 3, 1962, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 11040) to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 11040) to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. Mansfield, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nomination on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. If there be no reports of committees, the nomination on the Executive Calendar will be stated.

DEPARTMENT OF STATE

The Chief Clerk read the nomination of John K. Mansfield, of Connecticut, to be Inspector General, Foreign Assistance.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF CAREER COMPENSATION ACT OF 1949, RELATING TO QUARTERS ALLOWANCES FOR CERTAIN PERSONS

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to amend the Career Compensation Act of 1949 with respect to the residency requirement of dependent parents and with respect to quarters allowances payable when both husband and wife are members of the uniformed services (with an accompanying paper); to the Committee on Armed Services.

REPORT ON LIQUIDATION ACTIVITIES OF RECONSTRUCTION FINANCE CORPORATION

A letter from the Acting Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on liquidation activities of the national defense, war and reconversion activities of Reconstruction Finance Corporation for the quarter ended March 31, 1962 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON REVIEW OF THE PROCUREMENT OF SPARE PARTS AND ASSEMBLIES FOR THE SUPPORT OF NAVAL AIRCRAFT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of the procurement of spare parts and assemblies for the support of naval aircraft, dated April 1962 (with an accompanying report); to the Committee on Government Operations.

LAW ENACTED BY LEGISLATURE OF THE VIRGIN ISLANDS

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a copy of a law enacted by the Legislature of the Virgin Islands (with an accompanying paper); to the Committee on Interior and Insular Affairs.

CANCELLATIONS OF IRRIGATION CHARGES AGAINST NON-INDIAN OWNED LANDS UNDER KLAMATH INDIAN IRRIGATION PROJECT, OREGON

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to approve an order of the Secretary of the Interior cancelling irrigation charges against non-Indian owned lands under the Klamath Indian irrigation project, Oregon, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

SUSPENSION OF DEPORTATION OF A CERTAIN ALIEN

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a copy of an order suspending deportation in the case of You Hong Won, together with a statement of the facts and pertinent provisions of law as to the alien and the reason for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

EXTENSION OF BENEFITS OF FEDERAL EMPLOYEES' COMPENSATION ACT TO CERTAIN EMPLOYEES IN TRUST TERRITORY OF THE PACIFIC ISLANDS

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to extend to certain employees in the Trust Territory of the Pacific Islands the benefits of the Federal Employees' Compensation Act (with accompanying papers); to the Committee on Labor and Public Welfare.

RESOLUTION OF KANSAS MASTER FARMER-HOMEMAKER ASSOCIATION

Mr. CARLSON. Mr. President, the Kansas Master Farmer-Homemaker Association at its annual meeting in Manhattan, Kans., on April 17 adopted a resolution regarding pending farm legislation.

This organization is composed of the outstanding farmers and homemakers of our State.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

> The Master Farmer-Homemakers of Kansas, assembled in official meeting in Manhattan, Kans., on April 17, 1962, wish to express their opposition to increased intervention by the Federal Government in the business of farming as contemplated in H.R. 10010 and S. 2786. The Master Farmer-Homemakers urge you as a member of the Kansas congressional delegation in Washington to resist vigorously proposals to extend marketing quotas to feed crops, proposals to expand the giveaway foreign trade programs and proposals to charge to farmers the cost of expanded recreation programs, as such proposals are included in the two bills cited.

ADDITIONAL COPIES OF A REPORT ON GOVERNMENT CONTRACTING FOR RESEARCH AND DEVELOPMENT—REPORT OF A COMMITTEE

Mr. HUMPHREY, from the Committee on Government Operations, reported an original resolution (S. Res. 336); which was referred to the Committee on Rules and Administration, as follows:

> *Resolved*, That there is printed for the use of the Committee on Government Operations 2,000 additional copies of a report compiled by the Bureau of the Budget entitled "Report to the President on Government Contracting for Research and Development," submitted by the President of the United States to the Congress on April 30, 1962.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LAUSCHE:

S. 3253. A bill to terminate the authority of supplemental air carriers; to the Committee on Commerce.

(See the remarks of Mr. LAUSCHE when he introduced the above bill, which appear under a separate heading.)

By Mr. MANSFIELD (for Mr. JOHNSTON):

S. 3254. A bill to provide for adjustments in the lands or interests therein acquired for the Clarks Hill Dam and Reservoir project, South Carolina, by the reconveyance of certain lands or interests therein to the former owners thereof; to the Committee on Public Works.

By Mr. HUMPHREY:

S. 3255. A bill to reaffirm the national public policy and the purposes of Congress in enacting the Robinson-Patman Antiprice Discrimination Act entitled "An act to amend section 2 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914, as amended (U.S.C., title 15, sec. 13), and for other purposes," and to clarify the intent and meaning of the aforesaid law by providing for the mandatory nature of functional discounts under certain circumstances; to the Committee on the Judiciary.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON:

S. 3256. A bill to create a distinguished decoration to be known as the "Washington Order of Merit"; to the Committee on Banking and Currency.

S. 3257. A bill relating to the income tax basis, in the hands of a surviving spouse, of certain property previously held as community property; to the Committee on Finance.

By Mr. MAGNUSON (for himself and Mr. JACKSON):

S. 3258. A bill to amend the Tariff Act of 1930 to provide that limestone spalls, fragments, and fines may be imported free of duty; to the Committee on Finance.

By Mr. MORSE:

S. 3259. A bill to regulate private employment agencies in the District of Columbia; to the Committee on the District of Columbia.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

By Mr. HARTKE:

S.J. Res. 183. Joint resolution to establish a commission to formulate plans for memorials to the past Presidents of the United States; to the Committee on Rules and Administration.

(See the remarks of Mr. HARTKE when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTION TO PRINT ADDITIONAL COPIES OF A REPORT ON GOVERNMENT CONTRACTING FOR RESEARCH AND DEVELOPMENT

Mr. HUMPHREY, from the Committee on Government Operations, reported an original resolution (S. Res. 336) to print additional copies of a report on Government Contracting for Research and Development, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. HUMPHREY, which appears under a separate heading.)

TERMINATION OF AUTHORITY OF SUPPLEMENTAL AIR CARRIERS

Mr. LAUSCHE. Mr. President, the Senate-House conference committee is deadlocked, with little hope of compromise, on S. 1969, a bill to provide for a class of supplemental air carriers and for regulation to insure greater safety and financial responsibility in operations. In the meantime, nonscheduled supplemental air carriers continue to operate without adequate supervision, regulation, and inspection, thus endangering the lives of many.

Without restrictive legislation or a ruling by the Supreme Court supporting the 1959 decision of the U.S. Court of Appeals holding the supplemental certificates to be illegal, these carriers will operate in the future as they have in the past; and in the past, Mr. President, so their records will reveal, their operations have not been in the public interest.

Therefore, Mr. President, in order that Congress may have an opportunity to correct this situation, which daily threatens many lives, I introduce, for appropriate reference, a bill to terminate the authority of supplemental air carriers.

A companion bill has already been introduced in the House by Representative WALTER, and is known as H.R. 11132. I urge that action on both bills be expedited, and that they receive favorable consideration and enactment into law. In the absence of such legislation, it probably will take 18 to 36 months to terminate these illegal operations.

Mr. President, to mention several specific cases in which there were fatal accidents that can be attributed directly to the lack of regulations governing the operations of these supplemental air carriers, I refer to the most recent one, which occurred on November 8, 1961, in which an unfit Lockheed Constellation, bearing 74 Army recruits and 5 crew members, crashed at Byrd Field, Richmond, Va., killing all except 2 crew members.

In reference to this crash, I quote from an official document of the Civil Aeronautics Board:

> At 2112 e.s.t., the flight called Richmond tower and reported 10 miles south of Richmond with engine trouble and requested clearance to land. Clearance was given immediately. The tower asked if emergency equipment was desired. The flight requested emergency equipment. The flight then reported that on approach to runway 2 it could not get the landing gear down. It flew over the field and when south of the field reported trouble in another engine. The flight crashed inbound to runway 33.

Another recent fatal accident occurred when a nonscheduled supplemental plane, described as a "weary old C–46," crashed on takeoff from the fog-shrouded Toledo, Ohio, Airport on October 29, 1960. The pilot was alleged to be flying with a revoked license; the plane was overloaded, and took off under conditions that would have kept a normally operated certificated commercial airliner from leaving the airport.

Furthermore, the operators of this ill-fitted plane went into bankruptcy; and the insurance firm which had issued the policy covering the passengers exercised a "disclaimer" in its contract with the airline, on the ground that the plane was not in an "airworthy" condition. The toll in this uncalled-for crash was 20 passengers and 2 crew members.

Due to the lack of adequate regulation of these nonscheduled supplemental air carriers and their aircraft, there have been numerous other fatal crashes and serious incidents.

A recent report by the Civil Aeronautics Board, making reference to the 32 supplemental air carriers, reveals that 26 out of the 32 have been cited by the CAB for violations, financial instability, bankruptcy, or as having been rejected by MATS.

An analysis of the public record of the supplemental air carriers reveals that among them there are very few fully responsible and financially sound operators.

The public interest in insuring that air carriers be reliable in all aspects indicates that if the current Senate-House conference committee deadlock cannot be resolved—and it does appear it cannot—these carriers should be discontinued by legislation, rather than to permit the continuation of past abuses and the activities of irresponsible, law-violating, and dishonest operators.

Mr. President, financially sound and responsibly operated supplemental air carriers no doubt have a place in our vast transportation system; but until legislation can be enacted or rigid rules and regulations can be established to first, guarantee to the public their financial responsibility; second, guarantee adequate inspection of aircraft and screening of pilots and crew members who should possess the proper qualifications; and, third, guarantee to the public the same degree of safety that is required by the regularly scheduled carriers—they should be grounded, through the enactment of this bill.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The bill will be received and appropriately referred.

The bill (S. 3253) to terminate the authority of supplemental air carriers, introduced by Mr. LAUSCHE, was received, read twice by its title, and referred to the Committee on Commerce.

AMENDMENT OF ROBINSON-PATMAN ACT, REQUIRING THE GRANTING OF FUNCTIONAL DISCOUNTS UNDER CERTAIN CIRCUMSTANCES

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a bill to amend the Robinson-Patman Act by requiring the granting of functional discounts under certain circumstances.

The functional discount problem has been receiving ever greater attention in recent years.

A Dun & Bradstreet survey shows that more than 70 percent of all American manufacturers grant functional discounts when selling to purchasers appearing at different levels in the distributive hierarchy. In this day of intermixed and intermingled distributive functions, it is very rare for any manufacturer to sell to one class of purchaser only. It is the norm for manufacturers, at one and the same time, to sell to jobbers, subjobbers, brokers, and a variety of large-scale retailers such as department stores, chainstores, discount houses, and the like.

The essence of the Robinson-Patman Act is the philosophy that all sales be made at nondiscriminatory prices so that competition among these intermixed and intermingled distributive classes shall not be injured. One of the methods by which competition may be preserved is in the form of price differentials based upon the recognition of different functional classes among a seller's customers.

There are, however, some manufacturers and other sellers to different functional classes who take the position that a uniform price is necessarily a nondiscriminatory price regardless of the number of distributive classes to whom they sell. A significant number of small business concerns have found that it has become a common practice among large manufacturers of consumer goods to sell their products not only to wholesalers and other intermediary purchasers, but also to certain selected retailers all at the same price. In order for a jobber or wholesaler to resell the goods to these small retailers, he must necessarily establish a higher price than that which he pays the manufacturer. The small independent retailer necessarily pays more than the larger retail competitors who acquire the same merchandise direct from the manufacturer.

Despite any efficiencies small retailers are able to effect, this condition precludes their effectively competing with direct buying competitors.

That this practice, despite its surface nondiscriminatory character, results in a destructive competitive disadvantage to the small retailer has been recognized by every governmental agency which has considered the problem. The Federal Trade Commission has stated that the failure of a manufacturer to grant functional discounts "raises competitive problems for retailers who are not sold directly by the manufacturer, but must buy from wholesale distributors at prices higher than certain of their competitors are buying on direct purchases from the manufacturer. The Commission fully appreciates these problems"—hearings by the House Antitrust Subcommittee on H.R. 848, June 25, 1959, page 33.

Again in 1961, the Commission stated that it is aware of the problems arising out of such an inequality and "is fully sympathetic with any attempt by the Congress to solve it so as to enable small business to compete more fairly in the market place"—hearings before the House Antitrust Subcommittee on H.R. 3465, August 30, 1961, page 8.

The head of the Antitrust Division of the Department of Justice has also stated that "to the extent that the purpose of this—functional discount—bill is to deny any undue competitive advantage to large direct-buying retail accounts over competing purchasers who are compelled to obtain their goods indirectly through intermediary distributors, the Department approves the purpose of the proposed legislation"—hearings on H.R. 3465, August 30, 1961, supra, page 26.

Similar expressions of sympathy have been received from the Small Business Administration both in 1958 and 1961 on hearings before the House Antitrust Subcommittee.

So it is apparent that the administrative agencies charged with the supervision of trade regulatory legislation are sympathetic to the problem that my bill concerns itself with.

I have mentioned that the majority of American manufacturers and primary sellers now grant such functional discounts and do so without substantial effort or trouble. My bill, therefore, proposes a clarification of section 2(a) of the Robinson-Patman Act to provide that functional discounts, heretofore considered permissive or discretionary, shall be deemed to be mandatory and required unless the seller, who fails to grant such discounts, can affirmatively show that such failure does not injure competition at any distributive level.

This bill does not require every seller to grant functional discounts under every circumstance when he sells to different functional classes. So long as the manufacturer can show that his failure to grant such discount does not effect an injury to competition, he may continue to maintain uniform prices. Nevertheless, I respectfully submit that where a seller, manufacturer or otherwise, cannot make such a showing, he should not be permitted to continue to build discrimination into his pricing structure to the detriment of the small retail entrepreneur.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3255) to reaffirm the national public policy and the purposes of Congress in enacting the Robinson-Patman Antiprice Discrimination Act entitled "An act to amend section 2 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes, approved October 15, 1914, as amended (U.S.C., title 15, sec. 13), and for other purposes," and to clarify the intent and meaning of the aforesaid law by providing for the mandatory nature of functional discounts under certain circumstances, introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on the Judiciary.

REGULATION OF PRIVATE EMPLOYMENT AGENCIES IN DISTRICT OF COLUMBIA

Mr. MORSE. Mr. President, I introduce, for appropriate reference, a bill to regulate private employment agencies in the District of Columbia.

My bill requires employment agency operators to obtain licenses and file bonds; present evidence of good character to be eligible for a license; fees to be returned if the job, due to no fault of the applicant, does not last at least 30 days.

The bill also authorizes the District Commissioners to administer and enforce the provisions of the act and establish rules and regulations.

In addition, my bill provides that no employment agency licensed under this act shall—

First. Impose or receive any fee for any purpose other than for furnishing employees or employment obtained directly through the efforts of such agency;

Second. Charge or receive a fee greater than that stated in the schedule contained in this act;

Third. Engage or attempt to engage in splitting or sharing fees with employers;

Fourth. Make, give, or cause to be made or given to any applicant for employment any false promise, misrepresentation, or inaccurate or misleading statement;

Fifth. Procure or attempt to procure the discharge of any person from his employment;

Sixth. Knowingly induce or attempt to induce an employee to quit his employment for the purpose of obtaining other employment through such agency;

Seventh. Require applicants for employment to subscribe to any publication or incidental service;

Eighth. Refer any person to employment deleterious to health or morals if the agency had knowledge or should have had knowledge of such conditions;

Ninth. Refer any employee, worker, or applicant for employment to a place where a strike or lockout exists without furnishing the applicant a written statement as to the existence of such a strike or lockout;

Tenth. Make any referral to an employment or occupation prohibited by law;

Eleventh. Operate directly or indirectly in conjunction with the employment agency, any lodging house, restaurant, small loan company, or any place where intoxicating liquors or beverages are sold or dispensed;

Twelfth. Use any advertising device bearing a name similar to or easily confused with the name of a Government agency;

Thirteenth. Impose or receive any registration fee.

There has been increasing concern expressed by victimized clients, community organizations, and the press regarding a number of abuses attributed to some private employment agencies in the District of Columbia.

If the reports of these abuses are correct—and I have reason to believe that many of them are—they are shocking examples of some private employment agency operators bilking job seekers, which is nothing short of unsparing acts of exploiting helpless workers who must turn, for various reasons, to these agencies to secure work opportunities.

I am informed that the objectives contained in my bill have the support of the District of Columbia Central Labor Council, Better Business Bureau, and Urban League. In addition, the press reports that Commissioner Walter Tobriner favors tightening up the District of Columbia private employment agency law. My bill is patterned after a model bill drafted on the subject by the Department of Labor.

Mr. President, I shall seek early hearings on the bill. If the situation is as bad as I think it is, the Congress had better give the District Commissioners the legal machinery necessary to cope with the situation promptly and firmly, to insure that the public interest is protected.

I ask unanimous consent to have printed at this point in my remarks, several very excellent articles written by Leslie H. Whitten which appeared in the Washington Post. The Whitten articles demonstrate the need for much tighter regulations than presently exist in the District of Columbia.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 4, 1962]

OFFICIALS BEWAIL WEAK REINS ON JOB AGENCIES

(By Leslie H. Whitten)

The District's law for regulating employment agencies falls far short of Labor Department standards and those of most States. As a result many of Washington's poor are bilked each day by unscrupulous operators.

This is the opinion of the U.S. Employment Service and the Better Business Bureau. Both would prefer a better law. The present one, they say, has led to cases like these from among a handful of the 87 licensed job agencies:

A middle-aged counterman—a Washingtonian—told a USES interviewer that a small agency got him his last job at a restaurant. He worked hard, he said, and never got a complaint from his boss until 4 weeks were up and his employment fee—$55, a week's pay—was paid fully to the agency.

Then his boss fired him, saying he was no longer needed. Later, he passed by and saw another counterman doing his job.

TOO MANY COMPLAINTS

Fred Z. Hetzel, Washington director of the fee-less USES, and William J. Mawhinney, assistant director of the Better Business

Bureau, say they have heard such complaints far too often to dismiss them all as sour grapes.

Both believe that in some cases the agency and employer wait until the fee is paid fully and then the man is dismissed. Then the fee is split and the process begins again. Fears of such practices have brought laws banning it to 31 States, but not to the District.

A laborer badly in need of a job paid $5 to an agency as a "registration fee." He never was sent out for a job and the agency refused to refund his money. Sixteen States ban such fees, 18 regulate them and Labor Department standards outlaw them. There is no maximum on registration fees in Washington.

A housewife paid an agency a week's salary as the fee for a domestic helper. The helper worked 1 day. The agency would not refund the fee. More than half the States require a refund. Not the District.

An 18-year-old girl told a reporter she was refered by an agency to a receptionist job that paid $70 a week. She agreed to pay the agency a fee of $182.

HAD TO PAY FULL FEE

Once on the job, she found she would be typing more than she had expected and cleaning up around desks of other employees. She quit on the second day. The agency insisted she pay the full fee. In New York and other States a fee reduction would be required.

An experienced operator of an agency—now closed—that was the subject of complaints in USES told of these practices.

Sending as many as five men to one job to a fictitious address when the applicant demands results for his registration fee.

Sending as many as five men to one job when the employer has insisted only one man be sent.

Taking job opportunities from newspaper advertisements, sending an applicant to them, and, if he gets the job, demanding a fee.

Hetzel said the present crop of abuses developed about 7 years ago when an influx of new workers coincided with a scarcity of jobs.

"Some of the agencies we are concerned about did not exist 2 years ago," he said. "They pick up a large number of registration fees, then after the turnip is drained they drift away. Their victims are uneducated, for the most part unskilled. They can least afford to be bilked."

REPORTS ON RELIABILITY

The Better Business Bureau provides jobseekers with reports on an agency's reliability—and most are classed as reliable. Many of these handle clerical workers from among the pool of thousands of secretaries, clerks, and administrators in the District.

John W. Costello, founder of the large NESINC agencies, believes clerical workers—and those in higher brackets—prefer private agencies such as his to tax-supported agencies. At USES, he said employes work a 40-hour Government week and lack the incentive his people have.

"We must place you to win," he said. "If we do, then we both win. You have a job. We get some money." Another private agency head said, "We must do a better job (than USES) to survive," she said.

Costello, in his National Executive Search division, charges a minimum of $300 for résumés, interviews and the "program" that he says brings offers. Placement fees run up to 10 percent of gross salary—frequently paid by the employer, he says. He has an impressive notebook of letters from high executives attesting to his results.

NOTORIOUSLY WEAK

On the need for regulation, there are many views among private agencies. Costello thinks more selective licensing is possible under the present law. Annette D. Tatleman, whose agency, like Costello's, is classed as reliable, says if registration fee abuses are widespread, perhaps the fees should be banned.

Washington's law—passed in 1902 and amended in 1932—is described by Hetzel as "notoriously weak." Arthur W. Motley, Director of Federal Labor Standards, says it lacks teeth and Mawhinney believes it needs an overhaul.

Assistant Corporation Counsel Clark F. King said he could not recall a single prosecution under the law except when agencies fail to get licenses. The Department of Licenses and Inspections, which regulates the law, pointed out that most of the complaints that come to it involve fees—which are not controlled by any section of the city law.

Although the law does ban agencies from sending applicants out without a job order from an employer it lacks 12 of the 16 "prohibited practices" as well as most of the regulatory sections of the 1959 model law approved by the Labor Department.

"A new law is needed in the District," said Hetzel, "one that will regulate agencies regardless of what income group they cater to."

[From the Washington Post, Mar. 5, 1962]

Job Agency Laws Here Found Poor—District of Columbia Requirements Far From Model of Labor Department

(By Leslie H. Whitten)

"Washington should have the best employment agency law in the country," said Arthur W. Motley, Director of the Labor Department's Bureau of Labor Standards. "The city is important beyond its population."

But Motley's detailed 1960 survey of State laws shows that on key items, the District's law ranks with the bottom five States. Six other States in the survey had no job agency law at all.

Last week, Motley cited these major deficiencies in Washington's law as compared with the 1959 model law drawn up by Labor Department and State employment experts:

No ban on registration fees.

No maximum on placement fees.

No prohibition of fee splitting between agency and employer.

No requirement that application forms be approved by the local government.

No ban on agencies using names similar to names of Government agencies.

No requirement that applicants be informed if they are sent to a struck shop.

CAN HIT 120 PERCENT

The model law also includes a clause for refund of fees—all or in part—when a job is misrepresented by the agency, and a variety of other sections for protection of both employee and employer.

The model law makes no provision for specific fees but leaves that up to the local authorities. In the District, the fees range from 25 percent of a month's salary to as high as 120 percent in executive jobs. The Labor Department suggests 15 percent, a figure that agency men here believe would drive them out of business.

Federal employment experts speak of the New York law as one that has sound regulatory clauses, including one against racial discrimination, but maintains a fee level similar—except in the lowest categories—to that in some reputable local agencies.

For unskilled and domestic workers the fee in New York is 10 percent of a month's wages—lower than the 25 percent frequently charged here.

FEES VARY

For industrial workers, the fee is 1 week's wage, the same as that charged by some agencies here.

For clerical, executive, professional and commercial workers, the New York fee ranges from 25 percent of a month's wages for jobs under $225 to 40 percent for jobs from $270 to $299, to 60 percent for jobs paying $400 or more a month.

There is a smaller fee for temporary jobs—4 months or less—and a refund provision for employees fired through no fault of their own. There are also other limits under the New York statute on fees for out-of-State jobseekers and those fired for cause.

Other States leave the enactment of fee provisions up to the agency that regulates agencies—in the District's case, the Board of Commissioners.

The reason for employment agency regulation is spelled out by the Labor Department this way: "While the majority of agencies are honestly and efficiently operated, some are not. It is the function of legislation to insure that they are so operated and that each applicant receives fair treatment."

Motley, summing up employment agency regulations in the District, said: "The present law lacks a lot of very important teeth."

Walter N. Tobriner, President of the Board of Commissioners, said he plans to look into the matter. If investigations show the present District law is inadequate, he said, the Commissioners will "make prompt recommendations to Congress to strengthen it."

[From the Washington Post, Mar. 26, 1962]

D.C. Employment Agencies Enjoy Truly Free Enterprise—Absence of Regulation Allows Some To Gouge Job Seekers

(By Leslie H. Whitten)

The Department of Labor says that "one of the most important reasons for regulating private employment agencies is to protect applicants against excessive fees."

In Washington these fees, lifeblood of the city's 87 licensed agencies, are uncontrolled. Absence of any regulation of fees is only one of the many defects in the city's job agency law, according to the Department.

But fees are central to the dozens of suits filed by the agencies every year in municipal court.

One such case came before Municipal Court Judge Mary C. Barlow earlier this month. Testimony brought out this story:

Lionel A. Hawkins, 28, an Army lieutenant planning to enter civilian life, went to Management Consultants, 1760 K Street, NW., in October 1958.

The agency got him a job at an insurance company where he worked 4 months as a part-time employee in 1959 before going on the permanent staff later that year. He paid the agency $50 to cover the 10 percent of his estimated part-time earnings, as specified in the contract.

In 1960 he gradually worked up to more than $5,800 a year. The agency, basing its demand on this 1960 income, sought to collect a total fee of $232.

When he did not pay, the agency, maintaining an oral agreement was made on August 22, 1961, sued him. His attorney, Ernest C. Raskauskas, argued in court that the agency was trying to rewrite the contract to take advantage of his good progress with the company.

Judge Barlow ruled for Hawkins.

In another case, the Bob Gray Employment Service, 733 15th Street, NW., sued Ralph L. Morrison, 28, of 4201 Massachusetts Avenue, NW., for $364 they said he owed them.

The agency said on January 9, 1961, that Morrison signed a contract and was sent out on several interviews. The agency said it got him a job with an investment counselor on March 29. The fee was $364, said the agency, based on 7 percent of an estimated annual salary of $5,200.

But, according to court papers, Morrison was there only 3 weeks. Total income for that time, said Morrison, was $150. After an exchange of pleadings, but before trial, the case was dropped by the agency on September 9.

Most such suits are settled before they reach trial, generally in favor of the agencies, as are the debt suits filed by other businesses seeking to enforce written contracts.

But many disputes that arise from contested suits are covered by law in most States and by the model law of 1959 approved by the Department of Labor. In the District, not only is the fee unregulated, but the method by which it is applied to temporary or unsatisfactory jobs in uncontrolled.

The Department does not define an excessive fee, but it cites the laws of Hawaii and New York as among the eight State laws that meet all its major recommendations.

The New York law sets a maximum of 10 percent of a month's salary for domestic workers and unskilled laborers. For clerical and professional jobs, the fee maximum ranges from 25 percent of a month's salary for jobs up to $225 a month to 60 percent of a month's salary for jobs of $400 or more a month.

In Hawaii, the maximum is 20 percent of a month's wages for jobs over $150 a month and less for lower-paid jobs. In both States, registration fees are banned.

In Washington, the low fee is about 1 week's salary and the high is about 120 percent of a month's salary plus a programing fee for executive jobs.

A sampling of agencies here shows these fees:

Graebner Employment Service: Male jobs below $2,000 a year, 4 percent of annual salary (48 percent of monthly); 9 percent of annual salaries of $10,000 or over (108 percent of monthly.)

Leeds Employment Service: 33⅓ percent of monthly salaries except jobs of $5,000 or more a year for which the fee is 5 percent (60 percent of monthly).

Hockaday: 25 percent of a month's salary plus a $5 registration fee.

NESINC: 2 percent of yearly salary under $3,000 (24 percent of monthly); 10 percent of yearly salary plus minimum $390 executive search fee for executive jobs paying $10,000 and up.

The majority of the complaints to the Department of Licenses and Inspection involve fees, but legally the Department can do nothing.

"Our hands are tied. What do we have to enforce?" was licensing enforcement chief Conrad N. Cardano's comment on the lack of provisions in the city's job law.

Robert C. Graebner, president of four local agencies and a director of the National Employment Association which lists six District members, opposes any new law to regulate placement fees. He said:

"We don't believe any more in regulating employment agency fees than we do in regulating legal or surgical fees. We will fight legislation to regulate placement fees."

Graebner said he advises applicants exactly what their fee will be and instructs them to read the contract. The contract states "net cash upon acceptance of the position."

He said frankly that although he does not push an applicant to a loan company, he suggests it if the applicant cannot pay.

"It's perfectly all right," he said. "It's the modern way of doing business."

The finance company sometimes recommended by Graebner is in nearby Maryland and charges $20.60 for a 12-month $100 loan. A Graebner counselor said in 1 of 35 cases he helps the applicant get a loan.

Graebner, like many private agency heads, believes the industry can provide its own ethical policing through such groups as the National Employment Association. The association's code of ethics does not mention fee maximums.

W. Burdette Hockaday, whose agency has pioneered placement of Negroes in clerical and administrative jobs, also believes the industry "is capable of regulating its own fees and should have that opportunity." If it does not succeed, "then I feel there should be a law to cover those who abuse their licenses."

Hockaday said he felt even for executive jobs 50 percent of a month's pay was sufficient.

The 1959 model law recommends that each State set a definite maximum on fees. It would ban registration fees and control short time or part-time job fees.

Graebner also would ban registration fees as an evil for jobs below those requiring an extensive search—say $6,000 and above. But on the passage of the law itself he has strong thoughts:

"We consider the model law a very vicious law."

[From the Washington Post, Apr. 17, 1962]

JOB AGENCY LAW CHANGE TO BE SOUGHT

(By Leslie H. Whitten)

District Commissioner Walter N. Tobriner and Senator Wayne Morse, of Oregon, yesterday promised action on new legislation to protect District jobseekers using private employment agencies.

Morse, a member of the Senate District Committee, said he hoped to introduce legislation next week to insure safeguards similar to those in the Department of Labor's model law. Tobriner said he would testify if called on by Congress or, alternately, work to initiate legislation himself after District hearings.

The model law, drafted in 1959, provides for regulation of fees, bans registration fees, and forbids fee-splitting arrangements.

AGENCY OPPOSITION

Most of the city's employment agencies adamantly oppose the model law, claiming it represents a Labor Department desire to drive them out of business. Almost without exception they oppose fee regulation. Some feel that stricter requirements for agency operators would be desirable, but in general the agencies insist that the industry can police itself to eliminate any abuse without further regulation.

The U.S. Employment Service has urged adoption of the model law. Stricter regulation of the city's 87 licensed agencies has also been supported by the Better Business Bureau.

Yesterday the Urban League and the Greater Washington Central Labor Council, AFL–CIO, also called for new legislation.

"PUBLIC IS FAIR GAME"

Urban League Executive Secretary Sterling Tucker asked the Commissioners for an early and urgent investigation of merciless acts of exploitation by some agencies. The limited regulation permissible under the present District law, he added, means "the public is fair game."

J. C. Turner, president of the Central Labor Council, said the council was conferring with the Department of Labor and hoped to have a bill ready shortly. Turner said he would seek the Commissioner's support for the bill, which would set maximum fees.

The District law, passed in 1933, does not provide for maximum fees or for return of fees if a jobseeker loses his position, even immediately after accepting it. The law does not ban fee splitting, but does provide that an applicant can be sent out only with a legitimate job order.

[From the Washington Post, Mar. 29, 1962]

JOB PLACEMENT FEES DEFENDED

(By Leslie H. Whitten)

The president of one of the city's largest employment agencies said yesterday that he favors job agency legislation to protect the public. But he opposed any move to regulate placement fees.

John W. Costello, president of NESINC, 1612 K Street NW., said the legislation should:

Require registration fees to be applied either to placement fees or refunded if no job referral is provided.

Require a college background or minimum of 2 years' experience for operators of agencies.

Provide a system of police and credit checks to make sure job counselors are of high moral standards.

Open application files to District inspectors and require agencies to make reference checks of applicants for jobs when honesty is a major factor.

"I'm for legislation that protects the rights of the people, but I do not believe that regulation regarding placement fees is necessary," said Costello. "Fees, to a large extent, are governed by operating costs, the magnitude of a given program and a number of other complex variables."

On this score, he is at odds with the Department of Labor which believes that "one of the most important reasons for regulating private employment agencies is to protect applicants against excessive fees."

Costello compared employment agency services to those of doctors, lawyers, and engineers who base charges on the services rendered. For example, he said, his three NESINC branches have three separate structures.

In its National Employment Service Division, the fee ranges from 2 percent of annual salaries under $3,000 to 8 percent for jobs over $10,000.

National Engineering Services handles engineers and the hiring company pays the fee.

Costello's National Executive Search, the third branch of his firm, charges 10 percent of gross annual salary plus a minimum $390 programing fee. Without the program—which includes résumé writing, counseling, and other services—the programing fee is dropped. In this branch the hiring company normally pays, says Costello.

Mr. MORSE. Mr. President, I ask unanimous consent that the bill be printed at this point in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3259) to regulate private employment agencies in the District of Columbia, introduced by Mr. Morse, was received, read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act, the term—

(1) "Person" means an individual, partnership, association, corporation, contractor, subcontractor, or other business entity;

(2) "Fee" means anything of value, including any monetary or other valuable consideration, paid or contracted to be paid, directly or indirectly, for any service or act performed by an employment agency;

(3) "Employment" includes engagement;

(4) "Employment Agency" means any person who, for a fee, (A) procures or offers or attempts to procure employees for persons seeking the service of employees, or employment for persons seeking employment; (B) supplies and pays the compensation of employees or workers to render services under the direct or indirect supervision or control of persons seeking the service of such employees or workers; or (C)

in seeking to perform any of the foregoing, gives information by any means as to where employees, workers, or employment may be obtained; and

(5) "Commissioners" means the Board of Commissioners of the District of Columbia.

Sec. 2. (a) Except as otherwise provided in subsection (c) of section 10 of this Act, no employment agency shall do business in the District of Columbia unless it holds an unsuspended and unrevoked license issued by the Commissioners under this Act.

(b) A license may be issued or renewed under this Act only upon the determination of the Commissioners that—

(1) the premises in which the business will be conducted are suitable for use as an employment agency; and

(2) the applicant for such license is of good moral character.

(c) The fee for the issuance or renewal of any license under this Act shall be $100 per annum. Such license shall contain the name of the licensee, the name under which the business is to be conducted, and the specific place of business of the employment agency so licensed. Such license shall be valid only as to the person and place named therein. Any license issued under this Act shall contain an effective date and shall be valid for one year following such date, unless suspended or revoked. An application for the renewal of such license shall be made at such time and in such manner as the Commissioners may by regulations prescribe. Pending administrative action by the Commissioners on such an application, such license may be continued in effect for a period not to exceed 60 days beyond its expiration date.

Sec. 3. (a) No license to act as an employment agency shall be issued under this Act to any applicant unless such applicant shall first furnish to the Commissioners a bond satisfactory to them in the amount of $2,000. Such bond may be secured by a cash deposit or by a qualified surety company authorized to do business in the District of Columbia.

(b) Such bond shall be conditioned that—

(1) the licensee shall comply with the provisions of this Act, including applicable rules, regulations, or orders issued pursuant thereto, and shall pay any loss or damage occasioned to any person by reason of such failure to comply; and

(2) the suspension, revocation, surrender, or expiration of a license to operate an employment agency shall not affect the coverage of such bond as to a claim arising out of acts which occurred prior to the date of such suspension, revocation, surrender, or expiration.

(c) The Commissioners may at any time notify the licensee to file a new or supplementary bond, in a form and amount to conform with the provisions of this section, whenever they shall deem the surety of such bond to be unsatisfactory, or the amount of such bond to have become insufficient to satisfy all claims accrued or contingent against the licensee. In the event the bond is secured by cash, the cash shall not be released for a period of one year following the date of suspension, revocation, surrender, or expiration of the license.

(d) Any person suffering loss or damage by reason of the failure of an employment agency to comply with any provisions of this Act, including any rule, regulation, or order issued pursuant thereto, shall be entitled to an action on such bond for the recovery of the amount of such loss or damage. Action on such bond may be maintained in the name of the District of Columbia and in any court of competent jurisdiction in the District of Columbia by any one or more persons suffering such loss or damage for and on behalf of himself or themselves or by an agent designated by such person or persons, or by the Commissioners for the use of such person or persons. Such action shall be commenced within ninety days after the cause of action arises. The jurisdiction of the court shall not be limited by the amount of the bond.

Sec. 4. No employment agency licensed under this Act shall—

(1) impose or receive any fee for any purpose other than for furnishing employees or employment obtained directly through the efforts of such agency;

(2) charge or receive a fee greater than that stated in the schedule filed with the Commissioners pursuant to section 67(c) of this Act;

(3) engage or attempt to engage in the splitting or sharing of fees with any employer, any agent or other employee of an employer, or any other person to whom employment service has been furnished, or any other person not authorized to charge a fee under this Act;

(4) make, give, or cause to be made or given to any applicant for employees or employment any false promise, misrepresentation, or inaccurate or misleading statement or information if such agency had knowledge or should have had knowledge of such falsity, misrepresentation, or inaccurate or misleading statement or information;

(5) procure or attempt to procure the discharge of any person from his employment;

(6) knowingly induce or attempt to induce an employee to quit his employment for the purpose of obtaining other employment through such agency;

(7) require applicants for employees or employment to subscribe to any publication or incidental service or contribute to the cost of advertising;

(8) refer any person to employment deleterious to health or morals if the agency had knowledge or should have had knowledge of such conditions;

(9) refer any employee, worker, or applicant for employment to a place where a strike or lockout exists without furnishing such employee, worker, or applicant with a written statement as to the existence of such strike or lockout, if the agency had knowledge or should have had knowledge of such facts or conditions, a copy of which statement signed by the employee, worker, or applicant shall be kept on file for one year after the date thereof;

(10) make any referral to an employment or occupation prohibited by law;

(11) refer any applicant for employment except upon order therefor and except upon furnishing such applicant with such statement in respect to the employment as the Commissioners may by rule or regulation prescribe;

(12) operate directly or indirectly in conjunction with the employment agency any lodging house, restaurant, small loan company, or any place where intoxicating liquors or beverages are sold or dispensed;

(13) except with the written consent of the Commissioners, conduct an employment agency business in a room or rooms used for eating, sleeping, or other living purposes;

(14) make or cause to be made or use any name, sign, or advertising device bearing a name which may be similar to or reasonably be confused with the name of a Government agency;

(15) receive or require any person to execute any paper or document relating to the liability of any applicant for employment except on such forms as shall have been approved by the Commissioners and every such paper or document made or executed contrary to the provisions of this Act shall be void and unenforceable both in law and in equity;

(16) use any contract form or other forms except as the Commissioners may by rule or regulation prescribe;

(17) impose or receive any registration fee.

Sec. 5. The Commissioners are authorized to establish such rules and regulations; prescribe such forms of applications; reports, contracts, entries, and other papers; issue such instructions; and perform such other acts as they may determine necessary in the administration or enforcement of the provisions of this Act.

Sec. 6. (a) No employment agency shall impose a fee in excess of (1) 10 per centum of the gross cash wages paid to any person placed for employment which lasts ninety days or less; (2) 20 per centum of the gross cash wages paid to any person placed for employment which lasts for more than ninety days; or (3) 5 per centum of the first year's salary paid to any person placed for employment, if such person is guaranteed by contract an annual salary; except that in no case shall any fee received from any such person so placed exceed two weeks' gross cash wages. Each employment agency shall issue a receipt acknowledging payment of any such fee received by it.

(b) Where any applicant for employees or employment who has paid a fee to any employment agency fails to secure or refuses to accept employees or employment, as the case may be, such fee shall be returned by the Agency in cash within three days after a written demand. If, due to no fault of such applicant or because the employee or the employment is other than as represented by the employment agency, employment is discontinued within thirty days, all fees paid pursuant to subsection (a) of this section by such applicant in excess of the applicable maximum for the period worked shall be returned in cash within three days after a written demand.

Sec. 7. Each employment agency shall (1) keep and maintain such accurate and comprehensive records of all information, reports, and transactions relating directly or indirectly to the business of such agency as the Commissioners may by regulation require; (2) post or display conspicuously at each place it conducts business the license required under section 2 of this Act, together with such other information as the Commissioners may by regulation require; (3) file a schedule of fees in duplicate with the Commissioners, who shall determine that the maximum fees set in the schedule are not in excess of those provided for in this Act; and (4) post or display conspicuously a copy of such schedule of fees approved by the Commissioners at each place it conducts business.

Sec. 8. It shall be the duty of the Commissioners of the District of Columbia to administer and enforce the provisions of this Act. In carrying out such duty the Commissioners shall be authorized—

(1) to make all necessary inspections and do all other things necessary to the proper effectuation and enforcement of this Act;

(2) to enter and inspect any premises where an employment agency carries on its business;

(3) to have access to, and the right to copy, information pertinent to the administration and enforcement of this Act from all records, documents, or other papers relating to the business of such agency;

(4) to hold hearings without being bound by the technical rules of evidence and prescribe rules of procedure therein;

(5) to take an assignment of any claim arising under this Act against any employment agency.

Sec. 9. (a) The Commissioners may, after reasonable notice and opportunity to be heard, refuse to issue a license to, or renew the license of, any applicant under this Act, if they determine that such applicant has failed to comply with any provision of this Act or any rule, regulation, or order issued pursuant thereto.

(b) The Commissioner may, after reasonable notice and opportunity to be heard, revoke or suspend for any period any license issued or renewed under this Act, if they determine that the holder of that license has failed to comply with any provision of this Act or any rule, regulation, or order issued pursuant thereto.

(c) Any person aggrieved by any final order of the Commissioners of the District of Columbia denying, refusing to renew, revoking, or suspending a license of a private employment agency under subsection (a) or (b) may obtain a review of such order as provided under subsections (e) and (f) of section 7 of the Act of April 1, 1942 (56 Stat. 195).

(d) Paragraph 5 of section 7 of the Act of April 1, 1942 (56 Stat. 195), is amended to read as follows:

"(5) Any final order of the Commissioners of the District of Columbia denying, refusing to renew, revoking, or suspending a license of a private employment agency under the provisions of section 9 of the District of Columbia Private Employment Agency Act;".

Sec. 10. (a) Except as otherwise provided in subsection (b) of this section, paragraph 42 of section 7 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 628), as amended, is hereby repealed.

(b) The repeal of such paragraph shall not affect any warrant, prosecution, action, suit, proceeding, or liability of any kind or nature, civil or criminal, brought or existing on the day immediately preceding the date of such repeal. Any such warrant, prosecution, action, suit, proceeding, or liability shall be heard and determined in accordance with the provisions of such paragraph in the same manner and to the same extent as if it had not been repealed.

(c) Any individual who, on the effective date of this Act, holds an unsuspended and unrevoked license issued under such paragraph 42 shall be permitted to continue to do business as authorized by that license for a period of not to exceed thirty days following the effective date of this Act; except that the holder of that license shall otherwise comply with the provisions of this Act. Any person holding such a license on such effective date shall receive a pro rata refund of the annual fee paid for such license based on the unexpired portion of such license remaining upon the expiration of such thirty-day period.

Sec. 11. This Act may be cited as the "District of Columbia Private Employment Agency Act".

Sec. 12. Any person failing to comply with any provision of this Act or with any rule, regulation, or order issued thereunder, or interfering with, impeding, or obstructing in any manner the Commissioners in the performance of their official duties under this Act, shall be guilty of a violation of this Act and upon conviction thereof shall be subject to a fine of not more than $2,000 or imprisonment for not more than one year, or both.

Sec. 13. This Act shall take effect on the sixtieth day following the date of its enactment.

COMMISSION TO FORMULATE PLANS FOR MEMORIALS TO PAST PRESIDENTS OF THE UNITED STATES

Mr. HARTKE. Mr. President, during the closing days of the 86th Congress, I introduced Senate Joint Resolution 139, providing for the establishment of a Presidential Memorial Commission. The Commission would have as its purpose the consideration and formulation of plans for the design, construction, and location of a permanent memorial to all the past Presidents of the United States to be located in the city of Washington, D.C.

Feeling that such a commemoration of our democratic heritage is even more important today, in this time of peril from alien forces seeking to destroy our American way of life, Mr. President, I again introduce, for appropriate reference, proposed legislation which would establish the Presidential Memorial Commission.

Being composed of four Members of the U.S. Senate, four Members of the U.S. House of Representatives, and four members appointed by the President of the United States, the Commission would be empowered to accept donations from private sources to be used in connection with the construction of the memorial. Through this provision, I hope that the cost of construction will be provided by the American people through voluntary contributions, thus giving every American the chance to participate in the honoring of all the Presidents.

It is not difficult to see the need for such a project. At the present time in Washington there are three monuments dedicated to past Presidents—the Washington Monument, the Lincoln Memorial, and the Jefferson Memorial. Six past Presidents have statues—Presidents Buchanan, Garfield, Grant, Jackson, Lincoln, and Washington. In addition, there are Memorial Commissions for two Presidents—Presidents Franklin D. Roosevelt and James Madison. Thus, out of the total of 34 past Presidents, only 8 have received recognition through a memorial or statue and there are 2 more which are in the process of being recognized—a total which is hardly suitable in view of the outstanding service given to America by these 34 men.

Each step of our American history is marked by and identified with the administration of a President of the United States. I believe that a memorial dedicated to all the Presidents of the United States would be not only a fitting tribute to the men who have contributed so much to America, but also a striking reminder to all of the Nation and system of government which produced these men.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 183) to establish a commission to formulate plans for memorials to the past Presidents of the United States, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Rules and Administration.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON DEFENSE DEPARTMENT APPROPRIATIONS

Mr. ROBERTSON. Mr. President, I know all the Members of the Senate are concerned with the Defense Department appropriation bill, which involves appropriations of more than one-half of the total Federal budget, nearly $48 billion; exclusive of military assistance, which will come in what we call the foreign aid bill; and also exclusive of military construction. For our own purposes, the Defense Department appropriation bill, with military construction, will involve nearly $50 billion.

I wish to announce that if the Senate can dispose of the pending business the Subcommittee on Defense Department Appropriations of the Committee on Appropriations will commence hearings on Tuesday of the week after next. It is expected the hearings will run about 2 weeks. The subcommittee will hear all of the reclama requests of all the military departments. The subcommittee will hear the Secretaries of the Air Force, of the Navy, and of the Army, as well as representatives from the Pentagon.

There are two items to which the subcommittee will give special attention. One of them is the provision in the House bill to limit conversion and repair work in public Navy yards to 65 percent. The subcommittee members cannot go into that policy issue as fully as the committee which has legislative jurisdiction, as was the case when the Vinson-Trammell Act was passed, which relates to 50 percent of new construction in private yards unless the President sees fit to order otherwise, but the members of the subcommittee will give witnesses an opportunity to be heard.

The acting chairman of the subcommittee has some familiarity with what is involved. His present feeling is that unless a very clear and convincing case is made for changing the law—we have never had this limitation in the past—he will recommend to his subcommittee that the subcommittee eliminate the 65-percent limitation. All who are interested will have an opportunity to be heard.

Second is the question of whether the Congress is going to vote to maintain the National Guard and the Reserve at authorized strengths of 400,000 for the National Guard and 300,000 for the Reserve.

The House has put money in the appropriation bill to maintain the National Guard and the Reserve at full authorized strengths. The chairman of the subcommittee is going to recommend that that action be concurred in by the subcommittee, by the full committee, and by the Senate. He feels confident that that action will be taken.

I make that statement, Mr. President, because there has been a lot of discussion in the States about the National

Guard. A hearing is now going on in the House of Representatives about the Reserve. Some bitterness is being built up.

I thought I should make it clear that while the subcommittee will hear witnesses for the National Guard and hear witnesses for the Reserve, the chairman is satisfied that the Senate will concur in the action the House has taken on that subject.

NOTICE OF HEARINGS ON DISTRIBUTION OF ELECTRIC ENERGY GENERATED AT FEDERAL PLANTS IN PACIFIC NORTHWEST

Mr. ANDERSON. Mr. President, as chairman of the Committee on Interior and Insular Affairs, I desire to give notice that a public hearing has been scheduled for 10 a.m., Monday, May 21, 1962, in room 3112, New Senate Office Building, on S. 3153, to guarantee electric consumers in the Pacific Northwest first call on electric energy generated at Federal plants in that region and to guarantee electric consumers in other regions reciprocal priority, and for other purposes.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. BEALL:

Weekly newsletter entitled "Senate Cloakroom," dated May 7, 1962.

THE RISE OF THE EUROPEAN COMMON MARKET—ADDRESS BY THE SECRETARY OF THE TREASURY

Mr. MANSFIELD. Mr. President, the distinguished Secretary of the Treasury, the Honorable Douglas Dillon, last week addressed the New York Economic Club.

His words clearly outlined the great challenge and opportunity afforded this country and the West by the rise of the European Common Market. The Secretary points out the bold facts of this new and energetic competition, and explains the methods the administration has chosen in order to meet it. The Secretary presents unanswerable arguments to those who doubt the wisdom or the need of competing in this new market.

Mr. President, let all Americans remember that honest and hard-hitting competition is what made our country great. We must not hesitate to face this new challenge with imagination and boldness.

The Secretary's message should be an inspiration to us all; and I earnestly recommend it to my colleagues and to all the other people of this Nation.

I ask unanimous consent that the address be printed in the body of the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

RESPONDING TO THE CHALLENGE OF THE COMMON MARKET

(By Hon. Douglas Dillon, Secretary of the Treasury, before the Economic Club of New York)

The fabulous success of the European Common Market presents this Nation with a challenge—an opportunity—and a promise:

A challenge, because the industrial might and know-how of the Common Market make it a formidable competitor in the trading centers of the world.

An opportunity, because the increasing demands of its thriving peoples are creating potentially vast new markets for American products.

A promise, because the prospering nations in the Common Market now have the capacity to assume a larger and more appropriate share of the cost of strengthening the defensive forces of freedom and of assisting less fortunate nations along the path to progress.

In responding to the challenge of the Common Market, we must realize that we live today in a highly competitive, fast-changing new world, in which trade barriers are rapidly being lowered or eliminated. President Kennedy's new trade program recognizes that without mutual tariff reductions, we will be hobbled in our efforts to compete with foreign producers and will be unable to take advantage of the opportunities posed by the Common Market. But trade legislation alone will not keep us competitive. We must compete effectively. This calls for ingenuity and energy in developing new products and new markets, and it demands that the costs of American production be competitive.

These are not simple tasks. They will require concerted effort by every sector of our economy. For every sector of our economy is intimately involved. There is far more at stake than trade. The real stakes are the continued strength and well-being of this Nation and the survival of freedom itself.

In shaping our overall response to the challenge of the Common Market, we must keep constantly in mind these major national economic goals:

First, achieving the more rapid rate of economic growth that we must have to solve our persistent unemployment problem, as well as to remain competitive.

Second, maintaining reasonable price stability, which is essential if we are to increase our export sales, solve the imbalance in our international payments, and insure the full enjoyment of their later years by senior citizens living on fixed retirement incomes.

Third, achieving and maintaining balance-of-payments equilibrium in a fashion that will permit us to carry our proper share of the free world's defense and furnish a fair proportion of the assistance needed by the newly developing nations.

Growth is essential to our continuing prosperity because we must grow faster if we are to provide reasonably full employment for our swelling labor force. And only through rapid growth can new technology be put to work fast enough to keep us competitive. Growth is also essential to long-term equilibrium in our balance of payments. We cannot hope to solve our payments difficulties if our growth rate continues to drag along at little more than half that of our friends and competitors in Western Europe and Japan.

If we are to increase our growth from the rate of about 3 percent a year that characterized the fifties, to the 4½ percent that has been set by the Organization for Economic Cooperation and Development as a fair and reasonable goal for its members in the sixties, we must have an economic environment that will stimulate productive investment and business activity. Demand must be adequate to absorb our production. We must make every effort to avoid recessions and, if they occur, to mitigate their effort. We must have a tax system that will stimulate both individual initiative and private investment. And we must have capital readily available to finance the needs of the economy.

The administration is moving actively in all these areas. The President has submitted a three-point program to the Congress that would improve the effect of the so-called automatic stabilizers in moderating recessions.

These automatic stabilizers are the increased unemployment payments and the decline in income tax revenues, particularly in corporate taxes, that automatically accompany any recession. Their action simultaneously decreases the Government's tax taken from the economy, and increases Government payments in the area where they will do the most good. These automatic stabilizers have softened postwar recessions, which have had little resemblance to the depressions of earlier days. Even so, we still spend too much time in recession and it is these recessions, moderate though they have been, that are primarily responsible for our inadequate growth rate over the past decade.

The President's program is designed to give us the tools we need to effectively combat these economic slowdowns:

First, there is a need for better unemployment insurance. This need became glaringly apparent during the past two recessions, when we were caught with an inadequate unemployment compensation system that made no provision for the longtime unemployed, whose ranks swell every time business slows down. Congress has twice been forced to improvise with temporary unemployment compensation measures. The time has clearly come to take account of those experiences and enact a permanent law along the lines proposed by the President, a law which would adequately meet the problem.

Second, the President has asked for limited authority to order modest temporary tax reductions that would further speed the automatic reduction in tax revenues that has been so effective during recent recessions. While there is understandable reluctance to grant such new authority, the concept of temporary tax reduction as an anti-recession measure appears to be generally accepted. Limited authority to the President under strict congressional control would seem the best way of carrying out this concept.

The third element in the President's anti-recession program is limited standby authority to initiate or speed up public works programs of the type that could be gotten underway rapidly, and substantially completed within 12 months.

These three new tools would greatly enhance our ability to deal with the economic slowdowns that have characterized our postwar economy. In so doing they should make possible a substantially more rapid rate of growth over the years ahead.

Rapid growth in our free enterprise system also requires a tax setting conducive to risk taking—a setting that will give full play to individual initiative and effort—one that will genuinely stimulate investment. Such a tax structure calls for a basic revision of our income tax system, and that is exactly what the President has had in mind for the past year. At his direction, we in the Treasury have been working hard to develop such a new tax program. But taxes are complex. They affect every facet of our lives. They take time to develop, as well as to enact. The initial program submitted last year is still before the Congress. This has slowed our progress in developing the new program, but our work is progressing and we fully intend to submit proposals for overall reform of the income tax rate structure.

In the meantime, we are hopeful of rapid congressional approval of the current tax bill, since its major element, the investment credit, is absolutely essential both to our growth and to our competitive position in the world.

During the past year, I have found general agreement that it is necessary to liberalize our treatment of depreciation so as to stimulate investment. A good deal can be done under present law, for our depreciation statutes are not as bad as they are often depicted. It is the administration of the law that has been primarily at fault. Revenue agents have been required to use as their guide for depreciation allowances, a bulletin put out by the Internal Revenue Service 20 years ago and never since modified. And, as if this obsolescence of the guidelines were not enough, it has also become clear that the basic concept in the guidelines of separate depreciable lives for each and every tool and machine brings with it a great deal of unnecessary paperwork and argument. We intend to thoroughly revise and update these instructions. In our revision we will set forth broad classes of equipment to replace the 5,000-odd items presently listed in Bulletin F, as it is called.

Treasury studies, underway for nearly 2 years—and which for the first time take account of anticipated future obsolesence—indicate that we will also be able to substantially reduce the average guideline lives for depreciation. In the case of the textile industry, where the task has already been completed, the reductions averaged 40 percent. However, since our manufacturers are already legally writing off their equipment at considerably faster rates than are provided in existing guidelines, the actual benefit of the revisions now underway will be considerably less than the projected percentage reductions in the guidelines. Present rates of depreciation are the result of agreements with revenue agents. These agreements have not been reached easily. They have involved a great deal of debate and compromise. Sometimes, they have required resort to the courts. Such unfortunate controversy has been the inevitable result of out-of-date guidelines which forced revenue agents to rely upon their own judgment in determining depreciable lives for the various pieces of equipment used by industry. One of our major aims in modernizing administrative depreciation practices is to reduce this area of contention and uncertainty to a minimum. We are confident that very significant progress is possible.

But all we can accomplish by the administrative route is not sufficient to meet the needs of American industry in today's competitive world. All of our competitors in Europe, Canada, and Japan go farther by providing some form of special incentive to modernize. Some of them use unrealistically short lives, which work in the same manner as the 5-year amortization we have used in times of defense emergency. Others provide substantial special writeoffs in the first year, usually called initial allowances. More recently, some of them have been turning to allowances over and above 100 percent of depreciation—the same principle we are advocating in our investment credit. Such investment allowances are presently in effect in Belgium, the United Kingdom, and the Netherlands, and are now being adopted in Australia.

The resulting contrast with current practices here is dramatic. Taking the case of a piece of equipment, which has a 15-year life under our present laws, we find that manufacturers in Western Europe and Japan can write off an average of 29 percent on similar equipment in the first year, compared to only 13.3 percent for American industrialists. Modernizing administrative practices can close only a small percentage of this gap. If American industry is to compete effectively, we must provide special incentives comparable to those available abroad. The only possible question can be over the way in which these incentives should be provided. The investment credit is one such way—and an extremely effective one. The combination of an 8-percent investment credit and modernized administrative procedures will put American manufacturers on a comparable footing with their foreign competitors as far as investment in machinery and equipment is concerned.

The same result can, of course, be accomplished by various methods of accelerating depreciation beyond what is called for by realistic depreciable lives. But in the Treasury's view, the investment credit has two clearcut and important advantages over all methods of accelerated depreciation. The first is that the investment allowance or credit, utilizing the principal of an allowance over and above 100 percent of original cost, increases the profitability of a given investment far more than any equivalent acceleration of depreciation. One of the most thorough studies on the subject, prepared for its membership in the machine tool industry by the Machinery and Allied Products Institute, finds that on a typical 15-year asset, an 8-percent investment credit has the same effect on profitability as a 40-percent first year depreciation writeoff. Let me repeat that. The 8 percent investment credit which we are recommending has the same effect on profitability of investment as a special 40 percent first-year depreciation writeoff. However, when we calculate the effect of these two methods on our tax revenues, we find that the first-year revenue cost of the credit is $1.35 billion, while the cost of the 40 percent initial allowance is $5.3 billion.

Over a 5-year period, assuming steady growth in the economy, the credit might cost something like $10 billion, compared to $24 billion for the comparable 40-percent first-year writeoff. Similar results are reached when we compare the cost of other methods of accelerating depreciation to that of the credit.

I think you will all agree that government in these days should make every effort to get the most out of its dollars. Avoidance of waste is just as important in tax policy as it is in expenditure policy. And that is one very good reason why we prefer the investment credit to the more expensive and less effective route of accelerated depreciation.

The second unique advantage of the credit is that it will not adversely affect costs or prices. Accelerated depreciation is often entered as an item of cost. This naturally inflates costs and shrinks profits, thus tending to promote the very price increases we must avoid.

I think you are all aware that the single largest increase in general manufacturing costs over the past few years has come from the increased depreciation writeoffs permitted by the 1954 law which updated and liberalized depreciation procedures. This increase in costs was fully warranted, since it recognized the actual obsolescence rates of machinery. That is what depreciation is for and this will, of course, also be the effect of our administrative reforms. However, when it comes to an incentive, over and beyond realistic depreciation, the situation is quite different. As I have pointed out, the use of accelerated depreciation for this purpose would be wasteful of the Government's tax dollar as compared to the credit, and would also tend to distort earnings and prices. For these two reasons, we stand firmly for the investment credit approach as the most feasible and practicable method of providing the stimulus to investment in machinery and equipment that we must have if we are to achieve the rate of growth required for a competitive and reasonably fully employed economy.

Enactment of the investment credit also has an immediate importance. The greatest uncertainty and the major soft spot in our current economic situation is the indication that business investment over the next year may be inadequate to sustain the pace of our recovery. Enactment of the credit will immediately generate new business in the machine tool and allied industries and will accelerate the incorporation of the latest technology into our productive system. It will shorten the lagtime between development and manufacture of new products, and thus help to open up new markets. It will stimulate industrial expansion and thus help to create the new jobs we so badly need. In short it will give a lift to our economy in exactly the place where it is most needed and at the very time it is most needed.

To the extent that investment is stimulated, new capital will be required. The national monetary and debt management policies that have been followed for the past year give assurance that the needed funds will be available at reasonable rates of interest. Today, with the recovery 14 months old, the cost of new longtime corporate borrowing is lower than at any time since the economic advance got underway. At the same time, for balance-of-payments reasons, we have maintained and even moderately increased short-term interest rates, so as to equalize them with those obtainable abroad.

The investment credit, by promoting the use of modern, cost-cutting machinery, will help us to acheive our two other major economic goals: reasonable price stability and balance-of-payments equilibrium. Price stability is a must if we are to compete successfully in world marketplaces, and it also makes for healthy economic and social conditions at home. Fortunately, conditions today in the United States are favorable to price stability—if only we use restraint.

The strongest type of inflation is classical demand-inflation—too much money chasing too few goods. It is because of the danger of demand-inflation that we are wary of budget deficits. For Federal budget deficits create purchasing power. Whenever capacity is tight and demand is strong, deficits lead almost inevitably to a rise in prices which diminishes the value of all savings and helps no one but the lucky speculator.

However, for at least the past 4 or 5 years, we have had no problem with demand-inflation. We have not known reasonably full employment since 1957. The slack in our economy was revealed by the fact that the record $12½ billion deficit of fiscal year 1959 had no noticeable effect on wholesale prices. Neither has there been any effect from the $7 billion deficit we are running this fiscal year. As a matter of fact, wholesale prices are lower today than a year ago. I by no means wish to imply that we should not be concerned by deficits. But I do want to point out that the effect of a deficit on a slack economy is totally different from the effect of the same deficit on a full-employment economy. We cannot afford deficits at full employment. Indeed, we anticipate substantial surpluses in such periods. With the prospect of rapid economic growth that led to last January's forecast of a gross national product of $570 billion for 1962, the President wisely presented a balanced budget. While the January and February slowup has made the achievement of this goal considerably more difficult, it is still possible. If we achieve it, there is no reason why we should not have a balanced budget as well. The main point to remember about our deficits is that they have been a reflection of the uneven pace of our economy. Cure the recessions and the deficits will also disappear.

While we are on the subject of fiscal policy, I would like to digress for a moment to compare our experience with that of some of our European friends. There is a common misconception, both here and abroad, that our fiscal or budgetary performance is poor compared to such countries as France, the United Kingdom, and West Germany. That is simply not so. A recently completed study which converts the budgets of those countries to our accounting system, shows that our record is quite good. By adapting their data to our budget accounting methods Germany would show a budget deficit in every one of the past 4 years—the only years in which her postwar defense expenditures have been of any significance. France would show them in every one of the past 10 years. And the United Kingdom would show deficits in 9 of the past 11 years—and, in this connection, the Chancellor of the Exchequer has just forecast another deficit for the upcoming fiscal year. In contrast, the consolidated cash budget of the United States has been in deficit in only 6 out of the last 11 years.

Perhaps even more impressive is the fact that, over those same periods of time, the cumulative American deficit, as a percentage of gross national product, was the lowest. France's was the highest, with Germany next, and the United Kingdom third.

It is worthy of note that France and Germany, which run persistent deficits in their budgets, also run the greatest and most persistent surpluses in their balance of payments. That, of course, is not because of their deficits, but rather because they have maintained competitive prices on their export goods—the key to payments surpluses—and have maintained them in the face of continuing full employment.

Despite the fortunate absence of demand inflation from the American scene, we must continue to guard vigilantly against wage-price inflation, which can be just as dangerous and can strike at any time. If we are to avoid this type of inflation, prices should remain level or drop, and wage increases should be governed by increases in labor productivity. To help in defining these limits, the President's Council of Economic Advisers, in their annual report, set forth guidelines based on the performance of our economy, which has shown an average annual increase in productivity of from 2½ to 3½ percent. As long as our economy continues to grow and productivity continues to increase at this rate, it should be possible to absorb wage increases of like magnitude without any increases in price. And remember that productivity also applies to capital. As the productivity of capital increases, there should also be room for increases in profits, to correspond with the increased wages of labor. All this will be possible if management and labor work jointly to make it possible—bearing the national interest in mind at all times.

Price stability is essential if we are to achieve our third major goal—balance-of-payments equilibrium. Without it, there can be no hope of achieving balance unless we invoke drastic actions that would do as much harm as good. That was the major reason for the President's great concern when, for a few days earlier this month, price stability appeared to be threatened.

Growth and price stability must both make their contribution to improving our payments problem by keeping our exports competitive. But still more is needed. For we have been forced to assume exceptional responsibilities in the defense of the free world. Those responsibilities put a great drain on our balance of payments—a drain which has recently averaged about $3 billion a year. We must work to reduce this outflow by cutting out all nonessential costs and by obtaining offsetting payments from our European allies for U.S. military materiel and services.

A good start has been made. You have heard the President state that Secretary McNamara has accepted a goal of a billion-dollar reduction in the net outflow of defense dollars. About half of that goal has already been achieved through the recent agreement with West Germany, by which she is sharply increasing her purchases of U.S. military equipment. We are hopeful that similar arrangements can be made with other countries. The rest of the billion-dollar goal will have to be achieved through economies in dollar expenditures.

We are also using every opportunity to channel the maximum amount of our foreign-aid funds into purchases in the United States, where they do not affect our balance of payments.

But there is another important area affecting our balance of payments where action is required if we are to achieve overall balance. I refer to the steadily increasing outflow of private investment capital. The easiest way to handle this problem would be to utilize the standard European method—exchange controls. But we are firmly opposed to this approach, and so are pursuing two other avenues: We are working with our European friends in the OECD to liberalize their controls on capital movements, and we are urging them to develop their own internal capital markets so that they will not have to rely so heavily on our capital market. This is a slow process, but progress is being made. Our second method of slowing the capital outflow is by eliminating that portion of the outflow, perhaps as much as 10 percent, that is induced by tax reasons. That is the basic aim of the administration's foreign tax proposals. Those proposals are not directed against foreign investment as such.

They merely attempt to put investment in the other industrialized countries on a par with investment here at home, as far as tax treatment is concerned. Their enactment would not only reduce the outflow of capital for direct investment in the other industrialized countries by some 10 percent, it would also remove the artificial tax incentive to retain profits abroad and so would improve their return flow to the United States by roughly the same amount. The resulting overall balance-of-payments improvement should be something like $400 million a year. The great bulk of foreign investment—and I am confident it is not made for tax purposes—would continue as in the past. But that relatively small part that is purely tax induced—and we all know that it does exist—would be eliminated, with substantial benefit to our balance of payments.

At the outset of my remarks, I said that the Common Market presents us with a challenge. But the greatest challenge lies within ourselves. We have the means at hand to solve our economic problems—if only we will use them wisely and well. The most important is the stimulation of additional private investment in productive equipment. We must use that means to the full, and in a manner that will not jeopardize the national interest by shortsighted decisions—be they public or private.

If we do so, we can make significant progress toward achieving our goals of more rapid growth, price stability, fuller employment, and payments equilibrium. We can move boldly to take advantage of the competitive challenge of the Common Market, secure in the knowledge that our Nation is capable of seizing opportunities in foreign trade to help make a reality of America's vast promise of a fuller life for our own people and for free peoples everywhere.

THE NATIONAL BALANCE OF PAYMENTS—ADDRESS BY SENATOR BUSH

Mr. KEATING. Mr. President, yesterday our distinguished colleague, the senior Senator from Connecticut [Mr. Bush], delivered a speech on our national balance of payments; and in the speech he urged strong, affirmative action in this area.

Along with all other Members of this body, Mr. President, I have tremendous respect for the judgment of the senior Senator from Connecticut in regard to matters which affect the finances of our Government. His constructive views on taxation, on the balance-of-payments situation, and on monetary policy, have been framed and articulated in a way which has been of great service to the country.

The speech delivered yesterday by the distinguished Senator from Connecticut was a most important one, and it should be widely read and studied by Members of the Senate who are interested in doing something about halting the serious continued drain on our gold supply. The Senator from Connecticut made several important recommendations which apply not only to our balance-of-payment situation, but also to taxes and other matters of domestic economic policy.

I commend the Senator from Connecticut for his excellent address, and I urge all Members of the Senate to consider very carefully his illuminating remarks.

DOES THE ENCOURAGEMENT OF AMERICAN INVESTMENT HAVE AN ADVERSE EFFECT ON OUR EXPORTS?—STATEMENT BY SENATOR CURTIS

Mr. KEATING. Mr. President, at the request of the distinguished Senator from Nebraska [Mr. Curtis], I ask unanimous consent that a paper prepared by him, entitled "Does the Encouragement of American Investment Have an Adverse Effect on Our Exports?" be printed in the body of the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Does the Encouragement of American Investment Have an Adverse Effect on Our Exports?

(Address by Senator Curtis)

Of the many considerations which the Congress must consider in connection with the President's request for revision in our laws taxing foreign source earnings, undoubtedly the most important is whether the existence of foreign subsidiaries of American firms tends to export jobs.

On every occasion when the Congress considers legislation for the renewal or modification of the Trade Agreements Act, there are frequent complaints that a high level of protection is necessary because American industry operating overseas is exporting jobs. Those who voiced this view in the past proposed drastic modifications in the tax treatment accorded foreign source income of American corporations. Their theory apparently rests on the mistaken notion that if American firms do not have oversea operations, all of the business which presently is conducted through their subsidiaries will result in added export sales and a consequent rise in domestic employment. Unfortunately, this theory is founded on an oversimplification of the forces at work in international markets.

It is alleged that American subsidiaries abroad not only foreclose export opportunities in the country in which they are located, but, furthermore, that they preempt the export potential in other countries. This conception leads to the view that oversea operations of American firms tend to limit the volume of U.S. exports.

In the first place, even though the administration proposes to use whatever authority the Congress may grant to secure a reduction in the barriers which presently impede U.S. exports, the fact of the matter is that foreign tariffs on American products are extremely high. In addition, many countries impose quotas and other obstacles for American exporters. There are instances, such as in the chemical industry, in many countries where it is impossible to conduct business except through subsidiary operations which enable the host government to exercise a considerable degree of control.

In considering the tariff policies of the countries which have formed the European Economic Community, it must be remembered that these nations seek a political union and this objective transcends economic considerations. An article, which appeared in the New York Times of April 10, stated that Dr. Gerhard Schroeder, West Germany's Foreign Minister, is conferring with the government leaders in each of the six nations constituting the European Economic Community in order to secure their endorsement of an agreement for a treaty that would further a political union. Hence, it is most unlikely that at any time in the near future the external tariff barriers of the European Economic Community will be lowered to a point to encourage direct U.S. exports. A firm which maintains a subsidiary in any of the countries constituting the European Economic Community is thus in a unique position to penetrate the markets of the six countries, since there will ultimately be no internal tariffs within the Common Market.

Let us examine the activities of American industry in providing job opportunities for our own citizens through oversea operations.

The most comprehensive analysis of all of the facets of oversea trade and investment is found in the special study prepared by the Department of Commerce for the year 1957. The data that was developed for this period has been used by proponents of the administration's program as well as by those who seriously question the advisability of many of the provisions advanced with respect to the taxation of income from foreign sources.

For example, Mr. Stanley H. Ruttenberg, director of research for the AFL-CIO, during the course of his appearance before the House Committee on Ways and Means stated:

"In 1957, sales by American oversea branches and subsidiaries totaled $32 billion. Ten percent of this total—or $3.7 billion—represented sales to the U.S. market. The sum, by the way—$3.7 billion—amounts to approximately 25 percent of total U.S. imports."[1]

It should be noted that Mr. Ruttenberg referred to oversea branches as well as U.S. subsidiaries.

While this total included approximately $1 billion of manufactured and semimanufactured products of which the greatest part consists of newsprint and pulp as well as other products from Canada, the largest portion of these imports was noncompetitive products. They included raw materials such as the iron ore we receive from Venezuela, which the distinguished junior Senator from Alabama stated was beneficial to the United States as well as to Venezuela. They also included a host of raw materials such as bauxite for our aluminum industry, petroleum which helps to conserve our own resources, and countless other materials, many of which are considered strategic from the standpoint of national defense. In addition, many tropical products such as the bananas imported by the United Fruit Co. are also included in this $3.7 billion of exports generated by American oversea subsidiaries.

I seriously doubt that any Senator would wish to deter such imports. Furthermore, since many of the mineral extractive industries overseas are operated as branches, the administration's proposals with respect to the taxation of American-owned foreign subsidiaries would not alter tax obligations of any of these branch operations.

Furthermore, it is significant that Mr. Ruttenberg stated that only $200 million worth of products was shipped to the United States by American subsidiaries and branches in Europe. This fact would indicate that the industrialized nations of the world such as those in Western Europe are not penetrating domestic markets to any significant extent by virtue of the fact that subsidiaries of American corporations or foreign branches are located within their borders.

None of us would question the need to encourage American firms to develop raw material sources all over the world as well as to import products that are not available within the United States such as those produced in tropical areas. Mr. Ruttenberg's statement clearly shows that the basic activities of American firms abroad with respect to imports into the United States facilitate our access to those products that are necessary for the development of our economy. There has been no evidence that any substantial amount of imports resulting from the activities of American firms overseas has destroyed domestic job opportunities.

Now let us look at the other side of the coin.

On the basis of the same Department of Commerce study for 1957, of our total U.S. merchandise exports, more than $3 billion may be attributed to the activities of American subsidiaries and branches overseas. Such shipments constituted more than 14 percent of the $2.7 billion in total exports by American firms to their oversea affiliates.[2] Over and above these direct exports, foreign oversea operations generated a demand in other countries for products that were shipped from the United States and may not be included in the $3 billion total.

Many Americans contend that if there were no U.S. manufacturing activities overseas, domestic plants would receive orders for products that are purchased all over the world from American subsidiaries. Unfortunately, this is not the case.

As I have already indicated in my previous remarks, the alternative which confronts most American firms is not the question as to whether they should manufacture here or abroad, but a far more fundamental one—namely, whether they will have any share in oversea markets or whether such markets will be preempted by foreign competitors.

This problem was carefully studied by a special staff of the Senate Commerce Committee and is well covered in Senate Report No. 446, dated June 26, 1961. I submit the following pertinent excerpt from this document:

"At least so far as Europe is concerned, it appears that in the great majority of cases foreign plants have been established or expanded to reach a market which could not reasonably be served through normal exportation. In some instances the cost of U.S. manufacture plus transportation charges plus customs duties would have made foreign sales at competitive prices impossible under almost any circumstance. But even where this is not true exports may still have been unfeasible. The reason for this is that with the expansion of European industry and a rising demand for more and more goods, there is inevitably a growing list of products which now can be supplied more economically by on-the-spot manufacture than by importation. Moreover, as a writer for the Wall Street Journal recently commented:

" 'To a large extent the choice faced by the American executives who decided to set up * * * branches was not whether to make the goods here or there, but whether to make the goods there or not make them at all. If they tried to make them here and shop them out, they were pretty sure someone else would start to make them there sooner or later, providing destructive competition.'

"The question, therefore, is really not whether these products will be manufactured abroad but by whom. There is presently a large supply of capital available within Europe itself—the major part of U.S. business' recent investments there have, in fact, been financed by money raised on the local market. Thus, for example, if the Fruehauf Co. had not decided to build a new trailer truck factory in Auxerre, France, it is just possible that the EEC trailer truck market might have been supplied by exports from Detroit. But it is far more likely that a French or British or German plant would have been erected in France instead of an American one.

"The U.S. Department of Commerce has listed the following as the major factors underlying decisions of U.S. manufacturing firms to establish factories abroad:

" 'Cost advantages in producing closer to markets, especially when materials or components and trained labor are available; consumer preferences for locally produced goods; gains in expert knowledge of market conditions and access to patents or licenses to produce specialized items through joint operations with local entrepreneurs; mounting financial strength of U.S. companies, facilitating the purchase of existing foreign concerns, often as a relatively quick method of countering developing competition; pressures from tariffs, exchange controls, quotas, and patent laws that give major advantages to locally produced goods.' "[3]

It is generally recognized that the automobile industry has long supported the trade agreements programs of both Democratic and Republican administrations. Prior to 1929, American exports of automobiles constituted a higher portion of our total production than in subsequent years. There are few industries where we have an admitted comparative advantage that is as great as exists in the automobile industry. Yet, in spite of our efficiency and the desirability of the American product, trade restrictions and other barriers became an important factor limiting domestic exports many years ago. At the present time, there are few industries which are as interested in expanding the market for domestic products. Yet in order to secure a maximum penetration of oversea markets, the automotive industry has engaged in an extensive investment throughout the world.

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[1] President's 1961 tax recommendations, hearings before the Committee on Ways and Means, 87th Cong., 1st sess., vol. 4, p. 2597.

[2] Ibid., p. 2647.

[3] "The United States and World Trade—Challenges and Opportunities," final report of the Committee on Commerce, prepared by its special staff on the study of U.S. foreign commerce, pursuant to S. Res. 243, 86th Cong., S. Rept. No. 446, 87th Cong., 1st sess., p. 27.

In order to review some of the factors which the Senate must consider, I shall briefly review the history and results of the foreign activities of the General Motors Corp., which is typical of the entire automotive industry. Recently, the General Motors annual report for 1961 was published. Mr. Frederic G. Donner, the chairman, and Mr. John F. Gordon, the president, advised the stockholders:

"Earnings from our operations overseas accounted for 14 percent of total earnings in 1961, the same as in 1960. The average for the 5 years prior to 1960 was 10 percent. During the last 2 years, about two-thirds of General Motors earnings overseas were remitted to this country. The balance was reinvested in our business abroad."[4]

I have made some computations from the data included in this report, and the results are quite striking.

The total earnings to which the officers referred in 1961 amounted to $893 million after domestic and foreign taxes. On the basis of the statement which I have quoted, 14 percent of these earnings would be $125 million. Inasmuch as two-thirds of such profits were remitted to the United States, and of course, subjected to our taxes, the dividend which the General Motors Corp. received from all of its oversea subsidiary operations was approximately $82 million. This constitutes a very substantial remittance of funds to the United States.[5]

As a result of its 1961 operations, General Motors in turn distributed 80.7 percent of its net income in dividends. Thus the oversea earnings of this corporation added $66 million to the dividend income of its stockholders. Needless to say, this dividend distribution to individuals and others was also subject to Federal taxation. In short, the oversea and Canadian operations of General Motors contribute to a favorable balance of payments, and they enhance our tax revenues.

Now let us examine the possible displacement of American jobs as the result of these activities. The General Motors annual report to which I have already referred shows that in 1961, the production of its German product, the Opel, totaled 377,000 cars. Automotive Industries, the leading journal for this industry, in its statistical issue of March 15, 1962, shows the new foreign car registrations in 1961 by make in the United States. The sale of Opel products in this country was so small that the new registrations of these cars were listed in a tabulation with all other foreign cars.

However, new registrations of Volkswagen, the product of an entirely German-owned manufacturer, in 1961 totaled 177,000 cars.

In 1960, before the smaller cars produced by the domestic industry had attained market acceptance, General Motors imported the Opel into the United States. However, new registrations in that year accounted for less than 26,000 cars.[6] On the other hand, 367,000 Opel cars were produced in Germany in 1960.[7]

Perhaps the effect of foreign car imports on our domestic market may be better appreciated if we realize that the total new registrations of automobiles produced overseas by subsidiaries of American firms in 1961 were less than 20,000 cars although the total U.S. registrations of all foreign cars was 879,000. It thus would appear that the registrations of cars produced by subsidiaries of American firms in 1961 were less than 6 percent of all new foreign car registrations. Furthermore, while automotive industries separately listed new Opel registrations for the year 1960, no comparable data was shown for 1961. The reason for the decline in the registration of new Opel cars may be attributed to the introduction of the smaller cars produced by the domestic industry subsequent to the fall of 1959. At present, these smaller cars domestically produced account for approximately one-third of all retail sales. The New York Times in its issue of April 11th reported that the Ford Motor Co. had decided not to proceed with the production of the Cardinal, a tiny car which would have competed with the foreign cars in the $1,600 economy class. I submit the following excerpts from the New York Times of that date:

"While Ford officials were silent, it was apparent that that company has been greatly worried over the sagging imported small car market in the United States.

"The imports reached a peak of 614,131 units in 1959 and since have dwindled steadily as U.S.-built compacts—larger than the invaders—entered the competition. In 1960 import registrations were 498,785 and last year were at 378,622.

"Both the Chrysler Corp. and General Motors have consistently said they did not feel the tiny car market was big enough for them to enter."[8]

These facts clearly demonstrate that automobile manufacturers have no desire to substitute foreign-produced automobiles for those assembled in the United States.

The General Motors annual report further shows that in 1961, export shipments from its United States and Canadian operations were almost 95,000 cars. Without assembly operations in many countries of the world, it would have been virtually impossible for the American industry to have secured this result. Needless to say, these exports again contributed to our favorable balance of trade in the private sector of our economy.

Of even greater significance is the fact that they furnished employment to American workers.

As I have already stated, the history of General Motors oversea activities is of particular interest to the Senate as an example of a mature investment.

Mr. Alfred P. Sloan, Jr., now honorary chairman, but president of General Motors in 1928—34 years ago—in his report to stockholders for that year reviewed the concepts underlying General Motors oversea activities. He said:

"Although the corporation has a dominating position in practically all oversea countries, it is hoped and believed that this position can be strengthened still further The policy referred to in previous reports, of making the corporation a real factor in the industrial life of each country in which it operates, will be continued. This means the establishment by the corporation of local organizations, supported by assembly plants as increasing volume justifies. Such a policy brings the corporation's own organization in closer contact with the ultimate user and enables prices to be better controlled and stabilized in the interest of the user."[9]

By 1929, it had become apparent that in order to maintain its market potential, oversea manufacturing would be necessary. I shall now quote an excerpt from his 1929 report to stockholders:

"The corporation's products are adapted in the fullest possible measure to the local taste. Experience has shown that in that way the most effective result can be obtained. In most oversea countries it is possible to adapt the corporation's products to the end that a very substantial part of the market becomes a potential customer for those products. In countries of a manufacturing character, however, due to local policies, legal and otherwise, and to different economic conditions that prevail, the motorcar usually assumes characteristics influenced by local conditions to a degree that even with the most effective adaptation of the American car, its sale is limited in scope to a relatively small part of the business available.

"In line with the above, there appeared to be an opportunity whereby the corporation could enlarge the scope of its activities in Germany, as well as increase the effectiveness of the large volume of business it already enjoyed in that country."[10]

As a result of establishing manufacturing operations in both Germany and England, it was possible for General Motors to offer products in other countries to meet almost any combination of tastes and also to meet the need for a more economic product, using less gasoline than was characteristic of the American cars produced prior to 1959.

The economics underlying the decision to invest in oversea facilities were set forth by Mr. Sloan in his 1937 report to stockholders. In view of the fact that these conclusions were developed so many years ago and are still valid, I submit excerpts from this statement, as follows:

"The fact is not generally recognized that there is a marked difference between the engineering conception of automotive products as manufactured in the United States and those produced in other manufacturing countries. This is because of the necessity of adapting the engineering design to the economic standards of the market. Domestically, the demand is for cars of ample size with a relatively large ratio of power to weight—high performance characteristics. In certain oversea countries smaller cars with less horsepower in proportion to their size are essential because of the requirements of lower costs of operation and relatively lower first cost, especially giving weight to the higher taxation from the standpoint of both the right to use as well as the cost of using. Therefore, the corporation in developing manufacturing plants overseas is supplementing and expanding its activities, rather than competing with its domestic factories.

"During the past decade the trend of the world's absorption of automotive products with relation to the countries of origin has been undergoing an important change. There has developed an increasing tendency toward local manufacture on the part of the industrial and manufacturing countries throughout the world. Certain important markets, that in the earlier days of the industry provided excellent opportunities for export from the United States and Canada, are now practically closed to cars of such origin.

"Anticipating the influence of the trend toward local manufacture, and having established effective distributing organizations for the sale of its products throughout all the countries of the world, about 12 years ago a policy was adopted of broadening the source of supply of cars and trucks by engaging in manufacturing operations in countries strategically located."[11]

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[4] Fifty-third Annual Report of General Motors Corp. for the year ended Dec. 31, 1961, p. 7.

[5] Ibid., p. 30.

[6] Automotive Industries, vol. 126, No. 6, Mar. 15, 1962, p. 85.

[7] Annual report, op. cit., p. 11.

[8] The New York Times, Apr. 11, 1962, p. 31.

[9] Twentieth Annual Report of General Motors Corp. for the year ended Dec. 31, 1928, pp. 14–15.

[10] Twenty-first Annual Report of General Motors Corp. for the year ended Dec. 31, 1929, pp. 12–13.

[11] Thirtieth Annual Report of General Motors Corp. for the year ended Dec. 31, 1938, pp. 18–19.

Mr. Sloan's 1938 report to stockholders reviewed the results of General Motors activities throughout the world based on these expanded facilities. Once again I shall quote from his statement:

"General Motors Corp. is concerned with international trade, both as an exporter of its domestic products and as a prime producer in two important foreign manufacturing countries for consumption within those countries as well as for export from those countries into oversea areas other than the United States and Canada." [12]

By tracing the long history of the evolution of the oversea activities of one of America's leading corporations, it is quite apparent that the economics underlying the major decisions that were taken were not influenced by the current high rate of corporate taxation. They represented a fundamental adaptation by American industry to the needs of expanding markets throughout the world. Since General Motors has been engaged in oversea activities for so many years, it is not surprising that earnings from these operations now constitute almost one-seventh of its total income, and as I have already indicated, they provide a substantial source of revenue to the Federal Treasury. There is every reason to expect that similar results may be attained by other American firms in later periods provided that the Congress does not foreclose these opportunities by enacting unwise restrictive tax legislation.

Let us examine the economics of another important industry—pharmaceuticals, which has undergone a great expansion in recent years. Mr. John T. Connor, the president of Merck & Co., Inc., in an address to the Eastern Union County Chamber of Commerce at Elizabeth, N.J., on April 11, 1961, stressed the contribution of foreign investments to the American economy. I submit pertinent excerpts from this address, as follows:

"What is the effect of foreign capital investments by U.S. companies on the U.S. balance of payments? The fact of the matter is that the dollars sent abroad for foreign plant and other capital investments are more than offset by the dollar flow returning to this country in the form of dividends on those foreign capital investments and proceeds of sales of semifinished goods from this country to plants abroad.

"Take Merck as an example. During the 5 years ending with 1960, the dollars sent from the United States as part of our foreign capital investments amounted to $13 million. The flow back to us from sales to our own foreign operating subsidiary companies, and dividends and royalties from them, amounted to over $87 million. During the same period, the inflow of dollars from all of our foreign operations, including direct sales from the United States, totaled $151 million and the total outflow, $27 million.

"We certainly have not invested overseas except where we felt that the parent company and its shareholders and employees would gain through increased sales and profits by doing so. In terms of any flow of gold or dollars, our experiences have proved to us that the flow to the United States has been very much in its favor as a result of these foreign investments.

"Merck's experience in this regard is not unique. Department of Commerce figures show that the inflow from direct capital investments made by U.S. corporations abroad had exceeded the outflow every year for the past 11 years—the years in which the United States as a whole suffered a deficit in our balance of payments—and that the total of the inflow over the outflow during this period exceeds $8 billion.

"Despite this profitable ratio, some legislators have recommended imposing new tax burdens on foreign subsidiaries of U.S. companies in the mistaken notion that this would be one means of correcting the temporarily unfavorable balance-of-payments relationship between the United States and Europe.

"Even if such legislation [the Kennedy proposal] might temporarily ease the payments deficit problem by discouraging U.S. corporate investments abroad, in the long run it would damage the economic position of the United States, and it would harm American labor and the U.S. Government. Because of the greater relative risks of foreign operations, American business might well have to curtail its oversea activities should the relatively few tax incentives now permitted be eliminated or modified.

"In any given country our subsidiaries must compete with locally owned companies. Our subsidiaries are and act and must live as citizens of the country in which they are located. Any additional burden imposed on them by our Government by way of taxation or otherwise would increase their competitive disadvantages. If those disadvantages are serious enough to put them out of business the 'dog in the manger' approach will even hurt the U.S. Government through eventual loss of all taxes from that foreign business."

Another industry developed within the United States—the production of office and accounting machinery—has also been an important factor in American oversea operations. During the postwar period, the contribution of foreign subsidiaries to further exports from domestic sources was reviewed by Mr. Stanley C. Allyn, chairman of the board of the National Cash Register Co., who served as the U.S. delegate to the Economic Commission for Europe during the administration of President Eisenhower. I submit the following excerpt from Mr. Allyn's statement:

"Following World War II, we strategically located oversea plants in highly developed countries which offered a broad home market and good prospects for exporting. By investing in such oversea plants, we were able to build up and support a marketing organization abroad which is also selling our newest and most complex Dayton-made products. As a result, our exports from Dayton have increased more than 10 times over the prewar years, and more than three times in the past 10 years. They are now at the highest level in our history.

"I think it is significant that these increased exports from our Dayton factory are not our low-price products, but rather our more sophisticated electronic and electromechanical machines. Without our plants abroad to meet oversea competition in simpler machines, we could not have maintained the marketing organization to sell our higher-price American-made products." [13]

As I have already stated, those who support the administration's tax proposals justify their position as a means to deter the export of jobs.

However, any careful examination of the hearings before the Ways and Means Committee clearly shows that foreign investments, rather than furthering the export of jobs, provide expanded employment opportunities for American workers.

Once again, I shall cite from the testimony of only a few of the witnesses who appeared last year before the House Committee on Ways and Means. Mr. Robert C. Plumb on behalf of the Manufacturing Chemists' Association said:

"This foreign growth has demonstrably been accompanied by an increase in exports. Insofar as the chemical industry is concerned, exports for 1960 totaled $1,661 million, an increase of over 100 percent since 1952, while imports of $353 million in 1960 represent an increase of less than 50 percent during the same period. These expanded exports are experienced simultaneously with growth in investments in chemical plants and facilities overseas. In fact, experience has shown that they are vitally interrelated." [14]

Another witness, Mr. Frank X. White, president of the international subsidiary of the American Machine & Foundry Co. of New York stated:

"The record increase in AMF exports from the United States in the period since this international expansion program was begun, illustrates the beneficial effect of investment in oversea subsidiaries on exports, and the complete interdependence of a company's export effort and its oversea sales, service and manufacturing facilities.

"Our exports have increased from $3.9 million in 1956 to $14.9 million in 1960 with an estimated $16 million in 1961." [15]

A further witness, Mr. Edward P. Curtis, vice president in charge of foreign sales and advertising for the Eastman Kodak Co. testified with respect to the exports from domestic plants that resulted from their oversea operations. Once again, I shall quote a pertinent excerpt from his testimony:

"Since the end of World War II, in 1945, through 1960 we have sent approximately $13 million outside the United States for foreign investment. Nearly $10 million of this went to purchase a minority interest in our Australian company.

"During these 15 years we have received in dividends from our subsidiaries in foreign countries $101 millon. Even more important than this, however, we have during the same period sold $532 million of goods manufactured in our U.S. factories by American labor to our oversea companies alone, exclusive of other oversea dealers." [16]

Perhaps the Burroughs Corp. is the most noteworthy example of a firm which has taken advantage of expanding markets to invest overseas while at the same time increasing its exports, thus providing jobs for American workers.

I now submit excerpts from the testimony of Mr. Ray R. Eppert, the president of this outstanding company:

"If I may, I would like to expand just a bit on this question of jobs. Does oversea activity export jobs or does it create jobs here? I would like to be very specific, Mr. Chairman, if I may, for just a moment in the case of our own company.

"What I am going to read to you here will only take a moment. It is taken directly from an address given at our annual meeting last year to shareholders which explained to them in detail for the first time exactly what this oversea operation is all about and why. Historically, as I say, Burroughs had a small plant in England before the turn of the century. Only 264 employees were working in oversea production on January 1, 1950, and total oversea personnel worldwide was 1,923. In the postwar period most of the world had, as you gentlemen will recall, very little dollar exchange. It was one of the reasons for the Marshall plan and our exports from the United States were severely handicapped by licenses and quotas.

"At that time we created a new plant in Scotland and transferred completely one major product for world production. We deliberately picked a time when we were going into production on new products here so we generated approximately 1,000 additional jobs at the same time we were transferring this product for world production.

"Now, here is the end of the story. Our oversea personnel has grown from 1,923 in 1950 to 7,244 at the end of 1959 and it is now around 8,500.

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[12] Ibid.

[13] First National City Bank, monthly letter, June 1961, New York, p. 68.

[14] President's 1961 tax recommendations, op. cit., p. 3162.

[15] Ibid., p. 2692.

[16] Ibid., pp. 3213–3214.

"In this same period jobs in the United States have increased from 11,937 in 1950 to 29,169 in 1960.

"Now we are right at 38,000 worldwide.

"Now, here is the policy. As additional products are transferred abroad to meet foreign manufacturers on a competitive basis, and these are usually the older more conventional equipments, we shall be implementing new products here made possible by our research and development programs. What do I mean by that?

"In 1950, we had 312 scientists, engineers, technicians, and support personnel working on research and development. As of the 1st of January 1960, when this report was made, we had 4,413, and now currently it is just a few less than 5,000. Therefore, we believe the answer so far as exports from here is concerned is not the older product which has probably been picked up and is now in production on the other side by foreign manufacturers who are hitting the U.S. market with it but rather to export from here what might be termed model 2 products while the importing territory is still in a model 1 phase, and, as they move into model 2, we must be ready with model 3.

"Now, what has happened to our exports from here in our own corporation as a result of what we have done there? In 1950, we were exporting from here about $8 million and that was about the average year after year. Last year and the year before and this year we are traveling in at a rate in excess of $20 million. In other words, we have more than doubled the direct exports from here at the same time we have been creating these opportunities overseas. As a matter of fact, to give you the exact figure, we have risen in our export sales from an $18 million level in 1950 to $70 million last year and it will be approximately $85 million this year. At the same time, in 1950 international sales were 18.8 percent of the consolidated revenue; in 1960, 18.1 percent; in other words, a lesser percent than it was in 1950 of the total in spite of the expansion overseas.

"Now, I think that pretty well tells our own corporate story except for one thing. I mentioned that we had at the present moment approximately $34 million in working assets overseas. How did they get there? Not from the United States. Some—the initial seed money; yes—but it is perfectly clear than in subsidiary operations overseas the very territory in which you are operating, because it is necessary to operate there in order to compete, is actually building internally for you that greater scope of investment not with dollars but with the fruits of the efforts put forth right in that country.

"The best evidence of that is $34 million assets employed overseas and since 1925 alone we have pulled back to the United States $40,571,721 in dividends." [17]

The distinguished junior Senator from Tennessee in his remarks of February 19th concerning the taxation of foreign operations referred to testimony before the House Ways and Means Committee by Mr. H. J. Heinz II, chairman of the H. J. Heinz Co., of Pittsburgh, Pa. He appeared on behalf of 19 companies, including among others, the General Electric Co., Goodyear International Corp., Otis Elevator Co., and the Taylor Instrument Co., which collectively accounted for somewhat over 5 percent of the total U.S. investment in manufacturing abroad.

Mr. Heinz very carefully qualified the data which he submitted by stating:

"We do not claim that the data submitted constitute a scientific sampling of all U.S. manufacturing enterprises with foreign subsidiaries." [18]

As I develop my analysis of Mr. Heinz' testimony, it is important that every Senator be fully aware of two facts: the first, that Mr. Heinz did not attempt to make any projections in terms of the total economy from the data which had been assembled for his presentation secured from the 19 firms which he represented. The second important qualification is that Mr. Heinz' testimony referred only to manufacturing activities. In no place in his testimony was there any reference to data concerning total nonagricultural domestic exports. These qualifications directly affect the conclusions which our esteemed colleague, the junior Senator from Tennessee, attempted to draw from Mr. Heinz' presentation.

In this discussion of Mr. Heinz' testimony, our colleague attempted to project the data submitted for these companies by multiplying the totals for the group of 19 companies by 20 and thus secure estimates which he believed applicable either to the entire manufacturing sector or perhaps to all nonagricultural exports. This procedure is unwarranted, as there are significant differences in the characteristics of the other firms which account for the remaining 95 percent of the total U.S. investment in manufacturing abroad. Inasmuch as the arbitrary procedure of multiplying Mr. Heinz' figures by 20 produced results that are inconsistent with the Department of Commerce data, his entire testimony was disparaged. The analysis of Mr. Heinz' data by the junior Senator from Tennessee is as follows:

"To pin this down, let us look at the year 1957. As I have pointed out, we do have good statistics for that year, based on compulsory reporting. According to these figures for 1957, compiled by the Commerce Department, all our foreign direct investment activities sent home $2,249 billion in earnings and profits. About half of this came from petroleum. Only about one-fifth of it, or $429 million, came from manufacturing. Yet Mr. Heinz claims that foreign subsidiaries of his 19 companies sent home in 1957 $64.8 million in dividends. Extrapolating this figure, one would assume that all manufacturing subsidiaries would have remitted dividends in 1957 in the amount of $1.296 billion. This misses the mark by a factor of three.

"Mr. Heinz' other figures appear just about as unreliable. He piles on hundreds of millions of dollars in dividends, fees, and exports which he attributes to the activities of foreign subsidiaries of U.S. manufacturing corporations.

"Let us look at the export figures which Mr. Heinz cited. He claimed that these 19 companies, representing about 5 percent of our foreign manufacturing, had exports generated by their own direct foreign investments in 1960 of $595.1 million. Multiplying this by 20, we would conclude that all foreign direct investment activities of U.S. manufacturing corporations for that year accounted for about $12 billion in exports. But our total nonagricultural exports in 1960 amounted to only about $14 billion." [19]

In substance, the implication is made that Mr. Heinz proposed multiplying the data he had submitted by 20 in order to project significant measures relating to 19 companies to all manufacturing. I have carefully reviewed Mr. Heinz' statement as well as that of the gentlemen who accompanied him before the House Ways and Means Committee. I fail to find any suggestion that this datum was presented as representative of all manufacturing. On the contrary, he qualified his statement and used these 19 firms as an example of what had been accomplished. The important point which Mr. Heinz' study established concerned the additional exports for American industry which these oversea operations generated. Naturally, the production of these products provides additional jobs in the United States.

By multiplying Mr. Heinz' exports from the United States for these 19 companies by 20 in order to obtain the total exports of the manufacturing sector, it is not surprising that the results he obtained did not conform with other data. But it seems unwarranted to impune Mr. Heinz' careful study by stating:

"These export figures seemed so outlandish that the Treasury Department asked the Commerce Department to try to arrive at some proper comparable figure." [20]

The subsequent remarks by the junior Senator from Tennessee shows that the Commerce Department queried our larger manufacturing corporations and secured replies from 155 firms which accounted for 80 percent of all manufacturing investments abroad. According to the junior Senator from Tennessee:

"These companies credited their foreign subsidiaries with generating $2.7 billion in exports in 1960." [21]

Once again, let me emphasize that the Commerce Department addressed their inquiry only to manufacturing companies. Furthermore, it is of considerable interest that the firms which responded to the Commerce Department questionnaire stated that their foreign subsidiaries had generated $2.7 billion in exports in 1960. In view of our balance of payments deficit, these exports were a great contribution to the United States, and they certainly provided jobs for Americans.

It appears most unfortunate that in discussing Mr. Heinz' study, the junior Senator from Tennessee subsequently said:

"To credit almost 90 percent of our nonagricultural exports to the activities of the direct foreign investment activities of U.S. manufacturing corporations, which appears to be the implication of Mr. Heinz' testimony, certainly strains logic. Yet some people seemed impressed." [22]

The terms "nonagricultural exports" and "exports of manufactured products" describe completely different categories of goods and the difference in their value is considerable.

Mr. Heinz went to great pains to state not only the limitations of his study but to suggest that his approach should be reviewed and evaluated by others. He believed that if all of the factors were included—among them: capital outflow, remitted dividends, receipts for services and fees, export of capital equipment to foreign subsidiaries, exports of semifinished materials as well as complete goods, and the export volume generated by such foreign subsidiaries—the full value to the U.S. economy would be clearly demonstrated. In terms of the 19 companies included in Mr. Heinz' study, the analysis of these accounts clearly showed that foreign operations serve the national interest. However, no attempt was made by Mr. Heinz or his associates to generalize beyond the participating companies. In fact, so as to set the record straight, I shall quote directly from Mr. Heinz' testimony. He said:

"The data presented suggests that an analytical approach may produce quite a different picture from that submitted by the administration. This suggests that extensive study is needed to furnish a basis for sound conclusion.

"In our view the above data submitted herewith casts the most serious doubt on the assumption that U.S. direct foreign investment has in fact burdened the U.S. balance of payments.

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[17] Ibid., pp. 2834–2835.

[18] Ibid., p. 3185.

[19] CONGRESSIONAL RECORD, Feb. 19, 1962, p. 2427.

[20] CONGRESSIONAL RECORD, Feb. 19, 1962, p. 2427.

[21] CONGRESSIONAL RECORD, Feb. 19, 1962, p. 2427.

[22] CONGRESSIONAL RECORD, Feb. 19, 1962, p. 2427.

"In conclusion, Mr. Chairman, I would like to say that our presentation suggests that extensive study is needed to furnish a real basis for sound conclusions." [23]

Every Senator has an obligation to be as accurate as possible in the use of terms and definitions as well as in his own development of statistical procedures before commenting unfavorably with respect to data presented to any congressional committee by a witness.

While I am not suggesting any projection of total U.S. exports on the basis of the data Mr. Heinz submitted for 19 companies, if we apply the method used by the junior Senator from Tennessee to the $2.7 billion of expenditures generated by foreign subsidiaries which were reported to the Department of Commerce, it appears that all manufacturing investments abroad made a contribution of approximately $3.4 billion to our 1960 exports of capital equipment and nonfood consumer goods.

If there is any validity whatsoever to the projection technique proposed by the junior Senator from Tennessee, I am convinced that manufacturing firms with foreign operations contribute 44 percent of such exports.

As the junior Senator from Tennessee has conceded, there are many deficiencies in our balance of payments data, and those who are familiar with the problems of classifying firms manufacturing a number of different product lines into census categories realize the limitations of any data which are produced in this manner.

The Secretary of the Treasury, Mr. Dillon, minimized the exports which have been generated through American oversea subsidiaries in his appearance before the House Committee on Ways and Means.

He expressed the belief that America's oversea operations made no substantial contribution to increased exports although he was not in a position to support his statement with anything conclusive. On the other hand, witness after witness testified as to the facts with respect to the additional exports generated within specific companies through the activities of foreign subsidiaries.

Mr. Charles I. Derr, the vice president of the Machinery & Allied Products Institute during the course of his testimony stated that American firms overseas provided one of the principal customers for America's capital goods and industries. A similar view was expressed by Mr. Henry C. Boschen and Mr. John E. Quinn, who appeared before the Committee on Ways and Means in behalf of the construction industry. Their views are readily supported by a very simple observation. American firms would normally prefer to use supplies and equipment manufactured in the United States with which they are familiar. Needless to say, if a finished product is assembled abroad, it becomes almost a necessity to ship complex components from the United States, as they could not be secured elsewhere.

It must also be apparent that if a foreign firm operates subsidiaries in other countries that there will be no likelihood for it to purchase either capital goods, supplies, or complex components in the United States. I have given many illustrations in terms of specific companies to show that overseas direct investments do in fact support our exports, but irrespective of the statistics, the logic of the situation supports the contentions that have been made by so many witnesses.

The distinguished junior Senator from Tennessee in his remarks of February 19, also questioned whether comparable results for American manufacturing firms might not have been achieved by licensing oversea producers to use patents and processes rather than establishing their own oversea operations. Again, this suggestion is predicated on an oversimplification, and there is no evidence that merely licensing producers to use American patents and know-how in other countries will stimulate exports. On the contrary, it would assist foreign firms in taking over a larger share of world markets particularly if they were able to use the trademarks, trade names, and patents developed by our research efforts. The junior Senator from Tennessee apparently believes that patent licensing will enable American industry to obtain revenue from its research expenditures without the need of committing any American dollars overseas. Experience shows that there are many difficulties in using American technology and adapting it to specialized requirements without an operating organization within a foreign country.

This problem was set forth in the testimony of Mr. J. D. A. Morrow, chairman of the Finance Committee of the Joy Manufacturing Co., who testified:

"As soon as growing exports of a new Joy machine into a foreign market show that sufficient demand will develop to justify making it there, some foreign manufacturer will see that he can copy that machine and sell it for half our delivered export price. Speaking generally, an American patent is good abroad for only about 3 years and no longer, unless the holder manufactures there under that patent.

"Furthermore, certain foreign governments deny import licenses for a machine or repair parts when that machine or part is made in its own country. We have been forced by such official pressure in certain instances to manufacture abroad.

"They have even gone so far as to copy one of our machines and showed us that they can make it there, not quite as good, but sufficient to get by and save some dollars." [24]

Responsible American firms who value their reputation for quality and performance are not likely to jeopardize the esteem in which their products and technology are held by permitting anyone who seeks a license to invade world markets with possibly inferior products.

Every Senator is concerned with the continued unemployment in the United States, and every effort must be made by both Government and private enterprise to create jobs for our expanding labor force. However, although it may sound plausible that additional job opportunities can be created by limiting the activities of oversea operations of American firms, a careful analysis of the facts clearly shows that such a course would create more unemployment. Furthermore, such a policy would result in a decline in the rate of economic growth here in the United States. I can conceive of no single measure which the Congress might adopt that would be more destructive to domestic job opportunities than the deliberate creation of deterrents to oversea investments by American firms.

According to a 1960 study of the Department of Commerce in the years 1950 through 1960 earnings sent to the United States from abroad totaled $20.5 billion. During the same time, the outflow of direct investment amounted to $12 billion. This was a net gain of $8.5 billion for the United States.

There are still other factors in this complex problem which I shall discuss at a later date.

LITERACY TESTS—UNWILLINGNESS OF COURTS TO UPHOLD STATUTES ESTABLISHING CONCLUSIVE PRESUMPTIONS OF FACT

Mr. ROBERTSON. Mr. President, in my speech of May 2 against the literacy test bill, I stressed the unwillingness of the courts to uphold statutes establishing conclusive presumptions of fact.

A January 1962 court of appeals case, *U.S.* v. *Henderson* (298 F. 2d 522), held that Federal court officials could use a prospective juror's completion of the eighth grade as one of the qualifications to be considered in determining whether he should be excluded from jury duty on the ground that he was "unable to read, write, speak, and understand the English language" as provided by 28 U.S.C.A., 1861.

Court officials, it is to be noted, did not treat completion of the eighth grade as a conclusive presumption of compliance with the statutory qualifications. There were members of the jury panel who had not completed the eighth grade. On the other hand, it seems clear from the opinion that an eighth grader who could not understand the English language would not be permitted to serve.

Circuit Judge Latham Castle made it clear, in his discussion of the case, that if an eighth-grade standard had been established as a conclusive presumption of statutory compliance, the defendant would have been denied his right to a fair trial under the sixth amendment. This, of course, would be tantamount to denial of due process under the 5th amendment or the 14th amendment.

Judge Castle observed at page 526:

> Defendant has no constitutional or statutory right that "ignorance" be represented in the jury box.

I ask unanimous consent that the text of the majority and concurring opinions in the case be printed in the Record at this point.

There being no objection, the opinions were ordered to be printed in the Record, as follows:

United States of America, Plaintiff-Appellee *v.* Martin Henderson, Defendant-Appellant—No. 13452

(In the United States Court of Appeals, Seventh Circuit, January 22, 1962, concurring opinion January 31, 1962)

Prosecution for forging endorsement on Government check. The United States District Court for the Eastern District of Wisconsin, Robert E. Tehan, J., 198 F. Supp. 278, rendered judgment, and defendant appealed. The Court of Appeals, Castle, Circuit Judge, held that policy tending to prefer, as meeting intelligence standard, those prospective jurors whose questionnaires disclosed completion of 8th grade education, was not arbitrary.

Judgment affirmed.

1. Jury 🔑42: In view of statutory requirement that jury be capable of rendering efficient service, mere literacy is not maximum standard of intelligence to be employed in selecting prospective jurors. 28 U.S.C.A. §§ 1861, 1864.

2. Jury 🔑33(1): Prospective jurors must be selected without use of irrational or self-imposed standards, but absolute "cross-section" is not required. 28 U.S.C.A. §§ 1861, 1864.

3. Jury 🔑33(1): Policy tending to prefer, as meeting intelligence standard, those prospective jurors whose questionnaires disclosed completion of 8th grade education, was not arbitrary. 28 U.S.C.A. §§ 1861, 1863 (c), 1864.

4. Jury 🔑33(1): Defendant had no constitutional or statutory right that ignorance be represented in jury box.

5. Forgery 🔑7(2): Statute proscribing forgery of contracts, deed or other writing

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[23] President's 1961 tax recommendations, op. cit., p. 3197.

[24] Ibid., p. 3185.

proscribed forgery of endorsement on government check. 18 U.S.C.A. § 495.

6. Forgery 🔑7(2): Alleged forging of endorsement on government check issued in payment of service-connected disability violated statute proscribing forgery of contracts, deeds or other writing. 18 U.S.C.A. § 495.

7. Forgery 🔑7(2): Statute proscribing forging obligations or securities of United States does not embrace forging endorsements. 18 U.S.C.A. § 471.

8. Criminal Law 🔑13:

Forgery 2🔑: Statutes proscribing forging obligations or securities of United States, and proscribing forging contracts, deeds or other writing do not unconstitutionally afford executive department multiple choice of varying penalties for identical offense, and were not unconstitutionally vague as applied to defendant charged with forging endorsement on treasury check. 18 U.S.C.A. §§ 471, 495.

Hugh Hafer, Seattle, Wash., Richard M. Goldberg, Milwaukee, Wis., for appellant.

William J. Mulligan, Asst. U.S. Atty., Milwaukee, Wis., James B. Brennan, U.S. Atty., Milwaukee, Wis., for appellee.

Before Hastings, Chief Judge, and Schnackenberg and Castle, Circuit Judges.

Castle, Circuit Judge.

Martin Henderson, defendant-appellant, was convicted, following a jury trial, on an information charging him with knowingly forging the endorsement of the payee on a United States Treasury check in violation of 18 U.S.C.A. § 495. He was sentenced to imprisonment for 180 days. Defendant appealed and contends that the District Court erred in denying his motions challenging the array of petit jurors and to dismiss the information, each of which was reasserted in a motion in the alternative for a new trial or acquittal.

The main contested issues which emerge from defendant's appeal are:

(1) Whether the clerk and the jury commissioner may consider intelligence level as indicated by a formal eighth grade education as a factor in the selection of the names of persons to be placed in the box from which the names of jurors are publicly drawn.

(2) Whether forgery of a United States Treasury check payable on account of disability resulting from injury incurred in the line of active military duty is an offense within the purview of 18 U.S.C.A. § 495.

The manner of the selection of the persons whose names were placed in the box from which the panel was drawn for the trial of the defendant was stipulated. The clerk of the court and the jury commissioner annually send a questionnaire to each of approximately 800 prospective jurors.[1] Prospective jurors are required to answer the questionnaire in their own handwriting. It asks, among other things, the person's occupation, length of time of present employment or business, and ability to read, write, and understand English. It requires that the number of years of primary, high school and college education be indicated by the circling of appropriate figures on the form.

The returned executed questionnaires are examined and separated into two groups as acceptable or unacceptable by either the commissioner or the clerk and given to the other for agreement or disagreement. In the event of disagreement, the particular questionnaire is jointly reexamined and a joint decision reached. In determining whether to place the name of the person in the jury box the decision is made on the basis of the information disclosed by the questionnaire. Spelling, grammar, penmanship, failure to answer any question, and the nature and length of employment are all considered. A person may be accepted if the nature and length of employment indicate responsibility, ability and experience, regardless of the amount of formal education. The questionnaire is the sole basis for estimating the intelligence of the prospective juror and significant consideration is given to the amount of formal education for the purpose of obtaining more intelligent jurors. In connection with the selection of persons with less than an eighth grade education, if relatively few names are needed to fill the box, the clerk and commissioner become more selective and are more likely to select those who have had more formal education. At the time of defendant's trial there were some jurors whose names were in the box and some on the jury panel who had less than an eighth grade education.

The defendant contends that in the selection of prospective jurors for the Eastern District of Wisconsin, which embraces the metropolitan Milwaukee area, whether such persons have completed eight grades of formal education may not be considered. He argues that in the enactment of 28 U.S.C.A. § 1861[2] Congress has imposed a "literacy" standard which precludes inquiry into the intelligence of prospective jurors and that the use of the intelligence criteria here employed by the clerk and commissioner in the selection process destroys the uniformity intended by Congress, violates the statute, and results in an exclusion of an important segment of the community, precluded by the Sixth Amendment to the United States Constitution, and which voids defendant's conviction.

(1) The government disputes that intelligence may play no part in jury selection and points to the fact that until September 1, 1948 qualifications and exemptions of federal jurors were dependent upon the laws of the state where the federal district court sat and that nineteen states imposed qualifications of "intelligence, fair education".[3] In 1948, 28 U.S.C.A. §§ 1861 and 1864 were enacted. Except for disqualification for certain criminal convictions, § 1861 made every citizen meeting the age and residence requirements competent for jury duty provided that he was able to read, write, speak and "understand the English language", that he was not incapable to render efficient jury service because of mental or physical infirmities, and that he was not incompetent under state law. In 1957 Congress removed the provision requiring competency under state law from § 1861 as a part of civil rights legislation[4] designed to attain objectives not inconsistent with recognition that a reasonable level of intelligence is appropriate, if not a requisite, to the rendition of efficient service as a juror. And, that the goal of "efficient" service is an express objective of the statute is evidenced by its provision requiring rejection of persons incapable by reason of mental or physical infirmities of rendering "efficient jury service". Recognition that the statute envisions "efficient" service requires rejection of a conclusion that an intelligence level equated with mere literacy was intended to be imposed as a maximum standard to be employed by the clerk and the commissioner in the selection of persons pursuant to § 1864 whose names are to be placed in the box from which jurors are drawn.

(2) And this view of the statute not only is in accord with its express provisions but is in harmony with the observation in *Brown* v. *Allen*, 344 U.S. 443, 474, 73 S. Ct. 397, 416, 97 L.Ed. 469 that no due process infirmity invalidates a jury source which "reasonably reflects a cross-section of the population suitable in character and intelligence for that civic duty". And as was pointed out in *United States* v. *Dennis*, 2 Cir., 183 F. 2d 201, 220, the theory that a jury must be a "cross-section" of the community "must be taken with some reserves" and the statute "presupposes some winnowing of those called". The "cross-section" contemplated is not an absolute. Frequently such complete representation would be impossible. *Cf. Dow* v. *Carnegie-Illinois Steel Corporation*, 3 Cir., 224 F.2d 414, 423. But it does mean that prospective jurors shall be selected by court officials without the use of irrational or self-imposed standards.

(3) The record before us discloses that the criteria here employed by the clerk and the commissioner in selecting persons whose names were placed in the box are not in themselves unreasonable or violative of the letter or spirit of the statute. Their use did not constitute or result in arbitrary exclusion. Lack of a formal eighth grade education did serve to require closer scrutiny of the nature of the person's employment to ascertain if it indicated such responsibility, ability or experience as evidenced a similar degree of intelligence. And, it was only where relatively few names were needed that persons who had more formal education were likely to be preferred for selection. Sole reliance on a questionnaire is not the most ideal method for the selection of prospective jurors. But the criteria here employed in the selection were not only practical, under the circumstances,[5] but did serve to confirm the required ability to read, write, speak and understand the English language and indicate the existence of an intelligence level which certainly is not unreasonable[6] as a requirement for the selection of efficient jurors.

The facts here present no arbitrary exclusion of the nature condemned in *Smith* v. *Texas*, 311 U.S. 128, 61 S. Ct. 164, 85 L. Ed. 84; *Thiel* v. *Southern Pacific Co.*, 328 U.S. 217, 66 S. Ct. 984, 90 L. Ed. 1181; and *Ballard* v *United States*, 329 U.S. 187, 67 S. Ct. 261, 91 L. Ed 181, cited and relied upon by the defendant. Nor do the criteria employed have

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[1] The method employed to obtain these names is not in issue.

[2] The provisions of 28 U.S.C.A. §§ 1861 and 1864 here pertinent are:

§ 1861 "Any citizen of the United States who has attained the age of twenty-one years and who has resided for a period of one year within the judicial district, is competent to serve as a grand or petit juror unless—

"(1) He has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

"(2) He is unable to read, write, speak, and understand the English language.

"(3) He is incapable, by reason of mental or physical infirmities to render efficient jury service."

§ 1864 "The names of grand and petit jurors shall be publicly drawn from a box containing the names of not less than three hundred qualified persons at the time of each drawing.

"The jury box shall from time to time be refilled by the clerk of court, or his deputy, and a jury commissioner, appointed by the court.

* * * * *

"The jury commissioner and the clerk, or his deputy, shall alternately place one name in the jury box without reference to party affiliations, until the box shall contain at least 300 names or such larger number as the court determines."

[3] Report of the Committee on Juror Selection of the Judicial Conference of the United States (1942), pp. 33–35.

[4] The Civil Rights Act of 1957, 71 Stat. 634, 638.

[5] *Hoyt* v. *Florida*, No. 31 Oct. Tern 1961, 368 U.S. 57, 82 S.Ct. 159, 7 L Ed. 2d 118.

[6] *Cf. Hernandez* v. *Texas*, 347 U.S. 475, 478, 74 S. Ct. 667, 670, 98 L. Ed. 866. To "single out [a] class for different treatment not based on some reasonable classification" violates the guarantees of the Constitution.

the effect of excluding an important segment of the community here involved. The record shows that in such urban areas 82 percent of the adult population has at least an eighth grade education and 79 percent of male laborers meet this standard. And it is not contended, nor is there any evidence to indicate, that the criteria used were employed as a device or subterfuge to effect racial discrimination in the selection of prospective jurors or resulted in such discrimination—and exclusion expressly prohibited by 28 U.S.C.A. § 1863(c), and condemned in *Smith* v. *Texas*, supra.

(4) Defendant has no constitutional or statutory right that "ignorance" be represented in the jury box. We are of the opinion that the District Court did not err in its rulings rejecting the challenge to the array.

(5–8) We turn to consideration of the issues presented by defendant's motion to dismiss the information. Defendant's contention that the information does not state an offense to which 18 U.S.C.A. § 495 is applicable is without merit. The forgery of an endorsement on a government check is proscribed by § 495. *Prussian* v. *United States*, 282 U.S. 675, 679. 51 S. Ct. 223, 75 L. Ed. 610. The check involved in the instant case was in payment of a sum on account of disability resulting from injury incurred in the line of active military duty. By virtue of the express provisions of 38 U.S.C. (1952 Ed.) § 700 such payment on account of service-connected disability constituted "compensation" as distinguished from a "pension". 38 U.S.C. (1952 Ed.) § 128 [7] did not apply. § 128 was limited in application to "pension" checks. Cf. *DeMaurez* v. *Squier*, 9 Cir., 144 F. 2d 564, 565. And, contrary to the contentions of defendants, 18 U.S.C.A. § 471 does not embrace forged endorsements. *Prussian* v. *United States*, supra. We are not persuaded by defendant's argument that the statutes unconstitutionally afford the executive department a multiple choice of varying penalties for an identical offense or are unconstitutionally vague as applied to defendant. The District Court did not err in sustaining the information.

Messrs. Hugh Hafer and Richard M. Goldberg represented the defendant, without compensation, by court appointment. The Court appreciates their services and commends them for the efforts put forth in the conduct and presentation of the defense of the defendant.

The judgment order of the District Court is affirmed.

Affirmed.

Schnackenberg, Circuit Judge (concurring).

While I concur in Judge Castle's opinion in this case, I make an exception to that sentence which holds that defendant has no constitutional or statutory right that "ignorance" be represented in the jury box. I do not find that defendant has made any contention for "ignorance" in the jury box. He has directed his attack to the requirements of a literacy test, i.e., a formal eighth grade education. In this case we are concerned with an intelligence test which is measured, in part, by literacy. A lack of literacy denotes illiteracy, not ignorance. An illiterate person may be a wise person. 28 U.S.C.R. § 1861 does not disqualify as jurors persons because they are ignorant; it disqualifies them because they are illiterate, i.e., unable to read, write, and understand the English language.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. STENNIS. I was attracted to the statement of the Senator from Virginia with reference to ignorance being represented in the jury box. I wish to address a question to the Senator from Virginia as to the pending measure which we have been debating. What would be the situation if the pending bill should be passed? Would not ignorance be represented at the ballot box?

Mr. ROBERTSON. Of course, and the bill seeks—unconstitutionally, of course—to give a man a constitutional right to have ignorance represented at the ballot box. I cited the recent decision of the circuit court of appeals that a man has no constitutional right to have ignorance represented in the jury box.

Mr. STENNIS. I thank the Senator from Virginia for yielding to me. Furthermore, is it not true that in most States jurors are selected from a list of qualified electors?

Mr. ROBERTSON. Yes. The proposal for a sixth-grade qualification is supposed to help colored people, but 51.9 percent of the colored men in rural Virginia, who are 25 years old or above, have only a fourth-grade education or less. More than 100,000 colored people are qualified to vote in Virginia. This bill would disqualify more than one-half of the colored people of Virginia who are over 25 years of age and who do not have a sixth-grade education. They could be given the "works" on an intelligence test. So could they in all the other Southern States. It is alleged that this bill is to help them. I think if it goes through Congress, it will boomerang. I hope it will not become law, because it is absolutely unconstitutional.

UTILIZATION OF MANPOWER AND BALANCE-OF-PAYMENTS PROBLEMS

Mr. STENNIS. Mr. President, I want to address myself to two problems which are closely related—one being our unfavorable balance of payments and the other the question of the proper utilization of our military manpower.

The concern which the present administration has about our unfavorable balance of payments and the continued flow of our dollars to Europe is manifested by the apparently authoritative report that certain additional steps will be taken to stem the flow of dollars, including the recall of 40,000 noncombat troops and the rotation of other support forces, such as Army stevedores and maintenance men. It is my conviction that well-considered action along these lines would be beneficial in many ways and would result in the strengthening both of our military and our financial posture.

I do not advocate that we fail to live up to our commitments to NATO. We must and should continue to support it both with military forces and with military weapons and equipment. This is not the question. The real question is what is the best and most economical method by which this can be done.

One of the most important results of the recall of the 40,000 noncombat troops, in addition to improving our balance-of-payments position, would be to serve notice on our NATO allies that we are looking to them for a greater effort. The recalled noncombat troops could be replaced with civilians, some, if not most, of them Europeans. These troops upon their return to the United States can be utilized in the buildup of our regular forces to the 960,000 limit set for the end of fiscal year 1962. In this connection, it is well to remember that we had less than 860,000 in the Regular Army at the end of fiscal year 1961 and now plan to release approximately 145,000 reservists by the end of August of this year.

Let me make clear that I am not saying that, as a matter of fact, we are going to recall 40,000 noncombat troops. I am saying which, based on information I have, which I am certain is based on the facts, I believe that many can be safely withdrawn without decreasing our real strength in Europe one bit, that they are largely in logistic support categories, and that they should be withdrawn and their work done by others.

I think we will all agree that military men should not be kept in those jobs or spaces which can be filled by civilians, especially when two divisions of reservists are being sent home and we are building two additional regular divisions to bring us up to the strength of 16 Army divisions. By the same token, there is no point in drafting men for service when trained troops are available but are immobilized in essentially civilian functions.

I have long been concerned with the question of the proper utilization of military manpower, and I know that the administration shares this concern. Even before I read the report which I mentioned earlier, I had requested the Defense Department to furnish me, as chairman of the Preparedness Investigating Subcommittee, with information regarding military positions in the Department of Defense being considered for replacement by civilian personnel.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I ask unanimous consent that I may have an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, the Department of Defense replied that, although the complete information is not now available, serious studies are currently going on to identify those categories of military personnel which are suitable for conversion into civilian personnel authorizations. I am encouraged that the Defense Department is going into this matter in this detail, for it indicates that the very real problem presented is recognized in defense circles. Positions which are potentially suitable for replacement by civilian personnel are those in civilian-type skills, such as administrative, supply, maintenance, and medical, in noncombat units.

The problems involved, however, are not always susceptible of an easy solution. For example, there is the need to maintain in the United States what is known as a rotation base. This means that positions in the United States must be held open for military men who have been overseas, so that they may be reassigned and thus see their families and otherwise obtain a respite from oversea duty. In many cases, these spaces have been filled by military personnel back in the United States on rotation leave, although many of the positions could have been filled by civilians.

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[7] The offense was alleged to have been committed on or about May 31, 1957, and the references to §§ 128 and 700 are to those sections as they existed prior to the Act of September 2, 1958, Public Law 85–857, 72 Stat. 1105, revising and codifying the laws relating to veterans' benefits. 38 U.S.C.A. §§ 1 et seq., 101(13), 3502.

Other complicating factors are what the military describes as "military career development needs," which means the shifting of a soldier from one capacity or skill to another to increase versatility; cost factors; and, finally, the availability of qualified civilian replacements for positions in isolated or remote areas.

While I know that there are many problems involved, I am nevertheless convinced that action can be taken which will result in a more adequate utilization of our military manpower and, at the same time, will help alleviate the drain on our finances which has resulted from the flow of dollars to oversea areas.

Upon the question of manpower utilization, I am always perplexed by the admitted ability of other forces such as the Soviet and German Armies to obtain more combat troops from the numbers in their armies than we can. The Defense Department admits that this is so, but justifies it by pointing out that the Russians utilize fewer troops in support than we do because they are equipped to fight on their own continent. In addition, they estimate that the 150 divisions in the Soviet army are manned at from 25 to 85 percent of their authorized strength. It is also pointed out that the United States must be prepared to fight all over the world and, as a result, needs many more military men in supply, support, and logistic positions.

Another contention made by the Department of Defense is that the Soviets do not provide many of the services accepted as necessary in the U.S. Army because they place less emphasis on medical care, sanitation, adequacy and quality of food, military justice, personnel records, administration, and religious and recreational activities and facilities. While I heartily agree that the American fighting man is entitled to all of these services, I strongly urge that the studies now going on be continued vigorously and that they go into all of the questions and problems searchingly and thoroughly for the purpose of determining all positions which can be filled by civilians so that the maximum number of military men can be released to to combat positions.

Some idea of the amount of support hitherto employed for the U.S. forces in Europe may be gained from the fact that we reportedly now have 240,000 Army troops stationed there. Only about 70,000 of these are in the five U.S. divisions in Europe, according to reports. It is true that there are other nondivisional fighting units in the 7th Army, such as armored cavalry regiments and tank battalions, but some idea of the number of noncombat troops stationed in Europe can be obtained from the fact that 40,000 of such troops will be recalled. The exact breakdown on the figures is, of course, classified.

As I have said, there is no advocacy on my part that we shirk any of our obligations or commitments to our NATO allies. However, their contribution, on a relative basis, should be at least commensurate with ours. I can see no valid reason why they should not take over many of the support, supply, and logistic functions, both for their own troops and for the U.S. troops which are stationed in Europe. The result of this would be to free thousands of our men from noncombat duties, and the recall of these men to our own shores would contribute substantially in solving the financial problems resulting from our unfavorable balance of payments.

In conclusion, Mr. President, I strongly recommend and urge that the Department of Defense take immediate and positive action along the lines which I have discussed. Such action will have several important and beneficial effects. First, it will result in our NATO allies shouldering a more proportionate part of our common burden. Second, it will result in better utilization of our military manpower by freeing noncombat troops for combat duty. Third, and by no means least important, it will be of substantial benefit in stemming the continued flow of our dollars to Europe. These matters must and should be given the prompt attention which their importance demands and merits.

The Preparedness Investigating Subcommittee will continue its informal study on the highly important subject of the utilization of our manpower.

YOUTH CONSERVATION CORPS

Mr. HUMPHREY. Mr. President, I wish to call to the attention of the Senate an editorial which appeared in the Washington Post on April 28, entitled "Youth's Other Corps." The article refers to the proposal for a Youth Conservation Corps. The Youth Conservation Corps bill is on the Senate Calendar. It is S. 404, Calendar No. 959. It was my privilege to sponsor that proposed legislation, which has been reported from the Committee on Labor and Public Welfare. It would permit the organization of a youth corps within our country to do much the same work as is being done by the Peace Corps outside our country. I ask unanimous consent that the excellent editorial, explaining the purpose of the corps, be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Youth's Other Corps

The overwhelming bipartisan support in Congress for expanding the Peace Corps is the surest measure of the broad acceptance of an idea that was once regarded as a dangerous novelty. The applause for the Peace Corps ought to encourage Congress to approve the parallel proposal for a Youth Conservation Corps now sequestered in the House Rules Committee. This legislation would create a 12,000-member corps similar to the CCC of New Deal days and would give youngsters between the ages of 16 and 22 a chance to work in useful public projects such as reforestation at pay of $70 a month.

Comparable legislation before the Senate calls for a larger corps of 150,000 but once the House has approved its version a compromise can surely be worked out. One interesting provision of the House bill would also establish a hometown peace corps of 25,000 in which youngsters could work on local public projects, living at home and earning up to $20 a week.

Passage of the legislation would enable Congress to give thousands of American youngsters a chance to make a contribution to their community and country—to do something for others as well as themselves. We can think of few more appealing ways of providing an outlet for the energies of youth, especially of adolescents who may be restless, rootless, and jobless. While no corps can pretend to offer a cure to juvenile delinquency, the lack of affirmative programs for jobless youths is plainly part of the problem.

Significantly, the District Urban Service Corps has been a success in its first year of operation. This privately supported local program now has about 150 volunteer workers and will need four or five times as many to carry out its task of helping needy children. This small but useful corps has served as a pilot project and provides heartening proof that the desire to give is strong in a society where so much stress is placed on the delights of get.

NORTHWEST AIRLINES GRADUATES FIRST NEGRO STEWARDESS

Mr. HUMPHREY. Mr. President, I am pleased to be able to report that Northwest Airlines has graduated its first Negro stewardess, a Miss Leanora Bolden, of New Rochelle, N.Y. This past Monday Miss Bolden made her first flight as a stewardess on an Electra flying from the Twin Cities to Washington.

I wish to commend Northwest Airlines for its nondiscriminatory hiring practices. All too few airlines have accepted applications for such positions from members of the Negro race. I would hope that Northwest's hiring policy will encourage more airlines to drop the color barrier.

Secondly, may I take this opportunity to congratulate Miss Bolden and to wish her well in her new, exciting, and challenging position. From reading the newspaper article on Miss Bolden which appeared in Sunday's St. Paul Pioneer Press, I know she will do an outstanding job. I ask unanimous consent, Mr. President, that this article appear at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Airline's First Negro Wins Wings—New NWA Stewardess Makes History

(By Falsum Russell)

When Leanora Bolden, wearing the shiny new wings of a stewardess, emplanes Monday at the Minneapolis-St. Paul International Airport on an Electra bound for Washington, she will be making history of sorts.

Tall (5 feet 5 inches), slender (122 pounds), and 23, with a satin smooth skin and a lovely smile, Miss Bolden is the first Negro to be graduated as a Northwest Airlines stewardess and one of the few of her race in the Nation to hold such a position.

But the responsibility does not weigh heavily on the well-shaped shoulders of Le, as she is known to her friends.

"I have no feelings about being the first," she said as she sat in the bedroom of the apartment at 7700 Bloomington Avenue, Richfield, she shared with five other girls during their training course. "I can only do my best, just as I have tried to do in most jobs."

FRIENDS HAPPY

Then she added: "Most of my friends are happy to see that a qualified person can get in."

Miss Bolden has had other jobs—as a nurse secretary in a clinic in New Rochelle, N.Y., which she calls her hometown although she was born in New York City, and as a tracer in an adjustment department in a Washington department store. She also has completed 2 years of college work at various schools, including Howard University.

"Actually I wanted to be a history teacher, but I had financial problems," she confided. "I applied for the stewardess job the same time I applied for the one at the department store. But at that time I was too fat to be a stewardess. I weighed 140 pounds. I was told to write when I lost some weight."

Miss Bolden stopped eating sweets and between-meal snacks, lost weight—she now wears a size 7 or 9 dress—and was accepted in the stewardess training program.

As she was talking, a happy, tousle-haired girl in Capri pants popped into the room She kicked up a leg and announced, "I'm going to Miami."

She was Sandi Smyles, 24, Washington, who with Le and 24 other stewardess trainees received their diplomas the same day. The Miami flight was her first assignment.

Le introduced her as one of her roommates.

"We're an international lot," Le said. "Sandi and I are the only ones still living in this apartment. But there was Peggy Chew—she's Chinese—from San Francisco and Jean Nakomoto, she's Japanese, from Los Angeles. They have moved to another apartment in Minneapolis.

"Then there was Marilyn Jernigan from San Francisco. She's in the living room. And Roberta Mueller a Canadian. They have an apartment in St. Paul."

"We had a wonderful time," put in Sandi. "We'd sit around eating rice with chopsticks. Pink rice. Jeanie's folks sent it. And Peggy would make barbecued ribs, Chinese type. I made most of the evening meals, but all of the girls can cook."

Just then Peggy and Jean walked in, joining Le, Sandi, and a half dozen of their neighbors, also newly graduated stewardesses, discussing Sandi's first assignment and flights they hope to get.

Le stepped outside to pose for a photographer.

"Doesn't she look terrific in her uniform?" one of the girls remarked.

It was obvious why no one disagreed.

Mr. KEATING. Mr. President, will the Senator yield briefly?

Mr. HUMPHREY. I yield.

Mr. KEATING. I join in congratulating Miss Bolden, one of my constituents, and Northwest Airlines for the forward-looking action which the airline has taken. I appreciate my colleague from Minnesota calling attention to it. I wish Miss Bolden, who has a fine record in the past, the greatest success in the new work which she has undertaken.

Mr. HUMPHREY. I thank the Senator. I know Miss Bolden will be pleased that her Senator had made those comments and commended her. She surely deserves it.

SAFE STORAGE OF GOVERNMENT RECORDS BY MICROFILM

Mr. HUMPHREY. Mr. President, nuclear attack is one of the most depressing subjects to consider. But the merest possibility of such an attack compels us to think about the need for prompt post-disaster recovery.

The microfilm industry has been doing a good deal of thinking about one of the problems involved—the safe storage of our vast Government records and their quick retrieval.

The industry's progress was vividly demonstrated by exhibits a few weeks ago at a meeting of the National Microfilm Association in Washington. It was also described in an address by Dr. Charles W. Walton, vice president and director of research for Minnesota Mining & Manufacturing Co.

I ask unanimous consent that excerpts of Dr. Walton's speech before the association be printed in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE ADDRESS BY DR. WALTON

I don't think there can be any doubt in anyone's mind about why we're here today for a national conference on microfilm. The industry is booming. Part of the reason for this is that the industry, which was relatively static for several years, has made the use of microfilm as practical as a pin. Potential microfilm applications jammed up like logs in a river; now the floodgates have been opened through microfilm systems development and the industry is starting to catch up with the need.

We can handily take a small amount of information, file it, and retrieve it almost at will. With a little more information, we might get by with an extra filing cabinet and some additional help. But when literally tons of information of all sorts get dumped into the hopper day by day with frightening regularity then we have problems.

If we are to continue to prosper, our children must learn faster; our industrial facilities must produce faster and our scientists must be able to create faster.

No longer is there time to labor over volumes of indexes and cross indexes. Mankind will no longer stand still while we read the footnotes of technology to find the key to progress. The indexes must be spelled out, simplified, so that everyone can understand it, everyone can find it, and everyone can use it.

And they must be able to use it instantaneously. This is the great challenge facing the microfilm industry today. We can take heart in a grassroots approach which has been started to solve this problem.

After more than a century, mankind is now taking another look at the use of microfilm in the library. Here is one of the important areas where standardization must begin.

Whether the student is in a branch library, a main library, a college, a high school, or a farflung missile complex, he should feel at home in his search for knowledge. The tools at hand should be familiar to him. The techniques should be second nature. And he should be able to seek and find information without having to consult a handbook on how to operate the piece of hardware in front of him. It should be as easy as turning the pages of a book.

What we need in our research libraries and our public libraries is a system in which information can be searched, retrieved, and transmitted widely to distant points by all the devices available to us including closed circuit television.

What the public needs is a way to have one library serve its city branches, its county outlets and even rural branches—from a central location—using one system with all its components standardized.

What the city, county, rural, and State libraries develop may form the key to the future and the solution to the problems besetting us. Our greatest growth in this already burgeoning industry lies in coordinated information centers which have the proper, standardized methods of storing and retrieving information—at the speed required today. This can be a significant achievement.

Mankind's instinct for security and survival might be called the motivation which has brought the microfilm industry to where it is today.

There is not only the desire—but also the need—to have our vital records, our engineering drawings, and our history microfilmed and stored in a cave. This many have done, but it means the job is only half finished.

If we are to protect ourselves against disasters of all types, we must anticipate our needs more realistically.

Our engineers may need drawings to rebuild our plants, to repair machinery, to get public utilities working and to put us back into business.

We may need copies of the flow charts, the schematic diagrams and the chemists' notebooks. This places before us a matter of significance to everyone who manufactures, markets or makes use of microfilm.

We must stockpile for the future. We must make certain the essential supplies are on hand to take care of any emergency. Having the film stored in a cave is not enough. We must have with it the equipment and the supplies in sufficient quantities and of the right kind.

These then are the challenges we face, and since all things are relative, for each challenge and each solution there is great opportunity.

There is the opportunity for a better educated mankind because we can speed the development of special skills. We can build faster and better because we can speed the transmittal of data and through standardization we can make that information available to mankind everywhere.

We can help insure the continuation of civilization because microfilm was meant to endure and, in turn, will help mankind endure.

I know you have the tools, the inventiveness and the drive to face these challenges. If you do and you are successful, we may well conclude that the future of the free world will be on microfilm.

DEMOCRATIC CLUBS OF VIRGIN ISLANDS COMMEND CYRIL E. KING

Mr. HUMPHREY. Mr. President, it is a matter of great pleasure for me to invite the attention of Senators to resolutions which were recently adopted by Democratic clubs in the Virgin Islands in commendation of Cyril E. King, Government Secretary of the Virgin Islands and formerly a member of my staff here in Washington. The resolutions speak for themselves and they attest to the qualities of leadership, integrity, and devotion to the commonweal which Mr. King possesses.

I ask unanimous consent that the three resolutions be printed at this point in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION COMMENDING GOVERNMENT SECRETARY CYRIL E. KING AS AN OUTSTANDING DEMOCRAT AND LOYAL PUBLIC SERVANT, BY CHRISTIANSTED DEMOCRATIC CLUB

"Whereas the Honorable Cyril E. King, a native-born Virgin Islander, was appointed by the President of the United States, John F. Kennedy, as Government Secretary for the Virgin Islands on May 5, 1961; and

"Whereas, since assuming the position, Government Secretary King has earned the deep respect, admiration, and commendation of the members of the Christiansted Democratic Club for his constant endeavor to unify all Democrats, for the genuine qualities he has exemplified as a Democrat, and especially as a public servant, as well as for his close cooperation with said club: Now, therefore, be it

"*Resolved,* That the president, vice president, and secretary attest the adoption hereof and that copies of same be thereafter transmitted to the President of the United States, to the Secretary of the Interior, to the chairman of the Senate and House Committees on Interior and Insular Affairs, to Senator HUBERT H. HUMPHREY, to the chairman of the Insular Committee of the Democratic Party of the Virgin Islands, to the chairman of the Virgin Islands Senate, to the Governor of the Virgin Islands, and to the Government Secretary for the Virgin Islands."

Done before me in the city of Christiansted, St. Croix, Virgin Islands of the United States, this 12th day of March, A.D. 1961.

AUBREY A. ANDUZER,
President.

Attest:

HELIS A. FRANCES,
Vice President.
CALIN D. BURKE,
Secretary.

RESOLUTION HONORING THE HONORABLE CYRIL E. KING, BY THE DEMOCRATIC CLUB OF ST. JOHN

Whereas Cyril E. King, on May 5, 1961, assumed the burdens and responsibilities of the Government secretaryship of the Virgin Islands; and

Whereas his dedication to the duties of this great trust has been outstanding, his forcefulness in the execution of his office has been extraordinary; and

Whereas his dynamic leadership and performance has reflected to the honor and credit of the Virgin Islands community; and

Whereas Cyril E. King has an outstanding record as a dedicated, conscientious, hardworking Democrat, who never fails to attend the regular monthly Democratic meetings, thereby strengthening and inspiring the clubs in the Virgin Islands; and

Whereas it is the desire of the Democratic Club of St. John that fitting and proper recognition be given to the faithful, dedicated, unselfish service of Cyril E. King; Now, therefore, be it

Resolved, and it is hereby resolved by the Democratic Club of St. John, That expressing our admiration for his example, we hereby record due recognition and appreciation for the outstanding contributions and stimulation rendered the Democratic Clubs of the Virgin Islands, cite and commend Government Secretary Cyril E. King; and it is further

Resolved, That a framed copy of this citation be presented to the Honorable Cyril E. King by the President of the St. John Democratic Club at an appropriate ceremony and that copies of this resolution be forwarded to the President of the United States; Secretary of the Interior; Senator Hubert H. Humphrey, Gov. Ralph M. Patiwonsky, Governor of the Virgin Islands; John M. Bailey, Chairman, Democratic National Committee, and Senator Joseph Alexander, State Chairman, Democratic Insular Committee.

———— ————,
President.

Attest:

———— ————,
Secretary.

RESOLUTION COMMENDING GOVERNMENT SECRETARY CYRIL E. KING AS AN OUTSTANDING DEMOCRATIC AND LOYAL PUBLIC SERVANT, BY THE ST. THOMAS DEMOCRATIC CLUB

Whereas the Honorable Cyril E. King was appointed by the President of the United States, John F. Kennedy, as Government Secretary for the Virgin Islands on May 5, 1961; and

Whereas since assuming the position Mr. King has displayed unselfish devotion, energy, sincerity, and efficiency to the task of working for the welfare of the people of these Virgin Islands; and

Whereas Government Secretary King has earned the deep respect, admiration, and commendation of the members of the St. Thomas Democratic Club for his regular attendance at meetings, for the qualities he has exemplified as a Democrat and especially as a public servant, as well as for his close cooperation with said club: Now, therefore, be it

Resolved and it is hereby resolved, That we, the members of the St. Thomas Democratic Club, assembled in regular meeting on Wednesday, March 7, 1962, hereby commend Government Secretary King as an outstanding, loyal, and efficient Democrat who always upholds the ideals and principles of the Democratic Party; and be it further

Resolved, That the President, Vice President, and the Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the Secretary of the Interior, to the Chairman of the Senate and House Committees on Interior and Insular Affairs, to Senator HUBERT H. HUMPHREY, to the Chairman of the Democratic National Committee, to the Governor of the Virgin Islands, to the Chairman of the Insular Committee of the Democratic Party and to the Government Secretary for the Virgin Islands.

Done before me in the city of Charlotte Amalie, St. Thomas, Virgin Islands of the United States, this 7th day of March, A.D. 1962.

———— ————,
President.

Attest:

———— ————,
Vice President.
———— ————,
Secretary.

COMMEMORATION OF THE POLISH CONSTITUTION

Mr. HUMPHREY. Mr. President, this week we commemorate the 171st anniversary of the establishment of the Polish Constitution. This event, which took place in 1791, will always remain a landmark in history to all freedom-loving people.

With a strong, effective government, made possible by the new Constitution, Poland could carry out progressive reforms, build up its army, and stave off the onslaughts of those overbearing neighbors who partitioned it in 1772.

The Poles hoped and prayed that these mighty neighbors would stay away long enough for Poland to put into practice the revolutionary reforms outlined in its Constitution, and to strengthen its military forces. Their hopes and prayers were not realized. The war between Russia and the Turks came to an end, so Catherine the Great began to look with wary eye at the constitutional developments in Poland, and with greedy eye at Poland's eastern provinces.

Russia attacked. Prussia's promise to Poland of friendship and protection was not kept. Thaddeus Kosciuszko, courageous champion of American independence, helped lead the Polish Army against overwhelming odds to win three crucial battles. But they could not halt the Russian columns. Russia finally conquered.

Since that time, the Polish people have taken up arms again and again to combat their oppressors, with varying degrees of success. In 1920, the Polish Army successfully repelled a Russian Bolshevik invasion. This victory saved not only Poland from Communist domination, but probably much of war-weary Western Europe as well.

During the brief respite of peace between the two World Wars, Poland flourished as never before. Agriculture, industry, social welfare, and education progressed by leaps and bounds.

But peace and prosperity did not last. In 1939, the Red army invaded Poland again. This time, the Soviet Communists won. Not content with mere conquest, the Russians followed up by wrenching over one and a half million people from their homes in Poland, and deporting them to Siberian forced labor camps or elsewhere in the vast Russian hinterland. Approximately 14,000 Polish officers were brutally slain in what has come to be known as the Katyn massacre.

Throughout World War II, the Poles fought tooth and nail against the Nazis, with a remarkable degree of success. The Polish underground cooperated fully with the Red army in ousting Nazi troops from Polish soil. What did they get for their cooperation? More Soviet deportation and extermination.

From that time to the present, the Communists have unceasingly attempted to enslave the Polish people, in body and in mind. Their methods are sometimes subtle, sometimes brutal, often effective. But I cannot believe that a people which has fought during its entire history so valiantly, so desperately against foreign domination, will ever succumb completely to the will of Communist tyranny.

And so today I join with all men everywhere who are rightfully proud of their Polish heritage, in commemorating the establishment of the Polish Constitution. May the long-oppressed populace now living in Poland soon regain their hard-sought freedom, so that they may fulfill the noble destiny which their constitution foretells.

Mr. ENGLE. Mr. President, yesterday, May 3, marked the 171st anniversary of Poland's great Constitution of 1791, the country's first democratic document.

Each year we in the U.S. Congress take special note of Polish Constitution Day. But each year, as the cold war intensifies and our own liberties become more precious to us, this salute to the captive people of Poland takes on greater meaning.

In the State of California we have many fine men and women of Polish heritage who observed this day in open meetings. Not so their compatriots in Poland. There their celebrations took place in the privacy of their thoughts. But by that mute recognition they have added one more layer to the substance that will one day make of them free men and women. We know that the spirit of liberty still lives in the people of Poland. If history has any meaning at all, that spirit will in time reap its reward.

PUBLIC STRONG FOR FREEDOM ACADEMY ACCORDING TO GALLUP

Mr. MUNDT. Mr. President, the nationally famous Gallup poll has just completed a nationwide sampling of public opinion concerning the Freedom Academy bill, which I have been privileged to sponsor in the Senate with Senators DOUGLAS, CASE of New Jersey, DODD, SMATHERS, GOLDWATER, PROXMIRE, FONG, BUTLER, HICKENLOOPER, MILLER, and KEATING.

According to the Gallup poll 7 out 10 Americans favor the establishment of this training, research, and development institution, which would have as its primary mission the training of Government personnel and private citizens in cold war strategy. The Gallup poll confirms the long-held conviction of those of us in the Senate and the House, who have sponsored the Freedom Academy bill, that the American people are earnest in their desire to do more in the cold war struggle with Sino-Soviet communism.

Mr. President, I ask unanimous consent that the news release from the American Institute of Public Opinion, reporting the results of the poll, be printed at this point in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

PUBLIC BACKS FREEDOM ACADEMY TO TRAIN COLD WAR STRATEGISTS

(By George Gallup)

PRINCETON, N.J., May 3.—The establishment of a Freedom Academy to train Government personnel and private citizens in cold war strategy would have great appeal to the American people.

Such an Academy—which would be the U.S. counterpart of Russian political warfare schools already in existence—is seen by Americans as answering a definite need in the presently ideological struggle between communism and democracy.

Plans for the Freedom Academy are called for in a bill, under the leadership of Senator KARL MUNDT, of South Dakota, now being considered by committees of both the Senate and the House.

Emphasizing what he felt to be the need for the Academy in a recent speech at a Princeton University conference on international communications, Senator MUNDT said:

"In the theater of the cold war, we still operate with far too many amateurs who have the desire to win but who completely lack the needed training and background with which to succeed."

MUNDT said that while we are training military people for the hot war that we are not fighting, we are failing to train people to operate in the cold war conflict in which we are presently engaged.

To see how people across the Nation react to the idea of the proposed Freedom Academy, Gallup poll reporters asked a cross section of adults this question:

"A proposal now before Congress would establish a special Academy to train men in cold war strategy and to give them a better understanding of Communist propaganda and political warfare methods. Would you favor or oppose establishing such an Academy?"

The results from interviews with citizens in big cities, towns, villages, and rural areas in all major regions of the Nation:

	Percent
Favor	69
Oppose	14
No opinion	17

BIPARTISAN BACKING

The proposed cold war training school—which is sponsored by 12 Senators from both political parties—also meets with bipartisan approval at the grassroots level.

Roughly the same size majorities of Republicans (68 percent), Democrats (70 percent), and Independents (71 percent) favor establishing an Academy to train people in propaganda warfare.

Linked to the majority support is recognition that the United States is sometimes lacking in what MUNDT has called "cold war know-how" in fighting a shrewd adversary who has made such political warfare a specialty.

The minority who oppose the Freedom Academy proposal, however, do so chiefly because they feel our present training facilities are adequate.

PUBLIC HAS LONG BACKED GREATER EFFORT

The present findings are but further evidence of a public desire to do more in a struggle which many citizens admit we are currently losing.

Since World II, the public has favored various measures designed to sell the U.S. point of view to the world. A teacher exchange program, U.S.-sponsored universities in Africa and Asia, the Peace Corps—to cite but a few examples—have all had the backing of public opinion in Gallup poll surveys.

The public, moreover, has been willing to spend the money needed to get such projects underway. A little over a year ago, for example, two out of three persons favored the U.S. spending as much money for propaganda purposes as the Russians do—or an estimated 20 times as much as we do now on our U.S. Information Agency.

In back of this willingness is the concession—recorded earlier this year—that Russia is now ahead of us in the propaganda war—that is, doing the better job of winning people around the world to its point of view.

Mr. MUNDT. Mr. President, today Senator DOUGLAS and I have issued a joint statement, expressing our gratification with the Gallup poll's result. I am confident that our statement accurately speaks the feelings of the 19 Members of the Senate and the House, who have sponsored the Freedom Academy legislation in the 87th Congress. I ask unanimous consent that this joint statement be printed in the RECORD at this point.

There being no objection, the joint statement was ordered to be printed in the RECORD, as follows:

GALLUP POLL SHOWS STRONG SUPPORT FOR FREEDOM ACADEMY

Following is a joint statement by Senators KARL E. MUNDT, Republican, of South Dakota, and PAUL DOUGLAS, Democrat, of Illinois, original cosponsors of S. 822, the Freedom Academy bill. The statement concerns a Gallup poll showing public support for the Freedom Academy. The poll is to be made public May 4. The poll indicated 69 percent favored, 14 percent opposed and 17 percent were of no opinion on establishing a Freedom Academy.

Other cosponsors are: Senator CLIFFORD CASE (Republican, of New Jersey), THOMAS DODD (Democrat, of Connecticut), GEORGE SMATHERS (Democrat of Florida), BARRY GOLDWATER (Republican of Arizona), WILLIAM PROXMIRE (Democrat of Wisconsin), HIRAM FONG (Republican of Hawaii), JOHN MARSHALL BUTLER (Republican of Maryland), BOURKE HICKENLOOPER (Republican of Iowa), JACK MILLER (Republican of Iowa), and KENNETH KEATING (Republican of New York.

The statement by Mr. MUNDT and Mr. DOUGLAS:

"It is most gratifying to learn of the strong public response which has been evidenced for the Freedom Academy proposal. The recent poll taken by Mr. George Gallup, director of the American Institute of Public Opinion, demonstrates that the American people are ready and willing to do more in the cold war struggle against communism and that the Freedom Academy should become an essential part of our cold war apparatus.

"We know that our colleagues who have joined with us as cosponsors of this measure share our concern in recognizing that in the area of psychological and political warfare, our side—the free world—has been woefully inadequate in meeting the onslaughts of the Communists.

"This inadequacy, it should be added, does not come from a lack of will or a desire to pursue difficult courses of action but rather from the fact that our adversaries long ago recognized the necessity of training strategists in the field of nonmilitary conflict and established training schools which have for a number of years been turning out cadres of highly skilled political warfare specialists.

"We were interested to note that the Gallup poll reporters found the very slim opposition to the Freedom Academy was, in the main, based on a belief that our present training facilities are adequate. We find this, especially, interesting because it is the same argument that has been advanced by the State Department for the past 3 years, but which the Department to date has been totally unable to support with factual data.

"This unsubstantiated confidence in our existing cold war training facilities has not been shared by many distinguished and authoritative observers, including the members of the Sprague Committee,[1] who made thorough review of our foreign information program at the request of President Eisenhower. In its December, 1960, report to the President, the Sprague Committee recommended, 'that consideration be given to the establishment of a National Security Institute, which among other things would provide concentrated exposure to and study of Communist ideology, techniques, and operations as well as our total governmental informational resources and how best to orchestrate and use them.'

"Additional evidence of the growing concern among informed individuals with our lack of cold war know-how was demonstrated again only Wednesday with the release of a report by the Special Consultative Committee on Security of the Organization of American States. This Committee has concluded that ignorance of the real purposes, foreign allegiance, and deceitful tactics of the Communists has been a major reason for ineffective counteraction by the free world.

"It is our sincere hope that the Senate Foreign Relations Committee will schedule, at the earliest possible date, hearings on S. 822 so that this vital, needed measure can be given the full study and review required by the Committee. We are confident that once these hearings are held, additional support will be given to this proposal, and the membership of the Senate will desire speedy enactment of S. 822."

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[1] This committee, under the chairmanship of Mansfield D. Sprague, included George V. Allen, Allen W. Dulles, Gordon Gray, Karl G. Harr, Jr., John W. Irwin II, C. D. Jackson, Livingston T. Merchant, and Philip D. Reed.

Mr. MUNDT. Mr. President, recently I was privileged to participate with a distinguished body of scholars and information experts, who assembled at Princeton University for a conference on the problems of international communication. I took this opportunity to discuss the critical and ever-widening lead which the Sino-Soviet combine holds over the free world in the highly specialized knowledge and methodology of psychopolitical warfare. To close this know-how gap in the protracted struggle of the cold war I recommended the establishment of the Freedom Academy, as proposed in S. 822, and I am pleased to report that there was a most heartening response to this recommendation from the distinguished participants at this conference.

I ask unanimous consent that the full text of my remarks before the Princeton University Conference on International Communication be printed at this point in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

An Address by Senator Karl E. Mundt, of South Dakota, Before the Princeton Conference on International Communication

I want to first express my deep appreciation and gratitude to John Whitton and all of the fine people who have played a part in arranging this inspiring conference. I consider your invitation to address this conference a high honor and a great privilege, and I earnestly hope that my remarks may contribute at least a scintilla of value to the overall work which you are doing here.

I can think of no single issue, to which the future growth and preservation of free and democratic societies is more inextricably tied than "the problem of international communication," which has been so wisely chosen as the subject for analysis and discussion at this conference. And how fitting it is that a symposium on international communication should be held at Princeton University, the academic home of my beloved former colleague, Alex Smith, who throughout his public and private life has done so much to develop awareness and comprehension of the important role of international communication in the never-ending quest for man's ultimate goal of world peace.

I trust that in this conference we will not limit our discussion and deliberation to those forms of exchange between people most commonly defined as communications, such as newspaper and magazine distribution and radio and television transmission—but will instead give to this term the greatest breadth so as to encompass all exchange among people and nations, including diplomatic, economic, cultural, scientific, technical and commercial intercourse.

Along with Princeton's distinguished son, Alex Smith, I have been vitally interested in this complex and fascinating problem of international communication for a period spanning two decades. Immediately following the close of World War II when we realized that we were leaving a hot war only to enter a cold war, many of us recognized the importance of fashioning programs to effectively meet the nonmilitary challenge confronting us. It was out of this era that the Smith-Mundt Act emerged, authorizing a program of expanded informational activity along with a grouping of selective programs for educational, cultural, scientific and technical exchange among nations. In short the Smith-Mundt Act operating in conjunction with the Fulbright Act became in reality the bedrock on which we have built the vast majority of our educational, cultural and scientific exchange programs, our technical assistance programs, and our foreign informational activities.

This broad-based authority has now been on the statute books for 14 years, and I think it is fair to state that, in the main, this mix of programs has recorded manifold achievements in the development of greater understanding among people. The Smith-Mundt programs have been praised by many and sternly criticized by some; they have been advanced by superior administration and they have been, on occasion, hampered by mediocre and unimaginative direction; but on the whole I earnestly believe that the Smith-Mundt Act has contributed to the strength of the Free World.

However, I would not be honest if I told you that the Smith-Mundt Act has achieved all that I had hope for at the time of its adoption. There still is much to be done and there remains vast room for improvement across the entire spectrum of our efforts and activities in international communication. In keeping with our grand heritage we must get on with the business at hand. Faced by an alien force which seeks our total destruction, we have no choice but to improve those programs upon which our very survival depends.

I should like, therefore, to briefly discuss two separate proposals which seem to me to offer some realistic hope for the improvement and advancement of all of the interrelated activities and functions which combine to make up our program of international communications.

These proposals are: (1) The consolidation of all the foreign cultural, educational, and information programs into a single agency, having structural rank commensurate with its responsibilities; and (2) the creation of a new agency in the Federal Government to research, develop, and project an integrated, operational science concerned with the nonmilitary sector of the struggle between freedom and communism and to train Government personnel, private citizens, and foreign students in this science.

A detailed discussion of either of these proposals could occupy the time on an entire conference, so I shall limit my remarks to the highlights of each plan.

Turning now to my first proposal, let me say that I have not reduced this idea to a specific and concrete legislative draft, but I have on two or three occasions presented the idea to knowledgeable groups and it has met with a rather favorable response. In late 1959 I conveyed this general idea to Dr. Mark May, Chairman of the U.S. Advisory Commission on Information, for his consideration. With his customary diligence Dr. May brought the idea to the attention of his Commission, which at that time included Erwin D. Canham, Sigurd S. Larmon, Philip D. Reed and Lewis W. Douglas, with the deeply gratifying result that the Commission included this proposal among the recommendations contained in its 15th annual report to Congress. The recommendation was reiterated in the Commission's 16th Annual Report, and so to that extent it has some status.

On the matter of consolidating our foreign exchange and information programs, which are operating functions of government, the Commission's 15th Annual Report had this to say:

"To meet the competitive ideological and propaganda challenge of the future, the time has come for the United States to consolidate all the foreign cultural, educational, and information programs in one agency of Cabinet status. The purpose is to insure maximum coordination and unified direction of the total U.S. communications effort.

"Although U.S. foreign information, education and cultural programs have shown much improvement, their impact, from a total communications point of view, remains difficult to discern when the U.S. information and education program is evaluated, country by country. Consolidation of all U.S. foreign communications in one agency will result in more unified and comprehensive planning, more economical use of what are essentially scarce resources, and a cumulative impact that will be more apparent. Previous bureaucratic divisions and differences should now be subordinated to the common purpose of achieving mutual understanding between the people of the United States and the people of other countries, in this most critical area of international communications.

"Communications techniques in reaching foreign audiences are essentially similar Combining the diverse cultural, information and educational programs will give belated recognition to this fact. It will enable the United States to enter into the competitive communications struggle in 1960 with a strengthened capability tested and matured by its past experiments and experiences.

"The Commission believes * * * that the essential task is to marshal and organize resources more effectively and to release creative ideas and energies that will be required in the long contest that looms ahead. If the ideas of freedom are to prevail they must be mobilized, organized, and communicated to the people of the world."

So spoke the Advisory Commission on Information in 1960.

I shall be frank to say that my own attitudes on this matter have changed over the years. For instance, I was once very much opposed to the idea of moving the USIA out of the Department of State, where it was intermixed with a variety of noncommunications functions, because I thought we would lose something in the way of coordinating of policy. Now I do not feel that these fears have been justified by developments. Based on the USIA experience I am convinced that we can split off operating functions from the Department of State and relocate them outside the Department without doing violence to the State Department's primacy in the area of foreign policy development and enunciation.

Many of you here are familiar, I am sure, with the findings made by the distinguished membership of the Draper Committee, who were appointed by President Eisenhower to make a review of the foreign economic assistance program. This outstanding group concluded that the "operational aspects" of the economic assistance program would be strengthened and improved by their relocation outside the Department of State, which by tradition has been a policy formulating agency. The Draper Committee concluded that a separate operating agency is more likely to generate "high vitality" and a "sense of urgency" that is required and is also more likely to achieve "a vigorous, imaginative program and effective administration of the tasks involved." These arguments, I believe, apply with equal force to our foreign educational, cultural, and information programs, in which action is the key word.

A goodly number of experts have expressed the thought that our State Department is just too big and too cumbersome to do an effective job of policy formulation in the crises-ridden times in which we live. It is criticized for being a papermill and an administrative monstrosity. I do not know whether its rather obvious deficiencies can be attributed to the mere presence of too many people, but I do sincerely believe that a portion of the problem stems from the fact that the Department is presently responsible for too many operating functions with the result that its capacity to deal with the mainstream function of policymaking is diffused and diluted. In this hybrid climate both operations and policy suffer.

If our foreign educational, cultural, and information programs were to be consolidated into a single operating agency, it would mean that certain operating functions would be withdrawn from the Department of State. Interestingly enough, the interrelated programs of educational and cultural exchange and information are often consolidated under one head in the field, the public affairs officer, and it is only in Washington, at the administrative center that we insist on keeping these complementing tools in separate tool chests. I shall take no more of your time on this proposal, but shall merely commend it to your attention with the closing thought that by merging these operating functions in a single agency outside the Department of State we can strengthen both our policymaking and our operating capabilities in the field of international affairs.

Let us move on to my second recommendation for the improvement of our overall efforts in the field of international communications—the establishment of a research, development and training agency assigned the mission of preparing government personnel and private citizens for effective participation in the cold war.

In the beginning I want to emphasize, so that there will be no misunderstanding, that this new agency which I am recommending is not an operating agency, it would not, if created, encroach on the jurisdiction of the State Department, the Central Intelligence Agency, the U.S. Information Agency or any other existing department of government—its role would be strictly limited to research, development, and training in the field of cold war know-how.

In the proposed statement of purpose for this conference, John Whitten, very eloquently described the growth and importance of psychological warfare in the protracted struggle between the Communist and the non-Communist worlds. In speaking of this new-dimensional warfare, he stated with consummate validity, that, "No country in the world has been more alive to its potentialities than Soviet Russia."

Although there is a growing appreciation of this fact, still not enough recognition is being given either inside or outside the government to the highly sophisticated research, development and training program in conflict technique and management which has been moving at an ever more intensive pace in the Soviet Union for the past 40 years. According to our top Soviet authorities, Lenin established the first three Communist-operated political warfare schools in Western Europe even before 1917. We have yet to create our first training institution devoted solely to this important task.

My friends, can you envision the immense public furor which would erupt if someone reported that we had not yet established our first research and production facilities for a nuclear weapons system, with which to fight in the eventuality of a hot war? I dare say that the public indignation generated by such a report would manifest itself in a demonstration which by comparison would make Coxey's army look like a gathering of the local Dickens Club. Yet there is no conjecture or eventuality concerning our presence in a cold war—we are in a cold war and have been in one for the past 15 years—and we still have not created the basic facilities for producing the weapons systems required to fight this nonmilitary contest. For in the cold war our major striking power is ideas with highly skilled and well-trained men to implement them. When, I ask, are we going to begin to close the widening gap in the training of cold war combatants?

Our urgent need is not only for individuals trained and skilled in the manifold and demanding disciplines of psycho-political warfare; we also need ideas—a grand battle plan if you will—for these soldiers of peace and freedom to execute.

Some will say, I am certain, that what I am proposing is that we emulate the tactics of the Soviets—that we master the arts of coups d'etat, blackmail, insurrection, and diplomatic deceit. I am suggesting no such thing, for to do that would be to make a mockery of the free institutions which we are seeking to preserve. What I am suggesting is that we act upon our recognition that we are engaged in a war of new dimensions and that we develop the forms, the techniques, the skills—all consistent with our national traditions—which are required to wage and win this nonmilitary contest.

To thóse who say that the preparation of our people in the skills and arts of psycho-political warfare is nothing more than a mocking of the Communists, I can only reply—and I hope you will excuse my inelegance—that to do otherwise makes about as much sense as training at the ping-pong table for a forthcoming football game with the Green Bay Packers.

When we speak of developing a greater capacity to meet the Communists in the area short of hot war, what must be done? What are the requirements for preparing a pluralistic society to meet the Communist cold war attack on a global basis? In a briefing paper presented to the White House early last year we listed five basic requirements needed to develop the full capacity of our society to engage in these new dimensions of conflict. They can be briefly stated and I would like to present them for your consideration because they rather neatly delineate the mission which we envision for this proposed research, development, and training agency.

Requirement No. I: The public must have greater understanding of communism, especially Communist conflict technique, and the nature of the global struggle. This is necessary to maintain the will to victory and to overcome apathy in a long and tedious struggle. It is necessary if the public is to support wholeheartedly the difficult and often distasteful things we must do in the coming years. In a free society, policy, to be effective, must have support. A widening fissure between public knowledge and policy can spell disaster. For defensive purposes alone this knowledge is essential, if public opinion is not to be confused and manipulated by the deceptions and blandishments of skilled propagandists who understand us and our desire to be left alone too well.

Requirement No. II: The private sector must know how it can participate in the global struggle in a sustained and systematic manner. There exists in the private sector a huge reservoir of talent, ingenuity, and strength which can be developed and brought to bear in helping solve our cold war problems. A wide range of interrelated programs can be implemented, if certain preconditions are met. Whether these things are done or not done can be the difference between victory and defeat in a close contest in which the enemy has mobilized his entire society to win the cold war, as well as to prepare for hot war.

Requirement No. III: Policymakers and cold war agency personnel at many levels must understand communism, and again with special emphasis on Communist conflict technique. It is not enough to have experts available for consultation. This is basic "battle knowledge" which must be widely disseminated in the agencies, if planning and implementation are to be geared to the conflict we are in.

Requirement No. IV: Policymakers and those who advise them must understand the full range of measures potentially available to us in the public and private sectors to meet the entire Communist attack and to work toward our national objectives systematically. This means they will have to master a broad range of nonmilitary measures which have yet to be thought through and systematized. They must be able to organize and interrelate these measures in an integrated strategy in which our national objectives are approached from many directions, using every promising method and means and fully utilizing our national capacity to compete in the new dimensions of struggle.

Requirement No. V: At all levels, agency personnel must be trained to understand and implement this sophisticated strategy. Unless there is a substantial "common fund of knowledge" about the nature of the enemy, the global conflict, and the vast array of negative and positive measures available to us, there cannot be the integrated team play necessary to carry out a complex strategy with vigor and plan against a dedicated and skilled enemy.

It is my earnest belief that a program designed to fulfill these five requirements would vastly improve our performance in the world ideological struggle with international communism.

I have already pointed to the massive efforts of the Communists in the training of political warfare experts and operatives. The other side has literally thousands of hardened political warfare combatants in the field, who have been systematically and rigorously trained in a vast network of training institutions. By contrast, we have only a handful of individuals on our side with an equivalent knowledge and sophistication in the complex arts of political warfare, and those that we have—if I might borrow a phrase from the editors of Life magazine—are graduates of "the very dear school kept by experience."

Although we have only platoon strength in the political warfare area in comparison with the division strength of the Communists, we, nevertheless, have many more experts than we have any right to expect with the present lack of training facilities for the demanding work.

While there has been a distinct lack of enthusiasm within official governmental circles for the establishment of the required research and training facilities, there have been, thankfully, a few indications of high-level recognition of the training gap that confronts us. Exemplary of this recognition is a segment of the report submitted to President Eisenhower on December 23, 1960, by the Sprague Committee, composed of distinguished and knowledgeable public servants, which states:

"There is need to provide high-level training in the interrelated economic, political, informational and military aspects of the present world struggle for more of the top officers of agencies dealing with international and security affairs. The committee therefore recommends that consideration be given to the establishment of a National Security Institute for this purpose under the National Security Council, which among other things would provide concentrated exposure to and study of Communist ideology, techniques and operations worldwide as well as of our total governmental informational resources and how best to orchestrate and use them."

The Sprague Committee limited its recommendations to the training of high echelon governmental officers, which restricts the number of individuals to be trained much more than does the proposal which I urge. Nevertheless, the content and subject matter recommended by the Sprague Committee is nearly indentical to the course of study which I envision for the training program.

It seems to me that there are considerations which argue against the wisdom and economy of limiting this training to just high-level governmental officers. It is true that the most advanced level of training might well be limited to top officers in the national security agencies, but I strongly believe that intermediate and primary curriculums should be provided for the training of a wide range of persons in both the public and private sectors.

To begin with, it will be essential to assemble a distinguished and rather sizeable faculty to provide high-caliber political warfare training for even a limited number of top-echelon career officers. And it should be recognized that if training is restricted to upper-echelon officers, the number who can be trained at any one time will be sharply limited, due to the fact that we cannot afford to take large numbers of them off the firing line. This means that we would not be making maximum utilization of the faculty experts, at this most critical juncture in history when our total need for training is so serious that we can ill afford extravagant use of this previous talent.

Add to this the fact that it is not only the policymaker, the planner and the administrator, but the operator and the executor as well, who must comprehend the dimensions of the conflict and the tools and weapons, which victory demands of the participants. From where will we obtain the policy makers and planners of tomorrow, if we are not training and preparing them today?

Last and far from least it would be, in my opinion, a grave error to overlook the need and the considerable desire for training of individuals in the private sectors. Is there anyone left today so naive as to believe that the conflict is exclusively reserved to the public sector? I sincerely hope not. For the fact of the matter is that in the advanced nations of the free world, the Communists are directing the major emphasis of their attack at institutions in the private sector. The fundamental nature and the kinetic energy of Soviet communism require its presence and activity in the private as well as the public sector, for its central aim is the concentration of total social power in the hands of a ruling group. Prof. Philip Selznick, one of our leading students of Bolshevik strategy and tactics, points out in his outstanding book, "The Organizational Weapon," that "the Bolshevik pursuit of power * * * is not limited to the areas where constitutional responsible power is won, but is carried on everywhere in the social structure, wherever an increment of power can be squeezed from control of an institution or a portion of it * * *."

Perhaps some of you are thinking, "Well, this fellow seems to have a great many high-sounding ideas relating to the improvement of our cold war efforts, but what, if anything, has he done to institute them?" That question can be answered rather simply. I have joined with 11 of my colleagues in the Senate in sponsoring a bill, S. 822, which proposes the creation of an agency to be known as the Freedom Commission and Freedom Academy, which is designed to carry out the functions in the areas of training and research, described in the foregoing five basic requirements. Similar legislation has been introduced in the House of Representatives by approximately 10 Congressmen. This marks the second time that this legislation has been before the Congress. In the closing hours of the 86th Congress it passed the Senate, following its issuance from the Senate Judiciary Committee, with one of the strongest recommendations which I have ever seen in a congressional committee report during my 24 years in Congress. The conclusion of that report reads:

"The committee considers this bill to be one of the most important ever introduced in the Congress. This is the first measure to recognize that a concerted development and training program must precede a significant improvement in our cold war capabilities. The various agencies and bureaus can be shuffled and reshuffled. Advisory committees, interdepartmental committees, and coordinating agencies can be created and recreated, but until they are staffed by highly motivated personnel who have been systematically and intensively trained in the vast and complex field of total political warfare, we can expect little improvement in our situation.

"This one lone Freedom Academy, costing a fraction of the Cuban sugar subsidy, can lay the foundation for a major breakthrough. Properly staffed and funded, it will stand as a symbol of our determination to win the cold war. It will give courage to our friends and dismay our enemies. It is a practical, fundamental approach to our national survival. The committee recommends the enactment of the Freedom Commission bill at the earliest possible time."

I wish that I could report to this distinguished gathering that S. 822 was slated for early approval by the 2d session of the 87th Congress. Regrettably, this is not the case. The bill currently languishes in the files of the Senate Foreign Relations Committee, while the executive branch tells us after a full year that they are still "inventorying" our scattered, uncoordinated, and largely nonexistent training facilities in this area of our battle for survival.

If there are any persons here who wonder whether S. 822 is a conservative proposal or a liberal proposal, I think I can illustrate to you that its appeal transcends partisan and ideological divisions by pointing out that such divergent ideologists as Goldwater and Douglas, Case of New Jersey and Dodd, and Proxmire and Butler are included among the 12 sponsors of this bill.

I have already taken too much of your valuable time, but let me leave these observations with you in closing.

For many years, we have recognized the necessity of using well-trained specialists in our military ventures. We would today consider it unthinkable to send untrained, enthusiastic, patriotic amateurs into battle against professionals. Consequently, we have our military academies to prepare junior officers, our basic training for the rank and file, and our War and General Staff Colleges for the expert and elevated leadership. But in the theater of the cold war, we still operate with far too many amateurs who have the desire to win but who completely lack the needed training and background with which to succeed. Thus, today, we train and prepare our military people for the war which we are not fighting and which we hope will never eventuate, but we fail to train our own citizens and our representatives abroad to operate in the cold war—the only war which we are presently fighting. Winning the cold war will avert a shooting conflict, but continuing to array amateurs against professionals in the cold war contests of today can eventuate only in the failures which lead to a shooting, destructive nuclear war. Let us delay no longer—let us establish the necessary training and development facilities as an essential step in equipping ourselves to meet today's challenges with today's techniques. In my opinion, such an agency offers the best hope for providing high-level training to the greatest number in the shortest time—and time, my friends, is, indeed, of essence.

Mr. MUNDT. Mr. President, in further reference to the Gallup poll on the Freedom Academy bill, I should like to draw the attention of my colleagues to the fact that the poll reveals broad and evenly-balanced bipartisan support for the Freedom Academy among the American citizens. The poll shows 68 percent support among Republicans, 70 percent support among Democrats, and 71-percent support among independents. I am not surprised by these results, for those of us in Congress have carefully protected the Freedom Academy bill from any and all partisan involvement. Representative of the broad bipartisan spirit which has attached to support of the Freedom Academy bill are three letters regarding the bill, which have been written to the President and the Attorney General over the course of the past year. These letters demonstrate a willingness on the part of the congressional sponsors to work hand in hand with the President in the establishment and development of research and training facilities to improve the performance of the United States in the nonmilitary sector of our total conflict with the Communists. I earnestly hope that the Gallup poll results will prompt the President to accept our offer of assistance.

I ask unanimous consent that the letters to the President and the Attorney General be printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

The President,
The White House,
Washington, D.C.

Mr. President: It is with great admiration and profound thankfulness that we have read your bold, courageous, and forthright statement delivered to the American Society of Newspaper Editors.

All of us are aware of the gravity attaching to the initial failure of the Cuban patriots to rid their homeland of Communist-dominated tyranny, but, like you, we are prepared to say that this need only be a momentary setback, if the United States and the other nations of the free community are willing to learn from this experience and to recast and rededicate their efforts in the light of this learning. Your willingness to undertake this reappraisal and reevaluation is amply demonstrated by your clearly expressed intention "to profit from this lesson * * * to reexamine and reorient our forces of all kinds—our tactics and other institutions here in this community" and "to intensify our efforts for a struggle in many ways more difficult than war." This declaration that the United States does not intend to sit idly by while the forces of tyranny relentlessly satisfy their gluttony with bits and pieces of the free world deserves the commendation and attention of all people. Let us hope that the other leaders of the free world will harken to your words and will respond with equal vigor and insight to the awesome challenge before us.

It is with appreciation and strong approval that we noted the great emphasis which you placed on the nonmilitary sector of the conflict between freedom and communism and the importance which you attached to full comprehension of all dimensions of this conflict and of all the tools, tactics, and concepts which victory demands of the participants.

It is because of our mutual conviction that free people, in both the public and private sector, must have an intensive understanding of the cold war struggle and operational knowledge of the means and methods by which freemen can win this struggle that we have proposed the creation of a cold war training institution—the Freedom Academy. We commend this proposal to your attention as a recommended first step for the improvement of our capabilities in the area of nonmilitary conflict.

Although military preparedness is vitally important, it is only one dimension of the present conflict which, as you observed, "goes far beyond the clash of armies or even nuclear armaments." If we are to succeed we must have individuals trained and engaged in the integrated operational skills demanded by this multidimensional struggle. Ideas, policies, and strategies are, of course, important, but they are of little value without the skilled and knowledgeable personnel to implement them.

As several of the witnesses testified in the 1959 Senate hearings on the Freedom Academy bill, the great weakness in our present establishment is that there is no one place where all the bits and pieces are pulled together, and where people can receive broad spectrum training in political warfare. Through the Freedom Academy, all the experience and knowledge accumulated by the various Government departments concerned with various aspects of the cold war and the considerable body of experience and knowledge that has been developed outside Government, would be brought together under a single roof. We believe that the cross-fertilization of ideas that would result from such a concentration would give birth to a whole new range of cold war concepts and would help develop cold war practitioners who have the freeman's capacity for originality.

We share your confidence in our democratic system and your determination that it shall survive "regardless of the cost and regardless of the peril." We urge the establishment of the Freedom Academy as an essential step in equipping ourselves to meet today's dangers with today's techniques. In our opinion such an agency offers the best hope for providing high-level training to the greatest number in the shortest time—and time, is, indeed, of the essence.

In the 86th Congress, legislation authorizing the establishment of a Freedom Academy was passed by the U.S. Senate on August 31, 1960, by voice vote without objection. The Freedom Academy bill was reintroduced in the Senate on February 9, 1961, and legislative action on this measure is presently awaiting the formal expression of views from the various agencies and departments of the executive branch. For our part, we hold the opinion that early enactment of this measure is vitally important to the survival of our democratic system. We earnestly hope that you will concur in this opinion and that the views of the executive branch will reflect strong Presidential support for this proposal.

Thank you for your attention and consideration, and with warmest personal regards, we remain,

Sincerely yours,
Karl E. Mundt, Paul H. Douglas, Clifford P. Case, Thomas J. Dodd, George A. Smathers, Barry Goldwater, William Proxmire, Hiram L. Fong, Kenneth B. Keating, and Jack Miller,
U.S. Senators.

June 27, 1961.

Hon. John F. Kennedy,
The White House,
Washington, D.C.

Dear Mr. President: In late April several of my colleagues joined with me in a letter to you, conveying our approval of your speech to the American newspaper editors on the Cuban invasion and commending to your attention the Freedom Academy bill, which we have jointly sponsored in this first session of the 87th Congress.

Our April 26 letter was premised on the earnest desire of its signers to cooperate with you and your administration in the synthesis and development of new means and methods by which this Nation and its allies can more effectively prosecute our legitimate national and international objectives in the face of continued Communist aggression, subversion, and infiltration. I assure you that this letter is written in the same spirit of cooperation and with the same desire to be of help.

My purpose in writing is to express my frank disappointment with the fact that the views of the executive agencies on the Freedom Academy bill have not yet been transmitted to the Senate Foreign Relations Committee. I am joined by many in Congress, who are anxious to move forward with the legislative consideration of this bill, but, as you know, legislative hearings are normally held in abeyance until the views of the executive branch have been transmitted to the appropriate committees of Congress. The views of five executive departments and agencies on S. 822 were requested by the Senate Foreign Relations Committee on February 20 and 21.

While it is my desire to assist in expediting the executive branch's consideration of S. 822, it is most certainly not my intention to urge that the executive branch formulate its position without having first given the most thorough attention to every facet and ramification of S. 822. It has occurred to me that this objective, of expeditious yet thorough consideration, might be advanced by a direct consultation between the sponsors of this legislation and the executive branch. To obtain the maximum benefit, I sincerely feel that this consultation should be with you and your top advisers.

I am, therefore, attaching a list of the Senate and House sponsors of the Freedom Academy bill in the hope that at your convenience a meeting can be arranged with any or all of these Senators and Members of Congress.

If you conclude that such a meeting would be of value, I would suggest that consideration be given to the inclusion at the meeting of Mr. Alan Grant, Jr., of Orlando, Fla. Much of the credit for the development of the Freedom Academy bill must go to Mr. Grant, and his expertise and articulation on this proposal would be of definitive value in giving you a clear and detailed picture of the bill's purposes and objectives.

My thanks in advance for the attention which you address to this request, and with warmest personal regards, I remain.

Cordially yours,
Karl E. Mundt,
U.S. Senator.

SENATE SPONSORS OF THE FREEDOM ACADEMY BILL

Senator Karl E. Mundt, Senator Clifford P. Case, Senator George A. Smathers, Senator William Proxmire, Senator John M. Butler, Senator Jack Miller, Senator Paul H. Douglas, Senator Thomas J. Dodd, Senator Barry Goldwater, Senator Hiram L. Fong, Senator Bourke B. Hickelooper, and Senator Kenneth B. Keating.

HOUSE SPONSORS OF THE FREEDOM ACADEMY BILL

Congressman Sydney A. Herlong, Jr., Congressman Jack Westland, Congresswoman Gracie Pfost, Congressman David S. King, Congressman Walter H. Judd, Congressman Robert P. Griffin, and Congressman Richard S. Schweiker.

March 6, 1961.

Hon. Robert F. Kennedy,
Attorney General of the United States,
Washington, D.C.

Dear Bob: Yesterday afternoon I had the opportunity to view the outstanding panel discussion of the international Communist conspiracy, which was presented by the CBS television network, and I was gratified to note your interest in the Freedom Academy bill, which proposes the establishment of a cold war training, research, and development agency in the Federal Gove nment.

The Freedom Academy bill was reported to the Senate last year by the Judiciary Committee, and was passed unanimously by the Senate on August 31, 1960. Unfortunately, due to the insufficiency of time, the House of Representatives was not afforded an opportunity to consider this measure, which I feel is essential to the significant improvement of our cold war capabilities. Many of the Nation's most sophisticated students and observers of the cold war struggle have indorsed this proposal, including Dr. Stefan Possony of Georgetown University, Gen. David Sarnoff, Mr. C. D. Jackson, and Dr. Gerhart Niemeyer of Notre Dame University. Also, the proposal for a Freedom Academy has received widespread editorial support in such leading publications as the Saturday Evening Post, Life magazine, Cincinnati Inquirer, Cleveland Plain Dealer, Tampa Tribune, and the Atlanta Journal & Constitution.

Since I think you will find it of interest, I am enclosing a reprint of an excellent article by Charles Stevenson, which appeared in the February 1961 issue of Reader's Digest, which discusses our past failures in the cold war, and points up the need for a training and development institution like the Freedom Academy.

So that you may have a full understanding of the objectives and tasks which we envision for the Freedom Academy, I am enclosing a copy of the revised bill (S. 822); a copy of the Judiciary Committee report of the 86th Congress; and a copy of Senator Dodd's outstanding statement on this proposal, which was presented in the Senate last year.

Again, I would like to express my gratification of your favorble interest in this idea, and I sincerely hope that you will exert your considerable influence with your colleagues and associates in the executive branch in support of this legislation. I think you will agree, after reviewing the cosponsorship of S. 822, that this is a bill which clearly transcends partisan politics, and which proposes a positive plan of action, attracting support across the entire spectrum of the American political picture.

Hoping that the future will provide us with an opportunity to discuss this proposal in depth and detail, and with best wishes and warmest personal regards, I remain

Cordially yours,
Karl E. Mundt,
U.S. Senator.

RHODE ISLAND INDEPENDENCE DAY

Mr. PELL. Mr. President, on this day all Rhode Islanders rejoice in the celebration of Rhode Island Independence Day, for on May 4, 1776, the General Assembly of the great State of Rhode Island and Providence Plantations threw off all allegiance to the mother country by issuing a declaration of independence, thus antedating by exactly 2 months the great national declaration proclaimed at Philadelphia the following July 4.

At this time I should like to trace briefly the glorious history of the first State to declare its independence. All of us remember Roger Williams, who laid the cornerstone of religious liberty in this country of ours when he fled from Puritan oppression in Massachusetts to the Narragansett Bay region and founded the town of Providence in 1636. There he proclaimed the principles of absolute religious tolerance and complete freedom of conscience.

Rhode Island, as a colony, grew peacefully, with the exception of King Philip's War, until June 4, 1765. On this date events which foreshadowed the Revolution commenced at my home city of Newport. Five hundred sailors and boys seized a small boat in Newport Harbor belonging to the British, the *Maidstone*, which had been impressing sailors in the city into virtual slavery. The boat was dragged through the streets of Newport and publicly burned on the Common, which was one of the first overt signs of the spirit of the independent men of Rhode Island. In June 1772 occurred the most famous incident of all—the burning of the *Gaspee* as she lay grounded off the city of Warwick. The *Gaspee* affair has been called in the annals of history "The Lexington of the Sea."

Mr. President, Rhode Islanders have always been noted for their great valor. Before the sun set twice after the Battle of Lexington, the news of that gallant band of men's struggle against British oppression had reached Rhode Island, and a thousand men took up arms and were ready to march to the aid of the patriots of Massachusetts. Three days after the Battle of Lexington had begun, a special session of the General Assembly authorized the raising of 1,500 troops for the patriots' cause.

Mr. President, this was the spirit of the independent men of the State of Rhode Island which began the history of our Nation, and even in my time, during the second great conflict of this country, 93,104 Rhode Islanders marched in the defense of this Nation. Over 1,600 died and more than 3,500 were wounded.

Thus, from the early years of the 17th century to the present day, Rhode Island has nobly played its part, first as a colony, then as a State, as a refuge for the persecuted and as the guardian of popular liberties.

On Rhode Island Independence Day let me state that the history of three centuries is well summed up by the singular word engraved on the State seal—"Hope."

The PRESIDING OFFICER. Is there further morning business?

Mr. KEATING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEATING. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

Mr. KEATING obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate and made the pending business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

The PRESIDING OFFICER. The question is on agreeing to the so-called Mansfield-Dirksen substitute.

Mr. MANSFIELD. Mr. President, does the Senator from New York have the floor?

The PRESIDING OFFICER. The Senator from New York [Mr. KEATING] has the floor, having been recognized. The Chair stated the pending question.

Mr. KEATING. Mr. President, I am very happy to have attention called to the fact that the pending question relates to the bill for the relief of James M. Norman, who has become a historic figure in the annals of Senate history.

Mr. President, I propose to make a few remarks regarding the constitutionality of the proposed substitute amendment.

THE LITERACY BILL IS CONSTITUTIONAL

Charges have been made during this debate that those of us supporting the pending proposed legislation to protect the right to vote are trifling with the Constitution. These charges have taken various forms, one Member going so far as to say that we were "raping" the Constitution.

Such allegations have received wide publicity. Their constant repetition has given them an aura of credibility. They have misled a great many people, and even well-intentioned sources have expressed doubts about the power of Congress to prohibit the misuse of literacy tests.

It is time to answer the fallacious arguments which have been made against this proposal and to destroy the illusion of constitutional respectability in which the opponents of equal voting rights have shrouded their cause. It will be my purpose today to attempt to set the record straight and to show that there is another side to this issue. In my judgment, enactment of the literacy bill will strengthen, not undermine, our constitutional protections. This measure does not propose to stretch or ravish the constitution, but on the contrary is an attempt to vitalize and dignify its provisions.

When the mass of verbiage has been penetrated, the argument against the constitutionality of the literacy test proposal is simply this: The proposal is invalid because under article I, section 2, of the Constitution, the States have the power to determine the "qualifications" for voting.

Dozens of cases have been analyzed; learned treatises and other commentaries have been discussed; the debates at the Constitutional Convention, the Federalist Papers and other significant precedents have been cited for this proposition. The impression has been created that the pending proposed legislation must fail if it is true that the States have the sole, exclusive, all-pervading power to establish qualifications for voting.

This impression is wrong: The argument that the States have the power to establish qualifications for voting can be conceded without in any way impairing the constitutionality of this bill. The torrent of words with which this issue has been inundated has been showered upon us unnecessarily. No one need dispute the power of the States to establish voting qualifications in order to justify support for the literacy bill now before us.

This fact deserves emphasis. It demonstrates that the dozens of pages consumed in the CONGRESSIONAL RECORD to prove that the States establish qualifications for voting are almost entirely irrelevant to the issue. I cannot hope to repeat the truth as many times as this immaterial assertion has been made, but I will repeat it once for emphasis: The right of the States to establish qualifications for voting is not abridged by the pending literacy bill. This power of the States can be conceded without undermining one iota the validity of the pending bill. The argument to the contrary is erroneous, misleading, and misguided. Without in any way disputing the sincerity of those who have been espousing this view, I am convinced that they have been building their case on a wholly false premise.

Almost all of the arguments against the literacy bill have come from the majority side of the aisle. I mention this as a possible explanation of the confusion which those arguments have reflected as to the effect of this measure. The constantly repeated theme of its opponents is that it would prohibit the States from establishing or maintaining literacy as a requirement for voting. This was the precise proposal made by the majority party in the platform adopted at the 1960 Democratic Convention. Perhaps those who have misunderstood the impact of the pending measure have assumed that the administration recommended and the leadership joined in presenting a bill to carry out those provisions of the Democratic Party platform.

The administration, however, did no such thing. The bill it has recommended is basically designed to carry out the provisions not of the Democratic platform, but the Republican platform of 1960. I hope it will be of some comfort to my friends in the other side of the aisle to know that they are battling with the opposition and not with their own party's pledges.

The bill is carefully drawn. It cannot be understood if read only hastily or against a background of preconceived notions as to its purport. As a member of the Subcommittee on Constitutional Rights, I have had an opportunity to give it close study and to consider its provisions not once but on dozens of occasions. I have also had the benefit of the testimony of Dean Griswold, dean of the Harvard Law School, who appeared on behalf of the Commission on Civil Rights, as well as that of Attorney General Kennedy and many other witnesses. The hearings of the subcommittee were very instructive. They have now been printed and I recommend them to every Member's attention.

The proponents of this measure have made it as clear as possible that it leaves unaltered the power of the States to adopt whatever objective standard of literacy they consider best. If a State wishes to enfranchise only those of its inhabitants who have college degrees, it is free to do so. On the other hand, states which do not now have any literacy requirement for voting need not adopt any or be at all concerned with the effect of this measure on their voting laws. It will have no effect in such States.

This bill does not overturn any existing literacy qualifications. If the existing qualification is objective, such as the completion of the eighth grade or third grade, it has no operation. Only if the existing qualification is subjective, does the bill provide a procedure to prevent discrimination against electors on the basis of their race. Under this procedure, no one could be denied the right to vote who had 6 years of education because he could not interpret a State constitutional provision dealing with a city's debt liquidation, or because he underlined rather than circled the word "Mr." on a printed application form, or because he pronounced the word "equity" as "eequity." These are just a few of the examples given at the hearings of the subcommittee. In other cases, Negro applicants have been rejected by arbitrary registrars for errors in computing their age. This is not just a matter of stating how old you are, but calculating your age in years, months and days.

It is something which, I am sure, the Presiding Officer and the junior Senator from New York would never be happy to do. Sometimes these people are asked to compute their exact age in years and months and days.

Some applicants who included the day on which they were applying were disqualified by a registrar who decided that the day of registration should not be included. To illustrate the unreasonableness of this requirement, the Commission on Civil Rights asked a registrar who appeared at one of its hearing to demonstrate the system by calculating her own age. She miscalculated by almost a month.

This bill does not curb literacy qualifications, but it will most certainly curb the arbitrary administration of such tests by registrars and other election officials who are determined to deny Negroes the right to vote. It is the discriminatory application of laws setting qualifications for voting, not the qualifications themselves, at which this bill is aimed and against which it will be operative. That such practices are widespread in several of our States cannot be denied by anyone who pays attention to the facts. That such practices can be dealt with by Federal legislation cannot be denied by anyone who considers the command of the 15th amendment to the Constitution.

Sometimes in these long debates, we lose sight of fundamentals. The 15th amendment is very short, and directly to the point. At some point in this debate it ought to be quoted in full so that its command and authority can be impressed upon us all. It reads as follows:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

I doubt if there is any Member of this body who is unaware of the fact that the right of Negro Americans to vote is being abridged on account of race. No one can justify such denials on the ground that the States have the power to leave such matters entirely to the discretion of its registrars. The effort to raise such a flimsy proposition to the level of a constitutional argument is an affront to our fundamental law. The Constitution would have lost its influence many decades ago if it could be subjected to such crude evasion. Under the circumstances which prevail, the Federal Government has not only the authority but the duty to strike down such invidious practices by appropriate legislation.

Many court decisions have been referred to in the course of this debate. Precedents are very important to an understanding of the law, but the language of judicial opinions if taken out of context can be used to prove almost any proposition. I have reviewed all of the leading cases on this subject and have not found one which holds that the Congress is powerless to prevent violations of the 15th amendment by discriminatory devices. The cases do hold that literacy is a reasonable qualification for voting. As I have been at pains to point out, this point is not in dispute. But there is no case which holds that a registrar can deny Negroes the right to vote because of their race if he designates the process a literacy examination. This would be a preposterous proposition and I am happy to report that it has no sanction in the decision of any court in our land, Federal or State. I would like to quote just one paragraph from the brief of the Department of Justice on this subject—omitting citations:

> The 15th amendment prohibits the racially discriminatory administration of State voting laws, even if such laws are valid on their face. It also prohibits "contrivances by a State to thwart equality in the enjoyment of the right to vote by citizens of the United States regardless of race or color"; it "nullifies sophisticated as well as simple-minded modes of discrimination"; it forbids "onerous procedural requirements which effectively handicap exercise of the franchise by the colored race although the abstract right to vote may remain unrestricted as to race," and it vitiates measures which have the "inevitable effect" of disenfranchising Negroes.

In short, under the 15th amendment, Congress has full power to proscribe any stratagem, technique, or advice for denying voting rights to otherwise qualified Americans because of their race or color.

It has been argued by some that since the Senate approved a constitutional amendment to abolish the poll tax it should adopt a constitutional amendment to abolish literacy tests. This argument fails on three counts: First, there has been no factual determination by the Commission on Civil Rights that poll tax statutes are being administered discriminatorially despite their anti-Negro origin; secondly, the pending measure, as I shall repeat as often as necessary, does not abolish literacy tests, only their discriminatory application—the poll tax resolution adopted by the Senate did abolish poll taxes; and, thirdly, there was considerable doubt as to whether a constitutional amendment was necessary to abolish poll taxes.

The difference between the poll tax measure and this pending bill is the difference between abolishing interstate bus travel and subjecting such service to the reasonable regulation of the Interstate Commerce Commission.

The abolition of poll taxes by constitutional amendment, whether wise or unwise, will certainly be no precedent for a constitutional amendment to enforce another constitutional amendment adopted almost 100 years ago. If a constitutional amendment is required in this case, then the authority given in the 15th amendment to enforce its command by "appropriate legislation" is meaningless: I find repugnant any construction of the Constitution which renders one of its provisions nugatory, and cannot believe that such a Constitution would be favored by any objective legal authority.

Actually, it is my view that the bill falls short of the full reach of the 15th amendment in that it applies only to Federal election. It is undisputed that the 15th amendment applies equally to State as well as to Federal elections. There have been no allegations that the discriminatory practices to which the bill is directed are confined to Federal elections. In fact, I know of no State in which there are separate registration procedures or separate ballots for Federal and State elections. The enactment of a measure limited to Federal elections, therefore, would impose unwarranted burdens on the States and at the same time would leave the job of preventing discrimination in voting only half done.

Almost every witness at the hearings before the Subcommittee on Constitutional Rights conceded that the validity of this measure would be unaffected by its extension to State elections. The chairman of the subcommittee, although he is strongly opposed to this measure, stated on many occasions that the 15th amendment had the same application to State elections as it had to Federal elections. The Civil Rights Commission, which supports the measure, recommended that it apply to both Federal and State elections. Dean Griswold in the course of his testimony expressly endorsed my proposed amendment to extend the scope of the bill to cover State elections, and the Attorney General conceded that such an extension of the bill would have no substantial effect on its constitutionality. It is my intention to submit on Monday an amendment for this purpose and to have it read so that it may be considered at a later stage in this debate.

Mr. President, I have tried to lay to rest this afternoon any doubts which may exist with regard to the constitutionality of the main provisions of this measure. In my judgment, the most reprehensible form of discrimination is that which denies some Americans equality at the polling booth. At this stage in our history such discrimination has few defenders, although it may have many apologists. We shall have an opportunity before this debate shall be concluded to take a modest but needed step forward in the constant struggle to enlarge the participation of all Americans in the electoral processes of our Nation. We should not be deterred from taking this step by misconceived doubts as to the validity of our action. We should reject the counsel of those who have fought every measure to strengthen the civil rights of our fellow citizens, and exercise the full power of Congress under the 15th amendment to protect the franchise against every form of racial discrimination.

Mr. THURMOND. Mr. President, any proposal which comes before the Senate which has for its purpose the alteration, amendment, or establishment of voter qualifications is a clear violation of the Constitution of the United States of America. The National Government was delegated no authority to determine or set the qualifications requisite for the right to register and vote in either local or national elections. The Constitution, in explicit and unambiguous terms, adopts the qualifications which are set by the several States as the requisite qualifications for the right of suffrage in elections of officers in the National Government.

The Constitution itself is specific on this point, but further, the history surrounding the drafting of that document reveals the reasons why our Founding Fathers realized the necessity of including such a provision in the Constitution. The subsequent judicial interpretations of the various sections of the Constitution which deal with elections recognize and reaffirm the exclusive right of the States over voter qualifications. To attempt to circumvent this clearly established and time-honored delineation of powers by relying upon other sections of the Constitution amounts to a total disregard of the document which is the foundation of the greatest system of government yet devised by man.

Article I, section 2, of the Constitution reads as follows:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

I cannot imagine how the obvious meaning and intent of this particular section can be seriously questioned. Language clearer in its application or more plain in its intent would have been impossible to arrive at, and certainly beyond the imaginative powers of man. I submit that this section of the Constitution is the most unambiguous of the various provisions contained in that document. Even the most unlearned individual must be forced to the conclusion that the proposal pending before us at the present time is a clear violation of this provision of the Constitution, regardless of any other provision which is claimed to be the justification for its consideration.

Previous to the passage of the 17th amendment, when Senators were elected by the State legislatures, there was, of course, no provision of the Constitution dealing with this subject. When the method of electing Senators was changed from election by the State legislatures to direct election by the people, the exact wording of article I, section 2, leaving to the States the right to set voter qualifications, was incorporated in the 17th amendment. Section 1 of that amendment provides:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

It is significant that 125 years after the inclusion of this basic principle in the Constitution, it was reaffirmed and followed in establishing a method of direct election for Senators. The legislative history of the proposals which finally led to the adoption of the 17th amendment shed a great deal of light on the point which is presently before us.

Several resolutions proposing constitutional amendments for the direct election of Senators were introduced in Congress before the 17th amendment was finally agreed to. Some of these contained provisions authorizing the National Government to establish the qualifications for voters in senatorial elections. This particular point was discussed at length and was a center of much controversy. The opponents of this provision pointed out the necessity for retaining the principle contained in article I, section 2, in senatorial elections as well as for elections to the House of Representatives. They were well aware of the difficulties which would arise if the National Government were allowed to establish qualifications for national elections which might differ from the qualifications established by the State for State elections. They realized that this would lead to a duplication in both the registering and the actual voting process. Therefore, the proposal to allow the National Government to establish voter qualifications was rejected in favor of retaining the original principle contained in article I, section 2, of the Constitution. The wisdom displayed by the rejection of the proposal to establish uniform national voter qualifications is not open to question.

Even though the Constitution does not contain specific language concerning the qualifications of presidential electors, it is certain that the same principle applies. The very lack of any mention of the authority of the National Government over the qualifications of presidential electors is conclusive as to the retention of that authority by the States. Article II, which is the article in the Constitution dealing with the executive branch of our Government, neither directly nor indirectly mentions voter qualifications. Section 1 of that article says in part:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress * * *

In accordance with that language, the appointment of presidential electors, and, therefore, their qualifications, is entirely within the realm of authority of the individual States and the State legislatures. A State legislature may or may not designate a direct election as the mode by which presidential electors are to be selected. If elections are designated as the manner of choosing electors, the qualifications of the persons participating in those elections are determined by the law of the State.

In order to substantiate this conclusion, the nature of the government established by the Constitution must be clearly defined. The fact that the National Government has only the powers delegated to it in the Constitution goes altogether too unnoticed. The prevailing viewpoint seems to be based upon the assumption that the Central Government is the repository of all powers except those specifically denied it. In actuality, the Central Government is limited in its powers; and the omission of any language in the Constitution on a specific point prohibits National Government action in that field. This proposal loses sight of this basic principle embodied in our Constitution. If this principle is applied to the provisions in article II, the omission of any provision dealing with voter qualifications prohibits Central Government interference in this regard in elections for President and Vice President or presidential electors.

The fear that at some later date this basic principle would be lost sight of led to the adoption of the 10th amendment. The 10th amendment is nothing more than an affirmative expression of this implied principle as an additional safeguard against the violation of the principle of delegated and limited powers.

Dating from the time when man first began establishing governments, their basic nature usually has been of either one of two kinds. First, there is the totalitarian form of government. Under this system of government the individuals of the State have no powers or rights other than those allowed them by the government or the men in power. Individuals exist at the will of the State, and every action is subject to strict regulation and authoritarian control. Just as rights are created under this system of government, they are as easily revoked or denied.

The Constitution of the United States established a government of laws, in direct contrast to the totalitarian form of government. Supreme power resided in the people previous to its ratification, just as is the case today. It must be noted that the Constitution of the United States created no rights. It was, instead, for the purpose of providing for the preservation and protection of rights already in existence, that our Constitution was written. If any government, including our own, assumes for itself the power to create rights, then at least to that extent it also has the power to deny rights already in existence. The proposal presently pending before us comes dangerously close to creating rights in violation of the Constitution. For this reason, if for no other, it should not go unchallenged by anyone who is opposed to totalitarian forms of government. If we create rights on the one hand, who can successfully challenge a revocation or denial of them on the other?

Mr. President, even the second section of the 14th amendment recognizes the authority of the States to adopt suffrage qualifications which exclude certain classes of their citizens from voting. The pertinent language reads as follows:

> But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

This section of the amendment penalizes a State for denying the right to vote to male citizens of 21 years of age for reasons other than participation in a rebellion or other crimes. This, however, does not indicate the true significance of the section as it applies to the matter presently pending before us. It is a clear recognition of the right of the States to deny suffrage so long as the other provisions of this section are not violated. In essence, it is a recognition of the right of the States to adopt voter qualifications which deny suffrage to some of its citizens otherwise qualified, so long as the qualifications established do not abridge the privileges or immunities of citizens of the United States, do not deprive any person of life, liberty, or property, without due process of law, nor deny to any person the equal protection of the laws. With these qualifications, the right of the States to establish voter qualifications as they determine best is supreme.

Mr. President, it has been suggested that article I, section 4, of the Constitution delegates to the National Government the ultimate right in determining voter qualifications. Article I, section 4, reads as follows:

> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The U.S. Supreme Court in the case of *Newberry* v. *United States*, 256 U.S. 232, said in respect to this section; "Here is the source of congressional power over the elections specified. It has been so declared by this Court—*Ex parte Siebold*, 100 U.S. 371; *United States* v. *Gradwell*, 243 U.S. 476, 481—the early discussions clearly show that this was then the accepted opinion."

Having determined the source of congressional authority over elections, it now becomes necessary to determine the extent of that authority.

An examination of the proceedings at the Constitutional Convention and the contemporaneous documents written explaining the actions at the Convention reveal that this section was the result of a compromise. The majority of the delegates and the individual citizens in the country were of the opinion that the General Government should have absolutely no authority over elections. However, there was a substantial minority who realized the necessity of at least some degree of limited control over elections for positions in the National Government. In the Federalist, No. 59, Alexander Hamilton gave the arguments for those advocating some control over elections for national offices. As to this particular subject, he said:

> This provision has not only been declaimed against by those who condemn the Constitution in the gross; but it has been censured by those who have objected with less latitude and greater moderation; and, in one instance, it has been thought exceptional by a gentleman who has declared himself the advocate of every other part of the system.
>
> I am greatly mistaken, notwithstanding, if there be any article in the whole plan more completely defensible than this. Its propriety rests upon the evidence of this plain proposition, that every government ought to contain in itself the means of its own preservation. Every just reasoner will, at first sight, approve an adherence to this rule, in the work of the convention; and will disapprove every deviation from it which may not appear to have been dictated by the necessity of incorporating into the work some particular ingredient, with which a rigid conformity to the rule was incompatible. Even in this case, though he may acquiesce in the necessity, yet he will not cease to regard and to regret a departure from so fundamental a principle, as a portion of imperfection in the system which may prove the seed of future weakness, and perhaps anarchy.

As one point with which to fortify his argument, Alexander Hamilton creates a hypothetical situation in which the National Government maintains absolute control over all elections including even State elections. As to this he says:

> Suppose an article had been introduced into the Constitution, empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power, and as a premeditated engine for the destruction of the State governments? The violation of principle, in this case, would have required no comment; and, to an unbiased observer, it will not be less apparent in the project of subjecting the existence of the National Government, in a similar respect, to the pleasure of the State governments. An impartial view of the matter cannot fail to result in a conviction, that each, as far as possible, ought to depend on itself for its own preservation.

If the proposal presently pending before us is approved by Congress, this hypothetical situation posed by Mr. Hamilton will become a reality. While the authority to establish voter qualifications will not in itself result in complete control by the National Government the perversion of the Constitution will establish a precedent whereby further incursions upon the rights of the individual States can be justified.

Mr. President, while Alexander Hamilton's arguments as to the necessity for the National Government to have some degree of control over elections for offices in the National Government was persuasive upon the people, he wrote with at least equal eloquence in defense of the rights retained by the States. In the Federalist, No. 60, he said:

> We have seen, that an uncontrollable power over the elections to the Federal Government could not, without hazard, be committed to the State legislatures. Let us now see, what would be the danger on the other side; that is, from confiding the ultimate right of regulating its own elections to the Union itself. It is not pretended, that this right would ever be used for the exclusion of any State from its share in the representation. The interest of all would, in this respect at least, be the security of all. But it is alleged, that it might be employed in such a manner as to promote the election of some favorite class of men in exclusion of others, by confining the places of election to particular districts, and rendering it impracticable to the citizens at large to partake in the choice. Of all chimerical suppositions, this seems to be the most chimerical. On the one hand, no rational calculation of probabilities would lead us to imagine that the disposition which a conduct so violent and extraordinary would imply, could ever find its way into the national councils; and on the other, it may be concluded with certainty, that if so improper a spirit should ever gain admittance into them, it would display itself in a form altogether different and far more decisive * * * the dissimilarity in the ingredients which will compose the National Government, and still more in the manner in which they will be brought into action in its various branches, must form a powerful obstacle to a concert of view in any partial scheme of elections. There is sufficient diversity in the state of property, in the genius, manners, and habits of the people of the different ranks and conditions in society.

It is clear from a comparison of those two articles that, while some degree of control was considered necessary, it was to be strictly limited. The word "manner" is alleged by proponents of the pending proposal to encompass in its meaning qualifications and thereby nullify the intent of article I, section 2, of the Constitution. To reach this conclusion requires an act of legislative legerdemain which has never been equaled in the history of our country.

This contention is without basis in either fact or law. From a factual viewpoint the discussions contained in the Federalist, Nos. 59 and 60, disclose that no such degree of control was ever contemplated by the use of the word "manner." From a legal standpoint, this contention is in direct conflict with a general rule of law governing the construction of documents. This rule of law as set forth in 50 American Jurisdiction 371, section 367, provides that specific provisions of a document control as against more general ones, which, without the specific, would be included in the general. Therefore, the application of this general rule in construing these two phrases in the Constitution leads to the conclusion that the specific term "qualifications" controls, and the general term "manner" has no relevancy.

It must, therefore, be assumed that the word manner has reference to a completely different subject than is contemplated by the provisions of article I, section 2. Even in its usual sense, the word "manner" generally has reference to the procedure or the way of doing a particular thing, and can by no means be interpreted as delegating the authority to define who is to participate in that action.

Mr. President, the proponents of this proposal rely to a great extent upon both the 14th and 15th amendments to justify its passage. While the very validity of these two amendments is open to question, it is not my purpose to discuss that point at this time, but rather the application of these two amendments to the proposal at hand. Both these amendments are stated in negative terms. They are prohibitive in their nature, preventing certain action by the States. It is in this light that the last sections of both these amendments which give to Congress the power to enforce their provisions by appropriate legislation must be read and understood. Any legislative enactment by Congress under the provisions of these amendments must be aimed at the prevention of some actual deprivation of right included in one of the two amendments. Congress does not have the power to enact general or affirmative legislation under the provisions of these amendments. This is a proposition which was settled shortly after the supposed adoption of these amendments in the *Civil Rights* cases, 109 U.S. 3, and is no longer open to question.

Even the findings of fact contained in this proposal are not sufficient justification to satisfy the requirements stated in the Civil Rights cases. A pious statement by Congress that it finds certain facts is by no means conclusive on the subject. On the contrary, Mr. President, there is every reason to believe that the findings of facts contained in this proposal are erroneous. If they were true, the Attorney General, with the vast staff and authority which he has, certainly would have instigated suits to correct the injustices complained of. I am well aware of the fact that in his testimony before the subcommittee which considered this proposal the Attorney General commented at some length as to the time-consuming nature of the remedies now available. I cannot accept his statement that a case-by-case, county-by-county approach makes justice in these matters virtually impossible to obtain. If injustices being perpetrated were anywhere near as glaring as the proponents of this proposal state, the mere fact that the procedure to remedy them is time consuming certainly should be no barrier to an instigation of litigation. If this is the case, then without a doubt the Attorney General is guilty of malfeasance as well as nonfeasance in office. Since his zeal in matters of this kind is well known, it would seem he would seize any opportunity to take corrective action.

The report of the Civil Rights Commission on Voting for 1961 contains many generalizations indicating that a substantial number of citizens are deprived of the right to vote, mainly in Southern States. However, Mr. President, it must be kept in mind that the purpose of the Civil Rights Commission is to ferret out evidence in an attempt to substantiate preconceived notions. The report on voting, as well as the reports on other subjects, are completely lacking in objectivity. Rather than obtaining facts and attempting to draw conclusions based on an analysis of these facts, the Commission proceeds upon conclusions, interpreting them in the light of psychological and sociological manifestations. The treatment which South Carolina received in the 1961 report on voting is illustrative. In it, it is stated:

> The Commission has never received any sworn complaints from South Carolina. Unfortunately, this lack of complaints cannot, any more than in the case of Georgia, be taken as conclusive proof that there is no discrimination in the voting process there.

It is difficult for me to imagine any group of men possessing intuitive powers sufficient to reveal a pattern of discrimination when there are absolutely no facts to substantiate such a claim.

In their report the Commission goes on to note that the voting records of three counties in South Carolina, supposed to be the principal violators, were subjected to an intensive inspection by the FBI at the direction of the Attorney General. Needless to say, these voter record inspections disclosed no actionable offenses. Nevertheless, the Civil Rights Commission was not stymied in reaching their preordained conclusions. Their conclusion that voting rights were being denied was reached in spite of, rather than because of, the fact that in five counties in which, according to the Civil Rights Commission, the voting records had been inspected, no suits had been filed by the Attorney General.

Considering the constitutional provisions on the subject and the other facts previously related, there exists absolutely no justification for this proposal on either the grounds of necessity or constitutionality. Every section of the Constitution which contains any mention of the subject preserves inviolate the right of the several States to set qualifications for voters. While the Constitution itself is, or certainly should be, conclusive on the subject, there is much other material available which substantiates this conclusion.

The proponents of this measure cannot receive satisfaction as to its constitutionality from the decisions of the courts. Since this is the first time that Congress has ever attempted to enact legislation providing for uniform voter qualifications throughout the Nation, the constitutionality of this procedure has never been presented to the U.S. Supreme Court. However, in every case in which the matter has arisen, the supreme right of the States to establish qualifications for voters has been recognized. In the leading case of *Newberry* v. *U.S.*, 256 U.S. 232, the Court said:

> Ultimately, elections within the original intendment of section 4, were those wherein Senators should be chosen by legislators and Representatives by voters possessing "the qualifications requisite for electors of the most numerous branch of State legislatures." (Art. I, secs. 2 and 3.) The 17th amendment, which directs that Senators be chosen by the people, neither announced nor requires a new meaning of election and the word now has the same general significance as it did when the Constitution came into existence * * *

In the case of *Ex parte Yarbrough*, 110 U.S. 661, the Court clearly gave expression to the proposition that the authority to regulate voter qualifications was retained by the States when it said:

> The importance to the General Government of having the actual election, the voting for its members, free from force and fraud, is not diminished by the circumstance that the qualifications of the voter are determined by the law of the State where he votes.

This basic constitutional principle, far from being overruled, has been followed and protected in every instance since those two decisions were handed down. In the 1959 case of *Venter* v. *Ryder*, 176 F. Supp. 90, 94, the Court held:

> Under our constitutional system, qualifications of voters is a matter committed to the States, subject only to Federal constitutional restraints prohibiting discrimination on account of race, color, sex.

The Court said further:

> The question of whether or not a voter is a qualified elector is a State matter to be determined by State law and State courts.

Similar wording recognizing the supremacy of the States in establishing voter qualifications is to be found in the case of *Darby* v. *Daniel*, 168 F. Supp. 170, in which the Mississippi literacy test was upheld against a challenge on the grounds of unconstitutionality.

The case of *Ex parte Siebold*, 150 U.S. 371, which is relied on to some extent to sustain the constitutionality of this proposal, is confined entirely to the subject of regulation of elections under provisions of article I, section 4 of the Constitution. It contains no discussion on the subject of voter qualifications. The question before the Court pertained to an alleged stuffing of the ballot box and the conduct of supervisory officials at the polls. The decision was limited only to determining whether or not those who were actually qualified under the State's qualification laws had been interfered with in their right of suffrage. It should be noted, Mr. President, that even the power granted to Congress under article I, section 4, is not exclusive or preemptive. The case of Ex parte Siebold points out emphatically that this regulation is a cooperative effort and unless and until Congress sees fit to act, the regulations established by the States are in full force and effect. This is in direct contrast to the exclusive authority reserved to the States in article I, section 2, as to voter qualifications.

In the Siebold case the Court dwelled at some length on the relation which exists between the General Government and the State governments. On page 394 of that case it is said that:

> The true interest of the people of this country requires that both the National and State Governments should be allowed, without jealous interference on either side, to exercise all the powers which respectively belong to them according to a fair and practical construction of the Constitution. States rights and the rights of the United States should be equally respected. Both are essential to the preservation of our liberties and the perpetuity of our institutions. But, in endeavoring to vindicate the one, we

should not allow our zeal to nullify or impair the other.

This advice should certainly not go unheeded at this time when the State governments are in grave danger of constitutionally reserved power over the qualifications of voters.

Mr. Justice Field dissented on a minor point in this case. In his dissent, he discussed briefly the supreme authority of the States in establishing qualifications for voters by way of comparison to the issue under consideration by the Court. In discussing the extent of the authority of the National Government over elections he said:

> Regulations as to the manner of holding them cannot extend beyond the designation of the mode in which the will of the voters shall be expressed and ascertained. The power does not authorize Congress to determine who shall participate in the election, or what should be the qualifications of the voter.

Even though this was not the main issue in the case, this statement represents the considered opinion of a highly respected Supreme Court Justice and is certainly entitled to some recognition and respect by Congress.

The many decisions in any way connected with elections treat primarily with the protection of the right to vote. Although the Constitution of the United States confers the right to vote upon some people, that class is determined in accordance with State law. Thus, having the right conferred upon them, the individuals so selected are entitled to the protection of that right by the National Government. The case of Ex parte Yarbrough, which I have previously mentioned, was a habeas corpus proceeding for the release of persons convicted and sentenced for the conspiracy to intimidate a voter under a law which read as follows:

> If two or more persons in any State or territory conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote.

Significantly, this law creates no rights. It merely protects the right for those who are entitled under the provisions of the State law to cast their ballot in elections for offices of the National Government.

On page 663 of the Yarbrough case, Mr. Justice Miller said:

> The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures do not do this with reference to the election of the Members of Congress. Nor can they prescribe the qualifications for voters for those eo nomine. They define who are to vote for the popular branch of their own legislature and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualifications thus furnished as the qualifications of its own electors for Members of Congress.

This is a clear indication of the principle that while the right to vote for national offices is fundamentally based on the Constitution, nevertheless it is conferred upon only those people who are qualified according to State law.

Mr. President, in the Yarbrough case, the Court anticipated the arguments used by the proponents of the present proposal, insofar as they rely upon the 15th amendment as justification. The 15th amendment is aimed at one thing and one thing only, and that is discrimination in voting solely on the grounds of race. After setting out the provisions of the 15th amendment, the Court explained it as follows:

> While it is quite true, as was said by this Court in *U.S.* v. *Reese* (92 U.S. 214), that this article gives no affirmative right to the colored man to vote, and is designed primarily to prevent discrimination against him whenever the right to vote may be granted to others, it is easy to see that under some circumstances it may operate as the immediate source of a right to vote. In all cases where the former slaveholding States had not removed from their constitutions the words "white man" as a qualification for voting, because, being paramount to the State law, it annulled the discriminating word "white," and thus left him in the enjoyment of the same right as white persons. Such would be the effect of any future constitutional provision of a State which should give the right to vote exclusively to white people, whether they be men or women. (*Neal* v. *Delaware*, 103 U.S. 370).

Thus we see, Mr. President, that this amendment only in rare instances conferred an immediate affirmative right upon anyone. It conferred upon the colored people the right to vote only to the same extent that other people were allowed to vote. It by no means placed any class of people in a superior position. If this amendment can be in any way construed as justification for the present proposal, then it logically follows that the 19th amendment could also be used as justification. The 15th and 19th amendments are exact counterparts; the only difference being that the 15th amendment prevents discrimination against Negroes solely because of their race, and the 19th prevents discrimination against women solely because of their sex. If indeed, the 15th amendment justifies this proposal, then all that is necessary to justify it as well under the 19th amendment, is to change the finding of facts in the proposal presently before us so that it comes under the purview of the 19th amendment. If Congress piously cites as a fact that literacy tests are used to discriminate against otherwise qualified voters, solely because of their sex, then following the reasoning of the proponents of this measure, this obvious abrogation of the rights of the several States is equally well justified. Yet who among us is so foolish as to seriously suggest such an interpretation of the 19th amendment?

The very fact that the 17th amendment adopted the exact wording of article I, section 2, in the face of the provisions contained in amendment 15, is indeed significant. This is strong evidence of the fact that the Members of Congress and the States ratifying this amendment never understood or comprehended the terms of the 15th amendment as justifying the present proposal. Had they so interpreted that amendment, the provisions of article I, section 2, would certainly not have been incorporated into the 17th amendment. At least, I, for one, cannot ascribe to Congress the perpetration of such a useless act.

The question of the constitutionality of literacy tests both on their face and in their application has been presented to the courts on several occasions. Rarely has the court held a State's literacy test to determine the qualifications for voters to be unconstitutional on its face. On the contrary, literacy tests are recognized as a proper and constitutional vehicle for determining those who possess the qualifications necessary for the right of suffrage. The most recent Supreme Court decision concerning the constitutionality of literacy tests was handed down in the case of *Lassiter* v. *Northampton County Board of Elections*, 360 U.S. 45. This decision was rendered in 1959 and follows an unbroken line of precedents. In the Lassiter case, a Negro brought suit challenging the constitutionality of the North Carolina literacy test. In affirming the decision of the lower court upholding the constitutionality of the test, the Court said:

> Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show.

No better characterization of the general overall applicability of literacy tests can be found. The Court has indeed in this phrase gone to the crux of the matter, and provided an adequate answer for the skeptics who view the literacy test as just a sham used to disenfranchise certain classes of otherwise qualified voters.

Other cases which have upheld literacy tests as against charges of unconstitutionality are: *Williams* v. *Mississippi*, 170 U.S. 213; *Trudeau* v. *Barnes*, 65 F. 2d 563; *Darby* v. *Daniel*, 168 F. Supp. 170, and *Williams* v. *McCulley*, 128 F. Supp. 897. Considering the holdings in these cases that literacy tests do not, per se, violate either the 14th amendment or the 15th amendment, neither of these two amendments will uphold the proposal to substitute in place of the literacy test a sixth-grade education.

Any test, including a literacy test, may be declared unconstitutional on its face if it is drawn in such vague terminology as to invite discrimination solely because of race or sex. This was so held in the case of *Davis* v. *Schnell*, 81 F. Supp. 872. No legislation is required to nullify the provisions of such a literacy test. It is subject to the so-called self-executing provision of the due process clause of the 14th amendment.

While a literacy test may be constitutional on its face, it must meet a further constitutional safeguard of the right of suffrage and not be used so as to discriminate solely because of race or sex in its application. The provisions of law which Congress has enacted provide more than adequate protection against alleged deprivations of the right to vote. There are a total of 15 statutes in the Federal code, 6 providing for proceedings of a criminal nature and 9 providing for civil proceedings. Perhaps some of the difficulty with which the present Attorney General claims to be faced stems from this superabundance of statutes. It may well be that we have reached or passed the point of diminishing returns and that further enactments in this field will only serve to add to the present confusion.

Mr. President, it has been suggested that this proposal does not infringe upon the right of the several States to require literacy standards for voters. It is said to be justified on the grounds that it merely stipulates that a sixth-grade education shall be all that is necessary to satisfy the requirements of any State's literacy test. The absurdity of such a suggestion must not go unchallenged.

The Attorney General, when he appeared before the Subcommittee on Constitutional Rights and testified on behalf of this proposal, said at page 269 of the hearings, and I quote:

> This legislation does not set the qualifications of these voters. It merely sets the test, the testing of those qualifications. And, in my judgment, that is clearly constitutional.
>
> If we were setting the qualifications for the individuals, then I believe that it would be unconstitutional and would require a constitutional amendment.
>
> I would agree with you on all of those points, but this legislation does not set the qualifications for the voters. The States can still set whatever qualifications they want, but when they get into these arbitrary tests, or, a question of whether a person is literate or not, the individual is assumed to be literate if he has gone through the sixth grade or had a sixth-grade education.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Georgia.

Mr. TALMADGE. Is it not true that section 2 of article I of the Constitution and also the 17th amendment to the Constitution specifically state that the qualifications for Federal electors shall be those which each State sets for the electors of the most numerous branch of its legislature?

Mr. THURMOND. The distinguished Senator from Georgia is eminently correct. Article I, section 2 of the Constitution provides that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. That same wording was carried over to the 17th amendment, which says that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Mr. TALMADGE. Have not those two provisions of the Constitution been upheld by every court in the land, both State and Federal, including the present U.S. Supreme Court?

Mr. THURMOND. The Senator is correct. We have searched the legal decisions and we have searched the records, and we have found no decision, Federal or State, which has abrogated that provision of the Constitution.

Mr. TALMADGE. Is it not further true that the distinguished Attorney General, in appearing before the subcommittee, failed to cite even one authority upholding his view that the pending measure is constitutional?

Mr. THURMOND. The Senator is correct. The Attorney General did not cite any authority. I am sure, as vigorously as he is pressing this proposal, he would have cited any decision or authority that he could have found on the subject if he had been able to find any. I am sure the hundreds and hundreds of lawyers in the Justice Department looked but could not find any authority. Therefore, he could not use any legal authority before the subcommittee.

Mr. TALMADGE. Is it not further true that approximately 21 States in the United States presently have literacy qualifications?

Mr. THURMOND. The Senator is correct. I believe there are 21 States. Six are in the South and the others are in other parts of the country. They use literacy tests to determine who is qualified to exercise the privilege of suffrage.

Mr. TALMADGE. Would not the pending measure wipe out tests that legislatures have placed on the statute books in the 21 States if the Supreme Court were to hold the pending measure, if passed, constitutional?

Mr. THURMOND. Well, the effect would be, if Congress passed the statute, to override not only State laws on the subject, but also State constitutions dealing with the subject if the constitutions of the States contained provisions along this line. In fact, the effect would be to abrogate the U.S. Constitution, because if anyone can read the constitutional provision on the subject, how can he reach the conclusion that the matter of voting qualifications is not reserved to the States under the Constitution? Of course they are. The effort is being made to show that the proposed legislation will not conflict with the Constitution. How any lawyer or student of history or government or politics can reach such a conclusion is beyond the comprehension of the Senator from South Carolina.

Mr. TALMADGE. It is also beyond the thinking of the Senator from Georgia. Is it not further true that under the pending measure, if someone had a knowledge of Spanish but no knowledge of English, and could present a sixth-grade certificate from some school in a country where Spanish is spoken, he would be entitled to vote in South Carolina, Georgia, Utah, Oregon, or in any other State in the Union, notwithstanding the fact that he could not speak or read the English language?

Mr. THURMOND. The proposal mentions only a sixth-grade education. It does not say where a person must have obtained that sixth-grade education, whether in the State where he wishes to vote, or in some other State or in another country. If he has any evidence that he has attained a sixth-grade education, that seems to qualify him, regardless of where he obtained it.

Mr. TALMADGE. In fact, the schools of Puerto Rico are specifically mentioned in the bill in the effort to strike down the literacy laws of the State of New York. Is that not correct?

Mr. THURMOND. That is the opinion of the Senator from South Carolina.

Mr. TALMADGE. Does the Senator from South Carolina think it is unreasonable to require that a prospective voter be able to read and write the language in which the government is conducted in any city, county, or State, or in the National Capital?

Mr. THURMOND. The opinion of the Senator from South Carolina is that before a man should be allowed to vote in this country, he certainly ought to be able to read and speak English. Otherwise, the Senator from South Carolina is dumfounded and unable to understand how such a person can intelligently understand the issues or study the candidates, or what they stand for, and reach intelligent conclusions.

Mr. TALMADGE. Is there any more reasons why a knowledge of Spanish ought to be a criterion for voting than a knowledge of Russian, German, Italian, French, or some other foreign tongue?

Mr. THURMOND. The Senator from South Carolina does not know why Spanish should be given preference any more than French, German, or any other language the Senator from Georgia mentioned. However, I presume there must be a great many Spanish-speaking people in some of the States who are very much interested in trying to thrust this proposal upon the American people, regardless of its constitutionality.

Mr. TALMADGE. Does the Senator from South Carolina share my view that the Spanish language was selected as an overt, pointed thrust at the literacy laws of the State of New York for the benefit of the Puerto Rican population there?

Mr. THURMOND. That is the opinion of the Senator from South Carolina.

Mr. TALMADGE. Does the Senator from South Carolina share the view of the Senator from Georgia that that reason within itself, if there were no other reason, would prove the political motivation of the bill?

Mr. THURMOND. I think it is what in legal phraseology, to use a Latin term, is called res ipsa loquitur—the thing speaks for itself.

Mr. TALMADGE. Certainly if the Spanish language is selected as the mode for determining someone's literacy or lack of literacy, then French, German, Chinese or any other language, ought not be excluded, ought it?

Mr. THURMOND. I know of no reason why those languages should be excluded if Spanish is to be included.

Mr. TALMADGE. Would not the selecting of one foreign language to the exclusion of other foreign languages in itself be discriminating?

Mr. THURMOND. We have been, of late, building up the image of America, showing how everything we do and say may affect people all over the world. In this instance, an effort is being made to give a special priority to one foreign language to the exclusion of all others. It seems to me that that might build the wrong image. That is something which might be a sound basis for building the wrong image.

Mr. TALMADGE. I share the Senator's view. If the Spanish language is selected to determine someone's literacy or lack of literacy, should we not also say that the Japanese language would be a useful criterion to determine that fact?

Mr. THURMOND. I imagine the White House will probably receive a visit from the Japanese Ambassador, who will ask why Japanese was not given some consideration in this proposal.

Mr. TALMADGE. Certainly we should not discriminate against Hindi and the thousands of other dialects which are spoken in India, should we?

Mr. THURMOND. Of course not; and in Africa, especially in the Congo and some other regions, several hundred dialects are spoken. Since such a play is now being made about Africa and its new nations, perhaps those people will not like this proposal.

Mr. TALMADGE. Does the Senator share my view that if the Spanish language should be used as a criterion to the exclusion of all other languages, save English, then the many dialects spoken in Africa, also, ought to be sufficient to prove one's literacy?

Mr. THURMOND. The Senator from Georgia makes a good point.

Mr. TALMADGE. In other words, since one language besides English has been selected to determine one's literacy, would it not be fair to grant the same status to all other languages spoken on earth?

Mr. THURMOND. If the present proposal passes and gives preference to one language, it may set a precedent whereby it will be contended that other languages also should be used and should share that preference. I do not know whether this is another effort to edge in or get the nose in the door for one-world government and to spread the use of all languages throughout the country.

Mr. TALMADGE. If we are to use the strange new criterion proposed by the Attorney General on the basis of the 14th amendment, would not the selection of Spanish to the exclusion of all other foreign tongues be discriminatory and in violation of the equal protection of the laws?

Mr. THURMOND. The statement of the Senator from Georgia sounds plausible to the Senator from South Carolina.

Mr. TALMADGE. I agree with the distinguished Senator from South Carolina. I believe our colloquy has been useful. I congratulate the Senator on the able speech he is making.

Mr. THURMOND. I thank the distinguished and able Senator from Georgia for his kind remarks.

Mr. President, it is significant that the Attorney General recognized the fact that it would be unconstitutional for the National Government to prescribe qualifications for voters. However, Mr. President, it is unfortunate that he, in the same breath, proposes to do exactly what he termed as being unconstitutional. The right to establish and require certain qualifications for voters necessarily carries with it the right to determine the degree of proficiency necessary to satisfy those requirements. Undeniably, the several States retained the power to determine who possesses the qualifications necessary for the right of suffrage. To deny them, on the other hand, the right to determine the degree of proficiency necessary to pass the test, is to make a mockery of the original reservation of power. Of what use is any test if the person or governmental agency which administers it, does not also have the authority to determine what shall be necessary to satisfy its requirements? A qualification in and of itself has no particular merit or usefulness, just as a law or a body of laws is of no effect unless enforced.

The requirements of literacy which the several States have adopted contain in themselves the terms of their satisfaction. In South Carolina, the pertinent section of the code of laws—title 23, section 62, paragraph 4—reads as follows:

> Both read and write any section of said Constitution submitted to said elector by the registration officer or can show that he owns, and has paid all taxes collectable during the previous year on, property in this State assessed at $300 or more.

It is evident at even first glance, that the present proposal is a more stringent qualification than the State of South Carolina has seen fit to enact. The requirement that a person be literate is to be satisfied by an actual showing of literacy, and not by some arbitrary standard. As an alternative, and not in addition to the literacy requirement, a person is entitled to register and vote in South Carolina after having shown proof of ownership and the payment of taxes on property of the value of $300. This in itself is by no means an unreasonable requirement, for in this day when much stress is put upon material belongings practically everyone would qualify under this requirement.

Mr. President, the individual Members of Congress have thrust upon them by their oaths of office the primary responsibility in determining the constitutionality of any issue which comes before Congress. However, in addition to the primary responsibility Congress has, as a practical matter, almost the final say as to the constitutionality of any issue. Illustrative of this is the fact that not since 1936 has the Supreme Court invalidated an act of Congress on the grounds that it exceeded the scope of their delegated authority. The last two cases to so hold are *U.S.* v. *Butler* (297 U.S. 1) and *Carter* v. *Carter Coal Company* (298 U.S. 238), which respectively held the Agricultural Adjustment Act of 1933 and the Bituminous Coal Conservation Act of 1935 invalid on the grounds that those statutes exceeded the powers granted to Congress in the commerce clause. Since that time the Supreme Court has, for all intents and purposes, repudiated the holdings in these two cases. The Court seems to place great reliance instead upon the strong presumption that any act passed by Congress falls within the realm of their delegated authority. Since the Court has to this extent been derelict in its duty to pass upon constitutional questions presented to them, it becomes further incumbent upon Congress to exercise a great degree of caution in giving its approval to any questionable piece of legislation.

Mr. President, on Wednesday, May 2, 1962, an excellent article entitled "Constitution and the Literacy Bill," written by David Lawrence, one of the country's outstanding columnists, was published in the Washington Evening Star. The article reads as follows:

Constitution and the Literacy Bill: Hypocrisy in Public Office Is Seen in Debate Over Civil Rights Issue

(By David Lawrence)

The business of Congress has slowed down. The Senate is engaged in a filibuster, or lengthy debate, which represents a desperate attempt by a small group of dedicated men to save the Constitution from being violated by a majority who are seeking allegedly to protect civil rights.

If the vote to shut off debate, known as cloture, were to succeed in getting the two-thirds majority it requires, there is a 51-percent majority ready to pass a bill which would take away from the States the right to set the qualifications for voters. This would be an unconstitutional act, and many Senators who feel they must vote in favor of it for political reasons back home are secretly hoping cloture will fail and that the literacy measure will never get through both Houses. Then they would presumably retain the favor of the minority groups, even though the bill didn't become law.

It's a transparent case of hypocrisy in public office. It couldn't happen if the American people knew all the circumstances. But the gap in communication between the people and their Government is in some respects not much different from what it was nearly a century ago. Now, as then, a fraud can be perpetrated and the Constitution completely disregarded without encountering the protest that certainly would come if the people were told all the facts so that they could understand the issues.

Today, few people in the United States know, for instance, that the 14th and 15th amendments—on which the whole controversy over civil rights laws is based—were never legally adopted.

Few people know that the Supreme Court of the United States has repeatedly dodged the issue and refused to consider any case involving the legality of the method used in ratifying those two proposed amendments to the Constitution. The alibi or excuse given is that these are questions involving the political departments of the Government and what are termed "political questions."

All the history books describing the events that occurred after the War Between the States was over agree on the facts. Both Presidents Lincoln and Johnson took the position that the Southern States had never left the Union. In May 1865, after the surrender of the South, President Johnson issued a proclamation of amnesty and set up provisional governments in all Southern States. Constitutional conventions were convened in each, and new State governments and Members of Congress were elected. Before the end of the year, the new legislatures had ratified the 13th amendment, which abolished slavery, and their action was accepted as formal ratification by legally constituted State governments. When, however, the newly elected Senators and Representatives presented themselves at the opening of Congress on December 4, 1865, they were refused admittance by the radical Republicans who were in control.

These same State governments continued to function through 1866 but declined to ratify the 14th amendment, which had been proposed by Congress in June of that year. The Republican Party then pushed through in April 1867, the first of the reconstruction acts. This divided the South into five military districts, imposed martial rule, and made ratification of the 14th amendment the price for restoration of civil government and full rights in the Union.

President Johnson vetoed the measure as plainly unconstitutional, but the bill was passed over his veto. Federal troops were stationed throughout the South and in one instance in a legislative chamber itself. Coercive tactics were used to set up rump legislatures, as white voters generally were disenfranchised. At the point of the bayonet, the Southern States one by one ratified the 14th amendment, until the requisite number had been obtained by July 1868.

Secretary of State Seward, who also had served in Lincoln's cabinet and was on outstanding lawyer, hesitated to accept the "ratification" process as legal, and publicly said so. Congress thereupon, by joint resolution, ordered him to proclaim the amendment to have been ratified. It had no right to do so.

The 15th amendment was similarly adopted under virtually the same conditions.

Various attempts were made in the 1870's to get the Supreme Court to take cognizance of what had been happening, but to no avail. Since those days, the High Court has merely assumed the legality of the two amendments because the ratification procedure itself had never been declared invalid. Even within the last 5 years, efforts of lawyers to get the Supreme Court to consider this phase have proved fruitless, though the High Court has taken cases with respect to controversies over the ratification of other amendments involving such points as denying the right of a State to rescind its approval, even if it takes action before the requisite majority of three-fourths of the States has been attained for a particular amendment.

It is not too late for the 14th and 15th amendments to be resubmitted to the States for ratification, if only to erase a disgraceful chapter in American history. It would be a fitting centennial celebration.

Mr. President, in closing I wish to say that I concur in that splendid article by David Lawrence.

SENATOR EASTLAND'S SPEECH ON THE SUPREME COURT

Mr. STENNIS. Mr. President, the floor of the U.S. Senate is one place in this country where the constitutional right of freedom of speech is still enjoyed. A Senator is a representative in this body of a sovereign State; and it is his right to address the Senate on any subject on which he may choose to speak, subject only to the rules of the Senate itself. This is a right which each Senator enjoys, and is an obligation which each Senator has to the people he represents—to speak out for or against any cause on which he may choose to speak.

This is true regardless of the subject matter of the address; and I defend the right of my colleague, the senior Senator from Mississippi [Mr. EASTLAND], or any other Member of the Senate to speak at any time on any subject, and at whatever length he may choose to speak.

The fact that the Supreme Court of the United States might be the subject matter of the speech a Senator makes is immaterial, and has nothing to do with the right of an individual Senator to perform his duties and to exercise his privileges to represent his State and his people in the manner which he feels is his obligation.

The Supreme Court of the United States is one of the three separate branches of government, and it is not immune from criticism by any Senator or any other citizen of our country. A discussion of the Supreme Court, its membership, its decisions, and its policies is healthy indeed, and can only serve to improve our Government.

Members of the Supreme Court are not infallible. They are subject to infirmities; they have their limitations, and are capable of mistakes. It is good for the Nation that the Court and its decisions be discussed, even more so because the judges are appointed for life, and, short of impeachment proceedings, once they are appointed and confirmed by the Senate, they remain on the Court for life.

There have been numerous occasions when Presidents of the United States, Members of the Congress, and even Justices of the Supreme Court have criticized the decisions of the Court.

Only 25 years ago, the then President, Franklin D. Roosevelt, publicly and severely criticized the Court, and even sought to increase the number of judges, in order to effectively counteract some of the decisions of the Court and to obtain decisions more in accord with his own policies.

On at least three occasions in recent years, the National Conference of State Chief Justices has called upon the Supreme Court of the United States to exercise judicial restraint, and has expressed concern about the action of the Court in exercising policymaking functions, thus rendering decisions expanding the national power in areas formerly within the exclusive domain of the States. The most recent case was in 1958 when the chief justices of State courts by a vote of 36 to 8, indicted the Supreme Court for failure to exercise proper judicial restraint.

The American Bar Association, in 1959, acting through a special committee, examined a number of the recent decisions of the Supreme Court involving issues of internal subversion and urging congressional action to remedy the effect of the decisions of the Court.

In our history the Supreme Court has often been wrong. It has been under attack many times. Each branch of our Government, including the Supreme Court, must be subject to the open discussion, criticism, and even praise when it is due.

My colleague's remarks concerning the Court represented his appraisal and analysis of certain decisions. Other Senators may make their own appraisals and their analyses. Of course, all are subject to debate.

There have been resolutions presented in the Congress—and I offered one during the last Congress—calling for higher qualifications in the appointment of Justices of the Supreme Court. My resolution would have served notice on the President and all concerned that in making future appointments to the Supreme Court at least one out of every two appointees must have at least 10 years' experience as a judge of a State court or Federal court and that the Senate would not confirm appointments unless this rule was followed.

My discussion today is not an appraisal of the Supreme Court or its decisions. I have been very critical on many occasions of certain unfortunate decisions of the Court, many of which I feel violate the letter and the spirit of the Constitution of the United States.

I expect to have more to say on this subject on other occasions. I have a right to discuss the Court, and my colleague from Mississippi likewise has a right to discuss this subject, or any other subject he chooses, and every Senator has the same right and should defend it to the bitter end.

EXPORT OF LOGS AND LUMBER TO JAPAN

Mr. MORSE. Mr. President, I ask unanimous consent that a letter from Assistant Secretary of State Frederick G. Dutton, dated May 1, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, I am pleased to learn that the Department of State plans to survey the likelihood that Japan may be a market for logs and lumber from the United States.

The Pacific Northwest would very much like to expand the shipment of lumber to Japan. In addition, under certain conditions there are occasions when the northwest lumber industry would be agreeable to the shipment of certain types of logs to Japan. This action by our Department of State will, I hope, pave the way for developing a mutually beneficial type of trade.

The Department is to be commended for its action. I also expect that in the very near future there will be positive action by the administration on the matter of lumber imports from Canada.

Also, I wish to express my appreciation for the role the Secretaries of Treasury and State have played in assisting the efforts of the International Monetary Fund to achieve a stabilization of the Canadian dollar at 92½ cents. The past fluidity of the Canadian dollar was a matter of concern to many people, and especially to our lumbermen in recent months. This action by Canada culminates a long effort on her part to stabilize her currency and will be most conducive to proper business relations. Both of these actions will be helpful to our lumber industry.

We in the Pacific Northwest are very much concerned about imports of lumber from Canada, to the disadvantage particularly of tidewater mills in the Pacific Northwest, as well as other mills. Canadian lumber exporters are enjoying an advantage over American lumber mills for a variety of reasons.

In the past the matter of the stabilization of the American dollar was involved, with the Canadian Government directly and indirectly subsidizing the Canadian lumber producers.

We had brought this fact out in our discussions with the executive departments. Thus I am pleased that this matter has been resolved. The Senator from Washington [Mr. MAGNUSON] has already conducted one hearing here and one hearing in the State of Washington on the lumber situation. We are seeking to fix a date for a hearing in Oregon in the very near future.

In view of the fact that the primary election in Oregon is held on May 18, the senior Senator from Oregon, being a candidate, has taken the position that the hearing should not be held prior to that election.

Now we are in discussion with members of the Oregon delegation and the Washington delegation as to when following that election hearings can be held. No final decision has been reached, but I should like to say I am hopeful that the hearings may be held as early as May 19 or 21 or 24 or 25, but at least by the end of the first week in June.

I want the RECORD to show that we in the Pacific Northwest delegation already have accumulated a great deal of evidence on this subject matter. The record may be somewhat cumulative after the hearings. At the same time, I do not think it is fair to cut off any testimony or evidence that any of the interested parties may wish to offer or to take into account the effect of new developments such as the currency stabilization action and the study of the market in Japan. I happen to know there are some interested parties in the State of Oregon who have waited to offer their evidence at a hearing in Oregon, it would have been an unfair expense to them to expect them to travel to the hearing in Washington, D.C., or even to Olympia. They are counting on hearings to be held in Oregon. Therefore, I think it is only fair to them that we have these hearings, and that we have them soon. I hope they will take note of what I say this afternoon and plan to be ready to give whatever testimony they want to present at hearings in Oregon.

Mr. President, I want to get the hearings behind us. The time has come to start to settle on conclusion for a course of action. The time has come to suggest executive action. We must proceed to lay before responsible officials in the executive branch all the evidence which we as legislators can submit to them pertinent to the issue. For example, some action must be taken with regard to the policy of the Interstate Commerce Commission relative to an order that it issued in 1960 at a request by some in the lumber industry. This order now puts American lumbermen at a disadvantage in regard to lumber in transit in comparison with Canadian shippers. A Canadian can put lumber in a boxcar and start it to a market area, although it is not starting to a particular buyer, and during that transit he, in effect, has a storage house on wheels. That fact is very important in determining the expense of operating a retail lumberyard or a wholesale establishment.

That privilege prevailed in this country until the Interstate Commerce Commission revoked it. I said then the Commission was making a great mistake. I protested it then. I was satisfied then that the Commission either did not know the lumber industry or was playing into the hands of those big operators that did not want to permit this privilege to be available to the small lumber operators.

I hope that as a result of our hearings the Interstate Commerce Commission will open its eyes to this situation. Canadian shippers still have this privilege while ours do not. I am convinced this has shifted some of our lumber business to Canada.

Then we have the problem of the Jones Act. The hearings have already brought forth information that the Government of the United States has recognized the fact that the lumber mill operators of this country should not pay, to their disadvantage, a defense cost which all the taxpayers of this country should pay.

My colleague, the Senator from Oregon [Mrs. NEUBERGER], has introduced a bill to repeal the Jones Act. I am glad she did. I think it will give us the basis for evidence we need to make a decision as to whether the remedy is by way of a repeal of the Jones Act or by way of adoption of an amendment to the Jones Act, which the Senator from Washington [Mr. MAGNUSON] offered and which Mrs. NEUBERGER and some of the rest of us have cosponsored.

On the basis of such evidence as I have had to date I have not favored the repeal of the Jones Act, but if facts are established in the RECORD to show that would be in the public interest, I would not hesitate to vote to do so. I commend my colleague for introducing the bill, so that we can take evidence on all sides of the question, to determine the course of action which should be followed. I have not, so far, shared the point of view that that is the answer; rather, I have shared the opinion that we ought to amend the Jones Act so that when an American lumber operator is required to ship in American bottoms, which the Jones Act now requires, at a disadvantage in relation to the Canadian shipper, who is able to ship in any bottom—and we all know that many foreign bottoms ship at a much lower rate than American bottoms—then we shall recognize this differential for what it is, a part of the defense cost of this country.

The Jones Act was enacted in order to give the American people, supposedly, an assurance that in time of war we would have a merchant [illegible]rine available to meet the transpor[illegible]on needs of this country on the high seas. Many of us are well aware of what that meant to us in World War II. As I said to a group the other night, in World War II we lost so many ships in the early stages of the war that the administration was greatly concerned about whether we would have enough ships to put into the convoys to get our material across the Atlantic to serve the American boys who were fighting our cause.

In fact, I well recall that I served as a one-man court of review on one phase of the matter for the U.S. Navy. We had lost so many ships, which took down with them so many radio operators, that we did not have enough radio operators to man our convoys. But there was a group of radio operators who had been beached by a board of admirals prior to the war.

The Secretary of the Navy, Mr. Knox, was concerned about some of the decisions, so he asked the President of the United States to appoint me as a one-man review tribunal to go through the records of all those cases of the board of admirals to determine whether under the then existing circumstances there was any justification for continuing to keep those radio operators beached.

My recollection is that there were some 80 all told. My decisions reversed some 60 of the decisions of the board of admirals, and those men were put back on board in order to strengthen the merchant marine security of this country.

I mention this because we all should take judicial notice that in time of war an American merchant marine is vital to the security of this country.

But if one of the purposes of the Jones Act is to help the merchant marine of the United States compete with the merchant marines of other countries, that amounts to a defense subsidy, and it ought to be paid not by the lumber operators of the country, but by the American taxpayers.

All we seek to do in the bill, of which I am a cosponsor, is to provide that the difference in rates as between the charges which Canadian lumbermen pay and the charges which the Jones Act requires American lumbermen to pay, shall be subsidized not by the lumberman, but out of the Treasury of the United States. There is no reason in the world why we should ask the lumberman to pay this defense bill. That is what it is, in fact.

We have the problem also, Mr. President, of differences in stumpage costs. I find my lumbermen in a considerable quarrel with the Forest Service in regard to stumpage costs. There is no doubt about the fact that stumpage costs on a bid basis are considerably lower in Canada than in the United States. The industry contends that our Forest Service for the U.S. Government charges our lumbermen more for American governmental-owned timber than does the Canadian Government. The largest proportion of the timber cut in this country is owned by private citizens but in the West a significant amount of the timber sold to the lumbermen comes from the Forest Service and public lands. Some of it is cut, interestingly enough and paradoxically enough, in economically depressed areas, in which there is a serious unemployment problem. Those are called labor surplus areas.

So in some circumstances, on the one hand, the Government of the United States is pouring money into the economically depressed areas, to seek to do something about the economic problem confronting them; and, on the other hand, the Government is selling timber and the resulting bids from the lumbermen forces timber prices so high that in many instances mills must ultimately close down and workers must be put out of work, and in other instances there are short shift operations.

What I say is that there ought to be some correlation and coordination in regard to these policies. We ought to take a look to see what is putting stumpage prices too high, for we know that in Canada the price of stumpage is lower.

The Forest Service says, "But, Mr. Senator, when these lumbermen come in to the timber sales they actually bid higher for the timber than the appraised value which the Forest Service puts on it." That is true in many instances. The hearings have brought out on this point—and undoubtedly the Oregon hearings will bring out—that one reason why the operator may do so is that it is his only opportunity to get the timber. He has to decide whether he will lose more money by closing down his mill for the next year and taking the loss resulting from an idle mill, or by paying more for timber than he knows he should, more than he knows he can make a profit on, but the use of which will keep his lumber mill operating and his workers employed although he takes a loss, in the hope that in the meantime the lumber market may change and he may at least break even, if he does not make a profit.

That is a pretty difficult position. The lumberman will tell us, Mr. President, "One of the reasons why I have to bid more than the appraised market value of the timber is that the Forest Service sale program is erratic and the allowable cuts are too conservative."

I would have the members of the Senate Committee on Appropriations give heed to that argument. When a conservative allowable cut of timber available to put up for sale, and a large number of lumber mills with capacities and needs in totality is greater than the amount of timber being put up by the Federal Government are bidding for that timber, what should we expect the result to be? The result seems obvious. The Federal Government must assume its fair share of the responsibility for the fact that in many instances the actual purchase price paid for the timber is considerably above the appraised fair market value, the reason for that being that in practically every Federal forest in this land the Forest Service—and it is true to some extent also of the Bureau of Land Management—is not putting up an amount of timber that comes as near the true allowable cut as it should.

Why? One reason is that the Federal Government is not building roads into the Federal timber so that a larger acreage of Federal timber can be offered for sale. That brings the situation home to the Committees on Appropriations of the two Houses of Congress. As I have said for many years, I am proud of the fact that many refer to Senator HAYDEN and me as "The Access Roads Twins" in the Senate. I am proud to have the title, for I am proud of the fight we have made in the 17 years I have been in the Senate to increase the appropriations of the Federal Government for more access roads. We have studied this matter and we know the benefits these roads bring to recreation users and timber buyers alike—to the counties and the Federal Treasury—and to homebuilders and the users of lumber.

Why? Because every mile of Federal access road that is built into a Federal forest will return to all of the people of this Nation many times the cost of the road because of the increased sale of all Federal timber that sound Federal economy calls for. We are following a penny-wise and pound-foolish policy in regard to the building of timber roads; and the responsibility for such a policy rests in no small measure on the Committees on Appropriations of the Congress. If we should build the proposed roads, we would not only quickly get back the cost of the roads, but many times the cost.

We shall not only achieve that objective, but we shall perform a very much needed economic service for American small business. I speak of two classes of small business. I speak of the small lumber businessman who cannot compete with the big lumber operators. He will have to buy Federal timber on the condition that he will be required to build the road into the Federal timber. The big mills are not suffering the way the small mills are suffering. The big mills, the lumber giants, can buy a huge tract of land, and in buying it, agree to build an access road into the timber. Then, in effect, the cost of the access road would be deducted from the ultimate price that the timber operator would be required to pay.

At long last we have an administration which has recommended a substantial increase in access roads authorizations. President Kennedy has asked for an additional $10 million for 1963, a total of $50 million—for $70 million for 1964, and $85 million for 1965. This is the first time in 8 years that such a request has come up. The Democrats in the Congress—and there have been many Republicans such as the Senator from California [Mr. KUCHEL], and the Senator from South Dakota [Mr. CASE], and the gentleman from California [Mr. BALDWIN] in the House, who have joined us—have carried this load alone in the past. We now have an administration that sees the need.

But do not forget that the great majority of lumber operators are small lumber operators. Do not forget that the small lumber operators in totality employ more people than the big operators employ, and all of their income and profits stay on Main Street. That point is involved in the problem between the United States and Canada and the lumber industry.

The administration must recognize the problem facing the Northwest. In my judgment the congressional delegations of the Pacific Northwest cannot sit idly by when a foreign trade bill is before the Senate and vote for a trade bill unless we can also find the means to promote the welfare of the No. 1 greatest source of income for the Pacific Northwest, namely, the lumber industry. Let the administration understand from the present moment on that the senior Senator from Oregon does not intend to do so. The senior Senator from Oregon desires to support a sound foreign trade bill, but the present administration could not possibly sell me on a foreign trade bill if I should find that positive steps cannot also be taken to prevent the economic liquidation of large numbers of lumber mills in the Pacific Northwest. We need to increase our exports abroad and the Northwest cannot afford to export lumber jobs to Canada or Japan.

There is a middle ground. I am asking for fair consideration of the middle ground. If the Senate Committee on Appropriations, the Senate Committee on Foreign Relations, and the executive branches of the Government within the administration will devise a solution along the lines of a middle ground, they will have the support of the senior Senator from Oregon. Otherwise they will not have it. They may not need it. Then again they may.

But whether they need it or not, I know what my duty is. My duty is to work as hard as I can. I know the situation in my State, northern California, in Washington, Idaho, and Montana. We have common problems in that field. We must do something about the problem involving Canadian lumber and the export of logs to Japan. The hearings to which I have referred are bringing out the facts. I hope further evidence will be produced in the Oregon hearing in regard to what can be said, if anything, in justification of some form of equity, taking into account the historic pattern of lumber exports from Canada to the United States, and giving some consideration to a possible compromise solution whereby, once exports reach the percentage which has existed, say, in the past 10 or 15 years, at that point a certain percentage of quota shall be in effect.

I wish to make very clear to the lumbermen of my State that I am not committed to any formula. I am committed to only one thing, which is my duty, and that is to try to see to it that justice is done to the lumber industry of the Pacific Northwest in the light of what the facts at the hearings prove.

To the administration I say that the fact that I have not been heard from for several days on this subject does not mean that I have forgotten about it. I have merely been waiting to receive the record of the hearings when completed. I intend to press as strongly as I can for the doing of economic justice to the lumber industry of my State and of the Pacific Northwest in relation to the problem of the possible heavy resumption of Japanese purchases of logs in the Pacific Northwest, which practice has been followed with great injury to many of our lumber mills up until last fall, when the purchases of logs tapered off because of domestic problems in Japan.

It will be recalled that when the decline in the purchase of logs started, and the State Department said to us in effect, "You no longer have a problem," I said, "What do you mean by the statement that we no longer have a problem? It may be only a few short months before Japan will be back again for logs, paying more for logs than American lumber mills can pay and stay in business; and the taking of these many logs out of the Pacific Northwest and taking them to Japan will amount in reality to the exportation of thousands of mill jobs to Japan."

Several things could help. The Japanese could agree to buy a certain amount of lumber and squares. They could concentrate their purchases in the few ones where allowable cuts are not being harvested—perhaps in Alaska.

The Forest Service and the Bureau of Land Management can speedly examine each allowable cut and wherever possible raise it to optimum sustained yield level.

So I say to the administration: The choices are clear. One of the most important is to take the necessary action on the allowable cut. It will be noticed that I never advocate and never will advocate going above the allowable cut related to true sustained yield, because the allowable cut is a conservation must. When I speak about the allowable cut I am speaking of the cuttage that can be taken out of a Federal forest and still leave to future generations of Americans an adequate timber under a sound sustained yield conservation program—and taking the necessary steps, including the building of roads that will make the timber accessible and which will permit a cutting up to the allowable cut, so that our lumber mills can keep operating. Then we will not be exporting jobs, when employment is so sorely needed to keep operating the greatest defense weapon we have, and to keep it strong; namely, our economy.

I say to the administration that it should be ready to review the foreign trade bill to make sure it will protect American industry from that kind of irreparable damage. I say to the administration that it will have a hard time selling to the people of the West a policy that does not take care of our unemployment, resulting from a trade policy under which, while even before the issue is debated in the Senate, the administration makes perfectly clear that it is willing to take care of in the textile industry.

I am in favor of protecting the textile industry. Representatives of States where textile industries are located know that in the Senate they do not have a better friend than I, as my past votes show. I wish to say to them that we will also need the application of some comity and some equity and some equality in regard to the effect of a foreign trade policy, if one of its results is to do the damage that I warn the Senate today is going to be done to the lumber industry of the Pacific Northwest, unless the administration proceeds with the necessary action that will give protection to these lumber mills.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. JORDAN. I am in support of what the Senator is saying. He is perfectly correct in what he says about the lumber industry, because I know what is happening to it in the light of the Japanese action, particularly in regard to veneer lumber and other products.

The Senator referred to textiles, and he said that they had been taken care of. The administration has gone through the motions. We have some voluntary agreements in effect. I note, however, that three of the countries which entered into voluntary agreements have already shipped into the country more goods than they are supposed to send in the whole year. We took the matter up with the State Department, and they said, "This is a political matter. We do not want to hurt anyone." So they have not done anything.

Mr. MORSE. I want the Senator to know that I will be with him, helping him, if it does not work out in the way that he has every reason to expect it should work out. All I am saying is that we have not had even those assurances so far as the lumber industry is concerned.

Mr. JORDAN. I agree with the Senator's philosophy. There are a great many things besides textiles and lumber that will have to be subjected to close scrutiny before we make any agreement. Only the other day I was talking to a group of men who were in the mirror business. One of the largest mirror manufacturers in the United States was telling me about the taking off of the 17 percent tariff, and that a foreign manufacturer is already selling mirrors in this country at 13 percent under this American manufacturer's cost. If something is not done, the mirror business will not survive in the United States. Mirror manufacturers are not located only in the South; they are located in all parts of the country.

Mr. MORSE. The Senator is right.

Mr. JORDAN. It will be necessary to take a very close look at the whole program with respect to a great many products, including timber, because timber is a very important product in the Far West and also in the South. Those engaged in the timber business are being hurt very much indeed in many cases.

Mr. MORSE. I fully understand the Senator's position. I agree with the objectives he has stated. We must take a good look at these matters and ask the administration to try to find where the workable middle ground area is.

We recognize the fact that the President must have a more lenient trade program than is in existence now. The President has made it clear, and many of us have heard him make it clear, that he does not seek to liquidate any segment of the American economy. What he needs to know is what the disjointers are and what the problems are. Then he will see what can be done to work out a fair foreign trade program. I am seeking to help him as I speak from my place in the Senate today, in telling him some of the problems that confront us in the lumber industry in the Pacific Northwest with regard to the Japanese and Canadian situation, and in that connection I want to repeat two recommendations that I made once before, namely, that the administration take a look at Alaska and seek to be helpful to Alaska in opening some log supplies in Alaska to Japan. That would be a great help to the economy of Alaska, whereas constantly coming into Oregon and Washington and taking out these logs does not help our economy as a whole. It would be helpful to Alaska.

As chairman of the Subcommittee on Latin American Affairs, vitally concerned with the Alliance for Progress program, I wish to point out that we ought to give some consideration to multiple trade relations between and among Japan, the United States, and some Latin American countries such as Chile, where there are log supplies which Japan might conceivably get, and where Japanese goods, not competing in serious competition with U.S. goods or with goods from elsewhere in the hemisphere, could go in return for the logs. That is the kind of program I am urging the administration to follow, keeping in mind that we have a responsibility as Senators to get an answer to the question: "What will this particular section of the bill do to the American economy?"

If the evidence shows that the very result will be to the injury of the American economy, then, in my judgment, the burden of proof is upon the administration to justify the retention of that section of the bill.

In many instances, if we make that approach to the bill, we will work out a workable middle ground solution to these problems. I believe it can be done in the lumber industry, and I make that plea on the floor of the Senate today.

EXHIBIT 1

MAY 1, 1962.

Hon. WAYNE MORSE,
U.S. Senate.

DEAR SENATOR MORSE: Because of your continuing interest in the lumber industry in the Northwest, I believe you may be interested to know that the State Department has undertaken through the Embassy in Tokyo to determine the extent of log and lumber imports which Japan may seek for the next 3 years. As you know, there has been a dramatic increase in log exports from the west coast to Japan; and this has created considerable concern on the part of the affected localities. Log purchases for export fell off sharply last fall and have not yet been resumed but may be soon. The statistical estimates being gathered in Tokyo would be used for purposes of long-term planning. I have asked the appropriate officials here to keep your office informed as soon as data is available.

Sincerely yours,

FREDERICK G. DUTTON.

Mr. MORSE. Mr. President, before I turn to another subject matter, I understand that the majority leader would like to have me yield to him without my losing my ultimate right to the floor, so that the Senator from Wyoming [Mr. HICKEY] may present a noncontroversial bill to the Senate for action. With that proviso and understanding, I now yield to the Senator from Montana.

DELIVERY OF WATER TO LANDS IN THE THIRD DIVISION, RIVERTON FEDERAL RECLAMATION PROJECT, WYOMING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1344, Senate Joint Resolution 151.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A joint resolution (S.J. Res. 151) permitting the Secretary of the Interior to continue to deliver water to lands in the third division, Riverton Federal reclamation project, Wyoming.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Interior and Insular Affairs, with an amendment on page 1, line 10, after the word "specified," to insert:

Water shall be furnished upon individual applications accompanied by payments of an amount per acre to be irrigated equal to the estimated average per irrigable acre cost of operation and maintenance of the Third Division, whether or not all of the irrigable area is irrigated. Rates of charge for water delivery shall be $4 per acre for the first three acre-feet per acre with water in excess of that amount at $2 per acre-foot. The portion of the operation and maintenance costs applicable to lands for which water service is not requested is hereby declared to be nonreimbursable and nonreturnable.

So as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That pending completion of a repayment contract the Secretary of the Interior is authorized to continue to deliver water to the lands in the Third Division, Riverton Federal reclamation project, Wyoming, during the calendar years 1962 and 1963, as under the provisions of section 9, subsection (d)(1), of the Reclamation Project Act of 1939 (53 Stat. 1187, 1195; 43 U.S.C. 485h(d)) but without regard to the time limitation therein specified. Water shall be furnished upon individual applications accompanied by payments of an amount per acre to be irrigated equal to the estimated average per irrigable acre cost of operation and maintenance of the Third Division, whether or not all of the irrigable area is irrigated. Rates of charge for water delivery shall be $4 per acre for the first three acre-feet per acre with water in excess of that amount at $2 per acre-foot. The portion of the operation and maintenance costs applicable to lands for which water service is not requested is hereby declared to be nonreimbursable and nonreturnable.

Mr. MANSFIELD. Mr. President, the joint resolution is tied to a time termination limitation. It has been cleared with the distinguished minority leader, with the ranking Members on the Republican side of the aisle, and with the Committee on Interior and Insular Affairs. The Committee on Interior and Insular Affairs reported the measure unanimously. I ask that action be taken on the amendment at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HICKEY. Mr. President, I ask unanimous consent to have printed at an appropriate place in the RECORD a statement made by me, which appears in the report beginning on page 4 and concluding on page 6. My request is made because in the report the conclusions and recommendations of the committee are reluctantly made. They are reluctantly made because of some controversial matters which I discussed with the committee, as is shown in the report. Therefore, because, as the majority leader has said, of the imminence of a water shortage in the area by people who want water, we ask that the joint resolution be passed today.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

DELIVERY OF WATER, 1962

At the hearings of March 16, 1962, respecting Senate Joint Resolution 151 there was introduced into that hearing testimony respecting the will of these third division farmers and the scope of authority of those farmers testifying at the hearing. The Commissioner of Reclamation and the farmers have taken exception to each others' testimony with respect to those who wanted water delivered on the third division under Senate Joint Resolution 151 with reference to the delivery of water presented by Commissioner Dominy for those who would wish water at $4 per acre for the first 3 acre-feet with water in excess of that amount at $2 per acre-foot. In a letter to Roy Whitacre dated March 29, 1962, the Commissioner of Reclamation subsequently supplied the committee with the following information:

"Results of a canvass of the third division landowners conducted March 17–19, 1962, by field personnel are reported as follows:

"Thirty-one owners (including 17 petitioners) want water deliveries in 1962 for at least 4,140 acres.

"Ten owners were noncommittal until they hear from the irrigation district commissioners.

"Twelve owners (absentees or not at home) were not contacted.

"Eleven owners did not want water in 1962.

"In other words, 60 percent of those contacted wish to continue their farming operations in the third division irrigation district."

Also attached to this letter was a listing of "Irrigable lands in Riverton ownership (U.S. Bureau of Reclamation land classification, June 1961)," respecting the U.S. Bureau of Reclamation land classification owned by each landowner and setting forth the number of acres under each classification.

In conflict with this information supplied by Commissioner Dominy in his letter is a letter from Merrill R. Smith and A. J. Jarnagin, officers of the third division irrigation district, the attached affidavits (exhibit D) with respect to those wishing water delivered at $4 for 3 acre-feet per acre and $2 per acre-foot for the excess water at the landowner's option, and a listing of those third division irrigation district landowners and their respective legal irrigable acre listing.

First, the list of the landowners in the Reclamation Commissioner's enclosure does not agree with those listed by the commissioners of the third irrigation district and the irrigable acre listings (total for each individual) are in substantial disagreement where they can be cross checked with the Reclamation Commissioner's data.

In order to use a common basis for comparing the acreage representation respecting water deliveries, the listings supplied by the Reclamation Commissioner are hereby used (there being no other choice by the Reclamation Commissioners and the absolute inability of substantiating the sources of the Reclamation Commissioner's data).

The affidavits submitted by 26 farmers (exhibit D) and the testimony of Mr. Talbott respecting his position at the March 16 hearing, clearly indicate that farmers owning 5,616 acres (the Reclamation Commissioner's acres) of irrigable land or owning 50 percent of the total irrigable acres (the Reclamation Commissioner's acres) on the third division could not have legitimately been included in the Reclamation Commissioner's listing of "31 owners wanting water."

Furthermore, the affidavits establish that the Reclamation Commissioner's "31 owners wanting water" could only have been a bona fide expression from no more than 3 out of the 24 original entrymen residing on the third division, 6 out of the 8 Midvale district amendees residing on the project, and 11 out of the 14 landowners who bought third division land and reside in the area, or 18 of the 18 completely nonresidents to the Riverton area. In other words, of the 64 people (total) owning land on the third division (Smith's and Jarnagin's affidavit) 27 farmers have expressly disassociated themselves from being legitimately included in those "31 owners wanting water," leaving a balance of 37 remaining landowners. Eighteen of this thirty-seven are not even living near the town of Riverton or the third division irrigation project (two of which are in the armed services).

I want to make this point clear in this "numbers game" with which we have become involved here, that if credence is given to these affidavits (exhibit D) then the record would show that those farmers working on the third division have, in the great majority, not legitimately been included in the "31 owners wanting water" according to the Reclamation Commissioner's letter to Roy Whitacre and that, therefore, these "31 owners wanting water" must by necessity be in the great majority, people not farming or not living on the third division.

Also included herein is a letter signed by Merrill R. Smith, A. J. Jarnagin, and Allen D. Talbott, Commissioners of the third division irrigation district and to Senator HICKEY dated April 9, 1962 (exhibit E), which should give credence to the scope of authority of these farmers testifying at the March 16 hearings on Senate Joint Resolution 151 and additional insight into the problems of these farmers.

There are three additional affidavits by farmers Weitzel, Fike, and Riggs (exhibit F) herewith. These affidavits should be read for the individual expression respecting their contents, just as the other 26 affidavits. Each of these three affidavits does, in some manner, indicate a bona fide association with the Reclamation Commissioners "31 owners who want water" and represent an aggregate of 687.8 acres. In addition, I have received two letters associating themselves with the Reclamation Commissioners "31 owners who want water" from Mr. Weitzel and Mr. Blankenship and representing an additional aggregate of 120 acres of irrigation land (exhibit F). Mr. Weitzel also submitted an affidavit which is cited in this paragraph.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 151) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. HICKEY. Mr. President, I thank the Senator from Oregon for his courtesy in yielding.

Mr. MORSE. It is always my pleasure to cooperate with the distinguished Senator from Wyoming.

THE SAN LUIS AGREEMENT—CONSTITUTIONAL BARRIERS TO CALIFORNIA'S PROPOSED SUBJECTION OF FEDERAL INTERESTS

Mr. MORSE. Mr. President, on April 10, 1962, I addressed the Senate, objecting to the contract which the Department of the Interior has entered into with the State of California in respect to the San Luis project. I said on that occasion that I would discuss the subject further at a later date. Since then I have been at work on a legal analysis of this subject, and I propose today to present for the Record the result of that research, under the title "Constitutional Barriers to California's Proposed Subjection of Federal Interests."

I may also say that this will not be the last time at this session of Congress that I shall discuss this subject.

In my judgment, we are seeing the curtain rise on what will be one of the great legal battles of the next few years, for I am satisfied—in fact, I know—that certain groups in California are completely opposed to the contract which has been entered into, and are greatly alarmed and concerned about the public policy that will result from it unless it is overturned. However, the issue will be carried through the courts and will finally rest for argument in the Supreme Court of the United States, if a writ of certiorari can be obtained—and I think it can be.

I emphasized in the Record on April 10, 1962, in attacking the San Luis project contract dated December 30, 1961, between the United States and California, as being improvident and illegal, my intention to continue to fight California's gigantic land and water monopoly which fostered the project. At that time I referred to the contract as an opening wedge for the seizure by the State, on behalf of the monopoly, of the entire Federal Central Valley reclamation project. All doubt has been removed that there exists a subtly manipulated, immensely powerful conspiracy to invade the constitutional powers of the National Government; to wrest from it invaluable rights to the use of water; to impose its will upon the executive branch of the Government; to usurp the powers exclusively vested in the Congress to make rules and regulations in regard to all of the properties of the National Government.

On April 10, 1962, I entered in the Record my analysis of the opinion of the Solicitor of the Department of the Interior approving the contract referred to above. Seldom, if ever, have I read a more erroneous conclusion based upon tortured reasoning than that expressed by the Solicitor pursuant to which the Secretary of the Interior entered into the above-mentioned improvident and, in my opinion, illegal contract.

In the succeeding analysis of the contract of December 30, 1961, and California's statutes purportedly applicable to the San Luis project, I shall demonstrate that the course which has been adopted by the Secretary of the Interior is clearly violative of the Constitution of the United States of America. I contend that California is perpetrating an attack upon the Federal Treasury; upon the properties of the National Government; upon the powers of Congress to control through designated officials of the executive branch of the National Government the administration of those properties.

Initially, by way of background, I shall allude to the source of the power; the breadth of the power, invested in Congress in regard to those properties. Reference is made to the fact that the Constitution of the United States provides: [1]

> The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States * * *.

Mr. President, throughout my argument I shall refer to many court decisions and legal treatises which will be documented in footnotes. I desire to have the footnotes appear in the Record, without my taking the time to read the documentation of the citations.

In "The Federalist" it was declared that "This is a power of very great importance, proper in itself." [2] Irrespective of the somewhat casual manner in which that provision became a part of our fundamental law, it has been held by the Highest Court to vest in Congress power over the public lands of the United States "as over any other property belonging to the United States, and this power is vested in Congress without limitation." [3]

There has been an almost uniform acceptance of the power of Congress to legislate in connection with the property held by the United States in the several States "and in the instances where it has been questioned in this Court its validity has been upheld and its supremacy over State enactments sustained." [4]

A different rule, as succinctly stated by the Highest Court, "would place the public domain of the United States completely at the mercy of State legislation." [5] In these terms Chief Justice Marshall has, with infinite clarity, explained the need for the supremacy of the United States in its field of delegated authority, which includes the power to administer its property:

> To impose on it the necessity of resorting to means which it cannot control, which another government may furnish or withhold, would render its course precarious, the result of its measures uncertain, and create a dependence on other governments, which might disappoint its most important designs, and is incompatible with the language of the Constitution.[6]

In sustaining the authority of the United States to impose conditions to entry upon the forest lands of the National Government for the mentioned purposes, the Court stated:

> We are of opinion that the inclusion within a State of lands of the United States does not take from Congress the power to control their occupancy and use, to protect them from trespass and injury and to prescribe the conditions upon which others may obtain rights in them, even though this may involve the exercise in some measure of what commonly is known as the police power. "A different rule," as was said in *Camfield* v. *United States, supra*, "would place the public domain of the United States completely at the mercy of State legislation." [7]

More recently the Highest Court had occasion to consider the purport of an act of Congress granting certain lands and rights-of-way in Yosemite National Park and Stanislaus National Forest, both in the State of California.[8] The act in terms was a grant "intended for use by the city both in constructing and maintaining a means of supplying water for the domestic purposes of the city and other public bodies, and in establishing a system 'for generation and sale and distribution of electric energy.' " A suit in equity was instituted by the United States to enforce one of the conditions of the grant prohibiting the disposal of the electricity through a private power company. In declaring valid the condition the Court first referred to the property clause of the Constitution, then stated:

> The power over the public land thus entrusted to Congress is without limitations. "And it is not for the courts to say how that trust shall be administered. That is for Congress to determine." Thus, Congress may constitutionally limit the disposition of the public domain to a manner consistent with its views of public policy. And the policy to govern disposal of rights to develop hydroelectric power in such public lands may, if Congress chooses, be one designed to avoid monopoly and to bring about a widespread distribution of benefits.[9]

In the brief résumé of our Nation's organic law I have established two prime if elemental facets: First, the powers exercised by the Central Government are delegated and limited to the sphere of that delegation; second, the powers thus delegated when exercised by the Congress are, by article VI of the Constitution, the supreme law of the land. It is upon the predicate of those all-encompassing concepts that I turn to that which has transpired in connection with the Central Valley Federal reclamation project, of which the San Luis unit is "an integral part."

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[1] Constitution of the United States, art. IV, sec. 3, clause 2.

[2] Federalist, No. XLIII, p. 297.

[3] *United States* v. *Gratiot*, 39 U.S. 526, 536, 537 (1840).

[4] *Utah Power and Light Co.* v. *United States*, 243 U.S. 389, 405 (1916).

[5] *Camfield* v. *United States*, 167 U.S. 518, 526 (1896).

[6] *McCulloch* v. *Maryland*, 17 U.S. 315, 424 (1819).

[7] *Utah Power & Light Co.* v. *United States*, 243 U.S. 389, 405 (1916).

[8] *United States* v. *San Francisco*, 310 U.S. 16 (1939).

[9] *United States* v. *San Francisco*, 310 U.S. 16, 29, 30 (1939).

In connection with the Central Valley Federal reclamation project the Congress has appropriated upward to $1 billion. That expenditure, as pointed out above, has been made in the exercise of the general welfare clause, article I, section 8 of the Constitution, and the property clause of the Constitution, article IV, section 3, clause 2. Exercising those powers in the year 1937 by specific legislation, Congress reauthorized the Central Valley Federal reclamation project, making applicable to it the reclamation laws.[10] Regarding the project the Supreme Court has pointed out in the Gerlach case:

> A finding of feasibility, as required by [the Reclamation] law, was made by the Secretary of the Interior on November 26, 1935, and was approved by the President on December 2, 1935.[11]

Envisioned by the project were three major components:

First. Shasta Dam on the Sacramento River to impound the vast erratic surpluses of water which from time to time that stream yields and which having wrought great flood havoc, wasted into the sea.

Second. Friant Dam on the San Joaquin River which would impound the fluctuating flows of that stream and from which point those waters would be diverted south 160 miles by the Friant-Kern Canal to Bakersfield, and northward in the Madera Canal a distance of 40 miles. An empire embracing 1 million acres of land would thus be irrigated and enriched.

Third. Delta-Mendota Canal is the third major structure of the Central Valley Federal reclamation project, which links the Sacramento and San Joaquin Valleys, delivering Sacramento River water to the San Joaquin Valley to replace, in part, the waters diverted at Friant Dam.

Our Nation as a whole has in the Central Valley Federal reclamation project an immense stake. Not only is there a vast Federal investment involved, but more important, there are human values upon which a price may not be placed. Important in that connection is the struggle to prevent land and water monopolies in the area by insisting upon compliance with the 160-acre limitation which guarantees family-size farms on reclamation projects. It was the failure of the Secretary of the Interior and his Solicitor to insist upon the applicability of those excess land provisions in connection with the State service area of the San Luis project, which gave rise to my attack on April 10, 1962, on the latter's opinion in regard to the matter.

Crucial to the entire Central Valley Federal reclamation project is the administration of it by the Secretary of the Interior who is obligated by law to effectuate the will of Congress. That official and that official alone has been invested with the power, authority and responsibility in regard to the administration of the project.

Key to the success of the Central Valley Federal reclamation project, including the San Luis unit of it, is the Sacramento River. Keeper of that key, if the will of the Nation is to be carried out, is the Secretary of the Interior. Yet, very recently, California acting through its State water rights board has undertaken to wrest from the Secretary of the Interior a large measure of that control; has undertaken to abrogate and vitiate laws which the Congress has enacted.

Attempted seizure of the Secretary's power by the California State Water Rights Board came about when the Secretary of the Interior, seeking comity with California, prosecuted applications to appropriate rights in Sacramento River water assigned to it in 1938 by California at the time the State was petitioning the National Government to undertake the construction of the Central Valley Federal reclamation project. That course was adopted pursuant to section 8 of the Reclamation Act.[12]

Far from reciprocating in the Secretary's act of comity, the State water rights board issued permits greatly reducing the quantities of water claimed by the Secretary of the Interior in the Sacramento River and in regard to those rights purportedly granted, imposed the severest types of limitations, which called forth from the Solicitor of the Department of the Interior the sharpest objections and requests for reconsideration.[13]

Fundamentally the order and permits in question issued by California's State Water Rights Board purport to contravene the constitutional authority of the National Government and invade the sphere of power delegated to the Congress in the following respects:

First. They sharply reduce the quantities of water claimed by the Secretary of the Interior to be required to carry out the plans and purposes approved by the Congress in connection with the Central Valley Federal reclamation project.

Second. In the permits the State water rights board invades the discretion of the Secretary of the Interior by purporting to substitute its will for that of the congressionally empowered official to administer Shasta Dam and appurtenant facilities, particularly in regard to the releases of water in connection with salinity control.

Third. The permits declare that invaluable storage and direct flow rights of the United States of America in the Sacramento River "for use beyond the Sacramento-San Joaquin Delta or outside the watershed of the Sacramento River Basin shall be subject to rights initiated by applications for use within said watershed and delta regardless of the date of filing of said applications."[14]

Fourth. Further the State water rights board declares that the right of the United States of America to export Sacramento River water under specified permits "outside the watershed of the Sacramento River Basin or beyond the Sacramento-San Joaquin Delta shall be subject to the reasonable beneficial use of said stored water within said watershed and delta, both present and prospective," subject to the provision that present users of that water contract with the United States of America in regard to it prior to March 1, 1964, and persons not presently using it contract for it prior to March 1, 1971.[15]

Fifth. Finally, the State Water Rights Board of California seeks to impose upon the rights of the United States of America in the Sacramento River this onerous, inequitable, and unconscionable limitation:

> "The State water rights board reserves continuing jurisdiction over permits * * * for an indefinite period * * * for the purpose of coordinating terms and conditions of the permits with terms and conditions which have been or which may be included in permits issued pursuant to other applications of the United States in furtherance of the Central Valley project and applications of the State of California in furtherance of the State water resources development system."[16]

In the term "State water resources development system" is the ephemeral and as yet undesignated State service area of the San Luis project, freed by the Secretary of the Interior of the 160-acre-limitation provision of the reclamation law, all as reviewed by me in the RECORD on April 10, 1962.

Thus, practically speaking, the State water rights board has attempted to subordinate the vast Central Valley Federal reclamation project to its will. By the conditions in the permits to the United States of America for rights in the Sacramento River, California seeks to further, at the expense of the Federal Government, the State water rights plan of which the San Luis project is the initial phase.

It has, moreover, undertaken to impose a servitude upon the invaluable rights of the United States of America in the Sacramento River waters which are exported from the basin of that stream through the Delta-Mendoto Canal for use in the San Joaquin Valley.

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[10] 50 Stat. 844–850.

[11] *United States* v. *Gerlach Live Stock Company*, 339 U.S. 725, 732 (1949).

[12] 32 Stat. 390: "That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated and beneficial use shall be the basis, the measure, and the limit of the right."

[13] Decision D–990—State water rights board—in the matter of applications 5625, 5626, 9363, 9364, 9365, 9366, 9367, 9368, and 10588: United States of America, applicant, Sacramento River and Delta Water Association, et al., protestants. Adopted Feb. 9, 1961.

[14] Decision D–990, par. 22.

[15] Decision D–990, par. 23.

[16] Decision D–990, par. 26.

This attempt by California to condition the long-exercised rights of the United States of America—rights exercised for virtually 20 years—is unjust; it is indeed deceitful. For it was upon the representation of California that it could not finance the Central Valley project that caused Congress to approve that project under the reclamation laws. In complete bad conscience, California after the fact seeks to seize; to subordinate; to manipulate long-vested rights of the United States of America in the Sacramento River in furtherance of the land and water monopolies which sponsored and lobbied through the San Luis project. In that regard let this fact be emphasized: The contract between California and the United States of America pursuant to which the State service area of the San Luis project is freed of the excess-land provisions is in furtherance of California's all-embracing connivance to seize the Central Valley Federal reclamation project.

In simple terms, the citizens of Oregon, Montana, and Texas are being taxed to complete this unconscionable connivance. A connivance, let it be emphasized, that clearly violates the will of Congress, for it approved the plans for the construction and operation of Shasta Dam, Delta-Mendota Canal and Friant Dam wholly free of the restraints which California seeks to impose upon the Sacramento River water utilized to replace those San Joaquin River waters diverted at the last-mentioned structure, all as described above.

Two factors are of immense importance and must be kept foremost in this consideration:

First. The United States of America in transporting Sacramento River water into the San Joaquin Valley is not invading any presently vested rights—great care has been taken to avoid that circumstance.

Second. In thus transporting Sacramento River water upon which California would impose its servitude, the United States of America is fulfilling a solemn promise made by Congress to replace San Joaquin River water below Mendota Pool on that stream.

Frustration by California of the plans approved by Congress and largely effectuated by the Secretary of the Interior should not be permitted.

Appropriate at this juncture is briefly to summarize the status of the Central Valley Federal Reclamation Project and the San Luis Project, concerning which the Congress is being requested to appropriate huge sums. In fine, these are the circumstances which exist:

The Solicitor of the Department of the Interior, in regard to long exercised rights in the Sacramento and San Joaquin Rivers, for which and in connection with which approximately $1 billion of Federal funds have been expended, has appeared before the California State Water Rights Board and, incredibly, asked for permits to allow the United States of America to exercise those rights;

The Solicitor of the Department of the Interior, having seemingly with full intention to invoke the jurisdiction of the California State Water Rights Board, appeared before that board and at the same time denied that the board had power to subordinate and condition the rights of the United States of America in the Sacramento and San Joaquin Rivers.

Of course, the simple question should be asked, What did he go there for in the first place? He had no business there. The California State Water Rights Board had no jurisdiction over the Federal Government. The Solicitor of the Department of the Interior could not give it, because no officer of this Government can give away jurisdiction singular to the U.S. Government. He muddied the waters. That is what he did. He never should have appeared, specially, generally, or at all.

The California State Water Rights Board has rejected the Solicitor's remonstrances and has—

First. Subordinated the rights of the United States of America by declaring that—

> Direct diversion and storage of Sacramento River water for use beyond the Sacramento-San Joaquin Delta or outside the watershed of Sacramento River basin shall be subject to rights initiated by applications for use within said watershed and Delta regardless of the date of filing said applications.[17]

Second. Conditioned the permits upon future developments in the Central Valley and above all to the State service area of the California water plan or as it is referred to in the conditional permits "the State water resources development system."

Emanating from the preceding summarization is this question: Did Congress authorize; indeed, could it authorize the subordination and conditioning by the State of the invaluable rights to the use of water which the United States of America, under a claim of right, exercises and has exercised for many years in connection with the Central Valley Federal reclamation project?

Response to that question must necessarily be in the negative. Reasons for that negative response are contained in the principles reviewed above and are, of course, found in article VI of the Constitution, which declares, among other things:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof * * * shall be the supreme Law of the Land.[18]

Irrespective of the quoted constitutional clause and the interpretations placed upon it by the highest Court, it is urged that section 8 of the Reclamation Act authorize the State to subordinate and condition the rights of the United States of America in the manner outlined above. In that connection reference is made to the probative provisions of the section of the reclamation law last mentioned. They are:

> Nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws.[19]

Again questions:

First. Does the congressional enactment subject the properties, rights, interests, and administration of the United States of America in the Central Valley Federal reclamation project to the control of the California State Water Rights Board?

Second. Does it authorize the California State Water Rights Board to change the plans approved by the Congress for the construction, operation, and maintenance of the Central Valley Federal reclamation project?

Third. Does it authorize the California State Water Rights Board to subordinate and condition the rights of the United States of America which have been acquired and used by it in connection with the Central Valley Federal reclamation project in the manner outlined?

Raised by those questions is a need briefly to analyze the laws of California pursuant to which the permits in question were issued.

Provision is made by the California law that—

> All water within the State is the property of the State, but the right to the use of water may be acquired by appropriation in the manner provided by law.[20]

It is, moreover, provided that—

> No right to appropriate or use water subject to appropriation shall be initiated or acquired except upon compliance with the provisions of this division.[21]

It is likewise declared that—

> The Board shall allow the appropriation for beneficial purposes of unappropriated water under such terms and conditions as in its judgment will best develop, conserve, and utilize in the public interest the water sought to be appropriated.[22]

From that provision it is urged that California's State Water Rights Board is empowered to substitute its will for that of Congress in regard to the Central Valley Federal reclamation project. Provision is also made under the law that—

> The issuance of a permit gives the right to take and use water only to the extent and for the purpose allowed in the permit.[23]

It is also declared that—

> Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions thereunder expressed.[24]

Culmination of the procedural features of the California law for appropriating rights to the use of water is the issuance of a license by the State. It is declared in that regard that—

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[17] Decision D 990, paragraph 22.

[18] Constitution of the United States of America, 1787, art. VI, cl. 2.

[19] 32 Stat. 390.

[20] West's Annotated California Water Code, sec. 102.

[21] West's Annotated California Water Code, sec. 1225.

[22] West's Annotated California Water Code, sec. 1253.

[23] West's Annotated California Water Code, sec. 1381.

[24] West's Annotated California Water Code, sec. 1391.

> Immediately upon completion of the project the holder of a permit for the right to appropriate water shall report the completion to the board.[25]

Of immense importance to the National Government in connection with its vast investment in the Central Valley of California are these clauses of the California law which it is now sought to make applicable to the Central Valley Federal reclamation project:

> Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division, or for any rights granted or acquired under the provisions of this division.[26]

More important and gravely imperiling the interests of the United States of America in the Central Valley Federal reclamation project is the declaration:

> Any time after the expiration of 20 years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.[27]

In view of the fact that the United States of America has expended millions of dollars to purchase rights to the use of water to which the State seeks to apply the State law; has constructed vast facilities dependent upon the continuation in perpetuity of the exercise of those rights and has contracted with numerous irrigation districts for a supply of water dependent upon those rights, it is manifest that Congress did not and could not have intended to subject the Central Valley Federal reclamation project and the rights claimed in connection with it to the laws of the State of California.

Warranted here is reference to the fact that the State water rights board has rendered a decision and a permit respecting the rights of the United States of America in the San Joaquin River and exercised in connection with Friant Dam.[28] Equally as obnoxious are California's efforts in that decision and permit to control the will of Congress as those which it undertook in connection with the Sacramento River. Important, moreover, is the fact that though the United States of America purchased at great cost rights over which the California State Water Rights Board had no jurisdiction, the last-mentioned decision and permit purports to control and condition those rights. Thus the principles reviewed above and the problems presented embrace every phase and facet of the great project California seeks to seize.

Pertinent in regard to the status of the rulings of the California State Water Rights Board in regard to the rights of the National Government in the Sacramento River is the statement by one of its members:

> The Bureau [of Reclamation] in its petition [for rehearing] urged the board to eliminate certain paragraphs of its order [most of which have been reviewed above] or to describe them as being merely "recommendations and requests" to the United States. The Bureau's petition contained no basis in support of this position other than to claim that the board did not have the power to impose terms and conditions on the United States. The board rejected this contention. * * *
>
> There was no petition filed (by the Bureau of Reclamation) with the Court for review of the decision following the order denying the petitions for reconsideration, therefore the decision as adopted on February 9, 1961, is final.[29]

This is a case in which California purports to make itself prosecutor, jury, and judge. That is why I say this great legal issue must be taken through the courts forthwith, in my judgment, to the Supreme Court, to stop California from getting by with its attempt to exercise jurisdiction over the Federal Government in a field in which it is without jurisdiction.

It would seem to follow that the Solicitor of the Department of the Interior after the devastation California has wrought upon the Central Valley Federal Reclamation Project, would avoid appearance before that State's Water Rights Board—not so, however. Applications for the controversial San Luis Unit of the Central Valley Federal Reclamation Project are now pending before that Board. In the light of the decisions rendered by that agency in regard to the Sacramento and San Joaquin Rivers—Shasta Dam, Friant Dam and Delta-Mendota Canal—it can only be anticipated that further, more drastic decisions in violation of the congressionally approved plans for the Central Valley Federal Reclamation Project will be forthcoming. There, however, the matter does not end. For reference must finally be made to the contract of December 30, 1961, entered into between the Secretary of the Interior and the State of California. Coupled with the rulings made by the State which have been reviewed, the contract in question should be considered as a total abdication of the National Government to the land and water monopolies which so completely dominate California.

It is provided in the contract between the Secretary of the Interior and California that—

> As the joint-use facilities or an operable unit thereof [of the San Luis project] near completion, the United States shall notify the State. * * * Upon agreement by the State and the United States that the joint facility or unit is suitable for operation and maintenance status, and upon agreement as to operating criteria, the State shall assume responsibility for its care, operation, and maintenance.[30]

Thus the physical seizure of each complete unit by California is contractually guaranteed—if such a guarantee is valid. Moreover, California leaves nothing to chance for the contract also provides that "in order that the United States may adequately justify each of its annual requests to Congress for California's care, operation, and maintenance" [31] of the San Luis unit of the Central Valley Federal reclamation project, the State will prepare the amount of Federal funds it desires to expend for that purpose. True, provision is made in the San Luis Act [32] that the Secretary of the Interior "may" turn over to California for "care, operation, and maintenance of any works of the San Luis unit." Yet it is denied that Congress intended the attempted abdication and subordination of the rights and interests of the United States of America in the Central Valley Federal reclamation project of the nature which now stands out so clearly and so shamefully.

Alluding again to the constitutional powers of the National Government and the inviolability of them, it is reiterated and reemphasized that the great Central Valley Federal Reclamation Project cannot be subordinated to the control of California. To attempt to do so clearly evades the fundamental principles which Chief Justice Marshall enunciated when he declared that—

> To impose on it (the United States of America) the necessity of resorting to means which it cannot control, which another government may furnish or withhold, would render its course precarious, the results of its measures uncertain, and create a dependence on other governments, which might disappoint its most important designs, and is incompatible with the language of the Constitution.[33]

Applying that underlying concept to section 8 of the Reclamation Act reveals how untenable it is to urge that by the last mentioned act, Congress invited the State of California to subordinate the rights of the National Government in the manner attempted; to condition those rights to the California Water Plan which is a design for a vast land and water monopoly. Recent decisions of the Supreme Court fully support that conclusion. Reference in that connection is made to this recent comment by the Supreme Court when the question arose as to the enforceability of section 5 of the Reclamation Act pertaining to the 160-acre limitation in the light of a State decision interpreting the above quoted section 8 as abrogating section 5:

> We read nothing in section 8 that compels the United States to deliver water on conditions imposed by the State. To read section 8 to the contrary would require the Secretary to violate section 5 [the 160-acre limitation] * * *. Without passing generally on the coverage of section 8 in the delicate area of Federal-State relations in

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[25] West's Annotated California Water Code, sec. 1600.

[26] West's Annotated California Water Code, sec. 1629.

[27] West's Annotated California Water Code, sec. 1630.

[28] Decision D 935, June 2, 1959.

[29] A Discussion of the State Water Rights Board Decision D 990 on the Sacramento River, by W. A. Alexander, member, State Water Rights Board, before the A.S.C.E. meeting, Sacramento, Calif., Nov. 27, 1961.

[30] Contract Dec. 30, 1961, par. 20(a).

[31] Contract Dec. 30, 1961, par. 21(b).

[32] 74 Stat. 156, par. 3(g).

[33] *McCulloch* v. *Maryland*, 17 U.S. 315, 424 (1819).

the irrigation field, we do not believe that the Congress intended section 8 to override the repeatedly reaffirmed national policy of section 5.[34]

Equally clear is this principle:

Congress did not intend when it authorized, approved, and financed the Central Valley Federal reclamation project that section 8 of the Reclamation Act would be construed to take from Congress the constitutional power to make needful rules and regulations respecting that project.[35]

Repeatedly the Supreme Court has declared that the National Government is free from the restraint of State police power which the California Water Rights Board has sought to apply to it. In a case very much in point respecting Arizona's statutes relating to the acquisition and use of rights to the use of water the Court declared:

> Arizona's statutes prohibit the construction of any dam whatsoever until written approval of plans and specifications shall have been obtained from the State engineer * * *. The United States has not secured such approval; nor has any application been made by Wilbur, who is proceeding to construct said dam in complete disregard of this law of Arizona.
>
> "The United States may perform its functions without conforming to the police regulations of a State. * * * Wilbur is under no obligation to submit the plans and specifications to the State Engineer for approval."[36] In denying the right of a State to require truckdrivers for the Post Office to secure licenses to drive within its jurisdiction the Court observed: "It seems to us that the immunity of the instruments of the United States from State control in the performance of their duties extends to a requirement that they desist from performance until they satisfy a State officer upon examination that they are competent for a necessary part of them and pay a fee for permission to go on.[37]

Holding that the admission of a State into the Union did not deprive the United States of the power adequately to protect its own property, the same Court concluded:

> A different rule would place the public domain of the United States completely at the mercy of State legislation.[38]

Consonant with the principle that the United States may act to protect the property which it holds in the several States the highest Court recognized the power of the National Government to establish forest reserves on the public land[39] and to make needful regulations for the administration of those reserves.[40]

When deer were killed at the instance of the Secretary of Agriculture in violation of State game laws to prevent overgrazing in a national forest and the forestry official was threatened with arrest, the highest Court stated:

> The power of the United States to thus protect its lands and property does not admit of doubt * * * the game laws or any other statute of the State to the contrary notwithstanding.[41]

In these succinct and decisive terms the highest Court struck down a California law purporting to place military transportation contracts under the control of a State agency: Here, however, the State places a prohibition on the Federal Government. Here the conflict between the Federal policy of negotiated rates and the State policy of regulation of negotiated rates seems to us to be clear. The conflict is as plain as it was in *Arizona* v. *California*, 283 U.S. 423, 451, where a State sought authority over plans and specifications for a Federal dam, in Leslie Miller, Inc. against Arkansas, supra, where State standards regulating contractors conflicted with Federal standards for those contractors, and in *Johnson* v. *Maryland*, 254 U.S. 51, where a State sought to exact a license requirement from a Federal employee driving a mail truck. The conflict seems to us to be as clear as any that the supremacy clause, article VI, clause 2, of the Constitution was designed to resolve. As Chief Justice Marshall said in *M'Culloch* v. *Maryland*, 4 Wheat. 316, 427:

> It is of the very essence of supremacy to remove all obstacles to its action within its own sphere, and so to modify every power vested in subordinate governments, as to exempt its own operations from their own influence.
>
> The seriousness of the impact of California's regulation on the action of Federal procurement officials is dramatically shown by this record.[42]

In an important decision involving Federal-State relationship in which it was asserted that an Iowa statute would govern a licensee of the Federal Government the highest Court rejected the concept, declaring:

> To require the petitioner to secure the actual grant to it of a State permit [under Iowa law] * * * as a condition precedent to securing a Federal license * * * would vest in the executive council of Iowa a veto power over the Federal project. Such a veto power easily could destroy the effectiveness of the Federal act.[43]

However, in connection with this great issue that I seek to raise in my speech today, California seeks to veto the will of Congress; to set aside plans approved by Congress; to subordinate rights vested in the National Government to the control of California. That interpretation of the reclamation law "would subject to State control the very requirements of the project that Congress has placed in the discretion of the Secretary of the Interior."[44]

More recently the Supreme Court has again reiterated the proposition that where, as here, Congress has acted, the States may not "veto" the will of Congress:[45]

> A different rule would place the public domain of the United States completely at the mercy of State legislation.[46]

Finally it is too clear for question that neither the acts of the Secretary of the Interior nor those of his Solicitor in appearing before California's State Water Rights Board could strip from Congress its powers over the Central Valley Federal Reclamation Project and place it under the control of California:

> The Government, which holds its interests here as elsewhere in trust for all the people * * * and officers who have no authority at all to dispose of Government property cannot by their conduct cause the Government to lose its valuable rights by their acquiescence, laches, or failure to act.[47]

CONCLUSION

From the review of the fundamental law of the land it is abundantly manifest that the Constitution is an insuperable barrier to the accomplishment of the plan of the land and water monopolies so powerful in California to seize control of the Central Valley Federal Reclamation Project.

Mr. President, from time to time California undoubtedly will seek to persuade the Appropriations Committees of Congress to appropriate funds to carry out what I call this great plan of connivance that seeks to deny to all the taxpayers of the country their vested rights and interest in the Central Valley reclamation project.

I urge the Appropriations Committees of Congress to take note of the fact that this is a highly litigious matter, that this is going to be a legal battle, now starting, which will take some time to go through the courts. The Appropriations Committees of Congress and Congress itself, having due notice now, owe it to the American people to let the courts speak on this issue.

California should have it clearly understood that the Congress is not going to aid and abet California in carrying forward this gigantic conniving plan that seeks to subordinate a constitutional power of the Federal Government in respect to its Federal rights relating to a Federal project.

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[34] *Ivanhoe Irrigation Dist.* v. *McCracken*, 357 U.S. 275, 292 (1957).

[35] Noted in regard to section 8 as viewed by California in its decision D–990 is this statement in regard to the above cited Ivanhoe decision: "* * * it must be borne in mind that the Court was addressing itself to one issue—the relation between section 8 and section 5 (the excess lands provision) of the 1902 act. * * * Provisions of California law regarding the procedures for initiating new rights to unappropriated water were not properly before the Court under its view of the case and were not considered by it. Here, acquisition of water rights is not only involved, it is the focal point of these proceedings. It follows that section 8 is the governing statute so far as Federal law is concerned and that the Court's reasoning in the Ivanhoe case is readily distinguishable. To predict what the Court's appraisal of the Board's authority to condition permits issued to the U.S. Bureau of Reclamation would be if the issue were squarely before the Court, upon the basis of judicial pronouncements which related to an entirely different issue, would be most unfair and unwise." The decision also states that declarations in the Ivanhoe decision "* * * appear to be contradictory * * *." (Decision D–990, pp. 22, 23).

[36] *Arizona* v. *California*, 283 U.S. 423, 451 (1930).

[37] *Johnson* v. *Maryland*, 254 U.S. 51, 57 (1920).

[38] *Camfield* v. *United States*, 167 U.S. 518, 526 (1896).

[39] *Light* v. *United States*, 220 U.S. 523, 536 (1911).

[40] *United States* v. *Grimaud*, 220 U.S. 506, 521 (1911).

[41] *Hunt* v. *United States*, 278 U.S. 96, 100 (1928).

[42] *California Commission* v. *United States*, 355 U.S. 534, 544 (1957).

[43] *First Iowa Co-op.* v. *Power Comm.*, 328 U.S. 152, 164 (1945).

[44] Ibid., 328 U.S. 152, 165 (1945).

[45] *Federal Power Commission* v. *Oregon*, 349 U.S. 435, 445 (1954).

[46] *Camfield* v. *United States*, 167 U.S. 518, 526 (1896).

[47] *United States* v. *California*, 332 U.S. 19, 40 (1946).

Irrespective of what Congress now does, the issue is drawn. It is for the courts to speak. I am confident the final result of this controversy will be a ruling from the courts that the California State Water Rights Board has no such power and jurisdiction as it seeks to exercise, no matter to what extent the Solicitor of the U.S. Department of the Interior acquiesces in the jurisdiction of that board.

No officer of the Federal Government can by a course of action repeal a constitutional right vested in the Federal Government.

I close by saying that it is not too late for the Governor of California and the Secretary of the Interior to take a long second look at this horrendous mistake that they both have committed. This mistake should be righted, and quickly, and the interest of all the taxpayers of the country should be protected, and the San Luis contract, which really has produced the crisis now involved in this matter of Federal versus State legal rights in California, should be modified so far as the contract is concerned, and the people of California given the protection that Congress intended when the Reclamation Act of 1902 was adopted.

I believe that by now the Governor of California and the Secretary of the Interior have become well aware of the increasing number of consumer groups in California which have become shocked by this unfortunate arrangement. The Grange, the Farmers Union, various consumer organizations, labor groups, and one Democratic organization after another, have gone on record in protest of the arrangement entered into by the Secretary of the Interior and the Governor of California. However, if the Governor of California and the Secretary of the Interior propose to let the matter rest where it now is, then I believe they clearly understand that the litigation will proceed and the matter of the Federal rights will be determined in the courts. In my judgment, when the final decision is rendered, the Governor of California and the Secretary of the Interior will be proven by the courts to have followed a course of action in this instance which was not in the public interest and was not in accord with the constitutional legal rights of the Federal Government.

THE SERVING OF ALCOHOLIC BEVERAGES IN THE SENATE WING OF THE CAPITOL AND IN THE SENATE OFFICE BUILDINGS

Mr. MORSE. Mr. President, it was a week ago today that I made, I believe, my fourth brief speech on Senate Resolution 325. I said that I intended to speak on the matter at least once a week. In view of the fact that certain negotiations are under way, I do not feel I shall have to speak as long as I thought it would be necessary to speak. However, I must keep my commitments.

I refer, of course, to my resolution, now resting in the Committee on Rules and Administration. It is cosponsored by the Senators from South Carolina [Mr. JOHNSTON and Mr. THURMOND], the Senator from Kansas [Mr. CARLSON], and the Senator from Delaware [Mr. WILLIAMS]. It provides:

> 3. The serving of alcoholic beverages shall not be permitted within any portion of the Senate wing of the Capitol, or any portion of any office building set aside for the use of the Senate, other than a room or suite which is assigned for occupancy by a Member or officer of the Senate for the transaction of the business of his office. As used in this paragraph, the term "alcoholic beverage" means any alcoholic beverage containing more than 24 per centum of alcohol by volume.

In my speech last week I reported that I had been meeting with some church groups, including some of the clergy. I found them unanimous in support of my resolution. I ventured the opinion that I thought I would find that attitude reflected in any church group which I met. I think the record will also show that I ventured the opinion that if the question were presented to any group which could be labeled as a group of drinkers, a substantial majority of them would support my resolution; that they would say, "We like our cocktails, but we do not think the public rooms of the Capitol and the Senate Office Buildings ought to be used for a drinking party."

Well, since making my last speech, I have talked to some other church groups. The opinion I expressed a week ago was fully justified, for without exception the delegations from those church groups made it perfectly clear to me that they strongly endorse my resolution and urge its adoption.

I have received a considerable amount of mail from across the country from church groups and nonchurch groups. In the case of the church groups, I find them unanimously in favor of my resolution. As to the nonchurch groups, an overwhelming majority is in support of my resolution. I do not have an exact statistical count, but I would say the sentiment is 9 to 1 in support of my resolution.

I wish to enlarge upon one facet of this argument, that is, the public policy facet, because public policy is involved. Senators of the United States simply do not own the Senate wing of the Capitol; they simply do not own the Senate Office Buildings. Those buildings belong to the people of the United States, with their Federal Government as the trustee. The owners of the property have the right to require that their elected representatives determine an official governmental policy, by way of record, concerning the use to which the public rooms of the Senate wing of the Capitol and the Senate Office Buildings should be put. The people are entitled, as a matter of public policy and public right, to have the representatives of the trustees—and we really are trustees in a secondary position, but still trustees—tell the American people what their official policy as representatives of the people is in respect to the use of the public rooms of the Capitol and the Senate Office Buildings. Then the people can adjudge their elected representatives from the standpoint of whether they gave the people a good representation; and if the people thought they did not, then under our republican form of government, the people could hold their representatives accountable, when they came to pass judgment the next time they voted, on whether Senator X, Senator Y, or Senator Z, in the opinion of the voter, supported a public policy which the voter thought was in the public interest.

I could be wrong. Frequently I am. I do not think I am wrong on this occasion. Perhaps the people of the United States would wish liquor to be served in the public rooms of the Senate wing of the Capitol and the Senate Office Buildings. Perhaps a majority of the people—I do not think so, but perhaps so—when they come to visit the Capitol, would like to inspect the saloons maintained by the Senate in its public rooms—because that is what those rooms become when such a party is staged. In some quarters, the word "saloon" seems to be a naughty word. A more refined phrase, which would not convey such sensitivity, might be "drinking establishment." Nevertheless, everyone knows what I am talking about. I think it is pretty well accepted that if the American people voted on the question, the overwhelming majority of them would say that the Capitol and the Senate Office Buildings are not the place for liquor. They would say, "If Senators want to have a liquor party, let them rent a hotel reception room."

Do not expect the taxpayers to bear the maintenance cost—and it is a cost, as I said a week ago—of providing facilities for a cocktail bar or two; for, do not forget, there were two cocktail bars in the reception room on April 2, and they were maintained at public expense. As I said a week ago, I saw five employees in there at 1:30 o'clock in the afternoon, getting ready for a cocktail party which was to be staged at 4 o'clock. Senators may disagree with me all they wish. I simply do not believe that that is a justifiable expenditure of the taxpayers' money.

So I simply say to my friends on the Committee on Rules and Administration—and I consider each one of them to be a friend: Come on, give me a vote. Get my resolution out on the calendar. Give me a vote. Let the Senate establish its policy by a yea-and-nay vote. Then let the country be the judge. I think that is a fair request.

I need not tell the Senate that millions of Americans recognize the threat of alcoholism as one of the social menaces of the Nation. I am satisfied that millions of parents resent the lawmakers of the country setting this public example in the Capitol of the United States and the Senate Office Buildings. Large numbers of taxpayers do not appreciate the fact that already one of these parties has resulted in such an incident that an ambulance had to be rushed to the Capitol of the United States to carry to the hospital a man who had passed out. I apologize to no one for saying that I consider that to be a desecration of the great dome symbolic of freedom. Such parties should be held in commercial rooms and be paid for by the participants in the party, not by the taxpayers of the United States.

Of course, I end up in the middle, for I am not a prohibitionist, merely a teetotaler. Prohibitionists think my resolution does not go far enough. I think they are wrong.

I think we are dealing also with the matter of good taste. A government cannot be any stronger than the respect of the people for that government. The staging of official cocktail parties under the sponsorship of the Senate of the United States does not increase the respect of millions of Americans for the Senate and, thereby, for the Government of the United States.

So when some ask me, "Where else do you seek to impose such restrictions"—on this, that, or the other building or function or activity—my reply is that I am used to having such diversionary tactics used in connection with the debate; and I merely say this is my issue, and my resolution confines itself to the limitations set forth in it. I do not have to attempt to "cover the waterfront," so to speak, in order to support a resolution whose limitations I consider sound.

I believe it is a sound resolution in the public interest, and I believe the American people are entitled to have the Senate vote on it. And in order to have the Senate vote on it by rollcall vote, I am entitled, I say most respectfully, to the consideration I request; namely, to have the Senate Rules Committee report my resolution to the Senate, either with a favorable report or with an unfavorable report, or without any report at all, but at least to report it to the Senate.

I say good naturedly that I have a hunch as to what will happen if the Senate takes a rollcall vote on the resolution: In that case the resolution will be adopted, I believe; and I say that because it leads me to my final point.

Mr. President, I have not been lobbying for my resolution. I have just been speaking in favor of it on the floor of the Senate. But thus far, according to the notations I have kept, 33 Senators have said to me, as I have met them in various places, "Wayne, if you ever get your resolution to the floor of the Senate for a vote, I will vote for it." I have not yet had a Senator tell me he would vote against it—although I have no doubt that some will. But, Mr. President, I have a feeling that if 33 Senators thought enough of my resolution to tell me they would vote for it, the chances are fairly good that at least one more than 50 percent of the total number of the Members of the Senate will vote for the resolution when the final vote is taken; and I think there will be a very large percentage of the Senate membership who will vote in favor of the resolution.

So, Mr. President, because I believe I am dealing here with a subject matter which the people of the United States have a right to have the Senate vote either up or down, and because I believe it deals with a matter which is directly related to the impression the American people are bound to form of the Senate if the Senate does not vote on my resolution, I express—in this weekly pronouncement on the subject—my hope that this is the last speech I shall have to make on the subject, prior to having the resolution reported to the Senate.

But I know that sometimes when we deal with such delicate moral issues, we do not win overnight; it takes a little time. So I am perfectly willing to continue to present my case on this subject from week to week, in the hope that I can get the Senate to act on it. However, that does not mean that I propose to do nothing but speak on the subject. I am still of the opinion that my resolution will be seriously, objectively, and fairly considered by the Committee on Rules and Administration, and that it will be reported to the Senate, accompanied by some kind of report—either favorable or unfavorable—or else not accompanied by any report at all; and then Senators will have a chance to vote on the resolution.

But if I really become convinced that that is not the plan of the leadership, then I shall do the best I can, under the rules of the Senate and in the exercise of my rights under them, to encourage the Senate to vote on my resolution.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER** (Mr. Pell in the chair). The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate at this time, and if no Senator is now prepared to speak, I am prepared to move that the Senate adjourn.

However, before I do so, I wish to announce that the petition for cloture will be laid down on Monday; and telegrams have been sent to all 63 Democratic Senators, urging them to be here next week; and I hope they will be in a position to cancel whatever engagements they may have, if any, and to be on the floor of the Senate in time to vote—not just on one question, but perhaps on several.

Mr. STENNIS. To vote on Monday?

Mr. MANSFIELD. No; to vote on Wednesday. On Monday, we shall lay down the petition for cloture; and I anticipate that on Wednesday there will be several votes.

ADJOURNMENT TO MONDAY

Mr. MANSFIELD. Mr. President, I now move that the Senate adjourn, under the order previously entered, until Monday, at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 9 minutes p.m.) the Senate adjourned, under the order entered on yesterday, until Monday, May 7, 1962, at 12 o'clock meridian.

CONFIRMATION

Executive nomination confirmed by the Senate May 4, 1962:

Department of State

John K. Mansfield, of Connecticut, to be Inspector General, Foreign Assistance.

EXTENSIONS OF REMARKS

Questionnaire Returns From Maryland Citizens

EXTENSION OF REMARKS

OF

HON. J. GLENN BEALL

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Friday, May 4, 1962

Mr. BEALL. Mr. President, I have polled the citizens of the State of Maryland on questions of national interest, now in the public mind. Details of my questionnaire and a tabulation of the results are contained in my weekly newsletter, Senate Cloakroom, dated May 7, 1962. I ask unanimous consent to have the newsletter printed in the Record.

There being no objection, the newsletter was ordered to be printed in the Record, as follows:

Senate Cloakroom

(Newsletter of U.S. Senator J. Glenn Beall, of Maryland)

PEOPLE ARE INTERESTED—QUESTIONNAIRE RETURNS

You sometimes hear it said that the public is not deeply concerned about national problems, but we have evidence to the contrary. The questionnaires which we recently sent out were filled out and returned to us by more than 1 in every 4 persons on our mailing list of 8,000 Marylanders. We received 2,233 answers. Some of the returned questionnaires bore more than one set of answers—one for each adult member of the family. Our list includes doctors, lawyers, executives, ministers, engineers, teachers, farmers, white-collar workers, clerks, carpenters, bricklayers, steelworkers, laborers—people of every profession and trade, of both political parties, in every part of the State—and, I believe, on a fairly proportionate basis. The returns furnish a good cross-section view of how the people of Maryland feel on the important subjects in the public mind. In subsequent issues of Senate Cloakroom, we will analyze some of the returns.

The tabulation of the 2,233 answers to each of our 46 questions gives us the following results, by percentage.

	Percent		
	Yes	No	Uncer-tain
1. Do you favor the U.S. purchase of U.N. bonds?	35	53	12
2. Are you in sympathy with the U.N. actions in the Congo?	36	46	18
3. Would you favor the U.S. withdrawal from the U.N.?	30	62	8
4. Should we continue foreign aid?	46	37	17
5. Do you favor placing the Peace Corps on a permanent basis as a U.S.-aid program in underdeveloped countries?	43	44	13
6. Do you think we should give aid to nations which call themselves "neutral" but vote against us in the U.N.?	9	81	10
7. Do you think this country should give financial aid or sell surplus military planes to Communist Yugoslavia?	6	84	10
8. Should our national debt be reduced every year, ultimately being paid off in full?	85	6	9
9. Do you favor Government spending to improve national economy?	13	75	12
10. Would you like to see taxes increased so that the Federal Government could finance more spending programs?	5	88	7
11. Do you think the Federal Government should withhold taxes on interest and dividends?	26	62	12
12. Sould we tax income earned abroad by American firms?	57	29	14
13. Would you favor a national lottery?	39	49	12
14. Would you favor raising 2d-class mail rates even if it means a "death sentence" for some popular magazines?	50	37	13
15. Would you favor raising postal rates on 3d-class mail (now bringing in revenue of over $500,000,000) even if it means "pricing the product out of the market"?	61	24	15
16. Would you favor a general tariff reduction should it be the only means of maintaining our foreign markets and competing within the European Common Market?	69	16	15
17. Would you favor making loans at a low interest rate to industries which would be hurt by a lowering of tariffs?	50	34	16
18. Do you favor right-to-work laws?	76	11	13
19. Do you think social security retirement payments should be increased whenever Federal salaries are increased across the board to meet the constantly increasing cost of living?	51	32	17
20. Do you think the Federal Government should abolish the death sentence in all Federal jurisdictions?	27	61	12
21. Should the poll tax be outlawed by the Federal government?	54	33	13
22. Should we declare a trade embargo against Cuba at once?	78	9	13
23. Do you think we should protect our hemisphere against Communist encroachment by taking steps to overthrow the Communist regime in Cuba?	67	17	16
24. Should we join Russia in space exploration?	25	58	17
25. Do you think the administration is right in refusing to build the RS-70 bomber, classed as a "strike first" rather than a retaliatory weapon?	29	47	24
26. Would you favor the proposal that the Federal Government participate, on a matching basis, in the construction of fallout shelters under schools and hospitals?	30	50	20
27. Would you favor our going to war if necessary to prevent being forced out of West Berlin by the Russians?	71	14	15
28. Are our military experts right in renewing the testing of our nuclear warheads without further delay?	78	9	13
29. Do you favor the United States accepting a nuclear test ban without provision for inspections?	3	88	9
30. Do you favor our disarming regardless of what Russia does?	2	91	7
31. Do you favor U.S. recognition of Red China?	7	81	12
32. Do you agree with "the liberal papers" idea that "decent Americans * * * prefer peace to an egocentric national honor"?	6	78	16
33. Do you think we should share our DEW line with the Russians, as recommended in "the liberal papers"?	1	86	13
34. Do you favor the distribution of the movie "Operation Abolition," the controversial anticommunism film?	50	16	34
35. As Communist Party card-carrying membership was 500,000 before World War II and is now given as only 10,000, do you think we should be concerned about the present activities of the 490,000 "former" Communists?	85	4	11
36. Do you think that officers of the armed services should be barred from speaking to military groups on the dangers of communism?	4	87	9
37. Should our taxpayers foot the bill for postage on Soviet propaganda sent through our mails to American people?	4	88	8
38. Would you favor a general salary increase for Government employees should it be proved that they now receive less than those doing comparable work in private business?	53	34	13
39. Do you think that fluoridation of water should be forced on people who do not want it?	24	61	15
40. Do you favor Medicare for social security beneficiaries, the cost to be met by an increase in payroll taxes?	15	72	13
41. Do you favor the Kerr-Mills matching-fund program for medical care for all needy, including those not under social security?	52	34	14
42. Should we offer extra relief payments to mothers of illegitimate children for each additional illegitimate child?	5	86	9
43. Do you think our unemployment benefits are too liberal—that they encourage loafing?	79	11	10
4'. Do you favor an Urban Affairs Department?	19	65	16
45. Do you favor Federal aid to education?	18	70	12
46. Are you in favor of President Kennedy's plan to put more farm commodities under Federal control?	1	83	16

HOUSE OF REPRESENTATIVES

MONDAY, MAY 7, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Galatians 6: 9: *Let us not be weary in well doing; for in due season we shall reap, if we faint not.*

Almighty and eternal God, in these times of crisis and confusion, may our vision of Thy kingdom of peace and righteousness and of good will among men be so clear and commanding that we shall follow and pursue it with all our energy and enthusiasm of mind and heart.

Grant that in our day and generation there may come into our world a new appreciation and sense of the potentialities and possibilities, the capabilities and capacities, of all the members of the human family, whether white or black or brown.

Teach us to believe that no starry ideal or aspiration, vouchsafed to our finite spirit, is too high and too holy to be fulfilled by Thy divine wisdom and that out of the dark nights of turmoil and tragedy there shall rise the bright star of faith, hope, and love, shining more and more unto the perfect day.

Humbly we offer our prayer in the name of our blessed Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, May 3, 1962, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 151. Joint resolution permitting the Secretary of the Interior to continue to deliver water to lands in the third division, Riverton Federal reclamation project, Wyoming.

PRIVILEGE OF THE HOUSE

The SPEAKER. The Chair recognizes the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Speaker, I rise to a question of the privilege of the House.

The SPEAKER. The gentleman will state the question of privilege.

Mr. ROOSEVELT. Mr. Speaker, I have been subpenaed to appear before the grand jury of the circuit court for Montgomery County, in Rockville, Md., on May 8, 1962.

Under the precedents of the House, I am unable to comply with this subpena without the consent of the House, the privileges of the House being involved. I, therefore, submit the matter for the consideration of this body.

Mr. Speaker, I send to the desk the subpena.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

In the Circuit Court for Montgomery County, Md., State of Maryland, Montgomery County, to wit:

To the sheriff of Montgomery County, greeting:

You are hereby commanded to summon Hon. JAMES ROOSEVELT, House Office Building, Washington, D.C., of Montgomery County, to appear before the Circuit Court for Montgomery County, to be held at the courthouse, in Rockville, in and for said county, on the 8th day of May next, at 11:30 o'clock a.m., to testify for grand jury against ——— and have you then and there this writ.

Witness, the Honorable Patick M. Schnauffer, chief judge of our said court, the 5th day of March 1962.

Issued the 2d day of May 1962.

CLAYTON K. WATKINS,
Clerk.

L. T. KARDY,
State's Attorney.

The SPEAKER. The Chair recognizes the gentleman from Oklahoma [Mr. ALBERT].

Mr. ALBERT. Mr. Speaker, I offer a privileged resolution (H. Res. 626) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas Representative JAMES ROOSEVELT, a Member of this House, has been served with a subpena to appear as a witness before the Circuit Court for Montgomery County, Maryland, to testify at Rockville, Maryland, on the eighth day of May 1962, before a grand jury; and

Whereas, by the privileges of this House, no Member is authorized to appear and testify, but by order of the House: Therefore be it

Resolved, That Representative JAMES ROOSEVELT is authorized to appear in response to the subpena of the Circuit Court for Montgomery County, Maryland, at such time as when the House is not sitting in session; and be it further.

Resolved, That, as a respectful answer to the subpena, a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CHANGE OF PROGRAM

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to advise the House that the Committee on Agriculture does not desire to bring up the bill H.R. 5546, the importation of seed screenings, under suspension of the rules today.

THE CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the calendar.

PRACTICABILITY OF ADOPTING THE METRIC SYSTEM

The Clerk called the bill (H.R. 2049) to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the United States of the metric system of weights and measures.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS, Mr. FORD, and Mr. HALL objected and, under the rule, the bill was stricken from the calendar.

PRINCE GEORGES COUNTY SCHOOL BOARD, MARYLAND

The Clerk called the bill (H.R. 6759) for the relief of the Prince Georges County School Board, Maryland.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

The Clerk called the bill (H.R. 8962) to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes.

Mr. FORD. Mr. Speaker, reserving the right to object, as the proponents of this legislation know, it does violate the rules established by the objectors' committee on both sides of the aisle. I think it is also well known I intend to have this bill passed over indefinitely. If the committee chairman and others who favor it do not ask to have it withdrawn from the calendar the next time the calendar is called I will start the process by objecting to have it taken off the calendar.

Mr. Speaker, I withdraw my reservation of objection and ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PARAPLEGIC HOUSING PROGRAM

The Clerk called the bill (H.R. 4012) to amend section 801 of title 38, United States Code, to provide assistance in acquiring specially adapted housing for certain blind veterans who have suffered the loss or loss of use of a lower extremity.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ESTABLISHING OFFICES OF THE VA IN EUROPE

The Clerk called the bill (H.R. 9561) to amend section 624 of title 38, United States Code, to authorize the furnishing abroad of hospital care and medical services for wartime service-connected disabilities.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 624(b)(1), title 38, United States Code, is hereby amended by striking out the word "temporarily."

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That section 624(b)(1) of title 38, United States Code, is amended by striking out 'temporarily'.

"SEC. 2. Section 230 of title 38, United States Code, is amended by adding at the end thereof the following:

"'(c) The Administrator shall establish and maintain offices in Europe to handle claims for hospitalization, compensation, pension, and other benefits by beneficiaries of the Veterans' Administration.'

"SEC. 3(a). The text of section 235 of title 38, United States Code, is amended by inserting 'or to the Veterans' Administration offices established in Europe pursuant to section 230(c) of this title' immediately after 'Republic of the Philippines' both places it appears.

"(b) The catchline of section 235 of title 38, United States Code, and item 235 of the analysis of chapter 3 of title 38, United States Code, are each amended by striking out 'in the Republic of the Philippines' and inserting in lieu thereof 'at oversea offices.'"

The committee amendment was agreed to.

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include tables.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, this bill as reported authorizes the Veterans' Administration to provide hospital and medical care for service-connected veterans who are U.S. citizens residing abroad. The present authority permits such care and treatment only if the veteran is residing abroad temporarily.

The Veterans' Administration in its favorable report on this aspect of the legislation makes the significant point that the enactment of the bill would eliminate the requirement under existing law for determining whether or not the veteran is residing temporarily or permanently, a fact which has in some instances presented administrative difficulty. The agency also states that the distinction between temporary and permanent residents insofar as hospitalization and medical care is concerned is difficult to support.

As of last June there were 4,398 veterans living abroad exclusive of the Philippines who are receiving compensation for service-connected disabilities. During fiscal year 1961, medical services were furnished approximately 2,653 veterans who are abroad on a temporary basis at a total cost of $68,964 or an average annual expenditure of $26 per veteran. Assuming that the total number of service-connected veterans on the rolls would be permanent residents and that their numbers would remain unchanged and receive medical care, the annual cost as a result of this bill would be approximately $114,000.

The Veterans' Administration recommends the approval of this section of H.R. 9561 and the Department of State has offered no opposition to enactment of this section.

The committee has added section 2 as an amendment to the bill, authorizing the Veterans' Administration to establish offices in Europe for the administration of the compensation, pension, education and training, and miscellaneous benefits over which this agency has jurisdiction. During fiscal year 1961, this amounted to approximately $18 million and covered all of the countries in Europe and in October 1961, as an example, resulted in a disbursement of payments approximately $1,377,000. This program is presently administered through attachés for veterans' affairs located in Frankfurt, Germany; London, England; Paris, France; and, Rome Italy. These 4 offices total 23 local employees and 6 veterans' affairs officers serving as attachés or officers with rank in the Foreign Service officers classification. The committee believes it desirable to centralize administration and responsibility for the payment of VA benefits abroad in the VA.

Of course, this is already done in the Philippines, the only country where a large scale of benefits are paid other than in Europe and there is no reason to think that the centralization of responsibility and administration of the VA would result in any additional or expansion of personnel. On the contrary, there might be some savings in administration.

Section 3 of the bill provides for VA employees in European offices to have the same benefits and privileges given the employees, who are American citizens, of the office in the Philippines.

The cost of operating an office in Europe under VA auspices would not exceed present costs borne by the Department of State annually, which now amounts to $37,735 for the six American employees and approximately $61,000 for local employees.

I ask unanimous consent to include as part of my remarks a chart prepared by the Veterans' Administration showing the distribution of payments made in Europe for the purpose of compensation, pension, and education and training during the month of December 1961, as well as a similar chart showing the expenditures in the same area and the same benefits for the first 6 months of fiscal year 1962.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

DISTRIBUTION OF PAYMENTS IN EUROPE

Compensation, pensions, and education and training benefit payments during December 1961

Country	Total amount	Compensation and pensions						Education and training	
		Total		Compensation		Pensions		Trainees	Amount
		Cases	Amount	Cases	Amount	Cases	Amount		
Europe	$1,400,842	16,020	$1,359,728	3,185	$327,270	12,835	$1,032,458	341	$41,114
Austria	7,644	68	5,012	53	3,922	15	1,090	19	2,632
Azores	1,221	16	1,221	2	212	14	1,009		
Belgium	21,386	257	20,759	34	3,804	223	16,955	4	627
Cyprus	2,600	28	2,600	16	1,596	12	1,004		
Denmark	28,571	336	28,216	51	5,271	285	22,945	3	355
England	81,217	891	78,005	565	55,441	326	22,564	[1] 26	[1] 3,212
Finland	6,193	82	6,193	20	1,566	62	4,627		
France	53,412	604	47,586	237	22,294	367	25,292	44	5,826
Germany (West)	55,523	426	40,711	322	32,921	104	7,790	136	14,812
Greece	163,676	1,944	163,028	236	28,068	1,708	134,960	3	648
Holland, Netherlands	5,321	52	4,360	26	2,520	26	1,840	6	961
Iceland	27	2	27	2	27				
Ireland	101,040	1,167	100,051	259	26,242	908	73,809	8	989
Ireland, Northern	9,032	106	9,032	29	2,662	77	6,370	(1)	(1)
Italy	640,006	7,498	637,112	736	81,011	6,762	556,101	26	2,894
Luxembourg	1,539	19	1,539	4	421	15	1,118		
Malta	1,241	15	1,241	7	536	8	705		
Norway	44,777	528	44,447	96	9,846	432	34,601	3	330
Poland	55,532	656	55,532	130	11,853	526	43,679		
Portugal	10,739	122	10,574	43	4,619	79	5,955	2	165
Rumania	4,981	58	4,981	17	1,541	41	3,440		
Scotland	9,933	111	9,933	51	5,637	60	4,296	(1)	(1)
Spain	11,506	89	7,939	56	5,582	33	2,357	30	3,567
Sweden	47,694	555	46,629	82	8,482	473	38,147	8	1,065
Switzerland	10,623	94	7,292	55	4,526	39	2,766	23	3,331
Yugoslavia	25,408	296	25,408	56	6,670	240	18,738		

[1] Includes Scotland and Northern Ireland.

Source: Treasury listings.

Compensation, pensions, and education and training benefit payments during fiscal year 1962 (July through December)

Country	Total amount	Compensation and pensions						Education and training	
		Total		Compensation		Pensions		Trainees as of December 1961	Amount
		Cases as of December 1961	Amount	Cases as of December 1961	Amount	Cases as of December 1961	Amount		
Europe	$8,487,592	16,020	$8,313,645	3,185	$2,012,082	12,835	$6,301,563	341	$173,947
Austria	45,002	68	35,285	53	26,259	15	9,026	19	9,717
Azores	7,538	16	7,538	2	1,326	14	6,212		
Belgium	126,376	257	123,396	34	22,275	223	101,121	4	2,980
Cyprus	15,697	28	15,697	16	9,724	12	5,973		
Denmark	168,819	336	167,479	51	31,255	285	136,224	3	1,340
England	492,352	891	472,316	565	336,857	326	135,459	[1] 26	[1] 20,036
Finland	38,575	82	38,554	20	9,635	62	28,919		21
France	304,214	604	291,148	237	134,507	367	156,641	44	13,066
Germany (West)	330,508	426	252,153	322	201,712	104	50,441	136	78,355
Greece	982,783	1,944	980,918	236	167,270	1,708	813,648	3	1,865
Holland, Netherlands	33,180	52	29,906	26	18,191	26	11,715	6	3,274
Iceland	819	2	819	2	819				
Ireland	624,301	1,167	621,099	259	172,658	908	448,441	8	3,202
Ireland, Northern	51,390	106	51,390	29	16,026	77	35,364	(1)	(1)
Italy	3,931,368	7,498	3,922,503	736	512,243	6,762	3,410,260	26	8,865
Luxembourg	10,035	19	10,035	4	2,657	15	7,378		
Malta	7,556	15	7,556	7	3,328	8	4,228		
Norway	279,808	528	277,992	96	62,409	432	215,583	3	1,816
Poland	326,845	656	326,845	130	67,850	526	258,995		
Portugal	58,637	122	58,303	43	23,709	79	34,594	2	334
Rumania	34,280	58	34,280	17	9,487	41	24,793		
Scotland	59,534	111	59,534	51	33,283	60	26,251	(1)	(1)
Spain	61,573	89	48,785	56	33,715	33	15,070	30	12,788
Sweden	278,071	555	274,319	82	49,086	473	225,233	8	3,752
Switzerland	56,438	94	44,316	55	26,655	39	17,661	23	12,122
Yugoslavia	161,893	296	161,479	56	39,146	240	122,333		414

[1] Includes Scotland and Northern Ireland.

Source: Treasury listings.

1. The following reflects the salaries of Department of State local employees assigned to veterans affairs offices in Europe. These employees are paid in the currencies of the countries where they are assigned, which have been converted to the dollar equivalent salary payment:

Location of veterans' affairs office	Number of employees assigned	Total annual salary	Average annual salary
Frankfurt Germany	6	$15,916.50	$2,652.75
London, England	4	10,157.00	2,539.25
Paris, France	4	9,636.00	2,409.00
Rome, Italy	9	25,219.19	2,802.13
Total, all offices	23	60,928.69	2,649.07

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title of the bill was amended to read: "A bill to establish offices of the Veterans' Administration in Europe, and to authorize the furnishing abroad of hospital and medical care for service-connected disabilities."

A motion to reconsider was laid on the table.

STATUTORY AWARD FOR APHONIA

The Clerk called the bill (H.R. 10066) to amend title 38 of the United States Code to provide additional compensation for veterans suffering the loss or loss of use of both vocal cords, with resulting complete aphonia.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

VALIDATION OF SPECIAL STATION PER DIEM ALLOWANCES FOR QUARTERS MADE TO CERTAIN COMMISSIONED OFFICERS, PUBLIC HEALTH SERVICE

The Clerk called the bill (H.R. 10195), to validate payments of certain special station per diem allowances and certain basic allowances for quarters made in good faith to commissioned officers of the Public Health Service.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PROVIDING FOR WITHDRAWAL AND ORDERLY DISPOSITION OF MINERAL INTERESTS IN CERTAIN PUBLIC LANDS IN PIMA COUNTY, ARIZ.

The Clerk called the bill (H.R. 10566) to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz.

Mr. PELLY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PROVIDING BETTER FACILITIES FOR ENFORCEMENT OF CUSTOMS AND IMMIGRATION LAWS

The Clerk called the bill (H.R. 10024) to provide better facilities for the enforcement of customs and immigration laws.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I would like to ask a question or two of the members of the committee or the proponents of this legislation.

Just what is the justification for this 250 percent increase in the authorized limitation in this legislation? This is a fairly substantial increase—250 percent in the authorized cost. We heard a great deal several weeks ago of how detrimental it was to the economy if we were to have a 3½ percent increase in the price of steel. I wonder how the Government can justify in this case an increase of 250 percent in the cost of construction of buildings.

Mr. McFALL. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from California.

Mr. McFALL. The testimony which we received before the Public Buildings and Grounds Subcommittee of the House Public Works Committee indicated that these agencies were having difficulty in building these buildings for the amount under the limitations which are in the present law.

Mr. FORD. What is that limitation in the present law?

Mr. McFALL. I believe it is forty thousand.

Mr. FORD. How high do you wish to make the limitations?

Mr. McFALL. I think the gentleman from California [Mr. BALDWIN] has some information in this regard. Perhaps he can answer the question.

Mr. BALDWIN. The previous limitation was $40,000 on any one project that was used by one department, and a limitation of $80,000 where the facilities were provided for the joint use of the Immigration Service and the Customs Service. This bill would extend the total limitation to $100,000 for either type of use, whether for one use or joint use.

Mr. FORD. That is a fairly substantial increase—250 percent—and I wonder, are we trying to become extravagant in these facilities? Do we not have the same criteria applied to Government as when applied to business generally in trying to hold the price line?

Mr. McFALL. I am unable to answer the question in reference to the comparative nature of the problem. The only thing I can say is that the testimony which the Immigration and Naturalization Service provided the committee was they could not get bids for these buildings at $40,000 and $80,000, and it was essential to raise the limitation to $100,000.

Mr. FORD. Did the committee go into the question of whether or not these buildings were austere, whether they were strictly for utility purposes or not?

Mr. McFALL. The committee did, and found that they were doing as the gentleman has suggested. I do not think in any of the testimony presented to the committee was there an indication these people were extravagant in any way. These buildings are on a bid basis, and at no time was there any indication there was any extravagance on the part of the Immigration and Naturalization Service. This limitation has been in effect for a number of years, and they have just come to the point where they cannot get bids that would provide them with the building which is essential for their operation.

Mr. FORD. Mr. Speaker, I think we ought to take another look at this. I withdraw my reservation of objection and ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

HYDRAULIC BRAKE FLUID STANDARDS

The Clerk called the bill (H.R. 2446) to provide that hydraulic brake fluid sold or shipped in commerce for use in motor vehicles shall meet certain specifications prescribed by the Secretary of Commerce.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That not later than 90 days after the date of the enactment of this Act the Secretary of Commerce shall prescribe and publish in the Federal Register specifications for hydraulic brake fluids for use in motor vehicles. The standards so published shall provide the public with safe and efficient hydraulic fluids for motor vehicle hydraulic braking systems in order to promote highway safety.

SEC. 2. (a) The manufacture for sale, the sale, or the offering for sale, in commerce, or the importation into the United States, or the introduction, delivery for introduction, transportation or causing to be transported in, commerce, or for the purpose of sale, or delivery after sale, in commerce, of any such hydraulic brake fluid which does not meet the specifications prescribed by the Secretary of Commerce as set forth in the first section of this Act shall be unlawful.

(b) Whoever violates this section shall be fined not more than $1,000, or imprisoned not more than one year or both.

SEC. 3. As used in this Act—

(1) The term "commerce" means (A) commerce between any place in a State, the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States and any place outside thereof, and (B) commerce wholly within the District of Columbia or any such possession; and

(2) The term "motor vehicle" means any vehicle or machine propelled or drawn by mechanical power and used on the highways.

SEC. 4. This Act shall take effect on the date of its enactment except that section 2 shall take effect on such date as the Secretary of Commerce shall determine but such date shall be not more than ninety days after the date of publication of specifications first established under the first section of this Act. If such specifications first established are thereafter changed, such standards as so changed shall take effect on such date as the Secretary of Commerce shall determine but such date shall be not more than ninety days after the date of their publication in accordance with the provisions of the first section of this Act.

With the following committee amendment:

Page 2, line 8, after the word "Whoever", insert "knowingly and willfully".

The committee amendment was agreed to.

Mr. ROBERTS of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ROBERTS of Alabama. Mr. Speaker, the Committee on Interstate and Foreign Commerce is recommending enactment of H.R. 2446 to save lives.

The purpose of the bill is to provide that hydraulic brake fluid manufactured, sold, or shipped in interstate commerce for use in motor vehicles shall meet certain specifications to be prescribed by the Secretary of Commerce.

These standards shall be published in the Federal Register within 90 days after the enactment of this legislation and will become effective not more than 90 days after publication of these specifications.

The introduction of this legislation resulted directly from an article in Automotive News for August 15, 1960, which pointed out that Chrysler Corp. engineers had found that 28 percent of the brake fluids marketed in the Detroit area were below recognized safety standards, a situation which presented very real threats to human life.

I originally introduced this legislation as H.R. 13038 on August 18, 1960, but the 86th Congress adjourned before the bill could be considered. The bill was reintroduced in the 87th Congress as H.R. 2446 and referred to the Committee on Interstate and Foreign Commerce. Hearings were held by the Subcommittee on Health and Safety in March 1961 in connection with our study of highway safety.

Federal action to assist the States in protecting the public from substandard brake fluid was recommended in the hearings by witnesses for the Automobile Manufacturers Association. The only objections came from those who thought that the problem should be left to the States but testimony showed that although the States have been legislating on the subject for nearly 10 years, substandard, highly hazardous brake fluids still are being sold to operators of vehicles in interstate commerce, who have no way of knowing they are being sold a product which can, and has, brought about fatal accidents.

The committee considered suggestions made by witnesses to have all brake fluid marketed in accordance with the proposed Federal standard, labeled to show that it meets the standard. It decided, however, to omit such a requirement. The reasons for this were several. First, the committee did not want to increase manufacturers' costs. Secondly, most buyers of brake fluid do not see the containers in which the brake fluid is supplied. Lastly, most consumers will not be aware of this requirement and will not look for a label. Nothing, of course, prevents a manufacturer whose product meets Federal standards from indicating on his containers that the fluid does meet the Federal standards.

STANDARDS HAVE BEEN SET

The Secretary of Commerce must prescribe and publish specifications for hydraulic brake fluid for use in motor vehicles. These specifications may conform to the current standards and specifications of the Society of Automotive Engineers applicable to such fluid, which are generally used as the basis of State specifications in those States which have legislation regulating brake fluid sales.

The standards were set up by the Brake Fluids Committee of the SAE which is made up of qualified individuals drawn from the brake fluid manufacturing industry, the brake manufacturing industry, the motor vehicle manufacturing industry, and the Federal Government. They were published in December 1946 and last revised in June 1960.

Thus the Secretary of Commerce will have no difficulty in establishing specifications with the 90-day time limit set in the legislation.

In the hearings, it was stated that 27 States and the District of Columbia have legislation to prohibit the sale of substandard brake fluids but not all States put sufficient teeth in their regulations to prevent the marketing of dangerous brake fluids. Of course, in those States without legislation on the subject, the purchasers of brake fluid are at the mercy of unscrupulous manufacturers and retail outlets who are more interested in making a quick dollar than in reducing the death toll on our highways, which has been running close to 40,000 deaths a year for several years.

As pointed out earlier, a survey showed that before the enactment of brake fluid legislation in Michigan 28 percent of the brake fluids being offered for sale in the Detroit area could not meet safety standards.

According to the April 21, 1962, issue of Chemical Week the brake fluid output in 1961 was between 10 and 11 million gallons, of which around 1 million gallons went to automobile manufacturers, 1 million gallons to export, and the rest to the public.

BRAKE FAILURES DEADLY

No statistics are available to indicate how many accidents and deaths have been caused by substandard brake fluids. This is because such identification of cause in brake-failure accidents is extremely difficult and because highway accident statistics generally are based on superficial and oftentimes very inaccurate examination of accidents. A witness said, however, that investigators had blamed substandard brake fluid as the probable cause of certain brake-failure accidents.

An article in Chemical Week April 21, 1962, has this to say regarding accidents:

> One of the big problems faced by the brake-fluid makers is that of making a strong case for strict enforcement of heavy-duty fluid specifications. Although improper brake fluids are believed responsible for many highway accidents, it's difficult to prove. Often, by the time the investigators examine a wreck's brake system, it has cooled, the fluids have condensed and there's no evidence that a vapor lock caused the accident.

I would like to point out that this article does not say that inferior brake fluids are responsible for "some" accidents. It is believed inferior fluids are responsible for "many" highway accidents.

The sale of reprocessed products, from scrapped cars, is a major problem, according to Chemical Week.

Referring to these reprocessed products, Chemical Week in the article quoted above had this to say:

> These products, which apparently meet SAE specifications, are underselling the conventional repackaged products by a substantial margin. The consumer buys the product for 20–27 cents a pint, and usually isn't aware that he is getting a reprocessed item. Since most auto owners are not brand-conscious [and probably won't become so—producers cannot afford a name building program] the discounters' price is the attractive factor.

The problem of regulation of quality of brake fluid is difficult for two reasons. First, the quality of brake fluid compounds cannot be determined or visually identified at the point of sale or after installation and, secondly, brake fluid is a type of product that it is relatively easy to manufacture on a local basis and ship between States.

Below-standard brake fluids have a lower boiling point than that generated by today's high performance cars and changed auto designs. Among these changes in design are: the change from open wheels to solid disks; smaller wheels; wider rims and tires; the placing of brakes completely inside the wheel; lowering and streamlining of bodies and fender skirts; the use of heat resistant brakelinings; automatic transmissions; more weight and power; and the installation of heat generating equipment such as power steering and power brakes.

These changes in design increase heat and cause below standard brake fluids to boil and turn into gas. Gases, unlike fluids, can be compressed. Thus even a small amount of gas in a brake system acts as a "cushion" and prevents transmission of pressure from foot to brake shoes. Failure is generally total.

Also, heavy stop-and-go driving on a hot day may cause brake failure between traffic lights. Between the time of brake applications, heat is transferred from the brake down to the fluid causing boiling and failure without warning. This circumstance is known as phantom failure.

Another type of phantom failure follows the boiling of brake fluid in the master cylinder due to high temperature in the engine. This means that a driver may have an unforeseen brake failure after driving many miles without once applying the brakes.

A small amount of substandard brake fluid introduced into a system may dangerously lower the boiling point of the entire system. Only a very small quantity of substandard fluid, for example, can lower the boiling point of heavy duty fluid by as much as 80°.

The danger to interstate common carriers as well as individual citizens traveling between States becomes apparent. Traditionally such legislation affecting safety of privately owned passenger automobiles has been left to the States, but since most vehicles cross State lines, sales of substandard brake fluid affect interstate commerce and protection from this hazard can be met effectively only through Federal legislation.

The intent of the committee is to give the Department of Commerce discretion to determine the standards and specifications which will govern the quality of the brake fluid. It is expected that before any such standards are prescribed that the Secretary will consult with, and consider suggestions from, brake fluid manufacturers, the automobile manufacturing industry, other Government agencies, experts in the highway safety field, and others who might be of assistance.

There is no reason why the requirements established by the Secretary should work any undue hardships on industry.

RACKETEERS FACE FEDERAL ACTION

The effect of this legislation should be to drive unscrupulous manufacturers and suppliers of brake fluids out of business, as potential profits will not justify the risk of the criminal penalties provided in the legislation, which make possible a fine of $1,000 or a year in prison, or both.

Therefore, the cost of enforcing this legislation should be negligible. The Federal Government, of course, can expect the cooperation of various organizations and groups active in promoting highway safety.

In order to protect innocent shippers and retailers who might unknowingly handle illegal brake fluids, the committee has amended the bill to limit criminal penalties to those who "knowingly and willfully" violate the law.

This amendment eliminates one reason for mandatory labeling of brake fluids to show that Federal standards have been met.

In the interest of saving lives in interstate commerce, the committee urges favorable action on this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELATING TO FEDERAL EMPLOYEES' GROUP LIFE INSURANCE ACT

The Clerk called the bill (H.R. 8564) to amend the Federal Employees' Group Life Insurance Act of 1954 to provide for escheat of amounts of insurance to the insurance fund under such act in the absence of any claim for payment, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Federal Employees' Group Life Insurance Act of 1954, as amended (5 U.S.C. 2093), is amended by adding at the end thereof the following new paragraph:

"If, within one year after the death of the employee, no claim for payment has been filed by any person entitled under the order of precedence set forth in this section, and neither the Commission nor the Administrative office established by the insurance company or companies pursuant to subsection (b) of section 7 of this Act has received any notice that any such claim will be made, payment may be made to a claimant as may in the judgment of the Commission be equitably entitled thereto, and such payment shall be a bar to recovery by any other person. If, within four years after the death of the employee, payment has not been made pursuant to this section and no claim for payment by any person entitled under this section is pending, the amount payable shall escheat to the credit of the fund created pursuant to subsection (c) of section 5 of this Act."

SEC. 2. The amendment made by the first section of this Act shall take effect as of August 29, 1954.

With the following committee amendment:

Page 1, line 7, strike out "one year" and insert "two years".

The committee amendment was agreed to.

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ADDABBO. Mr. Speaker, the purpose of this legislation, which is based upon an official request of the U.S. Civil Service Commission, is to correct an omission in the Federal Employees' Group Life Insurance Act which was not noted when the act was written in 1954. The bill amends the act to provide that whenever, upon the death of an insured employee, legal entitlement to payment under the act cannot be established—the payment may be made to such claimant as may, in the judgment of the Commission, be equitably entitled thereto or, failing such legal or equitable entitlement, the amount payable will escheat to the employees' life insurance fund after 4 years.

The Federal Employees' Group Life Insurance Act of 1954, which made available to Federal employees a plan for low-cost life insurance, provides that payments due under the act upon the death of an insured employee shall be made in accordance with a specific designation by the insured or, in the absence of such specific designation, in accordance with an order of precedence established by the act.

The insurance company carrying the master policy under the act has reported to the Commission a few instances in which a rightful claimant legally entitled to payment under the act cannot be located or there is a complete absence of any person entitled under the act. The act as now written does not permit final definitive disposition of the money involved in these cases. The payments may not be made to anyone not having legal title thereto, as specified in the act, nor may the amount payable remain to the credit of the insurance fund. Instead, these amounts, representing joint contributions of the Federal Government and its employees, may eventually escheat to the State of the decedent's domicile. A number of States have laws under which unclaimed funds on deposit with public utilities, corporations, banking institutions, and insurance companies are declared ownerless and accrue to the benefit of the State unless valid claim is made within a specified period of time.

The insurance program was brought into being by action of the Federal Government for the benefit of Federal employees. It is a cooperative venture participated in jointly by the Federal Government, which pays one-third of the premium, and its employees, who pay two-thirds of the premium cost. It is totally without logic that any unpaid claims should revert as ownerless funds to the benefit of any State. The moneys should remain in the insurance fund for the benefit of Federal employees generally.

It is emphasized that the insurer and the Commission will continue by every means at their command to locate claimants having legal title to insurance benefits under the act, and will utilize the authority provided by this legislation only when such efforts are exhausted without success. The equitable settlement provision will enable the Commission to make appropriate payment, in the very few cases of failure to locate the person legally entitled thereto, to a claimant which the Commission finds equitably entitled. And only upon failure of legal or equitable entitlement of a claimant will the amount payable revert to the insurance fund.

Over half a billion dollars has been paid out in legal claims under the act, and the amount involved in the very few cases that presently would be affected by this legislation represents less than one-fifteenth of 1 percent of that amount.

This legislation will involve no budgetary considerations.

Mr. Speaker, I move that H.R. 8564, as amended, be acted on favorably.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PUBLIC BUILDINGS ACT OF 1959—AMENDMENT

The Clerk called the bill (H.R. 11145) to repeal subsection (a) of section 8 of the Public Buildings Act of 1959, limiting the area in the District of Columbia within which sites for public buildings may be acquired.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, is this a limitation or is it an expansion of the area?

Mr. McFALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman.

Mr. McFALL. At the present time there is a certain limitation describing the area in which public buildings may be built in the District of Columbia. This provides the General Services Administration with a restricted area, restrictive competitive area in which they can build their buildings so that the price of the land which they are acquiring thus is higher than it might otherwise be if the area were enlarged. They presented to us the argument that if the building area were enlarged within which they could acquire building sites, this would not only let them acquire outside space but give them a better competitive bid within the present area.

Mr. GROSS. Is this actually a limitation or is it an expansion of the area in which the Federal Government can move?

Mr. McFALL. Well, it is both.

Mr. GROSS. That is what I thought.

Mr. McFALL. It is an expansion of the present limitation to a larger limited area.

Mr. GROSS. That is what I thought. The bill indicates strictly a limitation.

Mr. BALDWIN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. BALDWIN. I think it should be pointed out that even if this bill is passed the General Services Administration still has to follow the procedure of submitting its specific request to the House and the Senate Public Works Committees for approval, so that congressional action still would be required. The area is now practically filled up with buildings, and therefore it no longer gives them any choice of building sites.

Mr. GROSS. I am pleased the gentleman anticipated my question as to whether General Services would still have to come to the Congress for authorization to acquire additional property, and the gentleman is saying that is true?

Mr. BALDWIN. That is correct.

Mr. GROSS. In other words, my question would have been, in the absence of the gentleman's statement, is this designed to permit the Federal Government to go into Foggy Bottom, for instance, and purchase land for the so-called Cultural Center that it is proposed to be established at a cost of something like $75 million? Does this have anything to do with that?

Mr. BALDWIN. This does not have anything to do with any specific request and does not remove the General Services Administration from congressional approval for any purchase that they desire to make. They still have to come to the Congress for any specific request they need.

Mr. GROSS. I appreciate the gentleman's statement. I withdraw my reservation of objection, Mr. Speaker.

Mr. HALEY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMPACT RELATING TO THE LITTLE MISSOURI RIVER

The Clerk called the bill (S. 1139) to amend the act granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to the waters of the Little Missouri River in order to extend the expiration date of such act.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to their interest in, and the apportionment of, the waters of the Little Missouri River and its tributaries as they affect such States, and for related purposes", approved August 28, 1957 (71 Stat. 466), is amended by striking out "four years" and inserting in lieu thereof "eight years."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELATING TO THE SUN RIVER PROJECT, MONTANA

The Clerk called the bill (S. 2132) to approve the revised June 1957 reclassification of land of the Fort Shaw division of the Sun River project, Montana, and to authorize the modification of the repayment contract with Fort Shaw Irrigation District.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the June 1957 reclassification of land of the Fort Shaw division of the Sun River project, Montana, as revised in September 1959, is approved.

Sec. 2. The Secretary of the Interior is authorized, pursuant to article 8(i) of the Act of August 4, 1939 (53 Stat. 1187), to modify the contractual obligation of the Fort Shaw Irrigation District by deducting from such obligation the amount of the unmatured construction charges as of the date of this Act against five hundred thirty-one and seventy-seven one-hundredths acres classified in a paying class under the Act of May 25, 1926 (44 Stat. 636), and found to be permanently unproductive; and the contractual obligation of the Fort Shaw Irrigation District shall, by reason of a finding that thirty-four and seventy-four one-hundredths acres of land, previously classed as permanently unproductive, possess sufficient productivity to be placed in a paying class, be increased in the sum of $1,193.67.

With the following committee amendment:

Page 1, line 7, strike out the word "article" and insert in lieu thereof "section".

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONTRACT WITH THE BURLEY IRRIGATION DISTRICT, OHIO

The Clerk called the bill (H.R. 9647) to authorize the Secretary of the Interior to enter into an amendatory contract with the Burley Irrigation District, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to execute on behalf of the United States the amendatory contract with the Burley Irrigation District negotiated pursuant to section 7 of the Reclamation Project Act of 1939 (53 Stat. 1187; 1958 edition, sec. 485f) and approved by the districts's electors on April 18, 1961.

Sec. 2. The Secretary is further authorized to negotiate with and enter into an amendatory contract with the Minidoka Irrigation District on a similar basis as set out in section 1, to coordinate his operation of the power facilities on the Minidoka project with the power facilities of other Federal installations in the Snake River and to account for the return of the reimbursable allocations of these installations in accordance with the Federal reclamation laws.

Sec. 3. The provisos appearing in the portion of the "Interior Department Appropriation Act, 1940" (Act of May 10, 1939) (53 Stat. 685 at page 716), relating to the Minidoka project and the portion of the Act of May 10, 1926 (44 Stat. 453 at page 480), relating to the Minidoka project are hereby repealed.

Sec. 4. This Act is declared to be a part of the Federal reclamation laws as those laws are designed in the Reclamation Project Act of 1939, supra.

With the following committee amendments:

Page 1, lines 6 and 7, strike out "(53 Stat. 1187; 1958 edition, sec. 485f)" and insert in lieu thereof "(53 Stat. 1187; 43 U.S.C., 1958 edition, sec. 485f)".

Page 2, line 4, strike out the words "Federal installations in the Snake River", and insert in lieu thereof "Reclamation project installations in the Snake River Basin,".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSFER OF FOREST TREE NURSERY FACILITIES TO STATES

The Clerk called the bill (H.R. 9736) to authorize the Secretary of Agriculture to permit certain property to be used for State forestry work, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, it is my understanding that this bill is scheduled for consideration under suspension of the rules this afternoon.

Mr. Speaker, I therefore withdraw my reservation and ask that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MARKETING OF EXPERIMENT STATION CROPS

The Clerk called the bill (H.R. 10594) to amend section 372 of the Agricultural Adjustment Act of 1938, as amended, with respect to privately owned nonprofit agricultural research and experiment stations or foundations.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

RURAL TELEPHONE SERVICE

The Clerk called the bill (H.R. 10708) to amend section 203 of the Rural Electrification Act of 1936, as amended, with respect to communication service for the transmission of voice, sounds, signals, pictures, writing, or signs of all kinds through the use of electricity.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas [Mr. POAGE] several questions concerning this legislation.

What is the purpose of this particular proposal?

Mr. POAGE. Primarily, the purpose of this legislation is to allow small villages in rural areas to receive better TV connections for their schools.

Mr. Speaker, we have at the present time, I believe, some five communities in South Carolina which have suggested that if they had this power they would extend to their rural schools the necessary lines to bring TV programs to their rural schools.

I know that many of us fail to recognize that there are vast areas of the United States which do not receive direct TV service. From my area west, we generally try to rectify that situation by what we call central transmission TV or community antenna television, that is, they erect a central tower high enough to receive stations which are not available to the ordinary householder, and then distribute these signals to the public by means of cables—ordinarily at a charge of about $6 per month, but these commercial central transmission companies are not in a position to give this service in rural areas. That is the purpose of this bill—to provide a method of transmitting TV to rural schools.

In order to reach these rural schools you have to have somebody who will provide lines to them, because one must keep in mind that we cannot provide microwave facilities to those rural schools. In other words, this allows the telephone companies and the telephone cooperatives that are borrowing money from the REA—incidentally, there are twice as many telephone companies as there are cooperatives involved—for the purpose of extending these lines.

Mr. Speaker, the central transmission TV groups found some objection to this and feared that it might open the door in some way to providing service within the more populous areas and thereby provide competition with them. I have agreed with representatives of these central transmission TV services, or CAT, to offer, if we can bring the bill to the floor of the House for consideration, an amendment which is as follows:

On page 2, line 5, after "facilities," insert "or community antenna television system services or facilities other than those intended for educational purposes,".

This we understand would clearly limit and prohibit any use of this facility which might be in competition with any kind of private operation. Under this limitation it would be clear that this bill would be available only where somebody wanted to take service to schools or hospitals for educational purposes. It could not be taken anywhere else.

Frankly, I cannot see a penny of profit in it to anybody, but the cooperating telephone companies and cooperatives have, in some instances at least, expressed a willingness to provide this service along with their other service if it could be included in the REA loan.

Mr. FORD. This amendment that I have in my hand, which a member of the staff brought to me, is the amendment to which the gentleman refers.

Mr. POAGE. Our counsel tells me the gentleman has an exact copy of the amendment. That copy has been accepted by the Association of Community Antenna Television, and it is what I propose to offer.

Mr. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DEPOSIT OF FUNDS ON BANKRUPTS' ESTATES

The Clerk called the bill (H.R. 10204) to amend section 47 of the Bankruptcy Act.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (2) of the first paragraph of section 47 of the Bankruptcy Act (11 U.S.C. 75(a)(2)) is amended to read as follows:

"(2) deposit all money received by them in designated depositories initially in demand deposits; and subsequently, if authorized by the court, in interest-bearing savings deposits, time certificates of deposit, or time deposit open account;".

With the following committee amendment:

On line 10, strike the word "deposit" and insert "deposits".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TWENTY-FIFTH ANNIVERSARY OF SOIL CONSERVATION DISTRICTS

The Clerk called the concurrent resolution (S. Con. Res. 62) commemorating the 25th anniversary of the establishment of soil conservation districts.

There being no objection, the Clerk read the concurrent resolution, as follows:

Whereas the strength of a community and of a nation lies largely in its agricultural base; and

Whereas in the twenty-five years since the first State soil conservation district law was passed in Arkansas and the first soil conservation district was chartered in Anson County, North Carolina, on August 4, 1937 (known then, and still known, as the Brown Creek Soil Conservation District), the soil conservation districts, local units of State government, have worked and will continue to work steadily to improve and safeguard the productive croplands, the waters available for agriculture, and the grasslands, woodlands, and wildlife; and

Whereas State conservation districts in all States (now numbering two thousand nine hundred and encompassing 96 percentum of all the agricultural land) by providing a means for concerted effort to control soil erosion, save water, and husband soil fertility, have been instrumental in increasing the efficiency of farming and permitting land-use changes much needed for a permanently safe and productive agriculture: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress hereby acknowledges the debt owed the soil conservation districts, expresses its appreciation of, its gratitude to, and its pride in these districts which are the custodians of the Nation's agricultural lands, and extends its congratulations to the fifteen thousand nonsalaried supervisors, commissioners, and directors of soil conservation districts and the thousands of their predecessors who pioneered in this remarkable demonstration of self-government and grassroots democracy.

The Senate concurrent resolution was concurred in, and a motion to reconsider was laid on the table.

WHITE HOUSE POLICE FORCE

The Clerk called the bill (H.R. 11261) to authorize an adequate White House Police force, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I understand that this calls for an increase of 80 policemen to the 170 already stationed at the White House?

Mr. McFALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. McFALL. That is correct. It raises it to 250 from 170.

Mr. GROSS. If I remember the campaign of 1960 correctly, we heard a lot of talk from President Kennedy about the increase in Federal employment that had taken place under the Eisenhower administration. We heard how they, the Kennedy administration would cut down on employment in the Federal Government. Now we find a demand for an increase from 170 to 250 in the police force of the White House. What do they do with 170 police in the White House?

Mr. McFALL. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. This is in addition to the Secret Service, is it not?

Mr. McFALL. That is correct. This is the information presented to the committee. Originally the request from the Treasury Department was that the present limitation be removed altogether, that there be no limitation by the legislative committee on the number of White House Police. Their justification for this was that they have to go before their own agency, they have to go before the Bureau of the Budget, and so forth, and justify each new member.

Mr. GROSS. Is that not too bad, that they have to do what other departments in the Federal Government have to do, justify a requested increase in the number of employees?

Mr. McFALL. If the gentleman will permit me to finish my explanation: The committee thought that removing the ceiling altogether was not judicious. We felt that we should apply a ceiling which would give them some room of movement for perhaps the next 4 or 5 years. They told us they had new duties so that they require at the present time some 43 new positions.

Mr. GROSS. Will the gentleman stop right there and let me ask him this question: Could some of the new duties be that of taking care of the horses presently parked at the White House?

Mr. McFALL. No, there was no testimony to that effect.

Mr. GROSS. Who does take care of the horses?

Mr. McFALL. There was no testimony about that.

Mr. GROSS. I like horses, too, but I would like to know who takes care of them.

Mr. McFALL. I am at a loss to explain to the gentleman concerning the horses because we had no testimony concerning the fact that the Secret Service or the White House Police take care of any horses. They did explain to us, however, that they have an entire new jurisdiction in the old State Department Building just across the street from the White House which they must guard with White House Police, and that it is necessary for them to have an additional 43 people to do this job, together with the job of guarding the President at other places where he has other residences, and so on. Therefore, at the present time they find a justification for 43. In order to save them the requirement of coming back to our committee, in view of the fact that they must justify to these other agencies and the Committee on Appropriations each time, we felt that we should put them in the bill at 250.

Mr. GROSS. In my opinion, Mr. Speaker, this bill needs more time for discussion and more explanation than I feel ought to be taken on this Consent Calendar. I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

REPORTS ON DAIRY PRODUCT USE

The Clerk called the bill (H.R. 4083) to reduce the frequency of reports required of the Veterans' Administration on the use of surplus dairy products.

There being no objection, the Clerk read the bill, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the last sentence of section 202(a) of the Agricultural Act of 1949, as amended (7 U.S.C. 1446a(a)), is amended by striking out "monthly" and inserting in lieu thereof "every six months".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAND CONVEYANCE, MOUNT SHASTA, CALIF.

The Clerk called the bill (H.R. 8434) to authorize the Secretary of Agriculture to sell and convey a certain parcel of land to the city of Mount Shasta, Calif.

There being no objection, the Clerk read the bill, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture is authorized to sell and convey to the city of Mount Shasta, California, by quitclaim deed, at its appraised value as determined by him, all the right, title, and interest of the United States in and to that certain parcel of land containing four and one-half acres, more or less, located in Siskiyou County, California, adjacent to the city of Mount Shasta, conveyed to the United States by Enrico Spini and Anunzia Spini, and further described as follows:
>
> The south one-half of the southwest quarter of the southwest quarter of the northwest quarter of section 22, township 40 north, range 4 west, Mount Diablo base and meridian, excepting, a strip of land approximately 60 feet wide and approximately 330 feet long on the west side of said tract, deeded to the State of California and used as a State highway right-of-way.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

IMPORTATION OF SEED SCREENINGS

The Clerk called the bill (H.R. 5546) to amend the Federal Seed Act, as amended, with respect to screenings of seed.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. FORD. Reserving the right to object, Mr. Speaker, I understand the administration, or at least the Department of State, is very much opposed to this legislation. Certainly the report indicates that opposition. I am not going to pass it over, but I think this ought to be called to the attention of the House leadership.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Texas.

Mr. POAGE. The committee has just this morning been advised of objection, not from the State Department but rather from the grain trade. The committee has agreed, anticipating there would be objection to the consideration of this bill, that we would give hearings on Thursday of this week on this bill. We have anticipated that it will be passed over.

Mr. FORD. I withdraw my reservation, Mr. Speaker, and suggest that the distinguished gentleman from Texas ask that it be passed over.

Mr. POAGE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

REDUCING REVOLVING FUND AVAILABLE TO BANKS FOR COOPERATIVES

The Clerk called the bill (H.R. 10374) to amend section 6 of the Agricultural Marketing Act, as amended, to reduce the revolving fund available for subscriptions to the capital stock of the banks for cooperatives.

There being no objection, the Clerk read the bill, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 6 of the Agricultural Marketing Act, as amended (12 U.S.C. 1141d), is amended by adding the following sentence at the end thereof: "Effective upon enactment of this sentence the sum authorized to be appropriated for the aforesaid revolving fund is reduced from $500,000,000 to $150,000,000 and any amount in said fund in excess of $150,000,000 (including any amount thereof used to purchase capital stock in the central and regional banks for cooperatives) shall be credited to miscellaneous receipts of the Treasury."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WITHHOLDING PAY OF CERTAIN RETIRED OFFICERS OF THE NAVAL SERVICE

The Clerk called the bill (H.R. 11217) to amend section 6112 of title 10, United States Code.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 612 of title 10, United States Code, is amended—

(1) by striking out the designation "(a)" at the beginning thereof; and

(2) by repealing subsection (b).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This is the last eligible bill on the call of the Consent Calendar today.

MINERAL INTERESTS IN CERTAIN PUBLIC LANDS, PIMA COUNTY, ARIZ.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to return to Consent Calendar No. 412 for the consideration of the bill (H.R. 10566) to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz.; and in support of such request I state it is my understanding that the opposition which was formerly recorded has been withdrawn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the minerals, excepting oil and gas, in the lands more fully described in section 2 hereof are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from disposal under the Act of July 31, 1947, as amended (61 Stat. 681; 30 U.S.C. 601–604).

(b) Nothing in this Act shall be construed to preclude a surface owner of lands described herein from granting to any person or firm the right to prospect or explore for minerals on such terms and conditions that may be agreed upon by the surface owner and the prospector.

(c) The Secretary of the Interior, for value, may, after notification to the surface owner and administrative hearing, authorize extraction, use, or disposition of any of the minerals withdrawn by subsection (a) of this section.

SEC. 2. The lands in which lie the minerals and resources withdrawn by this Act are those that are within Pima County, State of Arizona, and described as follows:

From the northeast corner of section 1, township 11 south, range 14 east, southerly along the range line separating ranges 14 and 15 east to the northeast corner of section 1, township 13 south, range 14 east;

From the northeast corner of section 1, township 13 south, range 14 east, easterly along the township line separating townships 12 and 13 south to the northeast corner of section 1, township 13 south, range 16 east;

From the northeast corner of section 1, township 13 south, range 16 east in a southerly direction along the range line separating ranges 16 and 17 east to the northeast corner of section 1, township 17 south, range 16 east;

From the northeast corner of section 1, township 17 south, range 16 east in a westerly direction along the township line separating townships 16 and 17 south to the northeast corner of section 1, township 17 south, range 13 east;

From the northeast corner of section 1, township 17 south, range 13 east in a northerly direction along the range line separating ranges 13 and 14 east to the northeast corner of section 24, township 15 south, range 14 east;

From the northeast corner of section 24, township 15 south, range 13 east, westerly to the northeast corner of section 21, township 15 south, range 13 east;

From the northeast corner of section 21, township 14 south, range 13 east, northerly to the northeast corner of section 28, township 14 south, range 13 east;

From the northeast corner of section 28, township 14 south, range 13 east, westerly to the northeast corner of section 27, township 14 south, range 12 east;

From the northeast corner of section 27, township 14 south, range 12 east, northerly to the northeast corner of section 10, township 14 south, range 12 east;

From the northeast corner of section 10, township 14 south, range 12 east, westerly to the northeast corner of section 8, township 14 south, range 12 east;

From the northeast corner of section 8, township 14 south, range 12 east, northerly to the northeast corner of section 5, township 13 south, range 12 east;

From the northeast corner of section 5, township 13 south, range 12 east, westerly to the southwest corner of section 31, township 12 south, range 12 east;

From the southwest corner of section 31, township 12 south, range 12 east, northerly to the Pima-Pinal County line;

From there, easterly along the Pima-Pinal County line to the northeast corner of section 1, township 11 south, range 14 east; and

The southeast quarter of the southeast quarter, section 11, township 17 south, range 13 east, all Gila and Salt River base and meridian;

Except all parcels of land lying within present boundaries of Coronado National Forest, the Saguaro National Monument, and military reservations.

With the following committee amendments:

Page 1, line 3, strike out all of section 1 through page 2, line 8, and insert in lieu thereof the following: "That (a) subject to valid existing rights, the mineral interests of the United States which have been reserved in patents or other conveyances, heretofore issued under the public land laws, in the lands more fully described in section 2 hereof are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from disposal under the Act of July 31, 1947, as amended (61 Stat. 681; 30 U.S.C. 601–604).

"(b) Nothing in this Act shall be construed to preclude a surface owner of any lands described herein from granting to any person or firm the right to prospect or explore for any class of minerals for which mining locations may be made under the United States mining laws on such terms and conditions as may be agreed upon by the surface owner and the prospector, but no mining location shall be made thereon so long as the withdrawal made by this Act is in effect.

"(c) The surface owner of any lands may at any time after the effective date of the Act, make application to purchase, and the Secretary of the Interior shall sell to such owner, the interests of the United States in any and all minerals within the boundaries of the lands owned by such owner, which lands were patented or otherwise conveyed under the public land laws with a reservation of such minerals to the United States. All sales of such interests shall be made expressly subject to valid existing rights. Before any such sale is consummated, the surface owner shall pay to the Secretary of the Interior the sum of the fair market value of the interests sold, and the cost of appraisal thereof, but in no event less than the sum of $50 per sale and the cost of appraisal of the mineral interests. The Secretary of the Interior shall issue thereupon such instruments of conveyance as he deems appropriate.

"(d) In the event that any of the minerals to be conveyed under subsection (c) of this section are subject to any lease, permit, license, or contract issued under the Mineral Leasing Act, as amended, 30 U.S.C. 181 et seq., or any other law, then such conveyance shall contain an assignment of all right, title, and interest of the United States in and to such lease, permit, license, or contract, including the right to all rentals, royalties, and other payments accruing under such lease, permit, license, or contract after the effective date of such conveyance."

Page 2, strike out all of lines 9, 10, and 11, and insert in lieu thereof the following:

"SEC. 2. This Act shall be applicable only to the lands which are within the area situated in Pima County, Arizona, described as follows:".

Page 3, line 6, strike out the words "range 14 east;" and insert in lieu thereof "range 13 east;".

Page 3, line 10, strike out the words "township 14" and insert in lieu thereof "township 15".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSFER OF FORESTRY NURSERY FACILITIES TO STATES

Mr. POAGE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9736) to authorize the Secretary of Agriculture to permit certain property to be used for State forestry work, and for other purposes, with amendments.

The Clerk read as follows:

Be it enacted by the Senate and House of of Representatives of the United States of America in Congress assembled, That the Congress recognizes that for many years the United States and certain States have cooperated in the production of tree planting stock for use in the reforestation of the public and private lands of the Nation; that the program of production of tree planting stock which was initiated and pursued under the Soil Bank Act (7 U.S.C. 1801 et seq.) was carried on under written agreements which provided for (a) cooperation between the Forest Service, on behalf of the United States, and the State which participated in the program, (b) payments to said States for costs and expenses incurred in the development of nursery facilities, (c) the holding of such funds by the States in trust for the purpose of carrying out the provisions of said agreements, and (d) restoration to the trust fund of an amount equal to the residual value of any supplies, materials, equipment, or improvements acquired or constructed with trust funds and transferred to State forestry work other than the soil bank program; that such program under said Soil Bank Act has been discontinued, but the need for the trees continues to be great; that the States and Federal Government are cooperating in the procurement, production, and distribution of forest-tree seeds and plants under section 4 of the Clarke-McNary Act of June 7, 1924 (16 U.S.C. 567), and in the reforestation of lands under title IV of the Agricultural Act of 1956 (16 U.S.C. 568c–g); and that said participating States need the said supplies, materials, equipment, or improvements for use in connection with their respective forestry programs, and it is in the public interest to permit these States to use said property without the requirement that payment be made for the residual value thereof.

SEC. 2. For the purpose of assisting those States which participated in the program carried on under the Soil Bank Act in continuing the production of needed tree planting stock and in other forestry programs, the Secretary of Agriculture is authorized to permit any supplies, materials, equipment, or improvements acquired or constructed with trust funds under the agreements referred to in section 1 to be used in such State forestry work as may further the objectives of related Federal programs, as he may approve, without the requirement that any payment be made by the State into the trust funds.

The SPEAKER. Is a second demanded?

Mr. McINTIRE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. POAGE. Mr. Speaker, this is a bill which transfers certain property now held by the Federal Government which has been used in cooperation with the States, to the various States which are involved.

We anticipated that there would be no objection to the bill, and we feel there is no objection to the bill. It was reported by a unanimous vote of the committee. But, it does involve, I think, about $4½ million worth of property. For this reason, we felt the bill should be brought before the House under suspension of the rules so that more questions might be asked about the bill. The gentleman from Maine [Mr. McINTIRE], the author of the bill, is in a position to give any needed explanation and I believe, the gentleman is prepared to answer any questions that anyone might want to ask. The Committee on Agriculture feels that this bill outlines the most practical method of using this property.

Mr. McINTIRE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. McINTIRE. Mr. Speaker, my legislation H.R. 9736 would declare surplus and transfer to the States without cost certain equipment such as trucks, diggers, and so forth, and property such as warehouse, waterlines, fences, and so forth, used in the advancement of certain forestry practices under the soil bank program.

I would like to say that the matter of transferring this material to the States was first brought to my attention by the Honorable Austin H. Wilkins, forest commissioner of the State of Maine and legislative representative for the Association of State Forest Commissioners.

After making a rather thorough search into this matter, I felt that such a proposal had merit; hence, I introduced H.R. 9736 to the Congress.

I would mention that under the soil bank program all of the States were invited to join in a cooperative program for the production of tree planting stock, and 34 States entered into agreements for forestry nursery production. Maine was one of these.

Through the terms of these agreements, the States were permitted to draw from a $6.6 million trust fund set up by the Federal Government for the purpose of obtaining the equipment and property essential to participation in the program. Furthermore, the States certified under the agreements that they would return to the trust fund an amount equal to the residual value of any equipment or property they desired to keep for future forestry functions.

The soil bank authority has now expired, and many of the States that participated in the forestry program—including Maine—have evidenced an interest in retaining the forestry equipment for use in advancing their State-sponsored programs.

My legislation that is before the House would permit the States to keep the property concerned without paying back into the trust fund an amount equal to the property's depreciated value.

For a long time the Federal and State Governments have cooperated in carrying out a very valuable nursery function in forestry, aside and apart from the soil bank program. The assignment of these forestry materials to the States without cost would represent little more than an extension of an already proved successful program of Federal-State cooperation.

To meet the needs of a rapidly expanding American population, it is estimated that it will be necessary to plant approximately 40 million acres of land to trees, and, of course, the State nurseries must be the source of supply for these trees. Inasmuch as it is the various States that will be working toward satisfying a substantial part of our Nation's needs for lumber in the future, there can be no question that our country will get a fair return in exchange for a release of the States from the obligation they now have to the trust fund.

I would like to mention that my State of Maine had acquired materials which originally cost $144,466 and which now, through depreciation, are valued at $87,387. Under the terms of this legislation the State of Maine would be able to retain this forestry equipment as a surplus item and without cost.

The Maine Forestry Commission has indicated that it has an urgent need for this forestry equipment in advancing its tree nursery production programs, and many of the forestry commissions in other States have also indicated a similar need.

I urge that the House approve H.R. 9736.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill H.R. 9736?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RE-REFERENCE OF COMMUNICATIONS

Mr. POAGE. Mr. Speaker, I ask unanimous consent that Executive Communication No. 2000 which was referred to the Committee on Agriculture be re-referred to the Committee on Public Works.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

H.R. 10986 TO BE CALLED ON MAY 8

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to advise the House that the gentleman from Arkansas [Mr. MILLS], chairman of the Committee on Ways and Means, will call up under unanimous consent on tomorrow, H.R. 10986, a bill to continue for a temporary period the existing suspension of duty on certain amorphous graphite.

ONE-HUNDRED AND SEVENTY-FIRST ANNIVERSARY OF POLAND'S MAY 3 CONSTITUTION

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. FORD] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FORD. Mr. Speaker, today millions of Americans who are of Polish descent celebrate the 171st anniversary of Poland's May 3 Constitution. We Americans pay tribute to Poland's Constitution not only here in Congress but all across these United States because we are aware that Poland's Constitution of 1791 brought to the European Continent those fundamental principles of human dignity which our own Nation had achieved only 2 years after the heroic American Revolution and a period of confusion under the Articles of Confederation.

Poland for these past many years has been tied under the yoke of oppression, yet I know the people carry the joy of this celebration in their hearts as well as an undying prayer for freedom from the claws of communism.

As we pay tribute to Poland's Constitution today, we Americans should soberly appraise our own position as defenders of freedom. We can learn from the tragic history of Poland that these same despotic elements exist in the world today which crushed the spirit of freedom in Poland 171 years ago.

To the freedom-loving and liberty-minded Poles, the anniversary of their Constitution Day is almost as important as that of their Independence Day. This Constitution was put forth and adopted when Poland was in imminent danger of losing its very existence as an independent entity. It introduced to the European continent in formal language the principle of sovereignty of a people in a state.

There are many illustrations of the dedication to the 1791 Constitution. On the desk in my office I have a paperweight that I received in Warsaw when I attended the Inter-Parliamentary Union meeting there in 1959. It bears the name of the great Polish patriot, Tadeusz Kosciuszko, who attempted to prevent Russia from partitioning his country in 1795. A military revolt by young Polish soldiers against the Russian regime occurred in 1830. Polish youths again revolted in 1863 when a plan to recruit them en masse into the Russian Army became known.

Ever since the American Revolution, Polish blood has been shed for American liberty. Tadeusz Kosciuszko and Casimir Pulaski were instrumental in our initial struggle for independence.

We join today with the millions of Americans, including those of Polish descent, in expressing the hope that the future may see the liberation of the people of Poland from the tyranny of atheistic communism.

SERVICE-CONNECTED COMPENSATION FOR DISABLED VETERANS

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Saylor] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SAYLOR. Mr. Speaker, Members of the House are, of course, quite familiar with the situation concerning the efforts of the House, and specifically the Committee on Veterans' Affairs, to enact a needed and well-deserved compensation increase for service-connected disabled veterans. The latest effort in this regard is the bill H.R. 10743, which passed the House unanimously on April 2, with a record vote of 345 yeas and 0 nays.

The national commanders of eight veterans' organizations thereafter visited the offices of the chairman of the Senate Finance Committee and the junior Senator from Louisiana, concerning the desirability and necessity for this legislation, and expressed the strong hope and wish that it be enacted promptly without any amendments not germane to the central purpose; namely, service-connected compensation.

Under leave to extend my remarks, I include herein a press release on this subject, as well as the formal petition presented to the chairman of the Senate Finance Committee, a memorandum from the junior Senator from Louisiana and a reply to the junior Senator's memorandum by the eight organizations previously mentioned:

For the National Commanders of the Veterans of Foreign Wars, the Disabled American Veterans, the Military Order of the Purple Heart, the Catholic War Veterans, the Jewish War Veterans, the Blinded Veterans Association, the Paralyzed Veterans of America, and AMVETS

Washington, April 18.—National commanders of eight leading U.S. veterans organizations in an unprecedented demonstration of unity today personally petitioned Senator Harry F. Byrd, chairman of the Senate Finance Committee, to expedite passage of a House-approved bill raising compensation for 2 million service-disabled veterans.

The veterans leaders presented their petition to the chairman and to each member of the Senate committee with an appeal "to put aside procedural emotions on an issue affecting the bread and butter of men who sacrificed health and limbs in wartime service to their country."

The bill in question, involving some $99 million annually in compensation increases, has been caught for the past year in a congressional crossfire between the House and Senate which have passed versions of the increase four times.

Each time, however, the Senate has added an amendment—unacceptable to the House—which would permit limited reopening of lapsed GI insurance policies. The eight commanders today called the amendment "totally and wholly irrelevant to the subject of compensation."

Leaders of the Veterans of Foreign Wars, the Disabled American Veterans, the Military Order of the Purple Heart, the Catholic War Veterans, the Jewish War Veterans, the Blinded Veterans Association, the Paralyzed Veterans of America, and AMVETS voiced in their unusual petition "the frustration, disappointment and vexation among our memberships" over congressional inability to agree on a compensation bill.

"We are not strangers to disagreement and competitive conflict either within our separate ranks or among our several organizations," they told Senator Byrd. "Yet it is the measure of our alarm and deep misgivings that we have put aside all differences in this instance to unite as one in urging the Congress to do likewise on the issue of increasing compensation for the disabled."

The national commanders commented that "at a time in the world's history when faith in our own institutions is more than ever vital to our national well-being we can ill-afford prolonged displays of parliamentary sensitivity."

Commander in Chief Robert E. Hansen of the VFW, spokesman for the group, said this was the first time within memory that so many major veterans organizations had banded together to present a united front to Congress on a specific issue. He estimated that their combined memberships represented over 3 million organized ex-servicemen.

Appearing in a body on Capitol Hill with their formal signed petition were Commander in Chief Hansen, National Comdr. Francis Buono, of the DAV, Past National Comdr., Harold Russell of AMVETS, representing Comdr. Edwin P. Fifielski who earlier signed the petition; Richard P. Golick representing National Comdr. Albert J. Schwind of the Catholic group, National Comdr. Theodore Brooks, of the Jewish group, immediate past national president, George Gillespie, representing President William M. Hughes of the blinded group and national president, Robert Classom, of the paralyzed veterans.

A Petition to the Honorable Harry F. Byrd, and to the Members of the Senate Finance Committee

As leaders of eight veterans organizations, five of them chartered by Congress, we respectfully solicit your individual support in expediting the passage and enactment of H.R. 10743 as approved by the House of Representatives.

We speak as one in behalf of 2 million service-connected veterans who have already been deprived of more than $80 million in compensation increases as a result of the congressional crossfire in which they have been caught for the past year.

We call attention to the fact that no substantial or meaningful opposition to these compensation adjustments exists in either House of Congress; indeed, earlier legislation was overwhelmingly approved no less than four times in each House during the first session of this Congress. The equity and justice of the legislation remains undeniable.

Yet this legislation has repeatedly failed ultimate passage because unrelated riders pertaining to the reopening of national service life insurance have been added to it in the Senate.

While we recognize the desirability of revising existing insurance limitations on their merits, we feel strongly that the compensation measure has an overriding priority on its own merits. We, therefore, ask for their separate consideration on that basis as the insurance issue is wholly irrelevant to the issue of granting cost-of-living increases in compensation for those who were disabled while serving their country.

We would be less than candid if we failed to reflect for you the frustration, disappointment and vexation among our memberships over the past inability of Congress to put aside procedural emotions on an issue affecting the bread and butter of men who sacrificed health and limbs in wartime service.

We are not ourselves strangers to disagreement and competitive spirit either within our separate ranks or among our several organizations. Yet it is the measure of our alarm and deep misgivings that we have put aside all differences in this instance to unite in urging that the Congress do likewise on the question of increasing compensation for the disabled.

We appeal to each member of the Senate Finance Committee, through its distinguished chairman, whose integrity as a public servant through long years of devoted duty in the Congress is beyond challenge, to exercise his good offices to expedite the consideration of H.R. 10743 without the addition of the nonrelated provisions in the interest of justice for those in our ranks who have earned the right above all others to the gratitude of the American people.

Wm. H. Hughes, Albert J. Schurnick, Catholic War Veterans; Robert Classon, Paralyzed Veterans of America; Francis R. Buono, Disabled American Veterans; Lourin P. Fifielski, AMVETS; Theodore Brooks, Family War Veterans, U.S.A.; Edward J. Holiding, Military Order of the Purple Heart; Robert E. Hansen, Veterans of Foreign Wars.

Memorandum of Understanding of Meeting Between Senator Russell B. Long, of Louisiana, and Representatives of Various Veterans Groups Interested in Disabled Veterans Compensation Bill

It is my understanding of our conversation that we reached the following agreement:

That the eight veterans' organizations represented would undertske to secure a commitment from Chairman TEAGUE, of the Veterans' Affairs Committee, and Chairman SMITH, of the Rules Committee, for a sufficient number of members of those two committees to assure that the National Service Life Insurance measure would be permitted to come to a vote on its merits in the House of Representatives itself.

This vote should be on a basis where those who favored the NSLI measure would be afforded an opportunity to discuss it prior to the vote.

At such time as those leaders in the House are in position to assure that the NSLI measure will be permitted to come to a vote in the House, I would be willing to permit the compensation measure to be considered in the Senate without an NSLI amendment. So long as there is no assurance on the House side that the NSLI measure would be considered by the full membership of the House, I feel it my duty to continue to fight to see that any compensation measure will include the NSLI amendment.

MAY 3, 1962.

DEAR SENATOR LONG: As representatives of the eight organizations which met with you on April 18, we have received the "Memorandum of Understanding of Meeting Between Senator RUSSELL B. LONG of Louisiana and Representative of Various Veterans Groups Interested in Disabled Veterans Compensation Bill" dated April 30.

It is our view that no formal agreement was reached during the hour and a half session which we had in your office.

We wish to reiterate the following salient points contained in the petition presented you April 18 on behalf of organizations representing over 3 million veterans:

1. We feel strongly that compensation for the war disabled has an overriding priority on its merits over the issue or reopening of National Service Life Insurance.

2. We feel that the insurance issue is wholly irrelevant to the issue of granting cost-of-living increases in compensation for those who were disabled while serving their country, and therefore ask that the two matters be considered separately.

We assured you that if you would agree to refrain from placing an NSLI rider on H.R. 10743 when it is considered in the Senate, we would undertake a united and vigorous campaign in the House of Representatives to support a realistic NSLI reopening measure.

In response to a question concerning the amendment which you offered to the compensation legislation passed by the House during the last session, you indicated that when future consideration was given by the Senate to NSLI reopening, the measure would contain a provision permitting reenrollment by World War II veterans with service-connected disability notwithstanding the extent of their service-connected disability. Aside from this concession on your part, which is not contained in your April 20 "memorandum of understanding," there apparently is no change in the position which you maintained during the 1st session of the 87th Congress.

It is the sincere desire of this group of organizations to bring about an amicable solution to the controversy which has developed between the Senate and the House of Representatives with respect to disability compensation and NSLI reopening. Our organizations feel that the Senate has a clear and unmistakable responsibility to act expeditiously on H.R. 10743 which passed the House of Representatives on April 2, 1962, and is now pending in the Senate Finance Committee.

As we advised you during our meeting, all of our organizations are committed to support a realistic reopening of National Service Life Insurance. We have drafted a bill to reopen National Service Life Insurance and we are united in our support of the provisions it contains. In general, it includes the following provisions:

1. Provides for participating insurance.
2. Provides 5-year level premium term insurance may be issued but not renewed on the term plan after the applicant's 50th birthday.
3. The premium rates shall be based on the 1958 Commissioners Standard Ordinary Table of Mortality instead of the old table previously offered by the Senate.
4. The reopening period would be for a period of 1 year.
5. Applications would be accepted 1 year after enactment.
6. All administrative expenses, including medical examinations of applicants, would be borne by the policyholders.
7. Would include World War II and Korean veterans who have service-connected disabilities notwithstanding their service-connected disability.

Attached you will find a draft of the legislation which we have all agreed to support. We earnestly seek your support of this bill and ask that you have the bill introduced and expeditiously considered in the Senate. A companion bill will likewise be introduced in the House of Representatives.

NO FINANCIAL ASSISTANCE FOR EDUCATIONAL AGENCIES OF THE DISTRICT OF COLUMBIA

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MULTER. Mr. Speaker, the District of Columbia does not come under the provisions of Public Law 874 which provides financial assistance for local educational agencies in areas affected by Federal activities. The present law includes all of the several States, Guam, the Virgin Islands, Puerto Rico, that is, every part of the United States except Washington, D.C.

It is hard to realize why this is so when we consider that Washington is certainly one of the most federally impacted areas that one can find.

The District of Columbia Congress of Parents and Teachers has noted that 30 percent of the District's schoolchildren are a result of Federal impaction. Out of a school population of 115,000 in the elementary and secondary schools of the District 34,000 are children of parents who live or who work on federally owned property. In every case where Federal funds are contributed as a result of Federal impaction the percentage of impaction is less than that in Washington with one exception.

In view of this, it is time to amend the law so that Washington will be eligible for these funds. I have today introduced a bill, H.R. 11625, to amend section 9(8) of the act entitled "An act to provide financial assistance for local educational agencies in areas affected by Federal activities," approved September 30, 1950.

Our distinguished colleague, the gentleman from Pennsylvania [Mr. KEARNS], has already introduced this measure and I am pleased to join him in making this a bipartisan effort. I hope that others will support and assist in this effort to bring much-needed additional funds to the District of Columbia for education.

THE TRANSPORTATION PROBLEM OF THE NATION

The SPEAKER. Under previous order of the House, the gentleman from New Jersey [Mr. WALLHAUSER] is recognized for 15 minutes.

Mr. WALLHAUSER. Mr. Speaker, that there is a transportation problem no one can deny.

It is important that we come to grips with it at the earliest possible moment because transportation is to the Nation what arteries are to the human body. To neglect the transportation system that carries the economic bloodstream is to risk national paralysis.

The wholly unsatisfactory condition of our vital transportation arteries today should be obvious to all. The railroad industry last year managed to earn only 1.97 percent on investment, the lowest rate since the depression year of 1938. One of the largest railroads in the East is in bankruptcy, and its ability to continue in operation after this year is seriously in doubt. Twenty-five class I railroads ended the year in the red, while several others barely managed to cover their fixed charges. The continuation of vital railroad commuter services is threatened by chronic deficits that grow ever larger. Railroad employment stands at 720,000, which is actually 250,000 fewer than at the depth of the depression in 1933.

Air carriers, despite vast outlays by the Government in their behalf, are also in serious trouble. In 1961, the domestic trunk lines alone suffered a deficit of $34 million. In the trucking, maritime, and inland waterway industries, the story is much the same, the only difference being a matter of degree.

In the area of passenger travel, the picture is exceedingly dismal. The private automobile today handles 90 percent of all domestic travel, leaving only 10 percent to be divided among railroads, airplanes, and buses. Despite an increase of nearly 45 million in our population, the volume of railroad passenger traffic today is barely above the depressed levels to which it had fallen before World War II. Under the accounting formula prescribed by the Interstate Commerce Commission, railroad passenger service last year produced a deficit of about $450 million, which was nearly half of the amount they were able to earn from their freight service. In the 16 years since the war, the railroad passenger deficit has averaged more than $550 million a year.

The situation is especially desperate in major metropolitan areas such as New York City and environs and New Jersey where the threat of economic strangulation by the daily glut of millions of automobiles is imminent and real. Highways are overcrowded even before they are built, while mass transit, which is the only ultimate solution, continues to decline.

There is no place in the Nation where this is more evident than in northern New Jersey. We have many highways—county, State, and interstate. More are in various processes of being built. But it is apparent that all of this is only scratching the surface of the mass and commuter transportation needs of the people of the area.

The role of the public carrier in meeting the challenge of mass transportation is not being ignored in New Jersey. Yet, the problem seems insurmountable because of the lack of an effective national transportation policy and program that will recognize and help each type of public transportation to provide effective and needed service to the public.

Because of this lack of a transportation policy and program, here is what is found in northern New Jersey: As we provide more and more highways, we place more and more automobiles, during peak commuting hours, on the roads. This in itself expands and compounds the parking problems of central cities. Is this good for the economy of an area and of our Nation? I think not. It forces such cities to tear down buildings for the erection of parking lots. It forces businesses from a central city with a resulting loss of jobs in that area. A study of the tax ratables lost to a major city because of the current transportation mess might prove quite startling. This, of course, places a city in the necessary position of being forced to raise taxes on remaining taxpayers to meet its financial obligations and to look more and more to its State government and to the Federal Government for assistance.

While all of this is going on, we find fewer and fewer people using public transportation, particularly railroads, to travel to and from employment and on shopping trips. Slowly but surely the use of public transportation is diminishing. The reasons are several, including ever-increasing fares, deterioration of service that comes when fewer and fewer people use public carriers, and the inability of the carriers, under present conditions, to find the financial resources to fit their facilities into a modern transportation plan. In effect, the lack of an effective transportation policy is forcing people off public carriers and onto the highways.

Unless something is done quickly the problem will become worse. Our central cities will become more strangled; our public carriers will provide less and less service and ultimately many may seek recourse to Government agencies for the elimination of mass transportation services. Needless to say, we cannot permit this to happen. It would be like plunging a knife into the back of every citizen who has an essential transportation need.

Obviously something is seriously wrong and someone is responsible. Some are quick to blame management, and doubtless some companies are less efficiently managed than others. But it is not merely a few companies that are in trouble. It is entire industries. Certainly all management can not be bad.

I can only conclude, Mr. Speaker, that the principal difficulty is to be found in the Nation's transportation policies and laws. This is confirmed not only by every responsible study ever made, but also by the President himself. In the words of the President's message on transportation:

> Some carriers are required to provide, at a loss, services for which there is little demand. Some carriers are required to charge rates which are high in relation to cost in order to shelter competing carriers. Some carriers are prevented from making full use of their capacity by restrictions on freedom to solicit business or adjust rates. Restraints on cost-reducing rivalry in ratemaking often causes competition to take the form of cost-increasing rivalry—such as excessive promotion and traffic solicitation, or excessive frequency of service. Some carriers are subject to rate regulation on the transportation of particular commodities while other carriers, competing for the same traffic, are exempt. Some carriers benefit from public facilities provided for their use, while others do not; and of those enjoying the use of public facilities, some bear a large part of the cost, while others bear little or none.

This indeed is a serious indictment, Mr. Speaker. Yet, we all know the President has spread few new facts before us as regards the inequities, the problems and the condition of the overall transportation industry in the United States. They have been evident for years. Attempts have been made to bring correction through patchwork legislation, but this has not worked.

It is not probable that we can undo all of the harm already done, but by acting now we may help to prevent permanent impairment of major segments of our essential common carrier system. This Nation cannot exist without a healthy and effective transportation system.

The President's transportation message has received deserved support from Members of both parties, and his recommended actions, which include the assessment of user charges to pay for publicly provided transportation facilities and the equalization of taxation and of competitive opportunity under diminished Government regulations, are generally consistent with those of impartial and objective authorities in transportation matters.

As the first step in carrying out the President's recommendations, I commend to you legislation which would provide a program of assistance and direction for the development of improved mass transportation systems in metropolitan and other urban areas. Bills providing for such a program now are before the appropriate committee and I sincerely hope one will be reported for action at an early date.

This legislation is necessary for the welfare and vitality of our urban areas. Failure to enact such legislation will further jeopardize the satisfactory movement of people and goods and the effectiveness of housing, municipal redevelopment and highway programs.

And, it is my belief that we should go one step further than has been recommended, namely, to set up one department that would devote its entire energy, time, and talents to the transportation problem that is before the Nation.

Such a department should be charged with the responsibility of directing and coordinating the programs that will be set forth in the transportation legislation that is brought before us. It should help to create a truly efficient and effective transportation system for the carrying of passengers and freight not only in the current era but also to meet the future needs of our Nation. It should be constantly on the alert to place before the Congress ideas and recommendations for continuing improvements in our national transportation system.

We must all recognize that the transportation problem is not only a present one, but a continuing one. Momentary attention to it is not the answer. Short-range solutions will just add more patches to a many-patched system.

It is apparent that there now is full recognition that national transportation is out of balance and has been for years. As the Cabinet study prepared for President Eisenhower in 1960 described the situation:

> It is less a national system than a loose grouping of individual industries.

Through the years cities, States, the Federal Government, and private enterprise have built great networks of highways, railways, inland waterways, seaports, airports, and pipelines. Unfortunately, much of the work has been done with little attention to conflict among these expanding networks.

To administer the many programs, various Federal agencies have mushroomed into being. Apparently few of them are concerned with the needs of the other or of the people as a whole. In fact, each agency tends to serve as a kingdom unto itself.

Our Government has spent billions of dollars on transportation facilities, but dollars will not pull these disjointed, conflicting, and unequal programs together. Nor will money alone produce clear objectives which will help bring lower prices for passengers, shippers, and consumers through the permitting and encouraging of each form of transportation to do the job which it does best and in the interest of the Nation as a whole.

What we need is a single department, with prestige and the solid backing of the Congress and the executive department, to bring order out of chaos in the transportation industry. Only within a stable framework can this be accomplished.

Thus, it is my sincere hope that the committee having jurisdiction will bring forth in its bill a provision for the creation of such an overall department that will place full responsibility for transportation in one area rather than having it scattered through the many agencies that now exist in Federal Government in the varied fields of transportation.

Rightly, the President has called upon us to help enact law that will encourage private initiative with a minimum of governmental interference. I am in agreement with that stated policy.

I, therefore, urge that we put an end to procrastination and fulfill our responsibility in this vital field before this Congress adjourns.

THE YOUTH CONSERVATION CORPS

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Speaker, I would like to call the attention of the membership to an editorial appearing in last Saturday's Washington Post, regarding the Youth Conservation Corps which may have escaped attention, having appeared during the congressional Easter recess:

YOUTH'S OTHER CORPS

The overwhelming bipartisan support in Congress for expanding the Peace Corps is the surest measure of the broad acceptance of an idea that was once regarded as a dangerous novelty. The applause for the Peace Corps ought to encourage Congress to approve the parallel proposal for a Youth Conservation Corps now sequestered in the House Rules Committee. This legislation would create a 12,000-member corps similar to the CCC of New Deal days and would give youngsters between the ages of 16 and 22 a chance to work in useful public projects such as reforestation at pay of $70 a month.

Comparable legislation before the Senate calls for a larger corps of 150,000 but once the House has approved its version a compromise can surely be worked out. One interesting provision of the House bill would also establish a "Hometown Peace Corps" of 25,000 in which youngsters could work on local public projects, living at home and earning up to $20 a week.

Passage of the legislation would enable Congress to give thousands of American youngsters a chance to make a contribution to their community and country—to do something for others as well as themselves. We can think of few more appealing ways of providing an outlet for the energies of youth, especially of adolescents who may be restless, rootless, and jobless. While no corps can pretend to offer a cure to juvenile delinquency, the lack of affirmative programs for jobless youths is plainly part of the problem.

Significantly, the District Urban Service Corps has been a success in its first year of operation. This privately supported local program now has about 150 volunteer workers and will need 4 or 5 times as many to carry out its task of helping needy children. This small but useful corps has served as a pilot project and provides heartening proof that the desire to give is strong in a society where so much stress is placed on the delights of get.

AN AMERICAN DISHWASHER IN EVERY KITCHEN: HOW TO REDUCE OUR UNEMPLOYMENT AND OUR PAYMENTS DEFICIT AND STRENGTHEN WESTERN EUROPE IN THE BARGAIN

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin [Mr. REUSS] is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, if the man from Mars suddenly descended upon the Atlantic World today, he would be as astonished at our condition as we would be at his appearance.

On all sides he would hear demands that the United States and the countries of Western Europe move forward toward prosperity in vigorous partnership.

But when he looked at the ingredients of partnership—employment, economic growth, consumer demand, industrial capacity, balance of international payments—he would find the Atlantic Community limping along under a burden of problems that can only be solved by the two sides of the Atlantic working together.

1. EMPLOYMENT

The man from Mars would find nearly 4½ million people in the United States out of work, some 5½ percent of the work force, with more than a million additional people on short time. In Western Europe, on the contrary, country after country has super-full employment acute labor shortages despite longer hours of work and the import of labor from neighboring countries.

2. ECONOMIC GROWTH

He would find that the U.S. gross national product has been lagging along at a growth rate of around 3 percent per year. In Western Europe, the growth rate has been close to 6 percent a year, almost double, and the constant danger is that capacity operations will convert real growth into inflation.

3. CONSUMER DEMAND

In the United States, the consumer market for automobiles has been estimated as close to 100 percent saturated—other than for replacements—for TV sets, 89 percent; for radios, 96 percent; for refrigerators, 98 percent; for washing machines, 91 percent.

In the six Western European countries which comprise the Common Market, on the other hand, the comparable percentage figures are 19, 10, 20, 12, and 12.

The West European family simply lacks the washing machines, the driers, the refrigerators, the dishwashers, the vacuum cleaners, the lawnmowers, the sporting equipment which are commonplace over here. Full employment has brought a shortage in domestic help to Europe, and has correspondingly increased the desire for dishwashers and other laborsaving devices.

Many consumer durables common in the United States make even more sense in the more crowded Western European environment. In a city flat where space to hang the wash outside is at a real premium, the clothes drier is an especial boon. Where labor is short and unsightly garbage cans take up space, a garbage grinder is an extra joy to the housewife.

The European housewife not only lacks these consumer durables, and wants these consumer durables. Increasingly she has the purchasing power to buy them. By the end of the decade the average expenditures for personal consumption in the more advanced countries of Western Europe will rise to close to $1,000 per capita—a level not reached in the United States until after World War II. Since the more basic family needs for food, clothing, and shelter can be satisfied largely without dipping into this additional income, a large portion of the additional income can be devoted to the consumer durables which used to be considered luxuries. Frederic Dewhurst, in a 1961 study, "Europe's Needs and Resources," estimates that by the year 1970, Western Europeans will be buying, every year, 5.6 million washing machines, 4.7 million refrigerators, 15.5 million radios, 6.5 million TV sets.

4. INDUSTRIAL CAPACITY

The man from Mars would see in the United States vast idle plants and equipment able to produce—with modifications for European consumer preferences—the washing machines, the refrigerators, the driers, the what-have-you that the newly affluent Europeans are needing and wanting, and for which they are demanding higher wages. In Europe, the man from Mars would see only a very small industrial capacity for these consumer durables, and that largely in small firms catering to small, local markets. Fully employed Western Europe's ability to enlarge existing productive capacity for consumer durables, without risking inflation, is quite limited.

5. THE BALANCE OF PAYMENTS

The man from Mars would boggle at the spectacle of the U.S. annual deficits in its international payments, almost uninterrupted since 1950. Despite valiant efforts in recent months to improve the U.S. position, we still are running a net deficit—the total when you consider trade, foreign aid, military defense, and capital investment abroad—on the order of close to $2 billion a year. The U.S. gold loss continues; so far in 1962, it has exceeded $400 million.

On the other hand, the man from Mars would see in Western Europe almost the exact reverse of the U.S. payments position. Europe keeps piling up payments surpluses almost identical with the size of the U.S. payments deficits. This continued maladjustment threatens the stability of the entire international monetary system.

By this time, the man from Mars is clutching his forehead and saying: "Why don't these foolish mortals put some of the unemployed in the United States back to work making the dishwashers and other things for which the market is saturated in the United States, but which the Western European household desperately needs and wants? This would help the growth of the U.S. economy. It would enable European employers—with the blessing of their own governments and of the friendly United States—to grant wage increases without risking inflation, because it would make available the goods needed to sop up the extra purchasing power thus created. And, if the operation were really successful, it could go far toward wiping out the U.S. payments deficit and Western Europe's payments surplus, to the great advantage of the whole free world."

If we are not able to refute the man from Mars, Mr. Speaker, maybe it would be a good idea for the President to appoint a high-level action team to come up with a program for making these things come to pass. With the President's Trade Expansion Act due to become law, I hope, by next fall, it may be well to have such a team doing its work now, so that the United States will be ready for some action as soon as the bill is signed.

Probably such an action team belongs outside the normal governmental hierarchy—the Departments of Commerce and State, and so on. Probably this is a job more like that tackled by the War Production Board in World War II, or by the Economic Cooperation Administration in Marshall plan days. And perhaps it needs at its head activists and go-getters like Paul Hoffman or Leon Keyserling or Philip Reed or Walter Reuther.

The mission of such a team would be to work out the many tough details, including:

First. A market study of Western Europe to verify what I am sure is true—that Europeans need appropriately designed consumer durable goods in large volume, and will be able to pay for them, and that America with its great know-how in consumer durables is in an excellent position to satisfy the demand.

Second. A credit study of consumer credit possibilities in Western Europe, with special reference to the need for new institutional arrangements to make this little used mechanism more available.

Third. A tariff study of European external tariffs on consumer durables, with recommendations for an action program to get Europe to reduce or eliminate them.

Obviously, none of this is going to work unless Europe generally, and the Common Market in particular, speedily gets rid of its indefensible tariffs. For example, the new Common Market tariffs on radio and TV receivers are 22 percent; refrigerators, 13 percent; electric percolators, 18 percent; dishwashers, 18 percent; ironers, 16 percent; washing machines and dryers, 19 percent; sewing machines, 12 percent; vacuum cleaners, 18 percent; electric hair dryers, 19 percent; electric irons, 20 percent. A good deal of this tariff reduction by Western Europe could well be unilateral, if Europe wants to be helpful and responsible, as well as help itself in the bargain.

To a degree, we can sweeten the pot by reciprocal tariff reductions. Additionally, we might explore making it easy for West European industry to invest in this country, either directly or through licensing agreements, for the production here of some of the things an expanding America will surely need. Modern equipment for rapid transit in our cities, like the monorail at the Seattle World's Fair, is one possibility. Such investment, incidentally, would be most helpful to our balance of payments.

Fourth. An industry-location study to make sure that the bulk of these expanded U.S. exports of consumer durables to Western Europe are manufactured in the United States, rather than in American-owned plants in Western Europe. As is well known, a number of U.S. firms making household appliances have established European subsidiaries in the last 4 years. A recent survey by the Chase Manhattan Bank shows that 29 such subsidiaries were established during 1958-61.

Obviously, if the European consumer durable goods market is going to be met by the production of American-owned plants in Europe, little has been accomplished to help our unemployment and our payments deficit.

The proposed study might well disclose at least four ways of minimizing runaways to Western Europe by American consumer durable manufacturers:

First. If the European markets will reduce or eliminate their tariffs, a great part of the incentive for American runaways will disappear.

Second. American firms may soon find, anyway, that the bloom is off the peach of the European subsidiary, due to lower labor productivity, redtape, difficulties of obtaining labor, the expiration of special subsidies, and so on.

Third. New large-scale European marketing methods can enable American-made appliances to reach the European housewife at a lower cost.

Fourth. The patriotism of American industry can be appealed to by showing that making dishwashers for the European market in Detroit rather than in Dusseldorf helps American employment, growth, and balance of payments.

Armed with these market, credit, tariff, and industry-location studies and recommendations for action, the President could then confer with the leaders of Europe on ways to put them into effect.

To carry out the proposal of the man from Mars is going to take some doing. But the time to start is now.

MICHIGAN MARCHES FORWARD

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan [Mr. RYAN] is recognized for 30 minutes.

Mr. RYAN of Michigan. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. RYAN of Michigan. Mr. Speaker, the annual observance of Michigan Week takes place this year between the dates of May 20 and May 26. Michigan Week was started in 1954 by a group of civic leaders who saw the need and potential of an annual program through which all Michigan people could work together for the progress of their State. The objectives of Michigan Week, as adopted formally in 1957, are: To advance the economic and social progress of Michigan through every practical means; to promote among Michigan residents and the people of the United States a better understanding of the advantages Michigan has to offer, and to get all Michigan people working together to make Michigan a better place in which to live, work, and play. In other words, Michigan Week is a time to focus attention on Michigan—its heritage, its culture, its boundless opportunities, and for its citizens to increase their knowledge and appreciation of the great State in which they live and to impart that knowledge to our friends and compatriots in the other 49 States.

On January 11, 1805, President Jefferson approved an act making Michigan a territory, and on January 26, 1837, Michigan became the 26th State when President Jackson approved an act which admitted Michigan into the Union. Michigan was the first State to have a group of counties named after a President and his entire cabinet; namely, Barry, Eaton, Ingham, Livingston, Van Buren, Calhoun, Berrien, Cass, and Branch, all of which were designated in honor of the Cabinet of President Jackson.

Michigan's industry, for well over a century in its early history, was confined almost entirely to trading in furs. Early in the 19th century homeseekers began arriving in increasing numbers, and in 1820 its first great highway was built from the Ohio line to Detroit with Federal aid.

MICHIGAN IS MIGHTY IN SIZE

In land and water area combined, Michigan is the largest State east of the Mississippi and ranks 10th in the Nation. Its area includes 57,022 square miles of land area and nearly 40,000 square miles of water surface—a total of 96,791 square miles. Michigan's total land area—36,494,080 acres—is larger than Greece, larger than Switzerland and Portugal combined, and nearly five times the size of Belgium. Michigan's shoreline is longer than either this Nation's Atlantic coastline or Pacific coastline. The shoreline equals 3,288 miles; this includes 1,056 miles of island shore. The Great Lakes as a whole form the largest body of fresh water in the world. The combined area is greater than that of the Black, the Baltic, the Red, the White or Caspian Sea, and as great as the Adriatic and Ionian Seas combined. The busiest waterway in the world is the Detroit River, which carries more tonnage annually than the Rhine, Thames, Seine and Volga Rivers combined. The second busiest waterway in the world is the famous locks at Sault Ste. Marie, Mich. More tonnage passes through these locks in an 8-month Great Lakes navigation season than either the Panama or the Suez Canal handles in a full year. Geologists have estimated that under Michigan, the Nation's No. 1 salt producer, there still lies a salt deposit of 71 trillion tons.

Michigan is a dynamic center of industry. It is an industrial giant, ranking third among the 14 leading industrial States in productivity as measured both by value added per production worker and by value added per man hour. Michigan's most important industry is the manufacture of motor vehicles and parts—42.6 percent of all U.S. workers in this industry are employed in Michigan. Motor vehicles are not the only products of Michigan industry, although the main conception would indicate it to be so. Michigan ranks first in cereal preparations, public building furniture, paper coating and glazing, in products of grey iron foundries; in nonferrous castings such as magnesium, zinc and lead castings; in hardware for motor vehicles, furniture and builders;

conveyors; special dies and tools, die sets, jigs and fixtures; machine tool accessories and measuring devices; industrial patterns; padding and upholstery fillings. The "Magic Capital of the World" is Colon, Mich. There, the main industry is devoted to the manufacture of magicians' equipment. In Grayling, Mich., one finds the leading producer of quality archery equipment. Holland has the only wooden shoe factory in the United States and Traverse City boasts of the largest independent producer of wooden helicopter blades in the world. Dow Chemical in Midland is one of the world's greatest chemical producers and, covering over 21 acres, containing 1,600,000 square feet, the Upjohn Co. of Kalamazoo owns the largest drug plant, under one roof, in the world.

Detroit—Michigan's largest city—has long been the world's industrial capital. On a per capita basis, no other major city has as equal number of factory workers or as large a volume of manufactured products.

Detroit's industry is diversified. Besides automobiles, it ranks high in pharmaceuticals, computers and adding machines, machine tools, accessories, ranges and heating devices, paint and heavy chemicals. It also holds a firm leadership in the manufacture of varnishes, jigs, and fixtures.

In housing, no other major metropolitan area in the United States has as high a proportion of its families living in single homes which they themselves own. Within the past several years a total of $39 million has been spent for neighborhood reconstruction in Detroit. This is the first stage of a $190 million civic rehabilitation program.

Under a master plan, approved in 1950, the city has made $800 million worth of public improvements including the civic center, expressways, new schools, police stations, and other public building.

The Detroit Civil Center, including the $55 million convention hall and sports arena facing the Detroit River, is one of the greatest facilities of its kind in the world. The modern shopping center was born in Detroit, and is the home of the two largest in the world—Northland Center and Eastland Center—27 major shopping centers, with 707 stores and costing nearly $107 million, have been built in Greater Detroit since 1953. The city of Detroit is served by 9 railroads, 200 motor carriers, 17 domestic and oversea airlines, and about 100 domestic and foreign shipping lines. It truly merits the title of "Dynamic Detroit."

Agriculture is big business in Michigan. The State's farmers grossed over $750 million for their products in 1960, making this the second largest industry in the State, an industry worth about $2 billion at retail values.

Michigan's No. 1 crop in value is corn, with production attaining 110 million bushels in some years. Michigan's production of red tart cherries, field beans, blueberries, cucumbers for pickles, gladiolus bulbs and eastern White Winter wheat is first in the Nation. Our great State ranks 2d in the production of plums; 3d in apples, pears, celery, and grapes; 4th in peaches; 5th in onions and carrots; 6th in sugar beets; 7th in milk; 9th in potatoes; and 10th in oats.

Among the lesser known important facts about Michigan are that its annual crop of 34 million pounds of strawberries, harvested from 11,200 acres, has a value of $5.5 million; some 300,000 maple trees yield 65,000 gallons of sirup per year; 6,000 acres of peppermint produce a crop worth $800,000 annually; and 3,000 acres of spearmint produce a crop valued at $600,000 per year.

Thus far we have touched upon the various resources which make Michigan a first among the many States which comprise this vast Nation of ours. It is not all work in Michigan, but many hours are devoted to play among the varied recreational facilities offered to the residents of Michigan and to the tourists who seek recreational facilities outside their own States. Michigan is truly and honestly called the Nation's playground. As a sportman's paradise, Michigan ranks among the top three States in the combined sale of hunting and fishing licenses. During 1960, Michigan sold 1,145,360 hunting licenses of all descriptions and 1,143,098 fishing licenses. About one-half of Michigan's 36,350 miles of streams are trout streams.

There are 7,200 prepared campsites and State parks available for the use of the public, and numerous rustic and restful picnic grounds along the State highways. Michigan was the first State to establish such roadside facilities, and has more than 3,000 areas available to the touring visitor or native vacationer. During the winter season, more than 80 winter sport centers are operated in Michigan, the largest number of any State in the Nation. The highest artificial ski jump is located in Iron Mountain. Michigan's tourist trade is a big business, employing some 100,000 persons and involving nearly 30,000 individual businesses. The tourist business brings in about $650 million to Michigan annually, and the State treasury benefits by some $46 million each year in taxes and license fees.

Michigan's educational system is one of the finest in the Nation. It has long been recognized as the pioneer among States in public education. It had the Nation's first superintendent of public instruction, and was the first State to assure every child the right to a tax-paid high school education. The constitution of Michigan was the first to provide for the establishment of public libraries. Today, there are 310 public libraries and more than 900 school libraries in the State. Michigan State University at East Lansing, founded in 1855 as the Nation's first agricultural college, served as a model for the land-grant college system and provided teaching personnel and the philosophy for similar institutions that developed. The first building in America for teaching a scientific agriculture was erected on the Michigan State University campus in 1857. In school safety programs, Michigan was the first State to organize school safety patrols, the plan being introduced in rural and small-town schools by the Michigan State police.

Health of Michigan citizens is also not being neglected in our great State. Michigan established the State department of health in 1873, and it is one of the oldest and best recognized health agencies in the world. Michigan pioneered free chest X-rays for the detection of tuberculosis. The state department of health started the use of mobile X-ray units in 1940, the first of its kind in the Nation, and probably the first in the world. Michigan has some of the best water supplies in the Nation—80 percent of the population drinks from supplies approved by public health agencies. Not one case of typhoid fever has been traced to the public water supply in Michigan since 1934. The first low-cost incubator for premature infants, now in use in every State of the Nation and in 44 foreign lands, was developed in the Michigan Department of Health. The Michigan Department of Health has the second most complete series of vital statistic records in the United States, dating back to 1867.

You can, either as a native Michiganite or a visitor to our great State, have unlimited transportation facilities. In 1960 and also in 1961, Michigan led all other States in the construction of interstate freeways and now has more freeway mileage than any State. The largest highway contract bid opening ever held by any State highway department was held in Lansing, Mich., on December 7, 1960, with low bids totaling $42.3 million. The longest toll-free interstate highway in the Nation is in Michigan—a 213-mile superhighway extending from downtown Detroit to Lake Michigan. Many of Michigan's major highway routes follow generally the course of the trails of Indians who roamed the State wilderness hundreds of years before the white settlers arrived. When the State highway department was created in 1905, there were 2,700 automobiles in Michigan. The State now has more than 3.2 million registered motor vehicles.

While we stress the industrial, agricultural, educational, tourist, and recreational aspect of Michigan, we cannot neglect the cultural and spiritual progress in Michigan, that of the past and that of this day. Michigan is rich in Indian lore. Longfellow's "Song of Hiawatha" has immortalized legends of the Chippewas and other upper Michigan tribes. The Upper Peninsula is known as the Land of Hiawatha. Among the nationally known writers who were born or lived in Michigan are: Ring Lardner, Clarence Buddington Kelland, Edna Ferber, Carl Sandburg, Ernest Hemingway, Stewart Edward White, Robert Frost, James Oliver Curwood, Chase Osborn, Arthur Pound, S. L. A. Marshall, John D. Voelker, and many, many others. The National Music Camp at Interlochen, Mich., attracts the best juvenile musical talent from all over the country for 10-week summer sessions. The camp is a unique center of musical art, situated in a virgin pine forest 14 miles southwest of Traverse City. Sponsored by the Dow Chemical Co. of Midland, a symphony orchestra of 70 and a large chorus appear regularly throughout a 9-month season in the world's largest and most unique industrial music program. Among the stars of stage and screen who first appeared in the famous theater stock company operated by Jessie Bonstell from 1925 until her death in 1932, are such famous persons as Catherine Cornell, Ann Harding, Melvyn Douglas, William Powell, Frank Morgan, and others. Many of the Nation's leading philanthropic educational and cultural organizations were endowed by eminent Michigan people. Among others, they include, the Children's Fund of Michigan, founded in 1929 by the U.S. Senator, James Cousens; Ford Foundation in Detroit, established in 1926 by Edsel B. Ford; W. K. Kellogg Foundation in Battle Creek, created in 1930 by W. K. Kellogg; Kresge Foundation in Detroit, established in 1924 by Sebastian S. Kresge, and the Horace H. and Mary A. Rackham Fund in Detroit, founded in 1933.

Spiritually, Michigan has a great heritage. Two days after Antoine Cadillac landed in Detroit in 1701, he established St. Anne's Church, Michigan's first church and next to the oldest parish that has been maintained continually in the United States. The Seventh-day Adventists established their national headquarters in Battle Creek, Mich., in 1955, and this city is still the headquarters for that faith. The first Catholic paper in the United States was founded by Fr. Gabriel Richard in Michigan in 1809, and in 1823 he was elected to represent the Michigan Territory in the House of Representatives, the only Catholic priest who has ever served in Congress. A Congregational minister, Rev. John D. Pierce, of Marshall, became Michigan's first superintendent of public instruction in 1836 and then coauthored with the State's first Congressman, Isaac E. Crary, the blueprint for public education in Michigan. Michigan is proud of its many church-sponsored secondary and elementary schools and its 23 denominational colleges.

Although Michigan itself is composed of two peninsulas, the Upper Peninsula is no longer isolated from the rest of the State. Opening of one of the wonders of the world, the Mackinac Bridge, the world's greatest span, has made the vast area above the straits hours closer to the cities of lower Michigan. Built at a cost of $100 million, the longest suspension bridge in the world links the State's two peninsulas physically, economically, and culturally as it spans the Straits of Mackinac. Michigan has two great international bridges linking the United States with expanding Canadian markets.

The Ambassador Bridge is at Detroit, and the Blue Water Bridge crosses the St. Clair River at Port Huron. An international vehicular tunnel also links Detroit and Windsor under the Detroit River. Michigan's Upper Peninsula is a sprawling area of nearly 11 million acres, which is larger than Connecticut, Delaware, Massachusetts, and Rhode Island combined. The Upper Peninsula's land area of 16,538 square miles is 29 percent of that of the entire State of Michigan.

The iron and copper ore reserves in Michigan's Upper Peninsula are sufficient for many decades of continued mining operations, and it has a variety of manufactured products which range from clothing to air compressors, industrial exhaust fans, aircraft products, safety devices for trailer trucks, sheet metal products and pleasure boats. Tourist travel in Michigan's Upper Peninsula is growing by leaps and bounds. The annual business, now considered in excess of $160 million has been enhanced by the opening of the Mackinac Bridge.

The travel on the Upper Peninsula's highways will be further improved by the plans of the Michigan State Highway Department to pave or black top 400 miles of State and Federal trunk lines during the next 4 years. Few areas of comparable size in the United States are as rich in natural resources and scenery as Michigan's Upper Peninsula.

Mr. Speaker, Michigan is a land of enchantment, a State with a proud history, a State offering unlimited opportunities. We of Michigan extend to you and our distinguished colleagues in this House a cordial invitation to join with us in observing Michigan Week, May 20 through May 26. We also wish to invite each of you to visit our beloved State where a most hearty welcome will await you. Where truly one can forget the cares of the day and spend his hours of leisure in the enjoyment of outdoor living and wholesome recreation. We again welcome you to visit Michigan—the air-conditioned State.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. Dent (at the request of Mr. Libonati), for the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Reuss, for 20 minutes today.

Mr. Randall, for 30 minutes, today.

Mr. Addabbo (at the request of Mr. Albert), for 10 minutes, on tomorrow, May 8, and to include extraneous matter.

Mr. Randall, for 30 minutes, on Tuesday, May 8, vacating his special order for today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

(The following Members (at the request of Mr. Arends) and to include extraneous matter:)

Mr. Fino.

Mr. Alger.

Mr. Utt.

Mr. Van Zandt.

Mr. Halpern.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 151. Joint resolution permitting the Secretary of the Interior to continue to deliver water to lands in the Third Division, Riverton Federal reclamation project, Wyoming; to the Committee on Interior and Insular Affairs.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 11413. An act to amend the Agricultural Act of 1961 to permit the planting of additional nonsurplus crops on diverted acreage.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 3 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 8, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2030. A letter from the Secretary of the Treasury, transmitting a draft of a proposed bill entitled "A bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury"; to the Committee on Banking and Currency.

2031. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill, entitled "A bill to extend to certain employees in the Trust Territory of the Pacific Islands the benefits of the Federal Employees' Compensation Act"; to the Committee on Education and Labor.

2032. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a report covering personal property received by State surplus property agencies for distribution to public health and educational institutions and civil defense organizations under section 203(j); and real property disposed of to public health and educational institutions under section 203(k) of that act, in accordance with section 203(o) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

2033. A letter from the Assistant Secretary of the Interior, transmitting a copy of a secretarial order canceling irrigation charges against non-Indian landowners in the Klamath Indian irrigation project, subject to approval by Congress, pursuant to the provisions of the act of June 22, 1936 (49 Stat. 1803, 25 U.S.C. 389); and a draft of a proposed bill, entitled "A bill to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Klamath Indian irrigation project, Oregon, and for other purposes"; to the Committee on Interior and Insular Affairs.

2034. A letter from the Attorney General, transmitting a draft of a proposed bill, entitled "A bill to amend section 4204 of title 18, United States Code, relating to the conditional release of prisoners who are aliens subject to deportation"; to the Committee on the Judiciary.

2035. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill, entitled "A bill to amend the Immigration and Nationality Act of June 27, 1952, regarding the naturalization of persons residing in American Samoa or Swain's Island who served in the armed services"; to the Committee on the Judiciary.

2036. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of You Hong Won, A12652388, pursuant to section 244(a) (5) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1254(a) (5)); to the Committee on the Judiciary.

2037. A letter from the executive secretary, American Chemical Society, transmitting the annual report of the American Chemical Society for the calendar year 1961, in accordance with section 8 of Public Law 358, 75th Congress; to the Committee on the Judiciary.

2038. A letter from the Acting Commandant, U.S. Coast Guard, transmitting the second annual Coast Guard report of boating accidents entitled "Recreational Boating in the United States—1961," pursuant to the Federal Boating Act of 1958 (Public Law 85-911); to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CELLER: Committee on the Judiciary. H.R. 9844. A bill to waive temporarily section 142 of title 28, United States Code, with respect to the U.S. District Court for the District of Connecticut holding court at Bridgeport, Conn., and at Stamford, Conn.; with amendment (Rept. No. 1656). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee on the Judiciary. H.R. 10012. A bill to waive section 142, of title 28, United States Code, with respect to the U.S. District Court for the Eastern District of Tennessee holding court at Winchester, Tenn.; without amendment (Rept. No. 1657). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee on the Judiciary. H.R. 10389. A bill to waive section 142 of title 28, United States Code, with respect to the U.S. District Court for the Eastern District of Texas, Marshall Division, holding court at Marshall, Tex.; without amendment (Rept. No. 1658). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 10986. A bill to amend the Tariff Act of 1930 to place certain natural amorphous graphite on the free list; with amendment (Rept. No. 1659). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHIPERFIELD:

H.R. 11621. A bill to promote the general welfare, foreign policy, and security of the United States; to the Committee on Ways and Means.

By Mr. KITCHIN:

H.R. 11622. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. LIPSCOMB:

H.R. 11623. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. LATTA:

H.R. 11624. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. MULTER:

H.R. 11625. A bill to amend the act providing financial assistance for local educational agencies in areas affected by Federal activities in order to provide educational assistance under the provisions of such act to the District of Columbia and to make the change in the District of Columbia motor fuel tax law needed to insure that such assistance will be fully effective; to the Committee on Education and Labor.

By Mr. O'KONSKI:

H.R. 11626. A bill to amend subchapter I of chapter 17 of title 38, United States Code, to provide that certain service shall be considered active service for purpose of qualifying individuals for hospital and medical care from the Veterans' Administration; to the Committee on Veterans' Affairs.

H.R. 11627. A bill to amend title II of the Social Security Act to provide that the waiting period for disability insurance benefits may be waived in cases of terminal illness or other disability which can be expected to result in death; to the Committee on Ways and Means.

H.R. 11628. A bill to amend title II of the Social Security Act and chapter 2 of the Internal Revenue Code of 1954 to provide a more liberal formula for use by farmers in determining their net earnings from self-employment for social security purposes; to the Committee on Ways and Means.

By Mr. RAINS:

H.R. 11629. A bill to relieve certain organizations from liability for the so-called cabaret tax which they incurred before July 1962; to the Committee on Ways and Means.

By Mr. RIVERS of Alaska:

H.R. 11630. A bill to amend section 201(a) (3) of the Federal Property and Administrative Services Act (40 U.S.C. 481(a) (3)), and for other purposes; to the Committee on Government Operations.

By Mr. ROOSEVELT:

H.R. 11631. A bill to amend the act providing financial assistance for local educational agencies in areas affected by Federal activities in order to provide educational assistance under the provisions of such act to the District of Columbia and to make the change in the District of Columbia motor fuel tax law needed to insure that such assistance will be fully effective; to the Committee on Education and Labor.

By Mr. TEAGUE of Texas (by request):

H.R. 11632. A bill to amend section 503 of title 38, United States Code, to provide an exclusion from income for amounts used by the spouse of a veteran in need of regular aid and attendance for the care or maintenance of the veteran; to the Committee on Veterans' Affairs.

H.R. 11633. A bill to amend section 3203 (d) of title 38, United States Code, to provide that pension payable to a veteran based upon his need for aid and attendance shall not be reduced under that section during hospitalization until the veteran has been hospitalized for 120 days; to the Committee on Veterans' Affairs.

By Mr. ZELENKO:

H.R. 11634. A bill to prohibit discrimination on account of sex in the payment of wages by certain employers engaged in commerce or in the production of goods for commerce and to provide for the restitution of wages lost by employees by reason of any such discrimination; to the Committee on Education and Labor.

By Mr. HARRISON of Wyoming:

H.J. Res. 709. Joint resolution to cancel any unpaid reimbursable construction costs of the Wind River irrigation project, Wyoming, chargeable against certain non-Indian lands; to the Committee on Interior and Insular Affairs.

By Mrs. RILEY:

H. Con. Res. 474. Concurrent resolution extending the greetings and felicitations of the Congress to the Bethel Home Demonstration Club of Bethel Community, Sumter County, S.C.; to the Committee on the Judiciary.

By Mr. ROGERS of Texas:

H. Res. 627. Resolution creating a select committee to conduct an investigation and study of the production, distribution, and exhibition of objectionable motion pictures and related advertising; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States relating to the CAB investigation and hearings on Alaska air carrier service; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States relating to Federal income taxation of State and local bonds; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FRAZIER:

H.R. 11635. A bill for the relief of the estate of Gerald A. Orken; to the Committee on the Judiciary.

By Mr. LOSER:

H.R. 11636. A bill for the relief of Mrs. Carmen Ocampo Carrillo and her three minor children, Tomas Antonio Jesus Carrillo, Maria Corinta Asuncion Carrillo, and Marie Cecile Carrillo; to the Committee on the Judiciary.

H.R. 11637. A bill for the relief of the estate of Gerald A. Orken; to the Committee on the Judiciary.

By Mr. SHEPPARD:

H.R. 11638. A bill for the relief of Mrs. Margarette Altman de Frisch; to the Committee on the Judiciary.

By Mrs. SULLIVAN:

H.R. 11639. A bill for the relief of St. Louis University; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

331. By Mr. GREEN of Pennsylvania: Petition of the City Council of Philadelphia, Pa., petitioning consideration of their resolution with reference to the enactment of the Anderson-King bill (S. 909-H.R. 4222) which would amend the Social Security Act to include medical care for its aged beneficiaries; to the Committee on Ways and Means.

332. By the SPEAKER: Petition of the City Council of the City of Westminster, Calif., petitioning consideration of their resolution with reference to protesting Federal income taxation of interest derived from public bonds; to the Committee on the Judiciary.

333. Also, petition of the City Council of El Monte, Calif., petitioning consideration of their resolution with reference to opposing taxation of interest on public bonds; to the Committee on the Judiciary.

334. Also, petition of the Board of Supervisors of Stanislaus County, Modesto, Calif., petitioning consideration of their resolution with reference to S. 2776 and H.R. 7665, bills authorizing Federal construction of a New Melones Dam on the Stanislaus River, Calif., and requesting no action to be taken until local hearings have been held and reports made thereon; to the Committee on Public Works.

335. Also, petition of the City Council of Philadelphia, Pa., petitioning consideration of their resolution with reference of the enactment of the Anderson-King bill (S. 909-H.R. 4222) amending the Social Security Act to include medical care for the aged; to the Committee on Ways and Means.

SENATE

Monday, May 7, 1962

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

Rev. Robert T. L. Liston, D.D., president, King College, Bristol, Tenn., offered the following prayer:

Almighty God our Father, Thou hast made us for Thyself, and our hearts must ever be restless until we find our repose in Thee. And so we know that from Thee to turn is to fall; to Thee to turn is to rise; in Thee to abide is to stand fast forever.

As we have turned from Thee we have made a world of pain and sin and darkness, in what might have been and ought to have been a garden of beauty, a city of light.

Today help us to lift our eyes from our sordid world of sin and believe in the possibility of righteousness and happiness for all men.

Today help us to be loyal to the cause of freedom, yet to be generous and merciful with all men, and to remember that we belong to the Prince of Peace.

We pray in His name. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 4, 1962, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on May 1, 1962, the President had approved and signed the act (S. 205) to amend the Communications Act of 1934 to establish a program of Federal matching grants for the construction of television broadcasting facilities to be used for educational purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 11413) to amend the Agricultural Act of 1961 to permit the planting of additional nonsurplus crops on diverted acreage, and it was signed by the President pro tempore.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. Mansfield, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

ORDER DISPENSING WITH CALL OF THE CALENDER

Mr. MANSFIELD. Mr. President, I ask unanimous consent to dispense with the call of the calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SUBCOMMITTEE MEETING DURING THE SESSION OF THE SENATE

On request of Mr. Mansfield, and by unanimous consent, the Subcommittee on Stockpiling of the Committee on Armed Services was authorized to meet during the session of the Senate today.

ORDER FOR ADJOURNMENT TO TOMORROW, AND FOR ADJOURNMENT TOMORROW TO WEDNESDAY AT 11 O'CLOCK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today, it stand adjourned until 12 o'clock noon tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns tomorrow, it stand adjourned to meet at 11 o'clock on Wednesday.

The PRESIDENT pro tempore. Without objection, it is so ordered.

JAMES M. NORMAN—LITERACY FOR VOTING—PETITION FOR CLOTURE

Mr. MANSFIELD. Mr. President, I send to the desk a cloture petition.

The PRESIDENT pro tempore. If there be no objection, following the usual custom, and not the rule itself, the Chair will ask the clerk to state the motion to the Senate. Is there objection?

The Chair hears none, and the clerk will proceed to state the motion.

The legislative clerk read as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the substitute amendment proposed by Mr. Mansfield (for himself and Mr. Dirksen) to the bill (H.R. 1361) for the relief of James M. Norman.

Mike Mansfield.
Everett M. Dirksen.
Hubert H. Humphrey.
Thomas H. Kuchel.
John O. Pastore.
Jacob K. Javits.
Edmund S. Muskie.
Kenneth B. Keating.
Lee Metcalf.
Clifford P. Case.
Benjamin A. Smith II.
Philip A. Hart.
Maurine B. Neuberger.
Jennings Randolph.
Paul H. Douglas.
Prescott Bush.
Joseph S. Clark.
Claiborne Pell.
Frank E. Moss.
Stephen M. Young.
Pat McNamara.
Hiram L. Fong.
Hugh Scott.
Gordon Allott.
John A. Carroll.
J. Glenn Beall.
Vance Hartke.
Clair Engle.
Frank J. Lausche.

Mr. MANSFIELD subsequently said: Mr. President, due to an error on my part the distinguished Senator from Oregon [Mr. Morse] was not afforded the opportunity he was supposed to have had to sign the motion to invoke cloture before it was presented. I must apologize to the Senator, and at this time I ask unanimous consent that the name of the senior Senator from Oregon [Mr. Morse] be added to the list of those who have signed the motion for cloture.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MORSE. I thank the majority leader.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the name of the Senator from New Jersey [Mr. Williams] be added to the list of Senators who have signed the motion for cloture.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

No further action will be taken on the motion until 1 hour after the Senate meets on Wednesday next, provided the Senate is in session tomorrow.

Mr. MANSFIELD. Mr. President, I hope the Senate will indulge me beyond the 3 minutes agreed to for statements in the morning hour today, because I want to make a statement about the petition now pending at the desk.

Mr. President, I present today, on behalf of the distinguished minority leader, myself, and other Senators—including the majority whip, and the minority whip—a motion to bring debate to an end on the pending amendment. Under rule 22 this motion will be voted on 1 hour after the Senate convenes on Wednesday. Thus, a vote will come on the cloture motion 14 days after the Senate first began to debate the literacy test amendment.

In presenting this motion, I address myself to several matters that bear on the desirability of terminating debate on the pending amendment. Some of these matters—particularly the use and abuse of free debate—I discussed on bringing the amendment before the Senate 14 days ago. I declared then my interest in having this question debated fully, with every Senator being given an opportunity to express himself either for or against the amendment. I announced that, so far as the leadership was concerned, there would be no test of physical endurance; the Senate would adjourn each day at a reasonable hour, if Members so desired.

Since April 25 we have heard a number of informative speeches on the wisdom, or lack of it, incorporated in the amendment. I must pay tribute to those who raised searching questions about the language of the bill, or about its policy; the opportunity to speak on the bill was not used irresponsibly.

But after consultation with the minority leader, it is my belief that the debate has proceeded long enough. There has been no great pressure for time to speak on the bill. So it is the leadership's assumption that the principal arguments have been made. That is, after all, the purpose of free debate in the Senate: to allow time for every relevant argument to be made and explored—not to paralyze the legislative branch of the Government. That purpose holds, whether the debate is on questions of national defense, agriculture, civil rights, or whatever. The Senate rules do not provide for action, after debate, on all other issues except civil rights. If members believe I am right about this, they should, in my judgment, be prepared to invoke cloture on Wednesday. Certainly, the leadership is prepared to do so. And I take this occasion to pay my respects to the distinguished minority leader—indeed, to the entire leadership on the other side of the aisle in this matter. The minority leader has been a tower of strength in this situation. He has sensed the existence of an injustice in the voting situation, and he has done all in his power to see to it that the Senate does its part in righting it. From the outset he has cooperated in every way to bring this issue to a decision on its merits. And if the Senate decides to bring that to pass, I want the RECORD to show that much of the credit belongs to the fair-minded statesman from Illinois [Mr. DIRKSEN].

To the great credit of the Senate, this body has shown itself capable of dealing with civil rights questions in the past, and of extending the protection afforded to all Americans against the unconscionable deprivation of those rights. We passed, in 1957, the first civil rights measure in 85 years. We strengthened that measure by amendments in 1960. Since then we have received a report from the Commission on Civil Rights—which was, I remind Senators, created by act of Congress in 1957—on certain practices that constitute outrageous violations of the right to vote. In 129 counties the Commission received complaints that so-called literacy tests, or interpretation tests, or citizenship tests, or whatever they are called in different places, were being employed systematically to cheat qualified citizens out of their right to vote. The Commission investigated a number of these complaints, and held extensive hearings in the States affected, wherein the officials accused of this cheating presented testimony. That record is available to all Members of the Senate. So is the Commission's recommendation for dealing with the problem—a recommendation concurred in by every member of the Commission, northern and southern; a recommendation that is before us in legislative form today, as the Mansfield-Dirksen amendment.

Mr. President, I am not a lawyer, and therefore I will not present an extensive legal brief on the constitutionality of the amendment. But as an interested observer, I should like to make a comment on the two principal legal arguments of those who oppose the amendment: first, that the amendment is unnecessary, there being sufficient means at hand, under the 1957 and 1960 acts, to protect citizens in their right to vote by individual court actions; second, that the States have the unqualified power to set the qualifications of voters.

As to the first argument, our experience to date shows that even the most blatant form of discrimination through the unfair use of literacy tests may require the most protracted litigation before a remedy is achieved. The case of United States against Theron C. Lynd, et alios, is an example of the delays we may expect where individual law suits are brought in an effort to enfranchise various voter groups. I ask unanimous consent that a letter written to me by Mr. Katzenbach, the acting Deputy Attorney General, describing the course of litigation in United States against Theron C. Lynd, be printed at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HON. MIKE MANSFIELD,
U.S. Senate, Washington, D.C.

DEAR SENATOR MANSFIELD: You have requested information concerning the Department's experience in bringing suit under the Civil Rights Acts of 1957 and 1960 against the voting registrar of Forrest County, Mississippi. *United States* v. *Theron C. Lynd, et al.* Following is the procedural history of that case.

1. On August 11, 1960, the Attorney General formally requested Mr. Theron C. Lynd, voting registrar of Forrest County, to make the registration records of the county available for inspection and copying under title III of the Civil Rights Act of 1960. This request was not honored.

2. On January 19, 1961, the Department of Justice filed an enforcement proceeding in the District Court for the Southern District of Mississippi to require production of the records.

3. On July 6, 1961—the records not having been produced—the Department brought suit under the Civil Rights Acts of 1957 and 1960 to enjoin Mr. Lynd from discriminatory practices against Negro voters—such as the application of different and more stringent standards to Negroes than to white persons in determining their qualifications to vote—and also moved for discovery of the voting records under rule 34 of the Federal Rules of Civil Procedure.

4. On August 14, 1961, a hearing was held on the rule 34 motion but adjourned without decision.

5. On September 25, 1961, the court ordered the Government to amend its complaint giving full details as to the name of each Negro who had been refused the right to register, the dates involved in any discriminatory mishandling of any Negro registration applications, the names of white persons allowed to register who possessed no better qualifications than Negroes denied the same privilege, and other facts and circumstances showing discrimination in each instance.

6. Subsequently, the court sustained objections by the defendants to any incidents of discrimination occurring prior to February 26, 1959, the beginning of Mr. Lynd's term of office, and as a result 23 of the 63 Negroes whose names had been supplied by an amendment to the complaint were eliminated.

7. In addition to the demands for records described above, the Government twice attempted to obtain the registration records of Forrest County by subpenas served on defendant Lynd, but both subpenas were quashed by the court.

8. On February 16, 1962, the court ruled that by filing a rule 34 motion in the injunction proceeding the Government abandoned its title III enforcement suit.

9. On March 5, 1962, the injunction hearing finally came on for trial, although the Government had not obtained access to any of the Forrest County records. The court did order production of some of the records pertaining to Negro witnesses when it became apparent that the defendant had these records in the courtroom. The court also ordered records concerning white witnesses turned over to the Government, but ruled that the Government could see them only after its case was completed. The court refused to permit any testimony concerning matters which were not pleaded in detail in the complaint. The requested details were then supplied by oral amendment of the complaint, and the court ruled that the defendants could have 30 days in which to answer the amendment.

10. At the conclusion of the hearing on March 7, 1962, the court refused to grant the requested temporary injunction. The Government appealed.

11. On April 10, 1962, the Court of Appeals for the Fifth Circuit granted the Government's motion for an injunction pending disposition of the appeal on the merits. The court generally enjoined discrimination by the registrar and it specifically enjoined Mr. Lynd from administering the constitutional interpretation test to Negro applicants by including as sections to be read and interpreted any sections other than those which at the time of the trial had been used for white applicants.

12. On April 30, 1962, the Government brought a contempt action against Registrar Lynd for violation of the order of the court of appeals. The Government's petition alleged that Registrar Lynd, after notice of the judgment and orders of the appellate court, continued his discriminatory practices; that he required Negro applicants to read and interpret sections of the Missis-

sippi Constitution different from those submitted to white applicants for interpretation; that he rejected every Negro applicant who had applied for registration; and that among the many Negro applicants rejected for alleged failure to read or interpret a section of the State constitution were five college graduates, one of whom had been awarded a National Science Foundation scholarship at Cornell.

Sincerely yours,

NICHOLAS deB. KATZENBACH,
Acting Deputy Attorney General.

Mr. MANSFIELD. Mr. President, today, 21 months after the Justice Department requested that Mr. Lynd make available his registration records for inspection under the Civil Rights Act of 1960, the qualified Negro citizens of Forrest County, Miss., remain unregistered. Of course, the 1957 and 1960 acts are useful; but in cases such as this one it seems apparent that, if there is another, more direct remedy within the constitutional powers of Congress to bestow, we should enact it. We have not always left our citizens in the toils of legal procedure, before providing them with a simple legislative remedy. I remind Senators that the first major bill we considered this session was the so-called Du Pont bill, in which the Senate granted a number of corporate shareholders what we considered equitable relief, prior to the resolution of the question in the Chicago district court. Where were the arguments, then, that we should let the courts do it? If the Senate then had a concern, with the courts and the executive branch, in doing justice to property rights, who would deny that it has an equal concern, with the courts and the executive branch, in seeing to it that justice prevails in the human right to vote?

Another major argument expressed against the bill is that the States have the exclusive power to set the qualifications of voters, under article I, section 2, of the Constitution, and under the 17th amendment. Those who rely on these sections of the Constitution must acknowledge, however, that this power of the States cannot escape the injunctions of the 14th and 15th amendments. In a recent case before the U.S. Supreme Court a similar claim for unrestricted State power in the matter of drawing municipal boundaries was struck down. The unanimous opinion of the Court—and let me say that I refer to the pro-American Supreme Court of the United States and to its pro-American members—held that the State's power could not be used for the clear purpose of denying qualified Negro citizens the right to vote, in violation of the 15th amendment. I ask unanimous consent that the opinion of the Court in the case of *Gomillion* v. *Lightfoot*, 364 U.S. 339, decided in 1960, be printed in the RECORD at this point in my remarks.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

GOMILLION ET AL. *v.* LIGHTFOOT, MAYOR OF TUSKEGEE, ET AL.

(Certiorari to the U.S. Court of Appeals for the Fifth Circuit—No. 32—Argued October 18–19, 1960; decided November 14, 1960)

Negro citizens sued in a Federal District Court in Alabama for a declaratory judgment that an Act of the State Legislature changing the boundaries of the city of Tuskegee is unconstitutional and for an injunction against its enforcement. They alleged that the Act alters the shape of Tuskegee from a square to an irregular 28-sided figure; that it would eliminate from the City all but four or five of its 400 Negro voters without eliminating any white voter; and that its effect was to deprive Negroes of their right to vote in Tuskegee elections on account of their race. The District Court dismissed the complaint, on the ground that it had no authority to declare the Act invalid or to change any boundaries of municipal corporations fixed by the State Legislature. Held: It erred in doing so, since the allegations, if proven, would establish that the inevitable effect of the Act would be to deprive Negroes of their right to vote on account of their race, contrary to the Fifteenth Amendment. Pp. 340–348.

(a) Even the broad power of a State to fix the boundaries of its municipalities is limited by the Fifteenth Amendment, which forbids a State to deprive any citizen of the right to vote because of his race. (*Hunter* v. *Pittsburgh*, 207 U.S. 161, and related cases distinguished, pp. 342–345.)

(b) A state statute which is alleged to have the inevitable effect of depriving Negroes of their right to vote in Tuskegee because of their race is not immune to attack simply because the mechanism employed by the Legislature is a "political" redefinition of municipal boundaries. (*Colegrove* v. *Green*, 328 U.S. 549, distinguished. Pp. 346–348.) (270 F. 2d 594, reversed.)

Fred D. Gray and Robert L. Carter argued the cause for petitioners. With them on the brief was Arthur D. Shores.

Philip Elman argued the cause for the United States, as amicus curiae, urging reversal. With him on the brief were Solicitor General Rankin, Assistant Attorney General Tyler, Daniel M. Friedman, Harold H. Greene, D. Robert Owen and J. Harold Flannery, Jr.

James J. Carter argued the cause for respondents. With him on the brief were Thomas B. Hill, Jr., and Harry D. Raymon.

OPINION OF THE COURT

Mr. Justice Frankfurter delivered the opinion of the Court.

This litigation challenges the validity, under the U.S. Constitution, of Local Act No. 140, passed by the Legislature of Alabama in 1957, redefining the boundaries of the city of Tuskegee. Petitioners, Negro citizens of Alabama who were, at the time of this redistricting measure, residents of the city of Tuskegee, brought an action in the U.S. District Court for the Middle District of Alabama for a declaratory judgment that Act 140 is unconstitutional, and for an injunction to restrain the mayor and officers of Tuskegee and the officials of Macon County, Ala., from enforcing the act against them and other Negroes similarly situated. Petitioners' claim is that enforcement of the statute, which alters the shape of Tuskegee from a square to an uncouth 28-sided figure, will constitute a discrimination against them in violation of the due process and equal protection clauses of the 14th amendment to the Constitution and will deny them the right to vote in defiance of the 15th amendment.

The respondents moved for dismissal of the action for failure to state a claim upon which relief could be granted and for lack of jurisdiction of the District Court. The court granted the motion, stating, "This Court has no control over, no supervision over, and no power to change any boundaries of municipal corporations fixed by a duly convened and elected legislative body, acting for the people in the State of Alabama." 167 F. Supp. 405, 410. On appeal, the Court of Appeals for the Fifth Circuit, affirmed the judgment, one judge dissenting. 270 F. 2d 594. We brought the case here since serious questions were raised concerning the power of a State over its municipalities in relation to the Fourteenth and Fifteenth Amendments. 362 U.S. 916.

At this stage of the litigation we are not concerned with the truth of the allegations, that is, the ability of petitioners to sustain their allegations by proof. The sole question is whether the allegations entitle them to make good on their claim that they are being denied rights under the United State Constitution. The complaint, charging that Act 140 is a device to disenfranchise Negro citizens, alleges the following facts: Prior to Act 140 the City of Tuskegee was square in shape; the Act transformed it into a strangely irregular twenty-eight-sided figure as indicated in the diagram appended to this opinion. The essential inevitable effect of this redefinition of Tuskegee's boundaries is to remove from the city all save only four or five of its 400 Negro voters while not removing a single white voter or resident. The result of the Act is to deprive the Negro petitioners discriminatorily of the benefits of residence in Tuskegee, including, inter alia, the right to vote in municipal elections.

These allegations, if proven, would abundantly establish that Act 140 was not an ordinary geographic redistricting measure even within familiar abuses of gerrymandering. If these allegations upon a trial remained uncontradicted or unqualified, the conclusion would be irresistible, tantamount for all practical purposes to a mathematical demonstration, that the legislation is solely concerned with segregating white and colored voters by fencing Negro citizens out of town so as to deprive them of their pre-existing municipal vote.

It is difficult to appreciate what stands in the way of adjudging a statute having this inevitable effect invalid in light of the principles by which this Court must judge, and uniformly has judged, statutes that, howsoever speciously defined, obviously discriminate against colored citizens. "The (Fifteenth) Amendment nullifies sophisticated as well as simple-minded modes of discrimination." (*Lane* v. *Wilson*, 307 U.S. 268, 275.)

The complaint amply alleges a claim of racial discrimination. Against this claim the respondments have never suggested, either in their brief or in oral argument, any countervailing municipal function which Act 140 is designed to serve. The respondents invoke generalities expressing the State's unrestricted power—unlimited, that is, by the United States Constitution—to establish, destroy, or reorganize by contraction or expansion its political subdivisions, to wit, cities, counties, and other local units. We freely recognize the breadth and importance of this aspect of the State's political power. To exalt this power into an absolute is to misconceive the reach and rule of this Court's decisions in the leading case of *Hunter* v. *Pittsburgh*, 207 U.S. 161, and related cases relied upon by respondents.

The *Hunter* case involved a claim by citizens of Allegheny, Pennsylvania, that the General Assembly of that State could not direct a consolidation of their city and Pittsburgh over the objection of a minority of the Allegheny voters. It was alleged that while Allegheny already had made numerous civic improvements, Pittsburgh was only then planning to undertake such improvements, and that the annexation would therefore greatly increase the tax burden on Allegheny residents. All that the case held was (1) that there is no implied contract between a city and its residents that their taxes will be spent solely for the benefit of that city, and (2) that a citizen of one municipality is not deprived of property without due process of law by being subjected to increased tax burdens as a result of the consolidation of his city with another. Related cases, upon which the respondents also rely, such as *Trenton* v. *New Jersey*, 262 U.S. 182; *Pawhuska* v. *Pawhuska Oil Co.*, 250 U.S.

394; and *Laramie County* v. *Albany County*, 92 U.S. 307, are far off the mark. They are authority only for the principle that no constitutionally protected contractual obligation arises between a State and its subordinate government entities solely as a result of their relationship.

In short, the cases that have come before this Court regarding legislation by States dealing with their political subdivisions fall into two classes: (1) those in which it is claimed that the State, by virtue of the prohibition against impairment of the obligation of contract (Art. I, §10) and of the Due Process Clause of the Fourteenth Amendment, is without power to extinguish, or alter the boundaries of, an existing municipality; and (2) in which it is claimed that the State has no power to change the identity of a municipality whereby citizens of a pre-existing municipality suffer serious economic disadvantage.

Neither of these claims is supported by such a specific limitation upon State power as confines the States under the Fifteenth Amendment. As to the first category, it is obvious that the creation of municipalities—clearly a political act—does not come within the conception of a contract under the *Dartmouth College* case. 4 Wheat. 518. As to the second, if one principle clearly emerges from the numerous decisions of this Court dealing with taxation it is that the Due Process Clause affords no immunity against mere inequalities in tax burdens, nor does it afford protection against their increase as an indirect consequence of a State's exercise of its political powers.

Particularly in dealing with claims under broad provisions of the Constitution, which derive content by an interpretive process of inclusion and exclusion, it is imperative that generalizations, based on and qualified by the concrete situations that gave rise to them, must not be applied out of context in disregard of variant controlling facts. Thus, a correct reading of the seemingly unconfined dicta of *Hunter* and kindred cases is not that the State has plenary power to manipulate in every conceivable way, for every conceivable purpose, the affairs of its municipal corporations, but rather that the State's authority is unrestrained by the particular prohibitions of the Constitution considered in those cases.

The *Hunter* opinion itself intimates that a state legislature may not be omnipotent even as to the disposition of some types of property owned by municipal corporations, 207 U.S., at 178–181. Further, other cases in this Court have refused to allow a State to abolish a municipality, or alter its boundaries, or merge it with another city, without preserving to the creditors of the old city some effective recourse for the collection of debts owed them. *Shapleigh* v. *San Angelo*, 167 U.S. 646; *Mobile* v. *Watson*, 116 U.S. 289; *Mount Pleasant* v. *Beckwith*, 100 U.S. 514; *Broughton* v. *Pensacola*, 93 U.S. 266. For example, in *Mobile* v. *Watson* the Court said:

"Where the resource for the payment of the bonds of a municipal corporation is the power of taxation existing when the bonds were issued, any law which withdraws or limits the taxing power and leaves no adequate means for the payment of the bonds is forbidden by the Constitution of the United States, and is null and void." *Mobile* v. *Watson, supra*, 116 U.S., at 305.

This line of authority conclusively shows that the Court has never acknowledged that the States have power to do as they will with municipal corporations regardless of consequences. Legislative control of municipalities, no less than other state power, lies within the scope of relevant limitations imposed by the United States Constitution. The observation in *Graham* v. *Folsom*, 200 U.S. 248, 253, becomes relevant: "The power of the State to alter or destroy its corporations is not greater than the power of the State to repeal its legislation." In that case, which involved the attempt by state officials to evade the collection of taxes to discharge the obligations of an extinguished township, Mr. Justice McKenna, writing for the Court, went on to point out, with reference to the *Mount Pleasant* and *Mobile* cases:

"It was argued in those cases, as it is argued in this, that such alteration or destruction of the subordinate governmental divisions was a proper exercise of legislative power, to which creditors had to submit. The argument did not prevail. It was answered, as we now answer it, that such power, extensive though it is, is met and overcome by the provision of the Constitution of the United States which forbids a State from passing any law impairing the obligation of contracts." (200 U.S., at 253–254.)

If all this is so in regard to the constitutional protection of contracts, it should be equally true that, to paraphrase, such power, extensive though it is, is met and overcome by the Fifteenth Amendment to the Constitution of the United States, which forbids a State from passing any law which deprives a citizen of his vote because of his race. The opposite conclusion, urged upon us by respondents, would sanction the achievement by a State of any impairment of voting rights whatever so long as it was cloaked in the garb of the realignment of political subdivisions. "It is inconceivable that guaranties embedded in the Constitution of the United States may thus be manipulated out of existence." (*Frost & Frost Trucking Co.* v. *Railroad Commission of California*, 271 U.S. 583, 594.)

The respondents find another barrier to the trial of this case in *Colegrove* v. *Green*, 328 U.S. 549. In that case the Court passed on an Illinois law governing the arrangement of congressional districts within that State. The complaint rested upon the disparity of population between the different districts which rendered the effectiveness of each individual's vote in some districts far less than in others. This disparity came to pass solely through shifts in population between 1901, when Illinois organized its congressional districts, and 1946, when the complaint was lodged. During this entire period elections were held under the districting scheme devised in 1901. The Court affirmed the dismissal of the complaint on the ground that it presented a subject not meet for adjudication.[1] The decisive facts in this case, which at this stage must be taken as proved, are wholly different from the considerations found controlling in *Colegrove*.

That case involved a complaint of discriminatory apportionment of congressional districts. The appellants in Colegrove complained only of a dilution of the strength of their votes as a result of legislative inaction over a course of many years. The petitioners here complain that affirmative legislative action deprives them of their votes and the consequent advantages that the ballot affords. When a legislature thus singles out a readily isolated segment of a racial minority for special discriminatory treatment, it violates the Fifteenth Amendment. In no case involving unequal weight in voting distribution that has come before the Court did the decision sanction a differentation on racial lines whereby approval was given to unequivocal withdrawal of the vote solely from colored citizens. Apart from all else, these considerations lift this controversy out of the so-called "political" arena and into the conventional sphere of constitutional litigation.

In sum, as Mr. Justice Holmes remarked, when dealing with a related situation, in *Nixon* v. *Herndon*, 273 U.S. 536, 540, "Of course the petition concerns political action," but "The objection that the subject matter of the suit is political is little more than a play upon words." A statute which is alleged to have worked unconstitutional deprivations of petitioners' rights is not immune to attack simply because the mechanism employed by the legislature is a redefinition of municipal boundaries. According to the allegations here made, the Alabama Legislature has not merely redrawn the Tuskegee city limits with incidental inconvenience to the petitioners; it is more accurate to say that it has deprived the petitioners of the municipal franchise and consequent rights and to that end it has incidentally changed the city's boundaries. While in form this is merely an act redefining metes and bounds, if the allegations are established, the inescapable human effect of this essay in geometry and geography is to despoil colored citizens, and only colored citizens, of their theretofore enjoyed voting rights. That was not *Colegrove* v. *Green*.

When a State exercises power wholly within the domain of state interest, it is insulated from Federal judicial review. But such insulation is not carried over when state power is used as an instrument for circumventing a federally protected right. This principle has had many applications. It has long been recognized in cases which have prohibited a State from exploiting a power acknowledged to be absolute in an isolated context to justify the imposition of an "unconstitutional condition." What the Court has said in those cases is equally applicable here, viz, that "Acts generally lawful may become unlawful when done to accomplish an unlawful end, *United States* v. *Reading Co.*, 266 U.S. 324, 357, and a constitutional power cannot be used by way of condition to attain an unconstitutional result." (*Western Union Telegraph Co.* v. *Foster*, 247 U.S. 105, 114.) The petitioners are entitled to prove their allegations at trial.

For these reasons, the principal conclusions of the District Court and the Court of Appeals are clearly erroneous and the decision below must be reversed.

Mr. Justice Douglas, while joining the opinion of the Court, adheres to the dissents in *Colegrove* v. *Green*, 328 U.S. 549, and *South* v. *Peters*, 339 U.S. 276.

APPENDIX TO OPINION OF THE COURT

Mr. Justice Whittaker, concurring: "I concur in the Court's judgment, but not in the whole of its opinion. It seems to me that the decision should be rested not on the Fifteenth Amendment, but rather on the Equal Protection Clause of the Fourteenth Amendment to the Constitution. I am doubtful that the averments of the complaint, taken for present purposes to be true, show a purpose by Act No. 140 to abridge petitioners' 'right * * * to vote,' in the Fifteenth Amendment sense. It seems to me that the 'right * * * to vote' that is guaranteed by the Fifteenth Amendment is but the same right to vote as is enjoyed by all others within the same election precinct, ward or other political division. And, inasmuch as no one has the right to vote in a political division, or in a local election concerning only an area in which he does not reside, it would seem to follow that one's right to vote in Division A is not abridged by a redistricting that places his residence in Division B if he there enjoys the same voting privileges as all others in that Division, even though the redistricting was done by the State for the purpose of placing a racial group of citizens in Division B rather than A.

"But it does seem clear to me that accomplishment of a State's purpose—to use the

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[1] Soon after the decision in the *Colegrove* case, Governor Dwight H. Green of Illinois in his 1947 biennial message to the legislature recommended a reapportionment. The legislature immediately responded, Ill. sess. laws 1947, p. 879, and in 1951 redistricted again. (Ill. sess. laws 1951, p. 1924.)

> Court's phrase—of 'fencing Negro citizens out of' Division A and into Division B is an unlawful segregation of races of citizens, in violation of the Equal Protection Clause of the Fourteenth Amendment, *Brown* v. *Board of Education*, 347 U.S. 483; *Cooper* v. *Aaron*, 358 U.S. 1; and, as stated, I would think the decision should be rested on that ground—which, incidentally, clearly would not involve, just as the cited cases did not involve, the *Colegrove* problem."

Mr. MANSFIELD. Mr. President, clearly, the States do have the power to set the qualifications of voters. This power is, however, subject at least to the protective guarantees of the 14th and 15th amendments to the United States Constitution. The Congress has the power, and in my opinion the obligation, to make those amendments effective, by appropriate legislation, when it becomes clear that the right to vote is being denied—"whether by sophisticated or by simple-minded modes of discrimination."

Mr. President, we have the power and the duty to act in this matter. I appeal to my fellow Senators to join me in an effort to preserve the role of Congress in the protection of human rights—a role we share with the executive and judicial branches of Government, but which may atrophy through lack of use. Wise men in the Congress—from the North and South—have much to contribute to the appropriate resolution of great human issues; but we must act, if that wisdom is to make itself felt.

It is my hope and belief that the Senate can make this contribution within the framework of its present rules. The leadership has great faith in the individual wisdom and restraint of every Member of this body. Again, let me say, as I have said from the outset, I do not wish to prejudge the situation; but past experience on issues of this kind compels me to reiterate to the Senate the leadership's intentions with regard to the situation.

If the vote on Wednesday on the cloture motion is a majority, but less than the required two-thirds majority, the leadership will move to table its own measure, and then will vote against tabling. A vote against tabling at that time will be taken by the leadership as indicative of a desire to vote for the Mansfield-Dirksen amendment on its merits, after additional debate. If the vote against tabling, therefore, approaches a two-thirds majority, the leadership will continue to press this issue for a brief period, and then will move a second time for cloture. The attempt to invoke cloture may fail a second time; and, if so, this business will then be dropped for this session, insofar as the leadership is concerned.

But let me say, Mr. President, that if this is an accurate sequence of what is about to transpire, then a new issue will have become crystal clear: It will be clear that although a substantial majority indicates its inclination to vote on the merits of an issue, the rules of the Senate, even after the most full and time-consuming debate, can prevent that vote. Hence, the rules can deny to the Senate its full participation in the national resolution of this critical issue. And what the rules can do in the case of a civil-rights question, they can do on any other great national issue.

In that case, Mr. President, I think the duty of the leadership will be equally clear: It must, perforce, propose to the Senate, once again, early in the next session, that the rule for closing debate be altered to reduce the present requirement of a two-thirds majority for invoking cloture.

Mr. STENNIS and other Senators addressed the Chair.

The PRESIDENT pro tempore. The Senator from Mississippi.

Mr. STENNIS. Mr. President, with great deference to the majority leader, I wish quickly to point out that the case to which he referred, from Forrest County, Miss., concerning the right of a colored person to vote, conclusively shows that there are already on the books laws by means of which there is a wide-open remedy to take care of cases of that kind.

In debate here, the Senator from Montana has presented, in an argument which sounds on its face very plausible, the citation of an actual case which seemingly would justify the imposition of cloture in the Senate, and, thereby, the passage of the pending measure. But further examination by him would have disclosed, as I have said, that this party is pursuing the remedy that already is available and on the lawbooks. It is adequate; it is complete; it acts quickly; and this matter has already been presented on its merits, on the sworn proof, as I recall, within the last few days before a Federal circuit court judge. Furthermore, if I am correctly informed, he is a judge who has served for almost 30 years, and is one of the outstanding district court judges of the Nation. His nomination was confirmed by the Senate; and under his obligation and his oath, when he considered that testimony, his judgment, his conclusion, and his opinion were that the plaintiffs did not make out a case. He may be wrong about that; I am not saying as to that. But certainly the case illustrates the judicial process.

The decision has been appealed to the circuit court of the district, which sits in New Orleans; and, if I am correctly informed, the case has been given a preference place on the docket, and presumably it will be quickly heard by the circuit court of appeals, upon the law and upon the evidence; and any party who loses there can go to the Supreme Court of the United States, of course, and the case can take its place there.

But certainly, rather than being an argument in favor of the imposition of cloture and the cutting off of debate and changing the rules of the Senate, it is, instead, an argument for the reasonableness and the effectiveness and the practicality of the laws already on the books.

Mr. President, I do not know whether the Senate is still proceeding in the morning hour——

Mr. RUSSELL. Mr. President, certainly we are not now proceeding in the morning hour.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Mississippi will state it.

Mr. STENNIS. Is the Senate still proceeding in the morning hour?

The PRESIDENT pro tempore. It is.

Mr. RUSSELL. Mr. President, I submit that it is not fair for any Senator, even the distinguished majority leader, to open up a subject of this kind and to speak for more than 3 minutes during the morning hour, and then to shut off any Senator who might wish to answer him.

Mr. MANSFIELD. Mr. President, I agree with the Senator from Georgia. I informed the Senate that, with the indulgence of Senators, I would speak for additional time, beyond the 3-minute limitation in the morning hour. Therefore, I ask unanimous consent that the Senator from Mississippi [Mr. STENNIS] may proceed for 5 additional minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALTONSTALL. Mr. President——

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. MANSFIELD. Mr. President, I have made a request that the Senator from Mississippi [Mr. STENNIS] may be allowed to proceed for an additional 5 minutes.

Mr. SALTONSTALL. Mr. President, reserving the right to object——

Mr. BUSH. Mr. President, reserving the right to object——

Mr. MANSFIELD. Mr. President, I had at least 8 or 10 minutes, and I think every other Senator is entitled to the same consideration. If the Presiding Officer gave that time to me, he ought to give it to other Senators.

Mr. STENNIS. I thank the Senator.

Mr. BUSH. Mr. President, reserving the right to object—and I shall not object—I agree with the "fair play" comment of the majority leader.

I think that after the Senator from Mississippi has had his opportunity to speak we should resume the morning hour, and I announce that I shall ask for the regular order at the conclusion of his remarks.

The PRESIDENT pro tempore. The Senator from Mississippi may proceed.

Mr. STENNIS. Mr. President, I thank the Senator. I will not impose upon the Senate. I shall require only about 3 minutes.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Georgia.

Mr. RUSSELL. I should like to ask the Senator if it is not true that in both 1957 and in 1960 the Attorney General of the United States came to the Congress seeking legislation directed toward assuring the right to vote; that Congress passed it in both instances; and that the present Attorney General has made no real effort to apply that legislation before coming to the Congress and asking for entirely new laws, which would be more clearly violative of the Constitution of the United States than any bill presented in my time in the Senate?

Mr. STENNIS. The Senator is correct. The Attorney General came running to Capitol Hill, seeking additional legislation, and he said he could not proceed under the other legislation, though the Justice Department is proceeding under the other legislation.

Mr. RUSSELL. And he had not even tried.

Mr. STENNIS. The Senator is correct.

Mr. President, I am correctly advised that it was the veteran district court judge who decided the case in Forrest County.

Mr. President, by association the so-called civil rights issues and the question of imposing cloture in the Senate debate are often considered as being the same. This is grave error.

Cutting off Senate debate by imposing cloture, once begun, will easily be expanded to an imposition of cloture on all major matters coming before the Senate. The same end result will be hastened should rule XXII be changed to permit less than a two-thirds' vote to cut off Senate debate.

Further, it should be clearly understood that the questions involved concerning the cloture rule are not solely questions of defeating the passage of a bill or of aiding the passage of a bill. Due to the right of debate, a minority is often able to protect itself by forcing terms by way of amendments. If all groups were subject to an easy cloture, all would lose all bargaining power and would be at the mercy of a bare majority sentiment at any given time.

The Senate has played a major role in American history. Should we either adopt a cloture motion or drift into the habit of imposing cloture as a routine matter, then this major role of the Senate will certainly come to an end.

Recently the Senate has been falling into the habit of bypassing committees, attempting to withdraw bills from committees even before there is time for consideration, and otherwise disregarding the spirit of Senate rules, whose wisdom has long been established.

The Senate has attached proposed constitutional amendments to legislative bills, and now an endeavor is being made to attach a far-reaching voting qualifications bill to a mere private claims bill.

This trend not only will demote the Senate, but also detracts from the powers of the legislative branch of Government, as well as it affects the safety of our Nation.

Again, with great deference to our majority leader, the case he has cited with reference to the qualifications of electors does not contradict the position we have taken here over and over again, that Congress has no power—not any power—with reference to imposing or regulating or restricting or writing qualifications of electors. There is not one syllable of a holding by the Supreme Court of the United States which contradicts our position.

I thank the Senate for the time granted me.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 3 minutes.

Mr. SALTONSTALL. Mr. President, I offer an amendment to the amendment in the nature of a substitute proposed by the majority leader [Mr. MANSFIELD], for himself and the minority leader [Mr. DIRKSEN], to the bill H.R. 1361, for the relief of James M. Norman; and I ask unanimous consent that it be printed in the RECORD without being read.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 2, line 7, immediately after "private school" insert the following: "in which classes are taught primarily in the language used on the ballot or voting machine".

On page 2, beginning with line 11, strike out all down to and including line 21.

On page 2, line 22, strike out "(f)" and insert in lieu thereof "(e)".

On page 3, line 20, immediately after the word "school" insert the word "located".

On page 3, line 21, immediately before the period, insert the following: "and in which all classes (other than classes in languages) were taught primarily in the language, or one of the languages, used on the ballot or voting machine which would be used for voting by such person".

Mr. CHAVEZ obtained the floor.

Mr. RUSSELL. Mr. President, will the Senator yield for one moment?

Mr. CHAVEZ. I yield.

Mr. RUSSELL. I desire to serve notice that at the proper time, if this amendment is called up, I shall make a point under rule XXII that an amendment cannot be submitted after a motion for cloture has been filed. It has to be read prior to the time the cloture motion is filed.

Mr. SALTONSTALL. Mr. President, it is my understanding that an amendment can be offered prior to the cloture vote, which will come on Wednesday, and not prior to the filing of the motion. That is why I filed it at this time. That is my understanding of the parliamentary procedure.

Mr. CHAVEZ. Mr. President, I am handicapped, but I am very much interested in the debate.

Mr. SALTONSTALL. May I have a ruling, Mr. President?

The PRESIDENT pro tempore. The Parliamentarian informs the Chair it is usual to have an amendment printed to make it available, without its being read.

Mr. RUSSELL. Mr. President, I was listening, and I was prepared to make a point of order. I am sure the Senator from Massachusetts will agree that he asked to have the amendment printed in the RECORD.

Mr. SALTONSTALL. Mr. President, I asked to have the amendment printed in the RECORD. I was trying to save the time of the Senate by asking unanimous consent that the amendment be laid on the table. I said "printed in the RECORD."

Mr. CHAVEZ. I object.

Mr. SALTONSTALL. I meant to have the amendment printed and laid on the table without being read.

Mr. CHAVEZ. I object.

Mr. RUSSELL. Mr. President, I was sitting here prepared to raise a point of order if the Senator asked to have the amendment read. He did not ask to have it read; he asked to have it printed in the RECORD.

Mr. SALTONSTALL. The language I used is as the Senator says. I tried to save the Senate's time by asking unanimous consent that the amendment not be read. I think the Senator will agree that is what I said.

Mr. RUSSELL. I did not understand the Senator to say anything about saving time. He did ask to have the amendment printed.

Mr. SALTONSTALL. That is correct.

Mr. RUSSELL. Under rule XXII the amendment should have been read before the cloture motion was filed.

The PRESIDENT pro tempore. Without objection, the amendment will be printed in the RECORD.

Mr. CHAVEZ. Mr. President, I am interested in the issue before the Senate. I am against what Senators from the South desire. But I still believe that the rules of the Senate are sound. I wish to see every Senator have the right of full expression. Therefore, so far as I am concerned, I shall vote against cloture. I point out that I am a liberal. I ask any Senator, on either side of the aisle, Who has been more liberal than I? I am not a new liberal, but have been one for many years. I believe in the Senate. If the right of full debate in the Senate is killed, we shall thereby kill the Senate. I am against cloture.

Mr. TALMADGE. Mr. President, I commend the senior Senator from New Mexico on his very fine statement. The Senator from New Mexico is indeed a liberal. He is a liberal in the tradition of Bob La Follette, of George Norris, of Joseph O'Mahoney, and of many others I could mention, who have believed that the Senate should not gag its Members. It is most regrettable to see the effort on the part of the leadership of both parties to cut off debate in the Senate in order to pass a bill which would, in effect, repeal two different sections of the Constitution.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to my friend from New Mexico.

Mr. CHAVEZ. Mr. President, whether Senators will believe it or not, I think the position of the Senator from Georgia is wrong; nevertheless I want to give him the right to talk.

Mr. TALMADGE. I appreciate that statement of the Senator from New Mexico.

The issue we are dealing with is Federal laws that guarantee the right to vote. There are many statutes on the books on that subject already. In my hand I hold copies of 15 Federal laws protecting the right to vote. Six of those statutes are criminal and nine are civil. If that many Federal statutes do not guarantee and protect the right to vote, I do not know what would. Even if they were not sufficient, that would be no reason to repeal the Constitution of the

United States by congressional enactment.

I ask unanimous consent that copies of those 15 Federal statutes protecting the right to vote be printed at this point in the Record.

There being no objection, the Federal statutes were ordered to be printed in the Record, as follows:

FEDERAL STATUTES PROTECTING THE RIGHT TO VOTE

CRIMINAL PROVISIONS

"Conspiracy Against Rights of Citizens" (18 U.S.C.A. 241).

"Deprivation of Rights Under Color of Law" (18 U.S.C.A. 242).

"Intimidation of Voters" (18 U.S.C.A. 594).

"Interference With Voting by Officers of Government" (18 U.S.C.A. 595).

"Expenditures To Influence Voting" (18 U.S.C.A. 597).

"Deprivation of Employment or Other Benefit for Political Activity" (18 U.S.C.A. 601).

CIVIL PROVISIONS

"Deprivation of Right To Vote Based on Race, etc.; Injunction by Attorney General; Exhaustion of Remedies Not Required; Voting Referees; Orders Qualifying Persons To Vote; Contempt" (42 U.S.C.A. 1971).

"Interference With Freedom of Elections by Armed Forces" (42 U.S.C.A. 1972).

"Retention of Voting Records" (42 U.S.C.A. 1974).

"Commission on Civil Rights; Investigation of Reports Relating to Deprivation of Voting Rights" (42 U.S.C.A. 1975).

"Equal Rights Under the Law" (42 U.S.C.A. 1981).

"Actions for Deprivation of Rights Under Color of Law" (42 U.S.C.A. 1983).

"Conspiracies To Interfere With Civil Rights; Voting Rights" (42 U.S.C.A. 1985).

"Liability for Failure To Prevent Violation of Section 1985" (42 U.S.C.A. 1986).

"Prosecutions by Federal Officials of Violations of Civil Rights Statutes" (42 U.S.C.A. 1987).

Conspiracy against rights of citizens (18 U.S.C.A. 241):

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than $5,000 or imprisoned not more than ten years, or both. June 25, 1948, c. 645, 62 Stat. 696.

Deprivation of rights under color of law (18 U.S.C.A. 242):

Whoever, under color of any law, statute, ordinance, regulation, or custom, wilfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than one year, or both. June 25, 1948, c. 645, 62 Stat. 696.

Intimidation of voters (18 U.S.C.A. 594):

Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and Possessions, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than $1,000 or imprisoned not more than one year, or both. June 25, 1948, c. 645, 62 Stat. 720.

Interference by administrative employees of Federal, State, or Territorial governments (18 U.S.C.A. 595):

Whoever, being a person employed in any administrative position by the United States, or by any department or agency thereof, or by the District of Columbia or any agency or instrumentality thereof, or by any State, Territory, or Possession of the United States, or any political subdivision, municipality, or agency thereof, or agency of such political subdivision or municipality (including any corporation owned or controlled by any State, Territory, or Possession of the United States or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or any department or agency thereof, uses his official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or Possession, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

This section shall not prohibit or make unlawful any act by any officer or employee of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any State or political subdivision thereof, or by the District of Columbia or by any Territory or Possession of the United States; or by any recognized religious, philanthropic or cultural organization. June 25, 1948, c. 645, 62 Stat. 720.

Expenditures to influence voting (18 U.S.C.A. 597):

Whoever makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote for or against any candidate; and

Whoever solicits, accepts, or receives any such expenditure in consideration of his vote or the withholding of his vote—

Shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than $10,000 or imprisoned not more than two years, or both. June 25, 1948, c. 645, 62 Stat. 721.

Deprivation of employment or other benefit for political activity (18 U.S.C.A. 601):

Whoever, except as required by law, directly or indirectly, deprives, attempts to deprive, or threatens to deprive any person of any employment, position, work, compensation, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes, on account of race, creed, color, or any political activity, support for, or opposition to any candidate or any political party in any election, shall be fined not more than $1,000 or imprisoned not more than one year, or both. June 25, 1948, c. 645, 62 Stat. 721.

Voting rights—Race, color, or previous condition not to affect right to vote (42 U.S.C.A. 1971):

(a) All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

Intimidation, threats, or coercion:

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

Preventive relief; injunction; costs; State as party defendant.

(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person. Whenever, in a proceeding instituted under this subsection any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a) of this section, the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.

Jurisdiction; exhaustion of other remedies:

(d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

Order qualifying person to vote; application; hearing; voting referees; transmittal of report and order; certificate of qualification; definitions;

(e) In any proceedings instituted pursuant to subsection (c) of this section in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a) of this section, the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for 1 year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

An application for an order pursuant to this subsection shall be heard within 10 days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, who shall subscribe to the oath of office required by section 16 of title 5, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte at such times and places as the court shall direct. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within 10 days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court, and shall be payable by the United States.

Applications pursuant to this subsection shall be determined expeditiously. In the case of any application filed 20 or more days prior to an election which is undetermined by the time of such election, the court shall issue an order authorizing the applicant to vote provisionally: *Provided, however*, That such applicant shall be qualified to vote under State law. In the case of an application filed within 20 days prior to an election, the court, in its discretion, may make such an order. In either case the order shall make appropriate provision for the impounding of the applicant's ballot pending determination of the application. The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of the subsection and to enforce its decrees. This subsection shall in no way be construed as a limitation upon the existing powers of the court.

When used in the subsection, the word "vote" includes all action necessary to make a vote effective including but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words "affected area" shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a) of this section; and the words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceedings to have violated subsection (a) of this section in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

Contempt; assignment of counsel; witnesses:

(f) Any person cited for an alleged contempt under this act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel. As amended September 9, 1957, Public Law 85–315, part IV, section 131, 71 Stat. 637; May 6, 1960, Public Law 86–449, title VI, section 601, 74 Stat. 90.

Interference with freedom of elections (42 U.S.C.A. 1972):

No officer of the Army, Navy or Air Force of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State. R.S. sec. 2003.

Retention and preservation of records and papers by officers of elections; deposit with custodian; penalty for violation (42 U.S.C.A. 1974):

Every officer of election shall retain and preserve, for a period of 22 months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both. Public Law 86–449, title III, section 301, May 6, 1960, 74 Stat. 88.

Theft, destruction, concealment, mutilation, or alteration of records or papers; penalties (sec. 1974a):

Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by section 1974 of this title to be retained and preserved shall be fined not more than $1,000 or imprisoned not more than one year, or both. Public Law 86–449, title III, section 302, May 6, 1960, 74 Stat. 88.

Demand for records or papers by Attorney General or representative; statement of basis and purpose (section 1974b):

Any record or paper required by section 1974 of this title to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or his representative. This demand shall contain a statement of the basis and the purpose therefor. Public Law 86–449, title III, section 303, May 6, 1960, 74 Stat. 88.

Disclosure of records or papers (section 1974c):

Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this subchapter, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury. Public Law 84–449, title III, section 304, May 6, 1960, 74 Stat. 88.

Jurisdiction to compel production of records or papers (section 1974d):

The United States district court for the district in which a demand is made pursuant to section 1974b of this title, or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper. Public Law 86-449, title III, section 305, May 6, 1960, 74 Stat. 88.

Definitions (section 1974e): As used in this subchapter, the term "officer of election" means any person who, under color of any Federal, State, Commonwealth, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which votes are cast for candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico. Public Law 86-449, title III, section 306, May 6, 1960, 74 Stat. 88.

Commission on Civil Rights—Establishment (42 U.S.C.A. 1975):

(a) There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission").

Duties; reports; termination (sec. 1975c):

(a) The Commission shall—

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

(b) The Commission shall submit interim reports to the President and to the Congress at such times as either the Commission or the President shall deem desirable, and shall submit to the President and to the Congress a final and comprehensive report of its activities, findings, and recommendations not later than September 30, 1963.

(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist. Public Law 85-315, part I, section 104, September 9, 1957, 71 Stat. 635, amended Public Law 86-363, title IV, section 401, September 28, 1959, 73 Stat. 724; Public Law 87-264, title IV, section 401, September 21, 1961, 75 Stat. 559.

Equal rights under the law (42 U.S.C.A. 1981):

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. R.S. sec. 1977.

Civil action for deprivation of rights (42 U.S.C.A. 1983):

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. R.S. sec. 1979.

Conspiracy to interfere with civil rights—Preventing officer from performing duties (42 U.S.C.A. 1985):

(1) If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

Obstructing justice; intimidating party, witness, or juror:

(2) If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit jury in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

Depriving persons of rights or privileges:

(3) If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. R.S. sec. 1980.

Same; action for neglect to prevent (42 U.S.C.A. 1986):

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within 1 year after the cause of action has accrued. R.S. sec. 1981.

Prosecution of violation of certain laws (42 U.S.C.A. 1987):

The U.S. attorneys, marshals, and deputy marshals, the commissioners appointed by the district and territorial courts, with power to arrest, imprison, or bail offenders, and every other officer who is especialy empowered by the President, are authorized and required, at the expense of the United States, to institute prosecutions against all persons violating any of the provisions of section 1990 of this title or of sections 5506-5516 and 5518-5532 of the Revised Statutes, and to cause such persons to be arrested, and imprisoned or bailed, for trial before the court of the United States or the territorial court having cognizance of the offense. R.S. sec. 1982; June 25, 1948, c. 646, sec. 1, 62 Stat. 909.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BUSH. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. RUSSELL. I do not want the discussion to be taken out of the time available to the Senator from Georgia.

Mr. TALMADGE. I have not yet yielded.

Mr. RUSSELL. My colleague has not yielded for a parliamentary inquiry.

Mr. TALMADGE. I yield to the distinguished Senator from Georgia.

Mr. RUSSELL. Mr. President, I wish to ask the Senator if we do not always meet the same situation we find now? We are told, "If you do not let us pass the bill, we will change the cloture rule and gag the Senate by a simple majority." Would it make any difference whether we have rules concerning gagging if the Senate should undertake to amend, change, distort, and twist the Constitution of the United States by a simple majority on a proposed statute? What difference would it make what kind of rules we might have? The Senate would no longer be the Senate. It would have degenerated into chaos.

Mr. TALMADGE. I agree with my able colleague. If we should repeal the Constitution of the United States by congressional enactment, it would not make any difference whether we had Senate rules or not.

Mr. President, I yield the floor.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Amendment of Federal Reserve Act, Relating to Extension of Authority of Federal Reserve Banks To Purchase U.S. Obligations Directly From the Treasury

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury (with accompanying papers); to the Committee on Banking and Currency.

Report of Recreational Boating in the United States

A letter from the Acting Commandant, U.S. Coast Guard, Washington, D.C., transmitting, pursuant to law, a report on recreational boating in the United States, for the calendar year 1961 (with an accompanying report); to the Committee on Commerce.

Adjustment in Annuities Under Foreign Service Retirement and Disability System

A letter from the Assistant Secretary of State, transmitting a draft of proposed legislation to provide for adjustments in the annuities under the Foreign Service retirement and disability system (with accompanying papers); to the Committee on Foreign Relations.

Report on Personal and Real Property Disposed of to Public Health and Educational Institutions

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on personal property received by State surplus property agencies for distribution to public health and educational institutions and civil defense organizations, and real property disposed of to public health and educational institutions, for the quarterly period ended March 31, 1962 (with an accompanying report); to the Committee on Government Operations.

Amendment of United States Code, Relating to the Conditional Release of Certain Prisoners

A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 4204 of title 18, United States Code, relating to the conditional release of prisoners who are aliens subject to deportation (with an accompanying paper); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Alaska; to the Committee on Commerce:

"Substitute for House Joint Resolution 86

"Joint resolution relating to the CAB investigation and hearings on Alaska air carrier service

"Whereas the Civil Aeronautics Board has ordered a new investigation and hearings before an examiner to determine how many air carriers may continue to serve Alaska from the Pacific Northwest; and

"Whereas the Board has announced that on the basis of the investigation it will decide whether existing route licenses to and in Alaska will be changed, suspended, canceled, or renewed; and

"Whereas the preliminary recommendation of the Board to be considered at the hearings includes a merger of Pacific Northern Airlines and Alaska Airlines, a restriction on Alaska service by Northwest Airlines, and complete elimination from Alaska service of Pan American World Airways; and

"Whereas the recommendations if approved would lessen the present and expanding air service Alaska now needs for its continuing development and threaten this air-dependent State with a mainland-Alaska air carrier monopoly: Therefore be it

"*Resolved by the Legislature of the State of Alaska in second legislature, second session assembled,* That the Civil Aeronautics Board is requested to include hearings in Alaska in its order of March 19 for investigation and hearings on Alaska air carrier service to the end that members of the Board and other parties concerned may reassess the impact of the preliminary recommendations calling for a crippling blow to Alaska's vital air carrier service through the elimination of certain carriers and the monopolistic consolidation of others; and be it further

"*Resolved,* That copies of this resolution be sent to the Honorable John F. Kennedy, President of the United States; the Honorable Lyndon B. Johnson, Vice President of the United States and President of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Alan S. Boyd, Chairman of the Civil Aeronautics Board, and the other members of the Board; and Members of the Alaska delegation in Congress.

"Passed by the house March 31, 1962.

"Warren A. Taylor,
"*Speaker of the House.*

"Attest:

"Esther Reed,
" *Chief Clerk of the House.*

"Passed by the senate April 6, 1962.

"Frank Peratrovich,
"*President of the Senate.*

"Attest:

"Evelyn K. Stevens,
"*Secretary of the Senate.*

"Approved by the Governor April 17, 1962.

"William A. Egan,
"*Governor of Alaska.*"

A joint resolution of the Legislature of the State of Alaska; to the Committee on Finance:

"House Joint Resolution 64

"Joint resolution relating to Federal income taxation of State and local bonds

"Whereas the State of Alaska and the political subdivisions thereof have in the past and are now currently engaged in financing, through the issuance of bonds, needed public improvements such as the building of schools, highways, water and sewer distribution systems and other projects for the promotion of the health, safety, and welfare of the people; and

"Whereas the interest income which the owner derives from such bonds has been and now is exempt from the imposition of any Federal income tax; and

"Whereas the Federal taxation of the interest of such bonds as income would result in the curtailment of construction of needed public improvements, and would result in either an increase of taxes imposed by the State of Alaska and any political subdivision thereof in order to pay higher interest costs, or the assumption by the Federal Government of the responsibility of financing such improvements; and

"Whereas there is currently a national movement to permit the imposition of the Federal income tax on the interest income from the bonds issued or to be issued by the several States and their political subdivisions: Be it

"*Resolved by the Legislature of the State of Alaska in second legislature, second session assembled,* That the President and the Congress of the United States be urged not to adopt any legislation which would subject the income from State and local bonds to a Federal tax; and be it further

"*Resolved,* That this resolution be mailed to the President and Vice President of the United States, the Speaker of the House of Representatives, and to the Senators and Representative representing this State in the Congress of the United States.

"Passed by the house April 2, 1962.

"Warren A. Taylor,
"*Speaker of the House.*

"Attest:

"Esther Reed,
"*Chief Clerk of the House.*

"Passed by the senate April 6, 1962.

"Frank Peratrovich,
"*President of the Senate.*

"Attest:

"Evelyn K. Stevens,
"*Secretary of the Senate.*

"Approved by the Governor April 17, 1962.

"Certified true, full, and correct.

"William A. Egan,
"*Governor of Alaska.*"

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 4380. An act to quiet title and possession to an unconfirmed and located private land claim in the State of Louisiana (Rept. No. 1453); and

H.R. 10098. An act to authorize the exchange of certain lands at Antietam National Battlefield site (Rept. No. 1452).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S.J. Res. 60. Joint resolution to establish the sesquicentennial commission for the celebration of the Battle of New Orleans, to authorize the Secretary of the Interior to acquire certain property within Chalmette National Historical Park, and for other purposes (Rept. No. 1451).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with amendments:

S. 2164. A bill to authorize the Secretary of the Interior to cooperate with the First World Conference on National Parks, and for other purposes (Rept. No. 1450).

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL PERSONNEL AND PAY

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal employment and pay for the month of March 1962. In accordance with the practice of several years' standing, I ask unanimous consent to have the report printed in the Record, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the Record, as follows:

Federal Personnel in Executive Branch, March and February 1962, and Pay, February and January 1962

PERSONNEL AND PAY SUMMARY

(See table I)

Information in monthly personnel reports for March 1962 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures is summarized as follows.

Tota and major categories	Civilian personnel in executive branch			Payroll (in thousands) in executive branch		
	In March numbered—	In February numbered—	Increase (+) or decrease (−)	In February was—	In January was—	Increase (+) or decrease (−)
Total[1]	2,441,800	2,436,725	+5,075	$1,098,949	$1,256,911	−$157,962
Agencies exclusive of Department of Defense	1,380,800	1,375,826	+4,974	608,210	704,461	−96,251
Department of Defense	1,061,000	1,060,899	+101	490,739	552,450	−61,711
Inside the United States	2,276,586	2,271,715	+4,871			
Outside the United States	165,214	165,010	+204			
Industrial employment	568,405	568,780	−375			
Foreign nationals	170,010	169,619	+391	25,039	[3]25,816	−777

[1] Exclusive of foreign nationals shown in the last line of this summary.

[3] Revised on basis of later information.

Table I breaks down the above figures on employment and pay by agencies.

Table II breaks down the above employment figures to show the number inside the United States by agencies.

Table III breaks down the above employment figures to show the number outside the United States by agencies.

Table IV breaks down the above employment figures to show the number in industrial-type activities by agencies.

Table V shows foreign nationals by agencies not included in tables I, II, III, and IV.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during March 1962, and comparison with February 1962, and pay for January 1962, and comparison with February 1962*

Department or agency	Personnel				Pay (in thousands)			
	March	February	Increase	Decrease	February	January	Increase	Decrease
Executive departments (except Department of Defense):								
Agriculture	92,946	91,910	1,036		$39,177	$45,994		$6,817
Commerce[1]	29,196	28,923	273		15,699	17,683		1,984
Health, Education, and Welfare	74,577	73,852	725		35,057	36,726		1,669
Interior	55,135	54,308	827		27,288	30,467		3,719
Justice	30,873	30,883		10	17,761	20,427		2,666
Labor	8,264	8,138	126		4,233	4,665		432
Post Office	580,086	579,606	480		232,420	284,332		51,912
State[2][3]	30,429	30,223	206		18,405	19,350		945
Treasury	85,390	84,911	479		42,265	46,871		4,606
Executive Office of the President:								
White House Office	452	444	8		229	263		34
Bureau of the Budget	458	459		1	341	393		52
Council of Economic Advisers	46	46			36	45		9
Executive Mansion and Grounds	73	74		1	33	38		5
National Aeronautics and Space Council	18	16	2		15	16		1
National Security Council	42	42			31	34		3
Office of Emergency Planning	481	474	7		492	368	$124	
President's Commission on Campaign Costs	13	13			7	4	3	
Independent agencies:								
Advisory Commission on Intergovernmental Relations	32	26	6		16	16		
American Battle Monuments Commission	405	407		2	75	84		9
Atomic Energy Commission	6,809	6,809			4,483	4,998		515
Board of Governors of the Federal Reserve System	598	603		5	349	399		50
Civil Aeronautics Board	804	806		2	523	587		64
Civil Service Commission	3,895	3,855	40		2,099	2,339		240
Civil War Centennial Commission	6	6			4	6		2
Commission of Fine Arts	6	6			4	5		1
Commission on Civil Rights	63	60	3		34	36		2
Delaware River Basin Commission[4]	1		1					
Export-Import Bank of Washington	262	262			162	183		21
Farm Credit Administration	235	237		2	150	173		23
Federal Aviation Agency	43,637	43,558	79		25,271	29,678		4,407
Federal Coal Mine Safety Board of Review	7	7			4	4		
Federal Communications Commission	1,374	1,372	2		830	957		127
Federal Deposit Insurance Corporation	1,257	1,262		5	718	845		127
Federal Home Loan Bank Board	1,136	1,145		9	664	754		90
Federal Maritime Commission	150	149	1		98	110		12
Federal Mediation and Conciliation Service	359	357	2		273	315		42
Federal Power Commission	900	897	3		558	646		88
Federal Trade Commission	1,033	1,021	12		627	680		53
Foreign Claims Settlement Commission	63	63			41	47		6
General Accounting Office	4,677	4,725		48	2,620	3,031		411
General Services Administration	30,745	30,725	20		13,226	15,113		1,887
Government Printing Office	6,916	6,862	54		3,522	3,845		323
Housing and Home Finance Agency	12,729	12,555	174		6,840	7,782		942
Indian Claims Commission	20	20			19	21		2
Interstate Commerce Commission	2,308	2,305	3		1,420	1,632		212
James Madison Memorial Commission	1	1			1	1		
National Aeronautics and Space Administration	20,950	[5]20,312	638		14,289	13,185	1,104	
National Capital Housing Authority	415	416		1	168	199		31
National Capital Planning Commission	56	56			34	39		5
National Capital Transportation Agency	82	87		5	51	54		3
National Gallery of Art	321	314	7		116	135		19
National Labor Relations Board	1,838	1,857		19	1,119	1,283		164
National Mediation Board	142	143		1	113	124		11
National Science Foundation	861	787	74		434	494		60
Outdoor Recreation Resources Review Commission	30	41		11	24	29		5
Panama Canal	14,598	14,595	3		4,422	4,425		3
President's Committee on Equal Employment Opportunity	34	34			19	21		2
Railroad Retirement Board	2,092	2,101		9	1,013	1,164		151
Renegotiation Board	191	191			207	193	14	
St. Lawrence Seaway Development Corporation	157	159		2	86	103		17
Securities and Exchange Commission	1,242	1,226	16		721	826		105
Selective Service System	6,797	6,789	8		1,921	2,201		280
Small Business Administration	3,013	2,968	45		1,652	1,864		212
Smithsonian Institution	1,177	1,175	2		531	604		73
Soldier's Home	1,023	1,031		8	309	343		34

See footnotes at end of table.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during March 1962, and comparison with February 1962, and pay for January 1962, and comparison with February 1962*—Continued

Department or agency	Personnel				Pay (in thousands)			
	March	February	Increase	Decrease	February	January	Increase	Decrease
Independent agencies—Continued								
South Carolina, Georgia, Alabama, and Florida Water Study Commission	59	58	1		$38	$44		$6
Subversive Activities Control Board	29	27	2		21	23		2
Tariff Commission	270	269	1		175	197		22
Tax Court of the United States	146	148		2	103	113		10
Tennessee Valley Authority	18,333	18,267	66		9,891	11,130		1,239
Texas Water Study Commission	22	28		6	13	17		4
U.S. Arms Control and Disarmament Agency	75	74	1		44	42	$2	
U.S. Information Agency	10,992	11,012		20	4,186	4,733		547
Veterans' Administration	176,794	176,958		164	68,254	78,787		10,533
Virgin Islands Corporation	1,064	1,190		126	136	117	19	
Total, excluding Department of Defense	1,380,800	1,375,826	5,433	459	608,210	704,461	1,266	97,517
Net change, excluding Department of Defense			4,974				96,251	
Department of Defense:								
Office of the Secretary of Defense	1,817	1,784	33		1,245	1,393		148
Department of the Army	388,220	387,483	737		170,750	191,243		20,493
Department of the Navy	349,792	351,424		1,632	173,764	196,097		22,333
Department of the Air Force	307,752	307,136	616		138,640	157,442		18,802
Defense Atomic Support Agency	2,052	2,057		5	913	1,041		128
Defense Communications Agency	127	124	3		72	76		4
Defense Intelligence Agency	164	154	10		81	50	31	
Defense Supply Agency	9,807	9,487	320		4,477	4,197	280	
Office of Civil Defense	1,145	1,130	15		726	829		103
U.S. Court of Military Appeals	38	39		1	29	34		5
Interdepartmental Activities	36	31	5		18	19		1
International Military Activities	50	50			24	29		5
Total, Department of Defense	1,061,000	1,060,899	1,739	1,638	490,739	552,450	311	62,022
Net change, Department of Defense			101				61,711	
Grand total, including Department of Defense [6]	2,441,800	2,436,725	7,172	2,097	1,098,949	1,256,911	1,577	159,5
Net change, including Department of Defense			5,075				157,962	

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[1] March figure includes 110 seamen on the rolls of the Maritime Administration and their pay.

[2] March figure includes 15,261 employees of the Agency for International Development as compared with 15,135 in February, and their pay. These AID figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The March figure includes 3,822 of these trust fund employees and the February figure includes 3,424.

[3] March figure includes 497 employees of the Peace Corps as compared with 493 in February and their pay.

[4] New agency, created pursuant to Public Law 87-328.

[5] Revised on basis of later information.

[6] Exclusive of personnel and pay of the Central Intelligence Agency and the National Security Agency.

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during March 1962, and comparison with February 1962*

Department or agency	March	February	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	91,860	90,813	1,047	
Commerce [1]	28,585	28,319	266	
Health, Education, and Welfare	74,066	73,348	718	
Interior	54,614	53,783	831	
Justice	30,532	30,545		13
Labor	8,162	8,054	108	
Post Office	578,668	578,206	462	
State [2, 3]	10,033	9,926	107	
Treasury	84,784	84,306	478	
Executive Office of the President:				
White House Office	452	444	8	
Bureau of the Budget	458	459		1
Council of Economic Advisers	46	46		
Executive Mansion and Grounds	73	74		1
National Aeronautics and Space Council	18	16	2	
National Security Council	42	42		
Office of Emergency Planning	481	474	7	
President's Commission on Campaign Costs	13	13		
Independent agencies:				
Advisory Commission on Intergovernmental Relations	32	26	6	
American Battle Monuments Commission	10	10		
Atomic Energy Commission	6,776	6,778		2
Board of Governors of the Federal Reserve System	598	603		5
Civil Aeronautics Board	803	805		2
Civil Service Commission	3,892	3,853	39	
Civil War Centennial Commission	6	6		
Commission of Fine Arts	6	6		
Commission on Civil Rights	63	60	3	
Delaware River Basin Commission [4]	1		1	
Export-Import Bank of Washington	262	262		
Farm Credit Administration	235	237		2
Federal Aviation Agency	42,665	42,593	72	
Federal Coal Mine Safety Board of Review	7	7		
Federal Communications Commission	1,371	1,369	2	
Federal Deposit Insurance Corporation	1,255	1,260		5
Federal Home Loan Bank Board	1,136	1,145		9
Federal Maritime Commission	150	149	1	
Federal Mediation and Conciliation Service	359	357	2	
Federal Power Commission	900	897	3	
Federal Trade Commission	1,033	1,021	12	
Foreign Claims Settlement Commission	59	59		
Independent agencies—Continued				
General Accounting Office	4,606	4,658		52
General Services Administration	30,742	30,722	20	
Government Printing Offic	6,916	6,862	54	
Housing and Home Finance Agency	12,555	12,383	172	
Indian Claims Commission	20	20		
Interstate Commerce Commission	2,398	2,395	3	
James Madison Memorial Commission	1	1		
National Aeronautics and Space Administration	20,938	[5] 20,299	639	
National Capital Housing Authority	415	416		1
National Capital Planning Commission	56	56		
National Capital Transportation Agency	82	87		5
National Gallery of Art	321	314	7	
National Labor Relations Board	1,804	1,824		20
National Mediation Board	142	143		1
National Science Foundation	851	777	74	
Outdoor Recreation Resources Review Commission	30	41		11
Panama Canal	158	159		1
President's Commission on Equal Employment Opportunity	34	34		
Railroad Retirement Board	2,092	2,101		9
Renegotiation Board	191	191		
St. Lawrence Seaway Development Corporation	157	159		2
Securities and Exchange Commission	1,242	1,226	16	
Selective Service System	6,641	6,632	9	
Small Business Administration	2,969	2,926	43	
Smithsonian Institution	1,168	1,165	3	
Soldiers' Home	1,023	1,031		8
South Carolina, Georgia, Alabama, and Florida Water Study Commission	59	58	1	
Subversive Activities Control Board	29	27	2	
Tariff Commission	270	269	1	
Tax Court of the United States	146	148		2
Tennessee Valley Authority	18,326	18,260	66	
Texas Water Study Commission	22	28		6
U.S. Arms Control and Disarmament Agency	75	74	1	
U.S. Information Agency	2,992	2,981	11	
Veterans' Administration	175,772	175,932		160
Total, excluding Department of Defense	1,319,749	1,314,770	5,297	318
Net increase, excluding Department of Defense			4,979	

See footnotes at end of table.

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during March 1962, and comparison with February 1962*—Continued

Department or agency	March	February	Increase	Decrease
Department of Defense:				
Office of the Secretary of Defense	1,770	1,738	32	
Department of the Army	336,185	335,494	691	
Department of the Navy	326,138	327,631		1,493
Department of the Air Force	279,341	279,026	315	
Defense Atomic Support Agency	2,052	2,057		5
Defense Communications Agency	121	118	3	
Defense Intelligence Agency	164	154	10	
Defense Supply Agency	9,807	9,487	320	
Office of Civil Defense	1,145	1,130	15	
U.S. Court of Military Appeals	38	39		1
Department of Defense—Continued				
Interdepartmental Activities	35	30	5	
International Military Activities	41	41		
Total, Department of Defense	956,837	956,945	1,391	1,499
Net decrease, Department of Defense				108
Grand total, including Department of Defense	2,276,586	2,271,715	6,688	1,817
Net increase, including Department of Defense			4,871	

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[1] March figure includes 110 seamen on the rolls of the Maritime Administration.

[2] March figure includes 2,434 employees of the Agency for International Development as compared with 2,306 in February.

[3] March figure includes 446 employees of the Peace Corps as compared with 446 in February.

[4] New agency, created pursuant to Public Law 87-328.

[5] Revised on basis of later information.

TABLE III.—*Federal personnel outside the United States employed by the executive agencies during March 1962, and comparison with February 1962*

Department or agency	March	February	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	1,086	1,097		11
Commerce	611	604	7	
Health, Education, and Welfare	511	504	7	
Interior	521	525		4
Justice	341	338	3	
Labor	102	84	18	
Post Office	1,418	1,400	18	
State [1] [2]	29,396	29,297	99	
Treasury	606	605	1	
Independent agencies:				
American Battle Monuments Commission	395	397		2
Atomic Energy Commission	33	31	2	
Civil Aeronautics Board	1	1		
Civil Service Commission	3	2	1	
Federal Aviation Agency	972	965	7	
Federal Communications Commission	3	3		
Federal Deposit Insurance Corporation	2	2		
Foreign Claims Settlement Commission	4	4		
General Accounting Office	71	67	4	
General Services Administration	3	3		
Housing and Home Finance Agency	174	172	2	
National Aeronautics and Space Administration	12	13		1
National Labor Relations Board	34	33	1	
National Science Foundation	10	10		
Panama Canal	14,440	14,436	4	
Selective Service System	156	157		1
Independent agencies—Continued				
Small Business Administration	44	42	2	
Smithsonian Institution	9	10		1
Tennessee Valley Authority	7	7		
U.S. Information Agency	8,000	8,031		31
Veterans' Administration	1,022	1,026		4
Virgin Islands Corporation	1,064	1,190		126
Total excluding Department of Defense	61,051	61,056	176	181
Net decrease, excluding Department of Defense				5
Department of Defense:				
Office of the Secretary of Defense	47	46	1	
Department of the Army	52,035	51,989	46	
Department of the Navy	23,654	23,793		139
Department of the Air Force	28,411	28,110	301	
Defense Communications Agency	6	6		
Interdepartmental Activities	1	1		
International Military Activities	9	9		
Total, Department of Defense	104,163	103,954	348	139
Net increase, Department of Defense			209	
Grand total, including Department of Defense	165,214	165,010	524	320
Net increase, including Department of Defense			204	

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[1] March figure includes 12,827 employees of the Agency for International Development as compared with 12,769 in February. These AID figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The March figure includes 3,822 of these trust fund employees and the February figure includes 3,424.

[2] March figure includes 51 employees of the Peace Corps as compared with 47 in February.

TABLE IV.—*Industrial employees of the Federal Government inside and outside the United States employed by the executive agencies during March 1962, and comparison with February 1962*

Department or agency	March	February	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	3,956	3,900	56	
Commerce	5,414	5,483		69
Interior	8,166	8,104	62	
Post Office	256	256		
Treasury	5,177	5,150	27	
Independent agencies:				
Atomic Energy Commission	247	247		
Federal Aviation Agency	1,885	1,875	10	
General Services Administration	1,730	1,706	24	
Government Printing Office	6,916	6,862	54	
National Aeronautics and Space Administration	20,950	20,312	638	
Panama Canal	7,478	7,511		33
St. Lawrence Seaway Development Corporation	123	126		3
Tennessee Valley Authority	15,391	15,360	31	
Virgin Islands Corporation	1,064	1,190		126
Total, excluding Department of Defense	78,753	78,082	902	231
Net increase, excluding Department of Defense			671	
Department of Defense:				
Department of the Army:				
Inside the United States	[1] 140,500	[2] 140,264	236	
Outside the United States	[1] 4,550	[2] 4,533	17	
Department of the Navy:				
Inside the United States	203,495	204,770		1,275
Outside the United States	455	454	1	
Department of the Air Force:				
Inside the United States	139,168	139,209		41
Outside the United States	1,484	1,468	16	
Total, Department of Defense	489,652	490,698	270	1,316
Net decrease, Department of Defense				1,046
Grand total, including Department of Defense	568,405	568,780	1,172	1,547
Net decrease, including Department of Defense				375

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[1] Subject to revision.

[2] Revised on basis of later information.

TABLE V.—*Foreign nationals working under U.S. agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of March 1962 and comparison with February 1962*

Country	Total		Army		Navy		Air Force		National Aeronautics and Space Administration	
	March	February	March	February	March	February	March	February	March	February
Australia	1	1							1	1
Canada	36	36					36	36		
Crete	49	49					49	49		
England	3,389	3,549			82	81	3,307	3,468		
France	22,184	22,087	18,461	18,448	10	11	3,713	3,628		
Germany	81,195	80,851	68,283	68,028	84	85	12,828	12,738		
Greece	272	274					272	274		
Greenland	142	143					142	143		
Japan	53,213	53,034	18,845	18,728	14,432	[1] 14,353	19,936	19,953		
Korea	6,189	6,200	6,189	6,200						
Morocco	2,686	2,717			810	826	1,876	1,891		
Netherlands	54	52					54	52		
Norway		24						24		
Saudi Arabia	2	2					2	2		
Trinidad	598	600			598	600				
Total	170,010	169,619	111,778	111,404	16,016	15,956	42,215	42,258	1	1

[1] Revised on basis of later information.

STATEMENT BY MR. BYRD OF VIRGINIA

Executive agencies of the Federal Government reported civilian employment in the month of March totaling 2,441,800. This was a net increase of 5,075 compared with employment reported in the preceding month of February.

Civilian employment reported by the executive agencies of the Federal Government, by months in fiscal year 1962, which began July 1, 1961, follows:

Month	Employment	Increase	Decrease
1961—			
July	2,435,804	16,700	
August	2,445,078	9,274	
September	2,427,216		17,862
October	2,429,691	2,476	
November	2,437,709	8,018	
December	2,430,998		6,711
1962—			
January	2,428,691		2,307
February	2,436,725	8,034	
March	2,441,800	5,075	

Total Federal employment in civilian agencies for the month of March was 1,380,800, an increase of 4,974 compared with the February total of 1,375,826. Total civilian employment in the military agencies in March was 1,061,000, an increase of 101 as compared with 1,060,899 in February.

Civilian agencies reporting larger increases were Agriculture Department with 1,036 Interior Department with 827, Department of Health, Education, and Welfare with 725, and National Aeronautics and Space Administration with 636. Increases in Agriculture and Interior Departments were largely seasonal.

In the Department of Defense larger increases in civilian employment were reported by the Department of the Army with 737, Department of the Air Force with 616 and Defense Supply Agency with 320. The largest decrease was reported by the Department of the Navy with 1,632.

Inside the United States civilian employment increased 4,871 and outside the United States civilian employment increased 204. Industrial employment by Federal agencies in March totaled 568,405, a decrease of 375.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

FOREIGN NATIONALS

The total of 2,441,800 civilian employees certified to the Committee by Federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 170,010 foreign nationals working for U.S. agencies overseas during March who were not counted in the usual personnel reports. The number in February was 169,619. A breakdown of this employment for March follows:

Country	Total	Army	Navy	Air Force	NASA
Australia	1				1
Canada	36			36	
Crete	49			49	
England	3,389		82	3,307	
France	22,184	18,461	10	3,713	
Germany	81,195	68,283	84	12,828	
Greece	272			272	
Greenland	142			142	
Japan	53,213	18,845	14,432	19,936	
Korea	6,189	6,189			
Morocco	2,686		810	1,876	
Netherlands	54			54	
Saudi Arabia	2			2	
Trinidad	598		598		
Total	170,010	111,778	16,016	42,215	1

EXTENSION OF TIME FOR JUDICIARY COMMITTEE TO FILE CERTAIN REPORTS

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the time for filing annual reports by the Committee on the Judiciary, pursuant to Senate Resolutions 48, 51, 53, 54, 55, 56, and 57, be extended to May 31, 1962.

The PRESIDENT pro tempore. Without objection, it is so ordered.

REPORT ENTITLED "CONSTITUTIONAL RIGHTS"—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 1455)

Mr. ERVIN subsequently said: Mr. President, from the Committee on the Judiciary, I ask unanimous consent to submit a report entitled "Constitutional Rights" pursuant to Senate Resolution 53, 87th Congress, 1st session, as extended, together with individual views.

I ask unanimous consent that this report, together with the individual views of the Senator from New York [Mr. KEATING] be printed.

The PRESIDENT pro tempore. Without objection, the report will be received and printed, as requested by the Senator from North Carolina.

REPORT ENTITLED "REVISION AND CODIFICATION" (S. REPT. NO. 1454)

Mr. ERVIN. Mr. President, from the Committee on the Judiciary, I submit a report entitled "Revision and Codification," pursuant to Senate Resolution 54, 87th Congress, 1st session, as extended.

The PRESIDENT pro tempore. Without objection, the report will be received and printed, as requested by the Senator from North Carolina.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 3260. A bill authorizing a survey of Puget Sound, Wash., and adjacent waters, including tributaries thereto, in the interest of flood control, navigation, and other water uses, and related land resources; to the Committee on Public Works.

By Mr. ERVIN (for himself, Mr. JOHNSTON, Mr. MCCLELLAN, Mr. CARROLL, Mr. LONG of Missouri, and Mr. HRUSKA):

S. 3261. A bill to protect the constitutional rights of certain individuals who are mentally ill, to provide for their care, treatment, and hospitalization, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. ERVIN when he introduced the above bill, which appear under a separate heading.)

By Mr. FONG:

S. 3262. A bill to amend the Vocational Rehabilitation Act to eliminate or modify certain Federal requirements that might otherwise prevent constructive reorganizations of the State agencies which are involved in the administration of the program under such act; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Fong when he introduced the above bill, which appear under a separate heading.)

By Mr. BEALL:

S. 3263. A bill for the relief of Elmer Royal Fay, Sr.; to the Committee on the Judiciary.

By Mr. BUSH:

S.J. Res. 184. Joint resolution requesting the President to proclaim October 9 as Leif Erickson Day; to the Committee on the Judiciary.

CONCURRENT RESOLUTIONS

THE RIGHT OF PERSONS RESIDING ON FEDERALLY OWNED LANDS TO VOTE IN CERTAIN ELECTIONS

Mr. BEALL submitted a concurrent resolution (S. Con. Res. 74); which was referred to the Committee on the Judiciary, as follows:

Resolved by the Senate (the House of Representatives concurring), That it is hereby declared to be the sense of the Congress that persons residing on federally owned lands (other than military reservations) situated in any State should be extended the right to vote in elections conducted in such State for presidential and vice presidential electors and for Members of the Senate and House of Representatives of the United States if such persons meet all the requirements for voting in such State except the requirement of residence, which requirement they are unable to meet solely because they reside on federally owned lands.

EXTENSION OF GREETINGS TO THE BETHEL HOME DEMONSTRATION CLUB, OF SUMTER COUNTY, S.C.

Mr. THURMOND (for himself and Mr. Johnston) submitted a concurrent resolution (S. Con. Res. 75); which was referred to the Committee on the Judiciary, as follows:

Whereas the Bethel Home Demonstration Club, founded in Sumter County, S.C., in March of 1915, was the first home demonstration club in the United States, and

Whereas home demonstration clubs have been of great value to the people of the United States by aiding in the diffusion of knowledge and skills among the women of rural America, and

Whereas Winthrop College, the South Carolina college for women, pioneered in developing the concepts and in providing leadership for the home demonstration club movement, and

Whereas the year 1962 is the 100th anniversary year of the U.S. Department of Agriculture and of the land-grant college system: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States recognizes that the Bethel Home Demonstration Club of the Bethel Community, Sumter County, S.C., was the first such club to be established in the United States, and extends its greetings and felicitations to the Bethel Home Demonstration Club on the occasion of the 100th anniversary year of the establishment of the U.S. Department of Agriculture and the land-grant college system.

PROTECTION OF CONSTITUTIONAL RIGHTS OF CERTAIN MENTALLY ILL INDIVIDUALS

Mr. ERVIN. Mr. President, last week was the 14th annual observance of National Mental Health Week. The theme for this year's observance is "Community Action for Mental Health." As the theme implies, this year community interest in mental health is being stressed.

The phrase "mental health" is growing in importance in the overall scheme of American life as the Federal Government and many of our States and local communities prepare to come to grips with their mental health problems. Statistics show that, annually, these problems involve some 700,000 citizens who are hospitalized as mentally ill patients; an approximately 5 million mentally retarded children and adults; 4 million acute alcoholics, 45,000 drug addicts, and the uncounted number cared for in private hospitals and homes. The cost of care for the mentally ill alone is estimated to exceed $1 billion annually. National studies and surveys reveal that an additional $2 billion is needed before an effective program to furnish minimum needs and resources can be initiated. The National Institute of Mental Health and the National Association for Mental Health, sponsors of Mental Health Week, together with hundreds of affiliated associations are making a special appeal this year to local communities to accept their responsibility and their moral obligation to provide better care for these less fortunate citizens.

Medical and social research have already lead the way by helping us to better understand the disordered mind, by providing methods for treating these various disorders and by constantly striving to discover the social or biological causes for mental breakdowns. Exemplifying its willingness to provide the much needed leadership, the Federal Government annually provides funds for research programs under the auspices of the National Institute of Mental Health. In addition, it has set the standard with its superiorly administered Veterans' Administration hospitals.

Over the past 10 years the States' role in the field has been, for the most part, limited to improvements in operating facilities and repairing outmoded buildings. According to all verified Commissions' reports, only a few States, provide even the bare minimum needs for the necessary care and treatment of our mentally disabled. Community apathy and the lack of necessary funds are cited as the primary obstacles to overcome in coping with this nationwide problem.

I hope that the Nation's communities will rally to the appeal of these various organizations—not for this year alone, but until proper care for the mentally ill has been achieved.

A digest of the final report of the Joint Commission on Mental Illness and Health points up the community's lack of response to the mentally ill. I have found particularly interesting a section of this digest, and I should like to bring it to the attention of the Members of the Senate. Accordingly, I ask unanimous consent that this excerpt from the Joint Commission report entitled "Many People, Including Physicians, Find It Hard To Recognize Psychological Illness as Illness" be printed in the body of the Record as part of my remarks.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Many People, Including Physicians, Find It Hard To Recognize Psychological Illness as Illness

The way society handles its mentally ill has been the subject of scandalized attack many times. But, as already implied, repeated exposure of the shameful, dehumanized condition of the mentally sick people who populate the back wards of State hospitals does not arouse the public to seek sweeping humanitarian reforms, let alone stimulate widespread application of modern methods of treatment. Presumably, if we can answer why there has not been a strong public response (as there has been, for example, in the campaigns against tuberculosis, cancer and heart disease) we then can determine why effective treatment for the mentally ill has lagged.

The answer, according to our analysis in the following pages, is that the mentally ill are singularly lacking in appeal. They tend to disturb or offend other people and, when they do, people generally treat them as disturbers and offenders and, of course, as if they were responsible for their behavior. In contrast, it has been the special view of the mental health professions that people should understand and accept the mentally ill and do something about their plight.

The public has not been greatly moved by this protest. People do feel sorry for the mentally ill, but in the balance, they do not feel as sorry as they do relieved to have out of the way persons whose behavior disturbs and offends them. Patients with major mental illness come to be viewed as "impossible people" and mental institutions as places where they are sent when their families and communities "no longer can stand them."

The fact that society tends to reject the mentally ill is, of course, well known; little significance seems to have been attached to it, however. The full reach of the rejection mechanism is little recognized and even denied by some who have learned to overcome it in their own professional relations with persons suffering mental disturbances or disorders.

We can name a number of processes, all of which add up to, or reinforce, the fact that the mentally ill repel more than they appeal. One characteristic of a psychotic is that he becomes a stranger among his own people. Since antiquity mankind has been prone to feel hostility toward the stranger, and this applies equally to any persons who behave strangely. A social system depends on order, and order depends on predictability in the behavior of one's fellows.

Normal persons for the most part want to do what they have to do to "get along." The typical psychotic does not. In consequence, society conventionally closes ranks against him. Identified major mental illness carries a stigma that cuts the bonds of human fellowship.

Many other diseases—tuberculosis, syphilis, cancer, for example—have at times stigmatized their victims. But the stigma of a disease recognized to be physical and lethal tends to disappear, or be offset, as it becomes better understood and publicly attacked. The reason, as we analyze it, is not that science has found causes and cures—the causes and cures of cancer and the leading forms of heart disease are still the subject of an intensive search.

Rather, the physically sick person fits society's deep-seated conception of a sick person. Feeling helpless, he turns to others for help and, receiving help, is responsive to it. He evokes sympathy. Commonly, the acutely ill psychotic does not appear to want help or accept help but, quite the reverse, thinks he is not sick and may interpret "help" as "harm." He repels sympathy. He is mad.

This lack of appeal has many dimensions. The rise of State hospitals and their persistence, despite all efforts to reform them, is the most outstanding example. Mental health authorities are in general agreement that society uses these huge institutions as dumping grounds for social rejects, rather than as true hospitals.

A rejection effect may also be detected in the rise of the mental hygiene movement. Its founder, Clifford Beers, as his book "A Mind That Found Itself" clearly reveals, intended the movement to be primarily one of stopping brutal treatment of the mentally ill and converting mental hospitals into humane, healing institutions. It did not become so. Attention became focused on mentally healthy living rather than help for the sick.

The mentally ill's lack of appeal as a public cause has been reflected in a lack of strong leadership and strong organization in the voluntary mental health movement, some State organizations excepted. An organization can hardly develop and mature, as a matter of fact, if followers or members cannot be persuaded in sufficient numbers to identify with the cause at hand. It has been observed that the mentally ill are inherently handicapped in any effort to form a strong public pressure group. Lacking in a reasonable capacity to get along with other people, they find organization behind a leader to be difficult, if not impossible. The friends or relatives are equally immobilized through an aversion to identifying themselves with the mentally ill.

Several studies of public attitudes have shown a major lack of recognition of mental illness as illness, and a predominant tendency toward rejection of both the mental patient and those who treat him. There is a general agreement on these points in contrast to the lack of confirmation often characterizing parallel studies in the mental health field. (It is encouraging to note, however, that these negative attitudes are less among younger and better educated persons than the older and less educated groups.)

The circle of negligence and indifference becomes complete when we recognize that many members of learned professions are likewise prone to turn their back on the core problem of major mental illness.

General practitioners as well as other members of the medical profession have been found in a majority of instances to be both uninformed and unsympathetic when they are confronted with mental illness. The same observation applies, oddly enough, to many psychiatrists in private practice when we narrow discussion to the core problem of severe mental illness. The main concern of the popular psychoanalyst is with neurosis rather than psychosis; this is also true of other types of psychiatrists in private practice. Their major focus is on minor and more easily treatable forms of mental illness. Even mental hospital superintendents themselves, it has been noted, may share the public's stigmatizing attitudes toward mental patients.

In summary, we need to become conscious, at the action level, of two points if we are to overcome the lag in the care of the mentally ill: (1) People find it difficult to think about and recognize psychological illness as illness, or to see sickness as having psychological forms. (2) The major mentally ill as a class lack in appeal, which is to say that they are overburdened with liabilities as persons and as patients.

To explain the first point: Man is prima facie an outward-looking, tool-operating, thing-oriented creature, the man of science not excepted. We use our unique human intelligence principally to think about picturable, tangible, concrete, measurable, recordable things. Recent anthropological and neurological evidence indicates that tools were used by prehistoric apes in the absence of a human brain, and that continued use of tools may have conditioned the way in which the human brain evolved. Also, the interpretation is borne out by the more rapid advancement of the physical and mathematical than of the behavioral and social sciences, and by the fact that the most crucial questions facing mankind today involve psychological and social conduct. In any event, education of the average man appears to favor greater understanding of matter than of mind. Most of us are in this way psychologically handicapped persons, mentally blind to our physical bias.

To elaborate the second point: It is not so much his symptoms themselves that bring the psychotic patient into a mental hospital—many people in the general population have equally strange symptoms—but that his behavior reaches a point where people no longer can stand it. Violence is more the exception than the rule, popular misconceptions to the contrary. It is basically that normal people are disturbed by the patient's refusing to comply with expectations of time and place. Challenged by the problem, the psychiatrist in the hospital nonetheless may find the patient uncooperative—too wearing, too trying, too tiring. Thus the most conscientious and devoted doctor may be forced to turn his back on the patient, completing the circle of rejection.

It should now be clear that one way around the impasse of public and professional attitudes that we appear to have erected would be to emphasize that persons with major mental illness are in certain ways different from the ordinary sick. With such an understanding and agreement, it might then be possible to proceed in the light of fuller reason to adopt more helpful attitudes.

Mr. ERVIN. Mr. President, the sponsors of Mental Health Week, in focusing attention on a great national health problem, have rendered an invaluable service to the Nation and indeed to all mankind. I congratulate them on their past achievements, which portend even greater progress for the years ahead.

Mr. President, on behalf of myself, and Senators JOHNSTON, McCLELLAN, CARROLL, LONG of Missouri, and HRUSKA, I introduce, for appropriate reference, a bill to protect the constitutional rights of individuals who are mentally ill, by defining the rights of such persons during care, treatment and hospitalization.

The purpose of this bill is to correct some of the inequities and abridgments of basic constitutional rights of persons suffering from mental illness in the District of Columbia. Even though this measure, if enacted, will be operative only in the District, it is hoped that the rights of the patient in a mental hospital will be so explicitly enumerated that the basic provisions of this bill may be used as a guide for the various States when they are considering similar legislation.

Mr. President, according to the National Institute of Mental Health, more than one-half of the hospital beds in this country today are occupied by persons afflicted with mental disorders and it is predicted that the number will be even greater in the future.

Mental illness creates problems that are not ordinarily associated with other types of illnesses. With a mental illness, a person's capacity for rational judgment is affected, often rendering him incapable of adhering to the sociological patterns set by society. Throughout the ages, society has attempted to reject and isolate those who are mentally ill and it has only been within the past century that our society has been conditioned to think in terms of treatment and rehabilitation of these hapless individuals. In the past, we too had been guilty of being more concerned with seeing to it that the mentally ill were isolated and securely "put away" rather than seeking their cure when they did not fit the patterns of our society. This attitude was a result of a lack of knowledge of the cause and nature of mental illness.

Fortunately, medical advancement has opened new vistas in understanding the problems of the mentally ill, and our country is in the process of acquiring new perspectives in the treatment of these people. However, it is acknowledged that our new perspective has not always provided for protection of the rights of these individuals.

To me, it is a startling fact that 1 out of every 10 persons may at some time in life suffer such an illness, and may, at the mere suggestion of the existence of the illness, have his rights placed in jeopardy.

In our enlightened era, one may be detained merely on an accusation of a mental illness. He may be locked up for days or even weeks, sometimes without being accorded the slightest pretext of due process protection. He may be detained without the right to communicate with those who could help him, and without even receiving the treatment which, ostensibly, is one of the main reasons for separating him from society.

Mental illness poses legal problems which are unlike any other. The scope of these problems is not yet fully appreciated; this area of the law is still in evolution.

Despite the number and complexity of constitutional and legal problems posed by mental illness, it has been said that this area has received less public and legal sympathy than any area of the law. The Joint Commission on Mental Illness and Health, in a recent report, gives as reason for the lack of public sympathy for the mentally ill, the fact that people suffering from a mental illness are singularly lacking in appeal. I would like to add to this premise that they also lack the singular power to demand the sympathy and attention of Congress and their State legislatures.

The Subcommittee on Constitutional Rights has taken steps to clarify the existing situation and to resolve some of the recognized problems. More than 2 years ago, the subcommittee commenced a comprehensive study of the rights of the mentally ill. Last year, we held 6 days of public hearings on the subject. The first of these hearings, held on March 28, 29, and 30, were concerned with civil procedures for hospitalization of the mentally ill, and additional hearings dealing with criminal insanity were held on May 2, 4, and 5. During these public hearings, the subcommittee received the views and recommendations of a number of the country's eminent authorities on the medico-legal problems of the mentally ill. In addition, the subcommittee utilized information from studies by independent and governmental organizations relating to the constitutional aspects of this pressing national problem. These views and materials have been thoroughly evaluated and the bill which I am introducing reflects some of the findings and recommendations resulting from our studies.

The subcommittee endeavored to review every constitutional aspect of mental hospitalization procedures. The discussions ranged from the basic right of the State to detain an individual for purposes of preventing personal or property damages, to a consideration of the right of patients to receive, regularly, the best treatment available to modern medicine.

In connection with the discharge procedures, we considered the constitutional question of the adequacy of the use of habeas corpus or other proceedings to satisfy the denial of a hearing before summary commitment to a hospital. The subcommittee also considered the constitutional question of deprivation of liberty without due process of law in relation to prolonged detentions of the mentally ill.

At this point, I might say that I was pleased to learn at the subcommittee's hearings that my own State of North Carolina has made significant strides in the treatment aspect of hospitalization of the mentally ill. Its progress is pronounced in its shortened periods of hospitalization. Dr. Eugene Hargrove, North Carolina commissioner of mental health, revealed that 80 to 85 percent of first admission patients are released within 90 days. I believe, from comparing the testimony of some 21 other witnesses, that North Carolina's release rate has established a current record.

I hope that in the future there will be new records of achievements forthcoming from all State hospitals. Certainly, the theme, "Community Action for Mental Health," portends a better future for the treatment, care and protection of the mentally ill. However, a theme alone does not achieve a purpose nor fulfill a moral obligation. It is the duty of the citizens of the States to see that the means are provided for raising the standards of their hospitals. I feel that Congress should set an example for the States in legislating to meet the needs of contemporary society in this area of the law, and, by the same token, that Federal facilities should set standards in their care which the State hospitals will want to emulate.

St. Elizabeths Hospital, in the District of Columbia, the only general admission hospital for the mentally ill under the auspices of our Federal Government, should serve as the national standard for all hospitals treating mental illness. And, I hope that this measure I introduce today will be a significant step in achieving the full protection of the constitutional rights of the mentally ill.

Mr. President, I ask unanimous consent that the text of the bill, along with an analysis of its provisions and a comparison of its provisions with current District of Columbia statutes, be printed at this point in the Record.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill, analysis, and the comparison will be printed in the Record.

The bill (S. 3261) to protect the constitutional rights of certain individuals who are mentally ill, to provide for their care, treatment, and hospitalization, and for other purposes, introduced by Mr. Ervin (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

This Act may be cited as the "Hospitalization of the Mentally Ill Act".

DEFINITIONS

Sec. 2. As used in this Act—

(1) the term "mental illness" means any psychosis or other disease which substantially impairs the mental health of an individual (but shall not include epilepsy, alcoholism, drug addiction, or mental deficiency);

(2) the term "mentally ill individual" means any individual who has a mental illness;

(3) the term "physican" means an individual licensed under the laws of the District of Columbia to practice medicine;

(4) the term "private hospital" means any nongovernmental hospital or institution, or part thereof, in the District of Columbia, equipped to provide inpatient care and treatment for any individual suffering from a physical or mental illness;

(5) the term "public hospital" means any hospital or institution, or part thereof, in the District of Columbia, owned and operated by the Government of the United States or of the District of Columbia, equipped to provide inpatient care and treatment for any individual suffering from a physical or mental illness;

(6) the term "Board of Public Welfare" means the District of Columbia Board of Public Welfare; and

(7) the term "Administrator" means an individual in charge of a public or private hospital or his delegate.

VOLUNTARY HOSPITALIZATION

Sec. 3. (a) Any individual who has a mental illness or who has symptoms of a mental illness, may apply to any public or private hospital for admission to such hospital as a voluntary patient for the purposes of observation, diagnosis, or care and treatment of such illness. The Administrator of a private hospital may, and the Administrator of a public hospital shall, upon the request of any such individual 21 years of age or over (or in the case of any individual under 21 years of age, upon a request made by his spouse, parent, or legal guardian), admit such individual as a voluntary patient to such hospital for observation, diagnosis, or care and treatment of such illness in accordance with the provisions of this Act.

(b) Any voluntary patient admitted to any hospital pursuant to this section shall, if he is 21 years of age or over, be entitled at any time to obtain his release from such hospital by filing a written request with the Administrator thereof. The Administrator shall, within a period of 48 hours after the receipt of any such request (unless such period shall expire on a Saturday, Sunday, or legal holiday, then not later than noon of the next succeeding day which is not a Saturday, Sunday, or legal holiday), release the voluntary patient making such request. In the case of any voluntary patient under the age of 21 years, the Administrator shall immediately release such patient upon the written request of his spouse, parent, or legal guardian. The Administrator may release any voluntary patient hospitalized pursuant to this section whenever he determines that such patient has recovered or that his continued hospitalization is no longer beneficial or advisable.

EMERGENCY HOSPITALIZATION

Sec. 4. (a) Any duly accredited officer or agent of the Board of Public Welfare, or any officer authorized to make arrests in the District of Columbia, who has reason to believe that an individual is mentally ill and, because of such illness, is likely to injure himself or others if he is allowed to remain at liberty may, without a warrant, take such individual into custody, transport him to a public or private hospital, and make application for his admission thereto for purposes of emergency observation and treatment. Such application shall reveal the circumstances under which the individual was taken into custody and the reasons therefor.

(b) Subject to the provisions of subsection (c) of this section, the Administrator of any private hospital may, and the Administrator of any public hospital shall, admit and detain for purposes of emergency observation and treatment any individual with respect to whom such application is made. If such application is accompanied by a certificate of a physician on duty at such hospital stating that he has examined the individual and is of the opinion that he has symptoms of a mental illness and, because of such illness, is likely to injure himself or others unless he is immediately hospitalized. Not later than twenty-four hours after the admission pursuant to this section of any individual to a hospital, the Administrator of such hospital shall serve notice of such admission, by registered mail, to the spouse, parent, or legal guardian of such individual and to the Commissioners of the District of Columbia.

(c) No individual admitted to any hospital for emergency observation and treatment under subsection (b) of this section shall be detained in such hospital for a period in excess of twenty-four hours from the time of his admission unless the Administrator of such hospital has, within such twenty-four hour period (unless such period shall expire on a Saturday, Sunday or legal holiday, then not later than noon of the next succeeding day which is not a Saturday, Sunday or legal holiday), filed a written petition with the United States District Court for the District of Columbia for an order authorizing the continued hospitalization of such individual for emergency observation and treatment.

(d) The court shall, within a period of 24 hours after the receipt by it of such petition (unless such period shall expire on a Saturday, Sunday or legal holiday, then not later than noon of the next succeeding day which is not a Saturday, Sunday or legal holiday) either order the hospitalization of such individual for emergency observation and treatment for a period of not to exceed ninety-six hours from the time such order is entered, or order his immediate release. In making its determination, the court shall consider the testimony of the agent or officer who made the application under subsection (b) of this section requesting the hospitalization of such individual, and the certificate of the examining physician which accompanied it.

(e) The Administrator of any hospital in which an individual is hospitalized for emergency observation and treatment under a court order entered pursuant to subsection (d) of this section shall, within forty-eight hours after such order is entered, have such individual examined by a physician. If the physician, after his examination, certifies that in his opinion the individual is not mentally ill to the extent that he is likely to injure himself or others if allowed to remain at liberty, the individual shall be immediately released. The Administrator shall, within forty-eight hours after such examination has been completed, send a copy of the results thereof by registered mail to the spouse, parents, attorney, legal guardian or other nearest known adult relative of the individual examined.

(f) Notwithstanding any other provision of this section, the Administrator of any hospital in which an individual is hospitalized for emergency observation and treatment under this section may, if judicial proceedings for his hospitalization have been commenced under section 5 of this Act, detain such individual therein during the course of such proceedings.

HOSPITALIZATION UPON COURT ORDER

SEC. 5. (a) Proceeedings for the judicial hospitalization of any individual in the District of Columbia may be commenced by the filing of a petition with the United States District Court for the District of Columbia by his spouse, parent, or legal guardian, by any physician, duly accredited officer or agent of the Board of Public Welfare, or by any other officer authorized to make arrest in the District of Columbia. Such petition shall be accompanied (1) by a certificate of a physician stating that he has examined the individual and is of the opinion that such individual is mentally ill, and because of such illness, is likely to injure himself or others if allowed to remain at liberty, or (2) by a sworn written statement by the petitioner that (A) the petitioner has good reason to believe that such individual is mentally ill and, because of such illness, is likely to injure himself or others if allowed to remain at liberty, and (B) that such individual has refused to submit to examination by a physician.

(b) Within three days after the receipt by it of any petition filed under subsection (a) of this section, the court shall (1) send a copy of such petition by registered mail to the individual with respect to whom it was filed, and (2) appoint two qualified physicians who shall, within seven days after their appointment, examine, independently of each other, the mental condition of such individual. The examinations may be conducted at a hospital or other medical facility, at the home of the individual to be examined, or at any other place designated by the court. Each such physician shall, on the basis of his examination, report to the court his determinations and findings as to the mental condition of the individual examined and his need for custody, care or treatment in a hospital.

(c) If the reports of the designated physicians are both to the effect that the individual examined is not mentally ill to the extent that he is likely to injure himself or others if he is allowed to remain at liberty, the court shall immediately terminate the proceedings and dismiss the petition. If either of such reports is to the effect that such individual is mentally ill to the extent that he is likely to injure himself or others if allowed to remain at liberty, the court shall fix a date (which shall not be less than five days nor more than fifteen days after the date such reports are filed) for a hearing on the petition, and shall give notice of such hearing to such individual and to his attorney, legal guardian, spouse, parent, or other nearest known adult relative.

(d) Any hearing held pursuant to a petition filed under subsection (a) of this section shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the mental health of the individual named in such petition. In conducting such hearing, the court shall receive all relevant and material evidence which may be offered and shall not be bound by the rules of evidence. Any individual with respect to whom a hearing is held under this section shall be entitled, in his discretion, to be present at such hearing, to testify, and to present and cross-examine witnesses, but in no event shall any such hearing be concluded without the judge who is conducting such hearing first having personally observed such individual.

(e) Any individual with respect to whom a hearing is held under this section shall be represented by counsel at such hearing, and if he fails or refuses to obtain counsel, the court shall appoint counsel to represent him. Any counsel so appointed shall be awarded compensation by the court for his services in an amount determined by the court to be fair and reasonable. Such compensation shall be charged against the estate or property of the individual for whom such counsel was appointed, or against any unobligated funds of the Board of Public Welfare, as the court in its discretion may direct. The court shall, at the request of any counsel appointed to represent an individual in any hearing held pursuant to a petition filed under subsection (a) of this section, grant a recess in such hearing (but not for more than five days) to give such counsel an opportunity to prepare his case.

(f) If, upon completion of the hearing and consideration of the record, the court finds that such individual is mentally ill to the extent that he is likely to injury himself or others if allowed to remain at liberty, it shall order his hospitalization for an indeterminate period. However, if the court finds that such individual is not mentally ill to the extent that he is likely to injure himself or others if allowed to remain at liberty, it shall order his immediate release.

PERIODIC EXAMINATION AND RELEASE

SEC. 6. (a) Any patient hospitalized pursuant to a court order obtained under section 5 of this Act, or his attorney, legal guardian, spouse, parent, or other nearest adult relative, shall be entitled, within three months after such order and not more frequently than every six months thereafter, to request, in writing, the Administrator of the hospital in which he is hospitalized, to have a current examination of his mental condition made by one or more physicians. If the request is timely it shall be granted. The patient shall be entitled, at his own expense, to have any duly qualified physician participate in such examination. In the case of any such patient who is indigent, the Board of Public Welfare shall, upon the written request of such patient, assist him in obtaining a duly qualified physician to participate in such examination in the patient's behalf. Any such physician so obtained shall be compensated for his services out of any funds available to the Board of Public Welfare in an amount determined by the Board to be fair and reasonable. If the Administrator, after considering the reports of the physicians conducting such examination, determines that the patient is no longer mentally ill to the extent that he is a danger to himself or others, he shall order the immediate release of the patient. However, if the Administrator, after considering such reports, determines that such patient continues to be mentally ill to the extent that he is dangerous to himself or others, but one or more of the physicians participating in such examination reports that the patient is not mentally ill to the extent that he is dangerous to himself or others, the patient may petition the United States District Court for the District of Columbia for an order directing his release. Such petition shall be accompanied by the reports of the physicians who conducted the examination of the patient.

(b) In considering such petition, the court shall consider the testimony of the physicians who participated in the examination of such patient, and the reports of such physicians accompanying the petition. After considering such testimony and reports, the court shall either (1) reject the petition and order the continued hospitalization of the patient for an indeterminate period, or (2) order the administrator to immediately release such patient.

(c) The administrator of a public or private hospital shall as often as practicable, but not less often than every six months, examine or cause to be examined each patient admitted to any such hospital pursuant to section 5 of this Act and if he determines on the basis of such examination that the condition which justified the involuntary hospitalization of such patient no longer exists, the administrator shall immediately release such patient.

RIGHT TO COMMUNICATION AND VISITATION—EXERCISE OF CERTAIN RIGHTS

SEC. 7. (a) Each patient hospitalized in a public or private hospital pursuant to this Act shall be entitled (1) to communicate by sealed mail or otherwise with any individual or official agency inside or outside the hospital, and (2) to receive uncensored mail from his attorney or personal physician. All other incoming mail or communications may be read before being delivered to the patient, if the administrator believes such action is necessary for the medical welfare of the patient who is the intended recipient. However, any mail or other communication which is not delivered to the patient for whom it is intended shall be immediately returned to the sender.

(b) Each patient hospitalized in any public hospital for a mental illness shall, during his hospitalization, be entitled to medical and psychiatric care and treatment. Within five days after the end of each calendar month the administrator of each public hospital shall submit to the Commissioners of the District of Columbia a report giving a detailed account of the type of medical and psychiatric care and treatment which, during such month, has been provided by such hospital to each patient hospitalized therein for a mental illness.

(c) No mechanical restraint shall be applied to any patient hospitalized in any public or private hospital for a mental illness unless the use of restraint is prescribed by a physician, and if so prescribed, such restraint shall be removed whenever the condition justifying its use no longer exists. Any use of a mechanical restraint, together with the reasons therefor, shall be made a part of the medical record of the patient. The Administrator shall make written quarterly reports to the Commissioners of the District of Columbia or their delegate of each use of a mechanical restraint, the reason for such use and the duration thereof.

(d) No patient hospitalized pursuant to this Act shall, by reason of such hospitalization, be denied the right to dispose of property, execute instruments, make purchases, enter into contractual relationships, and vote, unless such patient has been adjudicated incompetent by a court of competent jurisdiction and has not been restored to legal guardian, spouse, parents, or other nearest known adult relative of that fact.

VETERANS' ADMINISTRATION FACILITIES

SEC. 8. Nothing in this Act shall be construed to require the admission of any individual to any Veterans' Administration hospital facility unless such individual is otherwise eligible for care and treatment in such facility.

UNWARRANTED HOSPITALIZATION OR DENIAL OF RIGHTS—PENALTIES

SEC. 9. Any individual who willfully causes or conspires with or assists another to cause (1) the unwarranted hospitalization of any individual under this Act, or (2) the denial to any individual of any right accorded to him under this Act, shall be punished by a fine not exceeding $5,000 or imprisonment not exceeding three years, or both.

MISCELLANEOUS

SEC. 10. Any Act or part of an Act which is inconsistent with any provision of this Act shall, to the extent of the inconsistency, cease to apply on and after the date of enactment of this Act.

The analysis and comparison presented by Mr. ERVIN are as follows:

ANALYSIS OF THE BILL TO PROTECT THE CONSTITUTIONAL RIGHTS OF CERTAIN INDIVIDUALS WHO ARE MENTALLY ILL, TO PROVIDE FOR THEIR CARE, TREATMENT, AND HOSPITALIZATION, AND FOR OTHER PURPOSES

This bill brings up to date the District of Columbia statutes dealing with the hospitalization of the mentally ill in the areas of admission to the hospital, patient examination and release procedures and enumeration of personal rights of the patient.

Section 1 is the title for this proposal.

Section 2 defines some of the terms used in this act. The principal definition in this section is of the term "mental illness." The object of the definition is to correlate the legal meaning and the precise medical condition of the patient.

Section 3 provides that a private hospital may, and a public hospital must, admit any individual, over 21 years of age, who applies for observation, diagnosis, or care and treatment for a mental illness. It further provides that any individual who has voluntarily applied for admission should be released within 48 hours after submitting a written request for same.

This is a significant improvement over the existing procedure for admitting voluntary patients, in that it eliminates the cumbersome conditions that unduly restrain the categories of persons accepted for hospitalization. Some of these conditions are: sufficient mental competency to make an application; certification and approval of application by the Board of Public Welfare; a guarantee that the hospital will be reimbursed for cost of care; residential requirements and the ever present threat of revocation of certification by the Board of Public Welfare.

Section 4 (a) and (b) permits an authorized arresting officer to seize any individual believed to be mentally ill to the extent that he may cause injury to himself or others, and to transport him to a public or private hospital for observation and treatment. Such admissions must be accompanied by the officer's statement of circumstances and reasons for the seizure; a certificate from the admitting physician stating that an immediate examination has been made and that the patient needs hospitalization to prevent injury to himself or others. Notice of admission is required to be by registered mail to the nearest relative within 24 hours of the hospitalization.

Section 4 (c) and (d) spells out the conditions and the time regulation by which a hospital may detain an individual for emergency observation. It specifies that within 24 hours of admission the Administrator must file a petition with the U.S. District Court for the District of Columbia for an order authorizing the continued hospitalization of the individual. Following receipt of the petition, the court, within 24 hours, is required to reply with an order of detainment for not more than 96 hours or an order for immediate release.

Section 4 (e) and (f) concerns the disposition of the individual following the court order of detainment. Requires medical examination within 48 hours of the court order for detainment. If found not to be mentally ill he is released immediately. If found to be mentally ill, the patient's nearest relatives, guardians, etc., must be notified within 48 hours. Continued detention of the individual may be effected only if proceedings for judicial hospitalization are initiated.

Section 5 deals with procedures for hospitalization upon court order which may be commenced by the filing of a petition by: the spouse, parent, legal guardian, any physician, officer or agent of the Board of Public Welfare, or officer authorized to make arrest. The petition must be accompanied by physician's certificate of examination and by petitioner's sworn written statement that the individual is mentally ill and likely to injure himself or others if released and that he has refused examination by a physician.

Section 5 (b) and (c) requires the court to send, within 3 days, a copy of the petition to the individual concerned and appoint two physicians to examine independently of each other the mental condition of the individual at a court approved site. Each physician is required to report to the court the findings of his examination. If each report shows the individual not to be dangerous to himself or others, the court must terminate proceedings. If, however, either report indicates the individual is dangerous, the court shall fix a date, within 5 to 15 days of the report, for a hearing. It provides also for notice to the appropriate individuals.

Section 5 (d), (e) and (f) outlines the conduct of the hearings. It provides for: (1) a proper setting for the hearings; (2) permits the court to receive evidence; (3) permits the individual to be present at hearings to testify, to present and cross-examine witnesses; (4) requires the judge to personally observe the individual; (5) requires representation by counsel and directs the court, upon findings, to order hospitalization for an indeterminate period or order release of the individual in accordance with the findings in the proceedings.

Section 6 (a), (b) and (c). This section entitles the patient to request a mental examination within 3 months after the order and each 6 months thereafter with his personal physician participating in the examination. If the reports of the physicians are favorable, the Administrator, after considering each report, shall order the release of the patient. If any of the reports indicate the continued existence of the illness, but one or more indicates the illness no longer exists, the patient may file a petition in District Court for his release based on the favorable report of the examination. The court may reject the petition and order the continued hospitalization of the patient, or order the Administrator to immediately release such patient.

The Administrator shall examine each patient not less often than every 6 months and when it is determined that the patient is no longer ill, he may order his release.

Section 7 enumerates for the first time in the District of Columbia law, the personal rights of the patient.

Section 7(a) entitles the patient to communicate, by sealed mail, with individuals and officials and to receive uncensored mail from his attorney and physician. All other mail is subjected to the scrutiny of the Administrator; however, any mail that is forbidden the patient must be returned immediately to the sender.

Section 7(b) entitles the patient to adequate medical and psychiatric care and treatment, and requires that a record be kept of the type of medical and psychiatric care and treatment administered. These records are to be filed monthly with the Commissioners of the District of Columbia.

Section 7(c) forbids the use of mechanical restraints except as prescribed by a physician, whose reasons therefor shall be made a part of the patient's medical record to be forwarded quarterly to the Commissioners of the District of Columbia.

Section 7(d) gives the patient the right to dispose of property, execute instruments, make purchases, enter into contractual relationships, and vote, unless the patient has been adjudged by a court to be incompetent.

Section 8 exempts application of this act to admissions of individuals, unless otherwise eligible, to Veterans' Administration hospitals.

Section 9 provides for fine and imprisonment of any individual who willfully causes or assists in an unwarranted hospitalization of another individual.

Section 10 provides that any inconsistency of present laws with the provisions of this act no longer applies after enactment of this act.

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., August 3, 1961.

To: Subcommittee on Constitutional Rights, Hon. SAM J. ERVIN, JR. (Attention: Mr. ERVIN).

From: American Law Division.

Subject: District of Columbia, Mental Health (comparison of proposed act with current statutes).

Provisions of law relating to the hospitalization of the mentally ill now in effect in the District of Columbia appear in different titles of the District of Columbia Code. Provisions relating to the voluntary admission of mental patients appear in title 32, entitled "Eleemosynary, Curative, and Penal Institutions," while other provisions are codified under title 21 of the District Code entitled "Guardian and Ward, and Insane Persons." These provisions are the results of numerous enactments over a period of many years. However, the basis for most of the provisions are found in three acts passed by the Congress, namely: (1) The so-called District of Columbia Detention of Insane Act, approved April 27, 1904, 33 Stat. 316; (2) the so-called District of Columbia Insanity Proceedings Act, approved June 8, 1938, 52 Stat. 625; and (3) the so-called District of Columbia St. Elizabeths Hospital Mental Patient Voluntary Admissions Act, approved June 22, 1948, 62 Stat. 572.

Because of the method in which these provisions are codified and the difference of time of enactment of the acts it is difficult to make a specific comparison of every comparable section of the District of Columbia Code with that of the proposed act.

An attempt is made to seek and compare the major sections of the District of Columbia Code which have similarity with the subject matter of the provisions of the proposed act. Provisions broadening the jurisdiction of St. Elizabeths Hospital to accept mentally ill persons from areas in Maryland and Virginia and Federal employees are not included in this comparison because of the time limitation given this report.

It is not possible to give a specific list of provisions in the District of Columbia Code which would be repealed by the proposed act since it does not repeal any specific provisions but only those provisions inconsistent with any provision of the proposed act. It would seem to require judicial action to determine whether some of the District of Columbia provisions relating to commitment of the mentally ill would be partly or completely repealed by the proposed act.

PROPOSED ACT	DISTRICT OF COLUMBIA CODE
Section 1: District of Columbia Hospitalization of the Mentally Ill Act.	No comparable provisions found.
Section 2: Provides definitions for terms used in act.	No comparable provisions found.
Voluntary hospitalization	
Section 3(a): Permits any individual (if over 21 or by a responsible person if under 21) who has a mental illness or symptoms thereof to apply to any public or private hospital in the District of Columbia for admission as a voluntary patient for care and treatment regarding such patient. Permits the admission of such person for observation, diagnosis, or care and treatment. (b) Provides that any such patient 21 or over be released upon a written request thereof within 48 hours after receipt of such request. In case of a patient under 21 he is entitled to immediate release upon the written request of a responsible person. Also permits the release of such persons whenever the Administrator determines that such patient has recovered and no longer in need of care.	District of Columbia Code 32-412: Permits the Superintendent of Saint Elizabeths Hospital to receive as a patient any person making application, if he determines that such person is in need of care, and is mentally competent to make a written application. Conditions such admission upon certification of the Board of Public Welfare of the District of Columbia that it will reimburse the hospital for the cost of caring for such patient. Certification is restricted to such persons found to be residents of and domiciled in the District for not less than one year. Provides that no person may be permitted to remain at the hospital after the need for his treatment ends or after the certification given by the Board of Public Welfare is revoked. Authorizes the Board to require any person financially able to do so to pay the cost of care to the extent of his financial ability and the Board is authorized to refuse to certify him unless such an agreement is made. District of Columbia Code 32-413: Requires the discharge from the hospital of any such person within 3 days after written request for such release unless, within that period, the statutory proceedings in effect for commitment of insane persons are initiated, or a petition by the Board of Public Welfare files a petition in court for a writ de lunatico inquirendo, or for an order of commitment, stating that the person is of unsound mind and should not be permitted to go free. Pending the hearing upon the petition, the patient will be detained at Saint Elizabeths Hospital. District of Columbia Code 32-414: Provides that the cost of care for such persons is to be a charge on the District of Columbia, but authorizes the District to make such agreement as it deems necessary with the patient or relatives for payment and permits it by legal action to recover the cost from any person legally liable. Permits the District to revoke the certification under certain circumstances. Authorizes the Superintendent of the hospital and the Commissioners to prescribe necessary regulations to carry out the functions under the act.
Emergency hospitalization	
Section 4(a): Permits any accredited officer or agent of the District of Columbia Board of Public Welfare or any officer authorized to make arrests in the District who has reason to believe an individual is mentally ill and is likely to injure himself or others to take such individual without a warrant into custody to a public or private hospital and make application for admission for emergency observation and treatment. (b) Permits the admission of such person if such application is accompanied by a certificate of a physician on duty, that he has examined the patient and is of the opinion that he has symptoms of a mental illness and is likely to injure himself or others. Requires a notice of such admission by registered mail to the spouse, parent, or legal guardian of such patient within 24 hours. (c) Provides that no patient under this section shall be detained longer than 24 hours unless a written petition is filed with the U.S. District Court for an order authorizing the continued hospitalization of such person for emergency observation and treatment. (d) Requires the court within 24 hours to order either the detainment of such person for a period not to exceed 96 hours or order his immediate release. (e) Requires a medical examination of the patient within 48 hours after a court order for his detention and if the patient is found mentally ill the results shall be sent to his spouse, parents, attorney, or legal guardian within 48 hours and if not found mentally ill then the patient is to be released immediately. (f) Permits the Administrator to detain the individual if judicial proceedings have been commenced to detain the individual.	District of Columbia Code 21-326: Permits any officer in the District authorized to make arrests to detain without warrant any person of unsound mind found on any street, avenue, alley, highway, or public place in the District of Columbia. Requires the officer to immediately file an affidavit with the police saying he believes the person to be of unsound mind and incapable of taking care of himself and will jeopardize the rights of other persons, etc. Makes it the duty of the police to notify some responsible person of the detention. District of Columbia Code 21-27: Also authorizes the arrest of such person at other than a public place upon affidavits by two or more responsible persons who are residents of the District of Columbia, and a certificate of at least two physicians that such person should not be allowed to remain at liberty. District of Columbia Code 328, 329: Upon such a detention the Commissioners may authorize the admission of the person to Saint Elizabeths for a period of time not exceeding 30 days pending the formal commitment by proper officials charged by law of that duty. Also permits the admission of such persons for temporary commitment to other equipped hospitals. Requires the immediate release of such persons, not certified to be insane.
Hospitalization upon	
Section 5(a): Permits petitions in the District Court for judicial hospitalization of individuals in the District of Columbia to be filed by spouse, parent, guardian, physician, Board of Public Welfare or by any officer authorized to make arrests. Requires such a petition to be accompanied (1) by a medical certificate relating to the mental condition of the person or (2) a sworn written statement that the petitioner has good reason to believe such person is mentally ill and likely to injure himself or others and that such person has refused a medical examination. (b) Requires the court within 3 days to mail a copy to the person by registered mail and to appoint two physicians to examine the mental condition of the person, at any place designated by the court and to report the results to the court. (c) If the medical reports are to the effect that the individual is not mentally ill to the extent that he is likely to injure himself or others he is allowed to remain at liberty and the petition dismissed. If the reports are against the individual the court shall give notice of and a date for a hearing on the petition. (d) Requires such hearing in an orderly procedure in a setting not likely to have a harmful effect on the mental health of the individual. Permits court to receive all relevant and material evidence. Permits such individual to be present at his discretion, testify and to present and cross-examine witnesses. Requires the judge who is holding the hearing to personally observe the individual. (e) Requires such individual to be represented by counsel and if he fails or refuses to obtain counsel, the court shall appoint one with reasonable compensation to be charged against the individual or Board of Public Welfare as the court may direct. Directs the court to grant a recess, at request of counsel (up to 5 days) to give such counsel an opportunity to prepare his case. (f) Directs the court if it finds the individual mentally ill to the extent that he is likely to injure himself or others if he remains at liberty to order him hospitalized for an indeterminate period and if not to order his immediate release.	

DISTRICT OF COLUMBIA CODE

hospitalization—Continued

District of Columbia Code 21–332: Permits such person to be discharged upon bond payable to the United States with condition to restrain and take care of patient not charged with a breach of peace until the patient is restored to sanity.

District of Columbia Code: 21–333: Prohibits any insane person not charged with a breach of peace from ever being confined in the U.S. District Jail in the District of Columbia.

court order

District of Columbia Code 21–306: Provides that proceedings to determine the mental conditions of an alleged indigent insane persons and persons alleged to be insane with homicidal or dangerous tendencies be instituted upon petition of the Commissioners in equity court.

District of Columbia Code 21–307: Provides for a jury in judicial lunacy proceedings. Establishes a Commission on Mental Health to examine alleged insane persons, inquire into their affairs and the affairs of persons legally liable thereafter and make reports and recommendations to the court as to the necessity of treatment, the commitment and payment of the expense of maintenance and treatment of such persons. Directs the Commission to act under the direction of the court. Permits the court, in its discretion to appoint an attorney or guardian to represent the individual at any hearing before the Commission, the court, or before the court and jury.

District of Columbia Code 21–310: Permits any person with whom an alleged insane person may reside, father or mother, husband or wife, brother or sister, or a child of lawful age of any such person, nearest relative or friend, or the committee of such person, or an officer of any charitable institution, home, or hospital in which such person may be, or an officer of the Board of Public Welfare, or any authorized officer to make arrest who has arrested the person for such reasons to apply for a writ de lunatico inquirendo and order of commitment by filing in the District Court a verified petition, containing a statement of facts upon which the allegation of insanity is based. Also permits any person believing he has, or is about to, become mentally ill may, upon his own written application, enter Gallinger Municipal Hospital for observation and place himself subject to examination and commitment.

District of Columbia Code 21–311: Permits the issuance of attachment and admission of a person for examination at Saint Elizabeths Hospital upon the filing with the court of a verified petition accompanied by the affidavits of two or more responsible residents of the District that they believe the person to be insane or of unsound mind and if permitted to remain at liberty would jeopardize rights of persons and property. Permits the court or judge, in its or his discretion to issue an attachment for immediate apprehension and detention for preliminary examination, and unless found to be of sound mind, therein for a period not exceeding 30 days. If person is found of sound mind he shall be discharged immediately and the petition, if any, shall be dismissed.

District of Columbia Code 21–312: Provides that a copy of the report and recommendations of the Commission be served on the alleged insane person with a notice that he had 5 days to demand a jury trial. Permits the court in its own discretion to demand a jury trial. Provides that in a case in which a commitment at public expense, in whole or in part, is sought, the corporation counsel shall represent the petitioner unless he has chosen his own counsel.

District of Columbia Code 21–314: Provides that if no jury trial is demanded the judge may in his discretion require other proofs, in addition to the petition and report of the Commission, or such judge may order the temporary commitment of the alleged person for observation for an additional period of 30 days. He may also dismiss the petition notwithstanding the recommendation of the Commission. If the judge is satisfied that the person is of sound mind he may discharge him and dismiss the petition.

Hospitalization upon court order—Continued

PROPOSED ACT	DISTRICT OF COLUMBIA CODE
	District of Columbia Code 21–315: If the judge be satisfied that the person is insane, or a jury shall so find, the judge may commit the person as he, in his discretion shall find to be for the best interests of the public and the person. District of Columbia Code 21–316: Provides that recommendations of the Commission must be made by the unanimous recommendation of the three members acting upon the case and if unable to agree they must file a report to the effect. If they agree they shall file a report setting forth its findings of fact and conclusions of law and its recommendations. District of Columbia Code 21–318: Imposes liability of relatives if able to do so for costs and maintenance of such treatment.

Periodic examination and release

PROPOSED ACT	DISTRICT OF COLUMBIA CODE
Section 6(a): Makes any patient hospitalized pursuant to a court order entitled within three months after order and every six months thereafter to request in writing, to have a current examination of his mental condition and if timely the request shall be granted. Permits him to have any duly qualified physician to participate in such examination and if the patient is indigent directs the Board of Public Welfare to assist him. Directs the Administrator to release the patient if by such reports and examinations it is determined that the patient is no longer mentally ill. If the determination is against the patient but one or more physicians who participated in the examination reports him not mentally ill the patient may file a petition in the District Court for release based on the examinations. (b) Directs the court to reject the petition and order hospitalization or order his release. (c) Directs the Administrator at least every six months to examine such patient and if he determines that the conditions which justified the involuntary hospitalization of such patient no longer exist to release him.	No specific comparable provisions found for periodical examinations. District of Columbia Code 21–325: Provides that nothing contained in these sections shall deprive such persons the benefit of existing remedies to secure his release or to prove his sanity or of any other legal remedies he may have. District of Columbia Code 21–320: Provides for a hearing to restore to the status of a person of sound mind those persons who have been released and absent from the hospital on release or parole of 6 months or longer, before the District Court of the United States for the District of Columbia.

Right to communications and visitation

PROPOSED ACT	DISTRICT OF COLUMBIA CODE
Section 7(a): Entitles each patient to: (1) communicate by sealed mail with any individual or official agency, and (2) to receive uncensored mail from his attorney or physician. (b) Entitles each patient to medical and psychiatric care and treatment. (c) Prohibits the application of any mechanical restraints unless prescribed by a physician. (d) Entitles each patient to dispose of property, execute instruments, make purchases, contract, and vote unless such patient has been adjudicated incompetent by a court of competent jurisdiction and has not been restored to legal capacity.	No specific comparable provisions found.

Veterans' Administration facilities

PROPOSED ACT	DISTRICT OF COLUMBIA CODE
Section 8: Provides that nothing in this act shall be construed to require the admission of any individual to any Veterans' Administration hospital facility unless such individual is otherwise eligible for care and treatment in such facility.	District of Columbia Code 21–316: Permits the Commission to recommend that a person is of unsound mind and should be committed to the Administrator of Veterans' Affairs for care and treatment in a Veterans' Administration facility.

Unwarranted hospitalization or denial of rights—Penalties

PROPOSED ACT	DISTRICT OF COLUMBIA CODE
Section 9: Provides a penalty of up to $5,000 or imprisonment not exceeding 3 years or both for any individual who willfully causes, etc., the unwarranted hos-	District of Columbia Code 21–324: Provides a penalty of $500 or imprisonment of not more than 3 years or both for a false petition or affidavit.

PROPOSED ACT	DISTRICT OF COLUMBIA CODE
Unwarranted hospitalization or denial of rights—Penalties—Continued	
pitalization or denial of any right to any individual under this act.	
Miscellaneous	
Section 10: Provides that any act or part of any act which is inconsistent with any provision of this act shall, to the extent of the inconsistency cease to apply on and after the date of enactment of this act.	No specific comparable provision found.

GROVER S. WILLIAMS,
Legislative Attorney.

Mr. CARLSON subsequently said: Mr. President, the distinguished Senator from North Carolina [Mr. ERVIN], a few minutes ago completed a very excellent statement on the treatment of mentally ill people in our Nation. As he mentioned, last week was Mental Health Week. It was my privilege to speak at the opening of Mental Health Week in Kansas at the Community Hospital at Osawatomie, Kans. At that time I stated that I regarded mental health as one of our most serious problems. It is only in recent years that we have actually come to grips with the problem, and are now treating patients for mental illness, instead of incarcerating them in hospitals, which in reality, became prisons for them for the rest of their lives.

I call attention to an article that appeared in the Leavenworth Times, a Kansas newspaper, on December 27, 1957, which carried a story that I shall never forget—a story about a man released from Osawatomie State Hospital after having been a patient for 50 years.

Had he entered the hospital today instead of then, his chances of release within 6 months would have been excellent. But he entered during a period when mental hospitals were little more than custodial institutions and when the idea of community mental health was only beginning to take shape with the establishment of the first outpatient clinic in a State mental hospital in 1908. Thus, the State spent many thousands of dollars and the greater part of a man's useful years were wasted.

His release would not have been possible even a few years ago, had Kansas lacked the community facilities necessary to provide for his care after leaving the hospital. Although this patient no longer needed formal institutional care, he could not be abruptly sent back to the community from which he had been absent for so many years.

The account of this man's return to the outside world is an appropriate point of departure for what I would like to say to you today, because it illustrates two things:

First, the accomplishments of our State in providing for the mental health needs of its citizens; and second, the nationwide need for more community-based mental health services.

Yesterday marked the beginning of Mental Health Week throughout the Nation. This year's theme—"Community Action for Mental Health"—has special significance to me because it offers an opportunity to review from the standpoint of a legislator and former Governor the record that Kansas has made for itself in meeting the need for community action.

The progress that began during my term as Governor and gathered momentum during the last 12 years, has culminated in outstanding achievements by our State.

The final report of the Joint Commission on Mental Illness and Health has laid bare serious inadequacies in the care and treatment of the mentally ill in this country.

It has scored the need for better care of the hospitalized mental patient, for more training of professional manpower, for more research in the causes and treatment of mental illness—and in line with our Mental Health Week emphasis—for more adequate community services to treat and prevent mental illness and to rehabilitate those who have been afflicted.

The Kansas revolution in mental health began in 1948 when, as Governor, I appointed a commission of outstanding doctors and private citizens to recommend changes in the State's mental health program.

Since that time our State has advanced from 45th place in the Nation in per capita expenditures for the care of patients in public mental institutions, to tenth in 1951, sixth in 1952, and third in 1955, and since 1958 to second place.

While we were spending $1.06 per patient day in 1948—in 1960 we were spending $7.34 per patient day. In 1948, 70 percent of those who entered mental institutions in Kansas stayed for life. In 1960, 85 percent went home—and of these about three-fourths left within the first 3 months after incarceration, which I think signifies the great progress that has been made in the caring for the mentally ill in the State of Kansas.

Since 1948 Kansas has more than a 30 percent reduction in mental hospital populations despite having five times the number of admissions. This has been possible because dynamic programs of psychiatric care and treatment have replaced mere custodial care.

These programs have made possible the recovery of great numbers of individuals who have come to be regarded as patients capable of cure rather than hopeless inadequates, relegated to the back room and consequently forgotten.

The key to the progress this State has made is found in the strength of its mental health program. Webster defines a key as that which affords entrance or possession. Like a key, our mental health program too has its component parts. The "web" of the key—that part which unlocks—is the most vital part, just as our highly qualified professional personnel are the most vital component of our mental health program. Without them, no door to progress could be opened.

The stem of the key—which connects the web with the handle—represents our new treatment methods—they are the connecting link between the professional staff and individuals in need.

Finally, the bow or handle of the key is that part which allows it to be grasped by the individual. It represents our community mental health services which have brought new treatment methods within the grasp of the mentally ill. These components are as necessary to the key as their analogies are to our mental health program. Both permit possession—in the latter case—the possession of sound mental health.

The high caliber of our mental health personnel was acknowledged by the American Psychiatric Association and National Association for Mental Health when, in 1958, they rated the Kansas mental health program among the best staffed in the Nation, despite the fact it cost less than the mental health programs in 16 other States.

The Council of State Governments has named Kansas one of the best examples of good investment in personnel in terms of human values and financial returns.

Kansas began to earn its reputation as "psychiatric training center of the world" shortly after a special committee studied the State hospital program in 1948.

The philosophy, "brains before bricks," reflected the belief that, taking first things first, it would be necessary to train highly qualified psychiatrists and other mental health personnel. We believed that good treatment in old buildings is preferable to bad treatment in new buildings.

One of the earliest training programs was at the Topeka State Hospital, where the Menninger Foundation had a program to study problems of educating psychiatric aides. This program was inspired by an earlier experience at the Winter Veterans' Administration Hospital where young doctors had come to respect the average man's ability to learn basic nursing procedures on the basis of their experience training farmers and mechanics to be effective medical corpsmen during World War II.

During this period, the Menninger School of Psychiatry was a potent force in training personnel who soon proved to the world that mental illness can respond to treatment just as physical illness can. Today the school trains more psychiatrists than any other institution in the world.

In addition to its excellent training programs for mental health personnel, Kansas also has trained law enforcement officials, clergymen, volunteer workers, teachers, and others who deal with emotional problems in their jobs.

Today Kansas is in step with one of the latest educational trends—that of teaching the principles of psychiatry to general practitioners. Family doctors, who have day-to-day contact with patients, can recognize many early symptoms of mental illness and help eliminate them before they reach serious proportions. The American Academy of General Practice has a program whereby general practitioners receive educational credit for attending diagnostic and appraisal conferences at Topeka State Hospital.

Thus, through the excellence of its training programs, Kansas has risen to first place in the Nation for the number of physicians per 100 resident patients in public mental hospitals. It also leads the Nation in the number of professional patient care personnel per 100 resident patients. It is first in the number of full-time employees per 100 patients in public mental hospitals—and it is seventh in the number of psychiatrists per 100,000 population.

Next, let us consider the stem of the key—our new treatment methods. Some great advances have taken place right here at Osawatomie.

The establishment of self-contained treatment units, or "little hospitals," within Osawatomie in 1956 was a significant step toward better care for patients. Under this system, they received more individual attention and continuous intensive treatment by a team of psychiatrists, psychologists, nurses, social workers, and aides.

The team approach is also used at Topeka State Hospital, where a "therapeutic community" is guided by the principle that everybody—from the doctor to the busdriver—aids in the recovery of a patient by their attitudes toward him.

Each successive year has seen some new promising development in the treatment of mentally ill in Kansas.

In 1957 we saw the opening of the Kansas Treatment Center for Children; in 1958 the establishment of the Governor's Committee on Mental Retardation; in 1959 the authorization for the Kansas Neurological Institute; and just recently, the opening of the Children's Hospital of the Menninger Foundation.

Treatment methods have improved through the more widespread use of tranquilizing drugs and through new approaches such as the "remotivation technique," which was first used in Kansas at Osawatomie.

These objective, unemotional discussions of nature, current events, history and other subjects have helped to reach a larger number of patients and have served as an inspiration to both patients and staff.

Experimentation with group psychotherapy methods, the establishment of open wards, and the inauguration of government by the patients are all impressive new approaches to the treatment of mental illness of Osawatomie.

The third part of our mental health program—its community facilities—offers the greatest promise, as well as the greatest need, for our State. The community services are the handle to the key for which the individual reaches when he is in need.

On the positive side, we have recently seen the introduction of the famous "Kansas plan" at Osawatomie. This is a dynamic step forward in organizing hospital staff along community lines by dividing it into units composed of small psychiatric teams assigned to specific areas in the community.

These units handle patients from their assigned areas and work with their counterparts in the community. Thus, with county personnel working closely with hospital personnel, a bond of cooperation is formed between the hospital and the community.

Last year brought one of the most significant advances for the future of mental health services in our State. Governor John Anderson signed into law a bill permitting counties individually or jointly to establish community mental health centers by levying a county tax of one-half mill for their support. This measure proves to me—as it proves to the rest of the country—that local communities in Kansas are truly ready and willing to take care of their own.

By their willingness to provide effective community facilities, they are helping to eliminate the often tragic delays in receiving psychiatric care. Moreover, they are helping to shorten the long lists of patients waiting to receive institutional care.

Already 10 citizen-created mental health centers are operating throughout Kansas. Citizen interest—a longstanding Kansas tradition—has created these clinics and I am sure it will continue to create others.

Our community clinics have had no small part in the discharge since 1953 of over a thousand patients who were inmates in our hospitals for more than 10 years, and the release of over 500 who were inmates for more than 20 years. The record case, I believe, was a patient who was admitted to one of our mental hospitals at age 13 and discharged at 83.

But in spite of these hopeful signs, Kansas ranked 45th in the Nation in 1960 in its per capita expenditures for community mental health programs—a surprising contrast to its No. 1 position in providing adequate professional personnel for patients in public mental hospitals.

These expenditures—which rank far below the U.S. average—are only a statistical framework. But within this framework is the real picture of mental illness—the suffering, heartache, and agony of the patient and of his loved ones.

The new mill tax promises to bring community mental health services more into line with our institutional services. But this alone cannot do the job. We must have greater citizen interest backing our community programs.

The progress as well as the needs of Kansas in the area of community mental health services simply spells out on a smaller scale what is happening across the Nation.

The fact that public mental hospital populations in the United States have steadily decreased, despite an increasing number of admissions, has been attributed in large part to the growing practice of community psychiatry.

In the last 6 years about 32,500 persons have been able to remain in their homes with their families, rather than be hospitalized. This is convincing and dramatic evidence of the vital role of community mental health facilities.

But despite the tripling since 1947 of outpatient psychiatric facilities, despite the growth of emergency psychiatric services, rehabilitative and aftercare services, facilities for the care of the aged, special clinics for the mentally retarded, foster care, and nursing home programs, despite the expansion in all these areas, increases in population and the stresses of modern living have caused the demand for these facilities to far outstrip the supply.

One of the most potent forces for making the supply of community facilities meet the demand is the National Institute of Mental Health. Under the leadership of Dr. Robert H. Felix, it has encouraged and assisted State and local governments to provide for facilities for the mentally ill. Dr. Felix, incidentally, is one of three Kansans, the others being Dr. William Menninger and Dr. Karl Bowman, who have served as president of the American Psychiatric Association.

Five years ago, the Institute received authority under title V of the Health Amendments Act of 1956 to support mental health projects designed to develop improved methods of diagnosis, care, treatment, and rehabilitation of the mentally ill.

Since that time the Institute has supported exploratory and demonstration projects to test and incorporate laboratory findings into community programs. It has transmitted to the States the latest findings from research laboratories, pilot demonstration projects, and clinical and administrative experiences.

But while the Institute has accomplished much, it cannot do its job alone. The community is not only the basic source of research knowledge; it is the means whereby research findings are put into application.

Of what use would polio vaccine be if we did not have ways to administer the vaccine and encourage our citizens to be inoculated? Similarly, of what value would be tranquilizing drugs in treating the symptoms of mental illness if we did not have the personnel and facilities to put these new drugs into use?

It is up to the communities and the individuals making up the communities to conduct research so that new methods of prevention, treatment, and rehabilitation can be developed.

In 1961, Kansas held about 30 research grants from the National Institute of Mental Health. Some of them have won national attention, such as a research project on treatment methods for chronic schizophrenia conducted at Osawatomie and administered through the Menninger Foundation.

This study resulted in a symposium and the publication of a book on "Chronic Schizophrenia." At Osawatomie there is also studied under an NIMH grant the influence of specially trained psychiatric aids on chronic hospitalized patients.

These are some of the areas now being explored in Kansas. Yet many more remain for future investigation. Demonstrations are needed; for example, in community mental health programs for the aged, an area that is very familiar to this hospital which has faced the problem of caring for the older patient and returning him to the community.

There is a need for more demonstration projects concerned with services to emotionally disturbed children, day and night care hospital programs, and mental health care to migrant workers, alcoholics, and juvenile delinquents.

We need to demonstrate that general hospitals in rural areas can provide a wide range of services to the mentally ill. Demonstration projects are needed to help fill the gaps in State mental health programs and lead to the discovery of new procedures for the better care and treatment of the mentally ill.

I am convinced that these community demonstrations and other more basic laboratory research can do for mental health what research in tuberculosis has done to close TB sanitoriums all over the country.

This does not mean that I think the States should become overly dependent on Federal assistance for its research programs. Federal aid is intended solely to stimulate the States into initiating and conducting their own programs. The Federal Government must, as always, stand ready to assist when asked and needed. But the leadership, initiative, and responsibility must rest with the States.

Just as Kansans built strong fences many years ago by using stone instead of wood, so they have provided a strong basis for their mental health programs by making them the best staffed in the Nation.

Now the next step must be taken. These personnel resources must be mobilized and expanded to provide community mental health services so that every citizen can receive psychiatric help when and where he needs it.

Given prompt and adequate treatment, as many as 85 percent of the mentally ill can achieve partial or total recovery within a few months. Denied this care, these individuals will be forced out of the mainstream of life, thus causing suffering for themselves and their families, a heavy financial burden to society, and a needless, tragic waste of human life.

I feel confident that we who have come so far will not stop now. We hold the key to progress in the strength of our mental health programs, and we cannot afford to throw it away. We must use it to unlock the heavy door behind which lurk the many mysteries of mental illness.

Mr. ERVIN. Mr. President, will the Senator from Kansas yield?

Mr. CARLSON. I am glad to yield.

Mr. ERVIN. The Senator stated accurately a moment ago that progress in this field is of comparatively recent origin, but that it has been remarkable during the past few years. Is it not true that the lack of progress for so many years was due in large part to two factors: First, for some reason which it is difficult to fathom, a feeling existed among the American people that a stigma was attached to mental illness as contradistinguished from physical illness; and second, that the hospitals for the mentally ill did not have any kind of alumni association, so to speak, to stress their cause?

Mr. CARLSON. The Senator from North Carolina has stated the situation very well. There was a long period in our Nation's history, extending until recent years, when mental illness was regarded as an illness for which there was not much cure. In other words, patients were placed in mental hospitals and incarcerated practically for life. That situation has been changing rapidly.

I give credit for this change to one of the great institutions of the Nation, the Menninger Foundation, at Topeka, Kans. Dr. William Menninger and Dr. Karl Menninger, his father, before him, have rendered outstanding service, in my opinion, in stressing the importance of trained psychiatrists to work with persons who are mentally ill to cure them of their illness. The Doctors Menninger have had marked success. They have established one of the most noted institutions in the world for this purpose at Topeka. I mentioned briefly in my remarks a new school which they have built for retarded children. It is one of the outstanding institutions of its type in the Nation. The field of mental illness is one in which citizens all over the Nation need to do more work, because the mentally ill need more assistance, and they need it urgently.

Mr. ERVIN. I am convinced that the Doctors Menninger have made a contribution second to none among the psychiatrists of the Nation in this field. My deceased brother-in-law, Dr. James K. Hall, of Richmond, Va., at one time was president of the American Psychiatric Association. On many occasions I heard him speak of the great work which the Menningers had done in this field. He was a particularly close friend of Dr. Karl Menninger.

In my opinion, Kansas has made a shining mark in the care and rehabilitation of the mentally ill. Kansas has set an example which all the States of the Nation would do well to emulate. In my judgment, based upon my study of the subject, Kansas has done this great work largely because of the inspiration afforded by the able and distinguished senior Senator from Kansas [Mr. CARLSON] during the time he was Governor of his great State. That is witnessed by the notable advancement which has occurred in a period of less than 15 years. This one State, inspired by its Governor, has raised its standing in the care of the mentally ill from 45th in the Nation to second; and in many respects in its care and treatment of the mentally ill, it is the first State in the Nation.

I commend the senior Senator from Kansas. He is responsible for the inspiration which caused this rapid advancement in the position of his State in this field.

Mr. CARLSON. Mr. President, I express my appreciation to the distinguished senior Senator from North Carolina [Mr. ERVIN] for his kind remarks with respect to my part in this program. I should like to discuss briefly how this happened, disavowing any ego on my part.

In 1948, as Governor of Kansas, I visited some of the mental hospitals and saw the situation which prevailed. I think those of us who have worked in the field of dealing with the problems of mental health have realized that there has been a division of opinion as between the medical doctors and the psychiatrists; and there was such a division of opinion for a number of years, although I do not think there is so much now. But at that time, as Governor of Kansas, I called into my office Franklin Murphy, the chancellor of Kansas University, and formerly the head of the Kansas Medical Center—a great doctor—and also Dr. Karl Menninger, of the Menninger Clinic and Foundation; and with both of those gentlemen sitting at the head of my desk, I advised them that they would not be permitted to leave my office until we had reached an agreement on a program which would provide for the care of our mentally ill patients.

I can assure Senators that after considerable discussion, some of which was a little rugged, we reached an agreement. And from then on, Kansas has made great progress in this field. It was not due to me, as Governor of the State; but the Kansas Legislature voted large sums of money for the program, and the people of Kansas supported the program, and that is why we achieved those results.

As I mentioned earlier in my remarks, Dr. Menninger said, "We do not care so much about the buildings, but give me trained people." That is why I mentioned the importance of training and brains.

They now have some very fine buildings; but we began with frame buildings and trained psychiatrists, and we have achieved results which I think set a good example for the Nation.

Mr. TALMADGE. Mr. President, will the Senator from Kansas yield?

Mr. CARLSON. I yield.

Mr TALMADGE. I desire to compliment the able Senator from Kansas on the quality of his excellent speech.

I served as chief executive of the State of Georgia during the time when the able Senator from Kansas was the Governor of Kansas; and I remember that during all of the national conferences of Governors the distinguished Senator spoke in most interesting and able fashion on the question of mental health. I recall that on at least one occasion the able Senator led the discussion on that subject and thus made a substantial contribution toward public understanding of the problems of our mental institutions throughout the country.

I know that during the same period of time, tremendous progress was made in improving the facilities and programs of the mental institutions in Georgia; and I always profited a great deal from the discussions the distinguished Senator from Kansas led in the Governors' conference.

So I compliment the able Senator from Kansas, not only for what he did for the State of Kansas, during the time when he was Governor of that State, but also for his continued interest in all matters affecting both the people of Kansas and of the Nation.

Mr. CARLSON. Mr. President, I sincerely thank the distinguished Senator from Georgia for his remarks in regard to the progress we have been making in dealing with the care of those who are mentally ill. It is a pleasure to serve on this floor with Senators who have served as Governors of their States at the time when we attended the Governors' conferences—which gave us associations which I believe bring us a little closer than happens from the ordinary contacts with others. I thank the Senator from Georgia.

Mr. TALMADGE. I thank my friend.

AMENDMENT OF VOCATIONAL REHABILITATION ACT TO ELIMINATE OR MODIFY CERTAIN FEDERAL REQUIREMENTS

Mr. FONG. Mr. President, I introduce, for appropriate reference, a bill designed to amend existing Federal law so as to permit the State of Hawaii to administer efficiently and effectively certain programs supported by Federal contributions.

The necessity for the legislation arises because of an interpretation of existing Federal laws by administrative agencies requiring that a single State agency must be charged with the final administrative responsibility for the operation and supervision of a grant-in-aid program. It has been held that any deviation from this requirement would be fatal to a State plan administering a grant-in-aid program. Under this concept, another agency or authority of government in a State may not be authorized or permitted in practice to substitute its judgment for that of the State agency in administrative decisions involving applications of policy, or rules and regulations under State law.

At its 53d annual meeting in 1961, the Governors' Conference, taking cognizance of this situation, adopted the following resolution:

> 1. The conference deplores the tendency of Federal agencies to dictate the organizational form and structure through which the States carry out federally supported programs.
>
> 2. The Council of State Governments is requested to investigate the matter of Federal statutory and administrative requirements dealing with State organization under the various Federal grant-in-aid programs and to make a report of its investigation to the Governors' Conference Committee on Federal-State Relations, the Advisory Commission on Intergovernmental Relations and the next Governors' Conference.

I am in entire agreement with the position taken by the Governors and, for that reason, am introducing the bill today which will reserve to the State the right to determine the administrative machinery best adapted to efficient administration of the program for vocational rehabilitation.

I request that the attached copy of a letter dated February 27, 1962, written by the Governor of Hawaii to the Secretary of Health, Education, and Welfare, setting forth the need for this legislation, be printed as a part of my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3262) to amend the Vocational Rehabilitation Act to eliminate or modify certain Federal requirements that might otherwise prevent constructive reorganizations of the State agencies which are involved in the administration of the program under such act, introduced by Mr. FONG, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The letter presented by Mr. FONG is as follows:

FEBRUARY 27, 1962.

Hon. ABRAHAM RIBICOFF,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR ABE: This is a followup on the discussions I had with you and members of your staff in July of 1961 concerning the problem of the organizational placement of vocational rehabilitation services under the overall reorganization of the State government of Hawaii. As a result of these discussions, it was requested that the State of Hawaii resubmit in writing its justification for placing vocational rehabilitation within the State department of social services so that it could be reviewed by you and your Department.

I am enclosing herewith a staff study entitled "Vocational Rehabilitation Services in Hawaii's New State Government." I believe this presents a sound basis for your Department's approval of a State plan for Hawaii's vocational rehabilitation services which would designate the proposed vocational rehabilitation division of the department of social services as the sole State agency to administer the plan.

As you will see from the enclosed study, the question of where vocational rehabilitation services could best be administered within the new State government has received a great deal of attention by several competent groups over a period of several years. Without exception, it was felt that these services can best be administered along with other rehabilitation services under the State department of social services, or its equivalent.

This objective was written into the Reorganization Act conditional upon clarification of the question of Federal funds. This latter issue became clouded because of differing opinions. However, certain staff members of your Office of Vocational Rehabilitation have insisted that your department would withhold Federal matching funds if the State of Hawaii carried out its announced plan organizing rehabilitation services under a single Department of Social Services.

You will note, by the enclosed study, that activities throughout the Department of Social Services are rehabilitation focused, whether the rehabilitation activity is one of a social, physical, economic or vocational nature or a combination, as is often the case. It certainly seems logical—I'm sure you'll agree—to have these related services brought together rather than segmented for the most effective administration of all of the affected program.

Accordingly, I wish to request that you carefully review this whole matter and advise us whether or not it will be possible for us to proceed with the full implementation of our State reorganization by transferring vocational rehabilitation to the Department of Social Services. Your consideration and favorable action on this request will be greatly appreciated.

Sincerely,

WILLIAM F. QUINN,
Governor of Hawaii.

PROPOSED CHANGES IN GRADUATED INCOME TAX RATE SCALE—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of April 26, 1962, the names of Senators HUMPHREY, CARLSON, PROUTY, GRUENING, SMITH of Massachusetts, SMITH of Maine, HART, NEUBERGER, RANDOLPH, MOSS, and YOUNG of North Dakota were added as additional cosponsors of the bill (S. 3222) to amend the Internal Revenue Code of 1954 to extend the head of household benefits to all unremarried widows and widowers and to all individuals who have attained age 35 and who have never been married or who have been separated or divorced for 3 years or more, introduced by Mr. MCCARTHY on April 26, 1962.

NOTICE OF RECEIPT OF CERTAIN NOMINATIONS BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nominations of William P. Mahoney, Jr., of Phoenix, Ariz., to be Ambassador to the Republic of Ghana, and Lucius D. Battle, of Florida, to be Assistant Secretary of State for Educational and Cultural Affairs.

In accordance with the committee rule, these pending nominations may not be considered prior to the expiration of 6 days of their receipt in the Senate.

NOTICE CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. ERVIN. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary.

Louis C. LaCour, of Louisiana, to be U.S. attorney, Eastern District of Louisiana, for a term of 4 years, vice M. Hepburn Many, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, May 14, 1962, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1139) to amend the act granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to the waters of the Little Missouri River in order to extend the expiration date of such act.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 62) commemorating the 25th anniversary of the establishment of soil conservation districts.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. GOLDWATER:

Speech on Government control of the economy, delivered by Senator Goldwater before the District of Columbia League of Republican Women, Washington, D.C., May 7.

By Mr. WILEY:

Weekend radio address delivered by himself over Wisconsin radio stations, regarding the legislative outlook relating to agriculture.

By Mr. PROXMIRE:

Remarks by Representative J. Floyd Breeding at a meeting of Kansas Democrats in Topeka, Kans., on April 28, 1962.

AMENDMENT OF IMMIGRATION AND NATIONALITY ACT OF 1952

Mr. SALTONSTALL. Mr. President, recently I have been asked many times: Will Congress pass a new immigration law this year? And I have replied that I hope we will do so. Our present law is outmoded.

In fact, special congressional action has so changed the practical result of the 1952 act that today it is more honored in the breach than in the observance. Of the 2.5 million immigrants to this country during the 1950's, only 1 million were admitted under the provisions of the 1952 Immigration Act. The majority, 1.5 million, were nonquota, entering by means of special supplementary legislation of the Congress.

Thus it is clear that Congress has recognized the deficiencies in the act of 1952 by passing this volume of special immigration and refugee legislation to supplement and even to circumvent it. Such piecemeal patchwork truly makes a mockery of the 1952 act, but the act itself remains as an unfortunate symbol of discrimination. We need a new law, one which is in accord with present-day realities. Our law must express our genuine concern for less fortunate people who wish to become American citizens.

Immigration has had many desirable results. Families have been united, refugees given an opportunity to create new lives, and we in the United States have profited from the skills and talents of thousands of hard-working recent arrivals. Think of the work of Fermi, Einstein, Von Braun, and others of their stature whose genius and devotion have helped to build our strength and, yes, even providing for the very safety of our country. And yet there are many other immigrants who do not need to achieve nationwide acclaim to lend strength to our Nation.

Immigrants make good citizens. They work hard and apply themselves diligently to making a good home and living for themselves and their families. They are good family people and it is mighty satisfactory to a man like myself if I can help to unite families who have been separated because of hardships, or the inability to get together in a new country where they want to become citizens.

The United States has a responsibility as a leader of the free world in the struggle against the closed and walled-in Communist society. We must never forget that an important part of our image in the United States has been built up as a friend for those seeking escape from oppression and want. Are we to ignore the importance of that image which has helped to make us friends in other parts of the world? Will those whose support we covet be able to say that while we may give them economic assistance and military help, we will not welcome them into our country? Will we sabotage that effort by maintaining immigration regulations which to peoples everywhere appear to run counter to the ideals we profess?

Our present quota system has drawn more justified criticism at home and abroad as being hopelessly archaic than almost any of our other existing laws. As a first step, national quotas should be based on the 1960 census. There is no logic in tying them to a census of more than 40 years ago which no longer mirrors our national origin background. The large number of countries which do not exhaust their quotas under the present system, combined with the tremendous oversubscription which characterizes the situation in other countries, provides further evidence that the 1952 act has outgrown its usefulness.

In addition to establishing the 1960 census as the basis for new legislation, we can certainly consider adding some provisions for making use of the unused quotas which prevail in many countries. Surely we can consider also increasing quotas in a small amount from the present 154,000 limitation.

In short, the present Immigration Act is outdated, and it is necessary to amend it to bring it up to date. Commonsense and sound legislative policy dictate that we act to remedy the defects in our immigration policy in this session of the Congress. I hope we may do so.

ACCESS RIGHTS TO WEST BERLIN

Mr. BUSH. Mr. President, on Wednesday last three of my colleagues performed a significant service by bringing to the attention of the Senate the dangers of compromising our position in Berlin. The Senator from Pennsylvania [Mr. Scott] called upon the Armed Services and Foreign Relations Committees to consider the feasibility of studying a recent U.S. proposal on access rights to West Berlin. His recommendation that these committees consider calling upon General Clay for his views surely should receive serious consideration.

The Senator from New York [Mr. Keating] said:

> To enter into negotiations in which the East German government may have some say over access rights to West Berlin would be a bitter renunciation of our position.

The Senator from New York [Mr. Javits] likewise raised a word of warning that "concessions inconsistent with fundamental Western policy would be far worse than the status quo."

Mr. President, I believe that my colleagues should be complimented for their timely awareness of possible concessions of our basic right of access to West Berlin. I was happy to see that the lead editorial of the New York Herald Tribune of Friday, May 4, has recognized the service performed by these members.

I ask unanimous consent, Mr. President, that the editorial to which I referred be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Hickey in the chair). Is there objection?

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Diplomacy on the Senate Floor

The concern that has been voiced abroad—especially in Bonn—over the reported American proposals for a Berlin settlement, has found expression in the Senate.

It comes from impressive sources, Senators Scott, Javits, and Keating, although all Republicans, cannot be accused of mere partisanship. They have always taken active and responsible parts in debates on foreign policy, and have shown themselves to be thoughtful and well informed.

When, therefore, they unite in warning the Kennedy administration of the dangers implicit in a settlement that might erode, rather than strengthen, the position of the West in Berlin they are entitled to a respectful hearing.

It may well be that the semisecrecy obscuring the administration plan is responsible for much of the trouble. It has been reported, and seems to be accepted as a fact, that the United States has suggested some kind of international commission to control the access routes to West Berlin—a commission on which East Germany will be represented. Such representation could be equivalent to recognition of East German sovereignty. This is one of the great objects of Soviet diplomacy, since it would be tantamount to insuring international status for a permanently divided Germany.

On the other hand, as a matter of existing fact, there have been large numbers of routine contacts between East Germany and the West. Such contacts could be continued, or even expanded, on an international commission without any further de facto acknowledgment of East Germany's official existence. The extent to which the United States is prepared to go in this matter, in other words, is a matter of degree—and neither the Senate nor the public at large knows just how far that is.

It is not easy nor is it generally wise to attempt to conduct diplomacy from the floor of the Senate. But that body is constitutionally charged with a role in foreign affairs, and the increasing reliance of the Executive upon international agreements that do not require senatorial consent does not make it any less necessary for the administration to keep the Senate informed. If a failure in communications is responsible for the Republican attacks on the subject of Berlin, Mr. Kennedy and Mr. Rusk should see to it that the lines to Capitol Hill are opened, promptly.

In addition, both the President and Premier Khrushchev should take note of the seriousness with which the Berlin issue is regarded in this country. Mr. Kennedy should not be hamstrung in his negotiations over Berlin; admittedly the process of international bargaining is a complex one, and public debate on it can frustrate the best efforts of the diplomats.

But the temper of the Senate and the American people, cannot be disregarded with impunity, by its own or by any other government.

INFLATION AND BUSINESS

Mr. BUSH. Mr. President, I ask unanimous consent that an editorial entitled "Inflation and Business," published in today's issue of the Wall Street Journal which calls attention to the facts, be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

INFLATION AND BUSINESS

For almost a generation now the thinking of the country has been pretty much dominated by the idea that inflation is a sure warranty of prosperity.

True, inflation has been complained of on many grounds, such as its unfairness to widows and pensioners and its propensity for turning economic life into a rate race. But while these ill effects have been deplored, it has still been accepted as gospel that inflation will nonetheless keep business swirling and provide a bulwark against depression.

As preached in Washington, this gospel says that while inflation cuts the purchasing power of each dollar this effect is more than offset by the increased number of dollars which increase purchasing power and raise the gross national product. It's even been argued that by this simple device a multibillion-dollar Government deficit will create a surplus because the Government will get back so many more of the cheaper dollars in taxes. The Government is now budgeting on this theory.

Along Wall Street and Main Street this has been interpreted to mean that you can protect yourself against the disadvantages of inflation and reap its rewards simply by buying real estate or common stocks. After all, if inflation has become a "way of life," how can the stock market go any way but up?

These articles of faith rest upon two assumptions. The first is that the inflationary process can be endlessly repeated with the same stimulating effect. The second is that the effect will be more jobs for labor and more profits for business.

This, of course, was the effect in the first years of the postwar inflation. The war years not only brought huge increases in the supply of credit dollars but they also left the country with an enormous pent-up demand for just about everything. So from 1946 to 1950 inflation and rising profits for business did go hand in hand.

For one illustration, in 1946 the earnings per share of the stocks in the Dow Jones industrial average amounted to $13.62. A bare 4 years later, in 1950, they had doubled, to $30.70. Here, or so it seemed, was proof positive of the doctrine. And so the country continued in the decade after—through Democratic and Republican administrations—a policy of inflationary deficits. The public not only accepted this from the politicians; it encouraged them.

But the effects were quite different. Although the monetary inflation continued, with both wages and prices rising, the number of unemployed steadily increased and the profits of business increased hardly at all. Look at the earnings per share of those same companies that make up the industrial averages: In 1950, $30.70 a share. In 1960, $32.21 a share.

Or consider the case of one of our biggest industrial companies, which has lately been in the news, United States Steel. The first postwar inflation shot its earnings from $1.22 a share to $3.65 a share. But in 1960, after 10 more years of inflation, it could raise its earnings to only $5.17 a share. And the following year its earnings dropped below what they had been a decade earlier.

This being the case, why did the stock market take off on the biggest boom in history? For it did. During the same decade, the Dow Jones industrial average shot up from the 200 level to the 700 level. The market price of United States Steel itself rose from 20 (adjusted for changes in the number of shares) to 100.

The explanation can be found in another statistic. In 1950, for the shares represented in the industrial average, the market price was about seven times the per share earnings. In 1960 this price-earnings ratio was more than 21. On United States Steel stock, to choose a particular example, the price-earnings ratio skyrocketed from less than 9 to more than 27.

In short, for stocks having roughly the same earning capacity a decade apart, people at the end of the decade were paying many times the price for those same dollar earnings as at the beginning of the decade. They did this largely under the spell of the gospel that continued inflation was a guarantee of more economic growth in everything, including profits for business.

This gospel never made much sense; at the very most, it expressed only a half-truth. Conceivably if the inflation of the monetary supply could spread its effects evenly at all times throughout the economy, profits measured in dollars might have increased. Of course this would still give only an illusion of greater prosperity because the dollars would be worth less. But in practice even this did not happen. The costs of doing business—particularly labor costs but also taxes—rose far more rapidly than prices for the end product. At the moment wage costs are still rising; prices are not.

Thus the cost squeeze, dramatized most recently by the steel industry. Its wage costs went up another 10 cents an hour. It could not raise its prices.

But it's not only in the stock market that the boons of inflation have proved a delusion. By almost any standard you choose for measurement—unemployment, our economic position in world trade, the strength of the dollar, as well as business profits—a decade of almost continuous monetary inflation has simply not produced the wonders that the economic managers promised in their prospectus.

We don't know, really, why anybody ever thought it would.

Mr. BUSH. Mr. President, the article calls attention to the fact that, despite a decade of almost continuous monetary inflation, we have not produced the wonders that the economic managers have promised in their prospectus, and that by almost any standard for measurement—unemployment, our economic position in world trade, the strength of the dollar, as well as business profits—our progress has not at all shown a satisfactory increase.

JAMES M. NORMAN—LITERACY TEST FOR VOTING—MOTION FOR CLOTURE

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. DIRKSEN. Mr. President, first I wish to commend and compliment our distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], for the good and reasoned statement he made today. It was complete and accurate, and I believe it sets forth the whole story of the issue that now confronts the Senate. I think he is to be commended for the very forbearing and temperate approach that he has taken all along on the problem. That is characteristic of our distinguished majority leader.

Long ago when we were discussing the subject he said that he did not believe that there was any virtue in having unduly early sessions of the Senate, and there have been no such sessions. He indicated that there was no particular force in keeping the Senate in session until an inconvenient hour in the day, which might embarrass Senators in their various individual schedules. Every Senator can rise and testify to the fact that the Senate has not been kept in session to a late hour. In my judgment there has been ample time to ventilate the issue that is involved here, and from as much of the discussion as I have heard from time to time, it would appear that virtually all the emphasis was on the constitutional issue with respect to the qualifications of voters as a State power, as distinguished from a Federal power.

In that connection I made some remarks on the proposal and I inserted in the RECORD two memorandums on the constitutional issue. One has been prepared very painstakingly and over a long period of time by the Department of Justice. It cites virtually every pertinent case. The other memorandum was prepared by the Civil Rights Commission. The Civil Rights Commission had the benefit of the best legal talent that was available. So with those 2 documents, plus the statements, plus 670 pages of hearings on the question, the Senate, in my judgment, has sufficient information to come to grips with the issue and to resolve it if it can.

I believe it has been discussed enough. I think in good grace we come before the Senate with a petition of cloture. I do not believe that the petition in any wise demeans the character or the deliberate approach of the Senate. Everyone knows that the cloture rule has been on the Senate rule book since 1917. For the past 45 years it has been possible for 16 Senators to affix their names to such a petition, in the hope that at long last discussion of some issue before the Senate could be brought to a close and that a vote might be had, after allowing to each Senator the time that the rule provides.

Who can say that the cloture petition as such demeans the Senate, when it is a part of our standing rules? Who will say that it embarrasses in the slightest degree the deliberative character of this body?

There has to be, finally, some way to conclude debate. If it cannot be concluded in one way, then it is necessary to resort to whatever devices are available for the purpose of getting a vote on an issue.

As the majority leader has pointed out, if the cloture motion fails, and if it fails substantially, then perhaps there is nothing else to do except to make the motion, awkward and embarrassing as it may be, to table the pending bill, so that every Member of the Senate may have an opportunity to be counted on the issue.

I was confronted with the problem once before in the previous Congress, when we had a package of civil rights measures before the Senate. I found myself in the rather infelicitous position of having to move to table one of my own proposals. It did not bother me. It was the only way in which the Senate could get an indication on the Record of what the attitude and the approach of the Senate might be.

So, Mr. President, there is not any other thing to do now. Our action has been taken in reason and in sweet temper. I commend highly the majority leader for the very equitable and reasonable way in which he has dealt with this whole problem, never losing his temper, never losing his sense of reasonable approach in dealing with a problem that is highly controversial and often shot through with emotionalism.

There is not involved here any proposal of setting aside or ignoring or eroding the Constitution of the United States. The rule is a rule of the Senate, and it has been a part of the rules of the Senate for 45 years. Long before now, if it was felt deeply that the rule was a power or an authority to subvert the Constitution of the United States, a movement should have been undertaken in every session of the Senate since that time to either modify or repeal the rule.

The rule has been a rule of the Senate for 45 years, and any Senator who resorts to it is in good form and in good order under the Constitution of the United States, and is within the rules of the Senate.

Once more I commend the majority leader of the Senate for the way in which he has approached this very difficult problem.

WITHHOLDING OF TAX ON DIVIDENDS AND INTEREST

Mr. MANSFIELD. Mr. President, I wish to commend the senior Senator from Illinois [Mr. Douglas] for the penetrating address he delivered last week on the status of the President's proposal to withhold at the source the tax due on dividends and interest. A massive letter-writing campaign is underway against this proposal. A great many people appear to feel that this is a new tax, or a tax on the savings accounts themselves. Nothing could be further from the truth. The Senator from Illinois did a brilliant job explaining what the proposal does, and in exposing the efforts being made to confuse the public's understanding of it.

Similar efforts were made in the House, and a majority of Congressmen stood firm against them. I trust the same result will occur in this body.

In yesterday's New York Times there appeared a cogent article on this question, under the United Press International byline. It includes a question-and-answer discussion of the proposal that I believe Senators may find useful in replying to inquiries from their constituents. I ask unanimous consent that the article may be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Tax-Bill Fight Backfires in Senate

Washington, May 5.—A massive mail campaign against President Kennedy's proposed withholding tax on dividend and interest income showed signs today of boomeranging.

The avalanche of protest letters from taxpayers has convinced some Senators that nonpayment of tax on interest and dividend income may be more widespread than the Treasury had estimated.

Senator Paul H. Douglas, Illinois Democrat, told the Senate this week that one-third to one-half of the more than 30,000 letters he had received indicated the writers believed erroneously that dividend and interest income was not taxable.

Senator Harrison J. Williams, Jr., New Jersey Democrat, said he had been deluged with mail but that much of it had revealed an incredible amount of misunderstanding and distortion.

Senator Williams said the well organized mail campaign had made him realize that many seem to think a new tax is being imposed, but dividend and interest income has been subject to taxation since 1913.

Savings institutions have taken ads in some area encouraging taxpayers to write. Senator John Sherman Cooper, Kentucky Republican, told the Senate the advertising was often misleading.

WITHHOLDING PROVISION

The proposal, part of the administration tax reform bill already passed by the House and now pending before the Senate Finance Committee, would impose a withholding tax of 20 cents on every dollar of income from dividends and interest.

Two Senators went on record this week against it. One of them, Senator Sam J. Ervin, Jr., North Carolina Democrat, said Friday it would impose "intolerable recordkeeping burdens on both the Government and private financial institutions, and grave hardships upon taxpayers dependent for their livelihood upon income from these sources."

The other, Senator Hugh Scott, Pennsylvania Republican, said in remarks prepared for the Pennsylvania Bankers Association at Pittsburgh that the proposal was an administrative monstrosity.

He said it would strike hardest at low-income groups and deprive them of their income for unnecessarily long periods of time.

MAIN ASPECTS OF BILL

Here in question-and-answer form are some of the main features involved:

Question. Is this a new 20-percent Federal tax?

Answer. No. Income from dividends and interest always has been taxable. The Treasury estimates it loses $800 million a year because taxpayers, either deliberately or by oversight, do not report it on their income tax returns. The bill would recapture $650 million of this by withholding 20 percent at the source.

Question. How many people would be affected?

Answer. About 22,500,000 persons who have savings accounts, stocks, or Government and private bonds.

Question. Would it be the same as withholding, which has been in effect for 20 years, except that it would be a flat 20 percent?

Answer. If a person had a $100 savings account paying $4 interest a year, the withholding would be 20 percent of $4 or 80 cents, not 20 percent of the $100 account.

Question. Would every person have to pay, even widows and elderly citizens who depend on fixed investment income?

Answer. No. The House bill permits certain elderly persons and others who expect to owe no taxes at the end of the year to file certificates exempting them from the withholding operation. Youths under the age of 18 also would be exempt.

QUARTERLY REFUNDS

Question. How about persons who may own only $40 or so in taxes?

Answer. The Treasury estimates that 2 million individuals will end the year with the Government withholding too much. But the excess will amount to only $10 or less a year for 1 million of these. In all such cases, the taxpayer may file for refunds every 3 months for overpayment. After the first quarter, the Treasury automatically mails a refund form for the next filing.

Question. Would the program cost too much to administer, or involve much new paperwork?

COST OF COLLECTION

Answer. The Treasury estimates it will cost $19 million to collect $650 million. There is no doubt that the refund claims, exemption certificates and the like will cause taxpayers additional burdens. Banks, corporations, and institutions that do the withholding will have more paperwork. But banks can recover some costs by retaining the amounts withheld as long as 4 months. Corporations already withhold on dividends to certain alien stockholders.

Question. Would this be in addition to wage withholding?

Answer. Yes. The Treasury notes that 73 percent of the wage earners have claims of excessive withholding and they get no refunds until the end of the year. Only about 13 percent of those with dividend and interest income would be due refunds, and many could get these quarterly.

Question. Could not the new automatic data processing equipment detect evaders with institution of the proposed program?

Answer. No. The data processors do not collect any taxes. They merely audit returns to expose unreported income. Besides, the system does not go into effect until 1966. Withholding would collect 20 percent, or $650 million of the estimated $800 million dividend-interest income now escaping taxation. The Treasury says automatic data processing could be concentrated on the remainder, most of which involves higher income individuals who are in tax brackets above 20 percent.

JAMES M. NORMAN—LITERACY TEST FOR VOTING—MOTION FOR CLOTURE

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. KUCHEL. Mr. President, the gantlet on the pending issue has now been thrown down. I for one am glad that it has been. I speak as a Republican in saluting the leadership of our friend, the gallant Senator from Illinois [Mr. Dirksen], and I salute also the majority leader, the Senator from Montana [Mr. Mansfield], in the action they have both taken in filing, as is their right under the rules, a petition for cloture, upon which some of us on both sides of the aisle have joined.

A few weeks ago we had the first filibuster of 1962, with respect to the issue of poll taxes, and whether or not by statute or by constitutional amendment they ought to be eliminated in this free land of ours. I dubbed that filibuster at that time as a friendly filibuster. Today, with respect to the literacy test issue, brought here by the leaders of both parties, we again have a filibuster. I suggest that this might be dubbed a painless filibuster.

It is true that you and I, Mr. President, have not been subjected to the indignities usually associated with a filibuster, by which we have been compelled to be present in the Chamber 24 hours a day, day in and day out, for many weeks. Painless though it may be, it is still a filibuster, and the petition for cloture will give Members of the Senate an opportunity to say whether or not now, after many days and long, long speeches, the Senate is ready, relying on its rules, to bring the debate to a conclusion.

I congratulate the two leaders also because if, as I hope will not be the case, a two-thirds vote is not lodged in favor of ending the filibuster then Senators will be given an opportunity to vote on the issue involved, and that is whether the U.S. Senate wants to end the perpetration on American citizens of a denial of their constitutional rights merely because of the tincture of their skin. I hope more than a simple majority, in fact, I hope a convincing majority, of the Senate will vote against the motion to table. It will demonstrate that, given a chance to sit in judgment on this issue, the Senate believes, with both parties participating, that legislation ought to be adopted to eliminate, so far as Federal elections are concerned, literacy tests which, in truth and in fact, are utilized to deny American citizens their constitutional right to vote.

I am glad, too, that the gauntlet has been thrown down in this Chamber that if the desires of a clear majority of Senators are stultified by a filibuster, the day is fast approaching when a majority, acting under the Constitution, will change the rules once and for all and will provide that after free and open and reasonable debate of considerable length the Senate may move forward and vote, up or down, whatever issue pends in this hectic age through which the world is passing.

Mr. SALTONSTALL. Mr. President, I offer an amendment to the amendment proposed by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN] to the bill (H.R. 1361) and ask that it be read. I ask unanimous consent that this may be done in the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, line 7, immediately after "private school," it is proposed to insert the following: "in which classes are taught primarily in the language used on the ballot or voting machine."

On page 2, beginning with line 11, strike out all down to and including line 21.

On page 2, line 22, strike out "(f)" and insert in lieu thereof "(e)".

On page 3, line 20, immediately after the word "school" insert the word "located."

On page 3, line 21, immediately before the period, insert the following: "and in which all classes (other than classes in languages) were taught primarily in the language, or one of the languages, used on the ballot or voting machine which would be used for voting by such person."

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table, to await action on the cloture motion.

Mr. KEATING. Mr. President, I join in the commendation of the distinguished majority leader and the distinguished minority leader for the action they have taken with respect to the cloture motion. Throughout the debate, they have been patient and fair.

The present filibuster has not set any new records. The Senate has not been called into session for long hours each day or to sit at night. It has not been necessary to move cots into an assigned area, on which to rest. There have not been any midnight alarms to produce a quorum on the Senate floor. The proceedings might more appropriately be called a filibusterette; nonetheless it is a member of the filibuster family, whatever name may be given to it.

It is apparent that sufficient time has now elapsed to consider bringing the issue to a vote. However, it should be pointed out that a vote for cloture on Wednesday will not end this debate. Under the rules, up to 100 additional hours will still remain for debate, 1 hour for each Senator. Any new arguments which could be advanced for or against the proposed legislation certainly can be made within that time limit. Thus plenty of time still will remain for meaningful debate.

At the same time, cloture will make it impossible for a minority of Senators to prevent the Senate from expressing its will on this issue. It is not time for debate which Senators who oppose cloture desire, but the defeat of this issue without any vote. Cloture is authorized under the rules of the Senate. We are proceeding under those rules. They are stringent. In my opinion, they are too stringent. I think that may have been demonstrated in the course of this debate; nevertheless, the rules are being complied with in every particular by the cloture motion.

This occasion will provide a test of whether a majority of the Senate after full debate can work its will on a piece of proposed legislation under the existing rules, or whether the rules need to be amended to permit the Senate to work its will as the American people expect us to do.

One word with respect to the argument made by the distinguished Senator from Georgia [Mr. RUSSELL] about amendments. I shall present, either later today or tomorrow, an amendment, to be read, which will extend this measure to State elections. It is clear under rule XXII that such amendments can be considered during proceedings under cloture as long as the amendment is presented and read prior to the vote in cloture, not prior to the time the motion for cloture was filed. I can find nothing in the rules clearer than the statement:

> Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time.

The rule does not provide that the amendment shall have been presented prior to the time when the motion for cloture was filed.

In my judgment, it is clear that amendments presented and read prior to the cloture vote on Wednesday will be in order.

TEXAS PRIMARY VOTE ON ABOLITION OF POLL TAX

Mr. HOLLAND. Mr. President, I am happy to announce to the Senate that the issue was presented to the Texas electorate on Saturday as to whether the poll tax, as it has prevailed in that State for some years, should be abolished. The issue was presented as a party matter to both the Democratic primary and the Republican primary. I learn from the Associated Press that, by a substantial vote, both parties, through the voters participating, approve the repeal of the poll tax by State law.

However, I must also advise the Senate that these referenda have no binding force; they are simply recommendations, of the many more than 1 million voters who participated, to the legislature to act at its next session to abolish the poll tax as a State requirement for voting.

I am pleased to announce this development. I hope it means that the Nation is, as I felt it should be when the Senate debated the question some weeks ago, moving in the right direction; that is, to abolish a material and technical requirement like the poll tax which has no direct relation to the competence of the citizen to pass on important public issues.

THE ADMINISTRATION SHOULD REVERSE ITS ILLOGICAL POLICY ON SUBSIDIZING OUR GOLD MINING INDUSTRY

Mr. GRUENING. Mr. President, from time to time, on the floor of the Senate, I have discussed the plight of the gold industry in the United States and the need for the adoption of immediate remedial measures if the United States is to remain a gold-producing nation at all.

This is not a case of crying wolf.

One after another, gold producing mines are being closed.

The tragic part of this sorry picture is that we are closing down our gold mines at precisely the time when our gold supplies are being steadily depleted.

Last Friday, together with my colleague, the junior Senator from Montana [Mr. METCALF], and Representative RALPH RIVERS, of Alaska, a representative from the office of my colleague, Senator BARTLETT, as well as a number of other Members of the other body, I met with the Secretary of the Treasury, Mr. Dillon, in an effort to modify the Treasury Department's adamant opposition to

Senate Joint Resolution 44 to provide a subsidy for newly mined gold.

I hope we were able to impress upon Mr. Dillon and his staff the seriousness of the current situation. It seemed to me outrageous that we should in effect through our foreign aid program be subsidizing mining abroad whereas when a similar proposal is presented for adoption here at home it meets strong opposition.

We made it crystal clear, Mr. President, that we were not seeking to raise the price of gold above the present price of $35 per ounce.

We did voice our unbelief that anyone could misconstrue a subsidy paid by the Secretary of the Interior for newly mined gold as an increase in the price of gold paid by the Secretary of the Treasury. Under our proposal, these would be separate and distinct actions.

It is intolerable to keep the gold mining industry in the United States in a straitjacket by forcing it to sell at 1934 prices while paying 1962 prices for the materials and labor needed to produce that selfsame gold.

For my own part, I am perfectly willing to accept an amendment to Senate Joint Resolution 44 pegging the price of gold at $35 per ounce and serving notice on the world that we are willing to buy any quantity of gold at that price. Such a declaration by statutory enactment should make it clear to the world that the price of gold is not being and will not be changed.

I am disturbed, Mr. President, at the persistent rumors as to the action by the Soviets. These rumors are coming from too many sources and square with too many proven facts to be totally and safely ignored.

We cannot take a chance.

If there is truth to these rumors—if they should have a factual base—and the Soviets are mining gold at a huge rate and intend at some future time figuratively to put a gold ruble on the market, it will then be too late to subsidize the gold mines of the United States. It will then be far too late to halt the shift of the financial center of the world from the West to the East.

I have said before—and I reiterate—that gold is a weapon in the cold war in which we are now engaged. We must arm ourselves with the weapon as we are today arming ourselves with the other materials of war. But more than a weapon of war, gold is also a weapon of peace. If we are to continue to pour our wealth into foreign, underdeveloped countries in any effort to bring about their economic development we must maintain our own strength. We cannot do that unless we supplement our gold reserves. And we cannot maintain our gold reserves without a subsidy.

Those of us who met with Secretary Dillon Friday received his assurance that he would take this matter up with the international bankers with whom he is to meet in Rome in the next 10 days. We would expect him to do so and we would further expect that he would do an effective selling job of convincing them that the payment of a subsidy would in no way affect the price of gold. For my own part, I believe that this is a matter for decision by our own Government since it is extremely difficult if not impossible to see any connection between a subsidy for mining gold and an increase in the price of gold.

I hope that the Secretary of the Treasury, when he comes before the Senate Subcommittee on Minerals, Materials, and Fuels on May 23, 1962, will recommend the speedy enactment of Senate Joint Resolution 44.

Actually the $35-an-ounce subsidy which it proposes is in my judgment not adequate. It would help substantially. It would keep going some of the gold dredges that will shortly suspend operation. It will keep some of the gold mines that are still operating from closing. But a more realistic figure of a $70 subsidy would bring the entire gold mining industry into production. It would replenish our rapidly dwindling gold reserves. It would show—that as President Kennedy showed when he increased our Armed Forces in the face of Russian Communist aggressiveness in response to his efforts at understanding—that the United States means business in the economic as well as in the military aspects of the world struggle between East and West, that we as a nation appreciate that gold is a weapon in the cold war, and that we intend to use it.

PUBLIC OWNERSHIP NECESSARY FOR PROTECTION OF PUBLIC INTEREST IN SPACE SATELLITES

Mr. YARBOROUGH. Mr. President, one of the great issues before Congress is the question of ownership in the U.S. portion of a worldwide satellite communications system. I am cosponsor of a bill with Senator Kefauver and others that would keep this vast natural resource, developed at taxpayer's expense, in Government hands for the benefit of all people.

Our Nation cannot afford to give away to a private monopoly this great force for world peace and for better understanding among all people.

It is true that there have been numerous advocates of private ownership but it is my belief that their position is based primarily on an inadequate consideration of all the facts involved. One of the assumptions made by those who favor giving away this tremendous public investment has been that a private monopoly would be adequately regulated by existing governmental machinery in such a way as to protect the public interest.

On this point I would like to submit for the Record an article from the New York Times of Wednesday, April 25, 1962. This article reports on a special study of Government regulation of the communications industry for the Bureau of the Budget by Booz, Allen & Hamilton, a firm of private management consultants. The study states that for lack of finances, personnel, and equipment there has been inadequate Government regulation of the telephone industry over the past 26 years. The study concludes that the regulatory agency is unable, for the reasons previously stated, to meet its public responsibilities and that the agency has, therefore, been ineffective in protecting the public interest where telephone rates are concerned.

The Congress has a major share of the responsibility for failure to furnish the money to enable the Federal Communications Commission to regulate interstate telephone rates.

We should not hasten to give away the space communications satellite system and to entrust the public interest to regulation of a private satellite communications system until we in Congress have taken whatever action is necessary on our part to correct the record by furnishing money and personnel for proper regulation, and have seen a demonstrated success.

I ask unanimous consent to have printed in the Record an article entitled "FCC Said To Fail in Meeting Duties," from the New York Times of April 25, 1962.

There being no objection, the article was ordered to be printed in the Record, as follows:

FCC Said To Fail in Meeting Duties

(By Felix Belair, Jr.)

Washington, April 24.—A team of management experts reported today that the Federal Communications Commission was unable to discharge its public responsibilities and urged its immediate overhaul.

Inadequate equipment, personnel, and financing in the face of explosive advances in telecommunications has left the agency unable to carry out its functions, the report said.

The report added that, because of insufficient attention to the method and basis of ratemaking, the Commission could not say whether interstate telephone and telegraph rates were just and reasonable.

The survey was made by the concern of Booz, Allen & Hamilton, management consultants, at the request of the Bureau of the Budget. The study will cost the Bureau about $60,000.

Although it listed 21 rate reductions negotiated with the American Telephone & Telegraph Co., since 1935, the report said:

"The Commission has established no firm criteria governing such rates of return and does not demonstrate that the reductions negotiated actually bring the overall rate of return down to reasonable limits. "This activity merits far greater emphasis if the public interest is to be properly served."

STAGGERING BURDEN

Part of the agency's regulatory deficiency was ascribed in the report to the staggering burden resulting from expansion of communication services and introduction of new industries. But it said this was not true of regulation of telephone companies.

The Common Carrier Bureau of the FCC which has jurisdiction over all telephone and telegraph media, was never "organized, staffed or equipped to be entirely successful," the report said.

The Bell System accounted for 96 percent of the telephone service and 97 percent of the operating revenues received by all telephone companies fully subject to FCC regulations. To this the report added:

"About 25 percent of Bell System operating revenues are derived from interstate and foreign operations and the percentage is increasing. The existence of this huge strategic enterprise places a particular burden on the Federal Government to look to the public interest."

For lack of staff and funds the Common Carrier Bureau's regulating of telephone companies "are performed in a superficial manner or are performed for a small fraction of the total area of responsibility," it said.

The report cited the following illustrations:

Bell System purchases in 1960 from its subsidiary Western Electric Co. totaled $1,800 million, "which amount becomes part of the rate base on which the Bell companies expect a return." But apart from a review of periodic reports, "no examination of the books of Western Electric or other leading telephone equipment manufacturers has been undertaken to determine the reasonableness of charges to the Bell System."

"Since January 1956, accounting compliance reviews have been accomplished for only 14 of 24 Bell System companies and 9 of 40 independent telephone companies.

"The method of timing and billing long-distance telephone calls never has been adequately examined."

Depreciation rates—"a major factor in an industry with an increasingly faster rate of obsolescence for much of its equipment"—must be prescribed by the FCC. "Rates of Bell System companies can be reviewed every 3 or 4 years at best. * * * No depreciation rates have been prescribed for the independent companies subject to the FCC."

The report said this partial listing was subject to "considerable extension" and added:

"The point is that the bureau is in no position to establish the reasonableness of charges in most areas of common carrier service."

BUDGET INCREASE URGED

To correct deficiencies in the agency's organization and management the report proposed creating several divisions and consolidating others. It recommended substantial increases in budget and personnel and a shift to automatic data processing for much work now carried on by staff personnel.

The report gave no estimates of the budget or personnel increases required. Apparently this was left for the FCC to justify in its estimates to the Bureau of the Budget.

As in earlier reports on the Interstate Commerce and Securities and Exchange Commission, the management group proposed to increase the power of the agency's chairman.

The establishment of the position of executive director was also urged to help the chairman control staff activities.

Both proposals are almost certain to be attacked in Congress as an attempt to transfer to the chairman the authority now shared by the seven members of the Commission.

The summary conclusion of the report was that while the FCC as now constituted "is not equipped to realize fully its statutory objectives," this did not imply that the agency was "ineffective in its essential functioning.

"On the contrary, with its present administrative equipment, the FCC is a viable agency doing reasonably well under many handicaps," it stated.

NEED FOR MONITORING

The report emphasized the need for more effective monitoring and inspection of licensed radio station. It said that radio frequency interference had reached alarming proportions in the United States.

"Interference caused by radio emissions of industrial equipment such as heaters and arc welders threatens the safety of air travel in some locations," it said.

"In the Gulf of Mexico," the report added, "'shrimpboaters' casually invade the international distress frequency to exchange information about the movements of their quarry or even to order groceries, with the result that a ship in distress might well have difficulty contacting the Coast Guard."

The Field Engineering and Monitoring Bureau does a good job with limited resources, according to the survey, but the results fall short of requirements.

While the bureau had performed near miracles in rehabilitating or adapting used or surplus equipment, "there is a limit to which utilization of 'hand-me-downs' can be carried," the Report warned.

It said the same was true of enlisting the help of private individuals and organizations in performing the bureau's responsibilities.

TRINITY RIVER VALLEY IMPROVEMENTS NEEDED NOW

Mr. YARBOROUGH. Mr. President, the Trinity River Valley improvement program, which includes conversion of the stream into a barge canal from the Texas gulf coast to Fort Worth, has 30 years of visionary planning and hard work behind it.

The interest in this great project can be illustrated by the fact that 1,500 people turned out for a single Army Engineers hearing on the project last fall in Fort Worth.

At a time when our country is searching in every direction for new ways of increasing employment, strengthening the economy, advancement of the Trinity River Valley project is a golden opportunity which cannot be overlooked.

It does not take an economist today to recognize that the vast expansion and modernization of industries in other lands intensifies the urgency for improving our competitive level. Reducing costs of production and transportation must be major goals in meeting competition in both foreign and domestic markets.

Inland water transportation of the type that will be made available on the Trinity River is certainly a resource to be drawn upon fully if American industry is to be able to compete with the industrial complexes in the European Economic Community, Japan and the U.S.S.R.

There is a need to move quickly in developing our inland water resources to meet a responsibility to American economic growth.

I ask unanimous consent to have the following editorial "A Lesson in River Development" from the Sunday, March 18, 1962, edition of the Fort Worth Star Telegram printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Lesson in River Development

Fort Worth and the whole Trinity River Valley could learn a lesson from Oklahoma.

The hope of this area is for complete development of the Trinity River, including its opening to barge navigation from the gulf to Fort Worth. Over the years, progress has been made. But the rate of advance toward realization of the immense economic benefits of water transportation seems agonizingly slow.

In Oklahoma, development of navigation on the Arkansas and Verdigris Rivers from Tulsa to the Mississippi is proceeding at full speed. The plan long since has passed the blueprint stage and in some of its important phases is under construction. Though it is a project of tremendous cost as compared to the Trinity, its progress is not hampered by lack of money. The rate of construction is gaged only by the ability to put men, materials, and equipment on the job.

In its present scope, the Arkansas-Verdigris project was conceived long after the Trinity project. But it is proceeding toward actuality at a far faster pace. This year more than $85 million—money already at hand—will be spent along the river. Funds requested by President Kennedy in his budget for the next fiscal year will speed it still further on its way. The funds will be sufficient to put well underway or bring near to completion the construction of half a dozen huge reservoirs, to put beyond the halfway mark a costly stream bank stabilization program which would not be necessary on the Trinity project, and to begin preconstruction planning of lock and dam projects above Little Rock.

All this, it is to be stressed, has been accomplished in a relatively short time as such projects go. Moreover, the timetable, for completion, originally 1973, already has been shortened by 3 years. Efforts now are being made to advance the completion date by another 3 years. And with the able assistance of U.S. Senator Robert S. Kerr, who has shown himself a mover of mountains and men in Washington to further the project, who can doubt that it will be done? And already there is talk of enlarging the program to include extension of the navigation channel to Oklahoma City.

The whole program now so far advanced is one which in the beginning was labeled as "impossible." The obstacles, the costs involved, were great, not the least of them being the problem of making the unstable banks of the Arkansas stay put. The apparent secret of success is that the leaders and the people of the area have stayed put behind the project, losing no opportunity to promote and further it at home and in Washington. And in the Capitol they have had a potent and strategically placed ally in Senator Kerr, who has been both convinced and convincing in regard to the program.

A main reason for setting forward the timetable for completion of navigation to Tulsa is that, on the basis of economic study, Oklahomans feel they are losing $64 million a year in benefits that would be derived from this development. By the same method of measurement, how much are Fort Worth, Dallas, and the Trinity Valley losing while their own navigation project hangs fire?

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is closed.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. TALMADGE. Mr. President, I wish to call to the attention of the Senate an excellent article published today in the Washington Star. The article was written by the noted columnist, David Lawrence, and it is entitled "Literacy Test Curb Challenged."

Mr. Lawrence points out at some length in the article that the Federal courts and the courts of every State in the Union have held that the qualification of voters is a matter to be determined by the States themselves, and that that power is granted not only by article I, section 2 of the Constitution of the United States, but also by the 17th amendment. Mr. Lawrence also states:

> Where the Federal Government, through the Department of Justice, can step in, of course, is to see to it that the literacy test is fairly applied, irrespective of race or color. This means a lawsuit in any case of alleged discrimination. A particular "literacy" test law may be "unconstitutional on its face," as Justice Douglas says, but the proper place to determine this is in the courts—not in Congress.
>
> No law of Congress, therefore, can constitutionally declare that, because a literacy test might possibly be a form of abuse, it should be prohibited altogether, and that completion of a certain grade of school shall be accepted as a substitute for a test. If, every time an abuse occurs in any right exercised constitutionally by a State, a law then can be passed by Congress fixing its own standard as a preventive measure, then all rights of the States under the Constitution can be taken away overnight.

Mr. President, I commend the distinguished columnist, David Lawrence for his masterful presentation; and I ask unanimous consent that the entire article be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, May 7, 1962]

LITERACY TEST CURB CHALLENGED

(By David Lawrence)

Attorney General Kennedy wrote in a letter the other day to the New York Herald Tribune that the bill before Congress, which seeks to fix a sixth-grade education as enough to satisfy literacy requirements, isn't an invasion of the right of the States "to set voting standards." He says that the proposed law is aimed at and "limited to the use of discretionary tests, capable of manipulation by registration officials."

This is a surprising statement and one that has added considerable fuel to the fires burning on Capitol Hill as Senator after Senator opposed to the bill points to decisions of the Supreme Court which declare that the Constitution gives to the States alone the power to set voter qualifications.

Mr. Kennedy argues that as proof of literacy a State can determine to fix 8 or 12 years of schooling or 4 years of college and that these would be "objective standards and qualifications which would not be affected in any way by this bill."

What the Attorney General contends really is that the Federal Government has the right to pass judgment on the extent to which literacy tests as such can be applied. He insists that as a substitute for the tests Congress can flatly set a sixth-grade education as a standard and the States would have to give up their literacy tests and accept this as a qualification for voting.

But although the head of the Department of Justice says it is all right for the States to use any particular grade in school as the basis for their requirements on literacy, he doesn't give any inkling as to where in the Constitution he finds any authority for Congress to take away from the States their right to determine in their own way what literacy is or is not.

Senators WILLIS ROBERTSON, of Virginia, SAM ERVIN, of North Carolina, and HERMAN TALMADGE, of Georgia, Democrats, have cited in speeches to the Senate in the last few days decision after decision of the Supreme Court of the United States in which a judgment was expressed directly contrary to that of Attorney General Kennedy.

The Virginia Senator, for instance, called attention to a case decided by the Supreme Court of the United States as recently as June 8, 1959, known as *Lassiter* v. *Northampton County Board of Elections*. It upheld a North Carolina literacy test. Justice Douglas, in speaking for a unanimous court, said:

"The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised.

"The present requirement, applicable to members of all races, is that the prospective voter 'be able to read and write any section of the constitution of North Carolina in the English language.' That seems to us to be one fair way of determining whether a person is literate, not a calculated scheme to lay springes for the citizen. Certainly we cannot condemn it on its face as a device unrelated to the desire of North Carolina to raise the standards for people of all races who cast the ballot."

Justice Douglas quoted with approval the Court's opinion in the case of *Quinn* v. *United States,* which had said:

"No time need be spent on the question of the validity of the literacy test, considered alone, since, as we have seen, its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted."

Where the Federal Government, through the Department of Justice, can step in, of course, is to see to it that the literacy test is fairly applied irrespective of race or color. This means a lawsuit in any case of alleged discrimination. A particular "literacy" test law may be "unconstitutional on its face," as Justice Douglas says, but the proper place to determine this is in the courts—not in Congress.

No law of Congress, therefore, can constitutionally declare that, because a literacy test might possibly be a form of abuse, it should be prohibited altogether and that completion of a certain grade of school shall be accepted as a substitute for a test. If, every time an abuse occurs in any right exercised constitutionally by a State, a law then can be passed by Congress fixing its own standard as a preventive measure, then all rights of the States under the Constitution can be taken away overnight.

Justice Douglas, for instance, in the unanimous Supreme Court opinion in the North Carolina case quoted above says: "Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters."

Will some Attorney General in the future argue that Congress could pass a law setting standards of intelligence? Maybe a Republican or a Democratic majority in Congress would be encouraged to enact a law declaring that the standard of intelligence is satisfied by the would-be voter's expression of preference for a particular party in a given year.

The crux of the issue is not whether discrimination in determining the eligibility of a voter shall be prevented or punished but how the right to vote shall be protected. If it is desirable to fix a standard of literacy and to take the power away from the States, this can be done not by a law by Congress but only by adopting a constitutional amendment that has to be approved by two-thirds of both Houses of Congress and by three-fourths of the legislatures of the States.

Mr. ERVIN. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I am delighted to yield to my distinguished friend, the Senator from North Carolina.

Mr. ERVIN. The proponents of this very peculiar bill say it does not prescribe a qualification for voting, but that it establishes a standard by which voting qualifications in the field of literacy can be measured.

Does not the Constitution itself prescribe the only standard by which Congress is empowered to legislate in this field, namely, the standard provided by the 15th amendment?

Mr. TALMADGE. The able Senator from North Carolina is undoubtedly correct.

Mr. ERVIN. Is there in the only operative part of this bill a single word which makes any reference whatever to the 15th amendment?

Mr. TALMADGE. There is not.

Mr. ERVIN. Has not the Supreme Court of the United States held, in a number of cases, that the only power Congress has to legislate under the 15th amendment is in passing proposed legislation which by its very terms is restricted to a denial or abridgement of the right to vote on account of race, color, or previous condition of servitude?

Mr. TALMADGE. Or because of sex, under the 19th amendment.

Mr. ERVIN. Yes. And has not the Supreme Court of the United States held that any legislation which by its own phraseology is not restricted to a denial or abridgement of the right to vote on account of race, color, or previous condition of servitude does not constitute appropriate legislation within the purview of the 15th amendment, and for that reason is not valid?

Mr. TALMADGE. Yes; and the courts have so held time and time again, as many of us have pointed out on the floor of the Senate.

Mr. ERVIN. And has not the Supreme Court of the United States held, in some cases, that any legislation which is appropriate to enforce either the 14th amendment or the 15th amendment must take effect only upon the violation of such amendments by the States?

Mr. TALMADGE. The Senator from North Carolina is entirely correct.

Mr. ERVIN. Does not this bill violate those rulings and show contempt for those rulings, in that it is to take immediate effect on the whole body of the States, regardless of how well they may have complied with the 14th and the 15th amendments?

Mr. TALMADGE. That is absolutely correct. The bill flies in the teeth of those two separate provisions of the Constitution of the United States as well as of many decisions by both Federal courts and State courts. Attempts to amend the Constitution of the United States by congressional enactment is not one of the two ways prescribed in the Constitution for amending that document, as the Senator from North Carolina knows.

Mr. ERVIN. Yes.

I should like to ask the Senator from Georgia this question: Would not this bill be unconstitutional under the decisions, in that the decisions state that even in the case of violation of the 14th amendment or the 15th amendment, the Federal Government cannot step in and supersede State legislatures and undertake to perform, itself, the obligation which rests upon the States not to violate the provisions of the amendments to the Constitution?

Mr. TALMADGE. The Senator from North Carolina is entirely correct.

Mr. ERVIN. But under this bill the Congress would step in and establish an affirmative Federal standard, in violation of those decisions, would it not?

Mr. TALMADGE. The Senator from North Carolina is entirely correct.

Mr. ERVIN. Was the Senator from Georgia present, earlier today, when the able and distinguished majority leader [Mr. MANSFIELD] placed in the RECORD a letter, from the Deputy Attorney General, about the cumbersomeness of trying cases under the present laws?

Mr. TALMADGE. I was; and he admitted that the reason he wants this proposed law enacted is that he does not want to have to go to the trouble of trying such lawsuits under the existing laws.

Mr. ERVIN. I should like to ask the Senator from Georgia if under the Civil Rights Act of 1957 and the Civil Rights Act of 1960 a Federal judge does not sit and try a case both in the capacity of judge and jury, in which there is no right of trial by jury.

Mr. TALMADGE. The Senator is correct.

Mr. ERVIN. I will ask the Senator from Georgia if under the Civil Rights Act of 1960 there are only two questions a judge must decide from the testimony: first, whether a man has been denied the right to vote on account of race or color; and, second, whether that was done pursuant to a practice or pattern?

Mr. TALMADGE. The Senator is right.

Mr. ERVIN. Does not the Senator from Georgia agree with me that if a Federal judge took more than 1 or 2 days to try one of those cases, he would be wasting his time?

Mr. TALMADGE. The Senator is correct. Under that act he can appoint a referee to supersede the registrar within a particular county and take charge of the election machinery.

Mr. ERVIN. The Senator from Georgia is eminently correct.

I will ask the Senator from Georgia if, when a Federal judge, sitting without a jury, finds there has been a denial of the right to vote of one man on account of race or color, and that such act was done pusuant to a practice or pattern, then the Federal judge can receive applications from everybody of the same race in the same area who are denied registration by State officials and pass on those applications, or appoint thousands of voting referees to pass on them.

Mr. TALMADGE. The Senator is entirely correct. He, in his discretion, can take over the entire election machinery of any county any time he sees fit.

Mr. ERVIN. I will ask the Senator if any judge of reasonable competence could not determine in a minute whether an applicant is qualified to write.

Mr. TALMADGE. The Senator is correct.

Mr. ERVIN. I will ask the Senator if a judge could not get 300 or 400 applicants together in a school auditorium, write on a blackboard a short section of the constitution of the State, and have the applicants copy the same just as children taking a test in school do, and thus test the capacity of hundreds and hundreds of applicants to write in 1 day.

Mr. TALMADGE. The Senator is correct.

Mr. ERVIN. Is not the talk coming from the Department of Justice about the trying of these cases being cumbersome so much nonsense?

Mr. TALMADGE. The Senator is correct. It reminds me of a poem I learned once:

> O, what a tangled web we weave,
> When first we practice to deceive!

That is the question before the Congress of the United States at the present time. As the Senator knows, I inserted in the RECORD this morning 15 laws, 6 of them criminal and 9 of them civil, enacted to protect the right to vote. There are perhaps more laws on the Federal statute books protecting the right to vote today than there are laws in any other single area of individual rights. If anyone is being illegally denied the right to vote anywhere in the United States, he can enforce that right either civilly or criminally. In addition, he can even get the Attorney General to handle the suit for him as his taxpaid lawyer.

Mr. ERVIN. I will ask the Senator from Georgia if Attorneys General have not been coming to Congress for years and asking for more legislation of this character.

Mr. TALMADGE. Yes, particularly before an election.

Mr. ERVIN. Would not the Senator from Georgia be interested to know what the Department of Justice told me when I made inquiry as to how many attempted criminal prosecutions have been had since January 1, 1950, while different Attorneys General have been coming to Congress and painting horrible pictures in this area and demanding new legislation?

Mr. TALMADGE. I would like to have the Senator tell me. I believe the Senate and the country would like to know.

Mr. ERVIN. I have been supplied material from Mr. Burke Marshall, head of the Civil Rights Division of the Department of Justice, in which he says there have been only three attempts in all these years to prosecute anybody criminally for any violation of the law in this connection.

Mr. TALMADGE. Three cases out of a total of 185 million people in this country. Yet they are trying to repeal the Constitution of the United States in two separate places by legislative enactment in the name of protecting the right to vote.

Mr. ERVIN. Assuming that all these stories which the Justice Department has been telling about matters in some Southern States are true, does not the Senator from Georgia agree with me that those alleged facts would prove, not the necessity of getting more and more laws, but on the contrary that some Attorneys General have not been doing their duty?

Mr. TALMADGE. The Senator is certainly correct, if the horrendous matters of which they have been complaining before committees are correct. Their lawsuits certainly do not bear out their testimony.

Mr. ERVIN. I should like to ask the Senator from Georgia one further question.

I will ask the Senator from Georgia if he does not believe that any Attorney General of reasonable competence can take the Civil Rights Act of 1957 and the Civil Rights Act of 1960 and secure the registration of any qualified voter anywhere in the United States without serious difficulty?

Mr. TALMADGE. I thank my able colleague for his contribution to the debate.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to my distinguished colleague.

Mr. RUSSELL. I do not think this phase of the record should be closed without pointing out there is no scarcity of lawyers to conduct prosecutions or file civil proceedings. While they assert they need easier and easier laws to enforce, they get more and more lawyers in the Department of Justice. The last figures I had were that they had nearly 1,900 lawyers under the direction of the Attorney General. We all know that the FBI has several thousand members of its personnel, all of whom are either lawyers or accountants, and that the Civil Rights Commission also has a number of lawyers. So it is rather remarkable for anybody with as formidable and as farflung and as expensive a machine as that to deal with the law to have made the record that the Senator from North Carolina indicated.

How many prosecutions did the Senator from North Carolina say there had been? Three?

Mr. ERVIN. Three.

Mr. RUSSELL. Over a period of 12 years. Yet it is asserted that this matter is so pressing that they have to stall the wheels of government and tie the Senate up in order to make new laws—new laws. They said in 1957 if they got that bill passed it would be adequate for the Department of Justice to carry out its duties. They came back in 1960 and said, "No; we want to have referees appointed to register the people, and we need that." That law was enacted in 1960. And without giving either one of those laws a chance to work, without carrying out their duties and responsibilities to see whether they could not make those laws work and enforce them, they now come in here again, in this election year, seeking another law.

We all know as a practical matter that if this law should pass—which, God forbid, the Senate should so disregard our Constitution as to enact it, but should it pass such a monstrous perversion of the Constitution—they would be back here in 1964 with still another bill, and with a more gruesome story as to why they could not enforce the 1957, the 1960, and the 1962 acts.

Mr. TALMADGE. I agree entirely with my distinguished colleague. I think they will be back here every election year as long as they think they can profit politically by such action.

Mr. RUSSELL. What they are interested in is the balance of power in these great States, with these huge cities, where these seething masses of humanity live, and in many instances where they are marched to the polls like cattle by political bosses, where they are attempting to strike down the laws of the States, where they are trying to centralize power in Washington, where they can touch a button which will result in party bosses in large centers of population marching people to the polls. They are not nearly so much interested in conditions in the States where they live as they are in some of the States that are mentioned in the course of the debate.

Mr. TALMADGE. I thank my colleague.

Mr. ERVIN. Madam President, will the Senator yield? I should like to ask a question.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). Does the Senator from Georgia yield?

Mr. TALMADGE. I yield.

Mr. ERVIN. Some of our friends have been very much concerned about the fact that people are not voting in certain States below the Mason-Dixon line. I wish to ask the Senator from Georgia a question with reference to which I was unable to get an answer the other day.

How does it happen that in the State of Massachusetts—where the Democratic candidate for President resided, and where the Republican candidate for Vice President, resided—25 percent of the people of voting age did not bother to vote for either one of those candidates in the last presidential and vice presidential election?

Mr. TALMADGE. I agree with the Senator that it is strange indeed that people are more concerned about voting in other regions than they are about the lack of voting in their own areas. If Georgia were fortunate enough to have candidates for President and Vice President on the ballot, I believe Georgians would turn out and vote in tremendous numbers because of the honor that had come to our State.

I do not know why it is the people do not vote in greater numbers than they do in some States, but it would be a matter of great interest and concern to the Senators who have the honor to represent those States.

Mr. ERVIN. I should like to ask the Senator from Georgia if he can explain another thing. The Republican candidate for President in the last election was a native son of the Golden Gate State of the West, California, was he not?

Mr. TALMADGE. That is true.

Mr. ERVIN. Can the Senator explain to me how it happened that in the last presidential election 33 percent of the people of voting age of the great State of California, which had a native son running for President on the Republican ticket, did not even bother to go out to vote either for him or against him?

Mr. TALMADGE. I am at a loss to understand why the people of that great State so neglected the exercise of their franchise, but I certainly would not advocate amending the Constitution by legislative enactment to remedy the situation.

Mr. ERVIN. I should like to ask one other question along this line. How could it happen, in the great Empire State of New York in the last election—a State having more electoral votes than any other State in the Union—that 33 percent of the persons of voting age did not vote either for the Democratic candidate or for the Republican candidate for President?

Mr. TALMADGE. I cannot understand why the people of New York were so negligent in the performance of their electoral responsibilities.

Mr. ERVIN. I should like to ask the Senator from Georgia if he agrees with me on the proposition that there were not any sinful southerners in charge of the election machinery in the State of Massachusetts, in the State of New York, or in the State of California during the last presidential election.

Mr. TALMADGE. The Senator is entirely correct. I thank my colleague.

I yield the floor, Madam President.

Mr. RUSSELL. Madam President, I have on other occasions referred to the extreme difficulties which confront those of us who are defending the Constitution of the United States in this debate, as to piercing the curtain of prejudice which the news media of this Nation throw about the South, but I am encouraged when from time to time I see evidence that there is a very acute awareness in other sections of the country of the vital stakes involved in this debate.

It is not merely a question of whether a man is intelligent enough to vote when he finishes the sixth grade. The question is whether we shall follow the Constitution of the United States or whether we shall twist, distort, and breach that document for what some of us feel is political expediency.

There has been brought to my attention a short editorial which sums up the matter as succinctly and as briefly as any statement I have seen. It was not published in a southern paper. It was published in the Washington Observer. The Washington Observer is not printed in Washington, D.C. It is printed in Washington, Pa., which I understand is a fine little city, but not one of the great cities of our Nation.

The Washington Observer published this editorial, which I shall read, since it is very brief:

> VOTER QUALIFICATIONS
>
> Three times the Constitution speaks of qualifications for voters. Each time, it reenforces the power of the States to prescribe the regulations for voting. Yet Attorney General Robert F. Kennedy is asking Congress to pass a law that defines as presumptive evidence of a person's qualification for voting, the fact that he has passed the sixth grade.
>
> It may be that this qualification is enough to prove the literacy of a citizen, though a sixth grade student could hardly qualify him to pass on matters of political importance. However, that is beside the point. The important thing is, that the Constitution specifically reserves this right of fixing the voting standards to the States, and the Congress cannot change that without amending the Constitution.
>
> It is possible that the Attorney General is counting on the Supreme Court, which struck down the long-established equal but separate education, and more recently intervened to give Federal and State courts authority to rule on legislative apportionment, to uphold this latest invasion of States rights. If it does, it will be one more step in centralizing power in the Federal Government and weakening the States.

So, Madam President, I adjure my colleagues who are standing with me in this fight, "Let us not be weary in well-doing." I hope that the Senate will reject the effort to prematurely "gag" the debate on Wednesday, to silence those of us who are protesting against ravishing the Constitution of the United States in such a summary manner; because, in my opinion, if we are permitted to carry on this debate for another month or 6 weeks we shall be able, by the power of repetition and the use of the CONGRESSIONAL RECORD, to get across to the people of this Nation exactly what is involved in the proposed measure.

When the time comes that we can bring that about, and the voice of the people of the United States—an informed voice—can be heard in this Chamber, there will be men here who will hang their heads in shame that they have pressed such a measure as has been proposed.

THE IMBALANCE IN MILITARY CONTRACT AWARDS

Mr. KEATING. Madam President, recent Defense Department figures which have been furnished to me at my request show that more than half of the procurement dollars spent by the two big Air Force procurement outfits in California are going to California firms. The Space Systems Division—SSD—which contracts for Air Force satellites, boosters, and ground equipment for space probes concentrated 73 percent of its awards, by dollar value, in California. For the first 8 months of fiscal 1962 that amounted to $405,186,293 out of a total of $555,843,403.

The Ballistic Systems Division—BSD—which contracts for work on ballistic missiles designed to carry weapons from one point on earth to another, spent 48 percent of its funds in California, or $895,724,269 out of $1,874,121,315. That averages out to 54 percent of the contracts by these relatively new and extremely important procurement outfits being awarded within a single State.

By contrast, only 4 percent of the BSD work and only 0.2 percent of the SSD work went to New York prime contractors.

Mr. KUCHEL. Madam President, will the Senator yield?

Mr. KEATING. I yield.

Mr. KUCHEL. Would the Senator permit an interruption, or would he prefer to have me wait until he concludes his comments?

Mr. KEATING. I apprehend that my distinguished friend from California may take some issue with what I propose to say. I think it perhaps would be more orderly, if the Senator has no objection, to wait until all the figures are before him.

Mr. KUCHEL. Very well.

Mr. KEATING. These figures might be convincing even to one who feels as does the Senator from California, and who so ably represents and supports the position of his State.

I respect the Senator's point of view, but I think it would be well to have the discussion in continuity.

An important Army procurement facility, the Los Angeles office of the Corps of Engineers Construction Division, with responsibility for building missile facilities, spent 22 percent of its funds, or $52.7 million in California and none at all in New York.

Madam President, I ask unanimous consent that, at the conclusion of my remarks, there be printed in the RECORD the rather surprising statistics and related statements from the Army, Navy, Air Force, and Defense Supply Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KEATING. Madam President, since the Corps of Engineers Construction Division contracts which I have referred to are for construction at sites throughout the United States, the figures to which I have referred appear to indicate a substantial imbalance.

These statistics are alarming, not only for New York State, but for the Nation. Missile programs, construction and maintenance of bases, and sophisticated space efforts are obviously the wave of the future in defense work. If one State is permitted to get a corner on this business—to the extent of half or more—that will be creating a serious economic and strategic imbalance.

The Defense Department assures me that an effective job is being done in terms of providing information and opportunities to bid and of awarding contracts to companies throughout the country. Except in special cases, all bids over $10,000 are advertised in the Commerce Business Daily. The Air Force maintains the results would be similar wherever the procurement stations were located.

Yet, these figures cause me very grave concern. For either they show that the rest of the country is not made fully aware of the opportunities or they show that the rest of the country is seriously falling down on the job of developing space interests and space work capabilities.

Statistics provided on a sampling basis by the Navy for Naval Purchasing Offices in Brooklyn and in Los Angeles show that when a determined effort is made to publicize upcoming bids widely, many new and qualified firms can be added to official bidder lists. Figures for January–March of 1962, for example, show that 108 New York firms were added to the Los Angeles Naval Purchasing Office list through the wide circulation of synopses; that is, summaries of upcoming procurement. These 108 New York firms were nearly half of the New York firms from which bids were solicited.

From the admittedly small sample provided, it would appear that the response of New York firms to widespread publicizing of bids by a California procurement office was high—a lot higher, for instance, than the response of California firms to similar efforts in New York. If this is characteristic of present Navy procurement trends, it is encouraging and contrasts considerably with the Air Force procurement policies to which I have referred.

Madam President, these facts should wake us up to the need for more diversification and more geographic spread in missile and space efforts. New York, the entire east coast, and in fact the whole Nation, should be playing a larger part in the critical work which is now being channeled, to an unhealthy degree, into one relatively small part of the country, albeit an important part of the country. More effort, through the synopsis program and other media, should be directed to the publicizing of upcoming defense work throughout the entire Nation.

The figures furnished by the Secretary of Defense with regard to the procurement in all branches of the service will be very revealing in fixing attention on this extremely important problem, both economically and strategically.

EXHIBIT 1

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., April 26, 1962.

Hon. KENNETH B. KEATING,
U.S. Senate.

DEAR SENATOR KEATING: This is in response to your letter of March 2, 1962, in which you requested us (1) to investigate to determine whether all procurement offices, and especially those on the west coast, are making a conscientious effort to solicit and review bids from all parts of the country, (2) to provide statistics from the Air Force Ballistic Systems Division, Air Force Space Systems Division, and the U.S. Army Corps of Engineers in Los Angeles, showing the percentage of their contracts awarded locally and in other areas, and (3) to provide any additional information as to measures being taken to publicize upcoming procurements widely.

We have enclosed a report which provides the requested statistics, and describes the activities of each military department and the Defense Supply Agency to publicize and solicit bids for military work on a nationwide basis. Considering the fact that a major portion of the ballistic missile and space industry is located in California, I believe that the statistics indicate that an effective job is being done in terms of providing information and opportunities to bid, and in awarding contracts, to companies in other parts of the country.

Sincerely,

THOMAS D. MORRIS,
Assistant Secretary of Defense, Installations and Logistics.

DEPARTMENT OF DEFENSE—PUBLICITY AND SOLICITATION OF BIDS FOR PROPOSED DEFENSE PROCUREMENTS, AND GEOGRAPHIC DISTRIBUTION OF LOS ANGELES PROCUREMENT OFFICE AWARDS

DEPARTMENT OF THE ARMY

Within the limitations of satisfying the requirements for soliciting small business and labor surplus areas, Army purchasing offices afford maximum opportunity to all firms, nationwide, to compete for its business. Bidders lists are maintained without regard to geographic location and procurements in excess of $2,500 are normally solicited on this basis. All proposed procurements, both advertised and negotiated, to be made in the United States which may result in an award in excess of $10,000, unless falling within an authorized exception, are publicized in the Commerce Business Daily which is distributed nationally by the Department of Commerce. In addition, for certain procurements, notices are furnished to trade journals which also have nationwide distribution.

The percentages requested with respect to awards made by the Corps of Engineers offices in Los Angeles are: approximately 22 percent of the total dollar amount for the past 2 years was awarded to local west coast firms, and 78 percent to contractors from outside that area. It should be noted that while the contracting offices are located in Los Angeles, the work for which contracts are awarded covers many States countrywide. This is especially applicable for the construction of the intercontinental ballistic missile bases. Normally, construction by its very nature, results in awards to contractors located within an economically competitive distance from the project site, since they are in a more favorable position to submit the lowest bid. This is especially true for contracts under $500,000. Therefore the location of a project will exert a significant influence in determining who the successful bidder may be regardless of the amount of publicity given.

Additional measures to publicize forthcoming procurements widely encompass stress on small business and labor surplus area set-asides, soliciting all small business firms on bid lists on which they are not predominant, encouraging prime contractors to synopsize subcontracting opportunities in the Commerce Business Daily and emphasis on breakout of components of major systems and equipments.

DEPARTMENT OF THE AIR FORCE

Statistics on contract awards by the Air Force Ballistic and Space Systems Divisions, and by the Army Corps of Engineers office in Los Angeles, are furnished in attached tabulation. These data represent the first 8 months of fiscal year 1962 prime contract awards over $10,000. As can be noted by the "Comparison—Inside and Outside California," approximately 50 percent of the dollars are awarded outside of the State of California. This trend has been fairly constant since the beginning of the ICBM effort. There has been a total of roughly $6.5 billion awarded on major missile programs of which $3.3 billion has been awarded inside and $3.2 billion awarded outside the State of California. Considering that a major portion of the ballistic missile and space industry is located in California this would appear to be a reasonable ratio of prime contract awards with respect to geographic areas. It also indicates that the preponderance of dollars placed on these contracts correlates to the geographic location of major system contractors and not to the location of the purchasing activity. The Air Force believes the results would be the same if these contracts were issued from either Washington, D.C., or Dayton, Ohio, instead of Los Angeles.

With regard to measures being taken to publicize widely upcoming procurements, the centralized source selection files at the Ballistic and Space Systems Division complex includes the entire United States. Potential contractors who have expressed an interest in receiving requests for proposals (RFP) and who have registered their qualifications with the Air Force Systems Command are automatically placed on a source list for evaluation. Also, the Armed Services Procurement Regulation requires, with specified exceptions, that procurements over $10,000 be synopsized and published in the Commerce Business Daily, to insure coverage and solicitation of all potential sources on a national basis.

Comparison, inside and outside California

	Ballistic Systems Division	Space Systems Division	U.S. Army Corps of Engineers	Total	Percent
Inside Los Angeles area	$37,836,254	$3,209,373		$41,045,627	1.5
Outside Los Angeles area in California	857,888,015	401,976,920	$52,700,000	1,312,564,935	49.1
Outside of California	978,397,046	150,657,110	192,100,000	1,321,154,156	49.4
Total	1,874,121,315	555,843,403	244,800,000	2,674,764,718	100

DEPARTMENT OF THE NAVY

In order to provide information requested on the efforts of Navy purchasing activities, and especially those on the west coast, to solicit and review bids from all parts of the country, two similar Navy purchasing activities located in key geographical areas were chosen for a limited analysis of operations.

The accompanying table is a summary of information pertaining to bid solicitations made by the Navy Purchasing Office, Brooklyn, N.Y., and the Navy Purchasing Office, Los Angeles, Calif., during the period January 1, 1962–March 31, 1962.

Although the organizational structure of the two activities is basically the same, the mission assigned NPO, Los Angeles, is somewhat broader and involves greater procurement of esoteric items required by the U.S. Naval Ordnance Test Station, China Lake, and the U.S. Naval Missile Test Facility, Point Arguello, Calif.

A very favorable response to the synopsis of proposed procurements was experienced from both New York and California companies. The value of synopsis is evidenced in the statistics as shown in the significant increase in solicitation after publicizing, particularly at NPO, Los Angeles, where 33 percent of the companies solicited were as a result of the synopsis.

The statistics are considered indicative of comparable interpretation and implementation by field purchasing activities, regardless of location, of the overall policy of the Navy Department. Planned future actions to increase competition throughout the Naval Establishment are to be directed at additional publicizing of proposed procurements and encouraging more widespread solicitation of bids.

Analysis of bid solicitations, NPO, Brooklyn, and NPO, Los Angeles, for period Jan. 1, 1962 to Mar. 31, 1962 [1]

	NPO, New York	NPO, Los Angeles
(a) Procurement actions	69	175
Procurement dollar value	$3,704,829	$9,869,495
(b) Publicized in synopsis	42	89
(c) Companies solicited	1,036	2,385
(d) Companies added through synopsis	203	799
(e) Number of companies solicited from—		
(1) California	47	1,330
(2) New York	527	252
(3) All other States	462	803
(f) Number of e(1) resulting from synopsis	13	379
(g) Number of e(2) resulting from synopsis	102	108

[1] Procurement actions in excess of $10,000.

DEFENSE SUPPLY AGENCY

Statistics covering the procurement activities of the DSA Centers are currently available only for the first 2 months' operation under DSA command. These data are not sufficiently comprehensive to permit the forming of conclusions regarding the pattern of award distribution being accomplished by the centers. There is no indication that awards are being concentrated on the west coast except in the case of some petroleum purchases made under formal advertising.

Solicitation of bids by the supply centers under the command of the Defense Supply Agency is conducted on a nationwide basis to the fullest extent possible. Constant emphasis is placed upon the necessity for full competition in the procurement of military supplies by the centers. The publicizing of proposed procurements through the Commerce Business Daily and trade papers, the use of preinvitation notices and the expansion of lists of bidders to include as many potential sources of supply as possible are methods used by the centers to accomplish the objectives of widespread solicitation and publicizing of procurements. This Agency makes extensive use of formal advertising. Some 53 percent of our procurements are formally advertised.

Mr. KUCHEL. Madam President, will the Senator yield?

Mr. KEATING. I am happy to yield to the Senator from California.

Mr. KUCHEL. I thank my able friend from New York. First of all, in the comments which my able friend has made, I am sure he was not directly or indirectly accusing the Defense Department of failing to follow the law with respect to defense procurement. Am I correct in that observation?

Mr. KEATING. So far as I know, there have been no breaches of law but there is a wide area of discretion within the law. I have contrasted the practice which has been followed by the Navy and the other branches of the Defense Establishment.

Mr. KUCHEL. The Senator does not accuse the Defense Department of any fraud or collusion in its procurement policies, does he?

Mr. KEATING. I am aware of no such fraud or collusion.

Mr. KUCHEL. The distinguished Senator from New York therefore makes no such assertion in the comments he has uttered in this Chamber.

Mr. KEATING. No, I assure the Senator that I would never assert such a serious charge as fraud or collusion unless I had facts upon which I felt such a charge could properly be based.

Mr. KUCHEL. Is it true that the defense procurement laws and policies of the Government of the United States provide for participation by any person or firm in any of the 50 States of the Union?

Mr. KEATING. Oh, yes. Any firm that is interested could try to qualify for an official bidders' list for defense contracts.

Mr. KUCHEL. Is my friend quarreling with the fact that people in the State from which I come have received defense procurement contracts?

Mr. KEATING. The warning which I sound is that more than half of our contracts relating to Air Force satellites, boosters and ground equipment for space probes and our work on ballistic missiles designed to carry weapons from one point on earth to another are concentrated in only 1 out of the 50 States in the Union. But I am very careful to point out that it seems to me those figures show either one of two things or perhaps both—I am not sure which—either that the rest of the country has not been made wholly aware of the opportunities which exist in that area, or that they are falling down on the job of developing the space interests and the capabilities for space work. To some extent that is the problem of the business firms themselves—to develop their capabilities and their know-how in Government procurement procedures. I think that it would be very helpful if the Air Force would undertake efforts similar to Navy ones to advise firms throughout the country capable of performing work of that character when contracts are about to be let.

I commend the Navy for what they have been doing in this area, which has had considerable effect, I say very frankly to my friend from California. He very naturally is interested in improving the economy of his own State and maintaining what is now there. Knowing him as I do, and knowing his dedication to the interest of his State, I would expect him to oppose anything which would have the result of injuring the economy of his State or lessening its present prosperity. I do say, however, that if something like the Navy program is adopted by the Air Force, and firms in New York or Ohio and other States are given more of an opportunity to be informed of what is going on in the way of procurement, and then are not able to compete on a basis with California firms or any other firms, there is nothing the Senator from New York can complain about. What I am trying to do is improve the ability of all firms throughout the country to know what is going on.

Mr. KUCHEL. Do I understand the Senator to say that he is not advocating any change in the procurement laws of the country?

Mr. KEATING. No; I do advocate some change in the laws. I have introduced a bill for that purpose. That is not the subject to which I am addressing myself now. Bills to bring about a change are now before the Armed Services Committee and have been the subject of some hearings. For one thing I believe there could be more competitive bidding than there is now. I would favor a greater amount of competitive bidding in the Defense Establishment than is now the case. However, I concede very frankly that we cannot have competitive bidding on a new ballistic missile to the extent that it is possible to have it on wrenches and screws, and items of that kind.

Mr. KUCHEL. Does my friend contend that, by reason of the lack of competitive bidding, any of the contracts to which he alludes in his speech have been awarded?

Mr. KEATING. No; the contracts to which I am addressing myself today for the most part, I would say, would not lend themselves to competitive bidding. They would lend themselves to competitive negotiation. I believe there have been times when there has not been enough competitive negotiation. A prime contract for a new development in the space missile field necessarily would be let by negotiated bidding. However, when such negotiation takes place it should not be, in my judgment, with one or even two firms, but it should be with whatever qualified firms in the Nation can do the job in question.

Mr. KUCHEL. The Senator from New York, in his prepared text, speaks about an important Army facility, the Los Angeles office of the Corps of Army Engineers Construction Division, and its building missile facilities with respect to the awarding of contracts for the construction of missile facilities. Do I understand the Senator to say that this is the result of negotiated bidding?

Mr. KEATING. No; I was speaking previously of the development of new weapons. I believe that most of the building of missile facilities would be by competitive bidding.

Mr. KUCHEL. The Senator is precisely right. I wish to say for the record that, with respect to the action of the Corps of Engineers Construction Division in the awarding of contracts for the building of missile facilities, competitive bidding is the precise and sole method upon which bids are offered and awards are made.

With respect to the comments which the Senator from New York makes on the development of new weapons, he, of course, agrees with me that in those instances he would rather have the Pentagon determine whether there shall be any negotiation. Is that not correct?

Mr. KEATING. Before we get to an answer to that question, the Senator from California may be right, but in all of those cases of the building of missile facilities, where 22 percent of the funds were spent in California and none at all in the State of New York, there was competitive bidding. I point out, however, that one of the reasons for the many construction contracts in California is the heavy concentration of missile and space facilities there. In other words, a California contractor can necessarily compete considerably better than a New York or Ohio or Rhode Island contractor for the building of missile facilities when those facilities are located in California.

Mr. KUCHEL. The Senator from New York is not quarreling with that, is he? He does not object to it; does he?

Mr. KEATING. I object to it in this way, that it carries us back to the original thesis, namely, the concentration of actual weapons development and weapons construction in one area. I do not quarrel with the letting of the contract to the lowest qualified bidder, if that is what the Senator means. That is the duty of the Corps of Engineers to do. I was seeking to clarify the first comment of the Senator before he asked me the question to which I have not responded. If he would repeat it I will try to answer it.

Mr. KUCHEL. With respect to the comments of the Senator from New York in his prepared text on the development of new weapons or weapons systems, is it not true that the Department of Defense has a discretionary responsibility as to whether there should be competitive bidding, and that that is where the responsibility should lie?

Mr. KEATING. Oh, yes; I think it should, although it might be desirable for Congress to lay down even stricter guidelines than it has to this time in that regard. However, there must be vested, in the final analysis, in the Defense Department some discretion to determine the method of procurement.

Especially in the field of complicated and sophisticated weapons systems, it is important that the procurement not be treated in the same way as perhaps rifle procurement might be treated.

Mr. KUCHEL. It cannot be.

Mr. KEATING. No; in most cases it cannot.

Mr. KUCHEL. How would the Senator from New York propose to change the present law with respect to the procurement of military hardware and weapons systems?

Mr. KEATING. Let me say again that my remarks today are not directed to the proposed legislation introduced by my colleague from New York [Mr. JAVITS] and myself, by the distinguished Senator from Delaware [Mr. WILLIAMS], and by other Senators, with reference to changing the method of procurement by legislation. My remarks have nothing to do with that proposal. However, to respond to the Senator from California, the legislation in which I am interested would have very little relationship to cases in which the procurement is by negotiated bid. It would have more relationship to items which could be handled by competitive bidding. However, I am not ready at this point—because I am not sufficiently informed—to concede that there are no instances in the field of space or ballistic weapons procurement where competitive bidding would not be in order. The purpose of the proposed legislation is to spur the Department of Defense to a greater amount of competitive bidding than that in which it is now engaged. Very frankly, I expect that it would have a relatively minor relationship to the field about which I am talking.

Mr. KUCHEL. The Senator from New York said in his prepared text:

> If one State is permitted to get a corner on this business to the extent of half or more, that will be creating a serious economic and strategic imbalance.

Not one State, today, has one-half or more of the defense procurement business of the United States. However, bypassing that fact for the moment, how would the Senator seek to prevent the creation of what he terms "a serious economic and strategic imbalance"?

Mr. KEATING. Let me clarify the statement of the Senator from California. I said that no State has half or more of this business. I believe the figures show that, overall, in all defense procurement, California has approximately one-quarter rather than one-half. But in the two fields to which I have been referring, prime contracts—and I stress prime contracts—if the SSD and the BSD procurement is averaged, the average is 54 percent.

One way in which I would seek to improve the situation, and a cheap way, would be along the lines of the method which has been followed by Navy Procurement, by making a studied effort to publicize bids more widely.

My sample figures for the Navy deal with two important naval purchasing offices, one in Brooklyn, N.Y., and the other in Los Angeles, Calif. I do not advocate that besides having one office for ballistic systems and one for space systems, both of which are in Los Angeles, another office be opened in New York. Of course, I am sure, we in New York would welcome that action. Nevertheless, the Air Force should endeavor to do what both the Los Angeles and New York Office of the Navy Procurement are doing: Provide wide circulation of the procurement that is contemplated.

The Senator from California and I are talking about California and New York; but my proposal is one which I think would be healthy for the Nation. New York has an economic problem, just as California has such a problem. But also there is the strategic problem of not concentrating all, or too large an amount, of the procurement in any one area of the country. That, again, is a question of discretion. Beyond that, I think legislation would be helpful, but I really place that in a secondary category.

I was very careful to refer to this proposal as affecting prime contracts, and perhaps this is the point to which the Senator from California was addressing his remarks. I recognize that a considerable amount of the work awarded to a prime contractor is in turn done by subcontractors. I know of no figures which are available to show that the result of such subcontracting is geographical. I simply say in a general way that subcontractors tend to develop around a prime contractor, and that it is the easier, simpler, and more common practice for a prime contractor to subcontract to subcontractors who are located near him. However, I concede that there are subcontracts today, and valuable ones, in the State of New York which have been obtained from California prime contractors.

Mr. KUCHEL. On the latter point, during 1960 and 1961, California defense contractors placed orders for $2,700 million worth of articles, materials, and services in other States. Such lower level procurement benefited 48 of the 49 other States. Particularly, New York received most of those standing subcontracts, in the amount of $330 million.

Mr. KEATING. How much did the California subcontractors receive?

Mr. KUCHEL. I cannot tell that, except, as the Senator has stated—and it is the fact—that the contracts which have been awarded to California amount to somewhat less than 24 percent generally, as I recall. My only point is that from that amount, during 1 year, that much money, $2,700 million, has been contracted out to 48 of the other States of the Union.

Mr. KEATING. I would comment on the Senator's statement as follows: I know that a large part of the work is subcontracted. That indicates that a great capability exists outside California and that much more effort should be made by the Air Force to contract directly with some of the firms outside California, instead of awarding the prime contracts to contractors there, and then having the subcontracts let by them to subcontractors in other areas.

It is significant that the Subcommittee on Investigations of the Committee on Government Operations, headed by the distinguished senior Senator from Arkansas [Mr. McClellan], has recently held hearings in which there have been allegations, at least, that often there are excessive profits because of too much subcontracting by big firms which take their cut at every stage of the subcontracting. In other words, there might be an advantage to the taxpayers, to the overall economy, and even to our overall strategic position, if more direct prime contracts were awarded to some of the firms which have shown their capabilities. I must say that the Air Force was mentioned specifically in this controversy before the McClellan committee and its representatives were called upon to testify and explain their procurement procedures.

I am very happy that this subcommittee has taken up this subject. At the hearings it was indicated that one of the alleged principal offenders was a concern from the State of the distinguished Senator. I make no charges, because I have not been taking part in the hearings, and I am not a member of that committee. But I do think the hearings have brought out the desirability of more direct prime contracting; and the remarks of the Senator from California about the large amount which has been subcontracted to other firms throughout the country bear out and prove that there is a big capability in prime contracting which is now unused.

Mr. KUCHEL. If I correctly follow the argument of the Senator from New York, he would prefer to see eliminated the type of subcontracting allocations to which I have referred.

Mr. KEATING. Oh, no; I do not think subcontracting can be eliminated.

My point is that I think the Defense Department can be encouraged, in many instances, and at a saving to the taxpayers, to include in its list of prime contractors some of the firms which have been called upon by California contractors to do work for them. It is true that this does not apply only to California. When a firm has a prime contract and lets a subcontract to another firm, it is natural for the subordinate firm to be entitled to include in its figures a profit. But then the prime contractor decides that that is something on which he should have an additional profit or additional compensation, for his overhead involved in dealing with the subcontractor. In short, there is a strong indication that where there is excessive subcontracting, it increases the total cost to the Federal Government.

Mr. KUCHEL. The Senator from New York has spoken of the Army procurement in the building of missile facilities; and the Senator went on to say that 22 percent of the funds used for these purposes are spent in California, and none at all are spent in New York.

I wish to say to the Senator from New York that I believe it is clear that these cases involve competitive bidding, where the lowest responsible competitive bidder is awarded the contract.

Taking that part of the Senator's charge—the part with respect to the construction of missile facilities in this country—let me ask how the Senator from New York would go about changing from the present situation, in which, as I have said, the lowest responsible competitive bidder—no matter where he may live—obtains the award.

Mr. KEATING. The way it would be changed would be if the basic construction of the Air Force satellites and everything connected with space problems——

Mr. KUCHEL. No, Madam President; this is just for the missile facilities, I say to the Senator from New York.

Mr. KEATING. All right. If the missile sites were more widely dispersed, that would result in the construction work on the sites being more widely dispersed presumably. If, let us say, they were bidding on such construction in the State of New York, I would expect that a New York contractor would have some advantage over a California contractor in that bidding. Obviously there are, or there must have been, missile facilities in the State of California being built by the Corps of Engineers, which did not go to a California construction firm. According to these figures, I would say that is rather apparent.

But it is extremely difficult for a New York or a Maine or a Delaware contractor to bid on an equal basis for the construction of facilities in California or in Oregon. That part of the complaint, to which I have directed my remarks, would be partially taken care of by a wider dispersal of the construction of the bases and weapons themselves.

I wish to repeat that there is no contention on my part that if, for reasons other than geographic, New York contracting firms—or Ohio contracting firms or contracting firms located in any other State—cannot compete successfully with California contracting firms, the New York firms should get the jobs. If California contracting firms are able to bid lower, because of greater efficiency, or because of being willing to take less profit, or because of some other reason of that kind, that is nothing that anyone else can properly complain about, in my judgment.

But obviously California firms have fewer expenses to absorb if they are going to construct a missile site 10 miles from the location of their home office, as compared with the costs of a firm whose home office is 2,000 or 3,000 miles away.

Mr. KUCHEL. Missile facilities are constructed at the places where the Defense Department believes the security of the Nation requires them to be constructed. Is not that a fact?

Mr. KEATING. I hope that is the principal consideration.

Mr. KUCHEL. I do not think there should be any question about that, I say to the Senator from New York. The construction of missiles, the construction of the complex of the new type of defensive armament we have, is located, is it not, where the men charged with the defense and the security of our country determine it will be in the best interest of the security of this country to locate those facilities? There can be no question about that, I am sure.

Mr. KEATING. Well, insofar as the best interests of the country are concerned, I have the impression that one of the factors which enters into the decision is how close the area is to the site of the ballistic weapons production facilities. I think that factor enters into the decision.

Mr. KUCHEL. I wish to disabuse the mind of the able Senator from New York on this point. Madam President, this is an important subject, and surely every Member of the U.S. Senate and every Member of the House of Representatives has a responsibility to inquire into the procurement policies. But I wish to say to the Senator from New York that no matter who sits in the White House, the Defense Department makes its decision as to where to locate missile complexes, on the sole, single basis of what is in the best interests of the security of the American people. I do not think there can be any quarrel on that point; and I ask the Senator from New York to think about that for a moment, because I believe that in this debate we must demonstrate that we have faith that those who are charged with the responsibility of maintaining the security of our country will make their decisions regarding the location of missile sites on one basis alone, namely, what is in the best interest of American security. I am hopeful that the Senator from New York will agree with me on that, without reservation.

Mr. KEATING. I do not disagree with the Senator from California on that point, and I have no reason to say that any single location has been arrived at on any other basis.

I do say I believe that one of the factors which is considered in reaching a conlusion, where one of two bases is equally safe from a security point of view, is which one is closer to the area where these weapons are being made. I say there is nothing improper about that, and that is not charging that they are directly interfering with the best interests of our security, although indirectly there are other implications to be considered.

Mr. KUCHEL. I would like to make the point to the Senator from New York that located in New York City is a private concern to which, so the Corps of Engineers tell me, has been awarded the contracts for the construction of missile bases not alone in the State of New York, but also in the State of Idaho and the State of New Mexico. I feel sure that the only reason why that contract was awarded by the Corps of Engineers in that instance was that the firm headquartered in the State from which my able friend comes was the lowest responsible bidder. I say that in my judgment the basis on which the Army, through its Corps of Engineers, has operated, is not only the only basis, but the basis of fairness and of equity to the people of the United States in making awards on the basis of who is the lowest responsible bidder.

Mr. KEATING. I always want to stand corrected. Is the contract to which the Senator from California has referred something which has been awarded since the letter to me of April 26? Is that his understanding?

Mr. KUCHEL. I do not know. All I know is that the Chief of Military Construction states that there is in the Senator's State a successful bidder on the installation of bases not alone in New York State, but also in the other States to which I have alluded.

Mr. KEATING. If my statement that none of the contracts issued in the first 8 months of fiscal 1962 by the Corps of Engineers, Military Construction Division, charged with the responsibility for building the missile facilities, had been awarded in New York is in error, I certainly want it corrected. My figures, however, cover only that 8-month period. There is nothing in those figures which bears out the statement of the Senator from California, but he apparently has been in touch with the Corps of Engineers. If the contract to which he has referred was awarded to a New York firm in that period, all I can say is that I am delighted it is so.

Mr. KUCHEL. I am going to read two sentences from a speech I made a couple of weeks ago:

> The selection of a contractor, be it for a simple electronic device or a complex weapon system, should be determined solely by consideration of what is in the best interest of the Nation as a whole. The producer should be the one who does the job most efficiently, most economically, and most speedily.

Does the Senator from New York agree with that statement?

Mr. KEATING. I was looking at some figures I have. Opposite the State of New York there is a blank on the question of awarding of contracts by the Corps of Engineers Procurement Division for missile facilities.

I apologize to the Senator. I was looking at these figures, and I did not hear what he said.

Mr. KUCHEL. I feel sure our two staffs can verify the accuracy of the statement I made, but I wish to ask the Senator from New York a question. I made a speech a few weeks ago. I would like to have the Senator comment on this statement:

> The selection of a contractor, be it for a simple electronic device or a complex weapon system, should be determined solely by consideration of what is in the best interest of the Nation as a whole. The producer should be the one who does the job most efficiently, most economically, and most speedily.

Does the Senator agree with that philosophy?

Mr. KEATING. Madam President, like so many—in fact most—of the utterances of my distinguished and able friend from California, I think he has summed up admirably the policies which should be followed in procurement, and I commend him for the statement to which he has just referred.

Mr. KUCHEL. I thank my able friend.

Mr. KEATING. I yield the floor.

Mr. KUCHEL. Madam President, I do not have a better friend in the U.S. Senate than the junior Senator from New York. I am rather proud of the friendships I have made in this Chamber, and I must say he has been one of the best friends I have made. Certainly, I also want to pay tribute to the people of New York who have my friend KEN KEATING and my friend JAKE JAVITS representing them in this Chamber. They represent the people of New York and the public interest of the people of New York adequately, admirably, and fully.

Having made that comment, I want to say it will be a sad thing for the security of the people of the United States if the present basis in law upon which defense contracts are made is ever changed, and thus I am delighted that my friend from New York and I can agree basically on a sound principle. That principle is that there should be only one basis upon which the responsible officers of the Government of the United States should offer a contract in the field of defense. That single basis is the consideration of what is in the best interest of the American people as a whole.

From time to time my colleagues from various parts of the country have come forward to denounce California. My colleagues have come forward to denounce the people of California, because they have been able successfully to underbid other areas of the country and to give to the Department of Defense that which the Department of Defense believes is necessary in the interest of the security of the American people.

I have no right to ask any special favor of any kind or character for California, and I have a duty to demand that no other part of this country be given special treatment, either. All I have a right to ask is that the law be applied across the board. All I have a right to ask, as a Californian and as an American standing on the Senate floor, is that fair and equal treatment be given to everyone in America, any place in this country, who wants to respond to a prospectus by the Department of Defense for military hardware or for the development of a new system which the Defense Department and the Chief Executive believe may assist the free world in deterring Communist aggression or, if unhappily necessary, in combating it.

Therefore, speaking for myself and completely on my own responsibility, I repudiate without equivocation any charge or any inference that the Defense Department is derelict in its duty in awarding contracts, or that the Defense Department is guilty of favoritism any place in this country.

I congratulate my friend from New York for refusing to point the finger at the Defense Department or to contend that it is guilty of favoritism; for he did not do that. Madam President, I think the good people of the State of New York ought to demonstrate a little bit more of the commendable zeal that their Senator on this floor demonstrates. They ought to become a little more interested in sharing in defense procurement industries in America and in trying to present to the Government of the United States the type of bids on defense procurement which they believe they can present. Believing they can, they should try to do it as economically as some of those who live in my State apparently over the years have been able themselves to do.

I come from a State which is blessed in many respects, but so does my friend from New York. It so happens that the Government of the United States has seen fit over many years to take advantage of the climate; of the wide and unique open expanses of area available for testing; and of the type of training which, over the years, has accumulated in my State a potential industrial complex of skilled employees and craftsmen as well as able business executives, many of whom come from local technical schools—and I mention the California Institute of Technology as only one. There has been for a long period of time an opportunity which has come to people in California to interest themselves in responding to the wants of America's defense and to do it under a law which uses as its basis the award of a contract to whoever offers the best job at the cheapest price. That is the American system.

I cannot quarrel with any person in this country who is successful, no matter where he lives. Neither can anyone else. I say it is a good thing to have these airings from time to time.

I close by repeating what I said a moment ago. I wish the good citizens of New York State would take a little bit of the zeal and the energy demonstrated by their U.S. Senator on this occasion. If they are interested in doing a job for Uncle Sam, I think they would get further by applying that zeal and energy to the type of bids they send in to the Pentagon.

Mr. KEATING. Madam President, will the Senator yield to me?

Mr. KUCHEL. I yield.

Mr. KEATING. First I wish to express to my distinguished colleague my gratitude for the very kind things he has had to say about me. I wish to make it extremely clear that by no means did I today, or at any other time, mean to denounce the State of California or to denounce the people of California, in which wonderful State I have hundreds—and I hope thousands—of friends. Least of all, I do not wish to denounce the Senator from California, who so ably protects their interests.

This should not be a controversy between States. I speak for 49 of the States of this Union, other than the great State of California, in urging a greater dispersion of defense procurement, in part on a strategic basis.

The remarks to which I addressed myself today, and in which I commended the Navy method of procurement, were designed to give more firms the opportunity to bid on such work.

I think the Senator may be correct as to some of the establishments in the

State of New York. We have fine educational institutions there. We have skilled workmen and scientists. We have industrial know-how. We have at some times of the year a beautiful climate, which varies much in New York State from one end to the other.

I could go on to discuss the glories of New York as long as the Senator has done about California—and we are well aware of his feelings about California, because we hear not only on the Senate floor but also in the cloakrooms and at any other time we encounter the Senator the glories of California, which are always on his lips.

I am sure that in many instances some of the firms in New York which could have taken advantage of this field earlier did not do so. I say that frankly to my friend from California.

While I do not wish to have any of my zeal or strength taken away from me, I say to my friend that I shall, as I have, state to these concerns, "This is not only a matter of a Defense Department decision. It is up to you to show that you have the capability needed, and to show your interest in the problem."

I am sure there is an awakening of interest in some of these fine firms in New York which are responsible for so many jobs. After all, jobs are what both the Senator from California and the Senator from New York are, to a great extent, interested in.

I am very grateful to the Senator for his gracious comments.

Mr. KUCHEL. I thank the Senator. Madam President, with respect to the gracious comments of the Senator from New York, perhaps it is too bad that some firms in the State which he so very admirably and eloquently represents did not respond to, or take advantage of, the opportunity to bid on defense contracts. The Chief of Military Construction in the Corps of Engineers made the statement today, to my office, that contracts such as missile site contracts are "widely advertised." That statement is unquestionably true. I do not believe anyone has thus far pointed a finger at any segment of the Defense Department and accused it of failing to disseminate adequately the information upon the basis of which it was inviting bids respecting any prospectus for the purchase of hardware or systems.

Perhaps a regrettable aspect with reference to participation in Government business is that some firms do not respond adequately to the prospectus which the particular segment of the Defense Department offers. At any rate, Madam President, I was very glad to engage in the colloquy.

During the delivery of Mr. Kuchel's remarks:

Mr. MORSE. Madam President, will the Senator yield?

Mr. KUCHEL. Madam President, I ask unanimous consent that I may yield to the distinguished Senator from Oregon with the understanding that I shall not lose my right to the floor and also that the comments of my able friend will be printed in the Record at the conclusion of the remarks I intend to complete shortly.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none, and it is so ordered.

"THE TIGER IN THE SENATE"—PERSONAL STATEMENT BY SENATOR MORSE

Mr. MORSE. Madam President, I have sent to the Press Galleries the following press release:

> Senator Wayne Morse issued the following comment about advance copies of a book about him entitled "The Tiger in the Senate," being circulated among his Senate colleagues by the publisher:
>
> "This character assassination book is full of untruths, half-truths, out-of-context distortions, and oft-repeated Republican misrepresentations.
>
> "Its author is the Washington correspondent of several anti-Morse newspapers in Oregon. The fact that the book's publishers did not submit the manuscript to me in advance of publication so that I could have pointed out to them its misstatements and slanted journalism is indicative of the political purposes of the book.
>
> "I realize that I am fair game for my political enemies in the forthcoming campaign and this book is their first attack. There will be others. Nevertheless, my faith in the judgment of the people of Oregon convinces me that they will recognize the unfairness and political motivations of the book."

I thank the Senator from California very much for his courtesy in yielding to me.

Mr. KEATING. Madam President, will the Senator yield to me for a comment on the statement of the Senator from Oregon?

Mr. KUCHEL. I yield.

Mr. KEATING. I am very happy that the distinguished Senator from Oregon has clarified the atmosphere with regard to the book. Like many other Senators, I received a copy of the book and immediately assumed that it was a campaign document put out by someone on behalf of the Senator from Oregon. I have not read the book.

Mr. MORSE. I was about to say that it is obvious that the Senator has not read the book.

Mr. KEATING. No, I was planning to do so. In fact, I was in the process of writing the publisher to say that because of my high regard for the Senator I should read the book at my earliest opportunity.

Mr. MORSE. The Senator is very kind.

Mr. KEATING. If the letter has gone out, I apologize to the Senator. I assumed that it was something that the Senator had approved.

Mr. HUMPHREY. Madam President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. HUMPHREY. The Senator from New York would agree, would he not, that the title, which reveals the qualities of courage, tenacity, perseverance, and strength that are characteristic of a tiger, would also apply to the distinguished Senator from Oregon?

Mr. KEATING. It was the title that made me think the book was a campaign document.

Mr. HUMPHREY. Madam President, will the Senator yield further?

Mr. KUCHEL. I yield.

Mr. HUMPHREY. There are times when the distinguished Senator from Oregon is ready to "mix it up" in the Senate, but none of us would care to meet him head on. I think the title of the book is appropriate, but what the text or the context of the book is I am uncertain. However, if there is any man who has the strength, the vitality, the courage, and the astuteness of the tiger, it is the senior Senator from Oregon.

Mr. MORSE. May I say good naturedly that it was not my purpose to have Senators make the book a bestseller.

Mr. KUCHEL. Madam President, I understand that the series of comments that has taken place will follow my remarks.

The PRESIDING OFFICER. That understanding was included in the unanimous-consent agreement.

BILLIE SOL ESTES AND THE DEPARTMENT OF AGRICULTURE

Mr. WILLIAMS of Delaware. Madam President, early today the Secretary of Agriculture, Mr. Freeman, held a press conference at which time he said:

> Three Agriculture Department employees may have received favors from Texas Financier Billie Sol Estes but declared there is no evidence that Estes ever was shown any favoritism by the Department.
>
> "I find no grounds for any accusations that Estes was shown any favoritism," Freeman told a news conference called to discuss Department dealings with Estes. The latter is under State and Federal indictment for fraud in west Texas.
>
> At a 76-minute news conference, Freeman said that of the three persons who might have received gratuities from Estes, one has been fired, one has resigned, and one who testified under oath that he took nothing is still being investigated by the FBI.

Madam President, it is hard to understand why a man should be fired if he has not done anything wrong; why another man if he has not done anything wrong suddenly resigned; and why the authorities should continue to investigate a third man if there were no evidence of wrongdoing. It seems to me that the Secretary's decision on this investigation has already been announced. However, I cannot reconcile his decision very readily with a letter which the attorney general of Texas wrote to Mr. Freeman under date of Friday, May 4, a copy of which I happen to have and which I would like to read. The letter is signed by Mr. Will Wilson, the attorney general of the State of Texas. It reads as follows:

> Austin, Tex., *May 4, 1962.*
>
> Hon. Orville Freeman,
> *Secretary of Agriculture,*
> *Department of Agriculture,*
> *Washington, D.C.*
>
> Dear Mr. Secretary: I was surprised to learn of your television statement that the Department of Agriculture had not received any evidence or information indicating favoritism shown of Mr. Billie Sol Estes, of Texas.
>
> As you know, we have offered our full cooperation and access to all of the records and evidence we have gathered in the Estes case to the Department of Agriculture, and to all

other Federal agencies or congressional committees interested.

On the basis of the evidence we have been able to develop so far, there are two principal areas of favored treatment of Mr. Estes by the USDA that are involved:

1. The USDA relied in 1961 upon an inconclusive audit not based upon sound auditing procedures and not reflecting the true net worth of Mr. Estes in allowing Estes to continue to operate under a reduced bond, in spite of a greatly increased storage capacity and the expressed concern of the bonding company. At the time the bond was renewed February 23, 1961, the Estes grain storage capacity covered was 26,642,000 bushels. When the bond in the same amount, $700,000, was renewed February 24, 1962, the Estes storage capacity had increased to 50,949,000 bushels. Testimony in the courts of inquiry by agents of the bonding company show that Mr. Estes could not have obtained a bond—and thus could not have continued to expand or operate—without a complete and accurate audit, except for the USDA action in rescinding a proposed increase in the bond required of Estes. To date, the USDA has not revealed upon what basis it recommended the $700,000 bond be renewed on February 24, 1962. For your further study, I am enclosing a chart showing a comparison of the bond requirements and the increases in storage capacity of these Estes operations based upon USDA reports.

2. Estes was appointed to the National Cotton Advisory Committee on November 17, 1961, despite an official report filed previously on October 27, 1961, by the ASC investigating division, upon which the USDA later held the 1961 Estes cotton allotment transfers of 3,123.1 acres were illegal. The USDA also was aware that Estes had been fined $42,000 2 months earlier for a serious infraction of the acreage control regulations. Also, it is our understanding that a staff assistant to Mr. Emory Jacobs, since resigned, identified as a Mr. N. Battle Hales, recommended prior to Estes' appointment that the Estes case be turned over to the Department of Justice as a possible criminal violation, but was overruled by USDA superiors.

You will recall, of course, that you acknowledged receipt on April 24 of a summary of the testimony of Dr. Ralph sent to you by my office, and turned over by you to the FBI, as well as several letters of correspondence between Mr. William E. Morris of your Department and Mr. Estes, sent to you by my office on April 30 and acknowledged by you May 2.

In addition, we have agreed to furnish the general counsel of the USDA office in Dallas with copies of the transcripts of all of the Texas courts of inquiry, and have invited him or any other official from your Department to examine or make copies of all of the records and evidence in the Estes case in our possession. He has not yet indicated a desire to come to Austin and examine these records, however.

There is also in our possession additional evidence of the close relationship between Mr. Estes and certain members of the Department of Agriculture obtained under visitorial letter, which, under law, I am not permitted to divulge except in a court proceeding. This information, of course, could be obtained by your own investigators or a congressional committee.

As I stated to you in my previous letter, it is our desire to cooperate fully with your Department and support your position by uncovering all of the evidence in the Estes case so that remedial action may be taken by your office. We will be happy to give whatever assistance possible to any of your investigators, or those of Congress, the FBI, or any other Federal agency concerned.

Sincerely,

WILL WILSON,
Attorney General of Texas.

I quote one significant paragraph from this letter:

> We have agreed to furnish the general counsel of the USDA office in Dallas with copies of the transcripts of all the Texas courts of inquiry, and have invited him or any other official from your Department to examine or make copies of all the records and evidence in the Estes case in our possession. He has not as yet indicated a desire to come to Austin and examine these records, however.

Madam President, I ask unanimous consent that the enclosure which accompanied the letter I have just read be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Bond	Amount	Elevator	Total capacity	Letter
1. Feb. 24, 1959	$200,000	Plainview 2,960,000 bushels; (May 11, 1959) Plainview increase to 6,380,000 bushels.		Aug. 1, 1960, Foster to Andrews Co. (USDA request bond increase of $1,000,000) Lubbock transcript, exhibit S-4.
		(July 24, 1959) Plainview increase to 8,654,000 bushels.		
		(Sept. 16, 1959) Plainview increase to 10,630,000 bushels.		
		(Dec. 1, 1959) Plainview increase to 12,000,000 bushels.	12,000,000	
		(Feb. 19, 1960) Kress Elevator, licensed for 2,744,000 bushels and South Plains licensed for 915,000 bushels.	15,659,000	
2. Feb. 24, 1960 (bond No. 18, S 36,520)	$200,000	(May 6, 1960) Silverton licensed for 2,190,000 bushels.	17,649,000	Aug. 10, 1960, Andrews Co. to Foster (asking for new financial statement) Lubbock transcript, exhibit S-5.
3. Oct. 17, 1960	Increase to $380,000	(Oct. 17, 1960) Plainview increase to 13,006,000 bushels.	16,632,000	Nov. 14, 1960, Foster to Andrews Co. (enclosed executed extension of bond to $981,000) Lubbock transcript, exhibit S-6.
				Dec. 12, 1960, United Elevators to Estes (discussion of bond with Carl Miller) Lubbock transcript, exhibit S-1.
4. Nov. 1, 1960	Increase to $578,000	(Nov. 1, 1960) Kress increase to 5,021,000 bushels.	21,609,000	Dec. 15, 1960, Andrews Co. to Aetna (USDA had seen fit to waive extension of $281,000 and to accept new storage under $700,000 bond). Lubbock transcript, exhibit S-7.
5. Dec. 13, 1960	Increase to $700,000	(Dec. 13, 1960) Plainview increase to 17,033,000 bushels.	25,642,000	
				Dec. 29, 1960, Aetna to Andrews Co. (Aetna demanded CPA audit before renewal of $700,000 bond). Lubbock transcript, exhibit S-8.
6. Feb. 24, 1961 (bond No. 18, S 37,960)	Renewed at $700,000	(May 26, 1961) Silverton increase to 3,673,000 bushels.	26,642,000	Feb. 10, 1961, Harron to Cooper (Washington instructed him to renew bond at $700,000) Lubbock transcript, exhibit S-9.
		(Aug. 5, 1961) Kress increase to 5,521,000 bushels.	27,142,000	
		(Feb. 14, 1962) Plainview increase to 40,840,000 bushels.	50,949,000	Nov. 16, 1961, Aetna to M. O. Andrews (demanding CPA audit for 1962 renewal) Dallas transcript, Apr. 20, 1962, p. 138.
7. Feb. 24, 1962 (bond No. 18 A 40,477)	do.			

NOTE.—Transcript references refer to official transcripts of Attorney General's antitrust hearings in Lubbock on Apr. 19, 1962, and in Dallas on Apr. 20, 1962.

Mr. WILLIAMS of Delaware. Madam President, the enclosure which accompanied the letter shows how Mr. Estes' grain storage capacity advanced from February 24, 1959, at Plainview, from 2,960,000 bushels to 50,949,000 bushels on February 24, 1961, and that during all of that time the maximum bond required was $700,000.

Madam President, I also ask unanimous consent to have printed in the RECORD excerpts from the press conference as reported on the news ticker today, in which Secretary Freeman points out the Department's position in connection with what he infers is the lack of need for further investigation in his Department. In this press notice I note the following statement:

> Freeman said under questioning about the Department action in locking N. Battle Hales from his office, which contained Estes files, that the action was taken because it was possible national security was involved. He did not pursue this further.

Just how the disclosure of wrongdoing in the Department of Agriculture can affect our national security is a point which I cannot understand.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

> He referred to Emery E. Jacobs, a Deputy Administrator of the Agricultural Stabilization and Conservation Service who resigned after he was linked with Estes gift giving; William Morris, staff assistant to former Assistant Secretary James Ralph who was

fired after he refused to answer Department questions, and Ralph himself whose connection with the Estes case is still in the hands of the FBI.

Freeman said he knew that Estes was having difficulty with the Department over cotton allotments when he was appointed to the National Cotton Advisory Council in July 1961.

He pointed out that trouble over cotton allotments in many instances has been referred to as a "lawyer's quarrel."

What one set of lawyers may decide is illegal and another may decide is legal and proper still is a matter for the courts to decide, Freeman observed.

Freeman conceded in response to questioning that in hindsight the Department probably should have dealt with the Estes case more expeditiously. He said that any similar cases would be handled more quickly in the future.

Had the Department not followed its regular administrative procedures in the Estes case, he said, the Department might have become vulnerable to lawsuits. He said there is still a probability that the matter will be reviewed in the courts.

Freeman said that he has discussed the Estes case with Atty. Gen. Robert F. Kennedy and with White House aids. He also said that he had mentioned it informally to the President but refused to give any of the substance of his discussion with the President.

In regard to the three Department employees, Freeman said that so far as he knew there had been no adverse report on the appointment of Jacobs. He said that Morris was appointed under civil service regulations. Ralph was named to his post by Freeman.

Ralph, the Secretary said, denied that he purchased anything while accompanied by Estes, but admitted that he was fitted for some clothing. Freeman said Ralph denied both to him and under oath in Texas that he accepted anything from Estes.

Freeman said he was withholding any final opinion on Ralph pending an FBI report. Ralph is under appointment as an agricultural attaché to the Philippines.

Freeman said there had been no pressure put on him to drop the Department's investigation of the Estes case.

"I would violently reject any such pressure," Freeman said.

It was learned, meanwhile, that Ralph offered his resignation to Freeman on April 16.

A source said Freeman and Ralph discussed the question of whether Ralph should remain on the Government payroll while the case was under investigation. The informant said Freeman at one point recommended that Ralph resign, but when the subordinate later offered to quit, Freeman did not accept the offer.

Ralph said today he was still going about his preparations to go to the Philippines.

Freeman said that Ralph's demotion as Assistant Secretary to the post of agricultural attaché had nothing to do with the Estes case.

Freeman said "no" when asked if he knew of any political contributions ever being solicited from Estes.

Freeman was asked if he had ever met Estes. He said that to his best recollection he met Estes one day when the Texan was in the Department to confer with General Counsel John Bagwell.

Freeman said under questioning about the Department action in locking N. Battle Hales from his office, which contained Estes files, that the action was taken because it was possible national security was involved. He did not pursue this further.

Hales made a charge of favoritism in the Estes case against Department officials in a news conference last week.

At Freeman's request, Horace Godfrey, Administrator of ASCS, said there were lots of files in Hales' office and that when Hales was transferred to another office he had no use for the Estes files.

Freeman said he had laid down a hard rule about gift taking by the Department.

"You gotta be pure—you gotta look pure," Freeman said.

"That is a hard rule but that's the way I want it."

The Secretary opened his conference with the statement he wanted these points "sharply in focus."

That the investigation, arrest, and indictment of Estes was conducted by the Department of Justice in this administration.

That as soon as he received reports that Estes had relations with the Department "other than appropriate" he called for a complete review and sent the information to the FBI.

At one point Freeman said, "I do not want to make it appear that this [case] is not important. But it has ballooned out of all importance. There is no evidence that any of the three employees made any decision that favored Billie Sol Estes."

Freeman said one of the most perplexing elements in the Estes cotton case is the fact that no one is now sure what instructions were given to county officials in Texas who handled Estes proposal to transfer cotton allotments more than a year ago. The Department official who gave instructions to the committees originally, Henry Marshall, is dead.

"What happened in these Texas counties is something nobody knows because the key man is not alive," Freeman said.

Mr. WILLIAMS of Delaware. Madam President, based on what information I have available, I fail to see where national security could be involved in connection with what may have occurred in the financial transactions of Mr. Estes. I can see where it might be dangerous to certain individuals, but certainly from a national security standpoint I do not believe that is a basis at all for holding off on the investigation.

I next ask unanimous consent to have incorporated in the RECORD correspondence between Mr. Estes and Mr. Morris, one of the employees of the Department of Agriculture, who either resigned or has been fired—I am not sure which—although one of the reports I have received—and I have not been able to get any report directly from the Department of Agriculture—is that he is on annual leave, and they are waiting to see whether or not to reinstate him.

I ask that this series of correspondence be printed in the RECORD at this point.

First there is the letter of March 17, 1961, signed by Mr. Morris. It is addressed to Mr. Estes; another letter is Mr. Estes' reply thereto, dated March 21, 1961; and the third letter is dated March 27, from Mr. Morris to Mr. Estes.

These letters show the close relationship between Mr. Morris, the Department of Agriculture official, and Mr. Estes.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MARCH 17, 1961.

DEAR BILLIE: Reading this item today I thought of your plans for oversea marketing of grains. As I recall the news article you handed me, you propose construction of your own port terminal facilities in the United States as well as warehouses overseas to handle your grain.

I wonder if you have given any consideration to owning and operating your own ships. If studies showed you would ship enough of your own cargo to break even on operating expenses, amortization, etc., any other cargo would represent profit and vice versa. In addition, there would also be certain business advantages in maintaining control of the entire movement.

When I worked for the U.S. Maritime Commission I rcall some good deals on surplus ships but do not know the current situation. However, there should be considerable public support for a theoretical proposal to buy a ship or two now laded with grain and move it into world trade channels. This could not actually be done but the comparison could be made in support of sale of surplus Government ships for such a worthy use.

Maybe I am presumptious in referring this to your attention, but I know how receptive you are to ideas and thought possibly this might not have occurred to you.

Regards,

BILL MORRIS.

MARCH 21, 1961.

Mr. BILL MORRIS,
McLean, Va.

DEAR BILL: Thank you so much for your letter dated March 17, 1961.

I am going to look into the possibility of purchasing my own ships. I think it is a wonderful idea because as we will be exporting vast quantities of grain I believe it would be feasible to own our own ships. Also, it might be that we could bring back merchandise to sell to markets here in the United States. Any ideas that you might have concerning this matter I would appreciate your advising me of them. You know the great oaks grow from a small acorn, and it takes many ideas to make a reality. Also it takes 79,860 drops of water to make a gallon and you don't have the full amount of water without each drop, and if you do not plant any seed you will never harvest anything.

It is always good to hear from you, and I hope everything is well with you and your family.

Very sincerely,

BILLIE SOL ESTES.

MARCH 27, 1961.

DEAR BILLIE: Your letter of the 21st was a welcome and pleasant surprise awaiting my return from Denver. Got in about 2 a.m. Saturday and had to be in the office all day Saturday so this is my first opportunity to share some thoughts with you.

You have made a mistake in inviting my ideas because I am, frankly, so enthusiastic about you and your noble plans for the future that you may be burdened by my comments. But Government is so stultifying to a fellow like me that the excitement of private venture into new fields cannot be denied.

This is written upon the assumption that you will see the wisdom of buying and/or chartering the bottoms for your grain shipments overseas, and that you will exercise exclusive management control over the entire operation. Am sure you already see the wisdom of this.

As a first consideration, I would like to see you recapture or reincarnate the spirit of the Yankee trader who pioneered American maritime trade in an era of fierce competition, and would suggest that your ships be so christened (i.e., SS *Pecos Trader*) to tell the world that you are a "trader," and not just an American merchant. Then, I assume that both under Public Law 480 and as an independent grain trader you will reach for the dollar market first but will also be ready to market our blessings of abundance for local currencies. By so doing you will establish your first, major competitive advantage.

Having established local credit balances in other countries and with cargo space available for return trade, I see a horizon of unlimited opportunity and this is the phase that excites me. As I see it, the secret of success in business is a combination of personal drive and the creation or seizing of competitive advantage. In the field of international trade the major advantage is the relative cost of labor, so priority of consideration must be given to raw materials and finished products which involve high labor input in their production or processing (i.e., high labor chemicals, hand fabricated goods, etc.). I am of the belief that almost anything can be merchandised in the United States if it is competitively priced, and this should represent your second advantage.

Market development here in the United States for imported goods should have equal priority with the development of foreign markets for our agricultural surpluses. Domestic demand exists—it only has to be identified and developed. I would start with men like yourself who have built ideas into business structures, and I think immediately of a good friend in Clara City, Minn., who was a small merchant less than 20 years ago and who today operates as buying, promotion, and advertising agent for an association of more than a thousand locally owned and independent "V" stores in 20 or more States. Gordon Yock was a little man who thought big, he saw a need, and he met it.

For a modest markup he gives his member-merchants a competitive advantage and his profits parallel theirs. I believe Gordon would be immediately interested in an opportunity to order in quantity staple goods and promotion items for his "V" Store network.

Gordon Yock and his "V" Stores typify American enterprise which is constantly alert, and I believe before your first ship sails you can establish certain market outlets for competitively priced imports.

Then I would consider erecting on each ship a "trade room" to display samples of goods available for import in quantity at competitive prices. Houston, New Orleans, etc., are great convention centers and when American merchants have their trade shows and conventions at these sites the ships could be scheduled in for them to be invited aboard to buy from our good neighbors in the far corners of the world. If the door is properly opened, jobbers and brokers will seek you while you look for them.

There is, of course, an abundance of goods overseas awaiting markets. Under the circumstances, however, there is no necessity for limiting ones operations to existing production facilities. If domestic market opportunities can be established, mutual assistance funds and technical assistance are available for the development of new industries overseas and the training of skilled craftsmen. From friends in mutual security, Export-Import Bank, etc., I know these credit and financial aids are available to the lands with which you will be doing business, and think if you will of the competitive advantage involved in the output of subsidized mills and factories with relatively cheap labor.

As I visualize it, a very modest merchandising and promotion staff of traders could do the job. I would concentrate on quality rather than quantity of manpower and as you know from experience, there is a man someplace equal to every job requirement. The problem is to find him and you obviously possess that talent.

Involved in all this is the vital element of public relations—both at home and abroad—which must not be overlooked. As you grow bigger and more competitive, the attacks of your critics and your competitors will keep pace. You know that already this is so, and in our system survival not to mention success are reserved for the fittest. I see nothing intrinsically wrong with this, but much of it can be avoided by effective public relations. Hence, a few concluding ideas on this important subject.

You typify the American success story. You propose bold, exciting new ventures into the field of mutually rewarding world trade. The "Billie Sol Estes Good Will Enterprise" you are about to launch has in it a series of stories appealing to people both at home and abroad. If practical, you might consider offering to your church—and then to others—on a "space available basis" free transport for surplus food, clothing, etc., to their missions abroad. Nothing yet devised equals the "people to people" helpfulness, and think of the image you would create if you helped facilitate these worthy causes. Think, also, upon the personal satisfaction.

These, Billie, are but a few rambling observations. I truly envy you and your associates the challenges and opportunities before you, and anything I can do to encourage you will be rewarding to me as success crowns your ventures.

Regards,

BILL M.

P.S.—These are generalities. If there are some specifics you would like me to work on, drop me a note and I'll do my best. Bless you.

Mr. WILLIAMS of Delaware. Madam President, I quote an interesting paragraph from the letter of March 25, 1961:

> As a first consideration, I would like to see you recapture or reincarnate the spirit of the Yankee trader who pioneered American maritime trade in an era of fierce competition, and would suggest that your ship be so christened (i.e., SS *Pecos Trader*) to tell the world that you are a trader, and not just an American merchant. Then I assume that both under Public Law 480 and as an independent grain trader you will reach for the dollar market first but will also be ready to market our blessings of abundance for local currencies. By so doing you will establish your first, major competitive advantage.

We must remember that these letters were written to Mr. Estes by a top official of the Department of Agriculture and written by a man who allegedly accepted gifts from Mr. Estes.

Certainly Congress has a responsibility to see what, if any, favors were extended to Mr. Estes.

I have a few letters here, also, which were written by Mr. Morris under date of September 22, 1961, October 2, 1961, and an unsigned letter taken from the files labeled "Bill Morris" which was introduced in evidence at Dallas.

These later letters have all been introduced as evidence and have been commented upon in the press.

Two were written by Mr. Morris and certainly indicate that it was his intention to help arrange a source of political influence in Washington to help Mr. Estes in his grain operations.

I ask unanimous consent to have these letters printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEPTEMBER 22, 1961.

DEAR BILLIE: You will recall, I discussed with you the proposed reprinting of one of Dr. Ralph's significant speeches. From the CONGRESSIONAL RECORD of September 20, is an insertion by Congressman HARLAN HAGEN, of California, of the speech entitled "Promoting and Protecting the American Way of Life in Agriculture."

My best estimate is that it will cost $218.76 to reprint 25,000 with envelopes. These will be pamphlet size, eight pages, and permission will be granted to use Congressman HAGEN's frank, which in the case of 25,000 is the equivalent of $1,000 postage.

If you are still of the mind to make this contribution, I would suggest that you send me a check in the amount of $220, made payable to the "treasurer, Democratic National Committee," indicating on the check that it is for HARLAN HAGEN, Member of Congress, if you care to do so. I will then take the check to the national committee and have them credit you with the contribution and issue a similar check to the Congressman to reimburse him for the printing costs.

While you're at it, if you are still in a generous mood, you might make out a check to the "treasurer, Democratic National Committee," in the amount of about $200 for ED EDMONDSON, Member of Congress. He is very close to Congressman CARL ALBERT and is in a serious financial bind on some campaign regards.

Sincerely,

BILL.

SEPTEMBER 25, 1961.

MR. BILL E. MORRIS,
McLean, Va.

DEAR BILL: I am enclosing my checks as requested in your letter dated September 22, 1961. I am happy to make these contributions.

Sincerely yours,

SOL.

OCTOBER 2, 1961.

DEAR BILLIE: I once worked for a Congressman who rejected a contribution because it consisted of hundred dollar bills and he didn't "like big bills." That almost put an end to my efforts to help finance his campaign. Sometimes helping others gets a bit discouraging—as you so well know.

Enclosed are the checks you so graciously sent. It now develops that the national committee has made an agreement with the congressional committee that all help will be channeled through the latter. So, if you don't mind, would you please cancel the enclosed and have them made out directly to the two Congressmen in the amounts indicated and send to me. I will then deliver them and the job will be completed.

My reason, as you know, for wanting to channel through national was to establish credit with them as well as the individual Members of Congress. However, I will see that this is done informally so the net result will be the same.

Sorry for the burden, but can't help it. It is a nuisance to me as well as it is to you. Tell everyone hello.

Sincerely,

BILL.

BILLIE: You recall we have discussed the wisdom of a "good" Republican contact in Congress. We considered H. CARL ANDERSEN, of Minnesota (top Republican on the House Agricultural Appropriations Subcommittee and third ranking on the full Appropriations Committee), a good choice.

Talking to him yesterday he made a suggestion I commend to you. He and his brother have a new coal mine in Washington just outside Seattle. They are a coal mining family of Danes and this will be the most modern mine possible including the first operation of new Bureau of Mines developed equipment. The mine is in production and more capital is required to be able to bid on big State, Federal, and other contracts. Most of the stock is owned by the Andersen family.

They have authorized the sale of some additional stock. Most of it is committed, but Congressman ANDERSEN hopes you might take $1,500 or $2,000 worth of it. He would be willing to agree to buy back the stock after May 1, 1962, at 110 percent or after May 1, 1963, at 120 percent with a time limit of 1 year thereafter (his brother died a few months ago and left an estate of about $100,000 mostly in Government bonds. He will have his share in a few months and this is the basis behind the offer). If you would like to buy the stock he suggests you send the check care of me made out to: Treasurer, Coal, Inc. for the number of shares of stock ($100 per share) and I would hand him the check in exchange for his letter addressed to you confirming the commitment to repurchase at your option.

He is really in a bind right now, is good about standing by his commitments and his friends, and this could be a good investment. Let me know about your decision right away. It means nothing to me personally—you judge what it might be worth from your standpoint.

(Unsigned letter taken from file labeled "Bill Morris" introduced in evidence at Dallas.)

Mr. WILLIAMS of Delaware. Mr. Morris in these letters indicated his intention to make arrangements with Members of Congress in connection with getting their cooperation for Mr. Estes. These letters represent an open solicitation of political contributions by Mr. Morris as a Department of Agriculture official from Mr. Estes, a man doing business with the Government through his Department.

I conclude my remarks by stating that in light of the serious charges which have been made and the inferences which have been drawn from these statements, I do not believe Congress has any alternative other than to pursue the investigation to a conclusion, to determine whether or not there has been and, if so, to what extent there has been an improper alliance between Mr. Estes and any Government official, either at the high level here in Washington or at the lower level in the field.

I do not believe it is enough to say that no evidence of favoritism has been found, when three men have already left the Department—one has been fired, one is being investigated, and one has resigned. Certainly there is evidence enough already available to indicate that this investigation cannot be stopped at this time.

I care not which administration may be affected; the point is we have no choice in Congress except to pursue the investigation, to let all the facts come out, and to let the facts speak for themselves.

I disagree completely with the conclusions of the Secretary in his statement this morning that whatever might have been wrong in the handling of the acreage allotments was attributable to a man who a few months ago died, presumably as a suicide. I must say, in that connection, it was a rather strange circumstance for a suicide to die as the result of several bullet wounds inflicted with what was referred to as a bolt action rifle. I have had greater respect for the marksmanship of Texans.

Congress has a responsibility to get all the facts, and certainly the American people are entitled to know them.

Mr. Estes did obtain from the Department of Agriculture decisions which allowed him to pyramid his grain storage operations and which allowed him to obtain thousands of cotton acreage allotments under circumstances which are now admittedly wrong if not actually illegal. Admittedly the men who were in a position to grant him these favorable decisions were accepting lavish gifts from Mr. Estes.

What more proof do we need to show that this case demands a full investigation?

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. BYRD of Virginia. Madam President, here we have another so-called civil rights bill which has been grinding the important legitimate work of Congress to a halt. This is the second time in 40 days. Those responsible should have reconsidered their action and taken this proposal down long before now.

As is usual with so-called civil rights bills, this one also has been foisted on the Senate by means of unorthodox procedure. It is here without adequate committee consideration, without committee approval, and without even a committee report.

As is usual with so-called civil rights bills, and like a tail wagging the dog, the proposal is in the form of a major amendment to an innocuous bill as with the Stella schoolhouse bill, the Alexander Hamilton Memorial bill, and now the bill for the relief of James M. Norman.

When the bill was introduced its proponents said it was for the purpose of "protecting the right to vote in Federal elections free from arbitrary discrimination by literacy tests or other means." It would amend the elective franchise provisions in existing law.

Like most so-called civil rights bills, this one also can be described as useless, irritating, and unconstitutional. If anything is more fundamentally American and thoroughly constitutional than the right of States to fix voting qualifications, it is hard to find.

The bill is true to the civil rights legislation pattern. It has the usual bleeding-heart preamble followed by substantive provisions so imperfectly drawn that it is difficult to determine whether it is by design or inexcusable carelessness.

I quote directly from page 3 of the bill as introduced, beginning on line 5:

> No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such person to vote or to vote as he may choose in any Federal election, or subject or attempt to subject any other person to the deprivation of the right to vote in any Federal election. Deprivation of the right to vote shall include but shall not be limited to (1) the application to any person of standards or procedures more stringent than are applied to others similarly situated and (2) the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination, whether for literacy or otherwise, if such other person has not been adjudged incompetent and has completed the sixth primary grade of any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico.
>
> Federal election means any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representative, Delegate, or Commissioner from the territories or possessions.

The language just read from the bill is typical of the so-called civil rights proposals. It is defective to begin with, and was never given the benefit of committee perfection. It should be embarrassing to both its patrons and its proponents.

Attention is invited to the language in lines 18 through 21, which provides "* * * has completed the sixth primary grade," and so forth. There is neither provision nor requirement for either proof or oath that the person has finished the sixth grade.

What is an election or registration official to do if he has reason not to believe such a statement or suspect its accuracy? Would the statement be written or oral? According to the preamble, it might even be in a foreign language.

Attention is invited to the language on lines 15 through 21, which provides that a person otherwise qualified cannot be denied the right to vote on account of his performance in any examination "if he has completed the sixth primary grade," and so forth.

What would be the situation if no examination were given, but a seventh grade certificate or high school diploma were required? Do proponents of this measure approve of this language as it is drafted in the bill?

Attention is invited to the language in lines 11 through 14, which provides that "deprivation of the right to vote shal not be limited to (1) application to any persons of standards or procedures more stringent than are applied to others." And so forth.

"Standards and procedures" with respect to what? Voting, registration, driving automobiles, flying spaceships? What standards and procedures? The bill does not say. Such loose language is enough to horrify good legislative draftsmen and judges who might have to decide cases under it.

Attention is invited to the language in lines 19 through 21, where reference is made to completion of the sixth grade in public or accredited schools in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico.

What about Europe, the Near East, and the Far East? The people of the United States are spending millions of dollars for the education of the children of members of our Armed Forces stationed in these areas, and they have been doing so for years.

These schools are paid for with our money. They are for the children of our own people. They are taught by our own teachers. They meet all the requirements of our own public and accredited schools. They, too, have a sixth grade.

But they happen to be in places other than the States and territories, the District of Columbia or the Commonwealth of Puerto Rico. They are in Germany, Turkey, Japan, and elsewhere. There are many schools, and tens of thousands of pupils.

Is the purpose of this measure to disfranchise those who may rely on this provision, if they have completed the sixth grade in one of the schools conducted for our Armed Forces in some area not specified in this measure?

Attention is invited to the language in lines 18 and 19, which provide "has completed the sixth grade," and so forth. It does not say "has successfully" completed the sixth grade; and neither does it say has completed more than six grades.

It is conceivable that a person might have completed the sixth grade, but with unsatisfactory grades, and did not return to school after the unsatisfactory completion of the sixth grade. What would be his status under this loose language?

There is a man in the Capitol—a highly educated gentleman. He is a good citizen in all respects. He is known to every Member of the Senate. He was so proficient in school, he was promoted from the fifth to the seventh grade.

In the simple language of school children, he "skipped" the sixth grade; but he has college degrees, and he has completed graduate school. What would be his status if he relied on this provision for his right to vote?

If analysis of the language in the bill sounds like ridicule, I submit that those responsible for the technical drafting of this proposal are entitled to criticism of this nature. I am sure the sponsors did not intend for it to be so ridiculous.

Here we have a horrible example of what unorthodox legislative procedure produces. The technical deficiencies I have pointed out are only some of those—not all—which characterize this proposal. I shall mention one more, and it is important.

Mr. ERVIN. Madam President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

Mr. ERVIN. Section 2 contains language which provides, in substance, that no person shall be deprived of the right to vote on account of his performance upon examination, whether for literacy or otherwise. Does not the Senator from Virginia interpret that provision to mean that its benefit is intended for persons who flunk the literacy test, or who in other words demonstrate in a literacy test that they are illiterate? Does not the Senator agree with my observation that this provision makes a rank discrimination between illiterate persons who have completed the sixth grade and illiterate persons who have not had the opportunity to go as far as the sixth grade?

And if a State were to pass a law making such a discrimination between illiterate people, would not the equal-protection clause of the 14th amendment require that the State be declared to have been guilty of a discrimination which the 14th amendment forbade?

Mr. BYRD of Virginia. I thoroughly agree with the distinguished Senator from North Carolina.

Mr. ERVIN. Can the Senator from Virginia think of any reason why Congress should be so solicitous about illiterate persons who have completed the sixth grade, but not about illiterate persons who have not completed the sixth grade?

Mr. BYRD of Virginia. The Senator from North Carolina has put his finger on one of the vital parts of the bill which, to me, is ridiculous.

Madam President, attention is invited to the fact that the language in lines 5 through 21 relates to participation in any Federal election. Attention is further invited to the language in line 22 through line 3 at the top of page 4, which defines a Federal election.

A Federal election for purposes of this proposal "means any general, special, or primary election held solely or in part for electing any candidate for the office of President, Vice President, presidential elector, Member of the Senate, House," and so forth.

It is important to note the difference between this language and the language in the present law—the elective franchise provisions in 42 U.S.C. 1971. These provisions read as follows:

> Voting rights—intimidation, threats, or coercion: No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

Under this existing Federal law its application is limited to voting for candidates for Federal office. Under the pending measure the change proposed is radical; if there is one candidate for Federal office, it would be applicable to voting on all candidates.

If one candidate for Federal office were running, provisions of the pending proposal would apply to elections primarily for school boards, county boards, sheriffs, judges, city councils, Governors, and even State legislatures.

The effect of this bill might easily be to reverse section 2 of article I of the Constitution of the United States. Consider an election where candidates for Members of the U.S. House of Representatives and candidates for the State legislature were running. Under terms of the proposal, the Federal statute would apply. On the contrary, section 2, article I of the Constitution of the United States says:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Where would we stand? Does this bill, by indirection, attempt to fix the qualifications of those who may wish to vote for candidates for State legislatures? What would be the situation with gubernatorial elections, councilmanic elections, and so forth?

The Constitution dealt with the exercise of the franchise at least nine times—five times in the original document and four times in subsequent amendments. The right of States to establish their own voting qualifications is crystal clear throughout.

The framers of the Constitution debated fully the question of who should establish qualifications for exercise of the franchise; and their decision, as established in article I, section 2, was that the States should have the power.

This has been established and accepted for 170 years. Yet, at this late date it becomes necessary repeatedly to remind the U.S. Senate of this fact—twice, I may say, in the past 40 days. Those who would defend constitutional government are entitled to know why.

This particular attack is not directed at Virginia. We were under fire last month. But I shall join the fight in defense of the constitutional rights of States, wherever and whenever they are invaded. The reason goes to the fundamentals of our system.

Our system of government is based on the broad proposition that the States are "several as to themselves, and one as to all others." If the evils of highly centralized government are not already known in this country, we are seeing more of it every day.

Of course, there must be a Central Government to represent the Nation, where it must act as a unit; but the strength of this Nation lies in keeping domestic government close to the people—in the sovereign States and the localities within them.

Fixing the qualifications for voting goes to the heart of the system. In Virginia, voter registration is as simple as possible for all citizens with any inclination toward interest, initiative, and responsibility. But even this is now under attack.

This so-called literacy bill is a symbolic sign of the time; but it is only one. There are other signs pointing in the same direction. In times such as these, it is well to take heed of the warning given us by George Washington in his Farewell Address:

> Let there be no change by usurpation; for though this in one instance may be the instrument for good, it is the customary weapon by which free governments are destroyed.

In the most charitable attitude, it may be assumed that the pending proposal, in the minds of some, could offer some transient benefit in some remote area with which I am not familiar. But the usurpation would certainly be detrimental to the nation.

If there should be any justification for the contentions made by the proponents of this measure, I hold that State governments are competent to make corrections where they are proper. In any event, this is a matter outside the Federal sphere.

It has been outside the Federal sphere since the beginning. In examining the power to establish voter qualifications, in the Federalist Papers (No. 60) Alexander Hamilton said:

> This forms no part of the power conferred upon the National Government.

Pursuant to the 10th amendment, and to the tenor of the entire Constitution, this power, not having been delegated to the Central Government is reserved to the States.

As for judicial interpretation, the Supreme Court, in *Ex parte Yarbrough*, 110 U.S. 651 (1884), said:

> The State defines who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for members of Congress in that State.

The Congress, itself, by frequent reference to State-established voter qualifications, has affirmed and reaffirmed this interpretation. What are the reasons why Congress and the courts should now renounce their own acts?

It is clear that the Constitution as interpreted by its authors, the Supreme Court, and the Congress, reserves to the States the power finally to determine who should exercise the franchise. Who are the men of superwisdom who now find this to be all wrong?

The advocates of the pending measures rely on article I, section 4, of the Constitution; section 5 of the 14th amendment; and section 2 of the 15th amendment; and Congress' responsibility to protect the integrity of the Federal electoral process.

Article I, section 4, states that "the Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof;" but it says:

> * * * the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

This language might be ambiguous and subject to misinterpretation if it were not a fact that article I, section 2, has already said that the "Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

Those who study the reasons for provisions in the Constitution know that section 4 of article I was intended to meet a situation where a State might seek to withdraw from the Union simply by failing to elect their representatives in the National Congress.

Under section 4 Congress had the power to set the time, place, and procedure for its own elections. James Madison said they would "probably, forever be conducted by the officers, and according to the laws of the States."

Following the War Between the States, Congress enacted legislation to secure the right to vote and other so-called civil rights to newly freed Negroes. The propriety of this type of legislation is shown by the fact that most of it was held unconstitutional or repealed.

Even when the Supreme Court upheld parts of this legislation, it specified that the rights protected were the rights of qualified voters. Qualified voters were those with "Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

Thus in Ex parte Yarbrough, a unanimous Court acknowledged that the States "define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualifications thus furnished as the qualification of its own electors for Members of Congress."

In Guinn against United States, the question was the validity of a combined literacy test and "grandfather clause" under the 15th amendment, but in the course of its opinion the Court said:

> No time need be spent on the question of the validity of the literacy test considered alone since, as we have seen, its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision.

In United States against Classic, referring to the right of citizens to vote, the Court stipulated that the right belongs to qualified voters:

> The right of qualified voters to vote in the congressional primary in Louisiana * * * is thus the right to participate in that choice [of a Congressman].

In the same opinion, the Court, in passing upon a law making it a crime to discriminate against a prospective voter, stated:

> So interpreted, section 20 applies to deprivation of the constitutional rights of qualified voters to choose representatives in Congress.

The Supreme Court, to date, has always, either expressly or impliedly, recognized that the qualification of electors is a matter separate and apart from the time, place, and manner of an election.

Furthermore, the Court, to date, has always recognized the power, vested in the States by the Constitution, to set their own voter qualifications within the limits of the 15th and 19th amendments.

In short, under the Constitution, the Congress may control the time, place, and manner of holding elections for Senators and Representatives, but the qualifications of those who vote in elections shall be determined by the States.

Turning to the power of Congress under the 14th and 15th amendments, the pending proposal is said to be aimed at the prevention of racial discrimination in fixing the right to vote in Federal elections as they are defined in the measure.

Mr. ERVIN. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER (Mr. METCALF in the chair). Does the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. ERVIN. The Senator from Virginia has pointed out that the provision of the Constitution declaring that electors for Senators and Representatives shall have the qualifications requisite for electors of the most numerous branch of the State legislature is exceedingly clear. I will ask the Senator from Virginia if the pending bill does not undertake to do this for all practical intents and purposes: The electors of Senators and Representatives in Congress shall not be the electors having the qualifications to vote for the most numerous branch of the State legislature—as the Constitution declares—but, on the contrary, they shall be persons who have completed the sixth grade, regardless of whether or not they ever learned anything while they were in school.

Mr. BYRD of Virginia. I think the Senator is entirely correct. There would certainly be a conflict in that particular.

There is substantial authority to the effect that the 14th amendment did not have as one of its purposes the elimination of racial discrimination in voting.

With regard to the first section of the amendment, the Supreme Court in 1874 held:

> It is clear, therefore, we think, that the Constitution has not added the right of suffrage to the privileges and immunities of citizenship as they existed at the time it was adopted.

In 1937, Justice Butler, in an opinion concurred in by Justices Brandeis, McReynolds, Sutherland, Stone, Roberts, Cardozo, and Black, held that the right to vote is conferred by the States, "save as restrained by the 15th and 19th amendments," the necessary inference being that the 14th amendment is inapplicable.

In Terry against Adams, Mr. Justice Frankfurter stated:

> The 15th amendment, not the 14th, outlawed discrimination on the basis of race or color with respect to the right to vote.

This case history shows that, whatever may be the current trend of decisions, the 14th amendment was not adopted for the purpose of prohibiting racial discrimination in respect to the right to vote.

If that had been the effect of the 14th amendment, there would have been no need for the 15th amendment. It has been said that section 2 of the amendment was adopted because the States would not surrender their power over the franchise.

Decisions in cases on this point may be summed up in the statement that the 15th amendment confers on Congress only the authority to penalize State action under the color of laws which the States are constitutionally prohibited from making or enforcing.

The purposes sought by the pending proposal is to outlaw by Federal statute State literacy tests. But State literacy tests, under the Constitution, are not prohibited in the States which have them. State literacy tests for voting repeatedly have been upheld.

The North Carolina literacy statute was most recently tested. That statute provides that persons presenting themselves for registration should be able to read and write any section of the constitution of North Carolina in the English language.

Justice Douglas, writing for a unanimous Supreme Court, said:

> In our society * * * State might conclude that only those who are literate should exercise the franchise.

If Congress is restricted from making laws in the premises except where States have made laws which they are "prohibited from making or enforcing," it follows that Congress has no power to enact a law controlling this situation.

With respect to the selection of the electors who in turn elect a President and Vice President, the Constitution provides:

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

The words "in such manner as the legislature thereof may direct" are conclusive in determining authority for control of presidential elections.

The Supreme Court of the United States in the case of *McPherson* v. *Blacker* (142 U.S. 1, 36 L. Ed. 869), clearly and unequivocally sustains this contention.

> In short, the appointment and mode of appointment of electors belong exclusively to the States under the Constitution of the United States. They are, as remarked by Mr. Justice Gray in *In re Green* (134 U.S. 377, 379 (33:951, 952)), "no more officers or agents of the United States than are the members of the State legislatures when acting as the electors of Federal Senators, or the people of the States when acting as the electors of Representatives in Congress." Congress is empowered to determine the time of choosing the electors and the day on which they are to give their votes, which is required to be the same day throughout the United States, but otherwise the power and jurisdiction of the State is exclusive, with the exception of the provisions as to the number of electors and the ineligibility of certain persons, so framed that congressional and Federal influence might be excluded.
>
> The question before us is not one of policy but of power, and while public opinion had gradually brought all the States as matter of fact to the pursuit of a uniform system of popular election by general ticket, that fact does not tend to weaken the force of contemporaneous and long continued previous practice when and as different views of expedience prevailed.
>
> It is contended by defendants that presidential electors are officers of the State and not Federal officers. We are of the view that this contention is sound and should be sustained, article 2, section 1, U.S. Constitution (citing also, *Burroughs* v. *U.S.*, 290 U.S. 534, 78 L. Ed. 484).

In conclusion, I wish to read directly from the unanimous Supreme Court decision in a case against Gradwell and others (243 U.S. 1916) handed down by Justice Clarke. He said in part:

> The power of Congress to deal with the election of Senators and Representatives is derived from section 4, article I of the Constitution of the United States, providing that:
>
> "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators."
>
> Whatever doubt may at one time have existed as to the extent of the power which Congress may exercise under this constitutional sanction in the prescribing of regulations for the conduct of elections for Representatives in Congress or in adopting regulations which States have prescribed for that purpose has been settled by repeated decisions of this Court, in *Ex parte Siebold*, 100 U.S. 371, 391 (1879); *Ex parte Clarke*, 100 U.S. 399 (1879); *Ex parte Yarbrough*, 110 U.S. 651 (1884); and in *United States* v. *Mosley*, 238 U.S. 383 (1915).
>
> Although Congress has had this power of regulating the conduct of congressional elections from the organization of the Government, our legislative history upon the subject shows that, except for about 24 of the 128 years since the Government was organized, it has been its policy to leave such regulations almost entirely to the States, whose representatives Congressmen are. For more than 50 years no congressional action whatever was taken on the subject until 1842 when a law was enacted requiring that Representatives be elected by districts (5 Stat. 491), thus doing away with the practice which had prevailed in some States of electing on a single State ticket all of the Members of Congress to which the State was entitled.
>
> Then followed 24 years more before further action was taken on the subject when Congress provided for the time and mode of electing U.S. Senators (14 Stat. 243) and it was not until 4 years later, in 1870, that, for the first time, a comprehensive system for dealing with congressional elections was enacted. This system was comprised in sections 19, 20, 21 and 22 of the Act approved May 31, 1870, 16 Stat. 254; and in the Act amending and supplementing these acts, approved June 10, 1872, 17 Stat. 347, 348, 349.
>
> These laws provided extensive regulations for the conduct of congressional elections. They made unlawful, false registration, bribery, voting without legal right, making false returns of votes cast, interfering in any manner with officers of election and the neglect by any such officer of any duty required of him by State or Federal law; they provided for appointment by circuit judges of the United States of persons to attend at places of registration and at elections with authority to challenge any person proposing to register or vote unlawfully, to witness the counting of votes and to identify by their signatures the registration of voters and election tally sheets; and they made it lawful for the marshals of the United States to appoint special deputies to preserve order at such elections with authority to arrest for any breach of the peace committed in their view.
>
> These laws were carried into the revision of the U.S. Statutes of 1873–74, under the title "Crimes Against the Elective Franchise and Civil Rights of Citizens," Rev. Stats., sections 5506 to 5532, inclusive.
>
> It will be seen from this statement of the important features of these enactments that Congress by them committed to Federal officers a very full participation in the process of the election of Congressmen, from the registration of voters to the final certifying of the results, and that the control thus established over such elections was comprehensive and complete. It is a matter of general as of legal history that Congress, after 24 years of experience, returned to its former attitude toward such elections and repealed all of these laws with the exception of a few sections not relevant here. Act approved February 8, 1894, 28 Stat. 36. This repealing act left in effect as apparently relating to the elective franchise, only the provisions contained in the 8 sections of chapter 3 of the Criminal Code, sections 19 to 26, inclusive, which have not been added to or substantially modified during the 23 years which have since elapsed.
>
> The policy of thus entrusting the conduct of elections to State laws, administered by State officers, which has prevailed from the foundation of the Government to our day, with the exception, as we have seen, of 24 years, was proposed by the makers of the Constitution and was entered upon advisedly by the people who adopted it.

The United States has no voters in the States of its own creation as all elective officers of the Federal Government are elected, directly or indirectly, by State voters. The rights of franchise or the right to exercise it by voting is not an incident of national citizenship; neither is the right to vote a necessary incident of State citizenship.

The right or privilege of a person to vote for a Representative or a Senator in Congress depends upon whether such person is in fact qualified under the law of his State of residence to register and vote in his State for a member of the most numerous branch of the State legislature.

The 14th amendment did not extend the franchise to anyone. The 15th amendment did not extend the franchise to anyone; it merely gave the right to not be discriminated against or denied the franchise and the right to vote on account of race, color, or previous condition of servitude; and Congress was thereby empowered to enforce this amendment by appropriate legislation.

Until the adoption of the 19th amendment in 1920, the denial of the franchise and the right to vote on account of sex was not prohibited by the Constitution of the United States.

The Government of the United States and the powers of Congress are only such as have been expressly or necessarily impliedly delegated or granted to them by the States.

Part of the debris I refer to is the confusion in the mind of some people about the power or authority of Congress to legislate concerning elections. This may be occasioned by their failing to recognize that the Federal Government does not have the power both of the Government and of the States. A failure to keep in mind that the Federal Government has only such powers as have been delegated to it will result in a failure to recognize the limits of authority of Congress as set and determined by the Constitution.

The failure of anyone to recognize the provisions of the 9th and 10th amendments, will cause a misunderstanding or a lack of appreciation of the limits thereby placed upon Congress in legislating upon the franchise, elections, and voting. The provisions of the 9th and 10th amendments are so familiar that their quotation here is unnecessary.

William E. Borah was one of the great men of the Senate when I started my membership in this body, and he was a power in his political party. He was also a great defender of the South in these so-called civil rights cases.

As I close my remarks on this proposal today, I recall a speech by Senator Borah relating to an antilynching bill, on January 7, 1938. I had recently been Governor of Virginia, and we had enacted the tightest antilynching law in history. There has not been a lynching in Virginia since that law was enacted.

I quote directly from that 1938 speech by Senator Borah, who frequently was referred to as the "lion of Idaho," because so much of of it is applicable to what is being said by proponents of the pending proposal. Senator Borah said:

> Everywhere we find a determination to find the right way. The Negro is there. He is there to stay. The South knows that he

is there to stay, that he is a part of the wealth of the South. We in the North may be interested in the Negro politically. We care little about him economically. But he is an indispensable factor in the economic development of the South. They can and will do for him far better without our interference or advice than with it.

Mr. President, the Negro has had a hard road to travel ever since he was given his freedom. A hundred-and-odd years of slavery afforded poor training for citizenship in the most advanced of nations. Almost overnight he went from slavery to take up the obligations of a free man in a free country; but, everything considered, he has done well; his advancement has been marked. Restricted, not by the Constitution of his country or the decisions of its highest courts, but restricted, almost cabined and confined, by the iron laws of society, nevertheless he has made progress. And where has that progress been greatest? In the South. In spite of prejudice, and statements to the contrary, facts and figures show it has been greatest in the South. In the acquisition of property and economic advancement generally the Negro has fared better in the South than elsewhere.

It is true, as is contended here, that at times he has suffered from mob violence in the South, but it is equally true that he has suffered from race riots in the North. But in all things which make for the advancement of the race as a race, the North has no advantage over the South in the story of the advancement of the Negro. We have shown no greater patience, no greater tolerance, no greater ability to deal with this race than have our brothers of the South. And now, because there is the power, because there are the votes, because it is possible to do so, it is proposed to call these great States and these people before the bar of public opinion and, after 70 years of arduous effort on their part, condemn them as unfit and unwilling to deal with this great problem, condemn them for having failed in the essential principle of home government, of home rule. After these 70 years, and after 150 years, taking the Government's history as a whole, we now come to the time when we are asked to say that home rule or local government has broken down in a number of the States of the Union. We call these States and these proud people to judgment before the whole world and spread upon the records of the Congress our condemnation, our judgment that in the most vital things of free government they have failed.

Continuing, Senator Borah said:

Some years ago a great southerner discussed this question, and I cannot refrain from calling attention to some of his language. It seems to me fair, just, and so in accordance with the sentiments of the true patriot that it is worth while for us to stop and hear the voices of those who are wrestling with the problem at home.

Mr. Henry W. Grady said:

"Nothing, sir, but this problem and the suspicions it breeds, hinders a clear understanding and a perfect union. Nothing else stands between us and such love as bound Georgia and Massachusetts at Valley Forge and Yorktown.

"I thank God as heartily as you do that human slavery is gone forever from American soil. But the freeman remains. With him a problem without precedent or parallel. Note its appalling conditions. Two utterly dissimilar races on the same soil—with equal political and civil rights—almost equal in numbers but terribly unequal in intelligence and responsibility. * * * Under these, adverse at every point, we are required to carry these two races in peace and honor to the end.

"Never has such a task been given to mortal stewardship.

"The resolute, clear-headed, broadminded men of the South * * * wear this problem in their hearts and brains, by day and by night. They realize, as you cannot, what this problem means—what they owe to this kindly and dependent race—the measure of their debt to the world in whose despite they defended and maintained slavery.

"If you insist that they are ruffians, blindly striving with bludgeon and shotgun to plunder and oppress a race, then I shall sacrifice my self-respect and tax your patience in vain. But admit that they are men of common sense and common honesty, wisely modifying an environment they cannot wholly disregard—guiding and controlling as best they can the vicious and irresponsible of either race * * * admit this, and we may reach an understanding without delay."

Is that not true? Can we find anywhere in history a task such as was assigned to the southern people at the close of the Civil War, with slaves for 100 years released, free as they should have been, but given the power to participate in politics without any training and without any experience? It was beyond their capacity, as it would have been beyond the capacity of any race immediately to assume in full, and properly discharge, the duties of citizenship. But those were the conditions which confronted the South, and with which they have been dealing.

Let us admit that the South is dealing with this question as best it can, admit that the men and women of the South are just as patriotic as we are, just as devoted to the principles of the Constitution as we are, just as willing to sacrifice for the success of their communities as we are. Let us give them credit as American citizens, and cooperate with them, sympathize with them, and help them in the solution of their problem, instead of condemning them. We are one people, one nation, and they are entitled to be treated upon that basis.

Before I conclude I wish to read to the Senate an extremely able statement made by Ludwell H. Johnson III, associate professor of history at the College of William and Mary, Williamsburg, Va. It is in the form of a letter addressed to me, as follows:

College of William and Mary,
Williamsburg, Va., April 25, 1962.

Hon. Harry F. Byrd,
U.S. Senate,
Washington, D.C.

Dear Sir: The bill now pending before Congress to prescribe voting qualifications in Federal elections is so clearly unconstitutional that it drives one to conclude that the supporters of the bill are either ignorant of the very wording of the Constitution itself, or else are willing, for whatever reason, deliberately to ignore its plain meaning. Undoubtedly, however, the bill's proponents will attempt to find some constitutional basis for it.

What part of the Constitution could possibly give Congress the power to enact such a bill? Section 1 of the 14th amendment is the favorite resort in such cases, but here the bill does not have a leg to stand on. That section prohibits a State from enacting laws that deprive citizens of the United States of their privileges or immunities, or that deny any person equal protection of the laws, or life, liberty, or property without due process of law. This seemingly broad and somewhat vague language might provide some color of constitutionality for the bill, were it not for the fact that section 2 of that same amendment specifically provides a remedy for the disfranchisement of male citizens 21 years of age or older. Section 2 states:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

In other words, if a State refused the vote to male citizens 21 or over, its delegation in the House of Representatives would be reduced accordingly. The purpose of this amendment, proposed in 1866 during Reconstruction, was to present the Southern States with the alternative of giving the Negro the vote, thus insuring a Republican majority in most Southern States, or else having their representation in Congress and their electoral votes reduced. In either case the intended result was a Republican majority in the country at large. This section of the 14th amendment has never been enforced, since it was regarded as having been superseded by the 15th amendment, which prohibited the United States or the States from abridging the right to vote on account of race. Therefore, from internal evidence alone, it is obvious that the bill in question cannot stand on the 14th amendment.

There is other evidence just as incontestable. Article I, section 2, of the Constitution states:

"The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

Mr. ERVIN. Mr. President, will the Senator yield for an observation on this point, with the understanding that the Senator will not lose his privilege to the floor?

Mr. BYRD of Virginia. I yield, with that understanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. It is very interesting to note that when the 15th amendment was before Congress, and Congress was considering submitting the 15th amendment to the States, it was proposed to have incorporated in the amendment a provision providing for an educational test, and that the Congress repudiated the effort to incorporate an educational test in the 15th amendment, which under all the circumstances would be construed to show that the refusal of Congress to put an educational test in the amendment indicated that it was intended to exclude it. Yet after a lapse of almost a hundred years, the proponents of the bill are claiming that the 15th amendment contains some kind of indefinable educational test, when the very men who drafted the 15th amendment, by their votes, absolutely refused to put any such thing into the amendment at all. So we have the very queer situation that

that which was rejected, in the words of Scripture, becomes the cornerstone of their structure.

Mr. BYRD of Virginia. I thank the Senator from North Carolina. He is entirely correct.

I continue to quote:

> According to the 52d number of the Federalist, which is generally acknowledged to be the most authoritative and penetrating exposition of the purposes and meaning of the Constitution, this section is defended as the best way of regularizing the right of suffrage, as follows:
>
> "It must be satisfactory to every State, because it is conformable to the standard already established, or which may be established, by the State itself. It will be safe to the United States, because, being fixed by the State constitutions, it is not alterable by the State governments."
>
> In the Constitutional Convention the discussion of this section ("Madison's Notes," Aug. 6–8, 1787) consisted of a disagreement between those who believed that voting qualifications for Representatives (the only Federal election in which the people would vote directly for candidates) should be left entirely to the States, and those who wanted the Constitution to limit suffrage to freeholders. The latter proposal was voted down. Thus the Convention explicitly rejected any interference with State power to establish voting qualifications.
>
> Some advocates of the impending bill may attempt to argue that article I, section 2 of the Constitution has been superseded by the 14th amendment. Such cannot be the case, however, for the 17th amendment providing for the popular election of Senators also specifies that the "electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State legislatures."
>
> In short the following facts are beyond any rational doubt:
>
> 1. The framers of the Constitution left the prescription of voting qualifications entirely to the States.
>
> 2. Section 1 of the 14th amendment cannot have given Congress the right to set voting qualifications, for the problem of disfranchisement was dealt with explicitly in section 2, which attempted to meet the problem by reducing a State's basis for representation, not by giving the Congress the right in question.
>
> 3. Even granting what is inadmissible, that the 14th amendment gave Congress such power, the authority of the States originally granted in 1787 was expressly reaffirmed in the 17th amendment.
>
> The defenders of the pending bill will probably place their main reliance on the 15th amendment, which says that no person shall be denied the vote on account of race, color, or previous condition of servitude, and gives Congress the power to enforce this prohibition by appropriate legislation. It is perfectly clear, however, that the power to prevent disfranchisement on account of race is not the same as the power to prescribe voting qualifications for all citizens. Congress power is confined to the enactment of laws to prevent racial discrimination in the application of such qualifications. It does not have the authority to say what those qualifications shall be, except that they shall not depend on race or sex. The power given to Congress is merely prohibitive; it cannot confer the franchise on anyone.
>
> The meaning of the 15th amendment, like that of the 14th amendment, is also controlled by the 17th amendment, which, as pointed out previously, explicitly leaves the matter of voting qualifications to the States, and uses the identical language of article 1, section 2 of the Constitution.
>
> The clear phrasing of article I, section 2, the meaning ascribed to it by the framers of the Constitution, and subsequent amendments all point to one irresistible fact: Congress never had and has never been given the power to prescribe or prohibit literacy tests for voting in State or Federal elections.
>
> This being the case, no other part of the Constitution can be said to give a power that has been explicitly withheld, but the supporters of the pending bill will probably try to find some ground to stand upon other than the 14th and 15th amendments. They will probably cite article IV, section 4, which says:
>
> "The United States shall guarantee to every State in this Union a Republican Form of Government." And contend that certain literacy tests prevent a government from being republican in form. According to James Madison, often called Father of the Constitution, writing in the 43d Federalist:
>
> "The authority extends no further than to a guarantee of a republican form of government, which supposes a preexisting government of the form which is to be guaranteed. As long, therefore, as the existing republican forms are continued by the States, they are guaranteed by the Federal Constitution."
>
> Many of the States at the time had extensive property qualifications for voting and holding office, yet they were considered to be republican in form. The simple purpose of this section, said Madison, was to protect the States "against aristocratic or monarchical innovations."
>
> It may be argued that our concept of what constitutes a republican form of government has become more equalitarian since the Constitution was framed, and that a government that would qualify as such then would not qualify now. The sponsors of the pending bill evidently believe that requiring a sixth grade education as proof of literacy is consistent with republican government. Would they then say a State law requiring a seventh grade education was not consistent with republican government? Some people are more literate after 4 years of school than others are after 12. If any voting qualifications whatever are permissible under a republican government, then the question becomes a matter of opinion, not principle.
>
> Finally, some may attempt to use article I, section 4, to support the bill. That section states:
>
> "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of Chusing Senators."
>
> "Madison's Notes" and the Federalist (Nos. 59–60) show that this provision was intended to prevent the possible crippling or manipulation of the House of Representatives by the rigging or even suspension of elections by ruling factions in the State legislatures. That it never envisioned giving Congress the power to set voting qualifications is made clear by Alexander Hamilton in the 60th Federalist, when he says of article I, section 4:
>
> "The truth is, that there is no method of securing to the rich the preference apprehended, but by prescribing qualifications of property either for those who may elect or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections."
>
> Some Members of Congress may say that they are not called upon to pass upon matters of constitutionality, but can leave that problem to the Supreme Court. But the obligation to preserve the Constitution is not transferable. A solemn oath to support the Constitution is required of all State and Federal officers. Such an oath was not imposed lightly or for no reason. The Founding Fathers, being well versed in human nature, knew that occasions would arise when men would be tempted through sympathy, expediency, or ambition to depart from the true intent of the Constitution. It was hoped that the memory of that oath would help them to resist such temptation. There are times, of course, when honest differences of opinion arise as to the meaning of the Constitution. But there are also times when its meaning is perfectly clear, and this is one of those times. The duty of Congress is equally clear. The passage of this bill, even on the pretext of protecting civil rights, would go far toward substituting a government of men for a government of law. Revolutionary patriots fought to secure a government of law, from which the liberties of all Americans are ultimately derived. It is the obligation and privilege of every honest citizen to defend that inheritance.
>
> Yours very truly,
>
> LUDWELL H. JOHNSON III,
> *Associate Professor of History.*

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. SPARKMAN. I have greatly enjoyed listening to the letter just read by the Senator from Virginia and the arguments presented in it. They seem to me to be so logical and so well arranged that they are unanswerable. They bear out a point which it seems to me is likewise unanswerable by those who propose the legislation.

I ask the distinguished Senator from Virginia if he thinks my reasoning is correct: First, at the very beginning of the Constitution, article I, section 2, provides that in the election of Members of the House of Representatives—Senators at that time were selected by the State legislatures—the qualifications for electors shall be the same as the qualifications for the electors of the most numerous branch of the State legislature.

Mr. BYRD of Virginia. The Senator is entirely correct. That has been restated time and time again and has been so held by the courts of the land.

The distinguished Virginian who wrote the letter would be highly complimented by the statement of the Senator from Alabama.

Mr. SPARKMAN. This, to me, is significant: When the proponents of the measure argue the 15th amendment as a consistent basis for the measure sought to be enacted, they overlook, first, the persuasive argument which was presented in the letter just read by the Senator from Virginia, as well as the point brought out by the distinguished Senator from North Carolina [Mr. ERVIN], namely, that in the proposal of what became the 15th amendment, for submission to Congress and then to the States of the Union, the question of including a literacy test was considered but was rejected. In other words, Congress or its committees, or whoever were among the appropriate Members of Congress who handled the legislation, declined to include a literacy test or an educational test in the 15th amendment.

Mr. BYRD of Virginia. That is correct.

Mr. SPARKMAN. Another point which seems to me to be unanswerable is that when the 17th amendment was adopted, the amendment which provides for the election of Senators by direct vote of the people, the identical language of article I, section 2, of the Constitution, was repeated, and that was subsequent to the adoption of the 15th amendment. So if the argument is made that the 15th amendment changed the language that was contained in article I, section 2, there is no answer to the fact that the 17th amendment used that identical language again.

Mr. BYRD of Virginia. That is conclusive proof of the intent of the framers of the Constitution.

Mr. SPARKMAN. The Senator from Virginia is correct. I do not see how the contention can be otherwise. In addition, there are numerous Supreme Court decisions which pass on one phase or another of this proposition, all of them capped by the unanimous decision 3 or 4 years ago, holding that the setting of qualifications for voters is a power lodged in the States and not in any sense in the Central Government of the United States. Is not that correct?

Mr. BYRD of Virginia. The Senator is correct.

Mr. SPARKMAN. The Senator from Virginia has presented a very useful and very fine argument.

I may say that I was prepared to speak, following his remarks. However, I understand that the leadership is about ready to have the Senate adjourn for the day. Furthermore, my entire argument, as I view the pending measure, is really set forth in the very few comments I have made, all of which relate to points which have been brought out by the distinguished Senator from Virginia.

Mr. BYRD of Virginia. I thank the Senator from Alabama very much.

ADJOURNMENT

Mr. BYRD of Virginia. Mr. President, in accordance with the order previously entered, I move that the Senate now stand adjourned until tomorrow, at noon.

The motion was agreed to; and (at 4 o'clock and 59 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Tuesday, May 8, 1962, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 7, 1962:

DIPLOMATIC AND FOREIGN SERVICE

William P. Mahoney, Jr., of Arizona, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

DEPARTMENT OF STATE

Lucius D. Battle, of Florida, to be an Assistant Secretary of State, vice Philip H. Coombs.

SECURITIES AND EXCHANGE COMMISSION

Byron D. Woodside, of Virginia, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1967. (Reappointment.)

EXTENSIONS OF REMARKS

Agriculture Legislation

EXTENSION OF REMARKS

OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Monday, May 7, 1962

Mr. WILEY. Mr. President, in a weekend address over Wisconsin radio stations, I was privileged to discuss the legislative outlook on legislation relating to agriculture.

I ask unanimous consent to have excerpts of my address printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

WILEY EXPECTS NO MIRACLE-WORKING LEGISLATION IN AGRICULTURE

As yet, the administration, the Congress, and representatives of farmers and farm organizations, have not been able to get together on a mutually agreeable plan for agriculture—one that would: find ways to more favorably adjust production in relation to consumption and utilization—and by so doing, diminish the stockpiles, and make dramatic improvements in the farmer's pocketbook.

Consequently, the outlook—once again—is for a piecemeal revision of farm laws.

Following rough treatment of the administration's recommendations earlier this year, the Agriculture Committee has now reported a bill, S. 2786, to the Senate.

By no means a miracle worker the recommendations generally include extension, with some revisions, of a variety of existing programs.

The future of the Nation—thanks to the high productivity of the farmer—can look forward confidently to a good supply of food. Accordingly to predictions, our farms, by 1980, despite a 65 million increase in population—will produce enough food, with 50 million fewer acres. With such a long-range outlook, there is, then, a requirement to take a new look at our land-use policies.

With this in mind, the committee, reflecting some of the administration's recommendations, proposes to encourage a changeover of land use—particularly for recreation—as follows: The Secretary of Agriculture would be authorized to enter into long-term agreements (not to exceed 15 years) to provide assistance to farmers in changing over croplands to conservation and development of soil, water, forest, wildlife, and recreational resources; or to devote such land to other nonagricultural purposes; loans would be available under the Bankhead-Jones Act to States and local public agencies to carry out conservation programs; under the Watershed Act, payments would be available for the cost of fish, wildlife, and recreational improvements involving land easements, rights of way and minimum basic facilities; under the Farm Home Administration, loans would also be available for establishment of recreational facilities.

EXTENSION OF PUBLIC LAW 480

Attempting to stimulate greater use of surplus agricultural commodities, the proposed bill would also aim toward: (1) Increasing the sale of surplus products abroad for dollars, through long-term contracts; and the extension of credit for the purchase of such commodities; and (2) provide the Secretary of Agriculture authority to enter into supply agreements with private trade interests—under the same conditions as government-to-government sales agreements.

EXTENSION OF FEED GRAIN PROGRAM

A 1-year extension of the feed grain program—an effort to reduce the supply of corn, oats, and barley—also is a major feature of the committee bill.

NEEDED: EXPANDED DAIRY RESEARCH

Significant in the committee bill, too, is a recommendation for establishing an Agricultural Research and Industrial Use Administration within the Department of Agriculture. The purpose would be to carry out expanded research programs on industrial uses of agricultural commodities.

The goal, I believe, is meritorious; and, incidentally, it gives support to a bill, S. 2414, which I introduced earlier this session. The Wiley bill—if enacted, as I feel it should be—would establish a dairy research laboratory at Madison, Wis.—the heart of America's dairyland to carry on research for finding industrial-commercial uses for milk and other dairy products.

CONCLUSION

This, then, is a brief review of major farm legislation at this stage of its consideration in Congress. The Senate, and the House of Representatives, will, in all probability, work these over carefully and thoroughly.

Recognizing the need also for farmer evaluations, I would be happy to hear from you—either for or against these committee recommendations—that will be coming up for consideration in the Senate.

Fifty-four to One Are Very Poor Odds in Any Game

EXTENSION OF REMARKS

OF

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1962

Mr. UTT. Mr. Speaker, the following is a list of 54 member countries of the United Nations together with their population figures which total 181 million people. These 54 countries have 54 votes in the United Nations while the United States with a greater population has but 1 vote. These nations could have the power of economic and military control over the United States. Fifty-four to one are very poor odds in any game, especially when this country is in a life and death struggle with communism. The United States is entitled to better odds than this. It is very obvious that most of these countries are not interested in peace but only in economic gain. This was evidenced when Russia vetoed a resolution to condemn India for its military aggression against Goa, a Portuguese enclave, as Ambassador Stevenson wanted to take this resolution to the General Assembly to override the Russian veto and was only able to secure 35 votes when he needed 70, yet India was in direct violation of the purposes of the United Nations Charter.

The list of member nations follows:

	Million
Greece	8.1
Bulgaria	7.7
Chile	7.5
Sweden	7.4
Austria	7.0
Iraq	6.6
Malaya	6.5
Cuba	6.4
Venezuela	6.3
Saudi Arabia	6.0
Cyprus	5.5
Malagasy	5.1
Ghana	4.8
Cambodia	4.7
Denmark	4.5
Yemen	4.5
Finland	4.3
Ecuador	4.0
Tunisia	3.8
Mali	3.7
Upper Volta	3.7
Guatemala	3.5
Norway	3.5
Haiti	3.4
Bolivia	3.3
Cameroon	3.1
Ivory Coast	3.1
Dominican Republic	2.8
Uruguay	2.7
Chad	2.6
Niger	2.5
Senegal	2.3
New Zealand	2.3
Guinea	2.2
El Salvador	2.2
Somalia	2.0
Israel	2.0
Honduras	1.8
Laos	1.7
Dahomey	1.7
Paraguay	1.6
Jordan	1.6
Lebanon	1.5
Nicaragua	1.3
Liberia	1.2
Central African Republic	1.1
Libya	1.1
Togo	1.1
Panama	1.0
Costa Rica	1.0
Congo	.8
Gabon	.4
Luxembourg	.3
Iceland	.2
Total	181.0

The National Lottery of Germany

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1962

Mr. FINO. Mr. Speaker, I would like to bring to the attention of the Members of this House the national lottery of Germany.

The total gross receipts of the German lottery in 1961 amounted to $320 million, an increase over the previous year. The net profit to the Government amounted to $127 million.

Mr. Speaker, the national lottery of Germany gathers large revenues from their lottery operations. We would do well to profit from their example in these days when our financial resources are being taxed as never before to enable us to meet our defense requirements. Now, more than ever, America needs a national lottery which could, easily and painlessly pump into our Government coffers over $10 billion a year in additional income. It would not only be an alternative to higher taxation but it would help to cut our heavy taxes and at the same time help to reduce our national debt.

Washington Report of Hon. Bruce Alger, of Texas

EXTENSION OF REMARKS

OF

HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1962

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following "Washington Report" to my constituents of the Fifth Congressional District of Texas:

WASHINGTON REPORT

(By Congressman BRUCE ALGER, of Texas)

The All-Channel Television Receivers Act, a bill to amend the Communications Act of 1934, passed handily 279 to 90. This bill prescribes that all TV receivers shipped in interstate commerce or imported into the United States be equipped at the time of manufacture to receive all TV channels; that is, the 70 channels in the UHF (ultra-high frequency) portion of the radio spectrum as well as the 12 in the VHF (very high frequency) portion. The bill was introduced to stop the "deintermixture" of UHF and VHF stations, in which the FCC was segregating the two types, respectively, in the various broadcasting centers of the Nation. Deintermixture, in turn, was the result of a lack of use of UHF broadcast stations and UHF television receiving sets. Everyone agrees that the 70 UHF channels should be used, not left unused. So it was decided, in order to create UHF broadcasting demand, that Government force TV receiver manufacturers to equip all receivers with UHF.

These questions or criticisms arise:

1. Federal Government cannot constitutionally prescribe what manufacturers must manufacture and consumers must buy.

2. Consumers must pay $20 to $30 more per set.

3. Many consumers will not be able to receive UHF (after having paid more), there being no nearby stations.

4. UHF converters or adapters can be added to VHF sets when consumers so desire to do.

I voted against the bill, maintaining "the end does not justify the means."

The Communications Satellite Act of 1962 joins the United States with other nations in a global communications system. In order to start such a gigantic undertaking an interesting combination of Government and business interests are joined. The President is authorized to select (without specification of number or time) the incorporators who then set up a corporation acting as its first board of directors. The incorporators will issue stock at a price not to exceed $100 per share. From the purchasers of the stock (10 percent limit of total issued to any individual, 50-percent limit to communications common carriers) a board of directors will be appointed and elected, three appointed for 3-year terms by the President, and six elected by noncarrier stockholders annually, and six elected by communications common carriers stockholders. The corporation will make all transactions involving manufacture of satellites and ground terminal stations, contract with Government for launching and pay private expenses and reimburse Government. Foreign countries may purchase stock and thus participate. The President, the National Aeronautics and Space Administration, and the FCC each have specific duties. The President will coordinate Government functions, reviews and report to Congress. The NASA will advise on technical matters, coordinate research, and provide Government facilities for reimbursement.

The FCC will insure effective competition in those business enterprises participating, and assure nondiscriminatory use by communications common carriers, including accounting and ratemaking systems, and grant licenses. This bill finds us treading new ground in public (Government) private coordination of activity and presents the problem of Government pledging not to dominate, but given the power to do so. Further, the language is, as is so often the case, fuzzy in indefiniteness to the point of meaninglessness—for example, "the global system shall be in the form of a private corporation, subject to appropriate governmental regulation," "all authorized users shall have 'nondiscriminatory' access to the system," "maximum competition, etc.," likewise the powers granted the President, the NASA, and the FCC. As a global system with other nations, the State Department and foreign policy will replace business and economic decisions. Where will this leave the private enterprises in their endeavor to operate in a businesslike way and for a profit? The answer, as we feel our way, will be provided by the conduct of those in Government as the program progresses. Three hundred and fifty-four voted for (including me) and nine against (including two Texans).

The Alger bill to repeal the withholding of income taxes from wages and salaries, H.R. 11492, is to me the logical next step to today's chaotic Federal Government spending and taxing. The frantic increase of spending by President Kennedy and this administration to correct the mistakes of earlier excesses in Federal programs and spending has resulted in loss of control of spending. The increased taxes of the Kennedy tax bill inaugurating withholding of taxes on interest and dividends carries forward the tax inequities of withholding until massive overwithholding results and the taxpayer doesn't even know how much government is costing or who is footing the bill. Of the $92.5 billion (really $116 billion cash budget) each person in the United States owes $627-plus on the budget and $1,621-plus on the national debt. Texas' share is $3.942 billion.

Again, we have lost control, we are beyond all sanity and reason. In 1961 the Commissioner of Internal Revenue noted that 38 million refunds totaling $4.8 billion as a result of overwithholding were made. The new Kennedy tax bill will overwithhold the most from those who owe no tax, and the hardship will be greatest to those least able to afford it. By repealing the withholding provision we can provide the tool to recover control of both taxation and the Federal spending which occasions the need for taxes. Best of all, it will unburden and help everyone. Employers will be freed of this unconstitutional, Government-forced free service in tax collection agents. Overwithholding will be eliminated. Taxpayers will know what taxes they are paying. At last, those of modest income will discover that the cost of Government is and will always be borne by them. Even confiscation of all the income of wealthy persons would not alleviate their tax burden. This is a logical fact now unknown to John and Jane Doe, the white or blue collar workers of our Nation. It has been estimated that if all income over $10,000 were taken by Government, there would be collected (in the only year possible, only one such confiscation being possible) not enough to run the Federal Government 1 month. Beyond the withholding lies the urgent need to reduce the percentage amounts in each bracket. Of course, any and all tax reform is based on less, not more Federal spending. It can be done and all essential Federal functions be performed if the people demand it.

The far-reaching control by Federal Government of this Nation's management and labor activities in private enterprise resulting from the President's action was overshadowed in Washington this week by this press statement by Wallace Carroll of the President's initial reaction to the steel price increase appearing in the New York Times Monday, April 23.

"Bitterly, he recalled that 'my father always told me that all businessmen were S.O.B.'s but I never believed it till now."

The intemperateness of this statement and questionable choice of words are less significant to many here and to me than his outright admission (1) of his reliance on another for business experience, and (2) the attitude toward businessmen evidenced by him and his father. For my part, while I recognize human weaknesses in businessmen, I also observe they are just like everyone else, except generally more talented as you variously find them in their niches up the ladder of success. It is unfortunate that our President does not understand the private enterprise system.

The disarmament plan of President Kennedy and our State Department follows the legislative action of the House last summer when 84 of us out of a 437 membership opposed the resolution. To those now interested in Dallas I can only send a copy of the speech I made on the floor at that time. I regret that too frequently citizens of Dallas and throughout our Nation fail to become aroused over the miscarriage of justice and government. Our Nation and its people are selling themselves down the river.

In domestic policy and foreign affairs, as outlined in my floor speeches, committee cross-examination of witnesses, in my newsletters as I see it and report it, we Americans are legislating ourselves into collectivism. For example, in our foreign aid to foreign governments we are developing, aiding, and abetting the growth of government at the expense of human freedom. We are sabotaging all we hold dear. We are subsidizing socialists, Communists, and neutrals with hard-won United States tax dollars, from private enterprise and in each case strengthening the hold of the respective government over its people at the expense of human freedom, dignity, and initiative. We need look no further than the Kennedy program and what it has done and is doing to our Nation. It is no longer "trade, not aid." It is "subsidy and aid, not economic freedom and trade."

Narcotics Addiction: One of Most Serious Problems Facing Nation

EXTENSION OF REMARKS

OF

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1962

Mr. HALPERN. Mr. Speaker, the scourge of narcotics addiction is one of the most serious and social criminal problems facing the Nation. On March 28, 1962, I wrote to the Attorney General asking the Department of Justice its reports on various bills I introduced on the subject, some of which were also sponsored by other Members of the House and Senate.

I am pleased to be informed by the Department, through Acting Attorney General Nicholas deB. Katzenback, that the legislation is being reviewed and that certain recommendations will be forthcoming.

I am particularly delighted that the Department is recommending approval of S. 1694, the companion bill to H.R. 6557, which I sponsored in the House. I shall await the Department's other recommendations with considerable interest and concern.

Under leave to extend my remarks, I submit herewith copies of the correspondence, including the Department's recommendations to the Senate Judiciary Committee on the civil commitment bill:

MARCH 28, 1962.

The Honorable ROBERT F. KENNEDY,
The Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I call your attention to a legislative program I have introduced in the House of Representatives that has a direct bearing on your office.

I refer to House Resolution 265, H.R. 6557, H.R. 9693, H.R. 9916, H.R. 6556, and H.R. 5405, all of which are designed to combat the treacherous scourge of drug addiction in America.

You have been most active in the fight against organized crime in this country, and surely you agree that one of the major causes of the increasing rate of criminal activity in the United States is the rapid growth of narcotic addiction. Your Department's own statistics will, I am certain, bear out this fact.

Figures made available to me reveal 20 percent of all prisoners in New York State jails were drug users at the time of their arrest and in 1958, of the 4,772 new admissions, the users totaled 1,068, or nearly 23 percent. Police departments in several major cities like New York and Chicago estimate that as many as one-half of the crimes committed in their jurisdiction are due to drug addiction. It has been estimated that approximately 54,000 of New York City's rising rate of 108,000 recorded crimes would be attributable to this problem. It is also estimated that illicit trade in narcotics and crimes committed by addicts to finance their habit drain the U.S. economy of between $300 and $400 million annually. It is a known fact that proceeds of narcotics trade are used to finance other crimes and to keep the vicious, warped men of organized crime in business.

The full scope of the narcotics problem has been perceptively and realistically presented in proper focus by a series of articles which recently appeared in the New York Journal-American. This series by James D. Horan, Dom Frasca, and John Mitchell constitutes one of journalism's most valuable contributions to public service in recent times. It fully documents the horrifying problem of narcotics addiction, especially its tragic infection of our young people. It is a stark, frightening revelation that calls for immediate action by every level of government. I am enclosing copies of these articles which I inserted in my comments on the series on the floor of the House.

The bills I respectfully ask you to consider are aimed directly at the most potent needs in this field. I submit copies of them herewith together with a brief summary of their objectives:

HOUSE RESOLUTION 265, RESOLUTION CALLING FOR WHITE HOUSE CONFERENCE ON NARCOTICS

This resolution sets out the present seriousness of the narcotics problem in the United States, and expresses the sense of the Senate and the House of Representatives that the President call a White House Conference on Narcotics.

The idea is to bring together the best brains in the Nation on the subject—representatives of Federal, State, and local governments, as well as professional and lay people—to pool their collective thinking and to mutually benefit from the wealth of information, the vast research, and the new concepts and theories which are being developed in various sections of the country. It would coordinate local efforts, develop enlightened programs of hospitalization and after-care, as well as formulas for financial, medical, and technical assistance to the States and localities; and consider recommendations for tougher criminal penalties.

The Conference would also review the effectiveness of all present laws dealing with the problem, as well as the adequacy of the number of enforcement personnel. It would also encourage the development and furtherance of closer international cooperation in stemming drug traffic, particularly with our neighbors to the north and south, Canada and Mexico.

H.R. 6557, ENABLING THE COURTS TO DEAL MORE EFFECTIVELY WITH THE PROBLEM OF NARCOTICS ADDICTION

Under this bill, individuals charged with a violation of Federal laws dealing with narcotics can be turned over to the Surgeon General for treatment and rehabilitation, if such violation is not exempted by the below-mentioned categories. Prosecution of the civil charge against those eligible for civil commitment may be held in abeyance and will be dismissed only after the drug user has been duly released from the custody of the Surgeon General, and has been certified by the after-care authority as having successfully completed the after-care period. Commitment shall not be for a period of less than 36 months unless the Surgeon General certifies that further treatment is unnecessary.

The following persons charged with a violation of a Federal law relating to narcotics shall not be eligible for civil commitment: an individual charged with an offense involving the sale or other transfer of narcotics, an addict convicted of a felony, or an addict previously committed because of narcotics addiction. The civil commitment procedure will not be applicable if facilities for hospital care and after-care supervision are inadequate at the time commitment is sought or if it is not in the interest of justice to commit the narcotics addict under this plan. Mandatory civil commitments shall not be considered a conviction.

H.R. 9693, ESTABLISHING A FEDERAL BOUNTY ON DOPE PUSHERS

This bill establishes a Federal bounty on dope pushers, much as similar bounties have been established on wolves, coyotes, and deadly snakes. Based on the reasoning that pushers, as human beasts preying on the public, are a more deadly menace than wild animals, this legislation provides for a bounty payment of a minimum of $500 to anyone giving information leading to the arrest and conviction of a narcotics peddler.

H.R. 9916, ESTABLISHING A FEDERAL NARCOTICS HOSPITAL IN NEW YORK STATE

This bill specifies the establishment of a Federal narcotics hospital in New York State, with the Surgeon General authorized to arrange with the State, its localities, and neighboring States, to operate such a hospital jointly.

There are about 45 percent, or some 21,000 of the Nation's known addicts living in New York metropolitan area, including parts of New Jersey and Connecticut. Yet, according to the State bureau of narcotics control, there are no hospital beds for adult drug addicts who voluntarily seek treatment anywhere in New York, and only 200 beds for juvenile addicts. The nearest narcotics hospital is the Federal establishment at Lexington, Ky., 600 miles away from New York.

These statistics reveal the critical situation which confronts most drug addicts in our Northern and Eastern States. Their best chance of getting even a modicum of medical attention, enabling them to "shake" the drug habit temporarily, rests in admission to a prison hospital ward. And that is where the average addict receives it, at least in the New York area, to an increasing degree.

H.R. 6556, PROVIDING FEDERAL FUNDS FOR THE CONSTRUCTION AND OPERATION OF NARCOTIC HOSPITAL FACILITIES

Under this bill, the Federal Government would pay 75 percent of the cost of constructing special treatment hospitals, and contribute 60 percent of their operating expenses. As a contingency for such aid, the State or local governments would have to provide adequate aftercare facilities and programs.

H.R. 5405, PROVIDING GRANTS-IN-AID TO ASSIST LOCAL EFFORTS

A bill to provide grants-in-aid directly to the States and localities for payment of a major part of the treatment of addicts in local institutions, as well as for aftercare facilities and rehabilitation.

I strongly urge your every consideration of these bills, and enlist your support of them. Also, I respectfully welcome any suggestions you may care to make or any legislative approaches you wish to see implemented to meet this problem head on.

May I urge, too, that you communicate your views on these bills to the appropriate committees since a manifestation of your interest on the subject would, undoubtedly, stimulate early committee and congressional action.

I feel that your support of such legislation is vital. With rising crime rates staring us in the face, we must root out this major cause of criminal activity—drug addiction. That means enacting enlightened new concepts of civil commitments, providing special hospital facilities—not more jails or prison beds—where users of narcotics can voluntarily go for help; this means new modern facilities for treatment, after-care and rehabilitation; it calls for national leadership in developing antinarcotic programs in partnership with the States and localities, increased enforcement personnel, and realistic methods to apprehend pushers (such as the bounty concept). It calls for the utmost of cooperation between the legislative and executive branches of the Government. That is why I make this appeal to you.

With my every good wish.

Very sincerely,

——— ———.

U.S. Department of Justice,
Washington, D.C.

Hon. Seymour Halpern,
House of Representatives,
Washington, D.C.

Dear Congressman: This is to acknowledge and thank you for your letter directing the Department's attention to House Resolution 265, H.R. 6557, H.R. 9693, H.R. 9916, H.R. 6556, and H.R. 5405, measures introduced by you to combat narcotic addiction, and your statement in the Congressional Record relating to the spreading of addiction among young persons.

As you know, the Department of Justice is very much interested in effective measures to combat the problem of drug addiction and its sequel, increased criminal activity. In this connection the Department has given careful study to the measures proposed by you and the revealing newspaper articles included in your statement in the Congressional Record. You may know that the Department has reported to the Senate Committee on the Judiciary favoring enactment of S. 1694, a bill which, like H.R. 6557, would provide a civil commitment procedure for eligible narcotics offenders. We are enclosing a copy of this report for your information. In addition, the Department has under study bills similar to House Resolution 265, H.R. 9916, H.R. 6556, and H.R. 5405. These particular measures, however, have not been referred to the Department.

Sincerely yours,

Nicholas deB. Katzenbach,
Deputy Attorney General.

U.S. Department of Justice,
Washington, D.C., April 6, 1962.

Hon. James O. Eastland,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

Dear Senator: This is in response to your request for the views of the Department of Justice concerning S. 1694, a bill to enable the courts more effectively to deal with the problem of narcotic addiction.

The measure establishes a civil commitment procedure under which an eligible person charged with a violation of a Federal penal law relating to narcotics could elect, before a committing magistrate, to submit to an examination to determine if he is a drug user, defined in the bill as a person who habitually uses any habit-forming narcotic drugs so as to endanger public morals, health, safety, or welfare, or through such use is powerless to control his addiction. If a person submits to such an examination and is found to be a drug user, he may then be subject to a mandatory civil commitment.

A person would be ineligible for civil commitment if (1) his offense involved the sale or other transfer of narcotics; (2) a prior charge of a crime is pending against him and it has not been finally determined or sentence following conviction has not been fully served; (3) he has previously been convicted of a felony; (4) he has previously been civilly committed because of his narcotic use; (5) hospital and treatment facilities, or aftercare facilities, are certified by the Surgeon General to be unavailable or inadequate; or (6) it is not in the best interest of justice to commit him civilly.

If an eligible person elects to submit to such an examination, the criminal charge would be held in abeyance and he would remain in custody of the U.S. marshal or be placed in the custody of the Surgeon General, as the court directs, for a medical examination. Within 10 days, the Surgeon General would be required to certify to the court whether the person is a drug user. If the court, acting upon the report or upon a hearing contesting the findings contained therein, determines that the person is a drug user, such person may be committed to the custody of the Surgeon General for an indeterminate period not to exceed 36 months. A civil commitment would not be deemed a criminal conviction, and the results of any tests to determine narcotic addiction would be usable only in further civil commitment proceedings.

In the event of civil commitment, the criminal charge would remain abeyant until such time as the drug user is released from the custody of the Surgeon General and has successfully completed an aftercare period not to exceed 2 years. The charge would then be dismissed. If, however, the Surgeon General should determine at any time that the drug user's nonresponsiveness or incorrigibility precludes further medical treatment, the criminal proceedings would be resumed.

The Surgeon General would be authorized to enter into agreements with States and their political subdivisions for the use, on a reimbursable basis, of their care facilities.

In summary, the bill treats the narcotics problem from an approach which recognizes that the drug addict is a sick person and that in some instances he and society as well would be benefited if he were dealt with initially as such. Since the violation of penal laws is often attributable to narcotic addiction, the Department of Justice favors this new, yet limited, approach to the subject. Accordingly, enactment is recommended.

We note that Congress, in declaring its policy in relation to the bill, has stated that individuals whose violation of Federal penal laws dealing with narcotics should be afforded an opportunity for treatment and rehabilitation. In prescribing eligibility, however, for civil commitment, Congress has narrowed the application of the bill to only certain types of offenders. The Department concurs in the limiting of the application of the bill to eligible persons as set forth therein; in this way, excepting such persons as "pushers," members of organized crime, and second offenders, who constitute the hard core resistance to enforcement of Federal penal narcotic laws. It is suggested, however, that the statement of the policy of Congress in the bill be narrowed to the extent of the operative portions of the bill.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

Byron R. White,
Deputy Attorney General.

Appraisal of President Kennedy's Handling of the Steel Price Crisis

EXTENSION OF REMARKS
OF
HON. WILLIAM PROXMIRE
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Monday, May 7, 1962

Mr. PROXMIRE. Mr. President, recently I had the pleasure of addressing Kansas Democrats at their annual fund-raising dinner in Topeka.

On this occasion Representative Floyd Breeding delivered a remarkably realistic appraisal of President Kennedy's handling of the steel price crisis.

Because of the eloquent commonsense of Representative Breeding's fine speech, I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks by Representative J. Floyd Breeding, Democrat, of Kansas, at Democratic Meeting in Topeka, Kans., Saturday, April 28, 1962

There has been a great deal of discussion and debate over the recent steel price increase and its swift retraction by the steel companies.

Unfortunately, this most serious economic matter has become a partisan political issue. The Republicans are charging the President with sounding the death knell of the free enterprise system, of setting a precedent which will lead to the dictation of both prices and wages by the Government, and darkly implying that freedom no longer exists in the United States.

This is just a lot of politics, and it is not very smart politics, either.

Let's set the record straight.

When the United States Steel Co. announced that it was increasing the price of steel about $6 per ton on the average, all the other major steel companies, with a few exceptions, fell into line immediately. There was a general price increase clear across the industry. One company was caught in an embarrassing position. Its President had said only 2 days earlier that a steel price increase was not necessary, and it could not be justified. Yet, it joined in the rush to increase prices

I think anyone will have to agree that what happened in the steel industry looks a lot like collusion on prices. The announced increases did not vary. They were identical. On what grounds was this justified? Did the costs of all of the companies go up identically at the same time?

It is highly doubtful.

There are several things which the critics of the President's action overlook.

One, there is no doubt that a price increase in steel at this particular moment would have triggered another round of wage-price increases. The steel workers' union settled for what the industry itself acknowledged to be the most reasonable, least inflationary contract in the postwar period. It is certain that the union would have been back for its share of the price increase.

The second thing is this. If a steel price increase had been passed on to businesses using large amounts of steel, these companies would have had to increase the price of their products. Their workers would undoubtedly have felt they were entitled to a price increase. Thus, the country would have been off on a ride on the same old merry-go-round.

And consider this third element. Steel imports are a matter of growing concern, not only to the industry but to the Government. A price increase at this time would have been an invitation to foreign nations to step up their steel shipments to this country. There would have been a ready market for this foreign-produced steel at cheaper prices.

Increased imports of steel, for which we would have had to pay out dollars, would have further impaired the Nation's balance-of-payments problems.

And last, but not least, we must consider the public, the consumer, the families living on fixed incomes.

These are the people who, in the final analysis, would have paid the entire cost of a price increase in steel. Their living costs would have increased. They would be the first to feel the inflationary pressures such a price increase would have brought about.

Is there something dangerous, or alien, about the President of the United States speaking out to protect the public interest? Who should speak for the people if the President shouldn't?

You have heard a lot of talk about the President turning on business and planning to take out his spite on business generally. This is ridiculous.

The President is not antibusiness. He has demonstrated that time and time again. He personally stepped in and ordered that a more realistic and reasonable depreciation schedule be established for the textile industry, which was suffering severely from the impact of imports. Studies are now underway to extend this same type of tax relief to other industries.

Is this the action of a man out to get business?

I think the President acted wisely and with restraint in dealing with this problem.

I believe a vast majority of the people approve of his action. They know he was acting in the broad public interest.

He was striving to prevent anything happening to the delicate economic balance which now prevails in the Nation. He was acting to head off another round of wage-price increases and to prevent a resumption of inflationary pressure.

This is the President's job. If he had not acted, then I say he would be open to criticism.

But he cannot be attacked for acting as he did. I believe that time will bear him out.

Polish Constitution Day Program Sponsored by the Eastern Pennsylvania District, Polish-American Congress, Inc., Philadelphia, Pa., May 6, 1962

EXTENSION OF REMARKS

OF

HON. JAMES E. VAN ZANDT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 1962

Mr. VAN ZANDT. Mr. Speaker, it was my privilege to deliver the principal address at the Polish Constitution Day celebration held May 6, 1962, in the auditorium of St. Adalbert's Church, Philadelphia, Pa. The interesting and inspiring program was sponsored by the Eastern Pennsylvania District, Polish American Congress, Inc., and attracted a capacity audience.

Dr. Henry J. Olszata, of Philadelphia, who is vice president of the Polish-American Congress, was chairman of the Polish Constitution Day observance and also acted as master of ceremonies in a highly creditable manner.

The Polish Men's Chorus were in fine form and during the program gave selections that were highly appreciated and warmly received. In short the success of the Constitution Day program reflected great credit upon Chairman Olszata and the members of the program committee.

My address titled "Poland Today" follows:

Poland Today

(Address by Representative James E. Van Zandt, Member of Congress, 20th District of Pennsylvania, at the Polish Constitution Day Celebration sponsored by the Polish-American Congress, Inc., held at St. Adalbert's Hall, Philadelphia, Pa., May 6, 1962)

This year—as we celebrate Polish Constitution Day—it is fitting to speak of freedom in Poland.

We are here to commemorate a Poland of yesteryear—a Poland that produced the May 3 Constitution.

Unique in its intent and construction but regrettably short-lived—the Polish Constitution stands as an historical manifestation of all that embodies the Polish spirit of freedom—independence—and national sovereignty.

Does this same spirit exist today in Communist-dominated Poland?

What hope is there for Poland and her people?

Is their destiny to be one of freedom—independence—and national sovereignty?

Or—is their destiny to be one of unrelenting oppression?

As I discuss the problem of freedom in Poland today—I shall try at least to throw some light on this question that is so close to the interests and concerns of all of us.

Stalin's Poland had one predominating characteristic: that characteristic was—total oppression.

Life in Poland during the first decade of the postwar years was miserable. Stalinism prevailed everywhere in the Communist bloc and in Poland its burden was particularly heavy.

There was no political freedom in Stalin's Poland. Dissenting parties and political groups were destroyed by force. Some Polish leaders were able to escape to freedom. Others were imprisoned—their will to freedom destroyed in the torture chambers of the secret police.

Conformity was the dominating rule of Polish political life during these dreadful years—conformity to the dictates of the Communist party in Warsaw and its overlord in Moscow.

It was their collective responsibility to determine the limits of political freedom in Poland. Moreover—there was no economic freedom in Poland. Nor was there freedom in the social, intellectual, and religious areas of Polish life.

The Central Government held in its own hands all the instruments of economic power in the Polish state. Planning for industrial and agricultural development was a prerogative of the party which in the service of Moscow made Poland dependent upon the Soviet economic system.

Polish intellectual life was almost destroyed, while the social fabric of the nation—deformed and perverted in the Communist image—was reduced to a state of disintegration. The nation's religious life remained as it has always been—vigorous and strong—despite overwhelming restrictions placed upon religious freedom. Indeed adversity and persecution seemed to strengthen the attachment of the Polish people to their Roman Catholic faith.

To profess one's religious belief became an act of defiance against the Communist regime and a badge of courage to attest to one's loyalty to the spirit of Poland.

Stalin's death in 1953—and the program of desecrating his memory that followed—generated seeds of revolt throughout the Soviet bloc of nations—particularly in Poland and Hungary.

During the period from the Poznan riots in the summer of 1956, until October, the foundations of the Stalinist system in Poland were shaken. It seemed to the outside world that another Polish rebellion was ready to erupt as had been the case in the 1830's and 1860's. Worker discontent was widespread. Misery among the people was universal. The economy of the nation had reached a state of virtual collapse.

Political control seemed about to slip from the hands of the Communist leaders.

During those critical October days the Soviet army staged maneuvers along the borders in East Germany and the Soviet Union and even in Poland itself. The Russians were preparing to crush any popular Polish revolt. At this moment of crisis, Khrushchev agreed to the demands of the new Polish Communist leader, Gomulka. As a consequence, the blood bath that was Hungary's, was spared in Poland.

A new Communist regime was instituted—a new era begun for Poland.

How has Poland fared under the Gomulka regime? Is there now greater freedom than before? Has everyday existence for the Polish people become more tolerable?

There can be no question that Poland, under Gomulka, is far different from Poland in the Stalinist era. Foreign observers returning from visits to Russia and Poland, favorably contrast life in Poland with that in the Soviet Union. But, one point should be made clear at the outset: make no mistake that Gomulka is any less a Communist than Stalin or Khrushchev. Gomulka is indeed a Communist. He has been schooled in all the doctrines of Marxism, Leninism, Stalinism; he has been brought up in the cloak-and-dagger environment of the outlaw; he is dedicated to the ultimate goals professed in the Communist creed.

But, Gomulka is also a Pole; and in him there was enough of the Polish national spirit to enable him to defy the Russian overlord and declare that Stalinism had brought Poland to the brink of disaster and pressed her people beyond the limits of human toleration.

There can be no doubt that Gomulka has instituted far-reaching changes in Poland. There is no fear in Poland today to the degree that existed in the pre-Gomulka era. The political atmosphere has changed radically, though the practical limits of political freedom are still drastically circumscribed. Freedom of speech does not exist, but freedom of conversation does.

Criticisms voiced by Polish intellectuals have been tolerated, providing they were kept within certain defined limits.

There has been greater cultural freedom. And most of all, the Gomulka regime has come to terms with the Roman Catholic Church. It has released from prison that great hero of our times, Cardinal Wyszynski. By necessity, the regime reached an accommodation with the church, an accommodation that would permit a wider range of religious freedom.

But having once said this, it must also be said that, while Gomulka has instituted far-reaching changes in Poland, he has not instituted fundamental changes. And I stress the word "fundamental."

His regime is still committed to the same goals of Khrushchev, Stalin, Lenin, Mao, and the rest. The party elite still has a monopoly of political power. It is this elite that sets the limits of political freedom. No other autonomous political power exists beyond what it prescribes.

Thus, the political atmosphere may be less charged with a sense of personal fear and threat, but the power is still there to be reasserted when the leadership feels the need to do so.

Let me give you a concrete example: For some time the regime has tolerated the so-called crooked circle. This is a group of Polish intellectuals, numbering at meetings anywhere from 50 to 500—many party members among them—who met in a Warsaw club to discuss, criticize, and debate political problems in Poland. For awhile the crooked circle was tolerated. Apparently, the regime regarded it as a safety valve to release pent-up pressures among the discontented.

Nonetheless, early in January of this year, it cracked down on the club and closed its doors. After some consideration, however, the Government changed its position, opened the doors again, but placed the operations of the organization under strict control.

Tendencies toward freedom and oppression are visible in the economic sphere. In this sphere Poland stands alone, as exception to the Communist rule of collective farming.

Polish agriculture has not been regimented like it has in other areas of the Communist bloc. Ironically, production in Polish agriculture has far exceeded production in the Soviet union, where decline in agricultural production has been a serious and continuing problem. But, Gomulka's approach to the agricultural sector is a practical one. He has not forced regimentation upon Polish farmers because production would decline. This he has known from past experience.

But, we must not forget that Gomulka is strongly committed to the Communist doctrine of an eventual system of collective farms and failure to establish a system of regimented agriculture at this moment, does not mean that it will never come.

Similarly, according to Communist doctrine, the industrial and mineral wealth of Poland are owned and operated by the state. Thus, in Poland, freedom does exist in the political, cultural, and economic realm, but only within severe limitations.

Late in December 1961 a report from Warsaw disclosed that Cardinal Wyszynski petitioned for a parliamentary probe of alleged violations of religious freedom in Poland. Reportedly, the Government was accused of violating provisions of the Polish Constitution and the United Nations declaration on human rights.

The cardinal's letter was said to contain the following violations: (1) Attempts by the state to establish controls over the teaching of religion in classes outside the public schools; (2) discrimination against Catholic nuns qualified to serve as nurses in state hospitals; (3) refusal to permit priests to teach in public schools; (4) official bans on traditional religious processions; (5) discrimination against church institutions by the Polish ministry of finance and the state office for church affairs in financial and tax matters; (6) refusal of the interior ministry and office for church affairs to authorize the formation of church-sponsored organizations.

To fully understand the validity of these criticisms, one must bear in mind that Poland is an almost wholly Catholic country, and the violations are those regarded by the Poles themselves as infringements of rights long held by the church.

A few weeks ago a report from Warsaw disclosed that a new law was passed that further threatened religious liberty in Poland. The law requires persons who organize rallies, meetings, lectures, processions, and pilgrimages, to request permission from the state and to show that the planned event—in the words of the new law—"is not directed against the social interest, security, or public order."

Church authorities asserted that the law threatened traditional religious processions and pilgrimages and could hamper discussion groups organized by the church. Thus, you see, the Catholic church continues to thrive in Poland, but it thrives only against the persistent corrosive policies of the Communist state to restrict its influence and power.

In the realm of foreign relations Gomulka has also demonstrated the same ability of appearing to be in favor of a given situation and yet opposing it by his actions.

On the one hand—he has taken actions in foreign affairs, quite independent from Moscow. For a while he seemed to establish almost independent relations with China as a separate pattern of power in the Communist bloc. He also endeavored to place Polish-American relations on a more friendly and thus more favorable basis.

During the years 1957–1960 the United States aided Poland's economy to the extent of $426.3 million.

Another demonstration of Polish initiative in foreign affairs was the formulation of the Rapacki plan a few years ago. This plan—named after Polish Foreign Minister Rapacki—called for disengagement of military forces in east-central Europe.

Actions such as these stand as concrete evidence of Polish independent action under Gomulka.

But it would be wrong to place too much hope in greater independence by Warsaw. We must remember that Poland is a victim of geography.

Her national interests now, as in the past, are determined by the geographical fact that a powerful Russian state lies on her eastern border and Germany, half free and half Communist, on the west.

Hence, Gomulka's Poland is a hostage of Soviet Russia. Severe limitations are thus placed upon any independent Polish action. Then, too, Poland's title to western territories awarded to her at the end of World War II has been endorsed only by the Soviet Union.

The West still adheres to the position that final determination of Poland's western border with Germany must await the German peace treaty.

This political factor, plus the natural fear of German militarism, are powerful elements in restricting the range of Poland's independent action in foreign policy.

As we view Poland today, we find there is a tendency toward greater freedom there, but within the framework of a Communist society.

This tendency is strengthened by two factors: (1) The intrinsic Polish spirit that demands greater freedom; and (2) The Practical necessity of the regime to adapt its expectations and goals, which are basically revolutionary, to suit the Polish temperament and the level of Polish tolerance.

We cannot help but recognize that the severe limitations imposed upon the Polish people in their quest for greater freedom is the built-in limitation in any Communist society that operates on the premise that freedom is not a natural right, but solely a prerogative of the state.

The other limitation is the one imposed by the accident of geography that has placed the Polish people on the border of the powerful Soviet Union.

There is also the limitation imposed by the understandable political commitment of the Poles to Soviet Russia, as a guarantor of its western border with Germany.

Finally, we must realize the significance of the great limitation placed upon United States policy toward Poland. In a real sense, Gomulka has been a man on a high wire. Even if he wanted to, he could not, for political reasons, aline himself too closely to the West. Yet, underrtanding this factor, there is much that we as a nation can do within this narrowly circumscribed area of relations.

There is no doubt that our economic aid to Poland has been a positive factor in improving the everyday life of the Polish people. Our agricultural shipments to Poland are a constant reminder to the Polish People of America's commitment to their freedom.

The American proposal to build a children's hospital in Krakow is another example of what we can do.

I was pleased to read in the press just a few weeks ago that the United States and Poland concluded an agreement whereby the United States will finance a $2 million medical research program by Polish and American scientists.

I believe that in this vital humanitarian area, we can do much to assist the Polish people.

The United States has been building up what amounts to a huge bank account in Poland, through its programs of economic aid.

On February 1, 1962, this account amounted to $306 million. More thought should be directed toward the use of these funds for humitarian purposes. The Krakow children's hospital is one example of the wise use of these funds.

In our overall relations with Poland, however, we must bear in mind the restrictions that are imposed on our freedom of action. In this way our expectations for fruitful results will not be excessive.

As we celebrate Polish Constitution Day, it is appropriate to ask: "What is the future of Poland?" We cannot, of course, tell. There are too many variables in international politics to make a forecast with any degree of accuracy. But, there is one durable element in Polish history that can offer us some guidance: That element is the Polish love of freedom and independence. This is an imperishable quality in the Polish character. In recent history we have seen this demonstrated. Submission to the tyrant is not a part of the Polish character. His is a personality of defiance. By instinct, he is hostile to those who seek to oppress him. He has an enormous will to survive, to prosper, and to preserve his nation. And that he shall do. Here lies the hope of the salvation of Poland and her people.

With that thought firmly in our minds, let us fervently pray that with this incomparable Polish spirit and the help of almighty God, Poland and her people will survive, they will prosper, they will preserve the Polish nation.

Government Manipulation of the Economy

EXTENSION OF REMARKS

OF

HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, May 7, 1962

Mr. GOLDWATER. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the text of a speech that I delivered before the District of Columbia League of Republican Women at Washington, D.C., on May 7, 1962.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

GOVERNMENT MANIPULATION OF THE ECONOMY

(Text of a speech by U.S. Senator BARRY GOLDWATER, Republican, of Arizona, before the D.C. League of Republican Women, Mayflower Hotel, Washington, D.C., May 7, 1962)

It is a great pleasure for me to be here today. I don't know where our great party would be without the Republican women. They add not only glamor and decoration to the political scene but a great quantity of the zeal and hard work needed in the hurly-burly of election campaigns. I know the men are great talkers. They steep themselves in the issues and involve themselves with strategy and concern themselves with finances. But don't ever let them tell you that when it comes down to the hard work of campaigning, the work of handling the telephones, making door-to-door checks, distributing literature and all the other tough political chores, that they could do without the women. It just isn't possible and I've been through enough campaigns to know what I'm talking about. So I say: Bless the Republican women and may their numbers steadily increase. We need them and we admit the need, particularly as we get down to the hard work of the 1962 senatorial and congressional elections.

If I may, ladies, I should like to emphasize as strongly as I possibly can the great importance of the elections coming up this November. I doubt if there has ever been a time in the history of our Republic when greater issues were at stake in a non-presidential contest. I want you to realize that this is not just another off-year election. It involves much more than candidate personalities and local campaign issues. This is an all-out drive to recapture control of the House of Representatives and to increase our Republican strength in the U.S. Senate. This is a campaign to increase the forces of sanity in our National Legislature. It is a campaign on which the future of our country and the cause of freedom throughout the world could begin to turn. It is a campaign which we must dedicate to the principles of individual freedom and constitutional government. It is a campaign we must win, and win big, if this country is to be saved from Socialist regimentation.

Now I know that you've heard this kind of talk before. You've heard it in other campaigns from a host of Republican speakers. Over a long period of years, voices have been raised in alarm over the trend of government in the United States. They were raised, ineffectually I'm sorry to say, during the heyday of the New Deal and again when the Fair Deal was in power. And I'm not denying that there was reason for concern and alarm in those campaigns. All I'm saying to you here and now is that reasons for concern on the part of all Americans who prize freedom have increased to the point of crisis. We have, with the advent of the New Frontier, finally reached the stage where either we begin to reverse the trend toward the all-powerful state or we submit to its paternalistic dictates in every area of our lives.

And I use the word "dictates" advisedly, because we have seen over the past several weeks how the power of big government can be used in an angry dictatorial manner. We have seen the coercive weight of Federal bureaucracy unleashed against a private segment of the economy to enforce an arbitrary government edict. We have seen, in a dramatic, frightening way, how the power of government can be abused when the executive will is crossed by men exercising their legal and moral rights in the field of price adjustment.

This was far more than a dispute involving the steel industry. It was more than the adjudication of a problem in inflation. It was more than a question of wages and prices and profits. Basically, it was a question of American freedom and how far that freedom has slipped away from us through the pyramiding of powers in the hands of a centralized government.

There is no law on the books which says the President of the United States shall have the power to fix prices. There was no request from the industry that the Government help them, out of its bureaucratic wisdom, to decide what they should charge for their product. There was no existing supply emergency that warranted extreme Executive action.

There was only an Executive will backed by the police powers of the Federal bureaucracy to bring about a stated condition in the economic system. And this will was used to force, to compel, to intimidate in a fashion usually associated with totalitarian states.

In this matter, the President claims he acted in the public interest and that he was motivated by concern over the inflationary effects of the steel price increase. But, I suggest, this argument won't stand up under the light of investigation. I won't argue with the premise that halting inflation is in the public interest, but I do question the President's concern. For if he were genuinely interested in halting inflation, he could do it without interfering in the legitimate concerns of the business community. When you get right down to it, the Government and its present fiscal policies are the greatest single cause of inflation in the United States today. Even a student economist could tell the President that the way to slow down inflation is to balance the Federal budget, reduce unnecessary Government spending, do away with deficit financing. These are all things that the President himself could accomplish without a single new law and without the exercise of a single police power. These are things that have been crying out for Executive attention—and I might say, "in the public interest"—ever since the New Frontier came into office. They are things desperately needed, not only to halt inflation but to give this country a favorable balance in her international payments and halt the swift flow of gold out of the country. But the administration conveniently and for political reasons overlooks these obvious prods to inflation and concentrates instead on the actions of the business community.

Make no mistake about it. The target in this situation was American business and not inflation. If you have any doubt on this score I would refer you to the New York Times of April 23 which quoted the President as saying: "My father always told me that all businessmen were sons-of-bitches, but I never believed it 'til now." I understand that the Times is now sorry it printed the quotation and that the White House claims the President wasn't quoted correctly. But there is little doubt that the President said something of the sort which underscores his antipathy for the business community and gives credence to pronounce fears that the New Frontier is an antibusiness administration in the finest traditions of the New Deal. Of course, there was plenty of evidence of this long before the famous steel price crackdown, but businessmen, in their usual optimism, hoped against hope that the President and his advisers meant what they said when they paid lipservice to the free enterprise system. For the life of me, I can't understand why American businessmen persisted in this hope. They should have known long ago. The signs were all there when the President surrounded himself with advisers recruited from the ranks of organized labor and liberal theorists in Americans for Democratic Action. They were underscored by the drafting of many massive programs for Government intervention, by increased activity on the part of business regulatory bodies, by the extension of Government activity in the field of public power.

During the first 15 months of the present administration about the only thing businessmen got from the Government were some kind words and repeated kicks in the teeth.

And this last kick, the crackdown on steel, may turn out to be the greatest mistake President Kennedy has made. For he is in grave danger of crippling the "goose that lays the golden eggs." He has depressed, in one disastrous week, the entire economic climate in the United States. He has managed to instill in businessmen and investors the kind of fear and uncertainty that deadens economic progress. The erratic and generally downward trend of the stock market is a good indicator of business uncertainty and confusion over future Government intentions.

If the President had taken lessons in how to provide the wrong kind of climate for increased business activity and economic growth, he couldn't have done a better job than when he lost his temper in the steel dispute. The effects of this extreme example of Government harassment are likely to plague American business for many months. And during this period, it is useless to hope for an easing of the unemployment and related economic problems.

Now I want to talk with you in some detail on this question of Government power and Executive authority. Now that we know the President won't hesitate to use all facets of that power to force private citizens to do what he and his advisers arbitrarily decide they should do, we have reason to look closely at present attempts to increase that power.

I don't believe most Americans realize what the President has asked for in the way of new and greater Executive power. These requests have been arriving on Capitol Hill in bits and pieces, scattered through dozens of Presidential messages to Congress on all conceivable subjects. But nevertheless they are there and the New Frontier's henchmen in the House and Senate are busily trying to push them through to enactment.

And when you add them all up, you find the operating blueprint for a planned American economy, an economy manipulated by Government and directed from Washington, an economy in which the major decisions are relegated to the theorists and the bureaucrats, an economy in which the natural laws of supply and demand will play a smaller and smaller role in the business life of the Nation.

I want to drive home just what I'm talking about. This is not something planned for the future. It is already beginning to take definite shape. The mobilization of powers needed is already underway. The masterminds of this plan are the members of the President's Council of Economic Advisers—Walter Heller, James Tobin, and Kermit Gordon, all former economics professors whose job it is to shape wage and price policies, influence spending and fix economic "guidelines" and productivity formulas. The operators of the plan are Labor Secretary Arthur Goldberg, Commerce Secretary Luther Hodges, and Treasury Secretary Douglas Dillon. The enforcers are Attorney General Robert Kennedy, Defense Secretary Robert McNamara, and Agriculture Secretary Orville Freeman.

To implement this plan, President Kennedy is seeking vast new Federal powers in almost every important economic field. He is, in actual fact, asking for more power than any President has ever held when the country was not engaged in an all-out shooting war. He wants, for example, the power to cut taxes without the approval of Congress, the power to influence the supply and cost of money through his own Chairman of the Federal Reserve Board, the power to launch massive new public works programs on his own initiative, the power to cut tariffs on a huge, unprecedented scale, the power to exercise more controls over agriculture, the power to extend Federal influence into local communities.

Let us consider some of these unusual requests the President has made. Take his desire for the power to adjust tax rates. This has always been the exclusive prerogative of the Congress and has always been exercised for the sole purpose of raising revenue. Now the administration wants to use the taxing powers for economic planning. The President's message asked for standby power to cut personal income taxes by as much as 5 percentage points. The changes would be made when the White House planners decided that business conditions required such a shift. And where is the economist, regardless of how many university degrees he holds, who is qualified to decide some bright morning that taxes should be reduced to stimulate consumer spending? Of course, there is no certainty that a sudden stimulus to consumer spending would come at the right time. Nobody knows when a recession has run its course or when another one is about to begin. Economists always disagree and so do the businessmen. But think of what this power would do to business planning. Nobody could ever be sure how much taxes they might have to pay in a given year. And I would also remind you that if the President is given the power to lower tax rates at his own whim, the next step will be to seek power to raise taxes at the White House level. The power to tax is the power to destroy, and this has been proven time and time again throughout history. It is too great a power to entrust to a tiny handful of Government planners with a strong affinity for socialistic endeavors.

Another power request by the President that deserves special attention is tied up in legislation to let the Chief Executive name his own Chairman of the Federal Reserve Board. Now this sounds like an innocent enough request, at least to the layman. It isn't generally understood that Congress had delegated to the Federal Reserve Board great powers to fix monetary values on the assumption that the Board will remain independent. But if the Board should come under political domination by an administration that wanted easy money, the Reserve could make $100 billion available in new credit. This, also, is too great a power to entrust to a tiny handful of Government planners with a strong affinity for socialistic endeavors.

In the public works field, the President would like the Congress to abdicate its responsibility over appropriations and give him the right to spend billions of dollars on undefined public works, whenever and wherever he sees fit. If the administration's plan is adopted, the executive branch would have blanket authority to borrow for the purposes of public works from the reserves of the World Bank, the Housing and Home Finance Agency, the Federal Home Loan Bank, the Federal Savings and Loan Insurance Corporation, and even the Federal Deposit Insurance Corporation. It doesn't seem to bother the President that these funds were never intended to be used for ary purpose other than the protection and operation of the agencies which hold them. Nor does he see any apparent necessity for reserving to the people's representatives in Congress the right to appropriate funds for public works if they decide such make-work programs are necessary. This power to spend indiscriminately funds earmarked for other purposes is also too great to entrust to a tiny handful of Government planners with a strong affinity for socialistic endeavors.

Now, ladies, I suggest that the Republican Party could do the country no greater service than to launch an all-out assault on these attempted power grabs by the executive branch of the Government for the purpose of facilitating the transition to a planned economy. We could use more strong voices within the party to point out the dangers to freedom of choice and action which are bound up in these requests for more and more power for centralized government. I suggest that the American people will never know the true facts unless we Republicans tell them.

This party has a grave responsibility in the year 1962. Even though the President may honestly feel he is acting in the public interest, the fact remains that the powers he has asked for are dictatorial in nature. They go far beyond anything ever dreamed up during the New Deal and the Fair Deal. They go far beyond anything ever requested by a President in comparable times. And if they are to be denied, it will take the Republican Party to do it. This is why we need your very best, your very strongest efforts in these forthcoming election campaigns. We must have the increased manpower in Congress to fight the swift trend toward collectivism and all-powerful government. This is our job and, under the circumstances, it is more in the nature of a sacred trust.

SENATE

Tuesday, May 8, 1962

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal Spirit, without whose guidance our wisdom is but folly, we pray that Thy healing balm may restore our jaded spirits.

Keep us this day in serenity and confidence, as our hearts and minds are stayed on Thee. May we guard our words with the seal of understanding charity. Save us from being embittered by ingratitude, pettiness, or meanness and, by appeasement of evil, from turning coward in the day of battle.

We thank Thee for the lessons of the road we have traveled—we are warned by mistakes, encouraged by success, and enriched by experiences of gladness and sadness. Make us worthy of our great heritage. Grant us a kindling sense of national destiny as we face the duties of today and the problems of tomorrow.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Monday, May 7, 1962, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 2132) to approve the revised June 1957 reclassification of land of the Fort Shaw division of the Sun River project, Montana, and to authorize the modification of the repayment contract with Fort Shaw Irrigation District, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2446. An act to provide that hydraulic brake fluid sold or shipped in commerce for use in motor vehicles shall meet certain specifications prescribed by the Secretary of Commerce;

H.R. 4083. An act to reduce the frequency of reports required of the Veterans' Administration on the use of surplus dairy products;

H.R. 8434. An act to authorize the Secretary of Agriculture to sell and convey a certain parcel of land to the city of Mount Shasta, Calif.;

H.R. 8564. An act to amend the Federal Employees' Group Life Insurance Act of 1954 to provide for escheat of amounts of insurance to the insurance fund under such act in the absence of any claim for payment, and for other purposes;

H.R. 9561. An act to establish offices of the Veterans' Administration in Europe, and to authorize the furnishing abroad of hospital and medical care for service-connected disabilities;

H.R. 9647. An act to authorize the Secretary of the Interior to enter into an amendatory contract with the Burley Irrigation District, and for other purposes;

H.R. 9736. An act to authorize the Secretary of Agriculture to permit certain property to be used for State forestry work, and for other purposes;

H.R. 10204. An act to amend section 47 of the Bankruptcy Act;

H.R. 10374. An act to amend section 6 of the Agricultural Marketing Act, as amended, to reduce the revolving fund available for subscriptions to the capital stock of the banks for cooperatives;

H.R. 10566. An act to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz.; and

H.R. 11217. An act to amend section 6112 of title 10, United States Code.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 1139) to amend the act granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to the waters of the Little Missouri River in order to extend the expiration date of such act, and it was signed by the President pro tempore.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred, or placed on the calendar, as indicated:

H.R. 2446. An act to provide that hydraulic brake fluid sold or shipped in commerce for use in motor vehicles shall meet certain specifications prescribed by the Secretary of Commerce; to the Committee on Commerce.

H.R. 4083. An act to reduce the frequency of reports required of the Veterans' Administration on the use of surplus dairy products;

H.R. 8434. An act to authorize the Secretary of Agriculture to sell and convey a certain parcel of land to the city of Mount Shasta, Calif.;

H.R. 9736. An act to authorize the Secretary of Agriculture to permit certain property to be used for State forestry work, and for other purposes; and

H.R. 10374. An act to amend section 6 of the Agricultural Marketing Act, as amended, to reduce the revolving fund available for subscriptions to the capital stock of the banks for cooperatives; to the Committee on Agriculture and Forestry.

H.R. 8564. An act to amend the Federal Employees' Group Life Insurance Act of 1954 to provide for escheat of amounts of insurance to the insurance fund under such act in the absence of any claim for payment, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9561. An act to establish offices of the Veterans' Administration in Europe, and to authorize the furnishing abroad of hospital and medical care for service-connected disabilities; to the Committee on Finance.

H.R. 9647. An act to authorize the Secretary of the Interior to enter into an amendatory contract with the Burley Irrigation District, and for other purposes; placed on the calendar.

H.R. 10204. An act to amend section 47 of the Bankruptcy Act; to the Committee on the Judiciary.

H.R. 10566. An act to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz.; to the Committee on Interior and Insular Affairs.

H.R. 11217. An act to amend section 6112 of title 10, United States Code; to the Committee on Armed Services.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. Mansfield, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

PROGRAM FOR TOMORROW

Mr. MANSFIELD. Mr. President, I wish to announce to the Senate that we shall meet at 11 o'clock tomorrow morning, and that at approximately noon the vote on the cloture motion will be held.

STANDBY TAX REDUCTION AUTHORITY ACT OF 1962

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to provide standby authority for temporary reduction in the individual income tax when needed to meet the objectives of the Employment Act of 1946, which, with the accompanying papers, was referred to the Committee on Finance.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MUSKIE:

S. 3264. A bill to authorize and direct the Secretary of the Treasury to cause the vessel *Eugenie II*, owned by J. C. Strout, of Milbridge, Maine, to be documented as a vessel of the United States with full coastwise privileges; to the Committee on Commerce.

By Mr. HART:

S. 3265. A bill for the relief of Despina Anastos (Psyhopeda); to the Committee on the Judiciary.

By Mr. JORDAN:

S. 3266. A bill to amend section 2 of the act entitled "An act to create a Library of Congress Trust Fund Board, and for other purposes," approved March 3, 1925, as amended (2 U.S.C., 158), relating to deposits with the Treasurer of the United States of gifts and bequests to the Library of Congress and to raise the statutory limitation provided for in that section; to the Committee on Rules and Administration.

By Mr. EASTLAND:

S. 3267. A bill for the relief of Gunther M. Hillebrand;

S. 3268. A bill for the relief of Mrs. Cheung Yuk-Lan; and

S. 3269. A bill for the relief of Kwong Foo Chin (also known as Hing Ton Chin and Tony Chin); to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota:

S.J. Res. 185. Joint resolution to defer the proclamation of marketing quotas and acreage allotments for the 1963 crop of wheat; to the Committee on Agriculture and Forestry.

By Mr. JAVITS (for himself and Mr. Keating):

S.J. Res. 186. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the U.S. World Trade Fair to be held in New York City, N.Y., from May 11 through May 22, 1962; to the Committee on Foreign Relations.

(See the remarks of Mr. Javits when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTION

INCREASED LIMIT OF EXPENDITURES BY COMMITTEE ON APPROPRIATIONS

Mr. HAYDEN submitted the following resolution (S. Res. 337); which was referred to the Committee on Rules and Administration:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Eighty-seventh Congress, $25,000, in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, S. Res. 180, agreed to July 27, 1961, and S. Res. 211, agreed to September 21, 1961.

INVITATION TO PARTICIPATE IN U.S. WORLD TRADE FAIR

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a joint resolution authorizing the President of the United States to invite the States of the Union and foreign countries to participate in the U.S. World Trade Fair, to be held in New York City from May 11 through May 26 of this year. I introduce the joint resolution on behalf of myself and my distinguished colleague from New York [Mr. Keating].

The fair is an annual event, which is sponsored by the city of New York, and is held at the New York Coliseum.

A companion proposal has been introduced in the other body by Representative William Fitts Ryan, of New York, which is to the same effect.

For the first time, Mr. President, the fair will have an export section devoted to goods and services of American manufacturers who wish to sell to foreign markets, signalizing the critical importance of the expansion of our export trade, upon which I have spoken in the Senate many times, and will not therefore at this time enlarge upon this point in this connection except to say, as I have said in the past, that it is of very great importance.

The fair also promotes tourism to the United States, with New York City as the focal point, but of course the people who come to the fair naturally will travel in many other parts of the country. The World Trade Fair annually draws an attendance of about 170,000 from every State of the Union and over 70 foreign countries. It is quite properly an economic stimulation measure in the interest of our country, and should have its sanction, which is described in the joint resolution.

Mr. KEATING. Mr. President, I am delighted to join with my distinguished senior colleague in supporting the resolution calling upon the President to officially invite foreign nations to participate in the second World Trade Fair to be held in the coliseum on May 11–12. Men and women will visit this fair from every State of the Union and from countless foreign countries. Their purpose in coming here is to examine our products and to display their own in the furtherance of increased trade among the nations of the world.

Mr. President, vigorous efforts, such as this, to promote our exports contribute greatly to our ability to compete in foreign markets. Our productivity and our know-how are worth boasting about. This opportunity to show the nations of the world what we have achieved in many fields is a "showcase" for the whole world to view. I am hopeful that this sixth annual trade fair will be equally as successful as those of the past and that it will result in the expanded sale of American exports in markets the world over.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 186) authorizing the President to invite the States of the Union and foreign countries to participate in the U.S. World Trade Fair to be held in New York City, N.Y., from May 11 through May 22, 1962, introduced by Mr. JAVITS (for himself and Mr. KEATING), was received, read twice by its title, and referred to the Committee on Foreign Relations.

EXPROPRIATION OR SEIZURE OF PROPERTY OF AMERICAN NATIONALS IN FOREIGN COUNTRIES

Mr. HICKENLOOPER. Mr. President, I submit, for appropriate reference and printing, an amendment which I am proposing to S. 2996, which is now before the Senate Committee on Foreign Relations. I ask that the amendment be printed at this point in my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 9, after line 13, insert the following:

"(d) At the end of section 620 add the following new subsection:

"'(e)(1) Notwithstanding any other provision of law, no assistance shall be furnished under this Act to any government or to any political subdivision or agency of such government, if such government or any political subdivision or agency thereof (A) has heretofore expropriated, nationalized or otherwise acquired the ownership or control, or hereafter expropriates, nationalizes or otherwise acquires the ownership or control, of any property owned directly or indirectly by any national of the United States, without providing immediate and effective compensation to such national as required by international law, justice, and equity and as determined, within ninety days of seizure or within forty-five days of the date of enactment of this subsection, whichever is later, by the Foreign Claims Settlement Commission, or (B) imposes upon such property discriminatory taxes or other exactions, or restrictive maintenance or operational conditions not imposed or enforced with respect to property of a like nature owned or operated by its own nationals or the nationals of any government other than the Government of the United States.

"'(2) For the purposes of this subsection the term "national of the United States" shall have the same meaning as that term is defined in section 301(2) of the International Claims Settlement Act of 1949, as amended.

"'(3) The Foreign Claims Settlement Commission of the United States shall have exclusive jurisdiction to determine the extent and amounts of any losses sustained by a national of the United States for the purposes of this subsection. For the purpose of such determination, the Commission may exercise to the extent consistent with the purposes of this subsection, the powers conferred upon it by the provisions of the International Claims Settlement Act of 1949, as amended.

"'(4) The appropriation of such funds as may be necessary for the Foreign Claims Settlement Commission of the United States to carry out its functions under this subsection is hereby authorized.

"'(5) No other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection.'"

Mr. HICKENLOOPER. Mr. President, the amendment proposes to reach the problem of expropriation or seizure of property of American nationals in foreign countries.

The position of our Government has been repeatedly stated as that the sovereignty of a nation is inviolate, and that our country recognizes a nation's power to take over property for public purposes. However, in that connection the question of compensation for the property arises. Properties of American citizens have been expropriated and taken over by foreign governments without any compensation in fact or in reality being paid to the owners of that property. Constant delays in those countries and the ramified and tortuous judicial procedures which they engage in have in effect prevented Americans from getting paid for the property which has been taken over. That kind of nonsense must stop.

We have had examples of cases of expropriation and we have even noticed in the public press further contemplated expropriation or seizure of American property in at least one country in the world today.

The amendment would add a new subsection to the Foreign Assistance Act of 1961, as amended, which in effect and in words provides that no assistance can be furnished by the United States under this act to any country or any political subdivision of that country, when the national government or a political subdivision of that country has expropriated, nationalized, or otherwise acquired control or ownership of property of American nationals without providing immediate and effective compensation to such nationals as is required by international law, justice, and equity, and as determined within 90 days of the seizure, or within 45 days of the date of the enactment of this section, whichever is later, by the Foreign Claims Settlement Commission.

What I have said applies to any past expropriation which has not been settled for, and it also applies to any future expropriation or seizure.

One of the difficulties with the drawing of an amendment of this kind is the setting up of a fair and impartial forum or body to determine the value of the property seized. Arguments are made against setting up special boards or commissions, or similar bodies. I have named the Foreign Claims Commission as the proper and appropriate impartial body to assess the value of the property in foreign countries if such expropriation has occurred in the past or occurs in the future. The Foreign Claims Settlement Commission already possesses the criteria, and has a history of evaluation of American property abroad seized by foreign countries. There is a substantial history of the operation of the Foreign Claims Settlement Commission.

The amendment also provides that there may not be any waiver of the provisions of the act under any discretionary powers of the executive department.

It provides for the authorization of such funds as may be necessary for the Foreign Claims Settlement Commission to carry out the provisions of the amendment.

Mr. President, the amendment in no way attempts to tell foreign countries what they can do under their sovereignty, within their own countries. All it provides is that our money, which may be available under proper circumstances to those countries, cannot be used if they take the property of American citizens and do not pay for it on the basis of reasonable value. It does not say that they cannot expropriate or exercise the right of eminent domain, and it does not infringe upon their sovereignty in the slightest degree.

However it does provide what we will do with our money under circumstances where they refuse to do justice by the property of American citizens which they take under their sovereignty, and seize or expropriate.

I believe the amendment is equitable and fair. I think it is about time that our Government takes steps to show that, while we are in the process of helping other governments in one way or another, they do not take undue advantage of American citizens with respect to their property which is located in those countries, without doing justice to those people.

The PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred.

The amendment was referred to the Committee on Foreign Relations.

PETITION FOR CLOTURE—ADDITIONAL COSPONSOR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the name of the Senator from Connecticut [Mr. DODD] be added to the motion for cloture.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 8, 1962, he presented to the President of the United States the enrolled bill (S. 1139) to amend the act granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to the waters of the Little Missouri River in order to extend the expiration date of such act.

THE RULE OF LAW—ITS VALUES, ROOTS AND LIMITATIONS

Mr. RUSSELL. Mr. President, one of the most significant celebrations at the University of Georgia, at Athens, Ga.—and, incidentally, the university is the oldest chartered State university in the country—is in connection with the commemoration of Law Day. This year, those exercises were held on May 5. There was in attendance a very large audience, including members of the bench and bar of the State, as well as students in the law school and in the other schools of the university, and quite a number of laymen who are friends of the university or whose children are students there.

The principal address of the day was delivered by the distinguished Senator from South Carolina [Mr. THURMOND]. I have just finished reading the address, and I have read it with great interest and profit. It is a scholarly and enlightening address on "The Rule of Law—Its Values, Roots, and Limitations." The distinguished Senator from South Carolina must have put a great deal of labor into the preparation of his speech, for it is one of the most erudite discussions of this subject I have ever read. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE RULE OF LAW—ITS VALUES, ROOTS, AND LIMITATIONS

(Address by Senator STROM THURMOND, Democrat, of South Carolina, for the annual Law Day at the University of Georgia, Athens, Ga., May 5, 1962)

Americans are an inventive people, and in no field have we been more prolific than in the designation of particular days and even weeks of special observance. Our propensity for special observances is a tribute to the industry of our society, for we are so busy that in the absence of a specially designated season for reflection on a particular subject, we might well gradually lose sight and appreciation of many of our bountiful blessings and even some of our fundamental values.

The designation of Law Day on a national basis is a signal tribute to the success of our governmental system. There are few nations, indeed, where the rule of law is such an established fact of life as to be in sufficient danger of being taken for granted by the majority of the society, that special attention to its function is felt necessary and desirable.

The extent to which such a special observance is justified, however, depends on the extent to which our society is brought to a deep and meaningful understanding of the rule of law in a civilized society. If we do no more than acknowledge the idea that the rule of law protects the traffic offender from the wrath of a judge who has burnt toast and weak coffee for breakfast, Law Day, though it may be perpetuated, will serve no more useful purpose than does Halloween. If Law Day is to be of real significance, we must cultivate an understanding of the rule of law, including its values, its roots—and even its limitations.

Of all the essentials of domestic tranquillity, none is more essential than the rule of law. It is the prevalence of a rule of law that enables men in shaping their own destiny to predict with a reasonable degree of certainty the consequences of their conduct of relations with their fellow men. It is the rule of law that permits the peace of mind which comes from a sure knowledge that one has protection from the trespasses of other men. It is through the concept of the rule of law that men can realize and enjoy that impartiality of treatment which is so essential to human dignity.

For all the values which attach to the prevalence of the rule of law, it was by no means a concept simply and quickly conceived, nor easily implemented. As a fundametal prerequisite, a rule of law must have the support of society. The founder of international law, Grotius, concluded that society is "the source of law properly so called." In so concluding, he was not merely acknowledging the difficulty of enforcing a particular law which does not have the support of a large majority of society, such as that experienced by our own Nation with the 18th amendment; rather, he was confirming a particular conception of the nature of man which was originally that of the Stoics, and later common to all Christians. This concept attributes to man the power of reason by which he can achieve the society necessary for his existence.

It is through this power of reason that man forms fundamental ideas as to what is just and what is unjust; and in time, these fundamental ideas become beliefs, in the sense that although they can neither be proved nor disproved, they become, through the process of reason, reality.

Not every collection of human beings is susceptible to a rule of law. It is only when there is a community of beliefs that it becomes possible. This does not mean that all men must agree on all particulars, but it does mean that they must have common beliefs as to fundamentals of fairness and justice. Political differences may be settled peacefully and orderly, but only if there is agreement on the ground rules as to the methods by which such differences are to be resolved. Thus have the Western societies, through reason, reached a community of beliefs that the Judaic-Christian teachings of morality and relations between men are just and have consequently incorporated them into their prevailing rule of law.

The prerequisite of a community of beliefs, in order that a rule of law prevail, by its very nature imposes certain limitations on the application of the rule of law. The degree of community of beliefs in any society depends on the diversity of its various heritages. Our own governmental system, inaugurated in the Constitution, seeks to minimize this inherent limitation by resort to the device of federalism. At the national level of government, where there was the narrowest scope of community of beliefs due to the diversities of heritages across the Nation, there was structured a rule of law which encompassed the most fundamental beliefs. The rule of law of broader scope, consistent with the wider community of beliefs within their boundaries, was wisely left structured within the several States. In the process of erosion of the device of federalism which accompanies centralization of power in the National Government, the rule of law in our land will continue to be dissipated to the extent that it is sought to be applied in excess of the existing community of beliefs. It requires little insight to perceive that the powers exercised by the National Government have so far exceeded the community of beliefs in the Nation as to at least partially substitute the caprice of men for the rule of law.

Even more pertinent today than when uttered is the 1958 statement of the chief justices of the supreme courts of the States, in which they stated: "It has long been an American boast that we have a government of laws and not of men. We believe that any study of recent decisions of the Supreme Court will raise at least considerable doubt as to the validity of that boast."

Even to the casual observer in 1962, it is not just the decisions of the Supreme Court that raise such doubts, although such decisions have by no means forfeited their title as the principal purveyors of doubt.

There is another primary limitation on the rule of law, which pertains to the breadth of its applicability. By its very nature, the rule of law is limited to legal, as contrasted to political, questions. The relations of man to man, and of individuals to society, are of such a nature as to be subject to a rule of law. There are other questions which must be resolved by society which are not by their nature adaptable to resolution by any rule of law. Among these political questions is the determination of what individuals shall be empowered to make and administer the law, although this is but an example. The line between legal and political questions is obviously often hard to define, but as a general rule, any question which involves policy, as distinguished from law, does not lend itself to resolution by a rule of law.

Only recently we were provided with graphic evidence of our failure to make a distinction between legal questions, to which the rule of law is applicable, and political questions, the solutions to which do not by nature lend themselves to resolution by application of fixed rules such as those embodied in the rule of law.

I am referring to the case of *Baker* v. *Carr*, better known as the Tennessee legislative reapportionment decision, rendered by the U.S. Supreme Court on March 26 of this year. Commonsense dictates that legislative districting is a matter which by its very nature does not lend itself to solution by application of any general rule, due to the infinite number of variables and diversities of circumstances involved in each particular case. Attempted judicial adjudication of such issues must, therefore, necessarily involve nothing more than a resort to rhetoric as a shield for the judgment in each case of the individual or individuals who decide it, rather than any application of a rule of law. By such excesses is the status of laws degraded and the concept of a rule of law defamed.

What is the future of a rule of law? Domestically, it is what the American people make of it. If, through such observances as Law Day, there is rekindled both a renewed appreciation and understanding of the rule of law, we can look forward for years to come to the necessity of Law Day in order to remind Americans of the benefits of a noble concept which they are in danger of ignoring, because it is such an established fact of their lives. In order to enjoy this bounty, however, the American people must insure that the rule of law is confined within its inherent limitations, for attempts to extend it beyond the existing community of beliefs, or to political questions, will so dilute the concept as to render it ineffective and bountiless in even those areas of operation where it has a maximum potential value.

Until recent years, it would have been sufficient in any discussion of the concept of the rule of law to confine the consideration to its application in a society of any given nation-state. Today, the rule of law, as a concept, is being discussed and advanced in a new and different context. No contemporary contemplation of the rule of law would be complete without reference to its applicability on an international basis.

We have, of course, a body of rules, customs, and general practices between nations that is referred to as international law. By and large, it is of a nebulous character and is founded primarily on reciprocity and convenience. That it is law in the sense that nations generally abide by these rules on the relatively minor subjects covered thereby, and that the citizens of different nations customarily conduct their affairs with each other in accordance therewith for the sake of convenience, we all readily acknowledge—with gratitude for the benefits of this degree of cooperation between nations and their citizens. To the extent that a rule of law is constituted by a system of jurisprudence, however, there is no international rule of law which prevails today, nor, when we examine the requirements for an international rule of law, is there likely to be any such in the foreseeable future. Indeed, the expression of hope for peace through an international rule of law in our present world surely either belittles the stature of the rule of law or advertises the existing lack of reality in viewing world conditions.

In the first place, those differences between nations which give rise to frictions of the order which do, or might, precipitate war are almost invariably political in nature, rather than legal. Our own Constitution and structure of government take this circumstance into consideration and provide accordingly. All domestic matters within the cognizance of the National Government, under the terms of the Constitution, are governed by laws enacted by the Congress. Foreign relations, however, involve political, rather than legal, questions and are conducted not by rules of law, but by policy, which is determined primarily by the executive, rather than the legislative, branch of the Government.

Even were all other factors permissive to the institution of an international rule of law, the political nature of the differences between States would preclude any securing of peace with freedom through this means. The political nature of almost all differences between nations is not the only factor which removes the hope for peace through an international rule of law from the realm of practicality, however.

There are even greater impediments to the application of a rule of law on an international basis than the inherent limitations of a rule of law which normally pertain. Within the society of a given nation or state, the prevailing rule of law is of general application—all citizens are subject to it, for, indeed, all citizens are the source of it. In considering the possibility of instituting an international rule of law, there must first be resolved the question of to whom it is to apply.

As a matter of first impression, this may appear to be no obstacle; but, upon closer analysis, it is a most serious impediment. In the field of international dealings, the nation-state is generally defined as a body of people organized politically within definite geographic borders under one government, sovereign in character, independent of external control, with the overall purpose of furthering the welfare of the people who organized it, keeping order and administering justice internally and protecting the rights of its citizens abroad. One would assume, therefore, that resort to this definition, based on reason and experience, would be the logical choice for determining to whom an international rule of law would apply, just as the definition of legal competence is the yardstick of determining what or who is sui juris in a given domestic jurisdiction.

Yet in the present political structure of the world, this definition would surely exclude the Communist instrumentality which rules and dominates about 26 percent of the world's land mass and one billion eight and one-quarter million of the world's people; for neither the Soviet Union, nor any of the other Communist-dominated territories, even approach the requirements of this definition. Beyond a doubt, and despite the general imperception of the fact by the Western World, Communist political structure constitutes a radical innovation.

In the first place, the Soviet political structure is not based on a concept of national unity, but partakes of a completely international character. This international character of the Communist political structure is revealed in the Constitution of the Union of Soviet Socialist Republics for 1924, which states in section 1: "Access to the Federation is open to all Soviet Socialist Republics, those existing now as well as those which are bound to spring up in the future. The new Federation * * * will be a reliable rampart against world capitalism and a new decisive step toward the union of the toilers of all countries in the World Soviet Socialist Republic."

The text of the subsequent Soviet constitution of 1936 was, for practical reasons, much less outspoken as to the international and class character of the political structure therein described. Even this constitution, however, clearly reveals an essential incompatibility with the traditional concept of a nation-state.

Article 14C of the Soviet constitution of 1936, which treats the incorporation of new republics into the union, clearly demonstrates that in the contemplation of this document, the territory of the U.S.S.R. is not a fixed, well established quantity. Under its provisions, Soviet territory may be increased without limits until the whole world is engulfed. This is a characteristic peculiar to the Communist political entity.

The very term "Soviet" does not reflect the ethnical or historical origin of a people, but only the type of political administration to which they are subjected. It is consequently not limited to those nationalities now occupying Soviet territory, but may at any time include other nationalities, provided only that they live under a Soviet-type of administration. It follows that tomorrow the Soviet people could be joined by Poles, Hungarians, Rumanians, Chinese, and, conceivably, even Americans, just as it was joined by Lithuanians, Estonians, and Latvians in 1940.

It is, however, within the concept of sovereign state authority that the Union of Soviet Socialist Republics, as exercised through the agency of government, which conforms in the least degree to our concept of that feature of statehood. The Soviet government, or the system of Soviets or councils beginning with the Supreme Soviet and ending with the village Soviet, is by no means a policy or lawmaking instrumentality, but rather a lever of power. The official Soviet textbook entitled "Soviet Constitutional Law," published in 1948, describes the nature of the Soviets in the following manner:

"The basic transmission belts and levers in the system of the dictatorship of the working class are the Soviets, trade unions, cooperative associations, youth, and other public organizations. Among transmission belts and levers the most important place in the system of the dictatorship of the proletariat is occupied by the Soviets. Together with their numerous ramifications in the center and in the provinces under the forms of administrative, economic, military, cultural, and other state organizations, the Soviets constitute the state apparatus in the true sense of the word."

It is obvious from this description that the "Soviets" are but transmission belts and levers of power, and the origin of power lies elsewhere. Even from this description we are aware that this origin is not in the people. Where then does this power lie?

According to each of the successive constitutions of the U.S.S.R., "The Union of Soviet Socialist Republics is a Socialist state of workers and peasants." Again relying on official Communist sources—in this instance the "Short Philosophical Dictionary"—we find in the definition of the Socialist state by Lenin, the following:

"In its essence the Socialist state is a dictatorship of the proletariat. The importance and role of the Soviet Socialist state consists in that it is the main weapon in the hands of workers and peasants for the victory of socialism and for the protection of socialist achievements by the toilers from capitalist encirclement. The leading force of the Socialist state is the Communist Party, directing the whole development of the Soviet Socialist society."

If by any remote chance Lenin's definition leaves a doubt as to the identity of the source of power in the Communist state, Stalin stated, without equivocation, in "The Problems of Leninism" that "the (Communist) Party exercises the dictatorship of the proletariat."

The role of the Communist Party cannot be compared with the role of a political party in a democratic country, or even a political party in a country with an autocratic or totalitarian, but nationalistic, regime. The Communist Party of the Soviet Union is but a section of an international, or supranational, movement, whose designs, interests and activities extend into the far reaches of the globe. Indeed, Stalin himself characterized the Soviet Constitution as international for he said in November of 1936 with reference to then-new draft of the U.S.S.R. Constitution: "The draft of the new Constitution of the U.S.S.R. is, on the contrary, profoundly internationalistic."

Thus it is quite clear that the Communist political structure is not national, but rather is international in character, and, as such, in no way coincides with the traditional concept of a nation-state.

Even could this question of identification and description of the entities to which an international rule of law would apply be resolved, there would still remain unsatisfied the prerequisite for the community of beliefs fundamental to any rule of law. Quite obviously, any international rule of law, to be worth the effort, must be generally applicable. This means, in effect, that all powers who cannot be coerced without great damage to the remainder of the world, must agree and consent to the rule of law. Since any attempted coercion of the Communist countries would defeat the purposes of peace through an international rule of law, the only remaining alternative would be for the Communist powers to concur in the beliefs on which the rule of law is founded. This precludes, for now and the foreseeable future, the institution of an international rule of law.

There is a vast gulf between Communist thinking and philosophy and that of the Western World which absolutely negates any community of beliefs. Through the process of reason, civilized societies accepted the Judiac-Christian teachings as fundamentally just. Not so the Communists. To understand the depth of difference on this one point, consider the negotiations on the wording to the Preamble of the Declaration of Human Rights included in the United Nations Charter. The American proposal was drawn from the Declaration of Independence, in the words: "All men are created equal," to which the Communists vigorously objected, and, incidentally, carried their point. The section, as adopted, uses the words, "All men are born equal."

The gulf is more fundamental than even this illustration would indicate, however. The rule of law which is utilized in traditional Western civilization is founded on a community of beliefs arrived at by the process of reason. The very existence of a community of beliefs is predicated, as Grotius concluded, on the concept of the nature of man which attributes to man the power of reason by which he can achieve the society necessary to his existence. It is at this fundamental level at which the breach between Communists and non-Communists appears, for the Communists deny the power of man to reason and thereby to develop concepts. This is not mere abstract theory of the Communists—it is a guide to their actions and thought which finds implementation, particularly, in their political orientation and structure.

Consider, for example, the role which a constitution occupies in Communist political theory and practice. We are all aware of the short life of any given Soviet constitution. Following the first Communist constitution in 1918, there were new ones in 1924, 1936, 1937, 1952, and in 1957. Only last week, Khrushchev announced that it was time for a new one, which is now in the process of being drafted. Now the short life of a Soviet constitution is not due to any political fickleness of the Communists. Their dogged persistence in the teachings of Marxism-Leninism have remained a continuing scourge to freemen throughout the years. Rather, their abandonment of each constitution in turn for an updated version stems from the most fundamental premise of Marxian philosophy—that the ideas and conclusions of men are not the result of reason as we understand it, but rather a mere reflection of their material environment. By adding to this the theory of economic determinism, Marxian logic concludes that the type of society and of any given political structure are dictated by the prevailing means of production and the degree of productivity which it accomplishes.

This is clearly indicated by the speech of Stalin upon the adoption of the Soviet Constitution of 1936, in which he explains why there was need of a new constitution, and why it took its particular form. Stalin stated:

"A program deals mainly with the future, a constitution with the present.

"Two examples by way of illustration.

"Our Soviet society has already, in the main succeeded in achieving socialism; it has created a socialist system, i.e., it has brought about what Marxists in other words call the first, or lower, phase of communism. Hence, in the main, we have already achieved the first phase of communism, socialism. The fundamental principle of this phase of communism is, as you know, the formula: 'From each according to his ability, to each according to his work.' Should our constitution reflect this fact, the fact that socialism has been achieved? Should it be based on this achievement? Unquestionably, it should. It should, because for the U.S.S.R. socialism is something already achieved and won.

"But Soviet society has not yet reached the higher phase of communism, in which the ruling principle will be the formula: 'From each according to his ability, to each according to his needs,' although it sets itself the aim of achieving the higher phase of communism in the future. Can our constitution be based on the higher phase of communism, which does not yet exist and which has still to be achieved? No, it cannot, because for the U.S.S.R. the higher phase of communism is something that has not yet been realized, and which has to be realized in the future. It cannot, if it is not to be converted into a program or a declaration of future achievements.

"Such are the limits of our constitution at the present historical moment.

"Thus, the draft of the new constitution is a summary of the path that has been traversed, a summary of the gains already achieved. In other words, it is the registration and legislative embodiment of what has already been achieved and won in actual fact."

The point Stalin is making is that in accordance with Marxian theory, the new system of advanced production has caused a change in the governmental form which should be reflected in the constitution. To the Soviets, a constitution is but a mirror of what the government has become through improved means of production.

As is obvious from Stalin's remarks, the Communists deny, both in ideology and practice, the ability of man to devise a concept through the process of reason. With so fundamental a point of departure, it is easy to perceive the differences in approach to such concepts as morality, peace and truth. "Morality" is defined by Communists as any course of conduct, including lying, stealing, and murder, which advances the cause of world communism. "Peace," according to Communist ideology, is that state of existence in which there is no resistance to Communist rule. They define "truth" as that which best serves the advancement of world communism.

This fundamental chasm as to the very nature of man absolutely precludes the community of beliefs essential to a rule of law.

A true appreciation of the rule of law includes a knowledge of its values, its roots, and its limitations. We can enjoy its benefits only so long as we keep it in proper and objective perspective.

Its legitimate applicability is to legal, rather than political, questions, and in only those collections of human beings in which there exists a community of beliefs. Domestically, we can continue to enjoy the benefits of the rule of law only so long as, and to the degree that, we observe its limitations through and adherence to the device of federalism and respect its inappropriateness for the resolution of political questions.

The existing, and the even greater deserved, faith in the rule of law in Western civilized nations can be destroyed by claims that there is ground for hope for peace through an international rule of law, for such claims can only lead to frustration and failure because, above all, of the absence of the prerequisite community of beliefs. There is no easy road to peace in a world where communism exists, except it be a peace without freedom; and to this, we can never submit.

Law Day will serve its purpose when freemen rededicate themselves to the rule of law, with all its inherent limitations, in the realization of the bountiful benefits flowing from its objective use for the purposes to which it is applicable. Let us not profane the rule of law by relegating it to the never-never land of idealism, but rather let us pursue a course which will ultimately result in the extinction of communism, and thereby, possibly, in a community of beliefs that would make an international rule of law feasible in the area of nonpolitical questions.

VOTING HABITS OF THE PEOPLE OF KANSAS

Mr. CARLSON. Mr. President, Kansas is one State that does not have a literacy test as a requirement for voting. The matter now before the Senate, therefore, is of no direct interest to the people of Kansas.

We do have in the law several requirements, such as residency, permanent registration, and other provisions, with which our citizens must comply in order to be qualified to vote.

Our secretary of state, Paul R. Shanahan, recently wrote an article on the requirements, as well as other information regarding the voting habits of the people of Kansas. I ask unanimous consent that the article be made a part of my remarks in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Are You a Member of the Thirty Percent?

(By Paul R. Shanahan, secretary of state of Kansas)

The State of Kansas has a population of 2,146,154 as indicated by the census of March 1, 1961. Of this number it is estimated that 1,315,000 are of voting age. At the last general election 928,825 votes were cast. This is the highest vote total ever cast at a Kansas general election, but it represents only about 70 percent of the eligible voters. Twenty-eight States voted a higher percentage than Kansas, the highest being Idaho with slightly over 80 percent, followed closely by New Hampshire, Utah, and North Dakota. Twenty-one States were lower than Kansas, the lowest being Mississippi with slightly more than 25 percent.

What is the reason for this apathy on the part of Kansas citizens? The answer to this question can, in most instances, be found in the archaic and restrictive State election laws. This, however, is not true in Kansas because the laws in this State governing the conduct of elections are as up-to-date as most any other State and provide the following conditions:

1. Residency: Six months in State, 30 days in ward or township.
2. Permanent registration.
3. No poll tax.
4. No literacy tests.
5. Registration by mail for sick and disabled and voters absent from the State.
6. Absentee voting by sick and disabled.
7. Absentee out-of-State voting.
8. Absent within State voting.
9. Aid for blind to vote.
10. Voting by members of Armed Forces and spouse, registration requirements being waived.
11. Registration possible at all times except 10 days before elections (20 days in Shawnee, Wyandotte, Sedgwick Counties and parts of Johnson County).

The right to vote is a privilege which all citizens should guard zealously. Good government results from an informed public expressing themselves through the ballot.[1]

Political parties have a responsibility to create voter interest by offering to the people the type of men and women as candidates whose integrity is beyond question, who command respect and confidence, who will place the welfare of the people foremost and who will go out in election years, meet the people, and discuss with them the issues and problems of the State or county.

By providing worthy candidates who will campaign actively, political parties can inspire voters to become more interested in the affairs of their government, resulting in a higher voting percentage.

ARE TAX HAVEN OPERATIONS USED TO EVADE INCOME TAXES BY THE GREAT MAJORITY OF AMERICAN FIRMS WITH DIRECT FOREIGN INVESTMENTS?

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed at this point in the Record a statement by me, entitled "Are Tax Haven Operations Used To Evade U.S. Income Taxes by the Great Majority of American Firms With Direct Foreign Investments?"

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[1] This year a constitutional amendment will be submitted to the people for a vote which will provide a method of voting for President and Vice President by citizens of the United States who have not lived in the State long enough to acquire voting rights and have lost their voting privileges in the State from which they moved. They will be qualified to vote in Kansas for President and Vice President after a residence of 45 days.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Are Tax Haven Operations Used To Evade U.S. Income Taxes by the Great Majority of American Firms With Direct Foreign Investments?

(Statement by Senator Curtis)

The administration justifies its drastic proposals with respect to the taxation of foreign source income to avoid tax evasion. This view is consistent with that expressed by the distinguished junior Senator from Tennessee who on March 1, 1962, Congressional Record, page 3245, recommended the termination of tax haven abuses in his remarks on this broad problem which is of concern to all of us.

In describing possible so-called tax haven abuses, he said that they fall into two general types. I shall quote directly from the Congressional Record of March 1, 1962:

"First, there are the operations which have as their primary purpose the transfer of profits into a tax haven corporation in a way which avoids or evades any substantial taxation by the country where the profits legitimately originate. This may involve diverting funds which actually represent profits earned in the United States, and which should be taxed in the United States, into a tax haven. In other cases profits arising in some foreign country having a tax system somewhat similar to our own may be diverted into a tax haven. The second general type of abuse centers around the uses to which funds may be put once they have been accumulated in a tax haven."

Elimination of the first type of abuse referred to by our distinguished colleague can be prevented without the enactment of any new legislation. Its solution requires effective enforcement of the present statutes, which is the responsibility of the Secretary of the Treasury.

The Internal Revenue Code presently contains provisions which through effective enforcement should be adequate to enable the Treasury to correct abuses such as the diversion of taxable income to foreign corporations. Furthermore, well-established judicial doctrine permits the disregard of corporate shams which are set up for tax evasion or improper tax avoidance rather than sound business purposes. It is believed, therefore, that present remedies available to the Treasury are sufficient to correct abuses.

There is no doubt that from an administrative point of view the Treasury has encountered considerable difficulty in locating and eliminating tax evasion devices because of a lack of available information regarding the foreign operations of American corporations and their foreign subsidiaries. However, this situation will now be corrected as a result of the enactment in 1960 of section 6038 of the code which requires domestic corporations to submit annually to the Treasury detailed information regarding activities between domestic corporations and their controlled foreign corporations and the latter corporation's foreign subsidiaries for 1961 and subsequent years.

In addition, section 6046 of the code, also enacted in 1960, requires the filing of an information return with respect to the organization or reorganization of any foreign corporation. The return for this purpose, form 959, requires considerable detailed information including a complete statement of the reasons for and the purposes sought to be accomplished by the organization or reorganization of the foreign corporation.

Furthermore, under its present administrative powers, the Internal Revenue Service is in the process of obtaining similar and more detailed information regarding transactions between domestic corporations and their foreign subsidiaries for all open years through special audit procedures. Although this latter procedure has imposed a tremendous burden on corporate taxpayers, I believe that the Treasury will soon be in a position readily to ascertain whether taxpayers with foreign operations are satisfying their proper tax liability. With this information becoming available, the Treasury should be able to make suitable recommendations as to what type of statutory provision is necessary to correct improper tax avoidance without penalizing legitimate foreign investment which is beneficial to the national economy.[1]

"One example which was cited by the junior Senator from Tennessee to illustrate a tax haven abuse referred to a corporation manufacturing electric controls which sells its products in many foreign markets. Prior to 1957, he said that all foreign sales constituted exports negotiated from the United States; subsequently, a tax haven subsidiary was established in Venezuela. He reported:

"There was a very low markup on sales to the Venezuelan corporation, and a high mark-up on sales from the Venezuelan corporation to the real customer. In this way over $1 million of income which was really earned in the United States was diverted to Venezuela, completely escaping U.S. taxation, over a period of less than 3 years."[2]

Certainly the Commissioner of Internal Revenue has the authority to reallocate income under such conditions between the United States parent and the Venezuelan base company.

The many witnesses from the business community who appeared before the House Committee on Ways and Means, without exception urged that any necessary steps be taken to curb the use of tax havens as a means of illegally evading taxes or furthering tax avoidance through procedures which divert income earned in the United States into tax havens.

I was particularly impressed by the statements from certified public accountants. As an example of the attitude expressed by accounting firms, I shall refer to the testimony of Mr. Leon O. Stock, a principal in the national accounting firm of Peat, Marwick, Mitchell & Co. Mr. Stock even offered his services based on widespread experience gained through servicing accounts all over the world in assisting the Internal Revenue Service to develop a training program for its agents assigned to auditing returns involving foreign corporations.

Mr. Stock said:

"We feel that the sham transaction ought to be eliminated—the sham company, rather, ought to be eliminated—and we think it can be eliminated, and we, in practice, are ready to cooperate with the Internal Revenue Service. We are prepared to assist in their training program, to expose ourselves and our experience so that these sham transactions can be picked up."[3]

Furthermore, he referred to several sections of the existing code which, if properly implemented, might eliminate the difficulties which have been experienced in dealing with the small minority who seek to evade their taxes. Mr. Stock first referred to section 7701. He believes that the application of this section, which clearly defines a domestic corporation, would be useful in detecting improper transfers of profits from a U.S. corporation to a tax-haven company. Once again, he said:

"I believe that any foreign corporation which is controlled and managed in the United States, where all substantial functions are performed in the United States, ought to be redefined as a domestic corporation, so that between the two prongs we ought to be able to successfully wage a war against the sham and knock it out of existence."[4]

Mr. Stock then urged that a broader application be made of section 482 which requires arm's-length transactions involving a domestic corporation and a foreign subsidiary. He also referred to the sections of the code which the Congress recently enacted and which I have already discussed; namely, 6038 and 6046. Finally, he urged that the Commissioner of Internal Revenue make full use of section 367, which prohibits a tax-free transfer of property, tangible or intangible, to a foreign corporation without prior approval.[5]

All of these suggestions should be aggressively pursued, and if evidence shows the need for future legislation in order to deal with specific abuses, recommendations to curb them should be transmitted to the Congress. I can assure every Senator that as a member of the Finance Committee I will certainly analyze them carefully, and if it seems likely that they will curb abuses without creating new deterrents that impede proper commercial activities, I will certainly support the enactment of appropriate legislation.

For example, it may be necessary to redefine the income test of foreign personal holding companies.

The whole area of so-called tax havens is so complex that I believe it will simplify our consideration of this problem if we do not concentrate our attention on the problems of tax avoidance and evasion. The administration and the distinguished junior Senator from Tennessee are proposing the elimination of a device which has proved beneficial to our foreign trade and commerce even though it has been used in an entirely proper manner. There is no evidence whatsoever that such a step is necessary in order to correct abuses which every Senator recognizes.

The second general type of so-called abuses portrayed by the junior Senator from Tennessee in my opinion does not constitute an abuse. On the contrary, so-called tax havens merely provide American enterprise with the same competitive positions throughout the world that foreign firms enjoy. Furthermore, their existence implements the expressed domestic and foreign policy objectives of most developed nations.

It is most unfortunate that the term "tax haven" has been applied to a type of business organization that serves a useful and worthwhile purpose. Many witnesses have suggested a more appropriate title for such companies; they describe them as base companies. In effect the term is applied to corporations that are located in countries which levy a lower rate of taxation on earnings derived from sources outside of the country of incorporation.

Switzerland and Panama are two countries whose laws encourage the incorporation of base companies. For example, "Swiss charters offer convenience for international holding companies which, to carry on business, must have subsidiaries chartered and taxed under laws of different countries. A Swiss holding company makes it possible to channel earnings from an established subsidiary in one foreign country into new investments in another foreign country without the imposition of U.S. tax."[6]

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[1] President's 1961 tax recommendations, hearings before the Committee on Ways and Means, House of Representatives, 87th Cong., 1st sess., vol. 4, pp. 2660–2661.

[2] Congressional Record, Mar. 1, 1962, op. cit., p. 3245.

[3] President's tax recommendations, op. cit., p. 3275.

[4] Ibid.

[5] Ibid., p. 3276.

[6] Ibid., p. 3325.

Normally a base company in Switzerland serves as the administrative, merchandising and technical service arm of all international operations for foreign firms whose headquarters are not located in Switzerland. The operations of these base companies are recognized by all European countries as serving their own international interests. Once again, I shall refer to the testimony of Mr. Stock. In order that his concise explanation of the operations of both Swiss and Panamanian base companies may be clearly understood, I quote an excerpt from his testimony before the House Ways and Means Committee:

"Now, a great deal has been said about Switzerland, the manner in which Swiss affiliated sales companies are being used to reduce the overall tax.

"The Secretary of the Treasury testified that, while the German tax may be 51 percent, by utilizing a sister sales company in Switzerland and having the sales company buy the German production for sale in the other parts of Europe, the Swiss company traps the selling profit in Switzerland, relieves the selling profit of the German tax of 51 percent, and substitutes for that 51-percent tax a Swiss tax of 8 percent or 10 percent, thereby reducing overall the German tax from 51 percent to something less than 30 percent.

"Now, that, gentlemen, is perfectly true. The German tax is reduced through the utilization of a Swiss company but, by reducing the German tax, we are enhancing the U.S. tax because if we had no Swiss tax we would pay our 51-percent tax to Germany and, on the remission of dividends back to the domestic parent company, there would be no U.S. tax on those dividends because of the offsetting credit for German taxation.

"By reducing the German tax or by accumulating profits in a Swiss company subject to a 10-percent tax on the distribution of dividends from Switzerland back to the domestic parent company there will be approximately a 40-percent tax paid here after allowance for the Swiss credit.

"Therefore, if we are talking about tax abuse in Switzerland, my query is, Tax abuse in respect to whose revenue?

"Now, the Germans do not object to this arrangement. As a matter of fact, I personally have negotiated in Germany an arrangement with the German authorities where they examined the intercompany pricing between the German company and the sister sales company of Switzerland and where they have satisfied themselves that the intercompany pricing is such that what the German company gets is a fair manufacturing profit subject to German taxation, and that is all it is entitled to, and what the Swiss company gets is a fair selling profit subject to the reduced Swiss tax, all of which inures to the benefit of the U.S. revenue.

"Now, I might also add that, where the German revenue is abused through a Swiss sales company, where the intercompany pricing is determined not to have been on an arm's-length basis, then to that extent the pricing is restated by the Germans and profit is taken away from the Swiss company and taxed to the German company.

"Under those circumstances, the Germans take the position that, to the extent that there has been an arbitrary shifting of profit to a Swiss company, that arbitrary shifting is reversed, but, since the money is lodged with the Swiss company, the Germans contend that there has been a constructive dividend to the U.S. patent and subject it to a 25 percent withholding tax.

"Under those circumstances the penalty in Germany for arbitrary pricing between a Swiss and German company is approximately 65 to 70 percent in additional German tax. That makes it imperative that pricing between the two be put on a third party basis.

"Now, we are also told that the proposed legislation is necessary in order to equalize the U.S. tax between the domestic company selling directly globalwise and the foreign subsidiary. Now, 'equalization' is a very elusive term and we can find in this case of equalization a lack of equalization. Equalizing with respect to whom? It has been testified here I assume for the last 3 days that the important thing is to equalize the controlled company in Europe or elsewhere with its foreign competitors and not with some domestic U.S. corporation.

"Now, if your foreign competitor is permitted to set up a company in Panama for export and which is recognized by the foreign government, then if we are not permitted to do the same thing we are obviously put at a competitive disparity and, gentlemen, the European countries do permit the utilization of foreign sales companies and the European countries do not tax undistributed profits to their nationals until it is actually repatriated."[7]

Although attention has been centered on so-called tax haven abuses, it is essential that every Senator recognize that all European countries encourage the investment and trading activities of their nationals in many ways.

France, Italy, the Netherlands, and Switzerland impose virtually no tax on profits derived from foreign branches and have easier rates on dividends from qualified foreign subsidiaries. Belgium reduces the proportional tax on foreign profits to a fraction of the regular rate. In Germany, the tax authorities can extend special treatment (up to complete exemption) to income generated by business activities abroad that are of interest to the German economy. France, Germany, and Sweden have negotiated tax treaties with other countries which provide that their citizens will be totally or partially exempt from taxation on income realized from investments in treaty countries.[8]

Furthermore, the United Kingdom, a country known for stringent taxes, extended tax deferral to so-called Overseas Trading Corporation in 1957. Such organizations are known as OTC. I am sure that most Senators will remember that a similar approach was proposed under the provisions of H.R. 5, 86th Congress, which was introduced by Representative Boggs, of Louisiana. This measure was approved by the House of Representatives, but it did not receive favorable consideration in this body. As we reflect on that proposal, it appears that many of the enforcement problems which confront the Internal Revenue Service in auditing tax returns prepared in foreign countries would be eliminated if base companies were incorporated in the United States and their books and papers were available for the scrutiny of the Commissioner of the Internal Revenue.

The distinguished junior Senator from Tennessee, during the course of his remarks on March 1 referred to the testimony given to the Ways and Means Committee by Mr. H. J. Heinz II on behalf of 19 companies. He submitted a memorandum for the record which had been prepared by Prof. Emile Benoit, of Columbia University. The distinguished junior Senator from Tennessee stated:

"Mr. Benoit expressed the thought, in a prepared memorandum, that it was a good thing for U.S.-owned corporations to avoid the taxes of foreign countries because this would mean, ultimately, more in U.S. taxes if this money ever came back to the United States through Switzerland or some other tax haven. Mr. Benoit could not see why there should be any objection in this country if our people overseas were successful in beating the taxes of foreign countries. He stated, 'It is mystifying that the Secretary of the Treasury should object to this.' In other words, it is not understandable to this economist that the United States, together with other trading nations, should want to police international brigands so long as these free-booters ultimately bring home to the United States a part of the loot. It is all right to be ugly so long as one is American."[9]

It indeed seems strange that American firms whose operations conform to the laws established in foreign countries should be described as international brigands and free-booters. The profits which they remit to the United States should be characterized ized as "loot." On the contrary, these profits were earned through expanding and developing markets throughout the world. They have been earned in competition with firms incorporated in every developed country, and it is most unfortunate to suggest that American enterprises who have committed stockholders' funds to enlarging our markets, improving our balance of payments and providing jobs for Americans should be characterized in that manner. These terms are not likely to improve the people-to-people relationships which dedicated Americans serving abroad as private citizens as well as the career diplomats in our State Department have sought to develop over a period of many years.

If most of the developed countries of the world extend special preferences under their own laws for foreign investment and, furthermore, encourage their citizens to establish base companies in Switzerland, it is futile for the United States to oppose such practices. There are two fundamental problems of concern to the Senate and only two. They are: our balance of payments position and the provision of more jobs for Americans. Certainly, it is not our function on a unilateral basis to attempt to alter the commercial and tax practices of all the civilized countries of the world.

Throughout the extended presentation of the administration's program for tax reform, there is a consistent reference to terms such as tax deferral which is always presented as a special privilege. It is idle for the Senate to debate the equalization of taxes between domestic and foreign investments of American firms if their competitors are accorded tax deferral without any question by their respective governments. We have an obligation to our citizens to insure that no unnecessary impediments are imposed upon them which make their efforts less competitive when they venture overseas.

Secretary Dillon in his testimony before the House Ways and Means Committee presented a theoretical example which showed that if his recommendations were adopted, remittances from oversea subsidiaries will be larger for 17 years if income is fully taxed when earned, rather than if the U.S. tax is deferred.[10] However, it is interesting to see what happens in the theoretical example after 17 years. If the entire income is subject to U.S. tax when earned, there is obviously a smaller amount of after-tax profit available for reinvestment. If, on the other hand, U.S. tax is deferred, more capital is reinvested, so that total investment—and, hence, remitted income—increases much more rapidly. While the Secretary recognized that remitted income would rise over a long span of years, the fact is that at the end of only 30 years total remittances amount to 39.3 percent more if there is deferral than without it.[11] In fact, we do not have to wait 30 years to see the full effect of the Treasury's proposals.

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[7] Ibid., pp. 3276–3277.

[8] Ibid., p. 3325.

[9] CONGRESSIONAL RECORD, Mar. 1, 1962, op. cit., p. 3245.

[10] President's 1961 tax recommendations, op. cit., p. 3322.

[11] Ibid., p. 3323.

Mr. Ernest W. Redeke, the comptroller of the First National City Bank of New York, testified that the taxation of undistributed profits of foreign corporations as recommended by the administration would result in a minor acceleration of remittances during the next few years but that this would probably result in a 40-percent loss in ultimate revenues over a period of only 30 more years.[12]

There are certainly compelling reasons to close loopholes, which diminish the receipts of the Federal Government, but I seriously doubt that the Senate of the United States should concern itself with increasing the tax revenues of other developed nations. At a time when the administration proposes to penalize all tax-haven or base-company operations, we find that the major developed countries of the free world take a completely opposite position.

I call attention to the following tabulation submitted by Mr. H. S. Geneen, president of the International Telephone & Telegraph Corp., before the House Committee on Ways and Means. It shows that virtually all of the developed nations not only allow so-called tax deferral on foreign investments by their nationals, but that they also recognize and encourage the use of tax havens.

Countries [1]	Do these countries permit use of tax havens? [1]	Do these countries tax unrepatriated earnings of foreign subsidiaries from other countries? [1]
Austria	Yes	No.
Belgium	Yes	No.
Denmark	Yes	No.
England	Yes	No.
Finland	Yes	No.
France	Yes	No.
Germany	Yes	No.
Italy	Yes	No.
Netherlands	Yes	No.
Norway	Yes	No.
Portugal	Yes	No.
Sweden	Yes	No.
Spain	Yes	No.
Switzerland	Yes	No.
Argentina	Yes	No.
Bolivia	Yes	No.
Brazil	Yes	No.
Chile	Yes	No.
Mexico	Yes	No.
Peru	Yes	No.
Puerto Rico	Yes	No.
Venezuela	Yes	No.
Australia	Yes	No.
Canada	Yes	No.

[1] President's tax recommendations, op. cit., p. 2905.

It is significant that all of the nations within the European Economic Community fall into this category. In view of these established facts, the enactment of the administration's proposals can only result in a decline in America's oversea activities to the ultimate detriment of the employment opportunities of our workers.

Mr. Eldridge Haynes, the president of Business International of New York, a respected research organization, in the course of his testimony reviewed a number of the tax incentives which other developed countries have provided in order not only to encourage foreign investment but more importantly to establish market positions for their industries.

The Senate, in considering the administration's proposals with respect to so-called tax havens, must apply a number of criteria as to their effectiveness which must be judged solely in terms of the public interest. I shall now state them:

1. Are tax haven companies helping or hurting our balance of payments?

2. Are they increasing or decreasing the number of jobs in the United States?

3. Are they helping the United States effectively to meet the Soviet economic offensive?

4. Will the U.S. Treasury receive more or less revenue than if they did not exist?

It is self-evident that, if these four questions can be answered favorably, the Congress would be ill advised to put them out of business as the Treasury proposes.[13]

Switzerland, a nation to whom we entrust our most delicate diplomatic problems, has frequently been mentioned as a country which permits tax haven abuses. When normal diplomatic relations are severed with other nations, as occurred during World War II and most recently with Cuba, we always look to Switzerland as an honorable nation to whom we can entrust the best interests of the American people. Nevertheless, the testimony by the Secretary of the Treasury in discussing the administration's tax proposals before the House Ways and Means Committee, as well as the remarks by the junior Senator from Tennessee, suggest that the tax laws of the Swiss Government permit the operation of "international brigands and freebooters" who are engaged in practices inimical to the revenue interests of the United States as well as to that of its European friends.

During the course of his remarks reviewing tax haven abuses on March 1, the distinguished junior Senator from Tennessee referred to the fact that in 1960 and 1961 official reports were received announcing the formation of 76 new subsidiaries in Switzerland. He subsequently said:

"Last year it was determined that between September 1, 1959, and December 31, 1960, at least 217 new U.S. subsidiaries were organized in Switzerland. A look at the cantons in which these new subsidiaries are located might give us an insight into the possibility of some of them having been organized purely as tax-avoidance devices.

"These 217 new subsidiaries are concentrated largely in 3 of Switzerland's 22 cantons. Geneva got 63, Zurich 36, and Zug 56. All of these three cantons have favorable cantonal taxes and are good tax haven locations."[14]

There are many reasons why an American firm embarking on a program to expand its market penetration throughout the world would logically concentrate its international operations in Switzerland. To be sure, this country's favorable tax treatment of earnings derived outside of its borders is a factor. The Swiss Government is well aware that at some future date these earnings will be remitted to the parent company whether it be an American firm or one incorporated in some other nation. However, the presence of a so-called tax haven does not constitute the principal reason for the rapid increase in the number of base companies established in Switzerland. There are at least 10 compelling reasons and perhaps many more which account for the attractiveness of Switzerland as a location for a base company by American industry. They include:

1. It is geographically located in the center of our market area.

2. The country has a long history of political stability.

3. Excellent transportation facilities exist.

4. There is a great availability of multilingual personnel.

5. The Swiss franc is one of the world's strong currencies.

6. Taxes on foreign (non-Swiss) income are low.

7. The Swiss currency is freely convertible.

8. Switzerland has tax treaties with most of the important industrial nations of the world.

9. Excellent banking facilities are available.

10. The integrity of the Swiss people is among the highest in the world.

The administration in its disparagement of tax havens has been especially critical of operations conducted under Swiss jurisdiction. President Kennedy in his message to the Congress of April 20, 1961, on the subject of our Federal tax system said:

"The undesirability of continuing deferral is underscored where deferral has served as a shelter for tax escape through the unjustifiable use of tax havens such as Switzerland."[15]

The Secretary of the Treasury, Mr. Dillon, in his appearance before the House Ways and Means Committee made a number of references to Switzerland which can readily be misconstrued. Again, I shall quote directly from the hearings:

"Thus, an American company operating in West Germany through a German subsidiary will be subject to tax there at the West German income tax rate of 51 percent, and hence it cannot benefit significantly from U.S. tax deferral. However, to the extent that the profits of the German subsidiary can be diverted from the sweep of the German system, a lower tax on profits can be attained. And this is precisely what is achieved through a proliferation of corporate entities in tax haven countries, like Switzerland.[16]

"The recent growth of U.S. subsidiaries in tax haven countries—and Switzerland and Panama are but two examples—suggests that their importance as a means of tax reduction and avoidance will rapidly increase if the deferral privilege is continued.

"An examination of the public records in Switzerland alone indicates that there are more than 500 firms there which can be identified as being owned by U.S. interests. About 170 of these were created in the year ending March 31, 1961.

"U.S. officials on the spot are of the opinion that in addition to these firms there are a substantial number of other U.S.-owned firms in Switzerland which cannot be readily identified as such on the basis of the presently available data. Increasingly, U.S. manufacturing subsidiaries operating elsewhere in Europe are being linked to subsidiaries in the tax haven countries."[17]

Most Americans who have traveled extensively in Switzerland are well aware of the character of the Swiss people, their industry and frugality. No responsible management would establish a base company in any country without carefully reviewing all of the favorable and unfavorable factors with regard to its economy and political stability.

Mr. Neil McElroy, chairman of the board of the Procter & Gamble Co. and formerly the Secretary of Defense, before the House Committee on Ways and Means reviewed some of the reasons which led to the selection of Switzerland as a center for his firm's international operations. I quote an excerpt from his testimony:

"Changing to another country, U.S. business operations based in Switzerland have received particular attention in the President's tax message. Switzerland is considered by some to be a tax haven. My view is that legitimate Swiss operations have materially helped both the United States and free-world economies.

"For example, let me cite the experience of our Swiss operation.

"We organized a business in Switzerland in 1953 in recognition of the need for a strategically located major marketing operation abroad, essentially to develop the markets which exist in small countries.

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[12] Ibid., p. 3330.

[13] Ibid., p. 2905.

[14] CONGRESSIONAL RECORD, Mar. 1, 1962, op. cit., p. 3247.

[15] President's 1961 tax recommendations, hearings before the Committee on Ways and Means, House of Representatives, 87th Cong., 1st sess., vol. 1, p. 8.

[16] Ibid., p. 29.

[17] Ibid., p. 30.

"We planned to export from the United States and from England into other countries as long as export was feasible, and to manufacture locally when necessary. For our type of products, the evolving pattern of foreign trade has been, first, export, then local manufacture; this pattern develops quickly as importing nations are able to force establishment of manufacturing facilities, which they do by making local manufacture considerably more attractive than import operations. In fact, it is often true that the only way to compete in these countries is through the advantages accruing from manufacturing there.

"We selected Switzerland as the headquarters for this portion of our oversea operation, which serves the small-market areas, because of many good business reasons, including of course a favorable tax climate with respect to foreign taxes.

"Here are some of the other advantages of Switzerland. Switzerland is centrally located for small-market type of business. Banking facilities and knowledge of international banking probably are unsurpassed anywhere in the world. There is a market in Switzerland for practically all currencies. The Swiss franc is an exceptionally stable, hard currency. Work and residence permits were easily available for non-Swiss employees. Transportation and communications facilities are excellent. Clerical help is good and multilingual. The Swiss Government is extremely business-minded and is interested in keeping Switzerland an attractive, workable, and profitable location for business.

"All of these combine to help us substantially in our ability to meet competition from foreign companies on even terms. Our Swiss organization employs more than 180 people of 21 different nationalities. Incidentally, they speak a total of 15 different languages.

"With minor exceptions, our Swiss organization is responsible for marketing our products only in smaller countries. It now markets in more than 140 different political entities. Where possible, the Swiss organization markets products produced in our plants in the United States. Since beginning operations in 1953, it has taken 46 percent of its volume from our U.S. plants with a value of $37.5 million. The remaining 54 percent of the products marketed by Switzerland have come from our other plants over the world." [18]

Mr. McElroy amplified the views contained in his prepared statement with respect to the benefits the American economy enjoys as a result of the locations of their base corporation in Switzerland. In response to questions from Representative CURTIS of Missouri, Mr. McElroy said:

"In the major countries where we have really quite a sizable market, say, England, France, Belgium, Italy, Germany, and so on, we have a local subsidiary and a complete organization which operates, except on a much smaller basis, as we do in this country, so it is a separate Procter & Gamble operating in that country. This is different, however, from the small-country operations like that I described in the case of Switzerland, where we have a great variety of different ways in which business is done in many small countries.

"You have to do that because of the rather unusual laws that you find in each one of these countries of a less developed nature.

"It has been our belief that Switzerland, which clearly has a low-tax environment as to non-Swiss income for a company that comes in there—there is no use saying otherwise—is serving our own national interest if the use of that low-tax environment can accomplish what our company has happened to do with it. That is, to generate capital which could then be used to go into high-risk countries such as these less developed countries many of which I have named, like those in the Near East and southeast Asia, some in Latin America, and so on.

"In my opinion, this is in the national interest, but again, we are willing to put our books open to anyone that you want to have this information, an economist or any objective person you please, for the United States to make adjustment about this. This is either right for the country or it is wrong. We think it is right." [19]

Furthermore, Mr. McElroy's testimony is of particular interest because the Procter & Gamble Co.'s primary competitor in world markets is the Unilever Corp., which enjoys all of the competitive advantages which the administration's tax proposals would deny American firms.

I quote a further statement by Mr. McElroy in response to questioning by members of the House Committee on Ways and Means:

"Moreover, the English company, and in our case there is the one with which we are competing directly as our major competitor in the world, has, through the authorization of an oversea trading corporation, is given by England itself the same sort of advantage from a tax standpoint that we are achieving through operating through a Swiss subsidiary, and so it is not at all necessary for our major competitor to have a Swiss subsidiary in order to be competitive. But if we are to be competitive with it, operating under its own laws with an oversea trading corporation, authorized by English law, we practically have to operate in the kind of a low-tax environment provided by Switzerland as to non-Swiss income for the business that we do in the small countries around the world." [20]

Another firm which has centered its international activities in Switzerland related the considerations which prompted it to do so.

Mr. Ray R. Eppert, the president of the Burroughs Corp., testified:

"I would like to say also that we have a Swiss management company. I do not know why but I sort of got the impression that today maybe some persons look with question at Switzerland. 'If you are operating there what is the ulterior reason for operating there?' I can assure you we have no ulterior reason. We have a very complete management operation responsible for Western Europe, Africa, the Middle East, and India, and it is a very going concern, believe me, and our international activities have profited greatly as a result of that central focal point management at that point. We have found Switzerland to be an ideal spot from the standpoint of American nationals overseas an also, from the standpoint of carrying our management activities vis-a-vis subsidiaries in other countries. Considering also airlines and transport facilities, it is a very natural operating point." [21]

Mr. Eldridge Haynes, president of Business International of New York, of whom I have already referred, also believed that it was necessary to correct the erroneous impression that sinister forces influenced American management to organize base companies in Switzerland.

I submit excerpts from Mr. Haynes' testimony:

"But first of all, we should be certain that we understand what is a tax-haven country and what is a tax-haven company. Nowhere in his statement did the Secretary of the Treasury give a definition of a tax-haven country. The nearest he came to it is this casual expression, 'In tax-haven countries, like Switzerland' presumably because Switzerland imposes a very small tax on income arising from outside its borders. Taxes on business conducted within the borders of Switzerland range from 21 percent in the canton of Zug to 32 percent in the canton of Zurich, plus a tax on dividends consisting of a 3-percent Federal coupon tax and a 27-percent Federal anticipatory tax. The latter two taxes are reduced in the case of dividends paid to U.S. shareholders by the double tax treaty that we have with Switzerland.

"So it is not because of internal taxes that Switzerland is a tax haven. It is a tax haven only and solely because under certain conditions the Swiss Federal Government and the cantons levy such a small tax on income arising outside of Switzerland. Panama, the only other tax haven mentioned by the Secretary of the Treasury, under certain conditions imposes no tax at all on income arising outside its borders.

"We may, therefore, define a tax-haven country as any country which reduces or eliminates tax on income earned outside its own borders.

"The Swiss system of taxing foreign income is not a special privilege given only to foreigners. The system was created for the benefit of the Swiss economy. Switzerland depends heavily upon foreign trade for its existence. The Swiss must import much of their food and almost all of their raw materials. Imports into Switzerland average $369 per year for every man, woman, and child in the country, compared to $86 for the United States. This means that the Swiss, on a per capita basis, must work 4½ times as hard as we do, earn 4½ times as much abroad per capita as we have to earn, just to cover their import bill. And they have practically no natural resources apart from waterpower and hard-working, industrious people of great integrity.

"The system of imposing very little tax on foreign income has encouraged Swiss businessmen to export abroad and to invest abroad to earn foreign exchange. The system has been eminently successful. The Swiss have achieved the highest standard of living in Europe." [22]

The distinguished junior Senator from Tennessee during the course of his remarks on March 1 questioned the location of U.S. base companies in the canton of Zug. Again, I shall quote directly from his statement:

"There could conceivably be legitimate reasons for some of these corporations setting up shop in Geneva and Zurich. But why would 56 U.S. corporations be organized in Zug in so short a time? This is a remote canton, having absolutely nothing to commend it to American capital, so far as I can see, except that the taxes imposed by the canton can be negotiated down to about zero. I question whether any American subsidiary has been organized in Zug for legitimate reasons." [23]

I have stressed that our most important consideration is to maintain a competitive position for American industry, its workers, and investors in terms of the practices and policies permitted other international firms who operate all over the world. I was very much impressed by the testimony of Mr. Louis Putze, president of Controls Co. of America, before the House Ways and Means Committee. Mr. Putze stated:

"For instance, in Europe, Control Co.'s largest competitor for home laundry controls (Controls Co. is the leading manufacturer of home laundry controls in the United States) is a German concern, W. Holzer & Co., K. G. Meersburg/Bodensee, West Germany. This company manufactures products of its own design and sells to home laundry and appliance manufacturers in all of the major countries in Europe.

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[18] President's 1961 tax recommendations, vol. 4, op. cit., p. 2925.

[19] Ibid., pp. 2936–2937.

[20] Ibid., p. 2937.

[21] Ibid., p. 2836.

[22] Ibid., pp. 2905–2906.

[23] CONGRESSIONAL RECORD, Mar. 1, 1962, op. cit., 3247.

"The Holzer Co., whose annual sales are $6 million, has recently established two base companies in Zug, Switzerland, which, incidentally, is the same canton in which Controls Co.'s foreign operations are headquartered. One is a holding company which holds shares in affiliated companies and handles licensing; the other is a trading company.

"We have a high regard for the Holzer Co.'s products, design, and sales ability. We think we can compete internationally with them as we would compete with a competitor here in the United States. However, it is inconceivable that our Congress would enact tax legislation that would give our German competitior a right to a tax haven in Switzerland by which it can accumulate capital for foreign reinvestment while we, as an American-owned company, would not be permitted the same tax advantage."[24]

So long as a well-established German firm manufacturing high-quality products enjoys the benefits of a base company incorporated in Zug, its American competitors should be accorded this same advantage. It is idle for the Congress to consider the factors which prompted a German firm such as W. Holzer & Co. to establish a base company in Zug. If we want American enterprise to enjoy equal competitive opportunities then it should be permitted to operate in the same manner as its competitors. The junior Senator from Tennessee has shown concern with respect to the organization of transportation subsidiaries by American firms. During the course of his remarks on March 1, he said:

"Here is an example. An importer of raw materials formerly used unrelated shippers to bring its raw materials to the United States. A few years ago this corporation organized its own transportation subsidiary in Panama. Although there is apparently no rigging of costs in this case, the Panamanian subsidiary pays practically no taxes and profits are not repatriated. It has been estimated that the United States has lost about $17 million in revenues during the past few years from this tax-haven operation."[25]

The full implication of this statement is of great importance to all Americans. Obviously, foreign producers utilizing these same raw materials are free to use a Panamanian corporation. By penalizing American firms, their competitive position, not only in world markets but here at home, is adversely affected. If the Congress should interfere with such transportation operations, it would destroy many American jobs. A further observation is in order. The statement by the junior Senator from Tennessee suggests that approximately $17 million in revenues for the U.S. Treasury had been sacrificed during recent years as the result of this transportation tax haven subsidiary. Once again, every Senator must remember that the sole object of operating abroad is to ultimately secure funds for the benefit of American stockholders. Any time there is a remittance from the Panamanian corporation to its domestic parent, and this is the only means whereby the U.S. stockholders of the parent may secure any return on their investment, the U.S. Treasury will collect a 52 percent tax inasmuch as the Panamanian tax is virtually zero.

The junior Senator from Tennessee makes a passing reference to Monaco, stating:

"Since business has fallen off at Monte Carlo, the almost sovereign principality of Monaco is making its bid."[26]

During the course of my review of the hearings before the House Committee on Ways and Means, I noted that Mr. J. D. A. Morrow, the chairman of the finance committee of the Joy Manufacturing Co., referred to a Panamanian "tax haven," Joy International S.A., which in turn conducted most of its operations in Monaco. During the course of his testimony he made several observations with respect to the operation in Monaco. He said:

"We are in Monaco because there are no material corporate income taxes there; also because that happens to be the crossroads of travel of our European companies and of our international representatives to various parts of the world. That airport at Nice, France, which is one of the great airports of the world, can take you nearly anywhere you want to go. It is only 12 miles from Monaco.

"The president of the company lives there. They have offices there. There is an office staff. The sales vice president of Joy International has his headquarters in Monaco at Monte Carlo. He is away from there 80 percent of his time because he travels all over the world to the different regions where that company is operating, sees our regional managers, calls on prospective customers of theirs, of the directors that are associated with them, that work with them."[27]

Subsequent to Mr. Morrow's appearance before the committee, he furnished additional information to the chairman, Representative MILLS of Arkansas, in a letter dated June 10, 1961. He said:

"As I explained to the committee, Joy International is not a tax dodge. It is a splendidly organized, hard working and most effective head of all Joy's foreign business. Some committee member asked me how many employees we had at Monte Carlo. I answered, '40'. Mr. Wheeler tells me that a number of employees formerly stationed there have now been moved out to permanent locations elsewhere. At present, therefore, there are 27 employees located in Monte Carlo and there are 27 others located in different parts of the world, including 3 regional managers. These 27 are made up of 7 in Asia, 7 in Europe, 2 in Africa, 8 in Latin America, and 3 at large.

"The following nationalities are represented by Joy International employees: American, Australian, English, French, Philippine, Belgian, Dutch, Italian, Indian (Asian), Swedish.

"Most of these employees are field engineers, largely mining engineers, but with some electrical and mechanical engineers. Another group comprises Joy International's installation engineers, who see that every Joy machine is properly uncrated, put together, adjusted and tuned up to work as it should. This is very important.

"In addition to sales promotion and installation work, employees of Joy International arrange visits of prospective customers to properties elsewhere around the world, where they can see the machines under consideration working in conditions similar to those the prospect has. These are visits not only to the United States, but to mining fields in all other parts of the free world. Consequently, Joy International has become familiar with the strata, mineral formations, mining methods, and problems of machine adaptation and installation in all the major mining areas of the world."[28]

It is easy to criticize the efforts of others, but those Americans who are willing to leave their homes and move their families to a strange land in order to develop new outposts for American industry are performing a service that benefits all of us.

An article which appeared in the March 10, 1962, issue of Chemical Week, entitled "Getting in Shape To Take on the World," presents some of the problems American firms encounter in developing oversea markets. Many of our leading corporations have established base companies in Switzerland, as it presents so many latent and obvious advantages in trading with other countries. A statement in this article attributed to Mr. David Conklin, the assistant general manager of DuPont's International Department, is worthy of note:

"It's much more difficult to make a buck overseas—you have communications problems, personnel problems, hundreds of different laws and currency situations to keep in mind. You have to give someone the responsibility."[29]

The someone to whom Mr. Conklin referred is normally the president of the base company which some attempt to disparage with the term "tax haven."

Nevertheless, of one fact we can be sure, any action taken by the U.S. Congress will not deter foreign firms from utilizing companies located in Switzerland, Panama, Monaco, or in other countries. Our concern should center on the elimination of any abuses that may exist which facilitate tax evasion by virtue of the use of base companies which are more popularly known as tax havens.

As I have indicated on many occasions, I have no interest in defending those firms who concentrate their efforts in developing legal means of tax avoidances rather than devoting their energies to the development of new products and securing additional sales that will provide jobs for American workers. There is ample evidence that those who wish to find so-called loopholes in our tax code for a time will be successful in doing so. However, as these procedures become apparent, I have enough faith in the Congress that adequate legislation to close such loopholes may be enacted without hampering legitimate business activities.

The distinguished junior Senator from Tennessee cites a number of practices which should be carefully reviewed by the Finance Committee. They include interest-free loans from tax haven companies to the U.S. parents, as well as many reinsurance plans which he believes have been established within recent years and are operated through so-called tax haven companies. He cited a dummy company that was chartered in the Netherlands Antilles.

Every conceivable abuse should be ferreted out and curbed, but let us not loose sight of the important benefits our economy derives from the operation of base companies. They further our foreign policy objectives and contribute to our Federal revenues.

Prof. Robert Anthoine, of the Columbia University Law School, during the course of his testimony stated that our tax laws should require a neutrality of treatment for all investments whether they be made in the United States or abroad. Excepting the criteria of neutrality, he raised some questions which the Senate must resolve in its consideration of H.R. 10650.

I submit an excerpt from Professor Anthoine's testimony:

"Neutrally requires that the tax treatment of foreign investment should be neutral in its effects on capital flows. Applying these criteria, the Treasury concludes that a dollar earned by a Swiss corporation in Geneva or in Africa should bear the same U.S. tax burden as a dollar earned by a New York corporation in New York, even if that requires taxing the U.S. shareholder of the Swiss company on his share of the undistributed income. But taking into account the fact that the Swiss corporate income is still in foreign corporate solution; that a heavy burden of indirect taxation not eligible for the foreign tax credit may have been sustained; that in some areas in which the Swiss corporation operated, the hazards may be far greater than in New York; that the U.S. shareholder has not received his share of the corporate income and perhaps cannot compel the distribution; is it not possible that the proposal is inequitable and unneutral in discriminating against foreign investment? The question of equity is also involved in changing the ground rules after substantial investment has already been located abroad in reliance upon the stability of the tax system." [30]

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[24] President's 1961 tax recommendations, vol. 4, op. cit., p. 3172.

[25] CONGRESSIONAL RECORD, March 1, 1962, p. 3246.

[26] CONGRESSIONAL RECORD, March 1, 1962, p. 3246.

[27] President's 1961 tax recommendations, vol. 4, op. cit., pp. 3256–3257.

[28] Ibid., p. 3261.

[29] "Getting in Shape To Take on the World," Chemical Week, March 10, 1962, p. 26.

There is an understandable reluctance on the part of the directors of many American corporations to authorize the establishment of an operation in an underdeveloped country where the economic and social climate may not be too stable. After all, these individuals are committing funds belonging to stockholders, and they have a high sense of responsibility and trusteeship. Perhaps subconsciously, they would be more liberal in their approach to an investment that was financed with funds that had been earned overseas and could be transferred from a base company to this new operation.

Mr. Stock expressed this view during the course of his testimony, and I shall quote directly from his statement:

"If, as, and when dividends are paid from that Swiss company back to the domestic parent company, there is going to be an overall tax of 52 percent. Therefore, the Swiss earnings as far as the domestic parent company is concerned is only worth 48 cents on the dollar. There is a deferred tax liability of 52 percent against that money.

"Now, if I were a businessman, I would be more inclined to put a 48-cent dollar to risk in a less developed country than I would to take a dollar after tax which is a solid dollar and put that to risk because, if I go into a less-developed country and if I lose my money, then there will be no U.S. tax because obviously there cannot be any dividends. So I have as a partner anytime, as I go into a less-developed country using Swiss earnings, the U.S. Treasury. To that extent I have minimized my risk but the U.S. Treasury stands to share my profits and likewise share my losses." [31]

Let me emphasize that any earnings resulting from investment abroad, whether it be through a tax haven, a foreign subsidiary, or a branch, will ultimately be taxed at the same rate as if they had been earned here in the United States. There is no foundation for this statement which has been made on many occasions that funds invested through so-called tax havens escape taxes unless we adopt the premise that American publicly owned firms are placing their stockholders' moneys overseas without any economic justification nor any prospect that they will furnish a base for future dividends to domestic stockholders. It is inconceivable that any responsible management would adopt such a course.

My evaluation of the testimony before the House Ways and Means Committee shows that base companies are not only accepted by all other developed nations but that their operations are encouraged. They contribute to a favorable balance-of-payments position for the United States. Their activities also generate exports which in turn provides additional job opportunities here in the United States. However, if there are any genuine loopholes, let us close them. It would be a tragedy for the Congress to enact legislation which would in effect kill the goose that lays the golden eggs in order to deal with a small minority of unscrupulous individuals.

This statement is the sixth in a series directed to the seven questions which I raised in my introductory statement on the broad subject relating to the taxation of foreign source income. I intend to complete, at a later date, my portrayal of the facts, as I see them, for the benefit of my colleagues.

SOCIAL SECURITY FINANCING

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the Record, in connection with my remarks, an article published in the Freeman in June 1960 by the Honorable J. Edward Day, our able and distinguished Postmaster General.

In this article he gives a very clear insight into social security financing. Although the hospital and medical bill discussed at that time is not the proposal that is before us, his excellent basic statement merits our attention.

There being no objection, the article was ordered to be printed in the Record, as follows:

We Can't Afford It

(By J. Edward Day)

As the new decade dawned, we saw many predictions of the bold new things needed for the surging population of the sixties. There was mention, of course, of new plants and facilities to provide new jobs, of more homes, and of more new products to go with those homes. But where in another era this awakening to rapid growth ahead might have meant expanded farm output, new rail lines, more steel capacity, and the like—financed in the past by private capital—the top needs now emphasized are highways, schools, airports, rapid transit, water resources, public housing for the elderly, more hospital beds, more capacity in colleges and universities, space research, closing the missile gap, aid to underdeveloped countries—all of which must be financed in whole or to a predominant degree by public funds.

We are used to hearing it said that even though a certain program might be desirable for adoption by a city, county, or State government, the particular government unit simply can't afford it. Each of us is familiar with situations where local governments have made do with older public buildings, or with something less than perfection in quality of services, pay levels for public employees, and modernization of streets, sewers, and schools.

There have always been those, of course, who insisted the Federal Government could not afford this or that new or expanded program. But the fact that the Federal Government can go hugely into debt without voter approval of bond issues (States and cities usually can't), has made the ceiling on Federal spending highly flexible. So on Federal spending, those who could make a good case for desirability could almost always prevail over those who asked, "Where's the money coming from?" For the Federal money was always forthcoming—even if it meant, as in fiscal 1958–59, a $12 billion deficit in a peacetime year.

Suddenly, at a time when pressure for public spending at all Government levels was never greater, the day of reckoning has arrived. Eighty billion dollars of the Federal debt must be refinanced in 1960 at a time when 5 percent Federal bonds have appeared on the scene for all to see. All at once we hear about gold drain and deficit in international payment balances and even flight from the dollar. Getting Federal spending and debt under control is no longer a matter of argument—it is a crystal clear necessity.

Near term Federal tax reduction seems less and less a sensible possibility. State and local taxes seem bound to continue their upward climb. The theory that the Federal Government was going to confine itself to certain kinds of taxation and the State and local governments were going to confine themselves to others, has proved to be just that: a theory. State income taxes (with ever higher rates), school district income taxes, and city payroll taxes are competing for the same net earnings dollar as the Federal income tax. And by 1969 the social security tax, even to support the program as it now stands, will be 9 percent of taxable payroll—with half to come from the employee (and not deductible from the employee's Federal income tax).

We have to face up to our total needs for future spending at all levels of government, assign priorities among programs and projects, do some major retrenching in existing public programs to preserve solvency, and then decide whether we can afford to open the door to a vastly expensive, expansive federally financed health care program.

The Forand bill would amend the Social Security Act to provide broad hospital, nursing home, and surgical benefits for all persons—already 13.7 million—receiving payments from the social security program. This group includes not just those men over 65 and women over 62 who are entitled to benefits, but also widows with children under 18, and totally disabled persons entitled to benefits and their beneficiaries.[1]

To provide the benefits proposed to the limited group described would cost over $2 billion the first year and between $6 billion and $8 billion by 1980. It would mean that social security costs would increase by 26 percent on a long-term basis. Where social security will cost nearly 9 percent of payroll by 1969, just as it now stands, the Forand bill would bring the overall cost to 11 percent of taxable payroll.

What is more, (1) the Forand bill, if enacted, is bound to be only a first step to an enormously expanded and still more expensive Federal health care program, (2) invariably these publicly financed health care plans (such as in England and Canada) have cost far more than was estimated when they were proposed, (3) other expensive liberalizations of the social security program are in the offing, (4) the social security program as it now stands may be so badly underfinanced that major tax increases may be needed just to pay for benefits already promised.

NO FURTHER LEEWAY

Let us face up to another new fact of life that has overtaken us fairly recently. Where in the past our Federal Government had a large amount of leeway, through deficit spending and increased debt, to conduct a crash spending program in case of war or depression, the leeway is now gone. In view of our situation on Federal borrowing difficulties, it is clear we are gambling there will be no international blowup and no economic blowup.

If we did have either, the money would have to come from practically confiscatory tax increases superimposed upon the wartime tax levels we have continued into peacetime.

Present-day taxpayers will find it ironic to be told that Government financial leeway exists only in still higher Federal taxes. But that is the sad fact. And even that weak reed, that inadequate leeway, is being weakened still further by rising social security tax rates. Social security taxes must come out of the same pie (i.e., tax base) as taxes for missiles, Federal debt service, highways, schools, city police, county jails, or whatever.

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[30] President's 1961 Tax Recommendations, vol. 4, op. cit., p. 3375.

[31] Ibid., pp. 3277–3278.

[1] Editor's Note: What may have happened with regard to the Forand bill by the time this article appears in print is anyone's guess. But there need be no doubt about the economic consequences of any such political measure.

For obviously 100 percent of the public's earnings is the whole tax source pie: the complete, final, nonexpandable tax base, no matter what the tax or the tax purpose or the taxing entity is called. It doesn't help to say that social security taxes are special purpose or not in the Federal budget. Except for a capital levy (an unthinkable device) all taxes, no matter what they are called or where they are budgeted, have to come out of earnings of the public.

Many have a mistaken belief that social security is a savings plan, with the payroll taxes saved up to provide for the employees' future benefits. The fact is that social security is a pay-as-you-go plan—or, more accurately, an underpay-as-you-go plan.

We have graciously provided that employees of 1969 shall pay a 4½-percent rate for the benefits for which employees of 1959 paid 2½ percent (3 percent beginning with 1960).

The social security trust fund is in fact only a contingency reserve. Some estimates, based on the existing program, say the trust fund will be used up entirely by the year 2000. But, big as the trust fund seems, it would have to be three times as big as it now is just to pay future benefits to the 13.7 million people already on the benefit rolls. And other tens of millions are qualified to become new recipients in the future.

Already we are postponing the evil day on paying for the present social security benefit structure. When it comes to the multibillion dollar addition to the structure proposed by the Forand bill—we can't afford it.

RUSK, McNAMARA WIN PRAISE FOR NATO PERFORMANCE

Mr. PROXMIRE. Mr. President, many of us have been disappointed by the failure of the North Atlantic Treaty Organization—NATO—to do the important job we had hoped it would do, and which we still hope it can do; namely, to provide in Western Europe an effective shield for freedom against tyranny. We are particularly disappointed by the failure of NATO to develop the kind of military potential, especially with conventional forces, that we know it must have.

For this reason, Mr. President, it was very encouraging to read this morning in the New York Times a report on the splendid job which our Secretary of State, Dean Rusk, and our Secretary of Defense, Robert S. McNamara, have done at the NATO conference in Athens. The report is so encouraging, so fresh, and so remarkably different from what we hear about Secretaries of State and Secretaries of Defense who have served over the years—in other words, about the various persons who have occupied those positions in the past—that I should like to read at this point a small part of the article:

> As they sought planes to take them back to their capitals or to places to spend a few days in the sun, diplomats said, some grudgingly, some enthusiastically, that they had witnessed a striking demonstration both of the U.S. reasons for leading the West and of its ability to do so.
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> "For the first time in 10 years," a Scandinavian diplomat said, "I know where America wants to go and I am content to follow."
>
> REMARKABLE DEMONSTRATION
>
> "It really was a most remarkable intellectual demonstration," a Canadian said.
>
> "The whole world knows the United States is strong. It's encouraging to find that the brainpower has been mobilized, too."
>
> The protagonists in the demonstration of American leadership were Secretary of State Dean Rusk and Defense Secretary Robert S. McNamara.
>
> What they did at the meeting of the Council of Ministers of the North Atlantic Treaty Organization was simple. By combining sometimes brutally frank exposition and a reasoned political argument, they reestablished the basis for American political and military leadership of the alliance.
>
> They did not bully, they did not heckle. They were frank to admit American doubts and difficulties. When they drew attention to their allies' shortcomings, they made it clear they understood the reasons. But they kept the urgency of the problems caused by the Soviet Union's ambitions before the ministers.

Mr. President, I ask unanimous consent that this brief article be printed in full at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 8, 1962]

NEW LOOK IN NATO—RUSK AND MCNAMARA REINFORCE THE ALLIANCE BY DESCRIBING U.S. POWER

ATHENS, May 7.—Peace, Milton wrote, hath her victories no less renowned than war. The United States won one of these in the North Atlantic alliance in the last 5 days. As they sought planes to take them back to their capitals or to places to spend a few days in the sun, diplomats said, some grudgingly, some enthusiastically, that they had witnessed a striking demonstration both of the U. S. reasons for leading the West and of its ability to do so.

"For the first time in 10 years," a Scandinavian diplomat said, "I know where America wants to go and I am content to follow."

REMARKABLE DEMONSTRATION

"It really was a most remarkable intellectual demonstration," a Canadian said.

"The whole world knows the United States is strong. It's encouraging to find that the brainpower has been mobilized, too."

The protagonists in the demonstration of American leadership were Secretary of State Dean Rusk and Defense Secretary Robert S. McNamara.

What they did at the meeting of the Council of Ministers of the North Atlantic Treaty Organization was simple. By combining sometimes brutally frank exposition and a reasoned political argument, they reestablished the basis for America's political and military leadership of the alliance.

They did not bully, they did not heckle. They were frank to admit American doubts and difficulties. When they drew attention to their allies' shortcomings, they made it clear they understood the reasons. But they kept the urgency of the problems caused by the Soviet Union's ambitions before the ministers.

The main result they sought, without ever saying so, was to place in proper perspectives the power positions of the United States and its allies.

Mr. McNamara gave NATO on Saturday what one colleague inelegantly called "a bellyful" about U.S. nuclear power.

When it was over none of Mr. McNamara's listeners, including the Germans and the French, could ever again regard any future NATO nuclear deterrent as more than a marginal and expensive addition to existing United States.

Mr. Rusk's task was in a way more difficult. He is dealing with the most intricate and explosive issue between the Soviet bloc and the West—the future of Berlin. He has the support of the British, the acquiescence of the West Germans and the tolerance of the French.

The Secretary of State, according to one diplomat, showed he was sensitive both to the interests of his allies and to the harsh facts of Soviet policy.

There is now greater confidence, even among the most skeptical members of NATO, in Mr. Rusk's ability to see if there is a basis for negotiations in the Berlin situation.

The alliance has been left with a new sense of values.

Britain's special relationship remains. It was clear that both Mr. McNamara and Mr. Rusk understand the sacrifices made by Britain for defense without condoning Britain's failure to make good a commitment to reinforce the British Army of the Rhine.

But the description of U.S. strength, nuclear and conventional, placed Britain's proudly proclaimed independent nuclear deterrent in perspective.

West Germany now has, as some of Bonn's diplomats conceded, less reason to clamor for nuclear arms or to doubt the U.S. ability to handle the talks with the Soviet Union on Berlin.

However, the demeanor of the German delegation indicated that the political situation in Bonn was changing fast and that the rate would accelerate as Chancellor Adenauer grows older.

France's image of herself as "le grand nation" of old was undiminished. What Mr. McNamara and Mr. Rusk did was to explain the difference between the image and the reality of American strength. The French could not be expected to like it. But they are logical enough to accept that this is the way things are.

ADLAI STEVENSON RESPONDS TO ATTACK ON U.N.

Mr. PROXMIRE. Mr. President, our distinguished Ambassador to the United Nations, Adlai Stevenson, has just written a thoughtful, perceptive comment on recent Western criticisms of the international body. Entitled "The Attack on the United Nations," it appears in the May 1962 issue of the Progressive.

Mr. Stevenson details the charges that have been uttered against the U.N.—that it is too preoccupied with colonialism, too responsive to an Afro-Asian majority; and that as a consequence it is neglecting its real function—which is to keep the peace and uphold collective security.

These are, of course, serious charges. Mr. Stevenson comments:

> But are they true? They seem to me to be born, at best, of serious misconceptions about the world in which the powers and the United Nations alike have to live. At worst, they are the products of malice and pique. And whatever the motive behind them, they do not stand up to closer examination.

In the body of the article Governor Stevenson details, point by point, the success story for American policy that has been chalked up in the past year in the United Nations.

I ask unanimous consent that the entire article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ATTACK ON THE UNITED NATIONS

(By Adlai E. Stevenson)

In all the criticism leveled at the United Nations by various Western critics in recent months, I think I can detect two recurrent themes. The first is that the United Nations has fallen into an unhealthy and obsessive concern with colonialism, that its Afro-Asian majority can see no further in international life than the liquidation of the last remnants of the old European empires. As a result of this obsession, they are said to miss other, more dangerous threats of Communist infiltration and subversion and end up in a posture which is dangerously one-sided—treating the Western democracies with biased hostility and letting the Communists get away with the benefit of every doubt.

The second line of criticism—which follows in some measure from the first—is that the United Nations is neglecting its real function—which is to keep the peace and uphold collective security. Lured from the United Nations' true path by their anticolonialist obsession, the new nations, so goes the argument, are destroying the United Nations' fundamental value as a mediator and conciliator. Disputes are being exacerbated and blown up by ill-considered meddling, meddling which always ends up in bias against the West.

These are serious charges. They have been uttered by responsible people on both sides of the Atlantic, and if they are true, then we have to admit that the value of the United Nations as an instrument of world peace is gravely compromised.

But are they true? They seem to me to be born, at best, of serious misconceptions about the world in which the powers and the United Nations alike have to live. At worst, they are the products of malice and pique. And whatever the motive behind them, they do not stand up to closer examination.

Let me take first the issue of colonialism. The United Nations, obviously, did not invent it. The issue is there, darkening men's minds with fears and suspicions, whether the United Nations takes any notice of it or not. You may say that it is unfair to the Western powers that the obsession with colonialism should still be so strong after 15 years of such wholesale decolonization—the millions of subject peoples freed from Western tutelage, the scores of new states brought into being, freely and largely peacefully, in the process.

But before we lump all the anticolonialists together, let us try to be more precise. Loudest of all are the Communists—and least entitled to respect. When Eastern Europe enjoys self-determination, we will listen to them, and not before.

As for the non-Communists, it is neither fair nor wise to lash out at a supposed Afro-Asian bloc, lumping all the new African and Asian states together as irrational critics of a supposed Western bloc. These geographical terms do not define solid blocs at all. They refer to a many-sided array of free nations, each with a wide area of freedom to pursue its own interests and express its own historical experience.

And that experience, of course varies widely. Among the Asian nations are some whose concern about European colonialism, however deep and active, is somewhat more patient and less fierce than it once was. In fact, the whole subcontinent of Asia—Pakistan, India, Nepal, Ceylon, and Burma—has been almost entirely free of Western control for about 15 years. And these 15 years of independence have moderated passions and turned many Asian eyes to other issues—especially economic development and security against the menace of atomic destruction.

The shift of interest is far from complete—nor will it be complete as long as colonies remain. There will be dangers for years ahead, both from those who try to stand unmoved against the winds of change and those who are willing in the name of progress to whip the winds of change up to hurricane force. These dangers were all too vividly illustrated in the recent action against Goa.

Certainly we cannot take Asia's moderation too much for granted. Asia was dominated for well over a century by Western overlords whose rule, whatever its virtues in many cases, might have been expected to leave deeper scars of resentment than has in fact proved to be the case. Westerners can easily forget their dominion in 15 short years. What is more remarkable and admirable is the fact that so many Asians appear to be ready to do so as well. If occasionally some anticolonialist resolution strikes a chord in their minds, we in the West should not be too surprised. They, after all, were at the receiving end of the colonial experiment. The remarkable fact is how quickly and with what realism and dignity the vast majority are prepared to let the past slip without regret or resentment into history.

But in Africa, we in the West must remind ourselves that colonial control is still a fresh memory or a direct, brutal fact. We do not blame a man for being obsessed with a toothache. We can rise above his discomfort. We don't feel it. But for him it is a dark, angry fact. So colonialism still is in many parts of Africa.

The passions unleashed in Africa minds—particularly young African minds—by bloodshed and exploitation, by discrimination and delay, by the violation of human rights—cannot but color African thinking about general international events. So would such conditions color our thinking if our own neighbors were the sufferers. We demonstrate a comparable feeling when we argue that peace cannot be secure so long as the Hungarian people are tyrannized and oppressed. Why should such a sentiment be acceptable and understandable, and a similar feeling among Africans for their brothers in Angola, say, be called irresponsible and obsessed?

We shall make no sense in our international relations if we seek to banish obstinate realities simply by reading the new nations lectures on their unadult behavior. For Africans to care profoundly about colonialism in Africa is not unadult. It is simply and directly human.

Given this background, it would perhaps not have been surprising if the new African states had allowed their votes to be swayed wholly by the colonial issue. Distinguished critics have accused them of such obsessive behavior, but I cannot see how the voting record bears out the accusation. Let us look at the facts. What do we find? Consistent hostility to the West? Consistent support—out of pique and anger—for Soviet resolutions? Utter inability to follow moderate paths on the colonial issue? Complete African—and even Asian—extremism compared with the moderation of Western views? One might expect it, judging by the attacks.

What in fact we find is something wholly different. Take the crucial issue which has confronted the United Nations for a year, and on which Mr. Khrushchev himself staked his personal prestige—an issue, incidentally, made more inflammable by the tragic death of Mr. Hammarskjold. I refer, of course, to Russia's determination to end all independent executive action by the United Nations and to substitute instead a secretariat hamstrung by the veto from top to bottom. This Communist ploy has been largely defeated, and we have a new and effective Secretary General appointed with no impairment of his powers.

I can testify to the fact that this favorable outcome was not secured by Western pressure and support alone. The West, unaided, could have produced nothing but deadlock. The rescue of an independent, responsible U.N. Secretariat was accomplished because an overwhelming majority of the United Nations, including virtually all the new Asian and African states, would not go along with an emasculated organization. If this is anti-Western irresponsibility, then we must revise the dictionary.

But even on the specific issue of colonialism, it is, I think, a gross perversion of the facts to accuse the new states of universal irresponsibility. When the resolution calling for a rapid end to colonialism was passed last November 27, it took the place of a much more violent Soviet resolution which the Soviet delegation had withdrawn because the Afro-Asian bloc would not support it. In the form in which it was passed, the United States and such members of the British Commonwealth as Canada and Australia voted for it, which surely suggests that it represented a moderate, unobsessed view of the issue.

When sanctions were proposed against South Africa, the resolution, largely under Asian influence, failed to pass. One cannot, therefore, dismiss as irresponsible extremism the resolution which did pass, condemning South Africa's racial policies and commanding the support of the entire Assembly, save for Portugal. In face, can anyone doubt that its tone represents what every modern member of world society accepts and supports?

The same moderation appeared on all the leading issues in this most recent resumed session of the General Assembly.

On Angola a moderate resolution, sponsored by 44 countries of Africa and Asia, was adopted by 99 votes to 2—and a more drastic resolution offered by the Soviet bloc on the same subject was overwhelmingly defeated.

On the ticklish problems of independence for Ruanda-Urundi, Soviet attempts to get all Belgian troops out by July 1, and thus to court another Congolese explosion, were soundly defeated.

On Cuba's charges against the United States, not one African or Asian country—in fact not one country outside the Soviet bloc itself—voted to sustain them or even to take official notice of them.

And when the Soviets went to the Security Council in January to demand a new round of shooting in Katanga, they did not even get the support of the two African states on the Council—Ghana and the United Arab Republic—which are among the most emphatic of the anticolonialists. There is general evidence here not of obsession but of a careful weighing of words and votes. As for the states singled out for strongest criticism—Portugal and the Union of South Africa—they have flouted the strongly held views not just of the Afro-Asian states, but of nearly the whole of the Community of Nations.

I do not, therefore, find that the criticism of obsessive and biased policies in the United Nations can be substantiated. I would go further and say that in concerning itself with the colonial issue, the United Nations is not being diverted from its proper function and purpose of safeguarding the peace and providing the machinery of conciliation. On the contrary, it was inevitable from the beginning that the issue of colonialism, both in the intention of the Charter and in the actual hazards of world politics, would for a time occupy the center of the stage of the United Nations.

When the charter was elaborated, it stated as a fundamental of international life the equal rights of nations great and small. This democratic principle is, of course, always under attack by those—now on one side, now on the other—who prefer the Orwellian gloss that some nations are more equal than others. But it stands among the charter's first principles. Again, the 51 founder members undertook to give due account to the political aspirations of their dependent peoples and to help them to secure free political institutions. In pressing them to carry through this commitment, the United Nations cannot be said to exceed its terms of reference. The blame should rather be with those nations which have failed and still fail to make any progress towards fulfilling obligations they solemnly undertook.

This is, in some measure, an academic issue. A much more immediate and dramatic justification of the United Nations' concern with colonialism lies in the fact, proven a thousand times in history, that the ending of empires becomes all too easily the beginning of wars. It is a point I hardly need to elaborate. Examples are strewn, like wrecks, on the seabed of the human record. When one system of power collapses—whether from external pressure or internal decay—other systems, aspiring to enjoy its earlier influence and control, move in to fill the vacuum. And in the twilight zones of power, between systems collapsing and others emerging, the dangers of war are at their most acute.

Seen in this light, one of the most dangerous crises in our world today—the future of Berlin and Central Europe—in some measure reflects a post-imperial interregnum. We have still to work out stable alternatives to the old jostling for power between the decaying Turkish and Hapsburg empires and the expanding German and Russian imperialisms. Mr. Khrushchev may not accept the analogy, but Communist power in Eastern Europe, far from representing the vanguard of a new and revolutionary world, is the tail end—we hope—of man's oldest international system, which is imperial control.

In this century we are making audacious and heroic efforts to bring the system of imperialism itself to an end. There are three discernible elements in the attempt—all genuinely revolutionary. The first is to apply to nations and peoples the principles we are trying to apply—with comparable ups and downs—to individual citizens: the principle of their equality before the law and of equal weight given to their ultimate political decision. One man, one vote; one nation, one vote.

The efforts of this system can be very strange. No one supposes that, in spite of equality of voting rights, the head of the United States Steel Corp. has no more influence on American society than an unskilled laborer in one of his plants. There is an element of fiction in the equality.

In the same way Nepal, shall we say, does not pretend to carry the same weight in world society as, for instance, its neighbor, India. Yet its equal vote in the United Nations is a first step toward a covenanted political recognition, by international society, of its right to separate statehood and its right not to be handed over to the political control of more powerful neighbors.

The right of small nations to independence in a new post-imperial age is as astonishing as the right of commoners to protection and due process of law in a post-feudal age. And it is an essential part of the struggle to end imperialism—for it substitutes constellations of independent communities, great and small, for the old imperialist penumbra or "spheres of influence" within which most small peoples have hitherto had to live.

The second principle is that great powers recognize this new right of the weak not to be engulfed. Like the coexistence of rich and poor, of influential and weak, inside domestic society, international laws and constitutions only partially safeguard the freedom of small nations. The powerful have, in proportion to their power, a duty to play the game.

I believe that the Western nations on the whole recognize this restraint. Much of the retreat from Western colonialism in the last two decades springs, I believe, from a genuine revulsion against the idea of domination. And it is my hope that the United States, which has a giant's strength, will always abstain from using it like a giant to coerce or overawe the weak.

The third line of attack is most relevant to the peacemaking functions of the United Nations. If, in the dissolution of empires, we are left with nothing but the choice between competing systems of power, then it is hard to see how the world can avoid staggering on from one Balkan-type crisis to the next, each time lurching closer to the hideous rim of Armageddon. If every European retreat from direct control threatens to bring in as direct a control by the Communists, or to abandon local populations to the outdated paternalism of white settlers—in either of these events we are in for strife.

It is here, as I see it, that the peacemaking functions of the United Nations are most vital and most urgently in need of being systematized and expanded. To my mind, the Congo operation, far from representing a usurpation of power by an arrogant Secretariat, is precisely the type of operation which the United Nations should dare to undertake, and in which we must pray to see it succeed. And the courage of the United Nations and its backers in rescuing the Congo, through all the chaos and all the fog of fanatic propaganda, will stand—let us all hope—for years to come as a warning against those who would prepare the tinder box for other Congos.

Without the United Nations, might not central Africa already offer a total polarization of hostile power? Might we not find Katanga, ranged on one side with white southern Africans and some Europeans, and on the other side African nationalism in Leopoldville and Stanleyville, supported by most of black Africa and all of the Soviet bloc?

This is precisely the kind of crystallization of conflict every continent must seek to avoid. The long, patient effort of the United Nations to foster unity and stability in the Congo, under leadership which cannot be accused of partisanship with either world bloc, may yet represent the United Nations' most significant triumph and the clearest pointer to where its influence and its spirit can most effectively extend. Here is a lesson in statesmanship and reconciliation which, for the sake of peace and freedom in Africa and the world, should be taken to heart by all who struggle today—both rulers and ruled alike—from Luanda to the cape.

We cannot undo the world which science is making over for us. With or without an embryonic instrument of international order, the overwhelming need for order remains. It is written into our conquest of space, our instant communication, our common neighborhood of potential atomic death. We can no more live without an attempt at international order than we can run New York's traffic without rules of the road. Critics so often speak and interpret events as though there were some ideal alternative from which we have slipped or which we can attain simply by letting the United Nations fade away.

There are no such alternatives. However much like-minded groups of states may concert closer understandings, they must still live in the world with all their neighbors, friendly or hostile, alined or neutral, and struggle for that minimum of order, conciliation, and peaceful change which this jostling world ineluctably requires.

If we had no United Nations, it would be necessary to invent one—and it would not differ very greatly from what we have now. This is just about all the law and order our anarchic world will swallow today. If we are to advance to higher standards or greater security, we must work on patiently from the spot we have already reached and not jettison our few working examples of genuine international action in favor of something more ideal—which we shall not get—or more innocuous, which will not meet our needs.

What we have is man's first sketch of the world society he has to create. He can build better than this—so much is obvious. But will he go on building at all if we are forever tearing up the foundations? The experiment of living together as a single human family—and we can aim at no less—is more likely to grow from precedent to precedent, by experience and daily work and setbacks and partial successes, than to spring, utopian and fully formed, from the unimaginable collective agreement of world minds. Let us go on with what we have. Let us improve it whenever we can. Let us give it the imaginative and creative support which will allow its authority to grow and its peace making capacities to be more fully realized.

COUNTRIES RECEIVING U.S. AID BUY MADISON AVENUE ADVICE

Mr. PROXMIRE. Mr. President, the Wall Street Journal of this morning reports an alarming trend that has been developing among countries which have been receiving foreign aid from the United States. The article points out that a prominent Madison Avenue public relations firm—Kastor, Hilton, Chesley, Crawford & Atherton—has been hired by South Vietnam to improve the image of South Vietnam in this country; and the article states that that concern is being paid $100,000 a year, plus expenses.

The article also points out that among other countries which have signed such contracts with American public relations firms are the Ivory Coast, Iran, Nigeria, and the Netherlands Antilles, in addition to South Vietnam.

In other cases, the article states, foreign nations set up their own information offices in the United States; and these, in turn, frequently retain public relations counsel here.

Mr. President, as the article points out, it is ironic that American taxpayers' money is used—although indirectly, it is true—to persuade the American people to continue foreign-aid programs of the generosity and the kind which our people have been providing.

I called attention to this same practice nearly a year ago, when I placed in the CONGRESSIONAL RECORD a comprehensive, well-documented article from the Reporter magazine, written by Walter Pincus and Douglass Cater, entitled "The Foreign Legion of American Public Relations." On the basis of that article and today's report in the Wall Street Journal, I believe that this is a situation which well merits full study and investigations by Congress.

I ask unanimous consent that the full text of the article in the Wall Street

Journal be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROPAGANDA PUSH—FOREIGN EFFORTS TO WIN SUPPORT IN UNITED STATES GROW, SCORE SOME SUCCESSES—SOUTH VIETNAM, NIGERIA HIRE PUBLIC RELATIONS MEN HERE—CONGO RIVALS PRESS VIEWS—U.S. TAXPAYERS SELL SELVES

(By Edmund K. Faltermayer)

NEW YORK.—For American reporters in embattled South Vietnam, the men to see to arrange interviews with Vietnamese officials are two on-the-scene representatives of the New York public relations firm of Kastor, Hilton, Chesley, Crawford & Atherton. The Kastor-Hilton operatives perform many such public relations chores for President Ngo Dinh Diem's government, always with the goal of enhancing the regime's image in the United States. For these services, South Vietnam pays the concern $100,000 a year, plus expenses.

South Vietnam's efforts to arouse broad support and sympathy in the United States is part of a growing phenomenon: The use of Madison Avenue talent and techniques to "sell" foreign countries and causes to the American public. In some cases, foreign interests hire American public relations firms to run their propaganda campaigns. In others, foreign nations set up their own information offices in the United States, and these, in turn, frequently retain public relations counsel here.

Ironically, many of the nations spending dollars this way are countries receiving U.S. aid. Americans thus are indirectly paying for some of the propaganda being beamed at them. Another note of irony: Some of the nations spending dollars to woo American opinion—Vietnam, for example—are at the same time spending heavily to win the support of large segments of their own population that are apathetic or even hostile to their government.

The foreign campaign to cultivate the good will of Americans—who themselves have been working for years through the U.S. Information Agency to win friends and influence people abroad—has intensified greatly in the past year or so. During that period, the Ivory Coast, Iran, Nigeria, and the Netherlands Antilles, as well as South Vietnam, have signed contracts with American public relations firms. So have the government of West Berlin and a group of Portuguese companies operating in the colony of Angola, where African nationalists are seeking to break away from Portugal.

ADOULA VERSUS TSHOMBE

Both sides in the dispute between the central government of the Congo and secessionist Katanga Province are pleading their causes in the United States by means of vigorous public relations efforts. At its office on Fifth Avenue here, Katanga Information Services, headed by a Belgian named Michel Struelens, cranks out press releases aimed at winning friends for Katanga. Recently, Mr. Struelens was busy disseminating the story of the temporary detention of Katangese President Moise Tshombe when he tried to leave Leopoldville, the Congo's capital city, to return to his own capital at Elisabethville, following inconclusive talks with Congolese Premier Adoula on ending Katanga's secession.

To tell its story, the Leopoldville government recently opened the Republic of the Congo Information Bureau here. This organization has hired Milburn McCarty & Associates, a New York public relations firm only five blocks away from Mr. Struelens' office, to assist it.

Other dissident movements abroad besides Katanga's are active in the United States. The public relations firm of Lem Jones Associates, called the "foxhole on Madison Avenue" when it handed out communiques for the abortive U.S.-backed exile invasion of Cuba a year ago, still represents anti-Castro Cubans. More recently the firm of Harold L. Oram, Inc., has taken up the cause of political refugees from Ghana who oppose the leftist policies of President Kwame Nkrumah.

SPENDING RISES

Alongside these relatively new propaganda efforts, such long-time public relations users as Liberia, Chile, Nationalist China, Mexico, Italy, Britain and South Africa are continuing their programs. All this activity is pushing up total outlays for foreign-sponsored propaganda in the United States. Precise spending totals are impossible to come by, however, since some expenditures undoubtedly are concealed and in other cases it's impossible to separate outlays for political propaganda from those for such things as trade promotion.

A minimum figure for all sorts of foreign propaganda and information spending here except tourist promotion can be obtained from an examination of the statements that representatives of foreign interests must file with the Department of Justice. These statements show the total was at least $5 million in 1960, the last full year for which records are available. But most authorities are sure the actual total is much higher than this.

The biggest single spender by far is the British Information Service, with reported outlays of $1,169,006 in the United States in 1960. The BIS is concerned mainly with supplying facts on British affairs to the press and interested individuals; it hardly ever distributes arguments in support of British political positions. The Information Service of India ranked second in spending in 1960, with expenditures of $305,747. One of the Indian office's major efforts of late has been to defend India's invasion of the Portuguese enclave of Goa last December. A sample Indian background statement: "Portugal's conquest of Goa has been a long story of barbarity, atrocity and horror."

Two other active—and constantly conflicting—foreign propagandists in the United States are the Arab States and Israel. The Arab Information Center, jointly financed by 10 mideast nations, spent $183,172 in 1960. Israel's outlay was reported at $108,764 for the same year.

With the exception of the British Information Service's expenditures, all these outlays seem certain to be topped by the Portuguese companies in Angola. Their contract with the public relations concern of Selvage & Lee calls for disbursing up to $500,000 a year for such things as combating "false and misleading information" about recent internal strife in the African colony. Last year's fighting in Angola, says a booklet put out on behalf of the Portuguese companies, wasn't a rebellion at all but "part of the International Communist conspiracy, a part of the plan to destroy the United States itself."

Why do so many foreign countries think wooing American public opinion is worth hiring specialists from Madison Avenue, where much of this country's public opinion molding talent is concentrated? The reasons are both psychological and economic. Leaders of many newly independent nations are acutely conscious of their lack of international status; to them, projection of their national personality or image is vitally important.

And in the long run, U.S. public opinion does greatly affect congressional foreign aid votes and State Department decisions on how aid money—$3.9 billion in the current fiscal year—will be divided. A favorable climate of opinion also is deemed important, at least by many foreigners, for attracting private investment overseas.

The techniques used by propagandists to mold favorable attitudes toward a nation—or darken the image of its enemies—vary widely. The most time-honored device, of course, is the press release. But work hardly stops there.

MOVIES FOR NATIONALIST CHINA

For their foreign clients, U.S. public relations firms prepare brochures for libraries and schools, arrange for sympathetic lecturers to speak before all sorts of luncheon clubs and civic organizations and publicize visits of foreign officials. Lem Jones talked the caretakers of Independence Hall in Philadelphia into keeping the place open late one night last year so a touring group of anti-Castro Cuban women could be photographed beside the Liberty Bell. The Hamilton Wright Organization, working for the Nationalist Chinese Government, has concentrated on producing films emphasizing accomplishments of the Formosa government; at least one of these films was shown by New York's famed Radio City Music Hall.

Most public relations practitioners make a point of staying out of the spotlight themselves when working for a foreign client. Says James J. Larkin, whose firm was retained by Nigeria at the start of this year to handle such chores as press relations and preparation of a weekly radio program for free distribution to stations: "Our particular concept of government public relations is to remain as far in the background as possible. Everything that we put out has the masthead of the Consulate General of Nigeria."

Some firms don't even issue press releases or other publicity material, preferring to stick to an advisory role. The Roy Bernard Co., which has represented West Germany since 1949, confines itself to keeping Chancellor Konrad Adenauer's government posted on trends in American public opinion and to suggesting ways the West Germans can best tell their own story in the light of this opinion.

Frequently a public relations firm does much of its work through an independent committee composed of American citizens. Thus, Selvage & Lee has helped prepare and distribute some booklets that were issued by the Portuguese-American Committee on Foreign Relations of Boston. Such booklets, because they're issued by an American organization, don't have to carry a notation indicating they contain foreign propaganda; such a notation would be required by Federal law if the booklets were put out directly by Selvage & Lee, a registered representative of a foreign interest.

CRITICAL NEWSMEN

Most public relations firms handling foreign government accounts operate both in the United States and in the client country. Sometimes a Madison Avenue crew will travel abroad to collect the first meaningful statistics a client nation has ever had. Kastor-Hilton does all its work for South Vietnam abroad—not always, it appears, to the unmixed satisfaction of American newsmen stationed there. Uruguayan-born Jorge Ortiz, the firm's chief in South Vietnam, on occasion has confronted newsmen on the streets of Saigon with copies of their stories with unfavorable passages heavily underlined; though the United States is heavily backing South Vietnam's fight against Communist guerrillas, President Diem's regime has been criticized for its authoritarian tendencies. On the other hand, some correspondents argue that the presence of U.S. public relations men in Saigon makes President Diem more accessible.

Does foreign-sponsored propaganda pay off? Because of the nebulous nature of most public relations work, its effectiveness is usually difficult to measure. It seems reasonably clear that in the pre-Castro days the Washington public relations firm of Samuel

E. Stavisky was influential in helping win a greatly increased sugar sales quota for Cuba by flooding local newspapers around the United States with stories dramatizing how much their communities would benefit from increased trade with the island.

The State Department figures, somewhat unhappily, that the work of Katanga publicist Struelens has widened U.S. public support for that province's independence from the Congo Republic. It's highly doubtful this public sentiment will alter the basic U.S. commitment to United Nations policy in the Congo, which most emphatically doesn't include Katangan independence. But the Congo controversy is far from over and secessionist Tshombe may well wind up with a better deal for Katanga than would have been the case if he'd had no public backing in the United States.

"This sort of propaganda is mainly a nuisance," says a State Department official, "but in the case of Katanga it can be one hell of a nuisance. It doesn't change policy but it keeps people so busy countering it that they can't get to other things they should be doing."

There's a limit, public relations men say, to what even the most astute publicity campaign can do. The huge sums spent in this country by the late Gen. Rafael Trujillo, former dictator of the Dominican Republic, didn't in the end prevent the United States from agreeing to economic sanctions which hastened the overthrow of his family dynasty. Among other things, General Trujillo spent $650,000 on an inquiry, arranged by the Sydney Baron public relations firm, which cleared the Dominican Government of charges it had kidnapped and killed an anti-Trujillo professor at Columbia University.

FEDERAL AID FOR THE TREATMENT OF NARCOTICS ADDICTS

Mr. JAVITS. Mr. President, I wish to call the attention of the Senate to the new attitude which now has been taken in regard to the treatment of victims of narcotics addiction. In the Federal Government and also in State governments there is now a great impulse and movement to bring about the medical treatment of these unhappy people; and, indeed, the Department of Justice has declared itself as being in favor of this type of commitment. But, Mr. President, this will fall upon barren ground, indeed, if there are no medical facilities to deal with the problem. It is for that reason that in the companion measure which I have introduced with my colleague from New York [Mr. KEATING], of which I am the principal sponsor, we are proposing a hospital where it is most needed; namely, New York. This is not speaking in derogation of the hospital at Lexington, but, as is not true of the facilities in the Blue Grass country, this situation will be taken care of by civil commitment for those who are narcotic addicts and who are brought into criminal courts without being dealers or pushers of narcotics.

I urge the attention of our Government in giving consideration to the complete package program, by pointing out this provision is already the law in New York and it is the law in California. These two States are the ones principally impacted with the problem. Therefore, we need a narcotic hospital in New York with Federal aid, which is the purpose of the bill to which I have referred.

I ask unanimous consent to have printed in the RECORD as a part of my remarks a news story from the New York Journal-American, which refers to the Kings County American Legion support for the proposal. That group is located in Brooklyn, N.Y., which has a population greater than that of most American cities, being several million. The Legion urges the building of such a hospital in accordance with the program I have described. I hope very much the fine campaign being conducted by the Hearst newspapers and the New York Journal-American in this matter may at long last result in action on the two bills to which I have referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KINGS LEGION URGES HOSPITAL FOR ADDICTS

(By James D. Horan, Dom Frasca, and John Mitchell)

The Kings County American Legion added its voice today to increasing demands for additional hospital facilities for narcotics addicts in New York City.

With the county's 18,000 Legionnaires behind him to lend weight to his words, County Commander William T. Bellard declared:

"The immediate construction of a new hospital or the rehabilitation of an existing one is urgently required to care for the thousands of sick addicts who will be eligible for medical treatment in New York State during 1963."

Mr. Bellard referred specifically to a provision of the recently enacted Metcalf-Volker law which will allow certain arrested addicts to elect commitment to a hospital rather than jail.

His demands for a new hospital came less than 24 hours after Queens District Attorney Frank D. O'Connor sent a telegram to Governor Rockefeller describing the Metcalf law as a "dust-catching blueprint."

Mr. O'Connor criticized the State's "overly cautious approach" to the narcotics problem and asked the Governor to order immediate additions to the department of mental hygiene's existing addict treatment wards. Total bed capacity in the wards is only 155.

These and other protests were touched off last week when the New York Journal-American revealed that Dr. Paul Hoch, commissioner of medical hygiene and chief administrator, narcotics program, planned no immediate expansion of existing narcotic hospital facilities.

MANY ARE WAITING

It was also disclosed that more than 400 addicts voluntarily seeking admission to municipal narcotic wards are now faced with waiting periods of 2 to 4 months.

The need for a special hospital was also advanced today by Assemblywoman Aileen B. Ryan, Democrat, of the Bronx.

Mrs. Ryan said a survey she conducted recently among the mothers of 51 Bronx dope addicts indicates practically all favor the establishment of a narcotics hospital in New York City.

"It is our moral responsibility to care for these addicts," said Mrs. Ryan, a member of the Committee of 500 Against Teenage Dope Addiction.

Last Friday, the committee's cochairman, Kings County Judge Hyman Barshay and Assemblyman Stanley Steingut, charged that 6,000 to 8,000 addicts would be "denied" their legal right to hospital beds in 1963 unless existing facilities were drastically expanded.

SUMMER ADJOURNMENT FOR CONGRESS

Mr. McGEE. Mr. President, if I read my calendar correctly, not only is this the month of May, but we are on the brink of another summer season, with the Senate still very much in the prospect of a full summer tour of duty here in the Capital. The Senate has been in session throughout every summer since I have been a Member of this body.

As my colleagues may recall, a year ago I submitted a concurrent resolution, Senate Concurrent Resolution 16, which would adjourn the Congress during the summer months, which would in effect be a summer recess. The proposal was motivated not only because of the weather in this part of the country at that time of year, but was also motivated fundamentally because of the opportunity it would afford the families of Senators and Representatives to be together at the one interval of the year when it was possible. The resolution provides that Congress would reconvene in October, or at the call of the majority and minority leaders, and then continue until we had proceeded through the cycle of our business endeavors.

This concurrent resolution has not been pressed vigorously this year. This is an election year. Midterm elections are on tap.

One of the reasons why pressing for the resolution has not been undertaken by me is that the suggestion has been made that in an election year Congress will be under some determination to get out of here and get back to its constituency in order to mend fences in time for the November showdown. However, it is difficult for me to see anywhere on the legislative horizon or in the confines of this Chamber the fact that the impetus of a forthcoming election will in fact spur us on to a more rapid end to this session.

However eager some of us may be to return to our home States to renew our ties with our constituents, there is no indication we are going to come to this. It is now quite evident, in fact, Mr. President, that, elections or not, this body is unable to avoid stretching its deliberations well into what are commonly called the dog days.

I should like to emphasize two points about this resolution. First, it would provide more time in session, rather than less. This is not an attempt to get the Senate of the United States out of work. It is, rather, designed to keep it at work.

More and more, it is becoming abundantly obvious to those of us in this body that the business of the greatest power on earth, the most prosperous nation on the globe, is a full-time job, and not a 6-month, or 8-month, or 9-month job. And since we are to be in session around the calendar, anyway, I can see no reason why our periods of adjustment for a recess should not come at a time when it would be most convenient to our families and the school schedules involved, as well as ourselves personally.

In the second place, I would suggest that this resolution has a broad base of support, both in this body and in the other body, the House. Thirty-two Senators are cosponsors. It should be pointed out that almost half of the Members of the Senate have children of school age, and nearly all the remaining Members of this body have grandchildren of school age. I am sure that the domestic harmony in the licenses that are accorded to grandparents would be reflected favorably in the enactment of and the living up to such a resolution. This is not to say anything of the recuperative powers of a rest from the summer heat and a vacation midpoint in our hectic schedules. I am sure we would approach our duties with renewed vigor and determination upon our return in the fall.

The **PRESIDING OFFICER** (Mr. Metcalf in the chair). The time of the Senator has expired.

Mr. **McGEE**. I ask unanimous consent that I may continue briefly, in order to conclude my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **McGEE**. On the House side, there has been manifested an active and broad support for such a recess on the part of Congress. I think the moment is propitious to serve notice that an assault on this problem in the form of vigorous pursuit of the resolution will be undertaken when we reconvene next January.

I should not omit the implications in this proposal for all staff members as well. While I have dwelt upon the subject of the children of Members of the Senate and of the House, I think we ought to remember that more than 600 or 700 children of school age of Senate staff members alone likewise would be affected by this proposal.

The moral incentive and plain good sense combine to render favorable action on the part of the Congress of the United States on this proposal.

I am confident adoption of the resolution will increase the efficiency of Congress and likewise will be a more realistic facing up to the fact that being a Member of the House or of the Senate in the United States of America in these days is, in all truth, a full-time job, and not a part-time job. The quicker we face this reality, the more effectively and the more efficiently will we operate on the business of the Nation that is at hand.

JAMES M. NORMAN — LITERACY TEST FOR VOTING—AMENDMENT

Mr. **KEATING**. Mr. President, I send to the desk an amendment to the amendment known as the Mansfield-Dirksen amendment, on behalf of myself and Senators Douglas, Javits, Scott, Hart, Case of New Jersey, Bush, and Morse, and I ask that it be read.

The **PRESIDING OFFICER**. The amendment will be stated by the clerk.

The legislative clerk read as follows:

Amendment intended to be proposed by Mr. Keating (for himself, Mr. Douglas, Mr. Javits, Mr. Scott, Mr. Hart, Mr. Case of New Jersey, Mr. Bush, and Mr. Morse) to the amendment in the nature of a substitute proposed by Mr. Mansfield to the bill (H.R. 1361) for the relief of James M. Norman.

On page 3, line 3, add immediately preceding the present text of section 2, a new subsection to read, as follows:

"(a) Subsection (a) of section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended, is amended to read, as follows:

"'(a) All citizens of the United States who are otherwise qualified to vote in any State election, shall be entitled and allowed to vote and shall not be deprived of the right to vote at such election on account of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State, or Territory, or by or under its authority, to the contrary notwithstanding. Deprivation of the right to vote shall include but shall not be limited to (1) the application to any person of standards or procedures more stringent than are applied to others similarly situated and (2) the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination, whether for literacy or otherwise, if such person has not been adjudged incompetent and has completed the sixth primary grade of any public school or accredited private school in any State or Territory, the District of Columbia, or the Commonwealth of Puerto Rico.

"' "State election" means any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for any office established by or under the constitution or laws of any State, Commonwealth, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision.'

"(b) Designate the present text of section 2 with the subsection symbol '(b)'."

Mr. **KEATING**. Mr. President, I ask that the amendment be ordered to be printed and to lie on the table.

The **PRESIDING OFFICER**. Without objection, the amendment will be received, printed, and will lie on the table.

Mr. **KEATING**. Mr. President, the provisions of the present civil rights laws are codified in title 42, section 1971, of the United States Code. Subsection (a) of section 1971 guarantees the right to vote in State elections without distinction of race, color, or previous condition of servitude. Subsection (b) of section 1971 guarantees a similar right in Federal elections. Subsection (c) authorizes injunction suits by the Attorney General to enforce the right to vote in both State and Federal elections.

The pending amendment to H.R. 1361, which contains the provisions of S. 2979—the literacy bill—would amend subsection (b) of section 1971 and would be applicable only to Federal elections. My proposed amendment would amend subsection (a) of section 1971 and would apply to State elections the same prohibitions which the pending amendment would apply to Federal elections.

Subsection (a) of section 1971 of title 42 now reads as follows:

(a) Race, color, or previous condition not to affect right to vote.

All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

My amendment would revise this text so as to spell out the specific deprivations of the right to vote in State elections in the same terms as appear in the pending Mansfield-Dirksen amendment. In order that the proposed changes in the text be clear, I ask unanimous consent that the text of my amendment be printed at this point in the Record with the new language enclosed in black brackets.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

(a) All citizens of the United States who are otherwise qualified to vote in any State election, shall be entitled and allowed to vote [and shall not be deprived of the right to vote] at such election on account of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State, or Territory, or by or under its authority, to the contrary notwithstanding. [Deprivation of the right to vote shall include but shall not be limited to (1) the application to any person of standards or procedures more stringent than are applied to others similarly situated and (2) the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination, whether for literacy or otherwise, if such person has not been adjudged incompetent and has completed the sixth primary grade of any public school or accredited private school in any State or Territory, the District of Columbia, or the Commonwealth of Puerto Rico.

["State election" means any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for any office established by or under the constitution or laws of any state, commonwealth, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision.]

Mr. **KEATING**. Mr. President, I also ask unanimous consent that the present text of section 2 of the pending amendment be printed at this point in the Record with the new language it proposes in subsection (b) of section 1971 of title 42 in brackets.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

There being no objection, the section was ordered to be printed in the Record, as follows:

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such person to vote or to vote as he may choose in any Federal election, [or subject or attempt to subject any other person to the deprivation of the right to vote in any Federal election. "Deprivation of the right to vote" shall include but shall not be limited to (1) the application to any person of standards or procedures more stringent than are applied to others similarly situated and (2) the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination, whether for literacy or otherwise, if such other person has not been adjudged incompetent and has completed the sixth primary grade of any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico.

["Federal election" means any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegate, or Commissioner from the territories or possessions.]

Mr. KEATING. Mr. President, it is apparent from a comparison of these provisions that the language of my proposed amendment would make the precise changes in the present voting statute for State elections as the language of the pending amendment would make in the present voting statute for Federal elections. Furthermore, because the amendment is offered as an amendment to sections of the Civil Rights Act of 1957 and 1960, all of the other pertinent provisions of those acts, such as the right of injunctive relief and the procedure in contempt cases, will be applicable.

Mr. President, the purpose of the literacy bill is to help insure that no citizen, of whatever origin or race, is arbitrarily denied the right to vote in this country. We must guarantee that right by providing safeguards against the willful abuse of power. Our objective is to enforce the command of the Constitution against racial discrimination at the ballot box. We are attempting to fulfill a solemn obligation by making certain that qualified citizens are not arbitrarily denied the privilege of the franchise. Our Constitution was not designed for display on national holidays. Its commands are not to be treated as slogans for patriotic speeches. It is a living document for every day's affairs, and it is up to us to breathe life into all its provisions.

The goal of this debate is clear: The guarantee of the right of all our citizens to participate through the ballot in the operation of their government. Without this right, a free society stands only on the quicksand of caprice, and our ideal of a representative government of the people is tarnished.

A representative government of freemen was the motivating force behind the Declaration of Independence. The 13th, 14th, and 15th amendments embraced our fellow Americans of the Negro race within this concept. What this proposal is attempting to carry out is the promise made by another generation in the 15th amendment, a promise that for far too many generations now has been breached.

The amendment now before us will only get the job half or less than half done, since it is specifically limited to Federal elections. We must not stop at this point. The measure should apply to both Federal and State elections. The discriminatory practices to which this proposed legislation is directed are not confined to Federal elections. If the amendment as now written is adopted, we will provide additional guarantees for voting for Federal offices, while at the same time leaving a great void in protecting against arbitrary practices in State and local elections. Are we to guarantee our citizens a voice in Washington and then deny them the same guarantee in the election of officials in the State and community in which they live? The answer must surely be "No."

Actually, the enactment of such a measure limited only to Federal elections would impose unwarranted and unnecessary burdens upon our States. With only two exceptions, there is no State in which there are separate registration procedures or separate ballots for Federal and State elections. Ordinarily, voting for Federal officers occurs as part of a general election at which State and local officers are also elected. All officials to be voted on—Federal, State and local—are listed on the same ballot.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. KEATING. Mr. President, I ask unanimous consent that I may proceed for an additional 3 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

Mr. KEATING. Mr. President, should we only apply this measure to Federal elections, separate ballots would have to be drawn up, one for voting in Federal elections, one for voting in both Federal and State elections. Two different procedures for voting would have to be set up by the States, unless, of course, the States would voluntarily comply by applying the provisions of this bill to their own elections as well as to Federal elections. Unfortunately, we have no such assurances.

In order to correct this situation, I have presented today an amendment to the literacy bill which would apply its provisions to both Federal and State elections.

The right to vote in a State or local election is often of greater practical significance to the individual voter than is the choice of a Representative or Senator. This should need no argument for any Member and particularly those Members deeply concerned with safeguarding States rights. If we are to guarantee the right to vote, we must not do a halfway job. We must apply the provisions of this bill to all elections. If we do not, the problems that this halfway completed task can create will force us to once again face this issue.

Applying this bill to both Federal and State elections will not run counter to the Constitution, but, in fact, will be carrying out the expressed scheme of the fundamental law. The 15th amendment clearly applies equally to State and Federal elections. This fact has not been contested, not even by our colleagues who so strongly oppose this measure. As will be seen in the hearings, the distinguished Senator from North Carolina [Mr. ERVIN] who, of course, contends that the present proposal is unconstitutional, concedes that to add State elections would be no more unconstitutional than the present proposal. In other words, they are on a parity. The 15th amendment plainly states that no citizen of the United States shall be denied the right to vote by the United States or by any State on account of race or color. The amendment encompasses the right to vote in all elections, whether State or Federal. Thus, the Constitution does not limit our action to Federal elections. It is only those responsible for the pending amendment who are posing that limitation.

We faced this same problem 2 years ago when the Congress enacted the voting referee bill. That measure also originally applied only to Federal elections. However, during hearings on the bill, the difficulties such a halfway approach would create, the same difficulties I have pointed out in reference to the bill before us, were brought out. We recognized these difficulties then, realized we were only attacking half the problem, and then enacted a bill that applied to both Federal and State elections. Thus, there is clear precedent for applying this measure to all elections, State and Federal.

I cannot be too emphatic on this point. If we enact the bill as now drawn, we will be attacking only half the problem and creating difficulties that we will have to resolve another day. The goal which we seek to obtain will still be far around the corner, still awaiting realization.

I am quite aware that enactment of this bill with or without my amendment will not solve all the problems of voting discrimination. We are not so naive as to believe that once this measure is behind us we will have succeeded in suppressing all of the devices and tactics which the opponents of constitutional government may contrive. But without this measure, without this additional guarantee, we will be condoning the invidious practices which already exist. With it, we can continue our steady progress toward a truly free and just society.

The right to vote, in all elections, is basic to this quest. Once we vouchsafe the franchise to all Americans, our efforts to eliminate discrimination in education, employment, housing and the administration of justice will be greatly aided. For, once these citizens who are now disenfranchised gain the equal enjoyment of the right to cast their ballots, their voices will be heard, and heeded.

There is much that needs to be done to strengthen civil rights in America. Yet I do believe that the most reprehensible form of discrimination is that which denies Americans equality at the polling booth. The right to choose one's representatives is at the very heart of our form of government. It is difficult to understand how any State could willfully and flagrantly deny this right to any of its citizens, when its very justification as a State rests upon active and diligent participation in its affairs by all its citizens.

Our colleagues who oppose this proposed legislation bemoan the fact that such bills come before this body each year. It would be helpful if they would consider the problems which make such measures necessary. It is because, and only because, some of our States continue to devise means to deny the rights of all Americans that these bills are necessary. When the abuses cease, no new bills will be offered. But until all our States cease to indulge in such invidious practices, Congress must continue to seek ways to enforce the Constitution and insure all Americans the equal enjoyment of their rights.

Much has been said by some of our colleagues on what our Constitution means. We have been subjected to long dissertations designed to prove that we are tearing asunder the foundation on which this Nation rests. These arguments misconceive the nature of our Republic and reflect a meager grasp of the American heritage. The plain fact is that Americans are being arbitrarily denied the right to vote because of the color of their skin. The suggestion that Congress is powerless to remedy such conditions does violence to our Constitution.

Some of our colleagues have quoted at length from the opinions of that great Chief Justice John Marshall in an attempt to prove their assertions that the Constitution is being tampered with. They remind us that "we must not forget that it is a Constitution we are expounding." I commend to my colleagues these words of that same great Justice:

> The subject is the execution of those great powers on which the welfare of a nation essentially depends. It must have been the intention of those who gave these powers to insure, so far as human prudence could insure, their beneficial execution. This could not be done by confining the choice of means to such narrow limits, as not to leave it in the power of Congress to adopt any which would be appropriate, and which were conducive to the end. This provision was made in a constitution intended to endure for ages to come and, consequently, to be adapted to the various crises of human affairs.

It is a crisis which we are facing now—a crisis of equal rights and human dignity. It is a challenge that we must not shirk—a challenge to guarantee the right to vote to all Americans in all elections. My amendment is designed to make certain that we meet that challenge at every level of government. It will be offered at the appropriate time in this debate, and I hope it will be overwhelmingly approved.

THE PEOPLE'S RIVER

Mr. YARBOROUGH. Mr. President, in a recent editorial the Washington Post stated:

> What needs to be immediately established is a concept of the Potomac as the people's river.

I agree wholeheartedly with this statement, insofar as the protection of the waters, shores and adjacent landscape in the National Capital area is concerned.

The Potomac River is too much a part of our Nation's mainstream for its scenic beauty to be neglected or its waters to be polluted.

The Washington Post suggested that Congress give the National Capital Planning Commission authority to review plans and control the building along the Potomac in and about the District.

In the years that I worked for Senate approval of a National Seashore Recreational Area on Padre Island, to preserve a part of that island off the Texas Gulf Coast, I learned the necessity for careful pre-planning.

I also learned that efforts to preserve one small natural wonder for the public in one section of the country benefits greatly from support in faraway places, for ours is an increasingly mobile population.

Our National Capital is no longer remote from anyone. Thus, the Potomac River is more than ever a river of the people and I support whatever action is necessary for the preservation of its beauty.

I ask unanimous consent to have printed in the Record an editorial entitled "People's River," from the Washington Post of Saturday, May 5, 1962.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, May 5, 1962]

People's River

The time has come, in our opinion, to provide a larger measure of protection over the Potomac River, its shores and adjacent landscape. The Potomac is the greatest scenic asset of the National Capital area. All planning for the Capital of the future begins with preservation of the river as the center of the city's recreational and scenic resources. But current events are proving that plans may be readily upset and the beauty of the river may be gravely impaired by decisions in real estate offices—decisions over which the public has no effective control.

Congress decided more than 30 years ago that the shores of the Potomac in this area should be in public ownership and that these natural parklands should be opened to public enjoyment by parkways extending from Great Falls to Mount Vernon on the Virginia side and from Great Falls to Fort Washington on the Maryland side. It is a reproach to Congress and the city that this dream has not yet been fully realized and that funds are still being withheld for the southeastern leg of this project. The first step in any comprehensive plan for preserving the people's river would be to acquire these missing parcels of land for parks and the parkway.

Beyond this is the question of protecting property still in private hands, but close to the river, from unsightly or incongruous developments. This problem has been flaunted in the face of the city by the proposal to clutter the Potomac Palisades with 17-story apartment buildings on the Merrywood estate above Chain Bridge. Under the terrific pressures that all such projects generate, the Fairfax Board of Supervisors caved in and granted a change of zoning which obviously imperils the whole concept of preserving the natural beauty of the river.

No one should suppose that this special privilege of building high-rise apartments on the Potomac Palisades would end at the Auchincloss estate. Already many other properties on or near the Potomac are threatened, including areas at Hatton Point and Indian Head. Historic Mount Vernon has been menaced by efforts to construct a sewage plant across the river. In our opinion, the public has a vital concern in what is built on or near this river.

We suggest, therefore, that Congress give the National Capital Planning Commission authority to review plans and control the building of any structure, other than a single-family residence, within say, 1 mile of the Potomac for at least 25 miles above and below the District. There is ample precedent for public control over the development of areas deemed necessary to the attainment of esthetic aims in the Nation's Capital. It would also be highly desirable to control the residential development of areas adjacent to the river so as to avoid stripping away the trees or otherwise marring the natural setting. This could be done by requiring low density and by forbidding any major change in the natural landscape.

What needs to be immediately established is a concept of the Potomac as the people's river. Its shores and adjacent areas should not be open to exploitation that will either contribute to pollution or spoil its natural beauty. The city cannot afford to let a few individuals impair this great asset which belongs to the millions who live in the area and other millions who will live here in the decades ahead. Prompt action seems to be imperative if this heritage of water, vegetation, cliffs, and an uncluttered riverside skyline is to be passed on to future generations.

THE SITUATION IN LAOS

Mr. MUNDT. Mr. President, the unhappy and distressing news reaching us recently concerning Communist advances in Laos certainly points up the fact that this administration needs to reappraise and revise its curious attitude toward the anti-Communist forces in Laos. Instead of trying to starve or force the anti-Communist Lao leaders into capitulating to the demands of the Lao Communists by withholding and delaying American aid to Laos, it would appear that if Laos is not to be lost or virtually given to the Communists we should step up rather than withhold the aid the loyal Lao so desperately need in this critical era.

The American people have never been given a satisfactory or convincing answer from our State Department or from the White House as to why our present Government seems intent upon forcing the loyal Lao leaders to form a coalition Government with Lao Communists in view of the sorry history lessons of history which clearly indicate a coalition with Communists is the first step toward inevitable control by the Communists.

In this connection, Mr. President, I ask unanimous consent to have printed in the Record as a part of my remarks an informative and interesting transcript of a recent radio report made by David Wills as part of the nightly issue of the "Three Star Extra" newscasts provided through the courtesy of the Sun Oil Co.

There being no objection, the report was ordered to be printed in the Record, as follows:

Three Star Extra

(By David Wills)

The Royal Government of Laos is sending urgent delegations to some of its Asiatic neighbors in desperate search of economic aid. We cut off our aid 2 months ago, in a drastic attempt to force the Royal Government to merge with the neutralists and the Communist factions in a coalition government. Such a government, committed to neutralism in foreign affairs, was recommended by the Geneva Conference on Laos last year. But ever since then, the Royal Government has refused to swallow the medicine brewed for it at Geneva. The Royal Government accepts the principle of a coalition government but refuses to turn over to either the neutralists or the Communists the two key cabinet posts of defense and interior. Surrender of these two posts would open the way for the rapid Communist capture of all Laos. During the many months that these arguments have been continuing, we have put every kind of pressure upon the pro-Western Royal Government to force it into the neutralist embrace. By contrast the Communists of Viet Minh and of Red China have been increasing their assistance to their factions within Laos, and the Soviets have been steadily airlifting economic and military supplies. Thus daily it becomes more and more likely that a coalition government would in fact mean the surrender of Laos to the Reds. There is a sharp contrast between our policy in Laos and what we are doing in neighboring Thailand and southern Vietnam. We have guaranteed Thailand direct military assistance in case of Communist threat. We are deeply committed in Vietnam to provide all the military and economic aid to defeat communism. Laos, lying between these two countries, is being used by the Reds as a channel of military subversion against these neighbors. Yet our policy toward Laos is helping to frustrate our aims in Vietnam and Thailand. No wonder the Lao Government is baffled.

Mr. MUNDT. Mr. President, during the same "Three Star Extra" newscast, its editor in chief, talented and highly regarded Ray Henle, discussed the situation in Indonesia and called attention to the public pronouncements of Sukarno which indicate his faith and confidence in the Communists. It is a "confession of infidelity" very similar to the one Castro belatedly made when he finally admitted his longstanding Communist membership. It is a statement of position and policy which all Americans should read—especially those who might be planning to support substantial amounts of additional American aid for Indonesia. I ask unanimous consent that the Henle report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Three Star Extra

(By Ray Henle)

President Sukarno of Indonesia must be given this much credit—occasionally he speaks so frankly one gets a clear view of where he stands.

Such was the case in Jakarta today. He spoke at the closing session of the Communist Party Congress. He claimed that he had brought respectability to the Communists of Indonesia.

"I am very happy," he said, "to have removed the Communist phobia from the minds of our people." Two years ago communism was regarded as Satan and the Devil by the majority of the Indonesian people. Now there is a general acceptance of the role they play.

Sukarno patted the Communists on the back. "They have beome strong," Sukarno said, "because of their opposition to imperialism." He went on to say—"You may say I give room to Communists and that I encourage them. But I often have emphasized I am serving the people's interest."

He ended up by calling on the Communists to join him. "Let's us go ahead together to complete our revolution."

So President Sukarno revealed himself. And here in the United States we see precisely the type of man who has been played up to by our Government—invited to Washington, wined and dined, as they say, and generally given the red carpet treatment.

We may have thought we could keep Sukarno from going arm in arm with the Indonesian Communists. Now we see by his own words that he lies in the same bed with them—and quite comfortably, at that.

SUPPORT FOR THE WILDERNESS BILL

Mr. HUMPHREY. Mr. President, as one who for many years has advocated and sponsored legislation to establish a National Wilderness Preservation System, I am most pleased that hearings begin this week in the House on the Senate-passed wilderness bill.

I am hopeful that this legislation which would preserve in its natural state for this and future generations those few remaining wilderness areas of our country will be approved this year.

This morning's New York Times lends its editorial support to such legislation and asks that the House strengthen the bill as passed last year by the Senate.

Certainly, Mr. President, this legislation deserves the support of this Congress. We have delayed far too long in acting on this conservation measure which has the overwhelming support of those who wish to preserve our country's natural beauty and landscape.

The bill as passed by the Senate makes most adequate provision to meet the various objections raised by certain commercial groups. This is a moderate bill, and I do not see how anyone looking at it in an objective fashion can refuse to give it full support.

I ask unanimous consent that the editorial from the New York Times be inserted at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Stronger Wilderness Bill

The House should write a stronger charter for wilderness preservation than the bill passed last year by the Senate. This it can do by keeping sight of the real purpose of the legislation, which is to protect those treasured remnants of the original American landscape that, by reason of geographical circumstance or good fortune, have survived to date in some of our national forests, national parks and wildlife refuges.

The purpose is not to provide exceptions or to write in ambiguities through which the areas may in the future be invaded for commercial purposes or have their beauty eroded by misuse.

The strengthening process can begin in the House Public Lands Subcommittee which has scheduled hearings and executive sessions on the Senate-passed measure this week. The subcommittee should remove the Allott amendment that gives the Federal Power Commission the right to permit the building of dams in the wilderness areas. It should also remove the loopholes and vague language pertaining to "prospecting" for "mineral and water resources" and "the completely subsurface use of such areas." These weakening provisions are not needed; if it should become imperative in the national interest to harness a stream or extract the minerals in a wilderness area the President could under the act authorize such uses.

We urge the House to close the gaps left by the Senate and to resist the inevitable attempts to open new ones, thus assuring for future Americans "the benefits of an enduring resource of wilderness."

WITHHOLDING TAX ON INTEREST AND DIVIDEND INCOME

Mr. WILEY. Mr. President, the House-passed bill H.R. 10650—now before the Senate Finance Committee—contains a great many controversial features.

Prominent among these is the proposal for withholding taxes on interest and dividend income—as reflected in the tremendous volumes of mail now flowing into Congress.

Personally, I feel that this proposal should be stricken from the bill, either in committee or in the Senate.

Recently, the Janesville Daily Gazette published a fine, analytical editorial on this issue. I ask unanimous consent to have it printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Up to the Senate

On the theory that withholding can be applied to investors in the same manner that wage earners suffer checkoffs on their wages, the House has approved a dividend withholding tax.

Aside from the obvious argument in favor of tax withholding—namely that the Government gets its money first regardless of anybody or anything else—there is nothing to be said for the whole system. At best it represents Government distrust of its citizens' ability to handle their personal affairs. At worst, it is a form of confiscation and an encouragement to reckless and unbridled political spending.

Insofar as wages are concerned the system at least can be made to work, utilizing the Nation's payroll machinery and personnel to do the tax collector's job. Unless by choice, there is hardly a taxpayer who contributes in withholding more than his actual tax liability, even though some odd ones have converted the tax collecting system into a sort of savings bank and greet their refund—loaned to the Government without charge over a period of several months—as a happy windfall.

The dividend withholding, however, has provisions which will have a punishing effect upon investors, and particularly upon the aged who depend upon dividends to support themselves. The bill now pending in the Senate calls for an automatic deduction of a flat 20 percent of dividend payments.

An elderly person with $2,000 income from such sources would be docked $400, and income reduced to $1,600. At a final showing of no tax liability, this could be recovered but meanwhile Washington would have had use of the $400 for months while the rightful owner of the money would have been impoverished by that much.

Quarterly refunds are in view, but in order to obtain them, investors will have to make claims each time, and those with higher incomes cannot claim quarterly refunds at all. Neither can churches, pensions funds and similar investors. They will have to wait until the end of the year to obtain release of dividend funds which never were subject to taxation in the first place.

Trust fund investors, who normally apply dividends to the purchase of additional shares, will come up with a 20-percent cut in their investments, representing the automatic "take" of the Government, even though these individuals may meet their tax obligations from other funds yearly, and many suffer investment loss.

The payoff, under the philosophy of the bill, may be best illustrated from the fact that the really small, and probably needy investors, with refunds of less than $10 quarterly, are barred from even making application for their money. This constitutes naked confiscation of the use of their money until such time as the Government gets around to give it back.

At the same time, it is a back-door confession of the Washington tax thinkers on the subject of administration costs of the bill. The reason the small refund claims are barred, of course, is that there would be thousands of them. Even when these are barred, the prospective cost of handling the withholding system is staggering. The excuse for the plan is that dividends which now escape taxation will be taxed—but whether the cost of collection will exceed the additional revenues to be realized is open to question.

The decision is now in the Senate, and all shareholders and investors have a vital interest in the action there. Those with special interest are owners of a few shares of stock who need the income from it, those who have the handling of church, pension, and related tax exempt investments, and owners of trust shares. They will suffer directly and heavily. Larger investors, of course, will be hit to the extent of losing the use of a portion of their investment returns for extra periods of months, giving the Government the financial advantages which they now have for themselves.

Senator WILEY and Senator PROXMIRE ought to be on record on an issue of such importance to so many Wisconsin citizens, and expressions from citizens on their personal interests would be in order. The administration, and the House of Representatives have already spoken out for the selfish interests of the Government.

BIRTHDAY GREETINGS TO FORMER PRESIDENT TRUMAN

Mr. LONG of Missouri. Mr. President, I know that Americans from every walk of life, and men from all the countries of the world, join with me in sending "many happy returns of the day," to our friend and honored elder statesman—President Harry S. Truman, on this, his 78th birthday.

Few men of this or any time have been called upon to make decisions as grave as those which confronted President Truman, and no man has met his problems with greater courage, wisdom, and vision of the future of mankind, than he has. His rise from the most modest of circumstances to the highest and most important office in the world, did not come about by accident or chance. No, Mr. President, this was the inevitable result of the rare combination of the qualities of integrity, compassion, diligence, and sense of duty, found in Harry S. Truman.

We Missourians proudly describe our State as being "in the heart of America." That description could not be more appropriate than it is today when the "hearts of America" go to Independence to say: "Happy birthday, Mr. President."

ALASKAN MOTION PICTURE PIONEER, WILLIAM DAVID GROSS

Mr. GRUENING. Mr. President, William David Gross, who might well be called the father of motion pictures in Alaska, has died at the age of 82.

The facts of his life as told in Jessen's Weekly, published in Fairbanks, are that Mr. Gross was born in Russia on December 25, 1879, and was brought to the United States in early childhood by his parents, Zalmain and Annie Gross. He was educated in Seattle schools.

In 1900 he married Hansine Campen at Fairbanks. Survivors include a son, Zalmain D. Gross, of Seattle, and three daughters, Mrs. Zelma Gross Wheeler, of Juneau; Mrs. Sonja Gross Entner, and Romelle C. Gross, both of Seattle.

One of Mr. Gross' great interests in recent years was the annual collection of Christmas funds for Alaska Pioneers at the Pioneers Home in Sitka.

Mr. Gross came to Alaska on the *City of Seattle* and established a clothing store, Red Front, at Dyea, near Skagway, in 1897. He moved to Dawson, Yukon Territory, in 1898, where he also established a clothing store under the same name.

In Seattle on a buying trip, he noticed the growing popularity of animated photographs and bought a projector and some reels of film, leading toward the introduction of moving pictures at Dawson in early 1900—admission $1, three showings nightly, each show 15 to 20 minutes long, depending on the speed of the projector.

He sold his Dawson business in 1904 to attend the Louisiana Purchase Exposition at St. Louis, Mo., and he went to St. Paul, Minn., where heavy clothing for Alaska was manufactured.

He then returned to the territory and established Gross Clothing Store at Fairbanks and also introduced movies there. In 1910 he sold the Fairbanks businesses and went to the Jeffries-Johnson heavyweight boxing championship at Reno, Nev., returning to Alaska at Nome in 1910, where he introduced motion pictures with nightly showings.

He described these early motion pictures as having neither plot nor continuity but simply representing crying children, horseback riders, windblown flags, moving trains, and vessels.

He established the first "picture house" and introduced movies in Ketchikan in the fall of 1911 at the Coliseum Theater and within 2 years had established theaters by the same name at Wrangell, Juneau, Petersburg, Skagway, Haines, Douglas, and Sitka, all of which have been in operation since, except at Juneau, where the 20th Century replaced the other theater destroyed by fire in 1940, and at Wrangell, where the theater also burned.

Admission to the Sitka theater has been free to Pioneers' Home residents, with wheelchair and other aids provided when necessary.

He was a member of the Moose Lodge, and for many years he maintained a home both in Juneau and Seattle.

Gross embodied in his life the epic of America as the land of promise and the land of fulfillment.

Coming from the Old World, from a country then under the tyranny of czarism—and which, it might be added, was succeeded by an even more oppressive rule—as a poor boy, he found in this land of freedom the chance to develop talents which would never have flourished in the Old World he had left.

Thousands of Alaskans who, in the early territorial days, far distant from the cultural currents of the 48 States, were able to enjoy motion pictures almost as soon as they were invented are in his debt. Gross was perhaps not as well known in recent years in Alaska as he should have been because he spent his later years in Seattle. He and his children were responsible for bringing to Alaska the only statue which exists in Alaska, a splendid piece of sculpture in heroic size portraying the Alaska pioneer, and, which, over a decade ago, was dedicated in Sitka appropriately located in front of the Pioneers' Home. I was privileged, as Governor of Alaska at the time, to make a few dedicatory remarks on that occasion.

It is well at this time, when tyrannical totalitarianism exists over a large portion of the globe, and seeking to extend its oppressive control over other nations, to recall again and again with both pride and humility, both for ourselves and the rest of mankind, that ours is the land of liberty, the land of equality, and the land of opportunity, especially for those who know how to appreciate this priceless heritage.

We are all, Franklin Delano Roosevelt once remarked, the descendants of immigrants. These descendants should be everlastingly grateful to those forefathers who had the vision to pull up stakes in their homeland, and to embark on the greatest adventure of history in their quest for freedom. William David Gross and his parents traveled across two continents and the ocean in between to reach "the last frontier" in their quest.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, is there further business in the morning hour?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. JAVITS obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield to me, without losing his right to the floor, so that I may suggest the absence of a quorum?

Mr. JAVITS. I am glad to yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate and made the pending business.

There being no objection, the Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. JAVITS. Mr. President, we have heard more than 2 weeks of discussion of the pending bill. We are approaching a cloture vote tomorrow, which will be a historic vote. It seems to me that the proponents of the bill might very well endeavor to give a rather complete summary of their argument at one time and one place so that Senators who may be called upon to vote tomorrow may, if they choose, have the arguments all together, especially the arguments in opposition to the bill.

I think those arguments are epitomized—and I do not believe any of my colleagues will feel themselves excluded if I endeavor to epitomize them—by the argument made by the distinguished Senator from Georgia [Mr. RUSSELL] at page 7139 of the debate, on April 24, 1962. The Senator from Georgia said:

> My attitude toward the proposed legislation is based on the fact that I am completely convinced—and I am not referring in any invidious fashion to the two authors of the bill—that this is an attempt by force to bring the bill to the Senate in an effort to rewrite the Constitution without going through the amending process that is prescribed in that document.

In short, an effort has been made to dress up what I call unilaterally a filibuster, and keep it from being naked by dressing it with the clothes of an allegedly legitimate argument on constitutionality.

Senators in opposition have been eloquent upon that score. They have charm, learning, and great experience in this body. An effort has really been made—and I make that statement quite sincerely—to make out a case on the constitutionality of the bill which is before the Senate, on some theory that the Senator from Georgia expressed, as he usually does in such cogent and, indeed, vivid words, that we are seeking to force the bill out in an effort to rewrite the Constitution without going through the form of a constitutional amendment.

It is to that subject that I would like to address myself. In the first place, it bears directly upon the issue which is before the Senate, including the issue of cloture. It also bears upon the amendment which my colleague [Mr. KEATING] submitted earlier today as the chosen instrument of those on the civil rights side, in respect of this particular voting matter, to make the bill come to its true compass in constitutional terms, that is, to apply it as well to State elections, for it is the contention of those who I feel are identified with this point of view that the action by the Congress in passing the pending literacy test bill, including the amendment that would extend its provisions to State elections, is an entirely proper exercise of the powers of Congress based upon the three fundamental policies on which it must rest:

First, the fact that there has been actual denial of the right to vote by the misuse of literacy tests in certain of our States;

Second, the impracticality of the case-by-case approach of individual civil suits, or criminal actions under criminal law;

Third, that the Congress has the authority and power to choose the means by which this abuse shall be ended, and that the Congress can choose a means which will give a maximum test for literacy without displacing other tests which individual States may have if people can qualify under them.

It is this basic and fundamental issue to which I should like to address myself.

Let me say first that I must look with some admiration on our southern colleagues in the Senate in their great effort on the question of unconstitutionality, because it is only fair to say, in all honesty, that I have rarely ever seen so many Senators make so much of so little in terms of the constitutionality argument.

Mr. President, the civil rights struggle now being waged on the Senate floor over the literacy test is a historic opportunity for the Senate and the Nation.

As the matter is now before the Senate, much more is at stake than the pending bill itself, because the civil rights groups and others interested in civil rights do not put this bill at the top of their list. They and I believe that there are one or two other bills which are far more important, as is also an Executive order to end discrimination in housing. That, too, is extremely important. So, Mr. President, the pending bill is important, but it is not the most important bill. Nevertheless, the vote that we will take shortly will be a historic vote. The vote will be on the cloture motion, and it will be extremely important because never in the history of Senate rule XXII has cloture been imposed on a civil rights measure, and very rarely have we had cloture imposed on any measure.

So, clearly, it is an effort to redress an evil. Nearly everyone agrees, even the opponents of the proposal agree, I am sure, that every American should have the right to vote. We may have grave differences as to what should be done about it, but certainly, this is such a basic proposition that everyone agrees that something should be done about it, as there should be in terms of jobs and housing. However, the basic right to vote should not be inhibited.

So this will be a crystal-clear test on whether it is possible under cloture to enact a civil rights measure.

The vote will show whether the Senate is able to work its will under rule XXII of the Senate, as the majority leader has so eloquently stated.

Mr. President, the effort of the opponents is nothing more than an effort on the part of a relatively small minority to frustrate the will of Congress, and inhibit and restrict the ability to act by a majority of the Senate, as called for by the Constitution.

Mr. President, it will also be a test of the majority in its ability to run the Senate's business. It is not an idle matter in which the majority leader is now engaged. He is a very able Senator and a distinguished American. He understands only too clearly that if a party is in the majority, it is the job of the majority to get its business done, especially when the President, a member of the same party, has pledged himself to get the job done. If the rules inhibit the majority, then the rules will have to be changed.

Mr. President, let us not forget that we were frustrated at the end of 1961 in our effort to enact even a modest amendment of rule XXII, by the apparent unwillingness of the Senate to do anything about it; also, in all fairness it should be said, by the failure of any real fire to be attracted to it. So, as I say, it will be a test for the majority in the Senate.

It will also be a test for the minority, as the bill before us explicitly is a part of the Republican national platform of 1960. This is a rather unique circumstance. The Republican national platform, in so many words, calls for the enactment of the pending bill. I believe the country has the right to determine to what extent Republicans on my side of the aisle in the Senate will back up that pledge. The Nation will be watching the performance of both parties. That is as it should be, and as it is represented by the sponsorship of the amendment which my colleague from New York [Mr. KEATING] has at the desk, and which was read to the Senate this morning.

The civil rights fight has always been a bipartisan effort. It is one of the ornaments in this fight that both parties have been careful not to seek partisan advantage, and in particular have they sought to avoid the partisan imprint with respect to it.

We have not sought to make a distinction between Republican and Democratic Presidents, although we have called attention to what Presidents have done, but never on a partisan basis; and we have never sought to make a distinction as between Democratic and Republican Senators. We have felt that this type of legislation transcends those lines of division.

So, as I say, the Nation will be watching the performance of both parties.

It is therefore essential that the arguments of the bill's proponents be clearly marshaled, for I am convinced that the bill is a constitutional exercise of the powers of Congress, and should be enacted into law.

As I have said, seldom have so many made so much of so little with respect to constitutional arguments.

I should now like to take these arguments in turn and analyze them.

It has been contended that the pending measure is patently unconstitutional because article I, section 2, and the 17th amendment of the Constitution permit the States to set the qualifications for electors for Members of the U.S. House of Representatives and Senate, respectively. Many cases for this proposition decided by the U.S. Supreme Court are cited in support of that argument. However, what is not noted with respect to those cases is the fact that these same cases also hold that the States cannot set or apply qualifications which are in violation of the 14th, 15th, and 19th amendments to the Constitution. Yet it is exactly the view of the proponents that by the demonstrated abuse of literacy tests, certain States have deprived thousands of Negroes of the right to vote on the ground of color, in violation of the 15th amendment.

Let us understand that, Mr. President. It is argued that the States have the sole right to set the qualifications of voters, but what the proponents fail to note is that inherent in every one of the decisions they cite, and expressed in a decision like that in the Lassiter case, is the assertion of the Supreme Court, in effect, "Yes, the States have this right, provided they do not use that right in violation of other sections of the Constitution."

The bill which is before the Senate is based expressly upon the fact that States are proceeding in violation of the very rights given by the 15th amendment under the Constitution, specifically to Negroes.

Mr. President, as proof of the facts—and facts always precede a discussion of the law—we have a volume entitled "Voting," issued by the U.S. Commission on Civil Rights, an authoritative governmental body. I respectfully submit that if and when the pending bill is passed and becomes law and is tested by the Supreme Court, the Supreme Court will have a right to say, and I believe will say, that an authoritative inquiry such as that conducted by a U.S. commission, subject to appeal to the courts against imposition with respect to searches and seizures, and other practices which the law gives with public hearings and the printed record, together with the opportunity of examination and the opportunity for cross examination, is certainly an adequate factual record upon which Congress may proceed.

The findings in this document, it seems to me, are crystal clear as the basis of congressional action. It is that which is always avoided in this discussion—the fact that a case has been made out for the abuse of the literacy test in State after State, and not just in one State.

For example, the U.S. Civil Rights Commission, under the heading "Findings," at page 135 of this volume, states the following:

> There are reasonable grounds to believe that substantial numbers of Negro citizens—

Note the fact that these are Negro citizens, expressly within the terms of the 15th amendment—

> Negro citizens are, or recently have been, denied the right to vote on grounds of race or color in about 100 counties in 8 Southern States: Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.
>
> Some denials of the right to vote occur by reason of discriminatory application of laws setting qualifications for voters. Other denials result from arbitrary and discriminatory procedures for the registration of voters; still others occur by reason of threats and intimidation, or the fear of retaliation.

In other words, the finding is that there is a widespread practice extending through a number of States, a practice which Congress is called upon to deal with. That not being enough, the Commission itself recommends the remedy; and the remedy is precisely the bill before us, except for that section of it which deals with those who qualify in the Spanish language because of their schooling in Puerto Rico. Other than that, the Commission's report is precisely, almost word for word, the recommendation which is contained in the bill now before the Senate. That recommendation, let us remember, is approved unanimously by the whole Commission, a Commission which we all know—and it is a matter of which the courts can take judicial—is composed of three members from the North and three from the South. Yet that particular recommendation by those distinguished men, a number of them extremely distinguished lawyers, was unanimous.

One of the items of evidence which is produced in that record—mind you, the hearings are printed; everyone can read them; and the tables of the percentages of registrations are contained in the report in the appendix—one of the items, by way of indication as to the factual basis for the legislation and the needs for it, concerns the findings in one county in Alabama. This is the finding I referred to. It is on page 85 of the Civil Rights Report on Voting:

> The first finding of a pattern or practice under the Civil Rights Act of 1960 came in the case of *United States* v. *State of Alabama*, on March 17, 1961. Like the Raines case before it, the Alabama case involved a massive factual presentation. Over 70 witnesses testified and there were approximately 250 exhibits.

I now read the pertinent paragraph:

> The court pointed out that Macon County has a total population of approximately 26,700 persons, of whom 22,300 are Negroes and 4,400 are white. The county is divided into 10 voting districts or beats. The largest of these, beat 1, contains about 60 percent of the county's population; 75 percent of the population of beat 1 is Negro. The city of Tuskegee is located in beat 1. Less than 10 percent of the Negroes of voting age were registered; virtually all of the voting age white persons in the county were registered.

Then, on page 86 of the report, the following appears:

> Despite the fact that Negro applicants arrived first, the 1960 board "invariably made certain" that white applicants got priority. Because of the time-consuming nature of the qualification tests, Negro applicants were not reached. Assistance was given to white but not to Negro applicants. Negroes were invariably required to copy out a provision of the Constitution and "more often than not" were required to copy in full article II of the U.S. Constitution. On the other hand, white applicants either took no writing test or were permitted to copy shorter provisions of the Constitution. No white applicants were rejected for errors in their application forms, but Negro applicants were rejected because of "formal, technical, and inconsequential errors," despite the fact that white application forms showed the same errors.

The record is replete, both in the oral testimony and in this report, with cumulative evidence of this nature. I respectfully submit that Congress has an absolute right to proceed along this line.

I shall now devote a little attention to the cases; then I shall continue with the remainder of my argument.

As early as 1844, in *Ex parte Yarbrough* (110 U.S. 651, 644), the Supreme Court explicitly so stated in regard to the 15th amendment, which prohibits denial or abridgement of the right to vote "by the United States or by any State on account of race, color, or previous condition of servitude."

Yet that is precisely what is occurring; the denial of the right to vote by reason of race or color in the States to which I have referred.

Section 2 of the 15th amendment authorized Congress to enforce the amendment by appropriate legislation "whenever that is necessary," as the court also stated in Yarbrough. Subsequent decisions of the Supreme Court have rigorously maintained this position, where the Court has found as a fact discrimination on account of race or color in violation of the 15th amendment. (*Gwinn* v. *United States*, 238 U.S. 347 (1915), literacy test; *Smith* v. *Allwright*, 321 U.S. 649 (1944), white primary; *Davis* v. *Schnell*, 81 F. Supp. 872 (S.D. Ala. 1949), aff'd 336 U.S. 933, literacy test, and in *dicta*, where such discrimination has not been charged or found to be the fact; *Lassiter* v. *Northampton Election Board*, 360 U.S. 45, 53 (1959), literacy test. Cf. *Breedlove* v. *Suttles*, 302 U.S. 277, 283 (1937)).

One very clear indication of the situation with respect to the law is found in the Lassister case, which it seems to me is peculiarly in point in this particular situation. I wish to read a quotation from that case:

> Of course, a literacy test, fair on its face, may be employed to pursue that discrimination which the 15th amendment was designed to uproot. No such influence is charged here.

In short, in that case. But the Court clearly contemplated, it seems to me, the possibility of such a case and clearly forecast that an exercise of legislative power in respect of correcting that kind of situation would certainly receive the favor of the Court.

My second argument is that some opponents of the pending bill go so far as to contend that there is no deprivation whatever of the right to vote because of literacy tests. Such an argument will not stand in view of the 1961 Report on Voting, of the U.S. Civil Rights Commission, to which I have referred. Therefore, the question becomes: Is the number of suits which would have to be started in such a situation so great, so cumbersome, or so burdensome as to require general legislation? In that regard, I produce two very important pieces of evidence. The first is the testimony of the Attorney General of the United States himself before both the Senate and House committees, in which he said that this situation, to which I have referred, the situation of discrimination, demands a solution which cannot be provided by lengthy litigation on a piecemeal, county-by-county basis:

> Until there is further action by Congress, thousands of Negro citizens of this country will continue to be deprived of their right to vote.

Also, we have a most interesting chronology in one case, entitled "United States against Lynn." It is a case against the registrar in Forrest County, Miss., based upon just the state of facts which I have described, namely, the discriminatory application of literacy tests. The case was begun by none other than the Attorney General of the United States in August 1960. That was almost 2 years ago. After going through the courts, including an appeal to the Circuit Court of Appeals for the Fifth Circuit, the case is now, at the end of April, which is the last time we have a report on it in 1962, in the following situation: The registrar still persists in his discriminatory use of literacy tests, and the Federal Government has charged him with contempt for violation of the order of the circuit court of appeals. That is the present posture of the case. It has advanced no further since then.

One of the allegations of contempt is that the registrar rejected, for an alleged failure to read an interpretation of the State constitution, 57 graduates, among them one who had been awarded a National Science Foundation scholarship to Cornell. According to that ruling, one has to be a super Ph. D., not merely a Ph. D., in order to vote in any of those areas.

It seems to me that it is very clear that when the Congress has a factual basis for acting because individual litigation becomes practically impossible in terms of redressing grievous wrongs, Congress has the right to legislate in a situation of that nature. Even the most ardent opponent of the proposed legislation, the distinguished senior Senator from Georgia [Mr. RUSSELL], referred to this fact. I refer to his interesting speech on April 24, 1962, in which he said:

> If voting rights are withheld and denied, it is a criminal offense. We know that the Department of Justice of the United States has a vast horde of lawyers at its disposal. My latest information is that there are almost 2,000 such lawyers in the employ of the Justice Department and are supported by the taxpayers.

Mr. President, I should like to hear the outcry if 2,000 lawyers from the Department of Justice were sent into the 100 counties in the South where this authoritative report of the U.S. Commission on Civil Rights says there are discriminatory applications of literacy tests, and thereby denials of the right to vote. The roof of this Chamber, which has heard much oratory, would, under those circumstances, really quiver and shake. Talk about filibusters: there would really be a man-sized one if anything like that should happen.

Yet it is contended that hundreds of Government lawyers can be used to try these particular cases, which often last for months, and, indeed, for years—for let us remember that in each of the cases the Federal Government is opposed by all the power of a State, and the resources of the State are employed in order to provide its defense in those actions, and in each of these situations the entire State is dealt with.

Therefore, it seems to me that in the interest of elemental public order and the comity between the Federal Government and the State governments, when the Federal Government has this constitutional right—and I certainly believe it has in this instance—it should be exercised in this situation.

It is said that the existing provisions of the Civil Rights Acts of 1957 and 1960 are adequate to deal with the abuses. The answer is that, despite 125 enforcement activities in approximately 100 counties, including suits filed, voting records under inspection, and FBI investigations, there are still either no Negro voters or a miniscule percentage of them registered in many counties of the South.

The tables for the various counties in the Southern States are available as an appendix to the volume prepared by the U.S. Civil Rights Commission. It would be a waste of funds to go to the expense of printing all the tables in the RECORD, but I shall cite a few of the overall figures which are illuminating in connection with this situation.

For instance, let us consider the entire State of Mississippi—not just one part of it, but the entire State—and let us see what the tabulations show. Table 8, among the charts, shows that of the voting-age population of Negroes in Mississippi, 6.2 percent are registered to vote; and that of the voting-age population of the white citizens of Mississippi, approximately 40 percent are registered to vote. Later, I shall supply the exact figure in that connection.

The table shows that in Alabama, 63.6 percent of the white citizens of voting age are registered to vote, whereas only 13.7 percent of the Negro citizens of voting age are registered to vote—viewing the matter on a statewide basis.

Table 10, as prepared by the Civil Rights Commission, gives a sampling for South Carolina, by referring to four counties; and it shows that 4.7 percent of the Negro citizens in those four counties in South Carolina are registered to vote, as compared with 84.5 percent of the white citizens in those counties who are registered to vote.

Mr. President, again I refer to the conclusion reached by the U.S. Civil Rights Commission—namely, that in 100 counties in 8 southern States, stretching from the Atlantic to the Mississippi, there is outright disenfranchisement in connection with denial of the right to vote by reason of the discriminatory application of laws setting the qualifications for voting.

The reason for this is clear: The test of "understanding" or "comprehension" is so subjective that it is an overwhelming task to present such a case with formal legal proof. One such case, in Montgomery County, Ala., took a week to try, and required over 160 witnesses for both sides. The Government was required to have a staff of 5 analyze 36,000 voter registration applications, over a period of 3 months. It had three to five lawyers working on the trial. Even if the Government succeeds in satisfying the court that this subjective standard has been abused, how can the resulting injunctive order be enforced? To establish contempt of court, the Government would again have to cope with the vague, elusive standard of "understanding" or "comprehension." In another case, in Forrest County, Miss., the Attorney General has been proceeding against the voting registrar since August 1960; and at this point, despite diligent efforts at every stage, he is still attempting to prosecute a contempt action against the registrar.

I have referred to that case as being that of United States against Lynd. I gave its history a minute ago. The registrar is now charged with violating a court of appeals order by refusing to register every Negro applicant, many for "illiteracy," including five college graduates, one of whom had been awarded a National Science Foundation scholarship at Cornell. Finally, it must be noted that these suits account for only 2 of the 67 counties in that State alone, none of the remainder of which will consider the decrees in those cases as binding upon themselves, as we know only too well.

Obviously, Mr. President, where such legislation is constitutional—and I strongly contend that it is constitutional in this case—we strongly contend that Congress may use a proper measure of power in order to effect some standard basis by which such protracted legislation may be avoided, in order that a constitutional result may be achieved. Let us remember that the constitutional result to be achieved is assurance of the right to vote without discrimination against Negroes, as guaranteed by the 15th amendment. Let us never forget that.

To this, the opponents of this bill reply by pointing to the more than 3,000 counties around the country in which no discrimination in the application of literacy tests is alleged, but to which the pending measure would apply. In other words, it is argued that the bill would apply throughout the country, whereas it is alleged that the abuse referred to exists in only a certain number of counties. However, it has often been held that the Congress has a wide choice of means for implementing its constitutional power to safeguard the right to vote. (*United States* v. *Classic*, 313 U.S. 299, 320 (1941) and cases therein cited.) Similar arguments were made against the Civil Rights Act of 1957 and 1960, to which the opponents themselves now allude with satisfaction.

Let us remember that as to the choice of means, similar arguments were made against the Civil Rights Acts of 1957 and 1960. Yet the opponents of the pending measure now refer to those statutes as proper ones, whereas at the time when they were under consideration, the same persons argued as heatedly that those measures would destroy the Constitution and the rights of the State governments.

Congress has often applied a general rule throughout the Nation, although the need was only local. A prime example is the Landrum-Griffin Act, in which Congress found abuses in a few unions, and applied safeguards to all. Finding a voting requirement beyond certain limitations to be excessive and unreasonable and establishing a maximum literacy test for States which choose to use such tests is an equally legitimate method by which to eliminate the abuses which have been documented in at least eight States.

I have referred to them by quoting from the Commission's report.

Now, Mr. President, let us remember, too, that this statute, if it passes, will not upset the normal literacy test procedures of all our States. They go ahead and do business just the same. It will only set a standard where that standard must be repaired to if any person feels he is being discriminated against. There he may use a certificate. In New York State we call for an eighth grade education. The Federal Government will reduce that requirement to a sixth grade certificate, if this bill passes.

An important thing to remember in that regard is that the Supreme Court of the United States will have to find that it is a reasonable test, a reasonable means for ascertaining the capability of a voter to vote. It is interesting that in all this debate I have not heard questioned the validity of a sixth grade certificate in terms of qualifying a person to understand what he is voting for. So I do not think there is much question about the fact that the Supreme Court will hold it to be a perfectly reasonable test.

I revert to the first point I made, the critical need of a cloture vote limiting debate on the amendment. In my opinion, it is going to be one of the most important votes on civil rights ever cast in the history of civil rights, and it is also going to be one of the most important votes of any kind cast in this Congress. Let us be very clear on that.

If the cloture motion fails, despite the fact that a majority of the Senate supports it, and if it ultimately fails on the second vote, and this bill has to be taken down, then we shall have had a clear demonstration, for all the world to see, that the will of the majority, even after reasonable debate, can be defied by a minority and a filibuster. It will show that the failure to get the Senate rules amended in January, 1961, and again in September, when the issue was shelved, was a grave error; and it will provide a powerful argument for amending the rules when there is another opportunity at the opening of a new session in January, 1963.

If, happily, the cloture motion should be successful, then it also would be historical, because it would demonstrate that, on the Democratic and Republican sides, there is enough determination and enough fidelity to the pledges of our respective parties and to the crying injustices in the country to effect cloture, which many Senators are not happy about, in order to bring about elemental legislation.

If this happens, we shall have a historic milestone in terms of the balance of power; and the power of a minority to frustrate, not only in civil rights, and not only by filibuster, but merely by threat of one in many issues, will finally have been broken.

I am not for limiting debate unreasonably or for adopting rules used in the other body. The Senator from Illinois [Mr. DOUGLAS] and I, in all our efforts, have not suggested that. The most we have suggested is a limitation of 30 days of debate, not even under germaneness rules, and that then cloture could be brought about by a majority of 51 Senators. We have been reasonable in our approach, and understandably, because this is a great deliberative body, but it has come to a historical turning point in these dangerous days. We are either going to be able to do that or we are going to show demonstrably that we cannot go forward as a body which is ruled by a minority. I hope that will not happen. I do not want it as an argument for January 1963. I would rather we would be successful on a cloture motion. But if we are not, I think the country will have clearly written before it one of the major issues of the political campaign of 1962.

I thank the Senator, and I yield the floor.

Mr. HUMPHREY. Mr. President, I join the debate today on the amendment in the nature of a substitute which has been offered by the majority leader and the minority leader.

During the past 2 weeks of this debate on voting rights legislation, almost everything that can be said on both sides of this issue has already been said. A year from now much of our rhetoric may be forgotten, but the testimony which has been printed in this volume of hearings on S. 480, S. 2750, and S. 2979, by the Subcommittee on Constitutional Rights of the Committee on the Judiciary of the Senate, reveals certain information that cannot be forgotten.

I will find it hard to blot out of my mind the recorded testimony that reveals the image of the Negro citizen with a graduate degree who had to copy page after page of a State constitution on five separate occasions, only to be rejected each time because she omitted a word or some of the punctuation.

I will not forget the case of the Negro applicant who failed to explain "due process of law" to the satisfaction of a registrar who not only had no legal training, but who had less formal education than many of the applicants.

I know that I will remember the Negro applicant who was rejected for misspellings by a registrar who misspelled the word misspellings.

These are a few of the human situations embodied in the Attorney General's testimony before the Senate Subcommittee on Constitutional Rights that there are 16 counties in which Negroes of voting age are the majority but where no Negro is registered to vote, and 49 counties in which Negroes are the majority and less than 5 percent of these eligible are registered.

These are a few of the injustices behind the Civil Rights Commission's dry statistics that there are 129 counties in 10 States where less than 10 percent of the eligible Negro citizens are registered.

So it seems to me, Mr. President, that there can be no real argument about the need for legislation. That much is conceded. There does not have to be a situation in which citizens in all of the counties, or in half, or even in one-third of the counties, are being denied their rights in order to have a need for legislation. We pass bills here to remedy wrongs against a single person and wrongs which are much less fundamental than the denial of a person's right to choose his own government.

I would call to the attention of my colleagues the Senate Calendar. On that calendar are a number of what we call private bills. Those private bills frequently refer to claims of citizens against the Government of the United States. Members of the Senate and of the House of Representatives take justifiable pride in righting the wrongs, in seeing to it that claims of citizens against this great Government of ours are paid, or that there is justice done with respect to the claims.

Now Mr. President, I am not a lawyer so I can not enter the scholarly debate about the constitutionality of this bill on the same terms as some of my distinguished colleagues. But I have read the words of the 15th amendment "that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude," and that "Congress shall have power to enforce this article by appropriate legislation."

This proposed legislation does not impair the power of States to impose literacy requirements, but merely substitutes an objective standard for loose rules which have been discriminatively applied. I want to make it quite clear that the Constitution establishes the unequivocal right of the States to set standards for voting. That same Constitution provides that those rights cannot be applied in a discriminatory manner. In other words, a right for one or a standard for one person must be applied equally to another.

If this pending measure is not "appropriate legislation," then I am not sure how the 15th amendment can be effectively enforced. And I might add that I have some pretty fair constitutional lawyers on my side—among them Dean Griswold of the Harvard Law School, a member of the Civil Rights Commission.

Nor am I impressed with the argument that this proposal would demean the value of the vote or adversely affect the quality of government in the United States. I would even venture to say that there may be illiterate persons in this Nation better able to judge candidates and the issues than some who have mastered the arts of reading and writing. In fact, there are 30 States in this Nation—my own among them—which do not require literacy at all as a prerequisite for voting, and I would be hard put to say that these States are not as wisely governed as the 20 which do impose literacy requirements. The Mansfield-Dirksen amendment would not abolish literacy as a requirement. It merely provides that literacy tests must be applied equally, without discrimination. The Mansfield-Dirksen amendment states that any person who has completed six primary grades in public school or in any accredited private school cannot reasonably be denied the right to vote on the grounds of illiteracy or lack of sufficient education. And I find that a perfectly reasonable factual basis on which to legislate.

Mr. President, let us keep this proposed legislation in perspective. It is only a small step toward assuring Americans their constitutional rights. It will not be of any direct help to the millions of Negro children who are being denied their constitutional rights by being kept in segregated schools or who are being denied other privileges under the law. It will not help the millions of nonwhite Americans who cannot buy or rent a home on the same terms as whites. It will not break down the barriers of discrimination in employment which keep so many Americans in impoverished circumstances.

All the Mansfield-Dirksen amendment will do is to take a useful, moderate, reasonable, and effective step toward assuring all Americans the right to vote. This is a promise we made to ourselves almost 100 years ago in the 15th amendment. Let us take a step to keep this promise today.

I should like, if I may, to put the matters we have been discussing in a wider context.

Last month we had a visit from Prime Minister Macmillan of Britain. I vividly recall how, 2 years ago, he spoke to the Parliament of the Union of South Africa. He warned them that a "wind of change" was blowing throughout their continent.

That wind of change is blowing not only in Africa, but also throughout the world. Hundreds of millions of people are attaining freedom and its most essential right—the right to vote.

There have been times in the past when, looking at our actions in the United Nations, I wondered whether we knew which way the wind was blowing.

I think that we do now. In the United Nations, we are voting with freedom and the future, not with colonialism and the past.

We have given pain to some of our oldest and best friends because of the votes. That could not be helped. We were on the side of what was right, what was just. We were on the side of what was inevitable, a much-needed change.

When Mr. Macmillan spoke to the South Africans, he did not expect that his words woud give them any pleasure, and they did not.

In fact, he was sharply criticized, but he spoke courageously. He spoke as a statesman. He spoke properly.

Our European friends, however, do from time to time make one point that sticks, and hurts, particularly as we cast our votes in the United Nations for freedom and against colonialism. They say we should apply the same standard to ourselves that we do to them. They say, and rightly, that we should practice at home what we preach abroad. They say we should practice what we say at the United Nations and the way we vote at the United Nations.

After all, the wind of change, the freedom wind, does not stop at the boundaries of the United States. It does not divide and flow around us, leaving us becalmed in the midst of the hurricane.

People are speaking up for their rights, here at home as well as in Africa, in Latin America, in Asia, and everywhere else.

They are demanding the right to vote.

I am happy to say that people behind the Iron Curtain are speaking up for their rights. The other day I read an article which said that students in universities in Czechoslovakia had spoken out against the totalitarian regime. Workers in Spain have been striking for better benefits: better wages and better living conditions. All over the world people are demanding that they be treated as human beings, with the qualities of dignity and decency to which humankind is entitled.

I have been saddened to read, in the report of the U.S. Commission on Civil Rights, of the petty and pathetic stratagems which have been used to keep Americans from gaining, or even holding, the right to vote.

Registrars have vanished. Tricks have been played with cards. Even passages from the Constitution, the hallowed charter of our liberties, have been used in a kind of "heads I win, tails you lose" game.

We are seeking to do away with only one of these petty tricks, a so-called literacy test administered in such a way that any of us here in this body could easily fail it, but for the color of our skin.

It is a small thing we are seeking to do, a first step in the right direction.

It will still require determination, persistence—yes, and often, in some places, courage—to register to vote. But it will be a little harder to say "no" and to make it stick.

We have the opportunity to show that we know which way the wind is blowing, and that it is blowing within our own beloved country.

Democracy is under attack today, every hour of the day and night. A world of coercion, of tyranny, confronts our world of free choice.

But democracy can be sapped from within as well as besieged from without.

Democracy is an end, or objective, but it is also a means. It must work as a means by which people can meet their problems, or its survival as an end is less than certain.

I would like to meet Rev. John Henry Scott of East Carroll Parish in Louisiana and talk with him about democracy. On page 51 of the Commission's report on voting it says that Reverend Scott "noticed the streets where they vote; they were fixed * * * I noticed the people that vote, the officers of the law respected them and treated them different from the people that didn't vote. * * *"

I do not know whether Reverend Scott would have passed the literacy test we are talking about today; he did not get that far.

Although he had lived in the same place all his life, he was not able to find two registered voters to vouch for his existence. He had lived in one area all of his life, yet could not find two registered voters to vouch that he was alive.

Yes, he was "the invisible man"—and it was not science fiction, but plain, hard, disagreeable fact.

These facts were testified to before the Civil Rights Commission under oath. That is a body constituted under law passed by the Congress.

I think Reverend Scott had a good down-to-earth grasp of the meaning of democracy, and why he wanted it. To him, it meant both a better life materially, and also an ampler measure of human dignity.

We have the opportunity today to show that democracy can work, right within this Chamber. The issue before us has been thoroughly explored, investigated, debated, and dissected.

We must—unless there is something self-destructive, something almost suicidal about the rules under which we are functioning—be able to vote on this issue.

The members of the South African Parliament listened to Prime Minister Macmillan and then proceeded to ignore his solemn warning, with results which are already tragic and which may, God forbid, become even more tragic.

The preacher and poet John Donne once said: "Any man's death diminishes me, because I am involved in Mankinde; And therefore never send to ask for whom the bell tolls; it tolls for thee."

Liberty is just as indivisible, democracy is just as indivisible. If the bell tolls against democracy in any corner of our country; if citizens are denied the vote without just cause, it tolls for us here in Washington, in our respective States, and here in the Chamber of the Senate, too.

Before closing, I wish to associate myself with the remarks made yesterday by our distinguished majority leader in regard to the Senate rules. If the Senate is unsuccessful in its efforts to obtain a vote on the moderate, reasonable, limited proposal known as the literacy test proposal, it will be manifestly and crystal clear that the rules of the Senate must be changed so that the Senate may exercise its will and its purpose to carry out the mandate of the Constitution, namely, to do the business of Government.

No one objects to full debate on the issues which come before this body. I would be the first to protest any effort to curtail full and complete discussion. But there comes a time when the Senate does have the right to bring the issue before it to a head and to vote it up or down. I do not believe that a minority of the Senate has the right to prevent the Senate from resolving the issue before it.

I wish to make it clear that the resolution of that issue may be contrary to what I believe may be right and contrary to my vote. But I, as a Member of the Senate, sent here by a sovereign State, believe that I have an obligation to fullfill the mandate of the Constitution, which requires that there shall be a majority for a quorum, and that a quorum is capable of doing the business of the Senate.

Rule XXII has been called the graveyard of civil rights. Those who have opposed any liberalization in rule XXII have denied that the present rule makes it impossible for the Senate to act.

The main argument in behalf of rule XXII is that it is still an effective rule. It permits the Senate to act. Those who speak up for rule XXII say that the rule does not deny the Senate the opportunity to act, but rather permits the Senate to act with due process and due consideration.

I sincerely hope that our vote will prove that rule XXII can work. We shall shortly have the opportunity to test the effect of rule XXII. If it does not work, if the cloture motion fails, and the pending literacy test proposal must be dropped for the present session of the Congress, it will be abundantly clear that the rule needs changing.

I repeat that the proposal before the Senate would do justice to the 15th amendment to the Constitution, which requires the Congress to take appropriate steps through legislation to enforce the mandate of the 15th amendment. If the present modest proposal of a literacy test is to be pushed into the graveyard of rule XXII obstruction, I say that the evidence is abundantly clear that the rules must be changed.

I think the record is equally clear that this Senator has urged for years that the rules be changed so that the Senate can legislate, which is its primary duty. The Senate is not merely a public forum; it is a legislative body, and to legislate means that we must debate. But to legislate means also to decide, to make decisions.

If that be the case, if the vote on cloture should fail, I renew my pledge to work untiringly with our majority leader to see that rule XXII is changed in 1963.

I see in the Chamber my friend the minority whip, the Senator from California [Mr. Kuchel]. For many years he and I, one a Republican and the other a Democrat, have urged liberalizing rule XXII, without any regard to partisanship. We have worked together to get what we have believed would be a sensible liberalization and modernization of rule XXII so that after many days of debate, a majority of the Senate would be able to bring the debate to a close and permit Senators to vote upon the substance of the issue before the Senate.

Whether cloture could be effected by majority vote, or whether there would be some modification of such a proposal which would liberalize the present rule, I repeat that if the vote tomorrow on cloture fails, there will be but one course for this Senator and, I hope, for a vast majority of other Senators to follow. That course would reopen the issue of rule XXII in the beginning of the 88th Congress, 1963—and we would see to it that the rule is modified, liberalized and modernized.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. KUCHEL. The Senator is exactly correct. If the Record discloses, as I am sure it will, not only a great majority of Senators prepared to vote in favor of the pending proposed legislation, but also the shameful fact that those Senators will not be given an opportunity so to vote, I prophesy that early in the next session of the Congress there will be adequate votes at long last to change the rules so that the majority of Senators can, after reasonable debate, exercise their judgment to vote in favor of or in opposition to whatever type of proposed legislation is pending in the Senate. I completely agree with my able friend that in the argument he makes there is no political distinction between us.

Mr. HUMPHREY. I thank the Senator. He has always approached problems of this nature in what I consider to be an objective and nonpartisan manner. On the subject of the rules of the Senate, there is no room for partisanship. The purpose of the rules is to permit the Senate to conduct the public business, insofar as we are empowered to do so, under the Constitution.

Mr. President, I pledge myself to work untiringly with our majority leader and with other Members of the Senate to see that rule XXII is changed in 1963. I am confident that our efforts will prove successful.

In conclusion, I ask unanimous consent that editorials from the New York Times and the Washington Post in support of the literacy test bill, as well as a telegram in support of this legislation from the legislative director of the AFL–CIO, Andrew J. Biemiller, be printed at this point in the Record.

There being no objection, the editorials and telegrams were ordered to be printed in the Record, as follows:

[From the New York Times, May 8, 1962]

The Literacy Test Bill

For more than 2 weeks a group of Southern Senators have been holding up a vote on the administration's literacy test bill. If this bill were to pass, it would forbid any State to discriminate against Negroes or anybody else in setting literacy standards for voting in Federal elections. This filibuster, like all other filibusters in the Senate, is intended to prevent a Senate majority from having its way. The bill's opponents are implicitly conceding that they do not care for majority rule.

How large a majority would support the bill if it were brought to a vote is uncertain. Supporters of the measure were claiming 54 votes at the beginning of the week and some of them thought, as Senator Keating said, that the bill would succeed "if the full weight of the President were placed behind this cause, as it has been on others."

However, because of the Senate's traditional solicitude for its own minorities, a two-thirds vote is required for closure of debate—or the approval of 67 Senators when the whole Senate is present and voting. Yesterday the Senate leaders filed a closure motion, which will be taken to a vote on Wednesday. It is not expected to pass, but the Democratic leader, Senator Mansfield, is not yet ready to give up.

Nor should he and his colleagues who support the bill give up. The issue is as clear as it was nearly a century ago when the 15th amendment stipulated that the right to vote should not be "denied or abridged" on account of race or color. Literacy tests in the South have notoriously been used to disfranchise the Negro. It is time to abate this abuse.

This is a National and not a State issue. For the President, the Vice President, and the Members of both Houses of Congress act for all of us and should not be chosen by a discriminatory vote. This is a principle that no amount of sophistry can change.

[From the Washington Post, May 7, 1962]

Test on Voting Rights

While the debate over voting rights drones on in the Senate, the Department of Justice has moved against a registrar in Forrest County, Mississippi, for refusing to register Negro applicants despite a court order forbidding discrimination. This is a very promising effort to enforce the Civil Rights Acts of 1957 and 1960. If this venture for the opening of voting booths to Negro citizens had succeeded sooner there would be less interest in the controversial bill to prescribe that a sixth grade education will satisfy State literacy requirements for voting.

It is unfortunate that the Department's request that the offending Mississippi registrar be held in contempt of court was rejected by the district court. An appeal has been filed, however, in the Fifth Circuit Court of Appeals, and if it should fail there it will doubtless be taken to the Supreme Court. The case for contempt appears to be strong, since the official refused to register at least 19 Negro applicants, including a National Science Foundation fellow and three college graduates. If the registrar persists in his refusal to do his duty under the law, he can be kept in Federal custody until he complies with the orders of the courts.

The 1960 act also provides for bypassing recalcitrant State voting registrars if that should become necessary. Where a pattern of racial discrimination is found, the court can appoint a voting referee who could determine whether applicants are qualified to register and then provide them with voting certificates. This system created only 2 years ago ought to be tested to the full extent of the powers it provides.

May 8, 1962.

Senator Hubert H. Humphrey,
Washington, D.C.:

AFL–CIO strongly supports passage of Mansfield-Dirksen bill providing that completion of six grades of formal education shall be deemed to satisfy State literacy tests as qualifications for voting in Federal primaries and elections. Such legislation is urgently nedeed to prevent discriminatory denial of the right to vote to Negroes in violation of guarantees of such right contained in the 14th and 15th amendments to U.S. Constitution. Of utmost importance Senate have opportunity to vote upon and pass this necessary measure. We especially urge you to vote for cloture and against any motion to table the literacy test bill.

Andrew J. Biemiller,
Director, Department of Legislation,
AFL–CIO.

YOUTH'S OTHER CORPS

Mr. HUMPHREY. Mr. President, the Washington Post recently expressed in its editorial comments support for prompt passage by the Congress of the Youth Conservation Corps bills which have been reported by both the House and Senate committees.

As the Senate sponsor of the Youth Conservation Corps proposal, I am hopeful that this legislation will be acted upon favorably before we adjourn. In my opinion, it would be a shame if this legislation which would help many young men and also be of such benefit for our conservation program in our State and national parks should be further postponed. I hope that this will not be the case.

I ask unanimous consent that the editorial from the Washington Post of April 28, 1962, be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Youth's Other Corps

The overwhelming bipartisan support in Congress for expanding the Peace Corps is the surest measure of the broad acceptance of an idea that was once regarded as a dangerous novelty. The applause for the Peace Corps ought to encourage Congress to approve the parallel proposal for a Youth Conservation Corps now sequestered in the House Rules Committee. This legislation would create a 12,000-member corps similar to the CCC of New Deal days and would give youngsters between the ages of 16 and 22 a chance to work in useful public projects such as reforestation at pay of $70 a month.

Comparable legislation before the Senate calls for a larger corps of 150,000 but once the House has approved its version a compromise can surely be worked out. One interesting provision of the House bill would also establish a "Home Town Peace Corps" of 25,000 in which youngsters could work on local public projects, living at home and earning up to $20 a week.

Passage of the legislation would enable Congress to give thousands of American youngsters a chance to make a contribution to their community and country—to do something for others as well as themselves. We can think of few more appealing ways of providing an outlet for the energies of youth, especially of adolescents who may be restless, rootless, and jobless. While no corps can pretend to offer a cure to juvenile delinquency, the lack of affirmative programs for jobless youths is plainly part of the problem.

Significantly, the District Urban Service Corps has been a success in its first year of operation. This privately supported local program now has about 150 volunteer workers and will need 4 or 5 times as many to carry out its task of helping needy children. This small but useful corps has served as a pilot project and provides heartening proof that the desire to give is strong in a society where so much stress is placed on the delights of get.

COMMUNICATION FROM THE SECRET ARMY ORGANIZATION

Mr. HUMPHREY. Mr. President, I had a most unusual experience the other day in receiving a letter on which I wish to make a very brief comment.

Like many or all of my colleagues I have just received a communication from a group whose very name conjures up a picture of terror, violence, and brutal inhumanity. I am referring to the Secret Army Organization, which even as I speak is trying to provoke civil war in Algeria and to wreck the painstakingly negotiated cease-fire between France and the provisional Algerian Government.

Mr. President, the Secret Army Organization—which I shall refer to henceforth by its French initials, OAS, but not to be confused with what we call the Organization of American States of the pan-American area—had the insolence to write me that it is "completely devoted to the ideals and to the goals" of the Atlantic Convention of NATO nations, which met in Paris this January. As my colleagues will recall, the Atlantic Convention met under semiofficial auspices, and its chairman and guiding spirit was our distinguished former Secretary of State, Mr. Christian Herter. How, one might ask, could an underground organization such as the OAS have anything in common with the Atlantic Convention which represents the finest in the European and American tradition?

The OAS, Mr. President, claims that the "bloody struggle" in Algeria involves not only the vital interests of "Algerian Frenchmen," as they put it, but in the end envisages the overthrow of the Fifth Republic. In the final stage of this struggle, says the OAS, there will emerge a government consisting of "the healthy forces in France which will assure France a happy future and will give the Atlantic allies the certainty of a monolithic unity." The OAS indentifies itself with an "Atlantic culture" whose struggle against communism is the same as the anti-Moslem struggle in Algiers and Oran and the same as the mutiny against General De Gaulle, who is accused of treason.

Mr. President, whenever I read the term "monolithic unity," I become suspicious. People who talk in terms of monolithic unity generally have one-way minds. Generally they have a concept of unity which is based on the unity of compulsion, of coercion. Monolithic unity is not the pattern of Atlantic unity.

Mr. President, as a member of the Senate Committee on Foreign Relations and as a signer of the original "Declaration of Atlantic Unity" in July of 1961, I have only one reason to give this arrogant document the dignity of a public reference. And that is to refute the claim that the assassins of the OAS have anything in common with the spirit motivating the architects of Atlantic unity.

Mr. President, every morning when I read in the newspaper what the Secret Army Organization has been doing in Algeria, it makes me almost ashamed to be a human being. The beastlike actions and the incredible inhumanity of this organization is an insult to God's finest creation, man himself.

When I receive a letter suggesting that this organization has something in common with Atlantic unity, it is time, even as one who has obviously no control over an organization in a country as far away as Algeria or France, to speak up and to speak out against the incredible, inhuman activities of the members of that organization, which has shot children in the streets, patients in hospitals, which has acted with complete reckless abandon, and has murdered and pillaged and burned and injured and destroyed people and property.

Beyond the shadow of a doubt, some of our more gullible citizens will accept the claims of the OAS at face value and will welcome these blood-stained cowards as comrades in the fight against communism. But let me say that I am not one of them. The United States could never take part in an Atlantic cultural clique which trampled on the legitimate rights of non-European peoples. Atlantic Community is not a racist concept. It has nothing in common with neo-Fascist or neo-Nazi movements. It has no room for gangsters or for underground insurgents against governments freely chosen by the citizens of a great nation. Least of all can it speak a common language with an organization which openly proclaims that it "rejects the results of the referendum" in which the French people affirmed their support of the Algerian cease-fire.

I digress to pay tribute to Gen. Charles de Gaulle, who has demonstrated qualities of leadership and courage which have commanded the admiration and respect of people throughout the world. I also commend the people of France, who have suffered through many years of agony because of the terrible situation which has existed in Algeria and in other parts of the world. These people have given President de Gaulle a vote of confidence. They have asked for peace, they have asked for a settlement, and they have joined with Gen. Charles de Gaulle in seeking independence, with honor and with dignity, for the people of Algeria.

Consequently, Mr. President, whenever the OAS talks about its devotion to the idea of U.S. association with the Common Market, of its loyalty to NATO, or of its desire for "Atlantic cultural institutions," all I can think of are the groans of the dying and bereaved Moslems who have learned the meaning of OAS culture.

All members of the Christian community should bow their heads in shame for what has been done in the name of Christian civilization to the Moslem people in Algeria.

It is farcical for the OAS, its leaders imprisoned and under sentence of death, to claim that they are more European than the leader whom they helped to power in 1958. To be sure, President de Gaulle's "Europe of Fatherlands" may not appeal to the smaller or weaker members of the Atlantic Community or even to ourselves. But President de Gaulle is nevertheless a great European whose vision extends beyond the borders of his own country.

He is a great patriot. He is a great believer in freedom. He sees that there is no lasting future for a Europe which refuses to cement its ties with Africa and Asia. He has forged a generous and fruitful association with the former French colonies in Africa, now independent nations in their own right. An organization which attempts to frustrate the culmination of this policy in Algeria cannot rightfully call itself European. It cannot rightfully say that it is in step or in tune with so-called Atlantic unity.

Mr. President, I feel sorry for the self-deluded men who make up the Secret Army Organization. In their frustration and bewilderment at a seemingly unending series of French military reverses since World War II they have created a never-never land of their own. They have lost touch with reality.

Regretfully, there are other people in the world who have not as yet indulged in such delusions, but whose words bespeak them, and who have also lost touch with the realities of the world, and are also victims of frustration. They simply are the victims of their own incapacity to endure sacrifices and travail and hardship.

Every bomb or boobytrap that explodes in Algiers or Oran removes them one step further from reality. They cannot buy their way back into civilization by paying lipservice to the noble ideal of Atlantic Community.

As one of the signers of the Atlantic Unity Convention, I take the liberty of rejecting any possible association or affiliation with these men who call themselves brave men but who are in fact moral cowards and have become assassins and political derelicts and delinquents, and who ought not to receive any respect from any peace-loving people in any part of the world.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. KUCHEL. Mr. President, when my political party, the Republican Party, met in the city of Chicago, in 1960, at its national political convention, it made a series of promises to the American people. One of them was a specific commitment with respect to voter legislation. I read as follows:

> Legislation to provide that the completion of six primary grades in a State accredited

> school is conclusive evidence of literacy for voting purposes.

That was an honorable pledge to the Nation.

When the other great political party, the Democratic Party, met in the city of Los Angeles that same year, its representatives took similar action and promised the American people:

> We will support whatever action is necessary to eliminate literacy tests and the payment of poll taxes as requirements for voting.

That, too, was an honorable pledge to the Nation.

The following January, when the new Congress convened, I joined a number of Senators on both sides of the aisle in sponsoring legislation to carry out that bipartisan commitment. A bill, S. 480, was introduced by us in the Senate on January 17, 1961.

Mr. President, I ask that the text of S. 480 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KUCHEL. Mr. President, S. 480 was referred to the Committee on the Judiciary; and there it has lain these 16 months. It will never be reported to the Senate. This year, our Republican leader, the distinguished junior Senator from Illinois [Mr. DIRKSEN], and the Democratic leader, the distinguished senior Senator from Montana [Mr. MANSFIELD], joined in sponsoring the same kind of proposed legislation. The bill was referred to the Committee on the Judiciary, although some of us objected to that action, contending that the bill would have precisely the same ugly fate as our bill introduced a year earlier, and that, therefore, the new bill should be referred to another committee, with equal jurisdiction over the subject matter, and with a fair chance of consideration. Nevertheless, the bill was referred to the Committee on the Judiciary, but a commitment was made, in honor and in good faith, by the leadership on both sides of the aisle that the Senate would be given an opportunity to vote on this specific issue. That opportunity is now before the Senate.

IS THERE A NEED?

It may be asked: Is there a need for this kind of legislation? The record discloses an unequivocal affirmative answer. It will be recalled that during the tenure of Dwight D. Eisenhower, the President of the United States appointed a commission of most distinguished Americans, from both the North and the South, constituting them the U.S. Commission on Civil Rights.

The Chairman of that Commission was and is John A. Hannah, president of Michigan State University. Its present membership includes Robert G. Storey, former dean of Southern Methodist University Law School, who serves as vice chairman of the Commission; Erwin N. Griswold; Father Theodore M. Hesburgh; Robert S. Rankin; and Spottswood W. Robinson III.

Father Hesburgh is a distinguished Roman Catholic priest and an outstanding American educator. In February 1960, commenting on some individuals who were denied their right to vote, although they were qualified to vote, Father Hesburgh said:

> Some were veterans with long months of overseas duty and decorations for valor in service. Some of the people were ministers. Some of them were college teachers. Some of them were lawyers, doctors. All of them were taxpayers. Some were mothers of families who were hard pressed to tell their children what it is to be a good American citizen when they could not vote themselves. All of them were decent, intelligent American people, and yet they could not cast their ballots for the President of the United States. Some had gone through incredible hardships in attempting to register and had been subjected to incredible indignities. I don't know if any of you in this room have had to go through this experience, but vicariously we had to go through it in listening to their tales. They would go down to the courthouse and instead of going in where the white people registered, they would have to go to a room in the back where they would stand in line from 6 in the morning until 2 in the afternoon, since only two were let in at a time. Then people with Ph. D.'s and the master's degrees and high intelligence would sit down and copy like a schoolchild the first article or the second article of the Constitution. Then they would be asked the usual questions, make out the usual questionnaires, hand in a self-addressed envelope and hear nothing for 3 months. And then they would go back and do it over again, some of them five, six or seven times, some of them standing in line 2 or 3 days until their turn came.

That is the testimony of an honorable, courageous, devoted American, the president of a great American university, and a priest of his church. It paints a dark and ugly picture of America. It indicts registrars in various parts of the country for a cynical attempt to deny American citizens their right to vote because of the color of their skin.

In its report, the Civil Rights Commission describes the situation of a Negro minister in Louisiana. The report, in part, at page 50, states:

> Rev. John Henry Scott is a lifelong resident of East Carroll Parish, on the Mississippi River in northeast Louisiana, where no Negro in the memory of the living has ever been registered to vote. Reverend Scott is pastor of the church organized by his great-grandfather. Neither he nor other Negroes ever had any difficulty being identified for any purpose other than registering to vote: "We are all very well known. * * * When you walk down the street, everybody knows everybody." Nevertheless, on each of the seven occasions when he presented himself for registration, he was told that he had to secure two registered voters from his precinct to identify him. Since only white people are registered, this proved virtually impossible: "I had a white friend * * * on the police jury at that time, and he told me that it wouldn't be any use because it was strictly made up not to register any Negroes."
>
> "Reverend Scott's efforts to secure the right of the suffrage for himself and other Negroes of East Carroll cover more than a decade of disappointment. In 1950 one of their number secured a single white 'voucher,' but his supporting statement was not accepted. Another received assurance from a white voter, but later was told, 'I can't fool with that.' An optimistic Negro once told Reverend Scott, 'I have some white friends, and we are all Christians.' His answer was prophetic: 'But Christians and this registration business is different. Nobody's a Christian when it comes down to identifying you.' "

On the basis of what the members of the Civil Rights Commission saw and heard, they made a recommendation to the Government of the United States. It was a unanimous recommendation. There was no opposition to it by any member of the Commission. They recommended:

> That Congress enact legislation providing that in all elections in which, under State law, a "literacy" test, an "understanding" or "interpretation" test, or an "educational" test is administered to determine the qualifications of electors, it shall be sufficient for qualification that the elector have completed at least six grades of formal education.

Mr. President, the record is replete with examples of why it is in the interest of American constitutional government for Congress to pass the kind of legislation which is now pending before it. I think that what I have said, little as it is, indicates the need for Congress to act, and to act now, to enable American citizens who are qualified to vote to have the opportunity to register and to vote, despite the fact that their color happens to be different from yours, Mr. President, or from mine.

IS IT CONSTITUTIONAL?

That leaves the question raised by some Members of the Senate and by some people throughout the country as to whether the proposed legislation is constitutional.

The 14th amendment to the U.S. Constitution provides, in its first section:

> Nor shall any State * * * deny to any person within its jurisdiction the equal protection of the laws.

And equal protection of the law specifically applies in the equal opportunity of all citizens to equal treatment in registering to vote.

Section 5 of that amendment provides:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

In providing that persons who have completed the sixth grade shall be regarded as literate under any State literacy law, Congress would be enforcing the equal-protection clause of the 14th amendment.

Mr. President, I ask unanimous consent that sections 1 and 5 of the 14th amendment of the Constitution be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT XIV

SECTION 1. All persons born or naturalised in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

> SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Mr. KUCHEL. Mr. President, I read into the RECORD the 15th amendment to the Constitution:

> AMENDMENT XV
>
> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The Attorney General of the United States has said, with respect to the power to Congress to act in this field:

> I have no doubt that this bill is valid under that grant of power.

He was referring, Mr. President, to the 14th and the 15th amendments. I agree with him. That is the plain intent of these two amendments, each adopted after the Civil War.

The Attorney General then said:

> There is no doubt that widespread deprivations of the right to vote because of race have occurred and continue to occur. The question is not whether this bill is valid, but whether it would correct the situation. Voting tests, which in this day of high educational achievement can exclude persons with a sixth grade education, are potential devices for discrimination. In my judgment, virtually no one with that amount of education has been turned down as a voter for other than racial reasons. Congressional action adapted to correcting this evil is not a questionable innovation. It is overdue.

I agree.

Mr. President, I am one of those who signed the petition for cloture, sponsored by the leaders of the two parties in the Senate. Tomorrow, we shall vote on the question of invoking cloture. I hope that, under the present rules, cloture will be voted. If it is not, then the Members of the Senate will have an opportunity, when voting on a motion to table, to demonstrate their feelings in regard to the issue involved.

It is my judgment that a clear and convincing majority of Senators will vote against the motion to table.

It is my judgment that, therefore, a clear and convincing majority will demonstrate, by their votes in opposition to the motion to table, that they favor this proposed legislation on its merits. They may be joined by others who, by their votes seek to becloud the issue, but, I repeat, I believe a majority of this Senate desire to support the pending bill.

But, Mr. President, if cloture is not invoked, notwithstanding the fact that a clear and convincing majority of the Members of the Senate want to vote in favor of this proposed legislation, if a filibuster prevents them from having such an opportunity to vote then I prophesy to you, Mr. President, that the Senate next January will see to it that the rules of the Senate are appropriately changed.

Those are some of the reasons, Mr. President, which convince me that the proposed legislation, sponsored by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN], is in the public interest, is on all fours with the U.S. Constitution, and, beyond that, will demonstrate to the people of the world that we intend to let the banner of American freedom fly equally over all American citizens, no matter where they live, no matter where their forebears came from.

I thank the Chair.

EXHIBIT I

S. 480

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Congress finds that the right to vote is fundamental to free, democratic government and that it continues to be the responsibility of all Federal Government to secure and protect this right against all unreasonable and arbitrary restrictions.
>
> (b) The Congress further finds that the right to vote of many persons has been subjected to arbitrary and unreasonable restrictions on account of race or color; that tests of literacy have been used extensively as a device for arbitrarily and unreasonably denying the right to vote to otherwise qualified persons on account of race or color; and that laws presently in effect are inadequate to assure that all qualified persons shall enjoy this essential right without discrimination on account of race or color.
>
> (c) The Congress further finds that illiteracy is rapidly disappearing in the United States; that the quality of elementary education furnished by the Nation's schools is of high caliber; that persons completing six grades of education in a State-accredited school can reasonably be expected to be literate; that a literate electorate can be assured by affording the right to vote to any otherwise qualified person who has completed six grades of education; and that any test of literacy that denies the right to vote to any person who has completed six grades of education is arbitrary and unreasonable.
>
> (d) The Congress, therefore, further finds and declares that the enactment of this Act is necessary to make effective the guarantees of the Constitution, particularly those contained in the fourteenth and fifteenth amendments, by eliminating or preventing arbitrary and unreasonable restrictions on the franchise which occur through the denial of the right to vote to persons with at least six grades of education and which exist in order to effectuate denials of the right to vote on account of race or color.
>
> SEC. 2. Subsection (a) of section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended, is further amended to read as follows:
>
> "All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude, and without subjection to any arbitrary or unreasonable test, standard, or practice with respect to literacy; any constitution, law, custom, usage, or regulation of any State or territory, or by or under its authority, to the contrary notwithstanding. 'Arbitrary or unreasonable test, standard, or practice with respect to literacy' shall mean any requirement designed to determine literacy, comprehension, intelligence, or other test of education, knowledge, or understanding, in the case of any citizen who has not been adjudged an incompetent who has completed the sixth primary grade in a school accredited by any State or by the District of Columbia."

Mr. ROBERTSON obtained the floor.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Virginia yield briefly to me, with the understanding that in doing so, he will not lose his right to the floor?

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Delaware, with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER (Mr. METCALF in the chair). Without objection, and with that understanding, it is so ordered.

DEFENSE DEPARTMENT DISPOSITION OF INVENTORIES AT INSIGNIFICANT PRICES WHILE PURCHASING IDENTICAL PARTS AT FULL MARKET PRICES

Mr. WILLIAMS of Delaware. Mr. President, today I wish to discuss another situation wherein the Defense Department has been caught disposing of some of its inventories which had been declared surplus at an insignificant fraction of their original cost while in another office it was buying at full market price these identical parts for the purpose of replenishing inventories.

On repeated occasions over the past several years the Comptroller General has called to the attention of the Congress numerous instances of such indefensible waste of the taxpayers' money by the Defense Department.

Under date of February 8, 1962, he submitted another report to the Congress, this one calling attention to the weakness in the management in the Ships Parts Control Center, Department of the Navy, Mechanicsburg, Pa.

In that report he cited numerous instances wherein the Navy was selling as surplus certain parts from its inventories at various supply centers while other centers were purchasing identical parts at full price.

Upon my request the Comptroller General pursued this investigation further, and obtained specific information as to which installations were selling the parts, to whom they were being sold, and the net price being received by the Government for each part, along with information as to the identity of the installations which were buying the identical parts to replenish inventories. I also asked for the amounts being purchased and the prices paid.

The latter report shows:

Example No. 1—see enclosure 2: The Navy sold as surplus 416 weight governors—16 went to Marine Engineering Specialties, Inc., New York City, for 1.6 cents per unit; 49 to Honolulu Supply Co., Ltd., Honolulu, Hawaii, for 12 cents per unit; and the other 351 were disposed of in scrap lots at unidentifiable prices.

While the Navy was disposing of these weight governors at prices ranging from 1.6 cents up to 12 cents each it was purchasing from Dravo Corp., in Philadelphia, 82 identical weight governors at a price of $64 each.

Here we find the Navy paying $5,248 for 82 weight governors which were identical to the 416 it had sold as surplus or scrap for a total of only $6.14.

Example No. 2—see enclosure 1: The Navy Department decided to decrease its inventory of a certain type of spring and declared 1,040 of these surplus, and ordered their disposal. A spot check showed that 229 of these springs were sold to Pacific Diesel Co., Seattle, Wash., for 5.3 cents each; 134 were sold to J. & E. Diesel Engines & Parts, Inc., Ferndale, Glen Burnie, Md., for 5.4 cents each. The remainder were disposed of as scrap.

The Navy Department then purchased from Cooper Bessemer Corp., Mount Vernon, Ohio, 275 of the identical type spring, at a unit price of $5 each.

Here the Navy was paying $5 for a spring which it was selling as surplus for a nickel or throwing away as scrap.

Example No. 3—see enclosure 3—The Navy Department declared 2,906 bearing units as surplus, and authorized their disposal as follows: 90 were sold to Hatch & Kirk, Inc., Seattle, Wash., for 11 cents each; 450 were sold to S & W Machinery & Supply Co., Oakland, Calif., for 68 cents each; 407 were sold to Diesel Service Co., Seattle, Wash., for $1.32 each; 12 were sold to Allison Engineering Co., Grove City, Pa., for $10.10 each; 206 were sold to Ilman Jones, Inc., Oakland, Calif., for 86 cents each; 206 were sold to Pacific Diesel Co., Seattle, Wash., for $1.13 each; 103 were sold to Hatch & Kirk, Inc., Seattle, Wash., for 88 cents each; and 325 were sold to S & W Machinery & Supply Co., Oakland, Calif., for $1.04 each.

Then, apparently on the premise that the Defense Department was running out of these bargains, the record shows that the Navy purchased from the Cooper Bessemer Corp., Mount Vernon, Ohio, 225 units of the identical bearings, with 20 of them being purchased at a price of $92.50 each, and 205 units at a price of $91.25 each.

Thus, in this instance we find that the Navy paid $20,556.25, or an average of over $90 each, for 225 bearing units, while selling as surplus 1,799 identical bearing units, upon which it received a total of only $1,812.98, or an average of just a fraction over $1 each.

These are not isolated cases but are being cited here today as examples of the manner in which the Defense Department insists upon ignoring its responsibility for maintaining proper control over its inventories.

Such examples can be multiplied many times, and the result is that hundreds of millions of dollars are being wasted annually through unnecessary expenditures.

While every American wants to furnish the Defense Department with adequate funds to protect the security of our country, the American taxpayers are getting tired of this continuous repetition of the Defense Department's shopworn alibi, when caught in one of these extravagant episodes, that in the future it will try to do better. For the past 10 years this excuse has been repeated again and again, but as yet it has never been backed up with appropriate action.

I fully recognize that in Defense Department procurement, equipment or parts that are purchased with the best of intentions will ofttimes become obsolete, and thereby become surplus. However, there can be no excuse for parts and equipment which are not obsolete being declared surplus, and then disposed of at a fraction of the original cost, while at the same time identical parts or equipment are being purchased in an adjoining office. In private business, someone would be fired.

I ask unanimous consent that the Comptroller General's letter of April 17, 1962, along with the three enclosures, be printed at this point in the RECORD.

There being no objection, the letter and the enclosures were ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, April 17, 1962.

Hon. JOHN J. WILLIAMS,
U.S. Senate.

DEAR SENATOR WILLIAMS: This is in response to your letter of February 21, 1962, wherein you requested further information on certain items included in our report to the Congress entitled, "Review of the Supply Management of Ship Repair Parts by the Ships Parts Control Center, Mechanisburg, Pa., Department of the Navy."

The specific questions contained in your letter and the information you requested are set forth below. This information was obtained from the records of the Ships Parts Control Center (SPCC) and the Navy installations that disposed of the bulk of the items cited in your letter.

"1. (a) To whom were the 1,040 springs sold?

"(b) What was the unit price received for the 1,040 springs?

"(c) From whom were the 275 springs later bought?"

The springs that SPCC had authorized for disposal were located at 10 different naval installations. We visited four of these installations that had been directed to dispose of 64 percent of the 1,040 springs. We were not able to locate disposal records at all installations. However, where we did locate disposal records, we found that this item was sold as scrap along with numerous other items. Enclosure 1 of this letter lists the buyers and the average price received in those instances in which we were able to locate records of sales containing these items. Enclosure 1 also shows the supplier of the 275 springs that SPCC subsequently purchased.

"2. (a) To whom were the 629 weight governors sold?

"(b) What was the unit price received for the 629 weight governors?

"(c) From whom were the 85 additional weight governors purchased?"

The 629 weight governors were located at 14 naval installations. We visited six of these installations that had been directed to dispose of 62 percent of the 629 weight governors. We were unable to locate records of a sale of this item at two locations. At two other locations we were able to locate records of the sale; however, we found that these items were sold as scrap along with numerous other items and the price received for these items was not identifiable. We were able to locate records of the sales at the remaining two locations. We have included in enclosure 2 the buyers and prices received for these items to the extent that such information was available and the name of the supplier from whom SPCC purchased the additional weight governors.

"3. (a) To whom were the 2,906 bearings sold?

"(b) From whom were the 225 bearings purchased?

"(c) What was the unit purchase price of the 225 bearings?"

The bearings that SPCC had authorized for disposal were located at 12 different naval installations. We visited five of these installations that had been directed to dispose of 82 percent of the bearings. In all instances where we located records of sales of this item, we found that the bearings were identified as such in the notices of sale. Enclosure 3 lists the purchasers of the items for the instances in which we were able to locate records. We also have listed in enclosure 3 the supplier of the 225 bearings that SPCC purchased, and the unit price for this purchase.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

ENCLOSURE 1.—*Summary of information relating to disposal and purchase of springs*

DISPOSAL

Naval installation	Purchaser	Quantity: Authorized for disposal	Quantity: Disposed of per available records	Price
Naval Supply Center, Pearl Harbor, Hawaii	Pacific Diesel Co., 340 West Nickerson, Seattle 99, Wash.	229	229	$0.053 per unit.
Naval Supply Center, Norfolk, Va.	J&E Diesel Engines and Parts, Inc., 600 West Drive Ave., Ferndale, Glen Burnie, Md.	134	134	$0.054 per pound as scrap.
Do.	Scrapped	282	277	
Naval Supply Depot, Mechanicsburg, Pa.	do.	23	23	
Total at locations visited		668		
6 other installations		372		
Total authorized for disposal		1,040		

PURCHASE

Supplier	Quantity	Unit price
Cooper Bessemer Corp., Sandusky St., Mount Vernon, Ohio	275	$5

Enclosure 2.—*Summary of information relating to disposal and purchase of weight governors*

DISPOSAL

Naval installation	Purchaser	Quantity		Price
		Authorized for disposal	Disposed of per available records	
Naval Supply Center, Oakland, Calif.	Marine Engineering Specialties, Inc., 556 Broome St., New York 13, N.Y.	12	16	$0.016 per unit.
Naval Supply Center, Pearl Harbor, Hawaii.	Honolulu Supply Co., Ltd., 204 Sand Island Rd., Honolulu, Hawaii.	37	40	$0.12 per unit.
Naval Shipyard, Long Beach, Calif.	Gordon S. Potter, 19281 Ronald Ave., Torrance, Calif.	148	161	Not identifiable, scrap lot.
Naval Supply Depot, Mechanicsburg, Pa.	Harrisburg Waste Paper Co., Box 541, Harrisburg, Pa.	10	11	Do.
Naval Supply Center, Norfolk, Va.	Scrapped	130	127	
Naval Shipyard, Norfolk, Va.	do	51	82	
Total at locations visited		388		
8 other installations		241		
Total authorized for disposal		629		

PURCHASE

Supplier	Quantity	Unit price
Dravo Corp., 1483 Suburban Station Bldg., Philadelphia 3, Pa.	[1] 82	$64

[1] We learned subsequent to our earlier report that, because of allowable variations in quantity permitted under the contract, only 82 weight governors were delivered and payment was made for that number.

Enclosure 3.—*Summary of information relating to disposal and purchase of bearings*

DISPOSAL

Naval installation	Purchaser	Quantity		Unit price received
		Authorized for disposal	Disposed of per available records	
Naval Supply Center, Oakland, Calif.	Hatch & Kirk, Inc., 5111 Leary Ave., Seattle 7, Wash.	370	90	$0.1167
Naval Supply Center, Pearl Harbor, Hawaii.	S. & W. Machinery & Supply Co., 980 77th Ave., Oakland, Calif.	475	450	.08
Naval Supply Center, Norfolk, Va.	Diesel Service Co., 740 Westlake, North Seattle 9, Wash.	407	407	1.32
Naval Supply Center, Norfolk, Va.	Allison Engineering Co., 505 Forest Dr., Grove City, Pa.	12	12	10.10
Naval Shipyard, Long Beach, Calif.	Illman Jones, Inc., 980 77th Ave., Oakland, Calif.	202	206	.95
Naval Shipyard, Long Beach, Calif.	Pacific Diesel Co., 340 West Nickerson, Seattle 99, Wash.	202	206	1.13
Naval Shipyard, Long Beach, Calif.	Hatch & Kirk, Inc., 5111 Leary Ave., Seattle 7, Wash.	99	103	.88
Naval Supply Depot, Mechanicsburg, Pa.	S. & W. Machinery & Supply Co., 980 77th Ave., Oakland, Calif.	622	225	1.04
Total at locations visited		2,389		
7 other installations		517		
Total authorized for disposal		2,906		

PURCHASE

Supplier	Quantity	Unit price
Cooper Bessemer Corp., Sandusky Street, Mount Vernon, Ohio.	225 {20@ 205@	$92.50 91.25

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield for not more than 5 minutes to the distinguished Senator from Illinois [Mr. DOUGLAS] for the purpose of making a statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SEGREGATION OF SCOTCH-IRISH

Mr. DOUGLAS. Mr. President, I felt compelled on April 25 to take the floor of the Senate and to protest against a movement developing in Mississippi to segregate the Scotch-Irish. I introduced into the RECORD articles from the Petal Paper, which made a vicious attack upon the Scotch-Irish and urged that they be segregated from all social events in that State, and, indeed, throughout the Nation.

I then addressed a letter to the editor of the Petal Paper, and, among other things, I said:

> You have gone too far, and I shall have to defend the Scotch-Irish even if it takes the last drop of my blood. May I plead with you that you do not renew your efforts. In spite of all your errors, I like you very much and I only hope that we can convert you so that you will not advocate segregation of anybody. I must confess to you also that I am opposed to segregation of the Negroes. I hope that you will not take this amiss, and that you will hold fast to your former convictions in this respect, at least, even though you have been led astray by the Scotch-Irish. Come to your senses, my boy.

I had hoped that my message would affect beneficently the attitude of the Petal Paper, but it did not.

In fact, I noticed in an editorial which appeared in the New Republic for May 7 that a journalist writing under the name "T.R.B." endorses the segregation of Scotch-Irish. I ask unanimous consent that this editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New Republic, May 7, 1962]

YOU-KNOW-WHO

In Hattiesburg, Miss., Mr. P. D. East publishes a lighthearted journal called the Petal Paper. In recent months it has taken on a graver note. It has delved into what ails the country and has found the answer; Mr. East has come out in favor of segregation, segregation for the Scotch-Irish.

Not one to wince at grim facts, the Petal Paper notes the degree to which miscegenation has already gone; the Scotch-Irish threat, it reports, not merely menaces our bloodstream but our very way of life. Look at their morals, it cries; look at Mary Queen of Scots and Macbeth. They dance highland flings and drink usquebaugh. Let us go out straightway and segregate our schools and golf courses.

This column wishes to enlist firmly under the Petal banner. Tolerance can go only so far. Our motto: Act before it is too late. We wholeheartedly join Southern United Sons and Daughters for Segregation (Scotch-Irish chapter).

Our friend, Senator PAUL DOUGLAS, holds back. He insists that he is opposed to all race prejudice. This, we maintain, is simply sickly liberalism. Perhaps there is another more sinister reason. The libel law being what it is we shall merely hint. But note the name, "DOUGLAS."

We plan to lend full support to Senator RUSSELL's current filibuster against the civil rights literacy bill if he will include the you-know-who. Why should they be permitted to vote anyway; it strikes at the heart of our constitutional system. The Scotch-Irish are all right in their place, but would you want one to marry your daughter?

One point more. Louisiana freedom buses must be organized. The Scotch-Irish must be sent back where they come from. Since they come from practically everywhere this, at first sight, presents difficulties. Not at all. Give them free, one-way tickets to wherever they want to go. It will solve all America's racial problems overnight.

T.R.B.

Mr. DOUGLAS. Mr. President, only a day or two ago I received a letter from Mr. East which is so abominable that I think it should be exposed to public view where I think it will meet its due disapprobation.

Mr. East said:

MAY 1, 1962.

Hon. PAUL H. DOUGLAS,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: I have your letter of April 26 in which you take me to task for my efforts to segregate the Scotch-Irish. Needless to say, Senator, I was more than surprised by the position you have taken, your Scotch blood notwithstanding. While it is true that a few of the Scotch-Irish have risen above their normal station in life—notably, you, President Kennedy, and possibly three or four others, the fact is that the vast majority are a menace to our way of life. Just 2 days ago, while standing on a street corner, I heard a 6-year-old child rolling an "R." Now as a Senator, it is my belief that you have the responsibility to help Nathan Bedford Coocloose and me to stamp out, to eradicate, from the face of our Nation the kind of oppression to which I referred.

Those items contained in the paper which you so violently attacked on the floor of the U.S. Senate are factual and a matter of record. I shall not let my personal feelings enter into this discussion, but I cannot refrain from saying that for many years I have been one of your most ardent admirers. It grieves me deeply to see that you have made such an error in judgment as evidenced by your Senate speech. While I do not expect this remark to be my crowning argument, I am reminded by what my sainted mother used to say to me: "Son," she would say to me, "these folks just ain't our kind of people." So you see, Senator, I have not only the facts as reported in the news stories from Minnowsville, Miss., Blue Ribbon, Miss., and other areas, but I have the benefit of parental knowledge on my side. Senator, believe me, they just ain't our kind of people.

I hope this brief note will cause you to rethink, to reevaluate your judgment and perhaps rescind and even apologize for your emotional remarks made on April 25 on the floor of the U.S. Senate.

With kind personal regards,

P. D. EAST.

I wish to say that I do not apologize. I stand on what I said. We should not segregate anyone in this country. I realize that Macbeth, Lady Macbeth, and Mary Queen of Scots were of Scotch blood. I know that this is casting a blot upon the Scottish race, but I submit that the race as a whole should not be judged and should not be condemned for the derelictions of a few members of the race.

We have tried to live down the murders of Macbeth, and I have tried to live down the actions of the Black Douglases and the Red Douglases, who misbehaved in Scotland centuries ago. We may have done so imperfectly, but we should have a chance. Mary Queen of Scots should not be held against us.

NEGOTIATIONS ON BERLIN

Mr. SCOTT. Mr. President, will the Senator from Virginia yield to me for a few moments, with the understanding that he does not lose his right to the floor?

Mr. ROBERTSON. Mr. President, will the distinguished Senator from Pennsylvania more clearly define what he means by a few moments? Does he mean 1 minute, or 5 minutes?

Mr. SCOTT. I am glad to accede to the request of the distinguished Senator from Virginia. I have a statement of a page and a half. This is the only hour of the day that I am able to get to the Senate floor.

Mr. ROBERTSON. I ask unanimous consent that I may yield for the page and a half, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered, with that understanding.

Mr. KEATING. Mr. President, will the Senator yield further?

Mr. ROBERTSON. I yield.

Mr. KEATING. It was my understanding that the distinguished Senator from Pennsylvania was going to speak with regard to the Berlin situation.

Mr. SCOTT. That is correct.

Mr. KEATING. I had about a 2-minute statement I would like to make on that subject, if the Senator from Virginia would be willing to include that in his request.

Mr. ROBERTSON. I have been waiting here a long time. I want to be very generous with my friends. With the understanding that the first Senator will not take more than 3 minutes, and that the second Senator will not take more than 2 minutes, I ask unanimous consent that I may yield for 5 minutes.

The PRESIDING OFFICER. With the understanding that the Senator from Virginia does not lose the floor, the Senator from Virginia yields first to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, the regular spring ministerial session of the North Atlantic Treaty Organization Council, which was held in Athens, Greece, last week has come to a close.

The communique, which was issued at the termination of the Conference stated:

> The Council examined the Berlin question in the light of the basic commitments of NATO in this regard. They took note of the most recent developments in the situation, including the fact that exploratory talks are taking place with the Soviet Union. They took the opportunity to reaffirm their attachment to the principles set forth in their declaration of the 16th of December, 1958, on Berlin.

It has been reported that Secretary of State, Dean Rusk, was pleased with the progress he made with Britain, France, and West Germany on his talks on Berlin with the Soviet Union. As we know, it is planned that the Secretary will resume his talks with the Soviet Ambassador sometime this month. I fully endorse the U.S. position of further probing with the Soviet in hopes that a peaceful settlement may be reached on the Berlin question.

On the other hand, as I pointed out last week, I am most concerned that, in the course of this probing we, the United States, do not give up any basic rights dealing with free access to Berlin. I would hope, Mr. President, that the administration and the appropriate committees of the Congress would carefully study any proposals that might possibly be made to the Russians during the course of these negotiations.

The timeliness of the concern voiced by Senators KEATING, JAVITS, and myself is highlighted by an article in the official organ of the East German Communist Party—Neues Deutschland—dated May 6. As reported by the New York Times correspondent in Bonn, Germany—Sydney Gruson—the Communist paper described as "unthinkable" the concept of an international authority on access to Berlin that gave East Germany anything less than absolute rights to control all traffic across its territory. The Communist paper has held fast to the position that the basic principle in a Berlin settlement must be an end of West Berlin occupation status.

As you know, Mr. President, the U.S. position is that the presence of allied forces in Berlin is nonnegotiable. This is commendable and a proper position, but I would hope that no negotiations on the part of our Government would tend to ultimately weaken that position. We are aware that Berlin is "an island of freedom in a sea of Communist tyranny." It is a democratic refutation of Communist success, and the Russians, the Communist East Germans, and the Soviet satellites would welcome a gradual weakening of its position as an outpost of the free world. The Communists, of course, are taking the extreme position in that they demand that the Soviet Union negotiate as a representative of the Allies with East Berlin on disputes concerning access routes. It is my feeling that any dilution of the rightful stand of free access, subject only to the rights that we legally, politically, and morally deserve, would be a violation of not only our commitments to a free people but a violation of our obligations to those who won and sustained those rights.

It is interesting to note, Mr. President, that in an UPI release yesterday, West German Chancellor Konrad Adenauer said he considered the 13-nation board proposed by the United States to settle Berlin traffic disputes "unworkable" and that West Germany would prefer not to be a member.

I again reiterate, Mr. President, my hope that Gen. Lucius Clay, certainly the best advised individual on Berlin, be asked for his views by the appropriate committees of the Congress on any proposal affecting our access rights to Berlin.

I wish to call attention to the fact that it is now quite clear that this 13-nation proposal would have included 3 neutrals, Sweden, Switzerland, and Austria; that the proposal was actually a part of our plan; that it was intended to be proposed; and if it is not proposed, I assume we shall hear excuses to the effect that it was never seriously considered.

I am satisfied that it was seriously considered. I am satisfied that incidents concerning the recall of the German Ambassador, with the obviously irate position taken by the West German Chancellor, all point to the same conclusion, which is that the United States did contemplate inclusion of the three neutralists, and that the proposal would have put the control of the access routes to Berlin in the hands of neutralists and eventually the Communists; and that it was unwise. I hope the State Department is now prepared to withdraw this proposal, which I consider unwise, iniquitous, and unworkable.

Mr. President, I assume my time is up.

The PRESIDING OFFICER. The Senator from New York.

Mr. KEATING. Mr. President, I am happy that the Senator from Pennsylvania has called attention to this situation again.

Mr. President, Chancellor Adenauer's position that an international authority to safeguard access rights to West Berlin would be "unworkable" must seem to many Americans a very sensible point of view. The situation in Laos right now is just one example of how international commissions have failed to meet the problems of direct cold war confrontation.

There are strong indications that at least one element, probably the most objectionable element, of the American plan has already been modified. I understand now from State Department sources that we will not insist on including East Germany in any international body in the face of strong, and to my mind entirely justified, opposition. Certain trade and access agreements between the two Germanys may be useful, but there is no reason in the world to give any kind of international status to Ulbricht's puppet regime.

Incidentally, I have also been informed that the State Department is not responsible for the reportedly imminent recall of German Ambassador Grewe. If he is persona non grata anywhere in Washington, it is not at the State Department, I am told.

Basically, Mr. President, our policy in Berlin has been to react, and sometimes, as in the vital matter of the Berlin wall, to retreat. We have taken no initiative. We have not advanced or improved our own position.

We have put, and I am afraid we still are putting, too much faith in agreements and in documents. The Russians are not bound by such a legalistic position. They did not need a document telling them they could build a wall between East and West Berlin. They relied on the political judgment that they could build such a wall and get away with it. Unfortunately, they were right. Even if an international authority over Berlin access routes could be negotiated—which I doubt—I am sure the Communists would not respect the spirit of that agreement any more than they have respected previous quadripartite agreements on Berlin.

Finally, Mr. President, before any negotiations on access to West Berlin are undertaken, I would like to see an American effort to increase our access to East Berlin. That is a right we still possess, but if it is not vigorously exercised, it, too, will be eroded. A continued and strong American presence, through increased patrol in East Berlin, is an important part of our position. It should be emphasized and built up before we enter any negotiations with the Communists.

Mr. HUMPHREY. Mr. President, will the Senator from Virginia yield to me?

Mr. ROBERTSON. For what purpose?

Mr. HUMPHREY. I would like to make a response.

Mr. ROBERTSON. I yield 3 minutes to the Senator from Pennsylvania and 2 minutes to the Senator from New York——

Mr. HUMPHREY. Will the Senator yield me 2 minutes?

Mr. ROBERTSON. I yield 2 minutes to the Senator from Minnesota, with the understanding that I do not lose the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I had an opportunity to quickly scan through the text of the comments of the distinguished Senator from Pennsylvania [Mr. Scott], and I have listened to the comments of the Senator from New York [Mr. Keating].

I think it should be manifestly clear that the situation relating to Berlin is one of the most complex and one of the most dangerous situations confronting this Nation. The Secretary of State seeks to do only one thing in the name of the President; that is, to secure and to make even more secure the freedom and the rights of the people of West Berlin. Any talk about any negotiations relating to access to Berlin is talk of negotiations designed to make even more secure and viable the lives and the economy of the people of West Berlin.

I do not think we help our country in these difficult days by letting it appear that we are about ready to negotiate away something which this country earned on the field of battle and in regard to which a commitment has been made by this Nation repeatedly.

Very frankly, I did not like the fact that there was a leak out of official German sources relating to some of the discussions the Secretary of State allegedly was to be holding. That is not the way to secure good, sound international relations. I am happy that the Chancellor of Germany, Mr. Adenauer, who is a great man, has seen fit to make every effort to be sure this does not happen again.

Let the record be clear. The United States made a commitment to Berlin in 1958. The United States made a commitment after the war. The United States made a commitment in 1948, after the airlift. President Kennedy and this administration have strengthened our position regarding Berlin, and have strengthened our National Defense Establishment even to the point that newspaper reports are that in NATO the foreign ministers were surprised by the incredible strength of the United States of America, as revealed in the Council of NATO in Athens.

There is no intention on the part of this Government, this Nation, or this administration to chip away or to sacrifice the rights of the people of Berlin, or our privileges and rights in Berlin.

Mr. SCOTT. Mr. President, will the distinguished Senator from Virginia permit me to propound a question to the Senator from Minnesota, since I have reason to have some disagreement with him on this subject?

Mr. ROBERTSON. I will yield for not more than 30 seconds.

Mr. SCOTT. I thank the Senator.

My question to the Senator from Minnesota is this: State Department sources, as the Senator from New York [Mr. Keating] has said, have assured the Senator from New York that they are not now going to proceed with the inclusion of East Berlin in the so-called multinational, 13-nation, commission. If our Government has not been proposing a 13-nation international commission—and indeed it has—why would it be necessary for State Department sources to advise the Senator from New York [Mr. Keating] that they are now changing their proposal by not including East Berlin as a member?

Mr. HUMPHREY. Mr. President, will the Senator from Virginia permit me 30 seconds for a reply?

Mr. ROBERTSON. I yield 30 seconds, so that the Senator may reply.

Mr. HUMPHREY. I say, in response, first, that for a government such as ours to talk or to negotiate it obviously must have a series of proposals. The purpose of those proposals is to safeguard West Berlin and the access rights of the United States and other countries to West Berlin.

Furthermore, Mr. President, there has been no finality of negotiation. What is more, I have no information whatsoever that the State Department at any time has intended to give official status to East Germany. To the contrary, I have heard from the lips of prominent officials in West Germany that they were prepared to undertake certain negotiations with East Germany, even as the finger was being pointed at this Government for being too soft about Berlin.

I was in Berlin. I was in Bonn, Germany. I talked to the Chancellor. I talked to the Foreign Minister. I talked to leaders of the Parliament.

While the finger is being pointed at this Government for its alleged softness on the East Germans, the West German Government itself frequently talks about what negotiations it is willing to conduct.

Mr. SCOTT. The Senator and I remain in disagreement.

Mr. ROBERTSON. Mr. President, the only comment the junior Senator from Virginia wishes to make about the Berlin crisis is that if the three distinguished colleagues who have been discussing Berlin will agree with me tomorrow in the debate on the pending proposal, the junior Senator from Virginia will start prompt hearings on the Defense Department appropriation bill, which will give us something with which to shoot if we have to shoot. With all due deference, the junior Senator from Virginia thinks that the Defense Department appropriation bill is more important to the welfare of this Nation than the Senate's consideration of a bill designed to wipe out literacy tests in Louisiana or Mississippi merely because it is a little tedious for the Justice Department to go into court to prove, under the 15th amendment, that a man has been illegally prevented from voting.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. ROBERTSON. Mr. President, I wish to say that Southern Senators who, for more than 2 weeks now, have been attempting as best they could to keep their colleagues from tearing the Constitution to tatters, although all of us took the same oath to uphold and support it, find some gratification in the fact that the debate, for the most part, has been presided over by a very able and considerate colleague (Mr. Metcalf in the chair), who listens patiently and attentively to our arguments and who has never once complained that we have exceeded the bounds of propriety in our insistence that the precious doctrine of States' rights be maintained, if we are to keep our freedom under constitutional government.

Mr. HILL. The distinguished Senator from Montana [Mr. Metcalf], now presiding in the Senate, was formerly a distinguished judge in his own State.

Mr. ROBERTSON. I knew he had been properly trained and that he could appreciate constitutional arguments.

Mr. President, it is the duty of elected Representatives of Congress to pass upon the constitutionality of issues which come before them in the form of proposed legislation. This responsibility is ours because the oath which each of us took to uphold the Constitution requires that before we give weight to any other considerations in determining the merit of proposed legislation, we must first answer in the affirmative the question, "Is this measure constitutional?"

How are we to determine the constitutionality of proposals which come before us? First, we must place the facts in their true historical perspective. Then we must review the interpretation of those facts by our Founding Fathers, the statements of legislators while proposals were pending, and the decisions of the Federal courts.

This view has been expressed no more cogently than by the great American constitutional lawyer, George Ticknor Curtis. Mr. Curtis will be remembered by students of American history for his brilliant arguments before the U.S. Supreme Court in the famed Dred Scott case.

Mr. President, to digress briefly, I would like to point out that there was not any question about the wisdom and constitutionality of the decision in the Dred Scott case; however, it had serious political overtones. The candidate for the Republican nomination for President, Mr. Lincoln, criticized the decision. The decision, however, was clearly a proper one for it rested upon the fact that there was nothing in the Constitution to prohibit slavery.

In this regard, there were Virginians in the Constitutional Convention who proposed to have inserted in the Constitution a provision prohibiting the slave trade; however, representatives of some of the Northern States—Massachusetts, for example—were making so much money transporting slaves to Virginia, that they threatened to walk out of the Convention if such a provision were adopted. It was, therefore, necessary to abandon the attempt.

Jefferson was in France at the time, but he urged Madison to sponsor the provision.

I mention the Dred Scott decision to illustrate the part which history has played in the interpretation of the Constitution. Although the decision had political and racial overtones, it was perfectly constitutional. Yet a man who was to become the President of the United States denounced it; and the State of Wisconsin dared Federal marshals to enforce the decision within its bounds.

Southerners, however, are now castigated for their refusal to accept the 1954 school integration decision as the supreme law of the land.

Mr. Curtis, in his argument before the Supreme Court in the Dred Scott case, had the following to say regarding the relationship of history to the interpretation of the Constitution:

> I wish, in the next place, to say, may it please your honors, what indeed is obvious to everyone that this is eminently a historical question. But I shall press that consideration somewhat further than it is generally carried on this subject, and much further than it has been carried by the counsel for the defendant in error; for I believe it to be true of this, as it is of almost all questions of power arising under the Constitution, that when you have once ascertained the historical facts out of which the particular provision arose, and have placed those facts in their true historical relations, you have gone far toward deciding the whole controversy. So true is it that every power and function of this Government had its origin in some previously existing facts of the national history, or in some then existing state of things, that it is impossible to approach one of these questions as one of mere theory, or to solve it by the aid of any merely speculative reasoning. Hence it is eminently necessary on all occasions to ascertain the history of the subject supposed to be involved in a controverted power of Congress, and above all, to approach it with the single purpose of drawing that deduction which the constitutional history of the country clearly warrants. ("Constitutional History of the United States," George Ticknor Curtis, p. 502.)

And summarizing briefly the relationship between history and suffrage in America, Albert Johnston McCulloch observed at page 32 of his book, "Suffrage and Its Problems":

> While there has been a revolution in the conception of citizenship, there was no such change in the regulation of suffrage, the determining and regulating power continued to rest with the States. However, much as publicists and reformers may desire a uniform national suffrage law, it is unattainable; expediency and constitutionality are both adverse. In fact such a plan was considered by the Constitutional Convention itself, but it received the vote of only one Commonwealth—Delaware. "The provision made by the Convention appears to be the best that lay within their option." The Fathers were satisfied for the States to continue to make their own suffrage tests, rather than to further prolong the Convention and so further endanger the rather slim chances of ratification by the several Commonwealths. The prospect in the Convention itself was anything but promising. Even Franklin moved to call in a person that they might invoke the "assistance of Heaven."
>
> The Constitution conferred the franchise on no one. Likewise citizenship does not bestow suffrage, either upon the natural born or the naturalized alien. The several States have the unqualified right to impose qualifications and regulate suffrage subject only to the limitations in the amendments referred to above. In handing down the decision in the case of *Corfield v. Coryell*, Judge Washington in enumerating the privileges and immunities that are usually associated with citizenship, said: "To which is to be added the elective franchise, as regulated and established by the laws or constitutions of the State in which it is exercised."

Mr. President, one of the finest arguments which has yet been made with regard to the constitutionality of the so-called literacy test proposals was presented on April 10 of this year before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee by a Virginian, Frederick T. Gray. Mr. Gray is a member of the Commission on Constitutional Government of Virginia and a former attorney general of our State. He ranks among the ablest constitutional lawyers in this country and, therefore, his remarks carry considerable weight. In order that the arguments of Mr. Gray against the constitutionality of S. 2750 be given a larger forum and since his words should sway anyone with an open mind on the subject, I intend to read his statement at this time:

Senate Bill 2750

> In recent years those of us who believe that our Constitution is, and ought to be, a sacred compact between the people and their government have on many occasions trembled with anxiety as the Nation's highest tribunal deliberated on the meaning of words in that document. We have been appalled at times when the Court has permitted "changed conditions" to change the meaning of the Constitution itself. The proponents of Senate bill 2750 have been

> among those who have applauded such actions by the Court and have sought to relegate criticism of it into the category of near treason by chanting, almost as though in unison, "supreme law of the land" and by reminding us that we are sworn to uphold and defend the Constitution and that the Court's decisions "are the Constitution."
>
> What say these ardent advocates of the Court to its 1959 pronouncement in the case of *Lassiter* v. *Board of Supervisors* (360 U.S. 45). There a unanimous Court, speaking through Mr. Justice Douglas, upheld the literacy test for voting prescribed by the laws of North Carolina and said, among other things:
>
> "In our society * * * a State might conclude that only those who are literate should exercise the franchise."
>
> This, of course, was not an unprecedented decision. I will point out in the course of these remarks several other occasions on which the Court has held similarly. Perhaps in one respect the decision is surprising, that being that it is the same view held by the Court over the years—certainly as far back as 1884.
>
> In an examination of proposed legislation such as Senate bill 2750, it is all too easy to make broad generalizations as to the merit or lack of merit of the proposed law. I shall not pause to question the fairness of a nationwide standard calling for the completion of six primary grades when there is no provision for uniformity of school levels throughout the Nation. It may be that one with a sixth-grade education in one State will have been required to reach a much higher degree of literacy than one who completed that grade in another State. One might go further and ponder the compounding of that "unfairness," if such it be, when such persons change residences from one State to another.
>
> I suspect that a number of the bill's proponents will support it on the ground that the right to vote is basic to our concept of a democratic republic, and therefore all citizens of the Nation should be subject to uniform voting laws. If Senate bill 2750 is enacted into law and the principle established that Congress can control the requirements for voting in the States, surely these worshipers of uniformity, who believe that the term "States rights" is equivalent to "abuse of the individual" and who believe that only the Federal Government can protect individual liberties, surely they will be quick to contend that under that power Congress must act to eliminate the unfairness I have mentioned by standardizing education throughout the land—under Federal control, of course.
>
> I shall not deal here with an argument as to the merits, or lack of merits, of uniformity. Those who support this measure with that argument miss the point. It is an argument which can only be properly made in support of an amendment to the Constitution.

Mr. President, I pause here to say that I understand the distinguished Senator from Tennessee [Mr. KEFAUVER] plans to offer such an amendment to the Constitution. In his opinion, the present bill is utterly unconstitutional. He, nevertheless, believes in the objective of the proposal; and, therefore, at an appropriate time he plans to offer an amendment to the Constitution, along the lines of the pending measure.

I resume the quotation:

> Conversely, many who place their confidence in the true Federal system of dual government may tend to generalize that under the 10th amendment, control of the franchise is reserved to the States, as it is not a power delegated to the General Government. They err by relying on a general provision when the true bar to Federal control here can be pointed out in more specific language. The authors of the Constitution of the United States dealt with the exercise of the franchise in five separate sections of the documents: Art. I, sec. 2; art. I, sec. 3 (which was repealed in part by the 17th amendment); art. I, sec. 4; art. II, sec. 1, cl. 2; and art. II, sec. 1, cl. 3. Four of the 23 constitutional amendments have been totally or partially devoted to that problem. They are the 14th, 15th, 17th, and 19th amendments. The 12th amendment, dealing with the electoral college, and the 23d amendment, conferring on residents of the District of Columbia the right to vote in presidential elections, are not considered strictly applicable to this discussion and thus are not included in the enumeration.
>
> I submit, therefore, that a calm and rational review of the Constitution and its amendments, together with the constitutional debates and judicial decisions on the question, will set forth clearly the authority or lack of authority of Congress to enact the proposed bill into law. My conclusion, after detailed consideration of the authorities, is that Congress lacks power under the Constitution to enact the proposed legislation.

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the distinguished Senator from Alabama.

Mr. HILL. Is it not true that case after case make it very definitely clear that Congress has no power to enact any such legislation as is proposed, in the very teeth of section 2, article I of the Constitution?

Mr. ROBERTSON. Absolutely. As I said at the outset of my remarks, the way to interpret a provision of the Constitution is, first, to review its historical background.

Mr. HILL. Is it not true that the thing created, which was the Federal Government, could have only such powers and only such rights as the States themselves granted and delegated to the Federal Government?

Mr. ROBERTSON. That was just as clear as it could be. For fear that someone might later claim other powers for the Central Government, a number of the States, including Virginia, refused to ratify the Constitution until assurances were given that an amendment would be offered to provide that all powers not delegated to the Federal Government or specifically denied to the States were reserved to the States or to the people thereof.

Mr. HILL. That is the 10th amendment to the Constitution, which is part and parcel of the Constitution, and has been since the Constitution was written. The States would never have ratified the Constitution if it had not been agreed to put into the Constitution what we know as the Bill of Rights, which includes the 10th amendment to the Constitution.

Mr. ROBERTSON. When delegates met in Philadelphia in 1787 to write a Constitution, the States had already provided their own various qualifications for voters. They were not willing for the Federal Government to prescribe uniform qualifications.

As the distinguished Senator from Alabama [Mr. HILL] has said, the Supreme Court has upheld repeatedly the exclusive right and power of the States to fix the qualifications for their voters, provided that the qualifications for the electors of Federal officers be similar to those for the electors of the most numerous branch of the State legislature.

The 15th amendment provides that a person must not be discriminated against because of race, color, or previous condition of servitude.

The 19th amendment provides that persons may not be discriminated against by reason of sex.

These amendments in no way, however, empower the Central Government to set affirmative voter qualifications.

Mr. HILL. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that this very question arose when the House and Senate were considering the adoption or the submission of the 14th Amendment, and that Mr. Thaddeus Stevens, of Pennsylvania, who was chairman of the Committee on Reconstruction, which was the committee that reported the amendment, made it very definite and clear that there was absolutely nothing in the amendment which would in any way give to Congress the power to fix the qualifications of voters?

Mr. ROBERTSON. He certainly did; and he held out the hope that perhaps in another amendment this could be done; but when he tried to implement his intentions in the language of the 15th amendment, his proposal was rejected.

As the distinguished junior Senator from Georgia [Mr. TALMADGE] pointed out yesterday, Congress has enacted many laws, civil and criminal, to protect voting rights under the 14th, 15th, and 19th amendments. However, the Attorney General argues that it is too much trouble to proceed under those statutes. He recommends that we adopt an arbitrary sixth grade standard as an irrebuttable presumption of literacy—and this in spite of his admission that voter qualifications established by the Federal Government would be unconstitutional.

I shall now return to my reading of the excellent statement by the former Attorney General of Virginia, Mr. Gray. He said:

> Senate bill 2750 is simply a bill to set minimum literacy requirements which, having been met, entitle an individual to vote in Federal elections without further testing by any State. A Federal election, according to the bill, is any "general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegate, or Commissioner from the territories or possessions." It is true that lines 5 through 14 at page 3 of the bill prohibit such acts as coercion or application of unequal standards to persons who attempt to vote in Federal elections, but these acts already are prohibited by statute and case law, as well as by constitutional amendments. I refer to the Civil Rights Act, 42 United States Code, section 1971 (b) (1961) and the cases of *United States* v. *Raines*, 362 U.S. 17 (1960) and *United States* v. *McElveen*, 177 F. Supp. 355 (E.D. La. 1960). The only apparent reason for the provisions

in lines 5 through 14 of the bill is that they lend some authority to the proposed law by incorporating standards which previously have been approved. The important portion of the bill is clause (2) of paragraph (b), comprised of lines 15 through 21 on page 3. Reduced to its essential provisions, this clause outlaws the literacy tests of the several States by providing that if any person shall have a sixth-grade education, and shall not have been adjudged incompetent, that person shall not be denied the right to vote.

As authority for congressional action of this nature, the authors rely upon "article I, section 4, of the Constitution; section 5 of the 14th amendment, and section 2 of the 15th amendment; and its (Congress') power to protect the integrity of the Federal electoral process. * * *" In examining the authority relied upon, I shall first analyze in detail the authority of Congress under article I, section 4, to control "the times, places and manner" of holding elections for U.S. Senators and Representatives. Next I shall consider the propriety of the proposed legislation under the 14th and 15th amendments. Finally, I shall touch upon currently existing civil rights laws and some special considerations applicable to presidential elections.

Article I, section 4, states that "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof: but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators."

It cannot be disputed that Congress can regulate the times and places of holding elections for Senators and Representatives, within the limits set. The problem arises over the interpretation of the word "manner." Webster's preferred definition of the word describes "manner" as "a way of acting, a mode of procedure." This throws little light upon the usage of the word, and one is justified in concluding that "manner" as used in this instance refers to the how, when, and where of the election. Absent indications to the contrary, then, the ambiguous nature of the word might lend support to the theory that Congress has final control of the time, place, and general conduct of each election for a Senator or Representative. However, as previously stated, the Constitution is specific with regard to voting rights, and article 1, section 2, provides that: "The House of Representatives shall be composed of Members chosen every 2d year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

Obviously, the Constitution contemplates that each State will fix its own qualifications.

The same provision as to qualifications to vote in elections for Senators was adopted by the 17th amendment in 1913, which provides: "The electors (for Senators) in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures." A normal interpretation of this section reveals clearly that while Congress may control the general proceedings as to time and place of a congressional election, each State is to set its own qualifications which must be met by individuals who seek to exercise the franchise. Under article I, section 2, the Thirteen Original States were admitted to the Union with varying laws as to qualification of voters, and States subsequently admitted brought with them their own laws as to that qualification. For example, Massachusetts required of a voter "a freehold estate * * * of the annual income of 3 pounds, or any estate of the value of 60 pounds"; Connecticut qualified only such persons as had "maturity in years, a quiet and peaceable behavior, a civil conversation, and 40 shillings freehold or 40 pounds personal estate"; New Jersey denied the franchise to any save "all inhabitants * * * of full age who are worth 50 pounds * * *." Of course, the States are prohibited by the 15th and 19th amendments from discriminating on the basis of race or sex.

The purpose for which article I, section 4, was intended is disclosed by an examination of the attitude prevailing at the time of adoption of the Constitution. In conventions called by the 13 States to ratify the Constitution, amendments were proposed to limit the power of Congress under article I, section 4, to cases where the States neglected or refused to make provisions for Federal elections. It was contemplated that in case any State sought to withdraw from the Union by failing to elect Senators or Representatives, Congress should have power to set the time, place, and procedure for its own elections. Although a majority of the States—Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia—supported such an amendment, they took no action because of assurances that Congress would not overstep its authority by attempting to control State election procedure. In this regard, James Madison said, "the election of the House of Representatives * * * will probably, forever be conducted by the officers, and according to the laws of the States." It should be noted that at that time, election of Senators was by State legislatures, so that there was no question of Federal control of those elections. Ninety-two years later, in the case of *Ex parte Clarke*, 100 U.S. 399, Justices Fields and Clifford stated that clarification of article I, section 4, was "abandoned upon the ground of the improbability of congressional interference. * * *"

In the debates of 1842 concerning the power of Congress to provide that elections of Representatives should be by districts (which power cannot be made analogous to the power to prescribe vote qualifications), Mr. Nathan Clifford of Maine, later a Supreme Court Justice, referring to the opinion of John Jay, said Jay believed "that every government was imperfect, unless it had the power of preserving itself. Suppose that, by design or accident, the States should neglect to appoint Representatives. * * * The obvious meaning of the paragraph (art. I, sec. 4) was, that if this neglect should take place, Congress should have the power, by law, to support the Government and prevent dissolution of the Union."

Mr. Clifford then referred to an opinion in which Mr. Samuel Adams, of Massachusetts, expressed the same view. Both of Mr. Clifford's statements may be found by reference to the Congressional Globe, 27th Congress, 2d session, at the appendix, page 349. Clearly then, Congress was intended to have the power to schedule elections in the event that the States neglected to provide for elections.

In a committee report of the House of Representatives in 1901, concerning a disputed election, the committee decided that "the best opinion seems to be that * * * the constitutional provision (art. I, sec. 4) was inserted for the purpose of giving Congress the power to provide the means whereby a State should be represented in Congress when the State itself, for some reason, has neglected or refused to make such provision itself."

The report is cited as House Report No. 3000, 56th Congress, 2d session (1901). The same report, at page 3, quotes a report by Mr. Webster in the 22d Congress:

"It is enough that the State presents her own representation on the floor of Congress in the mode she chooses to present it. If a State were to give one portion of her territory a representation for every 25,000 persons, and to the rest a representation only for every 50,000, it would be an act of unjust legislation, doubtless, but it would be wholly beyond redress by any power in Congress, because the Constitution has left all this to the State itself."

If any doubt should remain as to the question, it must be eliminated by a passage of Alexander Hamilton's explanation of the Constitution. Hamilton, who was hardly a State's righter, analyzed for the people of New York the question of which government should prescribe qualifications for voters in Federal elections. While the passage refers to property qualifications, it is equally applicable to all other qualifications which might be required. Writing of the power to set qualifications for electors, Hamilton stated:

"But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked on other occasions, are defined and fixed in the Constitution, and are unalterable by the (national) legislature."

In Virginia, Patrick Henry suggested that article 1, section 4, might place in the hands of Congress power to establish qualifications for electors and elicited this reply from Governor Randolph:

"As the electors of the Federal Representatives are to have the same qualifications with those of this State legislature—or, in other words, as the electors of the one are to be electors of the other—this suggestion is unwarrantable, unless he (Henry) carries the supposition further, and says that Virginia will agree to her own suicide. * * *"

The necessary conclusion to be drawn from this testimony by Madison, Hamilton, Governor Randolph, and others is that so long as laws must be made by men, citizens of States might just as well rely for local regulation upon their State legislature. In their wisdom, proven by our 173 years of experience with the Constitution, the authors of that document made just such a division in control of the franchise in article I, sections 2 and 4.

In 1842 Congress first exercised its power under article I, section 4, by providing that elections of Members of the House of Representatives should be by districts rather than at large. The several States at that time employed varying methods of election, and a heated controversy accompanied consideration of the legislation. Proponents of congressional district-vote legislation maintained that some States were using their power to hold at-large elections for Representatives to insure that the State's majority party would have great bloc-voting power in the House of Representatives. Therefore, they said, it was time for Federal action to remedy the situation. A great many statesmen objected to the inference that Congress was more competent than the State legislatures to handle the problem. One of these men, Mr. Nathan Clifford, of Maine, made a rather pointed suggestion to a Congressman from New York who favored Federal action. Asking the question why the States needed help from the Federal Government, Clifford said:

"Why? Because the legislation of the States is unwise, in the opinion of a majority here. This is the creature arraigning and condemning the creature. Are not the people of New York, or of any other State, as competent as the members of this House to judge as to which system will best promote their interest and prosperity? If the gentleman thinks otherwise, let him go home and promulgate that doctrine among the people, or in the legislature, and see how many votes he will get to sustain him in the sentiment; and perhaps hereafter, he will be more competent to decide as to their wishes upon the point in dispute." (Congressional Globe, 27th Cong., 2d sess., 350 appendix (1842).) Mr. Clifford's remarks would seem to be applicable to the voter-qualification legislation currently under consideration.

In the question whether Congress, under its power to regulate the manner of elections can compel States to elect Representatives by districts, the only power designated by the Constitution is found in article I, section 4. There is no express reservation of power to the States. The power to determine qualification of electors is expressly reserved to the States in article I, section 2. Therefore, an argument which holds that Congress has power to require district elections for Representatives is not authority for the contention that Congress has power to set qualifications for electors.

Despite the fact that there was a tremendously stronger case for Congress to require elections by districts than there is for Congress to establish voter qualifications, the district voting law was seriously challenged. For a summary of objections to the district voting law, see Paschal, "The House of Representatives: 'Grand Depository of the Democratic Principle'." The results of the constitutional controversy indicate that Congress itself had little faith in its authority to pass the district-vote legislation, for although Congress had the power to deny seats to unqualified Members, under article I, section 5, of the Constitution, Members from four States were seated in the following session, despite the fact that they were elected at large. Georgia, Mississippi, Missouri, and New Hampshire refused to elect Representatives by districts; but their Representatives were seated, nonetheless. New York and Ohio, although they decided to vote by the district method, passed resolutions which denied the power of Congress to require that form of election. And even though the district-vote requirement remained on the books for almost 90 years, Congress never denied seats to Representatives elected at large. Thus, the first attempt by Congress to expand its power in the field of election control produced results which can scarcely be comforting to the proponents of Senate bill 2750.

In the wage of the Civil War, Congress launched an effort to enact legislation which would secure to all the newly-freed slaves the right to vote, as well as other civil rights. Some insight into the propriety of this type of legislation is revealed by the fact that most of it was either held unconstitutional or was repealed within 24 years. You may be interested in an account of the bad administration of the "Enforcement Act" contained in U.S. News & World Report, February 19, 1960, pages 45–46. But some of the laws, notably those prohibiting officials of government from discriminating on the basis of race or previous condition of servitude, were held constitutional. It is important to note that the Supreme Court, even as it upheld the newly created Federal power to act in the area of voting rights, found occasion to specify that the rights protected were the rights of qualified voters. I reemphasize that a qualified voter is one who has "the qualifications requisite for electors of the most numerous branch of the State Legislature."

Thus, in *Ex parte Yarbrough*, 110 U.S. 651, at page 663, a unanimous Court, speaking in 1884, acknowledged that the States "define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualifications thus furnished as the qualification of its own electors for Members of Congress."

To the same effect is *Wiley* v. *Sinkler*, 177 U.S. 58 (1900).

In *Guinn* v. *United States*, 238 U.S. 347, decided in 1915, the question was the validity of a combined literacy test and "grandfather clause" under the 15th amendment. In the course of its opinion, the Court said:

"No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision. * * *"

In *United States* v. *Classic*, 313 U.S. 299, in 1941, the Court held that primary elections are an integral part of national elections, and therefore fall within the realm of some Federal control. But in referring to the right of citizens to vote, the Court did not neglect to stipulate that the right belongs to qualified voters:

"The right of qualified voters to vote in the congressional primary in Louisiana * * * is thus the right to participate in that choice (of a Congressman)."

In the same opinion, the Court, in passing upon a law making it a crime to discriminate against a prospective voter, stated: "So interpreted, section 20 applies to deprivation of the constitutional rights of qualified voters to choose representatives in Congress."

My only purpose in referring to the language of the decisions in these cases is to demonstrate that the U.S. Supreme Court has always, either expressly or impliedly, recognized that the qualification of electors is a matter separate and apart from the time, place, and manner of an election. Furthermore, the Court has always recognized the power, vested in the States by the Constitution, to set their own voter qualifications within the limits of the 15th and 19th amendments. It would be impossible to note all the occasions on which the normal interpretation has been placed upon the two sections of article I. However, it is interesting to note that "the U.S. Constitution," "text with analytical index," presented by Mr. CELLER, chairman of the House Committee on the Judiciary, carries a heading, "Electors for Members of the House of Representatives—Qualifications of." There, reference is made to article I, section 2; but no mention is made of section 4. (H. Doc. No. 206, 87th Cong., 1st sess., 1961.)

Before leaving article I, sections 2 and 4, I should like you to consider the following sentence, and place your own interpretation upon its words. The sentence is: "Congress shall control the time, place, and manner of holding elections for Senators and Representatives, but the qualification of those who vote shall be determined by the States."

This is precisely what the U.S. Constitution provides, and I submit to you that there is only one interpretation which may be placed on those words.

Let us turn now to a consideration of the power of Congress under the 14th and 15th amendments; and first let us deal with a preliminary question.

The bill under consideration is avowedly aimed at prevention of racial discrimination in fixing the right of individuals to vote in Federal elections. Therefore, if the 14th amendment did not have as one of its purposes the elimination of this discrimination, S. 2750 may not be passed under the authority conferred on Congress by that amendment. I shall not impose on your patience by reading the text of the amendment. However, I should like to urge the Congress and the courts to adopt a practice of carefully considering the specific language of the Constitution and its amendments, every time they rely upon them. There should be no doubt that the 14th amendment did not have, as one of its purposes, the elimination of racial discrimination in voting.

With regard to the first section of the amendment, the Supreme Court, in 1874, in *Minor* v. *Happersett*, 88 U.S. 162, held:

"It is clear, therefore, we think, that the Constitution has not added the right of suffrage to the privileges and immunities of citizenship as they existed at the time it was adopted."

In *Terry* v. *Adams*, 345 U.S. 461, Mr. Justice Frankfurter stated:

"The 15th amendment, not the 14th outlawed discrimination on the basis of race or color with respect to the right to vote."

This case history strongly indicates that, whatever may be the current trend of decisions, the 14th amendment was not adopted for the purpose of prohibiting racial discrimination in respect to the right to vote. If that had been the effect of the 14th amendment, there would have been no need for passage of the 15th amendment. It has been accurately stated that section 2 of the amendment was adopted because it was impossible to get the States to surrender their power over the franchise. Therefore, the authors of the amendment proposed, and secured, adoption of a provision which would decrease a State's representation in the event of the State's passage of discriminatory voting laws. In any event, that section of the amendment provides its own penalty for its violation, so that no additional provision by Congress would be authorized.

Thus far in the discussion of the 14th amendment, I have endeavored to show that it was not intended to authorize any general legislation by Congress concerning voting rights. This is true, I submit, because section 1 of the amendment does not concern voting rights, and section 2 prescribes its own penalty for failure to observe its provisions. But I have not gone into great detail on the point, because now I shall establish that, even if the 14th amendment does authorize some congressional legislation as to voting rights, it does not extend authority to enact the provisions of S. 2750.

The references in S. 2750 to the 14th and 15th amendments are to the sections which provide that Congress shall have power to enforce the articles by appropriate legislation. While it is true that these clauses confer on Congress rather broad power, it is also true that there is a limit to this power. Surely no one would argue that the clauses authorize Congress to enact legislation directly contrary to the intent of the two amendments, yet that is precisely what S. 2750 would do if it were enacted. The 15th amendment to the U.S. Constitution provides that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—

"The Congress shall have power to enforce this article by appropriate legislation."

It will be seen that if the equal protection, due process, and privileges and immunities clauses of the 14th amendment are relied upon as authority for the proposed legislation, the authority of Congress to act pursuant to these clauses is governed by the same principles as those which govern the power of Congress under the 15th amendment. In other words, since the avowed purpose of the bill is to prevent racial discrimination, the power of Congress under the first section of the 14th amendment is the same as the power of Congress under the 15th amendment.

An examination of the power of Congress to enact laws under these two amendments is in order. In the Civil Rights cases, the Supreme Court in interpreting the 14th amendment held that "the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights of the citizen, but corrective legislation, that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing. * * *"

We should consider also *United States* v. *Harris*, 106 U.S. 629 (1883), in which the Court said, "when the laws of a State recognize and protect the rights of all persons, the (14th) amendment imposes no duty and confers no power upon Congress. * * *"

Similarly, the Supreme Court has said, in *United States* v. *Reese*, 92 U.S. 214, in 1876, that the 15th amendment does not confer authority "to impose penalties for every wrongful refusal to receive * * * (a) vote * * * (but) only when the wrongful refusal * * * is because of race, color, or previous condition of servitude. * * *"

Or, phrased in another manner, the 15th amendment only confers on Congress authority to penalize State action under color of laws which States are constitutionally prohibited from making or enforcing.

The cases from which the two preceding passages are taken were decided in 1876 and 1883 by two courts intimately familiar with the purposes sought to be accomplished by the 14th and 15th amendments. In the 1876 *Reese* decision, the Chief Justice was Morrison R. Waite; associates were Clifford, Miller, Field, Bradley, Swayne, Davis, Strong, and Hunt. The *Civil Rights* cases were decided 7 years later with the same Chief Justice on the bench, and the following associates: Miller, Field, Bradley, Harlan, Woods, Matthews, Gray, and Blatchford. The opinions set forth relatively simple tests which must be applied in determining the power to be exercised by Congress under the amendments. It is therefore proper to examine S. 2750 in the light of these requirements.

Stated simply, the purpose which is sought to be accomplished by the bill is the outlawing of State literacy tests, and, incidentally, State-required poll taxes. Therefore, under the rules set forth by the Supreme Court, if the State literacy tests and poll taxes are prohibited by the 14th or 15th amendment, S. 2750 is a proper exercise of the power of Congress. But if these State laws are not prohibited by the Constitution, Congress lacks the power necessary to enact S. 2750.

Literacy tests required by States of prospective voters have been repeatedly upheld. I have referred already to *Lassiter* v. *Board of Supervisors*, 360 U.S. 45 (1959). Other decisions are *Williams* v. *Mississippi*, 170 U.S. 213 (1898), and *Williams* v. *McCully*, 128 F. Supp. 897 (W.D. La. 1955). In the Lassiter case, the Supreme Court considered a North Carolina statute which provided that every person presenting himself for registration should be able to read and write any section of the Constitution of North Carolina in the English language. In pronouncing the test a valid exercise of the State's power, as I have said, Mr. Justice Douglas, writing for a unanimous Court, held that "in our society * * * a State might conclude that only those who are literate should exercise the franchise."

In other words, the States are not precluded by any clause of the Constitution or its amendments from making such laws. Since Congress is restricted from making laws in the premises except where States have made laws which they are "prohibited from making or enforcing," it follows that Congress has no power to enact a law controlling this situation.

Of course, it is not contended that a State law which provides an unreasonable or incomprehensible test, or a test that is unfairly administered, is constitutional. Such laws have been declared unconstitutional by the Supreme Court. The important point is that the Court, not Congress, held the laws unconstitutional. Congress has no authority to declare a broad range of State laws unconstitutional by enacting its own conflicting law.

Poll taxes, which also would presumably be eliminated by S. 2750, have always been sustained as a constitutional exercise of a State's power. Therefore, there could be no authority under the 14th or 15th amendment for Congress to enact a law eliminating this valid exercise of State power.

As might be supposed from this discussion, the constitutional basis of the States' power to establish voter qualifications is so well established that one objective reporter has stated in 3 Race Relations, Law Reporter, page 390: "It would seem, therefore, that the States are free to establish any requirement that they deem wise, as long as these requirements are not discriminatory nor based on sex, race, color or previous condition of servitude. As a consequence, voting rights may, and often do vary widely from State to State."

In fact, an annotated volume of the Constitution prepared for the Legislative Service of the Library of Congress by Professor Corwin states that "the right to vote intended to be protected refers to the right to vote as established by the laws and constitution of the State; subject, however, to the limitation that the Constitution in article I, section 2, adopts as qualifications for voting for Members of Congress those qualifications established by the States for voting for the most numerous branch of their legislatures."

This statement appears in the section of the treatise dealing with the 14th amendment and would seem to apply with equal force in questions dealing with the 15th amendment. It would be difficult to make a statement which more completely denies to Congress the power necessary for the enactment of S. 2750.

For a conclusive expression of the position of the States with regard to the question, it is necessary only to look to State constitutions and laws. All the States require that each voter must be a U.S. citizen, and all States set a minimum age requirement. Practically all States prohibit idiots, insane people, and convicted felons from exercising the franchise. A substantial number of the States withhold the right to vote from paupers. In addition, 19 States require some form of literacy test. It is error to assume that all or most of these 19 States are Southern States. Arizona, California, Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New York, Oklahoma, Oregon, Washington, and Wyoming all require some form of literacy test.

Laws governing the right to vote have been enacted, amended, contested in State courts, and tested by long experience by the citizens of the several States since the formation of the Nation. It would be a constitutionally indefensible act for Congress to assume the duties so long exercised by the States.

It cannot be successfully contended that the Members of Congress know more about proper qualifications for voters in any given State than do the members of that State's legislature. It was realization of this fact which led the authors of our Constitution to leave the problem of voter qualification to the States.

I do not believe that proponents of the pending legislation would rely upon recent civil rights legislation as precedent for the constitutional soundness of their proposed measure. The similarities are few, and the dissimilarities are striking. Nevertheless the possibility of such a comparison being made compels me to point out the fallacy in that line of reasoning.

I will assume arguendo that the civil rights legislation passed in 1957 and 1960 is constitutional. This is quite an assumption, but even if each phrase of that legislation were completely beyond challenge as an exercise of congressional power, a decision as to its constitutionality would offer no shred of support for the constitutional validity of S. 2750. The reason is that S. 2750 deals with the qualification of voters. In the Civil Rights Acts of 1957 and 1960, great respect is accorded, so far at least as the language of the act is concerned, State laws governing the qualification of voters. Even when the law provides for the appointment of Federal referees to control procedures which have been administered by the States for the better part of two centuries in the past, the language is clear that State qualifications are to be applied by those referees.

By the words of its opening provision, the act is applicable to "all citizens of the United States who are otherwise qualified by law * * *" to vote. Following provision for the appointment of a Federal referee, Congress provided that a person discriminated against would be entitled to an order authorizing him to vote if "he is qualified under State law to vote." Subsequently in the same section, it is provided that "the Court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified."

And finally it is expressly stated that "the words 'qualified under State law' shall mean qualified according to the laws, customs, or usages of the State * * *."

From this brief examination of the Civil Rights Act, which on its face accepts State requirements as to voter qualification, it is apparent that the act offers no inference of support for S. 2750, which would supplant State laws as to voter qualification.

Thus far in this discussion of the right to vote in Federal elections, nothing has been said with regard to the right to vote for the President and Vice President of the United States. This is because the right to vote for these offices is so clearly a matter of State concern that no convincing argument to the contrary can be advanced. With regard to the selection of the electors who, in turn, elect a President and Vice President, the Constitution provides:

"Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress. * * *"

The words "in such manner as the legislature thereof may direct" are conclusive in determining authority for control of presidential elections. Thus in 1892 it was held, in *McPherson* v. *Blacker*, 146 U.S. 1, that the State legislatures may provide for election of presidential electors at large, or the election may be by districts, or the State legislatures may choose electors as they see fit. The same authority would apply in the setting of qualifications for voters. The argument for congressional control is insupportable, since the only power given Congress by the Constitution in this area is to "determine the time of choosing the electors, and the day on which they shall give their votes. * * *" In an article published in the 1961 American Bar Association Journal, a member of the New York bar states that "there is a clear distinction between the right to vote for a presidential elector and the right to vote for a member of Congress. The former is a right granted by the individual State. * * *"

The author goes on to point out that although the right to vote for members of Congress is a federally derived right, it is within the power of each State to prescribe suffrage qualifications. It is well established that suffrage requirements, both for elections of Members of Congress and for voters in presidential elections, are determined by the individual States, subject only to the restriction of the 15th and 19th

> amendments. If suffrage requirements prescribed for these Federal elections meet the requirements of these two amendments, and the Supreme Court has held that both the literacy test and the poll tax do, there is no power in Congress to revise these requirements and make them conform to a national standard.
>
> I have endeavored to prove that Congress lacks authority to enact the proposed legislation, S. 2750. In so doing, it is not my purpose to detract from the powers given Congress in the exercise of its proper powers by fixing responsibility for solution of local problems at the State level. Surely the people of my home State, Virginia, may petition their State government for redress if present State legislation is unsatisfactory. I submit that Jefferson, Madison, Randolph, Henry, Washington, and other statesmen of their day would not hold Virginia incompetent to solve her own problems within the Commonwealth. In a like manner, statesmen of the present day should acknowledge the competence of State legislatures to solve problems existing within the several States. This, as I understand it, was the purpose in establishing a dual system of government under our Constitution.
>
> I do not object personally to the literacy standards prescribed in the proposed legislation. If Virginia, Connecticut, Montana, or California were to adopt those standards, no reasonable protest could be made. But I protest strenuously against the asserted power of Congress to apply those standards to all the States.
>
> In this great land where freedom is cherished, there are those who ardently believe that the elimination of any practice viewed by them as a social evil is an end which justifies the means. They have no fear of unauthorized Executive orders, unconstitutional laws, or judicial amendments to our Constitution. To them I say the greatest evil the world could know would be the destruction of this Nation. Let us work for social reform, let us seek perfect justice—but in so doing, let us not resort to practices which in the hands of would-be tyrants could be as ready tools for the suppression of liberty as their proponents of today find them to be in what they consider the extension of liberty. Any device that avoids the Constitution can avoid it for the purpose of withdrawing privileges as readily as it can avoid it to grant them. The first President of our country, mindful of this disposition of men to shake off the restraining bonds of the Constitution when the situation seemed to demand it or make it politically expedient, said in his Farewell Address:
>
> "If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument for good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any particular or transient benefit which the use can at any time yield."
>
> The provisions of S. 2750 may in the minds of some offer a transient benefit, but the precedent, if established, will eventually and inevitably operate to the detriment of the Nation.

That concludes the very able statement of the former Attorney General, Frederick T. Gray.

I sincerely hope that these remarks of the Honorable Frederick T. Gray will not fall, so to speak, on deaf ears.

Mr. President, one of our earliest Virginians—and one of our greatest—Thomas Jefferson, combined a high regard for the integrity of the individual and his education with a corresponding regard for the sovereignty of the individual States. Jefferson, as most Senators know, founded the University of Virginia at Charlottesville. I would like to quote several of Jefferson's remarks on the subject of education:

> If a nation expects to be ignorant and free in a state of civilization it expects what never was and never will be. The functions of every government have propensities to command at will the liberty and property of their constituents. There is no safe deposit for these but with the people themselves; nor can they be safe with them without information. (Letter to Colonel Yancey, Monticello, Jan. 6, 1816. Writing, p. 517, Washington edition.)

And further:

> Above all things, I hope the education of the common people will be attended to; convinced that on their good sense we may rely with the most security for the preservation of a due degree of liberty. (Letter to James Madison, Paris, Dec. 20, 1787, ibid., IV, p. 480.)

And finally, in a letter of April 24, 1816:

> Enlighten the people generally and tyranny and oppressions of body and mind will vanish like evil spirits at the dawn of day. Although I do not, with some enthusiasts, believe that the human condition will ever advance to such a state of perfection as that there shall no longer be pain or vice in the world, yet I believe it susceptible of much improvement, and most of all, in matters of government and religion; and that the diffusion of knowledge among the people is to be the instrument by which it is to be effected. (Letter to P. S. du Pont de Nemours, Poplar Forest, Apr. 24, 1816, writings, X, p. 25. Ford edition.)

Last week, Mr. President, I made an extended speech on the subject of the literacy test bill, in which I discussed at length my objections to this proposal. I shall not at this time repeat what I said in that speech, but I must reiterate that the literacy test bill is political in its inception and scope, and is neither constitutional nor otherwise in the public interest.

The establishment of an arbitrary sixth grade voter qualification, we are told, would increase the percentage of voting Negroes. I seriously question that this objective would be fulfilled by the enactment of the legislation now before us.

If, for example, a voting registrar were inclined to deny registration to Negroes, he could have no better instrument for the accomplishment of this nefarious purpose than a law establishing the sixth grade as irrebuttable evidence of literacy.

Such a registrar could legally deny "automatic" registration to all Negroes unable to produce documentary evidence of a sixth grade education. Imagine also, Mr. President, the difficulties which any citizen would encounter in producing for a Norfolk voting registrar documentary evidence of having completed the sixth grade in a Chicago public school. Negroes unable to produce such evidence—and there will be many in this category—could then be given literacy tests which the Attorney General himself would be unable to pass.

The registrar might reason, humanly, though I admit improperly, that if the Congress can pass an unconstitutional statute, he himself can administer it in such a way as to frustrate the statute's objective.

As the senior Senator from Virginia [Mr. BYRD] pointed out yesterday, the passage of the literacy test bill would create many secondary problems. Suppose, for example, a person had attended a Government school overseas that was operated for military dependents. The provisions of the bill—although they would cover Spanish-speaking Puerto Ricans— would not cover him. Furthermore, there are many schools which have no grades.

I would not condone discrimination against anybody if this bill should pass. However, the proposal now before the Senate would give a registrar looking for a tool with which to discriminate just what he needed to accomplish his purpose.

I do not mean to suggest, Mr. President, that voting registrars in Virginia, or, for that matter, in any Southern State, would violate the law and the Constitution by denying to any citizen the right to vote because of race or color.

Virginia, incidentally, was given a clean bill of health by the U.S. Civil Rights Commission.

For the reasons I have stated, I am unqualifiedly opposed to S. 2750.

If, as alleged by the proponents of the pending bill, there are registrars in the South who discriminate against nonwhite citizens, ample remedies already are provided by the United States Code. So far, no one in the current debate has successfully denied the allegation that the Constitution leaves to the States the sole jurisdiction to determine the qualification of its electors, subject only to the limited restrictions spelled out in the Constitution itself. The essence of the claim for favorable consideration of the bill is that the end justifies the means. But this bill violates the rights, not of eight or nine Southern States, but of all 50 States of the Union. And, with all due deference to the distinguished minority leader, who is a copatron of the pending bill, let me remind him that a distinguished Republican President named Dwight D. Eisenhower, whom the minority leader so faithfully and efficiently served for 8 years, said on the steps of our State capitol in Richmond concerning the preservation of States rights:

> The Federal Government did not create the States of this Republic. The States created the Federal Government. The creation should not supersede the creator. For if the States lose their meaning, the entire system of government loses its meaning and the next step is the rise of the central-national state in which the seeds of autocracy can take root and grow.

I hope that, after the Senate goes on record tomorrow against imposing cloture, both the majority and the minority leaders will conclude that an adequate provision for national defense, to say nothing of the remainder of the appropriations program, of which no part has as yet been enacted into law, is of more importance to our country than further debate upon this unconstitutional proposal, and that they will, therefore, agree to drop it.

Mr. HILL. Mr. President, in all the many years the distinguished Senator from Virginia and I have served in this body together, I have never heard the Senator make other than an exceptionally able and compelling speech. I congratulate the Senator from Virginia today for the very fine and excellent address he has given.

Mr. ROBERTSON. Mr. President, I certainly appreciate the kind words of my distinguished colleague.

Mr. HILL. Mr. President, when I spoke on this proposal on the opening day of the debate, I addressed myself at some length to the measure we are considering. At that time I reviewed the history of the writing of the 14th and 15th amendments and the debate which took place when those amendments were brought to the Senate. I explained how different Members of Congress—Thaddeus Stevens of Pennsylvania, at that time the chairman of the Committee on Reconstruction which reported to the House of Representatives the 14th amendment; and that members of the committees, both in the Senate and in the House—made it very definite, very specific, and very clear that neither the 14th nor the 15th amendment in any way affected the right of a State to fix qualifications of voters, with the exception that the 15th amendment imposed the limitation that no person should be denied the privilege of the ballot because of race, color, or previous condition of servitude.

With the exception of that one, single, specific, clear limitation, all powers and rights of the States to fix qualifications of voters were reserved to and remained in the States.

When the question came up on the floor of the House of Representatives, Thaddeus Stevens, who was then the chairman of the Committee on Reconstruction, at that time presenting to the House the proposed 14th amendment to the Constitution, was questioned about the effect of the amendment. He made it very definite and very clear that the amendment in no way restricted or denied or took from the rights and powers of the States to fix the qualifications of voters, as set out in the original Constitution, in section 2 of article I.

In all the debates which took place in the consideration both of the 14th and 15th amendments there was agreement. Thaddeus Stevens, other Members of the House of Representatives—such as Roscoe Conkling, who later became a distinguished Member of this body—Senator Henry Wilson of Massachusetts, and Senator Richard Yates of Illinois, all agreed there was no intent, no purpose, and no language in those amendments which would deny to the States any rights they had had and enjoyed even before the Constitution was adopted to fix, to determine, to set and to prescribe qualifications of electors; with the one single exception of the limitation that a person could not be denied the privilege of the ballot because of race, color, or previous condition of servitude.

Mr. President, I am unalterably opposed to the bill, S. 2750, because, as we in opposition have stated time and again, and as is so clear and definite, it seeks to restrict and to invade the reserved powers of the States to prescribe and to determine the qualifications of their voters. If passed, the measure would constitute a totally unwarranted, unnecessary and unjustifiable invasion of State powers and functions which are secured and reserved to the States by the Constitution.

In fact, these powers and rights the States had even before there was any Constitution. As has been brought out time and again on this floor, all the rights and powers reposed in the Thirteen Original States, since they had won their independence through the Revolutionary War from the British Crown. The Federal Government has only those rights and those powers which the States themselves freely and of their own accord delegated and granted to the Federal Government in the Constitutional Convention.

Mr. President, the Federal literacy standard which the proposed measure would impose on the States would supplant any State laws which are inconsistent with such a Federal standard. In other words, it would be a clear invasion of the rights of the States to prescribe the qualifications of their voters.

The proposal is unconstitutional, inasmuch as under the Constitution, as I have stated, Congress has no such power over the States.

Mr. President, the pending measure is an attempt to amend the Constitution by a mere statute. It is an attempt by a mere statute to take from the States the rights and powers which they have enjoyed from the very first day the Constitution was written and became effective. It is an attempt to take away the rights of the States to fix the qualifications of their voters.

We who oppose this measure do so because we are deeply moved by our concern and our desire and our willingness to fight for the preservation of the basic, cherished rights of our States to prescribe the qualifications of their electors. These are the rights which the Founding Fathers specifically preserved and secured to our States in the original Constitution.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HILL. I yield to my distinguished friend from Florida.

Mr. HOLLAND. I compliment my distinguished friend from Alabama again, as I have in the past, for the scholarly way he has dealt with this subject.

Mr. HILL. I thank my friend.

Mr. HOLLAND. The Senator has dealt so clearly and so fully with section 2 of article I of the Constitution, and the similar provision in the 17th amendment, that there is nothing more I could say which would add in the slightest measure to his conclusion, which I think is completely sound and cannot be refuted, that the States reserved to themselves exclusively the right to fix the qualifications of voters who would vote for Members of the House of Representatives—that is under section 2 of article I—and who would vote for Members of the Senate—that is under the 17th amendment.

I wonder if the distinguished Senator would allow me to go briefly into another point which may not have been dealt with so conclusively in the debate as the two I have mentioned. I refer to the question of the provisions of the Constitution with reference to the naming of presidential electors. It seems to me in that field the case is even more clear that the States reserved to themselves the full power as to qualification of voters, and that not a word can be found in the Constitution which even seeks to give to the Federal Government any power whatever in that field.

Mr. President, I read from article 2, section 1 of the Constitution, the article relating to executive power, a provision contained in the second paragraph:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress:

Does the Senator see how it would be possible to reserve more clearly to a State, through the functioning of its legislature exclusively, the right to appoint, elect, name or prescribe the machinery for electing its own presidential electors?

Mr. HILL. The provision could not be clearer. It could not be more complete. I call the Senator's attention to the language which follows immediately after the provision he read:

> but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The provision at the end of the paragraph ratifies, reaffirms, substantiates, and makes all the more complete what the distinguished Senator from Florida has said. Full and complete power is reserved or given to the States.

Mr. HOLLAND. Mr. President, will the Senator yield further for a question?

Mr. HILL. I yield.

Mr. HOLLAND. I think the Senator is seeking to impress in the RECORD the fact that the States were so jealous of their holding exclusive power with respect to the naming of presidential electors who shall represent them in electing the Chief Executive and the Vice President that the Constitution prescribed that no Senator or Representative or any other person holding any office of trust or profit of the United States could possibly serve as an elector.

Mr. HILL. The members of the Constitutional Convention did not want anyone who was in any way connected with the Federal Government to serve in that capacity. That is what they were attempting to say in the provision to which the Senator has referred.

Mr. HOLLAND. The statement could not have been made clearer.

Mr. HILL. The language could not have been clearer. The provision could not have been stated more specifically or definitely. Is that not correct?

Mr. HOLLAND. The Senator from Florida so believes.

I direct the Senator's attention to the brief statement in the same article that relates to the Congress, and that fixes the only power—I repeat, the only power—which the Constitution gave to Congress on this question. I read from paragraph 3 as follows:

> The Congress may determine the Time of chusing the Electors and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

The Senator will agree, of course, that those are the only words found in the Constitution which give to the Congress any power whatsoever relative to presidential electors. Is that not correct?

Mr. HILL. The Senator is absolutely correct. The provisions are so clear that no one could possibly misinterpret, misconstrue, or fail to understand them exactly. The provisions state what they mean and mean what they say.

Mr. HOLLAND. Of course. I noticed with a good deal of amusement—and I am sure the distinguished Senator from Alabama likewise noticed the same thing—that when the learned Attorney General of the United States testified with reference on this bill, he was very careful to say nothing about any specific place where any power was given to Congress to deal with the selection of presidential electors, whereas the Deputy Attorney General—a very learned attorney—when testifying on the poll tax amendment but a few weeks before, said—and I paraphase his statement—that while he felt that an amendment was the best manner in which to proceed, even with reference to voters who would elect the Senators and Representatives, that frankly he was occasioned more trouble when considering electing the presidential electors because he could not see how anything but an amendment would deal with that situation. Does the Senator remember that testimony?

Mr. HILL. The Senator from Alabama indeed remembers the testimony to which the Senator has referred. The Senator is absolutely correct in what he has said. When the Senator from Alabama read the testimony of the Attorney General of the United States given in his personal appearance before the subcommittee of the Judiciary Committee, presided over by the distinguished Senator from North Carolina [Mr. ERVIN], he was really surprised to find that the chief law officer of the U.S. Government had come before a subcommittee of the Judiciary Committee of the Senate and had petitioned that committee, but he could cite no provision in the Constitution, no case, no rule of law, no precedent—not even a statement from any authority on the Constitution—that might sustain his position.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. HILL. I yield.

Mr. HOLLAND. Has it occurred to the Senator as something to be somewhat marveled at that both the Chief Deputy and the Attorney General, in testifying on the poll tax amendment, testified that the constitutional amendment procedure followed in respect to that subject was the preferable way to proceed and that they both approved that course, whereas with reference to the measure now before the Senate, which is so similar, and is considered only a few weeks later, the Attorney General himself testified that the proposed legislation could be attained by mere statute? Did not the Senator think that some miraculous change in the philosophy of the Attorney General had occurred between those two dates?

Mr. HILL. The performance was a very strange and unusual one, in that the Attorney General advocated an amendment to the Constitution, as provided in the Constitution itself, and then took an entirely different and contrary tack on the present measure, which was certainly, to say the least, a very strange, unusual, and unexplainable situation.

Mr. HOLLAND. I thank my learned friend. It seemed to me that it was even more difficult to understand how the learned Attorney General could pay no attention to the question relative to presidential electors when his chief legal officer, now serving him as his Deputy Attorney General—Mr. Katzenbach—had appeared in Congress but a few weeks before to call attention to the fact that the constitutional provisions on presidential electors gave him very great difficulty, and that it seemed to him that nothing but a constitutional amendment could deal with that situation. Does it not appear to the learned Senator that the right hand did not know what the left hand was doing?

Mr. HILL. I can think of no more appropriate illustration than what the Senator has suggested. The right hand did not know what the left hand was doing. I certainly wish to thank the Senator not only for his kind words, but also for the fine contribution that he has made in the Senate today.

Mr. HOLLAND. I thank my distinguished friend. I only wish that I could have contributed as scholarly, erudite, and learned a discussion as the Senator from Alabama has contributed in his two appearances before the Senate on the present subject. I compliment him without any reservation whatever for his having made contributions that will last in the record of the Congress as being unanswerable arguments.

Mr. HILL. I thank the Senator for his most gracious and generous remarks. I particularly appreciate the statement coming from him because I know what a student of the Constitution he is. I appreciate the high authority with which he speaks on all subjects concerning the Constitution and our Government, particularly our dual form of government, and the rights and powers of the States and the place of the Federal Government in our dual system of government.

Mr. President, I am unalterably opposed to S. 2750 because it seeks to further restrict and invade the reserved powers of our States to determine the qualifications of their voters. If passed, this measure would constitute a totally unwarranted, unnecessary, and unjustifiable invasion of State powers and functions that are secured and reserved to the States by the Constitution.

The Federal literacy standard which this measure would impose on the States would supplant any State laws that are inconsistent with this Federal standard. S. 2750 is unconstitutional inasmuch as, under the Constitution, Congress has no such power over the States.

This is an attempt to amend the Constitution with a mere statute to take away from the States the rights which they have enjoyed from the very day the Constitution was written and became effective. It is an attempt to take away their rights to fix the qualifications of their electors. We oppose it because we are deeply moved by our concern and desire and our willingness to fight for the preservation of the cherished rights of our States to prescribe the qualifications of their electors.

I may say that these are rights which the Founding Fathers specifically preserved and secured to our States in the original Constitution.

They are rights which in the past have received great honor and respect.

Anyone who will read Mr. Madison's notes to the Constitutional Convention, the convention which wrote the Constitution, and who will read the notes of the State conventions which ratified the Constitution, cannot escape the very definite and positive conclusion that if the provision of leaving to the States the power to prescribe the qualifications of their electors had not been written into the Federal Constitution, there would not have been any Federal Constitution and there would not have been any Federal Union.

Mr. Madison's notes of the Philadelphia convention, where the Constitution was written, and the notes of the several State conventions, where the Constitution was ratified, show how jealous the States were of this right—the right which insured to them the fixing of the qualifications of the electors in the several States. These notes confirm absolutely that there would have been no Constitution if that right had not been clearly, specifically, and absolutely preserved to the several States.

I emphasize further, based on a declaration by Judge Cooley, one of the greatest authorities on the Constitution in the whole history of our country, that there have always been certain prerequisites to voting. As we know, in some States registration is not permanent. In my State, once a person registers to vote, he does not have to reregister, unless he sees fit to move out of the county in which he has been living. If he moves into another county, he must, in order to vote, reregister in the new county. But if he remains in the county in which he first registered, he need never register again.

I have registered once in my life, and that was when I became 21 years of age. I have never had to go to the trouble or to take any time to register again.

However, some States provide different periods when the voters must register or reregister. We also know that in order to register, a person must go to a particular place where the registration is held. Persons do not register in their own homes; they must go to the courthouse or to some other place designated for that purpose.

As provided by the constitution of Alabama, qualified voters must be 21 years of age, citizens of the United

States, have resided for 2 years in Alabama, 1 year in the county, and 3 months in the precinct or ward, immediately preceding the election.

A qualified voter in Alabama must also be able to read and write in English any article of the Constitution of the United States. He must be of good character and must embrace the duties and obligations of citizenship under the Constitution of the United States and of Alabama. In addition, he must have paid all poll taxes due from him for the last 2 years.

Blind and deaf persons and persons who honorably served in the military service of the United States during hostilities and all persons 45 years of age or older are exempt from the poll tax payment as a prerequisite to voting.

Furthermore, in order to vote, a citizen must go to the polling place. He must transport himself to that place. When he gets there, sometimes he must stand in line before he may vote. It may take some time out of a very busy day for him to stand and wait his turn to exercise his right to the ballot and to vote. So, as Judge Cooley makes clear, there are certain prerequisites to voting, and the literacy test in Alabama is one of them.

At the time when the Constitution was being written, in 1787, most of the States—at least 9 of the 13—had spoken, and had fixed, by their own constitutions, the qualifications of those who could vote for the members of their own legislatures.

What were those qualifications? I should like to sum up, briefly, the qualifications which the original States, which brought the Constitution into being, had themselves prescribed for voting.

First, let us look at the small, but great, State of New Hampshire, from which some of the Minutemen, some of our bravest men in the War of the Revolution, came in the early days, and the State which gave us Daniel Webster. Before this debate is concluded, I shall no doubt refer to some of Mr. Webster's great speeches on the Constitution.

The men from New Hampshire fought the battles of the Revolution in order that the Constitution might be born, that the rights of the States might be safeguarded, and, most of all, that the power might reside in the hands of the people, not in a central, arbitrary government. This, indeed, is what the Minutemen died for—the brave and gallant boys from the hills and mountains of New Hampshire.

What were the qualifications in New Hampshire? A voter had to be a freeholder. He had to own property; he had to own real estate; and he had to pay a poll tax.

The next State in the list is the State of the granite hills, the beautiful little State of Vermont, a State whose sons also played a heroic part in the War of the Revolution. When the Constitution of the United States was being drafted, in order to vote in Vermont a man otherwise eligible to vote had—in order to meet the prerequisite—to be a freeholder. He had to own property.

Mr. President, if I may, I wish to advert now to the great Commonwealth of Massachusetts, the State of Samuel Adams, John Hancock, John Adams, John Quincy Adams, Dr. Warren, and other great heroes of the Revolution. In order to vote in Massachusetts, the requirement was that one must own a freehold with an annual income of 3 pounds, or an estate of 60 pounds. One had to be a property owner, in order to vote in Massachusetts.

In the great Empire State of New York, the voter had to be a freeholder of 20 pounds, paying rent of 40 shillings. He had to have a freehold of 100 pounds, in order to vote for State senator. New York seemed to prescribe a greater prerequisite for voting for State senator than for members of the most numerous branch of the legislature, which meant that New York prescribed a greater prerequisite for voting for State senator than was required for voting for a Member of the Federal Congress, because, of course, the qualifications for voting for a Member of the Federal Congress were the qualifications for voting for a Member of the most numerous branch of the State legislature.

In New Jersey, one had to own an estate of 50 pounds; he had to be a property owner.

In Pennsylvania, the voter had to be a State or county taxpayer.

In Delaware, the citizen, in order to exercise the right to vote, also had to be a State or county taxpayer.

In Maryland, the voter had to be a freeholder of 50 acres, or have property worth 30 pounds.

In North Carolina, the voter had to own a freehold of 50 acres in a county, and must have owned it for 6 months before the election. It was also a requirement that the voter must have paid his public taxes. If the citizen had not paid his public taxes, he could not vote. In other words, he not only had to own the property, but he also had to pay all the taxes on the property; and if he was in any way delinquent in the payment of his taxes, he could not vote.

In South Carolina, the voter had to be a freeholder of 50 acres or a town lot, or he had to pay taxes equal to the tax on 50 acres.

In other words, if the voter did not own 50 acres, he must, as a requirement for voting, have paid a tax equal to the tax on 50 acres.

In Georgia, the voter had to own property in an amount of £10, or have a trade as a mechanic, or be a taxpayer.

At that time, we had not moved into the scientific, mechanical, and technological age in which we live today, for even back in that time, in order to be a voter in Georgia, as I have said, one either had to own property in the amount of £10 or had to have a trade as a mechanic. If one had a trade as a mechanic, he would qualify. The third alternative was to be a taxpayer in some other way.

The State of Kentucky was not one of the Thirteen Original States. It was one of the first States to be admitted into the Union, however, after the adoption of the Federal Constitution. It came into the Union in 1792, only 3 years after the formation of the Federal Government. In order to be a voter in Kentucky, a citizen had to be a taxpayer.

In Tennessee, which was admitted shortly thereafter, a voter had to be a freeholder.

Mr. President, these were the qualifications of electors when Kentucky and Tennessee were admitted into the Union, shortly after the adoption of the Constitution.

These were the qualifications the States prescribed respecting their electors, when the Constitution was being drafted in Philadelphia, when the delegates from the States were busy writing that document at the Constitutional Convention.

The delegates to the Constitutional Convention knew what the State qualifications were; and, therefore, when they wrote into the Constitution that the qualifications for electors for Members of the House of Representatives would be the same as those for the electors for the most numerous branch of the State legislatures, they knew exactly what they were doing.

They knew that those qualifications were in the Thirteen States. As we recall, under the original Constitution, Senators were elected by the members of the State legislatures. We also recall that in the 17th amendment, adopted in 1913, which provided for the direct election of Senators, rather than their election by the State legislatures, there was included the same provision, namely, that the qualifications for electors for U.S. Senators should be the qualifications prescribed by the States for electors for the most numerous branch of the State legislatures.

We must recall that in 1787, when the Constitution was written, the States were absolute sovereigns. They had joined in the Declaration of Independence. They had proclaimed their independence of the British Crown. They had fought through eight long, terrible, bloody years to win their independence; and they stood absolutely independent and free from any other sovereignty on this earth. Their own sovereignty was full, complete, and absolute.

So they gathered in Philadelphia in their sovereign capacities, through their delegates, to write the Constitution of the United States. The question was: How much of their sovereignty would they yield to the Federal Government? The Federal Government was not in being; it had no existence; it had no sovereignty. The only sovereignty the Federal Government could have would be such sovereignty as was granted it by the sovereign States of that time.

Anyone who is at all familiar with the history of the writing of the Constitution, anyone who has taken the time to read Mr. Madison's notes on the Constitutional Convention and what transpired in that Convention when the Constitution was being written, knows how jealous were the several States of their sovereignty and how reluctant they were to yield much of that sovereignty to any Federal Government.

Mindful of their sovereignty, zestful and determined insofar as possible to keep within their own hands as much of their sovereignty as they possibly could, and still have a Federal Government adequate to meet the problems which had to be met by a central Federal Government, what did they do? They provided that every State should have two Senators—two Members in this body—no matter how large or how small the State might be, no matter what its industrial development might be, no matter what its financial development or its agricultural development might be. No matter what might be the status of a State in its power, its influence, or its ability to influence other States and other persons in other States, every State in the United States should have equal representation in the Senate; it should have two Senators—its own two Senators. Then, as will be recalled, the delegates to the Convention went one further step, and provided that no State should have its representation in this body reduced or taken away from it without its consent. This meant that no matter how small a State might be, no matter how weak, how ineffective, or how uninfluential it might be, it would have equal representation in this body; it would have two Senators, to serve along with the two Senators of the most powerful, the wealthiest, and the greatest State of the Union.

It was in this spirit of jealous regard for their rights and their determination to secure the primary authority of the States in the government, that the question of qualifications of electors was considered and debated.

When we consult Madison's notes, we find that in the Constitutional Convention there were three schools of thought with reference to the matter of qualifications of electors to vote for Members of Congress.

One school of thought was that the qualifications should be prescribed in the Constitution itself.

The second school of thought felt that the qualifications should be left to Congress: that the Constitution should provide that the Congress should have the power to prescribe the qualifications.

The third school of thought, which, as we know so well, prevailed in the Constitutional Convention, was that the qualifications for the electors should be those fixed by the States for the most numerous branches of the State legislature.

That provision, as we know, is section 2, article I, of the Constitution of the United States.

We find in Mr. Madison's notes, as compiled by Mr. Johnathan Elliott, and published by J. B. Lippincott in Philadelphia in 1907, in volume V, page 385:

> Mr. Gouverneur Morris, of Pennsylvania, moved to strike out the last member of the section, beginning with the words "Qualifications of electors," in order that some other provision might be substituted which would restrain the right of suffrage to freeholders.

In other words, Gouverneur Morris not only wanted the Constitution to fix the qualifications for the electors, but he wanted at least one of those qualifications to be that the elector should be a freeholder, that he should own property. So Gouverneur Morris moved to amend the proposal to write in the qualifications of freeholders.

Mr. Fitzsimons seconded the motion.

Mr. Williamson was opposed to the motion.

Before I read what the different delegates said, I should like to call the attention of the Senate to the committee which proposed the provision in section 2, article I of the Constitution—the section to which I have just referred—which is the section dealing with the qualifications of voters. The committee was termed, in the language of the Constitutional Convention, "the committee of detail."

The committee of detail was composed of Mr. Rutledge, of South Carolina; Edmund Randolph, of Virginia; Nathaniel Gorham, of Massachusetts, who was Chairman of the Committee of the Whole; Oliver Ellsworth, and James Wilson, of Pennsylvania. John Rutledge, as we recall, was offered a place on the first U.S. Supreme Court, and was afterward appointed Chief Justice of the United States. Edmund Randolph, we recall, was George Washington's first Attorney General. Later Oliver Ellsworth was Chief Justice of the United States, and James Wilson was a member of the President's Cabinet.

Where could there have been found at that time in all the world, or where could there be found today or at any other time in all the world, a committee of abler or more distinguished lawyers and students of government, or more capable political draftsmen than the men who constituted the committee which wrote section 2 of article I? Where could a more brilliant galaxy of stars in the field of statesmanship be found than these great lawyers, students of the philosophy of government, students of human nature, men of commonsense and wisdom, who constituted the committee which wrote section 2 of article I?

As I have stated, Gouverneur Morris moved to amend the committee provision leaving to the States the fixing of the qualifications for electors of Members of Congress, so as to require that the electors be freeholders, or so as to make sure that they were property owners before they could vote for Members of the House. Mr. Fitzsimons seconded the motion. Mr. Williamson opposed it. Then Mr. Wilson of Pennsylvania, one of the ablest men who sat in that Convention, rose and made this observation, according to Madison's notes:

> This part of the report was well considered by the committee, and he (Mr. Wilson) did not think it could be changed for the better. It was difficult to form any uniform rule of qualifications for all the States. Unnecessary innovations, he thought, too, should be avoided.

When I quote that language about unnecessary innovations, I come back to my statement of a few minutes ago; namely, that Mr. Wilson and the other delegates who had gathered to write the Constitution knew exactly what qualifications were fixed by their own State constitutions. So when Mr. Wilson was speaking about no innovations, he was, impliedly, at least, making a plea for the qualifications fixed in his own State of Pennsylvania and fixed by the constitutions of the other original States.

Mr. Wilson went on to say:

> It would be very hard and disagreeable for the same persons, at the same time, to vote for representatives in the State legislature and to be excluded from a vote for those in the National Legislature.

All of us have many times been in polling booths to vote. We know that the words spoken by Mr. Wilson not only were true in 1787, but they are just as true today. Can Senators imagine the disorder, the confusion, and the uncertainty that would be thrown around the exercise of a right which is the most sacred right, perhaps, possessed by any American citizen—the right of the ballot—if there were one set of qualifications for electors for Members of Congress, President, and Vice President, and if there were another set of qualifications for electors of State legislatures and State officers?

Mr. President, while I do not believe that the very practical question raised by Mr. Wilson was the controlling one in the drafting of article I, section 2, those men, being men of commonsense, men with a keen, profound knowledge of human nature and the ways of people and of events, were undoubtedly persuaded by the consideration of how impractical it would be to have varying qualifications for the different electors.

After Mr. Wilson made his statement, Gouverneur Morris, the author of the motion, rose. I read further from Madison's report of Gouverneur Morris' statement:

> Such a hardship—this is, being a freeholder or the owner of property, because that is what his motion provided as a qualification—would be neither great nor novel. The people are accustomed to it, and not dissatisfied with it, in several of the States. In some, the qualifications are different for the choice of the Governor and of the Representatives; in others, for different houses of the legislature. Another objection against the clause as it stands is that it makes the qualifications of the National Legislature depend on the will of the States, which he thought not proper.

He was unwilling to recognize this right in the State. Mr. Morris was unwilling that this power should continue to be vested in the State. He wanted it in the Federal Government.

Then Mr. Ellsworth, of Massachusetts, rose and said that he thought the qualifications of electors stood on the most proper footing. Note this language:

> The right of sovereignty was a tender point and strongly guarded by most of the State constitutions. The people will not readily subscribe to the National Constitution if it should subject them to be disfranchised.

He was arguing against Mr. Morris' motion to make the ownership of a freehold a qualification. Mr. Ellsworth added:

> The States are the best judges of the circumstances and temper of their own people.

Note that language. The States—the people back home, the people who gather in the State capitals, the people who go to the ballot boxes back in the hamlets, the communities, and the crossroads—"are the best judges of the circumstances and temper of their own people." Would anyone dispute that today?

Mr. Butler, a delegate to the Constitutional Convention, made this significant statement:

> There is no right of which the people are more jealous than that of suffrage.

Thus emphasizing, fortifying, and reaffirming the idea that the determination of the qualifications of electors should remain in the hands of the people of the States.

After all, it is only by means of the right of suffrage that the people are able to maintain their power, their authority, their sovereignty over the government. If the people's right of suffrage were to be taken from them, no longer would there be government of the people, by the people, and for the people.

I shall read from the statement of Mr. Dickinson. He was a gentleman of very conservative views; but I think we should have his views, since we are studying this whole subject. Mr. Dickinson had a very different idea with regard to the tendency toward vesting the right of suffrage in the freeholders of the country. He considered them as the best guardians of liberty, and the restriction of the right to them "as a necessary defense against the dangerous influence of those multitudes, without property, and without principle, with which our country, like all others, will in time abound." He very strongly favored the writing in of a qualification that electors must be property owners.

In reply to Mr. Dickinson, Mr. Ellsworth had this to say:

> How shall the freehold be defined? Ought not every man who pays a tax vote for the representative who is to levy and dispose of his money? Shall the wealthy merchants and manufacturers who will bear full share of the public burden be not allowed a voice in the imposition of them? Taxation and representation ought to go together.

On the question as to whether a freehold or property ownership should be prescribed as a qualification, Mr. Madison, being a very wise and very practical man, expressed the view that that might well be determined upon the question as to how such a qualification would be received back in the States.

The men who sat in the Convention, who engaged in the debates in the Convention, who engaged in the actual drafting of the Constitution, knew best of all, knew far better than any who should come after them, what their intent and purposes were in writing the Constitution. We would never have had any Federal Constitution, we would never have had a Federal Government, if the view had not prevailed that the qualifications of the electors should be left to the several States; in other words, that section 1 of article II should be adopted and written into the Constitution just as it had been recommended by the committee and as it was adopted and written into the Constitution.

Mr. President, in the 60th Federalist paper, Mr. Hamilton defended the Federal Constitution against the charge that it favored the rich. That charge had been made against the Constitution. His remarks on this subject are very pertinent to the issue before us. I now quote from Mr. Hamilton.

> The truth is—

He wrote—

> that there is no method of securing to the rich the preference apprehended, but by prescribing qualifications of property either for those who may elect or be elected. But—

Went on Mr. Hamilton—

> this forms no part of the power to be conferred upon the National Government.

Mr. Hamilton added:

> Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution, and are unalterable by the legislature.

Alexander Hamilton's words will be clear to anyone who takes the time to read them. He said that the Federal Government cannot invade that right; that it is a right left exclusively to the several States.

What happened? The Committee on Detail, on August 6, 1787—and, as I have stated, the Committee on Detail was the special committee for the drafting of the Constitution—recommended that—

> The qualifications of the electors shall be the same, from time to time, as those of the electors of the several States, of the most numerous branch of their own legislatures.

This, of course, is the provision of section 2, article I, of the Constitution.

What happened? When that committee made the recommendation, a motion was made to prescribe in the Constitution the qualification of possessing freehold; and that motion was voted down. What was the vote on that motion? The motion was rejected by a vote of 7 to 1. Only one State voted for the motion, and that was the little State of Delaware. Delaware voted "aye." New Hampshire, Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, and South Carolina voted "no."

The thinking of the men who wrote our Constitution is found not only in the debates held in the Constitutional Convention, but also in the writings of those who participated in it.

We know that Thomas Jefferson was not a member of the Constitutional Convention that wrote the Federal Constitution, because he was at that time our Minister to France; but although he was out of the country, he was in very close touch with the delegates to the Convention. We know that he had no closer ally or friend than James Madison, father of the Constitution.

We speak of Washington as the Father of our Country—which he was. I think we properly speak of James Madison as the father of the Constitution. I think we may well say that Thomas Jefferson was the great prophet of American democracy.

In Mr. Jefferson's draft of a proposed constitution for Virginia, which was written in June 1776, while Mr. Jefferson was serving as a Member of the Continental Congress in Philadelphia, Jefferson suggested in his draft:

> All male persons of full age and sane mind, having a freehold estate in (one-quarter of an acre) of land in any town or in (25) acres of land in the county, and all persons resident in the Colony who shall have paid scot and lot to Government the last (2 years) shall have right to give their vote for the election of their respective representatives.

He proposed this language for the Virginia constitution; but, on the other hand, when it came to the writing of the Federal Constitution, he opposed any provision of this sort in the Federal Constitution. He knew that the States should fix the qualifications for the voter.

I quoted a little while ago from Alexander Hamilton.

As we know, one of the greatest minds of that period, beginning with the War of the Revolution and coming on down through the Articles of Confederation, and the drafting of the Federal Constitution, and even in the administration of the Federal Government in the early days of George Washington, was the brilliant mind of Alexander Hamilton. It will be recalled that Hamilton was Secretary of the Treasury in President Washington's first Cabinet.

Perhaps this country has never known a more penetrating or more incisive mind than that of Alexander Hamilton. As we know, Hamilton was not a democrat, and I am using the word with a little "d." He did not believe in, he did not have faith in, the capacity of the people to govern themselves. He believed in a strong Central Government. He thought it was necessary to have central, arbitrary power concentrated in the Government in Washington. He went so far that many speak of him as a monarchist. Certainly we know that in the plan which he submitted to the Constitutional Convention he provided for life tenure for the Chief Executive, the President of the United States. As I recall, he provided for certain hereditary rights for many things that were to be found under the arbitrary, central power of the governments of the kings and monarchies of the nations of Europe.

Mr. Hamilton in writing about the Constitution—and we must remember what his feelings and his views were—had this to say in chapter 52 of the Federalist:

> I shall begin with the House of Representatives * * * The first view to be taken of this part of the Government, related to the qualifications of the electors and the elected.

When he referred to "the qualifications of electors," he went straight to the very question we are discussing here today, because he knew what the whole question involved, so far as determining what our Government was, and what it would be down through the years. He knew it went to the whole question of our dual system of government, the whole question of the structure of our Government, of a divided authority between the Federal Government and the

State governments. The brilliant Hamilton knew what he was talking about. He went on to say:

"Those of the former"—that is the House of Representatives—"are to be the same"—that is, the qualifications are to be the same—"with those of the electors of the most numerous branch of the State legislatures. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore, to define and establish this right in the Constitution."

In other words, the Constitution had to state what these qualifications were, and by whom they would be prescribed. Hamilton then continued:

> The provision made by the Convention—

That is the provision now written into section 2 of article I—

> appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is conformable to the standard already established or which may be established by the State itself.

Thus the leading Federalist, the outstanding Nationalist, in the days of the beginning of our Government proclaimed in his writings in the Federalist that this method must be satisfactory to the States, because under the Constitution as written it was left to the States.

Again, in the 87th Federalist, the question was asked. And Hamilton replied to his own question:

> Not the rich, more than the poor; nor the learned, more than the ignorant; or the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States. They are to be the same who exercise the right in every State of electing the corresponding branch of the legislature of the State.

In the 59th Federalist we find this significant statement:

> Suppose an article has been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power and as a premeditated engine for the destruction of State governments?

In the 60th Federalist, Alexander Hamilton expressed fear that elections might be manipulated in the interest of the "rich and the well born." The only way in which this might be done, he wrote, would be by prescribing property qualifications either for those who may elect or for those who may be elected.

But he added, this forms no part of the power to be conferred upon the National Government.

As I have said, when the Founding Fathers gave up a portion of the sovereignty of the States to the Federal Government, they did so with a great deal of trepidation, and they did so only with the firm conviction that it was unity alone—unity of purpose, unity of resolve, and unity in their mutual dedication to human liberty that could enable the people of our country to long endure and abound in the joy of the priceless legacy which a heroic young Nation had won at the cost of much sacrifice and loss of life.

Mr. President, this measure, the embodiment of S. 2750 violates the basic and fundamental principles of the whole philosophy of our American Government which only with trepidation were agreed to by the Founding Fathers. This measure would establish qualifications for voting in derogation of the sovereignty reserved by the Founding Fathers to States alone.

Consider, for example, the provision in this bill that a sixth grade education in the Spanish language shall qualify a voter. This provision is typical of the entire bill. I have no doubt that the framers of the Constitution would find it utterly inconceivable that the Senate of the United States would ever seriously consider a measure that outlaws a State requirement that its electors be literate in the official language of the State and Nation.

At this momentous hour in the history of America and of the world, the objective for which we must strive with all of our fervor and determination is unity.

Let us be done, Senators, with this measure before us, which can only distract and misguide our people, which separates and divides us, and which opens the way for the destruction of fundamental rights of the States and the fundamental rights of the people of all the United States.

Much has been said in this debate against the proposal to invoke cloture on this measure, but there is one interesting matter I want to call to the attention of the Senate. When we were debating the Atomic Energy Act in 1954—and I happened to be one of those who engaged in the effort to modify and change that act, to show how wrong that act was in the form that it first came before the Senate—an effort was made to invoke cloture. The CONGRESSIONAL RECORD, volume 100, part 9, page 11942, reads as follows:

> On July 26, 1954, at 11 o'clock a.m. (the Senate having met at 10 o'clock a.m.), the Vice President, in accordance with the rules, laid before the Senate the foregoing cloture motion and directed the clerk to call the roll. Upon the appearance of a quorum, the Vice President submitted to the Senate the question: Is it the sense of the Senate that debate shall be brought to a close?
>
> The yeas and nays, being called under the rule, resulted in rejection of the motion by a vote of yeas 44, nays 42, two-thirds of the Members of the Senate not having voted in favor thereof.

Mr. President, it is most interesting to examine the rollcall to see who voted against the motion to impose cloture, and who voted for that motion which would have opened the door and have been an invitation to deny the rights of Senators on the Senate floor and would have constituted an impairment of the standing, the prestige, and the power of Senators and the States they represented. Whom do we find among those who voted "nay"? The present President of the United States, then Senator John F. Kennedy. I can but hope that tomorrow Senators will follow the example which the President of the United States set as a Member of this body on July 26, 1954, and cast their votes as he did on that date, and vote against the cloture proposal.

During the delivery of Mr. HILL's address.

Mr. STENNIS. Mr. President——

Mr. HILL. Mr. President, I ask unanimous consent that I may yield to the distinguished junior Senator from Mississippi, with the understanding that I do not lose my right to the floor, and with the further understanding that his remarks will appear at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I appreciate the courtesy of the Senator from Alabama and of other Senators, as well.

I wish to address myself particularly to article I, section 4, of the Constitution, as an alleged constitutional base for Senate bill 2750, which is the Mansfield-Dirksen measure which is proposed to be substituted for the claims bill that is the pending measure.

Article I, section 4, of the Constitution expressly gives to Congress the power to make regulations regarding "the times, places, and manner of holding elections for Senators and Representatives." The Civil Rights Commission has frankly recognized that this article of the Constitution does not support the constitutionality of S. 2750. The Commission says, in a staff memorandum on the constitutionality of the bill:

> It is not clear how any provision of the bill fairly relates to regulation of the times, places, and manner of holding elections by article I, section 4.

That statement is taken from staff memorandum No. 8.

Since, however, there is no other provision of the Constitution on which to rely in support of the bill, and in spite of this frank admission of inapplicability, the Commission nevertheless tries to draw some support from article I, section 4, because the same memorandum recites:

> No case has settled the issue of whether there may not be some qualifications which might also be subject to regulation by the Federal Government as affecting the times, places, and manner of holding elections.

That statement is taken from staff memorandum No. 6.

Of course, the reason for this is not hard to find. Some things are so clear that there is no issue to be decided by a litigated case. No case has ever settled the issue of whether each State is entitled to two Senators. The Constitution is entirely clear and explicit on this point. So, too, it is clear on the point that Congress may regulate the manner of holding elections, and that it may not regulate the qualifications of electors. There is no issue about the matter, except to the extent that a fictitious issue is created in an effort to accomplish a purpose forbidden by the Constitution. That is about as close as the sponsors of the measures have ever come to a constitutional basis upon which the bill can rest. They merely say that no case has ever been decided on the point. Of course there has never been any case directly on the point. The language is too clear, positive, and firm.

Mr. HILL. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. HILL. Have not the cases all been the other way?

Mr. STENNIS. Yes. Every time the courts have touched the top, side, or bottom of this question, or of any question related to it, they have held and I think unanimously, and not once, but many times over the decades, for more than a century, that the certain rule in this matter is as has been contended by those who are in opposition to the bill.

The Department of Justice has made a strong effort to find some historical evidence to support a position that the framers of the Constitution, in giving Congress the power to regulate "the manner of holding elections," intended to include some power to regulate the qualifications of electors. This is obviously an impossible task to perform in the face of such forceful and clean-cut statements to the contrary as that made by Alexander Hamilton in the Federalist Paper No. 60, in which he said:

> The truth is, that there is no method of securing to the rich the preference apprehended, but by prescribing qualifications of property either for those who may elect or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the person who may choose or be chosen, as has been remarked on other occasions, are defined and fixed in the Constitution and are unalterable by the Legislature.

How could a comment upon language that is already clear and definite and positive be any stronger or firmer; and how could there be a better authority on the subject than those who wrote the language themselves, at a time when their memories were clear and the issues were still hot and were being debated by people at the State level?

The question was, Shall the Constitution be adopted or rejected? That was the vital issue. All the testimony is that this was one of the major points to be considered, one of the main foundations, the mudshell of one of the major determinations that made it possible to have a Constitution.

That noted man, that remarkable man, who helped to write the Constitution, said:

> The qualifications of the person who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution, and are unalterable by the Legislature.

Still, today, in spite of the fact that the same language has been repeated by two additional provisions in the Constitution, as amendments, since its inception, and in spite of the fact that the courts, over and over again, have reiterated the correctness of Alexander Hamilton's discourse on this language, and in spite of the fact that everything has consistently pointed that way over all the years, the Senate nevertheless, today, is attempting to usurp the power, and that is what it is—a usurpation—attempting, in the political pressure of the times, to usurp powers that is not ours. Still, we are asked to take that power anyway. We are asked to usurp it to ourselves, and to prescribe the qualifications for electors.

Mr. President, it is unthinkable that that can happen. I do not believe it will happen. The bill will not become law in the light of a complete dearth of historical evidence to support its position.

In that connection, the Department of Justice makes the now familiar comment in favor of such proposals that on this issue "history provides inconclusive answers."

Mr. President, there is nothing inconclusive about it. The evidence is overwhelming. This is another illustration of the strategy when the proponents of a certain position cannot make a historical foundation or a constitutional foundation for their assertions. They end by saying that history provides inconclusive answers. But this is one instance in which history provides a completely conclusive answer based upon history and the precedents of logic, law, and reason.

Since the Constitution does not give Congress any power to establish the qualifications of electors, as the proponents of S. 2750 must concede, an effort is being made to support the bill's alleged constitutionality by the use of a play on words. S. 2750, according to the semantical technique, does not establish voter qualifications. It only provides the means, as the proponents claim, by which a legitimate State-established voter qualification is to be determined; and this, by the use of a nonsequitur, becomes a part of the manner of holding elections, and so within the power of Congress to regulate under article I, section 4.

Mr. President, that is a juggling of language and logic and reasoning which should not be indulged in by those who hold responsible positions. Part of this attempt is found in a statement made by the Attorney General when he appeared in support of this bill:

> The bill does not prevent the States from requiring literacy or understanding ability of their voters. That objection is not wrong. * * * What we propose is to substitute an objective standard for the present subjective color bar to Federal voting. * * * It is concerned solely with the appropriate, fair, and nondiscriminatory manner of measuring the qualifications of Federal voters under State law.

Dean Griswold, who has been quoted frequently, said:

> By specifying a sixth-grade education in a public or accredited private school, the legislation would merely substitute an objective means of determining a legitimate qualification for methods which are capable of—and indeed have been put to—discriminatory use.

While the Department of Justice memorandum on the constitutionality of Senate bill 2750 is quite interlarded with statements of this viewpoint, the fullest statement is incongruously placed under the heading "Judicial Construction," although the position is entirely devoid of any judicial support. The statement is as follows:

> S. 2750 could constitute a permissible regulation of the "manner" of holding elections for Federal officials in two respects. First, it would alter the method of testing whether a prospective voter possesses the particular educational or similar qualification set by the State. Instead, it would substitute an objective and easily ascertainable requirement—completion of six grades of formal education. Second, it would eliminate the racially discriminatory fashion in which existing tests have been administered. In these ways Congress would insure that "the manner" of holding elections for its Members is not improper.

I have quoted from Justice Memorandum No. 22.

The closest thing to judicial support for this position that the proponents of the bill have been able to find is the decision in the case of *Ex parte Siebold*, 100 U.S. Reports 371, decided in 1880, but the single case relied on by both the Civil Rights Commission and the Department of Justice—Ex parte Siebold—does not even contain a dictum or intimation in support of their position. The question presented and decided in the Siebold case was whether, when Congress undertakes to regulate the manner of holding elections for Representatives, its regulations become exclusive and supersede all State regulations on the same subject.

I invite the attention of the Senator from Alabama [Mr. HILL] to this point, and I repeat it: The question presented and decided in the Siebold case—the case cited here as the only authority for the position of the proponents—was whether, when Congress undertakes to regulate the manner of holding elections for Representatives, its regulations become exclusive and supersede all State regulations on the subject.

That is an age-old question, well known in the law, as to the Federal-State relationship.

The Supreme Court of the United States very clearly answered that question, the only question involved, in the following short paragraph:

> We are unable to see why it necessarily follows that, if Congress makes any regulations on the subject, it must assume exclusive control of the whole subject. The Constitution does not say so.

That is the decision in the Siebold case, as reported in 100 U.S. Reports 383, decided in the year 1880.

Mr. President, it is a well-known fact that elections involve the questions of the time, place, and manner of holding elections; and the writers of the Constitution made clear that unless there was such a constitutional provision, they would not have any power in regard to the qualification of electors. But they were not willing to surrender all control over the time, place, and manner of holding elections; so they reserved that power, to be used if they saw fit to use it.

The Court, lamely following that language, said that while they reserved that power, it was not exclusive power; and in any field which they had not filled, of course the States still had their own power.

That is the only intrusion of any kind that there is on the States power, even as to the manner of holding elections.

Mr. HILL. Mr. President, will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mr. HICKEY in the chair). Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. STENNIS. I yield.

Mr. HILL. The Senator from Mississippi will recall that one of the last decisions which the late great Chief Justice Charles Evans Hughes wrote cited the Siebold case as being the authority and the law, just as the Senator from Mississippi this afternoon has cited that case as the authority and the law on this subject.

Mr. STENNIS. Mr. President, I appreciate the contribution made by the Senator from Alabama. It shows how well versed he is in the cases which pertain to this important subject; and I appreciate his part in the debate.

So, Mr. President, the opinion in that case—although there are also the opinions of some lawyers, but the Siebold case is the only one directly in point—is far afield from the position used here in support of this proposed legislation.

Mr. President, Senate bill 2750 does establish the qualifications of electors for Federal officials. There can be no doubt about that, and it is demonstrated very easily. All agree that the States may legitimately establish age qualifications for voters. But under the theory advanced in support of this bill, Congress could pass legislation declaring it to be a deprivation of the right to vote for any State to withhold the voting privilege from, or to interfere with the exercise of the right to vote by, any person who had attained age 18—or, with almost as much plausibility, age 16; and, so far as naked power is concerned, and with some good reason, Congress could apply that rule to those who had attained as much as 12 years of age.

Twelve years of age was the age of accountability under the old Jewish law, as I recall, and is the age of responsibility according to many of the customs we have today. So there is even logic in support of extending the privilege down to as tender an age as 12 years. But who here would say that Congress has the power by statute to prohibit any State from prescribing that a person must be 21 years of age or 20 years of age or 19 years of age or any age above 18 years, or even 18 years of age, if he is to vote, and thus providing that as the only cutoff age on which any court could pass.

But under the theory used by those who proposed the enactment of this bill, if Congress wanted to restrict the electorate, Congress could declare it to be an illegal interference with the manner of holding elections for any State to permit any person to vote if he had not attained age 25 or age 30 or age 50 or any other age. Such legislation, under the theory advanced in support of the pending measure, would not establish a qualification to vote; instead, so we are told, it would only provide an objective method of determining a legitimate qualification to vote.

Mr. President, that argument shows what circuitous reasoning is applied in order to attempt to uphold this proposed legislation—not legislation on a constitutional basis, but proposed legislation on an emotional basis or based on some other strategy far beyond the powers Congress has.

To use another example: All agree that the States may legitimately disqualify persons convicted of crime from voting. Cannot Congress then, under this theory, pass a law which, in the words of the Department of Justice, "simply establishes an objective method of ascertaining whether an applicant possesses the State-imposed qualifications," and which bill provides that it shall be a deprivation of the right to vote for any State to withhold the vote from any person who has not been convicted of a crime for which the death sentence was imposed and carried out?

It is obvious that if the doctrine being urged upon us is accepted, Congress will henceforth have the power to assume full control over the fixing of voter qualifications, all in the guise of establishing objective methods of determining such qualifications. The doctrine uses article I, section 4, of the Constitution for the purpose of destroying article I, section 2, and a substantial part of the 17th amendment to the Constitution.

Mr. President, that point has not been expressed before—the proponents of this bill would use a stretched, vague, elaborate interpretation of section 4 of article I in order to kill the clear language of article I, section 2, and a substantial part of the 17th amendment to the Constitution.

Mr. HILL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HILL. And the stretching of which the court has denied. Is that not correct?

Mr. STENNIS. That is right. The courts will not follow that.

These arguments have been made many times in the Federal courts and the State courts, but more particularly in the Federal courts. Resourceful lawyers have doubtless made these arguments many times. They have always been rejected and precedents have been established the other way. Now those same arguments are made on the floor and urged in support of this bill.

While the claim is made that Congress in S. 2750 is only substituting an objective standard for the subjective standard being used by the States, this position is wholly untenable. No more subjective standard can be imagined than for the Members of Congress to adopt the standard by which the Members of Congress are elected. The framers of the Constitution and the draftsmen of the 17th amendment knew this and they guarded against it by adopting a truly objective standard. The Constitution itself provides the objective standard to be used in establishing and determining voter qualifications by providing in article I, section 2, that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." In this way no one—neither the Federal Government nor the States—directly establishes the qualifications of electors of Federal officials. What standard could be more objective?

I repeat, quite briefly, the language that I used in an argument here last week, namely, that a State legislature has no power in the world to pass a bill directed solely to the question of what shall be the qualifications of electors in voting for Members of the House of Representatives and U.S. Senators. It would not have a semblance of validity, it would not be worth the paper it was written on. The States are not permitted to approach the question in that way.

The Constitution of the United States expressly adopted a method that results in an equal result in the end product, but there is a substantially different method of doing it. The State had the power without the Constitution. Each State could fix the qualifications of electors, of course, for their own State legislatures. The Constitution merely adopts those qualifications set in each State for electors to the most numerous branch of the State legislature.

So the matter was not left as a Federal question in the hands of the State legislatures. No authority was given to the Congress itself, but I think there was a most admirable and a very resourceful adjustment made. Certainly it was for that time, and the decades that have followed have justified the wisdom in providing that the qualifications for the electors of the most numerous branch of the State legislature, is the standard adopted as to who shall vote for the Members of the U.S. Senate and House. It ended there. That is good, sound law. The people can change it through constitutional amendment, but the Congress, according to what all the laws say, cannot change it.

A great deal of argument has been made here with reference to the power of the Congress to protect the integrity of its own electoral process. I have a very brief comment upon that subject.

Since no clause of the Federal Constitution supports S. 2750, the crux of the matter as regards the power of Congress to pass the bill is whether Congress has, in the words of the bill, a "power to protect the integrity of the Federal electoral process" that is above and beyond the powers given to Congress by the Federal Constitution, and which, up to now, have always been considered sufficient.

The argument relating to the power to protect the integrity of Federal electoral process is just pulled out of thin air. I recall so vividly one of the essential, fundamental principles in constitutional law which I was taught when I was a student—and I have found it has applied ever since—is that, so far as the Federal Government is concerned, there is no superior law to the Constitution; there is no superior government power upon which its authority is based than its own constitutional framework.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield.

Mr. TOWER. Is it not true that article VI of the Constitution states:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land * * *.

Is not the word "pursuance" in there?

Mr. STENNIS. The Senator is correct. That is very carefully drawn language. It means what it says; it does not mean anything else; it excludes everything else. It states "laws passed in pursuance thereof." If Congress does not have this additional power, then this bill must be unconstitutional, for it is still accepted doctrine, even though a doctrine sadly eroded in some areas, that the Federal Government has only such powers as have been delegated to it.

In appearing before the Senate Subcommittee on Constitutional Rights, Dean Griswold said:

> It is true that under article I, section 2, and the 17th amendment, basic control of qualifications of electors is reserved to the States, subject of course to the power of Congress to protect its own elections.

This is the superpower. This is the "reading in" of something to the Constitution.

That quotation is taken from pages 4 and 5 of Dean Griswold's statement.

Unfortunately, for the purposes of discussion, Dean Griswold did not make clear where Congress gets the power to override the Constitution itself. This would be an overriding of the Constitution, Mr. President, directly in conflict with the plain provisions of the Constitution.

Dean Griswold says that one clause of the original Constitution and one amendment are, in his words, "subject of course, to the power of Congress to protect its own elections."

I deny that totally. I deny that the Federal Constitution, insofar as it relates to the Government of the United States, until amended in a constitutional manner in accordance with the provisions of article V, is subject to any other power—to any higher power, lower power, good power, bad power, desirable power, or undesirable power—whether conjured up by proponents of the legislation, by the Civil Rights Commission, by a witness, or by anyone else. I deny that there is any such power.

Mr. HILL. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Alabama.

Mr. HILL. Is it not true that the only power the Constitution is at all subject to is the power of the people, acting through the means and methods provided by the Constitution itself, if the people should see fit to make any change in the Constitution?

Mr. STENNIS. That is basic law and basic principle. It is the fundamental, foundation principle of our form of government. When we get away from it, even if we only crack the wall, and begin to assume powers that do not exist, then we are tearing down the basic structure.

As Daniel Webster once said that other things can be destroyed and we can build them back; but if we tear down the pillars of constitutional government all will be gone.

I appreciate the Senator's question very much.

The Senator from Texas [Mr. TOWER] asked a very pertinent question with reference to the Constitution expressly providing that laws must be passed in pursuance of the Constitution.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. STENNIS. I am glad to yield.

Mr. HILL. Otherwise there would be a government of men and not a government of laws; is that correct?

Mr. STENNIS. The Senator is correct. Even though our system does not work perfectly, no other system does. Even though errors show up, what the fight has always been about is to keep the Constitution, so that we may have constitutional government rather than power exercised in an unrestrained way by men—and, therefore, a government by men.

The Senator from Alabama and other Senators know it took a long, long time for any nation to get away from and to successfully stay away from that idea or concept of government by men, and to establish the real concept of government by law and by constitution.

Mr. President, I deny that there is any such power. I believe that every Member of this body on full study will agree with me. I believe that every citizen of the United States who is interested in and informed on constitutional government will agree with me in denying the existence in the Congress of a power superior to the Constitution of the United States.

There are no powers anywhere in the Government or in the Nation—in whatever branch one may think of, or in whatever group one may think of, regardless of whatever kind of material power may be possessed or political power may be possessed—greater than the Constitution. No group or combination of groups is superior to the Constitution of the United States.

It is difficult, Mr. President, to trace to its source this supposed power of Congress which is said to exist, aside from the provisions of the Constitution, "to protect the integrity of the Federal electoral process."

The staff memorandum of the Civil Rights Commission on the subject of constitutionality has this to say as to the source of the power to pass S. 2750 and similar proposed legislation:

> The only power involved is the power of the Federal Government to protect its elections. This power of protection is implied from the existence of Federal elections, the subject of article I, section 2. The same considerations apply to the identical language in the 17th amendment. In this connection the court has said:

There follows a quotation in the memorandum from the Yarbrough case:

> If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends, from violence and corruption.

The citation is *Ex parte Yarbrough*, 110 U.S. 651, 658 (1884). Other citations are *Wiley* v. *Sinkler*, 179 U.S. 58 (1908); *Swafford* v. *Templeton*, 185 U.S. 487 (1902); and *United States* v. *Classic*, 313 U.S. 299 (1941).

I continue to quote from the staff memorandum:

> The power to protect the right thus secured is not limited to State action but extends to the acts of private individuals.

The Civil Rights Commission says:

> This power of protection is implied from the existence of Federal elections, the subject of article I, section 2.

Mr. President, this is a weakly worded sentence which can be highly misleading to the reader. While the sentence and the context imply that article I, section 2 is the source of power, a careful reading of the sentence shows it only says that the "power is implied from the existence of Federal elections."

The fact that article I, section 2, deals with Federal elections has nothing to do with the matter. It may be worth noting again at this point that article I, section 2, does not deal with the subject of Federal elections generally, as this sentence implies, but only with the elections of Members of the House of Representatives.

Ex parte Yarbrough, of course, supports the power of Congress to regulate the manner of holding congressional elections. It recognizes that violence in connection with the holding of an election does relate to the manner of holding the election and is within the power of Congress to regulate. The decision, though, lends no support whatsoever to a claim that Congress has some power which overrides article I, section 4, to protect the integrity of the Federal election process.

Mr. President, at this time I shall not discuss further the cases which I have mentioned, although I have available a discussion for that.

Before I conclude, Mr. President, I wish to say a few words with reference to the question of imposing cloture on Senate debate. It is unfortunate indeed that the question of imposing cloture on Senate debate and the so-called civil rights issue are often considered as one and the same. This is a grave error indeed and a serious injustice to the Senate and to the country.

The rules of the Senate were not adopted to take care of individual cases. The fact that the rules of the Senate are good for the Nation is the reason these rules have survived the test of time.

These rules have been very effective in protecting the country against hasty and ill-considered legislation and they should not be considered lightly.

Mr. President, I sincerely urge that each Senator seriously consider the lasting effect of his vote when it is sought to cut off debate by imposing cloture.

Once cloture is imposed, there will be a precedent and efforts may well be made to impose cloture again and again.

In fact, I can foresee that there will be a move to impose cloture on all major matters coming before the Senate.

The same end result will be hastened should rule XXII be changed permitting less than a two-thirds vote to cut off Senate debate.

It must be clearly understood that there is more at stake than the literacy test bill now being debated. There is more at stake than solely the matter of defeating or aiding in the passage of this bill, or any other single bill.

The right of debate often gives the minority the power to protect itself against unwise legislation by forcing terms and attracting support for certain amendments necessary to perfect the legislation. If cloture is to become an everyday occurrence, this bargaining power would be destroyed.

Several years ago there was a bill before the Senate that related to questions vital to great areas of our country The TVA was involved. The result of its operation was to be a yardstick for operations in other areas of the country. Great pressures were behind the bill. The bill passed the House of Representatives in a certain form. I believe the bill was known as the atomic energy bill. It came to the floor of the Senate and was debated for 3 weeks. If the distinguished Senator from Alabama [Mr. HILL] was not the leader, at least he was in the forefront of the leaders in the debate. The bill passed, but by the time it passed after 3 weeks of debate, certain amendments had been added to the bill that have been found to be fair for the entire Nation. The law now works satisfactorily. There has been no complaint about its operation or provisions. It proved to be a sound and substantial basis for permanent legislation, not only for the TVA, but the development of atomic power. Today the law represents the policy of the Nation on that subject. If the habit of cutting off debate had been established, that bill might have been passed within a 3- or 4-hour debate limitation as it passed the House of Representatives.

Those pressing for cloture on the issue now before the Senate might well consider the lasting effect of their haste to limit debate. If cloture is invoked, it will surely diminish the power and authority of each individual Senator in representing his sovereign State. The stature of the Senate itself will be diminished.

The Senate has not become an institution by accident. The Senate is what it is today because of the respect for its rules and the rights of the minority recognized by our predecessors down through the years. The Senate has been preserved by the foresight of Webster, Clay, Calhoun, La Follette, Taft, and many others too numerous to mention by name.

If in the twinkling of an eye and without proper consideration for the permanent damage to the Senate and to the Nation cloture is invoked, then an important factor in the preservation of constitutional government in this country will be destroyed.

If cloture is invoked on this issue, it will be invoked on many others. The imposition of cloture will come to be "routine" and when that happens, no one today can safely predict what dangerous legislation might be enacted in future years because of this fact.

Mr. HILL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HILL. Does the Senator know of a single measure possessing real merit that has ever been defeated because of the free debate permitted in the Senate?

Mr. STENNIS. I have heard the question of the Senator from Alabama raised from many different angles and in many debates since I have been here. No one has ever been able to point out a single instance in which any harm has been done to the people of our Nation by a failure to pass proposed legislation. On the other hand, many examples have been and can be given in which harm was prevented as a result of extended debate, and by the Senate failing to cut off debate.

Often bills in some form pass at a subsequent time, but only after the injurious and harmful factors have been removed or conditions added.

If we adopt routine cloture, we shall cut off our power to negotiate, to amend, and enact legislation for all the country rather than only a section.

We have already seen a situation grow in recent years where the duly constitued committees of the Senate having jurisdiction over legislation on certain subjects have come to be bypassed in a routine manner. Legislation has been brought to the floor of the Senate direct on several different occasions, and if this practice is continued, the committee system will be destroyed. Not only has this been done in so-called civil rights legislation, but earlier this session an effort was made to take the urban affairs legislation from a committee and bring it direct to the floor of the Senate when the committee had already scheduled a meeting just a day or two later to take action on the bill.

The same tactics can be used in the future on all legislation, including prolabor bills, antilabor bills, water-rights bills, tax legislation and others. We saw the same procedure adopted some years ago in legislation calling for the enforced labor of railroad workers. That incident occurred immediately after the end of World War II, when a bill was passed by the House of Representatives which would actually require the President of the United States to put railroad workers into the military service so that they would be subject directly to the President's orders. The bill was killed on the floor of the Senate. Everyone is now happy that it was.

The imposition of cloture endangers our whole system of considering legislation in the Senate. It endangers the Senate as an institution. It endangers constitutional government.

Mr. HILL. Mr. President, I thank the Senator and congratulate him on his very able, fine, and compelling address today.

Mr. STENNIS. I thank the Senator very much. He was most kind to yield.

Mr. COOPER. Mr. President, will the Senator yield to me?

Mr. HILL. I yield to the Senator from Kentucky without losing my right to the floor.

Mr. COOPER. Mr. President, I will vote against cloture, and also against the amendment to H.R. 1361, which would provide that the completion of the sixth grade shall be accepted as proof of the literacy of persons otherwise qualified to vote.

It is difficult for me to cast this vote because I have supported civil rights legislation from the beginning of my service in the Senate, in my own State, and in every campaign that I have made. I oppose cloture because a difficult constitutional question is involved—different, in my opinion, from any previously raised regarding civil rights legislation—and I do not believe that sufficient time has been given to this question. I will vote for cloture later, but I must say that I believe that debate on such an important constitutional issue should not be terminated after 2 weeks' debate—chiefly because it is a civil rights issue.

I shall vote against the literacy amendment because I do not believe it is constitutional. Whatever the Supreme Court may do if this bill passes, it is my responsibility to vote against a bill, even a civil rights bill, when I believe it is unconstitutional.

In this brief statement I am not attempting to cite cases which have been quoted and cited throughout the debate. I may say that at one time I was a lawyer, and at one time I was a judge, and I have taken occasion to read carefully the cases that have been cited, and also some of the testimony which was adduced at the hearings. However, I know that the Constitution provides that qualifications for voters are determined by the States in accordance with article I, section 2, and the 17th amendment of the Constitution. I agree with the supporters of this amendment, that the 14th and 15th amendments authorize the Congress to enact legislation to enforce the provisions of these amendments by appropriate legislation, for the purpose of preventing discrimination on account of race or color.

The difficulty with this bill is that it empowers the Congress to establish a qualification for electors. If Congress can provide that the completion of the sixth grade establishes literacy for voters, it can logically fix other literacy qualifications, either for longer or shorter periods of schooling. I believe further—although this is not my controlling reason for voting against the amendment—that this provision will be used as a means of discrimination against self-educated voters who are literate, but have not completed the sixth grade. Completion of the sixth grade will become the test of their qualification to vote, however literate they may be. It is my judgment that thousands of literate Negroes in the South, who have not been able to complete the sixth grade, will be the victims of this provision.

I know from my own experience as a judge and as a local official that there are literally thousands of people who vote who never went through the sixth grade, but who through their interest in political affairs and their own commonsense are much more sensible in their political determinations than many who have gone through college.

The pending amendment, if it should become law and if it were upheld by the Supreme Court, in my judgment would provide a further vehicle of discrimination in those States which have literacy qualifications.

I agree with the findings of the amendment that literacy qualifications—in cases where the decision respecting literacy is determined by the subjective judgments of registration and election officials—have been used to discriminate against Negro voters.

One who opposes the amendment, like myself, must answer the question, "What can be done by the Congress, legally and constitutionally, to enforce the provisions of the 14th and particularly the 15th amendments against such discrimination?"

I make the following suggestions:

First—and there is, of course, the constitutional amendment route—I believe that a statute would be constitutional which would prohibit the use of all literacy tests in both Federal and State elections, where such tests relate to understanding, performance, or comprehension, et cetera, decided, subjectively by registrars and election officials. Such a statute would not establish the qualifications of voters or prohibit the establishment of objective literacy qualifications for voters. It would be proper and constitutional in my view because it would strike down completely the system of literacy tests resting upon subjective determinations by local officials, which have been found vehicles of discrimination.

Second, I hold that title 6 of the Civil Rights Act of 1960, if used vigorously by the administration, would end much of the discrimination against voting rights. Briefly, this provision authorizes Federal district judges, with the help of voting referees in any number that the court might find necessary, to issue a certificate to single voters or to groups of voters identifying the applicant as qualified to vote. This section does not require a finding of discrimination against each voter, but that discrimination has actually occurred and that such discrimination is pursuant to a pattern or a practice. I say all of us know the power of a Federal district judge and the respect in which the Federal district courts are held by the people. If vigorous action were to be taken by the administration under this section of the Civil Rights Act of 1960 a great deal could be done in 1 year to eliminate discriminatory practices against voting rights.

I would like to see Congress and the administration take action concerning voting rights along the lines I have stated. I would like to see action taken in several other fields where it is clear that discrimination exists, and where in my view there is no constitutional question about the power of Congress or of the administration to act.

One field is the implementation of the Brown decision, applying to the desegregation of public schools. The Senator from New York [Mr. Javits] and I have submitted an amendment which would authorize the Attorney General to intervene in the name of the United States and at the expense of the United States to implement the desegregation of schools. This authority was given the Attorney General with respect to voting rights in the Civil Rights Act of 1957, and there is no reason why it should not be extended to school desegregation.

The second field is that of public housing. I think there is no question that action to desegregate public housing, whether immediately or over a period of years, could be provided by legislative authority, and many believe by Executive action.

A third field which has been the subject of public interest and concern for the last few years, relates to equality in the use of public businesses. This subject may not be within the jurisdiction of Congress—and I doubt whether it is—but it is my view that the Supreme Court will eventually determine that public businesses which usually are required to secure a public license to conduct their business and which hold themselves out to the public for patronage must be open to the public, and the public includes all people of whatever race, color, or creed.

I will continue to work for and support civil rights legislation providing equality under the law to all of our citizens regardless of their race or color.

I cannot support the motion for cloture. After 2 weeks of debate on a very important constitutional question, I must believe that the motion is made simply because the Senate is considering a civil rights proposal. I have supported civil rights legislation; but the opponents have the same right to present their views in a full debate as those of us who have supported civil rights legislation in the past have had the right to present our views.

Finally, I cannot vote for the amendment, because I believe it is unconstitutional on its face. I cannot, taking into consideration my views, vote for the amendment, even though it relates to a subject in which I am interested, because I deeply believe it is unconstitutional.

I thank the Senator from Alabama for yielding to me.

Mr. HILL. I am glad to have been able to accommodate the Senator from Kentucky.

Mr. CARROLL. Madam President, will the Senator from Alabama yield?

Mr. HILL. Madam President, I ask unanimous consent that I may yield to the distinguished Senator from Colorado, with the understanding that I will not lose my right to the floor.

The PRESIDING OFFICER (Mrs. Neuberger in the chair). Without objection, it is so ordered.

Mr. CARROLL. Madam President, I am pleased and gratified to have had the opportunity to sign the motion for cloture which will soon be before the Senate for consideration.

I have long felt that nothing should hamper or restrict in any way the right and the responsibility of the Senate to discuss, examine, and adequately inform itself on legislative matters under its consideration. There comes a time, however, when the debate has covered the ground and useful information has been brought together, when the Senate must proceed to a consideration and a vote upon the merits of the legislation.

That time, it appears to me, has arrived.

Over the last 2 weeks and more, we have heard an exhaustive discussion of the legal and constitutional aspects of this proposal. These arguments are not new; we have heard them before. In 1957, in 1960, earlier in this session and here today we have listened and examined the merits of the issues involved.

In the particular amendment before us, a proposal to protect the right to vote in Federal elections free from arbitrary discrimination by literacy tests or other means, it appears to me that certain points are both simple and clear.

NEGROES ARE NOT VOTING

It is undeniable that in certain areas of our Nation Negroes are not now being registered. I have before me the 1961 report of the U.S. Commission on Civil Rights. I should like to draw the attention of the Senate to a table printed in that report. I ask unanimous consent that the table be printed at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

Table I.—*"Nonvoting" black-belt counties chosen for Commission study*

State and county	Nonwhite population 1950 [1]	Nonwhites of voting age registered [2]
	Percent	*Percent*
Alabama:		
Greene	83.0	2.6
Monroe	51.1	2.7
Florida: Gadsden	56.1	.6
Georgia: Lee	71.3	1.1
Louisiana:		
Claiborne	51.7	.2
Tensas	64.8	0
Mississippi:		
Carroll	57.0	0
De Soto	67.2	.01
Issaquena	67.4	0
Leflore	68.2	1.6
Quitman	60.7	3.0
Tate	57.6	0
North Carolina: Hertford	60.0	2.9
South Carolina:		
Calhoun	70.8	1.7
McCormick	62.6	0
Williamsburg	67.6	1.9
Tennessee: Fayette	70.6	----------

[1] Source: 1950 Decennial Census.

[2] Source: See 1959 Report at 587–590. 1959: Louisiana; 1958: Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee; 1955: Mississippi.

Mr. CARROLL. Madam President, Senators will note that Greene County, Ala., with a nonwhite population of 83 percent, had, as of 1958, but 2.6 percent Negro registrants. Let us take another county in another State. Tensas Parish in Louisiana with a nonwhite population of 64.8 percent had no Negroes registered at all, nor were there any Negroes registered in Carroll County, Miss., which has a 57 percent nonwhite population; nor were there any Negroes registered in McCormick County, S.C., with a Negro population of 62.6 percent.

We have the facts. Negroes are not being registered in certain areas.

IMPROPER USE OF THE LITERACY TEST

What is equally clear and uncontrovertible is that the Civil Rights Commission has found that literacy tests and other performance examinations are improperly used to deny registration to otherwise qualified U.S. citizens. It has been often said on this floor that no specific cases have been produced to show the misuse of these tests. However, in the 1961 report to which I have referred, I point out that many specific cases of such injustice are detailed. I would refer Senators to chapter 2 entitled "Status of the Right to Vote."

It is apparent to all reasonable men that some qualified Negroes have been denied their franchise by the discriminatory application of literacy tests by State and local officials. It is not necessary nor is it possible to present exact detailed nationwide figures upon this practice. It is enough to show that the practice exists. It does exist.

CIVIL RIGHTS COMMISSION, A CREATURE OF THE CONGRESS

The Congress has received these facts in the annual report of the U.S. Commission of Civil Rights. This Commission is a creature of the Congress, created by the Congress in 1957. It reports annually to the President of the United States and to the Congress. The Supreme Court has concisely stated its function as follows:

> The only purpose of its existence is to find facts which may subsequently be used as a basis for legislative or executive action.

Let there be no doubt that the Congress has the factual basis for legislative action in this field.

CLEAR CONSTITUTIONAL AUTHORITY

There has been discussion upon this floor whether the Congress has authority to legislate in this fashion. For justification we need search no further than the 14th and 15th amendments. The 14th amendment guarantees, to all persons, the equal protection of the laws. The 15th amendment, as all Senators know, reads as follows:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Why was section 2 included in the 15th amendment? It was to give Congress not only the authority but the power to enact appropriate legislation. The Senate soon will have an opportunity to enact such legislation.

Can any Senator today question that Negroes have been denied the right to vote on account of their race and color by State action, by State registrars acting under color of State law? We have the evidence.

We have the authority—indeed we have the duty—to activate these constitutional provisions by doing what we as a legislative body should do to correct an unconstitutional situation. We are not disputing the right of a State to determine voters' qualifications nor are we disputing their right to set literacy as such a qualification. We say only that a literacy test which is fair on its face may not be employed to perpetuate the discrimination which the 15th amendment was designed to uproot.

PROPRIETY OF CONGRESSIONAL FINDINGS

It has been said in this Chamber that Congress is usurping judicial power in undertaking to recite in legislation the truth of facts. I merely point out that the constitutionality of much of the legislation approved by the Congress is dependent upon whether the Congress has an adequate basis for deeming legislation necessary. Such major pieces of legislation as the Internal Security Act, the Wagner Act, and the Taft-Hartley Act contain recitals of findings of fact and statements of policy. The purpose of such statements is, after all, to advise the courts as to why the Congress has deemed legislation necessary.

THE NEED FOR ADDITIONAL LEGISLATION

It has been often stated that the Attorney General has now an adequate arsenal of ammunition to cope with the situation with which we here treat. However, the Attorney General, himself, in testimony before our Judiciary Committee on Constitutional Rights, of which I am a member, said:

> Our experience shows that existing laws are inadequate. The problem is deep rooted and of long standing. It demands a solution which cannot be provided by lengthy litigation on a piecemeal county-by-county basis. Until there is further action by Congress, thousands of Negro citizens of this country will continue to be deprived of their right to vote.

The Attorney General has called for this additional authority in order to see that qualified American citizens are guaranteed their franchise.

We in the Congress having examined the evidence, considered the proposal and acting within our constitutional responsibilities have no alternative but to approve this legislation.

Madam President, I urge all Senators to support the motion for cloture so that the Senate may proceed to consider and vote the merits of this proposal.

Madam President, I thank the able Senator from Alabama for affording me the opportunity to make this statement.

Mr. HILL. I am pleased to have been able to accommodate the Senator from Colorado.

Mr. TOWER. Madam President, will the Senator from Alabama yield?

Mr. HILL. I yield to the Senator from Texas for a question.

Mr. TOWER. Does not the Senator from Alabama believe the Senator from Colorado raised an interesting point when he said that Congress may implement the provisions of the Constitution by appropriate legislation? Does the Senator from Alabama believe that appropriate legislation designed to implement the provisions of the Constitution must in itself be constitutional? That is to say, must not the means adopted to the end be in themselves constitutional?

Mr. HILL. The Senator is exactly correct. That is one reason why the word "appropriate" is used. The Senator from Texas is entirely correct. The means used and the implementation itself must be constitutional. In other words, there must be within the Constitution itself power for the implementation.

Mr. TOWER. And is not the Senator from Alabama aware—of course, I am sure he is—that the Supreme Court of the United States has held that literacy tests are constitutional; that a literacy test recognizes no color or creed, and therefore a literacy test is constitutional?

Mr. HILL. The Senator from Texas is correct.

Mr. TOWER. Would it not be proper, then, for us to resort to the constitutional amendment process, if we are to try to change this provision of the Constitution?

Mr. HILL. The Senator from Texas is correct. He knows that as late as 1959 there was a North Carolina case in which the Court held the literacy test to be proper; and the Senator from Texas also knows that if there is to be a change in the Constitution, the Constitution itself provides the means for changing it—namely, the constitutional amendment method as provided in the Constitution itself.

Mr. CARROLL. Madam President, will the Senator from Alabama yield?

The **PRESIDING OFFICER.** Does the Senator from Alabama yield to the Senator from Colorado?

Mr. HILL. I yield.

Mr. CARROLL. In view of the fact that my name has been mentioned, let me say that there is no doubt that Congress has no power to pass unconstitutional legislation; and I do not contend at all that Congress does have such power.

But I contend that in this case there is an evidentially sufficient finding of fact by Congress that this measure does not constitute a qualification which interferes with the constitutional provision.

Furthermore, in my opinion Congress has ample constitutional authority to pass this proposed measure.

It is for each Senator to weigh the constitutional issues here discussed and then for the Senate to vote its convictions and work its will.

It seems to me to be in the interest of the rights of hundreds of thousands of American citizens who are being denied the right to register to vote, for Congress to pass this measure, inasmuch as the evidence in support of it is ample. Obviously those who cannot register cannot vote.

This matter has been thoroughly considered, and the evidence is available. The Senator from Alabama may not agree with me; nevertheless, the evidence is in, and we are about to make a finding.

It is my firm belief that this measure is constitutional, and that it will confer great benefits to hundreds of thousands of Americans who now are denied their fundamental constitutional right to vote.

I thank the Senator from Alabama for yielding to me.

BILLIE SOL ESTES CASE

Mr. WILLIAMS of Delaware. Madam President, yesterday, in a press conference, Secretary Freeman, while admitting that certain high officials in the Department of Agriculture had been accepting lavish gifts from Mr. Billie Sol Estes, insisted that no favoritism had been shown to Mr. Estes in his dealings with the Department of Agriculture.

Madam President, the Secretary of Agriculture is mature enough to know that when any private citizen gives a mink coat, a deep freeze, a vicuna coat, a rug, or suits of clothes to Government officials, he expects and usually gets something in return.

Notwithstanding Secretary Freeman's reluctance, Congress has no alternative other than to proceed with its full-scale investigation.

At this point I ask unanimous consent to have printed in the body of the RECORD a timely editorial apearing in today's issue of the Washington Daily News entitled "The 'Balloon' From West Texas."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE "BALLOON" FROM WEST TEXAS

Agriculture Secretary Orville Freeman says the Billie Sol Estes case has been "ballooned all out of importance."

How can he tell?

W. P. Mattox, vice chairman, says his county committee approved the transfer of valuable cotton acreage to Estes, despite suspicions, because it was required to under Agriculture Department regulations. Mr. Freeman says no one knows what instructions were issued the county committee because the man who issued the instructions was found dead in a field.

The Secretary says he has evidence that three employees of his Department "possibly" received favors from Estes, but no evidence that any of them did anything for him, or that the Department showed Estes any preferences.

But Estes did get acreage transfers, worth some $500,000 to him, which the attorney general of Texas says were illegal and which involved some most extraordinary manipulation. He did get most of the cash he used for his other schemes from storing Government grain, for which he posted a bond about a fifth as much as normally required. He was appointed to Mr. Freeman's National Cotton Advisory Committee, despite an adverse report on him from the Department's only investigators. And he did a lot of bragging about "payoffs" and big contributions to the Democratic Party.

The Billie Sol Estes case has ramifications beyond the Agriculture Department, but the grain storage program involves much more than Estes. If Estes could get away with acreage transfers the Texas attorney general says were illegal, could there have been other such instances? In the absence of an unflinching investigation, who knows?

This is no inquiry to be run by boys. It needs the rapt attention of a stouthearted congressional committee, armed with subpena power, staff and energy to plow through all the furrows and dust heaps. And such a committee should be busy now—before the dust piles higher.

TRIBUTE TO REPRESENTATIVE WILBUR DAIGH MILLS

Mr. WILLIAMS of Delaware. Madam President, recently the American Good Government Society, at its annual meeting held at the Sheraton-Park Hotel, presented a Good Government Award to Congressman WILBUR D. MILLS, of Arkansas.

In this award they paid well-deserved tribute to the outstanding service which WILBUR MILLS is rendering to the people of Arkansas and to his country.

It was my privilege to have the honor of presenting this award to Congressman MILLS, and at this point I ask unanimous consent to have my remarks on that occasion, followed by a copy of the award, printed at this point in the RECORD.

There being no objection, the remarks and resolution were ordered to be printed in the RECORD, as follows:

It is difficult to imagine how the American Good Government Society could have chosen a more appropriate or a harder working Member of Congress to honor tonight with its George Washington Award than the man I am privileged to introduce to you now.

I have chosen the words "appropriate" and "hard working" not as simple adjectives to be used loosely, but because they are so particularly fitting and descriptive of the man to whom I refer.

WILBUR D. MILLS is the Representative in Congress from the Second District of Arkansas. And although one of his finest attributes is the outstanding manner in which he serves his constituents as their representative in Congress, this would not begin to tell the story of his achievements and abilities if we were to stop there.

WILBUR MILLS is also the chairman of the House Committee on Ways and Means, easily one of the most important committees on either side of the Capitol. And as chairman of that powerful committee, WILBUR MILLS is literally at the focal point of legislation dealing with the extremely complex and intricate body of laws governing the Nation's taxes and tariffs.

WILBUR MILLS' philosophy of taxation is best understood by quoting direct from one of his recent statements: "I believe that the function of taxation is to raise revenue. That may sound obvious, but I say it to make clear that I don't go along with economists who think of taxation primarily as an instrument for stimulating, braking, or otherwise manipulating the economy."

As a member of the Senate Finance Committee, I have worked with WILBUR MILLS on innumerable occasions, particularly in conference on tax bills when different versions have been approved in both the House of Representatives and the Senate. A more astute and knowledgeable man, a more competent authority on the patchwork of laws, which we call the Internal Revenue Code, would be difficult if not impossible to find.

I have no difficulty whatsoever as a Republican Member of the Senate in expressing my admiration and high esteem for this highly qualified Democratic Congressman from Arkansas. His devotion to what at most times can best be called a thankless job, and his unending patience in dealing with the tremendous pressures which are brought to bear on a man in his responsible position are a tribute, both to the man himself, and to the good judgment of the people of Arkansas who have sent him to Washington as their representative since 1938.

I am highly honored and proud to read this resolution of tribute and honor to WILBUR DAIGH MILLS, Representative in Congress from the State of Arkansas:

"RESOLUTION OF TRIBUTE AND HONOR TO WILBUR DAIGH MILLS

"Statesman and patriot, lawyer and eminent authority on the tax laws of the National Government, has served the people of Arkansas and of the United States in the House of Representatives for almost a quarter century, since January 1958 as chairman of its Committee on Ways and Means.

"His profound knowledge of our patchwork system of taxation, uneven, unfair, and unwise in its burden on the people and their livelihoods, caused him to undertake a monumental study, looking toward a comprehensive and constructive tax reform which will reduce tax rates without sacrificing necessary revenues. His prudence and painstaking care combine to inspire confidence in his approach to the work of his committee.

"Chairman MILLS can be relied upon to urge a system of taxation that will encourage the formation of capital—the true source of economic growth—for the general welfare of our country. Arkansas is proud of this distinguished son whose knowledge and ability are acclaimed widely in and out of Congress. His State and the Nation look to him to lead the way in making fair and wise tax reform a reality."

SUGAR LEGISLATION

Mr. CHURCH. Madam President, I am indeed pleased to note that the representatives of all segments of the domestic sugar producing and refining industry late last week presented to the administration a compromise proposal on sugar legislation which there are compelling reasons to believe has every chance of forming the essence of an acceptable sugar bill.

The industry compromise provides that new basic quotas for the domestic producing areas, both continental and offshore, would add up to 60 percent of the total quotas. At the present consumption level, 9,700,000 tons, the domestic producers thus would be permitted to supply 5,820,000 tons. For the various individual areas, the basic quotas would be: For the domestic beet sugar area, 2,655,000 tons; for the mainland cane sugar area, 895,000 tons; for Hawaii, 1,110,000 tons; for Puerto Rico, 1,145,000 tons; and for the Virgin Islands, 15,000 tons.

Future growth of the U.S. sugar market would be divided 64 percent to the continental beet and cane areas, and the remainder to foreign nations.

All deficits in domestic quotas would be allocated to foreign nations, in contrast to the present method of giving domestic areas the first opportunity to fill deficits in quotas of other domestic areas.

The fully refined sugar quota of 375,000 tons formerly held by Cuba would be eliminated permanently. It is now not effective, of course, because no Cuban sugar, either raw sugar or refined sugar, is being imported.

Madam President, those are the principal features of the industry compromise proposal.

All segments of the domestic producing and refining industry informed the executive branch that they could unifiedly support a measure which contained those provisions.

They also informed the executive branch that there are extreme doubts that the diverse segments of the industry could muster unified support for any proposal that offered less than 60 percent of basic quotas to domestic areas or less than 64 percent of future growth, or that removed less than the 375,000-ton refined sugar portion of the former Cuban quota.

I am pleased to join my distinguished colleague, the Senator from Minnesota—whose position in the majority leadership of this body enables him to speak with great authority—in the hope he expressed publicly in the press Friday, that the administration will present a bill to the Congress embodying the minimum features I have outlined.

Madam President, I also wish to commend the representatives of the domestic sugar industry and the representatives of the executive branch for the fine spirit of accommodation displayed in approaching the problems of satisfactory sugar legislation. I know that we all recognize that the prospects for passing effective long-range sugar legislation before the June 30 expiration date of the present law are tremendously enhanced when unified industry support is assured. In fact, Madam President, I know I share the views of many of my colleagues on both sides of the aisle in expressing grave doubts that long-range legislation will be passed at this session unless those broad areas of agreement are maintained.

Mr. HILL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HILL. Madam President, I ask unanimous consent that further proceedings under the call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 11 O'CLOCK A.M. TOMORROW

Mr. HILL. Madam President, pursuant to the order entered yesterday, I move that the Senate adjourn until 11 o'clock a.m., on tomorrow.

The motion was agreed to; and (at 5 o'clock and 16 minutes p.m.) under the order of Monday, May 7, 1962, the Senate adjourned until tomorrow, Wednesday, May 9, 1962, at 11 o'clock a.m.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 8, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 116: 1: *I love the Lord, because He hath heard my voice and my supplications.*

O Thou who art continually inviting and commanding us to call upon Thee in prayer, what have we that Thou dost desire and what can we render unto Thee that is not already Thine own?

May we understand more clearly that our attitude and approach to Thee must always be one of reverence and humility, of trust and obedience, if we are to lay hold of the resources of omnipotence and conquer the doubts that darken, and the fears that frighten us.

Grant that in these bleak and bitter times we may be fervent in the love that seeketh not its own and faithful in following courageously the pathways of hope and faith which Thou hast marked out for us.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

QUESTION OF THE PRIVILEGE OF THE HOUSE

Mr. JOHNSON of Maryland. Mr. Speaker, I rise to a question of the privilege of the House.

The SPEAKER. The gentleman will state his question of privilege.

Mr. JOHNSON of Maryland. Mr. Speaker, I have been subpenaed to appear before the grand jury of the circuit court for Montgomery County, in Rockville, Md., on May 8, 1962.

Under the precedents of the House, I am unable to comply with this subpena without the consent of the House, the privileges of the House being involved. As I wish to cooperate in this matter, I therefore submit the matter for the consideration of this body.

Mr. Speaker, I send to the desk the subpena.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MD.

To the SHERIFF OF MONTGOMERY COUNTY, Greeting:

You are hereby commanded to summon Hon. THOMAS F. JOHNSON, Berlin, Md., or 2100 Massachusetts Avenue NW., Washington, D.C., of Montgomery County, to appear before the circuit court for Montgomery County, to be held at the courthouse in Rockville, in and for said county, on the 8th day of May next, at 9:30 a.m., to testify for grand jury and have you then and there this writ.

Witness, the Honorable Patrick M. Schnauffer, chief judge of our said court, the 5th day of May 1962.

Issued the 30th day of April 1962.

CLAYTON K. WATKINS,
Clerk.

L. T. KARDY,
State's Attorney.

Mr. ALBERT. Mr. Speaker, I offer a privileged resolution (H. Res. 628) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas Representative THOMAS F. JOHNSON, a Member of this House, has been served with a subpena to appear as a witness before the circuit court for Montgomery County, Md., to testify at Rockville, Md., on the 8th day of May 1962, before a grand jury; and

Whereas by the privileges of this House no Member is authorized to appear and testify, but by order of the House: Therefore be it

Resolved, That Representative THOMAS F. JOHNSON is authorized to appear in response to the subpena of the circuit court for Montgomery County, Md., at such time as when the House is not sitting in session; and be it further

Resolved, That as a respectful answer to the subpena a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON BANKING AND CURRENCY

Mr. ALBERT. Mr. Speaker, on behalf of the gentleman from Kentucky [Mr. SPENCE], I ask unanimous consent that Subcommittee No. 1 of the Committee on Banking and Currency may be permitted to sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE ON THE JUDICIARY

Mr. LOSER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have permission to sit while the House is engaged in general debate on Thursday next.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

LAOS

Mr. POFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. POFF. Mr. Speaker, it is time for a change in America's foreign policy in Laos. A year ago the State Department decided to neutralize the country by persuading the anti-Communist Lao Government leaders to accept in a coalition government an unholy partnership with the Communist rebels. When the anti-Communists rejected persuasion, America resorted to coercion by withdrawing military foreign aid and military advisers.

The Communist forces, which apparently were willing if not eager to accept a coalition government which sooner or later they could dominate, have now broken the cease-fire and renewed their aggression.

In South Vietnam, America pursues a policy of firm resistance to Communist aggression. Why should our policy in Laos, which borders Vietnam and through which passes a supply line between Red North Vietnam and Communist guerrillas in free South Vietnam, be any different, especially when Laos is the strategic key to the entire Indochina peninsula?

BILLIE SOL ESTES

Mr. BECKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BECKER. Mr. Speaker, I noticed by the papers this morning that the Secretary of Agriculture, Mr. Freeman, has acknowledged now that prior to the appointment of Billie Sol Estes to the National Cotton Advisory Committee he had a derogatory report on Mr. Estes, but nevertheless he saw fit to ignore it and appointed this man to the National Cotton Advisory Committee. I notice that several weeks ago, the President was very quick to express his ire and cracked down on the steel industry and threatened every force of Government and the Department of Justice to enforce his demands. I am wondering whether the President is going to have the Attorney General crack down on the Secretary of Agriculture and demand an immediate investigation and go at least into the appearance of deceit used by the Secretary of Agriculture, and with the Secretary of Agriculture's apparent agreement.

I also noticed we do not seem to have much action in the prosecution of Communists, who failed to register under the law, by the Attorney General. This seems to be drifting on and I wonder just what kind of action our Attorney General is going to take on these matters which I think are of great interest to the Nation and to this Congress.

LAOS

Mr. HOSMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOSMER. Mr. Speaker, I take this opportunity to place on the record my objection to the position of the United States in Laos and the administration's unhappy imposition of a so-called neutral, Western, and Communist coalition government in that unhappy land. This is exactly the kind of political proposition that preceded turning the mainland of China over to a Communist regime. It can but have the same result in Laos. I believe the position of our Government is misguided. I associate myself with the remarks of the gentleman from Virginia [Mr. POFF] who spoke along these same lines and congratulate him for speaking out so wisely.

THE FISCAL SITUATION OF THE RAILROAD RETIREMENT SYSTEM

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, the operations of the railroad retirement system and its outlook for the future are a matter of keen interest to railroad workers, both those already retired and those who are still in service. Many people feel that the benefits now available are too low and should be increased. Others would like to lower the retirement age and/or introduce certain costly liberalizations of a different nature. Because of the great interest in proposed amendments to the Railroad Retirement Act, this special report provides up-to-date information on these vital subjects.

The Railroad Retirement Board makes from time to time an actuarial valuation of the condition of the railroad retirement system. The object of the actuarial study is to determine whether the existing benefit program is or is not adequately financed on a long-range basis. The latest actuarial valuation—adjusted to the June 30, 1961, position—showed that the railroad retirement system, as it now stands, is underfinanced to the extent of $77 million a year, or 1.79 percent of taxable payroll. Obviously, under these conditions, the system cannot absorb the cost of any benefit increases or other liberalizations. If additional costs were to be imposed upon the system, they would have to be accompanied at least by equivalent additional revenues in the form of increased payroll taxes on employers and employees. This is a basic fact which must be kept in mind by anyone who is seriously thinking about increasing the level of benefits payable under the Railroad Retirement Act.

The actuarial deficiency is a measure of the insufficiency of future income. It has been arrived at by considering all sources of revenue, that is payroll taxes, interest on the existing fund—which now stands at approximately $3.6 billion—and the gains from the special financial arrangements with the social security system known as the financial interchange. If the reserve were to be used for increasing benefits, the actuarial deficiency would grow bigger. Thus, the reserve is a necessary part of the financing of the present program and cannot be used for any other purpose. After all, it is necessary to remember that reserve funds must be adequate to guarantee present and also future benefits to persons still employed, and for that reason the retirement fund must be kept in a solvent condition.

As an indication of the cost of pending amendments, the proposal has been made to provide full retirement annuities at age 60 or after 30 years of service. According to the chief actuary of the Railroad Retirement Board such an amendment would cost $173 million annually. Other proposed amendments and their costs are:

First. Amendment permitting survivors to receive benefits from railroad retirement and social security is estimated to cost $135 million annually.

Second. Amendment increasing widow's and widowed mothers' benefits by 20 percent will cost $43 million.

Third. Amendment to provide full retirement annuities after 40 years of service regardless of age would cost an estimated $19 million.

Fourth. Amendment to provide full retirement annuities to men at age 62 with 30 years of service is estimated to cost $40 million.

Fifth. Another amendment would repeal the dual benefit restrictions on spouses' benefits and if approved it is estimated to cost $13 million.

The railroad retirement system began as a staff retirement plan providing benefits only to retired employees with death benefits being only minor and incidental. Over the years, the system has been expanded and liberalized to include also monthly benefits to wives of retired employees and to survivors of deceased employees. Benefits are now much higher than they were in the past and eligibility requirements for certain types of benefits are much more liberal. The latter is particularly true for the disability retirement provisions which permit retirement not only for reasons of total disability but for occupational disability as well.

Most of the present financial difficulties of the railroad retirement system are due to the shrinkage in railroad employment and payrolls. Benefit payments have been increasing from year to year until by now they run at a rate of over $1 billion a year. This is more than twice the 1952 figure. In contrast, railroad employment has been constantly decreasing and is now some 43 percent below what it was 10 years ago. Fortunately, the adverse effects of decreasing employment are to a considerable extent offset by proportionately larger gains from the financial interchange with social security so that the outlook for the future of the railroad retirement system is much brighter than it would appear from a consideration of employment trends alone. At the present time there are 818,000 persons actively employed under the railroad retirement system and 832,000 retired persons eligible for benefits.

The actuarial condition of the railroad retirement system is closely watched by the Railroad Retirement Board, railway labor and management, Congress, and other interested parties. Consideration is now being given to certain measures which would bring about a reasonable balance between income and outgo on a long-range basis. According to the chief actuary of the Railroad Retirement Board, there is, therefore, no reason for immediate concern about the system's ability to pay the benefits provided under present law.

It is pointed out that railroad retirement benefits have been in years past greatly superior to those of social security and superiority still exists in all benefit areas. According to the Railroad Retirement Board, the average railroad retirement age annuity is now $137 as compared with $76 under social security. However, the chief actuary of the Railroad Retirement Board declares this does not tell the whole story. He is of the opinion that maximum and average retirement benefits will be growing under the Railroad Retirement Act and retirement annuities of over $300 a month will not be uncommon in the future under the provisions of the present law. By comparison, the chief actuary points out that social security benefits under present law will never go beyond $127 a month.

Other areas of superiority include the refund of contribution feature—residual payments now averaging close to $2,000 and scheduled to greatly increase in the future—the occupational disability provision, the earlier eligibility age for widows' benefits—60 for railroad retirement versus 62 for social security—a minimum of 10 percent above corresponding social security benefits in all cases, and no reduction in survivor annuities on account of an old-age benefit payable to the same individual. The additional benefit advantages offered by the railroad retirement system are well worth the additional taxes.

In conclusion, I wish to stress the fact that the role of Congress in its relationship to the railroad retirement system is restricted to managing it for the benefit of employees and employers whose joint payroll contributions provide the lifeblood necessary for the operation of the retirement system.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 83]

Abbitt
Adair
Addonizio
Alford
Andrews
Ashley
Ashmore
Ayres
Bailey
Bass, N.H.
Battin
Blitch
Boggs
Boland
Bolling
Bonner
Boykin
Brademas
Bray
Brewster
Bromwell
Bruce
Buckley
Casey
Celler
Chenoweth
Church
Collier
Cook
Cooley
Cramer
Curtis, Mass.
Curtis, Mo.
Daddario
Dague
Dawson
Dent
Denton
Derwinski
Diggs
Dorn
Dowdy
Downing
Durno
Elliott
Farbstein
Fascell
Finnegan
Flood
Fogarty
Fulton
Gallagher
Gary
Goodling
Granahan
Green, Pa.
Gubser
Hagan, Ga.
Hagen, Calif.
Hall
Halleck
Hardy
Harris
Harrison, Va.
Harvey, Ind.
Healey
Hébert
Hechler
Hemphill
Henderson
Hiestand
Hoeven
Hoffman, Mich.
Huddleston
Ichord, Mo.
Jennings
Johnson, Calif.
Johnson, Wis.
Jones, Ala.
Karth
Kearns
Kee
Kilburn
Kluczynski
Landrum
Lennon
Lesinski
Libonati
McCulloch
McMillan
Macdonald
Madden
Matthews
May
Meader
Merrow
Michel
Miller, Clem
Milliken
Minshall
Montoya
Moore
Moorehead, Ohio
Morris
Moulder
Murray
Nix
Norrell
O'Brien, Ill.
O'Brien, N.Y.
Peterson
Pilcher
Powell
Price
Purcell
Riley
Rivers, S.C.
Roosevelt
Rostenkowski
Roudebush
Roush
Saund
Schenck
Scherer
Scott
Seeley-Brown
Selden
Shelley
Sheppard
Short
Siler
Sisk
Slack
Smith, Miss.
Spence
Steed
Stubblefield
Thompson, N.J.
Thomson, Wis.
Tuck
Utt
Vanik
Van Pelt
Waggonner
Weaver
Whalley
Whitten
Wickersham
Willis
Yates
Zelenko

The SPEAKER. On this rollcall 286 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PHILIPPINE WAR DAMAGE CLAIMS

Mr. THORNBERRY. Mr. Speaker, by direction of the Committee on Rules, I call up for immediate consideration House Resolution 537.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8617) to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73,000,000 for that purpose. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. THORNBERRY. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH], pending which I yield myself so much time as I may consume.

Mr. Speaker, House Resolution 537 provides for the consideration of H.R. 8617, a bill to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73 million for that purpose. The resolution provides for an open rule with 1 hour of general debate.

H.R. 8617 provides for the payment of the unpaid balance of claims approved under the Philippine Rehabilitation Act of 1946. Approximately $389 million has already been paid on these claims. This bill provides for the payment of the approximately $73 million remaining unpaid balance, which would be considered as full and final satisfaction of the payments under the Philippine Rehabilitation Act. No new claims are allowed. Only those claimants who were granted awards under the original legislation and meet the criteria of section 5(a) of this bill will receive payment of the balances due them under the original awards.

The legislation will be administered by the Foreign Claims Settlement Commission, which will receive applications, and determine that the applicant is the original claimant or his successor in interest, and determine the amount remaining unpaid on the original award. The amount so determined will be certified to the Secretary of the Treasury.

Mr. Speaker, I urge the adoption of House Resolution 537 in order that the bill H.R. 8617 may be carefully debated and considered on its merits.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as stated by the gentleman from Texas [Mr. THORNBERRY], House Resolution 537 is an open rule which provides for the consideration of the bill H.R. 8617, with 1 hour of general debate. This bill is to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946.

At the outset, Mr. Speaker, may I state that I understand there is some controversy about this bill. There will be some objections made to it. There are minority opinions in the report and additional views. I would recommend the report to all Members to read between now and the time of the vote.

After World War II the Philippines were quite war torn and their economy was at a low ebb. It was desired to assist them as a friend in trying to rehabilitate their economy and build up the Philippines. It was thought that the best way to do that was to provide funds to help to reimburse those who had lost property and whose property had been damaged. Accordingly this act was passed in 1946. About $400 million was appropriated, and I believe $389 million or thereabouts has been paid.

There were certain restrictions applied to the legislation at that time. One of them was that all claims under $500 would have to be paid. I understand that all those individual claims under $500 have been paid. I think also you will find from the information we have that all churches and such organizations as that have been reimbursed in full for their damages.

The statement is made that at the time this matter was originally considered it was the opinion that we would pay 75 percent. I think some of the opponents do not think we agreed to pay 75 percent of the claims, but we would use the money appropriated to pay up to 75 percent after first having paid all of the claims under $500. So the Philippine War Damage Commission was set up to determine the claims. They did determine the claims. The opposition, I believe, will state that this commission has now disbanded. There is some question about where the records may now be. But, in the report you will find there are a number of claims listed therein.

The amount of money that was originally appropriated has paid about 52 percent of the total amount of claims. The $73 million asked herein will bring the amount up to 75 percent. Those in favor state that we are morally bound to authorize the appropriation of this additional money. Furthermore, I believe last year the Philippine Islands paid us about $20 million. There was some kind of conversation or indication at that particular time that if that payment was made to us, this bill would probably be passed to pay them the additional $73 million. The opposition will contend that it is too late now to actually do what was originally intended. The property damage for the most part has been repaired in the Philippines.

There are a number of these payments. If you will look at the report, you will find that a number of these payments will go to several large corporations. Among these corporations there are many that have had extensive business with the United States over the years. They have made profits. Their contention is that if the money were going to individuals, to parents who had lost children in the war rather than to be a windfall or payment to some corporations, they would be more pleased about this particular bill going through at this particular time. As I mentioned there are a number of Members who are strongly in support of it. There are a number of Members strongly in opposition to it. I would suggest you listen to the debate and read through the report. I know of no objection to the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. TRIMBLE. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. Hays].

Mr. HAYS. Mr. Speaker, I am opposed to this bill for the simple reason that at this late stage I think it is nothing more or less than windfall legislation. Under the original Philippine claims bill, under which $400 million was paid, everybody who had a claim under $500 was paid, and all the people who had any claim at all were paid 52 and a fraction of a percent of their claim. In addition to that, the United States gave to the Philippine Government $120 million which was for the restoration of public buildings and other damage done to government property. It seems to me if we really take a look at this that the Philippines did pretty well. The Philippines were not attacked because the U.S. Government was there. They were in the area that the Japanese wanted to take over and dominate, and they would have attacked the Philippines had they been completely independent and if the United States never had been there or if there had never been an American citizen in the Philippines. Yet, we assume, and undertake to pay, the damages as a result of a war we waged to liberate the Philippines from the Japanese. I do not think they would really like to be under Japanese rule. It seems to me we did them quite a service in that respect.

Now who gets this money? If we were going to the Philippine Government, and we are handing out money all over the world to governments for projects which would help the Philippine people, I would probably not say too much about it. But what happens? On page 15 of the report, you will see this:

> As a condition for payment of the claims, the 1946 act required that the whole of such payment shall be reinvested in such manner as will further the rehabilitation of economic development of the Philippines.

This requirement for reinvestment is waived by section 1 of this bill for claimants who are paid in pesos. In other words, they can take the money and do what they like with it, and do not think that that is not exactly what they are going to do with this money.

Who are some of the people who will get this? Well, I will not have the time to read them all, but in respect of claims for over 200,000 pesos, we find such interesting people as the IXL Gold Mining Co. for 424,956.34 pesos, the Procter & Gamble Trading Co. for 257,000. The Lepanto Consolidated Mining Co. is in there for 615,759.25. The Mindanao Mother Lode Mines, Inc., is in for 810,000 pesos and the Singer Sewing Machine is in there for a nice little payment of 288,948.14 pesos.

Caltex Philippines, an oil company, is in there, and many many others. It goes on and on like that. Here is one, the Philippines Racing Club is in for 186,000 pesos. The Goodrich International is down for 165,000 pesos, and you can go through this list on pages 11 and 12 of the report and see how many got over 200,000 pesos.

Mr. KUNKEL. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield.

Mr. KUNKEL. How much is a peso?

Mr. HAYS. What is the current exchange rate?

Mr. ZABLOCKI. The exchange rate fluctuates. I believe the present rate is 3.9 to a dollar.

Mr. HAYS. If this is paid, this is the rate they will be paid at.

Mr. ZABLOCKI. It will be up to the Treasury Department whether the payment will be in dollars, or pesos. The number of pesos will depend on the market rate at the time payment is made.

Mr. HAYS. If it is paid in pesos, it does not alter the number of dollars, because we have to purchase the pesos anyway.

Mr. ZABLOCKI. It does not at all affect the amount.

Mr. HAYS. So in order to arrive at the number of dollars roughly, divide the number of pesos by four.

I understand that the gentleman from New York will offer an amendment in the form of a substitute to give this money to the Philippine Government in lieu of payment to these people; and I would say as between paying these corporations that amount of pesos, corporations that have had swarms of lobbyists around here for years, and paying it to the Government, I would favor paying it to the Government. There have been times in the history of the Philippines when I would not have said that, but I think in the case of the present Government the money will be spent for the welfare of all the people of the Philippines.

Mr. TRIMBLE. Mr. Speaker, I have no further requests for time.

Mr. SMITH of California. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. Barry].

Mr. BARRY. Mr. Speaker, I wish our distinguished colleague from Massachusetts [Mr. Curtis] were here to make this presentation because the gentleman from Massachusetts [Mr. Curtis] has long been an opponent of this bill, and I am a poor substitute, indeed, but I would like very much to bring to your attention some of the things the gentleman from Massachusetts [Mr. Curtis] and I have been studying for the past few weeks in relation to this bill and give you as thorough a report as I can to supplement that which has already been presented during the debate so far.

After World War II the United States made a wise and timely contribution to the postwar recovery of our gallant ally, the Philippine Islands. Despite the fact that no such task had ever been undertaken before, we attempted to rebuild the war-ravaged Philippines by reimbursing those who had lost property for a part of their loss. As Carlos P. Romulo, then Delegate from the Philippines, pointed out, the Philippines had been promised independence for July 4, 1946. He said—Congressional Record, volume 92, part 3, page 3437:

> You were keeping your promise when the Japanese attacked and that was one of the chief reasons why we unhesitatingly stood by your side. During the war, the United States committed itself to the proposition that our independence would be maintained as well as established, and that the ravages of the war in the Philippines would be fully repaired.

The totality of this extraordinary commitment as understood by the Filipinos, was, then, that "the ravages of the war would be fully repaired."

The whole emphasis in the debate was on the need for rehabilitation in the war-ravaged Philippines. Romulo went on to say—Congressional Record, volume 92, part 3, page 3438:

> America is asked to give out of its great treasures in order that the farms and industries of the Philippines and the necessary functions of government may be restored and permitted once more to function.

Can there be any doubt but that this has already been accomplished?

Congressman George P. Miller, of California said—Congressional Record, volume 92, part 3, page 3440:

> This bill will assist in rehabilitating the economy of the Philippines. It makes no gifts or provides no funds for those things that are not directly connected with that economy. It is not an act to indemnify those who lost property in the Philippines as the result of the war. It only offers the hand of assistance to reestablish those businesses and institutions fundamentally necessary to carry on that economy on a self-sustaining basis.

When the committee and the Congress were so specific, how has a misunderstanding arisen that the United States promised to complete individual indemnification? Moreover, in the committee, Mr. McNutt, then High Commissioner in the Philippines, pointed out that—

> This bill will not cover half of the loss. It is a question of policy to be decided by the committee, and by the Congress, as to how far they want to go.

It was understood from the first that there would be no total indemnification of the war damage claims. The House committee report stated—pages 8–9:

> This bill is not the full answer to Philippine rehabilitation needs. Provision for postindependence trade relations between the Philippines and the United States is a condition precedent to the rebuilding of the national economy and the repair of the physical structures of the country. The expenditure of money on rebuilding would accomplish little if no functional economic use were provided for the structures and economic utilities whose repair and replacement are provided for in S. 1610.
>
> S. 1610 does not pretend to repay in full for all the damages due to Philippine involvement in war. It will provide a partial payment and depend on private capital for the remainder. S. 1610 also provides certain aids in the form of technical assistance and training, and for the use of surplus property in the rehabilitation program.
>
> The bill is not a private claims measure to reimburse individuals or organizations for damage incurred in war. The primary function of the payments is to assist and encourage rehabilitation and rebuilding of the economy and social structure of the nation. Some individual hardships may be caused by insistence on the rehabilitation principle, but your committee felt that no other considerations should be provided in this legislation.

Moreover the committee specified certain additional legislation which would help to rebuild the Philippines—page 32:

> Other legislation: While the committee feels it is urgently necessary to provide through this legislation (S. 1610) for the rebuilding and restoration of the physical plant of the Philippines, it is generally realized that additional legislation will probably be necessary in the future to augment and supplement the benefits which will be accomplished through S. 1610 and through the legislation providing for future trade relations between the United States and the Philippines.
>
> It is expected that proposals for additional legislation will be made from time to time by the agencies of the U.S. Government, by the Government of the Philippines, and by the Filipino Rehabilitation Commission to meet needs for legislation as they arise.

The expectation of the Congress that no further steps would need to be taken subsequent to the authorization of $400 million was expressed during the debate on the House floor by Congressmen Bell and Rich—CONGRESSIONAL RECORD, volume 92, part 3, page 3439:

> Mr. RICH. You have come to the conclusion that if we pass this bill it will be a sufficient contribution from the Federal Government of the United States with the passage of this bill so that when the Philippines become an independent nation they are not going to come back to us again for something that has been left out of this bill? This must be a termination of our promises both by legislation and by any promises made by any of our officials. In other words we want no implied obligations after this unless the Congress acts for that purpose.
>
> It is a complete understanding between the Commissioner of the Philippines and this Government, so that when we carry out the provisions of this bill we have completed all the necessary arrangements for the complete rehabilitation of their Government so far as the obligations that are imposed on our Government are concerned.
>
> Mr. BELL. I have not gone into the future with the Commissioners, but I do believe, and the committee believes, I am sure, that if this bill carries, it will go a long way toward the rehabilitation of the Philippines. We believe that it will rehabilitate their economy. We believe that if we do not pass this bill, it will not only be a great discredit to us, but we will lose a customer that is tremendously valuable.
>
> Mr. RICH. I was trying to see if we could get a terminal agreement here of all promises legislated, spoken, or implied for the future.

And Congressman GEORGE P. MILLER's statements in the House debate—CONGRESSIONAL RECORD, volume 92, part 3, page 3440—makes clear that the committee emphasis was on rehabilitation of the Philippines economy rather than payment of private claimants as such:

> This bill will assist in rehabilitating the economy of the Philippines. It makes no gifts or provides no funds for those things that are not directly connected with that economy. It is not an act to indemnify those who lost property in the Philippines as the result of the war. It only offers the hand of assistance to reestablish those businesses and institutions fundamentally necessary to carry on that economy on a self-sustaining basis.

It seems to me that there can be no doubt of the intent of Congress at that time. On the basis of these clearly defined views of the Congress, the War Claims Commission made abundantly clear during its operation that it could pay the larger claimants only on a pro rata basis. This fact was stated in countless speeches, newspaper stories and magazine articles by the Commission. There is no foundation, other than rumor and popular misconception for the belief that the United States "owes" something further to the Philippine people.

In the message to claimants sent by the Commission with the Commission's final payment it specifically states that—

> The accompanying check represents your second and final payment for war damages under the present authorization of the Philippine Rehabilitation Act and the appropriations made thereunder.

It is indeed unfortunate that a misunderstanding has arisen over this indemnification. There can be no justification for such a misunderstanding, however, as the Congress and the Commission made it abundantly clear that there would be no total payment of claims and that the only purpose of the payments was to reestablish the economy of the Philippines, not to repay those who were damaged by the war. Never in history has this sort of aid gone out to a heroic ally. The United States has given $390.2 million in military aid and $1,284.9 million in economic aid to the Philippines. A total of $1,675.1 million has then been obligated and authorized through 1961. This is money well spent in support of the cause of freedom. Considering the closeness of the alliance between the United States and the Philippines and our mutual dedication to freedom, democracy, and justice; it is a particular misfortune that a well-defined and generous contribution on our part has been turned into a subject of contention. I heartily endorse further support for our friends in the Philippines, but I strongly oppose any further indemnification of war losses incurred 17 years ago or more and long ago replaced. I urge the Congress to defeat the bill presently under consideration.

Mr. Speaker, never in history has this sort of aid gone out to a nation. I shall appreciate the Members paying attention to the figures which I am going to give to the membership at this time.

The United States has given $390.2 million in military aid and $1,284,900,000 in economic aid to the Philippines, representing a total of $1,675 million, which has been obligated and authorized through 1961. This is money well spent in support of the cause of freedom, considering the closeness of the alliance between the United States and the Philippine Islands, and their dedication to freedom, democracy, and justice. It is particularly unfortunate that a well-defined and a generous contribution on our part has been turned into a subject of contention. I heartily endorse further support for our friends in the Philippines, but I strongly oppose any further indemnification of war losses which occurred 17 years ago, or more, and which have been long ago replaced.

Mr. Speaker, I urge the Congress to defeat the bill presently under consideration. In connection with this I will offer an amendment, as the gentleman from Ohio has indicated. The purpose of the amendment will follow along the lines of Secretary Anderson's recommendation of June 14, 1960. The Eisenhower administration was opposed to the bill that we now have before us. I will read from Secretary Dillon's letter of March 3, 1960, where Secretary Dillon stated to the Foreign Affairs Committee in the supplemental hearings of the 86th Congress, 2d session, as follows:

> The executive branch believes that rebuilding, replacing, or repair of war damaged private property in the Philippine Islands is no longer practicable. Moreover, in view of the time that has elapsed since the original war claims were approved, and since the United States Philippine War Damage Commission went out of existence on March 31, 1951, it is not considered practicable for the U.S. Government to assume any responsibility for the payment of the balance of approved individual private property claims.

Mr. Speaker, Secretary of the Treasury Anderson, under date of June 14 of the same year, 1960, said that the Treasury Department strongly prefers S. 3238. My amendment will be along the lines of S. 3238. This bill would have authorized a payment not to exceed $73 million to the Government of the Republic of the Philippines in full satisfaction and final settlement of all the awards made under the earlier legislation. Under the administration's bill, this being the then administration bill, payments to individuals would have been left to the Philippine Government. Payment in this manner would be in conformity with the spirit of the original enactment; that is, to rehabilitate the Philippine economy and not merely to compensate individual claimants.

Mr. Speaker, I am opposed to the entire bill. I would prefer that my substitute, or substitute amendment, be defeated and that the whole bill be defeated. But if we are going to do this thing, I invite your attention to the additional views which appear on page 31 of the report, which views were written by me.

The bill that I have would give any benefit that this Nation wants to bestow on the Philippines to all of the people of the Philippines rather than to a certain few people in the Philippine Islands.

Mr. TRIMBLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. ZABLOCKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8617) to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73,000,000 for that purpose.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8617, with Mr. Davis of Tennessee in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. ZABLOCKI. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, H.R. 8617 authorizes the Foreign Claims Settlement Commission to complete payment on approved claims of individual Filipinos and citizens and corporations for damage to their property in the Philippines during World War II. Approximately $389 million has already been paid on these claims; this bill provides for the payment of the approximately $73 million remaining unpaid balance. This would be considered as full and final satisfaction of the payments under the Philippine Rehabilitation Act. No new claims are allowed. Only those claimants who were granted awards under the original legislation and meet the criteria of section 5(a) of this bill will receive payment of the balances due them under the original awards.

I would like to review—very briefly—the background of this legislation.

WORLD WAR II DAMAGE IN THE PHILIPPINES

At the close of World War II, the Philippines constituted the most devastated area in the world. Several years of Japanese occupancy and severe fighting inflicted astronomical damage on the islands. Houses, factories, public buildings, communications, and transportation were almost totally destroyed.

Total estimate of all losses of physical property in the Philippines was placed at $1.2 billion, based on 1944 values.

There were three phases of destruction:

First, damage inflicted in the first year of the war by demolition of essential facilities by retreating Americans and Filipinos, and destruction during actual combat up to the time of surrender.

Second, damage inflicted during the Japanese occupancy by guerrilla forces, by Japanese forces in retribution for guerrilla activities, and by seizure and stealing of property by the Japanese during the period of occupancy.

And third, damage inflicted during the liberation by American bombing planes prior to and subsequent to landings, by Japanese forces during retreat, and damages incurred in actual combat.

The bulk of the damage was done during the third and final phase. Scores of buildings were pulverized in the larger cities by U.S. artillery fire and by bombardment by planes. The damage in cities varied from 50 percent in Manila, to 90-percent destruction in the city of Zamboanga.

POSTWAR CONDITIONS AND THE PHILIPPINE REHABILITATION ACT OF 1946

As a result of the war, the Philippines and all of its political subdivisions found themselves, in 1945, without funds. Although emergency relief was initiated to provide the bare necessities to the courageous Filipino people, obviously there were no funds for rehabilitation.

To alleviate this situation, the 79th Congress approved the Philippine Rehabilitation Act of 1946, which was reported from the former Committee on Insular Affairs. The act, Public Law 370, which appears on page 117 of the committee report, created the Philippine War Damage Commission and authorized the expenditure of $400 million to pay war damage claims approved by the Commission.

It is clear from the legislative history of that act that no one knew at that time whether this amount of $400 million would be sufficient to settle those claims. Under the carefully drafted provisions of the law, the Commission was to examine claims for loss and damage, make payment in full on all property damage awards up to $500, and make payment up to 75 percent of the awards in excess of $500. It was anticipated at that time that additional funds would be appropriated when needed to carry out that program.

On page 30 of the committee hearings there appear excerpts from the report No. 1921 of the 79th Congress, which clearly states that $400 million would not be sufficient for that purpose. That report spells out clearly that it was the intent of the 79th Congress to provide additional funds if they were needed.

Actually, the funds provided by Congress ran out before the program that I outlined could be accomplished. All awards up to $500 were paid in full. Further, claimants with awards over $500 received sums equal to 52.5 percent of the 75 percent which they were authorized to receive.

The bill H.R. 8617, reported by the Committee on Foreign Affairs, provides for the payment of the balances due, the 22.5 percent of the 75 percent awarded and approved by the Philippine War Damage Commission, which the claimants are expecting.

I wish to emphasize to anybody that may have some doubt about the attitude of claimants awaiting the balance due that, judging from the correspondence I received from the Phillipines, the claimants expect payment. The gentleman from New York during debate on the rule stated that claimants received checks making it clear that the payment was complete. I hold in my hand copies of private property claim settlement sheets that clearly indicate that the balance of the amount to be paid is outstanding. The payment of the balances on these sheets is awaited and expected by these people.

It was stated earlier that there is not a private claim or individual involved in this legislation. I am sure that the gentleman from New York is aware of the fact that on page 7 of the committee report, the list of claimants includes 287 corporations. In addition, however, there are almost 86,000 individual claimants who have balances outstanding and who expect payment.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New York.

Mr. BARRY. Does the gentleman know that the papers that he waved in the air were used internally, or does he know that those papers were given to the claimants?

Mr. ZABLOCKI. This claim settlement sheet is identified as Philippine War Damage Commission Form 40, dated April 1948, which it is my understanding was available to the claimants. A copy was seen by the claimants and a copy was placed in the claimants' file.

Mr. BARRY. The gentleman from Massachusetts [Mr. Curtis] and I have done some research on the use of these forms, and no one can tell us that they have ever been given to the claimants. No member of the Commission has told us they were ever given to the claimants. It was a document for internal use only, and I shall cite my authority for this later on in the debate.

Mr. ZABLOCKI. The committee has made a complete search, and no one has come up with a statement showing that payments already made to the claimants were to be considered as final payments.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Minnesota.

Mr. JUDD. Whether the claimants saw it or not, the fact is that the books of the Claims Commission state clearly this is the amount to be paid. They have gotten out a form showing this is the amount to be paid. Whether the claimants knew it or not, this is a matter for our own consciences, showing that we intended to pay it.

Mr. ZABLOCKI. I doubt that the claimants did not know about the balance due them. The gentleman from New York certainly must have seen the volume of letters we have received from claimants that have outstanding balances due, and how they feel about this matter.

Mr. GEORGE P. MILLER. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from California.

Mr. GEORGE P. MILLER. I think the best evidence of this would be the members of the Rehabilitation Commission themselves who have testified that these were given to claimants. You can do all of the research you want to do. They have so testified.

Mr. ZABLOCKI. Yes; we have had three of the Commissioners testifying before our committee.

Mr. HAYS. Three of the Commissioners of the War Damage Commission?

Mr. ZABLOCKI. That is correct.

Mr. HAYS. Let me just say, if the gentleman will permit, and if he will yield, with all due respect to the War Damage Commission, it has been almost 17 years since the war is over and that Commission in my opinion will be going on 117 years from now because they will never settle all the claims because the minute they do, they are out of business. They have been dragging claims in here ever since they started.

Mr. ZABLOCKI. If the gentleman will permit a correction, I am sure he is referring to the Foreign Claims Settlement Commission.

Mr. HAYS. That is right.

Mr. ZABLOCKI. We are referring here to the members of the Philippine War Damage Commission and that has been out of existence as of January 15, 1951.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Oklahoma.

Mr. ALBERT. If this bill is not passed will we not be placed in the position with respect to these unpaid claims, of discriminating as to such claims under the procedure we adopted with respect to those claims that have been paid?

Mr. ZABLOCKI. The gentleman is absolutely right.

Mr. ALBERT. I think the gentleman from Wisconsin [Mr. ZABLOCKI] by the bill that he has introduced is carrying out the purposes and policies of the original legislation which was enacted by the Congress for the settlement of these claims. I compliment the gentleman and his committee on the job that they have done. I hope the Committee of the Whole will proceed to the adoption of this legislation and that the House will proceed to the enactment and final disposition of this matter.

Mr. ZABLOCKI. I thank our distinguished majority leader.

Mr. Chairman, if I may be permitted to complete my statement, I would like to go through the legislation section by section in order to explain to my colleagues what the legislation does.

Section 1 provides that the payments authorized in this bill will be administered by the Foreign Claims Settlement Commission. The Commission will receive applications, determine that the applicant is the original claimant or his successor in interest, and decide the amount remaining unpaid on the original award. The amount so determined will be certified to the Secretary of the Treasury. I would like to repeat at this point that only the awards made by the Philippine War Damage Commission under the Philippine Rehabilitation Act of 1946 will be affected by this legislation. No new claims will be allowed.

Furthermore, the bill contains numerous safeguards to prevent the duplication of payments and to limit legal fees which may be charged claimants for assistance in preparing and presenting their claims.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I am delighted to yield.

Mr. HAYS. How long do you think it will take this War Damage Commission to adjudicate this matter?

Mr. ZABLOCKI. It should not take very long. The IBM cards have to be brought up to date, and should be no problem in that respect. Some of the opponents of the bill say that the IBM cards are no longer serviceable. However, the original files on the claims from which these IBM cards were made up, are available. Some of those cards may have to be corrected or repunched. This, however, should not take much time. Further, as the gentleman knows, there are provisions in the bill calling for public notification. The claimants will have 1 year to file an application for a payment.

Mr. HAYS. I am sure the gentleman is sincere and I respect his position on this. I know when he says "not very long" he means "not very long." But I do not think, with all due respect, that "not very long" to the gentleman means the same thing to this Commission. I predict to you that 4 or 5 years from now, they will still be kicking these claims around.

Mr. ZABLOCKI. I would like to advise the gentleman, my very good friend from Ohio, that the procedure proposed in the committee bill will not take any longer than that envisioned in the substitute amendment which will be proposed, and which would give the entire amount to the Philippine Government. I can assure the gentleman that the rightful claimants will receive their just balances much sooner under the bill than under the substitute. Further, I doubt that the claimants would ever be satisfied under the proposed substitute amendment.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Minnesota.

Mr. JUDD. Why should it take so long to wind this up now, because these folks have 1 year in which to present themselves and show their claims and that there is an unpaid portion of the claim. All they need to do is to establish their identity and the legality of their holding of this claim and that they did not buy it from someone else. That is in order to avoid sharpsters. So when they establish to the satisfaction of the Commission that this is the original person to whom the award was made or his heir or successor, the Government or the Commission pays the money. If they cannot establish that, then the claimant does not get any money. There is no new opening of the case or the weighing of evidence or new adjudication of the claim or modifying the amount of the claim up or down. As long as the claimant establishes the legitimacy of his holding of the claim and his identity as the legitimate heir, or successor, the claimant will be entitled to be paid.

Mr. ZABLOCKI. I want to thank the gentleman from Minnesota for the clarification. Further, the bill provides that if the claimant does not meet the criteria outlined in the bill he will not be paid and the amounts remaining after the settlement of valid claims will revert to the U.S. Treasury.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield briefly.

Mr. BARRY. In the colloquy that took place a couple of minutes ago the gentleman made the statement that the Commissioners testified that these settlement sheets had been mailed to the claimants. I have here a letter dated March 8, 1962, signed by Frank A. Waring, who was Chairman of the Board of the Commission. He is now in the school of business administration at the University of California. He refutes the statement of the gentleman from Wisconsin and I quote:

> Unfortunately, I cannot answer your question as to whether the settlement sheets, a copy of which you enclose and I am returning in accordance with your request, were in fact sent to the claimants. I am inclined to believe that they were not.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield.

Mr. JUDD. I checked into that and I was assured that this sheet had to be given to the claimants, otherwise the claimant would not know how to make an appeal. This sheet shows the amount that he claimed and the amount that was approved, and then down below it gives a code number which gives the reason why the Commission refused to award him the total amount claimed. He had to have this sheet in order to be able to submit his appeal. I am assured they were supposed to get it, that if any did not it was through inadvertence.

Mr. ZABLOCKI. At the very least there is sufficient evidence that the claimant had received a copy of the settlement sheet.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ZABLOCKI. Mr. Chairman, I yield myself 5 additional minutes.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. If the gentleman will get some time from his side I would appreciate it. We have only 30 minutes on each side.

Mr. BARRY. It goes to the point raised by the gentleman from Minnesota.

Mr. ZABLOCKI. I yield very briefly to the gentleman.

Mr. BARRY. Besides the settlement sheet there is another sheet that is entitled "Message to Claimants," a sheet that was signed by the Chairman of the Commission and the Commissioners. In the third line of this sheet is the statement:

> Should the Congress of the United States make further appropriation funds for this purpose additional payments will be made.

But there is nothing in here that says that the Congress will do this.

Mr. ZABLOCKI. The gentleman attended the hearings. I am sure he heard what the Commissioners of the Philippines War Damage Commission told the committee.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield briefly.

Mr. JUDD. I know of course, the Commissioners could not promise them when the money would be given them for these final amounts due, because it would have been out of order for any Commissioner to promise that any amount would be paid until the Congress of the United States made money available. That is what we are trying to do here this afternoon.

Mr. ZABLOCKI. Mr. Chairman, there is no question, that of the 75 percent allocated to the claimants 22½ percent is still outstanding.

As to the matter of payment in dollars or pesos this legislation provides that payment shall be made in U.S. dollars or in Philippine pesos at the option of the Secretary of the Treasury. Let me mention at this point that the original peso payment provision was made in 1946. At the time the legislation was passed, it was felt to be more desirable to make payment in pesos.

The discretionary authority to pay the claims in U.S. dollars or in Philippine pesos will not increase or decrease the amount of dollars authorized to be appropriated. It will not result in inequitable treatment of different claimants. It was put in the bill for two reasons:

First, it will enable the Secretary of the Treasury to avoid complications involved in exchange rate changes which cannot be accurately forecast at the moment.

Secondly, it will strengthen his hand in negotiations with the Philippine Government.

This legislation further provides detailed safeguards on payments to claimants residing outside the Republic of the Philippines.

Section 5 provides that payments to claimants residing outside the Philippines will be made only after they have established to the satisfaction of the Foreign Claims Settlement Commission that they have invested the full amount of the original award in such a manner as to provide for the rehabilitation or economic development of the Philippines.

It was stated earlier in the debate on the rule that there is a section exempting those payments from certain requirements.

This provision was included simply to fulfill the original intent of the Philippine Rehabilitation Act of 1946.

Mr. GEORGE P. MILLER. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from California.

Mr. GEORGE P. MILLER. I want to clear up something that has been said here. I was one of those who was on the committee. The gentleman from Minnesota [Mr. JUDD], and I are the only two remaining who were on the original Commission, and I think we are as competent to speak on the intent of Congress at that time as anyone.

I want to read what was written into the report of the committee in reference to the Philippine war damage bill of that time:

> While the committee feels it is urgently necessary to provide through this legislation for the rebuilding and restoration of the physical plants of the Philippines, it is generally realized that additional legislation will probably be necessary in the future to augment and supplement the benefits which will be accomplished through S. 1610.

Mr. ZABLOCKI. Mr. Chairman, I have very briefly outlined the basic provisions of the legislation we are considering.

In anticipation of the enactment of this legislation, the Philippine Government last year settled its obligation to the United States under the Romulo-Snyder Agreement by the payment of $20 million. I would like to point out that the present administration and the preceding administration, as well as the Truman administration and the Roosevelt administration, are all on record in favor of payment of the Philippine war damage claims.

Furthermore, arguments in favor of this legislation are reinforced by recent developments in the Philippines.

The new Macapagal administration has moved energetically to abolish exchange controls, to stabilize the peso at its true value, and to lift many other governmental restrictions on economic activity. The enactment of H.R. 8617 will provide needed support for this dramatic shift toward a free economy. It will have beneficial effect on United States-Philippine relations and, in the opinion of the executive branch, be of substantial assistance to the United States in attaining our foreign policy objectives.

I wish to emphasize that the Philippine people, by and large, are people with small incomes. The vast majority of claims affected by this legislation will go to small businessmen. For more than 10 years these people have been waiting for the United States to fulfill its obligation to pay the balance of their claims.

Let me quote from General MacArthur's statement issued upon his return to New York City from the Philippines last year in which he referred to American-Philippine relations. It appears on page 90 of the hearings, and page 5 of the report.

General MacArthur said:

> We have no ally so completely loyal and devoted.
>
> There is, however, a strong undercurrent of feeling that in its relative dealings with the nations of the world the United States has tended to overlook to some extent the needs and necessities and even the just claims upon us of the Philippines. * * *
>
> While nothing can seriously jeopardize the common cause which binds our two countries together, the belief of the Filipinos in the American sense of justice is a very precious ideal which should not be lightly sacrificed.
>
> To haggle with them on matters in which they have a just claim or on questions of quotas or economic priorities is to do just that.

Mr. Chairman, I hope this bill will receive the overwhelming approval of this body. This is needed in order that our Government can fulfill its moral obligation, and in the interest of continued and increased cooperation with a loyal and devoted ally, the Philippines.

Mr. JUDD. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Chairman, I rise in support of H.R. 8617, the Philippines war claims bill.

Just the other day, I was reading the statement of Gen. Carlos P. Romulo, the former Philippine Ambassador to the United States who recently retired, and who is on his way back to Manila.

Gen. Romulo, a good and faithful friend of the United States, had some words for us which I believe have special significance today. Just prior to his departure, he said:

> If I leave America with any sense of foreboding at all, with any nagging sense that it is going to fail in the ultimate test of its historic role, it is on this issue alone—if this country fails, it will be not because the foe proved to have something better, but because America itself failed within itself to be what it claimed to be.
>
> The problem is not your image, but what you are and this is imprinted deep on everyone's mind everywhere, and this has its great intangible effects on the political paths taken by others and the forms adopted by them.

Today, in our vote on H.R. 8617, we have an opportunity to be what we claim to be. We have a chance to help erase an old debt owed a loyal and trusted friend.

It is a debt of honor. It is a debt we have owed far too long. It is a debt upon our national conscience and our sense of justice and fair play demands that it be paid.

The amount due is $73 million. Payment would settle this debt of 16 years standing once and for all.

Payment is a promise we made to ourselves under previous legislation in years past.

How did we acquire this obligation?

Let us go back, for a moment, to the days of Corregidor, to the bloody fighting and destruction of the Philippines, to the hopeless rearguard action fought by American soldiers, sailors, and marines and one of the crack fighting outfits in the world, the Filipino Scouts.

Let us remember the bombings, the shellings, the blastings by the Japanese of the Philippines, the burnings and the explosions set by American and Filipino alike to deny valuable facilities to the enemy.

We remember the collapse of Corregidor, the famous words of General MacArthur, "I shall return." We remember the guerrilla warfare the Filipinos waged against the occupation forces of Japan even after our troops had been killed, captured or had escaped to Austrialia.

We remember the pitched battles the guerrillas waged from the jungles and the terrible retribution inflicted by the Japanese on the Philippines for this continued resistance.

We remember the bombing of Manila, and of Japanese strongpoints by our planes and naval batteries prior to our liberation of the Philippines. We remember the house-to-house battles, the bridges, the homes, the factories and the docks and harbors that turned to dust and ashes in the door-to-door, house-to-house, village-to-village battle.

General MacArthur did return, as he promised. But the Philippines he had known in peaceful years, in years prior to World War II, was no more.

The cities were burned out shells. The villages were piles of smouldering ruins. Thousands had died. Thousands were maimed, injured beyond belief. Hundreds of thousands were homeless, suffering from the famine, the shock and the pain of war.

We took to our hearts the plight of these bruised and bleeding islands which, by the fortunes of war, had become a major battleground.

We gave the Philippines our assistance, our technical advice. We gave food, clothing, and medical supplies. We promised restitution to the survivors who had suffered from our shells, our bombs, our own weapons of war.

But, most important, we gave the Philippines her freedom.

On July 4, 1946, the Philippines became a sovereign nation, free to conduct its own affairs at home and abroad, free to rule itself as its citizens saw fit.

It is to our eternal credit that the people of the Philippines thought so highly of us that they modeled their own new government on our pattern. It is to our eternal credit that the Philippines has been, and will remain, our stanchest ally in Southeast Asia, our most invulnerable bastion against the spread of atheistic communism in that strategic part of the world.

History has shown us that the Philippines learned its lessons in democracy, in freedom, very well indeed. In the five national elections held in the Philippines since its independence, Filipinos have elected five different Presidents.

Last fall I had the pleasure of visiting the Philippines as part of my duties as a member of the Far East Subcommittee of the House Foreign Affairs Committee. I found myself in Manila while the votes were being counted to determine who the next President of the Philippines would be.

I assure you that there was all the tension, all the drama, all the concern in the Philippines in their own national election as anything we have experienced here in the United States in recent years.

The Philippines has demonstrated that its people have the responsibility, the education, the courage and the convictions to make our form of government work for them, as their servant, and not as their master.

Yes, the Philippines has learned its lesson well, but have we?

Under the Philippine Rehabilitation Act of 1946, we agreed to pay for the damage done by our planes, our ships, our troops in the reoccupation of the islands.

We have already paid $389 million on these claims. We still owe $73 million, according to our own act passed here in Congress which would fulfill the purpose and intent of the law.

In considering this bill, we should remember that the claims involved are not claims of the Philippine Government against the U.S. Government as a result of an agreement between two governments.

The Philippine Government has never been directly involved in these claims. The U.S. Government, in 1946, made an offer to the people of the Philippines to assist in the rehabilitation of the Philippines and established a Commission to receive claims, to evaluate them, and to make awards. This Commission was an agency of the U.S. Government, although one of the members was a distinguished Philippine citizen.

Individuals and corporations in the Philippines were invited to submit claims with the understanding that they would be paid. We did not tell them at that time that we would pay part of the claims or that we would pay something then and more later depending on conditions. We said to them: Go ahead and repair the war devastation to your country as fast as you can, and we will make money available to compensate you for your claims for war damage. We encouraged the people of the Philippines to use whatever resources they could to get the job done, not to wait and see how much money was going to be forthcoming from the United States.

The job of reconstruction has been done in a most impressive manner. But we have not kept faith with the Philippine people, most of them small businessmen to whom we made commitments.

There is some tendency in the United States perhaps to feel that the issue involved here is primarily a moral commitment to the Philippine Government and that since the Philippine Government has changed a number of times over the years, this commitment is not one of very direct concern to the people of the Philippines.

Exactly the opposite is true. The claims involved are those of individuals and business firms adjudicated before the year 1948 and as yet unpaid. Every holder of such claim is conscious of the fact that years ago the U.S. Government made a promise to him which it has failed to live up to, and every holder of such a claim is hoping that we will do the right thing and live up to our obligations.

Now, I am not going to stand here and tell you that if we do not pay this claim, if we do not honor this moral obligation to a proven friend, that the people of the Philippines are going to be any less our friends than they have in the past.

They do not measure friendship in such terms. They are well aware of the fact that the freedom, the sovereignty we gave to them at the end of World War II, the freedom which they fought and died for as valiantly as any of our heroes in the Revolutionary War, is far too precious a gift, far too valuable a right, to be measured in dollars and cents.

Also, I can not say that the Filipinos are going to become "neutrals," or swing toward the Communist bloc if we do not honor this debt.

If the Filipinos have had one criticism of us as a nation, one area in which they feel we have been weak, been vacillating, it is that we have not stood up strongly enough to the Communists.

The people of the Philippines not only support our efforts in the Far East to contain the spread of the Red oligarchy, they are willing to go farther. They have even offered their own troops for use in this lukewarm war which has been waged on so many fronts in Southeast Asia.

The people of the Philippines have urged us to take a stronger stand in the Southeast Asia Treaty Organization, and have prodded SEATO members to awaken to the danger this vital part of the world faces from those who would muzzle freedom and bury individual opportunity.

Many of my colleagues here in the House of Representatives have voiced the opinion that we are, perhaps, too lenient with the "neutrals" and forget our friends.

My colleagues, here is an opportunity to help a true friend, a friend whose troops have served side by side with our own in terrible conflict, a friend who bore the brunt of an enemy attack without question, without a whimper and with a great deal of courage and energy.

Here is a chance to show the world that we are worth having for a friend, that we honor our commitments, that we stand by our obligations.

The people of the Philippines do not want to haggle with us over these war claims. They have already told us that if these claims are honored by our Government, that they will be considered paid in full by that Government and no new claims will be permitted.

They want our friendship to continue on a basis of mutual trust, respect, and loyalty, and they will not let the dollars nor the pesos in this bill stand in the way of our mutual friendship.

Last year, Gen. Douglas MacArthur, after his triumphant visits to the Philippines, made some statements which I think it wise for all of us to remember at this time.

Of the Philippines, he said:

> The morale of the nation is of the highest order and reflects clearly its friendship, its affection and its sympathetic understanding of the United States. We have no ally so completely loyal and devoted.
>
> There is, however, a strong undercurrent of feeling that in its relative dealings with the nations of the world the United States has tended to overlook to some extent the needs and necessities and even the just claims upon us of the Philippines. The restitution of the demage inflicted by our forces which was, of course, necessitated by the exigencies of war, has not received adequate compensation especially when compared with the lavish grants made to nations proclaiming neutrality and even to the former enemy countries of Germany and Japan.
>
> While nothing can seriously jeopardize the common cause which binds our two countries together, the belief of the Filipinos in the American sense of justice is a very precious ideal which should not be lightly sacrificed.
>
> To haggle with them on matters in which they have a just claim or on questions of quotas or economic priorities is to do just that. The Philippines should be treated by us for what she has been, what she is, and

> what she can be expected to be in the future. She should be accorded the very essence of most-favored nation treatment.

The Government of the Philippines, the people of the Philippines, the sovereign nation of the Philippines is not going to rise or fall on what we do here today, although there is no doubt that this sum of money would ease the want, the despair of many, and be welcome assistance to the Filipinos and their economy.

We owe this money not so much to the Philippines as we owe it to ourselves to honor our commitments. The Philippines will flourish politically, economically, and morally whether we pay our bills or not. But I think we will have lost a little of our integrity, a little of our honor, in our own eyes if we do not meet this obligation.

The American image will be a little less clear, a little tarnished, by this failure.

There are those in the world who are working full time attempting to destroy our image, to cloud its meaning, to blur its outline.

But we are dealing with more than images, which at best can be but reflections of what we are. We are dealing with our heart and our soul as a nation, and I think it is important to ourselves that we demonstrate that we still have both intact and in good working order.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I would be happy to yield to the gentleman from Ohio.

Mr. HAYS. I am a little concerned, of course, about the statement which has been referred to by General MacArthur. I wonder if anyone present can tell us just how much in dollars we have sent to the Philippines in the last 16 years? Does anyone know how much foreign aid we have given them, plus the $400 million, plus the $120 million, now they want $73 million? They were included in the aid bill last year, they are included in the aid bill this year, and they will be included in that bill every year hereafter. If that represents being overlooked, I would like to be overlooked sometime.

Can anyone answer that question?

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Minnesota for the purpose of responding to the question posed by the gentleman from Ohio.

Mr. JUDD. The total amount of assistance given for war damage and the other means by which American money has gone to the Philippines, is a total of $1,675 million. Of this amount, economic aid represents $1,284,900,000, and military aid represents $390 million. It is my understanding that this figure includes pensions and allotments to Filipinos who were members of the U.S. Armed Forces. As the gentleman knows, we have a Veterans' Administration agency and hospital out there, and those persons who are hospitalized are taken care of on equal basis with our own military personnel and veterans, when it comes to these benefits.

Mr. HAYS. Mr. Chairman, will the gentleman yield further?

Mr. BROOMFIELD. I yield to the gentleman from Ohio.

Mr. HAYS. In other words, in 16 years they have received $1,675 million, which is about $100 million a year? They have been overlooked at a pretty good rate, I would say.

Mr. BECKER. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from New York.

Mr. BECKER. Mr. Chairman, I wonder how the gentleman justifies private claims here as against those mentioned by the gentleman from Minnesota [Mr. Judd], pensions for Filipinos who served and payments to others that are not listed here. Does the gentleman feel, for example, in the case of Brazil where American property was seized, that we should try to treat the companies in the United States in the same manner and reimburse them?

Mr. BROOMFIELD. Mr. Chairman, I would like to answer the gentleman in this way. No. 1, we made the agreement in 1946 that we were going to pay 75 percent of these damages. This was an agreement made by the U.S. Government and the Philippines. This is a moral obligation that we have. I say that we ought to live up to our commitment by paying the balance that we owe.

Mr. BECKER. Who made the agreement?

Mr. BROOMFIELD. The U.S. Government.

Mr. BECKER. The Congress did not pass legislation providing that?

Mr. BROOMFIELD. Yes, they did.

Mr. BECKER. To pay this kind of claim?

Mr. BROOMFIELD. They paid up to 52 percent of them. They appropriated $400 million.

Mr. BECKER. I thought we had been paying these amounts in past years. What has been this money of $100 million a year to which the gentleman referred earlier?

Mr. BROOMFIELD. The $400 million was to pay claims under $500. What we are talking about is the balance of the claims over $500 which were not paid, which amount to a little over 22 percent of the claims.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I am glad to yield.

Mr. HAYS. I think the gentleman is overlooking one point. I went back and read the original hearings. They said that we are going to appropriate $400 million which we think will take care of these claims to the extent of 75 percent. There was a discussion in the committee, as I read it, about whether they should make that specific and they decided that they would not make it specific; this was an estimate.

Mr. BROOMFIELD. That is right.

Mr. HAYS. To the extent that an estimate is a moral obligation I will be the first to confess that it is there. But if I say to you, "I am going to pay you up to so many dollars and we think this will represent 75 percent of the total," I think you are on rather tenuous ground. All of this debate is on meeting a moral obligation that we have. But we said, "We will give you $400 million and we will divide it as best we can and we think it will take care of 75 percent." We did appropriate it and they did divide it, and it took care of only 52 percent.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Minnesota.

Mr. JUDD. Mr. Chairman, as the gentleman from California [Mr. Miller] said, he and I were on the Committee on Insular Affairs which handled this matter when the war was still on; we started working on it then. There were three figures before our committee, all estimates. One was $500 million and another estimate was $600 million. The committee said, "We will provide $400 million now, and if more is necessary, they can come back again."

I made this statement on the floor of Congress, and it can be found in the Record for April 10, 1946.

> I doubt that $400 million will ultimately be enough and I want the record to show that fact. We in the committee recognize that we may have to increase the amount somewhat. We are conservative in our estimate. We said, let us authorize this amount now until we see how things go. If another hundred million or even $200 million is eventually needed to put the Philippines back on a sound basis, I am sure we will do it.

This was said in the debate. Nobody challenged it or disagreed. This was the position of the committee and of the Congress, which was made clear in the Record and understood by all.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman.

Mr. HAYS. The gentleman from Minnesota says that this $73 million is not going to have anything to do with putting the Philippines back on a sound basis?

Mr. JUDD. No.

Mr. HAYS. This is purely a windfall, mainly to a group of large corporations. They are going to get it. I have found nothing in the bill that says that they have to use it to rehabilitate the Philippines. They will be able to use it any way they want to use it, and you and I know how they will use it.

Mr. JUDD. But only if they can establish to the satisfaction of the Commission that they have already invested in the rehabilitation of the Philippines an equal or larger amount than the remaining amount due them under the awards.

Mr. BROOMFIELD. I think the gentleman will find also, if I may answer the gentleman from Ohio, that 85,000 of these claims are under the $25,000 figure.

Mr. JUDD. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. George P. Miller].

Mr. GEORGE P. MILLER. Mr. Chairman, I think it should be made clear at this time that any of the moneys involved here have been expended in the rehabilitation of the Philippines. Before a claim could be approved an agreement had to be entered into that the money would be spent, and this money was spent by the claimants at the time their claims were approved. This is how the Philippines were helped to be rehabilitated. This was a Rehabilitation Act. It was not reimbursing people for losses. Before they could get it they had to agree to spend this money in the Philippines, and the money was spent in the Philippines.

Let me call your attention to the language on page 4 of the bill, and to stress particularly the language beginning in line 10, "since the date of the loss or damage on account of which the original award was made he has heretofore invested in such manner as furthered the rehabilitation or economic development of the Philippines."

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. GEORGE P. MILLER. I yield to the gentleman from New York.

Mr. LINDSAY. The gentleman from Ohio [Mr. HAYS] said that the requirement for reinvestment in the Philippines had been waived.

Mr. GEORGE P. MILLER. Because this money was spent 12 to 15 years ago when these people got their money. The only place they can waive it is to be paid in dollars in this country now rather than in pesos.

Mr. LINDSAY. It is repaid now. This is to be a reinvestment?

Mr. GEORGE P. MILLER. It is a past investment they will be paid for. This will bring it up to 75 percent.

I want to point out that we do have an obligation toward the Philippines. Somebody has said that the Philippines would have been invaded whether we were there or not, and whether we were there or not we would have invaded the Philippines ourselves in order to choke off the Japanese in their attempt to control the resources of southeast Asia. Read the reports recently issued by the Japanese admiral who commanded at Pearl Harbor. He told why they were not interested in taking Hawaii. They wanted to isolate the Philippines so they could get the oil and other resources in Asia to fight the war. So the war in the Philippines would have been fought for this reason.

These people were our wards for 50 years. They have been brought up in our likeness and image. They have been given our ideas of democracy. Let me point out that if it were not for the resistance of the Philippine people during the war the Japanese would have been able to continue to fight on for several years. The troops that it took to keep control and the endless supplies that were sent in to the Philippines and the battles that took place bled Japan white, so white that when the chips were down and we thought they had troops in Manchuria and elsewhere, they were nothing but a shell of armies. They had been depleted to send reserves to the Philippines. That was the result of bleeding them white in the Philippine Islands. The contribution of the Philippine people had been great. They are our cousins. They are the only nation in the Orient today on which this country can rely. They are the only ones that have invited us to come there and use their islands as an outpost. The relationship between these two governments has been great.

I want to emphasize again what the gentleman from Minnesota [Mr. JUDD], told us. We had no idea how much money this was going to take. We said we will accept the figure of $400 million and that is what we wrote in the report. I am going to read the language again:

> While the committee feels it is urgently necessary to provide through this legislation for the rebuilding and restoration of the physical plants of the Philippines, it is generally realized that additional legislation will probably be necessary in the future to augment and supplement the benefits which will be accomplished through S. 1610.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JUDD. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, there are about half a dozen questions that we ought to ask regarding this bill to authorize payment of the balance of awards made for damage sustained in the Philippines during World War II.

The first question is whether we should pay anything.

The second is: If anything, how much it should be?

The third question is: How are the payments to be made—if it is decided to make them?

The fourth is: In what currency should they be made?

The fifth is whether payments should be made to all legitimate claimants, including Americans who are not now resident in the Philippines.

May I take up the ones about which there is most disagreement.

Should the U.S. Congress at this time authorize the payment of the unpaid balance of the awards made under U.S. legislation by the War Damage Commission in the Philippines set up for that purpose? I believe that we should authorize such payments, for two main reasons. One, the moral obligation, and that is the overriding reason; the other is the practical reason the benefits to be obtained for our country in the whole Far East.

We in the Congress in 1946 gave our people and the Filipinos reason to believe that the United States would pay up to 75 percent of the amounts awarded by the War Damage Commission on claims that individuals or corporations or firms or institutions like churches and schools submitted for damage suffered during the war. As was said earlier by the gentleman from California [Mr. GEORGE P. MILLER], he and I were serving on the old Insular Affairs Committee when it prepared and sponsored the Philippine Rehabilitation Act of 1946. At that time Mr. Paul V. McNutt was our Governor General to the Philippines, which did not as yet have its independence, but had a Commonwealth status with relation to the United States. The Governor General and his staff worked very closely with the committee under the chairmanship of the distinguished gentleman from Missouri, Mr. Jasper Bell. The policy was adopted, after much consideration, that in order to rehabilitate the islands most effectively it would be better to make payments to the more than a million persons and businesses and institutions which had suffered damage ranging from the loss of a caribou or the destruction of a little hut or agricultural tools and machinery to the partial or total destruction of a factory or school or hospital, or whatever it was. After adjudication by the Commission appointed by President Truman, more than a million awards were made and all were paid up to $500 out of the $400 million provided by Congress for the purpose. It was estimated that the claims approved would perhaps amount to between $500 million and $600 million—which proved to be a very accurate estimate. But with no reliable data available at the time, the committee voted to authorize only $400 million to start with, more could be provided later if needed to pay the awards, up to the 75 percent authorized in the bill. Up to $500 was immediately paid on each award made and that took care of about 1 million of the claims. A little more than 86,000 claims were left on which more than $500 each had been awarded. These 86,000-plus claimants were first paid 40 percent of the amount awarded in excess of $500. Later another 12.5 percent was paid, exhausting the $400 million Congress had appropriated. This left a gap of 22½ percent between the 52½ percent paid and the 75 percent to which the claimants were entitled under the understanding which we in the committee as well as the Filipinos certainly had at the time. This bill is to authorize payment of that unpaid balance of 22½ percent.

The Government of the Philippines at that time was very weak and unstable, the country had been under Japanese military occupation for 4 years. Our own view was that we should not give the whole amount to the Philippine Government because it was not strong enough to handle the difficult problem of such extensive rehabilitation. There would be incredible pressures put upon the men in charge at a time when they had all they could do to get the Philippines back on its feet. By giving payments to the more than 1 million damaged persons who would use it to rebuild, replace, or repair their homes or to get their little stores or farms going, the whole economy would be stimulated more than by giving a lot of money at the top in the hope it would get down to the people under the trinkle-down philosophy.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Tennessee.

Mr. EVINS. Recognizing the moral obligation, which everyone seems to agree to, the War Damage Commission has gone out of operation, so why has it taken these more than 15 years to handle these claims?

Mr. JUDD. The reason was this: At the time the Commission ran out of money in 1950–51, we were at war in Korea. Nobody knew what was going to happen in Asia, and attention was focused on Korea. If it had not been for the upset conditions in that part of the world, I think the Congress at that time, when the matter was fresh in our minds, would unquestionably have made this amount available.

Another reason why there has been some difficulty in arriving at the amounts still due was that in 1948 a special bill was passed—I believe it was introduced by the gentleman from Massachusetts [Mr. McCormack], now our distinguished Speaker—to give more complete and in some cases total reimbursement to schools, hospitals, orphanages, and churches for damages sustained to property connected with their educational, medical, and welfare work. Therefore, a good many of the original claims have now been paid in full under that legislation. That is one reason why this $73 million is a maximum; we know that the amount actually still due is considerably less because of payments made under other legislation. We do not know just how much less and cannot know until this bill is passed and funds are made available to dig out the records and a reconstruction is made of all the payments made, the amounts still due, and so on. Then we will know exactly how much is still to be paid. My guess is that it will not be over $65 million, perhaps still less.

Mr. EVINS. It seems to me it is very difficult to ascertain the amount because of the lapse of time. Are the records available?

Mr. JUDD. Sufficient data is available so that we know the $73 million will be more than sufficient. There are firm records on that. Some of the old IBM cards are dog-eared and twisted and will not go through the machines. These might have to be remade, but they also have a master list on which the major figures of all the claims have been copied. Therefore it will not be as much of an administrative problem to determine who is due what as we first thought would be the case.

Mr. EVINS. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Iowa.

Mr. GROSS. Is it not true that the testimony appearing in the committee report shows that some records have been totally destroyed?

Mr. JUDD. Yes, some cards, but not the master list. It shows the whole list of names that was submitted with the awards that were made and the amounts that have been paid. From this and the cards, if needed, the accounts can be reconstructed and a determination made of what is due. The matter was taken up with the Treasury Department which has the records. They said they did not have any funds to pay for this work, but that when a bill was passed for this purpose and funds made available, the work could and would be done.

Mr. GROSS. If the gentleman will yield further, the gentleman said that the payments have been delayed because of the Korean war. Has not the Korean war been over for 8 years? Why the long delay in bringing this bill to the floor?

Mr. JUDD. There were several reasons. Action was delayed while efforts were being made to get payment by the Philippines of the $24 million agreed upon in 1950 in the so-called Romulo-Snyder agreement as the amount owed us by the Philippines for certain funds advanced earlier to it and not repaid. Secretary Anderson wrote in June 1960:

> We believe it would be unfortunate if the balance of the war damage claims were paid without obtaining satisfaction of this debt which has been a troublesome issue in our relation with the Philippine Government for the past 5 years.

The Philippine Government settled this obligation with a payment in April 1960. Surely it is time the United States settled its obligation.

Then the gentleman will recall that last year there was a question about some American tobacco having been landed in the Philippines allegedly without a proper permit or license. Local producers of tobacco protested violently. It became an issue in the election there last fall. After the election the new President of the Philippines said that it would be submitted to the Philippine courts and he would abide by the decision of the court. The court decided that the tobacco could be received. Thus another roadblock has been removed.

As to previous reference to the Eisenhower administration's attitude, you will find that Under Secretary Dillon's statement on this in 1960 was almost exactly the same as in the letter sent last year by Congressman Hays, now Assistant Secretary Hays. Mr. Hays' letter appears on page 8 of the report and you will find the same language used by both the Eisenhower and Kennedy administrations.

Mr. Hays wrote this:

> While the United States is under no legal obligation to make further war damage payments in the Philippines, it is the view of the Department of State that an ex gratia payment to resolve this special situation would be of substantial assistance to the United States in attaining its foreign policy objectives. Additional war damage payments are looked upon by the Filipino and American claimants as the fulfillment of a moral obligation, long since voluntarily assumed by the U.S. Congress, to provide assistance to individuals who sustained losses in the Philippines through its defense of U.S. interests during World War II. The Philippine Government and people sincerely feel that the failure of the United States to appropriate additional war damage compensation has defeated a legitimate expectation of assistance from the United States to a firm ally which suffered severe damage in the mutual war effort. The Department of State considers that settlement of this claim would remove any basis for the Philippine belief that the United States has not fulfilled its promises to the Philippines.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. JUDD. Mr. Chairman, I yield myself 5 additional minutes.

Mr. BARRY. Mr. Chairman, I would like to ask the gentleman controlling the time on this side if he is going to give me some additional time.

Mr. JUDD. The gentleman has used 16 minutes.

Mr. BARRY. I have had no time during general debate.

Mr. JUDD. The gentleman has used more time than any other Member except the gentleman from Wisconsin, handling the bill.

Mr. BARRY. I am still entitled to some time during general debate as distinguished from time consumed on arguments under the rule.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Ohio.

Mr. HAYS. I want to make it clear, either now or when you correct your remarks, that when you used the words "Congressman Hays," the gentleman meant Brooks Hays, who is not a Member of Congress at this time, but is an Assistant Secretary. There is only one Congressman Hays at the moment, and I do not want anybody to think I am in favor of this.

Mr. JUDD. I thought I corrected the misstatement when I added "Assistant Secretary of State Hays."

How are the payments to be made? By the Foreign Claims Settlement Commission, an agency already in existence. It will not receive any new claims. We will not open up any old claim. It will not adjudicate or readjudicate any claim. The Foreign Claims Settlement Commission after advertising will merely pay the balance due to any person who can show he is in fact the legitimate claimant or the heir or successor in interest to the claimant to whom the award was originally made. He must show that he did not purchase the claim unless in the ordinary course of business with acquisition of all the assets of a business firm.

He must show that no one will receive more than 5 percent of the award for services rendered. I am told that ordinarily the lawyer's fee in handling claims is 10 percent. In this, it is cut down to 5 percent.

Also, if the claimant resides outside the United States, he must establish to the satisfaction of the Commission that he has heretofore invested in the rehabilitation or economic development of the Philippines an amount not less than the approved award.

Mr. Chairman, should we now make this remaining payment of 22.5 percent due on the awards? I believe we should. Perhaps the Congress should not have given them to believe we would pay this amount. But the fact is we did. The Filipinos feel we have not fulfilled our understanding. So do I. It is a definite moral obligation.

Mr. Chairman, the thing that has damaged the United States around the world more than anything else is a fear that they cannot be quite sure of us because we have not always kept our word. In various agreements made during the war and in postwar conferences, we made promises that we did not fulfill. They do not feel sure of us now. That jars us but it is a hard fact we must recognize. It is true not only in Asia; it is found in Latin America. Especially since the Cuban fiasco, there is a feeling that the United States cannot be depended upon fully. I do not know of any act right now that would restore our prestige more than for us to pass this bill, to carry out what we gave our loyal friends, the Filipino people, the right to believe we intended to do. Basically, the question is not whether the payments will help as much in rehabilitation now as they would have if made earlier; the question is whether the United States will do what is right. That reason by itself justifies the passage of this bill. The fact that it is so late only makes it all the more important that we do it now.

But there is also the practical reason; to pass it now is a timely act of wisdom. The Philippine economy has been in bad trouble; it is shaking now. They have just elected a new President whom they and we believe deserves our full confidence and support. He has instituted some needed reforms. He has brought in men with good records. There is a better prospect of getting the Philippine economy on a sounder basis. But it needs a boost badly at this time. This bill would give a real boost, economically and politically, as well as morally.

When one looks at the amounts of money the United States has given to countries all over the world to which we had no obligation and which sometimes were far from friendly to us and our cause, just to get the continued use of an airport or a base or other uncertain benefits, and then considers the very special relationship between the Philippines and ourselves and what we have done together as close partners in war and peace, surely it makes good sense to pass this bill.

The Philippines suffered more physical damage than any other country in the war, including Japan and Poland. Most of the damage was inflicted by us in the liberation from Japan. The Filipino people never wavered or hesitated in their loyalty when they were being bombed day after day by American planes. They gladly paid a terrific price in the joint efforts to regain their freedom. They were proud of their partnership with us. Surely in comparison to what we have given to other countries that are less important to us and where the reason is far less justifiable, this bill ought to be passed.

Mr. Chairman, it has been said that this claim settlement sheet used by the War Damage Commission does not constitute an obligation. Perhaps not, but it shows that an obligation existed. First, it shows the amount claimed and the amount approved by the Commission; and it has a code number indicating why a portion was disallowed. Next, it shows the amount approved in excess of 1,000 pesos, or $500, and then 75 percent of that excess. Then it lists the previous payments and the amount of the present payment. The last item is "Amount to be paid," which is the amount still due to make the total payments up to 75 percent of the award approved. Certainly that makes it perfectly clear that our own Commission understood that the United States expected to pay that amount. The Commission paid out all that the Congress provided at the outset. Let us not delay longer in paying the remaining balance due.

Mr. Chairman, that leaves one objection: that some large companies or organizations or wealthy individuals will get large amounts, as the gentleman from Ohio [Mr. Hays] has pointed out. The only answer I know to that is that there is no way to give "equal justice under law" unless we give it to the rich as well as to the poor. I do not believe we should refuse to pay the small payments due to 85,000 little claimants just because the same formula would give big payments, over 50,000 pesos, to about 280 other claimants. We have discharged our obligation to more than a million. Now let us take care of the remaining 86,000, paying the amounts to all, whether large or small, to which under the law they are legitimately entitled.

Mr. ZABLOCKI. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. Hays].

Mr. HAYS. Mr. Chairman, I think there are a couple of matters that should be cleared up for the record, at least, and one of those is that I have no objection to paying the rich as well as the poor. The thing I object to is the fact that under this bill the rich and the poor and the inbetween have waived their obligation to do what the Philippine war damage money was supposed to do in the first place, and that is to rehabilitate the Philippines.

Now, somebody said, "Oh, well, they have done this. We know they have done this." What does the report say? They do not say that in the report. In the report on page 15 they say:

> Further, it is assumed that those who have continued to reside in the Philippines and to engage in business there since the end of World War II have invested an amount at least equal to that of the awards due them under the 1946 act.

Now, there is a lot of assumption in that statement, really. First they assume that they have invested the money; and secondly they say "due them under the act." Well, you can read it and you can reread it and explain it and torture it and do all you want to with it, but what the act really said was, "We estimate that the war damage to the Philippines will be $400 million"—that is, 75 percent of it will be $400 million—"and we hereby authorize and appropriate $400 million to cover it."

Now, if the committee made an error—and I expect there were a lot of reasons for the error, knowing how these things work—I suspect a lot of these claims were inflated; no question about it. And, secondly, they divided up the $400 million. There was no legal obligation to pay any more, and there is no moral obligation, really, to pay any more.

As I said before, if I were sure that this money was going to be used for the benefit of the Philippine people or for the rehabilitation of the Philippines, that is one thing, but I do not think anybody can honestly say that this is not in the main windfall legislation. That is what it amounts to.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I will be glad to.

Mr. ZABLOCKI. Apparently it bothers the gentleman from Ohio that these claimants paid in pesos would not use the pesos for the rehabilitation of the Philippines. Can the gentleman tell us for what other purpose they would use them?

Mr. HAYS. Oh, yes. I have a good imagination, based on knowledge. They might do like the Alliance for Progress—the Alianza para Progreso—people are doing. They are taking the money right over to Switzerland and chucking it in banks, with numbered accounts. Do not ask me how they got it there. But, the people who know something about Latin American finance say there is more capital going out of Latin America to Swiss banks than we will be able to put in under the Alliance. And, listen, when you get into the Orient, they can teach you tricks in spades on how to juggle money. They have forgotten more than the Swiss will ever know about it.

Mr. ZABLOCKI. If the gentleman will yield to me. After I get to the Orient, it will be too late for me to ask a question. Will the gentleman yield?

Mr. HAYS. I would like to yield to the gentleman when he is out in the Orient. That would be the best time.

Mr. ZABLOCKI. The gentleman does not mean to imply that the Filipino claimants would put the pesos in the banks in Switzerland?

Mr. HAYS. I mean they can exchange pesos or any other thing that is printed money in this world today, even that crummy money that Castro prints. You cannot get much for it, but you can take it to Switzerland or some place and trade it for something else at about 100 to 1. It can be done. You can trade four pesos for a dollar if you take them to Switzerland, Hong Kong, Japan, or anywhere else.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield further?

Mr. HAYS. I yield to the gentleman.

Mr. ZABLOCKI. I want to assure the gentleman that the members of the committee were just as much concerned about this problem as is the gentleman from Ohio. We gave the matter lengthy study. We heard testimony on this very matter. However, after the testimony we were satisfied that the manner in which the bill provides for payment is the best way to do it.

Mr. HAYS. The only answer to that is that the gentleman from Wisconsin is easier satisfied than am I.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. JOHANSEN. I wonder if the gentleman from Ohio can throw any light on the language which is contained in lines 11 through 13 on page 2 of the bill, which reads as follows:

> Amounts paid under this Act shall not be subject to the provisions of section 104(c) of the Philippine Rehabilitation Act of 1946.

I have read the provision referred to, and it goes specifically to the safeguards provided in the use of this money. Is there any substitute contained in this bill to provide such safeguards?

Mr. HAYS. I think that goes to what I have been saying—the thing that bothers me in the entire bill is that the safeguards are waived.

Mr. JOHANSEN. If the gentleman will yield further, the safeguards are completely eliminated as a result of the elimination of this section?

Mr. HAYS. Completely eliminated.

Mr. COOLEY. Mr. Chairman, shortly after V-J Day I visited the Philippines. The once beautiful city of Manila was a sad and sorry sight. At night there were more lights on the boats in Manila Bay than in the city of Manila. I saw the devastation and I visited with the suffering people. I went to Corregidor and to Bataan and there I realized the great and terrific suffering of those who were maimed and murdered in the cause of freedom. No more courageous men ever lived than those who bled and died on Corregidor and on all of the ramparts of freedom in that part of the world.

It is with great satisfaction that I add my voice to the approval of H.R. 8617 which I am confident will be enacted by the House without further delay. The payment of the balance of awards to Philippine war victims implicit in the Rehabilitation Act of 1946 has long been delayed. The discharge of a moral obligation by the United States to our valiant allies and friends in the Philippines means only the accomplishment of the ends of justice in a manner fitting the traditions of our country.

The recent removal of obstacles to the acceptance of U.S. grown tobacco in the Philippines in conformity with the laws, court decisions, and policies of that country further demonstrates the dependability of United States-Philippine relations and the basic security of our friendship with that Republic. In a way we should be highly gratified that an occasion arose for the further demonstration of the harmony which exists between our respective peoples.

Any thought of further opposition to the passage of H.R. 8617 ought by this time to have been dissipated and if there is any added purpose in these remarks it is to emphasize this point and again to urge my colleagues one and all to cast their votes in favor of this worthy legislation.

Mr. RYAN of New York. Mr. Chairman, I wish to take this opportunity to urge the passage of H.R. 8617, a bill designed to complete fulfillment of a pledge made to our Filipino allies during the tragic days of World War II.

Mr. Chairman, for over 60 years the United States has intimately affected the destiny of the people of the Philippines. Our record of assisting those people in learning the tools of self-government in the preindependence period, our granting of independence to the Philippines on July 4, 1946, and our close alliance and deep spirit of friendship with the Filipinos in the postwar years are well-known facts.

Our overall record in the Philippines is an honorable one. I believe that all Americans can point with pride to the years in which we worked to prepare the Philippines for independence. I believe further that our administration of the Philippines was enlightened. For we did more than give the Filipinos the education, health conditions, and economic welfare with which to create a viable society. We also implanted deeply the seeds of democracy. The Filipino people have attacked with vigor the twin problems of new independence and economic underdevelopment. During the period that we administered the Philippines we engendered a spirit of justice and fair play which inspires the Filipino people and cements the understanding between our peoples. Today, we are proud to call the Philippines the showcase of democracy in Asia.

Beyond our generous and vital aid and technical assistance programs to the Philippines—which, I need hardly add, are greatly appreciated by the Filipino people—we have a further responsibility to meet. That is to correct a wrong that for over 10 years has been working to undermine our friendship with that country. Adoption of H.R. 8617 will be in the spirit of trust and good faith which have for so long characterized our relations with the Philippines.

Mr. Chairman, within weeks after the outbreak of World War II President Roosevelt pledged that the Filipino people would be fully compensated for damage suffered during the war. This promise was reaffirmed by prominent Americans throughout the period of hostilities. Our pledges served to help sustain the people of the Philippines during the dark days of the war. The gallantry of the Filipino resistance fighters saved many, many American lives. Furthermore, in no occupied Asian country did the Japanese militarists' attempt to turn Asian against Caucasian meet with such a total lack of popular support.

The war brought severe destruction to the Philippines, first during the initial Japanese invasion, then during the occupation period in which guerrillas battled the Japanese throughout the country, and finally during the liberation campaign. This last phase was the most destructive. American artillery fire and bombardment flattened scores of buildings. The city of Zamboanga was 90 percent destroyed. Manila, the capital, was 50 percent destroyed. Estimated damage to physical property in the islands ran to over a billion dollars at prewar values.

On April 30, 1946, Congress passed the Philippine Rehabilitation Act. This bill established the Philippine War Damage Commission and authorized $400 million to meet legitimate private property claims that were submitted. At the time the bill was passed no one could be sure how much money would be claimed. As we were dealing with individual claimants, and not making a lump-sum settlement with the Philippine Government, there was simply no way of anticipating what the extent of claims would be. The figure $400 million was nothing more than a sum set aside to meet the bulk of the claims; it was recognized that we would probably have to authorize additional funds at a subsequent date. Under the Philippine Rehabilitation Act of 1946 the first $500 of any successful claim was to be paid in full. Seventy-five percent of the portion of the claim above $500 was to be paid. The relevant language of the bill reads:

> In case the aggregate amount of the claims which would be payable to any one claimant under the foregoing provisions exceed $500, the aggregate amount of the claims approved in favor of such claimant shall be reduced by 25 percent of the excess over $500.

It is clear from this language that we committed ourselves to honor 75 percent of each just claim above the initial $500.

Now, what happened to the $400 million? As was intended by the bill, these funds first went to pay all claims under $500 and the first $500 of larger claims. The remaining funds were prorated and went toward partial payment of the rest of the larger claims. However, there was not sufficient money to equal the 75 percent the claimants were authorized to receive. Instead they received only 52.5 percent, leaving 22.5 percent to be paid at a future date when additional funds were authorized.

Mr. Chairman, during the war we pledged full compensation to the Philippines for damages. But in the 1946 act we reduced all claims over $500 by 25 percent. Beyond that, 22.5 percent of the successful claims was not paid for lack of appropriated funds. And finally, postwar costs went up exorbitantly. The War Damage Commission estimated that even those Filipinos whose claims were entirely successful actually received less than 20 percent of the cost of reproduction of their businesses, homes, and so forth.

The 25 percent reduction in the total claim as stipulated in the 1946 bill was agreed to between the United States and the Philippines, and no one is asking that we pay this now. Likewise, we are not committed to underwrite the price rises in the postwar Philippines. We are, however, committed to payment of the 22.5 percent.

H.R. 8617 has just one purpose. That is to authorize funds to pay successful claimants 22.5 percent of their claims above $500, thus to bring the total figure they receive up to the 75 percent due them under the terms of the 1946 act.

Mr. Chairman, I wish to emphasize another point. H.R. 8617 does not permit the opening of any new claims. It is solely designed to complete payment to claimants who have received awards under the 1946 act. Payments will be made by the Foreign Claims Settlement Commission to original claimants or their successors in interest.

The sum necessary for completing our obligation to the Philippine people for damages suffered during the war is $73 million. Funds which remain after the payment of all approved claims will revert to the U.S. Treasury.

Opponents of this bill sometimes say that it is too late to do anything more to accomplish the objective of the 1946 act, which was the economic rehabilitation of the islands. This argument misses the central point, which is that we are committed to the completion of payments on claims which we have already accepted as valid. Insofar as is practical, H.R. 8617 attempts to provide that the funds are put into the development of the Philippine economy. Those residing in the Philippines are assumed to have invested a sum at least equal to the amount of the awards due them under the 1946 act. This assumption is a sensible one and is made for the purpose of administrative efficiency. However, claimants residing outside the islands must demonstrate to the Foreign Claims Settlement Commission that they have reinvested in the Philippines a sum at least equal to that of the claim and in such a manner that was beneficial to the Philippine economy.

Emphasis is sometimes placed on the fact that there are several large claimants who will receive $25,000 or more under this bill. Certainly these larger interests should receive compensation, and it was for this reason that they were granted awards in the first instance. I would like to point out, however, that the bulk of the funds will go to some 86,000 claimants who will receive the greatest benefits.

This question is much more than a case of private claims on the American Government. It is a question of the Philippines national claims on the American people. In a recent statement on the Philippines Gen. Douglas MacArthur said, and I quote:

> We have no ally so completely loyal and devoted. There is, however, a strong undercurrent of feeling that in its relative dealings with the nations of the world the United States has tended to overlook to some extent the needs and necessities and even the just claims upon us of the Philippines.

Further, he states:

> While nothing can seriously jeopardize the common cause which binds our two countries together, the belief of the Filipinos in the American sense of justice is a very precious ideal which should not lightly be sacrificed.

In these brief remarks General MacArthur gives eloquent testimony to the necessity of recognizing the importance of our discharging our obligations.

This view is confirmed by the State Department, which has asserted, and I again quote:

> The Philippine Government and people sincerely feel that the failure of the United States to appropriate additional war damage compensation has defeated a legitimate expectation of assistance from the United States to a firm ally which suffered severe damage in the mutual war effort. The Department of State considers that settlement of this claim would remove any basis for the Philippine belief that the United States has not fulfilled its promises to the Philippines.

In addition, it states:

> It is the view of the Department of State that an ex gratia payment to resolve this special situation would be of substantial assistance to the United States in attaining its foreign policy objectives.

It is clear that the Philippine people regard this as a very serious matter. The good faith of the United States is being called into question, not only by those having claims, but also by those who see our neglect of this issue as an affront to the friendship they feel for the United States. We have an opportunity here to right a wrong which threatens the healthy foundations of friendship between the peoples of the United States and the Philippines. We should remedy this situation through the passage of H.R. 8617.

Mr. PELLY. Mr. Chairman, I have tried to listen to the debate on H.R. 8617 with an open mind.

This bill would authorize an additional $73 million of reimbursement toward Philippine war damage claims.

It would be in addition to the $400 million appropriated under the Philippine Rehabilitation Act.

Certainly, I agree with previous speakers who have said if the United States desires to extend aid to any foreign nations their first choice would be the Philippine Republic. As a matter of fact, I gather we have given $1,675 million to this friendly country under foreign aid. Certainly, when it is considered that Communist nations such as Yugoslavia and Poland each have received hundreds of millions in foreign aid, I think what we have done for our friends like the Philippines who oppose communism is none too much.

But our national debt is at a new high. The first 9 months of fiscal 1962 the U.S. budget deficit was $8 billion. For fiscal 1963 there is an estimated $7 billion deficit.

Gold stocks are now down to $16.49 billion. The required reserve fixed by law is $11.5 billion and foreign claims on our supply exceed our gold stock by $6 billion.

Why now should the Congress suddenly, after 15 years, decide to hand out more money to those who suffered war damage in the Philippines? Congress has never committed itself to any such additional payments.

After all, this constitutes a handout to certain corporations and organizations, including a racetrack and a brewery. I do not see any moral obligation to make such payments.

On the other hand, as I see it, the United States of America is the one that is going to need rehabilitation. This will add another $73 million to our debt and to the flight of gold.

I must oppose the bill.

Mr. ZABLOCKI. Mr. Chairman, I yield the balance of the time to the chairman of the full Committee on Foreign Affairs, the gentleman from Pennsylvania [Mr. MORGAN].

Mr. MORGAN. Mr. Chairman, I rise in support of H.R. 8617, a bill to authorize the payment of the balance of awards for war damage under the terms of the Philippine Rehabilitation Act of 1946.

The details of this bill are rather technical and some of them involve complex matters, including foreign exchange rates and the rights of the heirs of persons to whom awards were originally made.

I will leave the discussion of these detailed matters to the gentleman from Wisconsin, the able chairman of the Foreign Affairs Committee, Subcommittee for the Far East and the Pacific, and to the members of his subcommittee who have held hearings on this matter in the present and in previous Congresses and who are fully prepared to explain and discuss the provisions of the bill in detail.

Let me remind the House also that the ranking minority member of the subcommittee, the distinguished gentleman from Minnesota, has not only participated in the hearings on the pending bill but served as a member of the old Insular Affairs Committee which reported the Philippine Rehabilitation Act of 1946, the original legislation dealing with this matter.

It seems to me that there are really only two basic questions which we have to answer in connection with the bill before us:

The first is, Do we owe the people of the Philippines this money?

The answer to this question is simple and is affirmative. We do have a moral obligation to pay the balance of the claims as adjudicated and awarded by the U.S. Philippine War Damage Commission before it went out of business in 1951.

There is no legal obligation. The Philippine rehabilitation program was not undertaken because we had a legal obligation to reimburse the people of the Philippines for the damage they suffered during the war. There is a clear moral obligation, however.

We enacted legislation establishing a Commission. We invited the people of the Philippines to file their claims and had them adjudicated. We said to these people: "If you file your claims and they are found to be justified, we will pay." We did not say: "We will see about paying these claims later." We did not say: "We will decide whether or not to pay the claims when we see what conditions are at some future date."

The people who submitted claims and justified them before our Commission did so with the clear understanding that the United States would make payment.

We authorized and appropriated $400 million to pay these claims, and it turned out that this sum was not large enough. We estimate that it will take $73 million more to discharge this moral obligation.

The other question which this bill involves arises because of the time which has elapsed since the enactment of the original legislation in 1946.

The war ended in 1945; the U.S. Philippine War Damage Commission wound up its affairs in 1951; the war damage inflicted on the Philippines has been repaired.

Now, there are very few people who believe that a promise is any less a promise because it is 16 years old. We promised to pay off these claims, and that promise is still valid. Nevertheless, I am sure that all of us need reassurance that the $73 million which this bill authorizes will not be wasted or misused.

Let me remind you that the basic purpose of the original legislation was to encourage the people of the Philippines to rebuild as quickly as possible. We did not say to them: "Wait until you get the money which we are making available" but "Go ahead as quickly as you can with whatever resources you can lay your hands on."

The Philippine people did go ahead and have done a remarkable job in erasing the ravages of war. Fortunately, a lot of the money made available under the Philippine Rehabilitation Act did arrive in time to pay bills and to pay off loans incurred by individuals and business firms to finance reconstruction.

Although the Philippine war damage has been repaired, there is no question but that the Philippines are in vital need of investment capital, particularly capital for small- and medium-sized business enterprises. It seems clear to me that that is where most of the money authorized by this bill will go. All of the claims of $500 and less were paid off under the original appropriation. The evidence available to us now, which is tabulated on page 7 of the committee report, indicates that approximately 54 percent of the unpaid awards involve claims of less than $25,000. This money will go to individuals and firms many of whom are engaged in small and medium business activities.

The money under this bill is not being paid to the Philippine Government. It will not be distributed by any agency of that Government, nor will it be used by the Philippine Government to finance Government projects. It will go to private individuals and will be available for private investment.

To anyone who asks: "Will this money help the Philippines in meeting vital and urgent problems?" the answer is "Yes." The Philippines do need the money.

The more important question is: "Will voting this money help the United States?" The answer to this is an emphatic "Yes," because it will discharge an old obligation which has long been a sore point in our relations with the people and Government of the Philippines.

I hope the House will give overwhelming approval to this measure.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

The Clerk will read the bill by section.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Foreign Claims Settlement Commission (hereafter in this Act referred to as the "Commission") shall provide, out of funds appropriated pursuant to this Act, for the payment of the unpaid balance of awards heretofore made by the Philippine War Damage Commission under title I of the Philippine Rehabilitation Act of 1946. No payment shall be made under this act to any person, or to his successors in interest, on account of any award unless payment was made on such award under the Philippine Rehabilitation Act of 1946, and the maximum amount paid under this Act, when added to amount paid under the Philippine Rehabilitation Act of 1946 and section 7 of the War Claims Act of 1948 on account of any claim shall not exceed the aggregate amount of claims approved in favor of such claimant after reduction under the last proviso of section 102(a) of the Philippine Rehabilitation Act of 1946. Amounts paid under this act shall not be subject to the provisions of section 104(c) of the Philippine Rehabilitation Act of 1946.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask some member of the committee—the gentleman from Minnesota [Mr. Judd] if he cares to answer—how much money we have dumped into the Philippines since the end of World War II?

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Minnesota.

Mr. JUDD. While I do not endorse the suggestion that our money has been "dumped" into the Philippines, I reported earlier that we have given the Philippine Government, including payments to veterans who fought with us, a total of $1,284,900,000 of economic assistance, and $390 million to rehabilitate and support their armed forces in the form of military assistance. That is a total of approximately $1,675 million over the last 17 years.

Mr. GROSS. In other words, $1.5 billion?

Mr. BARRY. $1,675 million.

Mr. GROSS. Since the end of World War II?

Mr. JUDD. That is right; the $400 million under discussion today, the $120 million in that same War Rehabilitation Act to restore public facilities, government installations, railroads, bridges, telephone and power service, and so forth, in order to get essential services going.

There was another act to assist, as I said earlier, in restoring schools, hospitals, orphanages, charitable institutions, and that sort of thing.

Mr. GROSS. Churches?

Mr. JUDD. Plus assistance to the Filipino armed forces and benefits to the veterans who fought with us.

Mr. GROSS. Did the gentleman use the word "churches," too?

Mr. JUDD. No.

Mr. GROSS. I do not think he did, but I will supply it.

Mr. JUDD. The aid was not for churches that were used solely for religious purposes, as I recall, but many institutions in the Philippines are, like parochial schools, managed by the churches. We could not give aid to the schools and the hospitals operated by churches without giving some aid to the churches, in fact.

Mr. GROSS. How much did the Philippines collect from the Japanese by way of reparations or for any other reason?

Mr. JUDD. $500 million for capital goods; $20 million in cash in the form of processed goods, and $30 million for services on such things as installations, transportation charges, and so forth; a total of $550 million.

Mr. GROSS. That is $550 million which the Japanese have put into the Philippines by way of reparations, and so forth?

Mr. JUDD. Yes.

Mr. GROSS. We were compelled to shoot up the country in order to liberate it, to liberate the people there. And the reason why we shot it up in order to liberate the people was because of the Japanese; is that not correct?

Mr. JUDD. That is correct.

Mr. GROSS. Then why have not the Japanese paid, and why are they not today paying this bill, instead of the taxpayers of the United States? The gentleman talks about rehabilitation. Let me ask the gentleman from Minnesota, who is going to rehabilitate this country when national bankruptcy overtakes us? Does the gentleman have any ideas about that?

Mr. JUDD. If the gentleman is going to talk figures, I am sure that the amount put into the rehabilitation of Japan, counting all methods by which we have put money there, is larger than that which has gone to the rehabilitation of the Philippines. But it was not expended in Japan because we were partial to the Japanese. We got into a war in Korea and it was necessary for us to spend billions in Japan in order to fight that war in Korea. It was easier, quicker, and more economical to build up industries in Japan than to get all we needed in Korea from the United States.

Mr. GROSS. I am not talking about the war in Korea now. This has nothing to do with the war in Korea; the war in Korea has nothing to do with the outflow of cash from the taxpayers of the United States in this and previous bills to the Philippines.

Mr. JUDD. It may not have anything to do with the outflow of money from the taxpayers of the United States, but the major reason for our large expenditures in Japan was to help win the war in Korea.

Mr. GROSS. The reason for our spending money in Japan was to win the war in Korea?

Mr. JUDD. Yes, sir. We had to get supplies quickly. It was easier to get them in Japan than elsewhere.

Mr. GROSS. All the more reason why the Japanese should have picked up this bill and others.

Mr. JUDD. They did not have the funds with which to do it.

Mr. GROSS. I thought the gentleman said we had spent money in Japan because they were equipping us for the war in Korea.

Mr. Chairman, I do not understand what the gentleman is talking about. The gentleman does know that we loaned $1.8 billion-plus to the Japanese at the end of World War II, does he not?

Mr. JUDD. Yes.

Mr. GROSS. And he knows that the other day we settled that so-called loan of $1.8 billion for $490 million; and not even the $490 million is to come back to the Treasury of the United States; $25 million of the $490 million is to go for cultural purposes—cultural purposes—and the rest of the $490 million is to be used in large part, it is reported, to develop markets in Asia for Japanese goods.

Mr. JUDD. Our aid to Japan does not come under the foreign aid bill.

Mr. GROSS. So we do not get a cockeyed penny of the $1.8 billion back to the U.S. Treasury, if the settlement is as I understand it; we do not get a penny back to help relieve the debt that was created by lending them $1.8 billion. And they are not even helping us in this Philippine situation for which they were entirely responsible.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. Gross] has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. So the answer is that the Japanese were not called upon to rehabilitate the country that they subjugated and occupied and that we liberated; is that correct, and if it is not, why not?

Mr. JUDD. I would say this: I do not know of any money that we have spent that has brought us greater returns than the money that has been put into Japan. If the gentleman will look at the map and look at the screen of over 1,000 miles long that Japan provides against the potential enemy on the mainland of Asia; and look at the bases, naval and other, which are the only places adequate for repair of our ships beyond Pearl Harbor, he will begin, I think, to realize that the value received by the United States, especially to its security, is many times the amount of money invested in Japan.

Mr. GROSS. So we shoot up a country, then we shoot the money out in the millions and billions to repair the damage.

Mr. JUDD. That may be, but we cannot live in today's world by saying that "Because I shot you yesterday, I now ignore the fact that your welfare is essential to me today."

Mr. GROSS. I will say to the gentlemen from Minnesota that as a result of all this foreign giveaway business; all this spending money from Timbuktu to Iceland and back again and for every other extravagance known to man this Government is headed for a collapse. Certainly the gentleman will agree with me that we cannot continue these insane fiscal programs.

Mr. JUDD. Yes, but the great increase in our national expenditures has not been in foreign aid, it has been in expanded domestic programs. Is the gentleman opposed to those?

Mr. GROSS. I am opposed to the $100 billion that has been kicked out in the giveaway program all over the face of the earth since the end of World War II.

Mr. JUDD. The great increase in our expenditures and in our budget has been on domestic programs.

Mr. GROSS. Where are we going to look for help when the balloon collapses in this country? Where are we going to look for help and rehabilitation? Since the gentleman has been supporting so avidly all of these multi-billion-dollar handouts through the years, when we go broke, who is going to help us?

Mr. JUDD. If we lose our security and have to defend ourselves alone in a hostile world, then I assure the gentleman it will cost many more billions of dollars.

Mr. GROSS. Where would you turn today for the security that you claim to have bought? Where in the world is it?

Mr. JUDD. Last fall I was in the Far East and visited the countries from Japan and Korea around to Turkey. There are some 3 million soldiers there that our men say are just as good soldiers as they have ever seen. They have been well trained and are tested. I do not know what the gentleman thinks it would cost to get defense, including American boys, equal to what those soldiers and the bases available to our Armed Forces provide us.

Mr. GROSS. I disagree with the gentleman. I do not think we can rely on mercenaries. I do not think we are really getting anywhere in the Congo today with the mercenaries that are on our payrolls.

Mr. JUDD. Let us talk about the Congo separately. The gentleman asked me where we got the military help in Asia—the soldiers I mentioned are not mercenaries. They want to defend their own countries. They have fought for decades and centuries to get their independence. They are willing to fight to defend it. They are not mercenaries.

Mr. GROSS. I assume the gentleman is talking about Turkey now.

Mr. JUDD. I do not think the gentleman could call George Washington's men mercenaries of France, when France was helping us to gain our independence. The people in these countries are fighting for their independence and we are giving them assistance to enable them to defend their independence.

Mr. GROSS. I can call Hessians mercenaries who fought for the British in our war for independence and I can call the Ethiopians, the Moroccans, and all the rest of those troops in the Congo mercenaries because we are paying for them.

Mr. JUDD. I do not like the word "mercenaries" applied to these forces in Asia of whom I was speaking.

Mr. GROSS. How many Turkish troops were there in Korea as compared with the standing army they had in Turkey? How many did they send to Korea?

Mr. JUDD. They had a battalion, at least, and not a one of them succumbed to Communist brainwashing.

Mr. GROSS. All right, let us not emote over these things.

Mr. JUDD. I am just telling the gentleman they are good soldiers.

Mr. GROSS. Yes; they are good soldiers, but how many did they have as compared with the divisions we sent to Korea?

Mr. JUDD. Look at what their economy could provide.

Mr. GROSS. We paid their bills. It was not a question of their economics. How many did the British send to Korea? How many did the French have in Korea? How many did any of the so-called free world nations have in Korea? They were conspicuous by their absence or their token forces. India, which had 5 or 6 million men under arms in World War II, had a hospital unit in Korea, did it not?

Mr. JUDD. Yes, but they might have said, "Who was it that divided Korea?" We were lucky they sent us any help at all. They might have said, "You deal with it. You created the situation."

Mr. GROSS. We shoot up these countries to liberate them, then we spend billions of dollars to put them back together again.

Mr. JUDD. The gentleman frequently makes these statements. I think once in a while somebody ought to refute them.

Mr. GROSS. Well, you cannot refute or deny them. The record is too clear for that.

Mr. Chairman, I am not going to be a party to taking tax dollars from the citizens of the Third Congressional District of Iowa in order to hand over $798,825.42 to a brewery in the Philippines. Neither am I going to hand over another substantial chunk of their money to the operators of a horserace track. This is a bad bill and I want no part of it.

Mr. BARRY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARRY: Strike out all after the enacting clause and insert in lieu thereof the following: "That there is hereby authorized to be paid by the Government of the United States to the Government of the Republic of the Philippines a sum not to exceed $73,000,000 in full satisfaction and final settlement of all awards for war damage compensation made by the Philippine War Damage Commission under the terms of title I of the Philippine Rehabilitation Act of 1946 (60 Stat. 128).

"SEC. 2. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the amount of $73,000,000, less the amount determined by the Secretary of the Treasury in consultation with the Secretary of State to be owing to the Government of the United States by the Government of the Philippines under the terms of the agreement relating to the repayment of funds advanced to the National Defense Forces, Republic of the Philippines, by the United States Philippines-Ryukyus Command signed at Washington November 6, 1950, and entered into force on that date.

"SEC. 3. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated a sum not to exceed $10,000 which shall be available to the Secretary of the Treasury for administrative expenses which may be incurred in supplying records appropriate and needed by the Philippine Government consistent with the purposes of this Act, and the transfer to the Philippine Government of such records is hereby authorized."

Mr. BARRY. Mr. Chairman, this amendment would simplify the present bill. It would award this additional sum to the Government of the Philippines to be distributed by that Government. Not only would this simplify the issue, it would better satisfy the initial purpose of the claims act. That purpose was to rehabilitate the Philippines, not to repay individuals. Repayment to individuals was entirely incidental to the main objective of rehabilitation. This was fully and clearly stated in the committee report and in debate on the House floor. The proponents of the present bill state that one of its advantages would be a bolstering of the Philippine economy. I submit that this would be better accomplished by awarding the money directly to the Philippine Government so that the funds can be expended in such a manner as to increase the economic base of that country. Since we are considering such a substantial payment under initial legislation designed for recovery from war, I submit further that it would be better expended on major projects such as dams, highway construction, and dock facilities.

There is no doubt but that the present Government would be highly capable of the wise administration of these funds. The present Government has moved to abolish exchange controls, stabilize the peso at its true value, and lift many other governmental restrictions on economic activity. Such a sum, paid directly to the Philippine Government, would assist it further in promoting meaningful economic and social development.

Since damages sustained during World War II have long ago been repaired and already partly compensated for, this use of the funds under consideration would seem much more practical and much more beneficial to the Philippine people as a whole. Though I oppose this payment on principle, if it is to be made then let it be made in such a manner as to best satisfy the intent of the original enabling legislation and to best serve the interests of the Philippine people.

I urge the House to adopt the present amendment and would call attention to the provision in the bill presently before you, that the safeguards which were in the first bill which we adopted in 1946 are waived. That particular part of the bill is brought out by the gentleman from Michigan [Mr. JOHANSEN].

The second thing I would like to say is that the cost of administering the bill presently before you as distinguished from the amendment which I proposed is just fantastic. They would reactivate the Commission. It would have a permanent staff. They would be raking over the coals of 87 volumes of records that exist from the old Commission which went out of existence in 1951 at which time many of the records were destroyed.

There is one other point which has not been mentioned with regard to this amendment. If this money goes to individuals as suggested by the committee bill, this money undoubtedly would reduce our balance of payments insofar as our exchange is concerned. However, if this money is given to the Government directly there is a very large opportunity we Americans will get some of this money back. In our consideration of the foreign aid program before us we estimate that 73 cents of every dollar that is expended in foreign aid does come back in the form of purchases in this country. It creates exports of 73 percent in dollars of the foreign aid given. There is an opportunity in the amendment which is before you—there is a good chance that a very large proportion of the $73 million will come back in the form of purchases in this country, thereby not endangering the imbalance of payments any more than necessary.

The statement was made that Secretary Dillon favored the present legislation. I want to assure you that this is substantially not so.

Earlier in my remarks I read Secretary Dillon's letter of March 3, 1960, when we were discussing the rule. In speaking for the Eisenhower administration, Secretary Dillon wrote:

> The executive branch believes that the rebuilding, replacement, or repair of war-damaged property in the Philippines is no longer practicable.

And a few days thereafter, Secretary Anderson, Secretary of the Treasury at the time, stated that the Treasury Department strongly prefers S. 2328. The amendment which I have just offered is substantially the same as the Senate bill which at that time was approved by the Eisenhower administration; namely, a bill authorizing payment of not to exceed $73 million to the Government of the Republic of the Philippines as distinguished from payments to corporations and individuals.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I am delighted to yield to the Speaker of the House.

Mr. McCORMACK. If there is one man whose opinion is worthy of profound consideration in connection with any matter involving foreign aid, it seems to me that man, based upon his prior experience during and after World War II, is Gen. Douglas MacArthur. To me Gen. Douglas MacArthur's views in connection with this subject would receive my profound consideration. In a letter dated August 7, 1961, to the gentleman from Wisconsin [Mr. ZABLOCKI], who has the floor, General MacArthur after a careful study of the evidence before the committee supported the bill that is now before the House and he said:

> Prompt action on your bill cannot fail to help both the Philippines and our own beloved country.

The committee has given the matter very careful consideration. Lest we forget, let out minds go back not so many years ago when we were engaged in World War II. The people of the Philippines showed tremendous courage; they made great sacrifices. The action of the peoples of the Philippines meant a lot to our own country because after Pearl Harbor we were on the defensive and we needed a period of approximately 2 years before we could build up our military forces, our productive capacity, our ships, our Air Force, and everything else. The Philippines entered into that picture very significantly not only for their own interest but also the sacrifices they made and the great pain and travail they suffered was in the national interest of our own country. We should remember those facts. In my opinion, the committee has done an excellent job. I hope that all amendments will be defeated and that the bill as reported by the committee will be passed.

Mr. ZABLOCKI. I thank the Speaker for his fine contribution.

It is unfortunate that our memory is dulled by time. On the committee table are pictures of the devastation, of the terrific amount of damage, done to the Philippines during the war. These things tend to fade from our memory, and we forget what we owe to our friends in the Philippines.

As the gentleman from New York has said, his amendment, in essence, is identical with the substance of S. 2328 which was introduced in the 86th Congress. That bill called for a lump-sum payment of $73 million to the Philippine Government, less the amount owed our country under the Romulo-Snyder agreement.

I want to point out to the Members of the House that our subcommittee gave full consideration to this proposal. If I recall correctly, we rejected it almost unanimously.

This particular bill was again proposed by the previous administration in letters to the Vice President and the Speaker of the House, dated December 31, 1960. This legislation was not introduced, however, in either House during the 87th Congress because responsible Members realized that the proposed method of payment was inequitable, and would not result in justice to the individual claimants.

As I said earlier, these 67,000 small claimants have never received their just due. I believe the House will not agree to the proposal offered by the gentleman from New York, because it does not do justice to individual claimants. Further, in section 2 of his proposal, the gentleman from New York calls for an offset of some $20 million. This is the amount which was involved in the Romulo-Snyder agreement. This matter has been settled by the Philippine Government in April 1961.

That settled the Philippine obligations to the Government of the United States under the Romulo-Snyder agreement. There is no reason, therefore, to bring up this matter in conjunction with the legislation before us, and to try to reduce the amount of money proposed to be authorized for the payment of claims by some $20 million. This provision of the amendment can only be interpreted as demonstrating lack of faith in the word of the Philippine Government after that Government has already demonstrated its sense of responsibility by meeting its just obligations. Further, it shortchanges the claimants.

Mr. Chairman, I hope the amendment will be defeated.

Mr. HAYS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York.

Mr. Chairman, as I said earlier, I support this amendment because I think there is some chance that the money might be used for purpose of the legislation in the beginning, which was to rehabilitate the Philippines if it were given to the Philippine Government.

I am not an attorney, and I hesitate to debate the merits of legal matters with attorneys. I do not know much about the rules of evidence. But I thought you could only bring a witness to testify once. They have brought General MacArthur out of Waldorf Towers to testify on this bill, which is more exercise than he has had in a long time. Is this the only witness they have?

Actually, I do not know what General MacArthur's attitude would be toward giving this money to the Government of the Philippines. I suspect if the question were put to him, Would you rather give it in a windfall to these corporations and individuals or would you rather give it to the Philippine Government to be used—tie some strings to it, I am not opposed to that—for projects which would benefit the Philippine people, and I am hazarding a guess this illustrious witness, who has been quoted here so often this afternoon, would say, "Yes, perhaps if you are going to give additional money, we ought to do it that way."

I am not sure we have an obligation at all. When you start giving away money, it is pretty hard to stop it; but if you are going to do it, this would be the most effective way to do it, in my opinion.

Mr. BECKER. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New York.

Mr. BECKER. Would the gentleman say by this method of paying the money to the Philippine Government it would accomplish the purpose and the intent of the legislation to reimburse those who had lost property under the War Claims Act?

Mr. HAYS. Well, if we let the Philippine Government reimburse them, I suspect they would have a better idea of who should get it. The thing that intrigues me is that we say we want to reimburse them if they put the money to work in the Philippines, and we say in the bill we waive any requirement that they do that. Now, if the Philippine Government would initiate such a requirement, maybe they would only reimburse the people who put the money to work. All we say in the report is we assume that they have done this. We do not know whether they have or not, and we do not care very much about it. I would be curious to know how the Filipino Racing Commission, or whatever name it bears, rehabilitates the Philippines or how the San Miguel Brewery is doing a rehabilitating job. These are some of the people who will get this money.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Of course, we have no information as to how a racing organization can contribute to the rehabilitation of Philippine economy. Coming from Milwaukee, however, I can assure the gentleman that a brewery does contribute to the economic welfare, employment, and productivity of a community. It is a definite economic asset. Milwaukee is certainly an example of this.

Mr. HAYS. Well, if that is true, why is it that two or three of your biggest breweries in Milwaukee have gone bankrupt lately?

Mr. ZABLOCKI. They have not gone bankrupt.

Mr. HAYS. Oh, yes. I read the newspapers.

Mr. ZABLOCKI. They have merged to produce better beer.

Mr. HAYS. Oh. I thought they merged to produce bigger profits. But, they are just interested in good beer?

Mr. ZABLOCKI. As long as they produce better beer, you do not object to that; do you?

Mr. HAYS. Oh, yes, but they do not make good beer. But, go ahead; have a good time. I do not care too much about that.

Mr. ZABLOCKI. Is the gentleman stating that he would prefer the Philippine Government to make the payments to the claimants? Unequivocally, the Philippine War Damage Commission and the Foreign Claims Settlement Commission have outstanding records in the adjudication of claims. Does the gentleman imply that the Philippine Government could do a better job?

Mr. HAYS. Yes, and maybe quicker. The War Damage Commission has been in existence 16 years. As I said earlier, I made a prediction about the Congo and everybody laughed. I said Castro was a Communist, and I got reviled, but he admitted it. I predict that our War Damage Commission will be here when you and I have been dead for 50 years and forgotten for another 100.

Mr. BOW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York.

I think I can speak from experience on the question of the war damage to the Philippines. In the Second World War I was a war correspondent and I went into Manila with the very first troops to enter that war-weary city. I saw the destruction occur. I know how it was caused. The city was about 98-percent destroyed, and I saw the rest of the Philippines laid to waste.

Mr. Chairman, I have been back several times since then and noted they have done a magnificent job of recovery. I must say to my friend from Ohio [Mr. HAYS] that I am going to have to bring the witness back again, for I was with him last July in the Philippines. I had the opportunity of being with Douglas MacArthur on his so-called sentimental journey on his return to the Philippines, and when the gentleman from Minnesota [Mr. JUDD] says that we will raise our prestige by this payment, I must say to you, my colleagues, that on that day of last July in the Philippines I saw 2 million Filipinos come to the airport to pay tribute to Douglas MacArthur. We did not have to give them $73 million. I do not believe their friendship is for sale. Their friendship has been earned by past experience and by the things that we have done for them in the past. And, during all that travel through the islands Douglas MacArthur was recognized as a great soldier, statesman and friend and the friendship for the United States was so evident every place we went.

The President of the Philippines said to me that there might someday be differences between our Governments, but there never could be a break in the friendship between the Filipino peoples and the peoples of the United States. So I say to this Committee that this $73 million is not going to raise our prestige in the Philippines. This is not going to be the answer.

Mr. Chairman, when I look at the $298 billion of debt of this Nation, I wonder what will happen to the Philippines if that day comes when this country goes down and if we become insolvent; if the day comes when we no longer can stand by them because of our bankruptcy. Then, I ask you, what will happen to the Philippines? It is more important that we preserve fiscal responsibility and the preservation of our own Nation than to continually put out this money.

Mr. Chairman, let me say this to the gentleman who mentioned something about San Miguel Brewery: I know something about San Miguel. Fortunately, San Miguel stood all of the ravages of war, and it operated. It changed from the Japanese troops taking advantage of it to the American troops taking advantage of it when we went in. But they are down here for 798,000 pesos. San Miguel is one of the big breweries of the world today in operation, and it ships hundreds and hundreds and, perhaps, thousands of cases of beer into the United States. Are we going to give them 798,000 pesos to continue their competition against American enterprise? They do not need it.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am delighted to yield to the gentleman from Ohio.

Mr. HAYS. In answer to the gentleman's question, if this bill passes, that is just what we are going to do.

Mr. BOW. We are going to do it, not only with reference to this corporation, but others in the form of rehabilitation which will permit them to further provide competition against American industry.

Oh, yes, some of this may trickle down in the form of this payment to San Miguel to the people of the Philippines, but unless the amendment which has been offered by the gentleman from New York [Mr. BARRY], is carried, the people of the Philippines who may need this assistance, because of its not being taken care of in the past, will not receive any of these funds.

Mr. Chairman, I hope the gentleman's amendment will carry.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Minnesota.

Mr. JUDD. Does not the gentleman think that perhaps more of the money might get into the hands of some of these big concerns if the funds were made available to the Government out there at a time when it is not too stable and, necessarily, is subject to strong pressures?

Mr. BOW. I would say to the gentleman from Minnesota that I am of the opinion that the present administration of the Philippines is an honest, stable, worthwhile administration and capable of carrying out its responsibilities.

Mr. JUDD. That is right, but it has a terrific job to get irregular practices under control.

Mr. BOW. I would not by any means say to the gentleman that I would be fearful that that administration of the Philippines today would not see that these funds were properly administered, and honestly administered.

Mr. JUDD. If the gentleman will yield further, I am completely sure it is trying to do that, but the pressures are very great in that part of the world in matters of this kind, and I do not want to make its burden or its task any harder. Let our own agencies accept responsibility for distributing this final payment as they did the original ones.

Mr. BOW. Mr. Chairman, I prize my friendship for these fine people. I have many friends among them. I hope some day to visit with them again. They are a proud people and I think rightfully so. Our trade with them, and continued interest in their welfare and progress means much more than payment of millions to those listed in the report of the committee. Let nothing that is said here today in any way cast a shadow on the mutual friendship and respect we hold one for the other. Their sons and ours sleep together under the crosses at Fort McKinley and elsewhere on their beautiful islands. Let the world know we shall always defend their heritage of freedom that we bought so dearly together.

Mr. GEORGE P. MILLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I agree fully with the previous speaker when he said that the passage of this bill is not going to materially affect our relationships with the Philippines. We are tied together in a blood bond from Bataan through the fight to recapture the islands. That bond is insoluble. Even the politicians either here or in the Philippines cannot affect the feeling of the Filipino people for us, nor our feeling for the people of the Philippines. But is not this all the more reason that because they have been our friends, because they did make those sacrifices which the gentleman from Ohio so eloquently spoke about, that perhaps we should give them some consideration in the form of keeping our word?

Mr. Chairman, let me point out the fact that none of this money is going to any organization or any company that has not already spent the money in a rehabilitation program. They had to spend the money. San Miguel Brewery had to rehabilitate its plant. It did it early, and used its own funds. We paid up to 52 percent of a 75 percent claim which they had for the rehabilitation of that institution, as we did for the others. All we are asking you to do now is to keep the pledge that we gave to these people that they would be reimbursed for a percentage of the money they spent.

We have no legal obligation to do this. This was a rehabilitation act placed on the books to assist these people who were then in dire need. We made them put up the money. Now we were only able to pay 52½ percent of the 75 percent of the approved claims that we said we owed them. This is a moral obligation.

Let me call another witness to the stand in the person of one Mr. Chip Boland who I think commands the respect of this House and who in 1958 when he was the Ambassador to the Philippines told me that nothing could do more to recement our relations with the Republic of the Philippines. There were some minor difficulties, some friction and the passage of this act and the fulfillment of our obligations under the Philippine Rehabilitation Act would restore the good will between our countries.

I am not necessarily a worshiper of big business, but if big business has invested its money on the basis that they would be reimbursed for a portion of it, and at a time when it was hard to get money to rehabilitate that country, I am not going to walk out on big business or little business or little people. This is something we owe them.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GEORGE P. MILLER. I yield to the gentleman.

Mr. HAYS. The gentleman keeps on saying that they have invested the money. Will the gentleman show me where in this act or in the report of the committee or anywhere else it says that they have done it? It says that we assume they have and then we go ahead and waive any requirement that they do do it.

Mr. GEORGE P. MILLER. Before the claim was approved and before they got 1 cent they had to begin the investment of their money in the rehabilitation of the Philippines.

Mr. HAYS. That is right.

Mr. GEORGE P. MILLER. And it was done. This matter cannot be opened up. The gentleman said that this Commission will be here a long time. This Commission ended its work and returned to the Treasury of the United States $500,000 of the $3 million that it was given for administrative expenses. It was hailed as one of the most efficient operations ever undertaken.

Mr. HAYS. That is not the Commission that I am talking about.

Mr. GEORGE P. MILLER. But this is the one that approved these awards, and there is no one who can go back now and disallow them or add to them. We are accepting the findings of the Philippine Rehabilitation Commission. Under those findings such companies as San Miguel, the Race Course, Procter & Gamble, had to put their money in, in order to get even a portion of their own money.

Mr. HAYS. It is agreed that they had to put their money in, but as the bill and the report says, we assume they did.

Mr. BECKER. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, with respect to this amendment and the original bill, I should like to get something clear from the gentleman from New York. Under this amendment, which is actually a new bill, in what way is the Philippine Government restricted or controlled to reimburse the people who are mentioned in the report, or the firms or organizations? Is it just a payment to the Philippine Government of $73 million for war rehabilitation?

Mr. BARRY. In answer to the gentleman's question, there would be no obligation on behalf of the Philippine Government and no direction how they were to use these funds. However, I can assure the gentleman that we received yesterday a summary of the Philippine War Damage Bill prepared, I believe, by the Department of State——

Mr. BECKER. I thank the gentleman. He has answered my question. That is all I wanted to know. In his amendment there is no direction under which the Philippine Government has to reimburse anyone for any war claims damage. I think that answers the question completely. We would have no right, I am sure, to obligate or to direct another foreign government to do something with money we are giving them. In other words, what we are doing by the amendment—and I assure the gentleman I am not criticizing the amendment—what we are really doing under his amendment is making a payment to the Philippine Government of $73 million.

Therefore, we lose the concept of the bill as approved by the committee for any war claims damage. I just want to get that straight.

I would like to ask this question, if I can get a very brief answer.

Mr. ZABLOCKI. If the gentleman will yield, I would like to make a further observation. The Philippine Government does not have a list of claimants.

Mr. BECKER. It is merely the intent of the amendment I want to make clear. The question I would like to ask has been bandied about here considerably but no one has really made a clearcut answer to it; that is, why the restrictions were cut out on page 2 of this bill. That is the question raised by the gentleman from Ohio [Mr. HAYS] and the gentleman from Iowa [Mr. GROSS], why the amounts paid under this bill shall not be subject to section 104(c) of the Philippine Rehabilitation Act of 1946. Why? The gentleman from Ohio, I believe, has given some reasons.

Mr. HAYS. If the gentleman will yield, I think the reason, as near as I could find out, was that these people cannot prove they ever spent the money in the rehabilitation of the Philippines. If they had to do that, most of them could not collect.

Mr. BECKER. That may be true, but I would like to ask the gentlemen on the committee to give me a very concise reason, a brief one.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. BECKER. I yield to the gentleman from Minnesota.

Mr. JUDD. Before awards were made the claimants had to agree to invest the payments in rehabilitation of their own plants and businesses. The San Miguel Brewery was practically destroyed, I understand. It is now in operation. It obviously spent at least that much money in the rehabilitation of its own plant, although we can hardly go in today and spend weeks and months trying to show that every dollar or peso is spent for the promised purpose. They were given it for the purpose of rehabilitating their plants. Their plants have been rebuilt or restored. Obviously they did invest at least that much in the rehabilitation of their plants.

Mr. BECKER. There is no way of proving the amount of these claims, so you waive this restriction.

Mr. JUDD. There is no way you can prove they spent every last dollar received in the rehabilitation of the plant.

Mr. BECKER. I thank the gentleman.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. BECKER. I yield to the gentleman from Michigan.

Mr. JOHANSEN. I should like to offer for the assurance of the gentleman that when the present pending amendment is disposed of I shall offer a very similar one to strike out the word "not" in line 11 on page 2 in order to provide very clearly that this shall be subject to the restrictions of that act.

Mr. BECKER. I am just as much concerned as anyone in the House about any moral or legal commitments we may have, but these commitments have not been clarified at all. They have been referred to.

I should like to ask another question now. It has been stated here time and again on the floor that we are committed by previous obligations made by our Government and by the Congress.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. BECKER was allowed to proceed for 5 additional minutes.)

Mr. BECKER. I should like to support this, but I want to get at least some justification for spending $73 million of the taxpayers' money. I vote against these appropriations, and I do not want to get caught off base for doing something I cannot justify in my mind.

Under what section of law and what law has this Government committed itself prior, to paying additional sums of money, when we have already in years past paid the commitments made in previous legislation?

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. BECKER. I yield to the gentleman from Minnesota.

Mr. JUDD. The original Philippine Rehabilitation Act authorized the setting up of a War Damage Commission to receive claims, adjudicate them, and pay the amounts awarded. We provided $400 million as a rough estimate of what they might amount to, but at the time it was stated in the hearings and in the record that it very probably would not be enough, and we gave them to believe and we gave ourselves to believe that if the $400 million was not enough, we would then provide whatever additional amount was required up to 75 percent, not of the claims, but of the adjudicated awards.

Mr. BECKER. This was not stated in previous legislation?

Mr. JUDD. No.

Mr. BECKER. But it was in the hearings of the committee?

Mr. JUDD. It was in the hearings and it was in the debate. I read that here earlier this afternoon.

Mr. BECKER. But individuals participate in this debate and the Congress does not vote on debate or on statements made by individuals. I am talking about a congressional commitment to go further than the $400 million already authorized.

Mr. BARRY. There is no congressional commitment.

Mr. JUDD. There is no legal commitment. We said that from the very beginning; that is made clear in the report.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BECKER. I yield to the gentleman from Iowa.

Mr. GROSS. So in all forms of aid, we triple the $400 million and, as the gentleman from Minnesota said just a short time ago, this is now up to $1,600 million.

Mr. BECKER. What I am trying to get at here—to make clear—is that there were some commitments made at Punta del Este last year of approximately $20 billion by representatives of our Government whereas there was no commitment by the Congress. Therefore, I do not feel obligated to go along with that commitment of last year and that is why I am now questioning and raising the point as to what commitment actually was made, and I find that none was made except that only in debate there might be additional sums later on and we would be, therefore, assumed to be obligated.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. BECKER. I yield to the gentleman from New York.

Mr. BARRY. In the message to claimants which was given to every claimant, it is very clearly set forth in paragraph 4, as follows:

> As you perhaps know, all of the money paid by this commission for private claims was derived from taxes paid for by people of the United States. The payments were unprecedented because at no other time has one nation paid for the war damages of another. They were made because of the longstanding friendship which has existed between our two countries. The American people knew of the loyalty of the Filipinos to the United States during the war and when independence was granted to the Philippines, they were well aware that this new Republic would require financial assistance because of devastation of its economy caused by the war.

Mr. BECKER. I might say to the gentleman that somehow or other I think the House is getting rather confused, and I am sure the American people are getting even more confused because while we would be paying $73 million to people who are very friendly and one of the best and friendliest nations, I feel it is very difficult to vote against this while we have been supporting in years past, and are supporting presently, with billions of dollars to Communist and Communist controlled countries who are fighting out to destroy us—such as Yugoslavia—and training their pilots in our country with American taxpayers' money. They are out to destroy us. At least the Philippines are a very friendly country as the gentleman from Ohio [Mr. Bow] said, but it will not raise our prestige one iota with them whether we pay this money or not.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. BECKER. I yield to the gentleman from New York.

Mr. BARRY. I would like to point out the advantage that my amendment has over the committee bill and there is substantial support for it, if you reinterpret what has come down from the administration today in justification of the bill now before us. They say:

> If H.R. 8617 is passed (the bill now before us), the need for the Philippine Government to draw down the loans already granted will be greatly reduced, interest payments will be diminished and the Philippine economy given a much needed shot in the arm at the most critical stage.

If they say that about the bill presently before us, the amendment I propose will substantially increase all the factors which they say should be beneficial to the Philippine economy and may make unnecessary for us to grant as large loans and grant aid to the Filipinos as we might otherwise in the future. So if the gentleman is looking for a reason to support the amendment as distinguished from the committee bill I say that is a substantial reason, plus the matter of maintaining our balance of payments and foreign exchanges as I indicated in my remarks when I was addressing the House.

Mr. BECKER. I think the gentleman, my colleague from New York, has made some very good points.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. BECKER. I yield to the gentleman from Minnesota.

Mr. JUDD. On the point of authorization, the Rehabilitation Act stated:

> The Commission is hereby authorized to make compensation to the extent hereinafter provided on account of physical losses, destruction of or damage to property in the Philippines occurring after December, 1941.

And so on. And the conditions thereafter provided were the things we are talking about. First, all awards to be paid up to $500. Then the larger awards would be paid up to 75 percent.

The Commission was set up to pay claims according to those provisions and this bill is like a supplemental appropriation to pay the remainder due up to 75 percent of the amounts approved.

Mr. O'HARA of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, my interest in the Philippines goes back a great many years; it goes back to the period of 1898. That was 64 years ago, much longer a period than the average age of the Members of this distinguished body.

All these years there has been building in Filipino hearts and in American hearts, with ever intensifying affection, a friendship of two peoples, widely separated by thousands of miles of ocean waves, that has few if any parallels in history.

I was moved when the Speaker read the message from Douglas MacArthur. Douglas MacArthur knows the people of the Philippines, because it was his father who was in the Philippines in 1898; it was his father who won over Aguinaldo, who became the stout friend and champion of the United States. I do not think anyone in this country could possibly know the heart of the Philippine people as does Douglas MacArthur, who followed in his father's footsteps in his dedicated and understanding service to a people striving to maintain in the far Pacific a republic on the pattern of our own.

I think of young Shanks, 61 years ago, my comrade in arms in the siege of Santiago in Cuba in the Spanish-American War, of which I am the sole surviving veteran in the Congress. Returning from the fighting in Cuba, a combat veteran at 16, he volunteered for service in the Philippines. Slain in battle, for over 60 years his body has rested in the soil of the Philippines. He was one of many who in their youth sailed away to help the Filipinos in their struggle for freedom and independence, and whose bodies long since have integrated in the soil of the Philippines.

Many who lie in honored graves in Arlington were in their youth members of the Army of the Philippines. The Veterans of Foreign Wars of the United States was founded by the veterans of the Army of the Philippines and the Army of Santiago.

Yes, Mr. Chairman and my colleagues, the foundation of American-Philippines friendship was laid a long, long time ago. American men and women went to the islands to teach in humble schools. Filipino men and women came to the United States to observe, to study, to prepare for the roles ahead as builders of a strong and enduring republic standing in the far fetches of the Pacific as fortress of democratic representative government.

In the years of American need, when our country was faced with its fight for survival, and things were going badly in the Pacific, the Filipinos stood up, courageously, uncompromisingly, unconquerably, on our side. In heart, in loyalty, in spirit of sacrifice, in scorn of the thought of surrender, the soldiers from the islands of the Philippines were as American as the soldiers from Illinois, New York, and the other States of the Union.

Yes, Mr. Chairman and my colleagues, the foundation of American-Philippine friendship was laid in sweat, sacrifice, and blood by Filipino as well as American hands. It is a two-street friendship, as any friendship must be to endure. Any rupture to such a priceless friendship, whether by thoughtless inadvertence or by intent, would be recorded in history as the tragedy of the 20th century.

Our country rebuilt Germany, with whom we were at war when the Philippines were fighting and dying by our side as our comrades in arms. Our country helped to raise Japan from the wreckage of war, the Japan that had overrun the Philippines and showered devastation on her cities and countryside because the Filipinos remained steadfast to their American friendship. Can we turn the cold shoulder on the Philippines and live with our self respect?

Mr. Chairman, it is not in the American pattern to slap down a true and proven friend. It is not in the American tradition to renege on an obligation, accepted after proper adjudication, whether the beneficiary be friend or foe. I fear the verdict in the court of world opinion if ever the United States should turn upon a friend or renege on a lawful obligation for no reason valid in honesty and morality.

Now, a word or two as to the merits of the bill. I follow one simple rule when I am on a committee and a subcommittee of that committee composed of distinguished and able persons of both parties gives long study to a subject, then comes in with a bill that unanimously it recommends. I accept its recommendation unless I have had an equal opportunity to study the subject, am as well informed on all controversial provisions, and then have reached a contrary conclusion. I do not go in for superguessing. I do not think good legislation results from the matching of coins.

This bill has been before the Committee on Foreign Affairs in several sessions. It was under long study, I think with weeks of hearings, by the subcommittee headed by the gentleman from Wisconsin. When this subcommittee unanimously recommended the bill to the full committee, I thought its recommendation was entitled to great weight. Who was on that subcommittee? Among others, the gentleman from Wisconsin [Mr. ZABLOCKI], who happens to be a Democrat, the gentleman from Minnesota [Mr. JUDD], and my beloved colleague from Illinois [Mrs. CHURCH], who happen to be Republicans, representing, however, somewhat different approaches to foreign aid. When I find a subcommittee composed of outstanding Democrats and outstanding Republicans unanimously recommending a bill, I certainly am going to accept that bill in preference to a one-man bill, authored by one man sitting as though at a game of solitaire, and on the hidden impulse of the moment presented as an amendment to the Committee of the Whole without any consideration or recommendation other than his own. That is scarcely in line with the orderly processes of the greatest legislative deliberative body in the world.

Mr. Chairman, I hope the Committee of the Whole will stand by the unanimous recommendation of the subcommittee headed by the gentleman from Wisconsin, its chairman [Mr. ZABLOCKI], on which serve also the gentlewoman from Illinois [Mrs. CHURCH], the gentleman from Minnesota, Dr. JUDD, and others, and vote down the substitute bill offered as an amendment by the gentleman from New York.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BARRY].

The question was taken, and on a division (demanded by Mr. ZABLOCKI) there were—ayes 8, noes 38.

So the amendment was rejected.

Mr. JOHANSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. JOHANSEN: On page 2, line 11, after the words "amounts paid under this Act shall", strike out the word "not."

Mr. JOHANSEN. Mr. Chairman, in offering this amendment I am directing attention to, and attempting to eliminate, the sleeper in this bill. That sleeper is the 11th, 12th, and 13th lines on page 2 which read:

> Amounts paid under this Act shall not be subject to the provisions of section 104(c) of the Philippine Rehabilitation Act of 1946.

The effect of my amendment will be to reverse the statement and provide that the amounts paid under that act shall be subject to these provisions.

I direct your attention to the fact that the title of this bill reads as follows:

> A bill to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946.

If this title of the bill were accurate and correct it would be "under the terms of the Philippine Act of April 30, 1946, except for section 104(c) of said Act."

This bill provides specifically that the requirement of showing there has been a reinvestment or use of the funds or is to be in line with the original provisions of the act is specifically retained in case of payment made to anyone outside of the Republic of the Philippines to a claimant residing outside the Republic.

If the provision is valid as setting a limitation of the terms of payment with respect to citizens living outside the Philippines, it certainly is valid with respect to persons living within the Philippines. If it means nothing in the one case, it means nothing in the other; if it means something in one case, it means something in the other; if its deletion means nothing in one case, then why is this exception provided?

Mr. Chairman, I urge adoption of my amendment in order to retain the only provision under which the purposes of the bill H.R. 8617 will be carried out, the only provision which sets the criteria, the standards, and the conditions.

With respect to the overall matter, I just have one additional word to offer. I think my record of 8 years establishes that I am not prone to vote for foreign aid. If there is any country to which I would be sympathetically so disposed, it is the great Republic of the Philippines. Also, I too am moved by the statement of the great Gen. Douglas MacArthur. I am interested in some of the new converts he has won to his wisdom. I see sitting on the floor of this House the distinguished former Speaker of the House, the gentleman from Massachusetts [Mr. MARTIN]. I recall, as an assistant to my predecessor, sitting in the gallery of this House and hearing a famous message read by the gentleman from Massachusetts to the House. I must say General MacArthur's advice to the effect that "in war there is no substitute for victory" did not command some of the support which he seems to command in this matter on the part of some of my friends on the other side of the aisle.

If I were to vote for foreign aid, I would certainly do it for the Philippines. However, if you assume in any given year of fiscal expenditures that we have a $5 billion deficit as against an $80 billion budget, that means $1 out of every $16 spent for whatever cause is money we do not have. It is deficit money, it is borrowed money. This $73 million means that out of this total amount we are talking about so glibly here today $4½ million will be borrowed money. The interest for a year on that amount of borrowed money will be $182,000. If the deficit is $10 billion, you double those figures.

I am hopeful that some day there may be a bit of legislation offered for the rehabilitation of the United States.

Mr. JUDD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the adoption of this amendment would force the Foreign Claims Settlement Commission to open offices in the Philippines and go into an exhaustive investigation of every province and every city and every village where these 85,000 awardees live.

We have made provision in the act on page 3—we have not read that section yet—that if claimants living in the Philippines at the time of the war, but now living outside of the Philippines, are otherwise eligible to receive payments under the act, they must show to the satisfaction of the Commission that they have invested an amount equal to the payment in the rehabilitation of the Philippine economy. But, if you look at section 104(c) of the original Rehabilitation Act, which the gentleman's amendment would bring into operation, it provides that all of the provisions of this title shall be subject to the requirement that, to the fullest extent practicable, the Commission shall require that the lost or damaged property be rebuilt, replaced, or repaired before payments of money are actually made to claimants under this title.

Now, some of such property that has not been rebuilt, replaced, or repaired, should not now be rebuilt, replaced, or repaired to be put in the condition it was at that time. This would require them to go back and rebuild the kind of thing that was there 15 years ago.

Let me read the next proviso in section 104(c):

> *Provided*, That if the Commission determines it is impossible for any reason beyond the control of the claimant, or is impractical to rebuild, replace, or repair the lost or damaged property, the Commission may make payment to the claimant without making said requirement.
>
> If the Commission waives the requirement that he rebuild, replace, or repair the damaged property, it then must require a condition which was referred to earlier; namely that the awardee agree to "invest the whole of such payments in such manner as will further the rehabilitation or the economic development of the Philippines."

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Michigan.

Mr. JOHANSEN. What provision then is made to check or to control these payments or determine whether they are to be made if you delete all of these criteria?

Mr. JUDD. There will be no requirement that the man who gets $425—and that is the average amount of the claims under $25,000—will have to go back and rebuild his shanty or get the same kind of a cultivator he had at that time. But if he was entitled originally to receive that amount under the provisions of the act, the final payment that he did not get, he would not have to spend it for the same purpose. We say in the report that it is assumed that he did reinvest the amount received or a comparable amount in the rehabilitation of his property or of the country. He had to agree to do so to get the original award and the Commission had to have reason to believe he would do so when it made the award. The fact is that to spend these thousands of little payments in whatever way, is bound to help rehabilitate or boost the economy. We put in the bill the condition regarding those now living abroad because they might want to take the money away from the Philippines and it would not assist the economy; therefore they have to show that they have actually invested in the Philippines an amount at least as great as the amount to be received.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield further?

Mr. JUDD. Yes.

Mr. JOHANSEN. The gentleman referred to the amount of $400 and some.

Mr. JUDD. Four hundred twenty-five dollars for the small ones.

Mr. JOHANSEN. Which is, I believe, about 900 pesos or thereabouts.

Mr. JUDD. Yes.

Mr. JOHANSEN. That all may be very fine, talking in terms of averages, but here are figures that run to a quarter of a million, half a million, a million, and so on, and the gentleman is saying in effect there is to be no requirement in connection with the issuing of even any of these large amounts.

Mr. JUDD. If they live abroad and take the money abroad, they have to show that they have invested an equal amount in the Philippines.

Mr. JOHANSEN. But in the Philippines there is no such provision.

Mr. JUDD. No, because that would require a reopening of the claims, and this is a bill merely to pay the unpaid portion of all damage claims. These payments are reasonably certain to be spent in the Philippines.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from California.

Mr. YOUNGER. Is it not true that these payments would add to the outflow of gold?

Mr. JUDD. We would have to spend dollars to buy pesos in order to pay the claims in the Philippines, but when people abroad get dollars, they generally spend them in the United States, the only place that dollars are ultimately valuable.

People or governments abroad want dollars in order to get what dollars will buy in the United States, or to pay their bills here. So, we would buy pesos and pay claimants in pesos, and the main purchaser of the dollars probably would be the Philippine Government which would use them to meet its balance of payments with the United States.

Mr. HAYS. Well, the gentleman assumes that they will use the dollars to buy something in the United States. But if they do not, that represents an obligation which we have to pay in gold; is that not right?

Mr. JUDD. That is right. But if the balance-of-payments situation between the Philippines and the United States is such that it is paying the United States, this helps the foreign exchange position of the Philippines and does not drain dollars away from the United States.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join with my colleague, the gentleman from Michigan [Mr. JOHANSEN], in his observation that it has been interesting to hear the name of General MacArthur brought so profusely into the discussion this afternoon. I recall a time when that name did not mean so much to some of the people who have been using it. I wonder if there has been any communication from one, Harry S. Truman, with respect to this bill, or whether we can accept the MacArthur statement that has been given us this afternoon with full force and effect, in the absence of any statement from Mr. Truman?

Mr. Chairman, I am also intrigued by the use of another name, this afternoon, in behalf of this bill, that of Assistant Secretary of State Brooks Hays. I recall the fact that when the Brussels World Fair was staged a year or two ago, the State Department joined in sending a number of American Indians over to Brussels, this being an Americans exhibit of some kind or another. I do not do very much foreign junketing, and so I did not see this exhibit. But, at any rate, the upshot of this matter of taking some American Indians from South Dakota or North Dakota over to Brussels was the fact that the exhibitor went broke and these Indians were left stranded high and dry in Brussels. They were eventually brought back I understand, with State Department funds. But then Mr. Brooks Hays and his cohorts over in the State Department insisted that these Indians—and some of them, I understand, were on the public assistance rolls—dig up and pay the Government the cost of their transportation back to this country.

Mr. Chairman, I cannot fail to observe that Mr. Brooks Hays today is all for giving $73 million—another $73 million—to the Philippines, they having already gotten $1,675 million, but he strongly opposed the State Department paying the expenses of these American Indians back from Brussels, Belgium. It seems that anything goes for the foreigners, but another and completely different standard is applied to American Indians and American citizens by Mr. Hays and other of his cohorts over in the State Department.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Ohio.

Mr. HAYS. The gentleman is referring to a former Member of Congress, who later was an Assistant Secretary of State?

Mr. GROSS. Yes. Let me make the record completely clear that I am in no way referring to the gentleman from Ohio [Mr. Wayne Hays].

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from New York.

Mr. BARRY. In working this out on a congressional district basis, this would amount to $167,000 from each of our congressional districts. I began to think of 167 people I could call on in the 27th Congressional District whom I could ask to give $1,000 of their money to pay these war claims, many years long since past, and I must say that I would be a little embarrassed to do it.

I think, perhaps, some of the Members might be embarrassed to have their constituents know that they voted here today to give $167,000 from their congressional district without any strings attached at all.

Mr. Chairman, the amendment which has been offered by the gentleman from Michigan [Mr. Johansen] would at least require certain original safeguards to see that the intent of the original bill is followed.

Mr. GROSS. Did the gentleman ever stop to figure out the cost of the $100 billion foreign giveaway program, and what it amounts to for every man, woman, and child in his district?

If the gentleman will do that, the gentleman will get some rather startling figures.

Mr. BARRY. The difference is that what is given under the foreign aid bill is at least given with certain restrictions which the present bill totally discards.

Mr. GROSS. If the gentleman knows of any restrictions, I wish he would tell me about them.

Mr. BARRY. In our foreign aid program which now consists mostly of loans, we have for fiscal year 1963 an objective that 80 percent of the money shall be spent in the United States. Under the bill we are now discussing it is all outgo as there is no restriction whatsoever requiring purchases in the United States. Therefore we will lose on balance of payments and we will lose on exports.

Mr. GROSS. I again urge the gentleman to try the foreign giveaway bill on for size in his district on the same basis and see what he gets.

Mr. Chairman, I support the amendment offered by the gentleman from Michigan [Mr. Johansen], for it should at least do something toward preventing windfall payments of millions of dollars.

Mr. HAYS. Mr. Chairman, I move to strike out the necessary number of words.

Mr. Chairman, I think this amendment and the opposition to it really show up the bill for exactly what it is and where it stands now. This proves that the proponents of the bill do not want these people to be forced even to show that they spent the money under the regulations that were laid down. This shows beyond any doubt that it is a windfall proposition.

The gentleman from Minnesota [Mr. Judd] made the point that this would reopen the whole thing and privately the gentleman from Wisconsin said that this would perpetuate the War Damage Commission forever. Only if it wanted to be perpetuated forever. It would only reopen the whole thing if they wanted to reopen it. All they would have to do is to give the claimant a year in which to file—and they could say by regulation that within 6 months he shall furnish evidence. Put the burden on the fellow that is going to get the money. He should furnish evidence that he spent the money or an equivalent amount of money for the purposes of the act. This is common, everyday practice.

If the department of Internal Revenue calls a taxpayer in it puts the burden on him. They say, "You appear to have had certain income; show us, produce your evidence. Get out your check stubs, produce your business records."

There would not be a thing to it. Further than that, if you are really concerned about the little people—and I am not so sure that there are too many little people in here, as I look over the list—you can offer an amendment if this passes exempting anybody who gets $1,000 or less. Waive it for him, but let the brewery people, the Racing Commission, Standard Oil, Cal-Tex, put up the evidence. Do you not think they have records? Do you not think they have auditors? Do you not think if they have spent the money, it would not take their auditors and the people who keep their records more than a day and a half to dig them up and show to anybody's satisfaction?

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. JOHANSEN. Is the gentleman able to say whether these larger beneficiaries such as those he has mentioned, have made these showings at any time?

Mr. HAYS. No, I am not able to say that and neither are the proponents able to say that. That is why the waiver is in there. All they can honestly say they have said. They are honest men and they honestly said, to get this bill through, we are going to assume that they did it. We do not know whether they did it or not. We are assuming they did.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. HAYS. Yes, I yield.

Mr. JUDD. There was no policing of the original awards as I recall. The act provided that as a condition for the making of such payment, "the Commission shall require that the whole of such payment shall be reinvested in such manner as will further the rehabilitation," et cetera. The Commission had to have evidence that convinced it that the recipient would do this. But it did not follow through, as I understand, with policemen to make sure that every cent was so reinvested.

Mr. HAYS. That is no excuse; if the cop was not on the beat the first time, that does not say that he never should be again. If there were not any policing the first time, all the more reason for asking these groups to show their records. I say to you that it would not be any hardship on any of them. They either have the records or they do not. If they have the records to show that they spent the money, they can show them.

The gentleman has said that this is a moral obligation. To show you my good faith, I have fought this bill for years, but if you approve this amendment and it goes into the bill, I shall vote for it.

Mr. JUDD. Mr. Chairman, would the gentleman approve an amendment providing that on all amounts over say, $25,000, or whatever figure may be chosen, the claimants would have to make this showing?

Mr. HAYS. The gentleman is in no position to approve or to consent to anything. But the gentleman has already said that he thinks an amendment like that would be in order and I would certainly vote for it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. Johansen].

The question was taken; and on a division (demanded by Mr. Johansen) there were ayes 28, noes 42.

Mr. JOHANSEN. Mr. Chairman, I demand tellers.

Tellers were refused.

The Clerk read as follows:

Sec. 2. Within sixty days after the enactment of this Act, or of legislation appropriating for administration expenses incurred in carrying out this Act, whichever is later, the Commission shall prescribe and publish in the Federal Register and give appropriate publicity in the Republic of the Philippines concerning the period, not in excess of twelve additional months, within which application must be filed under this Act. The Commission shall complete its determination with respect to applications filed under this Act not later than two years after the last date on which applications may be filed.

Sec. 3. The Commission shall give maximum publicity in the Republic of the Philippines to the provisions of this Act, and through utilization of the records of the former Philippine War Damage Commission shall attempt to notify individual claimants of their right to file applications for payment under this Act, by mailing notice thereof to the last known address of such claimants as shown by such records.

Sec. 4. The Commission shall notify all applicants of the approval or denial of their applications, and if approved, shall notify such applicants of the amount for which such applications are approved. Any applicant whose application is denied, or is approved for less than the amount of such application, shall be entitled, under such regulations as the Commission may prescribe, to a hearing before the Commission or its representative with respect to such application. Upon such hearing, the Commission may affirm, modify, or reverse its former action with respect to such application, including a denial or reduction in the amount of award theretofore approved. All findings of the Commission concerning the persons to whom compensation pursuant to this Act is payable, and the amounts thereof, shall be conclusive and not be reviewable by any court.

SEC. 5. (a) Each award made under this Act shall be certified to the Secretary of the Treasury in terms of United States currency on the basis of the rate of exchange (i.e. P/2 equals $1) which was applied in the Philippine Rehabilitation Act of 1946, for payment out of sums appropriated pursuant to section 8 of this Act. Such payments shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe. Payments authorized under this Act shall be made in United States dollars or in Philippine pesos at the option of the Secretary of the Treasury; however, payment shall not be made outside of the Republic of the Philippines to any claimant residing outside the Republic of the Philippines unless he establishes to the satisfaction of the Commission that since the date of the loss or damage on account of which the original award was made he has heretofore invested in such manner as furthered the rehabilitation or economic development of the Philippines an amount not less than the claims approved in his favor after reduction under the last proviso of section 102(a) of the Philippine Rehabilitation Act of 1946. After all approved claims have been paid up to the maximum permitted, the balance of the appropriation shall revert to the United States Treasury. Payment shall not be made under this Act on any claim filed under the Philippine Rehabilitation Act of 1946 or under this Act which was acquired from a predecessor in interest by purchase, except where such purchase was in the ordinary course of business in connection with the acquisition of all assets of a business firm.

(b) Such of the records of the Philippine War Damage Commission as the Foreign Claims Settlement Commission may deem necessary for carrying out its functions under this Act shall be transferred to the Foreign Claims Settlement Commission.

SEC. 6. The total remuneration on account of services rendered or to be rendered to or on behalf of any applicant in connection with any application filed under this Act shall not exceed 5 per centum of the amount paid by the Commission on account of such application. Any agreement to the contrary shall be unlawful and void. Whoever, subject to the jurisdiction of the United States, violates this section shall be fined not more than $5,000 or imprisoned for not more than one year, or both. Where any payment is made in violation of this section, the Commission shall take such action as may be appropriate to recover the same.

SEC. 7. For the purposes of carrying out this Act, the following provisions of the International Claims Settlement Act of 1949 shall, to the extent not inconsistent with this Act, be applicable in the administration of this Act: Subsections (c), (d), (e), and (i) of section 4; subsections (d) and (e) of section 7; and subsection (c) of section 7 except that with respect to applicants not subject to the jurisdiction of the United States, references in such subsection (c) to the Comptroller General of the United States shall be deemed to refer to the Secretary of the Treasury.

SEC. 8. There is authorized to be appropriated not more than $73,000,000 to make payments on awards certified pursuant to this Act, plus such additional sums as may be necessary for the administrative expenses of the Commission and of the Secretary of the Treasury in carrying out this Act.

The CHAIRMAN. If there are no further amendments, under the rule the Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DAVIS of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8617) to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73 million for that purpose, pursuant to House Resolution 537, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HAYS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Under the unanimous-consent agreement entered into, further consideration of the bill will be postponed until tomorrow.

Without objection, the point of order of no quorum is withdrawn.

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the pending bill, H.R. 8617.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ADEQUATE MEDICAL CARE NEEDED FOR OUR SENIOR CITIZENS

Mr. DANIELS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. DANIELS. Mr. Speaker, there has been a growing recognition that it is vital to the national interest that our aged be given the protection of medical care under an effective, financially sound, and encompassing program.

With this objective in mind, I introduced a bill today intended to provide proper and decent health security for our senior citizens.

I have given careful study to the various health proposals and have found that the social security approach to medical care for the aged is the one that will best solve the problems involved and will provide fair and adequate protection for persons 65 and over.

My bill proposes that the following services be furnished eligible beneficiaries under the old-age and survivors insurance and under the railroad retirement programs: hospital care, nursing home care, hospital outpatient diagnostic services, and home health services. These health benefits would be available to an estimated 14.7 million aged persons; 95 percent of the present number of workers would be covered, including their wives—or widows—at age 65.

In my State of New Jersey, as of December 1961, the number of beneficiaries 65 and over receiving social security is estimated at 430,000. The total number of beneficiaries protected by these health benefits is estimated at 569,000. This latter figure includes persons eligible under railroad retirement and those now 65 and over who are still working and would be qualified for health benefits.

In Hudson County, N.J., which I have the privilege to represent, the number of beneficiaries 65 and over receiving social security is estimated at 45,000 as of April 1960. The total number of beneficiaries who would be protected by these health benefits is estimated at 58,400. This latter figure includes persons eligible under railroad retirement and those now 65 and over who are still working but who would be qualified for health benefits.

The cost of these health benefits would be financed by an increase in social security contributions of one-quarter of 1 percent each by the employer and the employee and three-eighths of 1 percent for self-employed. At the present time, the employee pays a social security tax on the first $4,800 of annual earnings—this earnings base would be increased to $5,200.

The average wage earner will pay about $1 per month through the social security system for health benefits for both himself and his wife—or widow—beginning at age 65.

Older people have low incomes and high health costs, many refrain from seeking the care they need because they cannot pay for it or are unwilling to ask for help. Fifty-three percent of our older people have incomes of under $1,000 a year; half of the older couples have incomes of less than $2,500.

My bill will provide the necessary coverage to protect older people against some of the heavier medical costs that they face, at the lowest possible cost to the individual, without placing a great burden on the aged when their earning capacity is small. The health of our senior citizens is extremely important to all of us and the adoption of such a plan as I now offer is urgently needed in the best interests of the Nation.

WILDERNESS VALUES

Mr. PIRNIE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may extend his remarks in the body of the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SAYLOR. Mr. Speaker, the American people place a high value on the areas of wilderness that still remain unspoiled in this country—areas, as defined in the Wilderness Act (S. 174) "where the earth and its community of life are untrammeled by man."

Those of us who have been especially concerned with the preservation of our remaining areas of wilderness have come to realize that we are not representing only a small minority, as some have thought, of specially interested outdoor folks, but rather that we are dealing with a characteristic concern of the American people.

Americans—whether they are Republicans or Democrats, city people or suburban or rural, westerners or easterners—Americans have a characteristic interest in wilderness. Whenever it comes to a vote it wins by a big margin. Nor are the values that we place on wilderness entirely recreational. They are various: scientific, educational, historical, as well as scenic and recreational.

One of the contributions of the wilderness study made for the Outdoor Recreation Resources Review Commission and published on April 16, 1962, is in its observations and interpretations of the values of wilderness. The "Summary of Findings and Recommendations" of this report—a volume entitled "Wilderness and Recreation—A Report on Resources, Values, and Problems"—is in six parts. Part 4 summarizes the study's findings and recommendations on "Wilderness Values." The earlier parts of this summary have already appeared in the Congressional Record, day by day: Part 1 on "What Is Wilderness," part 2 on "Wilderness Resources," and part 3 on "Potential Alternative Uses for Wilderness Resources." Part 4 is as follows:

PART 4—WILDERNESS VALUES

A. CONCEPTS OF VALUE

The values arising out of wilderness tracts rest on the special kind of environment they provide. This is an environment with unusual or unique esthetic or biological characteristics and an apparent lack of human impact, sustained over a relatively large area since primeval times. This highly specialized environment may produce values of two broad classes.

First are the recreational or direct values which accrue to wilderness users. Included here are both those values which depend on the unique environment—deep personal revelations, experience of natural beauty, etc.—and those which depend on conventional recreational activities such as fishing, hunting, nature study, and the like, which do not necessarily require vast undeveloped tracts but which may give to participants greater satisfaction in wilderness tracts than in other environments.

Many wilderness values depend on the vastness built into our definition by the 100,000-acre minimum criterion. But to assert that a deep personal revelation is frustrated in an undeveloped tract of 95,000 acres and released in one of 105,000 acres in extent is, of course, absurd. Nor can one say that a very fine experience of nature is unavailable on a trout stream in the Rockies, 200 yards from the car; or that one cannot find solitude with a natural setting during a walk in the "back 40" of a Pennsylvania farm. But the magnitude of such responses is greater in a wilderness and increases in proportion to the size of the wilderness.

In addition, there is a composite value in wilderness recreation that cannot be reproduced anywhere short of an authentically rugged and big tract of undeveloped country. It derives from all the activities and experiences one enjoys or doesn't enjoy—camping, primitive travel, exhaustion, incomparable solitude, miserable weather—in a setting big enough for their simultaneous happening with elbowroom.

The composite appeal of wilderness recreation is difficult to separate into component values. Results of questionnaires administered to summer recreationists in several selected wilderness areas, however, suggests that response to wilderness values can be considered in two general classes. The two strongest motivations of wilderness use are a wish to escape from the more onerous influences of a highly complex urban existence and the positive attraction of natural beauty. That these two motivations should prove about equally persuasive might be expected since they are complementary. The character of wilderness stands in sharp contrast to the character of modern urban life, and many of those who wish a change from the latter turn to wilderness.

A second broad class of wilderness values are the indirect ones which accrue to society regardless of recreational use. This class can be considered in two subcategories.

The first includes such benefits as undisturbed watersheds and scientific values obtainable from study of biological associations of a kind which would not otherwise be available. Such values are often identified as "social values" because the benefits accrue to large groups or to society as a whole rather than to individuals.

The second subcategory of indirect values arises because, entirely apart from wilderness use and experience, some people's reactions to (and hence evaluations of) nonwilderness experiences are conditioned by the knowledge that wilderness exists. Just as the value of a zircon is enhanced by the value of diamonds, so the value of using a county park is enhanced for many recreationists by knowledge that the north woods still exists.

In more general terms this kind of value is sometimes identified as "vicarious benefit" or "the wilderness idea." Whatever it may be called, this value too is relevant for public policy because it has provided motivations for tangible action by people—people who may never register as wilderness recreationists but who like to know the wilderness is there, and who express this motivation through political institutions. These people, too, use the wilderness.

Substantial numbers of people respond to this essentially symbolic value, many of them with great vigor. Certain of the survey data in chapter 5 suggest that both the numbers of individuals reacting to such values and the intensity of their interest in them may contribute strong pressure for the maintenance of wilderness.

Throughout this array of wilderness values there are major difficulties of precise definition and measurement. Some of these difficulties arise from limitations in the scope of our economic institutions. In practice, the measurement of various value components entering into a given problem may be particularly difficult where nonmarket classes of value are important. Despite these difficulties, economic analysis may help significantly in solving the problems of identifying values expressed outside the market. Determination of the weights to be applied to each of the several classes of wilderness value once they have been identified must remain a matter of judgment. Such interclass comparisons of value must be guided by information drawn from many social institutions of which the marketplace is only one.

B. MEASUREMENTS OF VALUES

For reasons which have just been suggested, actual data relevant for measuring each of the several classes of wilderness values described above are much more difficult to obtain than other kinds of information about wilderness. A concerted effort to provide data on wilderness use, undertaken on behalf of this study by the U.S. Forest Service and the National Park Service in 1960, produced highly variable results which apply only to portions of the spectrum of wilderness values.

One measurement of the direct recreational value of wilderness is the number of users. The best available evidence indicates that in 1960 about 1.6 million people entered national forest or park wilderness (one-half mile or more away from a road) for recreational purposes. About one-fourth of these users camped one or more nights within these areas, and nearly 70 percent traveled by foot. About 80 percent of use occurred during the 3 summer months.

The agencies which provided the basic data urged great caution in use and interpretation of these estimates. We endorse this caution. The uncertainty of the estimates is telling evidence of the fact that until bases for measuring wilderness values are greatly strengthened, policy decisions must be made on a tenuous foundation. Additional studies of this problem have recently been started. They should be strongly supported and augmented not only for quantitative, but for qualitative, evaluations.

The acceleration of wilderness recreation is suggested by the fourfold increase in man-days of use experienced between 1947 and 1959 on designated national forest wilderness areas. Both the statistical studies reported in chapter 6 and the analysis of users in chapter 5 suggest that a number of the factors responsible for these past increases in wilderness recreation will continue to reinforce the demand for it. Our projections of total man-days of wilderness use in the United States for the year 2000 indicate an increase of 10 times the 1959 level. Those chapters also provide suggested methods for improving both the reliability and the extent of information pertinent to appraisal of this dimension of direct recreational value. The irreversibility of wilderness character and accelerating increase in wilderness demand indicate a need for better accumulation and analysis of wilderness area data; and a general go-slow policy in allocating lands now roadless to development.

The basis for analysis of indirect values is even less satisfactory than for direct values alone. Possible lines of approach through economic analysis are suggested in chapter 6. Survey techniques analogous to those of chapter 5, as applied to appropriately different samples of the general population, would also provide information useful for such an appraisal. But neither of these approaches has yet been applied to wilderness value problems on anything like the scale needed if reliable measures are to be obtained.

We believe that the concepts of value outlined here are valid and useful for assessing alternatives in the use of wilderness areas and for evaluating wilderness recreation. To apply these concepts in a practical way, major problems of duplication, underenumeration, and lack of comparability in use statistics as currently collected must be eliminated; additional kinds of information about users significant for measuring direct values must be collected; and motivational surveys, studies of the valuations implied in past decisions, and systematic analysis of both expert and public opinion must be conducted to provide better guides to indirect values.

Many choices affecting the future of wilderness tracts (e.g., in connection with the pending reclassification of national forest primitive areas) will have to be made in the years immediately ahead. Once a decision to forgo wilderness status for an area has been carried out, it cannot be reversed—the wilderness characteristics will have been destroyed. In view of the time required to build a more adequate basis for appraisal of wilderness values, initiation of a well-designed program aimed at appraisal is urgent. Until such information has been provided, decisions on problems of wilderness allocation and use will continue to rest on largely arbitrary judgment.

Mr. Speaker, the contribution of Dr. James P. Gilligan and his associates at the Wildland Research Center of the University of California, who conducted this study and prepared the report, are of special importance as we consider the Wilderness Act passed last September by the Senate and now before this House with an urgency emphasized by the President and many others.

An informed understanding of the various values involved and the dependence of these values on the unique environment that must be preserved as wilderness, is essential.

The urgencies of our situation are well brought out in the study's revelation of increasing pressures on our limited wilderness resources.

The acceleration of wilderness recreation suggested by a fourfold increase in a dozen years—from 1947 to 1959—on national forest areas of wilderness is startling.

The projections of Dr. Gilligan and his colleagues at the Wildland Research Center of total man-days of wilderness use in the United States for the year 2,000, indicating an increase of 10 times the 1959 level, are similarly impressive.

We shall do well to act promptly to preserve all the wilderness that we can consistently with our other needs.

Part 5 of the wilderness report's summary, to be presented in a subsequent extension of remarks, dealing with "Future Supply of Wilderness Resources," opens with the sentence:

> Wilderness environments are already clearly in scarce supply.

Thus the values placed on wilderness by the American people are emphasized.

REPRESENTATIVE CHARLES A. BUCKLEY

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KEOGH] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KEOGH. Mr. Speaker, a very interesting and timely letter appeared in today's issue of the New York Times concerning the record in the Congress of my old and dear friend the gentleman from New York, CHARLES A. BUCKLEY, chairman of the House Committee on Public Works. I believe this letter puts in proper perspective the vast contributions that the gentleman from New York [Mr. BUCKLEY] has made to the well-being and welfare of the economy of our Nation and his home State of New York during his tenure as chairman of the Public Works Committee. I would like to include a copy of this letter to the editor of the New York Times, as follows:

> TO THE EDITOR OF THE NEW YORK TIMES:
>
> In your editorials against Representative CHARLES A. BUCKLEY'S reelection to the House you refer to his "pork-barrel power" as chairman of the Public Works Committee. If it were not for this so-called pork-barrel authority New York State and the Nation would be without the St. Lawrence Seaway, the Niagara Remedial Works and Power Development, the Tennessee Valley Authority, the water pollution control program, providing research and Federal aid to communities for waste treatment plants, etc. We would be without the 41,000-mile Interstate and Defense Highway System, funds to permit the U.S. Corps of Engineers to conduct the hurricane study of the entire east coast, renovation of the White House, the new Customs Court and Federal Office Building in New York City as well as other Federal office buildings and post offices throughout the State. Then there are the 176 civil works projects for New York authorized by Mr. BUCKLEY'S committee since he assumed the chairmanship, including beach protection of the Atlantic coast of Long Island, deepening and dredging of New York Harbor and channels, the Hudson River channel, Fire Island Inlet navigation and beach erosion control, and the southern New York flood control project.
>
> If this be pork barrel, then let's have more pork and a bigger barrel to hold it. New York should have more CHARLIE BUCKLEYS and fewer biased newspaper editors.

ISRAELI INDEPENDENCE DAY

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. BAILEY] may extend his remarks at this point in the body of the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BAILEY. Mr. Speaker, on this 14th anniversary of the establishment of the State of Israel we recall the lengthy struggle which preceded the restoration of Jewish national independence and pay tribute to the magnificient accomplishments of this exciting young nation. Israel, as a state and as a people, is the living embodiment of the struggle, the aims and aspirations of the movement for the restoration of Jewish national autonomy. This movement has existed for nearly 20 centuries, ever since the Second Jewish Commonwealth was destroyed by the legions of Imperial Rome and deportation and slavery became the lot of many of its citizens. During the final quarter of the last century it assumed its modern form, and in 1948 achieved its purpose: Jewish independence and the reconstitution of the ancient Jewish sovereignty.

Israel has many facets, but none is more deserving of our attention than the mixture of Eastern and Western people who have flocked to the Jewish homeland. The Jews have always been a people of the East as well as the West, and it is perhaps not a coincidence that the modern Zionist movement started midway between the national liberal movements of 19th century Europe and the reawakening of Asia and Africa in the 20th century. The Jews were not the only people whose national independence was wiped out by an alien conqueror, whose very national frontiers had disappeared from the map and who yet rose again. The major difference was that so many Jews had been torn from their native land so that the process of revival include an "ingathering of the exiles," as it has been called. The protracted national struggle for liberation, independence, and statehood was matched by a great cultural revival and the use of Hebrew as a modern language.

Throughout the centuries Jews have maintained themselves in some part of the land of Israel, in the holy cities of Jerusalem and Safad and the mountain villages of Galilee. The early generations of immigrants who came to Palestine at the start of the 20th century were overwhelmingly European. Only after the foundation of the state in 1948 did nonwestern Jews in large numbers seek a new life in the Jewish homeland. The proclamation of independence whose 14th anniversary we are celebrating today promised that "the State of Israel will be open to Jewish immigration and the ingathering of the exiles," and that promise has been faithfully observed. Indeed, one might say that immigration is Israel's lifeblood. The right of every Jew to settle in Israel, one of the fundamental principles of the state, was given legal sanction in the law of the return, passed in 1940. About 1 million have come in since May 15, 1948. These included displaced persons and other refugees from east and central Europe, but also eastern Jews, including Yemenites and Moroccans, Tripolitanians and Kurds, Iraquis, Tunisians and Algerians, and Egyptians.

During the early days of mass immigration, the entire Jewish community of Yemen was flown to Israel in giant transport planes, traveling, as the Yemenites said, "upon eagles' wings." Since then the tide has ebbed and flowed, but averaging over 32,000 a year. Israel is still ready to take in all Jews who are allowed to leave and wish to come.

Many immigrants arrived without means or skills, and the Government has spent large sums to provide housing and training for its new citizens. About half the immigrants who arrived during the creation of the state settled in towns, while some joined the rural settlements. The process of being transported from one way of life to another has naturally created social, economic, and political problems, yet Israel is successfully experiencing a process which we know well in the United States—the assimilation of wave after wave of new immigrants.

The integration of new immigrants is only one aspect of Israel's achievements during the past 14 years. Economic development is proceeding at a rapid pace. Phosphates, nitrates, and copper are being produced from ancient sources. With the help of modern irrigation, citrus fruits, and grain production have been expanded tenfold since 1948. Israel has a growing export trade, and must continue to expand her economic facilities.

Similarly we may salute Israel's cultural achievements, which include one of the leading symphony orchestras of the world, the Israel Philharmonic Orchestra. The new Hebrew University, with an enrollment of 7,000, is one of the finest seats of learning in the Middle East. As in the past, when scholars flocked to the temple for wisdom, they now come to the university to learn the principles of democracy. Then, too, old Hebrew culture is spread throughout the modern world by performing folklore troups, acting as good-will ambassadors of the state.

The skeptics of 14 years ago, who thought that the new state would never survive the conditions of bankruptcy, economic weakness and war are being told to come and see for themselves. New ships and airlines have been pressed into service to facilitate the tourist trade and travelers can see the foundations of their own religion, be it Hebrew, Christian, or Moslem.

And what they see is a democratic state, a modern state, a state which through its own hard labor and perseverance, has sustained every trial and has emerged strong and independent. Israel has won acceptance among the nations of the world, not only in the West, but also among the newly independent nations of Asia and Africa. Particularly close and friendly relations have grown up between Israel and some of the new states of southeast Asia and west and central Africa. The example of Burma in developing close social and economic ties with Israel has been followed by Ceylon, Cambodia, Laos, Thailand, and the Philippines, as well as Liberia and Ethiopia, Nigeria and other countries of central and west Africa. Frequently Israel has placed at the disposal of these countries the services of technicians, scientists and specialists. Students and civil servants come to Israel for training in various subjects, and some economic enterprises have been set up jointly by Israel and several of these states.

Thus the State of Israel continues to serve as a crossroads between East and West, just as the Jewish people of ancient days were familiar with many civilizations, both in Jerusalem and in their exile throughout the world. We in the United States enjoy a deep and abiding friendship with Israel; we admire its pioneering spirit and its counterpart in our own history.

We salute the State of Israel on its 14th anniversary as an independent state.

IMPACT OF IMPORTS ON THE MASSACHUSETTS SHOE INDUSTRY

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD and to include certain pertinent matter and tables.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following interesting correspondence and facts concerning the shoe industry as it would be affected by H.R. 9900, the Trade Expansion Act:

BOSTON, MASS., *May 5, 1962.*

Hon. THOMAS J. LANE,
House Office Building, Washington, D.C.:

Reletter leather type shoe imports increased 84 percent in first quarter 1962 over 1961, or twice our estimated rate of increase. Such volume of imports, now equal to over 8 percent of U.S. production, under existing duties substantiates fears of shoe manufacturers in your district for survival under H.R. 9900. Three essential amendments to H.R. 9900 to protect shoe industry have been submitted to House Ways and Means Committee. Your personal support of the shoe manufacturers and their shoe workers needed now as never before, and we earnestly recommend you personally inform the members of this committee of your views.

MAXWELL FIELD,
New England Shoe & Leather Association.

NEW ENGLAND SHOE AND
LEATHER ASSOCIATION, INC.,
Boston, Mass, May 1, 1962.

Hon. THOMAS J. LANE,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN LANE: Thank you for your recent letter acknowledging receipt of the shoe industry's brief on H.R. 9900, the Trade Expansion Act of 1962, and our fact sheet setting forth the impact of imports on the shoe manufacturing industry.

We are enclosing an additional fact sheet concerning the shoe industry in your State and suggest that you consider this industry's importance to Massachusetts when safeguards and protective measure amendments to the bill come up for consideration.

Please feel free to call on our office if we can be of service at any time.

Very truly yours,

MAXWELL FIELD,
Executive Vice President.

NEW ENGLAND SHOE & LEATHER
ASSOCIATION, INC.,
Boston, Mass., April 9, 1962.

Hon. THOMAS J. LANE,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN: We understand that you have received from the New England Council a copy of the report entitled "The Trade Expansion Program and Its Meaning for New England," dated March 20, 1962. You will be interested to know that, pursuant to instruction of our board of directors, we have initiated correspondence with the New England Council seeking to correct their views and conclusions regarding the shoe industry in New England and to obtain the council's recognition of the shoe industry's special contribution to the strength of the New England economy.

We have made it clear that a full study of the facts will reveal that H.R. 9900 needs ameliorating amendments if the New England shoe industry is to survive as a healthy, vigorous and large employer in the sixties.

The New England shoe industry employs more than 80,000 workers in New England, and 25,000 persons are employed by our suppliers. In contrast, the council report lists as the 57 largest New England exporting industries likely to be the chief beneficiaries of the proposed program, industries which employ in the aggregate 330,000 persons, of which the largest employers are the aircraft engine industry, employing only 42,200 persons, and the shipbuilding and repairing industry, employing only 21,300 persons. The New England shoe industry is the largest employer of labor in Maine and New Hampshire, and the fourth largest employer in Massachusetts.

We enclose for your study a copy of the shoe industry's statement concerning H.R. 9900 as presented to the House Ways and Means Committee on April 5, 1962. You will note the specific recommendations contained on the last two pages of the statement.

We also enclose for your information a fact sheet relating to the impact of imports on the New England shoe industry.

We hope you will give all the enclosures your personal careful consideration before reaching a decision as to your action with respect to H.R. 9900, and we will welcome your comments or questions.

Sincerely,

MAXWELL FIELD,
Executive Vice President.

IMPACT OF IMPORTS ON THE MASSACHUSETTS SHOE INDUSTRY—FACT SHEET

1. Production: Massachusetts is the leading shoe producing State in the Nation.

1961:

Shoe production (pairs)	101,804,000
Shoe shipments (pairs)	102,571,000
Value of shoe shipments (f.o.b. plant)	$432,090,000
Ratio of Massachusetts production to U.S. total (percent)	17

2. Employment: Shoe industry is second largest manufacturing employer in Massachusetts.

1961:

Shoe (except rubber) manufacturing employees	39,000
Tanning, leather and leather products (except shoes)	17,800
Total	56,800

3. Total wages paid to Massachusetts shoe workers, 1961 (estimate), $15,840,000.

4. Total 1961 U.S. shoe imports equal to 6 percent of U.S. shoe production and to 36 percent of Massachusetts output:

U.S. foreign trade in leather-type nonrubber shoes

[In pairs]

Year	Imports	Exports	Shoe production	
			United States	Massachusetts
1955	7,809,654	4,642,134	585,369,000	105,134,000
1956	9,998,939	4,531,470	591,757,000	102,918,000
1957	10,988,477	4,397,638	597,648,000	99,511,000
1958	23,596,541	4,224,648	587,115,000	96,022,000
1959	22,276,841	3,504,712	637,364,000	102,322,000
1960	26,616,508	3,244,316	598,442,000	95,557,000
1961	36,783,815	3,034,545	599,790,000	101,804,000
Percent change, 1955-61	+471.0	−34.6	+2.5	−3.2

MILK CONSUMPTION

Mr. KYL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. KYL. Mr. Speaker, recently, because of specific headlines in newspapers, I asked the Health, Education, and Welfare Department why it is essential to publish radiation counts in relation to milk.

These headlines read "New Peril in Milk Noted," "Fallout Rise in Milk." Newswriters developed these headlines to follow information issued from HEW.

Now it is no wonder that milk consumption falls each time such a statement is printed. These are genuine scare headlines.

According to Dr. James Hundley, Assistant Surgeon General:

> All foods, including milk, are involved since radioactive products appear in them. Again, there is reason to believe that there is a degree of concern out of proportion to the facts.

The statement goes on to say that there has always been radiation in the atmosphere and in foods.

Further statements from the experts indicate clearly that there is no present danger from radioactivity in milk.

In its response to my recent complaint, the HEW Department says:

> The Public Health Service has stated consistently that present and foreseeable levels of radioactivity in milk are no cause for alarm. Emphasis also has been placed on the importance of milk to the growth development of millions of infants, children and teenagers. The public has been warned against curtailing consumption of milk, and milk products because of fear of radioactivity.

Yet, the Department insists in the same letter, that "it is necessary for the PHS to measure and make public the levels of radioactivity in milk."

The Department apparently cannot say, "in certain selected foods," nor is it capable, apparently of developing a general scale to measure such radioactivity in spite of their 1961 report on great progress in surveillance.

The Department can preach until doomsday that milk is good for you, and that every good citizen must drink *x* number of glasses a day for his own and the Nation's benefit, but as long as the headlines say "Radioactive Peril in Milk," people will turn to other foods and beverages which might possibly include as much radiation or other medical, biological or physical detriments, but without attendant publicity from the PHS indicating such dire peril.

It is my opinion that the unjustified reference to milk is probably the most important single factor in the health of the dairy industry today—and the practice should be discontinued immediately.

COTTON TEXTILE INDUSTRY

The SPEAKER. Under previous order of the House, the gentleman from North Carolina [Mr. WHITENER] is recognized for 60 minutes.

Mr. WHITENER. Mr. Speaker, on numerous occasions I have taken the time of the House to discuss a problem which is of great concern to the area which I am privileged to represent. It is of concern not only to the congressional district known as the 11th Congressional District of the State of North Carolina but to the entire area of the two States of North and South Carolina known as the Piedmont section. Of course, there are other areas of the country equally concerned with the problem, that is, the future of the textile industry and the jobs of the people who work in that industry.

Several weeks ago the Tariff Commission held hearings under a section 22 application filed by the Department of Agriculture on the question of the 8½ cents per pound subsidy on cotton being given to foreign manufacturers of cotton textiles. This comes about by reason of the fact that a foreign textile operator can buy American-grown cotton at 8½ cents per pound, or $42.50 per bale, less than the amount which must be paid by a domestic American cotton-textile manufacturer. This is cotton which in great measure the taxpayers of the United States have paid for; it is cotton which the textile plants or manufacturing concerns and the textile workers of this country are called upon to pay taxes to make available to foreign nations, and industries in foreign nations, only to have it come back in the United States when it is woven into fabrics and shipped here in competition with our own fabrics.

In talking to many of the knowledgeable people in the textile industry during the Easter recess of the House, and as recently as this past weekend, I was told again by them that this is the major handicap our American industry is having in meeting the competition from abroad. They say, in effect, that even though there is a wage differential, that with our productive capacity if we have a fair break on cotton price we can compete with the foreign countries, certainly on a more even basis than we can now. It seems to me rather strange that even though a great deal of time has passed, the Tariff Commission has not been able to come up with a decision on this important matter.

Mr. HEMPHILL. Mr. Speaker, will the gentleman yield at that point?

Mr. WHITENER. I shall be happy to yield to my friend from South Carolina.

Mr. HEMPHILL. I congratulate the gentleman, Mr. Speaker, on again bringing this continuing problem to the attention of the House and the Nation. We who live with the textile industry have been very happy that this administration, under the leadership of a great President, has seen fit to enter into the problem and instead of giving lipservice, which was so characteristic of the Eisenhower administration, that it has tried to do something about it in keeping with campaign promises. With the knowledge and experience our own President has of the textile industry he has proposed a program which the gentleman from North Carolina has discussed, a part of which is the 8½-cent-a-pound import fee which is presently being considered by the Tariff Commission. I hope that it will become a reality in the form of relief to a burdened textile industry.

I might ask the gentleman in that connection if he does not feel and believe that if the Tariff Commission is sensitive to not only the wishes of the administration and the promises of the administration but also to the wishes of the Congress and especially those of us from the textile areas which are affected it should make a quick decision; that it should also give that situation that is recognized by the Secretary of Agriculture a decision which imposes the 8½-cent import fee and which says in effect to American manufacturers and American textile workers and the American taxpayers: We of the Tariff Commission recognize the justice of your cause and our responsibility; we are going to do something about it.

I know the gentleman shares with me the hope and belief, perhaps the prayer, this is forthcoming, and I will ask the gentleman if that is not his wish and his desire at this time?

Mr. WHITENER. I will say to the gentleman from South Carolina I have been gravely concerned about the delay in getting an answer from the Tariff Commission. It seems to me that the Tariff Commission has perhaps gotten into this game that seems to be played around Washington of trying to delay the decision until there has been a vote on the new Trade Act, H.R. 9900. We have some feeling that the decision will be delayed in order that it may be used as a club over the heads of some of us who have looked with great suspicion upon some of the things that are going on in connection with unfair foreign competition that affects the jobs of American people.

Mr. HEMPHILL. I may say to the gentleman that insofar as the textile industry itself is concerned, I have read with a great deal of interest, and if the gentleman will not object, I would like to insert at this point in the RECORD resolutions which were unanimously adopted by the 13th annual meeting of the American Cotton Manufacturers Institute on March 31, 1962, which endorse the present program and which in effect said to the administration, to the Congress, and to the Nation, we are keeping faith here, we are keeping faith even though we have an industry which has suffered at the hands of the trade policies, if you can call them trade policies, of this Nation, which has suffered through the State Department; that there certainly have been mistakes, there are mistakes being made, and mistakes are continuing to be made, but we are going to keep faith.

Mr. Speaker, I ask unanimous consent to insert these resolutions at this point in the RECORD.

Mr. WHITENER. May I ask the gentleman, is he seeking to insert all of the resolutions of the American Cotton Manufacturers Institute?

Mr. HEMPHILL. No; just the resolution with reference to the trade policy and the resolution which is an expression of appreciation and the resolution regarding the cotton offset import fees.

The SPEAKER pro tempore (Mr. GEORGE P. MILLER). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The matter referred to follows:

RESOLUTIONS OF THE AMERICAN COTTON MANUFACTURERS INSTITUTE

A NATIONAL FOREIGN TRADE POLICY

The American Cotton Manufacturers Institute reaffirms its support of the President's textile program on an industrywide basis and recognizes the constructive action and the progress made to date in the implementation of the program since its inception on May 2, 1961. The arrangements covering international trade in cotton textiles coupled with efficient and vigorous enforcement will contribute to the growth of the industry, to increased employment, to the national security, and to the overall economy.

The textile program accepts and treats the problems of textiles on an industrywide basis and avoids inadequate, piecemeal remedies. The President has used the authority available to him to secure on a global basis an expansion of world trade in cotton textiles and apparel while providing the means of preventing further disruption of the markets of domestic producers such as the United States.

Action affecting wool and manmade fiber segments of the industry is anticipated shortly.

In addition, the Department of Agriculture, in accordance with point 4 of the President's program, has requested the Tariff Commission for an equalization fee to offset the disparity which exists between United States and world prices for cotton. The prompt correction of this disparity in its entirety is absolutely essential.

The President has proposed a policy of trade expansion intended to improve the U.S. balance-of-payments position, to meet the challenge of growing free world markets to win the economic struggle against the Communist bloc, and to accelerate the economic growth of the United States. The proposals for trade expansion include new procedures and authority to meet the conditions and challenges which face the United States and preserve the national security safeguards.

The development of a textile program and its implementation through international arrangements demonstrates that the authority of the President has been exercised vigorously and prudently in the interests of national security and economic growth within the framework of U.S. policy of expanded world trade. In view of our experience, we believe that the authority to deal with foreign nations proposed by the President will be wisely exercised and should be granted by the Congress.

We desire to assist the administration and the Congress to obtain a trade expansion act which will encourage and stimulate international trade, and at the same time will assure the continuance of the jobs of our American employees, the expansion of our domestic production, and will provide for the maintenance of our national security.

THE CASE PENDING BEFORE THE OFFICE OF EMERGENCY PLANNING

Thirteen days after the textile program was announced on May 2, 1961, the combined textile-apparel industry, in accordance with point 7 of the President's program, instituted an action before the Office of Emergency Planning under the national security provision of the Trade Agreements Act.

This action is without question the most comprehensive and exhaustively documented presentation ever made to this agency. The record was closed October 16, 1961.

An early and favorable finding by the Office of Emergency Planning is indispensable to a full implementation of the overall textile program which is essential to economic and military security of the United States.

EXTENSION OF PRESIDENT'S PROGRAM TO OTHER FIBERS IN ADDITION TO COTTON

Completion of the President's program for dealing with the import problems of other fiber divisions of the industry is imperative.

The interfiber relationships of manufacturing and marketing textile products are such that failure to deal promptly with the total textile import problem inevitably would create distortions throughout the industry. This would render the administration of the Geneva arrangements more difficult and would make needed corrective action much more drastic.

To avoid this we again urge the administration to move promptly in the development and implementation of a program covering products manufactured from manmade fibers, wool, and silk.

AN EXPRESSION OF APPRECIATION

Since the last annual meeting of the American Cotton Manufacturers Institute, our Government has devoted to the foreign trade problem of the U.S. textile industry an unprecedented degree of thoughtful consideration and constructive action. For this activity, we express our deep appreciation to the President and to his Special Cabinet Textile Committee.

We are genuinely indebted to a wide cross section of the Congress for its continuing understanding, interest, and activity with respect to the disruptive textile import situation. This congressional interest has provided a foundation of support and encouragement upon which the executive branch could build and extend its efforts.

The Geneva arrangements, along with vigorous enforcement and the anticipated early implementation of the remaining portions of the President's program, provide a basis for encouragement and for sound forward planning of future growth by this industry.

RESOLUTION ON THE COTTON OFFSET IMPORT FEE

In 1956 the Government instituted a cotton export program to make U.S. cotton competitive in world markets. World cotton prices were then some 6 cents per pound under U.S. cotton prices and the differential has since widened substantially.

This means that American cotton textile manufacturers are required to pay approximately one-third more for cotton than foreign mills pay.

The incredible inequity of the cotton cost differential has, of course, led to a sharp upsurge of certain categories of textile imports already stimulated by the lower wage and other cost advantages possessed by foreign manufacturers, to the great detriment of cotton farmers and textile employees.

These imports not only constitute very damaging and unfair competition to the U.S. textile industry, but also reduce the domestic consumption of the U.S. farmers' cotton and thereby interfere with the programs of the U.S. Department of Agriculture which the Government has established for the benefit of these cotton farmers.

Section 22 was written into our basic agricultural law to provide a remedy for precisely this type situation. However, despite the combined efforts of the textile industry and the raw cotton industry over the past several years, we have been unable to secure the relief which section 22 prescribes.

The administration has recognized this disparity and has requested the U.S. Tariff Commission to institute a section 22 proceeding, specifically suggesting the desirability of an equalization fee on the cotton content of textile imports at a rate sufficient to offset the raw cotton cost differential.

We commend the U.S. Department of Agriculture and its representatives for the excellence of the case made so strongly by them in behalf of such a fee, in the recent hearings before the U.S. Tariff Commission.

A healthy and growing domestic textile industry is indispensable to the maintenance and economic well-being of domestic cotton agriculture.

Prompt action in recommending the proposed fee and its prompt establishment by Presidential proclamation are essential to the preservation and expansion of the American cotton industry and to the most successful implementation of the Geneva cotton textile arrangements.

Mr. WHITENER. Now that the gentleman has mentioned those resolutions, and I was getting to them, and getting back to this section 22 application by the Department of Agriculture, I would call to the gentleman's attention that in the resolution entitled "The Cotton Offset Import Fee," the American Cotton Manufacturers Institute in that resolution said:

> Prompt action in recommending the proposed fee and its prompt establishment by Presidential proclamation are essential to the preservation and expansion of the American cotton industry and to the most successful implementation of the Geneva cotton textile arrangements.

Now, if I may proceed a little further along the line I had commenced to develop.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. WHITENER. I will be happy to yield to my friend from Iowa.

Mr. GROSS. Now, if the present President of the United States, as the gentleman from South Carolina [Mr. HEMPHILL] says, is so sympathetic and so interested in the fortunes of the people who are being hurt, the textile people of the South, is it not possible that he could exercise some influence with the Tariff Commission to get some action over there? What prevents him from getting some action out of the Tariff Commission? He seems to be able to get action in other departments and with the steel people. Do you mean to say that he has no influence with the Tariff Commission? I am intrigued by this comment that this President is so sympathetic to the textile industry of the South, yet he cannot exert any influence in Washington.

Mr. WHITENER. If I may reply to the gentleman from Iowa, I remember that years ago there was a radio comedian or character who gave the response to questions by saying "Precisely why I am here."

I may add, perhaps with some timidity, that the words we are using here may cause our great President to have his memory jogged about this matter and exercise his persuasiveness in getting a decision, because whatever the decision of the Tariff Commission is—and I hope it will be favorable—but whatever it is, I think that those of us who are here about to make a great decision for our country within the next few weeks in this Congress ought to know what that decision is so that we can make our decision in the light of what has happened.

Mr. HEMPHILL. Mr. Speaker, will the gentleman yield for a comment, since the gentleman from Iowa referred to me?

Mr. WHITENER. I will be happy to, but I would like to proceed.

Mr. HEMPHILL. I would just like to make this comment, that perhaps our new and great President inherited a Tariff Commission which, like the previous administration, was sort of a do-nothing proposition—I hope that is not the case—but having been to the White House and having been to the previous administration asking for textile relief and having had vague promises and indifference and do nothing, I am not surprised that we may be getting out of the lethargy of the last 8 years.

Mr. WHITENER. I am sure my friend from South Carolina has heard the story about the very sick Irishman. Well, I am somewhat in that position now. We want help, and we do not care where it comes from. If there are any holdover Tariff Commissioners who are not members of our political party and not sympathetic with our views, I hope that lightning will strike tonight and that they will come around to our views, which we feel are the views that are in the best interest of the people of this country.

But, coming back to the American Cotton Manufacturers Institute resolution which the gentleman from South Carolina mentioned and which I was just about to discuss. The American Cotton Manufacturers Institute at its Miami convention adopted a rather unusual type of resolution. When you read the RECORD you will see it with your own eyes, because the gentleman from South Carolina has made it a part of his remarks. A great misunderstanding apparently has arisen as to whether this resolution was an endorsement of the trade policies now being urged upon the Congress in the form of H.R. 9900.

I was interested to read in several publications and particularly in the Southern Textile News of April 14, 1962, a news story quoting Mr. J. Craig Smith, president of Avondale Mills, in which he takes a different view of the meaning of the American Cotton Manufacturers Institute resolution. Mr. Smith, if I remember correctly, was at one time president of the American Cotton Manufacturers Institute.

I believe he has also held the position of president of the National Cotton Council. I could be in error about that, but that is my memory. However, I would like to read to my colleagues this brief news story which appeared in the Southern Textile News on April 14. This is a statement, apparently, prepared by Mr. Smith himself:

> Some of the press reports concerning action taken by the American Cotton Manufacturers Institute in respect to President Kennedy's trade program have been quite misleading.
>
> We did not endorse H.R. 9900, President Kennedy's trade bill.
>
> In five separate resolutions, we did take the following action:
>
> 1. Expressed appreciation to President Kennedy and his special Cabinet Textile Committee and our friends in Congress for their consideration and constructive action.
> 2. Emphasized the necessity for the Office of Emergency Planning's designating the industry as essential to the economic and military security of the United States.
> 3. Pointed out the necessity for controlling, in addition to cotton textiles, imports of products made from manmade fibers, wool, and silk.
> 4. Called attention to the incredible inequity of requiring American mills to pay approximately one-third more for cotton than foreign mills and then letting the foreign mills ship their products here without paying a fee equal to the export subsidy on raw cotton.
> 5. Expressed our belief that the President should be given authority to deal with foreign nations in respect to foreign trade.
>
> This last proposal was the only one that caused some difference of opinion in our industry. After the fullest, frankest, and most extended discussion, we concluded that based on our own experience, the President should have the additional authority and that it would be wisely exercised.
>
> My own view is that entirely aside from the Geneva agreement, if Congress does not want to take back authority in respect to foreign trade—and it has clearly shown it does not—it is better to place it squarely on the President than to have a division of it between the President and the Tariff Commission. Under the present system, the Tariff Commission can take no final action. It can only make recommendations, and the President does not have to accept these recommendations unless he wants to. However, if the Tariff Commission doesn't make favorable recommendations, there is little he can do to help the situation.
>
> Under such a setup, I can't see that the Tariff Commission, an appointive body, is in position to protect American industry. If the Congress is unwilling to assume this responsibility—and it is—it seems better to me to place this responsibility on the head of the country, who is answerable to the people every 4 years.
>
> Our industry has taken no action implying that we would not oppose certain provisions of the Trade Expansion Act. Certainly, as individuals, we are violently opposed to the subsidy provisions of the act. The power to subsidize any business is the power to destroy all unsubsidized business, and I am very hopeful that Congress will strike these subsidy provisions from the legislation.

Mr. Speaker, I do not agree with Mr. Smith in some of his conclusions. Certainly, when he so categorically states that Congress has clearly shown that it does not wish to take back its authority in the field of trade regulation, I do not agree with that. I do not see how any Member of Congress who has stood in this Chamber and taken the oath to uphold and support the Constitution can turn his back upon the clear language of the Constitution which places the burden upon the Congress of the United States to regulate trade between the States and foreign nations, and I believe also it says something about trade between the Indian tribes. So, we just cannot, I think, escape the responsibility of the Congress in this field of trade regulation, foreign and interstate trade.

Mr. Speaker, in the textile area there has been a great deal of individual dissent from the position taken by the American Cotton Manufacturers Institute.

I had a letter a few days ago from a gentleman in my community whom I admire very much. As a matter of fact, just today I placed in the CONGRESSIONAL RECORD an editorial and a news story about an honor which has recently come to him. This gentleman is one of the senior citizens of my hometown. He has been one of the leaders in civic, industrial, and business life and has distinguished himself by unselfish public service in all areas which are worth while in a fine community. I speak of Mr. A. G. Myers, who is chairman of the executive committee of Textiles, Inc., which operates some 14 or 15 textile plants in my home county. Mr. Myers has held many positions of honor in the textile industry. He is also one of the outstanding men in the financial world in this country.

On April 10, 1962, he wrote me the following letter:

> DEAR CONGRESSMAN WHITENER: After reading the newspapers for the past several days, I feel very much concerned about the future outlook of the textile industry, as its survival, in my opinion, depends altogether upon the action taken by this session of Congress and the authority vested in the President.
>
> With our foreign competitiors having a wage scale of about 25 percent of our domestic industry, and in some cases as low as 10 percent, together with a cotton cost of 8½ cents, or 25 percent, less than our cost, it is had to see how the U.S. industry can survive unless restraints are placed on imports, either by proper tariffs, which would be preferable, or quotas, the latter being very hard to police. It is a foregone conclusion that it is only a matter of time until we will lose all of our export textile business to our foreign competitors, which will have its full effect on the country's gold supply.
>
> Being in the yarn and thread business, which we sell to converters and garment manufacturers, we are naturally greatly affected by the shipments of finished thread and yarn which are being imported in large volume, although other segments of the industry are likewise greatly affected by foreign imports. While it has been stated that the volume of all textiles now being imported into this country is only about 6 percent and this does not seem large, it only takes about 2 percent of oversupply to demand to adversely affect the sales price.
>
> In 1928 we had 38 million spindles in place in the United States; today we have about 20 million spindles in place, which means that many hundreds of mills have closed down because of inability to make a profit. Statistics for the past several years show that the domestic textile industry and its allied garment manufacturers stand right at the bottom of all industries as to earnings on capital investment and on dollar sales. The textile industry is important to the economy of the United States in times of peace and war, but it is not logical to operate any business that will not show a return on the investment.

> It has not been too long since an important man in the administration made the statement that "the textile industry would have to do a better selling job and spend more for research," but, if the industry can be shown how to make a sale at 20 percent to 25 percent higher than imported products are being offered for, I think this man would render a greater service to the industry.
>
> As to research, hundreds of thousands of dollars are being spent annually by industry and by schools supported by industry, and this field has not been overlooked.
>
> Also, in recent years, the mills generally have spent sizable sums in installing modern machinery, and, as a result, the labor force has been reduced approximately 20 percent.
>
> It is not necessary for me to tell you how dependent the Piedmont section of the Carolinas is on the textile industry, since it gives employment to so many people and many other individuals and businesses are dependent upon its payrolls.
>
> Respectfully yours,
>
> A. G. MYERS.

Mr. Myers has touched upon the heart of this problem so far as I am concerned. I am sure my friend from South Carolina will agree with him when he talks of the 20-percent reduction in textile jobs of American people that has been experienced in this country in recent years. It is they about whom we are concerned in our presentations here. Those who own the plants and those who have the investments can in many instances survive without continuing to operate the textile plant, but the man who is working in the mill supporting his family from his earnings has no place to go when he finds himself as one of that 20 percent of vanishing textile workers as the result of the inordinate imports of foreign-made textile products.

Mr. HEMPHILL. Mr. Speaker, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from South Carolina.

Mr. HEMPHILL. I know the gentleman has been distressed, as I have, at the fact that some of the bureaus and some of the departments of this great Government of ours have spent a lot of the taxpayers' money in propaganda in the field of export and import jobs. What they have done is make studies satisfactory to their own policies. One of the subjects I saw and read with a great deal of interest was that imports create jobs. If they were to be honest enough at the Department of State, the Department of Commerce, and these other departments which put out this study of the textile industry to note the decline in the number of jobs since 1950, or if you want to take a 10-year period, since 1952, they would find that their own statistics give it the lie. What has happened has been that this industry has been the target of so much abuse.

I want to say to the gentleman again that I salute the fact that he is a continuing champion, an unhesitating champion of the rights of these people who work in the textile mills. He and I have had the advantage of growing up among them and serving them in various capacities in the public interest. Not only that, we have many of them as close personal friends and associates in various civic and fraternal associations. We know they are wonderful people. They want the continuation of their jobs, just as do other people. We know that they are the finest Americans. We know also that the people who work the textile plants in our part of the country have been quick to say that these are the most loyal and dedicated kind of people in the whole length and breadth of the United States today.

Again I salute the gentleman.

Mr. Speaker, I ask unanimous consent to revise and extend such remarks as I have made when the gentleman has yielded to me in connection with this special order.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WHITENER. I thank my friend from South Carolina and say to him that I could not agree more with anyone than I do with him about the nature and quality of the people in the textile plants in our section of the country. I suppose I would be rather foolish to disagree with him since I am one of those individuals, and have great pride in my textile heritage.

I was raised in a cotton mill village. I worked in the mills. My folks worked in the mills and still work there, some of them in management and some of them at the machines. I have a great emotional feeling for this great industry which transcends just bare economics, because it has been an industry that has not only been good to the section of the country where I live but has been of great benefit to me.

As one who has swept in the mills and run lap machines, stripped cards, ground cards, poured up yarn, laid up spools, creeled twisters and run many other jobs in the textile plants, I just have a real emotional feeling about this subject.

We are talking now about America at the grass roots. I do not believe I can ever attain that degree of sophistication that I see in some people who can deal with a job for a human being as a statistic or as a line on a chart. I think that this comes about because of the unfamiliarity of some of these people with what it means to have a job or not to have a job. So when we talk about this business of unfair competition taking a job away from an American citizen so far as I am concerned, it is not a question of a statistic, it is a matter of life and blood and bread and meat. It is the difference in a child of a human being having an opportunity to wear shoes to school or having to go barefooted. It is the difference between a boy or girl having a chance to go through the public schools and on to college. Yes, even to go to the Congress of the United States or to the presidency of a great university as some of the boys from the mills in my area have done. This is not something that can be reduced to a statistic as our friends in some of the agencies of Government seem to feel it can be.

I cannot see why I should go along with the idea that we ought to lop off the jobs of thousands of American textile workers simply because some say that overall the trade situation will be better, if we take those jobs away.

I cannot understand how anyone in this country knowing that the textile industry is the second largest employer of people of all the manufacturing industries can take a blase attitude about its preservation. I cannot see how anyone who lived through World War II and who saw what a push we had on for the production of the textiles can sit back and say they are interested in the security of this Nation and, yet, let over 800 textile plants go out of business since the end of World War II. Why, in my hometown when I would come in on leave during the war, every store and every building and every garage, upstairs and downstairs, wherever they could find a place to put some spinning equipment or some kind of textile machinery was being utilized for that purpose. They were doing that to get the textile products which were so essential to the war effort. Yet, today when we are told that this cold war will not ease up for at least 2 more years at best, this cold war which many tell us could go into a hot war, there are many who capriciously take the attitude that our textile industry is expendable. We cannot overlook the very elemental proposition that men must be clothed in time of war and in time of military emergency just as they must have rifles, and tanks, and missiles, and these other implements of war.

We talk about the textile industry and the jobs of the American people working in it. The Department of Agriculture in its release No. FASM-125 shows the different people who have an interest in the U.S. textile imports. They take into account the cotton merchants and the manufacturers of textiles. They could well have mentioned the chemical industry. I am told that the textile industry is the biggest industrial customer of the petroleum industry. Certainly in the electrical field—almost any area that you go into the industries are dependent upon the textile industry in part for a healthy profit situation.

Then the Department of Agriculture talks about labor and its interests, and they say this:

> Another group having a direct interest in imports is American labor, especially those working in the U.S. textile industry. Employment of production workers in the textile industry as a whole totaled more than 1.1 million in 1947. Employment dropped to around 800,000 by 1958, a decrease of about 28 percent in 11 years. While some of this decrease in employment is undoubtedly attributable to import competition, it has been estimated by the chairman of the New England Governors' Textile Committee that the loss of employment from increased productivity has been at least three times as large as the loss from rising imports. Labor does not blame all of its woes on imports, recognizing the many other factors that have contributed to the textile industry's failure to participate fully in the growth of the American economy in the past 30 years. Labor has claimed, however, that the sharp rise in imports has seriously aggravated the industry's problems. As a consequence, labor has requested protection against imports produced by workers abroad whose pay scales are a small fraction of theirs, has suggested fair labor codes for commodities in international trade, and has urged wage adjustments that reflect changes in productivity. This attitude on the part of labor is a mod-

ification of its traditional role as an advocate of free trade.

That is not what I say about it, that is not what some person who has his fortune invested in the textile industry says about it, that is not what some person who earns his livelihood in textiles says about it—that is what the Department of Agriculture, the Foreign Agricultural Service Division of the U.S. Government has to say about the situation in textiles. Certainly this decrease in jobs necessarily comes about when we have these excessive imports, because you cannot compete with this type of unfair competition without speeding up production in our own plants, and our textile industry in this country has done that.

I can say to you as one who works with and lives with the textile people and textile workers that had it not been for their basic Americanism which caused them to realize that it was essential that the industry speed up production and increase production per man-hour, we would have had a chaotic condition in the labor situation in the textile area. But these people realized that to compete with low-wage American-subsidized foreign competition they had to put their shoulder to the wheel.

I hear these comments from some of the folks in the State Department. I believe it was last November in New York City one of the men who sits near the top in the State Department made a speech there in which he referred, in effect, to the textile industry as being an inefficient industry.

Recently, when I had the privilege of talking to some of the State Department folks who have made that statement in NATO headquarters in Paris, I pointed out to them that in the past 10 years the production per man-hour in the textile industry increased 60 percent. I asked him if he could name another industry that had done that in this country. He ducked his head and said he was not aware of that sort of information.

When we look about us and hear these accusations that in certain industries there is featherbedding, there are slowdowns, and all of those things happening, and realizing that as opposed to this accusation the statistics and records show that in the textile industry the people are producing more per man-hour by 60 percent than they were doing 10 years ago, I say that is a great tribute to those who work at the machines in that industry.

As we here in the Congress meet our responsibility to those people and to our own country, as well as to the security of our Nation, and to the economic welfare of our Nation, I hope we will remember that it is our responsibility to make the decisions as to the future course of this great segment of our economy.

I want to say as we move along here toward further consideration of our trade situation in this Congress, I will be deeply grateful to all of our colleagues who will give serious thought to our welfare, not only in textiles, but in other areas of industry where foreign competition has been so disastrous in its effect.

THE TEXTILE INDUSTRY

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from South Carolina [Mr. HEMPHILL] is recognized for 60 minutes.

Mr. **HEMPHILL**. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. **HEMPHILL**. Mr. Speaker, before I proceed with what I would like to say here, may I take this opportunity to congratulate and salute my distinguished colleague, my neighbor, my longtime friend, the gentleman from North Carolina, BASIL WHITENER, for his remarks today and for the fact he has consistently been a champion of the rights and the jobs and the purposes of his textile people. He and I have been here on many occasions. We always hope we will not have to come here again, that we will not have to raise our voices for a depressed industry, an industry which has been threatened, which has been sorely depreciated and depleted by foreign imports. We come here in the hope that this relief which we have been promised and which we need desperately will come before we have occasion to get up again and raise our voices. We also hope that sometime in the future our colleagues will join us, because we have spent many hours and many days trying to bring our textile problems to the attention of the Nation, the Congress, and others who may have some authority, some influence, or some power in this particular field, that they may give us some of the relief which we so desperately need.

Not long ago I wrote to a good many of my textile people telling them of the situation insofar as the Washington scene was concerned, giving to them as best I could my impression of the President and his textile program with which the textile industry is concerned, and what the doctors would call the prognosis for the future, whether or not the patient is going to get well and what steps we will expect to take to cure the patient and how long the healing process would be.

I received many replies, and while I will not name the very distinguished gentlemen of that industry who favored me with a reply, I must say that I am most grateful to those who did reply and that these people share our continuing fight and our growing concern.

Now, while we were talking here and while those in the State Department were preaching loud and long about what they would do and that imports were not hurting us, one of my textile people who keeps up with the imports had occasion to read about them and study them, and here is what he wrote me less than a month ago:

> I note that during January and February of 1962 cotton cloth imports totaled 89.8 million square yards compared to 46.9 million square yards for the same period in 1961. At the current rate of imports, 1962 will be the highest year for imports in our history. Likewise I note that during the January and February 1962 period there was 5.4 million pounds of cotton yarn imported compared with 1.7 million pounds for the same period in 1961.

Now, just about that time I had a manager of a plant in my district write to me and telephoned and later talked to me about a situation in which the Japanese, with their usual practice over the years, had zeroed in on a particular segment of the textile industry. Their exports to this country had increased something like 300 percent. The figures were published by those who dared to publish them but not by those who sought to convince by false propaganda that imports helped this country.

So, I went to the Department of Commerce and asked for verification, asked for information, asked for statistics. They told me to call the Department of State. The Department of State said that they were making a study of it but hush-hushed it up because we did not want to topple the plans of some American negotiations. I do not have the information yet. But, if the information is not forthcoming by the 1st of May, I intend to bare this scandal right here in no uncertain terms, and I intend to call names and quote figures, because the American textile people deserve the information instead of the propaganda put out by so many bureaus of their Government.

Speaking of the Japanese—and I have great affection for those people in spite of the fact that they stabbed us in the back at Pearl Harbor—getting into the textile field, they are a great people, and certainly, if they can fool some people in the textile field, like they have, do not think they do not put out good textiles, because they do. I am not advertising for them, but they have modern, up-to-date machines, as we have experienced in the past.

I have an article here dated April 26, 1962, from the American Textile Reporter, which is put out in my State. I do not agree with many of their views.

This particular periodical has castigated me in no uncertain terms at times, whether fairly or unfairly, I am not going to take the time to say here, but I think the article is worthy of consideration. It is entitled "Japanese Propaganda," and I insert it at this point in the RECORD under previous unanimous-consent agreement.

The article referred to follows:

JAPANESE PROPAGANDA

We heartily second J. Craig Smith's comments on inaccurate and misleading Japanese propaganda in his regular column in a recent edition of the Avondale Sun.

Mr. Smith said:

"An organization by the name of the United States-Japan Trade Council, registered with the Justice Department under the Foreign Agents Registration Act, has mailed a series of brochures to Alabama newspapers and chambers of commerce. The last of these to come to my attention contains the following statement: 'Alabama cotton farmers ship well over 10 percent of their total crop, year in and year out, to Japan alone.' They say that their purchases in Alabama amounted to $22,338,000 and they value the cotton they say they bought at $12 million.

"Anyone who knows anything about the cotton business in Alabama would know that this statement is grossly inaccurate. The facts are that nearly all of the cotton grown in Alabama is used in American mills. To be positive that my facts were right, I asked one of our leading cotton merchants to get me the figures as to what cotton was shipped from Mobile last year. If Japan had bought cotton in Alabama, this would have been the logical place to ship it from. The Census Bureau's data on exports are compiled by customs districts. During the 1960–61 crop season, the total cotton shipped to Japan from district 19, which includes not only Mobile but also Gulfport, Pascagoula, and Birmingham, amounted to 3,345 bales. If this cotton had been worth $12 million, it would have cost Japan $7.17 per pound.

"I suppose the United States-Japan Trade Council would undertake to justify its figures by an averaging process. The circular certainly creates the opposite impression and no one reading it could conclude that the Japanese might be talking about cotton they bought in some other part of the United States.

"Japan, of course, doesn't grow a single bale of cotton. The must buy cotton from somewhere for her textile mills. She buys this cotton wherever it can be bought to best advantage. Without the U.S. export subsidy on raw cotton, Japan would buy nothing here. Even with the export subsidy, one recent year Japan bought little cotton in the United States.

"I had thought that perhaps Attorney General Robert F. Kennedy would like to call this inaccuracy to the attention of the Japanese. Senator LISTER HILL, Senator JOHN SPARKMAN, and Congressman GEORGE HUDDLESTON have expressed their interest to the Attorney General. Senator SPARKMAN sent me a letter from Assistant Attorney General Yeagley in which Mr. Yeagley says:

" 'The statute does not, however, impose any obligation upon any Government agency to determine the accuracy of the statements contained in the propaganda material disseminated by agents who are required to register under the terms of the statute.'

"In the meantime, I had a letter from Nathan B. Lenvin, Chief of Registration Section, U.S. Department of Justice, enclosing a 34-page pamphlet dealing with the Foreign Agents Registration Act. The following is copied from this pamphlet:

" '(b) It shall be unlawful for any person within the United States who is an agent of a foreign principal and required to register under the provisions of this Act to transmit or cause to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce any political propaganda (i) in the form of prints, or (ii) in any other form which is reasonably adapted to being, or which he believes will be, or which he intends to be disseminated or circulated among two or more persons, unless such political propaganda is conspicuously marked at its beginning with, or prefaced or accompanied by, a true and accurate statement, in the language or languages used in such political propaganda, setting forth that the person transmitting such political propaganda or causing it to be transmitted is registered under this Act with the Department of Justice, Washington, District of Columbia, as an agent of a foreign principal, together with the name and address of such agent of a foreign principal and of each of his foreign principals; that, as required by this Act, his registration statement is available for inspection at and copies of such political propaganda are being filed with the Department of Justice';

"The piece of propaganda which I sent to the Attorney General carried no reference whatever to the United States-Japan Trade Council's being a foreign lobbyist. I have now inquired if the Attorney General would like to call this omission to their attention.

"If an American company failed to make a disclosure required by the SEC, I don't believe the penalty would likely be only a warning."

Mr. Smith deserves the thanks and the congratulations of us all for bringing this typical piece of misrepresentation out into the open. For altogether too many years, the American people have obviously been considered easy marks for phony propaganda. It is perhaps too much to hope that Mr. Smith's exposure of one brazen or careless distortion will put an end to the practice. Our foreign competitors, not satisfied with trying to put us out of business, also want to look pious while they do it; and there are Americans who are willing to help them in return for a fat fee.

Mr. HEMPHILL. Mr. Speaker, among other plants that I have in my district are some plants known as the Springs Cotton Mills. All of the manufacturing plants in that particular segment of the American textile industry, so far as I can determine, are located in my district, and employ about 15,000 fine, great, lovable American people, people who go to church, people who give an honest dollar's worth of work for a dollar, people who pay their taxes and own their homes, people whose word is good, and people who are willing to sacrifice for their country and have sacrificed their sons and their daughters, their brothers and their sisters, in every war since that industry was located and began to expand in my district. I know most of them personally. This is an industry which I think is as efficient, if not the most efficient in the world, as any comparative industry, not textile, I believe, in the world, and which has a great operation. I am not advertising for them, but perhaps you have seen the Springmaid advertisements, which are among the cleverest known to the modern advertising society. In a recent bulletin, the Springs Bulletin of Tuesday, April 10, 1962, they had a statement by the young and very able president of that great company, Mr. H. William Close, which is entitled "Textiles at the Crossroads," and I would like to insert that article in my remarks at this point under previous permission granted to me, Mr. Speaker.

The article referred to follows:

TEXTILES AT THE CROSSROADS

(By H. William Close)

We look back on 1961 with mixed emotions. We increased our sales by 5 percent but our profits dropped 20 percent. We don't feel apologetic in that most of our reduction was due to the high cotton cost-low cloth price squeeze we experienced along with our competitors.

Because we all shared this problem, the Springs Cotton Mills and the industry in general had a mediocre year. However, we can still say that our percentage of profits to sales remained at the top of the industry.

More important is what we have done and are doing to retain and improve our position in view of the economic and political problems ahead.

We are now in the early stages of a massive transition from an efficient, high-quality manufacturer by today's standards to the modern, automated and electronically controlled production organization that will be necessary in the future.

Technical changes in sight are not earthshaking. But they will make for considerably more efficient production. We have bought and are experimenting with high-speed cards, the newest shuttleless looms and the new finishing equipment which has been developed for higher quality and faster production. As they prove out, we are prepared to install them.

THE ELLIOTT PLANT

Nineteen hundred and sixty-one saw the ground breaking for our new Elliott plant near Fort Lawn, S.C. This plant is appropriately named in honor of our late president, Elliott White Springs. His business acumen was a major factor in supplying us with the $7 million it will cost and we believe that the building and the equipment therein will be in keeping with his vision of efficient, high-quality production.

The Elliott plant will include the latest in machinery; it will have the latest methods of materials handling; it will be refrigerated, and it will be capable of producing the highest quality fabrics at the lowest cost. An operation of this type was Colonel Springs' plan for the future and it is this plan we are carrying forward.

At Fort Lawn the Lancaster & Chester Railway is building a central warehouse complex to hold 100,000 bales of cotton. This facility will be used exclusively by the Springs Cotton Mills and will, of course, include the most modern handling equipment available and will enable us to blend more properly and at less cost the 400,000 bales of cotton we use per year.

We are looking toward the future. At the same time, we are working always for the improvement of economic and social conditions in our area.

In 1961 the Springs Cotton Mills operated on a full-time schedule and paid the largest payroll in its history to 12,500 employees. We made the largest cash profit-sharing distribution to our employees and paid the largest dividends to our shareholders. Our employment reached its highest point and we increased our employee benefits appreciably.

Through the Elliott White Springs Foundation we continued to expand our recreational facilities by completing a 12-lane bowling alley at Lancaster and starting construction of a 6-lane center at Kershaw. We made sizable contributions to vocational schools and colleges within the State and gave loan scholarships to 125 college students in our communities.

We gave a substantial portion of the funds necessary to build the modern, 40-bed Grace White Memorial Nursing Home in Lancaster and also supported other worthy community projects.

And we also paid our taxes. These totaled $17,525,000 in State and Federal income taxes. For the tax year ending June 30, 1961, the Springs Cotton Mills paid one-tenth of all corporate income taxes collected by South Carolina and one-quarter of all corporate income taxes collected from the State's textile industry.

WHAT MORE?

Is there a great deal more than can be demanded of an industry under our democratic system? In the years following World War II the U.S. State Department seemed to think there was. It wanted us to go further and become a sacrifice on the altar of diplomatic expediency.

If we screamed to loudly, as some say, there are few who can deny that our position was desperate. It is hardly less desperate today but we have, at least, some assurance from President Kennedy that our situation is being recognized.

The recent textile agreements reached in Geneva have given the American industry a graduated, 5-year stay of execution—if they are ratified by the other nations involved. President Kennedy's seven-point program and his recent commitments to Representative VINSON mark a healthy change of attitude toward the textile industry—if the State Department can be persuaded to go along.

These are two big ifs. Even if these promises are faithfully kept, the American textile industry still faces the problem of competing in a world market under the handicap of the two-price cotton program. President Kennedy has suggested an 8½-cent import equalization fee to balance the export cotton subsidy and to protect the domestic market.

This equalization fee is vitally needed by the textile industry. It will be needed until the administration and Congress reach some solution of the problem of agricultural subsidies.

Why shouldn't we go all out to eliminate the two-price cotton program? It is impossible for any honest conscientious group, aware of the cost of the program to the taxpayer and aware of its unfairness, to deny that the textile industry should be able to buy cotton in the United States at the same price it is offered to our oversea competitors.

We, in this industry, sell our goods according to the law of supply and demand. We are accustomed to it and, given half a chance, will survive. Our Government still holds to low import quotas on raw cotton—another advantage for the farmer and a problem for the manufacturer. Why shouldn't the farmer also operate in a free market and sell under the law of supply and demand?

In our traditionally free economy no segment of essential production is less important than any other. Nor is it more important. Agriculture, because of its special treatment, is not only drowning itself but the taxpayers of the United States in its price-supported surpluses.

We realize that it is futile to call for political sanity in an election year but this is a problem which the administration and Congress must face. Elimination of the two-price cotton system would be the most logical place to start. Give the efficient producers of cotton a chance to increase their share of world markets at competitive prices and give the most efficient textile industry in the world a chance to meet all comers with both hands free.

The American cotton manufacturers are not asking special treatment. They are just asking real and permanent fair treatment.

As far as Springs is concerned, we are presently a healthy company in an ailing industry. We know we cannot long remain in this position unless the Federal Government recognizes the unfairness of the extra burdens carried by the industry and moves to correct these inequities.

Mr. HEMPHILL. Mr. Speaker, we are now considering—we of the textile area—what to do about the proposed trade bill. It is a matter of great concern to us because we have heard many vacant promises from the executive branch of the Government of another day. I referred to that matter a while ago, particularly those promises which were made under the previous administration which, apparently, did not believe its own statements, and had no intention of carrying them out or any idea they were going to do anything for the textile industry.

From time to time we have had legislation commonly referred to as reciprocal trade legislation, in which the textile people have been promised that they are not going to be hurt; that they had been provided for through other legislation, and that they were going to be taken care of, or statements to the effect "if you get hurt, we have something to take care of you." Time after time nothing has been done; time after time the hurting received neither sympathy nor action.

Mr. WHITENER. Mr. Speaker, will the gentleman yield?

Mr. HEMPHILL. I would be happy to yield to my distinguished colleague from North Carolina.

Mr. WHITENER. I thank the gentleman for yielding, and express to him again my appreciation for his continued efforts in this battle for the people of America. I was just reminded by the statement that the gentleman made that in my remarks I had failed to do one thing which I particularly wanted to do. I suppose that is what happens when one does not speak from a manuscript, but speaks extemporaneously. The gentleman has mentioned this administration. I had intended—and if I can impose upon the gentleman's time long enough to do so—to say that notwithstanding the feeling of apprehension which our industry people and textile people generally have about the future, there is a very general feeling of appreciation and gratitude on the part of our segment of the textile industry, and certainly on my part, for the very worthwhile things which the President has done during his administration to help improve the deplorable condition with which the industry and our people were confronted for so long. I speak, of course, of the revised depreciation schedule for textile machinery, and the seven-point program of the President which is being implemented from time to time, as well as the efforts of the administration in the long-term Geneva agreement negotiations and, hopefully, what may happen on the section 22 hearings now unresolved by the Tariff Commission.

As the gentleman from South Carolina said earlier when I yielded to him, I think that there is every conviction and every reason for conviction that our great President understands the plight of the textile industry; that, understanding it as he does and having the motivation for public service we have observed in him, he has set upon a course of trying to do something about the inequity which has confronted our American people in the textile field.

I know that the gentleman from South Carolina must have been gratified, as was I, with the rather decisive type of action which the President took with reference to Hong Kong when he, through the proper agencies of government impounded I believe some 15 million, or maybe more, yards of fabrics destined for the United States.

So, speaking only for myself but, I believe, speaking accurately for the people of the area that I represent, while we are apprehensive as to the future, we certainly would not be candid and would not be doing what our heart tells us we should do if we failed to point out that we are deeply grateful for the understanding, for the consideration, but even more so for the action which the President of the United States and his administration have taken in recent days in behalf of this great industry which the gentleman from South Carolina so eloquently defends here today.

Mr. HEMPHILL. Mr. Speaker, I thank the gentleman and I share his sentiments entirely. Of course, one of the amazing things to me has been that even though the President has done something and the previous administration made only hollow promises, there are many who have not had the gratitude which my friend expresses and which I express, as do a great many of my people. I will say to them that this is our President and he is trying to do something for our people; and I salute him for what he has done. And while, like some others, I may have wanted more, I am so happy and it is refreshing to see something done and some consideration given, after the difficulties we have had. It is refreshing; and not only that, it is good to see a man carry out his campaign promises, as he has been trying to do.

I recognize the fact that we who have this problem on our doorstep and in our heart and on our agenda every day and every night, while here and down in our district, even if we may want more done, realize that the President of the United States has a great many responsibilities.

Mr. WHITENER. Mr. Speaker, will the gentleman yield further?

Mr. HEMPHILL. I am happy to yield to the gentleman.

Mr. WHITENER. I certainly would not want to be understood as defending the previous administration and its trade policies. But I think it should be pointed out that we who are concerned particularly about the textile industry do not like having a great deal more complaint with the previous administration than do other American industries, because during that administration on 28 occasions when that administration had an opportunity to make a decision favorable to American industry and American jobs, not only in textile but other industries, only 2 favorable decisions were made for the American people and their jobs. And I think that we should in fairness point out that while we who are concerned so much about textiles were disappointed at the performance of the last administration that we were not discriminated against, because I suppose that the record will show that the previous administration was impartially against relief for all segments of the American working economy.

Mr. HEMPHILL. I thank the gentleman. I might say I certainly did not think the gentleman was trying to defend the previous administration or its trade policy. I do not think either the distinguished gentleman from North Carolina, with his eloquence and his brilliance, nor any other man, can successfully defend the previous administration and its trade policy. If I am a student of history, I think history will call for a defense which cannot be forthcoming, because when you do nothing you are not acting as an American, you are not doing the best for the American people. That was the classic impact of that administration not only in the textile field but in all the trade fields. We slipped and we slipped and we slipped. Now we have a man who has inherited the worst and is doing the best with it.

Mr. PIRNIE. Mr. Speaker, will the gentleman yield?

Mr. HEMPHILL. I yield to the gentleman from New York.

Mr. PIRNIE. Would the gentleman point out in what respect he believes the State Department has changed and differed from the previous administration?

Mr. HEMPHILL. I would be happy to point that out to my friend. I think he reads the papers; I am sure he must. The State Department no longer blocks any action. The State Department no longer controls, so far as I can determine, the textile policy, but the President of the United States, one of the great Presidents, is now in charge, and he is President. Our President acts now just exactly the opposite of the previous administration.

Mr. PIRNIE. Does the gentleman indicate, then, that the State Department no longer has a role in that field?

Mr. HEMPHILL. I would not say that. I wish the gentleman were correct, and I hope he wishes he were correct.

If the gentleman had been here on previous occasions, we have had a little something to say about the State Department. But, you know, we inherited something from the gentleman's party that was not too good.

Mr. WHITENER. Mr. Speaker, will the gentleman yield?

Mr. HEMPHILL. I yield to the gentleman from North Carolina.

Mr. WHITENER. The gentleman from New York has raised, I think, a rather important issue here when he says that the leopard has not changed his spots too much. I think the gentleman from New York is correct about that. The difference is that I believe we have a little firmer hand supervising.

I might say to the gentleman from New York, if the gentleman from South Carolina will yield further, that I have a little bill that I have introduced, and I would like to enlist the support of the gentleman from New York, for whom I have such a high regard. That bill says that notwithstanding the Foreign Service Act, notwithstanding the Classification Act, the Secretary of State shall have the right to decide who will be employed in the State Department, all folks who earn more than $8,000 a year. The purpose of that legislation is to get at the very problem which the gentleman from New York has so well brought out. I said this during the campaign in 1960, that I felt that our situation would be improved with a change in administration at the head of our National Government, but that I realized that whichever party went in power with this system of job protection of policymaking people that we have, particularly in the State Department, it is most difficult to get away from policies which have been established, even though they may be wrong.

I think, if I may say this to the gentleman from New York, that the difference is apparent down there only because of the supervisory help that they put in in the form of the Secretary of State and some of the others who work under him, plus the fact that the President of the United States at this time—and I am not here to throw stones at anyone else—has a deep understanding and a deep interest in this matter of our international trade.

May I point this out, and certainly I do not want to be unkind to anyone and, particularly, to an old friend, many years ago I became acquainted with a very fine young man who was president of the Junior Chamber of Commerce of the United States. Then sometime later when I came to the Congress, this young man was Assistant Secretary of Commerce in charge of the foreign trade desk or whatever the designation is of that particular position which he occupied. During the past administration, this young man went down into our section of the country, and at a meeting of textile people there, he in effect told them they did not know what they were talking about and that nothing was going to be done for them. It was about the same as walking into someone's home and hitting them over the head with a wet cloth. I was very interested a few days ago to get a piece of mail from a lobbying organization for this so-called free trade to find that that gentleman is now executive director of that organization, carrying on possibly the same type of lobbying that he took up, and I am sure at a good salary, as soon as he left the government service. I am not being partisan when I say that it is little wonder that an American jobholder in the gentleman's State of New York and in my State of North Carolina and in the State of the gentleman from South Carolina fairs so badly with these almost faceless individuals who do not have to answer to the people at the ballot box. I am sure that notwithstanding the difference of political parties between the gentleman from New York [Mr. PIRNIE] and myself and our colleague, the gentleman from South Carolina, we can all agree nothing is more important at this time than to make the right decisions in our international relations in the field of trade as well as in the field of diplomacy—and trade, I think, is equally important as our diplomatic decisions.

Mr. PIRNIE. Mr. Speaker, will the gentleman yield?

Mr. HEMPHILL. I yield to my distinguished friend. But, let me say that I share the affection of my North Carolina colleague for the gentleman from New York. The gentleman from New York is a great citizen and has served his country well, and as I recall he continues to serve in the Reserves and I have great affection and respect for him. I am happy to yield to my colleague.

Mr. PIRNIE. I thank the gentleman from South Carolina. I would just like to point out that I come from a section of the country that lost a great many textile jobs to your section of the country. That does not mean, however, that I am not sympathetic to the problems of your people because I am, and I fully understand the type of employee who is represented and for whom you are expressing concern.

Mr. HEMPHILL. I thank my colleague.

Mr. PIRNIE. I would also call attention to the fact that the problem with which the gentleman is wrestling is one of economics and of trade which must be resolved in this body in the very near future. It is not a matter of partisan politics. This question of inheriting problems is not peculiar to one administration. That is, perhaps, a liability extending back for some years. It has been an approach to this problem which has stymied the gentleman as it has many others as they have approached these trade problems requiring solution. I am hopeful when we are considering trade measures on this floor, we will recognize that these problems do exist and that we cannot meet them just by solving one segment of the overall problem. It must be viewed in its entirety. I was pleased to support the gentleman in the legislation to which he refers and I welcome any constructive action that we can take to preserve American jobs and payrolls in this country.

Mr. HEMPHILL. Mr. Speaker, I want to thank the gentleman from New York for his remarks. He raises a thought in my mind and it is this: One of the difficulties I think we have brought upon ourselves through the years has been the fact that Congress is entrusted with the trade and commerce of the country. We have committees supposedly entrusted with international trade and commerce. But we have delegated at times too much authority. I think the gentleman will agree with that. I am not talking partisan politics.

Having seen our mistakes—I think we all see them—having seen our mistakes, now is the time, since it is very crucial and very apparent that we are at the crossroads—the hardwood veneer industry in my area has been in difficulty and is at the crossroads; some years ago it was watches—they went down the drain—then bicycles, then the soft coal people and others. I think now that we have seen the wreckage and what has been done, all of us are going to try to pull together to do something to reverse the trend. I want to thank the gentleman from New York for his very kind and timely remarks.

Mr. PIRNIE. If the gentleman will yield further, I would like to thank him for his comments. I have been appreciative of the efforts he has made through the weeks and months; I know how sincerely he feels about this thing and how critical it is in the area he represents, and I know it is in the interest of this country to try to find a sensible solution for it.

Mr. HEMPHILL. I thank the gentleman very much for his participation.

Mr. Speaker, I yield back the balance of my time.

INVESTIGATION OF OBJECTIONABLE MOTION PICTURES

The **SPEAKER** pro tempore. Under the previous order of the House the gentleman from New Jersey [Mr. ADDABBO] is recognized for 10 minutes.

Mr. ADDABBO. Mr. Speaker, I have introduced legislation today calling for an investigation of objectionable motion pictures and motion picture advertising most reluctantly. I had hoped and anticipated that the motion picture industry would reaffirm and strengthen its own self-policing code. Assurances to this effect had been given to my subcommittee by representatives of the industry at public hearings in Washington in February of 1960.

But the growing storm of protest and indignation that has arisen throughout the country as regards the effects of certain motion pictures on human behavior has convinced me that this action by the Congress is necessary in the public interest.

Motion pictures always have had, and will continue to have, a tremendous impact on our national life. Whether this impact is good or bad is in direct proportion to whether or not the picture is good or bad. A number of authorities have testified as to the irreparable harm that can be done to both juveniles and adult behavior by highly suggestive films.

I believe that the American people would rather view motion pictures that are not repugnant to our cultural, moral, and social values. I share the belief that the industry has a duty to produce and exhibit pictures that will contribute to the American way of life and to refuse to accede to demands for suggestive materials.

For the reasons outlined above, Mr. Speaker, I believe that the creation of a select House committee for the purpose of conducting a full investigation and study of complaints regarding the production and distribution of objectionable motion pictures and related advertising.

I should like to emphasize that the select committee would in no way be concerned with censorship or otherwise imposing any controls on the motion picture industry. Necessary studies will be as completely objective as possible and on a strictly fact-finding basis to determine whether or not the increasing number of complaints being aimed at the industry are justified and whether or not legislation is necessary.

FORMER PRESIDENT TRUMAN'S 78TH BIRTHDAY

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Missouri [Mr. RANDALL] is recognized for 30 minutes.

Mr. RANDALL. Mr. Speaker, I am grateful once again for the opportunity to express my admiration and high esteem for a great American and valued friend, Harry S. Truman, on this the occasion of his 78th birthday, today, Thursday, May 8. As always, it is a pleasure to pay tribute to the outstanding citizen of our congressional district.

I regret the lateness of the hour, and I sincerely regret, Mr. Speaker, that this special order could not have come earlier when several friends of our former President were in the gallery, gentlemen here in connection with the postal pay legislation, and in particular such old friends of his—John Monroe, of Fairmount; Bill Cady, of Ruskin Heights; Gene Scott, of Kansas City; Les Brown, from Clay County, and other friends from St. Joseph and Springfield, Mo.

To honor such a man is, of course, an honor in itself, and to be able to say that President Truman is a constituent, is really a first-class honor. It is a source of pride to be sent to the Halls of Congress from the congressional district which projected on the American political scene one of the ablest and most illustrious statesmen ever to be sent to the Presidency, and a man who was later destined to make some of the most important and eventful decisions ever reached in the White House.

Out in Kansas City earlier today, as is usual on each birthday of our former President, at one of our leading hotels, there was a luncheon in which several Members of the House and Senate participated by sending taped messages. I understand President Kennedy made a phone call to former President Truman during the course of the luncheon. It is no problem to extoll the many virtues and great merits of this respected and revered man, but it is somewhat difficult and quite a problem to speak about this important Missourian and great American without repeating some of the many words that have been written and spoken about him.

This is our 4th year to represent Missouri's Fourth District on Mr. Truman's birthday—May 8—and accordingly this will be the fourth time we have stood in the Well of the House and paid tribute to our former President on the occasion of his birthday. It is my sincere hope that our former President will not grow tired of the oft repeated, but always sincere laudations preached almost everywhere he goes.

Although I am certain to be repetitious today, I hope I may have many more opportunities in future years to again be repetitious in paying tribute to Harry S. Truman. If I am so fortunate, I know such will be brought to his attention in the now famous Truman Library in Independence, Mo., because I know it is a fact that Mr. Truman always allows time for reading of the CONGRESSIONAL RECORD, a publication he has known for many years, constantly presents new and challenging material on both domestic and national affairs.

Although redistricting will make some changes, at the present time, the Fourth Missouri District includes not only Independence, the home of the Truman Library, but at the southern end of our district, four counties away from Independence in Barton County, is located Lamar, Mo., the birthplace of Mr. Truman. In 1959 the home where he was born was restored and made a memorial shrine, and has since been visited by many thousands annually—which is just another indication of the numbers that admire our great citizen.

Mr. Speaker, I will not dwell upon many details of the early life of Harry S. Truman, but I will point out one or two things which contributed to the shaping of his later life. The family moved from Barton County to Independence in 1891. It is true that Harry Truman as a boy wore glasses at the age of 8, but nonetheless by the time he was 12 years old, we are told he had read the Bible twice. And by the time he was 15, he had read nearly every book in the Independence Library. This was not all of the activity which was to improve him or to prepare him for his future. Upon graduation from high school, he returned to the farm on which he was reared to devote his time to agriculture. You have heard many times the words of his beloved mother, "That boy could plow the straightest row of corn in the country, and could sow wheat so there would not be a spare spot in the whole field. He was a farmer who could do anything there was to do just a little better than anyone else." While his mother's remark may not have been unbiased, there were many observers who agreed with Mrs. Truman.

All the time he was farming, he continued his reading of American history and in particular about several of his historical heroes. He found many of these heroes were either engaged in military, finance or banking, or in agriculture, and he became determined to emulate the men he most admired.

You all know of his great military success as captain of Battery D, 129th Field Artillery, 35th Division, in World War I, where he led, as he puts it, "a hard-boiled bunch of Kansas City Irish," through the St. Mihiel and Meuse-Argonne offensives in France.

After returning from World War I in 1919 he reentered civil life and married Bess Wallace, his longtime sweetheart; he remained in business until 1921. In the year 1922, he was selected to run for the office of judge of the Jackson County Court to which he was elected. Four years later he was elected presiding judge of the county court. In this important office, Judge Truman became known all over Missouri, as the symbol of outstanding political honesty. With this in his favor, he easily won the office of U.S. Senator in 1934 and was subsequently reelected 6 years later.

In 1941 he headed the Special Committee To Investigate Contracts Under the National Defense Program, a title which was shortened by the press to the more concise description of Truman committee. This committee saved the country millions in Army construction work and other wartime expenditures, and led to the establishment of the highly efficient War Production Board, cutting down on faulty production of several major manufacturers and in general, forced better coordination of the entire American war program.

It is no secret that it was the strength and importance of his work as head of the Truman committee that led to his nomination as Vice President at the Democratic National Convention of 1944. He was elected to the second-highest office in the land in November 1944. Upon the death of President Roosevelt on April 12, 1945, he became the 32d President of the United States.

If I may disagree for a moment, I think it would be well to say at this point that for awhile there was some question as to whether Mr. Truman would be described as the 32d President or the 33d President. This all goes back to the time of President Grover Cleveland when Mr. Cleveland, as you know, was elected to the Presidency twice, but not consecutively.

Some have said Mr. Cleveland's first term made him the 22d President; Benjamin Harrison became the 23d, and with Mr. Cleveland's second term he became the 24th President.

Mr. Truman quite properly has pointed out Grover Cleveland was one person and it is of no consequence that his terms were not consecutive. Accordingly, Mr. Truman has always preferred that he be listed as the 32d President, and for us, he will always be the 32d President.

When he answered the summons on that fateful date of April 12, 1945, he said:

> I only ask to be a good and faithful servant to my Lord and to my people.

The man who made this statement, whether it was a prayer or a promise, used it as a guide through the following years of his Presidency and uses it today in his retirement.

President Truman assumed office at one of the most unpropitious moments in history for a change of leadership, all with only 3 months experience as Vice President.

He was immediately required to take the leading part in winning World War II, then making the peace, establishing the United Nations, reconverting from a wartime to a peacetime economy, and tackling the job of helping the wartorn lands. Moreover, to make the task additionally difficult, Mr. Truman had to fill the shoes of Franklin Delano Roosevelt, the most popular and colorful President since Theodore Roosevelt a half century before. These men had both been classified as among the political immortals in American history. Questions were asked by all, "Would Mr. Truman, walking in the shadow of such a predecessor become a great President?"

The facts are clear enough today, indeed Mr. Truman was able in his second term as President to establish himself among the list of the truly great Presidents. I submit this fact is not only undeniable on its face, but is easily supported by the record.

I think at this time it might be well to observe that some of the greatest of American Presidents have aroused criticism while in office and departed from the Office of the Presidency with their opponents vowing to undo what the departed President had accomplished. This was certainly the case with George Washington, and was also the case with Harry S. Truman. George Washington had held a firm Federal control over the American Republic, and when he left his critics said they would show him, but in the end, George Washington's program was good enough to keep.

When Mr. Truman departed the Presidency in 1953, it was prophesied there would be a whirlwind revamping of many policies just as soon as that "man from Missouri" was out of the White House. But you and I know that the great reformers who were going to undo our former President's policies wound up leaving them alone in most part. Why? Because these policies were good ones; good for our Nation and good for the world.

When Harry Truman assumed the Presidency, it was not many months until he had to make decisions which did not prove to be popular. The decision to use the A-bomb against Japan was not popular, and he frankly said, "Let there be no doubt about it—I did not like the weapon—but I had no qualms if millions of lives could be saved." Thus, in the face of bitter criticism, he steadfastly and courageously ordered the dropping of the atomic bomb to shorten the war against Japan. This measure, while militarily sound, did not calculate to add to this unanimous acclaim. Here, again, was one of the best tests of the man—to proceed to do the right thing even though it may not be the popular thing.

After the bomb decision and the end of World War II, Mr. Truman next exerted his effective leadership in the organization of the United Nations.

Mr. McCORMACK. Will the gentleman yield?

Mr. RANDALL. I would be happy to yield to the distinguished majority leader.

Mr. McCORMACK. In connection with the A-bomb decision I remember not so long ago, before the death of the late President Franklin D. Roosevelt, when I was with him one day, and the campaign to regain the Philippines was about to be accomplished, the late President Franklin D. Roosevelt told me that the Joint Chiefs of Staff had submitted three plans for the next move by our forces, two of them having to do with the invasion of certain parts of continental Asia, and one a direct attack upon Japan. He told me that in the estimates of American losses and casualities of the Joint Chiefs in their recommendation and report to him on the direct invasion into Japan, American casualities in their opinion and estimate would be one million Americans. Now, applying the ordinary ratio of those killed to those wounded of four to one, that would have meant that there would have been 200,000 American lives lost and 800,000 Americans wounded in varying degrees. This is not hearsay, however, on my part. That is something which was told to me personally by Franklin D. Roosevelt, and that fact faced President Truman when he had to make that eventful and fateful decision, because involved in that decision was an estimate by the Joint Chiefs of Staff of one million American casualties.

Mr. RANDALL. I am sincerely grateful for the contribution of the Speaker of this House. A moment ago I referred to our beloved Speaker MCCORMACK as the majority leader, this was a slip of the tongue on our part and yet it seemed so easy to do when he was standing back there at his old station where he served so many years, so brilliantly as our majority leader.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield further?

Mr. RANDALL. I would be happy to yield to our distinguished Speaker.

Mr. McCORMACK. Might I say I miss the activity as majority leader, and the debate on the floor. Of course, everyone knows that I am an ardent Democrat. One of the thrills of the majority leader was taking the floor and engaging in some wholesome political debate for the benefit of my Republican friends.

Mr. RANDALL. I thank the gentleman again for his very splendid contribution.

The United Nations is without question the strongest armament for peace which we have in the world today. When that organization was completed, Mr. Truman visited it and offered suggestions to strengthen the U.N., and it was because of his interest in foreign affairs that he became a principal advocate for the Voice of America, even one of its first advocates, which has since beamed its message to many lands. I saw in the press only this past week an announcement to the effect that other nations have been added to the list of countries to which the Voice of America sends its nightly messages.

After World War II, with President Truman at the helm, the United States successfully fought communism without war through several of his monumental decisions. Greece and Turkey were spared from the Communist peril. The Marshall plan became the biggest force in thwarting Communist political victories. NATO added unity to the forces against communism across the European continent.

Among Mr. Truman's other great decisions following World War II was his answer to the Soviet blockade of Berlin with the airlift. This he made most effective, in fact so effective the Soviet lifted the blockade. Had this blockade been successful, it would have snuffed out forever the hopes of West Berlin.

Another very important decision which he made quickly and without hesitancy was to send troops to Korea to fight communistic aggression in 1950. Almost as quickly he was given approval of the Congress. This decision called the bluff of communism in Asia and met the Red menace in Korea head on.

Were it not for these timely decisions, we might now be isolated in a Communist-dominated world; for these decisions, everyone of us should be thankful and I guess that is why so many of us hope we may continue to have the benefit of his advice on the many decisions now facing us—and to face us in the future.

At all times and in all things, President Truman saw his duty and performed it with a will and an ability fitting to his office. Under such circumstances there is no doubt that history will accord a very high place to this man from Independence, just as the people of all America accord him a high place in their hearts today, May 8th, on the occasion of his 78th birthday.

There is so much that is good that could be said about you, Mr. President, but one thing we should never leave unmentioned is that your life story is that of a very uncommon man who was so blessed that you considered yourself a common man. This true humility is what led you to do everything you did as our Chief Executive in terms of what was in the best interest of our country and because of this history will prove your full measure of greatness.

It is a matter of great pride to me that this man of great mind and great heart, and great accomplishment, is a resident of the Fourth Missouri District, which I represent.

In closing may I say, "God bless you, Harry S. Truman" with many more years of good health and indomitable spirit. It is my distinct pleasure to salute you on this, your day, and wish for you many more happy birthdays in the future, birthdays in a world made better by your presence.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. RANDALL. I am delighted to yield to our Speaker.

Mr. McCORMACK. Mr. Speaker, I am very glad that I am here on the floor while the distinguished gentleman from Missouri [Mr. RANDALL] is making his speech about the man whose place in history is already made and who will go down in history not only as one of the great Americans of all time but one of the great leaders in the entire history of the world.

The gentleman from Missouri [Mr. RANDALL] has referred to some of the great decisions made by President Harry Truman. Everyone knows that as President, when Harry Truman made a decision, first, he made it himself, and secondly, he meant it. The Communist leaders knew that when Harry Truman made a decision they had to live with it. And the leaders of the nations of the free world knew that when he made a decision he meant it.

Probably few men in history had so many major decisions to make in such a limited period of time in the several years he was President of the United States as did Harry Truman. His judgment, as history shows, was unerringly correct. His life is like a story by Horatio Alger; staring out the hard way, climbing up, overcoming difficulties with that grim determination and honorable ambition and then becoming the President of the United States, the greatest office within the gift of our people and the most powerful office in the world.

It shows that there is no substitute for experience. When he went into the office as President of the United States he carried with him the experience he had of the hard knocks of life and also the experience he had obtained as judge and as U.S. Senator. It was my pleasure to support him in the 1944 convention for the nomination for Vice President. I also was present when he was sworn in as President of the United States after the unfortunate and untimely death of my late friend Franklin D. Roosevelt.

Between Harry Truman and me there developed a friendship that was strong, lasting, and permanent. It is a friendship that exists not only between Harry Truman and me but between Harry and Mrs. Truman and John and Mrs. McCormack.

President Harry Truman is one of the most potent voices in America today, as he was while he was President, and he is one of the most influential speakers in American life.

I made allusion to one of the problems that confronted him in connection with making a decision on the A-bomb, as to what information the late Franklin D. Roosevelt gave him. It is a tremendous responsibility when the President knows that the Joint Chiefs of Staff estimate was that there would be 1 million American casualties, and that meant at least 200,000 Americans killed in the event of a direct invasion of the heartland of Japan.

Harry Truman was possessed of sound judgment, instinctiveness. It was amazing, being able to look into the future and see what the law of natural consequences would be as the result of a decision he made or as the result of a decision he failed to make. The great Marshall plan saved Europe from Communist domination. A Europe dominated by the Communists meant that their influence would extend throughout the entire world and the effect of that would have been an isolated America. He saw that the concept of Fortress America, which some honestly entertained, was wrong, was loose thinking, poor thinking, unwise thinking, and not in the best interests of our country. I was one of those who agreed with him. The situation today supports his judgment and supports the decision he made.

But over and above everything, those fine qualities he possessed, such as sound judgment, instinctiveness, that brought about an unerring judgment, he had to have one more quality to put them into operation, and that was the quality of courage. Everyone knows that Harry Truman is possessed of extraordinary courage. He is a man who does not know fear.

Many years ago in Missouri he fought the Ku Klux Klan as the gentleman from Missouri [Mr. RANDALL], in the well of the House now, so very well knows. We found him always during his entire life fighting on the side of decency, of constructiveness, of building. During the most trying moments of our country we found him not only the builder internally but also giving courageous leadership to meet the world pressure, the evil forces of the world, atheistic communism bent on world domination, and not only holding them back but rolling them back. So it is well that we pause today to pay tribute to this man. How fortunate we are that he is with us. I join with my friend, the gentleman from Missouri [Mr. RANDALL] in expressing the sincere hope that God will continue to grant that Harry Truman and Mrs. Truman be with us—be with us as Americans and with the people of the free world for countless years to come. Because of Harry Truman's contribution, his very presence is a stimulating asset to those who believe in a government of law, and who are opposed to the vicious concept of a government of men represented by international or atheistic communism. I repeat, I am glad I am on the floor to listen to the able and appropriate remarks of the gentleman from Missouri [Mr. RANDALL], and I am glad that I could in my own humble way, speaking extemporaneously on this occasion, as I am, express the high regard I have for Harry Truman and to say, thank God that he served as President of the United States during a most trying period in the history of our Nation and of the world. I extend to Harry Truman my congratulations, and in extending my congratulations to Harry Truman, I also extend my congratulations to that sweetheart of his who has guided and directed him during their years of married life, Mrs. Truman. So I know I speak the sentiments of all my colleagues without regard to party in extending our congratulations to President and Mrs. Harry Truman on his birthday anniversary, and in the hope that God will bless them both for countless years to come.

Mr. PIRNIE. Mr. Speaker, will the gentleman yield?

Mr. RANDALL. I am glad to yield to the gentleman from New York.

Mr. PIRNIE. I am very happy to take this occasion to join in expressing to our very distinguished President Harry S. Truman congratulations and every good wish upon the anniversary of his birth. I hope he will be blessed with good health and happiness for years to come.

Mr. RANDALL. I thank my colleague from New York very much.

Mr. Speaker, may I conclude with this observation. I had a feeling earlier today that our Speaker, Mr. McCORMACK, would take time to appear on the floor this afternoon to join us in the birthday observance. I know Mr. Truman will appreciate this and feel his birthday observance has been made complete by Speaker McCORMACK's participation, and am sure also he will enjoy reading the Speaker's remarks in the CONGRESSIONAL RECORD. Yours has been a very fine contribution, Mr. Speaker, and we are most grateful to you for your participation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WEAVER (at the request of Mr. ARENDS), for 4 days, beginning today, May 8, on account of official business.

Mrs. RILEY (at the request of Mr. ALBERT), for today, on account of official business (forestry trip to Virginia).

Mr. JOELSON (at the request of Mr. ALBERT), for Wednesday, May 9, to Saturday, May 12, 1962.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. CURTIS of Missouri (at the request of Mr. PIRNIE), for 1 hour, on May 17.

Mr. HALPERN (at the request of Mr. PIRNIE), for 15 minutes, on May 9.

Mr. MACK (at the request of Mr. MOSS), for 30 minutes, tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ROGERS of Texas and to include extraneous matter.

Mr. KING of New York.

Mr. PUCINSKI.

(The following Member (at the request of Mr. Pirnie) and to include extraneous matter:)

Mr. Becker.

(The following Members (at the request of Mr. Moss) and to include extraneous matter:)

Mr. Boland.

Mr. Evins in three instances.

Mr. Murphy.

Mr. King of California.

Mr. Rosenthal.

Mr. Teague of Texas.

Mr. Gonzalez in two instances.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee had on May 7, 1962, presented to the President, for his approval, a bill of the House of the following title:

H.R. 11413. An act to amend the Agricultural Act of 1961 to permit the planting of additional nonsurplus crops on diverted acreage.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1139. An act to amend the act granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to the waters of the Little Missouri River in order to extend the expiration date of such act.

ADJOURNMENT

Mr. MOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 9, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2039. A letter from the Secretary of the Treasury, transmitting a report covering the progress made in liquidating the assets of the former Reconstruction Finance Corporation which were transferred to the Secretary of the Treasury by Reorganization Plan No. 1 of 1957, covering the quarterly period ending March 31, 1962, in accordance with the provisions of the Reconstruction Finance Corporation Liquidation Act, as amended (67 Stat. 230), and Reorganization Plan No. 1 of 1957 (22 F.R. 4633); to the Committee on Banking and Currency.

2040. A letter from the Administrator, General Services Administration, transmitting a report of the Archivist of the United States on records proposed for disposal in accordance with the provisions of the act approved July 7, 1943 (57 Stat. 380), as amended by the act approved July 6, 1945 (59 Stat. 434), and the act approved June 30, 1949 (63 Stat. 377); to the Committee on House Administration.

2041. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order rescinding suspension of deportation approved by the Congress on August 31, 1957, in the case of Ioannis Constantelias, pursuant to section 246(a) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1256(a)); to the Committee on the Judiciary.

2042. A communication from the President of the United States, transmitting a draft of proposed legislation entitled "A bill to amend the Internal Revenue Code of 1954 to provide standby authority for temporary reduction in the individual income tax when needed to meet the objectives of the Employment Act of 1946"; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WILLIS: Committee on Un-American Activities. H.R. 11363. A bill to amend the Internal Security Act of 1950 to provide for the protection of classified information released to or within U.S. industry, and for other purposes; with amendment (Rept. No. 1665). Referred to the Committee of the Whole House on the State of the Union.

Mr. POWELL: Committee on Education and Labor. S. 1123. An act to amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes; with amendment (Rept. No. 1666). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALTER: Committee on the Judiciary. H.R. 3483. A bill for the relief of Mrs. Marguerite de Soepkez; with amendment (Rept. No. 1660). Referred to the Committee of the Whole House.

Mr. POFF: Committee on the Judiciary. H.R. 7369. A bill for the relief of Gerda Godin; with amendment (Rept. No. 1661). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 9054. A bill for the relief of Dilys Evans; without amendment (Rept. No. 1662). Referred to the Committee of the Whole House.

Mr. POFF: Committee on the Judiciary. H.R. 10502. A bill for the relief of James B. Troup; without amendment (Rept. No. 1663). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1915. An act for the relief of Orsolina Cianfione Iallonardo; with amendment (Rept. No. 1664). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNE of Pennsylvania:

H.R. 11640. A bill to amend the Civil Service Retirement Act so as to provide for increases in annuities, eliminate the option with respect to certain survivor annuities, and provide for interchange of credits between the civil service retirement system and the insurance system established by title II of the Social Security Act; to the Committee on Post Office and Civil Service.

By Mr. DANIELS:

H.R. 11641. A bill to provide for payment for hospital services, skilled nursing home services, and home health services furnished to aged beneficiaries under the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Ways and Means.

By Mr. LAIRD:

H.R. 11642. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. RIVERS of Alaska:

H.R. 11643. A bill to amend sections 216(c) and 305(b) of the Interstate Commerce Act, relating to the establishment of through routes and joint rates; to the Committee on Interstate and Foreign Commerce.

By Mr. ROOSEVELT:

H.R. 11644. A bill to direct the Commissioner of Education to assist in the establishment of a Carver Memorial Library, and for other purposes; to the Committee on Education and Labor.

By Mr. ELLSWORTH:

H.R. 11645. A bill to amend title 39, United States Code, to provide for the indemnification of mail contractors in connection with the cancellation by the Postmaster General of certain contracts for the transportation of mail; to the Committee on Post Office and Civil Service.

By Mr. McDOWELL:

H.R. 11646. A bill to protect postal patrons from obnoxious mail matter; to the Committee on Post Office and Civil Service.

By Mr. ROSENTHAL:

H.R. 11647. A bill granting exemption from income tax in the case of retirement annuities and pensions; to the Committee on Ways and Means.

H.R. 11648. A bill to increase the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemption for old age or blindness) from $600 to $1,000; to the Committee on Ways and Means.

By Mr. VINSON:

H.R. 11649. A bill to authorize the grade of brigadier general in the Medical Service Corps of the Regular Army, and for other purposes; to the Committee on Armed Services.

By Mr. KYL:

H.R. 11650. A bill to amend the Internal Revenue Code of 1954 to allow a 30 percent credit against the individual income tax for amounts paid as tuition or fees to certain public and private institutions of higher education; to the Committee on Ways and Means.

By Mr. O'BRIEN of New York:

H.R. 11651. A bill to repeal section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 11652. A bill to amend the Civil Service Retirement Act to provide for the adjustment of inequities and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11653. A bill to amend title II of the Social Security Act to reduce from 62 to 50 the age at which a woman otherwise qualified may become entitled to widow's insurance benefits; to the Committee on Ways and Means.

By Mr. SPENCE:

H.R. 11654. A bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury; to the Committee on Banking and Currency.

By Mr. STRATTON:

H.R. 11655. A bill to provide for the establishment of the Oriskany Battlefield National Historical Site; to the Committee on Interior and Insular Affairs.

H.R. 11656. A bill to provide for the issuance of a special postage stamp in commemoration of the 165th anniversary of the launching of the U.S. frigate *Constellation* at Baltimore, Md.; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.R. 11657. A bill to amend the law relating to pay for postal employees; to the Committee on Post Office and Civil Service.

By Mr. BREEDING:

H.J. Res. 710. Joint resolution to defer the proclamation of marketing quotas and acreage allotments for the 1963 crop of wheat; to the Committee on Agriculture.

By Mr. ADDABBO:

H. Res. 629. Resolution creating a select committee to conduct an investigation and study of the production, distribution, and exhibition of objectionable motion pictures and related advertising; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COHELAN:

H.R. 11658. A bill for the relief of Mariano Mundala; to the Committee on the Judiciary.

By Mr. FERNÓS-ISERN:

H.R. 11659. A bill for the relief of Benjamin Pacheco Baez; to the Committee on the Judiciary.

H.R. 11660. A bill for the relief of Maria Rodriguez Burgos; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 11661. A bill for the relief of Anna Mizrahi; to the Committee on the Judiciary.

By Mr. PILLION:

H.R. 11662. A bill for the relief of Laura Mary Pankotai; to the Committee on the Judiciary.

By Mr. ROGERS of Texas:

H.R. 11663. A bill for the relief of Ilias Gotsis; to the Committee on the Judiciary.

By Mr. WALTER:

H.R. 11664. A bill for the relief of Dr. Lajos von Szeszich; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

336. By Mr. JENSEN: Petition by AMVETS, the American Veterans of World War II and Korean War, Atlantic, Iowa, in opposition to the elimination of the National Guard divisions; to the Committee on Armed Services.

337. Also, petition by Atlantic AMVETS Post No. 1, Atlantic, Iowa, protesting further financial aid to the United Nations; to the Committee on Foreign Affairs.

338. Also, petition by American Legion Post, Carson, Iowa, requesting congressional investigation of certain organizations which have been declared subversive; to the Committee on Un-American Activities.

339. By the SPEAKER: Petition of wartime workers, Dumaguete City, South Negros Island, Republic of the Philippines, petitioning consideration of their resolution with reference to damage to civilian services in the Philippines during World War II; to the Committee on Foreign Affairs.

340. Also, petition of the mayor, city of Cebu, Republic of the Philippines, petitioning consideration of their resolution with reference to adjustment of compensation for Filipino veterans; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

Polish Constitution Day

EXTENSION OF REMARKS

OF

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. GONZALEZ. Mr. Speaker, on May 3 when this House paid its special tribute to the brave people of Poland and observed the Polish 3d of May Constitution Day, I learned much I had not known about the history of that much-embattled country.

It interested me greatly to learn more of the adoption of Poland's 1791 Constitution and to realize anew how the premises in that document paralleled those of our own Constitution adapted only 2 years before. I am one who is much interested in history, especially the history of the State and region from which I come, for it has a uniqueness in being the area where the Spanish-speaking and English-speaking cultures meet and join in this hemisphere.

It may serve as a footnote to the several splendid and informative speeches made here last week for me to call attention to the fact that the history of Poland and the history of Texas are not entirely separate in their development.

The ties between Texas and the Polish people is a direct one. Not only have some of our most colorful towns and counties been settled and organized by Poles, but also Texas has a debt to the Poles which dates from its own struggle for freedom from dictatorial rule.

In 1836, several of the Mexican States were in revolt against a dictatorial rule which they felt abrogated the Mexican Constitution of 1824. Texas-Coahuila was one of them. All the world has heard of the heroic struggle at the Alamo where all its defenders perished. It is not generally known that the flag which is said to have flown over the Alamo on that March 6 was the flag of the 1824 Constitution of Mexico, adopted 33 years after the Polish Constitution.

There were freedom-loving people from all over the world who had come to Texas. They had been coming for many years. So when the issues in this struggle were irrevocably joined with the fall of the Alamo, it was from these many groups that an army was assembled to meet the army of Santa Anna. That band of Texans which pursued Santa Anna was as varied in its national origins as any battle force yet assembled by the United Nations in this day. They were not just native-born settlers from the other States of the United States. They were there from Austria, Bavaria, Canada, England, France, Germany, Ireland, Italy, Mexico, Portugal, Scotland, Westphalia, yes, and from Poland.

Last week we did honor to the memory of great Poles who had made their contribution in man's long struggle to insure that "all power in civil society should be derived from the will of the people," as the Polish Constitution of 1791 expressed it. Now, let me add the name of another Pole to that roster.

I add the name of a Pole who stood with Sam Houston along Buffalo Bayou in April 1836. He participated in the battle of San Jacinto and helped in the capture of Gen. Santa Anna at a spot where today this Nation is building its manned space launching site to visit the moon.

The name I add to the roll of Polish freedom fighters is that of Felix Wardzinski. Texas owes him much. All of us here owe him much.

Safe at Home

EXTENSION OF REMARKS

OF

HON. FRANK J. BECKER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. BECKER. Mr. Speaker, recently I had the good fortune to preview a motion picture entitled "Safe at Home." This type of entertainment contains a lesson that must affect adults as well as children. It is excellent for both. This type of picture, together with the cooperation of the entire family, can do far more good than all the laws that can ever be enacted. I am certain that any parent, viewing this with his children, will be pleased not only with the entertainment feature, as I was, but the simple lesson it conveys to very young and impressionable children. I could only hope that much more of this would be done. It would not only be an incentive to raise our moral standards, but the type of picture all could enjoy.

Though all of us are aware that the grave problems of juvenile delinquency must find their solutions within the context of the family through proper parental supervision in an atmosphere of love and understanding, it is also equally well known that no facet of our American life catches the imagination of youth as does the world of sport and its ideals of good fellowship.

As a result, healthy outdoor recreation under wise and understanding auspices has done extraordinary amounts of good in helping to direct youngsters toward happier pursuits, controlling in great measure the drift to delinquency.

I am reminded of this by this new motion picture, called "Safe at Home" being currently released by Columbia Pictures Corp. While it is a well-made, entertaining film for all the family, it has special distinction because of its relationship to the theme of helping troubled youth.

Simply, it tells the story of a child caught in a lie, who seeks to compound it by boasting of his friendship for two of America's most popular sports idols, Mickey Mantle and Roger Maris. When he attempts to gain their help in vindicating his name, he learns a lesson in honesty and courage which should provide an ethical lesson for millions of youngsters who will see this film.

With both Mickey Mantle and Roger Maris acting in the film, and chiefly responsible for giving weight to the important message it has for youth, undoubtedly, many will heed their words. In a time when much criticism is leveled at the arts for not offering the best image of our way of life, it is heartening to note that the film "Safe at Home" is not only a successful entertainment but does a meritorious service for our young people. "Safe at Home" deserves widespread commendations and support.

African Freedom Day

EXTENSION OF REMARKS

OF

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. MURPHY. Mr. Speaker, no event of the past 5 years has been of more sweeping importance than the emergence of Africa to independence. This event was long delayed.

Five years ago, Africa was the last continent still dominated by colonial rule. This has changed and changed rapidly. In 1957, Ghana became the first African nation to gain its independence in modern times. Today, another 20 nations in Africa have joined Ghana in independence while 2 more are to become independent in 1962. A third, Kenya, is clearly on the road to independence.

Independent Africa has a bright future. The fact of independence, of freedom to determine their own destiny, has already brought about a blossoming in the vitality and energies of the African peoples. In the arts, in economics and in the art of government, Africans are making new and distinct contributions. These will help to advance Africa. Equally, they will benefit the entire world. Indeed, through their representation in the United Nations, the new African nations have already brought a new dimension to the international community.

There are problems ahead for Africa as well. The most basic of these lies on the road ahead for those African nations which have yet to acquire their freedom. But life is never without problems. Independent Africa has made a fine start and will meet its problems and attain its goal.

SBA Created To Encourage Growth of Small Business

EXTENSION OF REMARKS

OF

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. EVINS. Mr. Speaker, the Nashville Tennessean asked several Members of the Congress to write special articles for the 150th anniversary edition of the Nashville Tennessean.

In this connection, I was pleased to contribute an article on the procedures and programs of the Small Business Administration, which I believe may be of some interest to our colleagues and others, and I, therefore, under unanimous consent, Mr. Speaker, wish to have this article reprinted in the Record. The article follows:

SBA Created To Encourage Growth of Small Businesses

(By Joe L. Evins, Member of Congress, Fourth District, Tennessee [1])

Small Business Administration officials need to recognize that Congress created SBA—not as another banking agency—but rather to encourage loans that would generate small business growth and expansion.

Some top officials at SBA seem to embrace this concept and to act upon it with enthusiasm. But their enthusiasm does not seem to have permeated SBA's field organization.

Improvement in this respect is needed throughout the entire organization, including the regional and branch offices especially.

I offer some Tennessee statistics as evidence of a hopeful trend. SBA made 134 loans in Tennessee in 1961 totaling $7.1 million. The total for this one year represents nearly one-fourth of the total loaned in Tennessee over SBA's lifetime of approximately a decade. The number of loans showed a 70-percent increase over those made in 1960.

HISTORY OF SBA

Now let us examine some history of SBA, its intents and purposes, so that readers of this special edition can see why I am encouraged by signs of increasing SBA activity and why I hope for still more.

Congress has always believed the small businessman is the backbone of the American economy.

Although I cannot agree with the former Secretary of Defense, who said that what is good for General Motors is always good for America, I firmly believe that what is good for small business is bound to be good for America.

Small businesses, like the independent manufacturer, the corner drugstore, the gasoline dealer, the shoe repairman and local retail stores of all kinds make up more than 95 percent of all business enterprises in the United States.

Today there are about 4,750,000 businesses in the United States. More than 4½ million of them are small businesses. They employ about 30 million of our citizens, and account for about 40 percent of the country's total business activity.

Without the economic freedom and competition provided by the small businessman, monopolistic giants would run the business sector of our country. Without a climate favorable to this Nation's millions of small businessmen, the big chainstores and economic giants could make such heavy inroads that the small businessman could not survive.

In many ways the Congress has expressed its continuing interest in small business and its determination to provide a healthy climate in which such enterprises may operate successfully.

MANY EXAMPLES

There are numerous examples of congressional action throughout the years, including the Robinson-Patman Act, which is aimed at unfair price discriminations; the Clayton Act, which also aims to insure that small dealers receive fair treatment from big business competitors; the Sherman Anti-Trust Act, which provides criminal penalties for those engaged in monopolistic practices; and the Federal Trade Commission Act, created by Congress to serve as a regulatory agency over trade and commerce.

These examples illustrate repeated congresional efforts to prevent monopolies, to promote free and fair competition, and to preserve the economic freedom of our Nation.

More recently, the Congress established the Small Business Administration, which has proved to be the most effective source of help for small business yet provided by the Government.

The Government's first efforts to help small business through a special agency were made during World War II when the Smaller War Plants Corporation was established. Later it became SBA. The war agency's purpose was to mobilize the productive facilities of small business and to harness them to the war effort. The Small Business Administration was established with broadened powers to help all small firms, not just those engaged in production of goods for war and defense purposes. It has several primary functions, including providing:

1. Loans to eligible small business firms that cannot otherwise obtain the required financial help ($250 million maximum).

2. Assistance to small firms in obtaining Government contracts from Government prime contractors.

3. Technical advice and assistance with respect to the operation of their businesses.

A good example of the type of financial assistance supplied by the SBA is demonstrated by the SBA loan made to the Macon Industrial Corp., Lafayette, Tenn.

COMMUNITY CORPORATION

In 1956, the citizens of Macon County and the city of Lafayette, Tenn., organized a community development corporation and began the construction of a building to be leased to a business which would move its operations to Lafayette in order to provide for the further growth and economic well-being of that community.

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[1] U.S. Representative Joe L. Evins, as chairman of a special subcommittee of the House Select Committee on Small Business, has drafted most of the amendments that have liberalized Small Business Administration policy in the last 4 or 5 years.

He also originated most of the suggestions for improvement of regulations that have played an even stronger role than changes in the basic SBA law. Evins gained national recognition as the House authority on problems of small businessmen.

When the building was partially completed, it became necessary for the local development company to obtain long-term financing to supplement the interim credit previously obtained locally. The city of Lafayette, therefore, through its mayor and city officials, came to SBA for help.

At first SBA refused to help because the Administrator interpreted the law to mean that SBA could loan money only to a small business concern and could not loan money to an agency of a State or city government.

As a member of the House Small Business Committee and the congressional Representative of the people of Macon County, the matter was called to our attention, with the request that we intercede with officials of the SBA and point out to them the various reasons why SBA should take advantage of this opportunity to help in the establishment of a new small business concern in Macon County.

WORKED OUT PLAN

Many conferences were held with SBA officials in an endeavor to find some way in which the loan could be made. Together we worked out a plan for certain legal and technical changes in the charter of the development company, which enabled SBA to make an initial loan of $175,000.

The loan was fully disbursed by SBA on December 28, 1956, when the building was completed. The building has since been occupied by the True Loom Co., textile manufacturers. This company originally had employed only 290 people, but as the result of the loan was able to employ a total of some 500 Tennessee people, who, otherwise, might well have been on the unemployment rolls.

A subsequent loan was made to this company, which has enabled True Loom to expand even further.

The records of the SBA show that the corporation has made its payments, including interest, promptly.

This loan to the Macon County Development Corp. is but one of many examples of loans granted by SBA which prove to be extremely helpful to small industries, to small communities, and indeed to our entire economy.

In 1958, the Congress passed an amendment to the SBA Act, which gave specific authority to the agency to make loans to State and local development companies, such as the Macon County Corp.

A little more than a year ago President Kennedy appointed John E. Horne as the SBA Administrator.

Under his able direction, a new and liberalized spirit pervades the agency and SBA has reached a high mark in providing needed assistance to the small business segment of our economy.

In 1961, SBA was able to assist Tennessee small business in obtaining 424 Government procurement contracts, aggregating $34,618,000. Since its inception, SBA has helped in procuring 1,442 Government contracts for small concerns in Tennessee, totaling $124,192,000.

From these figures it is apparent that SBA has done much to assist small businessmen in Tennessee, not only in the financial assistance program but also in providing assistance in obtaining Government procurement contracts.

To fulfill a great unmet need of the small business community—the need for adequate capital—the Congress in 1958 passed the Small Business Investment Act which authorized the establishment of small business investment companies for the specific purpose of providing equity and long-term capital to small business concerns.

This act was urgently needed to place small businesses in a better competitive position with big businesses which have ready access to adequate credit sources.

While the SBA has been invaluable in its assistance to the small business community, there are areas in which its services could be improved.

Congressional hearings held by our subcommittee on the organization and operation of SBA indicates that it should make more effective those services which it makes available to the business community.

BEST LOCATIONS

An industrywide study should be undertaken by SBA to assist in determining the best locations in competitive areas for various types of businesses.

Nationwide economic studies also should be made to develop information which indicates which areas are best competitionwise for entering business.

The Congress, I believe, will continue to provide legislation designed to facilitate SBA's task in assisting the small businessman and will continue to urge that the executive branch of our Government make the widest possible and the most effective use of its authority to foster and further our small business economy.

Liberalization of Income Tax Laws Overdue

EXTENSION OF REMARKS

OF

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. ROSENTHAL. Mr. Speaker, since coming to Congress several months ago, I have given much thought to the plight of the American taxpayer. I voted for the administration's tax revision bill a short while ago, and now feel that the individual taxpayer is deserving of some attention and consideration at this point.

I am today introducing in the House of Representatives two bills which I feel will have some effect on this situation, and which will provide at least some small measure of relief for our citizens.

The first bill provides that retirement annuities and pensions up to the amount of $2,500 per annum would be exempt from income tax. This measure is introduced with the thought in mind that it will particularly benefit our elder citizens, who should be given a helping hand in meeting the current high cost of living. So many of them have been finding it extremely difficult or well nigh impossible over the years to make ends meet on their fixed incomes; and with the continuing high cost of living, their situation is a desperate one. Even though they have reached retirement age, and have certainly earned a respite, many of them have been forced to seek employment in order to supplement their annuities and pensions; and at their age this is not an easy task.

The other bill calls for an increase from $600 to $1,000 in the present personal exemption, including exemptions for a spouse, a dependent, and for old age and blindness. In this day and age, the present exemption of $600 is absolutely outdated and totally unrealistic, having been put into effect many years ago when our living expenses were considerably lower.

Those of our citizens in the lower and middle income brackets have long been carrying a heavy burden, and a liberalization of the tax laws as it affects them is long overdue. By increasing the present exemption we will place more money in the hands of the consumer, and will in turn stimulate the economy.

George Bliss, Pulitzer Prize Winning Reporter

EXTENSION OF REMARKS

OF

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. PUCINSKI. Mr. Speaker, it was with a great thrill that I learned yesterday that George Bliss, a reporter for the Chicago Tribune, was awarded the highly coveted Pulitzer Prize in journalism.

It has been my privilege to work with George Bliss for many years when I was covering stories for the Chicago Sun-Times, and during those years I learned to respect Mr. Bliss as one of the Nation's truly outstanding journalists. I might even admit at this late date that on several occasions I tried very hard to persuade Mr. Bliss to join the staff of my own newspaper, but loyal to his employer, George politely declined the suggestion.

I am sure that newspapermen throughout the country will admit that Chicago is one of the most competitive areas in the world when it comes to journalism. The never-ending struggle among newspapermen in Chicago to provide for their respective newspapers a steady stream of exclusive beats is one of the factors which have made Chicago journalism both exciting and intense.

It is indeed a great pleasure to pay tribute today here in the Congress of the United States to George Bliss for having received this outstanding recognition. Throughout his many years as reporter for the Chicago Tribune, George Bliss has unyieldingly followed the highest traditions of American journalism. He rightfully today takes his place among the giants of American reporting.

George Bliss has that highly prized faculty of sensing a good story but never relying on rumor, gossip, or reckless speculation. His thorough reporting has won him the admiration of people in all walks of life. During his reporting career, George Bliss has never hesitated to expose the evil in our society, but at the same time he has never wavered in bringing to the Chicago community the most deserving aspects of our society.

He is today recognized as one of the Nation's outstanding labor reporters, and, even though during his years with the Chicago Tribune he has never hesitated to expose those who would violate the public trust whether it was in industry, in labor, or in politics, George today enjoys the highest respect among the leaders in all three of these categories.

He has rightfully earned the reputation in Chicago of being one of the Nation's outstanding police reporters, and through his diligence and dedication has made a most significant contribution toward the solution of several major crimes.

Because of his reporting ability and his unequivocal fairness in reporting the news, George has won the confidence of Chicago leaders in politics, in the labor movement, in industry, and virtually all agencies of government. There are few people in all of these branches of our society that George does not know by first name.

It is my great privilege today to join the Chicago Tribune and indeed all of the people of Chicago in congratulating George Bliss on this notable achievement. He is a reporter's reporter, and I am sure that the entire journalism profession will greet with enthusiasm his selection for the Pulitzer Prize in journalism for 1961.

The young men and women entering into the profession can well look to his record for inspiration and guidance.

Speech of Hon. Oren Harris Before the New York Railroad Club

EXTENSION OF REMARKS

OF

HON. WALTER ROGERS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. ROGERS of Texas. Mr. Speaker, I rise to include under unanimous consent in the Congressional Record a speech delivered before the New York Railroad Club on May 3, 1962, by the distinguished chairman of the Interstate and Foreign Commerce Committee of the House of Representatives, the Honorable Oren Harris. I take pride in asking the inclusion of these fine remarks in the Record primarily because they will be there preserved for posterity. What posterity will think about it, I do not know, but at least they will have a clear, brief, and concise statement of issues which we are confronted with today, in the unmistakable and clarion-clear language of the gentleman from Arkansas [Mr. Harris].

The speech follows:

Speech of Honorable Oren Harris, Chairman, House Committee on Interstate and Foreign Commerce, Before the New York Railroad Club, May 3, 1962

Mr. Chairman, ladies and gentlemen, I am honored by the invitation to speak to you today.

When your president, Tom Goodfellow, asked me early last March to address you, he suggested that I might talk about the forthcoming President's transportation message to the Congress. Of course, we took a chance that it would be delivered by today. It was a calculated risk but we felt very confident. The message had been expected for a long time. Rumor had it that it would be delivered any Tuesday, Wednesday, or Thursday. However, as this day kept getting closer and closer without it being delivered, I began to get somewhat uneasy. Suppose May 3 arrived and still there was no message? What would I talk about?

We all knew that the Secretary of Commerce, at the request of the President, had prepared a report and submitted it last December. Knowing Mr. Hodges as I do, I am certain he prepared a very able report. We expected the President's message in January. Then as January passed without it we anticipated it in February, then in March and finally it arrived on April 5 (87th Cong., 2d sess., H. Doc. 384).

Sometimes I suspect that the President purposely held it up in order—no, not to mess up my speech—but in order to make its release coincide with the celebration of the 75th anniversary of the Interstate Commerce Commission. I should hasten to add here that what he had to say should not be taken as a reflection on the Commission. At any rate, I felt very much relieved when it arrived in time for me to address this meeting.

Seriously speaking though, when you examine this document you can readily appreciate why it took so long to get it ready. Like so many other of the President's messages, this one is an imaginative and analytical approach to the problems facing the transportation industry today. It encompasses all phases of transportation in a broad sweep and discloses a deep comprehension and concern for the welfare of the industry, the public, and the Nation. There is a recognition of the realities of the situation and there are bold suggestions to deal with them. While I am not necessarily in complete agreement with all of these suggestions—and, of course, I shall want to reserve final judgment until I have heard all the evidence in public hearings before my committee—I do know that they are proposed in an earnest effort to deal with these problems.

Although the message is addressed to the Congress, it is, in reality, directed, like so many other White House messages, to all the people—the Federal departments and agencies, State and local governments, shippers, carriers, and the general public as well as to the Congress. For everyone has a role to play in achieving the objectives outlined in the report. Some of the problems outlined in it are outside the scope of Federal regulation and supervision. Some problems can and should be taken care of by the carriers themselves. This is the way it should be done under our free enterprise system.

The message is lengthy, and I cannot hope to cover, in any meaningful way, all of it without wearing out your patience and missing my return train to Washington. So, I propose to limit myself to a portion of the document relating to intercity transportation.

Transportation problems of today just did not develop yesterday. They have been in the making for some time. The Congress has been aware of them and we have done something about them.

Back in 1955 when our beloved J. Percy Priest was chairman of the House Committee on Interstate and Foreign Commerce—and I might say here parenthetically that Percy was a man of tremendous ability and great vision—and when I was chairman of the Transportation Subcommittee, we undertook very lengthy hearings on another report—the report of the Presidential Advisory Committee on Transport Policy and Organization, and in the following year we held hearings on omnibus bills to implement this report (H.R. 6141, et al., 84th Cong.).

Because of the innumerable problems that customarily arise in the consideration of omnibus bills, the many, many controversial phases of this particular omnibus bill and the apathy with respect to it in many areas of the Government, the committee was unable to make progress during the 84th Congress. Realizing the difficulty with the one-package approach to these problems, the package was broken down into individually proposed bills in the 85th Congress. The committee accepted them as such with the view of trying to get some legislation enacted.

As a result of our work during the 1st session of the 85th Congress, the committee reported 15 bills on a broad front in the transportation field, most of which were enacted.

During the 2d session of the 85th Congress, the major legislation in the field of surface transportation was, of course, the repeal of the excise taxes on freight and the Transportation Act of 1958.

The purpose of the Transportation Act of 1958 (Public Law 85–625) was to improve and strengthen our Nation's common carrier surface transportation system so that it may better fulfill its role in meeting the transportation needs of the Nation's expanding economy and the requirements of national defense. This act contains five amendments, as follows:

First, this law provides a method of temporary financial assistance to the railroads by authorizing the Interstate Commerce Commission to guarantee, in whole or in part, loans to them maturing in 15 years where the proceeds are to be used for capital expenditures, including additions and betterments, or for maintenance of roads and equipment.

Second, this law permits railroads, at their option, to have the Interstate Commerce Commission, rather than State regulatory commissions, pass upon the discontinuance or change in the operation of any train or ferry, where such are operated on a line of railroad not located wholly within a single State.

Third, there was a new provision to guide the Commission in deciding competitive rate cases.

Fourth, there was an amendment to the so-called agricultural exemption provision of the act.

Fifth, there was an amendment dealing with illegal common carriage such as the buy-and-sell operations.

There were other bills in the transportation field enacted during the 2d session of the 85th Congress, including an act to establish a new Federal Aviation Agency to make and enforce regulations for the control of all air traffic, both civil and military.

Thus, you can see that several of the problems discussed in the President's message have been considered by the Congress and some amendments were made to the Interstate Commerce Act. This does not mean, of course, that these problems were settled finally and conclusively. Obviously, they were not, and the reason is clear. In dealing with highly controversial subjects, the opposing views of powerful interests have to be compromised in order for the legislation to pass. The enactment of the Transportation Act of 1958 undoubtedly was a progressive step in the right direction and has proved to be very helpful to the common carriers.

The President has stated the basic objective of our national transportation policy to be one which assures "the availability of * * * fast, safe, and economical transportation services needed * * * to move people and goods, without waste or discrimination * * * at the lowest cost consistent with health, convenience, national security, and other broad public objectives." The resources devoted to transportation services "should be used in the most effective and efficient manner possible; and this, in turn, means that users of transport facilities should be provided with incentives to use whatever form of transportation which provides them with the services they desire at the lowest total cost, both public and private." I do not believe that anyone can quarrel with these recommendations.

This basic objective, he stated, should be achieved primarily by continued reliance upon unsubsidized privately owned facilities, equal competitive opportunity, less reliance on regulation, with the shippers and carriers bearing the full costs of the services they use. The President recognizes the immensity of the problem to be solved if we are to achieve these objectives. Many, many questions present themselves and we are all frank to admit that we do not yet have the answers to them.

Nevertheless, the President could see clearly that certain steps must be taken now to strengthen and improve the common carrier transportation system. He recommends an exemption from the regulation of minimum rates with respect to the transportation of bulk commodities, and agricultural and fishery products without disturbing the ICC's authority to regulate maximum rates. This move, he said, would reduce drastically and equalize fairly the regulation of freight rates for the different modes of transport.

I should say at this point that the Committee on Interstate and Foreign Commerce has already completed hearings on a bill to repeal the dry bulk commodity exemption for water carriers (H.R. 5595). We have not yet acted upon it in committee.

Also, I should say that in considering the agricultural exemption provisions in the Motor Carrier Act back in the 85th Congress, this committee made what we think was a very forward step. What we did then essentially was to stop the further expansion of the list of exempted commodities and to return to regulation some traffic formerly exempted.

Evidently, we did not go far enough in legislating in this field. I can assure you, however, that in accomplishing what we did at that time, we scored a notable achievement in view of the great opposition we encountered from agricultural interests and from certain trucking interests.

The President also recommends enactment of legislation which would eventually limit the control of intercity passenger rates to the establishment of maximum rates only.

The above three recommendations, he stated, are the most critical and controversial problems in intercity transportation which should be dealt with now. I am inclined to agree with him.

In order to prevent predatory and discriminatory trade practices and rate wars from developing after the removal of minimum rate regulation, the President recommends that existing laws against monopoly and predatory trade practices be made applicable to the carriers.

Other proposals made by the President with respect to intercity transport are: assurance to all carriers of their right to ship vehicles or containers on other branches of the transportation industry, repealing the commodities clause for railroads, and directing the regulatory agencies to sanction experimental freight rates. I can assure you that all proposals referred to the Committee on Interstate and Foreign Commerce will be given most careful and sympathetic consideration.

There are recommendations with respect to taxation and user charges which I shall not discuss. However, I would like to make an observation on experimental freight rates. The President did not elaborate on what he has in mind here but we shall soon find out when the draft of bills to implement this message are sent to the Congress.

Within the last 2 or 3 years the railroads have shown an interest in agreed or contract rates. The first such tariff filed with the Interstate Commerce Commission was the proposal of the Soo Line, in 1959, for a guaranteed rate on steel products from Ontario to Chicago and points beyond. Again in 1959, the New York Central filed a tariff proposing reduced rates on carpets and rugs from Amsterdam, N.Y., to Chicago.

Both tariffs were suspended and investigation proceedings were started by the Commission to determine the validity of these rates.

Last year the Commission condemned both the New York Central and the Soo Line proposals on the grounds that the Interstate Commerce Act did not authorize such departures in ratemaking. The New York Central appealed the Commission's decision to the courts and lost. I suppose that amendments will now be introduced in the Congress to provide for the lawfulness of such rates. I am not now expressing my opinion on this matter.

The point I wish to make here is the fact that the agreed-rate principle in railway ratemaking goes back many, many years. Great Britain adopted it in 1933 and Canada in 1938. Many other countries have adopted it—France, Australia, India—just to name a few. Yet, it took 25 years for the American railroad industry to come around and take a look at it and decide to give it a try.

We in Congress always stand ready to help those who have legitimate problems requiring legislative action. However, you in the transportation industry must also stand ready to help yourselves whenever possible.

You must be ever alert to new developments. You should be ready at all times to seize the initiative as new opportunities arise. New problems must be met with bold, aggressive, and imaginative action.

The President's message provides you with a new start. I am confident that if you follow through on his recommendations you will see the dawn of a new era in transportation.

Medical Care for the Aged

EXTENSION OF REMARKS

OF

HON. CECIL R. KING

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. KING of California. Mr. Speaker, I was shocked when I saw the recent newspaper accounts of the action of a group of doctors in New Jersey in signing a resolution wherein they state they will refuse to take patients if their care is provided for under the King-Anderson bill or similar legislation. In my remarks of March 5 of this year, which appear in the CONGRESSIONAL RECORD at page 3397, wherein I commented on the position of organized medicine on the subject of health care of the aged, I stated:

> I have the greatest respect for the individual doctor who practices his great profession for the relief of human suffering. I am sure that the ordinary doctor who will follow this testimony and my comments through will turn with revulsion from this performance of the Association (American Medical Association) which speaks in his name.

It is my understanding that the New Jersey group is attempting to interest organized medicine in other States, and perhaps the American Medical Association itself, in supporting their resolution.

Mr. Speaker, this performance of this group of doctors is ignoble. I know for a fact that it is most revolting to many of my very good friends in the medical profession. I truly believe that it represents a very small minority of those in a profession who have taken a solemn oath to practice their art for the benefit of the sick. To me, the calling of the medical profession is the highest of any professional group. Over the years members of this group have earned the profound thanks of this country for their sacrifices and devotion to their calling. Generally speaking, those who enter the medical profession are of the highest ethical and moral type. It is most regrettable that a fringe area of the medical profession would blacken this great image of doctors in the eyes of the public.

Regardless of one's position on the subject of health care for the aged, one cannot help but feel sad that a few selfish and wrongly motivated individuals have committed themselves to refusing to administer to the medical needs of the most deserving of all groups in our population—the aged—if the charges for their services are to be paid through the social security insurance system. I think it is most regrettable that in this day and age, with the many national and international problems which face this country—and in particular, when the problem of the provision of adequate medical care for our aged citizens is crying for solution—some members of the one group who should be taking a lead in providing this care through the most effective and economical method should take such a drastic and indefensible position. It is indeed a sad commentary on a noble profession.

In my opinion, the overwhelming majority of people from all walks of life strongly support the proposal in the King bill. It is reasonable, it is sensible, it is fiscally responsible, and it will very effectively meet one of the major health care problems—hospitalization—of our senior citizens.

Democratic Procedures?

EXTENSION OF REMARKS

OF

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. KING of New York. Mr. Speaker, on Wednesday, May 2, the Chamber of Commerce of the United States appears to have passed a resolution supporting H.R. 9900, the controversial foreign-trade legislation now pending before this body, against the will of a majority of the accredited delegates to the convention. Since the implications of such an occurrence are so important, I would like to retrace this matter a bit.

On March 26, Mr. A. B. Sparboe, a director of the U.S. Chamber, testified strongly in favor of H.R. 9900. He had only a few minor exceptions. Mr. Sparboe was questioned extensively by committee members who appeared to doubt that he was representing the views of his membership. For example, the following colloquy took place between Congressman ALGER and Mr. Sparboe:

Congressman ALGER. Do you think you are speaking for the membership of the chamber, really—to check your credentials? Have you polled the membership in any way—men who have read this bill and know what is in it?

Mr. SPARBOE. Yes. I guess millions of mailing pieces have gone out on this subject for several weeks and months.

Congressman ALGER. You are prepared to say, then, that a majority of your members favor this bill knowledgeably, knowing what is in the bill?

Mr. SPARBOE. Absolutely.

After all, Members of this body necessarily have a reasonable understanding of how businessmen feel and are not overwhelmed when a snow-job is put on by Washington associations of businessmen.

The testimony of Mr. Sparboe aroused concern in the Gloversville, N.Y., Chamber of Commerce, a member of the national chamber. The Gloversville Chamber felt it inconceivable that the entire U.S. Chamber membership would share Mr. Sparboe's viewpoint and support his testimony, which included such statements as:

Congressman CURTIS. You say "It is unfortunate that many Americans view the trade agreements program as a one-way proposition—a tariff-cutting program whereby we give away our substance and gain nothing."

What I have been after from the governmental witnesses is what is the record. They have made the statement that this has been a two-way street and the trade has been liberalized, say, since World War II. I have asked for the record. The question is: Has the chamber made a study of this record in such a way that it can be presented to the committee for a look-at?

Mr. SPARBOE. We did not anticipate your question and neither has such a study been made such as you are describing.

Congressman CURTIS. If you are going to study, and I presume you did before your discussions, I would have thought this would have been almost basic in order to discuss intelligently what we are talking about.

* * * *

Congressman CURTIS. According to official reports, other countries have made greater concessions than the United States.

I agree that the official reports say that. The question is: Are those official reports accurate? Did the chamber make a definitive study of the concessions of other countries and what we got?

Mr. SPARBOE. We certainly have not had the time, if we had been so disposed to do.

Congressman CURTIS. I am not trying to argue with you. I want to know whether you did or did not?

Mr. SPARBOE. The answer is "no."

* * * * *

Congressman ALGER. You would be for it, even though we are in deficit financing?

Mr. SPARBOE. That is correct, because of the benefits to accrue.

* * * *

Congressman DEROUNIAN. Do you think that that might take some rights away from people, no matter how well intentioned the President could be?

Mr. SPARBOE. It is conceivable, yes, sir.

The president of the Gloversville chamber, Mr. R. P. Van Woert, therefore sent the following letter on April 24 to the 3,600 State and local chambers and trade associations who make up the membership of the U.S. chamber:

To Fellow Chambers and Trade Associations:

We are writing you because of our grave concern about the U.S. chamber's position on H.R. 9900, the so-called trade expansion bill. Like many other American communities, Gloversville has a high rate of unemployment. Most of this unemployment is due to excessive imports. Passage of H.R. 9900 would cause further increases in unemployment here and in hundreds of other communities already beset by similar problems.

With a few exceptions, the U.S. chamber has put its support behind H.R. 9900—even though its passage would be a real disaster for many local areas, including our own. The proponents of H.R. 9900 are using this chamber support as a principal selling point on behalf of the measure.

The national chamber's position was stated before the House Ways and Means Committee by Mr. A. B. Sparboe, a director. The key portions of his formal statement have already been circulated by the national chamber. However, the national chamber did not circulate the interrogation—his attempt to defend the chamber's position. We, therefore, enclose excerpts from the testimony of Mr. Sparboe so that you will see how he replied to questions from Congressmen who have a long record of defending the free enterprise system.

On the face of his testimony—and as the attached excerpts clearly indicate—the national chamber did not look into this measure clearly. On this, we cite the following:

"Congressman CURTIS. You also say this 'The chamber supports the administration's proposal for full, appropriate, and tested forms of assistance for workers, companies, and industries injured by import competition.' I wondered what was meant by the words 'tested forms,' because in this proposal, these 42 pages (of a total of 61 pages), they have many forms of assistance for workers, companies, and industries which have not been tested.

"Mr. SPARBOE. We merely lifted that out of the bill presuming whoever put it in there knew what they were talking about.

"Congressman CURTIS. I must say that is not very helpful to this committee. We cannot take that. Our job, as I view it, is to examine into the statements of the administration to see those which can be substantiated and those which cannot.

"Witnesses like yourself, from big industry or from a big organization like the chamber of commerce, can be very helpful to us by saying, 'In this instance, we think the administration is on sound grounds, but here we do not think they are.'

"In fact, that is what your statement does say when it goes on to the seven recommendations for clarification. So the answer to this, then, is that you just put it in without having any judgment of it?

"Mr. SPARBOE. We did not evaluate it."

We find it hard to believe that the underlying membership, composed of State and local chambers and trade associations, really supports a policy which could prove disastrous to communities like ours. We would, therefore, very much appreciate it if you could fill out and return the attached card promptly, so that we will have the facts. Then the matter can be discussed intelligently with the national chamber.

Thank you very much for this courtesy.

Very truly yours,

R. P. VAN WOERT,
President.

Also enclosed was a postal card which asked the constituent organizations to tell the Gloversville chamber:

On H.R. 9900, our position is as follows:

(a) We support H.R. 9900 in full.

(b) We oppose H.R. 9900 in full.

(c) We support H.R. 9900 in accordance with the qualifications stated by the U.S. chamber.

(d) We considered H.R. 9900, and decided to remain neutral on the issues it poses.

(e) We did not consider H.R. 9900 and, therefore, have no position on it.

The current President of the Gloversville chamber, Mr. William H. Evans, distinguished managing editor of the Gloversville Leader-Herald, attended the national chamber's annual meeting on May 2. He was the lead-off speaker for those who opposed adoption of the following policy resolution titled "Trade Adjustment Assistance":

The authority to negotiate tariff concessions to meet the problems of maintaining U.S. export markets in the face of growing international competition may result in injury to domestic industries, firms and workers from the reduction or elimination of duties.

Any steps, taken in the public interest, to expand escape clause and related provisions for assistance to such industries and firms should not take the form of cash subsidies, should be subject to specified terminal dates, and the eligibility criteria therefore should be carefully defined.

Any aid to displaced workers should be limited to unemployment relief and should be administered by the States and should not exceed in amount or duration the benefits provided by State unemployment compensation laws.

In his remarks, Mr. Evans announced the results of the Gloversville poll. He pointed out that the results were based on a return of approximately 10 percent. That is certainly a perfectly adequate sampling as polls go. Mr. Evans' statement to the chamber's annual meeting follows:

I would like to direct my remarks to "Trade Adjustment Assistance," page 6 of the final report.

Acting on the belief that the voting membership of the Chamber of Commerce of the United States does not support the testimony concerning H.R. 9900, the bill here involved, presented March 26, 1962, on behalf of the chamber before the House Committee on Ways and Means, the Gloversville chamber has polled the entire voting membership of 3,600 State and local chambers and trade associations. The results bear out Gloversville's original impression. An overwhelming preponderance of the underlying voting membership has no position on H.R. 9900. The actual figures, computed as percentages and on the basis of a return of approximately 10 percent, are as follows:

	Percent
Supporting H.R. 9900 in full	3.9
Opposing H.R. 9900 in full	16.3
Supporting H.R. 9900 in accordance with qualifications stated by the U.S. chamber	7.9
Considered H.R. 9900 and decided to remain neutral	11.5
Did not consider H.R. 9900 and have no position on it	60.3

These figures reveal that a total of 71.8 percent of the respondents to the Gloversville poll, and presumably of the U.S. chamber membership, neither support nor oppose this controversial legislation, while only 11.8 percent support the bill to some extent, and 16.3 percent are opposed to it.

I would like to throw this matter open to decisions by the delegates.

Numerous speeches were made in support of the position of Mr. Evans; and few against. At the conclusion of the speeches, the following resolution was adopted by what the Associated Press reported as an overwhelming "aye."

> Because of the wide diversity of business interests and commercial activities represented by the federation of trade associations, chambers of commerce, and business firms, which constitutes the membership of the U.S. Chamber of Commerce, it is the sense of this meeting that no policy statement should be adopted at this time which support the principles relating to foreign commerce, Government subsidy, or unemployment assistance as set forth in H.R. 9900 and that action on the proposed policy (dealing with trade adjustment assistance as stated in the final report of the committee on policy) and the motion to amend be tabled.

At that point in the meeting there were something like 600 or 700 chamber delegates present, according to Mr. Evans. But with this important business accomplished, the hall virtually emptied, 200 at the most remaining. Both the freer trade and domestic industry people went off—some of them for trains and the airport and others to their rooms and various public rooms in the Statler-Hilton. Somewhat later, Mr. Evans was located in the hotel and was informed to his amazement that the matter was being reconsidered. He returned to the hall and with others took the floor to protest against such an action by the "chamber hierarchy." He pointed out that the statistics in the Gloversville poll had clearly indicated that the members did not support H.R. 9900. He objected to "railroading." He pointed out that the "hierarchy" was attempting to pull their "chestnuts out of the fire" when the hall was half empty. But he did not prevail. Again the Associated Press provides a factual account of what happened:

> The delegates first voted down the resolution entirely, but, after many of them had left, chamber leaders managed to get the matter reconsidered and the modified resolution was adopted.

In what the Washington Post calls a thoroughly snarled parliamentary situation, the motion was carried by a scant majority, if any. The Chair's conscience is the best judge of whether a majority, much less the required two-thirds majority was obtained. It certainly would be interesting to listen to the vote on a tape. For Mr. Evans, I would like to say that he would consider it a favor were the chamber to permit him to listen to a tape of the meeting, especially the final phase of it.

In short, the appearance to impartial observers present at the convention was not exactly one of democracy in action. However, that is not my only point in calling the attention of my colleagues to this matter.

Administration spokesmen have been running all over the country saying that agriculture, businessmen and labor support H.R. 9900. If you peruse the record as stated above, it becomes abundantly clear that the Chamber of Commerce of the United States cannot reasonably be said to support this bill. In fact, no major overall business organization favors it. The Committee for Economic Development in a report riddled with dissension and separate statements generally favors the one-third of the bill dealing with tariff reductions but opposes the two-thirds dealing with subsidies. The NAM has no position on the tariff section and opposes the two-thirds dealing with subsidies. Thus, anyone who says or gives the impression that there is broad business support for this bill is incorrect.

TVA Payments Into the U.S. Treasury Total $438,133,337 in Fiscal Year 1963

EXTENSION OF REMARKS

OF

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. EVINS. Mr. Speaker, recent figures have shown again conclusively that past investment in the Tennessee Valley Authority is sound and that the TVA is self-liquidating and that its electric power program is self-sustaining.

Payments to the U.S. Treasury for fiscal year 1963 are estimated to total $48,500,000, all from power proceeds. This will bring total payments to date from TVA into the U.S. Treasury to $438,133,337.

Of this total payment, $396,605,917 is revenue from the sale of electric power and the remainder, $41,527,420, is from nonpower proceeds. Very few, if any, agencies of the Federal Government make such payments into the Federal Treasury, and none have a better record of making its payments to the Government than the Tennessee Valley Authority.

Mr. Speaker, it is pleasing to again report that the TVA is not only paying for itself, but is also making substantial payments to the Treasury in the form of dividends on the great development in the public interest.

In this connection, I include the following statement on TVA repayments into the Treasury for the RECORD. The statement follows:

TVA PAYMENTS TO U.S. TREASURY FROM POWER PROCEEDS

Prior to August 6, 1959, payments to the Treasury from power proceeds were made pursuant to section 26 of the TVA Act and title II of the Government Corporations Appropriation Act, 1948. Under this legislation, payments totaling $250,131,519 were made toward reduction of the Treasury's investment in TVA power facilities. Of these payments, $185,059,019 represents reduction of the appropriation investment in power facilities and $65,072,500 represents retirement of bonds sold by TVA to the Treasury prior to 1942 under sections 15, 15a, and 15c of the TVA Act.

As amended on August 6, 1959, the Tennessee Valley Authority Act provides for payments, beginning in fiscal year 1961, of stipulated minimum annual amounts as reductions of the appropriation investment in TVA power facilities until a total of $1 million, exclusive of previous payments, shall have been repaid. The amended act also provides for payments to the Treasury of a return on the appropriation investment in the power program. The total to be paid annually is determined by applying to the unrepaid appropriation investment the computed average interest rate payable by the Treasury upon its total marketable public obligations as of the beginning of each fiscal year. During fiscal year 1961 payments were made to the Treasury of $41,432,398 as a return on the appropriation investment in the nature of a dividend and $10 million applied to reduction of the appropriation investment. The 1962 estimates of payments to the Treasury from TVA power proceeds include $36,542,000 as a return on the appropriation investment in the nature of a dividend and $10 million as a reduction of the appropriation investment. For 1963 the corresponding estimates of such payments are $38,500,000 and $10 million, respectively. The repayable appropriation investment as of June 30, 1963, is estimated at $970 million.

TVA PAYMENTS TO THE U.S. TREASURY

Payments to the Treasury for fiscal year 1963 are estimated at $48,500,000, all from power proceeds. This will bring total payments from TVA to the Treasury to $438,133,337, of which $396,605,917 is from power proceeds and $41,527,420 from nonpower proceeds. Of the payments from power proceeds, $65,072,500 represents retirement of bonds issued prior to 1942, $215,059,019 represents reduction of the appropriation investment in power facilities, and $116,474,398 represents a return on such investment in the nature of dividends.

TVA: A Dream Come True

EXTENSION OF REMARKS

OF

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. EVINS. Mr. Speaker, under unanimous consent, I wish to have an article by our distinguished colleague, Senator HILL, of Alabama, who is one of the authors of the TVA Act, reprinted in the CONGRESSIONAL RECORD. The article follows:

TVA: A DREAM COME TRUE FOR LISTER HILL—A CREATOR

(By LISTER HILL, U.S. Senator from Alabama)

"What is past is prolog."

For me there is no escaping this reminder. Every evening as I drive to my home from the Capitol in Washington, D.C., I pass the Archives Building. The inscription may be shadowed in the dusk—that does not matter. I know it is there. I have read it often. It is the poet's way of saying that no day and no act stands alone, that just as the past has shaped the present, so decisions of today will expand or will contract the horizons of the future.

To an often busy legislator this is a sobering reflection. It can be a source of comfort, too. For it turns my thoughts to some activities of yesterday which were prolog to achievements of today and are basic to the progress of tomorrow.

It leads me to review the story of TVA.

Throughout my service in the Congress, TVA has been one of my major concerns. I was the author in the House of the bill creating TVA, and a member of the conference in which the differences between House and Senate versions were adjusted.

ONLY MEMBER

Today I am the only member of that committee still serving in the Congress. I am the only one who, year by year, has had the satisfaction of testing the progress of the present by the expectations of the past.

When President Roosevelt signed the bill May 18, 1933, a new way for the Federal Government to function in the field of resource development had been created. A Government corporation was established, with its headquarters in the region, not in Washington, empowered to see the resources of nature as a whole, to respect the interrelation of land and forests, minerals and water, and to develop them together that the people of the region might have a better life, and the area itself contribute its full share to the Nation's strength.

We gave the Board of the new agency certain specific instructions and some general power to use in achieving the objectives. We turned over to them the World War I properties at Muscle Shoals in north Alabama. This was the beginning.

ASSETS TVA INHERITED

We directed TVA to use the chemical plant for the development of new and better kinds of fertilizer, and to make the power at Wilson Dam available to the people for use on their farms and in their homes. These were the assets TVA inherited.

The chemical facilities were idle in 1933, and the power produced at Wilson Dam was being sold to a private company for resale to its consumers at a profit. Today at Muscle Shoals more than a thousand men and women are at work, engaged in a program of research and development which has achieved vast improvements in fertilizer production and use throughout the United States, steadily improving the quality and reducing the cost to farmers of this essential tool in agriculture.

Wilson Dam now is part of a great system of river control, including more than 30 dams, a system which has as its primary objectives the creation of a channel for navigation, the reduction of danger from floods, and the generation of electricity for the people to use. Now TVA has been at work for more than a quarter century. The past has shaped the present, and results are plain to see.

When I visit the valley today I watch great barges moving in procession on the tranquil river, new industries arising on the waterfront, and I remember the vagrant river of 1933, the wornout land on its banks.

Fields and pastures lie green in the sun today where once were barren, gullied acres. I see the harvesting of trees planted in the great program of reforestation initiated by TVA, already nourishing the growing strength of new industries based on wood utilization, adding to the jobs they create, the income they afford, insuring that the basic land resource of the area will be ever more productive.

Most of all, my spirit is lifted when I drive through the countryside in early evening. Then I see the lights go on in barn and kitchen and farm house parlor. High on the hills, deep in the coves, a pattern of welcome gleams. I remember then how dark it used to be. To me those lights, that hour, will always be a salute of recognition to the memory of George Norris.

HIS DREAM

For this was his dream, a dream he taught his colleagues to share in the years he led the fight for TVA. The lights which glow from the farmhouse windows illuminate an area far wider than the farmyard.

They give meaning to the statistics which report the growth in electricity use in the area served by TVA, a record of progress unrivaled in history, at any place or in any time, a demonstration of what happens when a power system is developed and is operated as a part of a total program of resource development.

I sometimes wonder if the generation grown to maturity since TVA began knows what life was like before; if they understand what it means when it is reported that the number of domestic consumers in the region has expanded from about 200,000 in 1933 to more than 1,300,000 today; that their average annual use of electricity has grown from 600 to more than 9,000 kilowatt-hours; that nearly 98 percent of the farms now have electricity, where only 3 percent were served in 1933.

When I read those figures I know a moment of deep gratitude to the management of TVA. These statistics tell a story of dreams come true, of achievement outracing expectations.

They tell the story of well-lighted homes and barns and schools and churches, of electric kitchens replacing wood-burning stoves, of faucets installed instead of pumps, of water systems on the farm, of year-round refrigeration, and the use of farm equipment of kinds unknown in 1933.

They measure the spread of air conditioning and electric house heating. They promise better health, better homes, an environment that is the guarantee of progress, of more jobs and a better income for the people. This is precisely what we hoped an abundant supply of low-cost electricity would accomplish.

OUTRACED EXPECTATIONS

Already the record of TVA has outraced our expectations, just as the region's demand for energy has outstripped the capacity of the river to provide it. So coal, another natural resource, is releasing its hoarded energy to add to the region's power resource.

To produce low-cost energy by steam generation would have required a miracle in 1933. Today we know it requires courage, the courage to introduce American suppliers to the stimulus of foreign competition, to expose collusion when it occurs in bidding. It requires enterprise to push for the design of larger and more efficient units and to discover the most economic locations for their installation.

It requires imagination to develop new types of contracts for coal supply and delivery.

Most of all it requires ceaseless devotion to that injunction George Norris drafted so long ago, the provision instructing TVA to provide electric energy to the homes and farms of the area at the lowest possible rates. The lowest possible rates mean the lowest possible costs, for rates must cover costs, including the cost of money. It is not easy in the face of rising prices. But TVA has demonstrated that it can be done.

Because production costs have been held down and use has been increased, today the average cost of electricity to the domestic consumer on the TVA system is less than a cent a kilowatt-hour and on July 11, the centennial anniversary of Senator Norris' birth, a new low rate could be announced by TVA to be available for distributors to apply. It was named for him, a fitting tribute to the vitality of the program he initiated and to the fidelity with which it is administered by TVA.

A LONG WAY

This region has come a long way since 1933. We have a long way to go before we can proclaim that our resources are developed to their full potential, that there are jobs enough in industry and trade and services to absorb our manpower as it is released by more efficient farming practices. But to me the road ahead seems clear and the future bright with promise. I know what has been accomplished since 1933.

But a total program of resource development requires the efforts of all the people and all their institutions. It demands the wholehearted participation of State and local governments. Its success depends upon the cooperation of individuals in their private undertakings and together in all their associations. A Federal agency cannot do the job alone. It can only lead the way.

There is a tremendous job ahead. This is not the time for the people to relax their own efforts, or for their energies to be diverted in pursuit of panaceas which others are expected to provide. This is the time when the tools provided over the last quarter century should be used with increased zeal. Then continued regional growth will be assured and economic opportunity will continue to expand. This is a time for us to remember that the past was only prolog to the future.

John H. Breck, Inc., of Springfield, Mass., CBS Television Network, and Igor Stravinsky Commended for Bringing Premiere Presentation of "Noah and the Flood" to Viewers on June 14

EXTENSION OF REMARKS

OF

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. BOLAND. Mr. Speaker, over the past several years, the American television industry and its product have been the subject of much criticism and, in fact, the medium has been characterized by some as a vast wasteland.

As the result of this reported state of affairs, there have been many constructive efforts on the part of the present administration and members of this session of Congress to improve the quality and scope of television as a medium of communication, entertainment, and education.

As the RECORD shows, I personally have been an active proponent of the bill requiring television set manufacturers to equip all sets to receive ultrahigh frequency television, which would, in effect, open the door for expanded educational television opportunities throughout the United States.

Notwithstanding the sincere efforts of the executive and legislative branches of the Government to upgrade this new medium, careful note should be taken of the fact that there are and have been over the past several years a number of programs of which the television industry can be enormously proud. These programs, in the opinion of many critics and cultural leaders, can stand proudly beside any being produced in the world today.

Each of the Nation's three major television networks have and are on occasion producing shows that have ascended to the highest of cultural levels. I am pleased to note that the frequency of such programs has been greatly accelerated over the past 2 years.

In this regard, I would like to cite the efforts of the CBS television network and one of the country's leading manufacturers of hair care preparations, John H. Breck, Inc., of Springfield, Mass., to bring worthwhile entertainment with great cultural appeal to the millions of American television viewers. For the past year, this same network and sponsor have presented a series of programs that have consistently earned high praise for their excellence and good taste. Even before this, the same sponsor, on other networks, has brought fine television entertainment, suitable for viewing by all of the family, into the many homes of America. In my opinion, CBS and Breck will again be performing a noteworthy public service when, on the evening of June 14, they offer the premiere presentation of "Noah and the Flood," an original work in music, dance and drama created around a just-completed work by the world's greatest living composer, Igor Stravinsky.

The fact is that Mr. Stravinsky, his colleague, George Balanchine, the noted choreographer, and the other distinguished artists could have had this premiere on any medium—the theater or the concert hall, for instance. Instead, they chose television as the medium for the first showing of this important cultural achievement. Mr. Stravinsky, nearly 80 years old and wise in the ways of the arts, chose television for the premiere in the belief that his work should be heard and seen by the greatest possible audience. In my opinion, this is the way of democracy whereby the benefits of education and culture are available to all, regardless of economic status.

I believe that the CBS television network, John H. Breck, Inc., and Mr. Igor Stravinsky all should be commended for their efforts toward bringing this program to the American people and that it is hoped that this event will encourage and inspire future television programs of equal merit, so that the medium can no longer be considered "a vast wasteland."

The Tokyo Raiders: A Symbol for America

EXTENSION OF REMARKS

OF

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. TEAGUE of Texas. Mr. Speaker, it is fitting that we pause for a moment to take note of a memorable occasion of the past month, and to pay tribute to the men who were there.

This was the 20th annual reunion of the Tokyo raiders.

In the month of April 1942, the United States was locked in a mortal struggle with the Axis Powers. The surprise attack on Pearl Harbor was then nearly 5 months into history, and an angered America was still arming. The greatest of haste still seemed not to give us action—and the Nation, wounded and enraged—wanted to come to grips with the enemy.

Then came the news.

American airmen had bombed the Japanese homeland.

Tokyo, Yokohama, Osaka, Kobe, and Nagoya had been hit by American bombs. Our aircraft, said President Roosevelt, had taken off from Shangri-La.

It was a year later that the War Department released the facts. The full story of the brilliant and daring operation, jointly planned and jointly executed by the Navy and the Army Air Force, took its place in the annals of our history.

In 1942, however, America hailed this raid with a burst of enthusiasm. To them, it was our promise of victory; to them, it foretold the surrender ceremony 3 years later in Tokyo Bay.

It was Gen. James H. Doolittle, who organized and commanded this operation. It stands as one of the achievements of a man whose life has been filled with achievements. By nature, and by professional training, James H. Doolittle filled to perfection the role he chose for his life.

It was a broad role, and it remains so today. The daring aviator, the doctor of science, the Air Force lieutenant general, and now forging ahead into space technology, James H. Doolittle is among our most distinguished Americans.

The men he commanded, and who flew the raid against Japan with him, are now men in the prime of life. Their original numbers have thinned somewhat, from an original 80 to 56—attrition began on the raid itself. To all of them, for what they did and for what they are today, the Nation owes a debt of gratitude. Their contributions will be long remembered.

Annually these raiders meet to honor the memory of those who lost their lives, to renew old friendships, and to participate in some activity which they feel would be of benefit to the Nation or to the community in which they meet, and to the Air Force.

This year the reunion was held at the Club Del Mar in Santa Monica, Calif., on April 19 to 21. The raider chairman for all general arrangements this year was Col. Jack A. Sims, who is Chief of the Air Force Liaison Office, U.S. House of Representatives.

Because of the raiders' deep respect and affection for their inspirational leader and because it was their most important 20th anniversary, they honored General Doolittle by establishing in his name a $1,500 educational scholarship in science at UCLA. This project, the raiders feel, is in keeping with the national interest to further the U.S. scientific educational effort.

The student selected to receive this scholarship was Robert Paul Wilcke, of Santa Monica, Calif. Mr. Wilcke was a good choice, for he is oriented toward those goals and principles which Jimmy Doolittle has through the years so honorably exemplified. This youth is an outstanding student who has his sights set on future aerospace scientific efforts.

It was, therefore, fitting that the main speaker on their program be a person who could tell why this scholarship was so important and one who could speak on the scientific education needs of today. This speaker was the Honorable George P. Miller, of California, chairman of the House Committee on Science and Astronautics. Mr. Miller has proved to be a vigorous and enthusiastic leader and is keenly aware of the role science and technology are playing in shaping America's future political, economic, and social development. Under his leadership the House Space Committee will study the many broad scientific problems facing this Nation.

Mr. Miller's speech to the Doolittle Tokyo Raiders and to the Nation stands as testimony of Chairman Miller's interest and concern about the future of American scientific education and as a message that all Americans should seriously heed.

In order to afford the fullest opportunity to the readers of the Congressional Record, I, under unanimous consent, insert a copy of Mr. Miller's address in the Record:

> General Doolittle, distinguished guests, ladies, and gentlemen, this is indeed a momentous occasion. The 20th anniversary of the first air strike of World War II against the heartland of the Japanese Empire is of great personal interest to me because I represent Alameda where your great General Doolittle was born and received his early schooling, and where your group jumped off from the continental United States for the historic undertaking.
>
> This anniversary occurs at a period in our national history when the greatness of our Nation and the men who lead it are being sorely tested.
>
> It seems to me that this anniversary comes at a time when we need to be reminded of the courage and sacrifices made by the men here in this room and by those comrades who have gone to their Maker since those grim days of 20 years ago.
>
> We need to be reminded that within the soul of this Nation resides an unconquerable spirit that gives full meaning to the price that has been paid to keep that spirit alive and flourishing. You, who flew on that first strike in 1942 led by your great commander, General Doolittle, continue today to expend your energies, your spirit, and fervor in helping this favored land to achieve its objectives.
>
> Today you are awarding a scholarship to a young man who is representative of the next generation to assume responsibility for the future growth of America. You have by this award recognized both tacitly and specifically that the growth of the United States is so very dependent upon the knowledge and capabilities of the people who will contribute to it.
>
> It is particularly significant that this scholarship is directed toward scientific and technical training, for this highlights a very serious problem confronting the United States, the solution of which can have direct and material effects upon the future progress and survival of our country as a community of free people.
>
> I am referring to the problem of meeting the current and future requirements for scientists and engineers fundamentally necessary for achieving our national objectives, not only in the special fields of space exploration and defense, but also in maintaining the public welfare at the unprecedented levels of standards that have become the envy

of the world and the greatest advertisement for the success of our way of life.

It became quite evident some time ago that the Soviet Union could achieve economic and military parity with the United States only by means of technological achievement. This could be done by increasing manyfold the numbers of scientists, engineers, and technicians available to the Soviet economy.

The Soviet scientific educational effort received such concentrated emphasis following World War II that today Russia is producing annually two to three times as many scientists and technicians as we are. Furthermore, there is no question that the Soviet Union fully intends to accelerate further this educational effort, thereby making clear that science and technology have the primary mission of supporting the Soviet mission to communize and dominate the world through overwhelming economic and military forces.

Let me offer you some concrete evidence of the Soviet programs. In 1959, of the total graduates from Russian institutes of higher learning, 57 percent took bachelor degrees in science, engineering, and special fields of applied science, as opposed to 24 percent of U.S. graduates in the same fields.

A report of Soviet education and professional employment recently published by the National Science Foundation uncovers many significant facts. It is interesting to note that the average schooling of the Russian people is about 4 years, as compared to 11 years here. This is because in the Soviet Union only 7 percent of each age group completes a higher education curriculum.

But, although the U.S.S.R. has about half the total number of higher education graduates than we do, it has a greater number of professionals in scientific, engineering, and applied science fields. The Soviet Union is experiencing a rate of growth in these categories that is more than triple that of the United States.

Specifically, we produce about 90,000 science, engineering, and applied science students of bachelor and graduate degrees each year; the Soviet Union, 190,000.

And all available information and statistical evidence support an estimate that the Soviet system will be producing professional graduates at the rate of 250,000 a year before the end of this decade. Out of this mass will come refinement that can pose a threat to the free world.

These data give you some idea of the challenge with which this country will be faced in the near future. And a qualitative evaluation—which always tends to be built upon highly subjective judgments—places the Russian graduates of all levels and disciplines well on a par with those coming from our own institutions. We are confronted with a completely government-supported educational system producing professionally, although narrowly, trained scientists and engineers whose efforts in every technological field, also state-supported, will be directed toward furthering the Soviet national programs and ideological objectives.

There is no need for me to analyze our own educational systems; you are all thoroughly familiar with that field. Here, we are free from Government limitations of career choices and our graduates from higher institutions find their own niche in our economy. Here, individual talents, whether in the arts or in the sciences can be developed and refined with equal opportunity, and their usefulness is limited only by the extent to which our economy can utilize them.

Thus it is extremely heartening to realize that in our national community, characterized and dignified in human terms by freedom of choice, that we have achieved the highest levels of technological and scientific accomplishment in history. And it has been our educational systems that have made a major contribution to that achievement.

But now we become aware of the constantly growing need of our Government and industrial resources for special knowledge, skills, and inventiveness in the fields of science, engineering, and the applied sciences that has resulted from the demand placed upon our society by the challenges of the age we live in. Heavy commitments to expand our military defense capabilities, our national space programs, consumer requirements, and industrial innovations have all placed unprecedented demands upon our technological resources and talents.

How can we as a nation meet these demands and develop, to the fullest practical extent, our national potentials? Only through increasing significantly the numbers of scientific and engineering graduates of advanced educational institutions who can be absorbed. It will take the talents, education, know-how, and experience of hundreds of thousands of men and women to satisfy the needs of our burgeoning economy.

To give you an idea of where we stand, in 1959 we had a total of 1,096,300 scientists and engineers employed in our civilian economy. By 1970 it is estimated that we will need 2,032,000 scientists and engineers. This is a percentage increase of 85.4 percent—which totals 936,000 graduates—over a period of 11 years. This would require an average of 85,000 yearly graduates.

Yet, although total university and college new registrations increased last year by 12.4 percent over the previous year, freshman science and engineering enrollment actually decreased from the previous year. Hence the percentage of engineering and science degree candidates to total enrollment is decreasing. The rate of growth in producing scientifically trained manpower we urgently need is not occurring.

How is the Federal Government attacking these problems? President Kennedy has taken positive action by directing his scientific advisers to study the whole national problem and to report to him at the earliest date on what steps the United States, including both Government and civilian organizations, can take to reverse this trend and increase our resources in scientists and engineers in the shortest possible time.

The National Science Foundation has long been in the forefront of analyzing the problem and supplying Government agencies with comprehensive and cogent statistical information.

The Department of Health, Education, and Welfare has done and is doing yeoman work in assisting the many educational systems throughout the country to broaden opportunities for scientific training, awaken student interest, and stimulate dormant talents.

Whatever steps the Government may take, whatever legislation Congress may enact in the future, to overcome the threatening shortage of scientists and engineers, the result will be more than solely the achievement of a solution to a thoroughly pragmatic problem. It will be an investment in the intellectual growth of our children, which will inevitably, under our system of free peoples governing themselves, lead to an enlightened citizenry. That is the anathema of communism. It is the enlightened people who clearly perceive the truth and have the unquenchable will to follow it.

I congratulate you on the establishment of this scholarship. I think it manifests your deep desire to contribute in a material way to the betterment of our Nation. I sincerely hope that in the years to come your organization will serve as a model to similar groups elsewhere in taking positive steps to preserve the United States as a leader of the free world.

You men who are on the roster of great "firsts" in peace and war, such as Orville and Wilbur Wright, Lindbergh, and Colonel Glenn, have risen to meet the greatest challenges asked of you by your country and by yourselves. There can be no higher accolade than this.

Latin America: Threat and Promise

EXTENSION OF REMARKS

OF

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. GONZALEZ. Mr. Speaker, our distinguished colleague and my fellow Texan, Hon. Jim Wright, has written a most incisive article which appears in the May 1962 issue of Maryknoll magazine. This is the publication of the Maryknoll Fathers, the Catholic Foreign Mission Society of America.

Mr. Wright's article deals with Latin America, its threat and its promise. He has been deeply interested in the subject for many years and obviously has given careful thought to the preparation of this article. Because of the great importance of the problem to our entire Nation, and because of the value of the article prepared by our colleague, Mr. Wright, I am including it herewith for printing in the Congressional Record:

Latin America: Threat and Promise

(By Jim Wright)

To the south of us lies an area, long neglected in our international priorities, which destiny seems to have linked inseparably to the future well-being of the United States. There, perhaps within the next 10 years, the decisive battle of the cold war may well be fought. Today it is a power vacuum, a churning cauldron of conflict, keyed-up emotions and long-smothered aspirations gasping for air.

For the nearly 200 million people who comprise the Republics of Central and South America, the average life expectancy is 46 years. Approximately 50 percent of the population is illiterate. Only 1 adult in 1,000 has completed college.

The infant mortality rate of Latin America is four times higher than ours, but it has the fastest growing population in the world. One of every nine children born in Latin America will die before reaching adolescence. In some countries, the per capita holdings of money on deposit are as low as 38 cents. In Venezuela, 90 percent of the land is owned by 3 percent of the people.

Add to this picture the growing awareness of a better life enjoyed by others and an almost savage determination in young people to achieve it and you have a combustible combination which threatens to become the greatest outburst in history.

Let there be no mistake about it: Latin America will not be denied. The status quo will give way. Its threadbare cloak is already in tatters. Change will come, and the shape and direction of that change concerns us deeply and intimately. The 20 nations which make up Latin America are not only closer to us, but are also more important to us than any other nation of the world.

Take the matter of military defense. The missile age has not reduced the necessity for hemispheric solidarity, but has dramatically increased it. Without the understanding and cooperation of our southern neighbors, it would be very difficult, if not almost impossible, for us to operate our own big missile center at Cape Canaveral, Fla. Latin American countries with tracking stations provide an indispensable link in our research and development chain.

Our national commerce, also, is inseparably tied to our southern neighbors and dependent upon their economic health and well-being. In spite of all the well-publicized clamor over trade with Europe and Asia, the fact remains that 26 percent of all the goods we sell abroad is sold in Latin America.

Moreover, almost 28 percent of all the goods we import comes from the Latin American countries. The quality of these imports is even more important than the volume, since practically all raw materials regarded as strategically necessary to U.S. security—many of them materials which we do not and cannot produce domestically—are to be found somewhere in Latin America.

The importance of inter-American solidarity augurs to be even greater in the future. Latin America's population growth is outpacing that of any other area, and in 1 more generation is expected to number 300 million. These people could quite conceivably hold the balance of power in the two-way international struggle now underway.

These are some of the reasons why the stability and friendship of Central and South American governments are urgently important to us. These are also the reasons why we must face with great concern the seething unrest which has produced a Castro in Cuba, real Marxist threats in Bolivia and British Guiana and a wave of impatience throughout the hemisphere.

Obviously, our policies in the past have not been adequate. Platitudinous assurances of friendship, conveyed in stilted diplomatic language from government to government, are not enough. Simply shoring up the shaky regimes of existing governments in times of local crisis is not enough. There needs to be a new outlook, a new understanding, and a new approach.

We must ask ourselves some searching questions. Why, on an island just 90 miles off our coast which owes its very independence to our sponsorship, can a man hold power by playing cozy games with the Communists, seize American property, and make this Nation the whipping boy of his ridiculous rantings? Why did Costa Rica have to fight a bloody Communist uprising a dozen years ago, and why did Guatemala succumb temporarily to the Soviet lure in 1954? Why did an attempted good-will tour of a U.S. Vice President turn into a series of riots 3 years ago? Why do aspiring Latin American politicians so often find it necessary to assert their independence of North American influence?

Part of the answer lies in the unmistakable appeal of Castro's land reform promises throughout a region of the world where 1.5 percent of the people own more than half the tillable acreage. In Cuba, 90 percent of the people do not own an inch of land or a penny's worth of equity in any real property.

In most Latin American countries, the preponderant majority are tenant farmers, impoverished, deeply in debt and without hope. Mired in the futility of a 20th century feudalism, they see no promise of a brighter mañana through the slow and orderly processes.

Castro has certainly made cruel promises which he cannot possibly fulfill. He has pointed with greed and envy-inspiring oratory to the large estates, some of them owned by U.S. interests. To the land-hungry masses he has said, "Follow me, and I will break them up and give them to you." Surely it is an irredeemable hoax.

But Castro is not the cause of the problem; he is an effect. The man who has given up hope of ever achieving his legitimate objectives by orderly means, the man whose little children look to him with eyes enlarged by their sunken cheeks and with hunger gnawing at their empty little stomachs, is a desperate man. He is ripe to follow any demagog who promises him a personal stake in the country's future.

Part of the answer lies in Latin America's tragic history of heartbreaking disappointments in corruptible leaders. Also the United States has too often been identified in Latin minds with unpopular and undemocratic local regimes, which have often dispensed our largesse as though it were their own patronage and sometimes used our military assistance for their own internal purposes in the manner of police states.

Part of the truth is that the people of Latin America have seen in us the symbol of self-assumed superiority. The fact that we, for the most part, have refused to learn their language, and have required them instead to use ours for communications between us, has irritated them.

A part of the answer lies, of course, in the aggressive nature of the Communist propaganda menace. When the Voice of America was forced by a shortage of funds in 1953 to abandon its wave length to Guatemala, it was snapped up immediately by the Soviets. A few months later that country fell to the Red Arbenz regime.

Communist China, concentrating on Latin America as one of its chief targets, last year induced more than 500 Latin American opinionmakers to visit its country. Students, educators, labor leaders, writers and even political leaders were given expense-free trips. Going one step further, Peiping and Moscow weekly beam throughout Latin American countries 74 hours of Spanish broadcasts and 28 hours of programs in Portuguese, the language of Brazil, in which we seldom offer any broadcasts.

José Figueres, the former President of Costa Rica, in an article which appeared in an American magazine a few months ago, said:

"The forces we fight have no trouble getting their propaganda to our people. I can turn on my radio any hour of the day or night on my farm in Costa Rica and hear a strong, clear voice from Moscow discuss in faultless Spanish the latest news of the day and the latest Latin American problems, slanted poisonously against Yankee imperialists. Only your Government can meet the challenge of the broadcasts from Moscow and Havana, and I wonder why you have neglected to do so."

We do, of course, have Voice of America broadcasts. Their quality is good. They have patiently earned the reputation for truthfulness and reliability. But by comparison in sheer volume with the radio schedules of our competitors, our broadcasting program is understaffed and underfinanced. What a commentary on a breed of men known as the greatest advertisers and salesmen in the history of the world.

Where do we start recapturing our lost prestige so carefully nurtured over the years through the good neighbor policy? The agreement at Uruguay last year and the passage of the Latin American aid bill is a good starting place, but the problem will not be solved by money alone.

Let us start by showing that we stand for something, not only against something. Let us exert influence in every country for regular, free elections; for the guarantee of individual liberties; for nonviolent, local self-determination.

It is not enough simply to say that Castro's way and the methods of the Communists are wrong. Let us show the people of Latin America that there is a right way to achieve their legitimate objectives. Let us demonstrate to them that the best way to achieve economic democracy is through the framework of political democracy without the surrender of individual rights and human dignity.

The longstanding bottleneck to widespread individual ownership of family farms, modest homes, and small businesses has been the need for long-term mortgage credit. So far as the average Latin American family is concerned, this simply has been nonexistent.

We could demonstrate that land reform may be achieved without Communist confiscation through a sort of Latin American FHA. We could join with friendly governments on a 50-50 basis not in gifts but in loans to tenant farmers to buy small parcels of land. Nothing stabilizes a people like home and farm ownership.

We have already made a beginning in this direction. The United States recently announced credit amounting to about $50 million for Peru and $70 million for Colombia, in which the governments of those nations participate with the Development Loan Fund and the ICA to develop new land for agriculture and local loan associations to encourage building of low-priced homes on reasonable terms.

Will the average Latin American stand for such loans? Will he be worthy of this unaccustomed trust? A Maryknoll priest, Fr. Daniel B. McLellan, just a few years ago organized the first credit union in the history of Peru. The experts scoffed. "The Indians are beyond help," they said. But he believed in them enough to start with 23 Indians who raised the munificent sum of $30 among them.

By the end of the first year, the credit union had 291 members, a capital of $15,000 and had made 95 loans without a single default. In 2 years, it granted $150,000 in loans with a bad debt loss of only $80. Today the San Juan Credit Union has 5,000 members with a capital of $400,000. After 5 years, 207 separate credit unions have been created throughout the nation.

It is highly significant that the Communists have vigorously, and often violently, opposed efforts of this kind which they do not control. In Bolivia, for instance, there is evidence that they inspired physical violence against agents of the credit program under Bolivia-United States supervision, and actually forced it out of several towns where it was extending needed credit to farmers. The promise of land is communism's greatest weapon in Latin America; the ownership of land is its greatest fear.

There are many other and additional ways, of course, by which we must cultivate anew the spirit of friendship and mutual respect within the Americas. Let us require all our Government employees, and encourage privately employed Americans throughout Latin America, to learn the local language. Our diplomats should stop giving the impression that they cultivate only the cream of local society—the limousine and fur set—and of being disinterested in the "great unwashed," the average people, to whom the Soviets are making their fervid appeal.

Labor leaders in Latin America are often the first targets of Soviet propaganda. Let us beat the Communists by an exchange program, which brings labor leaders here for visits to the homes of American union officers and which brings radio commentators for visits with American newscasters, teachers with teachers, and newsmen with newsmen. Let them see for themselves the freedom and high living standards achieved under our system by their counterparts, and then return to tell this to their people.

Let us show, in deeds as well as words, that we want not only to be understood but to understand them. Above all else, let us keep the reservoir of good will that still remains by behaving honorably. Let us never truckle to the corrupt nor appear to offer bribes. Honest respect begets true friendship, which is infinitely better than pretended affection.

Most of the foregoing has emphasized the negative factors which make up our problem. There also are some reasons for hope. There is for us a latent reservoir of good will, and in areas where some progress is being made there is a growing sense of cooperation.

Mexico is a good case in point. There have been bitter times of stress between this country and Mexico. But that is in the background now. Today there is a different atmosphere.

To understand what is happening, you almost have to go there, to "smell the weather in the streets." While in Mexico on an inspection of the Inter-American Highway, I began to understand some of what is taking place.

I was startled by the vividly contrasting modes of life. On one hand are the brooding, mysterious ruins of Indian civilization which were old when the European white man was painting himself blue and eating raw meat and roots in his native forest. On the other hand are all the glistening accoutrements of modern Western development. In Mexico City the shiny evidences of modern bigness arise to sparkle against the background of an ancient civilization.

The Mexicans, determined to be architects of their own destiny, are extremely proud of what they have built. They are proud of their superhighways, their native industries, their sleek new hotels, their towering buildings of steel and glass; proudest perhaps, of their brilliantly designed university city. Mainly they are proud of the fact that they did these things themselves.

They know they have a long way to go. Mexico is essentially a nation of little villages where life goes on much as it must have done a century ago. More than two-thirds of the total population lives on the land or in towns of fewer than 500 inhabitants. Most of these little towns, isolated from one another by the towering mountains, are without newspapers, and many are still without schools.

The public affairs officer for the USIA in Mexico, describing the Mexican attitude, says, "They are struggling not only for economic betterment but for national dignity." After talking as best I could with perhaps a hundred different Mexicans of various stations of life, I think I understand what he means. I did not find hostility. I found friendliness, and above all a desire to be accepted. Sometimes it lingers below the surface. But when you smile at them, they smile back.

Our growing army of tourists and visitors remains our best asset in our bid for inter-American friendship and hemispheric solidarity. More than 650 visas of American citizens are cleared every day in the consulate at Mexico City, and when the 30-year-old dream of a usable, 3,400-mile highway from the Texas border to the Panama Canal becomes a reality, the number will jump significantly. The impact of such a wave of tourists must necessarily be great. It can do much good or it can do harm.

I asked some Mexican friends what the average U.S. tourist could do to become a better ambassador for his country. Their answers showed great understanding, and the message was clear. They suggested that we refrain from playing down the things of which Mexicans are most proud, particularly by making unfavorable comparisons between their manufacturers and ours. They warned against the offensive attitude that money can buy everything. They suggested that we show sympathetic interest in their culture by learning a little Spanish, and by trying to understand as we try to be understood.

"After all," one of them said, "it isn't so much what you do, it is what you feel. For what we do is just a reflection of what we feel inside."

What it all boils down to is nothing more or less than good manners—or perhaps the Golden Rule.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 9, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Ephesians 6: 17: *Take the sword of the Spirit, which is the word of God.*

Almighty God, who hast spoken unto us in Thy Holy Word, we humbly acknowledge how greatly we need its exhortations and admonitions for comfort and courage in these days when the faith of mankind is being tried as by fire.

Inspire us with an earnest longing to heed its appeals and overtures more eagerly and to apply and act upon those great precepts and principles of reason and righteousness, which are revealed in its sacred pages and whereby we may have life and have it more abundantly.

Grant that the teachings of Thine inspired and infallible Word may enable us to view all the events and experiences of our daily life in that new perspective which invests them with greater meaning and worth and with more light and hope.

Hear us in His name who is the way, the truth, and the life. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

The SPEAKER. The Chair requests the gentleman from Georgia [Mr. VINSON] to assume the chair.

(Mr. VINSON assumed the chair as Speaker pro tempore.)

NAMES PRESCRIBED FOR THE THREE HOUSE OFFICE BUILDINGS

Mr. McCORMACK. Mr. Speaker, I offer a resolution (H.J. Res. 711) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the House of Representatives office building constructed under authority of the Act of March 3, 1903 (32 Stat. 1083, 1113), at a time when the Honorable Joseph Gurney Cannon, of Illinois, was serving as Speaker of the House of Representatives, is hereby designated, and shall be known, as the "Cannon House Office Building"; and

(2) the House of Representatives office building constructed under the authority of the Act of January 10, 1929 (45 Stat. 1071), at a time when the Honorable Nicholas Longworth of Ohio was serving as Speaker of the House of Representatives, is hereby designated, and shall be known, as the "Longworth House Office Building"; and

(3) the House of Representatives office building being constructed under the authority of the Additional House Office Building Act of 1955 (69 Stat. 41), the construction of which was begun while the Honorable Sam Rayburn of Texas was serving as Speaker of the House of Representatives, is hereby designated, and shall be known, as the "Rayburn House Office Building".

SEC. 2. Any law, rule, regulation, document, or record of the United States in which reference is made to any building to which the first section of this joint resolution applies shall be held to refer to such building under and by the name prescribed for such building by such section.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was ordered to be engrossed and read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

OFFICE SPACE FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES

OLD HOUSE OFFICE BUILDING

Mr. McCORMACK. Mr. Speaker, the acquisition of a site and the construction of a House Office Building was authorized by the act of March 3, 1903. The site was acquired and the building designed and constructed under the direction of the House Office Building Commission during the period 1903 to 1908. The building was completed and first occupied on January 10, 1908.

During the entire period from authorization to occupancy, the Honorable Joseph Cannon, of Illinois, was Speaker of the House and Chairman of the House Office Building Commission.

NEW HOUSE OFFICE BUILDING

By the act of January 10, 1929, acquisition of a site and construction of a New House Office Building was authorized. The site was acquired and the building was designed and constructed under the direction of the House Office Building Commission during the period 1929 to 1933. Hon. Nicholas Longworth was Speaker and Chairman of the Commission during the period January 1929 to December 6, 1931. During this period, all building plans had been finalized and construction was one-half completed. Construction was carried to completion under the speakership and chairmanship of the Honorable John Nance Garner, of Texas. The New House Office Building was first occupied on April 20, 1933.

ADDITIONAL HOUSE OFFICE BUILDING

The additional House Office Building, now under construction, was authorized by the act of April 22, 1955. The site was acquired, the building designed and its construction have been under the direction of the House Office Building Commission. During the period from April 1955 to November 16, 1961, the Honorable Sam Rayburn, of Texas, was Speaker and Chairman of the Commission. At the time of his death the building plans had been completed and construction of the building was about 41 percent completed. Construction is being carried to completion under the chairmanship of Speaker John W. McCormack, of Massachusetts. This additional House Office Building is due for completion by August 1964.

Mr. HALLECK. Mr. Speaker, I am happy to join in support of this resolution to honor three great former Speakers of the House of Representatives—the Honorable Joseph Cannon, of Illinois, the Honorable Nicholas Longworth, of Ohio, and the Honorable Sam Rayburn, of Texas.

Speaker Cannon, I am proud to note, spent his formative years in Indiana and practiced law in Terre Haute before moving to Illinois. He served as Speaker of this body during the 58th, 59th, 60th, and 61st Republican Congresses.

Nicholas Longworth was elected to the 58th Congress, served as Republican majority floor leader during the 68th Congress and as Speaker of the 69th, 70th, and 71st Congresses.

Sam Rayburn served in Congress from March 4, 1913, until his death on November 16, 1961—a period of more than 48 years. He was elected Speaker of the 76th Congress on September 16, 1940, and served with distinction in that office for more than twice as long as any other Speaker in the history of this great deliberative body.

I urge the adoption of this resolution.

Mr. WRIGHT. Mr. Speaker, I consider it altogether fitting and appropriate that these House Office Buildings be named as memorials to these three truly distinguished Speakers of the House of Representatives.

Particularly fitting is the naming of the newest building, presently under construction, in honor of our late beloved Speaker Sam Rayburn. This action will be a just token of tribute to his memory by those of us who served with him here and knew of the devotion he so unstintingly gave to this our country, and of his deep love and respect for this Congress.

GENERAL LEAVE TO EXTEND REMARKS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks in the Record on the subject matter of the resolution just passed, immediately following those of the gentleman from Indiana [Mr. Halleck].

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FOURTEENTH ANNIVERSARY OF THE STATE OF ISRAEL

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, I speak briefly of the 14th anniversary of the State of Israel. One hundred and seventy-six Members have joined in signing a statement relevant to the birth of the democratic State of Israel in the Middle East and have taken cognizance of the troubled situation which exists in that area of the world. This is a statement that sets forth enduring principles to which every Member of the House, we believe, can subscribe. The statement speaks for itself, and it gives me extreme pleasure to read the statement on behalf of my colleagues who have joined in the making of such statement.

I shall include the names of the signatories thereto at the end of this brief recital.

Israel's 14th anniversary will be hailed by the American people who favored the reestablishment of an independent Jewish Commonwealth and who have rejoiced at the progress the people of Israel have made to utilize their independence for human advancement: to rehabilitate their land; to provide sanctuary for more than a million refugees and immigrants; to develop their economy; to cultivate their arts and sciences; to revive their civilization and culture; to cooperate constructively in the international community.

The interest and support which America has extended in these inspiring developments will continue, even as America extends its help to the independence and freedom of all countries in the Middle East and elsewhere.

On this occasion, however, we are mindful that the people of Israel are still denied the blessings of peace and that they must continue to adjust themselves to a state of belligerence on the part of their neighbors. This Arab war against Israel is unique. The United Nations Charter outlaws war. Yet here in the Middle East, in unprecedented defiance of the charter, belligerence is carried on without challenge, intervention or rebuke by the international community.

The continuation of this hostile policy, resulting in heavy armaments, boycott, blockade, threat of destruction, and border incidents, is a costly burden for all the peoples of the Middle East and an obstruction to their economic progress and development and to regional cooperation.

And it spells danger, not only to the Arabs and Israelis, but to world peace, because in our world today any local conflict may spread into general and widespread hostility.

We believe that the issues which divide Israel and the Arab States must be resolved in the spirit and the service of peace. This can only be done if the leaders of Israel and the Arab nations agree to meet honorably in recognition of their mutual right to free existence in peace. There is no effective alternative.

Progress on border disputes, on economic development, on refugee resettlement, on disarmament, can best be promoted within the broad context of mutual acceptance of peace as an overriding duty and purpose.

An Arab-Israel peace has too long been delayed and denied. As the leader of the free world, the United States should be in the vanguard of world opinion in pressing for an Arab-Israel peace. We have a duty to protest against the maintenance of belligerence, hostility and threat as national policies and attitudes.

We trust that the administration will pursue a policy, both within and without the United Nations, which firmly rejects all forms of aggression and which will make it clear to all governments in the Middle East that we do not condone war and that we persist in the search for peace as the major goal of American policy in the region.

Mr. Speaker, I herewith submit the names of the 176 Members who join in this statement:

Joseph P. Addabbo, Hugh J. Addonizio, Carl Albert, John B. Anderson, Victor L. Anfuso, Thomas L. Ashley, James C. Auchincloss, Howard H. Baker, Walter S. Baring, William A. Barrett, Robert R. Barry, William H. Bates, Frank J. Becker, Ralph F. Beermann, John A. Blatnik, Edward P. Boland, Richard Bolling, Frank T. Bow, John Brademas, William S. Broomfield, Charles A. Buckley, James A. Burke, James A. Byrne, Clarence Cannon, Hugh L. Carey, Elford A. Cederberg, Emanuel Celler, Robert B. Chiperfield, Marguerite Stitt Church, Frank M. Clark, Merwin Coad, Silvio O. Conte, Robert J. Corbett, James C. Corman, William C. Cramer, Glenn Cunningham, Laurence Curtis, Emilio Q. Daddario, Paul B. Dague, Dominick V. Daniels, Clifford Davis, James J. Delaney, John H. Dent, Steven B. Derounian, Edward J. Derwinski, Charles C. Diggs, Jr., John D. Dingell, Peter H. Dominick, Harold D. Donohue.

Edwin B. Dooley, Clyde Doyle, Thaddeus J. Dulski, Florence P. Dwyer, Joe L. Evins, George H. Fallon, Leonard Farbstein, Michael A. Feighan, Edward R. Finnegan, Paul A. Fino, Daniel J. Flood, John E. Fogarty, Gerald R. Ford, Jr., Samuel N. Friedel, James G. Fulton, Cornelius E. Gallagher, Peter A. Garland, Edward A. Garmatz, Leon H. Gavin, Robert N. Giaimo, Jacob H. Gilbert, Milton W. Glenn, Henry B. Gonzalez, Kathryn E. Granahan, Edith Green, William J. Green, Jr., Martha W. Griffiths, Harlan Hagen, Seymour Halpern, Ralph R. Harding, James Harvey, Wayne L. Hays, James C. Healey, Chet Holifield, Elmer J. Holland, Craig Hosmer, Charles S. Joelson, Harold T. Johnson, Thomas F. Johnson, Joseph E. Karth, Hastings Keith, Edna F. Kelly, Eugene J. Keogh, Cecil R. King, David S. King, Frank Kowalski, John C. Kunkel, Thomas J. Lane, Richard E. Lankford, Roland V. Libonati, John V. Lindsay, John W. McCormack.

Gordon L. McDonough, Harris B. McDowell, Jr., John J. McFall, Torbert H. Macdonald, Clark MacGregor, Peter F. Mack, Jr., Don Magnuson, Dave Martin, Joseph W. Martin, Jr., Charles McC. Mathias, Jr., Chester E. Merrow, William E. Miller, George P. Miller, William E. Minshall, Walter H. Moeller, John S. Monagan, Arch A. Moore, Jr., William S. Moorhead, Thomas E. Morgan, F. Bradford Morse, John E.

Moss, Abraham J. Multer, William T. Murphy, Lucien N. Nedzi, Ancher Nelsen, Robert N. C. Nix, Thomas J. O'Brien, Barratt O'Hara, Alvin E. O'Konski, Thomas P. O'Neill, Jr., Frank C. Osmers, Jr., Harold C. Ostertag, Thomas M. Pelly, Philip J. Philbin, Otis G. Pike, Alexander Pirnie, Melvin Price, Roman C. Pucinski, Ben Reifel, Henry S. Reuss, George M. Rhodes, R. Walter Riehlman, Peter W. Rodino, Byron G. Rogers, John J. Rooney, James Roosevelt, Benjamin S. Rosenthal, Harold M. Ryan.

William Fitts Ryan, Katharine St. George, Fernand J. St. Germain, Alfred E. Santangelo, Richard S. Schweiker, William W. Scranton, Horace Seely-Brown, Jr., Garner E. Shriver, Brent Spence, William L. Springer, Samuel S. Stratton, Leonor K. Sullivan, Frank Thompson, Jr., Herman Toll, Thor C. Tollefson, Stanley R. Tupper, Morris K. Udall, James E. Van Zandt, Charles A. Vanik, George M. Wallhauser, John C. Watts, Phil Weaver, Jessica McC. Weiss, William B. Widnall, Bob Wilson, Sidney R. Yates, Clement J. Zablocki, and Herbert Zelenko.

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the remarks of the eminent Speaker of this House be inserted in the Record at this point.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McCORMACK. Mr. Speaker, 14 years ago there was established the new nation of Israel. When Israel declared itself an independent nation in 1948, the odds seemed strong against its survival. Surrounded by hostile Arab nations which many times outnumbered the Israelis, with the Arab hatred and determination to destroy this new nation, great difficulties were forced upon this nation. In order to survive, Israel had to build a military force that on two occasions has proved more than a match for its Arab foes.

Today, Israel is sound and established on a firm base and this is due to the ability, vision, and courage of its leaders, and of the bravery and determination of its people to remain free and independent.

During this short period of 14 years, this brave nation and its people have made progress that is outstanding in industry. With a population of around 2,100,000 persons, about the same number as Philadelphia, brave Israel and her people have built and maintained one of the finest military forces in the world. This has cost tremendous sums of money. This was necessary for Israel, surrounded by foes, to survive and exist. For this people of Israel—a strong friend of our country—are determined to be free and independent.

But Israel and her people have made an outstanding record in the building of a strong nation internally and economically.

With this will to be free, and this will to make progress, Israel has reclaimed land that was arid for centuries and put it to productive use.

With a shortage of almost all kinds of natural resources, Israel is wringing economic self-sufficiency from its barren soil—barren for centuries.

There are many examples of this will and this ability of the people of Israel to make tremendous advances against adversity and great odds.

Israel has a shortage of natural iron ore. But this did not deter those brave people. For Israel pioneered in developing a structural concrete which called for a minimum of steel and has become one of the world's leading exporters of this concrete. Tall buildings in Israel, up to 20 stories, are built with hardly any steel girders.

Without diamond mines, Israel has become a world leader in diamond cutting and polishing.

With no timber, and compelled to import lumber from Africa, Israel is a large producer and exporter of plywood.

With a marked scarcity of water, the Israelis have developed a number of ingenious ways to overcome that shortage, through schemes to desalinate sea water, now far advanced, criss-crossing the country by a grid of underground pipeline, the Jerusalem area getting all of its water through pipes, from the coastal plains, with plans for settling the Negev Desert area for the piping of water into that arid area.

The building of industrial plants as a result of which well over 80 percent of its consumer goods are manufactured in Israel.

Its program of social legislation, child care, maternal care, and low cost housing, as well as roads, airports, hospitals, schools, medical care and hospitalization, and the progress of its people in education is among the best of all the nations in the world.

Israel is rich in scientists, doctors and lawyers, so much so that it is able to lend technical know-how to other countries.

It has entered the space age. It has a solid fuel rocket which went 50 miles into the ionosphere, doing so on July 5, 1961, and is aiming at higher altitudes.

The Israeli Army, for its size, is regarded as one of the best in the world.

There are many other accomplishments made by Israel and its brave and proud people. And, if necessary, the people of Israel will fight and die for their freedom.

In the world of today, our country has no stronger friend than Israel. And our country should cooperate with Israel in every way possible to preserve its independence and the liberty of its people. For Israel is the one nation in the Mideast on which America can rely.

I am happy for the part the McCormacks have played in the independence of Israel. I always favored a free and independent Jewish nation located where it is. Our whole family, including Attorney General Edward McCormack of Massachusetts has continually been stirred by the prowess and ingenuity of the Israelis. We all believe in Israel—may it go from strength to strength.

The first official position taken by a political party in the United States in favor of a free and independent Jewish nation in Palestine was that plank which was incorporated as a pledge in 1944 in the Democratic platform. I was chairman of the platform committee and the plank was inserted under my leadership. Again, several years later, under my leadership, the House of Representatives passed a resolution in favor of a free and independent Jewish nation. I am proud of these achievements.

Within 20 minutes after Israel declared its independence, former President Harry S Truman recognized Israel as a new nation.

This action was of vital importance to the new nation.

The extraordinary progress of Israel is one of the great happenings of history.

When Israel declared itself an independent nation in 1948, the odds seemed, as I have said, against its survival.

Now Israel is being watched by old, as well as new nations around the world as evidence of what a determined people can do against great odds.

We should never forget that Israel is our friend and our ally.

Mr. ALBERT. Mr. Speaker, I join my distinguished colleagues in commemorating this 14th anniversary of the establishment of the State of Israel.

The Land of Israel was the home of the Hebrew Nation under Joshua, David, and Solomon. Even after the forced expulsion of the Hebrew people by the Romans and other invaders, they dreamed of a return to Palestine and mentioned it in their daily prayers. It was the country in which they had created the Jewish religion and which gave it its ethical and social meanings—a moral and ethical code which spread over the entire world.

The Balfour Declaration of 1917 and later a mandate of the United Nations both gave formal recognition to the historic justice and right of the Jewish people to a national home in Palestine.

The fate of European Jewry during World War II demonstrated the necessity of creating a Jewish State as a refuge for Jews everywhere.

And in November 1947, by a more than two-thirds majority vote, the United Nations sanctioned in international law the establishment of the State of Israel.

Since 1948 Israel's swamps and deserts have been turned into agricultural colonies, towns and cities have been built, and the national standard of living has been raised to the highest level in the area. In 1959 Mrs. Albert and I had an opportunity to visit all parts of the State of Israel. We witnessed firsthand manifestations of the great transformation in that land—an expansion of agricultural and industrial technology—a growth of science and culture—never before equaled anywhere in the world in such a short period of time. Israel's population has tripled, her industrial production—negligible 14 years ago—has passed the $2 million mark, her exports have increased approximately tenfold and her imports have more than doubled.

Israel is a democracy and we—a democratic nation—were the first to recognize a government with which we share many common experiences and similarities.

The Israeli Government consists of a Parliament elected on the basis of proportional representation by free vote of the people. It is a form of government which guarantees to its people freedom of worship, freedom of speech, freedom of the press, equal and secret vote for all men and women, free obligatory education, and free exercise of any business or profession within the law. It guarantees equal pay for equal work, it provides old-age pension, unemployment insurance, and other worker protections.

Israel is an ancient nation but at the same time a contemporary one sharing many of the characteristics of our own relatively youthful country. We have in common the epic of mass immigration bringing to our shores hundreds of thousands of newcomers. In Israel, as in America, pioneers toiled and sacrificed to transform a wilderness into productive land. They struggled, as we struggled, to blend many immigrant traditions and tongues and experiences into a new culture—unified and distinctive. Most importantly, our two nations each have had the experience of creating a sanctuary for democratic government and a free way of life, and of having accomplished this under the duress of natural obstacles and in the face of human hostilities as well.

Four thousand years of history span the period of Israel's first nationhood and her resurgence and restoration to freedom in 1948. I extend my congratulations to those people everywhere who have had a part, direct or indirect, in achieving this great feat which can be measured only in the highest dimensions of human history.

Mr. MULTER. Mr. Speaker, on May 14, 1948, David Ben-Gurion proclaimed the independence of Israel and 2,000 years of yearning and striving for a national home for Jews came to an end. Within minutes thereafter President Harry S Truman, acting for the United States, recognized it as a sovereign nation.

May 14 also marked a beginning. It was the beginning of the growth of a new nation.

The new nation of Israel has brought the vigor of democratic institutions and a healthy economic expansion to the underdeveloped Middle East. It has demonstrated that rapid social progress is possible under the most adverse circumstances if two conditions are present, to wit: sufficient skill and capital to initiate a program of economic development and a people willing to undertake the self-sacrifice and hard work necessary to make the program succeed.

The Jewish settlement in Palestine came into being as a result of the collapse of the Ottoman Empire following World War I and the determination of the leaders of the World Zionist Movement, which was organized at Basle, Switzerland, in 1897. Subsequently, land was purchased in Palestine and an active scheme for the promotion of immigration of Jews to Palestine adopted.

By 1909 the World Zionist Movement was so successful that a new city—Tel Aviv—was founded on the Mediterranean and the first collective farm was established at Degania.

The British, whose troops aided by Arab allies occupied the territory of Palestine during World War I, came out firmly in support of a national homeland for Jews in the Balfour Declaration of 1917.

The Declaration was supported by President Wilson and later endorsed by the U.S. Congress. It was the first official act of the U.S. Government in favor of a Jewish homeland. The policy of the U.S. Government did not change over the years and was ultimately instrumental in bringing the promises of independence to fruition.

Palestine became a British mandate under the League of Nations. In the years from 1920 to 1948 the population increased from 67,000 to 650,000. New land was reclaimed and new settlements grew up. It was governed in local affairs by a National Council elected under the supervision of the mandate.

However, during the thirties British policy in Palestine underwent a metamorphosis. The White Paper of 1937 issued by the British Government set forth a new policy of restriction on Jewish immigration, opposition to new settlements, and prevention of new purchases of land. The reasons for the British reversal are too complex to go into here, but they were not sufficient to persuade the Zionists to accept the new policy. A series of protests culminated in 1941 with the meeting of the Zionist Conference in New York City. There a renewed demand was made for an independent Jewish State.

The demands for independence were shelved temporarily during the war years, but the World Zionist Movement renewed pressures for independence at the end of World War II. Again the British Government proved recalcitrant and continued to pursue its rigid policy of restriction on immigration.

The United States took the lead in proposing a new solution to the problems of Palestine. President Harry S Truman called for immediate admission of Jewish refugees in 1945 and instructed the U.S. delegation at the United Nations to press for a resolution to partition Palestine and set up a Jewish State.

We all know what followed the historic resolution to partition Palestine. The State of Israel was able to maintain its independence against the Arab onslaught only by quick and forceful military maneuvers. Although the United Nations lived up to its obligations to preserve the integrity of the new state and arranged a cease fire, Israel today lives in an uneasy state of military tension. Border incidents are common, and the difficult problem of Arab refugees is still unresolved.

Despite a hostile military environment, Israel has made remarkable social and economic progress in the 14 years of her independence. Against almost incredible obstacles of quite limited natural resources and the embargo enforced by Egypt, Israel has maintained a steady program of planned economic growth.

Agricultural production has been increased. New citrus groves have been planted, and olive groves have been rehabilitated. New plantings have begun in cotton, peanuts, and beets—all valuable industrial crops. By laborious efforts the marshes north of the Sea of Galilee have been drained and planted. In the Negev Desert a very ambitious project of reclamation and irrigation is underway. The extent to which it has revitalized the desert area is reflected in a growth as spectacular as that of our western boom towns. In 1948 the population of the town was 3,000. Today it is 35,000.

Similarly, industrial development has gone ahead at a rapid rate. Here again the United States has played a critical role in helping Israel along the path to healthy independence. The U.S. Government has made $890 million available to Israel in loans and economic assistance.

Private capital in the United States, attracted by the very liberal terms offered by the Israeli Government, has purchased $400 million worth of Israeli bonds.

New industries have been developed and existing industries have been enlarged. Care has been taken to develop a diversified industrial structure. Israel's many industries range from chemicals and pharmaceuticals to steel tubes and pipes.

Along with agricultural and industrial investment and expansion the Israeli Government has financed mining developments in the Negev area. Valuable deposits of copper, potash, phosphates and glass sand have been discovered in the Negev area. Even the diligent search for oil paid off in 1955.

The Kennedy administration has pursued a policy of encouragement toward Israel. President Kennedy has stood firmly behind the United Nations use of troops in the Gaza strip. In fact, his appeal for authorization to buy U.N. bonds is based on his continuing desire to stand behind the U.N. pledge to keep the peace. The administration has been firm in its commitment to bring its influence to bear on the Egyptian Government to reopen the Suez Canal to all users. Finally the administration has continued to make funds available for continuing economic development. Money has been designated specifically for farm machinery, electrical equipment, and construction items for ports.

I hope for and strongly urge an early implementation of President Kennedy's promise to insist that the Arabs agree, in good faith, to immediately negotiate peace treaties with the Israelis.

The most remarkable achievement of Israel's 14 years of independence has been to maintain her democratic institutions. In the face of extremely difficult problems of domestic and foreign policy, Israel has continued to carry out the business of government in her Parliament. Israel's political life is never dull. Fifteen political parties compete for political power. Since Israel is a land of immigrants, many different social and religious convictions are represented among the numerous parties.

Israel has demonstrated that rapid social and economic progress is compatible with democratic government. May other newly independent nations take inspiration from her example.

Mr. BROOMFIELD. Mr. Speaker, it is with a great deal of pleasure that we pause for a moment to pay tribute to the people of Israel in their celebration of the 14th anniversary of their republic.

In these times of world tension, of continued crisis when the case for freedom of man is on trial, it is heartening to note the growth, the vitality, the vigor of this new—yet old—nation and the confident, forward-looking approach it has made to solving its own problems.

Despite the constant threat of invasion, despite provocations and an almost continual state of war or siege since Israel won its independence in 1949, democracy and democratic freedoms have not been sacrificed to expediency.

Everyone in Israel, regardless of race, color, creed or religious belief, has the right to vote in all parliamentary and local elections. Everyone has freedom of worship, freedom of speech, freedom of the press and a free, equal, and secret vote, and equality before the law.

Although the citizens of Israel have known the blessings of liberty since the founding of this republic, they have never really known the blessings of peace.

There is belligerence on Israel's borders, constant and oppressive. There are boycotts, blockades and border incidents in which Israeli citizens are killed and wounded and their homes destroyed.

Despite this constant threat, the citizens of Israel have turned land, long on history but short on resources, into a garden spot in the Middle East. Deserts now flourish and flower with the fruit from its orchards and its vineyards. Its cities are modern by any standard, yet they are touched with the hand of history which goes back to mankind's first days on this earth.

We have given Israel our assistance in its development, in its growth, in its pioneering of new land and the creation of new settlements. We have given gladly and hopefully of this help, just as we were helped by friends from abroad during our early beginnings.

Already, Israel is returning this help by giving valuable assistance to nations less fortunate than itself. Israel engineers, architects, doctors, and technicians are assisting many nations in Africa to raise their standards of living and realize the potential of the land on which they live.

Israel is a lesson to all of us. If the Israelis can do so much with so little, if it can accomplish so much without loss of the basic freedoms of its citizens, then the less fortunate nations can take heart. Here is an example of what can be done under a free government, composed of free citizens who believe in freedom, in themselves and their destiny. Israel does not need dictators nor forced draft economics which trod upon the rights of its citizens to move ahead in this world.

Israel has accomplished its progress by living up to its ideals, its principles, its beliefs, not by ignoring them.

It is hoped that Israel's neighbors will take notice of the progress and the enlightenment of this new, flourishing nation which has built upon its age-old past, and turn their attentions inward toward the well-being of their own citizens rather than the fruitless, self-defeating aim of destruction and war.

Mr. MARTIN of Massachusetts. Mr. Speaker, I am happy to salute Israel on the 14th anniversary of its reestablishment as an independent Jewish Commonwealth. Because of my long identification, as a Member of the U.S. Congress, with the movement to bring about its independence, I am gratified by the enormous progress the people of Israel have made in their brief experience with statehood.

I will recall testifying before the House Foreign Affairs Committee in 1944, urging adoption of a resolution reaffirming a declaration of the Congress in 1922 supporting the Balfour Declaration. The following year, I joined with Speaker McCormack, the late Senator Robert A. Taft, and others in sponsoring a similar resolution.

Three years later, the people of Israel finally won their long struggle and achieved their independence. They attained their goal partly because our Government supported it, partly because the United Nations recommended it out of regard for developing world opinion, but mostly because the Jewish people in Israel had the tenacity and courage to proclaim their State and fight to defend it. I recall also, again in cooperation with Speaker McCormack, sponsoring legislation to provide American aid funds for Israel in 1951.

In the intervening years, those of us who contributed our efforts to the attainment of statehood have rejoiced at the progress Israel has made toward human advancement, rehabilitation of its land, development of its economy, its arts and sciences, and the revival of its civilization and culture. But most importantly, perhaps, has been its heroic achievement in providing sanctuary for more than a million helpless refugees and immigrants.

In spite of its attainments, Israel's course in history has been far from smooth. It has been continuously harassed by its Arab neighbors and has been denied the peace and tranquillity it so richly deserves.

The hostilities created by border incidents, boycott and blockade have resulted in the maintenance of costly armaments which are a wasteful burden upon all the peoples of the Middle East.

Since, in a rather real sense, the United States assumed parenthood for the infant State of Israel, it has a duty to exert its vast influence in the world community to protect the legitimate interests of its own child. The recent action of the U.S. delegation to the United Nations in jointly sponsoring a resolution to censure Israel was unworthy of a solicitous parent whose offspring was doing no more than protecting itself against aggressive acts by Syria.

The U.N. Security Council refrained from censuring Syria, apparently, from what I can learn, because of fear of a veto by Soviet Russia. This is certainly a far cry from equal and just treatment under law.

I do not believe the U.S. delegation at the U.N. was justified, in view of our friendly relations with Israel, in sponsoring the resolution of censure. This does not contribute to the objective we all seek, which is peace and tranquillity in the Middle East. It serves also to encourage further Arab aggressions against Israel.

I hope and urge that our Government will henceforth pursue a policy which opposes all forms of aggression by all nations and will make clear its position that we do not condone incidents by any nation which disturbs the peace of the Middle East and which could lead to disastrous consequences.

Mr. RODINO. Mr. Speaker, Israel is today celebrating the 14th anniversary of her independence. In this brief period the State of Israel has fulfilled the ancient hopes and dreams of the Jewish people and established its place among the nations of the world.

To most of us Israel and Palestine are connected with the Bible. But apart from its importance as the source of much of Western civilization, Israel has a political history antedating that of most other nations. There have been Jews in Israel for thousands of years. However, the geographic location of Israel put it at the crossroads of the ancient world. Since the time of Alexander the Great at the close of the fourth century B.C., the Jewish homeland has been occupied by Rome, the Byzantine Empire, the Ottoman Empire and finally by the British under a League of Nations mandate which lasted until 1948. The result of these successive occupations was that the Jewish people were expatriated from their homeland.

Throughout their exile, the Jewish people never lost their identity; they distinguished themselves wherever they went, becoming useful citizens and contributing to economic and scientific developments. Nevertheless, the Biblical expression of the "Promised Land" remained a burning desire. It was not until late in the 19th century that plans were laid down by Theodor Herzl for the formation of a Jewish state in the historic homeland of the Jewish people. This dream became a reality only after the end of World War II, the holocaust in which 6 million Jews—40 percent of the entire Jewish people—lost their lives. Thus the birth of Israel on May 14, 1948, represents the culmination of 2,000 years of Jewish history, the return to independence of a people which had lost its freedom in the fourth century B.C.

The reestablishment of Israel as an independent state was possible because a determined group of pioneers desired to find a home for the Jewish people which they could call their own, where they could live free of discrimination and oppression. Through the long years of exile Jews had retained their belief in "a return to Zion," turning three times each day in the direction of the city of Jerusalem in a vow never to forget the Holy Land. The first returning settlers, many of whom came from Russia and Poland, reclaimed the soil and built towns. In 1909 Tel Aviv, the first all-Jewish city, and Dagania, the first collective settlement or "kibbutz," were founded. In 1917 the British Government published the Balfour Declaration expressing its support for the establishment in Palestine of a national home for the Jewish people. A few years later Great Britain was entrusted by the League of Nations with the mandate for Palestine.

During the mandatory period the Palestinian Jews continued to rebuild their country. They organized the "Yishuv," as the Jewish community was known, along democratic lines with representatives to the National Council elected by majority vote. They grew from 67,000 persons in 1920 to nearly 800,000 persons in 1948. They founded new settlements in all parts of the country, drained the swamps and planted trees, wiped out malaria and built cities. They organized health services and a school system completely independent from Government support.

Out of the destruction of Hitler's concentration camps came the realization of a dream. Since that fateful fifth day of the Hebrew month of Iyar 14 years ago today, Israel has been subjected to a rigorous period of testing and growth. The new state was forced to defend its existence only hours after it was born. Israelis defeated the invading armies of five surrounding Arab states. Then they turned their attention to the absorption of 1 million of their brethren from Europe, Asia, Africa, and the Middle East. Most of these Jews have now been completely integrated into the life of the new country, although they usually arrived at their new homeland penniless and without skills. In addition, the Israelis have succeeded in raising their standard of living and reclaiming much of the desert land. They are now converting a predominantly agricultural country to one with a large and growing industrial production.

These accomplishments require dedication and self-sacrifice on the part of every Israeli. They also require the support and material assistance which was so willingly given by the Jews of the world, especially those of the United States. Now that Israel has survived the most difficult period of its history, aid from the U.S. Government has been substantially reduced and most of the remaining assistance is in the form of long-term loans rather than grants. In fact, Israel has started its own program of technical assistance, thus recognizing the obligation incumbent upon each nation to aid the newer and less developed countries. Israel has sent more than 150 technicians to 28 Asian, African, and Middle East states and exemplifies to these countries the model of a successful, progressive country. Thus Israel is repaying the help that America and other nations gave it during its formative years.

Thus the state of Israel has come of age. I am happy to join all friends of Israel in the United States in congratulating this exciting country on the 14th anniversary of its independence.

Mr. CEDERBERG. Mr. Speaker, I join the free world in congratulating Israel on the 14th anniversary of its founding.

The place of recognition Israel has earned among the nations of the world is a testimonial to the courage, determination, and intelligence of those brave and earnest pioneers who have worked incessantly to develop it as a nation.

Israel has truly "made the desert bloom" and its economic health and progressive industrial growth have set an example and are an inspiration to other aspiring countries. I wish every success and long-continuing peace to Israel and its people.

Mr. BAKER. Mr. Speaker, it is appropriate today for the U.S. House of Representatives to salute the State of Israel on the 14th anniversary of her proclamation of independence.

As the leading proponents of freedom in the world today, I feel that we can commend the courageous Jewish people the world over for their hard work and determination to revive their homeland, despite plague upon plague from the time that this was the land of Israel until just a few short years ago.

This little country—only 8,000 square miles in area, which is about the size of Massachusetts or Wales, with its population matching that of Arkansas, or New Zealand—is one of the few countries in the Middle East today that holds free elections or accords universal franchise.

For the Jewish people it seems like something of a prophecy come true. Israel first appeared in history as a historical and geographical unit with the entry of Israelites under the leadership of Joshua, who was inspired by the Divine Promise to Abraham:

> And I will give to thee and to thy seed after thee the land of thy abode, all the land of Canaan, for an everlasting possession, and I will be their God (Genesis XVII: 8).

Some 1,300 years passed and Jews scattered throughout the earth never forgot their land. About 70 years ago, more and more of them, dedicated to the Biblical land of their fathers, returned there to begin settlements. They suffered many hardships. The land had been neglected and they had little money and there were the hostile Arabs, but the Jewish people had determination and will. Wherever they had been, in their hearts Israel was "home." Even before Theodor Herzl's Zionism became a worldwide movement, the pioneers labored.

As early as November 1947, the United Nations approved the establishment of the State of Israel, but there were still many obstacles in the way. Nearby Arab countries defied U.N. They surrounded Jerusalem. They thought it had been completely cut off, but the Jews actually carved out a new road. Today, the "Road of Courage" is a wide, modern highway. It was a great day when the Proclamation of Independence was read. They had their homeland. They had freedom.

In the proclamation of May 14, 1948, it is written:

> The State of Israel will rest upon foundations of freedom, justice and peace as envisaged by the prophets of Israel. It will maintain complete equality of social and political rights for all its citizens, without distinction of creed, race or sex. It will guarantee freedom of religion and conscience, of language, education and culture. It will safeguard the holy places of all religions. It will be loyal to the principles of the United Nations Charter.

The parliamentary and local governmental institutions of Israel, democratically elected and functioning in accordance with the will of the people, are assurances for the fulfillment of this high goal.

Since this proclamation was adopted we are informed that Israel is buzzing with prosperity, with immigration and the ingathering of exiles being the chief source of activity. They number about 32,000 a year. It is a great task, requiring much work, to receive, house, train, and employ them, but it is being done. New villages are being built, employment is found for them in agriculture and in industry. In 1959 the gross national product rose by 12 percent, the largest increases being registered in agriculture and industry. Israel's crossroads position serves as a marketing center for Europe, Asia, and Africa.

The public, social, and educational services are being enlarged and Israel is growing rapidly. Continuing expansion is the cardinal feature of the country's economy. It has to meet the needs not only of the rising generation but for the immigrants who are arriving every week.

Above all, it must make rapid strides toward economic self-support, so that the country need no longer be dependent on funds from abroad.

It is my hope that the issues that still divide Israel and the Arab States may be resolved honorably and that each of these countries will be able to enjoy free existence in peace.

Mr. ANFUSO. Mr. Speaker, the 14th anniversary of Israel's independence is being celebrated today, Wednesday, May 9, by the people of Israel and by its friends everywhere in the free world.

Under the capable leadership of Prime Minister David Ben-Gurion, who is unquestionably one of the ablest statesmen of our times, Israel has over these past 14 years developed as a successful democracy and one of the few democracies in that part of the world. Israel has made great strides politically and economically and is today helping a number of the newer nations in Africa and Asia in their developmental efforts.

Throughout these 14 years the most cordial relations have existed between the United States and Israel. We were among the first of the nations to recognize Israel upon its establishment in 1948, we have extended to it considerable economic assistance over the years, we have aided it in other ways to achieve its present status. We take great pride in all this as we observe Israel's growth and accomplishments.

In one field, however, there is a noticeable lack of accomplishment on our part and that is in the effort to help bring peace between Israel and the Arab countries. Our efforts, I am sorry to say, have been too faint. A peace between the nations of the Middle East would be of tremendous importance to the entire region and to the whole free world. I am certain that those responsible for U.S. policy in the Middle East are very much aware of it, and yet it is amazing that they have done so little to achieve it.

In fact, as we extend our greetings to Israel on this anniversary, we cannot overlook certain actions taken by our Government in recent weeks which mar the friendly relations between our two countries during these past 14 years. I am thinking of the recent action on the part of the United States in sponsoring a resolution in the United Nations Security Council just about a month ago to censure Israel for its retaliatory act against Syrian provocation and attack on Israeli fishermen in the Sea of Galilee. I wonder how patient and tolerant we would be if there was an attack on our territory across one of our borders in the north or the south? Would we retaliate and take steps to stop it, or would we moralize about how wrong it is to retaliate?

The United States cannot afford to be neutral as between those who commit acts of aggression and those who take action to defend themselves.

The noted columnist, William S. White, stated it rather succinctly in a recent column where he wrote:

> Once again a pro-West country [i.e., Israel] gets the short end of the stick from U.N. "justice." Once again we take the course not only of refusing to stand up for friends but of joining our own declared enemies in repudiating those friends—why must we be so objective in searching with a magnifying glass for the shortcomings of our friends, and so broadminded about the shortcomings of others.

If we lose the confidence of other friendly nations, if the small nations of the world cease to regard us as their friend and protector, then we shall have reached a sad day in world affairs. By censuring Israel and withholding our censure of Syria, the nation that took the initial provocative step, we are encouraging the Arab countries to continue their war against Israel. This will not bring peace to the Middle East. It will only result in further bloodshed, in turmoil and chaos, and in undermining the U.S. position in that area.

Instead of one-sided acts of censure, instead of encouraging Arab intransigence, we should concentrate on bringing the two opposing sides together for peace negotiations. It is in our interests as much as theirs. We must insist on it, and if we do it strongly enough we will get the proper response. If we continue to take it in a matter-of-fact manner that nothing can be done now, we shall achieve nothing in that direction. In that event, it should not surprise us to discover that the situation in the Middle East may grow worse and our position there seriously threatened.

Above all, it is imperative that we do not let Israel down. We have been pursuing a certain policy which goes back much further than the past 14 years, a policy of support for the establishment of a Jewish homeland in what was then known as Palestine during the administration of Woodrow Wilson. That policy was reiterated and upheld by every President since then.

On the occasion of Israel's anniversary of independence, it would be most desirable for us, too, to rededicate ourselves to uphold the traditional policy of friendship for Israel and our assurance of its continued existence as a free and independent nation.

I extend my greetings and sincerest wishes to the people of Israel and to all friends of Israel in this country on the occasion of this anniversary. May it continue to prosper, economically as an example of a democratic free enterprise nation, and politically as a bastion of liberty. We wish for it many years of genuine peace.

Mr. SCRANTON. Mr. Speaker, 14 years have passed since the State of Israel was proclaimed in Tel Aviv in the year 1948. For 2,000 years the Jews had been in exile, but they never lost their belief that one day they would return to Zion. In 1897, Theodor Herzl founded the World Zionist Movement, which in the brief period of 50 years translated the longing for Zion into reality. The Israelis worked feverishly to rebuild their country. They opened their gate to nearly 1 million Jews from more than 100 countries. They doubled the amount of cultivated land by reclaiming the desert and swamp land. They built factories and schools, ports and concert halls, pipelines and hotels. They raised their standard of living far above that of their neighbors and assisted countries younger than themselves.

Despite the hostility of surrounding nations, and the uneasy peace which prevails in the Middle East today, the Israelis have won the friendship of many peoples in Europe, Asia, Africa, and the Americas. Israel maintains diplomatic relations with almost all the countries in the world. Israel has shown a spirit of unconquerable faith, unswerving perseverance, and indomitable courage. On this 14th anniversary of their independence, I wish the Israeli people peace and prosperity in their ancestral homeland.

Mr. DEROUNIAN. Mr. Speaker, on the 14th anniversary of Israel's independence, our troubled world should pause for a moment and contemplate the wonder of how the people of Israel have caused the desert to flower. We see a wonderful example of what can be accomplished, when a people have the will to work together for a common cause.

As a soldier in Germany, during and after World War II, I saw first hand the concentration camps of Europe; and came to know and understand the longing for a homeland that has been the dream of Jews everywhere for over 2,000 years. When that fateful day in 1948 came about, and the newly born State of Israel was proclaimed, however, there were few who could have visualized the progress to be achieved in the years to come.

Despite a deeply troubled world situation, a war with its neighbors, and the truly staggering problems of building a new nation from the hopes of its scattered people, Israel has grown and prospered. They have built ports and pipelines, schools and seaports, hotels and factories. They have built a thriving economy, and a stable, independent state in a volatile portion of the world.

On this 14th anniversary of their Independence Day, let us all take note of the achievements of the little State of Israel, and gain renewed confidence in the ability of mankind to work together in common cause.

I am shocked that our permanent Ambassador to the U.N., Adlai Stevenson, should be so quick to speak out against a friend and ally in his condemning of Israel, as he recently did.

Mrs. KELLY. Mr. Speaker, it is with a great deal of pleasure that I rise to note the 14th anniversary of the founding of the State of Israel.

I vividly recall the day in 1948 when the United Nations, after long debate and controversy, declared the existence of the State of Israel. The outcome on that day had been in doubt almost up to the last moment and, as a result, great tension was engendered throughout the world.

Just as there was tension on that day, tension still exists between Israel and her Arab neighbors. The events that have led up to the differences are well known. There can be no profit in reviewing them. What is necessary is a resolution of differences between Israel and the Arab States so that peace and tranquility can be established in the Middle East.

In 1956 I introduced House Joint Resolution No. 600, which provided for the United States to use its efforts to convene an Arab-Israeli Peace Conference. I firmly believe that this is the only way the issues can be resolved and again call for such efforts.

While the United Nations force has contributed toward the lessening of border incidents, they still occur. Thus, the animosities continue. The border incidents of which I speak are now apparently being used for propaganda purposes within the United Nations. As a result of its procedures, the United Nations acts upon the merits of each individual incident without reference to the overall situation or provocations. This, I feel, is completely unrealistic. The entire situation must be reviewed and a plan to end finally the dispute adopted.

During the debate at the United Nations concerning the most recent incident, I sent the following telegram to the President:

> May I humbly request that you direct the U.S. Ambassador to the United Nations to oppose the resolution condemning Israel for retaliating to the aggressive moves of Syria. May I further request that you instruct the U.S. Ambassador to the United Nations to substitute a resolution requesting that the nations of the Middle East sit down at a peace conference as soon as possible to adjust all differences in that area.

It is my hope that my second request to the President will be followed.

On this 14th anniversary, I salute the people of Israel, not only for their determination and industry in building their nation in the face of adverse conditions, but also for their constructive efforts along with other nations in the less developed areas of the world. It is indeed astonishing to see Israel, economically poor herself, extending aid to other nations.

It is my hope that when the State of Israel reaches its 15th anniversary, peace will reign in the Middle East so that all of the peoples of that area of the world can start on the all-important job of developing the Middle East and improving the standards of living of the residents.

Mr. FEIGHAN. Mr. Speaker, I am honored to join with my distinguished colleague from New York [Mr. CELLER], in paying tribute to the newly emerged nation of Israel, which today celebrates the 14th anniversary of its national independence.

These past 14 years of national independence for Israel have been characterized by war, an unsettled truce, a resurgence of war followed by an unsteady peace over which an atmosphere of belligerence hangs today.

The Israeli nation is an integral and important part of the national independence movements which sweep the world of our times. As Americans we should rejoice in this day because the political concept of national independence and the heritage of liberty and freedom which our national independence symbolizes, stands as the wellspring of this great human wave of the future. The Israeli nation has, as my distinguished friend has so well pointed out, sought to utilize their independence for human advancement; to rehabilitate their land; to provide sanctuary for more than a million refugees and immigrants; to develop their economy under most adverse circumstances; to cultivate their arts and sciences; to revive their civilization and culture which reaches back over many centuries; and to cooperate constructively in building an international community based upon the natural rights of nations and human rights as defined by the United Nations Charter. That is the real meaning of national independence as it is the fundamental purpose of all civilized nations.

The unsettled conditions in the Middle East, where the spirit of belligerence hangs as a dark cloud, moves us to observe the challenge which this holds to the United Nations Organization. The United Nations was established for the purpose of preserving the peace through defending the rights of nations to governments of their own free choice and the rights of people everywhere to secure the blessings of life, liberty, and the pursuit of happiness. The United Nations Organization has fallen far short of the purposes so well defined by its charter. This failure is exemplified by the political and economic conditions which exist in the Middle East today, but it is by no means restricted to this ancient and vital area of the world. Failure of the member states of the United Nations Organization to adhere to and to fight for adherence to the principles defined in the charter have caused the United Nations to fall under public attack, as well as the most careful scrutiny by men of good will who seek peace with justice for all the nations and peoples of the world. In fairness to the United Nations Organization we must recognize that the General Assembly did condemn Chinese aggression in the Korean war, and did condemn Russian aggression against the aspirations of the Hungarian people for freedom and national independence. But we have learned that condemnation of aggression alone will not serve the interests of peace with justice. We must also be aware that there are member nations within the United Nations which have demonstrated a dangerous and contemptuous, as well as persistent, disdain for the condemnation of aggression by the General Assembly of the United Nations.

The future existence of the United Nations depends on the ability of the member states to prevent aggression by more powerful nations against the smaller and less powerful nations just as it depends upon a determination by the majority of the member states to establish a world order based upon equal justice for and among all member states. This is a challenge which must be answered by the United Nations Organization. This challenge can no longer be delayed. The time for decision has already arrived. The mutual right of all nations to a free existence in peace is the singular imperative of our times.

Mr. LOSER. Mr. Speaker, I want to take this opportunity to salute the State of Israel. In 1948 when Israel declared its independence, President Truman immediately recognized it as a new nation. His action met with the approval of all Americans. There is no nation on earth which cherishes freedom and the right to govern itself so much as we. This small country of Israel caught our sympathy and admiration as no one had dreamed possible. We have followed its every move, and have assisted wherever possible.

This Nation made up of people from almost every country on earth faced great difficulties in the beginning. It was a barren land and there was a great shortage of natural resources, but these ingenious people did not feel helpless. They were steeped in the traditions of their ancestors, and their Bible scholars, after careful research, relocated many of the sites of ancient times which had contributed so much to the civilization of that period. Many of these sites have been restored and redeveloped and are adding greatly to the progress of this small and great nation. Now, 14 years have passed since Israel became a free and independent state. We can see the magnificent achievements made by this nation of people who were once persecuted and homeless.

I know of no other nation on earth which has accomplished so much in such a short period.

I salute the leaders of the State of Israel and its proud people at this time and wish it and them Godspeed in the days ahead.

Mr. FINNEGAN. Mr. Speaker, on the occasion of the 14th anniversary of the State of Israel, I think it most appropriate to comment on modern Israel and its unique origin.

The history of Israel, more than other states, is the product of international cations. Israeli nationalism was fostered from the outside by the world Zionist movement and nurtured by international agreement under both the League of Nations and the United Nations. The story of the development of a national home for Jews in Palestine is a fascinating and complicated one, and has held the interest and attention of the American public from the very beginning. It has taken some dramatic turns which have helped in shaping the future of the United Nations and has affected the course of American foreign policy.

This story begins in the 19th century with the efforts of Theodore Herzl, a Viennese journalist, who was so successful in organizing an international movement which resulted in the first Zionist Congress at Basle, Switzerland, in 1897 and grew into the world Zionist movement, which purchased land in Palestine and arranged for the immigration of the Jews into that area. In the early 19th century many immigrants came from Eastern Europe and from Russia where the czarist rulers pursued a notoriously merciless policy of persecution. By 1909 the city of Tel Aviv was established on the shores of the Mediterranean and the first kibbutz was started at Degania.

The institution of the kibbutz is one of the rare instances of a utopian model for community development which has proved sound and workable in practice. Pioneer groups dedicated to working the soil and maintaining social justice within the community have settled Israel's frontiers, and have successfully competed on the agricultural market.

The kibbutzim was not the only community which came into being as the result of the policy of the world Zionist movement. At the start of World War I, the Jewish population of Palestine had expanded to 85,000. There were 50 towns most of which were farming villages, some collective; others private, for flexibility of approach has characterized the settlement of Israel from the very beginning.

By the end of the First World War it seemed that the Jews would achieve their goal of a national homeland, and both Jews and Arabs pressed for national independence. In spite of opposition from their Arab allies, the British supported a national homeland for Jews in the Balfour Declaration in 1917. This declaration carried the proviso that the civil and religious rights of non-Jewish communities within Palestine should be protected and was firmly supported by President Wilson, and later the U.S. Congress endorsed it.

Palestine becoming a British mandate under the League of Nations, the Jews formed a national council of elected representatives. New settlements were formed, land was reclaimed for farming and the population increased from 67,000 in 1920 to 650,000 in 1948.

During the time of the mandate, the antagonism between the Jewish settlers and the leaders of the Arab community was undiminished. No doubt a large proportion of the Arab antipathy stemmed from their fear that a modern and progressive Jewish community would stir discontent among the feudal Arab peasants. The mufti of Jerusalem instilled a fanatical hatred for the Jews in his followers. In 1921, 1929, and 1936 there were riots in Palestine and a Royal Commission headed by Lord Peel recommended that Palestine be divided into a Jewish and an Arab state. Unfortunately, this recommendation was turned down. Instead the British reversed their earlier position of support and in an effort to placate the Arabs issued a white paper in 1937 which restricted Jewish immigration, curbed the purchase of land, and opposed new settlements.

During the war years of World War II plans for an independent state took second place to fighting the common enemy, Nazi Germany. In Palestine a Jewish battalion was formed in the British Army in response to pressure from the Jewish community and its leaders, and later this group became the Jewish Brigade Group. The combat experience gained during this period was put to good use in the postwar years.

At the end of World War II the pressures for independence were increased. The ghastly and pitiful spectacle of the refugees of German concentration camps called the attention of the world to the plight of the Jewish people on the European mainland. More than ever before the cause of a national homeland for the Jews seemed a just one. Yet British forces turned away ships loaded with refugees brought to the very shores of Palestine, and when legal entry to the refugees was refused, illegal means were found by Zionist groups. Violence broke out in Palestine and while the British rigidly continued to follow their prewar policy of restriction of Jewish immigration, President Harry S. Truman called for the immediate admission of 100,000 Jews to Palestine as early as 1945. In the following year the United States became the leading supporter for a resolution of the General Assembly to partition Palestine and establish a Jewish State.

On November 29, 1947, the General Assembly adopted a resolution by two-thirds majority which partitioned Palestine into a Jewish and an Arab state. This plan was accepted by the Jews but rejected by the Arab higher committee. The British austerity program called for a withdrawal of forces throughout the world and they gave public notice of their intention to renounce the mandate on May 15, 1948, and recall their armed forces. On May 14, 1948, in Tel Aviv, David Ben-Gurion proclaimed the independence of the State of Israel and the United States extended diplomatic recognition immediately.

Almost at once the new nation was under attack, and the Secretary-General of the Arab League declared, "this would be a war which will be spoken of like the Mongolian massacres and the Crusades."

Most of the credit for the survival of the new nation belongs to the Israelis themselves. Without their truly heroic efforts the nation would have been snuffed out at the very start. One writer has expressed it, "the people walked around intoxicated and humble—humble that they had partaken of a miracle. It was a miracle at midnight. One minute before midnight of May 15, 1948, any Jewish man or woman or child caught carrying a gun could be arrested by the British. One minute after midnight, he was called upon to defend himself against six Arab states and all the help Britain could give them."

Even after the armistice agreements of 1949 were signed the Arabs continued to harass the new state and the violent propaganda campaign was carried out with constant threats of a second invasion. More serious was the economic sanctions inflicted by the Egyptians. The Suez Canal was closed to Israeli ships; Israeli ships were denied services in Egyptian ports and subjected to seizure and the Israeli port of Eilat on the Gulf of Aqaba was blocked by Egyptian coastal guns. Finally, the guerrilla warfare, with constant raids upon the Israeli territory came to a climax in 1956.

On October 29, 1956 the Israeli Army, joined by the forces of the French and British soundly defeated the Egyptian Army in the Sinai Peninsula. Again the United Nations was called upon to arrange a truce, and to this day the United Nations troops are on the alert in the Gaza strip to prevent any reoccurrence of the Egyptian attacks.

The Kennedy administration, like the Truman administration, has pursued a clear-cut affirmative policy toward Israel. The confusion of motives characteristic of the Eisenhower foreign policy and most notably displayed during the crisis over Suez is behind us. President Kennedy stands firmly behind the employment of United Nations forces in the Gaza strip. His current proposal to buy United Nations' bonds is directly related to the support of the United Nations forces in the Gaza strip. The Kennedy administration has authorized the lending of $25 million for farm machinery, electrical equipment, and construction items for Israeli ports. President Kennedy has urged direct negotiations between Arab and Israeli leaders and the setting-up of a fund to resettle the Arab refugees under the auspices of the United Nations and the World Bank. Finally, the administration has been emphatic in its intention to use all possible influence to reopen the Suez Canal to all users. Closing the Suez Canal to Israeli ships has cost the Israeli economy $40 million a year and slowed the pace of development immeasurably.

Despite a hostile environment at every point the Israeli Government has indicated its willingness to abide by the decisions of the General Assembly and to cooperate with the United Nations truce officers. An interesting aspect of Israeli foreign policy is her relations with the newly independent countries of Asia and Africa where despite her small size, about that of New Jersey, Israel has undertaken a technical assistance program. An Afro-Asian Institute of Economics and Cooperation has been started at Tel Aviv, and during 1961, a thousand students from Asia and Africa were studying in Israel. One intriguing outcome of the exchange is the adoption by the Burmese of the idea of the kibbutz which they have modified and put into practice on their border with Red China.

Israel is in a good position to enter fruitful relations with new countries, because like them she has had to struggle for her independence against a colonial power and she faces the same problems of economic development and has made remarkable progress in solving these without going to extremes in state enterprise.

Israel is a land of very limited natural resources and tremendous population problems. How she has managed to make the most of her natural resources and at the same time absorb a large scale flood of immigration is one of the heartening and inspiring social sagas of our time.

The size of the immigration flow into Israel in proportion to the base population is very striking. In 1948 there were 650,000 Jews in Palestine, and in 1960 the population of Israel was 2,088,685. Of this present population 35 percent are native born; 36 percent have come from Europe, America and Oceania; 17 percent are from Asia; and 12 percent are from Africa. The native born include the Arab refugees who present an extremely difficult problem in assimilation. As the national home of the Jews, an extremely diverse population makes up modern Israel.

Full scale immigration policies have been pursued by the Israel Government and the Declaration of Independence stated that "the State of Israel will be open to the immigration of Jews from all countries of their dispersion."

Immigrants are selected on the basis of their desire to come to Israel rather than on their ability to make a contribution to the economic well-being of the state. A large proportion of the immigrants have been children and needy aged people. Great numbers of them possessed no skills and no knowledge of machinery so urgently required by the new expansion program. It was necessary to begin at the most elementary level to introduce the immigrants to their new life in Israel. Many came from concentration camps and needed special, careful, and sympathetic treatment before they could enter a new life. All had to be housed. Ultimately, enough housing was constructed that the immigrants were able to go straight to the villages or towns where they would live permanently rather than to a reception camp. Even language instruction was necessary for ability to speak a common tongue was essential to the process of incorporating the new members into the community. Intensive courses in Hebrew were successfully designed to meet the language problem.

As well as meeting the immediate needs of its new population, Israel embarked on an ambitious plan of economic development. In 1953, with technical assistance from the United Nations and from the United States, plans were drawn up for an increase in agricultural output. More land was devoted to citrus groves, as citrus fruit is Israel's most valuable export and crop. Olive groves which had been neglected were reworked. The production of industrial crops was started, for plantings in cotton, sugarbeets, and peanuts provide additional employment and income when the produce is refined. Acreage was increased north of the Sea of Galilee by draining and planting the marshes. In the Negev Desert a reclamation and irrigation project is well underway.

Liberal terms were offered to attract foreign capital. The United States in particular has responded to Israel's need for financing. The U.S. Government has extended $635 million in economic assistance since the early days of the Republic. Payments made for surplus agricultural commodities have been loaned back to the tune of approximately $92 million for development. The Export-Import Bank has loaned $163 million. Finally, U.S. private capital has purchased $400 million worth of Israeli bonds.

In the few years since Israel proclaimed her independence an extremely diversified industrial structure has been erected. The list of new and enlarged Israeli industries is a long and interesting one: chemicals, pharmaceuticals, textiles, building materials, precision instruments, electrical appliances, metalworks, steel tubes and pipes, glass ceramics, rubber and paper products, plastics, household and sanitary equipment, wearing apparel, and processed foods.

In addition to expansion in industry and agriculture the Israeli Government has sponsored large investments in mining since 1952. The Negev area contains valuable deposits of potash and phosphates, copper, clay, and glass sand. Copper deposits have been discovered only recently near the fabled King Solomon's mines. The intensive search for oil finally paid off in 1955. The extent to which the Negev area has been revitalized is clearly demonstrated by the population figures for Beersheba. In 1948 Beersheba was a small town of 3,000. Today, population has mushroomed to 35,000.

The Israelis tell a wry story of a fundraiser from the United States who came to Israel after months of campaigning. When he toured the Negev he was ecstatic in his expressions of wonder: "It's true," he cried. "Everything we told them is true."

In the education field also, the Israelis have made great progress. Education is compulsory for children between the age of 5 and 14. Educational facilities have greatly expanded. In 1948 there were 130,000 students in Israeli schools. By 1961 there were 600,000. Three great universities have been opened—Hebrew University in Jerusalem, the Technion at Haifa, and the Weizmann Institute of Science at Rehovot.

The most remarkable achievement of Israel—and the one on which I would like to dwell in conclusion—is the degree to which she has maintained democratic institutions of government. Israel has become what the Arab leaders feared under the days of the mandate—a progressive force for social change in the Middle East. And yet she has brought about social change without resorting to the crude strategems of totalitarianism.

Israel is governed by a parliament called Knesset. She is more fortunate than most parliamentary nations in having a simplified structure. Members are elected every 4 years on the basis of proportional representation. Like Nebraska, Israel has only one house in its legislature. A president, elected by Parliament, serves as head of state. The chief of the executive branch is the Prime Minister who is elected by Parliament. Members of Parliament are elected at large and are intensely partisan in their outlook.

A multiparty system dominates Israeli political life. It might be expected that a nation formed from immigrations of immensely varied religious and social convictions would have a colorful political life. There are 15 significant political parties in Israel today, and they represent every shade of the political spectrum. Even the Communist Party is allowed to peddle its wares. In Israel the Communist Party plays the anomalous role of championing the rights of the Arab minority. It has pressed for the end of military rule in the Arab districts near the borders and for returning the land expropriated from Arab owners.

The multiparty system has produced a stable, cautious, and moderate government. The moderate center labor party, the Mapai, has sufficient control to form governments but only by including other parties in coalition. Thus far no single party has been able to capture the electorate and thus Parliament with a sweeping program of radical measures.

In view of Israel's complicated domestic problems and perilous international position it is indeed encouraging to find democratic government so deeply rooted in Israeli life. As we move into a new era of Afro-Asian nationalism, we are going to hear again and again the old argument that democracy is too time-consuming, too inefficient to meet the urgent needs of a newly independent and impatient people. The example of Israel will show the world once more that democratic institutions are not incompatible with rapid social progress.

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this momentous subject.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

HON. HUGH J. ADDONIZIO

Mr. RODINO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RODINO. Mr. Speaker, I have an announcement to make that I know will be of interest to the membership of this House. One of our colleagues, my very dear friend, the gentleman from New Jersey [Mr. ADDONIZIO] decided some time ago to seek another field in which to serve. He sought the office of mayor of the city of Newark. On yesterday the city of Newark held an election, and I am happy to announce to the House that the gentleman from New Jersey [Mr. ADDONIZIO] was successful and has been elected to the office of mayor of the city of Newark by a landslide vote. Although I personally regret to see him leave this House, nevertheless I am confident that his 14 years of distinguished and dedicated service in the House of Representatives will prove of great value to the people of the city of Newark. HUGH ADDONIZIO did not only win an election but more importantly he won the confidence and the hearts of the people whom he has served so well and ably for so long. I congratulate and salute him—Mayor HUGH J. ADDONIZIO.

PETROLEUM AND THE BALANCE OF PAYMENTS

Mr. MORRIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. MORRIS. Mr. Speaker, in the generalizations we are being subjected to relative to the need for expanded world trade, the record deserves some specifics.

We are told in general terminology that increasing trade with the rest of the world will help our balance-of-payments problem which even the administration admits is serious. But if we look at the record, we see that the problem could be helped immediately and substantially if we reduced the flood of our No. 1 import—petroleum.

For many years, coffee was first among our imports. This is not unusual since coffee is not grown in this country. In 1957, however, petroleum displaced coffee as our principal import item. This is, to say the least, a unique situation since 30 percent of our oil-producing capacity—about 3 million barrels daily—is shut in for want of a market. This "shut in" oil is equivalent to the entire production of Venezuela and exceeds the total crude oil and petroleum product imports into the United States.

Despite an abundance of petroleum within our own borders, the value of petroleum imports has quadrupled since the 1947–49 period, whereas the value of all other commodity imports has only doubled. In 1961, the U.S. deficit in international petroleum trade was almost $1.2 billion, or about half of the total U.S. deficit of $2.4 billion.

We presently have a major and justifiable concern about how to entice more foreign money to the United States and to encourage more private capital to stay at home in order to improve international payments balance. One positive approach to the problem has been offered on the floor of the House. This is the Steed-Moore proposal, H.R. 11420, to reduce and stabilize imports of crude oil and petroleum products other than residual fuel at 14 percent of domestic crude oil production. This move has the support of some 50 other members who have introduced similar legislation or supported its objectives with statements on the floor.

Nor would this do irreparable damage to the free foreign nations which export the oil to us, since it would only be about half of their increase in the last 5 years alone—a period when U.S. production has not increased at all and when domestic oil industry activities have been declining sharply as foreign oil took the increases in the U.S. market.

And finally, there is no reason to believe that this could possibly damage our trade relations with the Common Market, since there is no significant oil production in Europe. In fact, Europe should have the strongest possible interest in a healthy U.S. oil-producing industry, as was indicated in 1957 when the Suez Canal was closed and this Nation's producers had to step into the breach and supply vital oil supplies that were unavailable anywhere else.

We owe it to the free world as well as to our own economic well-being and national security to take the necessary action to restore health and vigor to the U.S. oil industry. Legislation is now before us which provides an opportunity to help accomplish this. I ask my colleagues to join with the more than 50 other Members of this body and let the distinguished members of the Committee on Ways and Means know of our concern, and urge this committee to write into the pending trade bill the Steed-Moore amendments to the national security provision now contained in the bill.

PRIVILEGE OF THE HOUSE

Mr. BOYKIN. Mr. Speaker, I rise to a question of the privilege of the House.

The SPEAKER. The gentleman will state the question of privilege.

Mr. BOYKIN. Mr. Speaker, I have been subpenaed to appear before the grand jury of the circuit court for Montgomery County, in Rockville, Md., on May 8, 1962.

Under the precedents of the House, I am unable to comply with this subpena, without the consent of the House, the privileges of the House being involved. I, therefore, submit the matter for the consideration of this body.

Mr. Speaker, I send to the desk the subpena.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

In the Circuit Court for Montgomery County, Md., State of Maryland, Montgomery County, to wit:

To the Sheriff of Montgomery County, *Greeting:*

You are hereby commanded to summon: Hon. Frank Boykin, Washington Hotel, Washington, D.C., and bring with him all records of transactions between Tenesaw Land & Timber Co. and First Continental Savings & Loan Association, and/or J. Kenneth Edlin of Montgomery County, to appear before the Circuit Court for Montgomery County, to be held at the courthouse in Rockville, in and for said county, on the —— day of ——— next, at 9:30 o'clock a.m., to testify for grand jury against ——— and have you then and there this writ.

Witness, the Honorable Patrick M. Schnauffer, chief judge of our said court, the 5th day of March 1962.

Issued the 30th day of April 1962.

Clayton K. Watkins,
Clerk.
L. T. Kardy,
State's Attorney.

The SPEAKER. The Chair recognizes the gentleman from Oklahoma [Mr. Albert].

Mr. ALBERT. Mr. Speaker, I offer a privileged resolution (H. Res. 630) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas Representative Frank W. Boykin, a Member of this House, has been served with a subpena to appear as a witness before the Circuit Court for Montgomery County, Maryland, to testify at Rockville, Maryland, on the eighth day of May 1962, before a Grand Jury; and

Whereas by the privileges of this House no Member is authorized to appear and testify, but by order of the House: Therefore be it

Resolved, That Representative Frank W. Boykin is authorized to appear in response to the subpena of the Circuit Court for Montgomery County, Maryland, at such time as when the House is not sitting in session; and be it further

Resolved, That as a respectful answer to the subpena a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AWARDS UNDER PHILIPPINE REHABILITATION ACT

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend his remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, in a few minutes the House will be called upon to vote on the latest $73 million handout to the Philippines, which has already gotten $1,675 million. Included in the $73 million, I should like you to consider when you vote on this bill is some $800,000 to be paid out to a brewery company which, as the gentleman from Ohio [Mr. Bow] stated yesterday, has been back in full operation for several years, making beer and exporting it to Asia and to the United States. I hope you will keep this in mind when you vote on the bill.

Mr. BARRY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BARRY. Mr. Speaker, H.R. 8617 is a bill to authorize payment of $73 million to private individuals and corporations in the Philippines for damages they suffered in the war. It is said that this sum will complete the payment of awards granted under the Philippine Rehabilitation Act of April 30, 1946.

Bills of this nature have been before the Congress a number of times during the last 10 years. All of these efforts have been unsuccessful, and for very good reason.

Mr. Speaker, this is not a bill to rehabilitate the Philippine economy or otherwise to lend it substantial assistance. This is not a bill to meet obligations undertaken in the Philippine Rehabilitation Act of 1946. This is not a bill to fulfill a moral commitment to the Philippine people. It is none of these things. It is a bill to provide windfall profits to a handful of powerful interests in the Philippines. That is why this bill has failed in the past and that is why I urge its rejection today.

At the end of World War II the Philippines was a country torn by the ravages of war. Our brave allies suffered widespread destruction not only in the Japanese invasion and the subsequent American liberation, but also from the fierce resistance campaign they conducted throughout the period of Japanese occupation. We felt a deep sense of gratitude and obligation to the Filipino people, and committed large sums of money for the purpose of rehabilitating the economy. Substantial funds were also forthcoming from UNRRA and other sources. The Philippine Rehabilitation Act of 1946 represented one important way in which we attempted to help the Philippine people reestablish themselves and their economy: $400 million was authorized for private property claims, $120 million went to restore public property, and some $100 million in war supplies was turned over to the Government. What we are considering today is that part of the act dealing with private claims, which were to be met with the $400 million.

The method of payment was as follows. All successful claims under $500 were paid in full and the first $500 of larger claims was paid. The remaining part of the $400 million was used for pro rata payment of the remaining part of the claim—up to a limit of 75 percent. Actual payments came to about 52 percent of each claim above $500. The $73 million we are being asked to authorize is the sum it would take to raise the payments on the claims from 52 percent up to the 75-percent maximum.

Mr. Speaker, this $73 million certainly is not intended to help rehabilitate the economy of the Philippines. The Philippine economy has been rebuilt from the war for many years now.

It is interesting to note that the 1946 act provided that the Philippine War Damages Commission was to the fullest extent possible required to assure itself that the lost or damaged property had been rebuilt, replaced, or repaired before payments of money could be made to the claimants. H.R. 8617 completely waives these requirements, except for claimants residing outside the Philippines. The 1946 act aimed at seeing that payments actually went toward the rehabilitation or economic development of the economy. In this bill such a proviso is considered administratively impracticable. It may well be administratively impracticable to require that claimants show proof that they have previously and fruitfully invested a sum at least equal to their claim. But waiving this requirement certainly proves my point that this bill has practically nothing to do with past, present, or future economic rehabilitation of the Philippines.

Is this then a bill designed to aid Philippine economic development? While a gift of $73 million pumped into the bloodstream of the economy would of course bring some progress to the country, the fact remains that a scattergun approach of this type would not be the most effective means of helping economic development. In 1950 the highly respected Economic Survey Mission to the Philippines, commonly known as the Bell Mission, made a comprehensive report on the needs of the Philippine economy. From its findings it recommended "that further war damage payments to individuals would not contribute materially to economic development in the Philippines and that continuing assistance by the United States should be for development projects in agriculture and industry related to the specific needs of the Philippine economy rather than as additional war damage payments to individuals." It was quite clearly recognized as far back as 1950 that war claims payments were no longer a fruitful way of spurring economic development in the Philippines. For this reason the great bulk of our postrehabilitation aid has gone into such development programs. Since 1946 our obligations and commitments for economic aid to the Philippines have through 1961 totaled $1.284 billion.

Since H.R. 8617 is not intended to rehabilitate or effectively assist the development of the economy, could it be required of us because of obligations we undertook in the Philippine Rehabilitation Act of 1946? There are different opinions on whether the act committed us to payment of 75 percent of all claims above $500, and the act itself leaves us in some doubt. For example, it specifically provides for pro rata distribution of the funds authorized, and cautions the Commission to give due consideration to the amount of funds for distribution before making payments. The reason that the 1946 act does not specifically commit us to paying 75 percent of each approved claim is that there was not agreement on whether we should obligate ourselves that far. While it is true that the $400 million was considered a rough estimate of what it would take to pay the $500 claims and the larger claims up to 75 percent of the excess over $500, it was widely recognized that the $400 million might be too low a figure for this purpose. I think that we can summarize the feeling of Congress at that time in this way: there was general agreement that payments to individuals would be an effective way of helping rehabilitate the private sector of the economy, but there was division over what should be done after the $400 million had been spent. Some felt that if the $400 million did not meet all the claims, then additional funds would have to be appropriated for this purpose. Others felt that after the spending of the $400 million a further judgment would have to be made as to whether the Philippines could best be assisted by additional war damage payments or whether other forms of aid should be utilized.

It seems clear to me that the majority of the Members of Congress looked upon the 1946 act primarily as a means of getting the Philippine economy going again, and only secondarily as means of rehabilitating individuals. The Philippine War Damage Commission completed its work and went out of existence in April 1951; its records are now in the hands of the Treasury Department. Little effort was made to retain the Commission as most Members of Congress felt that it had completed the purpose for which it had been established. Both those who felt we were morally obligated to pay claims up to 75 percent over the first $500 and those who felt we could effectively stimulate the Philippine economy through further war damage payments were in a distinct minority. The majority of the Members of Congress seconded the findings of the Bell Commission, and agreed that assistance to the Philippines should be related to specific needs of the Philippine economy rather than as cash gifts to compensate further for damage to private property.

In summary of this point, the 1946 act does not commit us to payment of 75 percent of that part of the claim above $500. The majority of the Congressmen felt that it did not, and also felt that our assistance would be more productive if it was not related to war damage payments after the initial funds. That is why for over 10 years no funds have been authorized to pay war damage claims while the level of our economic aid to the islands since the end of the war has totaled over $1 billion.

Mr. Speaker, proponents of this bill argue that even though H.R. 8617 has little to do with rehabilitation or development of the Philippines and even though we did not explicitly promise additional payment in the 1946 act, still we have a moral obligation to give the Philippines this $73 million. The supporters of this bill, in falling back to this position, as they must, admit the bankruptcy of the other arguments they have offered. With the cobwebs thus cleared we can get a better picture of what this bill before us is really all about.

The upholders of the moral argument say that H.R. 8617 will repay our spiritual debt to the Filipino people for the hardships they suffered during the war.

Mr. Speaker, this contention is nothing but a paper mask which clumsily covers the real purpose of the bill. The real purpose of H.R. 8617 is to give windfall profits to a handful of powerful business interests in the Philippines. While about half of the funds would be divided among some eighty-odd thousand smaller claimants, the other half of the $73 million would go to 223 corporations and 64 individuals who would each be given over $25,000. Remember that under the 1946 act they have already been given twice these sums. Eighty-three corporations would be given amounts in excess of $100,000 apiece. It is such large, wealthy claimants who would be the major beneficiaries of this bill.

Mr. Speaker, it is said that we have a moral obligation to give further compensation to the Filipino people for the destruction brought to them by World War II. If some payment should be made, then we are surely not meeting that obligation in this bill. The real sufferers of the war's devastation are not the big, already rehabilitated businesses in the islands, but rather those who lost their beloved ones and their providers. These are the people who made the greatest sacrifice, and these are the people who are still feeling the harsh repercussions of that tragedy. If compensation should be made, then it should be made to the widows, semiorphans, and aged parents for whom our charity would relieve very real human suffering.

PHILIPPINE WAR DAMAGE CLAIMS

The **SPEAKER**. The unfinished business before the House is the vote on the passage of the bill, H.R. 8617, which the clerk will report by title.

The Clerk read the title of the bill.

The **SPEAKER**. The question is on passage of the bill.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. **HAYS**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 171, nays 201, not voting 65, as follows:

[Roll No. 84]

YEAS—171

Albert
Anfuso
Aspinall
Ayres
Bailey
Baldwin
Barrett
Bass, N.H.
Bass, Tenn.
Bell
Bennett, Fla.
Boggs
Bolling
Bolton
Brademas
Bray
Brooks, Tex.
Broomfield
Buckley
Burke, Ky.
Burke, Mass.
Byrne, Pa.
Byrnes, Wis.
Carey
Celler
Clark
Cohelan
Conte
Cook
Cooley
Corman
Daddario
Daniels
Davis, John W.
Davis, Tenn.
Delaney
Derounian
Dingell
Dominick
Donohue
Dooley
Dorn
Doyle
Dulski
Dwyer
Edmondson
Ellsworth
Everett
Evins
Fallon
Finnegan
Fogarty
Ford
Frazier
Frelinghuysen
Friedel
Fulton
Gallagher
Garmatz
Giaimo
Gilbert
Gonzalez
Griffin
Gubser
Hagen, Calif.
Halleck
Harding
Healey
Hébert
Hechler
Hosmer
Hull
Inouye
Johnson, Wis.
Judd
Karsten
Kastenmeier
Keith
Kelly
Keogh
King, Calif.
King, Utah
Kirwan
Kowalski
Laird
Lane
Lesinski
Libonati
Lindsay
Loser
McDowell
McFall
McIntire
McMillan
McVey
MacGregor
Mack
Madden
Magnuson
Mailliard
Martin, Mass.
Mathias
Meader
Merrow
Miller, Clem
Miller, George P.
Mills
Moeller
Monagan
Moorhead, Pa.
Morgan
Morrison
Morse
Moss
Multer
Murphy
Nedzi
Nix
O'Brien, Ill.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill
Patman
Pfost
Philbin
Powell
Price
Reuss
Rhodes, Pa.
Riley
Rivers, Alaska
Rivers, S.C.
Robison
Rodino
Rooney
Roosevelt
Rosenthal
Rostenkowski
Ryan, Mich.
Ryan, N.Y.
St. Germain
Santangelo
Schweiker
Schwengel
Seely-Brown
Sibal
Sisk
Smith, Iowa
Smith, Va.
Spence
Steed
Stratton
Sullivan
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Thornberry
Toll
Trimble
Udall, Morris K.

Utt
Walter
Willis
Wilson, Ind.
Yates
Young
Zablocki

NAYS—201

Abbitt
Abernethy
Adair
Addabbo
Alexander
Alger
Andersen, Minn.
Anderson, Ill.
Arends
Ashbrook
Auchincloss
Avery
Baker
Baring
Barry
Bates
Battin
Becker
Beckworth
Beerman
Belcher
Bennett, Mich.
Berry
Betts
Blatnik
Bonner
Bow
Breeding
Bromwell
Brown
Broyhill
Burleson
Cahill
Cannon
Cederberg
Chamberlain
Chelf
Chenoweth
Chiperfield
Church
Clancy
Coad
Collier
Colmer
Corbett
Cunningham
Curtin
Dague
Davis, James C.
Derwinski
Devine
Diggs
Dole
Downing
Farbstein
Feighan
Fenton
Findley
Fino
Fisher
Flynt
Forrester
Fountain
Garland
Gary
Gathings
Gavin
Glenn
Goodell
Goodling
Green, Oreg.
Griffiths
Gross
Hagan, Ga.
Haley
Hall
Harris
Harrison, Wyo.
Harsha
Harvey, Mich.
Hays
Hemphill
Henderson
Herlong
Hiestand
Hoeven
Hoffman, Ill.
Ichord, Mo.
Jarman
Jennings
Jensen
Johansen
Johnson, Calif.
Jonas
Jones, Mo.
Karth
Kilburn
Kilgore
King, N.Y.
Knox
Kornegay
Kunkel
Kyl
Landrum
Langen
Lankford
Latta
Lennon
Lipscomb
McCulloch
McDonough
McSween
Macdonald
Mahon
Marshall
Martin, Nebr.
Mason
Matthews
May
Michel
Miller, N.Y.
Minshall
Moore
Moorehead, Ohio
Morris
Mosher
Moulder
Natcher
Nelsen
Norblad
Nygaard
Osmers
Ostertag
Passman
Pelly
Perkins
Peterson
Pike
Pilcher
Pillion
Pirnie
Poage
Poff
Pucinski
Quie
Randall
Ray
Reece
Reifel
Rhodes, Ariz.
Riehlman
Roberts, Ala.
Roberts, Tex.
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Roudebush
Roush
Rousselot
Rutherford
St. George
Saylor
Schadeberg
Schenck
Scherer
Schneebeli
Scranton
Shipley
Short
Shriver
Sikes
Smith, Calif.
Springer
Stafford
Staggers
Stephens
Taber
Taylor
Teague, Calif.
Tollefson
Tuck
Tupper
Ullman
Vanik
Van Pelt
Van Zandt
Vinson
Waggonner
Wallhauser
Watts
Weis
Westland
Whalley
Wharton
Whitener
Widnall
Williams
Winstead
Wright
Younger
Zelenko

NOT VOTING—65

Addonizio
Alford
Andrews
Ashley
Ashmore
Blitch
Boland
Boykin
Brewster
Bruce
Casey
Cramer
Curtis, Mass.
Curtis, Mo.
Dawson
Dent
Denton
Dowdy
Durno
Elliott
Fascell
Flood
Granahan
Grant
Gray
Green, Pa.
Halpern
Hansen
Hardy
Harrison, Va.
Harvey, Ind.
Hoffman, Mich.
Holifield
Holland
Horan
Huddleston
Joelson
Johnson, Md.
Jones, Ala.
Kearns
Kee
Kitchin
Kluczynski
Milliken
Montoya
Murray
Norrell
O'Brien, N.Y.
Purcell
Rains
Saund
Scott
Selden
Shelley
Sheppard
Siler
Slack
Smith, Miss.
Stubblefield
Teague, Tex.
Weaver
Whitten
Wickersham
Wilson, Calif

So the bill was rejected.

The Clerk announced the following pairs:

Mr. Dent with Mr. Bruce.
Mr. Green of Pennsylvania with Mr. Siler.
Mr. Holifield with Mr. Durno.
Mr. Holland with Mr. Kearns.
Mr. Slack with Mr. Cramer.
Mr. Alford with Mr. Curtis of Missouri.
Mr. O'Brien of New York with Mr. Milliken.
Mr. Shelley with Mr. Wilson of California.
Mr. Sheppard with Mr. Curtis of Massachusetts.
Mr. Ashley with Mr. Horan.
Mrs. Hansen with Mr. Harvey of Indiana.
Mr. Harrison of Virginia with Mr. Weaver.
Mr. Ashmore with Mr. Halpern.
Mr. Kluczynski with Mr. Hoffman of Michigan.

Messrs. PATMAN, KOWALSKI, MOELLER, and BRADEMAS changed their votes from "nay" to "yea."

Messrs. JARMAN, FARBSTEIN, ZELENKO, and FEIGHAN changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MATTHEWS. Mr. Speaker, I ask unanimous consent that the gentlewoman from Oregon [Mrs. GREEN] may extend her remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, I wish at this point to explain my vote against H.R. 8617, a bill to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission in the amount of $73 million.

Mr. Speaker, approximately $369 million has already been paid on these claims. I believe that the United States has given of its great treasures, as Philippine President Romulo once said, to restore the farms and industries of that Republic. This has been accomplished in the context of a prior understanding that there would be no total indemnification of war damage claims. In all, as I recall, Mr. Speaker, the United States has given about $1.7 billion in military and economic aid to the Philippines.

The expenditure proposed in this bill could be put to better use at home. We have our war-ravaged citizens here, Mr. Speaker. At this moment, I speak specifically of the veterans of World War I. They fought some of the bloodiest engagements in the history of warfare. They helped to roll back the imperialistic German tide. Many suffered bodily and psychic wounds which have never healed. These gallants, Mr. Speaker, have become old. Many are needy. Many are unable to obtain fruitful work for themselves and their families. Many are caught in the wage-price squeeze with pensions whose purchasing power is shrinking.

They need assistance. Their survivors need assistance.

One means, for example, to extend a helping hand is H.R. 3745 now in the House Veterans' Affairs Committee. It would provide a general non-service-connected pension for them or their survivors. Mr. Speaker, I am signing a discharge petition to enable members of the House to vote on the bill. I think Members of the House should be afforded this opportunity.

In any event, Mr. Speaker, I suggest that we give some time and thought to our needy veterans and nonveterans in our own country instead of making unnecessary or outlandish outlays of moneys for those overseas.

SUSPENSION OF DUTY ON CERTAIN AMORPHOUS GRAPHITE

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 10986) to amend the Tariff Act of 1930 to place certain natural amorphous graphite on the free list, which was unanimously reported favorably by the Committee on Ways and Means.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph 213 of the Tariff Act of 1930, as amended (19 U.S.C. 1001, par. 213), is amended by striking out "Amorphous" and inserting in lieu thereof "Natural amorphous valued at more than $50 per ton, and artificial amorphous".

(b) Section 201 of such Act (19 U.S.C. 1201) is amended by adding at the end thereof the following new paragraph:

"PAR. 1827. Natural amorphous graphite and natural amorphous plumbago, crude or refined, valued at $50 per ton or less."

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after May 14, 1962.

Amend the title so as to read: "A bill to continue for a temporary period the existing suspension of duty on certain amorphous graphite".

With the following committee amendment:

Strike out all after the enacting clause and insert: "That the Act entitled 'An Act to suspend for two years the import duty on certain amorphous graphite', approved May 13, 1960 (Public Law 86–453; 74 Stat. 103), is amended by striking out 'during the two-year period beginning on the day after the date of the enactment of this Act' and inserting in lieu thereof 'after May 13, 1960, and before July 1, 1964'."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to continue for a temporary period the existing suspension of duty on certain amorphous graphite."

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MASON] and I, as well as the sponsor of these bills, be permitted to extend their remarks on the bills which we pass this morning by unanimous consent, immediately following their passage.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, the purpose of H.R. 10986, which was introduced by our colleague from Michigan, the Honorable JAMES HARVEY, and which, as amended, is recommended unanimously by the Committee on Ways and Means, is to continue the present suspension of the duties on amorphous graphite or plumbago—crude or refined—valued at $50 per ton or less, for the period from May 14, 1962, through June 30, 1964.

Amorphous graphite or plumbago, crude or refined, and regardless of value, was made dutiable in paragraph 213 of the Tariff Act of 1930, as originally enacted, at the rate of 10 percent ad valorem. Pursuant to trade agreement concessions, the duty on the natural product is presently 2½ percent ad valorem while the duty on the artificial product is 5 percent ad valorem. These duties are currently suspended and H.R. 10986 will continue such suspension until July 1, 1964.

Amorphous graphite is a mineral which has a wide variety of uses. For example, it is used for foundry facings and in the manufacture of carbon brushes, dry-cell batteries, pencils and paints, lubricants, and brush stock for electric motors.

The United States has long been dependent on imports for nearly all of its requirements of natural amorphous graphite. Domestic production supplies only a negligible part of the domestic consumption of natural amorphous graphite, probably about 1 percent of the total, and this consists chiefly of the lower grades of natural amorphous graphite. There is a large domestic production of the artificial amorphous graphite which has supplied nearly all of the domestic requirements.

Your committee was informed that in recent years Mexico has supplied about 80 percent of the total quantity of natural amorphous graphite imported into the United States. Most of the remainder came from Ceylon, Hong Kong, Norway, and West Germany. The committee was further informed that the major part of the Mexican deposits of amorphous graphite is owned and operated by U.S. concerns. The imports of the natural products, originating in Ceylon, consist generally of high-grade or high-quality material which is suitable for certain strategic items required by the U.S. Air Force.

Your committee received favorable reports on this legislation from the Departments of State, Treasury, Commerce, and Labor, as well as an informative report from the U.S. Tariff Commission. The Department of Labor reported that according to the most recent information received, the duty-free importation of amorphous graphite, under the terms of the present suspension of duties thereon, has not adversely affected domestic employment.

Mr. Speaker, the Committee on Ways and Means is unanimous in recommending the enactment of the bill H.R. 10986.

Mr. MASON. Mr. Speaker, this bill continues the present suspension of duties on amorphous graphite valued at $50 per ton or less for the period May 14, 1962, to June 30, 1964. The effective rate of duty on natural amorphous graphite is presently 2½ percent ad valorem. Domestic production is negligible. The rate of duty is insignificant as a revenue-raising measure and is not required to protect domestic industry.

Amorphous graphite has a wide variety of uses in the manufacture of carbon brushes, dry cell batteries, pencils and paints, and in electric motors. Mexico presently supplies about 80 percent of the U.S. market. It is a strategic material.

All of the departments concerned have reported favorably on the bill. The Ways and Means Committee unanimously recommended its enactment. I am glad to join with the chairman of the committee in moving for a favorable vote by the House.

Mr. HARVEY of Michigan. Mr. Speaker, I thank the gentleman from Arkansas for this opportunity to add a few words in explanation of the subject matter of H.R. 10986, which the House has just passed. This bill will continue for 2 more years, or until July 1, 1964, the suspension of import duties on certain amorphous graphite.

So that there will be no misunderstanding, let me explain that there are two general types of graphite—natural and artificial. Under the natural heading, which we are concerned with here, there are two general categories—the crystalline and the amorphous or cryptocrystalline. It is important to make this distinction because the uses of amorphous graphite and crystalline graphite are not the same, due to size, quality and costs.

The facts indicate that no natural amorphous graphite, as described in this bill, is mined in the United States at this time. Further, there are approximately 25 companies in this industry dependent upon imported natural amorphous graphite from our neighboring country of Mexico. They would all suffer if the continuation of this suspension had not been passed. The U.S. Graphite Co., a division of the Wickes Corp., in Saginaw, Mich., in my district, is one of these companies. In fact, this company, through a subsidiary, has operated graphite mines in the State of Sonora, Mexico, since 1891. It is the largest natural amorphous graphite producer in the Western Hemisphere, and it imports the vast majority of this product itself.

The return to a protective tariff, therefore, would have protected no domestic industry, because there is none. The failure to continue the suspension of these import duties, however, would have imposed additional costs on this industry at a time when we should be giving them every incentive to expand and to create new jobs. Needless to say that failure to act would have indirectly affected the hundreds of dedicated workers in this industry as well, and I am grateful that our action will help to avoid this situation.

CHIPPEWA COUNTY WAR MEMORIAL HOSPITAL

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9778) to provide for the free entry of certain steel and steel products donated for an addition to the Chippewa County War Memorial Hospital, Sault Ste. Marie, Mich., with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

After line 8, insert:

"SEC. 2. Section 201 of the Tariff Act of 1930, as amended (19 U.S.C. 1201), is amended by adding at the end thereof the following new paragraph:

" 'PAR. 1827. Records, diagrams, and other data with regard to any business, engineering, or exploration operation conducted outside the United States, whether on paper, cards, photographs, blueprints, tapes, or other media.' "

Amend the title so as to read: "An Act to provide for the free entry of certain steel and steel products donated for an addition to the Chippewa County War Memorial Hospital, Sault Sainte Marie, Michigan, and to provide for the free entry of records, diagrams, and other data with regard to business, engineering, or exploration operations conducted outside the United States."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to have a brief explanation of this bill. I will say to the gentleman from Arkansas [Mr. MILLS] that I was acquainted with the other bill because it has been under consideration before, and has been extended several times.

Mr. MILLS. This is an amendment, adopted by the Senate, to a bill which had previously passed the House under unanimous consent. I think what the gentleman wants is information about the Senate amendments; is it not?

Mr. GROSS. That is right.

Mr. MILLS. The other body added a provision providing for free entry of records, diagrams and other data with respect to any business, engineering or exploration operation conducted outside the United States, whether that information be on paper, cards, photographs, blueprints, tapes or other media.

The gentleman from Iowa [Mr. GROSS] understands that this type of information is not for sale.

This is something that an American business in its operation abroad has developed for its own use, that it desires to bring back to the main office here in the United States. On the basis of existing provisions of the Tariff Act that material would be subject to payment of duty. This would provide that it may enter duty free.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, as Members of the House will recall, as passed by the House, H.R. 9778 provided for the free entry of certain steel and steel products donated for an addition to the

Chippewa County War Memorial Hospital, Sault Sainte Marie, Mich. As passed by the other body, the provisions of the House bill are unchanged. A provision was added providing for the free entry of records, diagrams, and other data with regard to any business, engineering, or exploration operation conducted outside the United States, whether on paper, cards, photographs, blueprints, tapes, or other media.

The new provision is designed to facilitate the customs clearance of data with regard to business, and so forth, and to clarify a situation that is now placing a burden on the Customs Bureau and on business firms with oversea operations. The provision would not, of course, apply to business records processed abroad when no other phase of the business operations to which the records pertain occurs abroad.

TARIFF CLASSIFICATION ACT OF 1962

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10607) to amend the Tariff Act of 1930 and certain related laws to provide for the restatement of the tariff classification provisions, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 4, strike out lines 12 to 19, inclusive.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, the Senate amendment deleted from the House bill a provision originally inserted to provide for a situation which has since been resolved by action of the administrative agencies concerned. The House bill provided for resolution of a problem which centered about a divided vote on the part of the Tariff Commission in one particular instance. Action by the Bureau of Customs on this point has cleared up the difference of opinion between the members of the Tariff Commission and, therefore, the provision in the bill as passed by the House is no longer necessary.

Mr. Speaker, in this connection I desire to include in my remarks a copy of a letter addressed to me by the Chairman of the Tariff Commission on this point.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The matter referred to follows:

U.S. TARIFF COMMISSION.

Hon. WILBUR D. MILLS,
Chairman, Committee on Ways and Means, House of Representatives.

DEAR MR. CHAIRMAN: I am submitting this statement to clarify the issue raised by the Senate amendment to H.R. 10607, the Tariff Classification Act of 1962. The Senate deleted lines 12 through 19 on page 4 of the proposed legislation (sec. 101(c)(4)). This provision had been inserted in the bill at the request of Representative EUGENE J. KEOGH to insure that certain watch movements not regulated by a balance wheel and hairspring would retain whatever tariff status they might have under existing provisions of law.

On April 30, 1962, the Bureau of Customs issued a ruling which, in principle, governs the classification of the watch movements in question. Under this ruling such movements would be classified under the provisions of paragraph 367 of the Tariff Act of 1930, as modified. In the circumstances, the Tariff Commission, in due course, after passage of H.R. 10607, will make changes in the proposed revised schedules in accordance with section 101(b)(4)(A) to reflect such tariff treatment for the watch movements in question. Section 101(c)(4), therefore, would no longer apply to this issue.

Sincerely yours,

BEN DORFMAN,
Chairman.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

COLLEGE ACADEMIC FACILITIES AND SCHOLARSHIP ACT

Mr. SMITH of Virginia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 625 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the bill (H.R. 8900) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities, with the Senate amendments thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendments be, and they are hereby, disagreed to and that the conference requested by the Senate on the disagreeing votes of the two Houses be, and the same is hereby, agreed to.

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN]; pending that I yield 10 minutes to the gentleman from New York, the chairman of the Committee on Education and Labor [Mr. POWELL].

Mr. POWELL. Mr. Speaker, first I want to thank the most distinguished chairman of the Committee on Rules, the gentleman from Virginia [Mr. SMITH] for this opportunity to remove any doubts there may be in the minds of any of our colleagues concerning this bill going to conference. I would also like to express my deep appreciation to the gentleman from Virginia for bringing this rule before us.

H.R. 8900 was passed by the House on January 30 by a vote of 4½ to 1. I have given my word privately to the chairman of the Committee on Rules, I have given my word publicly to the entire Committee on Rules and I give my word now to my colleagues that under no circumstances when we go to conference will we recede from the House position; that we will at all times maintain only those provisions voted by the House.

The major difference is the difference concerning scholarships. The other body, as you know, in their bill passed on February 6, added a provision for scholarships. We do not have that provision in H.R. 8900.

The author of the bill, the gentlelady from Oregon, is present, and I am sure, although I cannot speak for her, from what she has said in the past to me that she will maintain the same position that I take now.

Going with us as conferees will be the gentleman from Indiana [Mr. BRADEMAS] and the gentleman from Connecticut [Mr. GIAIMO], and we will support the House position. We will come back with a bill without scholarships. If we cannot find a common ground between the two groups of conferees we will come back and so report to you. Again I repeat that under no circumstance will we accept the scholarship provision in conference with the Senate.

I should like to take the balance of my time and open it up for any questions my colleagues might have.

Mr. AVERY. Since the gentleman has been so kind as to invite questions, I have some I was going to direct to him later on.

The gentleman has made it very clear that under no circumstances will he agree to a conference report that would write scholarships into this bill.

Mr. POWELL. That is absolutely correct.

Mr. AVERY. Is the gentleman prepared to advise the House at this time as to what his procedure might be from that point on? I am becoming a little concerned about subsequent developments. Will he ask that the conferees be discharged and let the matter lie there? What would he suggest to the House might be anticipated after the first conference, assuming the other body would not agree to the House bill?

Mr. POWELL. At this point I am only prepared to say that we will come back and report to the House that we are in disagreement.

Mr. AVERY. You will wait then for instructions from the House?

Mr. POWELL. That will be up to the House.

If there are no further questions, Mr. Speaker, I yield back the balance of my time.

Mr. AVERY. Mr. Speaker, I yield myself such time as I may consume.

In view of the exceedingly clear and understandable and, I might say, unexpected statement made by the gentleman from New York [Mr. POWELL] some of the remarks I had anticipated making at this time I feel can probably be left unsaid and therefore save some of the time of the House.

In the Committee on Rules it was my judgment, and I expressed it in the form of an amendment, that because we could not get a firm and unqualified assurance from the gentleman from New York [Mr. POWELL] and from the gentlewoman from Oregon [Mrs. GREEN], this resolution should have contained language that would have instructed the conferees on the part of the House to insist on the House position in reference to scholarships and grants, the two provisions in the bill that are in major controversy. That proposal was rejected in the Committee on Rules by a vote of 7 to 6. Therefore I am grateful for the very clean statement by the chairman of the Education and Labor Committee.

I now would like to mention very briefly to the House the situation surrounding the scholarship provision that was written in by the other body. There has been so much discussion in the news media and among Members in reference to the scholarships controversy that it has not been clearly pointed out that the so-called Treasury financing method of back-door spending was written into this bill by the other body. I would hope that in addition to the other House provisions, the conferees will insist that whatever authority is granted in this bill be financed or funded only through the regular appropriation procedure.

I would like to ask you first, Members of the House: Have you asked the presidents or the administrators of your colleges and universities whether or not they want a scholarship provision in this bill? Have you asked them or are you just assuming, because it has been proposed by the majority side or by the administration, that it is desirable and needed? Have you directed that question specifically to an administrator? Well, I have, and here is what they tell me. They say: "Mr. Congressman, we would rather have no bill at all than to have the bill as it came out of the Senate."

They explain their conclusion in this manner: "Major colleges have already reached the saturation point as far as enrollment is concerned in relation to existing facilities. If a scholarship provision is included, an even greater enrollment would result and no additional facilities in which to house them."

They say, if there is to be a scholarship provision or a scholarship authority, let it follow the provision in this bill that would assist in providing facilities, and at that later time they might have the capacity to absorb such an increased enrollment. I think that is just as logical as anything can be.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I yield to the gentleman from West Virginia.

Mr. BAILEY. I think you are being just a little bit critical of the Committee on Education and Labor. Let me remind you that most of the candidates for President have come from that committee and we have a Cabinet member who was a member of that committee. Do you not think you can trust the House Committee on Education and Labor to report out a sound proposal to the House?

Mr. AVERY. I trust the committee, but I question their judgment on this and other proposals that they have brought before the House. But, of course, I trust them implicitly. I might say to my friend from West Virginia.

Mr. BAILEY. I would simply remind you that we rate pretty high.

Mr. AVERY. Oh, I think without question the legislative record of the committee in the House would certainly support the observation made by the gentleman from West Virginia.

Now to get back to this scholarship provision. I think, perhaps, it may be the opinion of some of the proponents of the scholarship authority that this is a good opportunity to test the mood of the Congress and the mood of the country, if you please, in reference to Federal aid to education, not only Federal aid to public elementary and secondary education, but Federal aid to private and parochial schools as well. Now why do I say that? In the first place, the chairman of the subcommittee, the gentlewoman from Oregon, was very frank when she appeared before the Committee on Rules and stated she favors scholarships, but she in her official capacity would defend the position of the House. I think that is very commendable on her part. At the same time I addressed a question to the chairman of the full committee, the gentleman from New York who just preceded me in the well of the House here, and I think my question was something like this:

> In view of the comments you have made just now to the Committee on Rules, Mr. Chairman, is it reasonable that the Committee on Rules might anticipate further legislation from the Education and Labor Committee providing additional Federal aid to education?

Now I thought this matter had been pretty well disposed of. I had gained the impression that this was going to be the program this year. To my surprise, the chairman replied directly:

> Yes, the Rules Committee may anticipate further legislation authorizing Federal aid to education.

So, again, I repeat, the scholarship provision in this bill is primarily a test of the mood of the House and of the mood of the country as to whether or not they are ready at this time to authorize a Federal aid to education program. This may very well be the deciding point as far as House action this year on further Federal aid to education. If we stand firm in our position relating to scholarships and not accede to the other body—it has been clearly established that the conferees will not accede to the position of the other body in their first conference—that position will have a far-reaching effect on later House actions. The final consideration of this bill, I think, will largely determine what the final program for Federal aid to education will be this year.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. AVERY. I shall be happy to yield to my friend from California.

Mr. ROOSEVELT. I just assume that in the adoption of this rule there is no commitment on the part of anybody voting for this rule when the matter comes back to the House, should there be a disagreement in conference there is no disposition to say that that already pledges us not to vote for scholarships?

Mr. AVERY. I want to understand clearly the question the gentleman is propounding. Is he stating that if we vote to send this to conference we would not as individuals thereby be bound to vote against a scholarship provision if it came back? Is that it?

Mr. ROOSEVELT. Or on anything else; in other words, for or against it either way. As I understand, the only thing that is involved here is in agreeing to go to conference and an assurance by the chairman of the committee and the other members representing the House that prior to any final decision on scholarships they will come back to the House for instruction.

Mr. AVERY. The gentleman is eminently correct. By taking this vote the only position the House is establishing is: Yes, we will send it to conference. But to be entirely objective about this, the gentleman should agree that that position established by this vote should be read in connection with the remarks of the gentleman from New York who just addressed the House.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield further?

Mr. AVERY. I yield.

Mr. ROOSEVELT. I do not quite understand the import of that last comment, because the gentleman from New York, as I understood it, said nothing except the fact that he wanted to go to conference and that if any question in conference came up and was insisted upon by the Senate that he would come back for instructions. He did not say anything else.

Mr. AVERY. I do not want to make a play on words. I will say only that it was my clear understanding that the gentleman from New York said he would not accede to the position of the Senate in conference as far as scholarships are concerned. The gentleman can make any interpretation of that he wants. As far as I am concerned it was that even though there were not instructions contained in this resolution in that particular regard the statement of the gentleman from New York has the effect of instructing the conferees as far as the scholarship provision is concerned.

Mr. ROOSEVELT. If I may just differ with the gentleman, if he will yield, I think the only implication the gentleman made was that if he found an impasse existing on the House position he would come back then for further instructions. I do not think it commits him beyond that.

Mr. AVERY. The gentleman is correct.

Mr. BROWN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HIESTAND] a member of the committee.

Mr. HIESTAND. Mr. Speaker, here we again have a bill before us for Federal aid to education. Here we are again asked to vote against the will of the people of the United States. The people of the United States have turned down the basic principle of Federal aid to education many times. True, this is about a bill that we had previously passed, but there is some news in connection thereto. Sometimes, we are willing to vote money to subsidize private institutions, but should we be willing to subsidize institutions supported by the States all of which are better off financially than the Federal Government? That is one thought. A second thought has been indicated: Many colleges do not need and do not want this support. But here is some more news: On April 19 in the House I reported a recently released Ford Foundation study on education. That independent study showed that college classrooms are used only 40 percent of the time. Laboratories, the survey disclosed, are used only 25 percent of the time.

As for student stations, they are used only 22 percent of the time for general classrooms and only 15 percent of the time for labs.

In the light of this new study, I asked Commissioner McMurrin if the Office of Education had conducted any space utilization studies and, if so, what were the results.

I received a communication from Mr. McMurrin only this morning. It said:

> The Office of Education has not made any studies of space utilization in our higher education institutions.

I found this astounding. If no studies had been conducted, how could HEW be asking for this legislation before us today?

Apparently, the Office of Education was astounded by its own findings for I received a call after the letter was delivered to inform me that the letter was in error. I have directed the Commissioner to get the corrected letter to me by special messenger and I shall inform the House of its contents as soon as it arrives here.

I understand, however, that the Office of Education now claims that space utilization studies have been conducted—a complete reversal in a matter of hours—but that the Office claims these studies are not "sufficient." Well, my question now is: If they are not complete, why should we pass this legislation until they are?

The results of these studies, as "insufficient" as the Office of Education claims they are, have not been presented to the Education and Labor Committee. Mr. Speaker, why not? Would they not be vital to this discussion? I have asked for the results of the studies which the Office of Education now says it has conducted and I shall inform the Members of the House as to their contents.

Mr. Speaker, I am opposed to the bill as a whole and therefore oppose this resolution.

Mr. BROWN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. Ashbrook].

Mr. ASHBROOK. Mr. Speaker, a great deal has been said about the matter of scholarships in this bill, H.R. 8900. I believe the central issue is whether or not the measure is needed at all. Since the vote of this House on the bill, a great deal of new information has come to light which seems to substantiate the contention of those of us who feel that there is no basic need for it and, in fact, it would amount to an unwarranted intrusion of the Federal Government in the field of higher education. At the same time, it is uncontroverted that a Federal program of this type would help dry up private giving and subscriptions for college academic facilities.

I would like to review several statements from current research and views of individuals on the subject of higher education.

First. The Prudential Insurance Co. released a study April 15 which shows there is no shortage of room for qualified students in American colleges. It called the present crisis in college enrollment "a statistical illusion." I repeat "a statistical illusion." This report was done by college admission experts. Should not the Education and Labor Committee hear from these experts?

Second. The Ford Foundation released a comprehensive report in April, "To Build or Not To Build," prepared by a dean at Michigan State University. Many interesting facts can be found within its covers. Some of which are: First, based on a 44-hour week, classrooms are unused 60 percent of the time, while laboratories are unused 75 percent of the time; second, enrollments could be easily increased 50 percent, except in the big prestige institutions, without building one new classroom or laboratory; third, only 9 percent of the colleges surveyed had made studies of the adequacy and utilization of their plants; fourth, due to the splintering of material into many courses, it was found that 20 percent of all the classes enroll less than 10 students; and fifth, I would like to quote from page 38 of this report. "Another cause of low utilization in most American colleges is one which grows out of our peculiar American mores. It is that a new building is a status symbol. In fact, the college president himself is probably one of the important factors that leads to pressure for more plant facilities. The president normally takes great pride in the new buildings he has constructed during his term of office."

Third. The National Education Association released in January of this year a booklet, "Your Child and College." The release accompanying this booklet said:

> If you're losing sleep because you're afraid that increased enrollment will crowd your child out of college, you can throw away the barbiturates. * * * Things aren't as bad as you may have been led to believe—unless your family hopes are pinned on one of the highly competitive so-called prestige colleges.

Fourth. Ralph McGill, nationally syndicated columnist and publisher of the Atlanta (Ga.) Constitution, wrote in his column May 5 that—

> The problem of inefficient practices in the use of space is undenied. At some colleges such inefficient practices are rooted in tradition. Faculty, students, and administration avoid courses scheduled in the late afternoon, evening, or Saturdays. * * * The facts of financial life increasingly will require high utilization of space, including well-filled classrooms during the day, evenings, and on Saturdays, and full classroom and laboratory use during the summer. All this is possible without the slightest interference with the quality of education.
>
> No study has yet been made of the high rate of space utilization that actually has been achieved by well-known institutions.

Is not this the type of things the U.S. Office of Education should be doing? Should they not be serving as a clearinghouse of worthwhile education practices?

Fifth. Dr. Roger A. Freeman, of Claremont Men's College, California, an outstanding authority on school finance, wrote in the Graduate Journal of the University of Texas—reprinted in the CONGRESSIONAL RECORD May 2, 1962, pages 7551–7553:

> Why must we continue the "fantastic proliferation" of the curriculum which Seymore Harris, head of the Harvard Economics Department, called a scandal from the viewpoint of both economics and education?
>
> Beardsley Ruml and Donald Morrison (both since deceased) proposed in their book, "Memo to a College Trustee," prepared for the Fund for the Advancement of Education 3 years ago to trim the curriculum and to double the number of students per faculty member to about 20. This would enable the institutions to double salaries without additional funds. * * * Many of the necessary funds are already at the disposal of the college or can be made so; but they are being dissipated through wastes in curriculum, wastes in methods of instruction, wastes in administration, and in the use of property and plant.

Sixth. The U.S. Office of Education reported that of the 2,040 colleges and universities in the country 1,618 were accredited. Two hundred and forty-nine of these accredited schools responded to a questionnaire prepared by Changing Times magazine. These 249 schools of all sizes reported that they could have accepted 30,000 additional freshmen last fall and 40,600 at the beginning of the second semester. This indicates there was ample classroom space for at least 250,000 more freshmen even under present inefficient space utilization as mentioned above in the Ford Foundation study.

Seventh. Dr. Walter Langsam, president, University of Cincinnati, said in a recent address:

> I am most opposed to the idea of Federal scholarships. I think that there is absolutely no need for them—none whatever. I can say to you unequivocably and without worry about challenge by anyone that there is not a boy or girl in the United States who is qualified to go to college who cannot go to college for financial reasons. * * * He may be kept out because he doesn't know that money is available through scholarship or loan funds.
>
> That's his fault, or the fault of his counselors or parents or teachers or someone else. Even now in every State of the Union millions of dollars are going begging because nobody is asking for them.

Eighth. Dr. Benjamin Fine, former education editor of the New York Times, and Mr. Eisenberg, who conducted extensive research into scholarships and student loans, said in a joint interview that money is available:

> Parents do not know the vast amount of scholarships available.

Asserted Dr. Fine:

> They haven't any conception of the huge numbers of loans they can get for their children, much at low interest. Pay-as-you-

go education will be more and more popular this decade.

Mr. SMITH of Virginia. Mr. Speaker, I yield 5 minutes to the gentlewoman from Oregon [Mrs. GREEN].

Mrs. GREEN of Oregon. Mr. Speaker, on January 30, this House passed H.R. 8900 by a vote of 319 to 79—an overwhelming majority. On February 6 the Senate passed a higher education bill by a vote of 68 to 17. The gentleman from Minnesota [Mr. QUIE] objected to any conference between the House and Senate.

Today—92 days later—the membership of this House is given the opportunity to decide whether, in fact, it shall go to conference.

In the limited 5 minutes allowed, I cannot discuss many aspects of this bill—but it does seem to me that in references made to two or three reports or studies, erroneous conclusions have been drawn.

Some time ago there was placed in the RECORD a statement that was made by 29 presidents of 29 different colleges in opposition to the higher education bill. On March 6 this group of presidents sent telegrams to various Members of the House expressing their absolute opposition. Without in the least bit questioning the sincerity of these distinguished educators, it is interesting to note that the institutions that these 29 presidents represent have received a total of $22,345,000 in Federal funds during the past several years, according to the information that I have received from various Government agencies. This $22 million figure is exclusive of any funds that they might have received this year. In view of the fact that these institutions have a total enrollment of approximately 43,000 students, it does not seem to me that this is an insignificant sum.

In their telegram, the 29 college presidents took the position that construction grants to private colleges under H.R. 8900 would "embark this country upon a radically new program and policy of support of privately endowed higher education which will have devastating consequences to the individual institution."

In the century that the Federal Government has been providing financial support for higher education, it is difficult to find evidence of the devastating consequences which these presidents fear. There is only 1 college out of the 29 which has not received funds from the Federal Government. Every other one of the 29 colleges has received this money which now they say would have such devastating consequences if they accepted it. This, it seems to me, is a very strange position for them to be in.

As to a second report:

Reference has been made by the gentleman from California and also the gentleman from Ohio to a report or study which was made by the Ford Foundation in regard to utilization of present facilities in the colleges and universities. I think this report should be put in proper focus. This is a study that can make a significant contribution to constructive thinking and planning in higher education, which the Ford Foundation made of approximately 60 or 62 colleges in the midwest part of the United States. It is true that they did say that with better utilization of the space which they now have, they would be able to accommodate more students and they would be able to save money in the years ahead. But the Ford Foundation report also says that one-fourth to one-third of all existing facilities are now inadequate and will need to be replaced. Quoting directly from the report:

> Upping the utilization would help considerably. It could make it possible for the colleges in this study to accommodate 50 percent more students and save $15 million in capital outlay. But, it will not solve the total facilities problem.

This is a key sentence not previously mentioned:

> But it will not solve the total facilities problem.

And here is another key sentence right after it:

> And underestimating the inadequacies of present facilities is resulting in an underestimation of money that will be required for all new construction.

I would like to call to the attention of the Members of the House that if a study were made of the space utilization of the two House Office Buildings and of the Capitol itself, they might come up with a conclusion that we had more space than we could possibly need. If we took all of the space in the hearing rooms and took the space in the caucus rooms, and we figured out exactly how many hours of the day the caucus rooms and the hearing rooms were used, someone might well come up with a report that if there were better utilization we would not need as much space as we now have. But, the factor we ignore is that every single one of our offices is overcrowded and that the third House Office Building is desperately needed if we are to carry out the work before us.

Most of the larger colleges throughout the country have a person who is especially charged with the responsibility of studying space needs and space utilization.

This is not true in the smaller colleges and this was why the Ford Foundation went in. They at no time came up with the conclusion that additional space was not needed. They simply said if it is not utilized better we will need even more facilities than we now are estimating.

To my knowledge, there is no major university which is not constantly and continually struggling to find better ways to utilize space. It is one of the most difficult areas in university planning. The universities are constantly experimenting to see whether they can increase by two or three times the traditional size of recitation sections in order to handle larger numbers. As they do, they find that they have too few classrooms which will hold 50 and 60 students and too many classrooms designed for 15 students. Thus they must decide whether to go to expensive remodeling of obsolete facilities or to place the larger sections in lecture rooms designed to hold several hundred students. To do this leads to inefficient use of space, at least from a statistical point of view.

With the increasing complexity of college science, laboratories in which to teach that science become more complex and more specialized. There is, therefore, an automatic reduction in the general use that can be made of laboratory space. When it is possible through new design to achieve greater versatility in the laboratory, it often means that a laboratory must be vacant 1 hour for every hour it is in use, because it takes fully that time to dismantle one demonstration and set up a different one for a different course.

The report notes that there is a high correlation between the number of small classes in these colleges and poor space utilization. Most of the Nation's colleges and universities recognize small classes as one of their most serious problems. They do not, however, conduct small classes for the sheer pleasure of being wasteful. Rather, they recognize that most of these classes are in the advanced areas of knowledge—many in the fields of greatest concern to the Nation—which can be handled by only a handful of students. The colleges must in short decide whether to conduct a course in solid state physics or advanced differential equations for eight students, knowing that this is expensive in terms of the number involved, or whether to drop such courses and teach only those things that attract large numbers of students.

The Ford Foundation report is an important document which addresses itself toward the solution of this kind of problem. I commend it to the attention of my colleagues in that context. It does not suggest that the needs of education are imaginary. It suggests that the needs are more critical than we realize and points to the need for a multiple approach to the problem.

This report does not, as has been suggested, indicate a need to review H.R. 8900. On the contrary it points to an urgent need for just this kind of legislation.

Reference may also be made to a report put out by the Prudential Insurance Co. for the National Education Association. It is another report which emphasizes our growing needs and is being interpreted by some persons as some kind of reassurance that needs of the colleges are not so great after all.

The report does not minimize the pressures that lie ahead. In fact it says, addressing itself to high school students:

> You make up the beginning of the big postwar baby boom now reaching college age. You are in the forefront of a tremendous population explosion. More than a million young men and women enrolled as first-year students in college last fall. Many, many more will apply in the years immediately ahead.

What is new in the report from which some people take comfort? It is the following statement:

> Somewhere in the United States there is a college for every qualified high school graduate with purpose.

The purpose of the report is to help young people find that college—to alleviate the panic that is being caused as more and more colleges turn away qualified applicants. But how much comfort can we take when the report goes on to point out that in the fall of 1961 no more than 25,000-50,000 unfilled spaces existed in all our colleges?

We know that 5 years from now there will be 1 million more 18-year-old youths than there are this year.

We are not talking about 1961. We are talking about the future. It takes time and planning to provide facilities. We who saw the Third House Office Building authorized in 1955, and are still awaiting the completion of the building, should know that.

The NEA report will serve a useful purpose if it can reduce slightly the concern this year's high school students are experiencing. It will be disastrous if it lulls into inaction those who must plan for the future.

Mr. BROWN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of this resolution.

I think this action is long overdue. We should at least sit down and attempt to thrash out differences between the bill passed by the other body and the bill passed some months ago by this body, with respect to college academic facilities.

Mr. Speaker, I think the conferees will have substantial difficulty with a number of provisions in this bill. The one that has been mentioned most frequently, title II of the bill, the scholarship provision, is presumably not going to cause us any difficulty, but only if the conferees from the other body yield entirely and do not insist upon any provision authorizing scholarships.

Mr. Speaker, I anticipate we will come back, if we are not instructed now, with a request for instructions with respect to title II. Of course I would hope that will not be necessary, that we will not be looking for instructions.

If we seek instructions, and if we should have a rollcall vote then, it seems to me we shall be considering whether or not to provide Federal scholarship assistance under the most unfavorable conditions. This awkwardness of considering this problem under such circumstances could have been foreseen some months ago. For that reason I urged the chairman of the House Committee on Education and Labor to initiate hearings on the entire subject of student assistance so we could come up with proposals of our own.

Mr. Speaker, it is true that our committee has already reported out a scholarship program. This occurred last year. I might point out, however, that this program was substantially different from the one now approved by the other body. We will have no opportunity, should we come back and seek instructions, to alter what the other body is proposing. We will have simply the necessity of either accepting it or rejecting it. I, myself, feel that a full inquiry should be provided in the legislative committee. Then, needless to say, there should be a full opportunity to discuss the whole matter, which is admittedly controversial, on the floor of the House. I feel we should be allowed an opportunity to vote only after the fullest and most careful discussion.

Mr. Speaker, I would like to conclude by saying, if I should be one of the House conferees, that I would very strongly oppose title II in its entirety. I would hope that we would reject this particular program if we should come back for instructions, if the other body should insist upon the inclusion of title II. For that reason I think we should at least proceed with the business of trying to reach an agreement, at least on the less controversial points. Also, we can at least hope for the elimination of the scholarship provision from the bill. Aid for facilities is, I might point out, a subject which has no relation to whether or not we should provide additional student assistance, unless as some argue further aid will simply put more strain on college facilities.

Mr. BROWN. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. QUIE], a member of the committee.

Mr. QUIE. Mr. Speaker, I rise in support of this resolution. As you recall, I was the one who objected to sending this bill immediately to conference. I feel now that my purpose in delaying the bill being sent to conference has been fulfilled. With the excellent statement of the gentleman from New York, the chairman of our committee, Mr. POWELL, we now know that the House conferees will not agree to the scholarship provision which is in the Senate bill and will insist on the House provision. What will happen when the bill comes back to the House we of course do not know. But we have gained this advantage, that if the conferees had accepted the scholarship provision in the Senate bill, the entire bill as it came back to the House would have most likely been turned down, as I hope it would have, and the whole proposition of assistance for academic facilities would have died. Instead, the two issues have been separated and we can vote on the scholarship section by itself.

I think it is important that we go ahead now with aid for academic facilities because there is a need for them, despite the study that was made. It was estimated in the study, as I understand, that something like 25,000 or 50,000 cases of underutilization exist. This is a very small amount—six-tenths of 1 percent to 1.2 percent of the present enrollment. Last fall the enrollment increased by 8 percent. In fact, the underestimation by the Department of HEW was greater than the estimated underutilization.

In section 104 of the House bill, it is stated that this construction of academic facilities must result in an urgently needed substantial expansion of institution student enrollment capacity. If any of these institutions have underutilization they cannot qualify for Federal assistance, and automatically this will be taken care of.

I feel that this proposal of aid for academic facilities should go into effect. But I want to point out, as far as the scholarship provision in the Senate bill is concerned, that the House Committee on Education and Labor has turned that down. They turned it down and offered a different proposal. The House never had an opportunity to work its will on that matter. If the House in any way accepted the Senate proposal we would be denied the right to work our will. I understand the proposal we have come up with now in the House committee and the one the advisory group on higher education came up with last year are not germane and could not be offered as a substitute.

I hope the House will now consider what action it will take in the event the conferees come back for instructions, and at that time take the position that we could not accept the Senate scholarship provision, but rather urge that our committee report legislation which embodies the House will on student assistance. On student loans they have already worked their will.

Mr. BROWN. Mr. Speaker, I yield myself the remainder of the time on this side.

Mr. Speaker, this resolution provides for sending to conference the rather controversial measure, H.R. 8900, a bill to furnish facilities for higher education, which passed the House some time ago, was sent to the other body where it was greatly amended so as to include as one of the provisions in the original bill, title II, which had been stricken out, to spend some $800 million for the granting of scholarships to students attending different colleges and universities.

The bill was so amended in the Senate not only to restore title II of the original bill, the scholarship title, but to add to it some additional language to provide for payments of up to $350 a month, in addition to the scholarships, to the college or university where the particular student receiving a scholarship might be in attendance.

In addition, the other body added several other amendments to the House bill. When the bill was sent back to this body, a unanimous-consent request to send the bill to conference was submitted. That unanimous-consent request was objected to and the bill came before the Committee on Rules to decide whether or not this resolution, or a resolution of this type, to send the measure to conference, should be brought to the floor of the House.

That was some 90 days ago, if I remember correctly. Since that time conditions have changed materially and drastically. Since that time, or, since this question of sending it to conference was referred back to the Rules Committee for consideration, we have seen the so-called Ford Foundation report and also the so-called report from the Prudential Life Insurance Co. statisticians, on studies made by those two great organizations on behalf of different colleges and universities, which indicate there are, at the present time, a sufficient number of different types of college and university facilities and laboratories, to meet all needs, with the exception of perhaps two or three "name" colleges.

In the meantime, other Federal bills have been introduced in the Congress, and are pending before various House committees, to expend greater sums on other educational programs. At the same time, of course, that this particular matter reached the Rules Committee, we still had pending before us a bill dealing with Federal aid for general public education. That was quite a controversial measure, as you recall, and had been held over from the previous session of this Congress.

Since this particular resolution has been before us, we have seen the House Committee on Interstate and Foreign Commerce bring out another educational measure which would provide for the granting of Federal aid to medical and dental schools for the training of doctors, dentists, pharmacists, and others in the general field of the healing arts. That measure was before our committee before we finally took up and discussed the action which should be taken on this particular resolution now before us.

At the time that we had the hearings in the Rules Committee on this resolution to send H.R. 8900 to conference, the chairman of the Committee on Education and Labor [Mr. POWELL] and also Mrs. GREEN, appeared before the committee, and, upon being queried, replied that they would endeavor to maintain the position of the House as far as the question of including in any conference report that might be agreed upon the Senate proposal to add the scholarship provision or title to the bill, and further that they would come back to the House for instructions if such a situation should develop. Mrs. GREEN was very frank in saying that personally she favors the scholarship provision, but that she would attempt to uphold the position of the House.

I was happy, a few minutes ago, to hear the gentleman from New York [Mr. POWELL], the chairman of the Committee on Education and Labor, here in the well of the House state publicly he expects to support, and will support, the position of the House, and, if the other body will not recede from its position as far as scholarships are concerned, and insists upon the inclusion of the scholarship section in the bill, he will come back to the House for instructions and that he will not agree to accept the Senate measure as it now exists.

So I think we have settled that matter to a certain extent.

But I wish to talk, if I may, for a moment or two in a broader way. We have had the House Committee on Education and Labor at the request of the Rules Committee make a study of Federal expenditures of education, mostly for higher education, and to make a report to us, which they did in a very able way. That report shows during the 1958-59 school year the Federal Government spent about $2,460 million, if I am correct, on different forms of Federal aid to education. So I became convinced, as these bills on education were piling up in our committee that, perhaps, it might be the better part of wisdom if the Rules Committee, in behalf of the House, would take a hard look at all of these various educational bills and report to the House on the different measures providing for Federal aid to education that we already have pending. The question was asked in the Rules Committee by the gentleman from Kansas [Mr. AVERY], of the gentleman from New York [Mr. POWELL], as to whether or not he had other bills pending in the House Committee on Education and Labor dealing with further Federal aid to education programs, and he very frankly and very honestly said—"Yes, a number of them"—if I recall his words correctly. And several of those bills are pending there now. Of course, we have before the Rules Committee several other educational measures such as one, I believe, to educate illiterates; and others I am receiving letters and messages about deal with so-called educational problems and plans to spend more Federal money on additional new educational programs. Then we have still another so-called Federal aid to education program pending before the Rules Committee, the Youth Conservation Corps it is called. So it is my opinion that none of these bills should have been reported out by the Rules Committee, or this resolution as it was by a single vote, until all Federal aid to education bills would be available for study. For that reason, I opposed this particular resolution being reported by the Committee on Rules.

Mr. SMITH of Virginia. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, I think there is no controversy about sending this bill to conference; and the conditions under which it is sent have been very frankly stated and have been agreed to both by the members of the Committee on Rules and the members of the Committee on Education and Labor. So I am supporting the rule. I know of no objection to it and I hope it will be adopted.

Mr. Speaker, I want to talk about the general situation of Federal aid to education because in all the years I have been here, I do not think I have ever seen anything so completely and hopelessly confused on anything that has come before this Congress as the situation now on Federal aid to education. I have gone to a lot of hard work and trouble to try to give you some facts and figures about the situation and to show you how it is completely out of hand, with the hope that those who do not care to listen to what I have to say will at least read the facts and figures which will appear in the RECORD. This situation involves a tremendous amount of money.

We have a great amount of money involved in this whole program, money that we do not have, money that we have to go out and borrow. I want to compare the House bills for a moment.

The House bill, H.R. 8900, provides grants for this coming year of $180 million and loans of $120 million, which is $300 million for this year. It runs for 5 years, and the total for 5 years is the sum of $1,500 million.

The Senate bill provides for loans for construction and facilities of $350 million this year—and scholarships. That is the question that is in controversy between the House and the Senate. That makes a total of $302 million for this year, and the total for 5 years on that bill is $2,700 million.

One important difference which I hope the conferees on the part of the House will consider very seriously, because it is going to cause a lot of trouble if they do not—you have heard a lot of talk about back-door spending. The House bill provides for appropriations, which is the proper way. The Senate bill provides for borrowing from the Treasury or what we call back-door spending. I hope you will all bear in mind that if the bill comes back that way there is going to be a powerful ruckus before it ever gets through this House.

It just happens that at about the same time that we have these two bills up there we have another bill from the Interstate and Foreign Commerce Committee. This bill before us is from the Committee on Education and Labor. In the case of the bill from the Committee on Interstate and Foreign Commerce—maybe I ought not to be talking about it at this time, but I am trying to give you the picture of the whole situation as it exists today. That is a bill to aid medical colleges and it provides this year grants for construction facilities (the same as this other bill) of $75,500,000; and it provides for scholarship loans $54 million, or a total of $80 million for this year. But it runs for 10 years, and the total tab on that bill for 10 years is $1,013 million.

That is a clear overlapping of the two bills. I do not know whether the medical colleges could get aid under both of these bills, but there is nothing in the bill that says they shall not.

Mr. HARRIS. Mr. Speaker, will the gentleman yield briefly at that point?

Mr. SMITH of Virginia. I yield.

Mr. HARRIS. In view of the last meeting I attended of the gentleman's committee I have discussed this thing. We now have a report from the Department of Health, Education, and Welfare. According to that report colleges receiving aid under this program would not be eligible for aid under the other program.

Mr. SMITH of Virginia. I thank the gentleman. We are discussing these bills as they appear today, not as they may appear at some future time. We are talking about the situation as it exists this afternoon. I am not talking against the merits of the bill of the gentleman from Arkansas. What I am talking about is the utter confusion and inability of anybody to find out what we are spending on education and what we are spending it for and where we are spending it and who is getting it. I would say that the medical college facilities bill is eligible under either the Senate or the House bill. The House bill and the medical bill are both eligible for loans under the Housing Act. I do not know how many Members know about it, nor do I know how it got into the Housing Act, but you remember last year Congress was in such a hurry to pass that $10 billion Housing Act that they threw everything into it including the kitchen stove, and nobody seemed to notice; but that contains loans to colleges to the tune of $325.8 million a year. So there are these three bills I have been talking about, all affecting this matter, and the institutions eligible under the last two bills are also eligible under the housing bill which came out of the Banking and Currency Committee. There are $325 million a year that you approved and made available for that purpose in the housing bill. All of the foregoing bills I have been talking about are eligible for loans under the National Science Foundation, and the National Science Foundation has a fund for college aid amounting to $360 million.

The national defense education bill we extended last year, and all of those bills are eligible. The national defense education bill provides $225 million a year.

To sum up, it seems that the objects sought to be aided under the pending bills are eligible for loans or grants or scholarships out of one or all of the following bills already passed by a previous Congress:

The housing bill, $325 million a year for education.

The National Science Foundation bill, $360 million a year.

The national defense education bill, $225 million a year.

There is a fund that Congress has already passed totaling $910 million a year, and the objects of any one of these bills are eligible, if they are meritorious, to get loans.

Now comes the question of whether there is really a need for any of these bills. I want to quote you some information. The National Education Association keeps in constant touch with Members of Congress trying to get money for aid to education. Now, you would not think that the National Education Association would give you a statement that is not correct. Here are two pamphlets put out by them recently, and I am going to quote briefly from them because my time is limited.

Here is what the National Education Association says recently in one of these pamphlets:

> If family hopes are pinned on one of the highly competitive colleges, there may be cause for concern. But you don't need to lose too much sleep for fear that increasing enrollments may crowd your child out of college altogether. Somewhere in the Nation there is still space in an accredited college for every high school graduate.

The other and more recent statement gives you some figures. It states:

> The present college enrollment crisis is, as one college admissions officer calls it, a statistical illusion. Things are not as bad as they may seem.
>
> There are over 2,000 institutions of higher education in this country. The scare headlines are talking about only a hundred or so.
>
> The admissions officer of one of the largest private universities in the country states that half of all college applications are sent to fewer than 10 percent of the colleges. Naturally, most of these have to be turned down. They help build the false idea that there isn't any room in college.
>
> But surveys which have been made of all colleges agree that there is room for the qualified student in a good college. Although many colleges are overcrowded and students are being turned away from some, estimates indicate there are 25,000 to 50,000 more places in colleges around the country than are actually being filled.

That statement is from the National Education Association.

Now, the National Educational Association also puts out a magazine. You will find on page 12 of that magazine of March of this year a full page of discussion of the vast amount of money that they have been able to pry out of the U.S. Congress for national aid to education. It shows an astounding thing. That is the enormous increase which has been made since the close of the books on the 1962 budget, and the proposed budget for 1963.

The budget that was issued last year for the year 1962—and that is this year—the total for education was $860 million, and then in another column they give you the budget for 1963, and if you are interested in this subject, this is going to astound you. From $860 million in 1962, the budget for this year is $2,444 million, or an increase this year of 300 percent. Of the total new programs for this year's budget for 1963 there is a $1,052 million increase of new projects which is not included in the increase for the old projects.

The most enlightening study on the bewildering confusion of the Federal aid to education comes from a report printed by the Committee on Education and Labor in April of this year. The report is a "Directory of Federally Financed Student Loans, Fellowships, and Career Training Programs in the Field of Higher Education in the United States." It does not purport to cover college grants for buildings and other facilities.

I commend the Committee on Education and Labor for their awareness to the confused condition in which the whole educational program is now involved and for the extensive work of getting together this directory. Every Member of Congress should get a copy and study it. It refers to the programs for the years 1958 to 1959, and I am informed by the committee that their study has not been completed. But it does show that educational programs for that period are scattered over 20 departments and agencies, and the total expenditures for the fiscal year 1959 aggregated at that time $2,413,186.

In conclusion I want to say a word about the total budget.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. Briefly.

Mr. GROSS. Can the gentleman tell me whether in this proposal there are grants provided for private and parochial schools?

Mr. SMITH of Virginia. Yes. There is no discrimination. It provides for all colleges. It provides for all private and public institutions. There is no discrimination made in the bill.

I would just like to say a word about the state of the total budget. If you look at the budget, page 63, House document 266, part I, you will find on page 34 a summary total of the budget for 1961. That is the only budget that has been closed out. That budget was for $81 billion.

Now, the budget proposed for 1963 jumped from $81 billion in 1962 to $99.3 billion in 1963 plus other things that have come in since, the largest item of which is the $600 million asked for in the event of a depression. There is an increase of $18 billion, approximately. You are going to run over, inevitably, a $100 billion budget before you get through if you authorize and appropriate everything that is asked for, including the school bills that you are going to have before you get through.

A lot of people say our increased appropriations are due to the military expenditures. Well, that was increased between $7 billion and $8 billion, but these other large increases of about 11 bills this year are on civil matters, on welfare matters, on do-good matters. All of these other things are very nice to have if you have the money, and the question you are going to determine before this season is over is, Have you got the money?

Now, I would like to take the liberty of reading a speech that all of you should have heard by the gentleman from Texas [Mr. MAHON], when he opened the debate on the armed services bill. The gentleman from Texas [Mr. MAHON] said this:

> If you extend this period through fiscal year 1962, 1954 through 1962, which will conclude June 30 of this year, the increase in defense spending over 1954, according to current budget estimates, is 9 percent, and the increase in nondefense spending is 85 percent.

So, this great increase is due not to your military affairs.

Mr. Speaker, that budget is the largest budget that any nation has ever in the history of civilization spent. Then, what is going to happen when these other bills are passed? You have already been notified as to what is going to happen. There is going to be a request to increase the national debt limit, increase the national debt limit again—you have already increased it once this year—to a total of $10 billion in order to pay the bills. The $10 billion is the money that you are spending on domestic affairs when you ought to be tightening your belt in view of the great amount of money that you have to spend on national defense. We have always operated on that basis heretofore. Some of these very fine things can wait a little while. But what is going to happen when this bill is presented for all of this extra money, and you are asked to increase the debt limit by $10 billion?

Mr. Speaker, we have been on a great spending spree in this country. I do not know whether we are beginning to sober up or not. Perhaps, when the time comes around to pay the bill we will wave a lordly hand and say "all right; increase the debt limit and charge the bills to our grandchildren." Now, is that what you are preparing to do? The question is going to be upon you from now until the end of this session.

The SPEAKER. The time of the gentleman from Virginia [Mr. SMITH] has expired. All time has expired.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. FULTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 295, nays 77, not voting 65, as follows:

[Roll No. 85]

YEAS—295

Adair
Addabbo
Albert
Andersen, Minn.
Anfuso
Aspinall
Auchincloss
Avery
Ayres
Bailey
Baker
Baldwin
Baring
Barrett
Barry
Bass, N.H.
Bass, Tenn.
Bates
Becker
Beckworth
Bell
Bennett, Fla.
Bennett, Mich.
Betts
Blatnik
Boggs
Bolling
Bolton
Bonner
Brademas
Bray
Breeding
Bromwell
Brooks, Tex.
Broomfield
Broyhill
Buckley
Burke, Ky.
Burke, Mass.
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Cederberg
Celler
Chamberlain
Chelf
Chenoweth
Clark
Coad
Cohelan
Conte
Cook
Cooley
Corbett
Corman
Curtin
Daddario
Daniels
Davis, James C.
Davis, John W.
Davis, Tenn.
Delaney
Derounian
Derwinski
Diggs
Dingell
Dominick
Donohue
Dooley
Downing
Doyle
Dulski
Dwyer
Edmondson
Ellsworth
Everett
Fallon
Farbstein
Feighan
Fenton
Finnegan
Fino
Flynt
Fogarty
Ford
Forrester
Fountain
Frazier
Frelinghuysen
Friedel
Fulton
Gallagher
Garland
Garmatz
Gilbert
Glenn
Goodell
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gubser
Hagan, Ga.
Hagen, Calif.
Halleck
Harding
Harris
Harsha
Harvey, Mich.
Hays
Healey
Hechler
Hosmer
Hull
Ichord, Mo.
Inouye
Jarman
Jennings
Johnson, Calif.
Johnson, Md.
Johnson, Wis.
Jones, Mo.
Judd
Karsten
Karth
Kastenmeier
Keith
Kelly
Keogh
Kilgore
King, Calif.
King, N.Y.
King, Utah
Kirwan
Knox
Kornegay
Kowalski
Kunkel
Kyl
Laird
Landrum
Lane
Langen
Lankford
Latta
Lennon
Lesinski
Libonati
Lindsay
Lipscomb
Loser
McCulloch
McDonough
McDowell
McFall
McIntire
Macdonald
MacGregor
Mack
Madden
Magnuson
Mailliard
Marshall
Martin, Mass.
Mathias
Matthews
May
Meader
Merrow
Miller, Clem
Miller, George P.
Miller, N.Y.
Mills
Minshall
Moeller
Monagan
Moore
Moorehead, Ohio
Moorhead, Pa.
Morgan
Morris
Morrison
Morse
Mosher
Moss
Multer
Murphy
Natcher
Nedzi
Nelsen
Nix
Norblad
Nygaard
O'Brien, Ill.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
O'Neill
Olsen
Osmers
Ostertag
Patman
Pelly
Perkins
Peterson
Pfost
Philbin
Pike
Pilcher
Pirnie
Poage
Powell
Price
Pucinski
Purcell
Quie
Randall
Reece
Reifel
Reuss
Rhodes, Pa.
Riehlman
Rivers, Alaska
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney
Roosevelt
Rosenthal
Rostenkowski
Roush
Rutherford
Ryan, Mich.
Ryan, N.Y.
St. Germain
Santangelo
Schenck
Schneebeli
Schweiker
Schwengel
Scranton
Seely-Brown
Shipley
Shriver
Sibal
Sikes
Sisk
Smith, Iowa
Smith, Va.
Spence
Springer
Stafford
Staggers
Steed
Stephens
Stratton
Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Thornberry
Toll
Tollefson
Trimble
Tupper
Udall, Morris K.
Ullman
Vanik
Van Zandt
Vinson
Wallhauser
Walter
Watts
Weis
Westland
Whalley
Widnall
Willis
Wilson, Calif.
Wright
Yates
Young
Younger
Zablocki
Zelenko

NAYS—77

Abbitt
Abernethy
Alexander
Alger
Anderson, Ill.
Arends
Ashbrook
Battin
Beermann
Belcher
Berry
Bow
Brown
Bruce
Burleson
Cannon
Chiperfield
Church
Clancy
Collier
Colmer
Cunningham
Dague
Devine
Dole
Dorn
Findley
Fisher
Gary
Gathings
Gavin
Gross
Haley
Hall
Harrison, Va.
Harrison, Wyo.
Hemphill
Henderson
Herlong
Hiestand
Hoeven
Hoffman, Ill.
Jensen
Johansen
Jonas
Kilburn
McMillan
McSween
McVey
Mahon
Martin, Nebr.
Mason
Michel
Passman
Pillion
Poff
Ray
Rhodes, Ariz.
Riley
Rivers, S.C.
Roudebush
Rousselot
St. George
Saylor
Schadeberg
Scherer
Short
Smith, Calif.
Taber
Utt
Van Pelt
Waggonner
Wharton
Whitener
Williams
Wilson, Ind.
Winstead

NOT VOTING—65

Addonizio
Alford
Andrews
Ashley
Ashmore
Blitch
Boland
Boykin
Brewster
Casey
Cramer
Curtis, Mass.
Curtis, Mo.
Dawson
Dent
Denton
Dowdy
Durno
Elliott
Evins
Fascell
Flood
Giaimo
Gonzalez
Granahan
Grant
Green, Pa.
Halpern
Hansen
Hardy
Harvey, Ind.
Hébert
Hoffman, Mich.
Holifield
Holland
Horan
Huddleston
Joelson
Jones, Ala.
Kearns
Kee
Kitchin
Kluczynski
Milliken
Montoya
Moulder
Murray
Norrell
O'Brien, N.Y.
Rains
Roberts, Ala.
Saund
Scott
Selden
Shelley
Sheppard
Siler
Slack
Smith, Miss.
Stubblefield
Tuck
Weaver
Whitten
Wickersham

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Tuck against.

Until further notice:

Mr. Kitchin with Mr. Cramer.
Mr. Scott with Mr. Siler.
Mr. Green of Pennsylvania with Mr. Horan.
Mrs. Granahan with Mr. Curtis of Missouri.
Mr. Ashmore with Mr. Durno.
Mr. Ashley with Mr. Harvey of Indiana.
Mr. Brewster with Mr. Curtis of Massachusetts.
Mr. Dent with Mr. Kearns.
Mr. Holland with Mr. Halpern.
Mr. Shelley with Mr. Weaver.
Mr. Sheppard with Mr. Milliken.
Mr. Holifield with Mr. Hoffman of Michigan.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following Members as conferees on the part of the House: Mr. POWELL, Mrs. GREEN of Oregon, Mr. BRADEMAS, Mr. GIAIMO, Mr. KEARNS, Mr. QUIE, and Mr. GOODELL.

ARBUCKLE RECLAMATION PROJECT, OKLAHOMA

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 624.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 23) to authorize the Secretary of the Interior to construct, operate, and maintain the Arbuckle reclamation project, Oklahoma, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. TRIMBLE. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Kansas [Mr. AVERY], and at this time I yield myself such time as I may consume.

Mr. Speaker, House Resolution 624 provides for the consideration of H.R. 23, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Arbuckle reclamation project, Oklahoma, and for other purposes. The resolution provides for an open rule with 1 hour of general debate.

The project is a multiple-purpose one in south-central Oklahoma. Through the regulation and storage of the flows of Rock Creek, a tributary of the Washita River, the project is designed to provide municipal, domestic, and industrial water supplies, flood control, and fish and wildlife and recreational opportunities.

The communities in the area that would be served by this project have long recognized the need for a dependable water supply but the urgency of the situation became evident during the severe drought of the 1950's. During this period the communities experienced serious shortages of water, even for human consumption and fire protection. At the peak of the drought in 1956, the use of water had to be rationed in the project area. All springs in the area went dry and the water level in the wells dropped as much as 18 feet. While a number of new wells have been drilled recently, the underground water supply is not considered a firm source for meeting the needs in the project area.

In addition to the drought conditions which have prevailed in the area, the communities are experiencing a rapid expansion in population which creates an ever-expending need for water.

Although the flood-control benefits from the project are not high, they are important. The reservoir would reduce periods of downstream flooding with the suffering and damage consequent thereto. The storage of flood water in the reservoir during the period of the project operation study would have prevented all flooding along Rock Creek and reduced the magnitude of floods on the Washita River.

Mr. Speaker, I urge the adoption of House Resolution 624.

Mr. TRIMBLE. Mr. Speaker, I yield 5 minutes to the gentlewoman from Michigan [Mrs. Griffiths].

Mrs. GRIFFITHS. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. GRIFFITHS. Mr. Speaker, today, Detroit has been without a daily newspaper for 26 days. Do you know what it is like to live in a great metropolitan city without a daily newspaper? I will tell you. It is not just that we do not know who the new President of Colombia is; we do not even know Kaline's batting average. Nobody knows what Dick Tracy is doing. We have forgotten the exact hour "Gunsmoke" comes on. We are struggling along without personal advice from Ann Landers or a diagnosis of the world by Walter Lippmann. They might as well have withheld all of the Pulitzer prizes. We do not know who won any of them. We have no idea whether to buy or sell. No financial pages. Nobody tells us what our neighbors are griping about—no letter box. Politics is hot in Michigan this year and we do not even know what the candidates are saying about each other. If you die in Detroit, the undertaker attends the funeral. Nobody else even knows you are dead.

Concerts and theaters, lectures and picture shows now draw smaller crowds. Not enough know what is playing. The great national pastime of shopping has slowed down. No ads to lure the customers. Thus the business cycle slows; the possible jobs in other fields diminish and you cannot look in the help-wanted columns if you are out of a job. No paper.

There is one business though that the lack of newspapers has helped. Murder and its allied criminal activities. If the public does not know about the crime, they do not feed clues to the police, thus increasing the opportunity of the criminal to escape scot free. So life is not quite as safe in Detroit these days.

This year, Michigan has held its first constitutional convention in 54 years. The past few weeks have been the critical weeks of that convention, and yet Detroit has no information on those measures which may control the lives of their people for more than 50 years in the future.

A pressing and critical issue in the State legislature has been taxes. I have no idea what has happened. I had to call my State senator to learn if my own congressional district retained the same boundaries.

Democracy cannot survive without an informed people. In a great city much of that information is supplied by local newspapers, discussing local issues. The welfare of the business community, management, and worker alike, the social and intellectual life, the safety of the citizens depend to a far greater degree than you think upon daily newspapers.

If this had been one strike of 26 days duration, perhaps it could be more easily understood; but two strikes have already been settled. On settlement, a different union strikes. There are 17 unions. Whatever their point, it seems to me these unions have made it. They have shown their power. They can inconvenience millions. And Detroit, a highly organized union town, has shown its respect.

No one has yet suggested that the right to strike be withdrawn, but it must be considered that the public will not tolerate a strike of schoolteachers or of hospital workers. They have correctly equated the right to know and to learn with the right to live. Newspapers contribute to the right to know and to learn. Those who do not think so are the true spiritual inheritors of the Dark Ages. It is unthinkable that the city of Detroit should be subjected to this continuing disruption of its daily life. Whatever their differences with management, all of these unions should have been able to adjust them during these 26 days. It is time now for them to live up to their responsibilities to their community and to give back to Detroit the right to know. Should they fail, then I am going to call this strike to the attention of President Kennedy and the Secretary of Labor.

Mr. TRIMBLE. Mr. Speaker, I reserve the balance of my time.

Mr. AVERY. Mr. Speaker, I wonder if I yielded the gentlewoman from Michigan [Mrs. Griffiths] 1 minute, if the gentlewoman would direct her attention to me, please?

Mrs. GRIFFITHS. Yes.

Mr. AVERY. Mr. Speaker, I am most sympathetic to the situation which the gentlewoman from Michigan has described in Detroit involving the newspapers, but I have been following this only through what new media has been available to me in the public press.

Mrs. GRIFFITHS. I tell the gentleman from Kansas now that there is none available to us.

Mr. AVERY. Will the gentlewoman hear me out and will she not agree with me that the some 20-odd broadcasting facilities in the Detroit area have been doing a splendid job insofar as disseminating news insofar as they are able to do so?

Mrs. GRIFFITHS. They have done very well, but one cannot remember all of the batting averages. One needs to look back.

Mr. AVERY. I think if that becomes a critical matter, probably the gentlewoman could obtain from the broadcasting facilities their logs for that day. Probably that information could be made available to the gentlewoman.

Mrs. GRIFFITHS. I thank the gentleman for his suggestion.

Nevertheless, do not try to live without a newspaper.

Mr. AVERY. I hope I do not have to do so.

Mr. GRIFFIN. Will the gentleman from Kansas yield to me briefly?

Mr. AVERY. Yes; if I have the floor, and I think I do.

Mr. GRIFFIN. As another Michigan representative, I want to associate myself with the remarks made by the distinguished gentlewoman from Michigan [Mrs. Griffiths] and to commend her for her courageous and forthright statement of the very serious problem which confronts us in the Detroit area.

Mr. AVERY. Mr. Speaker, I yield myself as much time as I may consume, and I shall consume virtually none.

Mr. Speaker, I know of no opposition to this resolution making in order the consideration of House Resolution 23, and I know of no opposition to this resolution itself. I would only like to remind my colleagues from the Middle West that represent basically agricultural areas such as I do, that despite the fact this is a so-called reclamation proposal, it does not provide for any irrigation and will not bring any more land into production than is already being farmed in that particular area. So, with that assurance, Mr. Speaker, I support the resolution and I support the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRIMBLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ACQUISITION OF A PATENTED MINING CLAIM

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 623 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 383) to provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Arkansas is recognized for 1 hour.

Mr. TRIMBLE. Mr. Speaker, I yield 30 minutes to the gentleman from Kansas [Mr. AVERY] and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 623 provides for the consideration of S. 383, a bill to provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park, and for other purposes. The resolution provides for an open rule with 1 hour of general debate.

The purposes of S. 383 are to provide a basis for the elimination of one of the few remaining private inholdings in Grand Canyon National Park and to compromise a dispute between the United States and the owners of this inholding with respect to extralateral mineral rights.

Grand Canyon National Park, established as a national monument in 1908 and as a park in 1919, still has within its boundaries approximately 372 acres of privately owned land. The Orphan mining claim, which is the subject of S. 383, is one such ownership. Its 21 acres are partly on the very rim and partly on the slope of the canyon. On the claim are located a 26-cabin motel, an aerial tramway, a 60,000 gallon water tank, and other mining facilities.

The Orphan mining claim was patented before the Grand Canyon National Monument was established. With the development of atomic weapons and energy, the uranium deposit within the claim has been heavily exploited. Question has arisen, however, about the rights of the owners to pursue this deposit beyond the vertical extension of their surface boundaries.

Ore from the claim is supplied to a mill in Tuba City, Ariz., where it is mixed with ore from other mines in the vicinity in order to upgrade the latter. Continued operation of the mill and of its supplier mines is important to the economy of the Navajo Indian Tribe, a number of whose members depend on this for employment. An allocation to the Orphan mine by the Atomic Energy Commission beyond March of this year awaits settlement of the problem involved in this bill.

In these circumstances, enactment of S. 383 seems desirable.

Mr. Speaker, I urge the adoption of House Resolution 623.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TRIMBLE. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. Is this bill similar to or the same bill that was called up under suspension of the rules some time ago, and defeated in the House?

Mr. TRIMBLE. My recollection is that it is the same bill, word for word.

Mr. GROSS. I thank the gentleman.

Mr. AVERY. Mr. Speaker, I think this matter has been fully discussed. On February 5, I might say to the gentleman from Iowa [Mr. GROSS] it was called up under suspension of the rules and failed to receive the necessary two-thirds vote. There is some opposition to the bill. I know of no opposition to the rule.

Mr. Speaker, I have no further requests for time.

Mr. TRIMBLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ARBUCKLE RECLAMATION PROJECT, OKLAHOMA

Mr. ROGERS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 23) to authorize the Secretary of the Interior to construct, operate, and maintain the Arbuckle reclamation project, Oklahoma, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 23, with Mr. SIKES in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. ROGERS of Texas. Mr. Chairman, I yield 7 minutes to the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Chairman, the Arbuckle project which would be authorized by H.R. 23 is another in a series of projects my committee has brought to the House that are for the principal purpose of assisting cities and towns in the lower Great Plains area to meet their existing and future municipal water needs. Faced with a rapidly growing population and industry the municipalities in this area of the country are finding it harder and harder to meet their ever-expanding needs from ground water sources, and are having to resort to the exportation of water from major streams. Because of the high cost of these projects due to storage costs and the considerable distances that are involved, the cities are finding it necessary to join together and with the Federal Government in multiple-purpose developments that will serve such other purposes as flood control, irrigation, fish and wildlife and recreation—purposes in which the Federal Government has a major interest.

In 1950, we authorized the Canadian River project in Texas which will furnish municipal water to Amarillo and other Texas cities. In 1956, we authorized the Washita project in Oklahoma to furnish water to Clinton, Anadarko and four other Oklahoma cities. In 1957, we authorized the San Angelo project to meet the expanding municipal water needs of that city, and in 1960, we authorized the Norman project in Oklahoma and the Cheney project in Kansas. The Norman project will furnish water to Norman and two other Oklahoma cities, as well as the Tinker Air Force Base, and the Cheney project will meet the expanding water needs of the city of Wichita. The Cachuma and the Ventura projects in California which have been completed are similar projects in that they are primarily for supplying municipal water.

Federal participation in these projects is justified not only because municipal water supply is becoming more and more a national problem but because of the multiple-purpose aspects of these developments. All of the projects include flood control, fish and wildlife recreation. Some include irrigation. So far as municipal water costs are concerned, they are fully repaid with interest, with the one exception that where storage for future use is included, up to 30 percent of the reservoir cost can be interest-free for a 10-year period under the provisions of the Water Supply Act of 1958.

An additional justification, with respect to Oklahoma, is that this type of project gives that State an opportunity to receive some assistance from the reclamation fund to which it contributes materially from the sale of public lands and the mineral leasing program.

The Arbuckle project is a proposed multiple-purpose development in south-central Oklahoma. Through the regulation and storage of the flows of Rock Creek, a tributary of the Washita River, the project would provide domestic and industrial water for four Oklahoma cities and a nearby oil refinery. In addition, it would provide for a considerable degree of flood control along Rock Creek and the Washita River. It would also provide fishing, hunting, and recreational opportunities in an area where such opportunities are extremely limited. There is no irrigation in this project.

The Arbuckle project proposal grew out of the severe drought in this part of the country during the 1950's. During this period the communities in the area experienced serious shortages of water and began to realize that they must take action to resolve not only their serious existing water problem but that they must find a dependable source of water to meet their future needs. By first organizing a committee and then an association, the civic leaders of the cities involved were able to get the project moving. The association contributed funds and services to expedite the necessary project studies by the Bureau of Reclamation. The project has the endorsement of the administration, having been approved by the Secretary of the Interior and the Bureau of the Budget.

This is a meritorious project and I hope that it will be approved.

Chairman WALTER ROGERS of the subcommittee handling the legislation will discuss the technical and economic aspects of the project.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my distinguished colleague, a member of the committee, the gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. I merely wanted to commend the chairman of the committee for his splendid opening statement. I may say further that this is the first project of its kind in eastern

Oklahoma and the first, to my knowledge, in the Third Congressional District of that State.

Mr. ASPINALL. In this particular area; the gentleman is correct.

Mr. EDMONDSON. Mr. Chairman, there is no question about the need for this project, and the strong public support for it in the district of our distinguished colleague, the majority leader.

As the Representative of the Second District, which adjoins the Third District on the north, I am happy to have this opportunity to support this bill.

It is essential to the growth and development of an important part of our State, and I strongly urge its approval.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. GROSS. May I ask the gentleman to explain the meaning of section 8 on page 6 of the bill:

> Expenditures for Arbuckle Reservoir, and the water supply aqueduct system, may be made without regard to the soil survey and land classification requirements of the Interior Department Appropriation Act, 1954 (43 U.S.C. 290a).

What precisely does this mean?

Mr. ASPINALL. It simply means we have placed within this act, as we do with all the reclamation acts, the language which we usually use in authorizing reclamation projects. Inasmuch as there is no irrigation in this particular project, this language of course is more or less meaningless.

Mr. GROSS. Meaningless to the bill?

Mr. ASPINALL. Meaningless to the project, yes.

Mr. GROSS. Neither now nor later there will be any irrigation projects coming from this project; is that correct?

Mr. ASPINALL. The gentleman is correct. I for one am sorry to have to say that, because I like to see our West developed. However, in the West uses of water for domestic purposes and industrial purposes have a higher priority than they do for irrigation purposes. This is a water resource development program. The water is needed for domestic purposes. Consequently, the bill provides for such use.

Mr. GROSS. An oil refinery is going to be provided a huge amount of water from this project?

Mr. ASPINALL. That is right.

Mr. GROSS. What are the refiners going to pay?

Mr. ASPINALL. They will pay the cost of the water and they will enter into a contract with the master conservancy district just the same as the other user organizations will do, and keep the cost of the project allocated to those purposes paid in full.

Mr. SAYLOR. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman and members of the Committee, the Arbuckle reclamation project which will be authorized by this bill is unique. It is unique because it places no land in cultivation; it places no water on land; and authorizes the use of the water to be stored in the reservoir for domestic and industrial purposes, flood control, fish and wildlife, and recreation. The reason for this unusual situation grows out of the fact that the State of Oklahoma is a reclamation State and as such contributes moneys to the reclamation fund. In this area there has been no need for placing water on the land for agricultural purposes and the only manner in which the people of Oklahoma can receive any benefits from the moneys which they have paid into this fund over the years is through a project of this type. The project is a multipurpose reservoir. It provides for flood control. It provides for fish and wildlife. It provides for domestic and municipal water. The type of river that runs through this area carries with it a great deal of silt and in order to make sure that portion of the reservoir which will be charged to flood control will not have to bear all of the siltation that occurs in this river, the subcommittee and the full committee added an amendment to section 2 which provides that so long as space is available in the reservoir for all of the purposes, each purpose must bear its equitable share of the sedimentation. This provision was not placed in the Norman project nor in the other projects in Oklahoma. I feel this change which we have made is a tremendous advance.

I might say to my colleagues of the House who come from the reclamation States that water has become and is daily becoming more important not only in the arid West but also in the populous East. Many cities and towns in the congressional districts in the eastern part of the United States find there is absolutely no agency in the Federal Government that they can turn to to give them a helping hand and to give them such low interest money to help them build any water works for domestic or industrial users. One of the advantages that the Western States have now for industries that are looking for new locations is to say to such industries that through reclamation projects that have been authorized by the Congress, they have a new and a full supply that can be used for industrial purposes. With the authorization of this bill, I certainly hope that the Members of the Congress will, in the next session, amend the reclamation law and bring it up to date and make it apply not just to the 17 Western States but to all of the United States. I do not believe that those who live in the West who have now become fullfledged citizens believe that they have to have any advantage that the other States do not have.

They should not expect that the people who live in the East and who over the years have made it possible for the West to grow and develop should continue to have to give to the West this nice low interest proposition, which in fact is at a rate below what it costs the Government to go out and borrow money today.

It is interesting to those of us on the committee who have followed the history of reclamation to realize that when the first act was passed in 1902, the then President of the United States suggested that in an effort to help those projects in the West that were going to be authorized, that interest-free money be given to them for a period of 10 years. It soon became apparent that the 10-year period was not sufficient, so we gave them interest-free money for 20 years. Then it became apparent that that would not work out so we changed the law to make it 40 years. It is customary now to give them interest-free money for 50 years or for 100 years, and we have some projects on our books which this Congress has authorized which have interest-free money to infinity—they will never pay out.

I feel therefore that the eastern part of the United States should have some of these same benefits, and I am going to call upon those Members who come from the West and that area which is growing so rapidly; each one of those States is proud of its exploding population, and we are glad to see them grow, but having grown and become fullfledged members of the family, I hope that they now have some appreciation for their parents who made it possible for them to grow and expand; and now that they are fullgrown citizens I hope they will extend back to their progenitors some of the same favors that the East gave to them.

As was called to our attention by our colleague, the gentleman from Iowa [Mr. KYLE], this project will furnish some water to the Kerr-McGee Oil Co. One of the reasons this project is possible is that the Kerr-McGee Co. has indicated that they are perfectly willing to buy and pay whatever charges are made for water in its area. This, I think, is indicative of the fact that this company appreciates the growing population in the area, the growing industrial importance, and the fact that they as a large taxpaying citizen are perfectly willing to assume their full share of the responsibilities of this project.

I want to commend the chairman of the subcommittee, the gentleman from Texas [Mr. ROGERS], for insisting that section 9 of the bill as originally introduced be deleted. This section as originally introduced was what was known as an open-end authorization. When the committee under his chairmanship handled the bill they struck out section 9 and insisted that the figures presented by the Bureau of Reclamation, Department of the Interior, be inserted in the bill and that they be authorized not just an untold amount of money, but the amount the Department has stated will be sufficient for the completion of this project; namely, $13,340,000 plus or minus such amounts as may be justified by fluctuations in construction costs and reflected by engineering cost indexes.

As has been stated, this project has in it a 50-year payout period. It is my sincere hope that when the water conservancy district actually has water available from this project they will take a very realistic look at the rates that they should charge for their water; and I hope that as a result of that realistic look they will be able to enter into contracts that will pay out the amount of money which has been borrowed from the Federal Treasury in 40 years, bringing this project within reclamation law as it is written on the books today.

I urge all of the members of the committee in the House to vote favorably on this piece of legislation.

Mr. ROGERS of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as Chairman ASPINALL has indicated, the subcommittee of which I am chairman gave considerable study to H.R. 23 to authorize the Arbuckle project. Public hearings were held during which the committee received testimony from officials of the Department of the Interior and of the cities which will be served. The committee also received testimony from our distinguished majority leader, in whose district this project is primarily located. All the testimony received by the subcommittee was favorable to the enactment of H.R. 23. I know of no opposition to this legislation.

The Arbuckle project works would consist of a dam and reservoir with a capacity of about 226,000 acre-feet and a total of about 45 miles of pipelines which would deliver municipal and industrial water to the cities of Ardmore, Davis, Sulphur and Wynnewood and to a nearby oil refinery. The project would yield about 16½ million gallons of water daily for municipal use and ultimately the project cities will need their entire amount. Water treatment and purification would be the responsibility of the project cities and not a part of this project.

Upon its completion the project would be operated by the Arbuckle Master Conservancy District, which is presently in the process of organization under Oklahoma State law. This district would operate the project for flood control under an agreement with the Department of the Interior to assure that Federal interests are fully met. It is contemplated that recreational facilities will be administered and operated by an appropriate State agency, also under an agreement with the Department of the Interior.

The district would contract with the United States for repayment of the reimbursable costs of the project and, after the completion of payment, the district would have a permanent right to the use of that portion of the project storage assigned to municipal water supply purposes.

The estimated construction cost of the Arbuckle project is $13,340,000. Of this amount $10,599,000 is allocated to municipal and industrial water, $362,000 to flood control, $1,929,000 to fish and wildlife, and $450,000 to recreation. The amount allocated to municipal and industrial water supply is to be repaid with interest within a period of not more than 50 years, except that under the Water Supply Act of 1958, about $2.1 million would be interest-free for a 10-year period because of the inclusion of storage for future use. The amount allocated to the other purposes would be nonreimbursable. To meet the repayment requirements it is estimated that an equivalent unit rate for all water delivery would be about 11 cents per thousand gallons.

From an economic standpoint the Arbuckle project is one of the best the subcommittee has considered, having a benefit-cost ratio of 1.93 to 1 over a 100-year period of analysis or a 1.59 over a 50-year period of analysis, on the basis of direct benefits.

All the project cities have, by formal resolution, endorsed and expressed their support for the Arbuckle project and have indicated their willingness to repay, in accordance with the terms set out in the bill, the reimbursable portion of the project costs.

As a result of the hearings and consideration given to the Arbuckle project the committee concluded that the Arbuckle project proposal is sound from an engineering, economic and financial standpoint, and that the provisions in the bill, as approved by the committee, with respect to construction and operation of the project, the allocation of construction costs, and project repayment are consistent with present law and policy relating to this type of project. The testimony given the committee indicates that the project is urgently needed in order to give the communities in the project area a dependable water supply to meet their existing and future needs.

The Interior and Insular Affairs Committee recommends that the House give its approval to H.R. 23 as amended and reported by the committee.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I always like to ask the gentleman from Texas a question or two when he is presenting a bill on the floor of the House because he is always agreeable and well informed. I do not believe I have heard yet what the interest rate is to be on the 50-year loan.

Mr. ROGERS of Texas. It is a long-term average interest rate, I believe 2.632, at present.

Mr. GROSS. In other words, 2.6?

Mr. ROGERS of Texas. Yes.

Mr. GROSS. Why is this called the Arbuckle project?

Mr. ROGERS of Texas. I think the Arbuckle Mountains probably have something to do with that. I would perhaps be better off to yield to the distinguished majority leader, since he hails from that area.

Mr. GROSS. Would it not be more appropriate to call it the Kerr-McGee project?

Mr. ROGERS of Texas. Perhaps not. It might generate a little opposition; and, on the other hand, when the facts are all known, the part the Kerr-McGee Refinery plays in this makes it more economically feasible.

It should be remembered—and I think this can be borne out by the testimony—that the Kerr-McGee Refining Co., by using other sources of water, actually could get water in the long run cheaper than they can get it through this process. So, actually they are doing a favor to these other towns in connection with this entire project.

Mr. GROSS. So this petroleum company is prepared to make a sacrifice in the interest of the general welfare?

Mr. ROGERS of Texas. I do not think they would call it a sacrifice. I think perhaps it is not anything of great import that they are doing. They are not taking the position that they are doing a great favor for these cities. They could get the water cheaper from another source if they wanted to, but since this can be worked out, they simply agreed to join and contract for the water.

Mr. GROSS. Do I understand it is expected there will be a payout of some $10 million of the $13 million in 50 years?

Mr. ROGERS of Texas. That is right. $10,599,000 will be repaid with interest.

Mr. GROSS. With interest in 50 years?

Mr. ROGERS of Texas. Yes.

Mr. GROSS. I thank the gentleman for his help.

Mr. ROGERS of Texas. I thank the gentleman for his inquiry.

Mr. SAYLOR. Mr. Chairman, we have no further requests for time.

Mr. ROGERS of Texas. Neither do we, Mr. Chairman.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to construct, operate, and maintain the Arbuckle Federal reclamation project, Oklahoma, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), for the principal purposes of storing, regulating, and furnishing water for municipal, domestic, and industrial use, and for controlling floods and for the conservation and development of fish and wildlife, and the enhancement of recreational opportunities. The project shall consist of the following principal works: A reservoir on Rock Creek near Sulphur, Oklahoma, pumping plants, pipelines, and other conduits for furnishing water for municipal, domestic, and industrial use, and minimum basic recreational facilities.

SEC. 2. In constructing, operating and maintaining the Arbuckle project, the Secretary shall allocate the costs thereof among different functions resulting from multiple-purpose development under the following conditions:

(a) Allocations to flood control, recreation, and the conservation and development of fish and wildlife shall be nonreimbursable and nonreturnable under the reclamation laws;

(b) Allocations to municipal water supply, including domestic, manufacturing, and industrial uses, shall be repayable to the United States by the water users through contracts with municipal corporations, or other organizations as defined by section 2, Reclamation Project Act of 1939 (53 Stat. 1187) under the provisions of the Federal reclamation laws, and to the extent appropriate, under the Water Supply Act of 1958 (72 Stat. 319). Such contracts shall be precedent to the commencement of construction of any project unit affecting the individual municipality or industrial users, and shall provide for repayment of construction costs allocated to municipal water supply in not to exceed fifty years from the date water is first delivered for that purpose: *Provided,* That the water users' organization be responsible for the disposal and sale of all water surplus to its requirements, and that the revenues therefrom shall be used by the organization for the retirement of project debt payment, payment of interest, and payment of operation and maintenance cost. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue;

(c) Upon the completion of the payment of the water users' construction cost obligation, together with the interest thereon, the water users, their designee or designees, shall (1) have a permanent right to the use of that portion of the project allocable to municipal water supply purposes, subject, if the project is then operated by the United States, to payment of a reasonable annual charge to the Secretary of the Interior sufficient to pay all operation and maintenance charges and a fair share of the administrative costs applicable to the project; (2) be conveyed title to such portions of the pipelines and related facilities as are used solely for delivering project water to the water users.

Sec. 3. Contracts may be entered into with the water users' organization pursuant to the provisions of this Act without regard to the last sentence of subsection (c) of section 9 of the Reclamation Project Act of 1939.

Sec. 4. The Secretary is authorized to transfer to the project water users the care, operation, and maintenance of the works herein authorized and, if such transfer is made, may deduct from the obligation of the water users the reasonable capitalized equivalent of that portion of the estimated operation and maintenance cost of the undertaking which, if the United States continues to operate the project, would be allocated to flood control and fish and wildlife purposes. Prior to taking over the care, operation, and maintenance of said works, the water users' organization shall obligate itself to operate them in accordance with criteria specified by the Secretary of the Army with respect to flood control and the Secretary of the Interior with respect to fish and wildlife and recreation.

Sec. 5. Construction of the Arbuckle project herein authorized may be undertaken in such units or stages as in the opinion of the Secretary best serve the project requirements and the relative needs for water. Repayment contracts negotiated in connection with each unit or stage of construction shall be subject to the terms and conditions of section 2 of this Act.

Sec. 6. The Secretary may (1) contract for the construction of any part of the minimum basic recreational facilities with any qualified agency of the State of Oklahoma or a political subdivision thereof, and (2) upon conclusion of a suitable agreement with any such agency or political subdivision for assumption of the administration, operation, and maintenance thereof at the earliest practicable date, construct or permit the construction of public park and recreational facilities on lands owned by the United States adjacent to the reservoir of the Arbuckle project, when such use is determined by the Secretary not to be contrary to the public interest, all under such rules and regulations as the Secretary may prescribe. No recreational use of any area to which this section applies shall be permitted which is inconsistent with the laws of the State of Oklahoma for the protection of fish and game and the protection of the public health, safety, and welfare. The Federal costs of constructing the facilities authorized by this section shall be limited to the nonreimbursable costs of the Arbuckle project for minimum basic recreational facilities as determined by the Secretary.

Sec. 7. The Secretary may make such reasonable provision in connection with the works of the Arbuckle Federal reclamation project, in accordance with section 2 of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended, 16 U.S.C. 661, and the following), as he finds to be required for the preservation and propagation of fish and wildlife.

Sec. 8. Expenditures for Arbuckle Reservoir, and the water supply aqueduct system, may be made without regard to the soil survey and land classification requirements of the Interior Department Appropriation Act, 1954 (43 U.S.C. 390a).

Sec. 9. There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required to carry out the purposes of this Act.

Mr. ROGERS of Texas. Mr. Chairman, I ask unanimous consent that the bill be considered as read and printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read the committee amendments, as follows:

Page 2, line 21, strike out "(72 Stat. 319)." and insert in lieu thereof "(72 Stat. 319), as amended."

Page 3, line 19, after the word "purposes," insert the following: "so long as the space designated for those purposes may be physically available, taking into account such equitable reallocation of reservoir storage capacities among the purposes served by the project as may be necessary due to sedimentation,".

Page 4, lines 8 and 9, strike out the words "the project water users" and insert in lieu thereof "a water users' organization".

Page 6, line 5, strike out the words "preservation and propagation" and insert in lieu thereof "conservation and development".

Page 6, lines 12 to 15 inclusive, strike out all of section 9 and insert in lieu thereof the following:

"Sec. 9. There is authorized to be appropriated for construction of the Arbuckle Reclamation Project the sum of $13,340,000 (March 1962 prices), plus or minus such amounts as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for the operation and maintenance of the project."

The committee amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Sikes, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 23) to authorize the Secretary of the Interior to construct, operate, and maintain the Arbuckle reclamation project, Oklahoma, and for other purposes, pursuant to House Resolution 624, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

ACQUISITION OF A PATENTED MINING CLAIM

Mr. RUTHERFORD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 383) to provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 383, with Mr. Sikes in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. RUTHERFORD. Mr. Chairman, I yield such time as he may desire to the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. Aspinall].

Mr. ASPINALL. Mr. Chairman, let me advise my colleagues that Congressman Rutherford, chairman of the subcommittee which handled this bill, and I and the others [illegible] the committee who support the legislation do so because of what we consider to be the national interest; especially the principle of the elimination of inholdings in our National Park areas as rapidly as possible; and also our desire to see that certain Indians living within the area close to the mine that is involved in this legislation are able to continue with the employment that they have been following for some time.

The area that is involved in this particular problem in relation to the whole part of the Grand Canyon National Monument can be seen by this map. The Grand Canyon National Monument is shown by the outlined colored red areas. The little bit of the area which is involved in the legislation is this little dot of red down here at the west side of the park on the rim along the Colorado River.

Mr. Chairman, 3 months ago the House considered this bill, S. 383, on a motion to suspend the rules. The vote was 202 in favor of suspension and 136 against, so the motion failed. We are now here on a rule, and I once again urge that the House pass the bill.

I hope that the misunderstandings which led to the failure to adopt the motion to suspend the rules have been cleared up. The distinguished Member of the other body who introduced it and had it reported in his name for the committee which handled it there and then, without previous notice to us, announced that he had withdrawn his support, has written to me and told me in substance that, after reexamining the matter, he is now satisfied that he was right in the first place.

This, I recognize, does not answer all the questions of critics of the bill, but it allows us to get back to the merits of the bill and, personalities aside, listen to the voice of reason.

Now, what is involved in this bill? Simply this—an amicable and fair compromise of a disputed legal point to the advantage of both the Government and the owners of certain private lands within the Grand Canyon National Park.

This park includes about 673,600 acres, of which all but 375 acres are owned by the United States. The land that S. 383 deals with is one of the private inholdings that make up these 375 acres. Inholdings are always bothersome in our national parks, and the one here involved is particularly bothersome because of its location and its present and potential use. This is the Orphan Mining Claim, an area of about 21 acres located on the very rim of the Grand Canyon and extending down the slope into it.

This claim was patented before 1908 when the Grand Canyon National Monument was established. There is thus no question that the land is privately owned.

There is no question that the owner has a right to exploit the mineral resources within the boundaries of the claim as defined on the surface. And there is no question that the owner may use the surface for any legitimate purpose, whether this use conflicts with the existence of the park or not. What is in dispute is the owner's right to follow the ore body underlying the land beyond the owner's surface boundaries and thus to mine underneath the adjacent national park lands.

Let me explain this for a moment. If this were a placer mining claim, the answer would be simple under the mining laws of the United States; the owner would be confined to the surface boundaries of his claim. If this were a lode mining claim, the answer would also be simple under the mining laws; the owner would have a right to follow the dip of the vein across his surface boundaries into adjacent land. But the ore deposit of the Orphan Mining Claim is neither a lode nor a placer, at least in the accepted understanding of these terms. It is what the geologists call a diatreme—that is, a cone-shaped blowhole created by a gaseous eruption millions of years ago in which ore was later deposited while this part of the United States was deep under water. In this situation, it is completely unsettled whether the owner of the claim has extralateral rights or not, whether he can pursue the ore body beyond his surface lines or not.

Therefore, to pursue the matter a step further, there is serious question about the amount which the National Park Service would have to pay for the Orphan Mining Claim if it were to buy it or condemn it, and the Atomic Energy Commission has told the owner that it will not purchase any ore mined from outside the surface boundaries of the claim until the problem of the company's extralateral rights is settled.

It is at this point that we reach the bill before us. What it proposes is to authorize the Secretary of the Interior to enter into a compromise settlement with the owner of the claim. The Secretary will be authorized to accept a conveyance of title to the Orphan claim and a release of any extralateral rights which the present owners may have. In return, the owners will be permitted to pursue underground mining operations for 25 years and to follow ore bodies which extend from their own land into National Park Service land. They will also be allowed to use 3 acres of the surface in connection with these operations, but they will agree to remove an unsightly aerial tramway within 2 years and to give up their present motel facilities after 1966. They will also pay a royalty on the ore they remove at a rate which is about one-half the ordinary royalty rate.

All in all, this strikes us as a fair settlement of the problem. I realize that, as in any other compromise, the United States comes off less well than it would if it litigated the issue and won its case. But I also realize that the United States comes off much better than it would if it litigated the issue and lost its case. And there is, our committee has been advised, a quite strong possibility that litigation would end disastrously—the law on the subject, as I said before, is simply not settled. This being the case, I want to recommend enactment of the legislation for the good of Grand Canyon National Park and of the American people who use it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my colleague.

Mr. GROSS. How are they going to get the ore up if the tramway is taken out?

Mr. ASPINALL. The gentleman from Iowa is always thinking.

Mr. GROSS. I would like to ask the gentleman from Colorado questions because he is always very cooperative in answering.

Mr. ASPINALL. I thank the gentleman. If the gentleman will look closely at the model, he will find there is presently a cut or a tunnel which is down in the diatreme deposit of ore and presently the ore is taken from the deposit and brought over here close to this hoist and shaft house. That is where the ore is taken out at the present time, and it will continue to be taken out that way.

Mr. GROSS. Will the proposed cocktail lounge be erected on the rim of the canyon or is that out under the provisions of this bill?

Mr. ASPINALL. I appreciate the gentleman's anxiety about that matter. In my opinion, there never was any chance of that happening. That is one matter that we had to consider and it caused us a great deal of trouble. In my opinion, that was a pressure move that should never have occurred. Of course, such a facility is not going to be built under the agreement authorized by this legislation. There could be built nothing except facilities pertaining to mining and then only on a little over 3 acres which would be retained on the surface from this time on for the prosecution of the activities of the mining company.

Mr. GROSS. I would not want to see a situation where anyone patronizing a cocktail lounge made a misstep and fell down a mine shaft or down the face of the cliff through any of the windows. I am glad to hear the gentleman say that that is not possible under the bill.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. KYL. I was one who attended all of the hearings on this bill. They were very interesting hearings. There were several matters, such as the one just considered by the gentleman from Iowa, concerning a hotel which was to have been built down the side of this canyon. Actually, there never was any firm plan of any sort to do this. As a matter of fact, it would have been impossible because there is no water supply nor could there have been any arrangement for taking care of sewage or refuse or anything of the sort. This was one of the many things involved here. The chairman of the committee, I think, understands fully that when I voted against this bill on suspension of the rules it was because there had been many unfounded suspicions raised.

I thought there should be time to prove that this legislation was good legislation and that all possible phases had been thoroughly considered by the committee.

In the interim it has been proven, beyond any shadow of doubt—that there was never any kind of negotiation or considerations involved here except those which are of the most honest intent. The committee was not pressured. The committee investigated thoroughly what some members thought might be an attempt at pressure.

The purpose, as the chairman has said, is simply to clear this title in as expeditious a manner as possible to get this unsightly claim from the park area. In the process the Government will get some return instead of running the risk of facing a long and expensive court battle which in the long run could cost the Government a great deal of money.

I thank the gentleman.

Mr. ASPINALL. May I say further that under the agreement there is a possibility if the ore body is mined out that not only will the National Government get the inholding, but it will also have been paid in the neighborhood of $600,000-plus in royalties for ore mined.

In closing, may I say that in my 14 years in Congress, and I am a fairly attentive member on my committee, I have never seen a committee chairman take closer scrutiny of the problems involved or give more attention to legislation, and ferret out all of the questions that arose in his mind because of this publicized hotel operation and also because of other matters, than has Chairman RUTHERFORD. He will close this argument as far as our side is concerned and tell you exactly what has happened as far as committee consideration.

Mr. Chairman, I yield back the balance of my time.

Mr. SAYLOR. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I find myself in a rather unusual position as the ranking Republican member of the House Interior and Insular Affairs Committee, but I must disagree with the chairman of the full committee and the chairman of the subcommittee. I want it to be strictly understood that my disagreement is not with them as individuals; it is on a matter of principle. All three of us, and the other members of the committee are interested in seeing to it that inholdings in our national parks are done away with as rapidly as possible. I know that the chairman of the subcommittee who is handling the matter of national parks, the gentleman from Texas [Mr. RUTHERFORD], has done what I consider to be an outstanding job as the chairman of that subcommittee. I also want to say that it is my sincere belief that in the seven terms I have been privileged to serve in this House and under the chairmanship of the gentleman from Colorado [Mr. ASPINALL], the bills which the Committee on Interior and Insular Affairs brings to the floor of the House have had as careful consideration as is given by any committee to any piece of legislation.

What we are dealing with here today is the matter of how to handle an inholding in the Grand Canyon National Park. Some years before the Grand Canyon National Park was set aside first by Presidential order and later by act of Congress, an area of approximately 21 acres was patented for the purpose of mining copper.

That area is known as the Orphan Mine. It has had a series of owners from that time until the present time. It was not until sometime during World War II when prospectors began looking for a valuable ore known as uranium that this heretofore valueless property suddenly was discovered to have in it one of the largest and richest deposits of uranium that has yet been discovered in this country. There has been no survey of this mineral deposit that has been located on this property and so well described by the chairman of the committee. I want to say I feel the Members of the House are privileged to have this exhibit because it clearly shows the area and the mineral deposit in question. No one knows how far outside of the 20-acre tract this diatreme extends. As the chairman stated, there are two methods whereby this problem can be solved. One is that the United States may condemn this inholding and pay what its fair market value is today. The other is by passing this piece of legislation.

In view of the manner in which the present owners of this tract of land have operated, I for one cannot support this bill. A number of bills were introduced in prior sessions of the Congress and received unfavorable reports from the various Government agencies concerned.

Then there appeared in the Sunday edition of a magazine known as Parade a front page story that on the rim of the Grand Canyon there was to be built a monstrosity which would not be in keeping with not only the national park but this entire area. The conservationists in the country were immediately aroused and wanted to make sure this inholding was done away with.

The bill that we are presently considering was introduced. There were bills introduced in the last session of the Congress by the two Senators from Arizona and the Congressman from Arizona who represented that district. That Congressman is now the Secretary of the Interior. His successor has introduced the same bill.

The junior Senator from Arizona has reaffirmed his support of this legislation, but his support of the legislation has not changed my position. I believe it is poor legislation, and will set a bad precedent for the people of this country.

There is no one who is able to tell us what the total amount involved in the acquisition or passage of this bill will be.

I call your attention to the testimony of Mr. Johnson, representative and director of raw materials, Atomic Energy Commission, who appeared before Mr. RUTHERFORD's committee.

This is his statement:

> We have no contract with Western Gold & Uranium at the present time. It is delivering ore to the Tuba City mill of rare metals under the contract we have for concentrate from the Tuba City mill. Beginning with March 31, 1962, and extending to the end of 1966 our purchase commitment for uranium derived from ores developed as of November 24, 1958, will be determined with the Western Gold & Uranium, Inc. Now, if Western Gold & Uranium was limited in its ownership to the ore deposit within its vertical boundary lines, that is one thing; if it has established title to the ore deposit that extends under the Park Service lands, that is another thing. As a result of this legislation the Commission will take cognizance of the fact that there is a question of title and that a compromise agreement is in order.

Now, I am sure that every Member of Congress is cognizant of the fact that the President of the United States has stated that one of the things that is causing his administration a great deal of concern is the metal stockpiling that we have in this country. And, at the present time we have a Senate committee investigating present stockpiles, and if we pass this piece of legislation, we are merely adding to this stockpile.

The second reason that I oppose this bill is that to the best of my knowledge and belief and to the best information that I am able to gather, there has never been and is not now within the boundaries of any national park any mining operation. If this bill is passed, we will give to Western Gold & Uranium Co. or its successor extralateral rights under park lands.

This, I am satisfied, is a bad precedent and will be used by many mining interests in the future for coming to the Congress and asking for relief for their mines.

The bill has in it a number of provisions which were adopted in the subcommittee and approved by the full committee which make this bill a better bill than the one that came from the Senate, but despite that fact I believe that it is legislation passed under pressure, the kind of pressure that the Congress, the greatest legislative body in the world, should not subject itself to.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I will be happy to yield to my colleague.

Mr. ASPINALL. My colleague does not mean pressures to bring this bill up at this time. The pressures which my colleague is calling to our attention are pressures that came about during the first session of this Congress, and my colleague and the gentleman from Texas [Mr. RUTHERFORD], worked with me to oppose those so that we could have time in which to study what was involved in this legislation; is that not correct?

Mr. SAYLOR. That is correct. But, the fact is that the proponents of this legislation, the people who will be the principal beneficiaries from this bill, place it under a guise that I do not believe this House should go along with.

In fact the last time the House considered this bill I called their tactics blackmail, and I again accuse them of attempting to blackmail Congress into passing this bill.

The corporation was represented before our committee by its chairman, a Mr. Ince. Mr. Ince stated that it was only a part-time job with him. But, when the chairman of the board of a corporation that is selling stock on the American Stock Exchange comes before a committee of Congress and tells the House committee that he does not know where the home office is, where service can be had on the corporation, I certainly believe that it is not the kind of an organization that we should deal with and give any benefits to under our national park lands.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I shall be happy to yield to my colleague from Iowa.

Mr. KYL. Let us assume for the record that this legislation does not pass. Will this then end the mining operations in the Grand Canyon National Park?

Mr. SAYLOR. Well, I do not know whether it will end the mining in the national park or not. It is my understanding that mining ceased some time ago because there was a breakdown and, to the best information I have available to me, mining has not resumed. I think what they are doing is waiting to find out whether or not Congress will pass this bill. Probably, if we pass the bill, mining will start again.

Mr. KYL. Now, is it not true that the mining company at the present time has the right to mine in this area?

Mr. SAYLOR. They do have the right to mine within the 20 acres—20-plus acres—which they own.

Mr. KYL. If the gentleman will yield further, plus the possibility yet to be determined by the court that they have a right to mine beyond this boundary?

Mr. SAYLOR. The only thing that I can tell my colleague and the other members of the committee is this: As near as I am able to determine, there has never been a case of a diatreme which has been before the court, as was so fully explained by the chairman of the full committee. If this were a placer claim or a lode claim the laws and the cases that have been decided are very clear. What the decision would be by a court in this case no one knows.

Mr. KYL. The gentleman from Pennsylvania has stated that there are two alternatives, this bill and condemnation. Under the terms of this bill there is a royalty to be paid to the Government for ore removed from the mine; is that true?

Mr. SAYLOR. This is the catch in the bill. There is no royalty to be paid to the Government on the ore that is taken from the mine property itself. The only royalty the Government will receive will be from the ore, if any, that is under the property of the Government. There is no drilling, and no one knows where the ore body goes.

Mr. ASPINALL. Will my colleague, the gentleman from Pennsylvania [Mr. SAYLOR], yield?

Mr. SAYLOR. Yes. I will be happy to.

Mr. ASPINALL. There is no question about the owners of the patent proceeding clear to the center of the earth, as far as their rights are concerned in taking out the ore which they find.

Mr. SAYLOR. That is right; they can do that within their 20 acres, go down and come out on the other side.

Mr. ASPINALL. And from now on to eternity?

Mr. SAYLOR. From now on to eternity.

Mr. ASPINALL. Unless we make some kind of provision to secure this inholding?

Mr. SAYLOR. That is right.

Mr. ASPINALL. The company involved, of course, has nothing to do with the ore lying beyond the extralateral lines?

Mr. SAYLOR. The ore, if any, that lies beyond the extralateral lines belongs to all the people in the country and not to the present owners of the mine.

Mr. ASPINALL. And, it is pretty well decided that there must be some ore beyond those extralateral lines. That is where the royalties come in. You would not expect the owner of a property in his own right, without any limitation at all, to pay royalties to the Government, would you?

Mr. SAYLOR. I would not. But the people who are sponsoring this bill and the representatives of the Department of Interior said they expected to get over $600,000. I asked whether or not there had been any core drillings in this area to show whether or not there is any ore, and the answer was "No." So, no one knows how much we are going to get.

Mr. ASPINALL. If my colleague will yield further, he knows that there is no possibility of core drillings out beyond the boundaries of this claim, because this is national park property.

Mr. SAYLOR. Oh, but there could have been. In other words, the Park Service could have gone to another agency of the Department of the Interior, the Bureau of Mines and Mining, and asked them to explore out there and determine it for them.

Mr. ASPINALL. My friend is violating his own philosophy which he stated in the beginning. We do not wish to have any more mining within these national park areas than is absolutely necessary.

This was there before the park area was established. By the way, this is not the only claim where we have some mining within certain park areas, I am sorry to say. We would like to get rid of those just as soon as we can. There are very few of them, but they are a sore spot, in my opinion, in the national park's operation and control.

Mr. SAYLOR. My belief is that the best way to handle this proposition is to defeat this bill and bring a bill before our committee to authorize the Secretary of the Interior to condemn this property and get rid of an inholding within a national park.

Mr. ASPINALL. We would still have the identical legal question which must be decided in court as to whether or not the rights of these people extend beyond the extralateral lines.

Mr. SAYLOR. That is correct. It would be decided by the courts. By the way, I might say that I asked the Department of Justice whether they could give me an opinion in this matter. They wrote and told me that there was no such situation, that they could not give me an opinion as to what the rights of the present owners were. Because of this and the manner in which the owners attempted in the first instance to bring undue pressure upon Members of Congress, I am opposed to this legislation.

Mr. BROMWELL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield.

Mr. BROMWELL. The law is unsettled on this point. Can the gentleman enlighten me as to whether there is any usage concerning the rights of people outside national park areas to mine extralaterally under national park areas now? In other words, is this going on without a decided case anywhere?

Mr. SAYLOR. As nearly as I know, there is no mining of claims under national parks. There are several instances that have been referred to by the chairman of the full committee, and we are trying to get rid of them.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield.

Mr. KYL. Perhaps the gentleman can refresh my memory on this, or perhaps the chairman of the full committee can do so. Do we not have some situations where we have a slant shaft oil recovery existing at the present time which would be substantially the same as in this situation?

Mr. ASPINALL. Mr. Chairman, if the gentleman will yield to me, the gentleman from Iowa is correct. It is the same principle, directional drilling. Here again, many of these are established rights. It is the opinion of most of us who handle these matters in Congress that we should eliminate them as soon as possible. I think the only difference between the gentleman from Pennsylvania and those of us who support this legislation in this particular matter is the question of how to obtain these results. We consider obtaining appropriations and taking the time necessary to make the legal decision and all that would be involved would be far more expensive than having it settled at the present time. That is correct, is it not?

Mr. SAYLOR. That is correct.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield.

Mr. GROSS. Who is the large stockholder involved in this?

Mr. SAYLOR. As nearly as I can tell the gentleman, one of the large stockholders is a man named Ackerman, who means nothing to me. Lee Ackerman, who is supposed to be one of the large stockholders in this company. I think he is the president of the company. I might say to my colleague that Moody's Industrial states as follows:

> A corporation known as Western Gold Mines, Inc., was incorporated in Nevada in 1944. In 1953 (July), the name of the corporation was changed to Western Gold & Uranium, Inc. The main office was at 42 Broadway, New York 4, N.Y.
>
> The directors of the corporation were: R. W. Ince, chairman; D. P. Shirra, vice president; Edward Bierma; S. N. Brown; R. W. Bull, Jr.; M. A. Conant; C. E. Prior.
>
> On June 16, 1961, the authorized capital stock of common was increased from 2 to 4 million. On the same date a stock option plan was approved covering 30,000 shares of common for option to key employees.

A few days prior to September 29, 1961, the corporation acquired for 200,000 shares the Lee Ackerman Investment Co., Inc., of Scottsdale, Ariz. The stated purpose of the acquisition was to develop new sources of income while continuing to operate Orphan Uranium Mine at Grand Canyon, Ariz., and others.

At the same time, Lee Ackerman was named president and a director of Western Gold & Uranium, and D. P. Shirra was named executive vice president. No other changes are apparent.

On December 12, 1961, the name of the corporation was changed to Western Equities, Inc.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Iowa.

Mr. GROSS. I do not want for 1 minute to imply guilt by association, but the name of Billie Sol Estes does not appear there anywhere?

Mr. SAYLOR. No, I have not seen that name anywhere in the list of stockholders that has come to my attention.

Mr. GROSS. Was this Mr. Ackerman involved in this promotional deal, this promotion of a hotel and cocktail lounge, or what have you, on the rim of the canyon?

Mr. SAYLOR. He was. I might say that Mr. Ince, chairman of the board, told my committee that he paid $10,000 to an architect to draw it up about 3 or

4 days before they presented it to the board of directors.

Mr. GROSS. Mr. Ackerman is a resident of what State?

Mr. SAYLOR. Scottsdale, Ariz., so says Moody's Industrials. I have no personal knowledge of where Mr. Ackerman lives.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California.

Mr. YOUNGER. As I understand, both the gentleman's plan and the bill before us contemplate getting rid of the inholding?

Mr. SAYLOR. That is correct.

Mr. YOUNGER. But it is not clear as to why the gentleman advocates his method of condemnation and what is the benefit of his program over the bill that is before us?

Mr. SAYLOR. The benefit of my program is that we will get rid of this at once. Under the program of condemnation we will get rid of it at once. If we continue with this bill, we will have the present operation of the unsightly motel that is up on top of the canyon for about 4 years, and we will have a mining operation for 25 years.

Mr. YOUNGER. At the end of that time it still would be condemned?

Mr. SAYLOR. At the end of 25 years, if this bill is passed, the property then becomes the property of the United States.

Mr. YOUNGER. Without any cost?

Mr. SAYLOR. No; there will be the cost of whatever the United States pays through the AEC for uranium ore.

Mr. YOUNGER. If we buy it, then there is the determination as to how much mineral is there and an undetermined cost to the Government?

Mr. SAYLOR. I just want to say to my colleague from California that there will be a cost to the Government because the Government will have to buy whatever uranium is mined. One of the gentlemen who appeared before our committee appeared before the Senate committee from the Atomic Energy Commission and said that as near as he was able to determine the value of the ore in place was about $9.8 million.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Colorado.

Mr. ASPINALL. My colleague has gone just a little bit beyond the possibility. There will be an allocation. Whatever that allocation will be will be all they will be allowed to sell next year and the 25th year. There is no agreement, no method by which the developers and the producers under this plan can make the Atomic Energy Commission buy any more than they wish to buy.

Mr. SAYLOR. The reason I read the testimony of the representative of the Atomic Energy Commission, Mr. Johnson, was that he stated that if this bill was passed he would have to take another look at it because Congress would then be taking ore from the national parks.

Mr. ASPINALL. My colleague knows that I am chairman of the Subcommittee on Raw Materials of the Joint Committee on Atomic Energy. Whether or not the Atomic Energy Commission honors this at all is a question for the future. I think they will honor it according to the historic production that has been taken out of there for some years, but that is as far as they will go.

Mr. RUTHERFORD. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Texas.

Mr. RUTHERFORD. May I call the attention of the gentleman from Pennsylvania to page 4, line 17 of the bill, wherein this language appears: "*Provided further*, That nothing in this Act shall be construed to create any obligation on the Atomic Energy Commission for the purchase of uranium derived from ores removed from beyond the vertical boundaries of the Orphan Claim."

This is the subject we are concerned with—beyond the vertical lines of the claim. So this amendment was placed in there specifically to restrict and to circumscribe any obligation implied or intended on the Atomic Energy Commission to increase its stockpiles beyond what the Atomic Energy Commission determines is necessary.

Mr. SAYLOR. I may say that is in there and it was placed there at the insistence of the chairman of the subcommittee, the gentleman from Texas [Mr. RUTHERFORD]. I think it is a good improvement and strikes at the very heart of the possibility that this bill is going to produce to the Park Service $600,000.

I think this amendment we put in just eliminates any possibility of us getting any money out of this bill.

Mr. TAYLOR. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from North Carolina.

Mr. TAYLOR. The gentleman would agree that this inholding does constitute a real problem for the Park Service and that the property should be obtained?

Mr. SAYLOR. There is no doubt about it. The only question is, How?

Mr. TAYLOR. The only question is as to the method of obtaining it; is that correct?

Mr. SAYLOR. That is correct.

Mr. TAYLOR. Under your plan, the taxpayers would pay for the condemnation and buy it; is that correct?

Mr. SAYLOR. That is correct.

Mr. TAYLOR. Under the bill before us, the Government would only get the land and would save the cost of condemnation. It would save any cost of reimbursement and it would get paid for all ore that it taken out from under Government property; is that not right?

Mr. SAYLOR. No, we would get a percentage of the ore that is taken out from under Government property, that is, if the Atomic Energy Commission will buy it.

Mr. TAYLOR. I know you are economy minded. Is this bill not a better bill for the taxpayers than to appropriate the money?

Mr. SAYLOR. I do not believe it is.

Mr. RUTHERFORD. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, I support the bill, S. 383, the bill concerning the Orphan Mine. To put it very briefly, the situation we presently have on the south rim of the Grand Canyon is this. Under the provisions of the bill we now have before us, as has been stated by the chairman of the full committee, the gentleman from Colorado [Mr. ASPINALL], in 4 years all surface rights to the land, which the gentleman from Pennsylvania would propose to purchase, are automatically granted in fee simple to the Federal Government without cost. Also, in not to exceed 25 years, all of the land would go to the U.S. Government.

There would be the payment of royalties estimated to be some $637,000. We will receive free what the opponents would have us purchase plus the royalty.

The question came up a while ago and for some reason or other it was not answered, and that was some question about someone falling down the mountain and there was some question about this shaft. There are provisions in the bill providing for safety precautions. The owners of the mine shall furnish a cover or a fence or make proper protection for the traveling tourist public at this particular shaft.

The statement has been made that this is possibly the only mining done in a national park. I think it ought to be stated here for the record that this mine existed 2 years before the monument. In 1906, this mining right was granted under a patent right by President Theodore Roosevelt. It is presumed it was to one of his old rough rider buddies. In 1908, 2 years later, by Executive order it was made a national monument, the Grand Canyon National Monument. By statute in 1919, it was made a national park. So this is not unusual. We have an alternative as to whether or not we will ask the Federal Government and the taxpayers to pay for this. Someone has estimated $50,000. I think this is the lowest estimate that has ever been made for obtaining the surface rights. I will say the only thing we are concerned with here are the surface rights.

A statement was made as to pressure. I might say that there was some pressure in my estimation, but I think it was a rather rude and crude attempt and I refused to docket this bill to offer to the people of this Nation, the conservationists as well as mineowners, what was first requested. I thought they should first walk into the chamber of reflection and take a cool, hard look at this particular proposition. I think the record will reveal that we questioned rather sharp and closely Mr. Ince. Being from west Texas, I could take a little different view about this. But the statement made by the gentleman from Pennsylvania is true and I readily agree with him that personalities were in the corporation and there was some clash of personalities. They might be characters, but these characters have got them a good mine here. This is the problem we are dealing with, not the personalities involved, not the pressures; we are dealing with very real matters of value, and we come back to this, regardless of who owns the mine, whether they know much about it, the fact is they have got them a good claim. We are dealing with the claim, not with the personalities, not with the chairman of the board.

The statement has also been made that there was no drilling, no surveys made outside of this core area indicated in the model. I have a report here from the Director of the Geological Survey regarding a 910-foot drill hole.

There have been many and varied reports as to the estimated amount of uranium that is outside the park area. It has been estimated that if we permit the drilling, which I might say we cannot stop under this bill, the only thing we can do is lose $637,000. This is estimated, as anyone would know. Again, on the other side of the ledger which might amount to less than $637,000, but also it might amount to considerably more than $637,000. The gentleman from Pennsylvania, however, and those who oppose it prefer not to accept this payment into the Treasury; instead they would prefer to close the mine and purchase it. The cost has not been determined, but in any event somebody is going to make some money out of this. This has been the only accusation that has been made, that if they continue to mine and they continue to find uranium somebody is going to make some money out of it, and somebody else does not like it. They wanted to close the mine and in 4 years we would take it all over.

It would be in the interest of the Federal Government, it would be in the interest of the National Park Service, and it would be in the interest of free enterprise to continue their mine after their completion without any surface damage. We will then restore what we have long dreamed of, that is, that the entire south rim would again become part of the national park.

As I stated before, there is no requirement whatsoever of purchasing ore outside. I would prefer, and I think the committee and I think the House would prefer, not to require the Atomic Energy Commission to purchase the ore and therefore exclude it from the stockpile.

In my estimation this is a good bill. There is merit to the claim that they continue to mine. I therefore recommend that this legislation be passed in the best interests of the Federal Government and the best interests of the National Park Service and free enterprise.

Mr. Chairman, I join the gentleman from Colorado [Mr. ASPINALL] in strongly recommending the passage of S. 383. This bill concerns a patented mining claim in Grand Canyon National Park which achieved a good deal of notoriety last year when flamboyant newspaper stories appeared about a proposal to build a big hotel down the slope of the canyon. Nothing has come of that proposal and it is quite unlikely that anything ever will. Nevertheless the stories served a useful purpose in calling to the attention of the country the dangers of uncontrolled private inholdings in our national parks.

Put briefly, what S. 383 proposes with respect to this patented land is an immediate acquisition of title to the entire tract at no monetary cost to the Government in exchange for an agreement under which the owners will be permitted for 25 years to mine the uranium and other metals that are in and immediately adjacent to the claim and to occupy 3 acres of the surface for use in connection with the mining operations during the same period. In addition, the bill provides that the owners of the claim shall be permitted to continue to operate their Grand Canyon Inn for 4 years and to operate their present aerial tramway for 2 years and that they will pay certain specified royalties to the United States that may bring into the Federal Treasury perhaps as much as $600,000 or $650,000.

I am sure I reflect the thinking of the members of the Committee on Interior and Insular Affairs when I say we all want to avoid inholdings wherever we can, not only in Grand Canyon National Park but throughout the national park system. S. 383 will enable us to take a step in this direction.

For myself, I want to add that, suspicious though I was at the beginning, I am now satisfied that the settlement proposed in S. 383 is a fair one. But I also want to go several steps further to remove what may be misapprehensions on the part of some of my colleagues in the House about several matters.

First, I want to make it clear that this bill does not breach the principle that there should be no mining within national parks. The mining in this case is already there, and it is there because it was there before the national park was ever established. All the bill does in this respect is to provide a means by which it can be got rid of within a relatively short span of years and at no cost to the Government.

Second, the bill is not open to the objection that it gives away a vast quantity of valuable ore to a private party. As has already been pointed out, none of us knows whether this ore belongs to the Government or whether it belongs to someone else, and the bill is designed to quiet this quarrel. Moreover, the mine owner will be required to pay a substantial royalty to the Government, something it would not do if its contentions were upheld by the courts. Finally, this royalty will be money in the Treasury which would never be there otherwise for, if the Government won a suit, the ore would be locked up and would never be mined at all—a dead asset, in other words.

Third, I have heard it whispered—never said outright—that someone, some unnamed party, is going to make a killing on this bill. If anyone had brought this to the attention of our committee or if our own investigations had revealed anything even remotely sustaining this rumor, I would have been the first to vote against the bill. As it is, I cannot vote against a meritorious bill simply on the strength of an unsubstantiated rumor. If the bill has merit, as I believe it does, it has merit even though someone gains. If it lacks merit, let those that say so back it up by showing wherein it is faulty.

Mr. Chairman, I believe I have said enough to indicate my position on S. 383. I recommend that the House pass the bill.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. RUTHERFORD. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. MORRIS K. UDALL].

Mr. MORRIS K. UDALL. Mr. Chairman, I think that we have had an illuminating discussion here today.

As has been pointed out, all sides, including the gentleman from Pennsylvania, are seeking the same end. That is, to remove from the surface of the Grand Canyon, the south rim, this inholding which threatens one of our most priceless national parks. We are really arguing about a means to that end: whether it is better, as the gentleman from Pennsylvania says, to have one lawsuit to condemn the surface, then have another lawsuit to determine where the boundary lines of this diatreme are, or whether we should make it up into one clean package without any cost to the Government or without any lawsuit.

I do not want to add anything to what has been said. The gentleman from Colorado and the gentleman from Texas have adequately covered the arguments indicating to me why this bill is the best approach to the problem.

I want to talk about another aspect of the bill which is of particular importance to my district. The Navajo Indians, comprising about one-fifth of all American Indians, have a reservation as big as West Virginia in the northeast corner of our State and going off into Colorado and New Mexico. These people have had a hard row to plow in the past. This is barren, unproductive land, and they have had quite a struggle for existence. However, they have had some breaks in recent years, and they are going ahead. This mine happens to be a keystone of an infant uranium industry out in Arizona, which has benefited tremendously the Navajo Tribe.

At Tuba City, about 50 miles east of the location of the mine, a large multimillion-dollar uranium processing plant has been established by Rare Metals, Inc. About 60 to 80 Navajos are employed in this plant. They have brought their families in from remote areas. Some Navajo children are attending a good school for the first time in their lives. The hard cold fact is if the bill is not passed and production is stopped at this mine the mill will close and the uranium industry in northern Arizona is going to be adversely affected.

There is a total employment in the uranium industry in northern Arizona estimated at about 300 to 400, not all Navajos. Most of them are not Indians, but 60 to 80 at least are Navajos.

I am advised this uranium deposit in the Grand Canyon has the highest quality of almost any that has been uncovered in the United States. It is obvious that the Tuba City plant cannot function, cannot operate with lower grade ore. The other mines with a lower grade ore have contributed to it. But without this high grade ore the processing plant will come to a grinding halt. About 80 percent of the ore at Tuba City comes from this one mine and the good mixture keeps it going.

If this bill is defeated, the mill is going to close. The Navajo Reservation will lose an industry, an asset that it has been hard to come by. The Navajo people need something of this kind. They are going to be left without this very important resource, and these Navajo Indians are going to be thrown out of work, the education of their children interrupted. The Navajo families that have moved to Tuba City are going to be displaced, and an infant mining industry in Arizona is going to be destroyed.

We are not contributing to a stockpile. We are not going to exaggerate the stockpile problem. The Atomic Energy Commission makes an allocation of uranium production. Then they split it up, based on past history. If you have 1 percent of the pie this year, you will have 1 percent of the pie next year. If we do not need as much uranium next year, each mill will be cut down. If we have uranium coming out of our ears and we do not need any more, they will not allocate any uranium production to any of the mines or mills, and this one will close along with the others.

Mr. Chairman, I urge the members of the committee and the Members of the House to vote the passage of this bill and resolve, once and for all, a controversy that I am afraid has had much more attention than it deserves.

The CHAIRMAN. The time of the gentleman from Arizona has expired. All time has expired.

The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to acquire for Grand Canyon National Park certain private land strategically located inside the park on the south rim of Grand Canyon and to provide for the removal of surface structures thereon and the termination of mining activities in connection with such land which intrudes upon the rim of Grand Canyon and adversely affects the public enjoyment of the park, the Secretary of the Interior is authorized to accept on the terms hereinafter stated the conveyance of title to the Orphan Claim, a mining claim of approximately 20.64 acres patented to D. L. Hogan and C. J. Babbitt on March 23, 1906, patent numbered 43506: *Provided,* Said authority is conditioned upon the grantor releasing any extralateral rights it may have to follow under adjoining park lands any mineral discovery made on the aforesaid Orphan Claim. The grantor shall, within six months following the passage of this Act, execute to the United States deeds of conveyance of good and sufficient fee simple title to the said claim, subject to the following reservations and conditions:

(a) All mineral rights on the said claim shall be reserved to the said grantor for a period of twenty-five years, but the exercise of said rights shall be limited to underground mining.

(b) Until the close of 1966 the grantor shall be permitted to maintain and operate the Grand Canyon Inn and related cottages and facilities and may reserve for said period the customary rights to use so much of the surface area of the claim as is necessary for mining operations.

(c) After 1966 and until the expiration of the mineral reservation the grantor shall have reserved to it the surface rights to only the following described tract of approximately three acres which is necessary to operate the said mine:

Beginning at an iron stake down as corner numbered 2 of the Orphan Claim, mineral survey numbered 2004 in section 14, township 31 north, range 2 east, Gila and Salt River base and meridian; thence north 41 degrees 03 minutes east 500 feet; thence north 60 degrees 15 minutes west 300 feet; thence south 41 degrees 03 minutes west 500 feet to the south end center of said claim; thence south 60 degrees 15 minutes east 300 feet to place of beginning, including all buildings and improvements as per survey of April 21, 1905.

(d) Any structures erected on the reserved portion of surface rights shall be no more than two stories in height and shall be so designated as to be appropriate to the region.

(e) The grantor shall be permitted to maintain and operate the present aerial tramway for not to exceed two years from the date of the conveyance to the United States; and throughout the allowable period of its mining to maintain and operate the sixty-thousand-gallon water tank; the access road across the claim to the mine area, the portal area of the present adit, and such ventilators from the mine as may be required by mine safety laws.

(f) The grantor shall be permitted to haul ore from its mining operations to such mills as directed by the Atomic Energy Commission or otherwise, over roads of the Grand Canyon National Park upon payment of use charges therefor, as agreed between the parties but reasonably calculated to provide such additional cost of maintenance of said roads, if any, as may be occasioned by such operations.

SEC. 2. (a) In exchange for the foregoing conveyance to the United States of the said Orphan Claim and the release by the owner thereof of any claims to pursue any apex rights to the ore body under park land, the grantor shall have the right for a period of twenty-five years to mine and remove on a royalty basis all uranium ore and such other metalliferous ore of commercial value as can be recovered through the shaft existing on the Orphan Claim and additional underground workings beyond the northeast boundary of said claim, along the dip of any ore body apexing within the said claim: *Provided,* Said mining and removal rights shall be limited to underground mining, which shall be conducted so as not to disturb in any manner the surface of park land or the canyon walls, except for ventilation as required in accordance with mine safety laws: *Provided further,* That nothing in this Act shall be construed to create any obligation on the Atomic Energy Commission for the purchase of uranium derived from ores removed from beyond the vertical boundaries of the Orphan Claim.

(b) The United States shall be paid a royalty for ore extracted from under Government lands pursuant to this section, in accordance with the following Uranium Percentage Royalty Schedule:

Mine value per dry ton	Royalty percentage of mine value per dry ton
$0.01 to $10.00	5 per centum
$10.01 to $20.00	5½ per centum
$20.01 to $30.00	6 per centum
$30.01 to $40.00	6½ per centum
$40.01 to $50.00	7 per centum
$50.01 to $60.00	7½ per centum
$60.01 to $70.00	8 per centum
$70.01 to $80.00	8½ per centum
$80.01 to $90.00	9 per centum
$90.01 to $100.00	9½ per centum
$100.01 or more	10 per centum

"Mine value per dry ton" is hereby defined as the dollar value per dry ton of crude ores at the mine as paid for by the Atomic Energy Commission or other Government agency before allowance for transportation and development; however, if the Government at any time hereafter does not establish and pay for said ores on a fixed or scheduled dollar value per dry ton of crude ores at the mine, or said ores contain salable minerals, some or all, or which are disposed of to a custom treatment plant or smelter for treatment and sale, then mine value per dry ton shall be the gross value per dry ton of said crude ore as paid for by the Atomic Energy Commission or other Government authorized agency mill or other buyer, less any allowances or reimbursements for the following specific items: (1) transportation of ores, and (2) treatment or beneficiation of ores; which specific items shall in such event be deducted from the gross sales price received from the metal content of said ores by the seller before said percentage royalty is calculated and paid.

Whenever mineral or other products are recovered which are not included in determining mine value per dry ton as defined herein, there shall be paid for such minerals or other products a royalty of 5 per centum of the gross value of such products at the mine site: *Provided,* That on all ore having a mine value per dry ton of less than $50, the royalty to be paid hereunder shall not exceed 15 per centum of the grantor's net profit on such ore which shall be determined by the amount remaining from the total sales price of such ore after the payment of reasonable operating expenses, taxes, and cost depletion.

(c) When paid, the royalty shall be deposited to miscellaneous receipts of the Treasury in accordance with the provisions of title 31, United States Code, section 484.

Mr. RUTHERFORD (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 4, line 6, strike out the word "apex" and insert in lieu thereof "extralateral".

Page 4, line 21, change the period (.) to a colon (:), and add the following: "*Provided further,* That neither the enactment of this Act nor anything contained in it shall be construed to relieve any party from any liability which would or might otherwise exist for the removal of ore from beyond the boundaries of said Orphan Claim, if any such removal occurred prior to the enactment of this Act."

The committee amendments were agreed to.

Mr. RUTHERFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 3, line 12, strike out the word "designated" and insert the word "designed".

Mr. RUTHERFORD. Mr. Chairman, this is purely a technical typographical error that has just been noted.

Mr. SAYLOR. Mr. Chairman, I move to strike out the last word for the purpose of seeking further clarification of subsections (c) and (d) of section 1. After 1966 the grantor, namely, the present owner of the mining claim, shall be given the right to occupy a portion of the land for mining purposes. Section

(d) provides that "Any structures erected on the reserved portion of surface rights shall be no more than two stories in height and shall be so designated as to be appropriate to the region."

The question that I have of the chairman of the subcommittee is whether or not this language would authorize the grantor to build such a monstrosity as appeared in Parade magazine, because the area that they have reserved is the particular area in which it would have been built.

Mr. RUTHERFORD. In reply to the gentleman from Pennsylvania, this would preclude any such possibility of such an eyesore being constructed, not in keeping with mining operations. The authority granted here would be for appropriate buildings designed for mining operations only.

Mr. SAYLOR. In other words, what the committee intends by this provision is that an office or such other structure as is necessary could be erected?

Mr. RUTHERFORD. The gentleman is correct. It would preclude any possibility of a hotel, cocktail lounge, and such as that, as has been advertised.

Mr. SAYLOR. And any structure built on the reserved area must be used in relation to the mining operation?

Mr. RUTHERFORD. That is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. RUTHERFORD].

The amendment was agreed to.

Mr. BARRY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I just wanted to say that I have had experience in operating a mine in a national forest and that I can attest to the fact that a mine operator does, indeed, have the right to go down into the substructure and vein structure and follow that vein structure. I also have been acquainted over the years with the great number of contests that have arisen regarding surface rights versus mining rights. This bill now before us affords a great opportunity to avoid long litigation that might ensue, and I heartily endorse its adoption.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. SIKES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 383) to provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park, and for other purposes, pursuant to House Resolution 623, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

POLISH CONSTITUTION DAY

Mr. PRICE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, on May 3, Poles in the United States and elsewhere in the free world will celebrate the 171st anniversary of the Polish Constitution. Since 1791, the day has been commemorated by the Polish people as a Polish national holiday. All of my colleagues, I am sure, will gladly join in recognizing this memorable occasion. It is an occasion which calls to mind the enduring spirit of the Polish people on behalf of freedom.

The day commemorates the historic action of the Polish Diet on May 3, 1791, in drawing up a constitution and in bringing about important political, social, and economic changes for the benefit of the Polish people. Underlying the Constitution was the basic principle that the powers of its civil society should be derived from the will of the people. This principle represented the aspirations of the Polish people for a free government responsible to them and capable of attaining a lasting social order.

This action of the Diet took place during a period in history when movements for popular government were well underway. In Great Britain, the movements led to the eventual enactment of long-needed political and social reforms in the 19th century. In France, the movements led to Bastille Day in 1789 and to decades of war and internal turmoil. In the United States, the Constitution ratified in 1789 created a permanent and stable government based on popular representation. For the Poles, however, the new form of government was hardly underway when Poland was partitioned for the third time in 1795. The ideals of freedom and popular government had to be retained in the hearts of the Poles as their beloved land was split among the Prussians, Austrians, and Russians.

During the intervening years before Poland's boundaries were restored, the Polish people never lost their sense of national identity. They retained their national spirit and their national ambitions, and they nourished the hope that their dream of national self-determination would soon become a reality. When, after World War I, their dream was realized, the Poles revealed how dedicated was their belief in the Constitution of 1791.

Prior to the onset of World War II, Poland was again split by the two totalitarian systems—Germany and Russia. Soon afterward, Polish soil became a battleground as these two systems tore at each other's throats. When the war ended, Poland was again an occupied power, this time by the forces of the Soviet Union.

Under Soviet directions, the People's Republic of Poland drew up a Communist constitution. Like other constitutions of the countries in the Soviet bloc, the new Polish Constitution was merely a paper mockery, a pretense to help conceal the true totalitarian nature of the puppet regime. Under the People's Constitution, the regime sought to erase the former memories of freedom and the long nourished ideal of self-determination.

The truth is that the regime has been unsuccessful in driving from the Polish people their hope for the restoration of social justice, for freedom, and the opportunity to live in peace according to their Christian traditions. They have remained steadfast in their faith, as illustrated in the continued friendliness of the Polish people to the people of the United States. The Poles still look to the West for leadership and the examples of freedom.

The solid faith of the Polish people is an assurance that the goals they have cherished will again be attained. Their ability to retain their hope is an inspiration to us all. It makes altogether fitting our commemoration of the Constitution of 1791 as symbolic of the Polish dream of unity and freedom.

PROGRAM FOR TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I desire, for the information of the House, to advise that tomorrow the bill H.R. 11221, Armed Forces allowances for quarters, will be brought up as programed. However, the bill H.R. 11257, Armed Forces nonjudicial punishment, will go over until next week.

Mr. Speaker, I desire also to notify Members that H.R. 11261, to increase the White House Police force, will be called up tomorrow.

DOCTORS OPPOSED TO THE KING-ANDERSON BILL

Mr. AUCHINCLOSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. AUCHINCLOSS. Mr. Speaker, there has been considerable news in the papers the last few days about the action of a group of doctors in New Jersey who indicated that they were definitely opposed to the provisions of H.R. 4222, the King-Anderson bill, and were reported as stating that they would not treat patients in the hospitals they attended under the provisions of that act if it became a law. As a result people in prominent positions severely criticized these doctors and the criticism was so intense and vituperative that legislation was introduced in the New Jersey State Legislature condemning the attitude of these men and providing penalties for any physician who refused to treat a sick person because of the provision of any federally enacted law.

Because of the fact that this action on the part of the doctors originated in the Point Pleasant Hospital, located in the Third Congressional District of New Jersey which I have the honor to represent, I was somewhat startled and discussed the matter with various other physicians in that area because I was certain that these men had been misunderstood and that the unfortunate phraseology of their statement had failed to indicate the real depth of their character and sense of responsibility. Therefore I was gratified to receive a telegram signed by Dr. J. Bruce Henriksen, the spokesman of this group and head surgeon at the Point Pleasant Hospital, a man of unquestionable character, which reads as follows:

> We, the staff of the Point Pleasant Hospital, do solemnly pledge that we will continue to provide complete medical services to all our patients in full conformity with the oath of Hippocrates.
>
> We firmly believe that the King-Anderson bill, H.R. 4222, would lead to the deterioration of the quality of medical care and undermine the patient-physician relationship.

Mr. Speaker, these doctors have a perfect right to express their opinion like any other American citizen but of course in doing so they run the risk, like anyone else, of being misunderstood and their motives open to question, particularly so in the controversial atmosphere which is present in the consideration of legislation providing medical care for the aged. This telegram I believe clarifies the situation and indicates beyond question that these doctors are loyal to the high standards of their profession and the vow they took when entering it. I am pleased to have this telegram printed in the RECORD and I hope it may be read by many.

THE DAIRYMAN'S BATTLE

Mrs. ST. GEORGE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. ST. GEORGE. Mr. Speaker, an article by Mr. George Sokolsky appeared in this morning's Washington Post. It tells the story of a fine imposed on a farmer by some swell-headed bureaucrat. The fine was $20,899.99, a very considerable sum.

I agree with Mr. Sokolsky's closing sentence where he says:

> Congress ought to investigate that $20,899.99 fine and other farmers ought to rise in their wrath at such nonsense. It is not only injustice, it is stupidity. The OPA was like that and we still have OPA-minded regulators.

Under permission already granted, I include Mr. Sokolsky's article.

The matter referred to follows:

THE DAIRYMAN'S BATTLE

(By George E. Sokolsky)

When a dairyman faces fines amounting to $20,899.99, because a bureaucrat says so, it is time for all citizens to have a look at the situation. Dairyman Jesse R. Stalker of Ravena, N.Y., in September 1958, purchased a 20-quart can of sweet cream from Crowley's Dairy's Albany Division. This was an accommodation for his customers because his own herd of 175 cows did not produce enough milk that month for him to process cream.

The following October and November, he ordered three more cans each month. Had Stalker purchased the cream in two-quart containers, he would not have been in trouble, but as he bought them in 20-quart containers, he had violated a regulation. Thereupon the Department of Agriculture decided to ruin him, put him out of business, destroy him. He is, in effect, ordered, to pay a fine. As Representative R. WALTER RIEHLMAN says:

"Because Mr. Stalker was unaware of this small technicality in the law, it is likely to cost him most of what he and his wife have spent a lifetime of hard work building up. He will be forced to sell his entire dairy herd or he will be forced to mortgage his farm. Incidentally, the regulations will only let him sell his herd between the months of June and November."

Who does these crazy things?

There apparently is a marketing administrator, who has the powers of a czar. He can "make rules and regulations to effectuate the terms and provisions" of the order. All good law places the burden of proof on the complainant. For instance, if a man is arrested for stealing, the police must prove that he stole. Not so a milk handler. Sec. 1002.31 under the title "Burden of Proof," puts the burden on the handler.

The object of regulation is not to provide advantages to big operators or to molest small or big operators. It is to assist an industry to provide efficiently a good product, at a fair price. Agricultural regulation had for its objective the protection of the American farmer so that he would not sink to the status of a peasant. But the regulators are job-holders and status-developers and unless they are regulated themselves they become mandarins, who give the impression of being superior to all other humans.

Congress ought to investigate that $20,899.99 fine and other farmers ought to rise in their wrath at such nonsense. It is not only injustice it is stupidity. The OPA was like that and we still have OPA-minded regulators.

SUPPORT FOR JESSE STALKER COMING FROM COAST TO COAST

Mr. RIEHLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include two statements and editorials.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RIEHLMAN. Mr. Speaker, I would just take this opportunity to advise my colleagues that Jesse Stalker, the dairyman from Ravena, N.Y., has aroused interest and support from coast to coast in his fight against the decision of the Department of Agriculture that he must pay roughly $21,000 to other milk producers in the New York-New Jersey market area because he bought cream in wrong-size containers.

This case has been discussed editorially from Syracuse, N.Y., to Chicago, to Santa Barbara, Calif., and evidence of increasing support keeps coming in from all areas.

Secretary Freeman has indicated an unwillingness to do anything about the obscure regulation which nailed Mr. Stalker, except call a public hearing at which, according to the Secretary's thinly veiled threat, things might get worse instead of better for people in Mr. Stalker's situation.

Jesse Stalker, known in the dairy industry as a producer-handler, processes and retails all the milk which is produced on his farm. As a producer-handler, he is exempt from the pooling requirements of the milk marketing order in effect for New York-New Jersey producers. He is permitted to purchase dairy products in strictly limited quantities from outside sources, the realization being that on occasion his production might be down and he would otherwise be unable to satisfy his customers' needs.

Regulations state that someone like Stalker can buy an average of 10 pounds of products a day in packaged form without losing his exemption. During the 3-month period back in 1958 for which Jesse Stalker was nailed to the wall, he bought less than an average of 10 pounds a day of heavy cream. He made his mistake by buying this cream in containers which the Department of Agriculture subsequently ruled were not packages. As a result he lost his exemption and is being billed for the difference between amounts which, as a fully regulated handler, he would be required to pay for the milk he marketed over the 25-month period which followed and amounts which, as a producer, he would be entitled to receive for that same period.

Now, Mr. Speaker, I am interested in this case for only one reason. Were it not for the fact that every 20 quarts of cream Mr. Stalker bought during that 3-month period back in 1958 came in 1 can instead of 10 smaller containers, he would not find himself in danger of being $21,000 poorer today. Casting aside all the excess verbiage and extraneous matter which has been injected into this case, this is to me the very nub and heart of the controversy. That a man could be placed in such a position because he bought something in 1 can instead of 10 bottles seems incredible to me. As far as I am concerned no plausible reason has yet been presented in justification of such a requirement.

I would like to include two editorials at this point. The first is entitled "The Sin of Jesse Stalker" and appeared in the April 15 edition of the Syracuse Herald-American. The second is entitled "On Bureaucrats and Milk" and appeared in a recent edition of the Chicago Daily Tribune:

[From the Syracuse (N.Y.) Herald American, Apr. 15, 1962]

THE SIN OF JESSE STALKER

(By Alexander F. Jones)

When it comes to making bureaucratic, autocratic, and undemocratic decisions denying constitutional rights to American citizens the U.S. Department of Agriculture acknowledges no superior.

It is a difficult task to write about the way the Agricultural Department and its pseudo farm expert Secretary, Orville L. Freeman, have treated Jesse R. Stalker, of Ravenna, N.Y., a dairy farmer, and still have the proper comment go through the mail.

Mr. Stalker, a producer-dealer dairyman who milks a herd of 175 cows and sells his product to retail customers, has been fined $20,899.99 for purchasing cream to augment his own supply in 20-quart cans instead of 2-quart containers.

There is no claim that Mr. Stalker peddled inferior cream or that it was not processed under proper regulations.

His unforgivable sin was that on three occasions when he did not have quite enough of his own cream to supply his customers he purchased cream from a dairy and took it home in a 20-quart can instead of 10 containers of 2 quarts each.

The size of the package is the issue.

And for this a farmer who has built a little dairy business of his own is threatened with loss of his herd and of his farm.

Congressman R. Walter Riehlman took the floor to denounce this fantastic ruling.

"What kind of government, what kind of law, what kind of a regulation is it that will cause a man to be forced to give up the fruits of a lifetime and be fined a small fortune because he bought cream in big cans instead of small ones," he asked the House.

Congressman Leo O'Brien, Democrat, of Albany, joined Mr. Riehlman and the entire New York delegation is being asked to protest the unbelievable action.

The offending farmer, Mr. Stalker, is the type of dairyman who prefers to retail his own milk and cream.

There are about 30 such producer-dealers in New York. They have recently formed an organization for their protection and now have members in several New England States.

They are outside the cooperative pool in which members of the dairy league and other cooperatives sell their dairy products and are not popular with those powerful organizations.

The Farm Bureau Federation, however, adopted a resolution favorable to Jesse Stalker this past week after 12 local bureaus had voted to support him.

One of the features of a producer-dealer operation that appeals to me is that it is a typical American endeavor of a farmer with guts who aims at building his own business. He does not depend on government handouts and does not create any dairy surpluses. His milk and cream does not go into a gigantic pool to be sold at retail, for manufacturing purposes or for sale to the Government as surplus as dried milk to be stowed away in a warehouse. This latter action is indulged in constantly by the big companies.

To my knowledge none of the big companies has ever been fined any considerable sum for any violation of an agricultural department ruling.

The inspectors who found, after three years, that Jesse Stalker had taken cream away from a dairy in wrong sized containers never were able to trace New York City operators who put vinegar in milk to promote souring and give dating a new lease on life, as charged by Governor Rockefeller.

If any of the big companies were to be fined for a federal violation of a milk order on the same scale as the Stalker penalty the assessment would have to be $1,000,000 or more.

Save for income tax evasion I do not know of a businessman being fined $20,000 for any violation of a regulation.

And this regulation is subject to interpretation by the regional administrator, Dr. Charles Blandford, as he wishes. He can say todays' regulation on the approved size of containers does not cover needs and should be changed.

What is to prevent the Department of Agriculture from ruling roadside produce stands are detrimental to retail price structure and in violation of health provisions in marketing?

What is to prevent farm sale on the premises of poultry, dressed or alive?

What is to prevent the sale of apples, berries unless boxed in specified containers—say fancy gift boxes wrapped in gilt paper?

The threat to the independence of American farmers in the vicious action of Secretary Freeman is something that should cause indignation meetings of farmers all over the country.

What the Secretary is saying in the Stalker ruling is that if any New York farmer violates the provisions of order No. 2 he will liquidate him—reminiscent of Nikita S. Khrushchev.

Freeman is a former Governor of Minnesota.

If he ever fined a Minnesota farmer or cooperative $20,000 for any cause he would never find a safe place to live this side of Addis Ababa.

[From the Chicago Daily Tribune]

On Bureaucrats and Milk

Jesse Stalker, a New York dairy farmer, finds himself called upon to pay the Government $20,899.99 because, he says, he erred in interpreting one of a maze of Federal regulations pertaining to the marketing of milk. As Stalker relates it, what he did that was wrong was to purchase about $100 worth of cream in containers with a capacity of 20 quarts, instead of in containers of 2 quarts or less. He has refused to pay the sum and has appealed for relief to the U.S. district court in Utica, N.Y., where the case is pending.

In the bureaucratic terminology of Federal milk marketing orders, Stalker is what is known as a producer-handler. Instead of selling milk produced on his farm to a dealer, as do most dairy farmers, he processes it in his own plant and retails it to his own customers. Federal regulations prohibit producer-handlers from buying milk and cream from outside sources for sale to customers, except in small and strictly limited quantities.

As a producer-handler, Stalker was exempted from contributing to a pool or equalization fund set up for regular milk dealers under the Federal marketing order as a mechanism that helps fix the price of milk paid to farmers. He got no price supports or other assistance from the Government, and, inasmuch as his customers took all the milk and cream he produced, he was not adding to the dairy surplus.

Charles J. Blanford, Federal milk market administrator for the New York-New Jersey area, refuses to discuss the case on grounds it is in litigation. Stalker explains that his troubles began in late 1958 when, over a 3-month period, milk production on his farm was a little low and he needed extra cream for his customers. He says he read the regulations and understood them to mean he was allowed to purchase up to 310 pounds of cream a month in a package.

He says he bought a total of 294 pounds, which was well within his limit. The cost was about $100. His error was discovered about 6 months later when Blanford's auditors came to check his books. They told him, according to Stalker, that buying cream in 20-quart containers was a bulk purchasing operation, not a package purchase as required by the order, and hence he was in violation.

As a result, Stalker's classification was changed from producer-handler to producer-dealer, which meant he was obligated to contribute to the pool or equalization fund. There was a lot of other redtape involved, but the upshot of it all was that the Government billed him for 2 years for pool payments based on the quality of milk he sold, which in his case amounted to roughly $30 a day.

In relating Stalker's story to the House recently, Representative Riehlman, Republican, of New York, put it succinctly when he said: "This is the product of three decades of misguided effort to regulate the farm economy. I suppose that this sort of thing is to be expected of such a system as we have concocted, but I cannot read of an instance such as this without wondering how it could happen in America, the land of the free."

What else would you expect when the economic future of a segment of the citizenry is turned over to Government bureaucrats who make careers out of managing other people's business?

ADMINISTRATION'S CONDUCT OF INTERNATIONAL AND DOMESTIC AFFAIRS

The SPEAKER. Under previous order of the House, the gentleman from Colorado [Mr. Dominick] is recognized for 90 minutes.

Mr. DOMINICK. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. DOMINICK. Mr. Speaker, I have asked for this time so that four of us as a group make what we believe are some constructive commentaries on the conduct of this administration, in connection with international affairs, and to couple with this some thoughts about keying together domestic policies with international policies.

Mr. Speaker, we feel that these papers, which we have discussed with the Republican leaders in the House, are of sufficient importance to warrant some attention, and to be included in the Record, and be presented to you for your study.

The four of us, the gentleman from Massachusetts, Congressman Morse; the gentleman from Connecticut, Congressman Sibal; the gentleman from Kansas; Congressman Ellsworth and myself, covering the span of a continent have worked on this together so that we may bring to you unified thoughts and ideas from vastly different congressional districts differing not only in geography, but also in history and population.

We have entitled the presentations which we are going to make today and in future sessions, because this is only the first of a series of about four we are going to make, to try and offset some others which have had some notoriety recently, "The Freedom Papers."

In the course of these papers we may be critical of the administration but the criticism is engendered by our status as American citizens deeply concerned with the issues facing us.

As U.S. Representatives, we have an obligation to state clearly our feelings concerning the defects in this administration's foreign policy, which defects may not only affect the future freedom and security of this country, but may indeed determine whether we will have freedom or slavery for ourselves and our descendants.

Any solution must start with fundamentals and the foremost fundamental is recognition of the problems.

Obvious to all of us is the fact that the security of every individual in the world today is tied up with our struggle against international communism.

It is well to keep in mind that although most of the publicity on this point has involved interaction with Russia and China, nevertheless the Communist conference held in December 1960 included Communist representatives from 81 countries.

No matter how carefully our State Department or Defense Department may censor speeches referring to Communist aggression or the international Communist conspiracy, the fact remains that in the last 43 years communism has taken control of one-third of the world's population; has killed or enslaved millions of people; has constantly avowed that it would utterly destroy free enterprise and capitalism, and is actively involved not only in expanding its poisonous tentacles to other portions of the world, but is endeavoring to stupefy us into inaction by constant probes, constant crises and constant, but varied, pressures.

How have we fared in this grim struggle since January 1961 when the new administration took office?

In the President's inaugural address he stated eloquently policy positions which all of us, as Americans, applauded, wholeheartedly.

Among these statements were:

> Let the word go forth from this time and place to friend and foe alike that the torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage, and unwilling to witness or permit the slow undoing of those human rights to which we are committed today at home and around the world.
>
> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty. This much we pledge and more.

But what has this administration done in support of these ringing pledges? What has been done to prevent "the slow undoing of those human rights to which this Nation is committed"? What burdens have we borne "to assure the survival and success of liberty"? In what ways have we "supported friends and opposed foes"?

The record is clear but painfully dark and dismal.

First. Our first opportunity was Laos—a strategic country in southeastern Asia, governed by a leader then friendly to the Western World, and under attack by Communists actively supplied and supported by our arch enemy the Russian Communist government. The President, on a nationwide television broadcast pointed to Laos on a large map and stated that this was an area of the world where freedom was being threatened and that we would not let the attack go unchallenged.

But what did we do?

After a considerable period of time debating, we called for a cease fire to be supervised by an international commission. The cease fire occurred but only after the Communist forces had pushed far enough south so that their forward lines could be used as armed bases for attacks across the central plains into South Vietnam, our friend and ally.

We then participated in a conference in Geneva with representatives of Russia, Red China, and Communist North Vietnam, a conference at which the desires of the Lao Government were ignored. Bon Oum and Gen. Phoumi Novasan were told to expand the political context of the Lao Government to include the Communists and to give them the Ministry of Interior and the Ministry of Agriculture which they had demanded. From these posts the Communists could control the military forces and the food supply of the country. The anti-Communist leaders of Laos protested against this inevitable rape of their own country and refused to comply.

Did we support our anti-Communist friends and oppose our Communist enemies?

Quite to the contrary.

For over a year we have been trying to force this settlement down their throats, first by reducing and then cutting off foreign aid funds, and lately by threats to cut off all military aid.

Columnist Joseph Alsop recently likened the situation and our policy to the Mad Hatter's tea party in "Alice in Wonderland"—referring to our Ambassador Averill Harriman as the Mad Hatter and to the Premier of the country as the doormouse who refused to be stuffed into a teapot.

Second. Next came Cuba. We trained, equipped, and transported Cuban refugees who wanted to free their country and their fellow citizens from the slavery which communism had imposed on their country—only 90 miles away from our shore. While in the very process of carrying these true freedom fighters to their homeland, the President, at the urging of his close advisers, publicly announced that under no circumstances would the United States intervene in support of this effort.

Since the whole operation had been based on adequate air cover which was not available without our assistance, these brave people were simply transported to a fiery death, or imprisonment, and the implacable chains of Communist slavery were fastened ever more firmly on the Cuban people.

As stated by Charles J. V. Murphy in the September 1961 issue of Fortune:

> Only 8 hours after Kennedy had given his "go ahead" and even while the expedition was then cruising toward the Cuban shore the Air Force Command was informed the B–26's were to stand down, there was to be no air strike in the morning. This was a Presidential order. Secretary Rusk was acting for the President. The B–26 commander at the staging field got the changed orders shortly before midnight, only half an hour or so before they were scheduled to depart; the bomb bays were already loaded and the crews were aboard.
>
> It was no Dunkirk. Only a few men of the 1,400 were saved.

Apparently not satisfied with the tremendous flash of success which this abortive action had given to the pirate Castro and his bunch of gangsters—the administration then threw its support behind a program of ransoming the prisoners. This successfully completed the ignominy of the United States, enhanced the prestige and power of the Communist government in Cuba and would have given valuable economic aid to the enemy except for the massive protests from the American public.

Third. Rumors then circulated that the President would agree to a summit meeting with Khrushchev concerning the Berlin situation.

Despite four agreements since World War II assuring the safety and freedom of the citizens of West Berlin, and freedom of access routes to it, these had been ignored whenever the Soviets decided it was to their best interests and had created some sharp crises which had necessitated firm, determined leadership and action.

What happened this time?

The Soviets closed three of the access gates between West and East Berlin. We did nothing. So eight more were closed. We still did nothing.

Refugees from Communist dictatorship in East Germany and East Berlin surged into West Berlin and West Germany in ever increasing numbers—reaching a flood tide of 30,444 in the month of July 1961.

The President returned from the Vienna meeting in June 1961, stating publicly that nothing in particular had happened but that a firsthand viewpoint of Khrushchev's attitude had been obtained.

Shortly thereafter the new Soviet memo presented to the President at that meeting, and threatening a separate peace treaty with East Germany before the end of the year, in violation of all concepts and agreements of a unified Germany, was revealed to the American people.

At about the same time 10 more access gates between East and West Berlin were closed. Still we did nothing.

On August 13, 1961 the infamous Berlin wall went up.

Our military commanders rushed to the wall but took no action to destroy it as they had no authority to act immediately.

Subsequent information indicated that the East Germans who built it had orders not to resist if we had attempted to tear it down, and that most of them were 15 and 17 years of age—boys with weapons but no ammunition.

In fact, Richard H. Rovere in an interesting article in the September 1961 issue of the New Yorker states:

> Reports that the sealing off of East Berlin took the West completely by surprise were only partly true. For a good 3 years Western intelligence agencies had been in possession of an East German plan—filched by a spy or delivered by a refugee—for the swift construction of exactly the concrete-and barbed-wire barrier that has been rushed to completion this week.

Once more millions of people were imprisoned behind Communist walls while we sat on our hands and the torrent of refugees seeking freedom in the West was cut to a mere trickle.

Fourth. In September 1961 the Belgrade Conference of the Neutral Countries commenced. At that very time, the Soviets announced that they would set off a series of nuclear blasts in the atmosphere, regardless of the moratorium agreement on testing and in complete contempt of negotiations to bar such testing by formal treaty.

The neutrals said little against this—but took the opportunity to censure the United States for holding Guantanamo, our base in Cuba by treaty and held by us for the protection of this hemisphere against outside aggression.

Fifth. During the debate on the Mutual Security Act of 1961, we as members of this great body, included a provision prohibiting foreign economic aid to specified Communist bloc countries, including Cuba.

The administration and the State Department publicly opposed this and succeeded in the Senate in knocking out the provision and substituting a watered down version prohibiting aid to any country unless the President has first determined that they are not Communist controlled.

No such written expression has been made available to Congress, or the press, but aid has been granted to Yugoslavia and Poland, both controlled by Communist governments.

Sixth. In the United Nations our representatives failed to get U.N. support for the censure of India when it took over Goa by force of arms.

I ask again, Mr. Speaker, in what way have we supported our friends and opposed our enemies?

In what way have we upheld the liberties to which this country is committed by any of these events?

But the rollcall is not yet through.

Seventh. South Vietnam, our ally in SEATO, and a country which took in the thousands of refugees from communism when Vietnam was divided in 1954—is now and has been since January 1961 under armed attack.

We have been giving real assistance here but we have left open without apparent protest the very gateways through which the Communists are armed and supported; namely, the bases in Laos which are apparently considered inviolate under the cease fire agreement.

As a result, the other countries in Southeast Asia have been veering more and more to the side of apparent power.

In a speech in November, 1961, Prince Sihanouk, head of state in Cambodia, who asserts that his country is neutral, had this to say:

> SEATO wants to find a pretext to commit armed aggression against Cambodia. Our forces are small. If we are attacked we will call on friendly countries to help us. The Socialist camp, especially People's China, will not let the SEATO bloc do what it likes.

Eighth. We have been giving aid and assistance to Indonesia which is busily arming itself with Soviet military supplies and which has stated publicly that it intends to take over West New Guinea from the Dutch, by armed force if necessary.

Neither ethnically nor politically does Indonesia have any claim to the country or people of West New Guinea. The Dutch, on the other hand, have stated that they would give self-determination to the Papuans and then agree to a plebiscite so that the area can determine its own future. In the meanwhile they have refused to accede to Indonesia's demands.

We, in turn, have refused landing rights to the Dutch to transport troop replacements, but have offered our negotiating services to both parties to resolve the dispute as though Indonesia had a legitimate claim.

Ninth. While these events have been occurring abroad, we have been following an equally curious pattern domestically with respect to the Communist menace.

In April 1961 we removed the ban of delivering Communist propaganda through the United States mails.

Following the Berlin crisis, export licenses for shipments to the Communist bloc countries were sharply increased.

In 1961 the State Department strongly opposed congressional action in declaring an embargo on trade with Cuba and succeeded in burying it in the other body after it had passed the House by an almost unanimous vote.

Through the Pan-American World Health Organization, and, after action by the President this spring cutting off trade with Cuba, we have supplied over two-thirds of the cost of 2-ton trucks and four-wheeled jeeps sent to Cuba ostensibly for malaria eradication programs.

The administration eliminated support of Captive Nation week, an effort by Congress continued over many years to show to the people under Communist dictatorship in Eastern Europe, that they are not forgotten by the free world.

We have trained Yugoslav pilots so they can fly fighter planes given by us to their Communist Government.

We have authorized large amounts of money for the Volta Dam project in Ghana, the President of which has just received the Communist Peace Prize.

And perhaps, worst of all, is the recognition that the jeeps and trucks that we paid for and sent to Cuba after this embargo were Russian-manufactured jeeps and trucks.

I submit, Mr. Speaker and colleagues, that the mere recital of these events indicates quite clearly that the magnificent phrases of the President in his inaugural address that "we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty" have been lost in the dark turmoil of these days.

Instead of this clarion declaration of purpose, our apparent foreign policy was recently summarized by a German-born Englishman in a speech in West Germany, where he said:

> The American foreign policy appears to be: "Be neutral to its enemies, friendly to the neutrals, and hostile to its friends."

But, the facts clearly indicate to me that we have apparently failed to recognize the challenge of our times, the menace to our very lives and liberty posed by the international Communist conspiracy. We have, up to this moment, failed to fulfill by action the pledges made by words.

And we must point out these facts so that history may be used as a signpost not a hitching post.

We must marshal all our power and energy in a fight for the liberties of the people of the world—a fight which is not necessarily a military one but which must be backed by as much military force as is needed to provide a deterrent from surprise attack and enough force to backup any ally or friend under attack.

We must bring to bear our determination to win not merely to counteract, to enable the people of this world to live under their own freely chosen form of government, to prevent economic strangulation from the massive resources placed against us, and to tie together an affirmative foreign policy toward these ends with domestic legislation to implement the policies.

We must recognize, as stated by a prominent member of the other body, a member of the majority party, that the only hope for success of the United Nations is in a strong viable free world, that the neutrals can remain independent only so long as the free world exists in strength and power, and that this Nation's course in history is to move forward—not backward or sideways—to prove to the people that the individual liberties for which so many of us have fought and died are still alive and the most enduring of all ideals.

Mr. Speaker, I now yield to the gentleman from Kansas [Mr. ELLSWORTH].

Mr. ELLSWORTH. Mr. Speaker, the gentleman from Colorado has discussed conditions which indeed seriously concern us all.

But is it not true that there have been gains for the free world in the last 16 months, and setbacks for communism?

Is it not true, for instance, that Western Europe has forged a new and powerful community of freedom, with a greater industrial base than that of the Soviet bloc?

And is it not true that the Alliance for Progress has started Latin America on the road to progress and stability?

And are not these things gains for the free world and setbacks for communism?

To a large extent the answers are not yet clear—and yet it is clear enough that the administration has neglected opportunity after opportunity for leadership in these two vital world areas—Western Europe and Latin America.

Of course this administration has lost opportunities in many places. The gentleman from Colorado [Mr. DOMINICK] has given us a catalog of lost opportunities.

We lost an opportunity in Cuba, and all Latin America is paying for it today.

We lost our opportunity in Berlin, and we are paying for it today.

But the new developments in Western Europe, and the initial surge of pro-U.S. enthusiasm in Latin America, are two opportunities that have been neglected by this administration so far—but that could possibly be recaptured.

In Western Europe, the Common Market has passed irrevocably into its second stage.

The nations that have signed the treaty of Rome are now committed to common national and international economic policies, in their relations among themselves as well as with the rest of the world.

They are drawing applications or expressions of interest from Spain, Austria, Great Britain, Norway, and other nonmembers of the Community.

The European Community is emerging as a powerful new force on the world scene—both politically and economically.

The present administration has failed to take advantage of this development.

Our own Congressional Joint Economic Committee has unanimously urged the President to call a conference of Western Nations, for discussions aimed at eliminating conflicts in our international economic policies.

Specifically, the committee has urged—and the administration has so far failed to take advantage of the opportunity—that such a conference "balance out the hard-core $2 to $3 billion in U.S. payments deficits and their corresponding European payments surpluses. We would hope that the recommendations for balancing would be achieved by European action with respect to unilateral tariff reductions, greater development aid, and larger defense contributions, rather than by recommendations for U.S. import restrictions, curtailment of U.S. tourist travel, restrictions on capital movements, and other undesirable measures."

Authority for such discussions is written into article II of the NATO Treaty.

This administration should have called for such a conference, among all the NATO nations, long ago. The opportunity has been there all along.

Meanwhile, this administration has sponsored the carpet and glass exercises in protectionism.

Meanwhile, this administration has sponsored the "Yankee come home" tax penalty on American oversea capital investment.

Meanwhile, this administration has let the European Community capture the initiative in developing new international agricultural trade policies, which are of central importance to our farmers, to our consumers, and to our taxpayers.

These opportunities, so far ignored, to iron out conflicts in our relationships with our NATO friends will continue to recur as more common market communities begin to emerge.

The European Common Market is only the first of a number of emerging common market areas in various stages of development.

In Central and South America free trade and common market areas are growing.

Just the other day there were reports in the press of a Northwest Africa free trade area being formed.

The economic future of southeast Asia may be in this direction.

This Nation need not be frozen out in the development of international economic policies in the free world, if this administration will only use its opportunities for leadership.

If we choose to sit on the sidelines and watch opportunities slip by, we could watch these emerging common market areas, including Western Europe, further divide the free world.

If, on the other hand, we remain true to the power of the American ideal, and play our full role as the mighty leader of the free world—if we use our opportunities and the instruments we have at hand, we can help create a community of free nations that will grow beyond our dreams.

As for Latin America and the so-called Alliance for Progress, it is increasingly clear that this administration has missed its opportunities badly, from the beginning.

The opportunity created both at home and in all the Americas—except in Cuba—by the impetus of the bipartisan approval of the aid plan for Latin America by the Congress, and by our people, was immense. Enthusiasm ran high.

Our Congress, and the people throughout all the Americas, were told that Alliance for Progress money would be used in a tough, realistic way—to get started on hard projects in Latin America that would build up the economies of those countries by providing roads, schools, dams, and other similar projects. We were told—and the governments of Latin America were told—that they would have to meet certain minimum standards of economic stability and reform, in order to qualify for aid.

That made sense. That was what we were told.

The Alliance for Progress has not been working that way.

Some $350 million of the $1 billion allocated so far to the entire Alliance for Progress throughout Latin America—over one-third of the entire amount—has gone to help balance Brazil's international accounts. Not for projects.

Alliance for Progress money has also been used to help balance Argentina's international accounts, instead of for projects.

Moreover, almost as fast as our tax money goes into Latin America, local investors promptly send their own money to European banks. So that, to a substantial extent, our Alliance for Progress money is simply replacing local money and we take up the burden in place of the inhabitants of the country involved.

This administration—eager to penalize our own investors in oversea plants in Europe—has so far neglected the opportunity to stop the flight of Latin American capital to Europe.

But more fundamentally, the Alliance for Progress has really undermined the whole concept of helping the Latin American people to help themselves by requiring their governments to meet minimum standards of economic reform and stability.

Here is what has happened:

The requirement of minimum standards of economic reform and stability was written into the iron-clad charter of the Inter-American Development Bank. But the Bank—which has had to stick to its charter—has found, and the governments up and down Latin America have found, that whenever the Bank insists on standards and conditions, our Alliance people are willing to make funds available without requiring that standards be met. The money is there in the Alliance, it may be had, and so why bother with the Inter-American Development Bank, which so quaintly insists on rules?

Our opportunities in Latin America may now be lost for good. I hope not, but since these very special opportunities—to create a new approach to economic development through reform and stability—stemmed from the initial psychological impetus of the Alliance for Progress—I fear this administration may not be able to get back on the right track.

Mr. Speaker, what has been inspiring about the Alliance for Progress, and the new common markets in the world, has been the power of these concepts to move men's preoccupations away from narrow nationalism.

So far, this administration—after a strong and energetic start—has failed and neglected to take advantage of our opportunities in Western Europe and in Latin America, as well as in Asia and in other trouble spots.

In all fairness, these failures have stemmed partly from the administration's preoccupation with Communist thrusts in Berlin and in Cuba, and elsewhere. Vital and essential as it is to have dealt with these thrusts, of course, we can never expect the Communists to lay off us while we talk and think about taking a leadership position in the free world.

If we will start living up to our words, if we will start taking full advantage of our opportunities, if we will start providing strong, certain, and reliable leadership—then we will be able to serve the hopes and aspirations of the people of the world for freedom.

We will forge a community of free nations that will grow beyond our dreams.

Only such a strong community is capable of meeting the requirements of the underdeveloped countries and offering a magnet to the people in slavery back of the Iron Curtain.

When we start taking full advantage of our opportunities, the adventure could be what the free world needs to recover its spirit over the next two decades.

I thank the gentleman for yielding.

Mr. DOMINICK. I certainly want to thank the gentleman from Kansas [Mr. ELLSWORTH] for an extremely able contribution.

Mr. MORSE. Mr. Speaker, will the gentleman yield?

Mr. DOMINICK. I yield to the gentleman from Massachusetts.

Mr. MORSE. I thank the gentleman for yielding.

Mr. Speaker, I take the floor this afternoon with my colleagues to participate in this constructive commentary on events and opportunities that will affect our Nation's destiny and the future of men everywhere who aspire to liberty. Most Americans are convinced that our country needs a vigorous national strategy dedicated to ultimate victory for the forces of freedom. The vast majority of Americans reject the philosophy of static coexistence.

History does not stand still. Unless we forge a dynamic foreign policy, our national position, and the ideals for which we stand shall inevitably decay and disintegrate.

We can no longer afford merely to respond to the impact of events.

We must be sensitive to the forces of change in the world. We must seek to shape and direct these forces in accord with our national interests and the interests of free nations and free peoples throughout the world.

We must not permit ourselves to be the prisoners of these forces.

We must develop a concept of priorities in our national strategy to insure that the thunderous present does not overwhelm us.

My remarks this afternoon, Mr. Speaker, will be concerned with our foreign policymaking machinery which I believe must be improved if we are to meet the challenges of the cold war. I will offer a few specific suggestions as to positive steps that we should take to strengthen our national effort in this regard.

The new administration, upon taking office in January 1961 inherited a number of long-term national policy machinery problems that had plagued its predecessors.

The Brookings Institute in a study on "The Formulation and Administration of U.S. Foreign Policy," published in January 1960, listed eight exacting requirements for the effective administration of national affairs:

First. Vision to determine ultimate goals and foresight to anticipate difficulties not now readily seen.

Second. Alertness and flexibility to pick the limited objectives that will lead to the ultimate goals, and to revise them as needed.

Third. Multiple coordination of objectives, programs, and operations.

Fourth. Timing of action and phasing activities that may be sequentially dependent.

Fifth. Conduct of technically advanced and complex operations on a large scale at low cost and with normal efficiency.

Sixth. Contraction and expansion of enterprises which in their nature are not easily adaptable to this accordion movement.

Seventh. Awareness of the aspirations, feelings, and reactions of people steeped in cultures foreign to ours, living amidst conditions it is difficult for us to comprehend.

Eighth. Bringing to this process a personal enthusiasm and dedication far beyond an ordinary kind of commitment.

These requirements are generally applicable to any process of policymaking and administration, but they are especially valid in the foreign policy field where every administrative strength or weakness is magnified within an international contest.

At the heart of our problems in the administration of foreign affairs is the bureaucratic complex known as the Department of State, with its 14,000 people divided about evenly between Washington and oversea posts. The burden of the functions it has been called upon to assume since the early 1940's defy the imagination. Within a span of time all of us here can remember our concern in foreign affairs has been transformed in a revolutionary manner. We have moved from a limited 19th century diplomacy requiring a small, elite corps of professional diplomats to a highly charged operational program in the spheres of military and economic assistance, culture, and information requiring a new kind of total diplomacy. Such a revolutionary transformation is bound to pose the most complex administrative problems.

There are a number of factors that frustrate or complicate the administrative solution of our problems. First, there is the factor of traditional attitudes within the bureaucracy—notably in the Foreign Service. Administrative reform through reorganization can move only as rapidly as the personnel concerned are intellectually prepared for radical changes. We are witnessing one example of this in the current reorganization of our aid programs. Changing the label does not change the beast.

Second, there is the factor of evolutionary, piecemeal, ad hoc growth in the structure of our foreign programs. It is our nature as a people to improvise solutions as we go along. The complexity of our organization for foreign affairs is a testimony to their empirical pragmatic approach. From time to time the sheer weight of the structure necessitates reform—yet without a long-term change of attitudes reorganization will remain a paper phenomenon.

Finally, and I am not exhausting the list of problems involved, there is the political limitation we impose by our own choice on administrative reorganization and long-term reform. Under our system of congressional oversight the bureaucrat is particularly sensitive to criticism. Within the Congress and public at large he finds cliques and coteries of supporters and detractors of the programs he is charged with administering. Any action that would jeopardize one of the particular concerns of one of these groups sets into motion a whole chain of counterpressures. The easiest solution is inaction, preserving the status quo.

When you add "roll with the punch" attitude that characterizes traditional diplomacy, there is little to encourage initiative and a bold approach to administration.

When President Kennedy assumed office, he was undoubtedly aware of these problems, as a student of history and politics, as an experienced member of the Committee on Foreign Relations in the other body. I am sure that one of his major objectives was to break the administrative log-jam in our machinery for national policy. This involved cutting through the bureaucratic inertia that has chronically immobilized the Department of State. It involved a new administrative team in the spacious penthouse of the new State Building to ride herd over the princely states and petty fiefdoms of Foggy Bottom.

We soon witnessed the emergence of what has been called "The Kennedy Style" involving increased centralization of decision making power in the White House and the infusion of Presidential energy into the administrative process by the free use of the President's initiative and the frequent involvement in departmental affairs by the White House staff.

There can be no doubt but that the writings of academicians respected by the President contributed a great deal to the development of the President's approach to administration. We have all seen evidence of what Richard E. Neustadt has called "action forcing processes" which he defines as "recurrent circumstances or procedures that assure of flow of concrete issues to the President for definite decision by a certain date." We have seen the resurgence of what Arthur Schlesinger, Jr., one of the President's closest advisors, has defined as the "competitive theory of administration" implying the technique of keeping grants of authority incomplete, jurisdictions uncertain, and charters overlapping.

To give expression to these ideas, the President made a number of innovations. Interdepartmental coordinating committees were abolished. The Cabinet, as a policy review board, fell into disuse.

The formal machinery of the National Security Council was pruned drastically with the elimination of the Operations Coordinating Board and the transfer of the National Security Council Planning Board function to State. The White House was staffed with a group of highly articulate presidential advisers including McGeorge Bundy, Walt W. Rostow, and Professor Schlesinger. In response to crises he has appointed new special assistants: Gen. Maxwell Taylor—after Cuba—and Gen. Lucius Clay—after the Berlin wall. He has utilized the services of the Attorney General in a variety of areas far removed from the administration of justice, including the reorganization of CIA.

The intentions of this new approach were good insofar as they were designed to insure the vigorous national strategy I referred to earlier. The acceleration of the policymaking process can give us more flexibility in outmaneuvering world communism. Greater coordination can help us speak with one voice and one purpose. Strong Presidential leadership in the administration of the executive departments is essential to sound management. But theories must be tested in action.

While the President's approach has had several positive aspects, it has had some significant limitations. The centralization of decisionmaking power must be weighed against the higher wisdom of a dispersion of power—one of the basic principles of our Constitution. "Action-forcing processes" may force premature policy decisions without adequate staff work. There is always the risk of the usurpation of power by Presidential assistants, not confirmed by the other body, operating in anonymity. This involvement is likely to weaken the position of the responsible Cabinet officer, and cause confusion within the Department.

But the most serious limitations to the new approach is the impossible burden it places on the Chief Executive. Speaking of the competitive theory of administration, Schlesinger warned that "Only a man of limitless energy and resource could hold such a system together. Even Roosevelt at times was hard put to keep it from flying apart."

Upon analysis, I believe that some of the weakness in the conduct of our foreign affairs can be traced back to the new approach. The President has learned a great deal as a result of several recent crises, and has made changes in his style of administration, but the record is still disturbing.

One. Let us look at Cuba. The events leading up to the abortive invasion reveal that the competitive theory of administration flew apart. While the National Security Council, CIA, and the Joint Chiefs participated in the planning of the operation from the start, the individuals most directly concerned with our overall foreign policy either were not consulted or were overruled. Secretary of State Rusk did not bring his own Department's intelligence unit into the planning phase. Under Secretary Bowles' advice was ignored. The chairman of the Committee on Foreign Relations in the other body had to take the initiative in presenting his point of view. And, the U.S. Ambassador to the United Nations was not advised of the plan until the last minute. However, while overruling his State Department advisers, the President did modify important details in the military plans during the final stages of the operation. The results satisfied no one.

Further, the staff work by the Presidential assistants was clearly deficient. James Reston of the New York Times observed:

> The theory was that these men, above everything else, would be extremely thorough in their staff work and bring to the highest counsels of the Executive a sense of history. Yet they have left the impression that the Cuban decision was reached without adequate staff preparation, and without that larger perspective of history which places specific decisions in proper relation to the commitments and objectives of the Nation.

Reston added "that the possibilities and consequences of failure had never been considered."

There have been a number of encouraging developments since the Cuban invasion. In late June, the President explicitly forbade his staff to interfere in the operations of the departments and agencies of the executive branch. In November, he announced a major shift of personnel, including the transfer of three important White House staff members to the State Department. In addition to designating Mr. Rostow as head of the Policy Planning Staff of State, the President decided shortly thereafter to abolish the crisis desk in State. This unit, officially known as the Operations Center, was designed to cut across bureaucratic lines to other agencies and through the red tape of the Department itself.

Let us look at Berlin. In this instance we were unprepared for the bold move. We knew of Khrushchev's concern with the embarrassing flow of refugees from East Berlin. We should have expected the construction of the concrete curtain. Mr. Robert Murphy, former Under Secretary of State for Political Affairs, recently stated that our weakness in Cuba probably encouraged the Communists to move in Berlin. After the wall was built, we evaded the issue by placing the emphasis on the access to Berlin. Mr. Murphy went on to say that there was no crisis, because the other side realized that we were not opposing the wall with force. They had gained their point, taken the territory involved and stopped the exodus. This was their objective. It would seem obvious that their current probes are merely laying the foundation for a future move at a carefully selected time when they will be able to push again.

Are we ready for the next move? Are we planning ahead this time? Or, will we merely react to the Soviet initiative? The Reporter in a disturbing commentary written by the distinguished New York Times correspondent, David Binder, asks "Are We Really Standing Firm in Berlin?" I urge every Member of this body to read Mr. Binder's report which appeared in the March 15 issue of the Reporter.

To insure that there were direct lines from the White House to Berlin, President Kennedy appointed General Lucius Clay as his personal representative in Berlin in September 1961. Clay was authorized to "report, recommend, and advise" on Berlin—first to exchange views with the Allied commandants and then to report his views to the President. On the surface, this was a vigorous step—entirely in keeping with the competitive theory. But, to succeed, an effective working relationship between General Clay and the formal bureaucratic chain of command was necessary. The Reporter article documents the steady deterioration of General Clay's position. The only way to convince the Communists of our resolve is by prompt countermeasures against Soviet and East German harassments and infringements of right. Yet, initiatives proposed by General Clay were countermanded by the State Department and by the military. The discretionary powers of the United States commandant in Berlin, General Watson, were substantially reduced by requiring higher clearance from Heidelberg and NATO Headquarters in Paris.

Third. Finally, I should like to comment briefly on the Alliance for Progress, one of the major innovations of the Kennedy administration and one aspect of our foreign policy that is in serious trouble. It has been said that the next 12 months will determine whether the Alliance will succeed or fail. Unless the President exerts forceful leadership over the bureaus in the State Department and in AID responsible for the problem, failure is inevitable.

The Alliance for Progress is an attempt to achieve revolutionary change without political revolution. If it is to succeed, it will require domestic reforms in taxation and land holding on an unprecedented scale. While we should not expect the impossible, we must avoid subsidizing existing regimes that are making no efforts for reform. Too often in the past our long-term aid objectives have been overruled by political crises. It is disturbing that the first three major loans under the Alliance corresponded with domestic political crises in the recipient countries.

There is a clear need for Presidential support for Mr. Moscoso, Administrator of the Alliance. In the past, Latin American policy was one of the acute sore spots between the White House and the State Department. Three White House assistants, Professor Schlesinger, A. A. Berle, and Richard N. Goodwin, largely determined Latin American policy during the formative stage of the Alliance. The position of Assistant Secretary of State for Inter-American Affairs was not filled until 6 months after the new administration took office. Over 20 men turned down the job, in part because of this excessive intervention by the White House staff. Now that Mr. Goodwin, one of the centers of controversy, has been moved to State's Bureau of Inter-American Affairs, the lines of authority have been reestablished. But the risk still remains that political considerations will undermine the goals of the Alliance.

Our colleagues, the gentlewoman from Michigan [Mrs. GRIFFITHS] and the gentleman from Missouri [Mr. CURTIS], recently participated with the junior Senator from Alabama in a review of our Latin American policies. Their report to the Joint Economic Committee warned against the "temptation to shore up existing governments by providing large amounts of budgetary support or balance-of-payments loans, while relieving them of the political embarrassment and dangers of adopting or pushing through their legislatures sound economic and social programs."

Mr. Speaker, I have commented briefly on three aspects of our foreign policy under the Kennedy administration. I could discuss others, but these illustrate clearly that we have not perfected our national policy machinery. The experiment with the competitive theory of administration and the heavy reliance on White House staff for policymaking were costly. The President has admitted its failure and is placing greater reliance on his Cabinet members and their departmental staffs. It is unfortunate that the President did not heed earlier the words of the Jackson committee in its third report, which appeared the month he took office:

> In the American system, there is no satisfactory alternative to primary reliance on the great departments, and their vast resources of experience and talent, as instruments for policy development and execution.

While we can applaud, as Walter Lippmann did, the "heartening evidence of the President's uncommon ability to learn from experience," we must not stop there, for we have not even begun to tackle the essential problems of our foreign-policy-making machinery.

As I mentioned earlier, the solutions of these problems require a strong administrative team in the Department of State. As the junior Senator from Washington has pointed out, we need executive managers:

> Too few State Department officials now possess the background and experience required for executive tasks. Increasingly, the administration of foreign policy is big business which must be run by skillful administrators.

My remarks are not intended to disparage the outstanding personal qualities of the Secretary of State. Mr. Rusk has proved his skills as a diplomat. But let me cite the comment of Murry Marder in the Washington Post:

> Rusk is widely credited in the White House, in the State Department, and on Capitol Hill, with every desirable quality for the secretaryship with the exception of vigorous leadership and assertiveness. Rusk by nature is not the dynamic administrative type. His speciality is quiet, patient, logical analysis and calm, step-by-step execution of policy.

In spite of the best intentions of the administration, Mr. Rusk has found it necessary to be out of the country for extended periods. In fact, according to a recent report from State, he traveled 113,181 miles overseas, as compared with a 6-year average for Mr. Dulles of 79,881 miles per year, and a 2-year average for Mr. Herter of 61,994 miles per year. In light of the heavy demands placed on the Secretary, the No. 2 man in the Department must be the keystone of cohesion. Mr. Rusk's Under Secretary's function should be just this—chief administrator of the Department. But Chester Bowles was given express authority, when he served as Under Secretary, to free-wheel and to work out new approaches to old policy problems. Thus, his office never really meshed with the gears of the State Department.

Apart from the merits or demerits of the Rusk-Bowles team, the fact remains that for the better part of a year, no one was running the Department. In November 1961, reshuffling of foreign policy assignments signalled a new concern for the administration of the Department. By almost all reports, Under Secretary Ball has done a good job in the number two position, but, again, his responsibility in the trade area and his frequent trips to Europe necessarily limit the attention that he gives to the Department.

As I said, Mr. Speaker, my colleagues and I intend our remarks to constitute a constructive commentary. This carries with it a responsibility to offer some positive recommendations and I should now like to offer a few suggestions for strengthening our foreign policymaking machinery.

First. Recruiting executive managers: I have stressed the need for strong executive and administrative abilities in top foreign policy positions. The efforts of the Kennedy administration to recruit top executive talent from business to help staff the new AID program are to be encouraged. But the President has a responsibility to see that this new talent is used effectively. This may eventually mean a new reassignment of personnel at the top levels of State and AID.

Second. Reorienting the Foreign Service: The Foreign Service forms the core of the State Department personnel system. New blood at the top appointive levels of the Department is not sufficient, by itself, to solve the problems of departmental administration. We need to place more emphasis on executive abilities in recruiting new members for the lower levels of the Foreign Service. The level of administrative talent—suitable for the new type of total diplomacy we are confronted with needs to be upgraded throughout the Service, through training, encouragement of initiative, and rapid advancement based on merit. A panel to survey the Foreign Service, chaired by our former colleague and my distinguished friend, Governor Herter, is currently reviewing these problems as they relate to our manpower needs in foreign affairs over the next decade. Their report will merit prompt consideration by the administration.

Third. Quality not quantity: My first two recommendations emphasize the need for quality at all staff levels. The Jackson committee has commented on the already impressively high caliber of the national service. But it called particular attention to the serious overstaffing in national security departments and agencies. Unnecessary people make for unnecessary layering, unnecessary clearances and concurrences, and unnecessary intrusions on the time of officials working on problems of real importance.

We have not begun to tackle this problem. Therefore, I recommend the establishment of a top priority task force with full Presidential backing to consist of representatives of the Secretary of State, the Administrator of AID, the Chairman of the Civil Service Commission, the Bureau of the Budget, and representatives of the responsible Congressional committee. This task force should make specific recommendations for administrative and legislative action to break the stranglehold of overstaffing.

Fourth. Long-term unification: The Jackson committee concluded that the central problem of national security was not reorganization but getting our best people into key foreign policy and defense posts. My first three recommendations have dealt with the broad area of personnel. Yet I disagree with the junior Senator from Washington in that I feel that we should work toward the long-term reorganization of our oversea agencies on a unified basis. The Brookings Institution has recommended a consolidated Department of Foreign Affairs with three organizational components: The Department of State, a Department of Foreign Economic Operations, and a Department of Information and Culture. In working toward this objective we must build up the staffs of the economic and cultural branches to the point where they are coequal with the political staffs of the State Department. The major risk in too rapid unification is that these functions will be dominated by the political expertise of State.

Unification must preserve an administrative balance between these three important aspects of our nonmilitary foreign operations.

Fifth. Establishment of goals and priorities in our national strategy: The best personnel and the most rational organization of our foreign operations will not insure an effective foreign policy without the driving force of clearly articulated and appreciated national goals that will capture the hearts and imaginations of freemen everywhere.

This is our true challenge in the prolonged conflict of the cold war. The Soviets have a world view that provides them a basis fabric—a frame of reference—for developing specific policies for the day-to-day conflict with the free nations. We need to establish a comparable set of goals for U.S. foreign policy. through free discussion and cooperative effort. We need a set of priorities without which our foreign policy will degenerate to a series of barren responses to crises of the moment. For these reasons I recommend that the President establish an ad hoc Commission to include top citizens and Government officials to develop and articulate a set of national foreign policy goals. We cannot win the cold war without an image of the future.

In conclusion, Mr. Speaker let me emphasize that my colleagues and I, like millions of other thoughtful Americans, are deeply concerned with the adequacy of our national strategy. As I said, the American people do not want a policy of static coexistence.

I sincerely hope that my remarks today have been constructive and that they may help guide the United States toward its historic destiny.

Mr. DOMINICK. I compliment my good friend and colleague, the gentleman from Massachusetts [Mr. MORSE], for an extremely penetrating presentation.

Mr. SIBAL. Mr. Speaker, will the gentleman yield?

Mr. DOMINICK. I yield to the gentleman.

Mr. SIBAL. Mr. Speaker, what I am about to say is in an attempt to bring before the House and the American people, some general questions involving the approach of the administration to problems fundamental to the security and welfare of our country.

I submit that the "big sell," the illusion, if you will, rather than substance, has all too often been the guideline for major decisions of the administration. Marketability of position rather than quality of position seems to be the test.

This approach contributes to a dangerous drift in American affairs reflected in numerous ways, large and small, amounting to what I strongly believe is a general deterioration of our position. This must be reversed if we are to retain our historic role as the leader and hope of free man.

It is my intention that today, and in our subsequent efforts here, we may bring some of these questions out from the shadows where they have been and into the arena of public debate where we can examine them for what they are and deal with them in the light of reality.

Let us examine some of the incidents of illusion to which I refer. In bringing these to your attention, it is my purpose not to belabor, but to give specific evidence.

To start at the very beginning of this administration, we all recall the stirring words of the President in his inaugural address, "Ask not what your country can do for you, but what you can do for your country." These words which stirred the country presented a challenge which the American people almost as one responded to. There can be no doubt that the people were anxious to do what they jointly and individually could do for their country. But having created this illusion of sacrifice, what policies has the administration followed in the almost year and a half since the inaugural? What indications have there been that policy would implement promise? What example has been set, what guidelines have been drawn?

Instead of developing policies consistent with this great challenge, a diametrically opposed course of action emanated from the political leaders of this Nation. The national debt grew more rapidly; the budget fell sharply into the red; a huge increase in the Federal payroll came about; nepotism became commonplace; special interest groups perverted basic legislation, such as the minimum wage and depressed area bills. I ask you to relate these examples and the illusion created by the inaugural address if you can.

The gentleman from Colorado referred to the TV news conference pledging action in Laos by the President, to insure freedom and security for all the people of southeast Asia. Has this been and is this to be our policy, or was that dramatic press conference a misleading illusion?

Should we create the illusion that honest and perhaps vital questions about finance asked by distinguished Members of Congress, who need make no apologies for their contribution to international understanding, are really an attempt to destroy the United Nations? Should not these questions be asked and answered before making our decision? What substance is there in the position that asking these questions is detrimental?

Is a thrilling title such as Alliance for Progress enough? Does the illusion which this title created suffice, when there has been confusion and disillusion among its purported beneficiaries as they try to understand the substance? Can we do anything but confuse the future of freedom-loving peoples by pronouncing to all the world that we have a program which is the blueprint for the future in Latin America, if in fact it is replete with problems which need further study and consideration?

Do bold words and gestures in Berlin substitute for a firm policy? Despite the drums is there any real doubt that our position is eroding at this crossroads of history? Are we not entitled to candor? Should not the words and the actions jibe?

And examples on the domestic scene exist, too, which I cite only to illustrate my basic theme.

Should a new Cabinet post and department be created on the basis of who will be its first Secretary, or on real evidence that this is the very best way to meet and solve existent and potential problems? Should issues be argued on divisive, emotional grounds, or on their merits?

Is it really mature leadership for Cabinet officers to concern themselves with such trivia as advising their subordinates to be sure to mention the President's compassion, or other qualities, in their public utterances, or is this, too, part of the pattern?

If we have shown, as I think we have, that the creation of an impression, which all too often has been an inaccurate impression, has occupied much of the time and energy of administration policymakers, I think we must ask ourselves, "Why?" Certainly the President of the United States, and his overburdened advisers and subordinates have responsibilities which would seem to preclude the kind of approach the questions I have raised indicates. Recognizing their burdens and responsibilities and desiring only to be of help in meeting them, I respectfully submit that the reason for the approach seems clear.

The emphasis on popularity, on receiving plaudits, on creating a winning image is far too great to enable tough, hard decisions, based on tough, hard, factual conditions, to be made in all instances. The admittedly successful campaign techniques, developed in the crucible of political conflict, are being applied to decisions which are fundamental to the security and welfare of our country.

Politics is quite properly a part, and a large and necessary part, of any administration, and I think that some of the criticism leveled against some past administrations claiming that they were not political enough is not without merit, but, and in this case the but looms large, the kind of decisions which those responsible for administering the affairs of the United States of America in the 1960's must make cannot be made on the basis of public opinion polls, on the basis of special interest groups, or on the basis of insuring victory at the next election, but only on the basis of what is right for the country and its citizens and the cause of freedom everywhere.

It is when decisions are made on this basis that our political system produces its great moments in history. It is times like these that demand it.

I thank the gentleman from Colorado.

Mr. DOMINICK. Mr. Speaker, I want to thank the gentleman from Connecticut [Mr. SIBAL] for the very penetrating and thoughtful contribution he has made.

Mr. Speaker, we hope to be talking again on some of the subjects involved and raised by the problems we have posed this afternoon. We will probably be talking next on the question of human rights, and I am giving a little advance notice of this so that those Members who care to participate may join with us. It will probably be about 2 weeks from now.

I thank you, Mr. Speaker, and yield back the balance of my time.

EXTENSION OF STOCK MARKET INVESTIGATION

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Illinois [Mr. MACK] is recognized for 30 minutes.

Mr. MACK. Mr. Speaker, I have today introduced a resolution which would provide for a 3-month extension of the stock market investigation.

My resolution would also authorize the Securities and Exchange Commission to spend an additional $200,000 on its special study of the Nation's security exchanges and over-the-counter market.

On June 1, 1961, I introduced House Joint Resolution 438 directing the Securities and Exchange Commission to make a study and investigation of the adequacy for the protection of investors, of the rules of the stock exchanges, and of the National Association of Securities Dealers, and authorizing the appropriation of $750,000 for such study and investigation. Last summer I presided at hearings before the Subcommittee on Commerce and Finance of the House Committee on Interstate and Foreign Commerce at which the Chairman of the Commission and representatives of the securities industry testified. No one appeared in opposition to the resolution.

The resolution was subsequently passed by the House and Senate and approved by the President on September 5, 1961. The sum of $412,500 was appropriated for fiscal 1962 and $337,500 has been requested for fiscal 1963. Pursuant to this resolution the Securities and Exchange Commission has initiated what I believe will be the broadest and most penetrating investigation of the securities markets since the early 1930's.

Starting with a small nucleus transferred from the regular staff, a special staff of about 60 attorneys, economists, statisticians, and other necessary personnel has been organized; study plans have been developed; and various studies and investigations are now well underway by the study group, which has been designated by the Commission as the Special Study of Securities Markets. During the course of the study, I have been continuously informed by the Chairman of the Commission and the director of the special study with regard to the study plans and the progress of the investigation. I have been impressed by the manner in which the Commission and its staff have exercised the responsibilities entrusted to them by the resolution. The Congress has directed the Commission to study a complex and intricate segment of our economy where an investigation must be conducted with extreme care and responsibility so as not to destroy the confidence of millions of investors in our securities markets. I have every reason to believe that the Commission is conducting its study and investigation in a very serious, diligent, and responsible manner.

Although the study has been underway for only about 6 months, I think there are a number of important and positive accomplishments that can already be reported to the Congress. One of the factors which prompted my introduction of the resolution was the rather alarming revelations of misconduct on the American Stock Exchange, which—together with a number of other conditions—indicated an erosion of standards in certain segments of the securities business. At this time 1 year ago the Commission reported a rising number of enforcement actions involving fraud and manipulation. The president of the New York Stock Exchange had issued two strong warnings against speculation in the stock market. There was an increasing tide of so-called hot issues. Since the initiation of the study and investigation pursuant to the resolution, there have been a number of significant developments, directly or indirectly stimulated by the special study, which have helped to create a more salutary climate in the securities markets.

First, the Commission on January 6, 1962, authorized the public release of a staff report with respect to the organization, management, and regulation of the conduct of members on the American Stock Exchange. The report revealed a general deficiency of standards and a fundamental failure of controls on that exchange. The failure of an important segment of the financial community to exercise its share of responsibility for self-regulation of the exchange; the resulting concentration of power in the hands of a small self-perpetuating group dominated by specialists; the disproportionate emphasis by responsible exchange officials upon pursuit of new listings; the lack of member supervision by the exchange—all contributed to a general breakdown of the regulatory machinery. As a result of the Commission's investigation of the American Stock Exchange, a thoroughgoing reform and reorganization of the exchange is now underway. The previous dominant group in the management of the exchange has been replaced; a new president has been appointed; the constitution is being amended; the staff is being enlarged and strengthened; new controls and surveillance procedures are being instituted; and the exchange is proceeding with various disciplinary actions. The Commission's approach to this problem has been within the statutory framework of self-regulation. It is hoped that, under the active supervision of the Commission, the exchange will be so reconstituted that it will be capable of governing itself in the manner originally envisioned by the Congress.

Since the initiation of the special study, there have been a number of other developments indicating that the securities industry is aware of the importance of putting its own house in order. Certain of the regional exchanges have tightened their listing requirements; others are revamping their supervisory procedures and controls. The New York Stock Exchange has recently adopted a rule which requires that specialists on that exchange report all transactions made by their public customers in stocks in which the specialist is registered. In its report on the American Stock Exchange, the special study had pointed to some of the potential abuses of a system wherein specialists are permitted to handle orders on behalf of public customers.

In the over-the-counter market, the National Association of Securities Dealers has stepped up its disciplinary actions involving violations of its rules by members. The "hot issue" phenomenon has very noticeably cooled off since this study and investigation was undertaken.

The salutary effect of the study and investigation in generating reform from within the industry was noted in a recent article—April 15, 1962—in the New York Times:

> Another reason, for reform of the American Stock Exchange, is the presence of the Securities and Exchange Commission, studying all of Wall Street and particularly the American Exchange under congressional mandate. This presence has been ubiquitous—from the trading floor of the American Exchange, where investigators have stood side by side with the specialists, to the over-the-counter houses and the big board itself.
>
> Wall Street fears restrictive new legislation. A clean house, it is hoped, will make the legislation less severe. Naturally, there is also a sincere desire to correct abuses.

In the report to the House which I submitted on the resolution, it was stated that while the language of the resolution is specific, the scope of the resolution was intended to be broad inasmuch as the subject matter encompassed or not encompassed by the rules of securities exchanges and securities associations is extremely wide in breadth. Consonant with this directive of the Congress, the Commission has embarked upon an inquiry which is impressive in its scope and comprehensiveness. I have been advised that the Commission is studying the following subjects, among others:

First. Qualification and supervision of persons in the securities business; the financial responsibility of broker-dealers.

Second. The stock exchanges and their rules and practices, including the role of specialists, floor traders, and odd-lot dealers.

Third. Public offerings of securities: Underwriting and distributing practices and the aftermarket.

Fourth. The operation and structure of the over-the-counter market; the quotation systems.

Fifth. Comparative regulation in the exchange and over-the-counter markets.

Sixth. Security credit and margin requirements.

Seventh. Selling practices, investment advice, and financial public relations.

Eighth. Industry self-regulation.

Ninth. Selected aspects of mutual funds.

The Commission has embarked upon an ambitious and far-reaching inquiry into the securities markets. I am informed that practically all projects are in the interim stage—data are being gathered through interviews and questionnaires, and are now being reviewed and assembled. Public hearings have been scheduled and the first series has commenced this week.

The Chairman of the Commission has informed me that the study is being pursued with vigor and diligence and that some of the study projects will be completed by the reporting date of January 3, 1963. However, complete execution of the study plan and adequate fulfillment of the purpose of the resolution will depend to some extent upon whether or not the reporting date of the study is extended and additional funds are authorized. The Chairman has indicated to me that an extension of the reporting date to March 31, 1963, with an additional authorization of $200,000 will be sufficient to complete substantially the factfinding phase of the inquiry, together with a report and recommendations to the Congress.

In view of the importance of this inquiry to the investing public, I have today introduced a resolution which would extend the date of the report of the Commission from January 3, 1963, to March 31, 1963, and would authorize the appropriation of an additional $200,000 to continue the study and investigation. I believe that the proposal of the Commission is a completely reasonable one. Although the resolution was introduced by me in June 1961, it was not adopted by the Congress until August 25 and approved by the President on September 5, 1961. Subsequently the Commission was engaged for a few months in staffing and organizing the study unit. Preliminary inquiries and analyses had to be made before final study plans could be definitely formed. Moreover, investigatory techniques had to be varied according to the subject matter. These preliminary steps indicated the breadth and complexity of such an undertaking. Extension of the study to March 31, 1963, would provide a total of 18 months to complete the study, the period originally contemplated when the resolution was introduced.

A more important consideration in favor of the extension is the importance of this study and investigation to the investing public. The dramatic increase in public participation in the securities markets, particularly among persons having slight acquaintance with the intricacies of corporate finance and stock market operations, requires that these markets be fair and orderly. Practices which impinge upon the integrity and orderly functioning of the market cannot be tolerated.

The Commission should be permitted to complete the undertaking which the Congress has entrusted to it in order to maintain full investor confidence in the securities markets.

ISRAEL'S INDEPENDENCE DAY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, I am honored to participate in this bipartisan tribute to Israel on the occasion of the 14th anniversary of her independence.

Today, Mr. Speaker, we not only celebrate a holiday sacred to Israel, but, because of our emotional, fraternal, and national involvement in that nation, we also feel a sense of shared pride regardless of individual religion or political affiliation. America and Americans played vital roles in the reemergence of Israel, after Jews suffered almost 2,000 years of exile from the soil of Israel.

Therefore, it is but natural that Americans who love freedom and justice enjoy a vicarious triumph in knowing that Israel has achieved 14 years of independence, consolidating her strength, building her institutions, and obtaining status in the family of nations as a responsible democracy.

But I would be less than candid if I did not mention on this most appropriate occasion that this particular anniversary arrives at a moment when I am concerned deeply about events affecting Israel's future. Israel seeks only to extend the hand of friendship to America and the free world, while striving to survive against the cold war, and even hot war, implacably waged against her by Communist-supported foes.

The Members of this House are by now familiar with the struggle, the heartrending tragedy and almost unbelievable sacrifice that led to Israel's rebirth 14 years ago. We take pride in the extent to which Israel has modeled herself after our own Nation. We have seen how Israel justified the hopes and faith of the vast multitude of Americans of good will, who, without regard to religion or race, saw justice in Israel's cause.

Israel has emerged as a dramatic and dynamic democracy. Her achievements quicken the pulse. The story of Israel's first 14 years is reminiscent of the idealism that animated America in its own independence struggle and development and which continues to inspire our Nation.

I could go on and cite Israel's achievements by detailing the gathering of the homeless, the healing of the hurt, the construction of industry, the cultivation of agriculture, the establishment of democratic institutions, and other demonstrations of how one underdeveloped nation worked to elevate herself.

However, these achievements have been described today in this House and on other occasions. So, Mr. Speaker, on this fitting occasion, I would like to dwell entirely on the more pleasant and reassuring aspects of what is now history.

I returned recently from South America with a measure of hope for the program envisaged by the Alliance for Progress. The difficulties we face there are tremendous, but at least something of a start has been made. I regret, however, to reflect today on our policies in another part of the world, the Near East, and state my conviction that our relations with the Arab States represent an alliance without progress.

In South America, the Alliance is quite rightly linking reform and social justice with U.S. assistance. But I am dismayed to read reports in recent days that the United States is working out an agreement to participate as the major contributor in a new $200 million aid program for Nasser's Egypt. The United States would be the heaviest paying partner in a consortium including West Germany and Italy with some additional funds to come from the International Monetary Fund.

Let me make it clear that I favor the principle of international assistance. But I simply cannot understand the contrast between the Alliance for Progress philosophy of human justice in Latin America and the alliance without progress indicated in American-Egyptian relations. Dictator Abdel Nasser will condescend to accept our assistance. But he shows no indication whatever of obeying United Nations resolutions against the Egyptian boycotts and blockades which affect not only Israel but also the United States and its citizens.

Mr. Chester Bowles not long ago went to Cairo and met with Nasser as the President's personal representative. Mr. Bowles later reported that the time had come for the United States to try to improve relations with Egypt. He also thought Egypt should concentrate on raising living and health standards and not on raising huge radio transmitters to broadcast propaganda—which, I might add, is frequently irresponsible, anti-American, and favorable to the Sino-Soviet bloc.

Yet, now, with no commitment whatever from Cairo as to a more peaceful course involving Israel as well as Egyptian designs for hegemony over her Arab neighbors, we have the spectacle of a gigantic handout in the offing. This is a symbol, not of progress, but of appeasement.

Are we to reward Nasser for blacklisting American ships that dare trade with Israel? Are we to reward Nasser for denying his own citizens due process of law? Are we to accept the expropriations and seizures that we condemned so heartily when committed by Fidel Castro, Nasser's good friend, in Cuba?

Does this mean that Israel can look on with equanimity when Soviet munitions, jet bombers, rockets and arms of the latest design from Russian factories, together with Soviet bloc military instructors, continue to arrive in the ports of Egypt? Now, are we, through our dollars, to indirectly finance this arms flow from the Sino-Soviet bloc to Egypt? If Nasser is sincerely concerned with improving his economy and peaceful development why does he need jet bombers and rockets? To menace his neighbors?

The same State Department which drafted the new "alliance without progress" for American-Egyptian relations also is telling us that the United States must not currently press for Arab-Israel peace at the United Nations.

Then, when Israel defended herself in March against attacks on Lake Tiberias, the State Department rushed to the United Nations with a resolution heaping blame on one side, Israel's side, in a two-sided dispute. Was this a move to persuade Nasser to accept our money so that the Arabs can buy more Russian arms?

If so, in the Near East there is emerging something I could not even term an "alliance without progress." I would call it an alliance for retrogression.

I might recall that the Syrian troops who fired into Israeli territory, killing and wounding Israelis, used Soviet guns. Soviet instructors had taught the Syrian forces how to use these guns. And shortly after the United States denounced Israel for fighting back, Syria announced that it was obtaining even more Soviet arms.

Any words voiced today lauding Israel's achievements would have a hollow ring unless we direct our attention to the obvious threat emerging to Israel's very survival and to America's own true interests in the Near East. I submit that it is definitely contrary to our interest to censure Israel for militantly defending herself against Soviet-armed, pro-Communist collaborators.

Radio Cairo is bragging that now that France is being evicted from Algeria, seasoned Algerian guerrillas and troops can be unleashed for a new Moslem assault on Israel. Twelve new Arab independent nations have emerged. I cannot understand the greed with which they would deny to Israel a similar right to exist on her own tiny territory. If their designs on Israel do not constitute imperialism, I do not know what does.

Are we to appease Arab imperialism? Mr. Frederick G. Dutton, Assistant Secretary of State, wrote me on April 30 seeking, in effect, to justify the flow of Soviet arms to Syria. In a rather amazing reference, he whitewashed the Syrian-Soviet arms deals by stating that I must be aware of what he termed "the policy of the United States not to become a major supplier of arms in the Near East." This being the case, he said, "certain of the Arab States have secured the bulk of their military equipment from other sources."

Now this is a ridiculous situation. The United States is providing military assistance to Jordan, and we also find U.S. arms in the arsenals of Lebanon, Jordan, Iraq, and Saudi Arabia. Soviet arms are piled high in the arsenals and airports of Syria, Egypt, and other Arab States. Yet to this very day, Washington authorities continue to deny military assistance to Israel to defend herself against the forces, armed by both America and Russia, who openly announce dedication to Israel's destruction by force of arms.

Arab goals are being realized in Algeria and elsewhere. The time has come for an Arab "alliance for progress" which we should generously support. But I fear that, instead, we are witnessing an Arab "alliance for aggression" which we must strongly oppose. No U.S. funds should go to a nation that uses her assets for purchase of Russian arms.

I submit that this project for giving huge new sums to Egypt be studied carefully at all levels. We are also entitled to know if the State Department intends to justify Arab importation of Russian arms while condemning Israel for defending herself against attacks by troops using such Russian arms.

Mr. Dutton, on behalf of the State Department, has also advised me—and I quote—that—

> Should hostilities recur in the region, we are convinced the aggrieved party should take full advantage of the United Nations peace-keeping instrumentalities so readily available in the area.

With all respect to the distinguished policymakers of the State Department, how in Heaven's name can Israel take—as Mr. Dutton said—"full advantage of the United Nations peace-keeping instrumentalities"? We just witnessed the tragic spectacle on April 9 when the United States, for misguided notions of expediency, joined with the Soviet Union, and other big powers on the Security Council against Israel, a besieged small country that valiantly sought to defend herself.

I wish Mr. Dutton or Mr. Rusk or someone would explain what appears to me to be a lot of doubletalk.

Today would be an empty occasion if we did not note that the Israelis are concerned about developments in American policy affecting the Near East. The Israeli Ambassador has returned to Jerusalem for special consultations along with the chairman of the Israeli delegation to the United Nations. We have our faithful friends worried to death on the occasion of their anniversary.

I believe that Israel is entitled to more than a lot of cliche-ridden phrases from the State Department.

If this observance of the 14th anniversary of a friendly and free nation is to have any meaning, let us resolve here today to make known the sense of Congress on Israel's rights and our devotion to Israel's survival.

We can do this by making mandatory the provision in the pending mutual security bill, as sponsored by Mr. Roosevelt and me, to sever aid to Arab States or any other nation that discriminates against American citizens on a basis of religion or ethnic origin.

We can do this by telling the Israelis that despite the recent error of our delegation to the United Nations and despite the disquieting reports about massive handouts to an aggressive and despotic Egypt, the people of America have not forgotten Israel—nor has our Congress, as indicated by the many distinguished Members today in their remarks.

Let us today renew our determination to stand by our ally and friend. We must do this in our own national interest, as well as to keep the faith of a true friend. Israel-American understanding and ties are to our mutual advantage. And let us soberly remember, and remind the Department of State, that Israel is the only nation in the world which, menaced by Soviet-equipped forces, turned to the United States to join our military assistance program, to defend herself against communism and aggression, only to be rejected by us.

And now we have reached the further point along the road to absurdity by cosponsoring a United Nations resolution condemning Israel for actively defending herself against attacks by Soviet-trained forces using Soviet-made arms.

This occasion, Mr. Speaker, will serve a truly useful purpose if we reflect on these problems and resolve to embark on courses of action that will insure the future of healthy Israel-American relations.

If this is done, and done at once, I am confident that errors will be corrected and new paths found so that we can in good conscience anticipate the 15th anniversary of Israel.

WESTERN ILLINOIS CITIZENS DEEPLY CONCERNED OVER BILL TO GIVE PRESIDENT TARIFF-CUTTING AUTHORITY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. FINDLEY] is recognized for 60 minutes.

Mr. FINDLEY. Mr. Speaker, one of the most important questions to be decided in this session of the Congress is the administration request for broad authority to cut tariffs, and to retrain manpower and subsidize industry adversely affected by the cuts.

The proposal is complicated, and it raises many questions. How will it affect the jobs, income and security of American citizens and business firms? Where do we start and where do we stop in attempting to adjust for hardship caused individuals and business firms?

One thing is certain: Whatever is done by Congress this year is apt to establish policy for years to come. Therefore, it is extremely important that this year's decision be right.

On a question such as this—affecting as it does the welfare of every citizen—it is important that all citizens have the opportunity to be heard.

Yet, relatively few citizens have the opportunity to appear before the committees of Congress to voice their opinions.

In an effort to provide all citizens of the 20th Congressional District of Illinois, with an opportunity to be heard, I have contacted industrialists, business and labor leaders, farm leaders, other community leaders, and many private citizens. This has been done by means of personal correspondence, through my annual questionnaire on public issues mailed throughout the district, and finally, through a series of informal public hearings held during the Easter week recess in Quincy, Jacksonville, Springfield, and Macomb.

The response through the mail and at the informal hearings has been gratifying, and it shows that folks back home are deeply interested and well informed on the implications of this complicated proposal.

The information compiled includes transcripts of statements made at the hearings, several hundred personal letters, and a statement of the vote cast on my questionnaire survey. This information is being made available to the Committee on Ways and Means, which now has the trade proposal (H.R. 9900) under consideration, and to my other colleagues.

In this address, I present a brief summary of thoughts expressed by the people of the 20th District through letters and by means of personal discussion at the public hearings with more than 200 people.

The U.S. Department of Commerce indicates that nationally our country enjoys "a substantial surplus in its merchandise trade with the rest of the world" and notes that over $58 million in manufactured goods and nearly $75 million in agricultural products were shipped abroad during the 1960 business year, and the 1960-61 crop year.

These figures are substantial but still impersonal and devoid of the human element which is so important in giving proper balance and direction to all policies in this great Republic.

This report is more intimate than statistical, because it presents the words of the citizens themselves—words which are remarkably clear, penetrating, and perceptive.

QUESTIONNAIRE SURVEY

Part of the questionnaires mailed to my constituents this year included this question: "Do you favor increased Presidential authority to reduce tariffs?"

The answer, to date, yes 374, no 893.

CORRESPONDENCE SURVEY

Through newspaper articles and personal letters, I invited the public to answer these questions: "How does foreign trade presently affect your community? Would you expect this situation to change substantially if the administration's proposal is adopted? If so, in what way and to what degree?"

Here are typical responses:

Ashland: Willard Evans, Ashland Farmers' Elevator:

> I do not believe in one-man government, but if one man could negotiate a trade agreement we might have better relations and reach agreements faster than if we waited for Congress.

Auburn: Joseph Michelich, Jr., publisher, Auburn Citizen:

> Lower tariffs are needed.

Carlinville: Wayne I. Overbey, president, Macoupin County Farm Bureau:

> We would rather have the Congress be responsible for any lowering of tariffs.

Girard: C. E. Conry, president, International Vermiculite:

> We must be able to trade with the Common Market to survive. Adjustment by the executive and then some congressional veto might work.

Hamburg: Merle L. Varner:

> The greatest danger I can see is vesting too much power in one man.

Jerseyville: Martin F. Walsh, president, Jersey County Farm Bureau:

> The extension, improvement and administration of the Reciprocal Trade Agreements Act would aid farmers.

Mendon: Wayne Garrett, village board president and publisher of the Dispatch-Times:

> Free international trade is an end goal that we should be working for. Trade cannot long exist unless beneficial to both participants, so I feel we would ultimately benefit although we would no doubt feel some shocks. Trade barriers ultimately breed wars.

Harold Mealiff, farm bureau leader and farmer:

> We should be free to negotiate with these [Common Market] countries to prevent loss of exports. The $320 million in agricultural

exports from Illinois is equal to $2,070 of sales from every Illinois farm. Here in the 20th District, $4,500 worth of agricultural products were exported per commercial farm in 1960. The overall picture of free trade is good but individual industries may suffer.

Augusta: K. D. Hamilton, livestock dealer:

I feel that Mr. Kennedy is far too impulsive and inexperienced to be trusted with anything so vital to our economy and well-being as our tariffs.

Coatsburg: Village Board President Ray G. Gray and Village Clerk Albert Shanholtzer:

In our opinion protective tariffs have provided the high standards of living we now enjoy by screening slave-labor products so they do not compete with American-made goods on the basis of price.

Macomb: G. B. Mangle, resident manager, American Thermos Products Co.:

Tariffs are not protective devices. Rather, they are the only way available to equalize the differing costs of production.

E. K. Kaelke, executive vice president, Haeger Potteries:

Should the tariff be lowered considerably more, there is every indication that our industry is bound to suffer even more than it has in the past.

J. G. Everhart, vice president and general manager, Illinois Edison Porcelain:

War destruction and rebuilding through foreign aid by the United States has created in Japan and European countries manufacturing facilities for almost all types of products that are more efficient and more automated than comparable U.S. plants. I believe that the ceramic industry can only lose by the lowering of tariffs.

Lewis A. Randolph, editor, Daily Journal:

I think he [the President] has one-world delusions, and I fear that he would be traded out of the country's shirt if he were given the authority he asks.

Winchester: Mayor Horace M. Walmsley:

I do approve giving the President authority to raise or lower tariffs.

Mount Sterling: Mrs. Sid Landfield, newspaper columnist:

Brown County's main crops are soybeans, wheat, and corn. For the 1960-61 fiscal year more than 40 percent of the national soybean crop and almost 50 percent of the wheat crop were exported. So we can conclude that without foreign trade, our two biggest cash crops would be in a bad way. I would estimate that in no way would the President's tariff program hurt our county, while in many ways it would directly benefit us.

Chambersburg: Lew W. Cummings, farmer:

I feel that Congress should grant sufficient authority to the President to permit effective negotiation for some reduction of tariffs and the elimination of other trade restrictions. I think Congress should hold some strings.

Bluff Springs: Donald Bins, farmer:

The situation would very likely change very decidedly for the worse if the administration's proposal is not adopted.

Bluffs: J. A. Knoeppel, mayor:

Since the administration is preparing a program to aid firms and workers that imports hurt, it would seem that net beneficial results of lower duties are very doubtful.

Basco: Scott Gordon, president, Hancock County Farm Bureau:

Since 1 out of 6 acres goes into export, it seems to me we must continue to expand our export trade. If new trade agreements were made, it could help a great deal.

Carthage:

Harold M. Lentz, president, Carthage College:

There ought to be an equality of tariffs whereby the United States has the same rate for any one foreign country as that particular country has for our goods. I do not believe we can protect labor against their constantly increased demands for higher wages by building high tariff walls.

Mayor E. R. Rogers:

In the light of Europe's Common Market, I think the administration should be given power to extend the Reciprocal Trade Agreements Act.

Beardstown: K. K. Kays:

I would recommend that Congress retain all its powers.

Barry: Problems of democracy class, Barry High School:

We definitely feel that reciprocal trade agreements are necessary for the economic welfare of the United States.

Springfield:

Robert C Lanphier, Jr., vice president, Sangamo Electric:

Beyond the potential effect on this industry, we question the wisdom of giving the executive branch such broad powers. We also feel that the proposed subsidies and aids for injured companies and unemployed workers are contrary to the history of demonstrated effectiveness of the free enterprise system. We respectfully suggest that Congress retain control of tariffs, and due recognition be given to substantial differences in labor costs.

Ross Loughmiller:

I am inclined to agree with the administration.

Melvin Skelton, president, Sangamon County Farm Bureau:

Expanded foreign markets must be part of our aim if we are to maintain farm income. Authority to lower tariffs should be coupled with direction to make other countries give us corresponding consideration.

Walter E. Wagner, executive manager, Springfield Association of Commerce and Industry:

Some 80 percent of our total industrial employment is affected by foreign trade, as are most or all of our retailers and wholesalers.

Ray H. Neisewander, Capitol Wood Works:

We need more world business but something has to be done about our cost of producing. It is not labor alone. Our biggest enemy, and be well assured a definite cancer, is unrealistic, high and unequal taxes.

Les Sander, executive vice president, Automotive Trade Association:

In 1960 we sold the Common Market $75 million of autos but we bought back $596 million worth, almost an 8 to 1 ratio.

J. Fred Welsh, superintendent, International Shoe Co.:

Any lessening of the presently inadequate tariff protection to the shoe and leather industry could have serious impact on the economic health of our great State.

Quincy: Mrs. Jayne H. Smith, homemaker:

The whole subject of trade today is too big to let sectionalism enter into the discussions. I feel that all readjustment allowances and financial assistance to relocate workers should be closely scrutinized to avoid adding monstrous numbers to our relief rolls. Let me say that I favor wholeheartedly almost all of the provisions in the President's Trade Act.

Charles H. Merideth, executive vice president, Industrial Association of Quincy:

Local industries sell their products in 96 foreign countries, and import directly or indirectly raw materials and ingredients from 36 foreign countries. We endorse the principle of free trade under the control and jurisdiction of Congress. If we are to adopt the principle of free trade, it must eliminate any concept of government subsidies to those industries that cannot survive in a free trade economy. No subsidies should be approved, either by Congress or at the discretion of the executive level, since they may be too great a temptation to be kept from the field of political favoritism. Free trade will also mean that the U.S. Government policy of foreign aid will need to be adjusted now that we have assisted in rebuilding the economy of many of our competitive countries. In keeping with the principles of our American free enterprise system, our position is in complete support of any framework of legislation which incorporates in it the basic principles of free trade.

Ruth S. Seiz, treasurer, Local 5007, Communications Workers of America:

The thing for our industrialists, government and labor leaders to recognize, is that we must train labor in other countries to demand increased standards of living in their countries as labor has done in our country.

John T. Madden, Federation of Teachers:

[Tariff] rates are not easily and quickly changed through legislation, as you are aware. I believe the administration's proposal to be a likely and sensible way of dealing with the projected situation.

Hardin: C. C. Campbell, publisher, Calhoun News:

It doesn't seem like commensense business, because foreign countries can't afford to buy our products at our prices which must include the extremely high labor production costs. The bill would give too much unlimited power to the executive branch.

INFORMAL PUBLIC HEARINGS

Altogether, about 250 people participated in public hearings at Jacksonville, Quincy, Springfield, and Macomb. Here are typical comments, together with the names of those participating:

QUINCY

A. E. Jones, president of the international division, Gardner-Denver Co., Quincy, a veteran of 15 years in the field of international trade, cut to the heart of this proposal when he stated:

Groups of people in different enterprises are bound to be injured by a tariff bill of this nature. Others are bound to be helped. When it is all over it's a question of what is best for the United States, not what is best for Joe or Jim or Sam.

He continued:

> The price advantage is one of our most difficult obstacles to combat. The cost of raw materials [to our competitors overseas] in most instances is substantially less, labor prices are considerably less, although labor in Europe is currently on the increase. However, European productivity is not as high as in the United States.

Asked about the question of congressional versus Presidential authority, Mr. Jones gave as his own personal view that he would rather the trade bill not pass if it means Congress losing authority over tariffs.

Wayne Garrett, Mendon newspaper publisher, said:

> I think the principle of free trade should be expanded at every opportunity possible. I'm not afraid of Presidential authority, but I don't feel I'm in a position to be afraid. I feel one-man authority might be against our traditions, but we need effective action.

Mrs. Clarence McClymonds presented the viewpoint of the Quincy League of Women Voters:

> We are for liberalized trade, with trade barriers systematically reduced, and so we are very pleased with the proposed authority for 50-percent reduction and the elimination of those under 5 percent, and would like to see our companies have the best possible chance to compete overseas. We live in a predominately farming community, and the Common Market is one place where we can sell our farm products and not have to give them away. We are generally for a very limited kind of assistance [to affected workers and industries] such as is in this bill.

Prof. Frank W. Naggi, of Quincy College, viewed the problem from an economist's standpoint:

> People lose sight of the fact that international trade is a two-way track. Unless we buy from them, they cannot buy from us. Unless we buy from them, we don't give them an opportunity to help themselves.

Others participating included Mrs. William A. Brown, Miss Mary Louise Kidney, Mrs. Gordon Sedlacek, Hubert Sharrow, Mrs. John W. Smith, David Slocum, David A. Childers, Mrs. Don Dorsey, Harold J. Mealiff, Harrison Jones, and a group of students from Quincy High School.

MACOMB

Dr. McLaughlin said he was "seriously disturbed" over the President getting too much power.

Vernal Brown, a director of the Illinois Agricultural Association and a Vermont, Ill., farmer, said:

> In the Common Market a group of countries are trying to make a little United States, and this is to be desired. I think we have to realize the executive branch needs to have some power—not as broad as this bill would give, however—so we can hold onto our cash markets for wheat and barley in these countries. Tariffs are not all we need to be concerned with. If a country sets up certain restrictions against us, it may not set them up against our neighbors. We need to watch all types of trade restrictions, not just tariffs.

Don Morgan, farm implement dealer, asked:

> Is there the possibility that the United States cannot compete in the Common Market due to unrealistic value placed on our labor? The wages we pay would make it difficult because the Common Market can acquire cheaper labor.

Mr. Hamilton observed:

> We could go in the Common Market on an agricultural basis and be all right.

But as to manufactured items, he added:

> Merely by lowering tariffs we have no guarantee of achieving our goals. Why should we give the President these powers when we are not sure it will work?

Claude G. Tarleton commented:

> We produce a lot, but is anything being done to make us an importing state? People would be glad to buy products if they are able to buy them cheaper.

Mrs. Dewey Ewing expressed support for the sections of the bill providing retraining of manpower and aid to industries.

On a show of hands, however, most of those present favored striking these sections of the bill.

J. G. Everhart, vice president and general manager of Illinois Edison Co., manufacturer of porcelain insulators, stated:

> Tariff reductions for high-voltage insulators will most certainly cause increased economic problems for an industry essential to this country, an industry which for several years has been beset with serious problems.

He added:

> The old authority [Reciprocal Trade Agreements Act] could be improved, and I would favor its retention. We should be required to compete and not be protected by a high tariff fence. Any tariff arrangements should be predicated on wages plus fringe benefits. Costs here are substantially higher than our foreign friends pay.

Among those participating in the discussion in Macomb were citizens from Adams, McDonough, Hancock, and Schuyler Counties including:

Richard Smith, Blandinsville; John C. Stoneking, Dr. John S. McVickar, Gene McCoy, Roman Purdum, John Sanderson, Howard Sparlin, George F. Longacre, David Cary, Jerry Roessler, Dwight M. Dunbar, Dr. Richard Gibbs, Claude Tarelton, Don Morgan, Sheriff Virgil Payne, Mrs. Dewey Ewing, and J. G. Everhart, Macomb; S. R. Gordon and Mrs. Leon LeMaire, Basco; Fred Hampton, Blanche L. Martin, C. G. Foltz, and Paul Waylord, Colchester; Ron Utter, Coatsburg; Paul B. Campbell, Carthage; Vernal Brown, Vermont; Don Kessler, Bushnell; Richard K. Penington, Industry; Mr. and Mrs. Joe Asbury, Hamilton.

JACKSONVILLE

Participating were citizens from Cass, Jersey, Greene, and Morgan Counties.

Edward L. C. Carls, Arenzville, president of the Cass County Farm Bureau, said:

> I doubt the advisability of the Federal Government embarking on a new policy to help industry adjust to meet conditions forced by trade policies.

John B. Martin, Jacksonville, said:

> The President could act faster on trade problems than Congress, and thus meeting changing conditions.

He also spoke in behalf of the manpower training and industry subsidies. He said this would be very similar in effect to protective tariffs and more straightforward.

Mrs. Ed McCurdy, Jacksonville, also expressed support for these provisions.

On a show of hands, 14 opposed the manpower retraining and industry subsidy sections, with 6 for. If these sections were removed, eight said they would support the bill, and seven were opposed. Several did not express an opinion on either question.

Rev. E. E. Thompson, Jacksonville, noted the high cost of storing surplus grain, and expressed hope that lower tariffs would reduce this expense.

Mrs. Hazel Mantle, Murrayville, said:

> We should think in terms of the consumer as well as the producer in considering trade policy.

She pointed to the possibility that consumers might find their dollars going further if tariffs are reduced.

Those participating included Kenneth Engle, Virginia; G. Ray Pierce, Jerseyville; Warren L. Stork, Edward L. C. Carls, Arenzville; Wilbert Engelke, Granite City; Raoul Soomre, J. O. Cain, J. Thomas Mandeville, Francis Maloney, Mrs. John Agger, Mrs. Hugh Beggs, John W. Chambers, George A. Trull, Dale E. Millis, Lonnie Rabjohns, Jacksonville; Lew W. Cummings, Chambersburg; Terry Flatt, R. H. Voorhees, G. Ray Pierce, Jerseyville; Glenn Herzberger, Bluff Springs.

SPRINGFIELD

Bernard J. Bowlen, Peoria, representing Caterpillar Tractor Co., said:

> We are not asking for special privilege. We need, simply, more freedom to compete in world markets with Illinois-built products.

He noted that Illinois, second-ranking export State in the Nation, was only some $9 million behind New York:

> With a little less foreign-government import control or lower tariffs in one or two countries, we [Caterpillar itself] could have pulled Illinois to the top. Last year, 46 percent of our total sales went to foreign countries.

He said at least one-third of Caterpillar's employees owe their jobs to foreign markets.

He also explained:

> Caterpillar Tractor Co. is among the top two or three exporters of goods from the United States. Since most of the company's foreign sales are supplied from this country, we have estimated that about 12,000 of our 31,000 employees work for foreign customers.
>
> The Agricultural Price Agreement, which the Common Market members achieved on January 14, will progressively limit the U.S. opportunity to sell some agriculture commodities in markets which are now very significant. We will continue to have an opportunity to sell soybeans; but feed grains, poultry and livestock will face almost complete exclusion in the foreseeable future if present plans are not substantially modified.
>
> Poultry serves as an interesting example. In 1958 we shipped about 17 million pounds of poultry to Germany. Today, the German market is taking about 10 times that amount. A tariff change is in prospect in July, however, under which an equalization fee may be imposed which would cause the price of the U.S. product to equal that produced in the Common Market. Professor Paarlberg, of Purdue University, who was Assistant Secretary of Agriculture and Food for Peace Coordinator in the Eisenhower administration, in supporting the trade expansion bill declared that we must insist that

> European markets be kept open to our farm products.
>
> He contends that while the Common Market negotiators are tough bargainers, their people are going to demand the products from our highly efficient American agriculture. This will give U.S. representatives some opportunity to strive for favorable treatment, but our negotiating team must also be free to make some concessions as provided in the trade expansion bill.
>
> As we know from the principle of specialization, both the Europeans and ourselves will be better off if each produces what it is best suited to and trade is allowed to occur freely.

J. Fred Welsh, of International Shoe Co., said:

> There are a total of 54 shoe factories in the State of Illinois and any lessening of the presently inadequate tariff protection to the shoe and leather industry could have serious impact on the economic health of our great State. Leather shoe imports have increased 234.5 percent since 1957—from 11 million pairs in 1957 to 36.8 million pairs in 1961.
>
> While imports have been increasing, our exports have dropped from 4.4 million pairs in 1957 to 3 million pairs in 1961.
>
> For every 10 million pairs of leather footwear produced, there are jobs for 4,100 workers in shoe manufacturing, and another estimated 1,400 in the supplying trades, or 5,500 jobs in all. Since 1956 alone, 15,000 jobs have been lost in the leather shoe and supplying industries. By the end of 1965, another 22,000 jobs will have been sacrificed in the leather shoe and supplying industries. This is at current tariff levels.
>
> U.S. tariffs are among the lowest in the world. For shoes, U.S. duties average 12.6 percent on all shoes imported from all countries. Foreign tariffs plus taxes loaded on exported U.S. shoes range up to as high as 53 percent of landed cost. This is certainly a poor example of how foreign nations have lived up to our reciprocal trade agreements.

Melvin Skelton, president of Sangamon County Farm Bureau, said:

> Of particular importance is the trade through normal commercial channels, without Government aid. The largest area of this trade is in free Europe, and so it would seem important to do everything possible to encourage this. Western European countries were the only areas where our agricultural exports decreased last year, and we think that this emphasizes the importance of increased efforts here.
>
> If the goal of the European Common Market is self-sufficiency in agriculture, agriculture here would be seriously affected.
>
> Government setting artificial prices at a high level on grain, either here or in other countries, throws production out of balance in relation to possible imports. This artificial stimulation of prices in Western Europe by various support and import control methods may reduce our exports to this area further. We feel that this should be taken into consideration fully in negotiations here. If these measures indicate a continual shift toward less agricultural imports from the United States, our ability to enter into trade negotiations promptly would appear to be necessary.

Participating at Springfield were Robert F. Davis, Association of Commerce and Industry; J. Fred Welsh, International Shoe Co.; Bernard J. Bowlen, Caterpillar Tractor Co.; Herbert Klynstra, Karl Kreis, Melvin Skelton, and Robert E. Shepherd, Farm Bureau; Jack Tharp, Illinois Telephone Association; Jack Hoskins, WICS television.

SUMMARY

The vast majority of those who participated in the hearings and corresponded with me on the subject, tended to favor a greater degree of free trade.

On the other hand, a clear majority objected to delegation of too much authority to the executive, preferring a simple extension of existing authority to a new program which would reduce the influence of Congress in setting tariffs.

Time and again, and in strongest terms, Illinois citizens warned against the increasing trend toward centralization of power in the hands of the President.

Similar objection was expressed to the manpower retraining and industry subsidies provided in H.R. 9900. Even those advocating these provisions suggested that terminal dates be set to insure that they will not create another permanent drain on the Federal Treasury. Others noted the possibility of political favoritism in deciding where subsidies and retraining money is spent.

A Macomb industrialist whose firm might be severely hurt by further tariff cuts, said bluntly:

> We might as well be washed out in one blow, as to prolong the agony by subsidies.

Citizens are concerned over the possibility that tariff cutting may mean simply turning to a different set of tools for controlling trade—for example, cartels, quotas, equalization taxes—rather than moving toward a greater degree of free trade.

It was felt that little would be gained by tariff reduction if other means of trade rigging are adopted. If authority to cut tariff is granted to the President, we must insure that internal marketing arrangements will not nullify advantages gained by tariff reduction.

As trade cannot be a one-way street, neither can free trade be a one-way street. If tariff concessions are made by the United States, we have a right to protection against new forms of economic discrimination being instituted in their place.

The question is complex, probably the most complex question this body will consider this session. Whether the decision is "Yes" or "No," elements of our economy will suffer. In the long run we must consider not what is best for Joe or Jim or Sam, or anyone else, but what is best for the United States.

Citizens in west-central Illinois rate constitutional principles more important than the economic threat posed by the Common Market. They fear excessive presidential power more than the adverse trade situation which might result from failure to cut tariff barriers fast enough.

Much as they would like to see the United States move toward a greater degree of free trade, they would like even more to see Congress keep firm control of tariffs.

My survey indicates they would reject the President's trade proposal, H.R. 9900, unless sections are inserted to assure frequent congressional review of tariff cutting, and unless the sections on manpower retraining and industry subsidies are deleted.

Mr. MASON. Mr. Speaker, I want to commend my distinguished colleague from Illinois, Representative PAUL FINDLEY, for making available to the Members of Congress the results of the canvass he has made in his congressional district on the Trade Expansion Act of 1962.

At a time when this bill is receiving so much favorable publicity by the administration, it is heartening to receive some firmed-up convictions from the grassroots. Furthermore, the sentiments found in the 20th district can also be found in the 15th and, I daresay, in the districts of many of my colleagues.

Mr. FINDLEY. I thank the gentleman for his kind remarks. Mr. MASON, now the ranking minority member of the Ways and Means Committee, is one of the best-informed members in the field of trade policy.

It is a pleasure to yield to the distinguished gentleman from Wisconsin, Mr. JOHN W. BYRNES.

Mr. BYRNES of Wisconsin. Thank you.

Mr. Speaker, it is very helpful to me as a member of the Committee on Ways and Means to have the benefit of the data and opinion provided in this address.

The gentleman from Illinois has rendered a great service to the Congress in conducting this survey, and in holding informal hearings in his home district on the proposal for new tariff-cutting authority for the President.

This shows Mr. FINDLEY's deep desire to determine the attitude of his constituents on this far-reaching bill, and is in the finest tradition of representative government.

Mr. FINDLEY. I thank the gentleman from Wisconsin, and especially so because of his position as second-ranking minority member of the Ways and Means Committee and as chairman of the Republican policy committee of the House of Representatives.

REPLY TO DR. BUNCHE'S SPEECH

Mr. PIRNIE. Mr. Speaker, I ask unanimous consent that the gentleman from Maine [Mr. MCINTIRE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCINTIRE. Mr. Speaker, I call to the attention of Members of the House two clippings of news items dated May 8, which report a speech by the Honorable Ralph Bunche, a top spokesman for the present administration.

In his statement, Dr. Bunche has obviously made charges against one of the most patriotic organizations of women in America, the Daughters of the American Revolution, calling its members addlepated. May I say that use of the great privileges we have in a free society is the right of free speech and free assembly. I do not question the right of

Dr. Bunche to express his feelings. I do, however, feel that his remarks were most unjust, intemperate, and wholly inappropriate.

One can only conclude that Dr. Bunche has no patience with American citizens who disagree with his views and that such Americans should be subject to public ridicule. This is very disturbing, and I sincerely hope that President Kennedy is not in accord with such tactics of ridicule and will promptly comment on the unwarranted remarks of one of his close associates.

The attached clippings are taken from the May 8 issues of the New York Times and the Portland Press Herald, Portland, Maine:

[From the New York Times, May 8, 1962]

BUNCHE UPBRAIDS U.N. DETRACTORS—SCORES BIRCHERS, DAR, AND REDS AT UAW PARLEY

(By Damon Statson)

ATLANTIC CITY, May 7.—Dr. Ralph J. Bunche excoriated today both rightwing and leftwing extremists who, he charged, are attempting to undermine support of the United Nations.

In a strong defense of the United Nations and its achievements, the Under Secretary for Special Political Affairs said the United Nations was in trouble but expressed faith that it would continue as the "only peace insurance" for the world.

He spoke at the convention here of the United Automobile Workers.

Dr. Bunche was critical of what he called Communist efforts to harm the United Nations, but he made an even more scathing attack on extremists of the right who he said might be having some success in spreading confusion and misleading people about the international organization.

"The critics of the extreme right, of course, and also the extreme left," he said, "seize upon the imperfections of the United Nations and distort them to an outrageous degree. But the United Nations is not dismayed by these misrepresentations; it understands well the African proverb that corn cannot expect justice in a court whose judges are chickens.

"The rightist detractors are the know-nothings, such as the John Birchers, [William] Buckley and his National Review, Soldiers of the Cross, those muddled and addlepated ladies of the DAR [Daughters of the American Revolution] and other lunatic-fringe groups."

CITES CHARGES OF RIGHT

The extremists of the right, Dr. Bunche said, charge that the United Nations has done nothing, settled no political questions and only intensified international tension. They say, he continued, that the United Nations is a Communist plot, controlled by Communists and used as a sounding board for Communist propaganda.

The Communists for their part, he said, charge that the United Nations is captive to the United States and to Western imperialism.

"Someone has to be wrong, obviously," Dr. Bunche said. "The DAR ladies see the U.N. as a Trojan horse in the United States and declare that the United States should get out of the U.N. and the U.N. out of the United States. You know, I'm not at all unhappy at my inability to claim any ancestry in common with those dear ladies."

Dr. Bunche said the United Nations was not attempting to maintain "a sewing circle" or to act as a substitute for traditional diplomacy. He said it was not world government and did not aspire to be world government.

Its role, he said, is that of back-stopping states. It is ready, he said, to step in to avert conflict when traditional bilateral efforts to settle disputes fail.

In listing the achievements of the United Nations, he cited what he called the unspectacular programs of technical assistance, capital development, and aid in dealing with problems of health, housing, literacy, child welfare, labor standards and development of industry.

CIVIL RIGHTS PLEA

Dr. Bunche also made a strong plea for further progress in assuring civil rights for Negroes. He said there was still a long way to go before Negro citizens had anything approaching equality.

He spoke out sharply against the recent sending of Negroes north by bus from New Orleans, with free one-way tickets.

"There are sickminded people amongst us still," he said, "who just cannot bear even the thought of change and progress."

Convention delegates approved a resolution calling for diversion of the interest and dividend returns on the union's $40 million strike fund to a new international labor defense fund. The plan had been approved by the union's executive board last week. The vote today was better than 2 to 1.

The money, expected to total more than $1,500,000 a year, will be used to assist the worldwide effort of the free labor movement to establish minimum fair labor standards and to improve the health, education, and general welfare of workers throughout the world.

Delegates also adopted resolutions supporting medical care for the aged through social security; calling upon the President to issue an Executive order to end discrimination in federally supported housing and urging Congress to enact further civil rights safeguards; backing the principle of international fair labor standards, and commending the purpose of the administration's trade expansion bill but suggesting that it be amended to increase financial assistance to workers adversely affected.

[From the Portland (Maine) Press Herald, May 8, 1962]

BUNCHE HITS ADDLEPATED DAR LADIES AS FOES OF U.N.

ATLANTIC CITY, N.J.—Ralph J. Bunche, Monday called for renewed backing of the United Nations against amounting attacks from what he termed know-nothing "lunatic fringe" groups of the rightwing.

Bunche singled out the John Birch Society and the "muddled, addlepated ladies" of the Daughters of the American Revolution for special criticism in a speech at the United Auto Workers Convention. He accused them and other "extremists" on the left and right of distorting minor U.N. imperfections and ignoring its record of preserving peace in the Congo and the Middle East.

The Negro diplomat drew 2,800 delegates when he ridiculed the DAR's contention that United Nation's is a Trojan-horse threat to America's security.

"I'm not at all unhappy at my inability to claim any common ancestry with these dear ladies," he said.

He also described Editor William Buckley of the National Review and Soldiers of the Cross as rightwing detractors of the United Nations who are having some success with "misleading" assaults.

"Now the Communist propagandists must admire and even envy the lack of conscience and shame with which our homegrown rightwingers do violence to the truth," Bunche said.

The Communists, he said, have been calling the United Nations a captive of Western imperialists even while U.S. critics say it is Communist controlled.

U.N. COLLAPSE?

Despite the attacks, he said, the organization is stronger today than ever before in its 16-year history. Bunche said he doubts that the United Nations will collapse because of the current financial crisis triggered by the refusal of the Soviet Union and other nations to pay special assessments for emergency operations. But, he said, it could fail through "moral bankruptcy" if it flinches from taking necessary actions just because big powers may be displeased.

The UAW Convention approved a wide-ranging civil rights resolution calling on Congress to pass a law requiring desegregation next fall of 2,000 schools that still refuse to admit Negroes.

It acted after Bunche warned that "dangerous complacency" toward civil rights is extremely costly to the United States at home and abroad.

"There is a long way to go, in North as well as South, before the Negro citizen achieves anything approaching equality in our country," he said.

The UAW resolution also urged President Kennedy to sign an Executive order abolishing discrimination in federally aided housing and education. It said Kennedy's civil rights program has not gone far enough even though progress has been made.

RETIREMENT OF DR. HAROLD BROWNING AS VICE PRESIDENT, UNIVERSITY OF RHODE ISLAND

Mr. MATTHEWS. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. FOGARTY] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks, I include the following statement concerning the retirement of Dr. Harold Browning as vice president of the Univerity of Rhode Island:

On the occasion of his retirement from the position of vice president of the University of Rhode Island I wish to join his many friends in education and other citizens in Rhode Island and throughout the United States in extending congratulations to Dr. Harold Browning now entering upon a well-deserved retirement.

I wish to express apreciation for his many contributions to American education and for his long and constructive leadership in the public affairs of Rhode Island.

As a member of the faculty and as vice president of the University of Rhode Island for many years, he has been a part of the university's growth and development which have made it one of the Nation's leading institutions of higher education.

His vision and broad conception of education needed by young people and adults have brought favorable recognition to him as an outstanding educational leader and to the University of Rhode Island he has served for nearly half a century.

Dr. Browning can take great pride and satisfaction in the role he has played in helping to strengthen the educational programs of our State university through the years. Since he came to the university in 1920 he has been successively professor and head of the department of botany, acting dean of men, and dean of the College of Arts and Sciences, and, since 1942, the university vice president. His leadership has been evident in the university's growth in physical size, student enrollment, and number of graduates, in expansion of its curriculum offerings, and in its rise in State and national educational stature.

In relationships with his fellow workers he has earned their high esteem. Integrity has been the hallmark of his day-to-day associations. Faculty members express deeply held feelings about his fairness, his concern for human values, his patience, and his genial good humor that made life about him pleasant and challenging.

Dr. Browning served with distinction both State and national organizations in the sciences and education, and during World War I with the U.S. Navy. His work on the Governor's committee on educational television, with the chamber of commerce and the veterans' guidance center, and his active participation in such organizations as the Botanical Society of America, the American Association of University Professors, the American Association for the Advancement of Science, the National Education Association, and the Rhode Island Institute of Instruction are indicative of the breadth of his professional and intellectual interests and a measure of his deep interest in his fellow men and his devotion to the improvement of the individual and our society.

I would not wish to overlook his recent cooperation with the U.S. Office of Education in helping to advance programs of education for the aging in the State of Rhode Island. His good work in Rhode Island spearheaded planning of similar programs throughout the New England area. His concern for the better utilization of the talents and abilities of older persons in education and community services has registered heavily on American thinking about positive approaches to the problems and challenges of aging in our Nation.

To the many testimonials and honors he has already received as an educational administrator and statesman, I am personally honored to record these few words of gratitude for his notable career devoted to science and education and all that they signify for the generations of today and those of tomorrow. A fond salute to Dr. Browning and much happiness in the years ahead.

FEDERAL-AID HIGHWAY LAW LOOPHOLE

Mr. MATTHEWS. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Fallon] may extend his remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FALLON. Mr. Speaker, I am today introducing legislation to close a legal loophole in the Federal-aid highway law which is now responsible for the loss of about $35 million annually to the highway construction program. I am concerned by the prospect that the annual loss will become much larger if the loophole is not closed.

Since 1934 the Federal Government has supported the principle that special taxes levied on highway users should be dedicated to highway construction, operation, and maintenance. The Federal-Aid Highway Act of 1956 established a highway trust fund, supported by taxes related to highway usage and dedicated exclusively to the Federal-aid highway program. On a number of occasions since, Congress has rejected proposals to use the trust fund for purposes other than the Federal-aid highway program.

Nevertheless, a substantial diversion occurs, through State and local taxes on construction contracts, gross receipts of highway contractors, and sales taxes on materials used in the construction of highways. The contractor, of course, adds the amount which he is taxed to his bid price. Therefore, the impact of the tax falls upon the State and Federal Governments. In the case of an interstate system project, 90 percent of the tax is paid by the Federal Government from the Highway Trust Fund. In the case of a project on a Federal-aid primary or secondary highway, half of the tax is paid by the Federal Government.

Nationally, these sales taxes and special taxes on highway contractors amount to about $27 million per year on Interstate contracts and about $22 million per year on other Federal-aid contracts. The total of these taxes on Federal-aid highway construction is about $49 million annually, of which some $35 million is paid, ultimately, from the Highway Trust Fund.

While the present rate of loss is serious, we can expect that the situation will become more serious if Congress continues to condone it. For instance, only 11 States now levy taxes on construction contracts, and in some of these States the rate is very low. Only about $3.4 million per year is withdrawn from highway construction by this type of tax. But the potential is there—one State levies a tax of 3.5 percent. If this rate prevailed in all the States, the total take from this type of tax would amount to more than $100 million in a year's time. And, of course, there is nothing to prevent a State from levying a tax of 4 percent, 10 percent or 20 percent.

The cost of highway construction is increased by the amount of these taxes, and, since the amount of available funds is limited, we will find, in the final analysis, that the Highway Trust Fund will buy a lesser amount of roads.

My bill would not attempt to restrict States and localities from levying such taxes as they deem suitable. It would simply prohibit the payment of any part of these diversionary taxes from the Highway Trust Fund.

Thus the bill would serve to implement the intent of Congress that the Trust Fund be used solely for Federal-aid highway construction.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Hansen (at the request of Mr. Albert), for Wednesday, May 9, 1962, Thursday, May 10, 1962, and Friday, May 11, 1962, on account of official business.

Mr. Joelson (at the request of Mr. Albert), for Wednesday, May 9, 1962, Thursday, May 10, 1962, and Friday, May 11, 1962, on account of illness.

Mr. Cunningham (at the request of Mr. Halleck), beginning today, May 9, through May 14, on account of official business.

Mr. Hall (at the request of Mr. Halleck), for period beginning May 11, 1962, and extending through May 29, 1962, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Findley, for 60 minutes, today, to revise and extend his remarks and to include statements of other Members.

Mr. Findley, for 30 minutes, tomorrow, Thursday, May 10, 1962, and to revise and extend his remarks and include statements of other Members.

Mr. Gubser, for 30 minutes, tomorrow, Thursday, May 10, 1962.

Mr. Feighan (at the request of Mr. Matthews), for 1 hour, on tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. O'Neill and to include extraneous matter.

Mr. Anfuso.

(The following Members (at the request of Mr. Pirnie) and to include extraneous matter:)

Mr. Glenn.

Mr. Alger.

Mr. Fino.

Mr. Barry in two instances.

Mr. Cunningham.

Mr. Kearns

(The following Members (at the request of Mr. Matthews) and to include extraneous matter:)

Mr. Macdonald.

Mr. Nix.

Mr. Rostenkowski.

ADJOURNMENT

Mr. MATTHEWS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p.m.) the House adjourned until tomorrow, Thursday, May 10, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2043. A communication from the President of the United States transmitting proposed amendments to the budget for the fiscal year 1963 involving increases in the amounts of $1,517,000 for the Federal Communications Commission and $2,899,100 for the District of Columbia (H. Doc. No. 401); to the Committee on Appropriations and ordered to be printed.

2044. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation, entitled, "A bill to repeal certain laws relating to the procurement of advertising for the Government, and for other purposes"; to the Committee on Government Operations.

2045. A letter from the Military Chaplains Association of the U.S.A., Washington, D.C., transmitting the annual report for 1961 of the Military Chaplains Association of the U.S.A., pursuant to Public Law 81–792; to the Committee on the Judiciary.

2046. A letter from the Chairman, U.S. Tariff Commission, transmitting a report of the Tariff Commission's investigation concerning mercury which the Commission made pursuant to Senate Resolution 206, 87th Congress; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. O'NEILL: Committee on Rules. House Resolution 631. Resolution for consideration of H.R. 10195, a bill to validate payments of certain special station per diem allowances and certain basic allowances for quarters made in good faith to commissioned officers of the Public Health Service; without amendment (Rept. No. 1667). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 632. Resolution for consideration of H.R. 11221, a bill to amend section 302 of the Career Compensation Act of 1949, as amended (37 U.S.C. 252), to increase the basic allowance for quarters of members of the uniformed services and to make permanent the Dependents Assistance Act of 1950, as amended (50 App. U.S.C. 2201 et seq.), and for other purposes; without amendment (Rept. No. 1668). Referred to the House Calendar.

Mr. THORNBERRY: Committee on Rules. House Resolution 633. Resolution for consideration of H.R. 11257, a bill to amend section 815 (article 15) of title 10, United States Code, relating to nonjudicial punishment, and for other purposes; without amendment (Rept. No. 1669). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 634. Resolution for consideration of H.R. 11261, a bill to authorize an adequate White House Police force, and for other purposes; without amendment (Rept. No. 1670). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY:

H.R. 11665. A bill to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes; to the Committee on Education and Labor.

By Mr. BYRNE of Pennsylvania:

H.R. 11666. A bill to provide for Federal recognition of the historical importance of St. Augustine's Roman Catholic Church, Philadelphia, Pa., in relation to the Independence National Historical Park; to the Committee on Interior and Insular Affairs.

By Mr. CELLER:

H.R. 11667. A bill to amend the Immigration and Nationality Act of June 27, 1952, regarding the naturalization of persons residing in American Samoa or Swain's Island who serve in the armed services; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 11668. A bill to amend the Federal Employees' Group Life Insurance Act of 1954 to provide additional insurance for postal field service employees stationed at airports; to the Committee on Post Office and Civil Service.

By Mr. KOWALSKI:

H.R. 11669. A bill to amend the law relating to pay for postal employees; to the Committee on Post Office and Civil Service.

By Mr. MACK:

H.R. 11670. A bill to postpone by 3 months the date on or before which the Securities and Exchange Commission shall report to the Congress the results of its study and investigation pursuant to section 19(d) of the Securities Exchange Act of 1934, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CLEM MILLER:

H.R. 11671. A bill authorizing modification of the project for navigation at Noyo River and Harbor, Calif., and for other purposes; to the Committee on Public Works.

By Mr. MOULDER:

H.R. 11672. A bill to amend title 38, United States Code, to provide a conclusive presumption of service connection in the case of the death of certain veterans who have suffered from service-connected total disabilities for 15 or more years; to the Committee on Veterans' Affairs.

By Mr. RIVERS of South Carolina:

H.R. 11673. A bill to amend section 406 of the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

By Mr. SCRANTON:

H.R. 11674. A bill to establish an Office of Urban Affairs in the Executive Office of the President; to the Committee on Government Operations.

By Mr. WALTER (by request):

H.R. 11675. A bill to amend section 4204 of title 18, United States Code, relating to the conditional release of prisoners who are aliens subject to deportation; to the Committee on the Judiciary.

By Mr. WILSON of California:

H.R. 11676. A bill to provide for national cemeteries in the southern portion of the State of California; to the Committee on Interior and Insular Affairs.

By Mr. ZELENKO:

H.R. 11677. A bill to prohibit discrimination on account of sex in the payment of wages by certain employers engaged in commerce or in the production of goods for commerce and to provide for the restitution of wages lost by employees by reason of any such discrimination; to the Committee on Education and Labor.

By Mr. AYRES:

H.R. 11678. A bill to waive section 142 of title 28, United States Code, with respect to the U.S. District Court for the Northern District of Ohio, Eastern Division, holding court at Akron, Ohio; to the Committee on the Judiciary.

By Mr. FALLON:

H.R. 11679. A bill to amend title 23, United States Code, to prohibit participation of Federal-aid funds in certain State or local taxes; to the Committee on Public Works.

By Mr. HOLLAND:

H.R. 11680. A bill to amend the National Defense Education Act of 1958 in order to provide a program to improve school library resources needed for teaching and learning; to the Committee on Education and Labor.

By Mr. REUSS:

H.R. 11681. A bill to establish the Capitol Hill Historical Park and to provide for the protection and preservation of its historic character, dignity, and environment; to the Committee on Interior and Insular Affairs.

By Mr. McSWEEN:

H.R. 11682. A bill to promote the general welfare, foreign policy, and security of the United States; to the Committee on Ways and Means.

By Mr. GEORGE P. MILLER:

H. Con. Res. 475. Concurrent resolution expressing the sense of Congress as to the American Indian policy of the Federal Government; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRADEMAS:

H.R. 11683. A bill for the relief of Victor Lu Hsung Yen; to the Committee on the Judiciary.

By Mr. BROYHILL:

H.R. 11684. A bill for the relief of Jette Lee Luellen; to the Committee on the Judiciary.

By Mr. DOWNING:

H.R. 11685. A bill to provide for the award of the Congressional Medal of Honor to Lt. Gen. Lewis B. Puller, U.S. Marine Corps (retired); to the Committee on Armed Services.

By Mr. INOUYE:

H.R. 11686. A bill for the relief of John Puli, Mrs. Salote Puli, Sharon Puli, Anna Puli, and Benjamin Puli; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 11687. A bill for the relief of Claudio Dragonetti; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H.R. 11688. A bill for the relief of Uichi Kayahara; to the Committee on the Judiciary.

By Mr. TUCK:

H.R. 11689. A bill to provide for the award of the Congressional Medal of Honor to Lt. Gen. Lewis B. Puller, U.S. Marine Corps (retired); to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII,

341. The SPEAKER presented a petition of the city of Philadelphia, Pa., petitioning consideration of their resolution with reference to authorizing the development of a world's fair in Philadelphia in 1976, to commemorate the 200th birthday of our country, which was referred to the Committee on Foreign Affairs.

SENATE

WEDNESDAY, MAY 9, 1962

The Senate met at 11 o'clock a.m., and was called to order by Hon. J. J. HICKEY, a Senator from the State of Wyoming.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our fathers' God, as at another day's beginning we bow at this altar of prayer, we would lift our perspective with a sense of towering, eternal verities and values. We would bring our hearts and hands, soiled with the world's uncleanness, to the holiness that shames our unworthiness, and yet which with patient love forgives our transgressions.

We confess that in this world, so gemmed with beauty, often instead of feasting our eyes on the radiance of life—the glory that shines in a leafy tree, in the tint of the tiniest flower, in the happy face of an innocent child—and instead of rejoicing in it as a sacrament, we have sunk back into the complainings of our narrow, blinded souls.

In the midst of a turbulent social order which still crucifies its prophets, give us ears to hear not just the strident shouts of the noisy streets, but also the still voice heard only in the inner chamber of an uncorrupted conscience.

In the Redeemer's name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 9, 1962.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. J. J. HICKEY, a Senator from the State of Wyoming, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. HICKEY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, May 8, 1962, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Wymberley DeR. Coerr, of Connecticut, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Uruguay, which was referred to the Committee on Foreign Relations.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time remaining before the vote on the cloture motion be divided equally between the senior Senator from Georgia [Mr. RUSSELL] and the majority leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LACK OF INFORMATION ON FOREIGN POLICY

Mr. GOLDWATER. Mr. President——

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the Senator from Arizona [Mr. GOLDWATER].

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized for 3 minutes.

Mr. GOLDWATER. I thank the distinguished majority leader.

Mr. President, to say the least, there is a great deal of confusion today concerning the administration's policies on foreign affairs and related issues, such as disarmament. The American people are in the dark; and I am beginning to believe that even the members of the President's own political party are not kept fully informed about the intentions of our Government on questions such as disarmament, Berlin, and the future plans for continued nuclear tests in the atmosphere.

For example, several weeks ago I read to the Senate a United Press International dispatch from Geneva, which stated:

> The United States will submit to the Geneva Disarmament Conference a plan calling for the elimination of national armies within 9 years and their replacement by a United Nations force.

But when I questioned Members of the majority on this possibility, nobody seemed to know anything about it. Our esteemed majority leader, Senator MANSFIELD, said, "I know nothing about this story." Chairman FULBRIGHT, of the Foreign Relations Committee, said, "I have not had any previous notice of any such disarmament agreement." Senator SPARKMAN said the plan was "unthinkable"; and Chairman RUSSELL, of the Armed Services Committee, said, "This is the first time I have heard of such a suggestion by an official of the Government."

At that time, Mr. President, the members of the President's own party in the Senate apparently had never heard of this disarmament plan. Yet, only 2 weeks later, the plan nobody had heard of was officially presented at Geneva on behalf of the United States. It seems fair to assume that the plan was drafted and presented without prior consultation with the Members of the Senate, despite the plan's grave importance to our national survival.

Mr. President, we could use much more public confidence in the conduct of our foreign policy. But I suggest this is not possible if the administration persists in its policy of keeping the American people and the Congress in the dark on what course it plans to follow, until that policy has been unveiled for the entire world. And there is no doubt about this official secrecy in which the administration wraps its plans, whether they pertain to disarmament, Berlin, or some other policy affecting our national interest. In this connection, I call attention to an article by Murrey Marder, published in the May 7 issue of the Washington Post, a newspaper which seems to have excellent pipelines along the New Frontier on the subject of foreign policy. Mr. Marder wrote:

> Virtually no Member of Congress possesses adequate information to engage the executive branch in serious substantive debate on its foreign policy. But the Nation itself is often the loser for lack of effective, informed dialog.

The ACTING PRESIDENT pro tempore. The time yielded to the Senator from Arizona has expired.

Mr. MANSFIELD. Mr. President, I yield 2 additional minutes to the Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized for 2 additional minutes.

Mr. GOLDWATER. I thank the majority leader.

Mr. President, in another recent article, one written by R. H. Shackford, and published in the Washington Daily News of May 8, we are told that the mail reaching the State Department reveals that the American people are in great ignorance about the Nation's foreign policy. The article goes on to state that the place to begin correcting misconceptions about American foreign policy is, not overseas, but right here at home.

Mr. President, I suggest that the administration can do a great deal to clarify its policies by cutting the veil of secrecy which leads the Washington Post to conclude that no Member of this body, whose job it is to advise and consent on matters of foreign policy, has enough information to engage the administration in serious debate. As the Post says, "the Nation itself is often the loser" in such a situation.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point the two articles to which I referred, and also a speech which I delivered on May 8, 1962, before the National Association of Purchasing Agents, in Chicago.

There being no objection, the articles and the address were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 7, 1962]

RUSK, OTHERS REPLY TO CRITICS—"NO WIN" ATTACKS ON FOREIGN POLICY BEING COUNTERED BY ADMINISTRATION

(By Murrey Marder)

Quietly, but systematically, the Kennedy administration is lighting a ring of backfires to keep political headwinds from spreading "no win" attacks on its foreign policies into the coming congressional campaign.

This has all the earmarks of the "ounce of prevention" school of politics that President Kennedy practices to the hilt. It is more a product of precaution than alarm.

During recent weeks there has been a noticeable counteroffensive by administration spokesmen in major and minor speeches around the Nation against the "no-win" attacks.

Hearings made public by the House Foreign Affairs Committee showed Secretary of State Rusk, impersonally but deliberately, countering "no win" charges aimed at the administration by critics like Senators STROM THURMOND, Democrat, of South Carolina, and BARRY GOLDWATER, Republican, of Arizona.

"Sometimes it seems to me," said Rusk, "that some of those who talk about a 'no win' policy want to participate in a hydrogen war."

What critics seem to be advocating, Rusk said, is either that the United States quit the world scene and leave the initiative to the Communists, or launch a thermonuclear war. Rusk said he has seen no "careful articulation of alternative policies" by these critics.

The Secretary said the record shows that since 1945 the United States has had a bipartisan winning policy which shows "steady progress."

Similarly, State Department Policy Planning Council Chairman Walt W. Rostow told the National Convention of the League of Women Voters in Minneapolis on Thursday, "It is sometimes asked if our policy is a no-win policy."

"We stand ready to fight to the limit to defend the vital interests of the free world," said Rostow, "but we are not looking for a military climax to this historic struggle between the West and the Communist bloc.

"It will not be a victory of the United States over the Soviet Union," he continued. "It will be a victory of men and nations that aim to stand up straight, over the forces that wish to entrap and to exploit their revolutionary aspirations."

Although the "no win" attacks originate in the political right wing of both parties, there were straw-in-the-wind hints last week that they could spread into the broader "soft on communism" attack that has plagued Democrats in many elections.

On Wednesday, three Republican Senators, Hugh Scott, Republican, of Pennsylvania, Kenneth B. Keating, Republican, of New York, and Jacob K. Javits, Republican, of New York, issued a flurry of warnings about current policy in the Berlin crisis.

Scott lamented, "It is a pity that Congress has no knowledge of whether we are, or are not, about to make costly concessions to the Soviet Union and to East Germany." He urged congressional hearings to learn the views of Gen. Lucius D. Clay, President Kennedy's outgoing adviser in West Berlin.

Javits deplored the "seeming lash on our backs * * * to force us to make an agreement on Berlin with the Russians."

Keating warned that the biggest step backward we could possibly take would be to give the East Germans any kind of say whatsoever over access to West Berlin."

Keating's remarks illustrated, unintentionally, the huge advantage the administration holds in countering attacks on its foreign policy.

Virtually no Member of Congress possesses adequate information to engage the executive branch in serious, substantive debate on its foreign policy. But the Nation itself is often the loser for lack of effective, informed dialog.

During the Kennedy administration, there have been two or three occasions when a substantive debate seemed possible, notably over the abortive Cuban invasion a year ago, and, earlier this year, in the U.N. bond issue Congo dispute.

In the first instance, President Kennedy's adroit political footwork headed off any national inquiry. In the second, a turn toward unity in the Congo helped muffle dissent.

Administration policymakers privately acknowledge that a turn for the worse on any of a half-dozen foreign fronts between now and the congressonal elections could reverse the easy time the administration has had in domestic reaction to its oversea policies.

This, plus the normal political desire to checkmate critics, explains the administration's tactic of maintaining an active verbal skirmish line against the opposition.

[From the Washington Daily News, May 8, 1962]

Lack of Understanding Overwhelming—Mail Reveals Ignorance Over U.S. Foreign Policy

(By R. H. Shackford)

The State Department receives thousands of letters annually from Americans disclosing similar and less excusable ignorance about the United States and its foreign policy than Attorney General Robert F. Kennedy found among students abroad.

On his return from a 'round-the-world trip, Mr. Kennedy said he was "overwhelmed" by the lack of understanding and misinformation about the United States in Japan, Indonesia, and other areas he visited.

But Secretary of State Dean Rusk could tell him that the place to start correcting these misconceptions—especially about American foreign policy—is at home. The daily mail at the State Department testifies to that.

In one recent week, 18,000 letters inquired about various aspects of foreign policy. That was a peak week, with many questions about nuclear testing.

The letters usually concentrate on issues in the news. Some are "campaign" letters—spurred by organizations. The extreme right-wing groups, such as the Birch Society, are particularly inquisitive these days about America's alleged "no win" policy.

When the United Nations bond issue was before the Senate, the mail reflected that debate—much of it repeating the inaccuracies in some of the Senate speeches.

Many of the questions reflect oversimplification, impatience and anxiety about foreign affairs. When possible replies include texts of President Kennedy's and Mr. Rusk's speeches.

OTHER QUERIES

Other inquiries are based in falsehoods and distortions. On the U.N. topic, some letters suggest that the Charter would prevent the United States from acting in self-defense—or that it could do so only until the U.N. Security Council had "taken over." A frequent query is about the Soviet members of the U.N. Secretariat, contending he is "informed of all our plans of self-defense."

Considering the magnitude of the mail—some referred to the State Department by Congressmen, the White House and other agencies—the office that has to answer it is small. It is the public correspondence division, headed by Edward A. Karnacki, in the Office of Public Services. Assisting Mr. Karnacki are five foreign service officers and five typists.

In 1961, this division handled nearly 182,000 letters. All mail is answered—even postcards which say only: "Stop the tests." A month ago, the backlog of unanswered mail reached 39,000.

CRACKPOT MAIL

Some of it is crackpot mail and some vents the writer's displeasure on whoever signed a previous answer. Mr. Karnacki recently received a letter stating: "Regardless of how minor your position is, if the thinking enclosed is yours, you are aiding and abetting communism."

Some of the mail packets enclose gag objects—eyeglasses for "a rare form of pink eye" and Metrecal as a shampoo for "fatheads."

Many correspondents, of course, submit plans for major problems or panaceas for all the world's ills. And there are letters such as:

"I would like to be a spy for the United States. I am a young woman who has nothing ahead of her life. I don't want any man. But I am sure I could get some of the top officials to play up to me."

Text of a Speech by U.S. Senator Barry Goldwater, Republican, of Arizona, Before the Annual Convention of the National Association of Purchasing Agents, Conrad-Hilton Hotel, Chicago, May 8, 1962

I am delighted to be here tonight and participate in this important 47th annual convention of purchasing agents. And realizing that your group deals primarily in matters of economics and business, I had originally planned to talk with you about the progress of the socializing forces in the United States and the problem of ever-greater Government interference with the legitimate concerns of the business community. However, I think I'll change my sights on this occasion and deal with a subject which I believe has become of overriding importance to all Americans in the present power struggle being waged between the forces of freedom and slavery. That subject—or, I should say, that problem—is the question of disarmament in a world divided between two contesting and hostile ideologies. The problem stems from the fact that some people have begun to take this matter seriously.

Until recently, the whole subject of disarmament has been a somewhat remote and interesting question for abstract debate. It was generally believed to be a part of that dream world where all countries suddenly become noble, renounce their national aims and decide to live in peace and harmony with their neighbors forever after.

If there was any doubt on that score, our experience with the nuclear test ban agreement which Russia broke so casually certainly underscored the fact that disarmament in today's world is a subject the United States cannot afford to consider seriously. We have only to look back on the Disarmament Agreements of 1923, which were so quickly forgotten, and the Kellogg Pact of 1929 in which 59 nations agreed to renounce the use of war forever to see the futility of charting a course for the reduction of defense forces in a time of world conflict. I would remind you that conditions in the 1920's were far more conducive to disarmament among nations than they are today when international communism is pushing a relentless, neverending drive to bury us and dominate the entire world. Yet, disarmament didn't work in that earlier period. Within 10 years of the Kellogg Pact the nations of the world were arming furiously to meet the threat of Hitler's Nazis. They had proved that disarmament means only weakness in a world which contains power-hungry men with dictatorial powers. They had proved that the great yearning of good men for a world of peace is not sufficient to change the realities of power balances and the importance of deterrent forces in-being.

The realities of the situation are plain enough today. The Communists are arming to the teeth while using disarmament as a primary propaganda device. They have dragged us through nearly 100 international disarmament conferences and meetings since the end of World War II. They have shown absolutely no disposition to negotiate in good faith and they have shown every tendency toward duplicity, dishonesty, and contentiousness. They have kept the show going, I suggest, in the hope of ultimately trapping the United States in an untenable position which will give the Communist world the final victory in a global situation where only strength is counted.

And against this, the present administration is promoting American disarmament proposals with a dangerous speed, earnestness, and vigor. It is adopting an attitude which seems to deny the actuality of present conditions and holds forth hope of a major breakthrough on disarmament. It is in grave danger of denying the propaganda aspect of its own endeavors so vehemently that it will begin to see unilateral action by the United States as a feasible rather than an impossible course of action. In other words, the danger is that the present government will begin to believe its own propaganda—if, indeed, our disarmament program actually is only propaganda. We can only hope and pray that it is, for if it ever is taken seriously we are in deep and lasting trouble.

This administration began its disarmament activities by pushing through the Congress legislation creating a U.S. Arms Control and Disarmament Agency. Then, it unveiled before the United Nations a blueprint for "General and Complete Disarmament in a Peaceful World." And now, at the Geneva Conference, it is busily implementing that blueprint by offering a three-stage program of disarmament which envisions the disbandment of national armies and their replacement by a United Nations Peace Force so strong that no nation would dare to challenge it.

Now let us take these developments in their order of occurrence and consider them in the light of present unsettled world conditions—conditions, I might point out, that are underscored today by huge military budgets in both United States and Soviet Russia and by the alternate exploding of high-megaton nuclear bombs by these two world powers.

In the Congress, the creation of a disarmament agency was promoted on the basis of need for a branch of Government that could devote itself to research and development of plans. It was argued that the United States should be in a position to offer concrete proposals in the area of disarmament that would still safeguard our national strategic interests. During the consideration of that bill, there was no indication—not the slightest hint, so far as I am able to determine—that the administration already was moving ahead full speed with a detailed, three-stage disarmament program. For some reason, which I find difficult to account for, the administration waited until 2 days after both the House and Senate had finally approved a conference report on the disarmament agency bill to unveil its program for "General and Complete Disarmament" before the United Nations. The conference report was adopted on September 23, 1961, and the President presented the disarmament plan to the United Nations on September 25, 1961. It almost seems that the administration preferred to plead its initial case for general and complete disarmament before the international body than before the Congress of the United States. It certainly appears that the administration felt that if it presented its program earlier that the provisions might have caused Congress to move with less haste on the creation of a U.S. Arms Control and Disarmament Agency.

Regardless of the strategy and intent, the Government of the United States did present a comprehensive program to the United Nations. It was described as a guide for negotiation and was called a program for general and complete disarmament in a peaceful world. It was presented as a proposed declaration on disarmament for consideration by the General Assembly of the United Nations in a speech by President Kennedy.

I believe the President's emphasis on the "peaceful world" theme may have misled many people who felt that the document could have no application under the present conditions of tension and dispute between East and West. As a matter of fact this outline for general and complete disarmament acknowledged these conditions in its opening paragraph when it referred to a world divided by serious ideological differences. This preamble also included what I regard as a fundamental error in appraising the present world crisis—an error which could cause this Nation and the entire free world untold difficulties if it is rigidly adhered to by the United States Government. That mistake was to blame the present crisis in human history on—and I quote—"The revolutionary development of modern weapons."

This statement is worthy of our closest attention. It says quite simply that weapons are the cause of today's crisis. It absolves, therefore, the Communists and other men of ill will who have enslaved one-third of the world's population and are now pushing to enslave the other two-thirds. Since they are not weapons, their actions have not presented the free world with a crisis. This is patent nonsense. History and experience both tell us this. They show us, in unmistakable truth, that men—not conditions or things—cause all human crises.

While the outward conditions of life have changed radically, the basic problems of our times are no different than they were in Washington's or Lincoln's time. Nor are the eternal truths of human relations and the principles of natural law and government altered merely because we exchanged the horse for the tractor, handcrafts for the machine, gunpowder for the atom bomb, or the atom bomb for the hydrogen bomb. Nor have they changed because we now have the means to probe the depths of the sea and soar into outer space.

It is too easy to say that the development of modern weapons in a divided world has produced a crisis in human history and that, therefore, we must at all costs find means of reducing war-making capabilities. The crisis is in human relationships and is not likely to lessen if we, as a Nation, adopt the idea that our possession of modern weapons is the root cause of trouble throughout the world. For, if weapons have caused the crisis—all by themselves—we must consider ourselves the No. 1 guilty party, because we pioneered in the development of the nuclear weapons of today. But this is dangerous and fallacious thinking. For we are guilty of nothing but beating Hitler and the Japanese to a stronger weapon in a time of war. And since that time we have been guilty of nothing but maintaining our nuclear delivery superiority in a time of worldwide unrest while a professed enemy strove mightily to catch up with us.

I suggest that we can do nothing but play the enemy's game—whether it be at the conference table in Geneva or in our reaction to Soviet pressures in Berlin—if we develop an official guilt complex over our possession of weapons powerful enough to spell the end of civilization. Nikita Khrushchev has no compunction about Russia's nuclear arsenal. He is not only proud but boastful of the progress the Communists have made in the field of nuclear weapons. The obvious glee with which he broke the 3-year moratorium on testing and began exploding high megaton bombs provided ample proof of this.

I believe it is important for us to remember that modern nuclear weapons—of and by themselves—can do nothing to reduce the world to a heap of radioactive rubble. It takes men to activate these weapons of destruction. I agree that there is a crisis in human history. But it is not caused by the revolutionary development of modern weapons. It is caused by the rise of a godless ideology which is determined to bury us and enslave the entire world.

This being the case, we have reason to ask what good it does to present detailed plans for disarmament at the Geneva Conference. We also have reason to wonder at the tight secrecy with which the administration wrapped its proposals prior to their presentation. In fact, as late as April 5, administration leaders in the U.S. Senate were in the dark, or at least they professed to be, on the details of the American plan. For, on that day, I read to the Senate a UPI dispatch from Geneva quoting "reliable sources" as predicting: "The United States will submit to the Geneva Disarmament Conference a plan calling for the elimination of national armies within 9 years and their replacement by a United Nations force." In response to direct questions, I got these replies: From Senator Majority Leader MIKE MANSFIELD, "I know nothing about this story." From Chairman J. WILLIAM FULBRIGHT, of the Senate Foreign Relations Committee, "I have not had any previous notice of any such disarmament agreement." From Senator JOHN SPARKMAN, of Alabama, "It is unthinkable." From Chairman RICHARD B. RUSSELL, of the Senate Armed Services Committee. "This is the first time I have heard of such a suggestion by an official of the Government."

At that time, nobody had heard of the plan. Yet 2 weeks later, the plan nobody had heard of and the plan Senator SPARKMAN described as "unthinkable" was officially presented at Geneva on behalf of the United States. It seems fair to assume that the plan was drafted and presented without prior consultation with the Members of the Senate despite the plan's grave importance to our national survival.

Now just why was this plan presented at this particular time? Can we assume, for example, that this was nothing but a propaganda pitch designed to offset Communist claims that they are the only people in the world who desire disarmament and peace? Can we assume that the plan was presented by our representatives at Geneva with complete assurance that the Russians would turn it down? Or can we assume that the administration included in the program sufficient gimmicks to make sure that its adoption in the present world situation was rendered impossible?

I don't believe that we Americans can afford to rest in these comfortable assumptions any longer. Even though the United States has reluctantly resumed nuclear tests in the atmosphere, there is present in the actions and words of our representatives a strain of seriousness which tends to support the idea that they are beginning to take American disarmament proposals seriously. We have, for example, the President's declaration that the American plan at Geneva was presented as a major effort to achieve a breakthrough on disarmament. And Secretary of State Dean Rusk, during Senate hearings on the Disarmament Agency bill, stated, "It is very important for the United States to put forward proposals which we ourselves hope to have adopted, which we ourselves are ready to accept."

Now, if the recent American program at Geneva was put forward with this intent—as a proposal which we ourselves are ready to accept—it deserves the most careful consideration by all Members of Congress and, indeed, by all the American people.

For this proposal calls for the abolition of all national armaments and armed forces, except for domestic police, in three stages over approximately 9 years. In stage 1, nuclear delivery vehicles and conventional armaments of Russia and the United States, and perhaps certain other powers such as Britain, would be reduced by 30 percent in 3 years, and Russia and the United States would reduce their armed forces to 2.1 million men each. In this stage, too, production of fissionable material for weapons would cease, transfer of ownership of nuclear weapons would be prohibited and nuclear weapon testing would be banned.

In stage 2, another 3-year period, Russia and the United States would agree to destroy one-half of their remaining nuclear delivery weapons and major conventional armaments. Each would limit its armed forces to 1,050,000 men. And, in this stage, all other militarily significant states would join the treaty and reduce their arms by 65 percent. In this period, too, a United Nations peace force would be established, and the International Court of Justice would be given compulsory jurisdiction.

In stage 3, all states possessing armed forces and armaments would join the treaty and all armaments would be eliminated except for nonnuclear arms for agreed types of national forces necessary to maintain internal order. All arms production would be limited to the requirements of these police forces and the requirements of the United Nations peace force.

Now, how would we police such a program? How can we make sure that if we conscientiously follow the disarmament prescription written in stages 1, 2, and 3 of the American program that the Soviets will do the same? How can we protect ourselves against cheating, a tendency for which the Russians have already demonstrated in their violation of the nuclear testing agreement? In other words, how do we make sure that our enemies are disarming apace with the United States?

In the American agreement, we find provision for spot checks. Every country, according to this, would be divided into zones and, from time to time, one of the zones would be given a surprise audit to make sure the provisions of a disarmament treaty were being complied with in good faith.

This, perhaps, is the most important and significant portion of the American plan because it represents a departure from former U.S. policy. It discloses a dangerous tendency to overreach ourselves in an effort to make the American program palatable to the Russians. It represents a watering-down of our previous rigid insistence on the kind of controls that must be the crux of all disarmament agreements. This, I suggest, is the first step in the wrong direction. Previously, you may recall, the West held out for an initial census of all existing armaments as a basis for considering reductions in war-making potential. This was felt to be the only feasible starting point for a sincere effort toward general disarmament in a world bristling with heavy weapons.

The belief was that unless you knew how much armament a nation possessed it would be impossible to arrange percentage reductions of such armament over stated periods of time. And, it was certainly believed that every party to any disarmament agreement would have to be entirely satisfied, as to the amount of weapons and war-making potential in the possession of other parties at the time when the reduction schedule began to operate.

However, this Western insistence on a census of armaments ran into Communist objections at Geneva. The Russians, for example, maintained that such an initial census would provide non-Russians with a license to conduct espionage. It is beside the point to state that this was a specious argument and to show that such an initial census would have given the Russians as much opportunity to conduct espionage against the West and it would give the West an opportunity to spy on Russia. And the reason it is beside the point is that the United States has yielded on this vital question. The American plan presented at Geneva makes the concession. It says, in effect, that the United States now foregoes its former insistence on a complete census prior to disarmament. It says also that we will, by supporting the sampling system of inspection, drop our former demands for unhindered inspection of disarmament and rearmament.

Even the New York Times, which is inclined to look with approval on most things proposed by the present administration, described the new control idea sponsored by the United States as "a very great concession to the Soviet Union." I suggest that to propose a disarmament program and say that we are willing to start by agreeing to accept Russia's word on the amount of troops and arms she has in being is such a great concession that it borders on international insanity.

In the light of our experience, in the light of Russia's callous breaking of the nuclear test ban, in the light of all the agreements and treaties the Communists have broken, who in his right mind would take the Russians' word for anything pertaining to the cold war, much less something as vitally important to the balance of power as the amount of arms and troops? Apparently the answer to this is that the present administration, in its desperate desire to arrive at something like a breakthrough on disarmament, is willing to accept the Russians' word or it never would have volunteered to yield on the important question of rigid control.

Now, there seems to be a belief prevalent in many circles that the United States has gained the disarmament offensive in the nebulous world of public opinion through offering a detailed plan at Geneva. Let us examine this thesis a bit, and appraise what kind of a light this three-stage proposal places the United States in around the world. We might begin by assuming that by offering its plan at Geneva the United States has proven that it wants disarmament and is so sincere in its desire that it is willing to make dangerous concessions to the Russians on the question of inspection and control. Let's say we proved this and the world is convinced. What kind of a conclusion does that lead to? I suggest that it leads to the conclusion that the United States is frightened, that we have become so impressed with Russian military might that we are willing to do almost anything to try to reduce it. I suggest that this plan, with its heavy overlay of concession, presents the world with a picture of weakness. I suggest that, in a world where strength is the only present common denominator, the picture of the United States reaching more than halfway on the question of disarmament controls is far from reassuring to our allies and to nations of the uncommitted bloc which might be considering a permanent alinement with the West.

But if we look ridiculous, which I believe we do, in presenting a disarmament program one day and resuming nuclear tests a few days later, this is nothing to the way we would look if the Russians should suddenly announce that they will accept the U.S. plan for disarmament. In such a case, the administration would have to face up to the job of trying to sell the American people on a plan that would supplant our national sovereignty with a super world government. It would have to explain how the implementation of the American plan would put great faith in Communist integrity, would pave the way for Red China's admission to the United Nations, would put our defenses in the hands of the United Nations. In fact, it would have to make a case for complete internationalization of all our national strategic interests under an organization where Communist power and influence are steadily gaining.

Fortunately, no such program could be adopted without the approval of the U.S. Senate. And I don't believe any Senate, Republican or Democrat, would ratify a treaty that would surrender American independence and approve its replacement by a world government.

I think all of us here today realize how far we are from genuine disarmament by treaty despite what I have called the disconcerting speed and determination shown by the present administration in Congress, at the United Nations and in the Geneva Disarmament Conference. There are many obstacles only a few of which I have touched on here today. Not the least, of course, is the fact that general disarmament by agreement with other powers is impossible while the threat of Communist domination hangs over the world.

But, there is, I believe, a frightening possibility inherent in this situation which I saw fit to raise recently on the Senate floor during the debate on the U.N. bond issue question. And that possibility is that we might have already embarked on a policy of unilateral disarmament without even knowing it.

Now to understand this possibility, it is important to realize that disarmament could take the form of not keeping abreast of our Communist enemies in the development of strategic weapons. A policy of unilateral disarmament by the United States could well begin with moves to limit the further development of our nuclear capacity and to overlook the opportunity to speed development of weapon delivery vehicles.

Such steps, of course, can be taken by Executive order or through administrative policy decisions. There is no requirement that they be adopted in treaty form at Geneva and presented to the U.S. Senate for ratification.

In other words, to start the slow disintegration of American military power in the hope that the Russians might hasten to follow suit for the purpose of reducing world tension, it isn't necessary to start dumping our nuclear arsenal into the ocean or to schedule abandonment of our overses bases. It is necessary only to throw repeated roadblocks in the way of research and development of essential weapons and methods for delivering them.

Now, in this light, I believe that our long delay in resuming American nuclear tests in the atmosphere constituted a move in the direction of unilateral disarmament. This delay did a great deal of harm and actually cast doubt on whether the United States retains its lead over the rest of the world in the vital field of nuclear weapons.

In my opinion, we never should have agreed to a test ban in the first place without an ironclad inspection system that would have guaranteed against Russian cheating. And when the Russians proved their bad faith by suddenly resuming tests, we should have gone ahead immediately with every kind of nuclear test needed to provide adequate development of our nuclear system. We should have overcome our national policy of reluctance much sooner than we did. And now that we finally have taken the step, we should stop apologizing to the world and move ahead as quickly as we possibly can.

By the same token, I believe there is reason to look askance at the administration's refusal to authorize full-scale development of the RS–70 manned bomber program. This entails a weapons delivery system which many experienced military leaders believe is the exclusive property of the United States and is essential to our future defense. During the recent debate in Congress on the RS–70 (formerly the B–70) program, the Defense Department raised objections which had largely to do with cost factors and technical features of the plane. But there is reason to wonder whether the administration's preoccupation with the Geneva Conference and stage 1 of its general disarmament program didn't add to the official reluctance to order an immediate go-ahead on the RS–70 program. In this connection, it is important to understand that stage 1 of the administration's program calls for a reduction of strategic delivery vehicles and that this is the category into which the RS–70 would fit. It is also important to remember that Secretary of State Dean Rusk has expressed hope for completion of stage 1 of the general disarmament program within 3 years.

I might mention here that the recent public controversy over the RS–70 brought to light newspaper accounts, notably in the Chicago Sun-Times, and the Indianapolis News, concerning a Moscow conference right after President Kennedy's election in 1960 which may have an important bearing on some of our present policies. According to these accounts, the conference took place between Dr. Walt Rostow, now Chairman of the State Department's Policy Planning Council, and Vasily V. Kuznetsov, Soviet First Deputy Foreign Minister, and was highlighted by the Russian's complaints that the United States was pushing the development of first-strike military capabilities. As a result, Rostow is said to have sent a confidential memorandum to the President-elect advising abandonment at whatever expense necessary of our first-strike capabilities and development, instead, of a second-strike force.

In other words, according to these accounts, the man who is now high in the planning councils of the Government recommended a military policy aimed at conciliating the Communists. And the President's 1961 defense message reverberated with that kind of a policy. In particular, it stressed that the United States was "not creating forces for a first strike against any other nation." And, it implied that a policy of not striking the first blow would be helpful in leading to eventual world disarmament.

I believe there is grave danger for the United States in this official devotion to the development of policies which we hope may lead to disarmament. This is the whole trouble with our approach to world problems today. Our Government is spending too much time trying to figure out what will please the Communists and not enough time deciding what is best for the United States and the cause of freedom. It should be abundantly clear by now that we are never going to please the Communists until we have surrendered completely. Unilateral action in the area of disarmament will not open the way for reciprocation by the Russians. It will merely increase their arrogance and their appetite for world domination.

In closing let me say that we could use much more public confidence in our foreign policy. But this is not possible if the administration continues to keep the American people and the Congress of the United States in the dark on what course it plans to follow until the policy has been unveiled to the entire world. There is no doubt about this official secrecy with which the administration wraps its plans, whether they pertain to disarmament, Berlin or some other policy area affecting our national interest. The Washington Post, the Nation's stanchest supporter of administration foreign policy, took notice of this in a news analysis written by Murray Marder on May 7, 1962, which said: "Virtually no Member of Congress possesses adequate information to engage the executive branch in serious substantive debate on its foreign policy. But the Nation itself is often the loser for lack of effective, informed dialog."

It certainly is true that few Members of Congress possess the information necessary to debate American foreign policy while it is being formulated. Even though the U.S. Senate is supposed to "advise and consent" on foreign policy, the administration doesn't see fit to consult and discuss its actions before the fact. This leaves the Members of Congress free only to debate the effect of present foreign policy after it has been tried. And, the Washington Post says, in this situation "the Nation itself is often the loser," because too often our secret diplomacy results in failure.

Mr. GOLDWATER. Mr. President, I thank the majority leader for his courtesy in yielding to me.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. TALMADGE. Mr. President——

Mr. RUSSELL. Mr. President, I yield 3 minutes to my colleague.

The ACTING PRESIDENT pro tempore. The junior Senator from Georgia is recognized for 3 minutes.

Mr. TALMADGE. Mr. President, those of us who have sought to uphold the Constitution of the United States in this debate have been laboring under the tremendous handicap of the failure of the news media of the country to report the substance of the debate. In most instances the most that was reported was that "Senator So-and-So spoke for 2 hours." The debate was labeled "a filibuster" even before the first speech was made on the floor of the Senate.

One of the few ways the American people have been able to obtain the facts about this issue has been by reading the CONGRESSIONAL RECORD.

However, there have been a few publications which have publicized this nefarious attack against the Constitution of the United States. I hold in my hand an editorial from the Sunday Standard Times, of New Bedford, Mass., of May 6. The New Bedford Times is a Republican newspaper. It did, however, support the Democratic nominees in the last election. This editorial is outstanding. It is entitled, "Attack on Constitution." It begins:

> In the 175 years that the U.S. Constitution has helped to preserve this republic, the Federal Government has not challenged the right of the States to establish their own qualifications for voting, subject, of course, to the provision there shall be no discrimination because of "race, color, sex, or previous condition of servitude."
>
> The so-called literacy test bill of the administration violates that time-honored tradition, so specifically guaranteed by the Constitution.

Reading further, the editorial says:

> The Constitution provides for an amendment, approved by the Congress and the people; the administration is trying to slip through a statute, without public review.
>
> If this is to be the way the election process is to be altered, then there is no safeguard against the Federal Government interfering with State regulations as to age of voters, filing fees for candidates, selection by preprimary conventions, number of signatures required for nominating papers, and other devices by which States attempt to regulate their elections.

I commend this editorial to the attention of my colleagues in the Senate, to the press, and to the country, because it clearly states the issue pending before the Senate.

I hope that the elected Senators of sovereign States will not by their vote gag Senators who are doing their best to alert the country to the significant constitutional issues which are being debated here and to carry to the remote recesses of our Nation the urgent need for the people to wake up and defend the Constitution.

Mr. President, I ask unanimous consent that the editorial in its entirety be inserted in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ATTACK ON CONSTITUTION

In the 175 years that the U.S. Constitution has helped to preserve this Republic, the Federal Government has not challenged the right of the States to establish their own qualifications for voting, subject, of course, to the provision there shall be no discrimination because of race, color, sex or previous condition of servitude.

The so-called literacy test bill of the administration violates that time-honored tradition, so specifically guaranteed by the Constitution.

It reaches down into every State's election process, bypassing the prescribed constitutional amendment, and declares that a sixth-grade education qualifies a person to vote. He or she need not be able to speak and write the English language.

In the original Constitution, and all its amendments, there is only one reference to any powers delegated to Congress in the election process of the States.

That is in article I, section 4, which states: "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations."

This is no blanket authority. It concerns only the elections for Congress, and it applies only to the "time" and the "place" and the "manner" of those elections. There can be no confusion as to the first two, and their importance is inconsequential.

In the 17th amendment, initiated by the Congress, action was taken as to the "manner" of holding elections for Senators. The amendment provided they should be elected by the people, which eliminated any appointive action by the legislatures or other governmental authorities.

Establishing its point even more clearly, the Constitution specifies, as amended, that both Representatives and Senators will be chosen by "electors," which is to say, the people, of the various States. It is specified that the voting qualifications for such electors shall be the same as those set by the States for the privilege of voting for the "most numerous branch of the State legislature."

No authority whatsoever in the Presidential election process is given the Congress, except to name the time and place for the meeting of the electoral college.

Literacy tests have been an integral part of the qualifications set by many States. The U.S. Supreme Court has unanimously upheld their constitutionality, and in 1958, 4 years after the same court set the pattern for the present civil rights drive in the South, the justices declared:

"The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised, absent of course the discrimination which the Constitution condemns."

The case?

A unanimous decision upholding the literacy test of the State of North Carolina, a test that the sixth grade bill would wipe out.

To deplore the pending literacy test bill is not to uphold the fairness of the literacy or other qualification tests set in the various States.

But there is a right way to explore this situation and a wrong way.

The Constitution provides for an amendment, approved by the Congress and the people; the administration is trying to slip through a statute, without public review.

If this is to be the way the election process is to be altered, then there is no safeguard against the Federal Government interfering with State regulations as to age of voters, filing fees for candidates, selection by preprimary conventions, number of signatures required for nominating papers, and other devices by which States attempt to regulate their elections.

The most important law in a republic or democracy is that which governs elections, for it is the guarantee to the people of their ultimate control. Any change to the election law as basic as that proposed in the literacy test legislation should be by the prescribed method of constitutional amendment.

Mr. MANSFIELD. Mr. President, I yield 4 minutes to the Senator from New York [Mr. Keating].

Mr. KEATING. Mr. President, the vote on the pending cloture motion, will, in reality, be a vote either for or against the literacy bill. The words of the majority leader when he announced that this petition for cloture would be filed make this abundantly clear. He has said that if cloture failed today, and after another possible attempt, then the Senate will go on to other business. No one can doubt, therefore, that this vote on cloture is a vote on the substance of the bill now before us, not a vote on any mere procedural issue.

In my view rule XXII, because it is a rule of substance and not procedure, runs counter to the letter and the spirit of the Constitution. Article I, section 5, clause 2 of the Constitution vests in a majority of each House of Congress the power to "determine the rules of its proceedings." Any rule which changes this majority requirement to a two-thirds requirement is just as invalid as a rule requiring a unanimous vote for passage of legislation. Except where the framers specifically required more than a majority vote, it is clear, both from a historical perspective and from the philosophy that went into the drafting of our Constitution, that a majority determination would be the key to the operation of our Government. The Constitution requires a vote of more than a majority in only five instances: Two-thirds rather than a majority is required to override a veto, to initiate amendments to the Constitution, to convict in cases of impeachment, and to expel Members. The specificity with which these requirements are set forth in the Constitution makes it evident that in no other cases may a two-thirds vote be required for action.

Majority rule is the general principle of all free governments. All the Members of this body are elected on the basis of the majority principle. How would it sit with the American people if we ordained after our elections that our successors would have to be elected by a two-thirds vote? I am sure that would strike every member as outlandish no matter how tempted he might be to virtually assure himself life tenure. Is it any less outlandish to provide that statutes passed by a simple majority cannot be amended except by a two-thirds vote of the Senate? Is not this an equally offensive provision? In my opinion, the present provisions of rule XXII are pernicious and will not long be tolerated.

Last year, I joined with 14 other Senators, from both parties, in an effort to correct the inequity of rule XXII. Next January we shall try again. We are laboring against an affront to every principle of fair and constitutional procedure. We shall not cease in our efforts to change rule XXII until we prevail, no matter what happens today.

It is minority rule, not the protection of the rights of minority Senators, which is involved in a filibuster. The Members who oppose the literacy bill have made no secret of the fact that their efforts are aimed solely at blocking the consideration of this measure. This is the difference between debate and filibuster. Debate is an effort to win by persuasion. Filibuster is an effort to win by exasperation. It is not an effort to insure that all voices will be heard, or all issues clearly brought forth in debate on a measure. This is always done. No effort has been made to quiet discussion of issues before us. The effort is wholly in the opposite direction: to forestall, to forever block, the free and open resolution of issues that face this body.

How long will the Senate tolerate such a situation? How long will we meekly submit to the willful strangling by the few of efforts to finally insure that all Americans enjoy equal rights and equal protection under the law? On nine different occasions since 1937 we have sought to pass laws designed to eradicate blights on our free society. Each time a cloture has been attempted to free the Senate from the hold of the few who sought no such end. But each time we have failed, and the measures which have been passed have been watered down and diluted and made ineffective.

The Senators who wish to block forever the literacy bill decry a cloture vote as an affront to minority rights. They tell us that a majority is attempting to gag them and trample upon their rights. Yet, they are strangely reticent about the rights of minority American citizens this bill is designed to more adequately secure. What of those minority rights? This is really what is at issue here.

When we vote on the cloture motion today we will be voting either for or against the literacy bill. It may be the only chance we will have this session to register our sentiments on this matter. We cannot forever hide behind the parliamentary wall of a cloture vote. We cannot pretend that a vote against cloture is a vote for the traditions of the Senate, rather than a vote against the merits of the measure that provoked the filibuster.

The times in which we live are difficult and challenging. Yet, today we are faced with the spectacle of the U.S. Senate continually stifled, stymied, and stuck on so many occasions by antiquated internal rules. Today we will know whether this body intends to meet one of these challenges, to lift itself out of the rut that a determined few have so skillfully dug for us. Our conscience, our sense of duty, our heritage which gives this Nation its lifeblood, demand that the answer be "Yes."

Mr. RUSSELL. Mr. President, I yield 4 minutes to the Senator from Florida [Mr. Holland].

Mr. HOLLAND. Mr. President, it is not only a tragedy, as stated by the junior Senator from Georgia, that the press has not fully covered the debates in this matter, but it is also a tragedy that those Senators who want to vote to uphold the Constitution in accordance with their oaths do not come here to hear the debate on that important aspect of this question.

I shall confine myself for a moment to the provision with respect to election of presidential electors, because there has been so much said about the election of Representatives and Senators that I do not think it is necessary to add to that discussion.

The provision regarding presidential electors is contained in section 1 of article II in two groups of words, the first of which reads:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors—

And so forth—

> but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

It could not have been made clearer that the States retained to themselves the exclusive right of naming their electors in such manner as their legislatures should prescribe and they would not permit a Federal official, even though their own Senator or Representative or other person holding an office of trust or honor under the Federal Government, to serve as an elector.

The few words which deal with the congressional authority under that article are these:

> The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes, which Day shall be the same throughout the United States.

That is the limit of authority of the Congress and of the Federal Government in connection with the election of presidential electors.

I call the attention of the Senate to the fact that "Federal election" is described in the pending measure as any election held "for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives," and so forth.

I do not see how any Senator, whether gifted with the knowledge of the law or not, reading the clear wording of the Constitution and recalling that there is not a single decision of the Supreme Court or of any other court of competent jurisdiction that in any way diminishes the power of the States to control completely the selection and the personnel of their presidential electors, and now confronted with his constitutional duty, could vote for the proposed bill, which violates not only the substance and the letter but the meaning and intent of the Constitution in this regard.

If I may, I shall close with one additional reference to the Constitution, and that is section 4 of article I. Some Senators supporting the proposed legislation seem to think that that goes a long way to uphold their position. They have quoted it so many times that I shall not quote it in detail again; but I want the Record to show affirmatively that it refers only to the selection of Senators and Representatives, and not to presidential electors.

I quote the part that is applicable:

> The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

Mr. President, that relates only to Senators and to Representatives. In addition, it relates only to the times, places, and manner of holding elections for Senators and Representatives and does not in the slightest affect the clear mandate of the Constitution relating to presidential electors.

I do not see how any Senator, mindful of his oath to uphold the Constitution, could vote for those provisions in the proposed law now confronting the Senate, which propose to give to the Federal Government a controlling hand in respect to one vital aspect of the selection of presidential electors.

I thank my distinguished friend for yielding me this time.

Mr. MANSFIELD. Mr. President, I yield 7 minutes to the Senator from New York [Mr. Javits].

Mr. JAVITS. Mr. President, two questions are before the Senate this morning. The first is, Is the proposal constitutional? The second is, Should the Senate vote for cloture?

I deeply feel that we should consider the proposal to be constitutional and that we should vote for cloture, for the reasons I shall state.

In all the arguments with respect to constitutionality, including that made by my distinguished colleague the Senator from Kentucky [Mr. Cooper], whose opinion I respect highly, one thing is omitted. That is the fact that Congress has a right to legislate because of the state of facts.

If the Congress finds it to be a fact—and I believe the Supreme Court will sustain the Congress in such a finding—that there is widespread violation of the 15th amendment by denial to people who are Negroes, through the misuse of the literacy test, of the right to vote, as has been found by the U.S. Civil Rights Commission, the Congress can choose the means by which that situation shall be redressed; and in my opinion the Supreme Court will go along with the Congress if it chooses a reasonable means.

These are reasonable means. We have heard no one deny that a sixth grade education is adequate as a reasonable test for qualification for voting. That is the essence of this controversy. In all the arguments about constitutionality, nothing has been said about the factual case which has been made.

Second, the fact that there are other means—the fact that there is a law which was passed in 1957 and a law which was passed in 1960—does not mean that the Congress cannot add additional means, if it believes them to be required, and reasonably bases its judgment upon the factual situation.

We have seen the finding of the Attorney General, who is the enforcement officer of the United States, that he does need these additional means because he cannot adequately enforce the laws of 1957 and 1960 in practicable terms in order to effectuate the guarantees of the 15th amendment.

So the basis of constitutionality does not rest on the constitutional provisions which have been argued pro and con. The basis of constitutionality rests squarely and clearly on the 15th amendment, which has been shown as a matter of fact to have been violated. Therefore, the Congress has the right to select the means by which to redress that situation.

The constitutionality of the proposal has been clearly demonstrated, based upon the facts, and that is what we must always refer to when we are arguing constitutionality in the Senate.

Second is the question, Shall cloture be voted? It is perfectly true that there has been a very polite filibuster conducted in the Senate. The Senate has met from 12 noon until 6 or 7 p.m., and Senators have been very gracious and charming to one another; but constructively, as we lawyers say, there has been a filibuster, because it was well known that if Senators who are opposed to passage of the proposal were forced to do so they were well enough organized to stay as long as necessary, even if the majority leader [Mr. Mansfield] had made us come in at 1 or 2 o'clock in the morning, as we did once before since I have been in the Senate, to answer quorum calls.

During the previous debate we were forced to come in time and again in the early morning hours.

If this were a debate for 24 hours a day, or 7 hours a day, the same Senators would be making the same speeches and enlightening the country in precisely the same way.

This is not the choice of the majority leader, but it is the choice of the opponents of the measure. The majority leader has said time and time again: "If Senators wish to talk for more than 6 hours a day I shall be glad to accommodate them, up to 24 hours a day, but if they do not wish to talk for more than 6 hours a day there is no use in keeping the Senate as a whole up all night."

That is a very enlightened point of view. It makes a great deal of sense. Such a debate can be as much a filibuster as if the Senate held sessions around the clock because—although I sympathize with the idea of trying to end a filibuster by round-the-clock sessions—it has been shown that the Senate cannot break a filibuster by meeting long hours.

The Senate now knows that the only way it can get cloture is by a vote for cloture; not as a result of physical exhaustion. This will be the meaning of the cloture vote. It must be by a vote for cloture. There never has been cloture in respect to a civil rights bill, notwithstanding the fact that the modern cloture rule has been in effect since 1917 and the fact that there has been a filibuster problem in the Senate since 1872, even before the Senate adopted rule XXII.

This could well be the showdown, if there is to be a vote. Some may not think so, since only a few Members have been on the floor and polite debate has been indulged in, but in retrospect, in history, this will be shown to be a decisive and historic vote. Let no Senator who votes on the issue mistake it. This will be one of the most decisive votes we shall have cast on any issue at any time.

We may well get a majority vote; I am very hopeful of that. We are within reach of cloture on a civil rights bill.

Such a vote would be historic in the annals of the Senate and of the country by demonstrating the ability, through the legislative means, of coping with the country's problems.

Looked at in that perspective, both with respect to constitutionality and with respect to cloture, I deeply feel that Senators should support the motion now, and should support the measure on the ground that it is completely constitutional and would adopt a reasonable means to an absolutely essential and proper end.

I thank the majority leader.

Mr. RUSSELL. Mr. President, I yield 3 minutes to the distinguished senior Senator from New Hampshire [Mr. Cotton].

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire [Mr. Cotton] is recognized for 3 minutes.

Mr. COTTON. Mr. President, I agree with the distinguished Senator who has just spoken that the forthcoming vote will be historic. I agree that every Senator should search his soul most carefully before he determines his vote on the question of cloture. What I have to say pertains to cloture only, and not to the merits of the proposal before the Senate.

It is necessary, if a Senator is to disregard the urgings and appeals of his own leadership, that he should declare his reasons for so doing.

I served as an attaché of the Senate many years ago. I saw a prolonged debate prevent the passing of a hasty, ill-considered, and unnecessary appropriation bill. The question of cloture is not confined to civil rights, even though I think the Senate to a certain extent, and the public to a great extent, have come to consider it part and parcel of a civil rights controversy.

The question goes much deeper than that.

These remarks do not violate the rule, because they certainly are not in criticism; but because of the size of the other body, as many of us who have served there know, it is forced to curtail debate. Thus important measures are sometimes passed with such brief discussion that there is little time for reflection either by the Congress or by the people. It is only in the Senate that proposed legislation can be held up to the light and examined from every angle.

Furthermore, within the four walls of the Senate Chamber is found the only spot in government where small minorities cannot be smothered by huge majorities. Here minorities have a weapon with which to stay execution long enough to appeal to the people. That weapon is freedom of debate, and it is not confined to civil rights.

As a Senator from a small State, who may some day find the welfare of his own people threatened by combinations representing the more powerful and populous States of this Nation, I do not intend to surrender this weapon. Unless it be a very extreme case when the will of the Senate is being obviously thwarted, I do not intend by my vote to establish a precedent so that at some future day, when some proposal might violate the rights of my own people, my own principles, and my own convictions, when I am seeking to stay the hand of a large majority, it can be said to me that I once voted unnecessarily to choke debate in the Senate.

I shall be obliged to vote against the application of cloture.

Mr. RUSSELL. Mr. President, I yield 2 minutes to the distinguished Senator from Kentucky [Mr. MORTON].

Mr. MORTON. I thank the Senator from Georgia.

Mr. President, I will vote against cloture in connection with the pending business; and I should like to briefly explain my reasons. First, I am not against the cloture procedure per se. In fact, I have proposed and supported a change in the rules of the Senate which would make cloture more easily obtained. Several years ago, along with the Senator from New Mexico [Mr. ANDERSON] and my colleague from Kentucky [Mr. COOPER], I proposed a rule change that would permit 60 percent of the Senators present and voting to invoke cloture. Second, my record in this body proves that I am a friend of civil rights legislation. In 1957, for example, I went down the line and resisted the elimination of section 3.

I do not believe that cloture should be lightly or capriciously used. I strongly feel it should only be attempted after a serious effort has been made to bring an issue to a vote on its merits. I submit that in the present situation this has not been done.

For more than 2 weeks now the Senate has considered the pending matter but in a very casual way. We have been convening at 12 o'clock and adjourning, generally, between 4:30 and 6:30 p.m. We have avoided Saturday sessions and have proceeded on the assumption that, just because the pending business is connected with civil rights, cloture would be attempted after a couple of weeks. Speakers have had no difficulty in obtaining unanimous consent to yield for remarks on various subjects. In fact, speakers have been able to retain the floor by yielding long enough to allow them to go to lunch, visit with constituents or take care of their long-distance calls.

The question before us involves a serious constitutional question. Prominent lawyers in this body are divided on the issue.

It is clear to me that the pending cloture attempt will fail. If at some future date, after a determined effort to bring the present amendment to a vote on its merits, cloture is once more attempted, I will then support it.

Mr. RUSSELL. Mr. President, I yield 3 minutes to the senior Senator from New Mexico [Mr. CHAVEZ]. Because of the condition of his throat, I ask unanimous consent that his statement may be read by the clerk.

The **ACTING PRESIDENT** pro tempore. Without objection, the statement will be read by the clerk.

The statement of Mr. CHAVEZ was read by the Chief Clerk, as follows:

STATEMENT BY SENATOR CHAVEZ, OF NEW MEXICO

I feel compelled at this time to explain my vote on the motion for cloture. The motion for cloture in the Senate of the United States is a most serious undertaking. It is an undertaking fraught with danger to the very basis of our constitutional system. As an indication, in the past cloture has been attempted a number of times. It has been 35 years since a motion for cloture has succeeded in this body. The invoking of cloture on this legislative body destroys the original concept of checks and balances between the Senate and the House of Representatives.

In its original concept, the Senate was conceived by the Founding Fathers as a legislative body which was to have untrammeled powers of deliberation. This has been the history of the Senate of the United States as the world's greatest deliberative legislative body. For the Senator from New Mexico to acquiesce to a negation of the principles upon which this body was founded, I believe is unconscionable.

I am extremely proud of my record as an advocate of minority rights—I have been a liberal in this body when being a liberal on the floor of the U.S. Senate, one led a rather lonely existence. I want it to be clearly understood that I am in favor of the legislation now under consideration. It is my personal candid opinion that this legislation should have gone through the established committee system, but, most certainly, it was not for me to decide the legislative method whereby this piece of legislation was brought to the floor. But I do believe with all my heart and soul, and as an experienced legislator of this body, that the opponents to this bill should be allowed unlimited debate in the discussion of the merits and the demerits of its contents.

Furthermore, I am not in favor of changing the rules of the U.S. Senate whenever a group feels that they cannot get some legislation passed.

In my experience as a U.S. Senator, I have seen a great deal of bad legislation either defeated or withdrawn that could have become the law of the land if it had not been for extended debate and complete discussion on the floor of the U.S. Senate. I do not recall that at any time in our history, legislation vital to this Nation has been held up or defeated through the process of unlimited debate, nor has this country ever been impaired by the failure of the Congress to act promptly on any vital issues. I remember the Bricker amendment when it was placed on this floor for discussion. The great and able Senator from Missouri, the late Senator Hennings, almost singlehandedly, during days of very learned discussion in these Chambers, alerted this body and the American public in general to the constitutional hazards to the very foundations of our Republic.

To invoke cloture on this piece of legislation would be tantamount to saying that each Senator in this legislative forum would lose his individuality as a Senator, his independence of action and, thus, each of us would be at the will and caprice of a political coalition or of some alliance concocted for some special occasion.

The Senator from New Mexico is one that feels that the traditions and the great legislative history of this body must be preserved. Thus, I am sorry that I must oppose my majority leader and vote against cloture.

Mr. RUSSELL. Mr. President, I yield 3 minutes to the distinguished Senator from Kentucky [Mr. COOPER].

Mr. COOPER. Mr. President, yesterday I made a short statement on the floor of the Senate in which I said that I would vote against cloture. I said also that I was opposed to the amendment which would establish the completion of a sixth grade education as a decisive test of the literacy qualifications of a voter.

These votes are difficult ones for me to cast because throughout my service in the Senate—in fact, throughout my political life—I have strongly supported civil rights legislation, and I intend to continue to do so.

I made my decision because after the best consideration I could give to the arguments that have been made, and from my own study, I came to the conclusion that the amendment is unconstitutional.

I know that if the measure passes the Congress, the decision respecting its constitutionality will be made by the Supreme Court.

The Supreme Court may very well decide that the measure is constitutional. Nevertheless, as a Member of the Senate, I believe it is my duty to vote against measures which I strongly feel are unconstitutional.

Since a very serious constitutional question is involved, I believe also that sufficient time has not been given to debate. It is my view, and I believe everyone admits that article I, section 2, and the 17th amendment of the Constitution clearly give to the States the power and authority to determine the qualifications of voters. I believe also that the proponents of the amendment are correct in their statement that under the 14th and 15th amendments, Congress has the authority—the amendments themselves so provide—to enact legislation to enforce the provisions of the amendments against discrimination.

The difficulty that I have with the bill is that, whatever it may be called, under its provisions the Congress would fix a qualification for voters. In the present case the qualification would be the completion of 6 years' attendance in a public or accredited private school. Such a provision would for all practical purposes be used to disqualify those who are self-educated, and who may be literate, but who have not completed the sixth grade. The proposed test would become the test that registrars and election officers would use in the States that have literacy tests.

My State has no literacy test. I do not believe that I have ever heard of a case in Kentucky in which a Negro has been denied the right to vote. In view of my thoughts with regard to civil rights, and in the light of my responsibility as a Member of the Senate believing that the measure is unconstitutional, I regret that I cannot vote for the motion. If further debate is afforded of reasonable time—a week or so—I will vote for cloture. I will also offer amendments which I believe are constitutional to protect voting rights. My statement yesterday outlined such proposals, and I hope that Members will read the statement.

Mr. RUSSELL. Mr. President, how much time remains for the opponents?

The ACTING PRESIDENT pro tempore. The Chair is advised that there are 9 minutes remaining.

Mr. RUSSELL. How much time remains for the proponents?

The ACTING PRESIDENT pro tempore. The Chair is advised that 12 minutes remain.

Mr. RUSSELL. I yield myself 6 minutes.

Mr. President, it has been well said here that we are debating a matter of great importance. A constitutional question of the first magnitude is involved in the basic substitute proposed by the leadership. In addition it is never a light question when it is proposed in this forum, this unique forum, that the Senate shall gag Senators, representing sovereign States, when they still desire to be heard on a matter of such profound importance.

I wish to point out that there has not been undue debate on the pending measure. It has been considered by the Senate for only about 10 calendar days and much time has been consumed on extraneous matters and by the supporters of the substitute.

It is a peculiar circumstance that every time legislation of this character is brought before the Senate it is heralded throughout the land that a vicious filibuster is in progress as soon as the first Senator from a Southern State raises his voice in defense of the Constitution of the United States and the constituents who sent him to Washington to represent them.

Attendance on the floor of the Senate has been somewhat sparse, but the RECORD will disclose that many great speeches have been made in opposition to this legislation. Indeed, Mr. President, I assert that the quality of the speeches made against this bill is as high as any that the history of the Senate discloses. These speeches have gone back into the recesses of history and demonstrated beyond doubt from the framers of the Constitution and by innumerable decisions of our courts of last resort when it was composed of lawyers that this legislation is in direct conflict with the Constitution.

Necessarily there has been some little repetition in the debate. Senators opposing the legislation have, of course, relied upon and quoted the same line of decisions. They have likewise quoted those clauses of the Constitution which stand like mountain peaks of law and precedent, towering over the puny contentions that you can repeal the Constitution of the United States by a simple statute.

Those who have sought to defend the pending legislation have not been able to submit a single case from a court of competent jurisdiction to sustain their contentions that the bill is not in conflict with the Constitution. Speaking of repetition—practically every one of these Senators has limited his citations of authority to repeating again and again the statement of the Attorney General of the United States that the bill is constitutional and by referring to the same portions of the reports of the Civil Rights Commission.

This Commission can hardly be considered objective in this matter.

It is true that many of them have mentioned the 15th amendment, but it is difficult for a lawyer to quote the 15th amendment in connection with this issue with a straight face—when even a layman can see that the 15th amendment is in nowise related to the pending bill. It is perfectly clear that any clause in the constitution or laws of any State undertaking to limit the right of any citizen to vote on grounds of race is completely unconstitutional. Being unable to produce any worthwhile authority or a single case to sustain their arguments, they have repeated again and again the mere allegation of the Attorney General who drafted the bill that the bill is constitutional. That is one statement that has been worn threadbare and any Member of the Senate who has listened to this debate can almost recite it from memory.

Practically every authority on government whose writings have ever come to my attention and the speeches of the great men who have adorned this body throughout the ages have concluded that the Senate of the United States would be the last battleground where a fight would be made in defense of our political and economic system.

If the American way of life is really in danger, the last effort to preserve a government of laws rather than to gamble our rights and liberties with a government of men will be made in this forum of the States.

It has at times suffered at the hands of the Supreme Court, as well as the Chief Executive and even by action of the Congress. These actions have been directed by expediency and by that ever present threat to liberty the argument that the end justifies the means.

It therefore behooves us to proceed with extreme care in the consideration of gagging the Senate in order to force through bills which still further weaken and emasculate our Constitution.

Mr. President, I am sure that no Senator will be so gullible as to accept the argument that we should apply a different rule in the limitation of debate to legislation of this type, promoted by certain pressure groups, than would be applied in other instances.

We cannot deviate and apply different rules to different types of bills if we are to measure up to our obligation to preserve the Senate as the last citadel of the rights of the States and the last protection of the liberties of our citizens.

Under the Constitution our Senate is beyond the reach of those who seek to reform our Government in the name of reapportionment. The Founding Fathers intended that that should be the case and that the Senate should remain the one bulwark of our Government against precipitate actions inspired by the passions of the mob. If our Government and way of life are to endure, the Senate must stand constantly on guard against aggressions engendered by the unbridled ambitions of men who occupy high offices in our Government, and, in saying this, I refer to the power of office and not to any individual who may temporarily occupy it.

God forbid that the Senate of the United States should become under any President a mere rubberstamp for the Presidency of the United States.

Let us be men enough to stand up and face the issue squarely, to see that this priceless heritage of ours is preserved.

I adjure the citizens of every small State to look around and see what is happening in the United States and watch closely this effort to apply a gag rule. Ever bear in mind, the Senate of the United States is the only agency in Government or in the activities of political parties, where a small State can hope to have its voice heard in defense of its rights and powers.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. RUSSELL. I yield myself 2 more minutes.

We have been told in the last few days that if any group of Senators have the audacity to defend the Constitution of the United States and fight such clearly illegal bills as the pending substitute, that the rules of the Senate are certain to be changed in order to apply a gag rule by a simple majority.

Mr. President, if the Constitution must be disregarded in order to defend the Senate, we do not need, nor should we have, any rules. We have already lost our government of laws and are operating under a government of men who use threats as a weapon of enforcing their will.

For over a century, every American could proudly and truly boast that we do not trust a government of men, but bind all of those in power by the chains of the Constitution to assure a government of laws. Unfortunately, many termites are chiseling night and day at the foundations of our constitutional system. The proud boast of almost two centuries has been challenged by the statement issued by the Association of Chief Justices of the State courts of the several States of the Union. They adopted a resolution expressing their fears that we were losing our government of law through the usurpation of power by the Supreme Court of the United States.

Of course, Mr. President, those who conspire against our Constitution do not make frontal assaults in broad daylight with bands playing and banners waving. They insidiously whittle away various protections of the Constitution under the specious plea that they are assuring new rights to individuals. In the process, they are transforming our whole form of government to the detriment of the rights of every citizen.

Mr. President, if you must destroy the Constitution and transform our form of Government from one of written law to the naked powers of men, strike it down at once. That is fairer and more courageous than the surreptitious process of tearing it down bit by bit, a little here and a little there. If the Constitution must die—let it die nobly.

As Oliver Wendell Holmes said:

Nail to the mast her holy flag,
Set every threadbare sail
And give her to the god of storms
The lightning and the gale!

If you must destroy our Government, Mr. President, do it in the forthright way; do it like men, and not by stealth in the night.

Mr. MANSFIELD. Mr. President, I yield 7 minutes to the distinguished minority leader.

Mr. DIRKSEN. Mr. President, the cloture rule has been on the rule book of the Senate for the last 45 years. It was not placed there by the President of the United States. It was not placed there by the House of Representatives. It was not placed there by some external agency of this country. It was placed there by the votes of the Members of the Senate who served in this body in 1917, and it is a part of the Standing Rules of the Senate. The Senators who placed that rule on the book must have taken good thought when they were doing it, and they must have thought it would serve a useful purpose at some given time.

Today we are invoking a rule that is 45 years old. I know of no reason why it should not be invoked under the present circumstances in order to get a vote upon the merits of the proposition that is before the Senate.

The distinguished Senator from Georgia [Mr. Russell] speaks about destroying the Constitution. I would rather believe that the Constitution could be destroyed by the abuses that cannot be reached unless some remedial action is taken.

Read what Father Theodore Hesburgh, a member of the Civil Rights Commission and president of the University of Notre Dame, said concerning his own independent investigation. He found that persons having masters' degrees could not be registered and could not vote. He found that persons holding bachelors' degrees could not register and vote, either because they could not pronounce or could not spell or could not write from dictation to the satisfaction of a registrar. He found that teachers and ministers could not vote. What shall we say about an abuse under which people in this country, who are literate and are educated, are taxed but have no authority under the circumstances to select the Nation's lawmakers in either branch of Congress, the Congress which has the authority to make the laws under which those people live. Let that abuse continue and we can surely become rather apprehensive about the durability of the Constitution.

I have heard it argued that the majority leader in his position should dragoon the Senate before we vote upon cloture. First, he is responsible for the progress of legislation in the Senate. Second, he has the duty, as the leader of his party, which is in the majority, to try to bring the session of the Senate to a close at some decent season during the year. With those responsibilities upon him, what does the argument amount to when Senators say, "Mr. Majority Leader, I want to cooperate, but I cannot give you a vote on cloture until you dragoon me. I cannot give you a vote until you discipline me. I cannot give you a vote until you have kept me here 24 hours a day. I cannot give you a vote on cloture unless you call me into the Chamber at 2 o'clock in the morning, with sleep-filled eyes, off some cot, to respond to the rollcall, so that 51 bodies will be upon the Senate floor and the Senate enabled to do business." What kind of argument is it to hold out one's hands to the majority leader and say, "First, do all this to me; submit me to embarrassment; submit me to inconvenience; make it necessary for me to break engagements and follow a wholly unpredictable schedule; then, Mr. Majority Leader, after you have held me around the clock for X number of days, 24 hours a day, perhaps the spirit will soften; perhaps the soul will be sufficiently chastened, so that I can then give you a cloture vote."

Mr. President, the Senate has been debating the issue for 10 days or 2 weeks. We have heard almost every argument exhausted.

I believe that if the majority leader made a proposal to the Senate that a given amount of time, under limitation, equally divided, be agreed upon, surely within the talents, wisdom, and forbearance of this body the subject could be discussed further, and the Senate could then vote. However, I appreciate that if the majority leader made that kind of request of the Senate, it would probably find objection. So we shall go on and on, discussing the matter, without ever getting around to a vote on the merits. Involved in this question are some abuses for which a cure will have to be found, because when we talk about the jeopardy to the Constitution, we must realize that it is through such abuses that we will eventually jeopardize, and possibly destroy, the organic law of the Nation. That is the evil we seek to reach.

The Department of Justice has prepared a long memorandum on the question of constitutionality. There is a long memorandum by the attorneys and other persons identified with the Civil Rights Commission on the question of constitutionality. But the ultimate test must necessarily be across the Plaza, in that great white building where sit the members of the one Court created by the Constitution of the United States. When they shall have ruled upon the legislation, we shall then know whether it is constitutional or not. Until that time, let everyone search his own soul and his own conscience, and then determine what he should do.

As for me, I intend to support the cloture motion, on which the Senate will be voting directly.

Mr. MANSFIELD. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator from Montana has 5 minutes remaining.

Mr. MANSFIELD. How much time remains to the opposition?

The PRESIDING OFFICER. All time of the opponents has expired.

Mr. MANSFIELD. Mr. President, I yield myself 1 minute; and then I shall yield the remainder of my time.

I am delighted that the distinguished minority leader adverted to the argument which some Senators have been making, to the effect that there has not been sufficient debate on the question. To the statements of Senators who feel that the issue has not been sufficiently debated or that no real effort has been made to resolve the question on its merits, I can only say that I know of no expression by those Senators that they desired to debate the measure at all.

It must be that through administrative error their requests to speak on the merits of the question were not relayed to me or to the distinguished minority leader. Therefore, the leadership adjourned the Senate at a reasonable hour each day, being ignorant of the desires of those who now say that the issue has not been debated enough; that they wanted to speak. I think everything has been said on both sides within a 2-week period that could have been said.

I commend Senators who were in active opposition to the proposal for their attendance to duty, for being on the job, for upholding their point of view. I urge Senators who have stated that the debate has not gone on long enough to examine their consciences and find some other excuse.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time has been yielded back.

Mr. MANSFIELD. Mr. President, is a quorum call automatic?

The ACTING PRESIDENT pro tempore. Yes.

Mr. MANSFIELD. Are the yeas and nays automatic?

The ACTING PRESIDENT pro tempore. The yeas and nays are ordered automatically under the rule.

Mr. MANSFIELD. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 47 Leg.]

Aiken
Allott
Anderson
Bartlett
Beall
Bennett
Bible
Boggs
Burdick
Bush
Butler
Byrd, Va.
Byrd, W. Va.
Cannon
Capehart
Carlson
Carroll
Case, N.J.
Case, S. Dak.
Chavez
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Douglas
Dworshak
Eastland
Ellender
Engle
Ervin
Fong
Fulbright
Goldwater
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Hickey
Hill
Holland
Hruska
Humphrey
Jackson
Javits
Johnston
Jordan
Keating
Kefauver
Kerr
Kuchel
Lausche
Long, Mo.
Long, Hawaii
Long, La.
Mansfield
McCarthy
McClellan
McGee
McNamara
Metcalf
Miller
Monroney
Morton
Moss
Mundt
Murphy
Muskie
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Robertson
Russell
Saltonstall
Scott
Smathers
Smith, Mass.
Smith, Maine
Sparkman
Stennis

Symington
Talmadge
Thurmond
Tower
Wiley
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. Church], the Senator from Washington [Mr. Magnuson], and the Senator from Oregon [Mr. Morse] are absent on official business.

The PRESIDING OFFICER. A quorum being present, the Chair now submits to the Senate the question, "Is it the sense of the Senate that the debate shall now be brought to a close?"

The yeas and nays being required by the rule, the Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HICKEY (when his name was called). On this vote, I have a pair with the Senator from Oregon [Mr. Morse] and the Senator from Idaho [Mr. Church]. If the Senator from Oregon and the Senator from Idaho were present and voting, they would each vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. Church], the Senator from Washington [Mr. Magnuson], and the Senator from Oregon [Mr. Morse] are absent on official business.

I further announce that, if present and voting, the Senator from Washington [Mr. Magnuson] would vote "yea."

The yeas and nays resulted—yeas 43, nays 53, as follows:

[No. 48 Leg.]

YEAS—43

Allott
Anderson
Beall
Boggs
Burdick
Bush
Carroll
Case, N.J.
Clark
Dirksen
Dodd
Douglas
Engle
Fong
Gruening
Hart
Hartke
Humphrey
Jackson
Javits
Keating
Kuchel
Lausche
Long, Mo.
Long, Hawaii
Mansfield
McCarthy
McNamara
Metcalf
Moss
Muskie
Neuberger
Pastore
Pell
Proxmire
Randolph
Saltonstall
Scott
Smith, Mass.
Smith, Maine
Symington
Williams, N.J.
Young, Ohio

NAYS—53

Aiken
Bartlett
Bennett
Bible
Butler
Byrd, Va.
Byrd, W. Va.
Cannon
Capehart
Carlson
Case, S. Dak.
Chavez
Cooper
Cotton
Curtis
Dworshak
Eastland
Ellender
Ervin
Fulbright
Goldwater
Gore
Hayden
Hickenlooper
Hill
Holland
Hruska
Johnston
Jordan
Kefauver
Kerr
Long, La.
McClellan
McGee
Miller
Monroney
Morton
Mundt
Murphy
Pearson
Prouty
Robertson
Russell
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Wiley
Williams, Del.
Yarborough
Young, N. Dak.

NOT VOTING—4

Church
Hickey
Magnuson
Morse

The PRESIDING OFFICER. Two-thirds of the Senators present not having voted in the affirmative, the motion is rejected.

Mr. MANSFIELD. Mr. President, in accord with the information previously given to the Senate by the majority leader, I move to table the Mansfield-Dirksen amendment. I wish to inform the Senate that it is my intention to vote against my motion.

Mr. President, on this question, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. A vote to lay the motion on the table would also lay on the table each amendment that has been proposed and read and so is in order, would it not?

The PRESIDING OFFICER. There is no amendment to the pending amendment now pending. If there were, the motion would carry the amendment with it.

Mr. HOLLAND. I ask unanimous consent, therefore, that the amendment offered by the junior Senator from New York [Mr. Keating], which has been read and lies on the desk, be incorporated at this point as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HOLLAND. Mr. President, am I recognized?

Mr. KUCHEL. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The question is on the motion to table made by the Senator from Montana. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. Church], the Senator from Washington [Mr. Magnuson], and the Senator from Oregon [Mr. Morse] are absent on official business.

I further announce that, if present and voting, the Senator from Idaho [Mr. Church], the Senator from Washington [Mr. Magnuson], and the Senator from Oregon [Mr. Morse] would each vote nay.

The result was announced—yeas 33, nays 64, as follows:

[No. 49 Leg.]

YEAS—33

Bartlett
Butler
Byrd, Va.
Chavez
Cooper
Cotton
Dworshak
Eastland
Ellender
Ervin
Fulbright
Goldwater
Hayden
Hickenlooper
Hill
Holland
Johnston
Jordan
Kerr
Long, La.
McClellan
Murphy
Robertson
Russell
Saltonstall
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Yarborough
Young, N. Dak.

NAYS—64

Aiken
Allott
Anderson
Beall
Bennett
Bible
Boggs
Burdick
Bush
Byrd, W. Va.
Cannon
Capehart
Carlson
Carroll
Case, N.J.
Case, S. Dak.
Clark
Curtis
Dirksen
Dodd
Douglas
Engle
Fong
Gore
Gruening
Hart
Hartke
Hickey
Hruska
Humphrey
Jackson
Javits
Keating
Kefauver
Kuchel
Lausche
Long, Mo.
Long, Hawaii
Mansfield
McCarthy
McGee
McNamara
Metcalf
Miller
Monroney
Morton
Moss
Mundt
Muskie
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Scott
Smith, Mass.
Smith, Maine
Symington
Wiley
Williams, N.J.
Williams, Del.
Young, Ohio

NOT VOTING—3

Church
Magnuson
Morse

So Mr. Mansfield's motion to lay on the table was rejected.

Mr. MANSFIELD. Mr. President, the large vote against tabling would suggest to the leadership that if the Senate could arrive at a reasonable understanding on termination of debate the Senate would like to vote on the merits of the issue. I wonder if the Senate would entertain the usual unanimous-consent request by which the Senate frequently terminates debate. I send to the desk a proposed unanimous-consent agreement and ask that it be read.

The PRESIDING OFFICER. The proposed unanimous-consent agreement will be stated for the information of the Senate.

The Chief Clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Wednesday, May 9, 1962, at the conclusion of routine morning business, during the further consideration of the bill (H.R. 1361) for the relief of James M. Norman, debate on the pending substitute amendment proposed by Mr. Mansfield (for himself and Mr. Dirksen) shall be limited to 4 hours, to be equally divided and controlled by Mr. Mansfield and Mr. Russell, respectively; and debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided,* That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further,* That no amendment that is not germane to the provisions of the said substitute amendment shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 4 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided,* That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. RUSSELL. Mr. President, I desire to enter a reservation of the right to object and to make a very brief comment.

Mr. President, when this matter was first presented to the Senate I made a brief statement to the effect that those of us who were opposing the bill were fully cognizant of the tremendous problem which confronted us in getting across to the country the true facts in respect to the proposed legislation and its palpable unconstitutionality. We have, in the relatively brief period the measure has been discussed, made much better progress than I had hoped for or expected. As a matter of fact, Mr. President, at the last conference which some of us held, we debated for a long time as to whether we would vote with the distinguished Senator from Montana against laying this matter on the table.

We believe with all the power of our beings that after six or eight more weeks we shall have stripped the curtain of prejudice completely away, and that the voice of the American people will be heard in the Senate.

We believe that the American people will be aware of the fact that the fight is not merely one being made by some prejudiced, narrow-minded southerners who wish to impose upon our Negro citizens, but that it is a bona fide defense of our oaths to defend the Constitution of the United States.

We decided against voting with the distinguished Senator for fear that a few Senators who were not members of our group might be so outraged by the proposal that they would vote to lay the measure on the table. We decided to stay with those who shared our views. For that reason we voted against the motion to table.

We are not prepared at this time, in view of the fine progress we are making, tedious as it is, and in view of the magnificent speeches that have been made by my colleagues, to agree to cease. I say in all sincerity—and those who have heard the speeches or read them in the RECORD will agree—that there never have been finer speeches made embracing the history and origin of our Constitution, particularly as it affects the present question. We are making fine progress, and we could not afford to gamble with the very limited time that is embraced in the unanimous-consent request. Therefore, I must object.

Mr. CASE of South Dakota. Mr. President, will the Senator withhold his objection for a moment?

Mr. RUSSELL. Certainly.

Mr. CASE of South Dakota. Mr. President, I should like to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CASE of South Dakota. I ask whether or not the unanimous-consent request would foreclose the offer of an amendment in the nature of a complete substitute for the Mansfield-Dirksen proposal, the amendment being in the nature of a constitutional amendment. My understanding is that a complete substitute in the nature of a constitutional amendment would be in order. Having heard the proposed unanimous-consent request read, I am not sure whether the door would be closed to the offer of a constitutional amendment as a complete substitute.

The PRESIDING OFFICER. The Chair rules that the only question in that event would be the question of germaneness, which could not be decided until the proposed constitutional amendment had been offered.

Mr. CASE of South Dakota. Does the proposed unanimous-consent request include a clause on germaneness?

The PRESIDING OFFICER. It does.

Mr. CASE of South Dakota. Would a constitutional amendment dealing with the subject of the qualifications of voters be germane?

The PRESIDING OFFICER. The Senate would have to rule on its germaneness if a question as to the constitutionality of the amendment were raised; otherwise the Chair would rule.

Mr. DIRKSEN. Mr. President——

Mr. RUSSELL. Mr. President, I have the floor.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from South Dakota.

Mr. CASE of South Dakota. Do I correctly understand that the Chair declines to rule on the question of germaneness at this time?

The PRESIDING OFFICER. The Chair feels that such question should properly not be ruled upon by the Chair until the actual language of the proposed amendment is available for examination.

Mr. CASE of South Dakota. Mr. President, I do not wish to interfere with the objection to the proposed unanimous consent request, because many of us have taken whatever position we have because of our opinion relative to the constitutionality of what is proposed. Some of us believe that the power of determining the qualifications of voters was reserved to the States. If that provision of the Constitution is to be changed, we believe that the change ought to be made in the way the Constitution can be changed, which is by constitutional amendment. If there is any danger that there would be foreclosure of the right to offer a proposed constitutional amendment as a complete substitute, the unanimous consent request ought not to be granted, and I would no longer interfere with the objection.

Mr. RUSSELL. Mr. President, still reserving the right of objection, I wish to make an observation apropos of the statement of the distinguished Senator from South Dakota; that Senator has mentioned an issue that was reported when we had the so-called poll tax constitutional amendment before the Senate. At that time, I made the point of order that the procedure for submitting a constitutional amendment was set forth in an entirely different section of the Constitution than those relating to the enactment of statutory legislation, and that a proposed constitutional amendment could not be submitted as a substitute for a simple bill or joint resolution.

I still think that the point is valid, but when the question was submitted to the Senate I was voted down and the Senate approved admitting the constitutional amendment as a substitute for a simple joint resolution. This is a very recent precedent.

In passing, I wish to observe that this is one question that the proponents of the pending substitute, some of whom are very skillful lawyers, have carefully avoided. They have not undertaken to explain why it required a constitutional amendment to strike down the poll tax as a qualification for voting, while contending that they could prescribe literacy qualifications striking down three sections of the Constitution by statute.

As a practical matter, neither literacy nor a poll tax are mentioned in our Federal Constitution in relation to voting. If one requires a constitutional amendment to take a power away from the several States, it would certainly seem that a constitutional amendment would be necessary in both cases.

Many conscientious Senators have been troubled by this question. Some who generally support legislation of the sort now before the Senate are disturbed by the proposal that only a statute is necessary to change all of the State laws on literacy qualifications, whereas an amendment to our basic charter was necessary to deny the States a right to impose a poll tax qualification.

Of course, as a practical matter, this is an unanswerable argument to sustain the unconstitutionality of the pending proposal.

I can only repeat, Mr. President, that in election years many men are prone to take the position: "A little matter like the Constitution of the United States should not come between friends in legislating on hot political questions."

Mr. President, I respectfully enter an objection to the unanimous-consent request.

Mr. HOLLAND. Mr. President, I ask the distinguished Senator from Georgia to yield for a moment before he objects.

Mr. RUSSELL. I will, if I do not prejudice my rights in any way.

Mr. HOLLAND. I invite attention to the fact that just before the vote on the motion to lay on the table made by the distinguished majority leader, I offered to incorporate in the RECORD at that time, by unanimous consent, a copy of the amendments offered by the distinguished junior Senator from New York [Mr. KEATING], for himself and other Senators, for the reason that I thought they bore heavily not only upon the cloture question and upon the motion to lay on the table, but with equal weight upon the request for unanimous consent, because the amendments would extend to all State elections the coverage of the proposed amendment offered by the two distinguished leaders.

Therefore I ask unanimous consent that the amendments may be incorporated in the RECORD at this time, since they bear upon all 3 of the issues.

Mr. RUSSELL. Mr. President, I ask to have the statement repeated.

Mr. HOLLAND. My request was for unanimous consent to incorporate in the RECORD the so-called Keating amendments, which would extend the coverage of the pending proposal to all State elections. I want it to be very clear in the RECORD that on the cloture vote, the vote to lay on the table, and the request for unanimous consent, we are considering not only what is already before the Senate, but also what has already been suggested by way of a sweeping amendment to apply the entire unwholesome rule to State elections.

Mr. RUSSELL. I have no objection to that. I have not been following the Senator's statement as well as I should have, because I have been engaged in conversation on other questions. I did not know the purpose of the Senator in seeking to have the amendments incorporated in the substitute. But I am perfectly willing to have them printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

On page 3, line 3, add immediately preceding the present text of section 2, a new subsection to read as follows:

"(a) Subsection (a) of section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended, is amended to read as follows:

"'(a) All citizens of the United States who are otherwise qualified to vote in any State election, shall be entitled and allowed to vote and shall not be deprived of the right to vote at such election on account of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or territory, or by or under its authority, to the contrary notwithstanding. Deprivation of the right to vote shall include but shall not be limited to (1) the application to any person of standards or procedures more stringent than are applied to other similarly situated and (2) the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination, whether for literacy or otherwise, if such person has not been adjudged incompetent and has completed the sixth primary grade of any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico.

"'"State election" means any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for any office established by or under the constitution or laws of any State, Commonwealth, territory, District, county, city, parish, township, school district, municipality, or other territorial subdivision.'"

Designate the present text of section 2 with the subsection symbol "(b)".

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana?

Mr. RUSSELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, will the Senator withhold his suggestion of the absence of a quorum?

Mr. RUSSELL. I withhold it for the moment.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself, I send to the desk a motion for cloture and ask that it be read.

The PRESIDING OFFICER. The motion for cloture will be read.

The legislative clerk proceeded to read the cloture motion.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The Senator will state it.

Mr. RUSSELL. In case the Senate pursues its normal course——

The PRESIDING OFFICER. The Senator from Georgia will suspend until the Senate is in order. The Senate will be in order.

Mr. RUSSELL. In case the Senate follows its ordinary procedure, the next cloture vote, chapter 2, will be written on Friday. That would be, under rule XXII, 1 hour after the Senate convenes. Is that correct?

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. RUSSELL. I yield.

The PRESIDING OFFICER. If the Senate is in session tomorrow and on Friday, the Senator from Georgia is correct.

Mr. MANSFIELD. Mr. President, has the cloture petition been read completely?

The PRESIDING OFFICER. It has not been completely read.

Mr. RUSSELL. I am sorry. I would not deny any of my colleagues the privilege of having his name read from the desk. I thought the clerk had concluded the reading of the names of the Senators.

The PRESIDING OFFICER. The clerk will resume the reading of the cloture motion.

The legislative clerk concluded the reading of the cloture motion.

The cloture motion complete reads as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, hereby move to bring to a close the debate on the substitute amendment proposed by Mr. MANSFIELD (for himself and Mr. DIRKSEN) to the bill (H.R. 1361) for the relief of James M. Norman.

MIKE MANSFIELD.
EVERETT M. DIRKSEN.
HUBERT H. HUMPHREY.
THOMAS H. KUCHEL.
KENNETH B. KEATING.
JACOB K. JAVITS.
PAT MCNAMARA.
BENJAMIN A. SMITH II.
HENRY M. JACKSON.
OREN E. LONG.
STEPHEN M. YOUNG.
MAURINE B. NEUBERGER.
CLIFFORD P. CASE.
J. GLENN BEALL.
JOSEPH S. CLARK.
THOMAS J. DODD.
JENNINGS RANDOLPH.
JOHN O. PASTORE.
EDMUND S. MUSKIE.
FRANK E. MOSS.
CLAIBORNE PELL.
QUENTIN N. BURDICK.
CLAIR ENGLE.
WILLIAM PROXMIRE.
PRESCOTT BUSH.
FRANK J. LAUSCHE.
HIRAM L. FONG.
PAUL H. DOUGLAS.
JOHN A. CARROLL.
LEE METCALF.
ERNEST GRUENING.
HUGH SCOTT.
PHILIP A. HART.
EDWARD V. LONG.
HARRISON A. WILLIAMS, JR.
STUART SYMINGTON.
VANCE HARTKE.
EUGENE J. MCCARTHY.

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today it adjourn to meet at 12 o'clock noon tomorow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

LEGISLATIVE PROGRAM AND REQUEST FOR ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL FRIDAY

Mr. MANSFIELD. Mr. President, as long as there are so many Senators present in the Chamber, and since I am sure that they all would like to be notified well in advance of what the schedule will be, I ask unanimous consent that when the Senate adjourns tomorrow, it adjourn to meet at 12 o'clock noon on Friday.

Mr. RUSSELL. Mr. President, I will ask the distinguished majority leader to defer that request for at least an hour, until I can make some inquiries in the Senate. We know that the cloture motion will be voted on, but sometimes it makes a difference as to the day. Some of our colleagues may have plans which may take them out of the Senate. Will the majority leader be generous enough to submit his request at a later time?

Mr. MANSFIELD. Yes.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

Mr. HOLLAND. Mr. President, I understand there is some doubt as to whether my unanimous-consent request to incorporate into the RECORD the amendments proposed by the junior Senator from New York [Mr. KEATING], for himself and other Senators, has been granted. Since there is doubt about it, I propose to read it into the RECORD at this time, unless I have unanimous consent for its incorporation in the RECORD at this point.

Mr. HUMPHREY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HOLLAND. I propose to do that because the amendment which has been at the desk and available to all Senators, and its meaning being that the coverage of the Mansfield-Dirksen amendment would be extended not only to Federal elections but also to State elections, was in my opinion a factor of considerable importance in the cloture vote, and the vote to lay on the table, as well as in the objection to the unanimous-consent request.

The PRESIDING OFFICER. Does the Senator make that unanimous-consent request?

Mr. HOLLAND. I make that unanimous-consent request, with the statement to my colleagues in the Senate who apparently do not want this amendment to appear in the RECORD, particularly the senior Senator from New York, that if consent is not given, I shall read the amendment into the RECORD, as is my right.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President——

Mr. HOLLAND. I yield to the junior Senator from New York.

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order.

Mr. HOLLAND. I yield to the junior Senator from New York for a question.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KEATING. I wish to say to the Senator from Florida that I have no objection whatever to incorporating it in the Record at this point.

Mr. HOLLAND. I thank the distinguished Senator from New York. The objection was uttered by the senior Senator from New York, for some reason best known to him. I yield to the senior Senator from New York.

Mr. JAVITS. I am not asking the Senator from Florida to yield to me. I am reserving my right to object to the Senator's request. I did not rise to object. The Senator from Florida is entirely in error in that respect. I did not rise to object then, and I do not rise to object now. The Record will show that I rose to ask a question of the majority leader, which he has already answered——

Mr. HOLLAND. I ask for the regular order.

Mr. JAVITS. Reserving my right to object, I hope to complete my sentence, if I may. I wanted to ask the majority leader as to his plans. That was the only reason for my rising.

The PRESIDING OFFICER. The regular order has been requested.

Mr. HOLLAND. With all due deference to my colleague from New York, I must request the regular order.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Florida?

Mr. DIRKSEN. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The regular order has been requested.

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER. The Senator must object or not object.

Mr. JAVITS. I ask the Chair to state the unanimous-consent request.

Mr. HOLLAND. The unanimous-consent request made by the Senator from Florida was this. In view of the fact that the amendments offered by the junior Senator from New York [Mr. Keating], for himself and other Senators, would have increased the coverage of the so-called Mansfield-Dirksen amendment to include State elections, and in view of the fact that I felt that the amendments lying on the table had a great deal to do with the cloture vote, with the vote to lay on the table, and also with the objection to unanimous-consent request I recently made, I want those amendments to appear in the Record at this point and I make a unanimous-consent request to that end. If the objection is made—and I cannot conceive that it will be made—I shall read them into the Record.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President——

Mr. HOLLAND. I yield to the Senator from New York.

Mr. JAVITS. I do not understand the unanimous-consent request. Will the Chair state it?

The PRESIDING OFFICER. The unanimous-consent request, as the Chair understands it, is that the Keating amendments be incorporated in the Record at this point. Is there objection?

Mr. McNAMARA. I object.

Mr. HOLLAND. There are a considerable number of Senators (other than the distinguished junior Senator from New York, the author and father of these amendments, who has no objection to people knowing that they are of his paternity) who do not want the public to know that it is proposed in these amendments to extend the coverage of the original Mansfield-Dirksen amendment to all State elections and voters in all those elections. I am going to read the proposed amendments into the Record, as is my right.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield for a question.

Mr. DOUGLAS. I should like to say that the senior Senator from Illinois is a cosponsor of the amendments, and he is very proud of that fact, and he would be delighted to have them put in the Record. I hope we will have a chance to debate them.

Mr. HOLLAND. That candor is very typical of my distinguished friend, the senior Senator from Illinois. I am sorry that there are some other Senators who do not want the public to know that these amendments were a part of the fundamental facts behind the three procedures through which the Senate has just gone.

The amendments were read, as follows:

Amendments intended to be proposed by Mr. Keating (for himself, Mr. Douglas, Mr. Javits, Mr. Scott, Mr. Hart, Mr. Case of New Jersey, Mr. Morse, and Mr. Bush) to the amendment in the nature of a substitute proposed by Mr. Mansfield to the bill (H.R. 1361) for the relief of James M. Norman, viz——

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield for a question only.

Mr. HUMPHREY. Does the Senator view these amendments as a classified document, either marked "confidential," "secret," or classified in any way?

Mr. HOLLAND. The Senator from Florida thinks that this is a part of the public business of the Senate, and he wanted to call attention to it in a timely way. Objection was made to his earlier effort to put the amendments in the Record, just prior to one of the votes which was taken, and later to his effort to put them in when the unanimous-consent agreement was pending, because it is so clear that the amendments are a part of the whole structure on which we are passing. I believe the Senator from Illinois is completely correct in his feeling that they are a part of what lies ahead of us.

Therefore, I wanted them to be in the Record in connection with these three matters—the cloture vote, the vote on the motion to lay on the table, and the request for unanimous consent. Apparently, some Senators are at least determined in their view that the public should not be allowed—that is, the public who will read the proceedings of today—to know that these amendments are a part of the program contemplated. It is for that reason that the Senator from Florida wishes to place the amendments in the Record.

Mr. HUMPHREY. The Senator from Florida knows, of course, that the senior Senator from Minnesota is not a cosponsor of the amendments, as the Senator can see. However, I am certain the Senator recognizes that the proposal is a public document, that it is not classified, and that it is available to the public. Certainly I have no objection to its being printed in the Record. Nevertheless, I do not believe the public ought to be led to believe that somehow or other we have papers which we are hiding, papers which no one else can see. I suggest that anyone who desired a copy of the amendments could have had them. They would gladly have been supplied, if not by the Senator from New York, then by any other Senator.

I suppose there are many more copies of these amendments than should have been printed anyhow, because generally we throw out reams of paper, including unused amendments, every month.

This is not a secret document. I wish it were printed in the Record. I think it would make good reading.

Mr. HOLLAND. The Senator from Minnesota is exactly correct. It came as a surprise to the Senator from Florida when the usual courtesy was denied him of having his request granted by the majority leader, presumably under a misapprehension by the majority leader of what was taking place. Am I correct?

Mr. MANSFIELD. The Senator from Florida is correct.

Mr. HOLLAND. The courtesy was denied at that time; it was denied later. Perhaps the Senator from New York did not know what was taking place either, but he was the one who objected at that time.

Now the Senator from Michigan has objected. I suspect that he, too, does not know what is taking place. However, it is a matter of quite normal courtesy to have a simple request of this kind granted. Certainly the distinguished Senator from Minnesota knows perfectly well that such a request is a very normal one and that ordinarily it would have been granted at once, but for the tension which existed in the Senate at the time the request was made.

Mr. ERVIN. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield for a question.

Mr. ERVIN. Am I correct in understanding that the Senator from Florida desired that the amendments be printed in the Record, so that the people of the United States might understand that while the security of the free world is in danger, the Senate is to be called upon to consider the momentous question of whether Congress shall undertake to regulate elections and prescribe the qualifications for voters in every insignificant territorial division of the United States, as set forth on line 20, page 2, of the amendments?

Mr. HOLLAND. The Senator is correct. The amendments pretend and intend to extend the long arm of Congress, which has no authority at all in this subject matter, under the Constitution, in such a way as to require the observance of the proposed law to determine the qualifications of electors, not only in Federal elections but also, as the Senator from North Carolina suggested, down to the lowliest justice of the peace and constable in every election, in every State.

Mr. ERVIN. Even in those States where dogcatchers are elected by popular vote, the amendments propose that the Senate lay aside the questions relating to the exploration of outer space and other questions vital to our Nation, and debate the question as to whether the Federal Government ought to assume the power to regulate and prescribe the qualifications for voters who vote for dogcatcher.

Mr. HOLLAND. The distinguished Senator has stated the case with perfect clarity.

Mr. JAVITS. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield to the Senator from New York, since I understand that he is not the one who, from the other side of the Chamber, objected to the printing of the amendments.

Mr. JAVITS. I am pleased to tell the Senator that I do not object, I had no intention of objecting, and I am delighted to have the Senator include the amendments in the Record. When I reserved the right to object, it was only for the purpose of asking the majority leader a question. I am sorry we have got into this difficulty. However, I am more than happy to have the Senator from Florida include the amendments in the Record, either now or at any other time.

Mr. HOLLAND. I thank the Senator from New York. So many requests and objections had been flying around loose that when I heard the distinguished Senator from New York object, I thought it was to my request, whereas it was, apparently, to something else.

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. HUMPHREY. The Senator from Florida is such a great educator that he has already obtained the attention of many Senators who were, I am certain, unaware of his proposal. If he were to propose his unanimous-consent request again, I would be willing to wager that his request would be granted. He is making an excellent case.

Mr. HOLLAND. I thank the Senator from Minnesota; I appreciate his accolade.

Mr. DIRKSEN. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. DIRKSEN. The distinguished Senator from Florida stated a moment ago that he desired to have the amendments to appear in the Record to show that they were a part of the program. I should like to ask him, Whose program?

Mr. HOLLAND. I have already answered that question by reading into the Record the names of the cosponsors of the amendments, who were and are the junior Senator from New York [Mr. Keating], for himself, Mr. Douglas, Mr. Javits, Mr. Scott, Mr. Hart, Mr. Case of New Jersey, Mr. Morse, and Mr. Bush.

The point I was making is that if the Senate had voted for cloture, these amendments were available and were clearly so under the rule. If the Senate had continued with the debate on this measure, as we shall by reason of having rejected the motion to lay it on the table, these amendments would have been a part of the material which is now in the lap of the Senate. If the unanimous-consent request made by the distinguished Senator from Montana, the majority leader, had been granted, namely, to vote on a time certain upon those matters which were germane, these amendments would have been included, because they are germane.

The Senator from Florida desires to have the public know that at least a large number—I believe it was eight—of the Senators who are supporting the effort so diligently and capably made by the two leaders, think that the subject matter ought to be extended to cover State elections, and they are proposing to the Senate that steps be taken which would make the amendments so available that a mere brutal majority of one could have incorporated them into the act.

Mr. President, I now renew my request for unanimous consent to include these amendments in the Record.

Mr. DIRKSEN. Mr. President, under reservation of objection, if I may be permitted one observation, no one can read in the Record the statement of the distinguished Senator from Florida that these amendments are a part of the program without coming to the conclusion that they are not a part of the program of the majority and minority leadership relating to the pending bill. We know nothing about these amendments that anyone else does not know. We did not include them. We do not have any intention of extending the bill to include State offices. I desire to have the Record absolutely certain, for the benefit of persons who read it, that these amendments are not a part of the program of the leadership at all. They constitute an individual program of eight Members of the Senate, and nothing more.

Mr. HOLLAND. I thank the Senator from Illinois. I do not attribute the program to the two leaders. When I used that word, I attributed it to the eight Senators whose names I placed in the Record. What I was trying to say, since it seems to be quite customary to use Latin in the debate, is that the amendments are a part of the res gestae, and are lying on the table. They had been read earlier, they had been printed, and were available for action, as I have said, by a brutal majority, even though the two leaders might not have been within that majority—and I hope that they would not be. Nevertheless, that was the case. I am glad that at last there appears to be a willingness to incorporate the amendments without my having to go to the trouble of reading them. Still, they are not long, and I am willing to read them.

Mr. CARROLL. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. CARROLL. I fully support the remarks of the minority leader and the majority leader, in my position as a member of the Subcommittee on Constitutional Rights of the Committee on the Judiciary.

Mr. HOLLAND. Mr. President, I thank the Senator from Colorado; and I am glad we are having so many disavowals of paternity in connection with the amendments. Nevertheless, I ask unanimous consent that they be printed in the Record.

The **PRESIDING OFFICER** (Mr. Smith of Massachusetts in the chair). Is there objection to the request of the Senator from Florida?

Mr. KEATING. Mr. President, I have no objection to having the amendment incorporated in the Record; I believe it should be in the Record.

In light of what the Senator has said, I wish to call attention to one fact. This amendment proposes exactly what Congress decided to do in 1960, in regard to the so-called Federal registrars bill. That bill, as originally introduced, applied only to Federal elections; but after consideration it was realized that to restrict the bill only to Federal elections would be unwise and impracticable. All but two States have the same ballot for both Federal elections and State elections. In 1960, in connection with the Federal registrars bill, we decided to have it cover both Federal elections and State elections.

I realize that the distinguished Senator from Florida did not support the Civil Rights Act of 1960; but there is nothing evil or unusual about this amendment, in fact, without this amendment, passage of the bill before us could cause many States of the Union to change completely their voting practices.

Mr. HOLLAND. Mr. President, certainly neither I nor, I believe, any other Senator would think of accusing the Senator from New York of having thought up anything which was evil; and I have not used that word, and certainly I would not use that word in connection with the position taken by any of the other co-authors of the amendments, or even regarding Senators who have disavowed any connection with the authorship of the amendments—and a considerable number of disavowals have been made here on the floor. But I ask unanimous consent to have the amendments printed in the Record, in connection with my remarks at this time.

The **PRESIDING OFFICER.** Is there objection?

There being no objection, the amendments intended to be proposed by Mr. Keating (for himself, Mr. Douglas, Mr. Javits, Mr. Scott, Mr. Hart, Mr. Case of New Jersey, Mr. Morse, and Mr. Bush) to the amendment in the nature of a substitute proposed by Mr. Mansfield to the bill (H.R. 1361) for the relief of

James M. Norman, were ordered to be printed in the RECORD, as follows:

On page 3, line 3, add immediately preceding the present text of section 2, a new subsection to read as follows:

"(a) Subsection (a) of section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended, is amended to read as follows:

"'(a) All citizens of the United States who are otherwise qualified to vote in any State election, shall be entitled and allowed to vote and shall not be deprived of the right to vote at such election on account of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or territory, or by or under its authority, to the contrary notwithstanding. Deprivation of the right to vote shall include but shall not be limited to (1) the application to any person of standards or procedures more stringent than are applied to other similarly situated and (2) the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination, whether for literacy or otherwise, if such person has not been adjudged incompetent and has completed the sixth primary grade of any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico.

"'"State election" means any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for any office established by or under the constitution or laws of any State, Commonwealth, territory, District, county, city, parish, township, school district, municipality, or other territorial subdivision.'"

Designate the present text of section 2 with the subsection symbol "(b)".

Mr. HOLLAND. Mr. President, I thank Senators for their patience in connection with this matter and for their willingness to let the public be informed, at long last, of what was part of the program—not the program of the two distinguished leaders, but the program of other advocates of this measure—and what was available under all the actions which we have taken here today, and was a part of the argument which I am sure persuaded many Senators to vote as they did.

ORDER FOR ADJOURNMENT TO MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its session tomorrow, it adjourn to meet at 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. DIRKSEN. Mr. President, long ago there lived in Tewksbury, Mass., an old lady who had a wicked, sharp tongue and was given to gossip. She was an impatient creature, and was shrewish in nature. When she passed on, and got to heaven, whoever was in charge said to her, "I am sorry, but you cannot come in here. Your lack of virtue is such that we cannot have you here."

She replied, "Well, what shall I do?"

It was suggested that perhaps she ought to go to the place of eternal punishment.

When she got there, the Devil said to her, "I'm sorry, lady, but you can't come in. You are just too wicked for us."

She said, "Goodness me. They don't want me in heaven, and they don't want me in hell. What shall I do?"

Then the Devil said, "Lady, you will just have to go back to Tewksbury."

So, Mr. President, the Senate would not impose cloture; yet, by a vote of 63 to 43, the Senate indicates it still does not want to lay aside the pending measure. Had the three absent Senators been present—and of course this is only a guess—it is entirely likely that there would have been 67 votes against the motion to lay on the table the pending proposal.

Under the circumstances, therefore, I guess the bill has "to go back to Tewksbury"; and we shall just continue to labor with it as best we can.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. JAVITS. Let us understand what has happened in connection with the unanimous-consent request, so that the record—as is always said—may be clear.

Senators who wish to debate the measure further presumably voted against the motion to invoke cloture.

But let the world know that there was ample opportunity for Senators to object to the proposal to have the Senate adjourn from Thursday to Monday. However, Senators decided that they would not object to the request to have the Senate adjourn from Thursday to Monday, at which time we may have another vote on cloture.

Under these circumstances, it seems very clear that it was hardly in point for Senators to talk about having more time in which to debate this subject—meaning more time to debate it and to expose it to the people of the country—because in that event any Member of the Senate could have, merely by objecting, had the Senate hold sessions tomorrow and Friday and right up to Monday. So it is very important that that be fully understood. Under these circumstances, time is not at all the issue; and I think the action taken demonstrates that fully.

The fact is that there has been adequate time for debate; and now the question is whether Senators do or do not want to have cloture imposed.

So if this point is to be discussed in connection with a civil rights bill—although it has already been debated completely; I say that unilaterally, but it is my conviction that the facts show precisely that—I think the country should know that there is nothing to the argument that this matter has not been amply debated; and the action taken shows that, because if any Senator had wished to object, such an objection could have been made, and then the Senate would have met every day of this week.

Mr. ERVIN. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield to the Senator from North Carolina.

Mr. ERVIN. I wish to ask the able and distinguished Senator from Illinois a question, based upon the distress which was aroused in my mind by his recounting the fate of the poor lady who was deprived of entering either heaven or hell. I suggest that is just as serious a deprivation as the deprivation of the right to vote. I ask the Senator from Illinois if he would accept an amendment which would do something to help that poor old lady's situation.

Mr. DIRKSEN. The Senator from North Carolina has such semantic talent that he could contrive an amendment, which might be ethereal in purpose and spiritual in character, but if he would put it on paper, I would be delighted to consider it.

Mr. ERVIN. I was going to say that such action would conform more to the Constitution than action in the field which we have been undertaking.

Mr. RUSSELL. Mr. President, I merely wish to observe that I have noticed with great anguish for the last 2 or 3 years that we have not been able to direct the procedures in this body exactly in accordance with the desires of the distinguished senior Senator from New York.

ORDER TO ADJOURN FROM THURSDAY TO MONDAY AT 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to revise the request previously made to the extent that, instead of the Senate meeting at 12 o'clock Monday next, subsequent to adjournment tomorrow, it meet at 11 o'clock a.m., instead.

The PRESIDING OFFICER. Without objection, it is so ordered.

ISRAELI INDEPENDENCE DAY

Mr. KEATING. Mr. President, on this 14th Israeli Independence Day we pause to pay tribute to this exciting young nation which is fulfilling the hopes and dreams of the Jewish people and has speedily established a respected place among the family of nations.

While there have been Jews in Israel for thousands of years, their location at the crossroads of the ancient world left them vulnerable to successive occupations by Rome, the Byzantine Empire, the Ottoman Empire and—many centuries later—by the United Kingdom, acting under a League of Nations mandate. Throughout the years of exile, the Jewish people never lost hope that they would return to their historic homeland. This hope was fulfilled on May 15, 1948, when Prime Minister David Ben-Gurion proclaimed the establishment of the State of Israel. It is this fateful day, the fifth day of the Hebrew month of Iyar, whose anniversary we are celebrating today. Ben-Gurion recalled the lengthy struggle which had preceded the resolution adopted by the General Assembly of the United Nations on November 29, 1947—the resolution which established an "independent Jewish State in Palestine." Fourteen years have passed since that momentous Sabbath eve. They have been years of accomplishment, years of vast immigration, years of amazing economic growth—but also years of undesired warfare followed by an uneasy peace.

Now Israel has survived the most dangerous period of her history. She has established firm bonds of friendship with many of the newly independent nations of Africa and Asia. What she seeks today is not favoritism or privileged treatment, but rather a fair and honest recognition of her status. In the continuing state of cold war between Israel and her Arab neighbors, Israel stands ready to negotiate with her neighbors and to put an end to the present arms race, which profits no one. Of greatest benefit, not only to Israel, but also to the whole Middle East, would be American efforts to bring the states of the Middle East together for direct discussions and negotiations.

Mr. President, despite the present hesitations of the American Government, I am confident that ultimately such a meeting will be held. By her own efforts and with the abiding friendship of the United States, Israel will continue to meet the challenges before her and will ultimately achieve the recognition which today is due her from the whole world.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUSSELL. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S ADDRESS TO THE UNITED AUTO WORKERS

Mr. HUMPHREY. Mr. President, yesterday President Kennedy in his address before the United Auto Workers once again stressed his concern with maintaining price stability in the American economy.

The President made it abundantly clear that he expects both labor and management to exercise restraint so as to avoid inflationary trends. He reminded labor "that unjustified wage demands which require price increases and then other demands and then other price increases are equally as contrary to the national interest as unjustified profit demands which require price increases."

Mr. President, I believe we owe the President of the United States a debt of gratitude and surely a word of commendation for his very courageous and objective approach to the problems of our economy, and for the forthright manner in which he addressed this outstanding organization of trade unionists.

I am pleased to note that the UAW president, Walter Reuther, one of the Nation's truly outstanding labor leaders and citizens, spoke out in full support of the President's efforts to maintain price stability. I congratulate Walter Reuther and the United Auto Workers for their position in support of the President. It is in keeping with the tradition of that great union to conduct itself in a responsible manner and for the common good of all the people of our country.

It is my view that the President's visit to this important labor convention will aid the country and do much to help the people of our Nation realize that the President's economic program is of vital importance, as well as the fact that the President and the administration will not indulge themselves in any favoritism on the basis of economic class, status, or particular groups.

I hope that business firms and other labor unions will give similar support to the President in this vitally important matter of avoiding inflation.

The President is engaged in a tremendous effort to keep the country moving ahead, to keep our economy growing, to increase the rate of economic growth, and to wipe out the problems of unemployment.

I feel we ought to carefully analyze every Presidential message relating to our economic problems and programs. When the President speaks, as he has, with such firmness, such directness, and such a sense of balance and justice, he deserves to be supported.

I ask unanimous consent that President Kennedy's address as it appeared in today's New York Times be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPEECH BY PRESIDENT KENNEDY TO THE UAW CONVENTION IN ATLANTIC CITY

Ladies and gentlemen, Brother Reuther, the distinguished Governor of the State of New Jersey, my friend Governor Hughes, Emil Mazey (secretary-treasurer of the UAW), Leonard Woodcock (vice president of the UAW), our visitor from Washington, Jack Conway (Deputy Administrator, the Federal Housing and Home Finance Agency), Mr. (Jacob S.) Potofsky (president of the Amalgamated Clothing Workers of America), distinguished guests, ladies and gentlemen:

Last week after speaking to the chamber of commerce and the president of the MAA—AMA—I began to wonder how I got elected and now I remember.

I said last week at the chamber that I thought I was the second choice for President of a majority of the members of the chamber. Anyone else was first choice. But it is a source of satisfaction to me that I was the first choice after the convention of this organization and it is a source of satisfaction to me to come to this convention again as President of the United States.

UNION IS PRAISED

Because this organization and this union has not interpreted its responsibility narrowly. You have not confined yourselves to getting the best possible deal at the bargaining table, but instead, year after year, you have worked to strengthen the entire United States and the free world and your action taken at this convention of spending over a period of 2 years over $1,400,000 per year in order to build strong, free trade unions around the world is an example of the public service that this union has rendered and I commend you. These are matters which cannot be left—— [Applause.]

These are matters which cannot be left to the Government. This is a fight for freedom which involves us all. No greater service to the cause of the free world could possibly come forward than the development of effective, liberal, free trade unions in the newly emerging countries.

These are the areas where the Communists concentrate. If they are able to have a great mass of the people living in misery and a few in luxury it suits them to a T. And the way that progress can be made over a wide spectrum for the great majority of the people is by having an effective labor movement and therefore your commitment to this cause.

Your willingness to assist unions to organize, to assist them with techniques, to bring new trade union leaders from Latin America and Africa and Asia to your union headquarters all over the country, to show them how a free and effective and progressive trade union functions; that is a public service of the highest quality and I want to express my thanks to you.

But on a whole variety of ways—employment, education, a fight for equality of opportunity for all Americans regardless of their race and their color—these are the things for which America stands and for which this union stands. And that's why I flew longer—and this will go down in the history books—I flew longer in a helicopter than any President of the United States to come here today.

That's the kind of forward looking administration we have.

POLICY UNDER ATTACK

It was an extremely hazardous flight, but we are here and I am delighted to have a chance to say a few words about this administration's policy, which has been the subject of a good deal of discussion, acrimony and controversy on wages, and prices and profits.

Now I know that there are some people who say that this isn't any business of the President of the United States and who believe that the President of the United States should be the honorary chairman of a great fraternal organization and confine himself to ceremonial functions. But that isn't what the Constitution says. And I did not run for President of the United States to fufill that office in that way.

Harry Truman once said there are 14 or 15 million Americans who have the resources to have representatives in Washington to protect their interests and that the interests of the great mass of the other people—the 150 or 160 million—is the responsibility of the President of the United States, and I propose to fulfill it.

And there are those who say "Stay out of this area. It would be all right if we were in a national emergency or in a war." What do they think we are in? At what period of history do they believe this country has reached? What do they believe is occurring all over the world?

Merely because vast armies do not march against each other does anyone think that our danger is less immediate, or the struggle is less ferocious? As long as the United States is the great and chief guardian of freedom all the way in a great half circle from the Brandenburg Gate to Vietnam, as long as we fulfill our functions at a time of climax in the struggle for freedom then I believe it is the business of the President of the United States to concern himself with the general welfare and the public interest.

And if the people feel that it is not then they should secure the services of a new President of the United States.

A COMPETITIVE ECONOMY

That does not mean, nor have we ever suggested that we seek to control by statute prices and wages and profits. This is a competitive economy. We believe that this is the way this country should move ahead. We believe it has served us well—the free enterprise system.

But on the other hand, I believe also that the deliberations which take place in these matters, particularly in the great industries, do have a public impact.

If the United States is not competitive; if the United States is not able to earn at least $3 billion more each year through foreign trade than it takes in, $3 billion which we spend for national security commitments around the world, then what is the President of the United States to do? Keep pouring out gold? And there is an end to that.

Or begin to withdraw his defense commitments, and begin to withdraw the United States from the great arena of the struggle which is now taking place.

This is not a matter which involves a few people who may live in one or two cities, in New York or Pittsburgh, who can meet in a room without recognizing that their decisions involve the public interest.

This is all I'm suggesting. When they go to the table of the executive committees of great corporations or when you negotiate with labor and management, I think it is incumbent upon all of us to consider the general welfare and the public interest.

Because the public interest is your interest and it is the responsibility of the President of the United States not to seek to compel but to seek to be more sure that the parties who are involved in these great decisions are aware of the effect of these decisions upon the national interest and the national security.

No President of the United States should do less. And I intend to meet my responsibilities.

I say all this to you because this is a responsible union. I speak as President of the United States with a single voice to both management and to labor, to the men on both sides of the bargaining table, when I say that your sense of responsibility—the sense of responsibility of organized labor and of management—is the foundation upon which our hopes rest in the coming great years.

This administration has not undertaken and will not undertake to fix prices and wages in this economy. We have no intention of intervening in every labor dispute. We are neither able nor willing to substitute our judgment for the judgment of those who sit at the local bargaining tables across the country.

We can suggest guidelines for the economy but we cannot fix a single pattern for every class and every industry. We can and must under the responsibilities given to us by the Constitution, and by statute and by necessity, point out the national interest and, where applicable, we can and must and will enforce the law on restraints of trade and national emergencies.

But we possess and seek no powers of compulsion, and must rely primarily on the voluntary efforts of labor and management to make sure that their sense of public responsibility, their recognition of this dangerous and hazardous world, full of challenge and opportunity, that in this kind of a world fulfilling our role that the national interest is preserved.

Fortunately, a sense of this public responsibility is not foreign to this union, its membership, or its leadership. You have recognized it, as I have said in your efforts to assist unions abroad, to assist your members at home, to speak for the public interest in a whole variety of questions under the leadership of your distinguished president, Walter Reuther.

He and I do not always agree, he is happy to say and I'm not reluctant to say, but he has a proposal. His suggestions are not negative. If they are not accepted, then he moves on because he recognizes the necessity and the responsibility of good will prevailing, and he recognizes that I must meet my responsibilities as he does his.

And that is the spirit which I believe should govern the relations which must exist between all the great groups in this country. And regardless of what the attitude of some may be, I propose to continue to try to develop and maintain that relationship with all those who are concerned with the welfare of their country.

You have recognized this in your historic fight against prejudice and poverty and neglected old age. And I remember attending a meeting near Detroit of those members of your union who have retired and who still consider themselves active participants in the United Auto Workers even though they are now living all around the great city of Detroit, but yet they came and participated in a great Sunday afternoon where I was present.

You demonstrated your responsibility in the resolution which you adopted yesterday reaffirming your intention, and I quote:

"To seek wage increases and improvements in fringe benefits out of the fruits of advancing technology and not through price increases."

And you recognized it in your 1961 contract with the automobile industry—contracts which have contributed to price stability. For the responsible outlook demonstrated by that agreement which served your members and the community, the industry and this union deserve a vote of thanks from the country.

But your task, like mine and the American people, is never done. The same responsibility for a noninflationary and peaceful settlement applies both to you and to management in your forthcoming negotiations in the aircraft and missile industry. I am confident that you will meet that obligation exercising the restraint and responsibility which will, in the end, reward you as it rewards the country.

For I do not believe it is necessary to remind this audience that neither you nor I believe in the philosophy that what is good for one company or one union is automatically good for the United States. I believe instead that what is good for the United States—for the people as a whole—is going to be good for every American company and for every American union.

That's why I'm confident that this union will join me in the fight against inflation. What good is it to get an increase in wages if it is taken away by an increase in prices? What counts is the real increase in wages which comes from increased productivity and technology. And that, I'm glad to see, has been recognized for many years by this union.

We have two tasks in economic policy—to create demand, so that we will have a market for all that we can produce, and to avoid inflation. To return to a policy of halting inflation by curbing demand would be self-defeating. But to expand the forces of demand by feeding the fires of inflation would be equally dangerous and delusive.

While individual adjustments may have to be made to fit the previous patterns in individual industries, in general a wage policy which seeks its gains out of the fruits of technology, instead of the pockets of the consumers, is the one basic approach that can help every segment of the economy.

This idea was not invented by this administration. It is a simple, inescapable economic truth that increases in productivity, in output per man-hour, they set the outer limits of our economic progress.

This country has the world's highest real wages and living standard simply because our output per man-hour is the highest in the world. No financial slight of hand can raise real wages and profits faster than productivity without defeating their own purpose through inflation.

And I need not tell the members of this union, with its constructive history and policies, that unjustified wage demands which require price increases and then other demands and then other price increases are equally as contrary to the national interest as unjustified profit demands which require price increases. But when productivity has been raised by the skills of better management, the efficiency of labor and the modernization financed by investors, all three groups can reap the rewards of that productivity and still pass lower prices on to the consumer.

I don't call for higher productivity in a vacuum. Our great challenge in the 1960's is to do what they have done in Western Europe where, in the last 8 or 9 years, wage rates percentagewise have increased faster than they have in the United States, since 1953 over 58 percent in France and Germany—higher than here in the United States. And yet while we have had 11 percent increase in our price index, their price index has remained the same because they have modernized to increase their productivity per man-hour, to maintain the cost constant of the productivity per unit, even though the wages have gone up. We must achieve what they have achieved, which is full employment in which automation and employment go hand in hand.

UNITED STATES THE GREAT MARKET

Our economic policy must stimulate both investment and consumption. The great market is here in the United States. I recognize that when we talk of foreign trade, we are talking of $20 billion, and we have a gross national product of $550 or $560 or $570 billion. The great market is here. But there is also a vital market abroad, because this is the means by which we protect our national security investments in those countries. And I do not want capital to leave this country and go behind the Common Market curtain and leave us with jobless people who should be working. We seek full plant and labor capacity.

For all the various parts of our economy and our national policies and international policies are bound together as never before. That is why this issue has become so important.

I am sure you must wonder why so much emphasis is now put on it. It is because this matter vitally affects our national security.

We lost from 1953 and till now $5½ billion in gold, about $5½ billion in new claims upon the gold we now have; our gold is now reserved $15½ billion, of which $12 billion are tied to our currency, so that if we continue to lose capital and gold as we have in the past there will be no alternative to the President of the United States, whoever he may be, than to begin to cut and withdraw as other countries have done.

This goes, as I have said, therefore, to our security.

All these parts, therefore, are tied together. There can be no lasting increases in wages without industry making a profit.

There can be no lasting profit on plants when they are producing less than capacity. And that has been the great problem of the American economy since the end of 1957.

When they talk about the profit squeeze, it has been because we've been operating in basic industries at 60, 70 or 75 percent of capacity—in the steel industry as low as 38 to 40 percent.

SQUEEZE ON EMPLOYMENT

No wonder there has been under those conditions a squeeze on employment—on employment—and on the ability to build up capital for reinvestment.

And there can be no increase in sales abroad and at home unless our prices and costs are competitive as a result of plant investment and modernization and increased productivity in a prosperous economy heading toward full employment.

I do not believe that our tasks are done. There are proposals which we have put forward which we believe will be of assistance in moving this economy toward that full employment which all of Western Europe has achieved for over a period of 15 years.

And we are asking Congress for a program that will make this full employment a reality by stimulating plant modernization and reinvestment so that our productivity will go up through our investment tax credit:

To increase our markets through trade expansion so that capital does not leave us, but instead manufactured goods.

To broaden the base of our economy we have proposed a program of $600 million in capital improvements to be allocated this year to the areas of heaviest unemployment.

To give new skills to those who are joining the labor force we have proposed a program of youth employment opportunities. Seven to eight million of our sons and daughters will leave—in this decade—school before they finish.

One out of every four under the age of 20 today is unemployed. Every analysis looking to the future—and this involves your sons and daughters—shows that the great need will be in the sixties for those with skills and those with educations. The great lack—the most difficult places to find work in the sixties—will be for those boys and girls without a good education and without training. And we want to make sure that every American has a chance to develop his talents. Education is basic to the preservation of a democracy.

Imagine in this rich country of ours 8 million children leaving before they finish the 12th grade—one out of four today out of work.

And, I hope a program of youth employment opportunity so strongly worked for by Secretary Goldberg and others will finally come out of the Rules Committee so the Members of the House can vote on it.

We need a permanent unemployment insurance program so that those who want to work—those who want to work—and can't find a job will not be shifted to living on a marginal income without hope for themselves.

These are things which other countries in Western Europe did 30 or 40 years ago. Great Britain—and we regard ourselves as a progressive society—had these provisions at the time of the First World War and yet this is suggested as a most radical proposal.

I believe that this country has an obligation to those who want to work and can't find it to make it possible for them to maintain themselves and their families.

In 1956 I offered that as an amendment on the Senate floor and got 20 votes. We're going to do better. We may not get it this year but we're going to get it, because it is fair.

We must increase our investment in higher education. Every one of you who has sons and daughters want those children to be as well educated as possible. A college education gives a child an opportunity in life which is marked in his income for the rest of his life.

We are going to have twice as many of our sons and daughters getting in—trying to get into—college in 1970 as tried in 1960.

We have to in the next 8 years build as many school buildings as we've built in our entire history in our colleges. And yet we have found it extremely difficult to secure support for this vital program.

And I believe that this is the kind of matter which the people of the United States wish to support.

These are some of the things which we still must do. We must eliminate racial barriers. There is no reason why if your skin is colored you have twice as much chance to be unemployed, about a half as much chance to own your house, about a half or a third as much chance of your son or daughter going to college.

This country is a free society in which everyone can succeed or fail based on what they have inside of them, not what they have outside them.

We have done some things—area redevelopment, the most comprehensive Federal housing program upon which your former associate, Jack Conway is second in charge, an increase in the minimum wage accompanied by the first, even though still limited, increase in protection since the act was passed.

Why it is so difficult to secure passage of a minimum wage, paying somebody in interstate commerce a dollar or $1.10 or 15 cents I do not understand, but it is regarded in some circles as highly radical and highly inflationary.

I think that this country must pay people adequately. How else are we going to be able to buy the cars, and the refrigerators and the television sets which we produce in such mass?

For the first time unemployed men can retire at 62; for the first time—and I do not regard this as a particularly radical proposal—dependent children can receive aid for the first time in our history without the wage earner deserting his family.

In the old days before this act was passed, if a child was undernourished it was necessary for the wage earner to desert his wife and family in order that those children should qualify for assistance. But last year that was changed and I think it's high time.

And this year we shall pass—I believe we shall pass—medical care for the aged by the social security.

And I am confident—and I am confident—that the great majority, in fact all doctors, will treat those who may be covered by this national program.

NEW HEALTH PROGRAMS

Our hospitals have been supported under the Hill-Burton Act for years. The Federal Government is the great contributor to financing research and grants under the Institutes of Health. We are suggesting additional programs to develop more doctors and nurses. We cannot leave the 17 million people who are retired and who may become ill. If they have no money under the legislation now on the books they have a chance to receive some as indigents. But that is not the way we believe it should be done.

And if their son happens to have some money in the bank they do not qualify and he goes and pays out and it may break him at a time when he has responsibilities to his children.

The ones who are most adversely affected, in fact, are not necessarily those over 65 but those in their forties whose parents live and who must educate their children and they do not want to have to make a choice and they should not have to.

We have a long way to go. Every year brings new problems. Every year continues old problems that are unsolved. Our basic task here at home is to attempt to develop an economy which is not subject to the violent fluctuations where we saw the recession of 1958 and the recession of 1960 and even today have too many people unemployed.

We have suggested three programs to give us standby power: Tax reduction, public works, and others, so that if we see the economy turning down we can move quickly without having to wait until it runs its course over a period of months.

This is the great challenge. When Mr. Khrushchev talks about coexistence it is because he believes that the economy of the Soviet Union has enough vitality that over a period of time he can pass this country and when he does, as he has said, "the hinge of history will move."

All of us remember the impact which was seen around the world because this formerly backward country was first in space in the fifties. Well, we are not convinced that they will be in the sixties, because we are going to make a determined effort.

DISASTER FOR UNITED STATES

But I can imagine nothing more disastrous to our cause than to have a country which had a gross national product a third of ours, or 40 percent of ours, suddenly pass this great country.

That's the problem which involves the interest of all of us. That is why everything we have talked about, with which you've been living for years, also involves the interests of all the people and the national security.

And that is why I felt it a privilege to come here and talk to you about these problems because this involves us all and if we succeed then all of us succeed; and if we fail all of us fail.

And in this great time, when this country is fulfilling so many great responsibilities, I believe this union, made up of nearly 1,500,000 people, who have been in the forefront of every fight, I believe this union's commitment to the public interest is such that it can be a trailblazer in these great economic and social areas as it has been in the past.

Marshal Lyautey, the great French marshal in the twenties went out one day to his garden and asked his gardener to plant a tree. His gardener said, "Why, that tree won't flower for 100 years." He said, "In that case plant it this afternoon."

Well our trees may flower sooner than 100 years, in 7 or 8 months or over a period of several years. But whatever time it may take, we want to plant it and begin it this afternoon and I ask the United Auto Workers of America to once again help move this country forward.

EMERGENCY FEED GRAIN PROGRAM

Mr. HUMPHREY. Mr. President, recently the Washington Post and Times Herald reported editorially on the success of the administration's 1961 emergency feed grain program and the encouraging sign-up statistics for the 1962 emergency program. I bring this to the attention of the Senate because my colleagues will remember that there has been, in the past few months, some criticism of this program by members of the minority party.

I find that the program has worked well; and the editorial supports that finding. I believe also that an analysis of the emergency feed program will indicate that it has saved the taxpayer many millions of dollars. It has reduced the surpluses in the hands of the Commodity Credit Corporation by hundreds of millions of bushels of grain. It has provided additional income for our family farmers, and it has had a tendency to improve the price situation, not only with respect to feed grains, but also for farm animals marketed in the form of beef and pork products.

For the first time in a decade the pileup of surplus grain in the bins of Commodity Credit Corporation has been halted. And the prospects for a more orderly production and marketing pattern for feed grains in this crop year are bright. We must not, however, be dazzled by this success.

The voluntary program is a substantial improvement over the unrealistic, inadequate, surplus-building programs of the past few years.

I feel free to discuss this subject. I served on the Committee on Agriculture and Forestry for several years and have been an active participant in the debates over agriculture policy. I have warned the country and the Senate that the programs of the previous administration, particularly as they related to feed grains, would result in vastly increased production, increased surpluses, and the accumulation of hundreds of millions of bushels of feed grains in the hands of the Government at great cost to the taxpayers and, furthermore, would result in depressed prices to the farm producer. Every one of those prognostications, regrettably, came true.

Thank goodness that a year ago we set in motion an emergency program to reverse the unhealthy trend of the past. I commend the Secretary of Agriculture and the administration for implementing that program, and also thank and commend the farm producers who have signed up in such overwhelming numbers that the program could be effective and operative.

Mr. President, when we compare what we have now with what we had in the past, the prospect appears brighter and far better than it actually is. We must not overlook the costly weakness of permitting the noncooperators, the free-riders, to plant and harvest as much as they wish. They share in the benefits of the reduced market supply without helping to bring about the better balance.

The temporary feed-grain program is best considered as a guiding light, a beacon pointing the way to a dependable, long-range supply adjustment feed-grain program which can assure income stability to all producers while reducing Government costs.

That is the objective of the administration's farm program. That objective needs to be manifestly clear throughout our land. It is well recognized that the vast majority of our people live in the cities. It is well recognized that the farm population is a minority in this Nation. Therefore, to have public support, a farm program must, first of all, be able to demonstrate that it can provide income stability or income improvement for the farm producer, and at the same time do so without increased costs upon the taxpayer or the Federal Treasury.

I submit that the program that was proposed by President Kennedy and Secretary Freeman, known as the A B C D's of agriculture—abundance, balance; the conservation, and development of rural areas—will provide income stability and the means of income improvement. It will reduce surpluses. It will cut down on farm costs and permit a diversification of income-producing occupations in rural areas. It will also permit and encourage greater conservation.

In the Post editorial due recognition is given to this fact by these words:

> The Department of Agriculture's program of balanced adjustment is a much more logical, economical, and acceptable program. It ought to be inaugurated while it can be launched with wide public support for its objectives and before urban impatience with "farm relief" has been roused by unending and ever-mounting subsidies.

I do not believe that the farmers of this land have been overly subsidized. If the truth were to be discovered, the farmers have subsidized a large number of consumers in this Nation at a cost of millions of dollars of lost farm income due to low agricultural prices. It might be of some interest to Senators to know that every time a person buys a dozen eggs today, the farmers of the Midwest are subsidizing the consumer by not less than 6 cents a dozen, because over the past month or so the price of grade A eggs to the farmers in my State—which is one of the large egg-producing States in the Union, as well as one of the largest producers of agricultural commodities generally, particularly perishable commodities—ranged between 20 and 26 cents a dozen, and sometimes even lower.

It is an acknowledged fact of the economics of agriculture that it is impossible to produce a dozen eggs for less than 28 cents, and in most areas 30 cents. So the person who has been ordering ham and eggs each morning, one or two poached or fried eggs, is getting a little gift from the farm producer. That is the subsidy that has really been taking place.

The administration's farm program is designed to see to it that if the producer controls the supply and regulates his own production, improves his land, and is willing to join in a cooperative program which he himself defines and administers, and which by the vote of over two-thirds of the farm producers is approved in a national referendum, the farm producer will receive a fair price. At the same time the cost to the Government will be sharply reduced because the surpluses which have been accumulating will be sharply reduced.

I ask unanimous consent that the text of the excellent editorial to which I referred to be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Feed Grain Signup

> The signup for the 1962 emergency feed grain program should produce for the second year in a row a reduction in the output of feed grains. The Department of Agriculture has reported the voluntary cooperation of 1,221,807 farms that will divert 29.5 million acres of corn and grain sorghum, compared with 1,146,924 farms that diverted 26.7 million acres of corn and sorghum in 1961.
>
> The 1961 corn crop was 80.6 percent of the 1959–60 average. It is estimated that noncooperators increased their planting about 6.7 million acres. It cannot be known, now, of course, how much the noncooperators will grow this year. The cost of the corn reduction will be $853.7 million, compared with a cost of $765 million in 1961.
>
> Last year, 42 percent of all farms growing corn and sorghum participated and presumably the percentage will be larger this year.
>
> The evident success of the signup will probably not improve the chance of getting Congress to approve the administration's permanent compulsory curtailment plan which the Senate committee already has rejected and the House Committee on Agriculture is still considering.
>
> The 1961 voluntary plan broke a 10-year continued rise in feed-grain output, added to farm income and cut Government costs of storage. The 1962 program seems likely to cut output a second year.
>
> Yet, the country cannot permanently rely upon this plan. It is, in the first place, very costly in terms of its results and is likely to become more costly. It will be in continuous jeopardy from the noncooperators. It will be open to dislodgment by steadily increasing yields through technology of all kinds—better seed, better fertilizer, and better tillage. It is an improvement over the previous program but it is no final solution.
>
> It is just possible that 1962 may confuse the situation by less favorable weather. Almost ideal weather conditions have existed in recent years and they account for part of the extraordinary increase in yields.
>
> In the long run, however, it is essential to keep out of feed-grain production substantial acreages. The Government now is in the position of having to bid for voluntary cooperation of farmers with retirement payments and support prices that make it more profitable to join than to remain outside the program. This will become increasingly difficult and expensive. The Department of Agriculture's program of balanced adjustment is a much more logical, economical, and acceptable program. It ought to be inaugurated while it can be launched with wide public support for its objectives and before urban impatience with "farm relief" has been roused by unending and ever-mounting subsidies.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. STENNIS. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The question is on the so-called Mansfield-Dirksen substitute amendment.

Mr. STENNIS. I thought it was well to have the Record show what is the pending business.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. Does the Senator know of any other Senators who are able, eager, and willing to speak on the pending business?

Mr. STENNIS. The pending business is a subject of great interest and concern to the Senate, as shown by the votes that have recently taken place. I am sure other Senators will wish to speak on the subject. The Senator from Mississippi has in mind speaking for about 1 hour.

Mr. MANSFIELD. My reason for asking the question is that I understand some Senators have indicated that they thought there had not been enough debate on the subject before cloture was attempted. I note that on the Senate floor now there are only a few of us in attendance. I am wondering where the Senators are who felt that we did not have enough debate on the subject, which has been ventilated pro and con to the fullest possible extent up to this time.

Mr. STENNIS. I can reply to the Senator from Montana only to this extent, that all during the debate the Senator from Mississippi has been here part of every day except one, and that actually there were a great many Senators who wanted to speak and did speak on the subject. The Senator from Mississippi had not spoken on this matter except for about 10 minutes on one day and about 15 minutes on another, and yesterday afternoon for about 40 minutes. I have here many legal phases of the question. Many amendments are going to be offered about which not only I wish to speak but about which other Senators also have requested an opportunity to speak, with respect to some phases of these matters, which shows that things are not always just what they may seem, because a great number of Senators are at lunch.

Mr. MANSFIELD. I am sure of that. I may say that the Senator from Mississippi has been faithful in his attendance and has been prepared at all times to make speeches on this subject.

Mr. STENNIS. I thank the Senator. Before discussing the pending matter I should like to observe briefly, without reference to how individual Senators voted, that the vote of 53 Senators against cloture and 43 in favor of imposing cloture, and 1 additional Senator to the 53 having been paired, and if voting would have voted against cloture, certainly shows that the Senate as a special institution of this Government still is deeply concerned about its prerogatives and its position, and that there is a strong sentiment, which has been so wholesome over the years, that this is a forum of the States; that here States are represented, that here it is thought and believed that this is the refuge of minorities or any other groups that might have serious objections to the passage of bills, that here there is a chance to protect the constitutional provisions, that here is a chance for full and complete and open debate and discussion.

I can certify further that during the debate, from my personal knowledge and contact with other Senators, I know there was disclosed to their understanding the far-reaching effect of the bill, its conflict with the Constitution of the United States, as many of us viewed it; and there was also disclosed the fact that the bill goes far beyond the constitutional power of Congress to enact legislation of this type; and that that caused many serious-minded people to stop and think the second time.

That is no reflection on those who voted in favor of cloture. They were just as honest and sincere. I would point out that when we bring a thing into the open for the extended debate, when opportunity is given to the proponents and the opponents to present their points, and to bring up constitutional principles, many Senators, whether they agree on the bill or not, as to it merits or demerits, will stand to the last with reference to their judgment and their convictions in protecting the Senate and its processes and in protecting the Constitution of the United States.

I have no boast and no glee in connection with the vote we have just had. The battle is far from over. I am confident in my own mind as to the outcome. However, I look at it as a continuing battle. At the same time I believe this was a triumph for the Senate and for the senatorial processes and for the Senate as a forum where matters can be fully debated.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Minnesota.

Mr. HUMPHREY. First I wish to associate myself with the comments of the majority leader insofar as the Senator from Mississippi is concerned. He has been very diligent, and has presented his arguments, as he always does, with deep conviction, with splendid preparation, and with cogency. I happen to be on the other side of this question, but I surely respect the quality of the presentation of the Senator from Mississippi.

Mr. STENNIS. I thank the Senator. I appreciate his fine presentations here. They are always fair as well as forceful.

Mr. HUMPHREY. I recall that the vote on the cloture motion was 53 against imposing cloture and 43 in favor of imposing it. I also recall that the vote on the motion to table, which, if it had been adopted, would have tabled the pending business and we would have been through with it, was 64 against tabling and 32 in favor of tabling.

It leads me to believe that apparently some of the Senators must be of the opinion that sufficient debate had not taken place on the measure, because they voted for continuing debate when they voted against cloture and when they voted against tabling.

I surely am not opposed to extended debate. The point I believe we ought to try to reconcile, however, is, shall we have extended debate to a point where we never get a vote on the substance of the bill, or are those who believe in extended debate of the opinion that if they can have 2 or 3 or more weeks of debate on the bill they will be able to persuade and convince more Senators as to their particular opinion? My argument about extended debate which gets beyond what I call reasonable extension is that it is used as a device to close off consideration of a measure rather than as a device to educate Senators so that they can give better consideration to a measure before the Senate.

I should like to ask the Senator from Mississippi if he has any idea how much more debate he thinks we ought to have in order to enlighten the Senate at least from his point of view. I would also like to ask whether he does not feel that, since many Senators apparently did not feel there had been adequate debate, it might be a good idea that other Senators should actively participate in the debate, either by their presence or by their speeches.

Mr. STENNIS. I would say to the Senator from Minnesota that I think it would be wholesome for more Senators to participate in the debate. I believe that more of those who are in favor of the bill should argue their points here. It would be a fine thing, if Members of the Senate were not so busy with other matters, if they could be in attendance here. Those of us who carried at least a part of the load in trying to present the constitutional matters to the Senate felt greatly discouraged at times by the fact that there was not a better attendance. We did find, however, that these questions were getting through to Members of the Senate. Different Senators would come and ask questions, and wanted to be referred to different cases. Some of those who came and made inquiry, in effect voted for the bill, to be sure, but others who read those cases changed their minds and voted against cloture.

At this time, far from this being an idle gesture, with the Chamber as vacant as it is at times, I was pleasantly surprised that it had created a deep concern with Senators. Without naming names, I personally know of Senators who, if they were not lawyers, had the points of law looked up by someone on their staff, and many of those decided that they simply could not vote for the bill.

So I think it was good.

I know that good comes out of these debates. What I wish to emphasize now is that the 53 votes represented a strong, deep feeling that the Senate as an institution was partly at stake, and Senators were not willing to cut off debate on the pending measure. The Senator from South Dakota had in mind the possibility of proposing a constitutional amendment as a substitute for the pending measure.

Mr. HUMPHREY. I am not critical of the Senators from the South—I hesitate, even, to designate a region of the country—who have debated the pending measure. First, I do not consider that the debate has been dilatory. I know it has been germane to the proposal. I have listened attentively as the Senator from Mississippi knows, to the speeches made by Senators. I have great respect for their knowledge, their intelligence, and their dedication.

However, I have a different point of view. Each of us is under obligation to uphold and defend the Constitution and to interpret it as we see it. I do not claim to be a learned lawyer. Certainly I am not a judge. I am trying to be a conscientious legislator.

I agree with the Senator from Mississippi that it would be wholesome and helpful if there were more clear-cut debate between the proponents and the opponents. I think it would look better to the country. This is important business. However, although I speak with high personal regard and affection for the Senator from Mississippi, I really believe that the vote of 64 against tabling the pending business indicates to me that Senators wish to take some positive action on the proposal.

If we wish to take action, we have the opportunity to do so.

If I should be asked for advice and counsel on the question, I would recommend that we continue to debate the measure; that we have, so to speak, a good argument over it; that we listen to the points of view expressed. I think the Senator from Mississippi is correct in his statement that some of the arguments made have changed points of view. I do not believe there is any doubt about it. I would not wish to foreclose the possibility of the consideration of a constitutional amendment. I do not believe we have any right to draw a line and say, "I will not listen to that." I do not know what the other amendments may mean until they have been offered and put under the critical examination of legislative debate.

I am hopeful that the voting rights of the American people can be strengthened. I believe the 15th amendment gives a mandate to Congress to take appropriate action, through the legislative process, to protect any possibility of a denial of the vote because of a person's race, religion, or previous condition of servitude, or any other form of discrimination.

I have no desire to be critical of Senators who have fought a good fight. However, we should make up our minds that the solution of the question will take some time, and that we ought to battle it out. As honorable legislators, we should present our cases and legal arguments in behalf of the measure.

It was remarked by one Senator today that when the debate began, someone said, "Well, there is a filibuster." I do not consider that we have had what is traditionally called a filibuster. We have not had night session; we have not gone around the clock. I hope it will not be necessary to do that. But I would be less than honest if I did not say that if the purpose of prolonged or extended debate is to prevent the Senate from ever coming to a moment of decision on the substance of the proposed legislation, then whatever steps are necessary should be taken to keep the Senate in session to make certain that the arguments are presented forcefully, and then ultimately, to present another cloture motion; and if that does not succeed, to present a third cloture motion, until Senators feel that they are properly educated.

I hope the Members of this body will not be slow to learn. All of them are intelligent men. In view of the length of time that we have been considering the proposal, we should soon be sufficiently informed about it that we can say to our constituents that we are ready to vote on the issue. But the first vote will be to see if debate can be ended in terms of concluding an exhaustive examination of the critical question.

I know that this is a serious question; it is extremely important. I know it requires the kind of lengthy investigation and study which the Senator from Mississippi has given to it. I surely shall respect and defend his right to argue the case as long as he wishes, provided that one of these days, between now and Labor Day, we can come to a decision, because I believe the Senate ought to decide the issue. I think the purpose of the Senate is to do business—not monkey business, but legislative business. I think our purpose now should be to come to a legislative decision.

Mr. STENNIS. I thank the Senator from Minnesota for his remarks and for the point he makes. I think I can assure him, with great modesty, that there is no doubt that we who have argued against the constitutionality of the measure gained ground every day. We have secured more and more votes in favor of our position, for the reason that the measure goes beyond the Constitution. I believe that that was undoubtedly reflected in the cloture vote, even though the Senate was not ready to agree to the motion to table the measure.

Mr. HUMPHREY. Madam President, will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). Does the Senator from Mississippi yield to the Senator from Minnesota?

Mr. STENNIS. I am glad to yield.

Mr. HUMPHREY. The Senator from Mississippi has made the point that he is of the opinion that during the course of the debate the arguments made by some Senators—and may I include, also, his own argument—had a convincing effect upon certain Senators; and he has said he is of the opinion that the outcome of the vote on the cloture motion was in part due to those arguments—which indicates to me that the Senator from Mississippi feels that by means of debate a Senator can present a point of view with sufficient effect to change the minds or the opinions of other Senators. I agree; and I think it entirely true that the presentations made during the debate by some Senators have had the effect described by the Senator from Mississippi.

Therefore, I wonder whether the Senator from Mississippi can give us some idea about how many more lessons he thinks he will be able to give Senators and how many more days of this intensive instruction we shall go through before the Senator from Mississippi—who has such good judgment and is such a wise man—will conclude that the optimum point in both argument and persuasion has been reached, so that he will feel that the vote on the literacy test bill should then be taken.

Does the Senator from Mississippi have any particular date in mind? Does he think this could possibly take place in May, or perhaps in June, or perhaps after 2 more weeks or 3 more weeks of debate?

I would be interested in learning the Senator's idea about the date when he believes the logic of the arguments presented by him and his colleagues might have had its maximum effect, so that, therefore, the Senator would be ready for the vote to be taken. Will the Senator from Mississippi share with me his thoughts on that matter?

Mr. STENNIS. Madam President, in response, I wish to try to describe the way the debate has proceeded, as I see it, and how various Senators were convinced, or, at least, how serious doubt was raised in the minds of Senators about the constitutionality of the proposals. That process was a slow one. One day, the Senator who was speaking might obtain the attention of some Senators—who, after hearing his arguments, might then leave the Chamber, to deal with other matters, in connection with their busy schedules; and on the following day, the speaker might obtain the attention of other Senators, who thereafter would proceed to deal with other matters; and on the third day, the Senator who was speaking might obtain the attention of still other Senators. Through that process, opinions are finally formed. The matter under consideration is a complicated legal one, and is quite difficult to present.

I believe that one of the outstanding contributing factors in connection with the debate was the fact that after it had proceeded for a while, Senators realized that the proponents of these measures had not been able to bring forth a single adjudicated case, from either a Federal court or a State court, that really upheld the validity of the proposals or the points involved in them. Furthermore, none has been brought here yet, although there have been some which skirmished far out and far away from the central issue—much in the way that Lieutenant Colonel Glenn almost got beyond the effect of gravity. But none of the cases cited by the proponents hit the crucial spot.

On the other hand, we brought in case after case which sustained our position; and when we referred to the Federalist papers, we showed numerous statements directly in point—statements by Alexander Hamilton and by others; and then we were able to show that they have been followed by the courts, and have also been followed in connection with the addition of amendments to the Constitution, after it was first written. All of them gave tremendous weight to our entire argument; and in that way we could tell that we were picking up more and more support among Members of the Senate.

Certainly I do not disclose any secret to the Senator from Minnesota or to anyone else when I say that during that period of time, whenever we held a conference, we realized that we were steadily becoming stronger; and that process continued. So we were greatly encouraged.

We did not attempt to put pressure on any Senator; this process has continued strictly on the basis of the points I have enumerated.

Mr. HUMPHREY. Madam President, will the Senator from Mississippi yield again to me?

Mr. STENNIS. I am glad to yield.

Mr. HUMPPREY. The Senator from Mississippi is so convinced of the logic in support of his own case that I believe he should be willing to put it to a test. I know he feels—as I do—that all Senators are wise, learned, and intelligent; and certainly we would not want to have the public receive the impression that, somehow or other, Senators were slow learners. So I believe it fair to say that we would like to have the public feel that, after due debate and consideration, the Senate is able to reach a decision.

Of course, the Senator from Minnesota thinks the decision which will be reached will be in favor of the Mansfield-Dirksen amendment, whereas the Senator from Mississippi takes a contrary view.

But however that may be, it is certainly true that the force of an argument is lost if no decision is ever allowed to be reached.

Therefore, I ask the Senator from Mississippi when he thinks the Senate will be able to vote on this question.

I realize there are many imponderables in connection with this situation, and that they require consideration. On the other hand, the National Aeronautics and Space Agency believes we may be able to send a rocket to the moon by 1970, or perhaps even by 1965. If our scientists can predict when we shall be able to send three men to the moon, it seems that the Senator from Mississippi should be able to inform us when the Senate will be able to reach a vote on the pending issue. Certainly I have as much confidence in the judgment of the Senator from Mississippi in connection with legislative matters as I do in the judgment of our scientists in connection with lunar matters.

Therefore, it seems to me that the Senator should be able to predict when this measure will be voted on by the Senate—if our scientists can predict when we shall be able to succeed in a moon shot.

Mr. STENNIS. Madam President, I reply, in all good humor, by saying that I think the Senator from Minnesota took "a moon shot" earlier today, in connection with the cloture vote; and he missed. [Laughter.]

Mr. HUMPHREY. Yes.

Mr. STENNIS. On the other hand, they did not miss the moon altogether. They crashed on the back side of the moon; and now the Senator from Minnesota is preparing to take another moon shot—on Monday. [Laughter.]

Mr. HUMPHREY. Yes.

Mr. STENNIS. So we shall wait until Monday, and then we shall see what happens; and at that time the Senator from Minnesota can ask about my views.

Mr. HUMPHREY. Madam President, will the Senator from Mississippi yield again to me?

Mr. STENNIS. I yield.

Mr. HUMPHREY. I think the Senator's analogy is very fitting and appropriate, and I compliment him on it.

I am reminded of the situation at Cape Canaveral: It is true that in connection with the space program, we have had many failures; but we have also had some accomplishments. At the time when Lieutenant Colonel Glenn was preparing to make his historic flight, we had had a certain number of failures; but each time there was a failure, it was announced that a future attempt would be made, and in that connection a date was given.

I merely say that if in connection with the so-called send a rocket to the moon program—the program to send a rocket about as far out into the unknown as we have ever attempted—it is possible to set a date, it seems to me that the Senator from Mississippi or the Senator from Georgia or some other Senator should be able to inform the Senate when he thinks the weight and the force and the power of his argument would be such and his argument would be so well understood and so well put that he would feel he could rely upon the judgment of the Senate to arrive at a correct decision.

Mr. STENNIS. Madam President, first the Senator from Minnesota would have to rewrite his bills and bring them within the Constitution of the United States. That would be a new start altogether; and then he might make better headway.

The Senator from Minnesota does not always miss his shots; he has been very vigilant here, and has been in the forefront of the efforts to pass two so-called civil rights bills—those in 1957 and 1960; and today they are part of the law of the land. Thus we were able to show Senators that those measures had a bearing and an effect, and that they constituted an additional reason why the legislation now proposed is perhaps not needed.

Mr. TALMADGE. Madam President, will the Senator from Mississippi yield to me?

Mr. STENNIS. I yield.

Mr. TALMADGE. Would not the Senator from Mississippi agree with me that, in response to the question asked by the distinguished Senator from Minnesota [Mr. HUMPHREY], it could be said that a good target date might arrive when the Senator from Minnesota could view an issue of this kind objectively? [Laughter.]

Mr. HUMPHREY. Madam President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. HUMPHREY. I think what the Senator has stated is true. I think the Senator is right. I view it objectively. One can view it objectively who has his own convictions. I am moved by the eloquence, principles, and intelligence of my colleagues. I think my colleagues know I mean what I say. But I think they weaken their argument by being unwilling to bring it to a head.

The Senator from Mississippi says the measure is unconstitutional. That is his argument. This is not the court. This is the Senate. Each Senator must judge what bills are or are not constitutional. The Senator has mustered a very strong array of cases and arguments on his position. I think he has made an imprint on the Members of this body. I do not deny it. But I think we must terminate this debate one way or another by arriving at a point where we vote on the substance of the issue, because not being willing to vote on the substance of the issue indicates a weakness in the argument. In other words, the Senators are using procedure to avoid the actual substance of the argument, and procedure is not substitute for the substance of an argument.

I want the Senator to use all the procedure and the time necessary to present his view, but if the Senator could give us a date when he thought his powerful argument and the logic of the argument of himself and his colleagues could work their will on the Senate, I would vote against cloture. Perhaps it should be the Fourth of July, maybe it should be right after Memorial Day, or some other time; but I think we ought to indicate the time.

Mr. TALMADGE. Madam President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. TALMADGE. I think a good time to vote would be when we can teach the Senator from Minnesota as much about the Constitution as he knows now about pharmacy.

Mr. STENNIS. May I point out that we are traveling along on this type of bill. It is well known there are national organizations with great power, and I respect them, and they certainly have a right to be heard under the constitutional provision that people shall always have a right to file petitions and grievances. I interpret that provision to mean one can send telegrams and letters of every kind of persuasion. Such organizations are moving strongly. I received a telegram yesterday—and I assume every other Senator did—from a fine organization saying we had no business twiddling along, that we had no right to do anything except pass the bill. I have heard of the strong influence—I will not say pressure—within the present administration, urging passage of the bill. The Attorney General testified in behalf of it. We know the President of the United States is for it. It has been brought to the floor by the majority and minority leaders and the assistant leaders on each side, all four estimable men. This is a fight to protect the Constitution, and we are going to keep on fighting. I believe we are gaining ground. I know we have thus far.

Mr. TALMADGE. Madam President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. TALMADGE. Does not the Senator know, as I know, that even before the first Senator opened his mouth to speak on this issue, it was widely publicized by radio, television, and the press, that a filibuster was on?

Mr. STENNIS. The Senator is correct. The Senator from Minnesota, in his very fine, big-hearted way, said it has been a worthwhile debate.

Mr. HUMPHREY. I think it has.

Mr. STENNIS. He means what he says. The debate was heralded to the people of this country in this instance in the way the Senator from Georgia has stated.

Mr. TALMADGE. Will the Senator yield further?

Mr. STENNIS. I yield.

Mr. TALMADGE. Has the Senator seen or heard in any of the news media—radio, television, or press—any dissemination of the constitutional question that now confronts the Senate?

Mr. STENNIS. Very little.

Mr. TALMADGE. Virtually none.

Mr. STENNIS. I have high regard for the press.

Mr. TALMADGE. Most reports have been that "Senator So-and-So spoke for 2 hours." That has been the sum and substance of most of the coverage. Is that correct?

Mr. STENNIS. That is so in many instances.

Mr. TALMADGE. Then, how is one who receives the news in New York, Minnesota, Michigan, or Idaho to know of the great constitutional issue that is before the Senate?

Mr. STENNIS. The Senator is correct. The only way we are going to get this issue to the people is to continue this debate on the floor and point out this question. We are impressing Senators on the floor, and I think we are impressing the country.

Mr. TALMADGE. It is almost necessary for a citizen to read the CONGRESSIONAL RECORD to know what the fight on the floor of the Senate is about. Is that correct?

Mr. STENNIS. That has been only too true so far. The Senator is correct.

Mr. TALMADGE. In view of that fact, is it not necessary for those of us who believe it is our sworn duty to uphold the Constitution to continue to quote the Constitution and the Federal and State court decisions on the subject until we can get across to the people the fact that there is a constitutional question involved here?

Mr. STENNIS. I think the Senator is eminently correct. I want to say, though, that I think a serious question has been raised in the minds of Senators, whether it has gotten out to the people or not.

Mr. TALMADGE. Will the Senator yield further?

Mr. STENNIS. I yield.

Mr. TALMADGE. Is it not true that issues of much less importance which involved no question of constitutionality have been debated in this body for much longer periods?

Mr. STENNIS. The Senator is correct, but it was usually because a Senator or a group of Senators thought that their State or their people were being grievously infringed upon, and they used the Senate rules, as a part of this institution, to gain attention and get their points over.

Mr. TALMADGE. Will the Senator yield further?

Mr. STENNIS. I yield.

Mr. TALMADGE. Does not the Senator feel, as I do, that in this, the great deliberative body it is, Members representing sovereign States ought to have freedom to debate issues of great import, particularly when they involve grave questions of constitutionality?

Mr. STENNIS. Absolutely. It is just as essential to the continuation of our form of government as is the continuation of freedom of the press. I do not believe our form of government would last over a year or two unless we did have freedom of the press. We need the double arm of this forum plus the free press.

Mr. TALMADGE. If we had a gag rule in the Senate whereby a simple majority could silence the minority, would the Senate continue to be the great deliberative body it is?

Mr. STENNIS. It would not; and a unicameral legislative body would virtually exist.

Mr. TALMADGE. Under those conditions the Senate would be nothing more than a useless appendage of the House of Representatives. Is that correct?

Mr. STENNIS. The Senator is correct.

Mr. TALMADGE. Has not the Senate demonstrated its greatest value in hours of crisis as the one place where issues could be discussed until the people throughout the country became alerted, and made their wills felt?

Mr. STENNIS. The Senator has emphatically and exactly stated a truthful point.

Mr. TALMADGE. Is not the present time an occasion, when certain Members are trying to repeal the Constitution of the United States in two separate places by a simple congressional enactment, that we should attempt to arouse the people and alert them to what is happening?

Mr. STENNIS. There could not be a more pressing time or subject matter today, in connection with the times in which we live and the problems we have, domestic and foreign, when those principles should be emphasized as they have.

The Senator from Mississippi believes the vote taken on this floor today will have some repercussions with respect to some Senators who voted against cloture. It will subject them to additional pressure, no doubt, over the weekend. I believe, however, those Senators will stand firm and strong, because I believe they have fully made up their minds that they are doing what is their duty. I believe they have fully determined they should stand firm, and when they go before their people or before anyone else they should tell them they stood for what they thought was their duty and their responsibility under their oaths as Senators of this great body.

That is one reason why I believe the opposition to cloture will stand and hold firm, and perhaps gain votes.

Mr. TALMADGE. I share the Senator's view. I think one who has sworn to uphold and defend the Constitution of the United States could not vote to silence Senators who are attempting to explain a measure which is patently unconstitutional, which is contrary to every court decision on the subject, and which plainly violates the clear and express English language of at least two provisions of the Constitution.

I thank my able colleague. I share fully his views on this question.

Mr. STENNIS. I thank the Senator very much.

Mr. TOWER. Madam President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Texas.

Mr. TOWER. Is not the reasoning behind the right of unlimited debate in the Senate the belief that the minority should be protected from the precipitate and emotional tyranny of the majority? Indeed, we in the United States have set up a bicameral legislature so that legislation could be poured from one Chamber to another to cool it off for a while, so that due consideration could be given to measures to prevent the passage of bad legislation.

Mr. STENNIS. Yes.

Mr. TOWER. Would it not set a bad precedent if we were to destroy this rule, or to take it lightly?

Mr. STENNIS. The Senator is eminently correct. He has clearly stated the general principle of government; that there needs to be a second look, there needs to be a long look, there needs to be a cooling off.

I believe the Senator has referred to a conversation over the breakfast table between Thomas Jefferson and George Washington, with respect to a cup of coffee and the pouring of some coffee into the saucer, the idea being to give it time to cool off.

There are additional reasons I could point out to the Senator from Texas, who is a fine student of government.

Whenever a single Member of the Senate, or any group of Members, think a proposal, however good the motives of those who support it may be, goes beyond the powers of the Congress, is unconstitutional, or is contrary to our basic law, that Senator or group of Senators is under a special obligation to oppose the measure because it is without the powers or beyond the powers of the Constitution.

I think that question is involved in the proposal before the Senate.

Mr. TOWER and Mr. HUMPHREY addressed the Chair.

Mr. STENNIS. I yield further to the Senator from Texas, and then I shall yield to the Senator from Minnesota.

Mr. TOWER. Is it not true also that the right to unlimited debate could conceivably be used to protect a majority in this country, since there is equal representation of all States in the Senate? Could not a minority of the Senators, representing a majority of the people of this country, wish to promote some dilatory action to prevent passage of some bad legislation affecting the majority of the people of this country?

Mr. STENNIS. Certainly the Senator is correct. He has stated the case well. That is one of the primary considerations.

I remind the Senator from Texas and other Senators that these are not policies or rules of the Senate which came into being like a party platform or something not of long standing. Many of these rules have been tried over and over again, decade after decade, in Congress after Congress, and they have been found to be sound. The country has prospered and grown and become strong, and the people's rights have been protected by them.

The position we occupy now, of such high responsibility in world affairs, makes it all the more incumbent upon us that we maintain rigidly these constitutional principles and policies which have been so sound.

If they become inapplicable to present times, we can change them in an orderly and constitutional way, rather than yield to circumstances, pressures, impulses, or emotions in order to pass a single bill.

I am glad now to yield to the Senator from Minnesota.

Mr. HUMPHREY. I wished to have the Senator yield to me so that I could make the RECORD clear. I am sure the Senator will agree with what I am about to say, namely, that the charge which was made at the opening of the debate, that it was only to be a filibuster, is one to which I took exception.

Mr. STENNIS. Yes.

Mr. HUMPHREY. I feel, as I said earlier today, that there has been a constructive debate. I feel that our colleagues in the Senate who have participated in the debate—and I make particular reference to those in the opposition to the proposal before the Senate—have done an intensive and exhaustive job of research, as well as of presentation.

It is a fact that men of good will and of good intelligence may disagree. Our history records that John Adams and Thomas Jefferson were two of what we might call bitter political enemies in the early years of their political lives, yet these two men, who died practically in the same hour of the same day, died as intimate friends.

Mr. STENNIS. The Senator is correct.

Mr. HUMPHREY. They had learned to understand one another, even though they had political differences down to the last day of their lives.

I have never felt that because someone disagrees with me in this body he was a man of any less intelligence, or that he was any less honorable than anyone else or myself. I have changed my mind in respect to issues before this body. I make no apology for that. That is the purpose of debate.

I say again that there are serious differences of opinion over the proposal of passing legislation relating to literacy tests by the Federal Congress.

I know what the Constitution says. I taught constitutional law—perhaps I did not teach it well. I have studied the subject in universities. I am a graduate in the field of political science. Perhaps I was not as intelligent as I should have been, but I got by.

I think I know what the 15th amendment means. I think I know what that provision of the Constitution which says that the qualifications of electors for officers of the government shall be set by the States means. I respect that.

My point is that, once the argument has been made, it seems to me there must come a time—the time may be a long way off—when the Senate of the United States has a duty to decide the question. I do not think the Senate should decide by the negative process of not permitting a decision; that is, deciding by refusing to decide. I think the Senate ought to decide affirmatively.

I think it is possible that the argument of those opposed to the Mansfield-Dirksen amendment may prevail. It is possible our colleagues may be convinced that the measure should not be passed.

The Senator from Minnesota merely says it seems to the Senator from Minnesota that the Senate ought to vote on the merits of the issue and not on the capacity to extend the debate only for the purpose of extended debate.

Even under rule XXII of the Senate rules there is a provision for 100 hours of debate after cloture is applied. A lot of arguing can be done in 100 hours.

Senators may feel that cloture should not be applied. There was a time in the early days of our Republic when the Senate did not have the same body of rules, when the Senate did not have provision for cloture. There was a time when a Senator could move the previous question. On that basis, the Government of the United States did not fall into hands that would distort the Constitution.

The Founding Fathers of this Government never wrote into the Constitution anything about unlimited debate. They did say that "a Majority * * * shall constitute a Quorum to do Business," and then they listed what was the business of the Congress.

That is my view. I respect the argument of the opposition. I think it is well known by my colleagues that some of my views in reference to cloture and in reference to the problems of other areas of this great Nation have been modified by debate—perhaps only by age, or perhaps by seasoning—but I think the time should come when the Senate ought to vote on the issue.

I hope we can. If the Senator from Mississippi, whom I admire greatly, can win the argument, I shall be the first to extend the hand of congratulations, as he knows. Of course, I shall come back another day and join the fray once again. I could not help but feel, when the able Senator from Georgia joined the argument, that I was facing the equivalent of Robert E. Lee and Stonewall Jackson together; and that is a pretty big task for any one Yankee.

Mr. STENNIS. I thank the Senator from Minnesota for his fine sentiments, and, of course, for his compliment. He was pressing me to name a date for a vote. Answering for myself, whenever a measure as important and far-reaching as the one before the Senate is so clearly believed to be invalid, and the lack of power to enact such a measure is demonstrated, I do not think a Senator is ever under any obligation to agree to a vote on such a measure. If he is forced by the rules of the Senate to do so, that is a different question. But on a question of the kind now before the Senate, which is so overwhelmingly in the nature of the type of legislation I have described, I feel that a Senator should not accede to the request.

Mr. LONG of Louisiana. Madam President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Louisiana, who has made a fine contribution to the debate.

Mr. LONG of Louisiana. Does not the Senator share my view that the proposed legislation is clearly unconstitutional?

Mr. STENNIS. The Senator is correct.

Mr. LONG of Louisiana. Has not every Attorney General who has expressed an opinion on the subject come to the same conclusion, with the exception of the present Attorney General of the United States?

Mr. STENNIS. That is the information of the Senator from Mississippi. Every State attorney general who really went into the question and expressed a firm conclusion found that the measure was invalid for the reasons we have already stated.

Mr. LONG of Louisiana. If we are correct in that view, would not every Senator who voted for an unconstitutional measure then violate his oath of office which requires him to uphold the Constitution and the laws of the United States?

Mr. STENNIS. I believe the Senator has correctly stated the fact. His question and my answer leave ample room, of course, for any Senator who voted the other way, and who is as honest in his belief that the measure is valid. The Senator is correct.

Mr. LONG of Louisiana. Assuming that the Senator is correct—and the Senator would not be making the great fight he is making if he did not think he was right in his position, and I would not be supporting him unless I thought he was right—are we not doing a favor for every Senator who is opposed to our position and who is personally for the suggested usurpation by debating the subject long enough to educate such Senators and the people of the country that the proposal is a constitutional usurpation?

Mr. STENNIS. The Senator from Louisiana has expressed sentiments and facts that have been reflected by other Senators on the floor of the Senate. Such Senators have come to those of us who have been debating against the bill in a spirit of thanks for pointing out to them the defects of the measure, and how contradictory it is to our Constitution, and making clear that they really have no authority to vote for the bill.

Mr. LONG of Louisiana. Madam President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. LONG of Louisiana. The present Attorney General of the United States has undertaken to attack the constitutionality of the Louisiana law that provides that a person must be able to understand a provision of the State or Federal Constitution in order to qualify to vote.

The point has been made—and I am sure it will be made again in the course of the proceeding—that if we assume that the measure violates the 14th and 15th amendments of the Constitution, the assumption must be based upon administration of the law or a discrimination in administering the law, rather than the law itself. Is not that pretty much the issue before the Senate? Those who contend that the State has no right to establish educational qualifications are relying upon discrimination in the administration of the law and not the validity of the law itself?

Mr. STENNIS. The Senator is correct. He expressed the point very well when he said that the Attorney General's position was an attack upon the laws which the various States have seen fit to enact, some through constitutional provisions and some by statutory enactment—most of them by both constitutional provision and legislative act—to set up the qualifications for voters who choose their representatives. I believe that point was reflected in the vote today. There were 53—in effect, 54 votes—against the bill generally. The Senator has brought the point out clearly, and I thank him for the fine way he has expressed it.

Madam President, one of the realizations that came to so many Senators in the course of the debate was that the measure would strike down the provisions of State laws, many of which are contained in State constitutions. The provisions have been voted by the people of the several States. The Federal Constitution clearly provides that the Federal Government shall adopt the standard of measurement that the States establish with reference to qualifications of electors, and those standards will apply to Federal elections.

Mr. HUMPHREY. Madam President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Minnesota.

Mr. HUMPHREY. I wish the RECORD to note that on the question of the so-called constitutionality or unconstitutionality of the provision before the Senate, there is distinguished authority on both sides. For example, Dean Griswold, of the Harvard Law School, recognized by lawyers throughout the country to be one of the most brilliant and able legal minds in the Nation, feels that the proposal is clearly constitutional. The chief law enforcement officer of our Government, who gives opinions every day to departments of this Government, feels that the Mansfield-Dirksen proposal for literacy tests is fully constitutional. I agree that others have a different point of view. I think the point needs to be made—and the Senator from Mississippi surely made this point—that it is recognized that a State has the power under the Constitution to set voter qualifications or to set the qualifications that would permit a citizen of that State to vote in State and Federal elections.

The 15th amendment points out that no person shall be denied the right to vote because of race, color or previous condition of servitude. The amendment also includes what we call the operative section. That permits Congress to take appropriate action to enforce that amendment. I thought Dean Griswold made it quite clear when he said:

> Both the propriety and need for congressional action rest upon a finding, well-stated in the Mansfield-Dirksen bill, that many persons have been subjected to arbitrary and unreasonable voting restrictions on account of their race or color and that literacy tests and other performance examinations have been used extensively to effect arbitrary and unreasonable denials of the right to vote.
>
> If this finding were unsubstantiated, there would be real basis for questioning the propriety and validity of the proposed legislation. But, unfortunately, both for the Negro citizens who have been victims and for the integrity of our democratic process, there is ample evidence that literacy and similar performance tests have been widely employed as a device for racial disfranchisement.

It is a fact that if there is a literacy test, as there is in some 20 States, which is equally applied to everyone, without discrimination, then in that respect the State law is supreme. The 15th amendment could not possibly apply unless that State law were based upon discrimination against a person because of race or color or previous condition of servitude. There is not a State law that provides that an Indian or a Negro or a Mexican or a Norwegian cannot vote because of his race. In fact, the State laws as written are very equitable. A State surely has the right to establish qualifications for its voters. We know that under the Constitution the only question is whether there is sufficient evidence to necessitate appropriate action by Congress under the terms of the 15th amendment to see that there is no discrimination. That is the issue.

I repeat to the Senator from Mississippi that he argues the facts. He is here to argue them. We can all be informed by what he says no matter what side of the question we are on, and that is the purpose of debating this issue. The Senator from Mississippi argues his case well. He puts his arguments frankly on the line and treats with dignity and respect those of us who question him. For this I am exceedingly grateful.

It seems to me that some Senators who have said there has not been enough debate, and who have not been debating, ought to come here and mix it up, as we say, and debate. We are all men of good will and, I hope, good humor.

I see on the floor the Senator from Louisiana [Mr. LONG]. I consider him one of my close friends. We disagree at times, and very seriously sometimes. That does not alter my personal respect and regard for him. The Senate owes it to itself to make this debate a legitimate debate. If that is done, we will be prepared to come to a decision. The Senator from Mississippi believes that the decision will be in his favor. Perhaps it will. Our southern friends are powerful arguers and they possess great ability in forensics and political acumen. I believe it would be a good idea if we had an old-fashioned debate, of which we have had some today. It has been enjoyable to me, and I believe it has been enjoyable to the Senator from Mississippi. Perhaps more Senators will know that we are debating a fundamental issue before this Government.

Mr. STENNIS. I thank the Senator. I agree that these matters should be debated further. I wish our colleagues in the Senate were not tied up so much on other matters. As I said before, these points have a way of getting through. I believe they have gotten through, judging by the vote we have had. I say that with great humility and with sincerity, but with no boasting about it. It shows the strength of our cause when we see that it has already made its mark in some cases.

Mr. HUMPHREY. The Senator from Mississippi has indicated to me that he was not in any hurry for a vote, and I asked him at about what time we might vote.

Mr. STENNIS. I am glad the Senator from Minnesota agrees that further debate is needed.

Mr. CASE of South Dakota. Madam President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from South Dakota.

Mr. CASE of South Dakota. I have listened with interest to the argument of the Senator from Mississippi and to the colloquy between the Senator from Mississippi and the Senator from Minnesota. Reference to the 15th amendment has raised this question in my mind. I should like to ask the Senator from Mississippi, who is a jurist of distinction and is learned in the law, this question. If it is true in a particular situation that there is discrimination under the 15th amendment because of race, color, or previous condition of servitude, and if a case of discrimination exists, would it not be possible for the person aggrieved or someone representing him to seek a restraining order in the courts to prevent that discrimination?

Mr. STENNIS. Absolutely. The Senator from South Dakota has already stated the law with reference to that point. There are laws on the statute books which are far reaching, that go to the very point that he has mentioned, to protect any citizen or any group of citizens or class of citizens, if the proof shows it, from being discriminated against. That is the law. That law permits the Attorney General to intervene or even bring the suit himself at the expense, not of the party in interest, but of the Federal Government. He can proceed to an ultimate decision with reference to the adjudication of that right.

Mr. CASE of South Dakota. One thing that has disturbed me about the proposed legislation is that it would have us legislate a finding of fact as to the circumstances of discrimination through the use of literacy tests. It seems to me that that is an issue with respect to which Congress is really getting out of its function, when it attempts to legislate a finding of fact of that sort. That finding of fact, as to the use of a device to achieve discrimination in violation of the 15th amendment is for the courts to determine, rather than for Congress.

Mr. STENNIS. The Senator from South Dakota has put the matter before the proper forum, and it was agreed here that his point is correct, when we debated the Civil Rights Acts of 1957 and 1960, that these matters are court matters. It was a question of how far we should go, whether we should provide for jury trials for those who have allegedly violated the law.

This is not a theory. The point the Senator has brought up about whether law exists now for the adjudication of these rights is not something that is merely on the books. That is the law. It is in operation. There is a case pending in the State of the Senator from Mississippi in which this matter has been brought to court, and that case is now before the circuit court of appeals sitting in New Orleans. One of the clerks thinks he is in the right; nevertheless, the Federal Government has taken a different view and the clerk has been served with notice of what we call a contempt citation. It is returnable on a day certain. That is where the facts will be further developed. The law is in operation now, and it will work. That mandate, of course, whatever it is, will be obeyed.

I thank the Senator for bringing that point out clearly.

With reference to the preamble to the bill itself, the Senator is eminently correct. Congress is trying to get jurisdiction, as the Senator sees it, by adjudicating facts and finding facts, which is purely a judicial process. The Senator from Mississippi thinks that that statement was put in the bill in an attempt to set up a basis to stand on constitutionality and confer jurisdiction on Congress.

Mr. CASE of South Dakota. Madam President, will the Senator yield for an observation?

Mr. STENNIS. I yield to the Senator from South Dakota.

Mr. CASE of South Dakota. It has disturbed me that an attempt should be made to approach the matter in that way; namely, to provide in the bill:

> (c) Congress further finds that many persons have been subjected to arbitrary and unreasonable voting restrictions on account of their race or color; that literacy tests and other performance examinations have been used extensively to effect arbitrary and unreasonable denials of the right to vote; and that existing statutes are inadequate to assure that all qualified persons shall enjoy the right to vote.

It seems to me that if the Civil Rights Commission has made a report which would provide some basis for a finding like that, that that ought to be the basis upon which the Department of Justice should go into court and ask for an appropriate restraint.

Mr. STENNIS. The Senator has completely stated the legal situation and the practical situation. Those laws are now on the books. They are in operation. If the allegations are true, that is his case; and as the Senator from Mississippi has said, there is a case now in the courts, and there are others, I understand, in which those allegations are made. If they are denied, they will be heard by the courts, adjudicated, and decisions rendered accordingly.

Mr. DWORSHAK. Madam President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. DWORSHAK. If I correctly understood the comments made recently by the distinguished Senator from Minnesota [Mr. HUMPHREY], I think he suggested that the Attorney General has ruled that this particular proposal is entirely constitutional. Is it not just as logical for the Senator from Minnesota to contend, then, that the great Senate of the United States should surrender its prerogatives and authority and accept all of the decisions of the Supreme Court of the United States, many of which, if not most of which, are decided on a divided basis, indicating that there is an honest difference of opinion in considering what is in accord with the Constitution and what is not? On that basis, does not the Senator from Mississippi agree with me that the Senator from Minnesota is not on solid ground when he contends that the Senate should be submissive and should be willing to accept any legal decisions made by the Attorney General, who is recognized and acclaimed as the political mentor of his brother in the White House?

Mr. STENNIS. The Senator from Idaho is eminently correct and has well stated his point.

It was brought out previously in the debate that even though the Attorney General and Dean Griswold take this position—and I speak with proper respect for both of them—still, when it comes right down to a finding based on legal principles or judicial decisions, or any other recognized, eminent authority to sustain their positions, they simply cannot find them, because they do not exist. In my humble opinion, that has been one of the many factors which have impressed the membership of the Senate since the debate started.

The challenge was thrown out that there were no cases to sustain the proponents; that the cases were the other way; that there was no provision in the Constitution to sustain the proponents; that the provisions were the other way. I think some Senators were aghast when that assertion was made. At first, they could hardly believe the statement to be true. But as day followed day and week followed week in the discussion, nothing was brought out to the contrary. That is now well established.

As the Senator from Idaho pointed out, even though Dean Griswold is a splendid man and has a fine legal mind, nevertheless, in the decisions which are handed down every week by the Supreme Court, some of the Justices will dissent. Among the dissenters are the most eminent and experienced Justices. That is a part of our judicial process and our constitutional system.

The question now before the Senate is, What does each individual Senator believe, based upon what he has learned from his research, his examination, and the opinions of his fellows? What does he believe is his responsibility?

A time will come when we shall have to leave Dean Griswold, the Attorney General, and similar authorities behind; we shall have to leave our own colleagues behind, and get right down to the nub of what we believe is our duty.

In my opinion, today is one of the great days in the Senate of the United States, not because the 54 votes to which I have referred were on the side on which I voted, but because, no doubt, in view of all the pressure, all the contention, and all the movement behind the bill, the vote reflects the opinion of the majority of this great body, and the Senate of the United States still lives.

I have had one illustration called to my attention recently by an able and eminent lawyer and authority on constitutional law, Hon. Joshua Green, of Jackson, Miss. It relates to the analogy which he found concerning whether Congress has the constitutional right and power to pass a statute—a congressional act—bearing directly upon the qualifications of electors. He directed my attention to section 3 of article III of the Constitituon, which defines treason. I read that provision:

> Treason against the United States, shall consist only in levying War against them, or, in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

Madam President, wisely or not, the framers of the Constitution undertook to define the crime of treason in the original provisions of that document. In a way, that language has been embarrassing to the Government in many cases of treason which have arisen; still, the provision has never been amended, and it is the law today. Congress has no power whatsoever to add to or take from the definition of treason as set forth in the Constitution. Powerful arguments for doing so have been made many times. A most recent case is one which arose out of World War II, in which a former American citizen who had somehow gone to Japan during the war and changed his citizenship back to Japanese, was later tried for treason under our law. I refer to the case of *Kawakita* v. *United States*, 343 U.S. 717. I read from page 741. The Supreme Court said:

> But no matter the reach of the legislative power in defining other crimes, the constitutional requirements for treason remain the same. The crime of treason can be taken out of the Constitution by the processes of amendment; but there is no other way to modify or to alter.

Madam President, there is no relationship between literacy tests and the crime of treason; but the analogy is perfect. When the Constitution expressly speaks on the subject and covers the point involved, then there is only one way, under our system of government, to change it, and that is through a constitutional amendment. As I have said, that definition of treason has not been found in all cases to meet some very grave situations. Congress has defined other crimes in an effort to meet practical aspects.

The courts have upheld some of those laws dealing with other crimes; but as to treason, the courts have always taken the position that the Constitution deals adequately with that subject, and that it cannot be added to or taken away from, either directly or indirectly, except by means of a constitutional amendment. The same is true of the provisions of the Constitution with respect to electors.

Madam President, at this time I desire to make some comments in regard to my views on other measures which may come before the Senate.

THE CONSTITUTIONALITY OF PROPOSED FEDERAL LEGISLATION DESIGNED TO LIMIT THE STATES IN THE USE OF LITERACY TESTS TO ESTABLISH VOTER QUALIFICATIONS

Several bills with the objective of restricting the States in their use of literacy tests to establish voter qualifications have been introduced into the 2d session of the 87th Congress. There are some variations in the scope of these bills, in the mechanics of their operation, and the constitutional bases on which they purport to rest:

S. 480 amends section 2004(a) of the Revised Statutes (42 U.S.C. 1971(a)), which presently provides that discriminatory State action shall not be used to affect a person's right to vote on the basis of "race, color, or previous condition of servitude." The proposed bill would add a prohibition against State action in the form of "any arbitrary or unreasonable test, standard, or practice with respect to literacy," and it then declares to be arbitrary and unreasonable any test that would bar a person who has completed the sixth primary grade from voting. According to the preamble, Congress has power to adopt this legislation because it "is necessary to make effective the guarantees of the Constitution, particularly those contained in the 14th and 15th amendments." In summary, the bill applies to all elections—both State and Federal; it is limited to a prohibition of State action and does not undertake to reach private action, and it purports to rest on the 14th and 15th amendments.

S. 2979, entitled the "Federal Voting Rights Act of 1962," undertakes in sections 2 and 3 to lay down a list of voter qualifications that the States may use, and thus by implication abolishes all other voter qualifications. The voter qualifications authorized by the bill are limited to the following:

First, inability to meet reasonable age requirements;

Second, inability to meet reasonable requirements as to length of residence within the State and its political subdivisions;

Third, legal confinement at the time of the election or registration;

Fourth, conviction of a felony; and

Fifth, literacy tests, provided that a sixth-grade education is accepted as meeting all the requirements of such tests.

The bill applies to all elections—both State and Federal; sections 2 and 3 are limited to State action, and the power of Congress to pass the act is stated to be conferred by "section 5 of the 14th amendment and by section 2 of the 15th amendment to the Constitution of the United States." A section 4 of the bill amends Revised Statutes, section 2004(b) (42 U.S.C. 1971(b)), so as to prohibit private interference with a person's right to vote in Federal elections, and apparently rests on the same constitutional basis as the original subsection, that is, on article I, section 4, of the Constitution.

S. 2750 amends section 2004(b) of the Revised Statutes (42 U.S.C. 1971(b)). Like the other two bills, S. 2750 would require all States using literacy tests to accept a sixth-grade education as being sufficient to meet such tests. The bill applies only to Federal elections, but it undertakes to prohibit both State action and private action. The preamble contains the following declaration of the constitutional basis for the bill:

> (f) Under article I, section 4 of the Constitution; section 5 of the fourteenth amendment, and section 2 of the fifteenth amendment; and its power to protect the integrity of the Federal electoral process.

I shall address these remarks to the constitutionality of S. 2750. If this bill, applying only to Federal elections, is unconstitutional, it is quite evident that the other bills, applying to both Federal and State elections are doubly unconstitutional. It is obvious that the draftsmen of the Constitution and its amendments never intended to give Congress greater powers over State elections than over Federal elections.

I. CONSTITUTIONAL PROVISIONS

The Federal Constitution clearly defines the qualifications, or manner of appointment, of electors of Federal officials; it also defines who has the power to prescribe the times, places, and manner of holding elections for Senators and Representatives. The relevant provisions are:

Representatives—Article I, section 2:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Senators—Seventeenth amendment:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Representatives and Senators—Article I, section 4:

> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

President and Vice President—Article II, section 1:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: * * *

In addition, since the sponsors of this legislation rely on the amendments to the Constitution, the following amendments are relevant to a discussion of the constitutionality of these bills:

Fourteenth amendment:

> SECTION 1. * * * No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; * * * nor deny to any person within its jurisdiction the equal protection of the laws.
>
> SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any abridged, except for the participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.
>
> * * * * *
>
> SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Fifteenth amendment:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

(At this point Mr. PELL took the chair as Presiding Officer.)

Mr. STENNIS. Mr. President, returning to the constitutional and other provisions that apply to these measures, article I, section 2, provides that U.S. Representatives shall be "chosen every second year by the people." The phrase "by the people" is used to define which part of the body politic shall make the choice. It is not used to define the electorate itself, that is, who in terms of individuals shall make the choice. In short, the meaning is that Representatives shall be elected by the people and not by the State legislatures, as was the case when this language was chosen.

The Constitution uses a different term than "the people" to define the electorate, or the group of individuals, who shall participate in the choice of Representatives. The term is "electors."

The Constitution is specific as to the particular aggregation of individuals that constitutes the group known as electors. It provides:

> * * * and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

The very simplicity of this section tends to lead one to use a shorthand form of expression and say that the States establish the qualifications of electors for Representatives. As the U.S. Supreme Court pointed out in United States against Classic, "in a loose sense, the right to vote for Representatives in Congress is sometimes spoken of as a right derived from the States" (313 U.S. 299, 315 (1941)). Careful analysis shows that the Constitution itself defines the qualifications of electors for Representatives and does so in imperative language: "the electors shall have."

Mr. President, I wish to emphasize that, according to the Supreme Court of the United States, it is loosely said that the right to vote for Representatives in Congress is spoken of as the right derived from the States. Careful analysis shows that the Constitution itself defines the qualifications for Representatives, and it is so stated in imperative language. As I stated a few minutes ago, the Constitution of the United States defines the crime of treason. There is set forth in exact, clear and explicit language who the electors shall be.

Article I, section 2, does not give the States any power to decide who shall vote for a U.S. Representative. A State has no power to deny the right to vote for a U.S. Representative to a person who is qualified to vote as an elector for the most numerous branch of that State's own legislature. Similarly, a State has no power to give the right to vote for a U.S. Representative to a person who is not qualified to vote as an elector for the most numerous branch of that State's own legislature.

That point cannot be overemphasized. No State legislature can set up express qualifications as to who shall vote for Members of the House of Representatives. The States establish provisions as to who shall vote for the members of their most numerous branch of the legislature. The Constitution of the United States then adopts that standard as the qualifications for voting for Members of the House of Representatives in that particular State.

Just as clearly, article I, section 2, does not give to Congress, or to any other branch of the Federal Government, any power to decide who shall vote for U.S.

Representative. Congress has no power to deny the right to vote for a U.S. Representative to a person who is qualified to vote as an elector for the most numerous branch of that State's own legislature. Similarly, Congress has no power to give the right to vote for a U.S. Representative to a person who is not qualified to vote as an elector for the most numerous branch of a State's own legislature.

Not only does Congress not have the power to prescribe qualifications, but when it undertakes to do so, it contradicts the provision of the Constitution, which in effect states that they shall be the same as those prescribed for electors qualified to vote for members of the State legislature. So we have a double-barreled proposition, without constitutional validity on either side.

Neither the States nor Congress has any power over the qualifications of electors for U.S. Representatives, Senators, or for the President and Vice President, since this subject is completely covered in the Constitution.

The 14th, 15th, and 19th amendments do place restrictions on the qualifications the States may require of persons voting for State officials, and so indirectly these restrictions become limitations on the qualifications, as defined by the Constitution, of electors for Representatives and Senators.

The reason the framers of the Constitution denied Congress any power over the qualifications of electors for Members of Congress is easy to find. They wanted to place this important power in disinterested hands. They wanted to use, insofar as humanly possible, an entirely objective standard.

Neither the States nor the Federal Government can directly establish the qualifications of electors for Representatives or Senators. The qualifications are established indirectly, in the most disinterested way that could be devised, when the people of the several States establish the qualifications of electors for the most numerous branches of their own legislatures.

The framers of the Constitution recognized that the Members of the House of Representatives would have great self-interest in prescribing the qualifications of their own electors. The draftsmen of the 17th amendment similarly recognized that Senators would have great self-interest in prescribing the qualifications of their own electors. Congress could not be expected to act objectively in this matter in which the self-interest in Congress is so great. Congress can only act subjectively in this matter. Therefore, the power was taken entirely away from Congress to prescribe the qualifications of its Members' own electors, and instead an objective standard was used.

The basic constitutional right, guaranteed to the people of the United States by the Constitution, particularly by article I, section 2, is that of free elections. Free elections require that the qualifications of electors for Federal offices shall be fixed by disinterested persons in a disinterested manner. Free elections require that the qualifications of electors for Federal offices should be established by objective standards, and so the power is denied by the Constitution to the Congress.

III. COURT DECISIONS

Since the Constitution so clearly defines the qualifications of the persons who shall be the electors for Federal officials, no litigation involving the point could arise until after the adoption of the 14th and 15th amendments.

In *Minor* v. *Happersett*, 21 Wall. 162 (1875), a woman claimed that, since Missouri appointed its presidential electors by popular election, she, as a citizen of the United States, was entitled to vote in such elections, so that a denial of the vote to her by Missouri was prohibited by section 1 of the 14th amendment, which provides:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

The Supreme Court of the United States rejected the contention, pointing out that the 14th amendment did not confer a right of suffrage on anyone. This was in accord with the authoritative construction placed on the privileges and immunities clause in the *Slaughter House* cases (16 Wall. 36 (1873)).

If the 14th amendment had conferred a right of suffrage, the 15th amendment would have been unnecessary. The 15th amendment says:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—

As it applies to State elections this amendment was construed in *United States* v. *Reese*, 92 U.S. 214 (1876), in which the U.S. Supreme Court said:

> The 15th amendment does not confer the right of suffrage upon anyone. It prevents the States, or the United States, however, from giving preference in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, or education. Now it is not (id. at 217–218).

In this opinion the Supreme Court recognized that the power of the States to establish the qualifications of voters in State elections remained unimpaired by the constitutional amendments adopted to that date, except only that there could be no discrimination on the basis of race, color, or previous condition of servitude.

The Reese construction of the 15th amendment was reaffirmed the same year in *United States* v. *Cruickshank*, 92 U.S. 542 (1876), which involved an indictment for conspiracy to deprive Negroes of constitutional rights. Referring to the Reese case the Supreme Court said:

> In *United States* v. *Reese* * * * we hold that the 15th amendment has invested the citizens of the United States with a new constitutional right, which is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. From this it appears that the right of suffrage is not a necessary attribute of national citizenship; but that exemption from discrimination in the exercise of that right on account of race, etc., is. The right to vote in the States comes from the States; but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States, but the last has been (id. at 555–556).

Then followed a series of cases in which the Supreme Court considered the power of Congress under article I, section 4, to regulate the manner of holding elections. In these cases the Supreme Court repeated, time and again, that the qualifications of electors are defined in the Constitution itself and are not subject to change either directly by the States, or directly or indirectly by Congress. In *Ex parte Yarbrough*, 110 U.S. 651 (1884), the Court said:

> The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures, do not do this with reference to the election for Members of Congress. Nor can they prescribe the qualifications for voters for those eo nomine. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualifications thus furnished as the qualification of its own electors for Members of Congress (id. at 663).

Again in *Swafford* v. *Templeton*, 185 U.S. 487 (1902), the Supreme Court referring to Ex parte Yarbrough said:

> That is to say, the ruling was that the case was equally one arising under the Constitution or laws of the United States, whether the illegal act complained of arose from a charged violation of some specific provision of the Constitution or laws of the United States, or from violation of a State law which affected the exercise of the right to vote for a Member of Congress, since the Constitution of the United States had adopted, as the qualifications of electors for Members of Congress, those prescribed by the State for electors of the most numerous branch of the legislature of the State (id., at 492–493).

The Court rejected in *Newberry* v. *United States* (256 U.S. 232 (1921)) the contention that Congress has some vague, undefined power, derived from the nature of things, over elections of Senators and Representatives, simply because they are Federal officials:

> We find no support in reason or authority for the argument that because the offices were created by the Constitution, Congress has some indefinite, undefined power over elections for Senators and Representatives not derived from section 4. "The Government, then, of the United States, can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given, or given by necessary implication" (id., at 249).

The power of the States to use literacy tests to establish the qualifications of voters for State offices, and so indirectly for Federal offices as well, cannot be denied. In *Guinn* v. *United States* (238 U.S. 347 (1915)), the U.S. Supreme Court said:

> No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a law-

ful power vested in it not subject to our supervision, and indeed, its validity is admitted (id., at 366).

It is familiar knowledge that in 1959 a unanimous U.S. Supreme Court upheld the constitutionality of literacy tests in the case of *Lassiter* v. *Northampton County Board of Elections*, 360 U.S. 45, 1959, which squarely presented the question of whether "the requirement of the literacy test violated the 14th, 15th, and 17th amendments of the Federal Constitution"—at 46 the same. The Court said:

> We come then to the question whether a State may consistently with the 14th and 17th amendments apply a literacy test to all voters irrespective of race or color. The Court in *Guinn* v. *United States*, *supra*, at 366, disposed of the question in a few words, "No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to or supervision, and indeed, its validity is admitted" (id. at 50).

Mr. President, that case was decided in 1959, just 3 years ago; and it was an express affirmation of, and quotation from, the Guinn case, which was decided in 1915—approximately 44 years before.

These bills before the Congress admit the constitutional validity of literacy tests, as indeed they must in light of the decisions of the U.S. Supreme Court. This was admitted in a statement made by Dean Erwin N. Griswold, Harvard Law School, on behalf of the U.S. Commission on Civil Rights before the Senate Subcommittee on Constitutional Rights, on Wednesday, March 28, 1962—hereinafter referred to as Griswold statement. Dean Griswold said:

> If the proposed legislation sought to impair completely the power of the States to require that its citizens meet minimal requirements of literacy in order to vote, a more difficult question might be presented (Griswold statement at 6).

Unfortunately, he did not specify which clause of the Federal Constitution gives Congress the power to limit the States in the use of literacy tests, but which would not give Congress the power to abolish entirely the use of literacy tests. I submit that there is no clause of the Constitution that draws this distinction, and so I am approaching the subject on the basis that Congress has neither the power to abolish completely the use of literacy tests on a nondiscriminatory basis, nor the power to limit the States in their use of literacy tests on a nondiscriminatory basis.

Madam President, when I refer here to the States, I am referring to the dual act which the States perform when they fix the qualifications for electors for the most numerous branch of their own State legislatures, and at the same time the Constitution of the United States automatically adopts those as the standard for the qualifications of electors who vote for Members of the House of Representatives and Members of the Senate.

IV. THE CONSTITUTIONALITY OF S. 2750

The arguments used to support the constitutionality of S. 2750 are tortuous. The preamble to the bill states the constitutional basis in this way:

> (f) Under article I, section 4 of the Constitution; section 5 of the fourteenth amendment, and section 2 of the fifteenth amendment; and its power to protect the integrity of the Federal electoral process, Congress has the duty to provide against the abuses which presently exist.

The sponsors of the bill are not in agreement as to which clause of the Constitution, primarily, supports the clause limiting the use of literacy tests. The Civil Rights Commission bases constitutionality primarily on the 15th amendment, while the Department of Justice prefers article I, section 4, of the Constitution.

There is no ignoring the fact that S. 2750 contains a sleeper on the constitutionality issue. In providing different qualifications for electors in Federal elections than the States use in determining the qualifications of electors for their own legislatures, the bill is in clear conflict with article I, section 2, of the Constitution. Article I, section 2, provides that the House of Representatives shall be elected by the people "and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

It is difficult to fathom the motives of the sponsors of the legislation in bringing forward a bill so patently in conflict with the Constitution. Perhaps the purpose is that when the bill enacted into law comes before the U.S. Supreme Court, that body will strike down the limitation to Federal elections, and by judicial legislation will extend the provisions of the bill to all elections—State elections as well as Federal. Or it may be the purpose of the sponsors is to try to place those who support the Constitution, and so are dutybound to oppose the bill, on what is thought to be the horns of a dilemma. It may be thought that supporters of the Constitution will prefer an unconstitutional bill applying only to Federal elections to an unconstitutional bill applying to both Federal and State elections. But there is no dilemma. The choice is not between an unconstitutional bill that applies only to Federal elections and a constitutional bill that applies to all elections. Fundamentally, if the Constitution is to be observed, the choice is between an unconstitutional bill applying to Federal elections and a doubly unconstitutional bill applying to both Federal and State elections. If the Constitution is to be upheld, there can be no choice between a little unconstitutionality and a lot of unconstitutionality.

Mr. President, I may state to the acting majority leader and the acting minority leader that I am at a stopping place in the legal phase of the matter which I am presenting, and I am glad to yield the floor at this point.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McNAMARA. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, will the Senator yield for a short statement?

Mr. McNAMARA. I yield.

Mr. STENNIS. In connection with the presentation I was making to the Senate a few moments ago, in respect to the pending matter, I wish to state that even though I have yielded the floor now, I have additional cases which at the proper time I expect to present to the Senate.

I thank the Senator for yielding.

During the delivery of Mr. STENNIS' speech,

Mr. CLARK. Madam President, it is important that later today I return to Pennsylvania; but before I leave I am most anxious to make a few brief comments on the votes taken earlier today in the Senate.

First, let me express my keen disappointment in the vote on the motion to invoke cloture. It is true that three Members of the Senate who, in my opinion, would have voted in favor of invoking cloture were necessarily absent. So I believe that if the full membership of the Senate had been in attendance at that time, there would have been 46 votes in favor of invoking cloture. And yet 46 votes is not even a majority, and many of us were much disappointed at the result of that vote.

I hope very much that, on further consideration of what are to me the overwhelming arguments in support of this legislation, when we do vote next Monday we will not only be reinforced by the three votes of the absent members, but also have a number of our colleagues who may have reconsidered the result of their action over the weekend.

If I could briefly have the attention of the majority leader, whom I very much commend for the strong fight he has made in support of the legislation so far, I may say that, for one, I was a little surprised—although I had no right to be—that the second petition for cloture was filed so rapidly after the first one was filed.

I signed the second petition. I was quite willing to put myself in the hands of the majority leader and minority leader and abide by their judgment. So I have no reason to complain. But I do hope, in view of the fact that it has been said this bill (a) has not been adequately debated, and (b) that the attention of the country has not been riveted on it, that, regardless of the result of the vote on the cloture motion on Monday, the majority and minority leaders will not abandon the fight on this bill and will not move to substitute some other legislation, but, in any event, will give some of us who are deeply committed to the passage of this bill an opportunity to be consulted before that final decision is made.

Mr. MANSFIELD. Mr. President, if the Senator will yield, he has been frank. I will endeavor to be just as frank. It is the intention of the leadership, if cloture fails by a considerable margin, to move to other business, because the calendar is piling up. I think this debate has been going on long enough. Anyone who has wanted to speak on it has had the opportunity to do so. It is not my intent—and I speak only personally, and not for the minority leader—to keep the Senate in session week after week, and perhaps month after month, on this matter, because if we fail on Monday, and fail badly, then I feel it would be in the best interest of the Senate as an institution to go on and attend to the other business which is piling up.

Mr. CLARK. I thank the majority leader for his candid statement. I would only impress on him this thought, which I hope he will give consideration to in the next few days. There could hardly have been an expectation here that when the Senate today refused to do any better on a cloture motion than it did, when it met tomorrow, and recessed on Friday and over Saturday and Sunday, and then came in on Monday, there would be any reason for a change in the vote. If, on the other hand, the Senate would continue the debate for perhaps the better part of next week, and then the cloture petition were filed and finally voted on, there would be an opportunity to determine in a far better sense whether the 64 Members of the Senate who voted against the motion to table are seriously enough interested in the bill to change their minds and vote for cloture.

I do not see how it is reasonable to expect that any Member of the Senate who did not vote for cloture on Wednesday will vote for it on Monday. I hope the Senator will give consideration to that suggestion and give us the opportunity to go into next week and then determine once and for all whether there is a sufficient sentiment to get the legislation acted upon. After all, counting the three Members of the Senate who were not here today, and who will be here Monday, we would have had two-thirds of the Senate voting to continue the debate. If two-thirds of the Senate are ready to vote to continue the debate on this bill, it is a little precipitate to move to set the bill aside as early as next Monday.

Mr. MANSFIELD. I think the Senator has a point. Of course, what the Senator has to say and what any Senator has to say will be given every consideration, but the purpose of the two votes was to differentiate between the vote on cloture and the vote on the issue itself. I think we have made the point that there is a sufficiently large majority in the Senate who are in favor of the legislation if they could ever get the opportunity to vote on the issue, as they did today. I am very doubtful that many who voted today against cloture would change their minds on Monday, and, in my opinion, and I could be wrong, that there would be a sufficient number to be able to invoke cloture if we went on into next week, or the rest of this month, and perhaps next month, too. We must make up our minds on what we intend to do. I do not anticipate any great change. There is business piling up, and the Senate has to consider that business as well as the business at hand.

Mr. CLARK. It is certainly not my purpose to attempt to tell the majority leader what to do. That is the last thought in my mind.

Mr. MANSFIELD. I am sure it is.

Mr. CLARK. I have the strong feeling that before other business is taken up and this measure set aside we ought to have 3 or 4 days more for those who believe strongly in this legislation to make our points, before there is another vote on the motion to table, to see if the Senate still desires to have a bill after there has been more debate. Then if it is hopeless, I quite agree with what the majority leader has said. I think we ought to have more time before the Senate votes on a cloture motion.

Mr. MANSFIELD. I had intended to have the vote on cloture this coming Friday, but in view of the fact that certain Members of the Senate will be missing from the Chamber, I thought it should be postponed until Monday. I thought fixing it for Monday would afford sufficient time to show how the Senate would wish to dispose of the issue at hand.

Mr. CLARK. I thank the Senator.

If the Senator from Mississippi will indulge me for about 3 minutes——

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. JAVITS. I join my colleague from Pennsylvania in affirmation of what he had to say, that further debate after Monday was deserved. As to the details, we can develop them when the time comes. But I hope the majority leader, who is always interested in the views of Senators, will be interested in my views. I have been very active in this matter——

Mr. MANSFIELD. The Senator has.

Mr. JAVITS. My views coincide with those of the Senator from Pennsylvania.

Mr. MANSFIELD. And the Senator from Pennsylvania has been most active in this matter.

Mr. JAVITS. I believe that further debate is deserved, considering the confluence of plans and the short interval that is to elapse between now and Monday and the expectation as to the likelihood of changing the parliamentary votes expressed by the majority leader.

Mr. MANSFIELD. The leadership, the distinguished minority leader as well as myself, has attempted every maneuver within its power under the rules. We have offered unanimous-consent requests to try to limit debate so we could face up to the issue. We have served notice on the Senate that we intended to follow certain procedures, which we have by and large followed. We have been able to differentiate between the votes on the cloture and the literacy amendment. If I thought that there was a possibility, which both the Senator from Pennsylvania [Mr. CLARK] and the Senator from New York [Mr. JAVITS] have indicated, that by the end of next week there would be a two-thirds majority of those present and voting in favor of cloture, I would certainly be glad to go along. May I point out—and I say this as a practical matter—that the leadership has to face up to difficult decisions from time to time, and in our collective judgment we do what we think is best for the Senate as an institution.

Mr. JAVITS. I have not taken the same measure of time as the Senator from Pennsylvania has on this point, but I wish to join in the principle which he has established, that a substantial time should elapse between the vote on Monday and when the motion is made to take down this bill.

Mr. McNAMARA. Madam President, will the Senator yield?

Mr. CLARK. I am happy to yield to the Senator from Michigan, if it is all right with the Senator from Mississippi.

Mr. STENNIS. Surely.

Mr. McNAMARA. I should like to ask the majority leader if there will not be a considerable time between now and Monday for those of us who may wish to speak in favor of the amendment to speak. There is no indication that we could not start talking tomorrow, talk all day and all night, and continue to talk through the weekend, is there?

Mr. MANSFIELD. None at all.

Mr. McNAMARA. Those of us who have strong feelings will have an opportunity before Monday to speak. I expect to get a speech in the RECORD tomorrow. We could continue to talk through the day tomorrow and all day Friday. There is no cutoff time.

Mr. MANSFIELD. None at all. It has been stated by the leadership that any Senator who desired to do so could operate under such a procedure. A Senator can talk all day or all night or as long as he wishes to talk, because, as the Senator knows better than I, once a Senator gets the floor he can hold it as long as he wishes to hold it, provided he does so within the rules of procedure.

Mr. McNAMARA. I thank the Senator.

Mr. CLARK. Madam President, I thank both the majority leader and my friend from Mississippi for their courtesy to me during the colloquy.

I wish to make a few more points, and then I shall be through.

I wish to reiterate my own strong view that the proposed legislation not only is needed but also is badly needed. Citizens of the United States in at least 8 States and in at least 100 counties are being denied the privileges and immunities of citizens of the United States to which they are entitled under the 14th amendment. They are being denied that equal protection of the law and due process of the law to which they are entitled under the 14th amendment. And they are being denied in those States and in those counties that right to vote without regard to race, creed, or color to which they are entitled under the 15th amendment.

The fact of the denial of their constitutional rights has been buttressed and documented beyond any reasonable peradventure of doubt not only in the debates on the floor and in the RECORD made before the Subcommittee on Constitutional Rights of the Committee on the Judiciary but also in the report of the President's Commission on Civil Rights.

I for one do not believe that any objective referee or fairminded individual who had no position on this issue before he read the RECORD could come to any conclusion other than the conclusion that the proposed legislation is needed and needed badly in a large enough area of the country to make it the duty of the Congress of the United States to enact the proposed legislation, which the President of the United States has recommended to us.

My second point is that the proposed legislation not only is needed but also is wise. This constitutional injustice to citizens of the United States will never be remedied unless and until the Federal Government acts, because the history of the last 90 years shows that the States which are doing this injustice and which are treating these citizens in an unconstitutional manner will not remedy the situation themselves.

My third point is that despite the very able arguments made by my good friend from Mississippi and by many of his colleagues, whom I honor as able lawyers, the proposed legislation almost certainly would be held to be constitutional by the Supreme Court of the United States. The argument to the contrary almost entirely ignores the 14th and 15th amendments and is based largely on a consideration of the Constitution of the United States before those Civil War amendments were adopted.

This view not only is my own but also is the view of many other able constitutional lawyers in this body, including the Senator from New York [Mr. JAVITS], whom I observe in the Chamber.

This opinion has been buttressed by the opinion of the Attorney General of the United States. It has been buttressed by the legal opinion of the Commission on Civil Rights and its very able member, Dean Griswold of the Harvard Law School.

I cannot take seriously the views of my good friends who are opposing the proposed legislation, who state it is clearly and patently unconstitutional. Madam President, I think the contrary is more nearly the fact.

So, because the proposed legislation is needed, because it is wise, and because it is constitutional I hope very much the Senate will be given an opportunity to vote on the proposed legislation on its merits.

My final point, Madam President—and then I shall be through—is I think most Senators realize that in a sense we are engaged in shadowboxing in this debate. The majority leader said a little while ago—and I completely agree with him—that the possibility of getting cloture on this proposal is practically negligible. What we are doing today, what we have been doing for the past 2 weeks, and what we shall be doing for so long as the proposed legislation remains the pending business, is conducting a dress rehearsal for the real fight, to be held next January, to change the rules of the Senate.

The Senate today is the only legislative body in the civilized world which is not able to act when its majority is ready for action. Today 64 Members out of 100 on a yea and nay vote gave evidence of their desire to act on the measure and not to table it. Three Senators were not present. That would have made 67, or two-thirds of the total membership of this body, who wished to vote on the measure.

I say when that situation exists and when the present rules of the Senate make it impossible to terminate debate, it is time to change the rules of the Senate and the time to do that will be next January.

So, Madam President, I say this is a dress rehearsal.

Madam President, I thank my friend from Mississippi very much indeed for his usual courtesy. I am deeply grateful to him.

Mr. STENNIS. Madam President, it is always nice to have dealings with the Senator from Pennsylvania. I was delighted to yield to him for the speech and for the debate he caused.

Madam President, the majority leader is temporarily out of the Chamber, but, with reference to the vote today, I understood him to say that those Senators who voted to continue the debate were actually in favor of passage of the measure. If the Senator from Montana intended to make that bold assertion, I respectfully disagree with him on the facts and on his conclusion. I could not think that the Senator was uninformed on the subject, but as a matter of opinion I certainly disagree with the statement that all those Senators who voted in favor of having the debate continue were in favor of passage of the proposal. I think a great number of them have the contrary conclusion about it, but were not in favor of having the debate concluded at this time.

I say to the Senator from Pennsylvania that there is a great deal more involved than shadowboxing or merely talking. There are very grave questions being debated and being decided in part in the discussion. This is one of the most active and vigilant endeavors I have known of in my more than 14 years in the Senate—getting different groups out in the country behind the measure; getting the administration behind the measure; and having the Attorney General come to Capitol Hill to make a special plea for the proposal. The floor leader for the majority party and the floor leader for the minority party—both eminent men who are fair, capable, and honest—are lined up in favor of the measure, as well as their assistants. Everyone is pushing in the same way, except the membership of this great body. The great majority of the Senators were not willing to cut the debate off through cloture today and to bring the question to a vote now.

As I say, the Senate still lives.

The Senator from Pennsylvania is disturbed that the Senate is the only legislative body in the world left in which a majority cannot work its will. Let us rejoice that there is a place left in which refuge can be taken to keep a majority from working its will so quickly, so hurriedly, without the fullest considerations, without debate, and without consideration of the States' position in our dual system of government. That is the subject that was reflected this morning in the Senate vote. We are sent here to represent not only the people but also the States in this forum of the Union of the States.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8900) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POWELL, Mrs. GREEN, Mr. BRADEMAS, Mr. GIAIMO, Mr. KEARNS, Mr. QUIE, and Mr. GOODELL were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 9778) to provide for the free entry of certain steel and steel products donated for an addition to the Chippewa County War Memorial Hospital, Sault Ste. Marie, Mich.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 10607) to amend the Tariff Act of 1930 and certain related laws to provide for the restatement of the tariff classification provisions, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Liquidation of Assets of Reconstruction Finance Corporation

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the progress made in liquidating the assets of the former Reconstruction Finance Corporation, for the quarterly period ended March 31, 1962 (with an accompanying report); to the Committee on Banking and Currency.

Repeal of Certain Laws Relating to Procurement of Advertising for the Government

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting a draft of proposed legislation to repeal certain laws relating to the procurement of advertising for the Government, and for other purposes (with an accompanying paper); to the Committee on Government Operations.

Suspension of Deportation of Aliens—Withdrawal of Name

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Ioannis Constantelias from a report relating to aliens whose deportation has been suspended, transmitted to the Senate on August 31, 1957 (with accompanying papers); to the Committee on the Judiciary.

Vocational Rehabilitation Act Amendments of 1962—Revised Estimates of Appropriation Requirements

A letter from the Assistant Secretary of Health, Education, and Welfare, transmitting revised estimates of the appropriation requirements and expenditures under a draft of proposed legislation entitled "Vocational Rehabilitation Act Amendments of 1962," transmitted to the Senate on April 10, 1962 (with accompanying papers); to the Committee on Labor and Public Welfare.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report of the Archivist of the United States on a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. JOHNSTON and Mr. CARLSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the School Board of De Soto Parish, La., protesting against U.S. membership in UNESCO and the ratification of the UNESCO treaty; to the Committee on Foreign Relations.

THE DAIRY SITUATION—RESOLUTIONS BY THE CONSOLIDATED BADGER COOPERATIVE

Mr. WILEY. Mr. President, today I received a letter from Edmend Engebretsen, who is president of the Consolidated Badger Cooperative, which has general offices in Shawano, Wis. With the letter he enclosed a large number of resolutions, which were adopted by the Badger Cooperative, relating generally to the dairy situation. I ask unanimous consent that the resolutions be printed in the RECORD following my remarks and be appropriately referred.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

RESOLUTIONS BY CONSOLIDATED BADGER COOPERATIVE, MAY 1, 1962

RESOLUTION 1—LEGISLATION

Whereas there is pending before the Congress important national dairy legislation; and

Whereas this legislation will have a profound effect on the income of all Wisconsin dairymen; and

Whereas, the interests of Wisconsin and Midwest producers must be protected against discriminatory legislation: Therefore be it

Resolved, That the membership of Consolidated Badger Cooperative supports the 75–90 percent parity principle in the 1949 Act of Congress; we oppose legislation allowing for deficit areas, exemptions, or other devices which might harm the Midwest's interests and decrease farmer income; be it further

Resolved, That the membership favors appropriate restrictions on imports of dairy products and favors a national dairy program which would give producers themselves proper representation and sufficient voice in implementing the program; be it further

Resolved, That in the event a referendum is provided for that producers be given fair and reasonable choices from which to indicate their preference.

RESOLUTION 2—COOPERATIVE GROWTH

Whereas there is a strong and growing trend toward larger marketing and processing units in the dairy industry; and

Whereas it is necessary for farmer-owned operating cooperatives to compete against organizations many times the size of such cooperatives: Therefore be it

Resolved, That the membership of Consolidated Badger Cooperative advocates continued sound growth of their cooperative through mergers, consolidations, management contracts and other means the board of directors may deem advisable.

RESOLUTION 3—RATIFICATION

Whereas the board of directors has provided inspired and intelligent leadership in Badger's development; and

Whereas the board makes many decisions in behalf of the membership: Therefore be it it

Resolved, That the membership endorses and ratifies all actions taken by the board of directors over the past year; be it further

Resolved, That the membership empowers the board to adopt interim policies and programs in the light of previously approved policies and resolutions.

RESOLUTION 4—WISCONSIN DAIRY INDUSTRY'S FUTURE

Whereas it is of the utmost importance that Wisconsin producers have a long-term understanding of how they will be affected by Federal orders, USDA policies, and marketing changes in the industry; and

Whereas the college of agriculture has an outstanding record of service to the dairy industry of Wisconsin; and

Whereas the college is admirably suited to carry out a long-term study as to the probable status of Wisconsin dairying and dairy cooperatives 10 years from now: Therefore be it

Resolved, That the membership recommends that such a long-term study be undertaken with recommendations as to how Wisconsin dairymen might take proper action now so as to compete effectively and strengthen our dairy farmers and dairy industry; be it further

Resolved, That the membership commends the college of agriculture for its long and dedicated service to the cooperative movement.

RESOLUTION 5—DAIRY PROMOTION

Whereas the American Dairy Association carries out effective programs designed to increase consumption of dairy foods; and

Whereas the aggressive promotion of dairy products is all the more necessary today when faddists, publicists, and certain associations have sought to disparage the industry and deter consumption: Therefore be it

Resolved, That the membership encourages support of ADA programs and asks the cooperative to inform nonparticipating members each year of the opportunity to support this program.

RESOLUTION 6—PRESERVATION OF BUTTER'S COLOR

Whereas the color yellow traditionally and historically belongs to butter and not to imitations and substitutes; and

Whereas use of the color yellow in the marketplace by imitation products tends to confuse consumers and constitutes deceitful merchandising: Therefore be it

Resolved, That the membership believes the color yellow should be reserved for butter exclusively and urges the Wisconsin Council of Agriculture Cooperative, the Wisconsin Creameries Association, and other organizations representing dairymen to strive to preserve butter's inherent right to this color.

RESOLUTION 7—HAULERS

Whereas Consolidated Badger members and management have always enjoyed an excellent working relationship with its private contract carriers; and,

Whereas haulers have done a great deal to build and strengthen Consolidated Badger over the years: Therefore, be it

Resolved, That the membership commend their contract haulers for their good work in helping build the cooperative and further urges a continuation of the present farm-to-plant hauling relationship.

RESOLUTION 8—FINANCIAL POLICIES

Whereas Consolidated Badger Cooperative is in a strong financial condition with a highly favorable current assets-current liabilities ratio; and

Whereas the cooperative has always been strongly and soundly financed enabling it to cope with new conditions and situations: Therefore, be it

Resolved, That the board of directors and management be commended for their sound financial judgment and policies; and be it further

Resolved, That the board of directors develop and execute any such policies that may be necessary to assure the continued sound financing and successful operation of the cooperative.

RESOLUTION 9

Resolved, That the members of Consolidated Badger Cooperative, in annual meeting assembled this 1st day of May 1962, take the following stand regarding income tax treatment of cooperatives:

1. The present income tax treatment of cooperatives (including the exemptions granted farmers' cooperatives) is fully justified and necessary and should be continued.

2. The net margins of cooperatives which are distributed to patrons and members, including dividends on capital stock, should be included in the gross income of patrons for the year in which received by the patrons regardless of the form in which the distributions are made.

3. We are opposed to withholding tax on dividends on capital stock and patronage dividends. We contend that current tax withholding proposals before Congress would seriously jeopardize cooperatives' fiscal programs and that such legislation is impractical and unworkable.

RESOLUTION 10

We recognize the important part that representatives of the newspapers, TV, and radio play in disseminating economic information to dairy producers.

We are grateful for the excellent cooperation given Consolidated Badger by these members of the press: Therefore, be it

Resolved, That the members of Consolidated Badger commend these people for their helpfulness and cooperation over the last year. We look forward to your continued support and cooperation.

RESOLUTION 11—FREE FLOW OF MILK

Whereas over 80 percent of Wisconsin's milk is used and consumed outside our boundaries; and

Whereas it is beneficial to the economic interests of Wisconsin agriculture to encourage easy access of Wisconsin milk into other areas: Now, therefore, be it

Resolved, That the membership of Consolidated Badger Cooperative support the free flow of milk principle and opposes barriers designed to thwart this movement of milk in interstate commerce.

RESOLUTION 12

Consolidated Badger Cooperative's equities retirement program is designed to be of maximum benefit to the members and over the years has enabled members to set aside funds for their future retirement.

In order that a totally disabled member might receive the same benefits as those who have otherwise qualified under the plan; Be it

Resolved, That the plan may become operative in the event of total disability of a member and a medical doctor's certificate proving such total disability.

RESOLUTION 13

Dairy products are known and recognized as being healthful and milk is regarded as nature's "most nearly perfect food."

Recent action by the U.S. Army has sought to deprive soldiers of dairy products because of so-called scares and publicity given unproved claims regarding cholesterol: Be it

Resolved, That the members of Consolidated Badger Cooperative oppose the position announced by the Department of the Army and urges our U.S. Senators and Congressmen to oppose this new policy which is based on incomplete evidence and findings.

RESOLUTION 14

Resolved, That the directors of the association shall be paid for attendance at meetings and time spent upon corporate business $15 per day and necessary expenses, including railroad fare, incident to the transaction.

RESOLUTION 15

Resolved, That we extend thanks to the city of Shawano, the board of education, Badger employees and their wives, and to those who contributed to making this meeting a success.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on Judiciary, without amendment:

S. 2310. A bill for the relief of H. F. Hsu (Rept. No. 1456);

S. 2675. A bill for the relief of Yiannoula Vasiliou Tsambiras (Rept. No. 1457);

S. 2732. A bill for the relief of Yoon So Shim (Rept. No. 1458);

H.R. 1372. An act for the relief of Rocco Cambrea (Rept. No. 1469);

H.R. 1533. An act for the relief of Lee Kyong Ja (Rept. No. 1470);

H.R. 1650. An act for the relief of Irene Kemeny (Rept. No. 1471);

H.R. 1700. An act for the relief of Jaime Abejuro (Rept. No. 1472);

H.R. 3005. An act for the relief of Sister Mary Aurelia (Chiara Di Gesu) (Rept. No. 1473);

H.R. 5689. An act for the relief of Felicja Saulevica (Rept. No. 1474); and

H.R. 6344. An act for the relief of Mon (Fred) Young (Rept. No. 1475).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 1174. A bill for the relief of Dr. Kwan Ho Lee (Rept. No. 1459);

S. 1524. A bill for the relief of Salvatore Spatafora (Rept. No. 1460);

S. 2198. A bill for the relief of Lise Marie Berthe Marguerite De Simone (Rept. No. 1462);

S. 2355. A bill for the relief of Filomena F. Schenkenberger (Rept. No. 1461);

S. 2990. A bill for the relief of Caterina Scalzo (nee LoSchiavo) (Rept. No. 1463); and

H.R. 1347. An act for the relief of Adolf M. Bailer (Rept. No. 1476).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 1398. A bill for the relief of Erich Hoffinger (Rept. No. 1464);

S. 2144. A bill for the relief of Alex Vedeler (Rept. No. 1465);

S. 2621. A bill for the relief of Isabel Loretta Allen (Rept. No. 1466);

S. 2769. A bill for the relief of Renato Granduc O'Neal and Grazia Granduc O'Neal (Rept. No. 1467); and

H.J. Res. 638. Joint resolution for the relief of certain aliens who are serving in the U.S. Armed Forces (Rept. No. 1468).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

H.R. 10162. An act to amend the Bretton Woods Agreements Act to authorize the United States to participate in loans to the International Monetary Fund to strengthen the international monetary system (Rept. No. 1477).

By Mr. LONG of Hawaii, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 10062. An act to extend the application of certain laws to American Samoa (Rept. No. 1478).

By Mr. JORDAN, from the Committee on Rules and Administration, without amendment:

S. Res. 324. Resolution expressing the willingness of the Senate to cooperate in a Senate youth program (Rept. No. 1483);

S. Res. 330. Resolution authorizing the printing as a Senate document of a report entitled "Study Mission to South America," submitted by Senators GALE W. MCGEE, FRANK E. MOSS, CLAIR ENGLE, and STEPHEN M. YOUNG (Rept. No. 1484);

S. Res. 332. Resolution to investigate certain aspects of national security methods (Rept. No. 1482);

S. Res. 334. Resolution authorizing the printing as a Senate document of a legislative history of H.R. 6775 of the 87th Congress (a bill to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences) (Rept. No. 1486); and

S. Res. 335. Resolution to print as a Senate document a symposium entitled "Education for Survival in the Struggle Against World Communism"; (Rept. No. 1487).

By Mr. JORDAN, from the Committee on Rules and Administration, with an amendment:

S. Con. Res. 69. Concurrent resolution to print additional copies of hearings on "Constitutional Rights of the Mentally Ill" (Rept. No. 1485).

By Mr. JORDAN, from the Committee on Rules and Administration, with amendments:

S. Res. 336. Resolution to print additional copies of a report on Government contracting for research and development (Rept. No. 1488).

REPORT ENTITLED "STUDY OF THE FEDERAL JUDICIAL SYSTEM"—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 1479)

Mr. JOHNSTON. Mr. President, from the Committee on the Judiciary I submit a report entitled "Study of the Federal Judicial System" pursuant to S. Res. 56, 87th Congress, 1st session, as extended, together with individual views.

I ask unanimous consent that this report, together with the individual views of the Senator from Nebraska [Mr. HRUSKA], and the Senator from New York [Mr. KEATING] be printed.

The PRESIDING OFFICER (Mr. PELL in the chair). Is there objection? The Chair hears none, and the report will be received and printed, as requested by the Senator from South Carolina.

REPORT ENTITLED "ADMINISTRATIVE PRACTICE AND PROCEDURE"—REPORT OF A COMMITTEE (S. REPT. NO. 1480)

Mr. CARROLL, from the Committee on the Judiciary, pursuant to Senate Resolution 51, 87th Congress, 1st session, as extended, submitted a report entitled "Administrative Practice and Procedure," which was ordered to be printed.

REPORT ENTITLED "PATENTS, TRADEMARKS, AND COPYRIGHTS"—REPORT OF A COMMITTEE (S. REPT. NO. 1481)

Mr. McCLELLAN, from the Committee on the Judiciary, pursuant to Senate Resolution 55, 87th Congress, 1st session, as extended, submitted a report entitled "Patents, Trademarks, and Copyrights," which was ordered to be printed.

TO PRINT AS A SENATE DOCUMENT, REVISED EDITION OF SENATE DOCUMENT NO. 98, 84TH CONGRESS, ENTITLED "FEDERAL CORRUPT PRACTICES AND POLITICAL ACTIVITIES"—REPORT OF A COMMITTEE (S. REPT. NO. 1489)

Mr. JORDAN, from the Committee on Rules and Administration, reported an original resolution (S. Res. 338), which was placed on the calendar, as follows:

Resolved, That a revised edition of Senate Document Numbered 98 of the Eighty-fourth Congress, entitled "Federal Corrupt Practices and Political Activities" be printed as a Senate document.

ESTELLE A. ENGLAND—REPORT OF A COMMITTEE

Mr. JORDAN, from the Committee on Rules and Administration, reported an original resolution (S. Res. 339); which was placed on the calendar, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Estelle A. England, mother of Shirley A. Preston, an employee of the Senate at the time of her death, a sum equal to five months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

ROBERT T. PLOWMAN AND LUCY P. MUNRO—REPORT OF A COMMITTEE

Mr. JORDAN, from the Committee on Rules and Administration reported an original resolution (S. Res. 340); which was placed on the calendar, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Robert T. Plowman, son, and Lucy P. Munro, daughter of S. Rex Plowman, an employee of the Architect of the Capitol assigned to duty in the Senate Office Building at the time of his death, a sum to each equal to three months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. McNAMARA, from the Committee on Public Works:

Martin W. Oettershagen, of Illinois, to be a member of the Advisory Board of the St. Lawrence Seaway Development Corporation.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF (for himself and Mr. HRUSKA):

S. 3270. A bill to amend the Migratory Bird Conservation Act in order to provide that the Under Secretaries of the Departments of the Interior, Commerce, and Agriculture shall be members of the Migratory Bird Conservation Commission; to the Committee on Commerce.

(See the remarks of Mr. METCALF when he introduced the above bill, which appear under a separate heading.)

By Mrs. SMITH of Maine:

S. 3271. A bill to establish a National Citizenship Commission, and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mrs. SMITH of Maine when she introduced the above bill, which appear under a separate heading.)

By Mr. ANDERSON:

S. 3272. A bill to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. ANDERSON when he introduced the above bill, which appear under a separate heading.)

By Mr. FULBRIGHT (by request):

S. 3273. A bill to amend the Foreign Service Act of 1946, as amended; to the Committee on Foreign Relations.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

By Mr. FONG:

S. 3274. A bill for the relief of Ho Koon Chew; to the Committee on the Judiciary.

By Mr. CLARK:

S. 3275. A bill for the relief of Anna Sciamanna Misticoni; to the Committee on the Judiciary.

By Mr. KEFAUVER:

S. 3276. A bill for the relief of Mrs. Margaret Patterson Bartlett; and

S. 3277. A bill for the relief of Alessandro Ricci; to the Committee on the Judiciary.

By Mrs. NEUBERGER (for herself and Mr. MORSE):

S. 3278. A bill to amend the Agricultural Marketing Agreement Act of 1937, as amended; to the Committee on Agriculture and Forestry.

By Mr. WILEY:

S. 3279. A bill for the relief of Yet Gee Moy (Tsze Woo Lai) and Mee Sen Moy (Sau Ming Lai); to the Committee on the Judiciary.

RESOLUTIONS

TO PRINT AS A SENATE DOCUMENT, REVISED EDITION OF SENATE DOCUMENT NO. 98, 84TH CONGRESS, ENTITLED "FEDERAL CORRUPT PRACTICES AND POLITICAL ACTIVITIES"

Mr. JORDAN, from the Committee on Rules and Administration, reported an original resolution (S. Res. 338), which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. JORDAN, which appears under the heading "Reports of Committees.")

ESTELLE A. ENGLAND

Mr. JORDAN, from the Committee on Rules and Administration, reported an original resolution (S. Res. 339) to pay a gratuity to Estelle A. England, which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. JORDAN, which apears under the heading "Reports of Committees.")

ROBERT T. PLOWMAN AND LUCY P. MUNRO

Mr. JORDAN, from the Committee on Rules and Administration, reported an original resolution (S. Res. 340) to pay a gratuity to Robert T. Plowman and Lucy P. Munro, which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. JORDAN, which appears under the heading "Reports of Committees.")

AMENDMENT OF MIGRATORY BIRD CONSERVATION ACT TO PERMIT UNDER SECRETARIES OF DEPARTMENTS OF INTERIOR, COMMERCE, AND AGRICULTURE TO PARTICIPATE AS MEMBERS OF MIGRATORY BIRD CONSERVATION COMMISSION

Mr. METCALF. Mr. President, on behalf of the senior Senator from Nebraska [Mr. HRUSKA] and myself, I introduce, for appropriate reference, a bill to amend the Migratory Bird Conservation Act so as to permit the Under Secretaries of the Departments of the Interior, Commerce, and Agriculture to participate as members of the Migratory Bird Conservation Commission.

Under existing statutes, the Commission is composed of the three Cabinet members and two Members from each House of the Congress. Senator HRUSKA and I are Members from the Senate; Representatives KARSTEN and GAVIN, from the House.

The purpose of our amendment is to provide more consistent representation of the Departments of Commerce and Agriculture at meetings of the Commission.

The Secretary of the Interior, who serves as Chairman of the Commission, has compiled a summary breaking down the attendance at Commission meetings in recent years. The tabulation indicates that in the past the Secretaries of Agriculture and Commerce have been unable to attend the meetings regularly.

With this in mind, Mr. President, we propose to permit the Under Secretaries of the Departments of the Interior, Commerce, and Agriculture to serve as alternates for the Secretaries at the meetings of the Commission.

Our amendment has the support of the Secretary of the Interior, the Wildlife Management Institute, the National Audubon Society, the National Wildlife Federation, the Izaak Walton League, and other conservation organizations.

The Secretary of the Interior informs us that enactment of the wetlands bill—Public Law 87-383—by the Congress last year will accelerate the land acquisition program of the Commission, meaning that more frequent meetings of the Commission will be necessary.

For this reason, and because the Secretaries of the Departments of Commerce and Agriculture have been unable to attend the meetings regularly in the past, we are asking approval of this amendment. By permitting the Under Secretaries to participate with full voting rights in the Commission meetings, more frequent representation of the executive departments at the meetings will be facilitated.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3270) to amend the Migratory Bird Conservation Act in order to provide that the Under Secretaries of the Departments of the Interior, Commerce, and Agriculture shall be members of the Migratory Bird Conservation Commission, introduced by Mr. Metcalf (for himself and Mr. HRUSKA), was received, read twice by its title, and referred to the Committee on Commerce.

NATIONAL CITIZENSHIP COMMISSION

Mrs. SMITH of Maine. Mr. President, I introduce, for appropriate reference, a bill to establish a National Citizenship Commission. I ask unanimous consent that the bill lie on the table until the close of business on May 22, 1962, for cosponsorship by such other Senators who desire to cosponsor it.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will lie on the table, as requested by the Senator from Maine.

The bill (S. 3271) to establish a National Citizenship Commission, and for other purposes, introduced by Mrs. SMITH of Maine, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

NONREIMBURSABILITY OF THE COST OF CERTAIN INVESTIGATIONS BY THE BUREAU OF RECLAMATION

Mr. ANDERSON. Mr. President, I introduce, for appropriate reference, a bill to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable. The purpose of the bill is to make nonreimbursable all costs of investigations of a general nature or investigations leading to authorization of reclamation projects and works so as to provide for uniform treatment of such costs throughout the Bureau of Reclamation and the entire Federal Government.

In the water resources development field, the Department of Agriculture is authorized by Public Law 566 of the 83d Congress, 2d session, to cooperate with the State and local organizations in developing watershed improvement plans. This involves examinations and surveys to develop plans and tests for economic feasibility as well as to provide financial assistance in carrying out the plans. All of these investigations costs are nonreimbursable. Likewise, the Corps of Engineers is the Federal agency responsible for making examinations of flood control and navigation projects. In these projects, the costs allocated to the various project funds including the reimbursable items of irrigation, power, and municipal water do not include the cost of preauthorization planning.

It is in the interest of a more uniform and equitable treatment of the beneficiaries of the works of the various agencies of the Federal Government that this bill is introduced. All preauthorization investigations incurred from funds appropriated for the use of all agencies, including the Bureau of Reclamation should be on the same basis and should be nonreimbursable.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3272) to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable, introduced by Mr. ANDERSON, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

AMENDMENT TO THE FOREIGN SERVICE ACT OF 1946

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the foreign Service Act of 1946, as amended.

The proposed legislation has been requested by the Secretary of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the RECORD at this point, together with the letter from the Secretary of State, dated April 28, 1962, in regard to it.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 3273) to amend the Foreign Service Act of 1946, as amended, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1002 of the Foreign Service of 1946, as amended, is hereby amended by striking out the period at the end of the first sentence and inserting a colon and the following: "*Provided,* That a retired officer of the Service may, with the authorization of the Secretary, accept an offer of employment made by a foreign government."

The letter presented by Mr. FULBRIGHT is as follows:

THE SECRETARY OF STATE,
Washington, D.C., April 28, 1962.

The VICE PRESIDENT,
U.S. Senate.

DEAR MR. VICE PRESIDENT: Enclosed is a proposed bill to authorize retired Foreign Service officers to accept, with the authorization of the Secretary of State, employment as advisers to foreign governments, which the Department believes desirable to enable certain newly independent countries to secure advice in establishing embassies and in becoming familiar with practices of protocol.

Several nations, especially in Africa, have approached the Department requesting the services of retired Foreign Service officers to act as advisers in establishing embassies in the United States and throughout the world, and to provide assistance in training personnel in protocol and the formalities of diplomatic relations.

At the present time, the Department has been unable to comply with such requests due to the provision of the Constitution prohibiting persons holding offices of profit or trust of the United States from accepting, without the consent of Congress, any office of any foreign state. Because retired Foreign Service officers are subject to recall by the Secretary of State in times of emergency, they have been considered as subject to this prohibition.

The attached amendment to the Foreign Service Act of 1946 overcomes this problem. It gives specific congressional approval for retired Foreign Service officers to accept offers of employment made by a foreign government if the Secretary gives his approval.

Sincerely yours,

DEAN RUSK.

AIRCRAFT LOAN GUARANTEES—AMENDMENT

Mr. HARTKE (by request) submitted an amendment, intended to be proposed by him, to the bill (S. 2815) to amend the Act of September 7, 1957, relating to aircraft loan guarantees, which was referred to the Committee on Commerce and ordered to be printed.

AUTHORIZATION FOR A ROAD IN THE CHEROKEE NATIONAL FOREST OF TENNESSEE AND THE NANTAHALA NATIONAL FOREST OF NORTH CAROLINA—AMENDMENT

Mr. KEFAUVER. Mr. President, on behalf of myself, and Senators GORE, ERVIN, and JORDAN, I submit, for appropriate reference, an amendment to Senate bill 3136, the Federal-aid highway bill, to authorize an appropriation for a road in the Cherokee National Forest and the Nantahala National Forest between Tellico Plains, Tenn., and Robbinsville, N.C.

The proposed road would open a vast and beautiful area of virgin forest and mountain to millions of visitors who are now unable to enjoy these natural wonders due to inadequate access. The area is the largest concentration of national forest lands east of the Mississippi; and even with poor access this beautiful, primitive wilderness of towering mountain peaks and clear streams is attracting over a million visitors a year. With the aid of the proposed road, the number of visitors to the area's abundant fishing, hunting, and camping sites could well exceed 10 million, bringing healthful recreation to the visitors and a substantial tourist business to areas of Tennessee, North Carolina, Virginia, and Georgia. It has been estimated that 125 million Americans live within 24 hours' traveltime of these vast national forests. The authorization I am requesting seems to me a small price for the great potential benefits to so many Americans.

I ask unanimous consent that the amendment be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment was referred to the Committee on Public Works, as follows:

On page 3, beginning with line 10, strike out all through line 12 and insert in lieu thereof the following:

"(8) For public lands highways, $5,500,000 for the fiscal year ending June 30, 1964, of which $2,500,000 is for a highway between Tellico Plains, Tennessee, and Robbinsville, North Carolina, and $5,500,000 for the fiscal year ending June 30, 1965, of which $2,500,000 is for such highway between Tellico Plains, Tennessee, and Robbinsville, North Carolina."

HUMANE TREATMENT OF CERTAIN ANIMALS—ADDITIONAL COSPONSOR OF BILL

Mrs. NEUBERGER. Mr. President, at the next printing of the bill (S. 3088) to provide for the humane treatment of animals used in experiments and tests by recipients of grants from the United States and by agencies and instrumentalities of the U.S. Government, and for other purposes, introduced by the Senator from Pennsylvania [Mr. CLARK] on March 28, 1962, I ask unanimous consent that my name may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPEAL OF SECTION 13a OF INTERSTATE COMMERCE ACT—ADDITIONAL COSPONSORS OF BILL

Mr. HARTKE. Mr. President, I ask unanimous consent that the names of the Senator from Minnesota [Mr. HUMPHREY], the Senator from Pennsylvania [Mr. CLARK], and the Senator from Georgia [Mr. TALMADGE] be added as cosponsors of S. 3216, the bill I introduced on April 25, 1962, which would repeal section 13a of the Interstate Commerce Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF RECEIPT OF NOMINATION BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nomination of Wymberley DeR. Coerr, of Connecticut, to be Ambassador to Uruguay.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

NOTICE OF HEARINGS ON S. 1740, S. 1363, AND S. 3096

Mr. ROBERTSON. Mr. President, the Subcommittee on Production and Stabilization is holding hearings on S. 1740, and it now appears that hearings will last at least through next week.

A hearing on S. 1363 and S. 3096, relating to small business construction set-asides, has been scheduled for Wednesday, May 16, before the Small Business Subcommittee.

I wish to announce that, after consulting with the chairmen of the subcommittees, the hearing on S. 1363 and S. 3096 has been postponed for the time being, and will not be held on May 16, in order to insure completion of the hearings on S. 1740 by the end of next week. Notice will be given later in the RECORD of the new date for the hearings on S. 1363 and S. 3096.

NOTICE OF HEARING ON H.R. 8140, A BILL TO STRENGTHEN THE CRIMINAL LAWS RELATING TO BRIBERY, GRAFT, AND CONFLICT OF INTEREST

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled before the full committee for 10:30 a.m., Tuesday, May 22, 1962, in room 2228, New Senate Office Building, on H.R. 8140, a bill to strengthen the criminal laws relating to bribery, graft, and conflict of interest, and for other purposes.

Persons or organizations desiring to testify with regard to this proposed legislation should communicate with the Committee on the Judiciary not later than Friday, May 18, 1962.

NOTICE OF HEARINGS ON CONSTITUTIONAL AMENDMENTS CONCERNING CONGRESSIONAL REPRESENTATION FOR DISTRICT OF COLUMBIA

Mr. KEFAUVER. Mr. President, the Subcommittee on Constitutional Amendments had previously scheduled hearings on proposed amendments concerning representation of the District of Columbia in Congress for tomorrow, Thursday, May 10. Due to a conflicting meeting of the full Judiciary Committee on this date, it has now become necessary to postpone these hearings until May 23, when they will be held in room 2228 of the New Senate Office Building beginning at 10 a.m.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Excerpts from farm address prepared for delivery by himself over Wisconsin radio stations, for release on May 13, 1962.

Excerpts from address prepared by himself for delivery of Wisconsin radio and television stations, May 12–13, 1962.

GEN. RALPH E. TRUMAN

Mr. SYMINGTON. Mr. President, last month one of Missouri's most distinguished citizens and military leaders, Maj. Gen. Ralph E. Truman, died at the age of 82.

General Truman was a veteran of four wars. His military service began at the age of 18 when he enlisted in the Army at the beginning of the Spanish-American War. He served with distinction in the Philippine Insurrection and the Mexican Border Wars, and had an outstanding record under fire in World War I.

For many years General Truman led the 35th Infantry Division of the Missouri National Guard. He was one of the Nation's most highly respected National Guardsmen.

He was appointed to a variety of positions in the State of Missouri, because, as is his famous first cousin, former President Harry S. Truman, General Truman was a truly dedicated public servant.

His leadership will be greatly missed by the people of our State; and I join in extending to his gracious wife and family all sympathy in the loss of a great American.

Mr. President, I ask unanimous consent that an editorial from the St. Louis Globe-Democrat, dated May 1, 1962, and an editorial from the Kansas City Times, dated May 2, 1962, be inserted at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the St. Louis Globe-Democrat, May 1, 1962]

GEN. RALPH E. TRUMAN

The death yesterday of Maj. Gen. Ralph E. Truman, retired veteran of four wars, deprives the State of one of the most distinguished military leaders and dedicated American patriots in the annals of Missouri. A cousin of former President Harry S. Truman, the general succumbed to a heart attack at the age of 82.

As a stripling of 18, Ralph Truman enlisted in the Army at the outbreak of the Spanish-American War. He served in Cuba, later in the Philippine Insurrection and in the Mexican border warfare. He was an officer with the 140th Infantry and served through World War I. He commanded the Missouri National Guard division during its mobilization for World War II.

General Truman was one of the most prophetic observers of the Castro revolution in Cuba. Long before Washington and its New York Times mentor, would believe Castro other than an "agrarian reformer," General Truman, who had made numerous trips to Cuba, warned in blunt terms the Fidelistas were rocketing Cuba toward communism and the first Soviet satellite in the Americas.

He was one of the first in the Nation to declare a Red beachhead was being established in this hemisphere and Cuba would be used as a steppingstone for infiltration and ultimate invasion of the countries washed by waters of the Caribbean.

Much of what he forecast has already happened. He had statesmanlike perception, which unfortunately did not exist in the State Department.

Governor Dalton recently signed a contract for the erection of a Spanish-American War monument in Jefferson City, which might indeed largely serve as a monument to Ralph E. Truman.

General Truman also served high public posts for various Governors in studies and recommendation for tightening State prison conditions, and obtaining a good fire-control law in the State, particularly for nursing homes. He was chairman of the penal survey committee in 1954 and did not retire from the fire safety post until 1959.

One of the highest type, public-spirited citizens Missouri has produced, General Truman leaves a splendid record in which his family and the whole State can have profound satisfaction and gratitude.

[From the Kansas City Times, May 2, 1962]

GEN. RALPH E. TRUMAN

A veteran of four wars, Ralph E. Truman carried high the tradition of Americans who fought for this country's independence and freedom at Lexington, Bunker Hill, and Valley Forge. Like the minutemen of the Revolution, he was a soldier of the citizen militia and very proud to be one.

In Ralph Truman's own time, the militia born in the American Colonies evolved into the National Guard of today. As commander of the 35th Infantry Division, he became one of the Nation's most distinguished guardsmen.

There are few parallels for his rise from private to major general in the same division. Earlier, he had developed a lifelong passion for military service while fighting in Cuba and in the Philippines as a corporal. A natural leader with a commanding presence, Ralph Truman helped organize the militia of Missouri and Kansas into the 35th Division for World War I duty in France.

Friends in his old regiment, the 140th Infantry, remember Ralph Truman for his great sentimental warmth, his colorful, sometimes explosive personality, and his extraordinary courage. On one occasion in France he took charge amid confusion, reorganized faltering troops, and led a bayonet charge that overran the enemy's position.

His courage is particularly remembered by a member of the Star's staff who served as first duty sergeant of the intelligence battalion. This old soldier carries the mental picture of Truman crawling out into no-man's land through the barbed wire shortly after dusk. Accompanied by one or two enlisted men, he spent hours calmly investigating the enemy wire, freezing to immobility only when a phosphorus flare brightened up the terrain. His weapon on these occasions was a short club, studded with nails.

After World War I, Ralph Truman remained active as a National Guard officer until his retirement because of age early in World War II. Over the years "Snapper" Truman and his cousin and close friend, former President Harry S. Truman, were popular figures at the annual 35th Division reunions. General Truman also took time from his civilian investigative work to make surveys of Missouri penal and mental institutions at the request of the Governor.

To Ralph Truman, who has died at 81, nothing was more important than serving the Nation and the State. Pride in their father's fine military record inspired his two sons to attend West Point and become Regular Army officers. General Truman was a splendid citizen-soldier dedicated to his country.

NATO MEETING A MAJOR SUCCESS FOR AMERICAN DIPLOMACY

Mr. SYMINGTON. Mr. President, we who are pleased by the way in which the Department of State is being directed by Secretary Rusk and the Department of Defense by Secretary McNamara have special reasons for satisfaction after reading an article entitled "NATO Meeting Rated Major U.S. Success," written by Crosby S. Noyes and published in the Washington Evening Star of May 7, 1962. The article begins as follows:

> The NATO meeting which has just ended adds up to a major success for American diplomacy and by far the most effective performance of the Kennedy administration in the international arena so far.
>
> This at least is the estimate of some of the most intelligent and experienced European diplomats here.
>
> Men who have sat through virtually every NATO meeting since the foundation of the alliance rate this as the most significant demonstration of American leadership in recent years.

Madam President, the people of the Nation can take quiet but deep pride in those observations.

I ask unanimous consent that the entire article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

NATO Meeting Rated Major U.S. Success

(By Crosby S. Noyes)

Athens, May 7.—The NATO meeting which has just ended adds up to a major success for American diplomacy and by far the most effective performance of the Kennedy administration in the international arena so far.

This at least is the estimate of some of the most intelligent and experienced European diplomats here.

Men who have sat through virtually every NATO meeting since the foundation of the alliance rate this as the most significant demonstration of American leadership in recent years.

This fact, unfortunately, was hardly reflected in the usual insipid official communique published yesterday. For their part the Americans have been understandably cautious in claiming any major success.

Nevertheless, in the concluding sessions of the meeting Secretary of State Rusk and Secretary of Defense McNamara put over a number of points likely to affect the alliance deeply over the coming months. In doing so they made a new and powerful impression on many of their NATO colleagues.

Mr. Rusk sought (and won) broad support for continuing his efforts to reach some solution of the Berlin problem by talks with the Russians. As one minister put it, "He came away with the approval of 14 nations and the acceptance of 1."

Whatever lingering doubts they may have on some of the details of the American approach, the West German delegation here gave every indication of agreeing—and even perhaps welcoming—the verdict of the alliance as a whole. Even French reservations over the Berlin question never reached the point of open opposition that was feared at the beginning of the session.

QUESTION OF TACTICS

The French reservations, in fact, apply more to questions of tactics and procedure than to basic policy. There are still misgivings about the course future probing talks between the United States and Russia may take and disagreement about the conditions under which these talks should occur.

Nevertheless, the French here in Athens have been considerably less vociferous in their remarks than they were during last December's NATO meeting in Paris. And in the end they offered no objection to the continuing American exploration of the Berlin problem.

The formal communique made little reference to the Russian-American talks on Berlin, saying only that the alliance "took note" of them.

MORE SPECIFIC OF ARMS

The communique was a bit more specific in reporting the new U.S. policy regarding NATO and nuclear armaments. In summing up, the communique said:

"The purpose of NATO is defense, and it must be clear that in case of attack (NATO) will defend its members by all necessary means."

This oft-repeated warning that NATO would use nuclear weapons to defend Western Europe was reinforced by the American commitment to put five Polaris-firing nuclear submarines under the technical command of NATO.

The communique noted also that it had "been decided to set up special procedures which will enable all members of the alliance to exchange information concerning the role of nuclear weapons in NATO defense."

M'NAMARA'S TALK

The main task of putting over the American policy on nuclear weapons fell to Defense Secretary McNamara. The policy involves a far franker discussion of global strategic realities than the NATO Council ever has heard.

Mr. McNamara's long, detailed and highly convincing presentation of the Western position in both the conventional and nuclear fields was the first solid indication of what the new policy of sharing information will mean to the alliance in the future.

The two major points that Mr. McNamara wanted to make hit home hard with a large majority of his listeners.

The need for continued effort in building Western conventional strength was forcefully illustrated by American plans to increase the strength and mobility of its own forces including such major innovations as the establishment of floating supply depots in critical areas of the world.

LEFT GASPING

The facts of the American nuclear superiority over the Russians were spelled out in such detail that many of his listeners were left gasping.

"We've never heard anything like it," said one senior NATO diplomat. "Many things that were never really understood now appear in a wholly new light."

Americans in Athens have been cautious in predicting the practical results of Mr. McNamara's efforts on the military development of NATO. The project for an independent NATO nuclear deterrent, they point out, is still to be decided. The United States still would be receptive to any proposal along this line that the European nations agree on among themselves.

RESERVED COMMENT

Other diplomats here, however, are a good deal less reserved. The whole import of the American case, they point out, has been to offer an acceptable alternative to the idea of a separate NATO nuclear force.

Most are now convinced that there is no military need for such a force and that American nuclear power is entirely adequate for the defense of Western Europe.

The new willingness to share information, and greater European participation in the formulation of Western strategy, is expected to ease political pressures in some countries for an independent deterrent.

FINANCIAL PROBLEMS

"Of course there will be more discussion of problems," one minister observed, "particularly on the question of how we propose to find $2 billion to pay for a NATO nuclear force. Personally, however, I have no doubt at all what the decision will be."

When it comes to the business of building up NATO's conventional strength, there are perhaps a good many more questions.

Impressed as they may be by the size of the American effort, few ministers here are under any great illusion about the chances of increasing the size of their armed forces in a period of relative cold war calm.

Such effort as may be made will in all probability be directed at improving the quality of forces already available. In some cases there may even be certain reductions in total manpower.

Whatever the practical outcome, however, there is no doubt that the American team talked in Athens with confidence and authority that the NATO council hasn't heard for many years.

This could be the result—and there is some evidence that this is the case—of the greater confidence of American leaders in their own military position in relation to the Communist bloc.

But it is also the result certainly of a new clarity and purpose within the administration itself—a coming of age which will be welcomed in Europe as fervently as in the United States.

SOUTH DAKOTA'S STAKE IN TARIFF TALK

Mr. CASE of South Dakota. Mr. President, last week President Kennedy told a New Orleans audience that the United States "must trade or fade." That may well be true.

That may be true for South Dakota, too, but the subject warrants examination.

GETTING DOWN TO CASES

Our automobile manufacturers for many years supplied a large portion of the cars sold around the world. Whether that can continue or not in the face of mounting costs remains to be seen. Cars made abroad have been selling in the United States in impressive numbers.

Textile manufacturers in New England have been worried for some time about the shifting of their business to the South where labor costs were less. In recent years, some of the southern Senators have been complaining that their States now are losing business to synthetics made both here and abroad.

In South Dakota, we have known that foreign wool, foreign meats, foreign mica, and even Canadian rye have bid for our home markets.

TARIFFS DO AFFECT US

The Reciprocal Trade Act of 1934 authorized 50-percent cuts in the tariffs of 1930. One of the first things hit hard was domestic manganese—and the big deposits in the Oacoma-Chamberlain region have never been able to surmount the handicap of low tariffs even though many processes have looked promising.

What will be the effect on South Dakota's main production—that of farms and ranches—if the President is given the broad powers to reduce or raise tariffs by executive agreements which he seeks without any review by Congress?

Here are some things to keep in mind as the debate proceeds in Congress and in the country.

WOULD COTTON BECOME THE ONLY FARM EXPORT?

On February 4, 1962, the New York Times featured an article by an analyst, J. H. Carmical, which said:

> In 1960, the United States sold farm products amounting to $1,100 million to the Common Market countries. U.S. exports to all of Europe in 1960 amounted to some $2 billion, all of which was paid in dollars. Cotton and soybeans appear to be the only two major farm products that would be permitted free importation into the Common Market.

Mr. Carmical stated:

> One of the essentials in the Common Market agreement is the imposition of tariffs on farm products imported from outside sources at rates equal to the difference between the world price and the Common Market support price.

That would mean a high wall for our farm exports to hurdle.

MOST GRAINS PUT OFF

On the 8th of March, the White House made public a complex report on reciprocal tariff cuts proposed by 32 nations meeting under the auspices of GATT. A summary said:

> The Common Market pledged that in working out common agricultural policies it would take steps to preserve the market within the six-nation bloc for such U.S. farm goods as cotton, soybeans, tallow, hides, and skins and some fruits and vegetables.
>
> The United States also won a reduction in the Common Market duty on tobacco. But in the case of most grains and some livestock products, final settlement of tariff questions was pushed off to future negotiation, while the Common Market works out details of uniform programs for farm price supports and other such measures among its own members.

On April 17, the Wall Street Journal said:

> As a result of expected restrictions by the six-nation Common Market, U.S. officials now figure that wheat sales to the bloc could fall by 1965 to around $35 million from the $120 million now. Poultry shipments might fall far below the current $36 million pace.

Earlier, on January 16, 1962, the New York Times had reported that proposed concessions on wheat, feed grains, rice, tobacco, and livestock, including poultry, were "unsatisfactory."

This points up why some Members of Congress would like a bill of particulars before granting the President full bargaining powers on tariff matters. If there is to be trading, somebody will have to negotiate it. But it would be sensible to lay down a few guidelines in the law itself—and to give Congress at least a chance to review a deal before it went into effect.

Especially if cotton and soybeans are the only two farm products that the members of the Common Market would take tariff free.

LIVESTOCK IS OUR BIG CASH CROP

In 1955, returns from livestock accounted for two-thirds of our farm income in South Dakota. In 1959, livestock provided about four-fifths, 80 percent of it. This is partly due to marketing more of our feed grains in the form of livestock.

Crop controls in the cotton States have increased cattle raising there. One thing is certain: while cotton fields can grow grass our cow country cannot grow cotton.

Soybeans are increasing as a cash crop in South Dakota. They can be grown on a lot of corn ground. But although initially beans might be reported by the countries of the Common Market, the same article by Mr. Carmical says those countries can be self-sufficient in soybeans at the end of 7 years.

Dr. Max Myers, agricultural economist at South Dakota College, is a homegrown Gregory County farm boy who was for several years head of foreign trade in the Department of Agriculture. He thinks South Dakota's interest lies on the side of developing more agricultural exports. We have respect for his knowledge of facts, experience, and judgment.

Before South Dakota goes overboard on giving the President powers to negotiate tariffs by executive agreement without review by Congress, we are entitled to know what will be in the trade agreements with reference to livestock and wheat and feedgrains as well as cotton and soybeans.

Lacking that, Congress should keep the right to veto the deals.

SUPPLY MANAGEMENT

Keep those two words in mind. You will read them and hear them often in the coming months. They are the central theme of Agriculture Secretary Freeman's pleas for his farm bill. They are the basis of all proposals for control of output of farm and factory.

It is well to keep in mind, of course, that if supplies are to be managed, there will be a manager. And he could be at a desk in Washington—beyond your reach.

And, like the "expert" who aroused Senator AIKEN's ire, he might not understand why milk supply cannot be "managed" in June and July as well as in January.

THE FOREIGN AID PROGRAM OF THE NATIONAL COUNCIL OF CATHOLIC WOMEN

Mr. KEATING. Mr. President, among the many private agencies, organizations, and groups which contribute to our foreign aid effort, one of the most outstanding is the program of the National Council of Catholic Women. Over the years the NCCW has developed a number of programs to bring deserved help and hope to countless people around the world.

In a recent speech before the Institute on the United Nations in New York City, the Most Reverend Edward E. Swanstrom, executive director of CRS-NCWC, discussed some of the spiritual aspects of the foreign aid program and outlined some of the work being done by the NCCW in this area.

Mr. President, I ask unanimous consent to include an excerpt from Bishop Swanstrom's perceptive and illuminating address. This excerpt describes some of the work being done by the National Council of Catholic Women in all parts of the world.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NEW EMPHASES IN INTERNATIONAL PROGRAMS

May I begin by commending you in the highest terms on the institute you have been holding in New York on the general topic "Peace and Progress." It is deeply encouraging to know that you have given your hearts and minds, your time and energies, to the work of the United Nations and to consideration of the letter of our Holy Father, "mater et magistra."

The implications of this great letter on charity and social progress are being discussed around the whole world from New York to Ibadan, from Paris to Brisbane, and from Montreal to Rome.

It is being discussed not only by Catholics, but by our brothers of other beliefs. The encyclical has put a spark not only to dialogue between Catholics and those not of the church, but between Catholic and Catholic of differing social outlooks.

You have asked me to make a few remarks on new emphases on international programs. My remarks will be directed chiefly toward practical realizations in international aid efforts, because that is the field with which I have been concerned since the founding of Catholic Relief Services—NCWC in 1943. I will deal with four new points of emphases: the first emphasis is on the spiritual level; the second emphasis relates to our Government policy; the third emphasis deals with our own agency program; and the fourth and final emphasis has to do with the foreign relief program of the National Council of Catholic Women.

First, I am compelled to bring up a new spiritual emphasis in aid programs. I am compelled to do this because of certain literature that has attacked not only this institute, with its wholly laudable emphasis on the work of the specialized agencies of the United Nations, but has also attacked UNESCO and UNICEF programs, and by implication our Catholic international aid program.

This literature represents the radical right, nationalistic type of thinking which puts the all-out attack on communism as the first duty of the Christian. It describes the Reverend John F. Cronin as a "false prophet and a false witness in this booklet on communism, lulling American Catholics to sleep, anesthetizing their consciences."

I wondered whether it was wise to dignify this correspondence by mention, but I decided that in view of its wide circulation, it would be a good thing to publicly discuss it, and also put it into a theological context.

The Christian's first duty is always one of love, never one of attack—unless I include the attack on sin—which is in oneself. The love of one's neighbor may be expressed in the corporal works of mercy, since mercy is only love under the aspect of need—love going out to meet the needs of the person loved. It is with this area that Catholic Relief Services is chiefly concerned.

But love can be expressed also through the spiritual works of mercy and it is this type of love that is called for when we are confronted with people whom we believe to be in error. The radical right, who are people of great zeal and concern, believe that many of our national and international figures are dupes or servants of communism. They have, therefore, stupendous tasks of love in the order of the spiritual works of mercy. These tasks include the discovery of the truths involved and the finding of ways to communicate them to those who are believed to be in error. Such tasks would preclude all forms of hysterical attack and any expressions that might be construed as dislike or hatred.

A French theologian has recently given us a fascinating insight into the performance of the works of mercy. He tells us that any person who transcends himself in order to serve another shows implicit love of God.

For example, a woman may be working for UNICEF with purely humanistic and rationalistic motive and ideals. Let us say that she is stationed in Thailand. When her day's work is done she could devote herself to her personal concerns, to enjoyable social and cultural gatherings. Instead, she prepares special reports for the benefit of the people she is serving. Her devotion to mother and child welfare moves her into giving extra time and energy to meetings and discussions, to meetings where she can share her experiences.

Let us take a man involved in the anti-yaws program in Asia. He exhausts himself to make the program effective in the remotest villages in a tropical area. He transcends his own natural love of comfort in order to help bring health and dignity to villagers with whom he has nothing in common except a common humanity. His dedicated work helps save hundreds of people from the crippling effect of this disease.

We all have read in St. Matthew the transcendent scene—"When the Son of Man shall come in His majesty with all the angels with Him and then He shall sit upon the seat of His majesty."

He shall place on His right hand those who performed for Him the corporal works of mercy, feeding Him, giving Him to drink, clothing Him, giving Him shelter, healing Him and visiting Him. Those on the right hand will look to Him in great surprise and say, "Lord when did we see Thee hungry and feed Thee; thirsty and gave Thee drink? And when did we see Thee a stranger and took Thee in? Or naked and covered Thee, or when did we see Thee sick or in prison and came to Thee?"

The French theologian raises a most interesting point. We who perform the works of mercy as the bedrock of our Christian life, know that in serving the least of the brethren, the refugee, the leper, the hungry, and the naked, we are serving Christ himself.

Could it be that those who will be surprised at learning that they have served Christ will be rather such people as the women who served the poorest mothers of the world, as the man who fought yaws? The astonished questioners will be the people who have never heard of Christ and yet have transcended themselves in service to their neighbor? Could it not be those, who have shown implicit love of God by serving Him in the need of their neighbor, who will then learn with glad surprise that every pure act of service for another was an act of service to God himself?

This new emphasis can allow us to see in an entirely new and transfigured light the devoted services of those in the United Nations (of every race and belief under heaven) who transcended themselves in bringing healing and shelter and food, and yes, peace, to the human family.

To see and respect the servants of the United Nations in this light, I propose, is an approach more in keeping with basic Christianity than the harsh and bitter broadsides that are presently being spread about.

Now we come to a second and more practical aspect of the newer emphases in international aid programs. Our own governmental programs have shown some interesting developments.

I will mention the food-for-peace program, the Alliance for Progress, and Peace Corps efforts. The food-for-peace program has helped us to look upon our superabundance of food, not as a problem to be solved by cutting back on crops and paying farmers not to produce, but rather as a blessing for our own Nation and for the needy nations of the world. The governments of rapidly developing nations, like India and Indonesia, can now predicate their plans for social and economic development on commitments from the United States of regular amounts of grain and dairy products.

American abundance is channeled not only through governments, but through voluntary agencies working overseas. Catholic Relief Services—NCWC is one of the scores of the American people-to-people agencies distributing American food to the needy overseas without reference to race, creed, or any other factor.

Last year for example, Catholic Relief Services—NCWC handled over $65 million worth of U.S. flour, powdered milk, cornmeal and vegetable oils, and reached, in its distribution networks, approximately 28 million needy persons. I do not need to remind you, I am sure, that about 5 years ago the World Union of Catholic Women Organizations pioneered in an international assault on world hunger under the title of "War on Hunger Campaign." Such thinking on cooperative efforts to feed the family of man from the fruits of the whole earth, has had its impact on our own U.S. food-for-peace program and on FAO freedom from hunger campaign.

Another new governmental emphasis in international aid is, of course, the Alliance for Progress. The Alliance means that at last the attention of our own Nation is resolutely and purposefully focused on the nations to the south of us. Here in our own hemisphere are a group of nations undergoing a total social and economic crisis. We realize that aid through the Alliance for Progress cannot have any effect unless certain fundamental changes are made in the institutions of Latin American society. Help from outside can only benefit a nation which embarks on land reform, income tax adjustments, and on profit-sharing devices which channel a larger percentage of profit into society at large, rather than into the pockets of the possessing class.

It is earnestly hoped that the Alliance for Progress, by promoting institutional changes, will facilitate the countries of Latin America in making the great "leap forward" into a better life for the multitudes. Such a leap forward would break the ties with an outworn landholding system, with economic practice that takes high profits and then reinvests them outside of the country, with a social pattern in which conspicuous consumption was the mark of a few, and underconsumption the terrible lot of the multitude.

In changing the institutions of society, it is the conscience that must first be changed and reformed. Thus it would be disastrous if the church-related teaching and rehabilitative agencies were completely bypassed. What other approach is there to the grassroots of Latin American life? If this all-persuasive presence is not utilized to the fullest degree, the desired and necessary changes might only be achieved by the alternative method of force.

All of us have renewed hope that the gifted people of these Latin American nations will in the end resolve the enormous social and economical problems which now weight them down, and which are a source of disquiet of thinking people in the whole hemisphere. The church and its leaders are awake to the tremendous possibilities of their intervention in the social field. Senator HUMPHREY recently pointed out that there are bishops and priests in Latin America who are fighting in the streets for social justice. This is true in many countries, and we of the United States can serve as a buttress and a support for them in their fight.

Regarding the Peace Corps, I am sure there is very little I can tell you. As informed citizens, you are probably up to date on the fact that close to 700 young Americans are already working side by side with citizens of 12 nations in projects for human betterment. I would merely like to make a few remarks on an emphasis of the Peace Corps at this time.

When you are overseas, as I am for a portion of every year, you are very happy to know that American presence is not limited to jets streaking through the atmosphere, and to military training groups. Of course, our American image became heavily military during the period of upheaval and of the cold war. Peace Corps volunteers form a salutary correction to military teams. We are heartily in favor of Peace Corps efforts. It would seem logical that all Peace Corps teams be sponsored by our Government in the same way that military assistance groups are.

However, there was a time when the Peace Corps showed its interest in working out contracts with voluntary agencies who already had experience in such needed skills as house building, the forming of cooperatives, etc. In this context, the member agencies of the American Council of Voluntary Agencies negotiated with spokesmen for the Peace Corps.

After an extended period of discussion, a decision was made by the Peace Corps to negotiate contracts with certain American voluntary agencies and not with others. A line of demarcation was taken to exclude church-related voluntary agencies. I feel sure that most of you would agree with me in the thought that either the Peace Corps should act as a peace arm of our national Government, enabling your American citizens to serve the cause of peace around the world—or it should make contracts with any and all qualified and bonafide American people-to-people agencies.

I hardly need to remind you that last year Congress actually amended foreign aid legislation to make it mandatory for the administration to utilize the services of American voluntary agencies wherever practical.

There would be many tragic effects for the needy and suffering overseas if our foreign aid programs completely bypassed the projects of the church-related agencies in the same way as the Peace Corps administrators have done. And yet such a danger exists. In this connection, Senator KEATING recently made some very significant remarks about Vietnam. He called the failure of Government foreign aid to cooperate with voluntary agencies program "a lost opportunity," I would like to quote from the Senator's remarks:

"Between 40 and 70 percent of the people of South Vietnam are afflicted with an eye disease called trachoma. Unless treated, the disease leads to blindness, perhaps one of the most fearful afflictions that can befall a person. For the last 2 years, a most successful eye clinic has been operated by the Catholic Relief Services with the services of four American volunteer ophthalmologists. What is needed is to put the program on a continuing basis for several years. In about 2 years, I am told, trachoma can be virtually wiped out, except for the refugees coming from Communist North Vietnam. Mr. President, to continue my tale of the lost opportunity—this program to wipe out trachoma was discussed with the ICA and formally submitted to the Peace Corps. What was the result? Nothing. Absolutely nothing. Mr. President, I can only speculate on the reasons for missing out on a program that could have done so much for the South Vietnamese people. A new tendency seems to be developing in Government deliberately to exclude religious agencies from any participation in foreign aid projects and even from useful and important volunteer services."

I hope you will give these matters some thought.

Now for a third point, the newer emphasis of the work of our agency: We have also turned toward Central and Latin America. We have programs in 6 Central American countries and in 10 nations of South America.

A facet of the emphasis for our work in Latin America has stood before you as the keynoter of this institute. He is Father Joseph Gremillion, who directs the socioeconomic division of Catholic Relief Services, NCWC. He confers with local leaders to see that the distribution of needed clothing, foodstuffs, and medicaments forms merely a beginning of a rehabilitation process for the poorest citizens of Latin America.

If these gifts from abroad can be used to release latent energies in each country, and if the latent energies can result in self-help projects, even the dreadful slums that mark the body of South America, like great open running sores, will disappear in time.

They will only disappear when the slum dwellers are given the help they need to build houses for themselves. This help cannot reach them while the lifeblood of credit is blocked off. How would you like to have your family borrow money at the rate of 10 percent per month to build a home? You probably would not be able to build at all. This is what happens in Latin America. The church is helping to form savings and loan associations for housing. Catholic Relief Services, NCWC has been of help, both with funds and advice, in such places as Chile, Ecuador, Brazil, and the like.

Usury, like a plague, is sapping the economic lifeblood of Latin America. An answer to this plague is the credit cooperative by which even the poor can put their minimal savings to productive use, even the poor can get cheap credit. We have in our files something of which I am very proud. It is a manual for credit cooperatives, produced by Caritas in Ecuador with the help and advice of Catholic Relief Services representatives.

Such manuals could be the Magna Carta of economic rehabilitation for the poorest millions in Latin America. The credit cooperative could help liberate the families in the "faveles" of Rio de Janeiro, the "barrios" of Bogotá, Colombia, the "callampas" of Santiago, Chile, from the terrible shackles of usury that bind them. It could help remove them from subhuman living conditions in lightless, heatless shacks thrown together of tin, wood scraps, and burlap. The fostering of self-help projects throughout Latin America is the new dimension of our Catholic relief effort for that area. We are privileged beyond measure to have Father Gremillion as a coworker in this effort.

My fourth and final point concerns the newer emphasis in the foreign relief programs of the NCCW, which are conducted in cooperation with Catholic Relief Services, NCWC. Over the years, through the foreign relief committee of the NCCW with which we maintain constant contact through the consultant, Miss Eileen Egan, six programs have developed which have brought individualized help and hope to countless people around the world.

The type of help brought by the NCCW programs was outside the scope and possibilities of an overall agency like Catholic Relief Services, NCCW. I will mention three programs, Madonna plan, feed-a-family, and help-a-child, to indicate the newer dimension of the NCCW foreign relief effort.

The feed-a-family program has just been extended to Brazil.

I indicated earlier that Latin America's poor and needy can expect no improvement in their lot until certain institutions of society have been changed. The works of mercy are desperately needed until such time as these institutions have changed to reflect a greater measure of love and justice.

Fortunately the Lord raises His own instruments to minister to the needs and wants of His children. Such an instrument is Irma Dolce, of Salvador, in the Province of Bahia, Brazil.

When our delegate from Brazil, Father Alfred Schneider came to New York headquarters recently, he told us about her work. "She is the closest approximation of Mother Teresa in Calcutta," said Father Schneider. He could not give us a higher recommendation than that. Many of you are acquainted with the work of Mother Teresa, both from meeting her personally in Las Vegas, and from the help that you have sent to her Madonna-Plan Clinics over the past 4 years.

The story of Irma Dolce seems to have striking parallels with that of Mother Teresa. From reports, I have learned that she was first trained as a teacher. She was moved to leave the sheltered life of teaching to give love and care to the starving, the dying, and the helpless who lived in one of Latin America's most dreadful slums. Her first effort consisted of taking over a row of abandoned houses. By putting straw mats on the floor, she was able to give shelter to men and women whom poverty had driven to the streets.

The worst slums of Salvador are not built on solid earth but rather on the swampland and garbage disposal area that adjoins the bay. The tattered little houses are erected on stilts over the swampland. The sidewalks, such as they are, are also on stilts and are made of rotten boards of every description. It is dangerous for all but the most agile to walk around these foul-smelling streets.

After helping the dying and the destitute, Sister Dolce, frail though she is, founded a school, a training center and a sanitorium. It was not long before her patients were turned out of the row of the abandoned tenement houses. She mobilized community effort for the building of a 150-bed hostel named for St. Anthony.

The destitute dying had a place to come and die in human dignity. Through her hostel, sanitorium, and schools, Sister Dolce serves nearly 50,000 of the poorest of the poor in Salvador, the town named for our Saviour.

On the recommendation of Father Schneider, who first brought Mother Teresa of Calcutta to our attention, your feed-a-family funds are pouring from her hands to the most threatened, the most destitute families of an anguished corner of Brazil.

The various programs of the National Council of Catholic Women are now operating in 10 countries and islands of Central and South America. I will only mention one more at this time—a cooperative project with the famous Radio Sutatenza.

Picture a little group of women in an adobe hut in the Andean Highlands of Colombia sitting around a bare table containing two objects, an alarm clock and a radio.

Only when the alarm clock rings is the radio turned on. As it is battery-operated, every effort is made to conserve the strength of the battery. From the radio comes the voice of Dr. Alejandro Salas who is giving one of his simple, direct, practical courses on health for the mother and child.

He announces that at the end of the course the women may fill out a list of questions in the paper El Campesino. Those who give the clearest and best answers will receive new clothing donated by the National Council of Catholic Women of the United States. Thousands of women respond to the stimulus and flood Radio Sutatenza with their filled out questionnaires. American women join with Colombian women in Bogotá to make the packages of clothing for the lucky recipients.

From what I hear, the course of 30 lectures was an excellent one. Through a Madonna-plan grant 60,000 copies of this course are now being printed in an illustrated booklet by Radio Sutatenza. These booklets will be available for mother and child health and welfare centers not only in Colombia but throughout Spanish-speaking Latin America.

We of Catholic relief services, NCWC, are glad indeed that the National Council of Catholic Women is deep in technical assistance and help for their sisters to the south.

I am hopeful that the help-a-child program which is already channeling individualized aid to nearly 500 children in Korea will before long be inaugurated in Latin America.

This program could prove of crucial aid to families battling for survival in the slums of Rio de Janeiro, Caracas, Bogotá, or any of the other great cities of Latin America which are ringed by human misery.

Thank you for bearing with me while I developed the aforementioned points. I could not close these remarks without thanking every officer, staff member and affiliate of the National Council of Catholic Women who has contributed to this great partnership of charity between the National Council of Catholic Women and Catholic Relief Services, NCWC, over the years.

AMERICAN MEDICAL ASSOCIATION TO CONSIDER HAZARDS OF SMOKING

Mrs. NEUBERGER. Mr. President, I am delighted to announce that the American Medical Association has agreed to consider adopting an official position on the relationship between cigarette smoking and health, thereby filling a curious void in the organization's pronouncements on important public issues.

Dr. Ernest B. Howard, assistant executive vice president of the AMA, has informed me by letter that the board of trustees of the association will consider this "profoundly important" question at its May meeting.

Dr. Howard responded to a letter I had written to the AMA, observing that Medical Societies in other countries, such as Great Britain, have officially recognized cigarette smoking as a health hazard. I had asked if the AMA had taken or contemplated taking an official position on this issue.

I was surprised to learn, from Dr. Howard, of the past reticence of the AMA in taking an official position on a matter of such great public interest, particularly in view of the association's readiness to act as spokesman for the medical profession on issues perhaps not quite so clearly related to the science of medicine. Surely, the AMA is competent to assess the hazards of smoking if it is competent to assess the hazards of such subjects as social security, Federal aid to education, or the Connally reservation.

I hope that my colleagues will take the opportunity to urge members of the American Medical Association who chance to visit them within the next month or so to support AMA action on this vital question of public health.

I ask unanimous consent that the letter which I received from the American Medical Association as well as the clipping on another AMA "activity" appear at the close of my remarks.

There being no objection, the letter and clipping were ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., April 20, 1962.

Hon. MAURINE B. NEUBERGER,
U.S. Senator,
Senate Office Building, Washington, D.C.

DEAR SENATOR NEUBERGER: Dr. Larson has referred your letter of April 10, concerning the official position of the American Medical Association on the relationship between cigarette smoking and health, to this office for reply.

We have made available through our official publications and scientific meetings an opportunity for full expression of the point of view of the Public Health Service and other Government agencies, the American Cancer Society, and others. AMA as an organization, however, has not taken a formal stand on the relationship between smoking and health.

As a general rule, AMA has not expressed "official" opinions on scientific questions. There have been notable exceptions to this rule: Krebiozen and cancer, artificial fluoridation of public water supplies for the prevention of dental caries, poliomyelitis vaccines, and other scientific questions that have aroused considerable public debate. Exceptions are greater than rule. Approximately 3 years ago the council on drugs of AMA, a group of distinguished pharmacologists and therapeutists, was asked to consider the development of a project to review the available data concerning the relationship between smoking and cancer. The council then, and again a few months ago, recommended that AMA not undertake such a study.

The board of trustees of the association will meet in May; and I am, therefore, holding your letter for more definitive consideration by the trustees. The question you raise is a profoundly important one. I assure you that the association will give it the careful consideration that it deserves.

I shall keep you informed of whatever action is taken by the board of trustees next month.

Sincerely,

ERNEST B. HOWARD, M.D.

AMA AID CHASTISES FOOD INDUSTRY ON ADS

CHICAGO, April 12.—Strong Federal controls may result if the food industry fails to properly regulate its advertising, an executive of the American Medical Association said today.

Dr. Philip L. White, head of the AMA's Department of Foods and Nutrition, said food advertisers have a "moral responsibility to the consumer to be truthful, especially when making claims the consumer is not equipped to evaluate."

White said, "The homemaker can evaluate detergents, can openers, pots, and pans, but she obviously cannot evaluate statements of nutritive value and any health claims made for the product."

The food industry sometimes attempts to capitalize on medical research, White said, as evidenced by the sales program involving vegetable oils.

"All the to-do about polyunsaturation has been done even though the National Research Council and the AMA have not recognized the need for modification of dietary fat for the general public," he said.

White said breakfast cereal people argue over who has the most protein, the most calories, the least calories, and the most vitamins and minerals.

It would take four servings of the highest protein breakfast cereal to provide the amount of protein contained in one hamburger, he said, and "most of the cereals have so little protein it would take 10 servings to yield as much as one hamburger."

He said a letter being mailed to new mothers in the Chicago area implies indirectly that babies not fed a certain brand of strained meat products will develop anemia, and babies who eat the product will sleep better and have fewer colds.

"Poor advertising," White said, "frequently is the result of a lack of understanding of scientific reports or of basing claims on findings of preliminary research," White said.

Also, he said, there sometimes appears to be a deliberate attempt to mislead.

UNEMPLOYMENT IN THE PORT OF ASTORIA, OREG.

Mrs. NEUBERGER. Mr. President, one of the areas of my State which is of great concern to me and to my distinguished senior colleague [Mr. MORSE], and also to all other Members of the Oregon délegation in Congress, is the historic port of Astoria, Oreg. Unemployment is high. The prospects for reestablishing employment there are rather vague at this time.

Recently I received a letter from the Longshore Committee for the Welfare of the Port of Astoria, which bears decidedly on that subject. I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL LONGSHOREMEN'S
AND WAREHOUSEMEN'S UNION,
Astoria, Oreg., April 15, 1962.

Hon. MAURINE NEUBERGER,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR MADAM NEUBERGER: We read with deep interest the March issue of your newsletter, Washington Calling, in which you quote a New York Times item to the effect that: "Vancouver, British Columbia, is setting the record as the best harbor on the west coast of North America," and "grain for Communist China is now putting it over the top."

This information is substantiated by an article in our own Dispatcher which reported that in the month of February, during a single week, 41 ships were berthed at Vancouver, many of them loading grain for China. If Vancouver is setting a record as the busiest harbor on the west coast, then our port of Astoria is setting a record as the slowest port. During the week in question, we had only one ship, and only five ships during the entire month.

Because of the lack of shipping and resultant lack of shoreside employment here, our local several months ago set up a committee for the welfare of the port of Astoria. We are attaching a report prepared by that committee, under the direction of our local's researcher, Jim Riggs.

You will note on page 3 of the report that longshoring (our own members, and the students, teachers, and others who were given work out of our hall) brought a $1,130,451.48 payroll to Clatsop County last year. This is a considerable sum in an area with such a small population. However, this year the cargo decline over our piers has brought maritime commerce virtually to a standstill.

The report, on pages 7, 8, and 9 discusses the reasons for this decline, and you will note that we mention the embargo against China trade as one of the reasons for the downward trend which started some time ago. Our union, as you probably know, is on record for a resumpiton of this trade.

We were impressed with one of the speeches you made when you were campaigning for the Senate, in which you indicated that peace in the Pacific, as well as prosperity for our west coast ports, might have some connection with resuming speaking and trading relations with the Chinese. As we recall, what you said was that we should "never underestimate the Chinese, never forget that they invented gun powder," and that to realistically talk about a nuclear test ban, was to admit the Chinese to that discussion, as they might soon have the bomb.

The ILWU is not alone in wishing to trade with the 700 million Chinese. We understand that Western Wheat Associates, a group of wheat growers and handlers, recently had a trade mission in the Orient, and that they were approached by people from behind the Bamboo Curtain wanting to buy American wheat. More recently, the International Trading Corp. of Seattle applied to the Department of Commerce, according to news reports, for a license to ship $400 million worth of wheat and barley to China and North Korea. The request reportedly was rejected on the grounds that the Chinese Government had not applied to our Government directly to buy wheat. Nevertheless, there is something moving in this direction, we believe. It has not been possible for some weeks for us to get in touch with certain wheat men and traders who are reported by their offices to be "out of town" in connection with Far Eastern market outlets.

In any event, we are wondering if now might not be the time for a crusader of humanity and courage like yourself to reopen the question of trading with China. To us, as longshoremen, it seems a bit stiff-necked and un-Christian for our Government to withhold wheat and other food which we have in surplus from the Chinese, who are said to be starving. Why should they have to ask? Why shouldn't we offer?

We remember when you went to bat for people of low income and their right to have a spread for their bread which they did not have to "color" and still have in our files a picture of you in an apron mixing oleomargarine before the astonished male solons in Salem.

Maybe you, as a woman, could frame an equally effective argument on the subject of sending food to China. Be that as it may, we would very much like to have your thinking on this vital question.

In addition, we want to consult you about another aspect of our problem in trying to secure work over our piers. The condition of the port terminals is discussed at some length on page 8 of the attached report. At present, they are in such a state of disrepair and so lacking in up-to-date unloading and loading facilities, that they are not competitive with upriver ports. In fact, they are not in shape to support the weight of the type crane needed to unload steel for use in the building of the interstate bridge. If they could be repaired and modernized they would be able to secure a share of the cargo coming over the bar. We have discussed the possibilities and potentials here with persons closely connected with shipping in several upriver ports, including management in the busy port of Longview. We were pleased that these people took a broad view of the subject, stating that to attract more cargo to our port would not infringe on their own trade, as the more ships that come into the Columbia, the more business there would be for all.

A committee from the district council of our union, including Jim Riggs of our local here, recently met with Governor Hatfield's director of State Planning and Development, Sam Mallicoat, to ascertain if funds for the restoration of our port could be secured through ARA. We understand the

Astoria area has qualified as an "economically distressed area" for help. However, to our disappointment, Mr. Mallicoat took the position that the Federal Area Redevelopment Administration has no funds that could be applied for to aid ports. We had hoped that the reference to "community facilities" in the law might cover the situation here; and we still fail to see why it does not. Mr. Mallicoat did make mention of some bill or administrative order now before President Kennedy, which if passed or signed, would provide funds which our port terminals might be in a position to get. We do not know the name of this measure, nor have the names of its backers.

Naturally, we are very much interested. We are requesting all the assistance you can give us in finding out more about the matter; and we urge you to press for such legislation, if it has reached bill stage, and if it has not, we ask your help in getting such a measure drafted.

You will note in our report, that the labor force in Clatsop County has declined from 13,000 persons in 1956 to 9,000 persons this year, and that it is subject to further decline. Federal help in repairing our docks (and perhaps in securing allocation of some Commodity Credit Corporation cargoes) would stimulate business in this gravely depressed area; and give some hope to our youngsters who are graduating this June from the local high school and from our brandnew Community College. The way things are, they face a bleak future; and we, their parents, are living a bleak present.

With appreciation of the warm awareness of human beings which has characterized your work in Washington and that of the late Senator, Dick Neuberger, we close by assuring you of our support.

Sincerely,

LOUIS LEBUANIC,
Chairman.

TOBACCO IN THE FOOD-FOR-PEACE PROGRAM

Mrs. NEUBERGER. Mr. President, recently I received a routine press release from the U.S. Department of Agriculture. No doubt, all Senators have received copies of it. Since it concerns two subjects with which I am vitally concerned and in which I have more than a passing interest, I read the release with unusual diligence. The two subjects with which it deals in one brief item are tobacco and food for peace. I wonder if there is any connection. Perhaps other Senators were as amazed at the release as I was.

There must be some explanation for our Government's financing a $3.3 million program for the purchase of tobacco for Indonesia. Here we have another example of the Government classifying tobacco, on the one hand, as a basic crop, while another agency, namely, the Public Health Service, shows that there is no doubt that the weed contains carcinogenic agents. In fact, Dr. Endicott, Director of the National Cancer Institute, speaking on a television program on May 6, to which I listened, said:

> We can no longer dismiss or treat lightly the connection between cigarette smoking and disease.

In addition, I have been investigating the wonderful work of the food-for-peace program; in fact, I am now preparing some detailed remarks which I hope to present to the Senate sometime next week about the success of this great people-to-people program in countries throughout the world, where we are using our surpluses to aid in our consideration for hungry people.

The press release informed me of something I did not know. Evidently, tobacco is in surplus; therefore, it fits into the food-for-peace program. But it hurts my sensibility to defend a program—that is, the food-for-peace program—which equates tobacco as a food. Is the program food for peace or tobacco for peace pipes? How will the tobacco program help Indonesia? Or is it really a program to help the tobacco farmers of the United States?

The release of the U.S. Department of Agriculture, dated Washington, May 4, 1962, reads:

> The U.S. Department of Agriculture today announced issuance of an authorization to Indonesia to finance the purchase of up to $3.3 million worth of tobacco from U.S. suppliers under the general food-for-peace program.

The release cites some of the public laws under which this action will be taken. It provides for the purchase of about 2,000 metric tons of unmanufactured tobacco from a crop year prior to 1962. That indicates that it is surplus. If it is in surplus, no doubt it has been in storage; and no doubt the taxpayers have been paying for that storage.

THE DEMAND FOR MORE POWER FOR THE PRESIDENT AND MORE MONEY TO BE SPENT UNDER THE PRESIDENT'S DIRECTION

Mr. CURTIS. Mr. President, seldom a day goes by but that our thoughtful citizens express concern over the demand for more power for the President and more money to be spent under the President's direction.

The Congress convened on January 10. As of April 30, 1962, which was 110 days later, the President of the United States had made 62 demands of the Congress for more spending and 25 demands of the Congress for more power.

Mr. President, for the Executive to demand more power and more money as a solution to all problems is an old and doomed scheme. The leaders of governments which no longer exist made such demands. It is a reactionary and destructive trend in government.

Periodically in the future I expect to bring these figures up to date for the information of the Congress and the country.

I ask unanimous consent that there be placed in the RECORD at this point a tabulation supporting my statement that by the end of April the President had in 1962 made 62 requests for more spending and 25 requests for more power.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

87TH CONG., 2D SESS.

Big Brother Government—Kennedy demands more power and more money—His requests

More spending				More power			
1962	Number of days	Number of requests	Total	1962	Number of days	Number of requests	Total
	JANUARY						
Jan. 10	1st day	0	0	Jan. 10	1st day	0	0
11	1 day later (state of the Union message)	16	16	11	1 day later (state of the Union message)	6	6
18	7 days later	1	17	18	7 days later	3	9
25	do	2	19				
30	5 days later	1	20	30	12 days later	1	10
31	1 day later	8	28	31	1 day later	2	12
	Total requests in January	28	28		Total requests in January	12	12
	FEBRUARY						
Feb. 1	1 day later	1	29				
5	4 days later	1	30				
7	2 days later	4	34				
13	6 days later	1	35				
19	do	1	36	Feb. 19	19 days later	1	13
20	1 day later	1	37				
26	6 days later	2	39				
28	2 days later	1	40				
	Total requests in February	12	12		Total requests in February	1	1
	Grand total as of February 28		40		Grand total as of February 28		13

87TH CONG., 2D SESS.—continued

Big Brother Government—Kennedy demands more power and more money—His requests—continued

MARCH

More spending				More power			
	Number of days	Number of requests	Total	1962	Number of days	Number of requests	Total
Mar. 5	5 days later	1	41				
12	7 days later	2	43				
13	1 day later	1	44				
15	2 days later	4	48				
19	4 days later	1	49				
26	7 days later	1	50				
28	2 days later	1	51	Mar. 28	36 days later	5	18
				29	1 day later	4	22
	Total requests in March	11	11		Total requests in March	9	9
	Grand total as of March 31		51		Grand total as of March 31		22

APRIL

More spending				More power			
Apr. 3	6 days later	4	55				
5	2 days later	5	60				
				Apr. 6	8 days later	1	23
10	5 days later	1	61				
				11	6 days later	1	24
19	9 days later	1	62	19	5 days later	1	25
	Total requests in April	11	11		Total requests in April	3	3
	Grand total as of April 30		62		Grand total as of April 30		25

HOMECOMING OF THOMAS HART BENTON

Mr. LONG of Missouri. Mr. President, at an early hour on Saturday, May 12, a special train will leave Kansas City bound for Neosho, Mo. Even though former President Harry S Truman will be aboard the train, another Missourian will occupy the center of the stage. He is the celebrated artist, Thomas Hart Benton, returning to Neosho—his birthplace—where friends and admirers from all over the country will celebrate his homecoming. Missouri is proud of Tom Benton, and the citizens of Neosho are determined that the entire world shall take note of one of America's most dynamic artists.

Tom Benton was born in Neosho on April 15, 1889. He was the son of a U.S. Congressman and grandnephew of the famous first U.S. Senator from Missouri, whose name he bears. He was first introduced to formal art in Washington at the Library of Congress and the Corcoran Art Galley and had his earliest artistic training at Western High School in Georgetown.

Thomas Hart Benton began his professional career as a cartoonist for the Joplin American in 1906. Later he studied art in Chicago and for 3 years in Paris. Finally, after a 20-year career in New York and extensive traveling, the native Missourian came home in 1935 to take up duties as director of the division of painting of the Kansas City Art Institute.

This Missourian being honored by his hometown of Neosho has been acknowledged by some as the most important mural painter of his time. His murals, presenting a comprehensive pictorial story of contemporary U.S. life, are perhaps conspicuous for their rich sensual and lifelike quality.

In 1931 Benton was commissioned to interpret contemporary Americana on the walls of the New School for Social Research in New York. This panoramic presentation of life in the United States was followed by subsequent offers to do murals for the Whitney Museum library and the 250-foot-long exhibit of the State of Indiana at Chicago's Century of Progress Fair in 1933. Later, Benton did the famous mural for the walls of the Missouri statehouse, again displaying the controversial originality for which he is so well remembered today. These achievements were followed by numerous other mural decorations, including those for the Metropolitan Museum of Art, the Museum of Modern Art, and the Brooklyn Museum in New York, the Palace of the Legion of Honor in San Francisco, and the Pennsylvania Academy of Fine Arts. Last year the unveiling of Benton's mural, "Independence and the Opening of the West," was the high point in the dedication of the Harry S Truman Library Institute. This is a 19- by 32-foot panorama, which Benton spent 3 years creating and for which he had been commissioned by the Truman Library and the Edwin Austin Abbey Memorial Trust Fund for Mural Painting, administered by the National Academy of Design.

Thomas Hart Benton has been dedicated to the cause of American art for a good number of his 73 years. As he has put it, his efforts have been aimed at "releasing American art from its subservience to borrowed forms." There is much to be learned and gained from the life of such a man. Or, as one writer expressed it so eloquently, a number of years ago:

> Thomas Hart Benton is more than a painter; he is an American phenomenon, combining in an explosive mixture the various offices of social historian, anthropologist, cultural irritant, and vivid exponent of the American civilization.

PUBLIC HEARINGS FOR FREEDOM ACADEMY BILL

Mr. MUNDT. Mr. President, recently the Gallup Poll made a survey among the American people to determine what the reaction would be to establishment of a Freedom Academy to train men in cold war strategy and to give them a better understanding of Communist propaganda and political warfare methods.

The response was a strong 69 percent in favor of the Freedom Academy bill which I discussed in the Senate last Friday, May 4, as shown on pages 7791 through 7795 of the RECORD.

Since publication of the Gallup Poll an additional response has been received in the form of editorials, letters, and endorsements. I am happy to report that nearly all of these reports are highly favorable and express the hope that early action will be forthcoming on the Freedom Academy bill, S. 822, which is now before the Senate Foreign Relations Committee.

Typical of the response is an editorial by Ray Henle, editor in chief of Three-Star Extra, a 15-minute news program referred to as "the newspaper of the air," presented each weekday evening on the NBC radio network.

Mr. Henle echoes my thoughts, and I am sure the thinking of my 11 colleagues who are cosponsors of S. 822, when he comments:

> Many Americans feel that our very freedom may hinge on our abilities to know the techniques of the enemy and to make use of nonmilitary warfare techniques ourselves.

Mr. Henle adds to this important point another vital argument when he urges that public hearings be held not only for the purpose to determine whether Congress should act on this bill but because of the valuable public information which would be gained through such hearings.

The remarks of Mr. Henle are indicative of a concern evident throughout the land over the fact that no hearings have been held on this measure and none are presently scheduled. It is hoped that before too many days pass, this condition will be rectified and that a schedule will be developed so that this proposal can have the benefit of full exposure and discussion through appropriate congressional hearings.

I ask unanimous consent to include the full text of Mr. Henle's editorial in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Three-Star Extra Editor's Notebook, May 7, 1962

(By Ray Henle)

After half a century of combating communism, the United States still has no single institution which offers a comprehensive education on political warfare. It is just this type of warfare which international communism has followed for 40 years—conquest founded on military threat but carried out by using an arsenal of nonmilitary weapons. This arsenal includes subversion, infiltration, diplomatic blackmail, and ideological persuasion.

To thwart the aims of communism—or any other alien "ism"—Senator Karl Mundt, of South Dakota, and several other Senators from both sides of the political aisle have called for the establishment of a Freedom Academy. It would be an educational institution, devoted solely to teaching the techniques of political warfare and how to counteract them.

The Freedom Academy would assemble a faculty composed of the free world's ablest authorities on the many aspects of nonmilitary conquest. Russia has been operating an extensive network of political warfare training schools for many years—at Moscow, Leningrad, Prague, and in other places. These schools have turned out specialists in the art of achieving Communist expansion by nonmilitary means. The Freedom Academy would turn out specialists who would recognize the threats—who would be able to take counteraction.

Many Americans feel that our very freedom may hinge on our abilities to know the techniques of the enemy, and to make use of nonmilitary warfare techniques ourselves.

Perhaps much valuable information would be gained if the Senate Foreign Relations Committee and the House Un-American Activities Committee, where the Mundt bill presently is resting, were to conduct public hearings to determine whether Congress should proceed.

SENIOR MICHIGAN CITIZEN MAKES GOOD IN THE PEACE CORPS

Mr. HART. Mr. President, a few days ago we read in the newspapers of the apparent difficulties encountered by a lady of mature years who had joined the Peace Corps. I am glad to brag about Michigan in any competition, with Texas, or elsewhere, and this is a very special and prideful boast. I submit for insertion in the Congressional Record an inspiring story from the Michigan Education Journal of May 1, 1962, entitled "I Joined the Peace Corps."

This article presents the case of a 55-year-old former Michigan teacher who successfully met the Peace Corps training program and is now serving on the West Indies island of St. Lucia.

This is the story of an American Negro who, with determination and perseverance, obtained her master's degree and became a $7,500-a-year teacher in our Michigan public schools. Now she is devoting her energies to service to others. It is a story to make us all proud.

There being no objection, the article was ordered to be printed in the Record, as follows:

I Joined the Peace Corps—Madge Shipp, Former Michigan Teacher, Serves in the West Indies

A series of adverse incidents served as steppingstones to success for Madge Shipp, 55-year-old former Michigan teacher (Inkster, Detroit, and Oak Park).

Exhibiting a woman's unique brand of courage and persistence, she took 18 years to earn a master's degree. After receiving her advanced degree, she left her $7,000-a-year schoolteaching job to serve in the Peace Corps for expenses and $75 per month because, she said, "I want to be of some service to others."

TEACHES IN THE WEST INDIES

For more than 6 months, she has been a Peace Corps volunteer in St. Lucia, the West Indies. She loves it. She puts it this way: "The Peace Corps has given me the opportunity to do everything that I had hoped to do, for the mere pleasure I get from doing it. I am thoroughly happy and convinced that 'it is more blessed to give than to receive.' "

Although friends and relatives told Miss Shipp she was making a grave mistake, she manned her own guns and joined up. The former Oak Park teacher sailed through the Peace Corps' intensive training program, including the physical conditioning phase, with flying colors. She said she hadn't participated in an athletic activity in more than 30 years, but she took part in every phase of the project's training.

So intent was Miss Shipp to serve others that she had made up her mind to go overseas, Peace Corps or no Peace Corps. "If I am rejected by the Peace Corps, I will not give up," she asserted. "I will buy a one-way ticket to Liberia or some other place where I feel I am needed and say to them on my arrival: 'Here I am—what can I do to help you?' "

Miss Shipp, an Eastern Michigan University graduate, is doing in-service teacher training on the green little island snugly set in the windward group of the Caribbean, where less than 25 of 500 elementary teachers have attended secondary school. Most teachers there have been recruited from elementary schools.

Miss Shipp along with six other Peace Corps volunteer teachers are helping to upgrade the general education level of the island's classroom teachers and introducing helpful methods and techniques for more effective teaching of the more than 20,000 children.

In addition to formal supervision, this energetic educator is teaching adult classes at night, and reports there are more adults who want to learn than can be accommodated by the adult education department. "My only problem," she said, "is that the working days are too short."

Miss Shipp knows what it is to learn as an adult—she was 30 years old when she finished high school in 1933. As a child she left school in the 10th grade due to her mother's illness. She returned when she was 27.

At Eastern Michigan University she worked as a domestic 3 years to pay her tuition expenses. She began her graduate study at Detroit's Wayne State University in 1943, and had to drop out at the completion of 18 hours. She returned in 1957 to continue, only to find that she had to start from scratch since her previous credits could not be accepted. Once more her determination came to the fore, and she started all over. She was awarded her master's degree from Wayne in June of 1960.

The veteran Mississippi-born educator has traveled extensively, using her summers for broadening her background. She has toured England, France, Holland, Germany, Belgium, Austria, Italy, and Switzerland. She has vacationed in Cuba, Mexico, and Central America.

In demand as a speaker for women's organizations, she has been made an honorary member of the St. Lucia Women's Association. She is also a member of the Legion of Mary, a Catholic group promoting spiritual understanding through love of God and of one's neighbor. She is a life member of the Michigan Education Association.

NATION'S 51ST STATE?

The isle of enchantment—as St. Lucia is called—has been so impressed by Miss Shipp and the 14 other Peace Corps volunteers, that many citizens are quoted as saying, "The United States should adopt St. Lucia as the 51st State."

Scheduled for 2 years on the island, Miss Shipp summed up her responsibilities as follows: "I will continue to do my part to be successful in my assignment; the time just seems too short."

THE STEEL PRICE CONTROVERSY

Mr. BUTLER. Mr. President, I believe that the precipitate actions of the President and the executive branch following the decision of the steel industry to raise its prices last month will be felt for months and years to come. While there may be citizens who applauded the Chief Executive's pressure tactics, other Americans more analytical and more aware of the encroachment and the invasion of the Federal Government in our everyday life have uttered a vehement protest.

In a recent letter to the editor of the Baltimore Sun, a Baltimorean, John Redwood, Jr., wrote that after 40 years as a registered Democrat he has transferred his allegiance to the Republican Party. I believe the reasons which he gives for this action are of interest not only in a political but in a philosophical sense. I ask consent that this letter be printed in the Record following my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Sir: What a sorry spectacle it was when the President of the United States stood up in his press conference last Wednesday and in a tirade of intemperate language ill befitting the dignity of his office undertook to excoriate the leaders of one industry and in particular those of one company because in the exercise of their best business judgment they had announced a small increase in the price of steel, only a modicum of what those men felt was necessary to reestablish a fair margin of profit, which had already been squeezed to a minimum by the inflationary policies of the Government.

Possibly the steel men made an ill-timed move, possibly the economics of the factors of supply and demand in the industry might have proved their judgment to have been mistaken but that is not the issue. * * *

Mr. Kennedy is now revealed in his true colors with all the ruthlessness that he and his clan possess but which for more than a year has been hidden under the cloak of beguiling charm and a show of concern for business profits.

The tragic implications are apparently realized by few people, if one can judge by the exultations on all sides, proclaiming the Kennedy triumph over big business.

When the Federal Government assumes to dictate, as it has just done, what is the right price for a commodity, it has become far later than we think and we have been carried far down the last stretches of the road to complete state socialism. The worst of the whole process is that with a few isolated exceptions the American people don't know what has been done to them. In the dramatic exhibition of Presidential rage and fury, abetted by the wire pulling of other governmental officials and agencies, we have been fooled by the horsewhipping of business leaders of integrity and honest intent into a blind acquiescence to and even praise of the mailed fist of John F. Kennedy.

After 40 years as a registered Democrat I have found myself unable to carry that label any longer and in the recent new registration enrolled as a Republican. How I would like to see the rise of a national leader of that party who would tear the veil away and expose to the gaze of the American public the true picture of what has been perpetrated upon them by the Roosevelt, the Truman, and now the Kennedy administrations. Wake up, America, before it is too late.

JOHN REDWOOD, Jr.

BALTIMORE, *April 18*.

FRYINGPAN-ARKANSAS PROJECT

Mr. ALLOTT. Mr. President, within a few weeks the House of Representatives will start final debate on, before sending it to the Senate, legislation very vital to the State of Colorado. I am referring, of course, to the proposed Fryingpan-Arkansas project that will come to the floor of the House in early June.

Within the past week there have been published in the RECORD objections to this project from isolated pockets of opposition. These objections, while no doubt sincere, represent the beliefs of a very small, yet vocal, segment of Colorado's population.

Foremost among the objections brought forth, in opposition to the Fryingpan-Arkansas project, is the suggestion that this particular project will work great hardship on the western slope of Colorado. It has been implied that the project is to the complete disadvantage of the western slope and to the great advantage of the eastern slope.

Just recently, it has been reported by Mr. John Barnard, Sr., general counsel of the Colorado River Water Conservation District, that the benefits from the construction of the Fryingpan-Arkansas project will be equally beneficial to the western slope as to the eastern slope of our State. It is on the basis of years of counsel and engineering surveys that Mr. Barnard makes this statement.

This bill has now, and has had almost from its inception, the full support of the entire congressional delegation from Colorado. In addition, it is of enough import to cause the citizens of the State of Colorado to band together in massive support of this project, so vital to the economy and future growth of both the western and eastern slopes of the State. I contend that any project so wholeheartedly endorsed, on a completely nonpartisan basis, must have merit and be of great importance to the area involved.

On Saturday, May 5, there appeared on the editorial page of the highly respected Rocky Mountain News, published in Denver, Colo., an editorial based on the statement made by Mr. Barnard. This editorial briefly but masterfully outlines the benefits that will accrue to the western slope as well as those benefits that will be received by the water-starved eastern section of Colorado. It is an outstanding answer to this unjustified objection which has been raised by the isolated opposition groups within our State.

Mr. Barnard's statement and this editorial present, in my opinion, a most comprehensive evaluation of this situation, and clearly outline the course of action this Congress should follow by passing favorably on this legislation.

I ask unanimous consent that, at this point, this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BOTH SLOPES BENEFIT

The Rocky Mountain News is gratified by the remarks of John Barnard, Sr., general counsel of the Colorado River Water Conservation District, that the benefits from construction of the vast Fryingpan-Arkansas project will be as beneficial to the western slope as to the eastern slope.

Barnard, a dedicated western sloper, decries an impression that the project would benefit most the eastern slope mountain cities and the Arkansas Valley.

If such an impression exists, the News hurries to correct it. From the outset of investigation of the feasibility of the project, the News has printed reams of copy pointing out that the project is a Colorado project, equally favorable for both slopes.

By nature the dramatic transmountain diversion of water from the western slope to the thirsty Arkansas Valley plains has caught the public eye.

But years of counsel and engineering went into the description of the project—assuring western slopers that the magnificent treasury of science and sports and recreation grandeur that is their bounty would be fully protected.

Barnard predicts that, through the huge Ruedi Reservoir above Basalt, 100,000 acre-feet of water will be funneled from the Fryingpan snowsheds and made available—before transmountain diversion—for western slope use, including industrial uses down the Colorado River to Rifle's shale cliffs and Grand Junction's plants.

On our side of the Continental Divide shelf, the diverted waters will cascade through a system of seven powerplants providing more than 500 million kilowatt-hours a year for Leadville, Buena Vista, Salida, Gunnison, Pueblo, Colorado Springs, Rocky Ford, Las Animas, and Lamar.

It will divert water to irrigate 280,600 acres of Arkansas Valley land. It will supply municipal water for valley cities.

The whole picture is a glowing one—for both sides of the mountains.

BAR MITZVAH OF ISRAEL

Mr. PROXMIRE. Mr. President, today, Israel, the land of the Bible, celebrates her 14th anniversary as the land of the free.

Although ancient in years, Israel reached its political manhood only last year when it celebrated its bar mitzvah, the time in Jewish life when a boy becomes a man.

The accomplishments of this tiny but astounding democracy in the Middle East during its formative years are now legion. Its program of economic and technical assistance to the newly independent countries of Asia and Africa, its social, economic, and agricultural progress have won wide admiration from the free nations of the world.

Although great strides have been made during her infancy and childhood, greater progress lies ahead during the challenge and growing maturity of manhood.

Israel's accomplishments during her bar mitzvah year have been an inspiration to all of us. A brief review of this year of progress appeared in the April 27 issue of the Israel Digest, which is published in Jerusalem. Mr. President, I ask unanimous consent that this excellent article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ISRAEL CELEBRATES HER 14TH BIRTHDAY—A BRIEF REVIEW OF A YEAR OF PROGRESS

On May 9, 1962, the people of Israel, Jews throughout the world, and friends of freedom everywhere will celebrate the 14th anniversary, according to the Hebrew calendar, of the establishment of the State of Israel.

The proclamation of Israel's independence was read out in Tel Aviv to the people's representatives by Mr. David Ben-Gurion on May 14, 1948 (the 4th of Iyar, 5708, by the Hebrew reckoning), a few hours before the departure of the last British High Commissioner and the invasion of the infant state by well-equipped armed forces from Egypt, Syria, Jordan, Lebanon, Iraq, Saudi Arabia, and Yemen.

Since Israel's defense forces, hastily organized in the thick of war, repelled the concerted attack of her Arab neighbors, the country has made notable strides, and the 14th year of independence has witnessed a continuation of dynamic progress in every sphere of life.

THE PEOPLE'S VERDICT

Israel's democracy successfully weathered a difficult period. A government crisis at the beginning of 1961 led to the resignation of the Prime Minister and the Cabinet, and new elections were held on August 15. After the people had thus given its verdict, a new Cabinet was approved by the Knesset on November 3.

It is headed by Mr. David Ben-Gurion, who has been Prime Minister, with a brief interval, since the establishment of Israel, and is supported by Mapai, the Israel Labor Party, with its affiliated Arab members, the National Religious Party, Achdut Ha'avoda (Unity of Labor), and Poalei Agudat Israel (Orthodox Workers).

HOUSING THE NEWCOMERS

There was a considerable increase in immigration during the year, and energetic measures were adopted by the government and the Jewish agency to tackle the problems involved. The Jewish agency increased its budget, and the people of Israel, through the Knesset, undertook to pay a compulsory loan of I£25 million to help house the newcomers.

Israel's new towns, most of them in the arid Negev area, made notable progress. Urban centers are under construction for the new settlement areas of Arad, southeast of Beersheba, and Besor, in the western Negev. A new type of town, Ramon, which is to be organized on a cooperative basis, was founded in the Negev.

THE EICHMANN TRIAL

Perhaps the outstanding event of the year was the trial of Adolf Eichmann for his share in the murder of 6 million Jews in Europe. The proceedings, which were conducted with scrupulous fairness and objectivity under the searching scrutiny of world opinion, were a striking demonstration of the high standards of Israeli justice. For the first time in history, a persecutor of the Jewish people was brought to trial in a Jewish court.

ISRAEL AND THE NATION

Israel's policy of peace met with growing understanding. At the U.N. General Assembly, a call for direct negotiations between Israel and her Arab neighbors was widely supported.

Arab spokesmen continued, however, to flaunt their intention to attack again one day. Border tranquillity was broken from time to time, especially by Syrians in the north, but Israel's defense forces remained a firm bulwark of her security.

The Prime Minister's visits to North America, Western Europe, and Burma, and the Foreign Minister's tours of the Scandinavian countries and the Far East helped to cement old and win new friendships, as did the many distinguished visitors to Israel, notably the Premiers of Denmark, Norway, and Sweden.

Visits by 3 African presidents, 4 African prime ministers, and cabinet ministers from 18 African states, testified to the growing interest of the new countries in Israel's social patterns and economic progress, and their desire for cooperation with her.

Israel's position as an important center for international gatherings received further confirmation. Major gatherings included the Pentecostal Conference, the International Press Institute, and the International Fiscal Association.

Jewish events included the Hapoel International Workers' Sports Rally, the World Assembly of the Israel Medical Association, the Fifth Maccabiah, and conferences of the Hadassah Women's Zionist Organization of America and WIZO, the Women's International Zionist Organization.

ECONOMIC PROGRESS CONTINUES

In February 1962 the Government launched a plan for the stabilization of the economy, based on an exchange rate of 3 Israel pounds to the U.S. dollar.

In 1961 the gross national product grew by 9 percent and gross investment by 13. Industrial output rose by 15 percent, and building by 10 percent. The expansion of exports continued, the total being 39 percent higher than in 1959; industrial products, especially polished diamonds, were responsible for the increase.

In agriculture, the main aim was consolidation, to ensure a reasonable income for farmers, especially in the new settlements, who are now growing enough in most branches to satisfy the needs of Israel's population.

As in previous years, there was practically full employment—even a shortage of skilled hands in some trades, in spite of a considerable increase in immigration. Work was found for almost all the new immigrants.

Foreign capital invested in approved enterprises was half as much again as in 1960.

The number of ships in Israel's merchant fleet went up by 40 percent and the deadweight tonnage by 70 percent. Vessels ordered will bring the total to 900,000 tons in 3 years.

The international airport at Lod (Lydda) is being modernized and expanded, and El Al, Israel's national airline, has made notable progress.

There were 160,000 tourists—nearly twice as many as there had been in 1959.

SCIENCE AND CULTURE

Israel's scientific capacity was shown by the launching in July 1961 of the country's first multistage meteorological rocket. Isotopes for medical and industrial purposes are produced at the experimental nuclear research reactor at Nahal Sorek, and a second reactor, which may be regarded as the pilot stage for an atomic powerplant, is under construction.

Further progress was made in water desalination and the exploitation of solar energy, which are of cardinal importance for the development of the arid Negev.

The research done by the Hebrew University, the Weizmann Institute of Science and the Technion, Israel Institute of Technology, won international recognition, and considerable grants were received from foreign, especially American institutions, to enable Israel's scientists to play their part in extending the scope of human knowledge.

Education, from the kindergarten to the universities, continued to expand. Over 80 percent of pupils completing compulsory education at the age of 14 go on to some type of postprimary schooling.

The three established major drama companies were joined by the Haifa Municipal Theater, the first of its kind.

Generous donations of plaster originals of the works of Jacques Lipchitz and the late Jacob Epstein, together with Mr. Billy Rose's modern sculpture collection, bid fair to make Jerusalem an important world center of sculpture.

Israel's first music festival featured a galaxy of famous artists, headed by Pablo Casals. Noted home and foreign choirs sang at the Zimriya Festival.

Further important documents of the period of Bar Kochba, leader of the second-century revolt against the Romans, strengthened Israel's tangible links with the heroic past.

In the field of health, the outstanding event during the year was the opening of the fine new Hadassah-Hebrew University Medical Center at Ein Kerem, Jerusalem.

ISRAEL'S ARAB CITIZENS

Further relaxations in the security regulations applying to border areas were a step forward in normalizing the position of Israel's Arab citizens. More Government funds were allocated to improving Arab agriculture, industry, communications, and education.

LONG-TERM PLANNING FOR THE CAPITOL GROUNDS

Mr. PROXMIRE. Mr. President, a longtime Capitol Hill reporter and radio commentator, Edward P. Morgan, has turned his attention to a problem that many of us in the Senate have been concerned with—the lack of long-term planning for the Capitol Grounds. It seems to me that there should be a moratorium on the acquisition of any more property on the Hill until such time as a long-range coherent plan has been worked out.

Mr. Morgan, in the course of his article, points out the number of difficulties that were encountered in the building of the New Senate Office Building and the resulting waste of the taxpayers' money. We in the Congress have a tremendous obligation to the American people to see to it that this disgraceful waste of money is not repeated. I would like to commend the Morgan article, which appeared in the April 28 issue of the AFL-CIO News, to all my colleagues.

Mr. President, I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nation's Capital Fast Becoming Petrified Forest of Concrete

(By Edward P. Morgan)

After the form 1040s are filled and the house mortgaged or the savings liquidated to raise the funds to pay what the Government demands, the hapless American taxpayer surely has earned the right to bite the hand he feeds. One of the more eloquent testimonials to the stable, long-suffering qualities of the genus Americanus is the fact that after the ordeal of April 15, we don't all flock in droves or gaggles to join one of those rightwing societies that advocate so alluringly the abolition of the income tax. But let not the public servant, either elected or appointed, toy or dawdle with our patience indefinitely for it is not unlimited and one of the areas in which it is—or should be—reaching the breaking point has to do with the construction of Government buildings in Washington, D.C.

It is not that the Federal structure does not have a place on the horizon of the Nation's Capital. But at the rate at which this massive art form is multiplying on every avenue, Pierre L'Enfant's fair city is fast becoming a grand canyon of stricken stone, a petrified forest of concrete colossuses or colossi. And as if this solid affront to aesthetics and simple good taste were not enough, these new buildings inevitably cost millions more than the Government, on behalf of the taxpayer bargained for, and then, to crown the outrage, they unfailingly develop construction bugs that cost vast additional funds to eradicate.

Take, for example, the New Senate Office Building. This marble monstrosity, a happy marriage of the neo-fascist architecture of Mussolini's time and the graceful lines of a dockside warehouse, was supposed to cost modestly upwards of $20.5 million. Final cost, more than $30 million. That word "final," however, is misleading. Alteration bills have hardly ceased coming in.

First there was the item of the fancy rubber tile floors. Capitol Architect J. George Stewart and his fellow-planners had failed to calculate the resonance they would create for the echo of countless electric typewriters or the danger their slick surface presented to high-heeled secretaries. So they put in for $150,000 for wall-to-wall carpeting to deaden the noise and protect the nyloned limbs of senatorial help. But then all the massive hardwood doors had to be unhinged and planed down to clear the carpets.

Then Senators found they couldn't commandeer the automatic elevators and special button arrangements were installed; the ornate electric clocks in the hearing rooms wouldn't work because the fancy, heavy hands were too much for the motors to lift; bugs developed in the public address systems which persist to this day.

And, of course, everybody is familiar with the story of the subway connecting the New Senate Office Building with the Capitol, perhaps the world's most expensive railroad, above or underground, a distance of a little more than four well-hit home runs at a cost of more than $6 million. Original estimate: $2 million plus.

These items are not new but they unfortunately seem to reflect the trend of planning and building on Capitol Hill. The controversial projection of the east front of the Capitol, which many leading architects condemned, cost $24 million instead of the expected $17 million. Now Stewart proposes to build a 1,900-car garage under it at a cost above $41 million which the Senate's leading economist, Paul Douglas, of Illinois, estimates will work out to more than $22,000 per car.

A new gleam in Stewart's eye is the possibility of extending the west, or downtown side, front of the Capitol. In an editorial pointedly entitled "Let Bad Enough Alone," the New York Times last week denounced the idea, described the east front extension as a "hard, grotesque vulgarity."

But if this is grotesquery now, it may look enchanting alongside the gigantic, fortress-like third House Office Building being completed on a slope of Independence Avenue southwest of the Capitol. Original cost estimates: $65 million. Current estimates: almost, but not quite, double that.

Residents of a choice and lovely two-block area back of the Capitol are in an uproar over plans to build a Library of Congress annex there. On an adjoining site already acquired by the Government it is planned to erect a memorial to James Madison.

The question is whether to raise a monument to short-sighted, graceless and expensive planning on Capitol Hill, as well. As its inspiration some critics blame Stewart but he can't do anything that Congress, that arbiter of Federal taste, doesn't go along with, subways and all.

OIL DEPLETION ALLOWANCE

Mr. McGEE. Mr. President, the subject of the oil depletion allowance is one that has been the center of controversy for several years. It seems to me that many people have taken a stand on this issue without fully understanding it.

For those who want a better understanding of the depletion allowance, I would like to mention a very informative statement recently sent to me by Arthur W. Roberts, of Casper, Wyo., executive vice president of the Wyoming Oil Industry Committee.

This statement explains how the depletion allowance originated, how it operates, and its role in providing the oil industry with an economic base similar to other American industries. The facts in this statement show very clearly the depletion allowance is not an unwarranted tax loophole for a wealthy industry but rather is the means by which the oil industry is able to operate on a sound financial base and continue the exploration and development so necessary to progress. I ask unanimous consent to have it printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Percentage Depletion

The percentage depletion provision has been a part of our income tax laws since 1926 and it provides for a deduction of 27½ percent of the proceeds from a successful producing property for oil and gas producers. This rate is limited, however, and cannot exceed more than 50 percent of the net income from that same producing property before applying the percentage depletion provision.

Percentage depletion applies at varying rates to about 100 industries in all. The principle in all cases is the same but different rates apply in recognition of the abundance of a given mineral and the ease with which the supplies are found. For example, sulfur, uranium, lead, zinc, and several other minerals have a rate set at 23 percent; bentonite, china clay, and ball clay have a rate of 15 percent; coal, lignite, and sodium chloride have a rate of 10 percent; while gravel brick and tile clay, clam and oyster shells and sand have a 5-percent rate.

Prior to 1926 when the percentage depletion provision was adopted it had been recognized that an oil discovery could not be directly related to discovery costs, but rather had to be based on a discovery value basis. This was in recognition of the fact that the search for oil is a very risky business and that an individual or a company might have to drill a large number of wells before finding a producer and at the same time to recognize the fact that if someone were to purchase reserves that had been discovered by someone else, the oil in the ground would essentially represent the capital investment of the purchaser just as the money invested in a factory to produce any other commodity would be the capital expenditure for that individual.

Since it is obvious that oil or gas reserves purchased by an individual would represent capital it follows that the finder of the reserves should also be entitled to consider the reserves found as capital. Prior to 1926 oil and gas were granted a "discovery value" deduction in the income tax laws in recognition of the fact that the oil or gas in the ground represents the oilman's capital and in recognition of the risks involved.

The "discovery value" provision for oil and gas was based on the fair market value of the reserves in the ground at the date of discovery or within 30 days thereafter.

Since there were many uncertainties involved in determining discovery value both Houses of Congress undertook a study to find a more equitable means of determining what the capital value of a given property would be.

The result of these studies, one of which was conducted by the House of Representatives and the other by the Senate resulted in a recommendation in one House that 30 percent of the value of oil and gas as it was produced would be considered capital value while the other House recommended that 25 percent would be considered capital value and would therefore not be subject to tax. A joint committee of the two Houses compromised by splitting these recommendations and arrived at the 27½-percent figure which has been in effect ever since that date. It was found almost immediately after adoption that this rate was actually lower than the discovery value rate as previously used and this same fact continues to be true today. If percentage depletion were to fully accomplish its original purpose of avoiding the taxation of capital, the percentage depletion rate would have to be increased to something approximating 33.3 percent of the producer's gross income with no limitation as to his net income.

Due to the fact that percentage depletion is not rigidly fixed at the full 27½ percent for oil and gas but is limited to 50 percent of net income, it is estimated that the actual effective average rate of percentage depletion is 23 percent rather than the 27½ percent.

The percentage depletion provision essentially establishes by an act of Congress, how much of the value of oil and gas may be considered as capital by the producers, while at the same time it takes into account the risks involved in the search for oil and encourages the search for and development of new reserves which are so necessary to our economy and to our Nation at all times, but particularly in times of a national emergency when oil from other sources would not be available.

Percentage depletion is not a loophole that provides excessive income to producers. As a matter of interest, studies by the U.S. Bureau of Mines indicate that in 1959 the industry spent almost four times as much in finding and developing new petroleum reserves as the maximum tax relief provided by percentage depletion.

The oil industry spent $271 million to find and develop oil and gas reserves in Wyoming in 1960. Without percentage depletion there would have been $67¾ million less spent in our State for these purposes. I am sure we are all aware of the results to Wyoming's economy if $67¾ million per year were suddenly taken from the State. I am equally sure that chambers of commerce, businessmen throughout the State, the Natural Resource Board and various other groups would be conducting an all-out campaign if they thought there was an opportunity to bring a new business to the State that would spend $67¾ million per year in the State. They should do no less to retain this business that is already here.

Contrary to the popular myth that seems to exist, oil industry profits are not excessive. As a matter of fact, from 1925 through 1960 oil company earnings after taxes have averaged 9.6 percent of invested capital while the average for all manufacturing companies surveyed amounted to 10.6 percent. The above figures are from a study made by the First National City Bank of New York.

From the above figures it is obvious that the oil industry could not absorb the loss resulting from reducing or eliminating the percentage depletion provision and still continue its search for and development of new oil and gas reserves. Studies indicate that if the percentage depletion provision were removed from our tax laws it would be necessary to increase the price of gasoline as much as 5 cents a gallon in Wyoming.

FINE CULTURAL OPPORTUNITIES PRESENTED YOUNG PEOPLE BY NATIONAL SYMPHONY "MUSIC FOR YOUNG AMERICA" CONCERT SERIES

Mr. FULBRIGHT. Mr. President, annual visits to Washington by high-school students are a uniquely American activity. In none of the capital cities of the world is there anything to compare to these spring pilgrimages of young people to historic points in the Capital. The visits to Washington are a fine way of instilling in our youngsters the patriotic attitude Astronaut John Glenn has described as "a hard-to-define feeling inside when the flag goes by." It is certainly an activity that presents one of the most favorable views of American life.

Teenagers not only visit our historic shrines and see our Government at work, but they also are afforded opportunities to enrich the cultural vistas of their lives. They may become acquainted with some of the world's greatest sculpture and painting at the National Gallery of Art. They have an opportunity to hear the world's great music at the National Symphony "Music for Young America" series of free concerts.

For the seventh year, the 5-week series of concerts for young people visiting Washington in the spring is being sponsored April 23 through May 27 through the generosity of Mrs. Herbert A. May, first vice president of the National Symphony Orchestra Association. The concerts are performed 6 nights a week in the Commerce Department and State Department auditoriums by the 96 members of the National Symphony Orchestra under the baton of Howard Mitchell, music director and conductor.

President Kennedy has written a letter of welcome to the teenagers in the Music for Young America concert program saying:

> I can think of no finer cultural opportunity for the many young people who visit

Washington each spring. The National Symphony has risen to new levels of distinction, and I am most pleased that through these concerts the Symphony gains a host of new listeners from all over our country and abroad.

The National Symphony Orchestra is truly a national symphony. During the past 6 years of these Music for Young America concerts, thousands of young people from throughout the country have had an opportunity to listen to a major symphony orchestra. For a great many, this has been their first opportunity to hear "live" symphony music. The concerts have been performed in some Washington's most historic buildings—the Pan American Building, the State Department Auditorium and the Commerce Department Auditorium.

This successful, established activity has provided here, in the Capital of the United States, an example of cultural and educational opportunity available to American youth primarily through voluntary, private enterprise, with the significant assistance of the Government in lending its auditoriums. We have achieved and are continuing to achieve commendable results in this field under the traditions of our system.

Increased educational opportunities and increased leisure time have created in America today an unparalleled enthusiasm for music. There are today twice as many symphony orchestras as there were in 1940. In 1952, 19 million Americans played a musical instrument; today, it is estimated this number has increased to 32 million. One of the significant factors in the proliferation of interest in fine music has been the Music for Young America concerts, which has exposed so many young people to fine music. It has instilled in them a taste for good music and the desire, when they return home, to help support their own local music organizations. Mrs. May is to be commended for providing these Music for Young America concerts.

EXECUTIVE SESSION

Mr. McNAMARA. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination on the Executive Calendar will be stated.

ADVISORY BOARD OF THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The legislative clerk read the nomination of Martin W. Oettershagen of Illinois to be a member of the Advisory Board of the St. Lawrence Seaway Development Corporation.

Mr. McNAMARA. Mr. President, some time ago the nomination made to fill the vacancy on the Advisory Board of the St. Lawrence Seaway Development Corporation was submitted to the Committee on Public Works. I am authorized by the Committee on Public Works to state that the Committee on Public Works recommend the confirmation of the nomination.

Mr. JAVITS. Mr. President, I understand the nomination has been cleared with the minority.

Mr. McNAMARA. It has been cleared both by the majority leader and by the minority leader.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. McNAMARA. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. McNAMARA. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H. R. 1361) for the relief of James M. Norman.

Mr. MILLER. Mr. President, I voted against tabling the Mansfield-Dirksen amendment today because I believe that Congress should take some action to solve the problem which has been presented by the discriminatory practices resulting from the literacy test provisions which exist in some of the States.

I am much concerned, however, about the Mansfield-Dirksen amendment. The reason is that I believe this amendment has been popularized as being a literacy test amendment, and that is not quite the case. The amendment goes beyond literacy.

I have expressed myself on a number of occasions as being in favor of some kind of a uniform interpretation of the word "literacy." I can understand why the word "literacy" should have a uniform application as among the several States. I think this uniformity is needed in order to prevent discrimination, because of the literally hundreds of cases which have been brought to the attention of the Congress involving abuses of the literacy test.

Mr. President, when I am asked to support a literacy test amendment I believe I should be given a literacy test amendment to support and nothing else. That is not what we have been given.

The Mansfield-Dirksen amendment, subparagraph (d), page 2, line 5, reads as follows:

> Congress further finds that education in the United States is such that persons who have completed six primary grades in a public school or accredited private school cannot reasonably be denied the franchise on grounds of illiteracy—

So far, so good; but the next two lines read as follows:

> or lack of sufficient education or intelligence to exercise the prerogatives of citizenship.

Now we are considering an amendment which covers not only a test of literacy but also a test of education. It seems to me, Mr. President, this goes far beyond the scope of a test of literacy.

I believe the sovereign States have a constitutional right to determine how much education an elector should have. If a State wishes to make a determination that an elector shall have an eighth-grade education, or a high-school education, or a college education, if there is no discrimination involved in the educational system, I believe that is a valid basis for a State to use in exercising its constitutional prerogative. That has nothing to do with literacy.

The Attorney General wrote a letter to the New York Herald Tribune, as reported in the May 4 issue of the New York Herald Tribune, in which he said that this amendment "is limited to the use of discretionary tests, capable of manipulation by registration officials" and that "it is solely concerned with the abuse of these tests and not with the substantive qualification itself." The Attorney General ought to read the amendment before making such a statement.

Mr. President, I ask unanimous consent that the letter as quoted in the May 4 issue of the New York Herald Tribune may be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ATTORNEY GENERAL DEFENDS LITERACY-TEST BILL

To the NEW YORK HERALD TRIBUNE:

I call your attention to certain misconceptions about the administration's literacy-test bill which apparently led you to reach the conclusions stated in your editorial of April 24.

The bill does not invade the States right to set voting standards. It is limited to the use of discretionary tests, capable of manipulation by registration officials. It is solely concerned with the abuse of these tests and not with the substantive qualification itself. The record shows very clearly that the literacy tests are the most widely used means to deny Negroes the right to vote because of their race.

Recently in a Mississippi county, three Negro educators and two ministers were denied the right to vote on the grounds that they were illiterate. All were college graduates and some had master of arts degrees. One of the educators has a National Science Foundation grant for research, yet he and all the others were declared "illiterate." There are many, many other similar examples.

The point made in the editorial that the effect of the bill is to deny the States the right to require any more than bare literacy is simply incorrect. If a State determined that it would require voters to complete 8 grades of school, or 12 grades, or 4 years of college—those would all be objective standards and qualifications which would not be affected in any way by this bill.

The bill seeks to correct the abuse of performance tests which purport to determine literacy but which are in fact used to deprive Negro citizens of their right to vote. In my testimony to the House and Senate committees considering this bill I said that I did not believe that any citizen had been deprived of the right to vote on the basis of performance in this kind of test for any reason other than race. I am confident that that is the fact. As the Herald Tribune's opposition to this section of the bill, expressed in your editorial, is based on a completely inaccurate understanding of the bill, I hope you will reexamine your position on this important and vital piece of legislation.

Finally, I also regret that the editorial ignores the special obligation which this country has to permit citizens born in Puerto Rico to participate in the democratic processes of their government.

Under the Jones Act of 1917 we undertook this obligation with the understanding that students in Puerto Rico would be educated in Spanish—not in English.

There can be no question of the ability of Spanish-speaking Puerto Rican citizens in New York to be fully informed through Spanish-language newspapers, radio stations, and television broadcasts about the issues and candidates in any election.

The bill is designed to meet a specific and limited responsibility which the United States has for its citizens who were born in Puerto Rico.

The Herald Tribune might disagree with our efforts along these lines but certainly nothing is to be gained by name calling and by describing this aspect of the bill as pernicious.

ROBERT F. KENNEDY,
Attorney General.

WASHINGTON.

Mr. MILLER. Mr. President, if indeed there is an intent by Congress to go beyond the test of literacy, to go beyond a uniform definition of that word, I wish to have it clearly understood that so far as I am concerned there must be a proposed constitutional amendment.

My doubts are not entirely removed with respect to the literacy test itself. I believe that if the Congress passes the Mansfield-Dirksen amendment it will be followed inevitably by prolonged litigation leading eventually to the Supreme Court of the United States, and the time consumed in such litigation may well be more than the time consumed in seeking ratification by the States of a constitutional amendment proposed by the Congress.

Mr. JAVITS. Mr. President, will the Senator yield to me at that point?

Mr. MILLER. I am happy to yield to my colleague.

Mr. JAVITS. One of the very disquieting things about a constitutional amendment in this regard, which has made people like me oppose it strongly, is the question of whether it would ever be ratified.

As the Senator knows, many States do not have literacy tests at all. A number of States have literacy tests somewhat higher in requirement than the one under discussion in the Senate. My own State, for example, has an eighth grade literacy requirement.

Proponents like myself have announced that this is to be the maximum test. There is no reason why any State cannot allow a person to vote without a literacy test if it wishes to do so, whether the person has any grade school certificate whatever, so long as he satisfies the State as to his literacy. Therefore, it should not disturb materially any State's literacy test, except to fix a maximum which can always be used if it is desired to invoke a basic standard for any particular applicant.

But coupling States which have no literacy tests with the States represented by Senators in this Chamber who are very vigorously and constantly opposing the particular measure before the Senate, it has seemed to people like myself who have been strongly supporting this whole effort that it would be impossible to get a constitutional amendment ratified. Would the Senator care to comment on that statement?

Mr. MILLER. I appreciate those comments from my friend from New York. In response I would say that I am not unpersuaded with respect to the desirability of a statute relating to a uniform definition of the word "literacy." I can see where such a statute might be held to be unconstitutional. I can certainly see that it would take a prolonged stage of litigation to reach that determination. I can also understand why there might be considerable difficulty, as there usually is in the case of most proposed constitutional amendments, to obtain the ratification of the required number of States. However, I would point out, first, that such possible difficulty did not deter the Senate from passing a proposed constitutional amendment with respect to the poll tax; second, I hope that my colleague from New York understands my misgivings over the publication of the amendment as being a literacy test amendment when in fact it gets into not only a test of illiteracy but a test of education.

Perhaps I can clear up the question by asking my friend from New York the following question: Suppose the Mansfield-Dirksen amendment should pass as written. Suppose, further, that the State of New York decided that it would eliminate the test of literacy for voting, but nevertheless the State of New York decided that in order to have an informed electorate, anyone who wishes to vote must have completed eight grades of an accredited school in the State of New York, or a comparable or equivalent requirement. As I read the amendment, the State of New York could not do so. Am I correct in my interpretation?

Mr. JAVITS. The Senator is correct. The State of New York could do so, but nonetheless, if the substitute passed, a person who had a sixth grade literacy certificate would be required to be registered for voting in Federal elections. I make that statement because we must be clear that State law would still have an ambit of operation. It would operate, for example, if the bill passed as it is, with respect to all State and local offices. Of course, the amendment offered by my colleague [Mr. KEATING], of which I am a cosponsor, seeks to extend its force to beyond that perimeter to all elections. I think that if the measure is constitutional for Federal elections, it is constitutional also for State elections. That is my judgment.

It has not been so extended, nor has that amendment been called up so far. I think in all fairness, and in answer to the Senator's question, I must answer that with relation to the proposed legislation submitted by the majority and the minority leaders, there still remains a material area of effectiveness for a State law, whatever it may provide as to literacy.

Mr. MILLER. I recognize that the measure would be applicable only to Federal elections, and I am concerned about Federal elections only for purposes of the discussion. My point is that once the amendment would be agreed to, the State of New York might wish to establish an education qualification for voting—not a literacy qualification—an education qualification for voting, and if that education qualification for voting was more than six grades, then that law would not be operative with respect to Federal elections. Am I correct in my interpretation?

Mr. JAVITS. The Senator is correct. The law would be operable, but any applicant could invoke the statute, and if the applicant had a sixth-grade certificate, he would have to be registered for Federal elections.

Mr. MILLER. The Senator is correct. If a sovereign State decided at some future time that, in order to have more assurance of an enlightened electorate, everyone who wished to vote in a Federal election within that State must have completed eight grades, it would be just too bad because of the action taken in the U.S. Congress. Do I make my point clear on that?

Mr. JAVITS. I understand the Senator's point perfectly. Of course, we have understood it right along in the debate upon the measure. Certainly we are applying a universal maximum. When we speak of a universal maximum in Federal elections, the question is, Is it constitutional? We do not think there can be any doubt that it is constitutional as to Federal elections. Hence it becomes a question of whether Congress could choose these means. Those of us who support the bill feel that the means are reasonably defined to effectuate the end, and yet would give people who are reasonably able an opportunity to make a judgment in respect of voting.

Mr. MILLER. That is one thing that makes it very difficult for the junior Senator from Iowa to vote against tabling the Mansfield-Dirksen amendment. The reason I voted against tabling is that I believe there is some merit in the proposal. But the reason why I could very easily have voted to table it is I believe the proponents of the measure are going too far in bringing in not only literacy but education as well. I believe that a uniform test of the word "literacy" is desirable. I do not believe that we ought to extend it into the standard of education. I think that the sovereign States should be permitted to decide for themselves whether a fourth-grade, an eighth-grade, or a high-school education should be a prerequisite for voting.

That is something entirely beyond the scope of literacy.

Mr. President, in conclusion, I voted against the motion to table the Mansfield-Dirksen amendment today because I believe there is a problem with respect to literacy. But I certainly hope and trust that in the course of debate between now and the next time we reach the same hurdle all over again I shall have some assurance from the proponents of the Mansfield-Dirksen amendment that lines 9 and 10 will be deleted from the amendment so that we shall, in fact, have a literacy test bill, and that we shall have the assurance that

that, and nothing more, will be presented to the Senate for vote. Unless I have such assurance, I may well be compelled to vote to table the Mansfield-Dirksen amendment when it comes before the Senate again.

I did wish to have an opportunity to make very clear that I am concerned about abuses of literacy tests. I think some uniform standard is desirable. I hope some measure along that line can be passed.

I believe that we would go too far, and the proponents of the proposed legislation would push some of us too far by cluttering up the measure with provisions beyond the standard of literacy.

Mr. President, on May 2, in the Washington Evening Star, there appeared an article entitled "Constitution and the Literacy Bill," by the distinguished columnist David Lawrence, discussing some of the constitutional ramifications of the proposed legislation.

Again on May 3, in the Sioux City Journal, there appeared an article by the same columnist entitled "Attempts To Pack the Electorate," which discusses some other aspects of the proposed legislation. I ask unanimous consent that those two articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star May 2, 1962]

CONSTITUTION AND THE LITERACY BILL—HYPOCRISY IN PUBLIC OFFICE IS SEEN IN DEBATE OVER CIVIL RIGHTS ISSUE

(By David Lawrence)

The business of Congress has slowed down. The Senate is engaged in a filibuster, or lengthy debate, which represents a desperate attempt by a small group of dedicated men to save the Constitution from being violated by a majority who are seeking allegedly to protect civil rights.

If the vote to shut off debate, known as cloture, were to succeed in getting the two-thirds majority it requires, there is a 51-percent majority ready to pass a bill which would take away from the States the right to set the qualifications for voters. This would be an unconstitutional act, and many Senators who feel they must vote in favor of it for political reasons back home are secretly hoping cloture will fail and that the literacy measure will never get through both Houses. They they would presumably retain the favor of the minority groups, even though the bill didn't become law.

It's a transparent case of hypocrisy in public office. It couldn't happen if the American people knew all the circumstances. But the gap in communication between the people and their Government is in some respects not much different from what it was nearly a century ago. Now, as then, a fraud can be perpetrated and the Constitution completely disregarded without encountering the protest that certainly would come if the people were told all the facts so that they could understand the issues.

Today, few people in the United States know, for instance, that the 14th and 15th amendments—on which the whole controversy over civil rights laws is based—were never legally adopted.

Few people know that the Supreme Court of the United States has repeatedly dodged the issue and refused to consider any case involving the legality of the method used in ratifying those two proposed amendments to the Constitution. The alibi or excuse given is that these are questions involving the political departments of the Government and what are termed "political questions."

All the history books describing the events that occurred after the War Between the States was over agree on the facts. Both Presidents Lincoln and Johnson took the position that the Southern States had never left the Union. In May 1865, after the surrender of the South, President Johnson issued a proclamation of amnesty and set up provisional governments in all Southern States. Constitutional conventions were convened in each, and new State governments and Members of Congress were elected. Before the end of the year, the new legislatures had ratified the 13th amendment, which abolished slavery, and their action was accepted as formal ratification by legally constituted State governments. When, however, the newly elected Senators and Representatives presented themselves at the opening of Congress on December 4, 1865, they were refused admittance by the radical Republicans, who were in control.

These same State governments continued to function through 1866 but declined to ratify the 14th amendment, which had been proposed by Congress in June of that year. The Republican Party then pushed through in April 1867, the first of the "Reconstruction acts." This divided the South into five military districts, imposed martial rule, and made ratification of the 14th amendment the price for restoration of civil government and full rights in the Union.

President Johnson vetoed the measure as plainly unconstitutional, but the bill was passed over his veto. Federal troops were stationed throughout the South and in one instance in a legislative chamber itself. Coercive tactics were used to set up rump legislatures, as white voters generally were disenfranchised. At the point of the bayonet, the Southern States one by one ratified the 14th amendment, until the requisite number had been obtained by July 1868.

Secretary of State Seward, who also had served in Lincoln's Cabinet and was an outstanding lawyer, hesitated to accept the ratification process as legal, and publicly said so. Congress thereupon, by joint resolution, ordered him to proclaim the amendment to have been ratified. It had no right to do so.

The 15th amendment was similarly adopted under virtually the same conditions.

Various attempts were made in the 1870's to get the Supreme Court to take cognizance of what had been happening, but to no avail. Since those days, the high court has merely assumed the legality of the two amendments because the ratification procedure itself had never been declared invalid. Even within the last 5 years, efforts of lawyers to get the Supreme Court to consider this phase have proved fruitless, though the high court has taken cases with respect to controversies over the ratification of other amendments involving such points as denying the right of a State to rescind its approval, even if it takes action before the requisite majority of three-fourths of the States has been attained for a particular amendment.

It is not too late for the 14th and 15th amendments to be resubmitted to the States for ratification, if only to erase a disgraceful chapter in American history. It would be a fitting centennial celebration.

[From the Sioux City Journal, May 3, 1962]

ATTEMPTS TO PACK THE ELECTORATE

(By David Lawrence)

Just as President Franklin D. Roosevelt became impatient with the processes of the judiciary and asked for laws to permit him to pack the Supreme Court, President Kennedy now has started an analogous controversy which will occupy the attention of the Senate for the next 2 weeks. He wants to pack the electorate by ignoring the rules laid down in the Constitution concerning voter qualifications.

The constitution, of course, specifically gives only the States the power and right to fix the qualifications of voters. It reserves to Congress merely the right to alter State regulations as to the times, places, and manner of holding the elections themselves.

But Attorney General Robert F. Kennedy, in a formal statement to a Senate subcommittee, declares he is tired of the bother of filing lawsuits and says, in effect, that it's easier just to get a law passed to set voter qualifications than to go through the prescribed process of amending the Constitution to take this right away from the States.

Now, it will be conceded that if there is any discrimination in any State because of race or color in preventing anyone from voting, then certainly the Constitution should be invoked to secure equal treatment. This, however, really isn't the issue, for the basic question is how the Constitution shall be enforced.

The Attorney General says that, when the 15th amendment was adopted in 1870, it became illegal to practice racial discrimination in the voting process, but "it is necessary today, 92 years later, to file lawsuit after lawsuit to make constitutional command a reality."

The late President Roosevelt argued the same way. He wanted the justices of the Supreme Court to decide cases the way he wanted them decided, and he declared that he didn't care to wait till enough vacancies on the bench occurred to give him the opportunity to appoint new judges who would support his views.

Attorney General Kennedy says that persons with a sixth-grade education should not be required to take a literacy test as a qualification for voting. He feels that completion of the sixth grade is sufficient without an examination. He could be right about this as a test in itself.

Yet he ignores the specific obligation under the Constitution that if the rights of the States—which include the power to fix voter qualifications—are to be changed, then the Constitution itself must be amended by a two-thirds vote of both Houses of Congress and ratification by three-fourths of the States.

With amazing frankness, the Attorney General proclaims the rule of expediency and the doctrine which has caused the overthrow of many an established government—the end justifies the means. He says in his formal statement:

"The question is not whether this bill is valid, but whether it would correct the situation."

Mr. Kennedy, further on in his statement, adds:

"I believe legislation, to accomplish directly what can be unquestionably done through litigation, is plainly justified under the 14th and 15th amendments."

But is this really true? Litigation can be instituted only where there is evidence of discrimination in denying the vote to anyone eligible. What the Attorney General is proposing is that both whites and Negroes, for instance, be permitted to vote when they have completed a sixth-grade education.

He is ignoring the fact that, if a State actually administers its laws fairly and doesn't permit either a white or a colored person to vote if a literacy test is given and the applicant fails, then there is no basis for litigation.

The whole maneuver is characteristic of the Kennedy administration. It has issued many an Executive order that has yet to be tested by the Supreme Court. The argument always is offered that, because it is cumbersome to amend the Constitution, a short cut can be taken by having Congress act alone.

George Washington foresaw this trend as likely to develop when he warned in his farewell address:

"Let there be no change by usurpation. For though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed."

ISRAEL'S 14TH ANNIVERSARY

Mr. JAVITS. Mr. President, the 14th anniversary of the establishment of the State of Israel, celebrated this year on May 9, offers an opportunity to hail the people of Israel for the great strides of progress they have made. They have used the resources available to them with such industry and ability as to set a strong example of progress under freedom for all the countries of the Middle East. As a democratic state representing most of the virtues America believes in as well as the teachings of Judaism, Israel is also extending its technical assistance and a pattern of democracy to the developing countries of Africa and Asia.

If Israel is to realize its fullest potential, however, it is essential that there be an end to the present uneasy truce with the Arab States.

Israel is on the brink of a new industrial surge, which may take its economy to new high levels, but as long as its national security is threatened, it must carry the costly burden of armaments, which holds it back in terms of prosperity and usefulness to the whole Near East area.

I believe, therefore, that we should stimulate our Nation's support of measures leading to an initiative for peace and a foreign policy that will work actively for an end to Arab boycotts; promote regional development and the association of Israel with the European Economic Community; resettle the refugees in Arab lands; and, within the framework of direct peace talks, provide for compensation on reasonable terms for Arab property abandoned in Israel.

Through scientific approaches, Israel has made historic advances in the development of natural resources which can change the face of the entire Near East.

On the 14th anniversary of its independence, peace is the greatest wish one can hold for the people of Israel. They have on numerous occasions demonstrated their fidelity to freedom and their loyalty as friends of the United States. Therefore, peace and this foreign policy which I have described should be our major goal for the whole area of the Near East.

ADJOURNMENT

Mr. McNAMARA. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate now adjourn until 12 o'clock noon tomorrow.

The motion was agreed to and (at 4 o'clock and 41 minutes p.m.) the Senate adjourned, in accordance with the previous order, until tomorrow, Thursday, May 10, 1962, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate May 9, 1962:

DIPLOMATIC AND FOREIGN SERVICE

Wymberley DeR. Coerr, of Connecticut, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uruguay.

CONFIRMATION

Executive nomination confirmed by the Senate May 9, 1962:

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Martin W. Oettershagen, of Illinois, to be a member of the Advisory Board of the St. Lawrence Seaway Development Corporation, vice Paul M. Butler, deceased.

EXTENSIONS OF REMARKS

Farm Address by Senator Wiley

EXTENSION OF REMARKS

OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Wednesday, May 9, 1962

Mr. WILEY. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD excerpts from a farm address prepared by me for delivery over Wisconsin radio stations.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

CENTENNIAL OF U.S. DEPARTMENT OF AGRICULTURE

Friends, this year marks the 100th anniversary of the establishment of the Department of Agriculture.

One hundred years ago on May 15, Abraham Lincoln, recognizing the significance of agriculture to our national economy and progress, signed a law creating the Department of Agriculture.

On May 15, 1962, centennial observances will begin throughout the Nation. According to the Department of Agriculture, these will include efforts to tell the story of agriculture's importance to our progress, in: Providing abundant, wholesome food—when, where, and in the forms we want it; creating millions of nonfarm jobs through agriculture's buying power; and through the processing, manufacturing, transportation and merchandising of farm products; conservation for productive use of our natural heritage—soil, water, forests, and wildlife; enabling the United States to be the world's largest exporter of agricultural products; and making possible a food for peace program as a major instrument of our foreign policy for peace in a free world.

AGRICULTURE: AN ECONOMIC EMPIRE

Today, agriculture is our Nation's biggest industry. Its assets exceed $206 billion. Its annual cash sales total about $34 billion. It employs more than 7 million people on its 3.7 million farms and ranches. Four of every ten jobs in private employment are in agriculture, or related to it. Farmers and their families have a buying power of $40 to $41 billion a year. Farmers use nearly half as much steel as the automobile and truck industry, more petroleum products than any other industry, and are major purchasers of rubber, chemicals, electricity, and countless other products.

SIGNIFICANCE OF U.S. AGRICULTURE TO THE WORLD

America's agriculture, too, is important to the world. The creation of an unparalleled capacity for producing food: Demonstrates that man now has the power to banish the age-old specter of hunger and famine; proves that freemen can and will develop an agricultural efficiency and productivity far beyond the reach of people under any other system of government; and gives strength and hope through food for peace.

WISCONSIN—FAMOUS DAIRY STATE

In Wisconsin, dairying, of course, is highly significant not only to our people and our economy but to the Nation, as: The No. 1 milk-producing State, with an output of about 18 billion pounds annually; a way of life for our over 125,000 farm families; the creator of our famous cheeses and other high-quality dairy foods that have helped put Wisconsin on the map.

GOALS FOR THE FUTURE

Now, what are our goals for the future?

These include: A continuing bountiful supply of food and fiber for American consumers at a fair price, however fast the population increases. An adequate diet for the unemployed and other needy people of the United States. Strategic stockpiling against natural disaster or nuclear attack. Expanded, stable export markets for the products of American agriculture. A fair return to American farmers for their investment of capital and labor, thus resolving the paradox of increasing farm efficiency and decreasing farm income. A greater understanding between farm and city folks to appreciate the tremendous contribution the farmers make to the health of our people and our national progress.

Rumanian Independence Anniversary

EXTENSION OF REMARKS

OF

HON. VICTOR L. ANFUSO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1962

Mr. ANFUSO. Mr. Speaker, 85 years ago, the Rumanian people were joyously celebrating a long-awaited independence. It was on May 10, 1877, that their enduring efforts finally attained for them freedom from the rule of the Ottoman Empire. National liberty was especially sweet to Rumania, through the centuries a constant victim of foreign expansionism.

After the Second World War, the May 10 celebrations had a bittersweet flavor, because, although released from Nazi plunderings, Rumania was again occupied by totalitarian forces. In 1947 the last remaining thread of autonomy was snapped when King Michael was forced by the Russians to abdicate his throne. Not only did Russia desire the territory as a buffer state, but the rich natural resources were considered too vital to the Soviet economy to allow even slight self-determination.

Now Rumania is completely Soviet-dominated, and the May 10 festivities are forbidden. Rumanians are obliged by their captors to extol instead occasions hateful to them, such as the recent collectivization of their farmlands, an accomplishment extremely distasteful to this largely agrarian population.

We look on their plight with great compassion, and we join Rumanians throughout the world in fervent prayer that the future may be brighter than the recent past.

Address by Vice President Lyndon B. Johnson at Jefferson-Jackson Day Dinner

EXTENSION OF REMARKS

OF

HON. DANIEL D. ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1962

Mr. ROSTENKOWSKI. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the speech delivered by the Honorable LYNDON B. JOHNSON, Vice President of the United States, at the Jefferson-Jackson Day dinner held at McCormick Place in Chicago, Ill., Tuesday, May 8, 1962.

This was indeed an inspiring speech pointing out the progress in America and the great promise that lies ahead in the future. I feel that it should be called to the attention of my colleagues.

The speech follows:

REMARKS BY VICE PRESIDENT LYNDON B. JOHNSON, JEFFERSON-JACKSON DAY DINNER, CHICAGO, ILL., TUESDAY, MAY 8, 1962

Fellow Democrats and fellow Americans, I have been sitting here tonight looking out over the ranks of Democrats upon whose shoulders rests the burden of carrying our banner to victory—not just for the Democratic Party but for the people.

It is a warm feeling—especially as I am here with that triumvirate of victory—Douglas, Daley, and Yates.

I believe that you have a special responsibility because you represent our party here in the heartland of America. And over the years that I have served in Congress I have found that the leadership in Illinois—as it is today—has always been leadership of which the Democratic Party can be proud. And it is the leadership that the people will endorse in November by electing that young progressive, talented Congressman, SID YATES, to the Senate and returning to the Congress the men who have meant so much to me—TOM O'BRIEN, BILL DAWSON, BARRATT O'HARA, BILL MURPHY, JOHN KLUCZYNSKI—and the other Democrats.

This is a proud moment as I stand here among all of you, Democrats and Americans, on this 8th day of May 1962, and together we look at our country—at where we have been, and at the road ahead.

We have come some distance since that bright day in January, a year ago, when we celebrated our freedom in the inauguration of a new administration, a new future and a new step forward for our country and our people.

And we have some distance to go.

President Kennedy says he believes the party—and this is the Republican Party as well as the Democratic Party—the party is not an end in itself. It is a means to an end.

The party is the means by which programs can be put into action—the means by which people of talent can come to the service of their country. And it is the function of the party—Republican and Democratic—to serve the interests of the people. I believe this wholeheartedly. This is one of the reasons I am proud to be here tonight, as a Democrat, and as an American.

For I am proud of the stewardship which the Democratic Party has demonstrated since January a year ago.

I am proud of the people who have stepped forward, both within the party and without, to give their talents, their energies, their service to their country.

I am proud of the new initiative which is abroad in our land—initiative that produces new, vigorous programs for people and for progress, and for peace.

I am proud of the teamwork between the Executive and Congress that is producing action for people and progress and peace.

And I am proud of the Nation that responds to the summons of this generation—to the burden and the glory, as President Kennedy says, of freedom. I am proud to be a Democrat, and I am proud to be an American.

WE HAVE MOVED

The record of these months of new American purpose is clear: We have made our beginning. We are moving forward once again. We are accomplishing things once more. And we are going to continue the job.

During these new months of Democratic stewardship, not just Democrats, but all Americans have moved forward.

We have moved to help wipe out the pockets of distress, poverty, and despair which have dotted the economic geography of the Nation. We have moved to help jobless Americans, men and women out of work through no fault of their own, Americans who want to work; we have moved to help these fellow citizens find new skills, new jobs, new hope for themselves and for their families.

We have taken action, and we are pursuing additional programs to help the youth of our country, to help our young Americans get a decent education to prepare themselves for the tasks they will face; to help them find jobs, dignity, and futures for themselves and their own growing families.

We work today to help our older people in retirement live in the dignity and serenity they have earned. We work to help them live without fear of destitution and dependency brought on by the crushing costs of illness.

We have taken long-needed action for the American worker—higher minimum wages, increased unemployment benefits, expanded social security coverage.

And we have taken action to meet the growing problems of housing for Americans—for moderate- and low-income families, for veterans, and for the elderly.

We have taken action, and we vigorously pursue still further action, to help American farmers gain their equitable share for their contribution to the Nation.

WE WORK FOR EXPANSION

We work for new expansion, new productivity, new markets for the Nation's business and industrial community. And we work for the full opportunity of all Americans to make the best of their talents, to exercise their full and equal rights as Americans, to live in decency and dignity and freedom.

I can tell you that eyes from all across the world are watching America. And what they see is the America of Jefferson and Jackson, of Abraham Lincoln and Woodrow Wilson and Franklin Roosevelt and Harry Truman coming alive again—a healthy, vigorous America that is the hope of all who cherish freedom.

What they see is a self-respecting America. At home and abroad, America moves to meet the challenge.

Vitality and stalemate do not get along together. Our country today moves ahead on new roads to peace. We arm while we must; we increase our forces on the alert to assure the peace. But we move forward today from the deadly balance of terror—the nuclear stalemate that through too many perilous years gave us the sole alternatives of holocaust or surrender.

Today we have new alternatives. We modernize and diversify our defense forces, both in nuclear and conventional fields, to cope with brushfire and other critical situations. We do away with obsolescent methods, weapons, and bases. We reorganize and reorient our combat units—not just to meet change with change, but to keep the initiative.

And in our strength and our national self-respect, America does not fear to negotiate, to seek the avenues to a free and peaceful world where the weapons of war need never be used, where men may join together at last to conquer their common enemies of poverty, disease, and ignorance.

Americans cannot, and will not, while the peace is insecure, lay aside our arms. Neither will we cease to devote every effort to the continuing improvement and development of the finest defense our Nation can provide.

On the other hand, we cannot, and we will not, cease to work with other people of the world for the sensible control of the weapons of war and their eventual elimination.

STRENGTH FOR FREEDOM

Let Americans know—let all the world, both friend and foe, understand—that this is an administration dedicated to strength; to strength at home and strength in the world, to the building of greater strength for freedom everywhere.

This is our purpose and this is the work to which this generation of Americans can turn now with pride and pleasure.

I make this point before you for a purpose. I believe that Democrats have a mission today to go out among all the people and invite them to join in this work without regard to partisanship or to the passing divisions and diversions of the past.

It is clear now that Americans are not going to be swayed by the unrealistic extremes. Americans in every section are decisively rejecting the appeals of negative leadership. Seeds of hate and folly have fallen on stony ground and withered in the sunshine of American responsibility.

Both those who consider themselves conservative and those who consider themselves liberal have made it clear that neither American conservatism nor American liberalism intends to turn the clock back for one last waltz with reactionary radicalism, alien or domestic.

This generation of Americans is agreed upon the necessity for continuing our Nation's progress. The people want to pursue a constructive course. The people want progress without sacrifice or prudence because they understand that prudence and progress are compatible and are always inseparable.

PROGRESSIVE AND PRUDENT

President Kennedy has demonstrated convincingly that this is so. He is offering to the Nation an administration which is one of the most progressive and one of the most prudent in our history.

He is mindful of the human needs in our society. Yet he is manifesting the highest order of responsibility toward the fundamentals of our Nation's solvency and security. As he has moved to bring food to the hungry, so he has moved with equal responsibility to balance the budget, to bring under control our Nation's balance of payments and to ease the costs-profits squeeze afflicting American enterprise.

The President of the United States today is attempting to be and is determined to be a President for all the people—and it is up to us as the members of his party to help him succeed.

As the Democratic Party today is the captive of no group, so it is not a partisan foe of any constructive group. With this as our foundation, you and I have the opportunity and the privilege of working together to broaden the base of our party, to make of it a party more representative of all segments and all sections of American life and all shadings of constructive American beliefs.

Let us go into the campaign for Congress this year, and into the campaigns for State and local offices, as the genuine party of the majority.

We need concede no group, no element, no State, no district, no precinct to others. Where we have won before, this year we can win more decisively. Where we have not prevailed in the past, this year we can prevail.

The American people want to vote for constructive and progressive leadership. They want a chance to work with and within a creative and courageous party. The American people do not want to follow a leadership which has no leader, a party which has no clear purpose, or a faction which offers nothing more than feuding and fussing.

NO ORDINARY YEAR

Let Democrats, wherever they live, realize that this is no ordinary election year. We have the opportunity—the greatest opportunity of this century—to win into our ranks the whole broad spectrum of responsible Americans who want to move forward. This is a year for building our party, for expanding its active membership, for putting in place a firmer foundation on which the Democratic way can build for years to come.

The man who leads our party seeks to serve America, as have all the great Presidents who have preceded him. Let us support him by building greater the strength of our party as the party of the American people, representative of all, faithful to all, and successful on behalf of all the people.

Fallout Shelters Not Popular in Westchester

EXTENSION OF REMARKS

OF

HON. ROBERT R. BARRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1962

Mr. BARRY. Mr. Speaker, in order to determine my constituents' views on many of the vital issues now before the Congress, I sent a questionnaire to each family in my district. Of the 225,000 voters comprising New York's 27th Congressional District, some 38,000 people, or 17 percent, participated, and the results were tabulated by a group of hard-working volunteers in Westchester County.

The first question asked was "Should the United States build and supply extensive fallout shelters?" Division of the district into four geographical areas—Putnam County, northern Westchester, southern Westchester, and Yonkers—revealed that opinion on this question is consistent throughout the district. Percentage totals for these areas are:

	Yes	No	Not sure
	Percent	*Percent*	*Percent*
Putnam County	19	64	17
Northern Westchester	18	62	20
Southern Westchester	16	67	17
Yonkers	19	64	17

Overall results showed that 64 percent of people responding opposed such a shelter program, whereas only 18 percent answered in the affirmative, and another 18 percent indicated they were "not sure." As tabulation of other questions is completed, I plan to make the results available to the CONGRESSIONAL RECORD for the information of my colleagues in the Congress.

Foreign Policy in the Near East

EXTENSION OF REMARKS

OF

HON. MILTON W. GLENN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1962

Mr. GLENN. Mr. Speaker, I take this opportunity to extend my remarks on my feeling and concern on what may be a change in our foreign policy as it pertains to the Near East. It would appear from recent events that we have embarked on a new and disastrous course in this troubled area. I have had reports that the State Department is considering the time opportune to improve relations with the Arab States, and I had assumed this would take the usual line of diplomacy and mutual negotiations and contacts. However, I was shocked and amazed to see the line of this attempted improvement, not to work diplomatically toward this end with the Arab countries, but to attack and censure our only true friend in the Near East, the State of Israel. I was surprised to hear that our Government had seized upon a pretext of a minor clash between Syria and Israel to heap blame and censure on one side, in what was obviously a two-sided dispute. Particularly was I amazed to see our Government use the forum of the United Nations for this purpose, and with Great Britain to jointly sponsor the resolution against Israel. Nothing was said in the resolution of the week after week firing by Soviet-trained troops using Russian artillery shells into the State of Israel, and killing Israelis. But the moment Israel dared strike back in her own defense to silence these murderous guns, our diplomats rushed to censure Israel for acting in her own defense.

The Arabs were pleased, as was the Soviet delegation, who aid the Arab cause in all possible ways. Therefore, this has been a poor day for our State Department and American diplomacy if, instead of using the traditional methods of diplomacy in creating good will between nation and nation, we try to gain favor with the Arabs by attacking a friendly country against whom the Arabs have long waged war.

It is a known fact that Israel is pro-American, anti-Communist, and does not resort to any pretense of neutralism. I have said on a number of occasions that it is time for America to recognize that we should help and give aid to our friends, and certainly not to our enemies. In these days of cold war, a nation cannot be neutral. It is either for or against you. I feel that this should be the measure applied in our dealings with all the nations throughout the world where we are spending and granting billions of American taxpayers' dollars.

The action by our representatives in the United Nations in sponsoring the censure of Israel was contrary to the facts which indicated a heavy buildup of Soviet-made weapons by the Syrian force along the frontier area as was borne out by Maj. Gen. Carl C. Van-Horn, Chief of Staff of the United Nations Truce Supervision Organization, and for the State Department to make such a unilateral condemnation of Israel, leaving unpunished Syrian hostile actions, can only serve as an open invitation to Syria to resume her harassment of Israel, and lead to further aggravation of an already tense situation.

Israel is the only nation in the world menaced by Soviet arms who has turned to America and asked to participate with other free world states in our U.S. military assistance program, and found its request rejected. The State Department felt it might embarrass our relations with the Arab States. So again I point out that we reject our friends, and reward our enemies.

The State of Israel has only one desire concerning its neighboring countries, and that is to live in peace. They have made this offer time after time after time, and to no avail. Therefore, she must maintain her borders and protect her citizens from these continuous attacks or how else can a nation defend its own people?

A number of my colleagues have requested the Secretary of State to furnish the House of Representatives a full and complete report with respect to the motivation and underlying reasons for the sponsorship of this country of the resolution censuring Israel before the Security Council of the United Nations on April 9, 1962. I am joining in this request, and while I do not look for any information which I do not already possess, I would like to have the report of the Secretary in detail form. I am sure that the reason which will be deduced from the report will be our impossible attempt to carry water on both shoulders between the Arab countries and our friend, the State of Israel. This we cannot do for too long a time, and the State Department should stop trying to do so by now issuing an unequivocal declaration that Israel is our friend, that we will stand by her and support her in the defense of her homeland, and give meaning to our words by action.

Excerpts From Radio and Television Address by Senator Wiley

EXTENSION OF REMARKS

OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Wednesday, May 9, 1962

Mr. WILEY. Mr. President, I ask unanimous consent to have printed in the Congressional Record excerpts from an address prepared by me for delivery over Wisconsin radio and television stations during the weekend of May 12 and 13, 1962.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

I welcome the opportunity to discuss the outlook of an industry that promises to be a growing, booming field of expanding opportunity of the years ahead. That is tourism.

As Americans, we live in a rich, bountiful country, enjoying the best standards of living in history.

For the future, we can look forward, if a catastrophic global war can be prevented, to even higher plateaus of better living in the space age.

As a fast-progressing Nation, we continuously experience revolutions in agriculture, industry, business, technology, science, and other fields. As a result, Mr. and Mrs. America are enjoying not only better work-living conditions, but also greater leisure time.

Annually, Americans spend about $20 billion for recreation and vacationing. Think of it: By comparison, these expenditures far exceed the gross national product—that is, the value of all goods and services—produced in over 90 percent of the nations of the world.

With greater leisure, however, also comes a responsibility—economically and morally—for best utilizing such time for broadening our horizons, including: Education; cultural enrichment through travel and acquaintence with new places and people; obtaining a new prospective of life; getting out of a rut of day-to-day living; improving our physical well-being; and enriching ourselves culturally, intellectually and spiritually. Leisure ought not be spent killing time, for to waste time is to waste life.

For Wisconsin and the Nation, recreation and vacationing has a special economic significance. As of now, tourism accounts for about $600 million annually in income for Wisconsin. In addition to an inflow of money this also means: more jobs; greater business activities for restaurants, motels, hotels, lodges, cleaning and other service establishments, purchases of supplies and equipment.

For the future, the outlook—if we take advantage of the opportunities—will be even more promising. According to a study by the Outdoor Recreation Review Commission, the U.S. population—by the year 2000—will be about 350 million.

Incomes will be higher: rising from $354 billion in 1960 to $706 million in 1976, to $1,437 billion in 2000; the workweek will be shorter; estimated to average 36 hours in 1976, and 32 hours in 2000. Travel will expand: By air: 30 billion passenger miles were flown in 1960; the figure may reach 150 billion by 1976; and 325 billion in 2000; and by car: 100 million by 1976; and proportionate gains for rail and water transportation.

Because of these changing, advancing factors, we will need to reevaluate the opportunities in tourism. Among other things, this will mean, for Wisconsin and the Nation: Creation of a realistic philosophy of leisure, as an opportunity for broadening our personal horizons, not just for killing time; design of new programs for reaping economic awards, including expansion of tourism promotion; and further improving our recreational sites—including access and accommodations for parks, fishing and boating lakes and streams, happy hunting grounds; further shaping up manmade, as well as natural, places of interest; attempt to provide year-round, as well as seasonal, recreational opportunities; and in other ways lay a sound foundation for an expanding program.

For the future, then, we, here in Wisconsin, have a tremendous potential for expanding, and benefiting from, tourism, not only as an individual State, with unique, wonderful recreational opportunities, but also as a part of the Great Lakes system, which, if developed, could be a real recreational Mecca for the Nation.

For the next broadcast, I will be discussing more specifically how we can further improve our recreational potential for the future.

Rumanian Independence Day

EXTENSION OF REMARKS

OF

HON. ROBERT R. BARRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1962

Mr. BARRY. Mr. Speaker, for centuries the Rumanian people suffered under the despotic rule of Ottoman sultans before they attained their freedom and independence late in the last century. But their most cherished and highest goal was not achieved without grievous losses and great sacrifices. In the past they had revolted numerous times against their powerful overlords, but alone they were never able to cope with their ruthless adversaries. Then early in the 1850's the Crimean War and subsequent events worked in their favor, offering them a real chance for freedom. At the end of that war they attained autonomous status, but since they wanted complete freedom, they continued to work for the attainment of that goal. In the 1870's they raised the standard of revolt against their oppressors, and on May 10 of 1877 they proclaimed their independence. Fortunately, in their fight they were materially and effectively aided by the Russians. By the spring of the next year the country was freed from Turkish tyranny, and Rumanians had their independence.

It is sadly ironic that these hardworking and gallant people, who regained their freedom with Russian aid 85 years ago, were to lose their freedom to the same Russians in 1945. Such are the twists and turns of human history, but the Rumanian people were not deterred from the goal of regaining their freedom, and on the 85th anniversary of their Independence Day let us hope that they soon attain it in peace and prosperity.

American Open House: A Warm Weapon in the Cold War

EXTENSION OF REMARKS

OF

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1962

Mr. MACDONALD. Mr. Speaker, many have written to me asking how they might respond to President Kennedy's plea, "Ask what you can do for America?" In promoting our expanded visit the U.S.A. program there is much each of us can do. No matter what our age or occupation, all Americans may do something which will be of immense value in our efforts to further international good will and understanding. With the direct expansion of travel promotion programs, every community in the United States has the right to expect international visitors. Oversea surveys show that our prospective visitors want to see all of America—our scenic wonders, our villages, our prairies, our industrial centers, and all the other ingredients of this land that beckon them.

European countries are showing Americans that it takes more than Madison Avenue advertising techniques to promote a permanent travel program. I have been greatly impressed with the hospitality extended through open house programs in countries such as Ireland, Denmark, Holland, and Great Britain. In most countries, the open house program consists of a very informal visit to a home to permit visitors to get to know a family or to see how the family lives. The visit usually does not involve a meal or an overnight stay.

In Ireland, "Meet the Irish" is a plan that enables travelers bound for the Emerald Isle to arrange in advance for personal introductions to congenial Irish people of similar ages, hobbies, and professions. In the "Meet the Danes" program, preparations for an open house visit are not made until a person reaches Copenhagen. Arrangements are then made within a 24-hour period for the selection of a family to act as hosts for a post-dinner meeting. "Get in Touch With the Dutch" is very similar to "Meet the Danes." The Dutch feel that it is necessary for the tourist to appear in person when applying for an invitation so that the tourist office will get an impression of the person requesting a visit.

Although Europe no longer has a monopoly on travel promotion, the United States is just beginning to bridge the travel gap. Before the creation of the U.S. Travel Service in June of last year, the United States was the only major country in the world without an official tourist promotion bureau. The Service is doing much to create interest and excitement for promoting travel to America, with the theme for this year being: "Travel a New World—See the U.S.A." The Travel Service has opened foreign travel offices in Paris, London, Frankfurt, Mexico City, Sydney, San Paulo, and Tokyo. The Service is providing information required by the foreign traveler to the United States, which will be easily accessible and obtainable, and has simplified entry and exit requirements for visitors. The program of the U.S. Travel Service is designed to coordinate and complement the significant resurgence of activity of the entire travel industry.

Mr. Speaker, how best to answer the original question: "What can you do for America?" Each of us can do much to help the Service to fulfill one of its most important objectives: making the international traveler's trip to the United States more enjoyable by insuring a warm and friendly welcome. A series of regional meetings sponsored by the Travel Service are now being held with Governors, mayors, local officials, businessmen, and civic leaders. The purpose of these meetings is to discuss ways of overcoming language and other difficulties which would make our foreign visitors feel more at home.

Here is an opportunity for Americans to be part of a significant grassroots movement. This is the answer of many for a hometown peace corps. Americans, young and old, especially those of us who speak or are learning a foreign language, have an opportunity to be an amateur linguist and goodwill ambassador at the same time. Communities all over the Nation are adapting the European open-house and open-door policies with a special American blend of warmth and hospitality. The National Association of Travel Organizations in their "Travel U.S.A. Handbook" lists the following activities which we all may promote in our communities:

First. Operate a downtown travel information center equipped to serve both domestic and foreign visitors.

Second. Alert the mayor's office, police force, and other city officials when they can be of service in welcoming or assisting groups.

Third. Maintain a roster of private citizens who volunteer to meet visitors and who are bilingual or possess professional or hobby skills which they will share with visitors.

Fourth. Assist in arranging for visitors to see model homes, shopping centers, and other local attractions.

Fifth. Provide at airports, depots, and other arrival points, suitable signs in several languages and where possible, skilled personnel to assist foreign visitors.

Mr. Speaker, there are no limits as to what each of us can do. The Meet Americans Club in Washington, D.C., is an example of what a group of people have done to make the international visitor feel at home. The club was established to provide a place where foreign visitors to the Nation's Capital might meet Americans on a social basis. Every Friday evening, the club has a reception with a short program followed by dances and games. Programs vary from cha-cha exhibitions to lectures on topics such as, "How To Listen to American Music" and "International Communication for the Deaf." While most programs and conversations are in English, many of the club's members speak Spanish, French, German, and other languages. A foreign visitor may partake in the club's weekly events which have included picnics, visits to places of interest in the Nation's Capital and nearby States, theater parties, weekend trips, and buffet suppers. Members frequently invite guests to their homes for meals and exchange ideas.

The question which one might be asking now: What does all this activity accomplish? Travel is our most dynamic weapon in our continuing efforts to obtain better understanding of America in the minds of the people of the world. The true American image has often been distorted and blurred in the eyes of our foreign friends through impressions left by Hollywood movies, by foreign newspapers, and sometimes by our own tourists and oversea military personnel. We have spent millions of dollars to correct these false impressions with programs such as the Voice of America broadcasts and the pictorial displays of our U.S. Information Service. The impact of these efforts upon the mind of a foreign citizen cannot be seriously compared with the dramatic effects of an actual visit to the United States.

A young doctor from East Germany came here with a picture of Americans as being materialistic, pleasure seeking, having no family life, and lacking religious and moral values. The newspapers he read daily depicted America as a capitalistic society out to colonize the world, capture foreign markets, and promote war economy. Just how valuable a stay in the United States is seen in a letter written by the young doctor when he returned to Germany. He wrote the following postscript:

> The people of my country do not know that Americans are like this. But they will know, for I write many letters now. The newspaper articles are always questioned for their truth, but my parents and friends believe what I write and they read my letters to many of their friends, too.

Attracting and taking care of international visitors is also good dollars-and-cents business. It is foreign aid in reverse. Foreign travel is our one export which offers a direct market benefit to the greatest number of Americans without depleting any of our resources. The tourist dollar benefits all types of businesses, from the big transportation companies to the small curio dealers. They, in turn, put money back into circulation, where it will do the economy the most good.

The following editorial, "A Warm Weapon in the Cold War," in the April 14, 1962, Saturday Evening Post, points to the significance of attracting foreign travelers to the United States and its impact on the problem of our gold reserves:

> While other alert countries have been happily raking in great sums by tapping the yearning of people everywhere to travel in foreign countries, the Yankee trader has been sleeping on the sidelines. It isn't that Americans don't like the idea of traveling. Last year 2 million of us went overseas and spent a whopping $2 billion. Without much encouragement from us, about 600,000 foreigners came here and spent $900 million. The result was an unfavorable travel deficit of $1,100 million.
>
> In the past when the United States spent more abroad than it took in, the imbalance was unimportant. But now that our military bases and other foreign-aid commitments cost us between $3 and $4 billion more than we net from export trade, the situation can no longer be ignored. In fact, we must either export more or abandon some of our oversea positions in the cold war struggle.
>
> As almost all nations except America have learned, one of the easiest ways to earn foreign exchange is from tourists.

We are just beginning to realize the potential of the vast untapped market of tourism. America is beautiful, America is hospitable, America has much to offer the international visitor. It is not enough to say "come to America" to the world and extol the wonders of the United States unless we are prepared to be a good host. Visitor satisfaction is the key to a successful travel program. That is where we come in.

Find out what visitor services programs are established in your community. In communities where such a program is not underway, one effective method of starting is asking the mayor to summon a meeting of all interested in tourism and form an active committee from this nucleus. The U.S. Travel Service is prepared to assist your community in planning a program to attract and take care of international visitors.

Purchase of U.N. Bonds Is Essential

EXTENSION OF REMARKS

OF

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1962

Mr. NIX. Mr. Speaker, on September 17, 1787, as Benjamin Franklin sat watching the last members of the Convention sign the Constitution of the newly born United States of America, he cast a glance toward a painting above the President's chair on which a rising sun was painted, and observed to a few members sitting near him that painters have found it difficult to distinguish in their art between a rising and setting sun. Further, he continued:

> I have often in the course of the session and the vicissitudes of my hopes and fears as to its issues, looked at that picture behind the President's chair without knowing whether it represented a rising or a setting sun.

And so it is with us here today some 175 years later as we consider continued support of the United Nations. It is under the reflection of this kind of picture—one which can mean the beginning or the end—that the President is soliciting bipartisan support for a dynamic

United Nations. I sincerely believe congressional support for the President's proposal requesting us "to promote the foreign policy of the United States by authorizing the purchase of United Nations bonds and the appropriation of funds therefore, 'could make the picture before us reflect a rising sun'."

Arnold Toynbee, the renowned British historian and scholar, in one of his treatises on civilizations and their decline, concluded, that 300 years from now the 20th century will be remembered not for its wars, not for its conquest of distance and disease, not even for the splitting of the atom—but for having been the first age since the dawn of civilization some 5,000 or 6,000 years past in which people dared to think it practicable to make the benefits of civilization available for the whole human race. Our civilization can have no more noble obligation to ourselves nor greater responsibility to the less developed than to evolve out of our creativity a way to protect all mankind from our weapons of technology.

Paraphrasing Abraham Lincoln, the world will little note nor long remember what we say here, but it will never forget what we do here in this session of the Congress. Time is of the essence, and unless mature wisdom guides our present deliberation, we cannot be assured of another respite.

The request for $100 million to face a financial crisis which has developed in the United Nations because of that organization's effort to secure peace, progress and human rights, represents that which needs to be done and that which must be undertaken, not because of communism but in spite of it. The more truly moral the conductive display—the more concern we demonstrate for keeping the peace in this nuclear age, for feeding the hungry, for making the sick well—the less military force we shall need to maintain our security; the more friends we shall win and the more nations we shall genuinely influence to trust us and voluntarily join in our endeavors. Consequently, agitation intended to pull this country out of the United Nations strikes the realistic among us as foolhardy. Cooperation is not charity in this nuclear age, rather, cooperation is the salvation of mankind.

This is not to suggest that criticism should not be tolerated but criticism to be constructive—to be productive—must concentrate upon enlarging man's opportunities for survival. Criticism should be directed away from proposals which could mean the annihilation of all, which is precisely what could happen as a result of some brush fire without the restraining collective efforts of other nations to localize conflicts through the United Nations. To campaign against this form of collective effort, to advocate that we with the blind greed of a miser hoard our surplus products; that we isolate ourselves; that we reject reality; that we embrace the myth that a nation can live alone, is suicide.

While transportation, communication, and the economic interdependence of man with the accompanying intercourse of people, shrink the globe, the concept of massive retaliation increasingly rules out war as an alternative to the conflict which have historically ensued from the struggle for power, cultural, racial intermixing. It is a most tragic consequence that man has developed his technology, especially his weapons of destruction far out of all proportions to his human relations. Now in the little time left, is it not our responsibility to close the gap between the two, technology and human relations?

Instead of catastrophe, we can give greatest consideration to the fullest implementation of the United Nations Charter and program in acknowledgment of the individuality of men and the inseparability of their societies. This suggestion entails a conscious nurturing of a new concept of life for the world's people adjusted to individual needs and aspirations and serving all humanity. Technical advancement has so hastened economic interdependence that in spite of national boundaries and renewed assertions of nationalism in some parts of this earth, a new world order is being forged—a new order which must be based on the Christian concept of "I am my brother's keeper": or as in the Buddhist liturgy:

> Never will I seek to receive private individual salvation; never will I enter into final peace alone; but forever and everywhere, I will strive for the universal redemption of every creature throughout the world.

A new and more dynamic society based on the expression of the Great Roman, Marcus Aurelius:

> Whatever act of thine has no reference either immediately or remotely to a social end is in the nature of mutiny.

A society under the influence of the Philosopher Mazzini:

> You cannot ever, if you would, separate your life from humanity; you live in it, by it, for it.

With the national interest our first consideration, our road to survival depends upon the heat we apply to the crucible in which we forge our races, creeds, and colors into oneness. We, the strongest nation and the richest country in history and ourselves born of revolution, economic oppression and since, caught up in a ceaseless struggle to promote liberty and justice for all, have no alternative but to promote these basic rights on behalf of the world's people. Humanity as a whole is of far greater importance than any one nation or race and that nation, first accepting this fact, will be the savior of mankind. To date, the United Nations offers the best hope for achieving that end. Failure to support the President's request for $100 million to meet the financial crisis which developed, in part, out of the U.N.'s peacekeeping operations in the Congo, could undermine, perhaps destroy, a present bright hope for effective restraint to aggression, could snuff out the hope of reason as a substitute for violence; and finally, turn into a mockery the great dream of democracy fashioned by the United States of America.

In terms of faith, said the late Secretary of State, John Foster Dulles, we seem unable to articulate a basic philosophy for our times which carries deep conviction and strong appeal. I would surmise it is in agreement with this view that our President in his message to Congress at the beginning of this session, requested what amounts to a shift in our foreign policy to economic emphasis in deference to human elements involved cutting across traditional political philosophy.

Against the above background, serious and immediate consideration must be given to the request of the President for strengthening our position in the world and, especially, the urgent need for funds to meet the crisis situation in the United Nations. I urge support of the President's request, not merely because he is our President, not because he is the leader of the Democratic Party, but rather because his proposal holds out to us all something of substance, of logic, of faith, of hope.

As we pass from civilization's highest stage to something else, as we must, let that something else be logic, law and reason. With the United Nations, the catalytic agent, let the dissident nations, and there are some, rationalize their choice of war and chaos for a world of reason, if they can.

At this moment in history when we stand in a relationship to the time clock comparable to that of imperial Rome, may we be ever-mindful at all times and in all things we undertake of the words of Cassius: "Our fault, dear Brutus, is not in our stars but in ourselves," and realize it is time for some painful but honest introspection.

Together there is power in our action—power that could turn the world to work with us, but we must have the humility to entrust the compass to the pilot of our ship of state as he sails upon troubled waters.

In conclusion, I quote the President of the United States:

> For in the development of this organization rests the only true alternative to war—and war appeals no longer as a rational alternative. Unconditional war can no longer lead to unconditional victory. It can no longer serve to settle disputes. It can no longer concern the great powers alone. For a nuclear disaster, spread by winds and waters and fear, could well engulf the great and the small, the rich and the poor, the committed and the uncommitted alike. Mankind must put an end to war—or war will put an end to mankind.

The National Lottery of Italy

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1962

Mr. FINO. Mr. Speaker, I would like to tell the Members of this House about the national lottery of Italy. The Italian Government operates several lotteries and thus realizes very important revenues.

In 1961, the lotteries brought in a total of $71.6 million. The profit to the

Government amounted to $38 million. These revenues are not earmarked for any specific purposes, but are rather directed to the Italian treasury.

Mr. Speaker, Italy's profitable lottery is another of the many government lotteries bringing very real benefits to the nation in question—benefits made possible by the wisdom of governments refusing to allow hypocrisy to stifle and smother needed advances.

Mr. Speaker, we can be equally wise in America if we remove the blinders and accept the fiscal facts of life. A national lottery in the United States can easily pump into our Government treasury over $10 billion a year in additional income which can be used to cut our high taxes and reduce our gigantic national debt.

Catholic Relief Services Victim of Cruel Hoax

EXTENSION OF REMARKS
OF
HON. CARROLL D. KEARNS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 9, 1962

Mr. KEARNS. Mr. Speaker, I have received a letter from Edward E. Swanstrom, executive director, Catholic Relief Services, National Catholic Welfare Conference, stating that—

> A number of people have indicated to me that within the past few weeks a newspaper, "Western Voice," published in Englewood, Colo., by Rev. Harvey H. Springer, D.D., Pastor, First Baptist Church in that community, forwarded to all the Members of Congress its issue of March 22, whose front page contained a rather damaging article entitled "What Is This—Catholic Propaganda With U.S. Government Label?" and showed a picture of some bags of Government surplus wheat which were labeled "Catholic Relief, Kennedy Casablanca, Donated by the People of the United States of America, Not To Be Sold or Exchanged." It certainly must have created some confusion in the mind of any Congressman who did not understand these particular markings.
>
> As you undoubtedly know, under Public Law 480, each voluntary foreign relief agency which distributes free American surplus food must have an American as the supervisor of its program in any country in which such commodities are distributed. From the very beginning, officials in charge of our foreign aid program advised all agencies that wherever it was possible we should consign such goods to the American representative in the country. Our representative in Morocco happens to be Thomas F. Kennedy, an American whose home is in Loogootee, Ind., and it was perfectly logical that we consign our goods for that particular country to Kennedy, Casablanca, the port of entry for Morocco.

Mr. Swanstrom goes on to point out that during the last fiscal year, October 1, 1960, to September 30, 1961, Catholic relief services shipped to Morocco 117,638,388 pounds of milk, wheat and flour, fats and oils, and beans, all of which were donated U.S. surplus commodities. These were distributed to some 840,000 persons including 200,000 children in schools, 93,000 persons in institutions and hospitals, 40,000 children in summer camps, and over 500,000 individuals and members of needy families. About 95 percent of these distributions were to people of the Moslem religion and were carried on primarily through Entr'aide Nationale Morocco, a quasi-governmental organization.

It should be pointed out that all distributions of American surplus foods and, in fact, every aspect of the oversea relief services of the National Catholic Welfare Conference are carried on for people strictly on the basis of need without reference to their race, creed or color. Up to September 30, 1961, Catholic relief services of the National Catholic Welfare Conference had distributed 6,776,346,670 pounds of surplus foods and 23,379,734 pounds of surplus cotton on that impartial basis, and on that profoundly religious basis alone.

Mr. Swanstrom's letter to me states in part that:

> As the article in the "Western Voice" points out, it was on August 22, 1961, that a correspondent in the New York Journal American (Dorothy Kilgallen) first printed an entirely erroneous story based on some misinformation which she was reputed to have received from an American seaman stating that even though we were sending huge stores of American food to foreign countries under the guise of a Kennedy Catholic Aid Program (insinuating of course, that it was in the name of our President), and that the food was not reaching the needy and that people were going hungry despite our large shipments. Even though we pointed out to the publisher of her paper that the story was entirely unfactual and unwarranted, she never published any reference to our communication which would have clarified the situation.

The American people are proud of their free press, but a free press in our kind of society must have a deep and abiding regard for our noble purposes as a free people. It cannot long remain free unless it tells the truth, the whole truth, and nothing but the truth. It cannot stoop to misinformation, erroneous stories, insinuations, and innuendoes without doing our country a grave disservice.

A grave disservice has been done our country, President Kennedy, and a great religion and its 40 million communicants in this Nation by this particular story, and hoax.

It is a cruel hoax because it victimizes, at the same time that it does a grave disservice to our Nation and millions of fine Americans, the people of the Moslem religion.

The people of French Algeria have already suffered heavily at the hands of the West.

The humane relief and food provided by Catholic Relief Services of the National Catholic Welfare Conference was slowly and surely extending the healing balm of friendship and Christian charity to the Moslems of Morocco.

This cruel hoax should be denounced by religious leaders of all denominations and faiths, Protestant, Jewish, and Catholic, before it does any more harm.

Catholic Relief Services of the National Catholic Welfare Conference, and, indeed, all of the American voluntary agencies such as Church World Service, Lutheran World Relief, and others are most proud of the partnership that they have been able to develop with our Government over these past several years in bringing food and relief to the hungry and needy throughout the world.

Mr. Swanstrom says, in his letter:

> I know as well as anyone else that this great opportunity that has been given to us has been due primarily to the sympathy, understanding, and unlimited support and cooperation that has been shown us by both Houses of Congress and which have been expressed in such far-reaching and effective legislation as that of Public Law 480. It is for that very reason that I felt that this explanation was due you even though I feel that sometimes it would be better to disregard entirely the insidious type of propaganda that is evident in the article in the "Western Voice."

Mr. Swanstrom concludes his letter to me this way:

> I take this opportunity to renew my expression of appreciation to you for your interest in and support of voluntary foreign relief efforts over the years, not only in behalf of myself and the agency I am privileged to direct, but of all the American voluntary foreign agencies.
>
> With kind personal regards, I am,
> Cordially yours,
> EDWARD E. SWANSTROM,
> *Executive Director, Titular Bishop of Arba.*

Washington Report

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 9, 1962

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following Washington Report entitled "Blueprint for Changing Our Form of Government":

> BLUEPRINT FOR CHANGING OUR FORM OF GOVERNMENT FOR A PLANNED ECONOMY, MANAGED LIVES, REGIMENTATION
>
> (By Congressman BRUCE ALGER, Fifth District, Texas)
>
> President Kennedy's legislative proposals, submitted to this session of the 87th Congress at midterm, are leading us into a planned economy and a complete change from a free, private enterprise society. On the domestic front a review of the Kennedy program, much of it already enacted, demonstrates what is happening in every phase of our national life.
>
> 1. Taxes: Increases tighter regulation and reporting (examples: withholding, investment credit and others). Tax law used as a carrot or stick, not to raise dollars, but to control business.
>
> 2. Tariffs: Executive control (not Congress as Constitution stipulates) to determine through use of import duties a life and death control of industry, and subsidies (if so determined by President could be help or punitive action).
>
> 3. Spending: Greater latitude and discretion demanded by Chief Executive in every program—$2 billion for public works long range and $600 million for "quickies."
>
> 4. Deficit spending and dollar control: Control supply of money through Executive management of Federal Reserve, increasing

debt ceiling, pumping Federal dollars into the economy regardless of deficit.

5. Government purchases: Government as biggest purchaser able to award contracts by industry, area, political consideration.

6. Growth: Federal tax dollars placed in industries and localities at discretion of the President, use of subsidies as area redevelopment with full power in the hands of the President.

7. Farm program: Tighter, complete control of farm production and farmers, subsidy to farmers for not using land.

8. Wage, price, and profit control: Permit price increases if at all by Federal plan and guidelines, perhaps permit labor to receive wage gains from increased productivity, but clearly a double standard for business and labor, no price, only wage increases—make impossible free collective bargaining—control profit by tax and depreciation (example: credit investment) laws.

9. Police powers: FBI used to enforce criminal provisions of all Federal laws (all programs have criminal provisions not realized by the public), use of antitrust, taxing and regulatory agencies, to extend Executive influence.

10. More regulatory agencies (taking away individual rights and State government and local jurisdiction): (a) Urban Affairs Department, (b) Department of Education (including the arts), (c) reorganize and expand jurisdiction of all regulatory agencies by Executive guidelines, not Congress (these are created as arms of Congress not subject to executive control), (d) Department of Consumers Affairs.

These are only the domestic issues. I have not even touched on foreign affairs wherein Congress has abrogated its constitutional powers to the President. (1) Disarmament; (2) Peace Corps and foreign aid; (3) World Court, the U.N., and affiliated bodies; (4) breakdown of Monroe Doctrine; (5) U.N. bond issue (using American taxpayers' money to subsidize organizaiton which other members refuse to help finance. On the reverse side of this newsletter is a factual statement by Congressman James B. Utt showing how the United States, bearing the heaviest financial burden of the U.N. nevertheless has the same vote as each of the other countries, 54 of which together have less population than we do, and illustrating how this imbalance is used against the best interest of our own Nation. Further, ignoring the basic truth that national defense rests on a sound economy. Loss of individual and business freedom and the destruction of U.S. economy leaves us at the mercy of our enemy. It is time to remember Lincoln's words: "If destruction be our lot we must ourselves be its author and finisher. As a nation of freemen we must live through all time or die by suicide." And James Madison: "There are more instances of the abridgment of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations."

In the Congressional Record this week I called attention to the people's right to know if we are to live under a different economic and social system than that provided in the Constitution and the Bill of Rights. If President Kennedy is determined to change our form of government (as indicated by the foregoing blueprint drawn from his proposals thus far) the people at the very least have a right to know what the whole plan is so that they may have a part in choosing and building the new order, whether it is Keynesianism, Fabian socialism, or our own brand of overall warfare statism. This overall comparison of President Kennedy's legislation makes quite clear that he is fostering a planned economy directed from Washington, with vast Federal powers over the lives of individuals never before equaled in the history of this Republic. He may believe that he has the right to make such a change. But at the same time there is a grave question, involving honesty and motive, in bringing about this change through subterfuge and the subtle method of chipping away our freedoms bill by bill.

ONCE AGAIN, THIS—

Boxscore of legislation proves the point. (1) Welfare revision (expand Federal powers, restrict State and local jurisdiction); (2) medical care for the aged (Federal control of medicine); (3) unemployment compensation (encroaching on State programs); (4) manpower retraining (bureaucratic determination as to what work individual should do); (5) youth employment (by Federal guidelines); (6) literacy test restriction (control voting procedures by Federal Government instead of States as provided in Constitution); (7) aid to education; (8) college aid; (9) medical school construction; (10) omnibus farm program; (11) urban affairs plan; (12) welfare-pension plans; (13) transportation policy (infringing upon local responsibility); (14) wilderness system (using right of eminent domain to keep people in line, taking private property to expand social program); (15) tax revision (carrot and stick to control economy).

A Tribute to John and Harriet McCormack

EXTENSION OF REMARKS

OF

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1962

Mr. O'NEILL. Mr. Speaker, it is an honor, a privilege, and a real pleasure for me to be able to present to my colleagues in the House the beautiful tributes accorded our beloved Speaker, the Honorable John W. McCormack, and his lovely wife, Harriet, on April 23, 1962, when he received the famous Lantern Award at the 62d Annual Patriots' Day dinner of the Massachusetts State Council of the Knights of Columbus at the Hotel Bradford in Boston. The award was given in grateful recognition of the extraordinary patriotic service John W. McCormack has given throughout his lifetime both to the State and to the Nation. The previous recipients were J. Edgar Hoover, Francis Cardinal Spellman, Richard Cardinal Cushing, George Meany, and Robert F. Kennedy.

I am sure that every Member of this House will be as particularly pleased and as proud as I am of the words of the eminent Richard Cardinal Cushing in speaking of John and Harriet, America's most gracious and devoted couple:

Shadow and Substance—A Tribute to John and Harriet McCormack on the Occasion of the Lantern Award by the Knights of Columbus of Massachusetts by His Eminence Richard Cardinal Cushing, April 23, 1962

I was thinking the other day that every few years a partiular word or phrase enjoys wide publicity. For a limited time it is on the lips of many—then it drops back into the past as just another entry in the dictionary.

You will recall that periodically we had phrases like "dress fashions"; "dream homes"; "safety first"; "racial justice"; "religious tensions"; "the Knights of Columbus oath"; "the hierarchy of the Catholic Church"; "freedom of speech"; "censorship"; "the life you save may be your own"; "give until it hurts"; etc. These words had their day. They were in vogue for a while and then they passed into oblivion.

At the present time there is a high-ranking favorite word. It is the word "image."

Some men in public life are worried about their image on local television programs and other media of publicity. Others in the national picture are concerned about the image of the United States in foreign lands. Choked voices, handwringing, and apologetical statements are now in evidence over the "image of Massachusetts" and the "image of Boston." Those who use such phrases must have a limited vocabulary. Otherwise they would change the tune. They believe, whether right or wrong, that the reputation of our country, our Bay State, our capital city is badly tarnished. We have been "smeared," "betrayed," and "blackmailed," they proclaim. People everywhere don't like us, wail these mourners. We must improve our "image." Get Madison Avenue publicity agents; employ good public relations officials; spend a million or more on advertising our virtues.

For a long time and very strongly I have been convinced that all this worry about our image is a lot of misplaced emphasis, if not propaganda on the part of one of the two major political parties in our country or both.

An image has no substance. It is a picture, a representation, a mirror's reflection. It is not the reality. A mirror may reproduce any one of us with fair accuracy. But did you ever go to a beach resort or a country fair or a city amusement pavilion and stand before a funmaking mirror? How monstrous you appeared on that mirror; 8 feet tall and thin as a pencil; or 3 feet high with a 6-foot waist.

I contend that it is a serious misemphasis to worry about images. It should be our concern as a national or local community proudly to remember that we are a Nation under God. And as citizens of Massachusetts that we have a meaningful motto, significant of courage and sacrifice, "As it was with our fathers so be it with us." In God we place our trust.

We should strive to the very hilt to fulfill the implications of these noble statements. Our justice, our charity, should find their inspiration—as they profess to find their model—in God's law and in the perfect charity of His Divine Son.

The continuous references to the image of the United States, of Massachusetts and of Boston wearies me and many others.

To the nations of the world, to every one of our 50 sovereign States and to municipalities, the dictum of Thomas A. Kempis applies just as effectively as it applies to individuals. "It is not what men say about us that matters; it is what God knows about us."

Tonight the Knights of Columbus of Massachusetts honor a public servant who needs no artificial image to present him in a favorable light, locally or nationally. He is the genuine gem reflecting everything grand and noble in public life. By sacrifice and hard work, by honesty and integrity, by experience and capability, the only coins that can purchase success, he has ascended step by step from the lowest rung on the ladder of public life, to the third highest position within the powers of the electorate in the Government of our country.

Success has never marred his sterling qualities. They are so well known and so extensively publicized that it is unnecessary for me to expatiate on them. But lest we forget, there is one quality in the Speaker of the National House of Representatives that deserves a most honorable mention wherever the name and life of John McCormack are honored. It is the inseparable bond of unity between himself and his dear wife, Harriet, that grows stronger as the years go on. The oneness of this ideal couple has been universally praised. The familiar names of John and Harriet have been on the lips of every President and all the lesser lights that have illumined the Washington scene since John McCormack first went to Congress many years ago.

We Knights of Columbus exalt ourselves when we honor tonight the man who with the aid and companionship of his devoted wife personifies those words of the "Imitation of Christ," "It is not what men say about us that matters. It is what God knows about us." Few couples to my knowledge have lived in all its fullness that classical statement of Thomas a Kempis.

Happy am I to salute that inseparable unity, the unique combination of husband and wife, whom no social, no society, no political gatherings, however great and grand, can ever divide. In every honor, for John, Harriet, his better half, has her share. Whenever issues arise, however controversial in character, there has never been one powerful enough to keep John from Harriet and Harriet from John. They are only concerned with what God thinks of them. They are not concerned with what others think of them. But, paradoxically enough, as a result of their dedication to God, the whole country salutes them as the ideal duplication of the union that exists between Christ and church.

If I were offering a toast tonight, I would lift my glass to John and Harriet and say, God love you for exemplifying in public life an ideal union between husband and wife. And then, my brother Knights, I would lift my glass to you and bless this night that has brought us together to salute John and Harriet McCormack.

Introductory Remarks of State Deputy Joseph E. Boothroyd on April 23, 1962, at the Annual Patriots' Day Dinner of the Massachusetts State Council, Knights of Columbus, at the Hotel Bradford, Boston

We are gathered here this evening, in keeping with the laudable custom of our brother Knights for more than threescore years, to commemorate the anniversary of the battles of Lexington and Concord, to recall the deeds of our patriot forebears of 1775, and to present our Sixth Annual Lantern Award to an outstanding Catholic-American patriot and native son of Massachusetts whose "extraordinary patriotic service given throughout his lifetime as a Representative of this Commonwealth before the United States has never failed to seek that 'Peaceful Quiet under Liberty' to which Massachusetts is indelibly dedicated."

This evening recalls a night of destiny: an anniversary pregnant with meaning for all of us American citizens who cherish the way of life to which our humble forebears dedicated themselves, their possessions, and their dreams. This evening recalls a night of decision: for on that April night—the farmers, the merchants, the woodsmen cast the die, grappled with the challenge of tremendous odds, and determined to succumb as heroes rather than live as slaves. But this evening, above all, marks a night of vision—of alertness—when simple men caught a glimpse of a world that was to be and which they would fashion—this was their opportunity—and they intended to grasp it. This was the hour to be alert—not merely to watch the movements of the enemy—but to know his strategy and to burn beacons to warn the unsuspecting citizenry.

And what of we citizens of 1962, we who fight the battle of the present, call it what you will—the cold war or world war III? For us, too, this is the hour to be alert.

We must learn about the enemy—to know the truth about the Communist conspiracy—and when we understand that Communist threat clearly, we must expose it by making our convictions known—by burning beacon lights to warn the unsuspecting citizenry of the tactics and strategy of the unrelenting enemy who strives to entice the multitude by trickery of various forms, hiding his real designs behind ideas that in themselves are good and attractive. For us this is the hour to warn our fellow Americans of the deceits, the lawlessness, the hypocrisy, and the cruelty of communism.

Let ours be then:

"A cry of defiance, not fear
A voice in the darkness, a knock at the door,
And a word that shall echo for evermore,
Through all our history, to the last,
In the hour of darkness and peril and need."

Address by John W. McCormack

Your eminence, Richard Cardinal Cushing, Archbishop of Boston; Your Excellency Most Reverend Jeremiah F. Minihan, Auxiliary Bishop of Boston; State Deputy Joseph E. Boothroyd; Right Reverend, Very Reverend, and Reverend Fathers; Deputy Supreme Knight, Dr. John W. McDevitt; my distinguished colleagues and friends, Congressman O'Neill, Congressman Burke, Congressman St. Germain, distinguished members of the judiciary among whom are included my valued friends, Judge John E. Swift and Judge Frank Tomasello; distinguished public officials, among whom are included Sheriff Howard Fitzpatrick, District Attorney Garrett H. Byrne; former Mayor John F. Hynes; officers and members of the Massachusetts State Council, Knights of Columbus, and your guests, to be the recipient of the Lantern Award of the Massachusetts State Council, Knights of Columbus, is one of the greatest honors I have ever received. I am deeply touched in being selected and in being included among the select and outstanding recipients who have preceded me. Your splendid tribute is deeply appreciated by Mrs. McCormack and me.

I am particularly pleased to have this opportunity to pay tribute to our beloved Cardinal, Archbishop Richard J. Cushing, who is known and loved throughout the world, not only because he is a prince of the Catholic church, but who is loved by communicants and members of all creeds because of his deep faith and his devotion to God, country and mankind, and his spiritual leadership and his humanitarian accomplishments throughout the world. For Cardinal Cushing lives "as near as is humanly possible the life of Christ on earth." While a prince of the Catholic church, Cardinal Cushing is loved by members of all creeds, which persons of all religious convictions have evidenced on so many occasions, and which respect and esteem and affection our cardinal archbishop richly deserves.

These are difficult times. The leadership of our great Chief Executive, President John F. Kennedy, is outstanding—proving to be a bulwark against the onslaught of the hordes of atheistic communism. We have every reason to be proud of the President's magnificent achievements, not only as President of our great country, but as of a native son of Massachusetts. As I work in the Capitol of our Nation, I am cognizant of the tremendous burdens resting on his shoulders as he leads the fight to preserve our way of life. He is a great leader, dynamic and forceful, worthy of the faith we have in America.

In my opinion one of the great mistakes that Khrushchev made was some 3 or 4 years ago when he boasted, in substance, that "President Eisenhower's grandchildren would be living under communism." When he picked out the President of the United States to direct this boast, Khrushchev not only insulted all Americans, but he directed the message to every American mother and father, every American grandmother and grandfather that either their children, or their children's children could be living under communism.

I imagine that when President and Mrs. Kennedy look at their two children, that the President is determined that his children will not live under communism, and when he carries on his heavy duties with this determination, this means the children, or children's children of all Americans will not live under communism.

So in that boastful utterance, Khrushchev made one of his greatest mistakes.

We of this generation are living in, and undergoing one of the most trying, if not the most trying period, of the known history of mankind.

An evil and vicious ideology and force exists bent upon world domination and control.

Centuries ago, Christians underwent martyrdom for their faith. Under atheistic communism, Lenin, Stalin, Khrushchev, and Mao, the days of martyrdom have returned. In fact, have been with us for several decades. The sweet and deceitful words of "peaceful coexistence" cannot hide the vicious persecutions, imprisonments and deaths of millions of persons whose only crime was that they believed in God. And witness Mao, the present-day Lenin and Stalin.

And let us not be deceived by the occasional soft-spoken words of Khrushchev.

For the intent and purposes of atheistic communism have not changed. And, as centuries ago, God-loving persons were persecuted, and had martyrdom imposed upon them, so does history record that we had the days of the crusaders, those who willingly gave their lives, if necessary, for God and His law.

And in the world of today we need a return of the spirit of the crusaders. And fortunately in the world of today, there exists in the mind of many what might be termed "the spirit of the crusaders." Witness little Hungary, Poland, Lithuania, Latvia, Estonia and people in other satellite countries who despise their Communist oppressors and who are praying for the day of their deliverance.

And they look to America with hope; to Moscow with despair. We must always follow policies that will keep hope alive in their minds.

And fortunately, our country, under the leadership of our courageous Chief Executive, President John F. Kennedy, is keeping that hope alive.

For their hope is the strong desire for the ultimate return of them of independence as a nation, and their God-given right of liberty, and their inalienable rights of mankind.

And as long as we keep that hope alive, the 100 million or more persons living under Communist domination constitutes a reserve strength to us and a constant threat to those in the Kremlin, for in case of a general war, they would quickly spring into action, engaging in acts of sabotage and guerrilla warfare against their oppressor.

The desire for liberty is a God-given gift and right; man did not create what we term "the rights of man." Dictators may temporarily suppress the exercise of liberty, but man can never destroy the desire for liberty, for man did not create this desire.

And in fighting God on earth, the Communist, in fact, well knows that liberty and our way of life comes from our belief and faith in God and His law.

For the basic difference between our way of life, based on truth, and the Communist way of life, based on a false ideology, may well be summed up in two words, the most meaningful words in any language. One word, beautiful, wholesome, charitable, constructive; the other word, evil, cruel, destructive.

And the two words, with four letters each, are "love" and "hate."

Let us pause for a moment on these two words and analyze them and see the results in terms of the divided world of today, and in terms of our way of life, and the Communist way of life.

Love of God; love of neighbor. The grave is not the end, with supreme judgment on the manner in which we live and exercise our trusts.

The dignity of the individual. Government is the servant and not the master.

The inalienable rights of man. A government of law and not of men. Democratic institutions of government.

Let us briefly examine the other word "hate" in terms of Communist ideology.

Hatred of God. One cannot hate God and love his neighbor. The grave is the end. Might is right, not only within a nation for control, but from nation to nation for the control of the world.

No rights of the individual. The individual is a mere cog in the vast machinery of state. The state supreme. Evil, vicious, destructive, atheistic, communistic dictatorship. One must have an understanding of the workings of the mind of the Communist, his false origin of thinking, in order to successfully combat and ultimately defeat his evil intents and purposes.

Over 27 years ago, as chairman of a House committee that investigated communism in America, I was able to study Marxism as interpreted by Lenin, Stalin, Khrushchev, Mao, and others and see their evil design. My committee warned the people of America to awaken and to realize the potential dangers of this vicious ideology and worldwide conspiracy, but we were generally laughed and scoffed at.

I do not refer to this to say, "I told you so" but to indicate that as far back as 1934, as a result of my committee's searching investigation, the members of my committee and I saw the evilness of this movement, and found it was not an American political party, but a worldwide conspiracy. And we have witnessed the advances made since then throughout the world. The intent and purposes of atheistic communism have not changed one iota between 1934 and 1962. Tactics from time to time lull peoples to sleep and temporarily change and shift, but the intent and purpose has not changed.

As long as the intent and purpose exists to dominate the world and impose in the inhuman manner that current history records, atheistic communism upon all of mankind, we and other nations still free, must be eternally vigilant and constantly on our guard. For more than the liberty of you and I is involved.

The life and the world that your children and your children's children will live in for future generations is involved. A way of life with its origin in God Himself is involved. And what I say is not a sermon but is discussing a philosophy of life based on truth. And in the world of today, we must realize—whether we like it or not—America has a rendezvous with destiny. For all countries of the world, whether large or small, are in a sense caught in a vise—with Washington on one side and Moscow on the other side. Those countries and peoples everywhere, whether outside or behind the Iron Curtain, who want freedom under a government of law, look to Washington with hopes and prayers, and to Moscow with despair and fear. And we cannot let them down. Our own national interest is tied up with their hopes and prayers. And we must think rationally and realistically to create within ourselves the spirit of the crusaders and be willing to make the sacrifices necessary so that history will record that America and her people kept their rendezvous with destiny and with history.

It is humanly difficult to see history in the making, but while we are present at this splendid affair tonight, a part of the history of this period is actually being made. Laos, Vietnam, Berlin, the Near East, the Congo, South America, everywhere the Communists are working to attain their goal of domination and destruction. And we must work for our goal of constructive progress. Many years ago I reached the definite opinion that we cannot negotiate or deal with the Communist leaders from a moral angle. For they hate God and are fighting Him and His word and law in the minds of all persons on earth who believe in Him. Having no moral origin, they cannot have any idealism. I am talking about the Communist in fact.

So we cannot negotiate with them on the level of idealism. But there is one level and as long as they adhere to the dialectic aspects of communism that we can negotiate or deal with them, and that is on the level of the law of self-preservation. For the only thing Lenin, Stalin, now Khrushchev and Mao respect is what they fear. And that is military strength and power greater than they possess themselves. For they cannot deny that the law of self-preservation applies to the people of the Soviet Union and Red China as it does to little Norway and to our own country. So, from a military angle, we must always be strong and powerful. We must be strong militarily across the board and we must always possess a powerful retaliatory striking force. For if Khrushchev and his associates had us at the mercy of the power of the Soviet Union for only a brief period of time, they would strike and not wait for us to catch up. And fortunately for our country and the free world, President Kennedy, who inherited the worst world situation ever to face a President, is well aware of this fact. For last year, President Kennedy recommended over $6 billion additional appropriations for greater national defense, and the Congress quickly voted these additional funds, and for the fiscal year starting July 1, 1962, the President has requested about $3 billion more. And on Wednesday last, the National House of Representatives passed an appropriation bill for national defense for the next fiscal year of $47,800 million, the largest in the peacetime history of our country. And that is the language and the action the men in the Kremlin understand and respect.

And this is the price—the premium we must pay to assure independence and liberty for ourselves and for future generations of Americans.

As Speaker, and as a legislator in the Halls of Congress, in the world of today, if I am going to err in judgment, I prefer to err on the side of strength rather than on the side of weakness. While a powerful national defense is imperative in a democracy, it is not the whole answer, the whole picture, our only course of conduct is to assure the ultimate victory and the future world peace. As a nation we must be strong spiritually. Love of God and love of neighbor. We must put these commandments into active and practical operation. A powerful military posture, while necessary, is in a sense negative. And we will never win occupying purely a negative position. To hold back, roll back, and ultimately defeat atheistic communism, we must take affirmative action.

If we do not act affirmatively, communism gains. Where would Greece, where would the countries of Eastern Europe be today if we failed to act in past years. They would have, years ago, been under Communist domination.

Simply by our failure to act—by our default in our own national interest, but for mankind; we would have failed to keep our rendezvous with destiny. So hard as it is, our people must be willing to make sacrifices to affirmatively fight and win this war that has been thrust upon all freedom-loving peoples by an anti-God ideology.

The Alliance for Progress for South America recommended by President Kennedy, our help to peoples of other countries to maintain their independence and liberty, our assistance to underdeveloped countries and to underprivileged people, are illustrations of love of God and love of neighbor acting affirmatively in winning this historic conflict. And when historians of tomorrow are writing that America of today kept the faith—faith in God, faith in country—they will know that we were successful in keeping our rendezvous with destiny.

With a powerful America militarily, necessary for preservation, and if attacked, capable of deadly retaliation; and with a powerful America spiritually, that great reserve force of spirit, and with an enlightened and vigilant America, under the courageous leadership of President Kennedy and of our strong Congress, I have no doubt of the outcome—that atheistic communism will be defeated and that ultimately justice and peace will prevail.

It is with spirit of confidence and optimism that I accept this award.

Secrecy: A Basic Tenet of the Soviets

EXTENSION OF REMARKS

OF

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 1962

Mr. CUNNINGHAM. Mr. Speaker, a recent article in the New York Times magazine discussed the preoccupation with secrecy in the Soviet Union. It was written by Urie Bronfenbrenner, a social psychologist at Cornell and a member of the University's Committee on Soviet Studies.

Of interest to the Members of the House will be one paragraph in this article:

> Within the U.S.S.R., American tourists may visit only designated large urban centers (a restriction we reciprocate by setting corresponding limits on Soviet citizens in the United States). In addition to official regulations on photography there are social objections as well. American radio broadcasts are jammed, and the sale of non-Communist newspapers and magazines, except for the American Russian-language magazine Amerika, is forbidden.

This refusal by the Russians to allow any circulation of Western ideas and information was the basis for the House action in January in banning the free delivery of Communist propaganda from abroad. It is interesting to note that the House, in taking this retaliatory action, follows the lead of the executive branch which retaliates against travel restrictions on Americans in Russia.

The basic issue in both cases is retaliation. Why should we allow Russians to travel freely here when they do not allow Americans free travel rights? Why should we allow free delivery of Communist propaganda when our information is completely banned?

SENATE

Thursday, May 10, 1962

The Senate met at 12 o'clock meridian, and was called to order by Hon. Benjamin A. Smith II, a Senator from the State of Massachusetts.

Rabbi Bernard S. Raskas, of the Temple of Aaron, St. Paul, Minn., offered the following prayer:

Our Heavenly Father, God of us all, we ask Thy continual presence in this Chamber and Thy guidance in the deliberations of those who serve in it, for what they say and do affects the lives of all Americans and, at this moment in history, all the inhabitants of the world. May they always be keenly aware that Thy will is to be found, not in pious mouthings, but in direct, realistic action. When we clothe the naked, feed the hungry, provide homes for the homeless, increase and expand research and knowledge, and judge with absolute equality others of all creeds and colors, we heed Thy words. May this be our wish; and may the day soon come when we can behold how good and how pleasant it is when all Thy children dwell together in unity. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., May 10, 1962.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Benjamin A. Smith II, a Senator from the State of Massachusetts, to perform the duties of the Chair during my absence.

Carl Hayden,
President pro tempore.

Mr. SMITH of Massachusetts thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. Humphrey, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, May 9, 1962, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Luke C. Moore, of the District of Columbia, to be U.S. marshal for the District of Columbia, which was referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 383) to provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 23. An act to authorise the Secretary of the Interior to construct, operate, and maintain the Arbuckle reclamation project, Oklahoma, and for other purposes;

H.R. 10986. An act to continue for a temporary period the existing suspension of duty on certain amorphous graphite; and

H.J. Res. 711. Joint resolution to prescribe names for the several House of Representatives office buildings.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 23. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Arbuckle reclamation project, Oklahoma, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 10986. An act to continue for a temporary period the existing suspension of duty on certain amorphous graphite; to the Committee on Finance.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. Humphrey, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

Proposed Amendments to the Budget, 1963, for Department of Labor (S. Doc. No. 90)

A communication from the President of the United States, transmitting amendments to the budget for the fiscal year 1963 in the amount of $101,532,100, for the Department of Labor (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

Amendment of National Industrial Reserve Act of 1948

A letter from the General Counsel of the Department of Defense, Washington, D.C., transmitting a draft of proposed legislation to amend the National Industrial Reserve Act of 1948 (with an accompanying paper); to the Committee on Armed Services.

Report of U.S. Tariff Commission on Mercury (Quicksilver)

A letter from the Chairman, U.S. Tariff Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission's investigation concerning mercury (quicksilver) (with an accompanying report); to the Committee on Finance.

Report on Receipt of Project Proposal Under Small Reclamation Projects Act of 1956

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that the Orchard City Irrigation District of Delta County, Colo., has applied for a loan of $270,000 under the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the city council of the city of Philadelphia, Pa., relating to the development of plans for a World's Fair to be held in Philadelphia in 1976; to the Committee on Foreign Relations.

A resolution adopted by the Tau Epsilon Rho Law Fraternity, at Detroit, Mich., favoring the enactment of House bill 10, the self-employment retirement bill; ordered to lie on the table.

By Mr. Saltonstall (for himself and Mr. Smith of Massachusetts):

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Interior and Insular Affairs:

"Resolutions Memorializing the Congress of the United States To Enact Legislation Establishing a National Cemetery for Veterans Within the Commonwealth

"Whereas the General Court of Massachusetts urges upon the Congress of the United States the importance of keeping alive the memory of our veterans, who fought and died for the freedom and independence which we enjoy today; and

"Whereas a fitting resting place should be provided for these veterans within the Commonwealth of Massachusetts, an area where the rights of free men were born; and

"Whereas there are 90 national cemeteries none of which are located in the Commonwealth of Massachusetts: Therefore be it

"*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact such legislation as may be necessary to establish a national cemetery for veterans within the Commonwealth of Massachusetts; and be it further

"*Resolved,* That a copy of these resolutions be sent forthwith by the secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress, and to each of the Members thereof from this Commonwealth.

"House of representatives, adopted, March 30, 1962.

"William C. Maiers,
"Clerk.

"Senate, adopted in concurrence, April 3, 1962.

"Thomas A. Chadwick,
"Clerk.

"A true copy.

"Attest:

"Kevin H. White,
"Secretary of the Commonwealth."

The ACTING PRESIDENT pro tempore laid before the Senate resolutions of the General Court of the Commonwealth of Massachusetts, identical with the foregoing, which were referred to the Committee on Interior and Insular Affairs.

Resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"Resolutions Memorializing the Congress of the United States To Incorporate or Charter the Italian American War Veterans of the United States, Inc.

"*Resolved*, That the general court of Massachusetts respectfully urges the Congress of the United States to enact appropriate legislation to incorporate or charter the organization known as the Italian American War Veterans of the United States, Inc.; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the presiding officer of each branch of Congress and to each Member thereof from this Commonwealth.

"House of representatives, adopted, March 30, 1962.

"William C. Maiers,
"*Clerk*.

"Senate, adopted in concurrence, April 3, 1962.

"Thomas A. Chadwick,
"*Clerk*.

"A true copy.
"Attest:

"Kevin H. White,
"*Secretary of the Commonwealth*."

The ACTING PRESIDENT pro tempore laid before the Senate resolutions of the General Court of the Commonwealth of Massachusetts, identical with the foregoing, which were referred to the Committee on the Judiciary.

RESOLUTION OF COMMON COUNCIL OF MILWAUKEE, WIS.

Mr. WILEY. Mr. President, I ask unanimous consent to have printed in the Record, and appropriately referred, a resolution which has been forwarded to me by my old friend, Ray Markey, who at this time is clerk of the Common Council of the City of Milwaukee. The resolution relates particularly to the post office building which it is hoped can be erected in Milwaukee.

I ask unanimous consent that, in addition to having the resolution appropriately referred, it be printed at this point in the Record, following my remarks.

There being no objection, the resolution was referred to the Committee on Public Works, as follows:

Whereas it is the intention of the U.S. Government to construct a new central post office in the city of Milwaukee in the near future; and

Whereas officials of the Post Office Department have indicated their desire that the city of Milwaukee make a determination as to the most suitable location for the proposed post office facility; and

Whereas studies have shown that a most advantageous site for a post office is the property owned by the Chicago, Milwaukee, St. Paul & Pacific Railroad, which property is located in the area bounded by North Second Street, North Fifth Street, West Everett Street, and the Menomonee River; and

Whereas this honorable body concurs in the belief that the aforesaid location would be appropriate for construction of a new post office, and it further desires that the acquisition of land and the construction of this important facility be undertaken at the earliest possible time: Therefore, be it

Resolved by the Common Council of the City of Milwaukee, That it hereby recommends to the U.S. Post Office Department that the property of the Chicago, Milwaukee, St. Paul & Pacific Railroad located between North Second Street, North Fifth Street, West Everett Street, and the Menomonee River be selected as the site for a new post office facility; and be it further

Resolved, That the council hereby urges the Post Office Department and the Congress of the United States to give early consideration to this site to the end that acquisition of the necessary land and construction of the new post office facility may be carried out expeditiously; and be it further

Resolved, That certified copies of this resolution be transmitted to Senators Wiley and Proxmire, Congressmen Reuss and Zablocki, and to Postmaster General Day.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. HAYDEN, from the Committee on Appropriations, with amendments:

H.R. 10802. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1963, and for other purposes (Rept. No. 1490).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMATHERS:

S. 3280. A bill to amend the Federal Aviation Act of 1958, with respect to the retirement of employees engaged in air traffic control work; to the Committee on Commerce.

By Mr. TOWER:

S. 3281. A bill for the relief of Dr. Antonio A. Moure; to the Committee on the Judiciary.

By Mr. HAYDEN:

S. 3282. A bill for the relief of Yu Sui Wing, also known as Yee Shui Ling; to the Committee on the Judiciary.

By Mr. HAYDEN (for himself and Mr. Goldwater):

S. 3283. A bill to amend the enabling act of the State of Arizona for the purpose of facilitating the sale or lease of certain lands granted to such State to local governments for use for public purposes; to the Committee on Interior and Insular Affairs.

By Mr. JAVITS:

S. 3284. A bill to amend certain provisions of the Antidumping Act, 1921; to the Committee on Finance.

S. 3285. A bill to amend section 304 of the Agricultural Trade Development and Assistance Act of 1954; to the Committee on Agriculture and Foresty.

S. 3286. A bill to amend section 5(b) of the Trading With the Enemy Act; to the Committee on the Judiciary.

(See the remarks of Mr. Javits when he introduced the above bills, which appear under a separate heading.)

By Mr. McNAMARA (for himself and Mr. Hart):

S. 3287. A bill providing for the reduction of the congressional representation of States denying or abridging the right of its inhabitants to vote, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. McNamara when he introduced the above bill, which appear under a separate heading.)

By Mr. LAUSCHE:

S. 3288. A bill for the relief of Ambrogio Bavaro; to the Committee of the Judiciary.

By Mr. HUMPHREY (for himself and Mr. Javits):

S.J. Res. 187. Joint resolution to authorize and direct the Franklin Delano Roosevelt Memorial Commission to raise funds for the construction of a memorial; to the Committee on Rules and Administration.

(See the remarks of Mr. Humphrey when he introduced the above joint resolution, which appear under a separate heading.)

PROPOSED LEGISLATION RELATING TO EAST-WEST TRADE

Mr. JAVITS. Mr. President, I introduce for appropriate reference an amendment to a pending bill and three bills to implement my report on East-West trade, which I made after returning from the Soviet Union, where I went on a mission for the Joint Economic Committee.

These four measures are, first, a measure to amend the Export Control Act of 1949, to make it the policy of the United States to apply effective export controls against the Soviet bloc in cooperation with all nations with which the United States has defense treaty commitments.

The second measure is to amend the Anti-Dumping Act of 1921, to make it more effective in preventing Soviet bloc exports from disrupting free world markets.

The third measure is to amend the Agricultural Trade Development and Assistance Act of 1954, to provide alternative agricultural marketing and purchasing opportunities, on a cooperative basis, for free world nations which are imperiled by an overdependence on trade with the Soviet bloc.

The fourth measure is to amend the Trading With the Enemy Act, to stress maximum cooperation with our allies in the application of the emergency provisions of the act.

This proposed legislation, I hope, would unify trading policies, by encouraging treaties or executive agreements, between the United States and those nations with which we have defense treaty commitments, like the NATO countries, now the principal world exporters of industrial products to the U.S.S.R.; and later, with other free world nations.

These treaties would provide for effective multilateral or bilateral controls on the shipment of strategic goods and the extension of export credits to any or all Communist-dominated nations; alternative marketing and purchasing opportunities—including preemptive buying and stockpiling—for non-Communist-dominated nations or areas threatened by or experiencing serious economic injury as the result of the economic policies of Communist-dominated nations; contingency plans and measures to place additional restraints on, or to eliminate or increase trade with, Communist-dominated nations; and common proposals for, and means to enforce, a unified agreement with Communist-dominated nations governing the basic and specific rules of commercial and trading relations between free world nations and the Communist-dominated nations.

Mr. President, the report to which I have referred is entitled "The Political Stakes in East-West Trade." It revealed that trade by Western Europe with the Soviet bloc nations is flourishing and that the Communists are taking advantage of our competitive system to bid off one individual free world businessman against the other with the result of alarming Soviet acquisitions of technological know-how and advanced equipment of all sorts.

Mr. President, I am alarmed by the widening rift in free world trade policies with the Soviet bloc. My report was designed to try to deal with that and to offer specific proposals for legislation to try to perfect our cooperation, which is so essential in respect to the free world's relations with the Soviet bloc and for world peace.

In the measures I am introducing today, one of the amendments to the Antidumping Act would redefine the term, "dumping," in such a way that this practice could be determined independently of cost and price factors prevailing in the exporting country. This is necessary because the state-controlled economies of the Soviet bloc make it impossible to assign true costs and prices to their exports. Actually, all of their goods carry a political price tag, and costs are judged by the Communists in terms of political gains. Therefore, the selling price of Soviet bloc exports must be judged in terms of free world prices for similar goods or Soviet bloc prices to the buyers most dependent on them—whichever is the higher. The other amendment to the Antidumping Act would make injury from "dumping" to the industries of free world nations a cause for invoking U.S. antidumping procedures. It is hoped that such an initiative by the United States will encourage similar action by our free world trading partners to protect our export markets from Soviet bloc impingements.

I do not believe that additional legislation to broaden the President's authority in economic relations with the Soviet bloc needs to be introduced now. S. 1215 which passed the Senate last May and is still awaiting action by the other body, would amend the Battle Act in order to make it possible for the President to furnish economic assistance to all nations—specifically excluding the U.S.S.R. itself and Communist-held areas in the Far East—whenever he determines that such assistance is important to the security of the United States. I also feel that it makes little sense to amend the Johnson Act which, in effect, prevents the extension of private business credits to the Communist nations, before we have an effective free world policy which will make the extension of such credits a part of our unified allied policy.

There is another aspect of U.S. policy in East-West trade which requires the most careful consideration: the effect of our antitrust laws on the formation of U.S. business consortiums cooperating with other free world business enterprises in order to face in the markets of the world the monolithic state trading organizations of the Soviet bloc. It is important to emphasize that this must be done without compromising the laws which govern free competition within the United States—and for this reason I feel it necessary to call for further study of how to implement these principles.

Mr. President, every Member of the Senate is deeply interested in gold. Not West trade, which is what I seek to promote.

The ACTING PRESIDENT pro tempore. The amendment and bills will be received and appropriately referred.

The amendment, submitted by Mr. Javits to the bill (S. 3161) to provide for continuation of authority for regulation of exports, and for other purposes, was ordered to be printed and referred to the Committee on Banking and Currency.

The bills, introduced by Mr. Javits, were received, read twice by their titles, and referred as indicated:

To the Committee on Finance:

S. 3284. A bill to amend certain provisions of the Antidumping Act, 1921.

To the Committee on Agriculture and Forestry:

S. 3285. A bill to amend section 304 of the Agricultural Trade Development and Assistance Act of 1954.

To the Committee on the Judiciary:

S. 3286. A bill to amend section 5(b) of the Trading With the Enemy Act.

FRANKLIN DELANO ROOSEVELT MEMORIAL

Mr. HUMPHREY. Mr. President, for myself and on behalf of the distinguished senior Senator from New York [Mr. Javits], I introduce a joint resolution to authorize the Franklin Delano Roosevelt Memorial Commission to raise by public subscription funds for the construction of the Franklin Delano Roosevelt in Washington, D.C.

A companion resolution is being offered today in the House of Representatives by Representative Eugene J. Keogh.

Senators will recall that the Congress in 1955 approved a resolution establishing the Franklin Delano Roosevelt Memorial Commission for the purpose of formulating plans for the design, construction, and location of a permanent memorial to our late President here in the city of Washington.

In 1959, the Congress approved a joint resolution resolving as a site for this memorial that portion of the West Potomac Park which lies between Independence Avenue and the Inlet Bridge, and the Commission was at that time also authorized to hold a competition for the proposed memorial and to award a prize of $50,000 to the winner.

In 1961, the jury awarded the winning prize to Pedersen and Tilney of New York, and the jury stated that the winning entry met the basic requirements of the competition by giving a clear image of President Roosevelt's greatness.

In January of this year, the Franklin Delano Roosevelt Memorial Commission, on which it is my privilege to serve, met and approved the winning design. The result of the competition and the approval by the Commission was reported to the President and to Congress as provided for in the Joint Resolution of 1959.

The purpose of the resolution which we are offering today is to authorize the Commission to go ahead with a public fund-raising campaign to obtain the necessary funds, estimated at $4.5 million, to build this memorial. I emphasize, that the funds for the construction of this memorial will not come from the Government but rather through the donations of private citizens of our country. I am confident that the Commission will be successful in raising this amount for a memorial to this great American.

I am confident that this resolution will be promptly considered and adopted by this Congress.

I ask consent that this joint resolution remain at the desk until May 14 to permit additional cosponsors.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will lie on the desk, as requested by the Senator from Minnesota.

The joint resolution (S.J. Res. 187) to authorize and direct the Franklin Delano Roosevelt Memorial Commission to raise funds for the construction of a memorial, introduced by Mr. Humphrey (for himself and Mr. Javits), was received, read twice by its title, and referred to the Committee on Rules and Aministration.

JAMES M. NORMAN—LITERACY TEST FOR VOTING—AMENDMENT

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that there may be printed at this point in the Record two amendments which I submit, so that they may be available for reference by Senators. One amendment is a direct amendment to H.R. 1361, the Norman bill. The other amendment is in the nature of a substitute for the Mansfield-Dirksen substitute for that bill.

The ACTING PRESIDENT pro tempore. The amendments will be received, printed, and lie on the table; and, without objection, the amendments will be printed in the Record.

The amendments submitted by Mr. Case of South Dakota are as follows:

AMENDMENT

At the end of the bill insert the following new section:

"Sec. 2. The following amendment is hereby proposed to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States, but only if so ratified within seven years from the date of its submission by the Congress:

" 'The Fifteenth Article of Amendment to the Constitution of the United States is hereby amended to read, as follows:

" ' "ARTICLE XV.

" ' "Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. In any jurisdiction where a literacy test is required as a qualification to vote, the completion by an individual of the sixth primary grade of any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico shall, unless such individual has been adjudged incompetent, be deemed to meet such qualification by such individual.

" ' "Sec. 2. The Congress shall have power to enforce this article by appropriate legislation." ' "

Amend the enacting clause so as to read: *"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein):"*.

Amend the title so as to read: "An Act for the relief of James M. Norman and to propose an amendment to the Constitution of the United States relating to the right to vote."

AMENDMENT IN THE NATURE OF A SUBSTITUTE

In lieu of the matter proposed to be inserted by such amendments, insert the following:

"That the following amendment is hereby proposed to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States, but only if so ratified within seven years from the date of its submission by the Congress:

" 'The Fifteenth Article of Amendment to the Constitution of the United States is hereby amended to read as follows:

" ' "ARTICLE XV.

" ' "SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. In any jurisdiction where a literacy test is required as a qualification to vote, the completion by an individual of the sixth primary grade of any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico shall, unless such individual has been adjudged incompetent, be deemed to meet such qualification by such individual.

" ' "SEC. 2. The Congress shall have power to enforce this article by appropriate legislation." ' "

Amend the enacting clause so as to read: *"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein):"*.

Amend the title so as to read: "An Act proposing an amendment to the Constitution of the United States relating to the right to vote."

Mr. CASE of South Dakota subsequently said: Mr. President, a few moments ago I asked that two amendments dealing with H.R. 1361, in the civil rights matter, might be printed in the RECORD at the point where I referred to them.

I should like to add to my request that other Members, if they desire, may have their names added as cosponsors of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GOLD PRODUCTION HEARINGS

Mr. CARROLL. Mr. President, on behalf of the Minerals, Materials, and Fuels Subcommittee of the Committee on Interior and Insular Affairs, I announced that on Wednesday, May 23, the subcommittee will hold further hearings on ways and means to increase production of gold and silver from sources within the United States, thus both increasing our supplies of these so basic monetary metals and reopening our gold and silver mines of the West. The May 23 hearings will be a continuation of the hearings held by the subcommittee on March 15 on Senate Joint Resolution 44, a measure to authorize incentive payments for newly mined domestic gold.

Mr. President, every Member of the Senate is deeply interested in gold. Not a week goes by during which we do not hear further alarming news about our balance of payments and our dwindling reserves of gold in connection therewith.

Yet at the very same time when all of our national leaders, from President Kennedy on down, are worrying both publicly and privately about the outflow of gold and the ever-growing need for more gold in the National Treasury, the development of our own resources of gold is steadily declining. In Colorado and elsewhere in our West we have ample resources of gold, and we have skilled miners ready, willing, and able to produce that gold. However, because of action taken by the Federal Government nearly two decades ago, we are unable to meet our Nation's need. Instead, our once productive, prosperous mines are continuing to close, and unemployment continues to grow among our skilled miners. The same situation holds true with silver, also a monetary metal.

In an effort to remedy this truly absurd as well as alarming situation, the Minerals Subcommittee on March 15 held exploratory hearings on ways and means of increasing production of gold and silver from our own domestic resources. While the hearings were general and exploratory, we had before us specific legislation in the form of Senate Joint Resolution 44, sponsored by the distinguished Senator from California, Senator ENGLE. Senate Resolution 44 would authorize incentive, or subsidy, payments of up to $35 an ounce for newly mined domestic gold.

All of the executive agencies concerned with gold—the Treasury, Interior, and State Departments—had reported in opposition to the measure. This opposition was but an echo of the old "spooks under the bed" fears of previous administrations that somehow action by the Government of the United States to aid gold producers in the United States might upset or make nervous and unhappy some people in some foreign nations.

Accordingly, since the opposition of the gentlemen sitting at desks in Washington was already a matter of record, at the March 15 hearing the subcommittee heard witnesses who mine the metals—men who are or have been producers of gold, and who have had first-hand experience in the gold market.

These expert witnesses brought out many facts—hard facts based on knowledge and experience—and made suggestions and recommendations based on these facts. In an effort to give the deskmen downtown some fresh material and new ideas, the subcommittee sent galley proofs of the transcript of these presentations by experts to the Departments concerned, and has asked the Secretary of each of the Departments to appear before the committee at the May 23 hearings to discuss the industry's findings and recommendations.

Mr. President, I ask unanimous consent that the text of my letter to Secretary of the Treasury Dillon appear in the RECORD at this point. Similar letters were sent the Honorable Dean Rusk of the State Department, the Honorable Stewart Udall, Secretary of the Interior, and the Honorable David Bell, Director of the Bureau of the Budget.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 7, 1962.

HON. C. DOUGLAS DILLON,
Secretary of the Treasury, Department of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: Please refer to my letter to you of April 25 transmitting a set of galley proofs of our subcommittee's March 15 hearing on increasing production of gold and silver from sources within our country.

I stated in that letter that the subcommittee would want to hear your views and comments on the facts and observations set forth by the industry and outside witnesses. The subcommittee has now set Wednesday, May 23, as the time for such a further hearing at 10 a.m. in the Interior Committee Room, 3110 New Senate Office Building.

On behalf of the subcommitee, I most earnestly urge you to attend this hearing to present personally the views of the Department of the Treasury on the industry's position and to assist us in finding means of making our ample reserves of gold and silver available in this time of need.

Sincerely yours,
JOHN A. CARROLL,
Subcommittee on Minerals,
Materials, and Fuels.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Excerpts from address delivered by him at Milwaukee, Wis., on May 4, 1962, before the American Federation of State, County, and Municipal Employees.

RETURN OF REFUGEES FROM RED CHINA

Mr. BUSH. Mr. President, a shocking situation which should weigh upon the conscience of all free people has been disclosed this week by an Associated Press dispatch which reports that Hong Kong police and British troops have forcibly returned thousands of refugees from Red China to their Communist homeland.

Mr. President, I ask unanimous consent that the dispatch to which I have referred, printed in the Greenwich (Conn.) Times, under the headline, "Hungry Refugees From Red China Sent Back Home," may be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUNGRY REFUGEES FROM RED CHINA SENT BACK HOME

HONG KONG.—Hong Kong police and British troops have rounded up thousands of refugees from hunger-ridden Red China in recent days and returned them to their Communist homeland.

Overcrowded Hong Kong doesn't have room for them. Other non-Communist nations won't take them.

Some had endured almost incredible hardships in their futile flight by land over rough terrain or by sea crammed below the decks of smuggler junks.

Border patrols caught many as they hid in the underbrush-covered hills on the Hong Kong side of the border.

Others were trapped aboard junks or picked up on side roads as they tried to make their way to the crowded cities of Hong Kong and Kowloon.

They were gathered at a police camp in the closed border area, fed, given some food to carry, and then returned to border crossing stations in police vans and trucks. Their fate, after their forced return to Red China, is unknown.

Government officials refuse to say how many illegal immigrants have been returned. The conservative English-language Morning Post, quoting sources close to the police, said several thousand had been forcibly returned to China in the last week.

Residents said they saw 20 or more truckloads of men, women, and children hauled to the border every afternoon.

Since 1948, the year the Chinese Communists mounted their final drive to seize control of the mainland, more than a million refugees have crossed the Chinese border into this tiny British colony.

Most of them—and their children born since then—are still here. No other nation has been willing to accept them in significant numbers.

Hong Kong's population—600,000 at the end of World War II—has swollen to nearly 3.5 million. The colony has an area of only 391 square miles.

Government officials say the colony no longer has the capacity to care for the natural increase of its present population—91,000 more births than deaths in 1960—and the 10,000 or more refugees who try to sneak into the colony every month.

In the past 6 years, the government has built some 200 multistoried apartment blocks, and has resettled 440,000 refugees. There still are a half million living in board and tar-paper shacks perched on the hillsides, 80,000 in similar huts on rooftops, an estimated 225,000 in substandard tenement quarters, and more than 100,000 who sleep on sidewalks or stairways.

Mr. BUSH. Mr. President, I urge our State Department to look at once into this distressing situation, and I hope that a way may be found to find refuge for these wretched victims of Red China, in an area in which they may enjoy the blessings of freedom. In my judgment, it should be possible for arrangements to be made to send these unfortunate people to Taiwan, where their kinsmen of the Republic of China have established a free government, instead of forcing them to return to slavery in Red China.

UNEMPLOYMENT

Mr. BUSH. Mr. President, on April 27, 1962, the Executive Council of the AFL–CIO issued a statement on the present state of the Nation's economy.

The Council noted the weakness of the pickup from the 1960–61 recession, particularly in employment and unemployment, and said that more than a year after the recession low point in February, 1961, unemployment was still at the level of the 1954 recession year. The Council pointed out that the decline in unemployment during the current pickup has been the smallest of any of the post-war economic recoveries.

Furthermore, the Council pointed out that if the labor force had grown at a reasonably normal pace during the past year, the unemployment rate today would be significantly higher than it is today.

Looking to the future, I sincerely hope that the Council is wrong in its view that the signs point to a slowdown in the pace of an unsatisfactory upturn.

Mr. President, I share the deep concern of the AFL–CIO Executive Council over our current economic situation. On April 2, I spoke at some length on the Senate floor on the seriousness of our unemployment problem.

Unlike the "missile gap", about which we heard so much in the 1960 campaign, but which quickly was admitted to be nonexistent, when the administration took office, the "job gap" is only too real.

This administration's inability to close the "job gap" is its greatest failure on the domestic front.

Since speaking on April 2 on the unemployment problem, nothing has happened to change my opinion of the magnitude of the problem. As a matter of fact, the April unemployment figures released on May 9 by the Department of Labor reenforce my conviction.

From March to April, the rate of unemployment remained unchanged. The seasonally adjusted unemployment rate is still 5.5 percent of the civilian labor force. The drop in March from 5.6 percent in February was so slight as to be of no statistical significance. The hard fact is that about 4 million Americans are still out of work, after 13 months of recovery.

In my April 2 speech, I singled out for particular attention the problem of long-term unemployment—over 15 weeks. The number of long-term jobless, which rose in March for the fourth month in a row, remained steady at 1.48 million in April, compared to 1.13 million last November. The number of persons unemployed over 26 weeks dropped slightly from 734,000 in March to 717,000 in April, but the figure was still 55,000 above the recovery low point of 661,000 in December.

The number of nonfarm workers who want full-time employment, but who can find only part-time jobs, also remains alarmingly high. This underemployment stood at 2.2 million in April, or slightly more than the 2.18 million recorded in February.

Thus, total unemployment and underemployment—6.2 million persons—together represent nearly 9 percent of our civilian labor force of 70.6 million.

While I share the AFL–CIO's concern over the problem, I disagree in some important respects with its program to solve it. Its prescription for a cure involves large increases in Federal spending. Stepped-up spending might give the economy a temporary shot in the arm. But in the long run, I think the price—inflation and a worsening of our balance-of-payments and gold problems—would be too heavy to pay for such a temporary palliative.

Furthermore, the AFL–CIO program will not solve our hard-core unemployment problem, because it does not get at the root of it. That problem is not caused by an insufficiency of aggregate demand. It is largely caused by deep-seated and widespread structural changes, including automation, which are transforming our economy and are causing painful adjustments.

We cannot, and should not, try to prevent these economic adjustments from taking place. They add long-run basic strength to our economic system. But we must try to ease the pain of the adjustment process.

The Federal Government has a proper and useful role to play—as, for example, in training and retraining the jobless; in cushioning the impact of unemployment, through an improved unemployment compensation system; and by promoting voluntary worker mobility. But we must not forget that efforts on the State and local levels, both by government and by private groups and individuals, can be highly effective in helping to solve our problems. Indeed, they are indispensable.

In addition to easing the pain of the adjustment process, we need a major revision of our tax structure, in order to release savings and investment for job-creating modernization of plants and equipment. Our tax structure now exerts a disincentive effect on savings and investment. This must be changed—and changed quickly—if in the years ahead we are to make real economic progress.

What we need now, to provide economic growth and jobs for all who want them, is a climate of confidence in the business community. But in recent weeks that confidence has taken a battering.

Two things would help to restore it: First, the Federal Government must follow sound fiscal and monetary policies. In a period of relative prosperity, it is indefensible to run heavy budget deficits. Yet this is what the administration is doing. For the fiscal 1962, it admits that the deficit will be at least $7 billion. It has budgeted for a modest surplus in the fiscal year 1963; but the Joint Internal Revenue Taxation Committee estimates that the deficit will be over $4 billion—even without an increase in the President's original spending recommendations.

This policy of fiscal irresponsibility induces inflation—which means higher costs to the consumer and a deepening of our balance-of-payments problem. The inevitable result is a general loss of confidence in the stability of our economy and a slowdown in business activity.

Our goal should be the removal of impediments to growth and investment. As soon as our budgetary situation permits, we should seek a major tax reform. Our personal and corporate tax structure now exerts a strong disincentive effect on investment and savings. Tax reform would release funds for savings and investment, as well as for stepped-up consumer spending, thus increasing output and employment. Our economy will fulfill its bright promise only if we provide incentives to invest, to expand, and to modernize, and if we remove from our people the handcuffs of punitive taxation.

INTEREST OF THE SHOE INDUSTRY IN THE TRADE BILL

Mr. WILEY. Mr. President, this morning I received a letter from Mr. E. C. Huth, of the Huth-James Shoe Co., Inc., of Milwaukee, Wis. In the letter he refers to foreign competition and the need to protect the shoe industry in Wisconsin, Minnesota, Illinois, and Michigan. He states:

> Unless the administration considers shoe manufacturers, their thousands of employees, and the many who make their living in industries closely allied with the shoe industry expendable, you are urged to impress upon your colleagues the partially corrective and reasonable measures indicated on the sheet attached.

The attached sheet reads, as follows:

> You are urged to strengthen H.R. 9900 by:
>
> 1. Retaining and strengthening the perilpoint provision, to insure that duties may not be reduced to a point which would deprive domestic industries of their fair share of the market.
> 2. Preserving and strengthening the escape-clause provision, so that Congress will have authority to provide relief for domestic industries.
> 3. Make provisions for the President to act to increase duties or impose other import restrictions, such as quotas, if he believes it in the national interest.

CRITICISM OF THE PRESIDENT'S TRANSPORTATION PLAN

Mr. LAUSCHE. Mr. President, yesterday, at a meeting in Washington, Mr. Robert Moses delivered an address in which he stated:

> The proposed White House program seems to me to be too comprehensive, too generous, and too much in the direction of bureaucratic central control and discouraging of private initiative.

Mr. Moses discussed the White House recommendation that Congress make available $600 million, in a 3-year period, as grants for the promotion of public mass transportation.

In the message of the President, it was stated that the Federal assistance should be made available to qualified public agencies, in the form of direct grants to be matched by local and non-Federal contributions, and that the matching money of the Federal Government would amount to two-thirds of the cost of acquiring equipment and rights-of-way, paid by the Federal Government, and one-third paid by the local public agencies.

Mr. President, this proposal is another attempt by the Federal Government to enter the field of subsidization.

If the recommendation is carried into effect, I am in complete agreement with the statement of Mr. Moses that it constitutes discouragement of private enterprise operating our mass transportation systems and constitutes a positive inducement for private enterprise to quit and public operations to go into effect. It amounts to $600 million in 3 years.

I would like to point out the danger of what is recommended. We will be asked to lift the debt ceiling to $308 billion sometime within the next 3 months. It is now $300 billion. Coming before this Congress will be an amendment to the International Monetary Fund in which a new pool of gold and hard cash is being set up in the amount of $6 billion.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LAUSCHE. May I have another 2 minutes by unanimous consent?

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. LAUSCHE. That pool is being created admittedly for the sole purpose of coming to the aid of our currency in the event the adverse balance in international trade payments continues. This morning's paper reports that our gold reserves have fallen by $800 million in the last year.

We are asked to do two things: Lift the debt ceiling; create a fund to which we will run for aid when we are met with the fiscal problem that is anticipated.

My question is, If that is the fact about our national debt, the danger to our currency, by what course of reasoning are we entering into these new programs of subsidization? I think it is wrong. I agree fully with what Mr. Moses said. What is going to happen to the private transportation systems in those cities where they are successful? How will they be able to continue? They will quit. They will say, "Let us turn to the Federal Government, which is giving away this money." I contemplate opposing this proposal.

AMENDMENT OF NATURAL GAS ACT

Mr. ENGLE. Mr. President, I ask to have laid before the Senate a message from the House on the bill (S. 1595) to amend the Natural Gas Act to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1595) to amend the Natural Gas Act to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only, which was, to strike out all after the enacting clause and insert:

> That (a) the first sentence of subsection (e) of section 4 of the Natural Gas Act, as amended (15 U.S.C. 717c(e)), is amended by changing the words "or State commission" to read "State commission, or gas distributing company".
>
> (b) Such subsection (e) is further amended by striking out ": *Provided*, That the Commission shall not have authority to suspend the rate, charge, classification, or service for the sale of natural gas for resale for industrial use only".

Mr. ENGLE. Mr. President, the House amended the Senate bill to provide that a gas distributing company may be included among those that can file complaints with the Federal Power Commission concerning proposed rate increases. In practice, the Commission has acted on its own motion to enter into a hearing as to the lawfulness of a rate where a distributing company has filed a complaint, although the wording of the present statute directs such a hearing only upon complaint by "any State, municipality, or State commission, or upon its own initiative without complaint."

The effect of this amendment is to write this practice into the statute. The House committee held public hearings. No one objected. The amendment is recommended by the Federal Power Commission. Bringing the matter before the Senate, I am advised, has been cleared both by the majority and minority leadership.

I move that the Senate concur in the amendment of the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to.

PAYING THE DOCTORS' BILLS

Mr. YOUNG of Ohio. Mr. President, officials of the house of delegates of the American Medical Association are now engaged in a massive frontal assault on President Kennedy's proposal to provide medical and surgical care for the elderly within the social security system. Their lobby in Washington last year reported expenditures which made the American Medical Association the "spendingest" lobby in Washington. Their report admitted expenditures of $163,405 for 1961.

In their frantic attempt to defeat this needed legislation, the political doctors of the American Medical Association have twisted the truth, distorted facts, and have done everything possible to confuse the public as to the real purpose of this legislation and how it will operate if enacted into law. Once again they are using the timeworn phrase of "socialism"—the same tag they have applied to all progressive legislation which they have opposed throughout the years. From 1936 to this good hour, political leaders of the American Medical Association have termed social security "state socialism."

It is essential that Americans be informed as to the nature of the administration program for medical care for the elderly within social security coverage. President Kennedy has taken the lead in doing so. It is my hope that he will continue to demonstrate his great leadership in helping Americans to understand that this plan in no way provides Government control of medicine or of medical men, or of hospitals, but is simply a sound method of prepaid health insurance under coverage of social security—an actuarily sound insurance system.

Mr. President, in the Washington Post of today there appeared an outstanding editorial, entitled "Paying the Doctors' Bills," which clearly sets forth the facts and explains the need for greater public awareness of this important legislation. I ask unanimous consent that the editorial be printed in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PAYING THE DOCTORS' BILLS

President Kennedy, who is not without accreditation as a political soothsayer, told the Automobile Workers' convention in Atlantic City on Tuesday that he believes Congress will pass the administration's bill for medical care for the aged through social security before this year is out. He has not, until now, expressed such optimism, predicting hitherto only that the proposal would come up for a Senate vote this year. We are convinced that if he will exert his powerful influence with the House leadership and carry his appeal to the people of the country he can make his belief a reality.

It is vitally important to explain the medical care proposal. For in simple truth it is little understood. And the attacks upon it by frenetic rightwing groups and by the American Medical Association have compounded the confusion and surcharged the emotional atmosphere in which it is being considered. The administration's bill for medical care for the aged concerns the way in which such medical care shall be financed and nothing more. It has absolutely nothing whatever to do with the selection of physicians or with the manner in which the medical care is to be administered.

At present, elderly people pay their doctors' bills in several ways: through personal savings; through privately financed medical insurance; through public assistance if they happen to be indigent; through the resources of their children if they happen to have children who are able and willing to make such a sacrifice; through the philanthropy of physicians, who have, for the most part, been generous in giving their services to those in need.

However satisfactory these methods of payment may be to the medical profession, they are profoundly unsatisfactory to many elderly patients. These patients do not like to be objects of public charity or of some doctor's beneficence; they do not like to be a drain on the resources of their children or to think that they are depriving their children's children of an education by eating up the family savings; above all they do not like to be subjected to a means test in order to be eligible for Government-financed medical care under the meager bill adopted by Congress last year.

The proposed administration bill is designed to meet these objections. Through an increase in the social security tax it would guarantee to most of the country's retired wage earners and to the elderly persons receiving public assistance payment of their doctors' bills out of public funds as a matter of earned right. Medical care for the aged would be financed, in other words, by taxing wage earners and their employers throughout their working years to provide an insurance fund for the wage earners' medical needs when they are retired and no longer earning an income. This is all the program is—a method of paying bills.

To say of this program, as the American Medical Association has said, that it means "socialized medicine" or to say as the president of the New Jersey Medical Society said the other day that "this is a legislative proposal that belongs in a police state" and that it "violates and outrages the Constitution of the United States and imperils the basic rights of every citizen" is to talk the most ugly and arrant nonsense. There is nothing more of socialism or of the police state in this form of social security than in any other form of insurance or any other aspect of the social security program.

The President can dispel this smog of distortion. He will demonstrate Presidential leadership in the best sense if he helps people to understand that what is proposed is in no sense a Government control of medicine or of medical men but simply a collection of funds through payroll deductions on the insurance principle of paying in advance for the inevitable medical bills of old age. This is old-fashioned American commonsense.

PHYSICIANS FOR MEDICAL CARE FOR THE AGED THROUGH SOCIAL SECURITY

Mr. LONG of Hawaii. Mr. President, an increasing number of people are learning that the administration's proposed program of medical care for the aged through social security is the soundest and most practical approach to this important national problem. Public confusion caused by misinformation which has been circulated by opponents of the legislation is gradually being eliminated as people become aware of the facts. Some people, for instance, have the impression that virtually all physicians are opposed to the bill.

On March 27 this year, a group of leading American physicians visited President Kennedy at the White House and presented him with a joint statement of belief in a program of health care for the aged through social security. The group included some outstanding physicians, some of whom have been active in the affairs of the American Medical Association. I ask unanimous consent that their statement and their names be included at this point in the Record.

There being no objection, the statement and list of names were ordered to be printed in the Record, as follows:

We join in this statement to reassert the social and public responsibility which has long characterized the motivation and dedication of the medical profession in America.

Through modern scientific achievements much has been done to prolong the life potential of the population. Concurrently, medical care has become more costly.

Old age is a period of need for increased medical care and it is most frequently accompanied by diminishing resources to pay for such care. Today, all but a relative few still live under the constant fear that an unpredictable medical disaster may strike and destroy the financial security of their later years.

We believe the social security system is the most practical and sound method of financing health benefits for the great majority of the aged.

As a group of physicians, representing general practitioners, scientists, health administrators, educators, and specialists in many fields, and including members of both political parties, we welcome the opportunity to meet on this occasion and convey to the American people our belief that with such a method of financing health benefits for the aged, the physicians of America would be better able to maintain their commitment to provide high quality medical care and excellence of standards while preserving independence of professional judgment, and that the aged will be better able to enjoy with dignity the best of modern medical care.

Physicians Who Subscribed to the Statement on Health Care Presented to President Kennedy on March 27

Robert H. Alway, M.D., Palo Alto, Calif.: dean, Stanford University School of Medicine.

George Baehr, M.D., New York, N.Y.: chairman, Public Health Council of New York State; president, director, Health Insurance Plan of Greater New York, 1950–57.

David P. Barr, M.D., New York, N.Y.: president and medical director, Health Insurance Plan of Greater New York; physician in chief, New York Hospital, 1941–57; past president, American College of Physicians.

Walter Bauer, M.D., Boston, Mass.: chief of medical service, Massachusetts General Hospital; professor of clinical medicine, Harvard Medical School.

Leona Baumgartner, M.D., New York, N.Y.: Commissioner of Health, New York City Department of Health; former president, American Public Health Association, 1959.

E. Michael Bluestone, M.D., New York, N.Y.: hospital consultant; recipient of American Hospital Association's 1961 Distinguished Service Award.

Thomas Brem, M.D., Los Angeles, Calif.: head of Department of Medicine, University of Southern California School of Medicine.

Dewitt T. Burton, M.D., Detroit, Mich.: medical director, Burton Hospital.

Martin Cherkasky, M.D., New York, N.Y.: director, Montefiore Hospital; editorial board, Journal of Chronic Disease.

Robert E. Cooke, M.D., Baltimore, Md.: pediatrician in chief, Johns Hopkins Hospital; professor of pediatrics, Johns Hopkins University School of Medicine.

Edward P. Crump, M.D., Nashville, Tenn.: chairman, Department of Pediatrics, Mehary Medical College.

Michael E. Debakey, M.D., Houston, Tex.: professor of surgery and chairman, Department of Surgery, Baylor University, College of Medicine; holder of American Medical Association's Hektoen Gold Medal (1954) and Distinguished Service Award (1959).

James P. Dixon, Jr., M.D., Yellow Springs, Ohio: president, Antioch College; Health Commissioner of Philadelphia, Pa., 1952–59.

Warren F. Draper, M.D., Washington, D.C.: executive medical officer, United Mine Workers welfare and retirement fund; past chairman, section on preventive and industrial medicine, AMA; member, AMA house of delegates, 1924–46.

Benedict Duffy, M.D., Jersey City, N.J.: Professor and chairman, Department of Preventive Medicine and Community Health, Seton Hall College of Medicine and Dentistry.

Robert H. Ebert, M.D., Cleveland, Ohio: Professor of medicine, Western Reserve University; medical director, University Hospitals of Cleveland.

Caldwell B. Esselstyn, M.D., Claverack, N.Y.: President, Group Health Association of America; founder and medical director, Rip Van Winkle Clinic, Hudson, N.Y.; attending surgeon, Columbia Memorial Hospital, Hudson, N.Y.

Alfred Gellhorn, M.D., New York, N.Y.: Professor of internal medicine, Columbia University; associate physician, Presbyterian Hospital.

Morton Goodman, M.D., Portland, Oreg.: Assistant professor clinical medicine, University of Oregon; visiting staff, Good Samaritan Hospital and Multnomah Hospital.

James H. Graves, M.D., Detroit, Mich.; Clinical director, Psychiatric Division, Detroit Receiving Hospital.

Sven Gunderson, M.D., Hanover, N.H.: Associate professor of medicine, Dartmouth Medical College; trustee, American College of Physicians.

Thomas Hunter, M.D., Charlottesville, Va.: Dean and professor of medicine, University of Virginia School of Medicine.

R. Francis Jones, M.D., Washington, D.C.: Medical director, Freedman's Hospital; clinical professor of urology, Howard University College of Medicine.

Arthur Kornberg, M.D., San Francisco, Calif.: Nobel Laureate in Medicine (1959); professor and executive head, Department of Biochemistry, Stanford University School of Medicine.

Lawrence S. Kubie, M.D., Towson, Md.: Director of training, Sheppard and Enoch Pratt Hospital, Baltimore, Md.

Philip R. Lee, M.D., Palo Alto, Calif.: Member, Department of Internal Medicine, Palo Alto Medical Clinic; assistant clinical professor, Stanford University School of Medicine.

Irving M. London, M.D., New York, N.Y.: Professor and chairman, Department of

Medicine, Albert Einstein College of Medicine; director of medical service, Bronx Municipal Hospital Center; holder of Theobald Smith Award in Medical Sciences, American Association for the Advancement of Science (1953).

J. Howard Means, M.D., Dorchester, Mass.: Emeritus professor of clinical medicine, Harvard Medical School; president, American College of Physicians, 1937–38; president, Association of American Physicians 1941–42.

Daniel R. Mishell, M.D., Beverly Hills, Calif.: Chief gynecologist, Beverly Hills Doctors Hospital.

Frederick D. Mott, M.D., Detroit, Mich.: Executive director, Community Health Association; medical administrator, Miners Memorial Hospital Association, 1952–57.

George G. Reader, M.D., New York, N.Y.: Professor of medicine, Cornell University Medical College; associate attending physician, New York Hospital.

Dickinson W. Richards, M.D., New York City: Nobel Laureate in Medicine and Physiology (1956); Lambert Professor of Medicine, Columbia University College of Physicians and Surgeons.

David E. Rogers, M.D., Nashville, Tenn.: Professor of medicine, chairman of department, Vanderbilt University School of Medicine.

David Rutstein, M.D., Boston, Mass.: Professor of preventive medicine and head of department, Harvard Medical School.

Ernest Saward, M.D., Portland, Oreg.: Physician in chief, Bess Kaiser Hospital Foundation.

William A. Sawyer, M.D., Rochester, N.Y.: Past chairman, AMA committee on medical care for industrial workers; past president, American Association of Industrial Physicians and Surgeons; medical director, Eastman Kodak, 1919–51; winner of William S. Knudsen Award 1942–43; Albert Lasker Award, 1955; and American Academy of Occupational Medicine Award, 1958.

Benjamin Spock, M.D., Cleveland, Ohio: Professor of child development, Western Reserve University School of Medicine; author, "Pocket Book of Baby and Child Care."

Helen Taussig, M.D., Baltimore, Md.: Physician in charge, Harriet Lane Home Cardiac Clinic, Johns Hopkins Hospital; holder of Albert Lasker Award, 1959; Elizabeth Blackwell Citation, 1954; and Eleanor Roosevelt Achievement Award, 1957; codeveloper of the blue-baby operation.

Ray E. Trussell, M.D., New York, N.Y.: New York City Commissioner of Hospitals; professor and executive officer, Columbia University School of Public Health and Administrative Medicine, 1955–61.

Alonzo Yerby, M.D., New York, N.Y.: Executive director of medical care, New York City Health Department; medical welfare administrator, New York City Welfare Department.

NAMES FOR HOUSE OF REPRESENTATIVES OFFICE BUILDINGS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Chair lay before the Senate House Joint Resolution 711. The purpose of the resolution is to prescribe names for the several House of Representatives office buildings.

The ACTING PRESIDENT pro tempore laid before the Senate the joint resolution (H.J. Res. 711) to prescribe names for the several House of Representatives office buildings, which was read the first time by title.

Mr. HUMPHREY. Mr. President, this joint resolution relates only to business of the House. Therefore, it does not require any committee action in the Senate. It is merely a matter of comity between the two Houses. I ask that the measure be approved.

Mr. RUSSELL. Mr. President, I shall not object to the matter coming before the Senate, but I do think that Members of the Senate are entitled to have a curiosity to know what buildings are named and for whom. I would, therefore, like to have the joint resolution read. We have an interest in the history of the other body, an equal but more numerous branch of the Congress. I think the Senate is entitled at least to know what buildings are affected. If there is no objection, I would like to be advised.

Mr. HUMPHREY. I think that would be a very good idea.

The ACTING PRESIDENT pro tempore. The House joint resolution will be read.

The legislative clerk read the House joint resolution (H.J. Res. 711) the second time, as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That—
>
> (1) the House of Representatives office building constructed under authority of the Act of March 3, 1903 (32 Stat. 1083, 1113), at a time when the Honorable Joseph Gurney Cannon of Illinois was serving as Speaker of the House of Representatives, is hereby designated, and shall be known, as the "Cannon House Office Building"; and
>
> (2) the House of Representatives office building constructed under the authority of the Act of January 10, 1929 (45 Stat. 1071), at a time when the Honorable Nicholas Longworth of Ohio was serving as Speaker of the House of Representatives, is hereby designated, and shall be known, as the "Longworth House Office Building"; and
>
> (3) the House of Representatives office building being constructed under the authority of the Additional House Office Building Act of 1955 (69 Stat. 41), the construction of which was begun while the Honorable Sam Rayburn of Texas was serving as Speaker of the House of Representatives, is hereby designated, and shall be known, as the "Rayburn House Office Building".
>
> SEC. 2. Any law, rule, regulation, document, or record of the United States in which reference is made to any building to which the first section of this Joint Resolution applies shall be held to refer to such building under and by the name prescribed for such building by such section.

Mr. RUSSELL. Mr. President, I am delighted that the resolution has been read. I, of course, interpose no objection. I always like to be informed before the Senate undertakes action of such importance.

The ACTING PRESIDENT pro tempore. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 711), was ordered to a third reading, was read the third time, and passed.

NO VETO POWER FOR WEST GERMANY

Mr. JAVITS. Mr. President, I wish to say a word this morning about the unseemly controversy which appears to be developing between the German Federal Republic and the United States in respect to the negotiations on Berlin.

Those of us who have spoken on the Berlin crisis before have a special reason to speak now in view of the apparent differences and strain in relations between the German Federal Republic and the United States on this issue, which have come to public notice this week, essentially based on Chancellor Adenauer's statement indicating that the negotiations with the U.S.S.R. should be dropped and that the 13-nation control plan was unacceptable.

Mr. President, I believe that the 13-nation control plan, as put out, is not very good, but that is not the point. It seems to me we have to clearly understand the role of the German Federal Republic in these negotiations, as the President went to considerable pains in defining in his press conference yesterday.

This role should be one of representing German Federal Republic interests when its interests are directly involved, as for example, in any recognition de facto or de jure of the East German Communist puppet regime, which is unthinkable; but neither the role of the German Federal Republic can be a veto of matters which affect our interest or the interests of world peace, nor can we give recognition to any idea of exclusive—I emphasize the word "exclusive"—custodianship by the German Federal Republic of the interests of the people of West Berlin. Nor, of course, can we allow the German Federal Republic to hold the veto power over matters affecting U.S. security interests.

In view of Chancellor Adenauer's reported remarks, it is very important that these lines of distinction be made, especially by those like myself who have consistently advocated a no-back-down policy on Berlin.

I therefore rise to express my support of the President in his determination to continue negotiations which our Government considers to be important to world peace whatever may have to be their course to accommodate any change in views by the German Federal Republic. We have run too many risks and have taken too much responsibility—as for example, in the callup of 160,000 reservists and additional billions to our defense budget, as the President said—to take any other position in this matter.

Berlin is not the German Federal Republic, much as we appreciate the deep kinship and connection between the two. Nor is East Germany the sole concern of the German Federal Republic, much as we appreciate, too—and favor—the reunification of Germany in freedom within the context of a free Europe. Both these areas continue to involve special responsibilities on our part and Berlin itself remains a four-power occupied city.

I repeat what I have said before: that a Berlin agreement with the U.S.S.R. certainly would be desirable if it would bring greater security to Europe and higher hopes for peace to the world, but it is not an indispensable condition of American policy at this time and to attain it would not be worth materially modifying our fundamental principles by such concessions. I believe it would be better to do without a Berlin agreement if that were the price, but while I believe this applies to prejudicial concessions, I do not believe that this applies to negotiation.

The ACTING PRESIDENT pro tempore. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, the question of whether we should agree and the question of whether we should negotiate are two very different things.

The President is right that we must continue to negotiate with the U.S.S.R. in an effort to arrive at a suitable agreement, if possible.

As I said on May 2, "Negotiations always suggest hope, and I am all for them and I encourage them when they offer even the slightest possibility of success. I want us to continue negotiations."

Our Berlin policy must continue to be one of fidelity to the freedom of the people of West Berlin, respect for the integrity of the German Federal Republic and refusal to compromise the ultimate hope for self-determination of the Soviet satellites in central and southern Europe. In adhering to those principles we have run risks and have faced up to many crises. Impatience over continued tensions must not give way to a feeling that an agreement is now imperative—whatever may be the cost. We can live without an agreement; and we should make one only when we have reasonable grounds for believing that it contributes materially to the security of Europe and to world peace.

But we cannot allow the German Federal Republic expressly or by implication to dictate our course, no matter how friendly we are to it and no matter how much satisfaction we have taken from the tremendous progress in free institutions, representative government and pan-European cooperation which has been shown by the German Federal Republic and its people in the last decade. Negotiations must continue as that is in the interest of our policy and of world peace.

Mr. BUSH. Mr. President, will the Senator yield for 30 seconds?

Mr. JAVITS. I yield.

Mr. BUSH. I wish to associate myself with the splendid statement the Senator has made, and to give my full support to the views he has expressed. I think it would be tragic if the United States were to say to the world, "We are going to discontinue these talks with the Russians over the Berlin crisis because Chancellor Adenauer asked us to do so."

We have a great responsibility to the people of West Berlin. We have a great responsibility to the people of the Federal Republic of Germany, also. We have, in addition, a responsibility to the whole free world.

So long as the Russians appear to be willing to sit down and to negotiate reasonably over this vital issue, in which we have so many men involved and to which we have committed so many hundreds of millions of dollars, month after month, it seems to me it would be a very bad mistake for us to discontinue negotiations, as suggested by the Chancellor.

I commend the Senator from New York and I compliment him very highly upon his splendid and clear statement of what our policy ought to be.

Mr. JAVITS. I am grateful to my colleague for his kind words, and especially for his support.

Mr. HUMPHREY. Mr. President, will the Senator yield to me?

Mr. JAVITS. I yield to my colleague from Minnesota.

Mr. HUMPHREY. I also wish to commend the Senator for his statement relating to the question of negotiations over the Berlin crisis and other problems in central Europe.

The Senator may recall that the other day in the Senate I pointed out that these negotiations were time consuming and difficult, and that the problem of Berlin was one of the most complicated yet one of the most dangerous problems we face. I pointed out that it appeared to me that negotiations were very important if we wished to preserve the peace and to present what I think is the logic, the honor and the basic soundness of our case relating to Berlin.

With respect to negotiations my only suggestion would be—and I say this as a friend of the administration—that we must not put ourselves in the position of negotiating so that whatever concessions may be made or may be required to be made, if any, would weaken the Western position in Western Europe and in West Berlin. I know the administration has no such intention.

I have long felt that in the negotiations we ought to make demands such as a demand for the unification of all of Berlin. While Berlin is a divided city, it was never intended to be so in the postwar agreements. It was never intended to be a city in which there was a wall, a city in which there was a denial of access from one zone to another by the occupying powers.

I believe that, since we base our case upon the law and upon the occupation statutes or agreements, we ought to insist in negotiations that we should talk about friendlier relationships in that area and the security and safety of Berlin on the basis of a total city.

I am a realist. I know what has happened in Berlin in the years since 1945. I do not think we ought to permit ourselves to be put in a position so that we can be nibbled to death, so to speak, so that each and every time we talk about Berlin there is a little less to talk about.

I should like to see negotiations predicated on the basis that Berlin is a united city, that Berlin is a part of the total problem of our relationships with the Soviet Union and central Europe, that the long-held position of a united Germany is still the position of the Government of the United States, and that in our negotiations we seek ways and means not only in the short run but also in the long run to accomplish the objectives of a united city, a united Germany, and a Europe in peace.

There are many intricacies and complexities to the problem. Some of us have discussed ways and means by which negotiations might be conducted. We have made suggestions and proposals as to what might be the subject of such negotiations. The point that the Senator makes that we ought to negotiate is most valid, but negotiation ought not to be a substitute for merely visiting. Negotiations must have substance. There must be concrete proposals. We must seek to maintain diplomatic initiative. By so doing we shall not worsen the situation, but we shall lend our efforts toward making the negotiations better. Thereby we may better secure the safety and freedom of the people of Berlin. I am sure that the Senator would have no disagreement with that statement.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that the Senator from Minnesota may have 3 additional minutes.

Mr. JAVITS. Mr. President, I have the floor.

Mr. HUMPHREY. Mr. President, the Senator from New York had yielded to me.

Mr. CASE of South Dakota. The Senator from New York yielded to the Senator from Minnesota. I would like to see the Senator from Minnesota have as much time as he desires.

Mr. HUMPHREY. The Senator from Minnesota will ask for time in his own right. I was asking a question of the Senator from New York. I suggest that the Senator from South Dakota take care of his own time.

Mr. JAVITS. Mr. President——

Mr. CASE of South Dakota. Mr. President, I do not like the implication of the last observation by the distinguished Senator from Minnesota. The RECORD will show that the Senator from New York had asked to proceed for 1 additional minute. Following that, he yielded to two different Senators. The Senator from Minnesota must have talked more than 1 minute. I wanted the Senator from Minnesota to have as much time as he desired. I think his speech is an important one. I should like to have him proceed with his discussion.

Mr. HUMPHREY. Mr. President, the Senator from Minnesota has completed his discussion with the Senator from New York. I thank the Senator from South Dakota. I thought the time was under the control of the Senator from New York.

Mr. CASE of South Dakota. Mr. President, may I be recognized for 3 minutes in my own right?

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. CASE of South Dakota. Mr. President, first with respect to the Berlin question, I thoroughly agree. I think the distinguished Chancellor of West Germany, Mr. Adenauer, should be grateful for the fact that the United States is continuing discussions. I should like to have him and the West German people consider what would happen if Mr. Khrushchev were to carry out his oft-stated threat and make a treaty and walk out of West Berlin. They ought to be grateful that we are continuing negotiations.

Mr. JAVITS subsequently said: Mr. President, if all other Senators wishing to speak have been recognized in the morning hour, I ask recognition again.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. JAVITS. I ask unanimous consent that the remarks I am about to make follow those made by the Senator from Minnesota. I do not believe the Senator from South Dakota [Mr. CASE] understood the situation. I desired to reply to the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. I desired to reply to the Senator from Minnesota, and for that reason I sought more time. I am sure that the Senator from South Dakota did not grasp that point at the moment.

I thank the Senator from Minnesota, who has been a great leader in the field of foreign relations, as has also the Senator from Connecticut [Mr. BUSH], for his views. I, too, want to see the wall come down.

I ask the Senator if he would feel moved to comment on the following point. When a nation does something in international affairs, it cannot bluff. With respect to Berlin, we have always known that we could not take a strong position unless we were prepared to back it up with military force and assume all the risks involved. The question I should like to ask my colleague is as follows: As we enter the negotiations and persist in them, notwithstanding what Chancellor Adenauer may think—and I am delighted and appreciate very much the agreement of the Senator from South Dakota [Mr. CASE]—we also must be prepared for no agreement, if we cannot make one, and we must not be afraid of that result.

Nevertheless we should negotiate. The fact that we negotiate does not mean that we must make an agreement, or that we should have any idea that such negotiation means there will be any agreement. There may not. Nevertheless we should continue to negotiate.

Mr. HUMPHREY. Mr. President, may I respond to the Senator from New York? I ask unanimous consent that I may have 2 minutes to respond to the Senator from New York.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HUMPHREY. I thank the Senator again. With his characteristic clarity and logic he has put his finger on what will be the situation.

On the one hand, we ought to negotiate in good faith. We ought to insist that our allies cooperate with us in the negotiation. But we also ought to be prepared for the possibility that negotiations may be fruitless; and if they are fruitless and they end with no accomplishment whatsoever, we ought not to delude ourselves or anyone else into thinking that we need to sign something in order to prove that we have done something. It is entirely probable that what will result from negotiations is no agreement, and we can live with no further agreement——

Mr. JAVITS. The Senator is exactly correct.

Mr. HUMPHREY. We can live with no further agreement if we have a firm position, and if we are willing to be strong. In other words, we should not tremble over the possibility that we may make no particular accomplishment or forward progress at this time. Perhaps the Soviet Union does not want any agreement. I believe that after we have made an honest and sincere effort in negotiations, if we do not succeed in obtaining security and freedom for the people we seek to protect, we can live unafraid, strong and determined, with no agreement; and I do not think the result will be hostilities.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed at this point in my remarks some conditions for a Berlin agreement which I have previously laid before the Senate.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

I believe the primary considerations for a Berlin agreement now must be based on the following:

First. Uncontrolled access to West Berlin from West Germany. This is the primary and immediate objective which the free world must seek in any negotiations which admittedly would be directed at an accommodation awaiting permanent settlement of the larger German and Central European questions.

Such access could be achieved through the establishment of a United Nations Commission, responsible directly to the General Assembly, to administer the uncontrolled access routes. Under such a plan, the United States, the United Kingdom, France, and the Soviet Union would bear the financial responsibility for the administrative costs. A clearly delineated United Nations Commission would avoid the impotence which has plagued such neutral commissions as those in Korea and Laos which have failed in their jobs. An official complaint to the Secretary General of the U.N. by any of those four nations should be cause for an immediate reevaluation of the Commission, its members and functions, by the General Assembly. Should the Commission fail to get a vote of confidence from the Assembly, it would have to be reconstituted within a stated term by the Assembly or power over the access routes would devolve upon the four nations—the United States, United Kingdom, France, and the U.S.S.R.—having ultimate responsibility and conditions would revert to their present state.

Second. Integration of West Berlin into West Germany. This could be symbolized by granting voting rights to the Berlin representatives in the Bundestag and Bundesrat and by making West German laws effective in West Berlin. It would represent a logical legal step forward. Nor need it interfere with the prewall status of the relation of the Soviet forces to the divided city and the divided Germany.

Third. Removal of the Berlin wall. The wall is illegal as a violation of the four-power agreement on Berlin, and it is an affront to the dignity of the United States, British, and French positions in Berlin. It should be removed if there is to be any rational relationship between East Germany and West Germany. Substitute arrangements with the U.S.S.R., even if the dividing line were treated as a border, would still not be the foreboding horror of the wall.

Fourth. Maintenance of present U.S. troop strength in West Berlin. Our garrison is there to do a job: to defend occupation rights and the rights of the citizens of West Berlin. We need an effective force not only to serve as a deterrent to military action but also to prevent Communist-inspired subversion or violence.

Fifth. A nonaggression pact between NATO and the Warsaw Pact powers should not compromise NATO's internal capability for defense, including a nuclear capability, or give any legal sanction to the domination of central and southern European nations by Communist regimes installed by the U.S.S.R.

NATIONAL GUARD MERRY-GO-ROUND

Mr. CASE of South Dakota. Mr. President, the Pentagon recently announced, with considerable fanfare, its latest proposal to realine the National Guard and Reserve forces with the alleged intention of increasing the readiness posture of these components. This is plan No. 24 for National Guard reorganization.

Many of us at the time expressed serious doubt as to the validity of the proposal and its real purpose. No one, however, has so well stated those doubts or so succinctly detailed the curious sequence of events leading to the announcement as the Senator from Nebraska, [Mr. HRUSKA].

In a speech to the National Guard Association of Nebraska in Omaha last week, the Senator from Nebraska undertook a searching inquiry into the realinement proposal and emerged with the conclusion that the Department of Defense was being dollar wise and defense foolish.

As a matter of fact, Mr. President, after reading these remarks of the Senator from Nebraska and considering the record as made in hearings, we seem to have a merry-go-round. The entire situation can be pretty well summarized as follows:

First. In May 1961 the President announced with more fanfare the administration's program for realinement of the National Guard. These new plans, we were assured, "would allow us to almost double the combat power of the Army in less than 2 months." That objective was clearly of great merit and would represent a distinct step forward for improved national security.

Second. These plans were costed out, with results showing need for $330 million more than the fiscal 1962 budget for Reserve Forces.

Third. This increase, together with heavy nondefense spending, caused the order to go out that the fiscal 1962 budget figure must not be exceeded.

Fourth. The President's May 1961 plan was abandoned, in favor of preserving his budget figure. The result was a drill pay strength of 642,000, which means 118,000 fewer personnel than under his May 1961 proposal. This is a step backward. It is wrong to refer to it as a plan which will enable the Reserve "to perform their mission with increased readiness."

Because the thoughtful discussion of this most important subject deserves wide dissemination, I ask unanimous consent, Mr. President, that the address entitled "Is Readiness the Reason?" be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Is Readiness the Reason?

(Address by Senator Roman L. Hruska, Nebraska National Guard Association annual banquet, May 5, 1962)

When I received your invitation to speak this evening, I felt deeply honored. This is a distinguished group of Americans. I am delighted to come home for another reason. It furnishes me an opportunity to report with the full Nebraska Army National Guard contingent now stationed in Washington, Colonel Greenlief and my assistant, Captain Kutak.

The year the Thirteen American Colonies rebelled to gain their independence the patriotic, although controversial, pamphleteer, Thomas Paine, sought to boost the flagging spirits of his fellow citizens by a series of letters in the local press entitled "The American Crisis."

In the first of those letters is found the famous phrase, "These are the times that try men's souls." In reviewing the world's situation today, that phrase—for freemen—seems particularly appropriate. This night American troops confront their Russian counterparts across a crudely constructed wall in Berlin. This night American troops are maneuvering in the jungles of southeast Asia. This night, not many miles from this handsome banquet hall, those American airmen who proudly proclaim peace as their profession are poised ready to deter any new threat to our Nation's security.

Berlin, Vietnam, and the countless other less dramatic but equally dangerous outposts where Americans are tonight standing guard in the defense of freedom furnish ample reason to say that these, too, are times that try men's souls.

The world situation can be translated into immediate terms. Tonight I will speak to you about some of them. It is important to understand, not only what they are, but what they mean to us as a nation and to each of you as participating members of a self-governing society. This occasion seems to me especially appropriate as you are citizen-soldiers whose individual pursuits have kept you mindful of the enormous responsibilities and heavy burdens we as a nation have undertaken.

One, of course, is the sheer cost of military preparedness. As a member of the Appropriations Committee, I see at first hand the impact of this obligation. As citizens and taxpayers you readily feel it. A little over 2 weeks ago the House of Representatives passed, by a rollcall vote incidentally of 388 to 0, and sent to the Senate a bill appropriating $47,839,491,000 to the Department of Defense for fiscal year 1963. This amount was $1.3 billion more than the appropriation to date for the current fiscal year and $7.5 billion more than the total appropriations for fiscal year 1961. And, lest you think this represents the total outlay, I must remind you that the bill does not include appropriations for military construction or civil defense or military assistance abroad.

The figure of nearly $48 billion was not reached in any sense of resignation. I served on the Defense Appropriations Subcommittee during my tenure in the House, representing the Second Nebraska District, and recall well the painstaking care that went into the preparation of the bill. The hours spent on analysis of testimony and exhibits and on reconciling requests and needs leave room for little else in the subcommittee member's day until the bill is passed.

The Congress is aware of the burdens such a bill imposes on our citizens. Obviously such a tax toll does place severe limitations on individual plans. Fortunately the American public is willing to spend whatever is necessary for defense and expects only a full dollar's return for each dollar invested. We as legislators and you as soldiers, both have a deep obligation to our fellow citizens to insure that this is done.

There is another way by which those present tonight recognize the immediacy of the world situation. Many of your colleagues are not at home. The officers and men of the 24th Medical Company from Wahoo, the 1057th Transportation Company from York, and the 1056th Transportation Company from Crete joined nearly 44,000 other members of the Army National Guard, representing 40 States and the District of Columbia, who were recalled to active duty in the Berlin crisis.

These men have served their country honorably and well. They will come home—and gratefully we note the time will be soon—to their families, their jobs, and their friends with the rich satisfaction of knowing they have accomplished the task given them in time of great national emergency. These units can be proud of their outstanding achievement. Their fellow citizens are impressed with their performance. Certainly they return with the thanks of a grateful Nation.

I would be less than candid with you if I did not acknowledge that the recent mobilization was beset by serious difficulties. But I would also be less than fair with you if the record was not set straight.

First, it is said that Army National Guard units mobilized were considerably under strength. As you know, total authorized strength is 400,000. By and large, the strength of the units activated were at or about their assigned authorized strength when they responded to the call. That strength was not full mobilization strength, but it is as great a strength as was permitted. They could not recruit more.

Secondly, a point is sometimes made of the large number of delays and exemptions granted in the course of the callup. One statistic called to my attention during the House hearings on the defense appropriation bill is of great interest. It is that of the 8,640 delays and exemptions so granted on a nationwide basis, only 372 were for guardsmen, less than one-half of 1 percent.

If equipment or supplies were obsolescent or inadequate, it was because of insufficient congressional appropriations, or failure of Government authorities to release funds which had already been appropriated.

The most distressing aspect of the callup, the complaints of a few guardsmen during training, should not distract attention from the fact that the units performed their missions well. And it should not obscure the fact that our National Guard is vital to the security of this country. Doubts about its capacity to respond to national crises should now be dissipated. In fulfilling its commitments, the Army National Guard has justified our confidence in its training program and confirmed the wisdom of maintaining it at present levels with adequate men, money, and material.

A special subcommittee of the House Armed Services Committee, under the chairmanship of Congressman Hébert, is now studying the practices and policies of the recent callup. I am confident its findings will bear out what I have already told you about the performance of the National Guard following the Berlin alert. But, understandably, its recommendations regarding future plans will be closely studied. We know our Guard units are able to attain combat readiness within a short period of time. We want to be certain that such programs of combat effectiveness should not be slighted in calculations that still are to be made about the size and scope of the National Guard operation. In this connection, let me observe that the Senate Armed Services Committee refrained from holding hearings to await the report from the Hébert subcommittee.

I think you have all read or heard about the Pentagon's announcement regarding the realinement of certain reserve divisions. In this Congress we have had other messages concerning proposed reorganizations.

Let's look at this one to see what can be made of it.

In the first place, I have rarely seen a program formally presented to the Congress which is so injudiciously conceived, so poorly timed, and so thoroughly botched by conflicting and confused statements from those whose task it is to present it. This should be a pretty good indication of how troubled the Pentagon is about it. Perhaps it is also a good indication of the trouble that could be expected from the Congress. I am sure it is fulfilling those expectations.

I understand that earlier this afternoon Colonel Greenlief outlined the misadventures that led to the present predicament of the National Guard. I am quite sure he did not characterize it in precisely those terms, but you and I are free to draw our own conclusions. Mr. Ailes, Under Secretary of the Army, testified as to the sequence of events leading up to the controversial proposal in his appearances before the House and Senate appropriations subcommittees. I have studied his testimony and find it very curious indeed.

First of all, you might ask why should the Appropriations Committee—or for that matter, any other committee—of the Congress be concerned with a matter seemingly within the jurisdiction of the Pentagon?

The Congress is charged with the responsibility of providing the funds in peace and war for the security of our country. It is in joint venture with the Executive in fashioning our national defense program, each carefully respecting the other's constitutional authority while fulfilling its own. It is, in other words, equally the Congress' concern that the right decision be made regarding the role of the Army National Guard and to take such steps as are necessary to prevent that role from being downgraded and eventually destroyed.

It is the responsibility of the Congress to insure that more than lip service is paid to the idea of improving the readiness of the National Guard and to plans for maintaining its important role in our total defense program.

But I ask you, has more than lipservice been given—judging not from where the military started, but by where the civilian level of the Pentagon ended? Let's look at the record.

The plan prepared by the Army staff a year or so ago emerged from a careful analysis, by the Pentagon's own admission, of the readiness of our Reserve components from the divisions all the way through to the smaller supporting units. The proposal that emerged was promised to bring about a major increase in the usefulness of the Reserve structure.

Confident of this, the President went to the Nation on May 25, 1961, with a special message to Congress on urgent national needs and said:

"The Army is developing plans to make possible a much more rapid development of a major portion of its highly trained Reserve Forces. When these plans are completed and the Reserve is strengthened, two combat-equipped divisions, plus their supporting forces, a total of 10 divisions, could be deployable with less than 8 weeks' notice. In short, these new plans would allow us to almost double the combat power of the Army in less than 2 months, compared to the nearly 9 months heretofore required."

If that didn't raise the eyebrows of the Russians, I am sure it did to many of our own military experts. But anyway, the determination was there to make certain improvements in the posture of the Army Reserve components, for which additional money would be sought from the Congress.

Approximately 12 months and 24 plans later, by Mr. Ailes own acknowledgment, what do we find?

A plan involving a drill-pay strength of 760,000 as originally contemplated by the Army staff and spelled out by the President in his message, approved by the Chief of Staff, Secretary of the Army, the Section 5 Committee, and approved in concept by the Secretary of Defense? No.

Even a plan involving a drill-pay strength of 700,000 as called for by the present program? Again, no.

What we wind up with in the new proposal is a plan calling for a drill-pay strength of 642,000. It doesn't take much to figure that this amounts to a reduction of 58,000 in numbers over what we have now. If that's progress by their reckoning, I'd hate to think what Mr. Ailes would call victory.

Significantly, the Secretary still alludes to this latest program in the same terms as the original one: this is what the Army staff has come up with and this is what is really needed for the Reserves to perform their mission with increased readiness.

What accounts for this flip-flop and the 23 previously considered plans that it took to do it? If the original proposal made good sense, what happened in the meantime to motivate the Secretary to cast it aside, to ignore the "carefully prepared analysis," and to disregard the judgment of the Army General Staff and the Reserve Forces Policy Board?

Despite repeated statements about efforts to meet new military requirements, I think the real answer lies elsewhere.

First clue: The proposed budget provides the same amount of money—$771,300,000—for the support of the Army Reserve Forces for fiscal year 1963 as the total appropriated in fiscal year 1962. They were held, in other words, to that ceiling.

Second clue: The cost of the Army Staff's first proposal involving a recommended drill pay strength of 760,000 would cost $1,100 million or $330 million more. I wonder when this was costed out.

Third clue: The overall budget has grown fantastically in the last several years. Nondefense spending, for example, has practically doubled since 1954.

The only reasonable conclusion I can draw from these figures is that the Department of Defense, recognizing the reality of pyramiding costs, made a calculated choice between the President's proposal to improve the Reserve program, on the one hand, and protecting the President's budget on the other hand. It decided in favor of the budget. The result is that the President's plan to "almost double the combat power of the Army" in virtually no time at all war scrapped. Likewise discarded was even the present strength and organization of the Reserve components. Something far less was substituted—a plan eliminating 8 field divisions and nearly 58,000 personnel—which means 118,000 fewer personnel than under the President's original proposal.

All of the current talk about having achieved greater necessary readiness is just camouflage. Something had to give, and the Pentagon decided it would be the 34th Infantry Division here in Nebraska and Iowa, and other units elsewhere.

In my judgment, this is being dollarwise and defense foolish.

My record for economy is well known. I will continue to fight unnecessary spending in the many areas where it exists. But this is not one of them. It goes to the heart of our national security. The President's sudden concern about economy rings hollow when he allows multimillion-dollar deficits on account of nondefense spending and constantly advocates more billions for such purposes.

I do not believe that a reduction in drill-pay strength increases the Reserves readiness. For that matter, I do not have much reason to believe the Secretary does either. His own military advisers who accompanied him to the hearings couldn't follow his script when he reached that point, as the record of the hearings discloses.

If the proposal to reduce in numbers and reorganize the structure of the units is inappropriate at this time, especially with the prospects of a further reorganization along the lines of the ROAD concept, can we find a deeper reason for going ahead with it at this time?

Let me call to mind legislation in other fields that might point out similar patterns. I can mention the urban affairs proposal, which would establish a direct connection, not to say pipeline, from Washington to our various municipalities—bypassing the States and county governments on the way.

Consider the potentialities of the Federal Aid to Education bill: where the Office of Education would erase the boundaries of the local school districts and jeopardize the independence that goes with them.

Or consider the prospects of the medical care bill where the Department of Health, Education, and Welfare will be offered a standing invitation to step in between the patient and the physician.

Or consider the latest proposal—a Public Works Acceleration bill which authorizes the President to expend $2 billion for new projects without further congressional approval. This one has a new twist. It permits the Chief Executive to borrow the reserve capital of four Federal agencies authorized by the Congress for established programs. The trend is not only against the States—the so-called independent offices had better look out as well.

The current efforts to realine the National Guard are part and parcel of a continuing effort to downgrade, not just the Reserve forces, but the entire concept of State lines and local responsibilities.

It would be presumptuous of me to describe to this audience the traditional military policy of the United States regarding the Army National Guard. The Guard is recognized as an integral part of the firstline defenses of our country and has organized, trained, and responded as such.

I believe it is worth reminding ourselves, however, that the National Guard has a dual mission: On the one hand, to provide trained personnel for active duty in a national emergency or time of war as the security of our country might require; equally important is the fact that the National Guard provides trained units to protect life and property and to preserve the peace and public safety under the order of State authorities.

Let us not downgrade this dual mission. The States are still an integral part of the political structure of our Government and their interests must be regarded and preserved.

This key role of the National Guard was the subject of extensive discussion at the very inception of our Government. The Constitution spells it out and is worth recalling:

"The Congress shall have power * * * to provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress (art. I, sec. 8, cl. 16).

In turning to the debates in the Federal Convention of 1787 as reported by James Madison, we can appreciate the importance attached by our Founding Fathers to the dual mission. Observe what Madison noted in his journal regarding his own discussion of the clause:

"As the greatest danger is that of disunion of the States, it is necessary to guard against it by sufficient powers to the Common Government and as the greatest danger to liberty is from large standing armies, it is best to prevent them, by an effectual provision for a good militia."

Roger Sherman, the delegate from Connecticut, earlier in the debate made an appropriate observation. Quoting again from Mr. Madison's journal:

"Mr. Sherman took notice that the States might want their militia for defense against invasions and insurrections, and for enforcing obedience to their laws. They will not give up this point. In giving up that of taxation, they retain a concurrent power of raising money for their own use."

Perhaps, however, the most notable observation was made by another delegate from Connecticut, Oliver Ellsworth. Let me read the full text from Madison's journal to portray its beauty:

"Mr. Ellsworth was for going as far in submitting the militia to the General Government as might be necessary, but thought the motion of Mr. Mason went too far. He moved that the militia should have the same arms and exercise and be under rules established by the General Government when in actual service of the United States and States neglect to provide regulations for militia, it should be regulated and established by the Legislature of United States. The whole authority over the militia ought by no means to be taken away from the States whose consequence would pine away to nothing after such a sacrifice of power. He thought the general authority could not sufficiently pervade the Union for such a purpose, nor could it accommodate itself to the local genius of the people. It must be vain to ask the States to give the militia out of their hands."

These notes from the debate in the Federal Convention would bear reading by the Pentagon today. They are as pertinent in the era of missiles as when we fought with muskets. The principles are immutable. The States must have a militia at their command to cope with State requirement as well as to be ready to respond to national emergencies.

The plan of realinement and reduction at its present state impairs the capacity of the National Guard to be an effective military force at home in the event of natural catastrophe as well as nuclear attack. The current proposal strikes vitally at the historic and still valid mission to insure the survival of the States whether in war or local disaster.

Let us understand the issue. The size of our Army National Guard should be determined by existing needs, but not budgetary whims. We have no argument with efforts to improve its readiness, but welcome them. However, in the course of adapting to evolving military requirements, let us be certain that in fact the proposed plans accomplish what they purport to.

I can assure you that the Congress is much concerned with this move and will take a careful and critical look at the proposal.

Gov. Norman Erbe, from one of our sister States to the east, is to be saluted for his fine leadership on behalf of the States in resisting the proposed cutback and reorganization. Our own Governor Morrison's decision to join and support this effort is certainly the right one. The National Guard has many friends here in Nebraska and across the Nation who are determined to oppose this attack on the States.

The important role in our national defense which the National Guard has per-

formed and continues to perform merits this response. In these uncertain times, no less is required to protect our country's safety and preserve the freedom which it affords.

A TRIBUTE TO THE RURAL MAIL SERVICE

Mr. CARLSON. Mr. President, I ask unanimous consent that I may proceed for 5 minutes, for 2 minutes in addition to the regular 3 minutes allowed under the unanimous-consent agreement.

The ACTING PRESIDENT pro tempore. Without objection the Senator may proceed.

Mr. CARLSON. Mr. President, I wish to pay a tribute to the rural mail service.

The newspapers this morning carried an account of the death of Melvin T. Strider, Charles Town, W. Va. Mr. Strider and four other men served as the first rural letter carriers in the United States.

Rural delivery of mail was first officially suggested by Postmaster General Wanamaker in his annual report for the fiscal year 1891. The first bill authorizing rural delivery was introduced in the House of Representatives on January 5, 1892, by Hon. James O'Donnell, Member of Congress from Michigan. The first bill to win approval of the Congress was the one proposed by Hon. Thomas E. Watson, Member of Congress from Georgia. The Watson bill became law on March 3, 1893, and made $10,000 available for experimental rural delivery.

It is interesting to note that in 1961 we are spending $272,694,000 a year on our rural mail service.

This experimental service was started effective October 1, 1896, from the towns of Charles Town, Uvilla, and Halltown, W. Va. Three routes were established at Charles Town. One of the three carriers appointed at Charles Town was Melvin T. Strider. Mr. Strider died yesterday at his home in Charles Town, the town where he served as one of the first rural letter carriers of this Nation.

Mr. Strider was indeed a pioneer. Little did he realize that from this meager beginning, the rural delivery service would grow into one of the greatest services rendered by this Government to rural and suburban America. In noting the passing of Mr. Strider, it is fitting that we note the value and service of the dedicated group of postal employees—the rural carriers of America—who have followed in his footsteps.

The R.F.D. is a traveling post office. It provides a complete delivery collection and financial service at the rural mailbox of every rural postal patron.

This branch of the Post Office Department has made important gains, not only in expansion of area and patrons, but also as a leader in productivity within the Post Office Department.

The rural service grew from its modest beginnings of five routes in 1896. In 1932, there were 41,602 rural delivery routes in the Nation. In 1961, the number of rural carriers had decreased to 31,341—a decrease of 10,261 employees in the rural delivery service. That is a decrease of almost one-fourth of the number of employees to do the job. Reduction in the number of employees did not mean a reduction in the size of the service. Quite the contrary, the number of people receiving rural delivery increased 40 percent from 1932 to date. In addition, the miles driven each day increased 32 percent until today the rural letter carriers drive the highways, roads, and byways of this Nation to the extent of more than 1,800,000 miles. This means rural carriers of this Nation travel a distance greater than 72 times around the world each day to provide a complete postal facility for the more than 9 million families and businesses they serve.

This service deserves recognition as a branch of the Postal Service which has expanded service and has accomplished it on an outstanding basis of efficiency and low cost. The R.F.D., serving more than 20 percent of the population of the Nation, is dong it on only 6.4 percent of the total postal expenditure. In 1932, the R.F.D. cost was $107 million, which represented 13.4 percent of each postal dollar spent in that year of operation. In 1961, as I have said, the total cost of this service was $272,694,000, which represents only 6.4 percent of the total postal expenditure for that year which was in excess of $4 billion.

To sum it up, rural delivery serves 40 percent more people since 1932, travels 32 percent more miles each day, handles the increased mail volume that has come with the years—more than a 20-percent increase in the past 5 years alone—and does it with one-fourth less employees.

These figures, impressive as they are, do not tell the whole story about this remarkable service. During the 10-year period from 1949 to 1959, the Post Office Department discontinued 5,677 small post offices receive, and this additional or wrong, resulted in a tremendous savings to the Department and in the vast majority of cases, postal service was provided by means of existing rural delivery service at little or no cost to the Department.

In addition, in 1961, 2,370 post offices were receiving lock pouch service performed by these rural carriers. This means that rural carriers transport the incoming and outgoing mail for those post offices. It is most often the only incoming and dispatch mail service that post offices receives, and this additional service by rural delivery is, in a majority of cases, at no additional cost to the Department.

The rural delivery service deserves to be commended. It is keeping pace with increased mail volume and patronage, wrapping up a remarkable record of productivity, and doing it cheaper each year on a related cost basis, and on a total cost per mile basis. Rural delivery has continued to outpace the Post Office Department as a whole in increased productivity and higher return in service rendered for each dollar of cost.

With the passing of Mr. Melvin T. Strider, it is fitting that we note the growth and value of the R.F.D., and that we pay a tribute to those who have contributed to that service for the American people since the establishment of rural mail delivery in 1896. It was a noble experiment begun in that year, and one which has contributed greatly to the social, economic, and cultural life of our citizens in rural and suburban America.

RESOLUTION ADOPTED BY THE KANSAS BANKERS ASSOCIATION ON THE PROPOSED GRANT OF $540,000 FOR USE OF THE CREDIT UNION NATIONAL ASSOCIATION

Mr. CARLSON. Mr. President, the Kansas Bankers Association, representing nearly 600 banks, meeting in their annual convention at Kansas City, Kans., on May 4, adopted a resolution opposing a proposed grant of $540,000 from the budget of the Department of Agriculture, which funds are to be set aside for use of the Credit Union National Association.

I ask unanimous consent that the resolution be made a part of my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

The Kansas Bankers Association, assembled in its annual convention in Kansas City, Kans., has given consideration to matters pertaining to the industry, not only as it applies to the nearly 600 Kansas banks but to the well-being of our Nation and its economic life.

Whereas it has come to the attention of those attending the convention that an unfair and, we believe, a very dangerous proposal is being fostered through the appropriation of tax funds, we believe a spirited protest is in order.

Whereas we are advised that said proposal provides for a grant of $540,000 from the funds of the budget of the Department of Agriculture, which funds are to be set aside for the use of the Credit Union National Association, who will use said funds for the organization, promotion and development of rural credit unions, said funds having been derived by way of taxation of banks and other business enterprises on their income; and by said organization, promotion and development be used to foster a similar financial institution which is free from Federal income tax. Said use of these funds not only provides a way by which funds which otherwise would be in banks and available for loans to the customers of the bank will be siphoned away, but the end result will be the loss to our Federal Government of the taxes which will be generated by the use of a tax paying entity, making loans to improve the economy of its community: Now be it

Resolved, That this association through its membership and at its annual convention, register a vigorous protest to this wrongful and unfair use of tax funds; that a copy of this resolution be forwarded to the Secretary of Agriculture, to the chairman of the Senate and House Agriculture Committees, to the two U.S. Senators from the State of Kansas, and the Representatives from each district of the State of Kansas.

Done at Kansas City, Kans., this fourth day of May 1962.

Attest:

CARL A. BOWMAN,
Executive Secretary.

AGRICULTURAL EXPORTS AND THE COMMON MARKET

Mr. CARLSON. Mr. President, recently the editor of the Farm Journal contacted me in regard to writing an article on agricultural exports and the

Common Market for the May issue of the Farm Journal.

I submitted a statement giving my views on the importance of the Common Market to American agriculture and this statement was the basis of the article which appeared in the May issue of the Farm Journal.

The fact that last year the Common Market countries bought $1,100,000,000 worth of our farm products is proof of the importance of these negotiations to our Nation's agriculture.

The Trade Expansion Act of 1962 is designed to give our own people a stronger hand at the negotiating table, and I think it will. The bill applies to the wide range of both industrial and agricultural products our country exports to the world—some $20 billion worth a year, of which one-fourth are agricultural.

American farmers are exporting about 15 percent of their production, as compared to 8 percent of our country's nonagricultural production. Half of our wheat production is moving overseas. Two-fifths of our soybeans and tallow production go abroad. A sixth of feed grains sold off farms is exported.

Exports are big business for many of our farming areas, including my own State of Kansas. It has been computed that Kansas' share of our Nation's agricultural exports in fiscal year 1961 came to $181 million for crops and $23 million for livestock and livestock products, a total of $204 million.

The farmers of Kansas and all other agricultural States would be hurt if our foreign market did drop. It would mean more acres out of production and less income for farmers. Obviously, it is essential that we negotiate effectively and maintain our big foreign outlets.

In dealing with the Common Market, therefore, we must make certain that our negotiators have American farmers very much in mind as they dicker with the European representatives. Our people must be in position to show the Europeans that better access to the U.S. market for their industrial goods is going to depend heavily on letting us sell our agricultural products in their market.

The proposed trade bill which the Senate will consider later this year can be used as a shield or a sword. With it we have a good chance to maintain or even increase our exports of most commodities to the Common Market. Without it, we face the possibility of losing a considerable part of our best market for agricultural commodities now in surplus.

I ask unanimous consent that the article I submitted to the Farm Journal be made a part of these remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The tie-up between international bargaining and foreign markets for American farm products is becoming close and critical.

Our Government's success at the negotiating tables in the years immediately ahead will have an important bearing on the amount of wheat, feed grains, and a number of other farm products we are able to export to our biggest and best markets in West Europe. We must be represented at the bargaining table by men who are sympathetic to, and familiar with, the problems of agriculture, or we will be traded down the river.

American farmers have a strong interest in the new foreign trade bill which Congress is now considering, the Trade Expansion Act of 1962. This bill can be used to get a stronger position for our agriculture in these forthcoming international trade negotiations.

What is at stake is continued access for our products in the six countries that make up the new European Economic Community—West Germany, France, Italy, Belgium, the Netherlands, and Luxembourg. These Common Market countries are our best cash customers. Last fiscal year they bought $1.1 billion worth of our farm products. Our marketing stake will become even bigger as other nearby countries join or affiliate.

Our problem, as pointed out in the Farm Journal in February, is that these leading foreign customers have agreed on a new common agricultural policy which aims at doing more business with one another at the expense of doing less business with outsiders such as the United States. Under this policy, the protection given their relatively inefficient agriculture in the past will be increased. The market for some of our export products will be hurt, including wheat and wheat flour, corn, sorghum grain, rice, and poultry. In these products, the Common Market countries hope to become largely self-sufficient. They propose to buy from outside suppliers, such as the United States, only enough to round out home production or to meet special need. So far, they are showing very little consideration for trade patterns we have built up in these products since the war. By 1965 we could be feeling the pinch in trying to export these products to the EEC; by 1970 we could largely be shut out.

To maintain our access to the Common Market, we have to depend on negotiation. We can't tell foreign governments what to do, any more than they can tell us what to do. Through negotiation we hope to convince them that we can offer them a large volume of reasonably priced products from American farms.

The Trade Expansion Act of 1962 is designed to give our own people a stronger hand at the negotiating table, and I think it will. The bill applies to the wide range of both industrial and agricultural products our country exports to the world—some $20 billion worth a year, of which one-fourth are agricultural. My own interest in the bill centers mainly around its importance to agriculture.

This new trade act is intended to replace the Reciprocal Trade Agreements Act of 1934 which expires June 30. This has been a good law. Under it, our country has built its foreign trade to the highest levels in history. American farmers are exporting about 15 percent of their production, as compared to 8 percent of our country's nonagricultural production. Half our wheat production is moving overseas. Two-fifths of our soybeans and tallow production go abroad. A sixth of feed grains sold off farms is exported.

Exports are big business for many of our farming areas, including my own State of Kansas. It has been computed that Kansas' share of our Nation's agricultural exports in fiscal year 1961 came to $181 million for crops and $23 million for livestock and livestock products, a total of $204 million.

The farmers of Kansas and all other agricultural States would be hurt if our foreign markets did drop. It would mean more acres out of production and less income for farmers. Obviously, it is essential that we negotiate effectively and maintain our big foreign outlets.

The negotiations that will be taking place with the European Common Market representatives will be swapping sessions. They will be carried out in the spirit that "we'll lower our tariffs on certain of your products if you'll lower your tariffs on certain of ours."

What the Europeans want to sell to us most are industrial products. In fiscal year 1961, we imported $2.1 billion worth of products from the Common Market countries. Only one-tenth of these imports were agricultural. Europe doesn't have the ability to export much agricultural volume but it is set up to export industrial products.

What we want to sell Europe includes sizable quantities of both industrial and agricultural products. In fiscal year 1961, we sold $3.5 billion worth of exports to the Common Market countries. Nearly one-third of these were farm products. Our efficient farmers have the ability to produce large amounts of agricultural products to sell to Europe.

In dealing with the Common Market, therefore, we must make certain that our negotiators have American farmers very much in mind as they dicker with the European representatives. Our people must be in position to show the Europeans that better access to the U.S. market for their industrial goods is going to depend heavily on letting us sell our agricultural products in their market.

The actual negotiations with the Common Market will be carried out by our Department of State, with the advice and guidance of the various departments of Government and the American public. I would like to emphasize to you farm people that you should make your voices heard, clearly and firmly, and insist that the interests and welfare of U.S. agriculture be protected in these negotiations.

As we think about future negotiations with the Common Market, let's start with where we stand today.

In January, a big round of negotiations with the Common Market was completed. We were able to obtain concessions on certain agricultural products; on others, we didn't do as well though the way was left open for negotiation. As a result, we find our agricultural trade future with the Common Market split between good and questionable.

Favorable prospects: For items making up about 70 percent of our agricultural exports to the Common Market, the prospect is mostly favorable. We will maintain and in some cases expand our exports of soybeans, cotton, hides and skins, tallow, and certain fruits and vegetables. For tobacco, vegetable oils, and few others, we are trying to get additional concessions to improve our marketing position. These types of exports to the EEC amounted to over $700 million in 1960.

Questionable prospects: For items making up about 30 percent of our agricultural exports to the Common Market, the prospect is questionable. This group includes wheat and flour, feed grains, rice, and poultry meat. We sold the EEC over $300 million worth of these products in 1960.

Since wheat and feed grains are of special interest to my own area, let's see what's ahead for them.

Prospects are questionable for our long-run' exports of wheat and flour to Common Market countries unless we deal effectively with certain access problems. High support prices in these countries—ranging from around $2.20 a bushel in France to $3 a bushel in Germany and Luxembourg—are encouraging increased home production. Practically all their wheat is of soft varieties, and in these they can become practically self-sufficient. However, they will need to continue importing hard wheats for blending in order to get a satisfactory flour. Our prospects, then, lie mainly in sales of quality wheats.

On wheat, we need to do these things:

1. In negotiations, insist on maintaining our volume of wheat exports to the area, concentrating on quality wheats. This is a substantial dollar market with our share averaging over 50 million bushels a year during the 1955–60 period.

2. Make sure we have enough quality wheat to supply the market. Up to now, our wheat industry has concentrated on producing quality wheats for our domestic market with less emphasis on quality wheats for the export market. Now we need to expand our emphasis to cover both markets. It is up to our agricultural programs and agricultural colleges to encourage production of strong gluten wheats, and it is up to our farmers to produce with quality in mind as well as yield.

3. Make it easy for buyers in Common Market countries to ascertain by simple tests the milling and baking qualities of wheat they are buying. We are making much progress in this direction, through the sedimentation test and related procedures. It is essential that we make it easy for foreign buyers to know what they are getting.

Prospects for exports of feed grains to EEC, though also questionable, are considerably better than for wheat. Our stake in this matter is indicated by our exports of over $200 million worth of feed grains to the area in 1960.

With economic growth and prosperity, food habits in EEC countries are changing, diets are becoming more sophisticated, and more red meats, poultry, and dairy products are being consumed. Feed grains are the foundation of this expanding livestock economy, and it is problematical whether EEC farmers—despite their intentions—can produce all the feed grains that will be required. Also, it is questionable whether EEC consumers, over a long period of time, will be content to pay the high prices for animal products that will result from (a) primary reliance on homegrown feed grains priced abnormally high and (b) supplemental imports of feed grains also priced artificially high through variable import levies or other restrictive devices.

It seems to me our best hope of continuing to supply a large volume of feed grains to the EEC lies in our efficiency. We can provide feed grains at prices that are profitable to our farmers yet cheap by European standards. Many business people in Europe, and to some extent labor and consumers, know of this fact. I think we need to make sure that the people of Western Europe generally are made aware of the opportunities for holding down their food prices by keeping open the doors to feed grain imports. I think our Department of Agriculture and its various cooperators, such as the U.S. Feed Grain Council, need to work hard in furthering this proposition.

I hope that in these remarks I have not given the impression that I am antagonistic toward the European Economic Community. I definitely am not. I think it is one of the great developments of the age. The countries of Western Europe, instead of engaging in cutthroat rivalry, have long needed to set up trade relationships with one another similar to what we have between our own 50 States. My only serious reservation about the EEC is with regard to its agricultural policies. Here I think we must do everything in our ability to keep all-out protectionism from becoming the pattern in Western Europe's agricultural affairs. If this happens, American farmers will lose important sales to some of their best customers. If it does not happen, American farmers will share in this prosperous, expanding cash market.

Again I say, the future depends on our ability to negotiate effectively. Under existing legislation we do not have the strength and flexibility our negotiators will need. Under the proposed Trade Expansion Act of 1962, H.R. 9900, our Government will be in a much better position to protect and further the export interests of American farmers.

This proposed trade bill can be used as a shield or a sword. With it, we have a good chance to maintain or even increase our exports of most commodities to the Common Market. Without it, we face the possibility of losing a considerable part of our best market for agricultural commodities now in surplus.

PROPOSED REDUCTIONS IN THE ARMY NATIONAL GUARD AND ARMY RESERVE

Mr. MORTON. Mr. President, the Department of Defense still appears determined to slice away substantial muscle from the Army National Guard and the U.S. Army Reserve in the interest of "greater readiness."

The high degree of readiness in our reserve components, whether guardsmen or reservists, has always provided the hard-core nucleus of our Armed Forces when a national emergency demanded expansion of our military capabilities.

I am not convinced that world tensions have subsided in any degree sufficient to justify the proposed reduction at this time. Nor do I think it the better part of wisdom to cut back our ready military manpower in the face of the necessity to maintain an efficient standby force in the face of war and ignoring the demands which could be made on these forces for internal security and recovery should the United States be subjected to nuclear attack.

At this time, I would like to address my remarks to the impact of the Department's edict on the National Guard in Kentucky. It is reported to eliminate 6 of the 54 guard units, involving 650 of the 3,600-man force. The Commonwealth of Kentucky has joined with all other States in vigorously opposing any reduction in guard strength. The Department asked Kentucky, as it did of other States, to designate which units were expendable in the event a cutback was enforced.

The Commonwealth complied with the request for information, but under the existing situation it had absolutely no choice or flexibility. Kentucky was asked to reduce its armored battalions from three to two. But what choice did it have? Absolutely none. Two of Kentucky's armored battalions are currently on active duty, one at Fort Knox and the other at Fort Stewart, having been called to the colors because of the Berlin crisis last summer.

What could be more complicated and more difficult to explain than a situation of this kind? Kentucky is asked to reduce its armored battalions by one-third; yet two-thirds of its armored battalions are on active duty.

Thus, the Commonwealth had no recourse but to earmark the remaining unit—the 1st Medium Tank Battalion of Barbourville, Ky., with a detachment at London and companies at Middlesboro, Williamsburg, Somerset, and Harlan. The other unit affected is the 207th Engineer Company—Float Bridge—at Ashland.

As I understand it, the Commonwealth would have the opportunity to change its mind at a later date. Again, what choice would it have? After the two battalions return from active duty at Fort Knox and Fort Stewart, it would be difficult for the Commonwealth to tell one of these units, "Boys, you did a great job and we're proud of you, but you're going to have to turn in your tanks and messkits." This, indeed, would be a shallow reward for a year or more in uniform.

The Commonwealth estimates that eliminating the six Kentucky units will mean the loss of a $330,000 annual payroll to an area of Kentucky where depressed economic conditions make such income a valuable part of the communities concerned.

The loss of this income would be a severe blow to eastern and southeastern Kentucky. Justifying retention of the units would be difficult if only economics were concerned, but current national security circumstances dictate that they should not and must not be disbanded, for purely military reasons.

I have always advocated and supported the maintenance of the strongest possible Defense Establishment demanded to meet the requirements of our national security, duly recognizing that in our free society we must rely heavily on the readiness of the citizen-soldier in the Reserve organizations.

I have gone along from time to time with certain economies in the Armed Forces when I felt they could be effected without impairing the military's effectiveness. I do not believe that our mobilization capacity should be straitjacketed at this time under the guise of economy.

I ask unanimous consent to have printed at this point in the RECORD a newspaper article published in the Louisville (Ky.) Courier-Journal of May 8, 1962, referring to the Kentucky National Guard situation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SIX NATIONAL GUARD UNITS IN EASTERN KENTUCKY ARE FACING EXTINCTION

(By Sy Ramsey)

FRANKFORT, KY., May 7.—State military officials have reluctantly nominated six eastern Kentucky National Guard units for extinction in the event a planned national cutback goes through.

"We have no flexibility or choice in the matter of units," Brig. Gen. William R. Buster said Monday.

If the proposed reduction takes effect, the State tentatively plans to disband these units: the 1st Medium Tank Battalion, with headquarters at Barbourville, a detachment at London, and companies at Middlesboro, Williamsburg, Somerset, and Harlan; and the 207th Engineer Company (float bridge) at Ashland.

WOULD CLOSE ARMORIES

Buster said the State has informed the National Guard bureau that armories at Barbourville, London, Middlesboro, Williamsburg, Somerset, and Harlan would be closed and the armory at Ashland would not be used at full capacity.

More than 650 of 3,600 guardsmen would be affected, plus 24 permanent technicians who support the 6 units.

Buster estimated a $330,000 annual payroll would be lost, including technicians' salaries and drill pay for guardsmen.

The Pentagon recently asked all States for suggestions which of their guard units should be disbanded under the proposed reduction.

HALF OF STATES REPLY

About half the States replied, and many of those made it plain they will not cooperate in the planned national cutback of 475 units which the Army says it no longer needs.

Kentucky's telegram to Washington did not accept the reduction, but complied with the request for information.

"The Commonwealth firmly believes that the defense of the Nation will be jeopardized by the elimination of trained guardsmen and consequent reduction in strength of Reserve components," it said.

Governor Bert Combs and State military officials have previously said they will resist strongly any planned reduction. Combs protested to the Pentagon and called on Kentucky's Senators and Representatives to fight the cut.

LITTLE CHOICE GIVEN

Buster said the State was left with little elbowroom when the Guard Bureau ordered one armored battalion and one float-bridge company erased.

There is only one bridge company. There are three armored battalions, but two currently are on active duty at Fort Knox and Fort Stewart.

Buster said there could be some reshuffling of personnel and other arrangements before Kentucky comes up with a final answer.

"We've got to maintain some sort of territorial integrity and select the types of units and soldiers in the best state of combat readiness," he said.

U.S. LOANS AND GRANTS TO AFRICA ARE NOT FOR BUYING WIVES

Mr. DWORSHAK. Mr. President, I am glad to observe that the majority whip is in the Chamber, because I desire to call an item to his attention and ask him to intercede to see if we may have some assistance in solving a problem.

The distinguished Senator from Minnesota has been an ardent supporter of the foreign aid program. He knows that the senior Senator from Idaho frequently has cited instances in which there has been ineptitude as well as waste in the administration of foreign aid funds.

Within the past week, I read in an Idaho newspaper the following Associated Press dispatch:

AMERICAN LOANS FOR BUSINESS, NOT MORE WIVES

NAIROBI, KENYA.—Government loans and grants are for developing businesses, not for buying wives, African businessmen are being told.

Fred Okuma, general secretary of the Kenya African Chamber of Commerce, circulated a letter to all members declaring:

"You are undermining our efforts by not using this money to develop your businesses. That's what the money has been loaned to you for—and not just for buying more wives."

One African businessman retorted that wives were an investment, particularly if they produce girl children who would later bring in the money suitors pay for brides.

Mr. President, I appeal most sincerely to the majority whip to use his great influence with the administration, particularly with Mennen Williams, so that the Assistant Secretary of State for African Affairs might assume the responsibility of becoming a domestic relations counselor for some of the beneficiary nations, including tribesmen, which receive the foreign aid funds of the United States.

NEW YORK STATE CONFERENCE ON AGING

Mr. JAVITS. Mr. President, the scope and range of New York State's services to its senior citizens were the subjects of an all-day conference held on May 1 by the New York State Office for the Aging. I am proud to point out that New York State, under Gov. Nelson A. Rockefeller, has moved swifty and with understanding to recognize the problems created by the rapidly increasing number of senior men and women and to take action to solve them. Action by Congress to adopt at this session a program for medical care for the aged continues to be essential.

I ask unanimous consent to print in the RECORD some excerpts from the statement by Gov. Nelson A. Rockefeller at the conference in New York, May 1, 1962.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE REMARKS OF GOV. NELSON A. ROCKEFELLER AT CONFERENCE ON AGING SPONSORED BY NEW YORK STATE OFFICE FOR THE AGING, HOTEL PARK-SHERATON, NEW YORK, N.Y., TUESDAY, MAY, 1, 1962

This important conference on aging marks the beginning of Senior Citizens' Month in New York State.

First, I would like to express my thanks to all of you who have come here to participate in this conference. I am especially grateful to the representatives of voluntary agencies, who in so many ways have been the leaders for those of us in government, and to the New York City personnel and employees of other local governments here, who are the first line of defense in meeting some of the most difficult problems which confront us.

I would also like to express a special word of appreciation to Mrs. Marcelle G. Levy, the dedicated administrator of the New York State Office for the Aging, which has organized this meeting. I extend my warm thanks to her staff, and to the distinguished members of her advisory committee, all of whom have done so much to help coordinate, stimulate and promote the further development of services to the aging in New York State.

I invite your attention in particular to the unique statewide directory of services for the aging which Mrs. Levy's office has prepared, and which is being distributed at this meeting. This directory, shortly to be made available throughout the State, is the first attempt by any State to offer such a comprehensive compendium of public, private, and voluntary services for the aging in the entire State. It will enable our senior citizens to find the services they need in their own communities, quickly and conveniently.

The State office for the aging has also conducted a survey of the needs of the aging which will be released later this month. It lists 235 such needs in 33 counties and New York City—and will be an invaluable guide to future State progress in this field. New York State has been a pioneer and a leader in the field of the aging.

The joint legislative committee on problems of the aging, the first such legislative committee ever established by a State, was set up in New York in 1947. This committee, originally headed by former Senator Thomas C. Desmond, and now under the chairmanship of Assemblyman John E. Johnson, became a model for similar legislative bodies throughout the country.

Within the executive branch of the government, I have established an interdepartmental committee on problems of the aging to bring to bear upon those problems the total resources of the State and local departments and agencies. This committee is composed of the commissioners of 12 State departments conducting operating programs for the aged. Mrs. Levy's office for the aging acts as the service arm of this committee, to make certain that the State's efforts, facilities and services are used fully and effectively in helping to meet the needs of our older citizens.

As Governor, I am deeply gratified by the progress we have been able to achieve for the aging on many fronts, with the legislature's cooperation, in these 4 years. Some highlights of this progress include:

Supplemental pensions for retired State employees to meet rising living costs.

A 100-percent increase in the program to make special housing available to the aged in low-income and middle-income projects, with much more to come.

Doubled State aid to municipalities for recreation for the aged, and expansion and increased support for adult education classes serving the aging.

A more vigorous program of enforcement against discrimination in employment because of age and increased placement of older workers in jobs through strengthened and increased counseling services of the State employment service.

A strengthening of the State commerce department's program for assisting senior citizens who are self-employed entrepreneurs.

Major expansion of park and recreation facilities.

Leadership by the State civil service commission in offering preretirement counseling for the State's employees.

Since taking office as Governor, my principal concern in the field of aging has been with the problem of adequate medical care for our senior citizens and how it should be financed. What I found was that New York had more than 80,000 senior citizens being cared for at the expense of the State, the percentage of the aged in the population was increasing rapidly, and the rising cost of medical care, together with the increasing numbers contained very serious fiscal implications for the future.

Therefore, one of the first studies I instituted after taking office was to determine how this problem could be met by the State without calling on the Federal Government for assistance—which has been my policy on all State problems. The objective of this study was to achieve, if possible, a medical care program via the private insurance route—or if not possible, to study the possibility of a compulsory State health insurance plan for senior citizens.

With respect to strengthening private health insurance coverage, we have enacted:

Legislation requiring the conversion at fair rates of group health insurance policies to individual policies at the time of the retirement.

Legislation (this year) permitting insurance companies to act jointly and pool their resources in offering health insurance to the aged at a more reasonable cost.

We have also taken a series of steps in the State to improve health services for the aged, including: a new master plan for coping with mental disability, and increased research into the mental health aspects of aging; increased research into diseases that cripple and afflict the aged; a concerted effort to assure sufficient medical personnel for our expanding aged population; and broadened health department activities in supportive and home care programs.

However, I reluctantly came to the conclusion that in spite of all the steps we might take, it would not be possible to assure medical care for all the aged through the private insurance route, although it could give protection for a substantial percentage of senior citizens who had the financial means.

Our studies of the possibility of a State plan for compulsory health insurance for senior citizens also made it clear that costs would be so high in terms of payroll tax as to put New York at a very serious competitive disadvantage with other States in the business and industrial field. Therefore, I reluctantly concluded that this was one field in which we would have to look to the Federal Government to move on a national basis—and we proceeded to work out proposals for such a program, based on my experience as Under Secretary of Health, Education, and Welfare in the Eisenhower administration.

Nearly 2 years ago at the Governors' Conference in Montana, I presented such a Federal program including these provisions:

1. Financing through a contributory system under social security with an option as to benefits.

2. This option to provide that each social security beneficiary eligible for statutory benefits under the medical aid program have a choice of foregoing these benefits in favor of receiving a monthly cash benefit added to his regular social security check to pay premiums on private health insurance at least equivalent to the protection afforded by the statutory benefits.

3. Provision for coverage of those not covered by existing social security benefits.

When President Eisenhower proposed a program for health coverage of the needy aged from general revenues, I called him to urge that he reconsider and put the program on a contributory basis under social security. I pointed out that the political pressures to abandon fiscal responsibility under a program based upon general revenues would be tremendous in the years to come—that higher and higher benefits could readily become the easiest and most irresponsible of campaign slogans for generations of candidates.

In addition, income tests and means tests are so often tragic and devastating in their impact on the individual family. I have, in fact, campaigned for nearly a decade for the concept of earned benefits, payable as a matter of right. Yet in New York State, for example, to abandon all financial eligibility tests for medical assistance to the needy aged within the framework of the existing Federal legislation would require a 400-percent increase in the State's budget for this purpose.

On the other hand, the impact of a nationwide shared payroll tax and self-employment tax does not create the same deterrent to individual effort, expansion of job opportunity and economic growth as a comparable increase in general revenue taxes.

Our working population has a huge stake in the social security system. So long as we continue our sound policy of raising the social security tax rates when we provide expanded benefits, there is a powerful force working in favor of fiscal responsibility. Such is the case for a contributory system as opposed to a general revenue program.

However, later in 1960, the Kerr-Mills bill was passed at the special session of the Congress which followed the political conventions, setting up a program of medical assistance for the needy aged based upon Federal, State, and local contributions from the general revenues.

Despite my own feelings that the new Federal program under Kerr-Mills was basically unsound fiscally, New York State drew up conforming legislation which has subsequently become a model for other States. And, ironically enough, we have moved so far ahead of what other States are doing that by January of this year, with about 10 percent of the Nation's population, 60 percent of all the Nation's expenditures for medical aid to the needy aged under Kerr-Mills were being provided for residents of New York State.

As of the first anniversary on April 1 of this year, 70,000 New Yorkers had already received benefits valued at $80 million under this program. And on top of this, we broadened the program this year to encompass a wide range of additional benefits.

All told, $110 million in State funds alone will be spent during the current fiscal year to meet the health and medical needs of New Yorkers over 65, including medical assistance, and care of aged persons in State hospitals.

When the Kennedy administration originally proposed using the social security system as a base for a program of medical care for senior citizens, I talked with the Secretary of Health, Education, and Welfare and other key officials of the new administration and tried to persuade them to include provisions for the private health insurance option in their proposals.

However, when the King-Anderson bill, supported by the Kennedy administration, was finally introduced, it contained and contains today three basic flaws which not only reduce its effectiveness but are hurting its chances of enactment.

First, the bill provides solely for a compulsory health insurance system. It lacks any element of choice; it gives no recognition whatsoever to the principle of freedom for the individual in selecting the kind of health insurance through which he wishes protection. I believe strongly in giving the benefit phase of any Federal program a truly voluntary nature.

If the individual exercised the option for coverage under a private health insurance policy or plan, he would have an absolute minimum of involvement with the Federal Government. Thus, the private health plan option which I advocate should serve to meet the arguments of those who are fundamentally opposed, as I am, to a compulsory benefit structure alone. This is a matter of principle, and because many agree with this principle, it should help win votes for the bill.

Secondly, the King-Anderson bill fails to provide even the opportunity for similar health insurance coverage for persons over 65 who are not included in the social security system. As of the end of 1963, there will be an estimated 17.9 million persons over 65 in the Nation, of whom some 15 million will be eligible for social security or railroad retirement benefits or both. This leaves nearly 3 million not eligible for benefits under either of these systems.

While many of these 3 million will be aided by some other public or private program, and while it will be a group declining numerically, I believe that these persons should be given an opportunity for coverage by State action to "buy in" to the Federal program.

I recommend that the Federal program for those covered by social security permit payments to be made into it by States for the purchase of the same health protection for any class of persons, selected by the States themselves, who are not covered by social security. To aid the States in "buying in," I urge that the Federal Government make grants to the States from general revenues.

I first made this proposal before the Kerr-Mills program was enacted. With the Kerr-Mills grant-in-aid system on the books, it should provide a structure for making the grants I have proposed. The effect of "buying in" to the Federal program would be that all the aged individuals who are made eligible in a State would be treated, if they entered a hospital or nursing home, in the same way as a social security beneficiary. The cost of their care would be billed by the provider of the services to a Federal Trust Fund established to handle this program, and the Trust Fund would in turn be reimbursed by the State with the aid of the Federal general revenue grants.

Third, the King-Anderson bill does not provide for a separate trust fund for the health insurance program. As you no doubt are aware, the present social security program has two separate trust funds: (1) for the retirement and survivorship benefits, and (2) for the disability insurance benefits.

The King-Anderson bill proposes to merge these and then to merge, in addition, the health insurance program. This I deem unsound. As far back as 2 years ago, I advocated that a separate health insurance trust fund be established, to account for the taxes received and the benefits paid. The health insurance program should be made to stand on its own feet.

I am pleased to say that a bill meeting these three objections and embodying all of the features I have advocated was introduced in Congress recently by Congressman LINDSAY (H.R. 11253).

Previously, Senator JAVITS had introduced last January a bill incorporating the basic feature I had proposed for the private health benefits option (S. 2664).

The responsibility for action lies with the Congress. The responsibility for leadership lies with the administration. Full leadership by the administration so as to resolve the present legislative impasse would, in my opinion, include support for the features which I have recommended.

I am convinced they would attract many votes which are now alined against a straight social security type program based on a compulsory benefit structure.

The administration can have a political issue—or it can have a bill. I hope the choice will be for the latter. This is too important, as a matter of human concern, for political maneuvering.

Your deliberations this afternoon will cover the most distressing problem which we all face—the consistent and rapid rise in the costs of medical care. It is a problem which affects any program, no matter how sound the fiscal basis for it at inception. I look with keen interest to the conclusions of today's proceedings, and, on behalf of the State and the older citizens in whose interest we are working, I wish to express again my deep gratitude for your participation.

RUMANIAN INDEPENDENCE DAY

Mr. JAVITS. Mr. President, in spite of a Communist prohibition, the people of Rumania will remember the 10th of May as their traditional national holiday commemorating the independence they achieved in 1881. Though the Communist regime has suppressed all observances of this day within the country, people of Rumanian extraction throughout the free world will celebrate this occasion.

Rumania won her independence from the Ottoman Empire at the end of the Crimean War and established its kingdom several decades later in 1881. A relatively rich country in terms of natural resources and industrious people, with some of the most productive oilfields in history, Rumania has been taken over by its enemies in both World Wars and now is a captive state of the Soviet Union.

But, in spite of ruthless oppression, the hope of independence still burns brightly in the hearts of the people. Many of their blood relatives are Americans and they have helped to keep alive that hope. I am happy to have this opportunity to add my voice to that hope.

Mr. LAUSCHE. Mr. President, in Rumania's long and eventful history May 10 stands out as a veritable landmark. On that day of 1881 Rumanians proclaimed the birth of their independent kingdom by the union of the two historic provinces, Moldavia and Wallachia. For practical purposes Rumanians were independent and in charge of their destiny, except for the payment of a small financial tribute to the Ottoman Sultans, since 1866. But on May 10, 81 years ago, their national independence was officially recognized by other sovereign states.

Rumanians are among the oldest inhabitants of the Balkan Peninsula, and today, even after the breakup of their historic country by the Soviet Union, they constitute the largest single ethnic element in the whole Balkan region, numbering more than 17 million. A brave and patriotic people, endowed with many native and acquired talents, they have been subjected to unwanted alien regimes during most of their modern history.

In the middle of the 15th century Rumania was conquered by the Ottoman Turks, and for more than 400 years Rumanians suffered under the tyranny of callous Ottoman administrators. In the 19th century, when they succeeded in their attempt to secure independence from the Sultans, they were under constant danger of Russian aggression. Rumanians, however, managed to keep their country and their independence in the course of many wars. At the end of the First World War they even regained some of their lost territory, but the last war brought them disaster and tragedy. Since 1945 they have been under Moscow-directed and Moscow-oriented Communist tyranny. It is tragic that this gifted and brave people, who have sacrificed so much for the attainment and enjoyment of their freedom, today do not even have the freedom to celebrate their great national holiday, the birth of their own independent state in their homeland. But Rumanians of the free world, in observing the anniversary of that memorable event, keep up the spirit of freedom even among their unfree compatriots. I am indeed glad to see this done among all loyal and patriotic Americans of Rumanian ancestry in this free and great Republic.

Mr. DODD. Mr. President, on May 10 Rumanians and Rumanian-descended citizens of the free world will celebrate Rumanian Independence Day.

In Rumania herself, the Government will take no notice of this day; the newspapers will not mention it, and the people will speak of it only in whispers.

There are very good reasons for this.

Seventeen years ago, through a typical act of treachery, the Communists deprived Rumania of her freely chosen Government, dissolved her democratic institutions, and destroyed her national independence.

It will be remembered that during World War II Rumania was an unwilling ally of the Germans. In 1945, however, the Rumanians turned against their oppressors, and joined the Western Allies against Hitler.

Nevertheless, the Russian Foreign Minister Vishinsky, whose role in the establishment of Red imperialism will not be forgotten by history, demanded of King Michael the surrender of the Government to a Communist who had no following in his own country, but who relied on his friendship with Stalin.

The King could do nothing but accede, although it spelled the doom of his country's independence.

But 17 years of Communist subjugation have not made Communists of the Rumanians, who long for liberty now more than ever.

Together with other captive nations of Eastern Europe, the oppressed people of Rumania have retained their love of freedom and their hatred of tyranny.

It is for this reason that I am grateful for the opportunity to join all freemen who today commemorate Rumania's lost freedom and who hope that each such commemoration will bring that uphappy country closer to national liberation.

Mr. YARBOROUGH. Mr. President, each year on May 10, the Rumanian people in many parts of the world observe a holiday that once served as a memorial to their country's emancipation from the Ottoman Empire on May 10, 1877. The people behind the Iron Curtain in Rumania today are not able to commemorate an independence won and lost.

The people there are no longer free to express their opinions. But the Rumanian National Committee in the United States meets this year on May 10, to help keep alive the interest of freedom loving people in Rumania and all over the world, in the plight of their friends and relatives who are oppressed by the Communist powers.

The sympathy of the American people is with those who cling to their love of independence against all odds. Let us look toward the time when the millions of Rumanian people behind the Iron Curtain will once again know independence.

Mr. President, in another century, when Hungary was an oppressed country, the lovers and fighters for freedom from that country came to these shores and received a warm welcome here in this body. The leaders of the fight for Polish independence also came to these shores and were welcomed in the Senate at another time. I think, in keeping with our historical traditions, we should remain a refuge for oppressed people, who await their day of freedom. Today southern Florida is the refuge for the Cuban people who have left their shores, awaiting their day of freedom. In other days, people from Rumania, Hungary, Poland, and other oppressed lands came to our shores.

Mr. HART. Mr. President, today, the 10th of May, marks the 85th anniversary of the independence of Rumania. This occasion is being marked by free Rumanians throughout the world. However, in Rumania today, where all liberty is crushed under a despotism imposed by the Soviet Union, the people are unable to observe this anniversary.

Mr. President, Rumania has a long and glorious history within the Western community of nations. Her position in Europe has exposed her repeatedly throughout her history to the despotic forces of Asia. Out of the East came the Tartars, the Mongols and the Ottoman Turk to visit and wreak havoc, ruin and misery on her people.

When, after centuries of cruel oppression under the Ottoman Turk, the Rumanian people reestablished their nation in 1877, Rumania once again resumed her rightful place in Western Europe and moved forward in the building of a modern nation founded upon those values which have been the foundation of Western civilization—individual freedom, rule of law, and respect for the uniqueness of every human being.

But once again, Mr. President, a despotism from the East rolled over Rumania and today we see the Soviet armies maintaining an alien Communist regime which stifles the life and liberty of Rumania. History has shown us that these people are indefatigable in their fight for freedom and I hope and feel that in some near future Rumania will once again be a free and independent nation.

WELCOME TO A FRIEND OF FREEDOM—PRIME MINISTER EINAR GERHARDSEN, OF NORWAY

Mr. HUMPHREY. Mr. President, the American people are honored to have as their guests and guests of the President the distiguished statesman, a leader of a foremost democracy and a close friend and ally, the Prime Minister of Norway, Einar Gerhardsen, and Mrs. Gerhardsen.

The people of Minnesota are particularly happy and proud to join in welcoming again these honored guests to our shores. The Prime Minister and Mrs. Gerhardsen are old friends, who only 4 years ago visited us and honored the centennial of our State.

This is an auspicious occasion, which gives us an opportunity to pay our respects to a great man and a great people. Since the close of the war in 1945, except for a brief period of voluntary retirement, Mr. Gerhardsen has served as Prime Minister of his country. Under his leadership Norway has been a stanch ally of the United States and a leading exponent of international cooperation. She is a stalwart champion of the United Nations, a valued member of the North Atlantic Treaty Organization, and a strong supporter of Scandinavian cooperation. As a member of the Organization for Economic Cooperation and Development, she is active in providing both material and technical aid to less-developed countries, despite her limited resources. She has now applied for full membership in the European Economic Community.

Norway has a long tradition of democracy, justice, and social welfare. Like other Scandinavian countries, she is a model of democracy in action both in the political and economic fields.

Innumerable ties bind the American and Norwegian peoples. We not only share the same traditions and aspirations both at home and abroad, but our country owes much to the Norwegian peoples. Hundreds of thousands of hardworking, industrious Norwegians came to this country, dedicated to transforming the Middle West into the flourishing breadbasket of the world. Descendants of these hardy pioneers are justly proud of their heritage, of the part that the Norwegian peoples have played in building the wealth and institutions of our country and State. Minnesota particularly owes an enormous debt to the Norwegian people. The wealth, political life, educational institutions, and cultural life of the State is based on their contributions to a significant degree. The world-famous St. Olaf Choir, for instance, has given luster to our State for many years as has the work of the novelist Rolvaag, author of the well-known "Giants of the Earth," and whose son, Carl Rolvaag, is today Lieutenant Governor of the State of Minnesota.

These artistic contributions to Minnesota, of course, are but a reflection of the great contributions Norway has made to international culture in all fields—composers like Grieg and Sinding, dramatists like Ibsen and Bjornsson, painters like Munch and Sorensen.

During recent years, cultural ties have been strengthened by cultural and educational exchange. Norway was one of the first nations to sign a cultural agreement—known as the Fulbright agreement—with the United States. It has brought hundreds of students to the United States and to Norway. In addition, thousands of people from all walks of life come to the United States and go to Norway, to learn more about each other.

Mr. President, I state with justifiable pride that my mother was born in Norway—in Kristiansand; and I have visited that beautiful coastal city.

Today is the 65th birthday of the Prime Minister of Norway. I am sure that all Members of the Senate desire to join me in wishing him a very happy birthday and many more years of good health and fine service to his people.

Mr. President, the visit of Prime Minister and Mrs. Gerhardsen therefore symbolizes the close ties already existing between our countries, and will strengthen the determination of our countries to work together for a world of peace and justice.

Mr. President, I think the Senate will also be interested in the biographies of Prime Minister and Mrs. Gerhardsen; and I ask unanimous consent that biographical statements prepared by our State Department be printed at this point in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Einar Gerhardsen, Norway

As Prime Minister of Norway and chairman of the Norwegian Labor Party, Einar Gerhardsen is one of the most influential personalities in Scandinavian political life today and a man greatly respected far beyond the ranks of his own party. He is a firm supporter of the U.N. and NATO, having characterized his country's membership in the latter organization as being a clear break with the traditional policy of Norwegian neutrality. More recently he has come out in favor of full Norwegian membership in the European Common Market. He is also known as an advocate of a realistic and controlled disarmament.

Born on May 10, 1897, in Oslo, Gerhardsen is self-educated, having had little formal education beyond elementary school and 2 years at an evening technical school. During his early years as a road construction worker, he became active in the labor movement and at the age of 22 was elected a member of the executive committee of the Labor Youth Organization, later serving as its chairman. The first important step in Gerhardsen's career came in 1923 when he was made secretary of the Norwegian Labor Party. After serving as chairman of the Oslo branch of the party from 1925 to 1936, and as political secretary of the national party organization from 1936 to 1939, he became party vice chairman. In 1940 Gerhardsen was elected mayor of Oslo but with the invasion of Norway was immediately dismissed by the Germans. Joining the resistance movement, he worked with the leaders of the home front and earned an excellent reputation for himself among all political parties. He was arrested in 1941, however, and spent the remainder of the war in concentration camps in Germany and Norway. On the day of liberation May 7, 1945, he resumed his position as mayor of Oslo and in the same month was elected chairman of the Labor Party. In June 1945 he was appointed Prime Minister by King Haakon and, except for a brief period of voluntary retirement from 1951 to 1955, he has served continuously in that capacity. A visitor to the United States on at least two previous occasions (1951 and 1958), he has made frequent official trips abroad, including visits to the U.S.S.R. in 1955, Paris in 1957, Yugoslavia, Great Britain, Pakistan, and India in 1958, and Israel in 1961.

Gerhardsen, who is described as "typically Norwegian," is tall and slender, with fair hair and friendly blue eyes. He has a quiet sense of humor and a facility for establishing contact with any audience. He has been married to the former Werna Christie since 1932 and has one son and one daughter. For recreation the family particularly enjoys outdoor life, such as skiing, hiking, and camping. A brother of the Prime Minister, Rolf Gerhardsen, is news editor of the Labor Party's principal newspaper, Arbeiderbladet, in Oslo. The Prime Minister does not speak English.

Werna Gerhardsen, Norway

Werna Gerhardsen was born Werna Julie Koren Christie on August 6, 1912, and at the age of 20 married the future Prime Minister, Einar Gerhardsen. Active in the Norwegian labor movement since her early youth, Mrs. Gerhardsen has also had a particular interest in the educational and cultural life of Norway.

In 1933 Mrs. Gerhardsen was one of the organizers of the Labor Party's youth organization, Framfylking, and in 1953 was elected national chairman of Fram, in which position she remained for at least 4 years. As a result of her interest in education and the administration of public schools, she served as a member of the Oslo Board of Education from 1937 to at least 1958. In 1947 Mrs. Gerhardsen was elected Labor Party representative to the Oslo Municipal Council, and from 1955 to 1958 was a member of the council's board of aldermen. Currently, she serves on the board of the Norwegian Opera Company and of the State Theater School.

Mrs. Gerhardsen has frequently traveled abroad. In 1954, as Fram's representative, she visited the U.S.S.R. with a delegation of Norwegian youth leaders; and in the following year she accompanied the Prime Minister on his official visit to the Soviet Union. Among the other countries to which she has traveled with her husband are the following: the United States, in 1951 and 1958; Great Britain, India, and Pakistan, in 1958; and Israel, in 1961.

The Gerhardsens, with their son and daughter, enjoy doing things as a family, and are particularly fond of outdoor recreations such as skiing, hiking, and camping. In the summer of 1956 they toured Italy by car, spending the nights at campsites.

COMMISSIONER MINOW'S EXCELLENT MILWAUKEE SPEECH

Mr. PROXMIRE. Mr. President, on May 4, the Chairman of the Federal Communications Commission, Newton N. Minow, spoke in Milwaukee on "The Responsibility of Television in the Human Image." During the past 15 months since "Newt" Minow's appointment, he has been acting as the burr on the Nation's cultural conscience, by calling attention to television's failure to live up to what it can be at its best.

In his speech in Milwaukee, Mr. Minow further explored this theme. He urged swift enactment of the all-channel receivers bill,. which will open up many new television channels, thus bringing the benefits of free competition in television to many areas now tied to one or two stations.

I should refer to "Newt" Minow as Milwaukee's own, for Wisconsin's largest city is proud to claim him as a native. His background was detailed in a fine introduction by Milwaukee Attorney Fred Goldberg. At the same time, a citation from the Milwaukee County Radio and Television Council was presented to Mr. Minow by Mrs. Gaylord Nelson, the wife of our Governor.

I ask unanimous consent that Mr. Goldberg's introduction, the citation, and excerpts from the text of "Newt" Minow's speech be printed at this point in the Record.

There being no objection, the introduction, citation, and excerpts from the address were ordered to be printed in the Record, as follows:

Introduction of Newton Minow on Air

(By Fred Goldberg)

On March 2, 1961, Newton Minow was sworn in as a member of the Federal Communications Commission and became its Chairman, the second youngest to serve in that capacity.

Born in Milwaukee on January 17, 1926, Newton Minow attended our local public schools and later the University of Michigan. His schooling was interrupted by military service, but when peace returned he enrolled in Northwestern University from which he obtained his law degree in 1949. His experience has ranged from law clerk to a Chief Justice of the U.S. Supreme Court to administrative assistant of Gov. Adlai Stevenson to a law partner of Governor Stevenson.

This past month he was presented the George Foster Peabody special award, being cited for his efforts to "rescue the television wasteland from the cowboys and private eyes." The Peabody Award Committee called him the best thing that happened to government for a long time. It gives me great pleasure to introduce Newton N. Minow, Chairman of the Federal Communications Commission, who will address us on the subject "The Responsibility of Television in the Human Image."

A Citation to Newton N. Minow, Chairman, Federal Communications Commission

Your unstinting resolve to protect and defend the public interest in the radio and television media has rightfully won for you a broad base of citizen support and admiration.

Your brilliant leadership for the improvement of these powerful media for public entertainment, cultural enrichment, information, and enlightenment has come at a time when our Nation needs to rally all of its talent and resources for a struggle on many fronts to influence and win the hearts and minds of all mankind to the side of democracy.

You have been a spur, a sharp and sensitive ear, a compassionate mind, and a stout will.

Thanks in large measure to your determination and vision, radio and television are decidedly undertaking many of the reforms you have so eloquently advocated.

As parents, as citizens, as members of the world community of freemen—we salute you and wish you well.

Milwaukee County Radio
Television Council.

Excerpts From Address by Commissioner Minow

As Chairman of the Federal Communications Commission, I am in the thick of one part of this joint effort of private individuals and private organizations on the one hand—and government on the other. I refer mainly to broadcasting, and particularly to television, and I'm grateful for your invitation to tell you how I see it.

With the year 1962 we enter the second decade of national, coast-to-coast television. It is stretching the facts only slightly to add that we also are entering the second decade of coast-to-coast debate about television and its responsibilities.

Broadcasters are hearing more from the public—and a few of them are enjoying it less. In this I think they are mistaken. For television—and radio, as well—continue to be subjects of concern because they are important, and because people care.

Dr. Bernard Berelson, of Columbia University, has pointed out that in our country we the people debated political democracy almost 200 years ago, and debated its preservation 100 years ago. We debated educational democracy 75 years ago, and economic democracy 25 years ago.

But Dr. Berelson tells us that more education, more leisure, and the development of the mass media have now shifted the focus to a "great debate on cultural democracy; how well does the system of mass communication serve the cultivation of cultural values in America, in the broadest sense?"

I would take this a step further and venture the guess that radio and television touched off this great debate. More and more, the audience is realizing the important role broadcasting can play in this troubled world. We are coming to see radio and television as two of the great positive achievements in this 20th century—a century which already has achieved so much that is negative and destructive.

And there is a national determination that broadcasting, this 20th century achievement, must not be allowed to fritter away its great gifts, or squander its energies on emptiness.

Right at the beginning I think it is important to note that in the thoughtful national discussion and healthy self-analysis now taking place no one has seriously advocated that we alter the foundations of our television system. No one I know of has proposed Government control or ownership.

We intend to preserve our own unique mixture—a television industry based on freedom of expression, privately owned, operated for a private profit—but which, because it uses scarce channels on the public's airwaves, must operate in the public interest.

We wind up with a quasi-public industry regulated by a quasi-judicial agency called the FCC.

When we search for ways to improve our television system I'm sure we often wind up with quasi-solutions. We are, after all, dealing with a form of communications that is very big and very new. Let me give you a few figures to indicate just how big and how new television is.

In 1952—10 years ago—there were 108 commercial television stations broadcasting to about 16 million sets. In 1962 we have 545 commercial stations beamed to 49 million television homes and 57 million television sets. The industry estimated that the TV set in the average home is turned on for almost 5½ hours a day. And each day American children under the age of 12 spend 70 million hours transfixed in front of the television screen—more time than they spend transfixed in school—or anywhere else, for that matter.

Nothing in our history could have prepared us for a medium of communication able to reach so many millions of our people at one time. We are in the midst of a technological communications revolution the like of which has not been seen on this earth since 1456, the year of the Gutenberg Bible.

As to the profit aspect of the industry, television has been an astounding commercial success.

For example, the Nation's 100 biggest advertisers spend more than 50 cents out of every national advertising dollar on television—leaving less than half to be spread among all the other advertising media. One company alone spent more than $100 million on television time alone last year.

To put it in general terms, let me refer to the financial results for 1960—the last year for which we have complete figures. At that time, we had the 3 networks and 530 commercial TV stations. The total broadcast revenues of the networks and stations was $1,269 million, and income before taxes was $244 million. There are some television stations in our larger cities that each year return several times the capital investment in facilities and equipment.

These figures are a matter of public information.

I cite them to this community audience not to indicate any dissatisfaction with television's prosperity. On the contrary, we hope and are confident that the networks and stations will do even better this year. We want to encourage this industry to profit, to be strong, to grow, to do well. And the figures indicate that television in general is doing extremely well. But you should be aware of its healthy capacity to serve community and national needs in the way of public service.

I cite these profit figures to make a point: Owning a television station can be immensely profitable, and it can be immensely profitable because the owner enjoys a partial monopoly conferred on him by the U.S. Government. And right here we get to the heart of the FCC's authority.

As the Supreme Court said in a 1943 case: "Unlike other modes of expression, broadcasting inherently is not available to all. That is its unique characteristic, and that is why, unlike other modes of expression, it is subject to Government regulation."

This applies with even more force to television. Television uses scarce and valuable public channels on the air—and there is, as it happens, a current illustration of what takes place when a new and highly desirable channel becomes available.

Television got its start on the section of the TV band we call VHF. These are the channels numbered 2 through 13 which every one of the country's 57 million TV sets is equipped to receive. What some of you may not realize is that we have about reached saturation on the VHF band and in most areas there are no more "V's" left for assignment.

But there still are exceptions, and one of these occurred a few months ago when the FCC, in a readjustment of frequencies, opened up three new V channels in Rochester, Syracuse, and Grand Rapids. We now have 6 applicants for Grand Rapids, 10 for Syracuse, and 11 for Rochester—27 in all for 3 precious channels.

How should the FCC select the lucky winners out of 27 applicants? Which three are the best bets to operate in the public interest? What we do, under the law, is require each applicant to demonstrate his technical and financial fitness, and then we ask him to describe the service he proposes to offer his community. This is his proposal—his programing promise made to the public. The Commission's responsibility—to select the applicant who will best serve the public interest—was set way back in the 1920's by Herbert Hoover.

Mr. Hoover, then Secretary of Commerce, established enduring Government policy when he said in 1925 that the Government was entitled to ask an applicant for a broadcasting license "to prove that there is something more than naked commercial selfishness in his purpose."

Each applicant says to the FCC: "Give the license to me. My proposal for a balance of entertainment, news, educational, religious, public affairs and other kinds of programing is superior to any other applicant."

We exercise our best judgment, select one of the applicants, and grant him the license—a very valuable piece of paper.

Now comes the second step in the basic regulatory process. We believe what the applicant tells us, and his programing promises thus constitute the terms on which he is granted his broadcasting license.

When his license comes up for renewal—and licenses are granted for a maximum of 3 years—we inquire whether his performance has matched his promises.

Taking the promises seriously is the least we can do when we have to award licenses on the basis of promises. Otherwise, the representations on a broadcast license application would fall into the same class as the oral promise which a Hollywood producer once described as "not worth the paper it's written on."

I should like to make it quite clear that the Commission is wisely and properly prohibited by law from ever engaging in censorship. The Commission has no authority to tell a station it must put a particular program on the air or that it must take one off—and that's the way it should be.

Nothing in this country—nothing—is more important than free expression. Freedom of speech, the freedom to think what you please and to say what you think is the rockbottom underpinning of every other freedom Americans enjoy. But freedom of speech does not mean freedom to propose a carefully worked out plan of balanced programing, accommodating both the majority and the minority viewers within range of the station; and then freedom to toss balance overboard in the frantic pursuit of higher ratings and higher profits.

Matching promise with performance is the very least the FCC can do in meeting its responsibilities under the law. And we're doing the job—I believe with fairness and with the support of conscientious, responsible broadcasters who have a right to expect that their competitors will adhere to their promises too.

But, basic as it is to regulation, the licensing function represents only part of our responsibilities. One of the duties given the Commission by the Communications Act is: To generally encourage the larger and more effective use of radio and television in the public interest.

This is a duty that is positive, not negative. It is a duty that keeps our face to the future—and demands that in our concentration on television—1962, we never lose sight of television—1967, or even television—1972.

In discussing the future, I'd like to start with one particular fundamental conclusion I have reached. Although the details will take a little explaining, the conclusion can be stated quite simply:

What this country needs is more television, not less.

In light of the imperial-size statistics I cited earlier—the 57 million sets and the daily audience of more than 100 million—one could reasonably come to the conclusion that we need more television the way we need more "nagging backache" and more "tired blood."

But in most parts of the country we have a limited television system consisting of 545 commercial stations, depending for their programing in large measure on three networks. And as one authority—a broadcaster himself—has said, the network story boils down to a tale of two cities—New York and Hollywood.

And that's the way it's going to stay if our system remains riveted to the narrow 12-channel VHF band and is not encouraged to make the fullest possible use of the 70 channels available on UHF.

It is axiomatic that the more limited our system is, the more limited our choices will be—and the narrower the choices the less creative elbow room the system provides. It is unthinkable that we should rest content with the narrow range of television choices we now have. The next decade should see at least a doubling of our present 543 stations, and with this growth a much wider range of choice for all kinds of programs. More stations mean more competition and more diversity. In this Nation, growing at the rate of 3 million people a year, we will inevitably have either more competition or more regulation. Some broadcasters want neither. My own vote is for more competition, and in television this would be the most exciting kind of competition—the competition of ideas, of experimentaton, of new forms of entertainment and drama, of new kinds of community service.

This is why Congress this week took a most important action to help realize the potential of the 70 UHF channels. Legislation requiring that all television sets manufactured be equipped with a tuner to receive seven-sevenths of the public's television domain, and not just one-seventh, was passed by the House of Representatives on May 2—and the Senate will act on this soon.

This will lead to an increase in the number of commercial stations through the conquest of UHF. But that is not all there is to television in the sixties, for in this decade we also must achieve a nationwide educational television network.

Because of the past pattern of channel assignments, the future of educational television lies in the UHF section of the TV spectrum. Without UHF there will be little educational TV.

With our increasing school population and the accompanying teacher shortage, I can think of no greater mission than to harness television to the service of education—to hitch the art of teaching to the art and techniques of television.

We are determined that in this decade we will build a fourth network—one dividing its time between daytime programing for classrooms and nighttime programing for adults seeking the kind of experimental television which, freed from commercial imperatives, will be able to live above, beyond, and even outside the ratings.

Need I add that between the dark and the daylight we will expect from educational and commercial television some pioneering ventures during the children's hour.

To my mind, children's television remains the gravest unsolved problem the industry faces.

But an expansion of our commercial television system—with its widening of choices and opportunities—and the full blooming of educational television, does not yet exhaust the developments we can expect in the sixties. For in this decade we will move to international television through the scientific marvel of communications satellites in space. We will be seeing worldwide television, and we in this country will achieve it with the mixture as before—through private enterprise and initiative under Government regulation.

The day of space communication is, of course, already with us. When the Soviet astronaut, Maj. Gherman Titov, was circling the earth in space, he found several times that a Voice of America broadcast drifted into his receivers. What he heard was a religious broadcast by Archbishop John, Russian Orthodox prelate of San Francisco. What we are now doing is a reversal of this arrangement—getting the transmitter in the air and the audience on the ground. Add pictures to the sound and we will have international television.

We live in an explosion of scientific technology in all forms of communications, not only television. With new means of communicating, the world can unfold at the push of a button, for all of us—parents, grandparents, children—to deepen our understanding and lengthen our vision. This fantastic multiplication of the individual's power to see and hear comes at a time when the flourishing of freedom depends on the world having access to the truth.

And who will we communicate with?

A few weeks ago, I was privileged to speak to delegates from some 50 countries at an international conference dealing with the development of space communication satellite systems. Since then, I've been unable to put the meaning of this miracle out of my mind.

John Cunningham, a most imaginative advertising man, once described the prospects this way:

"Now, a man can sit by his own hearth and look around the curve of the earth. He can see his own destiny being shaped. At the moment. Live. On stage. He can peer into the parliaments of men. Sitting in his own armchair, he can view the eternal conflicts taking place that will mold his future and that of his children. All the stored-up knowledge of the ages—science, music, art, culture—can be spilled into his living room."

This is the thrilling prospect of the future: We will have in our hands an instrument of communication that can open the doors of the world to us in a way never before possible. And a chance to enrich human relations, because it helps create an awareness of, and an interest in, other people, other groups, other problems, other preoccupations.

All this has a definite, and direct, bearing on human relations. This powerful new instrument of communication can, like Joshua's trumpet, bring tumbling down the walls of suspicion, ignorance, misunderstanding and fear which too often in the past—and still in the present—have made relations between people somewhat less than human.

But before we cheer too enthusiastically, let us remember some words Henry David Thoreau wrote more than 100 years ago. Thoreau said:

"We are in great haste to construct a magnetic telegraph from Maine to Texas; but Maine and Texas, it may be, have nothing important to communicate. Either is in such a predicament as the man who was earnest to be introduced to a distinguished deaf woman, but when he was presented, and one end of her ear trumpet was put into his hand, had nothing to say. As if the main object were to talk fast and not to talk sensibly. We are eager to tunnel under the Atlantic and bring the Old World some weeks nearer to the New; but perchance the first news that will leak through into the broad, flapping American ear will be that Princess Adelaide has the whooping cough."

We live at an hour of testing the nerves of man—and of his awful weapons.

It is a complex, not a simple time. It is a time of trouble, not a time of ease. And yesterday's slogans and answers will no longer suffice. Nineteenth century colonialism falls like cracked plaster in an abandoned house. The dire predictions of Karl Marx are crumbling just as fast. From the Caribbean to the Congo, from the Berlin wall to the shining capitol of new Brazil, we live, all of us, in a house afire. Overnight, we find our destinies linked with men whose names we find hard to pronounce conferring in countries that didn't exist the day before yesterday. And overhead and underground the bomb ticks away.

What can save us? It has been wisely observed that mankind's saving grace may be just this: our technical capacity for mass communications has kept pace with our mastery of the means of mass destruction.

To survive, we can, we must open doors all over the world, we must talk to each other. And when we talk, it must be of something more than Princess Adelaide's whooping cough.

The power of television to shape the American mind, the world's mind, is something new on earth. How that power is used in a free society depends on each of us.

Thank you.

FORMER SEARS EXECUTIVE EDWARD GUDEMAN TESTIFIES FOR TRUTH IN LENDING BILL

Mr. PROXMIRE. Mr. President, yesterday the Under Secretary of Commerce, the Honorable Edward Gudeman, appeared before the Production and Stabilization Subcommittee of the Senate Banking and Currency Committee to testify in favor of S. 1740, the truth in lending bill. This important bill was introduced by Senator Douglas, chairman of the subcommittee, and I am proud to be a cosponsor.

The truth in lending bill has the full support of the administration. It was given specific endorsement in the President's epochal consumer message of March 14, a message which may well go down in 20th century American history as a Magna Carta for consumers. Each of the major departments of the executive branch which is concerned with consumer credit or related matters, as well as several key agencies, has also expressed support for the bill. At the hearings this week and next week this support is being vigorously expressed.

As Mr. Gudeman said in his statement, it is "especially appropriate" that he should appear in support of this bill. He has had a long and distinguished career in business. His background in retailing, as a merchandising executive, officer, and director of Sears, Roebuck & Co. have given him special knowledge and understanding of the consumer credit field with which the truth in lending bill is concerned.

Mr. Gudeman's appearance on behalf of this bill is in the best tradition of business statesmanship. As he states in his opening sentence:

> I am here to speak for the public interest and for the best interests of the business community. It is my conviction that in a free society these two interests are in harmony.

Sound evidence of that harmony can be seen in Edward Gudeman's testimony on behalf of this bill.

I ask unanimous consent that Mr. Gudeman's prepared statement be printed at this point in the RECORD.

There being no objection, the statement was ordered printed in the RECORD.

STATEMENT OF UNDER SECRETARY OF COMMERCE EDWARD GUDEMAN BEFORE THE PRODUCTION AND STABILIZATION SUBCOMMITTEE OF THE SENATE BANKING AND CURRENCY COMMITTEE ON S. 1740—MAY 8, 1962

Chairman DOUGLAS, gentlemen, as a representative of the Department of Commerce, I am here to speak for the public interest and for the best interests of the business community. It is my conviction that in a free society these two interests are in harmony. I wish to analyze S. 1740, the truth in lending bill, to determine whether or not it is in harmony with both these basic interests. This task is an appropriate one for the Department of Commerce and, I feel, especially appropriate for me because of my background in retailing as a merchandising executive, officer and director of Sears, Roebuck & Co.

S. 1740 is directed solely toward the requirement of full disclosure of credit charges in lending and credit merchandising, closing gaps where full disclosure is not already required by State laws. The bill imposes no regulations on amounts or terms of credit. It is concerned primarily with consumer and personal credit, as is indicated by its provision for exclusion of credit to business firms and other entities which may be assumed to have sufficient credit sophistication as not to require the protections afforded by the bill. "Credit" and "finance charge" are defined to cover mortgages, personal loans and the range of credit charges incident to retailing.

Readily apparent prices are necessary for the proper and efficient working of a free economy. Where prices are ambiguous or fuzzy from the point of view of the buyer, however evident they may be to the lender, sound consumer choices are made more difficult. Moreover, where prices are fuzzy, competition is less effective and the consumer may be overcharged because of inability to determine price.

The aim of the proposed legislation is to insure that a simple arithmetic price tag is placed on the credit differential, one comparable to the cash price tag on the merchandise itself so that there is easy and ready determination of cash and credit price and differential. The proposed law cannot, and I do not believe is intended to, legislate wisdom into the buyer or borrower. Rather, it proposes to provide a common denominator, a common number which will mean the same thing to all consumers, so as to facilitate (1) a meaningful evaluation of the credit charge for a particular transaction by itself and (2) effective comparison of competing credit prices offered by different credit extenders.

As to the necessity for this legislation my own experience has convinced me that the present system can be operated perversely. For a seller to lump his credit charges together, in accordance with the principles underlying S. 1740, while his competitors are free to obscure the true consumer costs under a battery of service charges, discounts, investigation fees, etc., stated in monthly terms, may give the low-priced seller the appearance of being noncompetitive.

The Department of Commerce believes that the proposed truth in lending legislation, intelligently administered, will solve this problem. This will be accomplished by putting all credit extenders on the same workable standard of disclosure so as to facilitate instant and easy evaluation and comparison of finance charges by all borrowers and buyers on credit.

A major benefit of this bill is its significant contribution to overall economic stability. This point was made so well by Mr. James Tobin of the President's Council of Economic Advisers in his testimony on truth in lending last year that I am quoting from his statement:

"Actually, the cost of credit is a natural countercyclical influence on the timing of credit purchases and repayments, and the purpose of the bill is to increase the efficacy of this mechanism. The cost of credit normally rises in periods of boom and inflation and falls in periods of recession. This natural cycle in credit charges, reinforced by monetary and credit policy, is a stabilizing force in the economy. High credit costs in boom periods restrain credit purchases; low costs in periods of slack encourage credit buying. These variations in credit costs help to dampen the business cycle.

"However, the stabilizing effect of changes in credit costs depends on awareness by consumers that the changes have occurred. If buyers are ignorant of the true costs of credit, they are less subject to influence by cost changes. By increasing consumer awareness, this bill will help to make the cyclical fluctuation of credit costs a more stabilizing influence on the economy. In times of boom, rises in finance charges will be more evident to borrowers, while in periods of relative recession, borrowers will be made aware of the more favorable terms on which credit is then available."

The bill defines the cost of credit as a single overall total finance charge without a breakdown. It thus eliminates the present requirement that the consumer add up what can be a confusing array of charges and translate the total into an annual rate.

The bill requires a statement in writing of the cash price, the overall finance charge expressed in dollars and cents, the downpayment and the amount financed. This requirement is no burden to the reputable merchant as he already does this, and we believe that those lenders and merchandisers who are not following this practice ought to be required to do so.

Let us now consider the simple annual percentage rate. The finance charge in dollars is to be expressed also as a simple annual rate, in writing. This requirement is the real source of disagreement among lenders and retailers.

The intent and theory of the annual rate disclosure requirement is to provide the consumer with a single yardstick of finance charges for each alternative credit offer so that he can make effective credit price comparisons. The dollar finance charge, in itself, is only part of the story. It must also be related to the time period of credit, which is a variable. Given differences of dollar amount of the finance charge and time period, it becomes a complex and perhaps impossible mathematical proposition for the customer to evaluate or compare alternative credit offers. The only practical way to overcome this problem is by the simple annual rate requirement.

By stating this percentage rate, both buyers and competitive sellers will be completely informed. To say that a high charge credit lender can evade the objective of the bill by raising his cash price, even to the point of completely concealing the entire credit charge in the cash price, is to overlook the fundamental fact that his new cash price would become noncompetitive.

In practice, however, annualization has concerned merchants because of the mechanics.

There is the practical problem for the retailer or lender of how to determine the simple annual rate and whether he can do so easily. I am sure that this particular problem can be resolved practically by the administering agency.

Businessmen, however, have said that they are unsure of this, and I would urge this committee, in its report, to explain to and assure businessmen how business can be conducted under S. 1740 without placing undue administrative burdens upon the everyday operations of lenders and merchants.

In considering these questions we must realize that consumer credit extenders begin by setting all their charges individually and in total on an annual rate basis.

This means that the businessman in setting his charges works backward from an annual rate determined in light of his own financing costs and the behavior of his competitors. This being so it is difficult to understand why the average businessman cannot easily state the annual rate implicit in his total rate charges.

There is one case which might seem to be an exception to the argument that credit lenders know and control their annual rates of charge. This case arises when borrowers make prepayments. If a customer makes his monthly payment of $20 early—say on the 18th of the month when it was not due till the 31st—his rate rises above the ticketed rate. If the merchant or lender is now required to restate the finance charge to take account of this prepayment, it becomes impractical. If he does not do so, it might appear that he is technically in violation of S. 1740. I am sure that no such treatment is contemplated. Where early payment is unsolicited there should be no legal effect on the merchant, and I am sure the regulations of the administering agency will cover this possibility. However, this may not be clear to the merchant when he reads the bill. I therefore raise the question whether clarification of this issue in the legislative record or in the bill itself may not be desirable.

What has been said thus far applies to borrowing and installment buying, including add-on accounts. The so-called revolving credit plan is treated separately. Last year, the Department of Commerce questioned the feasibility of applying the provisions of the earlier bill to revolving credit. We are glad that the new committee print of S. 1740 establishes a disclosure technique which we feel is workable and which we can now endorse without reservation.

The mechanics of annualization are somewhat simpler in the revolving credit account, since the credit is usually expressed as, say, 1½ percent a month on the unpaid balance at the beginning of the month—whatever the rate, it is usually a constant. Under annualization, this would become a maximum of 18 percent.

I should now like to turn to the problems the businessman foresees in regard to his relationship with his customers. The lender or merchant who discloses a rate of 1½ percent per month is obviously not going to be happy about also identifying these charges as 18 percent per year. His basic concern is that customers will regard this annual rate as unduly high, and second, that the annual rate disclosure might lead to some contraction in his loans or credit outstanding. The businessman understands quite clearly that such annual rates of charge as 18 percent include not only a pure interest return but also the risks of nonpayment and the substantial clerical costs of handling small monthly or periodic repayments.

Medieval church doctrine suggested that the maximum interest rate that ought to be charged for loans to consumers was 6 percent. Such borrowers normally needed credit only because of some natural catastrophe or similar occurrence which threatened them with starvation or other such adversities. Thus, charging a rate of interest to consumers in excess of 6 percent was regarded as unfair profiteering at the expense of the needy, the desperate, or the unfortunate.

With the development of mortgage credit in the early part of the 20th century, repayable in installments, this simple historical interest rate of 6 percent continued to be regarded as a maximum charge for ethical mortgage lenders.

When commercial banks first entered the consumer credit field by extending single payment loans, merely as a convenience to preferred or well-to-do customers, again 6 percent was regarded as a reasonable or fair interest rate. But it should be obvious that, given modern installment credit techniques and services, only a part of the total finance charge involved in installment and revolving credit is interest in its historical sense and that a major part of the finance charge must cover a broad array of risks and services to the consumer.

Lenders and merchants are opposed to the simple annual rate disclosure requirement of S. 1740 because they fear the reaction of their customers who would now be fully aware that the annual rate on any type of nonmortgage credit will usually be in excess of 6 percent—the mythological fair credit price. Obviously, the idea of a 6-percent credit charge is a myth under the conditions applying to a modern installment credit system and this requires explanation to the public. Consumers should know the true cost of credit. I am confident that businessmen can explain to the public what is really involved in fair and competitive rates for consumer credit.

In addition, the business community should ask some of the State legislatures to reassess their often absurdly low usury limits or other ceilings on credit charges. It is possible that the existence of unrealistic State laws concerning credit charges has been a contributing factor to the present practices of understating the true cost of consumer credit.

In conclusion, I believe that no net losses in sales volume will attend the passage of the bill. Direct benefits may be expected, such as (1) some purchases for cash rather than credit; (2) the diversion of business from credit extenders with high finance charges to those with lower charges; (3) the corresponding greater availability of purchasing power; and (4) greater use of credit by consumers who have been fearful of using much credit because of its mysteries.

I have mentioned some problems for business in the mechanics of complying with S. 1740. It is important that these be dispelled, perferably in advance of the passage of legislation, certainly before its effective date. S. 1740 as now written would become effective on January 1, 1963. This allows the administering agency adequate time to work out its regulations.

May I suggest for consideration of the committee the possibility of adding to S. 1740 a provision establishing an advisory group to the administering agency while it is developing the detailed technical rules and procedures required for implementation of the bill. It might well include representation from consumer and other relevant interests along with lenders and merchants. It would advise the agency on the practicability of the rules, regulations and mechanics to be adopted. It would provide the administering agency direct contact with the businessmen who must adjust their own procedures to these provisions. It would give a measure of assurance to the business world that its problems and views are receiving adequate consideration from the administering agency. The organizational details of such an advisory group, its membership and representation, are questions on which the Department of Commerce would be happy to advise.

The Department of Commerce urges enactment of S. 1740 for the following reasons: (1) it will arm consumers with the basic price information necessary for rational decisions among alternatives; (2) it will invigorate competition in the consumer credit market and reward the more efficient credit supplier; (3) by rendering consumer credit charges more cyclically sensitive it will contribute to the overall stability of our economy; and (4) lastly, it will, like the Securities and Exchange Act, eliminate the possibility of deception and near fraud from a major sector of the economy.

Thank you.

CITIZENS CREATE SCHOLARSHIP FOUNDATIONS

Mr. SALTONSTALL. Mr. President, Massachusetts has always been justly proud of its role in developing so much of the educational system which prevails in this country. Our State is proud, too, of the outstanding excellence of its colleges and universities, famous the world over, and of our fine public school system. In fact, the citizens of the Bay State have always placed important emphasis on educational attainment. They realize that failure to encourage a person to develop his full potential not only is unfair to the individual but may also deprive society of the full measure of his contribution.

Today education is more important than ever in our national life. If we are to maintain our position of strength and leadership in the world, if we are to continue to progress as a nation and to achieve important new breakthroughs in science, medicine, and technology, we must encourage our citizens to study so that they may better contribute to our advance.

Unfortunately, at the same time that the need for professional and technical training has been accelerated, the costs of obtaining an education have risen sharply. The result is that inadequate financial resources deprive some deserving and talented young people of the opportunity to develop fully their inherent skills.

It is particularly gratifying, therefore, to bring to the attention of the Senate once again the development and success of the Citizens' Scholarship Foundation designed to create wider educational opportunities for deserving young people through local action without resorting to any form of Government aid. There are, of course, many scholarship programs created by the Government, the foundations, industry, and the colleges themselves. The Citizens' Scholarship Foundation is noteworthy, however, in that it is based in the local community and entirely supported from funds raised from private sources there.

First developed in Fall River, Mass., under the impetus of Dr. Irving Fradkin, the foundation has experienced remarkable success since its formation in 1958. In that year the city of Fall River raised $4,500 to provide 24 scholarships for deserving high school graduates. Today the idea has spread so rapidly that more than 50 communities in 11 States have established chapters and many others are making plans to do so. Last year existing chapters collected more than $100,000 and awarded 400 scholarships. This year Dr. Fradkin predicts that more than 1,500 scholarships will be awarded and $500,000 raised.

In communities establishing chapters, individuals are invited to contribute $1 yearly for membership. Fraternal, business, civic, and educational organizations are invited to take $100 memberships. Awards are made by a panel of local citizens who select students on the basis of need, scholastic achievement, unusual family circumstances, leadership potential, and initiative.

The remarkable success of this program is a tribute to the generosity of Americans in helping worthy but needy individuals develop their potential. It shows what can be done when an attempt is made to rally community spirit in worthwhile undertakings. We in Massachusetts are proud that the program, which has been endorsed by President Kennedy and former President Eisenhower and many other distinguished Americans, was first developed in our State. We are much pleased by its rapid growth.

I ask unanimous consent to have printed in the Record an article about the Citizens' Scholarship Foundation which recently appeared in a national magazine.

There being no objection, the article was ordered to be printed in the Record, as follows:

College for Every Deserving Youngster at a Dollar a Year

Any boy or girl in the United States who deserves to go to college will have the chance, if a Massachusetts optometrist's dream comes true.

His remarkably simple idea already has been adopted by some 50 communities in more than a dozen States. These cities and towns report its effectiveness not only in dollars raised, but in renewed faith in the American way of life and the educational system that helps make it possible.

"The wonder of it all is that this scholarship plan asks each of us to contribute just $1 a year," says the originator of the idea, Dr. Irving A. Fradkin, of Fall River. His project, known as the Citizens Scholarship Foundation, is designed to create wider educational opportunities in the United States through local action—without resorting to any form of Government aid.

The first community to adopt the plan was Dr. Fradkin's own Fall River—a Massachusetts city of just under 100,000 people, famed in former days for the Old Fall River Line, Lizzie Borden, and for its more than 100 textile mills.

Although the people of Fall River come from diverse racial, religious, and economic backgrounds, they immediately grasped the simplicity and workability of the new scholarship idea. The fund-raising drive was a smashing success. In its initial year, 1958, the Citizens Scholarship Foundation of Greater Fall River raised $4,500 to provide 24 scholarships for youngsters with such varied names as Avramides, Cipollini, Wadsworth, Santos, O'Neil, and Cwiklik.

Today, the scholarship foundation idea has spread far beyond Fall River. Other communities have taken up the program in Massachusetts, Rhode Island, New Hampshire, New Jersey, Kansas, Michigan, Louisiana, Virginia, Pennsylvania, Maryland, and Minnesota. Plans are underway to establish new chapters in Iowa, Ohio, California, Florida, Georgia, New York, Delaware, and Connecticut. In many cases, local civic organizations are taking advantage of this golden opportunity to sponsor a cause that is both worthy and highly successful.

Last spring, existing chapters awarded 400 scholarships from a total collection of between $100,000 and $125,000. (The scholarships ranged in size from $250 to $1,300.) Dr. Fradkin believes that 1962 will see well over 1,500 scholarships awarded from about $500,000; he predicts that within 10 years the funds available across the Nation will total many millions of dollars.

Briefly, here's how the local foundations work.

They must be nonsalaried, nonprofit organizations, led by responsible citizens who have an abiding interest in the future of their community and Nation. These men and women begin at the local level by meeting with their friends and neighbors, explaining the foundation's goals.

Once the campaign is launched, each person in the community is asked to contribute a $1 membership for that year. Fraternal, business, civic, and educational organizations are urged to take $100 annual memberships; scholarships are then awarded in each group's name.

Unlike many other fund-raising programs, the Citizens Scholarship Foundation has no high promotion costs to divert dollars from the main purpose—scholarships. The only money that leaves the community is a $50 annual foundation dues to help defray national publicity and mailing costs.

Scholarship awards are made by a panel of outstanding local citizens, who select students on the basis of need, scholastic achievement, unusual family circumstances, leadership potential, and initiative. Applications are coded to eliminate any possibility of favoritism.

Youngsters who receive the scholarships are asked to repay them wholly or partly, if they can do so, in later years. While there is no legal obligation to repay, the scholarship fund in a community can grow most vigorously if much of the money is returned and used for still more scholarships for other students. (No interest is asked, however.)

The dream of the Citizens Scholarship Foundation is to create a vast revolving fund, supporting a growing number of scholarships of increasing size. Judging by the experience of newly formed chapters, once a community accepts the idea, it never slows down.

And acceptance is coming fast.

In January 1961, the National Citizens Scholarship Foundation of America was launched. At that time, humorist and former teacher Sam Levenson became honorary president; Doctor Fradkin is the working president. Neither man receives any compensation from the foundation.

Enthusiastic approval of the foundation's aims quickly came from President Kennedy, former President Eisenhower, and from many national educational leaders. High school teachers also praised the idea when it was introduced in their communities; the far-reaching scholarship plan has helped renew the enthusiasm of their students toward obtaining a higher education.

What experience have other American communities had with Citizens Scholarship Foundations?

Well, in its first year of operation, the Warren, Mass., foundation hoped to get $500 in contributions. Instead, the population of 3,500 responded with $2,500. About 100 miles away, another Warren (Rhode Island) held a benefit concert—its first ever—and collected $4,600. In Claremont, N.H., the Citizens Scholarship Foundation raised almost $6,000 in its first month of operation.

The young people themselves have responded eagerly, too. A Fall River "youth branch" of the foundation held dances and cake sales, and set up voluntary "toll booths" on the city's main highways. Westerly, R.I., teenagers ran a bridge party for adults and (for half the gross sales) operated a dress shop for a day. In Barrington, R.I., 250 youngsters rang more than 4,000 doorbells to collect thousands of dollars.

Citizens Scholarship Foundations never are formed to compete with existing scholarship programs; they supplement the excellent work already being done by other groups. In several cases, the foundation has actually become a community's scholarship coordinating center—eliminating any chance of overlapping among the various awards.

ISRAELI INDEPENDENCE DAY

Mr. SALTONSTALL. Mr. President, as a longtime friend of the State of Israel I wish to take this opportunity to express my congratulations to the people of this young energetic nation, and to people of Jewish extraction here in the United States and elsewhere in the world, on the occasion of the 14th anniversary of the establishment of the State of Israel as a free, independent, and democratic nation.

It is incumbent upon us as Americans, and as freedom-loving people, to pay tribute to a people whose devotion to those basic principles which are at the foundation of our own democracy, has remained undaunted in the face of continued challenges. The history of the Jewish people is a history of constant conflict and struggle against the forces of tyranny. For more than 2,000 years the Jewish people wandered, continually fleeing persecution of every sort. In our own generation we witnessed the inhuman atrocities practiced against this stalwart people by the leaders of Nazi Germany.

But in 1948 we were privileged to witness the fulfillment of the Biblical promise made to Moses, the establishment of a homeland where Jews from all over the world might find refuge from the constant pressures of persecution. We Americans have the distinction of being the first Government to grant official recognition to this infant state.

Since the date of independence, the Government and the people of Israel have been beset with many serious, often seemingly insurmountable problems. Yet, without hesitation Israel accepted the responsibility of opening its doors to all those who wished to come in, thereby extending the promise of a homeland to those Jews still living with the threat of persecution. The resulting increases in its population have constituted a continuing challenge to the economic and political stability of the country. But the creativity and ingenuity of the Israeli leaders have been more than sufficient to meet and solve most of these pressing problems. The country has made significant economic, political, and cultural advancements in the past 14 years. In my visit to Israel several years ago I was impressed with the energy, vitality, and dynamism of the people of this small nation.

We Americans can take pride in the many accomplishments of the State of Israel and in the bonds of friendship which exist between our two nations. The dedication of the Israeli leaders and people is to the principles of democracy, and their determination is to preserve the dignity and rights of the individual. The State of Israel stands as a strong force for peace in the unsettled, turbulent Middle East. She has steadfastly resisted the repeated attempts of the Communists to gain a foothold in the vitally important Middle Eastern area. Over the past 14 years Israel has become a valuable link in the world's community of free nations.

The very existence and continued strengthening of the State of Israel is a source of pride to those who have contributed to it, and is a source of hope to many peoples throughout the world. It is my hope that Israel, motivated by the love of freedom, will be able to strengthen continually its democratic foundations and thus help to attain a world of peace, which we all so much pray will come.

COAL FUTURE BRIGHT

Mr. BENNETT. Mr. President, on Monday, May 7, 1962, the Honorable Gordon Allott, senior Senator from Colorado, spoke before the National Coal Convention of the American Mining Congress in Pittsburgh, Pa.

In his address, Senator Allott complimented the coal industry on the progress made in outlining a comprehensive program for the future, but also reminded that same industry that some misconceptions had resulted from statements made comparing the presently existing conditions of the coal and petroleum industries.

In his address, Senator Allott called attention specifically to an energy study now in progress by the Senate Interior Committee, of which he is a member. That study, as outlined by the senior Senator from Colorado, indicates that the future of the coal industry is exceedingly bright.

This, however, according to Senator Allott, does nothing to alleviate the problems of the present. As a result, he makes some very pertinent suggestions about the problems that exist now, and how a possible solution to those problems might be speeded up.

Because of the timeliness of his remarks on this very real and current issue, I ask unanimous consent that Senator Allott's remarks be printed at this point in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Speech by Senator Gordon Allott, of Colorado, at the 1962 Coal Convention, May 7, 1962

It is a distinct pleasure for me to be appearing before your convention today in this city which has long been known as the steel capital of the world. While I have always regarded myself as a westerner, I have today experienced a feeling very much like that which a person has upon his return home after a long absence. After serving several years as a member of the minority party in the U.S. Senate, it gives me a feeling of comfort to be seated on this platform with representatives of other well known underdogs such as the American mining industry and even the United States Steel Corp.

To one from Colorado, the problems of both the steel industry and the coal industry are not new. I became acquainted with some of their problems firsthand at an early stage in my life. When I was much younger, I worked several summers for the Colorado Fuel & Iron Co. in Pueblo, Colo. As a matter of fact, at one point I was in charge of the coal washery of the C.F. & I. plant in Pueblo and still take what I hope is pardonable pride in setting a record in that department in percentage separation that I understand has not been exceeded as of this time.

I have another vital interest in your problems.

In my own great State of Colorado, possessed of 25 billion tons of subbituminous and 225 billion tons of bituminous coal, the critical, depressed areas are those arising in mining areas. The development of coal markets, coal use, coal and energy transportation are therefore of vital concern to my people and to the future welfare of our State.

However, since these early days when I might have been considered a small but dedicated part of the coal industry, many changes have taken place within that industry. Productive capacity per man-day has more than doubled. Production has been mechanized. Industry profits have been poured into research. Major changes have developed in the markets for coal. Only the price of coal has remained substantially the same.

With this has come new terms and new concepts in the thinking of coal people of today—such terms and concepts as the integral train, the coal pipeline, producer gas, electric space hearing, and coal-by-wire. Some of these new concepts will unquestionably work great new changes in the uses and marketing practices of coal in the future. The full economic potential and feasibility of others still need to be established.

Bills are presently pending in both the Senate and the House which would give the right of eminent domain to builders of pipelines to carry coal. Some people have become so fascinated by the new method of coal transportation that they see the concept as the salvation of the coal industry in the years ahead. There is no doubt that such an approach carries considerable appeal, and under proper conditions it may serve to make coal more competitive with other fuels in selected regions.

However, aside from the opposition from the railroads and other affected industries which has developed, not altogether unexpectedly, to these proposals to grant the power of eminent domain, it should be acknowledged that there are other basic economic factors that will limit the usefulness of this method of coal transportation.

In most mining activities, the economics of transportation dictate that useless materials be separated from the ore near the site of the mine. Not only is that location usually more inexpensive a repository for the refuse, but the thin margin of profit in mining operations often will not support the added cost of transportation to other locations. Under present techniques, approximately 40 percent of the material carried through a coal pipeline is water, not to mention the residual ash. While water thus acts as a carrying agent, it must be added after the coal is removed from the mine, and it serves no useful purpose at the point of delivery. The water thus transported adds to the per unit cost of transporting the coal. Additional costs must be incurred by the consumer either in extracting the water or in new equipment that can adapt to it.

In this connection, there is a possibility that new discoveries through the Office of Coal Research may develop practical methods by which coal could be transported "in its own juice," i.e., in a slurry of liquids extracted from the coal itself. Incidentally, the House appropriations bill doubles the amount for the Office of Coal Research for 1963. Through this technique, there would be no transportation cost for a water component of the slurry, and the cost per British thermal unit would be reduced considerably.

In my opinion, transportation of coal by pipeline will face a handicap which closely parallels the problem of shale oil development. The problem is one of enormous outlays of initial capital required to put it in a position to be competitive. While costs of pipeline construction will obviously have a wide range, depending upon many factors, a conservative estimate would place the average cost at around $120,000 per mile. This would mean an initial investment of approximately $50 million to construct a pipeline from the mines in West Virginia to industrial centers on the east coast. Additional investment would be necessary, almost doubling this, for equipment to handle the product at the point of delivery and consumption. An investment of this proportion may not be made in the absence of a national emergency, or without firm contracts of 20 years or more duration.

In my opinion, the slurry pipeline cannot be regarded as a total solution to industry problems. If the ICC would bestir itself from the Neanderthal age, new rail methods and competitive rates might well provide a competitive situation. In addition, there is one other general prospect with great hope.

Turning to this prospect, which I feel has considerable hope for future of the coal industry, I want to congratulate your industry on the emphasis it is placing on its slogan "coal by wire." The consensus of expert opinion is that the amount of electrical energy consumed within the United States in the year 1980 will be about three times the amount consumed in 1960. Coal will unquestionably command an increasingly larger share of this electric power generation market. In the total picture, cheap hydroelectric power development is a thing of the past in the United States.

On the basis of voltages currently in general use, economic transportation of electrical energy in the United States usually does not now exceed the range of about 100 or 200 miles. However, experience in European countries has amply demonstrated the economic feasibility of transmitting electrical energy several hundred miles from the generating plant through use of their higher voltage transmission lines. A report prepared 2 years ago for a Senate committee indicated that 400-kilovolt lines then in operation in Russia transmitted electricity 560 miles. Work was underway to convert those lines so as to operate at 500 kilovolts. Consideration was being given to developing even higher voltages for both direct and alternating current transmission.

The same circumstances which make such higher voltage transmission desirable in Russia are not necessarily present in this country. Nevertheless, experimentation on higher voltage transmission lines is well underway in this country, and higher voltage lines will be constructed, making possible the transportation of "coal by wire" much greater distances than at the present.

As a matter of fact, there is already in operation right here in Pennsylvania a 460-kilovolt transmission line. In addition, there is under contract a 500-kilovolt line of several hundred miles to be constructed in Virginia. It is also a well-known fact that Westinghouse and General Electric are in an advanced stage of experimentation with equipment and methods designed to make lines with a capacity of 600 kilovolts and 700 kilovolts practical.

With the installation of higher voltage transmission lines, there should be a marked increase in the development of mine-mouth generating plants at locations of rich coal deposits in many places throughout the country. Such generating plants will undoubtedly continue to attract other industries which are dependent on electrical power; however, high voltage transmission and increased transmission inter-ties will most certainly cause coal-generated energy to be consumed over wider areas and farther and farther from the coal mines than at present.

There are, of course, many new areas in which potential demands for electrical energy are enormous. I am somewhat familiar with the efforts which the coal industry is making in cooperation with major electrical utilities in the promotion of electric heating for homes. Any major success in this effort would clearly reopen a vast new market for coal in the production of electricity. Many people have hopes that the coal industry may be able to recapture a large part of the market which was lost to the oil industry with the advent of the diesel locomotive. This may be a possibility through electrification of the major main line railroads within the next 25 years.

Research work which is now in progress may soon result in the development of commercially successful methods for converting coal to both liquid and gaseous fuels. Only a few weeks ago it was announced that the Office of Coal Research had negotiated a $750,000 contract with General Electric Co. for studies centering on the possibility of extracting gas and chemicals from coal through the use of electrical corona created by exceptionally high voltages and frequencies. If such research proves successful, it could result in ultimate commercial plants with integrated chemical and energy installations which would use only coal, water and air as raw materials. That residue of coal which would not be converted into marketable gases and chemicals would be used to generate electrical energy used in the process.

Improvements in the processes for producing liquid fuels from coal are already approaching the point of competitive range with domestic petroleum.

Research contracts through the Office of Coal Research as well as research by the coal industry itself and by others will unquestionably result in other new uses for coal and in expanding present coal uses. Important opportunities for increased coal consumption also lie in improved coal-fired boilers and coal blast furnace injection systems.

These and other important possible developments within the next 10 to 20 years all tend to point to the conclusion that the coal industry will have a bright future. It is expected that while the total energy consumption in this country will almost double within the next 20 years, the consumption of coal will during that period increase faster than that of any other energy source. Annual coal consumption by 1980 should be around 800 million tons.

On the other hand, I am fully aware that your industry is not in a position to cash in today on your bright future of tomorrow. Today's coal industry is operating at a production level of 15 years ago. Despite the tremendous advances which have recently been made in production methods and labor relations, the coal industry does have its problems in 1962, but few of these problems would appear insurmountable if consumption of 500 million tons of coal were assured during this year.

I would like to comment briefly, however, upon some of the reasons urged by spokesmen for your industry last year, in support of Senate Resolution 105 which the National Fuels and Energy Study authorized to be made. Among the reasons most frequently given for the need of such a study were these:

To determine whether there will be ample supplies of energy in the event of an emergency;

To determine whether our sources of energy are being used wisely;

To determine whether we are giving proper consideration to the needs of future generations;

To consider the promulgation of a national fuels policy.

That study will cover several phases, as follows:

1. The first phase covers the process of gathering and analyzing existing factual data relating to the present and potential supply and demand of the various energy sources in the national economy. This particular work is by its very nature largely technical and has already been largely completed by a staff study group which included Dr. Potter and Mr. Quinn of the Rochester & Pittsburgh Coal Co. as representatives of the coal industry. Two committee prints, representing skeleton reports, of the work of that study group, have been completed and a third will be circulated so that industry people can review the work thus far. This print should be completed within the month.

2. The second phase of the study will begin with a review of the existing policies of both the Federal and State Governments which have any substantial effect upon the production, transportation and utilization, within this country of energy from the various energy sources. Finally, this second phase of the study is planned to contain an analysis of these divergent points of view, a listing of the issues raised thereby, and a discussion of various alternative approaches that might be considered by way of facing these issues or reconciling the various points of view. It is expected that this second phase of the work will be completed near the end of this session of Congress, and a final printing of the entire study should be available to all interested persons.

3. The third and final phase of activity resulting from the study will necessarily be the consideration of new legislation or administrative action, on either the national or State levels, to affirm, alter or abandon existing policies, or to establish new fuel and energy policies. Consideration of any such legislation on a national level will of necessity have to await the beginning of a new Congress.

With this brief description of the progress of the National Fuels and Energy Study being conducted by the Senate Interior Committee, it should be apparent that it would be impossible for me at this time to predict what the ultimate outcome may be. It is too early to tell what new legislation, if any, may be proposed as a direct result of the study.

I am afraid that no matter how legitimate the concern of your industry may be in these matters, they have been construed in many quarters as expressions of a desire on the part of your industry to create unjustified apprehension over impending exhaustion of our Nation's oil and gas resources, this as a prelude to legislation which would place serious limitations on the production, sale or utilization of natural gas and petroleum products.

The data which has already been collected by the study group discloses that apprehension over exhaustion of domestic oil and gas resources is not warranted. When large scale commercial development of oil shale comes, as I believe it inevitably will come in the near future, even without greatly increased reliance upon foreign oil imports, the abundance of domestic energy resources and the vitality of our technology will continue to make desirable a great flexibility in choosing from among competing energy policies.

Another reason urged for undertaking the Fuels and Energy Study was to establish guidelines for the development and conservation of energy resources in an atmosphere of fair competition. This clearly appeals to me as a sound justification for the study. If any existing policies of the Federal Government, or if the absence of any particular policies, tends to discriminate unduly against a particular fuels industry in favor of another fuels industry, I think the facts should be brought to the attention of Congress and the situation corrected. Some areas of possible unfair governmental treatment of the coal industry have already been suggested to the Senate Interior Committee. If any of you are aware of any existing governmental agencies which place your industry at an unfair advantage, I urge you to make them known to me or other members of the committee.

I have great faith in the future of the coal industry. While it may have been slow in the past to face up to the factors which caused it to lose the space heating and railroad markets, the revolutionary developments within the industry during the past 10 years, the new face of progress which the industry is wearing today, and its concrete efforts to assure its future, leave no doubt in my mind that coal will be more than able to hold its own in the energy market in any atmosphere of reasonably fair competition.

This is predicated, of course, on the assumption that industry will be permitted to retain the right to make its own decisions and exercise its own judgment in an economy governed by individual initiative and free enterprise. There is no reason to believe that any one person, or small group of people, are endowed by a benevolent creator to determine the conditions under which you, as free men, in a free capitalistic society, may compete.

There is no such thing as benevolent despotism. What we want is an economy free of price, wage, and cost controls to be arrived at by honest bargaining.

Let us assume that you will have such an atmosphere in which to conduct your affairs so that you may plan accordingly.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE NASHVILLE TENNESSEAN

Mr. KEFAUVER. Mr. President, on Sunday, April 29, one of the Nation's great newspapers, the Nashville Tennessean, celebrated its 150th birthday by publishing a 394-page edition.

This special edition also marked the 25th anniversary of the ownership of the Tennessean by the family of the late Silliman Evans, Sr. The principles of journalistic excellence and responsibility which he laid down are still being carried forward.

Few newspapers have had so wholesome an influence on the life of their regions, or indeed of the Nation, as the Nashville Tennessean, and it has every reason to be proud of its fine record of service.

Among the many wonderful articles contained in the mammoth anniversary edition is one recounting the inspiring story of the Tennessean itself. It is written by one of the newspaper's top reporters, Charles L. Fontenay.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRONTIER TO FRONTIER: THAT'S TENNESSEE'S STORY

(By Charles L. Fontenay)

A quarter of a century ago this month, a dynamic Texan strode into an antiquated building on Fourth Avenue, North, and began to realize a lifelong dream.

Silliman Evans, that Texan, was 43 then and his dream since boyhood had been to own his own newspaper and forge it into a powerful instrument for progress and betterment in its community.

The newspaper Evans took over April 17, 1937, had a proud and colorful history. In the 30 years it had borne the name "The Nashville Tennessean," it had participated vigorously in the political and civic life of Nashville and Tennessee.

But like many other American institutions during the depression years, it had fallen on hard times and had been in a receivership for 4 years.

Evans was a veteran newspaperman who had built a national reputation as an astute political reporter, but he had left newspaper work to help found an airline, to assist in putting a big insurance company back on its feet and to serve as an assistant U.S. Postmaster General.

But his first love remained the newspaper profession, and so great was his energy and interest that he helped Marshall Field establish the Chicago Sun at the same time he was building up the Tennessean.

GIANT SIZE CHALLENGE

The challenge he took up in 1937 with the acquisition of the Tennessean was giant size. Not only was there an ailing newspaper to be restored to its former glory, and beyond, but the whole Tennessee region was still wallowing in a depression slough as bad as in any area of the Nation.

It was a situation which called for aggressive support of new and vigorous social, political and economic measures—measures like the expansion of the new Tennessee Valley Authority, removal of the out-moded shackles of the poll tax to bring a healthy 20th century democracy to Tennessee, active efforts to broaden and strengthen the industrial base of the region's economy.

The new publisher met the challenge and soon the Tennessean became a major weapon in the fight for Tennessee's betterment.

Evans poured the remaining 18 years of his life into the newspaper and at the time of his death in 1955 he had built it into an institution of national reputation and wide influence.

VOICE OF A REGION

The history of the newspaper which Silliman Evans molded into the strong free voice of an entire region stretches back over the long years like a road winding into the distance over the middle Tennessee hills. It stretches back to a tiny frontier town perched on Cumberland River bluffs, a century and a half ago.

The Nashville Whig, established at that time, existed continuously through a long series of mergers in a straight line to the American early in this century. It was with the American that the Nashville Tennessean merged in 1910.

Much of the Tennessee countryside was wilderness in that day when two brothers, journeymen printers, started a 4-page weekly newspaper and gave the community its first public voice.

The Indians who roamed the forest were dangerous. Men sloshed along Nashville's muddy streets, wearing coonskin caps and carrying long rifles under their arms—fighting to open up a frontier.

Today, Nashville sprawls over its hills, a great city of brick and stone, concrete and steel, but with the Cumberland River still winding through its heart.

A frontier still is here—now a frontier for the entire world. The men who walk the concrete sidewalks in gray suits and white shirts, with briefcases under their arms, are still pioneers.

For many of the stories in the Tennessean's news columns are stories of the great plunge into outer space, as exciting and as challenging as any buckskinned traveler's tale of escape from ambushing savages, and the industries of this region are helping to produce the vehicles our frontiersmen are riding into space.

Nashville was a town of 1,200 clustered around the public square—smaller than Ashland City is today—when Moses and Joseph Norvell decided that they could profitably add a newspaper to the handbills and other jobwork turned out by their little printing shop. They founded Nashville's first newspaper, the Nashville Whig, September 1, 1812.

The War of 1812 was less than 3 months old. Detroit has just been captured by the British—a defeat countered at sea 3 days later by the U.S. *Constitution's* historic destruction of the British warship, *Guerriere*.

The legislature had met here five years earlier, but was to meet, in Kingston, Knoxville, and Murfreesboro before Nashville's selection as the State's capital in 1843.

The Nashville Whig was published every Tuesday and sold for $2 a year, with an advertising rate of 75 cents for 10 lines. In 1819, Nashville acquired a second newspaper, George Wilson's Republican Nashville Gazette, and in 1824 Abram P. Maury and Carey A. Harris began publication of a third, the Nashville Republican.

The first of 14 consolidations occurred in 1825, when the Nashville Republican acquired the Nashville Gazette, and became the Nashville Republican and State Gazette. A year later, the Whig consolidated with a fourth newspaper which had appeared in the meantime, the Banner, to become the National Banner and the Nashville Whig.

These two competing newspapers remained on the scene until 1837. In 1831, the Banner and the Whig experimented with publication of a daily newspaper under the name of the National Banner and Nashville Advertiser, but this was dropped after 3 years.

In 1835, Andrew Jackson was serving his second term as President, and was fighting a bitter political battle to keep his new Democratic Party in power against the Whigs. The Nashville Union, promoted by Medicus A. Long, was organized March 30 to serve as the home organ of Jackson and his movement.

The formation of the Nashville Union had its effect on the two existing and competing newspapers. In 1837, they were consolidated, to become the Republican Banner, the first permanent daily newspaper in Nashville and the first newspaper in Tennessee to run its presses by steam.

SUNDAY EDITION ORGANIZED

In 1848, Joseph H. Thompson, Jr. organized the first Nashville paper to issue a Sunday edition, the Centre State American. Five years later, it was consolidated with the Nashville Union, which had turned against Jackson only a year after its establishment. when he succeeded in naming Martin Van Buren as his successor in the White House. The new paper was called the Union and American.

Both Nashville newspapers suspended publication during the Civil War. At the close of the war, the Republican Banner resumed publication September 27, 1865, and the Union and American December 5, 1865.

Col. Henry Watterson bought an interest in the Republican Banner that year, but left a year later to take charge of the Louisville Journal, which later became the Louisville Courier-Journal.

In 1875, the telegraph came to Nashville, and the Republican Banner got out a special edition on the occasion. A few months later, the city's 40-year newspaper competition ended with the consolidation of the Republican Banner then valued at approximately $60,000, with the Union and American.

The result of this consolidation was the American, which lasted until 1910, and had the Nashville newspaper field to itself for 15 years. Its competition was keen, though, after 1890, when Maj. E. B. Stahlman reestablished the Nashville Banner.

The Nashville Tennessean was launched by Col. Luke Lea, then a 28-year-old attorney who had broken into politics spectacularly the previous year and was credited with having engineered the nomination of Gov. Malcolm (Ham) Patterson of Memphis. The first issue was published Sunday, May 12, 1907.

The newspaper's main feature was the Hearst News Service. Its sports editor was Grantland Rice, and in a box on the first front page appeared his poem to Tennessee, "God's Country,"

Herman M. Suter was publisher, and Charles Stephenson Smith, who later was to become famous as foreign editor for the Associated Press, was managing editor. Charles Willett, of Springfield, was the first telegraph editor, and later succeeded Smith as managing editor. Jordan Puryear was business manager.

The newspaper began its operations in a building on the southwest corner of Eighth Avenue, North, and Church Street, where the Nashville Parkrite, Inc., parking garage now stands.

Lea split with Patterson over the issue of prohibition. Patterson supported the "wets," while Lea championed the cause of prohibition. The division in the Democratic party resulted in the election of Ben W. Hooper, a Republican, as Governor in 1910.

Meanwhile, the Tennessean purchased the controlling stock of the American, September 24, 1910, and the American continued publication in connection with the Tennessean as a morning paper, the Nashville Tennessean and American.

AMERICAN SET UP

The Tennessean moved its operations into the American building on Fourth Avenue, North, just south of the Third National Bank building.

The following spring, another newspaper, the Nashville Democrat, was organized, staffed largely by some of the former employees of the American. It lasted until 1913, when it also was bought by the Tennessean.

In 1917, the American was set up as an afternoon paper, which became the Evening Tennessean, July 1, 1918.

Meanwhile, in 1916, Lea was pitted against his former ally, Patterson, in the State's first U.S. Senate race to be decided by popular vote. The Lea-Patterson debates were vigorous and attracted wide attention, but a third candidate, Kenneth D. McKellar, won the nomination and began his 36-year tenure of office.

After World War I, during which Lea organized a volunteer regiment and after which he made his historic attempt to kidnap Kaiser Wilhelm, the Tennessean plunged into the political arena again in support of Austin Peay, of Clarksville against Republican Gov. Alfred A. Taylor, who had swept into office on the 1920 Harding landslide.

Peay was elected and twice reelected, becoming one of the State's most popular and successful governors. Throughout his administrations, he kept the support of the Tennessean against the increasing attacks of E. H. Crump, of Memphis, who had begun his struggle to gain statewide political power.

The Tennessean backed Peay strongly on the issue of the tobacco tax for the benefit of public education when Hill McAlister opposed him on that issue in the 1926 primary.

The Tennessean continued its support for Henry Horton, Peay's successor when Peay died in office, and defended him editorially against the unsuccessful effort to impeach him.

But the newspaper was one of many institutions hit hard by the nationwide financial crash of 1929.

The Tennessean was published in both morning and afternoon editions until March 3, 1933, when the depression multiplied Lea's financial difficulties to the point that the newspaper was placed in the hands of a Federal receiver, Lit J. Pardue, of Ashland City, Tenn., an able lawyer with newspaper experience.

CIRCULATION INCREASES

Under Pardue's direction, the circulation of the Tennessean papers grew swiftly. At the time of the receivership, the circulation of the Morning Tennessean was 50,062. At the close of the receivership four years later, the morning paper's circulation was 76,275. The newspaper was still losing money, however.

In 1937 Evans appeared on the Nashville scene.

He had built a reputation as one of the Nation's most aggressive young newspapermen over a period of 15 years.

Then Silliman Evans had left newspapering to become an airline executive, fourth assistant Postmaster General of the United States, and president of the Maryland Casualty Co., but he had always wanted to return to the newspaper business and particularly to own his own newspaper.

Paul M. Davis, president of the First American National Bank, had bought a third of the Tennessean's outstanding bonds—$250,000 worth—from the Reconstruction Finance Corporation, and the bank already owned another $210,000 worth.

Acting for Evans, Davis bought up the other outstanding bonds, and later Davis bought the newspaper at a public auction for Evans for $850,000 January 7, 1937.

Evans took over as publisher April 17, 1937, and within 45 days had the newspaper operating in the black again.

Within a year after he took over the newspaper, Evans had persuaded H. G. Hill to build and lease a new office and publishing building at 1100 Broadway, a site Evans had chosen during his strolls around town before buying the paper.

Meanwhile, he and James G. Stahlman, publisher of the Nashville Banner, had worked out an arrangement to form the Newspaper Printing Corp., to act as business agent for both newspapers. Afternoon editions of the Tennessean were dropped, and the Banner suspended its Sunday editions.

Plans for the new building were expanded, and the two newspapers published under a cooperative arrangement, meanwhile, in an old warehouse. The Tennessean and the Banner occupied the new building in July 1938, and have remained in it since then, subsequently adding a large building for the mechanical department and presses behind it.

It was one of the pioneer ventures of its kind in the American newspaper industry, and became the model for similar arrangements in a number of other cities, where rising production costs threatened the quality, or existence, of separate newspapers.

Each paper, however, retained its individual ownership and editorial integrity, and these functions have remained separated to the present time.

After the Tennessean dropped its afternoon editions, its circulation leveled off at about 64,000 daily and 100,000 Sunday. At the time of Evans' death in 1955, the daily circulation had climbed to 114,000 and the Sunday circulation had passed the 200,000 mark.

Evans told his staff that he wanted the newspaper's readers to wake up each day wondering, "What's in the Tennessean this morning?"

HE HELPED LEAD

To accomplish this sort of vigorous newspapering, he spent money liberally and helped lead the industry to advanced techniques in both editorial and mechanical fields.

But Evans' concept of newspapering did not stop here. On taking over active direction of the Tennessean in 1937, he had said:

"The publication of a newspaper carries with it manifold responsibilities. These run not only to the readers, but to the general community. * * *

"It furnishes the most convenient medium for the expression of the ideals, and the moral, economic, social, and political aspirations of the people."

It was in this spirit of editorial responsibility that the Tennessean resumed the long political struggle against Crump, then boss of a Shelby County political machine entrenched in its control of the State government.

It was not a direct fight against Crump at first, but against the State's outmoded poll tax. As a matter of fact, the Tennessean and Crump were on the same side in opposing reelection of Gov. Gordon Browning in 1938, as a result of Browning's sponsorship of the unit vote bill for Tennessee.

But when Crump dictated the death of a poll tax repeal bill in the 1941 legislature, Evans told the Tennessee Press Association in a speech at Jackson that Crump alone was responsible for "a situation in which there is power without responsibility to all of the people in Tennessee."

Crump replied to this declaration of war by observing that 26 previous critics of his political rule had failed to topple him.

The dogged persistence of Silliman Evans, however, was a new political phenomenon in the State, and Crump recognized its effectiveness in the next 7 years by scores of denunciatory letters to Evans and the expenditure of perhaps $100,000 on newspaper advertisements attacking him.

Evans published the letters, and not only accepted the ads for the Tennessean, but waived libel claims so other newspapers could accept them.

CRUMP ATTACKS EXPECTED

It came to be an expected event that at least once in every legislative session members of the Shelby County delegation would take the floor to denounce Evans and the Tennessean.

Sometimes these denunciations, one legislator following another to the floor, would occupy an entire legislative day. The Tennessean reported them, as it did other legislative events, as news stories.

The long fight against the Crump organization was won in 1948. Browning, returning from military service during World War II, entered the race against Gov. Jim Nance McCord, who was seeking a third term. McCord again had Crump's support, and the Tennessean backed Browning vigorously.

A young east Tennessee Congressman, ESTES KEFAUVER, sought the support of the Tennessean in a race for the U.S. Senate. Evans, who like KEFAUVER's progressive record and thoughtful approach to governmental affairs, promised this support if KEFAUVER would travel across the State making his name known to the people and would attempt to shake 500 hands a day.

The Senate race was complicated by Crump's decision not to support the incumbent, Senator Tom Stewart, for reelection. Crump threw his weight behind Judge John A. Mitchell of Cookeville, but Stewart ran anyhow, making it a three-way contest.

CRUMP GRIP DESTROYED

In both races, it was the most spectacular political battle since the struggle between Browning and Prentice Cooper a decade earlier. When the returns were in, KEFAUVER and Browning had won, and the Crump organization had lost its tight grip on the State government permanently.

In the next legislature, the poll tax was killed and the 1953 Constitutional Convention removed it completely from Tennessee's constitution.

The Tennessean continued to support KEFAUVER consistently, backing him in two successful campaigns for reelection to the Senate and in his two unsuccessful attempts to gain the Presidential nomination.

In the 1956 Democratic National Convention, Evans' older son, Silliman Evans, Jr., worked at KEFAUVER's side during the tense, close fight which resulted in KEFAUVER's capture of the vice presidential nomination.

The Crump fight and differences over the Tennessee Valley Authority led also to a struggle between the Tennessean and veteran Senator Kenneth D. McKellar, which waxed so bitter that at one time the aged McKellar sought to attack Evans physically in Washington.

McKellar's efforts to gain political control of TVA were opposed by the newspaper until in 1952 ALBERT GORE, with the the Tennessean's support, ended McKellar's long tenure in the Senate.

Evans was one of the Nation's most loyal and most influential Democrats. He played a key role in Franklin D. Roosevelt's nomination by the party in the 1932 convention.

The Tennessean publisher, as floor manager for his fellow Texan, John Nance Garner, conferred with Roosevelt's manager, Jim Farley, and worked out the agreement which broke a deadlock in balloting and threw Garner's strength behind Roosevelt for the nomination in return for the vice presidential spot for Garner.

SUPPORT GIVEN TRUMAN

The Tennessean remained stanchly Democratic, and was one of only four major newspapers in the Nation to support President Harry S. Truman in 1948, when he confounded all political dopesters and won the election.

In addition to championing the TVA and the full development of the Cumberland River's resources, the Tennessean under Evans' guidance worked aggressively for the industrial development of Nashville and middle Tennessee.

He was convinced that this area, with its great natural resources, could become "the Ruhr Valley of America."

Characteristic of his persistence was his effort to bring to Nashville the Stinson aircraft factory, now the Nashville division of Avco Corp.

When he first broached the proposal to his friend, Victor Emanuel, chairman of the board of the Aviation Corp., Emanuel told him the chances against the location here were 100 to 1.

But after Evans and other Nashville boosters had campaigned with other directors all over the country, Emanuel said:

"We finally gave him the factory in self-defense."

After the late Wade Thompson persuaded Aladdin Industries, Inc., to come to Nashville, Evans led the movement that cleared away obstacles to the advent of the modern plant here.

OBJECTIVES LISTED DAILY

On regional, State, and local matters, Evans proclaimed objectives of his newspaper in a list run daily on the editorial page.

Over the years, these objectives ranged from full development of the Tennessee and Cumberland Rivers to better streets in Nashville, and included such things as clean election laws, constitutional revision, civil service reform, more tourist business, expansion of the city limits, new industry, and better schools.

Evans believed that consistent public service was the best form of newspaper promotion.

As a result, the summer concerts in Centennial Park became a middle Tennessee institution. So did the annual banquet for the writers of prize-winning letters to the editors.

And the newspaper's special trains to football games and Presidential inaugurations and its sponsored travel tours dramatically carried the name of the paper, the city, and the State all over the Nation and the world.

As far away as London, officials of the Bowaters Paper Corp. heard much from Evans about Tennessee's advantages, and at last decided to build a newsprint plant in the State, the Bowaters Paper Corp. at Calhoun, Tenn.

After Evans' death, the policies he established for the Tennessean were continued by Silliman Evans, Jr., as publisher. The younger Evans also embarked aggressively on projects along the lines of his own thinking.

"Our major effort is directed at improving our community and region," he wrote in this newspaper's editorial section 2 years ago. At the same time, he emphasized the concern of the Tennessean with such national issues as defense, cartel control of production, and labor racketeering.

INDUSTRY NEED STRESSED

He was particularly interested in the industrial development of the entire middle Tennessee area, which he considered necessary to meet the problems posed by the continuing shift of population from rural to urban patterns of living.

An ardent aviator, who had been both military and airline pilot, Evans many times flew his own plane over the area, studying its terrain and potentialities.

Soon after he took the reins as publisher, he assigned one reporter exclusively to news and promotion of midstate industrial development.

In pursuing this objective, the Tennessean conferred and cooperated activity with State administrations it had opposed politically, those of Gov. Frank G. Clement and Gov. Buford Ellington.

The success of these efforts was so marked that for several years middle Tennessee has led other sections of the State in acquisition of new industry. Many of them, such as the Murray-Ohio Co. plant at Lawrenceburg and the Tennessee River Pulp & Paper Co. at Savannah, have come to the area largely as a result of this compaign.

Evans also worked hand-in-hand with the Nashville Area Chamber of Commerce in a new and broader approach to the welfare of the community.

This approach has been based on the concept that the economic progress of other middle Tennessee towns is as important to the business welfare of Nashville as the industrial growth of Nashville itself.

Evans continued forcefully his father's interest in the development of the great river resources of the area, and initiated a drive for the utilization of the potentialities of tributaries of both the Tennessee and Cumberland Rivers.

He was one of the originators of the proposal to develop the land lying between Kentucky Lake and the prospective Barkley Dam reservoir into a national recreation area.

Under the direction of the younger Evans, the Tennessean took an active interest in the State's progress in construction of the new interstate superhighway network, which it has conceived to be of major importance in the total development of the region.

Following activities in this field closely in its news columns, the newspaper, through its criticism of Tennessee's lag behind neighboring States in completion of the superhighways, was directly responsible for Ellington's request for a Federal inspection of the State highway department.

UNIFIED GOVERNMENT

This, in turn, led to a reorganization which the Governor said should increase efficiency of highway construction considerably.

While the younger Evans was publisher, the Tennessean began its series of investigations in labor union corruption, bringing disclosures which had national repercussions, threatening the entrenched power of Teamsters Union boss James Hoffa and probably influencing the 1960 presidential election to a considerable degree.

Under his direction, the Tennessean strongly supported the principle of a unified government for Nashville and Davidson County, and has continued this support despite the unsuccessful 1958 election on the proposal.

Upon the death of Silliman Evans, Jr., last year, his younger brother, Amon Carter Evans, returned from the U.S. Army and began active participation in the management as vice president. During the subsequent interval, the Tennessean was guided by a veteran newspaperman, one of its most loyal employees, John H. Nye, as publisher.

Nye began work for the newspaper in 1910, the year the Tennessean bought the American, as police reporter. With few interruptions, he continued his service to the paper through the succeeding years, and was associate editor at the time of the younger Evans' death.

LEARNS FROM BOTTOM UP

Amon Carter Evans grew up with the Tennessean as his family environment. He was 6 when his father bought the newspaper, and when he had completed his schooling he worked in the city room as a reporter, learning the newspaper profession from the bottom up.

As vice president, he assisted his older brother in management of the newspaper after their father's death, until he was called into military service.

Last month, Amon Carter Evans took the helm of the Tennessean as publisher, to begin a new chapter in the newspaper's long history—a chapter still devoted to that principle expressed by Silliman Evans, Sr., and still carried at the Tennessean masthead:

"The news columns shall be fair and accurate, the editorial columns shall be honest and just in the expression of conscientious opinion."

MODERN MONOPOLIES AND THE PUBLIC INTEREST

Mr. KEFAUVER. Mr. President, a very careful and well-prepared analysis of the problem of concentration in monopoly is contained in the April issue of the Federationist. It should receive the careful consideration of all those interested in this problem. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MODERN MONOPOLIES AND THE PUBLIC INTEREST

In December 1960, 29 manufacturers of electrical equipment were tried and penalized for a conspiracy to fix prices for their products at high and unreasonable levels.[1] They were fined a total of $1,787,000 and seven executives of leading corporations served jail sentences for their parts in the conspiracy.

General Motors was indicted in April 1961 for monopolizing the manufacture of railroad locomotives; the case is still pending. This corporation produces about 50 percent of U.S. automobiles, 89 percent of the buses, and 40 percent of the trucks. It dominates production of heavy construction equipment and diesel engines and now controls about 77 percent of the locomotive industry, including 100 percent of the passenger locomotives.

Several cases involving the drug industry are being prosecuted or recently have been concluded. The investigation into the drug industry's pricing policies, conducted by Senator ESTES KEFAUVER, Democrat, of Tennessee, disclosed little competition among the major drug producing companies. It also revealed huge markups over the cost of production, especially in the case of brand-name drugs.

These are but a few of many antitrust cases in the last few months that have renewed public interest in the concentration of economic power and monopoly in American industry.

NOT A NEW PROBLEM

The problem of monopoly is not new. Adam Smith's "The Wealth of Nations," published in 1776, contained the following description of businessmen's inclinations to suppress competition and fix prices:

"People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public or in some contrivance to raise prices."

It is reassuring, in some respects, to learn that problems of concentration, price-fixing, and monopoly have been with us for a long time now and we have been able to live with them. However, things have changed remarkably since Adam Smith's day.

Technology has made strides since the simple production methods of the 1770's. Today there are complex and expensive machines as well as vast national markets. Where Adam Smith noted monopolies and price-fixing that were essentially confined to a city or town, today the problem has grown until the entire national output of some products is controlled by a few firms.

A report prepared by the Senate Subcommittee on Antitrust and Monopoly, headed by Senator KEFAUVER, calculated the share of output controlled by the largest four companies in each of several hundred industries. Just a few familiar products, drawn from this list, illustrate the extent of concentrated control over American industry. The largest four companies in each of their respective industries produce the following proportions of the Nation's output of these products: 100 percent of railroad passenger cars, 99 percent of primary aluminum, 98 percent of plate glass and flat glass, 98 percent of automobiles, 96 percent of photographic film, 95 percent of outboard motors, 94 percent of copper products, 93 percent of electric light bulbs, 83 percent of salt, 82 percent of cigarettes, 81 percent of tin cans, and 80 percent of towels and washcloths.

THE MYTH OF COMPETITION

Big business organizations claim that nothing need be done to promote competition and they offer all types of arguments in an attempt to prove there is competition where in fact little or none exists.

Unfortunately for the American economy, the sincerity of these claims is questionable. The National Association of Manufacturers has proposed no penalties against companies that violate the National Association of Manufacturers "code" of conduct. Some of the most flagrant and persistent violators of the antitrust laws are influential members of the National Association of Manufacturers and the U.S. Chamber of Commerce.

Although big business organizations talk of competition and competitive pricing, monopolistic practices and defense of price rigging are widespread in business.

One of the conspirators in the electrical machinery case defended price-fixing, saying: "It is the only way a business can be run. It is free enterprise." The judge who tried the case disagreed. The judge said: "This is a shocking indictment of a vast section of our economy. The conduct of the corporate and individual defendants alike * * * have flagrantly mocked the image of that economic system of free enterprise which we profess to the world."

The electrical equipment case did not end monopolistic practices in American industry. This case merely brought attention once again to the continuing problem of monopolistic practices.

ALL KINDS OF MONOPOLIES

Monopoly can take a number of forms. A complete or total monopoly would result when a single corporation produces the entire output of an industry. Fortunately, such cases are rare except where Government grants total monopolies to regulated utilities. There are not many other examples of total monopoly.

If there are a few companies in an industry, monopolistic results can be achieved by the companies agreeing not to compete against one another. This involves an agreement to fix prices and divide markets. Such a conspiracy is clearly against the law. But it seems to be a fairly common occurrence. Such collusion was the basis of the electrical equipment case of 1960.

In most cases where price-fixing has been exposed, it has come to light because companies presented identical bids to Government agencies in bidding for Government orders. However, a conspiracy can take place without revealing itself through identical bids. The companies can agree among themselves to fix prices, decide to take turns on bids and then submit nonidentical bids which would give the appearance of noncollusive price setting. Under such agreements, price-rigging conspiracies can continue for many years, without enough of the solid proof of their existence that the courts require.

To be successful, many and perhaps all price-fixing arrangements, require the use of power by large firms. A large dominant firm can usually find a way to use its great power in the industry to keep the smaller companies in line.

Even in the absence of secret meetings and formal price-fixing agreements, it may be possible to achieve results that are essentially the same as price-fixing. When there are only a small number of companies in an industry and they can all keep close tabs on each other, a system of "price leadership" may occur. One company sets the price and all the rest follow.

Price leadership, in one form or another, appears to be a very common practice among American industries. It requires no meetings between companies, no formal agreement of any kind. All that is needed is an understanding that no one will "rock the boat."

In these cases of price leadership, prices are said to be "administered" because they have little relationship to the forces of demand for goods but are set by the executives of the leading company with other companies following. Administered pricing, however, is not illegal under present laws and interpretations since it does not involve secret meetings and outright collusion.

Administered pricing is widespread, particularly in America's major industries. Among the best-known examples are the steel industry, whose price leader is the dominant United States Steel Corp. and the auto industry, with the giant General Motors Corp. as the price leader. There is no effective price competition. The companies do compete on styling or the quality of the product, as in the auto industry. Or, in the case of steel, there is competition from other products such as aluminum. But the companies in the industry do not compete with each other on prices.

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[1] For details on this conspiracy see AFL-CIO Economic Trends and Outlook, January 1961.

Prices are frequently administered to bring large profits at rather low levels of operations. An example of how this works was presented in the 1958 report on the auto industry by the Senate Subcommittee on Antitrust and Monopoly:

"The use of the standard volume approach to the formulation of automobile prices helps to explain the trends of General Motors prices and profits in recent years. The broad objective of the company's pricing policy may be repeated: Prices on the average must be such that at the standard volume of production (80 percent of rated plant capacity, excluding Saturdays, Sundays, holidays and the changeover period) direct costs and all fixed costs will be covered and profits will be earned in sufficient amount to provide a return of 20 percent, after taxes, on net worth or 15 percent on capital employed.

"The rates of return earned by General Motors over the years bear eloquent witness of the effectiveness of the company's pricing policy. In the past 10 years, 1948–57, the company's average annual return, after taxes, on its stockholders' investment has been an impressive 25 percent. In the worst of these years, 1957, the rate of return on average stockholders' investment was over 17 percent, a figure which any public utility would regard with some awe. At the other extreme, the company was able to earn a rate of 37.5 percent in 1950, an exceptionally good year."

It is not administered pricing in itself that is the problem, but the manner in which prices are administered to produce high profits at relatively low levels of operations. The Kefauver committee report on the steel industry states: "Administered prices are not undesirable per se. There is strong support for the proposition that they are not only desirable but inevitable in a modern industrial economy. The question at issue is the manner in which they are administered."

For a long time, people had a simple view that industries could be divided neatly into total monopolies on the one hand and completely competitive industries on the other hand. With this view, it was not hard to decide which was preferable.

Close observation of the real world, however, reveals there are very few completely competitive industries although there are few single company monopolies in industry and commerce. Most industries are somewhere in between.

What is perhaps worse for the simple view is the fact, as trade unionists have known all along, that some industries which appear to represent competition exhibit traits that are socially undesirable. There are industries where competition, instead of working to improve efficiency, has been perverted to depress wages and working conditions. Industrial policies that are harmful to employees are no more socially desirable than policies that are harmful to consumers.

A detailed examination of the structure of each industry is needed to evaluate its social performance and degree of monopoly control and practices.

An important factor in the structure of industries is the size and number of companies engaged in production. Generally, it is desirable to have enough companies in an industry so no firm has a major share of the market. In such an industrial environment, there are no giant dominant firms to administer prices. Similarly, price-fixing and market-sharing agreements in such an industry are almost never successful, because there are usually a few companies that refuse to enter into the agreement or to keep to it, and there is no effective way to force them to do so.

Another important factor in industry structure is the ease or difficulty with which new companies can enter the industry. If it is not too difficult for new firms to enter the industry, the competition of new companies is enough to discourage administered pricing, collusive price-fixing or monopolistic practices. Or sometimes the mere threat that new firms may enter an industry can be sufficient to prevent monopolistic policies.

The high cost of modern plants and machines, with companies trying to sell in nationwide markets, is often a bar to new companies.

A more important entry barrier for a new company is the control of essential raw materials by existing firms—important in most basic metals industries—or control over essential patents.

Much of the economic concentration of so many U.S. industries stems from the fact that new firms are excluded. In most industries where there is a significant degree of economic concentration, entry barriers are quite high. But modern methods of large-scale production and nationwide sales add up to difficulties for new companies that try to enter most major industries. For this reason, attempts to reduce these difficulties would improve the economic environment and reduce the power of the dominant, huge firms.

THE GOAL OF GOOD SOCIAL PERFORMANCE

In an ideal sense, a product should be produced at the lowest possible cost, with decent wages and working conditions for employees and sold at a price that corresponds to costs after making allowance for a fair profit on investment. This means firms should be technologically efficient and pass on the benefits of efficiency to their employees and customers. Profits would not be excessive though they would tend to be higher in efficient companies and lower in inefficient ones.

Prices and profits, however, are not the only areas where there must be concern about possibilities of poor social performance. Productive efficiency and the development and introduction of new or improved products are important tests of an industry's social performance. A high degree of economic concentration sometimes acts against technological progress and the introduction of new products.

The auto industry, for example, is dominated by the Big Three—General Motors, Ford, and Chrysler. It was their policy to produce only large cars and, in the absence of any real choice, automobile buyers had to accept what was available. Only because of the pressure of competition from foreign cars and from the two smaller U.S. manufacturers did the larger producers finally bring out compact cars. Had the smaller U.S. firms, American Motors and Studebaker-Packard, not been in existence and imported cars not been available, there probably would have been no compact cars produced in this country even though it now has been demonstrated that a substantial market for them exists here.

Another area of concern about industry's social performance is advertising and selling costs. Some advertising is useful and necessary, but the barrage of propaganda that emanates from companies in some industries is certainly far beyond anything that is useful or reasonable. The Kefauver hearings on administered prices in the drug industry, for example, disclosed that a very large share of the price of drugs goes for advertising and selling costs.

A considerable amount of anti-labor propaganda and public relations campaigns against social legislation—against social security and for right-to-work laws, for example—often are financed by funds from big corporations and counted as advertising and selling costs.

Poor social performance is not isolated in monopolistic industries alone. In some competitive industries, there is waste, low wages and poor working conditions. But any national policy that aims to improve industry's social performance should seek such improvement in industries that are not concentrated as well as in monopolistic segments of the economy.

The objectives of national policy should be good social performance—reasonable prices and profits, productive efficiency, reasonable costs of advertising and selling and progress in developing and introducing new products and production methods.

Modern production methods in most industries require large sums of money for investments in plants, machines, and sales facilities capable of large-scale, high-volume operations. But large-size business operations do not require monopolistic domination of industries by corporate giants, monopolistic pricing policies and poor social performance.

The issue is not bigness, in itself. The issue arises when one big company or a few large firms dominate a segment of the economy and use their power to set the industry's prices at high levels through illegal collusion or administered pricing and pursue policies that result in poor social performance. These abuses should be eliminated or, at least, reduced and controlled by Government policy.

REGULATION OF MONOPOLIES

Although Adam Smith warned of the danger of monopoly in 1776, the first extensive use of public policy to control it was an outgrowth of farmer and labor-Populist agitation in the 1870's and the next two decades. The economic stranglehold that the railroads maintained over many sections of the country in those days was a major factor leading to the formation of the Interstate Commerce Commission in 1887 and the passage of the Sherman Antitrust Act in 1890.

Alternatives for dealing with concentration still consist of the two concepts embodied in these two acts—regulation of monopolies to direct their activities in the public interest, as in the case of ICC, and antitrust action to destroy the power of monopolies and eradicate price-fixing schemes, as in the example of the Sherman Act.

The ICC was followed in later years by the creation of several administrative Federal agencies, whose job was to regulate certain industries or business practices. The Federal Trade Commission was established in 1914, with broad powers to regulate business practices and to eliminate abuses. The Federal Communications Commission's function was to regulate communications industries such as radio and television. The Civil Aeronautics Board has the job of regulating the airlines. The Securities and Exchange Commission regulates the stock exchanges. There are other Federal regulatory agencies of a similar nature.

In the States, there are commissions whose job is to provide detailed Government regulation of public utilities—such as electric and gas utilities—where the nature of the industry makes competition unworkable.

For example, in the early days of the telephone industry, cities were often served by competing telephone companies. Customers of one telephone company could not call friends or business associates who were served by the other. Obviously competition in the telephone industry was wasteful and inconvenient to telephone users. As a solution, a single company was given the franchise—complete monopoly—by the State or local government, which regulates rates, service, and many other aspects of the company's business.

Most students of monopoly probably would agree that regulation has its weaknesses. Regulation often becomes bogged down in administrative detail and disrupted by endless controversies over such details as the accounting practices of the regulated firms. The greatest difficulty with regulatory agencies is there are times when they come under the control of the very interests they were set up to regulate; when that happens, regulation becomes ineffective or a farce.

The regulatory agencies have provided in some instances useful and important services to the American public—particularly when the heads of the agencies and the top staff officials have been dedicated to their jobs of regulating industry under the laws passed by Congress. The appointment of such dedicated people to head up the regulatory agencies is essential if regulation of industry is to achieve maximum success.

THE ANTITRUST LAWS

America's principal antitrust laws are the Sherman Antitrust Act of 1890 and the Clayton Antitrust Act of 1914.

Outright price-fixing and market-sharing agreements, where companies agree among themselves to split up markets and rig prices, are illegal under the Sherman Act. Where they exist in the United States, they have at least been driven underground where they operate much less effectively.

The Federal courts originally interpreted the Sherman Act as applying only to commerce, defined as transactions between firms, and not to manufacturing itself. Price-fixing through collusive agreements among companies was barred. Two or more firms were forbidden to conclude a contract or agreement concerning prices or the allocation of markets.

But if the companies merged into one giant unit the arrangement usually was held to be legal, even though the same effect followed. This interpretation of the Sherman Act contributed to the growth of great trusts in the steel, tobacco, sugar and other industries in the 1890's and early 1900's after the Sherman Act was already in force. There was a change in the courts' interpretation after 1910 which resulted in breaking up several trusts.

In an attempt to curb further mergers leading to monopoly, Congress passed the Clayton Act in 1914. One of the provisions of that act prohibits mergers which would "substantially lessen competition." The language of the provision was faulty, however, with the result that mergers continued with little restriction. The loophole was not closed until 1950. Now the Clayton Act can serve as an effective device for limiting the urge to merge of businessmen hoping to achieve monopoly.

If the Federal courts have been reluctant to limit the growth of monopoly by merger, however, they have been even more reluctant to break up monopoly after it is formed. Since its famous dictum of 1911 that size in itself is no offense, the Supreme Court has condemned only monopolies which have used their power in a particularly obnoxious manner.

Public opinion and the Supreme Court decision did induce somewhat more civilized conduct on the part of most of the large corporations. But a small firm up against monopolistic practices was usually under such intense pressure from a huge combine that it could not afford to wait 5 to 10 years for an antitrust case to be concluded and was often forced to sell out. Since the courts were reluctant to break up any but the most flagrant offenders, the provisions for trustbusting under the antitrust laws declined in importance. Only a small fraction of the total number of antitrust cases have been concerned with breaking up monopolies.

What the courts usually have been concerned with is the conduct of firms that possess monopoly power, not the mere existence of that power. This has meant the remedy applied by the court often has been an injunction, in an attempt to prevent a monopolistic company from performing some specific action the court considers harmful.

This interpretation has its weaknesses. Clever corporation lawyers often have been able to devise methods which, though technically not in violation of the injunction, would still accomplish the identical results the court sought to prohibit.

The antitrust laws, as well as the regulatory agencies, have their weaknesses. Neither approach has been a complete success. But both the regulatory agencies and the antitrust laws, with all their weaknesses, have prevented the spread of cartel price-fixing agreements in the United States and have curbed some of the worst aspects of monopolistic practices.

IMPROVING NATIONAL POLICIES

Some people think the objective of the antitrust laws and regulatory agencies is to destroy modern large-scale business operations and reconstruct an 18th century kind of society of small farms and small shops. Such an objective is utterly impractical and would not serve the interests of the American people.

Other people conceive of the antitrust laws and regulatory agencies as devices for protecting the individual business against damage from its competitors. The antitrust laws do prohibit certain practices—such as trying to drive a competitor out of business by cutting prices in his locality while keeping them high elsewhere. But a policy designed purely to preserve each and every business—including inefficient companies—would destroy competition itself. This is the proposal which the advocates of fair trade laws—legal price-fixing—would have us adopt. The result, where these laws are passed, is protection of inefficient firms and higher prices for consumers.

The antitrust laws and regulatory agencies are designed neither for setting up an impractical economy of small shops and small farms nor for protecting inefficient businesses from failure. Instead, the purpose of the antitrust laws and regulatory agencies is to preserve completion and curb monopolistic practices.

The ultimate justification for antitrust laws and regulatory agencies is the welfare of the consumer and the achievement by business of good social performance.

The problem of high concentration in American industry is a complex one. No simple solution to all these problems can be found. The following suggestions are far from a complete list. They are proposals that should be examined, perhaps modified and adopted if considered worthwhile. But, in the light of the problem, these proposals should be discussed and studied.

No single proposal will suffice for every industry where abuses and poor performance are found. Instead, appropriate policy must be selected from among alternative policy possibilities, according to the special circumstances of each individual case.

Changes in antitrust policy should try to make the laws more effective against monopoly power. More flexibility should be used than has been the legal precedent in the past, both in evaluating the control of a dominant firm and in applying remedies which would correct the situation. In most cases, it should be possible to examine the specific source of the problem and devise an appropriate remedy that would correct the abuse.

In some cases, the problem may possibly call for the drastic action of breaking up the largest firms. In others, limitation of the dominant firms' control over raw materials or essential supplies may be necessary. In still others, changes in patent holdings may be required.

The remedy should attempt to correct a specific problem. Each case should be developed on the basis of the specific circumstances in the industry. After a decision has been concluded, it should automatically be reviewed, after some time interval, to see that the abuses have really been corrected.

The antitrust laws, therefore, should be enforced more vigorously than during much of the past 70 years. And the enforcement should be focused on specific problems and abuses, with the development of specific remedies in each case. To effectively enforce the antitrust laws, the Antitrust Division of the Justice Department, which enforces these laws, should have enough authority, funds and staff to do its job.

A weakness in the enforcement of the antitrust laws which should be eliminated, is the minor penalty—usually small fines—imposed on those who violate the laws. The small fines are regarded by companies as a cost of doing business while jail sentences for corporate officials who violate the antitrust laws were never imposed until the electrical equipment case of 2 years ago.

If Congress passes proposed bills, which would increase penalties imposed for violation of the antitrust laws, the penalties would probably be severe enough to discourage illegal monopolistic practices.

The barriers to new firms trying to enter industries should be reduced. Effective enforcement of the antitrust laws would help. But the Government should undertake some positive steps to help new entrants into industries with high degrees of economic concentration.

It has been suggested that a Government agency should be formed to assist new companies when such assistance would be in the public interest—through long-term, low-interest loans and technical advice. The Reconstruction Finance Corporation, which was created under the Hoover administration, was used by President Roosevelt to assist new companies in entering industries that had difficult barriers to new entrants. This Government agency was eliminated during the post-World War II period. A new agency, similar to RFC, could be formed to aid new companies, small and medium-sized firms, in monopolistic industries with difficult barriers to new firms.

The proposed agency also could concern itself with financial and technical assistance for smaller businesses generally—where such assistance can help to advance the efficiency and social performance of smaller firms. It has been suggested that good social performance, with benefits to the public and the industry's employees, should be the objective of the Government agency's assistance program.

In addition, the Federal Government's buying policies should encourage a wide distribution of Government orders among prime contractors and subcontractors—to preserve small and medium-sized firms wherever such companies can provide the Government with goods that are efficiently produced and meet specifications.

Public investigation and public disclosure of the pricing policies and practices of the dominant, key corporations in administered-price industries has been proposed in an attempt to curb the abuses of economic power by such corporate giants. Some people have recommended congressional investigation and disclosure as the means of curtailing such abuses that result in high prices. Others have suggested the creation of a Government agency, with subpena power and adequate staff, to investigate and disclose the cost-price-profit-investment policies and practices of the dominant price-leading corporations in major industries in order to curb their price-raising ability.

There are those who say that the major administered-price industries are similar to public utilities. They suggest detailed regulation of such industries by a Government agency similar to the Government's regulation of public utilities.

Gardiner Means, an eminent economist and student of administered-price industries, suggests that such industries should be subjected to special Federal laws. He proposes the adoption of special Federal income tax incentives for the executives of such firms if they manage business affairs to meet the Government's standards of good social performance.

In an attempt to improve the social performance of privately owned and operated companies in concentrated industries, it has been suggested the Government establish Government-owned yardstick companies. The Tennessee Valley Authority, a Government-owned corporation, has provided yardstick competition to private power companies in the Southern States. Similar efforts have been successful in West European countries. The idea of the Government yardstick is to prove it is possible, with efficient operations, to succeed in providing the public with a product or service at reasonable prices while providing employees with fair wages and conditions.

The efficient and socially beneficial operation of American business is essential for the maintenance and sound development of our free society in a period of technological change and large-scale business operations. Improved national policies are needed. This presentation of the problem is offered as a contribution to the public discussion of monopolistic policies and practices that should form the foundation for the needed improvements in national policy.

ANTI-SEMITISM IN THE SOVIET UNION

Mr. SCOTT. Mr. President, we are all, I am sure, greatly disturbed about the recent outbreak of anti-Semitism in the Soviet Union. Every American, who cherishes individual freedom and who strongly objects to persecution of any kind must be greatly concerned with this new activity.

Appreciating that we have no control over the actions of the Soviet leaders, I would nevertheless hope that our voice would be heard throughout the world in complaint against this prejudice that is being practiced under the direction of the Kremlin. I would further hope that the peoples of the free world—and particularly those of the unalined countries—be advised of Soviet anti-Semitic activity and would hope that they, too, would strongly object to such a practice.

At this point, Mr. President, I ask unanimous consent that a resolution adopted on April 5 by the Philadelphia City and District Committee of the Workmen's Circle be included in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution Adopted on April 5, 1962, by the City and District Committee of the Workmen's Circle

The Workmen's Circle is one of the largest Jewish fraternal societies in North America. During more than 60 years of its existence, it has been in the forefront of the fight for social and economic justice. It has fought for the rights of the citizens of this great country regardless of race, creed, or color.

During the early part of this century the President of the United States protested vigorously to the Czar of Russia against the vicious and senseless pogroms being waged against the Jews in Russia. This action brought before the court of public opinion of the world the backwardness and reactionaries of Czarist Russia. These pogroms were being waged on the basis of religion.

Anti-Semitism is again being practiced in Russia, now by the Soviets. It has become a political issue with the excuse that the present day Jews are internationalists whose loyalty to Soviet Russia is questionable. The anti-Semitism being practiced today has a more subtle form and is just as deadly as the senseless killings in the pogroms of yesterday.

The Philadelphia City and District Committee of the Workmen's Circle respectfully requests and begs that you help bring this sad state of affairs before Congress and to the President. If the President sees fit that our Ambassador to the United Nations brings it up before that body, the court of world opinion may again help a persecuted minority.

INSIDIOUS CAMPAIGN TO SILENCE ANTI-COMMUNISTS

Mr. DODD. Mr. President, recently I have read two significant and complementary articles dealing with the problem of popular education on communism and the cold war.

The first article entitled "The Insidious Campaign To Silence Anti-Communists," appears in this month's issue of Reader's Digest. It is written by Col. William R. Kintner, deputy director of the Foreign Policy Research Institute of the University of Pennsylvania, and one of the group of distinguished scholars who contributed to Protracted Conflict and other publications which have won international recognition for the Foreign Policy Research Institute. Colonel Kintner is a scholar and man of action, with very broad experience. He has served as a planning officer for the Central Intelligence Agency, as chief of long-range planning in the office of the Chief of Staff of the U.S. Army, as a U.S. negotiator at Panmunjom armistice talks, and as a White House adviser on the cold war.

Colonel Kintner is a determined foe of the John Birch Society and of other extremist organizations that have claimed the anti-Communist mantle for themselves. But he is profoundly disturbed by the present campaign against anti-Communist extremism because of the tendency to lump all active expressions of anticommunism together under the label "extremist." He points out that these indiscriminate attacks on anticommunism have had the effect of undermining even cold war seminar programs conducted at the highest level and under the most responsible auspices. And he argues that the Kremlin is using the technique of "guilt by association" and the current furor over extremism to attempt to liquidate intelligent opposition to communism in our country.

I believe that Colonel Kintner has made a restrained and significant contribution to the current discussion on extremism, and I would urge all of my colleagues who have not yet been able to read his article, to do so at their earliest opportunity.

The second article I wish to comment upon, Mr. President, appeared in the New York Times Sunday Magazine for April 29, 1962. This article, by Mr. Harvey B. Schechter of the Anti-Defamation League, takes the American liberals to task for failing to give leadership to the anti-Communist fight. Mr. Schechter charges that by this failure, the liberals have created a vacuum that has inevitably been filled by rightwing and extremist groups like the John Birch Society.

I also believe that Mr. Schechter's article is must reading, and I commend it to my colleagues. It reminds me of the eloquent statement of the well-known French Socialist, Suzanne Labin:

> Communism is the price that civilization must pay for the failure of the liberals to provide effective leadership in the fight against communism.

For my own part, I have only one minor difference with Mr. Schechter's thesis. I do not believe that anticommunism should be a monopoly of either the liberals or the conservatives. On the contrary, I believe that this is one area where liberals and conservatives can cooperate effectively and must do so in the interests of mutual survival. I believe that the failure of which Mr. Schechter speaks has been a failure of the moderate elements in both the Republican and Democratic parties, and not merely the failure of the liberals. And it is this failure of the moderate elements in both parties that has paved the way for extremism.

Let me illustrate this argument with an individual case history.

Several months ago, there was a good deal in the press about Don Caron, a U.S. forest ranger from Okanogan, Wash., who had been forced to resign from the Rangers because he wrote anti-Communist articles for the local newspapers. His superior said his writings were controversial and reduced his effectiveness as a forest ranger.

At the time this incident took place, Don Caron testified that he had had no contact with the John Birch Society and that he had not knowingly distributed any of their literature. But Don Caron was so embittered by his treatment at the hands of Government officials, that when the John Birch Society offered him a job as an organizer, he accepted the job offer.

Here you have a dramatic illustration of how real extremism benefits when all anti-Communist activity is indiscriminately condemned as extremism.

Mr. President, I ask unanimous consent that these two articles be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Reader's Digest, May 1962]

The Insidious Campaign To Silence Anti-Communists

(By William R. Kintner [1])

An insidious, Moscow-fed campaign to bleed the life out of anti-communism in

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[1] William R. Kitner is deputy director of the Foreign Policy Research Institute and professor of political science at the University of Pennsylvania. A West Point graduate, he served successfully from 1950–61 as a Central Intelligence Agency planning officer, a staff negotiator at the Panmunjom armistice

America is now beginning to pay off. Within the past year it has created such a climate of distrust and confusion that scores of reputable anti-Communist authorities find themselves tainted, suspect, under vicious attack.

The newest target for exploitation by the Reds is the extremist hysteria currently evident in America. Millions of Americans have become discouraged by the years of confusion, contradiction, and empty posturing that have marked our efforts against communism. Out of a growing sense of frustration some have gathered into wrong-headed extremist cults such as the John Birch Society. Yet, instead of removing the cause of frustration on which such movements feed,[2] some of our highest officials are attacking not just Birchites but experts on the Communist challenge. As a result, a deplorable set of double standards has developed. Persons who voice anti-Communist thoughts are reprimanded, while those who plead accommodation are rarely rebuked.

For example, in Okanogan, Wash., U.S. Forest Ranger Don Caron was forced to resign because he wrote anti-Communist articles for the local newspaper. His superiors said his writings were controversial and reduced his effectiveness.

Yet when Supreme Court Justice William O. Douglas publicly argues against U.S. policy to resist Red China's admission to the United Nations there is no censure, although the prestige of our highest Court has injected into foreign-policy matters outside its jurisdiction.

Last July the U.S. Navy was so wary of pressures against anti-Communists that it wouldn't even let one of its bands play at a Santa Monica, Calif., anti-Communist rally sponsored by 53 civic and service organizations, including the American Legion.

Many of the same people who a few years ago quite properly decried Senator McCarthy's "guilt by association" techniques in labeling persons pro-Communist now employ these same tactics to smear all anti-Communists as Birchite "extremists." No sooner was it disclosed that Maj. Gen. Edwin Walker belonged to the John Birch Society than numerous high-ranking military men found themselves subtly stamped with the Birchite-Walker label. The New York Times referred to Walker as just "the most conspicuous example" of officers with theories akin to those held by Birchites. Much in the same vein, a report to the Fund for the Republic lumps such respectable publications as National Review and U.S. News & World Report with the discredited Birch Society's own journal.

Aided by such loose reporting, this drive which discourages and reprimands anticommunism in the United States not merely serves Russia's aims; it has its roots in Moscow's psychological and propaganda specialists. The Reds have fastened onto the extremist hysteria as a handy vehicle for mounting a well-laid campaign to split the United States in two and discredit both liberals and conservatives who urge tough-minded realism in dealing with communism.

The zeal with which the Reds are going about this is a tribute to a movement which had its beginning in 1955, when 1,000 educators, businessmen, and scientists assembled in Chicago for the first national Military-Industrial Conference to devise ways of meeting the Soviet technological challenge. The parley was so successful that it became a yearly event supported by eight universities, dozens of professional societies, labor unions, business groups, and several U.S. Government departments. Moreover, it was put under the direction of a civilian-run, year-round organization, the Institute for American Strategy.

Meanwhile, alarmed by Communist intrusions and psychological gains, the White House urged that the public be better informed about cold-war problems. As a result, the University of Pennsylvania's Foreign Policy Research Institute was called upon to set up a 2-week seminar for 210 highly qualified military reservists.

In the summer of 1959, college presidents, deans, editors, Members of Congress, Governors, lawyers, teachers, and businessmen gathered at the National War College and heard lectures by 55 top experts. Deeply moved by what they learned, many participants felt urged to alert their own areas. With the guidance of such organizations as the Institute for American Strategy, they organized weekend strategy seminars for which nearby Army posts made available their dormitories and assembly halls.

In the last 3 years, more than 50 of these forums have brought together 60,000 persons for intensive education about the enemy's methods and goals. In rare instances, speakers have slipped off the track into intemperate remarks—but this has happened only because the discussions have been carried on in such a frank and free atmosphere.

The public's understanding of communism was further sharpened by revelations made in congressional committees. Defectors from Russia's intelligence system appeared before our legislators and explained the Kremlin's sordid techniques of blackmail and murder. The Federal Bureau of Investigation unveiled the plans of the U.S. Communist Party members, obeying Moscow orders, to infiltrate and influence American youth.

As a result of all this activity, anticommunism developed into a dynamic enlightened force in America—a movement so powerful that Khrushchev had to try to destroy it.

Evidence of the Kremlin's concern was a meeting held in Moscow in late 1960. Eighty-one Communist chieftains huddled for close to a month, then issued a startling manifesto which described the anti-Communist movement as the principal ideological weapon of Communist opponents and called on Communists around the world to participate in exposing anticommunism.

On January 6, 1961, Khrushchev summoned before him the elite of communism's psychological warfare experts. He told them that the rising anti-Communist movement had to be destroyed and stressed the "necessity of establishing contacts with those circles of the bourgeoisie which gravitate toward pacifism." His most revealing words: "We must use prudent representatives of the bourgeoisie."

Khrushchev was confident that his international brainwashing apparatus could carry out these orders. From disclosures by defector MVD Col. Vladimir Petrov before the Royal Australian Commission and from congressional testimony of the CIA, we know how this apparatus operates. Dossiers in Moscow's espionage headquarters were combed for the names of unsuspecting persons in the United States who might do the Kremlin's work. Search was made for political leaders of our extreme left who might fall for a made-in-Moscow line, for ultraliberal newsmen who would innocently echo Communist-inspired interpretations. Finally, the Kremlin experts on America screened conservatives, singling out extremists whose intemperance could be counted on to discredit all anti-Communists.

Such Communist use of legitimate liberals, conservatives, and pacifists should be a matter of concern, not blame. They are equally victims of the devious mechanism which 60 years of Communist experience have perfected for moving the party's ideas deep into free societies. This transmission system functions through four rings, which are like ripples from a stone dropped in water, as one expert puts it. Ring 1 consists of actual Communist fronts linked closely to the Kremlin. Ring 2 is made up of blind pacifists and fuzzy intellectuals who occasionally aid Red aims. Ring 3 nears the mark that Moscow wishes to hit, the innocents: respected citizens who have influential connections but who are often professional protesters and crusaders, career cause people whose idealism is both genuine and naive. Ring 4 is composed of opinion-makers: editorial writers, news analysts, commentators, preachers, editors, educators. The ultimate objective of all this attention is the general public.

By the time the ripples from a counterfeit idea dropped in the middle of Ring One finally lap up on the shores of public opinion, it becomes virtually impossible to separate the innocent carriers from the knowing purveyors. The public at best is confused, at worst actually hostile to anticommunism. In either case, Moscow scores a clear gain.

The primary target is the Pentagon. For, as Senator FRANK LAUSCHE, a Democrat from Ohio, has explained: "If I had to advance communism in the world, I would urge the destruction of U.S. public confidence in our military men."

Last spring the Reds were handed a perfect opening wedge: discovery by the press of the extremist John Birch Society, plus a later revelation that one U.S. general was a member. This was enough to set some of our most influential newspapers off on a chase to show, with slim pickings for proof, that numerous officers were indoctrinating their commands and the civilian population with Birchite-type theories. This in turn was all that Gus Hall, boss of the U.S. Communist Party, needed to thunder that "even the Pentagon had to admit recently that it was 'worried' over the extent of Birchite and similar influences among the ranking officers of the military services."

The controversy over right-wing extremists mounted. Often the shooting missed the main target and strafed legitimate anti-Communists and educational programs with a spray of guilt by association. Among those to be hit were the strategy seminars.

The furor reached its peak last summer when none other than the influential chairman of the Senate Foreign Relations Committee, WILLIAM FULBRIGHT, dispatched a memorandum to the Pentagon castigating the seminar program.

As a result of all this, any effective seminar program was doomed. Unofficially, word flashed down from the Pentagon through the officer corps to go easy on public "anti-Communist remarks. In recent months, the sponsors of a proposed Louisiana-Arkansas-Texas session in Shreveport, La., on the Communist threat were told that the Defense Department cannot participate in your seminar in any manner. In Virginia, a training program on communism for active-duty National Guardsmen had to be postponed. Throughout the Nation, citizens' groups wanting to learn more about our own strategy have been denied military cooperation.

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talks, an adviser at the White House on cold-war operations, chief of long-range planning in the Office of Chief of Staff, U.S. Army. He is a coauthor of "Protracted Conflict" and "A Forward Strategy for America." His latest book, "The New Frontier of War," an analysis of Communist psychopolitical warfare, will be published this month.

[2] "This public responsiveness to the extremists' views is not without cause. There is a mounting sense of frustration over the trend of the cold war and the conviction that we are always on the diplomatic defensive. The way to disarm extremism is not to lecture the extremists but to remove the sense of frustration on which extremism feeds. The truth is that the West has been on the diplomatic defensive since the end of World War II." (Roscoe Drummond in New York Herald Tribune.)

Isn't it time we stopped such senseless suppression of responsible education about Khrushchev's plan to bury us? Unless the American people can realistically analyze together this total Communist threat, the Kremlin will watch its plan to paralyze us succeed, as we divide into a bitter civil war of words that will wreck our national unity. We must regain the real balance needed to allow all citizens to study Communist maneuvers and learn how to cope with them intelligently and forthrightly without being silenced or smeared. For when the day comes that we are prevented from fully comprehending why growing Communist power imperils freedom, and when we cannot discuss frankly what should be done to combat it—on that day our cause will be lost.

[From the New York Times Magazine, Apr. 29, 1962]

The Liberals Have Helped the Radical Right

(By Harvey B. Schechter [1])

Much is being written these days about the John Birch Society and the hundreds of rightwing anti-Communist groups which have exploded into being throughout the country. Thousands upon thousands of words have poured forth from the Nation's press describing, exposing, and condemning some of these operations.

Liberals in particular are expressing deep concern about the electrifying growth of these McCarthyite groups and the impact they are having in many communities across the land.

Unfortunately, amid all this concern there is a tragic failure by liberals to understand their own responsibility for the current state of affairs.

The real tragedy of the American anti-Communist movement lies not in the fact that Robert Welch succeeded in organizing a national group of political cretins who have pledged their lives and their fortunes to follow him to the ends of the earth, no matter how faulty his navigation. Nor does it rest with the Christian Anti-Communist Crusade schools held by Dr. Fred Schwarz, an Australian physician who has traded his stethoscope for a microphone.

It lies in the fact that American liberals, who know the Communists best because they fought so many successful battles against them in the union movement, veterans' organizations and the political arena, for more than a decade have been silent on the question of communism. Thereby they created a vacuum into which poured groups like the Birchers and the Crusaders to become the symbol of American anti-communism.

This is a situation which never should have been allowed to develop. Now that it exists, it must be corrected—and soon.

When fascism and nazism were in their infant stages, liberals responded instinctively to the threats which they posed. Community education programs were undertaken to alert the world to the approaching storm and all that it implied. Giant rallies were held in all the major cities of this country in protest against Nazi brutality and destruction of culture. Liberal writers loosed an avalanche of meaningful and popular anti-Nazi literature. Hollywood produced substantial numbers of films designed to create a climate of opinion antagonistic to Nazi Germany.

Today, international communism has been on the move for almost two decades. There is a great thirst among the American people for information about the enemy. But where is the liberal anti-Communist literature? Where are the anti-Communist films?

Liberals should have been conducting schools of anticommunism across the country at least since the fall of Czechoslovakia. They should have been conducting community forums and building up a body of understanding so that the radical Rightist movements would have had to compete with a viable, sane and sober anticommunism throughout the land.

It seems to me that among liberals as a whole there are a number of paralyzing forces arising from misunderstanding of the Communist problem. The first is a visceral negative reaction to anticommunism because of the reactionary character of the persons usually associated with the movements—the McCarthys, the McCarrans, et al.

There is a notion that liberalism and anticommunism are somehow inherently incompatible. Fascists and hate mongers are easily identifiable as the enemy because their speech betrays them, but the civil-liberties and civil-rights pronouncements of the Communists give them a protective coloration which is confusing to some liberals.

And there is the false assumption, particularly among liberals who are outspokenly anti-Communist, that because they have learned through tears, sweat, and sleepless nights who and what the Communists are, everybody else knows, too.

It would be presumptuous to speak about the entire country, but in southern California it is a source of constant irritation and amazement to listen to persons who should know better talking and acting as if Communists were merely one kind of liberal, though perhaps extreme. It is particularly discouraging to hear young people making the kinds of statements about the Soviet Union and the Communists which were the vogue a generation ago—statements which haunt us in the sixties like voices from the past.

There is, too, a general tendency to minimize the seriousness of the problem which American Communists pose because of the small size of the party. Just as the Birch-minded are inclined to see Communists everywhere, some liberals are inclined to see Communists nowhere.

There is a Communist Party in this country, and while its ranks are thin, its circle of influence is nevertheless considerably larger than that encompassed by the few thousand dues-paying members whom the FBI says it has. The espionage potential of the Communist Party can be dealt with only by our national security agencies. But the threat which trained Communist cadres pose to the integrity of the liberal and civil rights movements to which they try to attach themselves can be counteracted only by knowledgeable liberals.

This was the lesson of the thirties and the forties. It is a lesson which liberals must relearn in the sixties.

Another area of confusion among people who should know better concerns the meaning of the terms Communist Party line and Communist front.

There is a Communist Party line, and it is not the line of the liberals. There are Communist front groups, and liberals must learn to identify them and how to deal with them when they bid for support in the liberal community.

Many persons working in the community-relations field are ill equipped to comprehend, let alone deal with, these problems. For example, at a recent seminar on totalitarianism attended by the professional staffs and lay members of civil rights organizations in southern California, some participants were unable even to distinguish wherein their own position differed from that of the Communists.

Still another area where there seems to be no small amount of confusion and inconsistency in liberal circles is that of governmental investigation of un-American activities.

For years, the name of the House Committee on Un-American Activities has been the equivalent of a dirty word among liberals, and the maintenance of a subversive list by the U.S. Attorney General is considered one short step this side of Nazi Germany. Yet when the big noise developed around the John Birch Society, demands were quickly voiced in some liberal circles for a governmental investigation.

I hold no brief for the House Committee on Un-American Activities, nor shall I attempt to defend its spotty record. But after reading its reports and observing its activities rather closely for several years, I find nothing wrong with the committee that a few vigorous liberal representatives couldn't cure by serving on it. What a refreshing sight it would be to observe men of intelligence and vigor investigating the Ku Klux Klan, the White Citizens Councils, and the American Nazi Party, as well as the Communist Party apparatus.

Why have liberals permitted the "official" designation of the term "un-American" to be identified in the public mind only with the Communist Party while hundreds of hate groups throughout the country work feverishly to sow seeds of racial and religious antagonism?

What could be more appropriate than for a representative committee of the United States Congress to be conducting investigations of those forces which pose a threat to our constitutional system? What could be more valuable than for such a Congressional committee to issue periodic reports informing the American people of the groups within our midst which are bent on destroying our constitutional system?

One of the most common criticisms of the House Committee on Un-American Activities concerns the charge that it condemns because of a person's associations. Liberals proclaim their abhorrence at the idea that a man should be judged by the organizations to which he belongs. Unfortunately, this is yet another area where liberals have not always been consistent, as becomes apparent when we turn the penny on its other side.

If a man belonged to Gerald L. K. Smith's Christian Nationalist Crusade, if he contributed money to Smith, if he placed ads in Smith's publications, what liberal would deny that we have a basis for evaluating his public acts and associations?

Then why are liberals critical when consistent membership in Communist front organizations and the placement of "greeting ads" in Communist publications are used to judge other individuals?

It is imperative that liberals develop a maturity in the arena of public action. People are free to participate in community organizations and political action groups, but they can also be held responsible for their public support of such groups. This is the nature of political and social action, and liberals must recognize these facts of life.

Liberals have failed their own movement and the whole community by their failure to educate the American public in a sane and sober manner about the true character of the Communist conspiracy. They have a job to do within their own circles of friends, particularly among young people who are the products of liberal homes.

There is a vast body of information available about the Communist Party, its tactics and its tie to the Soviet Union. These data merit careful study, thought, discussion, and dissemination.

Liberals are particularly suited for the educational task not only because of their firsthand battles with the Communists but, more important, because they are interested in progress and the improvement of our society. Hence, their interest in this work cannot be impugned as stemming from reactionary inclinations.

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[1] Harvey B. Schechter is a member of the Anti-Defamation League's Los Angeles office.

The time is long overdue for the liberal community to demonstrate conclusively that the term "liberal anti-Communist" is not a contradiction in terms. If liberals pick up the torch they dropped many years ago and reassert mature leadership in community activities, the right-wing schools of anti-communism will shut their doors and drift silently back into the 19th century.

Will American liberals accept the challenge? That remains to be seen.

CIVIL AIR PATROL'S 20TH ANNIVERSARY

Mr. BOGGS. Mr. President, on Monday evening of this week I was honored to attend the Civil Air Patrol's 20th anniversary congressional banquet at the Statler Hilton Hotel here in Washington.

On that occasion it was my privilege to hear Cadet Capt. Mary Elizabeth McCall, cadet commander of the Dover Cadet Squadron, Delaware Wing of the Civil Air Patrol, present an address entitled "What Civil Air Patrol Means to Me."

I am sure that all of my colleagues are well aware of the great contribution Civil Air Patrol units have made throughout the country and the wonderful record that they have achieved in their 20 years of existence. I wish to commend to my colleagues in the Senate this speech because I believe it represents what belonging to the Civil Air Patrol means to its members.

I ask unanimous consent to insert the speech in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WHAT CIVIL AIR PATROL MEANS TO ME

(Address by Cadet Capt. Mary Elizabeth McCall, CAPC, cadet commander, Dover Cadet Squadron, Delaware Wing, CAP as presented at the CAP 20th anniversary congressional banquet at the Statler Hilton Hotel, Monday evening, May 7, 1962)

General Spaatz, Senator Symington, Colonel Whelan, Colonel Ashworth, and other distinguished guests, my purpose tonight is to tell you what Civil Air Patrol means to me. Civil Air Patrol means so much that at first I found it difficult to analyze. However, I believe I have found the real meaning: opportunity. Opportunity to learn to grow in mental stature through new experiences and to prepare for a useful adult life.

An opportunity to learn, a chance to gain knowledge. Without knowledge I can not progress; I can not achieve the goals for which I aim. I want to learn; I welcome the challenge of life. I have learned the history of aviation and the principles which govern flight so that I may understand the problems we face today, and those that are forthcoming in this dawning space age.

I have had other practical training in Civil Air Patrol. The standard and advanced first aid courses I've taken are good examples. For the present I have learned to care for an injured person. Also I have become so aware of the need for adequate first aid instruction that I will continue my training in this field.

Another valuable lesson I have learned in Civil Air Patrol is discipline. I was once given a definition of military discipline. It went like this: "Military discipline is that mental attitude and state of training which renders willing obedience and proper conduct instinctive under all conditions." Think of that. Willing obedience under all conditions, proper conduct instinctive under all conditions. If I have learned nothing else in Civil Air Patrol, this one lesson would make every hour I have worked in CAP worthwhile. This is a most valuable lesson.

I have grown through my contacts with the members of Civil Air Patrol. As others I cannot learn alone; I must be taught. For the present I can give my senior members, my teachers, only my best efforts. The highest tribute I can give them is my sincere thanks. In the future, however, I shall give them the pride and satisfaction of knowing that their belief in what they are doing has not been in vain. The many cadets I know, the activities we have taken part in have all enriched my background and developed my personality.

Another way we grow is through experience. No matter how much I read or what other people tell me, personal experience is still among the best of teachers. Many things just cannot be described: the feeling I had on my jet flight, the thoughts that raced through my mind when my flight instructor said, "It's all yours; you take it solo." These are experiences Civil Air Patrol has made possible for me that I will never forget.

In Civil Air Patrol we are taught to apply what we have learned, to be of service to our community, our State, and even our Nation. I have been trained to serve by following or by leading. I must know how to do both; I must shun neither. For the present it is my responsibility to choose the leaders that will show me the right way. Civil Air Patrol gives us good leaders, and with God's help they guide us along the proper path. In the future we will be the leaders. We will be at the controls of the space age. It is up to use to become the type of people that others will follow willingly and profitably. It is our obligation to keep Civil Air Patrol the living organization that it is today.

At my age it seems that many opportunities are out of reach. Everything seems to be in the distant future. Yet the distant future is just around the corner. I know I must prepare for tomorrow, but I must prepare for tomorrow today. The opportunities of Civil Air Patrol are not unattainable; they are here now. They are mine now; all I have to do is take advantage of them.

I've been talking about what Civil Air Patrol means to me, Mary McCall, from Dover, Del., but Civil Air Patrol doesn't mean these things just to me. Civil Air Patrol means the same thing and much more to thousands of other boys and girls all over the United States of America, because everyone has a fair chance, everyone has an equal opportunity to benefit from Civil Air Patrol. Opportunity, that's what Civil Air Patrol means to me.

Thank you.

THE BILLIE SOL ESTES CASE

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "What More Do They Need?" published in the May 4 issue of the Washington Daily News and an article entitled "Another Teapot Dome?" published in today's issue of the same newspaper, written by Mr. Henry J. Taylor.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Daily News, May 4, 1962]

WHAT MORE DO THEY NEED?

In the Billie Sol Estes case, the latest dispatches from Texas by Jack Steele, of our Washington staff relate these astonishing allegations:

That Estes bonded the Government grain stored in his warehouses by merely filing a statement that his "net worth" in one year was $13.7 million and in another year more than $15 million.

That at the same time Estes filed financial statements with the Internal Revenue Service claiming income losses of $3.1 million in 1961, $970,000 in 1960, and lesser losses in 3 preceding years.

That Estes paid no income taxes for 4 years, the while "living like a millionaire, flying politicians and Agriculture Department officials around Texas in his three private planes and buying 30 tickets at a clip for $100-a-plate Democratic fund-raising dinners."

That Estes grew more than $1 million worth of cotton on acreage he obtained in a manner the attorney general of Texas, Will Wilson, claims was fraudulent on the face of it.

That Estes' inducements to farmers to store grain in his warehouses, so he later could collect Government payments were clear-cut violations of both Federal and Texas laws.

Mr. Wilson, who has been investigating the case and has an accumulation of sworn testimony, charges the acreage and storage manipulations are evidence of abuses in the Agriculture Department's management of the farm program.

Up to now, all these allegations and many more appear to have aroused little evidence of indignation in Congress. Suggestions that Senate or House committees might undertake an investigation so far have come to nothing.

When a Democratic House committee stumbled on the favors bestowed on Sherman Adams of the Eisenhower Administration there was a feverish rush to uncover all the dirt. Mr. Adams and his benefactor were unmercifully exposed—and properly so.

Why all the reluctance to investigate now? Because this is a Democratic Administration? We hope not.

ANOTHER TEAPOT DOME?

(By Henry J. Taylor)

The Billie Sol Estes corruption typhoon spinning out of Texas is already tagged by some with the question: "Another Teapot Dome?" If so, will the White House show the same (forgotten) zeal the White House did about Teapot Dome?

Time has made that rotten apple the symbol for corruption condoned in the White House. Nothing could be further from the truth. It is the Nation's most documented scandal. My research in the CONGRESSIONAL RECORD may surprise you, as it did me.

This famous affair—actually four affairs—began with a pistol shot on a May morning in 1923. At 4 p.m. the previous afternoon President Harding had received the first evidence of any of the scandals to follow. It involved his friend Jesse Smith, personal assistant to the Attorney General. Mr. Harding confronted Mr. Smith in the presence of three witnesses and told Mr. Smith he was going to have him prosecuted at once. The next morning Mr. Smith committed suicide.

Two months later, August 2, 1923, Mr. Harding himself died without knowledge of the widening trails down which the evidence would lead, and President Coolidge picked up where Mr. Harding left off.

The trails led in four separate directions and what we today call "Teapot Dome" is really the Teapot Dome, Wyo., and Elk Hills, Calif., oil lease steals; corruption under Veterans' Bureau Director Charles R. Forbes; corruption involving Alien Property Custodian Thomas W. Miller; and malfeasance in the Justice Department, where Jesse Smith had served.

The heroes were the White House, two distinguished prosecutors and Republican Senator Robert M. La Follette and Democratic

Senator Thomas J. Walsh. These Senators had questioned several oil leases and started investigations of the Justice Department as early as April 1922. Attorney General Harry M. Daugherty finally sought protection behind the President by asking Executive privilege not to open certain files to a congressional committee. Instead, Mr. Coolidge fired him. Moreover, he ordered his own Attorney General prosecuted forthwith. The oil leases were canceled and returned to the U.S. Government.

In the end, the loudest and longest typhoon beat on the head of former Secretary of the Interior Albert Bacon Fall.

The Secretary, 62, a great favorite son in New Mexico, former justice of the supreme court there and U.S. Senator, had resigned from the Senate to enter Mr. Harding's Cabinet. He had handed Mr. Harding his resignation in January 1923, to take effect in March, stating he was "tired and wished to return to New Mexico." There was no knowledge or even rumor of his dishonesty until December 1923—5 months after Mr. Harding died.

But when suspicion ultimately blew its breath on Fall his earlier resignation, status, and political potency served him not at all. Mr. Coolidge immediately appointed two eminent men as special prosecutors—Owen J. Roberts and Atlee Pomerene—and procured an indictment against him in retirement. Then Mr. Coolidge and his prosecutors fought the case against Mr. Fall year in and year out and so did President Hoover until Mr. Fall was finally convicted in October 1929. He was sent to prison and fined $100,000.

Wholesale malfeasance never was shown. Only nine main figures were involved in the four affairs. Six were Government officials, three were not. Mr. Daugherty and E. L. Doheny, a California oilman, were acquitted. Of the remaining seven, four were sent to prison, two committed suicide, and one died awaiting trial. The convicted were Messrs. Fall, Forbes, Miller, and Harry F. Sinclair, who, though acquitted of conspiracy and bribery, went to jail for contempt of Congress and later contempt of court. The suicides were Mr. Smith and Charles F. Cramer, a Veterans' Bureau legal adviser. John T. King, a go-between, died of pneumonia while awaiting trial.

The ugly problem of corruption always will exist. And the winds will always sing with the tut-tut alibis of Government crooks. The test is what is done about it.

THE ESTES CASE

Mr. MUNDT. Mr. President, in view of the very appropriate wide public interest evidenced in what has come to be known as the Estes case I wish to bring to the attention of the Senate two articles which appeared in the New York Herald Tribune under date of Wednesday, May 9, 1962. One is an editorial in that edition entitled "No Favors for Estes?—It Depends on What You Call Favoritism"; and the other is a column by Roscoe Drummond labeled "The Estes Case Mysteries: An Investigation Needed." I commend these items to the attention of the Senate and therefore I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Herald Tribune, May 9, 1962]

No Favors for Estes?—It Depends on What You Call Favoritism

Orville Freeman's press conference was remarkable for its failure to convince the Nation that we have a fighting-mad Secretary of Agriculture hell-bent on wiping out every taint of evil and wrongdoing in his Department. On the contrary, in discussing the shenannigans of one Billie Sol Estes, a recently deposed Texas cotton king, Mr. Freeman went to some lengths to minimise the trouble and to suggest that someone is trying to make molehills look like mountains.

We would like to think that Mr. Freeman is right. We would like to think that the alleged errantry of the Department of Agriculture's dealings in Texas is a harmless figment of Republican imagination. But the evidence to date, fragmentary as it is, does not permit such comfort.

In his first submission to public questioning since March 29 about Mr. Estes and his suspiciously intimate courtship of Agriculture officials, Mr. Freeman said there is "no evidence" of any favoritism being shown the cotton dealer. In the Secretary's opinion the whole affair has been "ballooned all out of proportion to its importance."

It is difficult to square these remarks with the fact that Mr. Estes, currently under Federal and State indictment for fraud, was serenely seated in one of the chairs of the National Cotton Advisory Committee last November after he had been fined $48,000 for a serious infraction of the acreage-control regulations. Furthermore, Mr. Freeman's own personnel advisory board recommended against the retention of Estes. But Estes stayed on. This, we submit, is special treatment. This is favoritism of the first and most inexcusable order. If it isn't, Mr. Freeman has revised the meaning of the word to suit his own defense.

Mr. Freeman knows about the charges that high officials of his Department received gifts from Mr. Estes. He knows that one investigating official, hard on the scent of damaging clues, died inexplicably of five gunshot wounds fired from a bolt action rifle. Why then does he not reserve his righteous indignation for the wrongdoers rather than aiming it at those he thinks are "ballooning" a minor scandal into something bigger than reality?

In fairness to Mr. Freeman it should be repeated that the search for the whole truth in the Estes-Agriculture relationship has only just begun. The Secretary has promised to keep his door open for the admission of all evidence; he admits to a perplexity about some of the strange things that have happened; he promises to tighten screws in his administrative machinery. We wish him well.

But so long as he attempts to justify rather than denounce the placement in a position of public trust a man freshly fined $48,000 for misconduct—contrary to the counsel of Department investigators—Mr. Freeman's promises of improved behavior will have a hollow ring.

The Secretary lost a great opportunity at his press conference to make a ringing declaration of war against corruption and the appearance of corruption in the Department of Agriculture, and to insist on being the first to expose the culprits. Instead he excused and defended. Which makes it clearer than ever that the mysteries, discrepancies, and serious charges in the Estes affair will have to be cleaned up by forces outside the Department.

[From the New York Herald Tribune, May 9, 1962]

The Estes Case Mysteries: An Investigation Needed

(By Roscoe Drummond)

Every fresh piece of news in the Billie Sol Estes scandal—which leaves a puzzling trail of unexplained events from Pecos, Tex., to Washington, D.C.—makes more urgent an independent and uninhibited congressional investigation.

There is no doubt that Secretary of Agriculture Orville Freeman is a thoroughly honest and honorable public servant who does not want to see the public swindled or his Department smeared by the shrewd manipulations of Estes, a kind of Texas agricultural Ponzi.

Mr. Freeman's latest press conference dealt almost exclusively with the Estes case. The net effect of all the Secretary had to say seemed to me to be: There has been nothing shown to be wrong in the relations of the Department to Billie Sol Estes—and it won't happen again.

I doubt if a single Member of Congress or the closest reader of all the news reports can say he knows the straight and full facts of the matter as things now stand. There are conflicting claims coming simultaneously from officials of the Department of Agriculture. There are unanswered questions about how Estes could find himself in such bad standing as to require his cotton allotment manipulations to be critically reviewed and in such good standing as to be retained as a member of the Department's National Cotton Advisory Committee with the special status this gave to him.

There is confused evidence as to whether Estes was violating the law in his cotton-allotment operations or whether the law itself and its administration were so loose and complex and uncertain that it was nearly impossible to know where legality left off and illegality began.

Obviously the Republicans are eager for a congressional investigation. That's par. They see only Democratic embarrassment. I submit that a competent, fair-minded investigation is in the interests of the Department of Agriculture and the administration itself. If the Agriculture Department has been as alert and diligent as Secretary Freeman earnestly affirms, the only way it can make its case persuasive is through a bipartisan congressional inquiry, not through an ex parte departmental one.

The position of the Department of Agriculture is difficult and unpersuasive, because conflicting evidence comes out in ways which make it impossible for the public to determine who is right.

One subordinate official publicly asserts that Billie Sol Estes received favoritism; that his case was not handled in the usual manner; that his 1961 cotton allotment was not canceled with sufficient promptness.

These views are publicly and categorically denied, point by point, by another Department official. Mr. Freeman says that it was to get at the heart of the matter that the Department arranged this airing of charges and countercharges with the press. But surely there is no way to clear up the size of and responsibility for the Estes scandal. The charges and denials are left hanging in the air. There was no effective and knowledgeable cross-examination. Nobody was under oath.

On the record thus far it seems fair to say the Department's handling of the Estes matter has been uneven. Mr. Freeman brought in the FBI at an early stage, and the Justice Department brought about the arrest and indictment of Estes for fraud. But I see no adequate explanation of why the Department of Agriculture was willing to honor this man with continued service on the National Cotton Advisory Committee many months after the most dubious aspects of his manipulations were evident to officials investigating them.

It was Secretary Freeman's observation at his press conference that doubt about Estes' operations rested on just a lawyers' quarrel. At another point he remarked that the only man who held the key that could unlock the mystery of what actually went on in Texas was a dead man, the Department official who was getting the full story at his fingertips on the spot. He died—prematurely—after being shot four times. Suicide or murder? The circumstances are very mysterious.

The mysteries will remain, to the damage of all concerned, unless there is a trustworthy and independent investigation.

J. EDGAR HOOVER ANNIVERSARY

Mr. MUNDT. Mr. President, on this 38th anniversary of the service of J. Edgar Hoover, the great and courageous Director of our Federal Bureau of Investigation, I want to be among those paying tribute to this distinguished public official. J. Edgar Hoover typifies the quality of service and the devotion to duty which is the goal which all Americans have in mind for their public servants.

Every freedom-loving American owes a great debt of gratitude to J. Edgar Hoover and the FBI. He can sleep easier by night and breathe more freely by day because of the continuing crusade against communism which J. Edgar Hoover has headed. He ceaselessly continues to impress upon all who read or hear his words that the dangers of communism at home must be exposed, understood, and curtailed if we are ever to be successful in meeting the challenges from communism in other lands.

Perhaps as fitting a tribute as any to Mr. Hoover, is to quote some passages from the magnificent address which he delivered at Valley Forge, Pa., on February 22, 1962, when he received the George Washington Award of Freedoms Foundation:

> There must be in America a rebirth of the spirit of Valley Forge. The true strength of our Founding Fathers did not spring from materialistic ambitions—but from the deeper wellsprings of the spirit. For them, no sacrifice was too great in upholding the cause of freedom.
>
> Our strength lies in our firm belief in freedom and a determination to maintain our freedom with sound, informed understanding of American ideals and principles. There still is virtue in the old-fashioned American belief in fighting for ideals, as well as against evils.
>
> In the tradition of the early patriots, we must make our American heritage a living, dynamic, meaningful force. The men of Valley Forge knew why they were fighting. They had faith in an ideal * * * George Washington and his valiant troops fought not for themselves alone, but for generations yet unborn. This too is our task.
>
> From our shoulders the mantle of freedom—worn proudly for all the world to behold—must pass unstrained to our children, and to our children's children. No generation ever faced a more vital responsibility. * * * We must dedicate ourselves to the principle that freedom under God is man's destiny.

THE REFUGEE PROBLEM IN HONG KONG

Mr. FONG. Mr. President, a long-neglected problem has now reached a critical stage. I refer to the refugee problem in Hong Kong, which is the most serious and pressing refugee problem in the world today.

Since the fall of mainland China to the Communists, Hong Kong has provided sanctuary to more than a million refugees from that Communist regime. But this British crown colony is only 391 square miles, and it is bulging at the seams. At the end of World War II, the Hong Kong population was 600,000. Now it is nearly 3.5 million.

Refugees from Communist China have been pouring into Hong Kong at the rate of more than 10,000 a month, until finally Hong Kong authorities have had to call a halt. They are now compelled to force these refugees to return to the Communist mainland from which these unfortunate people had fled at risk of life and limb.

The time is long past due for the nations of the free world to lend a helping hand to these refugees, for to our shame we have been most derelict in the past. As Life magazine pointed out in an editorial on May 4:

> This is not a British problem; it is a world problem, and Hong Kong Colonial Secretary Claude Burgess is perfectly right when he points out that the rest of the world gives him little help. The United States has taken only 5,300 Chinese refugees since 1953 (under a special refugee quota separate from our annual quota of 105 Chinese from anywhere). . Crowded Taiwan has taken only 14,000 from Hong Kong, although it has also taken nearly 60,000 coming from elsewhere. Underpopulated Australia has taken none. Canada will accept only close relatives of Chinese already there and skilled workmen. Voices of charity in Latin America are silent. The U.N. High Commissioner for Refugees in Geneva has a specific mandate to deal with European refugees only.

The Life editorial then recommends that the United Nations expand its Refugee Commissioner's franchise to take official cognizance of this most serious refugee problem. At present, the mandate of the U.N. Refugee Commissioner does not extend to Middle East or Far East refugees, although the General Assembly of the United Nations as far back as November 26, 1957, recognized that the problem of Chinese refugees in Hong Kong is "such as to be of concern to the international community." The General Assembly at that time authorized the U.N. High Commissioner for Refugees to "use his good offices to encourage arrangements for contributions for the relief of these refugees."

Today, the problem is of such magnitude that much more than fund collecting needs to be done by the United Nations. One of the first orders of business at the next General Assembly should be the broadening of the mandate of the High Commissioner and provision for a care and resettlement program under U.N. auspices.

Meantime, to meet the immediate situation, temporary refugee camps should be set up to care for Chinese refugees until permanent resettlement can be made. Sparsely populated and nearby countries should be asked to provide space for such camps so that refugees from Chinese communism will not have to be returned to the mainland from which they fled.

Every humanitarian instinct cries out for us who are free to help those thousands who are struggling to be free. To return them to the forces of oppression from which they fled would be a repudiation of all our tenets of charity, goodness, and righteousness—a denial of our oft-proclaimed concern for the dignity and well-being of every individual.

The United States should do its part, too, to alleviate the current crises. Congress should enact the bill sponsored by the Senator from Michigan [Mr. HART] and cosponsored by 25 other Senators, including myself, which would increase the United States Chinese-origin quota to 5,335 a year—which would include some refugees—and which also would admit separately 50,000 refugees a year from all over, some of whom would be Chinese refugees.

Passage of the Hart bill would not only be in America's humanitarian tradition, it would provide our Government with strong leverage to persuade other nations to shoulder some of the burden of this enormous refugee problem. It would help to demonstrate that we are willing to give sanctuary to persons fleeing Communist tyranny no matter in what quarter of the globe it exists.

It would be a sorry blot on America if we turned our back on these people. With vigorous action on the part of the administration and the leadership in the Congress, we should be able to take action before Congress adjourns this year.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the text of the Life editorial, and two articles from last night's Washington Evening Star, which reveal the critical nature of the Chinese refugee problem.

There being no objection, the editorial and articles were ordered to be printed in the RECORD, as follows:

[From Life magazine, May 4, 1962]

CHINA'S REFUGEES: SOMETHING CAN BE DONE NOW

It's no secret that times are hard in Communist China—or why. People are hungry. Chou En-lai attributes the food shortage to serious natural calamities; and they must be serious when Peking swallows its pride to patch up, with basting thread and safety pins, the ideological split in communism visible from Moscow to Albania and back. But any satisfaction we may take in Peking's troubles, which are well deserved, should be greatly tempered by the human tragedies they dump onto a free world, which up to now has not faced up to its responsibilities. By the hundreds of thousands, Chinese refugees keep trying to get away from the unnatural calamity of communism, and those who succeed discover nobody wants them.

Some of the escapees are actually encouraged by the Chinese Communists, who find any hungry mouth, particularly if it is old and sick, a nuisance. The full horror of the problem hits the British Crown Colony of Hong Kong, where a million Chinese refugees, a third of the world's total, scrabble for a miserable existence. More keep coming, perhaps as many as 200,000 a year. Some of them are now meeting new, disheartening obstacles. Having risked their lives to join the free world, they are tossed back and forth by British police and Communist guards.

This tragic game of shuttlecock is played 25 miles from Hong Kong at Lowu, the frontier station where the train arrives from Canton every day. It is also played in the courtroom, where 32 refugees who reached Hong Kong on Good Friday were sentenced last week to 4 months in prison (illegal entry) with possible deportation to follow. A particularly tragic case recently came to light in which six children, who had escaped the mainland in a sinking sampan, were bum's-rushed back across the border while a relative was frantically trying to get to the police a letter certifying his responsibility for their care.

The British are not a heartless people, and indeed until fairly recently Hong Kong was tolerant of refugees, legal, and illegal. But Hong Kong itself has become a serious problem, with a population that has nearly doubled to 3.3 million since 1947. There is not enough food, water, or square footage for Hong Kong to beckon, Statute of Liberty style, to anybody's "huddled masses yearning to breathe free." The British don't even own the 355-square-mile new territories opposite Hong Kong, without which the island, which they acquired in 1842, would be insupportable. The new territories lease, probably unrenewable by any conceivable Chinese government, runs out in 1997. The British are nevertheless budgeting 600,000 new housing units in the next 5 years; and under the circumstances it is creditable that they winked at illegal immigration as long as they did.

This is not a British problem; it is a world problem, and Hong Kong Colonial Secretary Claude Burgess is perfectly right when he points out that the rest of thé world gives him little help. The United States has taken only 5,300 Chinese refugees since 1953 (under a special refugee quota separate from our annual quota of 105 Chinese from anywhere). Crowded Taiwan has taken only 14,000 from Hong Kong, although it has also taken nearly 60,000 coming from elsewhere. Underpopulated Australia has taken none. Canada will accept only close relatives of Chinese already there and skilled workmen. Voices of charity in Latin America are silent. The U.N. High Commissioner for Refugees in Geneva has a specific mandate to deal with European refugees only.

It isn't as if there were not enough room somewhere; for example, only 10 percent of the world's population lives south of the equator. There is room. Fifteen years ago the World War II DP problem looked impossible, but it no longer exists. And the world did manage to settle nearly 200,000 Hungarian refugees (only 40,000 in the United States) in 2 years. Something can be done.

But what? First of all the U.N. should expand its own Refugee Commissioner's franchise to take official cognizance of the most serious refugee problem of all. And the United States can do one thing on its own. There is pending before the Senate Judiciary Committee now a bill sponsored by Senator Hart, of Michigan (along with 30 other Senators), which would increase the United States Chinese-origin quota to 5,335 a year (partly refugees)—and also admit separately 50,000 refugees a year from all over, some of them Chinese. Passage of the Hart bill would do much more than write a few happy endings to successful escape stories. It would be a strong example to other nations—e.g., Australia, Canada, Brazil. It would give the United States a respectable stance when we seek to persuade those nations to share the load. Let's pass the Hart bill—for humanity's sake.

[From the Washington (D.C.) Star, May 9, 1962]

Refugees in Hong Kong Seek Free World Aid

Hong Kong, May 9.—The Hong Kong Human Rights Council has called on the free world to provide living space for thousands of refugees from Red China.

The council, an affiliate of the International Council on Human Rights, said Hong Kong's capacity for further absorption of refugees had reached a "critical point (where the world must now) render maximum aid in solving Hong Kong's tragic problem of the people."

The council specifically asked that:

1. Nationalist China "take immediate steps" to receive and resettle 100,000 refugee immigrants from Hong Kong during 1962–63.

SEEK CANADIAN AID

2. Canada, Australia and other nations "with vast open spaces and unexploited resources * * * amend their immigration laws to absorb at least a few thousand refugee immigrants from Hong Kong every year."

3. The United States and Britain set up a joint program to temporarily resettle and educate 3,000 to 5,000 school age children every year.

4. The responsibility of the United Nations High Commissioner for Refugees be expanded to include resettlement of large numbers of Chinese refugees in other countries throughout the world.

The council also gave full support to a bill pending in the United States Senate that would permit large numbers of refugees from Red China to enter the United States every year. The present U.S. quota for Chinese immigrants is only 105 a year from all areas of the world.

The council's appeal came on the heels of Hong Kong's crackdown on illegal entry of refugees fleeing the mainland.

INCREASE PATROLS

In the past month the British colonial government has increased its patrols along the border and in the sea lanes used by scores of Chinese junks smuggling refugees into Hong Kong.

Refugees caught trying to enter the colony have been returned to Red China.

Loudest criticism has come from Formosa which, according to information here, has accepted only about 15,000 Chinese refugees in recent years.

Hong Kong's crackdown was taken reluctantly by the government, which said it was necessary because the population had swollen beyond the colony's capacity.

Nearly a million and a half refugees have swarmed across Communist borders into Hong Kong in the past 12 years. Hong Kong's population was 600,000 at the end of World War II and has swollen to nearly 3.5 million.

[From the Washington (D.C.) Star, May 9, 1962]

Refugees Sent Back to China by Hong Kong—Thousands Fleeing Red Regime Ousted From British Colony

Hong Kong, May 9.—Hong Kong police and British troops have rounded up thousands of refugees from hunger-ridden Red China in recent days and returned them to their Communist homeland.

Overcrowded Hong Kong doesn't have room for them, and other non-Communist nations won't take them.

Some had endured almost incredible hardships in their futile flight by land over rough, ravine-laced terrain or by sea crammed below the decks of smuggler junks.

Border patrols of police and Gurkha soldiers caught many as they hid in the underbrush covered hills on the Hong Kong side of the border.

HOPED TO DISAPPEAR

Others were trapped aboard junks or picked up on side roads as they tried to make their way to the cities of Hong Kong and Kowloon, there to disappear on the crowded streets or in the jammed tenement areas.

They were gathered together at a police camp in the closed border area, fed, given some food to carry, and then returned to border crossing stations in police vans and trucks. Their fate, after their forced return to Red China, is unknown.

Government officials refuse to say how many illegal immigrants have been returned. The conservative English-language Morning Post, quoting sources close to the police, said several thousand had been forcibly returned to China in the last week.

RETURNED IN TRUCKS

Residents in the area said they saw 20 or more truckloads of men, women and children hauled to the border every afternoon for the past 4 days.

Since 1948, the year the Chinese Communist mounted their final drive to seize control of the mainland, more than a million refugees have crossed the China border into this tiny British colony.

Most of them—and their children born since then—are still here. No other nation has been willing to accept them in significant numbers.

Hong Kong's population—600,000 at the end of World War II and 1.8 million at the end of 1947—has swollen to nearly 3.5 million. The colony has an area of only 391 square miles.

Government officials say the colony no longer has the capacity to care for both the natural increase of its present population—91,000 more births than deaths in 1960—and the 10,000 or more refugees who try to sneak into the colony every month.

COLONY'S DUTY DEFINED

Hong Kong's primary duty, Colonial Secretary Claude Burgess told the legislative council, is to take care of those already here.

In the past 6 years, the government has built some 200 multistoried apartment blocks, grouped in 11 housing estates, and has resettled 440,000 refugees. There still are half a million living in board and tarpaper shacks perched on the hillsides, 80,000 in similar huts on rooftops, an estimated 225,000 in substandard tenement quarters where frequently a bed space 3 by 6 feet is home for an entire family, and more than 10,000 who sleep on sidewalks or stairways.

This year the colony is building resettlement estates for another 120,000, a level it has budgeted to maintain for the next 5 years. Last year the government spent more than $56 million—30 percent of its total budget—for health, education, and welfare services for the refugees already here.

ALL-CHANNEL TELEVISION RECEIVERS

Mr. LAUSCHE. Madam President, the Institute for Education by Radio-Television of the Ohio State University has requested me to bring to the attention of the Senate the following resolution passed unanimously by the institute when it met in plenary session in Columbus, Ohio, on May 4, 1962:

Resolved, That delegates to the 32d annual Institute for Education by Radio-Television, representing hundreds of educational broadcasters throughout the United States, respectfully urge passage of all-channel television receiver legislation.

The PRESIDING OFFICER (Mrs. Neuberger in the chair). Is there further morning business?

If not, morning business is closed.

Mr. ELLENDER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

Mr. HUMPHREY. Madam President, I ask that the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

DEFERRAL OF PROCLAMATION OF MARKETING QUOTAS AND ACREAGE ALLOTMENTS FOR 1963 WHEAT CROP

Mr. ELLENDER. Madam President, on May 8 the distinguished Senator from North Dakota [Mr. Young] introduced, on my behalf, a joint resolution to defer the proclamation of marketing quotas and acreage allotments for the 1963 wheat crop.

I have consulted with the acting majority leader and the acting minority leader, for the purpose of having this measure taken up; and the Senator from North Dakota [Mr. Young] also is in the Chamber.

Therefore, I now ask unanimous consent that the Committee on Agriculture and Forestry be discharged from the further consideration of Senate Joint Resolution 185, and that the Senate proceed to the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Without objection, the committee will be discharged from the further consideration of the resolution.

Is there objection to the request for the immediate consideration of the joint resolution?

Mr. MANSFIELD. Madam President, will the Senator from Louisiana explain his purpose?

Mr. ELLENDER. Yes.

Mr. MANSFIELD. I understand that the Senator from Louisiana has requested unanimous consent that the Committee on Agriculture and Forestry be discharged from the further consideration of the joint resolution, and that the joint resolution now be considered by the Senate.

Mr. ELLENDER. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? The Chair hears none.

There being no objection, the Senate proceeded to consider the joint resolution (S.J. Res. 185) to defer the proclamation of marketing quotas, and acreage allotments for the 1963 crop of wheat.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. ELLENDER. Madam President, this resolution would extend the time for proclaiming the 1963 wheat marketing quota and national acreage allotment until June 15 of this year. The law at present requires such proclamation to be made not later than May 15, which is next Tuesday.

There is pending on the Senate Calendar, as Calendar No. 1333, a bill, S. 3225, reported from the Committee on Agriculture and Forestry, which would make substantial revisions in the wheat marketing quota law. Its passage would probably require the proclamation of a different quota and allotment than would be proclaimed under existing law. Proclamation of the quota and allotment by next Tuesday would, therefore, create a difficult and confusing situation. Pendency of S. 3225 makes it clear to all that any proclamation made at this time could not be relied on and would be virtually meaningless. Proclamation at this time would also make the orderly consideration of S. 3225 by Congress more difficult, and result in unnecessary expenditure. Passage of this resolution would not result in any change in the marketing quota, but would merely permit deferral of its proclamation.

Mr. YOUNG of North Dakota. Madam President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG of North Dakota. Congress has extended the time for the Secretary of Agriculture to make these proclamations several times in recent years, is that correct?

Mr. ELLENDER. That is correct.

Mr. YOUNG of North Dakota. I think this legislation is necessary. We have at the present time wheat legislation pending before the Senate and before the House Agriculture Committee. I do not know what will come out of those bills, but I think we ought at least to give Congress a chance to do something with them. If Congress gets such a chance, there is a possibility it will write better farm legislation. I think it should. This joint resolution gives the Secretary a little longer time to issue the proclamation.

Mr. CASE of South Dakota. Madam President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. CASE of South Dakota. The joint resolution gives the Secretary a little more time. At the same time it gives the farmer the possibility of a little better option.

Mr. ELLENDER. Yes. It also saves money.

Mr. CARLSON. Madam President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. CARLSON. I wish to commend the Chairman of the Committee on Agriculture and Forestry and the Senator from North Dakota [Mr. Young] for presenting the legislation now before the Senate. I think it will help us in developing good wheat legislation in an orderly way, and be in the interest of those who are concerned with agriculture, because it defers for 1 month the final date for proclamation by the Secretary of Agriculture of the national wheat marketing quota and acreage allotment.

I am hopeful that before too long there may be consideration of legislation which may be helpful in this field. I am fearful that it will still be too late for farmers to plan for the 1963 harvest.

It takes time in the wheat section of our Nation to prepare for a wheat crop. If we cannot secure approval of new legislation by July 1, I think it will be necessary to continue the present program for another year. However, that is to be determined later. I think the pending joint resolution is legislation that should be approved.

The PRESIDING OFFICER. The joint resolution is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the resolution.

The resolution (S.J. Res. 185) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of Agriculture may defer until June 15, 1962, any proclamation under section 332 of the Agricultural Adjustment Act of 1938, as amended, with respect to a national acreage allotment for the 1963 crop of wheat and any proclamation under section 335 of such Act for such crop of wheat.

EQUALITY IN TAXATION

Mr. CURTIS. Madam President, I ask unanimous consent to have printed at this point in the Record a statement prepared by me entitled "Does Equity Require That American Taxpayers With Equal Amounts of Income Pay the Same Tax Regardless of the Source of Such Income?"

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR CURTIS

In my previous remarks with reference to the taxation of foreign source income, I have attempted to develop those aspects of this complex problem which have broad effects on our entire economy. These include our balance of payments position, investment incentives, and the provision of job opportunities for our own workers. Before the Senate can adopt tax legislation, it must be assured that it conforms to the concept that equity requires that persons similarly situated—with equal income irrespective of source—should pay the same amounts of tax.[1] Difficulties are experienced, however, in properly determining what is truly equitable. American firms with oversea subsidiaries have committed funds belonging to countless stockholders to support foreign operation that contribute to our balance of payments and provide jobs for our people. Necessarily because of the location of these enterprises, they do not enjoy all of the benefits provided by the Federal Government which are available to a firm operating in the United States. This fact, in and of itself, poses a problem of equity for the Congress in determining the proper method to tax the earnings of such operations.

An examination of the principal categories of budget expenditures reveals programs which principally benefit citizens and firms whose operations are conducted within the United States. Among the activities supported through Federal taxation are those for agriculture, housing, natural resources, health, labor, welfare, and education. Americans who have served overseas are well aware of the benefits provided by Federal, State, and local governments which they must supplement at their own expense in most cases. For example, in many countries, it is necessary to provide special school facilities to educate the children of American citizens so that when they return to the United States they will understand our customs and traditions and be in a position to assume all the responsibilities of citizenship. Furthermore, there are a number of other questions which must be considered merely on the basis of equity.

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[1] President's 1961 tax recommendations, hearings before the Committee on Ways and Means, House of Representatives, 87th Cong., 1st sess., vol. 4, p. 3375.

It may simplify our consideration of this matter if I state them at this time:

1. Is it equitable to change the rules of the game after it is started?

2. Under existing legislation, foreign tax credits apply only to income taxes. In view of the many other forms of taxation used abroad for which no credit is given, should there be any change in the long accepted methods of taxation which appear to be an acceptable compromise between the interests of the U.S. Treasury and those of foreign countries?

3. Should taxes be levied on a U.S. firm which has received no remitted earnings from investments with which to pay the tax?

4. Will the enactment of the administration's recommendations destroy the limitation on double taxation provided over the years through the negotiation of tax treaties?

I shall discuss each of these questions so as to raise the problems of equity as I see them.

Data which appeared in the Survey of Current Business for September 1960, a publication of the U.S. Department of Commerce, shows that the value of U.S. private long-term direct investments abroad in 1959 were $29.7 billion. This total is based on the book value of these assets and their current value is probably considerably greater.[2] It should be remembered that they constitute an important asset to the United States, and they should not be regarded as liabilities which is implied by the administration's approach toward discouraging further investments in the developed countries of the world.

From the standpoint of equity, it is most improbable that these funds would have been committed to furthering the economic development of the world if the managements responsible for them expected that the changes in our Revenue Code now under consideration might have been enacted into law. It would be virtually impossible to repatriate these investments without destroying the free world's economy. Any such attempt would be welcomed by the Soviet Union and its satellites. It is generally conceded by everyone that the response of American capital in furthering the rehabilitation and vitalization of the European economy during the decade of the 1950's was a major contribution in halting the spread of communism in Western Europe. These funds also have contributed to the strength of NATO and to the economic growth which characterizes the countries within the European Economic Community. It does not seem equitable to penalize these investments by altering concepts of taxation which have been in effect for 40 years as such a course would break faith with our own citizens. In my own judgment to do so would make them very wary in embarking on new ventures in the underdeveloped countries.

Let us not forget that these foreign outposts of American industry were established in spite of the hazards of nationalization, expropriation, currency devaluation as well as the possible imposition of restrictive controls on foreign exchange. None of these considerations are applicable to an investment in the United States.

A superficial examination of the testimony before the House Ways and Means Committee shows the magnitude of the risk which is inherent in any foreign investment.

I quote an excerpt from the statement of Mr. H. S. Geneen, president of the International Telephone & Telegraph Corp., with respect to the hazards experienced by the investors of his corporation:

"In World War II, many of our foreign establishments, in other words our unrepatriated foreign earnings, suffered seizures as well as physical damage and destruction. After World War II, our installations in Czechoslovakia, Hungary, Poland, Rumania, and China were seized without compensation, and obviously, they have never been returned. In both postwar years, our foreign currency assets were subjected to the attrition of repeated currency devaluations. And now we have Cuba. As many of you know, our installations there have been expropriated by the Castro government.

"We can certainly hope that these misfortunes will not be repeated; yet, if there is any lesson in history, it is that we can expect more of the same although we may not know what form disaster will take or where it will strike.

"I repeat, it is a completely unrealistic concept which treats as income earnings abroad while they remain in the form of plant or necessary working capital subject to the hazards mentioned."[3]

Again, Mr. Kenneth B. Sprague, vice president of the American & Foreign Power Co., Inc., stated:

"Your committee has recognized that there are very real hazards and difficulties in the way of successful investment in developing countries which do not exist here in the United States. A good illustration is what happened to us in Cuba where we lost a $300 million utility operation with no present indication that there will be any forthcoming compensation. The proposals by the Treasury raise serious problems for U.S. investors in developing countries."[4]

These are not isolated instances, but similar statements appear throughout these extensive hearings.

In my opinion, simple equity requires that the added risks inherent in these undertakings justifies the retention of the provisions in our present Tax Code with respect to the taxation of foreign income.

I shall now discuss the second of the questions I have posed with respect to equitable taxation of foreign income. As I have previously indicated, income taxes provide a larger share of our Federal revenues than is the case in most other countries. The credit extended for taxes paid to foreign governments presently applies only to income taxes and the other widely used levies abroad are not credited against foreign source income.

Professor Dan Throop Smith in a recent book commented on an article by David E. Shirley which appeared in the National Tax Journal of September 1959. Mr. Shirley developed some of the limitations of income taxation as a major revenue source in the newly developed countries. Professor Smith stated:

"The flavor of affection for the income tax is revealed in a side remark in an excellent article which concludes regretfully that income taxation is not suitable as a major revenue source in newly developing countries and includes the comment that realization of the fact will help to dispel some of the frustrations of the tax experts who accept oversea assignments, and make those who remain at home aware of the favorable environment in which they operate."[5]

Many of the witnesses who testified before the House Committee on Ways and Means reviewed the variety of taxes imposed abroad, none of which may be credited against the payment of U.S. income taxes. These taxes include excise as well as imposts on sales, value added, turnover, property, and transactions.

A statement is included in the record of the Ways and Means Committee hearings by Mr. John J. Powers, Jr., president of Pfizer International, which contrasts the allocation of tax burdens imposed abroad and in the United States as well as the manner in which the present foreign tax credit applies. I quote an excerpt from Mr. Powers' statement:

"The sometimes very sharp criticism of earnings retained abroad may well be due to the misconception that foreign earnings which are not taxed by the United States until brought home are completely free of all tax until that time. Nothing could be further from the truth. Substantial income taxes are paid by such subsidiaries abroad. It is important to understand, however, that income taxes in most foreign countries are a smaller part of the total tax burden on business than in the United States. Considerable emphasis is often given by foreign countries to other taxes, at least some of which may well be considered as being in lieu of income taxes. At any rate, although income tax payments may be some measure of the tax burden on business in the United States, they certainly are not abroad. For example, industry abroad in many countries pays substantial custom duties and other taxes and fees at the border which while varying widely, nevertheless amount to substantial figures. For many companies these taxes approach or even exceed the size of their income taxes. These border taxes are not included in the foreign tax credits allowed by the United States when profits come home as dividends.

"In many foreign countries, and particularly in the industrialized countries, turnover taxes are much more emphasized as a source of revenue than in the United States. Rates run to an extreme of 25 percent in France. Where the rate is lower as, for example, 5 percent in the Netherlands, 4 percent in Germany, 6 percent in Belgium, up to 8 percent in Italy, the result nevertheless can be much more onerous than the rates suggest, since these taxes 'cascade,' that is, they are applied to each transfer of ownership of the same product as it moves through the channels of distribution from manufacturer to ultimate user. There are many other nonincome taxes; the total of these is substantial, and they are not allowed in the computation of the foreign tax credit when profits are remitted to the United States.

"Nonincome taxes account for 70 percent of total tax revenues in Italy, 60 percent in France, 53 percent in Belgium, 47 percent in Germany, 41 percent in Luxembourg, and 40 percent in the Netherlands. It is estimated by the Department of Commerce in its special report for 1957 that the total of all foreign taxes not based on income is nearly equal to all foreign income taxes. Even this estimate is low, because the report is based on figures which admittedly do not have in them all customs duties paid."[6]

Mr. Stanley S. Surrey, the Assistant Secretary of the Treasury, while still a professer in 1956 in an article in the Columbia Law Review apparently was so impressed with the unusual relationship of nonincome taxes in foreign countries to income taxes that he was even led to raise a question as to whether the U.S. foreign tax credit should not include some foreign taxes in addition to foreign income taxes.[7]

The foreign tax treatment as it is applied under existing law makes it possible for foreign countries to accept and encourage U.S. investment inasmuch as the combined foreign and domestic income taxes on remitted earnings will not exceed 52 percent unless the foreign country's rate is in excess of our own.

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[2] Ibid., p. 3370.

[3] Ibid., pp. 2946–2947.

[4] Ibid., p. 3379.

[5] Smith, Dan Throop, "Federal Tax Reform—The Issues and a Program," McGraw-Hill Book Co., New York, 1961, p. 34 (footnote).

[6] President's 1961 tax recommendations, op cit., pp. 3423–24.

[7] Ibid., p. 3424.

It is difficult in my judgment to see how the Congress can justify any tax treatment which imposes a higher rate of tax on oversea earnings by using either gross up or the modification of the foreign tax credit under existing law as suggested by the distinguished junior Senator from Tennessee in S. 749.

Now let me focus the Senate's attention on still another factor affecting our consideration of equity. Should taxes be levied on a U.S. firm which has received no remitted earnings from investment with which to pay the tax?

The administration's proposals depart from all previous tax legislation by imposing a tax obligation on domestic taxpayers for the earnings of a foreign corporation which have not been remitted as a dividend. All of our legal concepts are predicated upon the principle that a corporation is an entity separate and apart from its stockholders who are, in fact, its real owners. Should the Congress accept the administration's recommendation? For all practical purposes, it will be taxing individual stockholders as partners rather than levying taxes only on the dividends received from a corporation with a distinct legal personality.

Many years ago the Supreme Court was confronted with a similar question in the classic case of *Eisner* v. *Macomber* (1920) 252 U.S. 189, 206. In this case the Court held income consists not in a growth or increment in value of an investment, but something of exchangeable value proceeding from the property, severed from the capital and coming into, or received by, the taxpayer, and that a stock dividend was not income within that definition because it did not accomplish an actual distribution of corporate earnings. The Court refused to indulge the fiction that the stockholders "have received and realized a share of the profits of the company which in truth they have neither received nor realized" and held that the corporation must be treated as a substantial entity separate from the stockholder. It went on to say that "enrichment through increases in value of capital investment is not income in any proper meaning of the term" and that to tax the shareholders upon their property interest in the stock of the corporation would be taxation of property because of ownership, and would require apportionment under article I of the Constitution. The Court expressly stated that "what is called the stockholder's share in the accumulated profits of the company is capital, not income." It follows from the holding in this case that the proposed tax on American shareholders of foreign corporations, measured by their shares of the undistributed income of those corporations, which they have not received as dividends, would be a direct tax on the shareholders because of ownership of shares and would not be a tax on income within the meaning of the 16th amendment.[8]

It is significant that the Attorney General in arguing this case said:

"Stockholders have such an interest in the earnings and profits of a corporation that the same are within the power of Congress to tax as income even before they are divided. * * * Congress having the right to tax undivided profits."[9]

Inasmuch as there will have been no constructive receipts of income if dividends have not been remitted, a serious question of constitutionality must be resolved before the Senate may accept the administration's recommendations. It does not appear reasonable that an individual or domestic corporation who has received no funds with which to discharge an obligation to the Government should be required to pay a tax thereon.

The objections on the basis of equity to the tax treatment of foreign source income proposed by the administration were set forth in the statement by the National Foreign Trade Council before the House Committee on Ways and Means. I quote an excerpt from this statement:

"It is a fundamental principle of all aspects of American and international law that a corporation is regarded as an entity separate from its shareholders. Thus the shareholder is not obligated by the contract of the corporation, and is not responsible for its wrongful acts. This principle has been incorporated in the Federal income tax law. A corporation is taxed on its income, and the shareholders are taxed only on dividends distributed to them. Any proposal to · tax the U.S. shareholder on the income of the corporation would be an exception to this basic principle, which has been followed consistently by Congress, the Treasury Department and the Supreme Court. The basic principle has been reflected in U.S. tax treaties and in the claims of tax jurisdiction which the United States has made in the absence of tax treaties.

"Both in the domestic and foreign field, taxpayers are only subject to tax on income actually realized. Corporations and individuals owning shares of stock are not taxable because of accumulated earnings of the companies issuing the shares nor are they taxable in respect of increases in the quoted market prices of those shares. Holders of corporate securities are not entitled to deduct from their taxable income any 'paper' losses when quotations fall, or any operating losses of the companies which may dissipate their surplus or even impair their capital. The U.S. income tax system recognizes fully the corporate entity. A U.S. parent corporation is taxed upon the dividends received from a foreign subsidiary, because that is the correct measure of its realized income.

"The principle that income must be realized before it is taxable has frequently been upheld by the Supreme Court. In 1918 the Supreme Court drew a distinction between corporate accumulations and distributions, treating only the latter as taxable income. The Court stated: 'It is evident that Congress intended to draw and did draw a distinction between a stockholder's undivided share or interest in the gains and profits of a corporation, prior to the declaration of a dividend, and his participation in the dividends declared and paid; treating the latter in ordinary circumstances, as a part of his income for the purposes of the surtax, and not regarding the former as taxable income unless fraudulently accumulated for the purpose of evading the tax.' (*Lynch* v. *Hornby*, 247 U.S. 339.) The fact that income must be realized is clearly set forth in *Eisner* v. *Macomber* (252 U.S. 189, 40 Sup. Ct. 189 (1920)) and has never been reversed.

"The Treasury Department has followed the concept that income must be realized in order to be taxable, e.g., Regulations 1.61-1 provides in part: 'Gross income includes income realized in any form.'"[10]

If there is any foundation for the administration's contention that the enactment of the proposed legislation would have a favorable effect on our balance of payments position, then one must subscribe to the theory that the U.S. Government has the constitutional power to tax minority interests in a corporation established by the authority for a foreign sovereign government. The implications of this theory were also developed in the statement filed by the National Foreign Trade Council. I quote a further excerpt from their statement:

"To expand this jurisdictional claim, so as to tax, directly, the income of foreign corporations because of American ownership of shares in such corporations would run counter to all U.S. jurisdictional claims and might well bring about conflicts with the jurisdictional claims of foreign governments. Since it is undesirable if not improper for the United States to tax foreign corporations directly on their foreign income, these same considerations should apply to taxing them indirectly by taxing the shareholders.

The jurisdictional claims of the United States reflect the recognition that other sovereign nations have rightful claims to the primary jurisdiction of income earned by their corporations in their home country and in all countries other than the United States. The jurisdictional concepts of the United States are formally reflected in tax treaties between the United States and foreign countries which are discussed below.

"The Secretary's explanation of his proposal states that 'precedent for this tax treatment may be found in the provisions of existing law dealing with U.S. shareholders of foreign personal holding companies.' These provisions are not an adequate precedent for such a broad departure from established tax policy. The provisions were enacted on the assumption that foreign personal holding companies were 'created with the sole purpose of avoiding or evading the imposition of the surtax on their shareholders' and the legislation was intended 'to encourage the prompt dissolution of existing companies of this type,' which were regarded as 'spurious' (report of the Joint Committee on Tax Evasion and Avoidance, Aug. 5, 1937, 75th Cong., 1st sess., H. Doc. 337, pp. 21 and 22). However, these provisions were never intended to, and do not by the definition of foreign personal holding companies in the Internal Revenue Code, affect bona fide foreign business companies.

"The foreign personal holding company provisions are strictly limited to the case where the foreign company is controlled by not more than five U.S. citizens or residents and derives 50 percent or more of its gross income from certain categories of income such as dividends, interest, and capital gains (secs. 551-557, I.R.C.). The proposed recommendation by the Secretary is addressed to a situation which is quite different from that of the foreign personal holding company. With relatively few exceptions the foreign subsidiaries which will be affected are operating companies that would not be within the purview of the foreign personal holding company provisions. These foreign corporations have not been 'created with the sole purpose of avoiding or evading the imposition of a tax on their shareholders.' Rather these subsidiaries were formed to carry on U.S. trade and business in a part of the world most important from the viewpoint of national as well as business considerations. Further, it is not believed that 'the prompt dissolution of existing companies of this type' is intended even by the Treasury. Therefore, it is urged that the foreign personal holding company provisions should not be regarded as a precedent for the proposed legislation. An additional point which should be considered is that the foreign personal holding company provisions are primarily an extension to foreign companies of a punitive provision which previously was in effect domestically, namely, the personal holding company provisions."[11]

"The proposal will have an adverse effect both on the corporations and shareholders. In many instances, shareholders may not have funds available from other sources to pay the taxes. This, of course, will place pressure on the foreign corporation to remit income to pay such taxes. Where local nationals are also shareholders and have a controlling voice in the company this pressure to distribute funds which otherwise would not be distributed in order to pay U.S. tax will be resisted. From a long-range point of view, it may deter local participation in companies in which American capital is invested. Furthermore, the individual shareholder who in most instances would have no control over the foreign corporation whatsoever could receive no foreign tax credit and would be required to pay such income tax out of his capital. Many foreign incorporated subsidiaries have incurred long-term financial commitments on the reasonable assumption that neither the subsidiary nor the shareholder would be subject to U.S. tax on the undistributed income of such subsidiaries. The proposed imposition of U.S. tax on U.S. shareholders might affect drastically the ability of the subsidiary to meet its financial obligations.

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[8] Ibid., p. 2656.

[9] Ibid., p. 2791.

[10] Ibid., p. 2653.

[11] Ibid., p. 2654.

"The proposal to tax the U.S. shareholder of a foreign corporation on the undistributed income of such corporation is contrary to basic tax principles which have been followed since 1913. A departure from these principles would constitute a drastic change in this fundamental area of tax policy. It would constitute a deviation from the recognition of the separate entity of the corporation without which concept it would be impossible to conduct much of modern business. It would raise serious questions in the international field. Possibly one of the most important questions that should be considered would be the precedent that enactment of such a proposal might constitute for taxing U.S. shareholders on the undistributed income of U.S. corporations." [12]

The least that can be stated with respect to the administration's proposals is that they represent a complete departure from all previous concepts of taxation, and in my judgment it appears inequitable to impose a tax where no income has been received by the taxpayer.

Now let us examine a further aspect in the development of an equitable basis for taxing foreign source income. Will the enactment of the administration's recommendations destroy the limitation on double taxation provided over the years through the negotiation of tax treaties?

We can take satisfaction in the leadership the United States has provided in developing tax treaties which have eliminated double taxation and contributed to the expansion of world trade, investment, and commerce. While technically the administration's proposal avoids the specific inhibitions of the treaties by taxing the U.S. shareholder rather than the foreign corporation itself, which cannot be taxed. But it is possible, particularly against the background of the worldwide uniformity of national tax systems in not so taxing such undistributed profits to the shareholders, that foreign governments would raise objections on grounds of comity and violation in spirit.[13]

At the present time, there are 21 tax treaties in effect which involve some 44 foreign governments. Furthermore, only last year the Senate ratified the treaty providing for our participation in the Organization of Economic Cooperation and Development. A fiscal committee of that organization composed of representatives of the 18 member states constituting the Atlantic Community with representation by the U.S. Treasury developed a draft convention for the avoidance of double taxation with respect to taxes on income and capital. The convention includes a specific provision with respect to taxation of dividends and undistributed profits. In paragraph 5 of article XX, it states that:

"Where a company which is a resident of a contracting state receives profits or income from the other contracting state, such other state may not levy any tax on the dividends paid by the company to persons who are not residents of that other state, or subject the company's undistributed profits to a tax on undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other state." [14]

The commentary on article XX of the draft convention further states:

"Paragraph 5 adopts a provision already contained in a number of conventions. It rules out extraterritorial taxation of dividends and further provides that nonresident companies are not to be subjected to special taxes on undistributed profits." [15]

Regardless of any possible interpretation of international law, the administration proposals are certainly inconsistent with the spirit of the convention of the OECD which the United States helped to draft.

Some of my colleagues contend that inasmuch as an oversea branch operation is taxed on undistributed earnings, it is only equitable that subsidiaries be treated in the same manner.

This comparison neglects two important factors: The first results from the fact that an American firm, in most instances, has the option in establishing an oversea operation to use a branch or subsidiary as it may elect. If it decides to establish subsidiaries, it is possible to take advantage of what the administration describes as a privilege of deferral. On the other hand, other benefits provided in our Tax Code are sacrificed. These include the offsetting of profits and losses against other operations within the parent corporation, the carryback and carryforward of operating losses, depletion allowances and many other provisions which the Congress has enacted to promote the economic welfare of American enterprises.

Mr. Kenneth A. Lawder, treasurer of W. R. Grace & Co., presented some of the considerations which management must consider in establishing any foreign operation in his appearance before the House Committee on Ways and Means. I quote an excerpt from Mr. Lawder's statement:

"The U.S. tax law gives various advantages to the use of branches of the American parent corporation or its domestic subsidiaries operating abroad which are not available if foreign subsidiaries are used. Losses of a branch or domestic subsidiary, including expropriation or nationalization losses, may easily outweigh whatever tax differential may arise at other times in favor of dividends from a foreign subsidiary. When the foreign income includes a substantial amount of capital gain, or income treated by U.S. law as a capital gain, the branch operation may have an advantage over the subsidiary. Depreciation methods permitted by the U.S. law may sometimes favor the use of a branch. This is particularly true in countries suffering from currency depreciation. In the extractive industries, where depletion is allowable, the use of a U.S. company or branch will usually save taxes.

"I will present one example of how 'grossing-up' would distort the tax treatment of a U.S.-controlled foreign subsidiary as compared with a branch of a U.S. operation. During the past 10 years, the Latin American countries in which W. R. Grace & Co. does business have suffered inflation as severe as that experienced anywhere else in the world. For example, in countries in which Grace has subsidiaries the annual rate of depreciation of money for the period 1950–60 has ranged anywhere from 6.3 to 37.6 percent. The latter rate represents a 99-percent shrinkage in the buying power of the currency of the country over the 10-year period.

"This tremendous inflation has caused W. R. Grace & Co., like other companies, to sustain recurrent losses on foreign currency working capital. These losses must be deducted in our annual consolidated accounts under generally accepted accounting principles, which must be followed in reports filed with the Securities and Exchange Commission. Such losses have totaled $3,400,000 over the past 5 years—an average of nearly $700,000 a year. This is equivalent to 7 percent of our total earnings from foreign operations and 9 percent of the actual dividends from our foreign subsidiaries. In the year 1958 alone, the loss amounted to $1,800,000—the equivalent of 40 cents per share on our total outstanding capital stock.

"If these losses had been incurred by a branch of the parent company, or by a domestic subsidiary, they would have been allowable as current deductions for U.S. income tax purposes. However, because we had to operate through subsidiaries organized under the local laws, these losses were not currently deductible for U.S. income tax purposes.

"To show what 'grossing-up' would mean in this situation, there is set forth * * * the taxes payable in a given year, assuming use of (i) a branch, (ii) a foreign subsidiary under the present U.S. credit formula, and (iii) a foreign subsidiary under the 'grossing-up' proposal. In all three cases there has been assumed a net income equivalent to (U.S.) $100,000 before all income taxes and before providing for a foreign exchange loss of (U.S.) $10,000 on local currency working capital due to depreciation in the value of the currency.

"The total United States and foreign taxes on a branch operation would amount to $46,800 as compared with total taxes of $47,200 on a foreign subsidiary operation under the present law. If 'grossing-up' were required, the total tax bill for a foreign subsidiary operation would be $52,000. That would be $5,200 more than the taxes on a branch operation and $4,800 more than the taxes on a foreign subsidiary operation under present law.

"Thus, it is evident from the example that, instead of equalizing taxes, 'grossing-up' would further distort the tax bill of U.S. enterprises operating through a foreign subsidiary rather than a branch.

"The U.S. tax disadvantage of a foreign subsidiary are of great practical importance because, in most cases, use of a foreign subsidiary is dictated by a variety of foreign legal, foreign tax, foreign commercial, and foreign political considerations.

"When foreign subsidiaries are viewed against this background, it becomes apparent that their seldom-mentioned U.S. tax disadvantages may often be of more practical importance to the parent than their much-advertised U.S. tax advantages. It is misleading to claim that parity of treatment with branches of domestic corporations requires elimination of the tax advantages of foreign subsidiaries without even mentioning their tax advantages.

"In conclusion, one is forced to return to the crucial fact that the American business firm must now compete against foreign business firms which enjoy special advantages under the foreign tax laws. Accordingly, we cannot view the U.S. tax rules in a vacuum, as if the benefits enjoyed by our competitors under foreign tax laws did not exist." [16]

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[12] Ibid., p. 2655.

[13] Ibid., p. 3376.

[14] Revenue Act of 1962, report of the Committee on Ways and Means, House of Representatives, 87th Cong., 2d sess., House Rept. No. 1447, p. B27.
1427, p. B27.

[15] Ibid.

[16] President's 1961 "Tax Recommendations," vol. 4, op. cit., pp. 3387–3389.

In some cases the option to establish branches overseas may not be available because local laws require that operations must be conducted through entities incorporated in the host country. There are instances where a majority interest in the firm is held by foreign capital, and even in a few countries, for selected industries, the foreign partner may be the host government itself. Wherever such rules apply, an American firm wishing to conduct business in such a country has no choice but to establish a foreign subsidiary. These facts clearly show that any attempt to base the administration's proposals on providing equity between branches and subsidiaries has very little validity.

Still another question of equity arises from the premise that all of the earnings of partnerships are taxable regardless of whether they have been distributed.

I remind my colleagues that the election by the stockholders of a small business corporation to be taxed as a corporate entity or a partnership is a voluntary decision and the election rests with the taxpayers concerned and not with the Commissioner of Internal Revenue.

It is even contended that equity requires that there be equalization between the tax burden of a wholly domestic operation and its foreign subsidiary. This view neglects the important fact that it is impossible for the Congress to establish tax equality in other countries. Our present laws enable American firms operating abroad to enjoy "equality" in terms of the income tax burdens which are borne by their competitors. They also provide for "equality" with firms here at home as the total income taxes imposed, both foreign and domestic, when earnings are remitted, is the same as would be applied to a domestic investment. It is difficult to see how any other basis of equality might be developed.

None of the theories propounded by those who support the taxation of undistributed earnings of foreign corporations can be supported logically and equitably by reference to the treatment accorded individuals, small business corporations, domestic or oversea operations of American firms.

The Secretary of the Treasury, Mr. Dillon, stated that the proposals he advanced were designed to place the tax treatment of foreign income on a more equal footing with that of domestic income.[31] Considerations of equity require an examination of all benefits conferred as well as the obligations imposed on domestic and foreign earnings.

Many students of this complex subject have attempted to redefine legislative concepts applicable to the taxation of foreign income. They all recognize the need of assuring equitable treatment. However, it is extremely difficult on the basis of the present record to accept the premises that there would be greater equity in the allocation of tax burdens if the administration's proposals were enacted into law.

UTILIZATION BY THE AGENCY FOR INTERNATIONAL DEVELOPMENT OF THE TECHNICAL SKILLS OF DOMESTIC-ORIENTED AGENCIES—THE NEED FOR A MANDATE FOR THE U.S. DEPARTMENT OF AGRICULTURE OVERSEAS

Mr. HUMPHREY. Madam President, the Senate Foreign Relations Committee is now in the process of marking up what we call the foreign aid bill. I want to take this opportunity to express a few comments and make some observations relating to one facet of the mutual security bill, or foreign aid program, as laid down in Public Law 87–195 of last year.

For the last 8 months, there has been on the statute books in the Foreign Aid Act of 1961, Public Law 87–195, a provision under section 621(a) which I should like to discuss. This provision is extremely important to the future of the entire foreign aid program.

This provision reads as follows:

> In providing technical assistance under this act in the field of education, health, housing, or agriculture, or in other fields, the head of any such agency or such officer shall utilize, to the fullest extent practicable, the facilities and resources of the Federal agency or agencies with primary responsibilities for domestic programs in such fields.

I offered this provision in the form of an amendment to the foreign aid program.

The amendment was adopted and is now public law.

LIMITED DEGREE OF IMPLEMENTATION

In the period since the signature of the law in September 1961, only a modest amount of progress has been made by the Agency for International Development—AID—in carrying out the letter and the spirit of the provision.

Today, I am offering these comments in the interest of accelerating the process of AID's more intensive and more complete fulfillment of Congress mandate to it.

PRIOR USE OF DOMESTIC AGENCIES

Actually, AID and its predecessors have always used the domestic-oriented agencies, at least to some extent.

But the use had tended to be relatively sporadic, marginal, and marked by considerable dissatisfaction on both sides.

A finding by the Subcommittee on Reorganization and International Organizations of the Committee on Government Operations confirms this observation.

Likewise an independent finding by a working group on contracting, of a presidential task force, which had reported in August 1961, confirms this same conclusion.

STATE DEPARTMENT REPORT ON SECTION 621(a)

During the recent hearings in the Senate Foreign Relations Committee, Secretary of State Rusk presented to the committee, by request, a report on action under section 621(a).

The report is a helpful and factual statement. It describes a considerable degree of cooperation between the agencies.

But it does not alter the fundamental fact that AID has yet to achieve full-scale use of the experience, resources, and skills of the domestic-oriented agencies.

The State Department report is indeed notable for what it does not say, rather than for what it does say.

In indicates, for example, that ICA had paid the Department of Agriculture \$1½ million in the 1961 fiscal year for programing of foreign agricultural participants. This sum, the report states, represented more than 80 percent of ICA's expenditure for technical participation in the field of agriculture.

Just think of it—over a billion people are in the developing areas, and most of them are rural people. But AID points with pride to the fact that the Agency had spent the limited sum of \$1½ million to train foreign agricultural specialists through the U.S. Department of Agriculture.

The sum of \$1½ million out of a foreign aid program of \$4.8 billion is not very much, particularly when we consider that the foreign aid program is directed primarily to areas where the overwhelming proportion of the population is rural.

AID also reported—and this statistic is infinitely more significant—that as of June 30, 1961, a grand total of 13 U.S. Department of Agriculture employees were employed overseas on ICA rolls. All of these were from the Agricultural Research Service. I repeat—a grand total of 13 employees to help meet the research needs of foreign agricultural areas and not a single additional USDA employee, on ICA detail, to meet nonresearch needs.

It was because of this type of information that I offered my amendment, as of last year, so that the new AID Administration would enlist the cooperation of the domestic-oriented departments of our Government.

I happen to believe that the Department of Agriculture is much better equipped, for example, to give assistance overseas in the field of agricultural research and in a host of other agricultural activities than any group of people who might be brought in on a temporary basis in a new agency of our Government. Furthermore, I believe we ought to use the personnel we have available and not seek to hire additional personnel, if we can possibly avoid it.

What I have said about the situation in agriculture prevails in every other field to which section 621(a) refers.

What a commentary on the relative significance of the whole U.S. Department of Agriculture in the eyes of the old ICA, when one realizes that a mere 13 employees were detailed from the one department whose success in fostering productivity in agriculture is the envy of the world—13 employees out of the world's greatest single pool of technically skilled farm specialists.

THE GREATEST SINGLE SUCCESS STORY

As the working group of the Presidential task force noted, U.S. agriculture is "the greatest single success story that the United States can boast of."

Agricultural production is the one thing about which the Soviet Union cannot boast, nor can any country in the Sino-Soviet bloc. Their record is one of abysmal failure in agriculture.

In August of 1961 the task force group stated:

> The U.S. Department of Agriculture is one of the most broadly skillful scientific and technological organizations in the whole world; the Department of Agriculture can contribute immeasurably to the improvement of AID operations at every stage if the Secretary of Agriculture and his bureau chiefs can be persuaded that AID respects the Department's high skill and competence and is eager to give it extremely broad scope to lend its great strength to the international development program.

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[31] "President's 1961 Tax Recommendations," hearings before the Ways and Means Committee, House of Representatives, 87th Cong., 1st sess., vol. 1, p. 37.

DEEP INTEREST OF SECRETARY FREEMAN

The Secretary of Agriculture is so persuaded. He does not need any new persuasion. Secretary Freeman is personally committed to placing the resources of the U.S. Department of Agriculture, insofar as possible, at the disposal of America's national security and foreign policy needs.

In fact, Madam President, I hope that the Department of Agriculture will come before the Congress with a recommendation to establish an Assistant Secretary for International Affairs in the Department of Agriculture, because the Department of Agriculture is undertaking a number of international responsibilities and it will undertake more in the days ahead.

As an example, a good many of the activities under Public Law 480, the Food for Peace program, center in the Department of Agriculture.

The Foreign Agricultural Service—that is, the men and women who are assigned overseas to promote agricultural markets—is under the jurisdiction of the Department of Agriculture.

There is also agricultural research, both at home and abroad, which has international implications and international application.

All of these activities, plus other activities, should be brought under a separate Assistant Secretary for International Affairs in the Department of Agriculture.

Furthermore, if such an Assistant Secretaryship were established it would facilitate cooperation between the Department of Agriculture and the AID Administration.

What I have said about the Department of Agriculture also applies to other departments of Government. The Department of Health, Education, and Welfare has activities in the field of education, in the field of medicine, and in the field of public health.

It would seem to me that an assistant Secretary for International Affairs could be very helpful in that domestic department to facilitate cooperation between the foreign aid program and the Department of Health, Education, and Welfare.

SOME AID-USDA PROGRESS

Madam President, I was pleased to learn that, as a result of my amendment of last year, a series of helpful discussions and conferences between AID and the U.S. Department of Agriculture have taken place. Apparently agreement in principle has now been reached that the U.S. Department of Agriculture will indeed be given additional responsibilities and oversea technical assistants in the field of agriculture.

In fact, our oversea aid program in the field of agriculture must be expanded. It is the duty of the AID administration to take a good look at the population statistics and the land areas of the world where our AID program is working, and to place the emphasis upon agriculture required by a growing population and a food deficit.

Instead of the U.S. Department of Agriculture receiving merely occasional requests from AID for backstopping and other assistance, the U.S. Department of Agriculture may actually be placed in charge of operating specified programs in the field. Under discussion, for example, are a proposed Soil Conservation Service program and a Forest Service survey in two of the developing nations. These programs can best be operated by the Department of Agriculture, with the AID administration contracting with that Department to undertake the full responsibility.

MORE CONTRACTS TO LAND-GRANT COLLEGES

Madam President, I wish to mention for Senators one other possibility which could well be given serious consideration. In the United States this year we are to celebrate the 100th anniversary of the land-grant colleges and universities. This will be the centennial of the land-grant colleges, under the Morrill Act.

The land-grant colleges have specialized in agricultural training and research. Many of these land-grant colleges, because of the developments in our own agricultural economy, have personnel who can be shared for other duties in other parts of the world.

Therefore, I have recommended to the State Department, to the Agency for International Development, and to the Committee on Foreign Relations of the Senate, as well as to many of the Government officials interested in foreign aid, that we should give serious consideration to asking some particular land-grant college to take on the responsibilities of agricultural assistance in a particular country.

There are land-grant colleges in Kansas, in Minnesota, in Iowa, in New York—in fact, in practically every State of the Union. I note my distinguished friend, the senior Senator from Kansas [Mr. CARSON], is in the Chamber. The land-grant college in Kansas, or the University of Minnesota, could well be asked to take on the responsibility for agricultural research, for soil conservation, for animal husbandry, for a host of agricultural activities and training activities in a particular country in Latin America, or in Asia, or in Africa. The full responsibility for the technical assistance program in the field of agriculture could be assigned to a particular land-grant college, under contract with the AID administration. Then there would be obtained the best people our universities could offer. The assignment would be made to an accredited, respected institution of learning and of action.

I believe that such a proposal would lend itself to genuine results and accomplishments, and would demonstrate a proper respect for the recipient countries as well. It would set a good pattern for those countries for future educational activity.

Mr. CARLSON. Madam President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Kansas.

Mr. CARLSON. The distinguished Senator from Minnesota has made a most interesting suggestion. I hope that we can follow through on it, because I am sure the Senator knows, as I know personally, of the fine work which has been done in many foreign countries by our land-grant colleges. Kansas State University had one of the early contracts in India.

Mr. HUMPHREY. I recall that.

Mr. CARLSON. They sent some very outstanding people to India. They carried on programs which have been of great benefit to the Indian people. They have started many programs which I hope will increase the food production of India. I know the programs helped by way of providing irrigation in many areas in which it was badly needed. The program has helped to teach the Indians how to use fertilizer properly.

We have seen some very outstanding reports on this work. The president of Kansas State University, Dr. James McCain, and a member of the board of regents, Mr. Whitley Austin of Salina, Kans., visited India 2 years ago and made an extended study of the work and the needs there.

He wrote a report that was submitted to the State Department as well as to citizens generally. It is an encouraging report. There is much work to be done. So I hope that the suggestion that has been made by the distinguished Senator from Minnesota will be given serious consideration by those in authority. I think it would be a proper subject for the Senate Committee on Foreign Relations to consider.

Mr. HUMPHREY. Madam President, I thank the Senator from Kansas. His words on these subjects mean a great deal because of his knowledge of the subject and his deep interest in it.

In addition, there are indications that a greater role will be played by the 80 or more agricultural attachés serving in American embassies abroad. Senators may be interested to know that the agricultural attachés are now meeting in Washington, D.C., for some intensive in-service training. That is most desirable. I understand that the Secretary of Agriculture has spoken to the attachés about their responsibilities, the nature of our agricultural program at home and abroad, and particularly about the importance of marketing American agricultural products overseas.

Also a representative of the AID Administration, Mr. Herbert J. Waters, Deputy Administrator of AID, has spoken to the agricultural attachés. So advanced training is under way. I wish to make it quite clear that my remarks are not critical of AID. My remarks are made to encourage the developments that are thus far underway, to commend Mr. Fowler Hamilton for the initiative he has taken under section 621(a) of the Foreign Aid Act, and to urge upon him that such initiative be intensified by his attachés.

What is most important, as I have indicated, is that the relatively modest programs of contracts with land grant colleges are apparently to be expanded. The ICA long had a program of contracting with U.S. universities and colleges for various programs overseas. For example, there were contracts that fostered the University of Oklahoma agricultural assistance in Ethiopia, the University of Utah aid in Iran, the University of Michigan aid in Nigeria, and, as has been indicated, assistance by many other colleges and universities in other parts of the world.

Apparently now those agricultural contracts are to be expanded, as I have recommended. I hope that the expansion will be underway soon. I believe that the Government of the United States will get more actual, concrete and constructive results from each foreign aid dollar by working closely with the specialists in the respective fields in our universities. Moreover, the countries to which our universities are assigned for the particular programs or projects will be honored by the presence of some of the most skilled, competent, and professionally trained people in the world supervising activities in the particular countries.

The knowledge of the U.S. Department of Agriculture may be utilized to a greater extent in connection with land-grant college contracts. Triangular cooperation between AID, ICA, and the land-grant colleges is urgently needed. It is for that reason that I address myself to that point today. No effort must be spared in moving ahead with the program. All too often our foreign aid program is described in terms of what we are doing industrially or in manufacturing and how we are aiding a country by building a steel plant, for example. All of that is important.

But the most important objective of our foreign aid program should be in helping people to feed themselves and to know more about the production of food and fiber. Actually, more than 80 percent of the population of the world being rural, and an overwhelming majority of the population of the undeveloped countries being rural and peasant, it seems to me that our AID program ought to be directed particularly to their needs. Those people are not prepared for skilled mechanics' jobs. Frequently they are not prepared for the most modern type of industrialization. But they can be brought into a more active economic life and a better social life through the improvement of agriculture, the production of food and fiber, and the means of distribution of food and fiber. That approach will contribute not only to the economic well-being of the countries, but also it will contribute to the health and the welfare of the people in those countries.

Far too little effort is being made in terms of describing the agricultural aspects of the foreign aid program. I am not interested in any pro forma gestures from the department of the Government under section 621(a). I am interested in real, substantive action, in genuine results, and I am interested in a mandate being given by the Foreign Aid Administration to the domestic agencies to marshal the fullest technical resources of our country.

That is one of the themes of an interim report or summary which I have prepared as the chairman of the Subcommittee on Reorganization and International Organizations of the Senate Committee on Government Operations.

As I have indicated, the summary presents my personal findings based on the study conducted by the subcommittee. The summary is now being released, and the report is now in the hands of the various departments of the Federal Government. Its contents, while encouraging in some respects, are disquieting in others. The blunt fact is that in certain crucial areas like technical health aid overseas, education, housing, and agriculture, the U.S. program is either being stalled at dead center or is moving ahead at only a snail's pace.

The Secretary of Health, Education, and Welfare, Mr. Ribicoff, is deeply interested in having the U.S. Public Health Service make its fullest contribution to oversea health. It seems to me that a genuine health program on the part of our Government overseas could be made much more effective if it were coordinated under the general supervision of the U.S. Public Health Service in the field, with overall direction from the AID administration, which has responsibility for our foreign aid program.

Meanwhile, many AID health programs overseas have been thrown into reverse gear. Some health programs have been eliminated and health posts have been vacated.

We seem to make the biggest splash in the newspapers with military assistance and with programs that embrace the building of a huge dam, a big steel plant, or a big harbor. But actually what is most needed in that part of the world which we are seeking to help are doctors, nurses and medical technicians. They need modern drugs. They need instruction in personal hygiene. They need clinics. Vast areas of the world need clinics and hospitals. They need schools and universities to train doctors, nurses, and medical technicians, and better health officers, dentists, pharmacists, and other workers in the field of the health services.

Frankly, some of the recipient countries have indicated more interest in getting shiny new health facilities and new brick and mortar outlays than in using the health facilities they already have, or in upgrading the quality of existing medical service.

In some countries success of the worldwide malaria eradication program hangs in the balance as AID delays crucial decisions on that front.

I make that comment because I want the AID administration to bestir itself in the fields of human resources, education and health, technical training, and technical assistance. I know that a great deal is being done. I want to encourage the AID administration to do more than it is doing, because that is the field in which we have great competence. The Soviet Union knows how to build a steel industry. It knows how to build a port or a harbor. But the Soviet Union has little ar no competence in the field of agriculture. The United States is the shining example to the world in the field of health.

We surely have competence in the fields of education, vocational education, and technical assistance. These are the areas in which we can do a great deal to be of assistance. It is in these areas where the departments of our Federal Government and of our State governments, as well, can be of considerable help, with AID recruiting personnel or contracting with these agencies.

It should be noted that no new memorandum of understanding or of agreement has been worked out between AID and the Public Health Service. I repeat that no matter how many good people AID may hire for the field of health, they will never supersede or arrive at the competence of the U.S. Public Health Service in any short period of time.

Madam President, we have a huge establishment in the U.S. Public Health Service, at the National Institutes of Health at Bethesda, Md., with many great programs of grants and assistance that we make to universities and medical establishments throughout the Nation.

I repeat that this health program ought to be integrated into the foreign aid program. The authority is in the law. The money is there. What is needed is a sense of direction.

I recognize that Mr. Hamilton is confronted with patterns of yesterday. He is confronted with the fact that, as I indicated earlier, in the field of agriculture, out of $4,800 million in the foreign aid program of a year ago, only $1½ million went for technical training in the field of agriculture overseas. This is the way it has been for years; therefore, there is always reluctance on the part of an agency, with its personnel, to change.

Madam President, it may have to change its way. I serve warning on the AID administration and on the Federal establishment that section 621(a) of the Foreign Aid Act of 1961 is a part of the law. It is not there for window dressing. It was not adopted to make the Senator from Minnesota happy. It was adopted because the Senate and Congress as a whole felt it was important. I want to see some results under that particular section. I do not want to receive a report which indicates to me that perhaps things will be considered, or "We are surveying it," or "We are studying it."

I know all the words of delay. I have been around this Government long enough to know when one is getting the brushoff, when one is not getting any results. I want to be sure that things are underway, and that results are being obtained.

I repeat that I see the beginning of that type of activity. I feel that Fowler Hamilton and his assistants in AID are beginning to move in the direction of the requirement of section 621(a) of the Foreign Aid Act.

I want to make sure that there is no letup. I want to make sure that there is not anyone who was trained in yesteryears, who came to the administration with prior experience in the Government, who is standing in the way of progress on the basis that "This is not the way we used to do it." I frequently hear people say, "We would like to do it, Senator, and we think you are right; however, we have not done it this way, and we are not sure that we can do it this way, and we are not sure what the laws means."

The purpose is very plain. I know what the purpose is, because I helped to write the technical assistance section of the law.

There are no ifs, ands, or buts about it. There is nothing complicated about the act. It reads:

> In providing technical assistance under this act in the field of education, health, housing, or agriculture, or in other fields, the head of any such agency or such officer shall utilize, to the fullest extent practicable, the facilities and resources of the Federal agency or agencies with primary responsibilities for domestic programs in such fields.

The word "shall" was put in the law as a directive. The act does not say that the head of the agency "may" utilize these services. It says that the head of the agency "shall" utilize these services.

Furthermore, it seems to me AID seems to be waiting upon the initiative of the Public Health Service in the field of health, and the Public Health Service seems to be waiting upon AID, before any agreement or understanding is arrived at.

This looks like an Alphonse-Gaston act. As two individuals wait in front of a revolving door, one says, "After you, my dear Alphonse." The other says, "No, after you, my dear Gaston." In the meantime the door continues to whirl, and no one passes through it.

With that kind of attitude we are getting nowhere fast.

The situation calls for action, not mere words from AID and the Public Health Service.

I intend to follow this situation very closely. This is only the beginning. The Subcommittee on Reorganization and International Organizations has jurisdiction in this field. I have not insisted upon officers of this agency being brought before our subcommittee. We have had a staff study made. However, I wish to say that unless more progress is made, extensive hearings will be held both here and abroad, to make sure that we are getting results.

I wish to see some innovations made. I want to see the facilities of our Government in the field of health, education, land reclamation and vocational training properly used. They can be used more adequately.

As I have indicated, what I have just said about some of these fields is true of another crucial area, education, the field in which the distinguished Senator from Arkansas [Mr. FULBRIGHT], the chairman of the Foreign Relations Committee, has made such a profound contribution.

Here is an area, again, where much can be done. There are all sorts of training techniques and teaching techniques that need to be utilized, or at least experimented with. I believe that the U.S. Office of Education can make a great contribution to this foreign aid program. I believe that some of our great universities, with colleges of education, can make even greater contributions than they are being called upon to make.

What I am asking for is that we not merely build up AID with new personnel. We want to have competent and adequate personnel in that agency, but I am particularly asking that we utilize the services of the Government which are already established, insofar as it is possible for AID to do so, without crippling our domestic agencies or causing undue administrative difficulties.

The developing areas of the world thirst for education, but their needs are not adequately being met.

In my interim report or summary, to which I have referred, I have not been able to go into detail in each of these areas, but I have spelled out the situation at least in general in my remarks today.

The summary discusses many other areas, to which I have not referred in these remarks, including overall coordination in the services rendered by various donor services, the weaknesses of the State Department and AID's information systems, and other topics.

Madam President, I wish to mention one particular area which I believe needs more attention on the part of our State Department and AID. I refer to the voluntary agencies of our country. These agencies can make immense contributions to the success of the oversea program, particularly in the fields of education and health and agriculture and technical training. I know that AID is now being organized so as to have a closer working relationship with the voluntary agencies. However, I would suggest that this needs special attention, because the strength of this Nation is not in its Government, but in its people. When we engage in a foreign aid program we ought to think not only in terms of what our Government is doing, but also in terms of what the vast number of private agencies are doing, along with our Government; and not only what they are doing, but what they could do if they were asked and if they were brought into closer coordination with the Federal program.

Therefore, I ask that a little more time and attention be given not only on interagency coordination in the foreign assistance program, which means coordination among the departments of Government, but also upon coordination between what our Government seeks to do, is doing, and can and should do, and what is being done by private agencies throughout the country—private business, private voluntary agencies, labor, agriculture, labor organizations, agricultural organizations, and professional organizations. Let us see what they can do. Let us see what contribution they are making. Let us see what contribution they could make. Let us see if we cannot put all of them into some sort of overall, grand design of activity, country by country, region by region.

It is my contention now, as it has been in the past, that our foreign-aid program will not do the job it is designed to do, or will not do the job which is its objective, unless we can muster or bring into the service of our country the private resources of the Nation.

More than government is needed in the contest with poverty, pestilence, disease, and ignorance. More than government is needed in the contest with the Communist ideology. Communism can bring to bear all of its forces upon a country because it is a totalitarian state, regime, or concept. However, in a free society such as ours, there must be an understanding that government is but a part of the strength of the nation: government can play only a limited part. What is needed is to have government working with, and possibly giving help to, the private organizations, private resources, and private facilities and skills of the American people.

I bring the summary which I have referred to in my speech today to the attention of the agencies of government and to the Committee on Foreign Relations.

Madam President, I ask unanimous consent to have printed at this point in the RECORD excerpts from certain information provided to the Committee on Foreign Relations and to myself, individually, by the Secretary of State, Mr. Rusk.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM SENATOR HUMPHREY'S PROGRESS REPORT ON COORDINATION OF INTERNATIONAL TECHNICAL ASSISTANCE PROGRAMS

STRENGTHENING COORDINATION WITHIN THE U.S. GOVERNMENT

Of the many phases of the coordination problem, none has received more attention from the Government Operations Subcommittee than coordination within the U.S. Government and, in particular, between AID and the domestic-oriented agencies.

Here, the issue has been not only coordination, but the fullest use by the foreign aid agency (FOA, ICA, or AID) of the domestic agencies.

Variety of domestic agencies involved

Which agencies, bureaus, and divisions are involved? An overall list shows the following:

Agriculture.

Commerce: Coast and Geodetic Survey, Bureau of Public Roads, Maritime Administration, Bureau of Census, Office of Business Economics, National Bureau of Standards, and Weather Bureau.

Federal Aviation Agency.

Farm Credit Administration.

Federal Communications Commission.

Federal Maritime Commission.

Health, Education, and Welfare: Office of the Secretary, Office of Education, Public Health Service, and Social Security Administration.

Housing and Home Finance Agency.

Interior: Office of the Secretary, Bureau of Reclamation, Bureau of Mines, Geological Survey, Fish and Wildlife, and Bureau of Land Management.

Labor.

Treasury: Customs.

Tennessee Valley Authority.

While a few of the agencies and bureaus predominate in relation to the total of oversea activity, e.g., Agriculture and HEW, the work of none of the other agencies should be underestimated.

Repeated congressional requests for use of domestic agencies

As one reads the record of congressional reports, year after year, one notes the recurrence of requests for full use of the agencies.

For instance, the following observations were made a half dozen years ago by a House committee and might just as well have been made in 1961 or 1962: [1]

"UTILIZATION OF OTHER DEPARTMENTS AND AGENCIES

"In his message to the Congress on April 20, 1955, the President stated:

"'In the implementation of the [mutual security] program, the facilities of all agencies of the executive branch will be used where appropriate, and to the maximum possible extent on a contract basis. However, it is essential that responsibility for the nonmilitary operations continue unified; to fragment this responsibility among several agencies would seriously detract from their effectiveness.'

"By and large ICA has followed this directive but there is a trend away from using the other departments and agencies."

* * * * *

"This trend to establish special staffs should be carefully watched. The services of other departments and agencies should be fully utilized to avoid duplication of specialized personnel. According to the the General Accounting Office the use of other departments and agencies is, in some cases, more expensive than adding to the International Cooperative Administration staff in Washington. The ICA staff should be increased only in those cases where comparative costs fully justify the move."

A year later, a special Senate committee consisting of members of the Committee on Foreign Relations, as well as representatives of the Committee on Appropriations and Armed Services, stated: [2]

"To minimize the number of aid personnel, the committee urges that maximum utilization be made of technically competent employees from other departments of the Government on a temporary basis in connection with foreign aid operations."

In 1961 the Senate Government Operations Subcommittee staff reported to me that, once again, there was a significant need to foster increased utilization of the domestic agencies.

I, therefore, introduced an amendment for this purpose.

The amendment was enacted by the Congress in the Foreign Assistance Act of 1961, Public Law 87-195.

The amendment, in section 621(a), states: "In providing technical assistance under this act in the field of education, health, housing, or agriculture, or in other fields, the head of any such agency or such officer shall utilize, to the fullest extent practicable, the facilities and resources of the Federal agency or agencies with primary responsibilities for domestic programs in such fields."

Securing enactment of the amendment required an extended effort.[3]

Background of amendment

The problem of division of authority and responsibility in any given field between the foreign aid agency and the domestic agency is actually as old as the foreign aid program.

Like a pendulum, power has tended to swing back and forth, e.g., from one extreme in the days of the Technical Cooperation Administration (responsibility decentralized to the domestic agency) to another extreme, in the days of the Foreign Operations Administration (centralized responsibility in FOA).

In 1955 a staff report to a task force of the Second Hoover Commission had stated the problem: [4]

"The issue of relating central programing and control over technical assistance to technical services furnished by the various Government agencies or outside sources can never be fully solved. We need to balance central control against technical direction, in the interest of maximum economy and efficiency. If we favor a central organization we may lose the advantage of existing Government resources. If we favor administrative autonomy for the various permanent agencies who send technicians abroad, we weaken central programing and control in Washington and by the Ambassador in the field."

The principle of central policy control by the Secretary of State and by the U.S. Ambassadors in the field is now conceded virtually universally as a "must."

The issue of the supporting role of the domestic agencies persists, however.

The amendment which I sponsored—and which has come to be known as the Humphrey technical services amendment—helped bring the issue into proper focus.

Principle stated by President Kennedy

The amendment is intended to carry out one major portion of a sound policy which had been enunciated by President Kennedy to the Congress.

In his letter of May 26, 1961, on foreign aid, the Chief Executive had written to the Congress on, among objectives, the need for AID to draw upon the resources, skills, and experiences of the domestic agencies.

The context in which the President so recommended, also stated AID's central authority, as follows:

"My decisions on foreign-affairs organization are predicated on the following principles:

"First, authority for the conduct of activities which advance our foreign policy objectives should be vested in the President or other officials primarily concerned with foreign affairs.

"Second, international activities of domestic agencies should be clearly either (1) necessary extensions of their normal domestic missions or (2) undertaken on behalf of and in support of programs and objectives of the appropriate foreign-affairs agencies.

"These guidelines are particularly important for our foreign development assistance program. Domestic agencies can and should make a substantial contribution to the success of this program, and I will expect the foreign affairs agencies to make maximum use of their resources, skills, and experience.

"My proposals for the organization and coordination of foreign aid are based also on the concepts and principles set forth in my March 22 message to the Congress—specifically, the critical necessity for unified administration and operation of foreign development assistance activities carried out in accordance with integrated country plans. These proposals will be put into effect by appropriate Executive action."

Virtually everyone, I believe, concurs in the principles set forth by the President, including the AID-domestic agency phase.

The actual implementation of the principle of full AID use of the domestic agencies has, however, been subject, almost inevitably, to differing interpretations.

Initially, I believe, there was some reluctance by AID staff to give to the technical services amendment, as enacted, the vital, broad-gaged interpretation which the Congress had intended.

The situation before the amendment

At our invitation, AID staff had pointed out very correctly that the former International Cooperation Administration did utilize the domestic agencies to a considerable extent.

Statistics show [5] considerable transfers of funds from ICA to the agencies for purposes of supporting oversea technical assistance programs, training of foreign nationals, backstopping of U.S. technical missions overseas with supplies, etc. This was done under the auspices of the former technical offices (now eliminated) of ICA, i.e., by the old Offices of Food and Agriculture, Industrial Resources, Transportation, Labor Affairs, Public Health, Education Services, Public Services, etc.

The cooperation between ICA and the domestic agencies tended, however, in the judgment of our staff, to be limited, marginal, sporadic and marked by considerable dissatisfactions on both sides.

In the light of these facts, the staff had recommended the amendment and I concurred completely.

Idea of amendment was urged in effect by Presidential task force

Confirmation of the advisability of the amendment came from another quarter.

Virtually, at the very time I was offering my amendment on the Senate floor, a Presidential task force was reporting independently and based on its own findings—along very much the same lines of my comments. Its particular focus was on overall contract programs.

This particular task force had taken up the subject because: [6]

"Interagency agreements, although not strictly contracts, are comparable to them in that they are means by which additional resources can be brought into the programs. * * *

"The memorandum of understanding is, of course, just another form of contract, but less detailed and prescriptive because all Federal departments answer to the same Congress and President.

The task force then noted: [7]

"The participating agencies have consistently felt in the past that ICA and its predecessors excluded them too much from consultation on program policy and procedure. The Department of Agriculture and the Department of Health, Education and Welfare, in particular, resent what they consider their relatively minor role. Even though AID must continue to insist upon carrying undiluted final responsibility, it is a terrible waste of the institutional strengths of the other Government departments and their great pools of skilled personnel for AID not to work out with them procedures that will facilitate very full participation by the other departments in the total process from initial planning to final execution. In the world of the 1960's foreign affairs can no longer be the exclusive domain of the Department of State. (This has been said so often that it now ranks as a truism that everyone is entitled to ignore and forget.) The agriculture of the United States is the greatest single 'success story' that the United States can boast of; the U.S. Department of Agriculture is one of the most broadly skillful scientific and technological organizations in the whole world; the Department of Agriculture can contribute immeasurably to the improvement of AID operations at every stage if the Secretary of Agriculture and his bureau chiefs can be persuaded that AID respects the Department's high skill and competence and is eager to give it extremely broad scope to lend its great strength to the international development program. What we have said of the USDA applies also to the other great departments of the Federal Government. The memorandum of understanding with those departments should be reviewed, because they should spell out much more clearly the partnership of effort we are proposing."

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[1] House of Representatives, Committee on Post Office and Civil Service, Subcommittee on Manpower Utilization and Departmental Personnel Management, "Survey of the International Cooperation Administration," July 26, 1956, p. 14.

[2] Special Senate Committee To Study the Foreign Aid Program, "Foreign Aid," S. Rept. No. 300, 85th Cong., 1st sess., p. 29.

[3] For background, see statements by Senator HUBERT H. HUMPHREY in the CONGRESSIONAL RECORD, vol. 107, pt. 12, pp. 15949, 16156-16162, 16408-16411, and pt. 13, p. 17701.

[4] Commission on Organization of the Executive Branch of the Government, Task Force on Overseas Economic Operations, "Report on Overseas Economic Operations," Washington, 1955, p. 250.

[5] Agency for International Development, Office of Management Planning, "Direct Support of Participant Training and Field Programs by ICA/W, Participant Agencies and ICA/W Contractors, fiscal year 1961," November 1961.

[6] President's Task Force on Foreign Assistance, Working Group on Contracting, "Positive Contracting for AID, Marshaling and Strengthening the Nation's Resources for International Development," pp. 71-72.

[7] Ibid., pp. 72-73.

New memoranda of agreement

Since the amendment's enactment, the subcommittee staff and I have been in touch both with AID and with the participating agencies.

We were glad to learn that a series of discussions was inaugurated by AID officials with the various Agencies, looking toward the preparation of new memoranda of agreement.

The process of revising previous memoranda is neither easy nor short. As of April 1962, AID, in my judgment, still has a long way to go toward fulfillment of the amendment.

Varying reactions among domestic agencies

Meanwhile, however, some of the domestic agencies have yet to face up to the real problem, themselves, in my judgment. It is the problem of taking on the task not as a burden, but as a superb opportunity for career development of their own personnel and for enlisting full cooperation among nongovernmental sources.

Some agencies, or their principal divisions or bureaus with the technical competence, seem to take a laissez-faire position which might be phrased as follows:

"If AID asks us to do more overseas, we will. If AID does not ask us, we won't. In any event, it is not our problem and we'll sit back and wait."

AID, in some of these very same instances, seems to take the view:

"If the domestic agency wants to take on more responsibility, we will consider it, in the light, of course, of country plans. If the domestic agency is content with the status quo, and if the Congress does not more explicitly tell us to delegate more responsibility, we will not."

In this sort of situation, therefore, my preliminary impression is that there is not present on the part of either source a full sense of urgency, of initiative or of concern. "Everybody's business still seems to be nobody's business."

The domestic agency does not propose imaginative programs to AID, partly, because it naturally does not know what the individual developing countries want and need.

On the other hand, AID does not propose imaginative programs to the agencies, because, although AID knows what the potential recipients may want and need, AID's technical officers have been eliminated. AID thus does not have technical competence in depth to make comprehensive plans and arrangements, except at the regional bureau level, where technical manpower is limited.

This type of indecisive situation is fortunately not always the rule. A contrasting illustration of what an enterprising, imaginative domestic agency can propose, by way of a bold program, is afforded by the Department of Labor. Subject, of course, to AID's central authority and to the needs of country plans, Secretary Goldberg has offered an impressive blueprint for AID's study.

It is fortunate that the Labor Department has done so. The President's task force had stated:

"ICA and its predecessors have almost overlooked trade union associations; they are a rich potential source. If American agriculture is our greatest success story, our strong and free trade unions run a close second. An industrial democracy is almost inconceivable without free and strong trade unions. We would encourage AID to confer with the AFL-CIO and with individual unions to determine their willingness to undertake by contract with AID to assist the growth of similar unions in the underdeveloped countries who request such help."

Goal—Teamwork, not pro forma gestures

What one department can do, others have begun to do and still others should do—demonstrate initiative, imagination, and concern.

The AID-domestic agency relationship should be a vital, creative partnership. It should not comprise a series of pro forma, hollow gestures toward cooperation.

SECRETARY RUSK'S TESTIMONY ON APRIL 5, 1962, BEFORE SENATE FOREIGN RELATIONS COMMITTEE

STATEMENT ON SECTION 621(a)

Interagency coordination in the foreign assistance program

Although there is substantial potential for improvement, there is today a large and effective utilization of many of the resources and facilities of other Federal agencies and of the private community in the foreign aid program. Attached is a résumé which helps to illustrate the variety of ways in which these agencies are now contributing to our aid efforts. Certain facts should be noted: Two-thirds of all the participants who came to the United States for training during fiscal year 1960 were programed and handled by a participating agency. More than 500 of the technicians who were located in AID missions on last June 30 were employees of other Federal agencies. In several fields, such as civil aviation and census, virtually all the technicians are employees of one of the participating agencies. More than 25 percent of the total Washington manpower devoted to the foreign aid program in fiscal year 1961 represented manpower located in, and employed by, the various participating agencies. Over $50 million of aid funds are annually channeled through other agencies for expenditure by them in addition to those funds which are made available to the Department of Agriculture and the General Services Administration for purposes of procurement. In many cases, AID has contracted the entire technical direction of projects to other agencies.

AID now works with more than a score of independent departments and agencies. In some of these agencies it deals with over a half dozen separate bureaus or divisions, each with its own peculiar problems and each cooperating with AID in a manner which reflects its own unique resources and capabilities. The complexity of the resulting relationships can be partially understood by referring to the attached listing, itself incomplete, of the agencies and the subdivisions of agencies, with which AID now is associated. No single formula or combination of formulas can satisfactorily be applied across the board to all of these agencies. There must be a detailed and painstaking examination of the resources and capabilities of each organization and of the methods by which these can be most effectively joined with those of AID in producing effective operating programs. This examination is now in process.

While the foregoing study proceeds, certain helpful interim measures may be possible. The major participating agencies are being requested to designate a senior individual to be physically located with his technical counterpart in AID. Such an arrangement might overcome certain existing communication difficulties, provide the representative with a place where he could effectively join in the stream of AID activities, facilitate participation in programing, and establish a basis for the development of a broader partnership or team approach in the future. Technical committees have already been constituted to serve as focal points for the informal coordination of activities in each technical field. These committees are chaired by the appropriate technical division chiefs in the Office of Educational and Social Development, and it is anticipated that the representatives of the other agencies will participate fully in the activities of these central coordinating committees.

The past use of participating agencies

AID's predecessor agencies made extensive use of the established departments of the Federal Government in planning and carrying out foreign assistance programs both in oversea operations and in domestic supporting and servicing activities.

Policies governing the use of participating agencies to perform foreign assistance activities have varied from extensive delegation, under the TCA program (in which participating agencies developed programs and negotiated independently with foreign governments) to relatively tight control. In most ICA programs, the agency turned to the participating agencies principally for those specialized technical services in which they were uniquely competent.

Several agreements between most major participating agencies and the aid agency were negotiated and signed. These established the overall framework of relationships with particular reference to the anticipated methods of reimbursement, coordination, control, and liaison. Within the framework of the general agreements, service agreements have been negotiated on an ad hoc basis. These agreements describe specific services to be rendered in return for a specific rate of reimbursement. They resemble a contract in scope and breadth. There are probably over 50 in effect now, and several more are presently being negotiated.

In fiscal year 1961 participating agencies furnished more than 25 percent of the total Washington manpower devoted to the foreign aid program. More than 20 Federal departments and agencies were used.

In fiscal year 1961 the Department of Agriculture alone supplied more than 150 man-years to the programing of ICA agricultural participants. For this service, ICA paid Agriculture more than $1½ million—a sum representing more than 80 percent of ICA's total expenditure for the programing of participants in the field of agriculture.

In fiscal year 1960, of 6,789 participants programed for training in the United States, 4,027 were programed for participating agencies.

The following tables present further statistics:

TABLE I.—*Participating agency employees detailed overseas by ICA*

Following are listed, by agency, the number of participating agency employees employed on ICA's oversea rolls. These figures are based on the June 30, 1961, personnel strength report. They do not reflect 28 short-term (3 to 6 months) consultants from the various agencies:

FAA	127
Bureau of Public Roads	107
Bureau of the Census	20
U.S. Coast and Geodetic	13
Bureau of Reclamation	38
Bureau of Mines	12
U.S. Geological Survey	65

Department of State	14
Agricultural Research Service	13
Department of Commerce	8
Public Health (DHEW)	109
Total	526

TABLE II.—*Reimbursement to participating agencies for Washington support of ICA programs* [1]

(Fiscal year 1961 budget estimates)

Department of Agriculture	$1,747,574
Department of Commerce	444,104
Farm Credit Administration	45,000
Federal Aviation Agency	591,000
Federal Communications Commission	69,100
Department of Health, Education, and Welfare	1,052,141
Housing and Home Finance Agency	222,400
Department of the Interior	382,978
Department of Labor	1,112,700
Total	5,666,997

[1] The amounts listed above are not the total moneys paid to each participating agency by AID. Precise worldwide totals are not now available.

The amounts given represent Washington funded expenditures for technical consultation and support, participant training, administrative overhead, and field backstopping. They do not include the cost of employees assigned overseas on reimbursable details.

It is difficult to estimate the total amount of money paid yearly by AID to participating agencies. Each mission budgets its own projects—such as FAA airfields, Army Corps of Engineers roads, Bureau of Reclamation projects, etc. A rough guess as to the worldwide total annual expenditure (exclusive of commodity procurement through the Department of Agriculture or the General Services Administration) by AID through participating agencies would place the amount anticipated for fiscal year 1962 in the neighborhood of $50 million.

(In tables III and IV the activities of each participating agency or bureau have been attributed entirely to the ICA technical office which was its principal user. All administrative costs of the participating agencies have been allocated to the participant programing function.)

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. SPARKMAN. Madam President, I wish to speak at no great length on the pending proposal, the so-called literacy test measure. I say "so-called" because it seems to me that there is throughout the country much misunderstanding of exactly what the measure purports to do. It is so easy to accept something by name. "Literacy test" is a combination of words that sounds very good, but the phrase might be quite misleading, certainly as to its practical effect. I shall not discuss the measure in that light; I shall discuss it, however, from the standpoint of what I consider to be the fatal defect in the bill—that is, its very plain and palpable violation of the Constitution.

I well realize that there is little that can be said about the measure which has not already been said. I have made brief remarks as we have proceeded, and I have pretty well stated the principal objections I have to the bill, namely, its utter disregard for something which is written clearly and in unmistakable language and meaning into the Constitution.

The United States is governed by what is known as a Federal Government; that is, a dual system in which governmental powers are distributed between National and State authorities. The reasons for the adoption of such a government are both historical and rational. However, we have reached a point today where neither history nor rationality has much meaning.

The proposed amended substitute, H.R. 1361, seeks to alter one of the most important aspects of the dual system of government. It reaches the very foundations of our system, because by a legislative enactment we would be attempting to cast aside a principle of law which was a part of us before we became a Nation under the Constitution, and which was embodied in the Constitution and has been a part of us ever since.

The proponents of the measure have made a number of arguments to the effect that neither the Constitution nor the history of the Nation prior to and after the adoption of the Constitution prohibits the passage of legislation which determines voter qualifications. In order to aid in clarifying this subject, I wish to spend some time reviewing the historical background, the constitutional debates, various commentaries by historians and authors, and court decisions on the pertinent portions of the Constitution.

Article I, section 2, of the Constitution provides:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Certainly there is nothing vague or difficult to understand about that provision. It was clearly recognized that the right and the power to fix the qualifications of electors was left with the States, where that power had resided from the time the Colonies were organized into a government.

Section 2, of article I, which I have just read, in effect reserves to the States the right to determine the qualifications for electors. Instead of saying that that power is reserved to the States, probably a better statement would be that the framers of the Constitution recognized the fact that no part of that right had ever been surrendered by the States.

One thing that I think ought to be kept in mind more than it is throughout the country is that the States existed before the Federal Government. The States had constitutions. The States had governments. The States had powers and rights. The Federal Government was formed as a result of an agreement among the States to grant to the Federal Government certain rights and powers; and only those rights and powers granted to the Federal Government belonged to the Federal Government; all others were reserved to the States.

That doctrine is inherent in the Constitution itself. However, in order to drive it home, the 10th amendment to the Constitution was adopted at the first session of Congress held under the Constitution. It was adopted as a part of the Bill of Rights, which the people of the Thirteen Colonies insisted on having made a part of the Constitution before they would agree to the Constitution itself. Such a gentlemen's agreement was made among the early patriots to the effect that the 10 amendments would be offered at the first session of Congress. They were offered, they were quickly accepted, and the 10th amendment restated the principle of the reservation of the rights and powers of the States, unless they had been specifically granted to the Federal Government.

The reservation to the States of the right to determine the qualifications for its electors can readily be understood when we read the qualification laws of the Thirteen Original States and the meaning of the term "qualification" as it was used by the Constitutional Convention.

Beginning with the laws of the Thirteen Original States, I shall quote the provisions which apply to qualifications, beginning, first, with the State of New Hampshire:

> NEW HAMPSHIRE [1]
>
> The Senate shall be the first branch of the legislature, and the Senators shall be chosen in the following manner, viz: Every male inhabitant of each town and parish with town privileges in the several counties in this State, of 21 years of age and upwards, paying for himself a poll tax, shall have a right at the annual or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March; to vote in the town or parish wherein he dwells, for the Senators in the county or district whereof he is a member.
>
> And every person qualified as the constitution provides shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this State, in that town, parish, and plantation where he dwelleth and hath his home.
>
> The Members of the House of Representatives shall be chosen annually in the month of March, and shall be the second branch of the Legislature.
>
> All persons qualified to vote in the election of Senators shall be entitled to vote within the town district, parish, or place where they dwell, in the choice of Representatives.

This was the qualification provision of the New Hampshire constitution of 1784.

> MARYLAND
>
> ART. II. That the house of delegates shall be chosen in the following manner: All freemen, above 21 years of age, having a freehold of 50 acres of land, in the county in which they offer to vote, and residing therein, and all freemen, having property in this State above the value of 30 pounds current money, and having resided in the county, in which they offer to vote, 1 whole year next preceding the election, shall have a right of suffrage, in the election of delegates for such county; and all freemen, as

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[1] See hearings before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary, U.S. Senate, 87th Cong., 1st sess., pt. I, "Nomination and Election of President and Vice President and Qualifications for Voting," p. 88.

> qualified, shall on the first Monday of October 1777, and on the same day in every year thereafter, assemble in the counties, in which they are respectively qualified to vote, at the courthouse, in the said counties, or at such other place as the legislature shall direct; and, when assembled, they shall proceed to elect, viva voce, four delegates, for their respective counties, of the most wise, sensible, and discreet of the people, residents in the county where they are to be chosen, 1 whole year next preceding the election, above 21 years of age, and having, in the State, real or personal property above the value of 500 pounds current money; and upon the final casting of the polls, the four persons who shall appear to have the greatest number of legal votes shall be declared and return, duly elected for their respective counties.

This was the constitution of Maryland in 1776, and in force at the time of the framing of the Constitution of the United States.

NEW JERSEY

The constitution of 1776, article IV stated:

> That all inhabitants of this colony, of full age, who are worth 50 pounds proclamation money, clear estate in the same, and have resided within the county in which they claim a vote for 12 months immediately preceding the election, shall be entitled to vote for representatives in council and assembly; and also for all other public officers, that shall be elected by the people of the county at large.
>
> That the inhabitants of each county, qualified to vote as aforesaid, shall at the time and place of electing their representatives, annually elect one sheriff, and one or more coroners; and that they may reelect the same person to such offices until he shall have served 3 years, but no longer, after which, 3 years must elapse before the same person is capable of being elected again. When the election is certified to the governor, or vice president, under the hands of the six freeholders of the county for which they were elected, they shall be immediately commissioned to served in their respective offices.

SOUTH CAROLINA

South Carolina's Constitution of 1778 provided:

> The qualification of electors shall be that every free white man, and no other person, who acknowledges the being of a God, and believes in a future state of rewards and punishments, and who has attained to the age of 1 and 20 years, and hath been a resident and an inhabitant in this State for the space of 1 year before the day appointed for the election he offers to give his vote at, and hath a freehold at least of 50 acres of land, or a town lot, and hath been legally seized and possessed of the same at least 6 months previous to such election, or hath paid a tax the preceding year, or was taxable the present year, at least 6 months previous to the said election, in a sum equal to the tax on 50 acres of land, to the support of this government, shall be deemed a person qualified to vote for, and shall be capable of electing, a representative or representatives to serve as a member or members in the senate and house of representatives, for the parish or district where he actually is a resident, or in any other parish or district in this State where he hath the like freehold. Electors shall take an oath or affirmation of qualification, if required by the returning officer.

NEW YORK

State of New York, article VII and a part of article XII:

> That every male inhabitant of full age, who shall have personally resided within one of the counties of this State for 6 months immediately preceding the day of election, shall, at such election, be entitled to vote for representatives of the said county in assembly if, during the time of aforesaid, he shall have been a freeholder, possessing a freehold of the value of 20 pounds, within the said county, or have rented a tenement therein of the yearly value of 40 shillings, and been rated and actually paid taxes to this State: *Provided always,* That every person who now is a freeman of the city of Albany, or who was made a freeman of the city of New York or on before the 14th day of October, in the year of our Lord 1775, and shall be actually and usually resident in the said cities, respectively, shall be entitled to vote for representatives in assembly within his said place of residence.

Article XII follows:

> That the election of senators shall be after this manner: That so much of this State as is now parceled into counties be divided into four great districts; the southern district to comprehend the city and county of New York, Suffolk, Westchester, Kings, Queens, and Richmond Counties; the middle district to comprehend the counties of Duchess, Ulster, and Orange; the western district, the city and county of Albany, and Tryon County; and the eastern district, the counties of Charlotte, Cumberland, and Gloucester.
>
> That the senators shall be elected by the freeholders of the said districts, qualified as aforesaid, in the proportions following, to wit: In the southern district, nine; in the middle district, six; in the western district, six; and in the eastern district, three. And it be ordained, that a census shall be taken, as soon as may be after the expiration of 7 years from the termination of the present war, under the direction of the legislature; and if, on such census, it shall appear that the number of senators is not justly proportioned to the several districts, that the legislature adjust the proportion, as near as may be, to the number of freeholders, qualified as aforesaid, in each district.

MASSACHUSETTS

The State of Massachusetts, under the constitution of 1780, provisions of article II:

> There shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth, to be called by the selectmen, and warned in due course of law, at least 7 days before the first Monday in April, for the purpose of electing persons to be senators and councilors; and at such meetings every male inhabitant of 21 years of age and upward, having a freehold estate within the Commonwealth of the annual income of 3 pounds, or any estate of the value of 60 pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant. And to remove all doubts concerning the meaning of the word "inhabitant," in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office or place within this State, in that town, district, or plantation where he dwelleth or hath his home.
>
> The selectmen of the several towns shall preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators.

PENNSYLVANIA

Section 6 of the general portion of the constitution of 1776, styled "plan or frame of government":

> SEC. 6. Every freeman of the full age of 21 years, having resided in this State for the space of 1 whole year next before the day of election for representatives, and paid public taxes during that time, shall enjoy the right of an elector: *Provided always,* That sons of freeholders of the age of 21 years shall be entitled to vote although they have not paid taxes.

GEORGIA

The Constitution of 1777, article IX:

> All male white inhabitants of the age of 21 years, and possessed in his own right of 10 pounds value, and liable to pay tax in this State, or being of any mechanic trade, and shall have been resident 6 months in this State, shall have a right to vote at all elections for representatives, or any other officers herein agreed to be chosen by the people at large; and every person having a right to vote at any election shall vote by ballot personally.

NORTH CAROLINA

Articles VIII and IX:

> VIII. That all freemen of the age of 21 years, who have been inhabitants of any one county within the State 12 months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for the members of the house of commons for the county in which he resides.
>
> IX. That all persons possessed of a freehold in any town in this State, having a right of representation, and also all freemen, who have been inhabitants of any such town 12 months next before, and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such town in the house of commons: *Provided always,* That this section shall not entitle any inhabitant of such town to vote for members of the house of commons, for the county in which he may reside, nor any freeholder in such county, who resides without or beyond the limits of such town, to vote for a member for said town.

VIRGINIA

The constitution of Virginia of 1776 simply incorporated the right of suffrage as it existed under the ancient charter and the acts of the assembly which had been passed prior to that time, under these words:

> The right of suffrage in the election of Members for both Houses shall remain as exercised at present; and each House shall choose its own Speaker, appoint its own officers, settle its own rules of proceeding, and direct writes of election, for the supplying intermediate vacancies.

COLONIAL CHARTERS

To conclude the list of the 13 States, the remaining 3, Delaware, Rhode Island, and Connecticut, were all operating under colonial charters and had not adopted new constitutions. At that time the qualifications of their electors were fixed by statute. Delaware established qualifications for voting in her constitution in 1792. That came just after the adoption of the constitution. Connecticut and Rhode Island did not adopt constitutions until 1818 and 1842, respectively.

In order, therefore, to determine the qualifications for voting in these three States—Connecticut, Delaware, and Rhode Island—at the time of their entry into the Union, the statutes of these States are set forth as follows:

CONNECTICUT

In 1769, in Connecticut, separate qualifications were established for voting for deputies or representatives to the general court—legislature—governor and deputy governor—Laws 1769, pages 45, 301—and for voting for town officers—Laws 1769, page 240. Other freemen were eligible to vote and an act relating to freemen set forth the requisites to become a freeman, as follows:

> That the town clerks in the several towns in this colony shall enroll in their respective offices the names of all such persons in their respective towns as are or shall be admitted freemen of this corporation, which enrollments shall be made by the direction of the authority and selectmen of the town, in the open freemen's meeting, legally assembled.
>
> That all such inhabitants in this colony as have accomplished the age of 21 years, and have the possession of freehold estate to the value of 40 shillings per annum or 40 pounds personal estate in the general list of estates in that year wherein they desire to be admitted freemen; and also are persons of a quiet and peaceable behavior, and civil conversation, may, if they desire it, on their procuring the selectmen of the town wherein such persons inhabit, or the major part of them, to certify that the said persons are qualified as abovesaid, be admitted and made free of this corporation, in case they take the oath provided by law for freemen; which oath any one assistant or justice of the peace is hereby impowered to administer in said freemen's meeting.

DELAWARE

On September 2, 1775, the following qualifications for voting for representatives to the Delaware Assembly were established:

> SEC. 2. *Provided always,* That no inhabitants of this government shall have right of electing or being elected, as aforesaid (election for members of assembly), unless he or they be natural born subjects of Great Britain, or be naturalized in England, or in this government, or in the province of Pennsylvania and unless such person or persons be of the age of 21 years or upwards, and be a freeholder or freeholders in this government, and have 50 acres of land or more well settled, and 12 acres thereof cleared and improved, or be otherwise worth 40 pounds lawful money of this government clear estate, and have been resident therein for the space of 2 years before such election; and that every man shall give his vote without being questioned as aforesaid, or that shall receive any reward or gift for his vote, or that shall give, offer or promise any reward to be elected, or shall offer to serve for nothing or less allowance than the law prescribes, shall forfeit 5 pounds, the one-half thereof to the Governor, and the other to him or them who will sue for the same in any court of record within this government; and the person so elected shall be incapable to serve for that year.

The State constitution of 1792 provided in article IV:

> SECTION 1. All elections of Governor, Senators, and Representatives shall be by ballot; and in such elections every white freeman of the age of 21 years, having resided in the State 2 years next before the election, and within that time paid a State or county tax, which shall have been assessed at least 6 months before the election, shall enjoy the right of an elector; and the sons of persons so qualified, shall between the ages of 21 and 22 years, be entitled to vote although they shall have not paid taxes.

It is interesting that the word "qualified" was not used in the colonial charter, but when the first constitution was adopted, the State of Delaware used that particular word.

RHODE ISLAND

In Rhode Island a person in order to vote had to be admitted as a freeman and be enrolled as such. In order to be admitted as a freeman the following statutory requirement had to be met:

> SECTION 1. *Be it enacted by the general assembly, and by the authority thereof it is enacted,* That the freemen of each respective town in this State, at any of its town meetings, shall and they hereby have full power granted them, to admit so many persons, inhabitants of their respective towns, freemen of their towns, as shall be qualified according to this act.
>
> SEC. 2. *And be it further enacted,* That no person whosoever shall be permitted to vote or act as a freeman in any town meeting in this State, but such only who are inhabitants therein, and who at the time of such their voting and acting are really and truly possessed, in their own proper right, of a real estate within this State, to the full value of $134, or which shall rent for $7 per annum, being an estate in fee simple, fee tail, or an estate in reversion which qualifies no other person to be a freeman, or at least an estate for a person's own life, or the eldest son of such a freeholder, and that no estate of less quality shall entitle any person to the freedom of this State.

These, then, were the laws of the thirteen original States regarding qualifications prior to the adoption of the Constitution. Each State determined for itself who was to exercise the right of suffrage, and each State had qualifications different from the others.

Let me bring into context again what I said in the very beginning; namely, that inherent in the Constitution, and expressly a part of the 10th amendment, is a provision that the Federal Government has no powers except those expressly granted to it by the Constitution, and all other rights and powers are reserved to the States and to the people thereof. So those powers were lodged in the 13 States. In order for anything to be done, it must be done under the Constitution, and must be, in my opinion, expressly so done. It is my firm conviction that there is no provision in the Constitution or in any of the amendments thereto that gives to the Federal Government any of the rights and powers the States had and were exercising at the time the Constitution went into effect to establish the qualifications of voters.

In the first attempt to form a union, the question of who shall determine the right of suffrage also did not go unnoticed.

Article 5 of the Articles of Confederation provided:

> For the more convenient management of the general interests of the United States, Delegates shall be annually appointed in such a manner as the legislature of each State shall direct, to meet in Congress on the first Monday of November, in every year, with a power reserved to each State to recall its Delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.[1]

In simple terms, this meant that the Delegates would be chosen either by the State legislatures, which was the usual case, or in some other manner prescribed by the State legislatures.

Thus, this was the situation prior to and during the Constitutional Convention. It was with this background that article I, section 2, was adopted, and its meaning is as clear today as it was 175 years ago.

The constitutional debates on what is now article I, section 2, were relatively short. The reason for this was the simple fact that on the question of who shall determine the qualifications of electors there was no real disagreement. The principle that this was a matter for the States to determine had long existed.

In fact, it is ironical that much of the debate over the matter was not for the purpose of enlarging the scope of qualifications, but to create a more restrictive qualification that would apply to all States in a uniform manner.

Mr. DWORSHAK. Madam President, will the Senator yield for a question?

Mr. SPARKMAN. I yield to the Senator from Idaho.

Mr. DWORSHAK. I have been listening to the speeches made by many of the Senator's colleagues from the embattled South. I appreciate that they are facing a bombardment which many think is coming from the White House, or at least is being masterminded by the White House.

I should like to read a couple of paragraphs from today's Wall Street Journal, and then ask for the Senators' comment thereon. The article bears a Washington dateline, and reads:

> President Kennedy is moving all at once to satisfy his own convictions, soothe some of his most vociferous liberal critics and nail down Negro votes for Northern Democrats this fall.
>
> Between now and the November elections, he and his lieutenants are planning to shatter a whole row of civil rights precedents and start whittling away at some remaining barriers to racial integration. Negro housing, employment and voting may all eventually show the imprint if the administration follows through on plans now under consideration.
>
> The actions in prospect naturally fit the New Frontier's basic concepts of what is just and right. They were almost bound to come sooner or later under the Kennedy regime. But visions of 1962 ballot box gain are certainly shaping the timing now.

There are other interesting comments in this article, but I should like to know how the distinguished Senator feels about this obvious plan and strategy to utilize civil rights as bait for getting the votes of Negroes next November.

Mr. SPARKMAN. Madam President, I have not yet read the article to which the Senator from Idaho has referred. I may say that I have read many articles in newspapers predicting that something was going to happen which never happened. Newspaper writers have a way of writing sensational headlines and making statements that will create sensational headlines and discussions.

I have no way of saying whether that will be done or not. I know I have watched this problem for a long time, as has my friend from Idaho. This is not the first time I have deplored, nor is it the last time that I will deplore, action by both political parties—I am sure the Senator will agree that is true—to use any minority group for the purpose of enticing votes.

I have always said that we should legislate what is right, what is fair, what is just; and we should forget the political game connected with it. I have always believed that what the Negro in this country was more concerned with than anything else is a fair economic opportunity, an opportunity to share the good living to which all people of this country are entitled.

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[1] United States Code Annotated, Constitution, art. I, sec. 1 to sec. 9, p. 15.

My viewpoint has always been that we should try to legislate in such a way as to lend encouragement toward development of a good and high level standard of living for everyone, regardless of person.

I have often thought that a great deal of the weakness which showed up in our school system in my section of the country grew out of the low economic standing of the area. The Senator from Idaho can remember, as can I, when the per capita income in the South was very low. I have always felt there was not enough to go around. We did not have adequate schools for either white or colored people.

I have noted with interest in the past good many years a change in this situation. The economy of the South has grown. I believe the statistics show that in the past several years our economy has grown faster than that of any other section of the country. Of course, it had a low base from which to start. As a result, we now have better schools than we had for a long time. Teachers are paid better salaries. There are better opportunities. I could illustrate that across the board.

I think that is what our motives ought to be concerned about, instead of trying to make a political football out of racial matters, out of civil rights cases, or out of any matters dealing with minority groups in this country.

Mr. DWORSHAK. Madam President, will the Senator yield for another question?

Mr. SPARKMAN. I yield.

Mr. DWORSHAK. I am sure the Senator realizes that in the widespread publicity emanating from the National Capitol concerning a debate of this kind, too frequently the impression is created there is hostility and antagonism on the part of the people of the Southern States toward the colored people. I am sure I correctly understand that in reality those who represent the Southern States in the Halls of Congress have a thorough, comprehensive—yes, sympathetic—understanding of many of these problems, and that part of the opposition which they wage against legislation pending currently in the Congress is motivated by a sincere desire on the part of the people of the South to see that the colored people receive justice and equality instead of being made a political football.

Mr. SPARKMAN. I thank the Senator for his remarks. That certainly has motivated me and I believe it does all the southerners who have come up against the economic conditions I mentioned of a few years ago, who have lived side by side with the Negro race and who know more about the Negroes than many people who talk about the problem without a firsthand knowledge.

I thank the Senator from Idaho.

Madam President, I should like to read a portion of the debates on article I, section 2, which will clearly show that the Constitutional Convention rejected a uniform principle in reference to qualifications, but instead left the entire matter to the States on the basis that the States were the best judges as to who should exercise the right of suffrage. I use as my reference: Elliot, "Debates on the Federal Constitution."

Madam President, this running account which Elliot gives on the Constitutional Convention is more or less in the form of minutes or notes.

At the Constitutional Convention, the proposal at that time was article IV, section 1, and read as follows:

Article IV, section 1: "The Members of the House of Representatives shall be chosen, every second year, by the people of the several States comprehended within this Union. The qualifications of the electors shall be the same, from time to time, as those of the electors, in the several States, of the most numerous branch of their own legislatures."

Article 4, section 1, was taken up Tuesday, August 7:

Mr. Gouverneur Morris moved to strike out the last member of the section, beginning with the words "qualifications of electors," in order that some other provision might be substituted which would restrain the right of suffrage to freeholders.

Mr. Fitzsimons seconded the motion.

Mr. Williamson was opposed to it.

Mr. Wilson: "This part of the report was well considered by the committee, and he did not think it could be changed for the better. It was difficult to form any uniform rule of qualifications for all the States. Unnecessary innovations, he thought, too, should be avoided. It would be very hard and disagreeable for the same persons, at the same time, to vote for representatives in the State legislature, and to be excluded from a vote for those in the National Legislature."

Mr. Gouverneur Morris: "Such a hardship would be neither great nor novel. The people are accustomed to it, and not dissatisfied with it, in several of the States. In some, the qualifications are different for the choice of the Governor and of the representatives; in others, for different Houses of the Legislature. Another objection against the clause, as it stands, is, that it makes the qualifications of the National Legislature depend on the will of the States, which he thought not proper."

Mr. Ellsworth thought the qualifications of the electors stood on the most proper footing. The right of suffrage was a tender point, and strongly guarded by most of the State constitutions. The people will not readily subscribe to the National Constitution, if it should subject them to be disfranchised. The States are the best judges of the circumstances and temper of their own people.

Colonel Mason: "The force of habit is certainly not attended to by those gentlemen who wish for innovations on this point. Eight or nine States have extended the right of suffrage beyond the freeholders. What will the people there say, if they should be disfranchised? A power to alter the qualifications would be a dangerous power in the hands of the legislature."

Mr. Butler: "There is no right of which the people are more jealous than that of suffrage. Abridgements of it tend to the same revolution as in Holland, where they have at length thrown all power into the hands of the senates, who fill up vacancies themselves, and form a rank aristocracy."

Mr. Dickinson had a very different idea of the tendency of vesting the right of suffrage in the freeholders of the country. He considered them as the best guardians of liberty; and the restriction of the right to them as a necessary defense against the dangerous influence of those multitudes, without property and without principle, with which our country, like all others, will in time abound. As to the unpopularity of the innovation, it was, in his opinion, chimerical. The great mass of our citizens is composed at this time of freeholders, and will be pleased with it.

Mr. Ellsworth: "How shall the freehold be defined? Ought not every man, who pays a tax, to vote for the representative who is to levy and dispose of his money? Shall the wealthy merchants and manufacturers, who will bear a full share of the public burdens, be not allowed a voice in the imposition of them? Taxation and representation ought to be together."

Mr. Gouverneur Morris: "He had long learned not to be the dupe of words. The sound of aristocracy, therefore, had no effect upon him. It was the thing, not the name, to which he was opposed; and one of his principal objections to the Constitution, as it is now before us, is, that it threatens the country with an aristocracy. The aristocracy will grow out of the House of Representatives. Give the votes to people who have no property, and they will sell them to the rich, who will be able to buy them. We should not confine our attention to the present moment. The time is not distant when this country will abound with mechanics and manufacturers, who will receive their bread from their employers. Will such men be the secure and faithful guardians of liberty? Will they be the impregnable barrier against aristocracy? He was as little duped by the association of the words 'taxation and representation.' The man who does not give his vote freely, is not represented. It is the man who dictates the vote. Children do not vote. Why? Because they want prudence; because they have no will of their own. The ignorant and the dependent can be as little trusted with the public interest. He did not conceive the difficulty of defining 'freeholders' to be insuperable; still less that the restriction could be unpopular. Nine-tenths of the people are at present freeholders, and these will certainly be pleased with it. As to merchants, etc., if they have wealth, and value the right, they can acquire it. If not, they don't deserve it."

Colonel Mason: "We all feel too strongly the remains of ancient prejudices, and view things too much through a British medium. A freehold is the qualification in England, and hence it is imagined to be the only proper one. The true idea, in his opinion, was, that every man having evidence of attachment to, and permanent common interest with, the society, ought to share in all its rights and privileges. Was the qualification restrained to freeholders? Does no other kind of property but land evidence a common interest in the proprietor? Does nothing besides property mark a permanent attachment? Ought the merchant, the moneyed man, the parent of a number of children whose fortunes are to be pursued in his own country, to be viewed as suspicious characters, and unworthy to be trusted with the common rights of their fellow citizens?"

Mr. Madison: "The right of suffrage is certainly one of the fundamental articles of republican government, and ought not to be left to be regulated by the legislature. A gradual abridgment of this right has been the mode in which aristocracies have been built on the ruins of popular forms. Whether the constitutional qualification ought to be a freehold, would with him depend much on the probable reception such a change would meet with in the states where the right was now exercised by every description of people. In several of the states, a freehold was now the qualification. Viewing the subject in its merits alone, the freeholders of the country would be the safest depositories of republican liberty. In future times, a great majority of the people will not only be without landed, but any other sort of property. These will either combine, under the influence of their common situation—in which case the rights of property and the public liberty will not be secure in their hands—or, what is more probable, they will become the tools of opulence and ambition; in which case, there will be equal danger on another side. The example of England has been misconceived [by Colonel Mason]. A very small proportion of the representatives are there chosen by freeholders. The greatest part are chosen by the cities and boroughs, in many of which the qualification of suffrage is as low as it is in any one of the United States; and it was in the boroughs and cities, rather than the counties, that bribery most prevailed and the influence of the Crown on elections was most dangerously exerted."

Dr. Franklin: "It is of great consequence that we should not depress the virtue and public spirit of our common people; of which they displayed a great deal during the war, and which contributed principally to the favorable issue of it. He related the honorable refusal of the American seamen, who were carried in great numbers into the British prisons during the war, to redeem themselves from misery, or to seek their fortunes, by entering on board the ships of the enemies to their country; contrasting their patriotism with a contemporary instance, in which the British seamen, made prisoners by the Americans, readily entered on the ships of the latter, on being promised a share of the prizes that might be made out of their own country. This proceeded, he said, from the different manner in which the common people were treated in America and Great Britain. He did not think that the elected had any right, in any case, to narrow the privileges of the electors. He quoted, as arbitrary, the British statute setting forth the danger of tumultuous meetings, and, under that pretext, narrowing the right of suffrage to persons having freeholds of a certain value; observing, that this statute was soon followed by another, under the succeeding parliament, subjecting the people who had no votes to peculiar labors and hardships. He was persuaded, also, that such a restriction as was proposed would give great uneasiness in the populous States. The sons of a substantial farmer, not being themselves freeholders, would not be pleased at being disfranchised, and there are a great many persons of that description."

Mr. Mercer: "The Constitution is objectionable in many points, but in none more than the present. He objected to the footing on which the qualification was put, but particularly to the mode of election by the people. The people cannot know and judge of the characters of candidates. The worst possible choice will be made. He quoted the case of the senate in Virginia, as an example in point. The people in towns can unite their votes in favor of one favorite, and by that means always prevail over the people of the country, who, being dispersed, will scatter their votes among a variety of candidates."

Mr. Rutledge thought the idea of restraining the right of suffrage to the freeholders a very unadvised one. It would create division among the people; and make enemies of all those who should be excluded.

On the question for striking out, as moved by Mr. Gouverneur Morris, from the word "qualifications" to the end of the third article:

Delaware, aye, 1; New Hampshire, Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, South Carolina, no, 7; Maryland, divided; Georgia, not present.

Adjourned Wednesday, August 8.

Mr. Mercer expressed his dislike of the whole plan, and his opinion that it never could succeed.

Mr. Gorham: "He had never seen any inconvenience from allowing such as were not freeholders to vote, though it had long been tried. The elections in Philadelphia, New York, and Boston, where the merchants and mechanics vote, are at least as good as those made by freeholders only. The case in England was not accurately stated yesterday [by Mr. Madison]. The cities and large towns are not the seat of crown influence and corruption. These prevail in the boroughs, and not on account of the right which those who are not freeholders have to vote, but of the smallness of the number who vote. The people have been long accustomed to this right in various parts of America, and will never allow it to be abridged. We must consult their rooted prejudices, if we expect their concurrence in our propositions."

Mr. Mercer did not object so much to an election by the people at large, including such as were not freeholders, as to their being left to make their choice without any guidance. He hinted that candidates ought to be nominated by the State legislatures.

On the question for agreeing to article 4, section 1, it passed, nem. con.

Madam President, to me this is a most interesting commentary on the treatment of this particular provision in the Constitution by the men who wrote it. Let us remember that there was only one State that voted to amend. When final passage came of the unamended provision, there was not one vote cast against it. That is the manner in which that provision was recognized in the Constitution, that States had the right to fix the qualification of voters. The standard set, and the test set, was that the qualifications for electors for Federal officers—and at that time the only Federal officers that were elected were the Members of the House of Representatives—shall be those which were set by the States for those persons who would vote in the election of the members of the most numerous branch of the State legislatures.

It is just that simple and plain, as I see it. This was the discussion of article I, section 2. In substance, it was warned that the right of suffrage was a tender point carefully guarded in the constitutions; and that changing this in any manner might wreck the new Government.

It has been pointed out in the debate on the floor of the Senate from time to time that undoubtedly the Constitution would not have been agreed to, and, if agreed to in the Convention, would never have been adopted by the States, and our Federal system of government would never have been set up, had it not been for the reservation of this right to the several States.

It was also pointed out in the Constitutional Convention that it would be difficult to settle on a uniform rule for all States and that it would be awkward if the electors of the State legislatures and Congress were not the same. In addition, it was stated that a power to alter the qualifications of voters would be a dangerous power in the hands of the National Legislature.

Madam President, it seems to me that that is a point of considerable significance. The point was made in the course of the debate that it would be most difficult to settle on a uniform rule. It is true that the qualifications of voters as set by the several States of the Union are not uniform. I have not heard anyone argue that they ought to be. The State of Georgia, for instance, allows a person to vote at the time he becomes 18 years of age. So far as I know, that is the only State that does so. Other States allow a person to vote if he possesses qualifications, without regard to property ownership, the payment of a poll tax, or any qualification like that; whereas some States do have those qualifications.

It was recognized by the Senate only a few weeks ago that when it came to the question of changing the qualification of voters, in order to bring it about, it would be necessary to amend the Constitution of the United States. Thus the Senate turned down a proposal to pass a simple statutory enactment doing away with the requirement by some States for the payment of a poll tax. Instead, it voted approval of a constitutional amendment to bring that about.

The same principle applies today.

Back in the days of Woodrow Wilson, when it was determined by a majority of the people of this country, in their thinking, that women ought not to be denied the right to vote, what was the method taken in order to bring it about? It was done by constitutional amendment, not a simple statutory enactment by Congress.

Even back during the heat and emotion and passions of the Civil War, when it was determined that those who had recently been slaves ought to be given the right to vote, no one came forward with a statutory enactment to give them that right. Instead, the 15th amendment gave them that right. A series of amendments, the 13th, 14th, and 15th, had a relationship in setting them free and recognizing their rights and insuring them the right to vote. That was done by constitutional amendment also.

Here an effort is made to change the Constitution of the United States and to do it by simple statutory enactment. It is clearly unconstitutional, and I cannot for the life of me see how anyone who has studied the Constitution and has studied the history of the adoption of the Constitution and how the various provisions of the Constitution were hammered out, can hold otherwise.

By the way, these provisions were not gone into hurriedly. This particular provision was hammered out by clear thinkers, by statesmen who had at heart the interest of their country. They were patriots. This provision was hammered out carefully in that way, so as to reserve to the States the right and the power which the individual States already had, and had had from colonial times.

At the conclusion of the debate, advocates of a ballot limited to freeholders were defeated by a vote of 7 States to 1, and the plan of the committee on detail was adopted without a dissenting vote. Its language was changed only slightly and it became that part of section 2, article 1, of the Constitution which reads:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The words "qualifications of the electors shall be the same from time to time," and so forth, had been omitted from the recommendation of the committee.

As has been indicated, the members of the Constitutional Convention were conscious of the need to satisfy the people of the various States sensitive on the subject of suffrage rights. It was therefore one of the subjects which received close attention in the "Federalist Papers" written at the time to convince State conventions to adopt the Constitution.

In the Federalist, No. 52, p. 341, 342, it was stated:

> The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone. To have reduced the different qualifications in the different States to one uniform rule would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention. The provision made by the Convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State because it is conformable to the standard already established, or which may be established, by the State itself. It will be safe to the United States, because, being fixed by the State constitutions, it is not alterable by the State governments, and it cannot be feared that the people of the States will alter this part of their constitution in such a manner as to abridge the right secured to them by the Federal Constitution.

The question also arose at the various State conventions as to the meaning of article I, section 2, and its relation to article I, section 4.

In the Massachusetts Ratifying Convention, in answer to a query as to whether Congress may prescribe a property qualification for voters, Mr. Rufus King, a member of the Federal Convention, said:

> The idea of the honorable gentleman from Douglass transcends my understanding; for the power of control given by this section (art. I, sec. 4) extends to the manner of elections, not the qualifications of the electors.

And James Wilson, who had warned in the Constitutional Convention of the difficulty that might result if qualifications of State and national electors were different, had this to say in the Pennsylvania convention:

> In order to know who are qualified to be electors of the House of Representatives, we are to inquire who are qualified to be electors of the legislature of each State. If there be no electors of them; if there be no such electors, there is no criterion to know who are qualified to elect members of the House of Representatives. By this short, plain deduction, the existence of State legislatures is proved to be essential to the existence of the general government.

At the Virginia ratifying convention, one issue was whether the Federal Government could pass on the qualifications of the voters or whether Virginia, as in the past, could fix the qualifications. If the latter, the Federal Government would merely determine the times, places, and manner, if it wished to do so, of holding these elections, but those who had the right to vote under the State law would then freely participate.

Wilson Nicholas, a member of the Philadelphia Convention, came to Richmond and explained what had been done in Philadelphia. He gave the members of the Richmond Ratifying Convention positive assurance that the Federal Government could not and never would undertake to pass upon and fix the qualifications of voters.

Virginia agreed to ratify only on the assurance that the first session of the Congress would propose a bill-of-rights amendment to the Constitution that would include certain reservations as to State rights.

This, in fact, is one of the reasons for the 10th amendment of the Constitution, which was proposed to the legislatures of the several States by the First Congress on September 25, 1789, and was ratified on December 15, 1791.

In explaining the voting plan to the North Carolina Convention, John Steel said:

> Can they, without a most manifest violation of the Constitution, alter the qualifications of the electors? The power over the manner of elections does not include that of saying who shall vote. The Constitution expressly says that the qualifications are those which entitle a man to vote for a State representative. It is then, clearly and indubitably fixed and determined who shall be the electors; and the power over the manner only enables them to determine how these electors shall elect—whether by ballot, or by vote, or by any other way.

Authors on the Constitution also have concurred on the meaning of article I, section 2.

Willoughby in "The Constitutional Law of the United States, pages 540–541, states:

> "A distinction is to be made between the right to vote for a representative to Congress and the conditions upon which that right is granted * * * the right to vote is conditioned upon and determined by State law. But the right itself, as thus determined is a Federal right. That is to say, the right springs from the provision of the Federal Constitution that Representatives shall be elected by those who have the right in each State to vote for the members of the most numerous branch of the State legislature. The Constitution thus gives the right but accepts, as its own, the qualifications which the States severally see fit to establish with reference to the election of the most numerous branch of their several State legislatures."

Similarly, Matthews, in "The American Constitutional System," 2d edition, page 363, goes even further and states:

> Two provisions of the Constitution other than section 2 of article I and the 17th amendment indirectly leave to the States powers over voting qualifications. The first is section I of article II which grants to the States the right to choose the manner of appointing presidential electors. If elections are designed as the manner of appointing electors, the States have authority to determine what shall be the qualifications of voters in these elections. The second provision is the second section of the 14th amendment. This section of the amendment clearly recognizes the right of a State to adopt suffrage qualifications which exclude certain of its adult male citizens from voting. By this section, the State is penalized for denying the right to vote to male citizens of 21 years of age for reasons other than participation in rebellion or other crime; but the right to deny the suffrage, meaning ordinarily the right to establish qualifications restricting the right to vote, is legally sanctioned."

In Story's "Commentaries on the Constitution," the author discusses article I, section 2, quite thoroughly. I would now like to read at some length from his discussion on the matter.

> "The most strenuous advocate for universal suffrage has never yet contended that the right should be absolutely universal. No one has ever been sufficiently visionary to hold, that all persons, of every age, degree, and character, should be entitled to vote in all elections of all public officers. Idiots, infants, minors, and persons insane or utterly imbecile, have been, without scruple, denied the right as not having the sound judgment and discretion fit for its exercise. In many countries, persons guilty of crimes have also been denied the right, as a personal punishment, or as a security to society. In most countries, females, whether married or single, have been purposely excluded from voting, as interfering with sound policy and the harmony of social life (p. 427).
>
> Who has an original right to fix the time and period of pupilage or minority? Whence was derived the right of the ancient Greeks and Romans to declare that women should be deemed never to be of age, but should be subject to perpetual guardianship? Upon what principle of natural law did the Romans, in after times, fix the majority of females, as well as of males, at 25 years? Who has a right to say that in England it shall, for some purposes be at 14, for others at 17, and for all at 31 years; while in France a person arrives, for all purposes, at majority, only at 30 years, in Naples at 18, and in Holland at 25? Who shall say that one man is not as well qualified as a voter at 18 years of age, as another is at 25, or a third at 40; and far better than most men are at 80? And if any society is invested with authority to settle the matter of the age and sex of voters according to its own view of its policy, or convenience or justice, who shall say that it has not equal authority, for like reasons, to settle any other matter regarding the rights, qualifications, and duties of voters (p. 428).
>
> It may be proper to state that every civilized society has uniformly fixed, modified, and regulated the right of suffrage for itself, according to its own will and pleasure. Every constitution of government in these United States has assumed as a fundamental principle the right of the people of the State to alter, abolish, and modify the form of its own government, according to the sovereign pleasure of the people. In fact, the people of each State have gone much further, and settled a far more critical question, by deciding who shall be the voters entitled to approve and reject the constitution framed by a delegated body under their direction. In the adoption of no State constitution has the assent been asked of any but the qualified voters; and women and minors and other persons not recognized as voters by existing laws have

> been studiously excluded. And yet the constitution has been deemed entirely obligatory upon them as well as upon the minority who voted against it. From this it will be seen how little, even in the most free of republican governments, any abstract right of suffrage or any original and indefeasible privilege has been recognized in practice. If this consideration does not satisfy our minds, it at least will prepare us to presume that there may be an almost infinite diversity in the established right of voting without any State being able to assert that its own mode is exclusively founded in natural justice, or is most conformable to sound policy, or is best adapted to the public security. It will teach us that the question is necessarily complex and intricate in its own nature, and is scarcely susceptible of any simple solution which shall rigidly apply to the circumstances and conditions, the interests and the feelings, the institutions and the manners, of all nations. What may best promote the public weal and secure the public liberty and advance the public prosperity in one age or nation may totally fail of similar results under local, physical, or moral predicaments essentially different.
>
> It would carry us too far from the immediate object of these commentaries to take a general survey of the various modifications under which the right of suffrage, either in relation to laws or magistracy, or even judicial controversies, has appeared in different nations in ancient and modern times. The examples of Greece and Rome in ancient times, and of England in modern times, will be found most instructive. In England, the qualifications of voters, as also the modes of representation, are various and framed upon no common principle. The counties are represented by knights, elected by the proprietors of lands who are freeholders; the boroughs and cities are represented by citizens and burgesses, or others chosen by the citizens or burgesses, according to the qualifications prescribed by custom or by the respective charters and bylaws of each borough or city. In these the right of voting is almost infinitely varied and modified. In the American Colonies, under their charters and laws, no uniform rules in regard to the right of suffrage existed. In some of the Colonies the course of the parent country was closely followed, so that freeholders alone were voters; in others a very near approach was made to universal suffrage among the males of competent age; and in others, again, a middle principle was adopted, which made taxation and voting dependent upon each other, or annexed to it the qualification of holding some personal estate, or the privilege of being a freeman, or the eldest son of a freeholder of the town or corporation. When the Revolution brought about the separation of the Colonies and they formed themselves into independent States, a very striking diversity was observable in the original constitutions adopted by them, and a like diversity has pervaded all the constitutions of the new States which have since grown up, and all the revised constitutions of the old States which have received the final ratification of the people. In some of the States the right of suffrage depends upon a certain length of residence and payment of taxes; in others upon mere citizenship and residence; in others upon the possession of a freehold or some estate of a particular value, or upon the payment of taxes, or performance of some public duty, such as service in the militia or on the highways. In no two of these State constitutions will it be found that the qualifications of the voters are settled upon the same uniform basis. So that we have the most abundant proofs that among a free and enlightened people, convened for the purpose of establishing their own form of government and the rights of their own voters, the question as to the due regulation of the qualifications has been deemed a matter of mere State policy, and varied to meet the wants, to suit the prejudices, and to foster the interests of the majority. An absolute, indefeasible right to elect or to be elected seems never to have been asserted on one side or denied on the other; but the subject has been freely canvassed as one of mere civil policy, to be arranged upon such a basis as the majority may deem expedient with reference to the moral, physical, and intellectual condition of the particular State.
>
> It was under this known diversity of constitutional provisions in regard to State elections, that the Convention which framed the Constitution of the Union was assembled. The definition of the right of suffrage is very justly regarded as a fundamental article of a republican government. It was incumbent on the convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of Congress would have been improper, for the reason just mentioned. To have submitted it to the legislative discretion of the States would have been improper, for the same reason, and for the additional reason that it would have rendered too dependent on the State government that branch of the Federal Government which ought to be dependent on the people alone. Two modes of providing for the right of suffrage in the choice of representatives were presented to the consideration of that body. One was to devise some plan which should operate uniformly in all the States, on a common principle; the other was to conform to the existing diversities in the States, thus creating a mixed mode of representation. In favor of the former course, it might be urged that all the States sought, upon the floor of the House of Representatives, to be represented equally; that this could be accomplished only by the adoption of a uniform qualification of the voters, who would thus express the same public opinion of the same body of citizens throughout the Union; that if freeholders alone in one State chose the representative, and in another all male citizens of competent age, and in another all freemen of particular towns or corporations, and in another all taxed inhabitants, it would be obvious that different interests and classes would obtain exclusive representations in different States, and thus the great objects of the Constitution, the promotion of the general welfare and common defense, might be unduly checked and obstructed; that a uniform principle would at least have this recommendation, that it could create no well-founded jealousies among the different States, and would be most likely to satisfy the body of the people by its perfect fairness, its permanent equality of operation, and its entire independence of all local legislation, whether in the shape of State laws or of amendments to State constitutions.
>
> On the other hand, it might be urged in favor of the latter course, that the reducing of the different qualifications, already existing in the different States, to one uniform rule, would have been a very difficult task, even to the convention itself, and would be dissatisfactory to the people of different States. It would not be very easy for the convention to frame any rule which would satisfy the scruples, the prejudices, or the judgments of a majority of its own members. It would not be easy to induce Virginia to give up the exclusive right of freeholders to vote; or Rhode Island or Connecticut the exclusive right of freemen to vote; or Massachusetts the right of persons possessing a given value of personal property to vote; or other States the right of persons paying taxes, or having a fixed residence, to vote. The subject itself was not susceptible of any very exact limitations upon any general reasoning. The circumstances of different States might create great diversities in the practical operation of any uniform system. And the natural attachments which long habit and usage had sanctioned, in regard to the exercise of the right, would enlist all the feelings and interests and opinions of every State against any substantial change in its own institutions. A great embarrassment would be thus thrown in the way of the adoption of the Constitution itself, which perhaps would be thus put at hazard upon the mere ground of theoretical propriety.
>
> Besides, it might be urged that it is far from being clear, upon reasoning or experience, that uniformity in the composition of a representative body is either desirable or expedient, founded in sounder policy, or more promotive of the general good, than a mixed system, embracing and representing and combining distinct interests, classes, and opinions. In England the House of Commons, as a representative body, is founded upon no uniform principle, either of numbers, or classes or places. The representation is made up of persons chosen by electors having very different, and sometimes very discordant qualifications: in some cases, property is exclusively represented; in others, particular trades and pursuits; in others, inhabitancy and corporate privileges; in others, the reverse. In some cases the representatives are chosen by very numerous voters; in others, by very few: in some cases a single patron possesses the exclusive power of choosing representatives, as in nomination boroughs; in others, very populous cities have no right to choose any representatives at all: in some cases a select body, forming a very small part of the inhabitants, has the exclusive right of choice; in others, nonresidents can control the whole election; in some places a half million of inhabitants possess the right to choose no more representatives than are assigned to the most insignificant borough, with scarcely an inhabitant to point out its local limits. Yet this inequality has never of itself been deemed an exclusive evil in Great Britain. And in every system of reform which has found public favor in that country, many of these diversities have been embodied from choice, as important checks upon undue legislation; as facilitating the representation of different interests and different opinions; and as thus securing, by a well-balanced and intelligent representation of all the various classes of society, a permanent protection of the public liberties of the people, and a firm security of the private rights of persons and property. Without, therefore, asserting that such a mixed representation is absolutely and under all circumstances the best, it might be safely affirmed that the existence of various elements in the composition of the representative body is not necessarily inexpedient, unjust, or insecure, and, in many cases, may promote a wholesome restraint upon partial plans of legislation, and to insure a vigorous growth to the general interests of the Union. The planter, the farmer, the mechanic, the merchant, and the manufacturer might thus be brought to act together, in a body representing each; and thus superior intelligence, as well as mutual good will and respect, be diffused through the whole of the collective body.
>
> In the judgment of the convention this latter reasoning seems to have obtained a decisive influence, and to have established the final result; and it was accordingly declared, in the clause under consideration, that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature" (pp. 430, 431, 432, 433, 434, 436 437).

I have endeavored to show by this historical background what is intended by article I, section 2. In my mind there is no question that the matter of qualifications is solely a State matter. The effect of article I, section 4, the 14th and

15th amendments do not change this. They are limited in their application, and do not give the Federal Government the power to create uniform legislation on voter qualifications.

The significance of this history is even more important when we consider that as late as 1912 when the 17th amendment was proposed, providing for popular elections of Senators, language identical to that in article I, section 2, was used.

It should be noted that this language was used after more than a century of experience with the suffrage provisions contained in the Constitution and various State laws. In fact, when this provision was adopted a number of States already had literacy requirements.

ARTICLE I, SECTION 4

Article I, section 4, clause 1, provides:

> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to Places of chusing Senators.

In the constitutional debates, the discussions in relation to article I, section 4, makes it quite apparent that the provision is concerned with procedural matters. See Elliot, "Debates on the Federal Constitution" as stated in note 5.

I will now read a portion of this debate which will adequately illustrate this point.

The proposed provision under question at that time was article VI, section 1, and read as follows:

> Article VI, section 1: The times, and places, and manner of holding the elections of the Members of each House, shall be prescribed by the legislature of each State; but their provisions concerning them may, at any time, be altered by the Legislature of the United States.

In reference to the following provisions:

> Mr. Pinckney and Mr. Rutledge moved to strike out the remaining part, viz., "but their provisions concerning them may at any time be altered by the Legislature of the United States." The States, they contended, could and must be relied on in such cases.
>
> Mr. Gorham. It would be as improper to take this power from the National Legislature, as to restrain the British Parliament from regulating the circumstances of elections, leaving this business to the counties themselves.
>
> Mr. Madison. The necessity of a general government supposes that the State legislatures will sometimes fail or refuse to consult the common interest at the expense of their local convenience or prejudices. The policy of referring the appointment of the House of Representatives to the people, and not to the legislatures of the States, supposes that the result will be somewhat influenced by the mode. This view of the question seems to decide that the legislatures of the States ought not to have the uncontrolled right of regulating the times, places, and manner, of holding elections. These were words of great latitude. It was impossible to foresee all the abuses that might be made of the discretionary power. Whether the electors should vote by ballot, or viva voce, should assemble at this place or that place, should be divided into districts, or all meet at one place, should all vote for all the representatives, or all in a district vote for a number allotted to the district—these, and many other points, would depend on the legislatures, and might materially affect the appointments. Whenever the State legislatures had a favorite measure to carry, they would take care so to mould their regulations as to favor the candidates they wished to succeed. Besides, the inequality of the representation in the legislatures of particular States would produce a like inequality in their representation in the National Legislature, as it was presumable that the counties having the power in the former case would secure it to themselves in the latter. What danger could there be in giving a controlling power to the national legislature? Of whom was it to consist? First, of a Senate to be chosen by the State legislatures. If the latter, therefore, could be trusted, their representatives could not be dangerous. Secondly, of representatives elected by the same people who elect the State legislatures. Surely, then, if confidence is due to the latter, it must be due to the former. It seems as improper in principle, though it might be less inconvenient in practice, to give to the State legislatures this great authority over the election of the representatives of the people in the general legislature, as it would be to give the latter a like power over the election of their representatives in the State legislatures.
>
> Mr. King. If this power be not given to the National Legislature, their right of judging of the returns of their members may be frustrated. No probability has been suggested of its being abused by them. Although this scheme of erecting the General Government on the authority of the State legislatures has been fatal to the Federal establishment, it would seem as if many gentlemen still foster the dangerous idea.
>
> Mr. Gouverneur Morris observed, that the States might make false returns, and then make no provisions for new elections.
>
> Mr. Sherman did not know but it might be best to retain the clause, though he had himself sufficient confidence in the State legislatures.
>
> The motion of Mr. Pinckney and Mr. Rutledge did not prevail.
>
> The word "respectively" was inserted after the word "State."
>
> On the motion of Mr. Read, the word "their" was struck out, and "regulations in such cases," inserted, in place of "provisions concerning them,"—the clause then reading, "but regulations, in each of the foregoing cases, may, at any time, be made or altered by the legislature of the United States." This was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations, in case the States should fail or refuse altogether. Article 6, section 1, as thus amended, was agreed to, nem. con.
>
> Adjourned.

In the Virginia Ratifying Convention, Mr. Madison, in discussing article I, section 4, very succinctly stated:

> It was found impossible to fix the time, place, and manner of the election of Representatives in the Constitution. It was found necessary to leave the regulation of these, in the first place, to the State governments, as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution.
>
> "And, considering the State governments and general governments as distinct bodies, acting in different and independent capacities for the people, it was thought the particular regulations should be submitted to the former and the general regulations to the latter. Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the States' legislatures, the congressional control will very probably never be exercised."

Similarly, in the Federalist, No. 59, pages 384–385, Hamilton states the following:

> It will not be alleged, that an election law could have been framed and inserted in the Constitution, which would have been always applicable to every probable change in the situation of the country; and it will therefore not be denied, that a discretionary power over elections ought to exist somewhere. It will, I presume, be as readily conceded, that there were only three ways in which this power could have been reasonably modified and disposed; that it must either have been lodged wholly in the National Legislature, or wholly in the State legislatures, or primarily in the latter and ultimately in the former. The last mode has, with reason, been preferred by the convention. They have submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations; which, in ordinary cases, and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose whenever extraordinary circumstances might render that interposition necessary to its safety.
>
> Nothing can be more evident, than that an exclusive power of regulating elections for the National Government, in the hands of the State legislatures, would leave the existence of the Union entirely at their mercy. They could at any moment annihilate it, by neglecting to provide for the choice of persons to administer its affairs. It is to little purpose to say, that a neglect or omission of this kind would not be likely to take place. The constitutional possibility of the thing, without an equivalent for the risk, is an unanswerable objection. Nor has any satisfactory reason been yet assigned for incurring that risk.

That the powers conferred under article I, section 4, in no way apply to the question of qualifications is made even more apparent by Hamilton in the Federalist, No. 60, page 394.

Accordingly, Hamilton stated:

> The truth is, that there is no method of securing to the rich the preference apprehended, but by prescribing qualifications of property either for those who may elect or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the times, the places, the manner of elections. The qualifications of the persons who may choose, or be chosen, as has been remarked upon on other occasions, are defined and fixed in the Constitution, and are unalterable by the (National) Legislature.

I think that this last statement is so explicit that it precludes anyone from having doubts as to the meaning of article I, section 4. In fact, as I shall indicate at a later point, the U.S. Supreme Court has observed that this section applies only to procedural matters, and not to qualifications as stated in article I, section 2.

Indeed, had not this been the case, article I, section 2, would have either been incorporated within article I, section 4; or it would have been omitted; or it is, today, completely superfluous and without meaning.

ARTICLE II, SECTION 1

After stating that the President shall be elected, article II, section 1, in reference to who shall do the electing, provides:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The method of selecting a President was the subject of long debate at the Constitutional Convention in 1787. Several plans were proposed and rejected before the present provision was adopted.

The records of the Convention indicate that the Founding Fathers did not consider the appointment of a king or other monarchial system, but agreed that the President should be an elected official. The problem was whether the Chief Executive should be chosen by direct popular election, by the Congress, by the State legislatures, or by intermediate electors. See Elliot, "Debates on the Federal Constitution," volume V.

Direct election was opposed because it was generally felt that the people lacked sufficient knowledge of the character or qualifications of possible candidates to make an intelligent choice. Many delegates feared that the people of the various States would be unable to agree on a single candidate, usually casting their votes for favorite son candidates well known to them.

The possibility of allowing the Congress to pick the President was also given full consideration. This plan ran into opposition, however, because it appeared to conflict with the principle of executive independence. The President was to be the guardian of the people, and their great protector against legislative tyranny. As James Madison stated:

> A dependence of the executive on the legislature would render it the executor, as well as the maker of laws; and then, according to the observation of Montesquieu, tyrannical laws may be made that they be executed in a tyrannical manner.

A proposed alternative was to let the Congress appoint the President but make him ineligible for a second term, but this was opposed because it was felt that a second term should not be prohibited. A single long term, perhaps 7 years in length, was proposed but rejected because of the long period of time that would pass before a bad President could be voted out of office.

Many delegates favored letting the State legislatures choose the President, but this was finally rejected because of a fear that the President would be overly beholden to the States and might allow the States to encroach on Federal authority.

Unable to agree on a plan for electing the President, the convention appointed a Committee of Eleven to present a solution to the impasse.

The Committee of Eleven reported a compromise under which each State would appoint presidential electors in a manner set by its legislature, each State to have as many electors as it had Representatives and Senators combined. The electors would meet in their own States and cast two votes for President. The votes would be counted in Congress and the candidate receiving a majority of the votes cast would be elected President and the second highest candidate would be elected Vice President.

The one section of the Committee of Eleven's plan which aroused serious opposition was the provision giving the Senate the right to decide elections where no candidate received a majority of electoral votes. Some delegates feared that the Senate, which had already been accorded treaty ratification powers and responsibility to advise and consent to all important appointments, might become too powerful. So, the proposal was made, and approved, to let the House decide when the electors failed to give a majority of their votes to a single candidate. But the interests of the small States were preserved by giving each delegation only one vote in the House on the election of the President.

Only once since the ratification of the Constitution has an amendment been adopted which has altered the method of electing a President. In the 1800 presidential election the Republican—anti-Federalist—electors inadvertently caused a tie in the electoral college by casting an equal number of votes for both Thomas Jefferson, whom they wished to elect President, and Aaron Burr, whom they wished to elect Vice President. The election was thrown in the House and 36 ballots were cast before Jefferson was finally elected. The 12th amendment, ratified in 1804, sought to prevent a recurrence by providing that the electors should vote separately for President and Vice President.

EVOLUTION OF THE SYSTEM

The framers of the Constitution had initially conceived that each State would choose distinguished citizens as electors and that they would act in their individual capacity in choosing the President, but, as strong political parties began to develop, the electors were chosen merely as representatives of the parties, and independent voting by electors disappeared.

Also, early in the 19th century, the practice quickly developed in several States to choose electors by popular vote. By 1804 the majority of State legislatures provided for the direct popular election of electors.

At first, most "popular election" States operated under the district system. But this split the electoral votes of a State and decreased the power of State political bosses and the dominant parties in State legislatures to deliver their States for one candidate. Thus, the unit rule system evolved, which provided for all of a State's electoral votes to go to the party which won a plurality of the popular votes statewide.

From 1836 to the Civil War, electors were chosen by the unit rule in all States except South Carolina, where the State legislature chose the electors. The only exceptions to the unit rule system since the Civil War occurred in Florida in 1868 and Colorado in 1876, when the choice was by legislature; and in Michigan in 1892, when the district system was employed.

In short, presidential electors have been chosen in a variety of ways. Changes have occurred in the methods of selection, but they have always been initiated by the several States. Today, the State legislatures still retain the power to specify the method of choosing presidential electors, and the question of qualifications is merely incidental to this power. If it is desired that this be changed, then the proper course of action is an amendment to the Constitution, and not the measure proposed here.

COURT FINDINGS

Having dwelled on the historical background on the matter at hand, I would now like to discuss the legislative findings and court decisions involved.

LEGISLATIVE FINDINGS

H.R. 1361, as amended, recites certain findings by the Congress:

(a) that it is essential to our form of government that all qualified citizens have the opportunity to participate in the choice of elected officials;

(b) that the right to vote in Federal elections should be maintained free from discrimination and other corrupt influence;

(c) that many persons have been subjected to arbitrary and unreasonable voting restrictions on account of their race or color; that literacy tests and other performance examinations have been used extensively to effect arbitrary and unreasonable denials of the right to vote; and that existing statutes are inadequate to assure that all qualified persons shall enjoy the right to vote;

(d) that education in the United States is such that persons who have completed six primary grades in a public school or accredited private school cannot reasonably be denied the franchise on grounds of illiteracy or lack of sufficient education or intelligence to exercise the prerogatives of citizenship.

(e) that large numbers of American citizens who are also citizens of the several States are deprived of the right to vote by virtue of their birth and education in a part of the United States in which the Spanish language is commonly used; that these citizens are well qualified to exercise the franchise; that such information as is necessary for the intelligent exercise of the franchise is available through Spanish-language news sources; that lack of proficiency in the English language provides no reasonable basis for excluding these citizens from participating in the democratic process.

The first two recitations of findings contained in (a) and (b) may more appropriately be described as declarations of policy or statements of principles to which the Congress adheres or agrees.

On the other hand, the findings contained in (c), (d), and (e) more aptly could be considered in the nature of "findings of fact." These are the conclusions which allegedly make the proposed legislation necessary and proper. Such declarations by the Congress are entitled to the utmost respect of the courts. *Kittrell* v. *Hatter*, 10 So. 2d 827, 831; 243 Ala. 472 (1942). Such findings are presumed to be based on a hearing, or investigation of facts. *California Employment Commission* v. *Malm*, 138 P. 2d 733, 745, 746; 59 Cal. App. 2d 322 (1943). See *Griffith* v. *Gardner*, C.A. 196 F. 2d 698, 701 (1952).

But even if the legislative declarations of facts are material as grounds for enacting a rule of law, they are not conclusive on the courts. *Block* v. *Hirsh* 256 U.S. 135. The Supreme Court of the United States, in Block against Hirsh, and the Alabama Supreme Court, in Kittrell against Hatter, upheld the constitutionality of acts enacted by Congress under the "war powers" clause but it is doubtful that the courts would have given as much "great respect" to declarations of fact had there not been a war emergency.

In Block against Hirsh, the U.S. Supreme Court stated (256 U.S. 154–155):

> No doubt it is true that a legislative declaration of facts that are material only as the ground for enacting a rule of law, for instance, that a certain use is a public one, may not be held conclusive by the courts. *Shoemaker* v. *United States*, 147 U.S. 282, 298. *Hairston* v. *Danville and Western Ry. Co.*, 208 U.S. 598, 606. *Prentis* v. *Atlantic Coast Line Co.*, 211 U.S. 210, 227. *Producers Transportation Co.* v. *Railroad Commission*, 251 U.S. 228, 230. But a declaration by a legislature concerning public conditions that by necessity and duty it must know, is entitled at least to great respect. In this instance Congress stated a publicly notorious and almost worldwide fact. That the emergency declared by the statute did exist must be assumed, and the question is whether Congress was incompetent to meet it in the way in which it has been met by most of the civilized countries of the world.

In Kittrell against Hatter, the Alabama Supreme Court stated (10 So. 2d 831):

> 6. This recital in the act of Congress is in the nature of a finding of facts and the conclusion of the Congress that the act following this announcement was a necessary and proper emergency measure in wartime for the successful prosecution of the war. Such finding of the Congress of the United States, charged with the responsibility of declaring war and passing appropriate war legislation, and in position to view the whole picture, is entitled to the utmost respect. *Block* v. *Hirsh*, 256 U.S. 135, 154, 41 S. Ct. 458, 65 L. Ed. 865, 16 A. L. R. 165.

However, an examination of the Schechter poultry case shows that a strong "declaration of policy" by the Congress in enacting legislation tends little toward saving an act otherwise unconstitutional. *Schechter* v. *United States* 295 U.S. 495 (1935).

In enacting the National Industrial Recovery Act of June 16, 1933, 48 Stat. 195, the following declaration was made—title I, section 1:

> SECTION 1. A national emergency productive of widespread unemployment and disorganization of industry, which burdens interstate and foreign commerce, affects the public welfare, and undermines the standards of living of the American people, is hereby declared to exist. It is hereby declared to be the policy of Congress to remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; and to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, to induct and maintain united action of labor and management under adequate governmental sanctions and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industries, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing purchasing power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and to conserve natural resources.

This legislation was held to be not only an unconstitutional delegation of code making power to private groups, but an attempt by Congress to legislate in a field reserved to the States. At pages 529–530 the Court said:

> 2. The question of the delegation of legislative power. We recently had occasion to review the pertinent decisions and the general principles which govern the determination of this question. *Panama Refining Co.* v. *Ryan* (293 U.S. 388). The Constitution provides that "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." Article I, section 1. And the Congress is authorized "To make all Laws which shall be necessary and proper for carrying into Execution" its general powers. Article I, section 8, paragraph 18. The Congress is not permitted to abdicate or to transfer to others the essential legislative functions with which it is thus vested. We have repeatedly recognized the necessity of adapting legislation to complex conditions involving a host of details with which the National Legislature cannot deal directly. We pointed out in the Panama Co. case that the Constitution has never been regarded as denying to Congress the necessary resources of flexibility and practicality, which will enable it to perform its function in laying down policies and establishing standards, while leaving to selected instrumentalities the making of subordinate rules within prescribed limits and the determination of facts to which the policy as declared by the legislature is to apply. But we said that the constant recognition of the necessity and validity of such provisions and the wide range of administrative authority which has been developed by means of them, cannot be allowed to obscure the limitations of the authority to delegate, if our constitutional system is to be maintained. Id., p. 421.

And it might be argued here that this was one of the very reasons the Founding Fathers left the matter of qualifications of voters with the States. As I have previously indicated, the States, ratifying the compact, had varying requirements as to residence, citizenship, ownership of property, and so forth, and it was a matter which could not be dealt with effectively in the Constitution or by the Congress.

At pages 538 and 539 the Court further said:

> While this is called a finding, it is really but a statement of an opinion as to the general effect upon the promotion of trade or industry by a scheme of laws. These are the only findings which Congress has made essential in order to put into operation a legislative code having the aims described in the declaration of policy.
>
> Nor is the breadth of the President's discretion left to the necessary implications of this limited requirement as to his findings. As already noted, the President in approving a code may impose his own conditions, adding to or taking from what is proposed, as "in his discretion" he thinks necessary "to effectuate the policy" declared by the act. Of course, he has no less liberty when he prescribes a code on his own motion or on complaint, and he is free to prescribe one if a code has not been approved. The act provides for the creation by the President of administrative agencies to assist him, but the action or reports of such agencies, or of his other assistants—their recommendations and findings in relation to the making of codes—have no sanction beyond the will of the President who may accept, modify, or reject them as he pleases. Such recommendations or findings in no way limit the authority which S. 3 undertakes to vest in the President with no other conditions than those there specified. And this authority relates to a host of different trades and industries, thus extending the President's discretion to all the varieties of laws which he may deem to be beneficial in dealing with the vast array of commercial and industrial activities throughout the country.
>
> Such a sweeping delegation of legislative power finds no support in the decisions upon which the Government especially relies.

Also, the Court criticized the attempt by the Congress to legislate in a field reserved to the States upon the contention, as stated in the legislative declaration of policy, that there was a serious economic situation—pages 549 to 550:

> The Government also makes the point that efforts to enact State legislation establishing high labor standards have been impeded by the belief that unless similar action is taken generally, commerce will be diverted from the States adopting such standards, and that this fear of diversion has led to demands for Federal legislation on the subject of wages and hours. The apparent implication is that the Federal authority under the commerce clause should be deemed to extend to the establishment of rules to govern wages and hours in intrastate trade and industry generally throughout the country, thus overriding the authority of the States to deal with domestic problems arising from labor conditions in their internal commerce.
>
> It is not the province of the Court to consider the economic advantages or disadvantages of such a centralized system. It is sufficient to say that the Federal Constitution does not provide for it. Our growth and development have called for wide use of the commerce power of the Federal Government in its control over the expanded activities of interstate commerce, and in protecting that commerce from burdens, interferences, and conspiracies to restrain and monopolize it. But the authority of the Federal Government may not be pushed to such an extreme as to destroy the distinction, which the commerce clause itself establishes, between commerce "among the several States" and the internal concerns of a State. The same answer must be made to the contention that is based upon the serious economic situation which led to the passage of the Recovery Act—the fall in prices, the decline in wages and employment, and the curtailment of the market for commodities. Stress is laid upon the great importance of maintaining wage distributions which would provide the necessary stimulus in starting "the cumulative forces making for expanding commercial activity." Without in any way disparaging this motive, it is enough to say that the recuperative efforts of the Federal Government must be made in a manner consistent with the authority granted by the Constitution.
>
> We are of the opinion that the attempt through the provisions of the code to fix the hours and wages of employees of defendants in their intrastate business was not a valid exercise of Federal power.

Thus, it is arguable that, even if the Constitution enumerated specific powers to the National Government in reference to qualifications, which is not the case, the latter would not be at liberty to exercise such authority in a manner calculated to nullify other constitutional provisions conferring or reserving with equal preciseness an equally wide area of authority to the States.

In enacting the Portal-to-Portal Act of 1947, 61 Stat. 84, to relieve employers from certain liabilities and punishments under the Fair Labor Standards Act, the Walsh-Healy Act and the Bacon-Davis Act, Congress cited certain findings. The district court—Judge Driver—explained the rule under which congressional findings of fact are reviewable. *Miller* v. *Howe Sound Min. Co.*, 77 F. Supp. 540 (1948). The Court said—at page 552:

> There remains for consideration the question whether the Portal-to-Portal Act was a reasonable exercise of congressional authority. When a statute is questioned on the ground that it transcends the limits of due process, the rule is that the law shall not be unreasonable, arbitrary, or capricious, and that the means selected shall have a real and substantial relationship to the object sought to be attained. *Nebbia* v. *People of State of New York,* 291 U.S. 582, 54 S. Ct. 505, 78 L. Ed. 940, 89 A. L. R. 1469. *Retirement Board* v. *Alton R. Co.,* supra, 295 U.S. 330, 347, 55 S. Ct. 758, 79 L. Ed. 1468. In the application of that rule, the findings of Congress are not conclusive. The reasonableness of legislative action is a question for judicial determination, which will be decided by the Courts for themselves. *Pennsylvania Coal Co.* v. *Mahon,* 260 U.S. 393, 413, 43 S. Ct. 158, 67 L. Ed. 322, 28, A.L.R. 1321; *Railroad Retirement Board* v. *Alton R. Co.,* supra, 295 U.S. 330, 347, 55 S. Ct. 758, 79 L. Ed. 1468; *Federal Power Commission* v. *Natural Gas Pipeline Co.,* 315 U.S. 575, 586, 62 S. Ct. 736, 86 L. Ed. 1037; "Constitutionality of the Portal-to-Portal Act," 47 Columbia Law Review, 1011, 1019.

And the Court stated—at page 551:

> In *Railroad Retirement Board* v. *Alton,* supra, 295 U.S. 330, 55 S. Ct. 758, 79 L. Ed. 1468, a Federal statute, 45 U.S.C. S. 201 et seq., providing for retirement of railroad employees, was held to be invalid because its provisions violated the due process clause of the fifth amendment. The Court, after careful and thorough analysis of the statute and the facts and circumstances, claimed to justify its enactment, came to the conclusion that Congress had acted arbitrarily and that some of its provisions did not have a reasonable relation to its main and controlling purposes.

In view of the importance of legislative findings and the limitations placed upon the Congress by the courts, I would like to refer to the findings which H.R. 1361 recites.

In H.R. 1361, paragraph (c) states:

> Congress further finds that many persons have been subjected to arbitrary and unreasonable voting restrictions on account of their race or color; that literacy tests and other performance examinations have been used extensively to effect arbitrary and unreasonable denials of the right to vote; and that existing statutes are inadequate to assure that all qualified persons shall enjoy the right to vote.

In reference to the first statement that many persons have been subjected to arbitrary and unreasonable voting restrictions, I will refer the adherents of this proposition to the 1961 "Commission on Civil Rights Report" on voting.

In this report, it is pointed out that there is no evidence of discrimination in 37 States, and where Negroes are involved, the number is 38. The Commission also states that the majority of Negro American citizens do not now suffer discriminatory denial of their right to vote. Indeed, if it exists, it is primarily a rural and local phenomenon.

Evidently, the problem is not as widespread as we are led to believe, but unfortunately, we in the South are constantly stigmatized, regardless of attempts to improve race relations. To illustrate this point, I would like to give the figures for the number of registered Negro voters for the periods of 1932, 1946, 1952, and 1961.

In 1932 considerably fewer than 100,000 were able to vote in general elections. By 1947 the number of voting-age Negroes in 12 Southern States was 5,069,805, and the number of registered Negroes had risen to 645,000. By 1952 this number exceeded 1 million. Today there are 5,131,042 nonwhites of voting age in these 12 States, of which a total of 1,361,944 are registered to vote.

In addition, the Commission states that Negroes now appear to encounter no significant racially motivated impediment to voting in 4 of the 12 Southern States: Arkansas, Oklahoma, Texas, and Virginia.

Therefore, since 1961, the problem, if any, evidently exists in eight Southern States—Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina—in which less than 40 percent of the Negro population resides. Yet, it is pointed out in this same report that even in these States, with a total of 3,737,242 nonwhites of voting age, some 1,014,454 nonwhites are registered to vote. These latter figures alone seem to rebut any conclusions that there is widespread denial of voting rights in these States.

The figures in the 1961 Commission on Civil Rights report on voting also indicate that, out of 21 States with literacy test requirements, there have been no voting complaints to the Commission from 14 of these States, two of which are in the South. There was a total of 20 complaints from four States. Three of these complaints were from Puerto Ricans in New York, and the remaining 17 emanated from one or two rural counties in three Southern States. Thus, it can readily be concluded, if one studies the Commission's report, that in 13 States with literacy tests there are no denials of voting rights, and in the South, 5 States with literacy tests have substantially no discriminatory denials of voting rights. In the three Southern States, where it is alleged that there is discriminatory application of literacy tests, there are 250,000 registered Negro voters.

There is one further point in the civil rights report which I wish to point out because it bears very closely on the question of literacy test, and that is education.

The report points out that, in 1959, 23.5 percent of nonwhites, 25 years of age or over, were deemed functionally illiterate—completed less than 5 years of school—compared to 6.4 percent of whites. The median number of school years by nonwhites, 25 years old and over, was 8.1, compared to 11.4 for whites. Only 20 percent of nonwhites, compared to 45.3 percent of whites, had high school or better education; 49.5 percent of nonwhites, compared to 80.8 percent of whites, had elementary school or better education.

In view of the pertinent figures I have just cited in reference to Negro voter registration in the South and elsewhere, plus the figures on education, in my judgment, paragraph (c) of H.R. 1361 is an inaccurate and unwarranted application of legislative findings. These findings are arbitrary and without reason, and, in my judgment, would not sustain the constitutionality of this bill.

Paragraph (d) of S. 2750 states:

> Congress further finds the education in the United States is such that persons who have completed six primary grades in a public school or accredited private school cannot reasonably be denied the franchise on grounds of illiteracy or lack of sufficient education or intelligence to exercise the prerogatives of citizenship.

This finding, in my judgment, is without merit or logic. It is nothing more than an arbitrary opinion. How an arbitrary cut off point such as this can be applied to human beings universally for the purpose of voting is beyond my comprehension. What we are saying, in effect, is that everyone who has completed less than six grades of schooling is illiterate, and all those who have completed six grades are literate for the purpose of voting. No consideration is given to the fact that human beings vary. A sixth-grade education, in my mind, does not prove or disprove anything. I doubt that anyone will seriously contend that all those with five grades of formal education are illiterate anymore than all those with six grades of formal education are literate. This notion tends to violate my sense of democratic principles, which look to the merit of each individual. It also insults those people who have, because of necessity, not had six grades of education, but who have, through their ambitions, become intelligent and responsible voters. These persons may be few; nevertheless they are being characterized and categorized by a law which allegedly espouses the most important principle in a democracy, the right to vote.

There is no evaluation of what 6 grades of education covers in each of our 50 States. We have public schools in urban areas and rural areas. Similarly, we have parochial schools and nondenominational private schools. Some of these schools are supported with sufficient funds, and some are not. In addition, the capacities of our students and the quality of our teachers differ from one locality to another. All of these factors affect the quality of the education received. In substance, education within our States is predominantly a State matter, and there are differences which should be noted. This being the case, how is it possible to explain the logic in a law which does not take notice of these differences, but rather, uses an abstract, mathematical standard?

Consequently, it is my judgment that the finding in paragraph (d) is arbitrary in its conclusions and would not sustain the constitutionality of this act.

H.R. 1361 also states in paragraph (e):

> Congress further finds that large numbers of American citizens who are also citizens of the several States are deprived of the right to vote by virtue of their birth and education in a part of the United States in which the Spanish language is commonly used; that these citizens are well qualified to exercise the franchise; that such information as is necessary for the intelligent exercise of the franchise is available through Spanish-language news sources; that lack of proficiency in the English language provides no reasonable basis for excluding these citizens from participating in the democratic process.

This finding, in substance, questions the right of a State to prescribe the English language as a qualification for voting. In fact, the way it is phrased would indicate that requiring a knowledge of the English language is an unreasonable qualification. To say that it is stretching the matter a good deal when we have reached this point would be an understatment, but that is the point we have reached.

Only two States which have literacy tests, Louisiana and Hawaii, provide that one may qualify to vote if they have knowledge of another language. Louisiana requires an applicant to read and write English or his mother tongue. Hawaii determines the voter's capability by his reading and writing either the English or Hawaiian language. I do not quarrel with the requirements of these States. I only say that it is their right to permit this, just as it is the right of New York to require knowledge of the English language. If New York wishes to change their requirement, that is up to the State of New York.

However, without dwelling on finding (e) at great length, it is not my opinion that some required knowledge of the English language is an unreasonable qualification as a prerequisite to voting. Indeed, if Federal legislation extends this far, then a reasonable qualification simply does not and cannot exist. This country has only one national language, English. What we will be establishing in this instance is a special privilege for a particular group, and it would appear to me that others who lack a knowledge of the English language would be entitled to the same right under the equal protection implicit in the due process clause of the fifth amendment. Therefore, I am also of the opinion that finding (e) would not sustain the constitutionality of H.R. 1361.

ARTICLE I, SECTION 4, 14TH AND 15TH AMENDMENTS

Proponents of the bills also place great reliance on article I, section 4, the 14th and 15th amendments. However, it is my judgment that none of these provisions in the Constitution sustain the constitutionality of this act.

ARTICLE I, SECTION 4

Article I, section 4, provides:

> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The words "times" and "places" are sufficiently clear in meaning. The only dispute, then, is in reference to the word "manner," which seems to have been placed on a semantic merry-go-round.

"Manner," however, as used in article I, section 4, refers to the moding of voting, the method by which eligible or qualified voters' choices are expressed and determined, not to the "who" of voting.

Probably the most cogent analysis of the term "manner" and its relevance to the regulation of voter qualifications was stated by Justice Field in a dissenting opinion in *Ex parte Clarke,* 100 U.S. 399, 418 (1880). The dissent was directed against the holding of the majority that one of the so-called Federal force acts could be invoked against a State election official. In describing the scope of article I, section 4, Justice Field commented:

> The power vested in Congress is to alter the regulations prescribed by the legislatures of the States, or to make new ones, as to the times, places, and manner of holding the elections. Those which relate to the times and places will seldom require any affirmative action beyond their designation. And regulations as to the manner of holding them cannot extend beyond the designation of the mode in which the will of the voters shall be expressed and ascertained. The power does not authorize Congress to determine who shall participate in the election, or what shall be the qualification of voters. These are matters not pertaining to or involved in the manner of holding the election, and their regulation rests exclusively with the States. The only restriction upon them with respect to these matters is found in the provision that the electors of Representatives in Congress shall have the qualifications required for electors of the most numerous branch of the State legislature, and the provision relating to the suffrage of the colored race.

This interpretation of "manner" is abundantly clear when we also analyze other relevant court decisions.

The cases in which the Supreme Court has thus far considered the extent of the power of Congress to regulate the manner of holding Federal elections under article I, section 4, as well as the cases which refer to the power of Congress to protect the integrity of the Federal electoral process, have all dealt with fraud, corruption, and violence with the carrying out of Federal elections, not the qualifications of those who vote in them. See *Ex parte Siebold,* 100 U.S. 371; *Ex parte Clark,* 100 U.S. 319; *Ex parte Yarbrough,* 110 U.S. 651; *U.S.* v. *Gale,* 109 U.S. 65; *U.S.* v. *Classic,* 313 U.S. 299.

Thus, while the courts have consistently reaffirmed that a voter's right to cast a ballot in a Federal election and have it counted is a privilege which Congress can protect under article I, section 4, they have just as consistently drawn back from extending the authority into the realm of voter eligibility, that is, qualification. For instance, in both the Yarbrough and Classic cases, the Court was careful to speak of the exercise of the power under article I, section 4, in respect to qualified voters, that is, those qualified under State law pursuant to article I, section 2, clause 1, and the 17th amendment.

Justice Stone, speaking for the Court in the Classic case—pages 314 to 315—stated the following:

> Interference with the right to vote in the congressional primary in the Second Congressional District for the choice of Democratic candidate for Congress is thus, as a matter of law and in fact, an interference with the effective choice of the voters at the only state of the election procedure when their choice is of significance, since it is at the only stage when such interference could have any practical effect on the ultimate result, the choice of the Congressman to represent the district. The primary in Louisiana is an integral part of the procedure for the popular choice of Congressman. The right of qualified voters to vote at the congressional primary in Louisiana and to have their ballots counted is thus the right to participate in that choice.
>
> We come then to the question whether that right is one secured by the Constitution. Section 2 of article I commands that Congressmen shall be chosen by the people of the several States by electors, the qualifications of which it prescribes. The right of the people to choose, whatever its appropriate constitutional limitations, where in other respects it is defined, and the mode of its exercise is prescribed by State action in conformity to the Constitution, is a right established and guaranteed by the Constitution and hence is one secured by it to those citizens and inhabitants of the State entitled to exercise the right. *Ex parte Yarbrough,* 110 U.S. 651; *United States* v. *Mosley,* 238 U.S. 383. And see *Hague* v. *C.I.O.,* 307 U.S. 496, 508, 513, 526, 529, giving the same interpretation to the like phrase "rights secured by the Constitution" appearing in section 1 of the Civil Rights Act of 1871, 17 Stat. 13. While in a loose sense, the right to vote for Representatives in Congress is sometimes spoken of as a right derived from the States, see *Minor* v. *Happersett,* 21 Wall. 162, 170; *United States* v. *Reese,* 92 U.S. 214, 217–218; *McPherson* v. *Blacker,* 146 U.S. 1, 38–39; *Breedlove* v. *Suttles,* 302 U.S. 277, 283, this statement is true only in the sense that the States are authorized by the Constitution, to legislate on the subject as provided by section 2 of article I, to the extent that Congress has not restricted State action by the exercise of its powers to regulate elections under section 4 and its more general power under article I, section 8, clause 18 of the Constitution "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers." See *Ex parte Siebold,* 100 U.S. 371; *Ex parte Yarbrough; supra,* 663, 663; *Swafford* v. *Templeton,* 185 U.S. 487; *Wiley* v. *Sinkler,* 179 U.S. 58, 64.
>
> Obviously included within the right to choose, secured by the Constitution, is the right of qualified voters within a State to cast their ballots and have them counted at congressional elections. This Court has consistently held that this is a right, secured by the Constitution. *Ex parte Yarbrough, supra; Wiley* v. *Sinkler, supra; Swafford* v. *Templeton, supra; United States* v. *Mosley, supra;* see *Ex parte Siebold, supra; In re Coy,* 127 U.S. 731; *Logan* v. *United States,* 144 U.S. 263. And since the constitutional command is without restriction or limitation, the right, unlike those guaranteed by the 14th and 15th amendments, is secured against the action of individuals as well as of States. *Ex parte Yarbrough, supra; Logan* v. *United States, supra.*

Similarly, in Ex parte Yarbrough, the court stated:

> The importance to the General Government of having the actual election—the voting for those members—free from force and

> fraud is not diminished by the circumstance that the qualification of the voter is determined by the law of the State where he votes. It equally affects the government, it is as indispensable to the proper discharge of the great function of legislating for that government, that those who are to control this legislation shall not owe their election to bribery or violence, whether the class of persons who shall vote is determined by the law of the State, or by law of the United States, or by their united result.
>
> But it is not correct to say that the right to vote for a Member of Congress does not depend on the Constitution of the United States.
>
> The office, if it be properly called an office, is created by that Constitution and by that alone. It also declares how it shall be filled, namely, by election.
>
> Its language is:
>
> "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature" (art. I, sec. 2).
>
> The States in prescribing the qualifications of voters for the most numerous branch of their own legislatures, do not do this with reference to the election for Members of Congress. Nor can they prescribe the qualification for voters for those eo nomine. They define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of the Congress in that State. It adopts the qualification thus furnished as the qualification of its own electors for Members of Congress.

Thus, there is a clear differentiation in the Constitution between the authority to regulate the manner of holding Federal elections—article I, section 4—and the authority to regulate the qualifications of voters therein—article I, section 2. Indeed, this differentiation is not only shown in the cases I have cited, but was also evident when the Constitution was adopted. Therefore, it is my judgment that those who rest their arguments on the power conferred under article I, section 4, and the power of Congress to protect the integrity of the Federal electoral process have adopted an untenable position.

FOURTEENTH AND FIFTEENTH AMENDMENTS

The 14th and 15th amendments would also appear to give little comfort to those in favor of this bill. The U.S. Supreme Court has, on numerous occasions, preserved voter qualifications as a State matter under these amendments, and found such qualifications consistent with the 14th and 15th amendments whenever they did not transgress beyond the limited prohibitions stated in these amendments. See *Minor* v. *Happersett,* 88 U.S. (21 Wall) 162 (1874); *Mason* v. *Missouri,* 179 U.S. 328 (1900); *Pope* v. *Williams,* 193 U.S. 621 (1904); *Myers* v. *Anderson,* 238 U.S. 368 (1915); *Breedlove* v. *Suttles,* 302 U.S. 277 (1937); *Lassiter* v. *Northampton County Board of Elections,* 360 U.S. 45 (1959); *Trudeau* v. *Barnes,* 65 F. (2d) 563 (Cir. den.) 290 U.S. 659 (1933); *Guinn* v. *U.S.,* 238 U.S. 347 (1915); *Williams* v. *Mississippi,* 170 U.S. 213 (1898).

The relevant portions of the 14th amendment provide:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

In applying the 14th amendment to the question of voting, Minor against Happersett, one of the earliest cases after the passage of the amendment, upheld a provision in the Missouri constitution limiting suffrage to men. The Supreme Court, in rejecting the contention that this was in violation of the 14th amendment, stated:

> The 14th amendment did not affect the citizenship of women any more than it did of men. In this particular, therefore, the rights of Mrs. Minor do not depend upon the amendment. She has always been a citizen from her birth, and entitled to all the privileges and immunities of citizenship. The amendment prohibited by the State, of which she is a citizen, from abridging any of her privileges and immunities as a citizen of the United States; but it did not confer citizenship on her. That she had before its adoption.
>
> If the right of suffrage is one of the necessary privileges of a citizen of the United States, then the constitution and laws of Missouri confining it to men are in violation of the Constitution of the United States, as amended, and consequently void. The direct question is, therefore, presented whether all citizens are necessarily voters.
>
> The Constitution does not define the privileges and immunities of citizens. For that definition we must look elsewhere. In this case we need not determine what they are, but only whether suffrage is necessarily one of them.
>
> It certainly is nowhere made so in express terms. The United States has no voters in the States of its own creation. The elective officers of the United States are all elected directly or indirectly by State voters. The Members of the House of Representatives are to be chosen by the people of the States, and the electors in each State must have the qualifications requisite for electors of the most numerous branch of the State legislature. Senators are to be chosen by the legislatures of the States, and necessarily the members of the legislature required to make the choice are elected by the voters of the State. Each State must appoint in such manner, as the legislature thereof may direct, the electors to elect the President and Vice President. The times, places, and manner of holding elections for Senators and Representatives are to be prescribed in each State by the legislature thereof; but Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators. It is not necessary to inquire whether this power of supervision thus given to Congress is sufficient to authorize any interference with the State laws prescribing the qualifications of voters, for no such interference has ever been attempted. The power of the State in this particular is certainly supreme until Congress acts.
>
> The amendment did not add to the privileges and immunities of a citizen. It simply furnished an additional guaranty for the protection of such as he already had. No new voters were necessarily made by it. Indirectly, it may have had that effect, because it may have increased the number of citizens entitled to suffrage under the constitution and laws of the States, but it operates for this purpose, if at all, through the States and the State laws, and not directly upon the citizen.
>
> It is clear, therefore, we think, that the Constitution has not added the right of suffrage to the privileges and immunities of citizenship as they existed at the time it was adopted. This makes it proper to inquire whether suffrage was coextensive with the citizenship of the States at the time of its adoption. If it was, then it may with force be argued that suffrage was one of the rights which belonged to citizenship, and in the enjoyment of which every citizen must be protected. But if it was not, the contrary may with propriety be assumed.
>
> When the Federal Constitution was adopted, all the States, with the exception of Rhode Island and Connecticut, had constitutions of their own. These two continued to act under their charters from the Crown. Upon an examination of those constitutions we find that in no State were all citizens permitted to vote. Each State determined for itself who should have that power.

Similarly, in Pope against Williams, the Supreme Court, in discussing the 14th amendment, upheld a provision in the Maryland constitution requiring a new resident in the State to declare his intention to be a citizen before he could register to vote. The Supreme Court's opinion includes the following:

> The simple matter to be herein determined is whether, with reference to the exercise of the privilege of voting in Maryland, the legislature of that State had the legal right to provide that a person coming into the State to reside should make the declaration of intent a year before he should have the right to be registered as a voter of the State.
>
> The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States. *Minor* v. *Happersett,* 21 Wall. 162. It may not be refused on account of race, color or previous condition of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as it may seem proper, provided, of course, no discrimination is made between individuals in violation of the Federal Constitution. The State might provide that persons of foreign birth could vote without being naturalized, and, as stated by Mr. Chief Justice Waite in *Minor* v. *Happersett, supra,* such persons were allowed to vote in several of the States upon having declared their intentions to become citizens of the United States. Some States permit women to vote; others refuse them that privilege. A State, so far as the Federal Constitution is concerned, might provide by its own constitution and laws that none but native-born citizens should be permitted to vote, as the Federal Constitution does not confer the right of suffrage upon anyone, and the conditions under which that right is to be exercised are matters for the States alone to prescribe, subject to the conditions of the Federal Constitution, already stated; although it may be observed that the right to vote for a Member of Congress is not derived exclusively from the State law. (See Federal Constitution, art. 1, sec. 2; *Wiley* v. *Sinkler,* 179 U.S. 58.) But the elector must be one entitled to vote under the State statute (id.). (See also *Swafford* v. *Templeton,* 185 U.S. 487, 491.) In this case no question arises as to the right to vote for electors of President and Vice President, and no decision is made thereon. The question whether the conditions prescribed by the State might be regarded by others as reasonable or unreasonable is not a Federal one. We do not wish to be understood, however,

> as intimating that the condition in this statute is unreasonable or in any way improper.
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> We are unable to see any violation of the Federal Constitution in the provision of the State statute for the declaration of the intent of a person coming into the State before he can claim the right to be registered as a voter. The statute, so far as it provides conditions precedent to the exercise of the elective franchise within the State, by persons coming therein to reside (and that is as far as it is necessary to consider it in this case), is neither an unlawful discrimination against anyone in the situation of the plaintiff in error nor does it deny to him equal protection of the laws, nor is it repugnant to any fundamental or inalienable rights of citizens of the United States, nor a violation of any implied guaranties of the Federal Constitution. The right of a State to legislate upon the subject of the elective franchise as to it may seem good, subject to the conditions already stated, being, as we believe, unassailable, we think it plain that the statute in question violates no right protected by the Federal Constitution.
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> The reasons which may have impelled the State legislature to enact the statute in question were matters entirely for its consideration, and this Court has no concern with them.
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> It is unnecessary in this case to assert that under no conceivable state of facts could a State statute in regard to voting be regarded as an infringement upon or a discrimination against the individual rights of a citizen of the United States removing into the State and excluded from voting therein by State legislation. The question might arise if an exclusion from the privilege of voting were founded upon the particular State from which the person came excluding from that privilege, for instance, a citizen of the United States coming from Georgia and allowing it to a citizen of the United States coming from New York or any other State. In such case an argument might be urged that, under the 14th amendment of the Federal Constitution, the citizen from Georgia was by the State statute deprived of the equal protection of the laws. Other extreme cases might be suggested. We neither assert nor deny that in the case supposed the claim would be well founded that a Federal right of a citizen of the United States was violated by such legislation, for the question does not arise herein. We do, however, hold that there is nothing in the statute in question which violates the Federal rights of the plaintiff in error by virtue of the provision for making a declaration of his intention to become a citizen before he can have the right to be registered as a voter and to vote in the State.

Similarly, in Breedlove against Suttles, the Court held a State poll tax constitutional. The case involved a Georgia tax of $1 per annum upon persons between 21 and 60, except for females who did not register and for the blind. Payment of all poll taxes, including any unpaid taxes for previous years, was a prerequisite to registration for voting. Aliens could not vote but were subject to the tax. The validity of the tax was challenged by a white male citizen. The Supreme Court, in holding the law valid, called attention to the difference between the classes of persons liable for the tax, and those qualified to vote.

The Court stated that the requirement payment before registration "undoubtedly serves to aid collections from electors desiring to vote." It also pointed out that "the payment of poll taxes as a prerequisite to voting is a familiar and reasonable regulation long enforced in many States."

The opinion of the Supreme Court includes statements on the derivation of voting rights, such as the following:

> Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the 15th and 19th amendments and other provisions as it deems appropriate. *Minor* v. *Happersett*, 21 Wall. 162, 170 et. seq. *Ex parte Yarbrough*, 110 U.S. 651, 664–665. *McPherson* v. *Blacker*, 146 U.S. 1, 37–38. *Guinn* v. *United States*, 238 U.S. 347, 362. The privileges and immunities protected are only those that arise from the Constitution and laws of the United States and not those that spring from other sources. *Hamilton* v. *Regents*, 293, U.S. 245, 261.

In cases where literacy tests have been questioned as violative of the 14th amendment, the Supreme Court has also rejected these contentions—Guinn against United States, Lassiter against Northampton County Board of Elections.

In Lassiter against Northampton County Board of Elections, supra, Justice Douglas, in speaking for a unanimous Court, stated:

> We come to the question whether a State may consistently with the 14th and 17th amendments apply a literacy test to all voters irrespective of race or color. *Guinn* v. *United States*, 238 U.S. 347, disposed of the question in a few words—"No time be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed its validity is admitted."
>
> The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised, *Pope* v. *Williams*, 193 U.S. 621; *Mason* v. *Missouri*, 179 U.S. 328, about, of course, the discrimination which the Constitution condemns.
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> So, while the right of suffrage is established and guaranteed by the Constitution (*Ex parte Yarbrough*, 110 U.S. 651, *Smith* v. *Allwrit*, 311 U.S. 649) it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed. (See *U.S.* v. *Classic*.) While the 14th amendment speaks of "the right to vote," the right protected refers to the right to vote as established by the laws and constitution of the State. *McPherson* v. *Blocker*, 146 U.S. 1, 39.
>
> We do not suggest that any standard which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and illiteracy are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society, where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise. It was said in the last century in Massachusetts that a literacy test was designed to insure an 'independent and intelligent exercise of the right of suffrage.' *Stone* v. *Smith*, 159 Mass. 413, 34 N.E. 521. North Carolina agrees. We do not sit in judgment on the wisdom of the policy. We cannot say, however, that it is not an allowable one measured by constitutional standards.

These cases clearly indicate that the 14th amendment does not confer suffrage. Indeed, if this were not the case, neither the 15th nor 19th amendment would have been necessary. Yet, if we look at the bill before us, what will be effectuated directly, for all practical purposes, is suffrage. In 21 States, Federal legislation will establish the qualifications for electors. This is beyond the scope of the 15th amendment.

The standard of legislation required under section 5 of the 14th amendment is "corrective" legislation. It does not invest Congress with the power to legislate upon subjects which are within the domain of State legislation. The establishment of qualifications by Congress is not corrective in nature, but an encroachment by the Congress on matters that have long been committed to the States. See *Civil Rights* cases, 109 U.S. 3 (1883).

Turning now to the rights secured under the 15th amendment, the language in the amendment provides:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

It is important to bear in mind that any legislation enacted under section 2 of the amendment must be directed against persons acting under color of law, State or Federal, and it must relate to the denial, by such persons, of a citizen's right to vote because of race, color, or previous condition of servitude. It cannot apply to the acts of individuals per se, as private citizens, nor interfere with the right to vote in general terms. *United States* v. *Reese* (92 U.S. 214 (1876)); *James* v. *Bowman* (190 U.S. 127 (1903)); *Terry* v. *Adams* (345 U.S. 461 (1953)); *United States* v. *McElveen* (177 F. Supp. 355 (1959)).

Thus, the amendment gave to Congress the power to regulate the electoral process within a very limited area.

In *United States* v. *Reese* (92 U.S. 214 (1875)), the Court, in discussing the limits of the amendment, stated:

The 15th amendment does not confer the right of suffrage upon any one. It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, and so forth, as it was on account of age, property or education. Now it is not. If citizens of one race having certain qualifications are permitted by law to vote, those of another having the same qualifications must be. Previous to this amendment, there was no constitutional guarantee against this discrimination; now there is. It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by appropriate legislation.

Similarly, in United States against Miller, the Court declared:

> Before the adoption of the 15th amendment, it was within the power of the State to exclude citizens of the United States from voting on account of race, age, property, education, or on any other ground however arbitrary or whimsical. The Constitution of the United States, before the adoption of the 15th amendment, in no wise interfered with this absolute power of the State to control the right of suffrage in accordance with its own views of expediency or propriety. It simply secured the right to vote for Members of Congress to a definite class of voters of the State, consisting of those who were eligible to vote for members of the most numerous branch of the State legislature. Further than this, no power was given by the Constitution, before the adoption of the 15th amendment, to secure the right of suffrage to any one. The 15th amendment does not in direct terms confer the right of suffrage upon anyone. It secures to the colored man the same rights to vote as that possessed by the white man, by prohibiting any discrimination against him on account of race, color, or previous condition of servitude. Subject to that limitation, the States still possess uncontrollable authority to regulate the right of suffrage according to their own views of expediency (107 Fed. 913, 915 (D. Ind. 1901)).

In reference to literacy tests and their relation to the 15th amendment, similar declarations were made—Guinn against United States; Lassiter against Northampton County Board of Elections.

In Guinn against United States, the Supreme Court stated:

> Beyond doubt the amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the diversion of State and national authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals.
>
> It is true also that the amendment does not change, modify or deprive the States of their full power as to suffrage except of course as to the subject with which the amendment deals and to the extent that that obedience to its command is necessary. Thus, the authority over suffrage which the States possess and the limitation which the amendment imposes are coordinate and one may not destroy the other without bringing about the destruction of both.

Accordingly, these cases point out that there is an important distinction between the right to vote and the right to be free from social discrimination by governmental action in respect to voting. The 15th amendment secured only the latter by conferring to the colored man those same rights which others are entitled to in reference to voting. It did not confer on the Federal Government the right to prescribe qualifications for voters. It only precluded the States from prescribing qualifications which related to race, color, or conditions of servitude.

Literacy and intelligence tests have no reasonable relation to one's race. They are not inherent to any one group. This was stated explicitly by Justice Douglas in Lassiter against Northampton County Board of Elections, supra, which upheld the constitutionality of literacy tests.

Therefore, it is my judgment that literacy tests, like other qualifications, are a matter preserved to the States, and that the 15th amendment offers no ground to sustain the measure before us.

From the preceding material, it is impossible for me to reach any other conclusion than to find that neither historically nor legally is the proposed legislation before us justified.

Recently, a proposal to amend the Constitution for the purpose of abolishing poll taxes was presented. This measure would affect only five States, and although I am against such a measure, at least the Senate had the wisdom and integrity to use the instrument which is provided for such changes. Now, on a subject which is similar in nature, and which affects 21 States, attempts are being made to justify a similar purpose by legislative action. This thinking is quite inconsistent in my mind, and on its face is irreconcilable.

The fact that 21 States, 14 of which are not Southern States, have legislated on the question of literacy, indicates that the motives to be attributed to these States is something other than discrimination toward certain groups.

It would be more reasonable to assume that the States, in enacting such legislation, have a reasonable purpose in mind, and that is to create at least some semblance of an intelligent elector, who will exercise the ballot in an intelligent manner.

One of the greatest problems this Nation has in attempting to bring our democratic concepts to other lands is the fact that, in many underdeveloped countries, the majority of people are uneducated and unable to understand or apply the principles of democracy through the electoral process. This is a tragic situation, yet it exists today. A democratic society such as ours rests on an intelligent electorate. It relies on the individual who is able to think through the variety of complex issues which are prevalent. It relies on the individual who makes himself heard in public, and it also relies on the ability of that person who is able to write to his Senator or Representative. In short, a democratic society such as ours rests on the ability and skill to communicate, and the ability to translate all this at the ballot box. This is basic to our system, and it is one of the reasons why this Nation has existed and flourished.

Now, on what I consider to be fallacious assumptions, we intend to establish an arbitrary standard which labels the individual. This is significant because it destroys the worth of each individual and his right to be judged on an individual basis whether he is a college professor or whether he has completed only the first grade. It is even more significant because this arbitrariness applies to one of the most precious privileges in a democratic society, the privilege to vote.

This approach by the Congress, in my judgment, is completely unnecessary. The Federal Government has sufficient authority under the Constitution and existing framework of law to deal with denials of the right to vote by reason of race, color, or national origin.

The Civil Rights Act of 1957 authorized the Attorney General to institute civil suits in the Federal Courts to prevent the denial of voting rights. In addition, the Civil Rights Act of 1960 provides that, if in any such suit the court makes a finding that the denial of voting rights is "pursuant to a pattern or practice," the court may appoint voting referees to register qualified persons denied the right by local election officials. The further denial of the right to vote to these persons so registered by the court—appointed voting referees—constitutes contempt of court and is punishable.

These enactments have been recently legislated, and although I consider them as further encroachments on a State's authority, I think they give the Federal Government all the power necessary in relation to voting rights. There is no need to go a step further and completely wipe out the standing relationship between the States and the Federal Government.

Madam President, a few days ago I received a somewhat lengthy letter from a very fine, educated woman in my State, whom I know. She has been taking a deep interest in the registration of voters in Alabama, endeavoring to assist in every way she can. She has served as a registrar herself.

I wish to read one paragraph from her letter. There are many statements in the letter which I could cite with advantage to the argument I have been making. The paragraph reads:

> One Negro woman last month here claimed 4 years of college education, but it took her 30 minutes to write "U.S. Senate," and then she spelled it wrong. Many who claim 10th, 11th, and 12th grade education can't write "United States of America," and they never heard, they say, of the Constitution of the United States. But we have approved for registration Negroes who did not go to school a day in their lives but fully met the requirements. The literacy bill completely disregards individual differences, both the ability to rise above educational opportunities, and the failure to take advantage of them.

To me, that is a significant statement, one which bears out the very arguments which were made by the makers of the Constitution, namely, that a uniform pattern for voting could not be applied.

Madam President, the pending measure should be soundly rejected.

At this time I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PELL in the chair). Without objection, it is so ordered.

Mr. CASE of New Jersey. Mr. President, those of us who have been striving for so long to secure for the Senate an opportunity to vote on civil rights legislation will not give up the fight. Despite the disappointing vote on cloture, a clear majority of the Senate has indicated support of the literacy-test bill, at least to the extent that these Senators do not wish the bill to be shunted aside.

Under the circumstances, the leadership decision to have a second vote on cloture on Monday, so soon after the first vote, is a puzzling one.

As my signature on the cloture petition indicates, I personally believe there has been ample opportunity for debate, and that the additional 100 hours which cloture would guarantee would make the debate more than adequate.

Mr. President, I believe that at this time it is not out of order to point out that we have had considerably more than the 2 weeks of debate on this measure which immediately preceded the cloture vote, for several weeks ago we had extended debate on this matter, when we had before us the proposal of the Senator from Florida [Mr. HOLLAND] for a constitutional amendment. Almost all that time was spent on this very question, Mr. President—on the constitutionality of it, on the advisability of it, on the question of cloture as applied to it, and all the rest.

So obviously there has been more than sufficient time for Senators who are opposed to this proposed legislation to present their views to both the Senate and the country.

Furthermore, the failure to hold night sessions has not been because of any refusal by the leadership or by the Senate to meet at night. I know of no Senator who has been denied the right to have an opportunity to speak at length on this subject.

The majority leader is here, and he can correct me if I am wrong about this. There have been days and days of discussion, and if cloture were voted, there would be 100 hours still possible for discussion of this measure. So I for one believe there has not been inadequate time for discussion of all phases of this admittedly important question, or that there would have been if we had adopted cloture.

Yet those who support the legislation, and who were quite willing to accede to those who believed there ought to be additional opportunity to debate, still mean to make clear our determination to make every effort to bring the matter to a vote at this session of Congress. We urge the same determination on the leadership, with all respect, and also with all respect upon the administration, because failure of the Congress to take this very modest step would, in my judgment, be an abdication of our responsibility under the Constitution.

I think the issues are quite clear, Mr. President. We in the Senate all know, we have known, and we have had again and again brought to our attention in recent days, what the constitutional provisions that apply here are. We know, because we have always known, and because the Civil Rights Commission has brought it to our attention, and because it has been brought to our attention in the debate, which has been adequate, though not extended, on the part of the proponents of the legislation, what the reasons are that bring this matter to our attention. We know the Constitution provides Congress shall have power to enforce the provisions of the constitutional amendments which deny to the States any right to discriminate against citizens of the United States on the ground of their race, color, or previous condition of servitude.

It seems to me, Mr. President, that we cannot lightly pass over this question because there may be some difficulty in getting a vote under the rules of the Senate, under its procedures, or under its practices; and if we do so upon this relatively modest measure, in circumstances in which pressing for very much stronger legislation has been deferred so there could be a test of the sentiment of the Senate upon the simplest kind of legislation, then I think the country will rightly, in its own good time, come to judge this Congress and the Members of the Senate in this session the way we should be judged.

There has been much talk, there have been many speeches made, there has been much energy expended, great talent, skill, considerable learning, and indefatigable diligence have been shown on the part of those who oppose this measure. For myself, I can only say that I wish all that diligence, learning, energy, and devotion had been expended in a better cause than that of defending a system which has involved deep injustice for American citizens, and which we cannot look upon with equanimity.

Much concern has been expressed, and rightly so, of course, for the dignity of this body, for the constitutional rights of citizens of the United States, and for the majesty of the States in their sovereign character, all with the suggestion that this legislation, or that the adoption of a cloture rule to cut off debate and bring this matter to a vote in the Senate, would in some way be endangering this great institution, its traditions, and democracy in this country. But, as the minority leader pointed out so well yesterday in his concluding remarks, democracy is in danger in this country only if injustice is permitted to go unrebuked and unrestrained. And to suggest that the modest action of the sort provided for by this bill, to put an end to some of those injustices, would in some strange way impair the dignity of this body or the sovereignty of our States, or of democracy itself, is ironic indeed.

I suggest it is time to cut through all these shibboleths and to see the matter as it really is—that the rights of the Senate and of Senators, of the institution to which we belong, our Federal system, and all the rest, exist not for themselves or for us, but are in existence only for the preservation of democracy and decency in this great land of ours; and that anyone who attempts to make us here in the Senate or in the country or the world think otherwise is misusing the Constitution of the United States and all the instruments that exist under it.

I say again, we will not let this matter rest with a sham vote on Monday, no matter what the outcome. We will not permit this travesty upon justice, upon constitutional processes, to exist, or to go into effect, without the kind of protest that will be heard, I hope, and quickly heard, beyond the boundaries of this Chamber.

Too long this injustice has existed. It is incredible that it should exist in the United States of America, in any part of this country. And to suggest that our laws and our Constitution and the dignity of this body and the traditions of it and the preservation of democracy in some fashion require the perpetuation of this dastardly injustice is, I suggest, to misunderstand the whole meaning of American life.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. CASE of New Jersey. I yield.

Mr. KUCHEL. Mr. President, in all this great land of ours there is no human being who has played a more vigorous, forthright, persuasive, and honorable part in constitutional government and in the application of the American theory of equal treatment under law than my friend from New Jersey. I am grateful that I may sit here this afternoon to listen to him, and I congratulate him on what he has said.

It has been stated, among other things, that the U.S. Senate has power. That certainly is true. This Chamber and the membership of the Senate have been described, and I think described accurately, as the greatest parliamentary body in the world. With that power goes a concomitant responsibility. Power does not exist in this Chamber to satisfy the whim or caprice of one section of the country as against the best interests of all. Power in this Chamber does not exist in order to perpetrate the denial of equal treatment under law to American citizens. Power in the Senate ought not to be abused and misused to continue the denial of the right to vote to some citizens in this land.

Such action is an abuse of power by human beings who were chosen to represent their fellow citizens.

Yes, the Senator is eminently correct; this is a powerful body. I repeat, within the meaning of the power of the Senate of the United States there is a responsibility to follow the Constitution and every part of it. This responsibility includes the duty of Congress to assure "by appropriate legislation" that every citizen, as the 15th amendment clearly provides, has a right to vote, and that this right—

> shall not be denied or abridged by the United States or by any State, on account of race, color, or previous condition of servitude—

It is not merely an abstraction with which we deal. We are dealing with fellow citizens, with fellow human beings, and with a problem which demands an honorable solution. Such a solution has been unanimously recommended by a statutory agency of the U.S. Government, an agency whose authority has been overwhelmingly approved by Congress. The U.S. Commission on Civil Rights has made a constructive recommendation regarding the removal of the discriminatory application and use of the literacy test. The able Senator from New Jersey has alluded to this. Many of us have coauthored bills, such as S. 480, to implement this recommendation.

Beyond that, the two great American political parties in convention assembled have made precisely the same promise to the American people in 1960.

What will happen on Monday will not be a very pretty chapter in the deliberations of the U.S. Senate in 1962.

I again congratulate the Senator from New Jersey. With him and other Senators in this Chamber, on the Republican side and on the Democratic side, some of us intend as Senators or as citizens to continue the endeavor to make this democracy work by guaranteeing, with the power and the might of the Federal Government, the right of all citizens to vote.

Mr. CASE of New Jersey. I thank the Senator. What he says is completely true.

The belief which exists here, as expressed on the floor now, is held by Senators on both sides of the aisle. This will be made increasingly clear as we go further along the way. I am sure we shall be joined by a great many Members of this body in the insistence that this matter not be put aside until we come to grips with it.

Mr. JAVITS. Mr. President, will the Senator yield briefly?

Mr. CASE of New Jersey. I yield.

Mr. JAVITS. I shall speak in my own time after the Senator from Pennsylvania [Mr. SCOTT] concludes, but I wish to say to the Senator that, as always, he has been very moving in cutting through all the haze to the heart of the question. The heart of the question is that there is a great injustice being done in the country. It is our bounden and sworn duty to correct it. The only way we can correct it is by passing legislation to correct it. It does not have to be the particular proposal before the Senate, but we cannot operate on the question at all unless the Senate will exercise its constitutional power to put itself in a position to vote.

I congratulate my colleague for the depth of his feeling, which he knows I share. I especially congratulate him for his wonderful gift of cutting through the fog to the essentials.

This needs to be laid bare to the country. My colleague from New Jersey is rendering a great service today in doing precisely that, as he has on many other occasions in this and the other body, in which I had the honor to serve with him.

Mr. CASE of New Jersey. Mr. President, I am grateful, indeed, to the Senator from New York for his generous statement. We have worked together on these matters for many years. I anticipate we shall do so for many years to come.

The Senator from New York has been the primus inter pares, certainly, if not the outstanding leader in this fight. It has been a joy as well as a great privilege to be with him.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. CASE of New Jersey. I am happy to yield.

Mr. KEATING. Like my distinguished colleague from New York, I shall speak briefly at a later time on my own, but I cannot remain in this Chamber without expressing to my distinguished colleague from New Jersey my commendation for the moving and sincere statement which he has made today of what lies at the root of this whole problem. It makes me very proud to call him a colleague and a friend.

I also add a word of commendation to my colleague from California [Mr. KUCHEL] because in his brief remarks he so clearly set forth our duty as political figures in this Nation. Both political parties have solemnly committed themselves to a great deal more than is involved in this little piece of proposed legislation in this field. It is high time we stood up and gave the people what we told them we were going to give them in the conventions of 1960.

Mr. CASE of New Jersey. I thank the Senator.

Mr. SCOTT. Mr. President, I join in the commendations expressed to the distinguished senior Senators from New Jersey and California, because the sincerity of their beliefs and the cogency with which they have expressed them illustrate the integrity which lies behind the effort to extend equality of treatment to all men and women in the United States. They speak from the heart. They speak under the stress of conviction. It is my hope that their words will be heard and listened to as persuasive additional arguments why we should cut through the web of legalisms which respected orators have woven around what is essentially a very simple subject, which is, "Shall all men be treated as equals before the law?"

In 1734–35 there was a trial of John Peter Zenger in New York, who had a Philadelphia lawyer—from which originates the phrase "Philadelphia lawyer," by the way—a trial in respect to which members of the bar of the State of New York were under duress to prohibit them from representing this poor, harassed, beleaguered, and persecuted printer who was charged with seditious libel, an offense against the Crown, for daring to publish the truth and to assert his belief that words could be put down on paper to condemn injustice, tyranny, and wrongdoing on the part of that very Crown.

The jury acquitted John Peter Zenger and established for us in America the principle of the freedom of the press.

I venture to say that in the days of 1734–1735, soon after George Washington was born, there were many lawyers—probably a majority of the lawyers in the Colonies—who could have spun many intricate and ostensibly logical legalisms in favor of the contrary view; namely, that one is and should be punishable for lèse majesté, an offense against the dignity of the Crown.

But John Peter Zenger was speaking about an offense against the dignity of man.

My mind goes back to the story of Wat Tyler's Insurrection, when the peasants of England of 1381 adopted a slogan—which one deplores as a lawyer, but the slogan one remembers—"Hang all lawyers." This expressed the frustration of the people, trying to work their way up to justice through the Sargasso Sea of involuted reasoning and legalistic and tortuously conceived concepts used to deny what had become to the poor and to the dispossessed the obvious thing, that they had rights and that they should have the right to assert them and to be protected in them.

No one denies a belief in the dignity of the Senate. All who have served in this body can but love it. All who serve in this body must surely respect the rights of the Senate and its irreplaceable value as one of the two guardians against encroachments by the executive and judicial branches of government. But one should love even more than the dignity of a Senate of 100 Members—centurions though we be—the dignity of the individual because, it seems to me, no man can be wholly free when some are only partly free. Freedom, as conceived by Mr. Jefferson and sustained by others in the long role of our history, was freedom as an indivisible concept. So long as some are denied the right to vote through the imposition of legalisms, which are sadly and all too often designed to deny the right of some to vote in order to permit the continued right of others to rule, injustice continues. It ought to be ended by the working of justice, for the accomplishment of which the bill before the Senate is intended to be an effective organ.

The motion to terminate debate on the literacy bill was defeated yesterday by a vote of 53 to 43. This not only represented a failure to gain the two-thirds vote necessary but fell short of a simple majority, for which we who have consistently been in favor of equitable civil rights legislation had hoped.

The next vote to terminate this debate will be held on Monday. I hope the vote which was recorded on yesterday's tabling motion will indicate a possibility of a more favorable vote on Monday's motion. The constitutional issues have been debated; the moral and ethical aspects affecting voting privileges have been pointed out. The abuses existing that deny many qualified voters their constitutional rights are well known to all. I would think it a shame that this country that has and is doing so much to foster democracy in foreign countries would stymie its full potential within its own borders. This is a moderate bill. It is certainly not all that should be done in this field of constitutional rights, but it is progress and a step in the right direction. Accomplishments in basic civil rights are not realized through a few selected governmental appointments but rather in measures under which all our citizens who are now denied their rights can benefit by the recognition that the rights are indeed rights to which they are fully entitled as American citizens.

After all, the cloture vote which will come on Monday merely presents the following question: Shall the Senators stop talking after 2 weeks of debate, provided Senators may have 100 more hours of debate before they must stop talking?

In other words, the motion for cloture would permit 100 more hours for oratory to be displayed, arguments to be advanced, and the indulgences that occur in the favorite approach of each Member of the Senate. An additional 100 hours of debate should give sufficient opportunity for fair and reasonable consideration of the bill.

None of us like to terminate the right of Senators to talk as long as they wish, but all of us recognize, or should recognize, it seems to me, the right of an individual Senator to have an opportunity to vote without discrimination as against any other part of the population. So it seems to me that the agreement to stop talking after 100 hours of further debate and vote is by no means unreasonable.

I hope that the full Senate would consider the fact that ample time has been devoted to debate on this measure; that the opponents who are a minority in number have certainly had the opportunity to present their case. The time has arrived, Mr. President, that the full Senate and the majority should have an opportunity of expressing its will and the will of the greater majority of the American people on the advisability, the constitutionality and the moral necessity of this legislation. I have been a strong advocate of the rights of this country and its people in international affairs. I have consistently championed the cause of democracy and individual freedom for all people. I would be less than honest with my constituents, with myself, and with all Americans, unless I strongly urged that the motion, which will be voted upon on Monday be favorably considered by this body so that the Senate might vote on the bill itself.

I do not for a minute concede that those of us who believe in the right we are debating should terminate our continued efforts, by any means available, to secure those rights on the floor of the Senate.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the distinguished Senator from New York.

Mr. KEATING. I commend the distinguished Senator from Pennsylvania for a very effective argument and one which clearly delineates the problem which will be before the Senate on Monday. As always, he has been forceful, very much to the point, and very convincing.

Mr. SCOTT. I thank my friend very much.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCOTT. I am happy to yield to the senior Senator from New York, who, perhaps more than any of us, is recognized as one who has devoted a great amount of time to the subject and to other questions which pertain to the field of civil rights generally.

Mr. JAVITS. I am very grateful to the distinguished Senator from Pennsylvania. I should like to associate myself with the remarks of my colleague [Mr. KEATING] in expressing appreciation to the Senator for his contribution to the debate. I wish also to express the gratification I feel in the associations which we have with other Senators in the present debate. The Senator from Pennsylvania [Mr. SCOTT], the Senator from New York [Mr. KEATING], the Senator from New Jersey [Mr. CASE], the Senator from California [Mr. KUCHEL], and other Senators on the other side of the aisle may have been defeated yesterday, but we have every reason to be proud of the associations, the devotion, the dedication to the cause, the morale, and the high-minded relationships which have been characteristic not only in the present civil rights struggle, but in every similar debate in which I have engaged with much the same group of Senators.

The Senator's words today are characteristic of the very gratifying interchange and the mutuality of support which strengthen each of us, and give the cause the respectability and standing in the country which its morality deserves.

I am very grateful.

Mr. SCOTT. I thank the Senator very much. It is obvious to all Senators who favor the measure that we have not contributed appreciably to the lengthening of the debate, but have rather sought to concentrate our presentations as briefly and firmly as possible. At the same time, the present colloquy occurs at a period when we are faced with a cloture motion, and therefore our speaking today does not in any way delay the action on the bill which we seek to accomplish.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. SCOTT. I am glad to yield to the senior Senator from New Jersey.

Mr. CASE of New Jersey. Mr. President, I agree completely with what the Senator from Pennsylvania has just said. It seems not inappropriate for a few minutes to be taken in support of the bill in any event by those who favor it, in the light of the extended debate on the other side of the issue.

However, we are not taking any time which will delay action on the bill or in any way hold up the business of the Senate on other important matters, because, as the Senator suggests, we are faced with a cloture vote at a time certain on Monday.

I am very happy to be associated in this cause with the Senator from Pennsylvania and the Senators from New York. I wish to express the satisfaction that I have derived from listening to the Senator from Pennsylvania at all times, but particularly now, because he has demonstrated again that in a few short minutes, if one's cause is just, he can make a succinct, complete, absolutely convincing, and utterly unrebuttable case for his cause.

I suggest that this perhaps is the best reason why it is not inappropriate to ask that the extended debate be called to a halt when we come again to vote on cloture on Monday.

I thank the Senator.

Mr. SCOTT. I am grateful to the Senator for his kind remarks.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KEATING in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I support the view that in fact as well as in theory and in law, the franchise should be open to all of our citizens capable of its exercise. Moreover, to my mind and under our system of government, it is desirable that a voter be necessarily an informed voter. I also realize that there are many individuals who have received a 6th-grade education, a 12th-grade education or, for that matter, a doctor of philosophy degree and who, yet, are not necessarily possessed of immense intelligence or even of good judgment.

But, in those States which require literacy as a prerequisite for voting, I recognize that there has to be some basic criterion to determine who is literate and who is not literate in order to prevent any biased exclusion of any American citizen from the polls. Therefore, the completion of a sixth grade education or its equivalent would be a fair and practical guideline for a definition of literacy and would help immeasurably to insure that the rights guaranteed by the 14th and 15th amendments could be exercised by all our qualified citizens.

Accordingly, I very much hope that this view prevails in the present debate and that the amendment of Senator MANSFIELD and Senator DIRKSEN setting forth that a sixth-grade education be deemed an adequate standard of literacy may be passed.

Mr. JAVITS. Mr. President, a number of Senators have taken the floor today, and a number more will take the floor today, with respect to the pending measure. I believe it is very important that everyone should understand why we are proceeding in this way. It is because we respect the will of the Senate, which we feel was expressed on Wednesday, that there should be further debate, and that the parties to the issue should have an opportunity further to elucidate their positions for the benefit of the country. We feel that the positions in this case are not only the positions which are taken by those Senators who are strongly opposed to the pending measure, but also the positions of those of us who are strongly in its favor. Hence, the Senate has heard rather brief, but nonetheless extremely important and excellent, remarks from some of our colleagues in the Senate, and I shall do my best to maintain that standard.

I should like to confine my remarks to two points: First and primarily, the constitutionality of the proposal. The argument has been made in the debate by opponents of the bill that this is a proposal to enact an unconstitutional statute. There was certainly an indication in the vote yesterday of some support for that position. Therefore I should like to make very clear again the issue in constitutional terms.

I have read with the greatest care the decision of the Supreme Court in a case which is very much in point with respect to the pending question. Let us see if we can narrow the question.

I believe that the essence of the question which is before us is whether Congress may adopt the proposed statute as the proper means for implementing the 15th amendment. This is the very clearest and, indeed, narrowest ground upon which constitutionality may be sustained. The U.S. Supreme Court has decided the case of United States against Raines. It decided that case in 1960, at its October 1959 term of court. That case relates directly to the effort by Congress to exercise its authority in this area; that is, it relates directly to the Civil Rights Act of 1957. In that act, Congress, in an affirmative way, gave the Attorney General the power to sue in order to obtain for an individual the right to vote. Congress went further in 1960 by authorizing the appointment of voting referees. However, the Raines case relates to the 1957 Civil Rights Act.

Here, too, was a method established by Congress, intended to implement the right of a citizen to vote, without his being discriminated against or denied the right to vote on racial or color grounds.

Mr. President, the Supreme Court sustained the constitutionality of the 1957 act; but in the course of sustaining it, the Court said some interesting things. It is these comments which I should like to call to the attention of the Senate as bearing, it seems to me, most precisely and directly on constitutionality.

First, to deny a person the right to vote, or to endeavor to deny the right to vote, is State action which comes within the purview of the 15th amendment to the Constitution. That doctrine is restated in the Raines decision, in which the Court said:

> Discrimination by State officials, within the course of their official duties, against the voting rights of the U.S. citizens, on grounds of race or color is certainly, as State action and the clearest form of it, subject to the ban of that amendment, and * * * legislation designed to deal with such discrimination is "appropriate legislation" under it. It makes no difference that the discrimination in question, if State action, is also violative of State law.

There is a clear and precise statement that this is the kind of action which falls within the purview of the 15th amendment; and the words "race or color" as the grounds under which the discrimination took place, the very words used in the 15th amendment, are specifically used by the Court. That is point No. 1; it is State action.

The second point: Once it has happened, it is decided by this case that the State has acted. It is not necessary to take an appeal or pursue other administrative procedures within the State. Once the event has occurred, then the Attorney General of the United States may intervene under the 1957 act. This is covered by another quotation on the same page:

> The argument is that the ultimate voice of the State has not spoken, since higher echelons of authority in the State might revise the appellees' action. It is, however, established as a fundamental proposition that every State official, high and low, is bound by the 14th and 15th amendments.

Third, I have previously argued that Congress has the authority to choose reasonable means. In this case, in the measure before the Senate, the reasonable means chosen by Congress is to establish a maximum test with which to deal with performance tests for literacy. Such performance tests have been the basis upon which southern registrars have disfranchised many Negroes. They have required the applicant to copy something, to write something, to read something. This is the place where there has been such a wide area for subjective, individual discretion that it has been extremely difficult, if not impossible, to redress it under existing law on the case by case method.

I have argued that Congress can choose the means, provided the means are reasonable. I respectfully submit that the Supreme Court in the Raines case holds precisely that by stating that—

> There is the highest public interest in the due observance of all the constitutional guarantees, including those that bear most directly on private rights, and we think it perfectly competent for Congress to authorize the United States to be the guardian of the public interest in a suit for injunctive relief.

In my opinion, these are extremely important confirmations of our position that Congress has wide discretion concerning the means, having found that a remedy is required, and that the means proposed are certainly reasonable under that wide discretion.

One factor arose in a colloquy which I had yesterday with the distinguished junior Senator from Iowa [Mr. MILLER], in which some question was raised about the effect the proposed statute would have upon State laws which might provide for some other kind of literacy test. In that connection, I wish to refer to the words of the Mansfield-Dirksen substitute and to testimony of the Attorney General, as it relates to the example which was used in our discussion of the New York law.

Let us understand that the substitute would relate only to a performance test in respect to voting, of the type which I have described. In such a test, a sixth grade literacy certificate would be adequate if the bill should become law. So in lieu of a performance test, a sixth grade literacy certificate would entitle a registrant to vote.

This would not preempt any State statute which had an objective test; that is, a person might simply present a certificate, no matter what it might be—eighth grade, fourth grade, college degree, high school diploma, or whatever. Such objective requirements would still remain valid under the law. It would only be in an instance where a State had a performance test that the performance test would be subject to the maximum which will be prescribed by the pending measure, namely, a certificate of completion of six grades of education, from a properly recognized school.

Mr. President, I ask unanimous consent to include as a part of my remarks the colloquy on this point between the Attorney General of the United States and my distinguished colleague from New York [Mr. KEATING], which appears in the hearings on this subject at page 282.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

> Senator KEATING. Mr. Attorney General, would you clarify your statement that a State would be able to impose a more rigid qualification such as the eighth grade under this legislation?
>
> Is it your view that a State, under this legislation could establish high school graduation or the eighth grade or some other literacy qualification?
>
> Attorney General KENNEDY. It could.
>
> Senator KEATING. You think it could?
>
> Attorney General KENNEDY. There is no question, Senator. This deals——
>
> Senator KEATING. What do you base your statement on?
>
> Attorney General KENNEDY. What this does is deal with subjective tests. It does not outlaw objective tests at all.
>
> For instance, on page 3, line 16, what it deals with, Senator, is "performance in any examination" to determine literacy in the performance of any examination, but the State can establish any objective test that it sees fit.
>
> And this legislation——
>
> Senator KEATING. Even exceeding the completion of the sixth grade?
>
> Attorney General KENNEDY. That is correct. It is entirely up to the State.
>
> Just as long as it is not used arbitrarily to deny to somebody, because they happen to be a Negro, the right to register and the right to vote.
>
> Now, if the white people and Negroes have to go through the 8th grade or the 10th grade then the State can establish that.
>
> Senator KEATING. On what language in S. 2750 do you base your interpretation?
>
> Attorney General KENNEDY. I think the main point, Senator KEATING, is on the question, "the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination."
>
> That is what it——
>
> Senator KEATING. In other words, your point is that if they do not give an examination then they can establish even a more stringent requirement——
>
> Attorney General KENNEDY. That is correct.
>
> Senator KEATING. Than the sixth grade?
>
> Attorney General KENNEDY. That is correct, Senator.

Mr. JAVITS. Mr. President, there are two other cases I should like to cite as backing up the Raines case—and backing it up so decisively, in my opinion, as to leave no real question as to the constitutionality of the proposed statute now before the Senate.

First, there is the Yarbrough case, which makes it very clear that this is a question not to be left solely to the States. It is not—and I emphasize the word "not"—within their exclusive jurisdiction when it impinges upon the 15th amendment, which is just as effective a part of the Constitution as any other part of it. In the *Yarbrough* case (110 U.S. 651, at p. 604), the Supreme Court said:

> The 15th amendment of the Constitution, by its limitation on the power of the States in the exercise of their right to prescribe the qualifications of voters in their own elections, and by its limitation of the power of the United States over that subject, clearly shows that the right of suffrage was considered to be of supreme importance to the National Government, and was not intended to be left within the exclusive control of the States.

That decision is backed up by a very recent case, decided in 1959, Lassiter against Northampton Election Board, which has been cited on a number of occasions. In this case it is very clearly stated:

> Of course, a literacy test, fair on its face, may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot. No such influence is charged here.

Because no such influence was charged, the Court could sustain, as it did, the literacy test involved in that case. But the Court clearly indicated that if it found otherwise, it would have no hesitancy in overriding State law in that regard.

Mr. President, I should like to conclude my observations upon this point: We are not dealing with any light subject. As the distinguished Senator from New Jersey [Mr. CASE] has so eloquently and properly argued, we are dealing with a deep, basic, underlying, moral constitutional question in our country.

If there be any doubt that these are actual situations in which, as the Federal Civil Rights Commission says, American citizens are actually deprived of the right to vote, I should like to refer to two pieces of evidence which have come to me recently, since the bill has been generally under consideration or in contemplation of consideration, and which seem to me to bear out precisely what are the moral and the constitutional causes which are involved. I have seen a letter from, obviously, a Negro family in Alabama. A woman in the family, a former New Yorker, who sought to register, had a demand made upon her to produce her marriage certificate and the birth certificate of her first child. So they wrote to me, as a Senator from the State where she formerly lived. Their final conclusion was that they would not comply with the request, because it was absolutely not required by law, and they do not plan to go to court in order to redress this grievance because they do not believe "it is right to spend a large sum of money in court costs to obtain one of the most basic American rights, the right to vote."

The right to vote is what the bill seeks to obtain, by preventing discrimination among citizens, and, Mr. President, that is what we are trying to obtain here, and to prevent from being discriminated against.

Another piece of evidence which I find most interesting is an offset-process copy of a poll tax list from Lunenburg County, Va., where the poll tax is still provided by law. This poll tax list—I hold it in my hand and would be glad to have any Member of the Senate inspect it—is divided as between the white citizens and the colored citizens of that county.

Mr. President, what kind of a country are we living in, when what amounts to an official register of voters can be designated "'white" and "colored," in order to determine whether they have paid their poll tax? Is it not unthinkable that a situation which countenances this kind of segregation in an official list of voters is completely inimical to our Constitution?

I am not talking about the choice of one's associates at dinner or at golf; I am discussing the elementary right to vote.

I emphasize these matters because they show so clearly why those who have just spoken, the Senator from New Jersey [Mr. CASE], my colleague from New York [Mr. KEATING], the Senator from Pennsylvania [Mr. CLARK], and the distinguished Senator from Rhode Island [Mr. PELL], who now occupies the chair, are so moved by this situation and why we feel so deeply, so strongly, and so indignantly about it.

Mr. President, the vote taken yesterday demonstrated, obviously, that those who have argued the most on this floor against this civil-rights measure were certainly unable, with the votes they had, to prevent the Senate from voting upon the measure in substance. But they were joined in the vote against cloture by Senators from the North, the Middle West, the West, the Southwest, and New England.

So, Mr. President, apparently the country outside the South is not adequately aroused as to what is at stake here and as to why those of us who labor in this vineyard are laboring so hard.

Several days will pass before the vote is taken on Monday. Therefore, I make this statement at this time; obviously, no good purpose is to be served by making such statements at times when they can do no good. But I state now that it seems to me that if there be a public opinion it should express itself—not public opinion in the South, though I have hope as to that—but public opinion in other areas represented by Senators whose aid to the motion for cloture to be voted on Monday are essential to getting it passed. We must be frank about this matter and we must clearly understand the situation. Areas of the country which should be as one in the effort to get civil-rights legislation for other Americans are the ones represented by Senators whose support must be gained when the vote is taken on this floor on Monday. It seems to me it is necessary to say this now, so that every effort may be made between now and Monday to do as much as possible to help correct a situation regarding denial of voting rights which is so invidious to our Constitution, in my opinion, and is so invidious to our national interest.

Mr. President, in connection with the matter of the opinion of the public, I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, excerpts from a document which the Senator from Pennsylvania [Mr. CLARK] asked me to have placed in the RECORD yesterday. By oversight, it was not included in the RECORD. This document includes a list of participating organizations which I ask should also be listed.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM STATEMENT OF ROY WILKINS, CHAIRMAN, IN BEHALF OF THE EXECUTIVE COMMITTEE OF THE LEADERSHIP CONFERENCE ON CIVIL RIGHTS, MAY 9, 1962

By its action today, the Senate has made clear its desire to vote on the pending civil rights bill.

The majority and minority leaders who jointly moved at the opening of the present Congress to table efforts to amend the Senate rules, and those who supported them, have a special obligation to assure that the present rules, which they helped to perpetuate, are not used to thwart the majority will.

We call upon the majority and minority leaders to announce in unmistakable terms that S. 2750 will remain the pending business until it is brought to a vote—no matter how long it takes.

We call upon Members of the Senate, in discharge of their constitutional responsibility as a legislative body, to oppose all efforts to lay the bill aside until a vote shall be had.

Unless such determination is shown, the present civil rights debate will be exposed as just one more sham battle.

The religious, labor, fraternal, and civic organizations associated in the Leadership Conference on Civil Rights support S. 2750. At the same time, we must point out that the bill falls far short of the civil rights pledges of both the Republican and Democratic party platforms. Enactment of the bill in its present form will not only leave untouched many areas of widespread civil rights violations, but will be of only limited value in furthering the right to vote.

The administration has urged passage of S. 2750 on the ground that the piecemeal approach of individual voting suits has been proven inadequate. We share this conclusion. But we would observe that the piecemeal approach and the reliance on individual suits has proven just as inadequate in protecting constitutional rights in the area of schools, transportation and the use of public facilities as in the area of voting.

The essential weakness of S. 2750 is that it, too, relies on the discredited piecemeal approach.

To overcome this weakness, we urge that the bill be amended at least in the following respects:

1. That it be made to apply to State and local elections, as well as to Federal elections.
2. That the authority of the Justice Department to file civil injunction suits in the area of voting be broadened to include all civil rights violations.
3. That every school district affected by the 1954 Supreme Court decision be required to submit a plan for first-step compliance.

Each of these amendments was pledged in the party platforms. Each is badly needed and long overdue. Each can be adopted by the same majority required to pass the present limited bill.

In a message to the Civil Rights Commission last week, President Kennedy said of school desegregation that "there is no greater challenge facing America today." We urge the President and the Congress to rise to that challenge by taking every step necessary to assure passage of a broadened bill such as we have proposed.

PARTICIPATING ORGANIZATIONS

A.M.E. Zion Church.
Alpha Kappa Alpha Sorority.
Alpha Phi Alpha Fraternity.
American Civil Liberties Union.

American Council on Human Rights.
American Ethical Union.
American Federation of Labor and Congress of Industrial Organizations.
American Jewish Committee.
American Jewish Congress.
American Veterans Committee.
Americans for Democratic Action.
Anti-Defamation League of B'nai B'rith.
Brotherhood of Sleeping Car Porters.
Catholic Interracial Council.
Colored Methodist Episcopal Church.
Congress of Racial Equality.
Delta Sigma Theta Sorority.
Hotel, Restaurant and Bartenders International Union of America.
Improved Benevolent and Protective Order of Elks of the World.
International Ladies Garment Workers Union.
International Union of Electrical, Radio and Machine Workers.
Japanese American Citizens League.
Jewish Labor Committee.
Jewish War Veterans.
National Alliance of Postal Employees.
National Association for the Advancement of Colored People.
National Association of Colored Women, Inc.
National Baptist Convention, U.S.A.
National Bar Association.
National Catholic Committee on Race Relations.
National Catholic Council for Interracial Justice.
National Community Relations Advisory Council.
National Council of Negro Women.
National Frontiers Club.
National Newspaper Publishers Association.
Phi Beta Sigma Fraternity.
Phi Delta Kappa Sorority.
Pioneer Women.
Religion and Labor Council of America.
State, County and Municipal Employees.
Textile Workers Union.
Transport Workers Union of America.
Union of American Hebrew Congregation.
Unitarian Fellowship for Social Justice.
United Automobile Workers of America.
United Hebrew Trades.
United Rubber Workers.
United Steelworkers of America.
United Transport Service Employees of America.
Women's International League for Peace and Freedom.
Workers Defense League.
Workmen's Circle.

Mr. JAVITS. Mr. President, I state, in conclusion, that all of us understand that this is an important battle in a great struggle. I do not use the word "war," because that would be invidious in connection with anything which reflects our domestic concerns.

Mr. ERVIN. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER (Mr. PELL in the chair). Does the Senator from New York yield to the Senator from North Carolina?

Mr. JAVITS. I yield.

Mr. ERVIN. I might suggest another word to be used, instead of the word "war." Since the Civil War is over, we might use the word "Reconstruction," for it is still in process.

Mr. JAVITS. Mr. President, the Senator from North Carolina may choose the words he wishes to use, and I will choose the words I wish to use—although, of course, I respect highly the distinguished Senator from North Carolina.

I do not believe we are in a period of reconstruction or of civil war, although many of the arguments I have heard about the alleged unconstitutionality of this measure might seem to indicate that there is still a feeling that the Civil War was not fought and that the constitutional amendments which were ratified following the Civil War have not been ratified.

But, Mr. President, as I have said, I think this a most important battle in a great struggle; and, therefore, I believe that, whatever is done, we should make extremely clear the burning interest the public has in seeing to it that justice is done to all citizens, regardless of their race or color, and that justice is done in connection with so fundamental a matter as voting.

The country must clearly realize the power which is inherent in a minority of the Members of this body, so long as the majority of its Members—the overwhelming majority, coming from all the areas which I have described—does not believe it necessary to deal with that power, not only in terms of civil rights legislation, but also—and this is my deep conviction—in regard to other matters. For this power of the minority has a definite effect on many other measures, if the reluctance continues of the necessary majority to vote to close off debate even after there has been more than a reasonable amount of debate.

So I think this situation has a very important influence on the general body of legislation dealt with by the Senate, whether it be civil rights legislation, foreign policy legislation, welfare legislation, public works legislation, or other types of legislation; and I believe this attitude is most unwise in the national interest and in view of the dangerous situation abroad which today faces our country and the entire world.

Thus it may be, Mr. President—for these things have a way of affecting many others—that something completely unrelated to civil rights will at long last impress forcibly on the attention of the American people a realization of how unwise it is to have what seems to be a built-in reluctance outside the South to use the rules of the Senate at times when the rules of the Senate should be used.

As has been said time and time again, why is there a rule XXII, if Senators are not prepared to use it in the only way in which it should be used; namely, in terms of freeing our hands to legislate.

There are not enough Senators who are strongly opposed to this measure upon organic and basic grounds—and of course I respect their opposition, indeed—to be able to keep the Senate from voting. Let the country understand that the support which must come for the cloture motion if we are to invoke cloture on Monday must come from the Middle West, the Northwest, the Mountain States, the Southwest, and from the cradle of the struggle against discrimination and segregation—from New England.

Mr. CASE of New Jersey. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. CASE of New Jersey. As I said earlier today, the Senator from New York is certainly primus inter pares in this matter, as he is in this body as a whole.

As a former active member of the bar of which he is so distinguished a member, I wish to say that his concise and incisive legal argument arouses in me a great deal of nostalgia for the days when I used to be an active member of that bar. He has made a great contribution here, in terms of the legality and constitutionality of the proposed legislation; and his outstanding address could be read with great benefit by all Senators who have expressed views on this precise question—and I know some of them have been very honest views. He has exposed and laid bare the real issue of constitutionality; and it seems to me that, upon reflection, all Senators whose doubts are really based on the constitutional question can scarcely fail to have their minds on that matter changed by reading the succinct argument on that score which he has presented today.

If I may be indulged for a moment more, not only has no one over the years been a stronger fighter for the civil rights of Americans, but also no one has been more aware of what we are really about in this fight. What we are really about is trying to preserve America, trying to preserve democracy. There are abroad today, as there have always been abroad in the world, forces that could destroy us. America does not exist by accident as an organized society of decent people, in which decent institutions are allowed to govern relations among the people. It exists because we have developed over the years that kind of regard for each other, and have exhibited it in practice, that makes it tolerable for people to get along with each other.

When, as is true in America today great numbers of citizens are subjected to humiliation, are deprived of their rights or are forced to live as second-class citizens—and I dislike to use a trite expression, but it is so true—we cannot expect them to let this present land in which we live continue to be that kind of land. That is what we are talking about.

We are not making partisan speeches. There are only a few States—New York is one, New Jersey is another, Michigan is another—where this problem brings itself to the fore as strongly as it does there. I am not surprised that citizens and Representatives and Senators from States where this problem may not exist in the open forum, as it does in my State and the State of the Senator from New York, and the States of a number of other Senators, do not realize the great reasons for the problem. We realize that something must be done about the problem, and not merely to satisfy some political expediency. The point is that in the States where it is a problem, it has meaning and has already shown some ugly possibilities. We have the right, I think, to talk about it, and have the right to be listened to.

I have been distressed in this recent debate, and in other debates in years past, by the tendency of so many persons to regard this procedure as purely a political exercise. It is more than that. It involves the greatest American issue of our time, and also involves the greatest danger to this land of ours.

I thank the Senator for his contribution today, which is merely cumulative of the tremendous efforts and the most significant ones he has made over the years.

Mr. JAVITS. I thank the Senator.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. KEATING. I commend my distinguished colleague for a splendid summary of what is involved in our vote on Monday. Again he has stressed the fact that this measure does not deal with voting qualifications; it deals with deprivations.

The statement has been made on the floor several times, by several distinguished colleagues whom we respect, that if the bill were enacted, it would disfranchise a number of persons, because it would require a sixth grade education. Of course, it does not do anything of the kind. It merely provides that, if an examination is required, a man or woman cannot be deprived of the right to vote if he or she has a sixth grade education. It does not provide that a person must have a sixth grade education to vote. The State can establish a requirement of an eighth grade, or a fourth grade, or a third grade, or any other education test, so long as it is not coupled with an examination.

I am glad the distinguished senior Senator from New York has stressed that fact in his final argument. Again I commend him for a very fine summary.

Mr. JAVITS. I am very grateful to my colleague, with whom it is such a joy to work, especially in this field in which we have been so closely associated, and where his leadership has been so marked and so extremely constructive in the national interest.

NATIONAL TRANSPORTATION WEEK

Mr. McNAMARA. Mr. President, I ask unanimous consent that the Senate may take up at this time Calendar No. 1350, House Joint Resolution 628.

The PRESIDING OFFICER (Mr. Moss in the chair). The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (H.J. Res. 628) authorizing the President to proclaim the week of May of each year in which falls the third Friday of that month as National Transportation Week.

The PRESIDING OFFICER. Is there objection to the consideration of the joint resolution at this time?

Mr. CASE of South Dakota. Mr. President, it seems to me this is an appropriate time to act on the resolution, in view of the fact that the National Highway Users Conference has been meeting in Washington. I hope the resolution will be agreed to.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H.J. Res. 628) was considered, ordered to a third reading, was read the third time, and passed.

PROGRESS REPORT ON THREE-STATE TRANSPORTATION STUDY

Mr. JAVITS. Mr. President, one of the major problems of the sixties is mass transportation in our urban areas. The Tri-State Transportation Committee, the organization set up last year by the Governors of the States of Connecticut, New Jersey, and New York, has submitted its second interim report to the Governors of these three States. This report, I believe, will be of deep interest to Senators from other States facing similar transportation problems, and I therefore ask unanimous consent to have excerpts from the report printed in the RECORD.

I would like to call particular attention to the five pilot projects outlined by the committee. Each represents a method of attacking the problem of efficient, low-cost mass transit. The committee is currently exploring these projects with the HHFA to determine whether they will qualify for Federal aid under the new program established last year by the amendment which Senator WILLIAMS of New Jersey sponsored and I cosponsored to the Housing Act.

These demonstration projects are only a beginning. We must move forward promptly here in the Congress to provide funds for the next step—comprehensive mass transit projects for our cities. Senator WILLIAMS of New Jersey and Senator CASE of New Jersey have both introduced bills to provide Federal matching funds for mass transit projects and I have joined in sponsoring this legislation, and will do all I can to get it acted upon this year in view of the urgency of the problem and the genuine and constructive effort being made by cities like Metropolitan New York, working with their State governments.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

SECOND INTERIM REPORT OF THE TRI-STATE TRANSPORTATION COMMITTEE, APRIL 30, 1962

TRI-STATE AGREEMENT

On August 30, 1961, the Governors announced the creation of the Tri-State Transportation Committee, specified the seven major study areas for which the committee would be responsible and named their respective representatives on this committee. The U.S. Bureau of Public Roads and the Housing and Home Finance Agency also designated their representatives to serve on the committee.

The three States subsequently entered into an official agreement, spelling out the responsibilities and procedures for carrying out the Tri-State program. The agreement has been executed by the New York State Superintendent of Public Works, the Connecticut State highway commissioner, and the New Jersey State highway commissioner, along with the chairman of the Tri-State Transportation Committee and the regional engineer for the U.S. Bureau of Public Roads. The agreement was further approved by the New York State Budget Director, the New York State Comptroller, and the attorneys general of the three States.

Under this agreement, the three States are cooperating with each other and the Federal Government in the various studies and action programs which have been assigned to the committee. Costs for the studies and programs will be shared by the States and the Federal Government. The States' share of the total expenses for the activities and study programs of Tri-State will be borne by them under a cost formula of 10 percent for Connecticut, 45 percent for New Jersey, and 45 percent for New York. For administrative convenience, it was agreed that New York State would act in the first instance as the receiving and disbursing agent for Tri-State and that the other two States would reimburse New York at the end of each accounting period.

IMMEDIATE-ACTION STUDY PROGRAM

In establishing the Tri-State Committee, the Governors of the three States emphasized the need for an action-oriented program. They emphasized the committee's responsibilities for examining critical transportation problems and developing recommended immediate solutions. The most urgent of these problems in which prompt decisions by public officials are needed before the long-range studies can be completed, are:

Maintenance and improvement of the vital mass transportation services in the region.

Improvements in freight handling within the tri-State region in order to make such important services more effective, efficient, and economical.

Determination of the region's future requirements accompanied by recommendations for facilities to handle general aviation flights (i.e., noncommercial transport aviation); improved access from central core areas to the region's major commercial airports so that better transportation service is available to these important facilities.

A review of the regional highway systems in the tri-State area to assure that the highway systems will take care of the immediate needs of the region.

In carrying out this program, work has been initiated on several studies and outlines have been prepared for others. All are designed to obtain findings, conclusions, and recommendations which can lead to prompt decisions and actions on these urgent problems. In general, the Tri-State Committee will be responsible for the conduct and coordination of these action studies although substantial assistance and cooperation in this program is expected of a score of participating local, State, and Federal agencies in the region.

MASS TRANSPORTATION DEMONSTRATION PROJECTS

The 1961 Housing Act authorized a program under which the Federal Government provides financial assistance in testing and demonstrating new ideas and methods for improved mass transportation systems and services. This assistance is furnished through Federal grants for up to two-thirds of the cost of approved demonstration projects. The other one-third of the cost must be provided by the States, the localities or the transportation industry.

In the past few months, the committee and its staff have carried on extensive discussions with mass transportation carriers, particularly suburban railroads, to develop suitable proposals for such demonstration projects which will serve the mass transportation needs of the region. On the basis of these discussions, the committee has prepared and is reviewing with the Housing and Home Finance Agency, five proposals for mass transportation demonstration projects with the objective of seeking Federal financial assistance. These proposals include:

1. A project on the Harlem Division of the New York Central system, to demonstrate

whether faster and more frequent rail service, including adequate parking at new consolidated stations and feeder bus service for an outer ring suburban area, will attract sufficient commuters and midday rides to justify the improved service. This project would involve the New York Central service between Brewster, White Plains, and on into Grand Central Terminal.

2. A project on the New Haven Railroad to demonstrate how railroad trackage, now used only for intercity passenger and freight operations, can be used for a new commuter service required to meet a public need created by changing patterns of land use. This project would provide a new New Haven Railroad commuter service, whereby additional trains would run each morning rush hour from Stamford via the New Haven's Harlem River branch and Hell Gate Bridge to Astoria in Queens, where a convenient transfer would be provided to the New York City Transit Authority's Astoria line. Additional trains would also run on the same route in the evening rush hour for the return trip. The New York City rapid transit service would provide direct and quicker access to the upper East Side in the 60th Street area as well as to the Columbus Circle, Broadway theater district, and the Herald Square garment district areas on the West Side of Manhattan. It would also provide a faster trip for New Haven Railroad passengers with origins or destinations in Queens and Long Island.

3. A project on the Port Washington branch of the Long Island Railroad, to demonstrate whether frequent off-peak express service on a suburban rail branch serving a heavily populated area would generate sufficient traffic to justify the additional service. This project would provide for approximately 30 additional trains in each direction between the hours of 9 a.m. to 4 p.m. and 7 p.m. to midnight.

4. A project on the main line of the Long Island Railroad, to develop and test station fare collection and cancellation of tickets. This project would provide for the testing of a mechanical system of station fare collection at the Forest Hills and Kew Gardens stations of the Long Island Railroad.

5. A project on the main line of the Pennsylvania Railroad consisting of a commuter "park and ride" facility located in the vicinity of New Brunswick, N.J. This facility would test the patronage of a station located outside of the central city where access to the new station would be more convenient from the newly developed areas. The objectives would be to develop additional rail ridership and to alleviate traffic congestion in vicinity of the city center station. Ample parking area would be provided at nominal cost. In selecting the site for this facility, a location that might attract destination as well as originating traffic will be considered, consistent with the primary objectives. Other demonstration projects in New Jersey are under development in cooperation with the New Jersey Division of Railroad Transportation.

In each case the proposed project has been reviewed with the carrier involved. Each carrier has assured its complete cooperation.

The mass transportation demonstration program will be coordinated by the Tri-State Committee in conjunction with the respective carriers and State and local agencies involved in the individual projects.

The Committee is continuing to review the desirability and feasibility of other possible demonstration projects.

LONG-RANGE LAND DEVELOPMENT AND TRANSPORTATION PLANNING STUDIES

In accordance with the directive of the Governors of the three States, the tri-State transportation study will develop conclusions and recommendations for meeting the long-range land development and transportation requirements of the tri-State region. This long-range study will be designed to identify the interaction of such broad characteristics as the region's transportation, land development, economy, population and employment. This knowledge will be used to develop alternate patterns of land development and appropriate transportation facilities designed to meet the region's need for the forecast periods to 1985.

The long-range study program requires careful and extensive planning and coordination, using the most modern techniques of data collection, processing and analysis. The cumulative experience of similar studies in other metropolitan areas is being utilized in the development of the work plan for the study and also in selecting the type and volume of data necessary to provide a sound basis for evaluating the transportation needs of the region.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. BARTLETT. Mr. President, yesterday I voted against the cloture motion, and subsequently voted for the motion to table the amendment to the pending legislation. It is my present intention to vote against cloture again on Monday next.

I owe an explanation of my actions to my constituents, and others. I shall not attempt here at any length to offer proof that despite these actions of mine yesterday, which doubtless will be considered by many to be unforgivable aberrations, I am a liberal of the liberals. I am sensible of the fact that often—far too often, in my opinion—one's liberal attitudes are judged only by what he does or does not do in respect to civil rights. I should not confine my definition of liberalism so closely and would urge that judgment be rendered only on the basis of the complete record of a public servant. But I comprehend, too, that in these times and on the issues which confront us, my advice may not be universally accepted.

Yesterday I saw no reason for cloture; I see none today; I expect to see none next Monday. I should vote for cloture only if discussion of the pending amendment were delaying the urgent business of the Nation. This is demonstrably not so. The calendar is not crowded. Many if not most of the important bills of this session of Congress are still being considered in committee. The Nation's business is not being unduly retarded by this debate. The debate has not been rambling. It has been to the point. It has been directed to the subject. The Senate has not been in session long hours in consideration of the amendment, as has been previously pointed out by many Senators.

I am proud to be a Member of what has been said to be the one parliamentary body remaining in the world in which debate is not restricted in point of time. Perhaps it is old fashioned; perhaps it is not geared to the speed of the mid-20th century; perhaps it does occasionally permit a willful minority to block action by the majority. On the other hand, history has recorded on two or three, or even more instances, in which this privilege, this right to debate at length, has been discovered to be protective of the majority, although that was not at first fully understood. I do not seek to make that claim here; I only assert that in the present debate the country's best interests have not been injured by discussion of the amendment before the Senate.

In general, my views are akin to those expressed in this chamber earlier in the week by the able and distinguished Senator from Kentucky [Mr. COOPER].

I have no doubt that in certain sections of this country citizens who are entitled to vote are not permitted to vote. I deeply believe this runs counter to what our form of government stands for, and the kind of government we should have in every State of this Union.

However, there are other considerations.

I do not think it would be well to seek to reach a goal by wrong methods. I have been told that it would be justifiable to cast aside any doubts I might have as to the constitutionality of the amendment because, after all, that decision will finally be made by the Supreme Court. This I cannot do. I must make that judgment. It is my duty to do so. I have such very serious doubts as to the constitutional propriety of the amendment that I feel it necessary to record my views accordingly by my vote or votes. The objective sought by the amendment is one in which I believe; but I cannot help to bring about its accomplishment by a method which I believe basically in error.

This amendment has no special pertinence to my own State of Alaska. The only test there for American citizens—and definitely included in this group are the Aleuts, the Eskimos, and the Indians who live there—is an ability to speak or read the English language. So the amendment would have no particular application to the 49th State.

Mr. President, it has not been easy for me to vote as I have voted, and as I intend to vote. I have been deeply troubled, believing, as I do, that there should be no foreclosure from the priceless privilege of the franchise of all qualified citizens. Yet I must insist, from a personal standpoint, that this right be insured by methods about which there can be no doubt. In conclusion, I suggest that the anguish and difficulties which would flow from a decision that the amendment were unconstitutional would dwarf all the troubles in this area which beset us today.

Mr. McNAMARA obtained the floor.

Mr. KEATING. Mr. President——

Mr. McNAMARA. Mr. President, does the Senator request that I yield?

Mr. KEATING. I would like to obtain the floor to continue the same colloquy we have been engaged in. Does the Senator wish to speak on that subject?

Mr. McNAMARA. I wish to speak on the civil rights matter. Is the Senator from New York talking about another matter?

Mr. KEATING. The civil rights matter.

Mr. McNAMARA. How much time does the Senator need?

Mr. KEATING. After I have spoken on that subject, I would like to speak on another subject. If it is agreeable to the Senator, I will proceed on the civil rights subject, and then refrain from going further until after the Senator from Michigan has spoken.

Mr. McNAMARA. Will the Senator give me some idea how much time he requires? It will take me about 15 minutes.

Mr. KEATING. I will take less time than that on civil rights.

Mr. McNAMARA. I yield for that purpose, with the understanding that I do not lose my right to the floor.

Mr. KEATING. Mr. President, I wish to make a few brief remarks along the line of those made by my other colleagues who have spoken on the subject regarding which we have already voted once, and upon which we shall vote again on Monday.

Yesterday the American people witnessed a dramatic display of the inability of the Senate of the United States to deal with the Nation's business.

Our votes yesterday dealt with a civil rights bill. They could just as well have involved a treaty, an appropriation bill, a nomination, a defense measure—even a declaration of war. What the Senate demonstrated was that this body is unable under its present rules to avoid a parliamentary deadlock on its deliberations without surrendering to the desires of a minority of Members.

An overwhelming majority voted against tabling the pending literacy amendment. A majority may continue to vote against tabling this proposed legislation from now until doomsday. Yet this majority may never have the opportunity to vote for the legislation on this subject. Under similar circumstances it may never be given the opportunity to vote for any other measure, no matter how gravely it affects the welfare of our country.

One rule is responsible for this sorry state of affairs—rule XXII—the so-called cloture rule. This rule as now phrased is an affront to orderly and constitutional procedure. It is not a safeguard of minority rights, but an incarnation of minority power. It subjects every decision of this body to veto by one-third of its Members. It virtually assures interminable debate, deadlock, and defeat for any proposal which goes against the desires of one-third of the Members of the Senate present and voting.

This rule is a pernicious, obnoxious affront to the right of a majority of this Senate, after full debate, to act on the merits of any issue before it. In my opinion, it is an unconstitutional rule because it limits the right of a majority of the Senate to determine the rules of its proceedings and because it operates to require a two-thirds vote for the passage of legislation. Our experience yesterday confirms this analysis more dramatically than any theoretical arguments.

The course we must eventually take if we are to protect the deliberative character and effectiveness of this body is to amend the cloture rule so that it becomes truly a rule to regulate debate and not a rule to prevent action.

Until this is done, however, it is imperative that we do everything possible to avoid a surrender to minority control of the actions of the Senate. The cloture vote on next Monday must not be an excuse for yielding on this basic principle. Only a vote against the legislation on its merits would justify its abandonment and the consideration of other business.

More is at stake than merely this literacy bill. This measure by itself, while significant, is not as vital as other issues—even other issues in the field of civil rights, such as part III and school desegregation legislation. What is of overriding importance is the issue of whether the Senate is to be ruled by a majority or by a well-organized, well-disciplined, determined minority.

The American people must understand that the real issue at this stage is the ability of the Senate to function as the Founding Fathers intended. It would be a fatal mistake for us to surrender on this fundamental precept on Monday or at any other time. The precedent such action would establish would place in jeopardy the Senate's ability to meet not only the civil rights crisis, but any crisis with which our Nation may ever be confronted.

The responsibility is primarily on the leadership to avoid any such precedent. Speaking only for myself, I am ready to respond to quorum calls at any time of the day or night and to stay in this fight until it is won or fairly decided.

I have already spoken on the merits of the pending bill, and it is obvious that every Senator has had a full opportunity to debate its merits and demerits at any desired length. In my judgment this bill is required, and, in fact, should be strengthened so that it would not sanction in State elections the arbitrary practices it would prohibit in Federal elections. In my opinion the bill is constitutional because it deals with voting deprivations, not voting qualifications. Senators who disagree should vote against it on its merits and vote against any amendments they dislike. They should not attempt to deprive their colleagues of the right to vote their own sentiments, any more than we would attempt to preclude the opponents of civil rights from voting their sentiments.

This is the way our Republic was designed to serve the people. This is the constitutional procedure which must govern our deliberations. We cannot compromise on this issue without undermining public confidence in the processes of government.

For that reason I shall vote against any motion to set aside the bill for any purpose at any time unless the measure proposed to be substituted deals with our national defense or security, and I shall vote against any other motion inconsistent with the views that I have expressed today. I urge all Senators who wish to protect the traditions of the Senate, no matter how they feel about civil rights, to take the same action.

Mr. JAVITS. Mr. President, will the Senator yield briefly?

Mr. KEATING. I yield.

Mr. JAVITS. My colleague has said two things in which I would like to join him, and to emphasize. He used the word "surrender." He also spoke of the displacement of the bill. It is easy to surrender when the opposition is stubborn; and it is. We who are on the side of civil rights must demonstrate that we are as tenacious. I like the use of that word and I compliment my colleague upon it. It is such an easy thing to do, and yet it is the very challenge which we face. I am confident that we will hold fast. Leading to our determination to hold fast is the fact that there is no reason for displacing the bill. As my colleague has so eloquently said, we must join in standing against any effort to displace the bill by anything, as he has properly defined it, except a national security measure.

I have spoken on this subject before. I am delighted to be associated in the present fight with my gifted and distinguished colleague from New York, who has again made a splendid and extraordinary contribution to the debate. I thank the Senator from Michigan for his indulgence.

Mr. KEATING. I thank my colleague from New York for his very kind remarks.

CONGRESSIONAL REPRESENTATION ACT OF 1962

Mr. McNAMARA. Mr. President, I introduce, for appropriate reference, a bill providing for the reduction of the congressional representation of States which deny or abridge the right of their inhabitants to vote.

I ask unanimous consent that an explanation and summary of this bill may be printed in the RECORD at this point.

There being no objection, the explanation and summary was ordered to be printed in the RECORD, as follows:

EXPLANATION AND SUMMARY

Section 2 of the 14th amendment to the Constitution provides for the apportionment of Representatives. It further provides that any State's representation be proportionately reduced if such State has denied or abridged the right of any of its citizens to vote.

SUMMARY BY SECTION

Section 2: Establishes a Joint Committee on Congressional Representation, to be composed of nine Members of the Senate and nine Members of the House. No more than five members of the committee from each House to be members of the same political party.

Section 3: Authorizes and directs the joint committee by May 1 following each biennial congressional election to determine whether any State has denied or abridged the rights of its inhabitants to vote in the preceding election. The joint committee would calculate, in the manner prescribed in section 2 of the 14th amendment to the Constitution and in section 22 of the Revised Statutes, the number, if any, by which the representation of each State should be reduced. The findings would be reported to the Congress, with a full explanation of the facts on which the findings were made. Any reduction would affect the Congress commencing after the date of the joint committee statement.

Section 4: Provides that the findings of the joint committee concerning the reduction of representation would go into effect

30 days after the submission to Congress, unless before the expiration of the 30 days, Congress passes a concurrent resolution expressly disapproving the findings of the joint committee.

Section 5: Establishes rules of procedure should a resolution of disapproval be introduced, including discharge of the committee to which the resolution has been referred and rules of debate on the resolution.

Section 6: Provides for the filling of vacancies on the joint committee and for the internal organization of such committee.

Section 7: Establishes the powers of the joint committee in holding investigations, hearings, and issuing subpenas.

Section 8: Provides that any statement submitted to the Congress by the joint committee under section 142 must be approved by a majority of the joint committee's authorized membership.

Section 9. Provides for the expenses of the joint committee.

Section 10. Provides for clerical and other staff assistance for the joint committee.

Section 11. Sets forth that any reduction in representation called for in the statement of the joint committee and not disapproved by Congress becomes effective in the 87th Congress and each succeeding Congress; but the reduction would be effective only for the Congress for which the statement was submitted. In no case would a State's representation be reduced below one.

Section 2 of the 14th amendment: Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the * * * inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such * * * citizens shall bear to the whole number of * * * citizens twenty-one years of age in such State.

Section 22 of Revised Statutes (act of February 2, 1872, ch. 11; 2 U.S.C. 6): Should any State deny or abridge the right of any of the * * * inhabitants thereof, being 21 years of age, and citizens of the United States, to vote at any election named in the amendment to the Constitution, article 14, section 2, except for participation in the rebellion or other crime, the number of Representatives apportioned to such State shall be reduced in the proportion which the number of such * * * citizens shall have to the whole number of * * * citizens twenty-one years of age in each State.

Mr. McNAMARA. Mr. President, this is not a new proposal. I introduced it in the 85th Congress and again in the 86th Congress.

While I intend to discuss it briefly in a few moments, I would address myself first to the history of civil rights legislation in the 87th Congress.

The Senate is now in the 12th legislative day of debate on a bill that would establish a sixth grade education as evidence of literacy in those States where literacy is a qualification for voting in a Federal election.

Only yesterday, the Senate decided, by a decisive margin, that this bill has not yet been fully discussed. A motion to impose cloture was defeated by a vote of 43 to 53. Then almost immediately the Senate turned around, and by an even more decisive margin of 64 to 33, voted to continue the discussion.

For 12 legislative days this issue has been discussed in laborious and infinite detail. Only yesterday the distinguished majority leader reported that according to his best information, every Senator who desires to be heard on this bill has spoken.

The minority leader indicated that the reluctance of several Senators of his party to vote for cloture stemmed from a feeling that the filibuster had not been dramatic enough, and that there was an unwillingness to shut off debate because there had not been any marathon, 24-hour sessions.

A majority of Senators do not want to stop talking, even though apparently no Senator has anything further to say. But an even larger majority of Senators are not prepared to kill the proposal for this session.

I ask, How silly can we get?

It has been said that the U.S. Senate is the greatest deliberative body in the world.

It also has been said that the U.S. Senate is the only legislative body in the world that cannot act when a majority of its Members are ready to do so.

Both these statements have been proved in recent days. The Senate is now in the 12th day of debate in a "polite filibuster" on the literacy test bill.

We have listened to learned dissertations on the Constitution, and to vulgar attacks on the Supreme Court of the United States.

We have heard exhaustive analyses of voting statistics, and esoteric explanations of why thousands of Negro voters in Southern States somehow fail to exercise their franchise.

If real straw were required for the strawmen that have been erected and destroyed in the Senate this year in civil rights debates, there would be no need for acreage controls. The Senate could consume the straw and give away the grain.

I wish to review briefly the history of civil rights legislation in the 87th Congress to this moment. In terms of accomplishment, I invite attention to the following:

First. Last summer we extended the life of the Civil Rights Commission for 2 years—although we had to resort to the subterfuge of an amendment to a pending appropriation bill to accomplish even this.

Second. Earlier this year, after 12 days of "polite filibuster," we approved a proposed amendment to the Constitution that would eliminate the poll tax as a requirement for voting.

But before we hail this as an epic achievement we should consider that the proposal must first pass the House of Representatives and be approved by the legislatures of 38 separate States before it becomes law. Only 13 States can keep it in legislative limbo for 7 years, thus killing it off.

These are our paltry achievements in civil rights legislation. Where have we failed?

We failed, first, finally, and fatally, on January 11, 1961, when it was decided, by a vote of 50 to 46, to postpone action on reforming rule XXII until the end of the session.

A resolution to impose cloture by a three-fifths vote was referred to the Rules Committee along with a less modest proposal to impose cloture by a simple majority vote.

This crucial vote 16 months ago left King Filibuster sitting on his Senate throne for the duration of the 87th Congress.

This vote doomed any meaningful civil rights legislation for at least 2 years. This vote guaranteed a continuation of minority rule in the Senate through 1962.

All that has followed since, in terms of civil rights legislation, has been shadowboxing.

As Shakespeare so eloquently put it, our civil rights debate since then has been "full of sound and fury—and signifying nothing."

What has happened since has confirmed the predictions of the 46 Senators who voted to reform rule 22 in January 1961.

The Civil Rights Commission won a grudging 2-year extension. The glorious battle to reform rule XXII collapsed in 3 days last September. A motion to impose cloture was shot down by a vote of 37 to 43, failing even to obtain a simple majority, to say nothing of the required two-thirds.

Again yesterday, a motion to impose cloture failed to get a majority, while nearly two-thirds of the Senate voted to continue debate.

My reluctant conclusion is that we love to talk about civil rights, but we dislike to act on them.

For those who might be tempted to make political hay out of yesterday's vote against imposing cloture I point out these facts:

Democrats were equally divided on the question of cutting off debate and getting on with the vote, with 30 voting on either side.

Republicans, however, voted nearly 2 to 1, or 23 to 13, to continue the filibuster.

I am encouraged by the fact that nearly two-thirds of the Senators voted against killing the literacy test bill for this session.

The majority leader tells us there will be another attempt to impose cloture next Monday. Perhaps there will be enough telegrams from home to turn the tide and muster the necessary two-thirds majority for cloture. If there is, I know we can pass the literacy test bill next week.

If not, I shall still not be completely discouraged. For I am confident that in the not too distant future the Senate will approve a formula that allows both free and full debate, and majority rule. I hope to be in this Chamber, present and voting, when that day arrives.

Mr. President, I do not intend to speak extensively on the bill I have just offered. Most of my colleagues are familiar with similar measures I have introduced in the past. However, I should like to offer a brief explanation:

The bill would implement section 2 of the 14th amendment of the Constitution.

I submit that it would do more than any antipoll tax amendment, or any literacy test amendment, to extend the voting franchise to those now deprived of it.

It should command the support of Senators on either side of the issue before us, who recognize the simple principle that the right of American citizens to vote exists, and should not be denied on account of race, color, or previous condition of servitude. Nor can there be any question of the constitutionality of what I propose.

As my colleagues know, section 2 of the 14th amendment to the Constitution provides that any State which denies or abridges the right of any of its citizens to vote shall have its representation in the House of Representatives reduced proportionately.

This section has never been implemented by legislation, as the last section of the 14th amendment provides. I believe my bill would do this.

The bill would establish a Joint Committee on Congressional Representation which would meet following each biennial election for Representatives.

By May 1 of the year following each biennial election the joint committee would report to the Congress whether any State has violated section 2, of the 14th amendment.

Further, it would calculate by how much the number of Representatives should be reduced for any State to be found in violation.

In a period of time specified by the proposed act, Congress would have an opportunity to disapprove the findings of the joint committee through a concurrent resolution.

In the absence of such disapproval, the reduction in the number of Representatives of any State found guilty of violating the 14th amendment would become effective in the following Congress. The reduction would apply only to that Congress.

My bill is clearly designed to punish a State which violates the rights of any of its citizens to vote. This was the intention of those who wrote and approved the 14th amendment to the Constitution. In other words, my bill seeks to carry out the clearly stated intent of the 14th amendment.

Mr. President, since the 25th day of April we have sat in this Chamber and listened to the debate on the literacy test bill.

Earlier this year we sat for 12 days and listened to the debate on the antipoll-tax amendment.

Last year we listened to three civil rights debates—two of them on reforming rule XXII by reducing the percentage of the ruling minority—and the third on extension of the Civil Rights Commission.

During the more than 7 years I have been a Member of this body, I have listened to literally millions of words of debate on civil rights legislation.

I am not a lawyer, for which I am often thankful. And sometimes the legalistic subtleties leave me frustrated. But the central question we are dealing with today, and that we have failed to solve in the past, is whether the Congress is going to make it possible for the Negro to become a full-fledged, first-class, franchised citizen of the United States in areas where he does not now have that status.

It is as simple as that. I believe we should do it. And I believe we should do it now.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3287) providing for the reduction of the congressional representation of States denying or abridging the right of its inhabitants to vote, and for other purposes, introduced by Mr. McNamara, was received, read twice by its title, and referred to the Committee on the Judiciary.

FORMER PRESIDENT EISENHOWER: THE POWERS OF THE PRESIDENCY

Mr. CASE of South Dakota. Mr. President, there have just come to my attention the prepared remarks of former President Dwight D. Eisenhower which were released at a press conference today following a meeting with the joint Senate-House Republican leadership.

I want to read this brief statement into the Record. Former President Eisenhower said:

> I have today renewed a prized association with good friends and former colleagues in Government, the Republican leaders of the Senate and House of Representatives.
>
> Our discussions ranged the spectrum of governmental concerns—from foreign affairs to pressing problems here at home. In respect to domestic affairs we developed two major themes:
>
> First, the strenuous efforts of the Administration to increase greatly the power of the executive branch of the Government.
>
> Second, administration insistence upon increasingly heavy Federal spending on all fronts.
>
> In this statement I refer only to the first of these subject areas.
>
> It has long been my judgment that the real threat to liberty in this Republic will come not from any sudden, calculated assault; rather, the threat to our liberties will be primarily found in a steady erosion of self-reliant citizenship, and in excessive power concentration, resulting from the lodging of more and more decisions in an ever-growing Federal bureaucracy.
>
> To cite only a few of the recent proposals to vest more authority in the executive branch:
>
> 1. Authority for the President to modify income taxes whenever he should so decide.
>
> 2. Authority for the President to finance, wherever and whenever he pleases, large-scale emergency public works by diversion of funds dedicated to other purposes by the Congress.
>
> 3. Authority to regiment all agriculture, more sweeping and repressive than any authority ever before sought over any segment of the Nation's economy.
>
> 4. Authority for the Federal bureaucracy to take over a whole host of State and local responsibilities, notably including the proposal for a Department of Urban Affairs.
>
> 5. Authority to dilute the independence of the Federal Reserve Board by Presidential appointment of its chairman.

Mr. Eisenhower comments:

> To be sure, the objectives underlying many such proposals are not in themselves controversial.

The immediate past President then says:

> I do not agree, however, that in every instance more Presidential power is needed to achieve them.

The country should soberly consider the concluding paragraph of Mr. Eisenhower's statement. It is:

> I believe that the problem of the Presidency is rarely an inadequacy of power. Ordinarily the problem is to use the already enormous power of the Presidency judiciously, temperately and wisely.

Mr. President, no more important statement has been made to the American people than these wise observations by Mr. Eisenhower today. In each of the five areas he cited, recent proposals, the events of the day, and the acts of the administration supply emphasis.

First, he cited the President's request for authority to modify income taxes.

The people of South Dakota, to whom I talked in January and February during two series of scheduled meetings, will recall that I pointed out at the time that the authority to lower income taxes would carry with it the authority to raise income taxes. No more insidious proposal could be put forward than the proposal that the President be given the power to lower taxes, when that might be attractive, because that power would give the President the power of the purse, the power over revenue, taking the power away from the Congress.

Second, Mr. Eisenhower cited the proposal which will come before the Senate, under the schedule announced, immediately following conclusion of consideration of the pending legislation. That is the proposal for a public works program, by which the President would have the authority, wherever and whenever he pleased, to institute large-scale emergency public works and to pay for them by diverting funds already dedicated to other purposes by the Congress.

Mr. President, this, again, is one of the most insidious proposals that have been submitted to the Congress. In the form the bill was reported by the committee, it spells out the danger to which I called attention on the floor of the Senate in February and again in April. I pointed out that the authority to use the borrowing power of certain agencies and to use the public debt receipts for reserve funds and to spend these moneys for current public works constitute one of the most violent threats which have ever been made to the Congress with respect to fiscal responsibility.

As spelled out in the bill reported to the Senate by the Committee on Public Works, over the solid objection of the minority members, authority would be given to the President to use the debt borrowing authority of the International Bank; to use $3 billion worth of the reserve funds of the Federal Deposit

Insurance Corporation; and to use $750 million of the reserve authority of the Federal Savings and Loan Insurance Corporation. The President would have authority to tap those reserve funds—for the insurance of deposits, for the insurance of the savings of people—and to spend them on public works which the President might designate anywhere in the country.

Third, Mr. Eisenhower cited the administration proposal for authority to regiment all agriculture. Mr. President, as I have pointed out in repeated statements and speeches during this session, the farm proposals of this administration, as encompassed in the bill submitted by the Secretary of Agriculture, contemplate not leaving it up to the farmers to decide whether or not they shall sign up in a support program. In the area of feed grains, the administration proposals contemplate making it mandatory for every farmer, for every producer of feed grains, to come in under the bill if marketing quotas are voted or to suffer penalties if the marketing quotas are not voted.

Fourth, Mr. Eisenhower cited the proposed authority to take over a whole host of State and local responsibilities. This includes a Department of Urban Affairs. The Senate itself has already spoken on that subject by sending the proposal back to committee. The House turned down the reorganization plan.

And fifth, the former President cited the proposed authority to dilute the independence of the Federal Reserve Board by Presidential appointment of its Chairman. This shares the character of the several reorganization proposals submitted by the present administration in the first session of this Congress in which various boards and agencies were recommended to be reorganized, proposing in each case an enhancement of the powers of the Chairman.

Mr. President, these several strikes for increasing the power of the Executive have been properly brought to the attention of the American people by former President Eisenhower's statement of today. I hope his statement will be widely read throughout the country. We have witnessed other evidences of this grasp for Executive power.

As the President sends out his emissaries to run for office this year, to become delegates for the White House or Representatives of the White House rather than Senators from sovereign States or Representatives from Congressional districts, I hope the American people will remember what Mr. Eisenhower said today:

> The problem of the Presidency is rarely an inadequacy of power. Ordinarily the problem is to use the already enormous power of the Presidency judiciously, temperately, and wisely.

If there is any threat to the inherent integrity of the American Republic, it is to be found in the current proposals to increase the power of the Presidency at the expense of other branches of the Government.

I thank the Senator from New York for yielding to me.

Mr. KEATING. Mr. President, if it is satisfactory to my colleague from South Dakota, I ask unanimous consent that his remarks may follow my remarks in the RECORD, and indeed may follow the remarks to be made by the two Senators from Michigan [Mr. MCNAMARA and Mr. HART], who will speak on the pending measure, for the purpose of continuity of the RECORD.

Mr. CASE of South Dakota. Mr. President, I certainly have no objection to that. I appreciate the courtesy of the Senators from Michigan and of the Senator from New York in allowing me to proceed at this time.

The PRESIDING OFFICER. Without objection, the remarks of the Senator from South Dakota will be printed in the RECORD after the conclusion of the remarks of the Senator from New York and of the remarks of the Senators from Michigan.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. HART. Mr. President, I thank my distinguished senior colleague from Michigan [Mr. MCNAMARA] for the vigorous statement he has just made. If I may be permitted a footnote in defense of lawyers, I should add that I accept all of his statement with the possible exception of his reference to members of the bar.

I shall be very brief—brief because we who have been associated in the effort of past days to insure the passage of the pending measure already have expressed our disappointment at the vote of yesterday, and our hope that on Monday a sufficient number of Senators will have reconsidered their position on the application of cloture, to apply cloture. We share a determination that we shall not surrender. We insist that the Senate, in the year 1962, especially after almost two-thirds of us have shown a desire to vote on the pending measure, shall in fact have this opportunity.

All of us who are associated in this effort have taken the opportunity this afternoon to assign a solemn responsibility for the picture of a Senate unable to work its will. As the senior Senator from Michigan has just said, our confrontation with rule XXII is included in our determination that we shall, when Congress reassembles in January, make the most determined effort that has ever been seen in this body to modify that rule, in order that never again shall almost two-thirds of our membership who are desirous to act on a piece of proposed legislation be denied the right to do so.

With other Senators who have spoken before me, I do not intend to vote to set aside or to support a motion to set aside the pending measure for any additional Senate business, with the exception, of course, only that one which bears upon our national survival and our national security.

I hope that a pessimism which attaches to those of us who have been in support of the pending proposal will prove ill-founded; that on Monday, for whatever the reasons, we will find the votes present which will enable us to do the business which is before us and to resolve the question which has been pending these weeks.

Mr. DOUGLAS. Mr. President, as are other Senators, I am greatly disappointed that yesterday the cloture motion to limit debate on the literacy test bill to 1 hour for each Senator, or possibly a total of 100 hours, was defeated by a vote of 53 to 43. With other Senators, I hope that on Monday we may have a different result. I appeal to Senators who say they are in favor of the proposal embodied in the so-called literacy measure to make it possible for us to vote on the question, instead of upholding the hands of those who, by interminable debate, seek to prevent the majority from expressing itself.

I have read with great interest the debates of Senators who oppose the measure. I was struck by the fact that the frequently learned discussions about the constitutionality of the proposed legislation really missed the point. There was a very learned analysis of the debates inside the Constitutional Convention of 1787. References were made to the 10th amendment to the Constitution, which provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Both of those references are beside the point. They ignore the fact that as a result of the Civil War, not only the 13th, but also the 14th and 15th amendments were added to the Constitution. Those amendments are almost never referred to by our friends from the South. They are treated as being nonexistent. Nevertheless, they are as much a part of the Constitution as any other provision; and by their terms they clearly justify and authorize legislation dealing with discriminations against the Negro race.

The 15th amendment is very specific. Since it is so seldom referred to by our Southern friends, I think it should be restated again. The first section of that amendment reads:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—

Then there is a second section, which reads:

> The Congress shall have power to enforce this article by appropriate legislation.

The U.S. Commission on Civil Rights reported last year that it had found clear evidence that in at least 100 counties in 8 Southern States:

> There are reasonable grounds to believe that substantial numbers of Negro citizens are or recently have been denied the right to vote on grounds of race or color.

Then the Commission goes on to say that those 100 counties are contained within the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

The Commission then states:

> Some denials of the right to vote occur by reason of the discriminatory applications of laws setting qualifications for voters.

The evidence taken by the Commission furnishes abundant testimony to the fact that the so-called literacy tests are quite commonly manipulated in those counties against the Negro race by imposing far more severe requirements upon Negroes than are imposed upon whites. Therefore, such tests fall within the category of acts forbidden by the first section of the 15th amendment, which I have just read.

I think no one has really challenged this finding by the U.S. Commission on Civil Rights. Therefore, it is the duty of Congress to enforce the 15th amendment; and the second section of the amendment gives Congress the constitutional power to do so. So the arguments that this measure is unconstitutional fall completely by the board.

In addition, I think the measure is also justified under the 14th amendment, because the final clauses of the first section of the 14th amendment provide, speaking of any State:

> nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Mr. President, the right to vote is an attribute which the individual citizen has; and if it is denied to any citizen otherwise qualified, he is denied the equal protection of the laws. Therefore, any act by a State which, in effect, discriminates against individual citizens in the exercise of this basic political right is in violation of the 14th amendment. Then, of course, there is also section 5 of the 14th amendment—identical with section 2 of the 15th amendment—which reads as follows:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

So the constitutional case for this proposed legislation is clear; and the references to the Constitutional Convention of 1787 and to Madison's Journal—like "the flowers that bloom in the spring"—have nothing to do with the case.

The proposal embodied in the bill still before us is that satisfactory completion of the sixth grade shall be regarded as a proof of literacy. That does not mean, of course, that it is the sole test of literacy—for persons who are able to read and write, although they have not completed the sixth grade, can meet this test—but it merely means that completion of the sixth grade shall be presumptive evidence that the voter otherwise eligible can read and write. I think this is a most reasonable assumption. Even the most severe critic of progressive education has never, so far as I know, denied the fact that a sixth-grade student is able to read and write. Therefore, this is a very moderate provision.

As a matter of fact, I believe it would only meet a portion of the difficulties which the Negro citizens of the South experience when they try to vote. The problem of being delayed in registration, the problem of not being given equal opportunity to register, and the problem which arises because of the existence of intimidation—economic intimidation, and, at times, physical intimidation—would not be reached by this bill. It would merely cut off one of the tentacles of the octopus, which in the aggregate restrict the basic voting, social, and economic rights of a large proportion of the American people.

Mr. President, I hope very much that Congress may be permitted to vote on this measure, and that the necessary two-thirds vote for cloture will be obtained on Monday.

Like the rest of my colleagues in this fight, I wish to say that I shall be compelled to vote against any motion to lay aside this issue and to proceed to consider some other measure. So far as I am concerned—and I believe I speak for all of them, as well—we are ready to fight it out on these lines, even if it takes all summer; and, so far as we are concerned, we do not intend to let this measure rest.

If we should fail to obtain the necessary two-thirds vote on Monday, we shall return to the battle at the opening of the new Congress, in January, when, under the opinion which Vice President Nixon gave, Congress will have the constitutional right—and I emphasize that phrase, Mr. President—to frame its rules insofar as the principle of majority rule is concerned.

I am one who believes that there should be full and free debate. And that will occur under the cloture proposal which some of us favor—namely, that 2 weeks after the filing of a cloture petition, a majority of Senators elected and sworn in shall have the right to limit debate—or, phrased more accurately, a majority of the Senators elected and sworn in—or 51 out of the present membership of 100—shall have the right to provide that 2 weeks after the filing of a cloture petition, the Senate shall have the right to limit debate and to vote.

Since we know that, in practice, such a so-called cloture petition would not be presented until the debate had itself proceeded for some time, it is obvious that this proposal provides for more than 2 weeks of debate; in fact, it might well provide for 3 weeks or 4 weeks of debate. And since there are two stages in connection with the consideration of a measure—namely, the motion to proceed to consider it, and then the motion to pass upon the measure itself—this arrangement would afford our southern colleagues an opportunity to prolong the debate twice—and, each time, for a minimum of 2 weeks; and more probably, each time, for between 3 weeks and 4 weeks. And even if the motion to limit debate were then carried by a majority vote, there would remain 1 hour of debate for each Senator—or a possible additional total of 100 hours of debate.

Therefore, Mr. President, those of us who sponsor this proposed change in the Senate rule cannot be charged with trying to impose gag rule. In this proposal we provide for the widest possible freedom of debate—greater than that which exists in any other parliamentary body in the world. We simply try to affirm the principle that, at some time, the Senate may be permitted to vote.

Our southern friends are, by the process of interminable debate, attempting to enact in principle John C. Calhoun's theory of a concurrent majority—namely, that any section of the country had the right to veto a measure affecting the country as a whole.

Mr. President, I try never to refer to the Civil War; but it is a fact in American history. The Civil War decided—or, at least, we thought it had decided—a number of things. We thought it had decided the principle that we were one country, and the principle that the decisions of the Congress apply to the entire country, and the principle that the decisions of Congress are to be made by majority vote.

But now, because of the protections thrown around the so-called filibuster, it is possible for a relatively small minority of the Members of the Senate, representing a fraction of the electorate of a fraction of the States, to prevent the vast majority of the Members of the Senate who are the elected representatives of the people in the Senate, from even voting and reaching a decision.

It was for this reason—and, among others, the seniority rule—that a distinguished Southern journalist has said that the Senate is the South's revenge for Gettysburg. In the 14 years that I have served in this body, the truth of that remark has been impressed upon me more with every year. It seems clear that this body, by virtue of its own rules, is the revenge which our Southern friends are taking for the Civil War; and sometimes I wonder which side won the Civil War. We abolished chattel slavery; but we have not yet established the right of those Americans of darker skins to obtain, in practice, the civil rights which our grandfathers thought they had established by the Civil War and by the 14th and 15th amendments to the Constitution.

I have never believed in waiving the bloody shirt. As the son of a Democratic family in the State of Maine, I always was revolted by Memorial Day orations in which it was charged that the Democrats of the North had been traitors during the Civil War.

I resented those charges very greatly. The memory of them is something I still resent. Nevertheless Democrats as well as Republicans fought in the Civil War to establish human freedom. It is this need for human freedom for which we are contesting today.

This Nation cannot long continue before the world as the apostle, on the one hand, of equality of opportunity, and, on the other, in practice fail so gravely in many areas to put into effect those principles of equal rights for which so much blood was shed and about which so many protestations have been made.

Unless a reconciliation is developed between the white and the black races in this Nation, I shudder at what some of the consequences may be. When I see the abuses now perpetrated in Algeria against the Mohammedan population by the Europeans—I do not say the

French settlers; I say the European settlers—I shudder at what may happen there when the Mohammedan population takes over.

There are strong nationalistic currents in the minds of many of the Negro race in this Nation and throughout Africa, and they are finding sympathy amongst those of darker skin in Asia and Latin America as well. This is our Achilles' heel, and we must remedy it if we are to present in practice the image of America which Jefferson contemplated, which Lincoln tried to bring into being, and for which hundreds of thousands of humble, inarticulate citizens fought, were wounded, and died, because, underneath all the intellectual subtleties of the Civil War, was the consciousness on the part of the soldiers and women of the North that, basically, it was a struggle for human freedom. It is well to remember that fact.

I mention this not to fan the old fires, because my family and I have suffered from those fires, but because it is important that we should face this issue as Americans, and I hope that, despite the Civil War, we may be able to think and act as Americans.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. JAVITS. I have said many times, and I never will cease to repeat, that one of the great gratifications of having the honor to represent the State of New York in the Senate of the United States is the honor of serving as a colleague-in-arms with my distinguished and beloved friend from Illinois. He and I have joined in this struggle many times before, with others of our colleagues, and whatever may have been the result—we have often been frustrated and defeated—it has always been with honor. I attribute that fact very heavily to the lofty character and high inspiration of the Senator from Illinois.

He has spoken today, as is characteristic of him, in deep accents of understanding of the social currents of our time. Whether the papers print what we say here today or not, and whether the country reads what has been said here today or does not, somehow or other, by that strange process of osmosis which public men know so well, there is at least a good chance that these ideas will go forth in the country and that civil rights debates like this one will not be lost in the haze or excitement of this vote, or that vote, or action on cloture, or argument of constitutionality—although I think this bill is, without question, constitutional—or lack of constitutionality, and that the eternal verity will be noted that we are struggling for the soul of our country, and that we are struggling for the Constitution for which thousands and thousands, indeed, millions, have died, and that it is meaningful not only to us, but to all mankind.

The Senator from Illinois certainly speaks the views of all of us on his side when he says he looks down the veil of time with deep concern and trepidation over what may happen to mankind if we cannot get over the incubus which we carry in discrimination and segregation on racial, religious, and other grounds, which are invidious to civilized minds.

I am grateful for having the opportunity to serve with the Senator from Illinois and for joining in this struggle. I am delighted to have with us on our side such a magnanimous and great Senator as the Senator from Illinois.

Mr. DOUGLAS. I thank the Senator.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. KEATING. I join my colleague from New York in paying tribute to the distinguished Senator from Illinois. I have been proud to stand shoulder to shoulder with him in this fight to strengthen the human and civil rights of all our citizens. The Senator from Illinois has displayed today, as he has so often, his tenacity of purpose with regard to this issue.

Earlier in the day I said that I would oppose any effort to substitute any other legislation, except that dealing with our national security or national defense, for the pending measure until we have come to a resolution thereon by a vote either up or down.

The Senator from Illinois has been a great leader in this fight, which cuts completely across party lines, and which is a fight for what we conceive to be the interest of our country, both domestically and internationally, because, as the Senator has so correctly stated, this is our Achilles' heel, and we must grapple with this situation and handle it, not only for our domestic tranquility, but in order to maintain our position, internationally, with the other nations of the world, whose people for the most part do not have white skin.

Mr. DOUGLAS. I deeply appreciate the comments of the two Senators from New York. It has been an inspiration to work with them and to work with all the other Senators who believe as we do. We, in a sense, are soldiers of a vast army of people in all sections of the country, including a large proportion of the South. It has been a real privilege to have had a chance to defend those principles in the Senate. There are tens of thousands of citizens, however, who have defended these principles in far more dangerous locations.

There is no personal risk attached to us in defending these principles in the Senate. Our Southern colleagues are extremely polite to us. They cast no social obloquy upon us. We are rather sheltered defenders of these principles. Over the Nation as a whole, particularly in the Southern States, there are tens of thousands of people who are really exposed to social ostracism and in some cases to physical intimidation. They are the real heroes.

So, while we are unutterably grateful for the opportunity which has been given us to defend these principles, we realize there are countless others far more heroic than we.

This is unfinished business for America. Those of us who feel strongly upon this subject have both a moral obligation and a determination to keep on. We shall try to do so with good temper and with no appeal to prejudice. We shall not equivocate. We shall not abuse. But we shall not retreat. We shall push on.

In the long process of time these principles will win. The question is whether they will win quickly enough, in view of the dangers which impinge upon us.

Nothing better could be said of us than the lines of Matthew Arnold:

> Charge once more, then, and be dumb!
> Let the victors, when they come,
> When the forts of folly fall,
> Find thy body by the wall!

Without indulging in any mock heroics, exactly as the soldiers of the North and their relatives were proud when they died at Gettysburg, at Antietam, or at Fredericksburg, because they had given their lives in defense of freedom, so all of us, no matter what happens, only hope we may bear ourselves worthily in the struggles which lie ahead.

Mr. President, I note the Senator from Nebraska [Mr. HRUSKA] is standing. If he wishes to speak on another matter I shall be glad to yield the floor. I have some insertions to make in the RECORD. I understand also that the Senator from New York [Mr. KEATING] has some remarks to make. I shall be glad to yield, so that either the Senator from New York or the Senator from Nebraska may proceed.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield the floor.

Mr. KEATING. I say to the Senator from Illinois that sometime prior to this I had the floor. I gave it up in order that Senators who wished to speak on the pending legislation could do so. I should like to resume.

Before I do so, Mr. President, of course, I am happy to have the Senator from Nebraska proceed.

Mr. HRUSKA. Mr. President, first I wish to acknowledge the usual generosity and tolerance of my colleague from New York, for yielding as he has done. The hour is growing late, yet the Senator from New York always possesses great patience, for which I am grateful, and particularly so on this occasion.

WITHHOLDING TAXES ON DIVIDENDS AND INTEREST

Mr. HRUSKA. Mr. President, the mail which Members of Congress receive from constituents, whether their own constituents or people of any other State, is always very interesting and quite frequently highly revealing. This is especially true when it is properly analyzed and constructively considered.

Generally speaking, most Members of Congress consider that their mail furnishes a good cross-section of the views of the writers of the communications. They believe it discloses an opinion and understanding of issues—or perhaps a misunderstanding of issues. In general, when it is unsolicited or spontaneous mail, it is considered to be a revelation of a good deal of commonsense.

Often the letters are laboriously written—perhaps on desks at home, perhaps on dining room tables, or perhaps even in kitchens.

Recently, a vast volume of mail has been coming to my office with respect to section 19 of the tax revision bill, H.R. 10650. It is a long bill. It contains 240 printed pages, and it deals with a great many provisions of today's statutory tax structure.

Section 19, in general, provides for withholding at their source 20 percent of dividends and most forms of interest. Exemption certificates would be permitted all individuals reasonably anticipating no tax liability for the year. Also, exemption certificates would be permitted for persons under 18 years of age, under certain circumstances. Quarterly refunds could be applied for, and would be provided for married couples with less than $10,000 annual income and for single persons with less than $5,000 annual income if they expected to have a smaller tax liability for the year than the amount withheld. Quarterly refunds would also be granted to tax-exempt organizations if and when certain offset provisions available to them and to business corporations proved to be inadequate.

In general, that characterizes the provisions of section 19—not totally, not literally, not precisely; but in general.

Recently some rather harsh things have been said about some of the opponents of the tax bill, and particularly about opponents of section 19. This subject claimed the interest of the President in his press conference only yesterday. Among other things he indicated that the advertisements and circulars financed by savings and loan associations, by banks, and by others, have led many people to believe first, that this is a new tax or a tax increase; second, that it will take money unjustly from honest taxpayers; third, that it will create a jungle of redtape, costing more than it will bring in; and fourth, that it will harm the elderly, the widows and orphans, or others with low income.

Our Chief Executive then said:

> Not a single one of these charges is true:

The President went on:

> Those recipients of dividends and interest who already pay their taxes will not be affected in any way. Those whose income is too low to be subject to tax will not be affected for they can exempt themselves from withholding by a simple statement. The only ones affected will be those individuals who are not now paying the taxes they owe on this income, either through neglect or for some other reason.

I quote further, after some intervening language:

> In short, defeat of this provision will not help older people with small incomes who would be either exempt from it or could file each quarter for a prompt refund—

And so on.

Mr. President, additional harsh things have been said about the opponents of section 19.

I am not familiar with the details or extent of any concerted campaign to oppose the approval of section 19. I do not know what material the banks, savings and loan associations, or others have been issuing. I do not know whether they are misleading or not.

I am informed, however, on one thing, and that is what my mail shows.

I am informed—to that extent—as to what the public's understanding is of section 19.

Generally, people who have been writing to me—and they are not confined to my own State—have not been misled as to what the bill provides in general, or the impact that it would have upon them. They may not be versed in all of the technical aspects, the exact language and its ramifications, but in general they know the nature of section 19 and how it will affect them.

When it is said that those who are already paying their taxes will not be affected, I submit in all respect, that the statement is neither accurate nor complete.

What is involved for those who are already paying their taxes? First, loss of the use of 20 percent which is withheld, especially where it will be refunded later; second, the loss of automatic reinvestment rights of dividends and interest; third, the necessity of filing refund applications and keeping records of all the funds that are paid, those that are withheld, and those that are refunded; fourth, the necessity of preparing and filing a more complicated annual income tax return in which there must be incorporated all of the details of what has been withheld, refunded, retained, and so on; fifth, the difficulty of ascertaining whether an exemption would apply to a given taxpayer or not. All of those complications, plus many others, will be visited upon a taxpayer even if he is paying his taxes upon all the dividends and interest which he receives.

So it is simply not true that those already paying taxes will not be affected. Those receiving interest and dividends know that. They are not being misled. My mail is proof of that. I have on my desk letters that I received only this morning on this subject. I wish to read excerpts from several of them. I shall demonstrate that citizens understand the true nature of the bill, and there will be a hardship visited upon them if the bill becomes law.

Here is a letter from Chadron, Nebr., dated May 7:

> This is some of the ways it will hurt. Loss of earnings on overpayments while held by the Government. Loss of advantage of automatic reinvestment of 20 percent of dividends. Expenses of preparing and filing the more complicated tax forms, which would be terrific.

Here is another letter from Chadron, Nebr., dated May 5:

> I can't afford the loss of earnings by overpayments and complicated refund forms.

Here is another letter from Kearney, Nebr.:

> This is not a new tax, but is a complicated, costly, and unfair method of overcollection of existing taxes.

Here is a letter from Grand Island:

> Millions would overpay their taxes and then would have to go through the complicated procedure of claiming refunds.

Here is another letter from Crawford, Nebr., way up in the northeast corner of our State:

> We will lose our automatic reinvestment advantage on 20 percent of our dividends. We will lose the potential earnings on overpayments withheld by the Government.

Here is another letter from Grand Island:

> If the Federal Government keeps 20 percent of my annual dividends until I can reclaim them, my children will be cheated of a college education by the very Government that is so hot on the trail of Federal aid to education and everything else. I'd much rather "aid" myself and my children, if you all could see your way clear to suppress a few of these suppressive bills.

There are other letters. I shall read only one or two others. Here is a letter from Kansas City, Mo.:

> One might argue that the honest taxpayer has nothing to fear; that he eventually gets back his money, but you in the Government know the amount of red tape involved. I think it is very unjust to compel an individual to wait several months to receive his refund which sometimes he gets and sometimes he doesn't.

Here is a letter from North Platte, Nebr.:

> This withholding tax method I believe is not a fair method in that it takes away money from the individual and holds it for a year, keeping it from drawing the interest it might rightfully draw.

Here is another from Gering, Nebr.:

> This taking of 20 percent of earnings before distribution would cause loss of the advantage of automatic reinvestment of our earned dividends; would cause the investor needless cost of preparing and filing more complicated tax forms.

That is a typical cross section of the many letters which I have been receiving in my office in the past weeks. It is clear that the people are aware of the nature of the bill. They are not being fooled nor misled as to whether it is a new tax or an increased tax.

Going a little further, it is said that the only ones affected will be those who are not paying taxes they owe. It is said that defeat of the bill would only help with respect to those whose evasion of present taxes is costing every honest taxpayer additional taxes. To say to those who sincerely oppose the section 19 of the tax bill, for what they consider to be good, valid and sufficient reasons that defeat of that section would help only those who are now defrauding the Government of its rightful share of a tax is putting the matter rather crassly and, I believe, cynically. It implies that those who advocate that section are the only ones with virtue, wisdom, and complete knowledge on the subject.

So the allegation that the only ones affected would be those who not now paying their fully taxes, is likewise neither an accurate nor a complete statement. I have already given the Senate some of the reasons why those paying their entire taxes are being hurt. But let me put it in another way and offer additional reasons suggested to me in a letter from a very good personal friend, a substantial citizen, a banker, and a resident of Crete, Nebr. Tom Aron is the president of a five-State bank. His letter details some of the impact the bill would have on every bank, including the smaller country banks, of which his is one.

His bank is not large as banks go, but there are over 400 of similar size in my State, in addition to the larger banks in places of greater population.

In effect, Mr. Aron says that he firmly believes that those who are sponsoring the bill, are not fully aware of the involvements that will arise.

He cites, first, the endless book-work of determining who is exempt and who is not exempt; second, the quarterly applications for refunds would turn the average country bank lobby into a beehive—an angry beehive; thirdly, the withholding tax "is going to make us the butt of more controversy and ruin the good will we try to cultivate."

Next, Mr. Aron writes:

> In our rural area, many of the dividend and interest receivers are older people, many of them in their eighties, and we can just see hours of explanation, as to why, for example on a $100 dividend check, we can only pay him $80 and must send the Government $20. Then too, so many people fail to keep records, and we will be plagued with questions, such as how much of a refund they can get, semi-annual reports plus the annual report, etc.

It has been suggested that section 19 is merely an extension, in the field of dividends and interest, of what has been going on for 19 years in the matter of withholding taxes from wages and salaries. Mr. Aron has an answer to that statement. He says:

> In our particular case, the withholding tax on wages was explained to only our eight employees. This proposed tax on dividends and interest will have to be explained to at least 2,500 customers with each separate transaction—maybe 8 or 10 times a year per customer. Then multiply this experience by 403 banks in Nebraska.

He sets forth several other points in his letter, and he concludes by saying:

> If, after you have exerted any and all energies at your command to prevent the passage of this act, might we suggest that you tack on an amendment that would govern other business such as, that at every grain elevator they deduct 20 percent of the check or the settlement of any particular grain sold; that in every ASC office they deduct 20 percent of every loan and then disburse the proceeds to the borrower; that every livestock commission house deducts 20 percent from the proceeds of the sale of cattle; that from every professional man, such as doctors, dentists, and attorneys, when settling, for example, a $1,000 statement, deduct 20 percent and just pay them $800 and remit $200 to the Treasury. If we are going into this thing part way, let's go whole hog and go all the way. We could add to this, that every time we pay a garage bill, or buy an automobile, the same should prevail.

His letter ends with this sentence:

> Therefore, won't you give this your most serious study and try to appreciate the terrific turmoil that we firmly believe this will create all over the economy, especially in rural areas and country banks such as ours, and as you well know, most of the banks in Nebraska are rural banks.

Mr. President, the letter is thoughtful, and well reasoned. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Those who contend that this section of the bill would affect only those who are not paying their taxes, and that its defeat would help only those who are evading the payment of their just taxes, should, in all seriousness, reconsider. I am sure that upon sober reflection and upon even a superficial examination and consideration of the bill, they will realize that others are also affected—even those who are paying their taxes in full and those who are handling investments for other persons.

It is my hope that the Committee on Finance, which will soon hold executive sessions to mark up the bill, will take these factors into consideration. I know that the record of the bill contains a showing on this question. I am nonetheless constrained to make this statement on the floor of the Senate, because of the allegations to which I earlier referred. I am confident that the matter will be considered carefully by the committee and that something will be written into the text of the bill which will obviate a great many difficulties which are on the horizon if the Senate adopts the bill in its present form, as approved by the other body.

CRETE STATE BANK
Crete, Nebr., May 7, 1962.

Hon. ROMAN L. HRUSKA,
U.S. Senate, Washington, D.C.

DEAR SENATOR HRUSKA AND FRIEND ROMAN: We understand that the dividend and interest withholding proposal has passed in the House of Representatives and is now before your honorable body.

We firmly believe that the powers that be, who are sponsoring and pushing this bill, are not fully aware of the involvements that will arise, especially in smaller communities such as ours. The endless book-work of who is exempt, and who is not exempt, and the quarterly applications for refunds is going to make the average country bank lobby sound like a beehive. We now collect and remit personal and real estate taxes for our customers to the County Treasurer at Wilber. We have to listen to endless arguments with almost each customer whose taxes have been increased, which is almost a yearly pattern. This withholding tax is going to make us the butt of more controversy and ruin the goodwill we try to cultivate.

As you well know, if one is fortunate enough to have two sources of income, salarywise he only has the one withholding deduction, or can adjust the withholding deductions to fit his income. Here the receiver of dividends and interest has no leeway. In our rural area, many of the dividend and interest receivers are older people, many of them in their eighties, and we can just see hours of explanation, as to why, for example, on a $100 dividend check, we can only pay him $80 and must send the Government $20. Then too, so many people fail to keep records, and we will be plagued with questions, such as how much of a refund they can get, semi-annual reports plus the annual report, etc. etc. In our particular case, the withholding tax on wages was explained to only our eight employees. This proposed tax on dividends and interest will have to be explained to at least 2500 customers with each separate transaction—maybe 8 or 10 times a year per customer. Then multiply this experience by 403 banks in Nebraska. We are more than happy to sell government E and H bonds as a service to our Government, for which we receive no fee. The hint in this withholding of dividend and interest bill that part of the bank's compensation, if not all the bank's compensation, would be in the extra deposit to the Treasury Tax and Loan account, is just a sham. Any time we have any modest accumulation in that account, the Treasury Department soon makes a withdrawal.

As we understand it, you folks have recently passed a law wherein the Treasury Department will become highly mechanized. Each income taxpayer will have a number, and in due time it will be quite possible to have a crosscheck of whether those most affected are really reporting their dividends and interest or not. Let's give this a fair try before we jump into this thing that has so many undesirable ramifications. If, after you have exerted any and all energies at your command to prevent the passage of this act, might we suggest that you tack on an amendment that would govern other business such as, that at every grain elevator they deduct 20 percent of the check for the settlement of any particular grain sold; that in every ASC office they deduct 20 percent of every loan and then disburse the proceeds to the borrower; that every livestock commission house deducts 20 percent from the proceeds of the sale of cattle; that from every professional man, such as doctors, dentists, and attorneys, when settling, for example, a $1,000 statement, deduct 20 percent and just pay them $800 and remit $200 to the Treasury. If we are going into this thing part way, let's go whole hog and go all the way. We could add to this, that everytime we pay a garage bill, or buy an automobile, the same should prevail.

It is becoming more and more disgusting that in every other court of the land one is innocent until proven guilty; in the Internal Revenue Department you are guilty until you can prove you are innocent whenever you are charged with an irregularity. Therefore, won't you give this your most serious study and try to appreciate the terrific turmoil that we firmly believe this will create all over the economy, especially in rural areas and country banks such as ours, and as you well know, most of the banks in Nebraska are rural banks.

Thanking you for your serious attention and report on this, we are,

Very truly yours,
THOMAS J. ARON,
President.

WITHHOLDING OF DIVIDENDS AND INTEREST AT THE SOURCE

Mr. DOUGLAS. Mr. President, as the Senator from Nebraska has said, nearly all Senators have had a deluge of mail on the proposed withholding of the basic 20-percent income tax already owed on dividends and interest. The subject has been discussed very widely. As of this moment I have received in my office more than 40,000 letters, nearly all of which are opposed to the withholding provision, and which assign various reasons for the opposition of the writers. I have read a considerable proportion of these letters and have had them analyzed. I am now in the process of replying to all of them. Of course, I shall have to do this with form letters.

The letters show a vast amount of misinformation about the nature of the proposal contained in the administration tax bill. It is misinformation so serious that it needs to be corrected, whatever may be the motives or the sources which have inspired this misinformation.

One of the clearest statements on the essential problem which I have heard or seen was that made by Joseph A. Pechman, before the Committee on Finance on the 4th of May. Mr. Pechman is a distinguished student of public finance. For many years he was a member of the staff of the Treasury Department. For some years thereafter he was a member of the staff of the Committee on Economic Development. He is now a member of the Brookings Institution, and Executive Director of the National Committee on Government Finance. He is probably the most eminent authority in this country on both the theory and the practice of Federal taxation.

The statement which he made is one of the most lucid I have ever heard. I believe it deserves to be read and studied by a much wider group than those who are likely to read the testimony given before the Finance Committee, which has already reached five volumes, and which promises to reach many more volumes. I therefore ask unanimous consent that it may be printed in the Record at this point in my remarks.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Withholding on Interest and Dividends

(Statement before the Senate Finance Committee by Joseph A. Pechman, the Brookings Institution, May 4, 1962)

I am glad to have this opportunity to appear before the Senate Finance Committee to discuss the tax bill recently passed by the House. Since I have devoted a good deal of my research time in recent years to problems of individual income tax compliance and enforcement, I should like to confine my remarks to a discussion of the proposed system of withholding on interest and dividends. The views I shall express are my own and do not necessarily represent those of the trustees, officers, and other staff members of the Brookings Institution, or of the members of the National Committee on Government Finance, of which I am executive director.

I should like to state at the outset that I am convinced of the need for adopting some system of withholding income tax at the source on interest and dividends. Eleven years ago, a similar withholding provision was passed by the House, but it was finally defeated on the ground that it should be possible significantly to reduce the amount of underreporting of interest and dividends through ordinary enforcement techniques. In the interim, the Internal Revenue Service has sought and obtained the cooperation of corporations, banks, and other financial institutions in an educational campaign to dramatize the need for improved interest and dividend reporting. Despite these efforts, there is no evidence that the degree of reporting has improved in recent years. Failure to adopt withholding 11 years ago has already cost the Treasury $4 billion or more, and this cost will continue to mount by a factor of $650 million per year, according to current estimates.

I realize that the question of withholding on interest and dividends is charged with emotion. The members of this committee will recall that the response was even stronger and more extreme when the proposal to adopt withholding on wages and salaries was first discussed more than 20 years ago. Nevertheless, the present withholding system is now an integral part, not only of the Federal tax system, but also of State income tax systems and of private business accounting. It is widely acknowledged to have been perhaps the most important and constructive administrative step ever taken in the history of the individual income tax. I have little doubt that withholding on interest and dividends, if adopted, would also come to be regarded as a major step forward in tax administration.

Three major arguments have been advanced during these hearings against the proposed system: (1) withholding is unnecessary because ADP—automatic data processing—will permit the Internal Revenue Service to track down the underreporting and collect the delinquent tax due; (2) withholding will impose heavy costs on those who pay out interest and dividends; and (3) withholding will impose unnecessary hardships on organizations and individuals not subject to tax. I should like to discuss each of these points briefly.

1. THE RELATIONSHIP OF AUTOMATIC DATA PROCESSING TO WITHHOLDING

The publicity recently given to automatic data processing has, I believe, given the unfortunate impression to many people that the electronic computer will solve all of the problems of tax administration. It will be a great step forward, and I have little doubt that it will greatly improve the efficiency of tax enforcement. But it should be recognized that automatic data processing is an information system, while withholding is a tax collection system. As the Commissioner of Internal Revenue and the Secretary of the Treasury have stated, automatic data processing cannot substitute for withholding on interest and dividends any more than it can substitute for withholding on wages and salaries. In fact, we really do not have a choice between automatic data processing and withholding. Given a withholding system, automatic data processing will certainly close most of the interest and dividend gap. Without withholding, automatic data processing will never be able to collect more than a fraction of the total tax due and uncollected from these sources of income.

Consider what exclusive reliance on automatic data processing would mean. It would be necessary first to reduce the filing requirement for information returns on interest from $600 to a much smaller figure and also extend the information requirements to types of interest not now covered by the $600 floor. This is the only way in which the Service can be informed of the amounts paid to individuals. The preparation of the additional millions of information returns by financial institutions—the number would be in the neighborhood of 150 million—would be extremely costly, certainly more costly than all of the additional burdens imposed by the House bill on the same institutions.

After the information returns are received by the Service, it would be necessary to collate the returns by name, and then to match them with the tax returns filed by the recipients. At the present time it would be physically impossible to complete this matching process; this will be possible only after the automatic data processing system has been installed and this is still several years away.

Even if the matching operation were ever completed, it would be very costly to collect the tax due from delinquent stockholders and interest recipients. Notices would have to be mailed to taxpayers who failed to report the amounts shown on the information returns. The replies to the millions of responses to these inquiries would have to be read to determine who should be sent deficiency notices. Finally, in cases where the taxpayers failed to respond to their notices, it would be necessary to collect the tax through distraint of the taxpayers' property.

I should like to emphasize particularly that relying solely on automatic data processing for enforcement of the tax on dividends and interest would not be simple and inexpensive. The new numbering system will permit the machines to distinguish people with identical names but different addresses, but they will not be able to differentiate cases involving true underreporting from those where the discrepancy can be explained on other grounds. For example, dividend payments reported on information returns may attribute dividends to a seller rather than the buyer in the case of late transfers of ownership of stock in the corporate records, but the machines will not be able to identify such cases. Notices will be sent to the taxpayers involved, letters of explanation will be received, and then the returns will have to be examined by a competent auditor to validate the taxpayers' claims.

By contrast, consider what would happen if withholding were in effect. In the first place, it would be possible to raise the dividend information return requirement. This alone would save dividend payors a significant amount of money. The reduced number of information returns would then be matched with the tax returns using automatic data processing equipment. But it would not be necessary to mail out notices to all taxpayers with discrepancies, since most taxpayers will have discharged their liability in full through withholding. The automatic data processing equipment would sort out the taxpayers with additional tax liability and notices would be sent only to this relatively small number.

According to the official estimates, the withholding system alone, without automatic data processing, would add $650 million annually to the revenues at a cost of $19 million to the Service. If withholding were supplemented by an information return followup with automatic data processing, the revenue gain would be increased to $700 million, but the cost would go up to $29 million. Relying on an information return followup without withholding would reduce the cost to $26.8 million, but the revenue gain would be cut to not more than $200 million and perhaps less. It should be recognized also that, even if automatic data processing is installed within a few years, failure to adopt withholding would lose revenues at a rate of $650 million per year until the installation is completed and fully operative, and at a rate of $450 million per year thereafter. In view of these impressive figures, it seems to me that the case for withholding on revenue and cost grounds is compelling, whether or not automatic data processing is installed in the relatively near future.

2. COMPLIANCE PROBLEMS OF THE WITHHOLDING AGENT

The mechanics of the original withholding system proposed by the Treasury would have imposed no measurable cost on the withholding agent. No statements for individuals were required, nor would it have been necessary to reconcile the amounts remitted to the Government with amounts withheld from individual accounts. The steps were as follows:

1. The payor would have withheld 20 percent of the interest and dividends subject to withholding. However, his operations would have been subtantially the same as they are today. Instead of paying out 50

cents per share, for example, a corporation would pay 40 cents. And instead of crediting 1-percent interest per quarter on its share accounts, a saving and loan association would credit 0.8 percent per quarter.

ii. The only other requirement imposed on the withholding agent was to mail a check for the amount withheld four times a year to the Internal Revenue Service. In the case of a corporation paying dividends, the amount to be mailed to the Government would have been computed by multiplying the amount withheld per share times the number of shares outstanding on the dividend date, a computation which can be done on the back of an envelope in 30 seconds, even for the largest corporation in the country. In the case of banks and other firms paying interest, the computation would have been equally as simple—it would have been necessary only to multiply the portion of the interest withheld (0.2 percent in the example given in the previous paragraph) by the amount of deposits outstanding on the interest date.

This simple system was altered in the House to permit children under 18 years of age and nontaxable individuals generally to file exemption certificates with the withholding agent, in order to avoid creating hardships for those who are not taxable. I shall have something to say about the hardship question in a moment. The additional work required of the withholding agent, as compared to the Treasury proposal, is to segregate the accounts among those that are subject to withholding and those that are not. He would then withhold 20 percent only from the taxable accounts. This will cost more than the original Treasury proposal, but I doubt that the cost can be very large. In fact, the system proposed by the House is still much simpler than the system every payor of interest or dividends in the United States has become accustomed to in connection with wage and salary withholding.

It is significant that the only cost estimate presented to this committee during these hearings indicated that the cost of withholding to a bank would be seven-tenths of 1 percent of the taxes withheld in the fist year, and three-tenths of 1 percent in each succeeding year. This would be more than offset by the interest financial institutions could earn on the withheld funds which they would retain for periods up to 4 months before making their remittances to the Government.

3. THE PROBLEM OF OVERWITHHOLDING

If withholding is required across the board, without any distinction between taxable and nontaxable recipients, it is obvious that there will be overwithholding. But the fact that there is some overwithholding does not mean that taxpayers will be annoyed or inconvenienced. The Treasury pays out more than $4 billion of refunds each year to roughly 37 million people, yet there are few if any complaints. Among the 37 million recipients of refunds, there are 8 million nontaxable wage earners who have every year between $600 and $700 million withheld from their paychecks—and this group does not complain either. The average refund check for these nontaxable wage earners amounted to $83 in 1959. To have as much as $83 withheld on interest and dividends under the proposed system, an individual would have to own more than $10,000 worth of securities and bank deposits (assuming an average 4-percent yield).

Unfortunately, the available statistics do not tell us precisely what we want to know about those who are likely to be overwithheld under the proposed system. However, we do have some information for the year 1955 which may be derived from the annual tabulations of income tax returns prepared by the Internal Revenue Service. These data are summarized in the following table:

Nontaxable returns reporting interest and/or dividends	Calendar year 1955		
	Number of returns	Total interest and dividends	Average interest and dividends
	Millions	*Millions*	
All nontaxable returns	1.5	$821	$545
Nontaxable returns with less than $3,000 income	1.3	530	399

Source: "Statistics of Income, 1955."

The table shows that, in 1955, about 1.5 million nontaxable returns reported income from interest and/or dividends. The amount of interest and dividends accounted for on these returns was $821 million and the average amount of interest and/or dividends reported was $545. This means that, for the persons represented on these returns, average overwithholding would have been $109 (20 percent of $545) had the proposed withholding system been in effect in 1955 without an exemption system.

I have also shown in the table the same data for returns with income of less than $3,000. Below this point there were 1.3 million tax returns in 1955 and they reported average interest and/or dividends of $399. The overwithholding on these returns, which would presumably contain most of the hardship cases, would have averaged $80 per return.

Although it is true that an unknown number of nontaxable interest and dividend recipients do not file returns, the amounts of interest and dividends they receive and hence the potential overwithholding on these incomes must be very small. Nonfilers have incomes of less than $600 if they are less than 65 years of age and less than $1,200 if they are 65 or older. Under the circumstances, it is a pretty good inference that the income tax population probably overstates the average overwithholding by a substantial margin. The figures also indicate that the average amounts of overwithhholding on nontaxable low income recipients will be of the same order of magnitude as the average overwithholding on nontaxable wage earners, but of course the number of refunds will be much smaller.

The case for doing something about overwithholding on nontaxable interest and dividends is that the proposed plans involve withholding at a flat rate. Under the wage withholding system, we do provide for exemptions and overwithholding occurs because of part-year employment, fluctuations in wages, and other factors. I agree, therefore, that there is a difference between the two situations. The original Treasury proposal, it seems to me, went about as far as was necessary to relieve the occasional nontaxable person who would be pinched if his interest or dividends temporarily declined by the amount withheld. Under this proposal, nontaxable individuals could claim quarterly refunds and even taxable individuals were entitled to make such claims under certain conditions. The House bill added the exemption certificates and now we are again faced with the argument that the cost of withholding will be too great for the withholding agent.

I conclude that the need for withholding is urgent, but the choice between a system with or without exemption certificates is a close one. Exemption certificates are needed if the burden of withholding on nontaxables, even with the availability of a generous system of quick, quarterly refunds, is regarded as intolerable. On the other hand, there is no question that a flat withholding system is preferable from the standpoint of simplicity for the withholding agent. My own preference would have been to begin with a system without exemptions in order to find out how big a problem overwithholding really is, since it is much easier to design appropriate remedies after all the facts are known. However, I realize that this is a matter of judgment and the committee is in a much better position to make such a judgment than an outside observer like me.

BROADCAST BY EDWARD P. MORGAN ON WITHHOLDING AT THE SOURCE ON DIVIDENDS AND INTEREST

Mr. DOUGLAS. Mr. President, on the 23d of April Mr. Edward P. Morgan, the distinguished news commentator, spoke over the network of the American Broadcasting Co. on the subject of withholding on dividends and interest at the source, and mentioned Mr. John Sadlik, vice president and controller of the Franklin National Bank of Long Island, Mineola, N.Y., who came out in favor of withholding the basic income tax at the source.

Mr. Sadlik's bank is the 32d largest commercial bank in the country, with deposits totaling more than three-quarters of a billion dollars. Mr. Sadlik, and the president of the bank, Mr. Roth, deserve the highest commendation for the way in which they have explained the truth as they see it, although it is contrary to the policy of most of the savings institutions of the Nation.

I ask unanimous consent that the text of the broadcast by Mr. Morgan be printed at this point in the RECORD.

There being no objection, the text of the broadcast was ordered to be printed in the RECORD, as follows:

The U.S. Treasury figures it is losing more than $600 million a year of tax revenue which it is already entitled to by law because some taxpayers, either carelessly or by design, fail to report as income interest on their savings accounts and dividends on their investments in stocks. An important provision of the administration's tax reform bill would make this money collectible by the withholding tax method—the way our wage and salary incomes are taxed now. This is not a new tax. It is simply a mechanism to dig up tax money the Government is losing. You'd think a windfall of more than half a billion dollars a year ought to assure this provision clear sailing, supported not only by conscientious bureaucrats and legislators because it doesn't involve raising anybody's legitimate tax bill, but supported actively too by the countless hordes of citizens who already are faithfully ponying up the taxes they owe on these items.

But opposition has been fierce, generated largely by savings and loan companies and banks. These institutions argue that setting up a withholding system will cost them too much and probably will scare away accounts so their whole business will suffer. They are apparently the principal perpetrators of a smokescreen of misinformation which has so frightened widows, orphans and others that they have flooded the desks of Senators with letters, postcards and telegrams charging, in effect, that a greedy Government is about to grab their piggybank nesteggs.

The fire is aimed at members of the Senate Finance Committee which is now examining the tax bill. In the midst of hearings on the withholding provision last week, the office of Chairman HARRY BYRD was swamped with mail. "The volume was just terrific," a staggered aid reported. Much more than 10,000 cards and letters since the hearings began and their sentiment was overwhelming against the provision.

Senator McCarthy, of Minnesota, has been getting mail—most of it protests—at the rate of a thousand pieces a day for more than a week. Last Monday the office of Senator Douglas, of Illinois, perhaps Capitol Hill's most distinguished economist, was awash with 5,000 letters; 2,000 more came on Tuesday; 4,000 on Wednesday.

Administrative Assistant Howard Shuman estimated about 20 percent of Douglas' tax bill mail came on postcards, mostly printed forms which the sender just signed. He calculated that a third, at least, were grossly misinformed. For example a widow of 75 was unaware of the fact that persons over 65 and under 18 can be exempted from this withholding tax.

Also if anybody calculates the Government has withheld too much he can ask the Treasury for a refund—every quarter, whereas a refund on wage and salary income can be requested only once a year.

Against that background of false fears and half truths mobilized by the loan companies and bank lobbies a fascinating scene was played last Thursday before the Senate Finance Committee.

Enter witness. "My name," he said "is John Sadlik. I am vice president and controller of the Franklin National Bank of Long Island, Mineola, N.Y. I appear on behalf of the bank in its support of withholding income tax at the source on interest, dividends, and patronage dividends."

"Senator Douglas. Excuse me. Did I hear this right?

"Witness. You heard me right.

"Senator Douglas. Will you repeat it again?"

Witness did so.

"Senator Douglas (amid audience laughter). Would someone please give me a pill? My heart is fluttering."

Banker Sadlik then read his prepared statement which carefully refuted the argument that financial institutions couldn't stand the cost of handling the withholding procedure. He showed that his bank's cost, after taxes, of collecting the withholding tax on savings and time deposits and U.S. savings bonds would be seven-tenths of 1 percent of the amount withheld in the first year, less than half that afterwards, or 30 cents per each $100 in taxes withheld. As for the effect on the bank's earnings, it would reduce them one-fourth of 1 percent the first year, less than half that thereafter. "This indeed," testifies Sadlik, "seems insignificant." And a small price, one might add, for more equitable tax collection yielding more than $600 million.

Mineola's Franklin National is no cupboard sugarbowl. It is the 32d largest commercial bank in the country, with deposits totaling $768 million. Which adds point to Sadlik's conclusion: "In view of our findings," he said, "how could our bank or any other bank * * * justifiably refuse to cooperate with the Treasury in helping to close this important loophole? * * * It is to our benefit, moreover it is our duty, to see that all those required to pay taxes, pay their fair share."

In eulogizing the witness, somewhat giddily, Senator Douglas said "I was beginning to think this species of American had vanished."

Oklahoma's Senator Kerr told Sadlik "if you feel you need police protection to get out of the building safely we will provide it."

And the curtain fell but not, one hopes, on the withholding provision.

DEATH OF LAWRENCE RADLEY AND DAVID CROZIER, PEACE CORPS VOLUNTEERS

Mr. DOUGLAS. Mr. President, it is with sadness that I record the deaths of two Peace Corps volunteers, Lawrence Radley of Chicago, Ill., and David Crozier of West Plains, Mo., who were killed late last month in an airplane accident in Colombia. Their desire to serve with the Peace Corps, and their untimely deaths, will be a monument to the youth of our country, who are willing to stand up and face the many challenges of the New Frontier.

Lawrence and David joined the many hundreds who are now serving the Peace Corps in the interest of world friendship and understanding. They met their responsibilities in a world of growing tensions and problems. They were young, they had courage, and they will be remembered for their contributions to world peace. I join with President Kennedy, President Camargo, of Colombia, Sargent Shriver, Director of the Peace Corps, and many others in expressing sympathy to the families of these two boys.

El Tiempo, the principal daily newspaper of the capital of Colombia, Bogotá, published two editorials, which I have in part, and I ask unanimous consent that they be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

[From El Tiempo, Apr. 27, 1962]

Little did David Crozier and Lawrence Radley think that their mission of fulfilling a noble task of confraternity in the Peace Corps would end in the unknown jungles of Colombia.

When President Kennedy began his administration, he placed his deepest hopes in the sending of the most precious treasure of the United States, its youth, to penetrate the profound mystery of the character of other peoples and other races, scattered throughout the most distant corners of the world.

From the North, the South, the violent West and the tranquil beaches of Florida came thousands of new apostles. Among them were the two boys who today repose in the dangerous jungle.

Their bodies have fallen with those of our fellow countrymen. Two races of peoples were thus joined together in this dramatic accident. That this be not in vain is the ardent hope of millions of human beings.

[From El Tiempo, May 3, 1962]

Seven months and sixteen days they lived together with us, most of that time with the people of the rural areas, putting in practice the principles expressed by the Chief Executive of the United States.

In the role of Soldiers of Peace, David and Lawrence were faithfully laboring to bring to reality these noble goals of mutual help and confraternity toward the aggrandizement and progress of Latin America.

David and Lawrence have bequeathed to us in a tangible form their legacy, which will always preserve their likeness and wisdom. They entered actively into the construction of schools, health stations, rural dwellings, village roads, etc., augmenting our agriculture through modern methods, setting a new course for the Colombian small farmer in better utilization of the natural and human resources of each locale.

The unfortunate accident of April 22, in the tortuous Choco region extinguished these exemplary and indispensable existences, transporting them to eternity. David and Lawrence now rest in the bosom of the Almighty.

RUMANIAN INDEPENDENCE DAY—MAY 10

Mr. DOUGLAS. Mr. President, today is the anniversary of Rumanian Independence. All Balkan peoples were subjected to the Ottoman Turkish rule for centuries, but during the course of the past century nearly all of them attained independence. Rumanians regained their independence during the second half of the century in several steps, but the most significant step was taken on May 10, 1877, when they rose in rebellion against the Turks, proclaimed their independence and showed determination to carry on the fight for its eventual attainment.

The proclamation of Rumanian independence lends great significance to the event of May 10, which ushered in a new era in Rumanian history and set the stage for the rise of Rumania as a sovereign and independent nation—one that was destined to play an important role in the history of southeastern Europe. In war as well as in peacetime Rumania held a key position in Balkan affairs. Unfortunately her economy became vital to the war machine of the Nazis during World War II. That war caused the tragedy of Rumania, robbing Rumanians of their freedom and independence.

Today the people of Rumania are sealed off from the free world and subjected to the Communist tyranny of the Soviet Union. They are not free to celebrate their Independence Day. But it is fitting that on the 85th anniversary of this historic occasion we should pay tribute to the Rumanian people, express the wish that they will regain their freedom, and pledge our support to the attainment of that freedom.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. ERVIN. Mr. President, on April 27, 1962, the St. Louis Globe-Democrat published an editorial entitled "Literacy at the Polls." The editorial relates to Senate bill 2750. Among other things, the editorial states:

> There is nothing wrong with this legislation, except that it very well may be unconstitutional. The Constitution provides that individual States shall set provisions for elections and qualifications for voters.

I ask unanimous consent that the entire editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

LITERACY AT THE POLLS

Debate in the U.S. Senate over civil rights of people, barred from Southern polls because of literacy tests, rivets attention again on a grave problem of American democracy—illiteracy at the ballot box.

It is unconstitutional and vicious to prevent Negroes or anyone else from voting because of race. Some of the "literacy" tests, especially the way they are conducted in the

South, are designed simply to deprive Negroes of the ballot.

This is reprehensible, no matter what the excuses offered. No literate citizen should be robbed of the vote on account of color or creed.

But it is outrageous to let anyone cast a ballot who can neither read nor write. Such practice is undermining the purpose of democracy. It makes no difference whether the voter is white or black.

What about the civil rights of the great majority of voters, able to study issues and candidates but whose individual votes may be canceled out by X marks of the ignorant?

Where illiterates can ballot, they are usually herded to the polling places by political machines and counted like cattle. Often they are paid with favors, public aid or cash, by political bosses.

There is not an iota of sense in affording the ballot to illiterates, unable to read anything about issues, campaigns or candidate records.

It is no more intelligent to let such folk vote than it would be to give the vote to the insane or kindergarten children.

The administration bill in the Senate is a far cry from the proposal originally made last year by the Civil Rights Commission. This Commission wanted literacy tests of all kinds summarily junked.

The measure now under discussion in Congress would permit anyone to vote in Federal elections if he had the equivalent of a sixth-grade education.

There is nothing wrong with this legislation, except that it very well may be unconstitutional. The Constitution provides that individual States shall set provisions for elections and qualifications for voters.

The requirement for a sixth-grade education or some other reasonable literacy test is sound—though it most certainly should compel the prospective voter to be literate in English, the national language in which campaign data is printed. But there unquestionably should be at least that much of a test.

Missouri to our great shame has no such law. Anyone can vote in the State by simply making an affidavit of illiteracy.

This is shameful, a stultification of voter rights and of democratic purpose.

Missouri should demand a reasonable literacy test for voters. Perhaps the battle in Congress may spur such an effort.

Twenty States at least now have literacy tests for voting qualification. And a majority of them are not in the South. Such tests, for instance, are compulsory in New York, Massachusetts, Maine, Oregon, California, Connecticut, and New Hampshire.

Why has the State of Missouri failed to require elemental literacy for the ballot? This is a dismally sorry distinction. St. Louis, furthermore, should have a legal provision that each voter sign the registration book before balloting, as is compulsory in St. Louis County and in many districts over the State.

There is no civil rights abridgment about fundamental literacy tests. Widespread perversion of such tests has occurred in some Southern States, vitiating franchise rights of Negroes. This must be stamped out. But it is a fault of law enforcement, not of law itself.

The Nation needs more literate voters at the polls, not less. Self-rule depends completely on a reasonable intelligence of voters.

Even with literacy tests this will be spotty. Without requiring voters at least to read and write, we slough the whole system of democracy and abort commonsense.

FREE WORLD MEASURES TO HALT SOVIET OIL OFFENSIVE

Mr. KEATING. Mr. President, on the slippery skids of the free world oil markets, the Soviet Union has been following a new and tortuous path that can lead only to trouble for the free world. Oil has not yet replaced Marx and Lenin's communism as the principal Soviet export, but in a number of strategic areas, Soviet oil is greasing palms and easing the way for achievement of Communist objectives.

In 1961 the Soviet bloc exported 30.4 million metric tons of petroleum, of which over 20 million went to free world countries. Outside Western Europe, Cuba, Japan, and Egypt, in that order, are principal buyers. Of the total, Russia produced 27.5 million tons and Rumania most of the rest. In 1965 the Soviet Union is expected to export 70 million metric tons, of which as much as three-fourths may end up in the free world.

In 1960 the Soviet Union surpassed Venezuela to become the second largest oil producing nation in the world. By 1965, the U.S.S.R. may well be producing as much as 50 percent of present U.S. production. Its reserves will undoubtedly be far greater.

Nearly 9 percent of Western Europe's oil in 1961 came from the Soviet Union. In fact, rather tactlessly, the Soviet observer at the 1960 meeting of the Organization of Petroleum Exporting Countries boasted that his government intended very shortly to recapture the approximately 15 percent of Europe's oil market which it held before World War II.

By 1965, if the free world and particularly the NATO nations have not devised effective methods to curb the Communist oil offensive, then it may be too late. Then the United States, Europe, Asia, Latin America, and Africa may be over their heads and virtually drowning in a gush of Communist petroleum.

The latest Soviet promotion effort came just last week when V. I. Rodonov, Russian trade representative in Britain, told the members of the Russian-British Chamber of Commerce that Russia would like to export 3 to 4 million tons of crude oil to Britain. This would increase Anglo-Soviet trade by 30 percent or $70 million. In an obvious effort to downgrade British trade with the United States, the Communist trade agent contrasted a 1961 36-percent increase in British exports to Russia with a 14-percent decline in British exports to America.

So far the British Government has held back on allowing shipments of Soviet oil into the country. It is already clear, however, that pressure from the Soviets and from those who want to make a quick profit at the cost of long-range security, is going to mount over the next few years.

The Common Market undoubtedly offers a great temptation to the Communists. Although not invited, they would love to crash the gates and join the party. They would love to sabotage the potential economic unity and political strength of the Common Market by developing a reliance on Soviet trade or Soviet fuels.

One of the principal arguments for American efforts today in the field of arms control, of trade legislation, of foreign aid—to name a few areas—is that if we wait any longer it will be too late and the military, trade, or economic situation will be beyond remedy. The same is true of the Soviet oil offensive.

Now is the time for NATO, which has been talking about the problem for 2 years, to start doing something about it. Now is the time for the Common Market to take up the question of oil tariffs, currently on schedule G for separate negotiations, and to make sure that Soviet oil does not flood the Common Market under one guise or another. Now is the time for OECD to consider oil needs in conjunction with the other economic problems of the European community and the nations of the free world to insure that no economic strings are used to bind these nations to communism's political designs. Now is the time for the 3-year-old Organization of Petroleum Exporting Countries to look seriously at the problems of politically contrived competition and establish measures to protect those countries and firms which export oil primarily to raise their own standards of living and not to undermine others.

As a member of both NATO and the OECD and the nation which has most at stake in free world security, the United States should exercise firm and imaginative leadership. We should actively work for—

First. Uniform oil policies for the entire NATO community comparable to current weapons programs, with curbs on imports of Soviet oil for each country.

Second. Common policies with regard to preventing Western supplies to the Communists of oil transportation, pipeline, extracting or refinery equipment.

Third. Continued public disclosure of Soviet price-cutting tactics which have been designed to hurt not just the West but also the oil-producing countries dependent on oil revenues.

Fourth. A determined effort, with or without Government assistance, to increase oil exploration or reserves in other areas of the world, more removed from the Soviet pressures.

Mr. President, an Interior Department study is now underway on the impact of oil imports from Communist countries. The American Petroleum Institute has made significant contributions to this effort. This is an issue which should be considered as an integral part of U.S. military and trade policies. These issues should be widely publicized before the June meeting of the Organization of Petroleum Exporting Countries.

If guidelines can be laid down in these crucial areas now, before the Soviet offensive reaches full strength, then the growing economic power of the Common Market and the United States can be brought to bear promptly and effectively to reduce the Soviet threat. If we act now, the Soviet tactics of divide and conquer, infiltrate and influence can be blunted. If we wait, we may eventually find to our dismay that the industrial might of the Common Market and the economic progress of underdeveloped countries, now encouraged by our own foreign aid efforts, may be built on a foundation of oil-rich Communist quicksand.

It is not enough for the United States to refuse to import Soviet oil, or to cancel Defense Department contracts with foreign firms that import it, as we recently did in Japan. We must sit down with our allies, and with the underdeveloped nations and take the lead in working out and putting into effect measures to protect—not our financial interests—but the free world's security.

Let us not deceive ourselves. The Communists possess a vast power and potential in the field of international oil operations. Soviet oil merchants, like Soviet generals and commissars, operate under Communist Party direction and we can be sure that the currents carrying oil from the bloc will carry Communist intrigue with it.

The petroleum resources of the Soviet Union are virtually boundless, thanks to nature and geography. But the uses to which this oil is being put are devious and dangerous in the extreme, thanks to concerted Communist plans to disrupt free world activities. The Soviet method looks very simple: to sell their crude oil, the Communists cut their prices drastically to a level often amounting to about what free world oil companies end up paying in taxes and royalties on their production. Then the Soviets have no trouble finding customers, not only among underdeveloped countries with foreign exchange problems, but also among European industrial nations which should know better.

No one can doubt that politics and not economics are behind the Soviets' bargain prices. The Communist satellite countries, which border on Russia, pay far more for their oil than other European or underdeveloped countries, however remote. Argentina, for instance, has gotten Soviet oil for as little as $1.60 a barrel at the same time that Poland was paying $2.87 a barrel.

For the underdeveloped countries, the Soviets offer another advantage besides lower prices—barter deals, in which surplus commodities like cotton, coffee, bananas, sugar, and tin are literally exchanged for oil. These save much needed foreign exchange and look very advantageous—that is, until the Soviets dump the commodity on the open market and make it virtually impossible for the country to market the rest of its products at a reasonable price. But the regrets usually do not come until the country's economy is torn and weakened or infiltrated by Soviet pressures.

The Soviet Union now exports oil to over a dozen free world countries including Austria, Argentina, Norway, Sweden, Iceland, Italy, Japan, and Brazil. To oil-producing countries, or would-be producers, the Soviets export oil know-how and oil technicians. It is all part of their long-term effort to displace Western trade, build up a dependence on Communist oil sources, and undermine free world security.

At first glance, it might appear to be in the national interest of any country to buy oil from the cheapest source, or to use Soviet help in developing national oil resources. Competition in world trade is useful. But Soviet economic deals have political strings. Soviet oil experts are also propaganda experts who attack and undermine not only oil companies, but also the private enterprise system. They make quick contact with local socialists and Communists. They work, openly, and behind the scenes, to injure Western interests. And at the same time, by increasing economic dependence on the Soviet Union, they are laying the groundwork for more direct Soviet pressures in the future.

Basically, Soviet strategy, like the devil's pitchfork, has two prongs. In the developed countries of Europe the Soviet aim at the moment is military and economic. Western Europe produces machine tools, pipelines, valves, and other precision made, high quality industrial goods. Soviet production of these items is not up to Western standards and Soviet metal ore shortages also hold back production. So, in return for oil, which is relatively cheap and abundant, the Soviets place large orders with firms that have excess capacity.

Temporarily, it looks like a good deal on both sides. But, in fact, it is a one-way street. Even worse, it presents a macabre picture of Western European economic interests eagerly digging their own graves. For the tools and pipelines supplied by the West are being used to expand Soviet facilities to deliver oil in Europe, to speed up construction of the trans-Ural pipelines, and to destroy normal Western oil sources. Between 1961 and 1965 the Soviets expect to complete 27,000 kilometers of oil pipeline, principally as a result of purchases of 240,000 tons of pipe from Italy, 150,000 tons from England, and 130,000 tons from Sweden. This will eventually reduce Soviet dependence on tankers and open the way for a gush of Soviet oil into Western Europe.

Principal credit—or blame—for much of the Soviet oil reaching Europe today must be attributed to Enrico Mattei, head of Italy's national oil company, ENI. Taking over the former Fascist enterprise, Mattei has done what Mussolini could not do—make it pay—and Soviet oil has apparently been one of the keys to his profitable operation. After his 1960 visit to Moscow, Mattei declared "Rivers of Russian oil will be flowing into Europe soon." He has taken the lead in buying cheap Soviet oil and, in return, he has supplied the Soviets with the valuable pipeline needed to transport it.

He has also entered into deals with Egypt, importing so-called Egyptian oil, even though Egypt is basically an oil-importing nation itself and even though Soviet oil is presently a surplus in Egypt. It is very likely that this Egyptian oil is of Soviet origin. He has reputedly even negotiated with the Algerian FLN on the chance of replacing the French in the new Sahara oilfields. Other reports indicate Mattei is now building a factory in southern Italy, specifically to supply Russian pipeline orders.

These are alarming steps, both economically and politically. Many Italians join with other European nations in anxiety over the direction of Mattei's policies and over the increasing dependence of Italy on Soviet oil.

Japan may be moving in a similar direction, with large Japanese-Soviet deals in which, again, valuable Japanese pipeline and equipment is the price for surplus Soviet oil.

We all know what economic dependence on Soviet trade means. Finland is a prime example. Finland gets 95 percent of its oil from the Soviet Union and conducts much of its trade with the Soviets. What this means in Finnish politics is no secret. I, for one, cannot help being deeply, deeply concerned to see a loyal friend, a NATO country like Italy, or a free nation like Japan taking even a few steps down the slippery path of reliance on Soviet trade and especially Soviet oil deals.

No NATO nation must allow itself to become economically dependent on Soviet oil. We remember what happened to Israel in 1956 when the Russians refused to honor their oil contracts. The same thing could happen to any European oil consumer which began to rely on Communist oil. If a crisis like the Suez crisis arose again in the Middle East, blocking oil shipments from there to Europe, the Soviets could use their increasing share of the market to influence vital political decisions. Such a situation is clearly not in the best interests of NATO or the free world.

In the underdeveloped countries and in areas outside of Europe, the Soviet offensive takes a somewhat different form. Soviets do not want manufactured goods from these areas for that would only encourage local industries. Instead, the Soviets want influence, power, and a new leverage point against the West.

The Soviet oil offensive in non-European countries has picked up speed at a great rate. A study of Soviet oil in the cold war prepared last May for the Internal Security Subcommittee of the Senate Judiciary Committee by Halford Hoskins and Leon Herman of the Library of Congress, listed nine countries where the Soviets have offered to supply the experts and the technology to develop national oil resources. These included India, Egypt, Iraq, Bolivia, Argentina, Afghanistan, Ethiopia, and even pro-Western Pakistan. Now, just 1 year later, there have been three additions to the list. The Soviets are busy in 12 countries instead of just 9. The new additions are Brazil, Chile, and Ceylon. The Soviet promise to discover and develop national oil resources for the local governments is in each case an attractive bait to nationalistic feelings and incidentally a clever Communist tactic to undermine private enterprise methods. The Soviets have geologists and equipment as well as propaganda and influence to export and they use them all cunningly.

What these projects offer the Communists is substantial—an opportunity to get Communist technicians and propagandists into the country, a chance to establish strong links with local leftists, a platform to denounce Western so-called economic imperialism, a means to discourage the private investment which alone can supply most of the necessary world economic development, and a club to threaten the entire network of pipelines, tankers, refineries, distributors, and outlets which are an integral part of free world oil operations. Any action the Soviets can take in any of these directions will hurt the West. Now they are moving in nearly all of these directions simultaneously.

Moreover, these threats are not hypothetical. They are real and immediate. In Iran, in the early 1950's, it was only the strength of the overall oil marketing system and the combined refusal of oil-consuming countries to take nationalized Iranian oil, that frustrated Communist-devised schemes to take over the entire country.

In Cuba, as we all remember, it was a big sale of Soviet crude oil, which the Western companies refused to refine, that led to Castro's public embrace of the Communist cause and expropriation of U.S. property.

Time is not on our side, if the United States and other NATO and free world nations permit basic interests to be fragmented and obscured by Soviet tactics. We cannot afford to ignore any longer a deliberate Soviet plan for undermining free government, international trade, and stable economic development. We must coordinate our long-term aims and our short-term policies. In NATO, the Common Market, OECD, and the OPEC, the machinery is at hand. Only the will, the imagination, and the persistence seem to be lacking. We must stop digging our own graves with Soviet tools and take a firm and united stand.

The NATO Community must have a common policy or understanding with regard to Soviet oil imports and with regard to shipments of oil-producing or transporting material to the Soviets. The free world countries and especially those dependent on a free enterprise system must wake up to the political threat of Soviet trading methods and must take the lead in awakening other countries. The Russian oil offensive is a direct menace to the security of the free world. It is also a serious threat to every oil-producing country in the world, yet the Soviets, through incessant propaganda, have sloughed the blame off themselves and tried to drop it on the Government as well as the private level, we must get the truth across, or our case will go by default. Finally, the free world must continue its search for more oil and must continue the development of oil resources, so that in a crisis, it will not be dependent on the Soviet Union or Communist-dominated areas.

The Soviet oil offensive is a good illustration of the economic tactics of the Communist bloc. The bloc uses trade as another weapon in its cold war arsenal. Ordinary commercial considerations either are ignored entirely or are given a low priority in the Soviet scheme. Some naively regard trade with the bloc as an avenue of rapprochement and a chance to compete in the marketplace. I welcome free competition from any source. But armies do not compete in the marketplace, and even in America we have laws against the trading tactics of monopolists, price cutters, and false advertisers. Soviet advertising is false, its pricing techniques are ruthless, and its organization is the most monopolistic of all—a state monopoly run by the Communist Party. It is using its oil to wage war against the West, not to promote peace through trade. An attempt to cope with Soviet oil tactics without consideration of these factors is as futile as would be an attempt to safeguard free enterprise in this country without any antitrust laws.

In the short run, the efforts and restrictions which the free world must adopt are not easy or cheap. But in the long run, they are a basic necessity for continued free world security. In our dealings with the Communist bloc, we cannot afford to "buy now and pay later."

Mr. ALLOTT. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. Ellender in the chair). Does the Senator from New York yield to the Senator from Colorado?

Mr. KEATING. I yield.

Mr. ALLOTT. I had no idea when I came to the Chamber floor that the distinguished Senator from New York was speaking on the subject of oil. I came to the floor at this rather late hour for the sole purpose of talking about one phase of the same problem. I congratulate the Senator on the excellent research task he has performed in bringing these facts to the attention of the Senate.

It is a peculiar phenomenon that, although within the past 2 weeks I spent a complete week in Italy where many of these problems originate, I heard not one word of this problem from any American in Italy.

I do not know why it should be necessary for Members of the Senate to call the attention of the State Department to such obvious factors as those to which the Senator from New York has just called attention and which can influence the destiny of Europe and the destiny of the world.

More than a year ago, in a lengthy speech before the Senate, the senior Senator from Colorado called the attention of the Senate to what the Soviets had accomplished in Ceylon by taking over the oil industry there. Today they control this country's oil industry.

The sooner we in America wake up to the fact that we cannot wage only a military or nuclear war, but that we must wage a war with the Communists on every possible front, whether it be military, political, economic, or social, the better off we will be.

I am alarmed at the apparent lethargy and apathetic attitude of the American people in failing to realize that we must wage war as vigorously on the economic, political, and social fronts as we do on the military front.

The purpose of my coming to the Chamber was to insert in the Record an alarming letter which I received just a few hours ago. The letter is addressed to me and is signed Robert W. Bialek, special assistant to Gov. Carlos Lacerda, of the State of Guanabara, in Brazil.

For over 2 years I have attempted to call to the attention of our State Department, the Senate, and the people of the United States the importance of making every effort to help Brazil develop her oil shale reserves.

I wish to make three points. First of all, if we help Brazil develop her oil shale reserves, we can help Brazil rid herself of a $300 million unfavorable import imbalance on oil alone each year, which would help Brazil strengthen its fiscal condition. Everyone knows what is happening to money in Brazil today, and how it is constantly being devalued and eroded by inflation.

Second, we have an opportunity, having gone as far as we have in the develement of oil shale to bring our ultimate know-how and engineering knowledge to Brazil and help the Brazilians develop their own oil. By helping them, we can benefit by gaining knowledge that will be invaluable in developing, in this country, reserves which today are over 1 trillion barrels.

In Colorado alone to use one example—and there are reserves as well in Wyoming and Utah and along the Chattanooga ledge in southern Illinois extending into Kentucky and Tennessee—there are more than 700 billion barrels of oil in our high-grade oil shale deposits.

To put this picture in its proper context, we have discovered and used about 80 million barrels of liquid petroleum in this country to date. So there is easily seven or eight times that amount of oil in the high-grade oil shale reserves in Colorado alone.

We need to increase our know-how in order to develop the oil shale and to use it.

The letter is as follows:

Companhia Progresso do Estado
da Guanabara,
Brazil, May 7, 1962.

Senator Gordon Allott,
U.S. Senate,
Washington, D.C.

Dear Senator Allott: I am most interested to hear of your proposal for a loan to Brazil for the development of the oil shale industry in Brazil.

As you are no doubt aware, Soviet technicians have already arrived in Brazil in connection with the development of an oil shale technological breakthrough in the oil shale industry.

It will be a shame if Communists' effort works to make a new success in Latin America in this field.

Sincerely yours,
Robert W. Bialek,
Special Assistant to Gov. Carlos Lacerda.

Last year and the year before there was more shuttling around from agency to every other agency in this Government than one could imagine—including the International Bank for Reconstruction and Development, the Export-Import Bank, the Development Loan Fund, and all other institutions of this country which assist others—and finally, recently, the United States agreed to make a $7 million loan to Brazil for the development of oil shale reserves there.

The primary point here is that the State Department appears to be ineffective for the purpose of implementing this decision. We can do nothing for Brazil which would help Brazil more than relieving the pressure of about $300 million of purchases in oil which Brazil must make abroad each year. After 2 years of effort in this regard, the United States has made the offer to Brazil, yet there has been no action.

I am happy to note that Mr. Richard Goodwin, Deputy Assistant Secretary of State, received a copy of this letter.

If we are to wage this war, now is the time to do so. According to the latest information I could get, the Russian technicians are in Brazil. This may not be accurate information, but it is the latest information in my possession. The machinery and equipment to provide the Russian technicians with the means to go ahead have not arrived. It was impossible for me to learn from my sources the location of the machinery or, in fact, whether it would ever reach Brazil.

I believe the speech made by the junior Senator from New York has contributed greatly to our understanding. I would be remiss if I failed to compliment the Senator on it. I hope these few remarks will somehow again call the attention of our State Department to the problem, and perhaps cause them to take a little action to do something about this pressing problem, which means much to Brazil.

I wish we Americans could get over the attitude which seems to be so prevalent in our State Department, that somehow we can cure any problem by passing out money. There is a feeling somehow that once an authorizing bill is passed and once the money is appropriated we can rest on our laurels and say, like little Jack Horner, "What a good boy am I," and think that the job will be done. The job will not be done in that manner, because intelligent, aggressive, objective, constructive action on our part is necessary if any of the dollars provided are to be made to pay off at all.

I sincerely hope those who have charge of our foreign policy will pay heed not only to the remarks of the distinguished Senator from New York, but also to these few remarks of mine on the specialized situation in Brazil.

We could turn the oil in Brazil over to the Russians; and, if we do not move, that will be the result.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. ALLOTT. I am happy to yield to the distinguished Senator from New York.

Mr. KEATING. I express my gratitude to the Senator from Colorado for the very kind things he has had to say about the research which went into my remarks. The remarks are the result of a 6 months' study of this problem.

As the Senator knows, the Subcommittee on Internal Security has had under survey the whole question of trade with the Communist bloc as a weapon of Communist infiltration. Incidental to this whole question of trade as a weapon, I stumbled upon the oil situation, of which the Senator has spoken, and which he saw revealed in his recent trip to Italy.

There is no more important problem for our country to face today than the problem of the threat of the Communist trade offensive. That offensive is not limited to oil.

The whole question of trade as a weapon goes far beyond oil, but what the Communists are doing to flood the world with cheap oil is one of the most flagrant manifestations of it and has become one of the most serious problems we face.

It is absolutely imperative that we make strong representations to our allies, who stand with us, and with whom we stand as friends in the North Atlantic Treaty Organization and otherwise. We must make representations to them that we do not like the idea of their becoming dependent upon the Soviet oil. They should see that in their own personal interest.

I have the feeling that sometimes, because these nations are our friends, we do not speak up to them the way we should. I always feel that, with a friend, one can be pretty frank.

I think it requires much frankness and persuasion on our part to make some of our allies see this problem the way we see it, in the interest not only of the United States, but also of the security of the entire free world.

Mr. ALLOTT. I thank the Senator very much. I agree with what he has said in his speech. Impliedly, at least, he made the point that, no matter how cheap the oil from Russia may be, Europe may become dependent upon that oil, and the result will be a drying up of other sources of oil and of other methods of transportation. Then the European nations will become dependent upon Russia.

We learned in World War II and in the First World War—and even in the Korean crisis, that one of the most disastrous things which can be done is to become dependent on any other country for critical materials, because then they can be obtained only at the point of a gun.

Mr. President, I yield the floor.

U.S. POLICY AND ISRAEL

Mr. KEATING. Mr. President, an article appeared in the April 16 issue of the Congress Bi-Weekly published by the American Jewish Congress by Philip S. Bernstein, on the subject of U.S. policy in Israel. Rabbi Bernstein, spiritual leader of Temple Brith-Kodesh in Rochester, is chairman of the American Israel Public Affairs Committee. His article was written before the recent American initiative in condemning Israel in the U.N. Security Council. Nevertheless, the article provides a clear and up-to-date analysis of the present state of affairs in the Middle East and offers guidelines for U.S. policy.

Mr. President, in view of our Government's interest in the Arab-Israeli dispute and in view of the pressing need for a reevaluation of the latest trends of policy, I ask unanimous consent to include Rabbi Bernstein's lucid article following my remarks in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. POLICY AND ISRAEL

(By Philip S. Bernstein)

It was just 15 years ago in the month of March that, as adviser on Jewish affairs to the U.S. military government in Europe, I was seeking with desperate urgency for havens for Jewish displaced persons. The British blockade had almost completely sealed off Palestine as a haven. The displaced persons were at the lowest ebb of their morale. No government wanted them. This I can testify to from personal experience. Even in the United States, the 80th Congress finally adopted legislation not to liberalize the immigration laws to admit displaced persons, but in effect to exclude them.

I think of this today because in March 1962 I stood on the deck of the S.S. *Theodor Herzl* in Haifa and talked with Jewish immigrants from North Africa, Europe, and Latin America. The doors of Israel are wide open to them, even to the aged, the infirm, the dependent. They come from lands where they are insecure and miserable. They come to an Israel that welcomes them and quickly rehabilitates them in freedom and in dignity.

The recent emancipation of Israel's Jews from oppression and degradation makes them particularly sensitive to the problems of the peoples recently emancipated from colonial imperialism. These colored people from Asia and Africa readily enter into friendly, mutually fructifying relations with Israelis because Israel has no record of exploitation or oppression; because Israel has limited resources and is making the best of them, and because Israel is demonstrating what can be done quickly and efficiently to build up a self-sustaining society free of colonialism on the one hand and communism on the other.

Israel is helping these new lands with a practical, nonimperialistic, point 4 program. It is making friends, even though, of course, these countries are under pressure from the Arabs. Israel is cooperating with them, even as our country cooperated with Israel in its own development. In a real sense, Israel is becoming a bridge between East and West.

This has been made possible because Israel's achievements really are phenomenal. I was in Tel Aviv for Purim in 1926, when Tel Aviv was a small town. Today it has a population of close to 400,000, and in fact it is the center of a kind of megalopolis stretching from Ashkelon to north of Haifa. I was at Lachish shortly after it was established in mud and hardship some 5 years ago. Today Lachish is the center of a cluster of prospering towns and villages whose population numbers 40,000. Beersheba has become the Kansas City of Israel, thriving, bustling, hustling, going places. The port and the city of Ashdod are rising like miracles from the sea. Not many years will pass before Ashdod will be one of the great harbors of the Mediterranean. Haifa cannot begin to take care properly of the ships that wish to use it. Dimona was a grim place 5 years ago. Today it is a thriving city on whose edge can be seen Israel's nuclear reactor for peaceful purposes.

Israel's Arabs benefit with the Jews in these achievements and advances. Although the Knesset decided that some military regulations are still required for security reasons, in all other areas of life I found the Arabs on a much higher level than 5 years ago. There are beautiful modern villas in the old Arab villages. The farmers are using modern methods of agriculture. The people are well dressed. The children, male and female, are being educated. The women are being emancipated. Arab workers are members of the Histadrut; they receive the same wages as the Jews.

The Negev is making fantastic progress. New settlements are to be found in so many places. Significant experiments are being made to bring water to the Negev. I saw desalination experiments at the desert experimental station at Beersheba. I visited the area on which Professor Even-Ari of the Hebrew University is attempting to duplicate in modern forms the historic achievements of the Nabateans in hoarding and channeling water for successful farming. Most significant of all are the steps that Israel is taking to bring water from the Sea of Galilee through the Jordan to the Negev for irrigation purposes. This is a bold imaginative project to bring water that lies entirely within Israel territory from the north where it is not needed, to the south which can, with it, blossom like southern California.

Undoubtedly, this is a major cause of the violence that has broken out along the Syrian border. The Syrian Government has made clear that it is opposed to a plan that will open Israel to further substantial immigration. The Syrian Government is also seeking to demonstrate to the other Arab States that it is just as pro-Arab as before and therefore just as anti-Israel as before—perhaps more so.

I was in Israel prior to the military operation of Friday, March 16. I talked with members of the Israel Government who were then gravely disturbed by the almost daily attacks on Israel fishing vessels and villages. There had been an urgent plea to the United Nations to take effective action to stop this. When nothing effective was done, Israel acted in its own defense and, as it believes, in accordance with the right of self-defense granted under the U.N. Charter.

But the Israel Government is just as much concerned—in fact, more concerned than others—to stop this ongoing violence. It is prepared to cooperate in steps to restore calm.

The United Nations should get the Syrians to observe the cease fire. If there is no shooting, there will be no shooting back.

The second line of action rests with the United States. If our country assumes an attitude of ambivalent neutrality toward this violence, it will probably continue. There should be no double standard. We must distinguish between those who fire shots of aggression and those who reply in self-defense. I am convinced that it is the fundamental policy of our Government that Israel is an unshakable part of the Middle East and that it is in the interests of our country and the peoples of the Middle East that the Arab States and Israel should move toward peace based on mutual recognition of each other's existence and integrity.

Chester Bowles, the President's special representative, only recently stressed "our deeply held conviction that Israel's independence and integrity must be preserved." The U.S. Government should make clear its conviction and commitment that Israel is here to stay, that Israel, as a sovereign nation, has every right to develop its economy to support its population, and that our country will not give its support to proposals or action designed to promote belligerence and to obstruct the economic development of the area.

It is my judgment that the United States can do much more to preserve peace in the area if it will make clear to the Arab States that it will not reward them for intransigence, if it will insist to them that they accept Israel's right to exist. An attitude of what I have called ambivalent neutrality will not be helpful under these circumstances. We must make clear that we are not neutral between the nation that desires to live at peace with its neighbors and those states which announce their determination to destroy their neighbor. The U.S. Government in this matter, it seems to me, should be clear, firm, positive, unbudging.

Such a clarity of purpose would have kept our Government from the mistake it made with regard to the 16-nation peace initiative at the last U.N. session. The United States was committed to direct negotiations between Israel and the Arab States by former U.N. resolutions. The President of the United States was committed to this by statements that he made prior to his election. The failure of our Government to vote for this position was detrimental not only to Israel, but to peace in the Middle East.

The way to peace in the Middle East is not through catering to Arab intransigence. We cannot buy off Nasser or the other Arab leaders. We should have learned this from all our experience. The hope for peace lies in convincing them that we are committed to the survival of Israel and that the United States will not reward belligerence, boycotts, blockades.

RUMANIAN INDEPENDENCE DAY

Mr. KEATING. Mr. President, Rumanians have lived on the eastern half of the Balkan Peninsula for untold centuries. They have tilled its productive ground and at times made the whole region the breadbasket of Eastern Europe. These sturdy and hard-working peoples have done their utmost to safeguard their independence. But they have not always been successful against the ravages of larger states. Early in modern times the Ottoman Turks overran and conquered the country, and made it a Province of the Ottoman Empire. Until mid-19th century the Rumanians lived under the Turkish regime. They worked ceaselessly for their liberation. On numerous occasions they revolted, but were never successful until late in the last century.

On May 10 of 1877, the Rumanians proclaimed their independence from the Turks. In the ensuing war, they were victorious and the subsequent peace treaty guaranteed Rumania's freedom and independence. Thus, that daring act of May 10, 1877, marked the independence day of Rumania.

Mr. President, since those distant days Rumanians have experienced the joys of freedom and the woes of foreign tyranny. Today they are grievously deprived of freedom in their homeland. Communist totalitarian dictatorship, established there with the aid of the Red army, has eliminated all vestiges of independence there, but happily the Rumanian people have not given up their hope for eventual freedom. We ardently hope that they attain their righteous goal and that the day will come when we can join with them in celebrating independence not only for Rumania but also in Rumania.

ADJOURNMENT UNTIL 11 A.M. ON MONDAY NEXT

Mr. ERVIN. Mr. President, pursuant to the order entered yesterday, I move that the Senate stand in adjournment until 11 a.m. on Monday next.

The motion was agreed to; and (at 6 o'clock and 29 minutes p.m.) the Senate adjourned, pursuant to the order entered on Wednesday, May 9, 1962, until Monday, May 14, 1962, at 11 a.m.

NOMINATION

Executive nomination received by the Senate May 10, 1962:

U.S. Marshal

Luke C. Moore, of the District of Columbia, to be U.S. marshal for the District of Columbia for the term of 4 years, vice James J. P. McShane.

HOUSE OF REPRESENTATIVES

Thursday, May 10, 1962

The House met at 12 o'clock noon.

The Reverend Raymond F. Frankenfeld, of St. Matthew's United Church of Christ, Baltimore, Md., offered the following prayer:

Almighty God, Ruler of the Universe and our Father, help us, we pray, that we may ever be mindful of Thee, without whom no people can prosper or dwell in security and peace.

Give to us the constant aid of Thy holy spirit, that we may be responsible for, and instrumental in, furthering the duties incumbent upon us as servants of Thine and of Thy people.

Uphold us in high resolve that we may administer the affairs of our Government wisely and judiciously; that we may serve the people successfully and faithfully; and that we may set ourselves firmly and uncompromisingly against those things that militate against Thy holy will.

As Thou didst speak to Thy servant of old, so speak to us here and now, in our own time: "I will make of thee a great nation, and I will bless thee, and make thy name great, and thou shalt be a blessing." This we ask for Thy mercy and truth's sake, and to the honor and glory of Thy holy name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

BIRTHDAY OF THE MAJORITY LEADER

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman form Louisiana?

There was no objection.

Mr. BOGGS. Mr. Speaker, it is my pleasant privilege this noon to inform the House that today is the birthday of our distinguished majority leader, the gentleman from Oklahoma [Mr. Albert]. [Applause.]

Mr. Speaker, I think it fitting that the gentleman should celebrate a birthday in May. May is one of the very pleasant months of the calendar.

It is a time when people are inclined to rejoice and be happy. I think of all the characteristics possessed by our distinguished majority leader, his capacity for being happy and to make most of us as happy as he can under rather difficult circumstances is one that we admire most. But in addition to that he has the qualities of leadership which come to very few men. Someone has said that leaders are born and are not made, and I think that is very true.

Carl Albert in every sense is a natural leader. He is a leader because he understands the problems of people to whom he is called upon to give direction and leadership.

So, Mr. Speaker, while our majority leader is a young man, chronologically speaking, he is a man of great wisdom and great knowledge; and I am very pleased, indeed, to extend to him on behalf of all the Members of this body a very, very happy birthday.

Mr. LAIRD. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman.

Mr. LAIRD. Mr. Speaker, all of us on this side of the aisle would like to join the gentleman from Louisiana [Mr. BOGGS] in wishing our distinguished majority leader well on this, his birthday. He has taken over his new responsibilities of leadership in such a manner that we on this side of the aisle appreciate and respect his fairness. So we join in wishing him very many happy returns on this day, and our best wishes for the future.

Mr. BOGGS. I thank the gentleman.

HAPPY BIRTHDAY, MR. LEADER

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. EDMONDSON] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, I am most pleased to join with my colleagues in wishing our distinguished majority leader sincere best wishes on this day—his birthday—and to express my thanks for his fine leadership in the House of Representatives. All Oklahomans are proud of this native Oklahoman and I know they join with me in expressing greetings to him on this occasion.

SUBCOMMITTEE ON PUBLIC LANDS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Lands of the House Committee on Interior and Insular Affairs have permission to sit this afternoon during the general debate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

THE BILLIE SOL ESTES CASE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, Secretary Freeman has denied that any favors have been shown Texas financier Billie Sol Estes, and he even played down the fact that the Department may have dragged a bit in its handling of the case. Nothing could be further from the truth.

This morning, Mr. Speaker, Mr. Roland Ballou, in the Department of Agriculture, advised my office that in 1959, 700.000 bushels of grain was shipped across commodity district lines from Kansas to Texas; in 1960, 141,000 bushels went the same route; and in 1961, 5.2 million bushels left Kansas storage bins for elevators in Texas—all owned by Mr. Billie Sol Estes. If this is not favoritism, I would like to know what you call it?

Mr. Speaker, records in the Department of Agriculture show that officials in the cotton division urged last November that Mr. Sol Estes be fined $500,000 for cotton acreage manipulation, but nothing was done. On the other hand, we recall the Government's action in the case of the Amish farmer who owed $308 in taxes because he did not believe in social security. We all remember that the Government seized his three horses and auctioned them off to satisfy the claim. If Mr. Sol Estes has not been favored, I would be pleased if Secretary Freeman would explain it to the Amish farmer.

Mr. Speaker, the Agriculture Subcommittee of the Appropriations Committee will resume its hearings, early in June, covering the Commodity Credit Corporation and the Commodity Stabilization Service. I am a member of that subcommittee, and we shall dig into every aspect of this program with the witnesses, discuss thoroughly all details, leaving no stone unturned. People in my own congressional district and throughout the State of Illinois, whether in the grain storage business or not, and all Americans are concerned over this matter of favoritism practiced by the Department of Agriculture.

BASIC ALLOWANCE FOR QUARTERS

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 632 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11221) to amend section 302 of the Career Compensation Act of 1949, as amended (37 U.S.C. 252), to increase the basic allowance for quarters of members of the uniformed services and to make permanent the Dependents Assistance Act of 1950, as amended (50 App. U.S.C. 2201 et seq.), and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentlewoman from New York [Mrs. ST. GEORGE] and now yield myself such time as I may consume.

Mr. Speaker, House Resolution 632 provides for the consideration of H.R. 11221, a bill to amend section 302 of the Career Compensation Act of 1949, as amended—37 U.S.C. 252—to increase the basic allowance for quarters of members of the uniformed services and to make permanent the Dependents Assistance Act of 1950, as amended—50 App. U.S.C. 2201, and the following—and for other purposes. The resolution provides for an open rule with 1 hour of general debate.

H.R. 11221 will be applicable to members of the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service.

The Dependents Assistance Act, which provided allowances for enlisted personnel with dependents, regardless of their enlisted grade, was enacted by Congress in 1950. This act was a substitute for the old Family Allowance Act in effect during World War II, and has continued in existence unchanged since 1950 except for a 14-percent increase that was provided in the 1952 Pay Act.

The 14-percent increase that went into effect in 1952, which applied to the basic allowances for quarters for all grades, was based upon the cost-of-living increase between 1949 and 1952.

In 1958, two new enlisted pay grades—E-8 and E-9—were created. The provisions of the Dependents Assistance Act applicable to grade E-7 were granted these two new pay grades.

Thus, there has been no increase in the basic allowances for quarters since 1952, although the cost of living has increased substantially since that date.

Mr. Speaker, I urge the adoption of House Resolution 632.

Mrs. ST. GEORGE. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, my colleague, the gentleman from New York, has given you a very concise and a very exact synopsis of this bill. I have nothing to add thereto. I can see no possible objection to it. It does something that probably should have been done before. The armed services are still receiving the same quarters allowances that they received under legislation written in 1952. We all realize that the cost of living has gone up; that rents are higher. For that reason, this is merely correcting something that needed correction very badly. I would, however, like to inject one thing in this discussion. I think in the present bill we are setting up very generous scales. I am not going to say they are too high—I do not think that they are, but I certainly think they are quite high enough. For the enlisted men, from E-4 to E-9, we give a considerable raise. That is, we go from about $90—this is for those with dependents—and $77, to $105 per month. It is a fair amount to pay for rent even in our own country. It must also be remembered that these same rents will apply in foreign lands where, of course, they are even more generous. I think, therefore, when we have accomplished this, we should be satisfied to leave the matter alone for a few years. I have no doubt that the cost of living may go up a little bit, but I think this bill takes care of any exigencies that may arise.

Mr. Speaker, I know of no objection to the bill. I think it is very praiseworthy legislation and have no doubt it will be adopted by the House.

Mr. Speaker, I now yield 5 minutes to the gentleman from California [Mr. SMITH].

TRIBUTE TO J. EDGAR HOOVER

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent to proceed out of the regular order.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SMITH of California. Mr. Speaker, today, May 10, 1962, marks J. Edgar Hoover's 38th anniversary as Director of the Federal Bureau of Investigation.

Those of us familiar with the FBI and its history know the tremendous challenge which confronted Mr. Hoover when he accepted the appointment offered him by Attorney General Harlan F. Stone 38 years ago today. Under Mr. Hoover's predecessors, the Bureau had become mired in repeated scandals and inefficiency. At the insistence of patronage dispensers, ill-qualified men too often were appointed to its rolls—men who had neither the desire nor the ability for successful careers in this vital branch of law enforcement.

In the past 38 years, all this has changed. Thanks to J. Edgar Hoover's genius and perception, the Bureau was quickly transformed into the most effective crime-fighting agency in world history. He and his special agents led the Nation's fight against crime, corruption, and gangsterism in the 1930's. They served with great distinction during World War II—both at home and elsewhere throughout the Western Hemisphere—safeguarding our shores against saboteurs and espionage agents, in addition to fulfilling their many other heavy responsibilities.

Throughout his remarkable career, Director Hoover has proved himself a man of the keenest possible insight. As early as 1919, when the newly formed Communist movement was struggling to gain a foothold in our country, he warned that the Communists' radical doctrines "threaten the happiness of the community, the safety of every individual, and the continuance of every home and fireside."

Many years later, when growing numbers of American citizens began looking upon Fidel Castro as a liberator and champion of freedom, J. Edgar Hoover's voice was among those to sound repeated early warnings:

In Cuba—

He proclaimed—

communism, shed of all its false smiles, is on its bloody march.

Here is a man who truly symbolizes the highest standards of public service. Through the example set by his special agents and through the cooperative services which his Bureau renders to State and local authorities free of charge, he has helped to usher in a new era of law enforcement in the United States—an era characterized by greater efficiency and deeper respect for civil rights than ever before.

There is an old adage that God, in His infinite wisdom, has made a person to answer every challenge and every crisis confronting mankind. In the field of crime and subversion, J. Edgar Hoover truly is that man. I am certain my colleagues join me in expressing gratitude to Mr. Hoover for his 38 years as Director of the Federal Bureau of Investigation—and in expressing the hope that we will have the benefit of his services for many, many years to come.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I am very happy to yield to the gentleman from Mississippi.

Mr. COLMER. Mr. Speaker, I desire to congratulate the gentleman from California upon his very fine and appropriate statement concerning J. Edgar Hoover. Mr. Speaker, I am satisfied that a great majority, if not all, of the American citizens feel about Mr. Hoover as does the gentleman from California.

One of the fine things about Mr. Hoover's splendid work, and I think one of the things that has contributed most to the success of his administration and his ability to accomplish the things he has accomplished is that the FBI under his leadership has remained a nonpolitical organization; in other words, we have been able to keep politics out of it. Regardless of which party is in power Mr. Hoover's great office functions under his able leadership most effectively.

I hope that this splendid agency will continue to so function.

I think the gentleman from California, a former agent in his own right, and a very fine American himself, is to be commended for his statements. More power to both of them.

Mr. BURLESON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Texas.

Mr. BURLESON. Mr. Speaker, I wish to associate myself with the excellent remarks made by the gentleman from California [Mr. SMITH] regarding the anniversary of service of the very great American, J. Edgar Hoover.

It is an occasion to take notice of the long and faithful service rendered to the people of the United States. The Federal Bureau of Investigation as an agency of the Federal Government has never come under criticism from any responsible source. Under Mr. Hoover's direction, the Federal Bureau of Investigation has been above politics and above personalities. The policies formulated over the years by Mr. Hoover have proved wise. Many of these policies are not only applicable to the mechanics of law enforcement, but also to maintain its high standards of objectivity in order to afford our citizens the protection which it gives.

I join with the gentleman from California [Mr. SMITH] and several others of our colleagues who, like myself, had the opportunity of serving as an agent of the FBI, in congratulating Mr. Hoover on this occasion marking his long and successful tenure as Director of the FBI.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Ohio.

Mr. DEVINE. I thank the gentleman from California.

Mr. Speaker, I, too, would like to associate myself with the gentleman from California in his remarks commending a man whom I consider the most dedicated American today. I had the honor of serving under Mr. Hoover for a period of nearly 5 years. Incidentally, I think the Members of the House will be interested to know that there are six Members of this body now who are former FBI agents, and one Member of the other body.

During my association with the FBI in the early forties it was my pleasure to work under Mr. Hoover. I found all of the men in that organization patriotic, dedicated persons, serving their country, not only in law enforcement, but essential to national security.

In February of this year Mr. Hoover was honored at Valley Forge. On that occasion he made some remarks. I commend all of his remarks to you but shall read only a portion of them to indicate his attitude:

> Today, as never before, America has need for men and women who possess the moral strength and courage of our forefathers—modern-day patriots, with pride in our country and faith in freedom, unafraid to declare to anyone in the world, "I believe in liberty. I believe in justice. I will fight, if need be, to defend the dignity of man."
>
> Too often in recent years, patriotic symbols have been shunted aside. Our national heroes have been maligned, our history distorted. Has it become a disgrace to pledge allegiance to our flag—or to sign a loyalty oath, or pay tribute to our national anthem? Is it shameful to encourage our children to memorize the stirring words of the men of 1776? Is it becoming opprobrious to state "In God we trust" when proclaiming our love of country?
>
> What we desperately need today is patriotism founded on a real understanding of the American ideal—a dedicated belief in our principles of freedom and a determination to perpetuate America's heritage.

I think these remarks demonstrate again what a great American is J. Edgar Hoover.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I wish to commend the gentleman from California for calling the attention of the House to this occasion. I desire to join with him and others in felicitating Mr. Hoover and the Federal Bureau of Investigation.

Mr. DELANEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. RIVERS of South Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11221), to amend section 302 of the Career Compensation Act of 1949, as amended (37

U.S.C. 252), to increase the basic allowance for quarters of members of the uniformed services and to make permanent the Dependents Assistance Act of 1950, as amended (50 App. U.S.C. 2201 et seq.), and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11221, with Mr. HARRISON of Virginia in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, before I begin my statement on this bill, H.R. 11221, to increase the basic allowance for quarters, I would like to associate myself with the remarks of the gentleman from California regarding Mr. Hoover.

I spent a little time in the Department of Justice myself, and I got to know Edgar Hoover quite well. Of course that was before the gentleman's time.

Edgar Hoover has been offered just about every job that industry could offer, or that the sports world could dangle before him, with a fabulous salary. He has declined these offers and has decided to serve his country where he could do a better job, as he saw it.

I want to commend the gentleman for taking the time to call to the attention of the Members of the House the services of this distinguished American, and I am so glad to associate myself with the gentleman's remarks.

Mr. Chairman, this is a bill to increase the basic allowances for quarters for members of the armed services. This is not a very dramatic bill to present, so I have to give you a little background to the bill.

Mr. Chairman, in 1950, the Committee on Armed Services recommended and the Congress enacted, the Dependents Assistance Act, which provided allowances for enlisted personnel with dependents, regardless of their enlisted grade. This act was a substitute for the old Family Allowance Act in effect during World War II.

Its objective was to provide financial assistance to the dependents of enlisted personnel during the period of the Korean conflict, particularly in view of the fact that reservists with families were being ordered to active duty and individuals were being drafted who had dependents.

However, the Congress wisely determined that the dependents' allowances would be based upon a maximum of three dependents. That is, no additional amounts were provided in the law for those with more than three dependents. This was done to discourage the call to active duty of reservists with a substantial number of dependents or the drafting of men with more than three dependents.

This law has continued in existence unchanged since 1950 except for a 14-percent increase that was provided in the 1952 Pay Act.

I might also add that the 14-percent increase that went into effect in 1952 which applied to the basic allowances for quarters for all grades was based upon the cost-of-living increase between the period 1949 and 1952.

In 1958, two new enlisted pay grades—E-8 and E-9—were created. The provisions of the Dependents Assistance Act applicable to grade E-7 were granted these two new pay grades.

Thus, there has been no increase in the basic allowances for quarters since 1952, although the cost of living has increased substantially since that date.

At this time I would like to point out some of the provisions of the Dependents Assistance Act to refresh the memories of the Members as to how this law operates.

Prior to 1950 enlisted personnel serving in the grade of E-4 with under 7 years of service and those grades under E-4 were considered at all times to be personnel without dependents, regardless of their dependency status.

Enlisted personnel serving in the grade of E-4 with 7 years of service and all enlisted grades above E-4 were entitled to a basic allowance for quarters in accordance with their dependency status.

In other words, enlisted personnel in the higher grades, without dependents, were entitled to an allowance of $45 per month if they were not living in Government quarters, and enlisted personnel in these higher grades with dependents, regardless of the number, were entitled to an allowance of $67.50 per month.

Because of the Korean conflict, as I have mentioned, it became necessary to enact a special law to provide additional benefits for all enlisted personnel.

This special law was the Dependents Assistance Act.

It divided enlisted personnel into several categories: E-1's, E-2's, and E-3's with one dependent; two dependents; and more than two dependents. E-1's, E-2's, and E-3's with only one dependent were entitled to the same allowance, $45 per month. Those with two dependents were entitled to an allowance of $67.50 per month; and those with over two dependents were entitled to $85 per month.

E-4's, E-5's, E-6's, and E-7's with not over two dependents were entitled to $67.50 per month, and those with over two dependents were entitled to $85 per month.

However, in order to qualify for this allowance, E-1's, E-2's, and E-3's were required to allot $40 per month of their basic pay to their main beneficiary; E-4's and E-5's were required to allot $60 per month; and E-6's and E-7's, $80 per month.

This amount, allotted by the service member, was added to the Government allowances, and paid, in most cases, directly to his wife.

I call your attention to the fact that the enlisted man himself did not receive the allotment check.

This law, among other things, provided that enlisted personnel on training duty were not entitled to the benefits of the Dependents Assistance Act; and the law carefully spelled out that the allotment would be paid to or on behalf of the dependent specified by the enlisted member.

In 1952, as I have also indicated, these allowances were increased by 14 percent. The allotment required of the enlisted man was not increased, but the allowances were increased by 14 percent and as a result, the allowances paid by the Government today vary between $51.30, $77.10, and $96.90, depending upon the number of dependents.

DEPARTMENT OF DEFENSE PROPOSAL

The Department of Defense submitted a legislative proposal to the committee which sought to increase the allowances paid to enlisted personnel under the Dependents Assistance Act, as well as the basic allowances for quarters paid to officers.

The rates recommended by the Department of Defense ranged from a zero increase for E-1's, E-2's, and E-3's with two or three or more dependents, and an actual reduction for future E-4's with under 4 years of service, with only one dependent, to a 49-percent increase for E-8's and E-9's with dependents.

Officers and warrant officers were to be increased from a high of 29 percent for second lieutenants to a low of 15 percent for lieutenant colonels and 17 percent for general officers.

I think at this point I should mention that officers have always been paid quarters allowances on the basis of whether or not they had dependents, without regard to the number of dependents.

In other words, officers have never been paid on the basis of how many dependents they may have. It is presumed that the size of an officer's family is a personal matter and that the Government's obligation is to provide an officer with an allowance for housing or to provide him with actual housing. But no attempt has ever been made to pay officers on the basis of the size of his family.

The Department of Defense proposal recommended increases in quarters allowances for officers and, with the exceptions noted below, increased dependents assistance allowances for enlisted personnel.

The increases for officers with dependents ranged from a low of 15.1 percent for lieutenant colonels and equivalent, to 28.8 percent for second lieutenants and equivalent. The increases for officers without dependents recommended by the Department of Defense vary from 17.1 percent for general officers to 27.4 percent for majors.

Stated in dollars, the quarters allowance for officers with dependents range from $110.10 per month for second lieutenants to $201 per month for general officers. All general officers, regardless of grade, will be entitled to $201 per month with dependents, colonels $170.10 per month, lieutenant colonels $157.50 per month, majors $145.05 per month, captains $130.05 per month, first lieutenants $120 per month, and second lieutenants $110.10 per month.

Second lieutenants now receive $85.50 per month if they have dependents, and general officers receive $171 per month.

I might also point out that, under existing law, colonels and lieutenant colonels receive the same amount of quarters allowances if they have dependents. That is, colonels and lieutenant colonels now receive $136.80 per month; hereafter, under the Department proposal, colonels with dependents will receive $170.10 per month, and lieutenant colonels, $157.50 per month.

The same graduation in rates applies to warrant officers. The top warrant grade, W–4, will receive the same quarters allowance as a major, and the bottom warrant grade, W–1, will receive the same allowance as a second lieutenant, $110.10 per month.

Insofar as enlisted personnel are concerned, the Department of Defense proposal merely continued in effect the Dependents Assistance Act with certain recommended increases. Under the Department proposal, these recommended increases ranged from 49.4 percent for an E–9 with two dependents, to no increase for E–1's, E–2's, and E–3's with two or three dependents. In addition, the Department of Defense recommended a decrease in the allowances to be paid to future E–4's with under 4 years of service.

COMMITTEE ACTION AND RECOMMENDATION

The committee approved, without change, the rates recommended by the Department of Defense with regard to officers and warrant officers, and commends the graduated increase in these allowances according to grades. However, the committee made considerable changes in the rates recommended for enlisted personnel.

The committee recommends that the uniformed services go back to the traditional method of paying our noncommissioned officers a housing allowance on the same basis as we pay officers; that is, on the basis of rank and whether or not these individuals have dependents without regard to the number of dependents.

In other words, the committee, after carefully considering the matter, recommends that noncommissioned officers be paid a quarters allowance on the same basis as officers. That is, noncommissioned officers will be paid a quarters allowance depending upon whether they are with or without dependents.

Under the committee proposal, an E–9 without dependents would have his quarters allowances increased from $51.30 per month to $85.20 per month, an increase of 66.1 percent. E–9's with dependents would be increased from either the present allowance of $77.10 or $96.90, to $120 per month, an increase of 55.6 percent or 23.8 percent, depending upon the existing rate.

E–8's would receive the same increases. E–7's with dependents will be increased 49 percent or 18.6 percent, depending upon their existing allowances. E–6's with dependents will be increased 42.8 percent or 13.6 percent, depending upon their existing allowances; E–5's with dependents will be increased 28.9 percent or 8.4 percent, depending upon their existing allowances; an E–4 with over 4 years of service will receive an identical increase.

The allowances paid to enlisted personnel in the grade of E–4 with 4 years of service or above will range from $105 to $120 per month. Enlisted personnel in these grades, without dependents, will be entitled to allowances ranging from $70.20 per month to $85.20 per month. I might add that an E–8 and an E–9 without dependents will receive the same allowance for quarters as a warrant officer and a second lieutenant.

By doing this we eliminate the highly objectionable feature of existing law which requires our noncommissioned officers to allot a portion of their pay in order to qualify for the benefits of the Dependents Assistance Act. The committee is convinced that this action will do much to increase the morale and prestige of our noncommissioned officer corps. Certainly, if our noncommissioned officers are given the responsibility for the lives of men and the use of expensive equipment, then they should be permitted to be responsible for their own families.

The committee also recommends the continuance of the Dependents Assistance Act for E–4's with under 4 years of service, and E–3's, E–2's, and E–1's.

E–1's, E–2's, and E–3's with one dependent will be increased from $51.30 per month to $55.20 per month. This is in accord with the Department's proposal.

E–4's with 4 or less years of service, with one dependent, now receive $77.10 per month. The Department proposed to reduce future E–4's in this category to $60 per month. The committee disapproved this portion of the recommendation and has increased the E–4 with 4 or less years of service with one dependent from $77.10 per month to $83.10 per month. This is the first noncommissioned officer grade and represents an increase of 7.8 percent.

The Department of Defense proposal recommended no increase for E–1's, E–2's, E–3's, and E–4's with 4 years of service or less who had 2 or more dependents.

Under existing law, an E–1, E–2, E–3, or E–4 with 2 dependents receives $77.10 per month; an E–1, E–2, E–3, and E–4 with 4 years of service or less, with 3 or more dependents, receives $96.90 per month.

The committee recommends, however, that E–1's through E–4's with 4 years of service or less with 2 dependents receive a 7.8-percent increase, to $83.10 per month, and E–1's through E–4's with 4 or less years of service with three or more dependents be increased from $96.10 to $105 per month, an increase of 8.4 percent.

In addition, the committee concluded that the Dependents Assistance Act which, under the committee proposal, will be applicable only to E–1's through E–4's with 4 years of service or less, should become permanent law.

Heretofore the Dependents Assistance Act has always had an expiration date which coincides with the expiration of the authority to induct men under the Universal Military Training and Service Act. This law has now been in effect for 12 years and there seems very little likelihood that there will not be a continuing need for this type of assistance for inductees or reservists in the years ahead.

The other major recommendation made by the committee involves the effective date of the proposed increase. The Department of Defense proposal recommended that the new increases go into effect on January 1, 1963. This recommendation was made by the Department of Defense in spite of the fact that the Secretary of Defense had stated:

> The fact that there has been no upward revision of the basic allowance for quarters in 10 years is disgraceful.

The Assistant Secretary of Defense for Manpower, in testifying on the proposed legislation, stated that the January 1, 1963, effective date was based upon two considerations—the time required to issue implementing regulations to put the new proposal into effect, and secondly, the fact that the increase in basic allowance for quarters was a part of an overall Department of Defense legislative program and that the funding for this program was planned to be effective on the first of January 1963.

The committee recognizes that some time will be required to implement the new proposal, particularly in view of the fact that the so-called class Q allotments will be discontinued for a substantial number of noncommissioned officers. It also appreciates that there are budgetary factors involved. However, the committee also is convinced that this increase in quarters allowances is long overdue. Therefore, the committee recommends that the new proposal be made effective on October 1, 1962. This will reduce the fiscal costs for fiscal 1963 by one-quarter of the total estimated cost of approximately $291 million for a full fiscal year.

In addition, the committee proposal eliminates two other inequities that have existed in the law since 1950 with regard to reservists on active duty for training purposes. Under existing law, any reservist ordered to active duty for training is not entitled to the benefits of the Dependents Assistance Act. Instead, reservists who enter on active duty for training are entitled to an allowance for quarters based upon the allowances that were in effect in 1949.

In other words, under existing law, a noncommissioned officer who enters on active duty for training for a period of 1 month is only entitled to $67.50 per month as a quarters allowance. He has never been entitled to the benefits of the Dependents Assistance Act. By placing noncommissioned officers on the same basis as officers and by increasing the quarters allowances that are payable to all noncommissioned officers under the Career Compensation Act as proposed in the committee proposal, reservists in the grade of E–4 with more than 4 years of service and above will now be entitled to the increased amounts recommended in the committee proposal. In addition, enlisted reservists, other than 6-month trainees, will be eligible for the benefits of the Dependents Assistance Act, if they are ordered to active duty for training for 30 days or more. To reduce administrative costs, no allotment requirements will be applicable to this small category.

COST DATA

The Department of Defense proposal, H.R. 11050, called for an increased annual expenditure of $259 million during a full fiscal year for the Department of Defense alone chargeable to increased quarters allowances.

The committee proposal, H.R. 11221, calls for a Department of Defense expenditure of approximately $291 million. The total includes approximately $6 million to fund the provisions affecting reservists, which were not included in H.R. 11050, the Department of Defense proposal.

A detailed breakdown of the additional costs follow:

Increased costs under committee proposal as compared to Department of Defense proposal

For increased officer quarters allowances	(1)
For increased enlisted quarters allowances, E-4 with over 4 years' service through E-9	$7,600,000
For increased dependents assistance allowances for pay grades E-1, E-2, E-3, and E-4 with less than 4 years' service	15,200,000
For increased quarters allowances enlisted reservists E-4 with over 4 years' service through E-9	5,700,000
For increased dependents assistance allowances for enlisted reservists on training duty	1,000,000
Increase by subcommittee	29,500,000
Department proposal	259,000,000
Other Services (Coast Guard, Public Health Service, Coast and Geodetic Survey)	3,246,000
Grand total	291,746,000

[1] No change.

There is a table in the report setting forth the percentage increase for each grade.

POSITION OF WITNESSES

The National Guard Association recommended that enlisted personnel who attend training schools or who are ordered to active duty for training for 30 or more days, other than the 6-month trainees, be entitled to the benefits of the Dependents Assistance Act.

In other words, the Department of Defense approves the return to the traditional quarters allowances for career noncommissioned officers and the increase in quarters allowances recommended for such personnel. It also approves the increased dependents assistance allowances granted in the committee proposal to grades E-1, E-2, E-3, and E-4 with less than 4 years of service. It approves the provisions that remove the present inequities as between Regulars and Reserves. In short, it objects only to the proposed effective date.

I wish to commend the Department of Defense for its fine cooperation, but I, as well as the other members of the committee, believe that the October 1, 1962, date gives ample time for Administrative changes and that further delay beyond that point is not justified.

If the proposal goes into effect on October 1, 1962, the fiscal 1963 cost will be $219 million, and $291 million annually thereafter.

If the proposal is delayed until January 1, 1963, the fiscal 1963 cost will be $145 million, and $291 million annually thereafter.

Thus, the difference between our effective date and the Department proposal is $72,500,000 for fiscal 1963, and the cost remains the same under both proposals thereafter.

The Committee on Armed Services strongly and unanimously urges the enactment of the proposed legislation.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I am happy to yield.

Mr. GROSS. What steps are taken at a base where there is a scarcity of rental housing to monitor, not necessarily control, rentals that are charged?

Mr. RIVERS of South Carolina. They cannot control them, but they generally have some sort of working agreement with Chambers of Commerce and representative citizens of the community working with the commanding officer in an attempt to keep these people who are compelled to live off the base from being gouged by unconscionable real estate people. That is the way it generally works.

Mr. GROSS. I am interested in this bill from that standpoint. The gentleman I know understands that we can increase living allowances for military personnel and it can be devoured almost immediately by higher rentals. It can be done; I am not saying it will be done in every instance.

Mr. RIVERS of South Carolina. In a place like Washington it would not be done because there is too much rental housing available. But it could happen in a place where there is a scarcity of housing.

Mr. GROSS. That is right.

Mr. RIVERS of South Carolina. It could happen. The community would have to try to control it, and as a practical matter they do.

Mr. GROSS. I should hope that would be the case because it does not mean very much to increase allowances, as we undoubtedly will do today, if that is what is going to happen.

Mr. RIVERS of South Carolina. Theoretically what the gentleman says is absolutely true, but as a practical matter I doubt it would happen.

Mr. GROSS. I have had some instances of that kind reported to me, I will say to the gentleman.

Mr. RIVERS of South Carolina. I have, too.

Mr. GROSS. Of higher rentals being charged are areas adjacent to certain bases.

Mr. RIVERS of South Carolina. I have had considerable experience with real estate agents.

Mr. GROSS. I know the gentleman has.

Mr. RIVERS of South Carolina. And I have had some knock-down and drag-out fights with them, and to this day certain real estate agents may not darken the door of my office.

We have spent many days in hearings on this bill. We have brought forth what we think is a good bill. It is a slight increase over what the Department of Defense recommended, but we think it is long overdue, and we urge, Mr. Chairman, its approval by the House.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from South Carolina has consumed 28 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. BATES].

Mr. BATES. Mr. Chairman, like the previous speakers here today, I, too, served in the Federal Bureau of Investigation, not in the lofty position of special agent, but rather in the rather lowly position of special messenger; nevertheless, even from that lowly vantage point I had an opportunity to look up and see the greatness of the man, J. Edgar Hoover, a prodigious worker, a great American, with a great number of dedicated Americans working with him. In that Bureau 22 years ago, we each had to make an added contribution to our country and work an extra 2 hours a day. So I want to join my other colleagues in paying tribute to this distinguished American.

Mr. Chairman, the chairman of the subcommittee has very fully and adequately covered the provisions of this bill. It met with the complete approval of the entire committee. There is just one thing I would like to add, it does reflect a great deal of money, $290 million a year when this bill finally gets into operation; nevertheless, as a part of the overall salary picture of the military, percentagewise it is a very small figure. For instance, in the general ranks it represents an increase of only 1.4 percent. The highest paid officer in terms of percentage increase is the first lieutenant with a 6.1 percent increase; and in the enlisted bracket the highest increase is 5.9 percent for the first sergeant, and the lowest for the private of 2.4 percent.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield to the gentleman.

Mr. PIRNIE. Mr. Chairman, I wish to take this time to express my support of this legislation. Our interest in this increase in the basic allowance for quarters for members of the uniformed services is clearly warranted by the increased cost of living. We know that something determined in 1949 is wholly inadequate in 1962. This legislation will accomplish something significant for the serviceman and his dependents. It is long overdue, and I am very glad to express my support of the legislation.

Mr. Chairman, I wish also to join the gentleman from Massachusetts in this well-deserved tribute to the great leader of the Federal Bureau of Investigation, J. Edgar Hoover.

I thank the gentleman.

Mr. BATES. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the table in section 302(f) of the Career Compensation Act of 1949, as amended (37 U.S.C. 252 (f)), prescribing monthly basic allowances for quarters for members of the uniformed services, is amended to read as follows:

"Pay grade	Without dependents	With dependents
O-10	$160.20	$201.00
O-9	160.20	201.00
O-8	160.20	201.00
O-7	160.20	201.00
O-6	140.10	170.10
O-5	130.20	157.50
O-4	120.00	145.05
O-3	105.00	130.05
O-2	95.10	120.00
O-1	85.20	110.10
W-4	120.00	145.05
W-3	105.00	130.05
W-2	95.10	120.00
W-1	85.20	110.10
E-9	85.20	120.00
E-8	85.20	120.00
E-7	75.00	114.90
E-6	70.20	110.10
E-5	70.20	105.00
E-4 (over 4 years' service)	70.20	105.00."

Sec. 2. Section 302(g) of the Career Compensation Act of 1949 (37 U.S.C. 252(g)) is repealed.

Sec. 3. Section 302(h) of the Career Compensation Act of 1949, as amended (37 U.S.C. 252(h)) is amended by inserting the words "in pay grades E-1, E-2, E-3, and E-4 (four years' or less service)" after the words "enlisted members with dependents" and by striking out the words "(or in the case of enlisted members in pay grades E-4 and E-5, $60; or in the case of enlisted members in pay grades E-6, E-7, E-8, and E-9, $60)".

Sec. 4. The Dependents Assistance Act of 1950, as amended (50 App. U.S.C. 2201 et seq.) is amended—

(1) by striking out the word "suspended" wherever it appears and substituting in place thereof the word "repealed";

(2) by striking out the words "for the duration of this Act" in section 1 (50 App. U.S.C. 2201);

(3) by striking out the words "for the duration of this Act" in sections 2 and 4 (50 App. U.S.C. 2202, 2204) and capitalizing the first letter of the next word in each case;

(4) by amending section 3 (50 App. U.S.C. 2203) to read as follows:

"Sec. 3. Subject to section 302 of the Act of October 12, 1949 (Public Law 351, Eighty-first Congress), members of the uniformed services in pay grades E-1, E-2, E-3, and E-4 (four years' or less service) who are entitled to receive basic pay shall be entitled to receive a basic allowance for quarters at the following monthly rates according to the pay grade to which assigned or in which distributed for basic pay purposes:

"Pay grade	Without dependents	1 dependent	2 dependents	3 or more dependents
E-4 (4 years' or less service)	$55.20	$83.10	$83.10	$105.00
E-3	55.20	55.20	83.10	105.00
E-2	55.20	55.20	83.10	105.00
E-1	55.20	55.20	83.10	105.00"

(5) by amending section 8 (50 App. U.S.C. 2208) by striking out the words "For the purposes of this Act" and capitalizing the first letter of the next word and by inserting the words "(over four years' service)" after the words "pay grade E-4"; and

(6) by repealing sections 9 and 16 (50 App. U.S.C. 2209, 2216).

Sec. 5. Section 1 (c) and (f) of the Act of May 19, 1952, chapter 310 (66 Stat. 79, 80) is repealed.

Sec. 6. Notwithstanding any of the provisions of the Dependents Assistance Act of 1950, as amended (50 App. U.S.C. 2201 et seq.), enlisted members of the uniformed services in pay grades E-1, E-2, E-3, and E-4 (4 years' or less service) ordered to active duty for training for a period of thirty days or more, except enlisted members on training duty under section 262 of the Armed Forces Reserve Act of 1952, as amended (50 (U.S.C. 1013), or any other comparable enlistment program that requires an initial period of training duty of not less than three nor more than six months, shall be considered as members of the uniformed services on active duty in comparable grades for the purposes of the Dependents Assistance Act of 1950, except that sections 4 and 6 of that Act (50 App. U.S.C. 2204, 2206) relating to the initiation and maintenance of allotments, do not apply to persons in this category.

Sec. 7. This Act becomes effective on October 1, 1962.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Harrison of Virginia, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11221) to amend section 302 of the Career Compensation Act of 1949, as amended (37 U.S.C. 252), to increase the basic allowance for quarters of members of the uniformed services and to make permanent the Dependents Assistance Act of 1950, as amended (50 App. U.S.C. 2201 et seq.), and for other purposes, pursuant to House Resolution 632, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 86]

Addonizio
Alger
Andersen, Minn.
Andrews
Anfuso
Ashmore
Auchincloss
Bolling
Bonner
Boykin
Brewster
Buckley
Cederberg
Cramer
Cunningham
Curtis, Mass.
Dawson
Dent
Diggs
Elliott
Ellsworth
Fascell
Flood
Gavin
Goodell
Granahan
Grant
Green, Oreg.
Green, Pa.
Hansen
Harding
Harris
Harrison, Wyo.
Harvey, Mich.
Herlong
Hoffman, Mich.
Holland
Huddleston
Joelson
Jones, Ala.
Kearns
Kee
Keith
Kitchin
Kluczynski
Kornegay
Miller, N.Y.
Milliken
Moeller
Montoya
Moulder
Murray
Nix
Norrell
Nygaard
O'Brien, N.Y.
Powell
Rains
Rhodes, Ariz.
Roberts, Ala.
Rogers, Tex.
Saund
Scott
Selden
Shelley
Siler
Smith, Miss.
Spence
Teague, Tex.
Van Pelt
Weaver
Whitten
Wickersham
Wilson, Calif.
Winstead
Zelenko

The SPEAKER. Three hundred and fifty-nine Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON AGRICULTURE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may sit while the House is in session during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

WHITE HOUSE POLICE FORCE

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules and on behalf of the gentleman from California [Mr. Sisk], I call up the resolution (H. Res. 634) to authorize an adequate White House Police force, and for other purposes, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11261) to authorize an adequate White House Police force, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from New York is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. Smith], and now yield myself such time as I may consume.

The SPEAKER. The gentleman from New York is recognized.

Mr. DELANEY. Mr. Speaker, House Resolution 634 provides for the consideration of H.R. 11261, a bill to authorize an adequate White House Police force, and for other purposes. The resolution provides for an open rule with 1 hour of general debate.

The purpose of H.R. 11261 is to increase the strength of the White House Police force; include in permanent law, with modification, language that has appeared in acts making annual appropriations for the force; and clarify certain language pertaining to the duties of the force.

The limit on the strength of the White House Police force currently in effect was set at 170 members in 1952. During the 10-year period since that time there has been an overall increase in all phases of White House activities resulting in heavier demands on the present force. The number of visitors to the White House on public tours increased to an all-time high of 1,320,000 persons during 1961, and it is contemplated that in 1962 this figure will increase to 2 million. The large increase in visitors has necessitated additional personnel to accommodate the public. The increase in the number of visitors to the White House having official business with the President and his staff has imposed added screening functions on the force. Twenty of the White House police staff have been assigned since 1959 to protect the White House area in the Executive Office Building. A new Executive Office Building has been planned and, eventually, further White House Police will be needed for this building.

The bill would increase the present maximum members of the White House Police force, 170 members, to a maximum of 250 members, which should take care of any needs in the foreseeable future. The immediate needs are for 43 members above the present 170, which presently would increase the force to 213.

Mr. Speaker, I know of no objection to the adoption of the rule and urge its adoption.

Mr. SMITH of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as stated by the able gentleman from New York [Mr. DELANEY] the resolution, House Resolution 634, provides an open rule with 1 hour of general debate for the consideration of H.R. 11261, which will authorize additional White House Police.

At the present time the law reads in actual numbers that can be employed in the service 170. It is my understanding there are 162 now on the force. H.R. 11261 will raise the limit of the number permissible to 250.

Testimony before the Committee on Rules was that they anticipate going up to about 213 members, the additional number to be reserved for possible increase in the future.

The statements of the proponents are that this increase is necessary because of the great increase in the number of White House visitors and of Presidential residences during the past few administrations and, as set out before the Rules Committee a further building will be constructed which will come under their jurisdiction.

The Secret Service as such comes under the Treasury Department. I call your attention to a change made in section 202 of this bill. At the present time the White House Police are under the jurisdiction of the Chief of the Secret Service Division. Under the change made by this legislation control and supervision of the White House Police will be placed under the Secretary of the Treasury.

It is true that the Secret Service reports to the Secretary of the Treasury, but the White House Police report to the Chief of the Secret Service who is the head of an investigative agency. Under this change control and supervision will go directly to the Secretary of the Treasury. If we pass this bill, if we are actually doing something that we legally can do, somebody has to be in charge of the police. They have certain powers to guard the President and his family and the White House. I would suggest that you listen to the proponents of the bill who probably will be able to give some explanation of this matter, but it does raise some question in my mind.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The gentleman has raised a good point, but I think the record will show this is a Hoover Commission recommendation. The basis for it will be explained as the bill is brought before the House.

Mr. Speaker, a few moments ago the gentleman and several others of my colleagues on the other side of the aisle paid tribute to a great American who is today starting his 39th year as Director of the Federal Bureau of Investigation, J. Edgar Hoover. I want to join with them in this expression of appreciation, both as a fellow public servant and also as a fellow American, for the very outstanding job which has been done in this responsible post by J. Edgar Hoover.

Very few people stop to realize and to appreciate fully the security which the people of the United States have enjoyed during recent years from sabotage and terrorism which we read about every day, regrettably taking place all over the world in these troubled times. A major share of the credit for the stability of our domestic picture, for the security which the American citizen enjoys in his home and business and in Government, must go to this distinguished American who has so ably headed the FBI since 1924. I join with my colleagues in their tribute to this great American.

The SPEAKER. The time of the gentleman from California has expired.

Mr. SMITH of California. Mr. Speaker, I yield myself 5 additional minutes.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. I would like at this time to try to get some information. I would like to get an answer from the proponents of the bill as to why jurisdiction over the White House Police force is taken from the Chief of the Secret Service and turned over to the Secretary of the Treasury.

Mr. WRIGHT. I think that is a very valid question. The recommendation was made in one of the Hoover Commission reports that, inasmuch as the White House Police were given responsibilities for the maintenance of security at the White House itself, and, in addition to that, possess responsibility in other respects, they should report directly and be responsible to the head of the Department rather than to some subsidiary agency.

The functions of the White House Police are clearly distinguishable from those of the Secret Service. Both the Chief of the Secret Service and the Secretary of the Treasury believe it could be more efficiently handled for the White House Police Chief to report directly to the Secretary of the Treasury, a Cabinet officer, just as presently the Secret Service does.

Mr. SMITH of California. The second question that comes to my mind on this bill is the extension of the powers that are now going to be given to the White House Police.

Under the law at the present time, the White House Police are charged with the protection of the Executive Grounds and Mansion in the District of Columbia. On page 2 of the bill you will see that that language is still there. They will be charged with the protection of the Executive Mansion and the grounds in the District of Columbia. They also will be charged with the protection of any building in which White House offices are located, and third, the President and members of his immediate family, which I understand is now the responsibility of the Secret Service.

The law will read the same now, that the members of such force shall possess privileges and powers similar to those of the members of the Metropolitan Police of the District of Columbia. That is the law now.

Now, the report of the change in the language indicates that the latter language would appear sufficiently broad so as to permit the use of White House forces anywhere, for any purpose. The question I raise, Mr. Speaker, is this: In its protective purposes, if they are not here in Washington, D.C., where the Metropolitan Police have their authority, if they are in Virginia or some other city, or Florida, or the like, I do not believe, in my personal opinion, that this will give these individuals the power that they possibly should have. I mean, they may have to protect somebody's life. I would hate to think that these White House Police are going to be taken around and used in these various places. I think their responsibility is here. They do a fine job, and they are certainly needed. And, whatever number of police the White House thinks it needs, they should be entitled to. But, I would hate to think we would give some power under this bill to the police, a power which they could not use.

You might get shot at somewhere outside of the District, but what authority would you have? If you were shot at in Pennsylvania or Virginia or some other place else, outside of this jurisdiction, the Metropolitan Police force would not have any authority in that area.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. SMITH of California. I yield.

Mr. GROSS. Does not the gentleman think that under the provisions of this bill they can be used anywhere in the country?

Mr. SMITH of California. I think they can. I think the language should be perfectly clear so that they can do what they are supposed to do and do it legally and have the rights that they should have as law enforcement officers, in whatever capacity they are, to protect themselves and do their job.

Mr. Speaker, I now yield 5 minutes to the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Speaker, I am sure there are none of us who are not in favor of complete protection of the President and his family, but at the time we should know exactly what we are doing in this bill and take a good, hard look at it.

I remind the House that they have 170 police officers at the White House now, and this bill, as I understand it, is seeking to add 80 more. Now, my hometown of Canton, Ohio, has a population of 113,631 and we have only 159 police to take care of that entire city.

Let us look at a few other cities around the country in that population range. These figures I got from the Federal Bureau of Investigation in its Uniform Crime Report for 1960.

Lubbock, Tex.: 128,000 people; 170 police.

Lincoln, Nebr.: 128,000 people; 103 police.

Madison, Wis.: 126,000 people; 180 police.

Rockford, Ill.: 126,000 people; 128 police officers.

Kansas City, Kans.: 121,000 people; 159 police officers.

Greensboro, N.C.: 119,000 people; 176 police.

Glendale, Calif.: 119,000 people; 147 police officers.

Pasadena, Calif.: 116,000 people; 166 police officers.

Dearborn, Mich.: 112,000 people; 171 police officers.

Des Moines, Iowa, with a population of 208,000, has only 193 police officers, considerably less than the amount requested in this bill.

This brings to mind, Mr. Speaker, the fact that the administration has already increased the Federal payroll in the last 14 months by some 89,000 people. Now, 89,000 people is a sizable increase. We can just take a little look at that. That is about equal to all the men, women, and children in my congressional district, making up the cities of Massillon, Alliance, New Philadelphia, and Wooster, Ohio, complete cities. This is an increase to the payroll. But it seems to me we are moving pretty fast in putting people on the payroll. When one stops to think about it, the White House Police force wants to increase from the figure of 170—an increase of 80—to 250. Some people will say that is because the President has so many homes to which he goes, such as up at Hyannis Port, also over in Virginia, and in Palm Beach, Fla.

Mr. Speaker, I see where Mrs. Kennedy and her mother were looking over another place up in Rhode Island the other day. Perhaps this is the reason. However, it seems to me that we should go very slow in these great increases in personnel until we have complete justification for increases of this kind.

Mr. DOOLEY. Mr. Speaker, will the gentleman yield?

Mr. BOW. I am glad to yield to the gentleman from New York.

Mr. DOOLEY. May I call the gentleman's attention to the fact that over 1 million visitors go through the White House in the course of a year? There were 1,320,000 visitors last year, and they anticipate 2 million visitors this year.

Mr. BOW. I imagine the gentleman from New York, when he gets his $25 million from the Federal Government, and then some more, for his New York World's Fair, I doubt that the gentleman will have this many police policing that World's Fair, and that they would put that many to work in New York.

How many police will the gentleman from New York have to police that entire World's Fair for those millions of visitors?

Mr. DOOLEY. The President is not at the New York World's Fair. He is in the White House.

Mr. BOW. I know, and that is the reason I say it is much more difficult. You need many more with the millions of people at the fair than you do at the White House. Remember this: This police force is not charged with the safety angle of the President and his family. The Secret Service is charged with the safety of the President and the President's family.

Mr. Speaker, it seems to me that when there is an increase from 170 in the number of policemen for the White House by 80 more, and when one looks at the cities of 100,000 or 200,000 people that do not have this many police, with an entirely different situation surrounding many of these cities out in areas of crime, and so forth, it seems to me that we ought to know exactly what they are going to do, and whether we have to have this addition of 80 police officers in this area.

Mr. DOOLEY. If the gentleman will yield further, I am sure the distinguished gentleman from Ohio knows that the number of tourist parties has increased from 100 to 700, and it takes 6 police officers to accommodate those parties, whereas formerly it took only 1.

Mr. BOW. The gentleman has raised the question about tourists. May I suggest to the gentleman that there are not nearly as many people going through the White House as go through this Capitol, and we have fewer police on Capitol Hill than that which they have to police the White House.

If it is a question of policing the tourists, then certainly there ought to be something comparable to police the situation here at the Capitol. But we do not have that number of police here. We have many, many times more visitors going through and they are going through at all hours—not just a few hours—where you could bring the police in for a few hours where you have these visitors going through the White House. In other words, you could implement the present force with the police on duty. They are doing a good job down there, and I want it clearly understood that I am not criticizing them.

Mr. DOOLEY. This increase, as contemplated, is not going to be made immediately, but will be made over a period of years. There will be an increase of 43, and then there will be 37 assigned to the new buildings which are going up.

Mr. BOW. May I ask where the new building is going up?

Mr. DOOLEY. It is a new executive building. I do not know what it is planned to be used for.

Mr. BOW. Has this been authorized and appropriated for?

Mr. DOOLEY. I understand it has.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Do you suppose we ought to increase the police force here at the Capitol right now in order to take care of the new, new House Office Building which is only partially completed?

Mr. BOW. Well, I suppose we will have to do that eventually.

Mr. GROSS. Construction on the executive building which has been mentioned has not even started.

Mr. BOW. I understand that the ground has not been broken.

Mr. GROSS. If the gentleman will yield further, does the gentleman think if Congress authorizes police, an additional 80 White House Police, they could put them on the day the bill is signed if they wanted to do so?

Mr. BOW. That is right.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. EDMONDSON. The gentleman is an able and distinguished member of the Committee on Appropriations and I am certain he did not intend by his answer to the gentleman from Iowa to infer that the additional personnel could be added unless we appropriated the funds?

Mr. BOW. I think that is quite true. But I think the gentleman will agree that when the White House requests appropriations of this kind it is somewhat like when the legislative branch requests appropriations; we just have to rely upon them.

Mr. EDMONDSON. The gentleman will acknowledge that until they have submitted their justifications for specific increases to the Committee on Appropriations and secured the funds for the purpose, they could not add any positions?

Mr. BOW. They might take it out of the President's special fund, which he has for that purpose.

Mr. SMITH of California. Mr. Speaker, I yield 9 minutes to the gentleman from Iowa [Mr. Gross].

Mr. GROSS. Mr. Speaker, referring to the discussion that has just taken place—I do not think there is any question that this has been done before, and by other Presidents, this business of going into the contingency fund of the White House to pay for just such bills as this. I can recall when one President dug in for $400,000.

Mr. YOUNGER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. YOUNGER. Is it not true that just recently we added a considerable number to the Secret Service force at the White House?

Mr. GROSS. Thirty-four were added between 1961 and 1962 and they are presently before the Committee on Appropriations for an 80-man increase in the Secret Service, which would take their number to 561, if the appropriation is made.

Mr. YOUNGER. As long as we are getting an army at the White House, I wonder if it would not be wise from the standpoint of the tourists which have been mentioned, to have a mounting of the guard, as they do at Buckingham Palace; so that each day when they mount the guard, our tourists would have quite an attractive sight, as they do in London. As long as we are going to have 500 men plus 250, or around 750 men up there, why not dress them up so that they look like the guard at Buckingham Palace and do a good job of it? Let us clothe them here, these policemen, with plumes and possibly we could also have them use horses and let them do a real job at the White House.

Mr. GROSS. I think the gentleman makes a good suggestion, but if they get 250 policemen to go along with 561 in the Secret Service, I wonder if they tried to mount the guard, whether they would not be tripping over each other.

Mr. JOHANSEN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. JOHANSEN. I notice that it is proposed that some of these additional policemen are to patrol and protect the Executive Office Building currently under General Services Administration guards. Can the gentleman or anyone on the committee tell us what reduction there would be in the force of General Services Administraton guards offsetting the uniformed police who would replace them?

Mr. GROSS. I will say to the gentleman that that seems to me to be one of the questions that should have been answered in the hearings. It is indicated they want to take over some police duties in the old State, War and Navy Building next door to the White House, duties that are now performed by General Services. But, believe it or not, in this very perfunctory hearing—and there are no printed hearings—nobody asked any questions about how many people would actually be taken off the payrolls in General Services if this occurred.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. WRIGHT. In answer to the gentleman's question I have raised this point, as have other members of the committee——

Mr. GROSS. Let me interrupt there. The gentleman did not raise it in the hearings, did he?

Mr. WRIGHT. I did not think it was necessary. I already knew the answer.

Mr. GROSS. It is not to be found in the hearings for the benefit of other Members.

Mr. WRIGHT. The gentleman asked the question for information; I assume he did.

Mr. JOHANSEN. Of course he did, as the gentleman well knows.

Mr. WRIGHT. The 16 General Services Administration guards presently on duty over there would be relieved by the increased White House Police, who would assume the duties of guarding that entire building. The total pay received by those 16 guards comes to some $263,000. That would thus be reduced from the cost of the increased number of White House Police.

Mr. JOHANSEN. I wonder if the gentleman can assure us that these 16 that would be relieved of these duties would represent the total number of reduction in force of the General Services Administration guards or whether they would merely be assigned to other duties.

Mr. WRIGHT. Would the gentleman repeat the question?

Mr. GROSS. This happens to be coming out of my time. Let him answer that on his time.

I am sure the Members of the House and those particularly on this side of the aisle can remember the 1960 campaign when a candidate for President by the name of Mr. Kennedy was touring the country and talking about overstaffing in the Government and the White House. We were going to have a streamlined Government, remember? He said in New York on October 12, 1960, to the Associated Business Publications Conference in the Biltmore Hotel, "I do not believe in big government." How big can you get the White House Police force without, as I said before, having them trip over each other? Is it proposed to put 280 police in the White House, or is it proposed to send them out over the country to guard the ancestral estates? What is the deal? I find nothing in the hearings as to where it is proposed to use these additional guards except on a limited basis.

I called the police chief in my hometown of Waterloo to find out how many police we have in a city of approximately 75,000 population. We have an area there to police of 32.5 square miles. Do you know how many policemen we have out there? And we do not have any crime wave, either. The number of police in the excellent Waterloo Police Department is 93.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield for an answer to his question?

Mr. GROSS. Yes.

Mr. EDMONDSON. Personally I do not know where the gentleman gets his 280 figure, because nobody has said anything about 280 that I have heard on the floor of the House.

Mr. GROSS. All right, 250. The increase is 80 added to the 170 now authorized.

Mr. EDMONDSON. In the first place, this is an increase in the limitation. I have no information, as far as the hearings disclosed, that there is a request for that many in this next year, fourscore for the White House and the other areas that are under the responsibility of the White House Police.

Mr. GROSS. When I hark back to the campaign of 1960 and to the Kennedy promises of a streamlined, economical Government, and to how it was then charged the White House was overstaffed—remember?—when I hark back to this and then I see an 89,000 increase in the Federal payroll in the short time Mr. Kennedy has been President, and we are told in our Post Office and Civil Service Committee right now dealing with pay-increase legislation that the increase in Federal employment by the end of the next fiscal year will likely be around 150,000, I am not impressed with this chatter about economy. I am not going to vote for the passage of this bill with this 80-man increase in the White House Police force, and I do not think the gentleman would stake his reputation on the statement that, if authorized, every one of the additional 80 would not be put on the payroll.

Mr. EDMONDSON. I would stake my reputation on this, that they would not put them on the payroll until there is justification for them and until they have proved to the Appropriations Committee that there is justification for them. In support of that, we have only 162 on the payroll now under a 170 limitation. The gentleman said a minute ago that they would go ahead and put them on out of contingency funds. The fact is that they have not. The fact is that they are eight under the ceiling that they have right now. But the fact is they see a very serious need in the increasing number of foreign visitors coming into this area with the perils they present for an increase in the limitation they have.

Mr. GROSS. I decline to yield further. You have plenty of time on your side.

Do you think the visitor load is not going to increase here at the Capitol? Do you think that the number of tourists at the White House even begins to approach the number of tourists that come to the Capitol and, yet, we do not have a 250-man police force here at the Capitol to guard this Capitol Building, two Senate Office Buildings and two House Office Buildings. Now what are you talking about? I suggest you drop this subject of the increased number of tourists. What do they do with the 170 police now stationed at the White House? Are some of them used to take care of Macaroni and Spaghetti? Who provides the chambermaid service for them?

Mr. EDMONDSON. The gentleman knows that we have a 216-man force at the Capitol right now, and that is well above what they have to take care of Blair House, the Executive White House and the grounds around the White House. So they are trying to get a little closer to the police force figure that we have here at the Capitol right now.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I yield the balance of the time to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN. Mr. Speaker, I am sorry I was not here when the debate started on this rule because it seems to be rather interesting. I have been very much interested in the development of the debate on this legislation since I came into the Chamber. When this bill was before the Rules Committee, we asked a number of questions about it which I think will be of interest to the House.

If I recall correctly, in answer to certain inquiries made in the Committee on Rules, we were informed that while there was an allowable force of some 207—is that correct?—policemen for Capitol Hill that actually we have 187 members on our Capitol Hill Police force to protect and defend not only all of the Capitol itself and the House and Senate office buildings, but to police the grounds outside the Supreme Court and the Congressional Library as well. Of course, all of us want the President and his family to have every possible protection, but I might add that life is just as sweet and just as precious to those of us here on Capitol Hill as it would be if we were fortunate enough to be residents of the White House. It does seem to me that the number of police needed to give security on Capitol Hill, in comparison with the number requested in this bill for the White House, is just a little bit out of joint.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. BROWN. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. One point which I think the gentleman in all fairness would want to concede is that we do not have heads of state of allied or friendly countries, or of countries not so friendly for that matter, spending the night here at the Capitol.

Mr. BROWN. No, we do not.

Mr. EDMONDSON. And, certainly, they do have that problem at the White House.

Mr. BROWN. Mr. Speaker, I decline to yield further. I agree with the gentleman that we do not have heads of the different states of the world here at the Capitol as guests overnight, but they do spend a great deal of time in the Capitol, and usually it is a very costly time for the Congress and the American people for the minutes and hours that they do spend here.

Mr. EDMONDSON. But it is not an around-the-clock responsibility.

Mr. BROWN. Do you not think that we always protect them just as well here as anywhere else?

Another matter I want to bring up at this more or less propitious moment is on a question that came up in the Committee on Rules as to whether or not these White House policemen who are to be given greater authority than they ever had before under the provisions of this bill, will be in position to go out on Presidential or other orders from the administration and knock on the doors of newspapermen—and I am asking this because I earn the honest part of my living out of the newspaper business—in the dead of night to demand from them complete information as to what they might have heard in connection with some interview they may have had with some individual businessman or other American citizen. As I understand it, and I wish to be corrected if I am wrong, the assurance was given in the Rules Committee it was the opinion of the sponsors of this legislation the White House Police would not be given authority to do that and, that authority would not be used. Yet, I am not unmindful of the fact, upon orders of high authority, over the head of the Federal Bureau of Investigation, and without his knowledge, FBI agents were sent out over the country not long ago to knock on the doors of newspaper reporters in the dead of night and demand of them, illegally and unconstitutionally, may I say, and contrary to all the provisions we have for the freedom of the press, to demand of them information as to what they had heard in the interviews they had held with certain business leaders of this Nation.

I just hope—and I am mentioning it as a matter of record—that if this legislation is enacted it will be understood that it is not the purpose, the thought, or the intent of Congress that White House policemen may be used in the same method and way that FBI agents were not too long ago in this particular instance.

Mr. McFALL. Mr. Speaker, will the gentleman yield?

Mr. BROWN. I yield briefly to the gentleman.

Mr. McFALL. The situation described by the gentleman is certainly outside of the jurisdiction of the White House Police. He correctly states the testimony that he had heard in Rules to this effect.

Mr. BROWN. That was not a matter of record there. I would like to have it on the record here.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. DELANEY. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Speaker, I have not heard all of this debate; I was called off the floor, but I did hear part of it, and the part that I heard I wanted to make reply to very briefly.

I think there is a lot of unnecessary talk, and possibly some unjustified talk, here about the size of this police force. I do not know that it takes 250 or what number it takes, but I do know we must give ample protection to the President of the United States. I cannot determine that and I do not think anybody here on the floor can determine that. There has been nobody in this House—and I challenge them here and now—who has been more uniform, with the possible exception of the gentleman from Iowa, my good friend [Mr. GROSS], there is none who has paralleled my humble effort in trying to protect the Treasury of the United States. It does not make any difference to me. I think that relatively speaking we are talking about peanuts here. If they say they need this many policemen, bearing in mind that conditions have changed, that millions more people are coming here to Washington and to the White House than was previously the case, then I am not going to quibble about it. I would rather spend my time on some of the major items. I am not impugning any Members' motives here; I am just expressing one humble Member's opinion on the floor of this House.

What I really wanted to say, though, was this—and I hope I may have the attention of the committee chairman here in charge of this bill: I am not satisfied with the language, and I was not when the testimony was taken before the Rules Committee about placing the police force under the Treasury supervision.

Mr. Speaker, I understand that under existing law the Secret Service is under the Treasury Department and this bill so puts the police force directly under the Treasury Department.

I think the language should be amended, and I hope the gentlemen who have given more thought to this than I will bear that in mind so that it is made clear that the police force would be as presently constituted or as provided in this bill under the immediate supervision of the Secret Service.

Mr. Speaker, in conclusion let me say I feel strongly about this, because we have to protect the office of the President; and we have to protect the President and the family of the President. In my early days I thought the greatest sin that I knew of was the monarchies abroad. But after spending a little time, particularly in England, I discovered that the one thing, in my judgment, that held the British monarchy or the British Government together was the monarchy itself—the respect that the people had for their ruler.

Mr. BASS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Tennessee.

Mr. BASS of Tennessee. I think it might be well for the RECORD to show there are even more assassinations and more attempts at assassination on the President of the United States than in any other country in any like period of history in the world.

Mr. COLMER. I would not know about that, but I will accept the gentleman's statement.

Mr. DELANEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. HAYS].

Mr. HAYS. Mr. Speaker, it seems that two rather irrelevant propositions have been dragged into this thing. One was the reference to Macaroni, Caroline Kennedy's pony, and the other was the reference to Waterloo, Iowa. I do not know that any policemen are spending any time taking care of Macaroni, but that would be perhaps more profitable than trapping squirrels on the putting greens, like they did earlier.

As far as Waterloo is concerned, I will say that the 2 million tourists that go through the White House constitute more tourists than have been in Waterloo since the beginning of time.

Mr. DELANEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. WRIGHT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11261) to authorize an adequate White House Police force, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11261, with Mr. O'NEILL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. WRIGHT. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, this is really a very simple bill. It makes very few changes in existing law. It does exactly three things and only three things, and they are very simple things. The committee felt that they were needful things.

First of all, this bill increases the maximum numerical limitation provided under existing law for the White House Police force from 170 members to a figure not to exceed 250 members.

Now, why is it necessary to increase it? That is a fair question, and I think it deserves a fair answer. The answer is that six different times since 1922, due to the increased business at the White House, the Congress has found it necessary to increase the maximum numerical limitation. The last such increase was made 10 years ago, in 1952. How many visitors went through the White House in 1952? The answer is some 720,000. At the present time that number has more than doubled. Last year, 1961, saw 1,320,000 people troop through the White House, and it is anticipated that the figure this year will exceed 2 million. Thus the 1952 figure has more than doubled; almost tripled.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I would prefer to complete my initial statement first.

Mr. YOUNGER. I just have one question.

Mr. WRIGHT. If the question relates to the number I was discussing, yes, I will be glad to answer that.

Mr. YOUNGER. Have they added any additional rooms?

Mr. WRIGHT. Yes, the White House Police have additional area to patrol——

Mr. YOUNGER. Any additional space in the White House for the public to witness?

Mr. WRIGHT. It is my understanding that additional tours of the White House are being made, and the number of people allowed on each of these special tours has been increased from a previous limit of 100, which required 2 escorts, to a present limit of 700, with 5 police officers.

Mr. YOUNGER. The gentleman has not answered my question.

Mr. WRIGHT. I am not familiar with any increase in the visible interior of the White House itself. I would say, however, that the jurisdiction and the responsibility of the White House Police have been increased by the enlarging of the area used by the White House staff, and this, too, of course, is the responsibility of the White House Police. Special tours have been enlarged; their number has been increased; press conferences have been enlarged. Whereas previously 5 officers could properly police a press conference, it now requires 11 officers to do so.

Mr. Chairman, the figure of 170 may sound like a lot. We have, I think, 216 here on the Capitol force. But, when you consider the normal routine of 8-hour shifts, which is followed by most police forces, though not always by the White House force, and divide that figure by 3, you would have only 56 men at a given time available to police and protect the lives and the safety of the President and his family and to protect the security of the White House and the sensitive Executive Offices that are enclosed in the White House and in the Executive Office Building. I think that is not an unrealistic number.

Secondly, this bill unifies the authority and establishes the responsibility for the White House Police force, as recommended in the Hoover Commission report, in the Secretary of the Treasury. The Secretary of the Treasury, in communicating his views to the committee, pointed out that the draft bill also revises the language of existing law "to reflect the effect of Reorganization Plan No. 26 of 1950, which vested in the Secretary of the Treasury all of the functions previously vested in subordinate Treasury officials." Apparently only the White House Police force now finds its area of responsibility vested in a subordinate Treasury official.

Its duties, you see, are clearly distinguishable from the duties of the Secret Service.

Mr. Speaker, the point was raised a moment ago about the number of people employed by the Secret Service. The impression may have been left that all of those people were at the White House.

That is not true at all. Of course, the Secret Service has nationwide and even international duties to perform such as checking on counterfeiters, and investigating many other matters. Their duties are clearly distinguishable from the duties of the White House Police.

Then, finally, Mr. Speaker, the bill contains a provision to clarify the area of jurisdiction of the White House Police force. Previously, under existing law, the only legal authorization that has existed for the White House Police force has been language which I identify in the existing law for the purpose of maintaining surveillance of the Executive Mansion and Grounds in the District of Columbia. That is all.

Now, recent Presidents, as all of us know, have maintained separate residences in addition to their residence at the White House, and it has become necessary to expand the functions of the White House Police force. Therefore, in this bill we propose to add these two additional functions which would fall under the jurisdiction of the White House Police force:

> Any building in which White House offices are located.

And—

> The President and the members of his immediate family.

Wherever they are.

Mr. Speaker, something was said about the pony, Macaroni, and a pseudonym was given to his companion, whose real name, sir, is Tex. The other pony's name is really Tex. There are two ponies. But I suppose I must make clear that the White House Police do not protect or defend the ponies. They do not feed, they do not water the ponies, nor do they perform any of the other chores often associated with ponies. These functions are performed by the gardener. Someone mentioned the fact that a picture was seen of a White House policeman strolling alongside as Caroline, the daughter of our President, was riding one of those ponies. He was not protecting the pony. He was protecting Caroline. That is the point—that we must extend the authority under the law of the White House Police force to give protection to the members of the President's family. That is what the bill undertakes to do.

Mr. Speaker, the bill has been approved by all of the interested executive agencies, as well as the Bureau of the Budget. It was reported and recommended unanimously by the subcommittee and by the full committee. We urge its adoption.

Mr. DOOLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very much in agreement with the remarks of the previous speaker, the distinguished gentleman from Texas [Mr. WRIGHT].

In order to clarify the situation a little further, and since so much has been said already about it, I might quote from the letter of the Secretary of the Treasury, Mr. Dillon, addressed to the Speaker of the House relative to the bill.

The letter states as follows:

> The purpose of the proposed legislation is to: (1) Remove the existing numerical limit on the strength of the White House Police force; (2) include in permanent law, with modifications, language that has appeared in acts making annual appropriations for the force; and (3) clarify certain language pertaining to the duties of the force.
>
> With respect to the first purpose of the bill, the numerical limit on the White House Police force is 170 members. This limit has now been reached and an increase in the force is necessary to assure the effective performance of its responsibilities.
>
> The limit on the strength of the White House Police force currently in effect was set at 170 members in 1952 (act of June 28, 1952; 66 Stat. 283). During the 10-year period since that time, there has been a general increase in all phases of White House activity causing increased demands on the force. The number of individuals visiting the White House on public tours rose to an alltime high of 1,320,000 persons during 1961, necessitating additional personnel to handle the large crowds. Special tours which were previously conducted by only one or two

men now require the services of as many as five or six men. Press conferences which required 5 officers in the Executive Office Building now require a minimum of 11 in the new State Department Building. The increase in the number of visitors having official business with the White House staff has imposed added screening functions, and workmen performing repairs have required extra man-hours for escort duties. Recent Presidents have maintained other residences in addition to the Executive Mansion, making it necessary during their sojourn at these abodes to utilize White House Police as an outside perimeter of defense.

When President Eisenhower was in the hospital, the White House Police were there.

In addition, a total of 20 policemen have been assigned since 1959 to protective duties in the White House areas of the Executive Office Building pursuant to authority contained in annual appropriation acts. Thus, the increased workload of the White House Police force has made the existing ceiling on its total authorized strength inadequate.

Mr. Chairman, I might point out that the committee unanimously approved this proposed legislation—both the subcommittee and the full committee.

The Department believes that it would be preferable to control the size of the White House Police force through the annual budget process rather than by the inclusion of a ceiling as a part of permanent law. Budget requests for the White House Police force are initially carefully evaluated in the Department. Thereafter, they are thoroughly reviewed by the Bureau of the Budget. After submission to the Congress, the requests must be adequately justified before the Appropriations Committees of both Houses.

Now, in regard to the second purpose of the bill:

In regard to the second purpose of the bill, the White House Police force has, as previously stated, performed protective duties in the White House areas of the Executive Office Building since 1959 under the authority of language appearing in annual appropriation acts. The draft bill would incorporate this appropriation language as a part of permanent law with modifications considered desirable because of the following circumstances.

Under the appropriation language in question, the protective functions of the White House Police force in the Executive Office Building are limited to the White House areas of the building. Thus, only certain areas of the Executive Office Building are protected by the White House Police force with the remainder being afforded protection by guards of the General Services Administration.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. DOOLEY. I yield to the gentleman from California.

Mr. YOUNGER. I have two questions. Is the gentleman sure that the people who were with President Eisenhower at the hospital in Denver were policemen or Secret Service men?

Mr. DOOLEY. I checked that today. They were White House policemen. There were Secret Service men, also, of course.

Mr. YOUNGER. In this bill they are attaching the White House Policemen to the Metropolitan Police force. Is the gentleman sure that a Metropolitan policeman has any legal functions outside the Capital?

Mr. DOOLEY. Under comity of the States the Metropolitan Police acting in another area have the same power as a policeman of that area. They may make arrests.

Mr. YOUNGER. That is the legal status, is it?

Mr. DOOLEY. That is Mr. Rowley's interpretation of the status.

Mr. YOUNGER. Does the gentleman think this addition has anything to do with trying to reduce unemployment?

Mr. DOOLEY. Possibly, but may I tell the distinguished gentleman from California that under the present ceiling of 170 there are only 162 members of the White House force in action, so that they could increase that force by 8, if they wanted to. That leads me to believe that they are not trying just to pad the payroll but rather to provide protection to the President, which he requires and deserves, regardless of his political affiliation.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield to me for a question?

Mr. DOOLEY. I yield to the distinguished gentleman from Texas.

Mr. WRIGHT. Simply for the sake of clarification only, there seems to have been some misunderstanding with respect to the Metropolitan Police force of Washington, D.C. This bill does not in any way attach the White House Police force to the Metropolitan Police force, nor does it make any other change with respect to the relationship between the two under present law.

Mr. DOOLEY. They have the same powers, though?

Mr. WRIGHT. It is simply a repetition of the language in the present law.

Mr. DOOLEY. I thank the gentleman.

Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. JOHANSEN].

Mr. JOHANSEN. Mr. Chairman, may I say at the outset I have no intention of equating any disagreements, and they are considerable, on matters of public policy that I have with the President of the United States with this question. The matter of the security of the President and his family I am sure is not an issue in this debate. I might say further I do not profess to be competent to judge as to the number in this detail required to carry out that function.

A couple of weeks ago some Members of this House, and I see one of the members of the subcommittee here, the gentleman from California [Mr. DOYLE] were in Los Angeles for a hearing of the Un-American Activities Committee. I see another colleague on that committee, the gentleman from Ohio [Mr. SCHERER] here. At that time we were afforded the protection of U.S. Deputy Marshals as well as the equally able protection of the Los Angeles City Police. Whether they used too many men or not enough I am not at all competent to judge. All I know is they did an excellent job, and I know I speak for my colleagues when I express appreciation for it.

There is one aspect of this matter to which I do address myself as a member of the House Subcommittee on Manpower Utilization. I raised the question earlier with the gentleman from Texas [Mr. WRIGHT] as to the number of General Services Administration guards that would be replaced if the intention stated by the Secretary of the Treasury to place the Executive Office Building completely under the protection of the White House Police is carried out. I was told that the number was 16. The House was told and the committee was told that the total savings would be some $263,000. That works out to a very high average, but somebody explained that that represents administrative costs as well.

The point to which I address myself, and I would like to address the question to the gentleman from Texas, is, Is there any assurance of a net reduction in the matter of personnel under the budget of the General Services Administration by virtue of this replacement?

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. JOHANSEN. I yield to the gentleman from California.

Mr. McFALL. We have no information in committee concerning the general overall operations of the General Services Administration. We did clarify the fact that by replacing these guards in the Executive Office Building with White House Police the staff of the General Services Administration with reference to this activity would be reduced by some 16 men.

Mr. JOHANSEN. I thank the gentleman. I note the very careful way in which he phrased his answer. I do not criticize his answer, but I suggest that that intimates that there will not be a net reduction in the number of personnel, as is usually the case when there is some kind of a saving going to be realized but such saving never shows up in the final arithmetic.

This is a case study in the birth control of personnel. I happen, along with the gentleman from Iowa [Mr. GROSS] to be sitting in on hearings at this moment with respect to pay increases for Federal employees. We are offered a proposal on the one hand that would increase the payroll cost a billion dollars a year after 3 years. We have another proposal that would increase the cost at least 1 billion, 850 million dollars retroactive to January 1. I would say that our problems, which are not inconsiderable, problems that are very grave in this respect, are not relieved in the least degree when a member of the other body in a public address to a pay rally suggests that Federal employee pay should not merely match that of private industry but should exceed that of private industry and set the pattern. There are 16 employees involved here, but here is a case study in how this awful bureaucracy grows, how this aggregate payroll grows, and how this problem of a reasonable increase in the payroll becomes astronomical every time we have to face it.

Mr. DOOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. SCHERER].

Mr. SCHERER. Mr. Chairman, I think it will be generally recognized that it would take a great deal of cogent evidence to get this ultraconservative to support any kind of program that would require the additional expenditure of funds. But, I have listened in committee to the evidence presented by the people from the White House, and I have come to the conclusion that the evidence warrants my support of this legislation.

There is one phase of the problem that has not been discussed although it has been lightly touched upon by my colleague, the gentleman from Michigan [Mr. JOHANSEN]. We must remember that there are 162 men on duty on the White House Police staff. But, they are not on duty all at once.

They are divided into three shifts. So you have approximately 54 men on duty at any one time. Now these are troublesome times. The gentleman from Michigan [Mr. JOHANSEN] referred to the picketing of our House Committee on Un-American Activities. We know that almost weekly there is some group picketing the White House. Those demonstrations have been peaceful and let us hope they continue to be peaceful. The pickets have not amounted to too many in numerical strength. But I call your attention to the fact, and I refer to it particularly since Mr. JOHANSEN did, to the riots against a Government agency that took place in San Francisco just 2 years ago this very week. It was the first time I had the experience of looking into the faces of a mob of 2,000, out of control. If there had been sufficient police in San Francisco, it is my opinion that those riots would have never taken place. Two weeks ago we were in Los Angeles. There were 900 pickets and we did have sufficient police protection and there was no demonstration that got out of hand. So I am thinking in these troublesome times, it is possible that we might have a similar demonstration at the White House and I believe that 54 policeman on duty at the time might not be able to cope with the problem until the metropolitan police arrive. This is just one of the reasons I support this measure. Other reasons have been discussed fully here on the floor.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. SCHERER. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The gentleman made a very fine point. I happened to be downtown several months ago when a student group was picketing in front of the White House and the Rockwell American Nazi Party group started picketing simultaneously. In the space of about 10 or 15 minutes, there were, I would say, in the neighborhood of 1,500 people converging in that area from all directions, and there was very serious danger of a riot right in front of the White House of the United States. That was a situation in which the Metropolitan Police were brought in as rapidly as they could be brought in to handle that group to prevent violence on the front walk in front of our White House.

But, this is an example of the kind of situation that could explode into the use of weapons and the use of violence which could present a very real danger to the President and the President's family and to persons who might be visiting at the White House. It highlights the need for this bill we are considering today.

Mr. SCHERER. I agree with the gentleman. I do not want my support of this legislation to indicate in any way that I approve of the inviting of Linus Pauling, one of the pickets, and Dr. Robert Oppenheimer to the White House. I assure you I did not approve of that. This was a tragic mistake.

Mr. GROSS. Mr. Chairman, if the gentleman will yield, I am glad that the gentleman recognizes such a thing as the Metropolitan Police force that operates outside the fence around the White House. I am glad that some concession is made in recognition of other law-enforcement agencies.

Mr. SCHERER. I made that concession. We had the whole San Francisco Police Department on duty at the time of the riots there, but they were scattered throughout San Francisco. We did not just have enough policemen on duty at the time at the scene of the demonstrations. That is the reason I said I do not think the demonstration would have gotten out of hand if we had had sufficient police in the immediate area.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOOLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. KYL].

Mr. KYL. Mr. Chairman, our esteemed colleague from the South has told us that we are probably spending considerable time talking about peanuts this afternoon. I do not, however, believe we are crowding anything else off the schedule today, and for that reason I would like to address myself to a general problem which is akin to the immediate subject and discussion.

May the record show, Mr. Chairman, that I like horses and dogs, and children, and the White House, and I am not really angry with anybody. Unquestionably, Mr. Chairman, some of the wrath that has been vented against this proposition today has been caused by other matters. For instance, in February, the Secretary of Agriculture told the Appropriations Committee, I believe on February 7th, that they had effected a decrease in manpower in the Department through the application of MOD of some 300 people. Then in the report on nonessential expenditures I note that the Agriculture employment between February and March will decrease not by 300 people, but will increase by over a thousand individuals.

The general problem of which I speak is this, Mr. Chairman, in Washington and its environs we have these different separate police forces: We have the Armed Forces Police, which is a very fine example of coordination of the various branches of the Armed Services operating together, and the chief is selected by a logical arrangement for a period of 2 years' duty. We have the White House Police force, which is under discussion. We have the Capitol Police; we have the National Park Police, which cannot be said to operate solely in Washington because they patrol from Mount Vernon at one end clear to Beltsville on the other. Then we have the Metropolitan Police force of perhaps 3,000 men and women, and we have various groups such as the GSA group which has been mentioned. We also have some Supreme Court guards.

There is unquestionably a lot of duplication. Then there is also a pretty considerable political police force which would be most ineffective in trying to handle excited crowds of people.

I think it should be said that the Metropolitan Police force would defend the White House. These people are on duty even in the kitchens of the hotels when high officials meet in the downtown hotels.

Deputy Chief George Wolrath handles one of the finest antiriot squads we have anywhere in the country. We could not, of course, keep a large enough staff to handle riots at the White House. This is done through the installation of a hot line from the White House and other areas to the Metropolitan Police. It would be impossible to call the homes of all the different White House policemen to come stop a riot, but through the Metropolitan Police force, Mr. Wolrath's complement, and other groups you could get a thousand of them on the scene in a very short time.

Because there is some duplication and because they do have the situation in which there is actually some confusion, I would like to ask the chairman or some member of the committee to tell me first the method of selection of the people for the White House Police force. Is it done in accordance with the merit system such as we have in the Metropolitan Police force, or is this a patronage proposition?

Mr. WRIGHT. The law states as follows:

> Members of the White House Police force shall be appointed from members of the Metropolitan Police force and the U.S. Park Police Force from lists furnished by the officers in charge of such forces. Vacancies shall be filled in the same manner.

Mr. KYL. They would then be transferred from the Park Police or the Metropolitan Police to this staff, is that correct?

Mr. WRIGHT. That is correct.

Mr. KYL. The legislative branch of our Government pays to the Metropolitan Police Department each year a sum, I believe, of $116,000, to pay Metropolitan Police for helping police our area. Is there any settlement at this time made to the Metropolitan Police Department for services at the White House?

Mr. WRIGHT. I am not familiar with any such arrangement. I know of no such arrangement, and to my knowledge there is none.

Mr. KYL. We have one police force here and we pay $116,000 annually, I believe it is, to bring people from downtown up here to do police work. What kind of arrangement is there with the White House?

Mr. WRIGHT. It is possible that some such arrangement may exist, but I am not aware of it.

Mr. KYL. One further question. What actual authority do these White House Police have? Are they classified as Federal officers with duties similar to those of the Civil Service or of the U.S. Marshals, or are they classified as Metropolitan Police? What actually is their authority and how much authority do they have?

Mr. WRIGHT. The authority they would possess under the proposed bill would be identical with that which they have in existing law. Existing law states that the members of such force shall possess privileges and perform duties similar to those of the members of the Metropolitan Police of the District of Columbia.

Mr. KYL. Now, if they go to Maryland or Virginia or Massachusetts or some other place on duty, then are they deputized or do they still have the same civil authority as Metropolitan officers of the District of Columbia?

Mr. WRIGHT. Special comity arrangements might have to be made under some circumstances about deputizing. I know, of course, that there are certain agreements which exist between subdivisions of the Government.

Mr. KYL. A comity arrangement might be easier to obtain in Massachusetts than it would be in some States which are conscious of States' rights.

Mr. WRIGHT. That is possible. And in those situations where sovereign States do not grant such comity the members of the Metropolitan Police Department of Washington and similarly to the members of the White House Police force, then they would not be empowered to do those things that the members of the local force would be empowered to do.

Mr. KYL. Getting back to the question which was asked during debate on the rule by the gentleman from California, who is knowledgeable in such things, does the gentleman think this bill actually gives these people the kind of authority they need to operate outside this general area?

Mr. WRIGHT. It gives them the authority that the Chief of the Secret Service requested to be given. It gives them the authority that the Secretary of the Treasury feels is necessary for them. It gives them the authority that apparently the head of the White House Police force seems to think is appropriate. It does not give them any additional authority actually beyond the fact that it increases and broadens the scope of their jurisdictional area of authority so as to make their existing authority apply not only in the immediate area of the White House itself, but in any building where White House offices are located, and elsewhere with respect to protection of the life and safety of the President and the members of his immediate family.

Mr. KYL. Without belaboring the question, suppose the President and members of his family are in Massachusetts, are these officers about which we speak in this bill empowered, and is the designation of the law sufficient to empower these people who are normally of the same stature as Metropolitan Police to carry out in a sovereign State the duty which is imposed upon them?

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman.

Mr. EDMONDSON. I do not think that the gentleman is seeing the functions that these police are designed to meet.

Mr. KYL. No; I am sure I do not.

Mr. EDMONDSON. They are not set up to investigate violations of law and to arrest and to appear in court against offenders. Their purpose is to provide protection. It is to deny access to the President by people who would wish to do him violence or to attack him; to prevent someone who is unauthorized from interfering with him in the performance of his duty as principal executive officer of the country.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DOOLEY. Mr. Chairman, I have no further requests for time.

Mr. WRIGHT. We have no further requests for time, Mr. Chairman.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

§ 202. White House Police; establishment, control, and supervision; privileges, powers, and duties.

There is hereby created and established a permanent police force, to be known as the "White House Police". Such force shall be under the control and supervision of the Secretary of the Treasury and shall perform such duties as the Secretary may prescribe in connection with the protection of the following: (1) the Executive Mansion and grounds in the District of Columbia; (2) any building in which White House offices are located; and (3) the President and members of his immediate family. The members of such force shall possess privileges and powers similar to those of the members of the Metropolitan Police of the District of Columbia.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have listened carefully to the proponents of this bill, and the argument seems to be that all of the safety of the President and his family, or practically all of it, reposes in the White House Police force.

The traffic in foreign visitors has been stated as one of the reasons why you want to add 80 police to a total of 250. Now, am I correct or am I wrong in my understanding that the State Department furnishes security police to travel with foreign dignitaries or foreign visitors of whatever stature you want to apply to them? Is there not such a thing as security police in the State Department who give some protection to foreign visitors?

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman.

Mr. EDMONDSON. The point which we were making—in connection with the mention of the visits of heads of state and the fact that they spend considerable time at the White House and the Executive Offices when they are here—is that their presence may actually contribute materially to the danger to the President and to his family when they are there.

Mr. GROSS. All right. Now, is it not a fact that the State Department also provides protection?

Mr. EDMONDSON. The State Department does not take over responsibility for the White House or for the executive buildings when these foreign visitors are there. The responsibility remains in the Secret Service, and the White House Police have that security problem in that area.

Mr. GROSS. But they do furnish police protection, do they not?

Mr. EDMONDSON. I think to the person, the head of state visiting here, when he is not in the area of police responsibility, yes, they would supply protection.

Mr. GROSS. Furthermore, you would think from the arguments that have been made that the only protective force in the White House now is the White House Police force. Now, can the gentleman give me any estimate of the number of Secret Service men who are almost constantly on duty in the White House? I am not a frequent visitor to the White House—but I have never been there that I have not seen Secret Service men all over the place, and these are in addition to the uniformed police with which this bill deals.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield.

Mr. WRIGHT. The members of the committee sought that information, but we were told that that is a classified figure, and we were not given the number.

I would say that the number of Secret Service personnel at the White House is a relatively small number. Certainly, it does not compare numerically with the number of White House Police.

Mr. GROSS. I would expect it would not be anything approaching the number of White House Police. But I do not think anyone should run away with the idea that the White House Police are the only protective force at the White House. Secret Service men are there constantly. If the gentleman is thinking in terms of the need for an additional 80 members on the White House Police force, and I cannot understand how the gentleman can in all conscience possibly advocate raising the total to 250—if the gentleman is thinking in terms of the necessity of protection of the White House as a site for all-night twisting parties, and that sort of thing, I suppose some additional are needed. I do not know whether that is the reason why the gentleman is in here asking for this bill. But I, for one, cannot go back to the taxpayers of my district who help pay these bills, and explain this tremendous increase. This is going to amount to far more than peanuts, and this is not a quibbling proposition for those who pay the bills. I reiterate that I cannot understand how in all consciousness the taxpayers can be asked to pay for an increase of 80 members in the White House Police force, in addition to the 170 already authorized and with 162 of them on the payrolls.

Mrs. CHURCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to this debate. I am going very shortly up to the committee room of the Committee on Foreign Affairs of the House of Representatives to listen to a discussion of the situation in the Far East, and particularly of the fragile situation in Laos. Perhaps, Mr. Chairman, that is the reason it does not seem to me to be as tremendous a matter—this legislation under discussion—as it has to some of my colleagues. I would ask the chairman of the subcommittee, however, this question: The bill is proposing authorization for and not appropriation for an addition of 80 members to the White House Police force; is that correct?

Mr. WRIGHT. That is correct. The addition of not more than 80.

Mrs. CHURCH. And the White House Police serve in three contingents each day? So, dividing the number 3 into 80, this represents a request for approximately 26 additional people to serve at any one time?

Mr. WRIGHT. The gentlewoman is correct.

Mrs. CHURCH. Mr. Chairman, I would like the record to show that on my side of the aisle there is great respect for the Office of the Presidency of the United States. I, for one, will gladly face my taxpayers and explain why I think it necessary to give the present occupant to that office and his family, the additional protection for which they ask.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. The first sentence of subsection (a) of section 203 of title 3 of the United States Code is amended by striking out "one hundred and seventy" and inserting in lieu thereof "two hundred and fifty".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. O'NEILL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11261) to authorize an adequate White House Police force, and for other purposes, pursuant to House Resolution 634, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

CALL OF THE HOUSE

Mr. YOUNGER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 87]

Addonizio
Alger
Andersen, Minn.
Andrews
Anfuso
Ashmore
Bonner
Boykin
Brewster
Buckley
Cederberg
Celler
Cramer
Cunningham
Curtis, Mass.
Curtis, Mo.
Dawson
Dent
Denton
Diggs
Durno
Elliott
Fallon
Fascell
Flood
Fogarty
Ford
Frazier
Gavin
Goodell
Granahan
Grant
Green, Oreg.
Green, Pa.
Halpern
Hansen
Harrison, Va.
Harrison, Wyo.
Harvey, Mich.
Hébert
Henderson
Herlong
Hoffman, Mich.
Holland
Huddleston
Joelson
Jones, Ala.
Kearns
Kee
Keith
Kelly
Kirwan
Kitchin
Kluczynski
Kornegay
Kowalski
Michel
Milliken
Montoya
Mosher
Murray
Nix
Norrell
O'Brien, N.Y.
Powell
Rains
Rhodes, Ariz.
Riehlman
Riley
Roberts, Ala.
Rogers, Tex.
Saund
Scott
Selden
Shelley
Siler
Smith, Miss.
Spence
Springer
Stubblefield
Thompson, La.
Van Pelt
Weaver
Whitten
Wickersham
Wilson, Calif.
Winstead
Yates
Zelenko

The SPEAKER. On this rollcall 348 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

WHITE HOUSE POLICE FORCE

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The bill was passed, and a motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM FOR BALANCE OF THE WEEK AND NEXT WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, may I inquire of the majority leader if he can tell us as to the program for the balance of the week and the program for next week.

Mr. ALBERT. Mr. Speaker, this finishes the legislative business for the present week. After announcing the program, it will be my purpose to ask unanimous consent to go over until Monday.

Monday is District Day. There is one bill to be considered, S. 1745, transportation of schoolchildren.

Mr. Speaker, I ask unanimous consent, in view of the fact that there are primaries in Maryland, Nebraska, and Pennsylvania on Tuesday next, that any rollcall votes, except on rules, on Monday or Tuesday, may go over until Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, on Tuesday the Private Calendar will be called, after which we will take up H.R. 11257, Armed Forces, nonjudicial punishment, and H.R. 10195, Public Health Service allowances.

Further, for Tuesday and the balance of the week, NASA authorization bill for fiscal 1963, if a rule is reported, and also if rules are reported, H.R. 10594, agriculture, marketing experiment station crops, and H.R. 10708, definition, rural telephone services.

Mr. Speaker, I want to advise, too, that on Wednesday next Reorganization Plan No. 2 will be considered.

Mr. HALLECK. Mr. Speaker, in connection with Reorganization Plan No. 2, the Speaker discussed the matter of scheduling that plan for consideration, and it was suggested that it be brought up on Wednesday next, as the majority leader has said.

Now, I have discussed the matter with the gentleman from Illinois [Mr. ANDERSON] and there was some suggestion that we might reach some agreement for, say, a half hour of debate on each side on the plan and then dispose of it. I ask the gentleman from Illinois if that is satisfactory with him.

Mr. ANDERSON of Illinois. Mr. Speaker, if the gentleman will yield, I discussed that matter with the ranking minority member of the committee, the gentleman from Ohio [Mr. BROWN], and that arrangement is agreeable to him and likewise to me.

Mr. ALBERT. Mr. Speaker, in view of the understanding, I ask unanimous consent that debate on Reorganization Plan No. 2 be limited to 1 hour, 30 minutes on each side.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, now, what is Reorganization Plan No. 2?

Mr. ALBERT. It is a scientific reorganization, establishing the Office of Science and Technology as a new unit within the Executive Office of the President.

Mr. GROSS. Is there any controversy over this bill that the gentleman from Oklahoma knows of?

Mr. ALBERT. Not that I know of, I will advise the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. There will be no record votes on Friday because of the Oregon primaries. I will make a request for that at a later time. Then, of course, there is the usual reservation that conference reports may be brought up at any time and any further program may be announced later.

ADJOURNMENT OVER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE ON AGRICULTURE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent, on behalf of the gentleman from North Carolina [Mr. Cooley] that the Committee on Agriculture may have until midnight tomorrow night to file a report on House Joint Resolution 710.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HALLECK. Mr. Speaker, I would like to ask that the majority leader repeat his statement with reference to agricultural legislation.

Mr. ALBERT. Mr. Speaker, I discussed this matter with the gentleman from Iowa, and it was my understanding that there was no controversy. It has to do merely with setting the date for the announcement of the proclamation dealing with referendums, as I understand it, under some of the marketing quota laws.

Mr. HALLECK. I thank the gentleman.

I have no objection to the request.

The SPEAKER. The Chair might state that the request of the gentleman from Oklahoma has heretofore been granted.

REPRESENTATIVE JOHN E. FOGARTY HONORED

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, I take this time to inform the House of the presentation of another honor to our beloved and distinguished colleague from Rhode Island, John E. Fogarty.

This honor, Mr. Speaker, is the latest in a long list of awards and citations by which Congressman Fogarty's outstanding service in behalf of his district, his State, and his country has been acknowledged time and time again. I am informed that the gentleman from Rhode Island has received more symbols of recognition for his meritorious accomplishments than any other Member of Congress. As an associate of Congressman Fogarty on the great Appropriations Committee of this House, and hence in a position to closely observe his unusual talents and forceful capabilities, I can assure you that every one of these tributes is more than deserved.

The vast majority of his honors have come in the field which he knows and loves so well—public health. His great service in this area is universally recognized. His devoted attendance to the physical problems that afflict mankind has resulted in gigantic strides by the Federal Government in discovering and treating the various diseases that plague, cripple, and destroy the human family.

I know that one of his greatest personal satisfactions comes from the effort that the Federal Government is now making in the field of mental retardation which has triggered similar action by private organizations in that area. It was not, however, until Congressman Fogarty personally took up the challenge that real progress began to develop. As recently as 6 years ago this great Federal Government of ours was spending not one cent on research in the mental retardation problem. And then John Fogarty took up the cudgel. From meager beginnings he has brought the budget figure on this one item alone to $25 million for fiscal year 1963, giving the Public Health Service real ammunition with which to combat this scourge and to effectively promote the well-being of our retarded children.

Again, in the same health area, John Fogarty is the sponsor of varied pieces of legislation to improve the lot of what he calls God's most innocent creatures. His bill, providing for the expansion of teaching and research of mentally retarded children was enacted into law and now permits even greater advances in the continuing attempt to help these children. Indicative of the selfless approach which John Fogarty has taken to this problem as he has to his efforts in all the areas of health needs of our country, I mention the following. In 1959 he was chosen as the recipient of one of the highest individual honors given to an American citizen. This was the Lasker Award and it was given to him for his work in championing the advancement of medical research and health. A part of this award was an honorarium of $5,000. In typical Fogarty fashion, and in a manner which those of us who knew John Fogarty expected, he immediately turned this honorarium over to the Rhode Island Council for Mentally Retarded Children to be used as the start of a fund for the establishment of a training center for these exceptional children.

Mr. Speaker, I am delighted to announce that the most recent award to Congressman Fogarty came last evening, May 9, 1962, when the Rhode Island Medical Society on the occasion of its sesquicentennial elected him an honorary member of the society for his outstanding service to the medical profession.

Mr. Speaker, the certificate reads as follows:

RHODE ISLAND MEDICAL SOCIETY

This is to certify that on the occasion of the sesquicentennial of the Rhode Island Medical Society, the Honorable John E. Fogarty was elected an honorary member for outstanding service to the medical profession and is entitled to all the rights and privileges thereby conferred.

Samuel Adelson,
President.
Michael DiMaio,
Secretary.

Mr. Speaker, following is a partial list of the more than 100 major awards presented to Congressman Fogarty. I am sure that no man in Congress has received more honors and citations than Congressman Fogarty for his excellent leadership and his diligent efforts in promoting better public health. And I know of no man who more truly deserves them.

LIST OF AWARDS TO CONGRESSMAN JOHN E. FOGARTY

Providence College: honorary degree of doctor of political science; June 10, 1946.

American Cancer Society: Distinguished Service Award for leadership in Congress in the enactment of cancer control legislation; 1952.

National Association of Retired Civil Employees: citation for support given to legislation of benefit to retired Government employees; September 30, 1954.

Welfare League for Retarded Children: national award citation and bronze plaque for distinguished service in the field of mental retardation; November 19, 1955.

United Cerebral Palsy Association; National Distinguished Service Award for outstanding support of the cause of America's cerebral palsied; January 14, 1956.

American Vocational Association; national award for great interest and efforts in the field of vocational education; January 28, 1956.

National Association for Retarded Children, Inc.: national award for merit for work with retarded children; April 22, 1956.

American Association of School Superintendents: national award for efforts as recognized leader in the Congress on legislation of benefit to federally impacted school districts; September, 1956.

Parents magazine: Distinguished Service Medal for work on behalf of children. October 8, 1956. Award given one person in entire country each year.

Redbook magazine: selected as one of the 10 outstanding Members of Congress who have done most for youth of the country; October, 1956.

Disabled American Veterans: awarded the Bousquet Trophy for outstanding service to disabled American veterans; December 7, 1956.

Rhode Island College of Pharmacy: awarded honorary degree of doctor of science; June, 1956.

American Hospital Association awarded honorary membership in recognition of outstanding efforts toward the improvement of the Nation's health; Atlantic City, October 2, 1957.

American Dental Association: awarded honorary membership in recognition of support of research and health measures; Miami Beach, Fla.; November 4, 1957.

American Public Health Association: Presidential Citation 1957 award for exceptional services to public health. This is the first citation ever given and it is intended that it will be awarded each year to the outstanding man of the country; November 11, 1957.

National Conference on Social Welfare: National Conference on Social Welfare award for 1958 in recognition of outstanding efforts; Chicago, Ill.; May 14, 1958.

National Tuberculosis Association: national commendation in recognition of championship of the cause of improved health for this Nation; Philadelphia, Pa; May 19, 1958.

National Rehabilitation Association: President's award for outstanding achievement in advancing the rehabilitation of the handicapped; Providence, R.I., September 24, 1958.

World Health Organization: appointed by the President as congressional adviser to the U.S. delegation to the World Health Assembly held in Geneva, Switzerland; May 1957 and 1959 and New Delhi, India, February 1961.

American Gastroenterological Association and World Organization of Gastroenterology: First Citation Award in appreciation for the tremendous support not only to gastroenterology but complete dedication and expenditure of effort in a truly nonpartisan sense for medical research and health for peace efforts throughout the world; Atlantic City, N.J., June 6, 1959.

University of Rhode Island: award honorary degree of doctor of laws; commencement exercises, June 8, 1959.

Bryant College: award degree doctor of humane letters; commencement exercises, July 31, 1959.

American Public Health Association, Inc.: Presentation of special Lasker Award for extraordinary public service in championing the advancement of medical research and public health as a Member of the U.S. House of Representatives at a special session of the 87th annual meeting in Atlantic City, N.J., October 22, 1959.

Council of Chief State School Officers: presentation of distinguished service citation in recognition of service to the children and schools of America as a leader in the Congress of the United States; Boston, November 12, 1959.

American Association of Retired Persons: citation for service in grateful appreciation for significant and valued contributions to the enrichments of retired living; St. Petersburg, Fla., January 18, 1960.

U.S. Department of Labor: award of merit. Official commendation and praise in recognition of significant and outstanding contribution toward furthering the work of the Department of Labor "to foster, promote, and develop the welfare of the wage earners of the United States," Washington, D.C., May 10, 1960.

Allied Masonry Council: presentation of award for devotion to the education of the youth of America and sound apprentice training to Hon. JOHN E. FOGARTY, bricklayer-Congressman-statesman, Washington, D.C., May 10, 1960.

Grauate School of Library Science of Drexel Institute of Technology: presentation of Graduate Schools Distinguished Achievement Award for "humanitarian work on behalf of American health, education, and welfare during 20 years of public service as a Member of Congress and for his interpretation to the public, Congress and public agencies of the vital role of libraries in the preservation and dissemination of America's cultural heritage and in the advancement of learning", Philadelphia, Pa., May 17, 1960.

Parents Council for Retarded Children: dedication of headquarters building, to be known as the John E. Fogarty Center, in Providence, R.I., September 20, 1960.

American Podiatry Association: award of Man of the Year, in recognition of outstanding service in interesting the Congress in the necessity for the expansion of the Government's participation in the field of scientific and medical research and championed the effort of the profession of podiatry; Hartford, Conn., October 22, 1960.

Rhode Island Library Association: citation for championing the role of the library in the American way of life; Providence, R.I., November 2, 1960.

American Association of Dental Schools: honorable membership in recognition of outstanding contributions to dental education and research; Boston, Mass., March 27, 1961.

Brown University: honorary degree, doctor of laws; June 5, 1961.

Salve Regina College: honorary degree, doctor of laws; June 5, 1961.

Brandeis University: honorary degree, doctor of laws; June 11, 1961.

National Cystic Fibrosis Research Foundation: national citation for distinguished service; Washington, D.C., June 15, 1961.

U.S. Department of Labor: appointed as representative to U.S. Labor Attaché Conference; Rome, Italy, July 2, 1961.

American Cancer Society: award for distinguished service; Providence, R.I., October 4, 1961.

American College of Dentists: honorary fellowship; Philadelphia, Pa., October 15, 1961.

National Association for Mental Health, Inc.: award; Miami Beach, Fla., November 16, 1961.

Butler Mental Health Center: Arthur Hiler Ruggles Award; March 5, 1962.

Dr. Joseph H. Ladd School: dedication of the John E. Fogarty Medical and Rehabilitation Unit; April 29, 1962.

Rhode Island Medical Society: honorary membership; May 9, 1962.

JUVENILE GOODNESS

Mr. RODINO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RODINO. Mr. Speaker, I wish to make a few remarks on one of the most neglected subjects of the times—the good, the healthy, the dutiful, and the intelligent young people of this Nation.

Hardly a day goes by that we are not apprised—by newspaper, radio, television, magazine—of some new act of teenage delinquency. Hundreds of books have been written on the subject over the past 20 years. Representatives and Senators take the floor with increasing frequency to lament, warn, and scold. The theater and movie houses abound with startling dramatic interpretations of the darker aspects of the lives of our children.

The recurrent themes are violence, confusion, and absolute lack of respect for person, thing, or idea.

No one can deny that these things exist. There is no questioning the fact that we have a serious juvenile delinquency problem in this country today. But serious problems have a way of getting themselves overstated. There are times when this overstatement can intensify the problem itself. People often have a way of accepting society's estimate of them and living up to it.

How bad is the problem? A little over 2 years ago, Arthur Fleming, then Secretary of Health, Education, and Welfare, made this statement:

> We do the younger generation a great disservice when we automatically equate the word "teenager" with juvenile delinquency. The fact is that more than 97 percent of our youth by every standard is good. (See Newsweek, Nov. 23, 1959, p. 69.)

I sincerely believe, Mr. Speaker, that it is time we gave the positive side of this question a little airing.

I think that if I were a teenager and read all the reports, analyses, and critiques that are being written today I would decide I might as well give it all up as a bad job and go out and join the nearest street gang.

It is one thing to be concerned with the prodigal son, but it's another to forget altogether the ones who stayed at home and made the good effort.

And effort is the right word. It is not an easy thing to be young in the middle of the 20th century. As J. Rosewell Gallagher, chief of the Adolescent Clinic at Children's Medical Center in Boston, has put it:

> We've got a civilization that puts tremendous demands on the adolescent. Everyone keeps urging them to hurry up and make up their mind, get in there and beat the other guy, push and shove all the time. It's no wonder they run into problems.

And this is not to even mention the demands made on their resources to adjust themselves to facing life in a world which must live under the shadow of the H-bomb and the day-to-day strain of the cold war.

I think they do a remarkable job. Could any of use have done better at the same age?

One thing none of use should ever forget, whether the subject is youth, the Nation's police forces, the United Nations, or what have you: we always hear about the failures. This is the nature of news reporting. Unfortunately, there is no reading market for articles on the successful execution of day-to-day activities.

Fortunately, however, there do come along, every once in a while, certain arresting examples of the goodness of America's young people, and we are at least briefly reminded that we've got some kids we can be proud of. The Peace Corps, with all the fine youthful idealism and enthusiasm it has aroused, is one of these; and it may be that its existence is as important as a reminder to us at home as it is an invaluable aid to the underdeveloped countries.

The response the Peace Corps has met should demonstrate that, without a doubt, there is a great urge among the young people of this country to make a real contribution toward the solution of our 20th century problems. The idealism is there; it only needs an opportunity to be activated.

It would be unjust to imply that all Americans have been unduly preoccupied with the 3 percent of our young people who go wrong. Recognition must be made of the efforts of such steadily active groups as the Boy Scouts, the Rotarians, Big Brothers, Boys' Clubs, and the countless others which have not stinted in their intentions of doing something for the young instead of just telling us how bad they are.

Dr. Margaret Mead, the noted anthropologist, once commented:

> Adults abandoned teenagers after World War I. They gave them up to the automobile.

It is now time we got back on their side. They are worth it.

FEDERAL GRANTS AND LOANS—TO HELP BUILD MORE ACADEMIC FACILITIES

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, our colleges and universities are no longer protected against the economic pressures of life. Like the average head of a family, they are finding it difficult to make both ends meet.

There was a time when institutions of higher education could depend upon tuition fees, alumni contributions, bequests, and grants from foundations, to meet their expenses. But their student enrollments are increasing at such a rate that traditional sources of income are no longer adequate to provide for facilities that are needed to accommodate the present college population and the larger influx of the near future.

Up to World War II, college presidents were scholars in their own right, whose accomplishments provided direction for the academic communities that they led. Now, they have no time for their primary role and responsibility. Circumstances compel them to leave the cloistered campus behind to travel far and wide in search of additional benefactors. Some colleges no longer choose a new president, from the academic ranks, but import a big name from other fields in the hope that he will be successful in raising funds.

But, no matter how energetic and persuasive they are they cannot win. They are faced with a 30-percent increase in enrollment by 1965, and a 66-percent increase by 1970. It is just impossible for them to build the additional classrooms, laboratories, libraries, and related academic and service facilities to take care of their expanding enrollments.

Excluding the cost of new residential buildings, our colleges and universities will require $12.9 billion by 1970 to provide classrooms and related facilities. It is conservatively estimated that in spite of increased borrowing and anticipated higher contributions from State, local, and private sources, they will face a deficit of $1.5 billion in 1965, and $2.5 billion in 1970 in attempting to meet their minimum needs.

The development of our Nation's intellectual resources will fail to keep pace with the requirements of our growing population, if we do not come to the aid of our colleges and universities.

The Federal Government has established the precedent for such help. Since 1950, the United States has provided financial assistance to build dormitories and other revenue-producing buildings for students through the college housing program. Approximately 600 higher education institutions, both public and private, have been helped by loans totaling nearly $1.5 billion.

The bill before us includes matching grants of $180 million annually, and long-term loans of $120 million annually, over the next 5 years, to finance the construction, rehabilitation, or improvement of classrooms and academic facilities. Under both the grant and loan program, the applicant must show that the project will not be used primarily for events for which admission is charged to the public; that it will not be a gymnasium or other specially designed physical education, athletic or recreation facility; that it is not used and will not be used for sectarian instruction or as a place for religious worship; and is not used and will not be used primarily in connection with any part of the program of a school or department of divinity.

With these safeguards, we cannot in good conscience oppose the financial assistance that so many of our higher institutions of learning need in meeting their obligations to the qualified young men and women who will otherwise be denied the opportunity of a college education.

In this connection it is well to emphasize that the provisions of H.R. 8900 apply to junior and community colleges, and 4-year institutions.

Our progress, our strength, and the very survival of our civilization depend upon the educational opportunities, the facilities, and the personnel to develop our Nation's greatest potential—the bright and eager boys and girls who want to improve themselves and our increasingly complex society, as college-educated specialists.

The College Academic Facilities Act makes possible what our colleges and universities could not accomplish by themselves alone: the building of those classrooms, laboratories, and libraries that must be ready to serve the rapidly increasing number of young people who have the qualifications for, and the right to secure, a higher education.

But first, we must have the doors to open for them.

FOREIGN TRADE POLICY

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include the address delivered by President Kennedy on last Friday, May 4, 1962, in the city of New Orleans.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, I should like to commend to the attention of every Member of the Congress the full text of President Kennedy's excellent address on foreign trade policy, as he delivered it last Friday, May 4, in the City of New Orleans and as it was published in the New York Times.

Most appropriately, the President spoke on this vital subject in New Orleans, the Nation's second leading port and a pioneer city in trade and commerce; furthermore, he made his speech to a large crowd gathered at a new ultramodern wharf and dockside building, recently completed for the Port of New Orleans. In a very forceful manner, President Kennedy emphasized our country's need for a new and broader trade program to meet the challenges of today's world and to improve the economic strength and prosperity of the United States.

Particularly, Mr. Speaker, I was pleased to note that President Kennedy opened his address by giving well-deserved recognition and praise to a distinguished senior member of our Committee on Ways and Means and of the Congress. I speak of our colleague, the gentleman from Louisiana, HALE BOGGS, who has served with me on the Ways and Means Committee since January 1949.

In his many years on the committee, HALE BOGGS has given me and his fellow members the benefit of his wise and deliberate counsel and his superb knowledge of the subject at hand; that the Congress and his State and the Nation have profited by his diligent efforts, there is no doubt, and I am happy to know that the President paid tribute to him on the occasion of this trade speech.

In every field of the committee's endeavor HALE BOGGS' ability and dedication has shown forth brightly, but particularly, in the realm of trade legislation. He was one of the principal leaders in the House in obtaining the last 4-year extension of the Trade Agreements Act; since he first entered the Congress, he has been a consistent and strong voice for fostering a greater flow of goods and services between the United States and the nations of the free world. In the 84th, 85th, and again in the 86th Congress, my distinguished colleague served as chairman of the Subcommittee on Foreign Trade Policy of the Committee on Ways and Means. In this capacity, he directed the conduct of extensive hearings into the future course of trade policy for our country, and the information which his subcommittee brought to the full committee and to the House was of great value to the Congress and to past administrations.

HALE BOGGS was quick to recognize the great challenge—and, at the same time, great opportunity—open to the United States by the growth and prosperity of the European Common Market. Last December, as chairman of the Joint House-Senate Subcommittee on Foreign Economic Policy, he conducted hearings on the scope and future direction of our Nation's foreign economic policy; his subcommittee's majority report sounded, most concisely, the first call to Congress to enact new and broader trade legislation for the benefit of our country and the free world. HALE BOGGS recognized that increased trade among and between nations was the sure and sound way for nations to earn their own way. And he has been a leader in taking action looking toward this end. Today he is again in the forefront of those farsighted Members of the Congress who are seeking a new and meaningful trade program for the United States, and I am proud to have him as my friend and as a member of the Committee on Ways and Means.

The text of President Kennedy's address on foreign trade policy, as delivered in New Orleans, follows:

Ladies and gentlemen, I want to express my thanks to Congressman HALE BOGGS, Democrat, of Louisiana, for his generous introduction.

He is serving this district and the United States with distinction. He is the majority whip. He has breakfast every Tuesday with the leadership of the Congress and myself and the Vice President and I want to tell you he speaks with vigor for this State and the United States and I appreciate his introduction.

He is joined today by a distinguished delegation: Senator Allen J. Ellender, senior Senator. If he would stand up, let's get a look at him; Senator Long, Senator Russell Long, of Louisiana, Congressman F. Edward Hébert from this area, Congressman Edwin E. Willis, Congressman James H. Morrison, Congressman Otto E. Passman, Congressman T. Ashton Thompson, Congressman Harold B. McSween, Congressman Joe D. Waggonner, and we brought a Congressman all the way from Massachusetts to see this great partisan rally, and Congressman Robert L. F. Sikes, of Florida.

Everybody wanted to come on this trip.

I also want to express my appreciation to the Governor for his comments and for his welcome and to your distinguished mayor whose troubles are about to begin on Monday when he's inaugurated as the chief executive of this city. We appreciate his welcome very much.

This port of New Orleans is the second leading port in the United States. I would like to say that Boston is the first, but nevertheless this great port is symbolized by this great wharf, and I think it most appropriate to come to this city in this year on this river and say a word about the future trade of the United States.

TRIBUTE TO NEW ORLEANS

And I'm particularly happy to be in this city for throughout its history this happy city has symbolized and served our country and the world at large. Cosmopolitan by nature, tolerant in outlook, the product of many nations and cultures and creeds and races, New Orleans has long represented strength and diversity working in harmony—and I am confident that the overwhelming majority of the citizens of this city intends to see that this most valuable reputation and character are preserved.

After the Battle of New Orleans, Andrew Jackson said he was fighting for the reestablishment of the American character. And now in our generation and time it's our responsibility for reestablishment of the American character.

And I speak today on one facet of that character and that is trade, because trade and competition and innovation have long been a significant part of the American character.

The Founding Fathers—Washington, Jefferson and Adams, Franklin—were men of trade as well as men of affairs. For trade represents widening horizons.

This great river, which reaches as far as the Rockies, and Pennsylvania on the east, connects this city with the farthest ports in the world. It represents the spirit of liberty and the spirit of democracy, and the spirit of trade goes hand in hand with that great institution.

NATION'S TRADE CITED

Today this Nation sells more goods abroad than any nation in the world. We buy more goods than any nation in the world—and we gain both from the buying and the selling. One-twelfth of all our transportable goods—an amount larger than all purchases of automobiles and auto parts—is bound up in foreign trade, which affects the livelihood of everyone who lives in this city.

In 1960 we exported more than 50 percent of all the locomotives we built in this country; 49 percent of all the cotton we grew in the United States; 31 percent of the oil machinery; 57 percent of the rice; 31 percent of the construction and mining equipment; 29 percent of the tobacco; 23 percent of the metal-forming machine tools and 41 percent of the soybeans.

Louisiana stands fifth among all the States in the United States in the percentage of people in this State who work in foreign trade on local employment. And the other four States are Arkansas, Texas, Alabama, and Mississippi—the five States in the Union where more people, percentagewise, are engaged in occupations depending on foreign trade are all here in the South.

In short, the five States which will benefit the most from our new trade legislation are here in your neighborhood. All this indicates we must go forward.

And in return we purchased goods without which there would be no coffee breaks, no banana splits and no opportunity for us to use dozens of essential materials.

In this city more than in most your feet are in the water. Last year $2 billion worth of goods passed through these wharves around the world—feed from the Great Plains, cotton from the South, tobacco from the South, steelplate from Birmingham, automobiles from Detroit, and bananas and coffee from the South American countries.

CITY'S ROLE IN TRADE

Trade has built New Orleans; trade will sustain New Orleans; trade will develop New Orleans in the coming months, not only on this pier but in your banks, your insurance companies, your oil industry. Your chemical industries improve the welfare of all of your people and are bound up with that river which flows into the ocean.

In May of 1962 we stand at a great divide: we must either trade or fade. We must either go backward or go forward. For more than a quarter of a century the reciprocal trade legislation, fathered by Cordell Hull, of Tennessee, and sponsored by Franklin Roosevelt, has served this country well and on 11 different occasions it has been renewed by Congressmen from both parties.

But that act is no longer adequate to carry us through the channels and the locks of world trade today. For the whole pattern of trade is changing and we must change with it.

ROLE OF COMMON MARKET

The Common Market binding the countries of Western Europe together in one great trading troop indicates both a promise or a threat to our economy.

Our international balance of payments is in deficit, requiring an increase in our exports. Japan has regained force as a trading nation—nearly 50 nations of Asia and Africa are seeking new markets—our friends in Latin America need to trade to develop their capital—and the Communist bloc has developed a large new arsenal of trading weapons which can be used against us. And they are ready to take and sell any area in which we leave a gap—wherever American leadership should falter. And we do not intend to give way.

I believe that American trade leadership must be maintained and that is why I've come to your city. I believe it must be furthered and I have therefore submitted to the Congress the Trade Expansion Act of 1962.

It is not a partisan measure. Its provisions have been endorsed by leaders of both parties. It is not a radical measure. Its newest features merely add force to the traditional American concepts. And it is not a measure favoring one section of our country over another—farm, labor, business and consumer groups of every part of the Nation support this legislation.

ASKS PASSAGE OF BILL

I am convinced that the passage of this bill is of vital importance to you and to every other American—not only to those vast numbers of people who are engaged in trade, but to every citizen: as a consumer whose concern about the prices he must pay, as a patriot concerned about national security, as an American concerned about freedom.

The basic economic facts make it essential that we pass this legislation this year. Our businessmen, workers and farmers are in need of new markets and the fastest growing market in the world is the European Common Market. Its consumers will soon be nearly 250 million people. Its sales possibilities have scarcely begun to be tapped. Its demand for American goods is without precedent—if only we can obtain the tools necessary to open the doors.

Our own markets here at home expand as our economy and population expand. But think of the tremendous demand in the Common Market countries, where most consumers have never had the goods which we take so much for granted. Think of the opportunities in a market where, compared to the ratio of ownership in this country, only one-fourth as many consumers have radios, one-seventh television sets, one-fifth automobiles, washing machines, and refrigerators.

If our American producers can share in this market it will mean more investment and more plants, and more jobs and a faster rate of growth. To share in that market we must strike a bargain. We must have something to offer the Europeans. We must be willing to give them increased access to our market. Let us not avoid the fact: we cannot sell unless we buy. And there will be those who will be opposed to this competition.

But let those who believe in competition, those who welcome the challenge of world trade as our predecessors have done, let them recognize the value that will come from this exchange of goods.

It will enrich the choice of consumers; it will make possible a higher standard of living. It will help hold the lid on the cost of living. It will stimulate our producers to modernize their products. A few—a very few—may be adversely affected.

But for the benefit of those few we have expanded and refined the safeguards of the act.

As in the past, tariff reductions will take place gradually over a period of years. As in the past, import restrictions can be imposed if an industry undergoes undue hardship. The tariff policies on some items, such as textiles and oils, are already covered by special arrangements or agreements which give them the necessary assurances.

Finally, under this bill, for the first time, a constructive, business-like program of adjustment assistance will be available to individual firms and workers, specifically tailored to help them regain their competitive strength. They will not stand alone, therefore, in the marketplace.

There will be temporary aid in hardship cases with the creative purpose of increasing productivity and helping labor and management get back in the competitive stream, instead of using tariff walls as a long-term Federal subsidy and dole, paid by the consumer to stagnant enterprises.

With this variety of tools at our disposal, no one—and I say, no one—is going to be sacrificed to the national interest with a medal or an empty grocery bag.

But let us not miss the main point: the new jobs opened through trade will be far greater than any jobs which will be adversely affected. And these new jobs will come in those enterprises that are today leading the economy of the country—our growth industries, those that pay the highest wages, those that are among the most efficiently organized, those that are the most active in research and in the innovation of new products.

The experience of the European Common Market, where tariffs were gradually cut down, has shown that increased trade brings employment. They have full employment in the Common Market and its economic growth rate is twice that of the United States.

TO STRESS THE MODERN

In short, trade expansion will emphasize the modern instead of the obsolete, the strong instead of the weak, the new frontiers of trade instead of the ancient strongholds of protection.

And we cannot continue to bear the burdens that we must take of helping freedom defend itself all the way from the American soldier guarding the Brandenburg Gate, to the Americans now in Vietnam, or the Peace Corpsmen in Colombia, unless we have the resources to finance those great expenditures which in the last year totaled over $3 billion.

Unless we are able to increase our surplus of balance of payments then the United States will be faced with a hard choice of either lessening those commitments or beginning to withdraw the great national effort.

One answer to this problem is a negative answer: raise our tariffs, restrict our capital, pull back from the walls and our adversaries would only be too glad to fill any gap that we should leave. This administration was not elected to preside over the resignation of American responsibilities in these great years.

There is another answer and that is to increase our exports, to meet our commitments and maintain our defense of freedom. I have every confidence that once this bill is passed the ability of American initiative and know-how will increase our exports and our export surplus by competing successfully with any country in the world.

Third and last, the new trade act can strengthen our foreign policy. And one of these points, as Ambassador Morrison knows well, is Latin America. The Alliance for Progress seeks to help these Latin American neighbors of ours. That effort must and will continue. But foreign aid will not do the job alone.

In the long run, our sister republics must develop the means to pay—to finance—their development. They must sell more of their goods on the world market, and earn the exchange necessary to buy the machinery and the technology that they need to raise their standard of living.

The Trade Expansion Act is designed to keep this great market as a part of the world community, because the security of the United States is tied up with the well-being of our sister republics.

CONCERN FOR JAPAN

And we have a concern for Japan, which combines trade with freedom. Last year Japan bought a half a billion dollars more goods from us than we bought from her. And it is important that she not be knocked out of the world market because otherwise those who are opposed to freedom will win a victory in the coming years.

To pay for her imports Japan must sell. Many countries seek to discriminate against those goods. And we need the bargaining tools of the new Trade Expansion Act to bring Japan fully into the free trading world systems.

For we are moving toward a full partnership with all the free nations of the world—a partnership which will have in this area 90 percent of the industrial productive power of the free world which will have the greatest market that the world has ever known, a productive power far greater than that of the Communist bloc, a trillion dollar economy, where goods can flow freely back and forth.

That is the prospect that lies before us, that faces this country in the year 1962.

For those who preach—for those who preach—the doctrine of the inevitability of a collapse by us and a Communist success must realize that in the last few years the great effort which has been made to unify economically the countries of the free world offers far greater promise than the broken promises of the Communist system.

ALTERNATIVE TO REDS

Against the Communist system of iron discipline the Atlantic partnership will present a world of free choice. Against their predictions of our collapse it will present a challenge of free nations working in harmony and it will provide economically an overwhelming and growing productivity preventing their ultimately overtaking us.

That is why the passage of the Trade Expansion Act is so important this year. And that is why I salute men such as Chairman Wilbur Mills, of Arkansas, of the Ways and Means Committee and your own Congressman Hale Boggs, who are preparing for its passage.

This is a great opportunity to all of us to move ahead. This city would never have developed as it has unless those who have preceded us had had a spirit of initiative and courage such as is asked of us today.

This wharf demonstrates your confidence in the future. No section of the United States will benefit more in the coming months and years if we are successful.

In the life of every nation, as in the life of every man, there comes a time when a nation stands at the crossroads, when it can either shrink from the future and retire into its shell or can move ahead asserting its will and its faith against uncertain circumstance.

I believe that we stand at such a juncture in our foreign economic policy and I come to this city because I believe New Orleans and Louisiana and the United States should move ahead in 1962.

WHO GETS CANADIAN WHEAT—THE RED CHINESE OR THE RUSSIANS?

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, 1 year ago this month the Canadian Government concluded a long-term agreement with the Red Chinese for the sale of wheat and barley valued at $362 million. This deal involved 186.7 million bushels of wheat and 46.7 million bushels of barley. The agreement went into effect on June 1, 1961, and extends to December 31, 1963.

At the time this agreement was concluded there was a great deal of public discussion in the United States concerning the strategic value of this deal to the Red Chinese. It was then clear that Red China was passing through an extreme period of extreme famine, and the need for the Peiping regime to secure help from the non-Communist world was equally clear. The Russians were unable to bail the Red Chinese out of the economic collapse into which they had plunged mainland China. Some observers pointed out that one reason, perhaps the major reason, why the Russians would not help the Red Chinese was that a deep rift had developed between the two and that this rift was widening on a month-to-month basis. At least such reasoning was offered as one of the justifications for the deal between Canada and the Red Chinese.

Today a new speculation has developed on the full meaning of the Canadian-Red Chinese grain deal, particularly the speculation as to how much of the wheat and barley contracted for is actually being delivered to Red China and how much is in fact being delivered to the Russians through European ports. The press attaché at the Canadian Embassy informed me today that some shipments of wheat and barley have left Canadian ports on the eastern seaboard and had been delivered to Albania and East Germany. He was not sure of the total amount and value of grain shipments to European ports under this agreement, but did point out some shipments were leaving ports in Vancouver for Red China. He also pointed out that the sale of grains was made to Red China and that Red China could designate the ports of entry for such grain and had therefore designated Albania and East Germany. In addition, my talks with responsible officials at the Canadian Embassy indicated that the Canadian Government was never sure of the ports of entry for the grain shipments leaving Canada because the Red Chinese had been changing cargo destinations in midocean. When these grain shipments are carried on other than Canadian ships, it is difficult for the Canadian Government to know what the final port of destination is in any of these shipments.

A number of important questions have developed concerning the reasons for the Red Chinese designating European ports of entry for their grain purposes. Perhaps the basic question is whether Red China is acting as a front for the Russians in purchasing grain from Canada in order to rescue the Russian empire from economic collapse. If any appreciable part of the grain shipments from Canada are entering European ports designated for any part of the Russian empire, it is reasonable to believe that the Red Chinese are, in fact, acting as a front for the Russians. Reliable reports which I have received concerning conditions behind the Russian curtain provide conclusive evidence that there is a serious food shortage within the Soviet Union as a consequence of another failure of their agricultural programs. It would be typical of the Russians in this situation to seek a camouflage for these failures and to use the Red Chinese as a front in securing food from the free world to keep their empire together.

I have asked responsible officials at the Canadian Embassy for information regarding the volume and dollar value of grain shipments from their eastern ports and from their western ports. This information should be a valuable guide as to who is actually receiving the grain shipped from Canada because it is a certainty that shipments leaving Canadian eastern seaboard ports arrive at European ports of entry. Meanwhile I suggest this is a case worthy of inquiry by the free press because putting the pieces of this story together can provide the key to the close working relationship between the Red Chinese and the Russians and the new failures of the agricultural system in the Soviet Union. Such information would be valuable to the people of the free world at a time when we hear rumors of a split between Red China and the Russians and extravagant claims about utopian life behind the Russian curtain.

A COMMON PATENT POLICY FOR INVENTIONS

Mr. DADDARIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. DADDARIO. Mr. Speaker, President Kennedy was asked at his press conference yesterday to comment on the present status of efforts to arrive at a common patent policy for inventions arising from the research and development activities financed in part or wholly by the Federal Government.

I believe the President expressed very well the difficulties that lie in the path of reaching such a policy and the need to bring together all the information possible on activities in this field. He also pointed out that we must reach a solution which recognizes all the equities and the need to preserve the incentives under our economic system. This is a matter which deeply affects the ability of small business to get established, flourish, and provide more jobs in our economy.

The Subcommittee on Patents and Scientific Inventions has thoroughly reviewed this question and has reached a conclusion which is now awaiting action by the Committee on Science and Astronautics. I believe Members of the House have become more aware of the fundamental issues posed by this problem through developments of recent years. We cannot afford the facile answers which have been pressed for some years by an insistent minority and which do not stand up under scrutiny. I agree with the President that this deserves study in an effort to reach a proper balance and I think that the increasing congressional awareness of the issues involved is most healthy.

I am personally pleased that the President has indicated that any recommendations which may result from this study will be submitted to the Congress, because I believe that any change in the philosophy of the patent system deserves most thorough congressional study. I think we will be most pleased to see the recommendations that he will want to make.

I offer the text of the remarks at the press conference for inclusion in the RECORD at this point:

PRESIDENT'S NEWS CONFERENCE, MAY 9, 1962

Question. Mr. President, there have been various congressional and executive studies in an effort to develop a uniform patent policy covering inventions made under Government contracts, and we're wondering if you intended to submit any legislation to spell out a uniform Government patent policy?

Answer. Well, it's a difficult problem because you have to balance off the gains, on the one hand, and at the same time the incentives to companies to spend their own funds in order to develop patents which will give them a return in other years, so that we have some differences in the space agency problem, in the Department of Defense, and perhaps another agency of the Government. But it is a matter which is being reviewed now by those agencies which are most involved. And if we have any changes to make at the conclusion of that, then I will send recommendations to the Hill.

MEDICAL CARE FOR THE AGED

Mr. BOW. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a resolution.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Speaker, I am delighted to report that the Maryland State Dental Association meeting this week in Baltimore has adopted a resolution supporting my medical care for the aged proposal, H.R. 10981.

This is very gratifying to me and to the 31 other Members who have introduced the bill.

It is evidence of the widespread interest in a voluntary, free enterprise approach to the problems of Health Care for the Aged.

The resolution of the Maryland State Dental Association follows:

RESOLUTION OF THE MARYLAND STATE DENTAL ASSOCIATION

The board of governors has already recorded itself as opposed to the Kennedy-King-Anderson bill for medical care to the aged through social security (H.R. 4222, S. 909). In light of the continuing struggle, the legislative council has made a detailed study of the bill. The study confirmed the already held belief that the Kennedy-King-Anderson bill is (a) a mass of bureaucratic entanglement which is a definite step in the direction of Government-controlled practice; (b) insufficient to meet the ends for which it purportedly strives; (c) fiscally unsound. Noting that medical care for the aged is an issue which cannot be avoided by a responsible profession, the legislative council has made a study of the alternatives. The council concluded that the presently effective Kerr-Mills Act of 1960 has been extremely satisfactory where States, such as Maryland, have implemented it. Unfortunately, its nonimplementation in many quarters threatens its effectiveness throughout the country, and brings on a demand for interference by a growing bureaucracy. With an eye to retaining health care in the realm of individual responsibility, of maintaining a private enterprise system; while still recognizing a national health problem, the council had a full discussion of the health insurance bill proposed by Representative FRANK T. BOW, of Ohio.

The Maryland State Dental Association resolves that the Bow bill (H.R. 10981) for medical care to the aged through a system of voluntary health insurance is heartily endorsed. Further, the American Dental Association shall be notified of this action; and a like endorsement on its part is recommended. Further, that Congressman Bow be notified of this action, as well as the Ohio State Dental Association, in order that it might take action in accordance with its own determinations.

RUMANIAN INDEPENDENCE DAY

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, World War II and the years since its termination have been years of misery and tragedy for some 17 million Rumanians in their historic homeland. They were among the first to be involved in the last war, and they were also among the first to be caught in the claws of the Soviet Union's aggressive Communist totalitarianism.

Most of Rumania's modern history has been filled with misery and misfortune, but there has also been the heroic side of that history. Centuries ago the country was overrun and subjected to the rule of the Ottoman Turks, but the Rumanians were never reconciled to the oppressive yoke of their conquerors, and fought them gallantly with all the means at their disposal. And they confidently looked forward to the day when they could cast off that yoke. More than 100 years ago the Crimean War offered them this chance. At the conclusion of that war—1856—they first attained autonomous status. Then in 1877 they seized upon another chance, and proclaimed their independence on May 10 of that year. Since then, for 85 years, that day has been regarded by them as their national holiday. Today its 85th anniversary is being celebrated in all Rumanian communities throughout the free world, and I am glad to join loyal citizens of this great Republic of Rumanian descent in the observance of this holiday, Rumanian Independence Day.

A STATES RIGHTS PROGRAM FOR ASSISTANCE TO OUR PUBLIC SCHOOLS

Mr. ALFORD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALFORD. Mr. Speaker, hearings will be resuming soon on one of the most important pieces of legislation to come before this Congress. I refer to the school assistance program embodied in H.R. 10180 by my esteemed colleague, the gentleman from West Virginia [Mr. BAILEY].

This legislation, in my opinion, contains the answer to all of the problems involved in guaranteeing to our boys and girls a proper education. It provides funds in such a way that there can be no threat or hint of Federal control. It provides a realistic form of assistance to our overburdened schools and guarantees there shall be absolutely no Federal control of our educational system.

The most practical and certain way to avoid Federal control of education is to respect State and local control of education, and that is what this bill does.

I believe that all the Federal influence over the content or process of teaching in local classrooms that can be justified in the national interest should be exercised through service, assistance, and leadership. Federal compulsion is neither necessary nor desirable. I do not feel that the Federal Government should in effect overrule some 40,000 local school boards and the State education agencies on what and how elementary and secondary pupils are taught. I believe the State and local agencies will accept changes in the national interest with no more than national persuasion, service, and assistance. Federal financing of public education should be free of Federal curricular compulsions tied to Federal funds.

That is what this legislation seeks to accomplish and that is the reason for my wholehearted support in its behalf.

In the words of Dr. Edgar Fuller, executive secretary for the Council of Chief State School Offices in Washington, "the time for this legislation is far spent." We do not live in ordinary times. Few people would question as an abstract proposition, the value of accelerating improvement of public education.

The advance of technology and automation has made it absolutely necessary to educate more Americans to a much higher general average than ever before. And we must do this, and soon, to be safe in the world. We must include in our ways of achieving our purposes increased public expenditures for public education of high quality.

Dr. Fuller has added this observation:

> As a matter of education policy, we seek modest and practicable Federal participation in education in financing fully adequate schools for all children and youth. This can be done, we are certain, while retaining and strengthening State and local control of education. No group in America surely can be as much opposed to Federal control of education as the State educational officials who are members of this council. We believe such a plan is presented in H.R. 10180 and no fewer than 51 of the 55 chief State school officers have written that they favor it.

The preamble in the draft of this bill is an accurate and eloquent statement of the findings and purposes of this legislation. It emphasizes State and local primary responsibility for financing public elementary and secondary education in the States and local communities. It points out that the national interest in attaining higher quality requires that the rate of improvement in elementary and secondary education be accelerated. This is the purpose of parents, citizens, teachers, and educational authorities, both official and professional everywhere. The preamble then states that improvement can be accelerated by adding Federal funds to State aid systems on an emergency and matching basis.

The bill provides, and I read:

> Upon receipt by the State, funds received under this title shall be added to State funds appropriated for public elementary and secondary education to be distributed or expended under State law for the benefit of local educational agencies in the State, and shall thereafter be deemed to be State funds.

This is the heart of the Federal recognition by this bill of State and local autonomy in education. This is the basic theory of administration that distinguishes this legislation from any other seriously considered in previous years by the Congress.

Dr. Fuller points out that this provision has been the policy of the Council of Chief State School Officers since 1958, and he knows of no chief State school officer who does not subscribe to this policy. There has never been so nearly a unanimity of opinion in favor of Federal educational legislation in the council as there is in regard to H.R. 10180.

Under the provisions of this legislation, my native State of Arkansas would receive in excess of $6½ million in assistance for our public schools. The State commissioner in Arkansas would propose to use $2,785,857 of this total as a supplement to State moneys currently distributed through the present program.

The State board of education, during the current year, is allocating sufficient State moneys to pay 93 percent of the minimum formula program. The supplemental Federal assistance would make it possible to pay the minimum foundation program at 100 percent of formula.

The State commissioner would further propose to use $515,069 to supplement the State transportation aid allocation. Currently, 93 percent of the transportation formula is being paid. The supplemental assistance under this bill would make it possible to pay the transportation formula at 100 percent. The remaining $3,066,261 will provide a flat grant of $7.0338 per enumerated pupil.

This is valuable assistance to our schools.

This proposal of the Arkansas State Education Department would require no basic change in Arkansas school law. It would benefit Arkansas school districts as follows:

The State could meet its obligations to the districts for the State's share of teachers salaries under Arkansas statutes.

The State could meet its obligations to the districts for transportation costs, thus releasing current overpayments of local funds for other school purposes.

The flat grant allocation will give local boards greater flexibility in budgeting since this allocation can be used for any legal school purpose. For example, it could be used for improving library facilities, purchase of equipment and supplies, providing additional personnel, such as counselors, for further improving teachers salaries, or for payment of outstanding indebtedness for construction or capital outlay.

In the words of the author of this legislation, this new approach is uncomplicated and quite simple. It provides the widest possible choice to the States, not only as to the purposes for which the money may be spent but also as to accounting procedures.

Since it is the intention to encourage and stimulate education in all of the States, and since there are pockets of need in every State, the objective would be to assist taxpayers in every State. This legislation would authorize such appropriations as are necessary to allocate to each State an amount equivalent to 2 percent of total expenditures within the State for public elementary and secondary education.

In order to provide more assistance to States whose taxpayers have less financial ability to bear the burden of improved educational opportunities, the bill would authorize additional grants. This would be accomplished by determining the relative per capita income of each State. In those States below the national average, the allotment would be increased by the percentage the State falls below the national average. Thus if per capita income in a specific State is below the national average by 10 percent, the State's basic allotment would be increased by 10 percent.

This legislation has a built-in guarantee of continued State and local efforts, because the more the taxpayers in a State spent for education, the more money they would receive in the form of assistance. By the same token, this legislation would penalize States and localities for reducing expenditures by lowering their amount of assistance.

Surely there can be nothing more foolproof in the way of granting educational assistance to our schools.

Mr. Speaker, I am acquainted firsthand with the problems of our schools and the task of educating our boys and girls. Both my parents have been schoolteachers all their lives. My father once served as Arkansas State Commissioner of Education. I have had the high honor of serving as a member of the school board administering one of the largest public school systems of our State.

I am aware that there is a vast need for improvement in the salaries paid to our teachers. I am aware that there is a vast need for improvement in the school facilities, not only of my own State but of other States.

Substantial progress has been made in the quality of public, elementary, and secondary education in Arkansas, but much more remains to be done.

Not only has the quality of education improved but new educational opportunities in the form of an accredited high school program is now available to approximately 100,000 children who were deprived of such opportunities until school district reorganization was accomplished.

Self-help is a dominating factor in the traditional American scheme of things. This is as it should be. And Arkansas has done its best to provide self-help. Along this line, Arkansas passed a constitutional amendment in 1948 removing the 18-mill constitutional limit on local school districts. The result has been that school millage has more than doubled during the past 12 years.

Arkansas transports to and from school each day approximately 50 percent of all elementary and secondary students. As I have said before the State is now paying approximately 93 percent of the total cost of transporting pupils with an average of 7 percent being paid by local districts.

Local school districts in Arkansas are spending approximately $12 million annually for schoolhouse construction. These are financed by bond issues of local districts and the State does not participate in the cost of facilities. Significant new construction has been mandatory, not only because of reorganization of school districts, but because of obsolescence of most of the school buildings in the State when the reorganization plan became effective.

Vocational education has been expanded and improved. A new vocational technical program of less than college grade was inaugurated in 1957. Six vocational technical schools have been authorized.

Teacher preparation programs and qualifications of teachers in the State of Arkansas is steadily improving. It is my prediction that this professional problem will be successfully resolved in the immediate years ahead. It is the estimate of our State commissioner that all teachers in Arkansas will have a bachelor's degree and by 1965 half of them will have master's degrees or above.

But the greatest improvement in Arkansas perhaps, is in the attitude of the people of the State. The public is aware as never before that we need better schools. Parents of all economic levels are cognizant that if their children are to have a fair chance to succeed, they must have educational opportunities in keeping with present and future needs. We need a new spirit in my State for progress, and education is an important facet of this new drive for overall development.

It is a sad fact that Arkansas ranks 49th in the average salary paid to classroom teachers. And these dedicated men and women are entitled to a fairer share of their worldly needs—a share in keeping with their talents and abilities. I wish to state before this great body that the quality of the people of Arkansas is second to none.

This, then, accents the need for this legislation that now is pending before the House and its Education and Labor Committee. Arkansas, like so many of its sister States, has done its share of self-help. It has shouldered the task of trying to provide, as well as it can, for the educational needs of its boys and girls. Now, this program financed by our own dollars which we send to Washington will be returned to the people of every State without Federal control.

Coming before us in the form that it does—guaranteeing that there shall be no trace of Federal control of our educational systems—I feel that H.R. 10180 demands the vote and support of every member of this body. It is a school assistance program that will work for the good of our Nation.

DEFEAT OF THE PHILIPPINE WAR DAMAGE CLAIMS BILL

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. Mr. Speaker, I think the House of Representatives ought to know that the action which it took yesterday in defeating by a vote of 201 to 171 the Philippine war damage claims bill has had the most serious implications in the Philippines.

The President of the Philippines, Mr. Speaker, is seriously considering canceling his visit to the United States next month. Members of the Philippine Senate and House have been extremely vocal on the subject, and have urged the President of the Philippines to cancel his trip. Senator Tanadya of the Philippine Senate has called the action of this House of Representatives "unfair, unjust and iniquitous." Senator Lim said that this "proved the deterioration of Philippine-American friendship and America's misdirected foreign policy with respect to friendly nations."

Mr. Speaker, in my opinion this is extremely serious. It was a most unfortunate result that we had in the House yesterday. In my opinion proper leadership and direction from the administration and the State Department could have avoided this fiasco. This was a result that did not necessarily have to occur. Because foreign policy increasingly has to do with the purse, the Department of State has a special duty to work with the Congress and to supply Congress with all of the facts on any such subject. It will not do just to work with the Foreign Affairs and Foreign Relations Committees, particularly in the House. The Department must broaden its congressional relations and Congress must give it the funds to enable it to do so. Congress has a right to know and the executive branch has a duty to see to it that it does know.

The administration is pretty good on public relations. How about using it substantively where it really counts.

Mr. Speaker, I would hope that the House would reconsider its action.

HONESTY ON MEDICARE LEGISLATION

Mr. MacGREGOR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MacGREGOR. Mr. Speaker, the most skillful, shrewd, and cynical publicity campaign in the history of the United States is taking place today to support many Kennedy administration bills which themselves are designed for political profit.

At his news conference yesterday President Kennedy accused opponents of his plan to withhold taxes on dividends and interest of "misinforming many millions of people." I submit that many months ago, when the Kennedy plan was first proposed I began receiving mail from constituents who objected to the Kennedy bill—not because they misunderstood its provisions, and not because they wanted to evade paying whatever taxes are legally due—but because they knew full well that the bill will collect taxes not actually owed the Government. The bill will work hardship on millions of senior citizens whose modest dividend and interest income will be taxed whether any tax is due or not.

But now, Mr. Speaker, permit me to call attention to the real deceit which is being perpetrated on the American people today—the extraordinarily strong publicity campaign we are seeing to support the King-Anderson health insurance bill, one of Mr. Kennedy's primary political efforts.

A Washington Post editorial today presents all the emotional arguments regarding high medical and hospital costs which strike our senior citizens especially hard. Most of us here understand the hardships resulting from these high costs, and many of us have introduced constructive legislation to deal with it.

The Post editorial undertakes to explain provisions of the King-Anderson measure, and proceeds immediately to the following incredible sentence:

> The proposed administration bill would guarantee to most of the country's retired wage earners and to the elderly persons receiving public assistance payment of their doctor's bills out of public funds.

Of course, the Kennedy plan would not pay doctor bills. It would not guarantee to any person the kind of medical security its backers claim for it. The powerful publicity forces at work in support of this bill are playing a cruel hoax on decent, honorable citizens.

My request to the President is: While you criticize alleged deceit on the tax bill, try to help clear the air on the King-Anderson bill by having the bill's backers explain its provisions to the people clearly, directly, and accurately.

NEWSPAPER STRIKE IN DETROIT, MICH.

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CHAMBERLAIN. Mr. Speaker, in reading the RECORD for yesterday I noted the remarks of my able colleague from Michigan, the Honorable MARTHA GRIFFITHS, regarding the long newspaper strike in Detroit which is depriving newspaper service to millions of citizens of that community.

I regret I was not on the floor when the gentlewoman from Michigan [Mrs. GRIFFITHS] made her remarks, for I would have liked to have commended her then for her highly appropriate comments and the position she has taken. Although the district of Michigan I have the privilege of representing is not in the Detroit metropolitan area, I assure you the out-State communities also feel the impact of this dispute.

While I make no claim to being fully apprised as to the issues involved, I feel very strongly that those associated with the dissemination of news—whether they are management or members of labor organizations—have an obligation to the community in which they serve which transcends selfish interests. It is my hope that the parties to this dispute will make every effort to resolve it without further delay. The interests of the public demand their best efforts to this end.

LAWMAKERS' LAW

Mr. JOHANSEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, there is an important truth in the statement by Mr. Justice Jackson which I quoted recently on the floor of the House—but even this statement does not tell the whole story about our system of Government.

I repeat Mr. Justice Jackson's comment, made in connection with the steel mill seizure case in 1952:

> With all its defects, delays, and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations.

It is the unique feature of the American constitutional system that all three branches of the Government are "under the law"—including the lawmaking branch itself.

That is the real import of the written Constitution. It is the real import of the requirement that Members of Congress take an oath to support the Constitution. And it is the real import of the process of amending the Constitution set forth in the Constitution itself.

In other words, the Constitution is the lawmakers' law, which they are duty bound to obey.

The Constitution, as the lawmakers' law, is not only the source of the legislative authority of Congress but by its specific denials of, and limitations on, the powers of Congress, is the regulator and controller of the legislative branch of the Government.

There are even further evidences in the Constitution of the intention that the lawmaking branch be under the law.

The Constitution vests in the judicial branch authority to rule on the constitutionality of the actions of Congress, giving the judiciary power to require that Congress obey the law.

Finally, the procedure for amending the Constitution gives the State legislatures—or State conventions—the decisive voice in adoption or rejection of constitutional amendments.

With numerous current proposals—both by the President and within the Congress itself—for actions by Congress which clearly violate the Constitution of the United States, it seems timely to offer this reminder that the legislative branch, like the other two branches of Government, is under the law and must remain so if we are to keep our system of government.

In his Farewell Address, President George Washington emphasized that the Government—in all branches and departments—must be under the law if we are to preserve our freedoms:

> The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.
>
> If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

QUINCY'S GOOD NEIGHBOR POLICY MEETS THE PROBLEM OF JUVENILE DELINQUENCY

The **SPEAKER.** Under previous order of the House, the gentleman from Illinois [Mr. FINDLEY] is recognized for 30 minutes.

Mr. FINDLEY. Mr. Speaker, while in Quincy, Ill., during the Easter recess, I had the rewarding experience of meeting with citizens who have organized neighborhood committees, taking as their slogan, "Good Neighbors Build Good Citizens," and their goal, "Self-help for the betterment of our children and our community." In a very substantial way the slogan has come to life, and the goal has been reached.

Quincy's good neighbor policy began in 1952, at a time when the western area of the community faced a perplexing and discouraging array of problems. I doubt if any American urban area has been confronted with a more challenging situation in juvenile delinquency and adult complacency.

In the intervening decade, a remarkable transformation has occurred. Neighborhoods which once were decaying are now building. Neighbors who were once apathetic and discouraged now work in harmony to help each other improve home situations and guide children out of peril.

In a decade when the juvenile delinquency rate across the Nation rose, in Quincy it declined. While the Federal Government has spent large sums—and is proposing to spend more—to solve the problem of juvenile crime, the citizens of Quincy have rolled up their sleeves and are solving this problem themselves without a penny from Uncle Sam.

In doing so, they deserve the respect and honor of other Americans, and their example of self-help may guide other communities to similar solid achievement.

They do not seek recognition and praise. Indeed, they have won a reward richer than others could accord them. Their reward is the self-respect and self-confidence which this successful experiment in Christian living has yielded.

Take a moment and listen to the problems which confronted these neighborhoods a brief decade ago.

The first neighborhood organization was established in the Indian Hills housing project in 1952. Built 10 years before, the project had quickly acquired one of the highest juvenile arrest rates in Quincy.

Among the factors involved were the lack of proprietary interest, relatively low level of income, 40 percent annual rate of turnover in occupancy, the stigma attached to project residence by other social groups, and the fact that 50 percent of the homes were without male family heads.

Worst problem of all, of course, was apathy, almost total lack of self-confidence.

Middle-income homeowners in surrounding neighborhoods were often resentful and vocal in expressing this resentment. Youngsters from the housing project reacted with vandalism, physical and verbal assaults. This caused the surrounding neighborhoods to demand special police protection, and the youngsters then had the opportunity to give vent to their resentment against police.

Resentment increased, and petty crime increased. The police began to circumvent the parents, and dealt directly with the youngsters.

Near the project were the municipal park and pool. Project children who could not afford the price of admission to the pool expressed their antagonism in acts of vandalism which caused tension and conflict with park employees.

In the park, the children preyed upon romantically inclined evening visitors, developing several minor rackets.

Within the project, opposing youth gangs developed. They engaged in about every known variety of delinquency: fighting among themselves; illicit sex activity; stealing from parked cars, mailboxes, and neighborhood stores. They kept the area dark most of the time by jamming street light sockets.

A staff worker of the Illinois Youth Commission, assigned to Quincy to study this growing problem, became the subject of gossip and suspicion. To set the record straight, he invited adults to a public meeting. About 30 people showed up and heard the staff worker review the worsening situation. He said it could be corrected only through self-help.

The residents were hesitant and doubtful. They told the worker that about every known type of social agency had tried unsuccessfully to apply readymade programs to the Indian Hills neighborhood.

The staff worker suggested the neighborhood committee approach, a program which would be organized, controlled, and carried out entirely by the local residents. Doubt persisted, but the group did take the initial step of organizing and electing officers.

In the spring of 1953, the Indian Hills Good Neighbor Committee came into being. Early activities were entirely recreational, as a means of developing confidence and acquaintance. At first, the rough-and-ready youngsters resented adult participation in athletic activities, but slowly they were won over.

As programs broadened, delinquency lessened. Early in the second year, committee members were proud to note that not a single window had been broken in an entire month. Better lighting in parking areas improved behavior. The committee arranged swimming parties, and the park officials soon found vandalism dropping off.

The committee won neighborhood cooperation in reporting lawbreaking. Complaints were referred to the committee, instead of to the police. Police cooperated by dropping their earlier policy of circumventing parents when bringing charges against youngsters, a vital assist to the committee in their new neighborhood approach to delinquency.

In the third year of operation, the man who had been the first chairman of the Indian Hills Good Neighbor Committee was appointed police juvenile officer for Quincy.

The middle-income homeowners on the fringes of the project area began to change their attitude. They came to realize that the committee was maintaining good supervision of youngsters.

A mineographed Neighborhood News weekly was started. It gave recognition to local residents who contributed to the improvement program. Policies, purposes, plans of the committees, together with happenings in the lives of the residents were reported.

Rummage sales, ice cream socials, chili suppers, and card parties were used to finance activities.

As the neighborhood committees began to show achievement, others in the city cooperated with both time and money. Outsiders now frequently attend neighborhood meetings. Conversely, the neighborhood committees cooperate in many broad civic projects. All this has helped to break down the social barriers which once existed. It has been a two-way street of friendly cooperation. Now there are four neighborhood committees, associated together in a federation. The federation operates a furniture pool, social centers, and a volunteer service in which women will go into homes and work for several days at a time—without pay, of course—to help families over rough spots. Neighborly counseling helps young and old alike. Neighbors pitch in to help fix up homes. Committee action has led to curfew and housing codes.

It is all privately financed, with the exception of the salary of the one staff worker assigned by the Illinois Youth Commission. And the staff worker himself is regarded as a friend and member of the team, not as the boss. One of the residents described the staff worker this way:

> He's somebody from outside helping you do what you yourself want to do.

The neighborhood meetings bring people together for many purposes, and conversations range over broad topics—including Federal policy.

Listening to one of these discussions the other night was a revelation. People who had been discouraged and without a glimmer of hope a few short years earlier were now deeply proud of what they themselves had accomplished by being good neighbors. They had built their own self-reliance to the point where they openly criticized Federal programs in urban renewal and welfare services. "We can handle these problems right here at home and do it better," was the recurring theme of the discussion.

These neighborhoods had been confronted with all the problems that confront people in low-income sections everywhere.

They came to realize that they themselves had the primary responsibility for the conditions of life that surrounded them and influenced their families.

Having recognized and accepted this responsibility, they attacked social disorganization by creating organization. They overcame the separation that existed between parents and children by developing positive activity programs involving the whole family. They supported their positive programs by attacking the negative influences that surrounded their children.

Parents and neighbors found that, with relative ease, they could reach youngsters that had been classified as hard-to-reach—and had been unreached prior to their efforts.

As these good neighbors practiced voluntary cooperation they developed increased insight, understanding, and confidence which led to recognition and acceptance of broader responsibilities. Through the federation, the four separate committees attacked problems common to all four. In short order, they learned that their common problems were often common to the entire city of Quincy.

Through the federation they launched campaigns that resulted in the improvement of several city agencies and institutions. They won the support and cooperation of public officials, including the juvenile judges, State's attorney, probation and juvenile officers, and school people. In fact, many of these officials began to work side-by-side with federation leaders as they dealt with the youngsters and their problems.

Outside individuals and organizations that had formerly despaired of ever being helpful now began to give time and money in support of the ideas and programs of the committees.

These good neighbors, fine examples of Americanism, continue to seek better ways to meet their problems. They are certain that a great and everchanging variety of human emergencies will arise to challenge them. They are equally certain they will somehow, through voluntary cooperation and resourcefulness, be able to shoulder the new responsibilities.

They display the dignity and the pride that come to those who practice the Christian principles of self-help, individual responsibility, and love thy neighbor.

Is it not high time that Federal policymakers learn that programs which weaken individual responsibility actually weaken the foundation on which success must be based, and compound the very problems such programs seek to cure?

Why is it we continue to seek solutions to human problems on the basis of Federal appropriations?

The reasoning on which this approach is based—the assumption that money can cure human problems—is fundamentally incorrect. The idea that spending at the Federal level is the best way to cure human ills is not only false; it is degrading, because it assumes that people do not have the ingenuity, imagination, intelligence, courage, spirit of cooperation, and necessary desire for self-improvement at the neighborhood level.

No program following readymade policies established by a distant seat of government can hope to recognize, much less understand the unique problems that will vary with each community.

I invite—and challenge—Federal officials and other specialists charged with the responsibility of coping with juvenile delinquency to journey to Quincy, Ill., and observe firsthand what dedicated Americans are doing there through neighborly self-help.

These good neighbors are living proof that even in the most difficult circumstances Americans can and do employ ingenuity, imagination, and perseverance to solve problems that have baffled the so-called experts.

Without seeking or wanting Federal assistance, aid, or doles—these people have recorded achievements that merit the attention of the entire Nation.

FOOD MACHINERY & CHEMICAL CORP.

The SPEAKER. Under previous order of the House, the gentleman from California [Mr. GUBSER] is recognized for 30 minutes.

Mr. GUBSER. Mr. Speaker. I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GUBSER. Mr. Speaker, the Food Machinery & Chemical Corp., which has an ordnance division headquarters in my district, in San Jose, Calif., has a long and distinguished reputation for the manufacture of quality tracked armored vehicles for use by the armed services of the United States and other free world countries.

This is a history which dates back to World War II when many of the vehicles which helped win that war owed their origin and development to the engineers at Food Machinery & Chemical Corp. Since World War II FMC has continuously produced armored tracked vehicles and developed the now famous M-113, a personnel carrier which is air-droppable, and which is considered by armed forces all over the world as one of the finest military vehicles ever developed. This has been made possible because of FMC's perfection of a new technique to weld heavy aluminum plate.

The original Army production design was for a much heavier vehicle which would cost close to $100,000. Thanks to FMC engineers and their fine work this has developed into a vehicle which does the same job as the heavier one, is now air-droppable, and now costs approximately one-fourth what the original design would have cost. To me this is a record of which Food Machinery & Chemical Corp. may justly be proud.

In recent years that record has been subject to attack and certain inferences have been made about this company which have not only been untrue but have been unfair. They have not been in the best interests of that company nor the taxpayers of the United States.

The culmination of these unfair attacks came on May 4, 1962, when an article by the well-known columnist Drew Pearson appeared in all of the papers which carry his syndicated column.

Under the permission previously granted me to include extraneous matter in my remarks, I am placing in the Record at this point an article from the Washington Post of Sunday, May 6, 1962, in which Mr. Davies, chairman of the board of the Food Machinery Corp., answers the statements made by Mr. Pearson and repudiates them.

Davies Declares Contract to Food Machinery Corp. Was on Low Bid

San Jose, Calif., May 5.—Paul L. Davies, chairman of Food Machinery Corp., today said that comments and allegations published by Washington columnist Drew Pearson on May 4, charging that the Army had unfairly awarded Food Machinery Corp. a multimillion-dollar defense contract, was a "thoroughly distorted hodge-podge of misrepresentation."

Basis for the contention was the columnist's report the Food Machinery Corp. had been awarded a noncompetitive contract to produce 2,832 M–113 armored personnel carriers for the Army and the Allis-Chalmers Manufacturing Co. was low bidder by $1,000 per vehicle.

Davies said that contrary to Pearson's charges, the M–113 procurement referred to was "highly competitive"; the Government received bids from eight companies including General Motors, Chrysler, International Harvester, Studebaker-Packard, Allis-Chalmers and others. He then said that on "undisputed testimony of the Army, backed by documentation," Food Machinery Corp. bid was lower than the next lowest bid (Allis-Chalmers) by $5.1 million. "In fact," Davies said, "when computed on the basis of cash savings to the Government, Food Machinery Corp. bid was lowest by $7.5 million."

"It is extremely regrettable that a national spokesman of the stature of Mr. Pearson should develop and publish such misinformation that serves to discredit both the Army and our company," declared the FMC chairman.

Davies said that in a letter to the House Armed Forces Subcommittee on Special Investigations, "copies of which were freely and publicly available to Drew Pearson and any other newspaperman, long before the erroneous column of May 4 appeared in print, our company clearly and unequivocally established that in a long series of competitive awards by the Army, we had consistently been the lowest bidder for the design, development, and production of M–113 armored personnel carriers."

The M–113 is a lightweight, amphibious, airdroppable, armored personnel carrier. According to Davies, it was designed and brought into production by FMC, in cooperation with the Army Ordnance Corps, "in record time and with resulting savings of hundreds of millions of dollars to the Army, compared with the cost of prior vehicles." The carrier is now being used by U.S. Armed Forces in West Germany and other crucial areas.

Mr. Speaker, during the past 2 years a series of hearings have been held by the Subcommittee for Special Investigations of the House Armed Services Committee. These hearings—with which I am personally familiar—are to investigate the procurement of the M–113 armored personnel carrier by the Army. They are a part of the subcommittee's overall study of so-called sole source procurement. There were executive sessions in 1960, public and executive sessions in 1961, and public and executive sessions in 1962. In addition, there have been two extensive reviews by the General Accounting Office.

Toward the end of these hearings I testified before the subcommittee and stated that I believed the subcommittee was performing a great public service in its overall activity of attempting to improve procurement practices, and particularly in focusing the spotlight of publicity on Government procurement.

It is my belief that the subcommittee has still another obligation. When a matter has been reviewed and rereviewed over an extensive period of time, and where, as in the case of the M–113 procurements from FMC, the record clearly demonstrates that the procurements were legal, proper, and based on the lowest competitive price, and resulted in savings to the Government of many millions of dollars, it is the obligation of the subcommittee to bring the hearings to an end. The hearings should not be continued if all they accomplish is to serve as a vehicle for disgruntled bidders, and to form the basis for distorted and erroneous news reports such as the Drew Pearson column of May 4, 1962. Only in this way can the committee preserve its outstanding reputation for integrity and public service. Only in this way can the subcommittee continue to be an effective vehicle for monitoring procurement procedures.

Mr. SLACK. Mr. Speaker, will the gentleman yield?

Mr. GUBSER. I yield to my distinguished colleague from West Virginia.

Mr. SLACK. I wish to compliment the gentleman from California on his very comprehensive and forthright statement on this matter.

The people in my district can only be confused when a major syndicated columnist writes an article quoting members of a subcommittee, or more accurately misquoting them, and praising the subcommittee counsel and at the same time attacking the integrity of the Army and of a procurement which clearly was awarded based on the lowest competitive bid. While we in Congress cannot control and should not control what the newspapers publish, I believe that we have a duty to make sure that they present the full and true facts. Therefore, I would hope that the subcommittee would promptly make clear that it has completed its investigation and based on the full record has found the procurements to be legal and proper, resulting in great savings to the Government and in the best interest of the United States.

When Food Machinery Corp., as the bidder that offered the Government the most money in an open competitive sale, purchased the old 197-acre Naval Ordnance Plant at South Charleston, W. Va., President Kennedy, in his press conference of April 12, 1961, made the following announcement:

> I wish to announce that the U.S. Naval Ordnance Plant at South Charleston, W. Va., will be sold to the Food Machinery & Chemical Corp. of New York City. The General Services Administration has accepted the bid of $4,320,000 and this company is proposing to provide a development which will, they hope, stimulate the economy in this area and in this State, which is a matter of particular interest.

Shortly after the purchase Food Machinery Corp. started construction of a new multimillion dollar chemical plant on one part of the extensive ordnance plant site, and thereafter announced plans for a second large chemical plant. Arrangements were made by Food Machinery Corp. to improve rail transportation into the area. Now, Food Machinery Corp., as the low bidder by $5,100,000, in a highly competitive procurement, has brought part of the production of the M–113 armored personnel carrier into South Charleston.

It seems to me that these actions, rather than being investigated and reinvestigated, should be highly commended. They brought work to a depressed area; they put an idle plant to work; they are making the hopes of my constituents a reality; they carried out the program of the President of the United States, a program which all Americans, regardless of party, support. And at the same time, they saved the Army millions of dollars over the next lowest bids of all of Food Machinery Corp.'s numerous competitors, such as Allis-Chalmers, Studebaker-Packard, General Motors Cadillac Division, International Harvester, Wheland Co., and others—thereby making extra funds available for other essential defense programs with other companies in other districts.

I believe the facts outlined in the letter of Assistant Secretary of the Army Paul R. Ignatius, directed to Mr. Drew Pearson under date of May 4, 1962, are substantiated by the record and should be studied by all persons who plan to form an opinion in this matter. For this reason, I am introducing into the Record at this point a copy of that letter and I recommend very strongly that the text be considered against the background of the statements made here today. In this instance, the Army has held firm and has resisted the shock waves of improper and specially motivated criticism. In simple terms, the Army has obtained the maximum number of vehicle units for the minimum bid price. That is what they are supposed to do and they have done it. I take this occasion, therefore, to publicly extend my congratulations to Assistant Secretary Ignatius and his staff, and to advise them that their efforts in this bid procurement will be remembered in the future if similar ill-founded criticisms should arise. The letter follows:

May 4, 1962.

Mr. Drew Pearson,
Washington, D.C.

Dear Mr. Pearson: In connection with your column of May 4, 1962, in the Washington Post, entitled "Army Buyers Disregard Low Bid," I wish to provide you with the following information drawn from official Army files:

1. You stated: "An amazing case in which the U.S. Army, pledged to fight against communism, stymied fair competition." The contract in question resulted from a competitive negotiation in which 33 companies were invited to submit bids—8 companies did submit bids. Award was made to FMC as the bidder submitting the lowest price to the Government. Competition was encouraged rather than stymied.

2. You stated: "a case, incidentally, which cost the American taxpayers several extra million dollars." The FMC price for the 1,632 quantity of vehicles was $2.5 million less than the next low price for this quantity. The FMC price for the 1,200 quantity was $2.6 million less than the next low price for this quantity. The award as made saved the taxpayers several million dollars.

3. You stated: "U.S. Army had given a sole source (noncompetitive) contract to the Food Machinery Corp. for the manufacture of M–113 personnel carriers even though Allis-Chalmers had bid lower." As pointed out in (1) above, this was a competitive procurement and not sole source. As pointed out in (2) above, FMC was the low bidder and not Allis-Chalmers.

4. You stated: "their testimony of Army discrimination against them was so amazing." Bids were evaluated on cost to the Government. No discrimination of any kind existed.

5. You stated: "The facts showed that the Army could have saved $1,000 per troop carrier if it had given the contract to Allis-Chalmers instead of the Food Machinery Corp." As pointed out in (2) above, the Army would have increased the cost to the taxpayers by making an award to Allis-Chalmers. There is no basis in fact for a statement that an Allis-Chalmers award would have saved $1,000 per troop carrier. The FMC unit price was $20,128 for both quantities. The Allis-Chalmers unit price was $21,301 for the 1632 quantity and $21,719 for the 1,200 quantity.

6. You stated: "The bid did not go to Allis-Chalmers which had bid lower on the first go-round." You are speaking here of a subsequent order received from the Federal Republic of Germany for 1,132 vehicles with an urgent delivery schedule. The urgent schedule required placement of the contract with FMC as the only firm in production and, consequently, the only company capable of meeting delivery dates. Also, as pointed out in (2) and (5) above, Allis-Chambers did not "bid lower on the first go-round."

7. You stated: "Furthermore, the cost per unit for the contract awarded Food Machinery was approximately $23,000 instead of $20,000 on the earlier contract." The Army achieved a price reduction of $225 per vehicle on the 1,132 buy which was the order for the FRG previously referred to. This reduced the unit cost of the vehicle to $19,903. However, the FRG has requested a vehicle which is not exactly the same as that which we are having produced for the U.S. Army and the cost of these modifications has added $405 to the basic vehicle cost. In addition, the required acceleration in delivery increases costs by $602 per vehicle. The net of these increases and decreases in cost results in a vehicle price of $20,910 and not a cost of $23,000.

8. You stated "This was because the company was so overloaded it would have to pay its workers overtime." As outlined in (7) above, the increased costs were not due to "overloading the company" but were due to modifications required by the FRG and acceleration costs in connection with the early delivery schedule.

9. You stated "that Allis-Chalmers on April 18 had officially withdrawn its bid from the Army." Allis-Chalmers at no time withdrew a bid from the Army. On April 19 it did withdraw a protest it had submitted to the General Accounting Office.

In closing I would like to make two additional comments: First, there exists an implication in your article that the Army placed a contract with FMC at a time when Members of Congress were leaving for Easter vacation and that the timing of the award was a "mysterious thing." The announcement of the FRG award was made at the earliest possible date in order to insure the attainment of the required delivery schedule. Secondly, there is an implication that the Army may have "put heat on Allis-Chalmers." I want to assure you that such action is not condoned at any level within the Army and to the best of my knowledge, no such action was taken by any Army individual. You may wish to verify this with officials of Allis-Chalmers.

I am sure that after you have examined the facts outlined above, you will agree that an injustice has been done to the Army and to its procurement personnel. I would appreciate your taking whatever action you deem appropriate as a result of the information I have furnished you.

Sincerely,

Paul R. Ignatius,
Assistant Secretary of the Army
(Installations and Logistics).

Mr. SLACK. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein some letters.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. GUBSER. I would like to express my thanks to the gentleman from West Virginia and to point out he has certainly performed a great service for the people of his district, which is in a depressed area. I, for one, welcome his support of this very fine firm which has an excellent reputation for carrying on and performing satisfactorily in defense contracts in a manner which has been in the best interests of the taxpayers and, certainly, in the best interests of our national security.

Mr. SLACK. I thank my colleague.

RUMANIAN INDEPENDENCE DAY

The SPEAKER pro tempore (Mr. Libonati). Under previous order of the House the gentleman from Ohio [Mr. Feighan] is recognized for 60 minutes.

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this subject.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. FEIGHAN. Mr. Speaker, May 10 has been a day of deep meaning and great significance for the Rumanian nation during the course of the past century. It remains a day of great importance to the Rumanian people in the homeland and in the many countries of the world where the sons and daughters of Rumania live in freedom. It is Rumanian Independence Day—the anniversary of Rumania's national independence.

This day has double significance in the United States.

It serves to remind us that the Rumanian people cherish the same ideals of nation as those which moved our Founding Fathers to declare and establish the United States of America. The common ideals of independence—for nation and for all the individuals thereof—bind the people of the United States with the people of Rumania in a treaty of the human spirit which marks our common destiny.

This day also serves to remind all of us that Rumanian national independence has been put in chains by the new imperialism, the new colonialism of the Russians. Those same Russian chains have been put upon individual liberties and the basic freedoms in the Rumanian homeland. And the spector of Russian imperialism threatens the future of all independent nations and free peoples.

The treaty of the human spirit which binds Rumania and the United States in a common destiny cannot be broken by aggressors, imperialists, despots or colonizers. Such a treaty involves the highest hopes of civilized mankind, hopes which spring from the centuries-long struggle of mankind to be free. Those hopes are indelible in the hearts and minds of all people who have known the blessings of human freedom. They cannot be removed by the despot or the tyrant and over the long run of history those same hopes have always submerged the tyrant. These things we believe. These ideals we share with the people of Rumania. These ideals bind the destiny of our Nation with that of Rumania.

That is why May 10 of each year has a special meaning for the people of our country and merits special public observance in the United Sates.

This day is not observed publicly in the Rumanian homeland. The reasons are clear. The people of Rumania are keenly aware of the fact that they are neither free nor independent. Every day of their lives they see and feel evidence of their captivity by Moscow. The alien regime imposed upon the Rumanian people knows that the Rumanian nation is neither free nor independent—just as members of the regime are neither free nor independent. But the regime also knows the Rumanian people cherish the meaning of this day, that it symbolizes their hopes and aspirations. Hence, public observance of this independence day is prohibited in Rumania. But this prohibition by an alien regime has not and will not stop the Rumanian people from remembering its meaning and observing its significance in those special ways all the captive peoples behind the Russian curtain maintain their national spirit and hopes. The people of captive Rumania know that their independence day is observed in the United States and elsewhere throughout the free world. Wherever free Rumanians live they keep faith with their brothers in the homeland. Those who meet today to observe this independence day are giving evidence of their faith in the future of a free and independent Rumania. I compliment them for their faithful dispatch of this high trust and am honored to join with them and to be a part of this official observance.

This is an appropriate occasion to evaluate the global struggle between

Russian imperialism and the cause of human freedom, and to help chart the course to victory in the cold war for freedom's cause.

We begin by admitting that the enemy, the self-declared enemy, in reality Russian imperialism, now occupies no less than a score of once free and independent nations. In addition, the Russians have partitioned three other nations and are now attempting—either directly or through trained puppets—to occupy the free parts of those partitioned nations. We also recognize the fact that the Russians are set upon a course of world empire—to remake all the nations of the world in the miserable image of the grand Duchy of Muscovy. Khrushchev affirmed this long standing Russian policy no later than 2 weeks ago when he declared that Moscow would continue to support so-called wars of liberation on the territory of the free world and would launch so-called defensive wars against any and all nations opposing the Russian drive for world conquest. These are the hard realities of truth which lie behind the newspeak language of Moscow. Let us make no mistake about the intentions of the Russians. They are determined to win total victory in the war they have launched against the United States and all other free nations. They will not settle for a tie—a so-called stalemate—their objective is total victory. They are playing a game of winner take all, we are forced into the game because they leave us no out, it is time we began to play according to the winner-take-all rules the Russians have established.

There are misty voices heard on the American scene today proclaiming that there can be no winner in the cold war. Other voices, imbedded in faint heart and imbued with limited faith in freedom's cause, are claiming that the United States does not or should not seek victory in the cold war.

These voices give rise to the question, Who are they trying to convince, the Russians or the people of the United States? They will never convince the people of the United States on this point because our people have acquired the habit of victory in all those conflicts which have threatened our liberties, our freedom, and our national independence. These strange voices will never be able to throw up a smoke screen to excuse inaction or half hearted action to meet the Russian threat. Others have tried this before and our people have registered their displeasure at the polls—turning out of office those who supported such views or allowed expression of such views by officials of our Government to go unchallenged. Nor do I believe the Russians can be persuaded by loose talk that neither side can win the cold war—least of all that they cannot. There is a grave danger in such loose talk, especially if it can be attributed, directly or indirectly, to official Washington policy. It can tempt the Russians into more international adventures of a military or paramilitary character. It can further weaken confidence in the United States as a standup Nation, confident of its strength and certain of its destiny. It can even lead to nuclear conflict—the very fear of which appears to motivate this loose talk.

Some years ago a proven authority on the Russian problem and a genuine student of the cold war made this observation:

> The hotter we make the logistics of the cold war the colder will be the probabilities of a hot war.

That observation by the late Father Edmund J. Walsh, S.J., former regent of the School of Foreign Service at Georgetown University, has proven its value over the years.

Everytime we have taken the cold war seriously by taking the political offensive the Russians have turned on their smiles and backed off from the dire threats they launched against us. President Kennedy has already experienced the value of this admonition. When he made it clear to the Russians that we intended that Berlin should remain free, by taking the necessary steps to put us in a position to back up our determination, the Russians backed off on their Vienna threats. But the smiles were turned on and a warm breeze was alleged to be blowing in our direction from Moscow, suggesting that we should be prepared to give a little in our current negotiations with them on Berlin and the future of a free and United Germany.

The present Berlin crisis was stimulated by the Russians in an effort to afflict the Kennedy administration with political myopia. That is, to cause our Nation to look at the Berlin crisis as a special matter, of no real importance to the security of the free world and having no relationship to the broader problems of Central-East Europe. This is by no means a new Russian tactic. They have been engaged with it, on and off, since the first Berlin blockade of 1948–49. It must, therefore, have an important bearing on overall Russian plans and strategy.

Let us look for a moment at the reality of the present Berlin crisis in the context of the modern day Russian Empire.

It is an island of freedom located 100 miles behind the Russian curtain, a curtain which extends from the Baltic Sea to the Pacific Ocean. An Island of Freedom, no matter how small, in this vast sea of Russian despotism assumes immense proportions in the eyes of the new ruling class in Moscow. It must appear as a terrible menace to them—a germ center from which the germs of human freedom could rapidly spread throughout their captive empire.

It is an island of prosperity in a vast sea of common poverty created by the Russian exploiting class—the Communist Party of the U.S.S.R. This demonstration of what free people can do for themselves, when they are not burdened by the unworkable dogma of Russian economic and social theory, must be unbearable. At best it is a constant source of temptation, temptation for the exploited non-Russian nations to throw off the chains which bind them to Moscow.

It is an island of promise for all the captive, non-Russian nations from the Baltic Sea to the Pacific Ocean. The promise involves fulfillment of the wartime pledges that governments freely chosen by the peoples concerned and responsive to the will of the people would be established in all the territories liberated from Axis occupation. It also involves the promise of self-determination for all the captive non-Russian nations within the U.S.S.R., because their rights are no less important than those of the people in Berlin or in the other captive nations.

If we look at the present Berlin crisis in this context, rejecting the political myopia the Russians are attempting to inflict upon us, we will begin to understand the importance of a free Berlin and a free and united Germany to the final outcome of the cold war.

So doing we must:

First, stand fast in support of Berlin as the island of freedom, prosperity, and promise within the Russian Empire.

Second, reject all proposals by the Russians which give any evidence that the United States is willing to endorse a status quo with respect to the present day Russian Empire.

Third, support with courage and vigor the political principle of national self-determination as the peaceful solution to the crisis of Berlin and Russian occupied Germany.

Fourth, seek solution to all outstanding problems with the Russians in Central-East Europe through insistence on the right of all the nations involved to self-determination.

Fifth, be prepared for victory in the cold war because that will happen to us if we persist in our support of these lines of political action.

All responsible Americans are concerned with hastening the day when national independence and freedom will be returned to Rumania. It is time that we recognize the plight of Rumania is not an isolated one. The same conditions of national servitude apply to no less than two score, non-Russian nations. All are plagued with a common oppressor—Russian imperialism. Members of the Communist Party in all the captive nations must be regarded with reality—they are nothing but agents of a foreign power and that foreign power is Russia.

Russia is only one of the nations of the U.S.S.R. and it is a minority nation even though the Russians are told by the new ruling class that they are the superior people of the U.S.S.R. Eighty million Russians and their Communist agents in the captive nations cannot hold the empire together if the captive nations develop a unity of purpose in breaking their chains of national slavery. I am equally certain that no captive nation, working on its own resources alone, can break the chains of Moscow. None of the captive nations will be free until all are free. We must, therefore, dedicate ourselves to this political principle and work together for its accomplishment.

I have long advocated a policy of "Russia for the Russians" as the foundation of our entire foreign policy. Such a policy would give dynamic purpose and sure direction to our international security programs. It would establish a target that all could see and understand. This policy would assure the Russian people that they would be safe and secure behind their ethnological boundaries, there they could establish any form of government that best suited their culture and traditions and no one would disturb their national life. The United States should be willing, indeed anxious, under these circumstances to offer guarantees for the integrity of Russian national life. Similarly, the non-Russian nations which would secure their national independence through such a policy fulfillment, including those now within the U.S.S.R. as well as those now technically outside the U.S.S.R., would be willing to recognize and honor the national independence of Russia. Of this I am confident. I am equally confident such a policy is the strongest insurance against war and our best hope for peace with justice.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, once again we pause in the House of Representatives of the United States of America to honor the 10th of May—the traditional national holiday of the Rumanian people.

This is a poignant occasion because in Rumania this holiday is no longer celebrated. The people who fought to gain their freedom on the 10th of May and who regard this victory with such strong sentiment now languish under the crushing weight of the Soviet. Here in the United States, where freedom is a matter of long tradition, almost a matter of heredity, we sometimes take this wonderful condition quite for granted. We fail to fully appreciate the value of what we have. So it is a strange twist of fate that we celebrate the memorial of the gaining of freedom by a nation which no longer has freedom. Even stranger, as we do this we offer the Rumanians an odd form of moral strength.

Americans are a generous and kindhearted people, as is often demonstrated. If it were possible, Americans would do far more than offer moral support.

Beyond certain narrow limits we cannot offer material help. We can only send words of encouragement to the Rumanians: Our assurance that we have not forgotten them and that we are doing all that we can to protect freedom and the dignity of the individual.

We are sending the Rumanian people our pledge that one day the 10th of May will be celebrated in Rumania openly and joyously.

Mr. CONTE. Mr. Speaker, it is with confused emotion that I wish to call attention to the 85th anniversary of Rumanian independence, for the Rumanian people are today tightly locked behind the Iron Curtain and cannot openly and joyously celebrate this day. I know, however, that the memory of May 10, 1877, when Rumanian independence was proclaimed, will inspire in their hearts renewed hope and courage for a time when they will again be free. May these brave and noble people of Rumania know that we, in the free world, are thinking of them, praying for them, and longing with them for the glorious day when freedom will again return to their beloved country.

May the people of Rumania also know that we are not convinced of their desire for communism, that we have faith in their will for a system of government which is determined freely, by the people of Rumania, and not by the tyrannical few who impose their evil ways upon the many. How ironic it is that the very Russians who helped Rumania to become free 85 years ago are today responsible for enslaving Rumania within the chains of communism.

It is my fervent hope that on this day the Rumanians of the free world will in some manner be able to communicate with their friends and relatives in Rumania our great sympathy for their plight and our burning desire that one day we may all unite in an open, jubilant celebration of thanksgiving for that cherished day of May 10, 1877.

Mr. ST. GERMAIN. Mr. Speaker, Rumania is one of the larger countries in the Balkan Peninsula, and some 17 million Rumanians constitute one of the largest of all ethnic groups in the entire region. They have lived in their historic homeland since times immemorial, and they have had to defend their homes for centuries against invaders and conquerors. They had also to struggle hard and ceaselessly for their freedom and independence. Since the end of the medieval period they had faced some formidable and fearless adversaries, and considering the forbidding conditions under which they faced these adversaries, they did well. Early in modern times the invincible steamroller of the Ottoman Turks overran their country. Conquered, they were subjected to the oppressive Turkish rule which they endured for 400 years. But they never lost sight of their national goal, their freedom and independence. In the first part of the 1800's they staged several uprisings and revolts, but each time they fell short of their goal; and they were ruthlessly punished for their attempts to free themselves. But in the middle of the century the Crimean War of 1853–56, provided them with a welcome opportunity.

At the conclusion of that war in 1856, European powers pressed the Sultan of Turkey to allow the Rumanians autonomy by setting up two autonomous principalities there. Later these two principalities were united under the rule of a prince. But mere autonomy was not the goal of the Rumanian people; what they wanted was freedom and independence. So even under autonomy they continued their struggle, and on May 10, 1877, they again raised the banner of revolt against the Turks by proclaiming their independence. In the Russo-Turkish War of 1877–78 of course they fought on the side of Russia, and the successful conclusion of that war guaranteed their freedom.

Since those days Rumanians have had their ups and downs; their country grew prosperous at times, and at other times it was poverty stricken. In the course of two world wars it was invaded by enemy forces and ravaged beyond recognition. All these the Rumanians had to endure, hoping that in the end they would have their rewards in freedom. Even before the end of the last war, however, they experienced the terrible misfortune of losing not only part of their country, but also their freedom and independence. The Soviet Union robbed them of these inalienable rights. Today Rumanians have become Soviet Union's captive subjects, for 18 years a helpless satellite nation behind the Iron Curtain. On the 85th anniversary of their independence day I gladly join Americans of Rumanian descent and echo the genuine patriotic sentiments of Rumanians in their homeland.

Mr. RYAN of New York. Mr. Speaker, Rumanians have lived in their historic homeland in the Balkans since days immemorial. There they have tilled the fertile soil and have fought for their freedom and independence. During most of their modern history they have found it impossible to cope with their powerful foes. The country was overrun by the Ottoman Turks almost 500 years ago, and thereafter its people lived under the Ottomans for centuries. They endured and suffered the oppressive alien rule, and on many occasions they revolted against the Turks. Unfortunately, all their attempts to free themselves ended in failure, often culminating in national disaster, until the middle of the last century. The Crimean War of the mid-century offered them the opportunity. At the end of that war—in 1856—the Rumanians were able to secure autonomy, and this autonomy was guaranteed by the European powers. The next step toward liberation came in 1877. On May 10 of that year Rumania proclaimed its independence and began the fight for its attainment. In that war Rumanians attained their national goal, and this again was sanctioned by the European powers. To the Rumanian people since the event of May 10 led to their independence, that day remains as their national holiday, their independence day.

Since 1877 the anniversary celebration of this holiday is observed in all Rumanian communities, in and out of Rumania. Today Communist dictators of Rumania do not allow any such celebration there, but we in the free world join hands on this anniversary, on Rumanian Independence Day, and look forward to the day when freedom will prevail in Rumania.

Mr. RODINO. Mr. Speaker, Rumania is one of the larger countries in all Europe, and Rumanians constitute the largest ethnic group in southeastern Europe—in the Balkan peninsula. Just as these 18 million sturdy peasants constitute a formidable force in the area today, so in their past history they played an important part in the history of the Balkans. For centuries they held their own against powerful and aggressive invaders, but in the 15th century they were overcome by the Ottoman Turks, the country was overrun, conquered, and thereafter for some 400 years Rumanians became subjects of Ottoman sultans. During those centuries they endured the crude, cruel rule of the Turks, and at the same time they did their utmost to cast off the alien yoke weighing heavy upon them. Time and again they revolted and rose in rebellion against their powerful overlords, time and again they were overpowered, and were cruelly punished for their attempts to free themselves. But the Rumanian people, determined to be free and independent, and unwilling to be held down or held back from their goal, revolted several times during the last century, and in at least two of these they were successful.

In 1856 they obtained autonomous status within the Ottoman Empire, and for all practical purposes their only tie with the Sultan was the payment of annual tribute to his treasury. But the Rumanians wanted to cut off this last remaining link between themselves and ruling Turks. To attain this goal they rose again in 1877, proclaimed their independence on May 10, and started a war against the Turks.

Fortunately for them, they had in this war the Russians as well as other Balkan nationalities on their side. So the victory of their cause was assured early in 1878.

Thus May 10, of 1877, and the events connected with that date, mark a veritable milestone in Rumanian national history. The proclamation of May 10 ushered in a new era in their history, gave them a new lease on life as a nation, a sovereign and independent nation. They then built and developed their country, made good use of its immense natural resources, and at times made Rumania the granary, the real bread basket of Europe. Later on it was also to become the largest source of Europe's petroleum. Rumanians enjoyed the freedom as well as the prosperity of their country. Then with the outbreak of the last war things began to take a sad and dramatic turn, leading to Rumania's tragedy towards the end of that war.

It is Rumania's misfortune to be bordering the Soviet Union. That geographical fact made Rumania one of the first victims of Soviet aggression very early in 1945. Since then unhappy Rumanians have not known freedom in their own homeland. They suffer under Communist totalitarian tyranny, imposed upon them by the Kremlin. It is sad that the democracies of the free West could not aid these people effectively to free themselves from Soviet tyranny, but on this Rumanian Independence Day let us all hope and pray that they will again succeed in regaining their freedom and independence. And let us today salute the brave Rumanian people, whose lands may be conquered, but whose hearts still beat with the strength of liberty.

Mr. SCRANTON. Mr. Speaker, Rumania is one of the larger countries in the Balkan Peninsula and the Rumanians constitute the largest single ethnic element in the region. It is perhaps the most fertile and, in terms of natural resources, the wealthiest part of the Balkans. Rumanians have made good use of the wealth of their country, and they have been known as the most industrious peasants in the region.

Rumania has been overrun by invaders and conquerors through most of known history. For centuries these conquerors held the Rumanians under them, and treated them roughly and mercilessly. Rumanians, on the other hand, were unwilling to submit docilely to foreign rule, and fought back their overlords in every way they could. In this unequal fight for their freedom they paid dearly. The conquerors did not use kid gloves in suppressing revolts in Rumania; frequently all Rumanians were considered guilty and so were massacred without distinction of age or sex.

In the general Balkan disturbances in the 1870's Rumanians hoped to attain their goal, and so made the daring move that has become a landmark in their history. On May 10 of 1877 they proclaimed their independence and rose in rebellion against their overlords. They attained their freedom in less than a year's fighting. Since that day Rumanians celebrate that day as their independence day, though tragically today they are no more free than they were before 1877.

Mr. DEROUNIAN. Mr. Speaker, Rumanians form one of the largest nationality groups in the Balkans, and like their numerous neighbors, they had had the misfortune to suffer under the oppressive Ottoman sultans during most of their modern history. In the course of these centuries they struggled endlessly, and always against terrific odds, against their powerful overlords, and they succeeded in maintaining their national entity and national spirit. And late in the last century, when they had the best chance to free themselves, they seized upon that chance and attained their goal.

Late in the 15th century Rumania was overrun and conquered by the Ottoman Turks. For 400 years Rumanians endured the Ottoman Turkish yoke, though they were never reconciled to their lot. Gradually and ceaselessly they worked for their freedom. Beginning with the middle of the last century, as the Ottoman regime was losing its grip over its Balkan provinces, the Rumanians were in a better position to work for their goal. At the end of the Crimean War they were given autonomous status. That was the first and perhaps the most important step on their way to freedom and independence. This autonomy was guaranteed by the European powers, so the Turkish Government could not go back on its promise. But the Rumanians were not satisfied with mere autonomy, and they were on the lookout for another chance which would offer them their independence. They had that chance in 1877. On May 10 of that year, taking advantage of Turkey's weakness, they revolted against the Turks and proclaimed their independence. In their fight, they were materially aided by the Russians, and in less than a year they had attained their goal.

Today on the 85th anniversary of that historic day, Rumanians find themselves imprisoned in their historic homeland under Communist totalitarian regime, but let us hope that they will again regain their freedom.

Mr. DERWINSKI. Mr. Speaker, the 10th of May is the traditional national holiday of the Rumanian people, commemorating the founding of the Kingdom of Rumania and the independence achieved by that nation from the control previously exercised by the Turks.

The Kingdom and the people of Rumania prospered and developed for many years despite the ill effects of World War I and the continuous irritations in the Balkan Peninsula.

Freedom and liberty, so long fought for and achieved by the Rumanian people, were deprived them in the closing days of World War II when Soviet bayonets imposed the Communist puppet government on the people and forced the legitimate Rumanian Government to dissolve and its leaders to flee the country for their lives.

However, the spirit of the Rumanian people remains steadfast in their opposition to Soviet colonialism. Radio broadcasts to the people behind the Iron Curtain from Rumanians in the free world are an encouraging link in maintaining a spirit of freedom behind the Iron Curtain.

The Rumanian people who migrated to the United States have become outstanding American citizens, due, in great part, to their heritage of freedom in their own country, and to their appreciation for our strong institutions, of which people enslaved behind the Iron Curtain are deprived.

I wish to join the other Members of the House in commemorating this day, which is being called to the attention of the Rumanians in their homeland by the facilities of Radio Free Europe and the Voice of America.

Certainly, in the observance of this commemoration, I join the Rumanian National Committee and Rumanians throughout the world, and urge them to maintain their hopes and aspirations for restoration of a legitimate government for Rumania.

Mr. REUSS. Mr. Speaker, the Rumanian people have a large number of holidays in their long and eventful history, but May 10 marks a great landmark in their history because that day marks their independence day. While strictly speaking Rumania's independence was only attained by degrees, in several steps, the actual proclamation of her independence and the last serious fight against the Turks for its attainment began on May 10, 85 years ago.

The Rumanians are among the oldest inhabitants of the Balkan Peninsula and today, even after the breakup of their historic country by the Soviet Union, they constitute the largest single ethnic element in the entire Balkan region, numbering more than 17 million. A brave and patriotic people, endowed with many native and acquired gifts, Rumanians have been subjected to the unwanted alien regimes during most of their modern history.

In the middle of the 15th century Rumania was conquered by the Ottoman Turks, and thereafter for more than 400 years they suffered under the tyranny of callous and cruel Ottoman administrators. In the 19th century when they succeeded in their attempt to secure independence from the Ottoman sultans, they then found themselves in danger of Russian aggression. Yet the Rumanians succeeded in keeping their country and their independence in the course of numerous wars. At the end of the First

World War they regained some of their long-lost provinces, which made Rumania the largest and also the richest country in the Balkans. But the Second World War and its aftermath again brought misery and tragedy for the Rumanian people.

It is tragic that such a gifted and gallant people, living in one of the most fertile lands in all Europe, cannot be allowed to live in freedom. In observing the 85th anniversary of independence day the peoples of the free world hope for ultimate free institutions for the people of Rumania.

GOVERNMENT FINANCED SCIENTIFIC RESEARCH

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Michigan [Mr. MEADER] is recognized for 30 minutes.

Mr. MEADER. Mr. Speaker, I appeared today before the Government Operations Committee of the U.S. Senate to testify on behalf of legislation to create a commission similar to the Hoover Commissions, to study the activities and expenditures of the Federal Government and its agencies in scientific research and development.

This legislation is contained in Senator McCLELLAN's bill, S. 2771, to establish a Commission on Science and Technology. I have introduced a similar bill in the House, H.R. 11377, to establish a Commission on Government Operations in Research and Development.

One of the reasons that I urged the creation of this study commission is that the House of Representatives and particularly its Committee on Appropriations has indicated an intention to include in all appropriation bills in this Congress a provision limiting indirect costs on research grants to 15 percent of direct costs.

This provision has been contained in past years in an appropriation bill for the Department of Health, Education, and Welfare, but for the first time in history, this provision was included in the defense appropriation bill by Section 540, of H.R. 11289. During general debate on that bill—CONGRESSIONAL RECORD, April 17, 1962, page 6855—I announced that I would offer amendments to strike section 540 and restore the funds which were deleted from the bill because of the 15 percent limitation it provided. When the bill was before the committee for amendment, I joined with the gentleman from Michigan [Mr. CEDERBERG] who offered appropriate amendments, and the colloquy with respect to those amendments appears on page 6913, CONGRESSIONAL RECORD of April 18, 1962. On a teller vote, the amendments were defeated by a vote of 93 to 115.

Mr. Speaker, the 15-percent limitation was inserted in the defense appropriation bill without prior notice to those who would be affected thereby, and without an opportunity for representatives of the universities to be heard or even have advance notice of the provision. They are most directly concerned in the 15-percent limitation, which would further reduce the reimbursement of universities for the administrative, overhead, or indirect costs incurred by them as out of pocket expenses in administering Federal research grants. In this sense, they were denied their day in court and were condemned without a trial.

I understand that hearings on the independent offices appropriation bill have been concluded and that the committee will shortly mark up the bill. From the statement contained on page 48 of the committee's report on the Defense Appropriation Act, it would appear this year the committee is applying the same limitation to other departments of the Government. This gives rise to the possibility that the Appropriations Committee may include the 15 percent indirect cost limitation in the independent offices appropriation bill, as well as other subsequent appropriation measures. In the independent offices appropriation bill will be contained the funds for the Atomic Energy Commission, the National Aeronautics and Space Administration, and the National Science Foundation.

During the debate on the defense appropriation bill, the gentleman from California, Hon. GEORGE P. MILLER, chairman of the House Committee on Science and Astronautics had this to say:

> I would like to say that if this limitation is carried over into the NASA setup it would greatly retard all of our effort in space. If we take this step suggested by the committee it would be a great step backward.

It is my intention to write to the chairman of the subcommittee of the Appropriations Committee handling the independent offices appropriation bill, the gentleman from Texas, Hon. ALBERT THOMAS, to request him to reopen the hearings in the event the committee intends to include the 15 percent indirect cost limitation in that bill and to permit those who would be adversely affected thereby to be heard and to advance their reasons against such a limitation. I would like to appear as a witness myself and intend to make that request of the chairman.

I also intend to request the chairman of the House Committee on Science and Astronautics to hold hearings on my bill, H.R. 11377, to establish a study commision to explore activities and expenditures of the Federal Government and its agencies in scientific research and development.

Mr. Speaker, this matter is of major consequence not only to the universities and colleges of this country, 80 percent of whom are receiving Federal funds, but is of major consequence to the future of scientific research and development and the many important Federal Government programs which are dependent upon it. No such policy should be adopted on ex parte incomplete records, nor without a clear and complete understanding not only on the part of the Appropriations Committee, but the House of Representatives, of exactly what is involved.

For that reason, I propose to discuss briefly the importance of scientific research and development expenditures of the Federal Government and their impact upon universities and the dangers involved in imposing a rigid ceiling on indirect costs such as has been announced by the Appropriations Committee.

1. INCREASE IN FEDERAL GOVERNMENT ACTIVITIES AND EXPENDITURES IN SCIENTIFIC RESEARCH AND DEVELOPMENT

Prior to World War II, the total Federal research and development program is estimated to have cost annually about $100 million. In the fiscal year 1950, total Federal research and development expenditures were about $1.1 billion. In the fiscal year 1963, the total is expected to reach $12.4 billion—report of the President's Committee, April 30, 1962, page 5.

The rapid, almost explosive, increase in interest in science since World War II not only in new fields such as atomic energy and space, but in traditional fields such as physics, chemistry, and medicine, has produced an unprecedented demand for, and caused an acute shortage of scientific and engineering talent. Expanded enrollment of colleges and universities, intensified industrial exploration for new products and new methods to meet both civilian and governmental needs and skyrocketing activities and expenditures of the Federal Government in science and engineering have imposed a severe strain on the scientific community.

It is probably impossible to make an accurate assessment of the degree of acuteness of the shortage of scientific talent and the intensity of the demand on science but an illustration of its seriousness is the recent experience of the Bacteriology Department of the University of Michigan. The head of that department told me that in the first 3 months of 1962, 25 requests for recommendations of Ph. D. degree holders to fill vacancies were received but the department was unable to locate and recommend even one scientist.

There is every indication that the trend toward increases in Federal Government activities and expenditures in the field of scientific research and development will continue and possibly even expand. Indeed, the report of the President's committee I have mentioned observes:

> The end of this period of rapid growth is not yet in sight. Public purposes will continue to require larger and larger scientific and technological efforts for as far ahead as we can see.
>
> The increase in Federal expenditures for research and development has had an enormous impact on the Nation's scientific and technical resources. It is not too much to say that the major initiative and responsibility for promoting and financing research and development have in many important areas been shifted from private enterprise (including academic as well as business institutions) to the Federal Government. Prior to World War II, the great bulk of the Nation's research achievements occurred with little support from Federal funds—although there were notable exceptions, such as in the field of agriculture. Today it is estimated by the National Science Foundation that the Federal budget finances about 65

> percent of the total national expenditure for research and development. Moreover, the Federal share is rising.

The aforementioned report also shows that in 1961, the most recent year for which completely comparable figures are available, the total national expenditure for research and development was on the order of $14 billion, of which the Federal Government provided $9 billion, private industry $4 billion, and the remainder came from university and other not-for-profit research centers. More interestingly, when we break this $14 billion down by the agency performing the research, we find that the Federal Government performed only $2 billion worth of research, private industry $10.5 billion worth of research, universities $1.2 billion, and the not-for-profit research organizations $280 million.

Since the Federal Budget for 1963 projects a Federal expenditure of $12.4 billion for research and development, we can only surmise that there will be an overall national expenditure of something on the order of $15 to $16 billion, much of this performed outside of the Federal Government, although the Federal Government will provide the lion's share of financial support. The impact of this on colleges and universities will be felt not only in the fiscal operations of those institutions, but in their overall programs of teaching and research—in the humanities as well as in the sciences.

2. INCREASING DEPENDENCE OF HIGHER EDUCATION ON FEDERAL GOVERNMENT RESEARCH FUNDS

According to the report, "Harvard and the Federal Government," 20 percent of the total expenditures in higher education in the United States now comes from Federal sources—page 4.

The Harvard report also observes:

> At least 80 percent of the institutions of higher education in the United States now receive Federal funds, and Harvard is one of those heavily involved in Federal programs. It is difficult to obtain precise totals but a sampling of 17 institutions with large Federal programs showed Harvard in ninth place both in the amount received and in the relation Federal money bore to the total university budget.
>
> Government funds tend to concentrate in the relatively few institutions with strong graduate and professional programs in the natural sciences because of the heavy national emphasis on research. A recent study of Federal expenditures for research in 287 institutions showed that five institutions received 57 percent of the total, while 20 institutions received 79 percent and 66 received 92 percent. In Harvard's sampling of 17 institutions there were three administering Federal laboratories as a public service where Federal funds comprise more than two-thirds of the annual university income budget and there were three others where the proportion was greater than a half of the total, based on 1960–61 figures.

The Carnegie Foundation is sponsoring and financing a study of the Federal Government and higher education and has asked 23 institutions of higher learning to examine their relations with the Federal Government and the impact of Federal funds on the operations of their institutions. The Harvard report above referred to is the first of such studies to appear.

3. IMPACT OF FEDERAL SCIENTIFIC EXPENDITURES ON HIGHER EDUCATION

The force of Government expenditures and possible aggressive and shortsighted employment of that force by Government administrators might lead to imbalance in the operation of universities; may induce neglect or downgrading of its educational and scientific training responsibilities and basic scientific research in which the Federal Government has no immediate interest. Federal scientific expenditures may lead to interference with the freedom and productivity of higher educational institutions by supervision and control, or attempted supervision and control, of educational institutions and dictation of, or influence on, management decisions in colleges and universities by administrators in the bureaus and agencies of the Federal Government.

Nor are we in Congress entirely without blame if we insist on placing needless controls on the universities doing Federal research. Yet the recent debate in the House on the Department of Defense appropriation shows how close we are to imposing such controls. In this case, the Appropriations Committee of the House, acting in all good faith, thought it desirable to impose a 15-percent limitation on the payment of indirect costs of research grants made by the Department of Defense to nongovernmental organizations, in particular, colleges and universities, and announced its intention to place a similar limitation in all appropriation bills carrying funds for research grants.

Many otherwise well-informed Members of the House were not aware of the facts and issues involved in the Federal Government's research grants to colleges and universities for research.

Some of my colleagues, especially those on the House Appropriations Committee, sincerely believe that colleges and universities are running their programs out of Federal research grants. Yet no evidence has been produced by those who express this opinion, and it is my belief that this is no more than a tacit assumption. Tacit assumptions are difficult to deal with. It is impossible to prove the nonexistence of something which is nonexistent. Logically, we should require those who assert the proposition that the universities are running their educational programs on Federal research grants to assume the burden of proof of that assertion. Yet not one iota of evidence was cited by any of those who favored limiting Federal payment of indirect costs of research that even one institution, let alone all of those doing research for the Federal Government, was making a profit on payments collected from the Federal Government for indirect costs of research.

4. INDIRECT COST LIMITATION UNSOUND

The Appropriations Committee members favoring a percentage limitation seem to take the position that unless a rigid ceiling is imposed, there are no controls on the amount universities may charge the Federal Government for indirect costs. This is not the case. The Bureau of the Budget in 1958 published a circular, A-21, which sets forth procedures for accounting on research grants, including the matter of indirect costs. University records are subject to audit, and are in fact audited, with respect to contracts and grants other than grants from the Department of Health, Education, and Welfare, where the 15-percent limitation on indirect costs has been in force.

A 15-percent limitation is meaningless unless it is a percentage of the same thing. In other words, unless all universities keep their books in the same fashion, especially with respect to cost accounting, the same items being identified as direct or indirect costs, there could be no uniformity.

This would lead to the Federal Government insisting upon a uniform pattern of accounting for every college and university in the country regardless of the size of the institution and regardless of its character, whether a State university or a religious or privately endowed institution.

The accounting system of any institution reflects the nature of the institution, the character of its business, and the transactions by which it conducts its business. These obviously will differ, since the legislatures of the various States or the governing bodies of universities may compel administrators of the university to conduct and record their transactions to satisfy those who provide their funds.

For the Federal Government to undertake to insist upon a special accounting system to accommodate a 15-percent limitation on indirect costs would require institutions receiving Federal research grants either to keep two sets of books, to install elaborate cost accounting systems seeking to maximize direct costs and minimize indirect costs, or adopt accounting systems which, while suited to the Federal Government requirements, would be totally unsuitable for its obligations to its governing bodies or to State legislatures and totally unsuitable for its teaching responsibilities and other research activities in which the Federal Government has no interest or participation.

In a sense, the imposition of a Federal accounting system upon universities would be a major interference in the business management of institutions of higher learning.

HOW THE GOVERNMENT DETERMINES OVERHEAD COSTS

There is, at present, no consistent policy for determining the overhead cost which is followed by all agencies of the Federal Government. Thus, a university doing research for the Atomic Energy Commission, the National Science Foundation, and the Department of Health, Education, and Welfare will find that the overhead or indirect cost of this research will be computed in three different ways depending on the agency with which the institution is dealing. A decade ago, the problem of reimbursement for overhead cost was one that concerned a relatively few institutions engaged in large-scale research projects for the military agencies.

Until 1958, the principal policy document governing computation of overhead for Federal research was the so-called blue book developed in 1947 by a group representing educational institutions and the Departments of War and Navy.

Then, in 1955 the National Science Foundation recommended that all Federal agencies reimburse educational institutions to the maximum extent possible for the indirect cost of sponsored research projects. In 1958, following lengthy discussions between groups representing colleges and universities and an interagency committee representing the Federal Government, the U.S. Bureau of the Budget issued circular A–21 setting forth the principles for determining the costs applicable to research and development under grants and contracts with educational institutions. Although some of the details of circular A–21 were not satisfactory to the educational institutions, it was generally recognized by them that this action by the Bureau of the Budget was a major step toward a uniform Federal policy.

Even so, Circular A–21 is not applied uniformly throughout the Federal Government. The Department of Defense uses a modification of Circular A–21 in determining indirect costs of research on projects which it sponsors. Likewise, the Atomic Energy Commission uses its own adaptation of the principles of Circular A–21. The National Science Foundation, which pressed most vigorously for a uniform Federal policy on reimbursement for indirect costs of sponsored research, until recently has arbitrarily limited the payment of indirect costs to 15 percent of the direct costs of the project and has only recently raised this limit to 20 percent of the direct costs. Since 1957, the Department of Health, Education, and Welfare has been prohibited by law from paying more than 15 percent overhead on the direct cost of grants for research projects. Thus far, efforts to repeal or modify this rider to the Health, Education, and Welfare appropriation bill have been unsuccessful.

BRIDGING THE GAP BETWEEN OVERHEAD COST AND GOVERNMENT PAYMENTS

Until the Bureau of the Budget published Circular A–21 in 1958—revised in January 1961—colleges and universities that belived they were not receiving equitable treatment from the Federal Government with respect to the indirect cost of sponsored research had no single point of reference upon which to base such a claim. However, a recent study by the National Science Foundation leaves no doubt that for lack of a uniform Federal policy on payment of the indirect costs of sponsored research in colleges and universities, those institutions which undertake such projects are forced to pay almost $1 of indirect cost for each $1 of reimbursement for indirect cost received from the Federal Government. Note that the title of the study is "Interim Report on Indirect Costs of Federally Sponsored Research and Development in Colleges and Universities, Fiscal Year 1960," prepared by NSF for the Federal Council for Science and Technology.

The NSF study, which is the most comprehensive and thorough yet made, examined research cost data from 89 large universities and colleges with total expenditures for federally sponsored research of $357,982,000 in fiscal year 1960. Comparable data were obtained from 61 small colleges and universities with total research expenditures of $11,358,000 in fiscal 1960. To these cost data the National Science Foundation applied the circular A–21 method of computing overhead costs. The results of this analysis were as follows:

First. The national average indirect cost rate of federally sponsored research and development of large colleges and universities, in 1959–60, was 28 percent of direct costs. In computing this rate, employee benefits were considered part of direct costs, and the principles of the Bureau of the Budget circular A–21 were used. Each large college and university has a rate established under circular A–21 by a cognizant Federal agency.

Second. The national average indirect cost rate of federally sponsored research and development of small colleges and universities, in 1959–60, was 31 percent of direct costs. These small colleges and universities do not have an established rate, and, therefore, the abbreviated principles of circular A–21 were used by the institutions in computing this rate. Consequently, there are some technical accounting differences in the methods used for small versus large institutions.

Third. In fiscal year 1962, using the principles of circular A–21 as a base—28 percent of direct costs—applied to the Federal grant programs of all institutions, it is estimated that the total indirect costs of federally sponsored research and development grants will be $83 million. Since current practices of Federal agencies call for an outlay of $47 million to cover the indirect costs of grant programs for research and development, it is estimated that an additional $36 million would have to be made available either by the colleges and universities or the Federal Government in order to cover the total indirect costs of federally sponsored research and development.

The impact of this compelled cost sharing varies from institution to institution. The National Science Foundation study applied an average indirect cost rate of 28 percent and found a $36 million difference between indirect costs and Federal reimbursement for these costs. But 38.2 percent of the large institutions reporting to the National Science Foundation had overhead costs in excess of 30 percent, and 72.2 percent of the small institutions had overhead costs in excess of 30 percent. Again, it should be emphasized that this computation of overhead costs was made by the National Science Foundation, not by the institutions themselves.

The effect of the 15-percent indirect cost limitation in the defense appropriation bill is that a burden of $4 million is now being transferred from the Federal Government to hard-pressed universities and colleges and will result in their acquiring this money from their State legislatures or elsewhere or else being forced to refuse to engage in research thought to be desirable by the Defense Department.

The limitation of a percentage of indirect costs to direct costs presupposes a universal system of accounting among the universities and colleges. There is no such uniformity, however. A large university, for example, may make a direct charge to a department having a research grant of such items as maintenance, use of equipment, and so forth, while another institution, possibly a smaller one, would simply lump such contributions into the total overhead cost of operating the university.

In effect this percentage limitation of indirect costs is meaningful only if the Federal Government is to establish a universal accounting system for all institutions of higher learning and thus assert a Federal right to interfere and control the business management of these institutions of higher learning. This is a dangerous precedent because it asserts the predominance of the bureaucratic mind over scientific research—the supremacy of Parkinson's law over a field which by its very nature demands imagination and freedom of thought if worthwhile new discoveries are to be made for the benefit of mankind.

The matter of indirect costs is only one of many problems that arise from these huge and growing expenditures. Universities have become concerned that huge proportions of their total budget are derived from Federal funds.

The University of Michigan is located in Ann Arbor, Mich., my hometown, and their officials estimate that approximately 22 percent of the total budget of the University of Michigan in 1959 was represented by federally financed research.

The California Institute of Technology had at the same time some $50 million in Government research representing 83.6 percent of its total expenditures.

Harvard University became concerned about the impact of Federal research expenditures on the program of the university and in September 1961 issued a report entitled "Harvard and the Federal Government." After reciting that at least 80 percent of the institutions of higher education in the United States now receive Federal funds, the report recited, on page 3, that in 1959 and 1960 Federal funds supplied one-fourth of the budget of the university as a whole and supplied 55 percent of the budget of the School of Public Health and 57 percent of the budget of the medical school. The report also noted on page 13:

> One of the most serious of questions in Federal programs is that of unreimbursed indirect costs on grants. Most spectacular in 1959–60 were the unreimbursed costs arising from research grants, which made satisfactory allowance for direct, but not for indirect costs. While spending $11,860,836 of Federal funds for project research, the university incurred $687,500 in unreimbursed indirect costs.

In fiscal year 1961 the University of Michigan had a total of $17.3 million of federally financed research contracts and grants of direct costs of which $10.3 million were from the Department of Defense and $7 million were nondefense.

In the same fiscal year, according to Federal Government auditors—Signal Corps—the university had a total of indirect costs for the administration of these Federal contracts and grants of $5.9 million, of which $4.4 million were reimbursed by the Federal Government, leaving approximately $1.5 million of indirect costs for which the University of Michigan was not reimbursed.

From the foregoing it is clear that Federal expenditures in scientific research are having a tremendous impact upon our institutions of higher learning. The fact that the Federal Government refuses to pay the entire cost of the program but requires the universities to find substantial amounts of funds elsewhere either from their State legislatures, their nonearmarked charitable contributions or students' tuition fees to assist in financing research activities for the benefit of the Federal Government is an extremely serious problem when both State-supported and private institutions of higher learning are having difficulty in obtaining sufficient funds to operate their educational and research programs in which the Federal Government does not have a direct interest.

This financial problem of institutions of higher learning has clearly been recognized by the Federal Government and by the Congress. Just yesterday the House adopted, by a vote of 294 to 76, House Resolution 625, to send H.R. 8900, the college facilities bill, to conference. This bill envisages a contribution for college construction over a 5-year period of $1,500 million.

There is now pending before the Rules Committee a bill to subsidize the construction of medical schools, which over a 10-year period is estimated to cost the Federal Government $1,013 million.

These new fields of Federal assistance for higher education are in addition to sizable programs in college housing, programs of the National Science Foundation and National Defense Education assistance, to higher education.

In the light of the size of these Federal programs, recognizing the financial distress of institutions of higher learning, it is somewhat surprising that the Appropriations Committee would cut $4 million out of the indirect costs reimbursement on defense research grants and either induce universities to refuse to do defense research for the Federal Government or to find the $4 million in other sources of income such as tuition fees, appropriations from State legislatures, or nonearmarked charitable donations. This is indeed straining at a gnat and swallowing a camel.

Mr. Speaker, I intend to urge the Science and Astronautics Committee to hold hearings on my bill, H.R. 11377, so that this matter of indirect costs may be studied along with other difficult and complex problems involved in the relationship between the Federal Government and institutions of higher learning with respect to scientific research and development.

Until that study is made, it is my suggestion that the Congress refrain from hasty and ill-considered action such as the imposition of a percentage limitation of indirect costs on research grants.

INDEPENDENCE DAY, U.S.A.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Iowa [Mr. SCHWENGEL] is recognized for 60 minutes.

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, first I want to commend the gentleman who just spoke on the importance of observing independence day in Lithuania. I could not help but think while the gentleman was speaking how much for granted we take the observance of Independence Day in our own country, and how important it is for us not to do so. But, rather, to think on those things that happened so many years ago for the good of our country, and I think it cannot be wrong to say for the good of humanity in general. The things that happened at that time here in America were important for us, and they are important for the freedom-loving people in the world today. I think the statement made by the gentleman who spoke previously on communism was both appropriate and timely. I am glad he called attention again to what he referred to as imperialistic communism. He, I believe, is more generous than I would be in referring to communism as imperialistic. I think it is a form of tyranny that is not good for Russia, nor is it good for the world. I think we should think of it more often in those terms, for that, in truth, is what it really is.

Mr. Speaker, I speak with some authority on this important subject because I have just returned from a visit to Germany where I had an opportunity to inspect the installations we have there, and had an opportunity to talk to our soldiers who are stationed there, as well as with the leaders who have responsible jobs there in maintaining peace and promoting the status quo. I am glad to report that I am happy about the work that our boys are doing there, and I am pleased with their attitude. I am impressed with the effectiveness of the United States forces not only in Berlin but throughout Germany.

Mr. Speaker, while I was in Berlin, as all those who go there today, I visited the "wall." We went first to "Check Point Charlie," and I can tell you that I was impressed with this. I went up to the tower and looked to the left and looked to the right, and saw that wall. I think it was the most depressing experience I ever had in my life, to see that wall that divides a city, unwanted by the people, unneeded, and certainly it was an affront to freemen. I could not help but notice that also that wall was fortified with barbed wire.

Now, in our country we have barbed wire which we use to fence in dumb animals, and corral or keep them in bounds within a pasture for their own good, and for our good. Here the Russians, who profess to want to extend their philosophy on a worldwide basis, are using barbed wire to keep people from mingling with each other, a paradox, and I could not help but think, along with those who visited there, that here was a testimony, really, to the weakness of their philosophy, because they are in truth unwilling to let the people from West Berlin and other people from other areas come in and see how their philosophy works, and to let them know what is happening on the free side of that wall.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I am happy to yield to the gentleman from California.

Mr. CORMAN. Mr. Speaker, I saw that wall last October. I wonder if the gentleman from Iowa [Mr. SCHWENGEL] would not agree with me that this is probably the most rabid dastardly inhuman action they have taken and is one of the most serious indictments of their way of life, the fact that they have to imprison people in order to keep them under control. In my opinion it would add much to the strength of the free world if we could convey that picture throughout the uncommitted parts of the world.

Mr. SCHWENGEL. Yes; I agree with the gentleman completely. Later on I intend to talk more on that subject. But I could not help, in view of the fine statement that has been made previously, calling attention to it. I think we should do this more often. I think we need to remind ourselves of the full meaning of this, and so long as this kind of wall exists to keep people from associating and seeking to learn from each other, and to benefit from the experience of each other, we will not have peace in the world, and the kind of peace we want here in America.

THE BIG SCANDAL IS IN THE DEPARTMENT OF AGRICULTURE

Mr. SCHWENGEL. Mr. Speaker, I would like to go to another subject and suggest that on each successive day over the past few weeks, sordid new chapters have unfolded in the Billie Sol Estes story. Congress has been shocked and reasonably so over the proportions of this scandal and by the frantic attempts of a harried Department to play it down. Because certain officials have dragged their feet and delayed the application of the law in dealing with this self-styled financier who bilked hundreds of his Texas neighbors because he apparently had the cooperation and compliance of certain officials within the Department of Agriculture, I call for an immediate investigation of this matter by a properly constituted bipartisan committee of the House.

The example of what Billie Sol Estes has been able to do, makes many Americans wonder how many more operators of this kind are getting away with the same type of manipulation and misuse of their ties to the Department of Agriculture.

President Eisenhower, in discussing the Estes case today, recalled that in the Teapot Dome oil scandal, then President Calvin Coolidge called in two or three Democrats and said:

> The whole record of the Government is open to you.

Here is a fine example for the administration to follow.

This is just one case, but as the lines of his operation are revealed, we find that they lead to others in high places. Some have been discharged; others have resigned; others are still dangling waiting for the axe to fall or for the whitewash bucket to save them.

As I have delved into this matter, I have become more alarmed because I feel that there is more to this than meets the eye.

Mr. Speaker, the Billie Sol Estes scandal is not the only major scandal at the Department of Agriculture.

The furor over alleged favoritism toward Estes, the Texas big operator, by Department of Agriculture employees, has obscured other developments at the Department which violate the rules of good government.

I am referring to the effort—and an apparently successful one—to turn the farmer-committees which help administer programs costing billions into a political machine.

The Secretary of Agriculture is directly responsible for this attempt to turn farmers into paid politicians working for a political party. Furthermore, one of the men who resigned because of the Estes scandal, Emery E. Jacobs, was chosen by the Secretary to make the farmer-committeemen political henchmen.

In March 1961, the regulations governing the use of the farmer-committeemen were revised so they could be used for partisan and political purposes.

Under the Secretary of Agriculture in the previous administration, the State agricultural stabilization and conservation committees, which help administer the production adjustment and price support programs of the Department, did not actually administer the programs. Their duties were primarily supervisory and advisory. Most of the administrative work at the State level was done by a full-time employee of the Department. At the county level, the administrative work was done in most instances by a county manager, also a paid employee of the Department.

The Secretary's Office of this administration apparently has changed all that. The ASC State committees, composed ordinarily of from three to five members, became full time employees. First, however, the Secretary's lieutenant, Mr. Jacobs, fired those who had served under the previous administration, replacing them with his own choices.

Mr. Jacobs, formerly closely connected with the Farmers Union, which in turn is closely connected with the present administration, knows his way around politically. He worked for the Department of Agriculture for a number of years under Democratic administrations. Judging from the many protests we have received, he did a thorough job of getting rid of former ASC committees.

In turn, the ASC committees proceeded to replace many county committees, committees elected by the farmers. The Secretary of Agriculture and his henchmen wanted both State and county committees which could be depended upon to go along with the administration's plans.

Many farmers did not like the high-handed methods which characterized these changes. In Cut Bank, Mont., a group of farmers gathered to find out why their county committee, which they had chosen at the polls, had been summarily dismissed by the Freeman-Jacobs State ASC committee. I submit that this sort of thing sounds like the actions of dictators in totalitarian states. It does not sound like the United States of America. The gathering at Cut Bank was orderly but it so upset a Department of Agriculture employee who was present that this bureaucrat became alarmed and called the U.S. marshal's office, the county sheriff, and the local police for protection, according to the Cut Bank paper. He must have had a guilty conscience.

As you know, the Secretary has a program pending and is using every pressure available to try to persuade its acceptance by the Congress. Early in April, the State ASC committeemen were summoned to Washington by the Secretary and Mr. Jacobs. They were entertained by Jim Patton, president of the Farmers Union, which, as I have said, is very close to the administration. This fact was well covered by the press at that time as these clippings indicate:

[From the Chicago Daily Tribune, Apr. 4, 1962]

NICK TAXPAYERS FOR FARM LOBBY

(By Russell Freeburg)

WASHINGTON, April 3.—A band of part-time Government employees paid $40 to $50 a day and treated to cocktails by the National Farmers Union have been brought to town by Secretary of Agriculture Orville Freeman to crusade for the administration farm bill on Capitol Hill.

The shock troops are the 175 State chairmen and committeemen of the agricultural stabilization committee, most of whom arrived here by air Monday night for a 2-day stay.

TAXPAYERS GET IT IN THE NECK

After a hard day of briefings and tramping through the Halls of Congress today most of the group attended a 2-hour cocktail party thrown by the Farmers Union at the Continental Hotel in the shadow of the Capitol's dome. More of the same is scheduled for tomorrow.

The Farmers Union, a strong backer of the farm policies of President Kennedy, picked up the liquor tab, but taxpayers will foot the rest of the bill. The operation could cost taxpayers $50,000, or more, when the Treasury finishes paying travel, hotel, meal allowances, and printing expenses in addition to the per diem compensation.

With most of the operation an airlift, total travel costs would be around $16,000, at $150 a man. Round trip air fares [tax free] from California are $330; Hawaii, $708; Dallas, Tex., $175, and Chicago, $87. Per diem compensation for 2 days here and 2 days of travel time would total around $30,000. Hotel rooms in Washington run from $8 to $20 a day.

IT'S SELL PROGRAM OR ELSE

The meeting was the first to be held in Washington for the ASC since the New Deal days of the 1930's.

R. E. Leonard, press assistant to Freeman, described a morning briefing to the group as a "get acquainted" affair, but ASC men leaving the meeting said Freeman told them in effect to get out and sell the administration farm program or they might not have any program to administer.

Shortly after the meeting, the chairmen and committeemen began turning up in congressional offices to plug for the administration farm bill. Other Congressmen reported appointments for tomorrow. Representative PAUL FINDLEY, Republican, of Illinois, said he was asked to support the feed grain bill in a talk that Donald Marshall, his administrative aid, had with an ASC representative from Illinois. Marshall was told the farmers like it. Heavy opposition from constituents to the farm bill that FINDLEY had reported was questioned.

Freeman timed the propaganda operation correctly, lawmakers said, since the full Senate Agriculture Committee started "do or die" executive sessions on the bill Monday. The House committee started them today.

The State ASC officials, who Leonard said are paid $40 to $50 a day when on the job, run the stabilization operation on the local levels. They are political appointees. Under them are 130,000 to 140,000 county and township committeemen.

The State officials displayed Government-printed propaganda material today that has been handed out around the country. Included was a handy packet of 16 cards that contained notes for a lecture on the Kennedy administration farm bill. On the cards were such phrases as "Government costs must be cut," "farm income is unfairly low," "use of abundance has limits," and "CCC (Commodity Credit Corporation) stocks will be cut if quotas rejected." Arguments against an opposition program advocated by the American Farm Bureau were outlined in other material.

[From the Minneapolis Tribune]

KENNEDY TALK TO FARM GROUP STIRS STORM

(By Charles W. Bailey)

WASHINGTON, D.C.—A few informal remarks in the White House rose garden have added new political flavor to the already well-spiced dispute over the administration's farm program.

The remarks came from President Kennedy on Wednesday. They were directed to an audience of about 150 State agricultural stabilization and conservation (ASC) committeemen who had been called to Washington to meet with Agriculture Department officials.

Mr. Kennedy, in a brief greeting to the ASC group, began by contrasting the success story of American farms to the failures of Communist agriculture. Then he said:

"While you are prohibited by custom and law, quite rightly, from involving yourselves in any particular agricultural program, or recommending it, or lobbying it, nevertheless, we do value very highly the communication which goes from here to you—because you are our most direct link with the farmers themselves, and you are all farmers—and also what comes from you to us.

"Your help last year in the feed grain program was greatly appreciated. It helped insure its success, and we are therefore particularly glad that in the spring—which is the great time of the year for farmers—that you have come to Washington for 2 days to exchange your views with the Secretary."

He went on to say that the administration "depends" on the ASC committeemen to "tell us what farmers are thinking—not merely what we hear through their organizations and the leaders of their organizations, but what they themselves are thinking."

Mr. Kennedy then added:

"We hope you will also see the Members of Congress and acquaint them, and the Senators. We don't want them to be, as the Secretary said, lonesome."

Republicans in Congress and the American Farm Bureau Federation, chief lobby opposing the administration farm bill, were quick to protest both the President's remarks and the presence in Washington of the ASC officials.

Representative LESLIE ARENDS, Republican, of Illinois, took the House floor to say that he "never thought that a President of the United States would tell employees that they should not allow a legal prohibition against lobbying to deter them in any such effort."

Representative CHARLES B. HOEVEN, Republican, of Iowa, joined in to charge that the committeemen "were called in for the specific purpose of lobbying for the Freeman omnibus bill."

And Farm Bureau President Charles B. Shuman protested "the use of taxpayers' money to propagandize taxpayers' representatives in Congress." Lobbying by Government employees, he said, "is a dangerous and deplorable practice."

Neither the White House nor Agriculture Secretary Orville Freeman had any comment to offer on Shuman's complaint, which was voiced in a wire to Mr. Kennedy.

At the Department, there was little effort—at least in private—to deny that the ASC officials were brought here with an eye to their influence on Capitol Hill. The program for their meeting, aside from the talk by the President, included speeches by Freeman, Assistant Secretary John Duncan, and Staff Economist Willard W. Cochrane.

James Patton, president of the National Farmers Union—the chief farm lobby backing the administration bill—was host at a reception for the ASC committeemen the first evening they were in Washington.

Department officials say the ASC meeting had been planned for some months—several officials said upward of 6 months—and thus could not have been specifically aimed at bringing the committeemen to Washington during the week in which the House Agriculture Committee began its voting on the farm bill.

But in telegrams sent out March 12, 3 weeks before the meeting, the date was tentatively set for April 3 and 4. This was confirmed finally on March 21, when a final notice was sent to the committeemen. By then it was a very good bet that the House group would be marking up the bill when the ASC officials hit town.

[From the Memphis (Tenn.) Commercial Appeal, Apr. 5, 1962]

COTTON COMMENT—ASCS COMMITTEEMEN CALLED TO WASHINGTON TO HEAR ADMINISTRATION'S FARM PROGRAM—PATTON ENTERTAINS FOR VISITORS

(By Gerald L. Dearing)

It must be confusing to be a member of the Agricultural Stabilization and Conservation Service at any level.

Under date of March 8 committeemen received a letter over the signature of E. A. Jaenke of the USDA warning that:

"As committeemen, you will, of course, refrain from any activity tending to influence congressional action."

The letter was addressed to the committeemen at the county level, who are elected by the farmers.

Now, the Department has called all the State committeemen into Washington to brief them on the administration's farm program. They have been there Tuesday and yesterday.

They were warned that they must not attempt to influence Congress on farm legislation, then were released so that they could go over to the Capitol and see their Representatives and Senators.

They also were visitors at the White House yesterday morning, where they met President Kennedy. The night before they were guests at a cocktail party at the Continental Hotel with James A. Patton, president of the Farmers Union, as host. It just happens that the administration is following the Farmers Union line, rather than listen to other agricultural groups. Mr. Freeman, Secretary of Agriculture, has gone so far as to attack the American Farm Bureau Federation by name because it opposed his programs.

It is just coincidence, of course, that the committeemen were called to Washington at a time when decisions may be made on the farm program in the House and Senate Agriculture Committee.

It is just coincidence, of course, that at the same time the committees were called to Washington, there has been a house cleaning of 'district representatives of the ASCS. .

Tennessee, for instance, lost five on April 3, on the grounds that they were not getting the desired results. The desired results in this case being á heavy sign up under the feed grains and corn programs.

In the Shelby County area, which involves eight counties, seven of the eight county committees urged retention of the district man. But it was ruled that he had not followed the party line as he should and must go.

It was Charles F. Brannan, when he was Secretary of Agriculture, who started the development of the ASCS as a tool to spread administration propaganda from the top down rather than carry the word of farm thinking from the grassroots to the top level.

The New Frontier has adopted this approach with refinements which include punishment for those who fail to agree with those at the top.

This is democracy in action.

Following this meeting they went to the White House where they were received by the President, who addressed the committeemen, who had been brought to Washington at Government expense. Here is an excerpt from the President's speech:

> We are attempting to meet a problem which is difficult, which is challenging, but nevertheless a problem which I think we can meet. And as I say, while you are prohibited by custom and law, quite rightly, from involving yourselves in any particular agricultural program, or recommending it, or lobbying for it, nevertheless we do value very highly the communication which goes from here to you, because you are our most direct link with the farmers themselves—and you are all farmers—and also what comes from you to us.
>
> Your help last year in the feed grain program was greatly appreciated. It helped insure its success, and we are therefore particularly glad that in the spring—which is the great time of the year for farmers—that you have come to Washington for 2 days to exchange your views with the Secretary.
>
> I hope this will be an exchange, not merely from us to you, but from you to us, because we live in a rather isolated area, it's not a particularly agricultural center here in Washington, and we depend upon you to tell us what farmers are thinking. Not merely what we hear through their organizations and the leaders of their organizations, but what they themselves are thinking. And that's where you serve a most valuable purpose.
>
> We hope you will also see the Members of Congress and acquaint them and the Senators. We don't want them to be, as the Secretary said, lonesome.

Mr. Speaker, permit me to observe at this point that this administration's self-styled New Frontier is certainly a far cry from what we generally associate in this country with the dimensions of a frontier. In those days when this country was developing and the pioneers were moving westward, new frontiers were being opened up, generation after generation, until our people had settled from coast to coast and were welding the sovereign States into a Union of United States.

These people had to face difficulties, trials, and tribulations of a basic kind on each new frontier. They met them, solved them, conquered them, and learned to live with them. They did this with courage, forthrightness, and faith. Because they did, our country developed, grew, and prospered into the strong world power we have today.

Does the present New Frontier qualify as such? Do we really have any pioneers who are trying to do anything for this country beyond self-aggrandizement? I fear not. They face difficulties, trials, and tribulations, yes, because they are confused and because they blunder. And when they do—which is too often for the good of the country—they do not meet these issues with courage, forthrightness, and faith.

That is why we are plagued with such scandals as the Billie Sol Estes story. That is why every act of this administration appears to be politically motivated. To build a bigger and bigger political machine, supported by the taxpayers, and subservient to the will of power-hungry leadership, seems to be a goal of these architects of a New Frontier.

That is why the President gives the Secretary an assist, or vice versa, in signing up the ASC committees as another unit of their political party organization.

Obviously, the admonition about lobbying is with the Presidential tongue in the Presidential cheek. The Chief Executive, like Mr. Jacobs, has been around. He knew that the committeemen were brought to Washington to bring pressure on Congress for the administration's farm program. They were brought here to lobby.

Let me recapitulate the events leading up to the Washington expedition by the ASC committeemen. First of all, in 1961, the Secretary directed the program which resulted in the replacement of the committeemen who had served under Secretary Benson. Naturally, he put—through Mr. Jacobs—his own men into the jobs. He made his selections full-time Federal employees. Then, with his program pending, he brings them here at Government expense and takes them to the White House. The committeemen knew what they were here for and, if they had any doubts, the President cleared them up in his speech.

No wonder that Charles B. Shuman, president of the American Farm Bureau Federation, sent a telegram to the President saying it was improper to use public funds for the gathering here of the ASC committeemen, which, incidentally, the Department did not announce beforehand.

I agree also with Mr. Shuman when he termed the meeting "the latest exercise of the administration's rather frightening technique of using Federal funds and Federal employees to promote Federal programs and even proposed legislation for Federal programs."

I do not know the extent of the relationship between Department employees and Billie Sol Estes, the Texan now under indictment on charges of fraud. Some of them resigned after they were accused of accepting gifts from Mr. Estes. If this is the extent of the relationship, the Estes affair is not the real scandal in the Department. The real scandal is the obvious contempt which the Secretary of Agriculture and other Department officials show for good government and his employment of Tammany and Pendergrast political techniques. Let me ask, is he paying Government money to build up a political machine among the farmers of the country? In turn, is he using this machine to try to pressure through Congress programs to put all agriculture under the domination of the Department of Agriculture? This is something of far greater concern to the country than gifts of clothing from Billie Sol Estes to Department employees.

It is apparent, the Secretary has not set a good example for his employees. No wonder there are resultant scandals.

Today, American agriculture is a marvel of efficiency by comparison with agriculture in Russia and Red China. The Communists control every phase of agricultural production and marketing. The communized or collectivized farmer is a slave but even the Communist lash cannot overcome his resentment of his slavery.

Does the Secretary want us to follow in this path? His remedy for our farm problem is more controls over the individual farm and farmer. The control system has been employed since 1933, but it has failed to do away with burdensome surpluses or to raise farm income.

A new approach is needed, a change in tactics and remedies. But the Secretary is like the man who wants to prescribe liquor as a cure for alcoholism. He uses more of the same methods to cure the problems created by these methods.

To repeat, the real scandal at the Department of Agriculture is not Billie Sol Estes and his relationship with Department employees. The real scandal is the political tactics which are being used by the Secretary and the goal which he is seeking. He is playing partisan politics with programs which are costing billions of dollars every year. This is a most volatile and explosive mixture.

There should be a thorough investigation of the situation at the Department of Agriculture, but it should not be confined to the Estes affair. It should include an exposure of the violation of the rules of good government and good administration by the Secretary. If the results of such an investigation are what I expect them to be, we need, and badly, a new Secretary of Agriculture with a new and much different philosophy.

THE SECOND UNVEILING OF THE VINNIE REAM STATUE OF ABRAHAM LINCOLN IN THE U.S. CAPITOL ROTUNDA, APRIL 16, 1962

Mr. SCHWENGEL. Mr. Speaker, it was my distinct privilege on April 16 to participate in a ceremony in the rotunda of this beautiful Capitol Building during which the Vinnie Ream statue of Abraham Lincoln was unveiled for a second time.

When the statue was completed and unveiled originally in 1871, the figure of Lincoln held a scroll in his hand. During the course of the years, this scroll was broken off and either lost or misplaced. Through the cooperation of a great many dedicated people, the statue was repaired with a new scroll to replace the piece which had been broken off.

Since this is the centennial year of the abolition of slavery in the District of Columbia and the drafting of the Emancipation Proclamation, it was felt that we should unveil the statue again and thus call attention to these important events in our Nation's history. It is particularly apropos that we do not lose sight of their significance 100 years later when certain civil rights are still in jeopardy.

It is appropriate, therefore, that a public record be made of what took place in the rotunda during this ceremony. I wish to place in the Record at this point a copy of the program for the unveiling and the remarks which were made by those who participated. In doing so, I especially want to call attention to the good offices of one individual who tied all of the many details together and made the program possible.

Permit me to recognize the efforts of Mr. Ralph Becker, chairman of the Emancipation Proclamation Committee, who served as master of ceremonies for the unveiling. Mr. Becker was also chairman of the Lincoln banquet on February 10 this year and is responsible for the success of that function. I would also like to note that Mr. Becker's interest in our Nation's history is well established and shared by many. His extensive collection of campaign badges and memorabilia has been donated to the Smithsonian Institution and is presently on display there.

He is a gentleman and a scholar, and what he has done to preserve history and make the record more complete will be long remembered and deeply appreciated. The program of the second unveiling of the Vinnie Ream Lincoln statue which follows is another one of his noble efforts:

Program—Proclamation of Emancipation Centennial Year—Centennial of Abolition of Slavery in the District of Columbia—Second Unveiling of the Vinnie Ream Statue of Abraham Lincoln in the Rotunda of the U.S. Capitol

Music: Medley of tunes popular in the 1860's, U.S. Marine Band, 10:30 to 11.

Introduction: Dr. Paul Gantt, president, Lincoln Group of the District of Columbia.

Master of ceremonies: Ralph E. Becker, chairman, Proclamation of Emancipation Centennial Committee.

"Star-Spangled Banner": U.S. Marine Band.

Introduction of distinguished guests: Hon. John W. McCormack, of Massachusetts, Speaker of the House of Representatives; Congressman Burleson, of Texas; Hon. Walter Tobriner, President of the Commissioners of the District of Columbia; Hon. John Duncan, Commissioner of the District of Columbia; Roy Davenport, special assistant to the Under Secretary of Defense, and member of Civil War Centennial Commission; Dr. David Mearns, Library of Congress; Paul Sedgewick, Chairman of the District of Columbia Civil War Commission.

Unveiling of statue of Abraham Lincoln sculptured by Vinnie Ream: Hon. Walter Tobriner, President of the Commissioners of the District of Columbia.

Acceptance: Hon. John W. McCormack, Speaker of the House of Representatives.

Musical interlude: "America," "America the Beautiful," "Alleluia," "Deep River," "Battle Hymn of the Republic"; McKinley High School choir, District of Columbia, Mrs. Gilkes, director.

Remarks: Senator John Sherman Cooper, of Kentucky; Hon. Marguerite Stitt Church, of Illinois.

Prayer: Rev. F. B. Harris, D.D., Chaplain of the U. S. Senate.

Music: "Dixie," U.S. Marine Band.

Remarks: The Honorable Fred Schwengel, of Iowa.

Music: "When Johnny Comes Marching Home," U.S. Marine Band.

INTRODUCTION BY DR. PAUL H. GANTT

Mr. Speaker, Members of Congress, Mayor Tobriner, friends, which is equivalent to friends of liberty and friends of Lincoln.

When I arrived at the shores of this country about a score of years ago, little did I expect that 20 years later I would have the honor and the privilege to address you as president of the Lincoln Group in the rotunda of the Capitol, and looking at George Washington, Andrew Jackson, U.S. Grant, and standing in front of our beloved Lincoln.

I am going to peruse the words of Lincoln in his response to serenaders on July 7, 1863:

"Gentlemen, this is a glorious theme, and the occasion for a speech, but I am not prepared to make one worthy of the occasion."

What is good for Lincoln is good for Gantt—and my time runs only 2 minutes.

Hence, I shall restrict myself to introduce to you the master of ceremonies, our good friend and yours, my fellow lawyer, Ralph E. Becker.

STATEMENT BY RALPH E. BECKER

Mr. Speaker, reverend clergy, Members of Congress, distinguished guests, and fellow Americans, we have assembled this morning to do reverence to Abraham Lincoln by attending one of the historical events during the centennial commemoration of the Emancipation Proclamation.

The plans for this ceremony were only conceived in the last several days and the program completed 48 hours ago.

Today's ceremony is unique. It is the second unveiling of the statue of Abraham Lincoln, which coincides with the centennial of the abolition of slavery in the District of Columbia, the first official act preceding the Emancipation Proclamation. This statue was first authorized by Congress on July 28, 1866, memorializing a man whose memory endures in the hearts and minds of all people, in every generation, without regard to politics, color, creed, or religion. His actions, words, and deeds have brought hope and fortitude to the freedom loving people who are in physical and mental agony all over the world.

The Congress gave the commission for this statue to Vinnie Ream, a 26-year-old, naturally gifted girl, of unknown talent, from

Wisconsin, who had been working in the post office for $600 a year. This statue was unveiled under President Grant's administration on January 25, 1871.

A hundred years ago Washington had a mayor and also had a mayor when the Abraham Lincoln statue was unveiled in 1871. Today we refer to our mayor as the President of the Board of Commissioners of the District of Columbia. Personally, I would like to see the District go back to the use of mayor.

Walter Tobriner is an outstanding lawyer, a native of Washington, former President of the Board of Education, District of Columbia; and appointed by President Kennedy to serve as the President of the Board of Commissioners of the District of Columbia. He is one of our ablest and most dedicated public servants. This second unveiling came about due to the discerning eye of FRED SCHWENGEL. He found out that the Emancipation Proclamation was missing from the hand of Abraham Lincoln. Upon investigation he found that—it was missing for 50 years and he immediately set to work and had it restored. It is a coincidence that the second unveiling corresponds with the centennial of the signing of the bill abolishing slavery in the District of Columbia.

For the record, it is most appropriate to note a quotation from a speaker of the 1871 event:

"She [referring to Vinnie Ream] has most justly perceived how a monumental statue of President Lincoln should be represented, so that the living to whom he was known might see in it the expression and character of the man, and posterity might form a just idea of him who held his high office in times very grave and difficult, and who, while he was engaged in carrying on the greatest act of reparation to humanity, fell a victim to blind fanaticism. Therefore Lincoln is represented serious, calm, melancholy, standing erect, dressed in the costume of the times, yet rendered artistically, as far as possible to be done, by the combination of the folds, naturally formed by the movement of the person, and enriched by the gracefully falling cloak which nearly covers the whole back of the figure. He holds in his right hand a paper, in the form of a papyrus on whose folds can be read words referring to the abolition of slavery. He looks at the document and one can almost read his intention to consign to that solemn act his future fame and immortality, being sure of the judgment which the Nation would put upon him that he deserved well of his country, for he sacrificed his life to the duty of that office and of that mission which was entrusted to him."

Commissioner, would you be good enough to remove the veil from the statue?

(Commissioner Tobriner removed the decorated cloth which draped the statue.)

[Applause.]

Mr. BECKER. Massachusetts played a great part in the abolition of slavery and in support of Abraham Lincoln. At the time of the dedication of this magnificent statue of Abraham Lincoln by Vinnie Ream, of Massachusetts, was represented by one of its foremost citizens, Congressman Samuel Prentiss Banks, former general and Governor. It is a great honor and a distinct pleasure to introduce the distinguished Speaker of the House, the Honorable JOHN W. MCCORMACK, who will accept the restored statue of Abraham Lincoln on behalf of the Congress of the United States.

ADDRESS OF HON. JOHN W. M'CORMACK

Mr. Chairman, Senator COOPER, distinguished ladies and gentlemen, my colleagues of the House of Representatives, the distinguished gentlewoman from Illinois, Mrs. CHURCH, and ladies and gentlemen, and friends, as Speaker of the House of Representatives and as Chairman of the Capitol Commission, it is with the greatest of pleasure I hereby accept the statute on the occasion of the second unveiling of the same.

It is not my purpose to trespass or enter into the remarks of speakers who will succeed me, but Lincoln is one of the great men of the world, one of the great men of all time, not only of our country but of the entire world.

The idealism, the spirit of Lincoln, lives in the minds of countless hundreds of millions of persons throughout the world who today are seeking liberty under a government of laws and in accordance with their own culture. Lincoln not only issued the Proclamation of Emancipation, but, greater still, he gave to our country a little over 100 years ago the leadership that preserved the Union of the United States of America.

I am very happy to participate on this occasion to accept the statue on the occasion of its second unveiling. [Applause.]

Mr. BECKER. We are most fortunate today in having the wonderful choir of Washington's own McKinley High School render several numbers including "The Battle Hymn of the Republic." As you know, this is the centennial anniversary of that inspiring musical masterpiece. The director of the choir, Mrs. Gilkes, is a distinguished alumna of Overland College.

(Choir sings.)

Mr. BECKER. JOHN SHERMAN COOPER, a Senator from President Lincoln's State of birth, a lawyer like Lincoln, a judge, legislator, Senator and diplomat, who has served as chairman of the Lincoln Sesquicentennial Committee. As he once said at the National Press Club, he has a unique record of service in the U.S. Senate. He has been elected by the public four times but has only served 10 years. You can look at the record and see how it came abut. Our friend and Lincoln scholar—Senator JOHN SHERMAN COOPER, of Kentucky.

ADDRESS BY SENATOR JOHN SHERMAN COOPER

Senator COOPER. Mr. Becker, Speaker of the House, my colleagues from the House, Congressman Schwengel, Congresswoman Church, President Tobriner, Mr. Duncan, distinguished guests, and ladies and gentlemen.

I cannot tell you what a great experience it is just to be here today, and to hear the music of this choir and the band, to recall the days of Lincoln. Of course, it is a great honor to have a part in this second unveiling of the Lincoln statue, restored by the beautiful carving of the Emancipation Proclamation in Lincoln's hand as it was executed nearly 100 years ago by a young American woman, Miss Vinnie Ream.

I think we are indebted to the Ambassador and to the Government of Italy for their interest, and, of course, to the sculptor, George Giannetti. But I think all of us would agree that we are chiefly indebted to Congressman SCHWENGEL, of Iowa. [Applause.]

We are indebted to him for his determination to secure this restoration. We have been indebted to him many times for his efforts to arrange ceremonies to recall the life and teachings of Abraham Lincoln. And as Mr. Becker has said, it is a happy circumstance that the unveiling takes place at the beginning of the Centennial Year which marks the signing of the Emancipation Proclamation, and on the exact anniversary of the date, April 16, 1962, when President Lincoln signed into law the measure which abolished slavery in the District of Columbia.

Charles Sumner, of Massachusetts, said of the measure, "It is the first installment of this great debt which we owe to a race and will be recognized in history as one of the victories of humanity."

In a larger sense, this event, in 1962, commemorates the signing of the Emancipation Proclamation by President Lincoln, and it recalls the long history of the struggle for a victory of humanity in our country. A short time before his death, Thomas Jefferson had written John Adams that he had been awakened, as if by bells clanging in the night, by the thought that slavery might bring about the dissolution of the Union.

The next 30 years were marked by the efforts of statesmen of both the North and the South, and I am sure moved by patriotic purposes, to compromise or at least postpone the determination of this issue.

The Emancipation Proclamation was not a final settlement of the issue of slavery. It abolished slavery in those States which had seceded, and it was executed by President Lincoln under his powers as Commander in Chief, and under the doctrine of military necessity.

I think it is worthwhile to remember today that although Lincoln never faltered in his belief that slavery was wrong politically and morally, he held to the Constitution.

Again, this day has meaning for the present as well as holding memories of the past, for Lincoln did understand, I believe, better than any President who has led this country, the nature of its free system, its connection with the individual, and its critical mission for the world.

I am sure I have been chosen to speak today because my home is in Kentucky, where Lincoln was born, and all who have seen the crude cabin and the National Memorial at Hodgenville, Ky., have been moved by the thought that from that crude cabin it was possible for Lincoln, a man of humble birth, to make what he would of his life, and that is the possibility for everyone in our country.

Years later, Lincoln said, "I can remember our life in Kentucky, the cabin, the stinted living, the sale of our possessions, and the journey with my father and mother to southern Indiana and then to Illinois.

"Before leaving Kentucky, I and my sisters were sent for a short period to A.B.C. school."

Perhaps it was the difficulties of his life and his study of the teachings of the founders of this Republic which made him, as Lord Charnwood, one of his biographers would say, a citizen of that country where aristocrat and democrat are judged by simple work alone.

Politically, Lincoln expressed the deepest nature of our Government when he said in Chicago, in 1856, the central idea in our political opinion was, and until recently continued to be, the equality of man.

Lincoln held also, as Dr. Evans said in a great speech in 1960 on Lincoln and democracy, a powerful sense of the world mission of democracy.

"This is essentially a peoples contest," Lincoln said to Congress when it assembled on July 4, 1861. "It is a struggle for maintaining in the world that form and substance of government whose leading object is to elevate the conditions of many, to afford all an unfetered start and a fair chance in the race of life."

His plea in his Gettysburg Address was not only that this Nation under God shall have a new birth of freedom, but that government of the people, by the people and for the people shall not perish from the earth.

Perhaps the best lesson and ideal that can come to us today as we recall the Emancipation Proclamation is that there yet remains, as Lincoln said, a great task before us, and that is that this Nation under God must have a new birth of freedom.

It cannot occur until our Government and the people decide, as Lincoln did, that the central ideal in our political system is the equality of man.

It cannot occur until that ideal is realized for every man, woman, and child in this country, of whatever race, creed or color. [Applause.]

Mr. Becker. Mrs. Church, a distinguished educator, onetime teacher at Wellesley, her alma mater, lecturer and writer, was a teammate of her late husband, a lawyer, legislator, and Congressman whom she succeeded on his untimely death in 1950. She is a Representative in Congress from the State where President Lincoln acquired local and national reputation; sending him to Congress in 1846; nominating him for the Senate and giving him national fame in the debates with Douglas which were directly responsible for his being the favorite son of Illinois at the Republican National Convention in the Wigwam at Chicago in 1860. Mrs. Church is also paying a tribute to the sculptress, Vinnie Ream, who was the only woman ever commissioned by Congress to do two sculptures, one of President Lincoln and the other of Admiral Farragut.

ADDRESS BY REPRESENTATIVE MARGUERITE STITT CHURCH

Mr. Chairman, Mr. Speaker, distinguished guests—including, of course, and foremost, my colleague, Senator Cooper, whose words have thrilled us this morning, and, if I may say so most particularly, that great range of average American citizens who encircle this hall, because it is to you that Abraham Lincoln belongs—I come here this morning, humble in my personal capacity. I know full well that no words of mine could augment the stature of the great President that Illinois gave to the Nation.

I know full well that no words of mine are needed to increase the respect in which he is held in this country and throughout the world. And yet, although I am personally humble, I come also with great pride, representing the House of Representatives of the U.S. Congress, proud to be a Member of that body, proud to be an American in a land dedicated to freedom and human brotherhood, and proud, if you will let me be very human about it, to come as a speaker from the State of Illinois—because although, Senator Cooper, it is true that Mr. Lincoln was not born there, he chose to spend his life there.

And it was from there where he had lived, had moved, had had his being during his adult years, that he said farewell to his neighbors when he came to Washington to be a President to save the Nation. They say, you know, that history can never be repeated or relived. What I would like to tell you is that I would express my gratitude, too, for the privilege of being the colleague of the gentleman from Iowa, Mr. Schwengel, who has done more to make history come alive in these Halls than any man who has ever come to the Congress. [Applause.] He has taught me and others to tread these hallowed stones with respect and humility. He has taught me to look for signs of where other voices have been heard, and to try to heed the words of wisdom of the past.

If he could, I assure you, he would make come alive for every one of us today the original ceremony in this Hall, January 25, 1871. It was in 1871 when this great rotunda was illuminated with all the brilliancy that could then be supplied.

I am inclined to think that there was a great use of candlelights. The Senate was here, the House was here, the judiciary was here. In the great capacity of unveiling the statue was Justice Davis of the Supreme Court. President Grant came. You know, there was something significant about that evening.

I took occasion over the weekend to read the newspaper reports. If you can do so, try it and make history come alive for yourself. Because what happened then? Well, they had music, but they began with a dirge, because, you see, in those days, a nation was still divided and very close to the men present, and the women, was the death of a President just a few years before.

Miss Vinnie Ream had been chosen, you were told by our Chairman. She had been a worker in the Post Office Department. In true American fashion she showed the courage and the genius to rise to other heights. I like to think, if you will let me say so, that it was rather symbolic that a woman whose heart had been touched by Mr. Lincoln, and the heart of woman always lies close to peace and sorrow and gentleness, was chosen to erect and mold this statue.

I think today we should honor Miss Vinnie Ream and pay her tribute also.

Well, unfortunately, history cannot be relived, if it be unfortunate. Moments of greatness, no matter what the significance, can never be quite recaptured, nor, for that matter, can the strength of men be brought back to us in person.

Yet, as Mr. Lincoln said in one of his great addresses to the Congress, "You cannot escape history." And I think as a keynote of what I say to you this morning, very simply, I would like you to remember that you cannot escape history. You cannot escape, nor would we want to, a heritage built on our great traditions, nurtured by him to full flower of faith in the equality of man, in the brotherhood of man, in human dignity.

We would not escape our destiny, which is the destiny of a free people, bound by that tradition, privileged by it, ready and able at all times to accept the burden of living in a world where those virtues and principles must be upheld.

And so, as we come here this morning to rededicate a statue to a son from Illinois, even though born in Kentucky, to a great leader, to a great human being, may I just say that what lies between you and me, and before you and me, is the challenge of accepting the destiny that is ours; the destiny of extending freedom here and in the world; the destiny of upholding principles of equality and human brotherhood; the destiny of sharing an abiding faith.

When I was overseas in Africa some years ago, one of the leaders of one of the newly emerged nations said to me, "Do you know what makes your country great?" Well, I hoped that he would not say it was might or power, or the material well-being that we love so much. He did not. What he said was this: "When I think of your country, what I think of is a people who share tremendous faith in God, who accept a sense of responsibility for putting in being His dictates, and who have faith also that miracles can still be wrought."

Mr. Schwengel, we cannot recall the night that this statue was first dedicated, we cannot bring back the men. We cannot bring back in person Abraham Lincoln. But as long as there is breath in any human body that knows his story, there is gratitude that such a man walked so simply, so humbly, so greatly, upon this earth. [Applause.]

Mr. Becker. One of the great traits of President Lincoln was his magnanimity. During the 1850's, while attending a minstrel show in Chicago, he heard a number played called "Dixie." This became one of his favorite numbers and was played on many occasions. However, during the war it was not played.

On April 10, 1865, President Lincoln said, "I have always thought 'Dixie' one of the best tunes I ever heard. I have heard that our adversaries over the way have attempted to appropriate it as a national air. I insisted yesterday that we had fairly captured it. I presented the question to the Attorney General, and he gives the opinion that it is our lawful prize. I ask the band to give us a good turn upon it."

What can be more appropriate than to have our U.S. Marine Band play "Dixie."

PRAYER BY DR. FREDERICK BROWN HARRIS, CHAPLAIN, U.S. SENATE

Let us lift our hearts in prayer.

Our Father God who hath made and preserved us a nation, our fathers trusted in Thee and were not confounded—in Thee we trust.

As in this shrine of each patriot's devotion we gather in gratitude around the sculptured form of Thy servant, Abraham Lincoln, we thank Thee that his faith is ours—that the way of the Republic is down no fatal slope but up to freer sun and air.

In this creative hour of human destiny by that faith may we be saved from surrendering to cynicism because of human evil, and of being made men of little faith by human folly.

In the spirit of Lincoln and with his vision open our eyes to see a glory in our common life with all its sordid failures, and in the aspirations of men for better things and for a fairer world. As citizens of this land of the free, and as servants of the Republic to which much has been given, and of which in the present global crisis much is being required, here by the statue of the Great Emancipator we pray that there may come to us all the realization that—

"We are watchers of a beckon
  Whose light must never die.
We are guardians of an altar
  That shows Thee ever nigh.
We are children of Thy freemen
  Who sleep beneath the sod,
For the might of Thy arm we bless Thee
  Our God—our father's God."

We ask it in that Name that is above every name. Amen.

Mr. Becker. About 10 or 11 years ago the Lincoln Group in the District of Columbia was organized. They are all scholars and devotees of Abraham Lincoln without regard to their political background. This great President who lives through the ages is an American symbol. In the past decade, this group has devoted themselves to several projects commemorating Lincoln and his ageless deeds. Included in the group are such men as Carl Sandburg, Allan Nevins, Bruce Catton, Dr. David Mearns, Carl Haverlin of Broadcast Music, Inc., Ralph Newman, and others. But the individual who has championed this group in many of its unparalleled activities is a great and distinguished Congressman from the First District of Iowa. By profession, Fred Schwengel was a teacher and his interest in American history, and particularly Lincoln, started many years ago. Today he is considered one of the Nation's great Lincoln historians—Congressman Schwengel.

ADDRESS OF REPRESENTATIVE FRED SCHWENGEL

Mr. Chairman, Senator Cooper, Mrs. Church, and, as Lincoln would say, fellow countrymen, the kind remarks that have been made and the implication that has been left presents a reputation that this humble servant feels he has yet to earn. But coming as I do from Iowa, and of immigrant parents, and from a great State and congressional district, my gratefulness dictates that I must and I will try to earn whatever reputation my friends want to bestow on me.

I can just say thank you, which I do. Before I proceed with some brief repartee remarks I have, I must say thank you also to those who had a part in this program, and who responded magnificently.

I am sure I won't name all of them, but I will name those who occur to me now.

First of all, Paul Gantt, the president of the Lincoln Group; that dynamic little lawyer, historian, and friend; Ralph Becker, who was your master of ceremonies; plaudits must go, also, to the chairman of the committee who responded so promptly at the suggestion of this restoration.

He came in late and has not yet been presented, so I do want to present, and take pleasure in presenting, the chairman of the House Administration Committee, Omar Burleson, from Texas. He assigned this project to Paul Jones, the ranking member of Missouri, who is not here, but who I want to give credit to.

To the Republican ranking member from Ohio, Paul Schenck, should go thanks. Thanks to Senator Cooper, who headed the Sesquicentennial Commission, and who did such a magnificent job to recall the Lincoln memory in the sesquicentennial year, and to supervise so many projects, initiate some, and otherwise add to the heritage of America through Lincoln.

And then my special thanks to Marguerite Church, the distinguished Congresswoman from Illinois, who gave us that beautiful dissertation, and left with us some very noble thoughts on which we should think; to George Stewart, the Architect, who cooperated; to Mr. Clancy and his office, the Signal Corps; the Marine Band, this magnificent choral group, Mr. Giannetti, the plasterer, who made the model for the restoration, to Mr. Tonelli, the sculptor.

Others should be mentioned, but time will not permit.

Now let me suggest that the Proclamation of Emancipation is America's most phenomenal document.

In the history books we read that the explorers first came to America for jewels, silver, and gold. These pioneers found few jewels, no silver, and no gold.

A little later came the real pioneers with desire for liberty and seeds of freedom to plant in the American soil of opportunity. They nurtured it with toil and sacrifice and it grew and flourished and it is America.

It is a paradox that during this time the Negroes were being kidnaped in Africa by selfish, mean profiteers from here and elsewhere. We are told that they were put in irons in the filthy holds of slavers, where any who died in the night were tossed by day on the sea, and those who lived to arrive where freedom had been planted and was growing, were sold as chattels.

There are those among us who believe that complete atonement for this terrible moral violation, wherever it has happened, and where versions of it are happening today, will never beat it.

Fate decreed that the hand and pen of Lincoln would make America's slaves free. In this event we are commemorating the first official act that led to the proclamation. Few will dispute the claim that in American statescraft, the act has never been surpassed in justice and mercy.

It is most interesting to note the phenomena of this story. They are more interesting than the series that some note in the life of Lincoln, but they apply in any account in the Proclamation of Emancipation.

We should remember that freeing the Negro was far more than a gift to a race, or to a locality. In truth, it was a gift to all of mankind the world over and to eternity.

We know that in summer the ivy vines grow over and hide defects. An American poet, comparing Lincoln's traits with nature, states that "snow hides all scars."

But, nature failed completely in summer or winter to hide the scars and defects of slavery. The word "phenomenon" describes some events in the exit of slavery which neither nature nor theories can account for.

"Slavery," Lincoln said, "was somehow the cause of the war." There is no logic that can change that premise.

Abolitionists claim that slavery was a terrible sin, that it could and should be abolished. This was their conviction and conclusion.

Slaveholders claimed that slavery was protected by the Constitution, was approved by cultured and religious people and, therefore, they said it should be permitted in all places. This was the essence of their reasoning.

Lincoln ran on a platform that did not interfere with slavery where it was but did deny its right to spread to new territory. This reflected his thinking on what was necessary then. His logic was that this would finally lead to the gradual disappearance of slavery. The war came because he was elected and because the slaveholders had met defeat on election day.

Now the phenomenon: The first scene is the most remarkable. At the fall of Sumter, almost as if by magic, slavery ceased to be uppermost in the minds of the northerners, most of them almost forgot about it as an issue.

The North rallied quickly and fought not to free the slaves but to save the Union. This was an extraordinary phenomenon for the North might never have given and expended its countless lives and treasures to set the Negro free, but it did to save the country.

As we reflect on it now, we conclude that this was an almost unbelievable struggle for freedom on both sides, to save the Union on the northern side. Lincoln's army finally won. His forces proved the logic that "the Union is indestructible and indissoluble."

Then followed another phenomenon. It was gold, certain, and eternal. When secession, with all its determination, its might and power was crushed and gone, and the Union saved, emancipation, complete and universal, came along with it, it seemed as if for good measure; it became a victory now for the most rabid abolitionist, an unexpected phenomenon for which not a regiment of the North had fought.

So when the South surrendered it was to a victor-power that reunited our country and rid us of slavery at the same time. Could ever a phenomenon be more complete?

Now there is still another event in slavery's last chapter that is phenomenal. You recall the terms of the proclamation? In his own handwritten words, approved by most of the Cabinet, it applied on to the limited section which was warring against the Government, you will recall. And yet in some unexpected, mysterious way it grew in force far beyond its terms.

It gathered unto its self a momentum which bore it and carried it until it freed every Negro within the boundary of the land over which flew once again the Stars and Stripes.

This was a phenomenon and it could be called America.

Carloads of paper have been used on which to print the condemnations of Lincoln's proclamation and his answers. In the proclamation, itself, we find the answer. It is brief, to the point. Listen to the words: "An act of justice, warranted by the Constitution, upon military necessity."

This was the answer to every critic of his proclamation. In substance, it presents three clear arguments in one sentence, three simple thoughts. The slavery owners claimed slavery as chattels. Chattels may be taken by the captor in war. Therefore, slaves may be freed, even taken as a military right, when war is on.

A conclusion of law and a fact and it was an act of justice.

This was supreme logic. No wonder no one debates that now. These we claim are most interesting phenomena.

Since then we have found that in giving freedom to others we have more freedom for ourselves and more prosperity.

It can be said, and I believe it should be said, that now we have advantages, spiritual and material, that otherwise we would not have had.

It makes Lincoln and the Nation he preserved have a force for good in affairs of humanity it otherwise would not have had.

There are many students here today from all over this country they come.

We welcome you just as we welcome the millions who come here each year. Young people, it is our hope that all of you will, while you are here, visit the memorials and catch something of the fire that burned in the hearts of those who were the torchbearers of freedom for us and for the world.

Today we have commemorated the restoration of a document in the right hand of a Lincoln statue. May this serve to remind us of our responsibilities, individually and collectively, to restore, to preserve, and promote, by word and deed, the ideals that are found in freedom.

If we do this, we will be following the admonition to make other men wiser and better, and we can serve no higher purpose than this.

I thank you. [Applause.]

Mr. Becker. Thank you, Congressman Schwengel. Your most thoughtful remarks are of historical value.

What could be more fitting than to have this ceremony in the rotunda of the U.S. Capitol. For the past hour I have observed that the vast assemblage constantly filling this rotunda is made up of every class, from the most distinguished to the most humble of our citizens. Particularly I was impressed with the young people who gather here, including the Boy Scouts and Cub Scouts and a representation from McKinley High School. All of these people hold Abraham Lincoln in their hearts. We are very fortunate that this ceremony is being held in a place so filled with American history. The figures of the patriots, statesmen, military leaders and discoverers of the past, in statuary or painted on the walls of the rotunda, seem to belong to the assemblage and to be taking a real part in the apotheosis of the Patriot Martyr.

Columbus, Penn, De Soto, the Pilgrim fathers kneeling in prayer on the deck of the *Mayflower*, Washington, Adams, Jefferson, Franklin, and the long line of the illustrious men of the past who look out from canvas or marble bring back many moments of history.

In closing, always let us remember the declaration of Abraham Lincoln, "I wish all men to be free."

And now the U.S. band will play a contemporary popular tune of Lincoln's times—"When Johnny Comes Marching Home."

ADMINISTRATION'S FOREIGN TRADE PROGRAM

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. James C. Davis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. JAMES C. DAVIS. Mr. Speaker, in common with the other Members of this House I have been following with intense interest the debate engendered by the administration's foreign trade program.

The administration's request for authority to control the foreign commerce of the United States is so drastic and sweeping that each of us in this House who has an obligation to uphold and defend the Constitution of the United States has a personal responsibility to consider most carefully what position we shall take on this matter.

The administration's move to achieve power is set forth in the bill, H.R. 9900, which has been the subject of prolonged hearings by the Ways and Means Committee. Now that committee is in executive session considering what kind of a bill to report. Dozens of witnesses appeared in the committee's hearings and a great number were opposed to H.R. 9900 in whole or in part.

I think this bill is objectionable, Mr. Speaker, because it contains the following elements:

First. It makes all determinations concerning the use of the power granted by the Congress solely a matter for the President, and specifically provides that his determinations shall be final and conclusive and not subject to review by any court.

Second. For the first time in the history of the Republic, this bill would give the President the power, solely at his discretion, to transfer articles from the dutiable list to the free list. In short, H.R. 9900, if enacted, will give the President the power to eliminate tariffs entirely on industrial products, on agricultural commodities, and on the products made from those commodities.

Third. We of the South have in years past been proud of the Cordell Hull tradition in our trade agreements program. Many of us, from time to time in the past, have voted against extensions of that program, feeling that the emergency need which called it into being in the depression has long since been discharged. Nevertheless, the existence of the power, under the guidelines and moderate rules laid down in Cordell Hull's trade agreements program, has been a source of pride to those of us in the South who believe in the use of moderation and deliberation in making changes in our domestic economy. This bill, H.R. 9900, would repeal all existing trade agreements legislation entirely, without cause, without proof, and without even the passing respect which is due any important public institution which has served the needs of our time, which the adherents of a liberal trade program in other years have claimed that the Hull program has filled.

Fourth. This bill not only gives the President unlimited power to destroy our tariff system and eliminate all duties; it also repeals all existing safeguards which have been created by the Congress in years past to insure that the jobs of American workers and the strength of domestic industry and agriculture would be protected from destruction by excessive import competition.

Mr. Speaker, Members of this House know with what care competing national interests—those devoted to an expansion of export trade, and those devoted to a strengthening of our domestic economy—have been balanced by the Congress in fashioning a deliberate, investigative, factfinding procedure administered by an arm of Congress—the U.S. Tariff Commission—to provide the President with factual information so that, in accordance with a policy of the Congress, he could, in using the trade agreements authority, avoid causing serious injury to domestic industries, agriculture, and workers.

Now this patient work commenced in a Democratic administration, carried forward under President Eisenhower, and adjusted and modified by the Congress in the Trade Agreements Extension Acts of 1951, 1955, and 1958, is to be thrown summarily on the trash heap, if the administration's bill should be enacted.

All of this, Mr. Speaker, is being done under the proclaimed emergency which the sponsors of this bill say may be created by the emergence of an economically united Europe behind a restrictive external tariff wall created under the treaty of Rome.

Mr. Speaker, I remind the Members of this House that with each extension of the Trade Agreements Act, from 1934 forward, the administration in power has represented that the authority requested was needed in order to prevent foreign nations from erecting trade barriers against our exports. We have bargained away our tariff duties from an average level of 50 percent in 1935, to 12 percent in 1961.

During this period we not only have suffered unilateral actions by other nations in imposing quotas, import licensing and exchange restrictions, and other nontariff devices to foreclose our exports; we have also meekly countenanced discriminatory acts in which the commerce of the United States alone is singled out for such restrictions. To cap the climax of this curious one-sided approach to trade relations by our trading partners, the U.S. State Department has fostered and encouraged the creation of a customs union called the European Common Market, which is characterized dramatically by positive discrimination against the exports of countries, including the United States, who are not members of that organization. While professing to the Congress that the authority to reduce duties is needed in order to prevent discrimination against our exports, the executive branch of the Government, led by the State Department, has fostered the very condition which they profess to abhor. Truly the left hand of the Government knoweth not what the right hand doeth.

Mr. Speaker, I am weary of the misrepresentations and doubletalk by which this program has been launched, under which it has been presented to the Ways and Means Committee's attention, and by which the administration's representatives sit eagle eyed and watch over the work of the Ways and Means Committee during its executive session. I am weary of an approach to the legislature of this great Nation which asks us blindly to discard everything which is old, and foolishly to accept everything which is proclaimed without proof to be new and urgent and necessary.

For these reasons, Mr. Speaker, I have drafted, myself, a trade expansion bill which I believe to be consistent with the best traditions of this country; to keep faith with the traditions of the Cordell Hull trade agreements program; and to keep faith with American workers and industries and farmers, to give them at least equal significance, in the development of national policy, with the interests of foreign countries and their businessmen, workers, and farmers.

The record shows, Mr. Speaker, that the nations of the world whom we would benefit by the elimination of our duties enjoy a state of prosperity which surpasses our own; that there is no unemployment to speak of in the member countries of the Common Market—in fact, there is an acute labor shortage; and that there is in the United States persistent and structural unemployment at the highest level that we have experienced in any peacetime period since the great depression.

Mr. Speaker, let us as rational people place some faith on the value of experience and the institutions which have proved their worth in actual operation. The President announced with pride to the Congress that the Dillon round of trade negotiations recently concluded at Geneva was successful because the United States received more than it gave in tariff bargaining. If this is so, the success must be due in large part to the structure and principles of the trade agreements program, and to the fact that the President was forbidden to reduce duties by more than 20 percent.

Mr. Speaker, the spokesmen of this administration have proclaimed throughout the length and breadth of the land the glories which flow from our favorable balance of trade. If our exports of merchandise consistently exceed our imports—and they do—it must be due in large part to the fact that our trade legislation now on the books requires the President to be selective and judicious in his use of the trade agreements authority so as to avoid causing injury to the domestic economy.

Let us build the trade program for this day on the proven worth of our trade programs of the past.

Mr. Speaker, I introduce at this time a bill, H.R. 11708, to extend the authority of the President to enter into trade agreements under our existing trade agreements law. This bill contains the following features:

First. It extends the existing trade agreements authority for 2 years.

Second. It gives the President the power to eliminate duties by an additional 20 percent in trade agreements entered into during this 2-year period.

Third. It requires this 20-percent reduction to be staged over a period of 4 years, at the rate of 5 percent a year, thus keeping faith with the principle enunciated by the Congress in extending the Trade Agreements Act in 1955 and 1958.

Fourth. My bill retains the existing peril point and escape clause procedures, but strengthens those safeguards by defining a class of cases in which injury should be beyond dispute, in which the Tariff Commission must make a finding of actual or threatened serious injury. This classic situation is the one in which an increase of imports results in a decline in the share of the market supplied by domestic products and at the same time a decline in domestic employment, wages, or profits. This bill would also correct maladministration of the escape clause by making the findings of the Tariff Commission binding on the President unless on his recommendation the Congress concurred in overruling the Commission's findings and recommendations.

Fifth. Mr. Speaker, much has been said about the restrictions placed on U.S. exports by foreign countries. Many of these restrictions violate our trade agreements. The Congress, in its wisdom, has provided the President with authority under section 338 of the Tariff Act and under section 350(a)(5) of the Trade Agreements Act itself to take unilateral action to counteract discrimination against U.S. exports; to take unilateral action to correct the nullification by foreign countries of concessions granted to the United States in the past.

My bill expresses the sense of the Congress that the President shall act forthrightly in a determined program utilizing these legislative tools, utilizing the rights conferred on us by trade agreements, to counteract such discrimination and nullification. Mr. Speaker, I am convinced that more positive results can be secured for the enlargement of our exports through the vigorous use by the President of such authority than by any trade agreement that he could negotiate. It is time for this Government to earn the respect of other countries by insisting upon our rights, so dearly paid for in our trade agreements of the past. It is time for this Nation to insist that its products be treated fairly and equitably by other nations and received in accordance with the true meaning and spirit of the most-favored-nation principle which we and they espouse.

Sixth. Mr. Speaker, the Congress needs to know a great deal more about the composition of the European Common Market, its impact upon international trade, the violation of our trade agreements by the discriminatory practices espoused and put into effect by the Common Market, and the cost position of U.S. industry and agriculture in comparison with foreign countries, before we can grant the President the kind of authority which he is seeking in H.R. 9900. We must have our own source of objective facts on these vital issues before we make up our minds about a precedent- and tradition-shattering piece of legislation, such as H.R. 9900. We have the means at our disposal. The Tariff Commission is expert in these matters, and is an arm of Congress. Let us, therefore, Mr. Speaker, call upon the Tariff Commission to make a thorough study during the next 2 years of these issues, and to report to the Congress so that when the 2-year extension of the trade agreements authority which I advocate is about to lapse, the Congress will have available to it a fresh, complete, well-considered body of facts upon which to base future trade policy. I therefore provide in my bill for such a study by the Tariff Commission.

Mr. Speaker, I commend, respectfully, to the attention of my colleagues in this House the bill which I am introducing today, H.R. 11708. It is no instrument of protection for a favored domestic industry or group of workers. Rather, it is a sound program upon which to build our export trade while preserving and fostering the economic strength of the United States. Let there be no dispute about the fact that without a strong and growing internal economy, the United States will quickly forfeit its position of leadership in this world and be powerless to provide for the security of her people. My bill will keep faith with these cardinal principles of our public policy. H.R. 9900 as written would destroy them.

THE PHANTOM AT THE JEFFERSON DAY DINNER

Mr. PIRNIE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I am including after these remarks an article which I would like to bring to the attention of the Members of the House. It concerns the imagined plight of one of our illustrious Americans, Thomas Jefferson, as he attended and addressed a banquet of his so-called successors in honor of his natal day. There is a great amount of truth in Mr. McGimsey's article and I want to commend it to the membership:

THE PHANTOM AT THE JEFFERSON DAY DINNER

(Robert H. McGimsey)

The President and several thousand of the chief dignitaries and members of the Democratic Party gathered at a $100-per-plate dinner to honor Thomas Jefferson, claimed as founder of the party. It was a brilliant affair from food to folks—filet mignon and fine wine headlining the food, and the President, an ex-President, Cabinet members, Senators, Representatives, and a dozen Governors headlining the folks.

The lilt of sweet music was punctuated by the laughter of beautiful ladies who were amused by the lighthearted stories of their buoyant escorts as they devoured the sumptuous repast.

Across individual tables the "commissioner of take away" toasted the "commissioner of give away," the Chairman of the Department of Commerce toasted the Chairman of the Interstate Commerce Commission, Labor Relations Board paid its compliment to FEPC, bureau chiefs toasted bureau chiefs by the score, and the head of Welfare showered blessings on everybody, as the happy heads of countless alphabet agencies, regulating every phase of life, complimented one another on their power and prowess in running the lives of 180 million people, who once were free and brave.

Then came the speeches. The national chairman had paid brief tribute to Thomas Jefferson as founder of the Democratic Party, expressing the wish that "he could be here tonight to see this illustrious audience gathered together in his honor." Then he delivered a stirring account of past achievements of the party and called for more money. The ex-President loosed one of his best "give 'em hell" blasts that brought the cheering crowd to its feet and generated steam for future victories.

The master of ceremonies was banging his gavel for quiet before introducing the final speaker, the President of the United States, when suddenly all of the lights in the great hall grew dim, for no accountable reason, and after a few long and sobering seconds came on bright again revealing a tall, elderly gentleman, of dignified bearing and handsome countenance, walking slowly toward the speakers stand. No one knew him. He was not on the program, but there was something about his manner that stopped the banging gavel and hushed the multitude. No one made any effort to stop him as he took his place in front of the microphone, looked out across the stunned audience and in slow, measured tones began to speak:

"The first object of my heart is my own country. In that is embarked my family, my fortune, and my own existence. I have not one farthing of interest, nor one fiber of attachment out of it, nor a single motive of preference of any one nation to another but in proportion as they are more or less friendly to us."

The people "do not sufficiently know the value of their constitutions and how much happier they are rendered by them than any other people on earth * * *.

"My God. How little do my countrymen know what precious blessings they are in possession of. I confess I had no idea of it myself."

There were chuckles through the audience mixed with sighs of relief.

"If once they become inattentive to the public affairs, you and I, and Congress and assemblies, judges and Governors, shall all become wolves."

"Wolves, that's us," some exclaimed good-humoredly amid general laughter, thinking perhaps that the speaker was just a surprise act on the program. * * *

"The mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God.

"The God who gave us life gave us liberty at the same time; the hand of force may destroy, but cannot disjoin them."

The people were silent.

"The whole art of government consists in the art of being honest. Only aim to do your duty, and mankind will give you credit where you fail."

"Now, this man sounds like he is going to get serious," remarked the Secretary of State to a neighbor.

"No, my friend, the way to have good and safe government is not to trust it all to one, but to divide it among the many, distributing to everyone exactly the functions he is competent to. * * * What has destroyed liberty and the rights of man in every government which has ever existed under the sun? The generalizing and the concentrating all cares and powers into one body.

"An elective despotism was not the government we fought for, but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy as that no one could transcend their legal limits without being effectually checked and restrained by the others. For this reason that convention which passed the ordinance of government laid its foundation on this basis: that the legislative, executive, and judiciary departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time."

Feelings of concern were spreading through the audience.

"Our peculiar security is in the possession of a written constitution. Let us not make it a blank paper construction. I say the same as to the opinion of those who consider the grant of the treatymaking power as boundless. If it is, then we have no constitution. If it has bounds, they can be no others than the definitions of the powers which that instrument gives. * * * Nothing is more likely than that their enumeration of powers is defective. This is the ordinary case of human works. Let us go on then perfecting it by adding, by way of amendment to the Constitution, those powers which time and trial show are still wanting.

"The natural progress of things is for liberty to yield and government to gain ground. As yet our spirits are free. Our jealousy is only put to sleep by the unlimited confidence we all repose in * * * our President.

"[I ask] if a single State of the Union would have agreed to the Constitution, had it given all powers to the General Government; if the whole opposition to it did not proceed from the jealousy and fear of every State of being subjected to the other States in matters merely its own; and if there is any reason to believe the States more disposed now than then to acquiesce in this general surrender of all their rights and powers to a consolidated government, one and undivided." Tension was mounting among the guests, all of whom realized by now that this was no act.

"I wish, therefore, to see maintained that wholesome distribution of powers established by the Constitution for the limitation of both, and never to see all offices transferred to Washington, where, further withdrawn from the eyes of the people, they may more securely be bought and sold as at market.

"Our judges are as honest as other men and not more so. They have with others the same passions for party, for power, and the privilege of their corps. Their maxim is boni judicis est ampliare jurisdictionem. It is characteristic of a good judge to expand his jurisdiction—and their power the more dangerous as they are in office for life and not responsible, as the other functionaries are, to the elective control."

There was a restless stir of apprehension, as people leaned forward in their seats to listen.

"But we all know that permanent judges acquire an esprit de corps; that being known, they are liable to be tempted by bribery; that they are misled by favor, by relationships, by a spirit of party, by a devotion to the executive, or legislative power; that it is better to leave a cause to the decision of cross and pile than to that of a judge biased on one side.* * *"

"This man is going a little too far," remarked a Cabinet officer.

"Do not talk to me about the integrity of public officials. I say chain the politicians to the limitations of the Constitution itself."

High officials squirmed in their seats and looked at one another in alarm, while the chairman whispered in the ear of a secret service man.

"I am for preserving to the States the powers not yielded by them to the Union, and to the legislature of the Union its constitutional share in the division of powers, and I am not for transferring all the powers of the States to the General Government and all those of that Government to the executive branch. I am for a Government rigorously frugal and simple, applying all the possible savings of the public revenue to the discharge of the national debt, and not for a multiplication of officers and salaries merely to make partisans, and for increasing, by every device, the public debt on the principle of its being a public blessing.

"Our country is too large to have all its affairs directed by a single government. Public servants at such a distance and from under the eye of their constituents must, from the circumstances of distance, be unable to administer and overlook all the details necessary for the good government of the citizens, and the same circumstance, by rendering detection impossible to their constituents, will invite the public agents to corruption, plunder, and waste. And I do verily believe that if the principle were to prevail of a common law being in force in the United States (which principle possesses the General Government at once of all the powers of the State government and reduces us to a single consolidated Government), it would become the most corrupt government on the earth. You have seen the practices by which the public servants have been able to cover their conduct or, where that could not be done, delusions by which they have varnished it for the eye of their constituents. What an augmentation of the field for jobbing, speculating, plundering, office building, and office hunting would be produced by an assumption of all the State powers into the hands of the General Government. The true theory of our Constitution is surely the wisest and the best, that the States are independent as to everything within themselves and united as to everything respecting foreign nations. * * *"

Two secret service men who had been hovering near the President moved rapidly toward the main entrance, as shouts of "Stop this fool," "How did that man get in here," and the like arose from the throng, but for some strange reason no one approached the speaker to stop him.

Then in slow eloquent tones he continued:

"I think also, that the Constitution of the United States is a compact of independent nations subject to the rules acknowledged in similar cases.

"The States of North America which confederated to establish their independence of the Government of Great Britain, became, on that acquisition, free and independent States and, as such, authorized to constitute governments, each for itself, in such form as it thought best.

"They entered into a compact (which is called the Constitution of the United States of America) by which they agreed to unite in a single government as to their relations with each other and with foreign nations, and as to certain other articles particularly specified. They retained at the same time, each to itself, the other rights of independent government, comprehending mainly their domestic interests.

"For the administration of their Federal branch, they agreed to appoint, in conjunction, a distinct set of functionaries, legislative, executive, and judiciary, in a manner settled in that compact.

"But the Federal branch has assumed in some cases, and claimed in others a right of enlarging its own powers by constructions, inferences, and indefinite deductions from those directly given, usurpations of the powers retained to the independent branches, mere interpolations into the compact, and direct infractions of it.

"I see, the rapid strides with which the Federal branch of our Government is advancing toward the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic, by construction which leaves no limits to their power. Take together the decisions of the Federal court, the doctrines of the President, and the misconstructions of the legislature it is but too evident that the three ruling branches are in combination to strip their colleagues, the State authorities, of the powers reserved by them."

The audience which had been listening in shocked silence now broke into an uproar, with many wild shouts of "Sit down," "Kick him out," "Stop that rightwing extremist," filling the hall. But a number of persons, by this time, knew very well who the speaker was, and the Senator from Virginia was heard to remark, "It looks like the chairman got his wish all right, because that man speaking is Thomas Jefferson, himself—God bless him."

"Aided by a little sophistry on the words 'general welfare,' [they claim] a right to do not only the acts to effect that which is specifically enumerated and permitted, but whatsoever they shall think or pretend will be for the general welfare. And what is our recourse for the preservation of the Constitution? Reason and argument? You might as well reason and argue with the marble columns encircling them. The representatives chosen by ourselves? They are joined in the combination, some from incorrect views of government and some from corrupt ones, sufficient voting together to outnumber the sound parts; and with majorities only of one, two, or three, bold enough to go forward in defiance. Are we then to stand on our arms? No. That must be the last resource, not to be thought of until much longer and greater sufferings. * * * We must have patience and longer endurance then with our brethren while under delusion; give them time for reflection and experience of consequences. But in the meanwhile, the States should be watchful to note every material usurpation on their rights, to denounce them as they occur in the most peremptory terms."

There was deathlike silence as the people saw four policemen encircle the tall, stately figure at the microphone, who turned his head and quietly looked at each of them, then holding aloft his right hand which none dared touch, Mr. Thomas Jefferson was heard to say:

"If ever the earth has beheld a system of administration conducted with a single purpose and steadfast eye to the general interest and happiness of those committed to it—one which, protected by truth can never know reproach—it is that to which our lives have been devoted.

"The storm through which we have passed has been tremendous indeed. The tough sides of our argosy have been thoroughly tried. Her strength has stood the waves into which she was steered, with a view to sink her. We shall put her on her republican track, and she will now show by the beauty of her motion the skill of her builders."

Then Thomas Jefferson stopped and for a long moment looked out across the length and breadth of stunned and angry faces glaring at him. He realized that his words had fallen on deaf ears, and his efforts had been in vain. Emotions of profound sadness and pity swept back and forth across his countenance.

He bowed his head slightly, and with two policemen in front and two behind him, Thomas Jefferson, writer of the Declaration of Independence, and a chief architect of the Constitution of the United States of America, was escorted to the nearest exit. Loud boos, jeers, catcalls, and whistling pierced his ears and echoed through the great hall, as the Jefferson Day dinner worked itself back into a proper mood to hear the next speaker.

TRIBUTE TO UKRAINIAN MARTYR

Mr. PIRNIE. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. SHORT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SHORT. Mr. Speaker, on behalf of the Ukrainian Congress Committee of America, Inc., whose State branch is headquartered in Bismarck, N. Dak., I would like to draw the attention of the House of Representatives to an editorial contained in the Svoboda—Ukrainian weekly—of Saturday, February 10, 1962.

All of us know of the Russian Revolution of 1917, brought about by the infamous Vladimir Ilyich Lenin. Lenin is the man of whom it was said "He swept God off the streets in Russia, and then became the new god."

The tragic history of the Ukrainian Catholic and Ukrainian Orthodox Churches, their persecution, martyrdom and liquidation by the brutal force of the Soviet Russian Government is a record unique in the world for inhumanity and barbarity. Russian history will never be able to erase this blot. The conscience of Soviet leaders, from Lenin on down to Khrushchev, will never rest easily. One of Lenin's 10 commandments of revolution was No. 4 "Religion is the opiate of the people." While the present Russian Government attempts to convince the world that they make freedom of religion a part of their way of life, through including article 123 in its Constitution which guarantees every Soviet citizen "the right to free religious worship," it is commonly known that every subterfuge is used to actually deny this right.

Archbishop Joseph Slipy, imprisoned on April 11, 1945, is the lone survivor of the 10 bishops of the Ukrainian Catholic Church in one of the Soviet concentration camps.

Over 25,000 Americans of Ukrainian descent are living in my State of North Dakota. On their behalf, I wish to make a part of the Record, not only a copy of the editorial "Tribute to Ukrainian Martyr," but a copy of a letter dated April 21, 1962, and written to me by Dr. Anthony Zukowsky, president of the Ukrainian Congress Committee of America, State Branch of North Dakota.

The United States of America has a moral obligation, through its Secretary of State, and the U.S. Ambassador to the United Nations, to make this dreadful persecution of the Ukraine a part of the agenda of the United Nations Assembly, along with our demands that Metropolitan Joseph Slipy, head of the Ukrainian Catholic Church in the Ukraine, and all the prelates of the Catholic and Orthodox churches be released from prison and granted their freedom.

We must remember that the human rights resolution, adopted by the General Assembly of the United Nations in December of 1948, was not meant to be a mere idle recitation. If the United Nations is ever to be a true force for peace and justice in this world, let them take note of this most brutal violation of human rights—the right to worship as we see fit—and a right which we in the United States consider our most precious heritage.

Let the United Nations now take the lead in undoing the terrible wrong done to Joseph Slipy, all the prelates of the Orthodox, Protestant, Jewish, Moslem, and other faiths be released from whatever prisons they may be in—under whatever government may be perpetrating this wrong.

I would like a copy of the resolution which embodies this plea sent to me by the Ukrainian Catholic and Orthodox church group in North Dakota, to be included with my remarks:

TRIBUTE TO UKRAINIAN MARTYR

A week from today, on February 17, 1962, 70 years will pass since the birth of the Most Reverend Joseph Slipy, Archbishop of Lviv and Metropolitan of Ukrainian Catholics in Western Ukraine. Ukrainian Catholics as well as Ukrainian Orthodox throughout the free world will solemnly mark this singular birthday of one of the true martyrs and patriots of the Ukrainian people.

Regrettably, the 70th anniversary of the birth of Metropolitan Slipy will be observed by Ukrainian Catholics without the opportunity of communicating their joy and happiness to the recipient of these great honors and reverence—the martyred Ukrainian Catholic prelate. For he is not among us today; he cannot even be found in enslaved Ukraine, as he was imprisoned by ruthless Communist persecutors and deported far from Ukraine, somewhere in the northern reaches of Siberia.

As we here in the United States and elsewhere are preparing to mark his 70th birthday, the world knows little or refuses to hear of the martyred life of this great Ukrainian Catholic leader.

A few weeks ago the world press reported that Nikita Khrushchev sent a New Year's greeting to Pope John XXIII, in which he expressed concern for world peace and the well-being of humanity. But the same Russian Communist dictator is ruthlessly persecuting the venerable Ukrainian Catholic Metropolitan for no other reason than for his firm adherence to his ancestral Catholic faith and for his love for his people.

Metropolitan Slipy has become a symbol of loyalty and faithfulness to his church and to his Ukrainian people. He is an intrepid, fearless fighter for something that neither Khrushchev nor his godless puppets in Ukraine can ever understand, as they are imbued with heinous materialistic philosophy, with a bottomless hatred of religion and of everything which is dear to the Ukrainian people.

The grandeur of Metropolitan Slipy's martyred heroism lies in the fearless position which he took before his jailers in 1945 in Kiev, when the Russian Bolsheviks brought the entire Ukrainian Catholic episcopate to trial for "high treason." His dignified stand, as well as that of six other Ukrainian Catholic bishops, his righteousness and fearless belief in his principles and his unswerving fidelity to God, his church, and his people—are the same great qualities which characterized true saints and martyrs in the first era of Christianity.

Moscow put pressure on Metropolitan Slipy and all his bishops to renounce their Catholic faith and embrace the spurious Russian Orthodox Church, controlled by the Kremlin. When Metropolitan Slipy refused to betray his church and his people, he was put on trial for alleged high treason and collaboration with the Germans during their occupation of Ukraine. Together with Archbishop Slipy the Russian Bolsheviks tried such Ukrainian Catholic bishops as N. Budka, M. Charnetsky, G. Khomyshyn, J. Latyshevsky, G. Lakota, and, later on, Bishop Josaphat Kotsylovsky. All were condemned to many years of hard labor. Metropolitan Slipy was condemned to 8 years of hard labor, which he spent as a common criminal in one of the slave labor camps in the north. Upon his release, he was subjected to continuous pressure to embrace Russian orthodoxy, and when he refused, he was again sentenced to 5 years of hard labor. When the metropolitan terminated his second penal servitude, he was allowed to return to his native Ukraine with the explicit order not to exercise his priestly duties, but he refused to accept this condition as well. In May 1959, he was condemned for the third consecutive time, to 7 years of hard labor. There have been reports that he was ill and that he was kept in a prison near the city of Irkutsk, eastern Siberia. There was also a report that he was brought back to Kiev, but subsequently was transferred in the fall of 1961, to a prison in Rozaivka, in the Mordovian autonomous Republic.

All other Ukrainian Catholic bishops who were arrested by the NKVD—Kotsylovsky, Khomyshyn, Latyshevsky, Lakota, Budka, and Charnetsky are reported as having died in Soviet dungeons. The late Pope Pius XII in two notable encyclicals, "Orientales Omnes Ecclesias" (1946), and "Omnes Ecclesias" (1952) deplored the persecution of the Ukrainian Catholic Church. His Holiness Pope John XXIII on many occasions demonstrated his love of and understanding for the suffering Ukrainian Catholic Church and its martyrs, bishops and priests. There have even appeared newspaper reports in the German Catholic press that Metropolitan Slipy will be one of the new cardinals to be appointed in pectore (secretly—Ed.) by the Pope.

WORLDWIDE OBSERVANCE OF SLIPY'S BIRTHDAY

In recognition of his great devotion to and martyrdom for the Ukrainian Catholic Church and the Ukrainian people, the Ukrainian Catholic hierarchy in the United States takes the lead in worldwide observances of the 70th birthday of Metropolitan Slipy. Under the auspices of Metropolitan Senyshyn, and the archdiocese of Philadelphia, and the dioceses of Stamford and Chicago, February 18, 1962, will be dedicated to observances in honor of the martyred Ukrainian metropolitan. Special committees are being formed in parishes which will prepare appropriate ceremonies. All Ukrainian Catholic bishops in the free world will issue a special appeal to their faithful and the clergy calling for solemn observances of this signal anniversary.

In New York City a special press conference will be held for the purpose of acquainting the American press, both Catholic and secular, with the plight of the Ukrainian Catholic Church, and the suffering and martyrdom of its bishops and priests.

In commemorating the 70th birthday of Metropolitan Slipy, Ukrainian Catholics and Ukrainian Orthodox alike will demonstrate their unity and patriotism by honoring one of the most persecuted Ukrainian churchmen in the history of Ukraine. By observing the birthday of this heroic and patriotic prelate, we must also call the attention of the American Government, the U.N., and the American people at large to the long-forgotten and persecuted Ukrainian people and their church. To do thus is our duty as free American citizens and as descendants of the great Ukrainian people.

UKRAINIAN CONGRESS COMMITTEE
OF AMERICA, INC.,
Bismarck, N. Dak., April 21, 1962.

Hon. DON L. SHORT,
Congressman, New House Office Building,
Washington, D.C.

DEAR CONGRESSMAN SHORT: A couple of years ago our organization called your attention to the fact that in April 1945 Russian Communist regime launched their brutal drive to destroy the Ukrainian Catholic Church. We stated that on April 11, 1945, Russian Communist regime arrested all the Ukrainian Catholic bishops, including the Archbishop Metropolitan Joseph Slipy, the head of the Ukrainian Catholic Church, and imprisoned them. The latter, alone of 10 bishops, is still alive after a term of 17 years of penal servitude in the Soviet concentration camps.

Since that tragic date two Apostolic Visitators and 11 bishops were deported and murdered. Out of over 3,000 Ukrainian priests 50 percent were deported and killed, 20 percent escaped abroad and the rest are underground. Out of 520 monks, only 78 remain alive today; and from 1,090 Ukrainian Catholic nuns only 30 percent are still alive. Of the 3,040 parishes and 4,400 churches and chapels 25 percent fell into the hands of the Russian Orthodox priests and the remainder are either closed or have been destroyed. The Soviet Government destroyed 15 monasteries and closed the Ecclesiastical Academy, two seminaries, 9,900 primary and 380 secondary schools. It suspended 35 Ukrainian Catholic publications and 38 Ukrainian newspapers, liquidated 41 Catholic organizations and social institutions. Millions of the faithful also became victims of the Communist terror.

In this same instance we would like to related to you similar destruction of the Ukrainian Orthodox Church in eastern Ukraine where within 10 years from 1921 to 1931 Russian Communist regime unjustly arrested and annihilated 80 bishops with the Metropolitan Vasyl Lykivsky at the head and also thousands of priests and millions of faithful.

Since we have written to you in regard to this very important matter 2 years ago nothing has changed over there, so today we would like to call your attention to this problem again because it is 17 years since the arrest of Archbishop Joseph Slipy on April 11, 1945; and because February 17, 1962 was his 70th birthday.

Honoring the 70th birthday of Metropolitan Joseph Slipy, 14 bishops of the free world, 3 in the United States, 4 in Canada, and 1 each in Italy, Australia, Germany, France, Brazil, Argentina, and England issued a special pastoral letter designating February 18, 1962, as a day of massive prayer in his reverence. He has been a prisoner of the Communists since 1945 and after completing the 8-year term which he was sentenced to serve, he was tried again in Moscow and sentenced anew. Ukrainian Catholic bishops of the free world in their pastoral letter requested the faithful to repeat their ardent prayer crusade so that God would grant a better future. They said, "Let us bring to the attention of all nations the injustice that is perpetrated and ask that they join us in prayer.

In three Ukrainian Catholic dioceses of the United States on February 18, 1962, masses were offered for the special intention of Metropolitan Slipy—in Philadelphia by Archbishop Metropolitan Ambruse Senyshyn; in New York by Bishop Joseph Smondiuk and in Chicago by Bishop Jaroslav Garbro celebrating special pontifical divine liturgies.

Since February 18 many concerts, radio and TV programs, holy hours, and other religious and civic manifestations were held all over the free world and especially in Canada and across the United States including our State of North Dakota in honor of this spiritual leader Archbishop Slipy. Special press conference was held by Bishop Joseph Smondiuk and other Ukrainian leaders at the Hotel Commodore in New York. The conference was well attended by American news, radio and TV media. It was pointed out by Bishop Smondiuk that the free world is indifferent to the plight of this great church leader and the entire Ukrainian hierarchy and appealed to them for support. He called to their attention the brutal destruction and persecution of the Ukrainians. Many leading American and foreign papers carried an extensive report on the Ukrainian manifestation and the pastoral letter issued in behalf of Metropolitan Slipy and Ukrainian Catholic churches.

In the Canadian Parliament, Hon. W. Wall, Canadian senator, delivered a vigorous speech on behalf of martyred Ukrainian church, the bishops, and in behalf of the supreme spiritual leader, Metropolitan Slipy who is still a prisoner of the Kremlin rulers.

Enclosed is a copy of Svoboda, Ukrainian weekly of February 10, 1962, which has an editorial under the title "Tribute of Ukrainian Martyr" which illustrates the sentiments of the Ukrainians in the free world. For your information I am also enclosing the book of Gregory Luznycky, Ph. D., under the title "Persecution and Destruction of the Ukrainian Church by the Russian Bolsheviks" of which the last sentence is "The tragic history of the Ukrainian Catholic and Ukrainian Orthodox Churches, their persecution, martyrdom and liquidation by brutal force of the Soviet Russian Government is a record unique in the world for its inhumanity and barbarity. This record can never be erased from the annals of the Russian history or from the conscience of the Soviet leaders, whatever their names or titles may be."

We would like to call your attention that these tragic movements took place since western part of Ukraine with its 8 million people was incorporated into Soviet Socialist Republic and fell under the Soviet Russian domination after World War II under the Teheran and Yalta agreements. Since the United States took part in those agreements then it would only seem proper to feel obligated morally to find ways and means of helping the oppressed people. Therefore, in behalf of our organization and 25,000 Americans of Ukrainian descent living in North Dakota, and I am sure there is similar feeling among all Ukrainians in the free world, I respectfully request that this dreadful situation on the religious persecution in Ukraine be presented to the U.S. Congress. I also request that the Secretary of State propose the U.S. Ambassador to the United Nations to make all effort that the condition of the religious persecution in Ukraine be placed on the agenda of the United Nations Assembly, with further request that Metropolitan Joseph Slipy, Head of the Ukrainian Catholic Church in the Ukraine, and all the prelates of the Catholic and Orthodox churches be released from prison and granted their freedom, since this is a direct violation of the human rights adopted by the General Assembly of the United Nations in December of 1948.

Sincerely yours,
Dr. Anthony Zukowsky,
President UCCA, State Branch of North Dakota.

Resolution of the United Congress Committee of America, Inc.

Whereas the western part of Ukraine fell under Soviet Russian domination after World War II and was incorporated into Ukrainian Soviet Socialist Republics according to the agreements in Teheran and Yalta;

Whereas the Union of Soviet Socialist Republics and Ukraine are the members of the United Nations whose General Assembly adopted the Universal Declaration of Human Rights on the 10th of December 1948, declaring that everyone has the right to freedom of thought, conscience, and religion;

Whereas the constitution of the Union of Soviet Socialist Republics guarantees freedom of religion for all its citizens;

Whereas the 20th, 21st, and 22d Congresses of the Communist Party of the Union of Soviet Socialist Republics have declared that "Stalinist" and antiparty methods of coercion are to be denounced and abandoned;

Whereas the Russian Orthodox Church has become a member of the World Council of Churches, which vehemently supports the toleration of all faiths:

Whereas the Metropolitan Joseph Slipy of Lviv, head of the Ukrainian Catholic Church has served 17 years in prison and he with many other members of the clergy are still imprisoned: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Government of the United States is requested and authorized to make all efforts that the condition of the persecuted Ukrainian Catholic and Orthodox churches be placed on the agenda of the next United Nations Assembly.

That the Secretary of State and the U.S. Ambassador to the United Nations are further requested to make all necessary steps that Joseph Slipy, Archbishop-Metropolitan of Lviv and head of the Ukrainian Catholic Church in Ukraine, and all the prelates of the Orthodox, Protestant, Jewish, Moslem, and other faiths be released from prison and granted their freedom.

FEDERAL AVIATION ACT OF 1958

Mr. PIRNIE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Becker] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BECKER. Mr. Speaker, I am pleased to introduce for appropriate reference a companion bill to one introduced by Senator Keating of New York which will amend the Federal Aviation Act of 1958.

The amendment directs the Administrator of the Federal Aviation Agency to conduct, encourage, cooperate with, and render assistance to other private or public agencies or organizations in the conduct of research to determine means for establishing practical aircraft noise criteria and for abating objectionable aircraft noise.

I fear that, while our Nation has advanced technologically to the point where supersonic jet aircraft are no longer a rarity in our skies, the developers of these aircraft have fallen far behind in insuring man's comfort on the ground.

Visitors to airports receive a short initiation to the roaring noises which accompany modern-day travel, but for our citizens who live in the vicinity of airports or under the flight patterns to the runways this is a serious, continuing problem.

This undesirable noise situation has been recognized by the Supreme Court, which ruled 7 to 2 last March that an agency operating an airport was liable for compensation when low flights make property so useless as to constitute a "taking" of the property for public use. As a result of this ruling, suits have already been filed against the New York Port Authority, which operates the International Airport at Idlewild in my State. Other municipalities and agencies all over the country have been the subjects of similar suits, and many more will undoubtedly result.

In our day and age, man must travel and he must have his travel accommodations close enough for reasonable convenience. But when the airports are close enough, the noise of aircraft becomes an attendant problem of serious proportions. Many of my constituents are seriously affected, and I am sure many of my colleagues here in the House of Representatives have received similar complaints.

I suspect that most of the ingenious engineering techniques for which this country is famed have been devoted for the most part to speed, comfort aloft, safety, and sophisticated design. As a result, man on the ground has been largely forgotten. I am certain that if the same research is applied to silencing or at least lowering the decibel level of aircraft noise, a solution can be found.

That is the purpose of this bill: To bring into focus the plight of our citizens who live near airports and to encourage attention to this vexing problem.

I would like to add, however, that I am fully aware of the fact that FAA, in cooperation with NASA, has already taken some pioneering steps in regard to noise abatement. FAA last July initiated a program to define and rate noise levels so that standards can be established, both for individual engines and airport areas. FAA is also reportedly initiating a long-range supersonic transport engine development program which will include research on internal engine contours designed to reduce noise at its source.

This bill will define responsibility and encourage a search for suitable noise abatement techniques. I believe that with our support FAA can and will assist in seeking out an accelerated solution to the aircraft noise problem. I further believe we will all be doing a service for a great number of our constituents who have too long had to contend with this situation. I, therefore, earnestly advocate that my colleagues support this measure.

FEDERAL RESERVE CHAIRMAN MARTIN COMMENTS ON STRUCTURAL UNEMPLOYMENT IN UNITED STATES

Mr. PIRNIE. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, as a part of the hearings by the Joint Economic Committee on the President's economic message, the junior Senator from Wisconsin [Mr. PROXMIRE] requested that Federal Reserve Board Chairman William McChesney Martin comment on the question of structural unemployment in the U.S. economy. Mr. Martin's response, unfortunately, was received after the hearings on the President's report were printed and it could not be included with the hearings. Because of Chairman Martin's depth of knowledge in this field and because of the importance of the subject matter, I believe it is important that this statement be made available for the consideration it deserves. For this reason, I am placing it in the RECORD at this point:

SOME ASPECTS OF STRUCTURAL UNEMPLOYMENT

(By William McChesney Martin)

Much of the recent controversy relating to the causes of unemployment has largely been concerned with definitions, measurements, and the time periods to be used in evaluating the impact of structural, frictional, and cyclical factors on changes in unemployment. A major difficulty and one which has resulted in differences of opinion is the inadequacy of the current labor force statistical series as a measure of the amount and changes in structural unemployment. While the available data do provide substantial information on trends, levels, characteristics of the employed and unemployed, they do not directly indicate the causes or forces which make for unemployment.

Also, as has been well documented in the Bureau of Labor Statistics recent study on "Terminology, Measurement, and Analysis of Unemployment," presented to the Subcommittee on Economic Statistics of the Joint Economic Committee, the specific meaning of structural unemployment is extremely vague and has a variety of definitions. At times, structural unemployment has been identified with long-term unemployment; some experts have identified it with technological change, others with shifts in consumer demands, international competition, or changes in the composition of the labor force. It is little wonder, with uncertainty as to definitions and inadequate data to measure these definitions, that differences in judgment as to the magnitude of structural unemployment have occurred among those who are concerned with the policies required to alleviate unemployment.

Fortunately, however, there is more agreement and less dispute at the policy level. Where misunderstandings have arisen they have usually been due to a tendency to approach the problems of unemployment from different starting points which often are thought to lead to clear-cut alternative policy choices. However, when the various approaches are examined in this complex area there are fewer choices than appeared to be the case at first glance. For instance, it has frequently been emphasized that the problem of increasing the mobility of labor by a better functioning of the labor market could be handled more easily under conditions of expanded overall activity. This is undoubtedly true. The Board of Governors of the Federal Reserve System is and has been pursuing a monetary policy which has as one of its major aims the maximum utilization of our growing industrial and manpower resources.

The opposite side of the coin also has validity. It would, under current conditions, be much easier to achieve maximum employment with a relatively stable price level, if we were able to remove limitations which handicap the ready flow of the unemployed worker into useful job opportunities. Such action would unquestionably help prevent inflationary pressures developing short of our desired goals. The threat of inflation and the inadequacy of broad monetary and fiscal policies to curtail unemployment which is selective or structural in nature have been major obstacles to the reduction of persistent unemployment.

Measures continue to be required to reshape and increase the mobility of certain groups in the labor force. These conclusions are not new but have been frequently stated by a large majority of those in labor, management, and Government who have expressed opinions on this subject in recent months. (See attachment A.)

If we take the appropriate measures based on the broad consensus which now exists on policies to be directed toward the elimination of the causes of persistent unemployment, rather than to overplay differences of emphasis of measurements and definitions, we could well be on our way toward reaching our goals of full employment and price stability simultaneously.

Evidence of substantial structural shifts in occupations and industries in recent years has been extensively reported to the Joint Economic Committee, and many other committees of Congress. Mr. Ewan Clague, the Commissioner of Labor Statistics, only recently, and in considerable detail, gave testimony to the Subcommittee on Economic Statistics on December 18, 1961, to the effect that "in recent years there has been a dramatic shift in the pattern of employment in the United States." These shifts have resulted in a substantial rise in persistent unemployment in the postwar period evident in both good and bad times.

Of course, changes in the structure of industry and occupations are nothing new. What is new in the recent situation is the large absolute decline in employment since 1953 of almost 3 million industrial blue-collar workers; while employment in services, trade and Government, mostly white-collar groups, rose by 7 million. There has not been as large and as absolute a displacement of workers in industrial employment or a shift away from blue-collar employment at any other periods of our history when overall employment was rising.

Mining and railroad employment began to decline soon after the end of World War II and in manufacturing industries the decline became evident after 1953. By early 1962 production worker employment had declined by over 2 million workers or one-sixth although manufacturing output rose about one-fifth.

Immediately after the Korean hostilities it was thought that the decline in factory employment was temporary and mainly due to the curtailment in defense industries. There was, therefore, little general concern in the sharp expansionary period in 1955 and 1956 when factory worker employment failed to return to the previous postwar highs of 1953 and unemployment among workers from these industries increased. Nonindustrial employment was rising very rapidly, and was accompanied by one of the sharpest increases in the civilian labor force for a 2-year span on record, as workers entered the labor market to fill the new white-collar job opportunities. But when in the recovery period of 1959 and 1960, the unemployment rate did not go below 5 percent and industrial employment again fell below prerecession 1957 levels, there was more widespread recognition and concern of the significance of the selective declines in employment which were so heavily concentrated among certain semiskilled and unskilled occupations in an exceedingly important sector of the economy. It was the judgment of many informed observers the forces making for higher unemployment could not be wholly explained by an insufficiency of aggregate demand. In 1959, consumer demands were high and the economy was being excessively stimulated, by a rapid runup in inventories before the steel strike, and again in early 1960 when inventories were being replenished.

The employment patterns of recession and recovery obvious since 1953 seem to be repeating themselves again this year. In February 1962, although industrial production and GNP were at about the highest levels in history, following a vigorous recovery, there were 600,000 fewer factory workers employed than when the recession began in the spring of 1960.

A critical aspect in measuring the magnitude of structural unemployment is to know what has happened, on net, to the over 2 million production workers who were displaced in manufacturing activities between 1953 and 1962. This is impossible to answer accurately at present because our current statistics primarily give us a cross-sectional view of the labor force and unemployment at a given point in time. We would know much more about the various causes of unemployment if we were able to trace the flow of displaced workers as they moved into other jobs, unemployment, or outside the labor force. This can now be done only in a very indirect way.

The decline in industrial employment, as best we can tell, has resulted in a substantial rise in unemployment among experienced workers who were previously employed in factories and related activities as well as some withdrawal from the labor force. Because of their specialized skills, previous experience, and geographical location, only a small proportion of these workers have been readily absorbed in the expanding industries. The available statistics do show that characteristics and employability of workers released from the declining industries is substantially different from the new entrants and reentrants into the labor market. They have been mainly adult males, a high proportion of whom are heads of families and were formerly employed in semiskilled occupations. Once unemployed their spells of unemployment tend to be relatively long.

Secretary of Labor Goldberg, in his testimony before the Joint Economic Committee on January 31, 1962, pointed out that the long-term unemployed were concentrated in several groups out of proportion to their number in the labor force. In 1961 the long-term unemployed, those unemployed 15 weeks or more, averaged 1.5 million and was the largest number in over 2 decades. The problem involves, he testified:

"1. Men 45 years of age and over who represented one-third of the very long-term unemployed, even though they accounted for only one-fourth of the total labor force.

"2. Workers from durable goods industries accounted for 14 percent of the labor force and 25 percent of the long-term unemployed.

"3. Negroes account for 24 percent of persons jobless for over 6 months and only 11 percent of the civilian labor force.

"4. Semiskilled operators and unskilled laborers represented 45 percent of the very long-term unemployed compared to only 24 percent of the labor force. In contrast, professional workers made up less than 3 percent of the very long-term unemployed even though they account for 11 percent of the labor force.

"5. Persons with no previous work experience, who accounted for less than 1 percent of the civilian labor force, made up 9 percent of the persons looking for work for over 6 months. These were chiefly young workers in search of their first job."

The growth in the number of workers reporting long duration of unemployment, and the fact that the hardest hit have been unskilled and semiskilled males in the middle age groups, indicated by the Secretary of Labor, confirm other findings that those who were displaced because of structural factors have had a more difficult time in adjusting to new employment opportunities. They have contributed significantly to the rising levels of long-term unemployment in recent years. Their job needs as heads of families and their limitations in making a rapid transition to new skills or different geographical areas has resulted in real hardship. Measures to reduce unemployment in these groups is especially urgent.

There has also been an increase in recent years in unemployment of workers who report that their last job was in nonindustrial activities. In part this is a statistical classification problem. A worker whose lifelong or major experience has been in a declining industry will, nevertheless, be classified as unemployed in, say trades and services if that was the industry in which he held his last job, even if it were only of short duration or part-time job.

The greatest cause of unemployment, aside from layoffs in declining industries, appears to have been the rapid rise in the number of new entrants or re-entrants into the labor force in recent years. These unemployed are more diffuse in origin and not as concentrated geographically. An important distinction is that the characteristics of these unemployed in respect to age, sex, skill, educational background and duration of unemployment is substantially different from those whose loss of jobs can be related to structural factors. The unemployed who are associated with the expanding industries tend to consist mainly of secondary workers; mainly youths and married women, many of whom supplement family income. They may have had some work experience but their spells of unemployment are relatively short. If they fail to find jobs, they are likely to withdraw from the labor market. They almost always seek work in nonindustrial activities such as trade or services which employ persons with entirely different occupational and demographic characteristics than those of the laid-off factory workers.

Recent analysis of labor force movements indicate there are large potential resources of manpower now classified outside the labor force. Knowledge of the complex relationships between changes in output, labor force and unemployment are uncertain. It is entirely possible, under present labor market conditions, for any increase in demand for labor, more than cyclical in nature, to be largely met by a flow of persons into the labor force rather than in a reduction in high levels of persistent unemployment. It is therefore a mistake to think there are simple or precise solutions of our persistent unemployment problems.

Our best judgment continues to be that structural unemployment has increased over the last decade as reflected in the sharp decline in industrial employment and an increase in persistent unemployment which has not been responsive to general monetary and fiscal measures even during periods of high level of activity and rising prices.

ATTACHMENT A

"The Report of the Commission on Money and Credit," Prentice-Hall, Inc., 1961, pp. 27, 29–30, 35:

"Despite the wealth of detail available on the characteristics of the unemployed, there are no reliable ways of determining from current figures how many are unemployed as a result of which cause.

"What is the prospect for future levels of unemployment? Unfortunately the trend of unemployment has not been improving. Not only were unemployment rates higher in 1959 and early 1960 than in earlier recovery periods, but the proportion of long-duration unemployment has been higher. This long-duration unemployment continues to be serious in depressed areas, and it has become more widespread. Technological displacement of workers in manufacturing and agriculture has been heavy, and the total number of jobs in those sectors as a percentage of total employment has been decreasing.

"Two factors of special importance may make more difficult the achievement of low-level unemployment in the decade ahead. First, the expected rate of growth in the labor force increases sharply in the sixties, compared to the fifties, as the population bulge reaches the employable age. Many more jobs per year will be required to keep the unemployment rate low. Second, the pace of technological change, typified by the term automation, shows no sign of abating; on the contrary it may be increasing. Whether technological change will create new job opportunities as rapidly as it displaces other workers is not predictable. In addition, there are the problems of obsolete skills of some workers and resistances to labor mobility flowing from such things as nontransferable pensions and labor union restrictions on entry into some occupations.

"The employment problem ahead is formidable. It calls for effective use of monetary, credit, and fiscal policies to induce adequate levels of demand and to stimulate economic growth. It also requires new and imaginative programs to deal directly with structural unemployment—programs for distressed areas, education and training of new and displaced workers, an improved job information service. Action is also needed to ease the burdens of the technologically unemployed lest restrictive work practices develop which will inhibit productivity gains.

"Measures which improve the efficiency of labor will also contribute to growth. Incentives for advancement in income and job responsibility, effective employment services, retraining programs for workers displaced by technological change, programs to help move workers from depressed areas and industries into others, policies to move marginal farmworkers into more productive nonfarm employment, elimination of redundant workers—all are measures that have favorable effects upon the growth rate."

President's Advisory Committee on Labor-Management Policy, January 11, 1962, pages 2–3:

"While advancing technology has given rise to new industries and jobs, it has also resulted in employee displacement; the fact that new work opportunities are eventually created is no comfort or help to the displaced individual who cannot, for one reason or another, secure comparable or any employment. * * *

"Regarding technological advance in unemployment, it is clear that unemployment has resulted from displacement due to automation and technology. It is impossible, with presently available data, to isolate that portion of present unemployment resulting from these causes. Whether such displacement will be short-run depends to a considerable extent on our ability to anticipate and plan for programs involving technological change and to make better use of various mechanisms for retraining and relocating workers who find themselves unneeded in their former occupations."

Ewan Clague, Commissioner of Labor Statistics, testimony before the Subcommittee on Economic Statistics, Joint Economic Committee, December 8, 1961:

"Some analysts believe that the current high rate of unemployment is entirely a function of inadequate aggregate demand. This analysis discounts the apparent uptrend in unemployment rates at the end of World War II to about 1956 and places all the emphasis on the rise in unemployment that has occurred in the last 4 years.

"The other point of view is that structural changes which have taken place in recent years have had some influence in causing higher rates of unemployment. In my judgment, this is a factor which cannot be ignored."

Arthur J. Goldberg, Secretary of Labor, testimony before Joint Economic Committee, January 31, 1962:

"Again, to say that we can put all of our people to work in useful and satisfying activities only or mainly by upsetting our monetary system, or by massive intervention of the Government into the millions of free decisions which are the basic essence of our economic system—to say these things is to demonstrate a lack of understanding of our dynamic system. We do not advocate growth for growth's sake, nor can we advocate stability for stability's sake. We need both."

Stanley Ruttenberg, research director, AFL–CIO, paper presented at the annual meetings of the American Statistical Association, December 29, 1961:

"It is unfortunate that the problem of our persistent high levels of unemployment has been framed by some very well-intentioned people on an 'either-or' basis—that is, that our problem is one of aggregate demand rather than structural unemployment. In my view, it is not 'either-or'; it is both.

"To achieve full employment we must simultaneously increase aggregate demand

and address ourselves to the structural problems. Neither one alone will attain our objective in the years immediately ahead."

NATIONAL HIGHWAY WEEK

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. FALLON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FALLON. Mr. Speaker, the ever-growing need for better highways of adequate capacity to meet our increasing traffic demands clearly deserves and requires the complete support of all our citizens. Highways are the very backbone of our Nation. Their orderly, uninterrupted completion in a manner prescribed by Congress—when it passed the Federal Aid Highway Act of 1956—is of vital importance to our families, our communities, our States, and our Nation.

This importance of our roads and streets is again vividly portrayed in President Kennedy's proclamation designating the week of May 20–26, 1962, as National Highway Week. This week will certainly be an excellent time to consider the many ways in which we are benefited by and have grown dependent on the essential highway program conceived and enacted by this Congress 6 years ago.

I am proud to have been the sponsor of legislation which has brought about the development of this expanded highway program, which is the largest public works undertaking in the history of the world. It is of indisputable importance to the saving of lives, time, and money. Today one-sixth of our population depends primarily on our highways while all Americans rely, to a continuously increasing extent, on these roads for education, food and fiber, business, and recreation. In addition, the presently designated routes of the Interstate System are considered to be the routes of greatest importance to our national defense.

National Highway Week also reminds us that highways upgrade property values; create accessibility to new commercial, industrial, and residential developments; reduce accidents, thereby reducing human suffering; and enhance our everyday life through their convenience.

Mr. Speaker, because of the continuing importance of our highways and because they have been placed in the limelight by the President's proclamation, I will insert the proclamation at this point in the RECORD:

NATIONAL HIGHWAY WEEK, 1962—A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Whereas our Nation, with its expanding economy and growing population, is largely dependent on its highway network for the safe and efficient movement of people and goods; and

Whereas the inadequacies of our present network are responsible in large degree for one of the great American tragedies of our time—the costly and inexcusable annual toll of deaths and injuries on the highways; and

Whereas the Congress, at my request, last year made financial provision for completing the finest road network the world has ever seen, geared to our future as well as present needs; and

Whereas the American people should be reminded of their vital interest in this program and the boundless benefits it will produce: Now, therefore,

I, John F. Kennedy, President of the United States of America, do hereby proclaim the week of May 20–26, 1962, as National Highway Week in recognition of the vital role of highway transportation in our way of life; and I urge the Governors of the States and mayors of cities to issue similar proclamations.

I also ask the appropriate officials of the Federal, State, and local Governments, as well as public and private organizations and the general public, to join in observance of this significant occasion.

During this period I encourage all Americans to consider and appreciate the value of highway transportation to their own activities and to our national welfare.

In witness whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the city of Washington this 27th day of March in the year of our Lord, 1962, and of the independence of the United States of America the 186th.

JOHN F. KENNEDY.

By the President:

GEORGE W. BALL,
Acting Secretary of State.

RUMANIAN INDEPENDENCE DAY

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MULTER. Mr. Speaker, in the past the Balkan Peninsula was known as the powder keg of Europe. People there were in trouble during nearly the whole period of their modern history. Late in the 15th century the whole peninsula was overrun and conquered by the Ottoman Turks and its diverse nationality groups were subdued by brute superior force. For centuries while the Ottoman power reigned supreme and these helpless peoples were not in position to challenge the authority of Ottoman sultans, all appeared well, at least so it then seemed to those far away from the Balkans. But it was no secret to the Ottoman authorities that the whole peninsula was in constant turmoil and often seething with unrest and revolt. All of these oppressed peoples—Bulgars, Greeks, Serbs, Rumanians and others—were always on the alert to rise in revolt at the first opportune moment and to fight the Turks to the bitter end in the hope of ridding themselves of their unwanted overlords.

The last century represented such a period for these nationalities. And it was then, especially beginning in the 1850's, that the Rumanians successfully made their bid for national political freedom. Eventually they attained it in the 1870's. First they won autonomous status in their homeland, and this status was solemnly guaranteed by the principal governments of Europe—a type of guarantee that carried considerable prestige and force in those days. But these proud Rumanians were not satisfied with merely an autonomous status. What they had wanted and what they had set out to obtain, regardless of the cost and the sacrifice involved, was unhampered and unconditional freedom; complete independence from the Sultan and any other foreign sovereign authority. So in the 1870's they took another and more significant step that led them to sovereignty and independence.

At that time the Balkan peoples were again revolting against the oppressive Ottoman Turks. By 1876 the whole peninsula was on a war footing. European statesmen were most seriously alarmed over the situation; they counseled moderation and conciliation to the Ottoman sultan, but the haughty autocrat proved too stubborn to heed to any such counsel. Then matters were left to the arbitrament of armed forces; the Ottoman forces arrayed against the forces of the Balkan peoples. On May 10, 1877, while this war was raging, the Rumanians proclaimed their independence and continued their fight until they attained their goal early in the following year. The proclamation issued on May 10, 85 years ago, has become and remains an important turning point in Rumanian history, a very significant landmark.

From that day in 1877 Rumania enjoyed freedom, and her industrious people enjoyed peace and prosperity for many decades.

They became involved in the last two world wars, and in both they gave good account of themselves. As a matter of fact they were on the winning side during the war of 1914–18 and gained considerably, and they were happy during the interwar decades—1919–39.

With the outbreak of the last war fate was not kind to them. The war and postwar years had something sad and tragic in store for them. We now know that the plans and plots which led to the tragedy of Rumania were prepared in the Kremlin.

Early in 1945, a few days after the conference of Yalta, the Red Army advanced into Rumania, put an end to the government there, eliminated all vestiges of freedom, and then installed a Communist regime. For the last 17 years, unhappy Rumanians have been suffering under Communist tyranny. Today, on the 85th anniversary of their Independence Day, I pray and hope they will once more, and soon, regain their freedom and enjoy it to the full in their historic homeland.

NICOLAE MALAXA

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. LESINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LESINSKI. Mr. Speaker, in the political turmoil in Europe following World War II, many misconceptions arose because of the inability sometimes to pinpoint guilt to certain people. Consequently, some people may have been led to believe things that are not true. To correct one misconception that has come to my attention, I would like to draw to your attention certain facts regarding the past activities of Mr. Nicolae Malaxa, a Rumanian industrialist now residing in the United States.

With respect to certain charges that have been made against Mr. Malaxa, records show that these charges have been thoroughly investigated and disproved at lengthy hearings held in 1956 and 1957 by the Immigration and Naturalization Service. Approximately 55 days of hearings were held and about 5,000 pages of testimony were taken.

The findings in this case are as follows:

On June 4, 1958, the Board of Immigration Appeals reversed a decision taken December 17, 1957, by the Immigration and Naturalization Service ordering that the applicant be excluded and deported from the United States.

The Board's decision reads as follows:

> It is our considered opinion that the applicant N. Malaxa is not excludable from the United States on any of the grounds stated.

Consequently, the Board of Immigration Appeals ordered that Mr. Malaxa's appeal be sustained and that he be admitted for "permanent residence."

On September 5, 1958, the Department of Justice issued an order confirming the decision of the Board of Immigration Appeals. In the same order, the Department of Justice declared that the charges of pro-Nazi and pro-Communist affiliation leveled against Mr. Malaxa cannot be sustained.

OIL IMPORTS

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. Breeding] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BREEDING. Mr. Speaker, no commodity is more important to the national security than petroleum. Experience has proven again and again that the United States is the only completely reliable and adequate source of petroleum in time of crisis and conflict. It has been the ready availability of oil in this country that has permitted the free world to defend against would-be world conquerors.

Yet, we are in position today to lose our historic self-sufficiency where this vital fuel is concerned. The worsening trends of the last 5 years are cause for genuine alarm when we see that rising imports are helping deprive the domestic industry of the incentive to search for the expanded reserves that inevitably will be needed.

In this period when total oil imports were increasing sharply, U.S. production remained relatively static. But the more frightening fact was that exploration and drilling, the infallible indicators of future ability to produce, were falling sharply. This was due in large part to the fact that imports virtually were taking the entire increase in U.S. demand for crude oil. What was the specific, direct result?

Between 1956 and 1961 the number of geophysical and core drilling crews that were active in the United States declined by 30 percent. The result not only was predictable. It was inevitable. The rate of drilling declined—by 33 percent. This in turn resulted in fewer wells completed, less additional oil found and available to meet tomorrow's expanded requirements at a time when foreign oil may not be able to get through to us, even if those who control the foreign sources are disposed to let us have it.

The continuing decline in the level of geophysical and core drilling activity provides a serious warning as to what we may expect in the future unless the level of oil imports is reduced and stabilized to permit long-range planning and encourage the heavy investments which our own oil industry must make if this Nation is to be kept self-sufficient as to its petroleum supplies.

Freedom can be maintained only if our own defense industries are kept strong. This thought is not necessarily new, but the urgent need for its greater recognition was never more pressing than now.

I remind you that adequate oil discoveries can only occur as expanded exploratory activity precedes them. And a lower, stable level of imports is prerequisite to both.

With the utmost sincerity of purpose and concern for this Nation's security, I urge my colleagues to join me in support of the Steed-Moore bill. I have introduced similar legislation. The bill would reduce imports of crude oil and products other than residual fuel to 14 percent of domestic crude oil production and stabilize them at that level.

COMMUNIST TACTICS

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Walter] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALTER. Mr. Speaker, I rise to bring to the attention of all Members of this House and to place in the Record a column written by Roscoe Drummond entitled "Communist Tactics," published in the Washington Post of May 5, 1962. This column outlines the techniques now being used by the Communist Party to, as stated by Mr. Drummond, "bury its identity" in order to protect its leaders and members from prosecution for failing to register under the provisions of the Internal Security Act. These tactics, as he points out, serve a double purpose. While concealing the identity of the party and its operations, they also have the objective of increasing the party's influence.

This is a vital point. Too many people think that when the party goes underground, it ceases its concealed front and indirect activity, its attempts to influence the American people. Unfortunately, just the opposite is true. The more deeply it goes underground, the more intensely it works at the same time to influence public opinion, to bring about a change in the climate of opinion so that it will be able to resume more open activity at the earliest possible time.

It is my desire to commend Mr. Drummond for writing this article. We, in the Congress, and the executive branch of the Government cannot effectively fight communism here or abroad alone. We need an informed, alert press to assist us in developing informed, alert citizens who will, at all times, be up to date on Communist strategy, tactics and immediate objectives, both as they apply to this country and foreign lands. Only in this way, will our Nation be able to take steps to defeat Communist plans and to formulate positive programs for this country, as the leader of the free world, which will put the Communists on the defensive so that they will be the ones who are worrying about how they can counter the attack we are waging.

Generally speaking, the press is giving considerable attention these days to Communist developments abroad and in the field of international relations. A handful of columnists and editorial writers are doing very effective jobs on the domestic Communist problem, but too large a segment of the press and communications media, I am afraid, fail to see how real this problem is and the relationship it bears to vital questions of foreign policy.

When a few hundred thousand workers in this country are represented by Communist-controlled unions, when Communist Party and party-line publications have a total circulation running into the hundreds of thousands, when thousands of students will turn out to listen to speeches by Communist Party leaders—even while those leaders are defying the laws of their country—when we have some 200 organizations in this country which the FBI has reason to suspect are Communist controlled or Communist infiltrated, there is very obviously a significant internal Communist menace.

Laws alone and the enforcement of those laws by police and prosecutive agencies cannot beat the Communists. Laws cannot prevent Communist infiltration of mass non-Communist organizations. Laws cannot render clever, subtle Communist propaganda ineffective.

Laws cannot give our people the information they must have to guarantee that this country will, itself, remain free and succeed in preventing more territory, peoples, and nations from falling under the Communist yoke.

I urge the press and all communications media in this country to follow the example given by Mr. Drummond and to devote more attention to the operations of the Communist Party, its members, and fronts within our borders. I sincerely hope that they will do this.

Our press has a great tradition, a tradition of rising immediately and strongly to oppose all elements and movements which threaten the Nation which guarantees it its freedom to publish what it will. I feel certain that it will continue this tradition and intensify its efforts to render ineffective that branch of the world Communist conspiracy operating within our own borders.

By permission granted, the abovementioned column follows:

COMMUNIST TACTICS

(By Roscoe Drummond)

[From the Washington Post, May 5, 1962]

PARTY RUNS FOR COVER

More than ever, the Communist Party in the United States is trying to bury its identity—and increase its influence.

It will be well to be aware of the latest tactics.

Its primary purpose is to avoid the coils of the Internal Security Act, which requires that the Communists formally identify themselves and their propaganda as Communist if they are to enjoy the rights of free speech in the American political arena.

The law, stipulating that the Communists must stand up and be counted, has not yet reached final adjudication in the courts. But it is apparently breathing down the back of the party with increased heat.

The Supreme Court has unanimously upheld the order of the Subversive Activities Control Board that the Communist Party is an agent of a foreign government and by a 5-to-4 decision has held that the party must register—as does every other agent of a foreign power.

On the basis of these two Supreme Court decisions, the Justice Department indicted on 6 counts Gus Hall and Benjamin J. Davis, the asserted top leaders, for failing to register the party. The maximum penalty would be 5 years in jail and $10,000 fine on each count.

This is the point at which the leadership of the Communist Party is taking double-quick steps to conceal its operations and camouflage its leadership. The once openly avowed leaders of the Communist Party suddenly are no longer leaders of the party.

The pattern of its tactics is evident. Here is what's happening:

1. Party leaders such as Hall, Davis, Elizabeth Gurley Flynn are no longer publicly identifying themselves as either party members or leaders. To do so would make it easier for the Government to produce evidence that they hold leadership positions. At present, for example, party leaders are making many speeches around the country. When they do, they identify themselves as spokesmen of the party, not by title. If they are asked specifically whether they are party officials, they refuse to give any title.

2. The Communist Party is currently very security conscious, doing all it can to destroy or conceal membership and other records which could be used by the Government against it. Extreme care is exercised in holding party meetings. Only trusted members are invited. They are being held less frequently. Great care is used in the communication of messages.

3. The party is streamlining its organizational structure to try to cut down its liability under the Internal Security Act. Some committees are eliminated, others reduced in numbers, or altered in composition.

4. The Communists are increasingly using "umbrellas," that is, front organizations, to do their work. This is an old party technique. When the party wants something done, a front executes the job. If a front doesn't exist, one is formed. This shields the party from direct participation and helps cover the identity of party officials and members.

None of this means that the Communist Party is less active. It is simply doing everything it can to disguise its members to avoid the law which is slowly beginning to close in. Its leaders are working under new designations, Gus Hall as party spokesman, Daniel Rubin as associate editor of New Horizons for Youth, Herbert Aptheker as editor of political affairs.

The Internal Security Act does not outlaw the Communist Party, nor make membership illegal. It simply requires that, as with other foreign agents, it register its members and officers, disclose its finances, and identify its propaganda. It will then be free to function without running for cover.

There is no doubt that Attorney General Robert Kennedy will be prosecuting the Hall and Davis case with vigor and ingenuity.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Riehlman (at the request of Mr. Halleck), for 1 week, on account of illness in his family.

Mr. Sheppard (at the request of Mr. Albert), for today and through May 31, 1962, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Williams, for 45 minutes, on Tuesday, May 15, 1962.

Mr. Meader (at the request of Mr. Pirnie), for 30 minutes, today, to revise and extend his remarks, and to include extraneous matter.

Mr. Schwengel (at the request of Mr. Pirnie), for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Nedzi.

Mr. Feighan in three instances and to include extraneous matter.

Mr. Randall.

Mr. Collier.

(The following Members (at the request of Mr. Pirnie) and to include extraneous matter:)

Mr. Van Zandt.

Mr. Fenton.

Mr. Hiestand.

Mr. Bow.

Mr. Curtis of Missouri.

Mr. Saylor.

Mr. Bruce.

Mrs. Dwyer.

(The following Members (at the request of Mr. Corman) and to include extraneous matter:)

Mr. Harding.

Mr. Hagen of California.

ADJOURNMENT

Mr. CORMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until Monday, May 14, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2047. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation, entitled "A bill to amend the National Industrial Act of 1948"; to the Committee on Armed Services.

2048. A letter from the Assistant Secretary of the Interior, transmitting a report that the Orchard City Irrigation District of Delta County, Colo., has applied for a loan of $270,000, to be used for the construction of a pumping plant on the Gunnison River, a pump discharge pipeline, and two canals to deliver water to an existing irrigation system, pursuant to section 10 of the Small Reclamation Projects Act of 1956, and in accordance with section 4(c) of the act, as amended; to the Committee on Interior and Insular Affairs.

2049. A letter from the Secretary of the Treasury, transmitting a report of the National Advisory Council on International Monetary and Financial Problems, during the period January 1 to June 30, 1961, in accordance with section 4(b)(5) of the Bretton Woods Agreements Act (H. Doc. No. 402); to the Committee on Banking and Currency and ordered to be printed.

2050. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 31, 1961, submitting a report, together with accompanying papers and illustrations, on a review of the Columbia River and tributaries, requested by resolution of the Committee on Public Works, U.S. Senate, adopted July 28, 1955, and other resolutions by that committee and by the Committee on Public Works, House of Representatives, listed in the report (H. Doc. No. 403); to the Committee on Public Works and ordered to be printed in five volumes with illustrations and appendixes.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CELLER: Committee on the Judiciary. H.R. 8845. A bill to amend chapter 73 of title 18, United States Code, with respect to obstruction of investigations and inquiries; with amendment (Rept. No. 1671). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BECKER:

H.R. 11690. A bill to amend the Federal Aviation Act of 1958 in order to provide for research to determine criteria and means for abating objectionable aircraft noise; to the Committee on Interstate and Foreign Commerce.

By Mr. BUCKLEY:

H.R. 11691. A bill to enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests, and for other purposes; to the Committee on Public Works.

By Mr. GOODELL:

H.R. 11692. A bill to prohibit discrimination in employment in certain cases because of race, religion, color, national origin, or ancestry; to the Committee on Education and Labor.

By Mr. JOHNSON of California:

H.R. 11693. A bill to enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests, and for other purposes; to the Committee on Public Works.

By Mr. KEOGH:

H.R. 11694. A bill to amend the Internal Revenue Act of 1954 to define the terms "manufacturer" and "producer" for purposes of the excise tax on automotive parts and accessories; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 11695. A bill to enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests, and for other purposes; to the Committee on Public Works.

By Mr. MACDONALD:

H.R. 11696. A bill to provide that the Government of the United States shall furnish no aid or assistance to any foreign nation or citizen thereof in carrying out any activity under which American citizens will be discriminated against; to the Committee on Foreign Affairs.

By Mr. GEORGE P. MILLER:

H.R. 11697. A bill to amend the Civil Service Retirement Act to provide for the adjustment of inequities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MULTER:

H.R. 11698. A bill to amend the act of March 3, 1901, to permit the appointment of new trustees in deeds of trust in the District of Columbia by agreement of the parties; to the Committee on the District of Columbia.

By Mrs. PFOST:

H.R. 11699. A bill to enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests, and for other purposes; to the Committee on Public Works.

By Mr. SANTANGELO:

H.R. 11700. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 11701. A bill to amend the Civil Service Retirement Act so as to provide for increases in annuities, eliminate the option with respect to certain survivor annuities, and provide for interchange of credits between the civil service retirement system and the insurance system established by title II of the Social Security Act; to the Committee on Post Office and Civil Service.

By Mr. ROUDEBUSH:

H.R. 11702. A bill to amend section 501 of title 38, United States Code, to provide that active military service on the Mexican border before World War I by persons who performed active service during World War I shall be included in determining eligibility of World War I veterans, their widows, and children for pension; to the Committee on Veterans' Affairs.

By Mr. CHAMBERLAIN:

H.R. 11703. A bill to provide for the licensing of operators of certain vessels on the navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. GLENN:

H.R. 11704. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11705. A bill to amend the Civil Service Retirement Act to increase to 2½ percent the multiplication factor for determining annuities for certain Federal employees engaged in hazardous duties; to the Committee on Post Office and Civil Service.

By Mr. INOUYE:

H.R. 11706. A bill to amend title 3 of the Sugar Act of 1948 to provide for the establishment of fair and reasonable minimum wage rates for workers employed on sugar farms, and for other purposes; to the Committee on Agriculture.

By Mr. DANIELS:

H.R. 11707. A bill to amend the act of August 30, 1890, to eliminate the provisions thereof authorizing Federal contributions for the maintenance of schools of higher education in which racial segregation is practiced; to the Committee on Education and Labor.

By Mr. JAMES C. DAVIS:

H.R. 11708. A bill to extend the authority of the President to enter into trade agreements under section 350 of the Tariff Act of 1930, as amended, and to provide for the use of that authority so as to expand U.S. exports and to establish the conditions for fair competition between imported articles and articles of domestic production; to the Committee on Ways and Means.

By Mr. POWELL:

H.R. 11709. A bill to amend the Revised Organic Act of the Virgin Islands as it relates to the election of members of the Legislature of the Virgin Islands; to the Committee on Interior and Insular Affairs.

By Mr. RHODES of Arizona:

H.R. 11710. A bill to amend the Enabling Act of the State of Arizona for the purpose of facilitating the sale or lease of certain lands granted to such State to local governments for use for public purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALTER:

H.R. 11711. A bill to incorporate Science Service, Inc., for the purposes indicated by Public Law 85-875; to the Committee on the Judiciary.

By Mr. MORRIS K. UDALL:

H.R. 11712. A bill to amend the Enabling Act of the State of Arizona for the purpose of facilitating the sale or lease of certain lands granted to such State to local governments for use for public purposes; to the Committee on Interior and Insular Affairs.

By Mr. KEOGH:

H.J. Res. 712. Joint resolution to authorize and direct the Franklin Delano Roosevelt Memorial Commission to raise funds for the construction of a memorial; to the Committee on House Administration.

By Mrs. ST. GEORGE:

H.J. Res. 713. Joint resolution to authorize and direct the Franklin Delano Roosevelt Memorial Commission to raise funds for the construction of a memorial; to the Committee on House Administration.

By Mr. SPENCE:

H.J. Res. 714. Joint resolution authorizing the acquisition of certain property in the District of Columbia and its conveyance to the International Monetary Fund, on a full reimbursement basis, for use in expansion of its headquarters; to the Committee on Banking and Currency.

By Mr. McSWEEN:

H.J. Res. 715. Joint resolution designating the rose as the national flower of the United States; to the Committee on House Administration.

By Mr. ANDERSON of Illinois:

H. Res. 635. Resolution to authorize and direct the Committee on Agriculture to investigate the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture; to the Committee on Rules.

By Mr. McVEY:

H. Res. 636. Resolution to authorize and direct the Committee on Agriculture to investigate the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the Commonwealth of Massachusetts, memorializing the President and the Congress of the United States relative to enacting legislation to establish a national cemetery for veterans within the Commonwealth; to the Committee on Interior and Insular Affairs.

Also, memorial of the Legislature of the Commonwealth of Massachusetts, memorializing the President and the Congress of the United States relative to enacting legislation to incorporate or charter the Italian American War Veterans of the United States, Inc.; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY:

H.R. 11713. A bill for the relief of Maria Demchar; to the Committee on the Judiciary.

By Mr. BELL:

H.R. 11714. A bill for the relief of David Shih Wen Wang; to the Committee on the Judiciary.

By Mr. KYL:

H.R. 11715. A bill for the relief of Paul Ching-Szu Chen; to the Committee on the Judiciary.

By Mr. LANE:

H.R. 11716. A bill for the relief of Ireneo Pena; to the committee on the Judiciary.

By Mr. POWELL:

H.R. 11717. A bill for the relief of Carmen Elsena Chase; to the Committee on the Judiciary.

H.R. 11718. A bill for the relief of Clarence Rudolph Chase; to the Committee on the Judiciary.

By Mr. SANTANGELO:

H.R. 11719. A bill for the relief of Josephine Maria (Bonaccorso) Bowtell; to the Committee on the Judiciary.

By Mr. McCORMACK:

H.R. 11720. A bill for the relief of Irving M. Sobin Chemical Co., Inc.; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Croatian Independence Day

EXTENSION OF REMARKS
OF
HON. MICHAEL A. FEIGHAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 10, 1962

Mr. FEIGHAN. Mr. Speaker, under leave granted, I insert in the RECORD the address I delivered on Sunday, May 6, at Slovenian Home, 6417 St. Clair Avenue, Cleveland, on "Croatian Independence Day":

CROATIAN INDEPENDENCE DAY

We meet here today to observe Croatian Independence Day and to pay tribute to an ancient, cultured nation which is submerged by a double imperialism. That double imperialism seeks to drive all that is Croatia down through the centuries; from our knowledge of history and our understanding of contemporary international affairs. But that double imperialism cannot drive the Croatian nation from the world scene. The spirit of national independence runs too strong in the homeland and in the hearts of Croatians living in the free world.

Let us take a moment to examine the dual imperialism of which I speak. The first aspect comes from Moscow—and was responsible for imposing the regime which now governs Yugoslavia. Some people call it Communist imperialism. I call it Russian imperialism, which is what it really is. During World War II Yugoslavia collapsed because it was a multinational state, dictated at the conference table following World War I. The nations therein did not give their free accord to this arrangement of nations. Between the Great Wars Croatian national interests were maltreated within this multinational state. The Croatian people were exploited and persecuted for their devotion to the ideals of the Croatian nation. It was natural that in the circumstances that war creates, Croatia declared her national independence. Croatia fought for her national independence on two fronts—against the new imperialism of Moscow and the old imperialism of the Yugoslav multinational state. This was a costly war for the people of Croatia. They paid dearly for their efforts to emulate the Founding Fathers of the United States. They knew the price that must be paid in human sacrifice to win their national independence and they were prepared to pay it. But the odds against them posed by the dual imperialism were too great. Croatian national independence was lost in a global war fought for the independence of all nations and the freedom of all men. That is one of the great tragedies in an era of tragedies during and following World War II. Russian cleverness, Stalin outsmarting Churchill and Roosevelt put Tito on the throne of the reconstructed, multinational state of Yugoslavia, which remains a vassal state of Russia.

The second aspect of the dual imperialism comes from forced confinement of the Croatian nation within the Yugoslav empire. Tito did the errands of Moscow in destroying Croatian national independence and concealing that nation under the blanket of Yugoslavia. The old imperial system of Yugoslavia was restored and perfected and tied tightly to the Russian empire by the dictator Tito. Hence we see that Croatia as a nation and Croatian national independence are submerged by two interlocked imperialisms—that of the Yugoslav state and the guarantor of Yugoslav imperialism—Russian imperialism.

Elaborate efforts have been undertaken here in the United States to ignore the realities of this dual imperialism. Tito is posed as some sort of "national Communist" despite the fact he rules over the multinational empire of Yugoslavia. How nationalism can be equated with imperialism remains one of the great fallacies of our day. Yugoslavia is not a nation—it is a complex of Croatia, Serbia, Slovenia, and Montenegro, all separate and distinct nations. We know that Tito's communism is no different from the communism of the Khrushchev regime.

During the past several months the supporters of the Tito regime in the United States received two rude shocks. The first was the conference of the so-called uncommitted nations held at Belgrade, on the invitation of Tito. There the participants were supposed to work out a program of principles and actions for the "third force" of neutralism. The Russians decided to break the ban on testing atomic weapons while the Belgrade conference was in session. Tito led the parade of apologists for Russia, finding all the excuses imaginable for breaking the ban on nuclear tests. This should have exposed Tito as being about as neutral as Khrushchev and made his unbreakable alinement with Moscow crystal clear. But it did not. His apologists in the U.S. Department of State found him not guilty and worse, worthy of continuing U.S. support.

The May Day parade in Belgrade a few days ago was another major exposure of Tito in his stark realities. The press reports that a feature of that parade were the brand-new Russian T-54 medium tanks—made in the U.S.S.R. and delivered to Tito by his dear Russian friends. These tanks did not result from any deal worked out by Gromyko who visited Tito only a few days before. They arrived in Titoland under longstanding and secret agreement between Tito and his Russian protectors. Now the question is, Who are these tanks to be used against? The Russians? There is not the slightest chance of this happening because Tito has always openly proclaimed that he would march shoulder to shoulder with his Russian comrades in the event of a conflict between East and West.

I wonder what new excuses the Tito pleaders in our Government will now find for continuing our shipments of wheat to Tito. I would not be surprised if they urged that we send a supply of Atlas missiles to Tito—just to show him that we can outdo the Russians. This is certainly a heyday for international blackmailers.

One of the reasons that Tito is still at the head of the Communist state of Yugoslavia is because of our aid. Our national policy toward Yugoslavia has been weak, aimless and erroneous. A few months ago the Secretary of State said "that Yugoslavia is considered a friendly state under our present Public Law 480." I challenge this statement that the Yugoslav Government is a friendly government. I agree that the majority of the people are friendly, but not the Tito Communist.

U.S. aid to Yugoslavia has brought about the consolidation of the Communist regime. Very little has been funneled down to the people. The Secretary of State has admitted that we have no way to assure how our aid is being used or, if it has been transshipped to other satellite nations or the Soviet Union.

Recently our newspapers have reported that "Gromyko ends Yugoslav visit; improved relations stressed." I have seen enough evidence to convince me that since 1950 Soviet-Yugoslav relations have never been strained. Let me give another example besides the tanks.

In 1959 the Russians completed a nuclear reactor for Yugoslavia. It was installed at Boris Kidric Nuclear Institute at Vinca. An increasing number of Russian technicians have been reappearing in the last 2 years. Scientific, technical, and cultural delegations have been increasing. Tito has been working in close coordination with the Russian Intelligence System. He has been exporting the Russian-type revolution from 70 Yugoslav embassies, and legations throughout the world. They are exporting Russian type Marxism to Latin and South America. Popovic, the Yugoslav Foreign Minister, is going to Bolivia, Brazil, Chile, and Latin America to contact Socialist parties. In reality he will contact active Communist cell groups.

These are hardly the actions of two unfriendly powers. In spite of this cooperation and large scale U.S. aid the Yugoslav Communist government is in trouble. They are behind in debt payments in short-term commercial payments to other nations from the Yugoslav National Bank. They need $200 million to tide them over for the year. The situation is serious unless they get aid, this despite close to $4 billion in aid from the United States.

Our Department of State which is guided by the policy that we should support so-called independent Communist regimes which show a tendency to break away from Moscow, could be relied upon to come to the aid of the Yugoslav regime. On the same day that Gromyko stressed improved relations with Yugoslavia our State Department signed an agreement to give Tito $24 million worth of food. Fourteen million dollars of this was to be repaid in dinars, Communist money which can be printed at will by a Marxist regime which scoffs at our system. Yet we grant them credits.

Not too long ago our Ambassador to Yugoslavia, George Kennan, was in the United States and preached long and loud for more aid to Tito.

It is only natural that he would expound the same line as Gromyko, since they both believe in a welfare state. George Kennan once said "that communism contains the seeds of its own destruction." He does not seem to be practicing what he preaches.

We must bring a change in this policy of supporting so-called independent or any type of Communist regime. The change can only be brought about by the people speaking directly or through their duly elected representatives.

I want to give you an example of this one-sided presentation of facts and how our Department of State vacillates in order to justify their position. I will quote from a letter from the Secretary of State to the House of Representatives Select Committee on Export Controls:

"We are well aware that Yugoslavia is a Communist country and has been since the end of the Second World War. President Tito of Yugoslavia and other leading Yugoslav Government officials have been Communists, of course, for most of their natural lives. A more important consideration from the standpoint of our security, however, is that since 1948 Yugoslavia has not formed a part of the Soviet bloc. On the contrary, Yugoslav policies have been a continuing source of bitterness and dissension within the Communist bloc."

I challenge the Secretary of State to prove that Yugoslav policies ever have been a source of bitterness and dissension within the Communist bloc.

I will quote another paragraph from this amazing letter:

"Our policy toward Yugoslavia is therefore of long standing and is well tried. It has been successful. Much of the criticism this policy has been receiving is the result of public disappointment that our aid to Yugoslavia has not led to full Yugoslav agreement with our foreign policy. Some of this disagreement stems directly from the Belgrade Conference of Neutral Nations. Public disappointment in the outcome of that meeting, however, cannot be based on any alinement of the Conference with the Soviet Union. Such alinement did not occur. Our public disappointment is based on the failure of the neutral nations to adopt a position closer to those of the Western World."

The letter concludes with the following sentence, "A full review of the facts leads us to conclude that the sale of jet aircraft and the training [Yugoslav pilots in the United States] which was a part of the sales agreement, were fully justified."

This is another example of the unrealistic one-sided view the State Department has given the American people. Our policy toward Yugoslavia has not been a success. It has been a dismal failure, because it has perpetuated a godless Communist regime—a regime which ruthlessly exploits the nation and people of Yugoslavia.

Let's examine the point that our disappointment has been that our aid to Yugoslavia has not led Yugoslavia to full agreement with our foreign policy. This is not the real issue, the main factor is that their foreign policy has been completely against our system of government and our way of life. The American public is not only disappointed, we are indignant.

How can the State Department possibly fully justify the sale at giveaway prices of jets to Tito—to a government dedicated to the destruction of our system of government?

All of this cannot be stupidity or lack of knowledge of the facts. I would be most naive to think that there was not a certain element of collusion. A few years ago I was told a story by a high authority which tends to prove my point. He was shown a letter written by Tito to the President of the United States. He began to laugh when he read the letter. He was asked, "What is so funny?" The answer was, "If it wasn't so tragic it would be funny. Tito's reasons for wanting aid are almost identical with our policy papers. In fact the wording is so similar that they could have been written by the same person."

As I previously stated one point of view expounded by many individuals high in Government circles deliberately avoids a public examination of other avenues of action which might better serve our national needs and interests.

It is not so much the elected officials of your Government who engage in the take-it-or-leave-it approach to policy as the nonelected. They tend to know what is best for the people, much like the foreign offices in monarchies, and they too often feel they are above the electorate, and they are more often wrong than right.

The policy planners in the State Department sold our elected leaders on the idea that we should aid Tito. They sold our leaders on a policy that we should aid so-called independent Communist regimes. I have fought this policy on the floor of Congress and will continue to do so.

There are many indications the fuzzy thinking of the State Department policy planners has been compounded by pouring in a top layer of accommodation sympathizers in high level positions in your Government. This is not something new. It has been going on without interruption since 1955.

A massive effort is now being made to neutralize American thinking on the Russian and Yugoslav question. That effort is directed by the manipulators of thought in the Kremlin and Belgrade and supported by their agents and organs of propaganda in the United States. They seek to confuse, delay, and distort the true facts. With this they hope to create a degree of apathy, with assured continuation of the monopoly on the making of policy by a favored few.

In this case, knowledge is power. You know the truth. Make your feelings and thoughts known to your fellow men and government. Working together we can bring about the destruction of militant atheistic communism—break up the tyrannical rule of Tito and bring the right of national self-determination to the people of Croatia. We must engage in a positive, affirmative foreign policy program. We must:

1. Stand fast in support of Berlin which is the island of freedom, prosperity, and promise for liberation to the oppressed nations enslaved by the Russian Empire.

2. Reject all proposals by the Russians which give any evidence that the United States is willing to endorse a status quo with respect to the present-day Russian Empire.

3. Support with courage and vigor the political principle of national self-determination as the peaceful solution to the crisis of Berlin and Russian-occupied Germany.

4. Seek solution to all outstanding problems with the Russians in central-east Europe through insistence on the right of all nations involved to self-determination.

5. Be prepared for victory in the cold war because that will happen to us if we persist in our support of these lines of political action.

Croatia will one day regain its freedom and national independence. We must work together to hasten that happy day. I pledge to you my continuing support for the accomplishment of that cause.

Tabulation of Opinions of the Citizens of the 21st Congressional District of California

EXTENSION OF REMARKS

OF

HON. EDGAR W. HIESTAND

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1962

Mr. HIESTAND. Mr. Speaker, through five terms in the House of Representatives I have regularly sought the opinions of the citizens of the 21st Congressional District of California. Annual questionnaires have been sent to my constituents in order that they might better inform their Congressman on their own wishes and opinions.

Tabulations have been completed on our 10th annual questionnaire. There is no question that they are significant; they represent the opinions of thousands of Americans.

Under leave to extend my remarks in the CONGRESSIONAL RECORD, I submit the results to the 1962 questionnaire for the attention of the Members:

	Percent		
	Yes	No	Not sure
1. Do you believe the United Nations does more harm than good?	35	45	20
2. Should the United States buy U.N. bonds to "pick up the tab" for those nations who do not pay?	12	79	9
3. Would you favor another summit conference to ease tensions?	25	59	16
4. Should we act now to correct the tragedy of Cuba?	69	13	18
5. Should we quarantine Cuba with an economic blockade?	88	5	7
6. Is instruction in the strategy and tactics of the Communist conspiracy important in our military?	88	6	6
7. Do you believe the threat from the Communist conspiracy is greater from within than from without?	60	24	16
8. Do you consider "Extremists of the right" more of a threat than those of the left?	14	61	25
9. Do you consider scientific information resulting from a U.S. moon flight worth its $40,000,000,000 cost?	35	44	21
10. Should Congress increase social security taxes to provide medical care for those covered by social security?	30	60	10
11. Should Congress delegate to the President power to lower (or raise) taxes?	10	84	6
12. The President advocates freer trade by lowering tariffs. Do you agree?	32	48	20
13. If lowered tariffs create unemployment, should Federal subsidies be used to retrain workers or compensate displaced persons?	25	58	17
14. Should Congress create a cabinet-level Department of Urban Affairs and Housing?	16	72	12
15. Should the Federal Government subsidize the construction of family fallout shelters?	11	79	10

Your Money

EXTENSION OF REMARKS

OF

HON. IVOR D. FENTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1962

Mr. FENTON. Mr. Speaker, one of my constituents proposes that we stop the "silly practice" of referring to the financing of projects with "Government money" or "Federal funds" as though it is "manna from heaven."

Instead, he thinks, we should start calling such financing by its right name—that is "your money" or "taxpayers' funds," and he is very right.

There is a world of merit in this idea. A great many people, apparently, do not relate Federal funds or Government money to the state of their own pocketbooks. They do not realize that every cent must be paid one way or another by the taxpayers of today and generations to come. And that term "taxpayers" includes everyone in the country. Even people in so low an income bracket that they pay no direct taxes, must pay hidden taxes every time they buy an article or a service.

The widespread use of such a term as "your money" would be a tremendous help in correcting this sad situation. We would think twice if we really understood that we pay a part of the cost of everything Government does—whereas now we only think once or don't think at all.

At any rate, all taxpayers should keep it in mind next time they read about spending. It is your money—billions upon billions upon billions of it, collected in taxes.

What Price Foreign Residual Oil?

EXTENSION OF REMARKS
OF
HON. JAMES E. VAN ZANDT
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 10, 1962

Mr. VAN ZANDT. Mr. Speaker, increasing public assistance expenditures and human misery in coal producing States, it seems to me, are a high price to pay for the growing reliance of eastern seaboard industrial areas on a foreign fuel.

A comprehensive public welfare report, June 1, 1960–May 31, 1961, prepared by the Department of Public Welfare of the Commonwealth of Pennsylvania, contains much food for thought. Pennsylvania's public assistance program is defined as "a family centered, community based program, providing income maintenance, medical care, and other rehabilitative social services to needy families and individuals."

Statewide, 4 out of every 100 Pennsylvanians were receiving public assistance on May 31, 1961. The number of persons receiving assistance from the office of public assistance, through county boards of assistance, was 422,931 at the end of fiscal 1961, an increase of about 15 percent over the end of fiscal 1960.

Pennsylvania's average percentage of unemployment rose from 6.4 percent of the total population at the end of fiscal 1960 to 9.3 percent at the end of fiscal 1961. This was 26 percent higher than the national rate.

The Pennsylvania coal industry has been so hard hit that the State has dropped from second to West Virginia among coal-producing States to third, behind West Virginia and Kentucky.

It is impossible to supply statistics to pinpoint the precise number of jobs lost in Pennsylvania coal mining and exact amount of public assistance dollars paid out due to loss of markets for Pennsylvania coal in States where industries have abandoned coal as an energy fuel and now burn foreign residual oil.

Nobody can deny that Pennsylvania has been hurt because neighbor States are today burning less coal and more foreign oil than formerly. It is as obvious as the sun in the heavens.

It is understandable how many of our citizens can become bitter and disillusioned over unemployment, privation, suffering, and social injustice while other Americans ignore their plight and refuse to consider the price to national welfare and security that is being paid for residual oil being brought to the Atlantic seaboard from foreign lands in foreign flagships, manned by alien seamen.

Is this fair? Is it decent? Is it good business? Does it make any sense? Has it any justification?

Excerpts From Address by Senator Wiley Before International Convention of State, County, and Municipal Employees

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Thursday, May 10, 1962

Mr. WILEY. Mr. President, recently I was privileged to address the 13th International Convention of the Federation of State, County, and Municipal Employees, in Milwaukee, Wis.

Over the years, these public servants have performed faithful, distinguished—but often unheralded—work in attending to the business of the people.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD excerpts from my address dealing with the need to improve the status of public service and the public employees.

There being no objection, the excerpts from the address were ordered to be printed in the RECORD, as follows:

ROLE OF STATURE FOR PUBLIC EMPLOYEES—EXCERPTS FROM ADDRESS BY SENATOR WILEY

Friends, I am happy to be with you; to welcome you delegates of Canada, Puerto Rico, Panama, and the United States, to Wisconsin.

Over the years, I have enjoyed working with you—members of the Federation of State, County, and Municipal Employees.

The convening of your 13th international convention here in Milwaukee is particularly fitting since the federation was, to a large degree, envisioned and conceived—and then transformed into reality—by the dedicated work and leadership of an outstanding son of Wisconsin, Arnold S. Zander.

Considering it a personal privilege to be a longtime friend of your founder and president, I have enjoyed many a "kaffee klatch" session with Arnold on problems relating not only to your union, but to other broad-scope topics, stretching to the horizons of the world. Yes, we have discussed: peace and war; communism and its threat; the economic picture, including the impact of inflation upon our economy; and other local, national, and international issues.

Believing that my friendship for Arnold does not too greatly color my objectivity, let me, however, say this: I believe he represents the quality of leadership that not only best serves you; but also favorably reflects upon your union, and the role of unionism, itself, in the American life and in the world.

Founded in 1932 and chartered by the American Federation of Labor in 1936, your federation, now nearing a 225,000 membership mark, reflects the need of employees, even in Government, to speak with one voice in: Representing your interests; establishing better working conditions; improving employment policies; obtaining benefits similar to workers in nongovernmental employment; and otherwise attempting to lift not only the standards of employment, but the stature of the employee.

GOVERNMENTAL EMPLOYMENT

In our Nation, there has been a tremendous increase over the years in governmental employment.

According to the 1960 census, 1 in 5 of all employed persons work for the Federal, State, or local government. With such a high ratio of government employment, there is—in my judgment—a need for a reappraisal of: The role of the public servant in our economic-political life; consideration of his needs; reevaluation of his contribution to our progress; and reexamination of the limitations on his activity in our economic and political life.

ROLE OF PUBLIC SERVICE

Over the years, our respective countries have long benefitted from your faithful, distinguished—but often unheralded—work in the public service. Taken for granted, this dedicated effort has been generally underevaluated rather than overevaluated. Consequently, I believe there is a need for: Creating a more accurate picture of the distinctive role of the public servant; discouraging blanket depreciations of public service; and assuring a status of commensurate respect and prominence in national life.

This is absolutely essential, in my judgment, to be fair to you; to maintain respect for the public service; and to continue to attract the high calibre of competent individuals needed to conduct the business of the people.

IMPROVED MANAGEMENT-PERSONNEL RELATIONS

The improvement of management-personnel relations also requires enlightened understanding to serve as a basis for policymaking.

Fundamental principles of good relations, of course, involve:

1. Recognizing bona fide organizations representing the interest of public employees—which should not, though, include the right to strike.
2. Providing the employee a proportionate voice in formation and administration of personnel policies.
3. Provide realistic grievance policies.
4. Generally, adopt more effective measures for meeting the needs of the employee, improving working conditions and the status of public service.

As in the past then, your federation—particularly this convention—will, I am confident, provide constructive analyses of problems and recommendations for policies. As always, these will be valuable not only in attempting to resolve problems confronting you, as a union, but also, as in the past, reflect constructively upon larger-scope challenges confronting us.

NATIONAL LEGISLATION

For the most part, your relations and negotiations are conducted with local and State governments. Nevertheless, you, particularly representing U.S. employees, have a deep interest in legislation now before Congress.

Currently, these bills include: The President's recommendations authorizing withholding union dues—looking toward an extension of this privilege to State, county, and local governments; unemployment compensation; medical care for the aged; Federal aid to education; civil service legislation (particularly as this may—now or later—be reflected in the status of your employment); and, among others, revision and liberalization of the social security laws.

Particularly, I appreciate, and share, the interest of U.S. delegates, representing Wisconsin and other States, in eligibility of the public employee under the social security program.

Over the years, I have supported the idea of providing such coverage, including recognition of the need for creating equitable and workable plans in relation to existing retirement systems. Over all, there is a real need for maintaining good, realistic levels of compensation and benefits—for the working, as well as retirement years.

WORLD PICTURE

As a U.S. Senator—and as a citizen—I, like yourselves, find it necessary to concentrate upon and make special effort to resolve the problems which are of major importance to me.

However, we must not lose ourselves in a perspectively limited world.

Around the globe, as well as elsewhere in the life of our respective countries, there are great, broadscope challenges of significance, not only to our individual interests, but to our national progress and peace—and perhaps our survival.

What are these larger scope challenges? In reviewing the world picture, high priority, in my judgment, needs to be accorded the following:

1. Preventing a third world war; or, more positively, exerting every justified effort toward promoting peace and progress in the world.

2. Maintaining strong, healthy free world economies: to support the skyrocketing costs of defense; to meet the ever-growing needs of fast-expanding national populations; to provide the wherewithal to fulfill the needs of the free world.

3. Engaging in a greater effort to encourage all people—of all walks of life: to become aware of—educated about—and dedicated to making a contribution for coping with the threats, and, yes, fulfillment of great promises of a better life for humanity in this fast-advancing world.

Paying Doctors' Bills

EXTENSION OF REMARKS

OF

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1962

Mr. BOW. Mr. Speaker, I quote from an editorial in this morning's Washington Post entitled "Paying the Doctors' Bills."

The second paragraph states:

> It is important to explain the medical care proposal.

And from the fifth paragraph:

> Through an increase in the social security tax it would guarantee to most of the country's retired wage earners and to the elderly persons receiving public assistance payment of their doctors' bills out of public funds as a matter of earned right.

This is no explanation of the Kennedy proposal.

It is the product of ignorance, or of a deliberate extension of the effort to deceive the public on the content and purpose of the Kennedy proposal.

The Kennedy proposal, embodied in the King-Anderson bill, does not pay doctors' bills.

It is cruel deception to tell the elderly people of this country that it would pay doctors' bills.

It would simply create a terrific bureaucracy to license and register the hospitals and nursing homes of this country in order to provide a little bit of hospitalization and a little bit of diagnostic care for elderly people who have retired under either the social security or railroad retirement programs.

The editorial goes on to say:

> The President can dispel this smog of distortion.

The Washington Post is guilty of contributing to the smog of distortion that is leading older people to expect that all of their health problems will be paid for if King-Anderson is enacted.

How bitterly disappointed they will be if it is enacted and they learn, as they must, that the Washington Post and most of the other proponents of the program have led them to rely on a false promise.

National Raisin Week

EXTENSION OF REMARKS

OF

HON. HARLAN HAGEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1962

Mr. HAGEN of California. Mr. Speaker, under leave to revise and extend my remarks, I would like to take the opportunity to remind my colleagues that National Raisin Week is being observed this week from May 6 to 12.

National Raisin Week is the oldest commemorative week honoring a food product.

This is the 85th birthday of the raisin industry, which began in 1878 with a production of 500 tons of raisins and which, today, produces more than 200,000 tons annually, or approximately half of the world's supply.

The California Raisin Advisory Board, formed under a self-help program designed to expand present markets and open new markets for raisins, has for some years been carrying on a national promotion and advertising program. Recently, the board also has entered upon an extensive program to build raisin sales in foreign markets.

The foreign program is being carried on in Sweden, United Kingdom, Denmark, Germany, France, and Japan, with some additional efforts in Finland and Switzerland. The raisin board is paying all of the costs of this program in the case of the United Kingdom, and is operating with the assistance of Foreign Agricultural Service funds in most of the other areas. An example of success thus far has been the increase of the market in Japan from a few tons in 1960 to some 17,000 tons imported in 1961. Sales in Europe thus far have taken a large part of normal surplus stock.

All U.S. raisins are produced in the San Joaquin Valley of California, in vineyards located in the districts represented by my colleague [Mr. Sisk] and myself. Raisins are one of the most important agricultural products of California. They rank second to cotton as the chief product of California's great central valley. The industry employs some 40,000 agricultural workers. Value of the annual crop in the field is $50 million. The industry as a whole is rated at about a quarter of a billion dollars.

National Raisin Week is observed by groceries, bakeries, and restaurants. It is also recognized in the Nation's newspaper and magazine food pages. And the industry is also represented in the teaching materials of many schools.

It is a pleasure to commend the members of the California Raisin Advisory Board and its able chairman, Mr. Henry J. Andreas of Fresno, for the outstanding advancements which have been accomplished over the years on behalf of the industry.

Khrushchev Could Have Said It

EXTENSION OF REMARKS

OF

HON. RALPH R. HARDING

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1962

Mr. HARDING. Mr. Speaker, I have been privileged to read a most stimulating article written by our able and talented colleague, Morris K. Udall, of Arizona, entitled, "Khrushchev Could Have Said It," which appeared in the May 7 issue of the New Republic.

I would merely urge my colleagues to remember the admonition of the Saviour as recorded in the Gospel of St. John, chapter 8, verse 32, "And ye shall know the truth and the truth shall make ye free."

With this in mind, I think Congressman Udall's article on a much quoted alleged statement by Nikita Khrushchev is most timely.

The article follows:

KHRUSHCHEV COULD HAVE SAID IT

(By Morris K. Udall)

"The John Birch Society is communism's greatest ally. With its help we will divide and confuse the American people until they have lost faith in their Government, their Nation has ceased to be a major world power, and their country is ripe for revolution."—Nikita Khrushchev, 3½ years after his visit to the United States.

Now there is a quotation for you. It would go well on postcards, envelope stickers, and, in abbreviated form, on bumper strips and airplane streamers.

Of course, Khrushchev never said it, but apparently that doesn't matter, judging by some of the mail I have been receiving. The Russian Premier is becoming one of this country's favorite authors. And a favorite in Congress too. It has become standard practice, whenever a legislative proposal nears decision, for someone to drop the "ultimate weapon"—the 100-megaton argument: first, a charge that the measure is "socialism" and, second, a quotation "proving" that an affirmative vote will actually be a vote for ultimate Soviet domination. One of the most popular blockbusters is the following: "We cannot expect the Americans to jump from capitalism to communism, but we can assist their elected leaders in giving Americans small doses of socialism, until they suddenly awake to find they have communism."

Those citing this remarkable statement invariably inform us that Khrushchev made it "3½ months before his visit to the United States." They are, strangely enough, the same people who are always reminding us that Communists are devious and not to be trusted (who can deny it?), that Communists say one thing when they really intend the opposite (how true), and that anyone who believes what Khrushchev says about anything is a dupe or a fool, "or worse." Well, consistency, as we all know, is the hobgoblin of brittle minds, and so in this instance we are to accept Khrushchev's words as true gospel.

About a year ago, an Ohio State University professor looked askance at an advertisement run by a major American manufacturer which quoted Lenin as saying: "We shall force the United States to spend itself to destruction."

Incredulous, the professor doggedly pursued the matter until the company was forced to acknowledge that Lenin really didn't make such a statement.

Remembering this, I decided to check on the more recent quotes of Khrushchev. I asked the Library of Congress where and when Khrushchev made his "small doses" statement. The Library reported:

"We have searched the Legislative Reference Service files, checked all the standard reference works on quotations by Khrushchev, and consulted with the Slavic division of the Library of Congress, the Department of State, and the U.S. Information Agency, in an attempt to determine the authenticity of this quotation. From none of these sources were we able to produce evidence that Khrushchev actually made such a statement."

The Library of Congress notwithstanding, this statement continued to pop up. For instance, it was featured on page one of "Common Sense," an angry little publication which bills itself as "America's Newspaper Against Communism," in its January 1962, issue.

Mr. Conde McGinley, editor, replied to a letter of inquiry: "As I remember, we took this from a very reliable publication, but I do not remember that it gave the date that Khrushchev stated this. Ordinarily, we like to have the date, but this was so good, that we were tempted to run it."

Then some slick, plasticized cards came to my office from Coast Federal Savings in Los Angeles, "distributed as a public service." Mr. Khrushchev's remark about "small doses of socialism," beginning to acquire fame, was emblazoned in (what else?) red, along with the usual comment about "3½ months before his visit to the United States." According to the cards, additional copies were available from the Curt Advertising Agency, Los Angeles. A letter to Curt produced a reply from S. A. Adair, "acting director, economics and education," of Coast Federal Savings. Said Mr. Adair: "As to the source of the statement, we are told that it was included in a speech he delivered to a workmen's group in one of the satellite countries, approximately 3½ months before his visit to the United States, in 1959. We are still searching for the exact date, but translations of the U.S.S.R. news agencies are not always easily obtainable. When we do pinpoint the statement, we shall be glad to let you know."

"Meanwhile," added Adair, "I am sending you a copy of a Time magazine article, which contains a very similar statement by the Communist leader."

Mr. Adair's sense of comparison seems a little liberal. The statement in Time he marks as being "very similar" to the "small doses" quotation reads: "Society cannot leap into communism from capitalism without going through a Socialist stage of development." This "Socialist" stage, of course, is what Khrushchev says the Soviet Union has been in since 1917.

However, unlike "Common Sense," Coast Federal Savings could provide a source—none other than the CONGRESSIONAL RECORD. Mr. ADAIR said the quotation appears in volume 107, part 10, page 13609. I turned quickly to that page and found it. It was used as one of the mainstays in the famous assault by Senator J. STROM THURMOND on the Defense Department for "muzzling the military." The point was that the public-speaking talents of our military men "might well" be needed to make America aware that social legislation is socialism, and socialism is communism.

Feeling certain that at last I would be able to verify the statement I wrote Senator THURMOND, asking him for his source. To date I have not received a reply.

But let us assume, for purposes of this discussion, that Khrushchev did say what he is said to have said. What follows? Either:

1. He truly hopes we will enact what some people call little doses of socialism, thereby paving the way for communism in this country, or

2. He hopes by this statement to frighten us from instituting those programs which will strengthen our society and make the onset of communism more difficult or impossible.

Either conclusion is plausible.

Once we have settled on a preferred interpretation, we once again are presented with two possibilities:

a. That Khrushchev's prediction of the ultimate effect will prove correct, or

b. That it will prove incorrect.

Those who regard Khrushchev as a superman (and it is surprising how many "100-percent Americans" take this view) will choose (a); the rest of us will probably divide up about 50-50 behind (a) and (b).

There is one further complication. Since Khrushchev nowhere defines for us what he might mean by "little doses of socialism," we're at a loss to know what the measures are we should avoid or enact (depending on which decision we made earlier).

One of these days, when we're in the midst of a serious flu epidemic, Khrushchev is liable to say that Americans ought to be given "small doses of penicillin." Then where will we be?

Our Debt to Human Events

EXTENSION OF REMARKS

OF

HON. DONALD C. BRUCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1962

Mr. BRUCE. Mr. Speaker, I should like to call the attention of my colleagues to the fact that today is the 65th birthday of James L. Wick, the publisher of the highly respected weekly newsletter, Human Events.

The people of the United States owe a great deal to Jim Wick and his partner, Frank C. Hanighen, who edits Human Events. They have fearlessly brought out the truth of many, many issues that come up before us. They have gained the undying gratitude of conservatives who for so long needed a voice to speak out for their position.

And I might add that Human Events has gained considerable respect from the wild-eyed liberals whose policies the newsletter has thoroughly dissected so that all might see their errors and misconceptions and actual intent.

Whether you agree or disagree with the positions taken by Human Events, all Americans who cherish our tradition of free speech must agree that it has served our country very well. Human Events has made a tremendous contribution to the marketplace of ideas by bringing out a side that all too often gets little coverage from part of our country's press.

Our best wishes go today to Jim Wick. May he have many more active years working in behalf of the constitutional principles and the free enterprise system that he and Frank Hanighen so nobly espouse in every edition of their great weekly, Human Events.

Polish Constitution Day

EXTENSION OF REMARKS

OF

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1962

Mr. NEDZI. Mr. Speaker, on May 6, 1962, I had the privilege of speaking in the Polish language at Polish Constitution Day ceremonies which were held at Belle Isle, in the city of Detroit. This celebration, sponsored by the Central Citizens Committee of Metropolitan Detroit, attracted a gathering of several thousand people.

Under leave to extend my remarks in the RECORD, I include a translation of the remarks delivered on this occasion:

POLISH CONSTITUTION DAY

We who gather here today are the children and grandchildren, the brothers and sisters, of brave men. We are the heirs of those hundreds of thousands of Poles who had the courage to make the long and perilous crossing to America, land of opportunity. America, where a man is a man if he's willing to toil, where the humblest may gather the fruits of freedom, where the young may experiment and the aged may rest.

My parents, like so many of you, shared the American dream. They were among those immigrants who struggled to create a new life here, to learn a strange tongue, to build a home, and to earn an opportunity for their children.

As Americans of Polish origin, we can be proud of our heritage. We can be proud not only of our men of genius like Chopin, Paderewski, Kosciusko, and Pulaski, but we can be proud of the contributions of quiet and unsung and average Poles. After all, it was Polish-Americans, as much as any others, who helped build America. It was they, as much as any others, who worked her mines and fields, built her roads, and worked her assembly lines. It was they, as much as any others, who saw their sons off to wars in the cause of freedom.

While Poles were discovering a new culture in America they were not forgetting the history and culture they had known.

May 3, 1791, Polish Constitution Day, is an unforgettable date in Polish history. It is to the Poles what the Fourth of July is to Americans.

The 171st anniversary of the Polish constitution is a day for us who live under more favorable circumstances to remind the people of Poland that Americans share their aspirations for freedom and have not forgotten them.

It is a day to pay tribute to that small group of farsighted men who produced the remarkable constitution of 1791.

It is a day to express our appreciation for the contributions Poland has made to the development of Western civilization. It was in 966, nearly 1,000 years ago, that Poland accepted Christianity and joined her destiny to the West. Ever since, Poland has defended Christendom against the onslaughts of the East. For a thousand years Poland's message has been on behalf of independence.

The constitution of 1791 was greatly influenced by the liberal movements in America, England, and France. It adopted the principle that all power in civil society is derived from the will of the people. The constitution made Poland a constitutional monarchy, with a responsible form of government. Ancient class distinctions and privileges were wiped out and the peasants were brought under the protection of the law.

Judged by any yardstick, the constitution was quite a historic and progressive document.

Edmund Burke, the English statesman, in praising the constitution, wrote, "Humanity must rejoice and glory when it considers the change in Poland." George Washington commented favorably on the "large strides toward liberty" Poland had taken.

Regrettably, Poland never had a chance to live under this constitution. This nation, which for centuries lived in the crossroads of war in Eastern Europe, was soon overrun.

The courageous spirit in which the constitution was generated alarmed the dictatorship of Russia, which saw on its doorstep the menacing shadow of democracy. An important concept in Russian foreign policy was to have a weak Poland on its western border. Russia moved in to destroy the Polish constitution. And Russia and Prussia, not for the only time in history, partitioned and occupied Poland.

Since the first partition of Poland in 1772, with the exception of the brief period between World War I and World War II, the Poles have known only strife and oppression. For the last 18 years, it has had a government imposed from without. Yet does anyone doubt that Poland today is still overwhelmingly anti-Communist? Does anyone doubt that if there was a real freedom of choice, democracy would prevail?

The people of Poland, prisoners of their own geography, long-suffering victims of wars and partitions, are again facing a test of their courage—patience, and courage. Because of our traditions, because so many of its sons and daughters have migrated to America, Poland looks to us for hope and comfort.

We must encourage the Polish spirit of freedom, now more than ever. This is the spirit which kept a sense of national continuity alive when for 123 years (1795–1918), there was no Poland except in the memories of the people.

This is the spirit which has as its ally the Catholic Church, which in times of oppression has been the sanctuary of nationality, the refuge of language, and the guardian of Polish culture.

This is the spirit which in October 1956, shook the Communist empire by showing the world that the appetite for freedom cannot be starved.

We have since seen that the hopes of the October revolution have not been fulfilled. The Communist government has been slowly tightening the screws, the windows of light have been closed one by one.

The demonstrations for freedom in Poland reminds us that all nations have the desire to control their own affairs. This desire is perhaps as keen in the other captive nations as it is in Poland. We cannot be indifferent to them, or write them off as permanently lost, or concede them to Russia as the price for an accommodation. One hundred million restive, unhappy people in Eastern Europe is a handicap to Russia in the East-West struggle. In our support of the aspirations of the captive nations we are doing what is politically as well as morally right. We must keep hopes alive. We must continue to speak for the principle that all peoples should decide for themselves their own form of government.

Freedom for Poland may come by means other than war. No reasonable man advocates use of nuclear weapons to liberate Poland and the captive nations. But great economic, social, political and scientific forces are at work in the world, bringing changes not easily foreseen. That which seems impossible today may become possible tomorrow. There may be light at the end of the long dark tunnel.

We must not forget that Gomulka is a Communist, and his is a Communist government.

But the United States, consistent with our own best interests, can act in certain limited areas: (1) We can strengthen the cultural ties between the people of Poland and the people of the United States; (2) we can increase the exchange of students, teachers and technicians; (3) we can continue to explore the possibility of using frozen Polish funds on projects of peace; and (4) we should amend our immigration laws to correct discrimination against immigrants from Eastern Europe and to eliminate the years of waiting now faced by families seeking to be reunited. Together with Senator HART and others, I have introduced legislation with this objective.

My friends, America and the free world are on the move. We have truth and freedom on our side as well as economic strength. I am optimistic on the future.

As the free world advances, let us hope that Poland will somehow share the fruits of this advance.

Permit me to close with the battle cry spoken by the great Paderewski, in 1940, on his deathbed, "Polska powstanie."

The Time for Rollback of Russian Power Is Now

EXTENSION OF REMARKS

OF

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1962

Mr. FEIGHAN. Mr. Speaker, by leave previously obtained, I insert in the RECORD the address I delivered to the Rumanian Organizations of Greater Cleveland, at Rumanian Carpatina Hall, 1303 West 58th Street, Cleveland, on Sunday, May 6—titled "The Time for Rollback of Russian Power Is Now":

On the 10th of May since almost a century the Rumanian nation has celebrated her independence and free development within the boundaries of a Rumanian sovereign state. Today Rumania is under the yoke of the most tyrannical and exploiting regime, installed and maintained in power by the Russian Communist imperialism. Reduced to slavery, the Rumanian people in their own land can no longer observe their past achievements, which identify them as a nation throughout history. It is therefore our duty to recall, on this occasion, the now-muzzled aspirations of the Rumanian people.

I believe that a weak U.S. policy has effectively contributed to Soviet Russian gains and the continued submersion of the peoples of Eastern Europe.

The fact that the United States has recognized the puppet Communist governments, constituted a great blow to the morale of those behind the Iron Curtain, but the theoretical nonrecognition of the status quo, based on the political nonrecognition of East Germany, remains as a last peg on which to hang their hopes. As long as this little gate is kept open, hope for eventual freedom and the thin line of attachment to the West can still exist. This is of particular interest because in the case of any kind of attack, partisans in the enemy camp are of vital importance. More than ever, in our atomic age, this can spell the difference between victory and defeat. This is an essential aspect of American strategy which administrations, both past and present, have totally ignored, but not so the Russians.

I believe that the events of the past years call for a reexamination of American policies toward the Communist governments ruling the countries under the Russian yoke. The basic idea of these policies has been that, by entertaining friendly relations and assisting them in their economic difficulties, the Communist regimes are going to lose their ruthlessness, both of method and purpose, and thus become respectable members of the international community.

Within our Government this is known as the policy of evolution. That is, we are waiting for the Russians to evolve into a peaceful society. Many of us know better, but reality has not reached our policy planners. While we wait for them to evolve, they tighten their grip over the Communist empire.

In order to satisfy the Soviet Russians, the United States has played the dangerous game of accepting these Communist stooge governments as sovereign and even neutral. The policy planners claim that such endorsement is of no importance, as everyone knows what these governments are, and that no detrimental political consequences to the United States can ensue. According to these planners—as against obtaining the slightest illusion of cooperation from the Russians—giving international status to a Communist nonrepresentative regime, enemy of the United States, is of no importance. Putting such Soviet agents in the United Nations as genuine representatives, is also of no importance. Accepting such Communist tools as neutrals, for supervising international agreements, is also of no importance. Trading with them and putting them on an equal footing at the conference table, is also of no importance. It may have been of no importance to these planners to nourish this fiction, but it has been of extreme importance for Russia to have transformed these Soviet Russian pawns into internationally valid tools of world Communist aims. The United States planners have come to the point when they must face this new monster they helped create.

In the second place, through successive fabricated crises over Berlin and the continued agitating of the threat of war [a war would be the end of Russia], the Kremlin, with the assistance of the British, has driven the State Department to the point of a frantic search for concessions to be offered the Russians in their present negotiations. These cohcessions, which Secretary of State Rusk suggests, as far as one knows, are of a substantial nature, namely, the indirect recognition of East Germany through the inclusion of her Communist government on the proposed international authority to control the access routes to West Berlin; an offer from the United States to exchange nonaggression declarations between NATO and the Warsaw Pact groups, which means paving the way for a treaty between the two. In such a case, not only would East Germany, as a signatory, automatically acquire recognition, but the whole Western Alliance, led by the United States, would be giving a formal pledge to preserve the state of slavery and Russian domination in central and eastern Europe.

From these two lines of Russian Soviet maneuvering, and from the rush of Washington concessions being envisaged, it is perfectly clear that the Russians have led us into a position where any agreement will advance the Communist objective. Even an exchange of declarations with the Warsaw Pact puppets and their being brought on a par with the Western Powers in an international Commission on Berlin would be a resounding victory for the Russians and a spectacular step toward their objective.

The complete failure of our policy toward communism and Russia can no longer be camouflaged under the rhetoric of its planners. The net result of their policy has been to reduce us to a permanently defensive ceding position, while the Communists have continually gained ground. The new idea of entering into an agreement with the Russians for the nonspreading of nuclear weapons, based on their good faith, together with the Western guarantee of the status quo through a covenant with the Warsaw Pact, would be a tremendous political and psychological boost for the Kremlin, with no counterpart for the United States.

Moreover, this policy of rapprochement at any price with Moscow and communism has created an ambiguous international climate which is reflected in the present international behavior and institutions. It has fostered that moral-political hybrid known as the noncommitted or nonalined government. This phony neutralism barely veils its hostility to the Atlantic world, while blackmailing the United States for more money. The Belgrade Conference last fall demonstrated that at a critical moment these hybrids are on the side of our enemy. As to the United Nations, by making a farce of the charter and bringing in all the Russian stooges, the road to chaos has been opened. The Communist and noncommitted groups have transformed the United Nations into a propaganda forum against the occidental world.

In the case of Rumania such a policy has led, after the recognition of her Moscow stooge government and the signing of an illusory Peace Treaty with it [permanently infringed by the Reds] to its acceptance in the United Nations and to the good graces of the U.S. Government. The United States has shown generosity toward these Communists in the transaction on the financial claims existing between the two countries [American citizens have been the losers by more than 50 percent of their claims] and the State Department concluded an agreement on cultural exchanges with them, the first such agreement after that with Moscow.

What is the counterpart of this American benevolence toward the Rumanian Communist government?

The Rumanian puppets are one of the most servile tools of the Kremlin's anti-American policy. In the United Nations they have been utilized in particular as the supporters of Castro. They have extended their economic aid to North Vietnam, the base of Communist aggression against Laos and South Vietnam. In Latin America these stooges are especially useful as Communist agents to stir up trouble, due to their Latin origin. In the United States they support Communist activities through a Rumanian language newspaper. Through their center in Pankow, East Berlin, they wage a campaign for demoralizing the refugees who have defected to the West.

While this strange game of American assistance to the Red puppet and the Red puppet's counterpart of doing its best to harm American interest everywhere, progresses, the situation in Rumania remains the same—suppression of the Catholic Church and general religious persecution, continual liquidation of democratic elements and denial of human rights and fundamental freedoms.

Our official policy has been that "the time for rollback of Soviet power and the detachment of a satellite is not in the foreseeable future."

I refuse to accept this defeatist policy. I assure you that I will do everything in my power to bring about a change in this policy. Your presence here alone today shows that this policy is erroneous.

To the oppressed I say that we who support the American principle of the right of national self-determination will never stop fighting for their independence. We will not be governed by softness and fear. Our national policy must and will change from negative to positive—"the time for rollback of Russian power is now." In addition, we "will work in coordination with the peoples behind the Iron Curtain to free all satellites and make them again free and independent nations.

Proud of Miss Vogel

EXTENSION OF REMARKS

OF

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1962

Mr. RANDALL. Mr. Speaker, the Betty Crocker search for the "homemaker of tomorrow" is now in the 8th year. This year over 406,000 girls took the test, 51 of whom—one from each State and the District of Columbia—are now in national competition. Because they are State winners, each of these high school senior girls has been given by General Mills, a $1,500 scholarship and a tour of New York, Washington, D.C., and Williamsburg. These girls have recently completed a tour as a group and at the American Table Dinner, in Williamsburg Lodge, on the final evening, the national winner was announced.

The State winner for Missouri is Miss Alice Lee Vogel, daughter of Mr. and Mrs. Harold E. Vogel, Southern Hills, Sedalia, Mo. Miss Vogel is a senior at Smith Cotton High School and plans to attend the University of Missouri next year.

It was a privilege to attend a reception for Miss Vogel and each of the other State winners in the Caucus Room of the Senate last week. There, we were much impressed by the pleasing personalities of these young ladies who had been judged the winners from a total of over 400,000. To be one of 50 across the finish line, from a starting field of 400,000, seems to us to be an achievement which surpasses even that acclaim which has already been accorded by some to these fine young ladies.

In our educational system today there is a continuing discussion of curriculum and what would be best to fit students for this business of living, and while there are those who would quite appropriately put more emphasis on science and technology, we have long believed that on the distaff side of the student body it should be required that before a girl student is handed her high school diploma, she has been exposed to a course in home economics and has at least familiarized herself with the rudiments of homemaking.

We have long stood for the equal rights of women in business and industry and have answered quite a volume of mail recently, reassuring business and professional women's clubs from our district that we would continue to support such equality of rights. But when all is said and done, this business of male cooking, and even helping with the housekeeping, should be strictly confined to either the patio barbecue or as a purely temporary or stopgap sort of thing. The principal responsibility in that area should properly rest on the little lady of the house.

As a practicing attorney before coming to Congress, I observed that there was quite a large percentage of cases where separation of husband and wife had been due to the case of the working wife who could not double as a good homemaker during leisure hours simply because she did not know how to do the job.

This contest, although it involved only something over 400,000 contestants, has already focused attention on the most important thing; that is, that there needs to be some know-how as a homemaker acquired before high school graduation. This contest points the way with the refreshing hope and encouraging outlook that more emphasis will be placed upon the important task of being a homemaker, and we sincerely hope that this contest will be continued in future years.

To Miss Vogel, a resident of Sedalia, Mo., in Pettis County, which after redistricting is a part of the Fourth District, we extend our sincere congratulations. We are also very glad that Miss Vogel plans to continue her higher education in her native State as we understand she will attend college at the University of Missouri next year.

But with congratulations to Miss Vogel, we must hasten to recognize a person who, while not called to the center of the stage to make a bow as the winner, nevertheless, did a most important work in the background, and that is, Mrs. Mary Maddox, Miss Vogel's high school teacher of general homemaking. Mrs. Maddox, like every conscientious, dedicated, and selfless teacher, has devoted extra hours to the preparation of her prizewinning pupil. We know her heart bursts with pride at Miss Vogel's achievement, and all of the residents of the Fourth Missouri District share this pride in the honor Miss Vogel has brought to her home city, county, and congressional district.

A Well-Deserved Tribute

EXTENSION OF REMARKS

OF

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1962

Mrs. DWYER. Mr. Speaker, among the many national leaders of Polish-American organizations in the United

States, one of the most outstanding is Mrs. Helen Kiczek, of Elizabeth, N.J. Mrs. Kiczek is president of the Ladies Auxiliaries of the Polish Army Veterans of America and a constituent whose work on behalf of countless worthy objectives makes me proud to be her Representative in Congress.

Earlier this month, Mrs. Kiczek's many friends and admirers paid her a well-deserved tribute at a testimonial dinner in her honor in Elizabeth. So that our colleagues may know how proud we are of Mrs. Kiczek, I include as a part of my remarks in the Record a news article describing the testimonial which appeared in the May 8 issue of the Daily Journal of Elizabeth and the text of the telegram which I sent to Mrs. Kiczek on that happy occasion:

[From the Elizabeth (N.J.) Daily Journal, May 8, 1962]

Mrs. Kiczek Hailed by 400 at Polish Groups' Dinner

More than 400 persons paid tribute to Mrs. Helen Kiczek, of 101 Third Street, at a testimonial dinner Saturday night at Polish Falcons Hall, 153 Third Street.

Mrs. Kiczek is national president of the Ladies Auxiliaries of Polish Army Veterans of America.

On behalf of the auxiliary of post 57, Mrs. John Orlop presented a set of luggage to Mrs. Kiczek. Bronislaw Slowinski, commander of post 57, gave her a bronze plaque for outstanding services to disabled veterans.

A bouquet of red roses, also from post 57, was presented by Linda Drazek, 9, daughter of Mr. and Mrs. Joseph Drazek, of Roselle. Mrs. Helen T. Novak, national vice president of the Asociations of Sons of Poland, gave Mrs. Kiczek a boudoir alarm clock, a gift from St. Ann's Society, group 177, of Elizabeth.

OTHER GIFTS

On behalf of the Helen Modrzejewski Lodge 2769, Polish National Alliance, Mrs. Louis Kozlowski presented a leather wallet and key case.

A bouquet of red and white carnations from Representative Florence P. Dwyer was presented by Thomas Krakowiecki, Mrs. Dwyer's secretary.

Miss Helen C. Socha was dinner chairman. Miss Teresa Rak of Wallington, national president of the Ladies Auxiliaries of Polish Army Veterans, was toastmaster. Rev. Sylvester Abramowicz of St. Adalbert's Church gave the invocation.

Federation of Polish Organizations, and Mayor Steven J. Bercik praised Mrs. Kiczek for services to veterans and the community.

PRAISED BY OTHERS

Other speakers included Mrs. Novak, Mrs. Wliadyslawa Lewandowski, of Jersey City, a national director of the auxiliaries; John Dec, of Clifton, national president of the Polish Army Veterans; Alphonse R. Makowski, of North Plainfield, a national director of Polish Falcons of America, and Czeslawa Durska, of Passaic, national president of the Polish National Alliance.

Mrs. Helen Kiczek,
National President, Ladies Auxiliaries of Polish Army Veterans of America, Elizabeth, N.J.:

I wish it were possible to join your many friends and admirers tonight in paying you the tribute you richly deserve. By your years of devoted service and your many accomplishments, you have brought honor to yourself, your family and the community to which we both belong, as well as to the Ladies Auxiliaries of the Polish Army Veterans of America whose presidency you now hold. It is particularly appropriate, I believe, that the president of a great national organization of Polish-Americans should reside in Elizabeth, a city in which Polish-Americans have made so many fine contributions. I have asked my assistant, Mr. Thomas Krakowiecki, to read this message tonight and to present you with a modest token of my esteem and friendship for you. With your permission, I should also be proud to include appropriate portions of your testimonial in the Congressional Record so that the entire Nation will understand why we of Elizabeth and Union County are so proud of you and your achievements. May God continue to bless your work with success. Please extend my greetings to our many mutual friends. Only a meeting today of the Advisory Commission on Intergovernmental Relations, of which I am a member representing the Congress, keeps me from being with you. However, I shall be saluting you in spirit tonight.

Florence P. Dwyer,
Member of Congress.

Are the Parties Really Different?

EXTENSION OF REMARKS
OF
HON. THOMAS B. CURTIS
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 10, 1962

Mr. CURTIS of Missouri. Mr. Speaker, on January 18 of this year, the gentleman from Texas [Mr. Alger], placed in the Congressional Record—Congressional Record pages 557 et seq.—remarks entitled "By Their Votes Ye Shall Know Them." Drawing upon the published research of the Americans for Democratic Action, Americans for Constitutional Action and Congressional Quarterly, the gentleman set out with statistical support his belief, in which I concur, that there is a significant difference between the voting records of the two parties on issues of major political philosophy. Subsequently, the gentleman from Texas received from the Conservative Society of America, its voting index, in which it was asserted that there was no difference between the political parties.

Mr. Alger took exception to this conclusion, and set out below are two of the paragraphs from the foreword to the CSA index giving in substance the views of the Conservative Society of America:

> The United States today is governed by a system of bipartisan government, which simply means "onepartyism." We see both the Democratic Party and the Republican Party trying to outdo each other in appeasing communism, and trying to outbid each other as to who can spend the largest amount of taxpayer dollars in Federal handouts in order to buy votes in future elections. * * *
>
> The Conservative Society of America is the opposite number of the Americans for Democratic Action, which in recent years, although a group actually small in number, has become so influential that major portions of its Socialist, Communist-appeasing philosophy have been adopted by both the Democratic and Republican parties.

On February 28 I included as a part of my remarks—Congressional Record, page 3094—a letter written by the gentleman from Texas to Mr. Kent Courtney, national chairman of the CSA in which he commented on the quoted remarks from the society's index. Mr. Courtney has replied, requesting that his reply, also, be placed in the Congressional Record. I am certainly happy to do so because I believe that this is a matter central to our entire system of Government and a worthy and necessary subject for public study.

In order to present a complete picture, I am placing in the Record once again Mr. Alger's letter to Courtney, commenting on the statements quoted above, Courtney's response, his request to me that I place his letter in the Record and my reply to Courtney.

The letters follow:

Congress of the United States,
House of Representatives,
Washington, D.C., February 19, 1962.

Mr. Kent Courtney,
National Chairman, the Conservative Society of America, New Orleans, La.

Dear Mr. Courtney: Thank you for sending me a copy of the CSA voting index. I think you have done a fine job of compiling the voting records of Members of Congress on the most vital issues affecting our Nation and the freedom of the people.

I would be derelict in my duty to you, as a friend, if I did not point out that your conclusions in which you attempt to prove there is no difference between the parties contradicts the excellent job you did in the compilation. I am sure you are much too sincere in your efforts to protect our free enterprise system than to allow faulty reasoning to detract from your efforts. It is in this spirit and as a friend that I feel I must point out to you the fallacies proved by your own figures.

YOUR CONCLUSION

In your foreword you repeatedly attack the Republican Party for "trying to outdo the Democratic Party in appeasing the Communists and outbid it in spending the taxpayers' dollar * * * a pale copy of the Socialist, Communist-appeasing Democratic Party." On page 14 you state, "It was members of the Republican Party which gave Kennedy his margin of victory on five key bills in the 1961 session of Congress."

THE ISSUE

Now, Mr. Courtney, let us take your own figures on the very next page on these five key issues. On area redevelopment 17 percent of those for were Republican and 83 percent were Democratic. Feed grains bill only 2 percent of the Republicans voted for the bill. Raise minimum wage, 30 percent of the vote was Republican and 70 percent was Democratic. Cultural exchange, 40 percent Republican, 60 percent Democratic. Foreign aid, 28 percent Republican, 72 percent Democratic. With those lopsided percentages, how can you possibly justify the claim the parties are the same or that the Republicans gave Kennedy his margin of victory?

THE CONGRESSMEN

On page 55 of your book you show 38 Members of the House voting from 70 to 100 percent conservative and only 3 of the 38 you list are Democrats. How can you then substantiate your claim that there is no difference between the parties, using your own figures?

On page 59 you list 47 Congressmen from big cities who vote 90–100 percent pro-socialist and only one of these is Republican. On page 60 you name 81 Congressmen with a 100 percent pro-socialist voting record and on page 62 there are 36 Congressmen with a 90–99 percent pro-socialist record and not a single Republican among them. Take these three pages and your own figures show that out of 163 Congressmen with a 100 percent or nearly 100 percent pro-socialist voting records there are 162 Democrats and 1 Republican and then you claim there is no difference between the parties.

THE COMMITTEES

Let's take your figures on the committees. In this area your findings are completely erroneous as a result of striking an average of the entire committee membership. By this method you prove nothing in comparing the attitude of the parties. The only way you can show a party comparison is to take the average of Democratic committee members as opposed to the average of Republican members. Comparing the averages of Democratic members and Republican members we find, as examples, Appropriations, Democrats, 25 percent conservative, Republicans, 53 percent; Banking and Currency, Democrats, 7.5 percent, Republicans, 46 percent; Labor and Public Welfare, Democrats, 2.4 percent, Republicans, 40 percent. These are Senate committees. Figures on the House side are equally lopsided.

If you carry out the party averages in your table on page 66 we find in the House the Democrats come up with an overall average for all committees of 14 percent conservative against a Republican average of 50 percent and in the Senate, Democrats, 16 percent against Republicans, 57 percent. Granted that 50 percent and 57 percent are far from perfect (and how happy all of us would be if we could attain perfection, but we know it is not possible) the difference between 14 percent and 50 percent and 16 percent and 57 percent certainly is enough to prove that the parties are not the same to any degree.

I could go on and on through your compilation. In every table you prove conclusively that the Republican Party is far more conservative than the Democrats, but you ignore your own findings in summing up. This is no brief for those Republicans who consistently vote the liberal way, but it is a plea to you not to jeopardize the great work you are doing by being blind to the facts. In the foreseeable future there is little chance that a third-party movement would be successful. That means the conservatives have their best hope within the Republican Party. Your efforts to becloud the relative positions of the parties can only lead to confusion in the minds of the voters and result in the reelection of those who support the radically led Democratic Party.

I want to remain your friend and have you for mine because I believe we are both fighting for the same cause—the future of this great land of ours. We weaken this cause when we allow ourselves to become vulnerable as a result of juggling figures to prove some special point in which we feel we have a particularly personal interest.

With kind regard,

Sincerely yours,

BRUCE ALGER.

Congressman BRUCE ALGER,
House Office Building,
Washington, D.C.
Subject: The CSA Voting Index

DEAR CONGRESSMAN ALGER: I read your letter of February 19 commenting on the CSA Voting Index with great interest.

Using the statistics in your book you attempt to prove that the Republican Party is more conservative than the Democrat Party. Of course the Republican Party is more conservative than the Democrat Party, but we feel that the CSA Voting Index proves conclusively that this country is now in the mess it is because the Republican Party is not conservative enough.

Any Republican who achieves a 10-percent conservative rating is, of course, more conservative than is a "zero rated" Democrat. But of what good to the conservative cause is a man who votes for liberal measures 9 out of 10 times?

You quote us as saying on page 14 of the CSA Voting Index that "It was members of the Republican Party which gave Kennedy his margin of victory on five key bills in the 1961 session of Congress." You then go on to point out that, for example, on area redevelopment, 17 percent of those for were Republican, and 83 percent were Democratic. You then list similar percentages for the other four bills, and then add "With those lopsided percentages, how can you possibly justify the claim that the parties are the same or that the Republicans gave Kennedy his margin of victory?"

That is exactly the point, Congressman ALGER. As Fulton Lewis and Congressional Quarterly were the first to point out, it was those 17 percent Republican votes on area redevelopment, and the 2-percent Republican votes on feed-grains, and the 30-percent Republican vote on raising the minimum wage, the 40-percent Republican vote on culture exchange, and the 28-percent Republican vote on foreign aid, that made the passage of these bills possible. This is not an opinion, Congressman ALGER, this is a documented, statistical fact. If those Republicans had voted against these measures instead of for these measures, these measures would have been defeated.

I am afraid that you have misunderstood our views regarding the political situation. We say there is no difference between the political philosophies of both parties in major areas such as foreign aid, softness on communism, reciprocal trade, et cetera. It is only in the area of fantastic "pork barrel" spending that there appears to be any Republican opposition, and in most cases such opposition is usually ineffective.

And then you go to the subject of the committees which we listed in the appendix of the CSA Voting Index, and you state: "In this area your findings are completely erroneous as a result of striking an average of the entire committee membership. By this method you prove nothing in comparing the attitude of the parties." But * * * Congressman ALGER, it was not the purpose of the CSA Voting Index to compare the attitude of the parties. That is a field adequately covered by the ACA Index. The purpose of listing the committees was to perform a service for our readers who are interested in contacting members of committees regarding certain legislation. By showing the preponderant liberal makeup of the majority of Senate and House committees, we underscore that it is impossible in many cases to halt destructive legislation at the committee level.

For example, take the House Committee on Un-American Activities. The average conservative rating of that committee is 47 percent. Perhaps this explains why, to my knowledge, there have been no big HCUA congressional investigations since the San Francisco student riots. If—and, mind you, I say if—the conservative average of the House Committee on Un-American Activities were 100 percent, imagine what a magnificent job of rooting out communism this committee could do. What good does Congressman AUGUST E. JOHANSEN's 95 percent conservative rating, and Congressman DONALD BRUCE's 89 percent conservative rating do when they are outnumbered and outvoted by lowrated Democrats?

Another example of proliberal committees is the House Armed Services Committee. How tragic, indeed, it is to look at the Republican side of that committee and note that out of 16 Republicans, only 1 rates over 70 percent conservative, and that is Congressman DURWARD G. HALL, with an 86 percent CSA conservative rating (who, incidentally, wrote us a magnificent letter of praise for our voting index with his full permission to use it in any way we saw fit).

In the final paragraph of your letter of February 19 you stated, "I want to remain your friend and have you for mine because I believe we are both fighting for the same cause—the future of this great land of ours. * * *" In conclusion, let me say that I endorse that last sentence of yours completely, as it admirably expresses my sentiments, also.

With kindest regards.

Most sincerely,

KENT COURTNEY.

P.S.—Inasmuch as Congressman CURTIS saw fit to insert on page 3094 of the CONGRESSIONAL RECORD of February 28—your letter to us of February 19, may I hope, in the interest of fair play and in the hope that the Members of Congress may also have the benefit of my reply to your letter, that either you or Congressman CURTIS will see fit to insert this letter to you in the CONGRESSIONAL RECORD?

THE CONSERVATIVE SOCIETY OF AMERICA,
New Orleans, La., March 27, 1962.

Congressman THOMAS P. CURTIS,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CURTIS: Because you inserted in the CONGRESSIONAL RECORD of February 28, under the title "CSA Voting Record," Congressman ALGER's letter to us of February 19, may I hope that you will allow me the courtesy of replying to Mr. ALGER's misconceptions concerning the CSA Voting Index by inserting in the CONGRESSIONAL RECORD our enclosed reply to Congressman ALGER.

Most sincerely,

KENT COURTNEY.

APRIL 2, 1962.

Mr. KENT COURTNEY,
The Conservative Society of America,
New Orleans, La.

DEAR MR. COURTNEY: Thank you for sending me a copy of your reply to Congressman ALGER. Of course, I shall be pleased to put your letter in the CONGRESSIONAL RECORD, although I must confess that the illogic it contains is such that it hardly furthers your cause.

I have no complaint to register against the CSA voting record. I encourage more groups to put out voting guides so that the people can understand the political and economic philosophy of the representatives they elect as well as the organization of citizens who are politically active. Certainly I am in disagreement with your organization philosophy on many issues and am happy to have this publicly clarified.

I think of myself as a conservative so apparently we disagree an what the word "conservative" means. This is understandable. I also believe I am a liberal but the organizations which call themselves liberal today have a definition of the word in a fashion similar to your organization which is different from the definition in Webster's dictionary.

Yours very truly,

THOMAS B. CURTIS.

Pennsylvania National Guard

EXTENSION OF REMARKS
OF
HON. JOHN P. SAYLOR
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 10, 1962

Mr. SAYLOR. Mr. Speaker, I am encouraged by the number of people in my congressional district who have expressed opposition to the elimination of the 876th Engineer Battalion in Johnstown, Indiana, Ford City and Ridgway, and under unanimous consent I include these additional communications of protest in the Record, as follows:

County of Cambria, Pa.,
Office of the County Commissioners,
Ebensburg, Pa., May 1, 1962.

Hon. John P. Saylor,
House of Representatives,
Washington, D.C.

Dear Congressman Saylor: It has been proposed by the Department of Defense to eliminate the 876th Engineer Battalion located in Johnstown, Cambria County, Pa. Over 80 percent of the officers and noncommissioned officers served in World War II and/or the Korean war. All of its enlisted men are highly qualified in their military occupational specialty. The strength of this battalion is 701 officers and enlisted men. All of their valuable training and experience will be lost to the country if this battalion is included in any reduction proposed by the Department of Defense.

This type military organization is best equipped for service in case of natural disasters. This has been proven in several instances when this battalion was called upon to render assistance during the winters of 1958 and 1960. During the Stroudsburg flood of 1955, elements of this unit, with equipment, were on duty for a period of 7 days.

We ask your immediate action to oppose this proposed reduction in this depressed area.

Very truly yours,
Joseph P. Roberts,
President, Board of Cambria County Commissioners.

Gleason & Krumenacker,
Johnstown, Pa., May 3, 1962.

Hon. John P. Saylor,
U.S. Congressman,
House Office Building,
Washington, D.C.

Dear John: As you are probably aware, the Defense Department has announced a plan for the elimination of certain Reserve and National Guard components. The proposed plan tentatively provides for the elimination of the 876th Engineer Battalion based at Johnstown, Pa.

As a member of this unit, I can assure you that the elimination of this unit would be a disservice to our State and our country. Our record clearly shows the 876th Engineer Battalion to be one of the outstanding units in the State.

I will grant that some Reserve units which were recently activated did not perform too creditably. However, I do not think that the whole Reserve system should suffer for the sins of a relatively few and isolated units.

As a longtime and vigorous supporter of our Reserve and National Guard components, I am sure that you will use every force at your command to oppose this unjustifiable elimination of proven Reserve and National Guard components.

With best personal wishes,
Robert D. Gleason.

United Steelworkers of America,
Local Union No. 2644,
Johnstown, Pa., May 7, 1962.

Hon. John P. Saylor,
House Office Building,
Washington, D.C.

Dear Sir: This local union has gone on record in opposition to the proposed disbandment of the 876th Engineers of the Pennsylvania National Guard.

This group of men have a record that is by far unsurpassable by any other organization of Reserves. They have proven themselves in time of peace and war. Considering the present cloud of doubtness that hangs over the world, this would certainly leave our State wide open to the point of vulnerability.

This organization has also done volunteer work to preserve the graves of victims of the 1889 flood in Johnstown. It undertook this project to beautify the condition that had existed for years. This is just one example of their peacetime loyalty.

Hoping our Government reconsiders the disbandment of the 876th Engineers, we remain,

Sincerely yours,
Sylvester Gjurich,
Recording Secretary.

Cambria County Young Republicans,
Johnstown, Pa., May 8, 1962.

Hon. John P. Saylor,
U.S. Congressman,
House Office Building,
Washington, D.C.

Dear Congressman Saylor: We, of the Cambria County Young Republicans, wish to commend you for the position you have taken against the proposed Defense Department reduction in National Guard units; and in particular, the scheduled elimination of our own 876th Engineer Battalion (heavy construction) under present plans.

Under the present proposal, certainly you are aware of the economic effect that elimination of the 876th Engineer Battalion will have upon the already critically distressed area in which we live.

Should present plans be effectuated, the lives and plans of many young citizens of our community who remain under military obligation will be drastically affected and disrupted. In this event, we can be certain that the exodus of young people from our community will continue to increase. Without young people, the heart and will of a community to exist and progress is lost.

For these reasons, we urge and support your every effort to defeat the proposed reduction of National Guard units and elimination of the 876th Engineer Battalion, of which we are very proud.

Sincerely yours,
Charles Leppert, Jr.,
Chairman.

The American Legion,
Indiana Post 141,
Indiana, Pa., May 7, 1962.

Hon. John P. Saylor,
House Office Building,
Washington, D.C.

Dear John: At the regular meeting of our post held May 2, 1962, the question of the Defense Department proposal to eliminate 19 units of the Pennsylvania Army National Guard was brought on the floor for discussion.

As you know, we have a unit located here in Indiana, Pa., and, of course, are vitally interested. I have been authorized to solicit your support to oppose any cutback that might affect our local unit, Company B, 458th Engineers.

The Pennsylvania National Guard has been an organization of long standing in this community and Indiana County, dating back to the early 1900's when it was known as Company F, 10th Pennsylvania Infantry, and in World War I, changed to Company F, 110th Infantry, 28th Division.

I trust that you will give this matter your favorable consideration by casting your vote in opposition to the Defense Department proposal.

Very truly yours,
Albert M. Lahr,
Post Adjutant.

Indiana Pa., *May 2, 1962.*

Hon. John P. Saylor,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Saylor: We are writing to ask you to use your influence to keep our National Guard unit here. It has been in our community well over 40 years that we can remember. We understand that there is some talk of moving it.

It has always been a fine asset to our community, always ready and willing to help in any emergencies or disasters. If it were to be transferred it would mean a hardship to the members who would find it necessary to go elsewhere for their training.

We feel that it would be detrimental to our county's economy if it were to be transferred.

Thanking you, we are,

Very truly yours,
Irene K. Hoyt,
T. C. Hoyt, Jr.,
Mr. and Mrs. T. C. Hoyt, Jr.

Indiana, Pa., *May 4, 1962.*

Hon. John P. Saylor,
U.S. Representative,
Washington, D.C.

Dear Mr. Saylor: We are writing you regarding the talk of elimination of our National Guard unit here in Indiana, Pa.

We respectively request that you use your influence to keep it here, as it affords the local boys to serve in their own locality. It would be a serious blow to many of them, and our community, economically, to lose our National Guard.

The National Guard has been a part of our community for so many years, we have come to rely on it for any emergency or disaster.

We are personally interested because our son is a member of this fine unit.

Respectfully,
Lloyd Say
Mrs. Lloyd Say.

Kittanning Area
Chamber of Commerce,
Kittanning, Pa., May 9, 1962.

Hon. John P. Saylor,
House of Representatives,
House Office Building,
Washington, D.C.

Dear Congressman Saylor: I am writing in behalf of the Kittanning Area Chamber of Commerce to voice our objection to a proposal by the Department of Defense to eliminate 19 units and over 2,000 officers and men of the Army National Guard in the State of Pennsylvania.

It would seem to us that at this time preparedness is more important than at any other time in history. Economically this is the most reasonable approach.

In time of State disaster these guard units have been of immeasurable assistance.

Although we sincerely believe in economy in government, we know that an additional economic hardship will be placed on our community by removing the Ford City Guard unit. We are already classified as a depressed area. Additional hardships would be placed on our community by the removal of another $45,000 to $50,000 a year in payrolls.

We ask your cooperation and support in retaining these guard units in the State of Pennsylvania.

Yours for the Kittanning area's future.
George B. Stubbs,
President.

Harrisburg, Pa., *May 9, 1962.*

Congressman John P. Saylor,
Old House Office Building,
Washington, D.C.:

I had been contacted by Col. Verle J. Coleman, commanding 876th Engineer Battalion, Pennsylvania Army National Guard concerning the proposed elimination of 19 units of the Pennsylvania Army National Guard by the Department of Defense. May I suggest that you use your influence to defeat this proposal.

W. Stuart Helm,
Member of the House of Representatives, Armstrong County.

Mr. Speaker, I also would like to insert an editorial which appeared in the May 4 edition of the Johnstown Tribune-Democrat:

Astounding Plan To Wipe Out the 876th Engineers

Somebody in Washington—apparently the Comptroller of the Department of Defense, a financial officer—seems to have concluded that the National Guard should be reduced by about 37,000 men, and the Reserves by 21,000. The Pennsylvania National Guard would lose some 2,000; and of these the 876th Engineer Battalion, with more than 700 men in Johnstown, Indiana, Ford City, and Ridgway, constitutes the largest group.

Maj. Gen. Malcolm Hay, Adjutant General of Pennsylvania, asserts that this reduction was proposed "in opposition to the professional military judgment of the General Staff of the U.S. Army, and in the face of protests by the Department of the Army"; and that it is based solely on monetary considerations.

Of the Pennsylvania total, two-thirds, says General Hay, are trained in the complex fields of missilery and electronics; several hundred are veterans. Included is the only engineer construction battalion of its type in the State, "literally loaded with trained civil engineers, pipeline engineers, construction engineers heavy equipment operators" and other technical experts, as well as "one of the most highly trained motor vehicle operating and maintenance sections in the entire National Guard." It demonstrated its proficiency in the Korean emergency, said General Hay, and is led today by essentially the same men who led it on active duty.

"If," said the Adjutant General, "any part of this Commonwealth were to be hit by a major natural disaster or nuclear attack, these men and their equipment would be worth their weight in gold." And he adds that the proposal to eliminate them is "one of the most astounding and unbelievable aspects of this entire ill-advised and ill-considered plan."

These are our men, and we don't want to lose them or their organization. As General Hay says, "they can do everything from finding and setting up new sources of fresh water supply to clearing blocked streets and roads, and building bridges." Maj. Gen. Henry K. Fluck, commanding the 28th Division, Pennsylvania Army National Guard, calls this reduction a gamble on the intentions of Khrushchev. Certainly, if there should be a nuclear attack, Pennsylvania would be one of a few States to bear the brunt of it. And the value of such a battalion as this, whether after such an attack or in any other emergency, should be evident even to the Comptroller of the Department of Defense.

There have been cynical comments from time to time on the political power of the National Guard and the Reserve Officers Association—with the implication that it is this political influence which keeps it going. That is a denigration of the magnificent reputation which the National Guard—and especially the Pennsylvania National Guard—has won in war and peace. But we hardly need to rise to the defense of the Guard here. It has made its own defense where the record fixes it too firmly to ever be dislodged. And this is the source of its influence.

We shall be happy to incur the accusation of parochialism or provincialism for hoping that somebody—whether in Congress or in authority over the Department of Defense—withdraws this plan. It is true that the 876th Battalion, of which General Hay has given such a glowing account, is located in and around Johnstown. But if it be provincial selfishness to recognize its value to the community, the State, and the Nation. let anyone who chooses make the most of it.

We want and need this Guard organization here, as a safeguard for our community and the State at large. Although it may be just an entry on the account books to the Comptroller of the Defense Department, it is a great deal more than that to those who understand what it really is, and what it can do if an emergency of any kind should summon it into action.

Mr. Speaker, the May edition of the National Guardsman contained an article which should receive the attention of every Member of the Congress, and I would like to have it inserted at this point:

The Big Slice

The Pentagon comes up with a plan to whack big chunks out of the Reserve Forces—all in the interest of greater readiness.

At last, most of it finally has come out into the open—the latest in a seemingly endless series of plans to strengthen the Army National Guard and USAR by chopping big hunks out of them.

These are the key elements:

Eliminate four Army National Guard and four Army Reserve divisions (even Pentagon spokesmen smile now when they use the euphemism, "realine" to describe what's in store).

Nearly double the cut in overall troop strength—not 30,000, as had been indicated earlier—but 58,000 (35,000 of it from the ARNG).

Eliminate, outright, 824 nondivisional units (about 500 out of the ARNG)—companies, detachments, etc. That would kill off more than 10 percent of the ARNG's units.

Substitute separate brigades for the eliminated divisions; keep the Division Headquarters to oversee training of nondivisional units.

Beef up six priority divisions out of those remaining to around 75 to 80 percent of war strength. It's expected that all these would be ARNG.

Add 4,000 technicians—presumably all or most for the Army Reserve.

Eventually increase the number of nondrilling Reservists to take only annual field training, from 32,000 to 100,000.

Under Secretary of the Army Stephen Ailes led into his defense of the plan before the Senate Subcommittee on Defense Department Appropriations last month with praise for "the manner in which the vast majority of National Guardsmen and reservists responded to the [Berlin] callup" and proclaimed that the Army is "convinced of the importance of the National Guard and Reserve components to our national defense"; the proposed program "is not intended to downgrade the Reserves."

DIVISIONS SLATED FOR ELIMINATION

Out will go these infantry divisions—if Congress goes along with the Defense Department's plans:

Army National Guard: 34th—Iowa-Nebraska; 35th—Kansas-Missouri; 43d—Connecticut-Rhode Island-Vermont; 51st—Florida-South Carolina.

Army Reserve: 79th—Pennsylvania-Maryland-Delaware; 94th—Massachusetts; 96th—Arizona-Idaho-Montana-Utah - Washington-Nevada; 103d—Iowa-Minnesota-Wisconsin.

A Defense Department news release said the choice of guard divisions subject to realinement was made on the basis of current combat readiness and potential for achieving combat readiness; in the case of the USAR, an additional consideration was the military desirability of retaining one division in each of the six Continental Army areas.

They'd be replaced in each instance by a separate infantry brigade, organized under the ROAD structure and containing four to six battalions each. The realined division headquarters, keeping about their present strength and grade structure, would direct peacetime training and support.

TWENTY-FOUR PLANS CONSIDERED

A program lined-out in the spring of 1961, Mr. Ailes said, would have increased manning levels of units, added 7,000 technicians, provided extra funds for equipment maintenance, added another week of field training for high priority units, set up a postmobilization intensified combat training program, realined eight divisions, added three new brigades and a substantial number of new units to reinforce the Active Army, and screened and pegged in advance fillers who regularly would go to summer camp with the high priority units.

This would have involved 760,000 men in paid drill status, 27,770 technicians, and 108,000 other men for field training only—costing $1,100 million as compared to the present $771 million.

But as a result of the Berlin crisis callup, an increase in Active Army combat divisions from 11 to 16, the program was changed (we have had no less than 24 plans, said Mr. Ailes) to conform to revised readiness requirements.

Mr. Ailes stated that analysis of requirements for supporting units led to decision to cancel-out "certain units which are obsolete, such as 90-millimeter air defense batteries," and to add certain units which are needed and are new to the structure, such as certain types of chemical companies. He emphasized the planned increase of 8 brigades—up to a total of 11—which, "in a high state of readiness, are particularly valuable for certain specific area defense missions, as corps troops, for rear area security, and for other important ends." But he made no mention of the fact that the result would be lopping off of 800-plus units.

As for dropping the manning levels of the nonpriority divisions and supporting units, that still permits them to achieve the readiness which is required of them, he contended—a view which some Army witnesses seemed reluctant to support.

Offsetting the cuts, Mr. Ailes contended, would be provision for about 80,000 more individual Army reservists than now, whose only training would be for 15 days in the field.

He contended that the plan would maintain a capacity for general mobilization.

Under questioning by Chairman Willis Robertson, of Virginia, and other subcommittee members, Mr. Ailes declared that purely military requirements—not budgetary considerations—prompted the plan. And yet at every turn it was evident that all the juggling around of plans was done within the rigid framework of a set budget. By the same token, he stoutly declared that the plan was the Army's, not the Defense Department's—though it was an open secret in Washington that it was a reluctant Army that had to develop a program in compliance with a broad but very emphatic Defense Department order.

Answering questions of Massachusetts' Senator Leverett Saltonstall, Mr. Ailes conceded that the "Army Section 5" Committee hadn't gone along with the proposals, and that Defense Secretary McNamara's Reserve Forces Policy Board had knocked out one of the earlier ideas: to chop back some types of units to 24 drills.

It wasn't until the National Guard Bureau's Chief, Maj. Gen. D. W. McGowan, and the Army Reserve's Maj. Gen. Frederick M. Warren, were called, that Mr. Ailes' picture of what wonderful things the plan would accomplish, became slightly clouded. Bound, of course, as are all Active Army officers, to support official policy, both nevertheless made it clear under questioning that if they had their 'druthers, they'd rather keep the Guard's and USAR's strength.

"Are you satisfied with the new program?" asked Senator SALTONSTALL.

"Within strength and budgetary guidelines, I think the Army Staff has made the best possible plan," General McGowan responded.

Asked about the effect on the present priority system and troop structure, General McGowan replied that well over 800 units would be eliminated—a statement that seemed to have considerable impact among the Subcommittee members. It sparked a series of questions bringing out the fact that every State would be hit by loss of units—measured by the estimate that large States like California and New York would lose 29 to 30 units out of the Army Guard alone. (Subsequently, someone evidently tried to play down this impact, giving newsmen to believe that may of the doomed outfits were two-man detachments.)

Chairman Robertson wanted to know what would be General McGowan's plans "if you had plenty of money" and Congress voted to keep the Guard at 400,000 strength. The Bureau Chief unhesitatingly declared he'd like to see at least 60 percent strength—rather than 52 percent—in the low-priority units as a basis for more effective training, and to keep up strength in engineer, medical and other type units that would be valuable in recovery from postnuclear attack.

Under questioning in his turn, the Reserves' General Warren tried to put a bright face on things by stating that "some things will be better," such as higher manning levels, and more technicians, but allowed as how he was sorry to see divisions go and felt that USAR needs 300,000 men rather than the 277,000 it would end up with.

JUSTIFICATION QUESTIONED

Earlier—and before details of the plan had been dragged out of the Pentagon by senatorial demands—the National Guard Association's President William H. Harrison, Jr., had bluntly assailed Pentagon spokesmen's pretexts that military "requirements" (a word that bureaucrats have distorted out of all recognition from the meaning assigned by Webster's)—and not an arbitrarily-assigned monetary straitjacket—dictated the new program.

General Harrison expressed his conviction that the proposed strength figures for the Guard, of 365,000 rather than 400,000, weren't necessarily arrived at as a result of discussions with the Army General Staff or based upon the Army's real needs for backup of the active force, or with the advice of persons experienced and knowledgeable in the conduct of the Reserve programs.

Using "requirements" in its dictionary meaning as against the Pentagon practice of rationalizing that it means what you're permitted to have by those higher up, he declared:

"The size of our Army National Guard must be determined by the existing need, by requirements established and influenced in the final analysis by the international situation, and, specifically, by the degree to which the freedom of this Nation is threatened by strong, aggressive, unfriendly nations. I feel that the 400,000 strength for the Army National Guard and the 300,000 strength for the U.S. Army Reserve is but the minimum strength required as an adequate backup of our Active Army. I believe that the Army Staff would concur in this."

ARMED SERVICES GROUP SETS STUDY

It was well to keep in mind that as of press time, congressional consideration of the proposal had been limited to the budgetary aspect; it was the Defense Appropriations Subcommittees of House and Senate that were trying to determine how much money they should recommend for the Guard and Reserve for the next fiscal year.

Before the month was out, Representative CARL VINSON's powerful House Armed Services Committee, through a subcommittee headed by Representative F. EDWARD HÉBERT, would be digging thoroughly into the plan itself. Without that group's blessing—and the concurrence of State Governors on eliminating or changing around Guard units—the Pentagon was going to have a tough time making any drastic changes.

NGAUS PRESIDENT SAYS RESERVE FORCE CUT IS NOT REALISTIC

The following comment on the Defense Department's plan to reorganize the Army's Reserve components was made by Maj. Gen. William H. Harrison, Jr., president of the National Guard Association of the United States.

"The Defense Department proposal to reduce the strength of the Army's Reserve components by 58,000 men and to eliminate 8 combat divisions and more than 800 company-size units is an unrealistic plan that will not meet the realistic requirements of the Army for any type of war. Implementation of the plan will reduce rather than increase the readiness of the Army's Reserve forces.

"The plan was conceived in the office of the Assistant Secretary of Defense (Comptroller) without regard for the actual requirements of the Army for backup forces in the event of war and without regard for forces that would be required in the continental United States for internal security and recovery from possible nuclear attack. The Army, although it will not be permitted to say so publicly, actually favors an increase in its Reserve forces to meet what it considers its mobilization requirements.

"The proposed realinement will not result in the increased readiness promised by Secretary of Defense McNamara, but it will deny opportunities for large numbers of young Americans to undergo voluntary military training at a time when the country should be giving this training to the largest possible number of young men.

"I do not anticipate approval of the plan by the Governors of the States or the Members of Congress who have a sounder understanding of the Nation's military requirements than do the Pentagon's young and inexperienced slide-rule manipulators."

Mr. Speaker, a letter has been received from Subcommittee Chairman F. EDWARD HÉBERT, who is making a study on the Reserve posture, in response to my request of May 2 to testify before the Armed Services Committee, and he indicates that I may appear during the week of May 14:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., May 8, 1962.

Hon. JOHN P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR JOHN: This is in reference to your request for an opportunity to appear before my subcommittee in connection with the proposed realinement of the Army Reserve components.

In accordance with your request, I will be happy to schedule you among the congressional witnesses who have requested to appear. Unfortunately, the subcommittee has not completed receipt of testimony from Army witnesses and, therefore, I am not prepared to give you a precise date for your appearance at this time. However, I anticipate that congressional witnesses will appear before the subcommittee during the week beginning the 14th of May.

You may rest assured that I will attempt to give you as much advance notice as possible.

Thank you for your interest in this problem.

Sincerely,

F. EDWARD HÉBERT,
Chairman, Subcommittee No. 3.

Essential Changes in Foreign Aid Attitude

EXTENSION OF REMARKS

OF

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1962

Mr. COLLIER. Mr. Speaker, within the next 3 months Congress will be considering the 1962–63 foreign aid program. With justification, the title of the program has been changed from Mutual Security to Agency for International Development.

A review of the broad program of foreign aid over the past 15 years does not present a very pleasant picture. It has cost the American taxpayers an aggregate of $120 billion since the end of the Marshall plan. It has been punctuated with waste and inconsistencies in our international purpose.

With U.S. gold reserves at a critically low figure of less than $18 billion, anything short of an agonizing reappraisal of our spending procedures and attitudes is sheer folly. If it has not become apparent to administrators of foreign aid and to the U.S. Congress that we cannot continue to fight communism by strengthening the economy of Communist nations, then we are just not being realistic.

In 1961 the House of Representatives adopted an amendment which banned aid to Yugoslavia and other nations with Communist governments. Subsequently the amendment was stricken in the other body, with the result that the bill finally passed without this restriction.

Recognizing that Yugoslavia may not be a satellite of the Soviet Union does not justify pouring additional money into a nation where the Communist Party maintains control over its political and economic system. The history of Tito's actions and position in both the United Nations and in the recent Belgrade Conference should make it eminently clear that any further expenditure of funds beyond the $2 billion we have already spent in Yugoslavia is fundamentally and morally wrong.

We heard a great deal about getting some relief from other nations in sharing the burden of aid to economically distressed areas of the world. Yet we continue to carry a far greater share of this burden than should be our lot to bear.

To add to the resentment of the American taxpayers who are financing this program, we have witnessed incidents of abuse in the seizure of private property of American citizens and U.S. firms by those to whom we have given substantial aid. Legislation which would ban aid where such blatant abuses exist has not even been considered or discussed in any official Government forum. Neither have we been able to exercise control over economic aid when moral issues are involved. We have repeatedly been told that we cannot effectively or in propriety put strings on our aid programs abroad. But there is actually a way that this can be accomplished. It seems to me that we should also render assistance on a loan basis in many cases if for no other reason than to permit Congress to write conditions into law for eligibility for foreign loans. By taking this approach, we would not only foreclose great waste in ill-conceived projects but would prevent socialization and nationalization of industry and the expropriation or seizure of capital. A much broader loan approach would accelerate the ultimate self-sufficiency of many nations, while at the same time meet to some degree the very critical problem of our own shrinking gold reserves. Greater emphasis on the loan type of assistance would reduce the expansion of foreign socialization and provide a means of attracting more private capital.

The House of Representatives, as the constitutional overseer of Federal spending, has the prime responsibility of exercising control over American dollars spent abroad and in seeing that the American taxpayer gets a fair shake. It is my hope that we will meet this responsibility squarely when the new AID appropriation bill comes to the floor.

It seems that our long experience with our foreign aid program should have rather firmly established by now that facing reality is the only means of discriminating between the virtues of benevolence and the sins of misdirected charity.

The Challenge to American Foreign Policy in the 1960's

EXTENSION OF REMARKS

OF

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 10, 1962

Mr. FEIGHAN. Mr. Speaker, the ever worsening famine and economic conditions on the Red Chinese mainland have drawn public interest in recent days because of the increasing number of Chinese on the mainland who have sought refuge in Hong Kong. It is evident that the Peiping regime has been encouraging and assisting Chinese to cross their well guarded barriers in order to intensify the dreadfully overcrowded situation caused by the previous influx of Chinese escapees from Red Communist tyranny. They are giving exit permits to cadres who are leading the refugees out of Communist China into Hong Kong. This Chinese problem was pinpointed by me as my fifth challenge in my address. It is my hope that Members of Congress will take the time to read and analyze these six challenges.

Under leave granted, I insert in the RECORD an address I delivered on May 8, before the Rotary Club of Parma, Ohio, on "The Challenge to American Foreign Policy in the 1960's":

THE CHALLENGE TO AMERICAN FOREIGN POLICY IN THE 1960'S

American foreign policy has been a subject of grave concern to the people of our Nation since the ending days of World War II. It has been the source of sharp disagreement within the body politic of our country, and there are signs these disagreements are increasing, both from the standpoint of intensity and numbers of people involved. There are valid reasons for this popular concern with the direction of our foreign policy, and the heated differences of opinion with regard to what it has been, what it is now, and what it should be for the future. Among those reasons I would list the following:

1. The United States pursued a policy of isolation during the years between the Great Wars, comforted by what seemed the protection of two great oceans and confidence that the ebb and flow of world affairs would not threaten our national peace and security.

2. A basic philosophy shared by powerful interests in our Nation that a policy of noninvolvement with political trends taking shape on other continents would relieve our people from responsibility for issues involving peace or war, and even the future of human freedom. This same school of thought held that it was not only safe, but proper and profitable, to engage in international trade and commerce, including activity in the world monentary system.

3. These policies of isolation—noninvolvement with the political aspects of international life but profitable engagement with the economic aspects of international life (at least for the few) were major contributing factors to World War II and our entry into it under the most unfavorable circumstances. By unfavorable circumstances I mean we were unprepared militarily and politically for the role of heavy responsibilities we were forced to assume, overnight, as history is measured. We met all the requirements of a military character to win victory in the battles of the European and Pacific theaters but we failed to win the global war because it was, as we have since learned, a political war. We were unprepared for a political war, and the price we have had to pay for this lack of preparation is the cold war with all the dangers and threats it now presents to us as a nation and to all people who cherish freedom.

To fix blame for past mistakes, no matter how much satisfaction some people may derive from this exercise, will not get us out of the fix we are in. Fixing blame and according credit is a task for the historians. All of us now need to understand the mistakes of the past so that we may plan the future course for our Nation in the global political war in which we are engaged. The mistakes of the past are being examined with great enthusiasm these days. Blame fixing has become a competitive national sport. Those who excel at fixing blame are being branded as rightwingers and those who disagree with them are regarded as leftwingers. While the two wings occupy the center of the national stage, comparatively little popular attention is directed at the realities of the world in which we live, and the need for a long-range foreign policy based upon those realities together with the strategic planning necessary to implement that policy.

The world in which we live is far different from that of 1920, 1930, or 1945. We are passing through a revolutionary age that has changed the traditional meaning of time. This revolution is complex, touching every area of the globe and all the people who inhabit it. The speed of change is such that day to day, month to month, or year to year planning in the field of foreign policy is as outmoded as the horse and buggy. What we need for a foreign policy based upon the foreseeable major challenges of the decade ahead.

Understanding the nature of the revolutionary currents which grip the world today, can guide us and prepare us in meeting the crucial tests which lie ahead.

A political revolution is taking place in south and southeast Asia, the Near and Middle East. There the old colonialism has been replaced. In its stead there are many newly independent nations with differing cultures, languages, histories, and economic systems but all striving to make their national independence permanent. The changes brought on by self-government find all those nations in a state of ferment as they feel their way over the rocky road much like that followed by our Founding Fathers. Their problems are compounded by the new colonialism of Moscow, which seeks to intrude upon them and impose a system of dictatorship and servility to the needs of Moscow.

The African Continent is passing through a similar stage of political revolution. There the old colonialism is rapidly declining, as newly independent nations seek to shape the future of that continent. In these vast areas the signs point clearly to the death of the old colonialism and the threats of the new colonialism of Moscow.

Throughout the Latin American Republics another form of revolutionary age is at work. There a social revolution is underway in which the multitudes of "have nots" are struggling against the causes of poverty, disease and despair. This is a revolution by the many to win justice in the unjust social order which has prevailed over many centuries with few changes. Political independence is not an issue here, because all of these countries have long enjoyed their national independence. But social justice, the life blood of national independence, is at issue.

In the United States another form of revolution is at work. Here at home we are passing through a technological revolution. Automation, which is the rapid and extensive replacement of labor and work of people by faceless machines, is creating grave economic upsets and social problems. Our ability to produce by means of technology has far outstripped our ability to harness these new machines to the full advancement of the common good. The industrial revolution of more than a century ago faced similar problems, but failed to make the human adjustments demanded by simple justice. In the decade ahead we must find the formula to guarantee that the fruits of automation will be shared by all the people in our Nation.

Looking to the Eurasian Empire of the Russians a discerning observer will see the cross-fire effect of two aspects of the revolutionary age—the political and the social. The tidal wave of self-determination has not yet struck that empire but the powerful currents of the national independence movement run strongly beneath the imperial surface of that empire. These political and social currents are fed by the determination of hundreds of millions of non-Russians to cast off the chains of social injustice and political despotism which bind them to Moscow. In response to these powerful forces of change Khrushchev, speaking for Imperial Russia, has recently announced a 20-year plan to attain communism within the U.S.S.R. and to "liberate" the rest of the world from capitalism. Let us make it clear that we understand what he intends by the 20-year plan. He intends to strengthen the hand of Russian despotism over their present empire and launch wars of liberation to drag more independent nations behind the Russian curtain.

Against this background, I foresee six major challenges to American foreign policy in the decade ahead.

The first challenge is: Will American Democracy be safe in the Western Hemisphere? A revolution is now underway throughout Latin America. No one can be sure at this point what the outcome will be. Large numbers of long exploited people are on the move. Their goals are simple and reasonable—they want a fair share in the necessities of life and the opportunity to make a better life for themselves and their children. Their rising expectations are being met by an unwillingness to change on the part of those who have inherited the leadership of the existing social order. They are revolting or about to revolt against the existing social order. The chance for peaceful change is still a possibility but the temptation of change by violence is strong, and this temptation is being stimulated by well-trained Russian agents. So the challenge before us is not whether a revolution will sweep all of Latin America but rather what form that revolution will take, who will lead it, and whether the final outcome will threaten the survival of democracy in the Western Hemisphere.

All of us hope the Latin revolution will be peaceful and orderly. All of us should hope it will be led, country by country, by people dedicated to the political ideals of Simon Bolivar, and the ideals of social justice held by the church to which the masses of peoples in these nations are attached. If this hope fails, the leadership of the revolution will then fall to the United States or the Russians. At this moment the Russians, through cadres of trained natives, are attempting to capture those revolutions and turn them into tools for establishing the new colonialism, the new imperialism throughout Latin America. Cuba is a stark, case-in-point of their intentions as well as their capabilities in taking over legitimate revolutionary movements. The Russian dictatorship in Cuba is now causing serious problems for the United States and the future of democracy in every Republic south of the Rio Grande. No imagination is required to understand the meaning of Russian control over the southern regions of the Western Hemisphere.

The Alliance for Progress, initiated by the Kennedy administration, is a step in the right direction. It is intended to encourage peaceful change and to assist responsible Latin leadership in making changes which accord with the aspirations of the downtrodden masses. It is an expression of our desire to help people help themselves, a sound basis for a dynamic good neighbor policy. As such it deserves the active support of all thinking Americans.

What do we do if the Alliance for Progress falls short of its objective—either by unwillingness of responsible Latin leadership to make the necessary changes in time, or the stepped up, so-called, liberation wars directed by Moscow—or a combination of both? Are we prepared to intervene directly with military power? Do we have the military power to police the internal security of Latin America? I do not ask whether such intervention is proper because we will have no other choice in the face of an imminent danger of Russian takeover of Latin America.

The second challenge is whether the American people and their Government will identify the real enemy in the cold war and develop realistic programs to defeat that enemy. For the past 15 years we have, generally, admitted the fact of being at war. Our military preparations and the record of American lives sacrificed for freedom's cause during that period belie our calling it a cold war.

For a time we identified the enemy as the international Communist conspiracy. Yet Khrushchev has been forced to admit as recently as 1961 that there is no communism in practice within the U.S.S.R., while expressing the hope that the theory of communism will become a reality of practice by 1981. That is the objective of the 20-year plan Khrushchev announced at the 22d Congress of the Communist Party. Stalin launched a series of endless 5-year plans in 1927 directed at the same objective. He failed as surely as Khrushchev will fail. Communism has proved that it will not work. It remains a myth. Yet we continue to struggle against the myth of Marxism, a frustrating struggle at best.

More lately we have identified the enemy as the Soviets. This too, is a myth. Lenin, on his death bed, observed that the single, unified apparatus of the U.S.S.R. "was taken over from tsarism and only thinly annointed with Soviet holy oil" and then made this prophesy—"under such circumstances it is quite obvious that the freedom to withdraw from the Union, with which we justify ourselves, will prove to be nothing but a scrap of paper, incapable of defending the minorities in Russia from the incursions of that 100 percent Russian, the great Russian, the chauvinist, in reality, the scoundrel and despoiler which the typical Russian bureaucrat is. There can be no doubt that the insignificant percentage of Soviet and sovietized workers will drown in this great Russian sea of chauvinist riffraff like a fly in milk."[1] Lenin's prophesy has been fulfilled. The Soviet and sovietized workers are nothing but a part of contemporary Russian mythology.

It is time we stopped beating a dead horse and looked under the thin film of Soviet holy oil described by Lenin. He died a disillusioned revolutionary. Our Nation must not die through national frustration from chasing myths in an effort to engage the real live enemy. The Supreme Court of the United States recently ruled that members of the Communist Party are agents of a foreign power and as such must register with the Department of Justice as foreign agents. This ruling provides us with a key to the world of reality. Now all we need to do is identify the foreign power. It is not communism. The myth of communism is only a tool of that foreign power. It is not the Soviets. The Soviets have long since drowned in a great Russian sea of chauvinist riffraff. The real, live enemy is Russian imperialism and all who support it are real, live enemies of the United States.

The third challenge is: Can the United States survive the technological revolution and maintain our free institutions? This challenge rests at the base of whatever foreign policy we support in the decade ahead. No nation can be any stronger in the field of international political affairs than the sum total of its internal strengths. The United States can claim no exception to this law of nature.

During the past decade we passed through several recessions. At the end of each recession we had a hard core of unemployment that carried over into the period of economic recovery. The size of the hard core grew larger with each recession. Today we recognize this hard core of unemployment to be no less than 4,500,000 workers. These workers do not possess the skills and specialized training required by the technological age. They must be retrained and placed in labor market areas where their newly acquired skills are needed. Some authorities say that in excess of 14 million new job opportunities must be created in the 10-year period ahead to take care of jobs eliminated by automation and the new jobseekers coming out of our high schools and colleges during that period. This means about 80,000 new jobs a week must be created every year for the next 10 years.

There are many challenges involved in meeting this need. The first is to put America back to work—to provide work outlets for our people in productive activities. It means a more equitable sharing of the fruits of automation by every segment of American society. It means new enterprise, new industries, new business ventures—none of which can happen until the risk factor returns to the free enterprise system.

The strength and the survival of our free institutions depend upon what our people are prepared to do to keep them free. Free institutions depend upon justice in the social order and a dynamic society that knows where it wants to go and is determined to get there. The technological revolution can take us to a higher plateau of national well being or it can produce economic and social chaos on a national scale. The choice is ours as we chart the course for the decade ahead.

The fourth challenge is: Will the United Nations fulfill the promises of its charter? The physical presence of the United Nations is not a panacea for the problems of the world in this revolutionary age. There are those who believe that we must blindly and emotionally support the U.N. under any and all circumstances. Then there are those who believe that we should not support the United Nations under any circumstances, and the sooner we withdraw from it, the better off we will be. Neither of these views hits the target of realism. There is nothing wrong with the United Nations that adherence to its charter by all the member states would not alleviate. Strict adherence to the charter by the United States alone is no guarantee that peace with justice will prevail. We should have learned that lesson by now. Nor can we now count upon the United Nations to find solutions to problems which threaten the security and well being of the United States. We must learn to use the United Nations as a forum for advancing our own foreign policies, as every other member nation is doing. Our foreign policies have been consistent with the promises of the United Nations Charter. The trouble is that the Soviet Union and its stable of satellites have been persistently and adamantly violating the letter and spirit of the charter and the so-called neutral nations have been capitalizing on our emotional attachments to the United Nations.

We are faced with the problem of making the United Nations work in conformance with the charter or being witness to its collapse like the old League of Nations. It is time that we exercised the only real sanctions held by the U.N.—the admission, suspension and expulsion of members. Nonconforming nations must be made to conform to the charter or be expelled from membership in the organization. This effort must be applied to the permanent members and a determination forced on the question whether the veto power exempts the holder of the veto from adhering to the provisions of the charter.

These tests must be made with vigor and determination if the United Nations is to survive. The prospect in the decade ahead is that it will be phased out and replaced by regional organizations. Herein lies a real challenge to American foreign policy.

The fifth challenge is: What can and should we do about Red China? The problem here is not with the Chinese people but with the regime which has been imposed upon them. It is true that some 600 million people have been cut off from normal intercourse with the rest of the world, but we can hardly expect to restore normalcy by admitting the Peiping regime to the United Nations. The Peiping regime is responsible for isolating the Chinese people from the rest of the world. That regime, imposed upon the people, does not and cannot speak for the Chinese people. Moreover, the Peiping regime stands guilty of aggression before the United Nations judgment, and it adamantly refuses to purge itself of this guilt.

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[1] "Khrushchev and Stalin's Ghost," Bertram Wolfe, Praeger, N.Y. 1957, p. 272.

The argument is used that the Soviet Union and regimes in such countries as Poland, Hungary, Rumania, and others, have isolated the people under their control from normal intercourse with the rest of the world, have engaged in, aided and abetted aggression, yet they have been admitted to the United Nations. This argument suggests that one tragic mistake deserves another or that the charter of the U.N. is a meaningless scrap of paper.

We must not, however, ignore the fact that the Peiping regime has been a profound failure and that famine on an unprecedented scale now besets the Chinese people. Nor can we ignore the accumulated evidence which points to the prospect of more of the same for the Chinese people in the decade ahead. We must find ways to help the Chinese people, without saving or strengthening the regime responsible for their present plight.

George Meany, president of the AFL–CIO, has proposed that American food missions seek admission to China for the purpose of fighting the famine which rages there. The purpose of such missions is to see that the food gets to the people who need it, and that they understand the food is a freely given gift of the American people. I agree with this approach and urge our Government to support it with vigor. The Chinese people should be told about our desire to help them. The Peiping regime should be told about our proposal. The entire world should be aware of our peaceful intentions. If the regime refuses, the double responsibility is on their back—responsibility for the famine, and responsibility for preventing assistance to the Chinese people in their hour of greatest need.

If the proposal made by Mr. Meany is rejected by the Peiping regime, we should not abandon our efforts to help the Chinese people. We have the capabilities to airlift and airdrop thousands of tons of food to the Chinese people. This food could be identified as a freely given gift of the American people. We could be sure that much of this food would get to the Chinese people if we planned our airdrops carefully. The whole world knows there is a famine in China today. Would anyone, including the Peiping regime, want to face world opinion for opposing such a humanitarian mission? Could the Peiping regime face the wrath of the Chinese people for opposing such food drops? It is time that we got the answers to these questions. I believe the Red Chinese regime would oppose such aid. Action of this type by our Government would go a great distance in the direction of a peaceful world.

In the decade ahead Red China will stand as a great challenge to American foreign policy. We cannot afford to stand by and hope for a split between Peiping and Moscow. Hard intelligence estimates do not substantiate a major rift between Moscow and Peiping.

The sixth challenge is: What shall we do when the rising tide of self-determination strikes at the Russian empire?

We were confronted with trial runs on this vital question three times during the decade of the 1950's—in June 1953 in East Germany, in Poland during June 1956, and on October 23, 1956, in Hungary. Our score on these trial runs is not one of which we can be proud. On each occasion we suffered from a form of political paralysis peculiar to the novice. We hesitated and then released our national energies in a moral revulsion against inaction.

In the heated debates on what we could and should have done which are still going on in the United States and elsewhere in the free world, we have certainly learned something about the moral responsibility which attaches to leadership of the free-world community. I believe we have learned more than that—at least, I hope so. With the passage of time and the benefit of thoughtful reflections, these lines of political action stand out as a minimum of what we could and should have done.

1. We should have extended de facto diplomatic recognition to the revolutionary government in Budapest during the 1956 Hungarian freedom revolution. That government was in control of the country for 4 days and such recognition by us would have created serious international legal problems for the Russians. Such action by us would have been followed by similar action on the part of many governments of the free world, further compounding the problems of the Russians.

2. In the case of all three tries for freedom, we should have injected immediately the issue into the General Assembly of the United Nations, the issue being whether the Germans, Poles, and Hungarian people involved were entitled to governments of their own free choice and the protection of the human rights convention of the United Nations. This would have faced the Russians with a problem of openly defying the United Nations or accepting the reasonable demands of the revolutionaries. Moreover, such general debate would serve notice to the peoples in the other captive nations that the United Nations was in fact an instrument through which they could regain their freedom and national independence. Notice of this character would do much to strengthen the cause of our proven allies behind the Russian curtain.

3. We could have initiated action to cause several plane loads of neutral observers to investigate on the spot the causes of the revolution in each case. This could have been justified on the basis that the United Nations has an obligation to preserve the peace. Violent revolutions are hardly a condition of peace. In the case of Hungary, this proposal could have been effectuated in a matter of hours because the revolutionary government was pleading with the United Nations to send a peace mission to their country. The physical presence of a United Nations peace mission in any of the captive nations in revolt would have been a strong deterrent to Russian aggression and violence against the freedom fighters.

No doubt there are other actions of a political character which we could have launched through the United Nations and on our own initiative, but at least we could have done this much.

We should be prepared when the rising tide of self-determination will strike at the heartland of the Russian empire in the decade ahead. Where this tide will first strike and when it will strike are open questions. There is a real prospect that it will move in like a tidal wave to inundate the entire Russian empire. We see on all sides the passing of the old imperialism and the gathering strength of the national independence movement, when there will be but one empire left in the world—the Russian empire. It cannot long resist or contain the rising tide of human expectation which sweeps the world of our time.

The answer we give to this last, but overriding challenge in the decade ahead will likely determine whether Khrushchev's 20-year plan for world domain will succeed, or whether we will win a peaceful world with justice and freedom for all nations and all people.

The United States must engage in a positive affirmation foreign policy program. We must stand fast in support for liberation to the oppressed nations enslaved by the Russian Empire.

HOUSE OF REPRESENTATIVES

Monday, May 14, 1962

The House met at 12 o'clock noon.

Rev. Paul J. Harrell, Memorial Baptist Church, Arlington, Va., offered the following prayer:

Holy art Thou, O God, the Father, who has made of one blood all nations of the earth.

Worthy art Thou of praise from every mouth, of confession from every tongue, of worship from every creature.

In awe and humility we bow before Thee, praying Thee to bring us into Thy holy presence and to grant Thy blessings upon this body called out and dedicated to the security, welfare, and destiny of this Nation. Grant unto us minds which seek the truth; and grant that we may face the truth even when it hurts and condemns us. Grant unto us resolution to stand for principles; but save us from stubbornness. Grant unto us grace to conquer our temptations and to live in purity, but save us from pride and self-righteousness.

All through this day grant unto us the strength and and the gentleness of our blessed Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, May 10, 1962, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On April 13, 1962:

H.R. 1352. An act for the relief of Giuseppe Aniello;

H.R. 6216. An act for the relief of Theodore T. Reilmann; and

H.R. 7676. An act for the relief of George W. Ross, Jr.

On April 21, 1962:

H.R. 6676. An act to designate the Kettle Creek Dam on Kettle Creek, Pa., as the Alvin R. Bush Dam; and

H.R. 10043. An act to amend Public Law 86–272, as amended, with respect to the reporting date.

On April 27, 1962:

H.R. 8921. An act to provide for the annual audit of bridge commissions and authorities created by act of Congress, for the filling of vacancies in the membership thereof, and for other purposes;

H.R. 9751. An act to authorize appropriations during fiscal year 1963 for aircraft, missiles, and naval vessels for the Armed Forces, and for other purposes;

H.R. 10700. An act to amend the Peace Corps Act;

H.R. 11027. An act to amend the Agricultural Adjustment Act of 1938, as amended; and

H.J. Res. 449. Joint resolution providing for the establishing of the former dwelling house of Alexander Hamilton as a national memorial.

On May 11, 1962:

H.R. 3008. An act for the relief of Hom Hong Hing, also known as Tommy Joe.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H.J. Res. 628. Joint resolution authorizing the President to proclaim the week in May of each year in which falls the third Friday of that month as National Transportation Week; and

H.J. Res. 711. Joint resolution to prescribe names for the several House of Representatives office buildings.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 185. Joint resolution to defer the proclamation of marketing quotas and acreage allotments for the 1963 crop of wheat.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following titles:

S. 1595. An act to amend the Natural Gas Act to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only.

The message also announced that the Vice President has appointed Mr. JOHNSTON and Mr. CARLSON members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the U.S. Government," for the disposition of executive papers referred to in the report of the Archivist of the United States numbered 62–18.

TRADE BILL IMPROVEMENT

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, according to the New York Times of April 29, 1962, a "competent committee source" has indicated that managers of the trade expansion bill are considering substantial changes in the legislation. These changes would be made in the sections of the bill dealing with the escape clause and the adjustment assistance section. We have since read of the changes which have been made in the agricultural sections.

I am pleased at this indication that the committee is moving in the direction of providing greater controls in the bill.

One of the serious difficulties in H.R. 9900 is the loose and optional provision which would be substituted for present escape-clause procedure.

While differences of opinion exist as to the complete reliability of existing escape-clause provisions to furnish an adequate remedy for companies which have been hurt by imports, at least they do set out in definite form a mode of procedure which, in some cases, has been successfully followed by injured companies. H.R. 9900, however, removes this remedy.

It is encouraging to find evidence that the committee is moving back toward the established escape-clause procedures and I hope that the committee may continue to improve the bill so that it may be worthy of support.

INVESTIGATION OF THE ESTES CONTROVERSY

Mr. DOLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

PROJECT UNCOVER

Mr. DOLE. Mr. Speaker, this is the first in a series of speeches calling for a complete and immediate investigation of the Billie Sol Estes controversy by the Departmental Oversight and Consumer Relations Subcommittee of the House Committee on Agriculture.

The Estes case has already proved to be a matter requiring the most painstaking examination. The integrity of the Department of Agriculture has been seriously impugned by disclosures thus far and we should not permit a Cabinet-rank Department to remain under a cloud. Far too many Americans are subject to the whims and caprices of this Department to permit any doubts about the basic honesty of its officials to linger in the minds of our citizens.

Secretary Freeman stated over the weekend that he would discharge any Agriculture Department officials whose actions were of doubtful nature and perhaps the Secretary should start with himself as it is perfectly obvious that the Secretary has attempted to cover up and play down the Estes mess. His own action in appointing Estes to the National Cotton Advisory Board after Estes had been fined $48,000 for violations of the Department's regulations was certainly a doubtful one.

On April 16, I introduced a resolution authorizing and directing the Departmental Oversight Subcommittee to make a full and complete investigation of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture and I feel today it is time to stop the foot-dragging contest. This body should fulfill its responsibilities by quick and decisive action.

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to join my colleague, the gentleman from Kansas [Mr. DOLE], in calling for a thorough investigation by the appropriate committee of this House of the shocking events that have apparently taken place, in the case involving Billie Sol Estes. I think the revelation that has occurred over the weekend involving a very important and a very high level official of the Department of Labor indicates that the time has come for a thorough housecleaning to take place. I realize that there is a committee in the other body that is going to proceed with an investigation, but at the same time I think it is important that this House take action; that we realize that we have a responsibility to have a thorough investigation made by a committee in this House along this line. In that connection I joined with the gentleman from Kansas in introducing a resolution which calls for an investigation either by the full committee or by an appropriate subcommittee of the House Committee on Agriculture, and I would hope—and I address myself particularly to the gentlemen on that side of the aisle—that they will be as anxious to proceed in this matter as they were during the 8 years of the Eisenhower administration.

Only 12 days elapsed between the time that Sherman Adams was first publicly implicated with Bernard Goldfine and the time that he appeared before a committee of Congress. This is in sharp contrast to the Billie Sol Estes case where several months have gone by and yet no top ranking official of the Kennedy administration has been hailed before a committee of Congress to explain this case.

In view of the billions of dollars that are being spent in connection with our farm programs, we certainly have a right to demand that the administrators of these programs completely lay to rest any doubt concerning their fairness and impartiality in disbursing funds under these programs.

JERRY R. HOLLEMAN

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Speaker, I rise as a matter of personal duty, I think, inasmuch as mention has been made of the revelations over the weekend concerning Assistant Secretary of Labor Jerry Holleman.

I certainly am not objecting here to the proposal for an investigation of the Department of Agriculture or of any other department of Government. I most certainly do not condone an action on the part of any Federal official in accepting gratuities from an individual who, in private matters, would have business to promote with the Government.

But, as a fellow Texan I know Jerry Holleman and have for a number of years, and I think I would be less than a man if I were to fail to say to you at this moment when he is under public criticism that I have always found him to be an honest and an honorable person.

I do not believe that anyone in public office should lightly accept even a loan from a private individual. But at the time this gratuity was offered, there was no reason for him to know, and I feel sure that Jerry Holleman did not know, of the involvements which have later come to light. This came at a time when he was facing some very severe personal crises. His wife has had some very heavy medical expenses.

It is easy enough for us to moralize and to say that he should not have accepted financial assistance; yet the truly crucial question would be whether or not he allowed it to compromise him, and I have seen no evidence or even any indication that he did. I believe his basic integrity in this particular matter is attested by the fact that, despite the benefit he accepted at the hands of Mr. Estes, he emphatically declined to use his official position in the only matter in which a decision within his province could have redounded to the personal advantage of his benefactor. I think it should be pointed out that the man, Estes, who made the gift or loan, would have had only one real interest in the Labor Department, and that would be in the assignment of more bracero farm labor, especially for use in operating tractors, and on that particular issue Jerry Holleman's integrity would be seen in the fact that he held very firmly to a policy of denying this privilege to West Texas farmers of whom Billie Sol Estes was a prominent member. When he had a chance to do an official favor for the man who had done a personal favor for him, he did just exactly the opposite.

I have not fully agreed with Jerry Holleman on that particular matter, incidentally nor on certain other matters. As a matter of fact, Mr. Speaker, I certainly owe him no political obligation whatever, because the only opportunity he or the organization with which he was then associated would have had to have given me assistance was when I was running for the Senate in the special election last year. They withheld it from me, and gave it to another. Yet I must say in honesty when it is so easy to condemn without comprehending, so easy to kick a man when he is down, that notwithstanding these occasional points of disagreement, I believe Jerry Holleman is an honorable man and an honest man. He stands by his convictions and fights hard for them, and you have to respect a man for this even when you do not always agree with him.

Until evidence is presented to the contrary, I am going to honor him for having been a man and having stood up and revealed this of his own volition, and for offering his resignation to protect the reputation and integrity of our Government. I will continue to believe, until some proof to the contrary is given, that this honest man was not in any way involved in anything of a scandalous nature or of a dishonorable intent.

U.S. TREASURY WITHDRAWALS

Mr. JONAS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONAS. Mr. Speaker, the daily statement of the U.S. Treasury for May 8, 1962, shows that cash withdrawals from the U.S. Treasury amounted to $90.2 billion for the 10-month period beginning July 1, 1961. This contrasts with cash withdrawals of $81.8 billion during the comparable 10-month period beginning July 1, 1960. In other words, the executive departments and agencies of the Government have withdrawn in cash from the U.S. Treasury $8.4 billion more during the last 10-month period than they did during the previous comparable 10-month period.

Of the $8.4 billion increase in cash withdrawals, only $2.9 billion is attributable to the Defense Department, including military assistance. The remaining $5.5 billion of increases range across the board, with the biggest civilian increase being attributable to the Commodity Credit Corporation which withdrew $3.9 billion during the immediate past 10-month period as contrasted with $2.5 billion in the 10-month period beginning July 1, 1960.

These substantial increases in spending or cash withdrawals are reflected in the changes in the public debt. The May 8, 1962, daily statement of the U.S. Treasury shows that on that date the gross public debt and guaranteed obligations subject to statutory limitations amounted to $297.1 billion as contrasted with $288.3 billion on May 8, 1961—an increase in the public debt of the United States of $8.8 billion in just 1 year's time.

This same daily statement of the Treasury shows that on May 8, 1962, our gold assets amounted to $16.4 billion as contrasted with $17.3 billion on May 8, 1961—a loss of gold during this 1 year of nearly $1 billion.

These facts should be alarming to the taxpayers of the United States who put up the money to pay for increased spending. They should be equally alarming to the representatives of the people in Congress and in the executive branch of the Government. I call attention to this trend of increased spending and increased borrowing in the hope that those responsible will call a halt before it is too late.

PEACE OFFICERS MEMORIAL DAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, this week of May 13 marks the first national observance of Police Week and today, May 14, is the first Peace Officers Memorial Day in our history.

I understand that Mr. Charles Sussman, who served in the police reserve in Philadelphia, Pa., spearheaded a campaign to win national recognition of our Federal, State, and local peace officers who died or were disabled in line of duty. His persevering efforts in this important cause resulted in action being taken in 21 States to set aside 1 day as Peace Officers Memorial Day.

It also led to the introduction in Congress of a joint resolution, now Public Law 87-54, which designated May 14 as Peace Officers Memorial Day and further designated the entire week of May 13 as Police Week.

No occupational group in our Nation serves under more continuing hazards than our law-enforcement officers. They protect our citizenry 24 hours a day, at the sacrifice of their personal interest and comfort and even of their personal safety. Many of them become disabled in carrying out their task of safeguarding our people; still others make the ultimate sacrifice of their own lives.

To the families of those noble men who have died to preserve internal order and freedom from fear of violence, and to the disabled men who have been injured in line of duty, and to their families, I offer my sincere sympathy. We honor these men for their selfless and dedicated service without which we could not hope to go about our daily lives in secure and orderly fashion.

We salute all peace officers and express our deep appreciation for their enormous contributions to the public safety.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 404)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works and ordered to be printed with illustrations:

To the Congress of the United States:

Pursuant to the provisions of section 10 of Public Law 358, 83d Congress, I transmit herewith for the information of the Congress the annual report of the St. Lawrence Seaway Development Corporation, covering its activities for the year ended December 31, 1961.

JOHN F. KENNEDY.

THE WHITE HOUSE, *May 14, 1962.*

REGULATION OF SCHOOL TRANSPORTATION FARES IN THE DISTRICT OF COLUMBIA

The SPEAKER. This is District of Columbia Day. The Chair recognizes the gentleman from South Carolina [Mr. McMILLAN] chairman of the Committee on the District of Columbia.

Mr. McMILLAN. Mr. Speaker, by direction of the House District Committee, I call up the bill (S. 1745) to amend the act of August 9, 1955, relating to the regulation of fares for the transportation of schoolchildren in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume the gentleman from South Carolina will take some time to explain this bill?

Mr. McMILLAN. I expect to take some time to explain this bill, Mr. Speaker.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the regulation of fares for the transportation of schoolchildren in the District of Columbia", approved August 9, 1955 (D.C. Code, sec. 44-214a), is amended by adding at the end thereof the following new section:

"SEC. 2. If, after giving effect to any and all motor vehicle fuel tax and real estate tax exemptions, the net operating income of any common carrier required to furnish transportation to schoolchildren at a reduced fare under this Act for any twelve-month period ending June 30 is less than the rate of return by the regulatory Commission having jurisdiction in such carrier's last rate case, net after all taxes properly chargeable to transportation operations, including but not limited to income taxes, on its gross operating revenues, exclusive of any school fare subsidy, then the Washington Metropolitan Area Transit Commission shall, as soon as practicable after such June 30, certify to the Commissioners of the District of Columbia or their designated agent with respect to such twelve-month period: (1) an amount which is the difference between the total of all reduced fares paid to each such carrier by schoolchildren in accordance with this Act and the amount which would have been paid to each such carrier if such fares had been paid at the lowest adult fare established by the Commission for regular route transportation; and (2) an amount which is the amount by which each such carrier's net operating income is less than such rate of return established by the appropriate regulatory commission in the carrier's last rate case, after giving effect to the aforesaid tax exemptions, exclusive of any such school fare subsidy. Upon such certification, the Board of Commissioners of the District of Columbia shall pay to each such carrier an amount equal to the amount certified pursuant to clause (1) hereof; except that in no event shall such amount exceed the amount certified pursuant to clause (2) hereof."

SEC. 2. The amendment made by the first section of this Act shall be applicable with respect to the twelve-month period ending on June 30 next following the date of enactment of this Act, and to each twelve-month period thereafter.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 2, line 3, immediately after the word "return" insert the word "established".

The committee amendment was agreed to.

Mr. McMILLAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the Senate passed the bill under consideration last year. Our committee held hearings on the bill and came to the conclusion that with an amendment it would meet with the wishes of the District Commissioners. We also changed one or two provisions that were objectionable to several members of our committee. I think a majority of the members of the committee feel now that it is a reasonable piece of legislation. And is only doing for the Capitol Transit Co. what was intended under the District Franchise Act. The State taxes the people in South Carolina to transport children to and from school and does not expect the private bus companies to handle or transport children to and from school at half price.

Mr. HARSHA. Mr. Speaker, I move to strike out the requisite number of words.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to proceed for an additional 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HARSHA. Mr. Speaker, to say the least this bill certainly provides a new concept in public or private utility law. Traditional and legally utilities have been required under the law to appeal to the proper regulatory body to establish rates that will yield a fair return to the utility. If the utility is not making a fair return in accordance with the rules established by the regulatory body and under the terms of its franchise, then the regulatory body will grant a rate increase. If the regulatory body acts capriciously or arbitrarily about granting a rate increase, then the utility can take the issue to the courts and have the matter determined there.

However, this bill, S. 1745, attempts to circumvent the regulatory body and the established rate adjusting procedure and provides a subsidy to guarantee an established rate of return rather than a rate increase. Traditionally the users or beneficiaries of a utility are required to pay for its services, but under S. 1745 an attempt is made to make the general taxpayer pay for this service—a service which he does not use or from which he derives no personal benefit.

This bill, if enacted, will establish a dangerous precedent. Under the theory advocated in this legislation, there is nothing to prevent other utilities from coming to Congress and asking for a subsidy to meet increased operating costs instead of asking for increased rates. What is to keep the electric company from coming in here and saying, we want to expand our service, we want to cover a larger area and obtain more customers, but this will take additional funds. We do not want to raise our rates because we may lose some customers, yet we want to maintain our rate of return, so you granted the transit company a subsidy instead of increasing its rates. We want a subsidy so we would not have to increase our rates. You can readily see what a ridiculous situation we will find ourselves in if this legislation is adopted. The ramifications are many and the principle is erroneous.

Aside from that, there are some features of this bill that I want to call to your attention.

In effect, this subsidy would make the fare of schoolchildren the same as that charged for adults and I doubt that it should be, because schoolchildren generally ride shorter distances than adults. The afternoon ride by schoolchildren is before the evening rush, schoolchildren generally do not ride in the congested downtown area where operating costs are high, the riding habits of schoolchildren are predictable and fairly uniform, and the number of schoolchildren is decreasing in proportion to the adult riders. The foregoing indicate that the costs of transporting schoolchildren are less than adults and therefore, their rates should be less.

Furthermore, I have the results of a study conducted by the American Transit Association in the 30 largest cities in the United States. In the majority of these cities, the school fare is not more than one-half the adult fare. I know of no city included in the list where there is an outright subsidy for the difference between the school fare and the adult fare such as is provided for in the proposed legislation. I include this study at this point in my remarks:

Student fares in 30 largest cities

	Student fare	Equivalent adult cash fare	Time restrictions, schooldays from—
New York City Transit Authority:		*Cents*	
Rapid Transit:			
High school	10 cents (round trip)	15	7 a.m. to 6 p.m.
Elementary	$1 per month	15	Do.
Surface:			
High school	5 cents	15	Do.
Elementary	$1 per month	15	Do.
5th Avenue Coach Lines, Inc	60 cents per month	15	None.
Surface Transit, Inc	50 cents per week	15	7 a.m. to 4:30 p.m.
Chicago	13 cents (4 for 45 cents)	25	None.
Philadelphia	7½ cents (10 for 75 cents)	20	7 a.m to 5:30 p.m.
Los Angeles (3 3-cent tickets required for 1st zone; 1 3-cent ticket for each additional zone).	9 cents ($3.60 per book)	17	6 a.m. to 4:30 p.m.
Detroit	10 cents, plus 5 cents for transfers	20	7 a.m. to 5 p.m.
Baltimore	10 cents	25	7:30 a.m to . p.m.
Cleveland:			
Local	$1 per week	20	6 a.m. to 6 p.m.
Express bus and rapid transit	$1 per week plus 5 cents per trip	25	Do.
St. Louis	15 cents with identification badge at $1 per semester.	25	7 a.m. to 4:30 p.m.

Student fares in 30 largest cities—Continued

	Student fare	Equivalent adult cash fare	Time restrictions, schooldays from—
		Cents	
Washington	10 cents (10 for $1)	20	5:30 a.m. to 7 p.m.
Boston	5 cents (5 for 25 cents)	20	None.
San Francisco	5 cents (10 for 50 cents)	15	6:30 a.m. to 6 p.m.
Pittsburgh	$1.25 per week	25	6 a.m. to 4:30 p.m.
Milwaukee	$1 per week	20	6:30 a.m. to 4:45 p.m.
Houston	10 cents cash (18 for $1.50) 8.33 cents	22	None.
Buffalo	10 cents	20	7 a.m. to 4 p.m.
New Orleans	7 cents	7	None.
Minneapolis	10 cents	20	Do.
Cincinnati	13 cents cash (10 for $1.15) 11.5 cents	25	7 a.m. to 10 p.m.
Seattle	15 cents	20	None except 4:15 p.m. to 6:30 p.m.
Kansas City	No special school fare; children under 12, 10 cents.	25	None.
Newark	6 cents per zone	12	Do.
Dallas	9 cents (20 for $1.80)	19	Do.
Indianapolis:			
Grade school	5 cents	15	7 a.m. to 6 p.m.
High school	10 cents	15	Do.
Denver	8 cents cash (2 for 15 cents)·7½ cents	15	None.
San Antonio	5 cents single zone; 8 cents 2 zones; 10 cents 3 zones; 13 cents 4 zones.	[1] 17	Do.
Memphis	5 cents	15	7 a.m. to 6 p.m.
Oakland	10 cents cash	25	6:30 a.m. to 5:30 p.m.
Columbus	Children under 12, 10 cents cash	20	None.
Portland, Oreg	10 cents through 8th grade; 15 cents 9th to 12th grade.	25	None except 4 p.m. to 6:30 p.m.
Louisville	9.25 cents (20 for $1.85)	20	7 a.m. to 5 p.m.

[1] Single zone; 5 cents each additional zone.

Source: American Transit Association "Transit Fares."

This bill uses the rate of return over the entire operation, including Maryland, to measure the need for the subsidy. This creates an inequitable burden upon the District of Columbia, as the operation in the District is more profitable than that in Maryland.

A comparison of the miles and hours operated in the District of Columbia and in Maryland for the years 1957 through 1961 shows the following:

Total miles operated

Year	District of Columbia	Maryland	Total
1957	26, 513, 391	3, 453, 141	29, 966, 532
1958	26, 242, 605	3, 839, 624	30, 082, 229
1959	26, 058, 449	4, 204, 582	30, 263, 031
1960	25, 819, 093	5, 340. 686	31, 159, 779
1961	25, 404, 314	5, 892, 370	31, 296, 684

Total hours operated

Year	District of Columbia	Maryland	Total
1957	2, 905, 786	325, 656	3, 231, 442
1958	2, 864, 434	359, 132	3, 223, 566
1959	2, 844, 279	393, 104	3, 237, 383
1960	2, 789, 861	483, 555	3, 273, 416
1961	2, 719, 582	539, 916	3, 259, 498

The above clearly shows the reduction in miles and hours operated in the District of Columbia versus the expanded operation in Maryland. Any subsidy to be paid by the District of Columbia should be measured by the rate of earnings in the District of Columbia alone. Otherwise, the District will be subsidizing the company for low earnings and higher operating costs in Maryland.

At the present Federal, District of Columbia, and Maryland income tax rates any amount paid to D.C. Transit in the form of a subsidy results in a greater windfall to the tax collectors—approximately 55 percent of the amount paid—than to the company. Subsidies which in the final analysis are going to be borne by the public should not serve to benefit the tax collectors more than the recipient of the subsidy.

The determination of the need for the subsidy, which involves a determination of the rate of earnings annually, should be made by the District of Columbia Public Utilities Commission, as this agency has been designated as the proper agency to determine the exemption of D.C. Transit for payment of motor vehicle fuel tax and real estate tax to the District of Columbia. Such exemptions, or subsidies, are burdened upon the District of Columbia alone, and a purely District of Columbia agency should determine the need and amount of all such subsidies.

This company is already getting two additional subsidies.

The motor vehicle fuel tax exemption for the 12 months ended August 31, 1961, amounted to $461,744, and will be greater hereafter following the final conversion from rail to bus effected by the company on January 28, 1962.

The real estate tax exemption now being received by D.C. Transit currently amounts to approximately $120,000 annually, and will probably increase.

The above two subsidies will total more than $600,000 annually and an additional potential of over $500,000 annually in the form of a school-fare subsidy, will bring the amount of subsidy that the company will receive to over $1,100,000 annually. In comparison, the actual earnings of the company for the 12 months ended August 31 of each year amounted to:

1957	$761, 076
1958	679, 687
1959	[1] 941, 558
1960	1, 034, 495
1961	1, 379, 507

[1] Motor fuel tax in the amount of $381,719 paid for this period.

Congress therefore will be granting the company a subsidy practically equivalent to its earnings.

These are just a few of the reasons why this legislation should be defeated. Under this bill, there is no incentive to the company to provide efficient, useful service. In other words, if we do not run an efficient, profitable business, we just go to the Hill and ask for more money. This is not a public-owned utility, but a privately owned one—for profit and I am sure this company is going to continue to make a profit or apply to the proper regulatory body for adequate rates to insure a reasonable profit.

In effect, if you pass this legislation, you will be requiring your constituents to pay the difference between the 10-cent fare and the adult fare up to the rate of return authorized by the Utility Commission. I doubt if you can explain that to the voters this November.

Mr. Speaker, the law already authorizes the company to charge 12½ cents for schoolchildren and if it is not making the rate of return under 10-cent fares that the Utility Commission says it is entitled to, I am sure the Utility Commission will permit the additional 2½-cent increase. This is the proper method of securing needed funds and should be followed in this instance. I trust this precedent-setting legislation will be defeated.

Mr. BROYHILL. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I rise in support of the bill, S. 1745. The gentleman from Ohio stated this was a new concept for providing relief for a public utility. I submit this is not a new concept. I ask the gentleman from Ohio to name any public utility which has to subsidize school fares for schoolchildren. What we are merely attempting to do here is to shift the burden and the cost and the responsibility for transporting schoolchildren from the transit rider or the transit company, if you please, to the taxpayers as a whole where it rightfully belongs because in practically every community in this Nation, or in every community that I know of, the community provides the full cost and assumes the full responsibility for transporting schoolchildren. The gentleman states that this should be submitted before the Public Utilities Commission to provide this relief. However, there is a legal limit as to what the Public Utilities Commission can do in this case because it is provided by law that the schoolchildren in the District of Columbia shall be transported at no more than half the maximum adult fare.

The only relief that can be provided under existing law through the Public Utilities Commission is to increase the cost of transporting the schoolchildren from 10 cents per ride to 12½ cents. That will only provide additional revenue of approximately $131,000, and will not be sufficient. Furthermore, there is doubt as to whether or not the schoolchildren can afford to pay the additional 2½ cents. So I maintain the deficit in the transportation of these schoolchildren, whichever formula is taken, should be borne by the taxpayers as a whole.

It is interesting to note the effect on the transportation system. The schoolchildren are transported during the peak hours when the maximum equipment is needed on the streets for general transit use. In fact it is estimated that the actual cost to the transportation system is 20.4 cents a child.

In the franchise that was granted to the D.C. Transit System in 1955 the Congress stated that they should have an opportunity to earn 6½ percent on their rate base, or on the base value of their equipment and their investment. The legislation also stated that they could earn 6½ percent of their gross revenue. Subsequent to that time the Public Utilities Commission did rule that 4.9 percent of the gross operating revenue should provide a sufficient income for the transit company.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield.

Mr. McMILLAN. Is it not a fact that the Capital Transit Co. of Washington, D.C., is about the last privately owned transit company in the United States anywhere near its size?

Mr. BROYHILL. I thank the gentleman for his observation. I think that is a very strong point and I was coming to that in just a minute.

We have legislation pending in the Congress to provide $500 million for assistance to metropolitan areas to improve their transportation systems, actual subsidies for transportation companies or, rather, actually, to get the public in the transportation business; yet here we have a fine, well-equipped, well-managed transportation company in the District of Columbia privately owned and we are merely asking you not for a subsidy but to provide relief for the company so they will not need a subsidy.

Not to grant the relief here provided would be basically to take the reverse action to that proposed by the President in this $500 million transportation bill.

There are two limitations in this bill. First of all, it provides that the lowest adult transportation fare should be charged for transporting the schoolchildren. But the receipt of that amount will not provide income to the transportation company in excess of 4.92 percent of its gross operating revenue.

The SPEAKER. The time of the gentleman from Virginia has expired.

(By unanimous consent, Mr. BROYHILL was allowed to proceed for 5 additional minutes.)

Mr. BROYHILL. As I say, there are two limitations in the bill: That they cannot exceed the lowest charged adult fares; and, secondly, it must not permit the income of the transportation company to exceed 4.92 percent of its gross operating revenue. The company last year actually received a net income less than what the Public Utilities Commission had already considered to be the minimum operating income for the transportation company to have. In addition, this year they have an increase in operating expenditures caused by a 5-percent wage increase that went into effect April 1 of this year, which amounts to an increase of $315,000 a year in operating costs.

That does not include other fringe benefits the company has had to provide. Unless this bill is passed, the company this year and in future years, as operating costs increase, is going to make far less than 4.92 percent. The only other way they can get an increase in revenue to take care of increase in costs is to go before the Public Utilities Commission and ask for an increase in fares. The amount of fares that can be charged to the public are right at the point of diminishing returns now, and that is the reason there are people proposing that we provide a subsidy for these transportation companies and for the public getting into the transportation business.

I submit to you the best thing to do here is to help a healthy free enterprise system to improve its service and to survive and not call upon them to subsidize a school system here in the Nation's Capital. I do not know of any other city of comparable size where the privately owned utility or the privately owned transportation company is called upon to subsidize the public school system.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from South Carolina.

Mr. McMILLAN. Is it not a fact that only about 20 percent of the children in the District ride the street cars and buses at the present time, and this affects only about 20 percent of the children in school to be subsidized by this bill?

Mr. BROYHILL. I thank the gentleman again for his observation and he is absolutely correct. I would like to repeat again for emphasis here that we are not asking for a subsidy to be provided the transportation company. On the contrary, we are asking the Congress to relieve the transportation company and the riders, if you please, from the responsibility and obligation of a subsidized school business.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Ohio.

Mr. HARSHA. Is not the utility or the transportation company being paid for that service?

Mr. BROYHILL. Certainly the users of the utility are paying for the service, the people who have to ride the transportation system, and those we want to ride the transportation system. We have a problem of traffic congestion in our metropolitan area and we are trying to encourage more people to ride the public transportation system. But now the riders of the system are being called upon to pay an additional fare in order for the schoolchildren to be carried at the lesser fare.

Mr. HARSHA. It is not the additional cost to the schoolchildren that is adding to the burden of the expense of operating this unit but the additional adult fare, is it not? The testimony by the officers of the company indicated that the number of schoolchildren is declining as compared to the increase in the number of adult users.

Mr. BROYHILL. I do not know about that.

Mr. HARSHA. The adult users are driving the expenses up. The argument that we are going to have to pay our drivers a higher wage next week applies to the adult users also, and they should share in that expense.

Mr. BROYHILL. Certainly.

Mr. HARSHA. The gentleman is asking the general taxpayers of the United States to subsidize this transportation company.

Mr. BROYHILL. I am asking that the District of Columbia taxpayers and the District of Columbia budget pay for the transportation of their schoolchildren.

Mr. HARSHA. And $30 million of that budget comes from the budget of the Nation.

Mr. BROYHILL. We have argued that before. Out of a total budget of $280 million the Federal payment of $30 million to be included therein is a direct cost to the Federal Government that owns 50 percent of what would be the taxable property in the Nation's Capital.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Ohio.

Mr. ASHBROOK. The gentleman from Virginia made a point of the problem that might be had in transportation companies in other cities. Was there anything in the hearings that this should be extended to other municipalities that might be facing the same problem as in the Nation's Capital? Would there be a similar obligation on the part of the Government as there is in the District of Columbia?

Mr. BROYHILL. We are the state legislature for the District of Columbia. We are not legislating on the transportation rules and regulations intrastate in the other communities of this Nation. I would point out that in other communities, certainly in my community, the taxpayers in the community carry the full burden of transporting the children to and from school. In the Nation's Capital we have been requiring the private enterprise to carry these schoolchildren at rates far below cost.

Mr. Speaker, let me summarize the problem again as I see it, as follows:

The franchise which the Congress granted to the D.C. Transit System, Inc., in 1955 included the following provision:

> The Congress finds that the opportunity to earn a return of at least 6½ percent net after all taxes properly chargeable to transportation operations on either the system rate basis or on gross operating revenues shall not be unreasonable.

The District of Columbia Public Utilities Commission accordingly established a ceiling of 6.5 percent on the system rate basis as the maximum allowable net earnings for the company. In March of 1960, the Commission converted this formula to 4.92 percent of the company's gross revenues on operations in the city; which figure was designed to keep the company's net earnings at about the same level.

For some years, the law has provided that school children shall be transported in the District of Columbia at a fare not to exceed one-half the highest adult fare, and the D.C. Transit System's charter requires them to provide this service. At the time D.C. Transit's franchise was granted, past experience with transit operations in the District indicated that the fair net return could be attained without altering this system of half fares for schoolchildren. And as a matter of fact, this did prove to be the case for the first several years of D.C. Transit's operation. More recently, however, this picture has changed.

Figures obtained from the Washington Metropolitan Area Transportation Commission reveal that for the year ending August 31, 1961, the net profit allowable to the D.C. Transit System as 4.92 percent of its gross operating revenues in the District amounted to $1,439,776, and the company's actual net earnings for that period, net after taxes, was $1,379,507, or $60,269 less than the limit imposed. While this difference is comparatively small, the picture is further complicated by the fact that the Transit System granted a pay increase to its employees in April of 1962, and the resulting increase in operations expenses will certainly reduce the net earnings of the company this year substantially below the figure presently allowed.

The fare for schoolchildren is now 10 cents, and under the law this could be increased by permission of the regulatory authority to 12½ cents. However, this would increase the transit company's income by not more than $131,000, which would not be sufficient in the face of rising costs of operation to provide the reasonable return, net after taxes, to which the company is entitled.

S. 1745 seeks to solve the dilemma by authorizing the District of Columbia Board of Commissioners to pay the D.C. Transit System each year the difference between the school fares collected and an equal number of fares at the lowest adult rate. This difference is presently 10 cents, and since approximately 5,400,000 schoolchildren's fares are paid per year, this could amount to a payment of $544,000 per year. However, the bill further provides that this subsidy cannot exceed the difference between the company's net earnings for the year and the profit ceiling prescribed by the Transportation Commission. Therefore, had this legislation been in effect during the year ending August 31, 1961, the figures quoted above would have entitled the D.C. Transit Co. to a subsidy for that year of approximately $120,000, which would have provided the company with the differential of some $60,000 net after taxes.

If we do not take this step in relief of the transit company, the only apparent alternative would be a general fare increase. I am opposed to this, because the schoolbus fare subsidy is an integral part of the cost of operation of the District's public school system, and I feel strongly that such an expense should be borne by all the citizens of the District of Columbia rather than by those who patronize the transit system.

For this reason, I support S. 1745 and urge its passage.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. HALEY. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I think that we are getting back now to probably having to take care of a mistake—at least, I thought so—when we passed the Capital Transportation Act of 1955. At that time I think some Members of Congress were quite exercised that somebody take over this franchise. I want to say that we had a corporation operating this franchise who at that time had never asked the District of Columbia or the taxpayers of the United States for one dime. But, Mr. Chalk and his cohorts came in here and said, "Just give us this franchise and we will give you better service and we will never come back for any more money."

I would like to say this: In the first place, I think that we have a rather unique way here of determining what the profits of this corporation will be. It is not based on capital investment. It is based on the gross income of the corporation. How much, then, may I ask, is that percentagewise on the amount of capital invested, which is the criteria used by practically all of the regulatory agencies in other parts of the United States? I think also that this matter of the earnings of this corporation is under study by another committee or commission of the District of Columbia. May I inquire of the gentleman from South Carolina if that is true?

Mr. McMILLAN. I could not say. I have heard rumors that they were having a study made.

Mr. HALEY. What is the necessity, then, here of passing this legislation, guaranteeing a corporation certain profits; a corporation that came in here pleading to get this franchise just a few short years ago, saying "Give it to me." Why should we subsidize that corporation when we would not do anything for the previous corporation? I would just like to ask the gentleman from Virginia how he justifies that kind of a situation. I think this is a bad piece of legislation. I do not think it should be passed.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. HALEY. I yield to the gentleman from Virginia.

Mr. BROYHILL. The gentleman will recall at the time that this franchise was awarded, the tendency on the part of the majority at that time, and certainly the District of Columbia Commissioners, was to run out of town the predecessor of this company who was at that time doing a good job; in fact, it seemed to be the tendency they wanted to destroy a well-operated, privately owned public utility system. So, I do not find myself in disagreement with the gentleman from Florida as to what happened at that time or, rather, in disagreeing with what happened at that time in setting up the franchise. However, we did set it up in this way. There was a very good chance of our going into public ownership of the private utility. They in effect guaranteed a 6½-percent return on the rate basis or on the gross operating revenue. The Congress stated at that time that 6½ or 7 percent on gross operating revenues would not be unreasonable, but the Public Utilities Commission has reduced that to 4.92 percent.

Mr. HALEY. Am I correct in the statement that the previous corporation was giving good service? It had operated this transportation system without cost of one dime to the people of the District of Columbia or the taxpayers, and simply because certain people down here in the District of Columbia wanted to get them out, the Congress and the Commission of the District of Columbia pushed these people out and turned it over to a man who comes in now with his hands out. I think the bill should be defeated.

Mr. GROSS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I would like to get completely clear the situation with respect to this legislation. I ask the gentleman from Ohio [Mr. HARSHA] if this legislation does not amend the existing franchise?

Mr. HARSHA. Mr. Speaker, if the gentleman will yield, the existing franchise provides that a rate of return of 6.5 percent of the gross operating revenues is not an unreasonable rate of return for this company to make under the circumstances. However, the Public Utilities Commission, after deliberate consideration, ruled that the company would be entitled to 4.92-percent rate of return on its gross operation revenues. So, there is a conflict between what the original franchise authorized and what is a reasonable rate of return as interpreted by the Public Utilities Commission.

Now, this bill attempts to provide, instead of going through the regular, normal channels of dealing with the Public Utilities Commission for a rate increase, that they may receive the rate of return the Commission says they are entitled to, and tries to use the thinking of the Congress to support the thinking of the Public Utilities Commission. It in effect authorizes a subsidy to bring up the returns to the amount that the Utilities Commission had authorized.

Mr. GROSS. Do I understand that under the existing franchise the transit owners could increase the rate 2.5 cents—that they have an unexhausted 2.5-cent rate which they could use? In other words, they could increase the fare for schoolchildren from 10 cents to 12.5 cents?

Mr. HARSHA. The law says that the school fare rate shall not be more than 50 percent of the lowest adult rate, which would mean that the school fare could be 12.5 cents. But they would still have to get the approval of the Public Utilities Commission in order to charge that rate of 12.5 cents.

Mr. GROSS. Do I understand further that this legislation is made necessary by virtue of the fact that wage increases have been granted to the employees of the transit company?

Mr. HARSHA. If the gentleman will yield further, that was the argument of the representatives of the company which appeared before our committee; yes, sir.

Mr. GROSS. Has President Kennedy heard of this situation?

Mr. HARSHA. I cannot answer that question for the gentleman.

Mr. GROSS. It seems to me that only about 2 weeks ago the President took drastic action in a case where there had been wage increases, and said to a certain industry in this country that it could not increase prices, which in this case would be in the nature of a rate increase. I wonder if the gentleman knows whether the President has heard of this, or whether he has issued any statement in this connection? Does the gentleman know about that?

Mr. HARSHA. I cannot answer that question because I do not know whether the President has ruled on it or not. But I believe, in order to give the gentleman some information on this subject, that the rate increase was authorized in the last contract negotiations of a year ago.

Mr. GROSS. But, of course, it is now proposed to provide a price increase, in the nature of increased fares, is it not?

Mr. HARSHA. Yes.

Mr. GROSS. So, regardless of that, we are confronted with a price increase for this service. Has the FBI been called on by the Kennedy administration to get anyone out of bed at 3 o'clock in the morning in connection with this bill?

Mr. HARSHA. I have no information to that effect.

Mr. GROSS. I will have to agree with my friend, the gentleman from Florida [Mr. Haley] that this is not good legislation, and that what we are doing here is being requested to guarantee to Mr. O. Roy Chalk—I believe that is his name—a profit on his investment. I do not believe we do it elsewhere in the country and I oppose the bill.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. ASHBROOK. The gentleman, of course, realizes that if we have a very successful program here that educational groups and the Department of Health, Education, and Welfare will come in and show how well this has worked and ask that it be expanded throughout the country. Is not that a very distinct probability?

Mr. GROSS. That is right.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio [Mr. Harsha] and compliment him on his opposition to this measure.

Mr. HARSHA. I would like to point out that there have been two rate increases awarded to the D.C. Transit Co., one in 1958 and one in 1959, and that this will be another form of remuneration to this company.

Mr. BROWN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I have taken this time because I have been intrigued somewhat by the debate I have just heard, and because I would like to ask a question or two if I may of the gentleman from South Carolina [Mr. McMillan] or my colleague, the gentleman from Ohio [Mr. Harsha].

Mr. Speaker, I, first, believe very strongly in the free enterprise system. But if I remember correctly, when the franchise was granted to the present Capital Transit Co., a part of the arrangement made at that time was the corporation was to remove the trolley tracks as quickly as possible when they converted over to buses, and to repair the streets and put them back in good, serviceable condition. Is that correct?

Mr. McMILLAN. They were given 7 years.

Mr. BROWN. That was the responsibility of the Capital Transit Co., the new ownership that obtained this franchise?

Mr. McMILLAN. That is right.

Mr. BROWN. That leads me to another question. I have heard some rather disturbing reports recently, regarding these tracks being removed and the streets being repaired. Is the work being done by the Capital Transit Co. or is it being done by another corporation created for the purpose of doing this particular job, the ownership of which is exactly the same, or primarily the same, as that of the Capital Transit Co.? Can the gentleman tell me whether that is so or not?

Mr. McMILLAN. I could not tell the the gentleman. I was of the opinion that the Capital Transit Co. was removing the tracks. I did not know there was a separate company.

Mr. BROWN. Is it or is it not a fact that a separate corporation was formed by the same group that has control of the Capital Transit Co. for the purpose of removing these tracks and repairing the streets, as required under the franchise; and that under the contract with the Capital Transit Co. this construction corporation has been making a very handsome profit? Does the gentleman know or not know whether such is a fact?

Mr. McMILLAN. I would have to get that information from some other source.

Mr. BROWN. Does not the gentleman think, when we go into a matter of this kind, that we ought to have all of the information, including supplemental information, that might affect our decision, so that we would know what is going on here in connection with this franchise? I should like to ask the gentleman from Ohio whether he knows or not?

Mr. HARSHA. I do not, of my own personal knowledge.

Mr. BROWN. Does the gentleman know of his own official knowledge, as a member of the committee?

Mr. HARSHA. I understand there is another firm that is doing this work and that instead of removing some of the tracks they are covering them over.

Mr. BROWN. Regardless what they do, it is a separate corporation formed to repair these streets, and to do that which the Capital Transit Co. is required to do under the terms of the franchise, which is either removing the rails of the old trolley system, or repairing the streets; is that correct?

Mr. HARSHA. I cannot answer that. I do not know the connection between the two.

Mr. BROWN. Here we are about to pass on legislation which deals directly with this question, because under the franchise, inasmuch as this money is being paid to a separate corporation owned and controlled by virtually the same people, it becomes a part of the cost of operating the transit system which is taken into consideration in fixing rates under the franchise; is that correct?

Mr. McMILLAN. If the gentleman will yield, the question we had before us in connection with the bill S. 1745 was whether the public should pay the cost of schoolchildren's fares or whether the public utility should pay it as a private enterprise.

Mr. BROWN. I understand, but I also understand that there is a fellow named Billie Sol Estes down in Texas who had a great many outside connections, and engaged in some peculiar manipulations, in order to make money, and that alone ought to be a warning that when we begin to deal with matters of this kind, we should look at all the supplemental activities that might lead to the question of what rate or fare should be charged to make the profit that is guaranteed under the franchise. I am wondering if this committee will look into that? These rumors, these reports, have been floating around and should certainly have reached the ears of someone up here on Capitol Hill by this time.

The SPEAKER. The time of the gentleman from Ohio [Mr. Brown] has expired.

Mr. BROWN. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN. I am not on the Committee on the District of Columbia, I am not a financier, I am not a public utility magnate, yet these stories come to me, just as an ordinary newspaperman often gets stories, that this separate corporation was formed purposely to repair the streets, and it has been doing so at a very good profit, which has been charged against the Capital Transit Co., and it of course is added into their cost of doing business, so that in the end the people must pay higher fares in order to take care of the transit company's guaranteed profits. Does not the gentleman think that ought to be looked into a little bit?

Mr. McMILLAN. I do, and we would like very much to have the gentleman come to our committee meetings.

Mr. BROWN. I would love to sit in on some of your hearings sometime, but after all, I do not call on the gentleman to accept and meet my obligations as to committee service and I do not expect to take over his obligations, or try to carry them out for him, or for any other member of the committee.

May I say to the gentleman we have been close associates for many years. There has been no Member of the House for whom I have had a higher regard or greater esteem or more affection than my colleague from South Carolina. Certainly I do not blame him in this matter. But I am simply calling it to his attention in order to perhaps be of assistance to him, and to prevent some further repercussions later on in connection with this whole problem.

Mr. McMILLAN. I assure the gentleman we would like very much to go into this matter thoroughly. This is the first time I have heard of it.

Mr. BROWN. I hope you will forgive me for bringing it out, but I could not resist calling attention to it in this debate.

Mr. HARSHA. If the gentleman will yield, there was nothing brought before the committee in this hearing on this bill in relation to the corporation to which the gentleman has referred.

Mr. BROWN. Certainly not—and I can understand why not.

Mr. HARSHA. As the chairman has pointed out, we will be glad to enter into an investigation of this matter.

Mr. BROWN. I agree with the gentleman on that, but I am pointing out that we should go into what is being done in connection with other matters by this same group of people as to determine whether or not they are entitled to an increase in fares and in passenger rates.

Mr. McMILLAN. Mr. Speaker, I offer certain committee amendments.

The Clerk read as follows:

Committee amendments offered by Mr. McMILLAN:

Page 1, line 10, following the word "income" insert the words "from mass transportation operations in the District of Columbia".

Page 2, line 2, strike "June 30" and insert in lieu thereof "August 31".

Page 2, line 7, strike the word "revenues" and insert in lieu thereof "revenues in the District of Columbia".

Page 2, line 9, strike "June 30" and insert in lieu thereof "August 31".

Page 2, line 18, following the word "income" insert the words "from mass transportation operations in the District of Columbia".

Page 3, line 5, strike "June 30" and insert in lieu thereof "August 31".

The committee amendments were agreed to.

Mr. COHELAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I take this time because I want to get something clear in my own mind as a member of the committee. Do I correctly understand that the amendments which were just adopted were the amendments which were recommended by the District of Columbia?

Mr. McMILLAN. The gentleman is correct. They are clarifying amendments.

Mr. COHELAN. Is it not also true that in the Commissioner's letter they indicate that with these amendments they now recommend the bill be passed?

Mr. McMILLAN. That is correct.

Mr. COHELAN. I thank the gentleman.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HARSHA. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. In accordance with the unanimous-consent agreement heretofore entered into, the further consideration of the bill is postponed until Wednesday next.

THE 1963 WHEAT ACREAGE ALLOTMENTS AND MARKETING QUOTAS

Mr. BREEDING. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 185) to defer the proclamation of marketing quotas and acreage allotments for the 1963 crop of wheat.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

Mr. LANGEN. Mr. Speaker, reserving the right to object, may I inquire of my colleague whether this legislation has been checked with the minority leadership both on the Committee on Agriculture as well as the House leadership?

Mr. BREEDING. I have checked this with the leadership on both sides of the aisle and find no opposition.

Mr. LANGEN. Can we have an explanation of the purpose of this resolution?

Mr. BREEDING. Mr. Speaker, the purpose of this joint resolution is to save the Department of Agriculture the administrative expense of issuing wheat acreage allotments and marketing quota proclamations on May 15, as required by law, in view of the fact that wheat legislation is now pending in the Congress and that any proclamation made on May 15 would, therefore, probably be rendered ineffective by a new wheat program.

This joint resolution will change the date for this year's proclamations to June 15.

Mr. GROSS. Mr. Speaker, further reserving the right to object, is this the legislation which previously passed the House?

Mr. BREEDING. Not this year, but it did pass the House a year ago.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the Senate joint resolution?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of Agriculture may defer until June 15, 1962, any proclamation under section 332 of the Agricultural Adjustment Act of 1938, as amended, with respect to a national acreage allotment for the 1963 crop of wheat and any proclamation under section 335 of such Act for such crop of wheat.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House resolution was laid on the table.

PHILIPPINE WAR DAMAGE REHABILITATION

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, the failure of the House to approve the appropriation of $73 million to provide for the settlement and complete the payment of the balance due on Philippine war damage rehabilitation claims adversely affected our Philippine-American relations.

I regret that President Macapagal decided to cancel his visit to the United States. There is no doubt in my mind that the action of the House of Representatives last Wednesday on the Philippine rehabilitation bill did not reflect the true attitude of the American people and Congress toward the Philippines.

After the vote last Wednesday, no less than a score of Congressmen who had voted against the measure advised me of their regrets and expressed hope they would have an opportunity to correct the RECORD. At a meeting last Friday with the Democratic leadership of the House—Speaker McCORMACK, Congressman ALBERT, representatives of the White House and State Department, it was decided that the bill would be reintroduced today with clarifying amendments.

Advised that the bill will be modified to meet the objections expressed during the debate on the measure, Congressman HAYS stated that he will not oppose the legislation. The reintroduction of the bill will give those who had expressed their regrets on the vote they cast last Wednesday an opportunity to correct the RECORD.

As I have stated in trying to analyze the vote, it was obvious that many Members who had opposed the measure did not have a full understanding of the intent and purpose of the legislation and were not fully aware of the moral obligation of the United States to the Philippine claimants.

The bill reintroduced today jointly by the gentleman from California, Congressman GEORGE P. MILLER, the gentleman from Minnesota, Congressman JUDD, the gentleman from Michigan, Congressman BROOMFIELD, and myself amends section 1 of the bill providing that all payments, whether in dollars or pesos would be subject to the provisions of section 104(c) of the Rehabilitation Act of 1946. This amendment will require the test of reinvestment of amounts equal to or greater than the claims due, in the economy of the Philippines. This applies to all claimants receiving over 25,000 pesos.

Further, the new bill amends section 2 by requiring that the Foreign Claims Settlement Commission complete its determination and wind up its affairs within 1 year after the last date on which application may be filed.

I am confident that the new version of the bill will receive prompt and favorable action in this body.

Mr. JUDD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. JUDD. Mr. Speaker, I have joined the gentleman from Wisconsin in introducing an amended form of the bill to complete payments authorized under the Philippine Rehabilitation Act of 1946, which bill unfortunately was voted down last week due in part to a great deal of misunderstanding and opposition to one provision of the bill, which provision is changed in the new amended bill. The debate took place on Tuesday and the vote did not come until Wednesday and was taken without further explanation of the bill. A good many Members who voted on Wednesday had been absent in their own States because of primaries on Tuesday and did not realize, I am sure, the full import of the bill both from the standpoint of the honor of the United States and from the standpoint of our foreign relations, not only with the Philippines but with all the other countries whose hope of survival, they know, depends upon American foreign policy that is consistent and dependable. These countries cannot possibly be expected to stand up against enemies like Red China and the Soviet Union unless they know that the United States will not take action which sometimes seems to them capricious or ill considered or in disregard of what are regarded by them, and by many of us, as commitments.

So I feel strongly, as do other Members of the House on both sides of the aisle, that the House should have opportunity to take another look at this matter.

The major objections raised in the debate were to a provision which allowed claimants in the Philippines who would get final payments under the bill to be free from the former requirement that they show to the satisfaction of the Commission that the money received would be reinvested in the rehabilitation of the Philippines, it having been assumed that in almost all cases, payments would be so invested or that a comparable amount of the claimants' own funds had been so invested. I prepared during the debate an amendment to correct this objection and it was mentioned on page 7968 of the RECORD. Unfortunately there was no opportunity thereafter to offer the amendment. So the only thing we can do now is to modify the bill to take care of this and another lesser objection or two and give the House a chance to vote on the amended bill with full knowledge of its contents and all it involves to a gallant ally and friend and to our foreign relations in general.

Under such circumstances I am sure that a majority of the Members of the House will want to support the amended bill.

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. BROOMFIELD] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, our newspapers today carried a story of a radio and television address by the Honorable Diasdado Macapagal, President of the Philippines, to the people of his nation.

In his speech, he stated that the rejection of the Philippine war claims bill by the House of Representatives last Wednesday was viewed with disappointment and indignation by the people of the Philippines, and that he was canceling his trip to the United States scheduled for next month.

President Macapagal said that to proceed with his plans to visit our Nation at this time would be a negation of the good will intended to be generated between the people of the United States and the Philippines.

May I state that I share the disappointment of the President of the Philippines in the rejection of this just claim. I share his indignation in this turnng of our back on a friend, in our failure to honor a debt which we owe the people of that country who have been our stanchest ally, our most solid advocate of freedom in the Far East.

Therefore, I have joined my colleagues, the gentleman from Wisconsin, Congressman ZABLOCKI, and the gentleman from Minnesota, Dr. JUDD, in introducing another bill which will permit the Federal Government of the United States to pay its past debts to a true friend.

Two changes have been made from the original bill in an effort to meet the objections expressed to this payment, on the floor last week during the debate. The first calls for a reexamination of those claims in excess of 25,000 pesos. The second calls for the Foreign Claims Settlement Commission to complete its work on the Philippine War Claims within 1 year after the last date on which applications may be filed.

It is my understanding that a number of my colleagues are anxious to vote on this new version of the bill, and that many with whom I have spoken have expressed their satisfaction with these amendments.

Last year, the Philippines paid us $20 million under the Romulo-Synder agreement. It was understood that we would then live up to our agreement made immediately after World War II to pay 75 percent of these legitimate claims against the Government of the United States to compensate in part for the bombs, the shells, the destruction brought about by the fight for these islands during World War II.

The valiant people of the Philippines showed no reluctance to fight our battle for us. They fought bravely and well, even after our forces left the islands.

We owe them a debt which cannot be measured in dollars, or pesos, or any other currency we know on the face of this earth. We owe them a debt of eternal friendship.

But we should not take advantage of our friendship. We should honor these 86,000 claims. The people of the Philippines have been more than patient since World War II for us to pay our debt to them. If we can give so unsparingly to our enemies, why must our friends suffer?

May I urge that my colleagues in the House give this bill their full support, and that we are permitted to act on this matter of such great importance to an old friend with the utmost speed.

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. GEORGE P. MILLER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GEORGE P. MILLER. Mr. Speaker, I am happy to join the gentleman from Wisconsin, the Honorable CLEMENT J. ZABLOCKI, in introducing a bill to meet our moral obligation to the people of the Philippines in paying our debt with respect to the money expended by them to help rehabilitate the islands after the establishment of the Philippine War Damage Commission.

The Government of the Philippines and the Filipino people have been loyal friends of America. We are brought together by the ties of the bloodshed by our common heroes in the battles to deny the enemy the use of the Philippine Islands as a base from which to wage war.

In 1946, we committed ourselves to pay certain sums of money to those people who expended it to help rehabilitate the Philippines and stimulate its economy. Let the record show that people who accepted the offer we made did so in good faith and we, in good faith, are obligated to pay them the money promised.

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

Mr. SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, I listened with interest to the gentleman from Wisconsin [Mr. ZABLOCKI] and the gentleman from Minnesota [Mr. JUDD] bemoaning the defeat of the Philippine handout bill in the House last week. I do not know where they get the impression that the American people are feeling so badly because the House of Representatives saved $73 million. I have not heard of any mass meetings on street corners anywhere protesting this saving.

In my opinion, the best evidence of the fact it was bad legislation is the fact that it now proposed to back and fill by introducing new and different legislation thereby admitting that the bill was not right in the first place. I do not exactly appreciate today's castigation of Members of the House for failing to pass the legislation last week.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield.

Mr. ZABLOCKI. The gentleman must be aware that there has not been a newspaper in the country that has applauded the action taken by the House.

Mr. **GROSS**. Well, I have not taken a poll of all the newspapers, and I have not taken a poll of the American people, and I do not think the gentleman from Wisconsin has done either of these things. I have not read all of the newspapers. I have read some editorials commending the Congress for defeating this legislation.

The **SPEAKER**. The time of the gentleman from Iowa has expired.

DESTINATION OF CANADIAN WHEAT SHIPMENTS

Mr. **FEIGHAN**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. **FEIGHAN**. Mr. Speaker, public speculation continues to grow on what happens to Canadian surplus grain purchased by Red China after it leaves Canadian ports for oversea ports. Last week I drew attention to the fact that a number of Canadian grain shipments had not gone to Red China, but rather had been delivered to ports in Albania and East Germany. This information was obtained by me from official sources at the Canadian Embassy. I have received additional information which confirms my belief that Red China is acting as a front for the Russians by purchasing this Canadian wheat and then arranging for its shipment into European ports of the Russian empire in order to save the empire from the consequences of serious food shortages there. Latest figures made available to me indicate that up to February 21, 1962, a total of 21.2 million bushels of wheat and barley were shipped from St. Lawrence and Atlantic ports—clearly destined for non-Asian ports. Moreover, I have been advised that of this total of 21.2 million bushels of grain shipped from Canada under the agreement with Red China, 9.9 million bushels have definitely gone to East Germany and 3.1 million bushels have gone to Albania. No information is available as to the ultimate destination of these grain foods after they reached East German and Albanian ports, but it is reasonable to assume that the Russians took over distribution so as to spread the help throughout the shaky parts of their empire. However, no information is available as to where the 9.2 million bushels of wheat and barley shipped from Canadian, St. Lawrence, and Atlantic ports were ultimately unloaded. There is growing speculation that some, and perhaps a large part, of these grain shipments went to Cuba in order to rescue the Russian puppet regime there.

I do not present this information for the purpose of causing embarrassment to the Canadian Government. It is a well known fact that substantial shipments of American surplus grain are now being made to the Russian puppet regime in Poland and in Yugoslavia. There can be no doubt that these grain shipments from the United States are saving the Polish and Yugoslav puppet regimes from facing up to widespread food shortages caused by their own failures and the failure of the system they are attempting to impose on the people of Poland and peoples of Yugoslavia. The point I wish to make is that it is time we began to evaluate the strategic values of grain shipments from any part of the free world to any parts of the Russian empire in terms of preventing the collapse of the Russian empire.

In this same connection, the Northern Virginia Sun on May 11 carried the Allen-Scott report on "Sino-Soviet Cooperation Evident in Grain Shipments From Canada." This is an enlightened report which concludes on the likelihood of the Chinese Communist regime being forced to appeal to the United States for help this summer:

ALLEN-SCOTT REPORT—SINO-SOVIET COOPERATION EVIDENT IN GRAIN SHIPMENTS FROM CANADA

(By Robert S. Allen and Paul Scott)

WASHINGTON.—The Chinese Communists' secret handling of huge grain purchases from Canada raises new doubts about the accuracy of those recurring reports of a deep Chinese-Soviet rift.

Large amounts of these Chinese grain purchases are being shipped directly from Canada to Communist East Germany, Poland, and Czechoslovakia to meet growing food shortages throughout the Soviet satellites in Eastern Europe.

In exchange, the Russians are shipping a corresponding amount of their grain by ship and rail to Communist China from eastern Soviet cities and ports.

This intriguing story of Sino-Soviet cooperation is highlighted in a Defense Intelligence Agency report pieced together from information gathered from Canadian and Eastern European sources.

It reveals that the independent Canadian Wheat Board, which negotiated the $400 million wheat and barley sales, is keeping secret many of these shipping details at the request of the Chinese Communists.

The DIA estimate confirms this column's report on April 23 that Communist China has exhausted the once-large wheat surpluses in Canada, Australia, and Argentina by buying more than $600 million of grain from these countries in the last 2 years.

This leaves the United States with a wheat surplus of 1.3 billion bushels, as the only major wheat-producing country with a surplus that China or Russia can tap to meet their increasing grain needs.

President Kennedy has said that the United States will consider an official request from Communist China for food. So far, however, Peiping has made only unofficial feelers.

Communist China's worsening food shortage is reemphasized in a report from Hong Kong that rations of the Chinese Army were cut for the second time in April.

This report also confirms other U.S. estimates that the food shortage on the mainland is growing so severe that the Chinese Communist regime will be forced to come to the United States for help this summer.

THE BILLIE SOL ESTES CASE

Mr. **CANNON**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. **CANNON**. Mr. Speaker, Administrator Godfrey, of the Agricultural Stabilization and Conservation Service, has just released to his departmental officials a memo which discusses the Billie Sol Estes case so clearly, concisely and convincingly, and which is so pertinent at this particular time, that I am including it as a part of my remarks in the CONGRESSIONAL RECORD this morning as follows:

MAY 10, 1962.

To: State ASC committeemen and State executive directors.

From: Horace D. Godfrey, Administrator, ASCS.

Subject: Billie Sol Estes case and related matters.

If you have been reading the newspapers, you are probably thoroughly confused as to the facts of the Billie Sol Estes case and related matters. It is important that you have the true facts, and it is my purpose in this memorandum to give them to you.

The Federal Government, not the Texas attorney general, developed and broke the case against Estes. He is under a Federal indictment.

Before Estes was arrested by the FBI, an employee reported to us that creditors of Estes were meeting in Texas. Although we had no reason to suspect any irregularities in grain storage operations, we assigned six examiners to work with six examiners of the Agricultural Marketing Service to begin checking CCC grain in Federally licensed warehouses, and we assigned eight examiners to check in State-licensed warehouses. This was the day before the arrest of Estes and McSpadden. As soon as the arrest was reported in newspapers, we issued a stop payment order on the McSpadden and Estes facilities and others thought to be in some way affiliated with the Estes operations.

Newspaper reports indicate nine of the biggest finance companies in the country had $34 million tied up in the Estes operations at the time of his indictment, and that West Texas farmers had signed mortgages totaling $18 million to $20 million for nonexistent anhydrous ammonia tanks.

The point is that while big businessmen and farmers of west Texas may lose many millions of dollars, the Department has not lost and will not lose anything.

Listed below are pertinent facts:

The charges and rumors involving the Department fall into fairly distinct categories—favoritism, shown to Estes by Department employees; his membership on the Cotton Advisory Committee; grain storage, including bonding requirements; cotton acreage allotment transfers from eminent domain pools; and personal conduct of employees. These categories may help you keep the various parts of the case straight in your own mind. Other aspects of the case do not involve the Department.

(a) Favoritism: The Secretary stated in a press conference on May 7 that as of this date there was no indication that favoritism had been shown to Estes by any Department employees. While the newspaper headlines have repeatedly charged "favoritism," no evidence available to us supports this charge. On the contrary, he had less favorable treatment than the average Texas warehouseman as far as grain storage operations were concerned. For example, on April 1, 1962, after takeover, CCC-owned wheat and milo occupied 58.3 percent of the space in the six Estes warehouses as compared with the State average of 62.9 percent—this in spite of many inducements that Estes had offered farmers to store grain under loan. As to cotton allotments, Estes and other people in Texas and New Mexico have been denied the right to use cotton acreage allotments obtained through transfer from eminent domain pools. Estes paid marketing quota penalties of $47,968.34 on cotton planted in 1961 in anticipation of getting allotments transferred. Other proposed transfers were held up to allow time for proof of land sales which, if bona fide, would have made the transfers valid. Most of these have since been ruled out by the Department, and marketing quota penalties totaling more than $550,000 are being assessed on additional 1961 excess acreage.

Estes was on the Department's 33-man cotton advisory committee because he was a cotton producer in an area which needed to be represented and because he was considered to be successful and respected. He was already on the informal committee, which existed several months before it was set up in present form under the Agricultural Act of 1961, when we received the investigation report covering his arrangements for cotton allotment transfers. The facts at that time did not seem to warrant dropping him from the committee, particularly while lawyers representing various persons who sought the transfers were contending strongly that the transactions in question were bona fide. It appeared that litigation would be required to settle the issue. Litigation may yet be resorted to.

At any rate, the question was whether to drop or not to drop Estes from the committee, and the evidence then at hand did not warrant dropping him.

(b) Grain storage, including bonding requirements: As related above we began checking the security of grain covered by warehouse receipts before the arrest of Estes and Coleman McSpadden. A press release has been issued indicating that we have grain in storage as represented by warehouse receipts and as of now (even though the elevators are under the watch-care of the receiver appointed by the courts) the grain in Estes warehouses is covered by a $10 million liability insurance policy underwritten by Lloyds of London. There was no special consideration given to Estes on bonding requirements. However, an incomplete financial statement was filed by a certified public accountant and as a result of the financial statement, it was determined that the bond should not be increased above $700,000. The fact that the financial statement filed by a certified public accountant was incomplete did not come to light until further check by the Department recently. The fact remains, however, that regardless of the bond coverage we have the grain covered by warehouse receipts.

(c) Cotton allotment transfers from eminent domain pools: ASCS acted promptly and responsibly in handling the Estes and similar cotton allotment cases. We conducted an investigation through our regular channels, and the investigation report was transmitted to appropriate officials by the Investigation Division on November 3, 1961. Within 2 weeks, we sent out instructions that 1962 allotments should not be issued to the farms where the questionable transfers had been sought. Immediately after the General Counsel told us by memo of December 15, 1961, that the transfers in question were probably not permissible, my office instructed (on December 22, 1961) that the 1961 allotments be canceled and notices of marketing quota excess be mailed immediately. Before these notices were completely mailed in all counties, Estes, his attorney, and other individuals involved in transfers along with their attorneys met with Department officials (while I was incapacitated for duty) and requested an opportunity to prove that the land sales were bona fide. The Office of General Counsel proceeded to draw up a form entitled "Seller's Certification of Bona Fide Sale of Land," which was furnished to States involved on January 31, 1962. Subsequent to this date the attorneys representing Estes and others requested that they be permitted to renegotiate the sales contracts or that they be permitted to change a contract to a third party. This proposal was rejected in mid-March. We subsequently set a deadline for landowners to prove the bona fide nature of land transactions on which the proposed transfers depended. We were on top of these cases all the way and handled them in the same manner that other allotment transfer cases have been handled through the years.

False charges by employee: In statements to reporters one of our employees falsely charged his superiors, specifically myself, with favoritism toward Estes. (An exclusive newspaper interview of the employee had been published Friday morning under copyright and a press conference was called to get the facts out in the open where all interested reporters could see them and to stop surreptitious reporting. He was unable to specify the manner in which favoritism was given. He was proved by his associates to be stating an untruth when he accused me of stating that I knew and approved of Estes. I do not know Estes and, of course, never made any statement indicating approval.

Anyone who has ever taken part in the handling of an investigation report in ASCS knows that favoritism would be impossible even if an employee or official wished to grant it. At least four divisions are involved, and any underhanded procedure or unwarranted decision would be widely known.

(d) Personal conduct of employees: When the Secretary learned of rumors that Department personnel had received gifts from Estes, he immediately began an investigation. Additional reports on personnel brought equally prompt action. The Secretary also asked the FBI to take charge of investigations and all pertinent information has been turned over to the FBI.

Emery Jacobs resigned after his name was brought into testimony in a Texas court of inquiry. As you know, he stated that he wished to spare the Department of harassment and that he was confident he would be able to clear himself of suspicion. The Secretary has stated that the resignation was mutually agreed upon. William E. Morris did not make himself available for questioning by Department investigators after his name had been brought into testimony in a Texas court of inquiry. He was given notice of dismissal, has appealed, and his appeal has been denied. James T. Ralph, former Assistant Secretary, appeared at a Texas court of inquiry and denied testimony that had been given against him. The Secretary has stated that further investigation is being made to settle the inconsistency of testimony.

The McClellan committee of the Senate and the Fountain committee of the House have been investigating and have received the full support of the Department. Whether hearings will be held has not been announced.

If you have any questions not answered by this memorandum, we would be pleased to have them. Please feel free to use this information in your communications with ASC committeemen and in handling press and other public inquiries.

POLITICAL "TOUCH" FOOTBALL—OR MEDICAL CARE FOR THE AGED?

Mr. SHORT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. SHORT. Mr. Speaker, I believe the American public is being treated to an exhibition of highly organized hard sell public relations for the purpose of proving the administration can keep its campaign promises regardless of whether or not the promises happen to be good for the country.

Several newspapers have reported that some 10 White House staffers have been working full time for over 3 months directing the activities of groups favoring the administration's bill to finance medical care for the aged through the social security program—King-Anderson bill.

While no one would deny the administration's right, through the White House staff, to publicly advocate programs desired by the President, some of the tactics have been so blatantly political that it occurred to me this might more appropriately be called a game of political touch football in honor of the sport which the famous Kennedy family has almost made a household word.

We who oppose the King-Anderson administration proposal, which would finance medical care for the aged through the social security program, do so because of our honest conviction that it is not needed, is wasteful of the public taxpayer's funds, and is the beginning of a series of steps in the direction of all-out socialized medicine in this country. We are being put on the spot, so to speak, by a multitude of propaganda purporting to show we are not mindful of the needs of our elder citizens, or are controlled by the American Medical Association. The AMA has been pictured as a group of money-grabbing greedy professional men, with no real sympathy for problems of the aged and ill. A few examples are pointed out to prove that the medical profession is unethical and dishonest, such as by the report released by Columbia University's School of Public Health and Administrative Medicine, which made an analysis of hospital experiences in recent years of over 250 Teamster Union members and their families.

I do not suppose any of us are naive enough to believe that all doctors are completely ethical and unselfish. But "guilt by association" is a phrase we heard much of just a few years back in connection with another menace—communism. At that time we were admonished and lectured if a congressional committee dared to call a known Communist before it—not to practice such guilt by association.

And I seem to remember that a good many of the Teamster Union officials have been and still are under suspicion of wrongdoing—but I would hardly feel it right to denounce all the Teamster Union because of this.

Wrongdoing should be searched out and corrected or punished wherever it is found. Let us just be careful that we do not tar every physician or surgeon, or every union member, or every unfortunate person who unknowingly came into contact with a Communist, with the same brush used on the true evildoer.

On March 28 of this year, 27 doctors who represented a group of 40 physicians, came to the White House to pledge support for the social security-financed program for medical care for the aged. I just recently received a pamphlet and letter from this group, which has established a Physicians Committee for Health Care for the Aged Through Social Security, and I imagine every Member of Congress received the same thing. While the long list of doctors and physicians was impressive, along with their titles, I read the pamphlet over carefully and failed to find any facts or figures to back up their contention that such medical care should be financed through the social security program. Perhaps a later issue will come out, full of proof which cannot be denied?

In connection with this group, I would like to have included in the Record, at this point, an article written by Dr. J. Spencer Dryden, president of the Medical Society of the District of Columbia, which appeared in the Washington Star of May 4, 1962.

Who Speaks for Medicine?

> Our society functions as a State medical society and as such is unique in two respects. First, it has no component societies and, second, it is geographically located at the site of our National Government. It is in the latter respect that its members see and hear much of the inner maneuvering in national politics that escapes the attention of many of their colleagues in other parts of the country. From their front-row seat in this great political arena they are privileged to observe the strategy used by master politicians.
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> A classic example occurred in our city March 28, 1962, when a news story appeared on the front page of a Washington paper under the headline, "Doctors Pledge at White House To Support Medical Care Plan." Twenty-seven outstanding doctors, it was reported, came to the White House to pledge their support of the social security approach to medical care for the aged. It was further stated that the group was thanked by President Kennedy in the White House rose garden, after which they were entertained by the Secretary of Health, Education, and Welfare at a luncheon in a local hotel.
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> It is interesting to note that of the 7 identified by name not one was engaged in the private practice of medicine, and it is logical to assume that the same applies to the other 20. They are employees of a "third party," to whom the term "doctor-patient relationship" is largely academic. How could they possibly represent medicine in a matter so vital to the future health of all our citizens, and not only just those past 65 years of age?
>
> As of 1959 there were 239,000 physicians in this country, of which 39,000 (excluding residents and interns) were "not in private practice." Of the remaining 200,000 physicians engaged in active practice, 75 percent were active—dues-paying members of the American Medical Association. It is this group of physicians that care for the day-to-day medical needs of our citizens. There can be no doubt that the AMA speaks for and has the overwhelming support of the majority who oppose any compulsory, tax-supported system of medical care.
>
> The proponents of the King-Anderson type bill seem to be showing signs of desperation. They realize that the enormous and rapidly growing voluntary prepaid health programs together with the Kerr-Mills program are rapidly fulfilling the needs for covering the cost of medical care for our population. Their sense of urgency is understandable, because the argument on which they stake the need for their program is rapidly disappearing. In their effort to make it appear to the American public and to Congress in particular that physicians generally support their position, a small group of sympathetic physicians were, according to the press, invited to Washington.
>
> The 27 physicians who visited the White House have a right to express their personal views, but, of course, it should be clearly understood that this is exactly what they have done and nothing more.

It is my feeling that this article, which surprisingly received little public attention, at least partially puts the 27-doctor testimonial to the cause of the King-Anderson bill in its proper perspective. While these doctors and professors are certainly privileged to express their views, the forum of the White House, rose garden and all, being provided these men most definitely suggests to me political touch football.

On May 1, the President had other callers, the American Medical Association group. I have read somewhere that this was not done because of the President's desire to visit with the AMA group, nor their desire to visit with him, but at the urging of the White House staff. While this may or may not be so, it was a prime bit of psychological warfare, intended to show that the President was being fair and objective in discussing this issue with the AMA group.

I am sure the President was well aware ahead of time that this would not be a repeat of the now famous steel press conference. In other words, he was not going to be able to twist the arms of the doctors to agree to a legislative proposal which they were convinced would be poor legislation for the country, as well as for the aged who needed medical care, not to speak of the future quality of the practice of medicine itself.

Now, as an approach from a different angle, the President is scheduled to address a rally later this month of senior citizens in New York City's Madison Square Garden. After that, we will be subjected to an outpouring of publicity to the effect that the majority of elder citizens want medical care, but only under the auspices of the social security-financed program such as the King-Anderson legislation would provide.

Still another approach is said to be under consideration. That of adopting the Javits-Rockefeller legislative proposal which would combine social security financing with appropriations from the general fund to pay full costs of medical benefits. This is meant to include those who would not be covered by social security. A Democrat bill may be brought out using this approach, at least some say this may come about. While the administration's "never say die" attitude toward this legislation may be considered commendable by some, I feel their effort could be expended on much more valid issues, such as correcting our imbalance of payments, reducing the national debt to a sensible figure, correcting some of the more blatant examples of waste in our foreign aid program, and possibly our general financial situation in this country might be improved to the point that it wouldn't be so difficult for either elder citizens or younger citizens to provide themselves with sufficient medical care.

Now some groups of medical men, in an effort to point up how dangerous they feel the King-Anderson proposal might be to the future of medicine in this country, have come out with resolutions to treat patients free of charge who fall in the over-65 age groups, rather than to accept fees under the Government-sponsored proposal. Resolutions adopted by a group of New Jersey doctors have come under violent attack by the Governor of New Jersey, who appears to be trying to create the impression that these doctors actually refuse to treat aged-care patients if the controversial legislation is passed. Two headlines I saw would certainly leave that impression with the casual reader. Let me read: "200 Doctors To Refuse Aged-Care Patients"; "Governor Hughes Condemns Doctors' Boycott Plan."

Both these articles appeared in the May 5 and 6 issues of the Washington Post. One of the articles did not follow up with a complete explanation of what the resolution called for. The second finally did get into an explanation in the lower portion of the release, where it said:

> The initiator of the declaration, Dr. Bruce J. Henriksen, director of surgery at Point Pleasant Hospital, reiterated today that this is not a doctors' strike.

It continued:

> We will participate in the National Blue Shield and Blue Cross plans for the aged as advocated by the American Medical Association. We will continue to care for the medically indigent, young and old, as we have in the past.

A Wall Street Journal article appearing on May 7 states:

> New Jersey labor leaders are supporting a bill to be introduced in the New Jersey legislature on Monday, May 7, which would impose a 3-month jail term and a $100 fine on a physician who refused to treat a patient solely because of the method by which the patient intended to pay his medical bill.

This, in spite of the fact that many labor leaders have become notorious for ignoring the public interest when they desire to call strikes and expect other unions not even connected with the original strike controversy to join in. And this, even more, in spite of the fact that the doctors in question did not say at any time they would refuse to treat a patient solely because of the method by which the patient intended to pay his medical bill, nor did they even say they would refuse to treat a patient.

To add to the political touch football picture, another article appeared in the Washington Evening Star of May 8, from which I will read: "Ribicoff Hits Doctors' Stand on Medical Aid"—and went on to state the Secretary of the Department of Health, Education, and Welfare accuses the 200 New Jersey doctors of violating the Hippocratic oath and trying to blackmail the Congress and the American people by refusing to treat older people.

The Secretary also stated he felt the attitude of those doctors was "shocking." I would agree that if they said what he claimed they said, it would have been "shocking." However, the Secretary highly distorted the facts. His intemperate attack on a segment of our population, by using highly distorted statements, appears to me to be pretty shocking. Added to that, his insulting remarks about hospital construction being for the benefit of doctors is inexcusable. Hospital construction, with Federal funds, under the long-established Public Health Service Act—originally passed in 1944—and amended to include construction of hospitals in 1946 by the Hill-Burton Act, is not a bill for the benefit of the medical profession. Rather, it is intended to benefit the public, which had been without sufficient hospital facilities because of the no-construction era during wartime. This construction is done on a matching fund basis—which means someone in the States making use of this Federal assistance is likewise contributing a fair sized sum when a new hospital is built, or an old one improved. I am sure those public-minded citizens who contribute, or who pay taxes to the States which are used in this fashion, did not do so with the intent in mind of providing playhouses for the medical profession, but because they and everyone else needed a hospital to go to when ill or injured. If the medical profession benefits by this, it is only by the indirect fashion of having better facilities with which to better serve their patients.

I feel Secretary Ribicoff is pretty much overreaching his normal duties. The U.S. Government Organization Manual, 1961–62, contains this statement:

> The Cabinet is a creation of custom and tradition, going back to the first President, and functions at the pleasure of the President. Its purpose is to advise the President on any matter concerning which he wishes such advice. [Not the American public, but the President.]

Article II, section 2 of the Constitution states:

> The President * * * he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, * * *

In the same manual, under Executive Office of the President, I find:

> Executive Order No. 8248 of September 8, 1939, established the various divisions of the Executive Office and defined their functions, with the exception of those agencies established in or transferred to the Executive Office by subsequent legislation.

Since subsequent legislation did bring about creation of the Department of Health, Education, and Welfare, I checked further. This Department was created by Reorganization Plan No. 1 of 1953, which abolished the Federal Security Agency, and transferred all its functions to the Department of Health, Education, and Welfare, and those of the Federal Security Administrator to the Secretary of Health, Education, and Welfare.

The purpose of the new Department was to improve the administration of those agencies of the Government, which major responsibilities are to promote the general welfare in the fields of health, education, and social security.

We find, going further down in the manual:

> The Secretary of Health, Education, and Welfare, as the head of an executive department reports directly to the President, supervises and directs the Department, and carries out Federal responsibilities in relation to three federally aided corporations: American Printing House for the Blind, Gallaudet College, and Howard University.

Nowhere did I find any reference to "lobbying activities" on proposed legislation being part of the Secretary's duties. Nor did I find where he was expected to publicly wield a cudgel on the heads of any citizen, or to twist their statements around as he sees fit in order to propagandize for a favored piece of legislation.

I, therefore, feel the American Medical Association was well within its rights to ask that such lobbying by the Secretary of Health, Education, and Welfare be investigated. Further, I feel the Secretary should cite the Federal law which is supposed to give him legal authority to publish a booklet on the social security financed health care for the aged plan. Granting him the right to inform the President, in writing, is not granting him the right to inform the public in booklets paid for by public funds. Or, if not paid for by public funds, who did pay for them? Informing the public, it seems to me, should be a prerogative of the President himself, after receiving a requested report from the Secretary. Therefore, if there is a Federal law covering Mr. Ribicoff's activities, and also his falsification and twisting of the facts concerning the actual resolution adopted by several medical associations, the entire Congress and the entire public should be furnished that proof. Then it would be well for the Congress to amend that particular law to prevent its abuse.

I am also a little concerned with President Kennedy's statement to the United Auto Workers that his medical care for the aged will be approved by Congress and that all doctors will treat patients under it. This is certainly placing the well-known cart before the horse. On what does he base his confidence? Or is it planned to do this by Presidential decree, rather than by normal legislative channels?

I do not know how other Members might feel about it, but I rather resent the bland assumption that the President can state with certainty how legislation is to be handled, before it even comes out of a committee for vote. Or for that matter, how a profession has to handle its business. He is making some pretty great strides—from preventing the price increase in steel to forcing doctors to accept fees even if they do not wish to. As popular as President Kennedy seems to be with the general public, I wonder just how far he feels he can go in his attempts to appropriate for the executive department more and more of the duties of the legislative branch, as determined by the Constitution? In any event, if this is to be the pattern, possibly we could all stay home and save ourselves the trip down to Washington after being elected to either the House or Senate.

On other fronts, we find in a U.S. News & World Report that large numbers of British physicians have departed to other lands to practice medicine. More than 500 are emigrating each year to Australia, New Zealand, Canada, and the United States. They claim they are driven to this by low incomes, overwork, lack of opportunities to specialize, and bureaucratic redtape associated with working for the Government. This after 14 years under socialized medicine.

Britain is recruiting foreign doctors, mostly from Asian countries where medical standards are considered questionable, to fill this gap.

Family doctors outside the nationalized hospitals have been reduced in number, due to a Government blunder 5 years ago, which reduced the number of medical students admitted to universities because they felt they would have a surplus of physicians.

Of the total of 1,600 graduates turned out each year by the British medical schools, nearly one in every three is leaving Britain. Dr. D. S. Lees, senior lecturer in economics at the University College of North Staffordshire in Great Britain, has completed an intensive study of the National Health Service for the Institute of Economic Affairs. He says:

> Governments should move away from taxation and free service to private insurance and fees by allowing tax concessions to those who can provide for themselves, and direct assistance to the dwindling minority who cannot.

Also in Great Britain we find 200,000 hospital nurses have asked the Government, which controls hospitals, for a 30-percent pay rise. The Government has offered 2½ percent instead. British industry is now being threatened by strikes staged all over the country in sympathy with the nurses' wage demands. Nearly 50,000 workers at factories scattered throughout the country staged token stoppages by walking out an hour or two early; 20,000 workers defied a management warning and quit an hour before time at the Ford auto plant at Dagenham on the Thames.

I believe we should take warning from the unfortunate situation in Great Britain. Between the shortage of doctors and surgeons and a protest and strikes brought about because of nurses protesting Government low pay and controls, this seems to me a pretty good indication of what could happen if the Federal Government is given an opportunity to really move into the medical picture.

Now, I want to reiterate that no one we know of is disputing the desirability of adequate medical care for the aged. However, the President, in his stubborn insistence of a social security-financed program, is on pretty shaky ground. No one as yet has any precise idea just how big the problem of over-65 medical care is. We have a population of roughly 185 million. It is estimated that 17 million are over age 65. Out of these many are certainly in a position to pay for their own medical costs. Many have children who do not wish to renege on what used to be a family responsibility, and who are able to care for their aged parents. Private health insurance plans have been growing rapidly in quality and quantity, and in moderate costs. People really in need can still, as always, be covered under public welfare programs. Last, but not in the slightest least, the Kerr-

Mills program, passed in 1960, has had only 1 year of operation to prove what it can do. Already more than half the States have passed the necessary enabling legislation to use this program. The administration seems to be in an ususual hurry to push through its social security-financed program. It cannot even wait another year to see if the Kerr-Mills law can become more widely adopted, or for the States to amend or improve their own administrative program for more effective use of the Kerr-Mills plan.

Many people have not yet begun to realize what the Kerr-Mills program is in their States. In many cases they feel it contains rules, regulations, and clauses which it does not at all.

I have planned for some time to inform my constituents of what the Kerr-Mills program is in North Dakota, because they deserve that information in order to fairly judge what is best in the way of medical care for the aged.

SERVICES PROVIDED UNDER NORTH DAKOTA USE OF MAA LAW

First. Hospital (inpatient): As recommended by physician; all general services provided.

Second. Nursing home care: As recommended by physician. Includes licensed home or hospital on monthly contract basis.

Third. Practitioners' services: Medical doctor, osteopath, dentist, optometrist, podiatrist, chiropractor. For home, office, and inpatient hospital calls. For patients in hospital more than 30 days, payment made for not more than three calls per week.

Fourth. Dental care: All general services. Dentures and bridgework only when essential to maintain or improve health, and if extractions occurred within previous 5 years.

Fifth. Prescribed drugs: As provided by medical doctor, dentist, osteopath, or podiatrist. Refills must be approved by prescriber. If provided by practitioner or medical facility, cost may not exceed usual retail price in pharmacy.

Sixth. All other care: Special nursing care, physical therapy, prosthetic appliances, outpatient hospital and clinic services, diagnostic screening and preventive services, X-ray and laboratory services, transportation, and special equipment.

Now, contrast these provisions in North Dakota, under medical assistance for the aged, with medical care offered by the King-Anderson social security-financed proposal:

King-Anderson would pay no doctor's bills, no surgeon's bills.

King-Anderson would provide only limited hospital and nursing care—and this would be available to anyone eligible for social security, whether they needed it or not.

King-Anderson could force an elderly person to pay up to $90 of his own hospital bill. This is no small matter for someone who is close to being destitute.

King-Anderson would fail to cover 3 million elderly people not under the social security system.

King-Anderson would pay no dental bills.

King-Anderson would pay no drugs and medicine costs, outside a hospital or nursing home.

King-Anderson would not pay for the first $10 for each of the first 9 days of hospitalization—total of $90 to be paid by patient if he was in 9 days.

King-Anderson would not pay the first $20 for diagnostic study.

However, King-Anderson will do the following:

Raise the taxable income base of everyone under social security from $4,800 to $5,200.

Bring about a raise in employee tax from $174 per year to $201.50 per year in 1963, and for self-employed tax, from $259.20 per year to $301.60 per year.

Bring about a raise in employer tax from $174 per year to $201.50 per year in 1963.

Bring about a raise in employee tax from $198 per year to $227.50 per year in 1966, and in self-employed tax from $297.50 per year to $343.20 per year.

Bring about a raise in employer tax from $198 per year to $227.50 per year in 1966.

Bring about a raise in employee tax from $222 per year to $253.30 per year in 1968, and in self-employed tax from $331.20 per year to $379.60 per year.

Bring about a raise in employer tax from $222 per year to $253.50 per year in 1968.

The above figures are not my own—but from the Office of Actuary, Social Security Administration.

Each person can figure out what this would cost him or her on a monthly basis by dividing by 12. Granted that these social security taxes include more than just medical care—you can be sure this is just the beginning. The social security program has regularly been amended to include more and more people, and to cost more and more. Adding medical care for the aged will not change this trend in the slightest.

Inevitably the age limit of 65 now in the King-Anderson bill would be lowered to add more and more of the population. After all, many medically indigent persons are not even near the age 65. Further, social pressure itself will bring about the inclusion of younger and younger groups, and a corresponding rise in the social security tax to help finance it. While some of this may not come about in your generation, or mine, it will be started by our acts in passing such legislation.

This is why, aside from the fact that the King-Anderson bill does not come near providing the benefits provided under Kerr-Mills, and at the expense of making eligible everyone in the country even if they don't need it at all—I am convinced, as are many others, that socialization of our medical profession will be a natural result.

When this comes about, we will have a twin to the doctor crisis now taking place in Great Britain.

The National Observer, in an editorial entitled "Up From Barbarism," which appeared in the May 6, 1962, issue, had this to say:

> Among the more ironic aspects of this situation is that no one has any precise idea just how big the problem is—or rather how small it must be in a population of 185 million. The administration, with no better idea of the dimensions of the problem than anyone else, is convinced that new legislation is needed. But the President's proposal seems to us to be a curious one. The problem of medical care for the aged deserves careful attention. It's not going to be solved overnight by an ill-considered election-year scheme, no matter how powerfully the politicians may feel the urge to do something.

NOW REALLY, MR. PRESIDENT

Mr. BOW. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Speaker, in New Orleans on May 4, President Kennedy made a strong speech backing H.R. 9900, the so-called trade expansion bill. Some of his statements will curdle the blood of yet unborn historians.

First off, he implied that the Athenians would have been with this bill. I have no quarrel with the Athenians and certainly they were a great people and they were a trading people. However, they ended up being destroyed by the Spartans who were not trading people. He somehow omitted the Carthaginians, another great trading people.

Then he went on with a free trade quotation from early Anglo-Saxon law, neglecting the fact that from 1066 to 1846, a period of 780 years, the foreign commercial policy of England was almost always protectionist. Perhaps some of his learned friends at Harvard could ascertain for him the facts regarding the foreign commercial policies of Alfred the Great and Edward the Confessor. It may be that one of them repealed this law.

Taking off from there, he brought in the Founding Fathers with the implication that they would be behind his bill. I will not get into the policy positions of Franklin, Adams and Jefferson. However, I would like to point out that, on December 5, 1791, the Secretary of the Treasury of the Washington administration, Alexander Hamilton, submitted his Report to Congress on Manufactures.

The President thereupon gave exports credit for 51 percent of the 1960 locomotive production. He neglected a couple of footnotes. First, in 1960, we were experiencing a recession—one which had the railroads in dire financial straits. Second, he neglected to say whose money was being spent to buy the locomotives.

Then he went on to point with pride to other exports such as cotton, rice and soybeans. Again he forgot the footnotes. Whose money was used to pay for the exports?

Here are the facts. In 1960, our agricultural exports were $4.8 billion. Of this amount $1.9 billion—39.5 percent—was sold for nonconvertible currencies or donated under the foreign aid program, and $1.4 billion subsidized in one way or another by the Federal Government. Thus, of the total of our exports,

$3.3 billion, or 69 percent, were not truly commercial exports, and whether any of these $3.3 billion of exports would have occurred without Federal payment or subsidy is an open question.

Then, in thundering and statesmanlike terms, he gave the 20,000 helpless people in attendance the impression that if his bill does not pass, they would not be able to have any more coffee breaks. Again, the footnote was missing. Coffee has been on the free list since the earliest days of the Republic and not once has there ever been a tariff sought on it. And incidentally, while he was following that line of reasoning, he might have mentioned chicory to a New Orleans audience. On chicory, he would have had a better case. There used to be a tariff on it. Then imports from Holland put all of the domestic producers out of business and chicory was put on the free list with no dissent whatever from the so-called protectionists. Chicory might really have worried the audience, but perhaps its national application is too limited for a Presidential address.

Not content with this, he also worried the audience about their kids with the awesome implied thought that, if the bill does not pass, their kids may no longer have any banana splits. Again, bananas have always been on the free list. If he had called for a show of hands, for and against banana splits, he might have found that many members of that vast audience have a policy position adverse to encouraging the consumption of banana splits.

FEED GRAINS PROGRAM

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, officials of the International Longshoremen's Association, affiliated with the AFL-CIO, have voiced protest against actions by the U.S. Department of Agriculture in carrying out the feed grains program.

A letter from Paul Janich, president of the Chicago District Council, ILA, and Local No. 101, Chicago Grain Trimmers, describes the operations of the Commodity Credit Corporation as involving errors which are economically and morally wrong.

Mr. Janich also sent me correspondence he has had with John F. Duncan, Jr., Assistant Secretary of Agriculture. In a letter to Mr. Duncan dated May 3, Mr. Janich declared, in part:

> One can only judge that there is a certain group within the Department of Agriculture that is bent on destroying American free enterprise.

Grain Elevator Union, Local 418, ILA; Chicago Grain Trimmers Local 101, ILA; Chicago Weighmasters Local 421; Chicago District Council, ILA, and Patrick J. Cullnan, international vice president, ILA, joined in a telegram to President Kennedy and others in which they declared:

> It would appear that in the field of agriculture this Nation's policy is to deter and destroy private enterprise, thus greatly reducing the labor needs of this industry. Such policies are causing economic hardship not only to terminal elevators but to all subsidiary businesses that serve agriculture.

It is most reassuring to have these leaders in organized labor recognize their stake in preserving and strengthening the private enterprise system, and even more so that they have recognized the disaster which the feed grains program is doing to the private enterprise system for merchandising grain.

Below is the initial telegram and correspondence pertaining thereto:

CHICAGO, ILL., *May 3, 1962*.

HON. PAUL FINDLEY,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE FINDLEY: About 10 days ago, we sent to the chairman of your committee a copy of a telegram we had sent to President Kennedy and to a number of others who we felt should be interested in our distressing situation. As we have no way of knowing whether or not you saw that telegram, we are enclosing a copy for your reading.

Also enclosed, for your reading, is a copy of a letter written to us by John P. Duncan, Jr., Assistant Secretary of Agriculture, under the date of April 23, 1962. Mr. Duncan's letter is self-explanatory, but, in our opinion, it carries inaccuracies, and it does not in any way help us with our problem.

Another enclosure is a copy of our letter written to Mr. Duncan in reply. This letter is also self-explanatory, and we do hope you will find time to read it, for we feel certain it carries information that will be enlightening to you as well as other Members of Congress.

As you are a member of the Agriculture Committee, we feel that you are in a position to help us with our problem. We will deeply appreciate your doing so. Should you care to have us do so, we will gladly travel to Washington at our own expense to meet with you and others in an effort to explain to you our entire problem—the errors being made in the operations of the Commodity Credit Corporation which have created this distressing situation and which, in our opinion, are both economically and morally wrong.

We thank you for your consideration of our request, and we will deeply appreciate any help you may be able to give us.

Cordially yours,

PAUL JANICH.

Telegram sent to the following on April 3, 1962: President of the United States, Hon. John F. Kennedy, the White House, Washington, D.C.; mayor of the city of Chicago, Hon. Richard Daley, city hall, Chicago, Ill.; Governor of the State of Illinois, Hon. Otto Kerner, Springfield, Ill.; Secretary of Labor, Hon. Arthur Goldberg, Department of Labor, Washington, D.C.; Hon. Paul H. Douglas, Senate Office Building, Washington, D.C.; Hon. Everett McKinley Dirksen, Senate Office Building, Washington, D.C.; chairman of the Senate Committee on Agriculture and Forestry, Hon. Allen J. Ellender, Senate Office Building, Washington, D.C.; and chairman of the House Committee on Agriculture, Hon. Harold D. Cooley, House Office Building, Washington, D.C.:

We respectfully suggest and urge that the U.S. Department of Agriculture and the Commodity Credit Corporation desist from creating programs and policies which are causing grain elevator operators and handlers severe economic hardship. It is not in the best interest of the large agricultural industry and our labor force to have the Government usurp the fundamental principles of conducting commerce and trade through private channels.

In the Chicago area we have lost from the terminal grain elevator industry approximately 50 percent of our members. Many laborers, who for years worked in grain elevators at Chicago, have been laid off and this layoff is increasing daily. These men, most of whom have many years of service, are unable to find other jobs. We know of this same situation in many other large and small cities in this Nation. Many other unions who perform other services such as transportation, trimming grain for outbound shipment, providing tugs for ocean vessels and a host of other services required by the grain industry are experiencing the same deleterious effect of current agriculture policy.

May we cite just a few of the agriculture policies which are hurting our union and spreading to other unions and their members throughout the Nation. We use Chicago as an example since we are working in this market but have been informed by our colleagues in other cities that similar situations exist.

The merchandising policies of the Commodity Credit Corporation and their office in Evanston, Ill., have been diverting grain from normal trade channels and dealing directly with the processors of grain bypassing the terminal elevator and the merchant. It has to our best knowledge always been the intent and spirit of the law to use the private grain trade and their facilities in moving Government-owned inventory. Direct sales are forcing the merchandising elevator operators to drastically shrink margins, and operate at losses or be forced out of business. This has caused reduced labor needs.

Storage revenues of terminal elevators storing Government grain have been so sharply reduced that labor forces must be cut drastically for the elevator operators to try to survive. The terminal elevator and central markets have been and are an essential part of the agricultural economy.

In June of 1960, the officers of the Commodity Credit Corporation reduced the storage rate, on grain stored in terminal elevators, from 16 cents a bushel to 13 cents a bushel a year—a reduction of about 25 percent. At meetings held in the spring of 1960 a strong protest was made against any reduction in rate, and figures prepared by certified public accountants were presented which indicated that 16 cents a bushel a year was a minimal fair rate of storage considering the operating costs in terminal markets. The Secretary of Agriculture indicated also at that time that such a cut might be justified in country locations but that 16 cents was an equitable rate in large cities where terminal elevators exist.

In January of 1962, the Commodity Credit Corporation ordered loaded from all the Chicago terminal elevators every bushel of Government-owned corn. These loading orders were issued after crop movement and at a time when it was impossible for the elevator operators to purchase additional quantities of grain, at a price reflecting fair storage charges, to take the place of the grain ordered out of store by CCC. In most years, due to high support prices and rigid controls, free grain can only move to terminal locations in limited quantities which reflect actual market value.

These policies followed by the Commodity Credit Corporation seem to indicate a definite plan to destroy the grain elevator industry in Chicago and other large terminal elevator markets. It would appear in the field of agriculture this Nation's policy is to deter and destroy private enterprise, thus greatly reducing the labor needs of this industry. Such policies are causing economic hardship not only to terminal elevators but to all subsidiary businesses that serve agriculture.

It is amazing and most disturbing that at a time when our Government is spending billions of dollars to improve economic conditions of foreign countries that our Government should, at the same time, pursue a policy that is wrecking a vital American industry and creating severe unemployment.

We seek and urge that the Commodity Credit Corporation, acting under the present law, be obliged to move Government-owned corn in country bins into terminal elevators as fast as vacant space becomes available and all CCC merchandising operations in grains be carried on from terminal elevators and through the established grain trade.

Further we request CCC storage policies regarding terminal elevators be changed restoring a fair storage rate to terminal elevators and that CCC make full use of terminal elevators facilities in the storage, merchandising, and transfer of grain.

Our union and its affiliates request your immediate help in this matter. A correction in this situation will add much to the economy of our Nation.

Respectfully yours,

GRAIN ELEVATOR UNION,
CHICAGO GRAIN TRIMMERS,
CHICAGO WEIGHMASTERS,
CHICAGO DISTRICT COUNCIL,
PATRICK J. CULLNAN,
International Vice President, ILA.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 23, 1962.

To Grain Elevator Union Local No. 418, International Longshoremen's Association, Chicago, Ill.

GENTLEMEN: The President has referred to us for consideration and reply the telegram of April 3, 1962, signed by you and representatives of four other unions, concerning the Department's grain storage programs and policies.

Before dealing specifically with your comments on the impact of our sales operations, we wish to assure you most emphatically that the Department has no desire to supplant legitimate functions of the private grain trade. The Department has no motion whatsoever of establishing a retail distributive apparatus to supply farmers and others with feed and other production materials.

As for the current drawdown on Commodity Credit Corporation-owned stocks, we are quite aware that it affects storage earnings of both country and terminal warehousemen. However, in carrying out the provisions of the 1961 feed grain program, it has been necessary for CCC to issue loading orders to fulfil its commitments under this program. We have endeavored to issue loading orders to warehousemen in as equitable a manner as possible, taking into consideration such factors as the quality of the grain needed, the routing available, the age of the tonnage, etc.

In your telegram you state that the merchandising policies of CCC have been diverting grain from normal trade channels and CCC has been dealing directly with the processors of grain, thereby bypassing the terminal elevator and the merchant. It is the Department's policy to grant the storing warehouseman first opportunity to purchase grain from CCC. As a result of this policy sizable quantities of grain sold as redemption of certificates under the feed grain program have been purchased and remain in local warehouses. Obviously, individual warehousemen would not have purchased this grain had they not felt there was good opportunity for subsequent merchandising and service activity on their part. Therefore, it would seem to us that in practice the redemption of CCC feed grain certificates has perhaps done much toward restoring in the grain trade their traditional, time-honored responsibilities and function of merchandising and servicing and handling grain as opposed to storage for Government uses. We believe this tendency toward a return to the basic and fundamental and traditional function of the grain trade in merchandising, handling, and servicing is desirable.

You have also requested that CCC move Government-owned corn from country positions into terminal elevators as fast as vacant space becomes available. It is not our policy to move grain from country position to terminal position merely for the purpose of restorage. It is now, and has been for some time, CCC's general policy to store its commodities at the point of production insofar as possible. This has many advantages. Among other things, it is the most economical type of operation and gives us greater flexibility in performing our inventory management functions.

Your attention is also called to the fact that under the provisions of the payment-in-kind program, CCC does not direct the movement of grain from terminals to ports for export. This is done by the industry itself.

Your comments concerning the rates paid under the Uniform Grain Storage Agreement have also been noted. The rates which were established in 1960 were based upon a comprehensive cost survey performed by the Department. Both country and terminal warehouse facilities were included in this survey The rates established at that time covered the operating costs reflected by the survey and at the same time provided a fair rate of return to the operators involved. It would not be desirable to have a different set of rates for terminal warehousemen as you have suggested in your telegram.

We do not wish in any way to minimise the effect of the feed grain supply adjustment program upon warehousemen. The very nature of the adjustment disrupts the marketing pattern as producers decrease their production and marketings and the deficit is made up from Government stocks. We are seeking to assure the commercial grain industry that every effort is being made to pay due heed to each of the many interests, including the public interest, that is involved.

Sincerely yours,

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

CHICAGO, ILL., *May 3, 1962.*

MR. JOHN F. DUNCAN, Jr.,
Assistant Secretary of Agriculture,
The Department of Agriculture,
Washington, D.C.

DEAR MR. DUNCAN: Your letter of April 23, 1962, has been received and its contents carefully noted by the members of our executive committee as well as the officers of other unions associated with us.

To the average layman, who knows little about the handling of grain through subterminal and terminal markets, the statements in your letter would no doubt seem plausible, and one would come to the conclusion that the Commodity Credit Corporation, in its operations, has been very fair to the private grain industry. We only wish this were true. There are many inaccuracies in your letter.

The U.S. Government, through the Commodity Credit Corporation, has been and is still running the greatest corner in grain that has ever been run in the history of the world. When one controls 80 percent or more of all the grain produced, it is easy to dictate price as well as rates for the storage and handling of the grain.

We wish to make it clear that we do not oppose the Government's efforts to reduce surplus stocks of grain. The request that we are making would not in any way interfere with such a program. We are merely protesting the policies—procedures currently followed by the Commodity Credit Corporation in the movement of Government-owned grain, and we are also protesting the reduction in storage rate, in the amount of 3 cents a bushel per year, which became effective in June 1960. We shall discuss that action in a later paragraph in this letter.

It is our contention that the Commodity Credit Corporation, in its handling of all grains, could comply with our request and by so doing, the Government would be money ahead. This is for the reason that every year the Government suffers huge losses, which are never made public, through the spoilage of grain stored in the corrugated steel, flat-bottomed storage bins at country points.

In addition to the above losses, which would certainly be less if Government-owned grain were to be moved from country bin sites into country elevators, subterminal and terminal as fast as storage space in these grain elevators become available, the Government, in bypassing these facilities, is also losing each year a substantial amount in taxes. The Commodity Credit Corporation does not pay any taxes to the Government. When terminal and subterminal grain elevators make money (most of these are operated by corporations) 52 percent of the earnings go to the Government. The Government is actually the largest shareholder in every corporation in America—52 percent of the net earnings are paid to the Government before the actual shareholders receive anything.

We disagree with your statement that the Commodity Credit Corporation has greater flexibility, in the merchandising of Government-owned grain, by keeping the grain in store at country bin sites rather than in country elevators, subterminal and terminals. In conventional type storage, the grain can be kept in perfect condition, supervised weights are furnished, and, on a moment's notice, the grain can be shipped in any direction desired, and in many terminals the grain can be moved either by truck, water or rail. Furthermore, at most terminal elevators 100,000 bushels of grain or more can be loaded in a day's time, while it may take weeks to get a comparable amount of grain loaded from Government-owned bin sites or even from very large, flat-bottomed type storage at country points.

You state that the Commodity Credit Corportion gave all elevator operators an opportunity to buy Government-owned grain in store in their respective warehouses before ordering the grain out of store. This is true but bear in mind that the timing of this offer, as well as the price at which the grain was offered, was comparable to having a hoodlum pointing a gun at one's head and saying "come across with the money in your till or else."

In the spring and summer of 1961, the Commodity Credit Corporation requested all terminal elevators to accept for storage large quantities of Commodity Credit corn that was being moved in from country points. A considerable amount of terminal elevator space was therefore filled with Commodity Credit corn, so when the new crop of grain moved in the summer and autumn of 1961, elevator operators were obliged to refuse a considerable amount of free grain, especially soybeans, for storage that might have been placed in the space occupied by the Commodity Credit corn.

After the crop movement was all over, and there was little or no free grain available, the Commodity Credit Corporation issued, in January and February 1962, loading orders for all of its corn stored in Chicago elevators. Naturally, the elevator operators did not want to lose this corn, but under normal conditions, they would never have paid the price asked by Commodity Credit. The price they were obliged to pay, basis the May or July future contract on the Chicago Board of Trade, did not reflect a fair rate of storage. It did not even reflect a rate as great as the "cut" rate of storage that was put into effect by CCC in June 1960. Such an act, in our opinion, was both morally and economically wrong. When the Government does things of this sort, one can only judge that there is a certain group, within the Department of Agriculture, that is bent on destroying American free enterprise.

Now, regarding the reduction in grain storage rates put into effect by the Commodity Credit Corporation in June 1960—

It is true that the Government sent its auditors to audit the books—operating costs and profits—of possibly all terminal elevator operators in the Chicago district, and it is our belief that this audit probably took place in every subterminal and terminal elevator office in the United States as well as at the offices of the firms operating the larger flat-bottom storage units at country points.

In next to the last paragraph in your letter of April 23, 1962, you state that this survey of comprehensive costs was performed in both country and terminal warehouse facilities, and that a fair rate of return to the operators was thus established.

From this, one must assume that the figures of this audit were tossed into one hopper and an average taken. What could be more unfair or produce a more inaccurate result?

The Government's audit figures will show that operating costs at country points are much less than at subterminals and terminals. This is notably true in the operation of all large flat-bottom-type storage units in the country that have been erected at a lower construction cost and where most of the crew, employed in operating these units, is laid off after the storage space has been filled with grain.

It has always been customary at subterminal and terminal points (i.e., before Commodity Credit policies dictated the bypassing of these terminal elevators) to maintain a full crew throughout the year so that all grains stored in these elevators could be kept in the best of condition and loading orders could be executed promptly and efficiently. Taxes at terminals and subterminals are also very much higher than at country points.

We strongly disagree with your statement: "It would not be desirable to have a different set of rates for terminal warehousemen as you have suggested in your telegram."

There are different hotel rates, different streetcar and bus rates, different charges for the same commodities and services in almost every State and city in our Union. It is only proper and fair that a higher rate should be paid for grain storage in subterminal and terminal elevators than the rate which is paid at country points. And we do not want you to interpret this statement as meaning that we are of the opinion that your present rate, being paid at country points, is too high. It is possible that it is too low, but we know very well that the present CCC rate at terminals is much too low. It must be remembered that the cost tremendous and these elevators are designed and equipped to render a superior service.

It is amazing to us that the Commodity Credit Corporation should have taken such action (rate reduction) in view of the facts which were disclosed by the Government's audit figures and in view of the testimony given at the hearings—one at Kansas City and one at Washington—in the spring of 1960. When such action is taken, it appears to us to be vindictive and designed to destroy American free enterprise engaged in the terminal grain elevator business.

How can such acton be interpreted in any other way? This is true especially in view of the fact that Senator SYMINGTON and Secretary of Agriculture Ezra Benson both stated that there should be no change, for the moment, in grain storage rates—that the audit figures indicated that in certain localities the then existing rate was too low, while in other localities the rate appeared to be just right and in still other localities the audit figures indicated that some reduction might be in order. These statements were made by Senator SYMINGTON and Mr. Benson before CCC announced the rate reduction, and CCC officials arrogantly made the storage rate reduction in spite of these statements and in spite of all the evidence furnished at the two hearings. This action was equivalent to the issuance of an order compelling all streetcar and bus lines to operate on a 5-cent fare and compelling the telephone company to reduce its rates on local calls to 5 cents. Can you name any other service charges that were reduced in the year 1960?

We are disappointed, Mr. Duncan, in your letter of April 23, 1962, which was written in reply to the telegram we sent to President Kennedy and others and also, we presume, as a reply to our telegram of April 6 to Charles S. Murphy, Under Secretary of Agriculture. Your letter contains inaccuracies, and it gives one the impression that you are trying to excuse these actions of the Commodity Credit Corporation by hiding behind policy. You seem to contend that as long as a policy has been adopted, it cannot be changed and the Commodity Credit Corporation must act in accordance with its fixed policy, regardless of whether or not the policy is a fair and equitable one. As far as we are concerned, this policy must be changed, and the Commodity Credit Corporation must follow a program, such as has been outlined in this letter, in its storage and handling of Government-owned grain. As stated above, the Government will be money ahead if this is done.

We respectfully request that this letter be brought to the attention of the Secretary of Agriculture and Mr. Charles S. Murphy. An early reply will be greatly appreciated.

Respectfully yours,

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION,
PATRICK J. CULLINAN, Jr.,
Vice President.
GRAIN ELEVATOR UNION, ILA LOCAL NO. 418,
JACK CONNOR, *President.*
CHICAGO DISTRICT COUNCIL, ILA AND LOCAL NO. 101, CHICAGO GRAIN TRIMMERS,
PAUL JANICH, *President.*
CHICAGO WEIGHMASTERS, ILA LOCAL NO. 421,
AL SINKEUS, *President.*

RESULTS OF POLL TAKEN IN THE FOURTH CONGRESSIONAL DISTRICT OF ILLINOIS

Mr. LANGEN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, I recently mailed a questionnaire to all residents of the Fourth Congressional District of Illinois. The questionnaire contained 18 questions on key national issues, which correspondence received from residents in the district revealed as uppermost in public thinking.

I have received 33,000 replies, which is considerably above the percentage of returns anticipated, and I submit the results of the 1962 questionnaire for the attention of the Members:

Summary of questionnaire answers for 1962

	Percent		
	Yes	No	Not sure
1. Do you think there should be another summit conference between Khrushchev and the President?	35	54	11
2. Should Communist countries receive foreign aid funds?	3	92	5
3. Should the House Committee on Un-American Activities be abolished?	5	86	9
4. Should loyalty oaths be mandatory for students participating in federally financed educational programs?	83	9	8
5. Do you favor a Federal aid to education program for—			
a. School construction and teachers' salaries for public schools?	26	66	8
b. Private as well as public schools?	12	83	5
6. Do you consider the activities of the Communist Party in the United States to be a major internal threat?	80	12	8
7. Is the U.N. doing a good job?	26	47	27
8. Do you favor sending armed forces to Cuba to free the people from Castro without waiting any longer?	20	62	18
9. Should Red China be admitted to the U.N.?	12	79	9
10. Should the United States take all necessary steps to maintain our nuclear weapons superiority?	96	1	3
11. Do you believe the Federal budget should be kept in balance?	90	3	7
12. Should income tax be withheld from interest and dividends received from savings and investments?	19	75	6
13. Should the earnings limit of social security pensioners be raised?	77	14	9
14. Should medical care for the aged who are actually in need be left to the administration of the respective States?	66	24	10
15. In general, do you feel there are enough laws regulating business?	67	16	17
16. In general, do you feel there are enough laws protecting union members from labor bosses?	17	71	12
17. Do we have a firm enough foreign policy?	8	78	14
18. Are you willing to pay 5 cents for 1st class and 8 cents for airmail letters to cut the $900,000,000 postal deficit?	66	30	4

SECOND MEXICAN-UNITED STATES INTERPARLIAMENTARY CONFERENCE

Mr. LANGEN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Derwinski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, during the next 4 days Washington will be the scene of the second Mexican-United States Interparliamentary Conference, at which delegations representing both bodies of the Congress will meet in deliberations with our counterparts from the Mexican Federal Legislature.

Last year it was my privilege to serve as one of the delegates to the first Conference which was held in Guadalajara, Mexico, and we were able to achieve tremendously practical and beneficial strides, not only in appreciation of each other's parliamentary system, but also a greater understanding of the mutual problems that face us.

My purpose in addressing the House on the subject at this point, Mr. Speaker, is to ask those Members who find it possible to attend our deliberations which will be held in a series of informal give-and-take sessions, and which will provide Members the opportunity to obtain firsthand knowledge of the perspective of the Mexican legislative group.

Matters of extreme importance to both nations such as foreign trade problems; agricultural surpluses; the bracero program; hemispheric peace and solidarity; the threat of communism to the free governments of Latin America; the Alliance for Progress—will all be discussed in a frank and mutually helpful fashion.

In addition to the direct relationship of the United States to Mexico, we as Members of the legislative body should be especially concerned with the maintenance in all countries of an effective, independent legislative branch of Government. Interparliamentary exchanges, such as this and such as the annual meeting with Canadian legislators, and our participation in the Interparliamentary Union, all emphasize the independence and imagination of legislative bodies, and their direct relationship in most countries to the people they hope to serve.

Our neighbor to the south often takes us for granted; we, in turn, take it for granted. The exchange of opinions and understanding of each other's problems that will unfold during the next 4 days are of tremendous importance to citizens of both nations, and understanding and appreciation of joint points of agreement and disagreement will certainly advance the knowledge and appreciation of our congressional Members.

AWAITING THE PUBLIC PROSECUTOR

Mr. LANGEN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Derwinski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, for over a year I have been pleading with the majority party leaders and the State Department to approve the creation of a special House Committee on Captive Nations.

One of the precedents for the creation of this special committee is the select House committee which investigated the Katyn massacre. This select committee proved beyond all doubt that the Soviet Union had murdered in cold blood approximately 15,000 Polish prisoners of war in the Katyn Forest area of the Ukraine in 1940.

I submit for the Record an article entitled "Awaiting the Public Prosecutor," which was published in the April issue of the Republic of Poland publication, written by Mr. Jan Walewski, a member of the Council of the Republic of Poland—a parliamentary body in exile. I believe this article to be especially pertinent at this time not only becase it dramatizes and recalls the crime of the Katyn massacre but also emphasizes the practicality of a special House committee. I feel, Mr. Speaker, that the creation of a Captive Nations Committee will provide an even more effective instrument to expose Soviet colonialism in Eastern Europe; that this committee would be a great contribution to the House in the field of world knowledge, and would receive support from freedom-loving citizens here in the United States and in all corners of the free world. The article follows:

Awaiting the Public Prosecutor

Ten years ago, in April 1952, a select committee of the U.S. Congress arrived in London in order to take the testimony of witnesses in respect of the Katyn massacre. The month of April was a bloodstained page in the history of Poland's martyrdom, for that month is bound up with a most notorious and ghastly war crime—the Katyn massacre.

In April for many years past, Poles in the free world have held solemn mass meetings dedicated to the memory of the victims of the Katyn crime while at the same time reminding the world that this crime against Poland and all humanity still awaits judicial trial and that the culprits remain unpunished.

The 22d anniversary of the Katyn massacre falls due this year. It would be well therefore to reveiw the facts of this crime and the action undertaken by the Polish Government-in-exile to have the culprits identified and a final judgment pronounced.

The Poles in the homeland and abroad were disquietened in 1940 by the cessation of correspondence as from April with the Polish prisoners of war held by the Russians in three camps: Kozielsk, Starobielsk and Ostashkov. These prisoners numbered about 15,000 and for the most part comprised officers captured by the Red army after it invaded Poland on September 17, 1939. It later transpired that this aggression was in the execution of that secret and treacherous agreement, the Ribbentrop-Molotov pact.

After the German attack on Russia and following the resumption of diplomatic relations between the Polish Government and the Soviet Government, both the Polish Government in London and the Polish military authorities in the Soviet Union began a search for the missing prisoners of war in August 1941, but in vain. The leading representatives of the Soviet Government gave nothing but mendacious or evasive replies when questioned on the subject. During the autumn of 1941, barely 400 of the missing prisoners of war were traced.

In April 1943, mass graves containing the bodies of over 4,000 Polish officers, murdered in atrocious fashion, were found in Katyn Forest, near Smolensk. In view of this shocking discovery, the Polish Government asked the International Committee of the Red Cross in Geneva to undertake an impartial investigation of the matter. The relevant Polish note was handed to Mr. Paul Ruegger, representative of the International Committee of the Red Cross, by Prince Stanislaw Radziwill, delegate of the Polish Red Cross in Switzerland, on April 17, 1943. The Soviet Government, however, strongly protested against such an investigation and the International Committee could not therefore accept the mission. And then, a few days later, during the Easter holidays of that year, the Soviet Government broke off diplomatic relations with the Polish Government in London, simultaneously launching a slanderous campaign against that Government, of which Gen. W. Sikorski was Prime Minister at the time.

THE POLISH WHITE BOOK

Gloomy times ensued for Poland and the Poles. At the Moscow, Teheran, and Yalta Conferences with the Soviets, the Western Allies abandoned the lofty principles of the Atlantic Charter and the commitments they had accepted; with Poland unrepresented at these negotiations, the Western Powers decided the fate of that country—their oldest and most loyal ally. As an outcome of the Yalta resolutions, the Communist regime imposed upon Poland by Moscow was recognized by the Western Allies in July 1945, simultaneously with the derecognition of the constitutional Government of the Republic of Poland which had functioned in France since October 1, 1939, and then, after the collapse of France, in London as from June 1940.

Despite these dire experiences, the Polish Government ceaselessly worked on the elucidation of the Katyn massacre. One of the first tasks undertaken by the government of Tomasz Arciszewski was the appointment in December 1944 of a special committee for investigating the disappearance of 15,000 Polish prisoners of war in the Soviet Union. The members of the committee were Gen. Marian Kukiel, Minister of National Defense; Adam Tarnowski, Foreign Minister; and Prof. Adam Pragier, Minister of Information and Documentation, while a team of experts headed by Profs. W. Sukiennicki and M. Heitzman, studied the matter on the basis of the collected evidence and documents. The findings of this committee were published in February 1946, in a work entitled "Facts and Documents Concerning the Polish Prisoners of War Captured by the U.S.S.R. During the 1939 Campaign." This Polish white book was presented to the attention of the Western members of the International Military Tribunal at Nuremberg in time for the proceedings and, years later, was incorporated as part 6 of the American congressional Katyn hearings of 1952.

AT THE NUREMBERG TRIAL

During the trial of the principal German war criminals by the International Military Tribunal at Nuremberg, when the charge that Polish prisoners of war were murdered in Katyn Forest was also examined since it figured in the indictment, supplementary documentation was presented on July 2, 1946 to the President of the Tribunal. This consisted of 34 documents compiled by the Polish Foreign Ministry in London in 1946 under the title of "Report on the Massacre of Polish Officers in the Katyn Wood." Polish documentary material on Katyn was undoubtedly taken into consideration by the Nuremberg Tribunal when this body announced it could find no basis for ascribing guilt for the Katyn massacre to the German war criminals under trial.

THE STRUGGLE FOR THE TRUTH CONTINUES

A book in Polish entitled "Zbrodnia Katynska w Swietle Dokumentow" ("The Katyn Crime in the Light of Documents") was published in London in 1948, while the Polish press in the free world wrote more and more often about this crime.

Action for establishing the facts of the Katyn massacre made further progress in 1949. The Polish Association of Former Soviet Political Prisoners was founded in London on April 2, 1949; one of the chief aims of this organization is the general dissemination of information on the Katyn massacre and the demand that this crime be judicially investigated.

The American Committee for the Investigation of the Katyn Massacre, Inc. was established soon after in New York on the initiative of several eminent American personalities with the intention of organizing a public trial dealing with the Katyn massacre. Former U.S. Ambassador to Poland Arthur Bliss Lane stood at the head of this committee, with Clare Boothe Luce, Dorothy Thompson, Gen. William J. Donovan, Allen W. Dulles, Max Eastman, James A. Farley, Blair F. Gunther, Charles Rozmarek, George E. Sokolsky, and others as members of that body.

The National Council of the Polish Republic unanimously passed its Katyn resolution during a session in London on September 5, 1949, on the motion of the Polish Government-in-exile. This resolution expressed gratification that the initiative for an independent investigation of the Katyn massacre had been undertaken in the United States; it also expressed confidence that "people with sufficient moral strength would be found in the free world, able to bear the burden of struggle for the truth and to wage this struggle victoriously."

The first American solemn mass meeting in memory of the victims of the Katyn massacre was held on September 18, 1949. It was initiated by post No. 15 of the Polish Army Veterans Association of America, headed by Vincent A. Basinski, a member of the London Association of Former Soviet Political Prisoners. The meeting was held in Gary, Ind., under the patronage of H. E. August Zaleski, legitimate President of the Polish Republic. Among the speakers were Representative Ray J. Madden of Gary, Ind., Democrat, and the Reverend Walerian S. Karcz, chaplain to the Polish Army Veterans Association of America.

IN THE LAND OF WASHINGTON

The turning point in efforts for establishing the facts of the Katyn massacre occurred in 1951. The American committee headed by Arthur Bliss Lane had been active for 2 years, doing sterling work in amassing evidence and effectively combating the indifference shown in this matter. News to the effect that U.N. soldiers captured by the Communists in Korea were being "Katynized" began to reach America from the Far East. The idea of appointing a congressional select committee for the investigation of the Katyn massacre arose in Chicago—where the organized life of Americans of Polish descent is centered. Credit for this initiative is due to Representative Timothy P. Sheehan, Republican, of Chicago, who introduced the original resolution (H. Res. 282) in the House of Representatives on June 26, 1951, asking for a complete congressional investigation of the Katyn massacre. Mr. Julius Epstein, executive secretary of Arthur Bliss Lane's committee, drew the attention of American public opinion to this important development in the Katyn case when he wrote on the subject in the New York Times of July 9, 1951. Joseph Mackiewicz' "The Katyn Wood Murders" was published in book form in London during the same month. In the meantime, the appointment of a congressional Select Committee on the Katyn Massacre was becoming ripe for action. Resolutions on this subject were also introduced by Representatives Madden, Flood, Machrowicz, and Latham. But Representative RAY J. MADDEN, of Gary, Ind., bore away the palm. An attorney at law by profession, member of the American Legion and for many years a member of the Committee on Rules of the House of Representatives (on whose decision the creation of select committees is chiefly dependent), Representative MADDEN had interested himself in the Katyn case since 1949 and acquired a thorough knowledge of it. His second resolution (H. Res. 390, dated August 15, 1951) was referred to the Committee on Rules which on August 16, 1951, unanimously adopted his resolution for creating a select committee composed of seven Members of the House of Representatives to investigate the Katyn Forest massacre.

On September 18, 1951, the second anniversary of the commemorative mass meeting in Gary, Ind., the U.S. House of Representatives held a debate during which 16 speakers addressed the House and in the outcome unanimously adopted Representative MADDEN's resolution (H. Res. 390), introduced by the chairman of the Committee on Rules, and dean of the House of Representatives, Representative Adolph J. Sabath, of Chicago.

The select committee consisted of the following Representatives: Ray J. Madden, Democrat, of Indiana, chairman; Thaddeus M. Machrowicz, Democrat, of Michigan, Foster Furcolo, Democrat, of Massachusetts, Daniel J. Flood, Democrat, of Pennsylvania, George A. Dondero, Republican, of Michigan, Alvin E. O'Konski, Republican, of Wisconsin, and Timothy P. Sheehan, Republican, of Illinois. Representative Machrowicz, who is of Polish descent, was made vice chairman.

The select committee began its investigation by hearing the evidence of a number of witnesses, first in Washington and then in Chicago. At the beginning of 1952, the chairman of the committee sent letters inviting the cooperation of the Polish Government in London, the Soviet Government, the Communist "government" in Warsaw, and of the German Federal Republic authorities.

THE MURDERERS' CYNICISM AND THEIR STOOGES' PERFIDY

The Soviet authorities refused their cooperation and in their memorandum of February 29, 1952, stated:

"The question of the Katyn crime had been investigated in 1944 by an official commission, and it was established that the Katyn case was the work of the Hitlerite criminals, as was made public in the press on January 26, 1944. For 8 years the Government of the United States did not raise any objections to such conclusion of the Commission until very recently."

The example of the Soviet Union was followed by Warsaw which, through the intermediary of its Ambassador, likewise refused its cooperation and referred to a reply made by Cyrankiewicz on March 1, 1952, in a PAP press release. He described the activity of the congressional select committee as a "stage-managed farce and one of the links in the propaganda action of the U.S. Government, the provocative aims of which are obvious and are part of aggressive war preparations."

KATYN—ON THE CONSCIENCE OF THE WORLD

As already stated, it was in April 1952 that the members of the Select Committee To Investigate the Katyn Forest Massacre arrived in London. Thirty Polish witnesses were heard during the course of 4 days. A great mass meeting of Poles was held in London commemorating the 12th anniversary of the Katyn massacre on April 19, 1952; it was attended by the legitimate President of the Polish Republic, and Representatives Madden, Flood, and Machrowicz also addressed the assembly. On behalf of the U.S. Congress, Chairman MADDEN assured his Polish listeners that the murder of Polish prisoners of war in Soviet Russia shall not go unpunished and that Congress not only will pronounce a verdict but see to it that justice be done and the perpetrators pay for their crime. "Katyn," said Representative MADDEN, "is not only a Polish issue, but one that affects the conscience of the entire civilized world, being at the same time a threat to this world."

The select committee returned to Washington on the conclusion of its investigations in Europe and drew up its interim report.

PRESIDENT ZALESKI'S CABLEGRAM

Having received news that this phase of the investigation had been concluded, the legitimate President of the Polish Republic sent a cablegram of thanks to Chairman RAY J. MADDEN. The text of this message was published in the CONGRESSIONAL RECORD, volume 98, part 11, page A4260, and on July 7 the press bulletins of the U.S. Information Service included the following item from Washington as given in the daily wireless bulletin of the U.S. Embassy in London (No. 1916, July 7, 1952):

"KATYN: EXILED PRESIDENT EXPRESSES POLAND'S GRATITUDE AT U.S. FINDINGS

"WASHINGTON, July 7.—The head of the Polish Government-in-exile believes the special committee of the U.S. House of Representatives has rendered a great service to humanity by establishing that the Soviet Union was responsible for the massacre of 15,000 Polish Army officers in the spring of 1940.

"President August Zaleski, in a cable from London to the head of the committee, Representative RAY J. MADDEN, of Indiana, said:

"'By exposing this plot to eliminate those who subsequently would have opposed the communizing of Poland, you have rendered a great service not only to Poland but to humanity as a whole.'

"Representative MADDEN's group based its findings on 9 months of investigation and testimony in the United States and Europe. It recommended that the United Nations General Assembly take action on the crime before the International Court of Justice.

"The committee asserted in its report to the full House:

"'Throughout our entire proceedings there has not been a scintilla of proof or even any remote circumstantial evidence presented that would indicate any other nation in this international crime.'

"President Zaleski congratulated Mr. MADDEN and the other members of the committee on the results of their probe into 'the ghastly crime perpetrated on Polish prisoners of war.'

"His message added:

"'Your action proves that the U.S. Congress stands always as a defender of justice and righteousness. I am sure that I express the sentiments of the whole Polish nation which I express to you and your colleagues our most sincere thanks.'

"The House committee found after its long investigation that: 'Beyond question of reasonable doubt, the Soviet NKVD, secret police, committed the mass murders of the

Polish officers and intellectual leaders in the Katyn Forest.' "

FINAL REPORT OF THE SELECT COMMITTEE ON THE KATYN MASSACRE

The American elections in the autumn of 1952 brought victory to the Republicans, and the select committee then heard some more important witnesses including Robert H. Jackson, Associate Justice, U.S. Supreme Court, former Under Secretary of State Sumner Welles, former American Ambassadors George H. Earle, W. A. Harriman, Arthur Bliss Lane, and Adm. William H. Standley, and S. Mikolajczyk, president of the International Peasant Union. The committee concluded its labors as the terms of the 82d Congress of the United States was drawing to a close. The select committee held a press conference on December 22, 1952, when it released the text of its final unanimous recommendation that the House of Representatives approve the committee's findings and adopt the following resolution:

1. Requesting the President of the United States to forward the testimony, evidence, and findings of this committee to the U.S. delegates at the United Nations;

2. Requesting further that the President of the United States issue instructions to the U.S. delegates to present the Katyn case to the General Assembly of the United Nations;

3. Requesting that appropriate steps be taken by the General Assembly to seek action before the International World Court of Justice against the Union of Soviet Socialist Republics for committing a crime at Katyn which was in violation of the general principles of law recognized by civilized nations;

4. Requesting the President of the United States to instruct the U.S. delegation to seek the establishment of an international commission which would investigate other mass murders and crimes against humanity.

We now come to the year 1953. In the United States, the Republicans headed by President Eisenhower took over the reins of Government. The 83d Congress likewise had a Republican majority. The new U.S. administration took steps to end the war in Korea in accordance with General Eisenhower's election pledges. Representative MADDEN'S recomendation that the Katyn case be followed up before the forum of Congress was presented at the beginning of the year, but it was shelved—on the request of the Department of State—by a majority vote of the Foreign Affairs Committtee in the House of Representatives on June 18, 1953.

The report of the Congressional Select Committee on the Katyn Massacre, which comprised 2,437 pages of testimony and other evidence, still awaits action.

The Polish Nation now has at its disposal a wealth of evidence against the perpetrators of this ghastly murder of Polish prisoners of war amassed chiefly by official representatives of the American Nation.

The Katyn crime has not been forgotten. The Poles in the free world ceaselessly recall it to mind.

The following events in some connection with the Katyn massacre have taken place since 1953:

February 12, 1953: Ambassador Henry Cabot Lodge, Jr., U.S. representative to the United Nations, sent the select committee's final report on the Katyn Forest massacre to the U.N. Secretary General for distribution to all members of the United Nations.

March 25, 1953: Ambassador Lodge, speaking at a meeting of the Political Committee of the General Assembly of the United Nations on the Katyn massacre, pointed out that the investigation of the congressional select committee demonstrated that responsibility for this crime lies with the shameful NKVD (secret police) of the Soviet Government.

May, 8, 1956: Representative Timothy P. Sheehan, of Chicago, informed the House of Representatives that he had sent a cablegram to Jozef Cyrankiewicz, "Prime Minister of the Communist Polish People's Republic," stating he was prepared to come to Poland and present the Katyn evidence collected by the congressional select committee during 1951–52. Press agencies had just announced that the Warsaw regime intended to appoint a special committee to investigate the Katyn crime. As could be expected, no such committee was set up in Warsaw, and Representative Sheehan received no reply to his cablegram.

July 26, 1956: Six members of the congressional Select Committee on the Katyn Massacre (Representatives Madden, Flood, Machrowicz, Dondero, O'Konski, and Sheehan) sent a letter to Khrushchev (reported by the press on August 6, 1956) urging him publicly to admit Stalin's guilt of the Katyn Massacre. There was no answer to this letter, too.'

October 1956: Demonstrators in the streets of Warsaw raised the cry of "Rokossovski, go to Moscow" amidst the insistent chant of "Katyn, Katyn, Katyn." Konrad Syrop wrote of this in his book "Spring in October" (London, 1957).

July 20, 1957: A German weekly, the 7 Tage of Karishruhe/Baden, published a "Soviet document." This was the photostat of a report of the Minsk NKVD (secret police) dated June 10, 1940 and dealing with the liquidation of three camps for Polish prisoners of war. Apart from the dates of this "liquidation" of the camps, this report gives the names of the military formations which provided the "guard" for this operation. If this document is authentic, it clears up a mystery unsolved since 1940, viz., where the prisoners of war in the Starobielsk and Ostashkov camps were murdered.

September 1957: Two volumes of Stalin's correspondence with the Presidents of the United States and the Prime Ministers of Great Britain during the war were published in Russian. This edition was prepared by a commission presided over by Minister A. A. Gromyko but there is also an English edition in one volume, published in 1958 and entitled "Stalin's Correspondence with Churchill, Attlee, Roosevelt, and Truman, 1941–45." It follows from this official Soviet publication that the Soviet Government note of April 25, 1943, breaking off diplomatic relations with the Polish Government and signed by Molotov included the verbatim text of Stalin's letters of April 21, 1943 to President Roosevelt and Prime Minister Churchill. Moscow continues to uphold Stalin's version of April 1943 as regards the Katyn Massacre. For, in a footnote added in 1957 to Document No. 150—Stalin's letter of April 21, 1943, to Churchill in which he accused the Polish Government of inimical action against the Soviet Union in connection with the Katyn Massacre—the "Katyn" footnote (item 67 in the Russian edition and 59 in the English one) reads as follows:

"The allusion is to the anti-Soviet slander campaign which the Hitlerites launched in 1943 over the Polish officers whom they themselves had massacred at Katyn, near Smolensk."

The Mala Encyklopedia Powszechna (Small Universal Encyclopedia) published in Warsaw in 1958 repeats this Soviet version, for under the entry "Katyn" we read:

"Locality in the Smolensk region of the Russian Soviet Federal Socialist Republic, site of the mass graves of several thousand Polish officers interned since 1939 in the Soviet Union and murdered by the Hitlerites after they occupied these areas."

Among the most recent enunciations on the Katyn massacre, mention must be made of one made by Wladyslaw Gomulka not long ago. Speaking in Warsaw on the 20th anniversary of the formation of the present Polish Communist Party (Polish Workers Party), he said that Katyn was "a Goebbels provocation" exploited by the Polish Government in London in order to justify severing relations with the Soviet Union.

This statement shows that the so-called de-Stalinization proclaimed by Khrushchev does not extend to the Katyn murders. It also provides further proof that Gomulka and the Communist regime in Warsaw are dependent on Moscow.

NO—NOT DOCTORS' BILLS

Mr. LANGEN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. JOHANSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, by invoking the immunity of guileless innocence, the Washington Post assumes a novel and somewhat entertaining role—even though a not altogether convincing one.

It is, in any case, an encouraging development.

If the Washington Post has at long last discovered, or at least publicly acknowledged, that the administration medical care bill does not really provide medical—that is doctors'—care there is reason to hope that the public generally is, in this instance as in so many others, some weeks or months ahead of this newspaper's editorial pontifications.

In any case, congratulations to the Washington Post for this editorial in its Sunday, May 13 issue:

HEALTH COSTS

We have been taken to task, and very properly so, by a number of correspondents for the careless terminology employed in a recent editorial ineptly titled, "Paying the Doctors' Bills." The editorial supported the administration proposal intended to provide what is generally called medical care for the aged. But as our correspondents point out, and as we know full well ourselves, the bill provides only for the payment of limited hospital and nursing home expenses, certain home health services, diagnostic studies and drugs administered to patients while in the hospital. It provides for no payment of doctors' bills whatever and therefore ought not to be called a medical-care measure at all.

Our error was one not of ignorance but of innocence. We employed the terms "medical care" and "doctors' bills" in their generic sense as the terms most commonly and comprehensively used in connection with the costs of maintaining health.

SOUND TAX POLICY AND STOCK OPTIONS

Mr. LANGEN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. KNOX] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KNOX. Mr. Speaker, frequently in recent time, speeches concerning our

Federal tax structure are devoted to selling the idea that many provisions of the revenue code which the Congress included in the law after careful and deliberate consideration are loopholes. For the most part these characterizations do little to provide understanding or knowledge of the complexities involved. Instead, the issue becomes emotionally cast in the context of the fact of abuse assumed; the only remaining question is—"Are you for or against it?" The economic policies and principles of equity which originally warranted and motivated the criticized tax treatment are disregarded in the eagerness to make the allegation of loophole stick.

Included among those tax policies which are labeled as loopholes we find such decisions as the exclusion from income of social security benefits, the failure to tax imputed rental value of owner-occupied housing, the deferred taxation of pension and profit-sharing plans, the allowance of capital gains treatment, the special dividend-received credit and exclusion, and the tax treatment extended to restricted stock options.

To criticize or defend all of these so-called loopholes and the other provisions of the tax law that I have not enumerated but which provide special tax treatment would require a speech of much greater length than I propose to give today.

My remarks today will be limited to just one of these alleged loopholes. I will discuss with my colleagues section 421 of the Internal Revenue Code which is the section providing for the establishment of restricted stock option plans.

The tax treatment accorded restricted stock options has received my careful study and attention during the years I have served on the Committee on Ways and Means and began during the committee's work on the 1954 Code. This study and consideration have convincingly persuaded me that the present law treatment of stock options does not justify a "loophole" allegation.

Mr. Speaker, the stock option provisions of the Internal Revenue Code prescribe conditions for granting stock option entitlement to company employees. If the stock option qualifies under the rules of the tax law, the option recipient is allowed to purchase shares in his employer corporation and the capital gains tax will be applicable to any gain on the subsequent resale of such stock.

Mr. Speaker, it is generally well recognized that the purpose of the stock option provisions of the law is to provide economic incentives and reward for managerial endeavor. When the existing stock option provisions were first enacted in our tax law in 1950 the report of the Senate Committee on Finance specifically took account of the incentive aspect of this matter when it characterized stock options as "incentive devices by corporations who wish to attract new management, to convert their officers into partners by giving them a stake in the business, to retain the services of executives who might otherwise leave, or to give their employees generally a more direct interest in the success of the corporation."

When we discuss the incentive aspects of the stock option procedure we are really dealing with the difference between a hired manager and an owner manager.

The significance of this distinction and the contribution stock options make to the distinction was ably described by Mr. Henry Ford II in the Harvard Business Review for July–August 1961. Describing the experience with stock options at the Ford Motor Co., Mr. Ford had the following to say:

> During the early postwar years at Ford Motor Co. a dozen or so skillful men—executives brought in from outside after the war—transformed a bogged down antiquated money-losing company into a modern, efficient, profitmaking enterprise, capable of meeting the toughest kind of competition, of improving its position, and of renewing its own management resources. Largely through the efforts of these men, the company became a substantial net contributor to the managerial and technical capabilities of the economy. Furthermore, by stimulating more intense competition in the automobile industry, the company added to the general prosperity and growth of the 1950's.
>
> Without the guidance of these men, the stockholders' equity might be half of what it is today. The contribution of this group to the growth and profits of the company has far exceeded any financial rewards they received in return.
>
> When the Congress authorized restricted stock options by amending the Internal Revenue Code, it gave us an effective means to recognize and stimulate exceptional performance, and to protect the company's future by conserving its management seed corn. In 1953 the board of directors made its first grants of restricted stock options to 114 key employees.
>
> We have had no reason to regret that decision. I am convinced that, in broad effect, stock options have helped materially to raise the company to third place among American industrial corporations in total dollar sales. Without stock options or some comparable incentives, the same results would not have been achieved.

Mr. Speaker, the stock option experience of Ford Motor Co. where good management produced benefit for the employees, the shareholders, the public, and the U.S. Treasury is not an isolated instance of broad scale benefit from the stock option incentive feature of our Federal tax structure. Indeed, similar benefits equally as dramatic, can be found among the case histories of the many hundreds of stock option plans in effect today.

It is important to recognize that these benefits flow not only to the recipient of the option but also to owners and employees of the corporation and to the general public as well. It is estimated that approximately two-thirds of the 1,100 companies listed on the New York Stock Exchange have stock option plans. This number of participating companies is increased by stock option plans in effect with companies listed on other exchanges and with unlisted companies. This multiplicity of plans has not come into being through the design of a few corporate executives. In my judgment, the widespread utilization of stock options as key employee reward can in large measure be attributed to the interest of shareholders in maintaining an executive force that is capable of efficient and effective company management. And as I have said this inducement to experienced company management is directly reflected in increased stockholder equity and in job opportunities for company employees that are more secure and offer brighter opportunity.

Mr. Speaker, the allegation that the stock option plan constitutes a loophole cannot stand up under objective examination. The fact is that the public is not disadvantaged through any loss in tax revenue under these plans. It must be remembered that the granting corporation does not take a deduction with respect to the value of a stock option as it does in the case of wages paid to an employee. Thus it might be said that a 52-percent saving accrues to the U.S. Treasury because there is no tax write-off at the corporate level on stock options. Additionally, if the employee disposes of his stock the Treasury will collect capital gains tax on any gain he may have.

As I have studied this matter and given particular regard to the criticisms made against the stock option provisions of our tax law, the following conclusions seem inescapable: First, the loophole allegation cannot be sustained and relies on the recitation of a few isolated instances of admittedly large gains resulting from unusual combinations of circumstances that are not likely to be repeated; second, stock options are good business for America because of the incentive to maximum efficiency in the operation of the free enterprise system; third, employees and shareholders share in the benefits that are reaped as a consequence of strong, experienced, and capable company management; fourth, long-term corporate growth requires long-term investment and effort capably directed in competitive enterprise in pursuit of policies that are in the national interest, and these consequences are best attainable under management arrangements involving a long-term proprietary interest; fifth, the stock option opportunity is especially important to relatively small business that can use the stock option incentive to acquire and retain the necessary managerial skills; and sixth, the repeal of the stock option tax provisions could produce a net revenue loss to the U.S. Treasury rather than a gain.

Mr. Speaker, the national interest clearly requires that Government policy should be directed to the encouragement of economic growth. An important aspect of that policy for growth necessarily involves our Federal tax structure, generally, and the incentive feature of our tax law specifically. The economic growth we must seek is in private enterprise and not in Government enterprise. This growth will be determined in substantial measure by the experience and effectiveness of the managerial skills that are brought to bear in the development of our economic potential. The incentives provided by the stock option opportunity form an important aspect of the inducement for sound, longrun success on the part of business management in contributing the guidance and direction to our industrial and commercial efforts.

Mr. Speaker, I respectfully submit to my colleagues that this subject of tax law and incentives requires evaluations and judgments based on informed knowledge and not emotions and prejudices.

MRS. MARGARET R. BEITER

Mr. BREEDING. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Blatnik] may extend his remarks in the body of the Record.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BLATNIK. Mr. Speaker, it is my privilege to rise on the floor of the House this afternoon to pay a well deserved tribute to an outstanding employee of the House of Representatives—one of the finest staff members, I am sure, in the history of Congress, the present chief clerk of the Committee on Public Works, Mrs. Margaret R. Beiter.

Mrs. Beiter has many years of continuous service on Capitol Hill. During that period of time she has in all positions in which she has served, including the present one as the chief clerk of the Public Works Committee, handled all assignments that have come her way in the finest possible and most effective manner.

I have known Mrs. Beiter for a number of years in my capacity as a Member of Congress, as a member of the Public Works Committee, and as a personal friend. She is a fine lady, a wonderful wife, and a devoted mother. Under Mrs. Beiter's guidance, the Committee on Public Works handles legislation smoothly, promptly, and efficiently. She is thoroughly familiar with any and all of the problems affecting not only bills that are handled by the committee but the administrative problems and many other details that come up in the course of a legislative year. All members of the committee can come to her at any time and be assured that the advice she may give them on a particular matter will be the correct one. It is truly said that the heart of the Congress is in its committee staff, and the heart of the Public Works Committee staff is Margaret Beiter. I salute her today and I am certain that all members of the Public Works Committee on both sides of the aisle join me in this salute. I wish her many more years of active service here on the Hill and, in addition, many more years of family happiness with her husband, and her charming daughter.

NEW YORK CITY COMMISSION ON HUMAN RIGHTS

Mr. BREEDING. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Ryan] may extend his remarks in the body of the Record.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. RYAN of New York. Mr. Speaker, I wish to call the attention of my colleagues to a statement issued recently by the New York City Commission on Human Rights concerning the nefarious practice of a group of racists in paying for the transportation of Negroes from southern communities to the North.

I hope that all Members of this body will join me in deploring the shocking disregard for human rights and liberty evidenced by the bigots who are involved in this plan.

Mr. Speaker, under the chairmanship of the Honorable Stanley Lowell, the New York City Commission on Human Rights is setting a splendid example from which other cities might well profit.

The statement reasserts the pride that we from the great city of New York take in being the haven for those fleeing from oppression. The human rights commission statement which follows is a testimonial to New York City's dedication to liberty:

> The New York City Commission on Human Rights takes note of the action of some racist groups in southern communities to finance the transportation of Negroes in their areas to cities in the North. The avowed purpose of this enforced relocation is the hoped-for embarrassment of the Northern communities which would have difficulty absorbing into their midst individuals without funds, industrial skills and schooling. Since these individuals are Negroes it will be pointed out by the southern ejectors that the difficulty has emanated because they are Negroes. White migrants without funds or industrial skills and with inadequate schooling would find like difficulties.
>
> Should this nefarious plan of the Southerners materialize many Negroes may choose to come to New York.
>
> We in New York City would be proud to have those fleeing from oppression seek a haven here. As in the past, we again lift our lamp to the "huddled masses yearning to be free." It is precisely this expression of succor which has made this city the essence of living democracy.
>
> The movement of any people to large urban cities—at a time when these cities are experiencing a general growth in population and the encumbrance of a rising cost of living—has presented them with financial and physically strangling difficulties. Unfortunately at this time these Southern migrants would find in New York—as they would find in any metropolis—virtually insurmountable difficulties in securing adequate housing and jobs.
>
> Can we sit by as observers while citizens of an American community are being expelled from their homes? The power and prestige of our Federal Government can and must be brought to bear upon—and effect a change in—those States in which citizens of the United States are being denied their equal rights and thus forced to seek a haven in northern communities. The opportunity to realize the American dream of true equality must be available in the South as well as the North.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Fenton (at the request of Mr. Horan), for Monday, Tuesday, and Wednesday, May 14, 15, 16, 1962, on account of death in family.

Mr. Flynt (at the request of Mr. Albert), on account of official business.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. Langen, for 15 minutes, on tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Lankford.

Mr. Broyhill to revise and extend his remarks and to include extraneous matter on the District bill under consideration today.

(The following Members (at the request of Mr. Langen) to extend their remarks in the Record and to include extraneous matter.)

Mr. Fino.

Mr. Pirnie.

Mr. Short.

(The following Members (at the request of Mr. Breeding) to extend their remarks in the Record and to include extraneous matter:)

Mr. Fogarty.

Mr. Anfuso.

Mr. Celler.

Mr. Mack and to include extraneous material.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 9778. An act to provide for the free entry of certain steel and steel products donated for an addition to the Chippewa County War Memorial Hospital, Sault Ste. Marie, Mich., and to provide for the free entry of records, diagrams, and other data with regard to business, engineering, or exploration operations conducted outside the United States;

H.R. 10607. An act to amend the Tariff Act of 1930 and certain related laws to provide for the restatement of the tariff classification provisions, and for other purposes;

H.J. Res. 628. Joint resolution authorizing the President to proclaim the week in May of each year in which falls the third Friday of that month as National Transportation Week; and

H.J. Res. 711. Joint resolution to prescribe names for the several House of Representatives office buildings.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1595. An act to amend the Natural Gas Act to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only.

ADJOURNMENT

Mr. BREEDING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 14 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 15, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2051. A letter from the Assistant Secretary of the Interior, transmitting a certification as to adequacy of soil survey and land classification of the lands in the south Gila Valley unit, Yuma Mesa division, Gila project, Arizona, as required in the formulation of a definite plan for project development, pursuant to Public Law 83-172; to the Committee on Appropriations.

2052. Letter from the Assistant Secretary of Defense, transmitting the third report on property acquisitions for stockpile purposes for the quarter ending March 31, 1962, covering items acquired by Executive Order 10952, pursuant to subsection 201(h) of the Federal Civil Defense Act of 1950; to the Committee on Armed Services.

2053. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation entitled "A bill to relieve owners of abutting property from certain assessments in connection with the repair of alleys and sidewalks in the District of Columbia"; to the Committee on the District of Columbia.

2054. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation entitled "A bill to amend the District of Columbia Public School Food Services Act"; to the Committee on the District of Columbia.

2055. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation entitled "A bill to authorize an increase in the borrowing authority for the general fund of the District of Columbia"; to the Committee on the District of Columbia.

2056. A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting a report of transfer of funds from the "research and development" appropriation for the fiscal year 1962 to the "construction of facilities" appropriation to permit continuation of the land acquisition program for the expansion of launch facilities at Cape Canaveral, Fla., pursuant to section 3 of the act of July 21, 1961 (75 Stat. 216, 217); to the Committee on Science and Astronautics.

2057. A letter from the Chairman, Subversive Activities Control Board, transmitting the report and order of the Board in the matter of *Attorney General of the United States* v. *International Union of Mine, Mill, and Smelter Workers* (docket No. 116-56), pursuant to section 3 of the Subversive Activities Control Act of 1950, as amended by the Communist Control Act of 1954. The order was entered on May 4, 1962; to the Committee on Un-American Activities.

2058. A letter from the Chairman, Atomic Energy Commission, transmitting a draft of proposed legislation entitled "A bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes"; to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of May 10, 1962, the following joint resolution was reported on May 11, 1962:

Mr. COOLEY: Committee on Agriculture. House Joint Resolution 710. Joint resolution to defer the proclamation of marketing quotas and acreage allotments for the 1963 crop of wheat; without amendment (Rept. No. 1672). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted May 14, 1962*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POWELL: Committee on Education and Labor. H.R. 11665. A bill to revise the formula for apportioning cash assistance funds among the States under the National School Lunch Act, and for other purposes; without amendment (Rept. No. 1673). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ZABLOCKI:

H.R. 11721. A bill to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73 million for that purpose; to the Committee on Foreign Affairs.

By Mr. GEORGE P. MILLER:

H.R. 11722. A bill to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73 million for that purpose; to the Committee on Foreign Affairs.

By Mr. JUDD:

H.R. 11723. A bill to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73 million for that purpose; to the Committee on Foreign Affairs.

By Mr. BROOMFIELD:

H.R. 11724. A bill to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73 million for that purpose; to the Committee on Foreign Affairs.

By Mr. ABERNETHY (by request):

H.R. 11725. A bill to amend and extend the provisions of the Sugar Act of 1948, as amended; to the Committee on Agriculture.

By Mr. ASPINALL:

H.R. 11726. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. BERRY:

H.R. 11727. A bill to amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions; to the Committee on Agriculture.

By Mr. BONNER:

H.R. 11728. A bill to amend section 1208(a) of the Merchant Marine Act, 1936, to authorize investment of the war risk insurance fund in securities of, or guaranteed by, the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. BROYHILL:

H.R. 11729. A bill to repeal section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. COOLEY:

H.R. 11730. A bill to amend and extend the provisions of the Sugar Act of 1948, as amended; to the Committee on Agriculture.

By Mr. GOODELL:

H.R. 11731. A bill to provide Federal assistance for the establishment, expansion, and improvement of programs of technical education at the college level; to the Committee on Education and Labor.

By Mr. HARRIS:

H.R. 11732. A bill to amend section 305 of the Communications Act of 1934, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLIFIELD:

H.R. 11733. A bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. KEOGH:

H.R. 11734. A bill to provide that tips received by an employee in the course of his employment shall be included as part of his wages for old-age, survivors, and disability insurance purposes and for purposes of income tax withholding; to the Committee on Ways and Means.

By Mr. MACK:

H.R. 11735. A bill authorizing the change in name of the Beardstown, Ill., flood control project, to the Sid Simpson flood control project; to the Committee on Public Works.

By Mr. MATTHEWS:

H.R. 11736. A bill to amend section 2304 of title 10, United States Code, to provide that military procurement agencies shall comply with State minimum price laws for certain perishable subsistence items; to the Committee on Armed Services.

By Mr. GEORGE P. MILLER:

H.R. 11737. A bill to authorize appropriations to the National Aeronautics and Space Administration for research, development, and operation; construction of facilities; and for other purposes; to the Committee on Science and Astronautics.

By Mr. ROGERS of Texas:

H.R. 11738. A bill to amend and extend the provisions of the Sugar Act of 1948, as amended; to the Committee on Agriculture.

By Mr. SHORT:

H.R. 11739. A bill to amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions; to the Committee on Agriculture.

By Mr. TEAGUE of Texas (by request):

H.R. 11740. A bill to amend title 38, United States Code, to provide that certain special hand or foot controls for automobiles shall be considered to be prosthetic appliances; to the Committee on Veterans' Affairs.

H.R. 11741. A bill to amend chapter 17 of title 38, United States Code, to provide for assistance to veterans in need of regular aid and attendance in obtaining drugs and biologicals; to the Committee on Veterans' Affairs.

H.R. 11742. A bill to amend chapter 17 of title 38, United States Code, to provide assistance to veterans in need of regular aid and attendance who are receiving nursing home care; to the Committee on Veterans' Affairs.

By Mr. VINSON:

H.R. 11743. A bill to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

H.R. 11744. A bill to amend certain provisions of existing law concerning the relationship of the Coast and Geodetic Survey to the Army and Navy so that they will apply with similar effect to the Air Force; to the Committee on Armed Services.

By Mr. LOSER:

H.J. Res. 716. Joint resolution to authorize the President to proclaim May 15 of each year as Peace Officers Memorial Day and the calendar week of each year during which such May 15 occurs as Police Week; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H. Res. 637. Resolution to adjust the U.S. Treasury account in the office of the Sergeant at Arms of the House of Representatives, and for other purposes; to the Committee on House Administration.

H. Res. 638. Resolution authorizing additional laborers for the office of the Doorkeeper of the House of Representatives;to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HERLONG:

H.R. 11745. A bill to provide for the conveyance of certain real property of the United States situated in the State of Florida; to the Committee on Agriculture.

By Mr. LESINSKI:

H.R. 11746. A bill for the relief of Yasuko Agena; to the Committee on the Judiciary.

By Mr. MATTHEWS:

H.R. 11747. A bill for the relief of Mrs. Lillian T. Dunn; to the Committee on the Judiciary.

By Mr. MORRISON:

H.R. 11748. A bill for the relief of Antonio Ingraffia, his wife, Alfonsa Montele Ingraffia, and their minor son, Salvatore Ingraffia; to the Committee on the Judiciary.

By Mr. MURPHY:

H.R. 11749. A bill for the relief of Peregrina Calipo Sucaldito; to the Committee on the Judiciary.

By Mr. WATTS:

H.R. 11750. A bill for the relief of Dr. Hau Ming Kwaan; to the Committee on the Judiciary.

By Mr. ZELENKO:

H.R. 11751. A bill for the relief of Tommaso Attanasio; to the Committee on the Juciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

342. By the SPEAKER: Petition of Midwest Model United Nations, Manhattan, Kans., with reference to the education of college students in order to achieve a more realistic view of the work of the United Nations; to the Committee on Foreign Affairs.

343. Also, petition of city of Covina, Covina, Calif., memorializing the President and Congress of the United States to take no action which might subject the income from State and local bonds to a Federal tax; to the Committee on the Judiciary.

344. Also, petition of the board of supervisors of the county of San Joaquin, Stockton, Calif., opposing Federal income taxation of interest derived from public bonds; to the Committee on Ways and Means.

SENATE

Monday, May 14, 1962

The Senate met at 11 o'clock a.m., and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, for this quiet moment turning to Thee from all the pomp and show of the world, we pour contempt on all our pride. We come confessing that in the conceit of our self-sufficiency, too often with our burning thirsts we have turned to the broken cisterns of worldly wisdom and of our own sophisticated cleverness. That delusive way has brought us, and our anguished generation, to tragedy and agony.

Our only prayer now, as we come in all our need, is "Nearer my God to Thee, Nearer to Thee." Keep us near to Thee in all our inner motives and in all our deliberations affecting the state and the world.

God be in our head and in our understanding;
God be in our eyes and in our looking;
God be in our mouth and in our speaking;
God be in our mind and in our thinking;
God be at our end—and at our departing.

Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent the reading of the Journal of the proceedings of Thursday, May 10, 1962, was dispensed with.

CALL OF THE CALENDAR DISPENSED WITH

On request of Mr. Mansfield, and by unanimous consent, the call of the Legislative Calendar was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the vote on the cloture motion, the morning hour be had, under a 3-minute limitation.

The VICE PRESIDENT. Without objection, it is so ordered.

JAMES M. NORMAN—DIVISION OF TIME FOR VOTING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time before the vote on the cloture motion be equally divided between the two sides, and be controlled, respectively, by the distinguished senior Senator from Georgia [Mr. Russell] and the majority leader.

The VICE PRESIDENT. Is there objection? The Chair hears none; and it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and request unanimous consent that the time required for the quorum call be divided and charged equally to the time available to each side.

The VICE PRESIDENT. Without objection, it is so ordered; and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, I yield 2 minutes to the distinguished senior Senator from North Carolina [Mr. Ervin].

The VICE PRESIDENT. The Senator from North Carolina is recognized for 2 minutes.

THE LITERACY TEST BILL AND THE CONSTITUTION

Mr. ERVIN. Mr. President, the so-called literacy test bill, S. 2750, is similar to virtually all the other bills which are given the magic name "civil rights bills." It is incompatible with the Constitution.

It is perhaps inevitable that so-called civil rights bills should be inconsistent with the Constitution.

Those who draft them are somewhat impatient men who seek easy solutions to hard problems. In so doing, they devise shortcuts to the ends they desire, and are apparently contemptuous of the obstacles they encounter, even when such obstacles are precious constitutional principles. Their impatient zeal seems to blind them to a truth taught by the experience of mankind: Hard problems do not admit of easy solutions, and shortcuts are the most direct roads to disaster.

I note with satisfaction that former President Eisenhower, the Washington Post, the Washington Star, and the New Age magazine, share the view that S. 2750 cannot be reconciled with the Constitution.

I ask unanimous consent that a news item in the Washington Star of May 10 entitled "Eisenhower Opposes Kennedy Literacy Bill, "an editorial in the Washington Post of May 11 entitled "Literacy Test Defeat," an editorial in the Washington Star of May 11, entitled "Victory in the Senate," and an editorial in the New Age magazine for May 1962 entitled "Literacy Test Bill Questioned" be printed at this point in the body of the Record, as a part of my remarks.

There being no objection, the article and the editorials were ordered to be printed in the Record, as follows:

[From the Washington Star, May 10, 1962]

Eisenhower Opposes Kennedy Literacy Bill

(By J. A. O'Leary)

Former President Eisenhower today came out against the administration bill to make a sixth-grade education the literacy standard for voting.

His statement came amid indications that the bill will be put on a shelf in the Senate Monday until next year as a result of the setback it suffered yesterday.

The bill's prospects were considered nonexistent as a result of the 53-43 vote yesterday against invoking cloture. Without a debate limitation, supporters admit they cannot get action.

But the issue was kept alive temporarily by another vote of 64 to 33 against sidetracking it immediately. This vote prompted party leaders to make one more effort to invoke cloture on Monday.

General Eisenhower agreed fully with the arguments being made against the bill by the southern Democrats, who are determined to keep it from passing.

The former President said he interprets the Constitution as making the States the judges of the qualifications of voters and for that reason thinks the constitutionality of the pending bill should be carefully considered.

"It might be possible to apply Federal standards to Federal elections only, but I don't believe the Constitution even implies that," he said.

He said a good literacy test honestly administered is desirable and said he was astonished recently at the understanding a group of sixth-grade children, who called on him, had of the operations of the Government.

General Eisenhower said he concluded that the sixth grade would be a good standard, but added, "I would like to see the States do it; I don't think the Federal Government should do it."

Supporters of the bill said the big vote against tabling indicated the bill would pass if the debate could be terminated.

That was the point President Kennedy emphasized when asked to comment on the Senate vote at his news conference yesterday. He said the vote against tabling meant most Senators were for the bill.

"I am hopeful the Senate will vote, and there will be another chance on Monday," he added.

The 43 votes cast yesterday in favor of cloture fell 21 short of two-thirds, and there are no indications that enough Senators will change their minds between now and Monday to upset that margin.

Producing a majority for cloture would not bring the literacy bill to passage this year, but it would help liberals to argue that next year the Senate should change its rules to reduce the two-thirds requirement for closing debate so that the Senate can act when a majority is for a bill.

[From the Washington Post, May 11, 1962]

Literacy-Test Defeat

There are many reasons for the administration's poor showing in the Senate vote for limitation of debate on the literacy-test bill. The 53-to-43 lineup against cloture, which had the support of both the majority and minority leaders, was first of all a reflection of the Senate's traditional reluctance to cut off debate. Further weakness lay in the vulnerability of the bill to constitutional objections. Apparently some Senators also felt that the Civil Rights Act of 1960 should be vigorously enforced before further legislation to compel respect for the voting rights of Negroes is enacted.

On the surface the refusal to cut off debate appears to be inconsistent with the subsequent 64-to-33 vote against tabling the literacy-test bill. The majority seemed to be saying that they favored the bill and yet would not limit debate so that it could be passed. Actually, however, many extraneous considerations entered into the vote against tabling or discarding the measure. Some of the 15 Republicans who were against both cloture and tabling were probably eager to keep alive an issue that has caused so much controversy between northern and southern Democrats. No doubt some other Republicans and some Democrats who voted "no" in both instances assumed that a vote against tabling would be counted as a vote for "civil rights" even though in fact it would be meaningless. In the language of politics this is known as a free ride.

Majority Leader Mansfield intended his tabling motion to serve as a test of sentiment on the merits of the bill, and he himself voted against his own motion. Yet it could not be an accurate test. Only a relatively small minority would line up for openly killing the bill, but a majority of 10 was willing to let it die of filibusteritis. This is always the conclusive test in the Senate in the case of relatively weak civil-rights bills that do not seem to warrant an all-out fight against the hazards of marathon oratory.

In the circumstances there seems to be no point in prolonging the debate into next week. Senator Mansfield's second cloture motion will doubtless suffer the same fate as the first and thus leave the bill in a somewhat deeper grave. Nor does the outcome encourage renewal of the fight for easier application of the cloture rule. Majority cloture in place of the present requirement for a two-thirds vote would not have changed the result on Wednesday. The next logical moves are enactment of the anti-poll-tax amendment and more vigorous enforcement of the present law, and if these fail to bring about a full restoration of Negro voting rights, a more appealing measure than the defunct literacy-test bill will be needed.

[From the Washington Star, May 11, 1962]

Victory in the Senate

The 53-to-43 votes by which the attempt to invoke cloture in the debate on the so-called literacy bill was defeated reflects creditably on the Senate. For it shows that the sponsors, needing a two-thirds vote, could not muster even a simple majority.

Political pressures being what they are, it is not easy to cast a vote which can be attacked, however unjustly, as hampering "civil rights." Consequently, it is the more gratifying that 53 Senators were willing to stand up to the pressure artists.

The literacy bill was bad legislation on two counts. In the first place, it was of very doubtful constitutionality. It was an attempt, in the name of expediency, to bypass one of the basic constitutional provisions, and this, we think, was wrong. Secondly, at a time when intelligent voting is more than ever desirable, it would be a mistake to establish by law the fiction that a sixth-grade education is conclusive proof of literacy. Some sixth graders may be literate in the sense of being able to understand important issues on which they would vote. But many others would not have the foggiest notion of what they were voting for or against. They would simply be the prey of the first demagog to lay hands on them.

It is true that enactment of the literacy bill would not have prevented the States from requiring a higher standard—even a college degree as a condition for voting. But this begs the question. The proper requirement is that the voter be literate, and this without regard to the number of years he spent in school.

In some States, as everyone knows, the literacy test has been used to discriminate against Negroes. Congress has empowered the Department of Justice to move against this kind of discrimination, and these powers should be used to the fullest. If this proves inadequate to deal with the evil, some stronger remedy will have to be provided. But we hope it will not take the form of reviving the literacy test bill, which now is all but dead.

[From the New Age, May 1962]

Literacy Test Bill Questioned

The President has for some time been urging the passage by the Congress of a civil rights bill which would prevent the denial, on the ground of illiteracy, of the right to vote in Federal elections to anyone with a sixth-grade education. This provision of the measure is apparently aimed specifically at State literacy tests designed to prevent certain minority groups from voting in national elections, but it would obviously permit a considerable number of unqualified persons to exert their influence in national affairs.

An Associated Press dispatch of March 18, 1962, points out that both the Congress and a large group of professors of constitutional law in the country's law schools appear to be divided as to the constitutionality of any such legislation. Of the attorneys general of the 50 States, who have also been asked for their opinions, a majority of those who have replied have indicated grave doubt as to its validity.

Although the Attorney General of the United States has defended this legislation, Congressman Celler, of New York, chairman of the House Judiciary Committee, has expressed misgivings as to its constitutionality. In agreement with him, Senator Ervin of North Carolina, a former justice of that State's supreme court, is quoted as saying that because the Federal Constitution specifically reserves to each State the right to determine its own qualifications for voting, the bill is "unconstitutional on its face."

In retrospect, it will be remembered that less than a year ago the right of Puerto Ricans in New York to vote was denied on the ground that they were unable to pass a literacy test in English as required by State law. It was claimed that the civil rights of citizens literate in Spanish were violated because, despite the ruling of the board of elections, neither the State nor Federal Constitutions specified that such test must be in English. With these contentions the board of elections, the state attorney general, and the U.S. attorney strongly disagreed. In October 1961, the three-judge Federal court before which the case was argued upheld the action of the board of elections saying that required English test does no violence to any person's constitutional rights so long as it is applied to all citizens.

There can be no question that, lacking a sufficient knowledge of the tongue in which our history is written, our political issues discussed, and our business transacted, the intelligent exercise of the franchise is impossible. Recognition of this fact is implicit in the third of the five principles favored by the Scottish Rite as set forth on the back cover of the New Age each month.

The Federal court mentioned previously pointed out in its decision that the establishment of voting standards is clearly "within the power of the States and (is) not subject to Federal supervision." Attempts on the part of the Federal bureaucracy to circumvent or ignore the provisions of the Constitution are becoming increasingly frequent and seldom result in failure. The expression of doubt by the courts, Members of Congress, and attorneys familiar with constitutional law should be given the attention they deserve in considering all so-called civil rights legislation lest the States find themselves reduced to the status of mere administrative appendages. If we are to have a government by law rather than a dictatorship by men, changes in the present prescribed procedure should be accomplished only through amendment of the Constitution as provided for in article V of that charter.

THE LITERACY TEST BILL AND THE 15TH AMENDMENT

Mr. ERVIN. Mr. President, on October 20, 1961, Circuit Judge Lumbard and District Judges Edelstein and Metzner, sitting as a three-judge statutory court in the U.S. District Court for the Southern District of New York, handed down an order and decision in the case of Jose Camacho against William T. Rogers, Attorney General of the United States, Nelson Rockefeller, Governor of the State of New York, Louis J. Lefkowitz, attorney general of the State of New York, and the Board of Elections of the City of New York adjudging that the English language literacy requirement of the New York constitution does not violate the 14th or 15th amendments to the Constitution of the United States.

This decision makes it manifest that the so-called literacy test bill, S. 2750, finds no support whatsoever in either the 14th or the 15th amendments.

This being so, the decision ought to be made available to all Senators. Consequently, I ask unanimous consent that the order and decision be printed at this point in the body of the Record as a part of my remarks.

There being no objection, the order and decision were ordered to be printed in the Record, as follows:

(In the U.S. District Court, Southern District of New York, filed October 20, 1961, southern district of New York, 60 civil 3531)

Jose Camacho, Plaintiff, Against William T. Rogers, Attorney General of the United States, Nelson Rockefeller, Governor of the State of New York, Louis J. Lefkowitz, Attorney General of the State of New York, and the Board of Elections of the City of New York, Defendants

Before Lumbard, circuit judge, and Edelstein and Metzner, district judges, sitting as a statutory court.

Action to enjoin the enforcement of the provisions of the constitution and statutes of the State of New York requiring literacy in the English language as a prerequisite for eligibility to vote. Motions to dismiss complaint granted.

Paul O'Dwyer (Gene Crescenzi, Paul O'Dwyer and Howard N. Meyer on brief), all of New York, N.Y., for plaintiff.

George C. Mantzoros, assistant attorney general of the State of New York (Irving L. Rollins, New York, N.Y., of counsel) (Louis J. Lefkowitz, attorney general, Paxton Blair, solicitor general, and George C. Mantzoros on brief) for the Governor and the attorney general of the State of New York.

Arthur H. Geisler, assistant corporation counsel for the city of New York (Leo A. Larkin, corporation counsel, and Arthur H. Geisler on brief) for the Board of Elections of the city of New York.

Robert J. Ward, assistant U.S. attorney, southern district of New York (Burke Marshall, assistant attorney general, Washington, D.C., and Robert M. Morgenthau, U.S. attorney, southern district of New York on brief for the United States of America, amicus curiae.

Nanette Dembitz, New York, N.Y. (on brief) for the New York Civil Liberties Union, amicus curiae.

Metzner (district judge). This is an action for an injunction to enjoin the enforcement of the English language literacy requirement of the Constitution (art. II, section 1) and the election law (secs. 150, 168 and 201 subd. 1) of the State of New York on the ground that such requirement violates the Constitution of the United States and statutes adopted pursuant thereto and certain treaties entered into by the United States. Plaintiff requested that a three-judge statutory court be convened (28 U.S.C. sec. 2281), which request was granted by the district court and the matter argued before this court.

The original parties defendant were the Attorney General of the United States, the Governor and the attorney general of the State of New York, and the Board of Elections of the city of New York. In a prior motion the plaintiff consented to a dismissal of the complaint against the Attorney General of the United States. The Governor and the attorney general of the State of New York also moved for a dismissal but that matter was held for adjudication by this court. The action insofar as it seeks relief against these officials must also be dismissed because they are not proper parties. *Fitts* v. *McGhee,* 172 U.S. 516 (1899); rule 12(b)(2) of the Federal Rules of Civil Procedure.

The complaint alleges that plaintiff is a citizen of the United States, having been born in Puerto Rico, and that he is literate only in Spanish. It was conceded on the argument that he voted in Puerto Rico before coming to New York City, where he is presently a resident. The defendant, board of elections of the city of New York, has refused to allow him to register to vote because he is unable to present proof of literacy in English as required and provided for by sections 150, 168, and 201, subdivision 1, of the election law. These sections were adopted pursuant to article II, section 1, of the New York State constitution, which provides that:

> "Notwithstanding the foregoing provisions, after January first, one thousand nine hundred twenty-two, no person shall become entitled to vote by attaining majority, by naturalization or otherwise, unless such person is also able, except for physical disability, to read and write English."

Plaintiff predicates his claim to relief on six grounds. First, that pursuant to the Treaty of Paris, which ended the hostilities between the United States and Spain, he is a citizen of the United States whose rights shall be those provided for by Congress, and therefore any limiting provision of the constitution or the election law of the State of New York is of no force and effect. Second, that as a citizen of the United States he is being denied the equal protection of the laws, in violation of the 14th amendment. Third, that in violation of the 15th amendment he is being denied the right to vote because of his race, being a Puerto Rican of Spanish ancestry. Fourth, that section 1971(a) of title 42, United States Code, is being violated on the ground that a person is entitled to vote without regard to race, color or previous condition of servitude. Fifth, that the Civil Rights Act of 1957 and 1960 (42 U.S.C. 1971(c) and (e) are being violated because a pattern exists denying Puerto Rican-American citizens the right to vote. Sixth, that the United Nations Charter and the Declaration of Human Rights are treaty obligations of the United States which are part of the supreme law of the land (Constitution, art. VI) and that said treaty is being violated in that the right to vote is a basic human right which the United States is pledged to observe without distinction as to race, sex, language or religion.

The first four grounds for the claim to relief as well as the 1957 Civil Rights Act, embraced in the fifth ground, were raised in an action instituted in 1958 by this plaintiff against the Board of Elections in the Supreme Court of the State of New York. (140 N.Y.L.J. No. 74, p. 13 (Sup. Ct., Spec. Term, Bronx Co.), October 15, 1958, aff'd by the Court of Appeals without opinion, 7 N.Y. 2d 762, 194 N.Y.S. 2d 33 (1959)). Neither the 1960 Civil Rights Act nor the sixth ground for relief was raised in the State court action.

The defense of res judicata has been raised based on the judgment in the State court action, which was decided adversely to the petitioner. The defense is a valid one and accordingly we dismiss the complaint insofar as the grounds raised in the State court action are concerned. *Rooker* v. *Fidelity Trust Co.,* 263 U.S. 413 (1923); *New York State Electric & Gas Corp.* v. *Public Service Commission of New York,* 102 F. 2d 453 (2 Cir. 1939); *Baker Driveaway Co.* v. *Hamilton,* 29 F. Supp. 693 (M.D. Pa. 1939); *England* v. *Louisiana State Board of Medical Examiners,* 194 F. Supp. 521 (E.D. La. 1961).

If there are any rights available to plaintiff by virtue of the Civil Rights Act of 1960 (42 U.S.C. 1971(c) and (e)), as contended for in the fifth ground, they must be asserted in the proper judicial district, which is the District of Columbia. We assume that the impropriety of seeking relief in this forum against the Attorney General of the United States is what prompted the consent by the plaintiff to the dismissal of the action against that official in a prior motion in this case.

We come to the sixth ground for relief, which is predicated in the claim that the cited sections of the New York constitution and the election law violate article 55 of the United Nations Charter. That article declares that the United Nations "shall promote * * * universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

Article 56 of the charter provides a pledge by the member nations to take joint and separate action "in cooperation with the organization for the achievement of the purposes set forth in article 55."

While article VI of the Constitution provides that treaties are part of the supreme law of the land, they reach that status only if the provisions of the treaty are self-executing. *Foster* v. *Neilson,* 2 Pet. 253, 7 L. Ed. 415 (1829); *Head Money* cases, 112 U.S. 580, 598 (1884); *Valentine* v. *U.S. ex rel. Neidecker,* 299 U.S. 5, 10 (1936). The question of whether article 55 is self-executing has been fully discussed in *Sei Fujii* v. *State,* 242 P. 2d 617 (Sup. Ct. of Calif., in banc. 1952) and as appears there the answer is that it is not. With this conclusion we agree. (See also, *Rice* v. *Sioux City Memorial Park,* 60 NW. 2d 110 (Sup. Ct. of Iowa 1953)). Indeed the very wording of article 55 shows that it is not intended to be self-executing.

Because of the nature of the issue presented, we nevertheless express our views on the merits of the plaintiff's claims foreclosed by the defense of res judicata, as the same undoubtedly will be raised by others similarly situated. The Treaty of Paris provided that: "The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress."

We think it is clear that this provision applies only to the rights of persons born in and resident of Puerto Rico, and that they are not given rights which they are entitled to exercise in contravention of the valid laws of a State to which they may move from Puerto Rico. They do not acquire a special status which would give them preferential treatment over a resident of a sister State who moves to New York and seeks to vote from his new residence.

This brings us then to the nub of this case, which is whether a State may adopt a requirement that in order for a citizen to be eligible to vote he must read and write the English language. The establishment of standards for voting has been recognized as within the power of the States and not subject to Federal supervision (*Guinn* v. *U.S.,* 238 U.S. 347, 366 (1915)), save as such legislation might contravene the 14th and 15th amendments (*Breedlove* v. *Suttles,* 302 U.S. 277 (1937)). States are free to establish standards of eligibility to vote which do not contravene a constitutional prohibition. The following State requirements have been held to be constitutionally valid if equally applied to all who reside within the State: absence of criminal conduct, *Davis* v. *Beason,* 133 U.S. 333 (1890); residency within the State for a designated period, *Pope* v. *Williams,* 193 U.S. 621 (1904); successful passing of a literacy test, *Lassiter* v. *Northampton Co. Board of Elections,* 360 U.S. 45 (1959); *Trudeau* v. *Barnes,* 65 F. 2d 563 (5 Cir. 1933); *Guinn* v. *U.S., supra;* payment of a poll tax, *Breedlove* v. *Suttles, supra.*

In the Lassiter case, supra, the Court, dealing with the constitutionality of a North Carolina statute requiring ability to read and write any section of the constitution of North Carolina in the English language, said as follows:

"We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record (*Davis* v. *Beason,* 133 U.S. 333, 345–357) are obvious examples indicating factors which a State, may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise."

While this case discussed the provision in the North Carolina statute requiring literacy and ignored the further requirement that it be in the English language, the above quotation is just as apposite for a person literate in a foreign tongue. The plaintiff here is in no different position than children born in the United States and taken from the country at an early age who return after reaching their majority and are "literate" only in a tongue other than English. Plaintiff's argument, if followed to its logical conclusion, would mean that these poeple, no matter what their foreign tongue may be, should be entitled to vote as long as they are literate in such foreign tongue.

The statute is not an unreasonable exercise of the powers of the State to provide requirements for exercising the elective franchise. It is not unreasonable to expect a voter not only to be conversant with the issues presented for determination in choosing between candidates for election, but also to understand the language used in connection with voting. For example, there are printed in English on the ballot synopses of proposed constitutional amendments, titles of the offices to be filled and directives as to the use of the paper ballot or voting machine. Finally, what is more proper than that the voter be literate in the language used to conduct the business of government in his State.

It is because of this view of the issue presented that the testimony received on the hearing in this matter, while relevant to the issue, is immaterial to its determination.[1]

The literacy requirement is applicable to all citizens of New York without regard to race, creed, color or sex. No charge is made that the test is improperly given or its contents unfair. The test is equally and fairly applied to all who take it. Plaintiff has not been denied the equal protection of the laws nor has he been deprived of his life, liberty or property, in violation of the 14th amendment. (*Lassiter* v. *Northampton Co. Board of Elections, supra; Trudeau* v. *Barnes, supra*).

Plaintiff has not directly raised in his pleading the question of the 15th amendment except in the sense that he states that "he is being denied the equal protection of the law guaranteed to him by the 14th amendment" because "he is being denied the right to vote because of his race, as a Puerto Rican of Spanish ancestry." However, in the brief submitted after hearing before this court, he claims conflict between the statutory provisions of New York and the 15th amendment in their application to the Puerto Rican community of New York. He claims that "race" and "color" were not intended to have a narrow or technical connotation, but refer to any minority in the community. In the Lassiter case at page 53 the court said:

"Of course a literacy test, fair on its face, may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot."

Because the plaintiff is unable to vote as a result of his inability to pass the test, it does not follow that the plaintiff is being discriminated against. The 15th amendment was not designed to protect against the claim of this plaintiff. He is not being denied the right to vote because of race, creed or color, but because of his illiteracy in the English language.

Plaintiff places reliance on the Civil Rights Act of 1957 (42 U.S.C. sec. 1971). Subdivision (a) of section 1971 provides that:

"All citizens * * * who are otherwise qualified by law to vote at any election by the people in any State * * * shall be entitled * * * to vote at all such elections, without distinction of race, color or previous condition of servitude."

This is merely a restatement of the 15th amendment except that it adds the words "who are otherwise qualified by law to vote." The added words serve as a limitation insofar as the plaintiff is concerned. The requirement of literacy in the English language is a proper exercise of State power; the plaintiff is therefore not qualified under the laws of New York and this subdivision is inapplicable to him.

Subdivision (b) is of no help to the plaintiff since it is directed at deliberate acts of intimidation, threats and coercion, none of which are charged here.

The complaint is dismissed.

J. Edward Lumbard,
U.S. Circuit Judge.
David N. Edelstein,
U.S. District Judge.
Charles M. Metzner,
U.S. District Judge.

October 19, 1961.

Jose Camacho, Plaintiff, Against William T. Rogers, Attorney General of the United States, Nelson Rockefeller, Governor of the State of New York, Louis J. Lefkowitz, Attorney General of the State of New York, and the Board of Elections of the City of New York, Defendants

In the U.S. District Court, Southern District of New York, 60 civil 3531

Edelstein (district judge) (concurring). I concur in the dismissal of the complaint.

Plaintiff has alleged six grounds as the basis for his claim to relief. As to the first four grounds, i.e., the Treaty of Paris, the 14th amendment, the 15th amendment and 42 U.S.C., section 1971(a), and as to that portion of the fifth ground which refers to the Civil Rights Act of 1957, I agree that plaintiff is barred by res judicata. As to that portion of the fifth ground which refers to the Civil Rights Act of 1960 and as to the sixth ground, i.e., article 55 of the United Nations Charter, I agree that they are not applicable for the reasons stated in the court's opinion. I also concur in the dismissal of the complaint as against the Governor and the Attorney General of the State on the ground that they are not proper parties.

Since this disposes of the case, I see no need for a dictum on the merits of those issues which are not before the court. Accordingly, I concur in the result without expressing any opinion on the merits of the issues raised by plaintiff which are barred by res judicata.

David N. Edelstein,
U.S. District Judge.

New York, N.Y., *October 19, 1961.*

Mr. RUSSELL. Mr. President, I yield 3 minutes to the distinguished Senator from Iowa [Mr. Miller].

Mr. MILLER. Mr. President, I said last week, at the time of the first vote on the cloture motion, that I was persuaded that there had been numerous abuses with respect to the literacy test. I also pointed out that this is not a literacy test bill, and I think there has been too much propagandizing of the American people to that effect. The pending bill goes far beyond literacy tests.

The bill, on page 2 of the Mansfield-Dirksen amendment, paragraph (d), states that:

> Congress * * * finds * * * that persons who have completed six primary grades * * * cannot reasonably be denied the franchise on grounds of * * * lack of sufficient education.

This is not a literacy test bill. It goes to the heart of the rights of the sovereign States to set educational requirements.

It is very apparent to me that some States may see fit, in order to have an enlightened and informed electorate, to provide that 8 grades or 10 grades or 12 grades be required as a matter of the exercise of the franchise.

Later, on page 3 of the bill, it is stated that:

> "Deprivation of the right to vote" shall not be limited to (1) application to any person of standards or procedures more stringent than are applied to others similarly situated, and (2) the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination, whether for literacy or otherwise, if such other person has not been adjudged incompetent and has completed the sixth primary grade.

I voted against invoking cloture last Wednesday. I voted against tabling the

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[1] It was stipulated that if the mayor of San Juan, P.R., were called she would testify that between 1898 and 1948 attempts to teach ordinary subjects in the English language in grade schools in Puerto Rico were unsuccessful because the mother tongue of the children was Spanish; that after 1948 all required subjects were taught in Spanish up to the sixth or eighth grades; that the subjects taught were those taught on the mainland, and that the books were the same textbooks, by and large, used in the public schools throughout the mainland except that they were translated into the Spanish language. The editor of a Spanish language daily newspaper published in New York City testified that his paper is distributed throughout the State of New York; that it has correspondents in the major cities of the State where there are Puerto Rican residents, and that these corresponoents, in addition to special correspondents who visit these areas during the preelection period, write articles about the issues and the candidates to be voted upon at the general election. He testified that his newspaper gives more space proportionately to politics than any other newspaper in the country and that there is another Spanish language daily newspaper that generally does the same thing. There are also six radio stations which program this type of news in the Spanish language and four weekly magazines in the Spanish language.

Mansfield-Dirksen amendment because I believed it had some merit. But today I intend to vote again against invoking cloture because I have not been persuaded by any of the leadership that an effort will be made to restrict the Mansfield-Dirksen amendment to literacy, and nothing else.

I regret that this is so, because I think there have been abuses that go far beyond the purposes and intentions of literacy tests. The way to get the question settled is not to try to bring in other issues besides the literacy test.

If I were assured that we would be voting for nothing except the literacy bill, I would vote to invoke cloture, because I think this situation merits some action. Failing that, my vote will be against invoking cloture.

Mr. RUSSELL. Mr. President, I yield 4 minutes to the distinguished Senator from Mississippi [Mr. Stennis].

Mr. STENNIS. Mr. President, I have had the privilege of following this debate quite closely, and even though I had tried to prepare myself on the subject, it has been very illuminating to me, and I have learned much on the subject matter and related questions.

The Senator from Iowa [Mr. Miller] has made a fine, clear-cut point, that this is not just a literacy test bill. It goes deep into the proposition of educational requirements. But, all in all, the proponents of the measure—and the burden is on the proponents—have failed to establish the need for general legislation on the subject. To the contrary, it has been shown that the Civil Rights Acts of 1957 and 1960, which are in operation, have been found broad enough to cover the subject matter, and they are being used effectively. The Attorney General has plenty of authority, and can intervene directly, in the name of and at the cost of the Government itself.

Furthermore, my second point is that the proponents have signally failed to bring their bill within the constitutional powers of Congress. This point is generally agreed to by those who have made a special study of the subject. It is agreed to by those outside.

I hold in my hand an editorial from the Washington Post of Friday, May 11, 1962, entitled "Literacy-Test Defeat," wherein the writer of the editorial points out that the constitutionality of this measure has not been established.

I ask unanimous consent that the editorial be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Literacy Test Defeat

There are many reasons for the administration's poor showing in the Senate vote for limitation of debate on the literacy-test bill. The 53–43 lineup against cloture, which had the support of both the majority and minority leaders, was first of all a reflection of the Senate's traditional reluctance to cut off debate. Further weakness lay in the vulnerability of the bill to constitutional objections. Apparently some Senators also felt that the Civil Rights Act of 1960 should be vigorously enforced before further legislation to compel respect for the voting rights of Negroes is enacted.

On the surface the refusal to cut off debate appears to be inconsistent with the subsequent 64–33 vote against tabling the literacy-test bill. The majority seemed to be saying that they favored the bill and yet would not limit debate so that it could be passed. Actually, however, many extraneous considerations entered into the vote against tabling or discarding the measure. Some of the 15 Republicans who were against both cloture and tabling were probably eager to keep alive an issue that has caused so much controversy between northern and southern Democrats. No doubt some other Republicans and some Democrats who voted "no" in both instances assumed that a vote against tabling would be counted as a vote for "civil rights" even though in fact it would be meaningless. In the language of politics this is known as a free ride.

Majority Leader Mansfield intended his tabling motion to serve as a test of sentiment on the merits of the bill, and he himself voted against his own motion. Yet it could not be an accurate test. Only a relatively small minority would line up for openly killing the bill, but a majority of 10 was willing to let it die of filibusteritis. This is always the conclusive test in the Senate in the case of relatively weak civil-rights bills that do not seem to warrant an all-out fight against the hazards of marathon oratory.

In the circumstances there seems to be no point in prolonging the debate into next week. Senator Mansfield's second cloture motion will doubtless suffer the same fate as the first and thus leave the bill in a somewhat deeper grace. Nor does the outcome encourage renewal of the fight for easier application of the cloture rule. Majority cloture in place of the present requirement for a two-thirds vote would not have changed the result on Wednesday. The next logical moves are enactment of the anti-poll-tax amendment and more vigorous enforcement of the present law, and if these fail to bring about a full restoration of Negro voting rights, a more appealing measure than the defunct literacy-test bill will be needed.

Mr. STENNIS. I read over the weekend the statements of the distinguished and beloved former President of the United States, General Eisenhower, in which he very readily said that, regardless of the motives behind a bill like this, the Federal Constitution did not confer the authority to enact such legislation.

I point out, too, that if the Congress does pass a bill, even though it does not have the clear-cut authority to do so, Congress would give affirmation of its constitutionality. If such a bill is passed by Congress, it gives it a start on its way to being adjudged constitutional. It is well settled law that there is a presumption in favor of the constitutionality of laws passed by Congress, and that Congress would not pass a measure unless it thought it was clearly within the power of Congress to do so.

The fine constitutional lawyer from Wisconsin [Mr. Wiley], who ordinarily supports legislation on this subject matter, voted against cloture the other day because, as I understand, he said such a bill did not come within the constitutional powers of Congress to enact. Such authorities as that cannot be brushed aside.

Furthermore, the Senate exists as a legislative body unique and different from any other, the last place of refuge for any group that wants to have extended debate and discussion and have a full exploration of the merits and demerits of a bill, as well as the constitutional powers of our great Congress. Those lines still hold, and there is still respect for the power, prerogatives, and responsibilities of our States. This bill invades those fields; therefore it cannot stand. It cuts down laws of the States already on the statute books. I feel sure the Senate will sustain the power and authority of the States, and will not invoke cloture.

Mr. President, I ask unanimous consent to have printed in the Record at this point an editorial which appeared in the Washington Star of Friday, May 11, 1962, entitled "Victory in the Senate."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Victory in the Senate

The 53-to-43 vote by which the attempt to invoke cloture in the debate on the so-called literacy bill was defeated reflects creditably on the Senate. For it shows that the sponsors, needing a two-thirds vote, could not muster even a simple majority.

Political pressures being what they are, it is not easy to cast a vote which can be attacked, however unjustly, as hampering civil rights. Consequently, it is the more gratifying that 53 Senators were willing to stand up to the pressure artists.

The literacy bill was bad legislation on two counts. In the first place, it was of very doubtful constitutionality. It was an attempt, in the name of expediency, to bypass one of the basic constitutional provisions, and this, we think, was wrong. Secondly, at a time when intelligent voting is more than ever desirable, it would be a mistake to establish by law the fiction that a sixth grade education is conclusive proof of literacy. Some sixth graders may be literate in the sense of being able to understand important issues on which they would vote. But many others would not have the foggiest notion of what they were voting for or against. They would simply be the prey of the first demogague to lay hands on them.

It is true that enactment of the literacy bill would not have prevented the States from requiring a higher standard—even a college degree as a condition for voting. But this begs the question. The proper requirement is that the voter be literate, and this without regard to the number of years he spent in school.

In some States, as everyone knows, the literacy test has been used to discriminate against Negroes. Congress has empowered the Department of Justice to move against this kind of discrimination, and these powers should be used to the fullest. If this proves inadequate to deal with the evil, some stronger remedy will have to be provided. But we hope it will not take the form of reviving the literacy test bill, which now is all but dead.

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the Senator from New York [Mr. Javits].

Mr. JAVITS. Mr. President, as we approach the end of the time for debate before the vote on cloture, my deep conviction is that the Senate should invoke cloture. Since there were 64 Senators, almost two-thirds, who voted to refuse to table the pending measure, it seems to me that fact answers eloquently the question of constitutionality and the consequent authority of the Senate to deal with this question.

Mr. President, there are two elements of responsibility involved in our debate today. One is the responsibility of the Senate.

Without any question, Mr. President, this is the opening skirmish in the determined effort to be made again next January to see that rule XXII stops being the strangulating factor in the public affairs of this country that it is as it is presently written. It is a standard apparently impossible to attain in respect to civil rights legislation, and almost as impossible to attain in respect to anything else, and is completely inconsistent with the modern day.

Second, whatever happens upon the vote to be taken will be an important indication of the status of the administration. Let us remember that the administration, in the literacy test bill, has not produced the bill which is the key element in the civil rights struggle. That bill is the so-called part III bill, with respect to which there is no question of constitutionality, which would give to the Attorney General the power to sue in all civil rights cases, as Congress has already given to him the power to sue in civil rights cases concerning the vote.

The administration for a year chose to produce no civil rights legislation. It then produced the literacy test bill, with respect to which there was at least an argument as to constitutionality. I think the administration bears a doubly heavy responsibility. First, the administration must have a far more determined program the next time, including the backing of an amendment to rule XXII which will permit the Senate control over its own procedures. Second, the administration holds a heavy responsibility if the protection of the right to vote must be achieved by way of suits, including the appointment of voting referees, to see to it that the wide disfranchisement of Negroes in our country, about which there is no question, is ended.

If the Senate feels the administration has enough authority now, it is up to the administration to use its power; and if the administration needs more money and more lawyers, it should come to us to get them.

The VICE PRESIDENT. The time of the Senator from New York has expired.

Mr. JAVITS. I thank my colleague for yielding me this time, and I ask unanimous consent to have printed in the RECORD an editorial entitled "Minority Rule in the Senate," published in the New York Times of May 14, 1962.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MINORITY RULE IN THE SENATE

This year's Senate debate of the administration's literacy test bill is expected to end today when the Democratic leader, Senator MANSFIELD, will call up his second motion for cloture and it will be defeated. The situation is ironic. Last week almost two-thirds of the Senators liked the bill well enough to vote against killing it by tabling, but only a minority of 43 could be found to bring it to a vote by cloture. A majority of the Senate does not seem to believe in majority government.

The arguments for practically unlimited debate in the less numerous House of Congress are familiar, as are the arguments against it. In 1791, in the very first session of the Senate, Maclay, of Pennsylvania, complained that "the design of the Virginian and South Carolina gentlemen was to talk all the time," not to settle the question of where the National Capital should be located. In 1840 Henry Clay was indignantly proposing a rule "which would place the business of the Senate under the control of the majority of the Senate."

Two generations ago the elder Senator Lodge, of Massachusetts, remarked that "to vote without debating is perilous, but to debate without ever voting is imbecile." Many years later Mr. Lodge possibly violated his own earlier principles when he helped kill the Treaty of Versailles.

The veto power of the Senate minority, which is what the filibuster system actually amounts to, is useful at various times to all sorts of causes—to prevent the ratification of treaties, to delay action on economic and financial problems, even to defeat Presidential appointments.

As matters stand, a cloture procedure requiring a two-thirds vote and allowing each Senator a total of 1 hour to speak on the main question is better than nothing. Yet it is really not of much use. One reform frequently proposed would reduce the number of votes required for cloture to something less than two-thirds but usually something more than a majority.

However, behind the procedural question there is in this situation a question of principle. The ability of a Senate minority effectively to kill a bill does not violate any citable clause in the Constitution, but it does violate the basic principles of the Constitution. So, too, does the practice of southern registrars of keeping Negroes from voting by distorting the so-called literacy tests. As the President said at his press conference, "It doesn't make any sense." It doesn't make any justice, either.

Mr. RUSSELL. Mr. President, I yield 4 minutes to the Senator from Alabama [Mr. HILL].

The VICE PRESIDENT. The Senator from Alabama is recognized for 4 minutes.

Mr. HILL. Mr. President, it is difficult to conceive how the Senate could find any measure which it would seek to clothe with constitutionality more unconstitutional than the pending proposal before the Senate. It flies into the teeth of the Constitution not in one place, not in two places, not in three places—it flies directly in the teeth of the Constitution in at least four different places.

Section 2, article I, specifically provides that the qualifications of electors for Members of the House of Representatives shall be fixed by the State legislatures.

Section 1, article II, expressly provides that the qualifications for electors for President and Vice President shall be fixed by the State legislatures.

The 17th amendment provides that qualifications for electors for U.S. Senators—for Members of this body—shall be fixed by the State legislatures.

The proposal also flies in the teeth of the 10th amendment, which specifically reserves to the States or to the people in the States all powers not expressly delegated to the Federal Government.

Mr. President, all of the cases before the Supreme Court and other courts, beginning with the case of Reece against United States and Cruikshank against the United States, have upheld the right of the States to prescribe qualifications of electors. Those cases were decided in 1876, shortly after the adoption of the 13th, 14th, and 15th amendments to the Constitution. Down through the years to, finally, the Lassiter case—the North Carolina case which was decided in 1959—all court decisions have made it clear, definite, and specific that the right to fix qualifications for electors has been and remains in the legislatures of the several States.

The distinguished Senator from Florida [Mr. HOLLAND], when the Senator from Alabama spoke on Tuesday of last week, gave great emphasis to and brought out clearly and emphatically the fact that section 1 of article II, with respect to the fixing of qualifications of electors for President and Vice President in the electoral college, specifically, clearly, and absolutely left that right to the legislatures of the several States.

As I have stated, beginning with the cases in 1876, all the cases to date have confirmed and ratified the fact that the fixing of qualifications of electors absolutely and solely is a matter for State legislatures.

A study of the debates which took place in the House of Representatives and in the Senate at the time the 14th and 15th amendments were under consideration by these two bodies of the Congress confirms and ratifies the fact that there was never any intention, never any thought, and never any purpose to take from the States the right to prescribe the qualifications of electors, with the single and sole exception that there should not be any discrimination on account of race, color, or previous condition of servitude.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The time of the Senator from Alabama has expired.

Mr. MANSFIELD. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized for 15 minutes.

Mr. MANSFIELD. Mr. President, we are about to vote for a second time on cloture. Before we do so, there are a few matters which I wish to call to the attention of the Senate.

I refer first to the debate of the past several weeks. It has been informative and helpful. Passions have not governed it. I say that despite the fact that in the heat of the moment there have been some personal irritations and even a somewhat surprising reference to one of the established rules of the Senate, as a "gag rule" from the Senator from Georgia, who I know has the highest respect for all the rules.

If there is any charge utterly lacking in foundation, it is that the Senate or any Member has been "gagged" in this discussion. There has been ample time—more than ample time—for anyone who has desired to express himself on the substance of this issue to do so. I know of no request for time to speak during the past several weeks which has been rejected for lack of time. There have been a number of instances—and I say this in all frankness—in which it has been difficult to find Senators to speak on the subject in the last few days. So I reiterate: Those who would prolong the debate on the grounds of insufficient time had better search their consciences and find some other explanation.

It is true that the Senate has met and adjourned at, more or less, regular hours. To the best of my knowledge, these hours have been more than ample to accommodate all who have wished to express themselves. If, at any time, there had been indication that these hours were not ample, the leadership would have, of course, extended the hours as long as necessary.

But there was, I repeat, no such indication. Yet there are some Members who feel that we should have had all-night sessions, Saturday sessions, circus sessions, and what not. I must ask, for what purpose? To permit Members to speak? Or to compel Members to listen? Since there was more than ample time for the first, as I have already indicated, any such course could have only been to compel Members to listen. The leadership had no desire to compel a quorum—51 Senators—to appear inthis body in nightshirt session in order to listen to one or two or three Members expound on this measure. The leadership has the health of Members to consider. The leadership has the demeanor of the Senate to consider. It has resisted and will continue to resist any course which jeopardizes either. The leadership, minority leader and majority leader alike, announced at the outset that it would not seek a trial of this issue by physical endurance. It announced that it would either bring the issue to a trial by deliberation and vote or otherwise it would ask the Senate to face up to the fact that it was either unwilling or unable under its present rules to face up to it, and go on to other matters.

That, it has done. It can do no more. The Senate is about to make what it hopes is the final decision on this matter in the second vote on cloture.

Before that vote is taken, however, I ask the Senate to consider most seriously the implications of the two votes on Wednesday. The Senate voted that it was the sense of the Senate that debate should not be terminated on the literacy bill. The vote was 53 to 43. The second vote was, in effect, to determine whether the Senate should pass over this matter and get on to other business. The Senate voted, in effect, that it should not pass over this matter. It did so by a vote of 64 to 33.

My comment now is not directed to those Senators who voted for cloture and also against passing over the matter by voting against tabling. Their position is clear. So, too, is the position of those who voted against cloture and also to pass over the matter by voting to table it.

In both cases, there is a disposition to dispose of the issue at this time. In the first instance by a vote on its merits. In the second by a clean burial, at least for the present session. I have no quarrel with either position, even though, as one Senator, I have made it clear that I prefer that the issue be decided on its merits and at this time.

My comment, then, is addressed to the 21 Senators who voted against invoking rule XXII—cloture—but then also voted against tabling the literacy bill.

I do not inquire into the motives of Senators. I assume they are the best in every instance, for the Nation and their States, and I say that in all sincerity. But I must ask those Members to examine the situation that has been created by these two votes in the light of the total responsibilities of the Senate. These votes, in effect, say to the leadership: Do not drop this issue but do not bring it to a decision—at least not yet.

The leadership can only reply: If not yet, when? As I have already indicated, for almost 3 weeks the debate has gone along in a somewhat desultory fashion, with more than adequate time to accommodate those who were eager to contribute to the discussion. I must point out that the Senate has other business to consider. It has already spent far more time on this measure than it spends on most appropriation bills, military construction bills, foreign aid bills and any number of others far more complex than this bill. I cannot in all honesty believe that the Senate, at this point, has less of a comprehension of what is involved in this measure which is contained in 3 or 4 printed pages as compared with the 40, 50 or more pages which go into some of these other bills.

How would the Senate function, if it were to give its time as lushly to all matters as it has given it to this matter and as it invariably does to matters of this kind? The answer, I think, is clear: It could hardly function at all under its present rules. In the name of free and full debate in the Senate we would destroy the ultimate function of free and full debate in the Senate.

So, Mr. President, the leadership moved immediately after the tabling motion, a second motion for cloture. It did so because the vote of 64 Senators against tabling indicated to it a preponderant inclination of the Senate to dispose of this matter one way or the other, or at least to have it discussed further before doing so.

It may be said, Mr. President, that in view of the size of this vote, perhaps a little more time should have been allowed for further discussion. If one views the work of the Senate as solely that of hampering or fostering civil rights measures, that conclusion may be valid. But the leadership must view it in a larger context. Let me say, in this connection, that the distinguished Senator from Georgia [Mr. RUSSELL] indicated that at one point he and some colleagues considered the possibility of joining in the motion against tabling. Had they done so, then the leadership would have had no choice but to recognize that in overwhelming numbers the Senate desired to keep this issue joined to the exclusion of all others. Indeed, the debate would have gone on to June, July, August—to next year or until the Senate, in its wisdom, decided to use its rules—rule XXII specifically—to get on with its business.

The leadership sees no virtue in that course, and I presume the able Senator from Georgia [Mr. RUSSELL] saw no virtue in it for he did not pursue it. The leadership does see a great deal of virtue in this second vote under rule XXII even though I am sure that the Senators who enshrine all rules of the Senate, except rule XXII, may not.

So, once again, the leadership asks the Senate to consider most carefully the vote which is about to be taken. It informs the Senate that if this second vote on cloture fails to obtain the necessary two-thirds majority it will interpret the vote as expressing the desire of the Senate to move on to other business.

From the outset Mr. President, the leadership has had only one purpose—to safeguard the equal procedural rights and privileges of each and every Member, in an effort to have this matter brought to a conclusion one way or the other on its merits and on the basis of reason. Failing that, it hoped to bring the matter to the point at which it was clear that the Senate would not or could not resolve this matter at this time. It is the leadership's judgment that that purpose has been fulfilled.

I wish, again, to pay tribute to the distinguished minority leader who has worked in the closest collaboration with me. I want to say on the floor of the Senate, once again, that he has been a tower of strength in this as in other issues, in putting first and foremost the interests of the Nation and the responsible conduct of the Senate's business. We have done what can reasonably be done, under the present rules, and I hope that there is not a single Member of this body, in either party, and from whatever section of the Nation, who feels that we have not acted in an impartial and equitable fashion under the rules.

Speaking for myself, Mr. President, as an individual Senator, as a Senator from Montana and of the United States, I want to say that I have not had any great political stake in the literacy bill. But I have had a deep concern in this matter as I believe every Member of the Senate should have. It is not a minor matter. It is not a minor bill.

The bill itself, Mr. President, is reasonable. It does not require States to have literacy tests—sixth grade or any other—as a requirement for voting in Federal elections. It does not require that the States not have literacy tests. It provides only that if States do have literacy tests, then the measure of literacy shall apply equally and objectively and impartially to all persons under the protection of the Constitution of the United States.

Who in this body would say that the Senate—the Congress—has no concern in a question of this kind?

I hope it will always be a matter of concern to Members of this body when any citizen of the United States is denied equal treatment and equal justice under law. I hope it will always be a matter of specific concern to the Senate and to the Congress so long as there is a significant and discriminatory denial, wherever it may occur in this Nation, of the fundamental right of freedom—the right of citizens of the United States to a voice on equal and impartial terms in the selection of those who represent them in government. The distinguished minority leader put it well when he said on Wednesday, "Involved here are abuses which are going to have to find a cure." I ask the Senate to ponder those words carefully, most carefully. They are the words of a profound and deeply conscientious American. There are abuses. There are injustices. And we shall have to ask ourselves at the termination of this matter what the Senate has done about them.

The debate has at least served to make that much clear. Even those who oppose this measure on its merits recognize these abuses and injustices and, in effect, have excoriated the Attorney General for not making more vigorous use of existing law against them. It is one thing to say, as an individual Senator: "It is best to leave this matter to the courts and the President," as has been said here time and again. It is another thing to say that and then bewail the actions of the President and the courts when they do act to right the injustice. We cannot have it both ways. The truth of the matter is that the Senate, by failure to consider on merits, issues of this kind, is not being denied, it is denying to itself its coequal responsibility in their resolution. I do not believe any Senator wishes to do that. Nevertheless, when the Senate turns its back on abuses which affect thousands, tens of thousands of individuals, it comes with ill grace to criticize other branches of the government which do not. That is especially the case when we consider that a hundred Senators act, time and again, on private bills to right an injustice or an inequity to a single individual.

Thus the issue in this second vote on cloture is clear. It is not a procedural matter. It is not even a civil rights matter. It is whether or not the Senate wishes to abdicate its responsibilities even to consider whether it will participate with the other branches of government in the correction of a serious abuse of freedom. The President cannot decide that matter for the Senate. The courts cannot decide it. The leadership cannot decide it. Only the Senate itself can decide it.

Mr. RUSSELL. Mr. President, I yield 2 minutes to the Senator from South Dakota.

Mr. CASE of South Dakota. Mr. President, if cloture is voted down, the Senate can approach this matter in a constitutional way by the passage of a joint resolution proposing an amendment to the Constitution. That, I believe, is the gist of the answer that should be made to the argument just presented by the distinguished majority leader. Many Members of the Senate have honest doubts about the constitutionality of trying to do what is proposed here, by the passage of a simple statute.

A few days ago the junior Senator from South Dakota drafted and had printed an amendment which would accomplish what is desired in a clearly constitutional way, either by amending the Norman bill or by adopting a substitute for the Mansfield-Dirksen proposal.

The Mansfield-Dirksen proposal is a proposal to accomplish the literacy test objective by the enactment of a simple statute. The amendment submitted by the junior Senator from South Dakota suggests adding, after the 1st sentence in the 15th amendment, the following:

> In any jurisdiction where a literacy test is required as a qualification to vote, the completion by an individual of the sixth primary grade of any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico shall, unless such individual has been adjudged incompetent, be deemed to meet such qualification by such individual.

Mr. President, if we were to do it this way, we would approach the problem in the same way in which we handled the vote for presidential and vice presidential electors in the District of Columbia. Instead of proceeding by statute, we would proceed by the submission of a constitutional amendment to the States. That can be done here. The amendment will be offered, if cloture is voted down.

Mr. RUSSELL. Mr. President, I am somewhat intrigued by the majority leader constantly stating that a vote on the cloture motion will indicate this or that. He has been in the Senate long enough to know that Senators may vote the same way on a bill for entirely different reasons. No one can say that a certain vote is a flat indication of the attitude of the Senate merely because the leadership undertakes to make such an interpretation of it. It is obvious to me that the leadership must have a peculiar opinion of the stability of the Senate of the United States, or else they have implicit faith in the ability of pressure groups to take Senators by the nose and turn them completely around and face them in the other direction, to bring this matter of the cloture vote to a conclusion.

Mr. President, after the vote last week on the cloture motion we had only 1 day of debate. That much time was allowed for reasons which are apparently sufficient to the leadership. We did not have a session on Friday or on Saturday. I did not request either. I have assumed, since we are in an assuming frame of mind, that the leadership did not have a session on Friday and on Saturday, when the cloture motion would have come to a vote, because a good many Members on their side were out of town, and felt they could have them here on Monday. I believe that is a logical assumption.

Some Senators who are opposed to cloture were also compelled to be out of town.

Mr. President, we voted on Wednesday, and since then there has been a debate of about 4 or 5 hours on Thursday. From Thursday the issue was put over until today.

I submit that anyone would indeed be hard put to explain a vote against cloture on Wednesday and, by shifting around completely, a vote in favor of gagging the Senate today. I do not believe the Senate will stultify itself by any such quick acrobatics as that. I do not believe the Senate will twist itself around, and, after voting one way on Wednesday, and after only 1 day's further debate, vote the other way on Monday.

We have shown two things conclusively in this debate; first, the fact that there are ample laws already to cover this subject. Those laws are on the statute books today. They are both criminal and civil laws.

The Senator from Montana has referred to abuses. I submit that there are abuses and violations with respect to other Federal statutes that greatly exceed in number the abuses that can be cited in this area. There are abuses of other Federal rights, and there are abuses of other rights of citizens of the United States that greatly exceed even those claimed by the Civil Rights Commission in this particular area.

Those cases are not sought to be made the subject of remedial action by Congress.

I repeat that there is no widespread deprivation of the right to register and to vote. I would deplore any such thing.

It is only in isolated instances where the Department of Justice could round up cases, with all the legal force at the command of the Department of Justice, in which it could charge that there were any violations in this field.

No one has contended that southern judges or southern juries are derelict in dealing with cases of this nature. My observations have been that judges of the Federal judiciary in Southern States are so acutely aware of their delicate position with regard to this subject that they go much further than even the Supreme Court of the United States has gone in handing down decisions in this particular area.

I also submit that when the Washington Post, the leading champion of all legislation that can be labeled by any remote suggestion civil rights legislation, says a bill is unconstitutional, it is so clearly unconstitutional that even a wayfaring man can see it to be just that.

What do we have here, Mr. President? It is an attempt to amend the Constitution by the enactment of a simple statute. It is a bill which would fix the qualifications of voters in this country, notwithstanding the fact that under the Constitution the power to prescribe such qualifications rests in the States.

Several weeks ago we had before us the proposal to amend the Constitution by denying the States the right to prescribe the payment of poll taxes as a qualification for voting. It was announced in the President's letter to the distinguished Senator from Florida and was generally agreed on the floor of the Senate that a constitutional amendment is required to deal with the elimination of the requirement of a poll tax. I have sat here during the entire debate without hearing one Senator state why a constitutional amendment is required to deal with the elimination of the requirement of payment of a poll tax, whereas it is contended that the qualification with respect to literacy can be enacted by a simple statute. To this good moment, no Senator has risen to state any possible justification for relying on a statute to amend the Constitution in the case of literacy qualifications, whereas it is maintained that an amendment to the Constitution is required to reach the subject of the qualification of the payment of a poll tax. The two propositions are equal; they are in exactly the same area; they affect protection afforded the States by the same provisions of the Constitution. If the poll tax requirement must be stricken down by a constitutional amendment, it does not require a lawyer to know that a constitutional amendment is required to reach a literacy qualification.

There is no reason on earth why there should be the imposition of gag rule in this situation now. I feel certain that Senators will not change their positions on this question simply because the leadership has carried this proposal over a long weekend in order to make them subject to the many pressures which are applied in connection with proposed legislation of this type, whether it be constitutional or unconstitutional.

Mr. President, I believe I have 2 minutes remaining, have I not?

The PRESIDING OFFICER. The Senator from Georgia has 2 minutes remaining.

Mr. RUSSELL. I yield 2 minutes to the distinguished Senator from Virginia.

Mr. ROBERTSON. Mr. President, I wish to emphasize the splendid editorial written by David Lawrence and published in the U.S. News & World Report, which impresses upon us our solemn duty to uphold and support the Constitution.

Here also is a message which has come down through the ages from one of our greatest authorities on the Constitution, Judge Thomas N. Cooley, who on page 160 of his work on the general principles of constitutional law says:

> Legislators have their authority measured by the Constitution; they are chosen to do what it permits, and nothing more, and they take solemn oath to obey and support it. When they disregard its provisions, they usurp authority, abuse their trust, and violate the promise they have confirmed by an oath. To pass an act when they are in doubt whether it does not violate the Constitution, is to treat as of no force the most imperative obligations any person can assume. A business agent who would deal in that manner with his principal's business would be treated as untrustworthy; a witness in court who would treat his oath thus lightly, and affirm things concerning which he was in doubt, would be held a criminal. Indeed, it is because the legislature has applied the judgment of its members to the question of its authority to pass the proposed law, and has only passed it after being satisfied of the authority, that the judiciary waive their own doubts, and give it their support.

Mr. President, as the distinguished Senator from Georgia [Mr. RUSSELL] has said, not a single authority has been presented to the Senate to sustain the constitutionality of the pending bill.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. MANSFIELD. Mr. President, I yield the remainder of the time under my control to the distinguished Senator from Illinois.

Mr. DIRKSEN. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Illinois has 7 minutes remaining.

Mr. RUSSELL. Mr. President, how much time did the Chair say remained to the Senator from Illinois?

The PRESIDING OFFICER. Seven minutes.

Mr. DIRKSEN. Mr. President, I doubt that any words of mine will materially change the result as the Senate prepares to vote for a second time on cloture on the pending literacy bill. However, it seems strange, in view of the repeated argument made about constitutionality, that not until last Thursday was an amendment proposed to deal with this problem from the constitutional aspect.

That abuses exist of the right to vote by some of our citizens cannot be denied. The objective findings of the Civil Rights Commission on this point simply cannot be controverted. The evidence is available. The literacy test has been used in 100 counties in 8 States to achieve the result of the denial of the right to vote, but the fight to eliminate these abuses will continue because the issue is a fundamental one.

At Gettysburg, 99 years ago, Lincoln spoke about government by the people, and that it shall persist, not perish. He did not say government "by some of the people;" he did not say government "by a part of the people;" he was speaking of government by all the people. That means those who are qualified to exercise the right to vote.

To deny capriciously and arbitrarily the right to vote means a departure from that basic ideal. Sooner or later the procedure will be changed.

Earlier, I said that among the findings made by the Commission was the fact that persons holding master's degrees and bachelor's degrees—ministers, teachers, and others—were disqualified from voting. In a land which is dedicated to liberty and equality, will any Senator stand in his place and defend such practices? Can such conditions be permitted to continue and still maintain the ring of sincerity to our professed interest in peoples everywhere, where freedom and the rights which go with it are denied?

It has been contended that the Attorney General, under existing law, has enough authority to proceed against the wrongdoers who have participated in efforts to deny the right to vote. Take the case in Montgomery County, Ala. There the Department of Justice had a staff of eight persons, including three trial lawyers. They examined 36,000 registrations and heard 160 witnesses from both sides. Three months were required to prepare the case, and 1 week was needed to try it—and that was only one case. How much progress can be expected under circumstances like that?

Further argument on this point at the moment would probably serve no useful purpose. However, I remind the Senate that once upon a time men stood in this Chamber and inveighed against civil service and its adoption. How they were reviled, vilified, and ridiculed. Yet it took only one bullet in the heart of Garfield to sweep away all the superficial arguments; and today we have civil service.

Once, men stood in this Chamber and reviled Dr. Harvey Wiley, when President McKinley and Dr. Wiley thought there ought to be a pure food and drug law upon the statute books. But Members of Congress said that such a law would be an invasion of the rights of the States. Yet what Dr. Wiley proposed was a mere circumstance compared with the law which was finally written and passed by Congress in the interest of the health and well-being of the people.

Once, men stood in this Chamber and said it was absurd for the Federal Government to intervene in the field of child labor, to protect the sweating, future trustees and custodians of the country. Even Woodrow Wilson said that such a proposal was obviously absurd. But the Keating-Owen Child Labor Act is today on the statute books. Today the youngsters of the Nation are protected by a law which prevents the shipment in interstate commerce of goods which are made by sweating child labor.

Once, a Negro Representative, with whom I served in the House of Representatives, purchased a pullman ticket from Chicago to Hot Springs, Ark. He was removed from the car he had boarded. He was an elected lawmaker, having the right to vote on the laws under which he might live and travel; yet he did not have the protection of the very laws which he was privileged to help to enact.

Once there were State constitutions, in the Northern States, which limited citizenship to white males, until the 14th amendment struck the word "white" from those organic laws.

Once Dred Scott, the servant of an Army surgeon, who had been taken into Illinois, claimed his freedom because Illinois was a nonslave State; but the Supreme Court said he was not included within the term "citizen," and that therefore he had no standing in court.

Once men stood on this floor and declaimed against extension to women of the right to vote. It took 41 years from the time when the joint resolution proposing a constitutional amendment was introduced before it secured the approval of both Houses and ratification by the requisite number of States, thus making ineffective State laws and State constitutions to the contrary.

More than 90 years ago the States could exclude a citizen of the United States from voting at all, until the 15th amendment put an end to that situation.

Mr. President, citizens of this country are morally entitled to vote for those who make the laws—the laws with respect to the taxes they must pay and the laws under which they must do military duty.

Mr. President, if the change we now seek cannot be made by means of legislation, then let it be made by means of a constitutional amendment. But, Mr. President, the change will come, because conscience and morality are on our side.

The PRESIDING OFFICER. The time yielded to the Senator from Illinois has expired.

The time now being 12 o'clock noon, which is 1 hour after the meeting of the Senate today, the Chair, under the rule, lays before the Senate the cloture motion presented to the Senate on Wednesday last, and directs the Secretary to call the roll for a quorum.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 50 Leg.]

Aiken
Allott
Anderson
Bartlett
Bennett
Bible
Boggs
Burdick
Bush
Butler
Byrd, Va.
Byrd, W. Va.
Cannon
Capehart
Carlson
Carroll
Case, N.J.
Case, S. Dak.
Chavez
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Douglas
Dworshak
Eastland
Ellender
Engle
Ervin
Fong
Goldwater
Gore
Gruening
Hart
Hartke
Hayden
Hickey
Hill
Holland
Hruska
Humphrey
Jackson
Javits
Johnston
Jordan
Keating
Kefauver
Kerr
Kuchel
Lausche
Long, Mo.
Long, Hawaii
Long, La.
Mansfield
McCarthy
McClellan
McGee
McNamara
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Murphy
Muskie
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Robertson
Russell
Saltonstall
Scott
Smathers
Smith, Mass.
Smith, Maine
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Wiley
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. MANSFIELD. I announce that the Senator from Idaho [Mr. Church] and the Senator from Washington [Mr. Magnuson] are absent on official business.

I also announce that the Senator from Arkansas [Mr. Fulbright] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. Beall] and the Senator from Iowa [Mr. Hickenlooper] are necessarily absent.

The PRESIDING OFFICER. A quorum is present.

The Chair now submits to the Senate the question, Is it the sense of the Senate that debate shall be brought to a close?

Under the rule, the clerk will call the roll on this question.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT (when his name was called.) On this vote I have a pair with the distinguished senior Senator from Iowa [Mr. Hickenlooper], who, if he were present, would vote "nay," and with the distinguished Senator from Maryland [Mr. Beall], who, if he were present, would vote "yea." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. Church] and the Senator from Washington [Mr. Magnuson] are absent on official business.

I also announce that the Senator from Arkansas [Mr. Fulbright] is absent because of illness.

On this vote, the Senator from Arkansas [Mr. Fulbright] is paired with the Senator from Idaho [Mr. Church], and the Senator from Washington [Mr. Magnuson]. If present and voting, the Senator from Arkansas would vote "nay," and the Senator from Idaho and the Senator from Washington would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. Beall] and the Senator from Iowa [Mr. Hickenlooper] are necessarily absent.

The pair of the Senator from Maryland, and the Senator from Iowa has been previously announced.

The yeas and nays resulted—yeas 42, nays 52, as follows:

[No. 51—Leg.]

YEAS—42

Anderson
Boggs
Burdick
Bush
Carroll
Case, N.J.
Clark
Dirksen
Dodd
Douglas
Engle
Fong
Gruening
Hart
Hartke
Humphrey
Jackson
Javits
Keating
Kuchel
Lausche
Long, Mo.
Long, Hawaii
Mansfield
McCarthy
McNamara
Metcalf
Morse
Moss
Muskie
Neuberger
Pastore
Pell
Proxmire
Randolph
Saltonstall
Scott
Smith, Mass.
Smith, Maine
Symington
Williams, N.J.
Young, Ohio

NAYS—52

Aiken
Bartlett
Bennett
Bible
Butler
Byrd, Va.
Byrd, W. Va.
Cannon
Capehart
Carlson
Case, S. Dak.
Chavez
Cooper
Cotton
Curtis
Dworshak
Eastland
Ellender
Ervin
Goldwater
Gore
Hayden
Hickey
Hill
Holland
Hruska
Johnston
Jordan
Kefauver
Kerr
Long, La.
McClellan
McGee
Miller
Monroney
Morton
Mundt
Murphy
Pearson
Prouty
Robertson
Russell
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tower
Wiley
Williams, Del.
Yarborough
Young, N. Dak.

NOT VOTING—6

Allott
Beall
Church
Fulbright
Hickenlooper
Magnuson

The PRESIDING OFFICER. Two-thirds of the Senators present not having voted in the affirmative, the motion is rejected.

Mr. KEFAUVER. Mr. President, I ask unanimous consent to have remarks that I have prepared printed at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Kefauver

On last Wednesday I voted against cloture, and I have voted against cloture again today. I wish briefly to state my reasons.

I realize that literacy tests have been unfairly applied in some States to deprive unjustly citizens of the right to register and vote. This I deplore. Like most of my colleagues in the Senate, I am anxious to support some effective remedy. This is an important question and an appropriate remedy is not easy to decide upon.

It is true that more than 2 weeks have elapsed since the bill, H.R. 1361, was made the pending issue. However, it does not seem to me that a determined effort has been made to bring the issue to a vote. No morning sessions of the Senate have been held. We have usually adjourned about 5:30 or 6 o'clock. On some days there have been no meeting of the Senate at all. To justify a vote for cloture I feel there should be more strenuous efforts to get full and complete consideration and debate on a measure.

The pending measure, in my opinion, is of very, very doubtful constitutionality. Under the Constitution qualifications for voters must be set by the States. This is not a question of discrimination on the face of the State laws themselves. Such discrimination would be prohibited by the 15th amendment. But it is a question of how to prevent unfair and discriminatory application of existing literacy laws which the States have adopted.

Even if constitutional I think the present measure might encourage even more disfranchisement of citizens because of their race than we have at present. It might encourage States to raise the basic literacy test to the sixth grade criteria. Election officials could require voters to furnish proof of completion of six grades of schooling, which would in many cases be difficult to do and thus would prevent many qualified voters from registering. The bill does not cover discriminations where the citizen had not graduated from the sixth grade.

I think the civil rights law of 1960, which I supported, can be a much more effective remedy. It authorizes the appointment of Federal referees who can register voters upon showing a pattern of discrimination in any county. If this law needs strengthening or its procedures expedited, I would be in favor of doing so.

Since we met on last Wednesday Senator Cooper of Kentucky has prepared an amendment, which I understand he will file today. I have discussed his proposal in detail with him. It provides a vehicle which probably would be constitutional and which would afford a more effective means of preventing discrimination than is contained in the present bill.

Senator Case of South Dakota has offered a substitute amendment calling for a constitutional amendment. There can be no doubt as to the legality of this approach. Eventually this method could be more effective than the plan proposed in the pending measure.

Senator Cooper's and Senator Case's proposals are far reaching and important and are entitled to thorough discussion. Other amendments may be filed during the next few days which should be considered. It would not be possible to give them the consideration they deserve with Senators limited to 1 hour of debate which would be the case under cloture. I feel that the Senate should have 4 or 5 full days to consider these proposals. During this time we should meet early in the morning and have sessions into the night. After that time I would feel that there had been sufficient discussion; that the citizens of the Nation would be informed; there would be an opportunity for crystallization of public opinion both on the pending measure and the amendments and substitutes. At the expiration of that time I would feel that we ought to decide the issues on the merits and that further discussion would be only for delay and obstruction, of which I do not approve.

If then a consent agreement on a time for voting could not be obtained, I would then feel justified in voting for cloture. I am sure that the majority and minority leaders of the Senate know that a number of Senators share these views.

TRANSACTION OF ROUTINE BUSINESS

Under the order previously entered, the following routine business was transacted.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on May 11, 1962, the President had approved and signed the act (S. 1668) to authorize the imposition of forfeitures for certain violations of the rules and regulations of the Federal Communications Commission in the common carrier and safety and special fields.

REPORT OF ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT

(H. DOC. NO. 404)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Public Works:

To the Congress of the United States:

Pursuant to the provisions of section 10 of Public Law 358, 83d Congress, I transmit herewith for the information of the Congress the annual report of the St. Lawrence Seaway Development Corporation, covering its activities for the year ended December 31, 1961.

John F. Kennedy.

The White House, *May 14, 1962.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 11221. An act to amend section 302 of the Career Compensation Act of 1949, as amended (37 U.S.C. 252), to increase the basic allowance for quarters of members of the uniformed services and to make permanent the Dependents Assistance Act of 1950, as amended (50 App. U.S.C. 2201 et seq.), and for other purposes; and

H.R. 11261. An act to authorize an adequate White House Police force, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1595. An act to amend the Natural Gas Act to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only;

H.R. 9778. An act to provide for the free entry of certain steel and steel products donated for an addition to the Chippewa County War Memorial Hospital, Sault Ste. Marie, Mich., and to provide for the free entry of records, diagrams, and other data with regard to business, engineering, or exploration operations conducted outside the United States;

H.R. 10607. An act to amend the Tariff Act of 1930 and certain related laws to provide for the restatement of the tariff classification provisions, and for other purposes;

H.J. Res. 628. Joint resolution authorizing the President to proclaim the week in May of each year in which falls the third Friday of that month as National Transportation Week; and

H.J. Res. 711. Joint resolution to prescribe names for the several House of Representatives office buildings.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were each read twice by their titles and referred, or placed on the calendar, as indicated:

H.R. 11221. An act to amend section 302 of the Career Compensation Act of 1949, as amended (37 U.S.C. 252), to increase the basic allowance for quarters of members of the uniformed services and to make permanent the Dependents Assistance Act of 1950, as amended (50 App. U.S.C. 2201 et seq.), and for other purposes; to the Committee on Armed Services.

H.R. 11261. An act to authorize an adequate White House Police force, and for other purposes; placed on the calendar.

SUBCOMMITTEE MEETING DURING SENATE SESSION

On request of Mr. Mansfield, and by unanimous consent, the Subcommittee on Juvenile Delinquency of the Committee on the Judiciary was authorized to sit during the session of the Senate today.

COMMITTEE MEETING DURING SENATE SESSION TOMORROW

Upon request of Mr. McClellan, and by unanimous consent, the permanent Subcommittee on Investigations of the Committee on Government Operations was authorized to meet during the session of the Senate tomorrow.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Report on Expansion of Launch Facilities at Cape Canaveral, Fla.

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the expansion of launch facilities at Cape Canaveral, Fla.; to the Committee on Aeronautical and Space Sciences.

Report on Property Acquisitions for Stockpile Purposes

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on property acquisitions for stockpile purposes, for the quarter ended March 31, 1962; to the Committee on Armed Services.

Amendment of District of Columbia Public School Food Services Act

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Public School Food Services Act (with an accompanying paper); to the Committee on the District of Columbia.

Relief of Owners of Abutting Property From Certain Assessments in the District of Columbia

A letter from the President, Board of Commissioners, Washington, D.C., transmitting a draft of proposed legislation to relieve owners of abutting property from certain assessments in connection with the repair of alleys and sidewalks in the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

Increase in Borrowing Authority for General Fund of the District of Columbia

A letter from the President, Board of Commissioners, Washington, D.C., transmitting a draft of proposed legislation to authorize an increase in the borrowing authority for the general fund of the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

Report of National Advisory Council on International Monetary and Financial Problems

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of the National Advisory Council on International Monetary and Financial Problems, for the 6-month period ended June 1961 (with an accompanying report); to the Committee on Foreign Relations.

Certification of Adequate Soil Survey and Land Classification, South Gila Valley Unit, Arizona

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that an adequate soil survey and land classification has been made of the lands in the South Gila Valley unit, Yuma Mesa division, Gila project, Arizona, and that the lands are susceptible to the production of agricultural crops by means of irrigation (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Report of Franklin Delano Roosevelt Memorial Commission

A letter from the Chairman, Franklin Delano Roosevelt Memorial Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, dated April 30, 1962 (with an accompanying report); to the Committee on Rules and Administration.

Appropriations for Atomic Energy Commission, 1963

A letter from the Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting a draft of proposed legislation to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (with an accompanying paper); to the Joint Committee on Atomic Energy.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the City Council of the City of Fountain Valley, Calif., protesting against the imposition of a Federal income tax on interest derived from public bonds; to the Committee on Finance.

A resolution adopted by the Board of Supervisors of San Joaquin County, Calif., protesting against the imposition of a Federal income tax on income derived from public bonds; to the Committee on Finance.

A resolution adopted by the Council of the City of Philadelphia, Pa., favoring the enactment of legislation to amend the Social Security Act so as to include medical care for the aged; to the Committee on Finance.

Resolutions adopted by the 71st Continental Congress of the National Society of the Daughters of the American Revolution, held April 16–20, 1962; to the Committee on Foreign Relations.

Resolutions adopted by the city councils of the cities of Santa Cruz and Covina, both of the State of California, protesting against any amendment of the Constitution providing a Federal income tax on income derived from public bonds; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. ROBERTSON, from the Committee on Banking and Currency:

Byron D. Woodside, of Virginia, to be a member of the Securities and Exchange Commission.

By Mr. DODD, from the Committee on the Judiciary:

Robert C. Zampano, of Connecticut, to be U.S. attorney for the district of Connecticut; and

Joseph T. Plossaj, of Connecticut, to be U.S. marshal for the district of Connecticut.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LONG of Louisiana:

S. 3289. A bill to amend title 38, United States Code, to permit, for 1 year, the granting of national service life insurance to veterans heretofore eligible for such insurance; to the Committee on Finance.

(See the remarks of Mr. Long of Louisiana when he introduced the above bill, which appear under a separate heading.)

By Mr. ELLENDER (for himself, Mr. Bennett, Mr. Humphrey, Mr. Long of Louisiana, Mr. Holland, Mr. Smathers, Mr. Allott, Mr. Carroll, Mr. Wiley, Mr. Carlson, Mr. Long of Hawaii, Mr. Metcalf, Mr. Lausche, Mr. Johnston, Mr. Burdick, Mr. Mansfield, and Mr. Fong):

S. 3290. A bill to amend and extend the provisions of the Sugar Act of 1948, as amended; to the Committee on Finance.

(See the remarks of Mr. Ellender when he introduced the above bill, which appear under a separate heading.)

By Mr. ROBERTSON (by request):

S. 3291. A bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury; to the Committee on Banking and Currency.

By Mr. PASTORE:

S. 3292. A bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. ANDERSON (by request):

S. 3293. A bill for the relief of Gerda Christoffersen Hilliard; to the Committee on the Judiciary.

By Mr. CARROLL:

S. 3294. A bill for the relief of Bertha Nicholson; to the Committee on the Judiciary.

By Mr. CLARK:

S. 3295. A bill for the relief of Mathew Lengyel (also known as Brother Paul, S.V.D.); to the Committee on the Judiciary.

By Mr. McCARTHY:

S. 3296. A bill to provide that tips received by an employee in the course of his employment shall be included as part of his wages for old-age, survivors, and disability insurance purposes and for purposes of income tax withholding; to the Committee on Finance.

By Mr. SPARKMAN:

S. 3297. A bill for the relief of Joannis Dounis; to the Committee on the Judiciary.

By Mr. HART:

S. 3298. A bill for the relief of Stanislaw Bialoglowski; to the Committee on the Judiciary.

RESOLUTION

TO PRINT AS A SENATE DOCUMENT A LIST OF PROPOSED AMENDMENTS TO THE CONSTITUTION SUBMITTED DURING 69TH CONGRESS, 2D SESSION, THROUGH THE 87TH CONGRESS

Mr. EASTLAND, by request, submitted the following resolution (S. Res. 341); which was referred to the Committee on Rules and Administration:

Resolved, That there be printed as a Senate document a list of proposed amendments to the Constitution of the United States submitted during the Sixty-ninth Congress, second session, through the Eighty-seventh Congress, as compiled by the Senate Library, under the direction of the Secretary of the Senate, and that one thousand five hundred additional copies be printed for the use of the Committee on the Judiciary.

EXTENSION OF TIME FOR GRANTING NATIONAL SERVICE LIFE INSURANCE TO CERTAIN VETERANS

Mr. LONG of Louisiana. Mr. President, I introduce, for appropriate reference, a bill to amend title 38 of the United States Code to permit, for 1 year, the granting of national service life insurance to veterans heretofore eligible for such insurance.

During the past few weeks I have been in communication with officials of the Kennedy administration about this matter. In the past I have expressed amazement that the administration opposed the NSLI bill, in light of the fact that President Kennedy, when a Member of the Senate, joined me in sponsoring that bill on four different occasions.

The fact that the Senate has demonstrated its intention to stand firm in this matter has led to greater cooperation in several quarters. For one thing, it has made it possible to receive indications that the President's position on this bill has not changed since he was a Member of the Senate. The Veterans' Administrator has had occasion to study this matter carefully, and he has concluded that it is the kind of thing which the VA should be supporting. I am confident that when the Administrator—who has never personally testified on the bill—appears, he will speak in favor of the measure. I both believe and hope that he will be in a position to state that he is speaking for the Kennedy administration on this matter.

The NSLI bill which I am today introducing meets several objections which the Veterans' Administration has raised to the proposal I have introduced in the past, and to the NSLI bill introduced by the Veterans' Affairs chairman in this session of Congress. This bill would accomplish the same objective, with a few significant changes.

Most important, any service-disabled veteran heretofore eligible for national service life insurance, whether his disability be total or partial, would be eligible for the reopened insurance.

Another significant change is that under this new bill, insurance for veterans who are in good health would be based upon the 1958 mortality table, rather than the older, out-dated tables which have been used in the past.

I ask that the bill be received and be at the desk for 3 days for additional sponsors.

The PRESIDING OFFICER (Mr. Burdick in the chair). The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Louisiana.

The bill (S. 3289) to amend title 38, United States Code, to permit, for 1 year, the granting of national service life insurance to veterans heretofore eligible for such insurance, introduced by Mr. Long of Louisiana, was received, read twice by its title, and referred to the Committee on Finance.

Mr. LONG of Louisiana. The following analysis will explain the bill; it proposes to:

First. Restore for 1 year after a year from date of enactment of the bill the eligibility of all veterans in good health who were formerly entitled to apply for national service life insurance to apply for and be granted participating insurance with premiums and guaranteed values based on the 1958 Commissioners Standard Ordinary Table of Mortality.

Second. Restore for 1 year after a year from date of enactment of the bill the eligibility of all veterans unable to qualify for the nonparticipating insurance above solely because of a service-connected disability, whether partial or total, to apply for and be granted nonparticipating service disabled veterans insurance issued under 38 U.S.C. 722(a).

Third. Require that the administrative costs of the insurance granted to veterans in good health be borne by the insureds.

Fourth. Establish a new trust fund for veterans in good health who are issued insurance. This is necessary, since a new type of insurance is being established for a new group whose mortality experience may be different from those in the existing NSLI fund; the establishment of a new fund will safeguard the equities in the existing trust fund.

AMENDMENT AND EXTENSION OF PROVISIONS OF SUGAR ACT OF 1948

Mr. ELLENDER. Mr. President, on behalf of myself and Senators Bennett, Humphrey, Long of Louisiana, Holland, Smathers, Allott, Carroll, Wiley, Carlson, Long of Hawaii, Metcalf, Lausche, Johnston, Burdick, Mansfield, and Fong, I introduce, for appropriate reference, a bill to amend and extend the provisions of the Sugar Act of 1948, as amended. I ask unanimous consent that the bill may lie at the desk until Wednesday next, in order that Senators who desire to join in sponsoring it may do so.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Louisiana.

The bill (S. 3290) to amend and extend the provisions of the Sugar Act of 1948, as amended, introduced by Mr. Ellender (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. HAYDEN submitted the following notice in writing:

In accordance with rule XL, of the standing rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 10802) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1963, and for other purposes, the following amendment, namely:

On page 23, line 9, after "therein," insert: "including the improvements of the county road from Brigham City, Utah, to the headquarters Bear River Migratory Bird Refuge;".

Mr. HAYDEN also submitted an amendment intended to be proposed by him, to House bill 10802, making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1963, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

JAMES M. NORMAN—LITERACY TEST FOR VOTING—AMENDMENTS

Mr. COOPER. Mr. President, I submit amendments, in the nature of a substitute, to the amendment, in the nature of a substitute proposed by the Senator from Montana [Mr. Mansfield], for himself and the Senator from Illinois [Mr. Dirksen], to the bill (H.R. 1361) for the relief of James M. Norman. I ask unanimous consent that the amendments be printed in the Record.

The PRESIDING OFFICER. The amendments will be received, printed, lie on the table; and, without objection, the amendments will be printed in the Record.

The amendments are as follows:

Amendments (in the Nature of a Substitute)

In lieu of the matter proposed to be inserted, insert the following: "That (a) the Congress finds that the right to vote is fundamental to free, democratic government and that it continues to be the responsibility of the Federal Government to secure and protect this right against all discriminatory restrictions.

"(b) The Congress further finds that the right to vote of many persons has been subjected to discriminatory restrictions on account of race or color; that tests of literacy have been used extensively as a device for denying the right to vote to otherwise qualified persons on account of race or color; and that laws presently in effect are inadequate to assure that all qualified persons shall enjoy this essential right without discrimination on account of race or color.

"(c) The Congress, therefore, further finds and declares that the enactment of this Act is necessary to make effective the guarantees of the Constitution, particularly those contained in the fourteenth and fifteenth amendments, by eliminating or preventing discriminatory restrictions on the franchise which occur through the denial of the right to vote to persons through the use of certain literacy tests and which exist in order to effectuate denials of the right to vote on account of race or color.

"Sec. 2. Subsection (a) of section 2004 of the Revised Statutes, as amended (42 U.S.C. 1971), is amended by inserting '(1)' after '(a)' and by adding at the end thereof the following new paragraphs:

" '(2) No individual seeking to vote, or to qualify to vote, in any general, special, or primary election in any State or subdivision of a State shall be subjected to any literacy test as a qualification for voting by an official, or person acting under color of law or otherwise, to whom application is required to be made to vote at the place of voting, or to be enrolled or registered as a voter. For the purposes of this paragraph and paragraph (3), the term "literacy test" includes any test of the ability of an individual to read, write, comprehend, understand, or interpret any matter.

" '(3) No person, whether acting under color of law or otherwise, shall, in administering any literacy test which is imposed as a qualification for voting in any general, special, or primary election in any State or subdivision of a State, apply to any individual any standard, practice, or procedure which is different from the standards, practices, or procedures applied to any other individual.'

"Sec. 3. If any part or provision of this Act is held invalid, all other parts or provisions shall remain in effect. If a part or provision of this Act is held invalid in one or more of its applications, the part or provision shall remain in effect in all other applications."

Amend the title so as to read. "An Act to protect the right to vote from discrimination through the use of literacy tests."

EASEMENTS ON REAL PROPERTY OF THE UNITED STATES—AMENDMENT

Mr. CASE of South Dakota submitted an amendment, intended to be proposed by him, to the bill (H.R. 8355) to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT OF SECTION 204 OF AGRICULTURAL ACT OF 1956—AMENDMENT

Mr. MUNDT (for himself, Mr. Hruska, Mr. Allott, and Mr. Case of South Dakota), submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956, which was ordered to lie on the table and to be printed.

EQUAL TREATMENT FOR ALL FUELS IN GOVERNMENT CONTRACTS—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of May 3, 1962, the names of Senators Moss, Randolph, Cooper, Clark, Scott, Byrd of West Virginia, Douglas, and Burdick were added as additional cosponsors of the bill (S. 3241) to amend section 201(a)(3) of the Federal Property and Administrative Services Act (40 U.S.C. 481(a)(3)), and for other purposes, introduced by Mr. Gruening (for himself and Mr. Bartlett) on May 3, 1962.

SELECT COMMITTEE ON SMALL BUSINESS—ADDITIONAL COSPONSOR OF RESOLUTION

Mr. MOSS. Mr. President, I ask unanimous consent that my name be added as a sponsor, at the next printing, of the resolution (S. Res. 333) amending the resolution creating the Select Committee on Small Business, the principal sponsor of which is the senior Senator from Indiana [Mr. Capehart].

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF RECEIPT OF NOMINATION BY COMMITTEE ON FOREIGN RELATIONS

Mr. MANSFIELD. Mr. President, on behalf of the chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nomination of Seymour M. Peyser, of New York, to be Assistant Administrator for Development Financing, Agency for International Development.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. RANDOLPH:

Remarks in presenting Senator Stuart Symington, of Missouri, at West Virginia Lions Clubs convention and article on Senator Symington's address from Charleston (W. Va.) Gazette, May 12, 1962.

By Mr. SPARKMAN:

Address by Senator Frank E. Moss on the subject of small business, delivered at the George Washington University, May 3, 1962.

LEGISLATIVE PROGRAM

Mr. CASE of South Dakota obtained the floor.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. CASE of South Dakota. Mr. President, I desire to call up my amendment.

Mr. MANSFIELD. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. CASE of South Dakota. I yield.

The PRESIDING OFFICER. The Senator from Montana will state his parliamentary inquiry.

Mr. MANSFIELD. Is the Senate in the morning hour?

The PRESIDING OFFICER. Under the unanimous-consent agreement earlier entered, the Senate will be in the morning hour until 1 o'clock.

Mr. MANSFIELD. Is the Senate operating under a limitation on time in the morning hour?

The PRESIDING OFFICER. Yes; under a 3-minute limitation.

Mr. CASE of South Dakota. Mr. President——

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. CASE of South Dakota. I desire to call up, as in legislative session, my amendment to H.R. 1361, identified as "5-10-62—B."

The PRESIDING OFFICER. That is not in order at this time. There is nothing pending before the Senate at the moment. The Senate is in the morning hour, under a limitation of debate.

Mr. CASE of South Dakota. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CASE of South Dakota. Was the bill, H.R. 1361, laid before the Senate this morning when the Senate went into session?

The PRESIDING OFFICER. It was not.

Mr. CASE of South Dakota. Did the Senate proceed to vote at 12 o'clock merely under the prior order of the Senate?

The PRESIDING OFFICER. The Senate voted under rule XXII.

Mr. CASE of South Dakota. Will the pending business of the Senate be H.R. 1361 when the Senate returns to legislative session?

The PRESIDING OFFICER. When the bill is laid before the Senate, it will become the pending business. It will become the pending business at 1 o'clock.

Mr. CASE of South Dakota. Was it the pending business when the Senate last recessed or adjourned?

The PRESIDING OFFICER. It was.

Mr. CASE of South Dakota. Then is it not in order to consider the bill before the morning hour expires?

The PRESIDING OFFICER. Not on Monday.

Mr. CASE of South Dakota. Not on Monday?

Will there be any opportunity, under the situation which prevails on Monday, for the Senator from South Dakota to call up his amendment?

The PRESIDING OFFICER. There will be. Under the rule the bill will be laid before the Senate at 1 o'clock.

Mr. CASE of South Dakota. Is there a possibility that the Senator from South Dakota can reserve the right to be recognized at 1 o'clock?

The PRESIDING OFFICER. The Senator could not reserve that right except by unanimous consent.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that I may be recognized at 1 o'clock to call up my amendment.

Mr. MANSFIELD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

TRIBUTE TO MRS. MARJORIE L. FRENCH—NATIONAL TEACHER OF THE YEAR

Mr. CARLSON. Mr. President, Mrs. Marjorie L. French, of Topeka, Kans., mathematics instructor at the Topeka High School, has been named National Teacher of the Year. This is a great honor which has come to our State, and particularly to the Topeka High School.

Mrs. French was chosen for this honor from 1.4 million elementary and high school teachers in the country. The award was sponsored by the U.S. Office of Education, the Council of Chief State School Officers, and Look magazine.

In accordance with the rules of the award, a teacher must be nominated by the chief school officer of the State; and then, after being observed at work, nominees are rated by a committee of national leaders in education meeting in Washington, D.C.

This morning Mrs. French received an award in the form of a gold lapel pin and a certificate emblematic of her honor from the President of the United States.

In a current issue of the Look magazine, Mrs. French was described as "one in a million." She teaches mathematics in the Topeka High school and is supervisor of mathematics in grades 7 to 12 for the Topeka public schools. She has been a teacher in her native Kansas for 23 years and has taught 14 years in the Topeka school system.

Many splendid statements have been made regarding her outstanding ability as a teacher. A Topeka school official put it this way:

> She gives her students the kind of salt that makes them thirsty for knowledge.

Another said:

> She has every quality a great teacher should possess. Her pupils get to class early because they are so eager to work with her.

One of her students stated:

> She's the finest teacher I ever had. We work very hard in her classes but it's never drudgery.

Mrs. French has received many honors during her teaching career. She was named Woman of the Year in education in Topeka in 1959. In 1960 she was awarded a medal by the Freedoms Foundation Valley Forge. She has been president of the Kansas Association of Teachers of Mathematics and of the Topeka Teachers Association.

Kansas is greatly honored by this outstanding recognition that has come to one of her teachers, and I want to extend congratulations and best wishes to Mrs. French.

WOODBINE DAM AND RESERVOIR, KANS.

Mr. CARLSON. Mr. President, Kansas is greatly interested in a program of water runoff, and therefore is interested not only in the construction of large reservoirs, but an increased and expanded development of control of water runoff in our smaller watersheds. We have had some outstanding work done in this field, but there is more to be done.

The State Association of Watersheds, through its president, Mr. Grant Engle, of Abilene, Kans., expressed it recently this way:

> We want it understood that the State Association of Kansas Watersheds is not antidam, but think that both programs have their place in the flood control program as written by the Congress.
>
> The Watershed Act passed in 1953 delegated rights for local people to organize and to qualify for Federal funds to stop flooding on streams of 250,000 acres or less. The Corps of Engineers and other agencies were given authority in the field of flood control many years before this. We believe that local people should not be denied the right to make full use of the Watershed Act as stated by Congress in 1953.

Recently there appeared in the Abilene Reflector-Chronicle an editorial in regard to the authorization of one of the former proposed reservoirs in Kansas.

I ask unanimous consent that the editorial be made a part of these remarks and referred to the appropriate committee.

There being no objection, the editorial was referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

NOW OR NEVER FOR WOODBINE

> The Association of Kansas Watersheds, along with numerous other farm organizations, has taken a firm position against authorization by this session of Congress of the Woodbine Dam and Reservoir on Lyons Creek as proposed by the U.S. Corps of Engineers.
>
> This is not at all surprising. However, the very sound reasoning behind the opposition is not based on simply "antidam" sentiment which exists generally among farmers. It is based more on a demand for the watershed program to be given an equal and fair chance.
>
> The Federal program of flood control through big dams and reservoirs has been the specialty field of the Corps of Engineers for many years. They do a good job and some places their type of project is vital. This is highly questionable in the case of the Woodbine Reservoir—but the corps is one of the most potent "influence" bodies there is when it comes to pulling appropriations out of Congress, and when they set out to get a project through it is about like a town baseball team playing the New York Yankees.

It's been only less than 10 years that a watershed district could qualify for Federal funds to stop flooding on small streams, such as Lyons Creek. The corps was given this right many years ago.

The point is simply this: if Congress authorizes the proposed Woodbine Dam at this time the people would be denied the right to make full use of the Watershed Act of 1953. In order to obtain funds under the Watershed Act the project has to be justified by a benefit area. If the big dam is authorized it would take in virtually all of the benefit area of the watershed district. There can't be both. Therefore, the possibility of solving the water problems in the Lyons Creek area under the watershed program would be washed downstream forever.

It is sort of a legalized throatcutting process. The flood plain of any watershed determines the feasibility of the project and the flood plain is eliminated through priority to another project, you're out of business.

The Congress should be guided by a resolution passed by the Kansas House of Representatives last year. With only three dissenting votes, the house asked the Governor not to recommend the Woodbine Dam project until the watershed district (now actively engaged in a program that will solve the problem without loss of all the productivity and taxes from the land) has just a few years to prove itself.

"THE GOLD CRISIS"—ADDRESS BY SENATOR HARRY F. BYRD

Mr. BYRD of Virginia. Mr. President, on Thursday, May 10, I addressed the 67th annual convention of the Delaware Bankers Association in Wilmington, Del., on the subject of the gold crisis and other vital matters confronting this Nation today.

I ask unanimous consent to have printed in the RECORD, as a part of these remarks, excerpts from that speech.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

THE GOLD CRISIS

This Nation has been on a deficit financing basis for 25 of the past 31 years. There was a $4 billion deficit last year; there will be a $7 to $10 billion deficit this year; and there will be another deficit of $3 to $5 billion in the coming fiscal year.

The statutory Federal debt limit has been raised twice in the past 11 months. A third request is pending, and I shall oppose it. The debt is approximately $300 billion. The administration estimates that its spending will raise it close to $308 billion in the coming year.

We are told that the fiscal situation will be all right if we balance the Federal budget over a cycle of years, and that this will be taken care of automatically if the Federal Government will only spend enough to raise the GNP high enough to produce the necessary revenue.

This is evil fiction. It never has worked; it is not working now, and I can prove it. It will not work in the future, and it is dangerous to rely on it. A prudent government would balance its budget by stopping nonessential expenditures. This is not being done.

The hard fact is that continuing deficits ultimately end in bankruptcy. When a nation goes bankrupt, its assets are not taken over and sold to satisfy its debts. Its money becomes worthless; its economy disintegrates; its form of government falls and changes.

Previous Federal deficits have been a prime factor in inflation which continues to reduce the value of the dollar. Recent claims that inflation had stopped were shortlived. The value of the dollar has dropped every year since World War II except 1949 and 1955; it is still going down; it has dropped another half-cent in the past 12 months.

As of March this year the dollar was worth 46.1 cents on the 1939 index. Its purchasing power had dropped between February and March, and it had dropped between January and February. I suspect it will be down again in April and May.

In short, our situation is characterized by increasing debt, continuing deficits, and threatening inflation. Such a situation does not inspire confidence at home or abroad; but we need confidence in the dollar now as we never needed it before.

I say this because loss of our gold, through withdrawals by foreigners—in its own way—imperils our security like an atomic bomb. Foreign nations and their central banks take our gold when they lose confidence in the dollar..

Precisely this is happening. There are two reasons—and both of them are deficits. We have been running two sets of dangerous deficits for years. One is the domestic deficit in the Federal budget. The other is a foreign deficit in our international balance of payments.

After 31 years of them the domestic deficit should be generally understood. What is this balance of payments? It is the dollar value accounting of the debits and credits of all of our transactions with other countries around the world.

For 16 years, since the end of World War II, the United States has been the free world's banker, its policeman, and its Santa Claus. In our international accounts we have spent abroad more than we have received from foreign countries in 11 of the past 12 years for a net deficit of $23.7 billion.

The law does not require it, but for years we have given foreign governments and their central banks the option of taking payments for these deficits in dollars, or in gold, at the rate of $35 an ounce. They take gold if their confidence in our money is impaired.

They are aware of our domestic deficits, our increasing national debt, and the decline in the value of the dollar. They have drawn out $8 billion—one third—of our gold reserves since 1949. Generally, gold withdrawals are heaviest when domestic deficits are going up.

The largest outflow of gold in any single year occurred in 1958. At that time we were embarking on the largest peacetime domestic deficit in history. And foreseeing it, foreigners took $2.3 billion of gold in lieu of dollars. This was 10 percent of our total gold supply at that time. The record shows the outflow of gold closely follows our pattern of domestic deficits.

Of the $8 billion gold loss since 1949, more than half of it has taken place since the huge domestic deficits of 1958–59, which totaled $15 billion. It appears that we shall have combined deficits in fiscal years 1961–63 totaling another $15 billion.

Most recent Treasury reports show that we lost $395 million in gold between January 1 and May 4 of this year. At this 4-month rate, the gold outflow in the current year would be nearly $1¼ billion. In 1949, with $24.6 billion in gold we had 75 percent of the free world's supply; now we have only 40 percent of the total gold supply.

Gold backs the U.S. dollar. Approximately $12 billion is required for this purpose under the law. With $16.5 billion remaining in our gold reserve—and it is steadily going down—only $5 billion or less remains to meet foreign demands for gold in lieu of dollars.

Our balance-of-payments deficits continue. The deficit in the past year ran to $2.5 billion. Latest official estimates indicate foreign claims against the United States total $18 to $20 billion, and about half of this, or approximately $10 billion, is held by foreign governments and central banks which can demand gold.

Under these conditions, our $5 billion or less in gold not dedicated to backing the dollar could be dissipated overnight. In this frightening dilemma we would be faced with removing or diluting the dollar's gold base or reneging on our policy of offering the gold-or-dollar option in foreign payments.

Either action would have catastrophic effects. Our own economy would be shaken and the repercussions would be worldwide, inside and outside the Iron Curtain. We dare not consider action in either direction while the dollar is under fire of domestic deficits and declining value.

Either or both courses would be regarded around the world as a sign of weakness; and other free-world currencies, which are tied to the dollar, would be jeopardized as well as our own. Other free-world nations know this, and it is to be hoped that their actions are guided accordingly.

But the temptation to take our gold is great, because our guaranteed price of $35 an ounce is cheaper that the present average cost of producing gold either at home or abroad. If we should raise the price of gold, this would weaken the dollar and certainly cause further inflation.

When other nations, such as England, have been confronted with similar balance-of-payments crises, they have taken drastic action and corrected the situation. In this country there has been no effective action to date by either the present or the previous administration.

The Eisenhower administration brought armed services dependents home, and the Kennedy administration restricted the duty-free value of articles tourists can bring home from abroad. But these actions, plus negotiation of advanced payments on German and Japanese debts to us, are only flyspecks on the wall.

We must go to the root causes of the situation before it is too late. The root causes are huge deficits at home and huge deficits in our financial transactions abroad. Those in authority must act to restore confidence in the dollar.

No more serious situation, short of war, confronts this Nation today.

As a postscript: Official records, Board of Governors, Federal Reserve System, on May 9 showed $30 million in gold had been withdrawn from our supply in the week ending on that date. This reduced the total of our reserves to $16,465 million. This is our lowest gold level since August 16, 1939.

CONCENTRATION OF POWER

The President is continuing to ask for concentration of power in the Federal Government at Washington. No President in the history of the United States has ever asked Executive power such as is embodied in two proposals by President Kennedy which are before Congress today.

Under one proposal he could spend public funds without appropriation; this is pending in the Senate now. Under the other proposal, just received, he could cut taxes by Executive order.

Both proposals would undermine the Constitution which prohibits expenditures except in "consequence of appropriations made by law," and fixes the taxing power of the Government in the legislative branch.

The President says he wants these powers for use in unemployment relief. Where is the emergency justifying such grants of power? It is here? Is it imminent? Or, is it a plan to speed up spending?

He is asking not only for these vast powers in the name of unemployment, but also for federalization of unemployment insurance. Such emphasis in high places on unemployment might in itself bring on recession or depression.

If Congress is not in session in event of emergency, it will be available for immediate call. It would be better for it to remain in constant session than to place more power in the Executive.

Use of the Federal whiplash on a segment of the Nation's industry in recent weeks shocked the country, but it should have surprised no one at this late date.

The increasing dominance of the executive branch in the Federal Government is combined with the usurpation of power in a continuing line of decisions by the Warren Court.

This Court is now undertaking to dictate or influence the formation of political districts within States from which members of State legislatures are elected.

Gerrymander by the Federal judiciary is something new and dangerous in our form of government. It could destroy the effectiveness of our two-party system.

The so-called public works bill now before the Senate not only would authorize the President to spend $2 billion of funds authorized for other purposes, he could invade State and local jurisdictions.

Standby power to reduce taxes in recessions would open the door for Executive usurpation of more and more of the taxing power, which is the greatest and most dangerous power of any government.

When we undermine the safeguards against the Federal power to spend and tax, and strike down the checks and balances in our dual system of State and Federal Government, we are indulging in national self-destruction.

The present requests for more Presidential power to spend and adjust taxes are the latest climax in a chain of Kennedy proposals to concentrate more power in the executive branch in Washington.

Proposals in the field of public education, medical care, social security, transportation, rebuilding of cities, and tariffs would set the stage for the exercise of vast controls in these vital areas by the executive branch of the Federal Government.

Much of the usurpation of power would come through new spending proposals. Some 200 actions and proposals involving increased Federal obligation of public money and credit can be documented in Presidential communications to Congress during the present administration.

Increased expenditures and credit are proposed for housing, urban renewal, public assistance, education, health, water resources, river basin development, etc.

Huge spending is contemplated in such new programs as space, moon and ocean exploration, depressed areas and jobless retraining.

Still more Federal spending programs are being formed in surface and mass transportation, acquisition and development of open spaces, etc.

Other proposals include increased grants to States and payments to individuals and institutions in existing programs for public assistance, health, higher education, etc.

Virtually no area of domestic-civilian activity by the Federal Government is being overlooked in proposals for increased spending and use of public credit.

Expansion of foreign aid programs, including the Peace Corps which was established without benefit of legislation; and the military build-up with new emphasis on civil defense are in addition.

Under other proposals there would be vast increases in trust fund expenditures and taxes outside of the regular Federal budget for unemployment and aged health insurance, social security recipients, and continuing increases for highways.

When the President sent his message to Congress Tuesday asking for the delegation of taxing powers to him, he included a draft of the bill he wants Congress to enact.

The introductory section of the law he wants set forth a concept of the use of the taxing power which is foreign to the fundamental principles on which our form of government is founded. I quote it directly:

"FINDINGS AND DECLARATION OF POLICY

"This section sets forth the congressional finding that the taxing power is an instrument which the Federal Government can use to meet its responsibility set forth in the Employment Act of 1946 to promote maximum employment, production and purchasing power. It sets forth the declaration of congressional policy that it is desirable to adopt a procedure to provide for the effectuation of reductions of individual income tax rates, in limited amounts and for limited periods, more speedily than by means of the enactment of specific legislation."

JOURNALISM SCHOLARSHIP IN MEMORY OF THE LATE HERMAN A. LOWE

Mr. AIKEN. Mr. President, on May 9, Mr. E. W. Scripps II, chairman of the Sigma Delta Chi Foundation, of Washington, D.C., announced the establishment of a $500 journalism scholarship in memory of the late Washington newsman, Herman A. Lowe.

Herman Lowe not only was a distinguished journalist, but also a good friend especially to those of us in Congress who were fortunate enough to be covered by his news bureau.

I never knew Herman to want to "get" anyone. Rather, he was helpful to all who came in contact with him, particularly those in his own profession. He gave great encouragement to newcomers in the world of journalism.

It is, therefore, fitting that the Herman A. Lowe Memorial Scholarship in Journalism should be established to help worthy students who need financial assistance to continue their full-time schooling in pursuit of a journalistic career.

The first scholarship will be awarded this June for the 1962–63 academic year to a student who intends to follow this field as a career and who is at the present time a sophomore or junior at American, Catholic, Georgetown, George Washington, or Howard Universities, or the University of Maryland.

I can think of no greater tribute nor memorial than this for Herman Lowe.

Mr. SCOTT. Mr. President, the establishment of a $500 journalism scholarship in memory of the late Washington newsman, Herman A. Lowe, was announced today by E. W. Scripps II, chairman of the Sigma Delta Chi Foundation of Washington, D.C.

The first annual scholarship will be awarded in June for the 1962–63 academic year to a student who intends to follow journalism as a career and who is presently a sophomore or junior at American, Catholic, Georgetown, George Washington, or Howard universities, or the University of Maryland.

The Herman A. Lowe Memorial Scholarship in Journalism was established to help worthy students who need financial assistance to continue their full-time schooling in pursuit of a journalistic career.

Mr. Scripps, who is vice president of Scripps-Howard Newspapers and a former national president of Sigma Delta Chi, disclosed that the deadline for applications for the first award is May 26, 1962. The winner of the first scholarship will be announced at the annual banquet of the Washington professional chapter of SDX on June 13.

This scholarship has been endowed as a tribute to Mr. Lowe, a distinguished journalist who was a member of the Washington Professional Chapter of Sigma Delta Chi, national professional journalism society.

A native of New York City, Mr. Lowe was graduated from the Wharton School of the University of Pennsylvania. He served progressively as reporter, day city editor, night city editor and political correspondent of the Philadelphia Inquirer. In 1942 he was assigned to the Inquirer's Washington bureau.

Mr. Lowe founded his own Washington bureau, the Penn-Federal News Bureau in 1947. He also served as Washington bureau chief of Variety. At the time of his death in 1961, he had completed 3 years as Director of Development and Public Relations of the Albert Einstein Medical Center in Philadelphia.

He was awarded the Sigma Delta Chi special citation for Washington correspondence in 1946. He contributed articles to national magazines and was a frequent guest lecturer in journalism classes.

Mrs. Herman A. Lowe and her brother, Bernard G. Segal, Esq., a Philadelphia attorney, took an active interest in the formation of the scholarship program.

STANDBY AUTHORITY TO ACCELERATE PUBLIC WORKS PROGRAMS

Mr. ROBERTSON. Mr. President, last week I was under the impression that after the Senate had disposed of the cloture motion this morning the leadership probably would move that the Senate consider the standby public works bill. I now understand that the leadership does not intend to have that bill considered today.

Under the rule, I gave notice that I would move to refer the bill to the Committee on Banking and Currency.

When the President's message came to the Congress it was referred to the Committee on Banking and Currency. When the bill was introduced, the bill was referred to the Committee on Public Works, because the bill, as framed, dealt primarily with public works; but the committee amended the bill to provide for taking $2 billion out of trust funds which are under the jurisdiction of the Committee on Banking and Currency, on which subject there has been no hearing.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the statement I had planned to make if I had had the privilege of moving that the bill be referred, plus a statement of the provisions relating to the agencies under the jurisdiction of the committee, from which the $2 billion is to be raided; and I now ask unanimous consent that the bill be referred to the Committee on Banking and Currency, where appropriate hearings with respect to the $2 billion fund can be held.

Mr. HUMPHREY. Mr. President, reluctantly I must object to the request of the Senator. The bill is not before the Senate. When the bill is before the Senate, then such a request might be in order. I object.

Mr. ROBERTSON. Did I receive unanimous consent to have printed in the RECORD the statements to which I referred?

Mr. HUMPHREY. I have no objection to that request.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Objection is heard.

Mr. ROBERTSON. Mr. President, was unanimous consent granted for my material to be printed in the RECORD?

Mr. HUMPHREY. I have no objection to the printing of the material in the RECORD. It was the request that the bill be referred to the Committee on Banking and Currency to which I objected.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

The Committee on Banking and Currency, under rule XXV, paragraph (d), has jurisdiction over legislation relating to the following subjects:

Banking and currency generally.
Deposit insurance.
Public and private housing.

The President's message relating to the proposal which has now become S. 2965, also described as the "Standby Public Works Act of 1962," was referred to the Committee on Banking and Currency. However, after further consideration, when the bill was introduced it was referred to the Committee on Public Works. This did not seem inappropriate at the time because the principal subject matter of the bill was a proposal relating to public works, including standby public works.

However, as amended by the committee, the principal effect of the bill would be to weaken and impair our Nation's banking system, our Nation's savings and loan system, our Nation's home loan bank system, our responsibilities under the Bretton Woods Agreements Act, and, in addition, it would impair many housing programs.

To finance the standby public works program would involve expenditures up to $2 billion. I shall not elaborate upon the method of financing this program in any great detail at the moment. It is enough, I think, to say that the funds would be taken from the borrowing authorities which now provide the basis for the insurance of bank accounts and savings and loan accounts, and from the funds which back up World Bank bonds and Federal Home Loan Bank bonds which have been issued and sold to thousands of investors on the good faith of the United States. I have had a memorandum prepared which sets forth the statutory provisions involved and summarizes briefly the programs which would be affected by this bill.

I am including this memorandum following these remarks.

I believe it is absolutely essential to refer S. 2965 to the Committee on Banking and Currency so that hearings can be held at which the Committee can obtain the views of the executive branch, particularly the views of the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the Federal Reserve Board, the Comptroller of the Currency, and the Home Loan Bank Board; the industries affected, banks, savings and loan associations, homebuilders and other elements of the housing industry; and the millions of individuals who have deposits in insured banks, who have savings in insured savings and loan associations, who have purchased Federal Home Loan Bank bonds; and the many other millions who are interested in the housing industry.

FINANCING PROVISIONS OF S. 2965—THE STANDBY PUBLIC WORKS BILL

Section 10 of S. 2965 provides a $2 billion fund for the public works acceleration program authorized by the bill. Section 10(b) would provide, in part, as follows:

"In order to expedite financing activities under this Act, the President may, during the existence of the public works acceleration period, cause the unobligated balances of authorizations to expend from public debt receipts available for the Housing and Home Finance Agency, for loans to the Federal Savings and Loan Insurance Corporation, for loans to the Federal Deposit Insurance Corporation, for the purchase of obligations issued by the Federal Home Loan Banks, and for payment of the subscription of the United States to the International Bank for Reconstruction and Development, which are estimated to be in excess of the amount needed in the current fiscal year for obligation or expenditure for the purposes for which they were made available (but not the balances of trust funds), to be transferred to the appropriate accounts of any such agency or other department or agency in such amounts and at such times as he may deem appropriate and, notwithstanding the provisions of any other law, such transferred balances may be used for the purposes of this Act: *Provided*, That there are hereby authorized to be appropriated such amounts as may be required to restore such transferred balances not otherwise restored to the sources of funds from which they were derived: * * *"

FEDERAL DEPOSIT INSURANCE CORPORATION

Accounts in more than 13,000 banks are insured by FDIC, up to $10,000 per account. This is about 97 percent of the country's banks. A total of $150 billion of accounts is insured, and the total deposits in insured banks is about $260 billion. These include both commercial and savings banks. This insurance is backed up by an insurance fund of almost $2½ billion built up from assessments on the banks. In addition to this reserve fund, the government has agreed to make available $3 billion by the use of borrowing authority provided under the Federal Deposit Insurance Act. This borrowing authority has never yet been used, but it is generally considered an essential part of the Federal deposit insurance program.

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Savings accounts in more than 4,000 savings and loan associations, Federal and State, are insured by FSLIC, up to $10,000 per account. Savings in insured savings and loan associations are about 95 percent of total savings in such associations and amount to more than $67 billion, about 96 percent of which is covered by insurance. This insurance is backed up by an insurance fund which last December amounted to about $450 million, built up from premiums on insured savings and loan associations. In addition to this reserve fund, the Government has agreed to make available $750 million by the use of borrowing authority provided under the National Housing Act. This borrowing authority has never yet been used, but it is generally considered an essential part of the Federal savings and loan insurance program.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

The United States is a member of the International Bank for Reconstruction and Development—the World Bank—through its participation in the Bretton Woods Agreements and the Bretton Woods Agreements Act and amendments thereto. The United States has paid in $635 million of its subscription in accordance with the Bank's articles. The balance of $5,715 million is subject to call to meet obligations of the Bank. Based on this commitment of the United States and similar commitments from the other members of the Bank, the World Bank has sold about $2.4 billion of bonds in the United States and in foreign countries. These bonds are considered, in large part because of the commitment of the U.S. Government, as being of the highest value and soundness. In selling its obligations, the Bank has included in its prospectuses the following language: "Under the Bretton Woods Agreements Act, the Secretary of the Treasury is authorized, without any requirement of further congressional approval, to pay the $5,715 million unpaid portion of the subscription of the United States from time to time when payments are required to be made to the Bank and to use for this purpose the proceeds of U.S. Government borrowings."

FEDERAL HOME LOAN BANKS

Federal Home Loan Banks are authorized to issue obligations to the public in order to provide funds for savings and loan associations belonging to the Federal Home Loan Bank System. About $1.5 billion of such obligations are now outstanding. These obligations are secured in part by the authority to borrow from the Secretary of the Treasury up to $1 billion outstanding at any one time. No borrowings have been made under this provision, but it is generally considered an essential part of the security behind Federal Home Loan Bank obligations.

HOUSING AND HOME FINANCE AGENCY (TREASURY BORROWING AUTHORITY)

The HHFA has authority to borrow from the Treasury in order to carry out a number of its loan programs:

Total borrowing authority

[Millions of dollars]

College housing loans	2,875
Public facility loans	600
Transportation facility loans	50
Urban Renewal loans	1,000
Public Housing Administration loans	1,500
Federal flood indemnity	500

In addition, FNMA has authority to borrow from the Treasury $2¼ billion as part of its secondary mortgage operation. Such borrowings are ordinarily used in order to carry on these operations. However, to some extent this borrowing authority could conceivably serve to back up FNMA's liability on money borrowed from the public. FNMA also has authority to borrow $3,425 million from the Treasury in order to carry out its special assistance programs.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ROBERTSON. If I have any time remaining, I yield to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. LAUSCHE. Mr. President, I concur in the statement made by the Senator from Virginia. We are presented with the frightening and shocking situation in which it is contemplated to take $2 billion from the funds that have been pledged to bank, building and loan depositors, and others to whom such obligations would be due in the event an untoward situation shoud arise in our economy. The effort is now being made to take trust funds from the pool to which they have been legitimately pledged. If such action took place in private business, it would be a crime; yet it is contemplated in the proposal to which the Senator from Virginia referred.

Mr. BUSH. Mr. President, I strongly favor the position taken by the distinguished Senator from Virginia [Mr. Robertson] and the distinguished Senator from Ohio [Mr. Lausche] in respect of the bill S. 2965, the Public Works Acceleration Act. The bill is one of the most amazing I have ever seen in my 10 years in the Senate. It is incomprehensible to me how the President could ask for authority to raid trust funds that have been dedicated by law enacted by Congress to specific purposes. There is nothing that would unsettle our people more than to know that the Federal Deposit Insurance funds might be raided in order to build public works at any time the President in his discretion thought that to do so would be a pretty good idea.

In the minority views I note the sentence:

> This might be termed side-door financing or even slide-door financing. Now you see it; now you don't.

I wish to record my strong protest of that type of proposed legislation. I hope the Senate will permit the bill to be referred to the Committee on Banking and Currency so that witnesses from the agencies involved might be called to testify on the question whether they wish to see the funds of their respective agencies dedicated to the discretion of the President for public works programs any time he thinks it would be a good idea to use them in such a manner.

Mr. CAPEHART. Mr. President, I join with the able Senator from Virginia [Mr. Robertson], the Senator from Ohio [Mr. Lausche], and the Senator from Connecticut [Mr. Bush], in protesting against the sort of action proposed.

It would be a very serious mistake if the Senate did not refer the proposed legislation to the Committee on Banking and Currency so that the committee might hold hearings and listen to the people who are affected by that sort of proposed legislation.

It is unbelievable that the sort of action proposed could happen in the United States, namely, taking trust funds that have been set aside for specific purposes, particularly for our banking institutions, our Federal Home Loan Bank, and others, and convert the funds to some other use.

As we know, bank deposits are guaranteed up to the sum of $10,000. It would be my opinion that it would be unprecedented if we should permit the contemplated action.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. CAPEHART. I yield if I have the floor.

Mr. SALTONSTALL. I am heartily in accord with what the Senator from Indiana has said. Should we permit the use of trust funds for other purposes, we would violate the promise made to the beneficiaries of such funds when Congress created them. I hope that the bill will be referred to the Committee on Banking and Currency.

Mr. LAUSCHE subsequently said: Mr. President, the Senator from Virginia has spoken on the proposal in S. 2965 with respect to the diversion of funds held in trust for the support of the Federal Deposit Insurance Corporation, the Federal Savings and Loan Corporation, the International Bank for Reconstruction and Development, the Federal Home Loan Association, and several other institutions.

When the people of the country, following the bank crash in the 1930's, were told that their deposits in banks and building and loan associations would be insured up to $10,000, it was asserted that the premiums paid by the banks and building and loan associations would be impounded in trust funds. Also, it was impliedly stated to the people that authority would be made available to the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation to borrow from the Treasury, the authority to be used to fortify, secure, and guarantee deposits.

Those guaranteed funds, which were available to be borrowed from the Treasury, have never been used by either of the two agencies. However, in the Public Works bill, which provides for a $2 billion standby fund, authority is given to the President to borrow under the authority granted to the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation. To the extent that that authority is given, there is definitely constituted a diversion of the funds from the source to which they were initially pledged.

The improper diversion of private trust funds constitutes an offense which is frequently thrown into the category of crime. But in this instance, a proposal is made in the bill to permit the President to take funds in the sum of $2 billion and divert them from the source for which they were intended. I think that such a proposal is not sound. The bill ought to be referred to the Committee on Banking and Currency, where it belongs, especially so far as it deals with the funds which belong to the agencies I have mentioned.

I will support the effort of the Senator from Virginia [Mr. Robertson] to have the bill referred to the Committee on Banking and Currency.

Mr. COOPER subsequently said: Mr. President, commenting on the statements which have been made by several Senators concerning the standby public works bill, I should like to say that when the bill was voted on in the Public Works Committee, of which I am a member, I made a motion, with the junior Senator from Delaware [Mr. Boggs], to strike from the bill the section which provides for the unusual method of financing public works programs—a section which would authorize the President to direct the transfer of unobligated funds from the Federal Deposit Insurance Corporation, the Housing and Home Finance Agency, the Federal home loan banks, the Federal Savings and Loan Insurance Corporation, and even from the World Bank, to be used on Federal works programs. That motion was defeated.

We then moved to strike from the bill the entire standby provision which would authorize the expenditure of $2 billion. That motion was also defeated. It was after these motions were defeated that we voted against the bill.

Mr. President, a week ago last Thursday, I spoke in the Senate on the possible effect on the financial structure of the World Bank, and on the security for its bonds, of the method of financing the Standby Public Works Act of 1962, as reported by the Senate Committee on Public Works. My remarks appear on page 7667 of the Congressional Record for May 3.

I pointed out at that time that while Secretary Dillon is Chairman of the National Advisory Council on International Monetary and Financial Problems, and represents the United States in its relations with the International Bank for Reconstruction and Development, Mr. Dillon had not testified before our committee. I said that I had written him about this, the method of financing S. 2965, and that I would present his reply to the Senate when I received it.

Last week I did receive a reply from Secretary Dillon. I am glad to know from his response that the Bureau of the Budget is reconsidering this matter. While I do not know what amendments are being proposed, I am sure that the financial resources of the World Bank should not be dragged into this public works proposal. The proposals to borrow funds from the amounts set aside for the Federal Deposit Insurance Corporation, the Federal home loan banks, and the Federal Savings and Loan Insurance Corporation are also a mistake. However, at this time I merely wanted to call attention to Secretary Dillon's response.

Mr. President, I ask unanimous consent to have printed in the body of the Record a statement on the Standby Public Works Act of 1962, a letter that I wrote to Secretary of the Treasury Douglas Dillon on April 28, and his response dated May 4.

There being no objection, the material was ordered to be printed in the Record, as follows:

April 28, 1962.

Hon. Douglas Dillon,
Chairman, National Advisory Council on International Monetary and Financial Problems, Department of the Treasury, Washington, D.C.

Dear Mr. Chairman: Senate bill 2965, known as the "Standby Public Works Act of 1962," was reported to the Senate this week by the Public Works Committee, of which I am a member. Section 10(b) of the bill as reported would authorize the President, an agency or officer specified by him, and those delegated in turn, to "cause to be transferred" to a new public works agency or any other agency "the unobligated balances of authorizations to expend from public debt receipts available for payment of the subscription of the United States to the International Bank for Reconstruction and Development."

I would appreciate very much any comments you might care to make on the propriety of this method of financing, with particular regard to the support of the World Bank and its operations by the United States.

I understand that under the Bretton-Woods Agreement, the United States has subscribed to the stock of the World Bank in the amount of $6,350 million, has paid in $635 million, and that the balance of $5,715 million, is subject to call by the Bank when needed. I assume that the United States' subscription is a part of the financial structure of the World Bank, and even though not called, supports the bond issues and funding of the Bank.

I have not recently examined the Agreement, or the Bretton-Woods Act as amended. However, I would welcome your opinion as to whether the $5,715 million in borrowing authority available for investment in the International Bank for Reconstruction and Development can correctly be termed an "unobligated balance" as represented to the committee by representatives of the Bureau of the Budget. While it may be an unobligated balance in budgetary terms, I assume it has a statutory purpose which might be impaired if $2 billion of this amount is withdrawn for public works spending.

I know that in your capacity as Chairman of the National Advisory Council on International Monetary and Financial Problems, you represent the United States in its dealings with the World Bank, and in addition to understanding the responsibilities which the United States has undertaken, you may be advised as to the opinion of the Bank on the withdrawal of funds now authorized for the U.S. subscription.

As far as the operations of the Treasury are concerned, however, I would appreciate a description of this authority, and its statutory purposes. For it is not the same as the Treasury borrowing authority for Federal agencies which is also transferable under the bill.

While it now appears that S. 2965 may not be called up in the Senate in the next week, it could come up at any time and very quickly. I want to be able to study this and other information related to the bill before the debate. Therefore, I hope you will send me a reply as soon as possible.

With kind regards, I am,

Sincerely yours,

JOHN SHERMAN COOPER.

THE SECRETARY OF THE TREASURY,
Washington, May 4, 1962.

DEAR SENATOR COOPER: Thank you for your letter of April 28, in which you request my comments with regard to the propriety of the method of financing suggested by S. 2965, particularly as it affects the U.S. support of the World Bank and its obligations.

I shared your concern about the inclusion of the unobligated balance of the U.S. callable subscription to the stock of the World Bank in the amounts to be temporarily drawn upon and later replaced under the arrangements for standby public works authority as set forth in the bill. My concern rested largely on the grounds which you suggest in your letter. However, I am now advised by the Bureau of the Budget that revisions of the bill are being proposed which would eliminate this problem.

Sincerely yours,

DOUGLAS DILLON,
Chairman, National Advisory Council on International Monetary and Financial Problems.

PHILIPPINE PAYMENT BILL DESERVES CONGRESSIONAL SUPPORT

Mr. HUMPHREY. Mr. President, this past week the House of Representatives by a vote of 171 to 201 defeated a bill to authorize $73 million for payments to Philippine citizens and corporations of World War II damage awards made under the Philippine Rehabilitation Act of 1946.

I was most disappointed at this action which was taken by the House of Representatives.

As my colleagues will recall, the 1946 act authorized the full payment of all Philippine war damage claims up to $500 and 75 percent of losses over the $500 limit. Appropriations made to date have permitted the payment in full of all claims up to $500 but only 52.5 percent of the awards beyond the $500 limit. The $73 million as provided in the measure which was defeated in the House last week would take care of the remaining 22.5 percent of the unpaid claims.

This legislation was originally requested by the Eisenhower administration and it has had the full support of the present administration as well.

As the author of a companion measure here in the Senate, S. 2380, I feel very strongly that we have a moral obligation to provide these funds because of the original commitment which we made back in 1946. We have no more loyal ally than the Republic of the Philippines and it seems to me that to reject this bill is a sorry way to treat a country which has supported us so strongly and so ably.

Mr. President, I am hopeful that the Senate will soon act on my companion measure and that the House will reconsider its action of last week. I know that the Members of the House in rejecting this bill did not intend to rebuke the Republic of the Philippines, but I do fear that the people and the Government of that great country will so interpret it.

In conclusion, Mr. President, I ask unanimous consent that an editorial in regard to this legislation which appeared in the New York Times of May 11, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MISTREATING THE PHILIPPINES

House defeat of a bill to authorize payment of the remaining Philippines war damage claims was a foolish and indefensible act.

This is money the United States has owed the Philippines for more than a decade.

Compensation for property damaged in the Philippines by American forces during World War II—when the islands were American territory—was sanctioned by act of Congress in 1946. The amount later appropriated did not cover all approved claims, and year after year Congress has failed, as the House did on Wednesday, to vote funds to pay the remaining $73 million due despite pleas of the State Department and Presidents Truman, Eisenhower, and Kennedy.

The Republic of the Philippines is one of our stanchest and most important allies; its people and governments have been consistently friends of the United States. Filipinos are justifiably dismayed and angered by this repudiation of an acknowledged debt. The House vote denies to the Philippines funds that had been counted on to bolster efforts of the progressive new Macapagal administration to spur the Philippine economy.

Emanuel Palaez, Philippines Vice President and Foreign Secretary, characterized the House action as evidence that "the United States treats her friends more shabbily than those who are not for her" and said, "One has to blackmail Americans to get anything from them." Unhappily many in the Philippines and people in other countries will agree with him.

The Senate has not acted on the war claims bill. It must, and the House must, reverse itself on this unwise, unjust vote.

THE OLD PEOPLE—MISLEADING INFORMATION ON WITHHOLDING TAX OWED AT SOURCE ON DIVIDENDS AND INTEREST

Mr. DOUGLAS. Mr. President, as we all know, there has been much misinformation about the proposal to withhold the tax on dividends and interest at the source. One example which has been thrown up time and time again is about the elderly couple who are both over 65 who receive $5,000 a year in dividends and about whom it is said that to institute such withholding would be very hard on them.

This example has been used time and again. Those who use it say it proves how unfair withholding would be. However, very few people have taken the time to analyze it, but I intend to do so now.

DIVIDENDS OF $5,000 WOULD MEAN AN INVESTMENT OF $125,000

In the first place, anyone who receives $5,000 a year from dividends and interest would have to have an investment of about $125,000 with a rate of return of 4 percent in order to receive this large an amount from dividends and/or interest in a year.

Anyone with $125,000 in investments, Mr. President, is not exactly a pauper.

ELDERLY COUPLE WITH $5,000 OF DIVIDENDS, WOULD BE EXEMPT

But, Mr. President, this example is wholly inaccurate in any event. Under the bill, an elderly couple with $5,000 in dividends as their only source of income would not be subject to any tax and hence would be exempt from the withholding provisions.

Therefore, statements are misleading like those made on the radio program "Three-Star Extra," which has used this example, and has made such statements as—

> Withholding will exceed the couple's taxes by $950—

And—

> The couple four times a year * * * will have to apply for this refund and then wait for the application to be processed.

And—

> During all this time * * * the couple will be denied the use of money which is rightfully theirs.

And on and on and on and on.

As I said, in the first place this couple would not even be subject to withholding and with an investment of $125,000 no one can say they would be harmed even if they were.

Mr. President, I ask unanimous consent that I may have printed in the body of the RECORD a transcript of the "Three-Star Extra" broadcast of May 2 and a memorandum which I have had prepared which quotes the various statements in the broadcast and comments on them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF "THREE-STAR EXTRA" BROADCAST

The welfare of the Nation's senior citizens is engaging much attention in Congress.

It is directed chiefly toward proposals for medical care.

But the problem does not end there and many Members of Congress are becoming concerned over injustices to the elderly people under the administration's new tax program.

Representative JAMES UTT, of California, a member of the House taxwriting committee, puts it in the simplest terms. He says the old folks are being clobbered.

The issue arises in the plan for withholding taxes on dividends and interest.

Take, for example, the case of an elderly couple with an income of $5,000 a year from dividends.

Allowing for double exemptions and normal deductions such a couple will owe income taxes of about $50 a year.

But under the withholding plan 20 percent of their income—or $1,000—will be withheld at the source.

This means that the withholding will exceed the couple's taxes by $950.

Of course the machinery is provided for refunding this money, but the couple, four times each year, will have to apply for this refund and then wait for the application to be processed.

During all this time the couple will be denied the use of money which is rightfully theirs.

The Government will pay no interest on the money withheld which means an out-of-pocket loss to the taxpayers.

Critics of the program say this is nothing less than confiscation. Some even suggest that tax officials might be prosecuted for misappropriation.

Representative UTT points out that many of the withholding transactions will involve only small amounts of money and many taxpayers will not take the trouble to file for refunds.

Thus, he says, the Government will reap millions of dollars in taxes to which it is not entitled.

STATEMENTS FROM "THREE STAR EXTRA" BROADCAST AND SPECIFIC ANSWERS TO THEM

Statement: Take, for example, the case of an elderly couple with an income of $5,000 a year from dividends.

Allowing for double exemptions and normal deductions such a couple will owe income taxes of about $50 a year.

Comment: Allowing for double exemptions and normal deductions, this couple will pay no tax whatsoever. The computations would be as follows:

Gross income (entirely from dividends)	$5,000.00
Dividend exclusive ($50 apiece)	100.00
Adjusted gross income	4,900.00
Exemptions	2,400.00
Total	2,500.00
Standard deduction (10 percent of adjusted gross)	490.00
Taxable income	2,010.00
Initial tax	402.00
Dividend received credit (4 percent of taxable income)	80.40
Total	311.60
Retirement income credit	−321.60
Actual tax owed	0

Assuming a 4-percent rate of return, this elderly couple would have $125,000 of investments in order to receive these dividends but they would still not be subject to tax.

Statement: But under the withholding plan 20 percent of their income—or $1,000—will be withheld at the source.

Comment: Untrue. The couple can file exemption certificates with the corporations which pay them dividends and no withholding will take place. This would be the procedure under H.R. 10650, as it is presently before the Senate Finance Committee.

Statement: The machinery is provided for refunding this money—four times each year—will have to apply for this refund and then wait for the application to be processed.

Comment: Incorrect. First, the couple could solve any problems by simply filing exemption certificates as indicated above. However, second, if refund procedures were necessary, the refund procedures would not be as indicated in the statement. Rather, the couple would file one refund application sometime during the course of the first calendar quarter of the first year. This application would trigger three refund payments during the course of the year. The couple could then receive their fourth refund payment after filing their income tax return for the year. This, at any rate, would be the procedure under H.R. 10650 as it stands at the present time. In any case, these refund payments would only involve short periods. The usual estimate is from 3 to 4 weeks.

Statement: This means that the withholding will exceed the couple's taxes by $950. During all this time the couple will be denied the use of money which is rightfully theirs.

Comment: This is not true for several of the reasons indicated. First, there would be exemption certificates; second, the refund procedures would occur during the course of the year; third, refund payments would be made before subsequent withholdings were made by dividend payors. Thus, the amount of money withheld (assuming that any was withheld) would never amount, in this case, to as much as $950.

Statement: The Government will reap millions of dollars in taxes to which it is not entitled.

Comment: Quite the contrary. By this procedure, individuals will be paying taxes which they have owed but which they have not paid in the past. The estimated amount of taxes, which should have been paid from dividends and interest and which have not been paid, amounted to an estimated $800 million in 1959 and for 1963 is estimated at about $1.1 billion.

LOUIS LAUTIER

Mr. DIRKSEN. Mr. President, I believe it most appropriate that we take account of the passing of Louis Lautier, one of the outstanding members of the Washington press corps, who has served in that capacity for a great many years. He was the first Negro to be admitted to the congressional press galleries, the White House Correspondents Association, and the National Press Club. Let it be said for him that he conducted himself with such dignity that he gained the respect and admiration of all of his colleagues in the Washington press corps.

I came to know him quite well and paid testimony to his character and to the objective way in which he reported Washington news that was of special interest and significance to Negroes everywhere. In connection with this observation I would like to include an account of his career carried in the New York Times on May 8 and also an editorial which appeared in the Washington Post on May 9.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 9, 1962]

LOUIS LAUTIER

Louis Lautier who died suddenly at the age of 65 on Sunday night was esteemed by his colleagues of the Washington press corps as a skilled, seasoned and responsible reporter of national affairs. Because he happened also to be a Negro, his counsel was often sought by fellow-newsmen in regard to racial issues; and he became some years ago a major if symbolic protagonist in the accelerating movement toward racial equality which he covered as a reporter. Throughout the heated discussion which revolved round his applications for membership in the congressional press galleries, the White House Correspondents Association, and the National Press Club—he was the first Negro to be admitted to these organizations—he behaved with a dignity and tolerance that won him the widest admiration. He was a resolute champion of Negro rights. But it is as a reporter representing the best attributes of his craft that he will be missed and affectionately remembered by his fellow reporters in Washington.

[From the New York Times, May 8, 1962]

LOUIS R. LAUTIER, REPUBLICAN AID

WASHINGTON, May 7.—Louis R. Lautier, who in 1955 became the first Negro admitted to the National Press Club, died last night at the Washington Hospital Center, where he had been a patient for 2 weeks. He was 65 years old.

Mr. Lautier had been special assistant to the chairman of the Republican National Committee since last September. Previously, he had served for 15 years as Washington bureau chief for the National Negro Press Association.

Mr. Lautier was born in New Iberia, La. He attended Morris Brown College in Atlanta, Ga., and the Howard University Law School here.

In 1947, he was admitted to the Senate and House Press Galleries as the Washington correspondent of the Atlanta Daily World, a Negro daily newspaper. The next year he received the Wendell L. Willkie Award in Negro journalism for objective reporting.

In a tribute to Mr. Lautier, Representative WILLIAM E. MILLER of New York, chairman of the Republican National Committee, said that the Negro journalist "had fought consistently for the betterment of his race, giving freely of his time and keeping his door open to all who sought his counsel."

Surviving Mr. Lautier are his widow, Mrs. Constance Lautier, and a daughter, Mrs. Fred Owens.

A BOY'S UNDERSTANDING OF THE FREE ENTERPRISE SYSTEM

Mr. ERVIN. Mr. President, on April 9, 1962, one of my youthful constituents, Neal Snyder, of Winston-Salem, N.C., wrote me an interesting letter stating his objections to the proposal that a withholding tax be imposed upon income from interest. At the time he wrote the letter, Neal was unaware of the provision of the proposal allowing boys of his age and financial standing to obtain exemption from the withholding requirement. Despite this fact, his letter is worthy of preservation because it discloses an understanding on his part of the everlasting truth that the free enterprise system can endure only if Government permits those who work with brain or hand to retain a fair share of the fruits of their labor.

I ask unanimous consent that Neal's letter be printed at this point in the body of the Record as a part of my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Winston-Salem, N.C.,
April 9, 1962.

Hon. Sam J. Ervin,
Senate Office Building,
Washington, D.C.

Dear Mr. Senator: I am a boy of 11 years old who has worked and saved his money from mowing lawns and other jobs that I could do.

I have saved about $150 and put it in a savings account with the First Federal Savings & Loan of Winston-Salem. They pay me $6 a year interest.

Now if the Government passes a law to withhold 20 percent of my interest, I will only get $4.80 and will have to go to a tax person to file a return to get my $1.20 back and his minimum charge for a return is $5, which would only give me $1 on my investment or file no return and keep the $4.80.

Do you think this is fair for the U.S. Government to take 20 percent of an 11-year-old boy's gross earnings?

I will appreciate your doing all in your power to protect my rights, and not kill my incentive so early in life.

Thank you.

Sincerely,

Neal Snyder.

LAW DAY AT WAKE FOREST LAW SCHOOL

Mr. ERVIN. Mr. President, on April 28, 1962, the Law School of Wake Forest College at Winston-Salem, N.C., observed Law Day—a custom which this law school and its alumni instituted some 5 years before Law Day became in a very real sense a national institution.

I had the privilege for the second time on this occasion of speaking to the students and alumni of Wake Forest Law School and their guests upon the significance of Law Day to our country.

It is impossible to overstate the contribution which Wake Forest Law School has made over the years to the administration of justice in North Carolina and the United States. Many of our ablest judges and lawyers are numbered among its alumni.

Carroll W. Weathers, the present dean of Wake Forest Law School, who was a noted practicing attorney before his acceptance of the deanship and who is assisted in his work at Wake Forest by a faculty of high capacity, has made signal improvements and innovations in the teaching of law, which merit the commendation of all who are concerned with the administration of justice.

This being so, it was altogether fitting as a part of the observance of Law Day at Wake Forest that James F. Hoge, a distinguished member of the New York bar and a graduate of the Wake Forest Law School, should present to the law school a portrait of his classmate, Dean Weathers.

I ask unanimous consent that the address made by Mr. Hoge in presenting the portrait and my remarks on Law Day be printed at this point in the body of the Record as a part of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

Presentation of Portrait of Dean Carroll W. Weathers

(By James F. Hoge)

In my files there is a letter dated May 5, 1950. It was written by the man who, in September of that year, became dean of this law school. Writing about his acceptance of that appointment, he said:

"It's final now. I hope I have done right. I tried to decide it in the final analysis on the question of where lay my duty. * * * I know the opportunity is great. It's why I accepted. * * * If I can stimulate those boys, when they become lawyers, to seek justice, to walk humbly, and set the tone and character of their communities in that fashion, then I am sure I will find satisfaction to compensate for the loss of leaving my home."

Looking back over these 12 years, we see that that was a prophetic statement, for that is precisely what has happened here. Dean Weathers has stimulated the boys—and the girls—and has sent out into this State and Nation lawyers who do seek justice, do walk humbly, and do set the tone and character of their communities in that fashion.

In this law school, under the leadership of Dean Weathers, it has been made crystal clear that the profession of law when true to itself does set its scholars and practitioners apart and does impose upon them obligations to society. Here it has been emphasized that lawyers hold positions of influence from which flow privilege and duty to lead their fellows in the conduct of social order. Here, not only on Law Day but on every day, it is taught that the hope of mankind is in the rule of law; that there is no alternative but chaos or despotism.

Ours is a government of laws and not of men, and of that there is constant and sharp need of remembrance. John Adams succinctly stated it. John Marshall, whose portrait adorns the front wall of the law school's courtroom, strongly emphasized it in the landmark case of Marbury versus Madison. Lawyers, of all people, must adhere to it as by second nature. And they must lead the laity into an understanding and an acceptance of it as fundamental to the only security that is worthy of the dreams and the efforts of free men.

"We need laymen," said Woodrow Wilson, "who understand the necessity for law, and the right uses of it, too well to be unduly impatient of its restraints; and lawyers who understand the necessity for reform and the safe means of effecting it, too well to be unreasonably shy of assisting it." Every citizen, said Wilson, "should know what law is, how it came into existence, what relation its form bears to its substance, and how it gives to society its fiber and strength and poise of frame." These words were of our century but the views were expressed by Blackstone more than a century before Wilson.

Let me give my testimony formed in the crucible of 40 years of practice where I have been molded in the processes of government and in the industrial system of our country. Let me tell you that every government official, every businessman, every minister, every social worker, every educator should have some training in law—at least to the extent of knowing the functions that law performs in society.

These are the historical objectives of this law school. To them it was committed at its founding. To them it was committed anew at the time of the dedication of the law building. To them it was committed again when Carroll Weathers became its dean—and to them it will be faithful as long as he is its dean.

In this sense of dedication the growth of the school in the last 12 years is deserving of some remarks at this time. Excluding abnormal numbers following World War II, the enrollment is approximately twice the average enrollment which prevailed from the time the law school was accredited in 1936 until World War II, and the admissions policy administered by an admissions committee has elevated the standards of admission.

The faculty has been increased from six to eight regular members and there is an annual visiting professor of distinction. The curriculum has been enlarged by approximately 25 percent to meet developing phases of the law. And where prior to 1959 there was no scholarship program, now, thanks to the board of trustees of the college and to the Mary Reynolds Babcock Foundation, there are six partial scholarships and five full tuition scholarships.

This school is housed in one of the finest physical plants in the United States, so designed as to accommodate continued growth and expansion of program. The multiple-purpose court and assembly room seats 250 people, and the law library is capable of 100,000 volumes. Twelve years ago there were 19,000 volumes. Now there are 30,250.

Well, the law building is here and is what it is primarily because of the efforts of Dean Weathers. The law school might have been housed in the general facilities of the college but for the star of his vision and for his following of it. He saw the building on the drawing boards, he saw it rise brick on brick, and then he supervised the removal of the school to it from the old campus.

Time will not allow a full narrative of what has been accomplished these 12 years or a naming of all who have had a part in it. Many they are who have brought their faith and their works—and their devotion—to making this school what it is today. The first to recognize and acclaim the fact of that would be Dean Weathers himself.

Law Day, which we now celebrate, was established here in 1953, some years prior to the establishment of National Law Day. The law alumni were organized on a formal basis in 1952. The Student Bar Association has continuously developed and assumed numerous useful responsibilities. With the North Carolina Bar Association and the other two law schools of this State, this school has participated significantly in the program of continuing legal education.

Let us come now to the meaning of it all. The graduates of this school have made excellent records on bar examinations and have made their mark in the practice of law and in other fields of life work. They have become research assistants to justices of the North Carolina Supreme Court and to judges on the Federal bench. They are active at the bar and are leaders in the public life of their State and communities.

It is never forgotten here that this is a Christian college and the Christian spirit of it has been threaded into the thoroughness of this school's legal training. Personality has been exalted and it has been made manifest that in the love and service of others the law is not destroyed but is fulfilled.

These things have been magnified in the life and leadership of Dean Weathers. I know that at first hand and over long years. For it was in the autumn of 1918 that he and I entered Wake Forest College as freshmen and began a friendship that has come uninterrupted through 44 years. Wake Forest has meant much to me, and much of what it has meant has been Carroll Weathers.

And so, knowing him as I do, knowing his love of this college, knowing what he has wrought in this law school, knowing what he has contributed to the life of this State, I have wanted to do something which would be both recognition and inspiration. Some months ago he agreed to sit for a portrait which I might present as a gift to the college and this law school. Mrs. Isabelle Bowen Henderson, of Raleigh, who has known Dean Weathers for many years, who did the portrait of Prof. Bruce White which hangs in the entrance hall of the law building, and who made the copy of the portrait of Chief Justice John Marshall which hangs in the courtroom, readily accepted the commission and brought to the work the interest and the affection of longtime friendship with the dean and this school.

In making the gift, I accentuate Dean Weathers' two outstanding qualities. They were in the prophetic statement which I read you from his letter. They stand out in his teaching, in his administration of the deanship of this school and in all that he does and in all that he is: duty and character. Those two words—principally the word "character"—epitomize this man, and he has put the stamp of them on all the men and women who have left these halls these 12 years. "It is not what I have or what I do," said Thomas Carlyle, "but what I am that is my kingdom." And that is Carroll Weathers' kingdom.

An institution, according to Ralph Waldo Emerson, is the lengthened shadow of a man. Here you see the practical application of that. And my hope for this portrait is that long after Dean Weathers has retired from office, it will continue to project his shadow; that after he has finished his work, it will yet reflect the light of his character in this ongoing school of law.

For the unveiling, I ask the assistance of the young daughters of Dean and Mrs. Weathers, Jane and Mary Katherine. It is with a deep sense of privilege and appreciation that I make this presentation and I turn to the president of the college, Dr. Harold W. Tribble, with the request that for the college—and specifically for this law school—he accept from me this portrait of Dean Carroll Wayland Weathers.

Remarks of Senator Sam J. Ervin, Jr., of North Carolina, at Law Day Observance April 28, 1962, Wake Forest Law School, Winston-Salem, N.C.

I am happy to be with you on the occasion of the fifth annual observance of Law Day U.S.A., and to join with you and the other men and women throughout the country who are reaffirming our faith and respect for the rule of law and the administration of justice in our society.

I think it fitting in this age, when rockets have reached the moon, and men, apparently, will soon follow, that we should pause to give recognition to the laws which are so basic and fundamental to the peace and order of our national and international life. Indeed, there is a greater need for such recognition today that there ever has been in our history. The time is not too far off when, in addition to our well-established bodies of national and international law, man may find it necessary to devise a system of interplanetary law.

By the very fact that we are American citizens, each of us here today is engaged in the service of the law. Our service takes different forms, for it is not necessary that we acquire a law degree to demonstrate our devotion to the law. Although, I might say that those who enter the legal profession have perhaps, in the eyes of the world, assumed a greater responsibility to preserve the rule of law. While some may practice law, others of us may serve the law in our daily lives, through dedication to the high principles which it embodies. Each of us, student, teacher, public official, or citizen of whatever occupation, has, I believe, an obligation to render service of the highest quality. This is why I have chosen to discuss with you today the achievement of excellence in the service of the law.

The rule of law is an essential ingredient of any civilized society. It is the difference between order and chaos, between harmony and anarchy; without law and order there can be no civilization. The mere existence of law, however, is not sufficient to attain fruition of the fullest potentialities of society. To command the respect of its peoples, and to inspire them to uphold it, the law must be fair and just. The law must be more than a set of rules and regulations by which men are governed; it must be a product of the express consent of the people who are to be governed by it, and it must never overlook nor forsake the inalienable right of the individual to what the Declaration of Independence calls "life, liberty, and the pursuit of happiness."

It is this concept of law which distinguishes a free society from a totalitarian society, and it is this concept which the forefathers of the great Nation wrote indelibly into the Constitution of the United States, the greatest charter ever conceived by man for a free republic.

The preamble to our Constitution which begins with "We, the people * * *" says in a clear and compelling manner that our Government is based only on the consent of the governed and the divine right of the people.

History is replete with stories of the failure of harsh and unjust laws. It abounds with stories of war and revolution as the result of a dictator's seeking to substitute his own rule of law for the law of the state. And, by the same token, it isn't necessary to turn back the pages of history very far to discover the extent to which people will go in their quest for freedom and human dignity. Indeed, this very quest of our forefathers has resulted in the democratic form of government under which we now live—a Government which has become an inspiration for freedom-loving peoples the world over.

I have a deep and abiding respect for the blueprint of our system of government, the Constitution with its Bill of Rights, and I am constantly aware of its vitality. It is a great tribute to the vision of our forefathers that the hallowed words are as alive and meaningful today in the space age as they were when written.

Freedom of religion, freedom of speech, freedom of the press, freedom of assembly, freedom against unreasonable searches and seizures, the right to trial by jury, the right to counsel, the right against self-incrimination, the right to freely elect those who are to govern us, and the other guarantees of our Constitution are so much a part of our daily lives that we have come to take them for granted. And therein is where the danger lies—in taking them for granted, in being lulled into such a feeling of security and complacency that we are rendered oblivious to the forces which would erode or destroy our rights and freedom.

May 1 is Law Day in our country. In the Soviet Union it is May Day when the great armada of the Soviet Union will be on parade in Moscow's Red Square.

I think it is not beyond the pale of reason to suppose that even in Moscow they could celebrate Law Day. There is order in the Soviet Union. There is discipline. There are rules and regulations. They could celebrate Law Day. But they could not possibly celebrate what we celebrate. We do not really celebrate Law Day. This is something more than merely a pause in the day's occupation to acknowledge the bare existence of a legal system. I think we truly celebrate Liberty Day, and Freedom Day, and perhaps, even a sort of Thanksgiving. We are not remiss in our duties because we put aside our labor for an hour to join one another in this quiet festival of dignity. In this hour, we celebrate excellence in the preservation of liberty and freedom.

Our law goes back further than the great Constitution, or the Magna Carta, or the Code of Justinian, or the Ten Commandments, or the Law of Moses and Abraham. It began, of course, with the single ordinance of Eden which proscribed apple picking, and it grew and flourished in the hearts of honest men who strove not only for order and discipline, but for fairness and justice. Due process of law was not born suddenly in 1789. It has been transferred from generation to generation, from men who spoke Greek and Egyptian and Hebrew, to men who had finally mastered the King's English. It has been boiled and distilled through the turmoil of war and peaceful dispute, through the quiet striving of men like Jefferson and Marshall and Holmes who were searching with "a divining rod they could not see for wellsprings they might never reach," and as a result of all these efforts, Americans on Law Day, 1962, have that magnificent intangible, "due process of law."

But we do not really have it. We shall never have it firmly in our grasp because we do not know quite what it is, we do not quite understand it, except only generally, and we shall grapple with it further and it will change beyond our present recognition. Whether we celebrate Law Day in the future or not will be largely determined, I think, by our own ability to struggle on, to somehow muddle through. I believe, like Faulkner, that man will endure, indeed he will prevail. Therefore, the law will prevail.

Each of us should consider himself a watchdog of all the basic human rights which are part of our heritage. In the U.S. Senate, we have such a watchdog. It is the Subcommittee on Constitutional Rights of which I have the honor to be chairman. We have launched investigations and held public hearings on such subjects as freedom of information; wiretapping, eavesdropping, and the Bill of Rights; the Federal loyalty-security programs; civil rights; confessions and police detention; and the right to counsel. Within the past year we have entered areas of the law which Congress never before had explored. These include studies of the constitutional rights of the mentally ill; the constitutional rights of the American Indian; and the constitutional rights of military personnel; each of these is an exciting area of the law which too long has been neglected. We shall continue our work in these and other areas where erosions of our constitutional rights are likely to occur. I pledge to you that we shall do all in our power to preserve fully the guarantees of our Constitution. Notwithstanding our shortcomings, I challenge any dictatorship or totalitarian society, or for that matter any nation in the world, to match the United States in its meticulous regard for the right of its individual citizens.

The U.S. Supreme Court has held that the liberty mentioned in the guarantee of due process of law means not only the right of the citizen to be free from the mere physical restraint of his person, as by incarceration, but the term is deemed to embrace the right of the citizen to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling of his own choosing, and enter into all contracts which may be proper, necessary, and essential to his carrying out to a successful conclusion any lawful pursuit.

That is what we mean by freedom and individual liberty. Can international communism or any other foreign ideology meet these terms? The answers is obviously "No."

The most appropriate location for a Law Day celebration is a law school. This is the first temple of the law, and as you seek the law here, you will find at least a portion of it. You will never find it all. No man ever has. I understand that scientists are attempting to put the law on punch cards and dispense it by means of a great computer system, but I doubt that this can be done.

So much of the law is in our hearts. It thrives and flourishes because it is so substantially a thing of the spirit. To those of you who stand today at the threshold of the legal profession, I might say to you that if you truly would serve the law, if you would be more than practitioners, then, it is imperative to learn something beyond what you will discover in your casebooks. It is mandatory that you learn something of man and his society; of philosophy, religion, sociology, science, and those other disciplines by which man's relation to his environment is explained. You must have succeeded in some things to understand men who know success; you must have failed in some things to sympathize with men who fail. In the words of the Bible, "Knowledge is the principal thing. Therefore, get knowledge. But with all thy getting, get understanding."

Thus reverence for the law is a necessary consequence of a greater understanding of our fellow men. We do not have one law for the bright and another for the dull. We have one law for all, but you must learn to apply it fairly to both, in as equal a measure in both cases as you can, with rigor and sympathy at the same time. You are embarked upon a noble career, but I doubt that you will ever make much of it unless you try with all your might to be good men as well as good lawyers.

We shall have Law Day only so long as we concern ourselves with each other, only so long as we give the privilege to speak to those who advise people against us, only so long as we do as Holmes advised—grant freedom to the thought that we hate. I hope you will learn that there is more to the law than the rule itself. The fascination resides behind the rule. The men who probe behind the veil of mere recital of the rule will find there the greater verities of the law. Of such labor, Law Days are made.

In your service to the law, you must dare to be above the average, to assume the inherent risk of excellence, to bear the burden of your aberration from those who, because they will outnumber you, will also do their very best to outweigh you. You must be consoled by something more than the mere hope that they will not do it; then you will, in the end, prevail. Because you are the servants of the law you will be also the masters of this great art.

We shall no longer have Law Day in this country when there is no one to assume that risk of daring to achieve excellence, whatever the obstacles. True, we might have Regulation Day, and Ordinance Day, and Statute Day, but Law Day would be a memory.

George Bernard Shaw once wrote that all progress depended upon the unreasonable man. For, he said, the reasonable man tries to adapt himself to society, while the unreasonable man tries to adapt society to himself.

I, therefore, urge you in your service to the law, to be reasoning men, but unreasonable ones in the sense that you do not concede the day to those who merely claim that they have won, that they are right, that there is but one method and one goal. The world will regret it, and so will you, if you adapt yourself to such a society.

I remind you that George Washington, Alexander Hamilton, Thomas Jefferson, Tom Paine, Patrick Henry, all of them, all of the great and revered fathers of our country, were revolutionaries. By Shaw's definition, they were unreasonable men. They revolted. They ran the risk. They "pledged their lives, their fortunes, and their sacred honor" because they believed there was a higher law above kings which dictated that man should be free. The burden of their success yesterday devolved upon those of my generation; now, it has devolved upon those of you who are younger. Through your service to the law, you will either preserve and improve what we have done, or all our present enterprise will come to nothing.

"Rome shall perish. Write that down in the blood that she has spilled," Cato said. Rome did perish. I am not aware that any nation which wantonly spilled blood did not perish. Therefore, I have hope today that someday we shall no longer be afflicted with those who plunder the world at the expense of defenseless peoples. The victory will not come, as the President said, in the first 100 days, and it will probably not come within my lifetime, and perhaps not in yours, but possibly your children will have peace through the rule of law. I work for that today, and I shall work for it tomorrow. I shall ask you to pledge your lives, your fortunes, and your sacred honor to the same task, and if you do this I can promise you that there is no doubt of our victory.

The late and distinguished jurist, Learned Hand, said that "the spirit of liberty is the spirit that is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias; the spirit of liberty remembers that not even a sparrow falls to earth unheeded; the spirit of liberty is the spirit of Him who, near 2,000 years ago, taught mankind that lesson it has never learned, but has never quite forgotten, that there may be a kingdom where the least shall be heard and considered side by side with the greatest."

Let us rededicate ourselves to the preservation and protection of our liberty and freedom under our Constitution and laws; let us rekindle the flame of liberty that burned in the hearts of our Founding Fathers.

MISLEADING INFORMATION ABOUT WITHHOLDING FOR THE ELDERLY

Mr. DOUGLAS. Mr. President, when Secretary Dillon was testifying before the Finance Committee on Friday, May 11, 1962, the Senator from Nebraska [Mr. Curtis] questioned him about how withholding might adversely affect the old people.

There has been much wringing of hands and bleeding of hearts about how the old people would be affected by withholding, but as most of us know, much of this is untrue and unnecessary.

For example, a married couple, both over age 65 and receiving all their income from dividends, would have to receive $6,100 per year before they would be subject to any tax whatsoever, and hence they would be exempt from withholding. Given a return of 4 percent, this couple would have to have investments of $152,000 before they would be subject to any tax and hence to any withholding.

These people are not exactly paupers.

A married couple, both over 65 receiving their entire income from interest, as opposed to dividends, could receive up to $5,333 in interest before they would be subject to any tax. Hence, they, too, would be exempt from withholding. At 4 percent interest, they would need an investment of $133,275 to produce this much income.

They, too, would not exactly be paupers. They would not be subject to withholding, and even if they were, no one could honestly claim that small overwithholding would be harmful to them.

Mr. President, I ask unanimous consent that the transcript from the hearings beginning on page 4064 and continuing through page 4066 be printed in the Record at this point in my remarks.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

TRANSCRIPT OF HEARINGS, SENATE FINANCE COMMITTEE, FRIDAY, MAY 11, 1962, PAGES 4064–4066

Senator Curtis. Now, it has been argued that since we have wage withholding we should have interest and dividend withholding. Opponents of withholding here on this committee and elsewhere use that as one of their principal arguments that the system of interest and dividend withholding now proposed is quite different from the present wage proposal.

Secretary Dillon. More onerous on those who are withheld on; the wage withholding.

Senator Curtis. Now, to make the two systems the same, we would require that 20 percent of all wages and salaries be withheld at the source regardless of the number of personal exemptions which the employee has, unless he owes no tax whatsoever. You would not favor that.

Secretary Dillon. I think the system we have now is very equitable and works very well. I think that the system we are providing for withholding will work equally well.

There will be a moderate amount of overwithholding on a few people, none of which will hurt in the slightest by it, and they will get their refunds back very promptly.

I must say that the propaganda that has been put out that this will hurt old people is totally false. There will be not the slightest hardship for anyone, any old person as a result of this withholding system, and I can prove that with figures.

Senator Curtis. How can you produce some figures that would take some money away from somebody who doesn't owe it and giving it back doesn't hurt?

Secretary Dillon. Well, I will give you an example, Senator. It is very simple.

If you take an elderly couple, which is what we are talking about, who are receiving interest and dividends, and we will give, well, take the worst situation we can imagine, so that we will try to see if it can have an effect on them, and we come to this: And that is that an elderly couple, which is—an elderly couple which does receive social security, can have as much as $5,377 of income without being taxable; $2,178 of that would be from social security and $3,199 would be from interest and dividends. So the only people who would be affected would be people with an income of more than $3,000, roughly $3,200 from income from interest and dividends.

To get $3,200 from interest and dividends, this aged couple would have to have bank deposits at an average yield of 4 percent of $80,000, so they would not be exactly indigent, and if they were going to have overwithholding they would have to have some more income. Let's assume that they have $1,000 more income. Well, then their bank deposit would be $104,000—$105,000 roughly. In that case, they would have been receiving $4,200 a year in interest and income, and they would be withheld on that and they would be withheld about $210 a quarter of which $160 would be overwithholding, and so, therefore, what they would have to do the first time, the first quarter that that happened, they would have to pay, they would have to forego $160.

Now, thereafter, every quarter thereafter, the refund would come in in time to take care of the overwithholding, so this should be a one-time effect, and all they would have to do would be to take $160 out of their $105,000 of savings, and loan it to the Government and I do not call that a hardship. (Laughter.)

Senator Curtis. Well, your hypothetical case is very interesting but it does not describe anybody living in Nebraska.

Secretary Dillon. It certainly does, every old individual if there is no way—I would like to see any other example that is different.

Senator Curtis. There is nobody who gets social security like that.

Secretary Dillon. If you do not get social security the example is even better. I would be delighted to give you that example. They would have to have $150,000 instead of $105,000.

Mr. DOUGLAS. Mr. President, Secretary Dillon showed that the couple in the hypothetical example would be overwithheld only in the amount of $160 on an investment of $105,000.

The idea that they would be harmed is so ludicrous that it brought laughter from those attending that session of the committee hearings.

Let us do away with this wringing of hands about how old people might be harmed by withholding. The bill provides an exemption for those who would have no tax and for quick quarterly refunds for those who would be overwithheld against.

SAFE, SANE, CONSERVATIVE APPROACH TO HEALTH CARE FOR THE AGED

Mr. McNAMARA. Mr. President, our esteemed colleague, Senator Oren Long, recently delivered a radio talk to his Hawaiian constituents in which he compared the Kerr-Mills and King-Anderson approaches to the problem of financing health costs of the aged.

He concluded that health care financing through social security is really the safe, sane, and conservative approach which should be advocated by all who profess concern about protecting our fiscal solvency and our American traditions.

His reasoning is so clear and cogent and the historical illustration he presents is so compelling that it should certainly be read by all Members of the Congress and particularly by our Republican colleagues.

I ask unanimous consent that this brief address be set forth at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of Senator Oren E. Long, Democrat, Hawaii, in Regard to Medical Care for the Aged

This is Oren E. Long in Washington. I am delighted that my old friend, Frank Fasi, has invited me to say a few words on this radio program, "Hawaii Speaks." As you may know I am a member of the Senate's Special Committee on Aging. I should like to talk about this problem shared by so many of our older people—and ultimately by people who are now younger—the costs of catastropic illness.

Congress must come to grips with this national problem, and it will. I want you to know where I stand and why.

There are two proposed answers to it. One is the Kerr-Mills bill which has already been enacted into law. The other is President Kennedy's proposal for a hospital insurance program operating through our social security mechanism.

I support the President's proposal because I regard it as the safe, sane, conservative, and thoroughly American answer to the problem.

The Kerr-Mills Act, affecting a relatively few people, can serve as a backstop to the President's program. But it has serious shortcomings. Before giving aid, the Kerr-Mills Act requires people to become indigent and dependent. It is financed by the already overburdened local State taxes and out of the General Treasury in Washington. It does not guarantee free choice of doctor or hospital.

Should it ever be called on to solve the national problem of millions of people—and it will if we provide no acceptable alternative—the Kerr-Mills program will almost certainly become the very system of government medicine which our doctors are so rightfully afraid of. I wish they could take off the economic and political blinders their own public relations people have slipped over on them and see the facts. I hope they do soon.

I, myself, favor the safe, sane, and conservative approach to the problem. This approach was endorsed, after careful study, by 30 State Governors in 1960.

And this conservative approach is the Kennedy social security approach.

It does not attempt to solve everything. It is based on the idea that if we can pay the major part of the principal item in our older folk's health bill—the costs of hospitalization only—we will have solved a major problem.

If we can do this, then we believe our voluntary plans will be able to come up with insurance policies to pay the rest of the costs at a price most older people will be able to pay. It will represent a real shot in the arm to insurance companies just as did social security itself when it began nearly 30 years ago.

The administration's proposal will not be a new burden for local tax authorities. It is self-financing in that we will make our contributions to the social security fund while we are young and healthy and earning, to be eligible for benefits later in old age when our earning power is most likely to be small.

It will give the same benefits to all eligibles in every part of the country; as a paid-for right and not as charity, and with the guaranteed freedom to choose one's own doctor and one's own hospital. If anyone—either layman or doctor—tells you that the proposed bill does not permit you to choose your own doctor, challenge him as being either ignorant or dishonest.

Finally, let me say this to those who give out with the cry of "socialism":

If ever there was a proposal based on sound American thinking, this is it.

It is based not on European practice, not on the ideas of Bismarck, or Marx, or Lenin, but on the reasoning of that most conservative of great Americans, the godfather of the Republican Party, Alexander Hamilton.

Does that surprise you? Let me explain. At the very beginning of our Government, Hamilton, always alert to protect the taxpayer, had a problem. It involved young America's sailors. Leaving home on their ships healthy and hearty, many returned ill with scurvy, racked with strange diseases or suffering from injuries.

Inevitably they wound up in the big ports of our young Nation dependent for medical care on the local taxpayers—on local relief—on a kind of Kerr-Mills setup. To Hamilton—a businessman if there ever was one—this made no sense whatsoever. Moreover it set a dangerous precedent for other groups in the population.

"So," Alexander Hamilton said, "why should we not charge these sailors a very small part of their wages when they are healthy and employed to pay for their own care when they are sick and injured?" It made sense to our 100-percent American forebears. The Congress enacted it into law in 1798, thus providing a system of self-financing care for merchant seamen and, at the same time, originating our U.S. Public Health Service.

It was the safe, sane, conservative, intelligent, businesslike approach over 165 years ago.

It remains today, in 1962, the same safe, sane, conservative American answer to a great American problem, and I am glad that many acknowledged conservatives are thinking their way through the American Medical Association propaganda barrages.

Let me give you just two examples:

Congressman Hastings Keith, a Republican Congressman from Massachusetts, whose voting record is even more conservative than that of Joe Martin, and who has spent his life in the insurance business, recently announced that he, too, believes the social security mechanism the only proper way of handling this problem.

In the Sunday Times for April 15, Congressman Burr Harrison, of Virginia, a very conservative southerner and member of the House Ways and Means Committee, was quoted as saying that he had voted for the Kerr-Mills bill with misgivings. Now Congressman Harrison calls it the most socialistic legislation ever to pass Congress. Congressman Harrison contends that a self-financed Federal insurance system must be devised to replace the Kerr-Mills Act as an answer to our problem before it becomes—and again I quote—"a bottomless pit for General Treasury funds."

The matter we are discussing is a most momentous one. I urge you to study the real implications of these two proposals, the one financed by State and Federal treasuries, the other self-financing. I urge you to consider the many implications in each of these proposed answers objectively and without recourse to the propaganda broadsides of either contender. If you do, I think you will agree with me that the President's approach is really the sound, reasonable approach. I shall vote for it.

MEDICAL CARE FOR THE AGED THROUGH SOCIAL SECURITY

Mr. McNAMARA. Mr. President, the Common Council of the City of Detroit recently went on record in strong support of the King-Anderson bill to provide medical care for the elderly through social security.

In a resolution adopted on May 8 and signed by Mayor Cavanagh the common council detailed its reasons for taking this position.

I am pleased to receive this new and important expression of support for medical care through social security from a responsible governmental body that has great familiarity with the problem.

I ask unanimous consent that this resolution by the Common Council of the City of Detroit be placed in the Record at this point.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution of the Common Council of the City of Detroit on Health Care for the Aged

Whereas there are now more than 17 million people 65 years of age and over in the United States, and there is a net increase of 1,000 retired persons each day; and

Whereas the median income for older couples is $2,530 and for older persons living alone it is $1,050; and

Whereas persons 65 and over average 2½ to 3 times as many days of hospital care per 1,000 in the population as compared to younger persons; and the cost of hospital care has risen from a national average totaling $9.39 per day in 1946 to $32.23 per day in 1960; and the total medical bill for persons over 65 exceeds $500 per stay in the hospital for more than half of those hospitalized; and

Whereas the old-age assistance and Kerr-Mills programs are reaching only a small proportion of those who need such help because of the indignity of the means test and the inhumanity of lien and relatives' responsibility provisions; and

Whereas only about half the people over 65 have any form of voluntary health insurance and such insurance usually pays for less than half the costs of their hospital care: Now, therefore, be it

Resolved, That the Common Council of the City of Detroit strongly supports the immediate passage of the Kennedy administration's King-Anderson bill, H.R. 4222, which would provide prepaid hospital, nursing care, and out-patient diagnostic services for all those now covered by the social security old-age and survivors insurance, and railroad retirement programs; and be it further

Resolved, That copies of this resolution shall be sent to the President of the United States, the Governor of the State of Michigan, Michigan's two Senators, all Members of Michigan's congressional delegation, and to Congressman Wilbur Mills, chairman of the Ways and Means Committee of the U.S. House of Representatives.

Ed Carey, President, Common Council; Mary V. Beck; James H. Brickley; Edward Connor; William T. Patrick, Jr.; Mel Ravitz; William G. Rogell; Eugene I. Van Antwerp; Anthony J. Wierzcicki; Thos. D. Leadbetter, City Clerk; Chas. N. Williams, City Treasurer; Jerome P. Cavanagh, Mayor.

Adopted May 8, 1962.

TEACHING COMMUNISM IN THE SCHOOLS

Mr. KEATING. Mr. President, as the United States stands today deep in conflict with the totalitarian ideology of Marxism, there is an urgent and growing need for more widespread information and knowledge as to the nature of the Communist menace. "Know your enemy" was a wise Greek saying. We must all know more about our Communist enemy, his long-term goals and his tactical methods for achieving them. We should also know, so that we can clearly understand and refute, the weaknesses in the Communist doctrine and how they can be exploited.

The best place to study Marxism-Leninism as well as the international communism of Stalinism, and present day Khrushchevism is in our schools and colleges. When I first asked the Library of Congress in 1959 to undertake a study as to whether and how communism was being taught in our schools, the response was shocking. Two or three short courses in two States was the extent of scholastic endeavor, below the college level on this vital subject.

Today we have come to realize that this is not enough. A recent study prepared by Mrs. Helen B. Shaffer, of Editorial Research Reports, reveals that many more schools are now offering courses in this or related fields. The problem today is not a lack of interest, but rather a lack of qualified teachers and adequate textbooks.

Mr. President, I commend Mrs. Shaffer's report to the attention of my colleagues and ask unanimous consent for a summary of the report, which appeared in the Rochester Democrat and Chronicle; and an excellent editorial from the same paper, commenting also on the need for more high school training in the whole field of economics, be printed following my remarks in the Record.

There being no objection, the summary and editorial were ordered to be printed in the Record, as follows:

[From the Rochester (N.Y.) Democrat and Chronicle, Apr. 30, 1962]

Word-and-Pen Analysis of a Teaching Problem—Study of Communism Gaining Public Acceptance

(By Helen B. Shaffer)

Washington.—During World War II it was considered unpatriotic to teach or study German. A dozen years ago, when the late Senator Joseph R. McCarthy, Republican, of Wisconsin, was making broadside allegations of Communist infiltration and affiliation, study of communism in the public schools was similarly taboo. The tendency then was to identify teaching about communism with advocacy of communism.

Today the public attitude toward matters of this kind is more mature. It is coming to be considered only commonsense to find out what communism is all about. Americans and other peoples of the free world can be expected to combat threats from that quarter with more intelligence and more determination if they know the basic facts about the Communist system and Communist principles and methods. That is why such organizations as the American Legion and the American Bar Association, which formerly opposed instruction about communism in the schools, are now working to promote such instruction.

The demand that the schools give attention to communism is closely linked with a demand for more effective instruction in the values of democracy and capitalism. Standard history courses have been criticized for discussing the cold war too superficially, and other high school courses for not conveying a real understanding of political and economic systems different from those of the United States. At the same time, it is believed that, despite a plethora of citizenship courses public schools have failed to instill in their pupils the thoroughgoing devotion to American institutions that they would need to hold their own against Communist attempts at brainwashing. The defection of some American soldiers captured in Korea is recalled in this connection.

A poll on the extent of instruction in communism in the public schools, taken by the Legislative Reference Service of the Library of Congress in 1959, brought responses from 55 cities. At that time, a half-year course about communism was given in the high schools of two cities, Manchester, N.H., and Wichita, Kans., and 2 or 3 weeks were devoted to the subject as a part of other courses in 22 cities. Most State education laws were silent on the question.

Now, Florida and Virginia laws make full-fledged courses in communism mandatory in their high schools; Louisiana urges all of its high schools to offer 6 weeks of study of "Americanism versus Communism"; and New York State law has been amended specifically to authorize a high school course in communism and its methods and its destructive effects.

Because of the tradition of local control of public schools, not many legislatures are likely to require teaching about communism. State action has taken the form chiefly of recommendation and encouragement from State education authorities. A number of State departments has issued guidance materials for teachers and administrators.

A number of city school systems have developed new courses or expanded existing courses. Boston has one of the oldest of such programs. It started in 1938 with a course in the principles of American democracy. In 1956 a course in civics, including a unit on communism, was made mandatory. Today the unit called "Communism, Enemy of Democracy" gives comprehensive coverage in Boston schools to the political, social, cultural and cold war aspects of communism and compares the beliefs, principles and actions of the United States and the Soviet Union.

There are various handicaps to introducing study of communism in the public schools. Finding time for a new program in already crowded class schedules is itself a problem. In addition, to work out sound instructional programs in what is still a touchy subject involves problems and risks; there have been warnings both against hasty action by committees of teachers—whose interest may exceed their information and against failure to act fast enough to forestall pressure from certain groups with programs of their own that are long on emotionalism but short on facts.

The chief handicap, however, is a lack of teachers trained to teach the subject and of suitable textbooks for teacher guidance and pupil study. Teacher training institutions have given little attention to communism, and very few teachers are adequately prepared to conduct classes in it. In-service training of teachers in the field is now considered an urgent necessity.

Although a wealth of educational material on communism and Communist countries is available, there are said to be virtually no textbooks suitable for classroom use. The particular need is for short textbooks for use in 6 to 10 weeks of continuous study at various grade levels. In the absence of such texts, certain educational pamphlets on the subject put out by congressional committees have been recommended by educators for use in the schools.

Economic Literacy, Tool of Freedom

The Committee for Economic Development recently released a disturbing report on the widespread extent of "economic illiteracy." The Committee for Economic Development goes so far as to warn that a better understanding of how the American economy operates is vital to the survival of our free society.

We share its alarm. As will be noted in the Helen B. Shaffer article, there is growing support for instruction about communism in our schools. We also subscribe to this, having repeatedly stressed that Americans must know everything possible about the threat of communism. But we could never do so if it meant neglecting to teach young Americans about our capitalistic system whose virtues, as the cartoon suggests, are occasionally copied by the Soviets.

The Committee for Economic Development has found a serious gap in teaching economics in schools and colleges. For example, 90 percent of our youth must rely on the high schools for economics training yet less than a fourth of high school social studies teachers are adequately prepared. Only a fourth of our college graduates take any economics courses. Only 18 States require a course in economics for teacher certification in social science.

In Rochester public high schools, economics, as a separate subject, is not a required course. It is an elective subject in the 11th and 12th grades. It is a required unit in ninth grade social studies. A check with Rochester school officials yesterday revealed that the social studies council, composed of the various high school chairmen of social studies departments, favors more emphasis on economics. We are told some revisions in that direction are likely. This is good news.

It is too bad that economics has been dubbed as a dull subject. This in itself reflects the need for better teaching. For nothing is more vital to the Nation's economic health than an appreciation of the science of the production, distribution, and consumption of goods and services. And there is nothing dull about a system of free economy that has given Americans the highest standard of living in the world. We are all part of that system, in one way or another.

The complexity of our economic affairs, with businesses, labor unions and government getting bigger and bigger, requires sound decision-making. In a democracy all of us must be our own economists, roles in which a large percentage of Americans are pathetically untrained.

PASSING OF GEORGE GRIGSBY

Mr. BARTLETT. Mr. President, the death in Santa Rosa, Calif., last week of George B. Grigsby removed from the Alaska scene one of its most colorful figures.

Lawyer, public official, lover of life, George Grigsby's name was in the forefront in Alaska for decades.

At the time of his death at the age of 88 years, George Grigsby was president of the Anchorage Bar Association. Wendell P. Kay, vice president of the Anchorage Bar Association, was quoted as having said that George Grigsby "for many years was the acknowledged leader of the Alaska bar and the outstanding lawyer in the State. We all are saddened by his passing and plan to hold a memorial service for him."

George Barnes Grigsby was a Delegate in the Congress of the United States from Alaska. The circumstances of his incumbency became so unusual and so unique that they are deserving of special mention.

Born in Sioux Falls in Dakota Territory on December 2, 1874, Mr. Grigsby attended the public schools there and then was a student at the State university at Vermillion and Sioux Falls University. He studied law and was admitted to the bar in 1896 and thereafter commenced practice in Sioux Falls.

During the Spanish-American War he served as lieutenant in the 3d Regiment, U.S. Volunteer Cavalry.

His father was U.S. attorney at Nome, Alaska, during the great days of the gold stampede, and George Grigsby moved there to become an assistant U.S. attorney. He served in that capacity from 1902 to 1908 and was U.S. attorney for the following 2 years. In 1914 Mr. Grigsby was elected mayor of Nome, and in 1916 he became the first elected attorney general of the Territory of Alaska.

After his service in the U.S. House of Representatives he moved to Ketchikan, but for the last 20 or more years had lived in Anchorage.

In 1920 and again in 1924 he was a delegate to the Democratic National Conventions from Alaska.

The first Delegate in Congress from Alaska was Frank H. Waskey, now a resident of Olney, Md. He served from August 14, 1906, to March 3, 1907, and was succeeded by Thomas Cale, whose period of service was from March 4, 1907, to March 3, 1909. Neither Waskey nor Cale was a candidate for reelection. Cale was succeeded by James Wickersham, who had been a Federal judge in Alaska and who was first elected to Congress in 1908.

In the 1916 election Charles A. Sulzer was Wickersham's opponent. Sulzer was declared the winner and was seated in the House of Representatives. Wickersham contested the election and finally the House of Representatives declared Wickersham to have been the victor in the 1916 election. Sulzer had taken office in March 1917 and served only until January 1919, when Wickersham was installed to serve until the expiration of the 65th Congress on March 3, 1919. The House of Representatives decided that Wickersham had won by a margin of 31 votes.

The election held on November 5, 1918, found Sulzer once more opposing Wickersham. Again the election was close. The Alaska Canvassing Board declared Sulzer to have been elected over Wickersham so Sulzer was again sworn in as a Delegate in the House of Representatives from Alaska. This occurred on March 4, 1919. In the meantime, Wickersham had again filed an election contest with the U.S. House of Representatives. Sulzer served only slightly more than a month because he died on April 28, 1919. A special election was held on June 3, 1919, and George Grigsby was elected Delegate. He was seated. Wickersham refused to run in the special election because of his contention that he had been legally elected in the November 1918 election. The House of Representatives for the second time decided in Wickersham's favor, finding that he had been elected over Sulzer in the November 5, 1918, election by a margin of four votes. So George Grigsby left office then and Wickersham served officially as Alaska Delegate for the last 2 days of the 66th Congress.

George Grigsby possessed a first-rate mind. He was an especially able lawyer, and his courtroom appearances have become part of Alaska folklore. Coupled with a really unusual ability, he had wit and understanding. Alaska will miss him. He was of the old breed, one of the legendary figures of an Alaska that is now gone, that lives only in memory and delightful retrospect. I knew him for 40 years or more and count myself fortunate in having had that acquaintance.

George Grigsby was buried last Friday in Golden Gate Cemetery at San Francisco. He is survived by his widow, Patricia, and two brothers and a sister.

WHERE DO WE GO FROM HERE?

Mr. WILEY. Mr. President, over the weekend I was privileged to address the convention of the Junior Chamber of Commerce of Wisconsin.

The convention—attended by outstanding, promising young men—considered and discussed many outstanding challenges confronting Wisconsin and the Nation.

As the senior Senator of Wisconsin, I considered it a real privilege to keynote the convention, touching upon topics of interest, not only to the Jaycee's, but also on legislation pending in the Congress.

I ask unanimous consent to have excerpts from my address printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

WHERE DO WE GO FROM HERE?

(Excerpts from remarks of Senator ALEXANDER WILEY before the junior chamber of commerce convention, May 12, 1962, Milwaukee, Wis.)

I recognize that I am speaking tonight to the young men of industry, commerce, public service, and the professions, and so I want to talk to you about America—of her problems and challenges.

I know you appreciate many sacred obligations have devolved upon this generation. The great trust now descends into your hands.

You, junior chamber of commerce men, were interested in government at all levels. You know that the first great issue confronting this country is that of keeping out of war. You are acquainted with the history of the past and the threats of the present.

For 23 years I have been your servant in Washington. Let me tell you about the changes that have occurred during the time.

When I first came to Washington there were 12 million men out of employment, with a population of 135 million. Now, we have 4 million out of a population of 185 million.

But the world was big in those days. It took me 12 hours to go from Milwaukee to Washington. The other day I covered it in 2 hours and 15 minutes.

Then it took days to cross the Atlantic. Now we can do it in a matter of 3 or 4 hours.

Then we were at peace. Now we are in a cold war.

Those were the days before the atomic or hydrogen bombs; yes, before Hiroshima, where one bomb took 100,000 lives and wounded another 100,000.

Now, we have bombs that can destroy nations. And what is worse, the Kremlin has the bombs also. And with the intercontinental missiles which the Kremlin have, we are only 15 minutes away.

It is indeed a changed world.

There are many other phases that would indicate what has taken place during this period. Just the other day we impacted the moon. A month or so ago John Glenn circled the earth three times. Since that time, too, great changes have occurred in the life of your Senator. He has held the office of chairman of the Foreign Relations Committee and the office of chairman of the

Judiciary Committee. And now, he is ranking Republican on both those committees, as well as the Space Committee. He is the only Wisconsin man that has ever held those offices.

Now, he is—since the death of Senator Bridges—senior Republican in the U.S. Senate.

I note that President Kennedy is in town today, and I realize that his is the spotlight. Nevertheless, I am delighted to have this opportunity to exchange ideas with you young men.

"A WORD

"A word is a lovely thing,
When love on skyward wing
Turns darkness into day.
A word is a vicious thing,
When ignorance takes its fling
And measures not its sway.
A word is a valiant thing,
When courage sparks its wings
And speeds it on its way.
A word is a joyful thing,
When it causes hearts to sing
And the soul to pray."

Yours is the job of the future; to advance world peace and develop the resources of our land and the thinking of our citizens.

Now, I hear someone say, "But, Senator, is there no other question or issue except war or peace?"

My answer is: Yes, there are a good many. But in line of importance, let me say that our second real challenge is to maintain this country free so that it will not be taken over by the Communists.

Is that possible, you say. The answer is "Yes." But not if we fall asleep as we did before Pearl Harbor.

In this age of ferment, there are many opportunities for the missionaries of communism to penetrate. In lands where you have a great segment of "have-nots" and a few people owning all, there, you have an opportunity for penetration by Communist agents.

In other lands that are just coming out, as it were, of the caveman age, there is the second opportunity for communism; then, you have a third class known as the wealthy intellectuals, who are susceptible to the philosophy of the Communists.

So, we have thoughtful men who are asking: Is all that mankind has built over these long centuries coming to an end through a nuclear war?

And another class is asking whether, in this period of confusion, we will fall victim to the Communist putsch.

Let me quote some other questions: Are the skies of freedom darkening hopelessly across the earth? Is mankind prepared to accept complete subserviency to the state as its way of life; sheer materialism as its goal; and self-destruction as its inevitable end?

Can this Nation ride through the storms of these years without political liberty and private enterprise being ultimately brought to their ruin?

In other words, what is the economic answer to communism? We certainly don't want any new political philosophy; and, if possible, we certainly want less Government spending.

But we will have to work harder, and we will have to bring to bear upon our economy the old concept of work and save, and put our fiscal house in order—not by fiscal rabbits to be pulled out of our political hats, but by reducing expenses and doing the following: Rejuvenate our souls with the great national faith: (1) man does not exist for the state; (2) the state exists for man; (3) our political and economic systems exist so that we may build a more abundant life; (4) we believe that individual incentive and initiative must not be destroyed; (5) freedom of enterprise under a government, by and for the people.

We have mentioned how other nations like Poland have lost their freedom. I repeat: It is for you young men to see that "it can't happen here."

Let us go back and see how this country came into being with its Constitution. Nothing like it ever happened before.

Our forefathers looked down through the ages and found nothing; they looked through the books of their time—they found nothing. They didn't want a king, or the church—or both to rule. So they went to their knees and out of it came the concept that we have embodied in our Constitution. Someone said, "You will never know what America is until you have been where America isn't."

The question now is, Where do we go from here? Do we profit from the lessons of the past, or do we fall asleep on the job and let that happen to us which has happened to Poland, Czechoslovakia, and the Baltic States. The record is before us. We are not faced, like other countries are, with a deficiency in food. In fact, we are faced with an oversufficiency of leisure as well as food. Are we lacking in dedication and self-sacrifice? Our crime rate continues to rise, and our Government overhead is skyrocketing.

Is the spirit that built America fading out? The spirit of the pioneers? The spirit of self-help? Of course, what we need is a new birth of freedom—new idealism, new honesty, new integrity, coupled with self-discipline and the hunger in our youth to learn and to work.

As we face the problems confronting this country there is one outstanding that causes us to pause and to do a little praying. It is necessary that we stay out of war. But do the American people see the absolute need for being alert and on their toes? Not like we were back at Pearl Harbor on December 7, 1941. We know now that the citizens of America must not only be awake but they must also be informed; they must know the facts. I do not underestimate the intelligence of the American people. I do question that they have sufficient information of the facts. There is, of course, a great deal of misinformation flying around nowadays. It is found in the papers, and in pamphlets. Often it is only to create hate and suspicion and get the human mind befuddled; so I agree that while the awakened citizens realize the danger that there is, still there is a great deal of moral decay and apathy. We, of course, have to keep healthy and vigorous our military deterrent. We have to make sure that the individual citizen reflects in his action, responsibility.

I hear you say: But, Senator what are the other problems that are confronting us?

Well, there are plenty of them and in many respects, we are not doing so well with them. The record so far shows only three of Kennedy's major bills enacted in the 10-week session and they are the job retraining program, the new powers of pension and welfare funds, and the Du Pont stock bill. In the meanwhile, we are facing the question, What are we going to do about foreign aid? What are we going to do about extending reciprocal trade and what power, if any, should there be to the President to cut tariffs? We know, too, that the medical care for the aged and aid to public schools look very doubtful and then there is, also, the college aid, which is in jeopardy.

While the higher postal rates were passed in the House the same will be modified in the Senate. The farm program which the President has suggested will be greatly modified. The U.N. bonds are facing modification of the President's ideas. It looks now as if the passage of the poll tax and other civil rights legislation hasn't much of a chance. There has been no action to date for liberalization of jobless benefits nor has there been new standby power to raise public works spending.

While we have nearly 6 percent of the labor force in this country jobless and while we have in the last year seen 17,000 small business firms go into bankruptcy and while the farm problem remains unsettled, we are not downhearted. We are going forward with faith to seek improvement in our educational and economic systems. We know that there is coming into being around the Atlantic basin a tremendous new trading area. We know that we must strengthen our alliances with our allies. There is confusion and conflict all over the globe which if permitted to spread might mean a third world war and the obliteration of the races. We will not permit these other challenges that I have mentioned to interfere with our handling the main problems. We know that out of the conflict of ideas, the race has grown strong and balanced decisions have been arrived at. We cannot forget that we are the heirs of the wise minds that wrote the American Constitution. That brings me back to the fundamental thought that it is the exchange of ideas that makes an informed citizen. It is the ideas like love of country, love of one's fellow man that helps clear the atmosphere so one can see his way in an age like the present filled with challenges on every hand. We know that many times in the past when humanity was threatened with tyranny, that righteousness and justice prevailed. We will not permit ourselves to be hypnotically controlled by the propaganda that comes from the Kremlin. Right ideas—the basis of right thinking—provide the cement that will cause the free peoples of earth to find the answer to the arms war of communism.

LEGISLATION BEFORE CONGRESS

Briefly, let's take a look at some of these major challenges.

1. Labor-management-Government negotiations in steel

The most prominent developments in the economic field lately has related to labor-management-Government negotiations on prices and wages in the steel industry.

Although temporarily settled, we must face it: this will probably have far-reaching reverberations in our economy; on future labor-management negotiations; on Government-private enterprise relations.

The country, I believe, in the light of the steel controversy, needs to redefine for itself the role which Government can—and should, or should not—play in nongovernmental areas of activity that may affect the public interest.

2. Medical care for the aged

As you may recall, the Congress in 1960 enacted a Federal-State grant-and-aid program to meet the needs of the aged. As of now, several States have enacted legislation to participate in the program. As yet, Wisconsin has taken no such legislative action.

There are five major medical care bills that must be considered by House Ways and Means Committee. There is no indication at this time just what form of bill the House will finally approve. Of course, since this is a revenue subject area, the Senate must wait upon the House.

Certainly, this subject on meeting the needs of our older citizens in the financing of their medical costs is extremely complex.

3. Taxes

Over the years, there has been a broad range of philosophies about taxes; one of the great, proverbial—though unpopular—"certainties" of life. These extend, in extremes, from the theory of (a) attempting to utilize tax money to "spend ourselves into prosperity"; or, conversely, (b) utilizing the power of taxation "to destroy."

A sane, realistic tax policy, however, lies somewhere between these extremes.

The complex system of U.S. tax laws, unfortunately, has grown—in hodgepodge fashion—into a long-tentacled revenue collector reaching deep into the pockets of individual and corporate citizens.

Regrettably, tax policy has been based too much upon hand-to-mouth, or perhaps, more accurately, year-to-year expediency. Generally, this has involved levying new laws or just changing statutes now on the books; rarely, are taxes repealed—even though many exist long beyond their intended time. The Nation, then, could well benefit—I believe—from creation of a more realistic tax philosophy designed to serve, preserve, and strengthen our free enterprise system, as well as to meet the long-range needs of the Nation.

Because of these factors, I have introduced a bill—S. 10, now pending before Congress—to overhaul the tax system. The purpose would be to carry out a top-to-bottom reform of our revenue laws. As well, the goal would be to make a study, not only of Federal statutes, but also of the way in which these overlap local and State revenue laws.

Unfortunately, Congress has not yet been willing to undertake such a broad-scope—though much-needed—reevaluation and overhaul system. Consequently, the outlook for the current session is for another "leaking roof" type "patching" of tax law.

The major features of the administration's recommendations, an omnibus set of proposals relating to—

(a) Deductions from tax liability for new investments other than buildings;

(b) Requirements in determining fair deductions for travel, entertainment, and lobbying expenditures;

(c) Treatment of mutual savings banks and savings and loan associations;

(d) Provisions pertaining to foreign-earned incomes; and

(e) Other aspects of the tax system.

As things are shaping up, however, the Senate debates on the House-passed bill promise to be one of the real "rough and tumble" battles of this session. Although it is too early, then, to know exactly what recommendations—in what form—will finally emerge from the Congress, I believe we need to act according to sound, fundamental principles aimed toward—

(a) Equitably meeting the Nation's fiscal needs;

(b) Assuring fair treatment of our citizens under the law; and

(c) Spurring — not stunting — economic growth and progress.

4. Mutual security

The United States—as a leader of the free world—has a fundamental responsibility for—

(a) Preserving and protecting our way of life; and

(b) Attempting to establish and perpetuate a world climate for peace.

Since World War II, our Nation has engaged in realistic efforts to—

(a) Block the efforts of communism to conquer the world; and

(b) Create a climate for world peace.

To help accomplish this objective, our country has dedicated money, material and equipment, technical know-how, and other economic, military, and political assistance to strengthen the free world.

For 1963, the President has urged extension of the mutual security program.

In evaluating the administration's recommendations, the Congress, I believe, must take a long, hard look at the program, including the following factors:

1. Year after year, the American taxpayer has been forking over great sums of money for mutual security programs.

2. The economic status of nations—particularly the industrialized countries of Western Europe—has changed and improved substantially.

3. Communist aggressions, economic, military, and political—change from year to year—requiring shifts of direction and/or emphasis in our anti-Communist programs.

The Congress, then, in my judgment, has responsibility for taking a new look at the program. The objective would be to—

1. Obtain a clear understanding of its objectives (ascertaining that these are absolutely essential for security and peace).

2. Weed out unnecessary activities.

3. Assure that administrators are imbued with a deep sense of stewardship—reflecting the interests of the taxpayers, as well as of security (and not become involved in foreign aid empire building).

4. Eliminate waste, duplication, as well as unnecessary projects.

5. Generally, to assure that a program of this scope and substantial cost is absolutely essential to security and peace.

To best serve U.S. interests, the following factors, I believe, also should be given careful consideration:

1. Encouraging industrially progressing allies to assume a proportionately larger share of the burden of strengthening anti-Communist defenses, as well as underwriting progress in lesser-developed nations. The OECD is a step in this direction.

2. Place a strong emphasis on loans rather than grants.

3. Assert—more so than in the past—U.S. right to know—and evaluate how—the American taxpayers' dollars are utilized in other countries.

4. Undertake a realistic study to determine the long-range impact which foreign-made commodities—produced as a result of U.S. economic assistance—will ultimately have on our domestic economy.

5. Reciprocal trade

Trade—an economic fountainhead of jobs, money, market, and essential commodities for business-industrial-consumer needs—remains a significant, yet controversial consideration in—

1. Creation of national policy; and

2. Conduct of international affairs.

According to the Department of Commerce, U.S. trade in 1961—on the plus side—involved the following factors:

1. An export market for about $20 billion of U.S. production.

2. The creation of over 500,000 jobs.

On the negative side, the inflow of commodities—produced at lower wage or operations costs abroad—often usurps markets of U.S. producers, resulting in slowdowns or stoppages in business activities and loss of jobs.

The world situation, the East-West economic strength, the economic needs of the United States—all of these require that we now take a look at U.S. trade policy.

The emergence of the European Common Market—a new phenomenon in the international trade picture—also must be considered as a major feature of the trade picture.

Earlier this session, the administration recommended to the Congress a series of revisions in trade agreements. Currently, these are still before the Ways and Means Committee in the House of Representatives.

Generally, the economic community is divided on the merits—or demerits—of liberalizing U.S. trade policy.

Those who benefit from freer trade, naturally, want it liberalized.

Those who would be hurt by freer trade, understandably, do not want it liberalized—in fact proposed further limitations on tariffs.

The Congress, then, faces the dual question of (a) which policy will best benefit the country as a whole; and (b) what kind of safeguards should be written into the law to protect domestic industries suffering the impact of imports.

Despite the fact that about only 4 percent of our total production is exported, this amounted to a substantial $20.9 billion last year.

The foreign currencies earned help pay (1) for necessary imports, and (2) for other foreign outlays.

Within the European economic complex, the tariff walls are tumbling down.

As things are progressing, a strong West European economic community may—although, realistically speaking, it will be a competitor of the United States—may also prove to be an even stronger bulwark against the outspread of communism.

For the future, also, markets for the U.S. production plan—already exceeding consumers' needs in many commodities—will be looking more toward the world market. Changes in U.S. trade policy now, then, must consider the long-range, as well as the immediate needs of the economy. Unless this is done, we may well find ourselves outside looking in at the trade circuit that will be further developing among nations—highly industrialized and underdeveloped—in Europe, Africa, Latin America, the Far East—all over the globe.

Recognizing that there must be a two-way flow of trade, congressional objective must be to (a) encourage the expansion of U.S. exports—way beyond the 4 percent of our production now flowing abroad, and (b) to adopt the kind of trade policy that will protect domestic industries and businesses that may be adversely affected by necessary changes in general trade agreements.

6. Optimism, key to economic outlook

Progress in our economy, also, depends to a tremendous degree upon optimism and confidence in our economy by you, Mr. and Mrs. America.

Now, is there a justification for such confidence and optimism? In my judgment—yes—absolutely—yes.

In the past, unfortunately, there have been mistakes—and sometimes ridiculous and irresponsible efforts (both at home and abroad) to categorize our economy as "second rate."

The economic facts of world life, however, demonstrate that this is far from the truth.

Let's cite some examples: First, comparison with Communist progress. Today, the United States—as mentioned—has a GNP rate of about $540 billion annually. According to the best estimates available, this is way ahead of the combined output of all the Communist countries—valued at $350 billion annually. The Red bloc included Albania, Bulgaria, Communist China, Czechoslovakia, East Germany, Hungary, North Korea, North Vietnam, Outer Mongolia, Poland, Rumania, and the U.S.S.R.

Second, what about competition with free-world nations? Again, the United States is way out front. Annually, our production far exceeds—in fact, about doubles—the combined output of the United Kingdom, Germany, France, Canada, and Italy.

For these reasons, then, the American people should, in my judgment, be absolutely out of patience—in fact, irritated with—the economic pessimists who, for whatever motives, downgrade our economic progress and accomplishment. There is absolutely no justification either for political or economic shortsightedness in underselling our country.

From these comparisons, then, it is obvious that we are not in danger of being immediately overtaken either by the Communists or non-Communist nations—although we cannot disregard such competition. The long-range efforts of the economy, then, should be "zeroed in" on such targets as—

1. Providing the goods and services to meet the needs of a growing 185 million population—expanding at the rate of 3 million a year;

2. Creating the jobs necessary for our labor force, growing at 25,000 a week;

3. Strengthening the economy to enable it to bear the burden of an ever-growing Federal budget, including skyrocketing costs for defense amounting to about $50 billion annually; and

4. Promoting economic progress—not just in response to competition from abroad; but, rather, to live up to the great traditions, and particularly the potential of our free economy—the mightiest production system in the history of the world.

"The world today is looking for men who are not for sale;
Men who are honest, sound from center to circumference, true to the heart's core;
Men with consciences as steady as the needle to the pole;
Men who will stand for the right if the heavens totter and the earth reels;
Men who can tell the truth and look the world right in the eye;
Men who neither brag nor run;
Men who neither flag nor flinch;
Men who can have courage without shouting it;
Men in whom the courage of everlasting life runs still, deep, and strong;
Men who know their message and tell it;
Men who know their place and fill it;
Men who know their business and attend to it;
Men who will not lie, shirk, or dodge;
Men who are not too lazy to work, or too proud to be poor;
Men who are willing to eat what they have earned and wear what they have paid for;
Men who are not ashamed to say "No" with emphasis and who are not ashamed to say "I can't afford it."

—Jesse Musick.

RUMANIAN INDEPENDENCE DAY

Mr. WILLIAMS of New Jersey. Mr. President, in the course of their long and turbulent national history Rumanians have a long list of national holidays, but May 10 marks perhaps the most significant of their holidays. On that day, in 1877, they proclaimed their independence and rose in revolt against their oppressors the Ottoman Turks. On that day, they began that great battle which culminated, in less than 1 year, in freedom from foreign domination.

Rumanians are among the oldest inhabitants of the Balkan Peninsula, and today, even after the breakup of their homeland by the Soviet Union, they constitute the largest single ethnic element in the whole Balkan region. A brave and patriotic people, endowed with many native and acquired gifts, Rumanians have had the misfortune to be subjected to alien regimes in their homeland during most of their modern history.

In the middle of the 15th century Rumania was conquered by the Ottoman Turks, and for more than 400 years they suffered under the oppressive tyranny of callous Ottoman administrators. In the 19th century when they succeeded in their attempt to secure freedom from the Ottoman sultans, then they came under the danger of Russia's czarist autocracy. Rumanians, however, managed to keep their country free and retain their independence in the course of many wars. At the end of the First World War they even regained some of their lost provinces. But the last war proved a terrible tragedy to them. Since 1945 Rumanians have been suffering under the Moscow-imposed Communist totalitarian tyranny in their homeland.

It is tragic that such a gifted and brave people, who have sacrificed so much for the attainment and enjoyment of freedom, are not even allowed to celebrate their great national holiday, the birth of their independence, in their homeland. But we in the free world are glad to do this in the hope of keeping up the spirit of freedom among unfree people in Rumania.

A MAN WHO HONORED FREEDOM

Mr. MUNDT. Mr. President, a magnificent editorial tribute has been brought to my attention concerning the passing of a very great journalist, Mr. Forrest Davis. The editorial appeared in the Cincinnati Enquirer of May 5, 1962. I ask unanimous consent to have the editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Man Who Honored Freedom

It is invariably a painful task for a newspaper to chronicle the death of one of its own. But for us at the Enquirer, reporting the loss of Forrest Davis is a particularly unhappy responsibility.

For Mr. Davis was more than an associate, more than an editorial writer, more than a columnist. He was an institution. He possessed none of the qualities that characterize the typical "newspaperman." He had, instead, the courtliness of an ambassador, the gallantry of a 19th century gentleman, the breadth of vision of a world statesman and yet the warmth and compassion of an old and trusted friend.

Dr. Davis' Washington columns, which appeared on this page three times weekly, were a far cry from the dispatches that normally emanate from the Nation's Capital. They were couched in an elegance that has regrettably vanished from American journalism. Almost without exception, they reflected the long, detached view. Forrest Davis wrote almost as though he were looking back on our times from some point distant in both time and space. He was a man of strong convictions, to be sure. But there was nothing of personal animus in what he wrote; there was rather an undeviating dedication to principle.

And the highest of principles in Mr. Davis' standard of values involved the preservation of freedom.

The term "dignity of the individual" has become something of a cliche in today's political vocabulary. Yet to Mr. Davis the term was real and alive. To him, the story of humankind has been the story of man's struggle to preserve his personal integrity from the encroachments of outside forces—tyrannies, dictatorships, paternalistic governments.

Forrest Davis was a man who honored freedom. This was the theme that colored every word he wrote. This was the cause to which he dedicated his extraordinary talents. This was the mission that consumed his life.

NATIONAL FORESTRY RESEARCH PROGRAM

DEDICATION OF SOUTHERN HARDWOOD LABORATORY, STONEVILLE, MISS.

Mr. BYRD of West Virginia. Mr. President, once again I rise to commend the distinguished Senator from Mississippi [Mr. Stennis] for his vision, foresight, and tireless efforts on behalf of our national forestry research program. He has been a pioneer in the field of forestry research and is its champion in the Senate. He has provided vigorous leadership in the fight to develop and preserve our valuable forestry resources not only for our needs of today, but for the benefit of generations to come. The entire Nation owes him a debt of gratitude.

On Saturday, April 28, 1962, Senator Stennis delivered the dedicatory address on the occasion of the opening of the new Southern Hardwood Laboratory at Stoneville, Miss. The occasion marked another milestone on the road toward providing for the Nation more bountiful and profitable forest products.

Mr. President, I ask unanimous consent that this excellent address of Senator Stennis be printed in the Record at this point.

There being no objection, the address was ordered to be printed in the Record, as follows:

Where There Is Vision

(Remarks of U.S. Senator John Stennis, of Mississippi, dedication of Southern Hardwood Laboratory, Stoneville, Miss., Saturday, April 28, 1962)

With great pride we meet today in Stoneville to dedicate the new Southern Hardwood Laboratory, a landmark and symbol of constructive research development. The completion of this facility marks a milestone on the road to more bountiful and profitable forest production.

We are in the heart of the southern hardwood region extending from the Roanoke River to the plains of Texas. Nature has endowed us with wonderful southern hardwood forests, unsurpassed anywhere in the Nation. Since 1915, we have produced 40 to 50 percent of our Nation's hardwood lumber.

Our valleys and richer uplands of the South contain over 40 million acres of hardwood forests whose high potentialities for growing timber are just beginning to be recognized.

The psalmist of old said, "Where there is no vision, the people perish."

Conversely, where there is vision, the people prosper; they become strong, happy and free.

Certainly, men of vision are responsible for this fine facility we dedicate today.

The story behind this laboratory, the finest of its kind in the world, is a remarkable one, a story which illustrates what dedicated people of vision can do when they work together.

Research was begun at Stoneville in 1939 by the Southern Forest Experiment Station. It has grown from a one-man project with the original assignment of studying management of bottom-land hardwoods native to the Mississippi River Delta, to this fine up-to-the-minute facility with 10 scientists and 10 technical and clerical assistants who conduct research applicable to the management of 45 million acres of southern river and stream bottom lands, swamps and rich upland forest sites.

Back in the days of pioneer research here at Stoneville, means were meager.

Little was known of many of the problems of growing better hardwoods, to say nothing of solutions to those problems. The first scientists here had limited funds and little equipment. Yet, the Forest Service and those men persisted in their hard work and dedication.

And, soon other highly important and essential ingredients were added. The program was blessed with the interest and support not only of the Mississippi Agricultural Experiment Station, but that of the delta council, the forest products industry, the Mississippi Forestry Association, as well as other organizations and individuals.

The program managed not merely to "hang on," but to grow and flourish.

I shall mention a few who helped write this remarkable record.

The program has had the long and faithful support of the Mississippi Agricultural Experiment Station, Dr. William L. Giles, vice president, of Mississippi State University, was superintendent of the delta branch during many difficult years of forestry research here. His efforts contributed greatly.

The delta council, through its forestry committee, has actively and vigorously aided and encouraged the program, and has played an important part by its sponsorship of forestry demonstrations, meetings and training aimed at putting research to use. As executive vice president of the council, B. F. Smith deserves special recognition for his faithful efforts and leadership in this program.

Many other individuals have contributed. Among them, James E. Hand, Jr., Bill Yandell, and Purvis Taylor who is no longer with us. John W. Squires and Peter F. Watzek have been active in leading steering committees and advisory groups benefiting the work. William E. Ayres and Homer C. McNamara, both now deceased, took a far-sighted and active part in getting the delta experimental forest set aside and established as a field research and demonstration area. Monty Payne, Sid McKnight, John Putnam, and many others have labored long and faithfully here.

In 1954, 41 industries and landowners formed the southern hardwood forest research group. Since that time, 53 firms have participated in contributing well over $100,000 in cash and more than twice this amount in the form of direct assistance to hardwood forest management research at Stoneville.

Wholehearted cooperation and the pooling of effort are the story behind this new laboratory we dedicate today—the cooperative efforts of university scientists, industry, landowners, businessmen, agricultural organizations, and the Federal Government. Cooperative, constructive efforts are always essential for successful achievement.

Likewise, this new building itself represents the cooperative approach. The Federal Government has provided the basic funds for construction. The State of Mississippi has provided the land. Friends in industry have donated the valuable southern hardwoods featured throughout the building; they are a constant reminder of the beauty and utility of southern hardwoods.

Vital research at this laboratory will continue to be closely associated with Mississippi State University. With its school of forestry and other major scientific activities, Mississippi State University is looking to the future with vision and enlarging its field of achievements.

The Mississippi Forestry Commission and Jack Holman, State forester, will continue to cooperate

Research here at Stoneville is already paying rich dividends although time does not permit mentioning every contribution made by the scientists who have worked here. They have provided essential knowledge in the basic principles of hardwood forest management, and a book on this subject has recently been published.

Pioneer research has been done here in the cultural techniques for producing cottonwood, the fastest growing tree in America. In only 8 years we have produced one cottonwood selection, appropriately named "Catfish," which has grown as much as 15 feet in height and 2 inches in diameter in the first year. Improved planting techniques for cottonwood are now being applied widely. One company is planting a 15,000 acre block using newly developed methods.

Discovery of new insecticides and disease control methods, along with improved log-grading standards and methods for integrating timber management with more favorable wildfowl habitat—these are just a few of the fruits of important research which will continue here in the new laboratory.

For instance, one insect alone, the oak carpenter worm, is credited with costing the southern hardwood growers $70 million annually in destruction of fine oak veneer and lumber while it is still in the standing tree. Research at Stoneville will seek to develop a control program for this and other destructive insects.

We live in the scientific age—a time of scientific advances, methods, systems. The man who does not adjust to new methods and new systems is quickly left behind.

This is true, especially, in all phases of the forest industry. There are new and better methods of growing and caring for our timber, and protecting it from destructive insects and diseases, and for sustained maximum yields. There are new and more effective methods of land utilization. We can find new and stronger species of trees.

And there is a growing need for creating new uses for all of our timber products. The search for new uses demands the greatest emphasis. Lack of marketing knowledge is hurting the entire timber industry. We need to know what the market wants, and then produce what it wants.

The individual grower also needs increased knowledge of his products and how to market them.

The landowner, the grower, the processor, the finisher, the dealer—all will benefit from knowledge gained through research in the essential problems. These are the reasons I have actively championed, sponsored and supported forestry research over the years.

I am confident the dedicated men who work in this new laboratory, now and hereafter, will provide even better methods, better products and more uses for these products, thus enriching our own area and the entire Nation.

And now a word about our future.

Today's world is a changing world. In fact, we live in the most dynamic period in the entire history of civilization. Economic and political upheaval throughout the world have brought one crisis after another. The world today is a complex of conflicting forces, ideologies and political systems. Our leaders have not succeeded in charting the pathway to a permanent and lasting world peace.

Although we are beset with uncertainty, some things are certain.

First, we must remain strong.

A nation is only as strong as its most basic resources—the people and the land. Those resources which come from the earth, and the knowledge and skill with which a people protect and develop them, can make a nation strong.

America has been blessed with an abundance of those natural resources which we can improve and reproduce. Even though we have great resources, the times make greater and greater demands.

Thus, one overriding benefit from our forests, our most important reproducible resource, is the impact they have on national security and the living standards of our people.

We are now the leading and most powerful Nation in the world. But the problems facing us today are of greater magnitude than those which any major nation has ever faced during all of recorded history.

In recent years, a strong and ruthless world power, a nation with vast resources of its own, has challenged us with her military might. But we have called the hand of Russia and the Soviets.

We have built and we maintain a mighty military machine of our own, one of unquestioned superiority, and because of our world leadership, we must maintain a strong military power for years to come.

Further, as I have said on the Senate floor, we must follow a harder course and a firmer line than we have ever followed before. We must be firm and resolute. I have strongly advocated a sterner and firmer line on many policies, including the question of aid to Yugoslavia, and in our relations with Russia, Cuba, and the Caribbean area, including the Dominican Republic. There is evidence that our policy is firming up. I think the word is getting around in world affairs. At all events, I shall continue to be among those actively urging this course.

Not only must America remain militarily strong, we must continue to be highly productive. We must produce not only the weapons for defense, but also the consumer goods, the industrial and the farm products, and provide the communication and transportation facilities all so essential to a wholesome, growing nation.

Further, we must also maintain a prosperous economy to provide the jobs to keep our growing population gainfully employed.

Moreover, both industry and agriculture must be allowed to reap a reasonable profit to keep the total economy vigorous, healthy and strong. Too profits must be earned to provide the necessary taxes to pay for the military and other expenditures necessary.

At the present rate of increase, by the year A.D. 2000—only 38 years away—our population is expected to more than double, and to total more than 400 million.

Think of the new opportunities for individuals, for industry, and for the nation as a whole, with that vast population.

But, with these opportunities will come even graver responsibilities. There will be the problem of making our form of government effective in a nation of over 400 million people. Never in recorded history has a nation with such a vast population been able to maintain a representative form of government with its officials elected by the people.

And we will be faced, with questions of sufficient food, fiber, water, essential raw materials of every kind.

Our forests and forest products supply many of the jobs for agriculture and industry.

Very definitely, what we accomplish here at Stoneville will have a stake in the future of America, our place in the world and our chosen way of life, as well as in the security of our Nation.

Let us look to the encouraging side of our ledger.

We have in the South about 40 percent of the total commercial timberland of the Nation—nearly 200 million acres out of less than half a billion. Foresters estimate that half of the Nation's future timber needs must come from the South.

We can be enthusiastic about what the future holds through the new laboratory we dedicate today. This team of scientists and other staff members have the dedication, the training and the capacity for even greater achievements in pushing our reservoir of knowledge well beyond our present limited horizons, and in keeping our Nation rich in forest resources.

As we move forward in the decades ahead, let us move together in a rededication to the idea that the pinnacle of service in a material way is a life devoted to constructive conservation of natural resources which sustain the human race.

Achievements in this field are even greater and richer when they pertain to growth of reproducible resources, including increased growing capacity and their more extensive use. For our own area of the Nation, the perfect field of such activity is the growing tree with its many and varied uses and services to mankind.

Such achievements do not confine us to material things alone because in them we enter the spiritual realm and serve God as we serve man.

POLICE WEEK

Mr. SCOTT. Mr. President, the week of May 13 to 19 has been designated as Police Week by Senate Joint Resolution 65 which was signed by the President last June 21.

We sometimes forget that without the devotion of law enforcement officers at all levels of government, society as we know it today would be in jeopardy from the lawless and the careless. We need only look to some other parts of the world to see how, in the absense of law-enforcement officials, the underworld takes over and living becomes possible only under the law of the jungle. Let us not forget either that enforcement in our land is done under the law and we are forever on guard against unbridled police powers which can easily turn a society into a police state.

I would like to pay my respects especially to the peace officers who were disabled in the line of duty and to the families of those who died to uphold the laws of our land. We should be grateful for them not only this week, which has been dedicated in their honor, but every day of the week when we walk down the streets of our communities, confident that our law officers are on the job.

It is especially gratifying for me to note that Police Week was stimulated by the efforts of Mr. Charles Sussman, of 2221 South Seventh Street, Philadelphia, who helped to organize the National Peace Officers Memorial Day Association

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FORTY-THIRD ANNIVERSARY OF AMERICAN LEGION

Mr. LONG of Missouri. Mr. President, the American Legion, founded at the St. Louis caucus held May 8 to 10, 1919, celebrated its 43d anniversary in St. Louis last weekend. It was particularly fitting that this celebration took place in St. Louis, not only because that is where the idea born in the minds of the men of the first American Expeditionary Force in Paris earlier that year was first formed into this great and dedicated service organization, but moreover because American Legion National Commander Charles L. Bacon is a Missourian and the first candidate for that office who has come from my State.

Commander Bacon, an outstanding Kansas City attorney and dedicated Legionnaire, has an impressive background and is an outstanding American.

Last Saturday, in his address to the Society of American Legion Founders assembled in St. Louis, Commander Bacon gave what I believe to be, a clear statement of purpose of the American Legion, past, present, and what is even more important—for the future.

Present at this occasion, I personally found his message a great inspiration to Americanism in the complex and ever-changing world of today. So that it will have as wide circulation as possible, and so that it will be available for the reading of all my colleagues, I ask unanimous consent that National Commander Bacon's address now be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

[From National Public Relations Division, the American Legion, Indianapolis, Ind.]

AN ADDRESS BY CHARLES L. BACON, NATIONAL COMMANDER, THE AMERICAN LEGION, ST. LOUIS, MO., MAY 12, 1962

No greater thrill can come to a national commander than that of appearing before the Society of American Legion Founders.

One cannot help but feel that here he stands in the presence of greatness. It was from the hearts and minds of the men whom we honor this day that there sprang the greatest service organization this world has ever known.

This occasion holds a special significance for me because this group of men, this organization which has a portion of its roots so firmly implanted in St. Louis, and this State which was selected as the site of the second great caucus of the American Legion, all are so dear to my heart. In more ways than one I am really home today. I feel at home with you gentlemen. I am at home with the American Legion, and I am home in Missouri.

In St. Louis 43 years ago the lusty infant American Legion was placed in orbit, and was given direction that has served it in good stead from that day to this.

We of Missouri take particular pride in the fact that our fellow statesman Bennett Champ Clark played such an important role in the formative days of the American Legion.

I realize I take a calculated risk in mentioning the name of any single individual from among a gathering that included so many great men who made an indelible mark not only upon the life of the American Legion, but upon the life of America. To call the roll of honor would be a heroic undertaking.

As we pause to pay tribute to our founders the only testimony we need concerning the vision and foresight of that dedicated group is the fact that their plans and their philosophies have withstood all the rigorous tests of time. Through the years their dreams were brought to fruition because of their tireless efforts in carrying out the work of the American Legion—the work that they planned for themselves.

The causes for which we were founded, service to God and country, represent a never-ending task, and each day presents new and challenging problems which demand the very best that every citizen has to give.

The question is asked: "How long will there be a need for the American Legion?" Let me tell you that as long as there is a need to remind the American people of the ancient values upon which our form of government, our social structure, indeed our whole way of life is founded; as long as there are veterans of America's wars, or widows and orphans of veterans who are in need of assistance; as long as the security of our Nation needs strengthening to deter the threat of aggression or to repel it should it occur; as long as the youth of the Nation can be served by the programs that we provide; as long as these needs exist there will be a need for the American Legion.

We know that America today faces the most persistent and potentially the most deadly force that ever has sought to block her destiny. The forces arrayed against freedom have identified themselves in no unmistakable terms. They are resourceful, determined, and dedicated to our destruction. They are the forces of atheistic communism.

We live in a world of uncertainties. Uncertainties create fear. Fears breed an insistence upon security and the status quo. This can lead in turn to stagnation, and stagnation is the first step in the process of decay.

Let us understand that mere security and survival is not what we seek. Our goal can be nothing less than complete defeat of the Communist conspiracy to rule the world.

The leaders of the Axis Powers launched World War II in the belief that their intended victims were too weak or too complacent to stop them. The leaders of world communism must not be permitted to make the same mistake.

Khrushchev tells us that we have a choice between suicide and surrender. Khrushchev must know—must be made to know—that we will not surrender and we will not choose suicide; that if he forces such a choice, he and his empire will not survive and neither his grandchildren nor ours will grow up under communism.

These are not idle words. I have traveled this land from corner to corner in the past year and I am convinced that this is the spirit of the American people.

We are warned that in the nuclear age there is no alternative to peace. I speak for men and women who have known war and cannot forget its horror, and we believe there are several alternatives to the prisoner's peace the Kremlin offers. One is war—how we abhor it, even nuclear war—but we would prefer that to the slow death of communism. Another is victory over communism without war, and this I believe we can achieve provided we keep our nerve, sustain our patience and commit all our resources to the effort.

Some tend to think of the cold war in terms of a global spectacular in which only a few heads of state have parts—that it is but a prelude to a hot war. What is really involved is the spiritual and physical fitness of the American people—our character, our stamina, our faith in God, our ability to stand up under pressure. Let me suggest that this conflict involves a direct and personal challenge to every citizen of the United States, and our individual response will have a direct bearing on the outcome.

In an earlier time of crisis in our land, a citizen named Tom Paine observed: "Those who expect to reap the blessings of liberty must, like men, undergo the fatigue of supporting it."

Fatigue in the cold war can take many forms. It can make us question whether the race is worth the prize. It can tempt us to look for an easy and cheap way out of problems which are not easily or cheaply solved. It can render us vulnerable to the frustrations and disappointments which are inevitable as we seek to give expression to the ideals and to perfect the institutions we cherish as Americans.

The Communists are gambling that our free society will not be able to withstand sustained pressures, that our belief in the dignity of the individual, our tolerance of dissent, and our reliance upon divine guidance will render us unfit for the long pull. My friends, this is precisely where our advantage lies. These are resources which atheistic, totalitarian communism cannot possibly match. It remains for the American people, individually and as a nation, to mobilize and employ them to the fullest possible extent in a concerted, purposeful drive to realize our destiny.

I am convinced that the wave of the future belongs to those who seek to ennoble the spirit of man and not to those who would degrade and enslave it. It is we, not the Communists, who have the irresistible cause.

Now, more than ever before, it is important that all Americans take an informed and reasoned approach to the public issues of the day. We must make every effort to ascertain facts before making judgments. We serve our country well when we avoid the temptation to sound off on matters about which we are not sufficiently informed. While participating fully in the democratic process of discussion and debate, let us each be certain that our participation is reasonable and responsible.

We have both need and room in this country for a wide range of individual opinion and preference. We need no commissar to tell us where the national interest lies. We can have disagreement without disunity, reservations without recriminations, objectivity without indifference.

The task at hand as we see it is not to accommodate Russia or world court opinions. It is to do those things which our minds and hearts tell us will keep America free and her liberties intact, and which will help her rise to her full potential as a leader of the freedom forces of the world.

We are in this fight for the duration, however long that may be. We are in it not to make a good showing, but to win.

It is, I think, not wrong for us to conclude that the American Legion has contributed measurably to the good of America during its first 43 years of life. And having said that, we must immediately say also that all which has gone before can be only a prelude to that which we must now do. No one, and certainly no organization such as this one, is entitled to assume that the sum total of its contribution to America already has been made. On the contrary, our task is far from complete.

Freedom does not perpetuate itself. Each generation must make its own contribution to the preservation of its freedom.

As citizens of this great land, and as American Legionnaires, through the years immediately ahead, we must do a number of things: we must stand always for peace, but not peace at any price; for preparedness as opposed to unilateral disarmament; for the American way of life as opposed to foreign ideologies; for law and order as against unbridled violence; yes, and for religion in its broadest sense.

Let us then set our hand to do these things; with pride in the past and with determination and hope for the present and with confidence in the future. Let us so order our efforts that it shall be said of us when we become a part of history that this was an organization which did indeed devote itself to service for God and country.

In the words of Dr. Frank Barnett, we must make certain that no epitaph on the tombstone of a dead America will ever read: "Here lies a nation which died at the peak of its power with its power unused."

This is the American Legion's call to greatness 43 years after the caucus in St. Louis, Mo.

NEW SUGAR PROGRAM WILL HELP COLORADO

Mr. CARROLL. Mr. President, it is my hope that any hour now the administration will announce that it is sending the Congress new sugar legislation.

I think the principal negotiators on a new sugar program have just about arrived at complete agreement. I expect that this agreement will give the domestic industry a share of the total quota, a fraction of a percentage point under 60 percent, and it will also give the domestic sugar industry about 63 percent of the growth in consumptive demand over the overall quota of 9.7 million tons.

Negotiations on a new, 5-year sugar program have been going on, literally day after day, for months.

Representatives of the sugar beet industry in my own State of Colorado have been in Washington a good part of this year, helping to hammer out an equitable program that would improve the position of the beet farmer, protect the consumer from price increases and at the same time take a step toward greater U.S. self-sufficiency in sugar production.

I believe that the sugar program which will be announced any day now, will do all those things.

It is my expectation that the growers, processors, and the administration will agree that in the new quotas the domestic cane and beet growers are entitled to a substantial increase over their previous 53.5 percent share of the U.S. consumption quota. In Colorado an increase is needed to build up inventories cut by heavy losses last year from early frosts.

An increase to almost 60 percent of the new U.S. consumption quota will, I think, be received as good news by our Colorado beetgrowers. This would be an increase of over 6 points and a percentage increase of over 11 percent.

OVERALL QUOTA 9.7 MILLION TONS

Last month the Secretary of Agriculture determined that there was a tightening supply situation in sugar. He raised the 1962 estimate of U.S. sugar needs to 9.7 million tons.

Out of this overall U.S. sugar consumption quota of 9.7 million tons I expect that the domestic sugar industry will, under the new program, supply about 5,790,900 tons. Out of this I expect that the beet sugar growers will be allotted over 2.6 million tons.

In the area of market growth, if the new agreement allocates 63 percent of new annual growth to the domestic industry, this should amount to about 94,500 tons of cane and beet sugar per year, of which about 70,875 tons per year will probably be allocated to the beet industry, the balance to domestic cane.

All things considered, the agreement, which I hope will soon evolve into a new sugar law, looks good for the domestic sugarbeet industry.

The increase in the domestic producers' share of the total quota is several points above the figure originally proposed by the administration early this year, which means that beetgrowers gained an additional 50,000 tons in the bargaining of the past few weeks. I think the bargainers for the beet industry did well.

COLORADO SUGAR INDUSTRY

The new program will mean much to Colorado.

Colorado is the second largest sugarbeet-producing State in the United States.

Sugarbeets produce $70 million in annual income in Colorado: $43 million to farmers and $27 million to labor in processing plants.

We have more farms producing sugarbeets in Colorado than any other State in the Union: 4,285 farms.

The three sugar-processing companies in Colorado are Great Western, Holly, and American Crystal. When Secretary Freeman last September assigned sales quotas to beet processors these three companies received allotments of 26.7 million hundredweight out of a national total of 48.7 million. This is over half of the total allotment.

Colorado has a large economic stake in sound sugar legislation that permits reasonable and orderly growth of the domestic industry.

I think the new program fits the needs of the Colorado growers and processors.

WESTERN SLOPE NEEDS

The new program should provide an economic lift to several areas in Colorado: the Arkansas Valley, northeastern Colorado, and the western slope.

However, it is in the area of the Delta sugar plant where the most help is needed in Colorado, and I think the new sugar law will bolster the efforts there to stabilize the farm economy.

Farmers near the Delta plant have agreed to plant 8,000 acres of beets in 1962 and add 1,000 acres per year until they have 12,000 acres under production by 1966. In 1961 only 6,900 acres of beets had been harvested.

The farmers and businessmen on the western slope have shown their faith in the sugar program by pledging money and acreage to keep the Delta processing plant alive.

This new sugar program we are about to see unveiled will give the domestic beet growers sufficient allotments so that new beet acreage on the western slope can be made economically sound.

I ask unanimous consent that at this point in the RECORD there appear an article from the Grand Junction Sentinel of January 30, 1962, which describes the remarkable achievement of western slope leaders in saving the beet sugar industry in that area, and shows dramatically why this new sugar program is needed to provide opportunities for domestic sugar beet areas to increase production.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SLOPE EFFORT SAVES SUGARBEET INDUSTRY

The western slope sugarbeet industry took a forced look at extinction in the fall of 1961 when Holly Sugar Corp. sized up the last of several years of mediocre beet production and said it would not reopen its Delta plant in 1962.

This meant the loss of more than $2 million annually in product and labor income to Delta, Mesa, and Montrose Counties. So with the horse as good as stolen, the industry set out to lock the barn.

Holly was queried on what it would take to keep the Delta plant in operation. The company answered that it couldn't consider staying on the western slope unless it got a cash loan of $200,000 and pledges of 8,000 acres of beets in 1962, increasing a thousand acres a year to 12,000 in 1966. A deadline of January 1 was set for these requirements.

In 1961 only 6,900 acres of beets were harvested. In 1962, it would have to be 8,000 acres or none at all. And $200,000 would have to be raised or the acreage would mean nothing.

Early in December growers and businessmen in the three counties started soliciting land and money. The effort moved slowly, and a time extension had to be granted by Holly. By mid-January, the $200,000 was in a trust fund ready to be turned over to the sugar company, and the 8,000-acre quota was topped by more than 1,000 acres.

A guarantee that no penalty would come to investors in the event of Government limits on beet acreage was written into the agreement.

And while the campaign was in full swing, the U.S. Department of Agriculture announced there would be no controls on beet acreage in 1962. This removed a fear of many growers about meeting the acreage requirements.

Investors in the Holly loan fund will get their money back in $40,000 annual payments over the 5 years, with 5 percent interest.

In addition to keeping the sugar beet business, the Holly agreement served to expand the industry by bringing acreage pledges from 130 new growers.

As these new growers become familiar with beets, the industry can expect vast growth—probably double the present level—in the next few years, observers feel.

AMERICAN TRAVELERS ABROAD HAVE A DIPLOMATIC MISSION

Mr. PELL. Mr. President, recently, Newsweek magazine, as a part of its public service series, published a message calling attention to the fact that 8 million American businessmen, servicemen, tourists, and students travel abroad each year. The impressions which these 8 million Americans make in foreign lands affect very directly our national reputation.

This is a message which performs a genuine public service. Recently, I have been pleased to note that as a part of their regular adult education programs, some school systems have been offering orientation courses for those who plan to travel abroad. This activity should certainly be encouraged.

I ask unanimous consent that the public service message entitled "You Now Have an Urgent Diplomatic Mission," which appeared in the April 3, 1962, issue of Newsweek, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOU NOW HAVE AN URGENT DIPLOMATIC MISSION

No matter where you travel you can't get out of it: Hong Kong, Mexico, Kenya, Paris, Toronto, Melbourne, Rio.

That's just the place we're talking about. Ben Franklin was a fine Ambassador. And didn't Jackie get a lot of applause, too? But you're 8 million strong. Businessman, serviceman, tourist, student. Camera around your neck, guidebook in your hand. America written all over you, and the whole world watching.

WINDFALL TO BANKS BY REASON OF WITHHOLDING TAX ON DIVIDENDS AND INTEREST

Mr. PELL. Mr. President, I rise today to speak on an unpopular subject, the withholding tax. But, I speak on it because so much misapprehension and distortion of it has been spread about it.

This proposal hurts hardest one broad category of people—those who are unlawfully, either willfully or accidentally, holding out from the U.S. Government better than $800 million a year in taxes which are due on their income from dividends and interest. It is particularly unfortunate that there should be such a large amount due the Government that is not presently being paid.

Moreover, only 11 percent of the dividends and 29 percent of the interest that is not now being reported is now going to people with annual incomes under $5,000. So, it is obvious that most of this money that is owed our Government is received by people with income over $5,000.

From the viewpoint of actual arithmetic, the amount of money that will be recovered by this particular program is estimated to be at least $613 million.

It is often said that it will cost too much to make it practical. This is completely incorrect. The specific cost to the Federal Government would be $18 million or 3 percent of the amount collected. And for those who say it is expensive, let us bear in mind the estimate of the Franklin Savings Bank of Long Island, which estimated it would cost the bank seven-tenths of 1 percent of the amount withheld the first year and three-tenths of 1 percent thereafter. This would mean a total cost of 70 cents per $100 the first year, and 30 cents per $100 per each succeeding year thereafter. But, the fact should also be borne in mind that the banks and financial institutions hold the payments that are due until they have to be paid over to the Federal Government. In fact, a very good argument can be made that the financial institutions will have a minor windfall; since they will have had the use of the money for that period of time. Specifically, from assuming that the average interest rate is 4 percent and the financial institutions retained it until the last possible day, it can be seen that on an averaging out basis, they will have benefited by 2 percent of the amount withheld. Subtracting the 0.3 percent that it would cost to withhold, we can see that the banks and financial institutions would have made a profit of 1.7 percent on all money withheld.

It has been said that this invokes a hardship on the old, the young, and those whose income is such that they do not have to pay an income tax. This is equally incorrect. All that anybody has to do who falls in any of these categories is to file a certificate stating that fact and they will be exempt. Moreover, under Secretary Dillon's recent proposal, this request would only have to be filed once and would remain in effect until actually changed by the person concerned.

Actually, wage earners have had withholding taxes since 1942. It has proven a popular, effective, and sensible way of collecting the taxes due the Government. Under the proposed legislation, dividend and interest recipients are treated a great deal more kindly than are wage earners, since wage earners can only apply for a refund on an annual basis, while dividend and interest recipients may do so on a quarterly basis.

It has been stated that tax exempt institutions, such as libraries, charities, and so forth, will suffer. Originally they would have been inconvenienced because they might have had to wait as long as 3 months to receive refunds. However, under Secretary Dillon's proposal, they too would, upon application, remain exempt in the same way as individuals.

The reason for all the hubbub is simple. Too many people are misinformed or are making anguished cries because they have not paid the taxes they should.

To my mind, although inconvenient, this is a sound and good proposal. I wish it were unnecessary. I wish that our fellow countrymen paid their taxes as punctiliously as you and I do. Unfortunately, that is not the case. Accordingly, I intend to support this legislation.

IMPORTS OF CERTAIN AGRICULTURAL PRODUCTS

Mr. JOHNSTON. Mr. President, I urge that the Senate act favorably on H.R. 10788, a bill to give the President power to block the flood of imports to this country of certain agricultural commodities and products, especially in this case, cotton and textile products.

As early as 15 years ago, I foresaw the trend against our domestic textile industry being presented by the increasing flood of cheap foreign textile products manufactured by cheap foreign labor. Only in the past 2 years have we made any headway in really regulating these imports.

Last year the United States reached an agreement with 19 importing and exporting countries for an agreed, regulated flow of cotton textile products. Unless the President of the United States has authority to cut off imports from nations not operating under the terms of the 19-nation agreement, the goal or the purpose of the agreement itself will be useless in the case of cotton textiles. The loopholes presented by nations not governed by the treaty must be closed. This is the purpose of H.R. 10788.

The Senate Agriculture Committee thoroughly studied this matter when it considered S. 3006, companion bill to H.R. 10788. A question was raised in the committee as to whether the terms of the bill—"agricultural commodities or products"—would include lumber, which is an important commodity of many States.

Happily, the committee agreed that such lumber would be included in this bill. Frankly, we need to protect our textile industry, which has been gravely threatened by foreign imports, but we also need to protect our lumber industry.

The plywood industry in this country has been severely damaged by foreign imports, and under the language of this bill and the interpretation placed upon it by the Senate Agriculture Committee, plywood products would come under this measure.

I want the President to have all necessary power to protect our domestic industries from cheap foreign products. At the present time, no two industries need help more than the textile industry and the plywood industry.

I strongly urge that the Senate approve this measure.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 185) to defer the proclamation of marketing quotas and acreage allotments for the 1963 crop of wheat.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none; and it is so ordered.

Mr. MANSFIELD. Mr. President, what is the unfinished business?

The PRESIDING OFFICER. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 1361) for the relief of James M. Norman.

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

THE FARM BILL

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of Calendar No. 1304, House bill 10788.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

Mr. JAVITS. Mr. President, on this motion I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. YARBOROUGH. Mr. President, will the majority leader yield for a question?

Mr. MANSFIELD. I am delighted to yield.

Mr. YARBOROUGH. I desire to ask about the status of H.R. 1361, which has been passed by the House, and provides for the relief of a constituent of mine, a citizen of my State. The bill was reported from the Senate Judiciary Committee with a favorable, unanimous report; and the bill is not opposed by any Government agency. As the report on the bill shows, the Senate Judiciary Committee received a favorable report on the bill from the Bureau of the Budget. So I should like to ask the distinguished majority leader about the status of the original bill H.R. 1361.

Mr. MANSFIELD. Until and unless the motion I made a moment ago is agreed to, H.R. 1361 will remain the unfinished business.

But I wish to assure the distinguished Senator from Texas that if and when the pending motion is agreed to, it will automatically carry the unfinished business back to the calendar.

Let me say to the Senator from Texas that I have already contacted the chairman of the Judiciary Committee and other members; and they have assured me that it is their intention to report, at the first available opportunity, the bill for the relief of James M. Norman, and to report it as soon as possible in approximately the same form in which it was previously reported.

Mr. YARBOROUGH. I desire to thank the distinguished majority leader for the statement he has made, which clarifies this matter a great deal. I wish to thank him not merely on behalf of this one particular constituent of mine, but, in addition, on behalf of a number of other persons who will be affected.

Mr. MANSFIELD. I am quite certain that word will get back in a hurry to Mr. James M. Norman, of west Texas. It so happens that the controversial item which has been under consideration was attached to the bill for this relief, for it happened that at that particular time that was the vehicle which was available in that connection.

Mr. YARBOROUGH. I thank the Senator from Montana.

Mr. KUCHEL. Mr. President, is it in order to request the ordering of the yeas and nays on the so-called Mansfield-Dirksen substitute?

The PRESIDING OFFICER. Not at this time, because at this time the motion of the Senator from Montana takes precedence over the other matter.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that further proceedings under the call be terminated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE of New Jersey. Mr. President, I rise in opposition to the motion of the majority leader. Before the vote on cloture was taken, the majority leader made a statement in which he said, among other things, "We have done what reasonably can be done at this time."

With all respect, I take exception to that statement. Mr. President, during the debates, those in favor of the bill, which is still the pending business, demonstrated, I think conclusively—and no demonstration was necessary, because everyone in this country who knows anything knows what the facts are—that grave injustices are being done all the time in a number of States of this Union by the deprivation of people, on the ground of their color, of the right to register and to vote.

Either we accept this fact and face it, or we do not. We have got to accept it, Mr. President. We have got to recognize that this fact exists—this fact of injustice, this fact which is a stain on the escutcheon of this land of ours, this fact which is only a manifestation, but a very important one, of the kind of prejudice which exists in this country, the kind of discrimination which makes this country fall short of its ideals—ideals which we honestly hold, but which some are unwilling to put into practice.

Mr. President, have we done what can reasonably be done at this time? Of course, we have not. It is quite true that there were two votes on cloture, one last Wednesday, one today, and that on each vote less than a majority voted in favor of cloture. Those votes were on a particular piece of proposed legislation.

Mr. President, I suggest there are perhaps four different categories into which Senators who voted against cloture on these occasions fall. First of all, of course, are those Senators who are opposed to all civil rights legislation. There exist a number, but a relatively small minority of the Members in this Chamber, who so believe.

Then there are those Senators who believe that cloture should not be voted on any matter, because of their conception of what the rights and prerogatives of Members of the Senate are and ought to be.

I do not believe those two groups comprise a majority. I suggest they do not comprise even a third of the Membership of this body.

Then there is a third group, undoubtedly composed of those Senators who felt that, even after 2 weeks and more of debate upon this measure, it was too early to vote for cloture.

Of course, I do not agree with that position, but I suggest there are those who felt that way. Therefore, it was a great mistake to require a second vote on cloture so soon after the first one and so soon after its failure, and I suggest that the vote just now had on cloture does not represent the ultimate view of those who voted against it at the time.

Then there is a fourth group, composed of those Senators who feel that this particular proposal in regard to the literacy test is either unconstitutional or unwise, or both.

I do not agree with that view in either part. I think it is quite clearly constitutional, and I think it is not only wise, but absolutely necessary. My views apart from those, there are those who hold that view and hold it very sincerely.

I suggest in the circumstances that the real duty of the leadership is not to accept this cloture vote as evidence of the impossibility of action on civil rights at this session of the Congress. And I suggest, if that is done, it represents a failure of the leadership, a failure of the leadership in a matter of vital importance not only to those whose rights have been taken away from them and whose rights have been denied for so long, but a failure of the leadership in a matter greatly affecting the future of this land of ours, both in the matter of domestic order and decency and the matter of the position of this Nation in the world.

In regard to civil rights legislation, it is common knowledge—and everyone who knows anything about the Senate of the United States knows this—that the ordinary process by which we develop legislation to cure abuses has not been available for many years in the matter of civil rights. The simple fact of the matter is that the chairmanship of the committee which has jurisdiction of this matter has been in persons who are unfriendly, down to the ground, to civil rights legislation. This is a matter of their own views, and I do not criticize them at this time, although they are utterly wrong in my opinion. I am talking about the leadership, and the ability of our committee system to operate in this problem, and the requirement of real leadership on the part of the Senate as a whole and of its majority and minority leaders. It means we have to go beyond the committee system, and reliance on it, in order to meet this problem.

The two votes had on cloture last week and today do not end the responsibility that falls upon the Senate majority, or even upon the leadership of our minority side of the aisle.

Those of us who strongly favor civil rights legislation willingly accepted the decision of the majority and the minority leaders that we should limit ourselves at this time to this particular single piece of legislation. We did it, not because it was a cure-all or represented legislation that is most desirable or necessary; it was not because we felt that, even for its own purposes, it was without fault or shortcomings; but we did it because we wanted to assure our cooperation in any effort which we felt was sincere on the part of the leadership on both sides of the Senate—and we still do—to provide some remedy, some little step forward.

Mr. President, when it is clear—as it must be to the leadership, since it is to all of us—that there is not a majority in favor of the proposed legislation, then the duty of the leadership, if we are to meet a problem which affects America at home and also abroad, is not to accept this and to go on to something else, saying, "We have gone through the usual gesture which we must go through once every session, or perhaps once every Congress," but to do something about civil rights.

The duty of the leadership is to provide other alternative methods which a majority of the Senate will accept to meet the present problems.

There are many things which ought to be done. Those of us who did refrain from offering amendments to the bill would like to offer as an amendment, for example, part 3. We would like to offer a provision which would require the States and the school districts to submit, by a date certain, at least the beginning of a plan for school desegregation. We would like to offer proposed legislation to provide financial and other assistance to those school districts which are making honest efforts, some of them under great difficulties, to meet the school desegregation problems.

There are countless other provisions which could be offered, some of which I believe would receive at least majority acceptance.

But no—the leadership has no intention of giving serious consideration to getting the job done; it merely intends to close the door to an unpleasant and perhaps embarrassing problem for this session of the Congress.

This is not the right way for the Senate to conduct itself. This does not represent a meeting of the responsibility of the greatest deliberative body in the world at a time as serious as this time for this country of ours.

I suggest that instead of voting to displace the proposed legislation with the measure which the majority leader has suggested be made the pending business we should keep the proposal before the Senate. We should probe. We should do our best to find measures on which we can get agreement. We should proceed to take the necessary action, whether by way of cloture or round-the-clock sessions or a combination of these, strongly backed by the majority we find in favor of necessary legislation. We should get civil rights action at this session of the Congress.

Unless we do that, this Congress will go down in history not as one which has met its responsibility but as one which has evaded its responsibility.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial entitled "Minority Rule in the Senate," which was published in this morning's New York Times.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MINORITY RULE IN THE SENATE

This year's Senate debate of the administration's literacy-test bill is expected to end today when the Democratic leader, Senator MANSFIELD, will call up his second motion for cloture and it will be defeated. The situation is ironic. Last week almost two-thirds of the Senators liked the bill well enough to vote against killing it by tabling, but only a minority of 43 could be found to bring it to a vote by cloture. A majority of the Senate does not seem to believe in majority government.

The arguments for practically unlimited debate in the less numerous house of Congress are familiar, as are the arguments against it. In 1791, in the very first session of the Senate, Maclay of Pennsylvania complained that "the design of the Virginian and South Carolina gentlemen was to talk all the time," not to settle the question of where the National Capital should be located. In 1840 Henry Clay was indignantly proposing a rule "which would place the business of the Senate under the control of the majority of the Senate."

Two generations ago the elder Senator Lodge, of Massachusetts, remarked that "to vote without debating is perilous, but to debate without ever voting is imbecile." Many years later Mr. Lodge possibly violated his own earlier principles when he helped kill the Treaty of Versailles.

The veto power of the Senate minority, which is what the filibuster system actually amounts to, is useful at various times to all sorts of causes—to prevent the ratification of treaties, to delay action on economic and financial problems, even to defeat Presidential appointments.

As matters stand, a cloture procedure requiring a two-thirds vote and allowing each Senator a total of 1 hour to speak on the main question is better than nothing. Yet it is really not of much use. One reform frequently proposed would reduce the number of votes required for cloture to something less than two-thirds but usually something more than a majority.

However, behind the procedural question there is in this situation a question of principle. The ability of a Senate minority effectively to kill a bill does not violate any citable clause in the Constitution, but it does violate the basic principle of the southern registrars of keeping Negroes from voting by distorting the so-called literacy tests. As the President said at his press conference, "It doesn't make any sense." It doesn't make any justice, either.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CASE of New Jersey. I yield.

Mr. JAVITS. I hope, since the Senator is a lawyer, he will not mind the length of my question.

Would the Senator give us his view as to the posture of the administration in this matter; bearing in mind that all during last year no civil rights legislation was requested at all, and that the general estimate of the civil rights legislation requested this year, in respect to the two bills relating to poll taxes and the literacy test, is that though they are important measures they fail to represent the really significant achievements in respect of civil rights which are dictated by the situation in the country; and bearing in mind that, when viewed in the light of riots, of freedom rides, of sit-ins, of wait-ins, of pray-ins, and the tremendous militancy which is developing in this field, there must be some way to give tongue and outlet to this feeling by such a tremendous mass of Americans, rather than trying this small salve or band-aid, and then even abandoning that with the first strong wind that blows in the shape of two cloture votes?

Would the Senator also tell us how he compares the amount of administration effort expended in respect to mustering a two-thirds vote for cloture, bearing in mind that it takes a lot of effort to do that, with the administration effort expended, for example, in respect to reorganizing the Rules Committee in the other body?

I would appreciate having the Senator's comments on those matters.

Mr. CASE of New Jersey. I think the Senator from New York by his question has correctly evaluated the strength of the administration effort in this regard. It seems to me impossible to conclude anything except that the administration has given this matter a very low priority.

I have seen no evidence of strenuous effort. In fact, I have seen no evidence of any effort whatever except that which has been made by the leadership on the floor. That has been a matter of observation to everyone who has seen it, of course.

It does seem very clear, first, that the two pieces of proposed legislation—one in the form of a proposed constitutional amendment and the other in the form of a literacy test, which is a matter still before us, hanging on by the skin of its teeth, as it were—are very minimal, and indeed quite inadequate; and that even for them there has not been the kind of strong, steady effort which anyone dedicated to finding a solution to these difficult and most serious problems could reasonably be expected to exert.

I may say, in regard to the measures themselves, it has been observed—and I think correctly—that there has not been a great swell from the country as a whole for this particular literacy test measure. I am quite sure that the reason is, as it has been expressed to the Senator from New Jersey—and as it was expressed to the Senator from New York, I know, on more than one occasion—is a general feeling that the measure is so inadequate with respect to the serious problems which exist today in this country, so small and puny in relation to the swelling injustice and the response to it in the way of incipient resentment and all the rest, that people have not become excited about it. So it has been a matter, more or less, of an exercise on the part of those of us on the floor—those strongly opposed to any legislation and those who feel strongly that legislation is necessary—to carry the ball, more or less, on our own.

Obviously this is not enough, and I regret it very much.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. CASE of New Jersey. I am happy to yield.

Mr. JAVITS. I am sure the Senator has been as disappointed as I have been, notwithstanding the Herculean efforts made, for which I would hereby like to pay my tribute and respect to our own leader, the Senator from Illinois [Mr. DIRKSEN], that we did not do better on this side of the aisle.

Would the Senator join with me in some observation about the effect, with respect to rousing our people on this side of the aisle, of the fact that we were in a sense stuck with whatever the administration proposed in the way of civil rights legislation, no matter how it rated in the hierarchy of that legislation which was really needed? As the Senator has already said—and I thoroughly agree with him—it rated relatively low, considering the urgency of the measures required in this field.

I would appreciate having the Senator's observation on that matter, because I think it is, in all fairness, due because of the efforts of the minority leader; at the same time in deference to the fact that we have always regarded this effort as bipartisan, and naturally wished, ourselves, to do everything we humanly could—even if all we could do would still bring us short of the goal—to make the maximum contribution in voting strength toward the cloture motions on this side of the aisle.

Mr. CASE of New Jersey. The Senator again raises, quite rightly, I think, a point I meant to make in my earlier remarks, because this point ought to be emphasized.

The fact that we were limited to this single measure meant at least two things. First, there is a general feeling that it is not worthy of a very big effort, because it is not important enough. That feeling certainly was reflected in the votes on our side of the aisle, and I think on the other side of the aisle, and certainly is reflected in the response of the country as a whole to this particular proposal.

In addition there were, as we all know, because some of our colleagues have expressed themselves on this point, those who regarded this proposal, ineffectual as it was, to be unconstitutional. Because of their high regard for their responsibilities—I admire them for this, though I happen to disagree on the question of constitutionality—they felt they could not support the measure or support cloture for the purpose of bringing it to a vote.

Recognizing that fact, as do the leaders as well as all other Members of this body, it seems to me again to point up the responsibility of not accepting the unfavorable attitude indicated by our two failures to get cloture as the final disposition and final sentiment of Senators on the question of adequate civil rights legislation, but going into the question with renewed vigor at this point to find other legislation and other ways of meeting the problem.

As I said, we cannot rely, and, in my experience—and I think long before I came to this body—have we never been able to rely upon the normal action of the Senate's machinery, because the Committee on the Judiciary has been a stony obstacle to any action instead of an instrument for progress on the question.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. CASE of New Jersey. I am happy to yield.

Mr. JAVITS. I am very grateful to my colleague. I should like to ask one further question, because I believe it is important to elucidate for the country what has occurred. We are engaged in a historic process. Whether it fails or succeeds, it is still a conditioner of the world in which we live. Even if we fail, others will take heart from what we are doing. They will see in our action an indication of the possibilities of achievement at another time, provided the issue is laid before the country.

I ask the Senator one final question: What, in the judgment of the Senator, is now the responsibility of the administration, which I think is at least in part, and I think very materially, responsible for the frustration and defeat which the civil rights cause suffers? On the statute books are the Civil Rights Acts of 1957 and 1960. Our southern colleagues have said, though we think the plan is completely impractical, that if we were to muster enough lawyers and money and were willing to fill the courts with litigation of the proposed type, we might begin to make some dent over a period of time, notwithstanding the widespread way in which the literacy tests have been abused. I greatly respect the views of my colleague. Can he tell us what now represents the responsibility of the administration in view of the situation which we confront?

Mr. CASE of New Jersey. I think the responsibility is a double responsibility. In the first place, the administration ought not to give up with the failure of cloture on the two votes, but ought to press for effective legislation and use all of its powers of leadership and persuasion with Members of this body and of the other body in order to accomplish effective legislation at this session. But beyond that, and more particularly in response to the question of my colleague from New York, I think, as he suggested earlier, that the administration should make a massive effort through the courts and through the administrative machinery available to it, including the Civil Rights Commission, in order to correct the situation on an individual case-by-case, district-by-district, and county-by-county basis so far as it can be corrected through the methods open to it. For that purpose it ought to come to us and ask whatever it needs in the way of funds for the coming fiscal year to make that kind of effort. Unless it does both of those things, I think it will have done much less than would be indicated by recognition of the seriousness of the problem.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. CASE of New Jersey. I am happy to yield.

Mr. JAVITS. As we have seen so often before, not only is the distinguished Senator from New Jersey a distinguished lawyer with a luminous mind for public affairs, as he has demonstrated today, but even in his own decided dedication to the present course, he is also the very soul of inoffensiveness, without regard to party. I congratulate him for a magnificent presentation of the situation as we find it.

Mr. CASE of New Jersey. I thank the Senator. Recognition of that sort could not come from anyone more fittingly than from the Senator from New York.

THE FIGHT FOR CIVIL RIGHTS

Mr. DOUGLAS. Mr. President, like the Senator from New Jersey, I greatly regret the two successive votes by which the motion to limit debate was defeated, the first vote being 43 to 53, the second 42 to 52. For the sake of the RECORD it should be made clear that had the motion carried, there would still have been a possible 100 hours of debate, with 1 hour allotted to each Senator. That would seem to have been enough after 3 weeks of debate had already occurred.

The cloture provisions are not an automatic guillotine of debate. They would merely limit debate to a maximum of 100 hours and a maximum of 1 hour for each Senator. So the argument which some of our colleagues used, to the effect that they cannot vote for cloture on these questions because they believe in full debate, does not really hold water. The first motion for cloture was not made until 2 weeks of debate had passed, and, when we voted, virtually 3 weeks had passed, and for the second time the Senate rejected the motion to limit debate.

Those of us who feel very keenly on the question of civil rights believe in the principle of full and free debate. But we also believe in the ultimate right of the Senate to vote on the measure. The modern filibuster is a form of interminable debate, together with other delaying tactics, intended to prevent a vote. In times past the Senator from Illinois has taken part in extended discussions of measures before the Senate, most notably in connection with the successive gas bills and the offshore oil bill. But we have always made it clear that our ultimate purpose was not to prevent a vote, but merely to inform the Senate and the country. We have constantly pledged our readiness to permit the vote to be taken at an appropriate time.

WHAT THE DEBATE HAS DEMONSTRATED

The debate of the last 3 weeks has demonstrated a number of things. It is quite apparent that if we could have brought the measure to a vote, a majority of the Senate would have voted for it. Nevertheless, not even a majority—to say nothing of two-thirds—would vote for limitation of debate.

I have never believed in attempting to probe the motives of our colleagues. I think it is evident that there is a decisive group in the Senate which, while pledging its favorable support to reasonable civil rights legislation, and while not openly taking part in a filibuster, will nevertheless protect Senators who do filibuster, and therefore throw the protection of the rules of the Senate around the filibuster and permit those opposed to civil rights to kill the bill by interminable discussion.

These tactics remind me very much of lines in a little satirical poem by the Victorian Poet Arthur Hugh Clough, in which he put the Ten Commandments into the words of a Pharisee of that period of English thought. Some of the satirical versions of the Commandments are interesting, such as, for example:

Honor thy father and thy mother: That is all
From whom advancement may befall.

Another:

Do not adultery commit;
Advantage rarely comes of it.

Still another:

Bear not false witness.
Let the lie have time on its own wings to fly.

As I thought of the vote this morning I thought of another satirical version:

Thou shalt not kill, but need not strive
Officiously to keep alive.

Many Members of the Senate will beat their breasts loudly and say that they believe in civil rights, but will do nothing to help us get a vote on the substantive measure, and who will instead, by voting against cloture, throw protection around those who are opposed to any form of civil rights.

As I have said, I shall not go into the motives of the people who carry on these tactics. Nearly all of them are personal friends of ours, and they are very estimable Members of this body. However, I should think that after this occurs year after year, time after time, the number of people who are taken in by these tactics would steadily diminish, and therefore that the value of this equivocal attitude in the marketplace or in the campaigns would decrease.

We are faced with the fact that if we could bring these measures to a vote, they would get a majority. But we can never bring them to a vote under the present rules of the Senate because of the distribution of political forces and the alliances which lie underneath the surface, and which cross geographical and party lines.

SOME OF THE CONSEQUENCES OF FAILURE

There are those who say, "What's the use of trying?" There are many people in the country who are now saying that. The failure to get civil rights legislation passed is causing a great many of the Negro race to turn to action outside the law. I do not say action against the law. I merely refer to action outside the law—extralegal but not necessarily illegal methods. It is the feeling of frustration, that no help can be expected from Congress, which puts a great deal of strength behind the so-called sit-down movement in the South and in some of the border States. It is this feeling of frustration, that nothing can be accomplished by legislation, which is strengthening the so-called Black Nationalist Forces, the headquarters of which are in my own city of Chicago, and which are commanding an increasing amount of support.

Therefore when Senators prevent the enactment of civil rights legislation by preventing cloture or limitation of debate, they are really playing into the hands of forces which could be headed off if we were to act more bravely.

Mr. JAVITS. Mr. President, will the Senator yield at that point?

Mr. DOUGLAS. I yield.

Mr. JAVITS. I am greatly interested in the Senator's analysis of the sociological phenomenon the Senator is discussing. I would appreciate his view of a situation where this problem got out of hand, either in a southern State or in a southern city or perhaps in New York or Chicago or in some other city with heavy population densities of different races. Would the Senator estimate what we would or would not be ready to do or how fast Senators would be ready to shut off debate in order to get us to do something before it was really too late, as contrasted with the seeming inability or unwillingness to see that movements like the ones the Senator has referred to have within them the very seeds of these dangers which the Senator has so properly and powerfully described?

Mr. DOUGLAS. Of course it is hard to predict, but in my judgment many of those who now wish to prevent the Senate from acting in the field of social justice would be very quick to urge that Federal force be used, if necessary, to protect the public against any violent action by the Black Nationalists, for example.

I wish to make it clear that the sitdowners are not for violence; they are in fact trying to adapt the tactics of Gandhi to American life, to make a nonviolent appeal to the conscience of the white members of the community, and they have had a certain degree of success.

How long they can maintain this attitude in the face of indifference by Congress is something that I am not certain about. I am not certain how long the Mohammedans in Algeria can keep up their policy of nonresistance, in a sense, in the face of attacks by European settlers through the OAS. It is quite apparent that in Algeria the OAS is striving to provoke retaliation, so that they can then use the French Army to shoot down Algerian nationalists who hitherto have refused to carry out reprisals.

There is a very bitter irony in the fact that Christianity is the religion of love. Mohammedanism, on the other hand, has never been known as emphasizing the principle of love. In theory it has been a much more militant religion than Christianity. Yet we have the spectacle in Algeria of those who espouse the Christian religion using murder and hate in order to deter Mohammedans from acting like Christians. This is one of the bitter ironies in this whole affair, and makes one wonder about the degree to which the religious teachings of Jesus have really penetrated those of us who espouse the doctrines of Christ and think that we believe in Him.

Let me say that I understand and appreciate the motives of the Senate leadership of my party in moving to lay this question aside. This was the one point on which I found myself in some disagreement with my esteemed colleagues on the other side of the aisle. I can understand, after having been beaten twice by the votes which I have mentioned, that they would say, "Oh, what is the use of keeping up the struggle any longer in view of the mood of the Senate, and in view of the pressing need to consider other vital legislation?"

There is in fact a great deal of vital legislation which we need to get under way. However, the people who are preventing us from getting it started are those who have carried on this long debate and who refuse to permit a limitation to a total of 100 hours of further debate.

They are the ones who have delayed the proceedings.

I have no criticism of the leadership for making its motion. Nevertheless, as an individual Senator, I shall vote against the motion to lay aside the pending business. It is really a motion to lay aside the question of civil rights. I shall vote against the motion because I believe the civil rights issue is one which we must settle. Speaking personally, I am ready to fight it out on this line if it takes all summer. The country should know that we who believe in civil rights are ready to stay here until we drop, if necessary, in order that the issues may be discussed and that the Senate may be compelled to make a decision, and not hide behind a filibuster.

WHAT THE DEBATE HAS MADE CLEAR

The debate has served a number of useful purposes. Every time civil rights issues are presented, every time a filibuster is ended successfully, the institution of the filibuster becomes more discredited in the public mind, if not on the floor of the Senate. To the degree that the public mind becomes educated and concerned, in the long, slow movement of time the practice of the filibuster becomes more and more unpopular. This is obviously a long, slow battle; not merely a battle, but a long, slow process of education. Although at times the results may be very discouraging, it is important that the fight be continued; and as we continue it, the facts of the situation will command increasing support.

In addition to all this, the debate has taught some other lessons. The action of the majority leader in deciding not to have night sessions, in deciding that the Senate would not have around-the-clock sessions, was a virtual admission of a truth which was demonstrated in 1959 and 1960; namely, that under the present rules of the Senate it is not possible to wear out the filibusterers.

Many Senators used to think a change in rule XXII was not needed, because if only the Senate would insist on continuous debate, 24 hours a day, day after day, it would be possible ultimately to wear down the filibusterers and proceed to a vote. This view was clearly demonstrated to be wrong during the debate on the previous civil rights measure, which was considered 2 years ago.

Our southern friends organize themselves very efficiently. Of the 22 Senators from the 11 Southern States, apparently 18 are ready to take part in an extended filibuster. As one watches the way in which they work, it is apparent that they are divided into three battalions of six Senators each, and that each of the battalions takes responsibility for 1 day out of 3. Then, in turn, each battalion of six Senators is subdivided into three groups of two Senators each, each of whom speaks 4 hours on the floor, if an around-the-clock debate is carried on.

So let us call them company A, company B, and company C, in the first battalion. Company A, comprised of two Senators, will occupy the floor for 4 hours, one Senator speaking and the other Senator acting as point or guard or protection.

Then company A will disappear, and company B, composed of two other Senators, will appear upon the scene. There will be another speech for 4 hours, and the Senator speaking will have a protector.

Then company C will appear for 4 hours.

Then company A will begin again. This time the previous point or guard becomes the orator, and the previous orator becomes the guard. This procedure will follow, in turn, for company B and company C.

On the second day, the 2d battalion will appear, and D company, or "dog" company, as it is called in the Army, will appear. One Senator will speak for 4 hours, and another Senator will protect him.

Then company E will come upon the scene. Then company F, or "fox" company, will appear.

On the third day, the 3d battalion will appear. In the meantime, the 1st and 2d battalions are resting. So a Senator will have to speak for only 4 hours a day, every third day—which is not a heavy task for a Senator—and he will always be protected by an assistant, a lookout, a scout.

Then if the filibusterers want to tighten the screws on those of us from the North, they will call for quorums every 2 hours. All of us remember the previous debate on this issue, when quorums were called at 6 o'clock at night, 8 o'clock, 10 o'clock, midnight, 2 o'clock in the morning, 4 o'clock, 6 o'clock, 8 o'clock, 10 o'clock, noon, 2 o'clock in the afternoon, 4 o'clock, and 6 o'clock; and would then begin again around the clock.

In order to have a quorum present, 51 Senators must answer the quorum call. Our southern friends are under no compunction to answer a quorum call. By staying away, they throw the burden of getting 51 Senators to answer to the quorum upon the remaining Members of the Senate—some 80 Senators—and we know that the filibusterers have—what shall we call them?—cryptofilibusterers or secret associates, who also are under no appreciable compunction to come to the Chamber and answer to the quorum calls.

Mr. PASTORE. Mr. President, will the Senator from Illinois yield for a question?

Mr. DOUGLAS. I yield.

Mr. PASTORE. In effect, what the Senator from Illinois is saying is that unless cloture is applied a well-organized group of 18 Senators can very effectively prevent a vote under the rules of the Senate. There is no question about that, is there?

Mr. DOUGLAS. The Senator is correct. Even though the Senate meets 24 hours a day, day after day, the filibusterers wear us out; we do not wear them out.

Mr. PASTORE. That is correct.

Mr. DOUGLAS. That was demonstrated 2 years ago. I went for a week getting an average of 1½ hours of sleep a night. If civil rights Senators missed a single quorum call, they were needled for not taking their responsibility seriously.

Mr. PASTORE. Mr. President, will the Senator further yield?

Mr. DOUGLAS. I yield.

Mr. PASTORE. Actually, the two battalions which were not in action were sleeping in their own beds at night, while we were sleeping on cots.

Mr. DOUGLAS. That is correct—trying to sleep. And we suspected that there was a heavy weapons company lurking somewhere in the background, but we never could quite locate it.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. JAVITS. It was in reserve—the ready reserve.

Mr. DOUGLAS. Yes.

Mr. JAVITS. Should not the story be completed by stating that although Senators are limited to two speeches on a pending proposal, there is nothing to stop a Senator from offering an amendment to the proposal before the Senate, when the two speeches for each of the same 18 troops will apply with respect to that amendment, and so on and on, ad infinitum?

Mr. DOUGLAS. The Senator is correct.

Mr. JAVITS. Mr. President, if the Senator from Illinois will yield further, let me say that the rule of germaneness does not apply in these situations, although I must say that modern filibusterers have found it entirely possible to discuss the subject at issue, and thus not get into the bad habit reputed to have been indulged in by Senators on past occasions, by reading recipes.

Mr. DOUGLAS. Yes. Of course all of us remember the newspaper accounts in regard to how the late Senator Huey Long, of Louisiana, used to read into the RECORD recipes for pot liquor, and then read from the telephone book. But I wish to say that the modern Senators from the South have very expert assistants who write speeches for them in which the subject at issue is discussed. In fact, it is extraordinary how much material they can spin out from a very small amount of substance.

Mr. PASTORE. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. PASTORE. Will the Senator from Illinois agree that the 3d battalion group has a very expert commander in chief?

Mr. DOUGLAS. Yes, an extraordinarily able commander in chief—the senior Senator from Georgia [Mr. RUSSELL], probably the most skilled parliamentary leader in the Western World, in my opinion.

Mr. RUSSELL. Mr. President, I would that I might deserve the encomium paid me by the distinguished Senator from Illinois.

I have just walked on the floor of the Senate, and I do not know exactly what is now in progress here. But I can assure the Senator that if a counterfilibuster is now going on, we shall not file any cloture petition against it. We believe in full and free debate, and we shall stay with the Senator from Illinois and shall let him address himself to this matter; and if he can find the slightest merit in the proposed legislation, of course he can "spin it out." Furthermore, I assure the Senator from Illinois that it is evident that no one has any better staff than he—unless he, himself, has worked 24 hours a day in order to be able to bring in all the material he has presented.

Mr. DOUGLAS. Mr. President, I am really speaking without notes. I am merely describing the very able Senator's forces—the battalion organization, the company organization, and his tactics. All that we have not yet been able to locate is, as I have said, the heavy-weapons company; but we know it lies somewhere. We have not been able to determine the precise spot, but we know it is somewhere near; and, as I have said, we know that we are up against probably the greatest parliamentary tactician in the Western World. How fine it would have been if his talents had been devoted to more constructive measures—which, if he supported them with equal vigor, might have resulted in his becoming President of the United States.

Mr. RUSSELL. Mr. President, the time has long since past for me even to dream of that, if I ever had the capacity to dream of it.

I may say to the distinguished Senator from Illinois that our forces were thin, and we were small in numbers. I have heard of the Indians' arrangements, whereby all of them were chiefs; and it used to be said that one of the countries to the south of us had more generals than soldiers.

But by making generals of all our small forces, they performed, I think, a rather remarkable feat, because when we were outnumbered five or six to one, they managed to exhaust or to convince their adversaries. Of course, some were beyond convincing; but they convinced those who had an open mind; and the others, they exhausted.

So I may say to the Senator from Illinois that he should not give up hope. Of course, if the circumstances become so desperate as to require them, we shall bring forth the heavy weapons.

Mr. DOUGLAS. Yes, and I am sure they are available.

Mr. RUSSELL. In this case it was the Constitution of the United States; behind that bulwark, we did not need any heavy artillery.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield further?

Mr. DOUGLAS. I am glad to yield; and I hope the Senator from Georgia will not leave the Chamber.

Mr. RUSSELL. Oh, Mr. President, I was not about to leave the Chamber; I was about to sit down, because I thought perhaps I might learn something from the techniques the distinguished Senator from Illinois and the Senator from New York have introduced in the course of this delaying action; and because I keep my mind open, I am always willing to learn from the distinguished Senators.

Mr. DOUGLAS. Mr. President, this is not a delaying action; it is an appeal to the conscience of the country. At times there seems to be an amazing double standard here in the Senate as when those who have been talking for almost 3 weeks charge some of us with delaying tactics when we begin to speak for a few hours.

Mr. JAVITS. Mr. President, if I may proceed briefly on a more serious note, will the Senator from Illinois comment on the reasons for the present situation? In short, is it not true that the tactics which resulted in causing the Civil Rights Acts of both 1957 and 1960 to be insufficient are also employed now to defeat any other proposed legislation in this field, because those who opposed the previous legislation now say that we should use the 1957 and the 1960 acts to their full advantage, and that we can do with them everything we want to do. But is it not true that even that legislation demonstrates the difficulties of utilizing effectively such measures, when the existence of the wrongs which are so very apparent—as was found by the Civil Rights Commission—is attributed to the veto power of those who oppose such measures? I refer to the development of a situation in which those of us who advocate such measures either become exhausted or we have to take what we can get, and be satisfied with that.

Mr. DOUGLAS. It is true that the legislation which finally was passed in 1957 and 1960 has been relatively ineffective; and it was made ineffective by the threat that if it were any stronger, our southern friends would successfully filibuster those measures. Therefore, the filibuster not only is able to defeat proposed legislation, but also is able to water down proposed legislation.

As I have said, the action of the majority leader—and I know he is sincere in wanting to have this bill passed—in not having the Senate meet around the clock constituted an admission that a filibuster cannot be broken by holding continuous sessions; and that in practice, if that were tried, the three-battalion system means that the opponents of civil rights measures would always be fresh, although the advocates of civil rights measures would be worn out by incessant quorum calls.

So one argument against changing rule XXII—namely, that it is not necessary to change it—has, I think, been clearly disproved, both by our experience in 1960 and by the action of the majority leader in not holding continuous sessions of the Senate.

I think it therefore becomes apparent that the only way to enable a vote to be taken on these measures is to change rule XXII.

Mr. RUSSELL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I am glad to yield.

Mr. RUSSELL. First, let me ask what the Senator from Illinois would have the Senate invoke cloture on. Does he think the Senate should be gagged by the votes of 40 percent of its Members?

Mr. DOUGLAS. No. If the Senator from Georgia will wait, I shall develop my point in this connection.

Mr. RUSSELL. Very well.

Mr. DOUGLAS. As will be recalled, the present rule requires the affirmative votes of two-thirds of the Senators present and voting, if debate is to be limited; and if cloture is thus invoked, debate thereafter is limited to 100 hours, with a maximum of 1 hour for each Senator who speaks. This rule was put into effect in 1917, following the filibuster against the bill to arm the merchant ships. That filibuster was carried out by a number of Senators.

However, in 1949 the rule was made even more stringent. At that time some of us tried to have the filibuster rule modified. However, our attempt backfired for, to our surprise, we found that it was then made even more difficult to invoke cloture by requiring a two-thirds vote of the total number of Senators.

The so-called great reform, which was put into effect a few years ago, amounted only to a return to the 1917 rule, which requires the affirmative votes of two-thirds of the Senators present and voting. Assuming that every Member of the Senate votes, that means that it is necessary to have 67 affirmative votes, and that 34 Members of the Senate can, by voting "nay," prevent the Senate from voting on the bill under consideration.

One always hesitates to analyze such votes, lest one be thought to be reflecting on one's colleagues. I want it clearly understood that I am not doing so.

WHY CLOTURE IS IMPOSSIBLE UNDER THE TWO-THIRDS RULE

The vote taken last week and the vote taken today indicate that for a considerable period of time, at least, the 22 Senators from the 11 Southern States will vote as one man against any proposal for limitation of debate.

There may be a few who may not actively join in the filibuster, themselves, but the memories of the war of 1861–65 are still vivid, and the mystic ties which bind the Senators from the 11 Southern States are still strong. So we start with 22 votes against cloture.

Now, it is well known that the Eastern Shore of Maryland and the southern portion of Delaware are, to all intents and purposes, southern territory. The Eastern Shore of Maryland has a great influence upon the choice of U.S. Senators, because Maryland, like Georgia, operates under the unit rule, and the Eastern Shore counties, though relatively unpopulated, have a disproportionate influence in the choice of a Senator. Therefore, in practice, the Eastern Shore of Maryland is overrepresented in the choice of its two Senators, and therefore, I think we can be certain that one of the Maryland Senators will always vote against cloture.

In a similar fashion, the rollcalls indicate that there is always one Delaware Senator, and sometimes there are two Delaware Senators, who will vote against cloture.

Then there are border States. I suppose that officially Kentucky would not be included amongst the 11 Southern States. As a matter of fact, the majority of the population of Kentucky was probably on the Union side in the Civil War, but one cannot find in Kentucky anyone who now admits that he had a Union grandfather or grandmother. They all say they had Confederate grandfathers or grandmothers. That fact caused me once to say that it is quite obvious that the Unionists—that is, in Kentucky—were sterile and were not able to reproduce their kind. So that while Kentucky may be counted as a Northern State, although the State and its people have a great emotional affinity with the South, very commonly—I do not say always—with a large Negro population in west Kentucky, Senators from that State will be found protecting the filibusterers as well.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield to the Senator from Georgia.

Mr. RUSSELL. The able and distinguished Senator is a well known educator. I am surprised he does not credit any of the change to which he refers to the vastly improved educational facilities in Kentucky over the last 50 years. This generation is much better educated.

Mr. DOUGLAS. Well, that is a complete non sequitur. [Laughter.]

Now let us take West Virginia. West Virginia used to be a Southern State. I think economically it is now a Northern State, and it is a northern State largely because the coal mines which used to be nonunion became unionized in the early 1930's, and adopted the wage scale of the competitive fields in the central part of the country, and therefore the economic interests of the coal miners were tied to the economic interests of the miners of Pennsylvania, Ohio, Indiana, and Illinois. But vestiges of southern sentiment still continue, and I think it is evident that at least one vote from West

Virginia can be obtained for the protection of the filibusterers.

Let me now move down into the Southwest, to Oklahoma, which regards itself as a Western State, as the musical operetta "Oklahoma," well testifies, because Kansas City, I think, according to that operetta, is the cultural center of a large portion of Oklahoma. Nevertheless, in the southern portion of Oklahoma there is quite an admixture of Louisianians and Texans who go to Oklahoma and make millions out of the oil industry.

We come now to the Santa Fe Trail. As people moved westward, they went by various routes. People from the Midwest traveled the Overland Route, which went west from Independence, Mo. That is how Independence was first celebrated, as the starting point for the Overland Route, until Harry Truman came along and gave it further fame by his residence there. It went through Wyoming, and then it branched, one route going into the Northwest, and the other continuing through Utah into northern California. But there was also the Santa Fe Trail which went westward into southern California, and it passed through New Mexico and Arizona. This was the route the southerners took as they went out to the Pacific coast. Just as some of the middle westerners and easterners dropped off on the Overland Route, so some of the southerners dropped off on the Santa Fe Route and formed the basis of the Anglo-Saxon population in New Mexico and Arizona.

This fact counts in part for the mysterious affinity of certain New Mexico and Arizona Senators for the protection of the filibuster.

Thus far I have dealt with my side of the aisle. Let me say that, on the whole, the Democrats, certainly last week, made a much better showing than our friends across the aisle, and that on the 43–53 vote on cloture 30 of the 43 were on this side of the aisle, and we split exactly evenly, 30–30. When we subtract the 22 southern votes on our side then our record was 30 votes for cloture and only 8 against. Our Republican friends voted 13 for and 23 against or almost 2 to 1 against.

Let me say that not only is it a delightful and inspiring experience to work with and to vote with the civil rights group on the Republican side of the aisle, but that we on this side of the aisle will continue to do so. But how does one explain the 23 votes on the other side of the aisle to protect the filibuster? If we had had their help, we would have mustered the necessary two-thirds. Only three of those votes came from the Southern and border States. What about the other 20?

This result came from what I have termed an unholy alliance—and I have drawn down upon my head a great deal of ire by using that adjective—between the conservative Republicans, primarily from the Middle West, and our southern friends. The middle western Republicans, with some exceptions, have the same economic beliefs as at least two-thirds of our southern friends. In economic matters they are very similar. They get along very well together on committees.

If the civil rights measures were ever brought to a vote, the middle western Republicans would have to vote for the civil rights measures, because public opinion back home is that way. However, it is easy for them to vote against cloture in order that the southern Democrats may kill a measure by interminable debate, and then the middle westerners can turn around and say, "The Democrats killed the measure."

Again I should like to quote the poem of Arthur Hugh Clough:

> Thou shalt not kill.
> But needs not strive officiously to keep alive.

How can rule XXII be changed?

Those are the realities in the Senate. I am frank to say that I see no way of changing this unless we can change rule XXII, and I see no way of changing rule XXII unless that is done at the beginning of a Congress, if we can get a ruling from the Presiding Officer comparable to the opinion which the Vice President made in 1957; namely, that the Senate has the constitutional right to so arrange its rules that a majority may ultimately decide, and if the Senate so wills, it has the constitutional right to change rule XXII at the beginning of a Congress.

I think that opinion of Vice President Nixon was correct. I did not vote for Vice President Nixon when he ran for the Presidency last fall. I did my best to elect John F. Kennedy. I would do my best to help elect Mr. Kennedy again if he were to run against Mr. Nixon, but I think Mr. Nixon gave an extremely good opinion, one that is sound constitutionally. We hope the present Vice President will agree with it when he is called upon to rule upon this question, as he will be at the opening of the new Congress next January 3.

This is not the conclusion of the battle. We shall return to it. When Congress opens we shall ask for a ruling. If the ruling is in our favor we shall vote to uphold the ruling. If the ruling is against us we shall try to reverse the ruling. We shall take the position that, while the subject is under discussion, the Senate is proceeding under Jefferson's Manual and the general principles of parliamentary law which permit the moving of the previous question, which is the affirmative form of the motion to table; namely, that it permits a legislative body to vote upon a matter without further debate.

I can imagine how the learned parliamentarians among our southern friends—and they have some of the ablest, and perhaps the most able, parliamentarians of the Senate—will be scurrying around passing on the question of moving the previous question.

WHY THE COURTS AND THE EXECUTIVE HAVE TO ACT

Those who stop Congress from acting, who prevent Congress from taking any affirmative action to protect the rights of citizens, cannot legitimately complain if, in the absence of such action, the executive and the courts move. I should like to see Congress deal with these issues. Because Congress has not dealt with these issues, the courts have been compelled to deal with them, which is an extremely clumsy method of proceeding.

This has also forced the executive to act.

As I said, in addition, it has forced people to move outside the Government, sometimes in the tradition of Ghandhi and sometimes in a direct use of principles of hate and violence, which if carried further can only work hardship and havoc upon this Nation.

I have come to certain tentative conclusions as a result of the proceedings of the Senate and in the country during the past 5 years. I think we have seen that the act of 1957 has been relatively ineffective and that the act of 1960 has been relatively ineffective.

The act of 1957 authorized the Department of Justice to intervene when Negroes were prevented from registering, and to seek by injunctive proceedings to provide them with that right. It has been very difficult to use that procedure effectively. The act of 1960 attempted to give the courts the power to act. I think the record shows that both of the laws have been relatively ineffective, that it is possible to tie up the legal proceedings for so long as to make the remedy ineffective.

What we have seen is how the massed economic, social, and physical power of white communities in the South prevent the poor, socially unclassed Negro population in the Deep South from voting, or from voting in any great numbers.

I am convinced that if the Negroes really had the free right to vote there would be many changes in their status. If they had the right to vote, the white politicians would want their votes, either in the primary or, if a two-party system develops, in the general elections, and those politicians would seek to get their votes. To do so there would be changes in police administration in the various southern communities, to provide more equal treatment of citizens. There would be improvements in the procedures of the magistrate's and police courts. More adequate schools would be built for the Negro population. Sewer and water lines would be extended into the Negro quarters. Streets would be paved and sidewalks would be built. More adequate health measures would be taken. A whole series of beneficial changes would be put into effect.

These have been the consequences when the Negroes have obtained the right to vote in northern cities, in border States, and in those sections of the South such as Atlanta and Memphis, where the Negroes have won the right to vote.

Nevertheless, the act of 1957 and the act of 1960 have been relatively ineffective. I have come to the conclusion that, unless there is a great change in the attitude of the white population of the South, if we wish to extend the right of franchise we shall have to use a more direct method. That direct method would be the appointment by the President of the United States of Federal registrars to register the qualified applicants for voting, and then throwing the protection of the United States around the actual casting of the ballots. In substance, that was what our civil rights group tried to put in effect in 1960. We said that the method of judicial referees would prove to be ineffective. That has been proved correct. We advocated as an alternative presidential registrars. I predict that as time unfolds, the need for that alternative will be demonstrated. We shall either have to give up the effort to make it possible for American citizens of darker skins to vote, or move in the direction of presidential registrars. I hope that our southern friends will realize what lies ahead, and that they will so adapt their policies as to permit Negroes to exercise this most elemental right of citizenship.

Mr. President, I have about concluded. It is extraordinary to me how able men will spend hours and days discussing the proceedings of the Constitutional Convention of 1787 and make long arguments that it is unconstitutional for Congress to try to protect the right to vote, when before us we have the 15th amendment to the Constitution, which went into effect in February 1870, and therefore has been on the books for 92 years, and which reads as follows:

Section 1 states:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude—

Then section 2:

> The Congress shall have power to enforce this article by appropriate legislation.

There it is. The declaration of the right to vote is made in the Constitution, but it is left up to Congress to implement it. A majority of Congress would implement it if it had the opportunity, but it is prevented from voting by Senators who filibuster, who are protected by the two-thirds rule and by the cryptoallies of the filibuster.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. JAVITS. I have been associated with the Senator from Illinois in the kind of action represented by our present effort ever since I first came to this body. I know of no other activity in which I have engaged in which I have felt the sense of unity with a colleague that I have with the Senator from Illinois.

I have heard the Senator analyze the insufficiency of votes on my side of the aisle on the cloture motion. He has heard me state my rather strong criticism of the administration for its insufficiencies. I would appreciate the Senator's comment on the statement that those are the inner dynamics of the position which we espouse.

I appreciate the humor which is often involved on questions, as we saw it evolve a little while ago. But I think it would be a grave mistake if we should leave any other impression either with our colleagues or the country than one of a deep feeling that we are now dealing with the basic verities of the Constitution and the moral stance of our land. While we do not for a moment question the sincerity of those who are just as vigorously opposed to those positions as we are in favor of them, we would be less than true to ourselves in what we are doing if we did not affirm our deep conviction that the issue is one that weighs heavily upon the conscience of our Nation, prejudicing us materially in the forum of all mankind, and hurting us in winning the cold war. We must not for one moment indicate, except for the normal relaxations which occur when men debate events over a long period of time, anything other than the most intense conviction that the failure of the Senate to allow itself, by untying its hands, to pass urgently needed civil rights bills—whoever may be at fault, whether the Senators on my side of the aisle or the President of the United States and his administration—lends itself to acts which are deeply inimical to the future, the destiny, and the success of our country in the struggle for freedom, and in realizing the basic aspirations which caused our form of government to be founded.

Mr. DOUGLAS. I quite agree with my friend from New York, with whom I have had the honor to work. I introduced the comparative voting records here in the Senate merely because I thought the Senator from New York had been somewhat excessively critical of the administration. There are sins upon both sides of the aisle. We who espouse civil rights should not be too self-righteous ourselves on these questions. Our parties should compete for excellence.

Mr. JAVITS. Exactly.

Mr. DOUGLAS. In a sense, both parties are on trial. I only hope that a larger proportion of both may become actively concerned in this subject.

Mr. JAVITS. Mr. President, will the Senator yield for one further comment?

Mr. DOUGLAS. I am glad to yield.

Mr. JAVITS. Nothing has shattered our cooperation.

Mr. DOUGLAS. The Senator is correct.

Mr. JAVITS. So far as I am concerned, I am confident nothing will.

Mr. DOUGLAS. That is correct.

Mr. President, it is certainly constitutional for us to act on this question. I call attention to the fact that the U.S. Commission on Civil Rights, which was appointed by the President and confirmed by the Senate, and which is composed of very eminent citizens, including an eminent southern lawyer, Mr. Robert G. Storey, has made a finding of fact that in at least 100 southern counties in eight Southern States very great impediments are thrown in the way of Negroes registering and voting.

I think we can accept a fact we all know as men, namely, that the findings describe conditions not merely in the 100 counties, but in a much larger area in addition.

The measure under consideration is a most mild one; namely, a bill that would provide that graduation from the sixth grade would be presumed as evidence that one can read and write. Even the most violent critic of progressive education would hardly deny that completion of the sixth grade can be taken to satisfy the literacy test. That would not be the only means of satisfying the literacy test. A person who never attended school might be able to read. That would be satisfactory evidence. But we could not disqualify in the future high school graduates, bachelors of arts, masters of arts, and doctors of philosophy from voting merely because they were Negroes. The measure would merely cut off the tip of one of the tentacles of the octopus. Yet we are prevented from voting on the measure. In the long run the judgment of the country will be that it was a great mistake to defeat the motion for limitation of debate.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. CARROLL. The Senator from Colorado was in his own State at the time the present bill was made the pending business. I wish to offer a suggestion not only to the Senator from Illinois, but also to other Senators who are interested in the sort of proposed legislation now before the Senate.

I talked to groups of people and to individuals, and discussed this matter on radio and television. I must say that there is a great lack of information as to what the bill is all about. They understand the right-to-vote issue. My general impression was that they did not understand the literacy test situation, because in Colorado we have no literacy test. We have residence and age requirements. It was only by using a portion of the report of the Civil Rights Commission that I could bring to the attention of some of my own citizens what was happening in some of these counties. When this was brought to their attention, they very quickly responded.

My suggestion, therefore, is that in this interim period, it is a question of carrying the message to the people and telling the people what this is all about.

Furthermore, Kansas has certainly a great background in the War Between the States. Therefore I say this question should be carried to the people. What I am suggesting is a great educational campaign. If that were done many Senators from those States, I feel, would respond differently in their votes, if their people at home knew what the issue was about.

I do not know how we are to do it, but I should think that there are many ways in which it can be done.

The President has spoken on this matter on several occasions, and I think very effectively. However, there has not been a real drive made. I, too, after 5 years, have a feeling of frustration about these issues, about getting it to the public. With some modification, we passed a bill in 1957. We again passed a bill in 1960, which did not seem to be very effective.

Now we are coming here today with another bill. I am sorry to say that we took a psychological defeat when we got only 42 votes. We will come again next year and try to change rule XXII. We are not able to muster a constitutional majority, or even a bare majority. After all this fighting and after all these years of effort, as the Senator from Illinois has pointed out so brilliantly, and after 90 years, we are trying to give some purpose and direction to section 2 of the 15th amendment.

If we do not start winning some battles, I believe that more and more we will begin to lose our forces.

Under the able leadership of the Senator from Illinois, we will keep on trying. I merely make the suggestion that in my humble opinion, at least in my own area, there is not a great understanding of the issue and what we mean by literacy tests. I found no great expression of interest at home. The junior Senator from Colorado is not worried about this, because I am willing to debate it at home at any time. I believe I can explain it to my people. I believe I can justify my vote and justify my position.

Fortunately, on the other side of the aisle the senior Senator from Colorado views this issue in the same light. I just cannot believe that in the Rocky Mountain area and in the Great Plains area, if the issue is carried to the people, that they will not respond. The same thing is true in Colorado.

I make these observations to my friend from Illinois, who is always in the forefront of this fight. I do not know how we are going to carry on the educational program. I think it ought to be done. If it is done, we will come to this fight in the Senate with greater spirit, I hope, and, I sincerely hope, with more votes.

I thank the Senator.

Mr. DOUGLAS. I thank the Senator from Colorado. He has always been one of the steadfast fighters in this cause, with no political advantage being brought to him, because I do not believe it brings any to him. He is in the fight because of his deep conviction, which characterizes every act of his in the Senate.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I have been interested in the learned discussion of the Senator from Illinois, but must observe that he has confined himself up to this time exclusively to a discussion of Negroes who, he says, have been prevented from voting in certain States by the application of literacy tests in an unfair way.

Mr. DOUGLAS. That is the greatest evil. It is not the only evil, but it is the greatest evil.

Mr. HOLLAND. My own State has no literacy test, as the Senator knows, and has no poll tax test, and has registered Negro citizens in the number of over 183,000. I believe that I can therefore speak for a rather moderate State as a rather moderate Senator, because I had a part in abolishing the poll tax in my own State.

Mr. DOUGLAS. The Senator deserves a great deal of credit for that act.

Mr. HOLLAND. I thank the Senator. I am wondering why the Senator from Illinois has not recognized what is manifest from looking at the bill, namely, that it covers a great many white people, particularly white people who speak Spanish.

Mr. DOUGLAS. Yes.

Mr. HOLLAND. I note, for instance, that on page 2, beginning with line 11 in the bill, this is a finding of Congress, which supposedly would be cured by the legislative part of the bill:

> (e) Congress further finds that large numbers of American citizens who are also citizens of the several States are deprived of the right to vote by virtue of their birth and education in a part of the United States in which the Spanish language is commonly used; that these citizens are well qualified to exercise the franchise; that such information as is necessary for the intelligent exercise of the franchise is available through Spanish-language news sources; that lack of proficiency in the English language provides no reasonable basis for excluding these citizens from participating in the democratic process.

Did the Senator have any particular reason for not referring to the fact that some hundreds of thousands of U.S. citizens who are certainly not colored but who happen to speak Spanish, many of them coming from Puerto Rico and many from south Texas and some from New Mexico, and perhaps other States, are also included within the terms of the bill?

Mr. DOUGLAS. I am very glad that they are included in the terms of the bill, because, in practice, they, too, are denied the full right to vote in certain States. For example, in New York State, as the Senator knows, there exists a literacy test in the English language. It bars a considerable number of the Puerto Rican population in New York State from voting.

I am very proud of the fact that the Democratic Party in New York City and in New York State favors this section of the bill and wants to eliminate the disqualification which is now practiced against the Spanish-speaking citizens of New York City.

It is also true that while the language test is not imposed against those of Latin descent in Texas, New Mexico, and Arizona, in many of these States they are treated just as badly as Negroes and, indeed, in certain sections worse than the Negroes.

I wish to make it clear that we are striving to make it possible for all these groups to take part in the main stream of American life. I am very glad that the Senator from Florida has called attention to this fact. I am sure he did not intend to embarrass me; but if that was his intention, he has been unsuccessful, because I welcome this chance to make myself clear on this subject. I am certain that we who are commonly regarded in the Senate as the civil rights group feel exactly the same on this question as we do on the question of the rights of Negroes.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I knew that the Senator from Illinois would not in any way be embarrassed by the question. I felt quite certain that he was just as willing to have his remarks apply to the group of citizens I have mentioned. The point of my remarks, however, was to ask the distinguished Senator what part of the Constitution he depends upon in justifying this portion of the bill, because he has up to now relied—as I have understood his statement, and that understanding seemed to be echoed by the statement of the distinguished junior Senator from Colorado [Mr. CARROLL]—solely on the 15th amendment, especially upon the second section of that amendment, which gives to Congress the power to implement the first section of the amendment.

Will the Senator state for the record what part of the Constitution he relies upon to justify and sustain the provision of the bill relating to citizens who speak the Spanish language?

Mr. DOUGLAS. I had not developed my argument at full length. I do not rely exclusively upon the 15th amendment. But I should say that the denial or abridgment of the rights of American citizens who are of Puerto Rican descent because of a language difficulty certainly falls within the 15th amendment, because while the 15th amendment refers to race or color, language is another attribute of race in this connection. Those people are of the Spanish race and of Spanish descent, with some Negro admixture. So I think they would fall within the 15th amendment.

However, in the argument which I made last Thursday, I stated that we maintain also that there is constitutional justification for our action in the concluding clause of the first section of the 14th amendment, which reads:

> Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Then there is section 5, which is parallel to section 2 of the 15th amendment. It provides:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Only a few weeks ago, the Supreme Court itself held that the equal protection of the laws was denied if grossly disproportionate provisions governing representation prevailed. It was on this ground that the Tennessee case was decided, requiring alteration in legislative districts within the State of Tennessee. This decision has since been followed by a series of decisions both in U.S. circuit courts and U.S. district courts to the same effect. So I think it is established now by judicial opinion that the right to vote and, to a substantial degree, the right of representation in the legislative bodies are rights of citizenship which are constitutionally protected, and that State statutes—indeed, State constitutions—which violate these basic rights are unconstitutional and can be reversed.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I call the Senator's attention to the fact that the portion of the proposed statute from which I incorporated in the RECORD a few minutes ago makes no reference whatever to race. To the contrary, it simply provides "by virtue of their birth and education in a part of the United States in which the Spanish language is commonly used."

It is well known to all of us that this group is not a race at all because it is composed of people who are partly of Spanish extraction, partly of French extraction, partly of Carib extraction, and partly of Negro extraction. No attempt at all is made in the wording of the law to bring these persons within the coverage of the 15th amendment. I call this fact to the Senator's attention because I do not believe he or anyone else could possibly bring this section of the law under the provisions of the 15th amendment.

I also call the Senator's attention to the fact that at the time the proposed act was drawn, the recent decision of the Supreme Court of the United States, to which he has just referred, had not been announced. I suspect only a very few Members of the Senate had any idea that the Supreme Court would ever go as far as it went in the reapportionment decision.

Mr. DOUGLAS. I believed they would, because I thought the Supreme Court was sensible.

Mr. HOLLAND. I simply ask the Senator from Illinois if he does not believe there is more justification for the claim that the provision we are talking about—the Spanish-language provision—is a blatant bid for the political support of certain minority groups, than there is, perhaps, for any other part of the bill.

Mr. DOUGLAS. The Senator from Florida has asked a question. My reply is "No." The purpose of the bill is to provide for members of minority groups, who are otherwise qualified, a greater protection of the right to vote, whether those persons be Negroes, or whether they speak the Spanish language or any other language, provided they have the qualifications.

It is very easy to make the charge: "Oh, but you are trying to appeal for popular support." I am tempted to retort with a tu quoque. I am confident that there are Senators who in their hearts believe as I do, but who know that in the present state of popular opinion among the white population of the South it would seal their political death warrant for them to vote or express themselves as their inner consciences would have them do. Let me say that I have never made any public accusation about these men. I think some of them are among the most useful Members of the Senate. However, I do not like to have these charges thrown at those of us from the North who are trying to establish these rights on a broad scale, as though we were influenced primarily by political considerations.

It so happens that I grew up in the most northerly of the New England States. In the small village in which I grew up, there was not a single Negro and not a single Catholic. There was only one Jew, who ran the fruit store. But there was a tradition in that community that the Civil War had been fought for great and noble purposes. There was a tradition in that community that the men who went out to join the Union Army did so for the sake of human freedom. We used to sing the "Battle Hymn of the Republic" with conviction:

> In the beauty of the lilies Christ was born
> across the sea,
> With a glory in His bosom that transfigures
> you and me:
> As He died to make men holy, let us die to
> make men free, * * *.

Does the Senator from Florida think the North would have gone through the war if it had been merely a question of sovereignty, if it had been merely a question as to whether we were a united Nation, or a confederation? What gave the North purpose in the war was the belief that it was a war for human freedom. This was true of Illinois as of other Northern States.

So we who grew up in the North felt that we inherited that tradition.

I used to lament the fact that the great days seemed to be over; that the people who lived up to 1865 had had the unique distinction of defending those principles; and that this opportunity would never present itself again, because it had already been established. It was not until later that I discovered that the battle was not over; that there were still great wrongs to right.

And let me say that one of the great and inestimable privileges which has come to us is to have a part, however small, to play in the continuation of this struggle—to do it without bitterness or hate, and with great affection for our southern brethren, because fundamentally we are trying to free them, too. For we are trying to free them from the cruel and terrible burdens which the institution of slavery has cast upon their part of the country. Over and over again on the floor of the Senate I have said that no superior virtue is to be found among those who reside in the North. We were freed from slavery by the accidents of climate and geography.

Some of the most cruel captains of the slave ships were northerners. Some of the most cruel overseers on the southern plantations were northerners. But by the accidents of climate and geography, slavery could not survive in the North. However, this terrible institution was economically profitable in the South. The great men of the South, shortly after the Revolutionary War, hated slavery; and when one goes to the Jefferson Memorial, he sees inscribed on the wall there the words of Jefferson, that the race was fated to be free. Jefferson and his family were opposed to slavery; and until the invention of the cotton gin, with the result that slave labor became profitable on the cotton plantations in the South, it seemed that the antislavery movement, which was strong in Virginia, might conquer. But slavery and the breeding of slaves became profitable, and the war came, and it is not over yet, because the habits of mind which slavery inculcated linger on.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield again?

The **PRESIDING OFFICER** (Mr. HICKEY in the chair). Does the Senator from Illinois yield to the Senator from Florida?

Mr. DOUGLAS. I am glad to yield.

Mr. HOLLAND. I call the attention of the Senator from Illinois to the fact that the Senators from the State of Iowa, which is directly across the river from Illinois, and the Senators from the adjoining States of South Dakota, Kansas, and Nebraska voted against the motion to invoke colture, as I recall. I wonder whether the Senator from Illinois will consider that fact when he is ascribing motives which cannot be considered very worthy to the Senators who represent the Southern States—although I do not admit at all that such motives should be ascribed to those Senators. But I wonder what the Senator from Illinois thinks of the fact that so many of the Senators from the States neighboring his own State—Senators who certainly have no political hatred to fear; Senators who certainly have only the conscience of themselves and of their constituents to consider—have, in such large numbers, taken exactly the same position as that taken by the southern Senators on these two cloture motion votes.

Mr. DOUGLAS. Let me say to my good friend, the Senator from Florida, that I have been very careful not to ascribe motives to individual Senators. But I believe it is quite apparent to the Senate—and, I believe, to the country—that there is a substantial identity of interest between a large section of the Republican Representatives and Senators from the Midwest and a large section of the southern Senators and Representatives, and that they constitute, in effect, a bipartisan alliance—and what I call an "unholy alliance." I do not criticize them; I merely recognize that to be a fact.

Mr. HOLLAND. Mr. President, if the Senator from Illinois will yield further, let me say that I believe he can see that there is at least some reason why some of us might be inclined to throw back at him the suggestion that we are proceeding from political motives.

Mr. DOUGLAS. That charge was originally made against me. I did not reply to it.

Mr. HOLLAND. No, Mr. President; a moment ago the Senator from Illinois said—as he will find by examining his recorded remarks—that he was sorry the Senators from the Southern States had to pursue a course which they thought would be popular with the majority of their constituents. I wish to call attention to the fact that not only is this not a political issue in my State, for Florida has certainly extended the right to vote to Negroes, in a very large degree——

Mr. DOUGLAS. Is that true in north Florida?

Mr. HOLLAND. There are 5 counties of the 67 counties in Florida—those 5 counties having approximately 1.2 percent of the entire population of the State—in which, because of the general attitude of the majority of the people there, Negroes either are not registering to vote at all or are registering in very small percentages.

Mr. DOUGLAS. I am glad the Senator from Florida admits that.

Mr. HOLLAND. And some areas in that part of the State they are not registering to vote or are not voting at all. But the fact remains that no law is responsible for that situation, because Florida has no literacy test statute and has no poll tax statute; and the reports of the Civil Rights Commission indicate that no such cases were brought against the officials there; and the reports of the Department of Justice indicate that no such cases were brought against the officials there.

So I was about to say that I think there is at least a cause for a feeling on the part of some of us that political motivation does enter into this picture, when we find this issue brought in as it affects the situation of Puerto Ricans in the State of New York, although there could hardly be any constitutional defense for that situation, and when we note that those who fervently espouse this cause come, in almost all cases, from States in which there are large Negro populations—for instance, from New York, New Jersey, Pennsylvania, Ohio, Illinois, Missouri—and the Senator can continue this survey of such States if he wishes to.

So far as I am concerned, I believe that in the presentation of this bill there was the most complete and most blatant bid for minority political support that I have ever seen in the approximately 16 years that I have served in the U.S. Senate; and I believe that when one surveys the country, to ascertain the source of the support for this bill, that is very clearly shown to be the case.

The Senator from Illinois has not referred to the States I mentioned a moment ago or to other States—States such as Idaho, New Mexico, Arizona, Utah, or Nevada—whose Senators saw fit to cast their votes under the same convictions as those under which the Senators from the Southern States cast their votes. So I do not think it very generous of him to describe this entire matter as an effort by a very small minority of the Senate, when the fact is that a great many other Members of the Senate think there is a sound constitutional objection to this bill and, because they feel so, have voted their convictions and are continuing to vote their convictions.

In closing my comments on this point, I merely state that I am sorry that such a weak instrument was selected for the purpose of making an issue on this matter, because I have not seen an equally weak and equally indefensible and equally unconstitutional and equally clear bid for minority political support made at any time during all the 16 years of my service in the Senate.

Mr. DOUGLAS. Mr. President, before I yield to the Senator from Colorado, I would like to fill in some details about Florida. I read from the 1961 report of the U.S. Commission on Civil Rights, volume I, at page 106:

> In two Florida counties no Negroes are registered to vote although they represent 15.2 percent and 11.9 percent respectively of the population.
>
> In four counties less than 10 percent of the voting age Negroes are registered. The Negro voting age population ranges between 24 percent and 51.1 percent of the total voting age population in these counties. In the two median counties Negroes constitute 27.3 percent and 32.1 percent of the voting age population.
>
> In seven counties from 10 to 24 percent of the voting age Negroes are registered. The Negro voting age population ranges between 7.7 percent and 52.2 percent of the total voting age population in these counties * * *.

There are other figures but these are enough.

This report indicates that in a considerable number of Florida counties the Negroes are either prevented or greatly restricted in their right to vote. These counties are largely, of course, in the northern belt, which, incidentally, has a disproportionate influence in the Florida Legislature, because the figures I have seen indicate that approximately 12 percent of the population of Florida, located primarily in the northern counties, controls the majority of the members of the Florida Legislature. Florida has not redistricted in many, many years.

On the question of motives, may I say that if we could ever bring these measures to a vote, most of the Senators from the Midwestern States mentioned would vote with us, but in effect they protect our southern friends by refusing to vote for limitation of debate.

Mr. HOLLAND. Mr. President, will the Senator yield further? The Senator has referred to my State. I think I should be permitted to reply.

Mr. DOUGLAS. Yes.

Mr. HOLLAND. The Senator from Illinois referred to the fact that some 12 percent of the people of Florida, living in the northern part of the State, control one or both houses of the legislature——

Mr. DOUGLAS. Is that not true?

Mr. HOLLAND. I do not have the figures before me.

Mr. DOUGLAS. Is that not substantially true?

Mr. HOLLAND. I would say it is not substantially true, but it is true that a very real minority of the people of the State live in that area of the State.

Mr. DOUGLAS. And control the majority of the members of the State legislature.

Mr. HOLLAND. That was true when the Senator from Florida was a State senator. The Senator from Florida comes from away down the peninsula, and not only did he not hesitate to take the position that the poll tax should be abolished, but he was supported by a large number of house and senate members of the State legislature; and we took that position 25 years ago.

Mr. DOUGLAS. I have always been appreciative of such efforts. Would that the Senator would continue in the course of virtue which he started years ago.

Mr. HOLLAND. The Senator from Florida has tried to continue in a course which he thought was virtuous, and which he still thinks is—that is, of providing a climate under which this problem can be solved, not at once, but gradually. For 25 years we have had conditions getting better and better every year. There has been no compulsion. There has been no prosecution by Federal authorities. There has been no prosecution recommended by the Civil Rights Commission. There has been very little difficulty in a handful of counties having 2 or 3 percent of the population of our State.

The Senator from Florida thinks his distinguished friend, learned as he is, has all through this effort in this important field labored under a great delusion which is that this problem can be solved by legislation and court decrees, and the like, when nothing could be further from the truth.

Legislation may lay a predicate by which citizenship is invited and promoted and encouraged to solve the problem, but we have been working at it rather hard for 25 years, to the point where there are 183,000-plus of our Negro citizens registered and voting, constituting about half of our Negro population of voting age.

We do not expect these problems to be solved overnight. We do not expect these problems to be solved by compulsion. If we had tried to apply compulsion as soon as we had knocked out the poll tax, we would not have made such progress as we have made. We have made more progress than any other Southern State, as the Senator knows. We have done it under a progressive program, and not under compulsion of a gun aimed at somebody's head from the Washington level—just as we knocked out the lynching problem, the greatest one we have had in this field, by reason of our fighting for a more sound situation than that of frequent lynchings.

The Senator from Illinois thinks that merely passing a law, merely giving the court certain authority, merely giving the Department of Justice a certain mandate, is going to rush this thing to the conclusion which he desires so dearly. He could not be more wrong, because that is not the way progress is made in this field, which depends on good will, understanding, and mutual respect between the races, which exists in very large measure in the larger portions of our State.

Mr. DOUGLAS. I am glad for all the progress which has been made in Florida, which certainly is not as great as the Senator in his self-congratulatory fashion states; but we are grateful for the progress that has been made. We would like to extend it to other Southern States as well. The Senator takes proper pride in the reduction in the number of lynchings——

Mr. HOLLAND. The elimination of lynching in our State.

Mr. DOUGLAS. Well, the virtual elimination—not complete, but a virtual elimination. The Senator knows that a large part of this progress has been made because of the determined effort of the North and the threat of a Federal Anti-Lynching Act, which compelled many people in the South to put down lynching, lest its continuance bring about Federal action. Similarly, the improvement in the amounts appropriated for the education of Negroes has been in part brought about by the threat of desegregation. So that the pressure which the public opinion of the North has exercised through Congress has been a factor in the reformation of the South.

We are glad to see all these things happen, but if it had not been for this pressure the liberal forces in the South would have been at a very great disadvantage. We want to strengthen those liberal forces. We know that a large proportion of the people of the South are dissatisfied with the injustices practiced on Negroes. We know that individually they would like to see something done, but they feel they cannot act or talk against the predominant stream of the doctrine of complete white supremacy. For to go against that stream would mean they would be socially ostracized, economically discriminated against, and cut off from the stream of life of their fellows.

The great virtue of legislation is that it would throw the weight of the law against practices which people in their hearts admit to be wrong, but which they do not have the heroic courage to defy.

The desegregation decision of the U.S. Supreme Court has made it possible for many southerners to say, "We do not approve of the decision of the Court, but it is now the law of the land and, since it is the law, we believe in obeying the law."

In other words, we set a standard so that certain people are able to put into effect high principles on grounds of expediency and yet retain their status in the community. The community will very frequently punish idealists if it is suspected that they believe in the principles which they espouse, but if a man says, "I do not believe in this principle, but it is the law and it is expedient for us to conform," he will be accepted by the community. This is sardonic, but commonly done.

Legislation of the type we are discussing makes it possible for the liberal opinion in the South to function, while it maintains its respectability by denying that it believes in the principles which it supports. Therefore, these men are able to blame the situation upon the Supreme Court, upon Earl Warren and upon the other Justices. If they could also blame it upon the Senator from New York, the Senator from New Jersey and the Senator from Illinois, this would bail them out, so far as public opinion is concerned.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. DOUGLAS. The Senator from Colorado has been trying for a long time to get me to yield. I have been delayed by the Senator from Florida, but now I am glad to yield to the Senator from Colorado.

Mr. CARROLL. I understand the situation. I should like to have the Senator from Florida hear these remarks, because I do not think we should let the charge that has been made go unanswered.

Did the Senator from Illinois have anything to do with drafting the report of the U.S. Commission on Civil Rights?

Mr. DOUGLAS. Not in the slightest.

Mr. CARROLL. If we are concerned about predicates, the report made by the Commission on Civil Rights is a predicate for the proposed legislation. This report was made by men who were selected by the President, and whose nominations were confirmed by the Senate.

As a member of the Subcommittee on Constitutional Rights of the Committee on the Judiciary, I had no original ideas concerning a literacy test bill. I am sure the Senator from Illinois had no such idea until the report of this Commission was filed with the President and with the Congress.

Mr. DOUGLAS. The Senator is correct.

Mr. CARROLL. As a result of the report made by the Commission, the bill came to the Congress. I suspect that the Senators from New York, the Senators from Michigan, the Senators from Illinois, and the Senators from Pennsylvania had no idea what the proposed legislation would be before it came to this body.

Mr. DOUGLAS. The Senator is correct. I would have drafted a much more vigorous bill.

Mr. CARROLL. Though I have no opportunity to vote on the amendment, I am opposed to all literacy tests. I think a residence requirement and an age requirement are adequate.

Why do I say that? I say it because I think that when a person reaches the age of 21 years, all other things being equal, his native intelligence and his experience qualify him to vote. We obtain wisdom from native intelligence and experience. That is how we make decisions.

Frankly, I do not particularly care for the standard of a sixth grade education, but I recognize its source. In the report of the Commission the reason why the sixth grade requirement was chosen is stated.

I wish to make the record clear. This is no sinister plot on the part of these gentlemen who come from great and populous areas.

There is no political "hay" for me in Colorado with respect to this vote and this debate. This issue involves one of the principles about which some of us feel deeply. We have watched the situation through the years. We think progress has been entirely too slow.

I wish the other States in the Deep South had done as well in this field as Florida has done. Florida has made great advances. Perhaps certain counties there are backward in this regard, but perhaps it could be said that certain counties in my own State are backward in other respects.

I wish to make a few remarks with respect to the Spanish language provision of the bill. I said in 1957, I said in 1960, and I repeat now, that in my State there are citizens of Spanish descent who come from Texas or New Mexico. They have the right to vote. The pending proposal would not help those people. They have always had to fight for themselves, because certain forces are trying to squeeze them out. That is not done by virtue of a literacy test, but by economic boycott practices.

In my opinion, as we say in the field of law, the Senator from Illinois has laid a foundation for his discussion today. This is not merely because of a literacy test bill or the report on voting rights by the U.S. Commission on Civil Rights.

As a result of a series of decisions of the courts over a long period of time, progress has been slow. Congress passed laws both in 1957 and 1960.

We have been knocked down in this fight, but the change is inevitable. It will come. As the able Senator from Illinois has said, if the pending proposal is not passed, another bill will be passed.

This is one of the reasons why I asked permission to interrupt the able Senator from Illinois. I do not cast any reflection upon the Senators from Kansas or Iowa, or any other Senator from the Great Plains area.

What we need in this field is further education. Most of the people in my area do not understand what is happening to American citizens. When I point out to them the situation in certain counties in Southern States and tell the people that of 4,000 persons only 5 are voting it is very difficult for them to believe. I tell the people in my State about a three-man decision of a Federal court involving 40,000 Americans living in one parish, 26,000 whites and 14,000 blacks. To use the language of the court's finding, not in 30 years was one black permitted to register. When my people at home hear that, they are ready to fight.

In my opinion this is what we must tell the people of this Nation.

In the State of Colorado, percentagewise, there are not a great many people in the group called nonwhite. However, I am also surprised that not many of those people show great interest in the issue. They have not been informed. As I say, we need an educational program.

The motivation of Senators is not some sinister plot for a political purpose, directed by a few people. The U.S. Commission on Civil Rights has branches all over America. It is our creation. It is our creature. It has reported to the President and it has reported to us. I hope we shall pay some attention to it in the very near future.

I thank the Senator from Illinois for yielding to me.

Mr. DOUGLAS. I thank the Senator from Colorado.

Mr. President, I yield the floor.

PRESIDENTIAL DOMINATION OF PUBLICITY

Mr. MILLER. Mr. President, inasmuch as Senators have been talking about virtue and minority rights, I think it only fair and proper to bring to the attention of the Senate two articles which were recently published. The first entitled "Kennedy's Dominance of News Eyed," was written by the distinguished columnist James Reston and published in the Des Moines Register of May 10. The second, entitled "President: Policy Versus Personality," was written by the distinguished columnist David Lawrence and was published in the Washington Evening Star of the same date.

As a member of the minority group in the U.S. Senate I must say that I have been increasingly concerned about the balance of publicity being given to issues. I believe the reason for the concern has been pointed up by these two excellent articles. Mr. Lawrence and Mr. Reston point out that because of the great amount of publicity given to the President, far more than has ever heretofore been the case, when the President speaks out on an issue the press, radio and television media publish his position on the issue throughout the length and breadth of the land.

But when the opposite side of the issue is expressed—quite often by one of us on the minority side of the aisle of the Senate—it receives minute coverage. As a result, there is danger that the American public may obtain a one-sided view of the issues. I think it is highly significant when a comparatively independent columnist such as Mr. Reston concludes by saying:

> It is not a situation that promises to maintain a political balance of power in the United States.

I do not know what the answer will be. I prefer to leave that to the members of the press. But I trust that all members of the press will read the articles of Mr. Reston and Mr. Lawrence very carefully. I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Des Moines Register, May 10, 1962]

KENNEDYS' DOMINANCE OF NEWS EYED

(By James Reston)

LOS ANGELES, CALIF.—The increasing power of nationwide mass communications is obviously working to the political advantage of the Kennedys. Not only is the President dominating the political news on national television, but his only competition in the national magazines seems to be his wife, Jacqueline.

On top of all this, the advent of a nationally circulated daily and weekly press is clearly adding to this trend. The Wall Street Journal is already publishing 5 days a week on the Pacific coast and circulating the National Observer on Sunday. The New York Times will start publishing 6 days a week in Los Angeles in the autumn, and this is already having a visible effect on the Pacific coast daily press.

They are increasing their coverage of national and international news. They are adding more nationally syndicated columns, most of them originating in Washington, and all this gives the President an even wider audience.

This is something new in American political life. Franklin Roosevelt had radio and the will and ability to use it effectively. But he didn't have television. Harry Truman and Dwight Eisenhower had both radio and television but used them sparingly.

President Kennedy, however, is exploiting all media.

SERIOUS PROBLEM FOR REPUBLICANS

This conscious policy of dominating the news is apparent enough in Washington, but it is even more striking out here—especially in the absence of a popular national figure in the political opposition.

Former President Eisenhower has receded into the well-earned and agreeable shadows of retirement. Rockefeller is still a remote regional figure at this distance, and even former Vice President Richard Nixon, showing off his new house to the press, seemed less of a national figure than he did when he came to within 100,000 votes of the Presidency a little over a year ago.

This is a serious problem for the Republican Party. It is being overwhelmed in the field of publicity, which is the battleground of presidential politics. The Democrats have passed power from the men born in the 19th century to the new generation born in the 20th, and the GOP has not. Also, the Republicans have to deal not only with an articulate young President in the White House but with the whole Kennedy clan.

NOT SINCE TEDDY

Not since the days of Teddy Roosevelt and his Princess Alice has there been anything like it, and the Teddy Roosevelts didn't have instant communication with the whole continent. But now the Kennedys are getting more publicity than the Prime Minister and the Queen of England combined.

Some of this publicity is, of course, adverse, particularly in the national business and financial papers, and especially since the steel price controversy. But the mass circulation magazines are treating the Kennedys like a royal family, and overwhelming the voice of the smaller critical journals.

It is true, of course, that the President has usually dominated the news in all generations. What he says and does commands the front pages, even if he does not open the White House and its staff to the press and TV reporters, but there is a new dimension now.

THERE IS A DANGER

As the daily newspaper goes national, many of the large city newspapers that used to concentrate on local news have to move into the world to meet their competition. And Kennedy, being an astute politician, is exploiting the trend.

As this trend continues the dangers are obvious. The opposition can continue to express its feelings on the floor of the Congress, probably in the presence of a handful of Members and spectators, but the President has an audience of millions any day he likes. It is not a situation that promises to maintain a political balance of power in the United States.

[From the Washington Star, May 10, 1962]

PRESIDENT: POLICY VERSUS PERSONALITY—CRITICISM OF ACTIONS CALLED IMPORTANT AND UNCONNECTED WITH PERSONAL VIEWS

(By David Lawrence)

Who are the real friends of President Kennedy? Are they the people who resent criticism of his policies and want it suppressed, or are they the critics who point out errors while there is still time for the President to correct them before he faces an election in which the voters render their verdict?

Letters from a small minority of readers sometimes indicate a closed mind—an unwillingness to examine criticism they dislike and a tendency to consider it as somehow personally unfriendly to the official who is criticized.

It so happens that this correspondent, for example, has always regarded John F. Kennedy as a man of engaging personality. But the liking that a newspaper writer has for a President should have nothing to do with the serious business of pointing out errors in public policy. The responsibility of a writer is very much the same as the responsibility of a person who holds office. The people are not interested in one's personal preferences but in the truth about governmental actions and policies. Public officials pay far more heed to criticism that comes from conscientious critics than they do to the plaudits that come from sycophantic friends and worshiping supporters. The other day, an editorial writer of the Wall Street Journal wrote:

"The idea seems to be if you 'like' the man who is President you should support his policies, and that if you disagree with his policies, then it must be that you 'dislike' him. This is not an uncommon attitude. It is shared, in fact, by a good many politicians themselves, who can't avoid the human reaction that any criticism of their ideas is somehow a personal attack. . . .

"If our personal views on Mr. Kennedy are of the slightest interest to anybody, we find him personally very likable and have considerable respect for him. But that is no reason for us to applaud his actions in the steel-price affair, in which we think he was badly mistaken—any more than a different view of Mr. Kennedy personally would have been cause for not applauding his decision to resume nuclear tests, in which we think he did the only wise thing for the country. Policy and not personality is the measure."

Democracy can function best when the electorate is adequately informed. These are days when highly effective use is made of television, radio and the press to present the administration's side on public questions. But what of the "other side"?

Thus, for instance, at yesterday's press conference on television and radio, the reporters didn't take up the following statement by the President concerning the withholding tax now being proposed on interest and dividends. He said the charges being made against the bill were "not true." He then added:

"The only ones affected will be those individuals who are not now paying the taxes they owe on this income, either through neglect or for some other reason."

But Mr. Kennedy evidently hasn't himself read the statement appearing in the newspapers the other day quoting the Commissioner of Internal Revenue as saying it is estimated that more than $200 million will be "over-withheld," and that these taxpayers would have to apply for quarterly refunds. The President said not a word about the loss of interest to the taxpayer on the amounts the Government takes away from him this way for at least a quarter of a year. Nor did Mr. Kennedy mention the plight of the taxpayer who wouldn't be permitted to file a claim for exemption in advance, as he would owe a certain part of the amount withheld but not all of it. He would be compelled to wait for the return of his money.

How, therefore, can the voters get the whole story on controversial issues? Criticism was never more important to the administration itself and to the country than it is today. Voters are in the last analysis, fairminded. They want to know the real impact of national and international policies on their own lives and on the future of their children. It may be popular for a President to cry out against a rise in prices, but governmental interference can bring on a recession if it causes the economic system to become stagnant and the profit system to disintegrate.

Recollection of the breakdown in 1929, which was due to a failure of the national economy to adjust to the consequences of World War I, may have become dimmed in the minds of many people who think the law of supply and demand can be brushed aside and the Government can solve everything. But memories of the 1930's tell us that, despite an excessive amount of governmental intervention and the use of public appropriations of the "make work" variety, unemployment figures didn't materially diminish till the outbreak of World War II. Criticism, especially on economic issues, was never more important than it is today, as week after week the stock market reflects a growing fear of and lack of confidence in the administration's attitude toward business. More criticism rather than less is needed to restore that confidence.

TRIBUTE TO POLICEMEN AND POLICE OFFICERS

Mr. MILLER. Mr. President, I wish to call attention to the fact that this is Police Week and that yesterday was Peace Officers Memorial Day.

So much attention is being given nowadays to things that happen on the international scene and to crimes on the domestic scene that the general public seldom is made aware of the role these unsung public servants play in keeping the United States a strong and law-abiding country. Dedicated and largely underpaid, our policemen and peace officers risk their lives every day in enforcing our laws and rendering numerous helping hands far beyond the call of duty.

Also, I believe we should give some recognition to those who share the burden of law enforcement with them—their wives and families. Indeed, the job of a policeman and peace officer is one of the most difficult on a family of any job I know.

Finally, let us not overlook the women who also serve as peace and law enforcement officers. They have done an outstanding service and have maintained the highest standards of bravery and devotion to duty.

Our law enforcement officers have established a great tradition in this country. They merit our praise and our salute—not just today but every day.

DANGER IN MEDICARE PROPOSAL

Mr. MILLER. Mr. President, a recent editorial in the Fairfield, Iowa, Daily Ledger merits the attention of the Congress.

The editorial well points out the worthlessness of the rally to be held at Madison Square Garden in New York City on May 20, which President Kennedy is to address in support of the King-Anderson medicare bill.

The editorial also well points out the danger this program has for the entire social security program, and that if it is enacted we may well look forward to an eventual payroll tax of 20 percent and an increase in the tax base from $4,800 to $9,000.

It is well recognized, Mr. President, that some type of program is needed to protect not only our senior citizens but our younger citizens as well from economic ruin following a catastrophic illness or accident. Moreover, it is recognized that some type of program is needed to enable our senior citizens, who are in need, to meet medical care bills without having to deplete their life savings or place a mortgage on their homes. But this does not automatically lead one to the King-Anderson bill, the implementation of which could eventually wreck our social security system.

When President Kennedy appears at Madison Square Garden, I hope that he will make it clear to all in attendance that the King-Anderson bill does not cover doctor bills and that it would extend benefits to people who are millionaires as well as to those who are poor and in need, thus diluting the benefits of the needy and increasing the tax cost for everyone. If he does this, the Garden will witness another knockout—this time of the King-Anderson bill.

I ask unanimous consent that the editorial previously referred to be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

You Can Join a Rally by Sitting Quietly in Your Own Home

Something to look forward to is the big show which the proponents of the administration's medical-aid bill, known as the King-Anderson bill, will stage on May 20.

President Kennedy will address a mass rally at Madison Square Garden in New York where he will speak to some 20,000 over-65 folks.

He will be presented with 50,000 letters pointing out medical care financial hardship cases as well as petitions containing hundreds of thousands of names demanding enactment of the bill. It will be a rally in the best un-American tradition—assemble a multitude and whip it up to a fine frenzy.

Few will ask, and those who think they can get something for nothing won't care, what it will cost. In fact they will believe it won't cost anything because the Government is going to pay the bill.

Just what will it cost? Nobody knows the upper limits. But any sixth-grader can figure out what it will cost to begin with. But not many sixth-graders have figured it out. Nor have their parents. So, we'll give the figures.

The bill proposes to increase social security taxes by one-fourth of 1 percent to employees and employers and to increase the tax base from $4,800 to $5,200 annually.

That one-quarter of 1 percent of $4,800 amounts to $12 for both the employer and the employed. To extend the taxable income to $5,200 will increase the additional $400 by 3⅝ percent. That amounts to $13.50 for both the employee and the employer.

The total additional taxes (to begin with) will be $51.

The social security bill now provides for a progressive increase in rates until they reach 9¼ percent in 1968 (half to each the employer and the employed). That will bring the total taxes up to $444 on every employed person earning as much as $4,800. Add the $51 proposed in the King-Anderson bill and the figure reaches $495.

How much further might it go? Before we give you one man's answer to that question let's look at where it started. Until January 1, 1950, the maximum social security tax was $60. It is now $300. In 1968 it will be $444 under present provisions of the law.

Now for one man's answer to our question. He is one of the planners who would have a voice in administering the fund. He appeared before a Senate committee on March 23, 1961. He said "I foresee a payroll tax of 20 percent and an increase in the tax base to $9,000."

If he is a good guesser (and his guess is backed by the wish to make it so) the maximum tax would be $1,800 a year.

Social security taxes are now 400 percent greater than in 1949. By 1968 they will be 640 percent greater even if medical care is not provided under social security. One of the architects of the superstate thinks they might become as much as 2,900 percent greater than in 1949.

There is still time to get to New York on May 20 and join the crowd to whoop it up for free medical care. If you can't get there you can still participate. Just sit quietly. Don't write your Congressman. He will then know that that New York rally is the voice of the people.

INCREASE IN PRESIDENTIAL POWER

Mr. MILLER. Mr. President, last Thursday, President Eisenhower articulated the concern which all thinking Americans have been feeling over the course the executive branch of our Government has been taking. He declared forthrightly that the continuous efforts of President Kennedy to increase his powers constitute a threat to the liberty of all Americans.

This is a strong warning to be coming from a former President who has no axes to grind except those which will keep our Nation strong and will preserve the American way of life. He well knows that the strength of our Federal system has been the preservation of the balance of powers between the executive, legislative, and judicial branches of Government; and that concentration of too much power in the Executive will distort this balance and bring about the fall of what we have known as the American way of life.

This is not to say that President Kennedy is deliberately seeking to destroy our Government. His intentions are not being questioned. But there is a strong feeling—and it is supported by evidence—that the President and his advisers are falling into the error of believing that the end justifies the means—a philosophy that has been alien to our way of life. It is a philosophy based on expediency. It may work, but that does not justify its use.

In the May 12 issue of the Washington Evening Star is an article by the able columnist, Gould Lincoln, entitled "The Power Grab Issue," which discusses President Eisenhower's press conference. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Power-Grab Issue

(By Gould Lincoln)

Former President Eisenhower—who remains a spokesman for millions of Americans, and by no means only Republicans—threw the book at President John F. Kennedy and his demands for increased Executive power at a press conference Thursday. There was no name calling; no "give 'em hell" technique. But his summary of these demands, his declaration that this gradual swelling of a tremendous Federal bureaucracy is the kind of thing that might ultimately destroy self-reliant citizenship and freedom in this country was effective. His statement was made after more than 3 hours of discussion of governmental affairs with the Republican leaders of Congress. This was his first press conference in the National Capital since he left the White House in January 1961.

The former President obviously is willing to take this issue of bigger and bigger Federal Government and less and less reliance on State and local government—and finally on the individual citizen—to the country in the coming campaign. He strongly urged the election of a Republican Congress as a safeguard against grabs for power. It is just as obvious that President Kennedy and his administration are quite ready to dramatize this issue of greater power for the Federal Government. Indeed, the President has already done so. And since that is the case, it is likely to go into the fight for political control of Congress which is soon to get underway.

FIVE DEMANDS FOR POWER

General Eisenhower listed five demands for additional Executive power which President Kennedy has made of Congress. They include authority to modify Federal income taxes whenever the President decides it is in the interest of the country's economy. This means lower the taxes, no matter whether the Federal Government has to borrow additional billions to carry on. Also included was authority, in the hands of the President, to finance large-scale public works programs by diversion of funds dedicated by Congress to other purposes; authority for the Federal Government to take over a whole host of State and local responsibilities, including authority for the establishment of a Department of Urban Affairs; authority to regiment all agriculture to an even greater extent than ever attempted before; finally, authority to dilute the independence of the Federal Reserve Board by Presidential appointment of its Chairman. This is to be accomplished by making the term of office of the Chairman coincide with that of a President.

Some of these demands for additional authority have already been attacked by the Republican leaders of the Senate and the House—Senator Dirksen of Illinois and Representative Halleck of Indiana. On one the administration has suffered defeat (at least for the time being)—the creation of an Urban Affairs Department, which Mr. Kennedy sought to accomplish through an Executive order. The House vetoed his order by a significant majority. The other demands are running into strong opposition, and if any legislation is enacted regarding them, it is likely to be considerably modified.

The relations between the former President and President Kennedy since the latter took office have been friendly. Mr. Kennedy has sought General Eisenhower's opinion as well as information on a number of important matters. Whether this open attack on the Kennedy domestic policies will change the atmosphere remains to be seen. General Eisenhower indicated he was strongly opposed, also, to the Kennedy administration's insistence upon increasingly heavy Federal spending on all fronts.

Mr. MILLER. Mr. President, in the May 6 issue of the Des Moines Register is an article by the distinguished Washington correspondent for the Register, Mr. Richard Wilson, entitled "Expansion of Presidential Authority," which relates to this subject, and I ask unanimous consent that it also be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Expansion of Presidential Authority

(By Richard Wilson)

Washington, D.C.—Now that we are well into the Kennedy administration the basic domestic issue emerges more clearly. It involves an assertion of Presidential leadership in many areas of domestic life, and the use of methods of doing so, which are resisted by very large segments of the population.

On the numerous questions involved it can be sensed that there is a close division of opinion in the country, as there was in the presidential election. This tends to moderate what otherwise might be a more rapid movement toward a much stronger Presidency than can exist under present limitations.

For example, it can only be concluded on balance that President Kennedy's approach to new concepts of labor-management relationships is moderate, at least, for a Democratic President, because it implies important restraints upon labor as well as industry, and a careful and respectful regard for the operation of the profit system.

A Democratic President is under many pressures to adopt a somewhat different tone. It is not suggested here that Democrats do not like profits; it is only suggested that a Democratic President is under more pressure than a Republican to orient himself to economic concepts favored by organized labor.

PRESIDENTIAL AUTHORITY

Kennedy's moderation, under all the circumstances, is reflected in the recent report of his Labor-Management Committee. This Committee, representing big labor, big industry and the public, carefully avoided the extremities of Government intervention in the collective-bargaining process. It rejected also price control, and the most invidious of all remedies for labor strife, compulsory arbitration, even in the big industries affecting the public safety and welfare.

What it did recommend was an extension of Presidential authority, but still subject to restraint by the courts. This new authority would give the President, before judicial action, the power to declare an 80-day cooling-off period between parties to a labor dispute which endangered the national health or safety.

This function now resides in the courts under the Taft-Hartley Act. But the President's action would be subject to judicial review at the instance of any affected party.

During the cooling-off period, the President could, and undoubtedly would, suggest to the contesting parties the terms of a settlement that would protect the national interest. If the strike was not ended in the 80-day period of Presidential intervention, the President would be authorized to ask Congress for special action.

This proposal would thus recognize in law, and not merely in practice, the President's responsibility to guide both labor and management toward a settlement on terms deemed to serve the public interest at the time.

It cannot be questioned that this is a very large order. Henry Ford II, who was a member of the labor-management-public panel, could not see how it promoted the stated aim of free collective bargaining.

The new proposal fits into a context even larger than labor-management relations, that stated at the beginning on the basic issue of the assertion of Presidential leadership in many areas.

NOTEWORTHY INSTANCES

It needs to be considered also that President Kennedy or those associated with him have proposed an expansion of Presidential authority in other fields. There are three noteworthy instances:

Kennedy has himself proposed to Congress that he be given authority, without historic congressional authorization, to lower income taxes, within a stated range, in times of economic emergency.

He has asked also for authority to expand public works expenditures in such times of emergency without specific congressional authorization.

Finally, the President has asked for the broadest Executive authority to lower tariffs across the board. A corollary revision of law would place the President in a stronger position to influence the national economic policies of the Federal Reserve Board. The rotation of positions on this Board would be changed so that a President would be able to appoint a Chairman instead of being in the position of having to accept an already existing Chairman from another administration.

In each separate case it may be hard to argue against the expansion of Presidential authority. What is called for when such authority is expanded is a high degree of public confidence and trust in the Presidential Office.

It may be the presence or lack of such trust that causes the division in the country today.

So far as labor and management are concerned, the desired atmosphere of confidence and trust in the White House may not be forthcoming until the President has dramatically applied to big labor the sanctions he applied to big steel.

Mr. MILLER. Mr. President, in conclusion, I think it well to point out that a number of candidates for Congress this fall have announced that they are going to run as 100 percent for the program of President Kennedy. Perhaps they think this is a popular thing to do, but it might be well for them to reflect that they should really aspire to become Members of an independent branch of the Federal Government and to serve there as custodians of the power which that branch should retain if our American way of life is to be preserved.

FREEDOM ACADEMY

Mr. MILLER. Mr. President, in the May 10 issue of the Sioux City, Iowa, Journal there appeared an editorial entitled "Time To Approve Mundt's Freedom Academy." I happen to have the privilege of being cosponsor of the bill to establish a Freedom Academy. I believe that the editorial merits the attention of Members of Congress who feel very strongly that there is something lacking in the Federal system so far as concerns turning out people who are well enough informed to take the offensive in the cold war struggle with the Communist world. I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Time To Approve Mundt's Freedom Academy

At this stage of the cold war, how does the United States stack up against its major adversary, the Soviet Union? Most Americans agree at this point that the U.S. military position probably is more powerful than that of Russia. We have the nuclear hardware and other defensive weapons needed to meet any aggression our potential hot war enemy might throw at us. This the Soviet Union knows—that the United States could retaliate with such devastating force that the U.S.S.R.'s very existence would be in jeopardy.

Something of an atomic stalemate now exists. Both sides have respect for the other's power. But still the cold war goes on, fought not on major military battlegrounds but instead on the realm of an ideological struggle between the Communist and non-Communist world.

Unfortunately, the United States in this respect does not measure up well in a comparison with the Soviet political warfare system. Throughout the globe we are being outmaneuvered frequently by the well-oiled Soviet ideological machine, largely because this type of operation traditionally has not been practiced in our free society. But it has been developed to a fine, needle-sharp point by the Communists who find it a convenient way to win territory without the use of nuclear missiles or massed troops.

The time has come when our Government must get into the act, to more adequately sell the U.S. point of view to the world. This it could do under provisions of a bill advocated for some time by Senator Karl Mundt, of South Dakota, and endorsed by a group of U.S. Senators from both parties—Senators representing both the conservative and liberal viewpoints. This legislation would establish a Freedom Academy to train Government personnel and private citizens in cold war strategy. It would be a counterpart of the Russian political warfare schools already in existence. As Senator Mundt puts it:

"In the theater of the cold war, we still operate with far too many amateurs who have the desire to win but who completely lack the needed training and background with which to succeed. While we are training military people for the hot war that we are not fighting, we are failing to train people to operate in the cold war conflict in which we are presently engaged."

This view is shared by other Senators who cosponsor the measure. They include Senator Paul Douglas, of Illinois, Democrat, who originally signed the bill with Senator Mundt, a Republican; Senators Clifford Case, a Republican, of New Jersey; Thomas Dodd, Democrat, Connecticut; George Smathers, Democrat, Florida; Barry Goldwater, Republican, Arizona; William Proxmire, Democrat, Wisconsin; Hiram Fong, Republican, Hawaii; John Marshall Butler, Republican, Maryland; Bourke Hickenlooper, Republican, Iowa; Jack R. Miller, Republican, Iowa; and Kenneth Keating, Republican, New York.

That list of Senators is indicative, we are confident, of the nonpartisan support the Freedom Academy should, and undoubtedly will, receive in Congress. A recent Gallup poll report showed that 69 percent of the persons interviewed favored the Freedom Academy idea, 14 percent opposed, and 17 percent were of no opinion. From those results, Congress should be convinced of the wide public support for the Freedom Academy.

In a joint statement the other day, Senators Mundt and Douglas said: "It is our sincere hope that the Senate Foreign Relations Committee will schedule, at the earliest possible date, hearings on S. 822 so that this vital, needed measure can be given the full study and review required by the committee. We are confident that once these hearings are held, additional support will be given to this proposal and the membership of the Senate will desire speedy enactment of S. 822."

With those sentiments we agree. It is time to establish a Freedom Academy.

STEEL PRICE INCREASE

Mr. MILLER. Mr. President, an increase in steel prices would unquestionably have been reflected in an increase in costs of farm machinery, adding to the cost-price squeeze of our farmers.

Accordingly, it requires considerable objectivity and statesmanship for the farm journal to deplore the way in which the steel price increase was prevented. Expedient farm editors would ordinarily be tempted to breathe a sigh of relief and dismiss the affairs as a case of where the end result justified the means.

Not so with the Iowa Farm Bureau spokesman. The lead editorial in the May 5 issue, entitled "Everybody Loses in Power Politics," is a reproduction of an article by the executive secretary of the Massachusetts Farm Bureau, which points out the dangerous implications for farmers and all American citizens existing in naked political power.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Everybody Loses in Power Politics

(By Carleton I. Pickett)

Political ruthlessness was demonstrated the other day in the matter of steel prices. Whether it was necessary or not will be argued from now on until we come to a day when we no longer dare to argue out loud. The point is big steel lost, the administration lost, and you and I lost.

Big steel lost the right to make economic decisions at the management level and bowed to the power of government to harass, probe, and cause economic loss through the withdrawal of contracts.

The administration lost the political advantage of any claim to holding the inflation line by persuasion. It lost too the confidence of thoughtful men and women who have been rudely awakened to the fact that it isn't such a very great step from constitutional executives to dictators.

You and I lost because for a long, long time we will wonder just how safe it is to fight to preserve our liberty against big government.

The farmer has watched the passing event with considerable interest and understanding. Threatened with all the power of government if he does not accept a Federal farm program that was conceived in a belief in Government management and born in coercion, the farmer still finds himself fighting all the power of the administration in order to preserve to himself and his sons the right of management.

Every propaganda source available has been exploited to drive through the Congress a farm bill that cannot possibly perform what it promises. Not in my lifetime has so much time, travel, use of tax money, men, speeches, and what comes very close to threats been employed to defeat the farmer.

Can any citizen or group of citizens successfully disagree with Government on a policy?

The issue is not one to run from and the farmer isn't running. He may just get his ears beat off because this is tough politics, it is frightening politics, it is a fight that admits of no compromise.

The public is not yet fully aware of the dangers of becoming tranquilized by political doubletalk. The issue is whether the Congress will abdicate or not. The indications aren't very heartening. You can be made to look upon big steel as profiteers, gougers, enemies of the public welfare, by our own Government propagandizing the people. Believe it if you wish. But take one good, clear look at naked political power, while you still can.

The intellectuals, the ultraliberals, the sobbing social welfare advocates may all combine to give aid and comfort to programs and policies which require massive power pressures and mighty propaganda. Let the sorry results rest upon their heads but you—you and I lost the fight over steel prices the other day. How many more fights can we afford to lose.

Can we lose the farm fight to Freeman, and will the public sit by and let us lose? Can we sacrifice the American farmer on a modern cross of iron?

WAGE INCREASES

Mr. MILLER. Mr. President, there is a great deal of confusion in the minds of the people over the policy of the President with respect to wage increases.

In his speech before the United Auto Workers convention at Atlantic City, the President called for limiting wage increases to productivity gains.

He did not point out that in some industries wage increases have lagged behind productivity gains more than in others, and that in order for the workers to receive a fair share it might, in a given instance, be fair for a wage increase to exceed the amount of productivity gain over a certain period of time.

Walter Reuther, the president of the UAW, was quick to make it plain that he did not agree with the President's point of view. It is possible that Mr. Reuther's members should receive wage increases in excess of productivity gains over a certain period of time as a matter of fairness in relationship to other industries. And it is possible that they should not. This is something to be left to the bargaining table.

But so much attention has been focused on the outer limits of wage increases that one is liable to overlook the interest of the general public and of management in productivity gains. Heretofore, both of these areas have shared productivity gains with labor, as a general rule. Management has made more profits. The general public has shared through Federal income taxes paid on these additional profits or through price decreases. And labor has received increased wages or fringe benefits.

The matter of increased productivity in its relation to wages, profits, taxes, and prices has finally received the national attention it should long ago have received. But it is for the collective bargaining process primarily to work out the relationship of these factors in given situations—taking into consideration the forces of both domestic and foreign competition. It is for the Congress to establish the guidelines, if these should be established to insure protection of the national interest. And it is for the President to execute—not establish—these guidelines. Let us not forget that.

In the May 11 issue of the Wall Street Journal there is an excellent article by Mr. Frederick Taylor on this subject which points out very clearly the deep differences between the President's policy and that of Mr. Reuther—differences which some people are trying, for political purposes, to sweep under the rug but which cannot be ignored. I ask unanimous consent that this article be printed in the Record.

Also, in the May 8 issue of the Sioux City Journal is an excellent article by the economist, Sylvia Porter, which explains the guideposts which the executive branch of the Government has taken upon itself to establish in the wage-price area and also discloses the great flexibility which exists in these guideposts—a flexibility which, as I have indicated before, will provide for considerable controversy which should be settled at the bargaining table. I ask unanimous consent that Miss Porter's article be printed in the Record.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

WAGES AND POLITICS

(By Frederick Taylor)

ATLANTIC CITY, N.J.—President Kennedy says that "no financial sleight of hand can raise real wages and profits faster than productivity without defeating their own purpose through inflation." And he calls for limiting wage boosts to productivity gains.

Walter P. Reuther, president of the United Auto Workers Union, says that "wages and salaries at least in the immediate future must increase faster than our normal potential for increasing productivity." And he calls for "catchup" pay boosts for workers in the aircraft and missile industry.

If you think this reflects a sharp difference of opinion then you are mistaken—that is, if you follow the reasoning of Mr. Reuther and his top lieutenants. It is a reasoning that apparently permits the union on the one hand to exempt itself from Mr. Kennedy's "guidelines" for labor bargaining but on the other hand to proclaim its solid support of the President's policy.

This verbal tap-dancing occurred at the UAW's annual convention, which ended here yesterday, and it may be worth recounting in some detail because of the implication that while labor strove mightily to elect Mr. Kennedy, it won't necessarily feel itself bound by his wage policy if it wants more than the President says it should have. Moreover, it appears that the impression of harmony with the administration is judged by the union to be more important than harmony itself.

It all began a week ago when Mr. Reuther held a press conference the day before the convention began. In that session he emphasized that he believes workers in the aircraft and missile industry have lagged "way behind the parade" as far as wage increases are concerned. In a companion report, Mr. Reuther complained that since 1960 major employers in other leading industries increased workers' take-home wages from 19 to 23 cents an hour but that in the aerospace industry the increases were only 11 to 14 cents an hour. So he proposed "catchup" raises to bring aerospace wage rates up to date with other major industries.

CONFER BY TELEPHONE

Two days later reporters discovered in another section of Mr. Reuther's report to the convention that he was demanding that wages and salaries rise faster than productivity. He argued that real wages have been lagging behind productivity and that this has been a major factor in the stagnation of the economy.

The stories which appeared Monday morning promptly stirred up members of the President's Council of Economic Advisers who called newspapers to get more detail on what the labor leaders' report said. By Monday afternoon, Mr. Reuther and the President were on the telephone. At 10:30 p.m. Monday, Mr. Reuther issued a 2-page statement which said that the "UAW policy on collective bargaining is in conformity with and supports the efforts of the President to achieve a stable price structure."

Mr. Reuther was able to issue such a remarkable "solidarity" statement in light of his demand that wage increases should outstrip productivity by citing selected portions of the 1962 report of the Council of Economic Advisers.

The first says: "Productivity is a guide rather than a rule for appraising wage and price behavior for several reasons. First, there are a number of problems involved in measuring productivity change, a number of alternative measures are available. Second, there is nothing immutable in fact or in justice about the distribution of the total product between labor and nonlabor incomes" (labor income in the economists' lexicon is wages and salaries; nonlabor income is profits, interest and the like).

The second statement says that "the proportions in which labor and nonlabor incomes share the product of industry have not been immutable throughout American history nor can they be expected to stand forever where they are today. It is desirable that labor and management should bargain explicitly about the distribution of the income of particular firms or industries."

These two statements, the union leaders insist, permit Mr. Reuther to call for wage increases bigger than productivity raises and yet remain in harmony with the President.

But the same report also says that the general guide for noninflationary wage behavior is that the rate of increase in wage rates (including fringe benefits) in each industry be equal to the trend rate of overall productivity increase.

OUTER LIMITS OF PROGRESS

And Mr. Kennedy in his speech to the UAW convention Tuesday, in which he very firmly ordered labor to exercise restraint in its bargaining demands, at one point eschewed the subleties by flatly stating, "It is a simple, inescapable economic truth that increases in productivity in output per man-hour may set the outer limits of our economic progress." He then made the remark that no financial sleight of hand can boost wages and profits faster than productivity without causing inflation.

And how did the UAW accept these Presidential statements which seemed to reject Mr. Reuther's thesis? Perhaps not surprisingly, as an affirmation of its position, by pointing out a particular Kennedy remark: "While individual adjustments may have to be made to fit the previous patterns in individual industries, in general a wage policy which seeks its gains out of the fruits of technology instead of the pockets of the consumers is the one basic approach that can help every segment of the economy."

This, says one union official, means it's okay to go after bigger pay raises from industries that "are below pattern" and he leaves the strong impression that the union will be the judge of which industries in which this is so.

That people only listen to what they want to hear was vividly illustrated the day after Mr. Kennedy spoke to the convention. A delegate demanded a resolution condemning the press coverage of the President's speech, saying he didn't hear Mr. Kennedy say anything about wage restraints.

Mr. Reuther responded that 98 percent of the publishers in the country had been against Franklin D. Roosevelt, Harry Truman, and are against John Kennedy and not to pay any attention.

But the question remains, Will Mr. Reuther pay attention to Mr. Kennedy when he talks about wage restraints?

[From the Sioux City Journal]

GAVE WARNING TO BIG STEEL

(By Sylvia Porter)

Since the White House crackdown on steel, fears that Washington is moving toward peacetime control of prices and wages have mounted alarmingly. There is now real danger that the fears themselves are damaging business confidence. The extreme accusations that President Kennedy is prepared to dictate price-wage trends and that we have taken a giant step toward state socialism are enough to frighten any believer in the U.S. system of private enterprise.

Here are background facts—and I mean facts—to help set the record straight in your mind:

1. The White House's reaction to the steel industry's across-the-board price hike at this time was foreshadowed back in January when the President presented to Congress his Economic Report together with the annual report of his Council of Economic Advisers. In that report on pages 185–190, the Council of Economic Advisers laid down what it called Guideposts for Noninflationary Wage and Price Behavior. If Big Steel's directors had bothered to read those six pages, surely they would have thought a bit more about the timing and method of their price move.

2. Thoughtful observers have realized the significance of these guideposts from the start. In a speech before the American Bankers Association in February, Undersecretary of the Treasury Robert V. Roosa called them to the attention of the Nation's bankers, declared they represent "the most promising advance yet made in this country toward assisting (without controlling or regulating) the processes of collective bargaining." Roosa, a world-respected authority on monetary affairs, emphasized that with their acceptance, the United States will "have passed a most crucial milestone on the road" toward prosperity at home and lasting equilibrium in our financial accounts abroad.

3. The guideposts reject outright "controls in peacetime over the outcomes of wage negotiations and over individual price decisions" as "neither desirable in the American tradition nor practical" in our type of economy. "Final price decisions lie—and should continue to lie—in the hands of individual firms," the Council of Economic Advisers said flatly. The only qualification is that "decisions on wages and prices recognize the national interests in the results"—hardly an inflammatory doctrine this late in the 20th century.

4. Here are the guideposts:

The rate of wage increase, including fringe benefits, should not exceed the overall rate of increase in productivity in our country—meaning the wages should not rise faster than the rise in output per man-hour or, put even more simply, in industry's efficiency. Productivity has been climbing about 3 percent a year so wages should not climb more rapidly than 3 percent a year.

The rate of price increase or decrease should be geared to productivity too. For instance, in an industry in which efficiency is rising 6 percent a year while wages are rising 3 percent and which thus is enjoying declining unit labor costs, this would suggest price cuts. In an industry in which efficiency is increasing more slowly than wages, this would suggest price hikes. In an industry in which the two rates are equal, this would suggest price stability.

5. There is great flexibility within these general guideposts, of course. As an illustration, wage boosts would exceed the general guide rate in industries where there is heavy unemployment. Price increases would be bigger than the guide rate in industries where the profit level is low, price decreases would be in order in industries operating at a very high profit level.

There is no implication of controls or dictation or rigidity in these principles and they—not the scare rumors floating around the country—are the basis of administration policy on restraint of inflationary price-wage rises. The steel wage settlement was well within the guideposts but the steel price hike would have smashed this fundamental formula for prosperity before it even had a chance to work.

Get the Council of Economic Advisers' report presented to Congress January 20, at least read pages 185–190. There you'll find the heart of this matter.

MEDICAL RESEARCH

Mr. MILLER. Mr. President, in the May 6 issue of the Des Moines Register a recent speech by the distinguished senior Senator from Alabama [Mr. Hill], on the subject of medical research, is reproduced.

Senator Hill makes a plea for more Federal appropriations for medical research, even at the cost of a reduction in our foreign aid program, and states that there is no program in our government today which returns richer dividends than does medical research. I believe that we would agree on the value of medical research to the health and better living of our people. But this evaluation should be leavened with the realization that there has been too much waste and duplication of effort in our medical research programs. This was one of the issues that underlay the amendments by the distinguished Senator from Connecticut [Mr. Bush] to the HEW appropriations bill in the last session, amendments which sought to cut back the appropriations for medical research to what President Kennedy had requested and which were wisely based on the disclosures that not only have there been widespread duplications of research but waste as well. Unfortunately, there were so many members of the Congress who were so enamored with the benefits from medical research that they could not see the wisdom of these amendments.

In the April 5 issue of the Washington Daily News there appeared a timely and important article by the thorough columnist, Mr. John Cramer, entitled "How the Public Got Bilked on PHS Research," which cites some of the examples of waste and abuse which have occurred in our medical research program. Senator Hill's speech should be read in the light of these revelations.

I ask unanimous consent that Mr. Cramer's article and the reprint of Senator Hill's speech be printed in the Record.

There being no objection, the article and speech were ordered to be printed in the Record, as follows:

How the Public Got Bilked on PHS "Research"

(By John Cramer)

The U.S. Public Health Service has many strange ways of wasting the hundreds of millions of Federal tax dollars entrusted to it for research against major diseases.

And one of the strangest—a classic example of Government funds frittered away by don't-give-a-damn mismanagement—emerges in a report newly released by the House Inter-Governmental Relations Subcommittee headed by Representative L. H. Fountain, Democrat, of North Carolina.

The report tells—

How National Institutes of Health, principal research arm of PHS, in 1959 used Federal funds in the form of an $86,000 "research grant" to set up and finance a private, profit-making corporation which was supposed to study accident-inducing characteristics of motor vehicles.

How NIH later gave the corporation an additional $333,000 in grants—partly for the original study and partly for others such as relating driver education to accident-avoiding behavior * * * and visual fixation without recognition.

How NIH then allowed the corporation to overcharge the Government in dozens of different ways—some of them almost unbelievable—for its alleged research services.

The NIH-created corporation is PSR (for Public Service Research, Inc.) of Stamford, Conn.

The Fountain committee report on PSR's strange, still-continuing, and highly profitable relationship with NIH was prepared by the committee staff with the assistance of General Accounting Office auditors.

All told, NIH has contributetd $419,000 in research grants to PSR, roughly 85 percent of the firm's total revenues. Included was a total of $171,000 for the vehicle-safety research, and $154,000 for the driver-education study.

Here, according to the committee report are some of the ways in which NIH let PSR abuse its "research grants" and grossly overcharge the Government:

Dr. Herbert H. Jacobs, director of research for PSR and its former president, has been an NIH consultant on accident prevention since June 1959, roughly 2 months after PSR was created. As a consultant, he draws $50 per day plus travel expenses.

On "nine separate occasions," when called for consultations, he not only drew his $50-plus fee, but also charged NIH for his PSR salary, with 15 percent added for "overhead."

The only equipment PSR purchased for itself was a $340 used car, and a $125 filing cabinet. NIH provided most of the rest at a cost of $11,373. Another Federal grant provided an extra $4,397 for equipment.

The NIH grants allowed PSR to add a flat 15 percent for "overhead" to all direct (research) costs. Thus, it was to PSR's great advantage to throw as many expense items as possible into the direct-cost category. The more it could charge to direct costs, the more it could make in profit out of the 15 percent "overhead." Among other things, it even charged toilet paper as a direct (research) cost.

Prior to July 1, 1960, NIH gave PSR title to $7,500 in equipment, mostly office supplies, which PSR had purchased with NIH funds. PSR charged NIH 15 percent ($1,125) "overhead" on the equipment NIH had purchased. Then it turned around and claimed a depreciation allowance of $2,576 on the equipment on its Federal tax returns.

NIH retained title to an additional $3,900 of equipment it purchased for PSR after July 1, 1960. PSR charged 15 percent "overhead" on this purchase, too, and thus received $585 "for acquiring the equipment for the Government."

Public Health Service, parent agency of NIH, also got involved in an equipment deal with PSR. As part of a 3-month research contract with PSR, starting in December 1960, it bought (but retained title to) more than $5,000 in office equipment for PSR. In February 1962, PHS agreed to sell the equipment (allegedly used only a few months) to PSR for a third of its original cost. Example: Oscilloscopes costing $625 were sold for an average of about $200 each.

PSR bought a $1,075 calculator in October 1960, and a $715 electric typewriter in January 1961, and charged them to an NIH grant due to expire on January 31, 1961.

PSR's first two grants from NIH included $7,853 for the purchase of office equipment. It wound up charging NIH for an additional $1,300 of equipment not originally requested. Included were carpets, curtains, venetian blinds, pictures, desk trays, etc.

Although one grant included $2,500 for instruments and devices, PSR purchased only one $34 item, which, according to the PSR president, never was used.

From July 1959, through December 31, 1961, PSR paid its officers $67,800. Of this total, it charged $58,200 as direct costs to NIH grants, $3,200 to other Government projects, and only $1,100 (1.5 percent) to "overhead."

PSR charged NIH $3,628 for the expense of hiring three employees. That amount was an employment agency fee paid to the firm of Clark, Channell, Inc. This firm is partly owned by Dunlap and Associates, Inc., of Stamford. PSR itself is a subsidiary of the Dunlap company. The $3,628 was improperly billed as a direct (research) cost.

Expense of hiring one of the employees was charged to an NIH research project on which the employee never worked.

Expenses of hiring two other employees were charged to two NIH research grants. However, they also worked on other projects. The committee report said they apparently were hired to fill general staffing requirements rather than for any specific NIH project.

During its first 9 months of operation, PSR charged only 11 hours of its total salary costs to overhead. All other salary payments were charged to direct (research) costs.

For 2 years, PSR charged none of its rental costs to overhead. However, it charged as direct (nonoverhead) costs such items as $140 for cleaning its premises.

Despite an NIH policy prohibiting the use of grant funds for purchase of books for general staff use, PSR charged two NIH grants for general reference material, and newspaper subscriptions. It also charged prohibited entertainment expenses, including $137 for lunches and dinners.

Such items as toilet tissue, light bulbs, paint and a paint roller, and paper towels also were charged to NIH grants as direct costs of research.

Said the Fountain committee:

"NIH policies and management procedures provide little or no assurance that practices similar to those followed by PSR in the use of grant funds are not widely prevalent."

[From the Des Moines Register, May 6, 1962]

Medical Research and Federal Aid

(From a recent speech by Senator Lister Hill of Alabama to a joint meeting of Alabama surgeons and general practitioners.)

As the son of a doctor, the nephew of a doctor, the brother-in-law of two doctors, and the first cousin of five doctors, and, as one who bears the great and honored name of Joseph Lister, I have been privileged to witness at close hand and to be challenged by the battle for the health of our people.

Some 30 years ago, Dr. Thomas Chalmers da Costa of Philadelphia estimated that at that time there were more operations performed in the hospitals in 2 weeks than were performed in a whole year at the turn of this century. The late Dr. Charles H. Mayo declared that abdominal surgery did not really start until 1891.

Of course, we know that in 1809 Ephraim McDowell performed successfully an ovariotomy upon Mrs. Crawford in Kentucky and that a few years later in the wild woods of Tennessee Dr. McDowell repeated the operation with Andrew Jackson as his assistant. And a little later on Dr. McDowell cut stones out of the bladder of President Polk when the President was a boy.

HE CHANGED SURGERY

It was in 1876 that Joseph Lister visited Philadelphia and Samuel D. Gross, the Nestor of American surgery, exclaimed after Lister's lecture at Jefferson Medical College, "Crazy, by Heaven, carbolic and crazy." Lister never did an abdominal operation in his life although, as has been well said of him, he changed surgery from a near massacre to a healing art.

I am reminded that about the turn of the century the late Dr. Wyatt Heflin, my father's friend and mine, who had been all night with a tedious labor case, and who as the morning light broke, saw the old doctor of the Highlands and asked him if he would stay with the patient until he could get his obstetrical forceps.

To which the old doctor answered "You don't need them; quill her."

Dr. Heflin said, "You do it."

The husband was sent to the backyard for a goose quill and a piece of Old Red Plug tobacco. The tobacco was pulverized and the quill loaded. Then the old doctor said to the patient, "Shut your eyes and throw your head back, Honey," and the old doctor blew the Red Plug up the left nostril. Dr. Heflin caught the baby just as the cord snapped as it was going over the foot of the bed.

The physician of half a century ago could only bring to his patients the ammunition which the limited knowledge of that time placed in his trusty black bag.

RELENTLESS ENEMY

At the turn of this century in America, man's most relentless enemy—disease—ravaged our fair, young country. The two biggest killers, pneumonia and tuberculosis, exacted a frightful toll. Diphtheria, typhoid fever, scarlet fever, yellow fever, and dysentery were rampant. Because these diseases were beyond the control of the doctors of yesteryear, we were losing 1 in every 10 babies before they were a year old.

It is no exaggeration to say that, at the beginning of the 20th century, uncontrolled disease menaced the very future of our beloved country. The average American died in his mid-forties—in the very prime of his life. Think of what a tremendous loss this was to a nation which had just begun its tranformation into a major industrial power.

Over the last half century, due to the miracles of medical research and the increased skills, we have extended the average length of life 21 years—from 49 in 1900 to the present Biblical 3 score and 10. It has been authoritatively estimated that 23 million American lives have been saved by the advances of medical research since 1900.

Again authoritative testimony, which our Senate Appropriations Committee has received from some of America's most distinguished doctors and scientists, points up the fact that these Americans saved by the wonders of medical research over the last 15 years today pay much more each year in taxes to the Federal Government than the Federal Government invests yearly in medical research for the benefit of all.

There is no program in our Government today which returns richer dividends than does medical research. It is medical research which lengthens productive life, reduces disability, cuts down our public assistance rolls and adds workers to our productive economy.

In 1902, on a kitchen table in a shack in Alabama by the flickering light of 2 kerosene lamps my father, Dr. Luther L. Hill, performed the first successful suture of the human heart in America.

The years since then have brought forth nothing short of miraculous improvements in heart surgery. Since 1939, when Dr. Robert E Gross repaired the first congenital heart defect to yield to surgery, one surgical miracle has followed another.

Although we rightfully celebrate these advances, we have no grounds for complacency. Last year, heart disease killed more than 900,000 Americans. It is the leading cause of death in this country.

Cancer, that ancient enemy of mankind, has doubled its mortality over the last generation. In our Senate hearings, we have been informed that the incidence of six major types of cancer is increasing at an alarming rate.

For the fiscal year starting July 1, the administration proposes $780 million for all of the vast medical research, training, and disease control programs by the National Institutes of Health. By way of comparison, the administration proposes $4.8 billion for foreign aid for the coming year.

Would it not be wiser and more in the national interest to increase our medical research expenditures and activities by transferring some of the considerable expenditures for foreign aid over to the preservation of life and health in this country?

In addition to an accelerated medical research program, I think we would all agree that the responsibility is ours to find the way to give all people the opportunity for adequate hospital and medical care.

As we well know, highly qualified specialty boards now certify doctors in more than 20 disciplines within the broad spectrum of modern medicine.

We have also seen a parallel growth in our hosptial system. During the past 15 years alone, under the aegis of the Hill-Burton program, we have built thousands of new hospitals and public health centers throughout the country, the majority of them in rural areas which had no such facilities prior to this program.

SOCIALIZED MEDICINE

We have also witnessed the remarkable growth of voluntary health insurance. Just 25 years ago, only a few million people had hospitalization insurance. Today about 136 million—roughly 75 percent—have hospital coverage. Additional millions are now covered for surgical and major medical expenses, both in the hospital and outside of it.

I am unalterably opposed to socialized medicine. The doctor is ever the central figure in the drama of medical care. All else is to assist the doctor to do his best. If the doctor is to do his best, he must remain free and uncontrolled; only as the doctor finds the inspiration and enjoys the right of individual action that freedom gives—to explore, to inqure, to discover, to serve in his own way—only then can he give his best, only then can we continue the marvelous progress of American medicine.

Mr. HILL. Mr. President, will the Senator yield?

Mr. MILLER. I am glad to yield to the Senator.

Mr. HILL. The article by Mr. Cramer to which the Senator from Iowa has referred cites as its main basis the instance of the National Institutes of Health making a grant to a private profitmaking organization known as the PSR Co. Undoubtedly that company took unfair advantage of the Government with respect to that particular research grant.

Since that grant, the National Institutes of Health have changed the previous procedure for research carried on by profitmaking organizations. No more grants of this kind will be made. Any work carried on by a private, profitmaking organization will be carried on only under contract in which all the terms and obligations and requirements are specifically written out.

The testimony before our committee shows that less than one-third of 1 percent of NIH funds which went for research went through any kind of grant to a profitmaking organization. No more will any of those be made.

I would say to my distinguished friend that after the Cramer article was published on April 5, there appeared before the Subcommittee on Appropriations, on April 16, Dr. Alson E. Braley, professor and head of the department of ophthalmology at the State University of Iowa Medical School, and presently a member of the National Advisory Neurological Diseases and Blindness Council.

I am sure the Senator from Iowa will agree with me that the University of Iowa Medical School is a splendid school, and that certainly Dr. Braley enjoys the reputation of being one of the outstanding ophthalmologists and outstanding experts in this field or ophthalmology and blindness. I shall not take the Senator's time to read all of the doctor's statement, but I do wish to read this part of it:

> I wish to recommend the continued expansion of the vision research and training programs of the National Institute of Neurological Diseases and Blindness.
>
> Great progress has been made during the past decade in understanding the causes, prevention, and treatment of many of the disorders of vision. To a very large extent, these advances have come through research made possible by this committee.

When he speaks of the committee, of course he speaks of the committee as an agent of the Senate, because all committees are agents of the Congress.

> We are all deeply grateful for this progress and are optimistic about future research developments. Nevertheless, we recognize the immensity of the problem remaining. Presently, there are approximately 400,000 legally blind persons in the United States and almost 2 million more who are partially disabled from disorders of vision. The care of these persons costs the Nation over a billion dollars each year, and the cost in lost productivity has been estimated at more than $3 billion. This, of course, does not begin to reflect the heartache and disappointment of the disabled people and their families.

As I have said, Dr. Braley is a dedicated man who has given much of his life and much of his services to this cause of medical research. If Mr. Cramer and others who write articles could come to the subcommittee and hear the testimony and learn the great story of medical research, they might write a different kind of article, and perhaps Mr. Cramer would have a change of heart. He would certainly take a different view of medical research, what its effect is, and what it does, and what it has done, and the needs of its compulsion.

Mr. MILLER. I thank the Senator from Alabama. In addition to agreeing wholeheartedly with what he has said about the University of Iowa Medical School and the distinguished head of ophthalmology department, I think Mr. Cramer's article probably can be helpful in averting the danger that we do not become so enthusiastic about the opportunity and the successes of medical research that we fall into the terror of permitting unnecessary duplications of effort and a certain amount of waste.

I well remember that about a year ago the distinguished senior Senator from Minnesota [Mr. Humphrey] appeared before the Committee on Rules and Administration, of which I was then a member, and furnished the committee with a report listing thousands of medical research projects. Would the Senator from Alabama agree that at present there is not an adequate cataloging system to identify, bring together, and coordinate all the various medical research projects in the Federal Government structure.

Mr. HILL. I have talked to Dr. Weisner, who is the President's adviser, and, we might say, in some sense, perhaps, coordinator of the whole research. He is working now, together with a committee of which I believe he is the chairman, on the proposal to do all possible to try to coordinate all the types of research which are now being conducted under the auspices of the Federal Government, whether the research be under direction of the National Institutes of Health, the National Science Foundation, the Atomic Energy Commission, the Army, Navy, or Air Force; or some other agency of the Government.

The project known as medlars, under the aegis of the National Library of Medicine, is now being undertaken for the very purpose of doing what the Senator from Iowa has suggested. The purpose of the project is to try to coordinate in the best possible way the research now being conducted in all the different agencies of the Government.

Research does not lend itself to cataloging exactly as a mathematical proposition. We are told that before Thomas A. Edison developed the incandescent light, he conducted a thousand different experiments. I believe he first used copper wire. Today, tungsten is used instead of copper, so an improvement has been made upon Edison's original invention. Medical research does not lend itself to cataloging as a mathematical proposition, with a yardstick or a slide rule.

Mr. MILLER. The Senator from Iowa does not wish or intend to be unreasonable. I am reassured to learn that a project is now underway to provide for the coordination of the various projects. However, I am familiar enough with certain types of research to know how easy it is to permit a vast amount of duplication to occur, and how difficult it has been in many cases down through the years to obtain proper coordination between the various agencies and branches of the Federal Government, not to mention the various institutions in the field which are under contract to do research for the Government, so as to avoid duplication.

I hope that there will be a little more vigilance than there has been heretofore, because I feel quite certain the Senator from Alabama does not wish to have unnecessary waste or duplication occur in this type of work. That was the only point I was making in this discourse, which induced the Senator's remarks.

Mr. HILL. I thank the Senator from Iowa for yielding to me. I thoroughly agree with him that we certainly want no waste; we want no duplication. So far as medical and biological research are concerned, that work is almost entirely confined to the National Institutes of Health. However, the Atomic Energy Commission, in some research which it is conducting in the nuclear energy field, might well consider the effects of nuclear energy on the human body; or might consider the results if nuclear energy were handled in one way or some other way. But basically, biological and medical research is carried on in the National Institutes of Health.

I shall not trespass longer on the Senator's time, but I wish I had the time to read from the statement of Dr. Braley concerning what has been accomplished by research in the field of blindness in the last few years. Speaking of blindness, I emphasize what Dr. Braley has so well said concerning the need for the continuing expansion of this research.

There are many other fields for medical research. For instance, during every 2 minutes that the distinguished Senator from Iowa has held the floor this afternoon, a man, woman, or child in the United States of America has died a tortured, agonizing death from cancer. More people die in the United States from heart and vascular diseases than from all other diseases combined.

More than half of all the hospital beds in the United States today are occupied by persons who are suffering from some form of mental illness.

Furthermore, some 12 million persons are suffering from arthritis. Some of them are bedridden. Many of them are in a nonproductive category because they can no longer work and no longer produce; they are burdens upon themselves or upon their families or upon the taxpayers.

Dr. Braley, in closing his testimony before our committee declared on April 16:

> You would be absolutely amazed at the good that has been done in ophthalmology through the NIH program.

I thank the Senator from Iowa.

Mr. MILLER. I add one further comment to the statement of the able Senator from Alabama. I think it worthwhile to point out, since he has referred to the University of Iowa Medical School, that the State of Iowa has for a number of years had an outstanding program for the rehabilitation of the blind. I can think of no more worthwhile undertaking than that. It is a program along the lines to which the Senator from Alabama has been referring.

PROPOSED TARIFF LEGISLATION

Mr. MILLER. Mr. President, the lead editorial, entitled "Should Iowa Solons Back Trade Proposal," published in the May 1 issue of the Waterloo, Iowa, Courier, might well be read by other editorial writers who have been so quick to support the President's trade proposal without taking the trouble to make a study in depth of the problem.

The editorial points out some of the genuine objections of Iowa Members of Congress in years past to expand presidential powers and reduce tariffs, instead of making the superficial criticism that those Members were opposed to free trade. It wisely reveals that the average U.S. tariff is now only 11 percent, whereas in Japan and Austria it is 19 percent, in Great Britain 17 percent, in Canada 16 percent, and in the Common Market countries 14 percent.

Most important, from Iowa's standpoint, it warns, as I warned several weeks ago, that the Common Market has adopted a completely protectionist policy in regard to agricultural commodities which have been exported from Iowa, and that the administration's "free trade" campaign is taking place in the face of slamming the door to their major export market upon American farmers.

I stated to the Senate that I will support some tariff reduction legislation, but at the same time I want reasonable assurance that the export market for our agricultural commodities in the Common Market nations will be continued. This reasonable assurance cannot be obtained by blindly supporting the trade agreement legislation proposed by the President.

In this connection, the May 10 issue of the Wall Street Journal contains an excellent article entitled "House Panel Smothers New Bids To Cut Tariff Powers Kennedy Asked." The article reports on the efforts made by the Republican members of the House Committee on Ways and Means to amend the trade agreement bill to bar the President from lowering tariffs on product manufactured within the Common Market if the Common Market follows through with its plans to establish variable import levies on American farm products. It is noteworthy that the administration, which makes so many fine speeches about its concern for our farmers, opposes this amendment, claiming that it would prevent any negotiations between the United States and the Common Market. This reason for opposition is merely gratuitous. In fact, the opposition tends to create the suspicion that the implementation of the President's trade agreement proposal would be weighted in favor of giving U.S. industrial products more access to the growing consumer market in Western Europe. This suspicion is strengthened by the efforts made by the administration to impose marketing quotas and acreage controls on our farmers, for it is easy to perceive that a failure to make a powerful effort to preserve and, indeed, to increase our agricultural exports to Western Europe will aggravate the farm commodity surplus situation.

The record written on the trade agreement proposal will be highly indicative of the depth of the concern which this administration professes for the future of the farmers of America.

Mr. President, I ask unanimous consent that the editorial and article to which I have referred be printed in the Record.

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

[From the Waterloo (Iowa) Courier, May 1, 1962]

Should Iowa Solons Back Trade Proposal?

If an American housewife can buy a West German butcher knife at a lower price than an American-made knife of the same quality, she benefits. But if her husband loses his job in a knife factory because of this foreign competition, she loses.

A study by Congressional Quarterly of the voting records of U.S. Senators and Representatives since 1948 on tariff reduction issues shows a tendency by most Iowa Republican Members of Congress (with the exception of Representative Fred Schwengel of the First District) to vote against a more liberal trade policy. While the issues were different in the different votes and while party policy may have been a factor, it cannot be said that most Iowa Republicans have been in the forefront of the campaign for eliminating tariffs.

This viewpoint, we think, results primarily from three considerations: (1) They oppose the tendency in this field, as in others for Congress to surrender its lawmaking functions to the President; (2) they fear that unrestricted competition with countries with a much lower wage scale would hurt the American standard of living; and (3) they feel that American bargaining power in trade negotiations has not been used aggressively enough in behalf of the American farmer and American food processor.

Certainly all Iowans must recognize that exports are a significant part of the Iowa economy. The State in fiscal 1961 exported some $207 million of agricultural products. About 25 percent of the soybeans and 15 percent of the corn produced by American farmers are exported annually. Among processed foods, about 16 percent of the pork, 13 percent of the condensed milk, and 10 percent of the margarine are exported. About 9 percent of the agricultural machinery, 15 percent of the pumps and compressors, and 28 percent of the construction machinery produced in this country are exported.

Any Iowa legislator obviously would favor any program which offered hope of improving the volume of such exports. But there is another side to the story. After many years of so-called reciprocal tariff negotiation, the average American tariff on manufactured goods is now 11 percent, that in Japan and Austria is 19 percent, that in Great Britain 17 percent, that in Canada is 16 percent and that in the Common Market countries 14 percent. President Kennedy recently negotiated a 20-percent reduction in tariffs on automobiles with the Common Market; but this left the American tariff on cars at 6.5 percent while the Common Market tariff will be 21 percent. Is this reciprocity?

Now the President wants authority to negotiate tariff reductions by 50 percent and to eliminate entirely the tariffs on those groups of goods where this country and the Common Market together account for over 80 percent of world trade. Many Congressmen will oppose this program simply on the grounds that Congress should not make this vast delegation of power. For, as the recent steel price controversy demonstrates, Presidential powers can be grossly misused.

Moreover, the Common Market has decided to adopt a complete protectionist policy in regard to those agricultural products which can be produced in Europe. Thus the administration campaigns for vast tariff-cutting powers under the slogan of free trade at a time when the door to their major export market is being slammed in the face of American farmers.

These are some of the reasons why there is not unanimous support among Iowa legislators for the administration's trade proposals.

[From the Wall Street Journal, May 10, 1962]

HOUSE PANEL SMOTHERS NEW BIDS TO CUT TARIFF POWERS KENNEDY ASKED

WASHINGTON.—The House Ways and Means Committee continued to smother Republican efforts to reduce the scope of additional tariff-cutting powers requested by President Kennedy, but the specter of one restrictive amendment backed by the bipartisan farm bloc still hovered over the administration's freer trade bill.

With the committee making decisions at a snail's pace, the Democratic majority easily disposed of efforts by Representative BYRNES, Republican, of Wisconsin, and other GOP committee members to restrict the President's proposed new authority to eliminate tariffs altogether on many industrial products.

However, the GOP efforts weren't given much chance of committee approval anyway. The real test for the administration continues to be an amendment drafted by the American Farm Bureau Federation and introduced by Representative HARRISON, Democrat, of Virginia, which would bar the President from lowering tariffs on products manufactured within the European Common Market if the Common Market carries through its plans for establishing variable import levies on American farm products.

Actually, the Harrison amendment wasn't discussed formally during a day-long session of the committee behind closed doors yesterday. But behind the scenes, White House aids were trying to work out some compromise that would satisfy both the farm bloc and the administration. It was learned that all such compromise efforts so far have been rejected by Farm Bureau spokesmen.

WHY ADMINISTRATION OPPOSES AMENDMENT

The administration contends that the Harrison amendment would prevent any negotiations between the United States and the Comon Market—currently comprising France, West Germany, Italy, Belgium, the Netherlands, and Luxembourg—and thus makes the entire trade bill meaningless. The trade bill, which would give the President substantially greater tariff-reducing authority than is contained in the 28-year-old Reciprocal Trade Agreements Act expiring June 30, was drafted primarily to give American industrial products access to the growing consumer market in Western Europe through a lowering or elimination of tariff barriers.

One possible compromise substitute for the Harrison amendment talked about by administration sources would empower but not require the President not only to forgo further U.S. tariff cuts but also cancel past reductions if the Common Market imposes its proposed variable import levies on American farm products. These levies would be made flexible so that the prices of U.S. farm products—primarily wheat, rice, feed grains, poultry and fruit—in Western Europe always would be higher than the subsidized price of the commodities produced by Common Market farmers.

Both Representative HARRISON and the Farm Bureau have turned down any such compromise. Moreover, the Farm Bureau contends that the administration is exaggerating the impact of its amendment, saying the Common Market could get around it merely by promising to establish at some future date a fixed tariff on farm commodities instead of variable levies.

FARM BLOC'S POWER RESPECTED

The still potent power of the farm bloc in the House is the major reason for the care with which the administration and Committee Chairman MILLS, Democrat, of Arkansas, are trying to find some substitute for the Harrison amendment that would save face for everybody Representative HARRISON predicts flatly that, unless the farm bloc is satisfied, the House will vote to send the trade bill back to Ways and Means with instructions to include some form of his amendment.

While these off-stage negotiations were in progress, the committee was rejecting, by party line votes, Republican efforts to limit a central provision of the bill. This provision would empower the President to reduce tariffs as much as he wants or even eliminate them on categories of products in which the United States and the Common Market jointly account for at least 80 percent of world trade. This power would be in addition to the bill's general grant of authority to reduce tariffs as much as 53 percent over 5 years.

The first rejected amendment submitted by Mr. Byrnes, top Republican spokesman on tax and tariff matters in the House, would have permitted elimination of U.S. tariffs on a specific category only if the Common Market also eliminated its external tariff on this same category. The administration opposed this amendment on grounds that it would lead to inflexibility for U.S. negotiators and prevent trade agreements in which the Common Market would reduce tariffs more than the United States did on one category and the United States would reduce tariffs more than the Common Market did on another.

A second amendment by Mr. BYRNES would have permitted tariff reductions of more than 50 percent only on those categories in which the United States by itself accounted for one-fourth of world exports. Here again, the administration argued this would tie the hands of U.S. negotiators.

Still another Byrnes amendment turned down by the committee would have restricted the President's power to eliminate tariffs on tropical products such as cocoa, coffee and bananas—a provision intended to help the underdeveloped Latin American and African nations. The administration's bill would withhold this authority from the President if the tropical products were produced in "significant quantities" in the United States. The Byrnes amendment would have withheld the power of eliminating the tariff on a tropical product if another product competitive with it were produced in significant quantities in the States.

The trade bill would for the first time authorize the President to reduce tariffs on whole categories of items instead of on the present item-by-item basis, and the committee informally approved an amendment yesterday that would give the Tariff Commission the power to determine just what commodities would be included in each category.

U.N. LISTING AT ISSUE

The administration's bill would have used the Standard International Trade Classification prepared by the United Nations as the basis for the categories. But Representative MILLS and other friends of the administration's trade bill, viewing the politically controversial U.N. as an unnecessary burden for the trade bill to carry, demanded that any reference to the world organization be stricken from the bill. Actually the Tariff Commission itself, in outlining categories, probably would use the U.N. document, so the change adopted by the committee is more apparent than real.

The committee also accepted a relatively minor change proposed by Representative ULLMAN, Democrat, of Oregon, that would restrict the power of the President to cut tariffs by more than 50 percent on any category of agricultural commodities in which the United States and the Common Market account for at least 80 percent of world trade. The Ullman amendment would bar any such tariff cuts unless it was shown in advance that such action actually would increase U.S. exports of the commodity.

One category of agricultural commodities in which the United States and the Common Market jointly are dominant suppliers would be sugar confectionery and other sugar preparations. But most categories of commodities falling under the dominant supplier section of the bill are industrial rather than agricultural.

OPPOSITION TO PROPOSED WITHHOLDING OF INCOME TAXES ON DIVIDENDS AND INTEREST

Mr. MILLER. Mr. President, in the current controversy over President Kennedy's proposal to withhold taxes on dividends and interest, I note that the

President has been critical of some opponents of this proposed legislation for spreading rumors that this is a new kind of tax, over and above the present income tax.

Let me say, Mr. President, that I have received several thousand letters in opposition to this proposal of President Kennedy's, and not one has been based on any misunderstanding that this is a proposed new tax. Let it be made clear that banks and savings and loan institutions in Iowa have not been trying to mislead the voters.

In this connection, I ask unanimous consent to have printed in the RECORD two timely editorials. One, entitled "Withholding on Truth?" appeared in the May 12 issue of the Washington Evening Star; and the other, entitled "America the Gullible," appeared in the May 11 issue of the Wall Street Journal.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, May 12, 1962]

WITHHOLDING ON TRUTH?

President Kennedy has engaged in another exercise in intemperate scolding of a segment of American business in his news conference attack on opponents of his plans for a withholding tax on dividends and interest. Treating the Nation's banks and savings and loan associations as "whipping boys" in this instance, he has accused them of carrying on an untruthful campaign against the controversial legislative proposal.

Specifically, Mr. Kennedy said that these institutions "have led many people to believe" that this is a new tax or a tax increase, that it would take money unjustly from honest taxpayers, that it would create a mountain of redtape and cost more than it returned, and that it would harm the elderly, widows, orphans and others of low income. It is true that the overwhelming majority of the institutions so excoriated by the President are opposed to the withholding plan. Their spokesmen have testified against it on Capitol Hill, and they have made their views known to Congress through other channels. However, Mr. Kennedy did not produce any evidence to support his charge that this opposition has included a campaign of public misrepresentation and falsehood—and it is doubtful if the institutions, or their trade associations, are so stupid or so irresponsible as to depend upon deceit in seeking support for their position.

As Mr. Kennedy said, this is not a new tax or an increased tax. It is, however, a new way of collecting it, and it could do some of the very things that the President says it will not do. It would, in some cases at least, take money unjustly from honest taxpayers—until they recapture it through applications for a refund. It would also create a mountain of redtape, not only for the institutions that would be charged with the job of taxcollecting for the Government, but also for the Government itself. And it could harm the low-income people—most apt to include the minors, the aged and the least informed—by forcing them to choose between two redtape alternatives, namely, filing for exemption or filing for refunds. Indeed, the so-called safeguards which the administration accepted belatedly during House consideration of the legislation added considerably to the redtape aspects—and it is the complexity and uncompensated cost of this paperwork that account primarily for the opposition of the banks and savings associations.

None of these institutions is supporting the principle of tax evasion, of course, and some of their spokesmen have advocated a plan similar to one proposed by Senator JAVITS, Republican, of New York, that information returns be filed by the dividend and interest payers and that copies accompany the returns of individuals. If any tax is due, it would then be collectible—when due, not before. With the Internal Revenue Service installing new electronic checking systems, this seems like a fine field for their effective operation.

[From the Wall Street Journal, May 11, 1962]

AMERICA THE GULLIBLE?

President Kennedy has now seen fit to criticize the Nation's financial institutions for deliberately misleading the public about his tax-withholding plan for dividend and interest income. One implication seems plain enough: Scores of millions of Americans must be pretty gullible if they are so easily misled.

We do not agree with any such estimate of the American people, any more than we believe that most of them are eager for the enactment of the compulsory social security plan for medical care of the aged, or for various other proposals for extending the authority of the Central Government.

To begin with withholding, the President told his news conference that banks and savings and loan associations have led many people to believe the dividend-interest plan is a new tax or a tax increase; the White House and congressional mail shows that, he said. We think there is far more to the matter than any confusion about the plan's precise requirements.

What has been brought out, in Congress and elsewhere, is that this proposal would obviously constitute a new provision of the tax law, and one with some plainly undesirable effects. Notably it would deprive owners of stocks and savings accounts of a portion of their income that they would otherwise receive throughout the year and pay taxes on when taxes are due. For not a few this would mean deprivation of income when income is needed to live on.

Almost anybody can see that, and it is, we think, what really accounts for the deep opposition to the plan throughout the country.

For one estimate of that opposition, there is a new survey conducted by the American Press, a trade magazine in the small newspaper field. We realize that newspapers also don't rate highly in Mr. Kennedy's book; "I'm reading more and enjoying it less," he quipped to his newspaper audience. Still, editors of weeklies and hometown dailies are about as close to the public pulse as you can get.

Of more than 400 such editors so far responding to the survey from all over the country, 66 percent are against the proposed withholding-tax scheme. One of them put it this way: "I'm against more withholding tax. Eventually they'll be mortgaging the unborn to foot our defaulted bills."

As for other parts of the administration program, here are a couple of additional results of this survey of grassroots editors: 84 percent strongly oppose any form of Government-sponsored medical or hospital aid to the aged; 74 percent are against the creation of a Cabinet-level Department of Urban Affairs (Congress didn't think much of that one either); the majority oppose Federal aid to education—81 percent against the specific proposal for Federal assistance on classroom construction and teacher salaries.

Now we certainly won't argue that such a poll proves anything conclusive. However, taken together with numerous other probings and the findings of Congressmen themselves, it indicates at the least that President Kennedy's personal popularity is still not rubbing off on his domestic program. Nor is there any good reason to expect it would.

People are still intensely wrapped up in their communities, whether inside big cities, in suburbia, or in small towns. They are still spending a great deal of time, effort, and money to build their local schools and hospitals. Along comes the Federal Government offering what? To take more of their money to give them back less. And through it all, whether medical care or tax withholding, runs the ugly thread of more compulsion.

No one objects to the President's plugging his withholding plan or any other plan. We just doubt that the American people, after all these years, are as unsophisticated about the advertisements for Federal planning as the planners seem to think.

A VOICE FOR MILITARY SPACE?

Mr. MILLER. Mr. President, in the May issue of the Air Force magazine there appears a timely article, by Mr. Claude Wiltze, senior editor, entitled "A Voice for Military Space."

The editorial points out that the House and Senate committees which have been established to consider problems and legislation relating to space are concerned primarily with nonmilitary matters.

Our scientific and military leaders have made it abundantly clear that space dominated by a hostile power would have serious consequences for the national defense and security of this country. Accordingly, it is imperative that our resources be directed toward long-range military capabilities in space in addition to nonmilitary developments.

Mr. Wiltze raises the question of whether there should be a joint House and Senate Committee on Space, similar to the Joint Atomic Energy Committee, or whether the House and Senate Armed Services Committees should be geared into space problems more than they now are.

I believe that this editorial merits serious consideration, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A VOICE FOR MILITARY SPACE

(By Claude Witze)

It is a matter of record that in recent years Congress has been consistently more farsighted in assessing many military requirements than has the executive branch of the Government. The most striking examples of this are in the area of weaponry, where the legislators have pressed hard for improvements in everything from the infantry rifle to the Polaris system, manned bombers, and military airlift. Because of the way the space age sneaked up on us, the Congress, it now is clear, organized its committee effort following a pattern in which insufficient attention was paid to the military requirement.

The House of Representatives has a Committee on Science and Astronautics and the Senate has a comparable group on Aeronautical and Space Sciences. Quite properly these groups are concerned with the effort of the National Aeronautics and Space Administration, to the almost complete exclusion of military considerations. The House Committee on Armed Services and the Senate Armed Services Committee hear testimony from Defense Department and military witnesses. A proper part of this touches on the menace in space and what we should be doing, but the space-oriented testimony at this point in time tends to be submerged in discussions of more current weapon systems, personnel policies, the intricacies of procurement, and the generally wide range of topics that fall under the jurisdiction of these committees. The Armed Services groups have subcommittees to give special attention to some subjects. These include intelligence, the national stockpile, the NATO forces, conflicts of interest, real estate, housing, and the utilization of shipyards. In neither House does the Armed Services Committee have a subcommittee on military space. The result, inevitably, is that Congress, which itself wrote into the National Space Act of 1958 a demand that proper weight be given to the military potential, is focusing its attention on the peaceful program, at least from the important point of view of committee activity.

Some signs of this weakness have been called to the attention of the legislators. In March, to cite one weighty example, a subcommittee of the House Committee on Science and Aeronautics, assigned to study the NASA manned spaceflight program, heard from two industry witnesses with scientific competence. They were Dr. George L. Haller, a vice president of General Electric Co., and Dr. William O. Baker, vice president for research of Bell Telephone Laboratories. Both emphasized that Russia's peaceful applications of space technology are not a threat to this country. But, Dr. Haller said, the implications to our military survival "are almost obvious." Dr. Baker added that while international prestige is the classic explanation of why we have a space program (under NASA), "we can't forget the force factor, the naked power," and the capability of being able to do things in space that other nations cannot do. He said the Soviets are doing some things we are neglecting and that these have military applications. "This," he declared, "is the saddening, annoying, but literal fact at the moment."

The witnesses were in close agreement that we cannot afford to have space dominated by a hostile power. To this, Dr. Baker added the observation that technical knowledge about space in the United States is outpacing our planning and programing, particularly when it comes to using space technology for security or national defense purposes. He cited the requirement for facile and certain recovery of manned satellites on land and sea. And the necessity for a manned vehicle that can make an easy transition from suborbital to orbital rendezvous. Possibly more important is the knowledge needed to survive if an orbiting vehicle is under attack. To those who say there is no justified requirement for these things in any 1962 program, Dr. Baker points to the fact that he was working on ablative materials in the 1948–51 period, when it had not been suggested that their application would be on nose cones and capsules. Yet, if his laboratory had not done this work, when there was no stated requirement, the entire missile program and development of recoverable satellites would have suffered. Our resources today, the witness said, "must include immediate research-and-development efforts directed toward the long-term acquisition of military capabilities * * * supplementary to and not in duplication of * * * the civilian space effort." Dr. Baker added that our national policy does not define the affirmative role of the military in space, but rather limits the military role. He pointed out, for example, that NASA has no interest in protecting Apollo from hostile action in space, an interest that would be paramount if the military probabilities were considered. He said the present NASA-Defense Department liaison has a good pattern, but so far there have been no orders given that will ensure proper attention to military needs.

None of this fell on deaf ears, and it is not our intent to so imply. But it did fall on the ears of a committee that is, quite naturally, primarily concerned with the civilian space program. It fell on the ears of a committee in which some members have consistently expressed serious concern about neglect of the military space program and duplication of military capabilities by the civilian program. But even these men, members of the House Committee on Science and Astronautics, face conflicts of interest, jurisdiction, and effectiveness if they pursue too determinedly a line of questioning that is centered on military topics. There is an eminent scientist of our acquaintance who believes that one day peace will be ensured on earth and that space will be given over to war. None of the existing committees on Capitol Hill are empowered or prepared to consider that possibility.

It may be that the ideal solution would be a joint House and Senate committee, similar to the one that has handled our atomic energy program. Certainly, if this is not possible, the House and Senate Armed Services Committees should prepare to give special attention to the military requirement in space with subcommittees devoted entirely to that subject. It would be in complete accord with their standing record for farsightedness in matters concerned with national security.

INCREASE IN THE NUMBER OF POOR

Mr. MILLER. Mr. President, in the May 8 issue of the Des Moines Register appears a thought-provoking article, by Mr. Rudolph Flesch, entitled "Gap Growing Between Rich and Poor." In the article Mr. Flesch discusses a new book authored by Dr. Gabriel Kolko, noted Harvard historian.

It appears that one of Dr. Kolko's findings is that there is now the same gap between the rich and the poor that there was in 1910; and he concludes that in the future the poor are likely to increase in number.

This statement may come as a shock to many people; but when one realizes that increases in wages and salaries during the last 15 or 20 years have in numerous instances only kept pace with inflation, with Uncle Sam picking up some of the difference due to increased income taxes, the situation is understandable.

Some of our lower income citizens may like the jingle of more money in their pockets, and may think they are better off; but when their wives go to the stores to buy food, clothing, and other necessities, the reduced purchasing power of that money makes it difficult for them to make ends meet.

This is another of the many reasons why Members of Congress should see to it that the value of our money is not further diluted by continued deficit spending and increases in the national debt ceiling. When inflation takes over, it is the poor who are hit the hardest.

I ask unanimous consent that Mr. Flesch's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Gap Growing Between Rich and Poor

(By Rudolf Flesch)

The rich are getting richer and the poor are getting poorer. That's the upshot of a disturbing new book by a Harvard historian, "Wealth and Power in America," by Gabriel Kolko (Praeger).

Dr. Kolko is a scientist who likes to find out things for himself. All around him, economists and sociologists have been saying for years that Utopia is just around the corner, poverty is disappearing and just about everybody is now part of the middle class, living in affluence in the suburbs.

Not so, says Kolko. Taking a sharp look at the same statistics that have been used by his colleagues, he comes to different conclusions. There's the same gap between the rich and the poor as there was in 1910 and chances are things are going to get worse instead of better, he concludes.

LOW-INCOME FAMILIES

There are more older people around now who drag the income level down. Then there are more households headed by women, whose earning power is less than that of men. There are larger families among Negroes who are handicapped in their progress because of their race. There's a shift toward white-collar jobs whose salary level is sinking year by year.

On the other hand, the wealth of the wealthy is becoming less and less visible. Once they used to have sumptuous mansions in Fifth avenue, and made a big splash throwing their money around in full view. Now their expensive houses are hidden in the hills of exurbia and they prefer less tangible luxuries like Ivy League educations for their sons and daughters, superb medical care, long and frequent vacations abroad and superabundant retirement schemes. Aided by excellent legal talent, they've found a thousand ways around the graduated income tax.

DEMOCRACY UNFINISHED

In short, says Kolko, the unfinished business of our democracy is just as unfinished as ever. We haven't even begun to make it easier for working-class boys and girls to make their way into the middle class; the great job of making Thomas Jefferson's dream come true is still ahead of us.

In a way, Kolko's book has the same shock value as the first Russian sputnik 5 years ago. Then we learned that we can't take it for granted that the United States will always be ahead in the scientific race. We learned—or at least began to learn—that any continuing success needs work, or we'll soon fall behind the rest of mankind.

TOO MUCH FOR GRANTED

Somehow we've also taken for granted that we'll always be ahead of the rest of the world in our progress toward democracy—that the forces that made the children and grandchildren of poor European immigrants into high-income, middle-class Americans would keep on working forever.

The time has come for us to wake up and see our country as it really is.

"The poor remain," says Kolko, "and will likely increase in number in the near future. The predominantly prosperous middle-class society is only an image in the minds of isolated academicians."

PROPOSED LEWIS AND CLARK WILDLIFE AND RECREATIONAL TRAILWAY

Mr. MILLER. Mr. President, there was published in the Des Moines Tribune of April 9 an article entitled "Lewis-Clark Plan Called Great Idea." The article refers to the plan which the late "Ding" Darling, a noted conservationist and cartoonist, envisioned for development of the Missouri River along the path followed by the great explorers, Lewis and Clark. I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEWIS-CLARK PLAN CALLED GREAT IDEA

WASHINGTON, D.C.—The proposed Lewis and Clark Wildlife and Recreational Trailway, an idea conceived by the late Jay N. "Ding" Darling, has been described by enthusiastic supporters here "as the greatest single outdoor idea since the creation of Yellowstone Park."

Under the plan envisioned by the cartoonist-conservationist, the shorelines of the great rivers that Lewis and Clark followed (1803-6) from St. Louis to the Pacific Ocean would be preserved, along with small adjoining recreational and wildlife areas for future generations.

Sherry R. Fisher, of Des Moines, a member of the Iowa Conservation Commission, who presented the proposal here, said he was "overwhelmed with the enthusiastic response it received both from officials and the Nation's leading conservationists."

Fisher is one of several of the late Mr. Darling's friends attempting to implement his ideas.

WILDLIFE AVENUE

There are voluminous notes, letters and other papers that Mr. Darling had accumulated on the Lewis and Clark plan. Many were laboriously handwritten only a few days before his death. These will be assembled in a brief as a basis for planning, Fisher said.

One of Mr. Darling's ideas was that preserved water courses would become "an avenue for wildlife."

The Missouri River is the route of a great wild waterfowl migration. Each spring sees almost the entire continental population of blue and snow geese concentrated in great flocks as they move up the river, bound for their Arctic nesting grounds.

To one friend, Mr. Darling wrote: "The whole story of the possibilities of a Lewis and Clark National Parkway, extending from St. Louis to Oregon, would take a lot of study and publicity, but it seems a practical monument to a very worthy expedition which has never been given ample credit.

"President Jefferson probably made the best real estate bargain [Louisiana Purchase] of anybody in America and when one thinks of what the Mississippi River traffic turned out to be, and the gold that we took out of California, and the prairielands and mountains in between, the $15 million paid for the whole works was a bargain."

NEED

Interior Secretary Stewart Udall told Fisher the proposal was exactly the kind intended under the recent report by the Outdoor Recreation Resources Review Commission. The plan, he said, would fit into those of the newly established Outdoor Recreation Bureau, headed by Edward C. Crafts, formerly of the Forest Service.

"This mid-continent section is one of our most important areas and its need for outdoor recreational facilities is greater than most other sections of the Nation," Udall said.

Fisher said he would obtain the cooperation of the various State conservation departments in making preliminary plans so that their choice areas and Lewis and Clark historical points of interest could be preserved.

He said some discussions already had been conducted with the Nebraska Conservation Department and that Mel Steen, its director, "is very high on the idea of this recreational memorial."

Fisher said it is most important to obtain grassroots support for the proposal to get fast action on a Federal level.

"Eight or ten years from now will be too late," he said.

DESTRUCTION OF THE FREE ECONOMY BY EXCESSIVE GOVERNMENT REGULATION

Mr. MILLER. Mr. President, in the Wall Street Journal of May 14, the lead editorial, entitled "The Winds of Competition," merits the attention of all who read the CONGRESSIONAL RECORD. The editorial points out that excessive Government regulation or influence can only destroy our free enterprise system, by artificially affecting the market, and that the market area of competition is what has built up and preserved our type of economy. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE WINDS OF COMPETITION

The forces of the market, the Government would have us believe, must be eyed with increasing suspicion. They can no longer be trusted to act as they once did, keeping supply in balance with demand, channeling resources into their most productive uses.

In the steel case, for example, President Kennedy made it clear he believed that "a tiny handful" of executives were so powerful that they alone could shrug off market forces and push up prices not only in the steel industry but throughout the economy. And supposedly the only way the public can be protected from such people, in steel or in other industries, is for the Government to intervene in the market more and more.

Well, a lot of things have happened since the steel "explosion," and some of them add up to still more evidence that the Government is underrating the potency of market forces. All around the country, it seems, the winds of competition are blowing briskly. Some executives, now and then, may wonder a bit about all that power the President seems to think they have.

Take the fir plywood industry, where supply recently has been running ahead of demand. The major companies in the industry are certainly big, and their actions strongly influence trends in their business. So are they shrugging off this supply-demand imbalance, which most of them regard as temporary? No indeed. Three times in the past month they've cut prices, trying to stimulate sales.

There are plenty of other recent examples of the vigor of competition. In the shoe industry, some of the biggest firms are finding it hard to keep pace with aggressive, smaller rivals. Big metropolitan newspapers are pushing hard for circulation in the suburbs only to find, as one official says, "It's a real struggle to sell newspapers, because community newspapers are multiplying like rabbits."

In the steel industry itself there's fresh evidence that competition is still strong, whatever Mr. Kennedy may think. Joseph T. Ryerson & Sons, a big steel warehousing firm, says it has cut prices on cold rolled sheet, a major steel product, "to meet the market" being set by competitors. Price shading also is reported on other steel items. At the least this raises anew the question whether the market by itself might not have demolished United States Steel's price-boost attempt, with no help from Mr. Kennedy. It's certain the steel industry is no stranger to competitive warfare; mills long have competed not only with other mills' prices but with other industries' products, such as plastics, glass and cement.

Now, it's one thing to say that the Government should be alert to monopoly dangers. With this we agree, and Federal agencies have been active in this area since the days of Theodore Roosevelt. But it's clear the Government now envisages something quite different from that.

Steelmakers or companies in other industries may no longer be allowed to set their own price in freedom. Whenever a private price decision conflicts with the President's view of the "national interest," the private decision is to be overridden by whatever means Mr. Kennedy can muster. This adds up to administered prices, however much the administration may deny it. And that is the very sin the administration attributes to big companies.

If the Government in peacetime can dictate price-setting, the most crucial of all business decisions, what is to prevent it from poking into other matters, such as regulation of supply? In fact, what is to prevent the Government from getting into a much bigger version of the same kind of mess it is now in on the farm?

Excessive Government regulation can only destroy the free economy. If prices are to be artificially set in Washington, supply and demand will be chronically out of balance and the Nation's resources will be continually wasted. And we cannot see how anyone can argue that the Government can increase competition by suppressing it.

IMPORTANCE OF ATOMIC CIVILIAN POWER PROGRAM

Mr. AIKEN. Mr. President, very soon the Joint Committee on Atomic Energy will begin hearings on the authorization bill for the fiscal year 1963 for the Atomic Energy Commission.

Each year, as we know, the Joint Committee reviews proposed authorization legislation for the appropriation of funds for the construction of capital facilities and sums necessary to carry out cooperative programs for the development and construction of atomic-power reactors.

There is nothing unusual in the Joint Committee's review of the AEC authorization; this is considered routine committee business.

What is most unusual, however, is that this year the Joint Committee had neither a Senate bill nor a House bill before it, until today.

Over 4 months of this session of the Congress have elapsed, and no bill containing the proposed fiscal year 1963 AEC authorization had been introduced in either House—this, despite the fact that the AEC Chairman in January 1962 submitted to the Joint Committee the administration's approved proposed bill.

Finally, Mr. President, on May 14, today, the Atomic Energy Commission submitted a revised bill, with only a few changes from its January program.

One may justifiably inquire as to why the administration's earlier bill was not introduced?

Why have the administration's recommendations for the AEC authorization bill not been submitted to the scrutiny of Members of Congress and the public before this time?

To have seen the original proposal of the administration for the AEC authorization bill is to understand and to sympathize with the reluctance on the part of my democratic colleagues on the Joint Committee to introduce it.

It is easy to understand why none wished to be associated with it.

For years the Joint Committee has been noted for its strong support of the civilian cooperative power program.

During the Republican administration, my Democratic colleagues were quite vocal in criticizing what they claimed to be inadequate support for civilian nuclear power.

Some of them, therefore, must have been a little embarrassed during the first year of the Kennedy administration when the AEC authorization bill for fiscal year 1962 only had $12 million for the cooperative effort with private and public electric power utilities to advance the development of nuclear energy.

Their embarrassment of last year must have turned to mortification when this year's proposed legislation included no money whatsoever for the power demonstration program.

Let us compare last year's $12 million and this year's "no money" proposal of the Kennedy administration with the last 4 years under the Republican administration.

The level of support for the power demonstration program as contained in past AEC authorization bills was as follows:

Fiscal year:	
1958	$149,915,000
1959	25,198,000
1960	45,500,000
1961	45,000,000

Compare those figures with last year's $12 million and this year's "no money," and you can understand why my Democratic colleagues are embarrassed to the extent they have refused to introduce their administration's fiscal year 1963 AEC authorization bill until it was modified.

My Democratic colleagues are fair-minded men. They are anxious to see the atomic energy power program go ahead.

While they recognize that sometimes in the heat of a political campaign promises are made that may not be kept, they cannot forget the claims made for atomic energy in the Democratic platform adopted at the national convention on July 12, 1960.

They well remember the promise of their party to "continue the development of the various promising experimental and prototype atomic powerplants which show promise, and provide increasing support for longer range projects at the frontiers of atomic energy application."

Yes, they promised to continue developments begun under the Republican administration and to provide greater support for longer range projects in the frontiers of atomic energy.

Unfortunately, the present administration seems to have difficulty in finding the frontiers.

Its increasing support of the power demonstration program meant a drop from $45 million for the fiscal year 1961—the last authorization under the Republican administration—to $12 million last year, and no money whatsoever in this year's proposed authorization.

Is there any wonder that up to now the Democratic members of the Joint Committee have failed to introduce the administration's proposed legislation?

It is unfortunate that the administration decided earlier this year to abandon its support of the nuclear cooperative power program at a time when we are close to gaining the goal we have been seeking these many years.

During hearings before the Joint Committee on Atomic Energy on the development, growth, and state of the atomic energy industry in March 1962, the committee was informed how near we are to the attainment of economic nuclear power in two regions of the United States where conventional fuel is very expensive. One of these areas is New England.

Mr. William Webster, who is president of the Yankee Atomic Electric Co., testified concerning his company's experience with nuclear power.

His company, which includes a group of New England utilities, in cooperation with Westinghouse, has constructed a nuclear plant under the Government's cooperative nuclear power program, in Rowe, Mass, and has been operating the plant since November of 1960.

Here is what Mr. Webster had to say about the foreseeable potential of nuclear power in the high cost conventional fuel area of New England in response to a question from my colleague, Senator PASTORE.

I quote from the report of the hearings:

> Senator PASTORE. Does the group [Yankee Atomic Power Co.] have any future plans with regard to another plant?
>
> Mr. WEBSTER. Well, this group is quite pleased, shall I say, with their Yankee experience. They recognize that a very much larger plant offers a better opportunity to be competitive than one the Yankee size or only slightly larger. They are looking forward to putting a plant of this sort on the lines, probably on a joint basis of some sort, let us say, in 1967, at the very worst 1968, but I expect it could even go critical before 1967. That would simply be an economic and routine addition to our power supply in New England.

The Yankee Atomic Power group has with this first plant and first loading of nuclear fuel generated power at a cost of something less than 10 mills per kilowatt-hour.

This is very close to the cost of power in the New England area from conventional sources, which is about 8 or 9 mills per kilowatt-hour.

It was the conviction of those that testified that the cost of atomic power can be brought down to less than that from conventional sources if we follow through on the last phases of our development work.

The New England area is most interested in the development of nuclear power.

The construction of the Niagara and the St. Lawrence projects has been most helpful in the development of low-cost electric power.

However, development of hydropower potentials in this area is virtually completed.

The New England area in the near future has no other alternative but to return to high-cost conventional fuels unless some other source of power is developed.

The Power Authority of the State of New York has been interested in helping develop low cost atomic power, but has been prevented from doing so by lack of favorable State legislation.

In a report dated March 16, 1961, Mr. Robert Moses, chairman of the Power Authority of the State of New York, submitted to the New York Governor the reasons why the New York power authority ought to be permitted to participate with the Federal Government in the development of nuclear powerplants.

Mr. Moses again reiterated the advice that was set forth in the authority's 1960 nuclear report:

> Let there be no mistake about it. The control of atomic energy will, before long, be the greatest domestic policy question before the American people, because those who control fission and fusion will be the masters of population growth and location, industry, trade, commerce, and life itself. This is too great a control to be exercised otherwise than on the theory that it is affected with a major public purpose not to be left exclusively to private profit enterprise.

Mr. Moses was particularly interested in the construction of a very large atomic powerplant which would be integrated with the authority's system.

It is interesting to note that Mr. Moses' views were borne out in the recent Joint Committee hearings, which indicated a definite trend toward larger conventional and nuclear plants supplying large interconnected power grids through higher voltage transmission lines.

The substance of the testimony of all of the experts who testified at the Joint Committee hearings in March 1962 was that the era of economic nuclear power is definitely in view, and all that was required to attain it was a continuation of our concerted development and demonstration efforts for a few more years.

The goal of economically competitive nuclear energy can be attained in the next few years only if a sustained Government and industrial development effort is maintained in this field.

Some of our atomic equipment companies are finding it difficult to stay in business because of the lack of new starts, even though the future looks promising.

It was unfortunate that the present administration proposed to retreat from this New Frontier just as the critical point when the benefits of our efforts are in sight.

The cooperative atomic power program between the Atomic Energy Commission and industry is a critical factor in our efforts to attain competitive civilian nuclear power.

This program fostered the development and construction of nuclear powerplants from which sound technical data and operating experience can be obtained to advance the program.

This effort also provided the support required to build up the vital industrial complex to manufacture nuclear powerplants.

The distress which will result in this new industry by the haitus which will be caused by the slowdown of the program originally proposed by the present administration, I am sure, is obvious to all of us.

The trends in this new industry can be seen from the following tabulation of atomic powerplant design starts for the past few years:

Year:	*Designs started*
1953	1
1954	3
1955	2
1956	3
1957	2
1958	5
1959	4
1960	1
1961	1
1962	1
1963 (proposed)	0

Twenty-one atomic powerplants were started under the Eisenhower administration, and another was authorized. Under the Kennedy administration, only two have been started, one of which was authorized under the Eisenhower administration. The other one is outside the Government program, anyway; that is the one at Bodega Bay, Calif.

Mr. President, is it not fitting to ask why the Kennedy administration undertook to bring to a standstill the power demonstration program of the AEC just at a time when the production of competitive-cost nuclear power seems to be within our grasp.

Why is it that instead of giving continued encouragement to this program, as pledged in the Democratic platform of 1960, the administration attempted to put a roadblock in the way?

I am sure that this reactionary position of the executive branch does not represent the thinking of my Democratic colleagues in the Congress. I hope that they may be able to persuade the administration not to seek an authorization for merely a token appropriation for the atomic power program and not to cancel any such program which the Congress may authorize and make appropriations for.

I trust that with bipartisan leadership from the Joint Committee on Atomic Energy we can get the atomic power program moving forward again.

THE BILLIE SOL ESTES CASE

Mr. WILLIAMS of Delaware. Mr. President, for the past several weeks I have been urging a full congressional investigation of the manner in which Mr. Billie Sol Estes, of Texas, was able to obtain such favorable consideration from the Department of Agriculture. The rapidfire events of the past few days give indication that when the full facts have all been disclosed this will be a major scandal.

However, today I call attention to a circumstance of this case which disturbs me even more than anything heretofore disclosed; and that is, the manner in which Miss Mary Kimbrough Jones, former secretary to Mr. N. Battle Hales, a Department of Agriculture official, was apparently railroaded to a mental institution apparently for no reason other than that she knew too much. She has since been determined to be mentally sound, but that does not alter the situation. Nor does it change the fact that she was committed to a mental institution without the Agriculture Department doctor making any attempt to consult her personal doctor or her family; nor was any effort made to consult other medical authorities before her commitment.

This girl was placed in an institution and in the position of having to prove her sanity. The Department claims that this case was handled within the law, but if that is true then we need a correction of our existing laws.

For the past several days we have heard the administration loudly proclaiming its great interest in protecting the civil liberties of the individual citizen without regard to his race, creed, or nationality.

This is a violation of the civil rights of a citizen—a Government employee—which is far more serious than the denial of the right to vote.

The right to vote is important and must be protected, but railroading an employee to a mental institution for nothing other than refusing to cooperate in covering up corruption of a Department is of a far more serious nature.

Apparently it began when her boss, Mr. N. Battle Hales, an official in the Department of Agriculture, submitted to his superiors an adverse report on the manner in which the Department of Agriculture was dealing with Billie Sol Estes. Suggestions had been made that there were circumstances in the Estes case which warranted its referral to the Department of Justice. Instead, Mr. Hales, on April 19, was intensively questioned by the FBI.

The following day, April 20, when Mr. Hales returned to his office he found a guard at the door, and he was barred from entering. He was told that he had been relieved of his previous duties and transferred to another job involving the Department's food stockpiling activities in connection with the civil defense programs. He was allowed to take his personal effects from his office but was told that his files must remain. Allegedly the combinations on his files were all changed to make sure that he did not have access to any of the information which had been compiled during his examination of the Estes case.

After Mr. Hales had been removed from his office and sidetracked to an insignificant position his secretary was placed under suspicion, and the harassment began.

Now, what crime was committed by Miss Mary Kimbrough Jones, the secretary to Mr. Hales before his transfer?

Apparently she remained too loyal to her former boss and tried to protect his files from being pigeonholed or destroyed, with the result that she became very unpopular with other Department officials.

Allegedly she was ordered from the office, and when she objected she was bodily removed and detained in an adjoining office.

Dr. Lee K. Buchanan, the Chief of the Health Division of the Agriculture Personnel Office, was called in, and without any effort to consult with Miss Jones' personal physician concerning commitment to a mental institution he arbitrarily ordered this lady carried to a mental institution.

I understand that Dr. Buchanan claims that he had advised Miss Jones' doctor that he was sending her to a hospital; but even if he had done so, there is a vast difference between discussing sending a girl to a hospital and discussing sending her to a mental institution.

I am advised that Miss Jones has a long record of service with the Government, during which time she has been given high efficiency ratings. She was considered an excellent employee until the recent developments.

I have talked not only with the doctor but with Miss Jones' brother. Both said that they nor any member of the family was contacted concerning her commitment until after the lady had been committed to the institution.

She was detained there several days or until such time as she could prove her sanity. After detaining Miss Jones several days the District Mental Health Commission, which included two staff psychiatrists from the hospital, held a brief hearing and then ruled that Miss Jones was mentally sound and ordered her discharged.

But this discharge came only after she had been confined several days in the mental ward of the hospital.

I have talked with Miss Jones' personal physician, and he denied that he had been consulted concerning her commitment to a mental institution prior to the Department's actions. Her doctor further stated that as her personal physician he had never detected anything which would raise any question as to Miss Jones' sanity. In fact, he had seen Miss Jones in his office only the day before her commitment, and while she was extremely nervous—which was understandable in view of the circumstances—he said no question was raised concerning her sanity.

I emphasize that in reviewing the case I found no basis whatever for any questions having been raised so far as Miss Jones is concerned.

By what right did Dr. Buchanan, an employee of the Department of Agriculture, order this lady carried to a mental institution without first having her examined by her personal physician or by some other doctors? This girl was placed in the embarrassing position of being committed first and then having to prove her sanity before she could get out.

Have we reached the point where employees who displease their superiors can be arbitrarily committed to a mental institution where they must remain until such time as they can prove their sanity? Why have we not heard of some of the liberals of this administration coming to the protection of this girl?

If such arbitrary procedure is allowed to go unchallenged then the civil rights of every employee of the U.S. Government are in jeopardy.

During the past several days much has been said in the Senate about the need for defending the rights of every American to cast his ballot, but here is an instance where a civil liberty has been taken away from an American citizen which goes far beyond the denial of a vote. Yet the Attorney General of the United States, who boasts of his great interest in protecting the civil liberties of every American citizen, remains strangely silent. Why?

The irony of this is that this drastic action was taken against Miss Jones during National Secretaries' Week, a week which was set aside for the employers of America to recognize the efficient service and loyalty of their secretaries.

I most respectfully suggest that the Attorney General of the United States, who thus far has displayed an appalling lack of interest in the whole Estes case but who professes such a high regard for civil rights, examine this case from two angles:

First, did Mr. Lee K. Buchanan, a doctor in the Department of Agriculture, have the legal right to send Miss Jones to a mental institution without consulting either Miss Jones' personal physician or any other outside physician and to order her confined until such time as she could prove her own sanity?

Second, if under the existing law Dr. Buchanan or any other official of the U.S. Government does have such dictatorial power then I am asking for the Attorney General's recommendation as to how the law should be amended to prohibit any other American citizen from ever again being subjected to the indignities of such a high-handed procedure without first having an opportunity to consult his or her family, lawyer, and physician.

Mr. President, if there had been any doubt about the need for a full-scale investigation of the Estes case that doubt is now removed.

I conclude my remarks by saying once again that after a careful examination of this case I find no basis whatever for raising any question as to this girl's sanity. I do not for one moment question that perhaps she might have been delirious and hysterical. I would have been, too, if I had been told that I was to be arbitrarily taken or shanghied from an office and sent to a mental institution without being given an opportunity to call a member of my family or to consult my doctor. I think this is one of the most glaring cases of the violation of the rights of an individual that I have ever seen.

YOUTH CONSERVATION CORPS

Mr. MOSS. Mr. President, now that the Senate is turning its attention to other pending legislation, I trust we can move on the bill to establish a Youth Conservation Corps (S. 404).

The Senate passed this measure in the last Congress by a substantial vote, but it died in the House. This session a YCC bill combined with a youth public service program, has been reported by both the House and the Senate Labor Committees, and is pending on the calendar in both bodies. If the bills can be brought to the floor at an early date, there is a good chance we can arrive at a compromise version between their differing provisions, and the 87th Congress can be known as the Congress which reactivated this most important program to conserve our great natural resources and the even more valuable human resource that is our youth.

The Salt Lake Tribune, one of the West's most influential newspapers, recently carried an editorial entitled "Youth's Vast Wasteland," which makes a very persuasive case for passage of the YCC bill. Soon our millions of teenagers will be out of school for the summer, and although some of them will find jobs and other constructive pursuits, for many it will be 3 months of what the Tribune terms "demoralizing idleness." Both the Nation and the youth themselves would profit greatly by a program which would take these young people out into our forests and our parks and our wildlife refuges to conserve and improve them. And our communities would profit from the public service phases of the program as the editorial also points out.

I ask unanimous consent that the Tribune editorial be printed at this point in the Congressional Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Youth's Vast Wasteland

> With schools recessing in about a month, most parents and welfare leaders in urban communities face the summer with foreboding and worry.
>
> Regardless of their efforts to find work, many thousands of teenagers will spend most of the summer in demoralizing idleness.
>
> True, there will be limited recreation programs to help direct youthful excess energy into proper channels; some high school age boys will be able to get jobs and some may take special courses, but most face 3 months of sterile inactivity, or worse. The modern household is so nearly automated that it offers few chores, especially for boys.
>
> Mary Conway Kohler, a former juvenile court judge and now chairman of the National Committee on Employment of Youth, recently summed up the problem this way:
>
> "As we once wasted natural gas and forests and topsoil, today we waste our most valuable natural resource—the productive power of young brains and muscles, the creative power of young imaginations and emotions. We waste them because we neither keep them in school nor give them jobs."
>
> The vacation period will bring renewed pressure on Congress to act on the proposed Youth Conservation Corps but by that time the lawmakers will be preoccupied with a drive for adjournment, and for various reasons the program annually meets a wall of opposition.
>
> The House Committee on Education and Labor has reported favorably on H.R. 10682, the Youth Employment Opportunities Act of 1962, recommended by President Kennedy, but the Rules Committee is an impressive obstacle. The Senate version (S. 404) was reported favorably last fall but no action has been taken since.
>
> Under the House bill, the corps enrollment would not exceed 12,000 a year for the first 3 years.
>
> The corps would be open to young men between 16 and 22, with one-third of the strength reserved for participation by State and local governments which would be expected to pay half the cost of programs in which they participated.
>
> The pilot program would make hardly a dent in youth unemployment. But it would be a start.
>
> There is a huge backlog of needed conservation work on forests, parks, and wildlife refuges. Moreover, libraries, schools, and other institutions would benefit from the community public service employment phase of the program.
>
> How serious will the youth unemployment and delinquency problem have to become before remedial action, such as is offered in the Youth Conservation Corps is taken?

THE ROLE OF EDUCATION AND THE EDUCATED MAN IN AMERICA AND THE WORLD TODAY

Mr. MOSS. Mr. President, it is a source of constant pride to me that our distinguished U.S. Commissioner of Education, Dr. Sterling M. McMurrin, comes from my State of Utah, and was formerly associated with my own alma mater, the University of Utah.

However, it is with more than pride in one's own that I read and listen to Dr. McMurrin's realistic and eloquent discussions on the role of education and the educated man in America and the world today. Recently Dr. McMurrin engaged in such a discussion before the Conference on the Ideals of American Freedom and the International Dimensions of Education at the HEW auditorium in Washington, D.C. entitled "Education for Freedom in a Free Society," Dr. McMurrin proceeded from a discussion of our sense of obligation to knowledge and reason, to the issue of freedom itself, and then to the role of the scholar as a critic of society, concluding that it is one of the great tasks of those in academic life to stand firm for the preservation of intellectual freedom.

Dr. McMurrin holds that the continuing crisis in which the Nation now finds itself "is a crisis of the liberal ideal out of which our values have come." Then he states:

> Today, as never before, we must cultivate the broadest human sympathies and a genuine identification with whole mankind. Our past local and national isolations are gone and the provincial attitudes that arose from those isolations are doomed to die. The instruments of education must be employed to more adequately prepare us for the new world-mindedness that must replace those attitudes.

I ask unanimous consent to place in the Record the full text of Dr. McMurrin's remarkable address.

There being no objection, the address was ordered to be printed in the Record, as follows:

Education for Freedom in a Free Society

(Revised address by Sterling M. McMurrin, U.S. Commissioner of Education)

> When we ask the question of the responsibility of our schools in the matter of freedom, we confront a primary task of education, for quite certainly among the purposes of education none is more basic than the understanding, appreciation, criticism, and perpetuation of the culture, and among the defining properties of our culture, none is more central than freedom and none is more pertinent to the large issues that now occupy us. The problem is not whether education has responsibilities here, but rather what they are and how they can effectively be mounted. The ideal of freedom pervades the whole structure of our personal and corporate life and it falls therefore upon all the institutions of our society, singly and collectively, to protect and cultivate it and to keep it a viable quality of our culture. The specific task of education must be identified

within the context of the primary function of education, which is the achievement and dissemination of knowledge, the cultivation of the intellect, and induction into the uses of reason.

Our people have a firm tradition of respect for reason and for what reason entails—knowledge, evidence, and a careful assessment of the pros and cons of every issue. This is not to say that we have always behaved with reasonableness in the past or to guarantee that we shall avoid irrational attitudes and conduct in the future. It is to say that our civic passions are quite commonly responsive to the persuasions of evidence and that we have built into our habits of thought and action those deterrents and inhibitions that in part account for the stability of a people whose public life is a scene more of discussion, deliberation, and effective compromise than of emotional extremes and arbitrary decision.

That we have such extremes is all too evident. And they do not all belong to the past, for some are with us now. We can look in many directions and see evidences of irrational behavior of all kinds, in public and in private life. In some instances the matter at hand is trivial, or at least of no general concern. In others something very real and very precious may be at issue. Often there is at least a loss of the composure and self-possession that are among the chief adornments of a mature society, a loss of the serenity and self-respect that are the ground of the dignity of a civilized nation.

The commitment of our public life to reasonableness is of long standing and runs very deep. It perhaps is not unrelated to the fact that the large events of the founding of the Republic belonged to the American enlightenment, and that some of the founders were among the best specimens of that age that produced specimens of a very high order, who believed that tyranny was the product of superstition and ignorance, that freedom was the fruit of knowledge and reason. But far beyond that, the roots of our tradition were in the classical doctrine that man is the rational animal, and that his ultimate good lies in the cultivation of his reason, a doctrine that has had a long and illustrious history. It was the foundation of the Greek conception of the virtuous life and the good society, and the basis of the stoic philosophy that gave structure to Roman law and order. It was Christianized as the basic tenet that the rationality of man is the image of God. And it became the chief ground for modern science and for the foundation of modern humanism with its liberal doctrine of man and its optimistic conception of human history.

Now among all the modifications of recent decades in the intellectual, moral, and spiritual life of the Western World, none has been more radical or far reaching, and none more ominous in its prospect, than the decline of this belief in the rationality of man and the loss of the faith in his sure determination of his future. That this decline, which has affected secular and religious thought alike, and has touched the political life of nations and the personal life of individuals with doubts, fears, and anxieties of every description and dimension, has not cast its blight upon us in the same degree as on some others is due in part to the fact that until now, at least, we have not suffered the frustrations, defeats, and tragedies that they have known.

But the threats of irrationalism hang heavily and precariously over us and the events of recent years are an ominous warning that even here the force of reason can fail and men can be moved more by emotion and passion than by knowledge and wisdom.

Yet where we are guilty of such behavior, and suffer the losses that it entails, it is within the context of a general commitment to reasonableness that sooner or later recalls us to our senses, restores our balance and judgment, and leaves us embarrassed, chastened, and perhaps a little wiser. It is this precious commitment to reason, which is central to so much that is of intrinsic worth not only in our intellectual pursuits but as a quality of our moral and spiritual life, and upon which so much depends in our practical affairs, that is entrusted to our schools. Whether they effectively cultivate respect for reason, not simply in some but in all of their students, instilling in them a passion for knowledge and for the quest for knowledge, and affecting thereby the whole character of our society, will decide their success or failure in the management of this inheritance.

Such a thing as our sense of obligation to knowledge and reason is quite properly seen as an inheritance, for it is something that cannot be created or established in a day. It is not something that can at will be put on or taken off, or be imposed artificially on others, or be legislated into or out of existence. It has evolved through the centuries with the culture, is transmitted by it from generation to generation, and is indeed not simply a part of the culture but an essential quality of its very nature. If under pressures of whatever kind of people were to abandon their basic trust in knowledge and reason, the culture in which we move and flourish, which is in our thought and action, and which at once determines and is determined by us, would be at its end. The future, whatever else it might be, would be a different world for us from what we now know and have known.

Now in this matter we have no reason to believe that our schools will not in the future prove worthy of their task. They came into being as the chief bearers of the intellectual life of our society and there is no other institution to assume the burden of their responsibilities. But our faith in the capacity of our schools to insure the future stability of our society by guaranteeing that our decisions and actions will be determined by a calm and thoughtful reliance upon knowledge and a careful examination of causes and consequences is, after all, in part a faith in our own willingness to continually examine and critically appraise our educational program at every level. It is a recognition that we have the capacity to define the basic problems that confront us at any particular time and to see clearly their relevance to the proper activity of the schools. Whether it is seen on the domestic or world front, contemporary history is moving at an accelerated pace and in the future those problems may be expected to appear in great number. In the years ahead the schoolmen, like the wicked, will have no rest.

When we turn to the issue of freedom itself, which is so intricately involved with the question of reasonableness, the picture is subtle and complex. Freedom was not begun in a day. Its history is long, with ups and downs and devious paths. Freedom is something that is won, or achieved, that is lived through, or that is always about to be born. It is not something that is simply planned, or decided upon. It must come into being through the life struggles of a people. Clearly it cannot just be borrowed, adopted, or adapted.

But there is not just one freedom. There are many. And it is not freedom in the abstract that should concern us here, but the concrete and particular freedoms that are or should be real and viable in the processes of our society and the lives of our people—freedom to think and freedom to speak; freedom to write and to read; freedom from want, from fear, from pain; from ignorance, conformity, custom, boredom and superstition; freedom from the oppression of both majorities and minorities; freedom from the crushing weight of the state; freedom from the tyranny of the past and from every form of tyranny that can rule the mind and heart and soul of man; freedom to be in the full sense a person whose personality is individual, in whom uniqueness is encouraged and independence is real. All of these and many more are elements in what we mean by freedom, and certainly these and many more are at issue when we ask the basic questions about political, economic, and intellectual freedom. There is much more for those who dig deeply and ask the question of the freedom of the will, with its scientific, metaphysical, theological, and moral implications. And there are matters of large practical import in the issue of the freedom of history—or better, freedom from history, freedom from the inexorable determinations of a purposeless fate, or from the unyielding logic of the blind mechanical forces of nature.

Now if there is anything that lies at the very heart of freedom as we know it, however vaguely and imperfectly, as an ideal of our culture, and freedom as we want to cultivate and protect it, the freedom that is so precious to us, it is the person taken as an individual. Clearly, the individual is at the very center of the meaning of freedom for us. His aims and purposes and his acceptance of responsibility are integral to freedom as a living experience. Any serious discussion of freedom and of the ways to enhance and preserve it must come to grips with the fact of the individual and the moral ideal of a society that is structure to that fact.

Here again is something that was not achieved a day, a century, or even a millennium. The individualism that is central to so many of our judgments of value, and is so commonly the foundation of our institutions, that seems so solid and entrenched, and yet at times is in precarious balance, is the product of a long and adventurous history, from at least Jeremiah and Ezekiel, who among our cultural ancestors first proclaimed unequivocally the moral responsibility of every person, to William James, who more vigorously than any other insisted upon the ultimate reality of the individual against the claims of the absolute.

No discussion of the American ideal of freedom and the American ideal of individualism can ignore the history of the impact of 19th century Hagelian absolutism on much European social and political theory and its eventual failure in our own country. Hegelian logic, metaphysics, and historical dialectic were imported into this country after the Civil War, but they did not take. Nor did the Hegelianism that appeared in a more academic garb around the turn of the century. It now appears that American thought and practice are and have been so inextricably involved with the particular and the individual that any world view or political or moral system that does not grant full and independent reality and the highest value to the individual will eventually be successfully resisted by the American mind. That this resistance is associated with our empirical, nominalistic, and pragmatic propensities and our suspicion of speculative metaphysics or the methodology of extreme rationalism is beside the point. The fact is that absolutistic philosophy has always had and continues to have a rough time in this country, and where Hegelianism with its ontological subordination of the particular to the absolute, and its political subordination of the individual to the State became the chief theoretical ground for Fascist, Nazi, and Communist totalitarianism, in American politics it went unnoticed and in American metaphysics it was forced to yield to the claims of the individual.

There is no American philosophy, and we may hope that there never will be, for the concept of a single intellectual system which pretends to the finished truth is contrary to our most cherished and basic intellectual ideal, that the quest for knowledge should be various and open and unending. But there clearly is what may be called a dominant spirit and temper in American thought, unquestionably deriving in part from and in turn influencing American practice that informs the character of both metaphysics and ethics and transforms whatever else it may touch—a radical individualism that insists that reality resides ultimately in the individual as such and that the good, however else it may be described, is definable ultimately only in terms of the individual.

This individualism, which is so entirely consonant with the principles and practices normative for a democratic society, must be the keystone to assess our institutions or judge our social arrangements, as it must be the keystone of any attempt at any interpretation of contemporary history that will give meaning to the events in our past and present. It is only on the firm ground of such individualism with all of its pluralistic implications, both theoretical and practical, that we can take our stand against the monolithic structure of the totalitarian states. It is only here that we can justify our way of life and our kind of institutions against theirs. And it is only here that we can look for increased strength for our Nation and new vitality for our culture.

There is a sense in which the task of the American school is expressed in the task of the American scholar. And his task must always be defined first by the disinterested pursuit of knowledge. To not stand firm against whatever would compromise the integrity of his search for truth would be to dishonor himself and to fail in a high and sacred obligation. Yet the scholar's concern is properly with the uses and abuses of knowledge, as well as with its achievement and dissemination, and with the state and character of his society and culture. His disinterestedness is his stubborn refusal to suppress the facts, to subject theory to policy, or to otherwise yield to the pressures of those who would restrain him in his pursuit of truth or would convert his abilities and efforts to unworthy purpose. It is not a denial of his obligation to serve those practical ends that are fully consonant with free inquiry and that may even be its essential condition.

Certainly one of the greatest of cultural tragedies was the sterility of German learning that removed the scholarly enterprise of that nation from a genuine critical involvement with the affairs of the society and state and thereby contributed importantly to the possibility of the tyranny that was to destroy the very foundations of intellectual life. Whatever pressures may be brought upon him, the scholar must forever refuse to forfeit his role as a critic of his society, just as he must never fail to faithfully describe and represent it.

But criticism in itself is not sufficient. The meaning of education relates to the total life of the individual, and its aims are directed especially and primarily to the cultivation of his intellectual capacities. But the individual cannot in fact be abstracted from his society in either the determination or pursuit of his values, and the full purpose of education involves the strengthening and the perpetuation of the culture. The American scholar and the American school must now fully assess their responsibilities, both general and specific, and measure their resources against the large problems that are now faced by every individual and that confront our society. Our Nation is in deadly peril and the world of our values is torn internally and threatened from without. Nothing less than our full commitment and determined effort will bring to them the strength that may mean the difference between their life and death.

In the pursuit of these large tasks we face many problems. Not the least of these lies in our general carelessness in the support of the basic branches of learning. Our large involvement in technological education is understandable, but even the progress of our technology is endangered by our too small investment in theoretical science, and our academic neglect of the humane studies and the fine arts can have a seriously damaging effect upon our culture. One of the major deficiencies in our national effort to meet the challenges before us is the almost complete failure of the American people to recognize that the strength of a nation lies in its art and music and literature, and in its philosophical sophistication and the quality of its social sciences, just as much as in its physics and chemistry or its electrical engineering.

When we raise the question of the survival of our Nation it is a question in proximate range of statesmanship and machinery. But when we speak of the decline or rise of our culture and the strength of the Nation for the long haul ahead, it is a question of the full cultivation of our spiritual, artistic, moral, and intellectual resources. Those who suppose that great music or great poetry or a knowledge of classical literature are not essential to not only the quality but even the survival of a nation and its culture are quite unaware of the lessons of the past.

Today we are confronted by internal forces that are already injuring the spirit and morale of our people. We have known for a long time that petty demagogs and tyrants can achieve some following in this country. But this time they are raising their heads in a shrewd and calculating manner that deceives large numbers of the unsuspecting and even promises to endanger intellectual freedom in the name of national security. Such efforts must be resisted with great strength, for the loss of that freedom would entail the loss of most everything that is precious in the foundations of our society. Those who contribute to the destruction of freedom, whatever their purposes or intentions, assume for themselves an ominous responsibility. It is now one of the great tasks of those in academic life to stand firm for the preservation of intellectual freedom and to demonstrate by their own integrity, wisdom, sense of responsibility, and commitment to high purpose that the salvation of our Nation does not require the destruction of its own highest values.

To put it briefly, the large and continuing crisis in which we now find ourselves as a Nation and as individuals is a crisis in the liberal ideal out of which our basic values have come, and which is quite certainly at once the genius of and the finest product of western culture—the recognition of the ultimate worth of the individual person, the valuing of knowledge for its own sake as well as for its uses, the faith that human reason is the most reliable instrument for solving human problems, and the commitment to the well-being of the individual as our noblest end. Today as never before we must cultivate the broadest human sympathies and a genuine identification with the whole of mankind. Our past local and national isolations are gone and the provincial attitudes that arose from those isolations are doomed to die. The instruments of education must be employed to more adequately prepare us for the new world-mindedness that must replace those attitudes.

It is a basic assumption of democracy that there is a coincidence of the good of the individual with the good of society, that the pursuit of the good of the individual will in some way contribute to the quality, stability, and strength of the society taken as a total entity. It is now our task to justify that faith and by serving the high principles of a free society build a future whose course is determined by those who are true lovers of freedom and for whom the worth and dignity of the individual is the proper foundation of social policy and social action.

We must refuse to believe that the historic possibilities of our culture have been laid before us. We must refuse to believe that the future is closed. We must refuse to believe, as the Marxists insist, that the course of history is determined and that the decline of our culture is inevitable. By the quality of our educational effort and by the force of our commitment and our determination we must justify a new confidence in our power to affect the future.

We must cultivate in our people such a sense of high vocation and high purpose, and so adequately equip them with knowledge, good will, and courage, that they will not be frustrated or daunted by the monumental tasks that lie before us. Whether we like it or not—our enemy is deadly serious, his power is immense, and he is playing for keeps. Nothing less will do for us now than a new intellectual, moral, and spiritual vitality that will overwhelm the demonic forces of regimentation that are arrayed against us and establish the autonomy of freedom over the otherwise meaningless and destructive course of human history. Above all else, our commitment to the individual and his freedom must prevail. For those who have known the meaning of freedom, life on any other terms would not be worth the living.

PEACE OFFICERS' MEMORIAL DAY

Mr. MOSS. Mr. President, we are today celebrating Peace Officers Memorial Day, and all this week we will be celebrating Police Week. The purpose of the day and week is to pause briefly to pay tribute to the many brave peace officers who have been killed or disabled in line of duty. The day was established last year on June 21, when President Kennedy signed Senate Joint Resolution 65—Public Law 87-54—so this is the first of the annual celebrations which I hope will become an established and cherished custom.

I am pleased to have this opportunity to pay homage personally to the Nation's Federal, State and municipal peace officers who have given their lives to preserve order. As a former county attorney, no one knows better than I how great their contribution has been. Their exploits become headlines in the local press for a few days—and sometimes they stretch out across the Nation—but because what they have said and done usually directly benefits only the people of a single community, or, on some occasions, of a county or a State, their exploits fade from national consciousness. This is not right.

We have long had a special day dedicated to the men who gave their lives to keep a nation or a world from being divided, and we have another day in which we remember the contributions of all of those who served in the cause of freedom, and especially of those disabled in that cause, but because their exploits affected and protected us all, they tend to overshadow those equally heroic actions of local peace officers who kept local order. We owe these men an equally great debt of gratitude. I am glad to be able to participate in this first day dedicated to them.

I would like at this time to have printed in the Record a list of members of the National Advisory Committee of the Peace Officers Memorial Association which was sent to me by Mr. Charles

Sussman, of Philadelphia, one of the most effective and ardent supporters of the legislation establishing the day.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

NATIONAL PEACE OFFICERS' MEMORIAL DAY ASSOCIATION

(Dedicated to promoting Peace Officers' Memorial Day and Police Week in the United States in compliance with Public Law 87–54 and the promotion and preservation of Americanism and the American way of life.)

NATIONAL ADVISORY COMMITTEE

Hon. Archie Gubbrud, Governor, State of South Dakota.

J. M. Bannister, captain, chairman, legislative committee, Louisiana Conference of Police Associations.

Daniel S. C. Liu, chief, Honolulu Police Department.

Howard R. Eide, president, Iowa Association of Chiefs of Police and Peace Officers, Inc.

Donald E. Smith, chief, Pekin, Ill., Police Department.

Gordon Gibson, sergeant, Flina, Mich., Police Department.

Joseph H. Guilfoile, superintendent, Waterbury, Conn., Police Department.

C. L. Shuptrine, chief, Houston, Tex., Police Department.

R. T. Runyan, chief, Corpus Christi, Tex., Police Department.

Hilton Geer, major, Oklahoma City, Okla., Police Department.

Clinton E. Riggs, administrative chief, Tulsa, Okla., Police Department.

George A. Stephens, chief, Mecklenburg County Police Department, Charlotte, N. C.

Norman J. O'Hara, sergeant, secretary-treasurer, Heart of America Law Enforcement Organization, Kansas City, Mo., Police Department.

William J. Burns, chief, Galveston, Tex., Police Department.

J. Walter Olson, chief, Fargo, N. Dak., Police Department.

George W. Scholer, chief, Columbus, Ohio., Police Department.

Norman Bowers, chief, Fall River, Mass., Police Department.

Eugene F. Golden, chief, Elmira, N.Y., Police Department.

H. Bailey Carroll, director, the Texas State Historical Association, Austin, Tex.

Ira E. Scott, chief, Kingsville, Tex., Police Department.

John Paladino, chief, Jamestown, N.Y., Police Department.

Jesse J. Walling, chief, New Castle, Del., Police Department.

Norman Young, chief, Pine Bluff, Ark., Police Department.

Stanley G. Haukedahl, chief, Kenosha, Wis., Police Department.

Charles V. Main, chief, Frederick, Md., Police Department.

Joseph I. Giarrusso, superintendent, New Orleans, La., Police Department.

Leon T. Webber, chief, Portland, Maine, Police Department.

Edward V. Williams, chief, Erie, Pa., Police Department.

Elmer A. Briscoe, chief, Reno, Nev., Police Department.

Col. W. E. Bindner, chief, Louisville, Ky., Police Department.

Carlisle Johnstone, chief, Orlando, Fla., Police Department.

Paul S. Borum, chief, Denison, Tex., Police Department.

George Calder, chief, Brownwood, Tex., Police Department.

C. T. Vettel, chief, Oak Ridge, Tenn., Police Department.

V. Allen Adams, chief, Glendale, Ariz., Police Department.

Elmer R. Madson, chief, Green Bay, Wis., Police Department.

Carl R. Cain, chief, Fairmont, W. Va., Police Department.

John H. Putnam, chief, Idaho Falls, Idaho, Police Department.

Erich Bauch, chief, Mathis, Tex., Police Department.

James E. Tippit, chief, Brownfield, Tex., Police Department.

John M. Neely, chief, Andrews, Tex., Police Department.

N. H. Lassiter, chief, Freeport, Tex., Police Department.

Kenneth Gage, chief, Burk Burnett, Tex., Police Department.

Ray Pettit, chief, Hillsboro, Tex., Police Department.

Henry W. Aycock, chief, Hereford, Tex., Police Department.

F. Emmett Fitzpatrick, Jr., second assistant district attorney, county of Philadelphia, Pa.

Roy T. Noonan, superintendent, State of Minnesota Bureau of Criminal Apprehension, St. Paul, Minn.

Tony Marvin, Mutual Broadcasting System, Inc., New York City, N.Y.

W. A. Pence, chief, Kermit, Tex., Police Department.

Marvin Williams, chief, Crockett, Tex., Police Department.

W. J. Cooper, chief, Killeen, Tex., Police Department.

Henry J. Sharp, chief, Lampasas, Tex., Police Department.

J. R. Cowing, chief, Cuero, Tex., Police Department.

Chester W. Simons, chief, Snyder, Tex., Police Department.

H. G. Whitmire, chief, LaMarque, Tex., Police Department.

Robert F. Doffer, chief, Perryton, Tex., Police Department.

Alex B. Stephenson, supervisor, Montana Highway Patrol, Helena, Mont.

Thomas A. Carrere, superintendent, School District No. 20 of Charleston County, S.C., Charleston, S.C.

GOVERNMENT ASSISTANCE TO EDUCATION

Mr. MOSS. Mr. President, last week the Saturday Evening Post published an editorial entitled "The Coming Boom in Ignorance." I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE COMING BOOM IN IGNORANCE

The most fearful sound of our continuing population explosion could, within the decade, be a big boom in ignorance. American education, once a legitimate source of national pride because it provided a chance at learning for almost everybody, may wind up offering less and less for anybody. Right now, alongside the old three R's, almost every school system in the United States would have to chalk the four U's: Understaffed, underequipped, underfinanced and under par. With each passing semester the situation gets worse.

Almost 1½ years ago, in a special message to Congress, President Kennedy asked Congress for a $5,600 million aid-to-education bill. Impaled on a side issue concerning whether additional Federal assistance would be extended to parochial and private schools, the legislation died ingloriously in the House of Representatives. This year, Mr. Kennedy, a Roman Catholic, repeated his plea for school legislation and once again omitted Government aid to parochial schools on constitutional grounds. Realizing that he may have to settle for half a loaf, the President has sliced his program into separate sections and has assigned highest priority to the less controversial features: Funds for college construction; expanded training and more scholarships for teachers; adult education to eradicate the nearly 8 million "functional illiterates" in the United States. Already this year the House and Senate committees have spent more than 3 months tinkering with the machinery of the college-aid bill alone.

Behind the heated congressional conferences on aid to education lie these cold statistics:

This year about 4 million Americans are attending college; by 1970, 6 million will be qualified to attend if funds and facilities are available.

To accommodate those 6 million will require almost $15 billion worth of new facilities and repairs to existing facilities. (Kennedy has asked that the Government make available $1,500 million of those construction funds.)

Nearly 100,000 of the country's public-school teachers either have not been certified to teach or have not graduated from college. (We have no minimum national standard for education, let alone for teachers' credentials.)

Today American public schools are awesomely crowded because we have a shortage of 127,000 classrooms; to meet the population demands of 1970, we require 600,000 new rooms.

Every day that legislators continue their debates, 11,000 Americans are born to be fed into the school system.

The argument that Federal aid to education is reprehensible is not impressive. School systems have been—and will continue to be—supported primarily by local community property taxes and controlled by States and communities. These taxes have already ballooned more than 200 percent across the country since the end of World War II. It is cruel truth that many American communities simply cannot afford anything approaching an adequate school system given today's costs and tomorrow's population.

Federal aid in some form is an old fact of American education life. In 1785, parcels of Federal land were set aside in every township for public-school use. In the middle of the 19th century, Government land grants began for agricultural schools; today there are 68 land-grant colleges. World War I prompted the Government to finance vocational training. World War II produced the famous GI bill of rights. After sputnik, we enacted the National Defense Education Act which, this year alone, provides about $200 million for training engineers and scientists. In short, we have always extended some Federal aid to education. But never has education required aid the way it does right now.

Those who would still argue that any Government assistance must at the same time include aid to parochial and private schools should immediately consider some basic arithmetic. Today there are 43 million Americans in elementary and high schools. About one in seven of those students attends a private or church institution. Without prejudice as to how the debate will finally be resolved, it seems not only unfair but unconscionable to keep an entire nation wanting for education while the church-state arguments continue interminably. Eventually the issue appears certain to wind up in the Supreme Court anyway.

Several portions of President Kennedy's educational program now stand a chance of passage during the present Congress: loans for college construction; competitive Federal college scholarships for deserving students, aid to medical and dental schools, expansion of the Defense Education Act. His program for expanded teacher training might pass. But aid to public schools, surely the primary problem of them all, remains ensnaried and entangled on the same old hook: the question of aid to parochial and private institutions. If we are not smart enough to solve that controversy—and soon—then we cannot expect our children to be smart enough to assert American leadership for the years to come.

THE GOOD LORD INTENDED

Mr. LONG of Hawaii. Mr. President, last week a United Press story appearing in the Honolulu Star-Bulletin told of the action by an Ohio county judge who disapproved adoption of a little girl by a husband of American ancestry and a wife of Japanese ancestry, also a citizen of the United States, on grounds that mixing of races was unwise in adoptions.

The Star-Bulletin of May 13 published an editorial about the case entitled "The Good Lord Intended." Further comment is unnecessary. I concur in what the Star-Bulletin has to say and agree that the couple and the little girl would be welcome in Hawaii.

I ask unanimous consent that the UPI story of May 10 and the Star-Bulletin editorial of May 13 be printed at this point in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Honolulu Star-Bulletin, May 10, 1962]

MIXING OF RACES IS RULED UNWISE BY JUDGE IN OHIO ADOPTION CASE

CLEVELAND, OHIO, May 10.—Cuyahoga County Probate Judge Leonard S. Frost has disapproved adoption of a little girl to an American father and Japanese mother on grounds mixing of races was unwise in adoption.

The girl, now 2½ years old, was placed with the couple when she was a year old by children's services, the city's biggest adoption agency.

She was born out of wedlock to a mother of English descent and a Puerto Rican father who surrendered her to the adoption agency.

The couple who want to adopt the girl met in Japan while the man was in the Army. They have been married 12 years and are childless. The wife is now an American citizen.

"The good Lord created five races and if He intended to have only one, He would have done so," Judge Frost said, in explaining his decision. "It was never intended that the races should be mixed."

He said that as the girl grew older, it could be hard on her to have a mother of a different race.

"I don't think our community is ready for this," he said. "Maybe it will be in 50 years but not yet. The incident of the Korean family buying a home in suburban Bay Village is an example of the trouble that may arise."

The couple has appealed the decision. The husband said he did not understand the judge's ruling because the girl already was born of a racial mixture.

"If we had had a child of our own, he might have looked like me, like my wife or have had features of both of us," he said. "Some of our relatives have thought at first that our girl was born to us."

[From the Honolulu Star-Bulletin, May 13, 1962]

THE GOOD LORD INTENDED

A Cleveland probate judge may not have read the U.S. Constitution recently, or civil rights decisions of the U.S. Supreme Court. How otherwise can we interpret his ruling that it would be unwise to allow a mixed couple to adopt a little girl?

The father is a former American soldier who married a Japanese girl whom he met while serving in Japan. She is now an American citizen, entitled to all the constitutional rights of Americans.

The child, placed with the couple 18 months ago, was born to a mother of English descent and a Puerto Rican father.

The judge offers some interesting reasons for his action. "I don't think our community is ready for this," he said. "Maybe it will be in 50 years but not yet. The incident of a Korean family buying a home in suburban Bay Village is an example of the trouble that may arise."

This is strictly a matter of opinion. It certainly does not reflect either the letter or the spirit of the law, which the judge has sworn to uphold. The U.S. Supreme Court was not concerned with "readiness" when it voted in 1954 that segregation in the public schools was unconstitutional.

The Cleveland judge also made this amazing statement: "The good Lord created five races and if He intended to have only one, He would have done so. It was never intended that the races should be mixed."

Yes, and the good Lord arranged it for men to be born naked. If he had wanted them to be clothed, he would have brought them into the world in that condition. And if he had wanted people to eat cooked foods, he would have provided cooked foods for them. The argument is, of course, ridiculous.

And if the judge had a mind to do it, he could find countless references in the Bible to the brotherhood of man and the fatherhood of God. No mention there of segregating God's children.

From the practical point of view, the child already is of "mixed" parentage and, in the words of the husband, has been mistaken by relatives for the natural child of the couple.

And what would the judge do in unready Cleveland if the childless couple should now have children of their own?

Fortunately the decision is being appealed. A higher court may yet reverse the decision.

If not, we are sure that Hawaii would welcome the Cleveland couple and their little girl and, if they can measure up to the reasonable qualifications of responsibility required of all parents seeking to adopt children, they will encounter no difficulty here in legalizing the adoption of the little girl.

COLOSSAL DEBT MUST NOT BE PENALTY PAID BY FAMILIES FOR PROLONGED ILLNESSES AFFLICTING ELDERLY RELATIVES

Mr. YOUNG of Ohio. Mr. President, the American Medical Association is again firing its heavy propaganda guns. This barrage of falsehoods that was successful in blocking adequate action on medical care for the elderly during the last session of Congress is again being fired on Congress as the target. The American Medical Association is spending hundreds of thousands of dollars in this determined effort of distortion and misrepresentation.

Years ago, the American Medical Association denounced social security as "state socialism." Now they claim the King-Anderson bill will lead to "socialized medicine." Both claims are utterly false.

The American Medical Association has budgeted more than half a million dollars to persuade, or coerce, Congressmen to reject this program. American Medical Association officials admit to having spent over $163,000 during 1961 alone. In reality the amount spent for this purpose was in all probability much, much more. The reported lobbying expenses of the American Medical Association for the year 1961 were larger than those of any other organization or association in the country. To use a colloquialism, the American Medical Association is the "spendingest" lobby in Washington and the most aggressive lobby in the entire United States.

Highly paid American Medical Association publicity and public relations men are working tirelessly in an effort to make us believe that the medical profession is faced with ruthless and oppressive regimentation.

American Medical Association ballyhoo artists have distributed thousands of copies of a 12-inch record featuring the silken voice of Actor Ronald Reagan encouraging listeners to embark in a letter-writing campaign against what they call an invasion of private freedom.

Mr. President, for years the ruling clique of the American Medical Association and its powerful lobby in Washington have been using the timeworn tag of "state socialism" or "socialized medicine" on all legislation which they oppose.

A generation ago, political doctors of the American Medical Association opposed reporting tuberculosis cases to a public authority, although this has since become the basis of all TB control. It opposed the National Tuberculosis Act which Congress passed unanimously, claiming this was "state socialism" and "socialized medicine."

It stubbornly resisted the Social Security Act. To this day it continues to oppose the inclusion of physicians and surgeons within its coverage. This despite the fact that poll after poll proves that the great majority of self-employed doctors would welcome social security participation and do desire social security coverage. Referendum votes in Ohio, Pennsylvania, New York, and New Jersey taken by State medical associations resulted in two-thirds of physicians and surgeons favoring inclusion within social security coverage now received by self-employed lawyers and dentists. The medical profession is the only group of professional men and women not participating in our beneficent and actuarially sound social security program.

Mr. President, the list of progressive legislation which was unsuccessfully resisted by the American Medical Association seems endless. It includes free diagnostic centers for tuberculosis and cancer; the Red Cross blood banks; Federal aid to medical education, voluntary health insurance, Blue Cross; school health services, and Federal aid to public health. The small group controlling the American Medical Association has opposed all the forward steps the American people, through the Congress, have taken.

American Medical Association ruling officials even had the temerity to assert that Government medical care for dependents of men in the Armed Forces might be harmful to national defense.

Of the 192 members of the house of delegates of the American Medical Association, approximately 40 have been family physicians. The remaining members of this group, about 150 of them, are political doctors.

What is progress to all other Americans is "state socialism" to the managing dictators of the American Medical Association. Of course, American Medical Association officials favor special legislation to defer payment of taxes on income which physicians and surgeons set aside for their retirement.

The house of delegates of the American Medical Association—those political doctors who rule that roost—take the position that it is good legislation for the Federal Government through action of the Congress to appropriate money to build hospitals in which they practice. At the same time, they denounce an insurance plan that would enable their elderly patients to undergo needed surgery and relieve them of pain and suffering, and at the same time enable them to pay their hospital bills. They are so inconsistent as to contend that in the first instance it is a fine and proper action on the part of the Federal Government, and in the second instance it is socialized medicine, or leading to socialized medicine.

Mr. President, I am not duped by the insidious American Medical Association propaganda which stems from shortsighted self-interest and arrogant indifference, which I am happy to say is not shared by a majority of the 180,000 American physicians and surgeons whom the 192 members of the house of delegates of the American Medical Association claim to represent. This small band of willful men do not speak for the great majority of the members of the medical profession. This is evidenced by a recent meeting with President Kennedy by a delegation of eminent and nationally known physicians and surgeons who risked reprisals from the American Medical Association to announce their wholehearted support of the President's program. After their meeting with the President these distinguished doctors stated:

> We believe the social security system is the most practical and sound method of financing health benefits for the great majority of the aged.

These doctors have given voice to the feelings of the American people who are not deceived by American Medical Association propaganda. Americans realize that medical aid under the social security system is the only realistic and equitable way of insuring adequate care for our 17 million citizens who are 65 years of age or older and who live in constant fear that their savings, if any, will be wiped away by a prolonged illness or serious accident. Colossal debt should not be the penalty if the tragedy of prolonged illness or terrible disability occurs to an elderly member of the family.

The American Nurses Association has also taken issue with the American Medical Association on this subject and has strongly endorsed medical care for the aged legislation under our social security system. The American Nurses Association is the national organization of over 171,000 registered professional nurses in 54 States and territories. This forward-looking organization has strongly supported the principle of health insurance benefits under social security.

Certainly our American nurses are every bit as patriotic and as interested in the health and welfare of the American people as are physicians and surgeons. Yet, we do not hear them screeching "socialized medicine" as do the political doctors in charge of the American Medical Association every time progressive health legislation comes before the Congress.

Because of the position they have taken on this legislation, these courageous women have to undergo severe personal and professional pressure from American Medical Association officials.

In a letter dated July 27, 1961, to Representative Wilbur Mills, chairman of the Committee on Ways and Means of the House of Representatives, Mathilda Scheuer, president of the American Nurses Association, stated:

> As president of the American Nurses Association, I would like to be on record as assuring the members of your committee that the house of delegates of our association voted both in 1958 and 1960 to support legislation that would include health insurance under the social security program.
>
> At the present time, our State associations are being subjected to rather unethical pressures by members of the American Medical Association. I am sure that you are aware of the position of the American Medical Association. However, many of the ANA members of our State associations feel it is very unfair to bring any pressure to bear as the members have some fear that if they continue to support the King-Anderson bill they may lose their jobs within the hospitals.
>
> No one knows better than the professional nurse how important it is for our citizens to have continued medical and nursing care when needed, and their inability to pay for a prolonged illness. We understand that members of the American Medical Association are asking their personal physicians to bring pressure upon the Congressmen * * * to defeat the King-Anderson bill.

In a subsequent letter to Representative Mills, dated August 15, 1961, Mrs. Judith Whitaker, executive secretary of the American Nurses Association, stated:

> The American Nurses Association has ample evidence in written reports to substantiate the assertion that undue pressure was exerted upon nurses, individually and through their district and State associations, by the American Medical Association and its constituencies. American Nurses Association has not released the names of individuals in order to protect them from the possibility of reprisals. We had brought these pressures to the attention of the committee and the public in the belief that this information was pertinent to the issues under consideration.
>
> In several instances, representatives of medical societies appeared, uninvited, at meetings of State nurses associations and demanded to address the group.
>
> We believe such tactics go far beyond those normally employed in disseminating information. We view as unethical the attempt of any physician to exploit his working relationship with his nursing colleagues for political purposes.

Mr. President, the full texts of these letters appear on pages 703 and 704 of volume 2 of the hearings before the Ways and Means Committee last year on H.R. 4222. I cite them only to show the extent to which AMA leaders will go in their efforts to kill this bill.

I shall never advocate any change in the freedom we Americans enjoy to be attended by doctors of our choice, or in the doctor's freedom to select his patients, and determine for himself all the details of his treatment.

I have been a professional man for many years. I was a trial lawyer in my State of Ohio. In the past, I have been president of two bar associations. I have always been and am now unalterably opposed to socialized medicine. We who support the administration proposal for medical care for the elderly shall make it possible for men and women during their working years to provide for surgical, hospital, and medical care in their old age.

Our social security system is in fact an actuarially sound insurance system. It is my happy recollection that as a member of the Committee on Ways and Means of the other body, I helped to write the present liberalized social security law. We propose to maintain this old-age and survivors disability insurance system actuarially sound as we extend its insurance coverage.

Mr. President, our social security program is an actuarially sound insurance system for the benefit of all Americans. It was recently reported that last year the income of the social security system exceeded disbursements by $409 million. The surplus in the social security and disability fund is now at an alltime high of $23,400 million. More than 9 out of 10 Americans are now covered by its beneficent provisions; 16¾ million American men, women, and children now receive monthly benefit payments under the program. This is not charity. These payments were earned by these people or their parents, in the case of minor recipients, by payroll deductions during their productive working years, or by assessment of those who are self-employed.

Robert J. Myers, Chief Actuary of the Department of Health, Education, and Welfare, who served throughout the administration of President Eisenhower and before, reported that not only is our Social Security system actuarially sound, but that it will continue to be sound following the enactment of the King-Anderson bill.

In addition to all other benefits that will accrue to Americans from this legislation, there is another benefit which has received scant attention. At present, many American families are putting aside money for the day when they may have to spend it for hospital bills for themselves or aged dependents. Were this bill to pass, this money—and there is no telling how much of it there is—would in all probability be put into circulation for the purchase of new automobiles, television sets, clothing, and various luxuries. This would greatly stimulate our economy and indirectly provide jobs for thousands of Americans. Indirectly, it would also result in providing more revenue by way of income taxes.

We must not be deceived by the fraudulent high-priced propaganda of the medical politicians of the AMA. The Secretary of Health, Education, and Welfare, Hon. Abraham Ribicoff, hit the nail on the head in a recent speech when he stated:

> We stand for health and human dignity. Abraham Lincoln said, "you can't fool the American people. They know a chestnut horse from a horse chestnut."

I hope that this session of Congress will not adjourn before the House and Senate have passed the King-Anderson bill.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. COOPER. Mr. President, following the vote on cloture earlier today, I sent to the desk an amendment in the nature of a substitute to the amendment proposed by the distinguished majority leader and the distinguished minority leader to the bill H.R. 1361. I desired to submit the amendment before the vote on cloture, but because the 1 hour for debate was controlled and other Senators desired to speak, I could not do so. I now ask that it be printed at this point in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

In lieu of the matter proposed to be inserted, insert the following:

"That (a) the Congress finds that the right to vote is fundamental to free, democratic government and that it continues to be the responsibility of the Federal Government to secure and protect this right against all discriminatory restrictions.

"(b) The Congress further finds that the right to vote of many persons has been subjected to discriminatory restrictions on account of race or color; that tests of literacy have been used extensively as a device for denying the right to vote to otherwise qualified persons on account of race or color; and that laws presently in effect are inadequate to assure that all qualified persons shall enjoy this essential right without discrimination on account of race or color.

"(c) The Congress, therefore, further finds and declares that the enactment of this Act is necessary to make effective the guarantees of the Constitution, particularly those contained in the Fourteenth and Fifteenth Amendments, by eliminating or preventing discriminatory restrictions on the franchise which occur through the denial of the right to vote to persons through the use of certain literacy tests and which exist in order to effectuate denials of the right to vote on account of race or color.

"Sec. 2. Subsection (a) of section 2004 of the Revised Statutes, as amended (42 U.S.C. 1971), is amended by inserting '(1)' after '(a)' and by adding at the end thereof the following new paragraphs:

" '(2) No individual seeking to vote, or to qualify to vote, in any general, special, or primary election in any State or subdivision of a State shall be subjected to any literacy test as a qualification for voting by an official, or person acting under color of law or otherwise, to whom application is required to be made to vote at the place of voting, or to be enrolled or registered as a voter. For the purposes of this paragraph and paragraph (3), the term "literacy test" includes any test of the ability of an individual to read, write, comprehend, understand, or interpret any matter.

" '(3) No person, whether acting under color of law or otherwise, shall, in administering any literacy test which is imposed as a qualification for voting in any general, special, or primary election in any State or subdivision of a State, apply to any individual any standard, practice, or procedure which is different from the standards, practices, or procedures applied to any other individual.'

"Sec. 3. If any part or provision of this Act is held invalid, all other parts or provisions shall remain in effect. If a part or provision of this Act is held invalid in one or more of its applications, the part or provision shall remain in effect in all other applications."

Amend the title so as to read: "An Act to protect the right to vote from discrimination through the use of literacy tests."

Mr. COOPER. Mr. President, on May 8 and again on May 9, I spoke in the Senate explaining the reasons for my opposition to the amendment proposed by the Senator from Montana [Mr. Mansfield] and the Senator from Illinois [Mr. Dirksen]. My remarks appear in the Congressional Record of May 8 at page 7941, and in the Record of May 9 at page 8055.

I oppose the Mansfield-Dirksen amendment because I believe it to be unconstitutional. Article I, section 2, of the Constitution confers upon the States the power to prescribe qualifications for electors who vote in State and in Federal elections. This authority of the States was affirmed by the 17th amendment to the Constitution, and it has been upheld by the Supreme Court.

To my mind, the Mansfield-Dirksen amendment would be determined to be unconstitutional because it attempts to authorize the Congress to prescribe a specific qualification as adequate to satisfy State literacy tests—namely, the completion of the sixth grade in a school. The decisions of the Supreme Court make it clear that the Congress does not have the power to substitute a qualification for voting for the qualifications prescribed by the States.

I do not believe this point is very clearly understood by the public. That is, that the amendment which has been proposed by the majority leader and the minority leader, whatever it may be called, attempts to confer upon Congress the power to fix a qualification for voting. Whatever it may be called, it prescribes the qualifications for a voter as satisfactory, if the voter has completed six grades in a school.

However, I hold that the 14th and 15th amendments give to Congress the power to strike down a literacy test prescribed by a State if such literacy test is discriminatory on its face. It has not been argued by the proponents and supporters of the Mansfield-Dirksen amendment that literacy tests, against which their amendment is directed, are discriminatory on their face. This is shown by the fact that the amendment does not propose to invalidate the State literacy tests which have been applied discriminately against voters because of their race or color. To the contrary, the amendment attempts to confer upon Congress the power to prescribe a specific qualification. I do not believe that anyone can show that this power resides in the Congress.

While the Congress has no constitutional authority to prescribe a voting qualification, such as the Mansfield-Dirksen amendment proposes to do, it does have the power under the 14th and 15th amendments to the Constitution to enact legislation to prevent and to strike down the discriminatory application of State imposed qualifications.

At this point I should like to read the part of the amendment I have offered which would operate to prevent discrimination in the application of literacy tests. Section 2 of my amendment adds a new paragraph to subsection (a) of section 2004 of the revised statutes, as amended (42 U.S.C. 1971), and reads as follows:

> (2) No individual seeking to vote, or to qualify to vote, in any general, special, or primary election in any State or subdivision of a State shall be subjected to any literacy test as a qualification for voting by an official, or person acting under color of law or otherwise, to whom application is required to be made to vote at the place of voting, or to be enrolled or registered as a voter. For the purposes of this paragraph and paragraph (3), the term "literacy test" includes any test of the ability of an individual to read, write, comprehend, understand, or interpret any matter.

My amendment goes directly to the power of the Congress, under the 14th and 15th amendments, to strike down the discriminatory application of State-imposed qualifications. It would prohibit an election officer at the voting place, or an official to whom application must be made to be registered or enrolled as a voter, from subjecting an applicant to tests of reading, writing, comprehension, understanding, or interpretation of any matter. Discriminatory application of such tests by registrars and election officers is a chief source of discrimination against voting rights.

I believe my amendment is constitutional, because the 14th and 15th amendments authorize the Congress to enact legislation to prevent the discriminatory application of State law, even though the State law is not discriminatory on its face.

I point out the following facts about my amendment:

First. The amendment I offer does not attempt to prescribe qualifications for voting as does the Mansfield-Dirksen amendment, which I believe is its constitutional defect.

Second. It does not attempt to interfere with the States power to prescribe literacy qualifications, even literacy tests requiring a voter to demonstrate ability to read, write, comprehend, understand, or interpret any matter, if the State establishes procedures which are not susceptible of discrimination because of race or color. These procedures, under my amendment, would not permit a registrar or an election officer at the polls to make determinations regarding the ability of an applicant to pass such tests. My amendment specifically prohibits such determinations by registrars and election officers, because the record shows that it has been their arbitarary decisions which have discriminated against voters because of race or color.

My amendment would not interfere in any way with the authority provided to the Federal court under title 6 of the Civil Rights Act to relieve all citizens of an area from discriminatory denials of the right to vote, when the court finds that a "person has been deprived on account of race or color" of the right to vote and that "such deprivation was or is pursuant to a pattern or practice." The report of the Civil Rights Commission on voting, page 136, found that "the voting-referee provision of title 6 of the 1960 Civil Rights Act has not yet been used as a remedy." As I have stated before on the floor of the Senate, the use of this section of the 1960 Civil Rights Act would go far to prevent discrimination and to guarantee the voting rights of all individuals.

Last, my amendment extends to State elections as well as Federal elections, in contrast to the Mansfield-Dirksen amendment, which is limited to Federal elections. The Congress has the authority to enact legislation to prohibit discrimination against voters because of race or color in State elections, as well as in Federal elections. The source of this power is found in the 14th and 15th amendments. They apply to the States as well as to the Federal Government. Any legislation that the Congress enacts should prohibit discrimination in all elections; and this my amendment would do.

My amendment finds support in the testimony of several distinguished constitutional authorities, notably that of Mr. Paul G. Kauper, of the Michigan University Law School, which can be found on pages 635 to 639 of the Senate committee hearing. Also, the report of the Civil Rights Commission on voting, page 139, submitted as its first recommendation that the Congress enact legislation extending to both Federal and State elections, and strike down all State-imposed qualifications, except those of reasonable age, length of residence requirements, and conviction of a felony.

Mr. President, I recognize that the constitutionality of any bill will be determined ultimately by the Supreme Court of the United States. Naturally, different opinions are held by the Members of the Senate regarding the constitutionality of the Mansfield-Dirksen amendment; and I respect wholly the sincerity of those who believe it constitutional. However, each of us must make a decision. For myself, inasmuch as I do not believe the amendment is constitutional, and because I believe that in enacting legislation we should seek compliance with the Constitution, I cannot vote for the Mansfield-Dirksen amendment. My amendment may not be technically perfect, inasmuch as I have drawn it in great part myself; but its purpose is clear, and I think it is constitutional. It would prevent the discriminatory application of State literacy tests in both Federal and State elections.

I recognize that my proposal may never be considered or come to a vote under the pending parliamentary situation. Nevertheless, I offer the amendment as an indication of my position, and with the hope that it may be considered by the Department of Justice, by the appropriate committees of the Congress, and by the Congress itself in their joint efforts to prevent discrimination against voting, and to effectively guarantee the exercise of this fundamental right under our free system of government.

I said on last Tuesday, when I first spoke on this subject, that I would vote against the Mansfield-Dirksen amendment because I believed it unconstitutional. I said I would vote against cloture at this time because, believing the amendment unconstitutional, the subject should have fuller consideration.

I may say here that it was only after more than a week of debate, and after I had had an opportunity to hear part of the debate and to read all of it and to study the cases, that I reached my own decision. But I also said last Tuesday that appropriate legislation could be enacted by the Congress, under the 14th and 15th amendments to the Constitution, to strike down the discriminatory application of literacy tests.

My amendment would do this. Again I make a distinction between the amendment I offer and the one before the Senate. The latter attempts to prescribe the qualifications for voting—a prerogative of the States, under article I, section 2, of the Constitution and the 17th amendment.

There are other amendments before us. One has been offered by the junior Senator from South Dakota [Mr. Case]. I have proposed an amendment which I believe to be constitutional, and which goes directly to the application of literacy tests and their use as discriminatory vehicles. Senator Case of New Jersey, has suggested the possibility of other amendments.

In 1957, and in 1960, we were able to secure the passage of civil rights legislation after full debate. I supported the civil rights bills of 1957 and 1960. We can enact constitutional and effective legislation this year if we are willing to continue debate. Therefore, I shall vote against laying aside the pending business.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. JAVITS. I have heretofore proclaimed my respect for the Senator as a lawyer and a legislator. It is because of that respect that I would like to juxtapose one or two observations with the Senator's presentation.

In the first place, the Senator has said we are prescribing qualifications for voting. May it not be argued that we are not doing that, but that we are, rather, proscribing the utilization of a performance test which has been found to deprive people of the right to vote, by saying that if a performance test is given under those circumstances, the right to register and vote may not be prevented, by the production of a sixth grade literacy certificate?

The courts would then have to determine whether this was a reasonable regulation in terms of the implementation of the 15th amendment.

Mr. COOPER. I recognize that the argument of the Senator is the argument of the proponents of the amendment and its supporters as justification for constitutionality. Of course, the argument can be made. It is my judgment that, as the Constitution clearly states, the prescribing of qualifications for voting rests with the States, and that the Congress cannot fix voter qualifications—such as the sixth-grade qualification. Supreme Court decisions with which the distinguished Senator is familiar, have held that the power to fix the qualifications of voters resides in the States and that State qualifications cannot be overturned if they are not discriminatory on their face. Therefore, it seems to me a more reasonable interpretation would be that, as the pending bill provides that the completion of the sixth grade is an adequate test of literacy, it in effect is fixing a qualification for voting. I know we disagree on this point, but I state my position.

Mr. JAVITS. The other question I should like to ask the Senator is, How would the Senator's amendment change the situation, when there are now laws on the books which give the Attorney General the power to sue if discrimination is used in applying a performance test for registration to vote? What would the Senator be adding by way of greater power than the power which now exists, and also the so-called criminal civil rights statutes, but certainly the specific 1957 and 1960 acts, which go directly to redressing a situation in which the right to register or vote is denied in a discriminatory way?

Mr. COOPER. It would add quite a bit. I think the Senator will agree with me on the following point. If the States should enact laws prescribing qualifications for voters, and the laws were discriminatory on their face, I believe the Senator will agree that the Congress could enact a statute to strike down the State laws.

Mr. JAVITS. It would be unusual to do that instead of leaving it to the Supreme Court, but let us assume that, if the Supreme Court struck it down as being inimical to the Federal authority, Congress could do it.

Mr. COOPER. I think Congress could do so under the 14th and 15th amendments. I think the Senator will agree that the problem that the pending legislation is trying to meet—discrimination—does not arise from the wording of the State laws. The source of discrimination arises from the application of State laws by officers who are charged with the duty of registering or enrolling voters, and officers at the polls who deny applicants the right to vote, using discrimination because of race or color. Application of State laws by these officials is the source of the discrimination, and the records and findings show it.

The Senator from New York, who has been in political life many years, and who has been around polls many times, as I have, and who has been in offices where voters are registered, knows that officials pass upon the qualifications of voters, making subjective determinations, determinations from which there is no practical appeal, where there is no proof of discrimination other than that which can be furnished by the applicant himself. It is at the hands of these officers that discrimination takes place, and particularly so when the registrar or election officer administers tests of understanding, of interpretation, or of ability to read and write. There is great opportunity in their administration of such tests to discriminate.

My amendment, using the findings of the Civil Rights Commission, provides that election officers at the voting polls, and registrars who are charged with the duty of registering and enrolling voters, would not have the authority to subject applicants to literacy tests. It prohibits literacy tests given by registrars and election officials, because that is where the discrimination has been found to take place. If the power of such officers to require performance of a literacy test has been used to discriminate against voters, that power should be taken away from them. My amendment would do so.

My amendment would not prescribe a qualification for voters, as the Mansfield-Dirksen amendment proposes to do. It would not deny to the States the right to fix qualifications for voters; and the Mansfield-Dirksen amendment does not deny that right. It would not deny the States the right to fix literacy tests based upon understanding, interpretation, or the ability to read and write. But it would deny to the States the authority to give election officers and registration officers the power to give those tests. That is where the discrimination occurs.

If the State wanted to pass a law which would establish a board before which there would be open hearings, and stated times when the applicant could appear in open hearing, where there would be opportunity for others to hear the proof, where the decision would not lie solely in the hands of registrars and election officers, who are the officers who have denied the right to vote, I think such procedures would be proper.

The amendment which I have offered goes to the place where the discrimination has been occurring—to discrimination in the application of the election laws and literacy tests by registrars and election officers. The Senator knows that is where people are denied the right to vote.

Mr. JAVITS. If my colleague will permit—and I do not wish to protract the discussion too much—it seems to me that if we shift the burden to other officials, we have the problem of dealing, in a dynamic way, with the question of who shall qualify voters to vote, in such a way as to run afoul of the Senator's own feeling—that is, that it is unconstitutional—because we are then designating officials other than those that the State says it wants to designate, namely, registrars. We will be designating them by force of statute. In addition, from what we have seen and heard about the social order of even whole States in the South, with the laws passed by their legislatures on the subject, I think it is a rather long jump to assume that discrimination will be stopped because the authority to pass upon certain performance tests is shifted from the registrar to another group.

Mr. COOPER. No; my amendment would not shift the authority to approve a registration or the right to vote at the polls. The amendment would strike down the known discriminatory application of State literacy qualifications because it would deny to the election officers and registrars the authority to make determinations upon the basis of literacy tests.

I believe the Senator will agree that that is the point at which discrimination occurs.

Mr. JAVITS. Yes; that is the point at which discrimination occurs. I do not agree that the Senator's amendment would cure it. Someone will have to pass upon the question, so long as there remains a test. That is our problem.

What we seek to do is to prevent someone with the color of authority passing on the question in such a way as to be discriminatory, by making a conclusive test under those circumstances.

I think the Senator is up against the hard rock of a State keeping its performance test and yet having somewhere, somehow, someone with the authority of the State saying someone has or has not met the qualifications, without the process becoming so cumbersome, in terms of the number of people involved in a location, that it will break down of its own weight, resulting in the denial of the franchise, if for that reason alone.

Mr. COOPER. I do not think that would occur, and I will tell the Senator why. My amendment would not require the States to adopt any other procedure. It follows the findings of the Congress, and would enact legislation by the Congress to meet the known source of discrimination. I believe that under the 14th and 15th amendments we have such power. I know the Senator has argued that point many times.

The argument which can be made for this amendment is much more valid than that which can be made for the Mansfield-Dirksen amendment, which would attempt to fix a qualification that the completion of a sixth grade in a school is sufficient. The Mansfield-Dirksen amendment would strike down the literacy test for all those who have completed the sixth grade.

The Mansfield-Dirksen provision would not prevent discrimination with respect to all those who have not completed the sixth grade. I have not been able to understand this defect in the amendment. There are qualified voters, literate voters, self-educated voters who, by chance, have not had the opportunity to complete the sixth grade. The amendment would say to the States: "Continue your discrimination, so far as those people are concerned." My guess is that there are in the Southern States many more people not voting who have not completed the sixth grade than those who have completed the sixth grade.

Mr. JAVITS. We cannot draft perfect legislation.

Mr. COOPER. I agree with the Senator.

Mr. JAVITS. It is my judgment that the proposed legislation before us would be more effective for the purpose of dealing with discrimination than is the Senator's proposal, which I think would add nothing or very little, in any case, to the legislation now on the statute books, as represented by the act of 1957 and of 1960. However, I say to the Senator that I welcome his support of the position we have taken in opposition to displacing the pending business. If we are successful we shall certainly have plenty of opportunity to discuss the Senator's alternative.

Mr. COOPER. I disagree with the Senator's statement that the proposal would not add anything to existing law. As the Senator knows better than I—for I know the Senator's great knowledge of this subject—existing laws apply to the individual. If there is a violation of a statute or of the Constitution, existing law applies to the individual. Existing statutes authorize criminal action against election officers or registrars who violate the law. The individual whose rights have been denied can go into court and attempt to assert his rights.

My amendment would prevent discrimination through the use of literacy tests by registrars and election officers. The same arguments which the proponents of the Mansfield-Dirksen amendment use to support their amendment form the base which supports my amendment. What is the base for proclaiming constitutionality of the Mansfield-Dirksen amendment? It is that the Civil Rights Commission and the Congress, make certain findings that the discrimination has occurred and that it has occurred in those areas where literacy tests are applied by registrars and voting officers.

The Mansfield-Dirksen proposal attempts to reach the problem indirectly, and halfway. My amendment goes fully to the subject. It would strike down the type of test which is the source of discrimination. The courts have stricken such procedures. I think the Congress can do it, and that the courts would hold it valid.

Mr. JAVITS. If the Senator will yield further, I doubt that the Senator will wish to invoke the argument which we have used to support constitutionality of the Dirksen-Mansfield substitute amendment, in view of the fact that he feels it is unconstitutional.

In any case, I welcome the Senator's effort in producing what he considers to be a constructive alternative. I have only voiced my questions about it in a preliminary way, because really I have not had an opportunity to study it in great detail. I assure the Senator that I shall do so. If we have the opportunity, I shall certainly go into it thoroughly and with a bias in favor of agreeing with the Senator, not disagreeing with him.

Mr. COOPER. I know the Senator's deep concern for civil rights. The Senator knows, until the pending proposal we have been together on practically every civil rights bill which has come before the Congress. I defer to the Senator for his great knowledge of this subject, and also for the great fight which he has made in the entire field of civil rights, a fight as great as any other Senator has made. The Senator knows my feelings.

I should like to discuss one point with the Senator. Is it not the opinion of the Senator from New York that if the Congress has the power to enact legislation to prevent discrimination against voting rights in Federal elections, that power would extend also to State elections?

Mr. JAVITS. I think there is no question about it. Any statute the Congress can pass which relates to an election for Federal office can relate to an election for State office, because the basis upon which it is essentially positioned is the 15th amendment, which deals with State action as well as Federal action. I think there is no question about it. Perhaps for practical reasons the effort was made to restrict the Mansfield-Dirksen amendment to Federal elections, but I do not believe there is any constitutional validity in the distinction.

Mr. COOPER. I agree with the Senator.

Mr. JAVITS. I thank my colleague.

ORDER FOR RECESS TO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its deliberations today it stand in recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER (Mr. PELL in the chair). Without objection, it is so ordered.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. HART. Mr. President, it becomes evident that we are approaching the close of business of the Senate today. We do so in anticipation that tomorrow we shall be faced with a decision as to whether to set aside the pending question, the Mansfield-Dirksen amendment.

I hope, by the time we are faced with the choice tomorrow, that there will be a decision by the majority of the Senate that we be given an opportunity which will not be available to us, in all likelihood again—an opportunity to attempt, even in a modest fashion, to increase the opportunities to Americans to participate at least in Federal elections.

Constantly we are told by some Senators—including many who voted against cloture—that they want to help to insure this right.

I am sure in good conscience they, too, regret that there is any instance in this country in which an American is denied an opportunity to vote because of color. I hope that tomorrow, or whenever the question is put to the Senate, Senators who have expressed that wish will join with us who have been urging the adoption by the Senate of the Mansfield-Dirksen amendment and vote against laying aside the pending business. From the several amendments that have already been offered, I think we begin to see indications that there are Senators who, given the basic opportunity now available to us, have ideas which in their judgment would increase the opportunity of Americans to participate in Federal, if not State, elections. If we vote to lay aside the pending business, inevitably those opportunities would be lost. I think the effort is one which should appeal to the majority of the membership of this body. Certainly, thus far a very substantial majority of Senators have voted not to table the Mansfield-Dirksen amendment.

I am sympathetic with the problems of the leadership. As we approach the vote, we should ask ourselves, "What are we setting aside the pending business to do? What is there of such urgency facing the Senate as to require us now to move away from the Mansfield-Dirksen amendment to some other subject? Lay it aside for what? Is there crowding in on us any question that is really more basic or essential to the maintenance of this society about which we boast so loudly than the means whereby fuller voting opportunities would be made available to all American citizens?"

I have heard of no such urgent business around the corner that is crowding us. As we are faced with voting on a motion to lay aside the pending business, I think that is the kind of question we should ask ourselves.

It might be well, in anticipation, to have the RECORD show a voice of caution lest we leap again, as we did in relation to the question with respect to the poll tax requirement, toward the constitutional amendment route as we seek to broaden voting opportunities. The proposal that is pending in the Mansfield-Dirksen amendment is one which, in my judgment, and in the judgment of the Attorney General and many others, is clearly within the constitutional power of Congress to enact.

Therefore I think that to undertake to achieve our objective by constitutional amendment would be a misuse of the constitutional process. The great danger is that, having already followed that route in the matter of the poll tax amendment, we might begin to develop in the Senate a psychology that nothing can be done and nothing ought to be done on civil rights questions except by constitutional amendment. Such a trend would certainly turn those of us who wish to see civil rights extended and protected down a blind alley.

Of course, we ought to anticipate the argument that a constitutional amendment is easy enough. The argument is made that, "We were able to accomplish much with respect to voting in the District of Columbia. That was done very rapidly by constitutional amendment."

That is a horse of a very different color, to use a somewhat sensitive analogy, from the proposal to expand voting opportunities elsewhere than in the District of Columbia. Giving an opportunity to the citizens of the District of Columbia to vote for the offices of President and Vice President only threatens the political empire of no one. But to give the vote across the country would indeed have a very direct and immediate effect on the political organizations in the several States.

We can count as a certainty intense opposition and resistance from political machines to the adoption of a Mansfield-Dirksen proposal in the form of a constitutional amendment that would be a blind alley. We ought not to be unmindful of that fact.

But aside from the prospects that attach to any constitutional amendment of a Mansfield-Dirksen type being adopted, the more basic concern—the concern which I think is very real and would threaten civil rights progress in this country—is the developing tendency to divert down the constitutional amendment road any and all proposals which are related to civil rights.

Basic, of course, to the entire discussion that has taken place in the past 2 weeks, even present in the Senate Chamber, if not in the minds of the people across the country, has been the role so successfully played by "king filibuster." Surely our Nation, which is strong enough to reach into space, is—I think not without reason—appealing to the free peoples of the world to follow its leadership. Surely our Nation, in the middle of the present century, must have the wisdom to enable the will of the majority in this Chamber to be exercised directly on the question of civil rights, not through a weird and sometimes tortuous parliamentary labyrinth. Rule XXII will increasingly become a symbol of the effectiveness of this Chamber in responding to developing public concerns.

I have heard criticism that the pending proposal, the sixth-grade literacy test, is really nothing to become excited about. We are condemned either because we ask too much, or not enough. But to the person who feels that we who fight the civil rights fight are not asking enough, I suggest that he always remember that, in the hands of more and more Americans, the ballot has a very direct effect on all the other areas of concern in that field—areas in which the more dramatic, the more significant, and the more direct civil rights proposals are waiting. If one can vote, that vote has its effect on schools and school boards. If one is given a vote, that vote very likely will affect the attitude of those in authority with respect to housing practices in a community. If one has a vote, the existence of that power will reflect itself in the attitude of police authorities.

It goes to the whole range of these areas of civil rights concern. The Mansfield-Dirksen proposal is not a "Part III" bill. It is not a bill which would assist schools that seek to desegregate. It is not a fair employment practice bill. It is not a Federal elections commission bill, in all of which I have a direct interest. It is not so significant and symbolic as any of these subjects. However, it is important. It goes to the roots and the structure of our institutions.

We have the word of the President's Civil Rights Commission that there are approximately 120 counties in half a dozen States where American citizens are denied the opportunity to vote because of their color.

What business is more important than correction of this situation? What question crowds in on us which is so important that this basic and important problem ought to be set aside? Is there anything more important than our taking the time to guarantee that when the next report of the President's Civil Rights Commission is issued, there will not be a repetition of the figure of approximately 120 counties in a half dozen States in which the right to vote is denied to persons because of their color.

What business crowds in on us so urgently that we cannot stay here to resolve this problem? A very good case would be made that there cannot be any more important business for the Senate to consider in the months ahead than the elimination of this very sad aspect of America's picture. It is an aspect of America's picture at which peoples around the world are looking, and which disturbs and dismays and disappoints them.

Let us take up this issue. I doubt that there is anything more important on the calendar of the Senate at this moment.

For this reason I hope that we will vote against laying aside the pending business and stay here determined to correct an aspect of America's performance which certainly is not consistent with what we preach.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. JAVITS. I wonder if the Senator would give us his evaluation of the consequences and the weight of the issue which is before us, as he sees it, as compared with other issues—taxes, trade, and many others—on which proposed legislation has not yet been reported to the Senate.

I heard the Senator ask, "Why can we not stay here with this issue?" What is the Senator's valued judgment as to the importance of this issue in terms of the United States and its internal tranquillity and standing in the world?

Mr. HART. My answer will advertise what those who know me charge me with—that I am not an economist. I always have the greatest difficulty in wrapping myself around a tax proposal. Perhaps this in part explains why it is my feeling that tax legislation is not as significant and is not as important as the proposed legislation that we are discussing; and that time runs faster in the civil rights field than in the revenue field, for example.

We could very well insist on seeking to eliminate by action now this indictment of America's denial of the right to vote, and then take up the question of how much those same Americans, among others, will be charged in a tax bill. We accept their money. So far as I know, there is no discrimination at the revenue window; it is only at the ballot box. Which comes first?

I am grateful to the Senator from New York for asking me the direct question, because it enables me to make my point, that in our own judgment and in the world's judgment it is more important that we seek to eliminate our failure, our refusal to extend the full opportunity to vote to all people in certain regions of this country than it is to improve the level of efficiency of the Internal Revenue Service in order to eliminate some of the inequities in our tax system. As between eliminating inequities in the tax field and eliminating inequities among Americans in the exercise of this basic element of citizenship, which is more important? It seems to me the question answers itself.

Mr. JAVITS. I am very grateful to the Senator from Michigan. As I said in similar vein to the Senator from Illinois [Mr. DOUGLAS], I appreciate the fact that I have been able to work so closely with the Senator from Michigan on so critical an issue as this.

Whatever may be our evaluation of the importance of other issues, in my view the moral questions involved, the constitutional vindication, and the relationship which the issue bears to our ability to win the cold war amply justify having taken almost 2½ weeks and now taking whatever additional time is required in order to see it through, because of the tremendous forces at home and abroad which it has engendered. I am very grateful to the Senator from Michigan.

Mr. HART. I thank the Senator from New York for giving me an opportunity to participate with him and the Senator from Illinois in this effort. It is an effort of which I shall always be proud.

THE ALBERT EINSTEIN SCHOOL OF MEDICINE

Mrs. NEUBERGER. Mr. President, education and more education is the little-heeded call of the young people of our country. Our Congress is struggling to do something about meeting the demand but the road is filled with ruts and obstacles. In addition to colleges for the sciences and the arts, we should be aware by now of the shortage of space in medical schools as we try to provide doctors and technicians for Americans.

Therefore, it was of special pleasure to me to learn more about the rapid progress and growth of one of the youngest medical schools in our Nation, the Albert Einstein College of Medicine, which is connected with Yeshiva University in New York.

This is a top-level medical school with a farsighted expansion program in keeping with the rapid development of electronic equipment and scientific developments. In addition to training doctors and researchers, each new medical school prepares some of its graduates to go out and teach in other medical schools and thus to keep the cycle going.

An active and most important unit of the medical school is the women's group which is working diligently and tirelessly to continue fundraising for the school. I recently attended such a successful event at the Waldorf-Astoria ballroom in New York where a luncheon sponsored by this women's organization honored other women who have made some special contribution to society.

It was a pleasure to see our distinguished colleague, the senior Senator from New York [Mr. JAVITS] in the audience, while his energetic wife, Marion, took her position at the head table as chairman of the event. Marion Javits, has a busy life as mother and Senate wife, but I heard her praised from all sides for her masterful handling of this big and productive luncheon and for her devotion to the cause of medical education as it is being carried on at the Albert Einstein School of Medicine.

But in spite of the efforts of these wonderful medical schools, they need the help that only the Federal Government can give. Who knows in what laboratory or in what medical school today there may be now a test tube which contains a cure or a culture to help save human lives. Despite the forward strides which we have made in medical research the causes and cures of many major diseases still elude us. The machinery of our Federal Government provides a means by which we may press to the optimum extent our fight against disease.

How many people are dying today because they are living 5 years earlier than the discovery that will be made at the National Institute of Cancer or the Albert Einstein School of Medicine?

I am glad to pay tribute to the women's division of this fine school who are doing so much as laymen to relieve human suffering.

WITHHOLDING TAX ON DIVIDEND AND INTEREST INCOME

Mrs. NEUBERGER. Mr. President, in the flood of mail which many Senators are receiving as a result of the campaign organized by savings and loan associations and others in opposition to the tax bill now being considered by the Committee on Finance, it was refreshing to receive one letter, the opening sentence of which I thought would be of interest to the Senate. It begins:

> As you are the first Senator that I have danced with, I thought it nice to write and wish you well. In addition, I desire to make some remarks concerning the proposed 20-percent withholding tax on dividends.

Then the writer went on to discuss a particular difficulty that he sees as the trustee of an estate.

We are also receiving glaring, black-type advertisements which have been published in the newspapers, advertisements using words like "insidious," "unfair," and "dangerous." The advertisements suggest that the tax will be withheld from nonprofit, charitable corporations. This is untrue.

One advertisement which I thought was particularly vicious appeared in the Altoona, Pa., Mirror. It was signed by many banks, trust companies, and savings and loan associations in that area. It reads:

> Who gains when funds rightly belonging to United Appeals, local hospital building funds, or Red Cross, are delayed by the tax collector?

This is a deliberate untruth. It is an unfair statement. It is really foisting an idea upon the public, causing them to become alarmed.

Then there was a Federal savings and loan association in my own State which sent out a letter to its depositors. In the first sentence of the letter is this phrase:

> This is a new tax proposal.

We know this to be equally untrue.

Mr. President, this mail opposing the plan reflects a widespread misunderstanding of the proposal. In fact one mailing by a savings and loan company in my State has misrepresented the objective of the law deliberately in order to persuade the public that this is a proposal which will work a hardship on the average taxpayer, and strike particularly hard at low-income taxpayers.

Nothing could be further from the truth. The withholding provision is clearly in the public interest, and has been carefully designed to minimize any inconvenience and eliminate all real hardship.

Does this campaign present really legitimate objections or are they exaggerations foisted on the public by overzealous representatives of private interests dedicated to defeating this proposal?

First, much of the mail reflects a belief that withholding on dividend and interest income is a new tax, designed to tax money which is now tax free. This is absolutely false. Interest and dividend income is already taxable, and every taxpayer who is now receiving income from interest or dividends and fails to enter such income on his Federal tax return is guilty of tax evasion. Six million taxpayers who receive such income do not report a single penny of it on their tax forms. Those 6 million taxpayers are guilty of evading taxes on whatever amount they fail to report, and that is the tax evasion that the withholding provision is designed to put a stop to.

The propaganda would have the depositor believe that withholding will place a heavy burden on the average taxpayer, and that widows, orphans, the elderly, and low-income people generally will suffer hardship as a result. That is simply not true. More than half of the taxpayers with incomes over $10,000 report no interest income at all. Now, is it reasonable to assume that more than half the people with incomes over $10,000 do not have a single dollar to put away in savings accounts? Furthermore, it is estimated that taxpayers who failed to report dividend or income last year evaded taxes on a total of $2.8 billion.

This is not an additional tax, but a tax that is now payable under the law, and which would have to be paid at the end of the year in any case. To be sure, a large part of the unreported dividend and interest income comes from small savings accounts and small securities holdings—where the tax evasion is usually just an oversight—but the tax on such holdings is so small that it hardly inconveniences the individual holder to have it withheld. The taxpayers who will really be hit by withholding are the ones with really large savings and securities holdings, who are now evading taxes on them. It is these taxpayers who really have something to lose, not the average or low-income taxpayer.

Third, much of the mail reflects the belief that the withholding proposal was the creation of a cruel and thoughtless government, which has made no provision for those special cases of elderly people or others whose entire income depends on the small interest or dividend returns from a lifetime of savings. The writers of these letters simply don't understand the facts, and when one looks at the samples from the vast campaign of advertising and editorial opposition to withholding, it is no wonder. I have cited a number of assorted editorials, advertisements and other samples of printed opposition, and not one of these explains the procedures included in withholding for relief of such cases. I refer to the filing of simple exemption slips and the prompt mailing of quarterly refunds on request. Both of these provisions were specifically included in the withholding proposal to prevent hardship to people living on low incomes. Letter writers are being deliberately duped by the failure of their faithful banker to tell them the provisions of the bill. They do not use their ads to tell that people with incomes so low they do not owe any tax can easily prevent withholding by signing a form, and that all those under 18 can be exempted from withholding regardless of whether they will owe any taxes: Elderly couples, widows, and others who will owe less than the amount withheld can get quarterly refunds by filling out a simple slip, which can be obtainetd at any post office. The Internal Revenue Service will mail out quarterly reminders to refund claimants, and refunds will in most cases be received in less than a month.

The mail also indicates that many citizens believe—and this is encouraged by the advertising campaign in opposition to withholding—that there are better, cheaper, easier ways to collect this money than by the use of withholding. Opponents claim that withholding will cost more than it will bring in, and that the Internal Revenue Service can easily collect the money with the help of the new electronic brains that will soon be in general operation to analyze and process tax returns. Both of these notions are quite mistaken. First, the cost of withholding has been estimated at a mere 3 cents for every dollar of revenue brought in—$19 million in administrative cost versus $650 million in revenue. I think, therefore, you will agree that those who say that withholding will cost more than it will bring in simply do not know what they are talking about. While the automatic data processing program of the Internal Revenue Service will not even be fully in operation until 1966, let us take a look at the claim found in so much of this advertising against withholding—that ADP can do the job better and cheaper. Here again, the special interests who oppose withholding are misleading the public. There are, as I mentioned, 6 million taxpayers who have interest and dividend income and do not report any of it, and roughly half of the remaining 12 million who do report such income report only part of it. Automatic data processing will not collect a nickel in taxes, it will merely indicate the identities of the millions who are evading. Just following up the biggest evaders, where the amount of the tax recovered justifies the expense of collection, would cost $29 million—more than half again as much as the estimated $19 million that withholding would cost. Furthermore, using ADP to end this lawless tax evasion would require an increase of almost 3,000 auditors and tax agents to the Government payroll. And what do you get after hiring thousands of new people to enforce this program, at a cost of $29 million? All you will collect is an estimated $200 million, less than one-quarter of the total amount being evaded each year, and less than a third of the $650 million that withholding will collect. Using ADP instead of withholding involves paying $10 million more to get $450 million less, but the advertisements do not tell you that.

Those are the major objections to withholding, as reflected in the huge advertising campaign designed to arouse public opposition, and as reflected in the mail which is in good part a result of that campaign.

Our job, as Senators, is simple. We must act in the public interest. It is not, however, acting in the public interest merely to examine the mail stirred up by special interest groups. There is nothing wrong with private interest groups such as financial institutions who feel that withholding would cost them money attempting to defeat the proposal. There is nothing wrong with their efforts to enlist the public on their side in this endeavor. We must all remember, however, in evaluating our mail on withholding, that much of the opposition is based on public misunderstanding. I wish I could say that the so-called public service advertisements by financial institutions and others seeking defeat of the withholding proposal serve to remove that misunderstanding, but much of it, I am afraid, does just the reverse.

The people who paid for these advertisements believe that withholding will harm them, and so they say that it will harm the public. They are wrong on both counts. The one banker who appeared to support withholding, at the hearings before the Senate Finance Committee, presented facts and figures to show what it would mean to his institution. It would cost, in the first year, a total of one-quarter of 1 percent of his bank's profits, and scarcely more than one-tenth of 1 percent thereafter. His testimony was refreshing, because he supported the proposal, not because he thought it would benefit him, or because he thought it would benefit his institution, but because he thought it would benefit the country. This was a viewpoint that was singularly lacking in the opposition testimony before the committee.

The advertisements say that withholding is bad for the public; but they do not put much emphasis on the more than $800 million in tax revenue that is being evaded every year by those who do not fully report interest and dividend income. They say that it is the little taxpayer, the low-income citizen, who will suffer most from withholding; but they do not say that more than seven out of every ten dollars of the $3.7 billion that goes unreported goes to people with incomes over $5,000 a year, nor do they emphasize the measures written into the proposal to prevent hardship to people affected by withholding. The advertisements do not say that more than 8 percent of all dividend income in the United States is never reported, and they do not say that the same is true for 35 percent of the income from interest. They do not say that if there were no withholding on wages and salaries, and that if the same degree of noncompliance were tolerated as is now tolerated on interest and dividend income, the honest taxpayers of the United States would be shortchanged to the tune of 8 or 9 billion dollars a year by such evasion, just as they are now shortchanged $800 million by evaders of interest and dividend taxes—a loss that must be made up by all the taxpayers.

Withholding is in the public interest, because tax equity is in the public interest. None of us wants to pay taxes, knowing that others are evading part of theirs. Withholding is the only practical means to collect this money. Failure to pass it into law is tantamount to closing our eyes to the flagrant, lawless tax evasion by those who do it because they can get away with it. We can stop this evasion by approving withholding, and so close an enforcement loophole through which increasing billions of tax dollars have already drained into the pockets of tax chiselers. It is only honest to admit that withholding will involve some slight inconvenience to some taxpayers, and that it will involve some paperwork for payors of interest and dividends. The alternative is to condone the present evasion, which increases yearly.

To those who criticize this measure, to those who sponsored the advertisements opposing it, to those who wrote to the Congress as a result of those advertisements, and to all those who oppose withholding for whatever reason, I should like to point out one simple fact—that withholding of interest and dividend income would not be necessary at all if everyone who had dividend and interest income were honest about it; but so long as a minority continues to chisel, to fail to declare almost $4 billion a year in taxable income, then the Senate cannot stand idle. Honest taxpayers expect their government to find and punish tax evaders; and they expect that loopholes in enforcement, such as that involving interest and dividend income, will be closed. The tax bill now under consideration will close that loophole, and will put a stop to this form of tax evasion before it spreads further. I therefore support it wholeheartedly as a measure in the public interest.

THE ESTES CASE

Mr. ALLOTT. Mr. President, during the past few weeks, literally volumes have been written about the Billie Sol Estes case in Texas. On the floor of this Chamber, many thousands more words concerning this case have been recorded. Requests that an investigation be initiated have been voiced. These demands have now been partially met, as evidenced by a statement, by Senator McCLELLAN, that the Senate Subcommittee on Investigations would hold hearings in the near future. However, Mr. President, I am not convinced that this accomplishes all the necessary objectives.

While following the day-to-day developments in this case, I have deliberately refrained from comment until the mounting evidence made it clear that there had been widespread misconduct and that the allegations had a substantial basis in fact. Now, recent developments, culminating in the announcements of last Friday and Saturday, oblige me to speak. Frankly, I can no longer accept or stomach without grave protest these reported activities of highly placed appointed officials which have resulted in a mind-sickening plundering of the pocketbook of the American taxpayer. The stench surrounding this sordid affair has now become more than any conscientious individual could be expected to bear. The Estes affair has grown to proportions that evidently exceed those surrounding the Teapot Dome scandal of the 1920's.

Incidents of the past weeks have brought into sharp focus the fact that this administration feels a responsibility to exercise actions, frequently and forcefully referred to as being in the "national interest." This was exemplified by the recent decision in the national interest to intervene in the affairs of the business community. Such intervention caused a major private industry to withdraw from an announced intention to raise the price of the commodity it produces. To protect the national interest and to accomplish this result, the following tactics were employed:

First. The Federal Trade Commission publicly suggested the possibility of collusion, and announced an immediate investigation, with the possibility of penalties of up to $5,000 per day.

Second. The Justice Department spoke threateningly of antitrust violations, and ordered an immediate investigation.

Third. Treasury Department officials indicated that they were, at once, reconsidering the planned increase in depreciation rates for industry.

Fourth. The Internal Revenue Service was reported to be making a menacing move toward United States Steel's incentive benefit plan for its executives.

Fifth. The Senate Antitrust and Monopoly Committee began subpenaing records from 12 steel companies.

Sixth. The House Antitrust Subcommittee announced plans for an immediate investigation.

Seventh. The Justice Department announced it was ordering a grand jury investigation.

Eighth. The Department of Defense, seemingly ignoring laws requiring competitive bidding, publicly announced it was shifting steel purchases to companies which had not increased prices; and other Government agencies were directed to do likewise.

Ninth. "Night riders" from the FBI—under direct order from the Attorney General—routed newspapermen out of bed at 3 a.m.

If the steel case, in the "national interest," made such actions as these seem necessary, surely then the Estes case demands drastic action. Should not energies and some direct action now be directed toward swift and total correction of the evils that have been thrust upon us by some highly placed unscrupulous Government officials and a Texas charlatan?

Let me suggest, Mr. President, that after last Monday we now have a new verb to add to our dictionaries: "Freemanize," which means to whitewash, or gloss over.

On Monday, Mr. Secretary Freeman, during a press conference that received nationwide coverage, made it clear that, in his opinion, the Estes case had been blown up entirely out of all proportion. Mr. Freeman further said that Estes' association with his Department was not nearly as intimate as had been implied.

In his statement on Monday, Secretary Freeman stated that there was nothing to indicate that his Department, as such, had been guilty of any "wrongdoing." He did acknowledge that a few individuals in the Department might "possibly" have been overly involved. He stated that these parties—three, at the latest count—had either been dismissed, had resigned, or were under investigation.

Bear in mind, Mr. President, the fact that these statements were made by the Secretary of Agriculture, at his press conference on Monday. On the very next day, Tuesday, Mr. Freeman announced that Mr. Estes had been fined over half a million dollars for violation of the cotton acreage allotments, and that the half million dollars were simply to be deducted from the $3.5 million the Government expected to pay Mr. Estes in 1962 for grain-storage facilities—to be deducted, mind you, Mr. President, from the same grain-storage payments on a storage contract that Mr. Estes had been directly accused of "buying" with influence which experts indicate was purchased with $100 Stetsons, $235 suits, $17 shirts, $35 shoes, and over $235,000 which he withdrew from banks in January, in cash, and entered on his books as expenses of the "Washington project."

Still another example of the "Freemanizing" or whitewashing job that Secretary Freeman attempted in connection with the Estes case was the published report, on Tuesday of last week, bringing to light that either he or his office had "overridden" an unfavorable report from his own personnel investigators when, last fall, he appointed Billie Sol Estes to the National Cotton Advisory Committee. Billie Sol Estes, according to this report, as long as 6 months ago failed to pass the Department's own routine name check investigations. This investigation had revealed that this Texas financial manipulator was in a serious jam over schemes he had used to acquire cotton allotments with a net worth to his empire of over $500,000 per year.

This is very well documented in an article by Vance Trimble, which appeared in the Rocky Mountain News of May 8, 1962.

I ask unanimous consent that the article be included in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BILLIE SOL RECORD IGNORED BY AGRICULTURE DEPARTMENT

(By Vance Trimble)

WASHINGTON, May 7.—Agriculture Secretary Orville Freeman's office overrode an unfavorable report from his own personnel investigators in appointing Bille Sol Estes last fall to the National Cotton Advisory Committee.

Estes, as long as 6 months ago, didn't pass the Department's own routine "name-check" investigation.

This investigation revealed the Texas "boy wonder" financier already was in a serious jam over the scheme he used to acquire cotton allotments worth $500,000 a year.

INFORMATION IGNORED

But the derogatory information was ignored, Freeman himself disclosed Monday, when Estes officially was named November 17, 1961, to the Cotton Committee. He had been serving informally since July.

Estes resigned from the Committee after his arrest March 30 on a multimillion-dollar fertilizer fraud indictment in Texas.

Questioned on propriety of the appointment, Freeman conceded it gave the 37-year-old Estes a certain status and Washington "entree" and possibly made him influential in the Agriculture Department.

But, Freeman candidly observed, "we still do not have any evidence [of] Estes, for example, paying anybody off—inasmuch as it was a lawyer's quarrel (over the cotton allotments), there seemed to be no reason to remove him from the Committee."

FLUNKED CHECK

Estes was the only Committee appointee who flunked the "name-check" test, officials said.

* * * * *

There was some significance to the fact that this was the trial staff Chief of the Justice Department's Criminal Division, Rufus D. McLean.

"I don't recall meeting Estes, except once," Freeman said, "but I assure you I'll never forget the name."

The Agriculture Secretary disclosed he conferred with White House aids about the Estes scandal. Also he discussed it "in passing" with President Kennedy. But he said the White House gave him no instructions what to do about it.

Meanwhile, Senator JOHN J. WILLIAMS, Republican, of Delaware, again urged an investigation by the Senate Rackets Committee. WILLIAMS told the Senate that Texas Attorney General Wilson has informed Freeman that Estes maintained a close relationship with unidentified officials in the Department.

WILLIAMS said Wilson would make these names available on Freeman's request. So far only three Agriculture officials have been directly involved. One resigned, another was fired and the case of the third—Dr. James T. Ralph—still is under FBI investigation.

Mr. ALLOTT. Other facets of this case which have been breaking almost daily since Tuesday, appear to have all the earmarks and intrigue of a bad TV script or a grade B "whodunit."

Might I suggest that here are some questions that desperately need answers in order to get at the truth of this affair? Because it seems to me the U.S. Department of Agriculture—caught up in clear cases of both malfeasance and nonfeasance—now is trying, by innuendo, to point the finger of suspicion at long-time career employees.

Are the politically inspired policymakers of the Department trying to shuck off responsibility upon career employees who are helpless to defend themselves?

Why will not Secretary Freeman and other top Department officials allow these career employees to speak? Is not the Secretary interested in the truth—all the truth?

At least four cases involving civil servants come to mind.

The first was a man of more than 27 years' service in the Department of Agriculture. His "crime" apparently was that he talked with the FBI. Within hours after he had talked with the FBI he found himself locked out of his office and summarily transferred. It was just a happenstance, I suppose, that this man was the custodian of records involved in the Estes case.

When high Department officials found that the career employee would not be fully silenced—despite his harsh treatment—they arranged a "press conference"—a better description would be "kangaroo court"—at which the long-time civil servant was confronted by three policymakers. Of course, the three policymakers all agreed with one another, while unanimously disagreeing with the civil servant. Could anyone truly expect anything else in such a staged setting? Why did the Secretary permit this to happen? Why did the Secretary not, instead, protect the civil servant against this harsh harassment? Is the Secretary seeking the truth, or is he so interested in "Freemanizing" everything connected with this case that he is willing to discard the life's work of a civil servant whose only purpose appears to be that he wanted to tell the truth?

Now, then, let us consider the bizarre case of the secretary of this civil servant. She too has had many years of service in the Government, and from all reports, they have been good years.

Not long after her boss is barred from his office, this 51-year-old woman is dragged screaming from her office by the physician of the Department of Agriculture. Her only fault, it is reported, is that she protested the rifling of her boss' files on the Estes case.

A further question occurs to me.

Why has this departmental physician not been available to answer questions about this strange and tragic case? Where is he now?

This same physician, according to reliable reports, is the man who had the woman committed to the psychiatric ward of District General Hospital.

Twelve days later, but only after the woman's lawyer had intervened, this secretary was released from the hospital after having been pronounced sane by a 3-man board at the hospital.

Have Department officials become so involved in the Estes case—or are they so cruel—that they are now willing to sacrifice the very health and future of a hardworking secretary? This is a case that cries for investigation.

Let us look at still another case of the third civil servant.

This particular Government employee has worked for the U.S. Department of Agriculture for 25 years and is represented as being highly respected by fellow employees.

His crime appears to have been that last October 18 the infamous Billie Sol Estes went to him to demand that the Department stop its investigation of the questionable Estes cotton allotments.

When newsmen tried to learn the identity of the man to whom Estes had delivered his demand, they were stopped cold by Mr. Freeman's press secretary, who said he could not permit reporters to talk to the civil servant? Why not?

Was it because the civil servant might tell the whole truth of the Estes visit that day? Why has not Secretary Freeman insisted that the civil servant be allowed to talk to newsmen? Why has he built a fence around the civil servant? Is he afraid of the true story the civil servant will tell?

There is still another case.

This one involves the transfer of a civil servant who supposedly allowed Billie Sol Estes to post a bond of only 2 cents a bushel on stored grain while all other storage operators were posting a bond of 12 cents a bushel. Is this civil servant guilty? If he is, a transfer is hardly the punishment.

But, I repeat, is he guilty? Or did he, really, detect the deficient bond, and is he the man who warned high officials that such a low bond was not in order? And, if he really did protest the low bond, to whom did he protest?

All we know is that he is transferred. Why?

Mr. President, I submit that within these four cases involving civil servants of the Government we have shabby, possibly even criminal treatment. For all of this Secretary Freeman must accept the responsibility.

If he did not know of these actions, he is guilty of nonfeasance. If he did know, he must accept the full responsibility for his actions.

I ask that civil servants receive fair and just treatment. If it be found that policymakers are "railroading" civil servants to protect those in high office, then those policymakers must be dealt with to the full extent of the law.

Now, Mr. President, another high official of still another Department is admittedly involved in this increasingly more complicated and incriminating case. I am referring, of course, to Assistant Secretary of Labor, Mr. Jerry Holleman. Mr. Holleman, as announced on Saturday, has resigned his post as Assistant Secretary of Labor because of a "gift" of $1,000 from Mr. Estes. We are asked to believe, according to the statement Mr. Holleman issued, that there was nothing "wrong" with his acceptance of this $1,000 gift from this man who has been indicted for fraud, and who has been accused of "buying" influence in Government departments. Mr. Holleman would further have us believe that such a gift in no way even remotely influenced any decisions made by the Department of Labor regarding the Estes empire.

An interesting sidelight on the Estes case as it involves Mr. Holleman is the fact that it was his responsibility to study, arrange for, and compile an analysis of hearings, and announce a decision on the minimum wage law for Mexican nationals doing agricultural work in this country. It was proposed, by the Department of Labor, it will be recalled, that the minimum wage scale for these Mexican nationals be set at $1 per hour. Hearings were held in each of the nine Western States where this type of labor is most generally used. These hearings resulted in the establishing of a 70 cents per hour minimum wage scale for braceros doing agricultural work in Texas. Yet, the minimum wage scale established for Colorado was 90 cents per hour. All of this in spite of the fact that Colorado and Texas must compete in the same produce market.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD letter No. 1281, dated March 29, 1962, which shows the scale for some of the States around Texas. Included are Colorado, at 90 cents, Kansas at $1, New Mexico at 75 cents. The whole list is given, and I ask that it be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[Letter No. 1281]

U.S. DEPARTMENT OF LABOR,
BUREAU OF EMPLOYMENT SECURITY,
Washington, D.C., March 29, 1962.

To: All State employment security agencies.

Subject: Secretary of Labor's determination pursuant to title V of the Agricultural Act of 1949, as amended, and the Migrant Labor Agreement of 1951, as amended.

The Secretary of Labor has issued the following determination involving the Mexican labor program:

"Pursuant to the authority conferred upon me as the Secretary of Labor and after complete and careful consideration of the testimony and evidence adduced in the course of public hearings held with respect to each wage rate proposed, it is my determination, effective immediately, that I cannot certify under the terms of section 503 of title V of the Agricultural Act of 1949, as amended, and article 15 of the Migrant Labor Agreement of 1951, as amended, that the employment of Mexican agricultural workers thereunder in the States identified below, at wage rates lower than those set forth, will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed.

"Accordingly, no authorization for the employment of Mexican agricultural workers can be issued at hourly wage rates lower than the following:

"Arizona	$0.95
Arkansas	.50
California	1.00
Colorado	.90
Illinois	1.00
Indiana	1.00
Iowa	1.00
Kansas	1.00
Kentucky	.80
Michigan	1.00
Minnesota	1.00
Montana	1.00
Nebraska	----
Nevada	1.00
New Mexico	.75
North Dakota	1.00
Oregon	1.00
South Dakota	1.00
Texas	.70
Utah	1.00
Wisconsin	1.00
Wyoming	1.00

"Furthermore, no authorization for the employment of Mexican agricultural workers can be issued at piece rate wages unless the piece rate is designed to produce hourly earnings at least equivalent to the prescribed hourly rates and in addition provides that in no event shall such workers be paid less than the prescribed hourly rate.

"ARTHUR J. GOLDBERG.

"MARCH 29, 1962."

A determination concerning the rates for Georgia and Tennessee will be made by the Secretary of Labor in the near future.

Sincerely yours,

ROBERT C. GOODWIN,
Administrator.

Mr. ALLOTT. Mr. President, after I was informed of these new minimum wage scales, and because of the apparent inequities to be paid in Texas as compared with Colorado, I requested a conference with the Department of Labor.

I interpolate to say that I talked with the Secretary, for whom I have a very high personal regard, despite our somewhat different political philosophies. I finally ended up with the Assistant Secretary of Labor, Mr. Holleman. With a bipartisan contingent of Colorado farmers, who came to Washington, D.C., specifically to lodge a protest on these inequities, I met with Assistant Secretary Holleman, in his office, on Tuesday, April 3. It will be called to mind that this was only 3 days after the order was issued by the Department.

Both my Colorado constituents and I repeatedly asked the question why such a minimum wage differential should exist between two States competing in the same market. Repeatedly this question went unanswered, until a concession was made, when it was stated that the situation would be reevaluated after further investigation and experience during the current crop year.

As a result, I received a very ambiguous, "say nothing" letter; a typical boondoggling type of thing one gets from Government bureaus.

Mr. TOWER. Gobbledygook.

Mr. ALLOTT. My good friend the Senator from Texas has corrected my description, to say "gobbledygook."

I ask unanimous consent that the letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D.C.

Hon. GORDON LLEWELLYN ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: I am enclosing a copy of Secretary Goldberg's determination of March 29, 1962, concerning wage rates for Mexican agricultural workers.

From the information available to the Department of Labor, it is apparent that any offer of wages for employment of Mexican national agricultural workers in the State of Colorado lower than the rate specified for Colorado in the Secretary's determination will not permit certification under title V of the Agricultural Act of 1949, as amended. There have, however, been certain factors introduced and questions raised which require further study to determine whether a higher rate than that specified would be necessary to avoid adverse effect in the State of Colorado. The specified rate will, therefore, be reexamined by the Department of Labor in the light of this pertinent data as well as on the basis of the results of further investigation and experience during the current crop year.

Thank you for your interest in this matter.

Sincerely yours,

JERRY R. HOLLEMAN,
Assistant Secretary of Labor.

Mr. ALLOTT. Mr. President, the net result is that they are doing nothing and have no intention of doing anything.

After we left this meeting, the question still persisted in our minds, What was the justification for such an inequity? That adamancy of the Department of Labor's stand on this wage differential was extremely difficult for me to understand then. Now, however, I am beginning to see the light. The possible reasons behind this adamancy of the Department of Labor have suddenly become more clear.

After his resignation, Mr. Holleman acknowledged that many of his contacts with Mr. Estes and many of his discussions with him were with reference to this minimum wage scale as it pertains to the Mexican national labor market.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an excerpt from an article, from the Associated Press, written by Mr. W. B. Ragsdale, Jr., published in the Washington Post and Times Herald on May 12.

The PRESIDING OFFICER (Mr. HART in the chair). Is there objection to the request of the Senator from Colorado?

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Under Secretary of Labor W. Willard Wirtz prepared a report on Holleman's relations with Estes, and Holleman issued it last night, saying it is "complete and correct."

In the account prepared by Wirtz, Holleman said he and his wife were flown from Fort Worth, Tex., to Hollis, Okla., in Estes' private plane last November. The Holleman-Wirtz statement also said Estes saw Holleman several times during January, and that some of their meetings were in connection with rules on employment of Mexican farm laborers in this country.

Mr. ALLOTT. Mr. President, it must be admitted that the statements Mr. Holleman made pertaining to this situation raise some puzzling questions. Just how much influence did Mr. Holleman exert with the Department, in bringing about this wage differential? Just how much influence did Mr. Holleman's "friendship" with Mr. Estes have on this decision? More importantly, how much influence did the fact that Mr. Holleman accepted monetary "gifts" from Mr. Estes have on this decision?

Was "influence" that Mr. Estes might have bought used to place Texas in an advantageous position in the common farm produce market which is shared completely, or to a great extent, with Colorado?

I repeat that I do not think the Secretary of Labor is the type of man who would condone such a thing, nor do I think he would participate in it. I make the point that it was the Secretary of Labor who had to issue the order I have placed in the RECORD, as found in the letter fixing wage scales. I make the further point that the Secretary had to depend upon the man I have named for advice, and as a result the advice which came out, with respect to two States which are almost adjoining, which share a great many common agricultural markets, which raise the same goods, was that there should be a 20-cent-per-hour wage differential, which Colorado was unable to upset or even to get adjusted.

I am interested in another point about this man Holleman.

I have a clipping in my hand, from the Christian Science Monitor of May 12, in which he is quoted as having said:

> I have not been able to meet the demands I think my office places on me with my salary, which is my only significant source of income.

I feel sorry for this man who has an income of $20,000 a year, only $2,500 less than the income of a Representative in Congress or of a Senator, who does not have to maintain two homes, who is not subjected to all the added expenses to which Members of Congress are subjected, who still feels it incumbent upon himself to entertain, I know not whom, at such a grand scale in this city that he cannot find a way to live on $20,000 a year.

I am sure that all his friends in Texas—and I hope they remember it a long time—will remember this poor barefoot boy who has nothing to do but live on his salary, and cannot make it on $20,000 a year.

Mr. President, farmers of the Nation are the backbone of our economy. Agriculture is as basic to our economy as any industry. As the Government of the United States makes itself available, through the Department of Agriculture, to lend a hand, to restore a fair return for the farmers' toil and financial investment, it must do so in a climate untainted and unsullied. The preservation of agriculture, the enhancement and advancement of agriculture, are in the national interest. Correspondingly, these results must be accomplished through the leadership of those who have demonstrated that they can keep their own house in order. Developments to date leave some doubt whether the present Secretary of Agriculture is capable of doing so. In my judgment, the leadership required within the Department of Agriculture has not been met and Mr. Freeman, in a spirit of "duty above self," should step down, in order that we may get on with the job.

If the Secretary of Agriculture does not, or has not resigned, and the White House continues its strange silence on this subject, then I must ask the reason for this deep silence. It is a silence so profound that it is deafening in its portent. Truly it is a silence so deathly still that it screams at us all.

Mr. TOWER. Mr. President, I thank the distinguished Senator from Colorado for the general purport of his remarks. While I might disagree with the Senator about the cost of bracero labor in the States of Colorado and Texas, I think the Senator has performed a great service in making some very pertinent comments and observations on the Estes scandal.

Relative to the Senator's reference to the Teapot Dome scandal of the Harding administration, I think it would be appropriate to point out that the administration of that day took steps to see to it that the scandals were investigated, to see that justice was done, and that all the facts were brought to light. High officials, including the Attorney General, were removed from office for throwing obstacles in the way of investigations.

It is my hope that the present administration will follow that example, and will do all it can to get the facts.

Mr. ALLOTT. I thank the Senator for his very kind remarks. I think the matter of the wage differential has been adequately documented, and the situation surrounding the setting of the wage scale by Mr. Holleman and the subsequent events can hardly avoid raising questions in the mind of any reasonable man.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 14, 1962, he presented to the President of the United States the enrolled bill (S. 1595) to amend the Natural Gas Act to give the Federal Power Commissioners authority to suspend changes in rate schedules covering sales for resale for industrial use only.

RECESS

Mr. ALLOTT. Mr. President, if no other Senator wishes to address the Senate, I move that the Senate, in accord with the previous order, take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 29 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Tuesday, May 15, 1962, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 14, 1962:

Agency for International Development

Seymour M. Peyser, of New York, to be Assistant Administrator for Development Financing, Agency for International Development.

U.S. Attorney

Ben Hardeman, of Alabama, to be U.S. attorney for the middle district of Alabama for the term of 4 years, vice Hartwell Davis.

U.S. Marshals

Roland S. Mosher, of Arizona, to be U.S. marshal for the district of Arizona for the term of 4 years, vice Archie M. Meyer, term expired.

Edward Hussey, Jr., of Delaware, to be U.S. marshal for the district of Delaware for the term of 4 years, vice Herbert Barnes, term expired.

Public Health Service

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

FOR APPOINTMENT

To be surgeons

Charles H. Lithgow
R. Gerald Suskind

To be senior assistant scientist

Herbert S. Posner

FOR PERMANENT PROMOTION

To be senior assistant sanitary engineers

Jay S. Silhanek
Lyle D. Thomas
John A. Cofrancesco

To be sanitarians

Arthur E. Kaye
Leo J. Dymerski

To be senior assistant sanitarians

William B. Horning II
Gail D. Schmidt

To be senior assistant therapists

Joel H. Broida
Kenneth L. Bowmaker

To be senior assistant health services officer

Edward A. Diephaus

EXTENSIONS OF REMARKS

Quality Stabilization Bill Will Benefit Smalltown Merchants and Consumers

EXTENSION OF REMARKS
OF
HON. PETER F. MACK, JR.
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Monday, May 14, 1962

Mr. MACK. Mr. Speaker, I testified before a special subcommittee of the Senate Commerce Committee on Thursday, April 19, in support of quality and price stabilization legislation which aims to protect retailers and consumers of nationally advertised goods against cutthroat pricing and merchandising methods. I have introduced similar legislation in the House.

The following is my statement before the Senate committee:

> Mr. Chairman, it is my privilege to appear before your committee to express my support of Senate Joint Resolution 159. I know of no pending legislation that can make a more constructive contribution to the enhancement of competitive opportunity for small business than this proposal.
>
> Legislation to curb price cutting on nationally advertised products is necessary for the economic survival of smalltown merchants. This bill permits manufacturers to determine prices and merchandising methods used in selling their trademarked products in retail stores.
>
> Cutthroat competition hurts independent retailers everywhere. This bill is needed most, however, by smalltown merchants who cannot long survive the unfair merchandising methods now prevalent in the big cities.
>
> In most of the small towns of my district, the local retailers comprise the community's biggest employer. They benefit consumers as well because they service and stand back of the products they sell. But the cutrate prices and merchandising gimmicks of nearby metropolitan areas have proved an effective, through illusory, lure to bargain

hunters who otherwise would spend their dollars in their home communities.

Consumers will benefit from this legislation because it is aimed at doing away with the deceptive merchandising practices that are in existence in some of these superdiscount houses through the country. They use the loss leader type of advertising to lure people into their stores. After they arrive and try to buy the name-brand products that were advertised many consumers with low sales resistance end up buying something completely inferior for a greater price.

Besides benefiting consumers, this legislation will provide for the manufacturers benefits that they do not have today. That is, they will have local retail outlets who will stand 100 percent behind the products they sell. That certainly is not the case with regard to some of the discount operators we have in the country today.

A major purpose of the bill is to recognize and aid in protecting the legitimate interest that the proprietor of a trademark, brand or trade name, has in protecting it against damage and in stimulating public demand for his identified merchandise through effective distribution. I believe this is a worthy purpose useful to our economy.

As you know, legislation was introduced in the 86th Congress which had similar objectives, though it prescribed other means for attaining them. On June 9, 1959, the House Committee on Interstate and Foreign Commerce, of which I am a member, reported favorably on that bill—H.R. 1253, introduced by Representative Harris. With your permission, I would like to quote from our committee's report.

"The reported bill," says Report No. 467 submitted to the 86th Congress, 1st session, "is essential to the survival of hundreds of thousands of small independent businessmen—the corner druggist, the grocer, the jeweler, the hardware merchant, the electric appliance dealer, the bookstore dealer, etc.

"These small merchants are being hard pressed by competitors which sell highly advertised, nationally branded merchandise at very low prices, often below cost, in order to drive other merchants out of business, or which use such merchandise as 'bait' in order to attract customers with the hope of selling them other items at high prices.

"When a merchant advertises cutrate prices on nationally advertised brands not to sell these products as such, but rather to bring customers into his store, a practice known as 'loss leader' selling, he is debasing the national brand. He tricks the consumers into falsely believing that all the goods he sells are low priced, whereas actually he makes his profit on other goods which carry a normal or higher markup. He plays havoc with the distribution system of the popular brands by making it impossible for other retailers to make a profit on those brands—for when one retailer advertises a popular brand at a cut price, other retailers must meet his price or get a reputation for overcharging their customers."

Gentlemen, the report from which I have quoted was written almost 3 years ago. Conditions have changed. They have changed for the worse. Business failures last year, 17,075, were the highest since 1933; and retail establishments accounted for almost half of these failures—8,292 in 1961 compared with 7,386 in 1960. But, failures tell only a part of the story. According to Dun & Bradstreet, discontinuances of businesses outnumber failures by 25 to 1. On this basis, it would appear that more than 200,000 retail stores closed in 1961—and more than 55 percent of them were the small independent stores.

The bill before you, introduced by Senator Humphrey and cosponsored by Senator Capehart and others, guarantees survival to nobody. Senate Joint Resolution 159 does not keep any retailer—giant, medium, small, or papa-mama operator—in business. But it will go a long way in giving the willing, industrious retailer—your neighbor and mine—an opportunity to survive. That is all the independent retailer asks.

The 87th Congress can give him that opportunity by enacting the bill under consideration. I hope this distinguished committee reports the bill favorably. As you know, companion bills are pending in the House—introduced by Mr. Harris, Mr. Madden, myself, and others.

Thank you, Mr. Chairman.

Federal Commission on Aging Holds Greatest Promise To Meet Goals of Our Senior Citizens

EXTENSION OF REMARKS

OF

HON. JOHN E. FOGARTY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1962

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks, I include an address which I delivered at the groundbreaking ceremonies for the construction of the new dormitory buildings at District of Columbia Village, Home for the Aged and Infirm of the Department of Public Welfare on May 9, 1962.

I was extremely pleased, Mr. Speaker, to be awarded a certificate of appreciation on that occasion by the Commissioners of the District of Columbia and also include this certificate:

CERTIFICATE OF APPRECIATION TO CONGRESSMAN JOHN E. FOGARTY

Government of the
District of Columbia,
Executive Office,
Washington, D.C.

Whereas he has served as a member of the House Appropriations Committee since January 1947, as chairman of the Subcommittee on the Department of Labor, and the Department of Health, Education, and Welfare and has become known as the spokesman for medical research in the Congress; and

Whereas his interest in, and active support of the National Institutes of Health has helped to increase available funds to be used by the Institutes to take great strides forward in their search to find the cause and care of today's killing and crippling diseases; and

Whereas he successfully sponsored the legislation that resulted in the White House Conference on Aging; and

Whereas he sponsored the Rehabilitation Act that permits the independent living of handicapped individuals, and the establishment of nonprofit workshops: Now, therefore,

We, the Commissioners of the District of Columbia, do hereby commend Hon. John E. Fogarty for his invaluable contributions to the welfare of his fellowmen.

Walter N. Tobriner,
F. J. Clarke,
John B. Duncan,
Commisioners of the District of Columbia.

May 9, 1962.

FEDERAL COMMISSION ON AGING HOLDS GREATEST PROMISE TO MEET GOALS OF OUR SENIOR CITIZENS

Commissioner Tobriner, honored guests, ladies, and gentlemen, this citation has special significance for me. I would like to express my deep appreciation to all of those responsible for the honor and accept it on behalf of the senior adults who are being recognized today.

I would like to commend the Department of Buildings and Grounds for providing such a fitting occasion to highlight our interest and concern in better housing for the elderly, to observe Senior Citizens Month, and to emphasize the role of the Nation's Capital as a showcase in the field of aging.

D.C. Village has continued to incorporate the best of research and program planning in its activities and we are all keenly aware of the urgent need that is being met in replacing the dormitories.

Nationally, the month of May is coming to be accepted as Senior Citizens Month. This does not imply a 30-day moratorium on "problems of aging," but a special time to call attention and to evaluate our progress in meeting what has been called the most compelling social issue of our time.

It was exactly 1 year and 4 months ago today that the first White House Conference on Aging convened in Washington. In many ways this should have been a personally satisfying event, because it was my bill that resulted in the meeting. I believe there are many positive factors we can identify in connection with the Conference. Perhaps the most significant action took place at the State and local levels in preparing for the national forum. The $15,000 allocations to the States and territories did provide a stimulus and in many areas "primed the pump" that has grown into active commissions, councils, or committees supported by State or local funds. I am disturbed that more of the States did not authorize appropriations to continue the programs that were recommended or to provide staff to implement the action that was so clearly identified. I was quite honestly disturbed when the District of Columbia did not include in its budget an amount necessary to carry out the plans that were so well begun by its Council on Aging. In many ways the District is at both an advantage and disadvantage in the field of aging. As the Capital of the Nation, its programs should reflect the latest and best in social programs, not only for its residents but for the Nation and even international visitors.

Admittedly, budget problems must be solved and funds allocated as the Commissioners and planners decide best for the community. I would not be honest if I did not add that economy and sacrifice at the expense of our senior citizens is downgrading the heritage of our Nation and the contribution our elderly citizens have made to its prestige. They deserve and seek only their rightful share and place in a society and community that will recognize their worth as individuals and cease to treat them as delinquents or second rate persons.

Because I recognized the value of the modest allocations of $15,000 in preparing for the White House Conference, and the need to have a more dynamic national program in aging, I introduced a bill on January 9, 1960, for a Federal Commission on Aging. Events since then have further convinced me that such a Commission holds the greatest promise for success in meeting the national goals we have set for our senior citizens.

I was most pleased and proud when Senator McNamara, with his knowledge and wisdom in the field of aging decided an independent commission on aging was also the proper approach to positive action. As you know, the Senator and I have introduced identical bills in the Senate and House to establish a U.S. Commission on the Aging.

The Commission would be responsible to the President and Congress and not lost in the maze of other programs within any department or agency. It would receive the priority of national interest and concern, rather than agency consideration, after all of its major activities have received attention.

Through its grant program, funds would again be available to conduct the necessary planning, research, training and demonstrations necessary to a vital action program in aging.

Hearings on the Commission have been held in the House with an unusual record of outstanding persons expressing enthusiastic support. We are hopeful that action can be taken during this session of Congress.

The interest that you have reflected in your planning for this occasion and my personal knowledge of your sincere belief in the importance of aging as a major program may soon have a structure for implementation—in the U.S. Commission on Aging.

I have shared this information with you as another way of expressing my appreciation for this fine citation, and to pledge my continued support in helping to add quality as well as quantity to the lengthening life span of our senior citizens.

Response to Questionnaire by Hon. Alexander Pirnie, of New York

EXTENSION OF REMARKS

OF

HON. ALEXANDER PIRNIE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1962

Mr. PIRNIE. Mr. Speaker, it is important that a Congressman be properly informed on the views of those whom he represents. To obtain the general attitude of my 34th New York District on some of the important issues of the day, I posed 10 questions which I mailed to over 60,000 households selected at random to assure a fair sampling of opinion.

The response was extremely enthusiastic. I received and tabulated 11,035 questionnaires, nearly one-half of which were accompanied by personal comments or an elaboration of views. These remarks were especially welcome as it is recognized that simple "Yes" and "No" answers are difficult to render on the complex issues.

The result of any poll is not a mandate since it is clearly the responsibility of a Congressman to exercise his best judgment in light of all available information at the time the issues are presented through specific legislation. Nevertheless, it is very helpful to have the reactions and suggestions of your constituents. Certainly the questionnaire has increased awareness of the problems and stimulated public interest in their solution. In my opinion, the splendid response fully justified the time and expense involved and I deeply appreciate the cooperation of all who participated.

The tabulation follows:

[Percent]

	Yes	No	Undecided
1. Should Communist China be admitted to the United Nations?	8.9	82.2	8.9
2. Is balancing the Federal budget important to you?	82.9	9.6	7.5
3. Should the financing of elementary and secondary education remain the responsibility of the States, local communities and private groups without intervention by the Federal Government?	73.8	18.0	8.2
4. Do you consider America's military preparedness to be adequate?	43.2	27.7	29.1
5. Do you believe that the Federal Government should expand its civil defense program?	46.8	32.6	20.6
6. Do you favor a compulsory Federal program of medical care for the aged under social security, to be financed by increased social security taxes upon employees and employers?	41.9	48.6	9.5
7. Do you approve a Federal agriculture program calling for greater production controls and higher price supports for agricultural commodities?	10.7	74.9	14.4
8. Do you believe America should be willing to use military force, if necessary, to prevent further Communist expansion in the world?	77.1	8.5	14.4
9. Do you favor further tariff reductions even if it will result in increased foreign imports?	31.1	51.5	17.4
10. Do you favor increasing postal rates enabling the Post Office Department to operate on a pay-as-you-go basis?	62.5	30.1	7.4

Col. William A. Eddy, Former U.S. Diplomat

EXTENSION OF REMARKS

OF

HON. RICHARD E. LANKFORD

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1962

Mr. LANKFORD. Mr. Speaker, on May 4, in Beirut, Lebanon, our Nation lost an outstanding citizen, who had served his country long and devotedly, by the untimely death of Col. William A. Eddy. His daughter, Mrs. John H. Costinet, and her family, are residents of the Fifth Congressional District of Maryland, which I have the honor to represent in Congress.

Colonel Eddy was Chief of the Office of Strategic Services in Africa from 1941 to 1943, and the first U.S. Minister to Saudi Arabia from 1944 to 1946. At the 1945 wartime meeting between President Roosevelt and Saudi Arabia's King Ibn Saud, Colonel Eddy was a member of the U.S. diplomatic mission and served as an interpreter.

Colonel Eddy was born in Syria, the son of American missionaries. He received a doctorate from Princeton and was chairman of the department of English at the American University in Cairo from 1923 to 1928. From 1928 to 1936 he was professor of English at Dartmouth College and was president of Hobart College and William Smith College, Geneva, N.Y., from 1936 to 1942. For the next 10 years he was Middle East consultant to the Arabian American Oil Co.

Colonel Eddy was the holder of the Distinguished Service Cross, the Navy Cross, two Purple Hearts, two Silver Stars, the Legion of Merit, and the Army Commendation Ribbon. He was an intelligence officer in World War I and was wounded at Belleau Wood.

The Government Lottery of Cyprus

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1962

Mr. FINO. Mr. Speaker, today I want to bring to the attention of this House, the Government lottery of Cyprus. It might be of interest to the Members to know that legislation authorizing lotteries in Cyprus was introduced in 1956 but only three draws were held before independence in 1957. The lottery started again in 1961, the first draw being held in August of that year.

The gross receipts from running this Government lottery amounted to $2,016,070, leaving a profit to the Government of almost $900,00C which go into the consolidate fund of the Republic. Not bad for a small country.

Mr. Speaker, if a small nation like Cyprus can operate a successful Government lottery, why cannot the United States also do the same? The only difference would be that in this country a national lottery can produce over $10 billion a year in additional revenue which can help cut our high taxes and reduce our national debt.

Mr. Speaker, how long are we going to endure hypocrisy and deny ourselves a tremendous revenue which is now being siphoned off by the underworld?

Postal and Federal Employees Need an Adequate Pay Raise

EXTENSION OF REMARKS

OF

HON. VICTOR L. ANFUSO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1962

Mr. ANFUSO. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to insert the text of a statement which I have submitted to the House Post Office and Civil Service Committee in connection with its current hearings on legislation to increase and adjust the salaries of postal and classified Federal employees.

The statement reads as follows:

STATEMENT BY CONGRESSMAN VICTOR L. ANFUSO, OF NEW YORK, HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE

Mr. Chairman and members of the committee, first, I wish to extend to you sincere thanks for the current series of hearings on legislation to raise the salaries of postal and Federal workers, and for the opportunity to present my views on such legislation.

Second, may I call to your attention two bills which I introduced this year to deal with this problem and I trust you will give my bills, or similar bills, all due consideration. The two measures I introduced are: H.R. 9533, the Postal Employees' Salary Act of 1962, which is the same as H.R. 9531 introduced by the distinguished member of this committee from Louisiana, the Honorable JAMES H. MORRISON; and H.R. 10033, the Federal Employees Salary Adjustment Act of 1962, which is the same as H.R. 9651, introduced by another distinguished member of this committee, the Honorable ARNOLD OLSEN, of Montana.

Since detailed analyses of these bills have already been presented to your committee, there is no need for me to do so now. I merely want to point out that the pay increase bill for postal employees has been endorsed by all postal groups, including both organizations of post office clerks, the rural carriers, and others. It also has the endorsement of the National Association of Letter Carriers and the Government Employees' Council, AFL–CIO. The pay increase bill for Federal employees is endorsed by the American Federation of Government Employees, affiliated with the AFL–CIO.

Mr. Chairman, I think it is no exaggeration to say that postal and Federal employees, particularly those in the lower income groups, are in deep economic trouble. They need a pay raise and they need it now. The pay raise granted them in 1960 was certainly welcome and helpful, but it fell short of giving these employees the economic equality and security which they seek. In the past 2 years the cost of living has continued its upward trend and wages in private industry have, likewise, risen proportionately. The average postal and Federal worker is again caught in the squeeze of trying to make ends meet and "catching up" with the economic parade.

In the fall of 1959, the Bureau of Labor Statistics made a study of the amount of money needed by a city worker's family in 20 cities and suburbs in various parts of the country. It sought to determine the average budget for such a family, neither "minimum maintenance" nor "luxury," but sufficient to maintain an adequate standard of living for 4 persons. It came up with figures ranging from $5,370 in Houston. Tex., to $6,567 in Chicago. The figure given for the needs of a four-person family in New York was $5,970.

Remember that this study was made nearly 3 years ago and the cost of living has risen even higher since then. Now, compare these average family budget needs with the present salary of a letter carrier or clerk which ranges from $4,345 to $5,305 per year. In the city of New York, for example, such employees would be from $665 to $1,625 behind the average needed according to the Bureau of Labor Statistics figures of 3 years ago.

What is the result of this disparity between the salary received by the postal worker and what it requires to keep him and his family in minimum comfort? The result is that he either goes into debt at a constantly increasing rate or he is forced to accept a second job, which is popularly known as "moonlighting." Probably no class of workers in any industry within our entire economy is forced to resort to "moonlighting" on a greater scale than our postal employees. This, in itself, is something which speaks volumes of our treatment of these workers and a situation of which none of us can be proud. "Moonlighting" is morally indefensible at a time when we still number some 4 million unemployed.

The overwhelming majority of postal workers are family men, who desire to provide a decent livelihood for their families, education for their children, adequate housing, and all the other necessities of life. But they cannot do all this—their salary does not suffice. That is why so many of them must "moonlight," if they are to make ends meet.

What I have said here about postal workers applies also in large measure to Federal employees. Their salaries too are below the average needs and many of these workers, too, are forced to seek additional employment to supplement their income. This is bad for our economy. It is also bad for the postal and Federal service, for when a man must work at two jobs both jobs will suffer.

The only logical solution to this situation is an adequate salary increase for both postal and Federal employees. They need it now, not in 2 or 3 years from now. The bills which I have introduced, or similar bills, would provide them with an average increase of about 13–14 percent, with the largest percentage of increase going to those who need it most—those in the lower salary levels.

An increase along these lines, together with some of the other features, such as the longevity provisions, the elimination of one step, the curtailment of time served in the lowest steps, and others, will go far in helping to eliminate the glaring inequities which now discriminate against the economic welfare of these employees. It will increase the desirability for Government service and improve the efficiency of such service at all levels. For these reasons I urge you to adopt this legislation.

Senator Stuart Symington, of Missouri, Addresses West Virginia Lions Clubs Convention—Sees Emphasis on Science as One of Aids to Peace

EXTENSION OF REMARKS

OF

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, May 14, 1962

Mr. RANDOLPH. Mr. President, our knowledgeable and esteemed colleague, the senior Senator from Missouri [Mr. SYMINGTON], speaking extemporaneously and effectively to more than 650 persons in attendance at the international counselors' banquet of the West Virginia Lions Clubs annual convention in Charleston, May 11, 1962, declared that America must keep pace with its explorations.

He said that one of the most promising roads to peace is through greater emphasis on science. And, in discussing the difficult choices which must be made by the world powers in the field of nuclear energy, Senator SYMINGTON expressed the view that there either must be utilization of the splitting of the atom for civilized progress "or we must resign ourselves to its use for the destruction of civilization as we know it."

It was my privilege to have attended the significant event held in Charleston's civic center and to have had the honor of introducing my colleague.

We heard reports which demonstrated that West Virginia Lions—as is true of members of Lions groups everywhere—do much more than attend regular luncheon meetings. Governors of the four districts embracing Lions Clubs in 172 West Virginia communities, reported to delegates to the 40th State convention that last year members raised almost $600,000 for community projects and charities. Of this amount, more than $75,000 was used to purchase eyeglasses for children of school age, to pay for eye examinations, and to support generally the Lions Sight Conservation Foundation.

Senator SYMINGTON, in referring to the fact that profits from Lions promotions also sent children to camps, supported clinics and other programs in the public interest, declared that these are the types of activities which set America apart from other countries of the world. He remarked appropriately that as long as this country can maintain the spirit of cooperation and the ability to serve, it will remain strong.

General chairman for the 3-day convention was Hiram King of the Cross Lanes Lions Club near Charleston. Walter J. Purdy, of Ravenswood, an international director of Lions International, responded to the address of welcome by Mayor John Shanklin of Charleston. Ray C. Gore presided at the international counselors' banquet, and introductions were made at that event by Dudley Sims, of Charleston, who achieved distinction as the immediate past president of Lions International.

Governor W. W. Barron and Commerce Commissioner Hulett C. Smith headed a delegation of official and civic leaders who welcomed Senator SYMINGTON on his arrival at Kanawha Airport in Charleston.

Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD my remarks in presenting Senator SYMINGTON, and also excerpts of newspaper coverage of our colleague's meaningful address in the Charleston Gazette, Saturday, May 12, 1962.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR JENNINGS RANDOLPH, DEMOCRAT, OF WEST VIRGINIA, IN INTRODUCTION OF SENATOR STUART SYMINGTON, AT THE WEST VIRGINIA LIONS STATE CONVENTION, BANQUET SESSION, CHARLESTON, W. VA., MAY 11, 1962

It is particularly fitting that this gathering of West Virginia Lions should be addressed by a statesman of international reputation and long career in the public service.

In all parts of the Mountain State, Lions are working together to serve neighbors, communities, and country. They sacrifice time and contribute financially so that worthwhile charities and civic projects might be advanced, and through their fraternal associations and cooperative labors, build understanding and improved human relations.

But, the concern of every American reaches beyond his own town and State. We are all personally involved in the search for ways in which to enhance the economic stability of our land, and so, are vitally interested in fiscal matters, agricultural policy, foreign trade, and other areas which directly influence individual prosperity.

At the same time, through the eyes of our news media, we view with apprehension the worldwide hostility and deceit that threaten to hurl all humans into the abyss of full-scale nuclear war. Nations today hold an awesome power that goes far deeper than the mere overthrow of governments. Caesar, Napoleon, and Adolf Hitler—each changed the political course of history, but even they lacked the ultimate power to set civilization back a thousand years or reduce it to a pile of sterile ash.

And so, in this era of unparalleled challenge at home and abroad, we must look for guidance to men of judgment, determination, and sincerity. Stuart Symington is such a man.

Widely experienced and highly successful in business, energetic in high administrative offices of the executive branch of Government, and now in his 10th year of leadership in the U.S. Senate, the senior Senator from Missouri has earned genuine respect for his outspoken and perceptive stands on foreign and domestic problems. As an articulate and astute member of the Committee on Aeronautical and Space Sciences, Foreign Relations Committee, and Armed Services Committee, Senator Symington carries significant influence in our technological programs and global policies.

He does not, however, confine his efforts to the international scene. Agriculture, forestry, Government operations, and public works are all facets within our national economy wherein he has exercised vigorous and useful leadership. Of particular interest to West Virginians is his current work as chairman of the Senate Subcommittee on National Stockpile and Naval Petroleum Reserves, which is of vital importance to our coal- and oil-producing State.

Thus, we are indeed privileged to give a mountaineer welcome to our speaker tonight, a man conversant with Lions International and its vast contributions, cognizant of many of the problems we face in revitalizing our State, and dedicated to the task of assuring peace and prosperity for all Americans.

Fellow Lions and friends, I deem it a high honor to present my esteemed colleague, the Senator from Missouri, the Honorable Stuart Symington.

[From the Charleston (W. Va.) Gazette, May 12, 1962]

Progress or Ruin—Nuclear Choice Hard, Symington Says

U.S. Senator Stuart Symington, Democrat, of Missouri, said here Friday night that it becomes clearer every day the world powers have a hard choice to make in the field of nuclear energy.

"We've either got to utilize the splitting of the atom for civilized progress," Symington said, "or resign ourselves to its use for the destruction of civilization as we know it."

Symington spoke as West Virginia Lions opened their 3-day State convention at the civic center. He was introduced by U.S. Senator Jennings Randolph, of West Virginia.

Symington, longtime advocate of greater military strength and a 1960 candidate for President, said both the Russians and Americans know they now have the military weapons to destroy one another any day they choose.

The only solution now is reason, rule of law, and development of this great power for peaceful purposes, he said.

So far Russia's Premier Khrushchev has resisted turning to rule of law as an approach to global problems, he went on. But, Symington said, there are four reasons why he needs to make such an arrangement with the United States.

He listed the reasons thus:

No nation can ever win a war again.

Every day which goes by the chances increase that war can be started by a mistake.

The chances of making definitive decisions grows less and less each day because the number of nations with nuclear power is gradually increasing.

The cost of keeping prepared for war grows constantly more costly and this decreases the amount of money that a nation can spend for domestic purposes.

One of the most promising roads to peace, the Senator said, is through greater emphasis on science. He discussed the penetration of space by both the United States and Russia and said the recent meetings of astronauts of the two countries should help to promote better understanding.

Symington also talked of Government stockpiling for war, noting that scientific developments in several areas have lessened the need for storing strategic war materials.

He specifically mentioned rubber, quartz, and industrial diamonds, saying science has been able to develop imitations better than the natural product.

A Taxpayer Speaks

EXTENSION OF REMARKS

OF

HON. DON L. SHORT

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1962

Mr. SHORT. Mr. Speaker, it may be a long time ago according to the history books since the colonists rose up in righteous wrath over the heavy yoke of British taxation and oppression, but is the Boston Tea Party so long ago that history can't repeat itself? If we continue to "tax and tax and spend and spend ourselves into bankruptcy," the dire prophecy, "then the capitalists can fall like overripe fruit into our hands," may come to a tragic conclusion.

Let us resolve never to let this prophecy come true. Let us take stock of our resources and evaluate present conditions; determine what program is necessary and what is not. Let us see where we can retrench a little and see where we can "do for ourselves" and not where "our country has to do for us."

Our citizens are speaking up from all over the country, demanding the consideration of the constitutionality of each issue before the Congress. They are demanding less Government control and more individual and local responsibility. A great deal of concern and considerable discontent is being expressed. Under our republic form of government there has been the greatest opportunity for all to exercise their God-given privileges of ability and intelligence to learn, to grow, to prosper, to enjoy well-being and prosperity. Our forefathers were wise and farseeing when framing our Constitution. It has lived this long and so well because we have abided by it, but it seems to me some of these socialistic-type measures which are proposed definitely stray away from the meaning and intent of the Constitution. We can maintain the strength and prosperity of our country only by protecting those individual freedoms guaranteed us under the Constitution.

It has previously been pointed out that the graduated tax system was another means advocated by the Communists to bring about the gradual decay and final assimilation of capitalist countries. Some people feel we could be on the road to taxing our so-called middle class into extinction. Is it not time we had a thorough study and overhaul of our whole taxation systems? There is no doubt that some of these wartime discriminatory taxes could well be eliminated, and this prerogative returned to the individual States for us if the need should arise. We should take a long look at the income tax which is becoming confiscatory in nature and reevaluate the withholding provision. It seems to me the greatest danger of the withholding principle is that it tends to make people forget just how much tax they are paying. If they had to take their checkbook out and write a check for their income tax each year, it would give each of us an opportunity to pause and think before we demanded additional services from the Government. People are inclined to overlook the fact that a government which is big enough to give us all the services we desire, is also big enough to take away everything we possess. Many of these programs we feel so necessary can better be accomplished locally and with the expenditure of fewer funds. I was one of the Members of Congress who introduced legislation providing for a tax commission to conduct a thorough tax study and report their recommendations back to the Congress, and I wish this suggestion would be seriously considered by the House Ways and Means Committee.

Evidence of what our people throughout the country are thinking on vital issues affecting our freedom and well-being is the following typical letter sent to me from one of my constituents in North Dakota, a responsible county official.

Mr. Speaker, since the sentiment expressed by a county official in one of our small counties in North Dakota is typical of sentiments expressed in letters I receive daily from constituents all over my State of North Dakota, I believe it is indicative of the desire of the vast majority of our citizens to have a better opportunity to do as was suggested by our President in his inaugural address in January of 1961; namely, do for themselves those things which they can better do for themselves when the Federal Government does not interfere.

Under unanimous consent to revise and extend my remarks, I include the abovementioned letter from one of my constituents in the Record:

Lakota, N. Dak.,
April 19, 1962.

Hon. Don L. Short,
Representative, State of North Dakota,
Washington, D.C.

Dear Mr. Short: The April 16, 1962, issue of the U.S. News & World Report magazine has just called attention to the fact that our President, John F. Kennedy, has an estimated income of $180,000 a year, after taxes. This information is considered news and is, I'm sure, read with great pride and satisfaction by many American citizens.

I wonder if there are as many American citizens interested in the following figures?

I am one of 18 monthly employed persons (including duly elected county officials) working in the various offices in the Nelson County Courthouse. Here are the interesting figures: The average yearly income of the 18 persons is $3,582 per year before taxes. The average income withholding tax on this average income of $3,582 per year is $669.80 per year.

The above figures represent a very small cross section of the people in this country who are trying to support themselves and lead useful lives. With our present Government so devoted to spending our tax dollars and bent on demanding even more taxes, is there any wonder that many of us are beginning to wonder just how long we can afford to live in these United States?

I believe our President should be reminded that there are many people in this county living on small incomes who do not want to become part of a welfare setup in order to exist. Americans need less government, not more government, and definitely a return to a constitutional government.

Please be informed that the little people of America are waking up to the fact that changes must be made in our Government and that the time to make these changes is now.

The following are my views on a few of the important issues before our Government at this time. Your stand on these and other issues is being considered by many.

1. I do not favor Government aid to education. This matter is for local government.

2. I do not favor the Government plan for medical aid to aged. This responsibility rests with individual persons.

3. I question the value of the United Nations. The United States must not become subjected to U.N. rule and should not bear the greater part of its financial support.

4. I believe in less Government control of agriculture and business. America was founded on free enterprise and this freedom must not be lost.

5. I do not favor the development program purposed for South America. Friends can not be bought. Our foreign aid programs have proven this.

6. The State Department and other departments of our huge Government must be reorganized and become departments with purpose and responsibility.

7. I believe our country must get on a stronger financial footing in order that tax reductions can be made. High taxes and high living costs are creating great problems for those of us on small incomes.

I only ask that you consider the constitutionality of each issue that comes before you. Will you help our country to again become free and strong or will you be blamed for helping continue this terrible downward trend? I believe the choice is yours.

Yours for a true United States,
LYDIA NORGAARD,
Nelson County Treasurer.

The Cuban Refugees

EXTENSION OF REMARKS
OF
HON. EMANUEL CELLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, May 14, 1962

Mr. CELLER. Mr. Speaker, I was recently in Miami, and I had occasion to view the great numbers of Cuban refugees streaming into the port of Miami. They flee from Cuba because of Communist persecution and the fear thereof.

At the beginning of the exodus, the refugees were mainly businessmen, teachers, intellectuals, politicians, doctors, and lawyers. They were mostly of the upper middle class, coming here bereft of all their belongings and savings.

Miami and Miami Beach and the State of Florida are doing all and sundry to help these unfortunate people, temporarily giving them shelter and food. Most of them want to remain in Florida, close to Cuba, cherishing the hope of return to Cuba, when it shall once again be a free country.

Latterly and during the time of my visit, I found that most of the exiles from Cuba, although still of the middle class, were working men and businessmen. There are a given number of women and a great number of children. Many of the men who held high positions in the professions or in government service, wanted work, not charity. They took on menial jobs, some as waiters in the luxury hotels along Miami Beach; for example, a Cuban federal judge found employment as a crate loader at a fruit juice plant. Many are in the local restaurants as dishwashers or potato peelers. The local and State authorities of Florida find places for the children in the Dade County elementary schools and even in the high schools.

It is interesting to note that there have been no demonstrations or agitations or serious altercations either among these refugees or between the refugees and local inhabitants. There is some criticism by the local people, but very little. Some Negroes have been displaced by refugees and they do some griping, which is only natural.

There has been organized a Cuban Relief Emergency Center which does remarkable work among these refugees who may be in need or ill. This center indicates that the number of Cuban refugees in Miami has passed the 100,000 mark.

The most difficult of those to settle are the lawyers, there being over 800 of them, mostly graduates of Havana University. Many have had long legal experience. They were trained in the Napoleonic Code and have little knowledge of the U.S. law. Some do not speak English, and a great many of these are working in gasoline stations, factories or as taxicab drivers.

Relief officials say they have listed about 50 Cuban architects who were among the best in Cuba. They are compelled to take more or less menial jobs.

About 300 refugee physicians have completed postgraduate and English courses at Miami University and are awaiting placement in Federal, State, or in municipal hospitals throughout the Nation.

I emphasize the majority of the refugees are willing and most anxious to work and want no charity.

In questioning them, I found that in Cuba today there are many Chinese, Russian, Polish, and Czech Communist agents. There are many teachers who are Communists. I am told that economic conditions are worsening in Cuba. A pair of shoes, formerly priced at $4, can now only be obtained at $20. The inflation is devastating. Milk, butter, and dairy products are very difficult to procure. All plants of any size have been sequestered by the government. The sugar crop this year is extremely short.

I asked, "Why does Castro allow the Cubans to get out of Cuba?" The answer was that these refugees are denuded of all their properties, their jewelry, their possessions, including real estate and bank accounts. Anything of real value is expropriated by the government. All manner of dodges are used to milk the refugees. For example, I spoke to a businessman who told me that an extra charge of $100 per month, for several months, had been added to his telephone bill. It was an arbitrary figure. He was told he could not leave for the United States unless he paid this $100 for each of the months indicated. I was told that the rum manufacturer has been commanded to export all rum and, likewise, all of the citrus fruit must be exported.

Cubans, I was told, are not Communists at heart, but communism has been forced upon them by Castro at gunpoint; hundreds of malcontents are either imprisoned or killed each day.

Information given to me indicated that among the rank-and-file Cubans, little or no anti-American feeling exists, that the anti-American attitude is forced upon them from above.

Presently, there are 17 flights into Miami every week from Havana, Cuba. The Pan American Airways operate two flights daily and KLM puts down in Havana three times a week in connection with trips that begin further south of Havana. The number of Cubans arriving in the Miami area average between 1,750 and 2,000 a week. By far, the majority of these Cubans arrive by air and have been granted a waiver of visa. Some of them come in by open boats.

During the time I was in Miami, a group of 19 men, women, and children arrived—they had taken sail from Cuba in a 27-foot boat. Among them were two carpenters, three fishermen, a farmer, a bricklayer, an engineer, and a lawyer. During the night before landing on the Florida coast, a baby was born whose grandfather used a fish knife to cut the umbilical cord. When he was asked why such risks were taken to get to Florida, he said:

> You cannot understand what it is like in Cuba.

And with a broad, toothsome smile, raising his fish-knife, he said:

> But my grandson was born in freedom.

The Immigration Service does a splendid job in interviewing, interrogating, and investigating these unfortunates. They are examined at the airport first, an attempt is made to inspect and then to admit the children who arrive unaccompanied. Then the Immigration Service inspects and admits unaccompanied females, family units, and, finally, unattached males.

Insofar as the males are concerned and in order to avoid congestion in the inspectional facilities at the airport, the majority of them are sent to an inspectional processing center at Opa-locka, at which place these males are inspected at length, particularly for security. The average length of stay at Opa-locka is about 18 to 24 hours, where there are recreational facilities and barracks with bedrooms. (The average daily occupancy at Opa-locka is from 50 to 60 persons.) There is some delay in connection with those cases when it is found necessary to follow through where there are suspicious circumstances that might point to danger to our security.

I would say that the Immigration and Naturalization Service is doing an exemplary job, and I pay my respects and tribute to the District Director, Edward P. Ahrens, who is ably assisted by the following: Glenn N. Asmussen, supervisory immigrant inspector—in charge of inspectional facility at Opa-locka; John W. Eldred, immigrant inspector—in charge of detention barracks at Opa-Locka; Mord H. Redmon, investigator; William H. Moriarty, officer in charge, Miami International Airport; Lloyd H. Turman, immigrant inspector; Howard A. Nelson, investigator.

The displaced persons who flee Castroism and communism are admitted into the country upon waiver of visa. They are not unlike our forefathers who came here braving the perils of the deep, fleeing persecution, wrestling with difficult soil, working amidst the hardships of a strange language, strange mores, strange people. These people have the stamina and the courage and the love of liberty that command our respect as well as our assistance.

The Small Business Program

EXTENSION OF REMARKS

OF

HON. JOHN SPARKMAN

OF ALABAMA

IN THE SENATE OF THE UNITED STATES

Monday, May 14, 1962

Mr. SPARKMAN. Mr. President, recently the Senator from Utah [Mr. Moss] made a very interesting and instructive address on the subject of small business. I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR FRANK E. MOSS BEFORE THE SECOND BUSINESS MANAGEMENT INSTITUTE AT THE COLLEGE OF GENERAL STUDIES OF THE GEORGE WASHINGTON UNIVERSITY, MAY 3, 1962

It is a pleasure to be with you and to participate in this second business management institute sponsored by the George Washington University in cooperation with the Small Business Administration.

As all of us well realize, the important single factor in the successful operation of a business enterprise is sound and progressive management. The number of small concerns that are forced to close their doors each year because they were not well managed is eloquent testimony in support of the need of making it possible for more and more small businessmen to become management conscious.

Today, as perhaps never before in our history, the small businessman who is content to stand still and who may be smugly satisfied with the way he is running his business, may soon find that his competitors have left him far behind.

American business is in a period today when price competition is often ruthless. Small businessmen have to contend with larger competitors whose advertising budgets run into the millions, who have smoothly functioning nationwide distribution systems, and who are able to hire large staffs of professionally trained managers.

The only sure way that small businessmen can overcome the liabilities of size and to meet competition on an equal footing is for them to become better managers.

That is why it is so gratifying to see so many small businessmen taking advantage of such courses in management as you are now attending. It demonstrates that you are not only in business, but that you mean business.

In today's complex world, it is imperative for us to maintain a sound and expanding economy. To do this, we must make every possible effort to bolster our free enterprise system by fostering an economic climate favorable to small business.

Americans, by long tradition, regard independent small businesses as a basic and indispensable function in the American way of life. Government officials, and business community, and people in general all regard small business as a basic ingredient in our economy.

The Congress and the executive agencies, in the performance or development of their programs, have shown their recognition that our traditional economic freedom and, indeed, our political freedom as well, are dependent on the maintenance of an economic climate in which small enterprises can grow and flourish if they prove their economic worth. A sound and thriving small business segment is a fundamental expression of our democracy.

Time and again the Government and the Congress have demonstrated their understanding that the development and strength of our economy are dependent in large measure upon the competition supplied by vigorous small enterprises contributing new ideas, new products, and new services to the country. These contributions have helped to achieve for us the highest standard of living the world has ever known.

Congress and the Government also have recognized that our complex economy is totally dependent upon the varied contributions of the millions of small concerns which are a vital part of that economy.

But apart from political, psychological, and sociological considerations, citizens of this country regard widespread ownership of property, including business property, as an element of social stability and true economic freedom. Distinct from the question of competitive efficiency and concern over the concentration of economic and political power of monopolistic activities, almost all Americans, including business spokesmen, simply accept the existence of small business as a good thing.

In truth, of the 4,700,000 businesses flourishing in America today, some 4,500,000 are classified as small business. They furnish employment to at least 30 million people. In the aggregate, small business is the Nation's biggest business.

While it is my purpose to point out to you this evening some of the main functions of the Government that benefit small business, I would like to explain at the outset, that I recognize that almost all Government functions benefit the small businessman in some way.

And with small business making up more than 95 percent of all businesses, it is obvious that all Government activities relating to business in general, also relate in large part to small business.

However, it is also true that the problems of small business are not necessarily identical to the problems of big business. In fact, there is, at times, a very real conflict of interests.

Thus, I intend to stress Government aids to small businessmen, where it is appropriate to do so. But I will also discuss various Government aids that are available to all businesses, large and small.

As most small businessmen know, one agency, the Small Business Administration, was created by Congress to assist small business. Its booklet, "SBA—What It Is, What It Does," is most helpful. But our national small business programs far transcend the activities of the SBA. Strengthening small enterprises has been a mutual aim and effort of many other departments and agencies of the Government. For example, the many procuring agencies with the cooperation of the Small Business Administration, set aside contracts for small business so the giants of each industry do not get all the Government's business. But more about that later.

Rather than discuss the various aids to small business by departments and agencies, I think it would be meaningful to discuss them by the services and aids themselves.

First, however, I'll list the subjects I intend to discuss—loans, management services, research and marketing data, doing business with the Government, foreign trade, antitrust, labor-management relations, and at the end—like death—taxes.

LOANS

The tremendous advantages possessed by big business in being able to secure long-term financing and reasonable rates, was one of the basic reasons that the Congress passed the Small Business Act.

Under this act, the Small Business Administration was granted authority to make long-term, low interest rate loans to small businessmen for three basic purposes: (1) For business construction, conversion or expansion; (2) for the purchase of machinery, equipment, facilities, supplies, and materials; (3) for working capital.

While most business loans are small—some are even under $1,000—the SBA may lend a small business as much as $380,000 as the agency's share of a loan. (Recently the agency, because of lack of funds, has had to cut this limit back temporarily to $200,000, except for defense-oriented industries.)

Let me tell you a little more about the SBA loan program. An essential part of the service SBA offers businessmen is counseling by financial experts. Sometimes a specialist can show a businessman that it would be inadvisable or unnecessary for him to borrow money.

But if borrowing does appear to be the answer to a firm's problems, the SBA will assist him in securing the necessary financing. It is basic that the SBA does not in any way compete with private financing institutions.

First, the SBA will assist in trying to find a bank that will make a loan at reasonable terms. If a bank will make only part of the loan, the SBA will put up the rest of the money—in fact SBA will put up as much as 90 percent of a participation loan. The records show that banks participate in about two-thirds of SBA's loans.

In the other third of its loans to small businessmen, the SBA puts up all the money at 5½ percent interest on a 10-year loan. In areas of substantial unemployment, the SBA will reduce its rate to 4 percent. Of course, if a bank or other private lender does participate, this private lender may set his own rate, providing it is legal and reasonable.

The Small Business Administration is in no sense a giveaway agency. It thoroughly investigates all applicants and all loans must be "of such sound value or so secured as reasonably to assure repayment." An applicant must be of good character, and must have enough capital in the business so that, with SBA assistance, it will be possible for him to operate on a sound financial basis.

Naturally enough, to be eligible for a small business loan, a firm must first of all be a legitimate small business. Recognizing the great difficulties in setting up any arbitrary standard, the Congress left it up to SBA to establish the size requirements. The SBA has performed this function, and, generally, defines a retailer as small if his annual sales are $1 million or less. Those engaged in service trades are small if their annual receipts are $1 million or less. A wholesaler generally is small if his annual sales do not exceed $5 million, and a construction contractor is small if his average annual receipts for the past 3 fiscal years do not exceed $5 million.

A manufacturer is small if he employs no more than 250 people, and large if he employs more than 1,000. Those in the middle area, who employ between 250 and 1,000, are large or small depending on the industry.

There are various exceptions to all these standards and the standards themselves change as the SBA tries to keep current with various business and technological changes. The definition of small business also varies from some of the other SBA services. So it's best to check with the SBA office in Salt Lake City or in Washington.

The SBA has a variety of loan programs. One of particular interest, for example, is the simplified bank loan participation plan which has reduced redtape to a minimum.

In addition to lending money directly to small businessmen, the SBA has programs whereby financial assistance is provided to State and local development companies. These development companies in turn lend money to small business.

Before leaving SBA's loan program, I should mention its disaster loan program which is available to small businessmen and to others. The first major category—physical damage loans—is for individuals, businesses, and nonprofit organizations who are damaged by storm or floods. The interest rate is 3 percent.

The other major disaster loan category—economic injury loans—breaks down into: (1) loans for damage resulting from drought and excessive rainfall, and (2) for small business physically displaced by federally aided urban renewal, highway, and other construction programs.

The Department of Agriculture handles disaster loans for rural areas.

The Rural Electrification Administration and the Farmers Home Administration of the Department of Agriculture also have several loan programs. REA lends money for rural electric systems, rural telephones, and for wiring and the acquisition and installation of electric and plumbing appliances and equipment.

The Department of Commerce arranges, with SBA assistance, for loans to needy areas under the Area Redevelopment Act.

The Department of Interior loans money in appropriate cases under programs in the Bureau of Commercial Fisheries, Bureau of Indian Affairs, Office of Mineral Exploration, and Office of Territories.

The Veterans' Administration makes various types of loans to veterans including both real estate and nonreal estate loans.

The Export-Import Bank makes loans to facilitate the foreign trade of the United States.

MANAGEMENT SERVICES

Logically enough the agency established specifically to serve small business, the SBA, performs many of the management services for the small business community. But again, other departments and agencies play a role.

Recognizing that small businesses generally cannot afford to hire a staff of high-priced management experts, the SBA fills this gap by providing expert management assistance in various ways.

First of all, the SBA invites small businessmen to consult with them in person, by phone, or by letter in regard to specific problems. It has also arranged with private educational institutions for management courses.

In addition, the SBA puts out a wide range of publications on the subject of management. Many of these publications are free; there is a small charge for others. Lists of both are available from SBA offices.

Management services are provided by the Department of Commerce in such offices as the Business and Defense Services Administration. These services are available to large and small business, but since small business represents such a large percentage of all business, most of this activity is in behalf of small business.

The names of the suboffices in the Business and Defense Services Administration of the Commerce Department indicate the services they perform—Offices of Technical Services, Office of Marketing Services, Industry Divisions, and Trade Association Division.

RESEARCH AND MARKETING

Traditionally, small business has not been able to engage in time-consuming costly research and marketing projects that big business can finance in a routine fashion. The SBA has been able to meet this need, in part at least, by funds made available by Congress: (1) under the management research grants program, and (2) for special research projects on matters materially affecting the competitive strength of small business.

Under legislation passed by Congress in 1958 funds were made available for 105 management research grants encompassing some 240 different research projects. The studies, made by institutions of higher learning throughout the country, cover many aspects of management, financing, organization, and operation, as well as many different types of industries. Summaries are available at all SBA offices.

Studies on matters materially affecting the competitive strength of small business are made each year. An example of such a special research project is one scheduled for completion in the middle of next year by the International Marketing Institute of the Harvard University Graduate School of Business Administration to identify the problems faced by small businesses engaged in, or seeking entrance to, the expanding foreign trade market.

In commerce, the Business and Defense Services Administration performs this function in its Office of Technical Services, Office of Marketing Services, Industry Division, and Trade Association Division.

Also, its Office of Business Economics conducts economic research and performs economic analysis on the general functioning of the economy, and each month publishes the "Survey of Current Business."

Research and marketing data is also available from the Bureau of International Program and Business Operations, the National Bureau of Standards, and the Bureau of the Census. These are all in the Commerce Department.

Research and marketing data geared to certain fields is produced by various offices in the Department of Interior. Examples are the research carried on by the Bureau of Commercial Fisheries, engineering and technological data developed by the Bureau of Reclamation, low cost processes for salt water conversion handled by the Office of Saline Water, contracts with research groups by the Office of Coal Research, and the research activities conducted by the Geological Survey Office.

The Tennessee Valley Authority also carries out research and development in connection with new business opportunities.

DOING BUSINESS WITH THE GOVERNMENT

The Federal Government is the Nation's largest customer and it also sells thousands and thousands of items. Left to their own devices, the large companies would virtually monopolize this business. Big business has representatives with Washington offices; they are personally acquainted with the man in the procuring offices, and find it easy to keep abreast of the Government's purchasing plans.

In short, they know how to do business with the Government. The vast majority of small businesses do not, and therefore, without assistance, they are effectively closed out of that market.

The closing out of small businessmen has concerned Congress for some time.

It just did not seem right from an economic point of view, from a national security point of view, or from a moral point of view to have a very limited number of large firms handle almost all of the Government's business.

The Congress therefore instructed the procuring agencies and the Small Business Administration to set aside both purchase and sales contracts to be awarded to small business on the basis of competitive bids.

The large contractors who object to purchase contracts being set aside for small business make their most telling argument against the set-aside program by charging that it costs the Government money. But this charge is refuted by Department of Defense officials. For example, last year Secretary of the Navy John B. Connally, Jr., told a Senate Committee: "I don't know of a case where the Navy and the Government have wound up paying more for an item as a result of doing business with small firms."

And Assistant Secretary of Defense Thomas D. Morris pointed out: "If it appears to the contracting officer for any reason, after the bids are opened, that the low bid from a small business firm was not fair and reasonable, he may reject all bids and open the contract to free competition."

So, you see, the Government is adequately protected.

Further, let me point out that traditionally it is the large number of small firms that keep the prices of big firms competitive. If large firms are allowed to drive the small ones completely out of the Government market, you can be sure prices will increase. The taxpayer will have to dig deeper.

One example of where the large firms are striving to keep out small firms is the construction industry. In fiscal 1956, small firms, representing about 90 percent of the construction industry, were getting 71.8 percent of the total value of military construction work. This has gradually dropped to about 54 percent in fiscal 1961 and during the first 6 months of the current fiscal year, only 35.8 percent of construction awards went to small business. If it were not for the set-asides, the small firms' share of the contracts would be even less.

The field of military construction has by far the largest category of Government construction work, chalking up an average annual value of close to $1.4 billion. Of this amount, small contractors currently are getting only a little more than half a billion. They can scarcely afford to overlook this inequity, and neither can the Government or the taxpayer.

Another way in which SBA assists small business is by issuing certificates of competency. In cases where a small unknown firm submits the lowest competitive bid, the procuring officer may sometimes be tempted to reject the bid and award the contract to the second lowest bidder, perhaps a large, well-known firm. Such flagrant abuse of the lowest competitive bid system has been met by Congress by allowing the Small Business Administration experts to study the rejected firm and if it is found qualified, the SBA issues a certificate of competency which then prevents the procuring officer from denying that firm that specific Government contract.

It is interesting to note that a saving to the Government of almost $1 million—and approximately 450 new job opportunities—will result from certificates of competency issued by the Small Business Administration during the first quarter of this year. The dollar saving represents the difference between the low bids covered by the certificates and the next highest bids for the specific contracts for which the certificates were issued.

SBA issued 79 certificates of competency during the first 3 months of this year covering prime contracts valued by $13.7 million. A number of small firms receiving the certificates are located in areas of substantial unemployment.

Examples of the contracts covered by certificates of competency issued by SBA during the first quarter of this year are:

A $4 million order for military trailers and accessories—certificate issued to small firm in Yonkers, N.Y., which expects to add 100 workers to labor force to perform the contract.

A contract valued at $2.180 million for the fabrication of military aircraft fuel tanks—certificate issued to Los Angeles, Calif., small business concern, which expects to add 35 workers.

In addition, the SBA assists small business by furnishing various types of information, including information about contracts to be awarded so that they can submit bids.

The various procuring agencies perform a service in awarding contracts to small business when small business is suited to do the job. For example, the Department of Interior, the Department of Commerce, the Veterans' Administration, and the TVA all cooperate. The Department of Labor's Wage and Hour Public Contracts Division plays a role.

The two biggest procuring agencies are the General Services Administration and the Department of Defense, and these agencies have their own staffs of small business experts which set aside contracts for small business.

The Department of Defense has a special booklet on "Selling to the Military." In March, it published a new pamphlet on "How to Buy Surplus Personal Property from the Defense Supply Agency, Army, Navy, Air Force, and Marine Corps."

The General Services Administration provides a variety of aids to assist businessmen in purchasing both personal and real property from the Government.

FOREIGN TRADE

With the growing emphasis on foreign trade, the Small Business Administration and the Department of Commerce have developed foreign trade assistance programs. They both work cooperatively, as well as independently. Where the SBA is geared to assisting small business in entering the foreign trade market, the Commerce Department has helpful programs in the Office of Field Service, the Bureau of International Program and Business Operations, the National Export Expansion Committee, and the Office of International Trade Fairs.

In August 1961, the Commerce Department and the SBA announced a cooperative program intended to provide more effective service to small firms doing business abroad and to eliminate possible duplication of effort. Briefly mutual responsibilities in this joint effort include: (1) Identifying small firms qualified to export and encouraging them to enter the export business; (2) assisting the potential exporter in analyzing the adjustments to be considered before engaging this field of business activity; (3) counseling the potential exporter in respect to techniques of doing business in foreign markets, to include market surveys, financing, documentation, preparation of shipments, etc.; (4) disseminating to small business concerns technical, marketing, and commodity data prepared and published by the Department of Commerce.

Commerce Department trade publications and the Department's magazine, "Foreign Commerce Weekly," are distributed to all SBA offices.

The Export-Import Bank, of course, is designed especially to facilitate the foreign trade of the United States. In performing this function, Eximbank, as it is called, sets no general dollar limits on the size of the exporter. It provides assistance in three forms: export credit insurance, guarantees to private financial institutions which will provide nonrecourse financing for exporters and direct financing for exporters.

ANTITRUST

Small business receives a great measure of indirect assistance from the Department of Justice's enforcement of the Federal antitrust laws. As that Department points out, "Small business is generally the primary victim of the illegal practices which those enforcement activities seek to eliminate."

Of course, the Department of Justice is not a service agency furnishing direct aid to small business but its vigorous prosecuting of the antitrust laws passed by Congress maintains free competition in the American economy, and permits the development and growth of a sound body of small business concerns.

The Antitrust Division welcomes, and in great measure depends upon, complaints from small business. Independent investigations that begin from its own initiative are necessarily restricted by limitations in available manpower and financial resources. Complaints may be forwarded to the Justice Department in Washington or the nearest SBI office.

FEDERAL TRADE COMMISSION

The Federal Trade Commission was created by Congress in September, 1914. Less than a month later, the Clayton Act became law. Both the FTC Act and the Clayton Act stemmed from congressional recognition that the Sherman Act of 1890 was inadequate to deal with the ingenious and subtle devices for avoiding competition and creating monopolies that the minds of businessmen and their lawyers could conceive.

The Sherman and Clayton Acts together are the foundation of the antitrust law of the United States. They prohibit specific business practices; price fixing, price discrimination, tying arrangements, interlocking directorates, and mergers that threaten competition are well-known examples. Violation of these laws is a crime and also a tort; the violator can go to jail or be sued for damages or injunction, or both.

The Federal Trade Commission Act is not, strictly speaking, a part of the American antitrust law. Rather, it supplements the antitrust laws. The five-member Commission, in a sense, acts as a referee in the business community, calling "foul" on tactics that are deemed injurious, even if they are not within the purview of the relatively specific prohibitions of the Sherman and Clayton Acts and other antitrust statutes. Many activities that are neither crimes nor torts, but are harmful to orderly competition, can be reached and stopped by a Federal Trade Commission cease and desist order. The jurisdiction of the Commission is the prevention of "unfair methods of competition in commerce, and unfair or deceptive acts or practices in commerce"—deliberately broad and nonspecific language that encompasses all the particular practices condemned by the antitrust laws, but also a great deal more. Misleading advertising is one common example.

In addition, the Commission has broad powers of investigation and informal industry guidance. Through trade-practice conferences arranged and conducted by the Commission, in partnership with business, trade-practice rules have been established for over 160 industries.

When faced with an unfair or deceptive act or practice in commerce, the small businessman should get in touch with the Commission promptly.

LABOR-MANAGEMENT RELATIONS

Some of the services of the Department of Labor of particular interest to small business are handled by the Bureaus of Apprenticeship and Training, Employment Security, Labor-Management Reports, Labor Standards, Labor Statistics, and Veterans' Reemployment Rights. These names are self-explanatory, perhaps, and the Department has a variety of publications which explain the activities in some detail.

The Small Business Administration also has publications on employee-employer relationships. Sample titles are: "Is Your Labor Turnover Cost Too High?"; "Employee Relations for Small Retailers"; "Managing Women Employees in Small Business."

TAXES

The final major subject I will mention at this time is the service provided by the Internal Revenue Service of the Department of Treasury to assist the businessman with his tax responsibilities.

For one thing, the IRS has developed a "Mr. Businessman's Kit" for presentation to operators of new businesses. Its purpose primarily is to encourage more effective voluntary compliance by helping new businessmen become fully aware of their responsibilities for filing all the Federal tax returns for which they are liable, and for paying taxes that are due.

The Internal Revenue Service publishes annually a "Tax Guide for Small Business" which explains Federal tax problems for sole proprietors, partners, partnerships, and corporations. Income, excise, and employment taxes are explained in nontechnical language and many examples are used to illustrate the application of the tax laws. A check list, of particular interest to the new businessman, shows, at a glance, the taxes for which different kinds of business organizations and business activities may be liable and what the businessman should do about them.

A nationwide series of tax clinics for small businessmen is cosponsored by the IRS, the Small Business Administration, universities, chambers of commerce, and local civic groups. The clinics have the general theme, "Tax Aspects of Small Business Management Decisions."

I want also to point out that in discussing the various Government activities, I have, from time to time, made reference to various publications. But there are hundreds that I did not, could not, mention.

However, there is one publication that I think will be extremely helpful in that it is geared to cover the highlights of what each Government agency does for small business. Tentatively titled, "Federal Handbook of Small Business," or "Government Aids to Small Business," the publication is sponsored jointly by the White House Small Business Committee, and the Senate Committee on Small Business, and the Small Business Administration. We expect it will be available for distribution within the next few weeks.

I believe you will agree that within your Federal Government there are many sources of assistance to which businessmen may turn. The Senate Small Business Committee, which was established in 1950 to study and report on problems of small businessmen, should not go unmentioned. I am proud to be a member of that committee. Its experienced staff is always available for consultation, I wish here and now to extend an invitation to you to make use of the committee's facilities any time you feel they may be helpful.

In closing let me say that I am well aware small businessmen must become expert in many highly specialized phases of business management. This brings to mind what have been called the necessary qualifications the owner and manager of a small concern should possess. These are: The education of a college professor; the executive ability of a financier; the humility of a deacon; the adaptation of a chameleon; the hope of an optimist; the courage of a hero; the wisdom of Solomon; the gentleness of a dove; the patience of a Job; the grace of God.

Thank you.

SENATE

TUESDAY, MAY 15, 1962

(Legislative day of Monday, May 14, 1962)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by Senator MAURINE B. NEUBERGER, of Oregon.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, amid the shifting shadows of the temporal, give us, we pray Thee, clear and clean eyes to discern the shining glory of the eternal. Forgive us that in the heat of partisanship so often we have forgotten that above our personal ambitions and our exaltation of self lie unchangeable verities, like granite peaks which pierce the sky.

Facing today and the days ahead problems which tax all the resources of Thy public servants in this historic Chamber, give them, we beseech Thee, the untroubled calm and confidence which illumines faith in the final triumph of every true idea let loose in the world. And in the broad battlefield where truth and falsehood are locked in mortal combat, bar our own hearts to all cynicism and hatred; and as we fight the good fight, may our strength be as the strength of 10 because our hearts are pure.

We ask it in the ever-blessed name of the Holy One who has declared, "Blessed are the pure in heart, for they shall see God." Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 15, 1962.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. MAURINE B. NEUBERGER, a Senator from the State of Oregon, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mrs. NEUBERGER thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, May 14, 1962, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

REPORT ON DISASTER RELIEF—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 405)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Public Works:

To the Congress of the United States:

I have the honor to transmit herewith a report of activity under authority of Public Law 875, 81st Congress, as amended, and required by section 8 of such law.

Funds which have been appropriated to accomplish the Federal assistance determined eligible under this authority are specifically appropriated to the President for purposes of disaster relief.

JOHN F. KENNEDY.

THE WHITE HOUSE, *May 15, 1962.*

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on Finance was authorized to meet during the session of the Senate today.

EXECUTIVE SESSION

Mr. MANSFIELD. Madam President, I move that the Senate proceed to the consideration of executive business, to consider the three nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

SECURITIES AND EXCHANGE COMMISSION

The Chief Clerk read the nomination of Byron D. Woodside, of Virginia, to be a member of the Securities and Exchange Commission for a term of 5 years expiring June 5, 1967.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. ATTORNEY

The Chief Clerk read the nomination of Robert C. Zampano, of Connecticut, to be U.S. attorney for the district of Connecticut for a term of 4 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. MARSHAL

The Chief Clerk read the nomination of Joseph T. Ploszaj, of Connecticut, to be U.S. marshal for the district of Connecticut for a term of 4 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Madam President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Madam President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

Mr. MANSFIELD. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

SENIOR CITIZENS ACT OF 1962

A communication from the President of the United States, transmitting a draft of proposed legislation to provide assistance for research or training projects leading to development of new or improved programs to help older persons, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

PLANS FOR WORKS OF IMPROVEMENT IN HAWAII, ILLINOIS, AND KENTUCKY

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Puukapu watershed, Hawaii, Scattering Fork watershed, Illinois, and Little Kentucky River, Ky. (with accompanying papers); to the Committee on Agriculture and Forestry.

LOAN OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to authorize the loan of naval vessels to friendly foreign countries and the extension of certain naval vessel loans now in existence (with an accompanying paper); to the Committee on Armed Services.

REPORT ON CONSTRUCTION OF AMMUNITION STORAGE PROJECTS FOR AIR NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting, pursuant to law, on the construction of reserve forces facilities projects for the storage of ammunition for the Air National Guard; to the Committee on Armed Services.

JURISDICTION OF MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to increase the jurisdiction of the Municipal Court for the District of Columbia in civil actions, to change the name of the Court, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

SUGAR ACT AMENDMENTS OF 1962

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend and extend the provisions of the Sugar Act of 1948, as amended (with accompanying papers); to the Committee on Finance.

REPORT ON LEAD AND ZINC

A letter from the Chairman, U.S. Tariff Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission on lead and zinc, dated May 1962 (with an accompanying report); to the Committee on Finance.

WATERSHED WORK PLAN FOR NORTH SANPETE WATERSHED, UTAH

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a watershed work plan for the North Sanpete watershed, Utah (with an accompanying document); to the Committee on Public Works.

PLANS FOR WORKS OF IMPROVEMENT IN ALABAMA, GEORGIA, AND UTAH

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Hurricane Creek, Alabama, Marbury Creek and Middle Fork Broad River, Georgia, and North Sanpete watershed, Utah (with accompanying papers); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the Model General Assembly of the Midwest Model United Nations, at St. Louis, Mo., endorsing the United Nations; to the Committee on Foreign Relations.

A resolution adopted by the City Council of the City of Rolling Hills, Calif., protesting against the enactment of legislation to provide a Federal income tax on income derived from public bonds; to the Committee on the Judiciary.

TWELFTH ANNUAL REPORT OF SELECT COMMITTEE ON SMALL BUSINESS (S. REPT. NO. 1491)

Mr. SPARKMAN. Madam President, on behalf of the Senate Select Committee on Small Business, I submit the committee's 12th annual report, unanimously approved, and ask that it be printed.

The ACTING PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Alabama.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KEATING:

S. 3299. A bill for the relief of William M. Lee; to the Committee on the Judiciary.

By Mr. JAVITS (for himself and Mr. MORSE):

S. 3300. A bill for the establishment of a Commission on Revision of the Antitrust Laws of the United States; to the Committee on the Judiciary.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. RANDOLPH:

S. 3301. A bill to provide that certain contracts involving the performance of construction work on buildings or improvements intended to house activities of the Post Office Department are within the coverage of the Davis-Bacon Act; to the Committee on Public Works.

By Mr. HUMPHREY (for himself and Mr. MCCARTHY):

S. 3302. A bill to afford dairy producers the means by which they may adjust their marketings of milk more nearly to equal demand and to improve and stabilize their price returns; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. CASE of New Jersey:

S. 3303. A bill to amend the Davis-Bacon Act to require compliance with the provisions thereof in the performance of certain agreements, and for other purposes; to the Committee on Public Works.

ESTABLISHMENT OF A COMMISSION ON REVISION OF THE ANTITRUST LAWS OF THE UNITED STATES

Mr. JAVITS. Madam President, for myself and the Senator from Oregon [Mr. MORSE], I introduce, for appropriate reference, a bill providing for the establishment of a Commission on Revision of the Antitrust Laws of the United States.

A similar commission established by Congress in 1940, the Temporary National Economic Commission, filed extensive reports on many phases of our economic life, including the antitrust laws, but the advent of World War II made implementation of them impossible.

In 1955 the Attorney General's National Committee To Study the Antitrust Laws was another effort in this direction, and several of its recommendations were embodied in law. However, in the intervening years we have seen great changes in the economic structure of both the Nation and the world, and the shift in the cold war to an economic battlefield. There is increasing indication that in certain major areas of their application, our antitrust laws are obsolete and that for the economic health of our Nation, procedures in the enforcement of the antitrust laws need revision. These changes, in our view, clearly require a fresh, thorough examination of the impact of our antitrust laws and policies upon U.S. productivity, U.S. long-range economic growth, and U.S. trade, foreign investment, and foreign economic policy generally. The Commission, comprised of experts selected on a bipartisan basis from the executive branch, the Congress, and private life, would provide the broadly based vantage point for such an examination and would make recommendations for revising the antitrust laws, both in substance and in procedure.

Domestic economic issues which the Commission would be expected to inquire into would include those highlighted by the recent steel price rise controversy: the pressing need, imposed by competition from abroad, for rapid modernization of plant. The Commission would study the impact of the antitrust laws upon joint research and development to solve that problem and the related problem of chronic unemployment. Also, the reversal last week by the Supreme Court of the doctrine of primary jurisdiction, which had resulted in leaving to regulatory agencies the principal responsibility for approval of mergers in a number of important regulated industries, now places even greater emphasis upon the antitrust laws than ever before. The economic implications of this development must be thoroughly explored, particularly in the case of those industries which depend for their survival upon increased efficiency and productivity.

The area which would claim equal attention by the Commission is that of foreign trade and investment. I introduced last week a series of bills designed to implement the report on East-West trade which I made after returning from the Soviet Union, where I went on a mission for the Joint Economic Committee. I found that, because of their monolithic state trading organizations, the Communists are taking advantage of our competitive system to bid off individual free world businesses—and I define business to include management, labor investors, farmers, and consumers—against each other, which has resulted in alarming Soviet acquisitions of technological know-how and advanced equipment. Also, the Soviet trading monopoly is creating a considerable problem for the free world by increased oil sales to the West. To combat this, U.S. business will have to cooperate with other free world business enterprises in meeting the competition of the Communist trading organizations in the markets of the world.

Under existing law there are grave impediments to such cooperative activity. A highly limited exemption from the antitrust laws for export cooperation was provided by the Webb-Pomerene Export

Trade Act in 1918. However, this is limited to the associations of U.S. firms so that cooperative arrangements for export trade between other Western corporations and U.S. firms, or even Webb-Pomerene associations, are not treated as within the Webb-Pomerene exemption. Thus, the legality of such arrangements for the purpose of meeting Soviet bloc trading organizations is shrouded in uncertainty and would have high priority as a subject for study by the Commission. Other areas of foreign trade and antitrust law are also in need of examination. A prime example is that of official policy vacillation toward Middle East oil consortia, which have alternatively been given approval and condemned. "Clearance letters" from the Attorney General have been used as a limited informal device for alleviating uncertainty in the foreign trade area, and it would be the Commission's responsibility to evaluate the possibility of stable statutory procedures for clearance, perhaps involving the State Department as well as the Justice Department.

It should be noted that in 1951 I introduced a similar bill in the House of Representatives and the distinguished Senator from Oregon introduced a companion bill in the Senate. The increased urgency of the problems which I have outlined make a comprehensive survey and evaluation of the antitrust laws even more imperative now, and I strongly urge that Congress authorize such an undertaking without delay.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3300) for the establishment of a Commission on Revision of the Antitrust Laws of the United States, introduced by Mr. Javits (for himself and Mr. Morse), was received, read twice by its title, and referred to the Committee on the Judiciary.

FOOD AND AGRICULTURE ACT OF 1962—AMENDMENT

Mr. HART. Madam President, I submit an amendment intended to be proposed by me, to the bill (S. 3225) to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes. I ask that the amendment be printed and lie on the desk.

This amendment would broaden the Agricultural Marketing Agreement Act of 1937 as it relates to cherries.

I ask unanimous consent that the text of the amendment, together with a memorandum outlining the justification and need for this amendment, be printed at this point in my remarks.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and lie on the desk; and, without objection, the amendment and memorandum will be printed in the Record.

The amendment and memorandum are as follows:

On page 69, between lines 11 and 12, insert the following:

"Sec. 404. The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended as follows: Section 8c(6) is amended by striking the period at the end of (I) thereof and inserting in lieu thereof the following: ': *Provided*, That with respect to orders applicable to cherries such projects may provide for any form of marketing promotion including paid advertising.' "

On page 69, line 12, strike out "Sec. 404" and insert "Sec. 405".

MEMORANDUM

This amendment of section 8c(6) of the Agricultural Marketing Agreement Act of 1937, which outlines and specifies the terms and conditions of orders, deals specifically with cherries and broadens the language now used in (I) "marketing research and development projects, etc."

Cherry growers seek to broaden this language so that they have available to them the marketing tools necessary to build an expanding market for a product that is commercially feasible in their orchard operations and susceptible to expansion in production in the Great Lakes region at competitive production costs with any other tree fruit.

The present language of the act has been very narrowly interpreted. Evidence of this may be seen in the USDA Agricultural Marketing Service information booklet No. 230 entitled "Marketing Agreements and Orders." Under the heading of "What Can Be Done Through Marketing Order Programs," the following are listed:

A. Regulation of quality.
B. Regulation of quantity.
C. Standardization of container packs.
D. Research and development projects.
E. Unfair trade practices.
F. Price posting.
G. Marketing information.

Under "D," research and development projects, it specifically states: "However, funds may not be used for direct advertising or sales promotion programs."

It can be readily seen that in denying the producer the right to use his own money as collected through marketing orders for direct advertising or sales promotion programs, the producer's ability to market his commodity is severely handicapped in this age of mass distribution and mass communication. Proof of this may be seen in the fact that where commodities are fortunate enough to be grown in large enough quantities in one State to dominate the national market such as oranges and cling peaches for processing, growers and handlers have turned to State marketing orders and the bulk of their industry funds are spent on the exact programs denied commodities in Federal marketing orders. Not only have these programs been undertaken, but they are universally recognized as the most successful commodity programs of our time. Witness the work of the Florida Citrus Commission which has the Nation and the world drinking orange juice as a standard breakfast item. Witness the work of the Cling Peach Advisory Board which has developed the peach output of one State and one variety into the largest single processed fruit pack in the world utilizing 1,200 million pounds of this variety of peach in one season's pack. How long can Montmorency cherries which are 95 percent processed, be expected to compete with this type of salesmanship without having a similar basis for competition. Montmorency or red cherries are grown in adaptable environments that are determined by the geographical boundaries of the Great Lakes not by the boundaries of the States. Due to the cool nights, delayed blossoming and temperate winter temperatures created by a northwest exposure of large bodies of water at high latitudes, these ideal conditions to grow red cherries have resulted in the following production pattern by States. Of the supply of red tart cherries in the United States, Michigan grows 50 percent, New York 17 percent, Wisconsin 11 percent, Pennsylvania 10 percent, Oregon 5 percent, and Ohio 2½ percent.

Should this commodity—by virtue of its geographical position—be denied one of the most important elements of market development that have so successfully served oranges, cling peaches, and we could mention olives, avocados, etc.? Worse yet, should the State of Michigan design a State marketing order to meet California and Florida for the purpose of driving New York, Wisconsin, Pennsylvania, Oregon, and Ohio out of the cherry business? Surely the Montmorency cherry is one variety equally benefited by the moderate temperatures from large bodies of water and undistinguishable as to origin from Michigan or any other State enjoying the same climatic environment.

Certainly, processors who own plants for freezing or canning this variety of cherry in several States, do not sell their cherry product by State origin. Bakers, preservers, ice cream manufacturers, and retailers who buy processed cherries for their finished products, use cherries from one State or the other indiscriminately. It is also conceivable that growers given broader promotional alternatives could well use these powers to provide needed tools for developing a European market for their product. At this time, they are undertaking a survey of that market and find that demand for a processing variety of cherry in Western Europe has good possibilities of materializing.

Further proof of the national and international character of the market for cherries and the regional specialization of its production can be seen in the structure and character of the organizations which growers and processors have developed in the course of the industry's efforts to help themselves. The National Red Cherry Institute was founded by processors in 1928 as a voluntary method of processors pooling their resources to promote cherries on a national basis through the sponsorship of a national cherry pie baking contest. Growers formed the National Cherry Growers Council in 1942 to protect their interests during World War II and promote their mutual welfare. Growers from all States mentioned have been members of this council. Out of this organization, the Great Lakes Cherry Producers Marketing Cooperative was formed to negotiate uniform prices, grades, and methods of payment on uniform contracts throughout the principal Great Lakes States growing 95 percent of the country's red tart cherries. This voluntary cooperative organization, created in the best tradition of American agriculture, of farmers voluntarily and cooperatively organizing to help themselves has grown from 1,350 members from five States growing 19,000 tons of cherries to 2,113 members growing 60,000 tons from five States in 1961. This organization under the benefit of the Capper-Volstead Act has successfully established third-party grading for cherries on a national basis, a grade schedule for cherries that creates incentives to improve the quality of cherries delivered processors, a reasonable price based on supply and demand. On the basis of its performance as a voluntary organization, it has increased its membership to the present representation:

Membership as of May 1, 1962:	
Michigan	1,615
New York	361
Pennsylvania	139
Wisconsin	188
Ohio	15
Total	2,318

This represents about 30 percent of the commercial growers who grow approximately 60 percent of the cherries in the five Great Lakes States who in turn grow 95 percent of this country's red tart cherries.

This organization finds itself after years of progress faced with the hard economic facts of life in today's market.

1. There is a limit on how much half of the growers can spend to benefit the entire commodity and leave themselves exposed to the competition of those who would like to ride free on their efforts.

2. When other competing processed fruit commodities have available to them sales promotion programs supported by all the growers of that commodity and use this tool effectively, they must also promote—educate the consumer as to the value of their product or perish.

For the past 10 years the industry has tried to develop a voluntary promotion program through State marketing orders and the Red Cherry Institute. The score to date stands: marketing orders in two States, a commission in one State, and no supporting legislation in other States. Processor voluntary contributions have gone down. Moneys available for national promotion have dropped yearly or barely held their own. In 1961 they discontinued the National Cherry Pie Contest after 25 years of building this national promotion.

Congress by enacting this amendment will not be forcing cherry growers to develop a sales promotion program here or abroad. Growers and processors themselves must pay for this program and vote in a marketing order to accomplish its objectives. However, Congress will be correcting an inequity by giving the growers and processors of this industry equal opportunity under law to compete with other commodity interests in Florida, California, and Hawaii. In the true American tradition, the growers and processors of this industry are asking this Congress—not for money, not for advantage, but for the opportunity to compete on an equal basis not available to them because of the geography of this country. As farmers, they cannot establish a label for their commodity—but stock for Montmorency cherries is free for all to purchase—they cannot establish a patent for their improvements in research and production efficiency but they can by law, if this Congress so determines, stand united behind a necessary effort to sell the product of their labors.

AMENDMENT OF SECTION 204 OF AGRICULTURAL ACT OF 1956—AMENDMENT

Mr. MUNDT (for himself, Mr. Hruska, Mr. Case of South Dakota, Mr. Allott, and Mr. Curtis) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956, which was ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 160. An act for the relief of Thomas O. Tate, Jr.; and

S. 1684. An act for the relief of Merle K. Loessin.

The message also announced that the House insisted upon its amendment to the bill (S. 320) to amend the provisions contained in part II of the Interstate Commerce Act concerning registration of State certificates whereby a common carrier by motor vehicle may engage in interstate and foreign commerce within a State, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Harris, Mr. Williams, Mr. Staggers, Mr. Friedel, Mr. Bennett of Michigan, Mr. Springer, and Mr. Collier were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 185) to defer the proclamation of marketing quotas and acreage allotments for the 1963 crop of wheat, and it was signed by the Acting President pro tempore.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. WILEY:

Excerpts from statement by himself urging the use of Col. John Glenn as a good-will ambassador from the United States to other countries, including the Soviet Union; also an editorial from television stations WITI, Milwaukee, Wis., also urging the use of Col. John Glenn as a good-will ambassador.

PROFITS OF DEFENSE CONTRACTORS IN THE MISSILE FIELD

Mr. ERVIN. Madam President, the Twin City Sentinel, of Winston-Salem, N.C., published on April 17 an editorial entitled "Missile Buyers and Home Buyers," which made some timely comments on the current investigation of profits of defense contractors in the missile field. I ask unanimous consent that the editorial be printed at this point in the body of the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Missile Buyers and Home Buyers

The current Senate investigation of profits among defense contractors is best understood if one bears in mind some of the traditional procedures of contracting. And if those procedures are accepted as fair, it becomes plain that the defense contractors, including Western Electric, were not paid something for nothing. They performed services for the profits they received.

At issue is the role of the prime contractor, who takes responsibility for the production, completion, and satisfactory performance of some major job. Western Electric's Nike missile assignments have figured prominently in the hearings. Western is the prime contractor, and has subcontracted many components of the Nike system to other manufacturers, such as Douglas Aircraft, rather than develop the fantastically costly and diversified plant facilities to build all the Nike parts itself. The subcontractors naturally required profits on their shares of the work.

Then, in figuring out its own profit, Western took the total cost of the work completed, including money paid to subcontractors, and added its profit percentage to that total. Thus the prime contractor takes a profit on the profit paid to the subcontractor, who in turn is taking a profit on that paid to any sub-subcontractors, and so on.

A private citizen having a home built would pay the same pyramided profits if he turned the whole job (and responsibility) over to a single contractor. The contractor would hire other firms—plumbers, roofers, electricians—to do parts of the job his own firm was not equipped to do. Since he would be responsible to the home buyer for the quality of the whole job, he would spend time and effort making sure his subcontractors performed satisfactorily. He would earn a profit on the work those subcontractors did by (1) checking their performance and (2) assuming responsibility for their performance.

But occasionally a home buyer has the time and inclination to be his own prime contractor. He deals personally with each firm that has a hand in the job, selecting them and negotiating with them on prices. That way he avoids the profit pyramid by doing quite a bit of work himself and by taking over the responsibility for seeing that the various systems of his house blend into a satisfactory whole—no plaster torn out to put in a forgotten electric circuit, or the like. It goes without saying that the average citizen is poorly equipped to take on such a duty, and comes out better if he has a professional builder—or a watchful architect—charged with overseeing the satisfactory completion of the house.

Then there is a compromise approach. The home buyer can select a shell house, or even have one designed and built to his specifications. With the heaviest and trickiest part of the job done, he can then finish the house himself, perhaps with hired help, at a saving. A reasonably handy man does not have to have a contractor's guidance when it comes to laying tile, painting (or even paneling) rooms, landscaping his yard or many other jobs required to make a shell house a home.

Rather surprisingly, this discussion of building a house applies quite aptly even to something as complicated as the Nike project. And the Government's choices are broadly the same as the home buyer's.

The Government could, if it wished, have built up within the Army a prime contracting office for the Nike, with the necessary scientific and technical personnel to parcel out the work to the various contractors, perhaps do some of the manufacturing itself, and make sure everything fitted together properly on completion. All the private industries involved would be reduced, in effect, to subcontractors, and the profit pyramid eliminated. The catch is that the Army's prime contracting unit would be a costly operation itself. Since it would lack the motives for economizing that apply in private industry, this unit could well have proved far more expensive than are Western's prime contracting service. Also such a unit would tend to be more of a permanent Government expense than a private corporation hired on a one-job-at-a-time basis.

But even without an elaborate prime contracting bureaucracy, the Government does not have to handle every item of equipment involved in the Nike system through Western Electric, and for that matter it does not. Like the man who buys a shell house, the Army has taken the job and responsibility of buying some minor Nike items directly from subcontractors. These items, cables and trailers, are sufficiently similar in nature and performance standards to things with which the Army has a working familiarity not to require Western Electric's guarantee of satisfaction.

Quite possibly, the Army has been too timid about breaking out such items from its prime contracts, and thus saving money. Even in a project as sophisticated as the Nike system, there is a lot of plain, everyday hardware involved, particularly in ground support for the missiles.

When this was suggested in the Senate committee hearings, the point was made that Western Electric's response to Army proposals of additional breakouts was that Western could not be held responsible for the performance of equipment purchased directly by the Army. The phrase was bandied about that, in this way, Western was holding the Nike system captive.

Here, too, our homebuilding analogy seems to fit. No building contractor is going to take responsibility for smoked-up walls if the homeowner adds a faulty fireplace on his own hook, or for the success of a do-it-yourself job of tile laying. Likewise, it appears unreasonable to suggest a defense contractor should accept liability for any part of the contract that is taken out of his hands. If the practice of breaking out parts of prime contracts were overdone—carried past the point where the armed services are actually prepared to take responsibility—the risk of failures would soar. Western is taking no more than normal safeguards of its resources and reputation by insisting that the responsibility be shifted in all breakouts.

There remains the question of how much profit a prime contractor should take on work not done in its own shops. As Western Electric's president, H. I. Romnes, pointed out at a recent stockholders' meeting, it is not really possible to say, under present defense project accounting procedures, just what profit is taken for such work. He noted that Western's profits on Nike, over the years, have amounted to 3½ percent to total costs to the Government. That is definitely a substandard margin for manufacturing of the sort in which Western is engaged. Five percent or more would not be out of line.

Does not this low margin take into consideration the fact that Western is not doing all the work on which the profit is based in its own shops, but is making sure the work is done properly?

Defense contracting is one of the biggest expenses of our Federal Government today, and it is in the taxpayers' interest for Congress to keep a questioning eye on those contracts. It may well be, as Senator McClellan, investigating subcommittee chairman, suggests, that contracting procedures need revision to eliminate unnecessary payments of profits. While prime contracting looks like the most satisfactory way of getting complicated jobs done properly, there is ample reason to reexamine the profit margins on projects where subcontracting accounts for particularly heavy portions of the total work done. Another question that needs close attention is the amount of use to which the armed services put the shell house type of contracting. Certainly the services should not shy away from any responsibilities they are equipped to assume through this method of economizing.

DAVID LAWRENCE'S VIEW OF THE LITERACY TEST BILL

Mr. TALMADGE. Madam President, no journalist has endeavored more persistently or consistently to alert the Nation to the true issue involved in the current debate on the so-called literacy test bill than has the respected columnist and editor, David Lawrence. His editorial in the current issue of U.S. News & World Report is the most succinct and forceful summation of the question yet written.

Mr. Lawrence minces no words in pointing out that a desire to cater to minorities has caused many lawmakers "to forget the basic principles of constitutional law and to take refuge in the questionable doctrine that the end justifies the means." He points out with complete documentation that the Constitution plainly vests in the States the power to prescribe voter qualifications, and warns that the setting of a precedent of ignoring the Constitution for expedience in the current instance could result in the States' losing all their rights.

This distinguished writer declares:

> Either we will conduct our democracy by the tenets of a written Constitution, or we will begin to erode our traditions and our ethics by contending that, because the objective seems worthy, nothing else matters.

He concludes with the call for an informed electorate "to persuade our elected officers to be courageously guided by conscience and thus to preserve representative government in America."

There is a message in Mr. Lawrence's editorial, not only for every Member of Congress, but also for every American. I ask unanimous consent, Madam President, that the text of the editorial be printed at this point in the body of the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

WITHOUT CONSCIENCE

(By David Lawrence)

Representative government in America cannot succeed if most of our elected legislators are without conscience—if they resort to political tricks and stratagems which the people would repudiate if they took the time to learn the whole story.

The assumption of the politician is that the people can be fooled or that they will not take the trouble to find out the facts. This is what is behind much of the chicanery of modern politics.

Today, for example, it is popular in Congress to cater to the so-called minority vote. Whenever the cry of civil rights is raised, Senators and Representatives from cities in the North tend to forget the basic principles of constitutional law and to take refuge in the questionable doctrine that the end justifies the means.

Eminent Republicans, including the leaders of the party, are just as much to blame as Democratic leaders and other members of the majority party.

It is discouraging, too, to find that influential newspapers in the metropolitan centers brush aside as specious or irrelevant the argument of unconstitutionality made against the proposed law to fix a sixth-grade education as a sufficient literacy test for voter qualification. Either we will conduct our democracy by the tenets of a written Constitution, or we will begin to erode our traditions and our ethics by contending that, because the objective seems worthy, nothing else matters.

The Constitution plainly vests in the States the power to prescribe what shall be the qualifications for eligibility to vote.

The Supreme Court of the United States in decision after decision—even as recently as 1959—has recognized this right of the States and has specifically upheld literacy tests as a means of ascertaining eligibility for voting.

Now come the champions of civil rights to say that the 14th and 15th amendments contain clauses which permit Congress at any time negatively to override any State law in the field of voting and to substitute an affirmative definition of what the qualifications for voting shall be.

The Constitution says that no State shall make any law that denies or abridges the right to vote because of color or race or sex. But this does not mean that Congress can substitute its own judgment and specify how literacy, for instance, shall be determined.

The Supreme Court has said that the Department of Justice may file suits to eliminate discrimination by State officials in passing on the eligibility of voters. But nowhere in the Constitution is there the slightest authority given to Congress to write a law substituting Federal specifications for the voter qualifications fixed by a State.

If this were accepted on the ground of expediency, then Congress could at any time pass a law fixing 16 or even 14 years as the age for voting, or stipulating its own standards of efficiency for employment, or setting forth its own standards of education in the granting of diplomas or college degrees. The States could thus lose all their rights.

The Constitution does give Congress the power, by appropriate legislation, to enforce the antidiscrimination clauses of the 14th and 15th amendments. But the word "enforce" relates to the fixing of penalties or the scope of judicial procedures. This does not grant Congress the right to pass new laws professedly aimed at preventing abuses while actually substituting its own set of voter qualifications for those of the States.

These issues have been fully debated in the last few weeks in the Senate. Fear that a majority of Senators, influenced by the presence of a large population of Negro voters in their States, might pass the bill declaring a sixth-grade education as a sufficient standard for literacy caused southern Senators to start a filibuster. They hoped to squelch the measure by prolonged debate—a right they possess under existing rules in the Senate.

The sponsors of the measure, however, strove to get a record vote on the literacy bill itself. Some Senators voted against shutting off debate so as to avoid a decision on the main bill. Others voted against closing the debate with the hope that this would make it unnecessary for them to vote in favor of the literacy bill. Some fear that rival candidates for their seats in Congress may misrepresent a position taken on principle as really an opposition to civil rights. All honor to those Members who have resisted such temptations.

But too many men in public life succumb to the tricks of politics. They are too readily inclined to believe that the end justifies the means—whether in enacting legislation or in fulfilling an ambition to win elective office.

This is why we can become the victims of government without conscience.

Only an informed electorate can persuade our elected officers to be courageously guided by conscience and thus to preserve representative government in America.

VIEWS OF ROBERT MOSES ON SUBSIDIES FOR MASS TRANSPORTATION

Mr. PROXMIRE. Madam President, Robert Moses, of New York City, is known as a great expert on city planning and city organization. The other day he made a very interesting observation on the proposal for subsidies for mass transportation.

I feel very strongly that the proposals made by the administration may be quite excessive, and may involve the Congress in a tremendously expensive program which would not solve the basic problem.

Mr. Moses said, in part:

> We are becoming hysterical and prodigal about aid to ailing commuter railroads and tend to exaggerate the advantages of mass transportation.

He went on to say:

> We should not be too generous with public moneys in subsidizing rails to insure adequate commuter service until they demonstrate more self-reliance, ingenuity, and enterprise.

He also pointed out that the image and symbol makers of Madison Avenue are ruling the land. He said:

> Not so long ago the slogan was "A chicken in every pot and two cars in every garage." Now, it's rock cornish hen and mass transportation.

The difficulty with the bill is that it would subsidize the wealthiest, most affluent sections of our society, and it would do so at great expense and it would do so even though the alternate methods of solving the serious problem have not begun to be explored.

I ask unanimous consent that the article describing Mr. Moses' talk be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Moses Belittles Rail Hysteria in Mass Transport Proposals

(By Joseph C. Ingraham)

Robert Moses, reflecting a highway builder's view, asserted yesterday that "we are becoming hysterical and prodigal about aid to ailing commuter railroads and tend to exaggerate the advantages of mass transportation."

He attributed the plight of the railroads mainly to the men who run them, contending that rail executives still cling to outmoded thinking and conduct.

A part of the railroads' troubles, he said, is the refusal of regulatory agencies to grant fare increases when, with proper control, they would have facilitated major improvements at low cost.

In a major discussion of transportation problems at the National Highway Users Conference in Washington Mr. Moses also said that past performance of railroads indicated that "we should not be too generous with public moneys in subsidizing rails to insure adequate commuter service until they demonstrate more self-reliance, ingenuity, and enterprise."

POLICY CHANGES SUGGESTED

He called also for repeal of discriminatory legislation, excessive regulation and reorganization of Federal agencies under central supervision.

"If consolidation of large railroads will forestall nationalizations, why let a somnolent agency that inspires little confidence stall the merger of the New York Central and Pennsylvania Railroads?" he asked. (The agency referred to is the Interstate Commerce Commission.)

Mr. Moses voiced praise and criticism of President Kennedy's transportation program. He called it imaginative, courageous, farsighted, and conducive to constructive thinking to meet the accumulating challenges of metropolitan growth.

But he said the program was "too comprehensive, too generous and too much in the direction of bureaucratic central control and discouraging of private initiative.

It poses the threat of "the inevitable policing of massive Federal aid," he added.

OVERALL LEGERDEMAIN

Mr. Moses also attacked the President's ideas for an overall mass transportation policy.

"Because rail, rubber, air and water travel all are forms of transportation and can be conveniently grouped," he said, "we fondly conclude they should be operated as one," he told the conference.

"But where do we find the geniuses to do this legerdemain?" he asked.

Asserting that image and symbol makers of Madison Avenue were ruling the land, Mr. Moses added:

"Not so long ago the slogan was 'a chicken in every pot and two cars in every garage.' Now it's rock cornish hen and mass transportation."

He was also skeptical of the advantages of "shotgun marriages" between rival forms of transportation. And he warned that roadbuilding paralysis might result if the Kennedy proposal requiring highway plans to include all forms of transportation in a complex dictated by central agencies in Washington were adopted.

Mr. Moses, who is Mayor Wagner's liaison in Federal-State-city arterial planning, also offered a broad program to mitigate traffic jams. His recommendations included buses on expressways; staggered working hours, night trucking and large cash subsidies to encourage tenant and business relocation from right-of-way needed for roads in congested urban areas.

WITI-TV'S FINE EDITORIALS

Mr. PROXMIRE. Madam President, television, which has been stanchly criticized, is beginning to make a solid public interest contribution through meaningful and courageous editorials. One of the Nation's best examples of this is station WITI-TV in Milwaukee, recently cited for public service distinction for its editorials.

I take this opportunity to offer an enthusiastic pat on the back to WITI-TV for these excellent editorials. Thoughtful, courageous, imaginative WITI editorials are helping Wisconsin citizens to understand key public questions by presenting soundly reasoned opinions.

Responsible for WITI's distinctive innovation in programing are General Manager Roger LeGrand and Carl Zimmermann, director of news and public affairs. My congratulations to these men and their associates for a good job well done.

An example of WITI's willingness to take a tough-minded, unpopular position on a vital issue was a recent editorial entitled "A Warm Milwaukee Reception for Cuban Refugees."

I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Warm Milwaukee Reception for Cuban Refugees

Mr. Zimmermann. Twenty-five Cuban refugee families are coming to Milwaukee. They'll need your help and understanding.

Twenty Milwaukee civic and religious organizations are paving the way for the arrival of over 80 refugees from Castro's Cuba. The first Milwaukee destined flights in freedom planeload—25 families—will arrive here June 9 to begin a new life. The Milwaukee Area Cuban Resettlement Committee, which has undertaken the task of finding sponsors for these people, says the response has been good and the program is shaping up well.

On April 5, WITI-TV editorial endorsed the idea of resettling these people in our community. We were gratified by the many people who voiced their support; but, of course, there were some who protested. There were those who said, "We've got enough problems without bringing in another planeload." There were those who said, "We don't have enough jobs for our own people. Why should we add to that burden?"

We'd like to point out to them that these Cuban refugees are not asking for handouts, they're not asking for pity, and they're not asking for someone else's job. They're only asking for a chance to share with us the freedoms and opportunities of the free world. They are anxious to become a part of our community to help it to grow and to grow with it.

Others have come before them and with help and encouragement they began to carve a place for themselves. People like Dr. Rafael Iturralde, who humbly accepted a position as assistant in surgery at St. Luke's Hospital after practicing medicine in Cuba for 15 years:

Dr. Iturralde. When I come to United States, I leave all my property and everything over there to be able to make a living here as a free man.

There are many Cubans that want to come here to Milwaukee to work just as we are doing. I am very happy living here. People have been very nice to us, and I have met wonderful people that are willing to help us so I thank all of them for the help that they have been giving to us.

Mr. Zimmermann. The June 9 flight in freedom will bring us more people like Dr. Iturralde—skilled people ready and willing to work and to learn—new assets to our community.

The 20 organizations which have formed the local Cuban Resettlement Committee have tackled a big task. Under their leadership, Milwaukee will assume its share of the free world's obligation. The committee needs the cooperation of this community, and the 80 refugees from Castro's communism need our warm reception.

SOVIET OIL IN CEYLON

Mr. KEATING. Madam President, last Thursday I spoke on the Senate floor and warned that if the United States and its NATO allies do not take action promptly and firmly to check the Soviet oil offensive, our interests throughout the world could be deeply injured. I pointed out that in the last year the Soviets have undertaken new negotiations and activities in Brazil, Chile, and Ceylon. In each case, the Soviet promise to develop oil resources and operations for the local government is an attractive bait to nationalistic feelings, and incidentally a clever Communist tactic to undermine private enterprise markets.

Today news reports reveal the extent of Soviet gains in Ceylon. The Government is seizing the facilities of one British and two American oil companies to be used by the newly formed Government-owned Ceylon petroleum corporation. This company will be principally supplied with products from the Soviet Union. Yet Ceylon has gotten $71 million in U.S. aid and has a 3-to-1 favorable trade balance with the United States.

Madam President, this action gives added urgency to the need for the United States to take action through NATO and the OECD. A common oil policy must be devised and enforced. As I pointed out last week, we should actively work for: first, uniform oil policies for the entire NATO community comparable to current weapons programs, with curbs on imports of Soviet oil for each country; second, common policies with regard to preventing Western supplies to the Communists of oil transportation, pipeline, extracting or refinery equipment; third, continued public disclosure of Soviet price-cutting tactics designed to hurt not just the West, but also the oil-producing countries dependent on oil revenues; and, fourth, a determined effort, with or without Government assistance, to increase oil exploration or reserves in other areas of the world, more removed from the Soviet pressures.

Madam President, I would also like to add my vigorous support for some language in the foreign aid bill to cover situations involving the seizure of American property abroad. Although I am not convinced that the language adopted by the Foreign Relations Committee last week is entirely adequate to meet the threat, it is clearly time to take stock of the treatment American private enterprise is getting in countries that have received generous amounts of American foreign aid paid for by taxes on the American people and on American private enterprise.

Madam President, let me repeat, if we do not act quickly against the Soviet oil offensive, we may soon find ourselves drowned in a gush of Communist petroleum.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. KEATING. Madam President, I ask unanimous consent to have 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KEATING. If guidelines can be laid down in these crucial areas now, before the Soviet offensive reaches full strength, then the growing economic power of the Common Market and the United States can be brought to bear promptly and effectively to reduce the Soviet threat. If we act now, the Soviet tactics to divide and conquer, infiltrate and influence, can be blunted. If we wait, we may eventually find to our dismay that the industrial might of the Common Market and the economic progress of underdeveloped countries, now encouraged by our own foreign aid efforts, may be built on a foundation of oil-rich Communist quicksand.

It is not enough for the United States to refuse to import Soviet oil, or to cancel Defense Department contracts with foreign firms that import it, as we recently did in Japan. We must sit down with our allies, and with the underdeveloped nations and take the lead in working out and putting into effect measures to protect not our financial interests but the free world's security.

LITHUANIAN FREEDOM FIGHTERS

Mr. KEATING. Madam President, recently I received a copy of a most interesting book by K. V. Tauras, entitled "Guerrilla Warfare on the Amber Coast." K. V. Tauras is the pseudonym of a freedom fighter whose identity must be withheld for obvious reasons.

The book is a story of determined resistance against totalitarianism, against the Nazis, and against the Soviet Union in the period 1940 to 1950. The narrative is based for the most part on personal accounts of people who lived in Lithuania and escaped to the West, statements by defecting Soviet officials, articles in the Lithuanian underground press, and items appearing recently in official Communist releases. It is the story of what can be done by a courageous and determined minority even in the face of apparently hopeless odds.

The preface prepared by Leo Cherne, executive director of the Research Institute of America, provides a fitting start for this work and illuminates some of the areas where guerrilla warfare can serve the cause of freedom. As Leo Cherne points out:

> We should not be deaf to the meaning that is here for us as we make our decisions on Cuba, on Laos, on Vietnam, on the Congo—for there is a warning here for us as well.

Madam President, I ask unanimous consent that the introduction to "Guerrilla Warfare on the Amber Coast," by Leo Cherne, be printed following my remarks in the Record.

There being no objection, the introduction was ordered to be printed in the Record, as follows:

GUERRILLA WARFARE ON THE AMBER COAST

INTRODUCTION

Although most of us have never visited Lithuania, the "amber coast" of the title, we are by no means unfamiliar with the tragic tale of the small nation, imbued with traditions as deep as the roots of its people, taking up arms against a gigantic invader. Perhaps most real to us of all these events in recent times is the Hungarian revolution of 1956 which was played out on the world's stage to a worldwide audience and became one of freedom's most historic acts of faith.

This was an experience indelibly engraved upon the entire free world. Of the struggle in Lithuania, we knew much less, and yet the memory of Hungary's few tragic days of freedom should help us in some measure to comprehend the sacrifice, the courage and the indomitable will of the Lithuanians whose story is told in the pages that follow.

In the past decade, too, we have become familiar with Soviet "wars of national liberation." We have seen Soviet tanks as they approached to liberate Budapest. We have seen Cuba and the Cuban people as they have been liberated by Fidel Castro. We have now in Europe and in our own country many refugees who have fled in ragged terror from the glories of Soviet liberation. There is reflected in the faces of these exiles, many of them Lithuanian, a frustration and tragic loss which dwarfs even the most generous compassion extended to them by those living freely in the West. This book tells of some of these people who, risking their lives and everything else they had, determined that in Lithuania, at least, the spark of their nation would be kept alive.

It is not our business here to review the history of Lithuania. The history of this northern Baltic nation, now absorbed into the Union of Soviet Socialist Republics, is covered adequately enough for our purposes in the opening chapters of this book. Just as the Baltic Sea casts up pieces of amber on her shores when the wind whips the waves to fury, so, too. history throws upon this small nation the crises that ravage her hemisphere.

Since the 11th century, Lithuania has been embroiled in the conflicts raging across Europe. In our own century alone she has been the victim of treachery which resulted in invasion by Germany from the west and usurpation by Russia from the east. Despite decades of cruel domination, however, the spirit of this nation has not broken. Quite the contrary, it has steadfastly persevered without even the spotlight of history to encourage it.

The story of the Lithuanian Freedom Army (LFA) fighting with inferior weapons but superior will against the brutal NKVD forces, daring to print and circulate newspapers and posters, destroying records of patriots, inciting the people to boycott mock elections, protecting the property of deported citizens, raiding Soviet supplies, rescuing many of those doomed to mass deportation—in short, people dedicated to the will to resist tyranny—has much to teach us in the West.

There is much in the so-called peaceful nation of Lithuania that parallels the so-called peaceful world today. In Lithuania from 1944 to 1952, no armies clashed on battlefields. No tanks engaged enemy tanks in battle. No war, as too many of us have come to define war, existed. And yet, neither was there peace—peace as we were once taught to expect it.

Small, highly organized, effective groups of guerrillas thwarted within Lithuania the Soviet plans for collectivization. Small steel-nerved groups assassinated Soviet terror-masters sent to subdue their nation. Small unarmed groups of literate men wrote and distributed material denying the legality of Russian occupation and encouraging the people to resist. At no time were these groups who made up the Lithuanian Freedom Army of substantial size. At no time did they delude themselves into believing that they could drive the Soviets out of their nation. Their object was rather to harass, to delay, to attract the attention of the West, and above all to remind the people that they were victims of aggression, not partners in the glorious Soviet state.

In a world where this book can be written, peace alone is not and cannot be the proper objective of effective diplomacy. Peace alone cannot be the objective in a world where slavery is foisted upon whole nations under the guise of democracy; where blatant imperialist aggression is camouflaged as a war of national liberation. Hungary and Lithuania are but two of those already sacrificed to this kind of diplomacy.

There are episodes to come in this book which may shock and repel those who have come to regard modern warfare as either neatly uniformed armies facing each other across barricades or nuclear holocaust too horrible to envision. Guerrilla warfare is brutality seen close up. But as our own Government has belatedly come to realize, it is an effective weapon in many of the small nations currently slated for Soviet liberation.

The Lithuanian Freedom Army has much to teach us of guerrilla tactics. A small band of highly mobile, supremely trained forces disciplined to silent, effective action, in the years from 1944 to 1952, succeeded in thwarting major Soviet objectives and kept alive in their country the sense of national unity which today distinguishes Lithuania from any other Soviet republic. And all this done with no illusion of final victory.

Today, the Lithuanian Freedom Army is disbanded, its members like shadows absorbed into the people once again. Farm collectivization, Soviet troop reinforcements ultimately forced these soldiers to concentrate on peaceful resistance, a resistance which is not without its effects today in Lithuania. Perhaps it is ineherent in the democracies of the West that we recognize crisis belatedly. Perhaps it is also characteristic that we react, at least initially, in an inadequate manner. But it is not and cannot be inherent that freemen fail totally to recognize the jeopardy they share.

"Guerrilla Warfare on the Amber Coast" is, above all, a personal document. It transcends factional interests. It is a story of men dedicated to an ideal beyond themselves and committed to the defense of that ideal in any and all ways consistent with their heritage. As such, it should be ours as well as his who lived and wrote it.

We should not be deaf to the meaning that is here for us as we make our decisions on Cuba, on Laos, on Vietnam, on the Congo—for there is a warning here for us as well. From the freedom fighter who wrote this book come these words: "As the periphery of the free world is eroded by incessant Soviet and Communist Chinese maneuvers, it would be well to remember that the West does not possess an endless supply of small nations, the sacrifice of which, some may still unrealistically hope, will indefinitely postpone a confrontation between the free world and a dehumanized totalitarianism."

LEO CHERNE.

NEW YORK, *January 3, 1962.*

EDUCATION IN NEW YORK STATE

Mr. KEATING. Madam President, Dr. James E. Allen, Jr., commissioner of education and president of the University of the State of New York, recently appeared before the House Education Committee to testify on H.R. 10180, a bill which would provide a Federal allotment to each State of 2 percent of the State's school expenditures.

In his testimony on this bill, which I myself have not yet had an opportunity to study in detail, Dr. Allen made an excellent summary of the New York State record in the field of education. He also made a proposal, which deserves very serious consideration, that a national advisory board be established in the field of education "to determine the character and scope of our responsibility as a nation for education and how best to structure education at the Federal level for carrying out that responsibility." Dr. Allen reaffirms the need for strong State control and leadership in the field. He gives special reference also to that provision of the bill dealing with special urban projects which can play such an important role in the crowded and often substandard conditions of some cities' education systems.

Madam President, I ask unanimous consent to have printed in the RECORD Dr. Allen's remarks for the study and consideration of my colleagues.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY JAMES E. ALLEN, JR., COMMISSIONER OF EDUCATION OF THE STATE OF NEW YORK, ON H.R. 10180, TO AUTHORIZE ASSISTANCE TO STATES FOR THE FINANCIAL SUPPORT OF PUBLIC ELEMENTARY AND SECONDARY EDUCATION, MAY 1, 1962

Mr. Chairman and members of the subcommittee, my name is James E. Allen, Jr. I am commissioner of education and president of the University of the State of New York. I appreciate this opportunity to appear before you and to present my views relative to H.R. 10180.

The University of the State of New York is the oldest State educational system in the world. It was established in 1784 and constitutes the entire education system of New York State, public and private, from the kindergarten through the graduate schools. It consists of 6,700 elementary and secondary schools, 191 colleges and universities, 700 libraries, 200 museums, and 230 historical societies.

There are 3,707,000 students enrolled in the elementary and secondary schools of the university, of which 2,857,000 are in the public schools. Enrollment in the colleges and universities totals 437,000,[1] of which over 60 percent are in privately supported institutions.

At the present time public school enrollment is increasing in New York State at the rate of approximately 85,000 students a year. We expect to enroll 3,478,000 students in our public schools by 1970, an increase of almost 25 percent over 1960's enrollment. During the same period we are making plans for a doubling of enrollment at the higher education level.

Total expenditures for public elementary and secondary education are expected to be $1,908 million for the school year 1961–62. Of this amount approximately $273 million is for capital outlay and debt service. Current operating expenditures for public schools have more than doubled since 1954–55 and are expected to double again by 1970.

Revenues from the State presently provide approximately 43 percent (1961–62) of the total support for the public schools (expected to be 49 percent for 1962–63), with 54 percent of the total being raised by locally levied taxes, and the remaining 3 percent coming from the Federal Government.

New York State has a good record, generally speaking, for the support of education. State aid for public elementary and secondary schools has increased from $250 million in 1950–51 to $805 million this 1961–62 school year. At the recent session of the legislature, a new State aid plan was enacted which will provide well over $100 million in new aid to the school districts for 1962–63. This is the largest increase in State aid for education ever voted in a single year in New York State. Approximately 42 percent of the total State budget is currently devoted to the support of education.

Local funds for the public schools have increased also—from $345 million in 1950–51 to $1,030 million for the current year, 1961–62. Thus, during this period State aid has increased by 222 percent and local funds have risen by 200 percent.

Along with the action to increase general State aid, steps were taken to eliminate several special aids which by their very nature operate to restrict local control.

We hear much these days, Mr. Chairman, about the need for Federal aid for education. We hear less about the amounts and kinds of Federal funds which presently contribute to the support of education in our country. New York State, for example, in 1958–59, the last year for which complete data are available, received over $120 million of Federal funds earmarked for educational purposes. This was approximately 5 percent of the total Federal expenditure for education during that year. Approximately $42.3 million of this total was received for programs administered by the Department of Health, Education, and Welfare; $22.4 million for programs administered by the Department of Agriculture; $38.8 million for programs administered by the Veterans' Administration; and $16.4 million for programs administered by the National Science Foundation and other Federal agencies.

A description of Federal funds for education received in New York State and the uses made of them is contained in the document entitled "Federal Funds for Education in New York State," which I am submitting as a part of my statement. A reading of this document will quickly impress upon you, I believe, the great value which these Federal funds have been in helping to expand and strengthen education in New York State. This document also contains comments on how additional Federal funds could be used to make further education gains in my State.

As you know, Mr. Chairman, the policy of Federal aid began with land grants for education in the Thirteen Original Colonies, and since 1785 Congress has enacted over 160 Federal aid to education laws. Each law was for a specific purpose, intended to meet a national problem or was a result of a national crisis. Each law added a form of grant to the multiplicity of aids already in existence.

Of the large amount of Federal aid for education received in New York State, only about $12,700,000, or 10 percent, is available for school construction or for instructional purposes. This represents approximately six-tenths of 1 percent of the total expenditure for public elementary and secondary education in New York State. Yet, despite this relatively low contribution, the uses to which these funds can be put are highly fragmented and restricted. The funds received under the National Defense Education Act, for example, fall under five different titles of the act.

It is in the light of the history of Federal aid, the nature of the grants now being received, and current considerations of the need for increased Federal support to equalize educational opportunity that I wish to state my support for H.R. 10180.

I do not intend to comment in detail on the need for general Federal support of education in this country. I concur with the excellent statements that have been made before your committee by the executive secretary of the Council of Chief State School Officers, of which I am a member and a director, and by several other heads of State school systems. The facts have been fully presented and the position eloquently defended by these and many others.

There is general agreement that American education is in need of many changes and much improvement. Many gains have been made in recent years as a result of increased public concern and interest and widespread movements in the schools to raise standards and improve the curriculum and methods of teaching. But much more needs to be done to achieve the degree of excellence in the education of our youth and adults required by the era in which we live. This can only be done by giving a higher priority to education in the overall scheme of our public and private affairs and by placing at the disposal of our educational institutions the fiscal power of the Federal Government, as well as that of our State and local governments.

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[1] A total of 227,700 full-time undergraduates and graduates, 109,300 part-time undergraduates and graduates, and 100,000 estimated number of unclassified students.

But stronger financial support is only one of several steps required to strengthen public education in America. I would like to mention two others.

Directly related to the need for strong Federal support is the need for a reorganization of the administrative and policymaking structure of education at the Federal level, a reorganization which gives to the U.S. Office of Education the independence, status, continuity, and influence which it must have to provide leadership and overall direction to American education consistent with and vital to our national purpose.

Steps are needed to give education a place in the Federal scheme of things more appropriate to its importance, to set it in perspective, and to define its proper role among our national enterprises. It should be given a status and stature which would insure its protection against the evils of divisive influences, political control, and vested interests.

We need a Federal agency capable of bringing together and coordinating Federal activities in education and of clarifying relationships with States. We need a structure which will make clear to the world the respect accorded to education by the American people.

In my opinion, until we obtain such a structure, no U.S. Commissioner of Education, no matter how capable he is (at present, in Dr. McMurrin, we have an educator of first-rate ability), can be fully effective in that important position.

I would like to suggest that an appropriate approach to this situation would be for the President of the United States to assemble a committee consisting of the ablest people available, representing the widest cross section of American life, to determine the character and scope of our responsibility as a nation for education and how best to structure education at the Federal level for carrying out that responsibility.

We need also to strengthen our State education departments in this country. In my judgment, this is one of the most urgent issues today in all of American education, equally so with that of reorganizing the structure at the Federal level.

The structure of American education is unique. We are a nation of 50 separate State school systems. Each State differs in some respects from its neighbors in the way it organizes and finances its schools and colleges. This diversity, which Montaigne once called "the most universal quality," is an integral part of the larger diversity from which America has historically derived her strength.

The maintenance of this diversity and the continuance of State and local control in education depend in large measure upon the strength and quality of State leadership in education. Very few States have developed the legal and administrative structure essential for completely effective leadership.

If we are to preserve State and local control in education, and if the necessary and growing role of our Federal Government in education is to be carried out with full effectiveness, then the structure for education in our States must be strengthened and made more nearly adequate.

This is a responsibility of both State and Federal Governments. Governors and State legislators must recognize the need for strength in the education departments of their States, and take the steps necessary to create those conditions which will enable a State department to exert forceful and decisive leadership. As for the Federal Government, it has no more important function in education than encouraging and assisting the States to carry out their historic role of educational leadership.

If there is a vacuum created by a lack of State action and performance in using Federal funds, indeed, in using all funds, to meet our national need for good education, then Federal control will develop to fill the vacuum.

If, however, the States use Federal assistance wisely and productively, there will be no reason or opportunity for Federal control to impinge upon the administration of State and local educational systems. In such a way States can best protect their traditional sovereignty over education.

In my opinion H.R. 10180 is the type of general support legislation best suited for meeting the needs of education at this time and for preserving and strengthening the traditional structure for the Government of education in our Nation.

I believe firmly that Federal funds for the support of public elementary and secondary education should be transmitted from the Federal Government to each State in terms of two major principles: (1) Federal aid should be used to strengthen State and local school systems through an integration of Federal, State, and local planning and support; and (2) Federal funds for public schools should be channeled through the State education departments.

In my judgment these principles provide a basis for an effective pattern for dealing with the major questions raised concerning Federal aid—the adequate support of quality education without Federal control and the development of a sound tax structure sharing Federal, State, and local resources.

H.R. 10180 recognizes these principles. Its section 204 which states that the Federal funds should be "expended under State law for the benefit of local education agencies in the State and shall thereafter be deemed to be State funds" is a forceful and unequivocal statement of purpose.

Titles II and III of H.R. 10180 both provide that the State agency shall be the one to determine how funds shall be handled and how pilot demonstration or experimental projects shall be approved.

Funds distributed for general assistance under title II are subject to two principles which are basic to the distribution of State funds in New York State. School systems which are relatively poor in terms of local revenue sources have their lack of local ability buttressed by the strength of the State's ability. At the same time school systems which give greater financial support to their programs receive financial reward from the State. Similar provisions constitute a part of H.R. 10180.

The pervading fear of Federal interference in State and local school systems as a result of massive Federal aid is allayed by provisions of H.R. 10180. Section 102, dealing with this question, gives assurance against Federal interference. Definitions are detailed and clear in order to prevent administrative interpretations which could negate congressional intent in this regard. Simplified provisions for adequate reporting and accounting contribute to the assurance against Federal interference by making it possible to apply to Federal funds the same prudential requirements each State uses in handling its own much larger State aid funds. These provisions mean effective and economical administration at both Federal and State levels.

A special word concerning title III is in order. New York State is vitally aware of the need for special urban projects. Beginning July 1, 1961, the legislature provided $200,000 per annum for the support of projects helpful to disadvantaged students in the large cities of the State. The higher horizons program in New York City may be noted as a prototype of this kind of project. However, I trust that the committee has taken due note of a caution submitted by Dr. Edgar Fuller, executive secretary, Council of Chief State School Officers, February 27, 1962. Dr. Fuller pointed out a need for an adaptation of the formula under title III to find a more realistic basis for defining the eligibility of cities to be included or of allowing wider discretion to each State educational agency to allocate a portion of such funds on a basis indigenous to its own State.

To summarize, H.R. 10180 appears to be an excellent approach to Federal aid from the viewpoint of education in the State of New York. The exhibit submitted as a part of this statement shows that New York State has benefited from Federal funds for education and that it will further benefit from the proposal before us here. Even more important, however, is the sound pattern it would present for the many States in greater need than ours. As a practical matter, New York cannot achieve its educational goals as an island in an ocean of educational deprivation, nor would such be in the national interest in any event.

I appreciate the opportunity of appearing before your committee and stand ready to answer such questions as you may care to put to me. I pledge the assistance of the Board of Regents and the Education Department of New York State in helping develop the best possible program of Federal-State relationships in education for the difficult and crucial years ahead.

FEDERAL SUBSIDY OF MASS LOCAL TRANSPORTATION

Mr. LAUSCHE. Madam President, I was delighted to observe that the Senator from Wisconsin [Mr. Proxmire] expressed his opposition to the proposal of the Federal Government's entering into the field of subsidizing mass local transportation.

It has been recommended that the Federal Government provide a fund of $600 million, out of which the Federal Government would put up $2 for every $1 that local systems would post for the buying of equipment and the expansion of mass transportation systems.

My fear is that if once the Federal Government enters this field the cost will run into billions of dollars. The cost will grow into proportions far beyond those now anticipated.

There is one phase of the bill to which I wish to invite the attention of my associates. The bill has been sent to the Committee on Banking and Currency, of which the Senator from Wisconsin [Mr. Proxmire] is a member. The bill, if passed, definitely would deal with interstate commerce.

The Senate has a Committee on Commerce which, under normal circumstances, would consider this type of bill. However, since it is, in a measure, labeled otherwise than "interstate and foreign commerce," the bill has not been sent to the Committee on Commerce. The situation prevailing in this respect is comparable to the one pointed out by the Senator from Virginia [Mr. Robertson] yesterday, with respect to the bill dealing with the $2 billion public works standby projects. That bill in its most vital aspects contemplates diverting $2 billion of borrowing power from the Federal Deposit Insurance Corporation and the

Federal Savings and Loan Insurance Corporation, to be used for public works. The bill was sent to the Committee on Public Works. The Senator from Virginia [Mr. Robertson] yesterday pointed out that the bill has serious aspects of public works, and probably was rightfully sent to that committee.

The ACTING PRESIDENT pro tempore. The time of the Senator from Ohio has expired.

Mr. LAUSCHE. I should like to have another minute and a half.

Mr. MANSFIELD. Madam President, I ask unanimous consent that the Senator from Ohio may proceed for an additional 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LAUSCHE. As the Senator from Virginia pointed out, after the Committee on Public Works has acted on the bill he cited it should be sent to the Committee on Banking and Currency.

As I have stated, I believe the situation in respect to the bill I am discussing is a parallel one. The bill has been sent to the Committee on Banking and Currency. When that committee has finished considering it and before the Senate acts upon it, in my opinion, the bill should be sent to the Committee on Commerce. If the $600 million is provided it will affect interstate commerce, especially in the New York area. Since it will affect interstate commerce, the bill ought to go finally to the Committee on Commerce, and in due time I contemplate so moving.

Again I commend the Senator from Wisconsin for the position he has taken.

VISIT TO AMERICA OF DR. HEINRICH VON BRENTANO AND DR. WOLFGANG POHLE

Mr. BEALL. Madam President, as a Senator from Maryland—the Free State—it was my privilege to join a distinguished group to, not only officially, but socially as well, welcome two great citizens from the Federal Republic of Germany to Washington.

I refer to Dr. Heinrich von Brentano, former Foreign Minister and present leader of the Adenauer forces in the German Parliament—the Bundestag—and Dr. Wolfgang Pohle, one of Germany's leading industrialists, former member of the Parliament, and one of the architects of the new Germany's system of free enterprise.

As a measure of the esteem in which we Americans hold these two distinguished present-day allies in the fight against the "isms," may I inform my colleagues in this distinguished body that they were guests of honor at two unofficial social functions, one a buffet sponsored by none other than our honorable friend from the House of Representatives, the learned Congressman from Brooklyn, Emanuel Celler, chairman of the Judiciary Committee and one of the senior Members of the House, and another, by Dr. von Brentano's good friends, Maj. Gens. Julius Klein and Kenneth Buchanan, well known for their knowledge of international affairs. The distinguished Speaker of the House, the Honorable John W. McCormack also presided at a luncheon in his dining room for our visitors.

I think it is of interest to note that out of respect to Dr. von Brentano and Dr. Pohle, top dignitaries of the executive and legislative branch of both parties, as well as the judiciary, were present at either one or both of the receptions. It was a pleasure to see the Vice President accompanied by his charming Ladybird, Chief Justice and Mrs. Warren, and House Speaker John W. McCormack headed the official American delegation.

The guests represented a cross section of diplomatic, business, government, and religious leaders of the world, including the Ambassador of Germany and Mrs. Wilhelm G. Grewe, the Ambassador of France and Mrs. Herve Alphand, the Ambassador of South Africa and Mrs. W. C. Naude, Mrs. Avraham Harman, wife of the Israeli Ambassador, the Minister of Germany and Mrs. Georg von Lilienfeld, the Minister of Israel and Mrs. Mordechai Gazit.

The Secretary of the Navy and Mrs. Fred Korth, the Secretary of the Air Force and Mrs. Eugene Zuckert, the Secretary of Agriculture and Mrs. Orville L. Freeman, Under Secretary of Treasury Henry H. Fowler and Mrs. Fowler, Under Secretary of Commerce Edward Gudeman and Mrs. Gudeman, Assistant Secretary of State G. Griffith Johnson, Assistant Secretary of Commerce Jack N. Behrman and Mrs. Behrman, Central Intelligence Director John A. McCone, Special Adviser to the President Chester Bowles and Mrs. Bowles, Deputy Special Assistant to the President Meyer Feldman and Mrs. Feldman, Deputy Attorney General Nicholas deB. Katzenbach and Mrs. Katzenbach, Rabbi and Mrs. Norman Gerstenfeld, and Mr. Maxwell Rabb, former Secretary to President Eisenhower's Cabinet.

Senator and Mrs. Thomas J. Dodd, of Connecticut; Senator and Mrs. Jacob K. Javits, of New York; Senator and Mrs. J. Glenn Beall, of Maryland; Senator and Mrs. Thomas H. Kuchel, of California; Senator and Mrs. Ernest Gruening, of Alaska; Senator and Mrs. Hugh Scott, of Pennsylvania; Senator Kenneth B. Keating, of New York; Senator Estes Kefauver, of Tennessee; Senator Maurine B. Neuberger, of Oregon; Senator Stuart Symington, of Missouri; Senator Everett McKinley Dirksen, of Illinois; Senator Thruston B. Morton, of Kentucky; and Senator Leverett Saltonstall, of Massachusetts.

Representative and Mrs. Roland V. Libonati, of Illinois; Representative and Mrs. William Murphy, of Illinois; Representative and Mrs. Chester Merrow, of New Hampshire; and Representative Leonard Farbstein, of New York.

Many other distinguished colleagues of the Senate and House were present at one or the other reception, and I hope they will forgive me if I do not list all of them.

Dr. von Brentano also attended a National Press Club luncheon in his honor on Friday, May 4, while Dr. Pohle met with the top financial writers in the country, and recorded a broadcast for the Voice of America.

I ask unanimous consent to include in the Congressional Record, not only the remarks of Dr. von Brentano, and Dr. Pohle but some of the tributes paid to them by distinguished Americans.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

REMARKS OF CONGRESSMAN CELLER

Ladies and gentlemen, our guests, Dr. Heinrich von Brentano, Dr. Wolfgang Pohle, my distinguished colleagues and honored guests, it is indeed a privilege to have with us tonight a great statesman, staunch ally, and true friend of the United States.

I refer to Dr. Heinrich von Brentano, leader of the Adenauer forces in the Bundestag—the German Parliament.

It is an American habit, and not necessarily a derogatory one, to refer to someone from another country as a foreigner.

But it is hard to call Dr. von Brentano a foreigner. He is a frequent visitor to our shores, and in his former capacity as Foreign Minister worked untiringly with our Secretaries of State to bring the new Germany into alignment with the forces of the free world.

He is an outspoken foe of Nazism, Communism, and all the other isms that plague the world today. But more than that, he has a family background that many Americans would be proud to have.

As a matter of fact, the Brentano family is part of America's history. His ancester, Lorenz Brentano, was one of the closest associates of Abraham Lincoln and was active in the first (I hate to mention the word) Republican Convention which nominated Abraham Lincoln for the presidency. Lorenz Brentano came to the United States of America in 1848 and went to Chicago. He was a very famous Chicago editor. He and Carl Schurz organized the then powerful Chicago newspaper, the Staatszeitung, assisted by the grandfather of one of our dear friends, Gen. Julius Klein. The Staatszeitung was Abraham Lincoln's mouthpiece. None other than Mr. Lincoln was the attorney who incorporated the newspaper under the laws of the State of Illinois.

His son, Theodore Brentano, was a distinguished Chicago judge, and after World War I, was appointed the first American Ambassador to Hungary.

Of course, all of you know the Brentano book stores. It is the same family that produced so many scholars and diplomats, writers and authors and our Congressional Library has shelves after shelves of the Brentano books authored by members of this distinguished and gifted family.

Now, Dr. Heinrich von Brentano is here, free to speak not as Foreign Minister and not hampered by protocol as he was before when he was a member of the cabinet, but as a free distinguished parliamentarian and leader of his party.

It is fitting that we in the United States in these post-World War II days have been able to come to the aid of the New Germany. Many German immigrants streamed into our country. Their industry and levelheadedness greatly benefited our economy. They brought with them their music and literature and other cultural values that enriched us.

We had such German figures as Baron de Kalb and Von Steuben in the Revolutionary War, Carl Schurz in the Civil War, and both World Wars found many of our great military leaders of German descent, witness Eisenhower, Nimitz, Eichelberger, Spaatz, to name a few.

Great is the nexus between our countries—a nexus that prompted the Marshall plan, a plan which did immeasurable good to

German economy, and caused Germany, like Phoenix, to arise from ashes and ruin.

German statesmanship has been the need to banish Bismark Prussianship and to establish lasting peace with her neighbor France—hence the Coal and Steel Community, the Common Market, and the move toward a European Community. Dr. von Brentano, majority leader of the Christian Democratic Union in the Bundestag, played and still plays an important role in these developments.

Khrushchev fears the Common Market more than NATO. Khrushchev fears the rounding out of the European Community more than our nuclear tests.

The gross national production and the geographical land mass of the nations of the Common Market are greater than European Russia and her European captive countries. Germany, France, Italy, Holland, Belgium, Luxembourg, form a mighty combination—a combination that may soon even be augmented by England, Switzerland, Spain, Denmark, Sweden, Norway, Portugal—the Outer Seven. Hasten the day when these 13 nations emerge as the United States of Europe. We would then bury Russia. In this great achievement our guest will have played important roles.

Heinrich von Brentano is a loyal friend of the United States, thoroughly oriented westward. He knows that the salvation of our civilization must come from the West, not the East. The eastern Communist philosophy would, he realizes, destroy all our advances. He preaches daily against communism and all its poisonous works.

Our guest forms a great team with Erhard, Strauss, Schroeder, and der Alte, Chancellor Adenauer, now approaching nine decades, a most remarkable man. Send him, Dr. von Brentano, our affectionate regards, for Dr. Adenauer is a truly great man who went to jail rather than kow-tow to the Nazi Hitler. He carries on magnificently despite his years.

Age is merely a state of mind; some are old at 30, others young at 80. Adenauer is a young 86. I remember stanzas of Longfellow:

"Ah, nothing is too late,
Till the tired heart shall cease to palpitate.
Cato learned Greek at 80; Sophocles
Wrote his grand Oedipus, and Simonides
Bore off the prize of verse from his compeers,
When each had numbered more than four
score years.

"Chaucer, at Woodstock with the nightingales,
At 60 wrote the Canterbury Tales;
Goethe at Weimar, toiling to the last,
Completed Faust when 80 years were past.

"For age is opportunity no less
Than youth itself, though in another dress,
And as the evening twilight fades away
The sky is filled with stars, invisible by
day."

REMARKS BY HON. DR. HEINRICH VON BRENTANO

Congressman CELLER, ladies and gentlemen, first of all, I should like to express my appreciation and thanks for the very warm welcome that was addressed to me. I must apologize for appearing before you with my arm in a plaster cast, but I assure you that I did not break my arm in a political fight. Yet I hope it will soon be all right again because sometimes you need your elbows in politics.

I've come over here to continue the friendly talks which I have had over here for many years. At the end of my third day, I feel I can say that my talks have been useful and good.

Congressman CELLER pointed out that I have always fought all "isms": nationalism, national socialism and communism. I feel that this is a common task of all our free countries.

Congressman CELLER also referred to the relations between my family and the United States of America. I'm proud that a Brentano sat in the first National Assembly of Germany back in 1848, that my father after World War I helped to work out the Weimar constitution, and I am also a little proud that I myself was a member of the parliamentary council which drafted the new constitution of the Federal Republic of Germany, which I hope will be a good basis for the political life of the German people in a true democracy and in freedom.

I came over here as a representative of a people which over the last few years established a close and friendly partnership with the United States. It is the purpose of this trip, to help remove some of the misunderstandings that have arisen, not about the objectives of our policy but about the methods. I feel it is a duty of friends to discuss such differences, frankly and honestly, since this is the hallmark of cooperation among free men and free nations. I was deeply touched by the expressions of friendship and understanding which I have found here. I hope and wish that my visit may be a contribution toward that great task of protecting freedom where it exists and of restoring freedom where it was lost.

There are two overriding tasks of German policy; to make Europe strong and to make a strong Europe a strong partner of the United States, because we are aware that the future of Europe depends on the cooperation and the understanding of its partners within the Atlantic community.

I feel we are justified to be optimistic about the future. When we look at that part of the world which is ruled by totalitarian communism, I feel we can be sure that, as we put it in German, "the trees will not grow up to the sky." I feel that we can be self-confident because in the years past the free world has proved that it is aware of its duties. I also feel that the way Europe has shaped its destiny is the best reply to the threat with which we are all faced. In meeting this threat, we do not want to use force, unless it is necessary, but we have to draw upon our spiritual, cultural, and moral resources.

Every time I come over here I feel that something exists here that is very impressive; it is the awareness of the identity of a political task and a moral obligation.

Once again, I would like to express my deep gratitude to our host for having given me the opportunity of meeting with you tonight. Let me tell you that the willingness of the German people to cooperate with this great country, the leading country of the free world, is irrevocable. This applies today to the Federal Republic of Germany and it will apply tomorrow or later to the German people in a Germany reunited in freedom. We are dedicated to the cause of liberty and we will not allow the cause of freedom to be jeopardized either in our country or in the countries of our friends. I am sure—otherwise I wouldn't be here—that the moral strength of the concept of freedom is stronger than those forces which threaten freedom. This is a struggle which will have to be fought with spiritual and moral determination and we are aware that we are fighting for a good cause.

I know what the Germans are thinking, not only in the Federal Republic but also those 16 million Germans who have to live in the Soviet-occupied zone. You may be sure that when these 16 million people will be allowed to cast their votes freely, 95 percent of them will be on the side of freedom. This will be one of the decisive moments in the history of the world.

I clearly understood the feelings which were expressed in the statements made by previous speakers and I am grateful for these feelings which I meant to reciprocate in my remarks. Once again, thank you very much.

Congressman CELLER. I seem to be acting here, like a toastmaster, and that reminds me of a description I heard of a toastmaster—a punk that touches off the fireworks. I now will touch off some fireworks in the person of a distinguished colleague, the personable and great Senator from my own State of New York, the Honorable JACOB K. JAVITS.

REMARKS OF SENATOR JAVITS

Congressman CELLER, distinguished guests, ladies and gentlemen, I have had the honor of being met and hospitably treated by Dr. von Brentano and his associates, both in the Federal Republic of Germany at Bonn and at their Embassy in Washington. It is a pleasure to be here tonight with Congressman CELLER and so many of my distinguished colleagues and important guests.

There is no more urgent problem in the world than the integration of Europe, and in that the German Federal Republic plays a key and vital role.

We Americans recognize these negotiations and developments as key conferences to the security of the free world, and as emphasizing the fact that the German Federal Republic thus far has shown a Pan-European attitude, which is affirmatively reassuring to all of us who have assessed the results and record of World War II.

Dr. von Brentano has been one of the leaders in that effort, strongly sustained by the German Ambassador, and under the fundamental policy guidance and direction of the leader of the German people, Dr. Adenauer. This represents a most significant development in our relations and is one of the most affirmative steps in the direction of solving the problems we have in the world.

So it is with a great deal of pleasure and no little pride, that I join with others in this distinguished gathering tonight in welcoming once again, Dr. von Brentano, and his brilliant associate, Dr. Pohle.

Congressman CELLER. At this time, I would like to call on one of Germany's most capable and distinguished industrialists, a former member of the German Bundestag, whose experience in economic and social-political matters equipped him for a leading part in the reconstruction of Germany. Since 1953, he has been a member of the Joint European Committee for Coal and Steel; he plays an important part in the European integration policy.

Ladies and Gentlemen, I give you Dr. Wolfgang Pohle.

REMARKS BY DR. POHLE

First of all, let me thank Senator JAVITS and Congressman CELLER for their remarks because they conveyed to us the firm feeling that you in the United States of America are backing us up in the difficult situation in which we are finding ourselves in Berlin. Let me also make a few remarks about the Common Market. I am no longer a member of the Federal Parliament, but I have come here as a businessman who knows what the Common Market means to business and industry. The Common Market had been inspired by the model of the big market which the United States of America had created long ago. It is obvious that a bigger market is always better than a smaller market. When you want to sell your products the chances for doing so are greater on a big market, and that is why German industry and business have supported the idea of the Common Market, that is why the Common Market has been a stimulus to business and industry both in Germany and France.

That is also the reason why we feel that the British should join. From the political point of view this will introduce an element of stability and I hope and I wish that Britain's accession to the Common Market will be a step forward in creating a strong Europe and making it a strong member of an Atlantic free trade area. You, in the United States, are about to take the first steps in that direction by initiating a policy which will lead to an ever-increasing measure of liberalization of trade. Once the British will have become a full partner within the Common Market, and once this free trade area with the United States will have come about a fresh Atlantic breeze will blow which can be only helpful and beneficial for the development of our trade. Thank you.

Mr. CELLER. We have with us tonight a distinguished, erudite, articulate, lovable character, Supreme Court Justice Earl Warren. He is ever unafraid, he is a precedent breaker. He knows that which is unorthodox today may become orthodox tomorrow. He is unwilling to be bound by motheaten decisions, if the country today demands new interpretations of old statutes. He realizes that sometimes consistency can be like a stagnant pool that breeds reptiles of the mind. [Applause.]

I now call on a friend of all of us, Maj. Gen. Julius Klein. He will speak briefly and in order that he does speak briefly I tell the story of the preacher who comes to his church with a plaster on his chin. When asked what happened to him, he replied:

"While shaving this morning I concentrated too much on my sermon and cut my chin with my razor."

"Next time concentrate on your chin and cut your sermon," retorted a parishioner.

Julius will now give us a cut speech.

GENERAL KLEIN'S REMARKS

Mr. Chief Justice, our honored guests, Dr. von Brentano and Dr. Pohle, members of the Cabinet and the Senate and House, Mr. Ambassador, and our great friend, Rabbi Gerstenfeld: I had no intention of addressing you. I had no idea that our good friend, Congressman CELLER, would call on me and I appreciate his introductory remarks. As always I shall leave the speechmaking to those who are more qualified and better trained in his field; namely, the Members of Congress. Nobody could do better than those legislators and I suggest that the humorous story just told by that master of anecdotes, the great sage of Congress, EMANUEL CELLER, be remembered by all Members of Congress who are present.

I am assuming the prerogative of speaking in an informal manner, off the cuff. I am very proud, despite the fact that this is a nonpolitical gathering—and, no matter what you say, MANNY, as a Democrat, you all know that I am a member of the Republican Party, the true liberal party.

Dr. von Brentano's ancestors and my ancestors were friends. MANNY CELLER's grandfather and my grandfather both came from the same part of Germany. My grandfather and Lorenz Brentano both came to Chicago in 1848 and worked with Carl Schurz, who, with Lorenz Brentano, organized the Chicago Staatszeitung, Abraham Lincoln's mouthpiece. Lorenz Brentano was one of the founders and first delegates to the Republican Convention which nominated Abraham Lincoln for the Presidency.

I am sure that if Congressman CELLER, the great Democratic partisan, checks the record of his grandfather he will find that those who came to this country from Germany in 1848 with Carl Schurz and Lorenz Brentano, became adherents of Abraham Lincoln's great party, the Republican Party.

MANNY's family chose to remain in Brooklyn, New York, and you know that anything can happen in Brooklyn. Too bad they didn't come to Chicago, too. We could have used MANNY in our own party. So you can see that I am proud to be a Republican. I am proud that these German Jewish immigrants who first came to America branched out to become men of letters, leaders in industry, finance, politics and diplomacy.

It is a pleasure to see our distinguished Chief Justice Warren here with us tonight. It brings back memories of our old friendship. Our Chief Justice was then Governor of his great State of California and exerted a tremendous influence for good throughout the Nation in the political field. Now he occupies the most august position in the land, and the Nation is proud of our Chief Justice.

I see that my good friend, Senator SCOTT, is present. He spoke so brilliantly along with his coleagues, Senators JAVITS and KEATING, on the floor of the Senate yesterday in bringing home to the American people the seriousness of Soviet aggression and their sinister plans to deprive the people of Berlin and Germany of their liberty.

Senator SCOTT and I crossed swords in the 1952 campaign when he was the successful campaign manager at the Republican National Convention working for General Eisenhower, and I was assisting as a delegate from Illinois, in the campaign of the late, beloved and great Robert A. Taft. Senator SCOTT was a great warrior and licked us. Later he helped us to unite the entire party to elect General Eisenhower. He is still the great warrior in Washington for the Nation.

You are honoring today a great statesman, Dr. von Brentano and his friend, Dr. Pohle. I met both gentlemen when I was still in active service, and renewed my acquaintance with them when I carried out the fact-finding mission for the U.S. Senate in Germany.

I am proud to call them my friends and I am grateful that you permitted me to greet and salute them here today. I am also grateful to see here the distinguished great scholar, Ambassador Grewe. Dr. Grewe is one of the great experts in international law. He is noted for his courage not only as a diplomat but also as a public servant. He is beloved and respected here in Washington.

Congressman CELLER has referred to all the other distinguished guests here, but I want you to know I join him in thanking you for being here and showing our friends from Germany that we esteem and respect them and support them in their great fight, which is also our fight—the fight for freedom and survival.

Again, thank you for permitting me to say a few words. I wish our friends from Germany bon voyage, and hope that they will carry back with them to their friends, especially to the great Chancellor of Germany, Konrad Adenauer, the messages of good will and support which were expressed here and on the floor of the Senate and House, at the Army and Navy Club, and at the luncheon which Speaker MCCORMACK gave. We hope that they will take back with them the assurances of our continued friendship.

PEACE OFFICERS' MEMORIAL DAY

Mr. BEALL. Madam President, this being Peace Officers' Memorial Day, I rise to honor the memory of the many policemen and law enforcement officers who have given their lives that we might be secure in our daily lives. I think it is proper on this special day that we should pause in memory of those whose lives were dedicated to maintaining law and order.

As the sponsor of the legislation which established May 15 as Peace Officers' Memorial Day and May 13 to 19 as Police Week, I take special pride in thanking our Nation for joining in this memorial to the law enforcement officers for a job well done.

In times of world crisis, we are apt to forget those soldiers who battle crime and violence here at home. The war in which they are engaged is not subject to disarmament conferences or peace treaties. On the contrary theirs is a war without end.

It is especially important that legislative bodies such as this give full recognition to law enforcement officers, for the laws we enact would be worthless without vigorous enforcement.

To those peace officers who lost their lives in the line of duty and to their families, I pay my deepest respect. To those who continue to safeguard us, I extend my admiration and thanks.

UNEMPLOYMENT RELIEF

Mr. CAPEHART. Madam President, in joining in the request for referral of S. 2965, the public works bill, to the Senate Banking and Currency Committee, I did not intend to impose an unnecessary delay in the Senate's consideration of that portion of the bill which the administration feels is needed for immediate relief of the serious unemployment problem.

I shall urge earliest possible action by the Committee on that portion of the bill which does not jeopardize the Government's commitment to the people of this Nation that their savings would at all times be safe while deposited in an insured institution.

The Senate should have an opportunity to study the proposal made by the Committee on Public Works for meeting the immediate needs of the great unemployment problem, but it is also the duty and obligation of the Senate Banking and Currency Committee to the millions upon millions of people with savings accounts to give very careful consideration to that portion of the bill which would provide standby funds to be used by the President at his sole discretion.

As a member of the Senate Committee on Foreign Relations, I believe that committee should also study the demands in the bill to utilize the borrowing authority of the International Bank for Reconstruction and Development.

None of these moves, Madam President, will necessarily have any damaging effects on whatever the Congress feels is the immediate need for public works to relieve unemployment. The funds designated for that purpose are provided for through proper channels in the existing bill.

NATIONWIDE MASS VACCINE PROGRAM

Mr. LAUSCHE. Madam President, the views of 62 members of the Cincinnati Pediatric Society relative to S. 2910 are expressed in a letter received from Dr. Irvin Dunsky, president of that organization. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE CINCINNATI PEDIATRIC SOCIETY,
THE CHILDREN'S HOSPITAL,
Cincinnati, Ohio, April 23, 1962.

Senator FRANK LAUSCHE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The Cincinnati Pediatric Society views with grave concern pending legislation proposed by the administration that would step between the infant and child, and the doctor entrusted with their care. A Government immunization program that would wrest from the physician the responsibility for the prevention of disease would deny, or seriously compromise, the concurrent supervisory health care that attends such immunization in the doctor's hands.

The high level of medical care rendered infants and children in the United States today is born out of a concept of a private patient-doctor relationship that stresses comprehensive care of the whole child, and not simply part of that child. Prevention of disease by all means known, including immunization, set against a background of a personal and continued vigilance should be the role and the responsibility of the doctor, vested with the total care of the child. It should, likewise, continue to be the privilege of the patient to receive such immunization from his own physician, and not from a bureau of Government.

The Cincinnati Pediatric Society, accordingly, urges your opposition to the Kennedy administration plan to inaugurate a Government sponsored nationwide, mass vaccine program to immunize all children against diphtheria, whooping cough, tetanus,, and polio—regardless of area of need. These diseases have been brought under excellent control by the private physician and do not call for such a mass program of Federal Government intervention. Medical service and immunization facilities are, moreover, available through existing local health agencies in situations where, unfortunately, a private doctor-patient relationship may not exist.

The attached signatures [not included in the RECORD], representing doctors devoted exclusively to the care and welfare of children, look for your aid by voting against the aforementioned Government proposal.

Sincerely yours,
IRVIN DUNSKY, M.D.,
President.

RESETTLEMENT OF CUBAN REFUGEES

Mr. HART. Mr. President, today in Miami the Secretary of Health, Education, and Welfare, Abraham Ribicoff, spoke before the 1962 annual conference of mayors. Mr. Ribicoff administers the Federal program of emergency assistance to Cuban refugees. His address concerns America's response to the growing number of Cubans seeking asylum on our shores, and particularly the need for a greatly accelerated resettlement program.

I commend the Secretary for his pointed remarks which follow the recommendations in the report on Cuban refugees recently issued by the Subcommittee on Refugees and Escapees. I note particularly his stress on the voluntary resettlement of the refugees out of Miami and Dade County, Fla., to other areas of the country. In my book, resettlement offers the best opportunity for the refugees to live reasonably normal and productive lives until conditions develop in Cuba which permit their return to their homeland.

Communities across our land already have welcomed 26,000 refugees from Castro's communism. I am hopeful that additional communities will respond to an accelerated resettlement program. It seems to me that the annual conference of mayors can be an effective vehicle to effect this response. As chairman of the Subcommittee on Refugees and Escapees, I hope the mayors may see value in organizing in their individual communities resettlement committees similar to those formed in the past by many of the State Governors to resettle displaced persons and refugees from Eastern Europe. The machinery to resettle Cuban refugees is there. What we need is more "people participation" in our local communities.

Mr. President, I cannot overemphasize the importance I attach to the resettlement of Cuban refugees. Resettlement will not only help to provide effective asylum to the victims of Castro's tyranny, but it will demonstrate to the world the vitality of our democratic society, and the fact that we stand with our friends. America is judged, in part, by its reception of those who come to our shores seeking asylum. If we who enjoy the many blessings of liberty cannot cheerfully make a place for the refugees from Cuba, then we have abandoned our traditions and ideals, and forgotten our origins. We can demonstrate this is not the case by giving effective asylum to Cuban refugees.

Mr. President, Mr. Ribicoff's address is one in which all of us will be interested and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY HON. ABRAHAM RIBICOFF, SECRETARY OF HEALTH, EDUCATION, AND WELFARE

I come before you mayors of the United States today to ask your help. I come before you to give you the opportunity to help your country and to aid the cause of freemen everywhere.

The United States is now faced with a great and urgent problem—that of resettling the largest number of refugees in our history. But the United States is now given an opportunity—that of giving a fair and even break to a people of great courage, a people who have had the guts to give their all for freedom—the Cuban refugees.

There are now approximately 70,000 Cuban refugees here in Dade County, Fla.; 26,000 have been resettled in other parts of the Nation. More are arriving at the rate of 1,800 a week. A little over 600 per week are now being resettled. Eighteen hundred refugees a week is not a large number for the United States to receive. It is a very large number for one city to receive.

As long as the number of refugees in the Miami area continues to increase by more than a thousand each week, Miami will have difficulty giving them the sort of hospitality we all want and need to give them. There will not be enough jobs for them; they will have trouble finding places to live; many of them will have to depend on public funds for support.

We must increase the number being resettled from 600 to 2,000 a week. We need your help to do it. As President Kennedy said last week, all the residents of our Nation must help in the orderly settlement of Cuban refugees. Together we can work to frustrate the evil of Castro's Cuba.

When Hungarian men and women and children sought refuge from communism on our shores, between 1956–58, no one suggested that they all stay in New Jersey. Our cities across the land welcomed these foes of tyranny—and helped them. But there were only 38,000 of them in a 2-year period.

Already there are nearly twice that number of Cuban refugees in the Miami area alone, and they still come at an ever-increasing rate. No advance notice, no arrangements, just a mass of heroic, proud, bewildered, wonderful people who once had jobs, homes, money, a country of their own—who now have nothing.

When they leave Miami and go to other cities and towns in the United States, they nearly always find jobs, find places to live, and make a real contribution to community life.

In the end, then, they help us. And we must help them—not only because they contribute to our life together, or because our reputation in the eyes of the free world would otherwise be tarnished, but because it is right to do so. So we must ask other cities to receive some of these Cuban exiles. Resettlement is at the heart of our program for them.

Let me pay warm tribute to the people of Florida, and especially to the people of Dade County and the city of Miami. Mayor Robert King High of Miami, spearheaded this city's program of help to Cubans long before the Federal Refugee Center came into being. For many months public and private agencies in Florida and Miami bore almost all the burden of assistance to the Cubans; even today they carry a large part of the load. They have been receiving a gradually increasing amount of help from other cities and from the Federal Government. But it is not enough.

Early in 1961 President Kennedy asked me to study the situation of the Cuban refugees. With some of my associates I came to Miami and made an on-the-spot investigation which led to a recommendation for a comprehensive program of aid and service.

President Kennedy then asked me to take charge of the administration of the Federal program of emergency assistance to Cuban refugees. The program obviously had to combine the work of many different Federal agencies. Funds to support it were allocated from contingency funds available to the President through the Agency for International Development. We welcomed this responsibility. And we have moved to meet it.

It had already been established that the Cuban refugees would be treated as guests, would be granted the shelter of the United States for an indefinite period of time, would be permitted to work and earn a living, and that assistance would be available to assure the necessities of life for those in need. The heavy burden of financial assistance to the needy refugees, which was at first undertaken by private voluntary agencies and the State of Florida, with only limited Federal assistance, was given firm support by the Federal Government. Additional assistance was given to the Florida schools, so that they could teach large numbers of refugee children.

One of the first steps we took was to enlarge the Cuban Emergency Refugee Center in Miami. The center is the headquarters for identifying and registering Cuban refugees. There we interview them, give them identification cards, check their health, and start work to provide assistance for those who need it. Most of these arriving now do need help. They are permitted to bring practically nothing out of Cuba.

At the front line of resettlement are four voluntary agencies, each of which has had many years of worldwide experience with refugees. Three of these are religious organizations: The Catholic Relief Services, the Church World Service, which is Protestant, and the United HIAS Services. The fourth is the nonsectarian International Rescue Committee.

These agencies, with their local affiliates across the Nation, handle the actual resettlement of Cuban refugees by methods worked out through long experience. These include careful selection of a destination for the refugee family, the location of sponsors to give them personal help in getting settled, a great deal of careful planning with the refugees and their sponsors, much counseling, and perhaps a long period of working with a refugee family as it develops roots in its new home.

These methods continue to be followed whenever possible. But under the pressure of steadily growing numbers of refugees in the Miami area, the voluntary agencies are speeding their work in many ways.

Reports about the 25,000 refugees already resettled outside Miami are good. From the Cubans we hear about their new jobs, their new friends, and their new employers. From the officials of the new home communities, we hear about the Cubans: They are a serious and earnest people, determined to adjust to our ways and support themselves here until they can return to their homeland. As you have probably read in the newspapers, some have even paid back the public assistance money they have received.

We have records of the resettlement of Cuban refugees in more than 600 cities and towns in the United States. In only 15 or 16 of these cities, however, have more than 100 refugees been settled. This means that the number that need to be resettled in any one city is not large.

What we need now is more assistance in this program from a greater number of cities. It is in the interest of the entire country that more cities receive more Cuban refugees. We ask your help, as mayors of the cities of the United States, in getting this done.

Now, how can a mayor act on behalf of the refugees? There must be dozens of ways, and no one is better qualified to select the right ones than the mayor himself.

One method mentioned by most of the mayors we have talked with is the mayor's committee, with a broad base of community representation. We have been told many times that a committee which includes representatives of religious groups, labor, management, veterans, service clubs, and fraternal organizations can, not only inform the community and prepare the way for a friendly reception of refugees but can also provide job opportunities and locate acceptable living quarters.

You already have support from many key groups in your own cities, and this support is growing.

You may find, for example, that the Lions Clubs and the junior chambers of commerce in your cities are now taking an active interest in resettlement of refugees. Jaycee units are already active in refugee work, and they have helped in resettling many Cuban families. Rotary is coming into the picture.

The voluntary organizations which are doing the actual work of helping the refugees to reach their destination, to find jobs and a place to live, have associates wherever there are Catholic, Protestant, or Jewish religious groups, or representatives of the International Rescue Committee. If you organize a mayor's committee on Cuban refugees, as I hope you will, you will find the representatives of these organizations already on the job. A mayor's committee, representing all the people of your city, can help them do more—better, faster. To help them do more—better, faster. This is our goal. To reach it, I am happy to announce today that we are stepping up our efforts toward resettlement. The program to help you leaders of our Nation's cities meet your responsibilities to the Cuban refugees includes the following 10 points:

1. The Federal Government pays the cost of transportation from Miami to the place of resettlement.

2. The Federal Government has pledged that it will pay the cost of transportation of the refugees back to Miami in the event that it becomes possible for them to return to Cuba.

3. The Federal Government assures the community receiving the Cubans that, if the resettlement is unsuccessful, they will not become charges of the new community. The Federal Government pays the costs of assistance to them in Miami and undertakes to pay for any public assistance that is required in the new community—and there have been very few cases in which this has been necessary.

4. The Federal Government, under agreement with the voluntary agencies, contributes a per capita amount in connection with the work of resettlement.

5. The U.S. Employment Service provides special employment services at the refugee center and across the Nation. Most of the Cubans are interviewed by expert employment service people to make sure that the refugees sent to a particular city have work skills in demand there or likely to be in demand. Reports of these interviews are available to employers across the country who are looking for workers. Even in areas hit by high unemployment, selective, useful placements are made in the case of refugees with skills in short supply—physicians, teachers, and so forth.

6. We are providing many kinds of training and counseling services to the Cubans. Instruction in the English language is needed by some but by no means all of them. Some professional people need only a little special training to enable them to practice their profession competently in new surroundings; others need more extensive educational or vocational services. We are making every effort to meet their training needs, in order that they may become productive and self-supporting members of our economy as soon as possible.

7. Every effort is being made to make public housing available as needed. The Public Housing Administration has informed me that there are no Federal restrictions which bar public housing to low-income Cuban refugee families. Public Housing Commissioner Marie McGuire has agreed to seek the cooperation of local officials in making this housing available, including, where necessary, waivers of local provisions of residency and other requirements to the extent possible under State laws. You, of course, can help greatly in this effort.

8. Beginning July 1, the Refugee Center will be in much larger quarters. This will greatly facilitate the early stages of resettlement work. In addition, a larger staff will be available for this work.

9. We shall put greater emphasis on resettlement by providing additional Federal staff for resettlement work and for the building of additional public support for the effort. For example, we want to improve understanding of the problem, on the part of both the Cubans and the citizens of the United States.

10. I have today approved a transition assistance allowance of 1 month's additional payment of up to $100 a family for those receiving public assistance in Miami who are willing to go to other cities.

Many Cubans say they want to stay in Miami so that they can get back to Cuba quickly when the time comes. We are explaining to them that even if they go to Los Angeles, for example, at the invitation of Mayor Yorty, they will still be only a few hours from Miami and that the U.S. Government will get them back there promptly, as soon as it is possible for them to return to Cuba. We will explain to others of them that Mayor Naftalin's Minneapolis is not under 6 feet of snow 11 months of the year and that Minneapolis is really a delightful place in which to live.

And we hope to improve the understanding that citizens of the United States have about the refugees, too. We want to tell them who the Cuban refugees are, why they are here, what their skills and abilities are.

I hope all of you will visit our exhibit in the lobby. This is the first of a number of exhibits which we are preparing for the use of the Cuban Refugee Center and the voluntary agencies which are handling the resettlements. These exhibits will be used at conventions and meetings in many cities—at conferences and conventions throughout the country.

We are working on a 15-minute film which will be available to all the organizations interested in helping to resettle Cubans. It will soon be available for showings in your city.

We shall have available for the use of local chapters of voluntary agencies, service clubs, mayors' committees a basic supply of booklets, radio and television materials, photographs, and newspaper and magazine materials. The Advertising Council has listed the Cuban refugee program in its radio-TV bulletin for May and June.

The refugees from our unhappy neighbor Cuba had to make a choice. The choice was a desperate one: Their jobs, their homes, their property, their friends—or freedom. They chose freedom.

Now you must make a choice. It is much easier: Either you shrug off the Cuban refugees or you can lend assistance to them and assurance to their cause—and to your country's. I have every confidence in your decision.

Mr. MANSFIELD. Madam President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business?

ALTERNATIVES TO WITHHOLDING ON DIVIDENDS AND INTEREST

Mr. JAVITS. Madam President, at his news conference last week, President Kennedy was deeply exercised about what he considered to be an untruthful campaign against his plan to withhold tax on dividends and interest. Certainly some of the literature on this matter has been inaccurate, but this controversial legislative proposal is hardly defensible on that ground, for it fails to meet the test of practicality. As I see the question, this is the acid test.

Secretary of the Treasury Dillon's revised proposals on the dividend and interest withholding tax provisions are concessions, to be sure. But they serve to reenforce the serious doubts held by me and many others concerning the application of the withholding system to this kind of income.

Secretary Dillon's two major concessions—the first, permitting exemption certificates to stand until changed by the taxpayer, as under the present wage withholding system; and the second, extending exemption from dividend withholding to nonprofit organizations—are among the suggestions made by witnesses, including myself, at the hearings held by the Senate Finance Committee. But these suggestions were made only to cover the eventuality that the Treasury would persist in its adherence to withholding. Nothing that has been said since then removes the major questions raised about the equity and practicality of the withholding provisions themselves.

First. Analyses show that more than 80 percent of interest payments are made to accounts receiving $50 or more annually in interest—less than 20 percent of the total number of accounts. Is it wise to throw a net of inconvenience over 55 million savings-account, Christmas-club, and other account holders, for the purpose of catching that fraction of a small minority which is responsible for most of the estimated $370 million in tax revenue recoverable from interest payments?

Second. In May of 1961 the Treasury testified that 90 percent of dividend income is now reported, but a scientific survey by Internal Revenue revealed a few months later that this might well be raised to 95 percent. Is it wise to subject 12 to 14 million stockholders and thousands of banks and other payors of dividends to a complex system of collection in order to bring in revenue which could turn out to be only one-half of the $280 million Treasury estimate of recoverable tax which was based on the 90-percent reporting figure?

Third. Even if the Treasury's estimates of $650 million—or somewhat more, according to the most recent projections—in revenue recoverable through withholding of interest and dividend income are fairly accurate, this would still account for less than 1 percent of the total revenue of $78 billion to be collected through corporate and individual income taxes in fiscal 1963—$40 billion of which would be from individual withholding. Is it wise to institute a system as comprehensive in scope as our present wage and salary withholding system—for it would include not only the 55 million interest recipients but also 12 to 14 million stockholders plus millions of others—for the purpose of collecting such a small percentage of revenue from income?

Fourth. The Commissioner of Internal Revenue himself estimates that $200 million of the unpaid revenue would now be collected if automatic data processing were in effect. It will be in full effect within 4 years. It is believed that the $180 million in revenue which the Treasury attributes to the expected psychological effect of a withholding system on upper income bracket tax evaders alone will be collected as well under an adequately publicized automatic data processing system. Thus, a large part of the Treasury estimate of $650 million in recoverable revenue appears to be recoverable through means now being instituted anyhow. It should be noted that neither the Treasury estimates nor the others here cited take into full account the effect of the educational campaign launched by the banking institutions, in cooperation with the Treasury, to make interest and dividend recipients aware of their tax obligations. Is it wise to begin now a system with complex and comprehensive implications for most of our taxpaying citizens and for thousands of our banks and other financial institutions, on the basis of speculative estimates of revenue gain, when much of this revenue can be expected as the result of procedures recently instituted?

In raising these questions, I do not mean to imply that useful measures to assure full and equitable tax collection should not be taken. I suggest that much can be done to make the new procedure of automatic data processing and the educational campaign more effective. I propose the following alternatives to withholding:

First. Require payors of interest to report to the Treasury annual payments of interest of $50 or more—instead of the present $600—with the recipient's tax number, and to send a duplicate of this report to the recipient with a clear notice that the amount reported is subject to taxation; and provide for reducing this figure to a minimum of $10, by regulation, if experience shows that there is a materially increased splitting of accounts.

Second. Require the same procedure of payors of dividends of $10 or more—all of whom are already sending reports for such amounts to the Treasury but not to the recipient.

Third. Require the taxpayer to answer "Yes" or "No" on the income tax return to the questions: "Do you have a savings account?" and "Do you own stock in a corporation?" and, if the answer is yes, to annex to the income tax return a copy of the report sent by the payor.

I respectfully submit, Madam President, if these things are done there is every likelihood we shall achieve the same good results now achieved with respect to dividends of $10 or more.

Madam President, reaction to the tax proposal in the country has been widespread, largely on the ground of its practicality. There is no question of morality involved. The taxes are admittedly due. It seems to me that the members of the committee and we in the Senate should address our best judgment to the issue of practicality, and it is in that spirit I have made these suggestions.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 1361) for the relief of James M. Norman.

AMENDMENT TO AGRICULTURAL ACT OF 1956

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of Calendar No. 1304, H.R. 10788, to amend section 204 of the Agricultural Act of 1956.

Mr. JAVITS obtained the floor.

Mr. MANSFIELD. Madam President, will the Senator yield to me, without losing his right to the floor?

Mr. JAVITS. I yield.

Mr. MANSFIELD. Madam President, I suggest the absence of a quorum, with the proviso that the Senator from New York will not lose his right to the floor by my so doing.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. I believe the Senate has a right to ask Senators like myself who are engaged in the present phase of our debate as to the reason for it. Notwithstanding defeat on two cloture motions, why have we now determined that it is important to debate the issues on the motion to displace the pending business with a new bill, which is, as everyone knows, by no means earth-shaking in its consequences? I should like to deal with that particular question first. It is a fact that a number of us have felt deeply moved to explain our position to the country, and to take a couple of days to do so.

Madam President, the struggle has now developed under two headings. First is the use of the filibuster as a weapon and of the means for meeting it, on the part of the Senate, not only in the present instance, but also in other situations, whether they involve civil rights measures or other kinds of law. Though the present debate has not had the attention which many of us may have wished it had, nonetheless it is a fact that will be borne in on the country because what is said here has a place in history and in the development of our public affairs.

The importance of what has been done here, and its very serious implications to our Nation, will, I believe, be borne in. I make the prediction that the events which have occurred here within the past two or three weeks are a part of the major developments which will mark the end of the power of the filibuster over proposed legislation which is very great in this Chamber. I believe that second thoughts—and there will be many—as well as the campaign of 1962, in which I have no doubt whatever the issue will be raised, and raised very strongly in terms of the individual positions taken by individual Senators, will have a material effect upon the reform of rule XXII in order to make it more congenial to the urgent needs of our Nation than it is today.

Individual Senators may, as is their right, decide whatever they choose to do about a cloture motion, and whatever criteria they decide in their minds they wish to use in measuring what ought to be their own positions in the Senate Chamber. That is entirely right and proper. We must also remember that the question will be out in the area of public debate next August, September, and October. I believe the debate will be salutary and helpful. It may not be quite as easy to explain in August, September, and October what was done here in April and May with respect to the ability of the Senate to control its own procedures and at long last to give itself the opportunity to vote.

The other point which induces us to discuss this matter in terms of the Nation is the necessity of emphasizing the critical importance of action by Congress on civil rights.

Here, Madam President, whatever may be said about the record on this side of the aisle on the cloture votes—and I am not particularly proud of those votes, especially in view of the fact that the measure which is before the Senate is practically taken literally out of the Republican national platform of 1960—I believe this whole situation also reflects a feeling of unwillingness by the President to come to Congress for all of the year 1961 with any proposal on civil rights, notwithstanding his very strong campaign pledges on that score.

When he did at last come to Congress with a proposal, he came with a proposal in more than safe areas, to wit, the voting areas, which it is generally agreed deserve attention; and he came with measures which even the most ardent civil rights proponents do not consider as very important. Indeed, the only avails, from present indications, which will be shown in this particular field will be a constitutional amendment eliminating poll taxes, which still must run the gamut of approval by the other body and approval by the States. Even the House has not yet approved that proposal.

Madam President, if we are going to ask for something, if we are going to fight for something, we might as well fight for something that is really substantial.

I can well understand the attitude now in the Senate, "Well, if this is all we are fighting about, what is the use of getting all embroiled in that?" That is true particularly in view of the arguments that were made, and very sincerely made, I am convinced, even by so distinguished and devoted an advocate of civil rights as the Senator from Kentucky [Mr. COOPER], with respect to the constitutionality of the measure which was before the Senate. I am convinced it is a constitutional measure, but those of us on this side of the aisle were nonetheless under the embarrassment of fighting about things which were not of prime importance.

The second lesson which the civil rights forces must learn from this debate is that if we are going to have civil rights legislation enacted in Congress, let us make it civil rights legislation which is meaningful. If we are going to be defeated, we might as well be defeated on something that is really important and significant, not on something which does not have the first rank in that regard.

It seems to me that that is much more conducive to getting the case to the country and much more conducive to the dignity of Congress.

What is significant in this field, Madam President? For one, there are some very crying needs in this country. Let us take one of them. Let us consider public school desegregation, which is proceeding at a snail's pace, and which in many States is not getting anywhere at all, largely because the Attorney General is not starting any suits in that area. That situation has been shoved aside; yet it is the most burning issue of all in this field.

In order to enact effective legislation in that area, we would have to enact what is considered properly, I believe, the most meaningful civil rights legislation of any. It consists of giving authority to the Attorney General to start a suit in any representative civil rights case which in his judgment he should start. I refer to an original suit in the case of public school desegregation. There is no question about the constitutionality of that type of enactment. Such a provision in the voting field has been fully sustained very recently in the Raines case, in which the Supreme Court sustained the constitutionality of the 1957 Civil Rights Act. As a matter of fact, this very technique is incorporated in both the 1957 and 1960 acts, which have so far withstood the test of constitutionality. Here is an accepted technique which is entirely within the text of American practice. That very same technique was adopted by Congress in legislation in this field in the last 5 years, with no question of constitutionality successfully raised about it, and is considered by civil rights advocates as the most important single piece of legislation in the whole field.

I feel, and I shall act accordingly, that if we are going to have any civil rights legislation, we should have enacted the measure I have described, which is called part III. Senators who favor civil rights legislation had better dedicate themselves to fighting for that measure as the prime, significant measure which is worthy of action in this field.

There are other measures far more appealing, if not more important. I refer to the field of hospitals. Funds may still be made available, under the Hill-Burton Act, for hospital construction where separate but equal facilities are maintained—that is, separate facilities for Negroes and whites. In the field of hospital construction and in the medical training field we find a situation which is riddled with a continuation of segregation. So, Madam President, we have many instances brought up in this Chamber itself.

Here is a very clear case for the administration to do something; yet the administration is doing nothing about it. Instead, it has proceeded—even though without success so far—in the perfectly safe area of voting.

Another measure that commends itself very highly is the putting of a statutory base under the committee relating to Government contracts. We have not heard the administration doing or saying anything about that. There has been some controversy over the question whether it is getting anywhere through the maintenance of contracting officers and contracting agencies. I believe that Vice President JOHNSON and the people who are on that job are trying; but, Madam President, I feel that is the very least area in which there should be nondiscrimination, namely, employment opportunity where Government money is involved. Congress should back that up with a statutory base which will give it much more authority and power, and the administration should ask for it. Again, here is another important measure in a field which is not now being touched in terms of legislation.

There are other measures, such as requiring school desegregation plans to be filed and giving technical assistance to school districts seeking to desegregate; and the whole complex of discrimination in employment on account of race, creed, or color, quite apart from Government employment itself.

That is the essence of the matter. I should like to repeat the two points I am making, which are the whole reason, as I see it, for our undertaking the debate on a motion to displace a piece of proposed legislation. By the votes which counted, the cloture votes, rather than the vote that I think did not count for nearly so much, the vote on the motion to table, the Senate has very clearly indicated it is not particularly interested in passing the measure at this session of Congress.

Getting down to the two points: First, this is the opening skirmish in the effort which will be consummated next January, and which the country should debate and consider as the major issue of the 1962 political campaign; namely, the revision of rule XXII. The Senate must be enabled to deal with a filibuster, which today either throttles or emasculates proposed legislation, certainly in the civil rights field, and in many other fields as well, and is certainly not the will of the majority.

The second point: If we expect to deal with civil rights legislation, this experience teaches that we had better deal with important, meaningful civil rights legislation, and not get fouled up and bogged down on matters which are just as complicated and difficult; and which, even if we can get them called up, are not nearly so consequential in the whole civil rights struggle as those which I have mentioned—and I feel certain I have by no means exhausted the list.

If the country becomes aware of extended debate, and by the mere presentation of the case through the attention which our speeches get, and through the activities of organizations in this and related fields, through the normal debate of political controversy, then I think a very useful purpose will have been served in the Senate. But there is no question in my mind that the results which we have seen on this subject would be very different if the country were aroused.

The answer is that no matter how deeply I feel or other Senators may feel about this question, both in moral and in constitutional terms, and in other terms, no matter how we feel about the very hardheaded and deleterious impact of these votes upon our position in the world, in terms of our ability to command the alliances and allegiances which are indispensable to success in the struggle for freedom—whatever I and some others may think about that, the fact is that the American people have not been too conscious of the situation and have not been sufficiently exercised so that their representatives in Congress may feel the impact and act in a definitive way. Until they do, in the manner of our society, there is very little likelihood that anything really tangible or important will actually happen. So, since this is to be the campaign season, when all these issues are debated and discussed, now is the time when this question should be brought up and the country brought to focus upon it.

It is amazing to many of us who are active in this field how we can, with such complacency, almost blindness, accept the existing situation in this field. It is frequently said that societies get notice if they would only pay attention to conditions. We have already had, for a number of years, scenes of violence in this field. People have been hurt. Communities have been brought to a condition of great disorder. The normal life of communities has been paralyzed. Schools in Virginia still remain closed to this very day to avoid the desegregation decision of the Supreme Court of the United States. There have been questionable practices under our laws; whether violations of the laws or not is for another day and another argument. In many ways, those practices involve what might be called, under one particular heading, tacit resistance with deep feelings involved.

There have been charges of great violence—even killings—under the general umbrella of the strains and tensions created by the relations between the races. We have seen inhumane practices develop, like the shipment of Negroes by the White Citizens Council of New Orleans to New York and other places, a movement which failed, of course, and came to nothing, but which was quite indicative of the low degree to which practices could sink in such a very serious and dangerous situation. This condition will not be cured or helped by letting it stand still or by doing nothing about it or by not providing some opportunity for redress in law. All human history demonstrates that all such action does is to exacerbate and ultimately consume in its own fury.

Without in any way challenging the sincere views deeply held by some Senators, who say, "Just let things alone, and we will take care of them," I deeply feel that we are running tremendous national risks in this situation, because of our failure to act: By foot dragging in respect of civil rights legislation can prove to be extremely dangerous and highly expensive in national terms. We are dealing with highly explosive problems affecting enormous masses of people. Ten percent of the population of the United States is comprised of Negroes alone. Many of our big cities, like the city of New York, have extremely large populations which are Negro. It is estimated that there are 1 million Negroes in New York City alone. Naturally, the people of the city of New York welcome them as fine citizens. We are trying to work with them, and they with us; but let us remember that a dangerous situation exists in our society, about which we must be solicitous and wary. Nonetheless, it is thought—I do not know how, I do not know by what scheme or idea—that if we let the problem alone and do not do anything about it, it will disappear, go away, or work itself out; or that millions of people will migrate out of the South to other places in the United States. Of course, they have their problems too, as we all know. This is really an ostrichlike attitude.

I have yet to hear from some of the Members of this body who have great intellectual power, who contend very strongly against measures such as I am recommending today, and I await with great interest their comments. What is their prescription for the dynamism and the drive which is apparent in the country today, and the unwillingness to accept conditions which our friends may feel are quite satisfactory, in social terms, to their communities, but which apparently are unsatisfactory to a tremendous number of people in those communities? I respectfully submit that it is begging the question to say that if the question were not discussed, those people would not get these ideas. Where do the savages in the forests of Africa get these ideas? Where do all other people who are today demanding self-determination, freedom, equal opportunity, and personal dignity get such ideas? They get them because the ideas are abroad in the world, and the people will not be stopped by the fact that we refuse to discuss or act upon them in the U.S. Senate. On the contrary, we will run a great national danger if we do not heed the problem. We will exacerbate relations between people in our own country to an exceedingly dangerous degree.

We cannot, any more than we can stop the tide, fail to deal with these subjects. Indeed, the breaking of the old matrixes in the South itself is a pretty clear indication that we cannot stand still. So long as we cannot stand still, we had better take some control over events ourselves, before they take control over us.

It is for those reasons that those of us who think as I do have made this presentation on the floor of the Senate, notwithstanding the fact that, as we all understand only too well, the actual debate upon this question in terms of any hopeful development and in respect of getting the bill passed is probably behind us.

While we are on that subject, let us understand that nobody is kidding anybody about the votes on the literacy bill. The cloture votes represented a killing of the measure which is before the Senate. In my opinion, that will be developed whenever the matter becomes an issue. That does not mean that Senators who voted that way are right or wrong; it merely means that this is the issue; that it cannot be confused by the fact that Senators thought there ought to have been more time for debate, or do not like the idea of having clotures anyhow, or that they may feel the country should be further enlightened on this question, et cetera.

The payoff is that when the second cloture vote was taken, the leadership took it for what it meant, without any question—in other words, that it meant the killing of the pending bill—and immediately moved to displace it with other business.

I do not think it is an answer, either, to say that the filibuster was a leisurely one. I think that even if the filibuster had been conducted in a very hurried fashion, the result would have been the same.

The question is, What was the sentiment of the Senate? The necessary sentiment of the Senate was lacking; and for that, there is only one answer: debate in the country and an aroused public opinion.

I believe it also very important, for those who believe as I do, to make a summation on the proposition that the bill is both necessary and constitutional.

Madam President, I am disturbed by the challenge to the constitutionality of the bill. I believe it is constitutional, and I would not wish to let the matter go as it now stands without making my own concluding arguments in regard to its constitutionality. I respect some of the opinion to the effect that the bill is unconstitutional; so I should like to say a few words on that score.

It seems to me that one of the most interesting aspects of the question of constitutionality was developed in quite a peripheral case; and I should like to call the attention of the Senate to the *Garner* case, 368 U.S. 157—a fairly recent case—in which Mr. Justice Harlan, in a concurring opinion, said, at page 195:

> This Court has many times taken judicial notice of well-known economic and social facts.

Madam President, it seems to me that that is the very essence of this debate: Shall we or shall we not take legislative notice of well-known social facts?

The social facts are that even if the U.S. Civil Rights Commission had not found—although it did find—that there is widespread abuse of literacy tests in broad areas of the country, with the result that they are used to deny, rather than to grant, people the right to vote, that fact is fundamental to the entire debate on constitutionality. I do not believe that in the absence of such a factual base, Congress could appropriately legislate in the way we have contemplated, by means of this measure.

However, in all the debate in regard to constitutionality, I have found a studied desire, on the part of those who argue that the proposed statute is unconstitutional, to avoid debate in regard to the factual base.

I can understand why they would avoid it; but I submit that during the debate no issue on the question of constitutionality was joined. It is not in point to affirm that the States have the right to establish the qualifications of electors for the most numerous branch of the State legislatures. It is not in point to affirm that the 17th amendment contained the same provision and applied it to the direct election of Senators, thereby seeking to show some intention that that represented a superior enactment, being later in time, to the 14th and the 15th amendments. That is not joining the issue.

The issue is joined only if, as I have heard lawyers argue a hundred times in the Supreme Court, one is willing to say, "For the sake of this debate, I will concede your factual premise that thousands upon thousands of Negroes are denied the right to vote by the use of literacy tests, legal on their face; and upon that premise I argue that the proposed statute is unconstitutional." That would be joining the issue. But that has not happened in this debate.

So, Madam President, in my view the issue in regard to constitutionality has not been joined, because the factual premise has not been questioned, nor has the constitutionality of the proposed statute, based upon that factual premise, been challenged.

I have heard the distinguished Senator from Georgia [Mr. Russell] state, in his very eloquent way, "No one has challenged the fairness of the Southern courts." Of course, Madam President, no lawyer in his right mind would challenge the fairness of any court, unless he had very good evidence to prove it, no matter how wrong he might think the court was as regards procedure or legal decisions. But that is very different from my statement that no Senator who opposes this measure has met the factual challenge. In other words, no Senator who opposes the bill has denied in any way that thousands upon thousands of Americans are disenfranchised by the abuse of the literacy-test technique. Of course that fact was found by the U.S. Civil Rights Commission.

I believe that when a remedy is so urgently called for in regard to so elementary a matter as voting—about which all have agreed that there should be the greatest solicitude on the part of the Congress and the Nation—and when a remedy is so obviously needed, we should be working to find a remedy, rather than merely saying "The one now proposed is no good, for it is unconstitutional; so throw it out the window and forget it."

The Senator from Kentucky [Mr. Cooper] felt, in good conscience—because he is a man of conscience—that because he opposed the pending measure on the ground of lack of constitutionality, he was obliged to propose an alternative; and I know he believes that there is a crying need for a remedy for the existing wrong.

So he proposed a measure of his own. However, that attitude was not taken by a majority of the Senators who voted against invoking cloture; and I submit that during all the debate on constitutionality, there never was a time when the issue on the factual base was joined—although the factual base is the very essence, in my view, for the belief that the measure is constitutional.

Madam President, once there is agreement on the postulate that there is a factual situation which requires congressional attention, then we are remanded to two questions: First, is there existing law adequate to cope with the situation; second, can we design a measure to deal with it which will fall within the ambit of the Constitution?

In regard to the first question—namely, is there existing law adequate to cope with the situation?—I agree that there has been considerable debate on that point. But, again, the debate has been postulated on the proposition that there is a capability for enforcing the law, provided all the lawyers in the Department of Justice and probably all their appropriation were used, and provided that the time of all the courts in the South were taken in order to prosecute these cases.

Let me state some concept of what is involved in this regard, because it is very interesting and very illuminating in connection with our consideration of this subject. A description is made of one case by the Attorney General of the United States. The case started on August 11, 1960. It is the case of United States against Theron C. Lynd, voting registrar of Forrest County, Miss.

On August 11, 1960, the Attorney General requested Mr. Lynd to make the registration records of the county available for inspection, under title III of the Civil Rights Act of 1960.

He failed to honor the request of the Attorney General of the United States, and so on January 19, 1961, the Department of Justice filed an enforcement proceeding in the U.S. District Court for the Southern District of Mississippi to require production of the records.

Six months later, on July 6, 1961, the records were still not produced, and the Attorney General brought suit, under the Civil Rights Acts of 1957 and 1960, to enjoin Mr. Lynd from discriminatory practices against Negro voters. He also moved to examine the voting record.

On August 14, 1961, only 7 months after the case was filed, a hearing was held on a procedural motion, and was adjourned without decision.

On September 25, 1961, the court in Mississippi ordered the Government to give more details of its suit, including the name of each Negro who had been refused the right to register, the dates involved in any discriminatory mishandling of any Negro registration applications, the names of white persons allowed to register who possessed no better qualifications than Negroes denied the same privilege, and other facts and circumstances showing discrimination in each instance.

Subsequently the court barred any incidents of discrimination which occurred before February 26, 1959, when this particular registrar took office, and as a result about half of the cases which had been included were thrown out.

The Government also attempted to get these registration records by serving subpenas on the defendant, and in both cases the subpenas were quashed by the court.

This case started on August 11, 1960. After all these court proceedings, which I think anyone can appreciate take an unbelievable amount of time, effort, and energy on the part of the Department of Justice, we are now down to February 16, 1962, when the court made another procedural ruling adverse to the Government.

Finally, on March 5, 1962, in round figures a year and 7 months after the case was first started, the injunction case came on for trial. Mind you, Madam President, the object was to secure the right to vote for someone, what we expected when we passed the Civil Rights Acts would really be fast action. Even by then the Government had not yet obtained the possession of any of the records upon which it was going to try the case. Nonetheless, the court ordered some records, which were admittedly in court, to be produced, but made various other procedural rulings which created considerable difficulty for the Government.

In any case, at the end of trial, on March 7, 1962, the court refused to grant the requested temporary injunction, and the Government appealed.

We now come to the date of April 10, 1962, a year and 8 months after the case was started. The Court of Appeals for the Fifth Circuit granted the Government's motion for an injunction against the registrar pending disposition of the appeal on the merits, and enjoined the registrar from administering the constitutional interpretation test to Negro applicants by including as sections to be read and interpreted any sections other than those which at the time of the trial had been used for white applicants.

We come down to April 30, 1962, almost a year and 9 months after the original case was started. The Government has brought and continued action against Mr. Lynd for violation of the order of the Circuit Court of Appeals. And the Government is right back in the District Court of Mississippi trying to make its contempt citation good.

That is where we are today, Mr. President. That is just one case—a typical case.

Among the Negroes that Mr. Lynd rejected for alleged failure to read or interpret a section of the State constitution were five college graduates, one of whom had been awarded a National Science Foundation scholarship to Cornell. That was the caliber of applicant for registration Mr. Lynd refused to register.

Let us take another case, because these are all very interesting and very important. I have a letter from a family in Alabama. Apparently one member of this family had been a voter in New York and therefore knows me. When the wife and the family went to register, the registrar demanded that she produce her marriage certificate and the birth certificate of her first child. These were not questions on the application form or in any way required to be answered, but she had to answer them.

In view of the fact that she would not do it, she was not registered, and the people who write me say they do not plan to go to court because they do not think it is right to spend a lot of money to obtain one of the basic American rights, the right to vote.

I have a telegram which came to me just yesterday, which I would like to read into the Record. It is addressed to me, signed by Roy Wilkins, executive director of the National Association for the Advancement of the Colored People, and reads as follows:

> We sent the following telegram May 11 to Senators Sam J. Ervin, Jr., and B. Everett Jordan, of North Carolina:
>
> "Our office was informed by our State secretary in North Carolina that the secretary of the Central Cape Fear branch of the

> NAACP has reported that Negro applicants to register and vote in Bladen County are being required by registration officials to read the entire State constitution in order to qualify. In view of the opposition to the literacy test bill in the Senate and the vehement assertions that such tests should be left to the States we inquire whether the reported requirement in Bladen County, N.C., is regarded by you and other opponents of the Senate bill as a reasonable and fair test for eligibility of a citizen to vote and as acceptable evidence that the Federal Government should not set an objective standard for so-called literacy test for voters.
>
> "ROY WILKINS."

So blatant is the case right here in the United States that I have before me a register of payers of the poll tax, which is a prerequisite for voting, in Victoria, Va., dated May 24, 1961, certified by A. S. Bridgeforth, Jr., treasurer of Lunenburg County, Va. An examination of this document, which any Senator is welcome to examine, shows that the voters in the respective districts of Lunenburg County are listed under the headings "Colored" and "White."

This is not before, this is after the Civil War. What kind of a society are we living in which will tolerate this and yet shut its eyes to the need for any remedy? It seems to me that that case has certainly been proved beyond peradventure.

One other point of fact on the question of difficulty of proof in cases of this character. We have a case in Montgomery, Ala., which involved a performance test, a subjective test, as a test for registering to vote, which is so often used as a basis for discrimination against voters in the so-called 100 black counties where the population of Negroes is close to or exceeds that of the whites. This case shows how difficult it is to prove such a case and how impossible it is to handle the situation on a case by case basis.

(At this point Mr. HICKEY took the chair as Presiding Officer.)

Mr. JAVITS. Mr. President, I have already referred to the Lynd case in Mississippi. In Montgomery County, Ala., the Government had a case which took a week to try. It required 160 witnesses, for both sides. The Government had a staff of five. They analyzed 36,000 voter registration applications over a period of 3 months. The Government had three to five lawyers working on the trial.

Even if the Government succeeded in satisfying the court that the subjective standard of writing or reading of the Constitution or of some other law, and its interpretation, had been abused, how could the resulting injunctive order be enforced, asked the law-enforcement authority, since to establish contempt of court the Government again would have to cope with the vague and illusive standard of "understanding" or "comprehension," which are the standards applied by the State?

Mr. President, the Attorney General of the United States, in testimony before the committees which were considering the bill, made a frank statement of the situation. I wish to quote from the testimony of Attorney General Kennedy on March 15, 1962, before the Committee on the Judiciary of the House of Representatives. He said:

> It may be asked whether the problem could be solved without new legislation. Prior to the first session of this Congress the President explained that, before recommending any new legislation in this field, we wished to test the existing tools with vigor and imagination.
>
> We have done so, and we have made significant progress. However, our experience shows that existing laws, while helpful, are inadequate. The problem is deep-rooted and of long standing. It demands a solution which cannot be provided by lengthy litigation or a piecemeal, county-by-county basis.

The Attorney General also testified before the Senate Committee on the Judiciary in practically the same words. I read only this additional sentence:

> Until there is further action by Congress, thousands of Negro citizens of this country will continue to be deprived of their right to vote.

That is from the testimony of the Attorney General on April 10, 1962, before the Senate Committee on the Judiciary.

Mr. President, I have stated the two issues. First is the factual base, which has not been challenged, of widespread and flagrant denial of the opportunity to register and to vote by virtue of abuse and misuse of literacy tests, which are performance tests. Second is the inadequacy of the remedy under existing laws, both in terms of time taken and in terms of the volume of effort, for dealing with a subjective standard. This makes it completely impossible and impractical to go into each case. These are the essential bases for the constitutionality of the proposed legislation.

We come now to the question of the basic constitutionality and upon what it relies. It is most clear and least encumbered with arguments, with pros and cons, that the basis is found in the 15th amendment. Under the second section of that amendment the Congress is given a wide choice of means by which to implement the guarantee of that amendment that there shall be no denial of the right to vote on the grounds of race, creed, or color. The means chosen in this particular proposed statute would deny to the giver of a performance test for registering and for voting the right or the opportunity to utilize that performance test to deny the right to vote if the person taking the test holds a sixth grade certificate.

That does not mean it is a qualification for voting, Mr. President. This is the point which has been constantly, in my opinion, confused and obfuscated in this debate. This merely would mean that if the performance test is given and if such a sixth grade literacy certificate is produced, then the performance test stops at that point. The Congress would choose that certificate as a way in which to end the abuse with respect to the performance test.

In other words, the use of this standard is not affirmative but is negative. It is demonstrated by the fact that any person can take a performance test, even if he has no grade school education whatever, and if he passes the test he is entitled to vote. That is true in any southern State, and would be true even if the bill became law. It is true in any northern State.

In the State of New York there is a performance test with respect to literacy for the purposes of voting. That performance test can be satisfied by anyone, whether he has a sixth grade certificate or not, so long as he can show he can read and write English. Certainly there is no accusation that in the State of New York the performance test is utilized for the purpose of depriving anybody of the right to vote. Indeed, out of an excess of caution, my colleague [Mr. KEATING] and I have interposed no objection whatever to the sixth grade certificate applying to the schools of Puerto Rico, where the language taught is Spanish, because we do not wish in any way to lend ourselves to any charge that any discrimination is practiced or intended in the State of New York, because our courts have held, as our statute provides, that literacy must be in English.

Incidentally, after people have had an opportunity to get for themselves a bit of adult training, that is not unreasonable at all.

Nonetheless, notwithstanding the fact that the bill included this particular provision, we have supported it. The reason for the provision I prefer not to guess at or to speculate about, since I do not wish in any way to impugn the motives or ideas of anyone who drafted the bill. Obviously it was very specifically directed at New York, because New York is a State in which this matter has been in controversy. It is a State in which court decisions have been rendered on the subject, which decisions have sustained the State in utilizing the standard of English.

Nonetheless, my colleague the Senator from New York [Mr. KEATING] and I, in deference to our strong views about the validity of the proposed legislation not only as to constitutionality but also as to desirability, have raised no objections and have made no point on that basis, which would change the basic law and practice in the State of New York, since we realize the Federal statute would be paramount.

To paint the bill as one prescribing qualifications would mean a reference to an affirmative qualification; that is, that one could walk in with a sixth grade certificate, place it on the desk, and be registered to vote. That is not so. Only when a performance test is applied, the statute, if passed, would prevent the registrar from flunking the applicant on the performance test if he had a sixth grade certificate. I submit that is very different from fixing the sixth grade certificate as the qualification for voting.

That, indeed, was the rationale and the basis for the constitutionality of this particular measure, as we saw it. There are adequate cases, in my opinion, to sustain fully the authority and the power of the Congress to make a reasonable regulation designed to deal with an admitted wrong. Our opponents do not admit the wrong, but it seems to me it could hardly be controverted, in view of the findings of the United States Civil

Rights Commission, which have been referred to time and time again.

Congress has the right to choose reasonable means in order to meet an admitted wrong. Mr. President, the question is, are the means reasonable? That is the point I have argued, in pointing out that we seek, in the bill, to set a negative qualification. That is, it would prevent an applicant from being flunked on a performance test which might be given by any State or State official if the applicant had a sixth grade school certificate.

Mr. President it seems to me the cases are clear in sustaining that proposition. Very deeply imbedded in all proposed legislation of the type before us is the famous Yarbrough case in which the Supreme Court expressly held as follows:

> The 15th Amendment of the Constitution, by its limitation on the power of the States in the exercise of their right to prescribe the qualifications of voters in their own elections, and by its limitation of the power of the United States over that subject, clearly shows that the right of suffrage was considered to be of supreme importance to the national government and was not intended to be left within the exclusive control of the States.

Mr. President, I repeat the last clause because I think it is worthy of repetition:

> and was not intended to be left within the exclusive control of the States.

Yet back as far as 1884, when in re Yarbrough was decided, every vestige of the argument made here against the constitutionality of the bill—that the right of suffrage was to be left within the exclusive control of the States—was made and rejected by the Supreme Court.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr JAVITS. I yield.

Mr. DOUGLAS. Has not that argument rested upon the 10th amendment, which provides that powers not granted to the Federal Government are presumed to rest in the States? The 10th amendment, of course, was a part of the original Bill of Rights, which James Madison got through Congress in 1789, I believe, and which was ratified shortly thereafter. The 15th and the 14th amendments certainly superseded the 10th amendment. Is that not true?

Mr. JAVITS. There is no question about that. I am grateful to my colleague for pointing up that fact. The courts have held time and time again that the amendments of the Constitution are as valid and enforceable upon the States and the citizens of the United States as any section of the Constitution adopted before the amendments.

In all of the arguments on the subject the opponents of the measure not only prefer to overlook the facts on widespread denial of voting opportunity, ugly as they are, but also prefer to overlook the fact that after the Civil War we adopted the 15th amendment. I do not blame them for overlooking it, if that is the way they feel about the argument. But I certainly do feel that those Senators who do not wear that color of glasses cannot overlook it. That is what we are talking about in the present debate. Let us understand that there are plenty of votes in the Senate to effect cloture and to pass the measure handily without in any way delaying the business of the Senate. Those are votes over and above the votes of Senators representing States whose social systems and electorates make them insist that they oppose the proposed legislation and oppose cloture.

If there is nothing else that the people of the country understand, let them understand that. It may be remembered that at one time, over the opposition of Senators from the South, we took up a civil rights bill in the Senate. I believe it was in 1957. The motion to consider carried by a vote of 71 to 18. At that time there were 96 Senators in the Senate and not 100. Therefore let us understand that it is not the Southerners alone who are blocking the measure. It is the Northerners, the Westerners, the Midwesterners, the Northeasterners, and the Southwesterners who on cloture voted with them who share this responsibility, too. When we so understand, we shall have the debate in some kind of proper focus and the country will understand what is afoot in respect to the whole subject.

Again on the issue of constitutionality, the case of the United States against Raines, which sustained the constitutionality of the Civil Rights Act of 1957, made it very clear that the 15th amendment applied to the express conduct which is being dealt with under the bill. In that case an effort was made to argue that the 15th amendment could not apply to an individual who was denying other individuals the right to vote unless the applicant went through the whole State procedure and the Governor finally denied the particular Negro the right to vote on grounds which were improper.

The Supreme Court said:

> Discrimination by State officials, within the course of their official duties, against the voting rights of U.S. citizens, on grounds of race or color—is certainly, as "State action" and the clearest form of it, subject to the ban of that amendment, and that legislation designed to deal with such discrimination is "appropriate legislation" under it. It makes no difference that the discrimination in question, if State action, is also violative of State law.

The opinion of the Court continued:

> The argument is that the ultimate voice of the State has not spoken, since higher echelons of authority in the State might revise the appellees' action. It is, however, established as a fundamental proposition that every State official, high and low, is bound by the 14th and 15th amendments.

The opinion continued:

> We think this Court has already made it clear that it follows from this that Congress has the power to provide for the correction of the constitutional violations of every such official without regard to the presence of other authority in the State that might possibly revise their actions.

Finally the Court said:

> But there is the highest public interest in the due observance of all the constitutional guarantees, including those that bear the most directly on private rights, and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief.

Mr. President, I deeply feel that the question of constitutionality was certainly no basis for turning down the opportunity for working on the merits of the measure. Let us again emphasize that point. The question of constitutionality was no basis for turning down the opportunity for working on the merits of the measure before the Senate. We had available the amendment of the Senator from Kentucky [Mr. COOPER], the amendment of my colleague [Mr. KEATING], and other amendments which could have been offered in order to redress a demonstrable wrong and an ugly state of facts.

Mr. President, I shall repeat that statement again and again and again. No defense has been made on the floor of the Senate of the state of facts that exists in the denial to Americans of the right to vote because they happen to be Negroes. Though they are holders of scholarships, college graduates, and college professors, they are still second-class citizens in certain areas of our country. We apparently intend to do nothing about that situation except to leave it to the Department of Justice, which has said that its remedies are inadequate.

Mr. President, I wish to be very clearly understood when I speak of responsibilities in respect of the measure before the Senate. Some Senators voted for cloture; other Senators, from various sections of the country other than the South, did not. I yield to no one in my respect for the sincerity, integrity, and the decency of the motives of Senators. All that I am pointing out is that the shelving of the pending measure, and the defeat of cloture, cannot be laid upon the South alone. It is the responsibility of those outside the South, too. I may be right in my vote; the others may be right and I may be wrong. All I say is that we should be called to account on the basis of not representing communities where, in the eyes of those who represent those communities—whether they are right or wrong I do not know—they believe there is some built-in demand to support the social order which calls for segregation.

I am only pointing out that the responsibility is not upon those from the South alone—though I think it is upon them, too—but that practically there are plenty of the rest of us to do what needs to be done and we are not doing it. Therefore we have to account to the country. That is a big reason for my making this speech as to why we—who are not bound in political and social terms on segregation—are not doing what must be done on this bill. But I think that is where the responsibility to account to the country comes in, and that is what I would hope to have the country understand. The people of our country are entitled to understand clearly the reasons why positions taken upon the cloture votes were so taken and their effect upon the proposed legislation.

We must also bear very clearly in mind the fact that no matter how this may be fuzzed up on the vote to table, the fact is that the votes on cloture are the votes that killed the measure if the coming vote confirms them, and those are the votes that count.

Finally, if we are going to lay aside this bill, apparently, in spite of everything that my colleagues and I who are fighting for it can do, it will be laid aside notwithstanding the fact that there is a desire to continue to discuss it and propose amendments to it and to discuss those amendments and to refine the measure and to demonstrate its need.

Why is it being laid aside? What is the reason for its being laid aside? Is there some pressing national emergency which overhangs us, for which we are going to take down the pending bill and put another bill in its place for consideration?

I assume that we must take the word of the leadership that the measure that we will take up in place of the pending bill is a very important one, indeed. Therefore, I should like to read the text of Calendar 1304, H.R. 10788, into the RECORD. That is the measure that will be used to displace the bill which is such critically important legislation, and which bears upon the most urgent questions of public order and public morality in the United States, as incorporated in the voting bill and in the whole civil rights question. This is the bill which is being moved to displace that important bill. It reads:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 204 of the Agricultural Act of 1956 is amended by inserting the following after the first sentence thereof: "In addition, if a multilateral agreement has been or shall be concluded under the authority of this section among countries accounting for a significant part of world trade in the articles with respect to which the agreement was concluded, the President may also issue, in order to carry out such an agreement, regulations governing the entry or withdrawal from warehouse of the same article which are the products of countries not parties to the agreements."

Is that a very important bill? Will the foundations of the Republic rock if we do not consider it for 1 or 2 or 3 weeks? That is not the answer. The point is not to take up that bill. The point is to take down the literacy test bill, because however fullhearted our efforts may have been, we have taken a couple of weeks on it in a very leisurely way, and that is the end of it.

That does not lessen the responsibility of every Member of the Senate with respect to the bill. It is certainly a very serious commentary on the importance and significance and consequence which we attach to the literacy test bill and the whole matter of congressional action in the civil rights field.

That, I believe, is the very legitimate issue upon which, in my opinion, we stand in a most unfortunate and unhappy light.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. I notice that the committee report on S. 3006, the companion bill, also designed to amend section 204 of the Agricultural Act of 1956, concludes with the following epoch-making statement:

> It is, therefore, our opinion that forestry is a part of agriculture and that timber is an agricultural commodity. It follows, therefore, that the products thereof, such as lumber, are products within the definition in section 204. We have attempted to analyze the problem from the standpoint of general precedent and authority. If the foregoing analysis is not consistent with the present intent and purposes of the Congress, you may wish to reexamine the question for greater clarification.

In other words, a large portion of the proposed amendment is apparently designed to enable forestry and timber to be classified as a part of agriculture. Does the Senator from New York think that this is of such crucial importance that we should lay aside the matter of voting rights for 20 million Americans?

Mr. JAVITS. Of course the Senator from New York does not, especially in view of the demonstrated ugly facts to which I have referred on a number of occasions and in the course of these remarks with respect to the flagrant denial of the basic American right to vote to thousands upon thousands of Americans. I shall not burden the RECORD further because it has already been demonstrated time and time again with the percentages of those who vote in the so-called black counties, showing the miniscule percentage of those who are Negroes, where it is unpopular, very unhealthy, and very unsafe for any Negro to try to vote, and where the greatest abuses with respect to these literacy tests exist.

Now as to the means which may be used to end these abuses. I shall close upon this note. With respect to the authority of Congress to prescribe the means, I should like to refer to the famous case of McCulloch against Maryland, which is one of the earliest and most fundamental Supreme Court cases in this field, having been decided in 1819. In that case the Court said:

> Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.

Then there is a whole series of cases: United States against Darby, Guss against Utah Labor Relations Board, First Iowa Hydro-Electric Co-op. against Federal Power Commission, Everards' Breweries against Day, Westfall against United States, Ruppert against Caffey, Burroughs against United States. There is a whole series of cases in which Congress is given the greatest latitude to choose the means, once there has been established the constitutional basis.

I close upon this note. I have endeavored in these remarks to make two points. One, and very important, is the point that this matter is not ended; that the country will have a right to hold us all to account; indeed, that it is the duty of the citizenry to hold us to account. That is how critically important this subject is. It involves questions of public order where public order has been breached, in riots and in other serious disorders.

It involves very deeply the morale of the country. Who for a moment in his right mind can say that the sit-ins, the wait-ins, the pray-ins, the freedom riders are not a manifestation of a deep current—not an undercurrent, Mr. President—a deep current of protest against an intolerable state of affairs under present conditions?

Of course it affects vitally and materially, as has been observed in the Senate time and again, our whole international basis, with two-thirds of the world being inhabited by yellow, black, and brown people, whom we are endeavoring to lead in the interest of freedom. That is point one.

Point two is the fact that this is an ugly state of facts which we are trying to remedy; yet no opportunity is being given to remedy it. Constitutionality is based on that ugly state of facts. That is what gives us the right to try to remedy the situation. I believe the bill before the Senate is an entirely reasonable means and is entirely constitutional. That is the one issue that has not been met in this debate by anyone except the proponents of the measure.

We should continue this debate. We should deal with this legislation. We should deal with the amendments that will be proposed, and have been proposed. We should deal with the civil rights problem in our country under the cover of this legislation. It is our duty to lead the country and to arouse it in this respect, because the issue certainly deserves it.

Then, after that has been done effectively and adequately, in another week or two or three—yes, if need be, in order to suit the Senate tradition, and apparently that must be done, even though it may be mumbo jumbo, and even after round-the-clock sessions, and after doing all that in order to impress the country that we mean business—then let us take another cloture vote and see what the answer is in terms of individual responsibility of individual Senators outside the South, of whom there are plenty to do the job with respect to this legislation. Then we will have a right to speak of what has been done, and not before.

Mr. DOUGLAS. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. I commend the distinguished senior Senator from New York for his characteristically able speech. The Senator from New York combines three extraordinary qualities: a warm heart, a deep legal scholarship, and an acute legal mind. This means that his arguments are always extremely cogent and athletic in their texture. Yesterday the Senator from New York stated that although there might be differences between the civil rights advocates on the Democratic side of the aisle and the civil rights advocates on the Republican side of the aisle, on the question of civil rights we stood together regardless of party, and the Senator from New York pledged the cooperation of his fellow party members. Let me, in similar fashion, pledge our cooperation to our Republican colleagues, with whom we may differ on some subjects, but with whom we are in entire accord on this subject.

Mr. JAVITS. Mr. President, I am grateful to the distinguished Senator from Illinois. I would not wish for 1 minute not to stand on my pledge. I affirm my deep conviction. I know the Senator understood my intention and my purpose. I am certain that the Senator has the same thought in his own mind.

Mr. KEATING. Mr. President, will my colleague yield?

Mr. JAVITS. I yield.

Mr. KEATING. I join with the Senator from Illinois in paying tribute to my senior colleague from New York. He has presented a cogent argument. Even though he and some of the rest of us may feel that we are swimming upstream at the moment, certainly his words will be remembered. He has not given up the fight. I know of no one who has made a more magnificent contribution in the whole field of the problem of bettering the human rights of our citizens than my colleague from New York. I am proud to stand with him in this fight.

Mr. JAVITS. I am very grateful to my colleague. I have said many times, and I say again, that it is one of the joys of my service in the Senate that in the person of my colleague from New York I have a stanch ally in this struggle.

Mr. KEATING. I thank my colleague.

Mr. President, I protest this effort to gag the majority. Many Senators have voted against cloture because they contended, in their words, that the minority should not be gagged. But now it is sought to gag the majority, the majority in favor of proposed legislation who voted against the motion to table.

Before I discuss this issue, I think we should not completely forget one gentleman about whom very little has been said in this debate—Mr. James Norman. The pending motion would inter H.R. 1361, for the relief of Mr. James Norman.

My heart rather bleeds for Mr. James Norman. The pending motion would inter H.R. 1361, for the relief of Mr. James Norman——

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. MANSFIELD. I suggest to the Senator that his heart need not bleed too badly for Mr. James Norman. It need not bleed any more badly for him than it did for the resolution relating to the Alexander Hamilton house, because as that resolution was resurrected, so, I can assure the Senator, this measure will be resurrected.

Mr. KEATING. I appreciate the statement of the distinguished majority leader. Of course, he refers to the effort to enact civil rights legislation as an amendment to the resolution which my colleague and I sponsored to erect a monument to Alexander Hamilton. I again express my gratitude to the majority leader over the successful outcome of that legislation.

But Mr. James Norman, sitting at home in Texas, has no assurance that something will not intervene between now and the time when the Senate gets ready to examine his problems. After all, the bill for the relief of Mr. Norman has been reported favorably by the Committee on the Judiciary; and still we seek to inter this bill, not only with what seems to me to be indecent haste, but without even the benefit of a medical examination or a coroner's inquest. In point of fact, H.R. 1361, by the pending motion, would be buried alive. I submit that while this may not be a method of disposing of vexatious issues, it is not a proper method of disposing of legislation.

Be that as it may, and even if Mr. James Norman does not suffer as a result of the action sought to be taken here, it is still a fact that this is an effort to gag the majority. The pending motion, if agreed to, would bar action not only on the administration's literacy bill, but on all the other amendments which have been presented or would be offered if the debate were allowed to continue.

It would be astonishing if those who have complained so bitterly about a gag effort which was not actually made were now to support a gag effort which is a reality. Those who plead for the right of unlimited debate against civil rights should be willing to permit fair, even if not unlimited, debate to those who favor civil rights.

A variety of approaches to the literacy problem have been suggested. The distinguished senior Senator from Kentucky [Mr. COOPER] has suggested a statutory substitute for the bill. It would abolish subjective literacy tests entirely, without any sixth grade limitation for interpretative examinations. I do not agree with the proposal of the Senator from Kentucky. My own view is that such a bill would present more serious problems of constitutionality than the one which we have been considering. However, the distinguished Senator from Kentucky should have the opportunity to present his views; he should not be gagged in his effort to present them.

The distinguished junior Senator from South Dakota [Mr. CASE] attempted yesterday to call up his constitutional amendment, which seeks to accomplish the same purpose as the bill before the Senate. I do not agree with the Senator from South Dakota. I do not believe that we need a constitutional amendment to deal with this problem, because the problem can be handled by statute. Still, I would be the last one to say that the Senator from South Dakota should be gagged, and should never be given an opportunity to present his amendment. He would have no chance at all to present and talk on his amendment if the pending motion were agreed to.

For my own part, I have stated that the administration bill should be broadened to cover State as well as Federal elections, since State elections are dealt with in exactly the same provision of the Constitution.

In addition to these and several other amendments to the literacy bill, it has been made clear that a number of other civil rights proposals would be offered for the consideration of the Senate. It is my judgment that in many respects this is perhaps the most unfortunate bill which could possibly have been selected upon which to base a civil rights debate. There are many other proposals which could have been made, which have been advocated in the platforms of both political parties, and which involved none of the difficulties of the literacy bill.

However that may be, there is no possible justification for entirely abandoning the bill before the Senate has had an opportunity to express its will on these issues—all of them, or at least some of them. Any Senator who is opposed to the administration's bill, to the Case of South Dakota amendment, to the Cooper substitute, or to any other measure, can and should vote against it.

I have indicated that I would vote against the Case amendment and that I would vote against the Cooper substitute. That is the way to handle such matters. There is no danger that any of these proposals would slip past the vigilant eyes of the opposition or would be passed by less than a majority vote. There is absolutely no excuse for discarding or junking such proposals without fair deliberation, regardless of whether one favors them or opposes them.

We must not have one set of rules for the opponents of civil rights and another set of rules for the proponents of civil rights. With all our sensitivity for the rights of the Senate minority, we should not be insensitive to the rights of the overwhelming majority of the Members of the Senate who voted against the motion to lay this bill on the table.

It is not often necessary to speak for the rights of the majority; but this is a case in which the majority is sought to be gagged. I suppose it could only happen in this body, Mr. President.

There may be room for compromise and there may be new approaches for which the necessary two-thirds vote in order to invoke cloture could eventually be mustered. In retrospect it would appear that it is quite possible that a majority vote, and perhaps a two-thirds vote, could have been obtained for a civil rights measure framed in a different way. Many who believe, erroneously, in my opinion, that the measure is unconstitutional, might either now or later be willing to vote in favor of invoking cloture in connection with a measure as to which there was no doubt of constitutionality.

The administration's bill may have been an appropriate starting point for this debate, but certainly it need not be its point of termination. Those of us who favor civil rights measures do not seek the right of unlimited debate. We have no intention, either now or at any future time, if the pending motion fails and if the Senate continues with the debate on this civil rights measure, to organize the Senate into teams and to continue for weeks with the debate, in order to express our views and to press for Senate action in support of them; but we do request the right to have a reasonable amount of debate, and we had every reason to expect a fair opportunity for adequate deliberation on our proposals.

In my view we shall not be adding to the glory or the dignity of the Senate if we yield control of the business of the Senate to the small minority of Senators who voted in favor of laying the pending measure on the table, nor shall we be enhancing the dignity or the reputation of this body by suppressing every effort of the majority, who voted against the motion to lay the bill on the table, to bring their alternatives and their counterproposals before the Senate.

Mr. President, is it too much to ask that those who argued so long and so strenuously for the rights of a minority of the Senate should now act to give equal rights to the majority of the Senate? I hope not; I hope the Senate will demonstrate support for fair play when it votes on the motion of the majority leader to kill off the debate on civil rights; and I hope his proposal will be rejected.

The proponents of civil rights have never worked for a parliamentary deadlock. They have not tried to ram any measure through this body. They will abide by the will of the majority. They ask only that sufficient time for a definitive expression of sentiment be permitted.

The pending motion threatens more than the bill which provides for the relief of Mr. Norman, and more than the pending literacy-test amendment, and more than the time available for debate. The fundamental issue raised by this motion is whether the Senate will allow its deliberations to be controlled by a minority of its Members.

In the past few weeks we have been treating the American people to a dramatic display of the inability of the Senate to deal with the Nation's business. People all over the country, following this debate, simply cannot believe it; we cannot explain satisfactorily to anyone, except to a few who are very thoroughly indoctrinated on one side or the other of this controversy, what has been going on here—our votes against invoking cloture and our vote against laying the measure on the table. This same situation could just as well have involved an important treaty, an appropriation bill, a nomination, a national defense measure, or even a declaration of war.

The Senate has demonstrated that under its present rules it cannot avoid a legislative deadlock without surrendering to the desires of a minority of its Members. More than any other factor, rule XXII, the cloture rule, is responsible for this sorry state of affairs. Rule XXII subjects every measure of the Senate to veto by one-third of its Members. Rule XXII virtually assures interminable debate, deadlock, and defeat for any proposal which goes against the desires of one-third of the Members of the Senate present and voting. Last year, on behalf of myself and 14 other Senators of both parties, I submitted an amendment to rule XXII which would permit a constitutional majority of the Senate to invoke cloture after a minimum of 15 days of debate. Under that proposal, an equal division of time between those in favor and those opposed to the proposal would be provided, once cloture was agreed upon. The cosponsors of that proposed amendment to rule XXII were Senator Douglas, Senator Javits, Senator Humphrey, Senator Kuchel, Senator Carroll, Senator Beall, Senator Hart, Senator Bush, Senator McCarthy, Senator Case of New Jersey, Senator Morse, Senator Scott, Senator Proxmire, and Senator Williams of New Jersey.

In my opinion, an amendment of rule XXII along the line of that proposal is the only way finally to establish the right of a majority of the Members of Senate to control the proceedings of the Senate. I am sure that all of us are willing to make any reasonable concession to assure full debate on any proposal before the Senate; but, in my opinion, we cannot compromise on the principle of majority rule and still uphold the principles of the Constitution.

In my judgment rule XXII, as enforced, is unconstitutional. This position is squarely based on the Constitution. We shall never acquiesce to a practice which flies directly in the face of the fundamental law and permits control of the business of the Senate by a minority.

Mr. President, I wish to state a few of the reasons why I believe rule XXII, as now invoked, is unconstitutional.

Article I, section 5, clause 2 of the Constitution provides that:

> Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

The rules of the proceedings of the House or of the Senate must, of course, conform to constitutional limitations; I think no one would disagree with that statement.

In exercising its authority to determine the rules of proceedings, the Senate may not "ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained." That is from the decision in *United States* v. *Ballin* in 144 U.S. 1, 5.

The Constitution specifies a vote of more than a majority in only five instances. Two-thirds rather than a majority is required override a veto, article I, section 7, clause 2; to ratify a treaty, article II, section 2, clause 2; to initiate amendments to the Constitution, article V; to convict in cases of impeachment, article I, section 3, clause 6; and to expel Members, article I, section 5, clause 2. The specificity with which these requirements are set forth in the Constitution makes it evident that in no other cases may a two-thirds vote be required for action. The Founding Fathers obviously recognized that the principle of majority action would be applicable unless exceptions were expressly stated.

In *Addison* v. *Holly Hill Company*, 322 U.S. 607, at 617, it was stated:

> Exemptions made in such detail preclude their enlargement by implication.

The intention of the framers of the Constitution is particularly evident in connection with the power of each House of Congress to determine the rules of its proceedings under article I, section 5, clause 2 of the Constitution which I have quoted. This particular clause also applies to expulsion of Members and in that case specifies that expulsion shall be with the concurrence of two-thirds of the House. Nothing could be more certain under these circumstances than that a two-thirds requirement could not also be imposed as a limitation on the power of Congress to adopt rules of proceedings.

Majority rule is the general principle of all free governments. As a result we find that even the situations in which a two-thirds vote is specified in the Constitution are narrowly construed. It has been held for example, that the two-thirds margin applies to Members present and voting, not to Members present. Even more strikingly, it has been held that amendments to resolutions proposing constitutional amendments, proposing expulsion of Members, or admitting evidence in impeachment trials, may be agreed to by a majority vote even though the original proposition requires a two-thirds vote. I refer to "Hinds' Precedents," volume II, section 274; volume III, section 2167; and volume V, sections 7031 and 7032. These precedents show that majority rule has been favored by Congress wherever possible.

The proceedings of the Constitutional Convention give further convincing evidence of the attitude of the Founding Fathers. Two instances are recorded in which the Convention rejected efforts to impose a two-thirds requirement on the exercise of legislative authority. The first related to the exercise of legislative authority over interstate and foreign commerce. A proposal to subject the exercise of this power to a two-thirds vote was made and rejected after Mr. Sherman, one of the delegates to the Convention, said that "to require more than a majority to decide a question was always embarrassing, as had been experienced in cases requiring the votes of nine States in Congress (under the Articles of Confederation)." A similar effort to limit the power of Congress over navigation by a two-thirds vote requirement was also defeated. It is noteworthy that the provision of the Constitution finally adopted with respect to these subjects—article I, section 8, clause 3—does not state that Congress shall have the power by majority vote to regulate commerce, but simply that Congress shall have power "to regulate commerce with foreign nations, and among the several States." Yet the requirement of action by majority under this clause is as clear as if it had been explicitly stated that Congress would regulate commerce by majority vote. That same thing is true in all other cases where the power is given to Congress, except in those cases where it specifically provides that a two-thirds vote is required. In all these cases where the vote requirement is not specified, Congress acts by majority vote.

It follows from these considerations that any rule of either House which limits the power of Congress to pass legislation by majority vote other than as specified in the Constitution would raise serious constitutional questions. For example, a rule of the Senate requiring all legislation relating to the commerce clause to be approved unanimously, would plainly violate the Constitution. Conversely, a rule of the Senate permitting ratification of treaties by a one-third rather than a two-thirds vote would likewise be unconstitutional. There is no distinction between these situations and a requirement in the rules that the Senate may determine the rules of its proceedings only by a two-thirds vote. Such a requirement in the rules of the Senate would be violative of article I, section 5, clause 2 of the Constitution for precisely the same reasons that a one-third vote for ratifying treaties would violate article II, section 2, clause 2, or a unanimous vote for legislation regulating commerce would violate article I, section 8, clause 3 of the Constitution.

The argument is made that rule XXII of the Standing Rules of the Senate does not require a two-thirds vote for the adoption of rules of proceeding, but only for limiting debate. In form, this is certainly the case. But only a blind man would be unable to see through this artifice, and if the Supreme Court were ever presented with this problem, it would strike it down in a moment. It would not be so blind as not to see through it.

The provisions of rule XXII, are as much a curb on the right of the Senate to act by majority vote as they would be if the rule explicitly required a two-thirds vote for passage of civil rights legislation. This could not be more evident than it is at this very moment. The second cloture motion has failed and it is therefore proposed that we go on to other business. This is no different in substance from saying that more than one-third of the Members have voted against the literacy amendment and it is therefore defeated. That, in substance, is what the result is here.

Rule XXII obviously is a rule of substance disguised as a rule of procedure. It vests control over the proceedings of the Senate in a minority just as surely as if it said that no legislation shall be passed to which more than one-third of the Members of the Senate present and voting objected. The Constitution cannot be evaded by elaborate fictions and disguises. The disguise in this case is transparent. Rule XXII, unmasked, is a blatant attempt to subject the proceedings of the Senate to the control of any minority group determined to exercise a verbal veto power over legislation the minority does not favor.

Actually, this point is frequently conceded by the opponents of majority rule, but in another context. They allege frequently that the filibuster has prevented the passage of legislation. One Senator has put it this way:

> The most famous measure to my section of the country that has ever been defeated by free and unlimited debate was the force bill of 1890, a bill somewhat in the same category as the civil rights bill that is now before the Senate.

Another Senator has expressed the same thought in these words:

> So far as I have been able to determine, filibustering does not prevent needed legislation. I do not recall a single instance in American history where an important measure defeated by a filibuster has been enacted later. Nearly every proposal thus rejected has died unregretted by the country. No really meritorious measure has been defeated by filibuster, but some vicious proposals have been killed.

These examples could be endlessly duplicated by quotations from the debate on the pending business. They show unmistakable recognition of the very proposition I am urging; namely, that rule XXII is a method under which a minority can defeat legislation and not a method of regulating the time for debate.

There is nothing more convincing, if I were to argue the case, that I could say to the Supreme Court of the United States than to quote this language whereby the opponents of proposed civil rights legislation have said over and over again that the filibuster, or unlimited debate, as it is sometimes called, is a weapon to defeat proposed civil rights legislation.

Obviously, Mr. President, I do not agree with the comments in the quoted statements as to the nature of the legislation which has been defeated under rule XXII. But this really is beside the point. The fact is that those who make these arguments—and this includes virtually every opponent of majority cloture—are admitting that rule XXII is a rule of substance and not of procedure. They are admitting that it preserves in a minority of the Senate the power to "kill" legislation. They are admitting that the filibuster operates as a restriction on majority rule exactly as though rule XXII provided that legislation had to be approved by a two-thirds rather than a majority vote. This fact has now become obvious to the whole Nation.

As I have said before, a majority may sometimes be wrong. I have always felt that was so when I voted with the minority. I think many other Senators have that view. Though a majority may sometimes be wrong, so may less than a majority, and under our Constitution, unless otherwise specified, it is the majority of the Senate which is given power to enact legislation and to determine the rules of its proceedings.

Rule XXII as now enforced is a pernicious, obnoxious affront to the right of a majority of this Senate, after full debate, to act on the merits of any issue before it.

The course we must eventually take if we are to protect the deliberative character and effectiveness of this body is to amend the cloture rule so that it will become truly a rule to regulate debate and not a rule to prevent action.

Until this is done, however, it is imperative that we do everything possible to avoid a surrender to minority control of the actions of the Senate.

The American people must understand that this is the real issue raised by the pending motion. If this issue were brought home to the people, they would strenuously object to any surrender. The precedent such a surrender would establish would place in jeopardy the Senate's ability to meet not only the civil rights crisis, but also any crisis with which our Nation may ever be confronted.

In my judgment, the literacy test bill is required, and in fact, should be strengthened so that it does not sanction in State elections the arbitrary practices it would prohibit in Federal elections, because State elections and Federal elections are dealt with in exactly the same provision of the Constitution, upon which the constitutionality of the proposed legislation is bottomed.

The bill is constitutional because it deals with voting deprivations, not voting qualifications. Those who disagree should vote against the legislation on its merits or offer amendments, as have the Senator from South Dakota [Mr. Case] and the Senator from Kentucky [Mr. Cooper]. Senators should vote against any amendments they dislike. They should not attempt to deprive their colleagues of the right to vote their own sentiments, any more than we would attempt to preclude the opponents of civil rights from voting their sentiments.

Mr. President, since the literacy test bill is still before us, it may be appropriate to reiterate the arguments for the constitutionality of this measure. I know that there are sincere differences of opinion in this question.

There are some in this body who favor strengthening the civil rights of our citizens, but who sincerely believe that the bill before the Senate has constitutional defects. I believe that many who have challenged the bill's constitutionality have not fully understood its limited provisions and limited impact.

The impression has been created, perhaps by reiteration, that the pending legislation must fail if it is true that the States have the sole, exclusive, all-pervading power to establish qualifications for voting.

This impression is incorrect. The argument that the States have the power to establish qualifications for voting can be conceded without in any way impairing the constitutionality of the bill.

This fact deserves emphasis. Dozens of pages of the Congressional Record have been consumed in arguing that point, as though it were decisive.

This bill does not overturn any existing literacy qualifications. If the existing qualification is objective, such as the completion of the eighth grade or third grade, it has no operation. Only if the existing qualification is subjective, does the bill provide a procedure to prevent discrimination against electors on the basis of their race. Under this procedure, no one could be denied the right to vote who had 6 years of education because he could not interpret a State constitutional provision dealing with a city's debt liquidation, or because he underlined rather than circled the word "Mr." on a printed application form, or because he pronounced the word "equity" as "eequity." These are just a few of the examples given at the hearings of the subcommittee. In other cases, Negro applicants have been rejected by arbitrary registrars for errors in computing their age. This is not just a matter of stating how old you are, but calculating your age in years, months and days. Some applicants who included the day on which they were applying were disqualified by a registrar who decided that the day of registration should not be included. To illustrate the unreasonableness of this requirement, the Commission on Civil Rights asked a registrar who appeared at one of its hearings to demonstrate the system by calculating her own age. She miscalculated by almost a month.

This bill does not curb literacy qualifications, but it will most certainly curb the arbitrary administration of such tests by registrars and other election officials who are determined to deny Negroes the right to vote. It is the discriminatory application of laws setting qualifications for voting, not the qualifications themselves, at which this bill is aimed and against which it will be operative. That such practices are widespread in several of our States cannot be denied by anyone who pays attention to the facts. That such practices can be dealt with by Federal legislation cannot be denied by anyone who considers the command of the 15th amendment to the Constitution.

It was asserted yesterday that since the Senate approved a constitutional amendment to abolish the poll tax it must adopt a constitutional amendment to abolish literacy tests. This argument fails on three counts: First, there has been no factual determination by the Commission on Civil Rights that poll tax statutes are being administered discriminatorily despite their anti-Negro origin; secondly, the pending measure, as I shall repeat as often as necessary, does not abolish literacy tests, only their discriminatory application. The poll tax resolution adopted by the Senate did abolish poll taxes.

I differ with the distinguished Senator from Kentucky [Mr. COOPER], who has said that the bill is unconstitutional. However, he has offered an amendment which would abolish subjective literacy tests completely, and he has said that such action would be constitutional. If there are any degrees of constitutionality, I would say that the measure before the Senate is more constitutional. I say to my friends who claim that both of those would be unconstitutional, that certainly it would be more nearly constitutional from their point of view to state, "In administering your voting laws, you cannot deprive someone of the right to vote because of his race if he has completed the sixth grade," than it would be to say to that State, "You can't have any education or literacy test at all."

To my way of thinking that would be much more doubtful under the Constitution. But I say that the Senator from Kentucky [Mr. COOPER], who disagrees and who feels that it would be constitutional, should not be gagged or prevented from having an opportunity to present that issue to the Senate and to have it debated and passed upon here. He might be able to convince some who differed with him.

The third reason why the poll tax amendment is no precedent for handling the present question by constitutional amendment is that there is very serious doubt as to whether a constitutional amendment was necessary to abolish poll taxes.

I happen to think it was not, although I recognize that there is a stronger argument for a constitutional amendment to abolish poll taxes than there is for a constitutional amendment on the pending question, primarily because of the showing that literacy tests have been used and administered in a way to deprive many of our citizens of the right to vote.

The difference between the poll tax measure and the pending bill is the difference between abolishing interstate bus travel and subjecting such service to the reasonable regulation of the Interstate Commerce Commission. The abolition of poll taxes by a constitutional amendment, whether wise or unwise, is certainly no precedent for a constitutional amendment to enforce another constitutional amendment we adopted almost 100 years ago.

The distinguished Senator from South Dakota [Mr. CASE] has said that the matter should be handled by constitutional amendment. He should have an opportunity to present his case, debate it, and let the Senate pass upon the question. But if a constitutional amendment is required in this case, then the authority given in the 15th amendment to enforce its command by appropriate legislation is meaningless. I find repugnant any construction of the Constitution which renders one of its provisions nugatory, and cannot believe that such a construction would be favored by any objective legal authority. But I would suggest, in any event, that those who favor a constitutional amendment should at least have the opportunity to have it considered.

There may be some who are ready to concede the constitutionality of this measure but who doubt its necessity. It might be well for their benefit to outline for the record some of the roadblocks to registration and voting by Negroes which the Commission on Civil Rights uncovered in the course of its hearings and investigation. One of these is discussed under the heading "Finding the Registrar." This simple but effective device for discouraging voting merely requires that the registrar not be available in areas in which Negroes may want to register. When the registrars are unavoidably present they have been known to direct Negro applicants to wait at locked doors or to visit the local sheriff.

Sometimes a slowdown technique is employed. This is set in motion by mass challenges to already registered Negro voters. When the Negroes appear to protest they have to wait on long lines while the registrars drink cokes or simply gaze at the scenery out the window. White persons who come to register during this same period are waited on as soon as they arrive.

Another effective roadblock to registration is the voucher system. This requires the applicant to produce two registered voters in his precinct who will swear to his identity. In areas in which there are no Negroes registered—and there are such places in the United States—this is an impossible requirement for Negro voters to meet. As a result, Negroes who may have lived all their lives in the community and be well known to their neighbors and even the registration officials are denied the right to register because they cannot prove their identity to the registrar's satisfaction.

Another effective technique is to disqualify Negroes for the most minor errors on their registration forms. For example, one applicant was rejected because he underlined rather than circled "Mr." on the printed form. Others are rejected for errors in computing their age. This is not just a matter of stating how old you are, but calculating your age in years, months, and days. Some applicants who included the day on which they were applying were disqualified by a registrar who decided that the day of registration should not be included. To illustrate the difficulty and arbitrariness of this requirement, the Commission asked a registrar who was a witness at one of its hearings in Louisiana to demonstrate the system by calculating her own age. She miscalculated by almost a month. In many cases the applicants are not informed of these errors with the result that they have no opportunity to appeal the registrar's decision or correct their forms.

Literacy tests in various forms scored entirely on the basis of the registrar's judgment are another way of disqualifying Negro voters. One applicant who defined treason as "aiding and abetting an enemy in time of war," for example, was rejected by a registrar who simply told the applicant that the registrar did not think the applicant understood.

Possibly one could devise a better definition of "treason" than that, but I think it is pretty close to the way that treason is defined.

On the other hand, a white applicant who was asked to interpret a provision of the Louisiana constitution relating to freedom of speech and answered "I agree," was found qualified. Other registrars dispense with these tests entirely when dealing with white applicants.

Outright intimidation is a less subtle method of preventing Negroes from registering and voting. These include economic reprisals, threats and official interrogations. The Commission's report leaves no doubt that there are areas in this country in which Negroes are afraid to register and vote and for good reason. Sometimes this intimidation comes from government agents such as the local sheriff, other times from the Ku Klux Klan and other extremist groups. In an area ironically called Liberty County in the State of Florida, after a group of Negroes registered, crosses were burned and fire bombs hurled upon their property. They received abusive and threatening phone calls late at night. Finally all but one removed their names from the books and their troubles ended. The one holdout was forced to leave Liberty County. An investigation of this situation was ordered by the Governor of Florida—but the investigators concluded that the actions of the Negroes were voluntary.

The success of these tactics is revealed by some of the statistical information compiled by the Commission. Here are some of the most flagrant illustrations:

First. In two Alabama counties no Negroes are registered to vote, although Negroes represent 80.7 percent of the total population in one of them, and 77.9 percent in the other. In 22 other Alabama counties less than 10 percent of the voting age Negroes are registered. In the State as a whole, only 7.1 percent of the registered voters are Negroes and 92.9 percent are white while 73.8 percent of the eligible voters are white and 26.2 percent are Negro.

Second. In Georgia there are no Negroes registered to vote in 6 counties, in two of which Negroes constitute more than half of the counties total population. In three other counties, less than 10 percent of the voting age Negroes are registered. The Negro voting age population in these counties is 25.9, 45, and 55.7 percent, respectively.

Third. In Louisiana there are four parishes in which no Negroes are registered to vote. The Negro population in these parishes is 61.2, 64.9, 65.0, and 66.1 percent, respectively. In 15 other parishes in which the Negro population ranges between 18.4 and 50.8 percent of the total voting age population, less than 10 percent of the voting age Negroes are registered.

Fourth. In Mississippi, there are 13 counties in which no Negroes are registered. Negroes represent from 9.9 to 68 percent of the total voting age population in these counties. In 42 other counties in Mississippi, less than 10 percent of the voting age Negroes are registered. In these counties the Negro voting age population ranges between 4.3 and 74.3 percent of the total voting age population. Figures for almost all of Mississippi indicates that only 6.2 percent of the voting age Negroes are registered to vote, while Negroes constitute approximately 37 percent of the State's total population.

These facts make it evident that something must be done to further protect the right to vote in America. We cannot condone these conditions without doing violence to the spirit and intent of the 15th amendment. Nor can we rely on the States to safeguard the electoral process when we know that in many cases State officials are parties to the most serious voting deprivations. Congress has the authority and, in my opinion, the duty to enact whatever laws are needed to give full application to the command of the Constitution barring any abridgment of the right to vote on account of race, color or previous condition of servitude.

I believe in States rights but under the Constitution no State has the right to discriminate at the polls because of race or deny its citizens the equal protection of the laws. There are States wrongs as well as States rights and I can conceive of no greater wrong by any State than the denial to its inhabitants of the right to participate in the electoral process. Indeed the claim of States rights has a somewhat hollow ring when it emanates from areas in which only a relatively small percentage of the States' inhabitants can participate in the choice of their representatives. Claims that we are infringing upon the traditions and preferences of the people in these States are very weak when in some cases more than a majority cannot express their wishes at election time. Extension of the franchise will strengthen not weaken States rights by making certain that the States really represent the will of all the people and not the relatively few who can overcome a dozen obstacles to voting.

The debate on the literacy bill has succeeded in shunting into the background other civil rights measures of much more urgency and consequence.

This whole exercise may have been designed as a smokescreen to conceal other measures and to give exaggerated importance to the literacy bill. As I have indicated the literacy bill is important, and my amendment to the bill would have strengthened it and made it even more effective. But it is by no means the most critical problem facing this country in the field of civil rights. Certainly this Congress would not have been making a notable contribution to strengthening civil rights in America even if, at the end of this debate, it had succeeded in enacting a literacy bill—with or without strengthening amendments.

Eight years ago the Supreme Court unanimously declared segregated schools a violation of the 14th amendment to the Constitution. Today, there are still more than 2,000 school districts in the United States in which segregated education is maintained. There has been some progress in implementing the Court's decision but it has been painfully slow and extremely burdensome to the children and organizations involved.

The school situation should have been given the highest priority in our deliberations. We should have been considering measures to permit the Federal Government to utilize every resource in the fight for equal protection and to prevent the Federal Government from continuing to contribute huge sums to the support of practices we know violate the Constitution.

In 1960 the Federal Government contributed over $60 million for the construction and operation of school facilities in 11 States in which the rate of desegregation ranged from 0 percent to 1.21 percent. This was done under the program for Federal aid to impacted areas.

The Federal Government also allots millions of dollars every year for vocational educational training to States which maintain almost wholly segregated school systems.

The Federal Government has given millions in grants under the billion-dollar National Defense Education Act to States whose schools are still almost wholly segregated.

Federal expenditures in the field of higher education are estimated at close to $2 billion annually. These Federal funds are allocated, granted, or disbursed "without regard to the discriminatory policy of the recipient institutions." As a result, tens of millions have been distributed under these programs to segregated colleges and universities. Almost half of all the research funds granted by the National Science Foundation in 1960 went to segregated colleges. In the same year, more than 40 percent of all the research grants made by the National Institutes of Health and the Atomic Energy Commission went to public institutions that refused admission to Negroes.

If the President is unwilling, Congress should put an end to these vast outlays of public revenues to promote or maintain unconstitutional practices. We cannot be timid when enforcement of the Constitution is at issue.

I believe strongly that we should give the Attorney General the right to bring civil injunctive suits in school desegregation and other equal protection cases; that we should give technical assistance to school districts attempting to desegregate; that we should condition the grant of Federal funds on a policy of nondiscrimination; and that we should enact other legislation to speed compliance with the Supreme Court's decision. The failure of the administration to give its support to such measures has doomed their prospects of enactment but has not affected their necessity.

Education is only one of the problems which demands attention in any civil rights debate. Fair employment practices, discrimination in the National Guard and against other members of Armed Forces, discrimination in housing supported by Federal programs, denials of due process, raise some of the other problems which cannot be swept under the rug. The Commission on Civil Rights, which we created in 1957 to study and advise us on these questions, has made recommendations for action in all these areas. In most instances its recommendations have been unanimous. It should have had our backing. Our repudiation of its efforts has undermined its efforts—but even more importantly, it has forfeited an opportunity to build meaningful progress in the field of civil rights on the solid foundation the Commission structured. As I have pointed out, we did not establish this Commission so that it could write reports of academic interest to be stored away in libraries and other convenient repositories. We created it and annually appropriate a substantial sum for its operations, so that it could serve as the agent of the Congress and the President in determining what needs to be done to carry out the requirements of the Constitution. The Commission has done its work well, but Congress has not done anything to follow the path its members have brilliantly illuminated.

In the early days of this administration the impression was created that a determined President could pretty much do the job alone without any help from Congress. This was a false impression which has greatly handicapped legislative action.

In more recent months the administration has tried to convey quite a different impression; namely, that its hands are tied and that it is up to Congress to make progress on civil rights. These recent pronouncements understate the power of the Executive as much as early administration pronouncements overstated what could be done by the

Executive. The fact is that while there are some vital areas in which only Congress can act, there are others as to which the President has a tremendous unused reservoir of reserved power. The President, for example, could direct the Secretary of Health, Education, and Welfare to refuse to make grants for discriminatory schools, hospitals and other State programs. He could execute that "hold stroke of the pen" which he said during the campaign was all that was needed to outlaw discrimination in federally assisted housing so that Commissioner Robert Weaver would not have to administer a Jim Crow housing program. He could direct the end of segregation in National Guard units receiving Federal support. He could assign to the reorganized Committee on Equal Employment Opportunity the same jurisdiction over employment under Federal grant-in-aid programs as it now exercises over government employment and employment by government contractors.

Such action by the President may offend some elements in the country and in the Congress. But there is no more justification for the President to compromise constitutional requirements in order to appease certain elements than there is for Congress to fail to implement constitutional guarantees.

The President has expressed in many ways his deep personal interest in securing equal justice for all Americans. I do not doubt his good faith or ignore his accomplishments in this respect. However, as long as the Federal Treasury is being used to finance discriminatory programs, his job cannot be considered done. The Constitution is part of every one of our enactments. It makes no exception for the Department of Health, Education, and Welfare, our housing agencies, or any other Government department or bureau. It is up to the President to make this clear to all the officials in the executive branch and to the whole country. Americans are the beneficiaries of the proudest heritage of liberty and justice any people have ever enjoyed. We are under an obligation to pass this heritage on to future generations enriched and ennobled by our good example. It is almost 100 years since the day on which slavery was abolished in the United States. Fortunately, no new Emancipation Proclamation is needed on this anniversary. What is needed, however, is a new resolve to measure up to every concept of the American dream.

Mr. President, the motion to displace the pending business, if successful, will nullify the work of the Civil Rights Commission, it will repudiate a modest attempt to implement the 15th amendment, it will reflect rejection of the proposal of the President and the arguments of the Attorney General, it will violate promises solemnly made in both party platforms and repeated over and over again during the campaign. These are all vitally important reasons for voting down this motion. But the most important reason of all is the necessity of preserving majority rule in the Senate. If we fail to save this concept, we sacrifice much more than the pending bill—we place in perpetual danger the ability of this body to ever cope with our Nation's problems—we impair confidence in the institution itself.

I cannot support any such precedent and shall vote against the motion.

Mr. President, I suggest the absence of a quorum.

Mr. HUMPHREY. Mr. President, will the Senator withhold that suggestion for a moment?

Mr. KEATING. I withhold it.

CYRIL KING, GOVERNMENT SECRETARY OF THE VIRGIN ISLANDS

Mr. HUMPHREY. Mr. President, it was approximately a year ago that President Kennedy appointed Mr. Cyril King, at that time a member of my staff, as the Government Secretary of the Virgin Islands.

Mr. King is a native of the Virgin Islands and came to the States to obtain a college degree at American University. During his course of study he worked as an assistant in my office, becoming fully acquainted with the process of legislation and the work of a senatorial office. Furthermore, his contacts with the executive agencies has given him an insight into the responsibilities of executive departments. All of this background of education and experience has served him well in his new assignment as Government Secretary of the Virgin Islands.

The Daily News of St. Thomas, Virgin Islands, on Thursday, May 10, carries an excellent editorial entitled "Notable Native Son." This editorial pays appropriate tribute to Mr. King for his work on behalf of the people of the Virgin Islands. I ask unanimous consent that this editorial be printed in the RECORD.

I join with the editor of the Daily News in saluting Cyril King on his first year of service as Government Secretary. He has done well and has gained the confidence and the respect of the people of the islands.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NOTABLE NATIVE SON

The Honorable Cyril E. King recently observed the first anniversary of his assuming the important office of Government Secretary of the Virgin Islands.

Mr. King is a very personable example of a fundamental principle which is of inestimable worth to these islands. For many years we have been striving to persuade capable native sons to return home after service outside the territory. We have hoped that they would give us the benefit of their experience, and by so doing make these islands a better place in which to live.

Our Government Secretary, after distinguished service in Washington, did just that. The result has presaged a new era in good government in his department. During his year in his high office Mr. King has conducted himself in such a way as to make us proud of him as a Virgin Islander.

His devotion to duty—even in time of conflict and dissension—has been a healthy example for others to follow. He has dedicated himself to public service with an exceptionally high sense of integrity even at the risk of being misunderstood.

In an island populated by so many people who are insecure and frustrated in a period of abundance and confused by what they see, he has faced many problems and solved them firmly and with dispatch. The manner in which he has handled them makes us daily more confident of his ability.

It has been an inspiration to many to see this native son carry out the exacting demands of his office. And furthermore politicians are slowly but surely becoming aware of the fact that persons of value, integrity, and worth will be of great help in accomplishing for these islands what we have hoped for and looked forward to for years.

Examples of this awareness are votes of confidence given unanimously to King at recent party meetings in St. Thomas, St. Croix, and St. John. The spontaneity of these accolades was unmistakable.

Still another is the dinner being given in King's honor tomorrow night in Cruz Bay.

One of Mr. King's most valuable assets is that he has not let high station go to his head. In these days it is refreshing to find an administrator of outstanding ability who is also a likable fellow.

We congratulate this able public servant on his first year in office.

THE DAIRY INCOME STABILIZATION ACT

Mr. HUMPHREY. Mr. President, on behalf of the junior Senator from Minnesota [Mr. MCCARTHY] and myself, I introduce, for appropriate reference, a bill to be cited as the "Dairy Income Stabilization Act."

I think it is time we put a stop to talking about the serious dairy problem of falling dairy prices and increasing dairy surpluses and to make a determined effort to solve it.

Returns on the labor and investment of dairy farmers have been among the lowest in U.S. agriculture. On dairy farms studied by the U.S. Department of Agriculture in major dairy areas, the returns on the farmer's and his family's labor, after a conservative allowance for investment, have ranged from 21 to 82 cents per hour since 1953. In 1960, the average returns per hour on the farms studied in these regions, after allowing for a 4.1 percent return on investment, were: western Wisconsin, 56 cents; eastern Wisconsin, 33 cents; central northeast—mostly New York—67 cents; southeastern Minnesota—dairy-hog farms—49 cents.

The inadequate returns dairy farmers receive for their hard labor and high investment have been discussed in recent weeks and months quite thoroughly by the senior Senator from Minnesota and by the junior Senator from Wisconsin [Mr. PROXMIRE] during discussions on the joint resolution that would have permitted continuation of the $3.40 per hundredweight support level for manufacturing milk through December. Such legislation was requested by the President in his farm message to the Congress on January 30, 1962, when he pointed out that the unexpected decrease in total consumption of milk during 1961 had resulted in a supply situation that, under the present law, necessitated the reduction on April 1 of the dairy price support level. The President pointed out that the present law—the Agricultural Act of 1949—does not provide a satisfactory dairy price support program for dairy farmers nor does it operate in the best interest of the taxpayers.

Since the need for enactment of an improved dairy program was so evident and so urgent, it was the intention of the President that Congress should take action to make it possible to maintain dairy income at the 1961 level pending enactment of long-needed improved legislation.

As my colleagues are well aware, the dairy price support resolution was defeated in the Agriculture Committees of the Senate and the House of Representatives.

The failure of this resolution does not absolve the Members of the U.S. Congress from their responsibility to take every action in their power to correct the present law so that dairy farmers will be able to earn a satisfactory income without increasing Government expenditures.

Mr. President, the need for improved dairy legislation is not new. Dairy farmers, dairy organizations, general farm organizations, and the Congress have been struggling with this problem ever since April 1, 1953, when Secretary of Agriculture Benson gave dairy producers what he called "a year of grace" in which to come up with improved dairy program suggestions. This resulted in the first of the dairy so-called self-help programs—backed by the National Milk Producers Federation and the National Grange—a program that was turned down by Secretary Benson. This was the first of a series of substantial legislative proposals—among them the Dairy Stabilization Act of 1959, which it was my privilege to introduce in the Senate and which Representative JOHNSON, of Wisconsin, introduced in the House. There have been many dairy proposals during the years—and most of them would have improved the existing law. All have run into roadblocks—roadblocks set up sometimes by the Republican administration and the Republican Secretary of Agriculture who always opposed efforts by producers to secure an opportunity to bring some semblance of realistic balance between the demand for and the supply of their products. Sometimes the roadblocks were due to regional self-interests which refused to recognize that the problem was a national problem requiring a national solution.

Sometimes the roadblock was one that lies in wait for almost all legislation—the simple fact that it is easier to criticize and weaken and destroy a proposal than it is to improve it, bolster it, and make it acceptable to all interests.

This year the administration included in the omnibus farm bill which was sent to the Congress a carefully designed dairy program, the result of long hours of thought and work and meetings by dairy experts, dairy organizations, and dairy producers. This program faced up to the realities of the situation. It was based on a principle in which I believe, and in which almost every Member of this body believes—that producers, to be eligible for the protection and stability offered by dairy price support programs, should be willing to accept the restraints on production and marketing which would bring about orderly marketing.

Unfortunately, the omnibus farm bill, S. 3225, reported by the Senate Committee on Agriculture and Forestry does not include any proposals relating to the dairy situation.

I emphasize that this omission is not due to any failure on the part of the able Chairman of the Agriculture Committee. As a former member of that Committee I am fully appreciative of the skill and patience and devotion that the senior Senator from Louisiana brings to the discharge of his responsibilities. I am quite aware that the chairman shares my belief that producers should be permitted to be responsible participants in supply-adjustment programs. I am quite aware that the chairman thoroughly explored numerour paths in an attempt to reach a central workable solution to the dilemma of the dairy farmer. That no solution was reached certainly was not the fault of the chairman.

The bill which I and my colleague from Minnesota are introducing today is a combination of some of the emergency and long-range dairy programs that have been discussed in recent months. It proposes short-term transitional programs that will lead to a permanent long-range program. It is our hope that a full Senate discussion of this proposal may take place—possibly during the approaching debate on the committee-reported farm bill—while there is still time for responsible action to be taken in this session of Congress.

The need for new legislation is urgent. Developments during the past year emphasize the shortcomings of the present dairy support program. Milk production increased 2.2 percent, a little more than population. Total consumption of milk and its products in the commercial market unexpectedly declined about 1.5 percent. This is in contrast to the increase in total consumption in every recent year as population increased. The increase in 1960 was 1 percent. During the 1961-62 marketing year, Government purchases and expenditures increased. Purchases totaled 435 million pounds of butter, 194 million pounds of cheese, and 1,275 million pounds—delivery basis—of nontfat dry milk. The size of the surplus, and seriousness of the problem, are further indicated by the fact that these purchases removed from the market nearly 9 percent of the total milkfat and 13 percent of the nonfat milk solids in the total farm sales of milk and cream.

Mr. President, I ask unanimous consent that a table showing the annual net expenditures by the Government on price support programs for dairy products since July 1, 1953, be printed in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[In millions of dollars]

Fiscal year (July-June)	CCC net expenditures [1]	Military milk [2]	Sec. 32 expenditures [3]	Total (excluding special milk)	Special milk
1953-54	400.6		74.0	474.6	
1954-55	221.0	$1.0	24.4	246.4	17.2
1955-56	218.0	7.3	39.0	264.3	45.8
1956-57	206.0	16.4	75.6	298.0	60.4
1957-58	195.4	30.4	123.7	349.5	66.3
1958-59	99.3	23.0	106.2	228.5	74.2
1959-60	149.9	23.6	35.1	208.6	80.5
1960-61	170.4	25.3	82.1	277.8	84.3
1961-62 (estimated)	541.2	25.7	46.7	613.6	95.0
Total	2,201.8	152.7	606.8	2,959.3	523.7

[1] CCC purchase and other costs (processing, repackaging, transportation, storage, and handling), less proceeds from sales (including sales to sec. 32).

[2] CCC reimbursements to military agencies, Veterans' Administration and other participants.

[3] Sec. 32 expenditures for purchases from CCC and direct purchases in the market.

Mr. HUMPHREY. Mr. President, while the Government has made rather substantial expenditures for investments in dairy products since 1953—and the table I have just placed in the RECORD reveals those expenditures—it should be noted that the milk or dairy products have been of great help to us, both at home and abroad—at home, in terms of the school-lunch program, the emergency feeding programs for the unemployed, the needy, and persons on public assistance, and for the general milk program for young persons; abroad, in terms of the powdered milk program, in particular, and the availability of supplies of cheese and butter, which have been of great benefit to us in our economic assistance efforts and in our humanitarian programs of relief and charity in many of the food-deficits areas of the world.

Whatever kind of dairy program is ultimately adopted, it must make room for the availability of supplies for our domestic needs—for those who are on public assistance or are unemployed, for the children in our schools, and for needy persons in every area of the country.

Furthermore, a sensible supply program for dairy products or other food products must make available the necessary quantities of food for our oversea efforts. The food for peace program is now an integral part of our foreign policy. It is a basic part of our economic policy. Surely, it is one of the more effective instruments of our programs for national security.

So I wish to make it quite clear that any supply adjustment program I recommend takes into consideration the needs at home and abroad, because they are clear needs, needs that have been established and are ascertainable.

The only way to assure adequate prices and incomes for farmers when supply is seriously outrunning demand is to provide a mechanism whereby supply can be brought into reasonable balance with demand and program uses.

When I speak of demand and program uses, I include the needs at home and abroad under well-planned, well-designed programs.

The proposed transitional dairy income stabilization program would do this and at the same time would meet the two major requirements of an effective program:

First. To protect and improve dairy farmers incomes;

Second. To keep Government costs at a reasonable level, and limit the purchases of dairy products to quantities that can be used in the national interest in school lunch, welfare, and foreign assistance outlets, in order to assure continuing acceptance by the public.

The proposed program is based on four central principles:

First, the right of farmers, with approval by a two-thirds referendum vote, to manage their milk supplies. The basic purpose of "supply management" is to give farmers the opportunity to raise and maintain their incomes at more satisfactory levels than would be possible with unlimited production, but with total costs to the Government held to a level which the public is willing to accept. Since farmers would be the primary beneficiaries, they would decide in a referendum each year, with a two-thirds majority vote required for approval, whether the supply management features would go into effect. In other words, this is to be representative government at the economic level in terms of the farmers themselves accepting the responsibility for their own programs of supply management.

Second, price, income and supply objectives that are fair both to farmers and the general public. The proposed legislation would authorize price support as near 90 percent of parity as would be feasible, considering supply in relation to demand, willingness of producers to adjust supplies, outlets for acquisitions, and the needs of farmers for adequate incomes.

The minimum support level would continue to be 75 percent of parity—as under present law when supply management provisions were in effect. The minimum support level, if producers choose unlimited production, would decrease by 5 percent of parity per year for 5 years.

In other words, if the farmers reject programs of supply management in a referendum, then each year for 5 years the support level will drop 5 percent: In the first year, it will drop from a minimum of 75 percent to 70 percent; the second year, to 65 percent; the third year, to 60 percent; the fourth year, to 55 percent; and the fifth year, to 50 percent of parity. In other words, there would be a 5-percent drop each year for 5 years. Prices would be supported at levels as much above these minimum levels—up to 90 percent—as could be carried out by buying quantities of dairy products which could be used in school lunch and other available outlets, up to a total cost of $300 million, with or without supply management.

In other words, we will meet our needs for the domestic programs which Congress has authorized, but we will not have an open-end checking account. There will be a limit. The limit will be established by the proposal of my colleagues and myself at $300 million, which is substantially below any expenditures of the Government at the present time.

Third, assistance by the public in easing the burden of adjusting production and marketings to demand. The new program would not require dairy farmers to reduce their marketings of milk below their 1961–62 marketings, at least during the next 3 transitional years. Instead, they would be offered surplus reduction payments of up to $2.50 per hundredweight for voluntarily agreeing to reduce their marketings from 7½ percent up to 25 percent—or 30,000 pounds a year if that is larger—below their marketings in 1961–62. Also the Secretary could purchase and cancel normal marketing levels voluntarily offered for sale by producers.

In other words, in order to secure voluntary compliance, the Government will not only provide reasonable price supports, but will offer an incentive, as it does for compliance under the feed grain program. That incentive would be as high as $2.50 a hundredweight for those who cooperate and reduce their production below their 1961–62 marketings.

When supply management, approved by producers, is in effect on or after April 1, 1963, there would be surplus marketing fees on excess marketings in order to discourage other producers from increasing the surplus and offsetting the effects of reductions by cooperators. These measures would help to bring supplies into satisfactory balance with demand within a few years. The cost of support operations and payments would be borne by the Government and any fees collected.

Fourth, a gradual transition toward reduced price-support operations and Government costs if farmers do not approve the supply management provisions. The proposed program would allow this to be done by reducing the minimum price-support floor if supply management is not in effect by 5 percent of parity each year. The actual support price would be higher than the floor, however, so long as it did not result in acquiring products in excess of amounts that could be used in the national interest, up to a total cost of $300 million per year.

If the proposed legislation is enacted at this session of Congress, it will not be practical to conduct a referendum and apply surplus marketing fees for the remainder of the 1962–63 marketing year. However, establishment in the legislation of the 1961–62 marketing year as the base period for future years' programs would remove any incentive for producers to further expand their milk production in 1962. Enactment this year would make it possible (1) to restore price supports to the 1961–62 level of $3.40 per hundredweight as soon as the legislation is approved, and (2) to offer surplus reduction payments to producers who agreed voluntarily to reduce their marketings of milk below their 1961–62 marketing year level.

For purposes of the supply management provisions, each producer's "normal marketing level" would be his marketings in the 1961–62 marketing year subject to adjustments.

The program would operate as follows by marketing years:

In the 1962–63 marketing year from effective date of the act until March 31, 1963:

First. Price support would be restored by the Secretary to $3.40 per hundredweight.

Second. Surplus reduction payments of up to $2.50 per hundredweight of milk equivalent would be made to farmers who voluntarily agreed to reduce their marketings below their 1961–62 marketings; and the Government could buy and cancel "normal marketing levels" when offered voluntarily by producers and when this would conform to the purposes of the program.

Third. No producer allotments would be established, and there would be no surplus marketing fees levied against producers who marketed more milk than in 1961–62; hence there would be no need for a referendum.

Fourth. Any marketings of milk in excess of 1961–62 would not be considered in establishing producers' normal marketing levels for future programs.

Marketing year beginning April 1, 1963:

First. Price support would be continued by the Secretary at the highest level consistent with the considerations set forth in the act and as near to 90 percent of parity as feasible if producers approved supply management provisions in referendum to be held early in 1963.

Second. Surplus reduction payments of up to $2.50 per hundredweight would be made to farmers who voluntarily reduce their marketings below 1961–62; and the Government could buy and cancel normal marketing levels when offered by producers.

Third. No producer would be required to reduce his marketings below 1961–62, but surplus marketing fees of up to $2.75 a hundredweight would be assessed on all marketings by producers in excess of their normal marketing levels based on their 1961–62 marketings.

Fourth. If producers vote against the supply management provisions, price supports would be set at not less than 70 percent of parity or such higher level as the Secretary estimates will result in acquiring no more dairy products than can be utilized in the national interest, including domestic school lunch and welfare and foreign assistance programs, up to a total acquisition cost of $300 million.

Marketing year beginning April 1, 1964:

First. Price supports would be set as near to 90 percent of parity as feasible if producers have approved supply management by a two-thirds vote in a referendum.

Second. Surplus reduction payments, and purchase and retirement of normal market levels would continue as in 1963–64, if necessary, to adjust supplies to demand.

Third. No producer would be required to reduce his marketings below 1961–62, but surplus marketing fees would be assessed on marketings in excess of 1961–62 marketings.

Fourth. If producers vote against supply management, price supports would be set at not less than 65 percent of parity or such higher level as the Secretary estimates will not result in acquiring more dairy products than can be utilized in the national interest in program outlets, up to a total acquisition cost of $300 million.

Marketing year beginning April 1, 1965, and in subsequent marketing years:

First. Price supports would be set as near 90 percent of parity as feasible if producers have approved the supply management provisions by a two-thirds vote in a referendum.

Second. Surplus reduction payments and purchase of bases would not be continued, since supply should be in balance with demand without reducing producer allotments below the 1961–62 marketings, as a result of the growth of population and voluntary retirement of producers' normal marketing levels.

Third. No producer would be required to reduce his marketings below 1961–62, but surplus marketing payments would be assessed on sales in excess of their 1961–62 marketings or of their marketing allotments. When demand increases producers' allotments could be increased.

Fourth. If producers vote against supply management for any year beginning on or after April 1, 1965, price supports would be set at not less than 60 percent of parity in 1965–66, not less than 55 percent of parity in 1966–67 and not less than 50 percent of parity in 1967–68, and subsequent years, or such higher levels as the Secretary estimates will result in acquiring dairy products not in excess of the amount that can be utilized in the national interest in program outlets, up to a total acquisition cost of $300 million.

Mr. President, I have asked the Department of Agriculture to prepare an economic analysis of this dairy income stabilization program. I ask unanimous consent that the Department's analysis as well as the text of the bill appear in the RECORD at the conclusion of my remarks. I also ask unanimous consent to include in the RECORD at the conclusion of my remarks a synopsis of the Dairy Income Stabilization Act and a letter to me from Secretary of Agriculture Orville L. Freeman dated May 14, 1962, in this regard.

There being no objection, the analysis, the text of the bill, the synopsis, and the letter were ordered to be printed in the RECORD, as follows:

Dairy income stabilization proposal—Estimates of program operating results

1. 1962-63 current marketing year:	
(a) Under existing law:	
Support price (per hundredweight)	$3.11
Expenditures for purchases	525,000,000.00
(b) Under transitional program:	
Support price (per hundredweight):	
April-September	3.11
October-March	3.40
Expenditures for purchases	475, 00,000.00
Reduction payments	40,000,000.00
Total program expenditures	515,000,000.00
Amount dairy farm income would exceed 1962-63 income at $3.11 support	65,000,000.00
2. 1963-64 marketing year:	
(a) Transitional program approved in referendum:	
Support price (per hundredweight)	3.40
Expenditures for purchases	209,000,000.00
Reduction payments	146,000,000.00
Total program expenditures	355,000,000.00
Amount dairy farm income would exceed 1962-63 income at $3.11 support	200,000,000.00
(b) Transitional program rejected in referendum:	
Support price at 70 percent of parity (per hundredweight)	2.90
Expenditures for purchases	480,000,000.00
Amount dairy farm income would be below 1962-63 income at $3.11 support	210,000,000.00
3. 1964-65 marketing year:	
(a) Transitional program approved in referendum:	
Support price (per hundredweight)	$3.40
Expenditures for purchases	189,000,000.00
Reduction payments	146,000,000.00
Total program costs	335,000,000.00
Amount dairy farm income would exceed 1962-63 income at $3.11 support	200,000,000.00
(b) Transitional program rejected in referendum:	
Support price at 65 percent of parity (per hundredweight)	2.70
Expenditures for purchases	395,000,000.00
Amount dairy farm income would be below 1962-63 income at $3.11 support	425,000,000.00
4. 1965-66 marketing year:	
(a) With allotments approved:	
Support price (per hundredweight)	3.40
Expenditures for purchases	325,000,000.00
Amount dairy farm income would exceed 1962-63 income at $3.11 support	220,000,000.00
(b) With allotments rejected:	
Support price at 60 percent of parity (per hundredweight)	2.50
Expenditures for purchases	280,000,000.00
Amount dairy farm income would be below 1962-63 income at $3.11 support	650,000,000.00

S. 3302

A bill to afford dairy producers the means by which they may adjust their marketings of milk more nearly to equal demand and to improve and stabilize their price returns

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Dairy Income Stabilization Act."

SEC. 2 Section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446), is further amended by (i) inserting in the first sentence the word "and" before the word "honey," (ii) by deleting from such sentence the words "milk, butterfat, and the products of milk and butterfat," and (iii) by deleting subsection (c) in its entirety.

LEGISLATIVE FINDING

SEC. 3. Milk is a basic source of the Nation's food supply. Dairy farming, which is carried on in every State of the Nation and is an important source of farm income, constitutes a vital segment of the agricultural and national economy. It is in the national interest that there be adequate and balanced supplies of milk. Surpluses of milk result in low prices to producers and impair their purchasing power; shortages result in unreasonably high prices to consumers and the loss of markets for producers. Recurring shortages and surpluses cause undesirable fluctuations in prices to producers and consumers, unstable farm income, and disorderly marketing practices. The general welfare requires that interstate and foreign commerce be protected from the harmful effects of imbalances in the supply of milk and dairy products. All marketings of milk and dairy products are either in the current of interstate and foreign commerce or directly affect such commerce. The intrastate marketing of milk and dairy products is in competition with the marketing of milk and dairy products in interstate and foreign commerce. Milk and dairy products which enter directly into the current of interstate and foreign commerce cannot be effectively regulated without regulating that part within the State of production. The conditions affecting the production and marketing of milk and dairy products are such that, without Federal assistance, farmers individually or in cooperation cannot maintain a flow of an adequate and balanced supply of milk in interstate and foreign commerce at prices fair and reasonable to producers and consumers.

GENERAL DEFINITIONS

SEC. 4. For the purposes of this subtitle—

(a) The term "interstate commerce and foreign commerce" includes the movement of milk and dairy products in commerce between any State or the District of Columbia and any place outside thereof, or within the District of Columbia.

(b) The term "affect interstate and foreign commerce" means, among other things, to burden, obstruct, impede, or otherwise affect interstate and foreign commerce, the free and orderly flow thereof, or the production, storing, processing, marketing, or transportation of milk and dairy products for or in such commerce or after transportation therein.

(c) The term "Secretary" means the Secretary of Agriculture.

(d) The term "milk" means bovine milk, including any classification, type, or grade thereof.

(e) The term "fluid milk" means milk produced to meet the needs for consumption by humans as whole milk, cream, skim milk, or any mixture thereof.

(f) The term "marketing year" means the 12-month period beginning April 1 of each calendar year.

(g) The term "marketing period" means one of four successive periods of three successive calendar months in a marketing year.

(h) The term "national marketing allotment" for milk for any marketing year shall be the quantity of milk which the Secretary determines, taking into consideration the carryover as of the beginning of the marketing year, should be produced in the continental United States, excluding Alaska, in order to make available for such marketing year a quantity of milk equal to (1) the estimated consumption during such year in commercial markets at prices reflecting the price support level and in school lunch and child milk programs and other outlets of the Federal Government, within the United States, its territories and possessions, and Puerto Rico, (2) estimated exports during such year, including exports under foreign assistance programs, and (3) an allowance for carryover, minus (4) the estimated marketings during such year in excess of marketing allotments.

(i) The "allowance for carryover" shall be such amount of milk as the Secretary determines will provide an adequate carryover, taking into consideration the need for maintaining an adequate, dependable, and continuous supply of milk, and such other factors as the Secretary deems appropriate.

(j) "Producer" means any person who is engaged in the production of milk or butterfat for market.

(k) The term "person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate or any other business entity.

(l) "First processor" means (1) any person, other than a retail store or establishment serving food for consumption on the premises, who receives, purchases, or acquires milk or dairy products from a milk producer for disposition in any form to others, and (2) any producer who disposes of milk or dairy products directly to consumers, retail stores, and establishments serving food on the premises.

(m) "Dairy income stabilization program" means a program submitted for approval by producers in a referendum as provided in this act.

SEC. 5. In order to afford producers the opportunity and the means by which they can (i) adjust their marketing of milk more nearly to equal demand, thus increasing their net returns and reducing Government purchases under its price support program, and (ii) receive prices for their milk and dairy products supported at such levels as the Secretary determines to be appropriate in the light of the factors enumerated in section 6 of this Act, the Secretary is hereby authorized and directed, through the Commodity Credit Corporation and other means available to him, to make available to producers for the marketing year ending March 31, 1963, and each marketing year thereafter, a dairy income stabilization program as set forth in the following sections of this subtitle.

PRICE SUPPORT

SEC. 6. The Secretary shall, through the Commodity Credit Corporation and other means available to him, support the price of milk, through purchases of milk and dairy products, at a level not in excess of 90 per centum of the parity price for milk as of the beginning of the marketing year for which the price support applies, but as near such maximum level as the Secretary determines appropriate, taking into consideration (i) the supply of milk in relation to the demand therefor, (ii) the importance of milk to agriculture and the national economy, (iii) the ability to dispose of stocks of dairy products acquired through price support operations, (iv) the ability and willingness of producers to keep supplies in line with demand, and (v) the need of dairy farmers for a fair return on their labor and investment: *Provided*, That for any marketing year commencing on or after April 1, 1963, for which producers do not approve a dairy income stabilization program, or for any marketing year commencing on or after April 1, 1965, for which producers approve such a program, the level of price support shall not be such as the Secretary estimates will result in the acquisition under the price support program of quantities of milk and dairy products (i) which will be in excess of those quantities which can be utilized in the national interest, including school lunch, domestic welfare, and foreign assistance, and (ii) which will have a total acquisition cost (volume times unit purchase price) in excess of $300,000,000 plus an amount equal to the surplus marketing fees to be collected for such marketing year if marketing allotments are in effect: *Provided further*, That, in no event, if producers do not approve a dairy income stabilization program for any marketing year commencing on or after April 1, 1963, the level of price support for milk during such marketing year shall be not less than as set forth in the following table:

	Percent of parity
April 1963–March 1964	70
April 1964–March 1965	65
April 1965–March 1966	60
April 1966–March 1967	55
April 1967 and thereafter	50

Notwithstanding the foregoing provisions, price support shall be not less than 75 per centum of parity during the remainder of the marketing year ending March 31, 1963, and during any marketing year for which producers approve a dairy income stabilization program.

NORMAL MARKETING LEVELS

SEC. 7. The Secretary shall establish a normal marketing level for each producer who desires to enter into an agreement with Commodity Credit Corporation pursuant to section 12 of this Act, and, if producers approve a dairy income stabilization program for any marketing year, the Secretary shall establish a normal marketing level for each producer in the continental United States, excluding Alaska, who at the beginning of the marketing year for which such normal marketing level is to be established is engaged in the production of milk for market. Such normal marketing level shall be the number of pounds of milk, or the number of pounds of milk fat, or such units of dairy products as the Secretary may deem appropriate for the administration of this title, which the producer or his predecessor disposed of in commercial channels during the marketing year commencing April 1, 1961: *Provided*, That the Secretary shall make such adjustment in a producer's normal marketing level as the Secretary deems necessary for abnormal conditions affecting production or marketing, including but not limited to flood, drought, disease of herd, personal health, investments, and acquisitions or dispositions of cows and other production facilities which occurred before the effective date of this Act: *Provided further*, That, if a producer had no marketings during any part of such year, the Secretary may establish a normal marketing level for such producer which he determines to be fair and equitable, taking into consideration the marketings of the former operator of the milk production facilities, special investments and specialized training in dairy farming which occurred before the effective date of this Act, and other factors which the Secretary determines should be considered in establishing a fair and equitable normal marketing level: *Provided further*, That where two or more producers are engaged in milk production and marketing on a share or similar basis, the normal marketing level may be deemed to be a joint normal marketing level of the interested parties, and in the event of dissolution of such arrangement, the normal marketing level shall be transferred or divided as mutually agreed between or among such parties, or on such other basis as the Secretary determines to be fair and equitable, taking into consideration their relative investments and facilities and other factors which the Secretary determines should be considered. A producer's normal marketing level for a marketing year shall be apportioned by the Secretary among the marketing periods thereof in accordance with the producer's marketing pattern in 1961–62 or as otherwise will enable the producer to carry out his herd management plans for the marketing year. The quantity thus apportioned to a marketing period shall be the producer's normal marketing level for such period.

SEC. 8. The Secretary shall prescribe such conversion factors as he determines necessary for use in determining the quantity of milk marketed by producers who market their milk in the form of farm-separated cream, butterfat, or other dairy products.

SEC. 9. The quantity of milk or milk products by which a producer reduces his marketings during any marketing year pursuant to his agreement under this subtitle shall be considered as having been produced and marketed by him for the purpose of determining his normal marketing level for any subsequent marketing year.

SEC. 10. A producer may, to such extent and subject to such terms and conditions as the Secretary may prescribe, transfer his normal marketing level, or any part thereof, to any other producer or prospective new producer who agrees to utilize such normal marketing level for the disposition in commercial channels of milk, butterfat, or dairy products produced in the same State as that in which the transferer engaged in production, or any State adjacent thereto, or in such other State or area as the Secretary may authorize.

SEC. 11. The Secretary may utilize funds available for price support for milk to purchase and cancel normal marketing levels voluntarily offered by producers for sale, if he determines that (i) the cost of such purchase and cancellation will be less than the added cost of carrying out price support operations if such normal marketing levels were to remain in production, and (ii) such purchase and cancellation will aid in effective operation of the price support program and will further the purposes of this Act.

SURPLUS REDUCTION PAYMENTS

SEC. 12. To provide compensation to producers who voluntarily reduce their marketings of milk or butterfat during the marketing years commencing April 1, 1962, 1963, and 1964, respectively, the Commodity Credit Corporation is hereby authorized to make surplus reduction payments to any producer in the continental United States, excluding Alaska, who agrees to reduce, during any one or more marketing periods of such marketing years, his marketings to a level more than 7½ per centum but not more than the larger of 25 per centum or 7,500 pounds of milk equivalent below the lower of (i) his normal marketing level for each such marketing period or (ii) the level of marketings which the Secretary estimates would be marketed by the producer during each such marketing period if he continued to market at the rate of his marketings when he first enters into an agreement, adjusted for seasonal variation: *Provided*, that Commodity Credit Corporation shall, to the maximum extent practicable, limit such agreements so as not to reduce marketings in any dairy district below the quantity of milk which the Secretary estimates will assure consumers an adequate supply or by more than 10 percent of the total normal marketing levels for the marketing year established for producers within such dairy district. For this purpose, the Secretary shall divide the continental United States, excluding Alaska, into 15 dairy districts each having therein approximately the same proportion of total milk production. Commodity Credit Corporation may utilize surplus marketing fees paid to it under this Act, together with any other funds available to it for the purpose of price support, for the making of surplus reduction payments pursuant to such agreements. The rate of such payment shall not exceed such rate as the Secretary determines will effectuate voluntary reduction in marketings by producers, but in no event shall exceed the equivalent of $2.50 per hundredweight, basis 3.82 percent butterfat content. Such payments shall be made to a producer only with respect to that portion of his reduction during a marketing period which is equal to the quantity by which his total marketing during such period is below the lower of his levels designated in the preceding clauses (i) and (ii), and the amount of such payments, if he fails to reduce his marketings to the maximum extent required by his agreement, shall be reduced by an amount equal to 20 percent of what would have been the payment on the quantity of milk which he failed to reduce.

Agreements entered into hereunder may contain such terms and conditions as the Secretary determines necessary to effectuate the purpose of this section and to assure to the fullest extent practicable that producer's reduction in marketings is not offset through his transfer of milk cows to another producer for expansion of his production and marketing of milk or milk products.

PRODUCER REFERENDUM

SEC. 13. Not later than 30 days prior to the marketing years commencing on April 1, 1963, and April 1, 1964, and prior to each subsequent marketing year for which the Secretary determines that, in order to provide for an adequate support level, it will be necessary to have marketing allotments, the Secretary shall conduct a referendum, by secret ballot, of producers who during the preceding calendar year marketed not less than 5,000 pounds of milk to determine whether they approve the institution of a dairy income stabilization program for the marketing year commencing April 1 following such referendum. Producers shall be deemed to approve such a program if the Secretary determines that two-thirds of the producers who voted in the referendum approve such program. Before the referendum, the Secretary shall determine and announce for the marketing year immediately following such referendum (i) the support price which will be in effect if producers approve the dairy income stabilization program and (ii) the support price which will be in effect if producers do not approve such program. The Secretary shall, upon determination of the results of the referendum, promptly proclaim such determination.

PRODUCER MARKETING ALLOTMENTS

SEC. 14. If on or before February 1 preceding any marketing year commencing on or after April 1, 1965, the Secretary determines that, in order to provide price support for such marketing year at the level he deems appropriate pursuant to this Act, it will be necessary to have marketing allotments, he shall proclaim in advance of the referendum (i) that, subject to approval of a dairy income stabilization program by producers voting in a referendum, marketing allotments shall be in effect for milk and milk products marketed by producer in such marketing year, and (ii) the marketing allotment percentage for such year. If the Secretary determines that more than one-third of the producers voting in such referendum do not approve a dairy income stabilization program for such marketing year, such marketing allotments shall become ineffective upon proclamation of the results of the referendum.

SEC. 15. (a) If marketing allotments are proclaimed for any marketing year, the Secretary shall determine the marketing allotment percentage for such year by dividing the national marketing allotment for such year by the estimated aggregate of all producers' normal marketing levels. Each producer's marketing allotment for a marketing period shall be determined by multiplying his normal marketing level for such period by the marketing allotment percentage: *Provided*, That the Secretary may, if he determines that it will not impair effective administration of this Act, prescribe a minimum marketing allotment of not to exceed 5,000 pounds of milk annually for any producer holding a normal marketing level.

(b) The Secretary may, from time to time during the marketing year, review his determination of the national marketing allotment. If, as a result of such review, he determines that the national marketing allotment should be increased because of a substantial change in any of the factors entering into the determination of such allotment, he may increase such allotment to the extent he determines warranted by the change in such factors. If the national marketing allotment is increased, the Secretary shall proclaim the resulting increase in the marketing allotment percentage and the date on which it shall become effective for marketings during the remaining portion of the marketing year. The Secretary may not decrease during any marketing year the marketing allotment percentage proclaimed for such year.

SURPLUS MARKETING FEES

SEC. 16. (a) Whenever the Secretary proclaims that producers have approved a dairy income stabilization program for any marketing year commencing on or after April 1, 1963, the following marketings of milk and milk products in the continental United States, excluding Alaska, during any quarterly marketing period of such marketing year shall be subject to a surplus marketing fee: (i) Marketings by a producer in excess of his normal marketing level for such period if normal marketing levels are in effect and marketing allotments are not in effect, (ii) marketings by a producer in excess of his marketing allotment for such period if marketing allotments are in effect, and (iii) all marketings by a producer who has no normal marketing level for such period, if normal marketing levels are in effect. The amount of the fee shall be established and announced by the Secretary in advance of the marketing period to which it applies. Such marketing fee shall be that amount, not in excess of $2.75 per hundredweight which the Secretary estimates will discourage production of such excess marketings.

(b) The surplus marketing fee shall be paid to the Commodity Credit Corporation by the first processor who acquires from a producer milk or milk product which is subject to a surplus marketing fee, but an amount equivalent to the surplus marketing fee may be deducted from the price paid by the first processor to the producer: *Provided*, That in case any milk or milk product is marketed directly by the producer to any person outside the United States, the surplus marketing fee shall be paid and remitted by the producer. For the purpose of this section a first processor who is also a milk producer shall be deemed to have acquired that portion of his production the marketing of which is subject to a surplus marketing fee. Such surplus marketing fee shall become due and payable within fifteen days following the marketing period in which the first processor receives from any producer milk or milk products subject to such marketing fee or at the end of such other period of time as the Secretary may prescribe. The first processor and the producer shall be jointly and severally liable for any default in the payment of the surplus marketing fee and for interest thereon at the rate of 6 per centum per annum from the date such fee becomes due until the date of payment thereof except that the producer shall not be liable for any such default if the amount of the fee was deducted by the first processor from the price paid to the producer. Any termination of marketing allotments shall not affect liability for payment of surplus marketing fees with respect to milk or any product thereof marketed prior to such termination.

(c) The Commodity Credit Corporation shall refund to persons determined by the Secretary to be entitled thereto the amount of surplus marketing fees determined by the Secretary to have been erroneously paid to Commodity Credit Corporation. A person who has marketed in a marketing period in excess of (i) his normal marketing level if marketing allotments are not in effect or (ii) his marketing allotment if allotments are in effect, and who has marketed less than his applicable normal marketing level or marketing allotment in a subsequent marketing period within the same marketing year shall be eligible for a refund of, and upon application by him Commodity Credit Corporation shall refund to him, an amount of surplus marketing fee equal to the rate of fee applicable to excess marketings in such subsequent marketing period multiplied by the quantity by which his marketings were less than his applicable normal marketing level or marketing allotment in such subsequent marketing period, but not to exceed the amount of surplus marketing fee paid to Commodity Credit Corporation on his earlier excess marketings in the same marketing year.

(d) In case any person who is entitled to a surplus reduction payment or a refund of surplus marketing fees dies, becomes incompetent, or disappears before receiving such payment or refund, or is succeeded in law by another, the payment or refund shall, without regard to other provisions of law, be made as the Secretary may determine to be fair and reasonable in all circumstances. The basis for, the amount of, and the persons entitled to receive, a surplus reduction payment or a refund of a surplus marketing fee from Commodity Credit Corporation, when determined in accordance with regulations prescribed by the Secretary, and the amount of any payment or surplus marketing fee established by the Secretary, shall be final and conclusive.

DAIRY STABILIZATION ADVISORY COMMITTEE

SEC. 17. (a) There is hereby created a Dairy Stabilization Advisory Committee consisting of twenty-one members with an alternate member for each such member. Fifteen of such members and their respective alternates shall be producers and shall be elected as provided in subsection (b) of this section. Six of such members and their respective alternates shall be appointed by the Secretary, four of whom shall be processors or marketers of milk and dairy products or members, employees, or officers of firms engaged in the processing or marketing of milk or dairy products or representatives of associations of milk producers or farm organizations, one shall be a representative of consumer interests and one shall be an employee of the Department of Agriculture. The Secretary shall designate one member of the committee as chairman.

(b) In order to secure appropriate regional representation of the committee, the Secretary shall divide the continental United States, excluding Alaska, into fifteen dairy districts and shall so designate the districts as to include therein, insofar as is practicable, approximately the same proportion of total milk production. Each Federal dairy district shall be represented by one milk producer-member, and his alternate, on the committee. Each producer-member, and his alternate, shall be nominated and elected in such manner as the Secretary shall prescribe to assure representation of the majority of milk producers in each district. The Secretary shall conduct all elections for the selection of members and alternate members of the Dairy Stabilization Advisory Committee, and shall prescribe methods whereby each milk producer may vote in determining representation of his district on the committee. In making appointments to the Dairy Stabilization Advisory Committee, the Secretary shall give due consideration to securing representation of the various forms in which milk and its products are sold and of cooperative and other forms of management.

(c) Initial membership in the Dairy Stabilization Advisory Committee shall be equally divided between terms of two and four years, as designated by the Secretary, and, thereafter, each member and his alternate shall be elected or appointed for a term of four years. Terms of committee members shall be based on calendar years and shall expire on the last day of the last calendar year of the election or appointment. Each member and alternate member shall hold office for the term of his election or appointment and until his successor shall have been elected or appointed and shall have taken office. Committee members and their alternates may be removed for cause or ineligibility by the Secretary. In the event any member is unable to attend any meeting of the Dairy Stabilization Advisory Committee or perform any task assigned to him, his alternate may attend such meeting or perform such task. A vacancy in the membership of the committee shall be filled by the respective alternate. In the event of a vacancy in an alternate membership, the Secretary shall appoint an alternate to fill the unexpired term.

(d) The Dairy Stabilization Advisory Committee shall meet at the call of the Secretary no less than twice a year, and shall advise with and make recommendations to the Secretary with respect to the administration of this Act. The Dairy Stabilization Advisory Committee shall keep minutes of its meetings which minutes shall be a matter of public record except for such portions thereof as the Secretary determines should be withheld from public information for a period of time (1) in the interests of the national security as classified material under Records Security Regulations, or (2) because premature public release of such information might result in market speculation or have an adverse effect on current program operations.

(e) The Secretary is authorized to pay to members (other than the member from the Department of Agriculture) of the Dairy Stabilization Advisory Committee for each day's attendance at meetings and while traveling to and from such meetings transportation expenses and, in lieu of subsistence, a per diem in such amount as the Secretary determines necessary not to exceed $25 per day. No salary or other compensation shall be paid.

REVIEW AND USE OF COMMITTEES

Sec. 18. The normal marketing level established for a producer shall, in accordance with regulations of the Secretary, be made and kept freely available for public inspection in the county in which such producer resides and in the county or counties in which his dairy herd or herds are maintained. In establishing and apportioning marketing levels, the Secretary may utilize the services of local county and State committees established under section 8 of the Soil and Conservation and Domestic Allotment Act and of agencies established to administer milk marketing orders issued under the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended. Notice of the normal marketing level shall be mailed to each producer as soon as practicable after its determination. Any producer who is dissatisfied with his normal marketing level may, within fifteen days after the date of mailing to him of the notice thereof, have such normal marketing level reviewed by a local review committee in accordance with standards prescribed by the Secretary. Such review committee shall be composed of three producers, appointed by the Secretary, from one or more of the counties in which the producer maintains his dairy herd or herds or counties adjacent thereto. Such committee shall not include any member of any other committee which determined the normal marketing level for such producer. Unless application for review is made within such period the original determination of the normal marketing level shall be final and conclusive.

MISCELLANEOUS

Sec. 19. The provisions of section 364 (relating to review committee), section 365 (relating to the institution of proceedings), section 366 (relating to court review) and section 367 (relating to stay proceedings and exclusive jurisdiction) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1364–1367), shall be applicable to reviews and proceedings under this Act. The provisions of subsections (a) and (b) of section 373 of the Agricultural Adjustment Act of 1938, as amended, relating to reports and records of processors and farmers shall be applicable to each first processor and to each producer, respectively, under this Act. The provisions of section 388 (relating to utilization of local agencies) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1388), shall be applicable in the administration of this Act. The several district courts of the United States are hereby vested with jurisdiction specifically to enforce the provisions of this Act. If and when the Secretary shall so request, it shall be the duty of the several district attorneys, under the direction of the Attorney General, to institute proceedings, to collect surplus marketing fees provided in this Act. The remedies and surplus marketing fees provided herein shall be in addition to and not exclusive of any other remedy under law.

Sec. 20. Whenever normal marketing levels are established under this Act, notwithstanding any provision of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.), any order issued under section 8c thereof may in addition to the provisions in section 8c (5) and (7) contain provisions for an adjustment in the uniform price for producers receiving surplus reduction payments for marketings below their normal marketing level. Under such provisions the total payments to such producers under an order shall be equal to (1) the uniform price multiplied by their normal marketing level minus (2) the lowest class price under the order multiplied by the amount by which such producers have reduced marketings below their normal marketing level. In the computation of the uniform price there shall be included, at the lowest class price, the volume of milk upon which producers will be entitled to marketing adjustment payments. For the purposes of this section a producer's normal marketing level shall be apportioned on a monthly basis. In the case of a producer part of whose normal marketing level is based on marketings which were not subject to regulation under the order during the representative period the Secretary shall apportion such producer's normal marketing level in accordance with his deliveries of milk in such representative period and the reduction in deliveries from the amount apportioned to the marketing area shall be considered in the calculation of the uniform price and payment under such order. The incorporation of provisions in an order hereunder shall be subject to the same procedural requirements of the Act as other provisions under section 8c.

Sec. 21. No person engaged in the purchase or handling of milk, milk fat, or dairy products shall discriminate against any producer who enters into an agreement with the Commodity Credit Corporation pursuant to this Act. The Commodity Credit Corporation shall not purchase dairy products from any person whom the Secretary determines practices such discrimination. The several district courts of the United States shall have original jurisdiction to hear and determine controversies arising under this section, without regard to the amount in controversy, and to enjoin and restrain any person or persons from discriminating or conspiring to discriminate against any producer in violation of this section.

Sec. 22. (a) The Secretary shall prescribe such regulations as are necessary for the enforcement and the effective administration of this Act.

(b) Costs incurred in the carrying out of the provisions of this Act, except section 20 hereof, shall be borne by the Commodity Credit Corporation and shall be considered as nonadministrative expenses of the Corporation.

Synopsis of Proposed Dairy Income Stabilization Act With Transitional Features

May 11, 1962.

1. Amendment of present law: Deletes the dairy price support provisions of Section 201 of the Agricultural Act of 1949, as amended.

2. Price support: Authorizes price support for milk, through purchases of milk and its products, as near 90 percent of parity as the Secretary determines appropriate, considering the supply in relation to demand, importance of milk, available outlets for price support stocks, willingness of producers to adjust supplies to demand, and need for adequate dairy farm income, subject to the following:

(1) For any marketing year commencing on or after April 1, 1963, for which producers do not approve a dairy income stabilization program, or for any marketing year commencing on or after April 1, 1965, for which they approve such a program, the level of support shall not be such as the Secretary estimates will result in purchases of more dairy products than can be used in the national interest, including school lunch, welfare, and foreign assistance, up to a total acquisition cost of $300 million plus any surplus marketing fees collected, and

(2) If more than one third of the producers voting disapprove a stabilization program for any marketing year commencing on or after April 1, 1963, the minimum support level shall be reduced 5 percent of parity each year through March 1967, after which the minimum shall be 50 percent.

(3) Price support shall be not less than 75 percent of parity through March 1963 and in any subsequent marketing year for which producers approve a stabilization program.

3. Normal marketing levels: The Secretary shall establish a "normal marketing level" for each producer who agrees to reduce his marketings and for all producers if producers approve supply management. It shall be the quantity of milk or its products marketed by producers in the 1961–62 marketing year, subject to adjustments for such factors as abnormal production or marketing conditions, flood, drought, herd disease, personal health, and investments and changes in production facilities before the effective date of the act. A producer's normal marketing level for the year shall be apportioned among marketing periods thereof in accordance with his marketing pattern in 1961–62 or as otherwise will enable him to carry out his herd management plans.

A producer may transfer part or all of his normal marketing level to another producer in the same or an adjoining State or other State as authorized by and subject to rules and regulations prescribed by the Secretary. The Secretary may buy and cancel normal marketing levels voluntarily offered for sale by producers if this will cost less than buying the milk products if produced and will effectuate the act.

4. Surplus reduction payments: Commodity Credit Corporation may make surplus reduction payments to producers who agree to reduce their marketings during the marketing years ending March 31, 1963, 1964, and 1965, between 7½ percent and the larger of 25 percent or 7,500 pounds of milk equivalent per marketing period (30,000 pounds a year), below the lower of his 1961–62

marketings or his current rate of marketings when he first enters into an agreement. Agreements are to be limited so as not to reduce marketings in any dairy district below an adequate supply or by more than 10 percent. The payment rate may be up to $2.50 a hundredweight of milk equivalent, basis 3.82 percent milkfat content.

5. Producer referendum: Before the marketing years commencing April 1, 1963, and April 1, 1964, and before the beginning of each subsequent marketing year for which the Secretary determines that, in order to provide for an adequate support level, it will be necessary to have marketing allotments, the Secretary shall conduct a referendum of producers who marketed 5,000 pounds of milk in the preceding calendar year. If two-thirds of those voting approve, the supply management provisions will be in effect.

6. Producer marketing allotments: If before any marketing year commencing on or after April 1, 1965, the Secretary determines that, in order to provide for an appropriate price support level, it will be necessary to have marketing allotments, he shall announce the marketing allotment percentage for such year which shall be in effect if two-thirds of the producers voting approve supply-management for that year. The allotment percentage shall be determined as follows:

The Secretary shall determine the "national marketing allotment" for the marketing year. This will be the quantity of milk which should be produced taking into account beginning and ending inventories, domestic consumption, school lunch and welfare uses, and exports including foreign assistance, minus estimated overallotment marketings. The national allotment percentage will be the national marketing allotment divided by the estimated total of all producers' normal marketing levels based on their 1961–62 marketings. Each producer's marketing allotment will be his normal marketing level multiplied by the national allotment percentage, except that the Secretary may prescribe a minimum allotment of not over 5,000 pounds of milk a year which any producer may market without paying the fee. The Secretary may increase, but not decrease, the allotment percentage during a marketing year.

7. Surplus marketing fees: Whenever producers have approved a supply management dairy income stabilization program for any year commencing on or after April 1, 1963, a surplus marketing fee will be assessed on all milk and milk products marketed by any producer in excess of his normal marketing level if no allotments are in effect, or in excess of his allotment if allotments are in effect. The fee shall be that amount, up to $2.75 per hundredweight which will discourage production of overallotment milk. The fee shall be paid to Commodity Credit Corporation by the first processor who acquires such excess milk products from a producer, except that a producer who markets his milk directly to consumers, retail stores, and restaurants will pay it to CCC. A producer who has marketed in excess of his normal marketing level or allotment in a marketing period and has offset this by undermarketing in a subsequent marketing period within the same marketing year will be eligible for a refund of part or all of the fees paid.

8. Advisory committee: Creates a Dairy Stabilization Advisory Committee of 21, of whom 16 shall be producers elected by producers in 15 dairy districts, to advise and make recommendations to the Secretary on administration of the program.

9. Review committees: A producer who is dissatisfied with his normal marketing level could have it reviewed by a local committee of producers appointed by the Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., May 14, 1962.
Hon. HUBERT HUMPHREY,
U.S. Senate.

DEAR HUBERT: This is in response to your letter of May 9 enclosing a draft of a proposed Transitional Dairy Income Stabilization Act and requesting an appraisal of the probable operating results of such a program. The major features of the proposed act are as outlined in the attached summary. The following is a summary of the results of our analysis of these provisions, including answers to the questions you raised.

The Department has previously expressed its desire to restore dairy price support to the 1961–62 level of $3.40 per hundredweight. If this legislation were adopted, price support would be restored to that level for the remainder of the 1962–63 marketing year.

The support levels for subsequent years would be determined and announced before the beginning of each marketing year at levels as near to 90 percent of parity as possible. For purposes of estimating the probable effects, on a comparable basis, however, it is assumed in these calculations that price support would continue at $3.40 per hundredweight. If demand and market conditions warrant, and if participation in the voluntary surplus reduction and base retirement programs is at a good level, price and income improvement might progress more rapidly than shown at the assumed $3.40 support level.

It also is assumed that, as a result of voluntary agreements by producers to reduce their marketings, and the Government purchase and cancellation of "normal marketing levels" voluntarily offered by producers, total marketings of milk and its products during the last half of 1962–63 would be about 3 percent smaller and during 1963–64 and 1964–65 would be about 5 percent smaller than in the 1961–62 base period. It is reasonable to expect that there would be enough normal marketing levels bought and canceled and enough improvement in market demand by 1965 so that it would not be necessary at any time in the future to make allotments less than 100 percent of the 1961–62 base period marketings.

The estimates set forth below assume that the legislation would be enacted in time to get the transitional features in operation by October 1, 1962. No referendum would be required to put the program into operation for the balance of the current marketing year. For subsequent years, the probable program costs and effects upon dairy farm income are shown both on the basis of approval by farmers in referendums of the stabilization program, and if they reject the program.

In the prospective supply and demand situation, if producers rejected the stabilization program, market prices undoubtedly would be at the minimum support levels of 70 and 65 percent of parity through 1964–65, and price support operations to maintain even these levels would require annual expenditures of more than $300 million.

The calculations for the 1963–64 and 1964–65 marketing years assume that price supports would be at the alternative legal minimum levels if producers rejected a stabilization program. It is impossible to determine, with reliable accuracy, the level which could be supported with a $300 million expenditure if producers rejected the stabilization program. This eventually would depend upon how much milk production might decline as a result of several years of declining prices, as well as upon developments in market demand. It probably would be possible by 1965 or 1966, without supply management, to support a level somewhere between 60 and 65 percent of parity ($2.50 to $2.70 per cwt.) with expenditures of $300 million.

The estimated program costs represent Commodity Credit Corporation's net expenditures for price support purchases of dairy products (total acquisition and handling costs less sales receipts) and total reduction payments. The estimates assume that there would be no marketings in excess of the 1961–62 marketings. To the extent that there might be excess marketing subject to surplus reduction fees, price support purchases would be larger but the cost of the resulting additional purchases would be partly covered by the fees collected.

Sincerely yours,
ORVILLE L. FREEMAN,
Secretary.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3302) to afford dairy producers the means by which they may adjust their marketings of milk more nearly to equal demand and to improve and stabilize their price returns, introduced by Mr. HUMPHREY (for himself and Mr. MCCARTHY), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. PROXMIRE. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I am happy to yield to the distinguished Senator from Wisconsin, to whom I have referred earlier in my remarks; I have commented on his outstanding work in behalf of the dairy farmers and his consistent battle for the enactment in this Congress of effective legislation to be of assistance to the dairy producers.

Mr. PROXMIRE. Mr. President, I wish to say that of course the Senator from Minnesota is well known in Wisconsin; in fact, I believe he is better known than is the junior Senator from Wisconsin. The Senator from Minnesota is well known as a real champion of the American farmer, and especially the dairy farmer; and I believe it is very much in character that the Senator from Minnesota should be fighting hard for the enactment of what he considers the best possible kind of legislation for the benefit of the dairy farmer, under the trying and difficult circumstances which now exist, in which the consumption of dairy products has taken a sharp absolute drop overall nationally. Of course, for many years it has been dropping on a per capita basis.

I should like to ask the Senator from Minnesota some questions about the measure he proposes.

In the first place, does he expect to offer this measure as an amendment to the farm bill?

Mr. HUMPHREY. I do.

Mr. PROXMIRE. Does the Senator from Minnesota expect to offer it within the next week or 10 days?

Mr. HUMPHREY. Yes. I shall offer it as an amendment, in hopes that it will be adopted. But even if I did not have that hope, I would offer it simply for purpose of having a thoughtful debate on dairy income and dairy production problems, so that Members of the Senate who are concerned about these problems may have a chance to have a little better hearing with their colleagues in regard to the urgency of the enactment of some effective legislation to be of assistance to this segment of our agricultural economy.

Mr. PROXMIRE. There are several points which I should like to bring up now, if I may, for the record, for I believe they should be discussed as soon as possible, for these matters are most important throughout the country.

The fact is that milk is the No. 1 cash crop on the farms; and, as I understand, farm income depends more on milk than it does on any other commodity. So if there is to be anything like prosperous farming, something must be done now about this situation.

First of all, it is difficult to tell, from reading the bill, whether the price support for 1962–63 would be "not less than 75 percent of parity," or a higher figure such as $3.40. In other words, if the proposed amendment is adopted and if the bill as thus amended is passed within the next few weeks, what would be the price which the farmer would get for his milk in the current marketing year? Would there be a referendum?

Mr. HUMPHREY. There would not be a referendum this year; there would be a referendum for the crop year 1963–64. I expect that the Secretary of Agriculture would establish a support level at or near the $3.40 level which we have tried earlier to maintain.

Mr. PROXMIRE. And if that passed, would the price of milk be what it is now—75 percent of parity, as presently defined—or would it be higher?

Mr. HUMPHREY. There would be a minimum of 75 percent of parity; but there would be the possibility of surplus reduction payments of up to $2.50 per hundredweight for voluntarily agreeing to reduce their marketings from 7½ percent up to 25 percent—or 30,000 pounds a year, if that is larger—below their marketings in 1961–62. In other words, surplus reduction payments of up to $2.50 a hundredweight——

Mr. PROXMIRE. That is the provision of the House bill, is it not?

Mr. HUMPHREY. Yes; and it would permit raising the price support levels to $3.40 a hundredweight.

Mr. PROXMIRE. That is not clear in the bill. Would this be for those who would voluntarily agree to reduce their marketings from 7½ percent up to 25 percent—or 30,000 pounds a year, if that is larger—below their marketings in 1961–62? In other words, for this year and in 1963 dairy farmers as a whole would receive the same price supports they are receiving at the present time; is that correct?

Mr. HUMPHREY. As I have said, by cooperation and by voluntarily reducing production they would be able to get a substantially higher price per hundredweight.

Mr. PROXMIRE. Why does not the Senator from Minnesota provide in his measure the definite support price or percentage of parity which the dairy farmer would receive? If this proposal goes into effect, and if such a referendum is held, and if the farmers, in participating in the referendum, vote on supply management, why does not the Senator's measure spell out the price they would receive—which is done, as I understand, for most crops? The Senator's proposal calls for 75 percent of parity or for as high a price as the Secretary of Agriculture can achieve under the circumstances, with a maximum expenditure of $300 million. This is not a clear basis for an informed choice.

Mr. HUMPHREY. Yes.

Mr. PROXMIRE. Why is not a specific price spelled out in the amendment?

Mr. HUMPHREY. Because it will depend upon the extent of participation. If the farmers participate and if they take advantage of the cuts which they could make, and thereby receive the payments for reducing their supplies, they will receive in excess of 75 percent of parity. But if they do not, they will get gradually decreasing percentages of parity.

Mr. PROXMIRE. But it seems to me that if the Government is to limit its purchases to $300 million, and if there is to be a specific reduction of production, I believe each farmer should have a definite parity and dollar-and-cents choice so that he would know precisely what his vote means.

Mr. HUMPHREY. But I think the Senator from Wisconsin misunderstands this proposal. The $300 million referred to would be provided for purchases even if the farmers reject, in the referendum, the proposed supply management provisions. In that event, in the first year they may get down to 70 percent of parity, with no control of production.

The Government should not then buy $500 million worth or $600 million worth. But if supply is controlled and if the farmers agree, by a two-thirds vote in the referendum, to accept the control provisions, it is assumed, in connection with the bill the market price will be considerably higher than without the controls and, second, that there will not then be need for the Government to make unlimited purchases.

Mr. PROXMIRE. I must say that I am puzzled by this proposal. My staff and I have studied the bill very carefully. We understand that even with quotas, under this proposal the Government would be limited to purchases of $300 million, and the price the farmers would receive in 1962–63 would be 75 percent of parity or a somewhat higher figure, but it is not clear what.

Mr. HUMPHREY. But apparently the Senator from Wisconsin misunderstands my thought in regard to this matter My point is that if the quotas are established and if the farmers voluntarily impose upon themselves the supply management provisions of the bill, the $300 million would be more than adequate for whatever amounts the Government would have to purchase. The purpose of the $300 million provision is primarily to let the farmers know that if the supply management provisions are rejected and if in the first year the price support drops to 70 percent of parity, they cannot expect to have unlimited production and still expect the Government to buy all that is produced. Instead the Government will then be permitted to purchase up to $300 million worth. But if the referendum is held and if in the referendum two-thirds of the farmers vote for the supply management provisions, and if quotas are then established and if the fees are established and if compensatory payments for compliance are made, then the $300 million will be more than adequate for the purchases the Government might need to make in any one year in order to stabilize market conditions.

Mr. PROXMIRE. Yes, but, at any rate, the $300 million is the limit the Government could purchase, whether there are quotas or no quotas.

Mr. HUMPHREY. That is correct. The Secretary of Agriculture would establish a support price at a level which could be maintained within the $300 million limitation.

Mr. PROXMIRE. That is a considerable reduction below what the Government is purchasing this year.

Mr. HUMPHREY. That is correct. I hope the Government will not have to purchase as much next year or the year after. I do not think we ought to get into a contest to see how much the Government can buy. The provision of $300 million is based on the principle that, the farmers can reject supply management, and if they reject it in a vote, the first year the minimum support level will drop 5 percent, and will drop 5 percent each of the succeeding 4 years, so that there will be a total drop of 25 percent. The supports will drop from 75 percent to 70 percent, to 65 percent, to 60 percent, to 55 percent, to 50 percent, if the farmers produce more, until the minimum support level can be maintained within the $300 million limitation. That is the purpose of the provision.

Mr. PROXMIRE. There is one aspect of the bill which has great merit, that it reduces the cost of the farm program.

Mr. HUMPHREY. And it increases farm income.

Mr. PROXMIRE. Let us see if it does. In my book that must be the main purpose of any farm bill. That is what I am coming to now. First, what may be a technical error: it appears that that no quota program is authorized in the bill for 1963–64 or 1964–65 in sections 441 and 442 of the bill. Perhaps that matter can be worked out later. Perhaps there is a special reason for it.

I am especially concerned with the proposed steady reduction of price supports from 75 to 50 percent, in the event controls are turned down.

One of the great shames, and I think the greatest economic injustice in this country, is how low farm income has gone. No one has argued this point more eloquently in the Senate and all over the country than has the Senator from Minnesota.

We are considering a bill which, if adopted, will give every farmer who has a cow, or a cow in production for 9 months, a vote. This means we will have many people voting who are not dairy farmers. In fact, most of those voting would not be exclusively dairy farmers. People will be voting who do not have dairy farming as their primary interest. Under those circumstances it seems to me there is every chance that two-thirds of those eligible to vote will not vote in favor of supply management. But if a two-thirds majority is not achieved, dairy farmers will lose the permanent provisions of the present law, which, though they are very deficient, at least they provide the farmer with a floor of 75 percent of parity.

I am extremely reluctant to go along with any legislation that under any circumstances is going to reduce the price the farmer gets below the present seriously low prices.

Mr. HUMPHREY. Let me say, first, that everybody who owns a cow will not have a vote.

Mr. PROXMIRE. One who produces 5,000 pounds will. The average cow in Wisconsin produces about 8,000 pounds a year.

Mr. HUMPHREY. Mr. President, I want to make it crystal clear that I do not support farm legislation which is an open-end gate. I never have. I have said time and time again that if a price support program is to be enacted, and if it is fair, and if the cost is reasonable, then the farmer must be subjected to supply management. We cannot expect the Treasury to be available for people to say, "Let us take hold of some of it." The bill provides up to 90 percent of parity, which is beyond the $3.40 a hundredweight that was the price until April of this year, and the Senator from Minnesota is saying that if farmers are to receive a fair price for their commodities—a goal I have actively supported for years—they must accept supply management. But if they are not going to accept supply management, they cannot expect to have a sort of open drawing account on the Treasury to see how many pounds of milk each cow can produce and get the Government to buy it.

I do not think one proves himself a friend to the farmer by offering this open-end proposal. Wheat producers have to take quotas. Cotton, rice, and tobacco producers have to take quotas. One of the real faults of the corn program that went into operation in 1959 was that the former Secretary of Agriculture offered an open-ended program with 65 percent of parity to all producers without differentiating between commercial and noncommercial producers. This Senator warned we could expect millions of acres of new cropland to be plowed up and planted to corn. But I underestimated how great the increase would be. That was the beginning of the real trouble under the feed grain program.

We are in trouble in the dairy program. We have had large quantities of butter, and it is not always as easy to use as we would like to believe. I do not think we can expect the Congress or the general public to have an open-end market. I want to see an improvement, and I do not want a 65 percent of parity program. We are giving the producer his option under my proposal. We say, "Mr. Farmer, if you do not want any controls, that is your business, but each year, starting at 75 percent, the price support will be reduced to 70, 65, 60, 55, 50, until the Government buys only $300 million worth of dairy products. You ought to know that. But if you will accept the year of 1961–62, which is a pretty good year of farm production, as your base period, if you will make cutbacks up to 7½ to 25 percent of your production, you can be paid $2.50 per hundredweight for those cutbacks."

That is the principle we have used in the emergency feed grain program, which has been popular and an improvement over previous programs. This dairy program will work, according to the estimates of the Department of Agriculture, and will cost the taxpayers considerably less than the present program. In addition, it will improve farm income and stabilize market conditions in the dairy industry.

I do not say the bill is perfect. I have been around here a long time. We generally say that if one introduces a bill in Congress and it comes back with his name on it, he has had a singular victory, much more so if it comes back with the provisions he originally introduced. That is an exaggeration, but we all know that bills are subject to considerable adjustment and, I think, improvement, frequently, as they go through the committees of Congress.

I feel we cannot tolerate the existing situation. I have supported many proposals made in an attempt to help improve the situation. This is another effort. This is an effort based upon the principle of the emergency feed grain program, under which we pay people when they are cooperators, and if they are not cooperators they do not receive Government assistance. In other words, they either cooperate or they do not get help.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. PROXMIRE. I agree wholeheartedly that we must have cooperators. I agree that we cannot have an open-end program. I agree that we must have dairy legislation that will cut costs.

But I am deeply concerned with the likelihood, or at least the strong possibility, that the proposed act would reduce dairy income. As the Senator from Minnesota has said so eloquently, the dairy farmer's income is far too low now. Important as the cost is, farm income is more important that this cost of the program. I suggest we ought to try hard to arrive at the following alternative: 75 percent of parity, which is what the dairy farmer is getting now as the absolute floor. We both fought so hard, under the Humphrey resolution, to keep it from going as low as it is, earlier this year.

Under my proposal, the support price would be 75 percent of parity if one-third or more of the dairy farmers voted "No." This would be punishing. This would be hard.

If farmers voted "Yes," for supply management, then the support price would be 90 percent of parity. In this way there could not be a reduction of dairy farm income below the present low level. And there would be a strong positive differential if the farmers voted for supply management, of 63 cents per hundredweight.

This kind of proposal makes sense. Under no circumstances would it reduce farm income and it would cut costs. While it would not reduce cost as much as the Senator's proposal would, the fact is that cost of the dairy industry, big as it is now, is substantially less, in terms of dollar value importance of dairying, than the average cost of feed grains, of wheat, of cotton, or of most any other farm program over the past several years.

I think we should give the dairy farmer a genuinely fair choice. We should give him an opportunity to vote for supply management under circumstances which would give him a better income. This would offer dairy farmers an alternative which is responsible, which is sound fiscally, which would keep the farm program from becoming excessively costly. At the same time it would guarantee that under no circumstances would farm income go below the present level.

The Senator has been very patient, and I apologize to him.

Mr. HUMPHREY. Not at all. I say to the Senator, first, that the suggestion has merit. What I have attempted to do was to arrive at a proposal which would, first, improve dairy income—which is at almost a disastrous low now.

Mr. PROXMIRE. Yes, indeed.

Mr. HUMPHREY. Under the program I proposed producers would gain $65 million in net income in the current year and $200 million or more over what they would receive under the present law in subsequent years. I am sure the Senator knows I would not propose a program unless it would improve the income of our dairy farmers.

Secondly, this proposal would attempt to reduce the Government accumulation of the stocks. As I said earlier, before the Senator came into the Chamber, any program which we design must have within it the means of fulfilling our requirements at home for assistance with respect to school lunches, the school milk program, and the program for the unemployed and the needy, which are surely a necessary part of our national policy. It also must have within it features which will provide the supplies necessary for our oversea program, our food-for-peace program, which has become a fundamental part of our economic assistance abroad. I think it is one of the best programs we have.

So, when I speak of supply, I do not speak of the narrow dimensions of what we know as the classical law of supply and demand in the normal commercial marketplace.

The Senator has made a suggestion that we have alternatives, instead of the downward scale which I propose for 5 years. He has suggested the figure be fixed at 75 percent of parity. I am sure the Senator would wish to include premium payments, if the farmer cut back.

Mr. PROXMIRE. By all means. That is an excellent proposal, and I am including it in my amendment.

Mr. HUMPHREY. If this were established with 90 percent of parity for the higher level, it would be necessary to require some adjustment in production by the farmers, but it would certainly be a fair price for farmers to receive.

Mr. PROXMIRE. Not necessarily a cutback. And most important it will give farmers a real choice, not controls or ruin.

Mr. HUMPHREY. I learned a long time ago that as we discuss these items we frequently have a meeting of the minds, or come closer to what we believe to be a fair proposition, and I am sure the Senator from Wisconsin would agree that his experience has been the same. I hope that, as we think about the matter in the next few days, possibly we can reconcile our differences to our mutual satisfaction. My proposal does not contemplate a mandatory cutback. It offers producers a realistic opportunity to adjust production and improve their net income.

Mr. PROXMIRE. I apologize to the Senator for taking so much time, and also to the Senator from Idaho [Mr. DWORSHAK]. The Senator has been very patient.

Mr. HUMPHREY. I am delighted to discuss the proposal with the Senator. I know of few men who are better equipped to discuss the subject.

Mr. PROXMIRE. There are a couple of technical matters I would like to have cleared up.

As the bill is drafted, if the farmer should vote against supply management in 1963, and then against it again in 1964, or at any time in the future, it would be possible for the Secretary not to ask for an allotment system, not to ask for a vote in a subsequent year, but to say, "It looks like the farmers do not want to cooperate, so we will have no price supports."

Then the price could be set as low as zero price supports, as I read the bill. Is that a misreading?

Mr. HUMPHREY. The bill provides a minimum support level of 75 percent of parity through April of 1965, if producers approve in the referendum. Beyond that I have relief upon the fact that a Secretary would not be so ridiculous as to go to zero. It may be a point we would wish to firm up in the bill. As the Senator knows, under the feed grain program we have provided from 0 to 90 percent price supports. Perhaps we should provide some minimum level of support if producers approve the program in referendum.

Mr. PROXMIRE. Yes.

Mr. HUMPHREY. The Secretary must look at the supply situation and come up with a reasonable figure. If the Senator is concerned—and he may have good reason for proper concern—I would have no objection to accepting an adequate amendment providing a minimum support level.

Mr. PROXMIRE. There has not been a referendum vote in the dairy area.

Mr. HUMPHREY. The Senator is correct.

Mr. PROXMIRE. We do know what the farmers will wish to do. I am sure the present Secretary would fight to the death to provide an adequate income for the farmers.

Mr. HUMPHREY. I am sure the Senator is correct.

Mr. PROXMIRE. That is his principal cause, and he recognizes it. It is possible, however, that a Secretary or an administration might at some time in the future say, "The farmers have had their chance. They have voted repeatedly against controls; we will buy $300 million worth of dairy products, no more, and prices can sink."

Mr. HUMPHREY. I think this is highly unlikely.

Mr. PROXMIRE. I have only one more question to ask. I am not sure, from a reading of the bill, if when reductions in marketing are necessary under the marketing allotment program, these are to be compensated as provided in section 440 of the Senator's bill.

Let me ask the question in this way: In the event that quotas should go into effect and the quotas should provide for a reduction of 10 percent, would the farmer be compensated $2.50 per hundredweight?

Mr. HUMPHREY. Will the Senator state his question again?

Mr. PROXMIRE. In the event that quotas are approved, and the Secretary should set a cutback of 10 percent, then would a farmer who reduced his production by 10 percent receive a $2.50 payment per hundredweight, up to 30,000 pounds, for the reduction?

Mr. HUMPHREY. Payments would be authorized to producers reducing their production.

Mr. PROXMIRE. Even though it was required for all farmers?

Mr. HUMPHREY. That is correct.

Mr. PROXMIRE. I see. I missed that point. This is a way of compensating the farmers.

Mr. HUMPHREY. Wait; I am sorry. Payments are authorized only when the reductions are voluntary. The Secretary is not authorized to make cutbacks until the marketing year beginning April 1, 1965. And even then a cutback should not be necessary. After April 1, 1965, there would be no further payments for reductions.

Mr. PROXMIRE. It is a way of seeing that the income of farmers will not go below the present income, and will, in fact, be higher?

Mr. HUMPHREY. Exactly.

Mr. PROXMIRE. Even though there might be a support price of less than 90 percent of parity.

Mr. HUMPHREY. The Senator is correct.

Those farmers who comply and who vote in the referendum for the system of supply management, would be compensated $2.50 per hundredweight for the cutback they would make under the system which they approved in the referendum.

Mr. PROXMIRE. This would be for all farmers.

Mr. HUMPHREY. The Senator is correct. It would be for all farmers who make the cutback, yes.

Mr. PROXMIRE. All would be required to do so, if two-thirds of them voted to do so.

Mr. HUMPHREY. No. They would not be required to, but some person might produce more than his base. He would be penalized $2.50 per hundredweight for that.

Mr. PROXMIRE. I understand.

Mr. HUMPHREY. In other words, the farmer should comply with the base.

One nice thing about the dairy industry is that there are production figures for every farmer. There is no doubt about a farmer's production. His historic base is well known. One can check not only the figure for each farmer, but also the figure for each cow in many cases, as the Senator indicated to me a little while ago.

We have no doubt that if two-thirds of the farmers approve, in the referendum, every farmer will come under supply management, and every farmer will comply. The farmer who makes the cutback will get the $2.50 per hundredweight. If he produces over his base—if the program is approved by a two-thirds vote in the referendum—then he must pay the fee for violation in terms of the amount which he produces over his quota.

Mr. PROXMIRE. I have only one other question, on one other aspect of the problem. Would the Secretary have to set a reduction of 7½ percent or more in order to work the program out in such a way that the farmers would be compensated? If the Secretary set the reduction at 5 percent or at 6 percent, the farmers would have to reduce production but there would be no payments on the part of the Government, because as the bill is drafted it is necessary for a farmer to reduce 7½ percent, at least, before he is given any compensation. However, of course, if a farmer wished to do so he would be free to go a little further than the mandatory cutback.

Mr. HUMPHREY. Not exactly.

Mr. PROXMIRE. The farmer could take the 5-percent reduction and add a 2½-percent reduction, in order to get his payment. It would be a premium.

Mr. HUMPHREY. Just a minute. I want to make it very clear that there would be no cutback required during the periods when payments are authorized.

Mr. PROXMIRE. I see.

Mr. HUMPHREY. I should like to clarify one other point from the letter of the Secretary. I read from the letter:

> The Department has previously expressed its desire to restore dairy price support to the 1961–62 level of $3.40 per hundredweight. If this legislation were adopted—

Speaking of the bill of which we have been discussing—

> price support would be restored to that level for the remainder of the 1962–63 marketing year.

The Department has given assurance that the $3.40 support level would be restored for the remainder of the year. Then in the year 1962–63, the next year, the compulsory features would go into effect.

Mr. PROXMIRE. I am not sure I follow the Senator. The provision is not in the bill as drafted, but in a letter the Secretary states that if the bill is adopted, the support price would go back to $3.40.

Mr. HUMPHREY. The price would go back to $3.40 for the remainder of this marketing year. If the bill is enacted, the Secretary has assured us that the support level would be $3.40 until April 1, 1963.

Mr. PROXMIRE. With no limits on the provision with reference to payments to farmers who automatically comply.

Mr. HUMPHREY. Yes. A farmer receives an extra payment for that.

Mr. PROXMIRE. I should like to emphasize one final point. I think to have the year 1961–62 as the basis is very good. We have seen in the State of Wisconsin—and I am sure that it is true all over the country—that farmers are trying to build up their herds, because they figure that 1962–63 is the year that might be the base. As a result, there is a "base race" going on.

Mr. HUMPHREY. 1961–62 is the logical base year and the one used in the proposed legislation.

Mr. PROXMIRE. That is important. I believe we should stick to that, and if the proposed legislation should not pass, we should insist that bases in the future will use the marketing year of 1961–62 as the standard; otherwise, there will be a continuous incentive to overproduction.

Mr. HUMPHREY. I believe the Senator is correct. Many of his inquiries today have been helpful. At the beginning of the discussion of the proposal I said that it is a sort of worksheet. I hope we can refine it. I have spoken to the chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana [Mr. ELLENDER], about the problem. I said in case it were not included in the proposed legislation which will soon be before the Senate—the general farm bill—it was my hope there would be hearings on separate proposed legislation relating to dairy immediately following the passage of the omnibus farm bill. We cannot get through the remainder of this year into the next marketing year with no assurances whatever of what the future will offer. The Senator from Wisconsin has made the point—and well it should be made—that because of the emergency in farm areas, particularly among dairy producers, there is an increase in production now merely because farmers do not know what to look for in the future. Therefore, the market will become more erratic and unstable than it has been even up to the present date.

I believe Congress has an obligation to enact some form of proposed dairy legislation that will improve farm income. Such proposed legislation must be passed before the 2d session of the 87th Congress adjourns, or we shall discover next year that because of the existing law, the Secretary will be required to purchase, purchase, and purchase; and with increased production, we shall have unbelievable stocks. Then all at once the Department of Agriculture will be condemned for having a huge overflow, when in fact we in the Congress are the architects of the program. If we do not design a program, we shall have to accept that responsibility.

Mr. DWORSHAK. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. DWORSHAK. I find myself in agreement with the Senator from Minnesota when he states that the dairy industry is in trouble. I am sure that the very alert and astute Senator from Minnesota will recall that the dairy industry became immersed in its present trouble a year ago, in April, when Secretary of Agriculture Freeman, after having assumed his position as Secretary, made a political gesture to the dairymen of our country and voluntarily issued an order raising the support price of milk to $3.40 a hundred pounds.

As a result of that action, production was materially increased. During the past year the Government was forced to purchase 474 million pounds of butter, a huge stock of cheese, and other dairy products. Then the Secretary found himself caught in his own web; and on April 1 of this year, he reduced the price to $3.11.

I have listened with keen interest to the explanation of the Senator from Minnesota with reference to the new magic wand that would solve the problems of the dairy industry. I should like to have some assurances from him as to whether we shall see the huge surplus of dairy products decrease during the next year.

Mr. HUMPHREY. Mr. President, first, I am always intrigued by the self-styled objectivity of my friend, the distinguished Senator from Idaho as he comments upon these subjects of public policy.

I know his heart goes out to the Secretary of Agriculture and he wishes him nothing but the best. I know he is very much concerned over the dairy situation, and I accept that concern in good faith. But I remind the Senator that the dairy problems did not start with Secretary of Agriculture Freeman. Dairy problems have been with us for some time, just as the potato problems, the wheat problems, the cotton problems, and other problems have also been with us.

I was looking back at a chart and noticed that in 1954—as I recall, Mr. Freeman was not Secretary of Agriculture at that time but was doing a very fine job as Governor of Minnesota—the frugal, prudent Republican administration spent $474,600,000 for dairy supports in that particular year.

I have tried to educate the Senator a little on the great feed grain program of the previous administration, when that administration succeeded in 1 year in getting 8 million more acres of corn planted, and succeeded in having the Government of the United States expend approximately $2 billion for unnecessary production. If I were the Senator from Idaho, as a Republican, I do not think I would discuss farm policy with the hope of winning the debate, because if there has ever been a tragic record of unbelievable agricultural mismanagement, it was under the Benson-Eisenhower Republican administration, and no one can erase that record.

Mr. DWORSHAK. Mr. President, will the Senator yield?

Mr. HUMPHREY. I am happy to yield to the Senator from Idaho.

Mr. DWORSHAK. I recall that farmers engaged in the production of potatoes, wheat, and other products faced many problems during the Eisenhower administration, but the record shows that in the 15 months of the New Frontier administration under the secretaryship of Orville Freeman, the farm industry, at least in my own State, has been materially worse off. The wheat farmers are dissatisfied. The dairy industry thinks it has been milked by the Secretary of Agriculture. I should like to ask the Senator from Minnesota how much was spent by the Government in the past year to purchase surplus commodities. I ask for the figure which would be comparable with the one he mentioned for 1954.

Mr. HUMPHREY. The vision of the good Senator from Idaho may be focused upon the beautiful State of Idaho and its agricultural problems—and rightly it should be. I would not dispute for one minute any observation he wishes to make about Idaho. I would like the Senator to know that farm income in the State of Minnesota went up approximately 15 percent last year.

I would like the Senator to know that net income of farmers increased a billion dollars last year.

Government surpluses of feed grains were sharply reduced last year as a result of the emergency program enacted by the Congress.

For the first time in 7 years sales of farm machinery are up.

I noticed that the Senator from Idaho was keenly interested in the condition of the market. What has happened? He gave me a couple of little jolts last year about the market. I wonder if he is responsive to the information that today, for the second time, the market has had the greatest surge forward that it has had in 10 years.

Mr. DWORSHAK. No; the Senator did not lack the courage to call that point to the attention of the Senator from Minnesota, because at the end of the trading on Friday, the stock market had established a 30-year record for a reduction in averages.

Mr. HUMPHREY. That was the Senator's pessimism.

Mr. DWORSHAK. The Senator from Idaho has profound respect for the Senator from Minnesota. He did not want to cause him that much embarrassment.

Will the Senator yield for one more question?

Mr. HUMPHREY. I yield.

Mr. DWORSHAK. If the farmers of our country, including the dairymen in the States of Minnesota, Wisconsin, Idaho, and every other State, are as prosperous as the Senator would have us believe, why is there any necessity at this time for the introduction of new farm legislation?

We do not try to correct or remedy a situation unless a problem exists; and a problem would not exist if agriculture were more prosperous now than it has been.

Mr. HUMPHREY. If the Senator from Idaho will cease indulging himself in fantasy and extremes, we shall get down to the facts. The Senator from Minnesota did not say that farmers were prosperous. He did not say that the situation had been corrected. The Senator said that it was better.

If a man is lying on his deathbed with a fever of 106 and the last rites of the church have been administered, and then if the next day it is discovered that his fever has decreased to 104, that does not mean the man is well. It means he is better.

According to the Senator from Idaho, one should expect the man to stand up and do handsprings. I am not suggesting to the Senator that. All we are saying is that by some determined effort, by the fact that there are people who are concerned about the welfare of the American farmer, this administration has been able to make some improvement in the farm program.

What the President has recommended to Congress is a good farm program, which will get at the basic problems of agriculture; namely, the problems of overproduction and the problems of high prices and low farm income. The President has recommended a program which the administration calls the ABCD's of agriculture: the use of abundance, the balance of supplies with our demand, the conservation of our resources, and the development of our rural areas. It makes sense. Not all of that program is going to be accepted by Congress. It is going to be debated. It will be adjusted.

Mr. President, I am always surprised to find that the people who feel the deepest about fiscal responsibility and talk the most about it are the ones who always block programs for fiscal responsibility in connection with agriculture.

What we are seeking to do is to solve the problem. The facts are there. There is no argument about the facts. The facts are that farm income has improved. The facts are that after 8 years of bungling on the part of the Republican administration, we cannot expect 15 months of the New Frontier to cure the situation.

All the aureomycin and penicillin in the world will not cure that infection. It will take a while.

Mr. DWORSHAK. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. DWORSHAK. The Senator has not yet given us the figures for the cost of farm support during the New Frontier period.

Mr. HUMPHREY. I do not have them. Whatever the administration was able to spend last year will be a poor second to what the previous administration has spent.

Mr. DWORSHAK. That is not a fact.

Mr. HUMPHREY. It is a fact.

Mr. DWORSHAK. The Senator would not make that statement if he knew the facts.

Mr. HUMPHREY. I do not have the specific details, but I shall be glad to get them and will be happy to supply them to the Senator. Then I want the Senator from Idaho to come back tomorrow and supply the Senator from Minnesota with figures showing what the improvement has been, both gross and net. Then we will both salute each other in good fellowship.

Mr. DWORSHAK. I regret that the Senator, who served on the Committee on Agriculture and Forestry, saw fit to leave that committee assignment at the advent of the New Frontier administration. The Senator has acquired a very favorable reputation for being a friend of agriculture.

Mr. HUMPHREY. He is.

Mr. DWORSHAK. I am sure he is. I will always acknowledge that to be the fact. At least he endeavors to stabilize the industry. If he were still a member of that important committee, the Committee on Agriculture and Forestry, I am sure he would have no trouble whatever getting approval of his bill.

Mr. HUMPHREY. I appreciate that vote of confidence. It is wonderful. However, I felt that with men like the distinguished Senator from Wisconsin and my distinguished colleague from Minnesota [Mr. McCARTHY] on the Committee on Agriculture and Forestry, who, by the way, went on the committee when I left it, there has been brought about some improvement. I know of no man who is more able, more intelligent, more skilled, and a greater friend of American agriculture than my junior colleague.

Perhaps I may have served the cause of American farmers by permitting the first team to go into action. I was merely holding the fort while Ezra was wrecking the terrain and the Republicans were engaging in guerrilla tactics. I was merely fighting in the Republican agricultural jungles.

Mr. DWORSHAK. Apparently the Senator believes that all the battles have now been won.

Mr. HUMPHREY. Now we have the main troops in the field.

Mr. DWORSHAK. I believe I understood the Senator from Minnesota to say that he was very hopeful that action would be taken on his proposal at this session of Congress.

Mr. HUMPHREY. I am hopeful that action will be taken. I am always hopeful.

Mr. DWORSHAK. It would not have very many beneficial effects unless action were taken at this session of Congress.

Mr. HUMPHREY. The Senator is correct.

Mr. DWORSHAK. So far as the elections are concerned.

Mr. HUMPHREY. The elections are secondary. I would like to have the farmers of Idaho and Minnesota and of all the States get a proper share of the national income.

I have before me a copy of a New York Times article, published on Sunday, April 15, 1962, entitled "Machinery Makers Expect 1962 Volume To Top the 1961 Level by 5 to 15 Percent."

That is not a fairy story. This article is published on the financial page of the New York Times. This speaks about farm equipment machinery manufactures. They do not go around blowing bubbles. They manufacture tractors. They know what the score is. They think the administration is doing fairly well. I believe that the administration can do better. That is why I want the cooperation of the Senator from Idaho.

Mr. DWORSHAK. I assure the Senator of that cooperation. If the agricultural industry of this country is doing as well, then it is difficult——

Mr. HUMPHREY. I did not say so well. I said better. The patient looks as if he will live.

Mr. DWORSHAK. I saw headlines in the papers yesterday reporting that, according to the UPI, Secretary Freeman was in danger of losing his job. I hold the Secretary of Agriculture in very high respect.

Mr. HUMPHREY. I know the Senator does.

Mr. DWORSHAK. I should like to have some clarification on how a man who is so successful should face a possible ouster from office.

Mr. HUMPHREY. The only words that I have heard about an ouster of Secretary Freeman have been inspired by the forlorn hope of one of my colleagues in the Senate on the other side of the aisle. The President of the United States, who has the appointment power of Secretaries of Agriculture, thinks very highly of our Secretary of Agriculture. I will tell the Senator who else thinks very highly of the Secretary. The farmers think very highly of him. We have a very popular Secretary of Agriculture. He has the confidence of the farmers of the country. Let us make no mistake about it. I do not need to defend the Secretary. He is very good at doing it himself, anywhere, whether it is on the stump, in the office, or anywhere. He is a very capable man. If the Senator from Idaho is worried that the Secretary of Agriculture may be dismissed, perhaps a word of commendation from the Senator from Idaho, or a word of support in a letter to the President, or admonishing his colleague on his side of the aisle might help the Secretary.

Mr. DWORSHAK. The Senator from Minnesota will recall that about a month ago I appealed to him, as the assistant majority leader of the Senate, to intercede with the Attorney General or the White House for some remedial action because of the announcement of rent increases in the Merchandise Mart in Chicago, which is owned by the Kennedy family. The Senator from Idaho concedes that he has no influence whatever with this administration. He belongs to the minority party, and he must gracefully decline the Senator's request and again appeal most sincerely and ardently to the Senator from Minnesota to assume the responsibility of providing guidance for the New Frontier administration.

Mr. HUMPHREY. I always think that this is the kind of note on which to end a friendly conversation. I am very much touched by this expression of—what shall I say?—confidence in the Senator from Minnesota. I say in all good humor to the Senator from Idaho that I never had much influence with the Kennedy family when it comes to rents in the Merchandise Mart, or a number of other things. However, I now work very closely with the President.

Mr. PROXMIRE. Mr. President, will the Senator yield on this point which the Senator from Idaho has raised?

Mr. HUMPHREY. I am always delighted to yield to the Senator from Wisconsin.

Mr. PROXMIRE. It will take only a minute. The Senator from Idaho said that it was the action of the Secretary of Agriculture in increasing the price support for milk from $3.22 to $3.40 per hundredweight which was responsible for this very unfortunate dairy situation. Is it not a fact that the main difficulty is that consumption has dropped very sharply in an unprecedented fashion, in a way it has never before dropped in American history, and that this drop was what created the principal problem? The small increase of 18 cents per hundredweight in the price has not been responsible for any significant drop in consumption. Is that not correct?

Mr. HUMPHREY. Yes. I would sound a warning note here. I have written a letter to the Chairman of the Atomic Energy Commission on this particular matter, which concerns so many people about strontium 90 being present in milk. It seems to me that the Commission could just as well deal with some other product. I wrote to the chairman of the Atomic Energy Commission and suggested that they could measure radioactivity in other products, other than in milk. For some peculiar reason they have centered on this product. That has had the direct result of sharply cutting down the consumption of this product. It is something that needs to be gone into very carefully. I have directed that letter to Dr. Seaborg, and I have asked for a reply. The scientific community knows there are other ways of measuring radioactivity, rather than to select one particular foodstuff. It should be possible to establish an effective indicator without constant reference to milk.

Mr. PROXMIRE. So the drop in consumption was the principal difficulty.

Mr. HUMPHREY. The Senator is correct.

Mr. PROXMIRE. The increase in production last year, following the Secretary's action was about 1½ percent, which in terms of the long-range average increase over the past 20 years is pretty close to that average.

Second, if one goes back over all the years since price supports have been in existence, he will find that in the years in which price supports were increased, there was not a substantial increase in production. However, in the years when the price supports were lowered—for example, a very sharp cut was made in 1954—there was, in effect, an increase in production. So there is no basis for arguing that when price supports are lowered, production is decreased.

The statement by the Senator from Idaho [Mr. DWORSHAK] that this is all the doing of Secretary of Agriculture Orville Freeman is not borne out by any study of what has happened in the area of dairy production. When price supports drop, dairy farmers are forced to produce more in order to maintain their income; there is no choice. This is not theory; it is fact. It has happened year after year. The fact that there was a 1½ percent increase in production last year can be accounted for in a number of ways. To charge it all to the Secretary of Agriculture is grossly unfair.

Mr. HUMPHREY. The increase was no greater than the population increase.

Mr. PROXMIRE. It was less.

Mr. HUMPHREY. There was an accumulation of products which got into the hands of the Commodity Credit Corporation.

The fact is—and I know the Senator from Wisconsin emphasized this point—that for the about 62 years for which there are recorded statistics in the Department of Agriculture, there is not a scintilla of evidence to indicate that when price supports are raised under farm programs, production is maximized or increased. In fact when price supports are lowered or prices are maintained without any controls, production still tends to increase.

If ever there was an example of that, it was when the sliding scale was in effect. Everyone was sliding, but sliding one way—down. It was a downward sliding scale. It was a slippery chute on which the farmer was practically caught coming out on his britches in 1961.

Now we propose to give the farmer an opportunity to help himself through a better program. That is what we will talk about in a couple of weeks, when the farm program is before the Senate.

I have a report from the financial page of the Wall Street Journal of Tuesday, May 1, 1962, which shows the quarterly earnings of American industries. The profits of 472 companies in the first quarter of 1962 show a 28.3 percent increase over the earnings in the same period of 1961. Not bad. It seems to me that the administration has not been too unkind to business, if profits can rise 28.3 percent.

Mr. DWORSHAK. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. Oh, yes, indeed.

Mr. DWORSHAK. I am sure the Senator would like to be reminded that while he gives us assurance that real progress is being made, he knows that within the past week the Treasury Department announced a $30 million increase in the outflow of gold, making the net loss of gold, from January 1 to May 8, $424 million.

Mr. HUMPHREY. That is very serious. The Senator is correct.

Mr. DWORSHAK. Does the Senator believe that that is an example of real progress toward financial stability?

Mr. HUMPHREY. I think that is nothing more or less than a report of the fact of our commitments overseas through providing additional troops because of the Berlin crisis, and the thousands of troops which have been provided because of our commitments in South Vietnam and elsewhere around the world, for the security of the free world. It is nothing but a report of the fact of those commitments.

Only a few years ago—2 or 3 years ago—the gold outflow was much greater, but there was very little comment. As a matter of fact, no one knew about it until September 1960. Then we found that gold was draining out of the country at the rate of $1,500 million a year. By the way, that was taking place under the other administration.

Mr. DWORSHAK. The RECORD will show that on August 22, 1959, the senior Senator from Idaho made a speech on the floor of the Senate, calling attention to the menacing outflow of gold.

Mr. HUMPHREY. I recall that speech.

Mr. DWORSHAK. It was almost a year before I had any support in arousing interest toward curbing the outflow of gold. So the Senator from Minnesota cannot criticize me as having been unaware of the trend which was menacing the stability of our financial structure at that time.

Mr. HUMPHREY. The Senator from Minnesota wishes to be fair. I know that the Senator from Idaho is absolutely correct in what he has said. He deserves the thanks of all of us for his prophetic vision on that particular occasion. What I am trying to do now is to get the Senator to be as prophetic and sympathetic in the present circumstances, concerning the present problems and plight of the farmer. I thank the Senator from Idaho for his cooperation.

Mr. DWORSHAK. I thank the Senator from Minnesota.

Mr. CHAVEZ. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield to the Senator from New Mexico.

Mr. CHAVEZ. I am for the Senator, and in order for him to have his opportunity to state his position, and for other Senators to have the right to present their arguments, I voted against cloture. That was one of the reasons why I so voted.

Mr. HUMPHREY. I thank the Senator from New Mexico. I am always pleased to have his assistance and his friendship. It is a friendship I cherish.

VISIT TO THE UNITED STATES BY SENATORS AND DEPUTIES FROM THE CONGRESS OF THE REPUBLIC OF MEXICO

Mr. MANSFIELD. Mr. President, we are honored to have in our midst for a few days a most distinguished delegation of Senators and Deputies from the Congress of the Republic of Mexico. They are here, some with their gracious and lovely wives and their children, to attend the second meeting of the Mexico-United States Interparliamentary Group.

These able Mexican parliamentarians will be deliberating with a joint U.S. delegation of Senate and House Members on problems and questions of mutual concern. They will try in these conferences to reach a better understanding of the needs of our two countries and how these needs may best be met by mutual action and forbearance.

Mr. President, I had the pleasure of participating in the first of these meetings last year. It was held in Mexico in the city of Guadalajara in the state of Jalisco. And I want to say that in that progressive and beautiful country, in that great Republic to the south, we were able to meet as reasonable legislators and to face honestly, cordially, and understandingly our differences. I believe, through the understanding which was generated by that meeting, we began to reduce these differences. The differences fall into a more accurate perspective in face-to-face, frank conversation among friends. We see them as minor crosscurrents in a great sea of unified common interest. What unites the Republic of Mexico and the Republic of the United States is the great historic tide of political freedom which has its base in our common revolutionary history. What unites us is the tide of a common progressive outlook which, under the Alliance for Progress, will carry us forward to new heights of achievement—material and spiritual.

I hope that Mexico and the United States will work under this program for their common benefit and, together, in the same harness, work for the benefit of the entire new world.

Meetings of this kind provide a special kind of inspiration, the kind of inspiration which one draws from the thoughts of the outstanding leaders of the new world. It gives strength to their profound perception that someday we shall think even beyond national borders to a time of hemispheric man, of hemispheric citizens in a worldwide community of free peoples.

So I say again, it is a great pleasure to be able to have the Mexican delegation with us and the privilege to offer them the humble hospitality of this city, the Nation's Capital. We can only say to them as they said to us on the occasion of the earlier meeting in Mexico: Esta casa es su casa.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Without objection, it is so ordered.

AMENDMENT TO AGRICULTURAL ACT OF 1956

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

LITERACY TEST BILL

Mr. KUCHEL. Mr. President, I would be completely recreant to my duty, and to my conscience, if I did not rise to associate myself on this occasion with my colleagues on my side of the aisle and on the other side of the aisle who spoke out earlier today and yesterday with respect to the pending question.

Earlier in this debate, I referred to the fact that the platforms of both American political parties made a solemn pledge to the American people. The pledge of each was unequivocal. No man can deny or ignore what the Republican Party and what the Democratic Party promised the people of the United States. And there was abundant reason for the commitments which were made.

I commented then on the high and able character of each member of the U.S. Commission on Civil Rights, which unanimously made the recommendations that 6 years of schooling in any part of the United States should, under Federal law, be sufficient with respect to qualifications of literacy. In support of the recommendation of this bi-partisan commission, on which sit honorable men from all sections of our land and in support of the commitments of America's two great political parties there is a great wealth of uncontroverted testimony demonstrating that tens and hundreds and thousands of American citizens are deprived of their right of franchise—guaranteed, incidentally, by the American Constitution—because of their race or color.

I have referred to the American Constitution. I heard my colleagues, who are lawyers of great ability, speak on the floor of the Senate as to the constitutionality of this measure. I listened to my friend, the senior Senator from New York [Mr. JAVITS], as he spoke tellingly with respect to the responsibility of the Federal Government under the Constitution to right this wrong. I read what many of my colleagues placed in the CONGRESSIONAL RECORD on this point. I noted in my own earlier remarks a part of the supporting testimony of the Attorney General of the United States on the problem of constitutionality.

Mr. President, I became a Member of the Senate 10 years ago. The first vote I cast in this Chamber had to do with the question of filibusters. In 1953, there were but a handful of Senators who voted to eliminate the ridiculous anachronism known as the filibuster. Some of those votes came from the other side of the aisle, and some of those votes came from this side. We lost. This question has arisen in every Congress which has convened since that time. The last time we had the filibuster issue before the Senate almost half of the Members of the Senate who were on this floor by their votes demonstrated that, in their opinion, the time had come to rid this parliamentary body of an ugly and evil device by which the Constitution of the United States is bent and cruelly twisted.

So on this occasion I simply wanted the RECORD to show that Members of this body, Democratic Senators and Republican Senators, have poured forth their hearts in an honest attempt to have the Senate meet a commitment which their political parties made to the American people, and Senators on this occasion, once again, have an opportunity to fulfill the pledges which were made or to repudiate them.

The last rollcalls we have had have been very frustrating to this Senator. I regret very much that this issue—the issue of fellow Americans exercising their right to vote—can be blithely pushed aside and shunted under the rug, and nothing more done. I regret very much that the administration has remained silent on this issue. After the American people have spoken next November, I am hopeful that Members of the Senate will meet again and come to grips not only with the right of a citizen to vote, but also with the right of a Senator to vote. Many members of this great body have been working for a valient and valid solution to both of these problems for the last many years.

I am a realist, Mr. President. I think I can understand how Members of the Senate will vote upon the motion that has been made, but I am very proud to stand here, before the rollcall on the motion is taken, and pay a real tribute to those of my colleagues who have led this fight, and to say, "Keep on fighting. The people of the United States are going to follow you. In the last analysis, the legislation about which we have been talking for the last several years will be adopted by the Senate and by the House of Representatives and written into the law of this land."

I have a friend in the Pentagon. He is an airman. He has several stars on his shoulders. He is not a politician. He is a professional military man. I have talked to him about this kind of problem. He said to me, "You know, TOM, when I go into some of these areas in other parts of the world to advance the cause of American security and to work out arrangements by which the defensive strength of the United States might, under certain conditions, be deployed in other areas, particularly where the inhabitants have a different color of skin than we have, they often say to me: 'General, why do you people permit black Americans to be shunted aside and to be prevented from voting, yet before the world you people take the position that you want to lead in the cause of freedom for all mankind?'" My friend said, "TOM, I have a hard time answering that question. It is difficult for me to give them a logical answer." He also said, "I do think we have made some progress. When are you going to make some more?"

That question is difficult for a Senator of the United States to answer. The fact is that we are making progress. The record which Senators have made on this occasion is testimony that progress is being made in this field.

If we lose this fight now, I think we may look forward to the time when, before too many months, in a final chapter we will prevail in the Senate of the United States.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to my able friend and colleague from New York.

Mr. JAVITS. I wish to express my sense of comradeship and kinship with my colleague from California in this fight. It is not wasted. We are right.

There is an ugly state of facts staring us in the face. It must be dealt with. If we do not deal with it by peace and law, it will be dealt with by violence and it will be dealt with by domestic disorder.

I would hate to see the day arrive when many who feel, "Well, we do not have to do anything about this problem," will face that situation and have to think back to the time when we might have done something like that which is proposed to deal with the problem, without arousing strong feelings which can get beyond us. I refer to the element of law.

It occurred to me, as the Senator was speaking, that one of the Senators on the other side from our point of view, the other day asked, "How can you expect that the 53 Members who voted against cloture on Wednesday will change their minds on Monday?" Of course they did not. There were 52 votes on that side.

I think we have a right to ask the same question today. Wednesday 64 Senators voted against tabling the proposal. What we say is, it is unseemly and not right in the national interest for the proposal to be preempted by an agricultural bill about which there is no great hurry. As everyone knows, we are not being pressed with some great emergency. We ought to go through with what we must do with respect to this particular issue.

I think those of us on our side have a right to ask the question, What will the 64 Senators who voted against tabling do today? Has the situation changed so drastically that no longer do they wish to consider this question which, only the other day, they said they wished to consider?

I deeply feel there are amendments before the Senate, like those offered by my colleague [Mr. KEATING] and the Senator from Kentucky [Mr. COOPER] which are important amendments to whip the law into shape. The President of the United States has said that this is one proposal he wants Congress to pass. It is about the only thing he asked for in respect to civil rights. I do not agree with the size of what he has asked for, but at least he asked for this, so we should try to deliver on this.

Let us not run in the face of defeat. We have faced defeat before, and we have ended up by coming out very strongly on top.

I hope, along with the Senator from California, whose aid is tremendously important, since he is the minority whip, the deputy leader of our party, that we can make progress. It is tremendously heartening to have the Senator on our side.

I hope that Members, having endured what we have on the cloture votes, may see the wisdom of continuing this fight. I hope Senators will remember the action on the tabling motion and will vote to maintain the issue before the Senate, so that we may do our utmost to do our duty by it, since it would deal with at least one of the crying national needs in this field.

I thank my colleague for yielding.

Mr. KUCHEL. Mr. President, I am grateful to the able senior Senator from New York for what he has said. I am grateful also for the leadership he has supplied in this Chamber and outside of it in the fight which has been made.

The comment the Senator makes with respect to the almost identical similarity of the issue now before the Senate, as compared to the tabling motion of several days ago, is a pungent and powerful one. A clear and convincing majority of U.S. Senators indicated what they believe with respect to the merits of this issue when that problem came before the Senate with respect to the tabling motion.

The Senator from New York is precisely correct. We face the same issue. We can ask Senators to search their own consciences, knowing the basis upon which they cast their votes only a few days ago, and to demonstrate once again their vigor and solidarity, by taking the same position when the roll is called.

I thank my friend very much.

Mr. KEATING. Mr. President, will the Senator yield to me?

Mr. KUCHEL. I yield to the able junior Senator from New York.

Mr. KEATING. Mr. President, the distinguished Senator from California again has spoken, as he always does on all issues, out of a depth of sincere conviction. We who serve with him know of his great leadership, not only as one of the titular leaders of our party in the Senate but also as a leader of conviction in those causes to which he has committed himself.

The strengthening of the civil rights of our citizens, the bettering of human rights, is a matter very close and dear to the Senator's heart. I know of no one in my experience who has worked harder to bring about a betterment of the lot of our citizens than our distinguished friend from California.

Earlier in the day—and we are nearly up to the point of voting now—I appealed to another group in this Chamber. I appealed to the group who voted against cloture, against "gagging" the minority, as it was put. Now the effort is made to "gag" the majority. That will be the effect of a vote to consider another bill. It will be a vote to say "The majority shall not have an opportunity to set forth its views on this issue. They shall not have an opportunity to offer their amendments." The distinguished Senator from South Dakota [Mr. CASE] will be "gagged." The distinguished Senator from Kentucky [Mr. COOPER] will be "gagged." Those of the rest of us who wish to pass something other than the particular literacy test bill in this field will not be given the opportunity to do so. That is what a vote for the motion will be.

The issues could not have been more effectively summed up than they have been by the stalwart defender of civil rights who has addressed the Senate, the distinguished Senator from California.

Mr. KUCHEL. I express my thanks to my friend the very able junior Senator from New York [Mr. KEATING], and I thank him profusely for his kind comments.

The Senator speaks the truth when he calls to the attention of the Senate the fact that the vote to shear away abruptly the question to which we have devoted ourselves for several weeks will very effectively put a clamp on those Senators in this Chamber who desire to offer amendments to the proposed legislation in an effort to perfect it in accordance with their views.

That, too, is a right which ought not be denied to a majority of those who, as the Senator says, feel that in the last analysis the Senate has a responsibility to legislate constructively in this field.

I thank the Senator again.

Mr. MORSE. Mr. President, I shall speak very briefly on the pending question. I have spoken once before during the debate, and I hope I made it clear for the record what my position is on the principle of the issue before the Senate.

I wish to associate myself with the position taken by the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from California [Mr. KUCHEL], the Senator from Pennsylvania [Mr. CLARK], the Senator from Illinois [Mr. DOUGLAS], and other Senators who have taken the position that we ought to get the voting issue behind us once and for all.

There are Senators who sincerely and honestly believe that the pending proposal is unconstitutional. If they so believe, they should take the position which they have taken and make clear, as they have made clear, that they propose to vote against the measure because they consider it to be unconstitutional. I respectfully disagree with the legal conclusion that they have reached in regard to the proposed legislation. I am satisfied that under both the 14th amendment and the 15th amendment to the Constitution, as I said in my previous speech, the Congress is authorized to legislate on the subject. The provision of the 14th amendment is that—

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The provision of section 2 of the 15th amendment is that—

> The Congress shall have power to enforce this article by appropriate legislation.

Those provisions place the proposed legislation before us squarely within the jurisdiction of the Congress, leaving the question as to whether or not the legislation proposed is appropriate so far as its constitutionality is concerned. I am satisfied that it is. Each Senator must reach his own conclusion with regard to that question. If the proposed legislation is then passed, it will make its way through the judicial process to ultimate disposition by the U.S. Supreme Court.

As I see it, the responsibility of the Senate is to dispose of the issue once and for all.

As I said in my previous speech—and I shall not take time to read it again—the bill that I introduced would provide for no qualifications whatsoever, by way of literacy or any other test, provided that there is mental normality, which would be preferable legislation to the legislation that we are considering.

But I am a realist in the legislative process. I am aware of the fact that the legislation that I have proposed does not have any chance now until there is greater understanding as to its soundness throughout the country. I only file the caveat today that we shall continue to press for that type of legislation so long as I serve in the Senate. But in the meantime, I take the position that we are not justified in imposing a literacy test, a property test, or any other test on the right to vote of a person in this country who is a citizen and has a normal mentality.

If we have illiterate people, that is our fault. We ought to do something to take that blotch off of our record. But so long as they are citizens and have normal intelligence, they should have the right to vote. I do not know how many have such ancestors, but a considerable number of mine would not be allowed to vote in States having literacy tests. Yet I would not trade their political sagacity and judgment for the judgment of a great many Phi Beta Kappas I know when it comes to passing on the question as to whether a candidate for office is the best qualified among the candidates to serve in a given office.

We cannot come to grips with that particular issue in the controversy before us.

I wish to say a few words before I close with regard to the legislative issue before the Senate, as I see it. In doing so, I wish to bear out the position taken by those I mentioned a few minutes ago, including the Senator from New York [Mr. Javits], the Senator from Illinois [Mr. Douglas], the Senator from Pennsylvania [Mr. Clark], the Senator from California [Mr. Kuchel], and others who have pressed in this historical debate the proposal that now is the time to dispose of the question with finality on its merits so far as the legislative process is concerned.

The majority leader knows the love and affection in which I hold him, and my position on the question is entirely impersonal so far as my majority leader is concerned. He knows that I have not shared the point of view of the majority heretofore, at least—which probably the present vote will sustain—that if we could not break the filibuster that has been conducted by a cloture motion and a vote thereon, then we should lay the business aside and proceed with other business of the Senate.

I do not think we shall ever break filibusters on any issue of great concern to a strong minority in the Senate if we follow that procedure. I am not one who believes that we shall break filibusters in my time by a change in rule XXII. I would like to be that kind of optimist, but I do not think we shall change rule XXII next year or the year after. We shall try, and I shall always be in there fighting for the change.

We shall really end the filibuster in the Senate when the Senate proceeds to do the things that are necessary in order to secure the support of the American people. The American people do not understand the procedure. The American people do not understand what happens procedurally in the Senate. The American people do not understand that, after all, the Senate procedurally can be victimized by an effective, able, and powerful minority any time that minority wishes to go to work on the legislative process.

In retaliation we can follow the procedure that we have followed in the present instance. Of course, it will be costly. There is no question about the fact that for a time some proposed legislation will be held up. But the protection of the democratic process is worth the price, no matter what we must pay for it. We shall break the filibuster and drive the technique of the filibuster off the floor of the Senate when it becomes known that a majority of the Senate is as willful as the minority. When it becomes known that a majority will not take it but will fight back, and call upon the American people to understand the procedural problem that confronts us in the Senate in respect to the filibuster technique, though it may take 2 weeks or 2 months to break the filibuster, we can do so. In my judgment, we would only kid ourselves if we should think that we can continually postpone decision on the question, always holding out the carrot that at the next session of Congress we will modify rule XXII.

I have been in the Senate for 17 years. I have heard the statement about amending the rule every year for 17 years. Should I be privileged to remain here longer after November 1962—and they are going to have to beat me first before the decision is made that I will not remain here longer—I expect to hear it year after year thereafter until the Senate, or a majority thereof, says, "We have had our belly full—so full that we are nauseated. Better get rid of it."

Mr. JAVITS. Mr. President, will the Senator yield at this time?

Mr. MORSE. Yes, I yield.

Mr. JAVITS. First, I express my pleasure in being associated with the distinguished Senator from Oregon in respect of his views relating to a change of rule XXII.

More than that, I should like to express my agreement with the Senator that a determined majority could do what must be done in the Senate Chamber over a long enough period of time. I believe that a change in the rule is indicated. A determined majority does not have to employ all the weapons which it would have to employ in advance of a change in a rule, but as the distinguished Senator from Illinois [Mr. Douglas] has said, any change in a rule depends upon a determined majority. We shall not get anywhere in January in such an attempt without a determined majority.

I should like to join the distinguished Senator from Oregon, whose voice is so important in the country, in telling the American people that nothing will happen with respect to measures of the kind before the Senate without a determined majority that the people have called to account.

Mr. MORSE. I thank the Senator from New York. I have made my case. There is nothing more I can say, except that we have invested 2 weeks of precious time on this issue, time belonging to all the taxpayers of the United States. We ought to make up our determined mind that we will see this thing through.

If there are those who want to start a filibuster all over, let them start it. Give the American people 2 weeks of 24-hour sessions, day and night, and focus their attention on the Senate of the United States, and no one will need worry as to what the final outcome will be. The American people will break the filibuster; we will not. Sooner or later, Mr. President, we will have to cross that bridge. I think now is the time to start the journey across the bridge. Therefore I shall vote against the proposal pending before the Senate, because I think that what we ought to do is continue to debate this matter for as many days and weeks and months as necessary, so that 1962 will go down in the annals of American history as the year in which a determined majority, as the Senator from New York has referred to it, demonstrated that it made up its mind to put the technique of the filibuster in the Senate behind it once and for all. There is no better time than now.

I suggest that we proceed now to do what I think is our clear job and responsibility in respect to the pending legislation before the Senate. Let us stay on the job until we either vote it up or down on its merits.

AMENDMENT TO AGRICULTURAL ACT OF 1956

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. Mansfield] that the Senate proceed to the consideration of the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

Mr. MANSFIELD. Mr. President, I ask for a vote on the pending motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. Mansfield] to proceed to the consideration of H.R. 10788. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENGLE (when his name was called). I have a pair with the senior Senator from West Virginia [Mr. Randolph]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

Mr. HARTKE (when his name was called). I have a pair with the junior Senator from Florida [Mr. Smathers]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. ANDERSON (after having voted in the negative). On this vote I have a pair with the senior Senator from South Carolina [Mr. Johnston]. If he were present and voting, he would vote "yea."

If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Mississippi [Mr. EASTLAND], the Senator from Tennessee [Mr. GORE], and the Senator from Washington [Mr. MAGNUSON] are absent on official business.

I further announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Arkansas, [Mr. FULBRIGHT], the Senator from South Carolina [Mr. JOHNSTON], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from Washington [Mr. MAGNUSON] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Connecticut [Mr. BUSH], the Senator from Maryland [Mr. BUTLER], and the Senators from Iowa [Mr. HICKENLOOPER and Mr. MILLER] are necessarily absent.

The Senator from Pennsylvania [Mr. SCOTT] is necessarily absent to be in his State for the primary elections.

On this vote, the Senator from Iowa [Mr. HICKENLOOPER] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Iowa would vote "yea," and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from Maryland [Mr. BUTLER] is paired with the Senator from Connecticut [Mr. BUSH]. If present and voting, the Senator from Maryland would vote "yea," and the Senator from Connecticut would vote "nay."

The result was announced—yeas 49, nays 34, as follows:

[No. 52 Leg.]

YEAS—49

Aiken
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Carlson
Cotton
Curtis
Dworshak
Ellender
Ervin
Fong
Goldwater
Gruening
Hayden
Hickey
Hill
Holland
Hruska
Jackson
Jordan
Kerr
Long, La.
Mansfield
McClellan
McGee
Metcalf
Monroney
Moss
Murphy
Neuberger
Pastore
Pearson
Pell
Prouty
Robertson
Russell
Saltonstall
Smith, Maine
Sparkman
Stennis
Talmadge
Thurmond
Tower
Wiley
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—34

Allott
Bartlett
Beall
Burdick
Cannon
Capehart
Carroll
Case, N.J.
Case, S. Dak.
Clark
Cooper
Dirksen
Dodd
Douglas
Hart
Humphrey
Javits
Keating
Kefauver
Kuchel
Lausche
Long, Mo.
Long, Hawaii
McCarthy
McNamara
Morse
Morton
Mundt
Muskie
Proxmire
Smith, Mass.
Symington
Williams, N.J.
Young, Ohio

NOT VOTING—17

Anderson
Bush
Butler
Chavez
Church
Eastland
Engle
Fulbright
Gore
Hartke
Hickenlooper
Johnston
Magnuson
Miller
Randolph
Scott
Smathers

So the motion was agreed to; and the Senate proceeded to consider the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

LEAVES OF ABSENCE

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Ohio [Mr. LAUSCHE], I ask that he be granted official leave of absence tomorrow, to attend armed services functions in his State of Ohio.

The PRESIDING OFFICER. Without objection, leave of absence is granted.

Mr. MORSE. Mr. President, I ask leave of absence, so that I may be absent on Thursday and Friday of this week, to attend to some matters of consequence in Oregon.

Mr. MANSFIELD. I am sure the Senate will grant that request, Mr. President.

The PRESIDING OFFICER. Without objection, leave of absence is granted.

AMENDMENT OF THE AGRICULTURAL ACT OF 1956

The Senate resumed the consideration of the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is Calendar No. 1304, House bill 10788, to amend section 204 of the Agricultural Act of 1956.

The bill is open to amendment.

Mr. ELLENDER obtained the floor.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, will the Senator from Louisiana yield briefly to me?

Mr. ELLENDER. I yield.

Mr. MANSFIELD. For the information of the Senate, let me state what, so far as the leadership can determine, will be the calendar for the remainder of this week and for next week.

It is anticipated that on Thursday there will be a call of the Legislative Calendar, beginning with Calendar No. 1284, Senate bill 2801, to amend the Merchant Marine Act of 1936.

Other measures to be considered after the Thursday calendar call will be the Calendar No. 1305, House bill 7477, relating to the submission of a report on eligible public building projects; Calendar No. 1308, House bill 8916, to authorize grants for expansion and improvement of the facilities of George Washington University Hospital, in the District of Columbia; Calendar No. 1451, House bill 11261, to authorize an adequate White House Police force—in the event that these measures are not passed during the call of the Legislative Calendar.

It may be that, if there is sufficient time, certain measures on the calendar may be called up tomorrow afternoon.

It is the intention of the leadership to call up on Monday the farm bill, Calendar No. 1333, Senate bill 3225; and, after that, the public works acceleration bill, Calendar No. 1321, Senate bill 2965; Calendar No. 1314, House bill 7752, to amend the District of Columbia Alcoholic Beverage Control Act; and Calendar No. 1450, House bill 10802, making appropriations for the Department of the Interior.

ORDER OF BUSINESS

Mr. ELLENDER. Mr. President——

Mr. DIRKSEN. Mr. President, will the Senator from Louisiana yield for a question?

Mr. ELLENDER. I yield.

Mr. DIRKSEN. I merely wish to ask both the majority leader and the distinguished Senator from Louisiana whether the Senator from Louisiana expects to make a short preliminary statement on the text of House bill 10788.

Mr. ELLENDER. Yes; I plan to make a very short statement.

Mr. DIRKSEN. And the debate on the bill will continue tomorrow?

Mr ELLENDER. That is my understanding.

Mr. MANSFIELD. I believe the Senator from Nebraska contemplates that there will be debate on the bill tonight; but it will not be finished tonight, and will continue tomorrow.

Mr. PASTORE. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. PASTORE. I hope that the consideration of this measure can be expedited, for I do not think there is much controversy about it. I understand that a point will be made by some Senators who are interested in cattle. However, the bill is strictly a textile measure, and I do not see why we cannot complete our action on it tonight.

Mr. MUNDT. Let me say, as the author of one amendment—I do not know how many amendments there are—that I think there will be considerable debate, and it would involve a rather late session tonight.

Mr. HRUSKA. Certainly the debate will require more than several hours.

Mr. MANSFIELD. Mr. President, it seems likely that the consideration of the pending business will take some time. Therefore, I anticipate that no votes will be taken tonight, but that votes will be taken tomorrow.

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. MANSFIELD. Madam President, I ask unanimous consent that when the Senate concludes its session tonight, it adjourn until 12 o'clock noon tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR CALL OF THE CALENDAR ON THURSDAY

Mr. MANSFIELD. Madam President, I ask unanimous consent that on Thursday next, at the conclusion of the morning hour, the Legislative Calendar be called, beginning with Calendar No. 1284, Senate bill 2801, to amend the Merchant Marine Act of 1936.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I thank the Senator from Louisiana for his courtesy in yielding.

AMENDMENT OF THE AGRICULTURAL ACT OF 1956

The Senate resumed the consideration of the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

Mr. ELLENDER. Madam President, the Committee on Agriculture and Forestry considered the bill and reported it, without any objection, on April 4.

The bill is very simple. At first, some objection was made to the bill, until the committee was able to determine whether timber products should be considered agricultural products.

At this point I wish to have printed in the RECORD a letter addressed to me, dated April 4, from the Department of Agriculture, in which there is a statement on this question. The conclusion reached is set forth in the last paragraph of the letter, which states in part that—

> It is, therefore, our opinion that forestry is a part of agriculture and that timber is an agricultural commodity.

The letter is signed by John G. Bagwell, General Counsel of the Department of Agriculture.

Madam President, I ask unanimous consent to have that letter; a letter of March 21, addressed to me, from the Department of Labor; and a letter, addressed to the Vice President, dated March 9, and signed by the Under Secretary of Commerce, Mr. Edward Gudeman, printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., March 9, 1962.
Hon. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Department of Commerce urges the introduction and enactment of the enclosed draft legislation to amend section 204 of the Agricultural Act of 1956.

Section 204 of the Agricultural Act of 1956 authorized the President to negotiate international agreements relating to the export to and the import by the United States of "any agricultural commodity or product manufactured therefrom or textiles or textile products." Because it was drafted primarily with bilateral agreements in mind, the existence of necessary power in the President with respect to nonparticipants in a broadly based multilateral agreement is questionable. In both the 1-year cotton textiles arrangement presently in force and the long-term cotton textiles arrangement, expected to come into force with substantially the same participants on October 1, 1962, provisions permit the United States to take action to prevent trade with nonparticipants in the arrangements from frustrating the purposes of the arrangements. Since countries accounting for 90 percent of the free world trade in cotton textiles are participants, the same authority which the President has already been delegated by section 204 should clearly be extended to nonparticipants to prevent the minority of countries which choose to stay out of the arrangements from thereby gaining an advantage over the countries which participate in them.

By the term "significant" in the draft is meant significant to the national interest of the United States. The term "products" is intended to convey the concept of origin; that is, "products of countries" means articles which are the growth, manufacture, or produce of those countries.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this legislation to the Congress.

Sincerely yours,
EDWARD GUDEMAN,
Under Secretary of Commerce.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, March 21, 1962.
Hon. ALLEN J. ELLENDER,
Senate Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

DEAR SENATOR ELLENDER: I am taking this opportunity to set forth the Department of Labor's position on S. 3006, a bill recently referred to your committee which would amend section 204 of the Agricultural Act of 1956.

As you know, section 204 of the Agricultural Act of 1956 authorizes the President to carry on the negotiation of international agreements limiting the importation into the United States of agricultural commodities including textiles and textile products. Since section 204 was apparently principally intended to enable the President to negotiate on a bilateral basis with respect to these commodities, there is some question as to whether the President can apply similar limits to nonparticipants where broad multilateral agreements are entered into.

The 1-year cotton textiles arrangement presently in force, and also the long-term cotton textiles arrangement expected to come into force on October 1, 1962, have substantially the same participating countries. These arrangements contain provisions permitting the United States to act to prevent trade with nonparticipants from frustrating the design and purpose of the arrangements. Since approximately 90 percent of the free trade in cotton textiles is carried on by the countries participating in these arrangements, we believe that the same authority which the President has under section 204 with respect to participants should be extended to nonparticipants. Such authority would prevent the minority of countries which choose to stay out of arrangements from thus gaining an advantage over participating countries. S. 3006 would vest such authority in the President.

The necessity for resolving the question which presently exists is of obvious importance to the Department of Labor. Particularly, it should be noted that the Interagency Textile Administrative Committee on which this Department is represented has studied the terms of S. 3006, and has recommended its enactment. Accordingly, I urge favorable action on this proposal.

The Bureau of the Budget advises that it has no objection to the presentation of this report from the standpoint of the administration's program.

Yours sincerely,
ARTHUR GOLDBERG,
Secretary of Labor.

U. S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., April 4, 1962.
Hon. ALLEN J. ELLENDER,
Chairman, Senate Committee on Agriculture and Forestry.

DEAR SENATOR ELLENDER: Mr. Stanton, counsel for your committee, has informed us that in considering S. 3006, to amend section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854), the question has been raised as to whether the phrase "any agricultural commodity or product manufactured therefrom" includes timber and its products.

Section 204 is as follows:

"The President may, whenever he determines such action appropriate, negotiate with representatives of foreign governments in an effort to obtain agreements limiting the export from such countries and the importation into the United States of any agricultural commodity or product manufactured therefrom or textiles or textile products, and the President is authorized to issue regulations governing the entry or withdrawal from warehouse of any such commodity, product, textiles, or textile products to carry out any such agreement. Nothing herein shall affect the authority provided under section 22 of the Agricultural Adjustment Act (of 1933) as amended (7 U.S.C. 1854)."

Although we have not had time to examine the legislative history of this provision exhaustively, our study thus far indicates that such history does not give clear evidence of the intention of the Congress in this respect. In examining this question, therefore, we believe we must first determine the meaning of this phrase as the words therein have been generally construed.

Webster's New International Dictionary, 2d edition, defines agriculture as "The art or science of cultivating the ground, and raising and harvesting crops, often including also feeding, breeding and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of these products for man's use and their disposal by marketing or otherwise. In the broad use it includes farming, horticulture, forestry, dairying, sugar making, etc." (Emphasis supplied.)

Court decisions have adopted the foregoing definition of "agriculture" in defining agricultural commodities and products. *United States* v. *Turner Turpetine Co.* (111 F. 2d 400 (5th Cir. 1940)) involved the issue of whether labor performed in the production of gum from oleoresin by scarification of living pine trees and its processing into gum spirits of turpentine and gum resin was "agricultural labor" as used in the Social Security Act. The Social Security Act of 1935, as it read before the 1939 amendments, was the law before the court in this case and the term "agricultural labor" was not defined. In holding that Congress intended the term to have a comprehensive meaning so as to include tree products, the court said at page 404:

"When then, Congress in passing an act like the Social Security Act uses, in laying down a broad general policy of exclusion, a term of as general import as 'agricultural labor,' it must be considered that it used the term in a sense and intended it to have a meaning wide enough and broad enough to cover and embrace agricultural labor of any and every kind, as that term is understood in the various sections of the United States where the act operates. This does not mean, of course, that a mere local custom, which is in the face of the meaning of a general term used in an act, may be read into the act to vary its terms. It does mean, however, that when a word or term intended to have general application in an activity as broad as agriculture, has a wide meaning, it must be interpreted broadly enough to embrace in it all the kinds and forms of agriculture practiced where it operates, that its generality reasonably extends to. Definitions of 'agriculture' in standard texts and treatises and in decisions in these latter years have had the widest content. Funk & Wagnalls defines 'agriculture' as including horticulture, fruit raising, etc., 'because agriculture is the science that treats of the cultivation of the soil.' Webster's Unabridged Dictionary, 1935, declares that in a broader sense agriculture includes farming, horticulture, forestry, dairying, sugarmaking, etc. The Encyclopedia Britannica, 14th edition, 'Forestry as a Science,' declares: 'the science underlying the growing of timber crops is therefore nothing but a branch of general plant science,' while the Cyclopedia of American Agriculture says of forests, 'if agriculture is the raising of products from the land, then forestry is a part of agriculture' (vol. 2, p. 312). From the Encyclopedia Britannica article, on rosin production, we quote the following significant passage: 'The chief region of rosin production is the South Atlantic and Eastern Gulf States of the United States. American rosin is obtained from the turpentine of the swamp pine and of the loblolly pine. The main source of supply in Europe is the lands of the departments of Gironde and Landes in France, where the cluster pine is extensively cultivated.' An examination of the cases cited in 'Words and Phrases,' fifth series, volume 1, page 339 et seq., under agriculture and in 3 C.J.S., 'Agriculture,' pages 361, 365, and 366, section 1, under 'agricultural' and 'agriculture,' convinces that in modern usage this is a wide and comprehensive term and that statutes using it without qualification must be given an equally comprehensive meaning."

The Turner Turpentine Co. case was followed in *Stuart* v. *Kleck* (129 F. 2d 400 (9th Cir. 1942), which also involved the definition of "agricultural labor" as used in the Social Security Act. In the following cases the courts adopted definitions of "products of the land," "agriculture," "agricultural purposes," "agricultural commodities," "agricultural products," or "agricultural labor," some as used in statutes, in the broad sense of things which are the result of husbandry and the cultivation of the soil (*Sancho* v. *Bowie*, 93 F. 2d 323 (1st Cir. 1937); *Lowe* v. *North Dakota Workman's Compensation Bureau*, 220 Wis. 701, 264 N.W. 837 (1936); *Forsythe* v. *Village of Cooksville*, 356 Ill. 289, 190 N.E. 421 (1934); In Re Rogers, 134 Neb. 832, 279 N.W. 800 (1938); *Getty* v. *C. R. Barnes Milling Co.*, 40 Kan. 281, 19 Pac. 617 (1888); *Florida Industrial Comm'n* v. *Growers Equipment Co.*, 152 Fla. 595, 12 So. 2d 889 (1943).

Congress has recognized that the term "agricultural commodities" may include forest products. Section 207 of the Agricultural Marketing Act of 1946 (60 Stat. 1091; 7 U.S.C. 1626) defines "agricultural products" to include "agricultural, horticultural, viticultural, and dairy products, livestock and poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed and manufactured products thereof."

Section 518 of the Federal Crop Insurance Act (55 Stat. 256; as amended, 7 U.S.C. 1518), defines "agricultural commodity" as "wheat cotton, flax, corn, dry beans, oats, barley, rye, tobacco, rice, peanuts, soybeans, sugarbeets, sugarcane, timber and forests, potatoes and other vegetables, citrus and other fruits, tame hay.

Section 2 of the act of May 9, 1956 (70 Stat. 133; 12 U.S.C. 1841(g)), concerning bank holding companies, defines "agriculture" to include "farming in all its branches including fruitgrowing, dairying, the raising of livestock, bees, fur-bearing animals, or poultry, forestry or lumbering operations, and the production of naval stores, and operations directly related thereto."

Section 1 of the act of March 4, 1927 (44 Stat. 1423; as amended, 15 U.S.C. 431), concerning discrimination against farmers' cooperative associations by boards of trade, states that "agricultural products" "means agricultural, horticultural, viticultural, and dairy products, food products of livestock, the products of poultry and bee raising, the edible products of forestry, and any and all products raised or produced on farms and processed or manufactured products thereof, transported or intended to be transported in interstate and/or foreign commerce."

Section 3 of the Fair Labor Standards Act of 1938 (52 Stat. 1060; as amended, 29 U.S.C. 203(f)), defines "agriculture" to include farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 1141j(g) of title 12), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market."

The present social security tax law, now known as the Federal Unemployment Tax Act, has an extensive definition of "agricultural labor," which includes expressly only some forest products such as naval stores (68A Stat. 447; 26 U.S.C. 3306(k)).

As may be seen, some of the definitions, for the immediate purposes involved in the legislation, include forestry products only in part. However, we believe even in these instances, this serves as an indication that where the terms "agricultural commodities" or "products thereof" are used without qualification it is reasonable to include timber in the concept.

We believe that in the historical development of public attention to the timber resources of this Nation the concept has long been that the growing of trees and the work of forestation and reforestation is a part of agriculture. It also appears to be a necessary corollary that timber is an agricultural commodity and that lumber is a product of such commodity. We have found a number of instances both past and present where this concept is expressed. We will quote a few of these.

In an annual report of the Secretary of the Interior (Ethan Allen Hitchcock) in 1901 the following is stated:[1]

"The keynote of the administration of the forest reserves should be to increase the value of the reserves to the public and to perpetuate their forests by wise use * * *. Forestry, dealing as it does with a source of wealth produced by the soil, is properly an agricultural subject."

Gifford Pinchot, Chief of the Bureau of Forestry in the Department of Agriculture in 1902, in a statement before the Agriculture Committee of the House, declared:

"Forestry is a component part of agriculture. Every source of wealth grown from the soil is in the sphere of the Department of Agriculture; hence the forest work rightly belongs to it. The production of timber is as naturally within the scope of the Department of Agriculture as is the production of field crops."

Secretary of Agriculture D. F. Houston, in a letter to the chairman of the Public Lands Committee of the Senate, June 24, 1918, stated:

"This Department is charged with the task of stimulating and improving the production of all forms of wealth grown from the soil. A forest is a crop, and forestry is primarily a problem of production from the soil."

Secretary of Agriculture E. T. Meredith, in an annual report to the President dated November 15, 1921, stated:

"The Bureau of Crop Estimates secures information on the needs of stockmen and farmers for public and national forest ranges which aids the national forest administration, and collects also data on the products of farm woodlots which is of value in the development of farm forestry. In short, having largely exhausted the forest crop grown in advance; the problem now is to use more widely what remains and to grow other crops to meet our needs. That is to say, forestry is a distinctly agricultural business. The function of the Department as a whole includes efforts for the production of the most effective manufacture, distribution, and utilization of the products of both farm and forest for the benefit of the country at large."

President Franklin D. Roosevelt in a letter to the Joint Committee on Forestry of the Congress declared.[2]

"Forests are intimately tied into our whole social and economic life. They grow on more than one-third the land area of the continental United States. Wages from forest industries support 5 to 6 million people each year. Forests give us building materials and thousands of other things in everyday use. Forest lands furnish food and shelter for much of our remaining game, and healthful recreation for millions of our people. Forests help prevent erosion and floods. They conserve water and regulate its use for navigation for power, for domestic use, and for irrigation. Woodlands occupy more acreage than any other crop on American farms, and help support 2½ million families.

"Our forest problem is essentially one of land use. It is a part of the broad problem of modern agriculture that is common to every part of the country. Forest lands total some 615 million acres."

In testifying in 1951 on S. 1149, a bill to reorganize the Department of Agriculture, Lyle F. Watts, Chief of the Forest Service, stated:[3]

"Forestry and grazing are agricultural functions: Trees and grass are crops. Like corn, wheat, and cotton they start from seed. They respond to the same kind of care given other crops. They are harvested—or at least they should be harvested—so that one crop follows another. Their culture is based on the biological sciences, which are chiefly and in many cases exclusively the concern of the Department of Agriculture. Insect and plant-disease control, genetics, soil science, and other agricultural sciences are as important to growing crops of trees and grass as they are to field crops.

* * * * *

"Forestry and grazing are inseparable parts of agriculture. It takes the same know-how to grow timber in the farmer's woods as it does in forests owned by anyone else. Farm woodlands are indispensable to the Nation's timber supply. Farmers own one-third of all our commercial forest land—139 million acres.

"Turning it around, woodlands are indispensable to the farmer. Forest lands make up half the total farm acreage in New England and about 40 percent of all farm acreage in the South. Forest products provide farmers in many regions with a valuable source of cash income. When forest land is properly managed, the timber harvest can be as regular and dependable as any other crop.

"Farm forestry is an integral part of the Department's farm program. Farmers look to the Department of Agriculture for help on farm forestry just as they do in animal husbandry, fruitgrowing, or other crop problems. The small nonfarm forest properties of 125 million acres, almost as extensive as the farm forests and often intermingled with them, face exactly the same problems and should be served by the same agency.

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[1] Some of the following quotations have been derived from a collected document which is authentic. Time has not permitted review of the original sources.

[2] Mar. 14, 1938, report of the Joint Committee on Forestry, S. Doc. No. 32, 77th Cong., 1st sess.

[3] Hearings before the Committee on Expenditures in the Executive Departments, U.S. Senate, 82d Cong., 1st sess., p. 442.

"Nor can any sharp line be drawn between forestry and grazing. In much of the South and West the same land is used to grow both trees and grass. Thus all such lands are interrelated parts of the Nation's agricultural enterprise.

"And from the watershed angle, forest and grazing lands are inseparably linked with field-crop lands. In every watershed, we must have a unified approach covering all lands to effectively control erosion, floods, and water supply. Soil conservation and watershed management are agriculture, and the Department of Agriculture, under the Flood Control Act of 1936, is responsible for watershed surveys on all lands. Within the Department, the Forest Service and the Soil Conservation Service work together closely to reduce damage from floods and sedimentation on forest, grazing, and other crop lands.

"Adding it all up, any way you look at it, the answer is the same: Forestry and grazing are agriculture."

It is, therefore, our opinion that forestry is a part of agriculture and that timber is an agricultural commodity. It follows therefore, that the products thereof, such as lumber, are products within the definition in section 204. We have attempted to analyze the problem from the standpoint of general precedent and authority. If the foregoing analysis is not consistent with the present intent and purposes of the Congress, you may wish to reexamine the question for greater clarification.

Sincerely yours,

JOHN C. BAGWELL,
General Counsel.

Mr. ELLENDER. Mr. President, as I stated, this is a very simple bill. It authorizes the President, for the purpose of carrying out any agreement under section 204 of the Agricultural Act of 1956, to limit the importation of any agricultural commodity or product covered by such agreement from countries not participating in the agreement. It would be applicable only in the case of agreements where imports from participating countries account for a significant part of the world trade in the article.

Mr. PASTORE. Madam President, will the Senator yield?

Mr. ELLENDER. I will yield in just a few moments. I would prefer to complete my short statement at this time.

Section 204 of the Agricultural Act of 1956 authorizes the President to enter into agreements with foreign countries limiting the importation of any agricultural commodity or product thereof. He does not have clear authority at present to limit imports from countries not participating in the agreement, and this bill would provide such authority. At present the only agreement in force under section 204 is the 1-year cotton textile arrangement in which 19 countries participate. Passage of the bill is urgently needed to prevent anticipated imports from nonparticipating countries vitiating the effect of the agreement.

That is all the bill provides. It is that simple.

Mr. SALTONSTALL. Madam President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. SALTONSTALL. My section of the country is heartily in favor of the bill, from the textile point of view.

Mr. ELLENDER. I was sure it would be.

Mr. SALTONSTALL. What the bill means is that the President, through unilateral action, can make the agreement with 19 countries effective. If this measure does not go through, the multilateral agreement becomes ineffective. Is that correct?

Mr. ELLENDER. Yes; ineffective because the countries not participating in the agreement could send in their products.

Mr. SALTONSTALL. This measure is an extension of the present law. Is that correct?

Mr. ELLENDER. No; it is not an extension. It is a clarification of it. Under the law as it stands, it is doubtful whether the President has authority to limit imports from countries not participating in the agreement. This measure gives him that authority.

Mr. SALTONSTALL. This measure gives him that authority, and it goes on indefinitely.

Mr. ELLENDER. Yes.

Mr. JAVITS. Madam President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. JAVITS. I am sympathetic to the 19-nation agreement, though I am favorable to the liberalization of our trade policy. Was there any testimony before the committee as to the effect, in terms of trade relations, of this bill upon countries which would be affected by it and which, I assume, are not parties to the 19-country agreement?

Mr. ELLENDER. No; there were no hearings on that point.

Mr. JAVITS. Does the State Department give any opinion on it?

Mr. ELLENDER. It did in the hearings held before the Committee on Agriculture of the House. I understand the State Department is favorable to the bill. In fact, all the departments of the Government are in favor of it. The Labor Department and the Agriculture Department are in favor of it, as well as the State Department.

Mr. JAVITS. As well as the Commerce Department?

Mr. ELLENDER. Yes. As a matter of fact, the entire proposal was initiated by the Commerce Department, because of this lack of authority to bind countries that are not parties to the agreement.

Mr. SALTONSTALL. Madam President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. SALTONSTALL. To comment on what the Senator from New York has said, am I correct in saying that 90 percent of the textile imports come within the multilateral agreement, so that only 10 percent of the imports would affect the 19 countries that are a part of the agreement?

Mr. ELLENDER. That is my understanding.

Madam President, I yield the floor.

SENATE RULES OF PROCEDURE

Mr. CLARK. Madam President——

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. CLARK. Madam President, a few moments ago the Senate, by rollcall vote, completed the fourth of four extraordinary actions involving the subjects of literacy tests, civil rights, the Senate rules, and the filibuster.

I should like for a few minutes this afternoon to analyze, first, what happened; second, why it happened; third, the results in the country, and on the Senate itself, of the action which the Senate took; and, finally, to suggest again the necessity for changing the rules of the Senate.

Some persons may say this talk is in the nature of a funeral oration. Perhaps it is, for it certainly marks the demise of any hope of significant civil rights legislation at this session of the Congress. But I think it is important that we should seriously consider in this body what we have just done and give consideration to whether what we did was wise or proper; and, further, look into our own hearts to see whether we in this body are not operating under a great delusion—a delusion that we are not a part of the world today, a delusion that in this air-conditioned chamber, filled with genial friends, we can, in a sense, let the rest of the world go by while we continue to operate under procedures which were obsolete before the end of the 19th century.

Mr. JAVITS. Madam President, will the Senator yield on that point?

Mr. CLARK. I am happy to yield.

Mr. JAVITS. First, I appreciate the Senator's making this statement for our "team" after the vote. This is very sound procedure, since the Senator now has the whole picture in front of him. I am delighted that he is doing so.

Second, I wish to add that not only is the Senate operating under a delusion that we can pursue these archaic procedures, to which the Senator so properly has referred, but to remind the Senate that it is operating under a delusion that the problem will not be here if we do not do anything about enacting legislation, that the Negroes will be very happy about the fact that they are disfranchised, that they will stop "sitting in," stop protesting about doing nothing about it, and that they will settle down to things as they were in pre-Civil War days.

Mr. CLARK. The Senator is eminently correct. We as an institution seem to think that if we say, to borrow a Russian word, "nyet," long enough and loud enough the problems we face can all be swept under the rug; that we can go home, go to bed, and forget about them.

I thank the Senator.

I turn now to a consideration of what happened. At the request of the Attorney General of the United States, the President asked the leadership to take up and attempt to pass a relatively minor civil rights bill, a bill which would have substituted, for existing provisions in the laws of some eight Southern States which provide for literacy tests as a qualification for voting a Federal law providing that anyone who has a sixth-grade education shall not be subjected to any literacy test, but, insofar as that particular qualification is concerned, shall be entitled to vote.

The report of the Civil Rights Commission had made it abundantly clear that in 100 counties in 8 Southern States literacy tests were being abused so as to disfranchise citizens of the United States because of their race or color. The Attorney General was quite right, I think, in desiring that Congress should pass Federal legislation, as the President recommended, to overcome that defect.

This proposed legislation was clearly needed. I believe it to be clearly wise. As I have hitherto argued on the floor of the Senate, I think it is clearly constitutional.

It was obvious from the start, however, that our friends from the South were determined not to permit the proposed legislation to come to a vote. So a desultory debate was engaged in, which went on without much spirit, one way or another, for the larger part of 2 weeks.

The majority and minority leaders were together in sponsoring the proposed legislation and in keeping it before the Senate, so it was a bipartisan measure despite the fact that it was advocated by the President and by the Attorney General.

When I first came to the Senate in 1957, and again in 1960, there was a procedure attempted for dealing with filibusters which was quite different from the procedure in which we engaged this time. We then, as the saying is, used to "go around the clock." The Senate was kept in continuous session. Senators slept on cots or not at all.

We never broke a filibuster that way. The Senate did pass two rather limited civil rights bills, not because the filibuster was broken, but only because our friends from the South were confident that the bills would not result in much damage to their age-long position and were content, after awhile, to let them pass.

This time we used a different procedure, a somewhat more gentlemanly one. We came in late. We adjourned early. Everybody was relaxed.

We did not beat the filibuster that way, either. I do not think anybody seriously thought we could.

After the desultory debate had gone on for awhile, after most Senators who opposed the proposal had made speeches, and after many Senators who supported the bipartisan effort to pass the proposal had made speeches, to give their arguments, to make their position in support quite clear, the leadership moved for cloture under rule XXII.

As we all know, it takes a vote of two-thirds of the Senators present and voting to impose cloture or to limit debate. Last Wednesday the vote on the cloture motion came. The cloture motion was defeated by a vote of 53 to 43.

It is probably not of much significance, but perhaps it should be noted for the RECORD that the Democrats were evenly divided 30–30 in the vote on the first cloture motion, whereas the Republicans voted 23–13 against cloture. On the second cloture vote a thin majority of Democrats voted for cloture, but they were joined by only 11 Republicans.

Then the majority leader took an unusual course. With the sponsorship of the minority leader, the majority leader moved to table his own proposal but announced that he would vote against his own motion. The purpose of this strategy was clear. I believe the strategy was wise. The purpose was to put every Senator on record as to whether he wished the discussion to continue and therefore, presumably, wished to bring the literacy test civil rights bill to a vote, or whether he wished to move on to some other business.

This second rollcall, held within an hour of the first vote, resulted in a vote against the motion to table of 64 to 33. This was a decision to continue debate. This seemed to indicate, at least to the unsophisticated, that a substantial majority, very close to two-thirds, wished to vote on the proposal on its merits.

Thereupon, the majority leader and minority leader, along with other Senators, filed another motion for cloture. Under the agreed procedures the motion was to come to a vote, and did come to a vote, yesterday. No minds were changed. Two Senators who had been present last Wednesday were absent. The vote against cloture was 52 to 42.

Thereupon the majority leader gave up, having concluded that not even a majority of the Senate was prepared to vote to limit debate. He concluded, and I think correctly, that there was no prospect of beating the filibuster, and that the Senate might as well go on to other business.

I regret, and many of us who supported the majority leader and minority leader in their sponsorship of the proposed legislation regret, that the leadership did not see fit to wait several days, perhaps even a week or two, before renewing the motion for cloture, in the hope that other Senators who had been unwilling to vote to limit debate in the first instance would change their minds and vote for cloture when they saw that the debate was dragging on to an interminable length and that there could be no conceivable suggestion that there had not been full and free debate.

Our suggestion in this regard was not acceptable to the majority and minority leaders. They certainly have the right to determine the procedures under which the Senate operates from day to day, so I make no serious complaint about what was done, other than to say I regret it.

So some of us, led by the Senator from Illinois [Mr. DOUGLAS] and the Senator from New York [Mr. JAVITS] concluded that there ought to be a fourth vote, to determine whether a majority in the Senate today still felt the way a majority of the Senate felt less than a week ago, last Wednesday, when, as Senators will recall, by a vote of almost two to one the Senate determined to continue the debate.

The majority leader indicated that he would not support us in that regard—he thought the Senate had had a run for its money; he felt the calendar was becoming crowded, with the session almost 5 months old; and he felt the wise thing to do was to turn to other business. It immediately became apparent that, the majority leader having shifted his position, our efforts to continue the debate were doomed to failure. Nevertheless, we did what we could to support our position.

As expected, only a few minutes ago the Senate decided by a vote of 49 to 34 to consider other business, the textile bill—thus the civil rights proposal was ready for interment for the remainder of this session.

It occurs to me that the 20 Senators who voted against cloture but also against the motion to table last Wednesday; and the 15 Senators who voted against cloture, against the motion to table last Wednesday, and in favor of the motion to consider other business today, owe their colleagues and the country an explanation of their votes.

What the Senate has done in these four votes might well be compared to the ancient nursery rhyme about the King of France who marched up the hill with all his men, and then turned around to march right down again. I suggest that it is difficult indeed for the country to understand what we have done in the past week, and utterly impossible for our friends abroad, who are not aware of the peculiar procedures of this peculiar institution, to appreciate what we did.

I turn now to the second part of my talk. Why did we do what we did? Various explanations have been offered. I suggest the following:

First, we are bound in this body by archaic rules dating back many years, which make it impossible for the Senate to act when a majority is ready for action. That a majority was ready for action last week I think is clear from the vote of 64 to 33 in opposition to the motion to table. It is true that a majority of the Senate voted twice not to impose cloture and terminate debate. But that, I take it, merely means, for various reasons, most of them traditional, that the Senate, although it knew it was ready for action and the majority wanted to act, was nonetheless unwilling to violate tradition by imposing a limitation of debate That is an old captivity of ours. I think it leads to the conclusion that our rules are hardly appropriate for the modern world. We are the only civilized legislative body in the world which cannot terminate debate, and the fact that less than a majority desired to terminate debate last week while substantially more than a majority wanted to bring the pending business to a vote, while it indicates the inconsistency of the Senate, does not, I believe, detract from the conclusion that the rules of the Senate put a premium on inaction and impose a penalty on those who wish action to take place.

The second reason why we behaved as we did is that the ghost of John C. Calhoun still hovers over the Senate Chamber. It was his doctrine of the concurrent majority, advanced in a number of eloquent speeches in this body before the Civil War, which actually did as much as anything else to bring on the bloody conflict between the States. In essence, that doctrine was that no action shall be taken in the Senate unless there is a majority of all the different groups, classes, and sections of the country which have an interest in the proposed legislation. It is a doctrine which I thought had been discredited. Certainly the results of the Civil War overturned it insofar as the burning question of that day—human slavery—was concerned. Yet careful research has failed to reveal a single authoritative reply to Calhoun's doctrine of the concurrent majority. I believe the action of this body in the days since the Civil War led to the irresistible conclusion that that great Senator from South Carolina still works his way in this body. Long after his death he has allies that, I suspect, he would not have anticipated. They now rush to his support. They include not only Senators from the united Deep South, but a substantial number of Senators from other and newer States with small populations, notably in the mountain areas, who fear that if they did not support the filibuster, the economic and social interests of their States might be adversely affected in the future by majority action in this body. Thus we find that because enough Senators stuck by their determination not to vote for limitation of debate, a majority of the Senate was unwilling to bring to a vote a bill which almost two-thirds of the Senate was ready to vote upon.

A third reason we behaved as we did was lack of any deep conviction behind the literacy test bill. The civil rights groups throughout the country did not have the measure high on their priority list. They are interested primarily, and understandably so, in part III of the original civil rights bill of 1957 which would give the Attorney General authority to initiate and intervene in all kinds of situations in which the privileges and immunities of citizens, their right to the equal protection of the laws, and their right to vote was threatened or violated. They are also deeply interested in proposed legislation which would expedite and promote integration in the public schools. They did not strongly support the effort to have the pending legislation brought forward for a vote on the merits and passed. So there was no steam behind the effort to pass the bill.

A fourth reason, I think, was that the timing, while seemingly good, actually turned out to be unfortunate. We discovered last summer that civil rights legislation has little chance of passage toward the end of a session. To be sure, we were then dealing with a change in rule XXII and not civil rights legislation itself. But the principle is the same, since the major purpose in changing the rule was to expedite consideration and passage of proposed civil rights legislation. But it now appears clear in retrospect that we cannot pass proposed civil rights legislation if we do not start to do so until midspring.

This is because there are many other pressing issues on the calendar which the Senate is anxious to dispose of before adjournment for the year.

Finally, I believe the attitude of the leadership was important in the action we took today. Quite frankly, the leadership gave up. I do not condemn my majority leader for that action. It may well be that his decision was wise. But certain it is that since last Wednesday he did not have his heart in a continuing effort to press this legislation to a vote on its merits and to pass it. These, then, were the factors which explain why we did what we did.

I do not believe that the constitutionality question had much to do with our action. It is true that the able Senator from Kentucky [Mr. COOPER], somewhat to the surprise of many of us, announced his opposition to a bill we thought he would support, on the ground that he concluded it was unconstitutional. However, I suggest that there were few if any other Senators whose real motivation in opposition to the bill was the alleged lack of constitutionality.

As I listened to and read the debates on the constitutional question, I came slowly to the conclusion that Senators who argued that this bill was unconstitutional were operating to a very great extent under the subconscious notion that they were arguing the Dred Scott decision before a Supreme Court of the United States whose Chief Justice was Roger B. Taney. The arguments almost entirely ignored the 14th and 15th amendments. They ignored the opinion of the Attorney General. They ignored the opinion of the Civil Rights Commission and its very able member, Dean Griswold of the Harvard Law School. They conducted the constitutional arguments in more or less a vacuum, as though the Civil War amendments to the Constitution had never been adopted. In particular, the constitutionality argument ignored the present composition of the Supreme Court of the United States and its recent decisions in the field of civil rights.

I believe I am telling no secrets out of school when I say that a number of the Senators who argued most vehemently against the constitutionality of the bill have stated their private conviction that the present Supreme Court, if the bill had been passed and were to come before it, would conclude, as the Attorney General did, as Dean Griswold did, and as the able constitutional lawyers in the Senate who supported us did, that the proposal was clearly constitutional.

Therefore, I discount the constitutionality argument. I conclude that we did what we did largely because we operate today under rules and practices which honor the memory of John C. Calhoun and his doctrine of concurrent majority.

I have suggested, Madam President, that until we in the Senate get this great delusion out of our heads we are in grave danger of finding the Senate incapable of performing its constitutional functions in the modern world.

To be sure, for the past 2 or 3 weeks we have been engaged largely in shadowboxing. There was a lack of reality about the issue. Very few Senators were emotionally committed or aroused. A few, of course, were thus affected on both sides. However, the end result was that tradition prevailed, and wise and needed action was deferred for at least the remainder of this year.

I say again that behind all of the peripheral reasons for this action lies the ghost of John C. Calhoun.

I turn now to my third point: What is the result of what we have done? I suggest, first, that our action makes clear to the country, and indeed to the world, that in the area of human liberty and human freedom of our Negro fellow citizens the Government of the United States, consisting as it does of three coordinate bodies, the executive, the legislative, and the judicial, is hitting only on two of its three cylinders. The legislature refuses to play its proper part in dealing dispassionately with a great issue which concerns the country and, indeed, the world in critical form.

The judiciary has done its part well. It is doing its part in every case which comes before it dealing with the question of human liberties and civil rights.

The executive, after taking a few timid steps before January 1961, finally sprang into action under the leadership of our President, John Fitzgerald Kennedy. It has done more in the past year and 3 months to advance the cause of civil rights than had been done in all of the 8 years immediately preceding. There is still much the executive can do. There is still much that I hope the executive will do before this year is out. However, the executive has played a fair part in the battle for human liberty, and so has the judiciary.

It is only in the area of the legislature that the representative institutions of the American people have fallen down. I will not be harsh with my colleagues. It would be impertinent of me, and it would serve no useful purpose; but there will be those in this country and abroad who will believe that what we have done is what our English friends call a public shame. There is little of which the Senate can be proud in its actions during the last few weeks.

If this speech of mine should have no other result—and I am not saying that it will have any result—at least I have a faint lingering hope that it may play some small part in releasing us from the great delusion under which we suffer and of which I spoke a little while ago. We live in a dream world in this institution, as my recent colloquy with the Senator from New York [Mr. JAVITS] emphasized. We seem to believe that, in a modern, constantly shrinking world, with increasingly rapid-fire and important problems confronting us, we can go quietly on in the leisurely ante bellum ways, in the leisurely ways of the second half of the 19th century, and that we can do very little, and that what we do can be not enough, but that this does not matter very much; that, after all, there is nothing very serious going on, and if we do not act today, perhaps we can act tomorrow. Most problems which are postponed tend to go away and do not have to be met.

Madam President, I am fearful of the mood of the Senate suffering under the great delusion. In this body, we render the American giant impotent by procedures at variance with the procedures of every other legislative body in the civilized world.

So I must conclude on a note of grave concern. There are two areas, I fear, where the Senate is not yet prepared to act, but in which action may well be essential to survival. As I have indicated the first of these areas is that of civil rights. I believe civil rights legislation is necessary not only to our domestic well-being but also to the success of our foreign policy.

At home, an awakened, better educated Negro citizenry simply will not put up much longer with the denial of the privileges and immunities of citizens, of the equal protection of the laws, and of the right to vote without regard to race or color. This becomes more apparent as we pick up the newspapers every single day. Of course, progress has been made, but wide areas of discrimination remain to be eliminated in education and in housing, and such discrimination can be fully eliminated only with the aid of further legislation. This discrimination is actively supported by a highly vocal minority, both north and south of the Mason-Dixon Line, and ably represented in both Houses of Congress. One of its most unfortunate effects is that in Africa, Asia, and large areas of Latin America, our protestations of liberty and equality are written off as hypocrisy. The result of endless and continuing damage to our position of world leadership is growing more serious every day.

The second area where our procedures and the great delusion, in my judgment, threaten the security of our country in the foreseeable future is that of foreign policy. This goes back not only to the procedures under which we operate, but, even more serious, to the constitutional provision that two-thirds of the Senate present and voting is required for the ratification of a treaty. Consider the areas in which delicate negotiations looking toward the establishment of permanent peace must be brought to a successful conclusion: Through the treaty process, trade agreements, nuclear testing, strengthening the charter of the United Nations, the repeal of the Connally amendment, and a number of other measures. In each instance, some yielding of national sovereignty is required. In each instance, an informed executive, exercising his best judgment, will probably conclude that certain risks must be taken in the hope that the cause of a lasting peace may be advanced.

Conservative public opinion will be rallied against the ratification of meaningful international treaties by the Senate. One can predict in advance the recourse to the flag, to patriotism, to the pocketbook, to the deeply felt distrust of foreigners. The test of intellectual and emotional maturity will be presented each time. It will never be popular to vote to withhold any small part of national sovereignty. A President can perhaps be excused if realistically appraising the Senate's position, he fails to assert aggressive leadership in all of these areas. The history of Woodrow Wilson and the League of Nations is written too plainly not to be read and understood by every occupant of the White House.

Today there is a group which comprises more than one-third of the Senate plus one which would be loathe indeed to move very far toward that internationalism which many believe essential to peace and well-being. This group has at its command not only the constitutional requirement of the two-thirds vote, but all the rules and procedures of the Senate, as well. I ask with some concern, What will the role of the Senate be in the 1960's? Surely the happenings of the last week cannot give us much ground for optimism. Will this body remain a hesitant supporter of that status quo so much admired in conservative circles and resist change in a changing world? Or will the new Members of the Senate, elected in 1958 and 1960, introduce a new and vigorous leadership, spurred on by a President, to take arms against the troubles which confront it, by opposing, somehow or other, before it is too late?

A similar crisis confronted the Senate on March 4, 1917, following the failure of the 64th Congress to pass the Armed Neutrality Act. That crisis was more critical than the one with which we are immediately confronted. I suggest that it was not more critical than the crises which those of us in this body will be confronting not only in the field of civil rights but also in the area of foreign policy in the years immediately ahead. Many persons will remember the historical controversy with President Woodrow Wilson with respect to the passage of the Armed Neutrality Act, which would have permitted the arming of our merchant ships, which were then being sunk in increasing numbers by German submarines. It may well be that the statement issued, in anger, by President Woodrow Wilson from the White House on March 4, 1917, has been referred to recently in the literacy test debate; but if it has been, I have failed to see it. I close my statement this afternoon by asking unanimous consent that at its conclusion there be printed in the body of the RECORD the entire statement issued by Woodrow Wilson at that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CLARK. Madam President, the pertinent point made by President Woodrow Wilson can be summarized as follows: He recalled that 11 Senators—whom he referred to as 11 willful men—had by their then unlimited right of unlimited debate prevented the passage of the Armed Neutrality Act until Congress was, by the Constitution as it then existed, forced to adjourn at noon on March 4, 1917.

He pointed out that that condition disclosed "a situation unparalleled in the history of the country, perhaps unparalleled in the history of any modern government." He stated:

> In the immediate presence of a crisis fraught with more subtle and far-reaching possibilities of national danger than any other the Government has known within the whole history of its international relations, the Congress had been unable to act either to safeguard the country or to vindicate the elementary rights of its citizens.

And he said that was "because a little group of 11 Senators had determined that it should not" act.

President Wilson pointed out that the Senate then had "no rules by which debate can be limited or brought to an end, no rules by which dilatory tactics of any kind can be prevented." He said:

> A single Member can stand in the way of action if he have but the physical endurance.

Then he said:

> The result in this case is a complete paralysis alike of the legislative and of the executive branches of the Government.

Madam President, I commend to my colleagues a reading of the entire statement.

I should like to refer to two more of its pungent phrases. President Wilson said:

> But the Senate cannot act unless its leaders can obtain unanimous consent. Its majority is powerless, helpless.

A little later he said:

> The explanation is incredible. The Senate of the United States is the only legislative body in the world which cannot act when its majority is ready for action. A little group of willful men, representing no opinion but their own, have rendered the great Government of the United States helpless and contemptible.
>
> The remedy? There is but one remedy. The only remedy is that the rules of the Senate shall be so altered that it can act. The country can be relied upon to draw the moral. I believe the Senate can be relied on to supply the means of action and save the country from disaster.

President Wilson was correct: The Senate did supply the means of action, and did help protect the country from the immediate danger facing it. A cloture rule was adopted, under the leadership of Senator Thomas Walsh, of Montana. The 11 men were overridden.

Madam President, I close with a plea that we take a long, hard look at what we have done today, in light of the responsibilities we shall be called upon to face in the foreseeable future. Just as the Senate acted then to adopt a cloture rule adequate for the crisis at that time, so I am convinced that next January the rules of this body must be so changed that it will be able to act when a majority is ready for action, and thus free the Senate from the great delusion and the ghost of John C. Calhoun.

EXHIBIT 1

WOODROW WILSON—STATEMENT

[Issued from the White House by the President March 4, 1917, following the failure of the 64th Congress to pass the Armed Neutrality Act]

The termination of the last session of the 64th Congress by constitutional limitation discloses a situation unparalleled in the history of the country, perhaps unparalleled in the history of any modern government.

In the immediate presence of a crisis fraught with more subtle and far-reaching possibilities of national danger than any other the Government has known within the whole history of its international relations, the Congress has been unable to act either to safeguard the country or to vindicate the elementary rights of its citizens.

More than 500 of the 531 Members of the two Houses were ready and anxious to act; the House of Representatives had acted by an overwhelming majority; but the Senate was unable to act because a little group of 11 Senators had determined that it should not.

The Senate has no rules by which debate can be limited or brought to an end, no rules by which dilatory tactics of any kind can be prevented. A single Member can stand in the way of action if he have but the physical endurance.

The result in this case is a complete paralysis alike of the legislative and of the executive branches of the Government.

The inability of the Senate to act has rendered some of the most necessary legislation of the session impossible, at a time when the need for it was most pressing and most evident. The bill which would have permitted such combinations of capital and of organization in the export and import trade of the country as the circumstances of international competition have made imperative—a bill which the business judgment of the whole country approved and demanded—has failed.

The opposition of one or two Senators has made it impossible to increase the membership of the Interstate Commerce Commission or to give it the altered organization necessary for its efficiency.

The conservation bill, which should have released for immediate use the mineral resources which are still locked up in the public lands, now that their release is more imperatively necessary than ever, and the bill which would have made the unused waterpower of the country immediately available for industry, have both failed, though they have been under consideration throughout the sessions of the two Congresses and have been twice passed by the House of Representatives.

The appropriations for the Army have failed, along with the appropriations for the civil establishment of the Government, the appropriations for the military academy and the general deficiency bill.

It has proved impossible to extend the powers of the Shipping Board to meet the special needs of the new situation into which our commerce has been forced, or to increase the gold reserve of our national banking system to meet the circumstances of the existing financial situation.

It would not cure the difficulty to call the 65th Congress in extraordinary session. The paralysis of the Senate would remain. The purpose and the spirit of action are not lacking now.

The Congress is more definitely united in thought and purpose at this moment, I venture to say, than it has been within the memory of any man now in its membership. There is not only the most united patriotic purpose, but the objects Members have in view are perfectly clear and definite. But the Senate cannot act unless its leaders can obtain unanimous consent. Its majority is powerless, helpless.

In the midst of a crisis of extraordinary peril, when only definite and decided action can make the Nation safe or shield it from war itself by the aggression of others, action is impossible.

Although as a matter of fact the Nation and the Representatives of the Nation stand back of the Executive with unprecedented unanimity and spirit, the impression made abroad will, of course, be that it is not so and that other governments may act as they please without fear that this Government can do anything at all. We cannot explain.

The explanation is incredible. The Senate of the United States is the only legislative body in the world which cannot act when its majority is ready for action. A little group of willful men, representing no opinion but their own, have rendered the great Government of the United States helpless and contemptible.

The remedy? There is but one remedy. The only remedy is that the rules of the Senate shall be so altered that it can act. The country can be relied upon to draw the moral. I believe the Senate can be relied on to supply the means of action and save the country from disaster.

MILITARY APPROPRIATIONS AND THE MILITARY INDUSTRIAL COMPLEX

Mr. CLARK. Madam President, I ask unanimous consent to have printed in the body of the Record a most interesting letter from Washington, by the well-known reporter, Richard H. Rovere, published in the May 12 issue of the New Yorker magazine, commenting on the criticism the Senator from Wisconsin [Mr. Proxmire] has been making about the actions of Congress with respect to military appropriation bills, and also commenting on the great power—against which President Eisenhower has recently warned us—of the military-industrial complex in this country.

I commend the Senator from Wisconsin [Mr. Proxmire] for the statements he has been making on this subject; and I believe that Mr. Rovere's penetrating article is entitled to the careful consideration of all Members of the Senate.

There being no objection, the article was ordered to be printed in the Record, as follows:

Letter From Washington

(By Richard H. Rovere)

For several years now, a bipartisan coalition that consitutes almost the entire membership of the legislative branch has been voting military budgets in excess of what has been requested by the executive branch. "It is as predictable as the coming of May," Senator William Proxmire, of Wisconsin, one of the few nonmembers of the coalition, said in early April, "that the Congress, instead of pursuing its usual critical approach to administration spending programs, will actually increase the more than $50 billion defense budget that is now before it." The day the Senator spoke, the House passed a $13 billion military authorization bill in 1 minute. A short while earlier, it had authorized, without a single dissenting vote, the spending of $491 million on the development of an airplane—the B–70, a supersonic manned bomber and reconnaissance plane, which, in the course of the argument, was rechristened the RS–70 to call attention to its reconnaissance capabilities—that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff felt would make no important contribution to national security, even if everything went according to plan and it was off the production line by 1970. For a time, it seemed as if the congressional proponents of this plane were determined to provoke a constitutional crisis by "directing" the reluctant President and his Secretary of Defense to spend the authorized funds within a stated period. The crisis was averted by a compromise (the White House agreed to undertake a sober review of the B–70 program in exchange for an assurance that the House leaders would not this year test their presumed power to compel the disbursement of funds), but the authorization stands, and unless the administration finds in the program some virtue it has not thus far been able to see, the crisis may be upon us next year. In any case, no one here doubts the essential soundness of Senator Proxmire's charge that "there is in Congress today no disposition to challenge military spending, no matter how vast the sums involved or how eloquent the testimony that they are patently unjustified."

Now and then, to be sure, a congressional committee will be sharply critical of the procurement methods of various agencies within the Defense Establishment, or will expose outrageous profiteering by defense contractors. Congress wants the money it provides for the common defense to be spent on military goods and services, and it does not like to hear, as it recently did, of a million-dollar profit on an investment of $3,500. But its occasional zeal for managerial tidiness and for what it regards as a fair distribution of profits and contracts does not appear to be accompanied by even a mild interest in the proposition that a substantial part of the money it appropriates may be wasted even when procurement methods are sound and the profits suitably modest. "The few of us in Congress who protest are always drowned out," Senator Proxmire said. "I am confident it will happen again this year."

Despite the unanimous House votes and the 1-minute floor debates, there is, in all likelihood, a good deal more uneasiness and concern in the minds of individual Congressmen than their public behavior reveals. Congressmen are by no means less perceptive than people in other branches of government, and there has been for some time here a general awareness of the increasing dependence of our whole society on national defense—on national defense not merely as needed protection but as a central institution, a permanent and perhaps essential feature of the economy, a part of our way of life. For a number of reasons, this awareness has come slowly and painfully. During the middle and late years of the Eisenhower administration, there was a widespread conviction, supported by fairly impressive evidence, that the President was too complacent about the Soviet advances in rocketry and too reliant on the doctrine of "massive retaliation." Moreover, there was an almost universal eagerness to believe that the Communists were dead wrong in saying that our economy would collapse if it were not for the arms race.

Almost every partisan of large military expenditures was in some degree a believer in general disarmament, and any hope for disarmament had to be grounded on the conviction that if the cold war could somehow be brought to an end, or if there could be an enforceable agreement to pursue the conflict with political and economic weapons only, the United States could and would cheerfully divest itself of its weapons, maintain a high level of prosperity, and divert at least some of the money saved into more productive and civilized enterprises. On this question, the economists, both Republican and Democratic, were sanguine. President Eisenhower's Council of Economic Advisers repeatedly assured him that, at least in theory, the economy could get along very nicely without armaments, and in this they had the support of most of their professional colleagues who were being consulted by the Democrats. (The economists relied heavily on the experience of the years from 1945 to 1949, a period in which we disarmed with great speed and with something approaching completeness, yet maintained full employment and moved to new high levels of production.) It may be that the confidence of the economists has all the justification now that it had a few years ago; our system has often surprised even its defenders by its resilience and adaptability, and no one has yet suggested that we have reached the point where we could not survive disarmament. But there is in many quarters here the feeling that it would be more difficult today than it would have been 4 or 5 years ago, and that we may well be on the road to becoming a garrison state.

What is still the most memorable statement on this melancholy possibility was made by Dwight D. Eisenhower in his remarkable valedictory address to the Nation 3 days before the inauguration of President Kennedy. With an uncharacteristic and wholly unexpected degree of emotion, he spoke of the "conjunction of an immense Military Establishment and a large arms industry" as something unprecedented in our history and "new in the American experience." And he went on, "In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together." Mr. Eisenhower's speech put the term "military-industrial complex" into the current language of politics, and his warning was almost immediately echoed by his successor. In a special message on the defense budget a few weeks later, President Kennedy said, "Neither our strategy nor our psychology as a nation—and certainly not our economy—must become dependent upon our permanent maintenance of a large military establishment." It is well known here that Mr. Kennedy fully shares his predecessor's alarm. Even on a matter like the resumption of atmospheric testing, he was careful to satisfy himself that he was not responding simply to the arguments of those who might, however unconsciously, have a professional or political stake in the decision. Roswell Gilpatric, the present Deputy Secretary of Defense, has called Mr. Eisenhower's valedictory his greatest public legacy. But neither Mr. Eisenhower's speech nor Mr. Kennedy's awareness has had any perceptible impact on policy as it is made in Congress.

When Mr. Eisenhower spoke of the weight of the military-industrial complex, he undoubtedly had in mind the sheer magnitude of the machinery of defense, which now accounts for about 10 percent of all economic activity, provides more than 7 million jobs, and requires the spending of sums of money that each year exceed the net income of all the country's corporations put together. This city, however, tends to view institutions in terms of their living representatives or agents here, and in most of what has been said or written about the military-industrial complex the stress is on the number and influence of the people involved in the process whose end product is the seven and a half million defense contracts and subcontracts negotiated in each fiscal year for goods and services that are paid for with revenues that the Congress must raise and appropriate. What information there is on these people is superficial and woefully incomplete, but, even so, some of the known figures are staggering. Before the Second World War, the War and Navy Departments had between them five officers charged with maintaining a useful liaison with Congress. By the end of the war, there were 65. By 1960, the services, combined in the Department of Defense, had 500 or approximately one for each Congressman. What all this costs the Defense Department has been, over the years, the Defense Department's secret. Not long ago, however, a State Department statistician estimated for a representative of the Chicago Daily News that the Pentagon spends roughly $30 million a year on public information, which is 20 times as much as the State Department spends. The source, who added bitterly that Defense people make six times as many speeches on foreign policy as State Department people, was not the most objective in the world, but the figures seemed sound to most observers here. But if few figures exist on the number of military lobbyists, no one has the faintest idea how many representatives industry maintains. Since 1946, there has been on the books a Regulation of Lobbying Act, which requires professional pleaders to register with the Clerk of the House and the Secretary of the Senate and to file detailed financial statements. The law is a joke. It has been estimated that not 1 in 10 lobbyists registers. The financial statements of those who do are generally thought to be valueless. In any case, the really important lobbying done by industry is done not in Congress but in the Pentagon.

The defense contractors take their case to the military men, who, if they find it persuasive, take it to Congress. Very often, the industry men are former military men. A study made by the Investigations Subcommittee of the House Armed Services Committee in 1959 turned up more than 1,400 retired officers of the rank of major or higher in the employ of a hundred leading defense contractors. Two hundred and sixty-one were generals or admirals. General Dynamics, which employed the largest number of retired officers (187, of whom 27 were generals or admirals), chanced to be awarded the largest defense orders of any firm in 1960. The head of General Dynamics at the time was Frank Pace, a former Secretary of the Army. As Vice Adm. Hyman Rickover, an astute observer of the ways things get done and don't get done in the military, has pointed out, there is very likely to be a tie that binds any retired officer to the men who move up in the service as a consequence of his retirement.

The 1959 investigation turned up a few instances of large-scale partygiving by defense contractors for procurement officers and Congressmen, and there is a tendency here to think that if a way could be found to isolate the military men and politicians from this sort of thing, the power of the military-industrial complex would be greatly lessened. There have been cases in which pressure has been used rather nakedly. Senator PROXMIRE has cited one in which, during the summer of 1960, "the Pentagon succeeded in stopping cold a bill providing for Small Business Administration participation in Government procurement, although the bill had unanimously passed the Senate and was well on its way to passage in the House when the armed services intervened." It is doubtful, though, whether the road to the garrison state could be blocked even if a way could be found to eliminate all shady influences on procurement and on the making of budgets. In this connection, the case of Senator HENRY JACKSON, of Washington, is instructive.

Among those who consider themselves politically literate and au courant, it is fashionable to cock a knowing snook when Senator JACKSON's name comes up, and to impart the intelligence that he has been referred to as "the gentleman from Boeing," meaning that he has often been found extolling the qualities of such Boeing products as the Air Force's Bomarc missile and the B–52 bomber. The implication is that Senator JACKSON is somehow or other tied to the Boeing management. This is pathetically—perhaps even tragically—wide of the mark. Senator JACKSON is probably as incorruptible as any Member of the 87th Congress. It is simply unthinkable that any amount of free entertainment provided by defense contractors would influence his judgment on a military question. It is just as unthinkable that he could be reached by any spurious argumentation advanced by Pentagon lobbyists. He is fully as wise to their ways as is Senator PROXMIRE. Senator JACKSON, who is highly intelligent and as politically sophisticated as anyone in this city, is also, it so happens, a really first-class student and critic of military strategy. He is an Army Reserve officer with the rank of lieutenant colonel, and he has spent 8 years as a member of the Senate Armed Services Committee. He is, furthermore, a Democrat (he served as chairman of the Democratic National Committee during Mr. Kennedy's 1960 campaign for the Presidency) whose bent is leftward and and whose support in the State of Washington comes not from business interests but from organized labor and from farmers. In his exceptional case, Senator JACKSON is undoubtedly persuaded of the merits of Boeing products and of Boeing's ability to do just about anything that is asked of it. If he should ever come to believe otherwise, however, he would find himself in a politically impossible situation. Boeing—which in 1961 was the third largest defense contractor in the country and had more than a billion dollars' worth of Government orders, or 4.8 percent of the total—is to Seattle and Washington as Du Pont is to Wilmington and Delaware.

The executives and the principal stockholders of Boeing might not find it too difficult to survive a prolonged decline in the company's fortunes, but such a decline would work enormous hardship not only on tens of thousands of workers but on all the tradesmen and service people whose income derives indirectly from this giant member of the military-industrial complex. It cannot, perhaps, be said that what is good for Boeing is good for America, but it can surely be said that what is bad for Boeing is bad for the State of Washington, a commonwealth for whose interests Senator JACKSON must speak here.

There are relatively few Members of Congress representing constituencies in whose lives a single Government contractor plays as large a part as the Boeing Co. plays in the lives of the citizens of Washington. There is probably, however, not one Congressman whose district does not have some major enterprise that is part of the military-industrial complex. According to a survey made by the Congressional Quarterly a little over a year ago, 282 of the 437 Members of the House of Representatives each has within his district at least one of the 738 installations of the armed services, the Atomic Energy Commission, and the National Aeronautics and Space Administration. The average is thus somewhat better than two and a half installations each, and even the lesser ones can be of such importance to a Congressman as to lead him to lose his bearings and speak of defense as though it were nothing but a prop for the local economy. Last year, Representative SAMUEL STRATTON, a Democrat from upstate New York, wired the Secretary of the Air Force, Eugene Zuckert, to express displeasure at reports of a plan to transfer certain operations from Griffiss Air Force Base, near Rome, N.Y., to some other place. "It is fantastic to learn," Mr. STRATTON's telegram said, "that one more defense department is considering recommendations which would have the effect of increasing unemployment in upstate New York, already hard hit by layoffs." Senators JAVITS and KEATING, also of New York, have repeatedly protested the fact that California gets 23.7 percent of "military procurement actions" as against New York's 11.7.

In recent years, indeed, Congressmen have tended less and less to justify their military recommendations on the ground of effective national defense and have become rather charmingly candid in their view of defense as a pork barrel. "I am getting pretty hot under the collar," Representaitve KEN HECHLER, of West Virgina, told the House a couple of years ago, "about the way my State of West Virginia is shortchanged in Army, Navy, and Air Force installations." It was this sort of thing that frustrated the Eisenhower administration's repeated efforts to reduce National Guard and Army Reserve manpower to levels that would, as Mr. Eisenhower put it, "conform to the changing character and missions" of the regular services. In testimony before a subcommittee of the Joint Economic Committee early in 1960,

> Representative JAMIE L. WHITTEN, of Mississippi, said:
>
> "I am convinced defense is only one of the factors that enter into our determinations for defense spending. The others are pump-priming, spreading the immediate benefits of defense spending, taking care of all services, giving all defense contractors a fair share, spreading the military bases to include all sections, et cetera. There is no State in the Union, and hardly a district in a State, which doesn't have defense spending, contracting, or a defense establishment. We see the effect in public and congressional insistence on continuing contracts, or operating military bases though the need has expired."
>
> "Paradoxically," Senator PROXMIRE said a few days ago, "the anything-goes-for-defense attitude may be giving us a weaker military posture as well as a larger bill. The heaviest lobbying pressure—and, inevitably, the most potent with Congress—is to hold on to old weapons, keep old assembly lines rolling, and maintain old jobs. In a time of change and innovation, this could be deadly."

Mr. CLARK. Madam President, I yield the floor.

AMENDMENT OF THE AGRICULTURAL ACT OF 1956

The Senate resumed the consideration of the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

Mr. HRUSKA. Madam President, on tomorrow we shall begin the debate on the so-called cotton textile bill, House bill 10788.

I rise in support of the Mundt amendment. Briefly stated, the amendment's purpose is to extend to the livestock industry the protective benefits conferred by Presidential action upon the cotton industry against the inroads and injury of imports.

While it cannot be said that section 204 of the Agricultural Act of 1956, upon which the President's action is based, is the most desirable legislation, yet if it is to be used, it should be equitably and fairly extended to major parts of agriculture in need of its benefits—rather than to be applied in a discriminatory and partial manner to only one.

Section 204, Agricultural Act of 1956, reads as follows:

> The President is authorized to negotiate agreements with foreign governments in an effort to limit the export to the United States of agricultural commodities or products, including textiles or textile products.

The powers and scope of this section are unlimited. In fact, they are absolute. Thus, it could be said they compose the sovereignty of the Nation—exercised by the conscience of the Chief Executive. Surely that conscience is not narrow, restrictive, or small. Those of us who are supporting the Mundt amendment believe that, upon due consideration, all concerned will view this bill in the larger, more comprehensive sense which will more truly approximate its intended purpose, if it is to be used at all.

It should include the livestock, poultry, dairy, and timber industries, as well as cotton. The Mundt amendment will achieve this. It reads as follows:

> *Provided, however,* That no agreement in regard to cotton and cotton textiles shall be enforced pursuant to the provisions of this section until such time as the President has negotiated agreements with representatives of foreign nations limiting in like manner the export to the United States from foreign countries of the following commodities: beef and beef products, pork and pork products, fresh and frozen lamb, poultry and poultry products, dairy products, timber, and timber products.

The U.S. Government now pays exporters of cotton a subsidy of 8.5 cents a pound on both raw cotton and the cotton content of manufactured goods, to make these items competitive at world prices.

Cottongrowers in America and the textile mills abroad are very happy with this arrangement. But textile mills within the United States are very distressed as a result thereof, because they know that with the low wage scale of foreign textile mills, the already precarious condition of American mills will deteriorate further.

Already, several steps have been taken to assist them in their plight. For example, not too long ago a new depreciation schedule for textile machinery was announced; the President, through his Secretary of Agriculture, had petitioned the Tariff Commission for imposition of an import equalization fee on imported cotton goods of 8.5 cents a pound, to offset the cost advantage in raw cotton enjoyed by foreign manufacturers, since domestic manufacturers must buy at supported prices; a tentative agreement was reached among 19 nations, including the United States, to limit foreign sales of cotton textiles to the United States, this being done pursuant to section 204 of the Agricultural Act of 1956 to which I have already referred; and, finally, the introduction of the pending bills—one in the House of Representatives and one in the Senate—which would enable the President to regulate—presumably to the point of prohibition—any cotton textile imports from nonagreement countries.

It would appear that these steps are warranted on account of the distressing and receding state of textile manufacture in the United States. Such recession is evident because the number of textile workers has progressively diminished. In fact, in 15 years by about some 300,000 workers or 28 percent. Also, the number of mills closed in that period of time numbered about 844. Furthermore, imports of textiles were $112 million greater than exports in 1960—a reversal of balance, as against previous years.

Generally, there is sympathy for the plight of textile manufacturers in the United States. Generally, there is gratification that something can be and is being done about it. One would be crass indeed if he did not rejoice in the saving of American jobs; in the continued use of American factories and equipment; in an increase of American volume of business, particularly at a time when the Nation so badly needs to get moving ahead once again.

However, the steps taken as enumerated, even though warranted, are being scanned with great misgiving and suspicion, and rightly so, because of the nature of the proposal before us in the general background of legislation on the same subject being processed by Congress.

In H.R. 10788 and S. 3006 we have a strong, outright, protectionist measure being advocated by the Democratic administration, and being approved and urged for passage by practically all of its departments and agencies having anything to do with this area of activity. It is not only a protectionist measure, but it is stronger than a McKinley bill, in fact, because the latter depended only on tariff, while the pending measure depends on subsidy, international cartel, strict import regulation, even prohibition in certain cases.

PENDING BILL AT COMPLETE VARIANCE WITH TRADE EXPANSION BILL, H.R. 9900

The measure before the Senate is, and should be, suspect because it is at complete variance with declared objectives of major national basic legislation and policy proposed and advocated by the administration. Consider the terrific effort being expended in every way and by virtually every personage prominent in the administration for favorable consideration of H.R. 9900.

Its statement of purposes is lofty and inspiring. In fact, it is almost irresistible. Who could possibly summon enough nerve to oppose it? It reads:

> SEC. 102. Statement of purposes: It is the purpose of this act, by lowering trade barriers through trade agreements affording mutual benefits, to stimulate the economic growth of the United States, maintain an enlarged foreign market for the products of the U.S. industry and agriculture, and make available to the people of the United States a greater variety of goods at lower prices; to strengthen economic and political relations with the European Economic Community in foreign countries through the development of an open and nondiscriminatory trading system in the free world; to assist in the sound economic progress of countries in the earlier stages of economic development; and to counter economic penetration by international communism.

This is indeed a noble statement of principle. But in view of the pending measure with its strong, across-the-board support from the administration's departments and many agencies, one can rightly question whether H.R. 9900 was offered and is advocated in complete good faith.

Virtually a complete negation and denial of H.R. 9900 is found in provisions and implications of H.R. 10788.

First. H.R. 9900 envisions "a greater variety of goods at lower prices" for the U.S. consumer. But the pending bill will cut down volume and variety by international cartel already agreed upon, and by the import prohibitions placed upon nonagreement countries which will ensue if this bill is enacted into law.

Second. H.R. 9900 calls for "an open and nondiscriminatory trading system in the free world." But the bill before us provides for a closed, restricted, and highly discriminatory arrangement among nations.

Third. H.R. 9900 glories in its lowered trade barriers as an assist in the sound economic progress of countries in the earlier stages of economic development. But in the pending measure there is a startling and notable absence of any so-called underdeveloped nations in the list of those participating in the agreement. In fact, the very nature and substance of that agreement actually excludes and obstructs the sound economic progress of underdeveloped—those in the earlier stages of economic development.

PENDING BILL DENIES DECLARED OBJECTIVES OF PRESIDENT'S TRADE AGREEMENT PROGRAM

The President's request for passage of the pending bill is a denial of his numerous lofty declarations of what a more liberal trade policy will mean to progress of America, moreover. Consider these three elements which are inherent in the pending bill:

First. The Government subsidy of cotton exports.

Second. Entry of the United States into an international cartel which places quotas on imports from 18 nations on their cotton textile products.

Third. Seeking of power in pending measure to absolutely regulate, to the point of prohibiting, imports of cotton textiles from nonagreement countries.

Each and every one of these points is alien and opposed to the President's frequent and emphatic calls for a more liberal trade policy. Even a casual reference to the text of his January 25 message relative to the reciprocal trade agreements program, delivered to Congress earlier this year, proves this to be a fact. Here are some of them clearly illustrating the point:

> 1. Indeed, freer movement of trade between America and the Common Market would bolster the economy of the entire free world, stimulating each nation to do most what it does best.
>
> 2. To try to shield the American industry from the discipline of foreign competition would isolate our domestic price level from world prices, encourage domestic inflation, reduce our exports still further, and invite less desirable governmental solutions.
>
> 3. If we can take this step, Marxist predictions of capitalist empires warring over markets and stifling competition, would be shattered for all time.
>
> 4. We will prove to the world that we believe in peacefully tearing down walls instead of arbitrarily building them. We will be opening new vistas of choice and opportunity to the producers and consumers of the free world.
>
> 5. We must make certain that any arrangements which we make with the European Economic Community are worked out in such a fashion as to insure nondiscriminatory application to all third countries. Even more important, however, the United States and Europe together have a joint responsibility to all of the less developed countries of the world, and in this sense we must work together to insure that their legitimate aspirations and requirements are fulfilled. The open partnership which this bill proposes will enable all free nations to share together the rewards of a wider economic choice for all.
>
> 6. The American consumer benefits most of all from an increase in foreign trade. Imports give him a wider choice of product at competitive prices. * * * Increased imports stimulate our own efforts to increase efficiency, and supplement antitrust and other efforts to assure competition.

All of the foregoing are excerpts from the President's message to Congress on January 25 relating to the reciprocal trade agreements program. Each and every one of them is violated in spirit by the advocacy of the pending measure which is based upon Government subsidy of exports, international cartel, and a request for authority to impose absolute import prohibitions on nonagreement countries to that cartel.

Especially cynical, however, is that quotation regarding the American consumer. Our Chief Executive has always catered excessively to the American consumer—there are so many of them. In his special message relating to consumer interest, he especially went overboard, promising them virtually everything, at no price increase or cost to them whatsoever, but signally failing to give that which the consumer desires and needs the most; namely, surcease from further Government intervention, and a reduction of Government expense instead of an increase thereof.

The Senator from Nebraska respectfully submits that the consumer under the pending bill will pay twice and dearly; the first time by furnishing the taxes to pay the subsidies which lead to high prices for consumer items; and, secondly, the higher prices he must pay for those items when he wishes to use them.

To speak so beguilingly of competitive prices and of supplementing antitrust and other efforts to assure competition is especially out of order, because an international cartel has for its very essence the formation of a trust, the creation of a monopolistic entity, rather than having any semblance or likeness to supplemental antitrust character.

To summarize, there is absolute contradiction between the pending bill and the President's reciprocal trade agreements program as set out in H.R. 9900. They are mutually exclusive. To borrow a figure of speech used by one of our colleagues in the other body during debate on this proposition, the Democratic administration is urging us to be voting protectionist and flying the flag of free trade both at one and the same time.

STATUTORY BASIS OF GENEVA AGREEMENT

In July 1961 a short-term cotton textile arrangement was agreed upon by 19 countries, including the United States, in Geneva, Switzerland. It was designated "cotton textile arrangement," as was its successor, the long-term document agreed upon in February 1962 in Geneva. A more accurate and plain title would be "Cotton Textile Cartel."

Mr. President, a cartel is defined in the dictionary as follows:

> An international combination of independent enterprises in the same branch of production, aiming at a monopolistic control of the market by means of weakening or eliminating competition.

In short, an international cartel is what we are concerned and dealing with.

President Kennedy undertook to make the United States a signatory to that cartel pursuant to statutory authority contained in section 204 of the Agricultural Act of 1956, which reads as follows:

> The President is authorized to negotiate agreements with foreign governments in an effort to limit the export to the United States of agricultural commodities or products, including textiles or textile products.

It would appear that the President acted within the authority conferred on him by that statute, in entering into the Geneva agreement. However, that does not make it a wise decision, nor does it endow that provision with virtue or acceptability.

While there may be a great many reasons for lack of virtue or acceptability, I cite only two: First, exercise of power thereunder makes a shamble of the Trade Agreements Act as it now exists. It completely bypasses Tariff Commission procedures, the peril point clause of the Trade Agreements Act, the escape clause, and the defense clause thereof.

Secondly, section 204 contains no guideline, standards, or prescribed procedures by which the President should act, or by which industries might apply for and be accorded relief by the President into that section. Thus, he can exercise the power thus granted in arbitrary and dictatorial fashion, conferring survival and life to one industry or one sector of American economy, and without being accountable for reasons denying life and survival, or continued prosperity, as the case may be, to another industry or private sector of our economy.

Such potential power is much too great to be existent and exercisable at the hands of one man in such fashion. It is well that the Congress should review such provision and all similar grants of absolute and unaccountable power which might be envisioned in H.R. 9900 now in process of being formulated.

REQUESTED EXTENSION OF SECTION 204

Notwithstanding the foregoing considerations, the pending bill requests an extension of the Presidential powers which the section already contained. The extension would empower the President to impose export regulations, including outright bans, as against nonagreement countries; that is, countries which are not members of the international cartel pertaining to cotton textiles.

The justification for this is declared to be that the "President must have this authority if he is to protect the integrity of the Geneva agreement."

Madam President, there is also the integrity of other sectors of American agriculture to protect. It is well that a beleaguered textile industry will reap the benefits of this legislation and the international cartel formulated in Geneva. But the Senator from South Dakota [Mr. MUNDT] and some of his colleagues, including the Senator from Nebraska, feel that some protection should also be afforded, while this opportunity presents itself, to other parts of the American farm picture; to wit, raisers and processors of beef and beef products, pork and pork products, fresh and frozen lamb, poultry and poultry products, dairy products, and timber and timber products.

WHAT MUNDT AMENDMENT WOULD DO

The Mundt amendment would not negate or cancel in any way the cotton textile agreement. Having gone as far as it now exists, the amendment would be permitted to go to a point of enforcement, including the text of the pending bill which is now before us; conditioned, however, upon the President's negotiating agreements with foreign nations limiting in like manner the export to the United States from such foreign countries of beef and beef products, pork and pork products, fresh and frozen lamb, poultry and poultry products, dairy products, timber and timber products.

For many years imports of livestock and meat products have been a very disturbing and an injurious factor in the livestock market. For the time being, I confine my remarks to cattle and lamb, because it is in that field that efforts were made under the present Trade Agreements Act to seek relief. In two instances in the last 2 years such relief was unsuccessfully petitioned.

The imports involved may have been considered relatively insignificant in proportion to the huge consumption of beef within the United States. However, it was submitted that even that quantity of such livestock and its products had a depressing effect on the domestic market, not only upon fed cattle but likewise on beef products.

The livestock market is one which functions strictly according to supply and demand. It therefore follows unquestionably that increased supplies arising from importations cause a domestic market to decline, thereby injuring U.S. producers. Domestic production fluctuates from time to time, but this is a normal situation that livestock feeders expect and can anticipate with some degree of accuracy. The rate of importation of products concerned, however, is difficult to anticipate or to appraise with any degree of accuracy.

In the case of beef and beef products, imports tend to be of a lower quality than generally is obtained from fed cattle such as those generally sold in this country. Such imports are used largely for prepared meats, hamburger, and ground beef. However, since these items are offered to consumers in nearly all retail markets along with higher quality fresh beef from domestic production, they are directly competitive with the higher quality fresh cuts and tend to depress the market for the quality items produced domestically.

For decades, records of cattle and beef industry in the United States have shown definite fluctuations in domestic production and domestic prices. These trends have become known as the cattle cycle. An examination of those records will show that imports of beef products and cattle in the past have followed such cattle cycles rather closely. As domestic production declined and prices advanced, imports rose. Subsequently, when domestic production increased and prices declined, imports also declined. There can be no question but that the importation in such quantities during periods of high prices has a depressing effect on our domestic market extending over a period beyond the high price part of the cycle, and as a result injury is visited upon the domestic industry.

Beyond such market manifestations, it is submitted that imports of beef, beef cattle, and beef products will continue at higher levels than have prevailed previously. Facilities to handle imports are being established in this country in a manner that appears to be permanent. Conversions, costing huge amounts of money, are being made in transportation equipment. It seems logical that these expenditures would not be made unless those individuals and concerns involved expected to continue their use.

Now as to volume in beef and veal imports: In 1958 total imports of beef and beef products constituted 8.6 percent of total beef and veal production; in 1959 the total imports were again 8.6 percent of such total production; in 1960, they were 5.9 percent; and in 1961 they were 7.9 percent.

Statistics on lambs and mutton are even more distressing. They are as follows: 6.1 percent in 1958, 14.4 percent in 1959, 11.5 percent in 1960, and 12.1 percent in 1961.

The foregoing statistics are those of Economic Research Service, Department of Agriculture.

It is noteworthy indeed that in 1960 imports of cotton textiles amounted to 6 percent of total U.S. consumption.

No doubt in each case there are the dangers of increased importation; there are the stern realities of a depressing effect on the domestic market of such imports; and the same drastic and urgent need for the relief requested. In one instance it is the passage of the bill itself, and in the second instance it is the adoption of the Mundt amendment.

It has been pointed out that the 18 signatories to the cartel counted for about 90 percent of the imports of cotton textiles into the United States. The few countries that were not brought into the cartel counted for some 10 percent of the volume of those textiles entering this country. In the words of one of the Representatives during the debate in the other body:

> That 10 percent could disrupt, that 10 percent could have a most adverse effect upon the 90 percent that we attempted to correct by the arrangement that was entered into at Geneva. It would frustrate the agreement, if something is not done to amend the act to give the President this authority to write regulations affecting those countries who were not participants to the arrangement.

That same logic, that same reasoning, and that same relative situation obtains in the areas provided for by the Mundt amendment.

The amendment should be adopted. Mr. President, I yield the floor.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 15, 1962, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 185) to defer the proclamation of marketing quotas and acreage allotments for the 1963 crop of wheat.

ADJOURNMENT

The PRESIDING OFFICER (Mr. PASTORE in the chair). Pursuant to the order previously entered, the Senate will stand in adjournment until 12 o'clock noon tomorrow.

Accordingly (at 6 o'clock and 25 minutes p.m.), the Senate adjourned, pursuant to the order previously entered, until tomorrow, Wednesday, May 16, 1962, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 15 (legislative day of May 14), 1962:

U.S. DISTRICT JUDGE

John D. Butzner, Jr., of Virginia, to be U.S. district judge for the eastern district of Virginia vice Albert V. Bryan, elevated.

U.S. ASSAY OFFICE

Paul J. Maguire, of New York, to be assayer of the U.S. Assay Office at New York, N.Y.

RAILROAD RETIREMENT BOARD

Howard William Habermeyer, of Illinois, to be a member of the Railroad Retirement Board for the term of 5 years from August 29, 1962. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate May 15 (legislative day of May 14), 1962:

SECURITIES AND EXCHANGE COMMISSION

Byron D. Woodside, of Virginia, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1967. (Reappointment.)

U.S. ATTORNEY

Robert C. Zampano, of Connecticut, to be U.S. attorney for the district of Connecticut for the term of 4 years.

U.S. MARSHAL

Joseph T. Ploszaj, of Connecticut, to be U.S. marshal for district of Connecticut for the term of 4 years.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 15, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Hosea 14: 9: *The ways of the Lord are right and the just shall walk in them.*

O Thou eternal God, who hast given to our generation the insight and capacity to discover the many marvelous wonders of Thy universe, grant that mankind may never convert and use their vast power as means to diabolical and brutal ends lest our civilization go down in blood and ashes.

We beseech Thee to temper the minds of all the people of the earth with a finer essence of understanding and appreciation and their hearts with a nobler mood of mutual trust and good will.

May Thy divine spirit lead the nations in the paths of forbearance and brotherly kindness and inspire men everywhere to reorder their thinking and living to match a faith that finds its strength in moral and spiritual ideals and principles.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on May 14, 1962, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 628. Joint resolution authorizing the President to proclaim the week in May of each year in which falls the third Friday of that month as National Transportation Week.

COMMITTEE ON THE JUDICIARY

Mr. CELLER. Mr. Speaker, I ask unanimous consent that on Thursday and Friday of this week the Committee on the Judiciary may be privileged to sit during general debate in the House.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

NO FAVORITISM TO WASHINGTON STATE ELEVATORS

Mr. PELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, Secretary Orville Freeman admits Agriculture Department officials accepted gifts from Billie Sol Estes but says no favors were returned.

How does the Secretary explain the increase in grain storage in the Estes elevators from 6 million bushels in July 1959 to 54 million bushels in April 1962?

In my State of Washington it is obvious during this interval there was no favoritism. In July 1959, I am informed, our Washington State elevators had in storage 34 million bushels of wheat. This was down by April 1962 to less than 3 million bushels.

A prompt and full investigation of the Department of Agriculture is called for. The Secretary should explain or resign.

LEGISLATIVE PROGRAM FOR MEMORIAL DAY WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous cosent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, may I inquire of the majority leader as to what arrangements will be made for Memorial Day.

Mr. ALBERT. Mr. Speaker, on Monday and Tuesday preceding Memorial Day it is hoped that we may be able to put over any rollcalls that might be requested on bills under consideration at that time, due to primaries in three States. On Wednesday, which is Memorial Day, no legislative program is planned. It is expected that the House will not be in session on that day.

Mr. HALLECK. I thank the gentleman.

FARM PROGRAM

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, the Committee on Agriculture, of which I am a member, has the responsibility to develop the procedures and the restraints under which our farm programs are operated. The evidence produced in the Billie Sol Estes case makes it mandatory that the Committee on Agriculture investigate the matter and not leave the job to the other body and to the press.

NATIONAL RIVERS AND HARBORS CONGRESS

Mr. SIKES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, I call to the attention of the membership of the House the fact that the National Rivers and Harbors Congress is meeting in Washington this week. There will be a reception at 6:30 on Thursday night in the East Room at the Mayflower Hotel. There will be business sessions all day on Friday also at the Mayflower Hotel, beginning at 10 o'clock in the morning. These are held also in the East Room. At 12:30 on Friday a luncheon will be held in the main ballroom. A cordial invitation is extended to all Members of the House to attend these various functions. I am sure that each Member of Congress recognizes the important work done by this patriotic, bipartisan organization in furthering and promoting river and waterway improvement throughout the United States.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

THOMAS O. TATE, JR.

The Clerk called the bill (S. 160) for the relief of Thomas O. Tate, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Thomas O. Tate, Junior, chief warrant officer, United States Navy, retired, of Rogue River, Oregon, is hereby relieved of all liability to repay to the United States the sum of $1,062.92, representing salary paid him during the period from January 4, 1960, through April 1, 1960, while he was an employee of the Veterans Administration, in violation of the Act of July 31, 1894 (28 Stat. 162), as amended, the said Thomas O. Tate, Junior, having been erroneously advised by the Veterans' Administration prior to his employment that such Act was not applicable to him.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Thomas O. Tate, Junior, the sum of any amounts received or withheld from him on account of the salary payments referred to in the first section of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MERLE K. LOESSIN

The Clerk called the bill (S. 1684) for the relief of Merle K. Loessin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Merle K. Loessin of Summit, South Dakota, is hereby relieved of all liability for charges entered against him as a result of the theft of $1,000 of public fund in his charge, such theft having been committed by a person or persons unknown on May 19, 1953, while the said Merle K. Loessin, then a first lieutenant in the United States Marine Corps, was serving as deputy disbursing officer with the First Marine Division in the Republic of Korea.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Merle K. Loessin an amount equal to the total of any amounts which have been paid to the United States on account of such theft.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDWARD J. McMANUS

The Clerk called the bill (H.R. 11122) for the relief of Edward J. McManus.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Edward J. McManus, an employee of the Federal Mediation and Conciliation Service, the sum of $229.64 in full settlement of all his claims against the United States for reimbursement of certain expenses incurred by him as a result of the performance of official emergency duties in Los Angeles and San Diego, California, in July, 1961: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 1, strike out "in excess of 10 per centum thereof"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SEBASTIAN HERMOSILLA SANCHES

The Clerk called the bill (H.R. 3492) for the relief of Sebastian Hermosilla Sanches.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Sebastian Hermosilla Sanches shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Sebastian Sanchez Hermosilla, shall be held and considered to be the natural-born alien minor child of Mr. and Mrs. Frank Hermosilla, citizens of the United States: *Provided,* That the natural mother of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Sebastian Sanchez Hermosilla".

A motion to reconsider was laid on the table.

MISS ELEANORE REDI

The Clerk called the bill (H.R. 8862) for the relief of Miss Eleanore Redi.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Miss Eleanore Redi, the fiancée of Robert J. Roberts, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided,* That the administrative authorities find that the said Miss Eleanore Redi is coming to the United States with a bona fide intention of being married to the said Robert J. Roberts and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Miss Eleanore Redi, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Miss Eleanore Redi, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Miss Eleanore Redi as of the date of the payment by her of the required visa fee.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. CHARLES C. YU

The Clerk called the bill (H.R. 9468) for the relief of Dr. Charles C. Yu.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Charles C. Yu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. MARGUERITE DE SOEPKEZ

The Clerk called the bill (H.R. 3483) for the relief of Mrs. Marguerite de Soepkez.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Marguerite de Soepkez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert: "That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Mrs. Marguerite de Soepkez. From and after the date of the enactment of this Act, the said Mrs. Marguerite de Soepkez shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GERDA GODIN

The Clerk called the bill (H.R. 7369) for the relief of Gerda Godin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 352(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1484) shall not be applicable in the case of Gerda Godin, a naturalized citizen of the United States: *Provided,* That the said Gerda Godin establishes residence in the United States prior to the expiration of thirty-six months following the date of the enactment of this Act.

With the following committee amendment:

On page 1, strike out lines 3 and 4 and insert in lieu thereof the following: "That, for the purposes of title III of the Immigration and Nationality Act, section 352(a)(2) of the said Act shall be deemed not to have been and to be inapplicable in the".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DILYS EVANS

The Clerk called the bill (H.R. 9054) for the relief of Dilys Evans.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Dilys Evans shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES B. TROUP

The Clerk called the bill (H.R. 10502) for the relief of James B. Troup.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, James B. Troup shall be held and considered to have complied with the residence and physical presence requirements of section 316 of that Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ORSOLINA CIANFLONE IALLONARDO

The Clerk called the bill (S. 1915) for the relief of Orsolina Cianflone Iallonardo.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file certain privileged resolutions.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

NONJUDICIAL PUNISHMENT

Mr. THORNBERRY. Mr. Speaker, by direction of the Committee on Rules, I call up for immediate consideration House Resolution 633.

The Clerk read the resolution as follows:

> *Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11257) to amend section 815 (article 15) of title 10, United States Code, relating to nonjudicial punishment, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. THORNBERRY. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN] and, pending that, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 633 provides for the consideration of H.R. 11257, a bill to amend section 815—article 15—of title 10 United States Code, relating to nonjudicial punishment and for other purposes. The resolution provides for an open rule with 1 hour of general debate.

The purpose of H.R. 11257 is to give increased authority to designated commanders in the Armed Forces to impose nonjudicial punishment, thereby enabling them to deal with minor disciplinary problems and offenses without resort to trial by court-martial.

The Uniform Code of Military Justice, applicable to all of the Armed Forces, provides a comprehensive body of disciplinary and criminal law in the Armed Forces and establishes a court-martial system to try cases arising in the military services. In addition, article 15 of the Code—10 U.S.C. 815—provides a means whereby military commanders can deal with minor infractions of discipline without resort to criminal law processes. This punishment is referred to as "nonjudicial" punishment. It is important to note that since this punishment is nonjudicial, it is not considered in any manner as a conviction of a crime and in this sense it has no connection with the military court-martial system.

The punishment that may be imposed under the authority of article 15 is severely limited and serious deficiencies have come to light which warrant revision of the article. The amendments to article 15 proposed by H.R. 11257, authorizing a military commander to impose nonjudicial punishments comparable to those which may now be imposed by a summary court-martial, would provide additional authority to military commanders to authorize the deterrent punishment necessary to maintain military discipline, without resort to court-martial.

Mr. Speaker, I urge the adoption of House Resolution 633.

Mr. BROWN. Mr. Speaker, the gentleman from Texas, my colleague on the Rules Committee [Mr. THORNBERRY], has very ably and very well explained this resolution which would make in order the consideration of H.R. 11257, and the purposes, of course, of that bill.

Mr. Speaker, there was no opposition to the measure in the Armed Services Committee. In fact, it was unanimously reported. If my memory serves me correctly, the resolution or rule was adopted unanimously by the Rules Committee. I, therefore, shall not speak on the rule, but at this time I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I ask unanimous consent to speak out of order and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, much is being said about the defeat in the House of Representatives of the so-called Philippine war damage claims bill. I received yesterday a cablegram from Manila which reads as follows:

> Congressman GROSS,
> *U.S. House of Representatives,*
> *Washington, D.C.:*
>
> Filipino people unhappy over defeat war damage bill but at same time realize validity of your stand that payments should not be made to rich corporations long rehabilitated. Pray your support new bill giving $73 million to Philippine Government to finance President Macapagals socioeconomic program hoping America see justice of our claim.
>
> Congressman SIMEON VALDEZ.
> Congressman ANTONIO RAQUIZA.

Mr. Speaker, I am also in receipt of a letter from an attorney, Mr. J. A. Wolfson, who has lived in Manila since 1901 and still practices law in Manila, in the Philippine Islands. I should like to read his letter for the benefit of those who are interested in this subject of the Philippine war damage claims.

> MANILA, PHILIPPINES,
> *May 10, 1962.*
>
> Hon. H. R. GROSS,
> *Member of Congress,*
> *House Office Building, Washington, D.C.*
>
> MY DEAR MR. GROSS: Congratulations upon your voting against approval of additional payments of war damage to claimants in the Philippines. Your name was published in today's newspaper cables from Washington.
>
> Personally I would have been financially benefited by the passage of the bill (against which you voted) but I have always opposed its passage. Why? Because I put principle above personal financial benefit.
>
> Attached is copy of my letter of January 12, 1961, to Secretary Dillon. Receipt thereof was acknowledged. My letter was then conveniently buried.
>
> Should this bill or a similar bill again come before the Congress, I hope you will again vote against it.
>
> In addition to what I wrote Secretary Dillon, I would point out that very few worthy and needy people would be benefited by additional payments of war damage. There are probably a few old people (bona fide claimants) who would benefit, but the large claimants, mostly corporations, have had over 10 years since receipt of their payments from the War Damage Commission to put their houses in order. Most of them have done so and any further payments would be windfalls. Those that have not been able to put their houses in order in over 10 years will not be able to do so by any additional payments and therefore do not deserve any additional payments. These being the facts, just where would the balance of $73 million go? Down the drain. Corruption, graft, and outright crookedness would be invited and you know as well as I do there are thousands upon thousands willing and ready to share in the spoils. Why should the U.S. Government give $73 million to the wolves?
>
> I am not ashamed of my stand. All my clients and friends know where I stand and always stood on this matter of further payments. I hope you will maintain your vote against any similar bill should another be presented in the future. I will gladly testify before any committee of Congress against such a bill.
>
> A letter similar to this one is being written the two other Representatives (whose names were published along with yours) just to let you know I heartily agree with your vote.
>
> Sincerely,
>
> J. A. WOLFSON.

Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point the letter Mr. Wolfson wrote to Secretary of the Treasury Dillon on this subject and I urge those of my colleagues who are interested to read it.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The letter follows:

> JANUARY 12, 1961.
>
> Re Philippines war damage—proposed additional appropriation.
>
> Hon. DOUGLAS DILLON,
> *Secretary of the Treasury,*
> *Washington, D.C.*
>
> MY DEAR SECRETARY DILLON:
>
> 1. You will be in office when this letter reaches you and, as a fellow Republican, I congratulate you and wish you all success.
>
> 2. Attached is an article appearing in yesterday's newspaper. It is only one of many similar articles which are published here from time to time.
>
> 3. I am bitterly opposed to any further appropriation by the Congress to pay unpaid balances of war damage claims. By

such appropriation I, personally, as an unpaid claimant, would financially benefit but notwithstanding such benefit, I repeat, on principle I bitterly oppose.

4. To substantiate the fact I would financially benefit (see par. 3) among the claims I filed with War Damage Commission and results, the following is a summary:

	Claim	Allowed	Paid
Personal	₱709, 228. 54	₱200, 391. 00	₱105, 680. 33
Sister	146, 644. 00	29, 975. 52	16, 212. 14
A corporation, wholly owned by me	313, 500. 00	40, 962. 00	21, 980. 05
Total	1, 169, 372. 54		143, 872. 52

NOTE.—Payments amounted to approximately 12.3 percent of claims.

Besides the above I participated, either (a) as a shareholder or director or officer in various corporations, (b) as attorney or consulting attorney to sundry clients in claims aggregating upward of 80 million pesos. This conclusively proves I put principle above personal financial benefit.

5. I am an American (native born) practicing attorney at law who has resided in the Philippines since 1901 and still reside in the Philippines. My military service may be summarized:

Immediately upon liberation I was appointed legal adviser to commanding general M.P.C. and shortly thereafter legal adviser to the commanding generals and commanding admirals of Armed Forces of the United States in the Philippines until relieved on May 1, 1950 (at $1 a year). Awarded (a) Medal of Freedom; (b) commendation for meritorious civilian service.

During this period (1945–50) also detailed as assistant legal adviser to the U.S. High Commissioner to the Philippines and was his immediate assistant in preparing for the turnover to the new independent Government of the Philippines and later to the U.S. Ambassador to the Philippines and accompanied the latter to the United States to assist in drafting the military bases agreement.

6. To my way of thinking there are only two kinds of obligations: (a) legal obligations; (b) moral obligations; and I maintain the United States is not legally or morally obligated to appropriate 1 cent to pay war damage claims. (a) There is no legal obligation as Public Law 370, 79th Congress, expressly authorized a sum certain. Public Law 371, 79th Congress—a sister act—provided certain conditions to be complied with by the Government of the Philippines before said act and Public Law 370 would become effective. The Government of the Philippines enacted the necessary legislation and even amended its Constitution. Such compliance by the Government of the Philippines and later accepting the benefits of those two laws completely and absolutely wiped out all legal obligation. (b) There is no moral obligation either. The only claim that a moral obligation exists is the farfetched and totally unjustified theory that President Franklin Roosevelt promised to pay every single person in the Philippines every cent of damage suffered by reason of the war and certain individual Senators and Representatives, during committee hearings on the bills or on the floor of the Congress gave assurances that more money would be appropriated should the authorized amount prove inadequate. Granted, for sake of argument only, such promise and assurances were made, still they, separately or together, created no moral obligation.

7. The personnel originally brought here by War Damage Commission contained a large number of homosexuals and Communists. Many of these were eventually weeded out but only after they had done much harm. After War Damage Commission ceased to pursue its policy of paying only claims not exceeding $500 and began consideration of large claims, specifically claims of mining companies, said Commission adopted rules of valuation relative to underground workings which the Commission later admitted were erroneous and unfair but still followed said rules on the alleged ground that as some claims had already been adjudicated on the erroneous basis all claims must be uniformly adjudicated on the indentical erroneous basis. The same may be said, with modifications, as to large agricultural claims.

8. For the Congress to now appropriate further funds to be distributed pro rata on the basis of the erroneous adjudications of the War Damage Commission would be perpetuating the errors.

9. Momentarily brushing aside everything above written here are further objections why no further appropriation should be made to pay war claimants: (a) Many individual claimants are dead; many of their estates are closed and heirs scattered; many are no longer in the Phillipines and their addresses are unknown; and (b) many corporations, partnerships and associations have dissolved, were liquidated and wound up; many corporate existencies have expired by operation of law.

Where will the pro rata shares or distribution of these people go? If not paid to these claimants or their lawful successors—many of whom do not exist or are unknown—where does the money go? Even the expense of distributing the funds pursuant to the erroneous adjudications of the old War Damage Commission will consume a large proportion of the funds, as administration expenses will be enormous. To even contemplate handing over the funds—if appropriated—to the Government of the Republic of the Philippines to distribute is to invite further graft and corruption. Many, if not most, employees of the Philippines Government are notorious grafters. Supervision over them is almost nonexistent.

10. In my files I have a vast amount of unassorted data—including vast correspondence with numerous people, printed and typed reports of various committees of Congress and committee hearings, newspaper and magazine articles, etc. concerning War Damage Corporation (sec. 5d of Reconstruction Finance Corporation Act, as amended); War Damage Commission (Public Law No. 370, 79th Cong.); trade law (Public Law No. 371, 79th Cong.); and War Claims Act (Public Law No. 896, 80th Cong.) with particular reference to section 8 of said act.

I suggest that section 8 of War Claims Act, having been enacted after the War Damage Commission Act clearly expressed the intention of the Congress that further appropriation—if any—should be provided pursuant to said section 8 and such intention, clearly expressed, bars further appropriation for War Damage Commission law (enacted by the Congress by a prior act).

11. I am not only on friendly terms with many of the men who for years have pushed or pressed for further appropriation by the Congress but on intimate terms with a number of them. They and each of them know and, for years, have known my stand against them. I've told them and written some of them I entirely disagree with them and would do everything within my power to prevent the Congress from appropriating one cent more to pay any war damage claimants. Some of these friends refuse to put principle above their own pocketbooks.

12. You are privileged to use this letter in any manner you see fit. Should further data be required of me, just let me know.

Respectfully and cordially,

J. A. WOLFSON.

Mr. BROWN. Mr. Speaker, I have no further requests for time.

Mr. THORNBERRY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. Mr. Speaker, I have taken this time to express appreciation to the editors and news staff of the Washington Post for today's news article setting the record at least partly straight with regard to an erroneous report in the Post for Sunday, May 13.

Although earlier editions of the same newspaper had fairly and correctly carried my statements with regard to an alleged campaign contribution from Billie Sol Estes, of Texas, the May 13 article had erroneously and unfairly stated as a fact a complete and absolute falsehood. The same story had strongly inferred that an alleged gift of money to me had been one of the so-called roots of growth for Estes in Washington.

The Washington Post has now corrected this story, and expressed regret for the erroneous report, in today's issue.

In order to set the record completely straight, I have taken this time to advise the House of several facts in this connection:

First, and notwithstanding the Post story of May 13, the fact is that I have never accepted any money from Billie Sol Estes or from any of his associates, at any time or for any purpose. In the one instance in which Estes offered a campaign contribution to me, at the apparent suggestion of the husband of a former secretary in my office, his $100 check was promptly returned. This was in accordance with a long-standing policy of returning checks made payable to me personally as campaign contributions, and no other check or other contribution from Estes was ever received by me or by my campaign committee. Nor have I at any time received or accepted anything else of value from Estes or his associates.

Second, I have never made a telephone call, written a letter, or spoken to anyone in Congress or Government in behalf of Estes, or in behalf of any cause in which he was interested. I have had no request of any kind for action in his behalf, during the 9½ years of my congressional service.

Third, I have no knowledg of any official action ever taken by my office in his behalf, at any time during 9½ years of service. Nor does our office have any record of any request from him or any of his associates.

Fourth, these facts have been made know by letter to the attorney general of Texas, the Attorney General of United States, the Secretary of Agriculture, and U.S. Senator JOHN MCCLELLAN, who have been advised of my readiness to testify to these facts under oath.

Fifth, I have also assured all of these investigating officials, including the Texas attorney general, of my full cooperation in any search for the complete truth about the Estes matter. A thorough investigation with this objective, whether undertaken by a committee of the House or of the other body, will most assuredly be in the public interest, and will have my firm support.

Mr. Speaker, some of my friends in this body, whose judgment and opinion I value highly, have told me that these remarks are not necessary. While I am deeply grateful for this expression of trust, a decent respect for the opinions of the entire membership of this great legislative body, on both sides of the aisle, has made mandatory for me this statement.

In the final analysis, the full confidence and trust of one's colleagues here are just as indispensable—both to effective service and wholehearted performance of duty—as are the confidence and trust of constituents at home.

For any member who comes to love this body and its honor and traditions, there is no treasure on earth more precious than the esteem and respect of the men and women who serve in this House.

No prayer is more constant than the prayer that nothing will undermine or destroy that esteem and respect. Certainly no prayer is more just than the prayer that no libel, slander or falsehood will do injury to the confidence and trust of friends and colleagues.

In that spirit, Mr. Speaker, I want to thank once again those responsible for correction of the Washington Post article of May 13.

In the same breath, and in the same spirit, I want to make one further fact crystal clear. Any further publication of this libel, or of similar libelous material, by any source in the future, will be met by appropriate legal action in the proper trial court.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I would like to say to the gentleman from Oklahoma, I think he is rather charitable in his remarks about the Washington Post. When you read the article, you will find that they went all through it and down at the very bottom almost reluctantly they said, "The Washington Post regrets its erroneous report." I am extending my remarks in the Appendix of the Record today in which I suggest a more honest and forthright manner in which the Post might have handled this so-called retraction.

In the heading of the article they say, "Estes Gift Denied by Two in House." How much better it would have been, and I think the gentleman from Oklahoma will agree, if more in a spirit of honesty they would have printed something like this—"Post Story Falsely Hits Two in House." Then, too, the lead paragraph should honestly state that the "Washington Post erroneously reported" and to go on from there rather than leaving it to the very last paragraph. I think the gentleman from Oklahoma is being very charitable to the Washington Post.

Mr. EDMONDSON. I thank the gentleman for his remarks.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I am glad to yield to the gentleman from Florida.

Mr. HALEY. I, too, think the gentleman from Oklahoma is very charitable in his treatment of the Washington Post. I agree with what the gentleman from Ohio just said. I think the gentleman from Oklahoma needs no expression from the membership of this House to know of the high regard that this body has for him and for the integrity of the gentleman from Oklahoma. I, too, say that you have been more than charitable. I do not think the Washington Post went far enough in the retraction of what they call an error, but which I call just poor reporting on somebody's part.

Mr. EDMONDSON. I thank my colleague from Florida.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. BROWN. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota [Mr. Reifel].

Mr. REIFEL. Mr. Speaker, continuing sordid developments in the Billie Sol Estes case and the almost unbelievable tale that is being spun by these revelations make it increasingly clear that the House Committee on Agriculture or a duly constituted subcommittee thereof ought to inquire closely into the matter.

It is the laws originated and passed first by the House Committee on Agriculture which have been abused and violated in allowing Mr. Estes to amass a personal fortune at the expense of the American taxpayer and his friends and associates. It is the House Committee on Agriculture which ought to look into this matter with a view to preventing recurrence of these abuses in the handling of cotton allotments or other commodity programs.

I am confident that the evidence of wrongdoing extends to a mere handful of Government officials, but while this cloud of distrust hangs over the entire Agriculture Department the good name of dedicated, loyal, and honest civil servants is being blackened. Undoubtedly those same attributes could be assigned to the vast majority of political employees within the Department, but the Billie Sol Estes case casts upon them the same shadows of misunderstanding and suspicion.

It is to clear the good name of these countless officials and employees of the Agricultural Stabilization and Conservation Service and other agencies that complete public investigation and hearings should be carried out with dispatch.

The best interests of the public would be served to have such an investigation and hearings made by the committee most affected by this evidence of wrongdoing.

Once the culprits are ferreted out and removed, no matter where the ax falls within whatever party or administration, I am confident that the public will reaffirm its confidence in the overwhelming number of dedicated civil service employees and the programs and policies which they administer.

Almost a quarter century of my lifetime was devoted to Government service within the executive branch, some of that being spent as an employee of the Department of Agriculture. I am privileged to count among my dearest friends a large number of conscientious, hardworking, honest employees of that Department. It grieves me to see their names and reputations held up to public scorn as a result of the reflected actions of one man and a handful of officials whose word and honor can be bought with the dollar.

In South Dakota last fall we experienced an unfortunate incident involving the same Department of Agriculture agency first involved in this case, the Agricultural Stabilization and Conservation Service. An exhibit sponsored by the State agricultural stabilization and conservation committee was erected at the South Dakota State Fair. It depicted a derailed train meant to represent the current administration's farm program and was captioned "Free Enterprise Wrecked This Train."

The citizenry of my State understandably was concerned at an agency of the Federal Government criticizing the basic American institution and principle of free enterprise. An investigation was held, an ASC official was reprimanded and the matter was dropped.

But a good many innocent employees of the Agricultural Stabilization and Conservation Service were inconvenienced and embarrassed by the resultant publicity, and it gave a good many critics of farm programs additional ammunition.

It was only after public outcry that this administrative investigation was made by the Department. And it was only after congressional prodding that the results of the investigation were revealed in full.

I submit that a parallel may be drawn between these two cases. The public interest will not be served by the Agriculture Department investigating itself or by the President's brother investigating a major contributor to his party and supporter of his administration.

My good friend the gentleman from Kansas [Mr. Dole] is to be commended for the leadership he has shown in trying to clear the name of our Department of Agriculture while spurring the investigations that have been made to date. I hope the distinguished chairman of the House Committee on Agriculture, the gentleman from North Carolina [Mr. Cooley], will reconsider his earlier decision and permit his committee to enter into this investigation.

Mr. THORNBERRY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ORSOLINA CIANFLONE IALLONARDO

Mr MULTER. Mr. Speaker, I ask unanimous consent to return to Private Calendar No. 560 and take up for consideration the bill S. 1915, for the relief of Orsolina Cianflone Iallonardo.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Orsolina Cianfione Iallonardo is deemed to be within the purview of section 4 of the Act of September 22, 1959 (Public Law 86–363): *Provided*, That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act, and the provisions of section 24(a)(7) of the Act of September 26, 1961 (Stat. 657), shall not be applicable in this case.

With the following committee amendment:

Add the following two new sections:

"SEC. 2. For the purpose of the Act of September 22, 1959 (Public Law 86–363), Mrs. Chow Chui Ha shall be deemed to be within the purview of section 4 of that Act, and the provisions of section 24(a)(7) of the Act of September 26, 1961 (75 Stat. 657), shall be inapplicable in this case.

"SEC. 3. For the purposes of the Act of April 13, 1962 (Private Law 87–346), Giuseppe Aniello shall be held and considered to be within the purview of section 4 of the Act of September 22, 1959 (Public Law 86–363), and the provisions of section 24(a)(7) of the Act of September 26, 1961 (75 Stat. 657), shall be inapplicable in this case."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the bill was amended to read: "A bill for the relief of Orsolina Cianflone Iallonardo, Mrs. Chow Chui Ha, and Giuseppe Aniello."

NONJUDICIAL PUNISHMENT

Mr. RIVERS of South Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11257) to amend section 815—article 15—of title 10, United States Code, relating to nonjudicial punishment, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11257, with Mr. ROGERS of Colorado in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from South Carolina [Mr. RIVERS] is recognized for 30 minutes and the gentleman from New Jersey [Mr. OSMERS] for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS of South Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a bill to amend section 815—article 15—of title 10, United States Code, relating to nonjurisdictional punishment.

I might say at the outset that I hope this is the beginning of the end of a long, hard road to bring about much needed changes in this article of the Uniform Code of Military Justice.

For several years, the uniformed services, the Court of Military Appeals, the American Legion, the Association of the Bar of the City of New York, the New York County Lawyers Association, the American Veterans Committee, the Judges Advocates Association, the American Bar Association, have all endorsed the principle of increasing the authority of commanders to impose punishment under Article 15 of the Uniform Code of Military Justice.

Thus, the bill before you today increases the authority of the commanding officer to award nonjudicial punishment.

At the same time, it is the opinion of the committee and all who appeared before the committee that this proposal will be of great benefit to members of the uniformed services who may run afoul of the rules and regulations under which uniformed personnel must live.

The committee believes that the adoption of the proposed legislation may well reduce, and perhaps one day bring about the elimination of, summary courts martial. It may even reduce special courts martial.

I would now like to briefly explain existing law and how we propose to change it with regard to the punishment that may be imposed by a commanding officer.

At the outset, I hope you will bear in mind that we are talking about nonjudicial punishment.

In other words, we are not talking about a court-martial.

We are talking about nonjudicial punishment that may be imposed by a commanding officer. An individual who is punished under article 15 is not presumed to have been convicted in any way, shape or manner, in a legal sense. In other words, the record of punishment under article 15 may not be used as evidence of a prior conviction if an individual is later court-martialed.

I think it is important that we keep that in mind.

Now let me briefly state what the law permits today and how we propose to change it.

Officers who receive punishment under article 15, first, may have their privileges withheld for 2 weeks; or, second, they can be restricted to limits with or without suspension of duty for 2 weeks; or, third, they can be required to forfeit one-half of 1 month's pay if the punishment is imposed by an officer exercising general court-martial jurisdiction.

In addition to one of these punishments, an officer may be admonished or reprimanded.

In the proposed legislation, officers, first, may be restricted to limits with or without suspension from duty for 30 days, or up to 60 days, if imposed by an officer exercising general court-martial jurisdiction; or, second, arrest in quarters for 30 days if imposed by an officer exercising general court-martial jurisdiction; or, third, forfeiture of one-half month's pay for 2 months, if imposed by an officer exercising general court-martial jurisdiction; or, fourth, detention of one-half month's pay for 3 months if imposed by an officer exercising general court-martial jurisdiction.

Now this proposal also permits one or more of these punishments to be imposed. In addition, a general or flag officer, in command, can impose these punishments.

In addition, an officer may receive a reprimand or admonition.

Let us turn to the important feature of this proposal, that which deals with the enlisted personnel.

Under existing law, a commanding officer may only do one of five things to enlisted personnel in his command: First, he may restrict the man, with or without suspension from duty, for 2 weeks; or second, he may award him extra duties for 2 weeks, for not to exceed 2 hours per day; or third, he may reduce him to the next inferior grade if the grade from which the man is demoted is established by the command or equivalent or lower command; or fourth, if the man is aboard a vessel, he may award him confinement on bread and water for not to exceed 3 days; or fifth, confinement for 7 days.

Now here is the heart of the problem.

For all practical purposes, a commanding officer today is limited in the amount of punishment he can award, to extra police duties or restriction, or in lieu thereof, he may reduce the man if the reduction is from a grade which was established by the command.

As a result, the commanding officers today, for practical purposes, do one of three things: First, they either award the man a court-martial, which remains on his record and may be used as a prior conviction for any future offenses; or second, they reduce him in grade, which can be a continuing punishment, because of the slowness of promotion; or third, they can accept the man's excuse and award no punishment whatsoever, which obviously can have a serious effect upon discipline in the command.

This is the area which everyone conversant with the subject agrees must be changed.

At this point, I would like to state that many of the changes that are proposed in the bill before us were suggested by the American Legion, are concurred in by the Court of Military Appeals, and other organizations, and have the complete concurrence of the military services.

The authority to award bread and water for 3 days will be continued. But for the first time we have introduced a difference in the amount of punishment that can be awarded by majors or lieutenant commanders and above, and the lesser punishment which can be awarded by officers below the grade of major or lieutenant commander.

Officers below the grades of major or lieutenant commander may award one or more of the following punishments: First, 7 days' correctional custody; second, loss of 7 days' pay; third, reduction to the next inferior pay grade if the grade from which demoted is within the promotion authority of the officer awarding the reduction; fourth, extra duties for 14 days; fifth, restriction for 14 days; or sixth, detention of 14 days' pay.

If the officer imposing the punishment is in the grade of major or lieutenant commander or above, he may award one or more of the following: First, confine the individual to bread and water for 3 days if aboard a ship; second, place the offender in correctional custody for up to 30 days; third, fine the individual a half-month's pay for 2 months; fourth, award extra duties for 45 days; fifth, award restriction to specified limits, with or without suspension of duty for 60 days; sixth, detain one-half month's pay for 3 months; or seventh, reduce the man to the lowest or any intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the punishment. However, an enlisted man in a pay grade above E-4 may not be reduced more than two pay grades.

Now as I have stated, the officer who imposes this punishment can impose one or more of these punishments. But when he imposes more than one punishment involving loss of liberty or loss or detention of pay, he must apportion the punishments. By that I mean he can not fine an individual the maximum amount and at the same time detain the maximum amount authorized. Likewise, he could not restrict an individual for the maximum period and at the same time place him in correctional custody for the maximum period. Instead, he would have to apportion the punishment on the basis of equivalents.

In other words, 1 day of correctional custody is equivalent to 1½ days of police duties, and 1 day of correctional custody is equal to 2 days' restriction. Or the forfeiture of 1 day's pay is equivalent to 1½ days' detention of pay.

Note that I said "correctional custody."

The only time an individual may be confined, in the true sense of the word, is when he is aboard a vessel.

At all other times the individual will be placed in correctional custody; and this means, in the bill, that "the physical restraint of a person during duty or nonduty hours. If practicable, correctional custody will not be served in immediate association of persons awaiting trial or held in confinement pursuant to trial by court-martial."

For the first time, the law will recognize detention of pay as a punishment.

It is authorized in the manual, but it is seldom used. By placing it in a statute we hope that greater use will be made of detention of pay.

Detention of pay simply means that an individual will not draw the amount detained for a stated period of time, up to a maximum of 1 year, and/or the expiration of his enlistment, whichever is earlier.

There is another important feature of this bill which I believe will be of great benefit to those who may be punished under article 15. This is section 815(d).

Today the law provides with regard to suspension, mitigation, and remission of punishments that the officer who imposes the punishment or his superior may suspend, set aside, or remit any part or amount of the punishment and restore all rights, privileges, and property affected.

In 1957, the Comptroller General ruled that if an enlisted man was demoted under article 15, the reviewing officer or the superior officer could not set aside, or remit, or suspend, the demotion, since the demotion had actually been executed.

The bill before us allows the officer who has imposed the punishment to suspend any part of the sentence probationally, whether executed or not. And in addition, the reviewing authority may suspend probationally, or set aside, or remit, all or any part of the punishment whether executed or not.

In other words, if a man is legally demoted by his commanding officer under existing law, and the next superior officer feels that the punishment is too severe for the offense committed, he cannot, today, restore the man to the grade from which he was demoted.

The only thing that the superior officer can do today is recommend the man for promotion, and this may take a long time to accomplish.

But under this section of the proposal, the officer who awards the punishment may place the man on probation with regard to the reduction in grade, and the reviewing officer, or the senior officer, may restore the man to the grade from which demoted, without loss of pay or loss of time in grade, and without having to wait for a promotion vacancy.

I think this is an extremely significant section and should eliminate a great inequity which exists today.

There is one other provision which I think is quite important, dealing with the right of appeal.

All persons today may appeal the punishment awarded under article 15. But this does not necessarily mean that there will be a legal review of the case.

Under proposed article 815(e) of the bill before us, all persons may still appeal the punishment awarded to them, but if the punishment awarded exceeds the maximum punishment that may be imposed by an officer below the grade, that is, if the punishment is in excess of 7 days' confinement, or 7 days' forfeiture of pay, or detention of pay for more than 14 days, then the case must be referred to a Judge Advocate of the Army, or Air Force, a law specialist of the Navy or Coast Guard, or a lawyer of the Marine Corps.

This summarizes the proposal before us.

This bill has the approval of all of the uniformed services who will be affected by it, as well as various legal associations and the American Legion.

We believe it will go a long way toward correcting the present deficiencies that exist in article 15 of the Uniform Code of Military Justice.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I shall be glad to yield to the distinguished gentleman from Florida.

Mr. SIKES. I feel, Mr. Chairman, an obligation to the House to point to the fact that the gentleman in the well is not a tourist passing through the Capitol, he is not a new Member, he is the one and only, the inimitable, the distinguished gentleman from South Carolina, L. MENDEL RIVERS, with a haircut, the first one in 22 years.

I confess that I am impressed by the air of youthful vigor which this new hairdo imparts, but I am a little saddened by what appears to be the loss of one of the last vestiges of rugged individualism left on the Democratic side. I am glad to see that there still is some adherence to individualism on the Republican side and I urge my Republican colleagues to insist that the distinguished gentleman from Illinois, our friend LES ARENDS, not give up his locks in this new leaning toward conformity.

It has been rumored that there may be something of a Samson and Delilah situation here. I have not heard the whole story, nor do I seek information not rightfully mine, for I would be first to admit I do not qualify as an expert on hair.

Mr. RIVERS of South Carolina. With that I agree.

Mr. SIKES. I want to congratulate the gentleman and his committee for bringing this legislation to the floor at this time. All of us who have dealt with matters pertaining to military justice through the years realize there is a need for a modification of present legislation. There is a need for simplification, for placing responsibility where responsibility more properly rests. I am convinced that under this bill fine young men will escape bearing a mark on their record for the rest of their lives, that matters of discipline will be better handled with less injury to the individual and to the service if this bill is passed.

Mr. RIVERS of South Carolina. I thank the gentleman.

May I say that taking note of my appearance now or at any time, is the first time in 23 years the gentleman ever noticed me, and I appreciate it very much.

They say one is silly to resist a change. I do not. I do not resist change all the time, because a foolish consistency is the hobgoblin of a small mind. I would remind the gentleman that while I have my summer appearance, when the frost is on the pumpkin I will be back at the same old stand.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. I yield to the gentleman from California.

Mr. YOUNGER. Just one question. I wonder if the gentleman has noticed any lack of power since he has shorn his locks.

Mr. RIVERS of South Carolina. I will respond to the gentleman by saying that everybody's business is nobody's business.

Let me get back to this bill and quit all of the foolishness. Nobody is against this bill. Everybody is for it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RIVERS of South Carolina. Gladly.

Mr. GROSS. The gentleman does not think that this bill will place in the hands of military officers—and it does substantially increase the penalties that can be meted out by individuals—he does not think it will place in the hands of officers too much power, does he?

Mr. RIVERS of South Carolina. Oh, no. Every responsible organization favors this, because the only alternative that an officer now has for a mischief-maker or a fellow who is always in trouble is to convene a summary court. This is deterrent legislation. Now, he can always appeal. Furthermore, he does not have to accept this punishment unless he is in the Navy and a ship is generally out in the ocean, and he cannot do anything about it.

Mr. GROSS. I trust the gentleman's committee will watch the operation on the basis of the changes suggested very closely.

Mr. RIVERS of South Carolina. We shall.

Mr. GROSS. Because, as I say, it does provide for substantial increases in penalties that may be meted out by military officers.

Mr. RIVERS of South Carolina. Let me say this to the gentleman. Under the decisions, that is once a reduction has been executed, the General Accounting Office has ruled it may not be remitted or changed, but under this legislation the man can be restored. Under this proposal a man can be demoted and a superior officer can restore him. He cannot do it now.

Mr. Chairman, this is a very good bill and it will save many young men. Your office and my office and the committee is loaded with incidents where the only alternative was to bring these boys into court. This will avoid that and save the young man.

Mr. GROSS. But I assume the primary purpose for legislation of this kind is to provide better discipline; is that not true?

Mr. RIVERS of South Carolina. Better discipline and also better ways to deter these boys and keep them headed away from this court of record which they cannot change. The distinguished Chairman from California has been years trying to get some of these courts martial decisions changed by statute. However, he has not been able to do it. This will help to avoid that.

Mr. Chairman, I hope this legislation is the forerunner of the abolition of summary courts-martial. This will have a great deal to do with it.

Mr. Chairman, the American Legion favors it, the American Bar Association favors it, the Bar Associations of New York State, the Court of Military Appeals and various other subdivisions favor it. In fact, everyone favors it. This is unanimous legislation.

Mr. GROSS. I thank the gentleman for yielding to me.

Mr. RIVERS of South Carolina. Mr. Chairman, I have no further requests for time.

Mr. OSMERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 11257.

Little can be added to the very complete and accurate description of the proposed legislation just presented by the distinguished gentleman from South Carolina [Mr. Rivers].

It is very difficult to obtain unanimity of opinion when dealing with a matter of military justice. However, this proposed legislation is unique in that it has the unanimous endorsement of all who have been associated with military justice. Everyone who is familiar with military justice is in agreement that the one weak provision in existing law is that dealing with the authority of the commanding officer to impose punishment for minor infractions of discipline.

Today, the commanding officer, for practical purposes, can either reduce a man in grade, which is a very lasting punishment, or he can restrict him or impose extra duties for 2 weeks, which in many cases is an inadequate type of punishment for the offense involved. Under these circumstances the only alternative left to the commanding officer is to award an offender a court-martial.

Now let me repeat that under existing law, the commanding officer can either award a court-martial or he can reduce a man in grade, which may have a very lasting effect upon his career and his pay.

Bear in mind that we are dealing here with nonjudicial punishment. In other words, the punishment that can be awarded under existing law, as well as that suggested in the proposed legislation, does not involve a court-martial.

When a commanding officer punishes someone under article 15, this does not become a permanent part of his military record and does not constitute a conviction. As a result it cannot be used as evidence of a prior conviction in a future court-martial. This is of great importance to the individual since conviction by a court-martial may adversely affect his military and civilian career and may well affect the type of discharge that he receives upon completing his military service.

Thus, the proposed legislation will permit the commanding officer to award adequate punishment but may well eliminate the present summary court-martial, which is used so extensively in military discipline today.

As the distinguished gentleman from South Carolina has pointed out, we have incorporated in the proposed legislation many suggestions offered by the American Legion, whose special committee has worked long and hard on the proposed legislation.

Among other things, in this bill, we distinguish between the type of punishment that may be awarded by a company grade officer and the type that may be awarded by a field grade officer. This will protect the individual against the possibility of unreasonable punishment being awarded by a well meaning but relatively immature officer.

We have also improved the appeal process.

Also, for the first time, we have authorized the commanding officer to detain pay. This can be done today by regulations, but it is not contained in the law and thus is rarely used.

In summary, Mr. Chairman, I would like to repeat that the proposed legislation is endorsed by many legal groups, by the Court of Military Appeals, by the Judge Advocates General of the Army, Navy, and Air Force, by the American Legion, the American Bar Association, and many others.

Enactment of this proposed legislation should be of great benefit to the man in service who gets into minor troubles because it will permit the commanding officer to award a suitable punishment without subjecting him to a court-martial with a resulting black mark on his record. At the same time it should expedite military discipline by reducing the number of courts-martial that are awarded.

Thus, the proposed legislation will be highly beneficial to officer and enlisted man alike. At the same time it will improve discipline and the overall administration of military justice.

Mr. RIVERS of South Carolina. Mr. Chairman, I yield such time as he may require to the gentleman from Florida [Mr. Bennett].

Mr. BENNETT of Florida. Mr. Chairman, H.R. 11257 is a bill to increase the authority of military commanders to deal with minor offenses and disciplinary infractions in the Armed Forces by the use of "nonjudicial" punishment rather than courts-martial.

As many of the Members of this body recall, in 1950 the Committee on Armed Services recommended, and the Congress enacted, the Uniform Code of Military Justice. That code provided a comprehensive body of disciplinary and criminal law in the Armed Forces, and established a court-martial system to try cases arising in the military services.

In addition, however, article 15 of that code provided a means whereby military commanders could deal with minor infractions of discipline without resort to criminal law processes. Under that article, commanders themselves can impose specified limited punishments for minor offenses and infractions of discipline. In general, the punishments authorized to be imposed consist of withholding of privileges, restriction to limits, or extra duties for not more than 2 weeks, a reduction of one pay grade, or, in the case of officers, forfeiture of one-half of 1 month's pay.

The Uniform Code of Military Justice has now been in existence for more than 11 years, during which time no substantial changes have been made to it. During that time the code has proved to be a noteworthy legislative achievement, which has given to the Armed Forces a system of military justice that not only enables commanders to maintain a high standard of military discipline, but also preserves to the individual members of the Armed Forces the traditional American concepts of fairness and rights of the individual.

The use of nonjudicial punishment has also proved to be a valuable procedure. From the standpoint of the military commander, it enables him to preserve and maintain discipline by dealing with minor infractions expeditiously. Most important, however, from the standpoint of the individual affected, is the fact that punishment imposed under article 15 does not leave the stigma of a criminal conviction on his record. It should be emphasized that this nonjudicial punishment, as its name implies, is not considered in any manner as a conviction or as a criminal proceeding, but is strictly an administrative disciplinary measure.

During the past 11 years, however, experience has shown that there is too great a gap between the relatively minor punishments that can be imposed under article 15 and the punishments imposable by means of courts-martial. This results in a reluctance on the part of commanders to utilize punishment under article 15—which is so restrictive as to be unsatisfactory as an effective disciplinary deterrent—and instead to refer the case to a summary court-martial, with its attendant stigma of a criminal conviction.

This bill would close the gap by giving to designated military commanders punishment powers substantially the same as those now exercisable by a summary court-martial. Commanders can thereby use nonjudicial punishment as a means to deal with virtually all minor offenses that arise in their commands, with a consequent decrease in—and perhaps eventual elimination of—the summary court-martial.

When the original bill, H.R. 7656, was considered in committee, the committee felt that certain limitations and safeguards for the individual should be written into the law itself. These amendments were made and are incorporated in a clean bill, H.R. 11257, that is now before you. Essentially, such limitations and safeguards delineate in detail the punishments that may be imposed, provide that the maximum authorized punishments can be imposed only by officers in the grades of major, lieutenant commander, or above, who have greater maturity and experience, and that adequate provision be made for appeal and legal review.

The principle of increasing the authority of commanders under article 15 has been urged frequently by reputable bar and veterans' associations—including the American Legion, the American Bar Association, the Association of the Bar of the City of New York, the Judge Advocates Association, and the American Veterans Committee.

The bill now before us is in accord with the recommendations of those bodies, and has the complete approval of the Department of Defense, each of the armed forces, the Coast Guard, and the U.S. Court of Military Appeals.

I know of no objection to the bill, and I strongly urge its enactment.

Mr. RIVERS of South Carolina. Mr. Chairman, I have no further requests for time.

Mr. OSMERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 815 (article 15) of title 10, United States Code, is amended to read as follows:

"§ 815. Art. 15. Commanding officers nonjudicial punishment

"(a) Under such regulations as the President may prescribe, and under such additional regulations as may be prescribed by the Secretary concerned, limitations may be placed on the powers granted by this article with respect to the kind and amount of punishment authorized, the categories of commanding officers and warrant officers exercising command authorized to exercise those powers, the applicability of this article to an accused who demands trial by court-martial, and the kinds of courts-martial to which the care may be referred upon such a demand. Under similar regulations, rules may be prescribed with respect to the suspension of punishments authorized hereunder. If authorized by regulations of the Secretary concerned, a commanding officer exercising general court-martial jurisdiction or an officer of general or flag rank in command may delegate his powers under this article to a principal assistant.

"(b) Subject to subsection (a) of this section, any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one or more of the following disciplinary punishments for minor offenses without the intervention of a court-martial—

"(1) upon officers of his command—

"(A) restriction to certain specified limits, with or without suspension from duty, for not more than 30 consecutive days;

"(B) if imposed by an officer exercising general court-martial jurisdiction or an officer of general or flag rank in command—

"(i) arrest in quarters for not more than 30 consecutive days;

"(ii) forfeiture of not more than one-half of one month's pay per month for two months;

"(iii) restriction to certain specified limits, with or without suspension from duty, for not more than 60 consecutive days;

"(iv) detention of not more than one-half of one month's pay per month for three months;

"(2) upon other personnel of his command—

"(A) if imposed upon a person attached to or embarked in a vessel, confinement on bread and water or diminished rations for not more than three consecutive days;

"(B) correctional custody for not more than seven consecutive days;

"(C) forfeiture of not more than seven days' pay;

"(D) reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;

"(E) extra duties, including fatigue or other duties, for not more than 14 consecutive days;

"(F) restriction to certain specified limits, with or without suspension from duty, for not more than 14 consecutive days;

"(G) detention of not more than 14 days' pay;

"(H) if imposed by an officer of the grade of major or lieutenant commander, or above—

"(i) the punishment authorized under subsection (b)(2)(A);

"(i) correctional custody for not more than 30 consecutive days;

"(iii) forfeiture of not more than one-half of one month's pay per month for two months;

"(iv) reduction to the lowest or any intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction, but an enlisted member in a pay grade above E–4 may not be reduced more than two pay grades;

"(v) extra duties, including fatigue or other duties, for not more than 45 consecutive days;

"(vi) restrictions to certain specified limits, with or without suspension from duty, for not more than 60 consecutive days;

"(vii) detention of not more than one-half of one month's pay per month for three months.

Detention of pay shall be for a stated period of not more than one year but if the offender's term of service expires earlier, the detention shall terminate upon that expiration. No two or more of the punishments of arrest in quarters, confinement on bread and water or diminished rations, correctional custody, extra duties, and restriction may be combined to run consecutively in the maximum amount imposable for each. Whenever any of those punishments are combined to run consecutively, there must be an apportionment. In addition, forfeiture of pay may not be combined with detention of pay without an apportionment. For the purposes of this subsection, 'correctional custody' is the physical restraint of a person during duty or nonduty hours and may include extra duties, fatigue duties, or hard labor. If practicable, correctional custody will not be served in immediate association with persons awaiting trial or held in confinement pursuant to trial by court-martial.

"(c) An officer in charge may impose upon enlisted members assigned to the unit of which he is in charge such of the punishments authorized under subsection (b)(2)(A)–(G) as the Secretary concerned may specifically prescribe by regulation.

"(d) The officer who imposes the punishment authorized in subsection (b), or his successor in command, may, at any time, suspend probationally any part or amount of the unexecuted punishment imposed and may suspend probationally a reduction in grade or a forfeiture imposed under subsection (b), whether or not executed. In addition, he may, at any time, remit or mitigate any part or amount of the unexecuted punishment imposed and may set aside in whole or in part the punishment, whether executed or unexecuted, and restore all rights, privileges, and property affected. He may also mitigate reduction in grade to forfeiture or detention of pay. When mitigating—

"(1) arrest in quarters to restriction;

"(2) confinement on bread and water or diminished rations to correctional custody;

"(3) correctional custody or confinement on bread and water or diminished rations to extra duties or restriction, or both; or

"(4) extra duties to restriction;

the mitigated punishment shall not be for a greater period than the punishment mitigated. When mitigating forfeiture of pay to detention of pay, the amount of the detention shall not be greater than the amount of the forfeiture. When mitigating reduction in grade to forfeiture or detention of pay, the amount of the forfeiture or detention shall not be greater than the amount that could have been imposed initially under this article by the officer who imposed the punishment mitigated.

"(e) A person punished under this article who considers his punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under subsection (d) by the officer who imposed the punishment. Before acting on an appeal from a punishment of—

"(1) arrest in quarters for more than seven days;

"(2) correctional custody for more than seven days;

"(3) forfeiture of more than seven days' pay;

"(4) reduction of one or more pay grades from the fourth or a higher pay grade;

"(5) extra duties for more than 14 days;

"(6) restriction for more than 14 days; or

"(7) detention of more than 14 days' pay;

the authority who is to act on the appeal shall refer the case to a judge advocate of the Army or Air Force, a law specialist of the Navy, or a law specialist or lawyer of the Marine Corps, Coast Guard, or Treasury Department for consideration and advice, and may so refer the case upon appeal from any punishment imposed under subsection (b).

"(f) The imposition and enforcement of disciplinary punishment under this article for any act or omission is not a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this article; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

"(g) The Secretary concerned may, by regulation, prescribe the form of records to be kept of proceedings under this article and may also prescribe that certain categories of those proceedings shall be in writing."

Sec. 2. This Act becomes effective on the first day of the fifth month following the month in which it is enacted.

Mr. RIVERS of South Carolina (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with and that it be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Rogers of Colorado, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11257) to amend section 815 (art. 15) of title 10, United States Code, relating to nonjudicial punishment, and for other purposes pursuant to House Resolution 633, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

SPECIAL ALLOWANCES FOR CERTAIN PUBLIC HEALTH OFFICERS

Mr. O'NEILL. Mr. Speaker, under direction of the Committee on Rules, I call up House Resolution 631 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10195) to validate payments of certain special station per diem allowances and certain basic allowances for quarters made in good faith to the commissioned officers of the Public Health Service. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL. Mr. Speaker, I yield myself such time as I may require, and at the conclusion of my remarks I yield 30 minutes to the gentleman from Ohio [Mr. Brown].

Mr. Speaker, House Resolution 631 provides for the consideration of H.R. 10195, a bill to validate payments of certain special station per diem allowances and certain basic allowances for quarters made in good faith to commissioned officers of the Public Health Service. The resolution provides for an open rule with 1 hour of general debate.

The purpose of H.R. 10195 is to validate payments of special station per diem allowances for quarters made before January 1, 1959, to commissioned officers of the Public Health Service having Alaska as their permanent duty station at the time of payment, which payments were not valid because the officers occupied Government rental quarters at less than their basic allowance for quarters; and payments of basic allowances for quarters made before February 1, 1959, to commissioned officers of the Public Health Service occupying Government rental quarters at Indian health facilities, which payments were not valid because such quarters were adequate public quarters. The bill would further authorize the refund of any amounts repaid by the officers as the result of this sequence of events upon application made in one year.

Relief would be extended to just 67 officers who would otherwise be held liable to refund a total of $40,562.10.

Mr. Speaker, I urge the adoption of House Resolution 631.

Mr. BROWN. Mr. Speaker, the gentleman from Massachusetts, my colleague on the Rules Committee, has explained very well the provisions of this rule. This bill was reported unanimously by the legislative committee and it was approved unanimously by the Rules Committee. It involves only some $40,500 in funds which had been paid to certain public officials under the impression that the payments were according to law, to meet their actual expenses only.

I know of no opposition to either the rule or the bill.

Mr. O'NEILL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DISASTER RELIEF—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 405)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Public Works and ordered to be printed:

To the Congress of the United States:

I have the honor to transmit herewith a report of activity under authority of Public Law 875, 81st Congress, as amended, and required by section 8 of such law.

Funds which have been appropriated to accomplish the Federal assistance determined eligible under this authority are specifically appropriated to the President for purposes of disaster relief.

John F. Kennedy.

The White House, *May 15, 1962.*

SPECIAL ALLOWANCES FOR CERTAIN PUBLIC HEALTH OFFICERS

Mr. LANE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10195) to validate payments of certain special station per diem allowances and certain basic allowances for quarters made in good faith to commissioned officers of the Public Health Service.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10195, with Mr. Boland in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. LANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill, H.R. 10195, seeks to validate Alaska special per diem allowance for quarters and basic allowances for quarters at Indian health facilities here in the United States. This bill was filed as the result of executive communication from the Department of Health, Education, and Welfare. Under the provisions of this bill a group of 67 public health officers will be relieved of payment of quarters allowances, which were paid in accordance with previous practices, but which were subsequently declared to be improper for the reason that new quarters had been provided.

The providing of these new quarters prompted reexamination and the imposition of the liability to refund these payments. The amount of money paid to these officers was $40,562.10 of which only $2,717.57 has been refunded to the United States.

The bill H.R. 10195 would make it possible to relieve a group of Public Health

Service officers of liability resulting from the retroactive effect of a decision of the Comptroller General concerning the Department's interpretation of the law as to quarters allowances. While these officers had occupied quarters on a rental basis at Indian health facilities and in Alaska and were paid quarters allowances or special station per diem allowances on the strength of a 1945 law—Public Law 120 of the 79th Congress (37 U.S.C. 111(a))—which expressly provided that personnel would not be deprived of quarters allowances while occupying rental quarters, the Comptroller General's decision held that other laws, in particular Public Law 85-241 enacted in 1957, required that quarters surveyed and found to be adequate should be furnished rent free and during occupancy personnel would not be entitled to quarters allowances. This bill is necessary because the officers are required to return the difference between the rentals and the allowances for periods before the quarters were surveyed and found to be adequate under newly promulgated regulations. In fact, while the survey was made in 1958 and the quarters designated as adequate on February 1, 1959, the health officers were required to refund amounts paid as far back as July 1, 1955. Thus, the situation is one in which the Comptroller General's decision has resolved an ambiguity with a resultant change in procedures, but an inequitable burden is imposed on a group of persons who had no choice but to rely on the Government's interpretation of express provisions of law which were consistent with procedures followed in preceding years.

The bill was introduced in accordance with the recommendation of an executive communication sent the Congress by the Department of Health, Education, and Welfare which recommends that the relief provided in the bill be extended because of the particular circumstances under which the allowances were paid.

The executive communication outlines the circumstances which ultimately resulted in a ruling that commissioned officers of the Public Health Service had received overpayments of quarters allowances. It is immediately apparent that in both of the categories of the bill the payments were made in a manner which followed previous practices. Obviously the health officers involved would have assumed that their entitlement to the allowances had been confirmed in accordance with established practice.

With reference to officers assigned to Indian health facilities as of July 1, 1955, the hospital and health facilities of the Bureau of Indian Affairs in the Department of Interior were transferred to the Public Health Service. Prior to that date commissioned officers of the Service detailed to the Bureau of Indian Affairs occupied on a rental basis quarters maintained by that Bureau. Under this arrangement the officers involved received their basic allowances for quarters under section 302 of the Career Compensation Act of 1949, as amended (37 U.S.C., sec. 252). When these quarters were transferred to the Public Health Service, the previous arrangement with respect to these quarters was continued. As new quarters were constructed for occupancy after July 1, 1955, or occupancy by personnel of the Service after this transfer of hospital and health facilities on July 1, 1955, this same arrangement was applied to commissioned officers occupying the new quarters, and this arrangement continued until the new quarters were determined, on February 1, 1959, to be adequate public quarters, at which time the officers occupying such quarters were no longer charged a rental and lost entitlement to their basic allowance for quarters under the authority in the act of July 2, 1945 (37 U.S.C. sec. 111a), and section 302(b) of the Career Compensation Act of 1949 (37 U.S.C. 252(b)). The question was then presented as to whether the amounts which were paid before February 1, 1959, to officers occupying the new quarters, and which represented the difference between the rental charges paid and the basic allowance for quarters received, were valid payments.

Commissioned officers of the Service assigned to Indian health facilities in Alaska before 1959 received a special per diem allowance for quarters provided under section 303(b) of the Career Compensation Act of 1949 (37 U.S.C., sec. 253(b)). These payments were suspended on January 1, 1959, for officers occupying governmental rental quarters pending resolution of certain questions as to their validity. By decision of May 2, 1960 (39 Comp. Gen. 737), the Comptroller General advised that special station per diem allowance payments to officers occupying Government quarters—at rentals less than their basic allowance for quarters—were invalid and that the officers who had received such payments were obligated to refund the amounts involved to the United States.

It is clear that the Department of Health, Education, and Welfare itself initiated the request to the General Accounting Office, which resulted in the decision which necessitates the relief provided in H.R. 10195. The law which prompted the inquiry in 1959, Public Law 85-241, was enacted in 1957. Yet the decision imposed liability based on payments as far back as July 1, 1955. In addition, it must be recognized that, under these circumstances, requiring repayment from these health officers would have a serious impact on the morale of the Public Health Service and constitute an unfair economic burden. The Department has referred to these considerations when it stated in its communication that:

> This Department believes that the officers concerned should be relieved from reimbursing the Government for payments received with no knowledge of their invalidity. Considerable difficulty would be entailed in seeking repayment of the amounts involved since a number of the officers concerned are no longer on duty with the Public Health Service. For most, if not all of these individuals, whether or not with the Public Health Service presently, repayment of amounts received in good faith would impose a substantial economic burden. In addition, collection of such amounts from officers presently on duty with the Public Health Service would have a serious impact on morale. Finally, as a matter of equity, those officers who have made repayment of all or part of the amounts involved should be able to secure refund of these repayments.

These officers should be granted the relief provided in this bill. A survey indicates that relief would be extended to just 67 officers who would otherwise be held liable to refund a total of $40,562.10. In view of the obvious equities as reflected by these facts, the bill should be considered favorably

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. LANE. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Can the gentleman tell me whether this was the result of a mistake, an error? Or what is the story?

Mr. LANE. No; I would say it was the result of a survey that was made and the interpretation which was used at that time. The gentleman from Iowa has read the report. He will see in the report that legislation has been passed over the years that perhaps conflicts in some ways with reference to these quarters, and it was because of the fear that there was some question about it when these officers were transferred from the Indian Affairs Agency and these new quarters were provided. It all goes back to the building of these new quarters, whether or not these officers are entitled to the benefit. They were, of course, paying some rent and were at the same time being paid by the Government.

Mr. GROSS. If the gentleman will yield further.

Mr. LANE I will.

Mr. GROSS. Is there any question as to the clarity of the law now?

Mr. LANE. I think there is no question about it. I think the Comptroller General's ruling has pinpointed the conflict of legislation here. This bill for relief is brought in after careful consideration by the Claims Subcommittee of the Judiciary Committee.

Mr. GROSS. The General Accounting Office discovered this error, mistake, call it what you will, there has to be some name applied to it. The General Accounting Office discovered this situation. Is that not correct?

Mr. LANE. It really was initiated by the Department of Health, Education, and Welfare. They really asked for this interpretation from the General Accounting Office. The General Accounting Office did not find it out; it was the Department that sent down this request. In their opinion the law was in such conflict that they did not know whether they were right or wrong, so they got the interpretation from the Comptroller General's Office. In the meantime this survey was requested. It took some time to get a ruling. It all goes back to 1955.

Mr. GROSS. Would the gentleman say this amounts to a windfall of some $40,000? And I do not minimize $40,000 as some people seem to, and say: This is "only—only" $40,000 that is involved.

Mr. LANE. No, I would say to the gentleman from Iowa that in my opinion it does not amount to a windfall because of the fact that the committee carefully looked into the matter very thoroughly to satisfy ourselves that these officers here are entitled to this relief. Some of them are still with the Service, some are not with us any longer, but they are people of fine reputation, doctors, nurses, dentists, sanitary engineers, and so forth. They received only what they were entitled to as they felt, and what others had been entitled to down through the years until this transfer was made from the Bureau of Indian Affairs to the Public Health Service.

Mr. LINDSAY. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, as the gentleman from Massachusetts has said, this is a necessary bill, and we on the minority side of the Judiciary Committee favor it. We feel this is a necessary proposal in order to relieve 67 employees of the U.S. Government from an unnecessary hardship that was not brought about by any fault or wrongdoing on their part.

This bill would relieve 67 employees of the Public Health Service from the obligation to pay the United States now, many years after the fact, the difference between what they paid for rental of Government quarters and what was received as quarters allowance. I think it is important to emphasize the amounts initially received by way of quarters allowances were entirely proper under the law. It was paid and accepted entirely in good faith.

Some years later it was discovered that rentals should have been paid for these particular Government quarters. A rental was paid, or will be paid by the mathematics of this bill, and the bill is designed only to relieve those employees of the burden of repaying the difference between the rental allowance and the rental. Now, many years later, after audit, it is determined that the Government was in error. Unless this bill is enacted we feel there will be an undue hardship placed upon these Public Health Service officers through no fault of their own. They will be required to pay to the Government money which for many years they, and the Government, quite properly assumed was theirs.

I agree with the distinguished gentleman from Iowa that $40,000 is not to be sneezed at under any circumstances and bears close scrutiny. Nevertheless, I can assure the gentleman and members of the committee that we of the minority side of the Committee on the Judiciary, as well as those on the majority side, view these things with a sharp pencil indeed, and we do not let bills slip through which are not proper and just. This bill is entirely appropriate under all circumstances.

Mr. Chairman, I yield such time as he may desire to the gentleman from Kansas [Mr. Shriver].

Mr. SHRIVER. Mr. Chairman, I desire to associate myself with the remarks of the distinguished gentleman from New York [Mr. Lindsay] who has just spoken.

As a member of the Claims Committee of the Committee on the Judiciary, I, too, strongly feel that the officers of the Public Health Service concerned in H.R. 10195 should be relieved from reimbursing the Government for payments received with no knowledge of their invalidity. For most of these individuals, whether presently in the Public Health Service or not, repayment of amounts received in good faith would impose a large economic burden upon them, and would in many instances be a hardship. It would also seriously affect the morale in this and other Federal services.

As a matter of equity, it would, in the judgment of the Department and in the judgment of the members of your committee, be unwise not to relieve those 67 persons affected by this bill.

Mr. LANE. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Toll] may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TOLL. Mr. Chairman, the basic consideration in the introduction of this bill is to extend relief to a relatively small group of Public Health officers who have been subjected to liability and consequent financial hardship through no fault of their own. An objective review of the facts shows that these men were paid the quarters allowances referred to in the bill while they lived in quarters and paid rent in line with the then existing practice. The departments had required that these officers pay a fixed rental charge and had construed the law as permitting them to receive their basic allowance for quarters. Here was a situation where the Bureau of Indian Affairs of the Department of the Interior had never designated any of its quarters as subject to occupancy without charge by commissioned personnel of the Public Health Service and their dependents. After the transfer of Indian health facilities to the Public Health Service, again there was no such designation and the replacement facilities were constructed as authorized in appropriation acts which contained no stipulation that the quarters were to be furnished without cost to these officers. I have emphasized these facts, for the act of July 2, 1945, which is found in the United States Code as section III of title 37, provides "notwithstanding the provisions of any other law" that personnel of the Public Health Service and their dependents would be accepted as tenants for occupancy on a rental basis housing facilities "other than public quarters constructed or designated for assignment to and occupancy without charge by such personnel and their dependents, if any, and such personnel shall not be deprived by reason of such occupancy of money allowances to which they are otherwise entitled for rental of quarters."

As is obvious by the fact that it has been necessary to appeal to Congress for relief for the 67 officers with which H.R. 10195 is concerned, the Comptroller General's decision as to the right to retain such allowances was otherwise than could be inferred from a reading of the foregoing language. Of course, the Comptroller General was called upon to give an opinion based upon all of the law relevant to the situation including the subsequent law enacted as Public Law 85–241 (42 U.S.C., par. 1594). I merely wish to emphasize that this was an obviously technical and involved matter, and there can be no question but that the individual Public Health officers acted in good faith and relief on the employing agency for the correct computation of the money due them.

It is unfair to require a small group of employees to refund amounts received as quarters allowances as far back as July 1, 1955, over the amounts paid as rent. As I have noted they were required to pay the Government in order to occupy the quarters.

The unfairness of this situation can have a serious effect on the morale of the health officers concerned. It is in the best interest of the Government and the health programs involved that these individuals be extended the relief provided in this bill.

The CHAIRMAN. There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following payments are validated: (1) payments of special station per diem allowances for quarters made before January 1, 1959, to commissioned officers of the Public Health Service having Alaska as their permanent duty station at the time of payment, which payments were not valid because the officers occupied Government rental quarters at less than their basic allowance for quarters, and (2) payments of basic allowances for quarters made before February 1, 1959, to commissioned officers of the Public Health Service occupying Government rental quarters at Indian health facilities, which payments were not valid because such quarters were adequate public quarters. Any commissioned officer or former commissioned officer who has made repayment to the United States of any amount so paid him as a station per diem allowance for quarters or a basic allowance for quarters may, upon his application within one year after the date of enactment of this Act, have refunded to him the amount so repaid. Any appropriation that was available for the payment of salaries of commissioned officers of the Public Health Service at any time during the years 1955 through 1959 is available for the payments of the refunds authorized by this Act.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. Albert] having assumed the chair, Mr. Boland, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10195) to validate payments of certain special station per diem allowances and certain basic allowances for quarters made in good faith to commissioned officers of the Public Health Service, pursuant to House Resolution 631, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

PART II OF THE INTERSTATE COMMERCE ACT

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 320) to amend the provisions contained in part II of the Interstate Commerce Act concerning registration of State certificates whereby a common carrier by motor vehicle may engage in interstate and foreign commerce within a State, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

The Chair hears none, and without objection appoints the following conferees: Messrs. HARRIS, WILLIAMS, STAGGERS, FRIEDEL, BENNETT of Michigan, SPRINGER, and COLLIER.

There was no objection.

D.C. TRANSIT SCHOOL FARES

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McMILLAN. Mr. Speaker, yesterday during debate on the D.C. Transit school fare bill several questions were asked that the members of the committee could not answer. Immediately after Congress adjourned I called on D.C. Transit Co. to furnish me the information and I am inserting in the RECORD with my remarks today that statement from the D.C. Transit Co.

Mr. Speaker, during the debate on Senate bill 1745 yesterday afternoon one of my colleagues, the gentleman from Ohio [Mr. BROWN], on the floor of the House requested information as to whether Capital Transit Co. had formed a subsidiary company for the purpose of removing the streetcar tracks. The Congress in 1956 enacted a franchise act—Public Law 757, 84th Congress—for the Capital Transit Co. and one of the provisions was that the Capital Transit Co. remove the streetcars and the tracks from the streets here in the Nation's Capital within 7 years from the date of the passage of the act.

Immediately after Congress adjourned yesterday afternoon, I called on the Capital Transit officials to furnish me an answer to the request made by my colleague, the gentleman from Ohio, Congressman BROWN.

I am enclosing a copy of the Transit Co.'s answer to this question as this matter had not previously been called to my attention by anyone here in the District of Columbia.

The purpose of Senate bill 1745 is to keep the Transit Co. in the District of Columbia in the hands of private enterprise as we have forces that work here in the Capital City who are very much interested in having the Federal Government operate all mass transportation in the Nation's Capital. I think every Member of Congress who is interested in private enterprise should vote for Senate bill 1745 even though they may not be in complete agreement with all the actions of the present Capital Transit Co. I am certain every Member of Congress realizes that his or her State furnishes buses to transport schoolchildren to and from school if they do not reside within walking distance of the school which they attend. In my State we earmarked all the funds derived from the 3-percent sales tax for our schools and the State officials purchase school buses and erect new school buildings with these funds, and of course, they do not expect any of the private bus or transportation companies to transport schoolchildren free or at half fare.

Under the Franchise Act enacted by the Congress of the United States in 1956 referred to above, we provided that a return of 6½ percent to the company would not be unreasonable, figured on either the system base rate or on gross operating revenue. However, in March 1960 the Public Utilities Commission determined that a fair return to the D.C. Transit Co. would be 4.92 percent of the company's gross operating revenues, rather than 6½ percent. Under the pending bill the Transit Co. cannot collect a dime for school fares until their profits fall below 4.92 percent. I doubt that their profits will fall below this figure any time in the foreseeable future and the passage of this bill would not cost the District of Columbia taxpayers a dime until this happens.

D.C. TRANSIT SYSTEM, INC.,
Washington, D.C., May 15, 1962.

Re S. 1745—School fares, District of Columbia.

Hon. JOHN L. McMILLAN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. McMILLAN: During the debate on the House floor on the above-captioned bill, held on Monday, May 14, Congressman BROWN of Ohio, asked the question as to whether or not D.C. Transit System has a subsidiary company, or an affiliated company, whose stock ownership is similar or identical to that of D.C. Transit, which company engages in track removal and repaving in the District of Columbia.

This is to advise you that D.C. Transit does not have a subsidiary company or an affiliated company which engages in any track removal, resurfacing, or repaving. To date, all track which has been removed has been done by employees of D.C. Transit System, using equipment belonging to that company, with the exception of some track which was removed from North Capitol Street, which work was performed by a contractor pursuant to a contract with the District of Columbia. The contractor which performed the work on North Capitol Street was not, and has never been, in any way affiliated with D.C. Transit System or any of its principal stockholders.

The foregoing information is sent to you in order that you may answer Congressman BROWN's question should you see fit and if the occasion arises.

Very truly yours,
JAMES H. FLANAGAN,
Vice President and Comptroller.

TRANSIT FIRMS SEEM DOOMED, DILWORTH SAYS

Private transit companies in big American cities seem doomed to go out of business in the next 20 years, a House banking subcommittee was told today.

Richardson Dilworth, former Philadelphia mayor, testified that he believed the D.C. Transit System, Inc., of Washington was the only true private transit system left in any city of more than 500,000 population.

In Philadelphia, a private company runs buses it owns. But privately operated rail facilities are run on public-owned rails.

Mr. Dilworth told the subcommittee, that, in effect, they should not be concerned with charges that the President's new transportation program would endanger private enterprise. Private railroads will benefit, the witness said. As for city transit systems, he said they "almost inevitably" would disappear, with or without Federal aid contemplated by the White House.

RECOMMENDS GRANTS

President Kennedy has recommended $500 million in grants over the next 3 years to acquire and operate urban transportation facilities. Loans and demonstration grants also are provided in legislation pending at House committee hearings.

O. Roy Chalk, president of D.C. Transit, opposes the Kennedy bill in its present form. He wants grants channeled to private companies as well as to public agencies. Mr. Chalk, who submitted his amendment to a parallel Senate subcommittee, is expected to appear before the House unit tomorrow.

House Subcommittee Chairman MULTER, of New York, and Representative MILLER, of California, both Democrats, argued that the fiscal burden of providing metropolitan area transportation, was too heavy for separate, local communities.

AMENDMENT DUE

Manuel J. Davis, vice president of Arnold Lines, said he would ask for introduction of an amendment to the bill when he testified Friday.

Mr. Davis last Friday suggested during Senate hearings that the bill be amended so loans and grants could be made directly to private transit firms, without going through local public agencies.

Mr. Davis will suggest an amendment to prohibit municipalities from using Federal assistance to buy out private transit firms, unless the firms first grant permission.

TO STRENGTHEN MILITARY DISCIPLINE WITHOUT BRANDING A MINOR VIOLATOR FOR LIFE

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, every Member of Congress grapples with the frustrating problem of veterans who have received "tainted" discharges. Veterans ask our assistance in the hope of having these discharges changed to honorable, or at least to a general discharge that will not haunt them for the rest of their lives.

"I don't want my children to be ashamed of me when they grow up and ask to see my discharge." Or: "Why should a mistake made during the active military service of my youth 'dog' me wherever I go? Whenever I seek a job in a defense industry, or in many other industries, my application is rejected as soon as they learn the type of discharge I received. Why wasn't I punished while I was in service, so that my record would be clear? Under the present circumstances, the stigma follows me through civilian life and prejudices my civil rights. Will you help me to get my discharge changed?"

How many times have we heard these appeals for assistance? There is little that we can do. When we intercede with the various branches of the Armed Forces we are told that they are bound by regulations which are strict and unyielding.

H.R. 11257 seeks to prevent this form of punishment from happening in the future:

> The purpose of the proposed legislation is to amend article 15 of the Uniform Code of Military Justice to give increased authority to designated commanders in the Armed Forces to impose nonjudicial punishment, thereby enabling them to deal with minor disciplinary problems and offenses without resort to trial by court-martial.

We are not concerned here with the serious violations of military discipline that make the court-martial procedure mandatory. They are relatively few compared with the hundreds of thousands of minor offenses where a serviceman could have been punished within the service without blackening his character for the rest of his life.

The Uniform Code of Military Justice, approved on May 5, 1950, established a body of disciplinary and criminal law applicable to all of the Armed Forces, and set up a court-martial system to try cases arising in the military services.

Article 15 of the code—in addition—permits military commanders to deal with minor infractions of military discipline outside the criminal law processes, by imposing limited punishments. This is what is meant by "nonjudicial punishment." It does not reach the stage of a court-martial, where conviction places a permanent blot on the serviceman's record that follows him through civilian life.

However, the punishment that may be imposed under article 15 is severely limited. It does not include authority for the commanding officer to forfeit or detain an enlisted member's pay, or impose any effective form of custody on the offender. The commander can either impose a limited form of punishment, such as restriction or extra duties, which are ineffective disciplinary deterrents; resort to reduction in grade which is a continuing punishment; or trial by court-martial.

In order to maintain necessary discipline under these circumstances, commanders have no choice but to court-martial the military offenders, which leaves the stigma of a criminal conviction.

After 11 years of experience with the provisions of article 15, the military commanders themselves, in all branches of the Armed Forces, have recommended increased authority under article 15 for the purpose of improving discipline. As reasonable men, they dislike the extreme punishment of court-martial convictions, forced by the restrictions inherent in the present article 15. They are convinced that authority to impose appropriate nonjudicial punishment would result in prompt and just punishment, less harmful to the individual concerned, and more effective in maintaining discipline.

It is noteworthy that their recommendations to amend article 15 are endorsed by the Association of the Bar of the State of New York, the New York County Lawyers Association, the American Veterans Committee, the Judge Advocates Association, and the American Bar Association.

This bill incorporates virtually all of the recommendations of the American Legion, designed to grant military commanders increased nonjudicial punishment authority, but at the same time providing essential limitations and safeguards in the law itself. It has the full approval of the Department of Defense, the Armed Forces, and the Court of Military Appeals.

The strong support of this bill is in recognition of the fact that it will strengthen military discipline by in-service punishment, covering a variety of minor offenses—without resorting to the extreme court-martial procedure that would place an indelible stigma on a veteran's record—and handicap him throughout his civilian life. Nonjudicial punishment will improve military discipline and military justice.

THE CASE OF THE MISSING CABINET OFFICER

Mr. BOW. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Speaker, reviewing the impressive list of Kennedy administration medical experts who will address rallies of senior citizens all over the Nation May 20, citizens may note the absence of the distinguished Postmaster General, J. Edward Day, and there may be understandable concern about the welfare of this able public servant.

To quiet, in advance, any possible concern, let me explain that Mr. Day will be absent because he is the Cabinet member who really understands medical care for the aged under social security, and they are afraid to turn him loose.

The President is quite safe in sending Dr. Luther Hodges, Secretary of Commerce, to discuss social security hospitalization at the Boston rally.

Even Dr. Stewart Udall, the Secretary of the Interior, is unlikely to put his foot in his mouth when speaking on a subject so far removed from his official duties, as he will do at Kansas City May 20.

Dr. Arthur Goldberg, the Secretary of Labor, can be relied upon to spellbind the oldsters at Miami Beach.

Dr. James Gleason, Administrator of Veterans' Affairs, can speak with some knowledge of government operated hospitals and government-employed doctors and nurses. The rally at Peoria will hear about this.

Dr. Robert C. Weaver, the Housing Administrator, will be able to deal with the subject at Philadelphia, without danger that prior experience will interfere with his fervent advocacy of socialized medical care.

Another eminent medicine man, Dr. John Horne, can do the job adequately on the basis of his long experience in charge of the Small Business Administration.

And lesser lights will handle the chore satisfactorily at other rallies from coast to coast.

Mr. Day will be missing from the list because he has studied social security medicine and he knows that we cannot afford it.

He has grave doubts about the stability of the social security program even without additional benefits.

And, while serving as vice president of the Prudential Insurance Co. of America, he set forth his views in clear and concise language in an article in the June 1960 issue of Freeman magazine.

Here is what President Kennedy's Postmaster General thinks of President Kennedy's compulsory hospitalization plan—full text on page 7902 of the CONGRESSIONAL RECORD of May 8:

> By 1969 the social security tax, even to support the program as it now stands, will be 9 percent of taxable payroll—with half to come from the employee (and not deductible from the employee's Federal income tax).
>
> We have to face up to our total needs for future spending at all levels of government, assign priorities among programs and projects, do some major retrenching in existing public programs to preserve solvency, and then decide whether we can afford to open the door to a vastly expensive, expansive federally financed health care program.
>
> What is more, (1) the Forand bill, if enacted, is bound to be only a "first step" to an enormously expanded and still more expensive Federal health care program, (2) invariably these publicly financed health care plans (such as in England and Canada) have cost far more than was estimated when they were proposed, (3) other expensive liberalizations of the social security program are in the offing, (4) the social security program as it now stands may be so badly underfinanced that major tax increases may be needed just to pay for benefits already promised.
>
> Many have a mistaken belief that social security is a savings plan, with the payroll taxes saved up to provide for the employee's future benefits. The fact is that social security is a pay as you go plan—or more accurately, an under pay as you go plan.
>
> We have graciously provided that employees of 1969 shall pay a 4½-percent rate for the benefits for which employees of 1959 paid 2½ percent (3 percent beginning with 1960).
>
> The social security trust fund is in fact only a contingency reserve. Some estimates, based on the existing program, say the trust fund will be used up entirely by the year 2000. But, big as the trust fund seems, it would have to be three times as big as it now is just to pay future benefits to the 13.7 million people already on the benefit rolls. And other tens of millions are qualified to become new recipients in the future.
>
> Already we are postponing the evil day on paying for the present social security benefit structure. When it comes to the multibillion-dollar addition to the structure proposed by the Forand bill—we can't afford it.

Mr. Speaker, substitute the words "King-Anderson" for "Forand" in the foregoing, and nothing else has been changed since the Postmaster General wrote his article.

SCHOOL FARES IN THE DISTRICT OF COLUMBIA

Mr. BROWN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN. Mr. Speaker, on yesterday, in connection with the discussion of the bill S. 1745 dealing with certain transit matters here in the District of Columbia, I asked a number of pointed questions of the committee in charge of the bill and received no definite answers except the promise, or the pledge, they would look into the rumors that had been heard prior to that time.

Yesterday evening I had a call from a Mr. Flanagan, vice president of the D.C. Transit System, Inc., here in Washington, in which he answered some of the questions I had propounded. I requested he place those answers in writing. He has done so.

Mr. Speaker, the letter from Mr. Flanagan to which I refer follows:

D.C. Transit System, Inc.,
Washington, D.C., May 15, 1962.

Hon. Clarence J. Brown,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Brown: I appreciate very much the opportunity you gave me today to discuss with you your questions expressed on the floor of the House during the discussion of S. 1745, which relates to school fares in the District of Columbia.

Please be advised that all track removal work performed in the District of Columbia has been performed by D.C. Transit System, Inc. itself, with its own employees, except in one instance. In the case which was the exception, the District of Columbia government entered into a contract to have the track removal done by an outside firm, and D.C. Transit System, Inc. paid for the cost of removal, through the District of Columbia government.

In the case of the repaving of the track area, this work has been done under contracts entered into between the District of Columbia government and outside contractors, and the D.C. Transit System, Inc. has paid the District of Columbia for its proportionate share of the cost of this repaving.

As to the rumors which you discussed on the floor of the House, such rumors may have arisen by reason of the fact that some years ago an affiliated company named Transportation Corporation of America did perform certain construction work in the District of Columbia. This corporation has been inactive for over 2 years. However, during its active existence, it did not perform any track removal or repaving work for D.C. Transit System, Inc.

Finally, D.C. Transit System, Inc. and its officers are not connected with, nor do they have an interest in, any of the construction firms which do or have done track removal and repaving work for D.C. Transit System, Inc.

I trust I have answered these questions to your complete satisfaction.

Your offer to insert this letter in the Record in this proceeding is very much appreciated.

Very truly yours,
James H. Flanagan,
Vice President and Comptroller.

BLUE CROSS AND BLUE SHIELD GROUP INSURANCE ORGANIZATIONS OF TEXAS

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, it has been reported and conceded by the two tax-exempt health insurance groups involved—the Blue Cross and Blue Shield group insurance organizations of Texas, that they expended sums of money for purposes other than that for which they were founded.

These are supposed to be nonpolitical, nonprofit service organizations subscribed to and supported by the working people of this country—people who would undoubtedly be the greatest beneficiaries of the President's medicare program. By what right do these organizations use the payments of these subscribers to underwrite expenses other than for the use of their subscribers; especially to attack the administration's King-Anderson medical care bill to both the Texas Hospital Association and the Texas Medical Association.

Could it be that these organizations are subtly working against the best interests of their subscribers and promoting instead the interests of the doctors whose services are performed under their auspices? Were the subscribers given the opportunity to express their views or opinions before their funds were used to permit an attack against the administration's proposal for health care for our older people?

As I have said previously, these organizations have been granted tax exemption by this Government—they now use these same tax-exempt reserves to undermine the very same Government which granted them benefits. This is surely a case of biting the hand that feeds you.

If these organizations are to lobby against medical care they should be deprived of their exemption.

MEDICAL CARE FOR THE AGED

Mr. BOW. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Speaker, in view of what the gentleman from New York, who has just spoken, has had to say about Blue Cross and Blue Shield, I should like to raise the question with reference to the hundreds of thousands of dollars being expended from the Treasury of the United States to propagandize for the King-Anderson bill. I am wondering by what authority the Secretary of the Department of Health, Education, and Welfare and other Cabinet officers can use taxpayers' funds to go throughout the country lobbying for their bill. I remind them of title 18, section 1913, United States Code.

SCHOOL FARES IN THE DISTRICT OF COLUMBIA

Mr. MULTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks in the Record on the bill S. 1745.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, the House will be asked to vote tomorrow on S. 1745 which seeks to amend section 44-214A of the District of Columbia Code which provides for the regulation of fares for the transportation of schoolchildren in the District of Columbia.

I am sure it is unnecessary to recall to this House that when the D.C. Transit Co. was granted its franchise by the Congress, surface transportation in the District had come to a standstill, the prior operator had obdurately refused to negotiate with his employees, and the Congress was faced with the choice of taking over the system and putting the District of Columbia into the transportation business or finding a private operator who would take over the system and supply the District with the service to which it was entitled at a reasonable fare. After long and difficult hearings, the franchise was awarded to the D.C. Transit Co.

The result has indeed been a good one so far as the District of Columbia is concerned and the people who use surface transportation within the District. The old trolley cars have been taken off the streets, and long in advance of the date required by the franchise agreement. New, modern, air-conditioned buses have replaced those old cars and the old buses. We now have good, clean, efficient, rapid surface transportation at a reasonable rate which is equal to that charged in some cities and less than charged in many others.

The franchise agreement assured the transit company a reasonable return which was fixed at a maximum percentage named in the contract. The company has never earned that maximum. Its fares have never been increased to allow that maximum return because of the well-proved theory that to increase the fares would decrease the number of passengers, bringing down the gross and net earnings rather than increasing them.

Another provision of the franchise agreement requires that schoolchildren, all schoolchildren, be transported by the transit company at no more than one-half the cash fare established from time to time by the Public Utilities Commission.

The Congress is now confronted with a choice of enacting this bill requiring the District of Columbia to pay a part of the cost of transporting such children to and from school, or, if by rejecting this bill, requiring the Public Utilities Commission to increase the adult passenger fare so as to bring about an increase in the schoolchildren's fare, in order that the transit company can continue to earn not the maximum return allowed by law and its franchise, but the lesser sum as now fixed by the Public Utilities Commission.

There is nothing new about this concept. School districts, municipalities and States throughout the Nation pay for the transportation of children to and from school. This bill will make the same principle apply in the District of Columbia but only in part. The children will continue to pay the same fare they are presently paying. Instead of increasing the amount to be paid by such schoolchildren, the District of Columbia will pay that increase. If that increase had been in effect during the current year it would have cost the District of Columbia about $120,000. We are told that the maximum it can ever cost the District of Columbia under the bill before us is $544,000. With the limitations written into the bill, it is doubtful whether such increase will ever amount to half that maximum sum.

The hearings and the report of the other body amply justify the action taken there in passing this bill and amply justify the same action here. The hearings conducted in years gone by, by the House District Committee, and again this year, and the House committee's report on this bill support its enactment. As indicated during the debate yesterday, the District Commissioners favor the enactment of this bill in the form in which it was amended yesterday.

There was some reference made yesterday to the fact that rumor indicated that the D.C. Transit Co. was not clearing the streets as required of it by its franchise and that possibly it was making some unwarranted profits through a subsidiary corporation.

I was very happy to hear the distinguished gentleman from Ohio [Mr. BROWN] and the distinguished chairman of the House Committee, the gentleman from South Carolina [Mr. MCMILLAN], clarify that situation and demonstrate very clearly that the clearing of the streets of car rails and the repairing of the streets is under the jurisdiction of the District Commissioners; that all of this work has been carried on under their supervision; and that the transit company has paid the cost thereof to the full extent required of it by its franchise agreement. Whenever that work was done by the transit company it was done by its own employees and not through the device of a subsidiary company. Whenever the work was done by some one other than the transit company, it was a corporation that had nothing to do with the transit company, directly or indirectly; such company was required to compete for the contract; the award was made to it by the District Commissioners who retained complete jurisdiction over the work to the same extent as if it had been done by the transit company. In those few cases where car rails were covered over instead of being removed, that was done pursuant to the direction and under the supervision of the District Commissioners, with the obligation still remaining on the transit company that if the car rails must ever be removed, the cost thereof would still be assessed against and paid by the transit company.

This is a good bill and it should be enacted.

IS THE U.N. SERVING OUR BEST INTERESTS?

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Mississippi [Mr. WILLIAMS] is recognized for 45 minutes.

Mr. WILLIAMS. Mr. Speaker, we will be called upon soon to vote $100 million for the United Nations. We will be asked to do this notwithstanding the fact that our country, which is but one of more than 100 member nations, has borne almost half the total expense of U.N. operations over the years. Enigmatically, we are being asked to ante up this additional $100 million despite the fact that the U.N.'s current financial crisis, in major part, is due to the refusal of other member nations to carry their allotted share of the burden.

I am certain that the American people would be more than willing to contribute $100 million—or any other amount that might be required—if it could be shown to them that the U.N. is serving the best interests of our country. I am sure they would be happy, even, to dig deeper in to their pockets to support the U.N. if they could be shown that the organization, in truth and fact, is an effective instrument for preserving world peace.

Unfortunately the recent performances of this organization would lend credence to the argument that it is neither serving our best interests, nor is it effectively serving the cause of peace.

Mr. Speaker, no one in America today is better qualified by experience to appraise the work of the U.N. than our former Secretary of State, and later Governor of South Carolina, Hon. James F. Byrnes. It should be remembered that Mr. Byrnes was one of the architects who drew the original blueprints of the United Nations, and helped to bring the Organization into being.

Speaking in my home State of Mississippi on February 6, 1962, Mr. Byrnes raised some serious questions about recent policies and actions of the United Nations.

In his address, which for some reason was generally overlooked or ignored by the one-world segment of the American press, Governor Byrnes said:

> The United Nations of today is not the organization we sponsored in 1945. Originally, it was composed of states that had declared war against the Axis Powers. At the time of creation there were only 50 member states. Gradually the number has been increased until today it has more than doubled.
>
> Of the 104 members, 34 are Afro-Asian States. Most of these were established within the last few years, and few of them have had any preparation for participation in the solemn decisions of world affairs.
>
> The United Nations is changed not only in its membership, but in its purposes. The charter, in the first chaper, declares: "The purpose of the organization is to maintain international peace and security."

Mr. Byrnes pointed out further:

> The charter specifically provides in article II of chapter I, paragraph 7, "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present charter." At the time the United States ratified the charter, there were in the U.S. Congress many men who favored it because of this language, but now the coalition of Afro-Asians and Soviets seems determined to intervene in the domestic affairs of the Governments of the free world.
>
> The problems now confronting the U.N. make it wise for us to take stock of our position. The United Nations is not what it was or what it was intended to be. The increase of membership from 50 to 104 has made it possible for the Afro-Asian bloc, plus the Soviet bloc, to dominate it. From experience we know that the Soviet bloc is not interested in the maintenance of international peace. It is the greatest threat to peace. Peace is not the primary purpose of the Afro-Asian States. They are inspired by their hatred of the so-called colonial powers, like Britain, France, Portugal, Belgium, and the Netherlands, who are our friends. If, to win the support of the various African tribes, now established as states, we constantly antagonize our proven friends, we cannot expect their continued friendship.

What Mr. Byrnes said in this speech, in essence, was that because of its abandonment of the policies and purposes originally prescribed in its charter, and its substitution, instead, of policies leading to its intervention in the internal domestic affairs of its member states, the United Nations might well have lost its usefulness.

What Mr. Byrnes did not say, but which was evident nevertheless from the force of his remarks, is that the United Nations, as presently constituted and operated, has become a liability.

I would point out, in addition, that the United Nations has also become a racist organization, fostering racial strife on a worldwide scale. Moreover, the United States, through acquiescence to and support of these policies laid down by the U.N. must assume its share of the blame for the situation which the U.N. is creating; a situation which, indeed, threatens the peace in many areas of the world. As a matter of fact, we have encouraged the United Nations to become a racist organization through our approval of its policies of intervention in the internal domestic affairs of its member states.

Our policy of anticolonialism has apparently become a policy in which we arbitrarily oppose the white races in every clash involving a colored race. Somehow, though, when Russian colonialism involves the exploitation of one white society by another white society, our policy has been to ignore the plight of the white victims of Bolshevist brutality and enslavement. This was evident in the case of Hungary, when we—and the United Nations—stood by as witnesses to the criminal rape of a people yearning for freedom without lifting a finger to resist the aggressors.

The latest manifestation of this supine policy is in Berlin, where again we stood by, hands in pockets, and watched the wall seal off helpless and despairing citizens of West Germany. The Red Chinese descended upon the Tibetans, and once again we stood by, timorous and powerless.

But when colored races clashed with white races in Africa, we took sides immediately, placing ourselves categorically, shamelessly, and with bravado against the whites. We helped force the Belgians out of the Congo, even though it was quite apparent that the territory was wholly unready for self-government. In the resultant chaos, we took sides against Tshombe, who had white support, and who had declared himself a friend of the West and an opponent of communism. We hailed the victory of Adoula as vindication of our stand and a great triumph of our diplomacy. We have acted as if the Belgian Congo had suddenly become a prosperous, stable, pro-Western country, when in actuality, it is a disjointed, confused, poverty-stricken, illiterate, conglomeration of cannibalistic tribes seeking to destroy each other as well as their white benefactors.

In regard to international affairs, Adoula is, at best, a neutralist. When he visited the United States not long ago, he was given the full red carpet treatment by our Government, and was received by the White House as if he were a long-lost friend who had just returned. However, while he was here, he also paid a visit to the United Nations, where he paid loving tribute to Lumumba, the slain Communist Congo leader.

He indicated, also, that he would assist in the campaign to drive the Portuguese out of Africa. That he was sincere in this is indicated by the establishment, on Congo soil and with Adoula's approval, of a so-called government-in-exile, for Portuguese Angola.

This outfit is headed by the terrorist Holden Roberto.

Also Adoula has begun to jail his supporters, after the high-handed fashion of Nkrumah and other African leaders who are showing megalomaniac characteristics. It seems, however, that regardless of what Adoula believes and what he has done, he is established as our man, and we are stuck with him. I would predict, however, that he will cost us plenty of money and give us plenty more trouble before we are through with the mess he helped create in the Congo.

Let us try to analyze the reasons for our disastrous course in Africa and Asia. I do not question that there might be some idealism and highmindedness in it; and, obviously, old fashioned colonialism is on the way out—save perhaps where Russia, Red China, and some of the newly emerging African and Asian nations are concerned. From the idealistic standpoint, the Asian and African countries which have been dominated by European nations should be entitled to the privileges of self determination. Speaking realistically however, no situation is the same in any two countries, no rigid formula can be applied; a purely doctrinaire approach could be disastrous.

If Africa is to have any future—other than strife and confusion—the races must cooperate. The Negroes cannot develop Africa without the help of their more enlightened and advanced white compatriots. Our dislike of colonialism should result in flexible and sensible policies; instead, we find ourselves in the peculiar position of supporting our enemies while we are fighting our friends.

The effect has been to turn the U.N., an organization formed to keep the peace, into an actual instrument of war. It is no wonder that some of our Nation's leaders, including some stanch administration supporters, have become alarmed. Indeed they have reason to be perturbed.

There is something sinister in the background of this U.N. situation; there is more than meets the eye. Many informed persons know it is there, but they choose to ignore it, and never make mention of it save by indirection.

While admittedly our African policy is based in part on idealism, it is also based in part on politics—naked, brazen, wardheeling politics. Our policy, in my opinion, is part of a studied and ceaseless campaign to win—to buy, if you please—the Negro vote here in the United States. This apparently is the theory: if the administration takes the part of the Negro in Africa, whether right or wrong, the Negro in the United States will in turn take the part of the administration. The assumption, of course, is that the Negro will vote for the administration come what may; hence the slogan: "Africa for the Africans," founded last year by the Assistant Secretary of State for African Affairs, G. Mennen Williams. Later, in an attempt to assuage outraged critics and to ameliorate this aspersion against white Europeans, Mr. Williams sought to explain it away by saying that his statement had been misunderstood. As an afterthought, he explained that he had meant Africa for all who dwelt there; but his initial assertion, "Africa for the Africans" still resounds.

This racist bid for Negro political support domestically is shameless, nearsighted, and reprehensible. It constitutes an injustice not only to our own Negroes, but to all the citizens of the United States. In the long run, it will serve to aggravate racial disorder not only in Africa, but all over the world, including right here in America.

A steady and remarkably successful propaganda campaign has been waged in this country to have the American Negro identify himself with Negro racism in Africa. With very few exceptions, almost all the Negro columnists, writers, commentators, and professional leaders are violently antiwhite, where Africa is concerned.

Portugal, for example, has pursued a multiracial policy for generations in Africa and elsewhere. That seems to make little difference, as the attacks on that country from Negro leaders and writers in the United States are violent in tone. The Chicago Defender, for example, after India attacked and overran the Portuguese Province of Goa, took sides immediately with India, the colored nation, against Portugal, the white country. On December 21, 1961, the Defender said that it cared not a whit whether India was right or wrong and that "we cast our lot on the side of Premier Nehru in any dispute between him and the colonial-minded, undemocratic government at Lisbon."

The Washington Afro-American of April 10, 1962, printed excerpts from a speech by the Portuguese Ambassador in San Francisco with this sneering headline over the story: "We're Saving the World From Itself Says Portugal—Hubba, Hubba, Hubba."

This is the thanks they have given Portugal for scrupulously avoiding discrimination based on skin color.

If I understand the matter correctly, the American Negro's current civil rights campaign is based on the proposition that he should be treated as any other citizen and that, above all, there be no discrimination against him simply because his skin is colored. Assuming this is true, it would seem that American Negroes should also look with more favor on Portugal than any other European nation, and that they would support Portugal's efforts to build multiracial communities in its African provinces. Whatever Portugal's shortcomings might be, informed observers agree that the multiracial policy is genuine.

To put it bluntly, most of these vociferous Negro complaints have a double standard. They ask for equality here, but they support extreme racism in Africa. There are many evidences of this.

The Baltimore Afro-American of November 11th was intemperate to the point of being violent on the subject of Portugal. Assailing a public relations campaign on behalf of the Portuguese in Angola, the paper commented:

> This sickening effort to maintain the last bastion of colonialism in Africa cannot expect to gather acceptance from anybody in the world, except for a few diehard colonialists in Europe and Africa, and to this newspaper's regret, a few misguided black Uncle Toms in America.

Any journalist, white or colored, who writes objectively about events in Africa is almost immediately assailed by these Negro spokesmen. Robert Estabrook, former editor of the Washington Post and now that paper's London correspondent, visited Angola last February. Notwithstanding the Post's antiwhite and pro-Negro attitude expressed so often, he wrote a temperate and well-balanced series of articles which was critical of the Portuguese but admitted that Angola was not ready for self-government. He said also that the best hope for that Province was to work out, under Portuguese guidance, a multiracial society.

Almost immediately, a Negro minister, a man named Smallwood L. Williams, presiding bishop of the Bible Way Church, World Wide, charged that Estabrook had fallen a victim to Portuguese propaganda.

This man Williams was quoted in the Washington Afro-American, a Negro newspaper, as implying that Estabrook's trip to Angola and Mozambique was paid for by some propaganda agency.

The Associated Negro Press, probably the largest news service for Negro papers, keeps several correspondents in

Africa, so I have been told. The Associated Negro Press makes little pretense of objectivity in any matters relating to so-called colonialism. For example, a shipwreck took place last year off the coast of Mozambique, Portuguese East African Province, in which a number of persons lost their lives. Among these were some Mozambique Negroes returning from work in South Africa. The ship was ridiculously portrayed as a slaver's vessel with the unfortunate workers confined in the hold, and as a result unable to escape. This was obvious, malicious fiction. Many natives outside South Africa seek employment there since wages are higher than in almost any other part of Africa. The shipwreck obviously had nothing to do with forced labor.

Much of the opposition to desegregation in the United States is based on the fact that conditions cannot be changed overnight. The slaves brought to the United States were primitive tribesmen, just as the majority of the natives in many African countries still are primitive. The removal of the Negroes to America removed them also from the tribal animosities and feuds which are so fresh and alive in Africa today. The culture of American Negroes is a white culture.

Radical Negro leaders in this country demand the immediate removal of every form of discrimination. They talk incessantly of rights; there is little talk of responsibilities. Some Negro leaders are concerned over this situation but they dare not comment. They know they would be pilloried if they intimated or admitted any shortcomings of their people. They realize that blaming everything on segregation is not the answer; but they are afraid to say so.

The competition for the Negro vote here in the United States is fierce and keen. Demagogs in both major political parties clamor incessantly about alleged wrongs being committed against the Negro race by "heartless" southern white people. It is extremely difficult to talk and act sensibly in this kind of atmosphere, and reason and commonsense become obscured in the maelstrom of hysterical prointegration propaganda.

The public schools of the District of Columbia were desegregated in the fall of 1954, just a few months following the Supreme Court's infamous black Monday decision. If the bleeding-heart theorists had been correct, this would have solved the matter, and Washington would have become a utopia of racial intermixture. The practical result has been a mad and frantic exodus of white people away from the integrated District of Columbia into the segregated suburban areas, and the public schools of Washington have become virtually resegregated because of this flight of white people away from the District.

The crime rate in the District of Columbia is unusually high, and has been the subject of great concern to the responsible citizenry and to the Congress. A disproportionate share of these crimes are committed by Negroes; yet, by some curious process of reasoning, the pro-Negro equalitarian liberal press has absolved the Negro of his own derelictions and has managed to place all of the blame upon the white people. They claim that it cannot be the fault of the Negro, because they are victims of their past. This rationalization, unfortunately, does not contribute anything toward solving the crime situation in the Capital of our Nation, which continues to rise with alarming rapidity.

Most of our Negro leaders rail constantly against racism—racism in the United States, that is. In Africa, things are quite different.

There the Negro leaders air their racism blatantly. Do our American Negro leaders criticize them? The answer is a flat "No." Many of the African leaders are out-and-out racists who say they will put the whites in their place and keep them there. Have there been any complaints from our Negro leaders and our bleeding-heart liberals? I have not heard any.

Let us listen to Tom Mboya, Kenya leader, as quoted by Louis Lomax, well-known Negro journalist and writer. Mboya, prospective Prime Minister when Britain steps out of Kenya, is quoted as follows:

> The Europeans know they are finished in Kenya. Now all they want to know is if we're going to pay them for their land. The civil servants know they are done here. Now all they want to know is whether we are going to give them a pension. Every day they stop me on the streets and they ask me: "Mr. Mboya, are you going to take our land? Are we going to be compensated? Are we going to get pensions?"
>
> I tell them, "Don't ask me to pay you. Tell your troubles to Macleod [the British Colonial Secretary]. Let him pay you. As far as we are concerned, the Europeans have lived off the fat of the land. They have had their compensations and their pensions."
>
> Then the Europeans want to know if they can stay on in Kenya. I tell them: "Sure." But if they stay on they must get out of politics. We are going to have an all-black Parliament and an all-black Government. We are going to divide our land among our people. If the Europeans want to stay, they can stay on as squatters. If they want to work, they can work for us.

This goes far beyond anything said on the race issue in this country by the most rabid segregationist leaders, including even the grand dragon of the Ku Klux Klan.

Is there an outcry against Mboya from Negro spokesmen and publications such as the Washington Post and the New York Times? Do not be ridiculous. The pseudoliberals and their spokesmen flail racism in America; in Africa it is an entirely different thing.

Our self-styled liberals attack colonialism constantly, white colonialism, that is. They couldn't care less about the rise of Negro racism and dictatorship in Africa. Apparently they have no concern about Negro colonialism which already exists and will spread as the strong countries among the new African nations begin to practice imperialism of their own.

Nor does the racism of the United Nations concern them. There is an occasional reference to concern in some quarters about the voting record of the Afro-Asian nations at the U.N., but is usually followed by a ringing defense of the U.N. and the intimation that only this organization stands between us and an almost immediate showdown with the Russians.

Mboya is not the only African leader who speaks in racist terms. Cooper, of Liberia, has told the U.N.:

> Tutelage in any form, however benevolent, is obnoxious. Africa is the last bastion of colonialism. Colonized people are no longer prepared to have their freedom or independence delayed or postponed on the grounds of unpreparedness, or under the guise of some sacred trust.

Toure of Guinea has spoken in a similar vein; so have many others.

The defenders of our Afro-Asian policies tell us that many of the new nations are uncommitted and that winning them is vital to our security.

I do not know just what is meant by being "uncommitted." Many of these new countries are hopelessly backward, poverty stricken, torn by rivalries and jealousy; yet their attitude toward us is supposed to shape our future.

There is some sort of mystique about the word "uncommitted" which I do not comprehend. Many of the new African States could go Communist, and, as I see it, Russia or Red China, as the case might be, simply would have additional trouble and headaches as a result.

Last September, more than 20 of the so-called neutral nations met at Belgrade in Yugoslavia. There were quite a few new African nations and some of the new Asian countries as well, including a whole flock of the so-called uncommitted countries.

There is no question but that we have tried to win this group. All in all, the countries that met at Belgrade have received more than $6 billion, including more than $2 billion to Tito's Yugoslavia, all from the pockets of the American taxpayer under our foreign aid program. The meeting was held shortly after the Russians resumed nuclear testing. The so-called neutralists and uncommitted nations showed a most tender regard for the sensibilities of the Communists, while they showed none for our feelings, saying that the U.S. Naval Base at Guantanamo Bay affects the sovereignty and integrity of Cuba. If the commitment of the uncommitted nations is as vital as we are told, we really are in a bad way.

Perhaps the most revealing aspect of our Afro-Asian policy is our attitude toward Portugal. This country has been our friend and ally for years. Portugal is a member of NATO and since World War II has given us invaluable bases in the Azores free of charge.

Last March, the United States voted at the U.N. for an investigation of conditions in Angola, Portuguese West African Province. In so doing, we found ourselves siding with our cold war enemy, Soviet Russia.

Almost coincidentally with the vote, an army of terrorists swept across the Congo border and fell upon the unsuspecting Portuguese, in an orgy of rape, murder and torture.

The Portuguese fought back. With the arrival of troops, they began to get the better of the fighting and immediately, a great hue and cry arose about the fact that the Portuguese were killing their assailants.

Following this deplorable situation, a resolution was introduced at the U.N. Security Council which called upon Portugal to desist forthwith from repressive measures in Angola. In other words, the resolution, in effect, called upon the Portuguese to stop defending themselves.

This vote is one of the most shameful actions by the United States in all its history. It was indefensible and was aptly called by Arthur Krock, distinguished columnist of the New York Times, a "form of lynch law."

Nobody in the U.S. Government ever has tried to explain or defend this vote—and no wonder.

The Portuguese have a good record in Africa. True enough, they have made mistakes but there is no government that has not or does not make mistakes. Offhand, it would seem that the self-styled liberals should embrace the Portuguese. They have pursued, as I pointed out earlier, a multiracial policy; discrimination on the basis of skin color is almost nonexistent and this policy—one of nondiscrimination—if I understand it correctly, is supposedly the goal of American Negroes for the United States.

Let me speak a moment to this word, "colonization": The Portuguese regard Angola and Mozambique as integral parts of Portugal, just as we always regarded Alaska and Hawaii as integral parts of our country even before statehood. It is true that Angola and Mozambique became Portuguese through colonization and we bought Alaska after the Russians had colonized it; there is that difference. But not Hawaii, Hawaii became ours through conquest. Indeed, our own United States became a nation through colonization.

The point is this: There is more than one sort of colonialism and the question—as it pertains to the Portuguese—is this: Is Angola well governed or poorly governed? Let us look at it.

Angola is not ready for self-government; that is generally agreed to by all. Nevertheless, today every Angolan has the full rights of citizenship. Indeed, Angola is much further ahead in many ways than some of the African nations that are denouncing the Portuguese and threatening to run them out of Africa. For instance, Portuguese rule in Angola compares most favorably with the Government in Liberia, settled more than 100 years ago by descendants of American slaves. These descendants of American Negroes, incidentally, have always exploited the natives, and conditions—even today—could be greatly improved. Liberia is frankly racist, only an individual with Negro blood can be a citizen. Think of that.

If the President of Liberia, for example, were a white ruler of a white nation that did not permit Negroes to become citizens, he would be justifiably called a dictator and a tyrant; our liberal crusaders would attack him without mercy. For the life of me, I cannot see how skin color affects a dictatorship. Either the ruler—black or white—is a dictator, or he is not.

There is Ethiopia, which is one of the most active and implacable enemies of Portugal. In many ways, Ethiopia is a feudal country, hopelessly backward and ruled by a dictator, but the rule of the Emperor there is defended on the grounds that a strong hand is needed. Yet a far less strong hand in Portugal is denounced. Nor does it matter that the Amaharas, a Semite people who constitute the Ethiopian ruling class, dislike the Negroes under them. Our American Negroes and our modern liberals ignore this fact. They seem to love Ethiopia and to hate Portugal. It is indeed a queer world.

On every occasion when the Angola question has come up at the United Nations America has voted against our ally Portugal. Regardless of consequences, we seem determined to help drive the Portuguese out of Africa even at the cost of open race warfare. Let me point out to you, today, there is talk of a desperate stand by the white people of Angola, Rhodesia, Mozambique, and South Africa; and America seems to be doing all it can to provoke that stand. Offhand, it would seem that our representatives in the U.N. would be searching for some middle path, some way for the Negroes and whites to work together in Africa, some method of subordinating racism. But we have not thus far. Instead, we have been actively fomenting race hatred, using the U.N. as our instrument.

Let me refer to an Angolan terrorist leader, Holden Roberto. Last July he gave an interview to a Paris newspaper in which he was quoted as taking the responsibility for the murder of women and children in Angola, blandly explaining, according to the paper, that killing those people, while regrettable, was necessary. What Roberto had in mind was to arouse race hatred and fear where none existed; planning to make the Portuguese afraid of the natives and the natives afraid of the Portuguese.

Consider this fact: While we have denied entry into the United States for Tshombe, the friend of the West, Holden Roberto—admitted terrorist leader—comes and goes freely. He is backed and defended by the American Committee on Africa that assails the Portuguese virulently, charging them with every crime they can think of including forced labor.

As to forced labor in Angola, here is the fact: Many prominent writers and commentators have been to Angola since the outbreaks a year ago last March. They traveled freely and went where they chose but did not find these conditions. Most of them came back sympathetic with the Portuguese point of view. Listen to this: The International Labor Organization, an affiliate incidentally, of the U.N., investigated the charges of forced labor in Angola and said they were not true.

Still, the American Committee on Africa, which lists many prominent Americans as its members, continues its hate campaign. This outfit lists Mrs. Roosevelt, Arthur Schlesinger, Jr., Assistant to the President, and quite a few Members of the House and Senate among its membership. To the American Committee on Africa, Holden Roberto, the man who ordered women and children murdered, is evidently a hero.

Some years back South African police killed a number of Negroes at Sharpeville and a worldwide outcry arose; but little was said when the terrorists murdered several hundred whites and Negroes in northern Angola. There has been no censure of Roberto. In fact, our Ambassador to the United Nations, Adlai Stevenson, voted to censure the Portuguese who resisted the terrorists, the Portuguese who defended their wives and children against these savage attacks.

I am not so certain that our State Department does not regard Roberto as a hero also. I am advised that letters written asking why Roberto is allowed to come and go as he pleases are met with bland evasions and the statement that, insofar as one can determine, he is not a Communist. If one takes at face value State Department letters explaining why Roberto is allowed entry into the United States one might assume that we are backing him as we are backing Adoula. The State Department says there is no evidence that Roberto is a Communist and it flatly blames the Angolan troubles on the Portuguese. This constitutes an unwarranted and malicious attack on a friendly nation, for the evidence shows that the terrorist attack on Angola originated from the outside; if conditions in Angola faintly approximated the charges made against the Portuguese, there would have been uprisings all over the Province. Instead the fighting was confined to a comparatively small sector in the north. The terrorists soon were driven out of Angola, and despite reports to the contrary, the situation has been contained ever since. As a result of this frustration a number of African nations are threatening to get together and drive the Portuguese out of Africa. Among these countries are Guinea, which is very close to Communist Russia; Ghana, a dictatorship; Egypt, another dictatorship, and several other countries whose internal affairs are far from democratic. Why do they plan to attack the Portuguese? They say they are opposed to colonialism, but I suspect the real reason is racism.

Will the United States actively assist this racist movement? No one outside the establishment can say with certainty but the fact is that we have sided with the anti-Portuguese elements thus far. If we backed the U.N. attack on Tshombe—and we did—it is not reasonable to assume we would likewise jeopardize our own best interest by backing a similar attack on the Portuguese with troops from Ghana, Mali, Egypt, Guinea, and other African countries, all of which detest the Portuguese?

Not long ago, Holden Roberto announced he had the backing of Adoula for the formation of a so-called Angola Government in exile, based on Congo soil. In addition, there have been reports that several African nations would furnish troops to Roberto in order to force the Portuguese to surrender. If this happens, what will we do? Will we stand idly by and let Adoula actively assist Roberto? Are we eager to have another Belgian Congo on our hands? Will the executive department then come rushing again to the Congress asking for another bond issue, or loan, to bail out our latest adventure in racism? Who can tell what may happen?

The New York Times—in its most solemn terms—dealt with the formation of Roberto's government-in-exile. It ran a word portrait of Roberto, the terrorist, which portrayed him in an admirable light. If one accepts the Times version, the man is a patriot and friend instead of a terrorist, murderer, and enemy.

We should not forget it was the New York Times that backed Castro. They pictured this little beatnik Communist as a hero. He was the New York Times' candidate for Cuban ruler. He was helped greatly by the Times' support, and now look at Cuba; the developments following the elevation of Castro constitute a major disaster to the United States.

It would seem that the Times—following that national debacle—would be cautious and would be careful about sticking out its neck on such delicate situations; it would seem the paper would have learned something from Cuba. But notwithstanding, Roberto seems to be their man. Is it to be Castro all over again?

The State Department tells us there is no evidence that Roberto is a Communist. Evidence or not, he plays the Communist game. The Communists want the Portuguese driven from Africa; the Communists charge the Portuguese with terror and oppression in Angola; and these charges are parroted by the American Committee on Africa almost word for word; and we find ourselves joining hands with Soviet Russia in voting against Portugal at the U.N. What is a person to think? This vote, alone, should warn us; but no, if the quarrel involves a colored race and a white race, America's representative in the U.N.—as the administration, itself—invariably has sided with the colored race. In the row between Indonesia and the Dutch over Dutch New Guinea, America has lined up with Sukarno, the Indonesian dictator. The Attorney General, Robert Kennedy, was quoted on his return from a world tour as saying Indonesia—that is, Sukarno—should take over. What is involved here? The Dutch are willing to turn over New Guinea to a United Nations trusteeship but they are not willing to turn it over to Indonesia since the New Guineans are of a different race than Sukarno's people. Sukarno wants to turn New Guinea into a colony.

If the Attorney General has been quoted correctly, he thinks Indonesia should take over New Guinea because if the Dutch turn it loose, it will not be ready for self-government. At this point I become completely bewildered. The only consistent thing in all of this can be put very simply: The United States seems always to take the part of a colored race if the colored race is quarreling with a white race. That is history, that is precise fact.

Some of the architects of our U.N. policy and our foreign policies generally have their heads in the clouds and their eyes toward the stars. Others have their eyes on the ballot box back home.

By our attitude at the United Nations, we have encouraged racism in Africa and Asia. Our Negro leaders can and do point out that in wanting the Portuguese driven out of Africa, they simply are supporting their Government. That is, as American citizens, they are merely supporting the policy of the American Government—as indeed they are. But call it what you will, the practical effect of this policy is bold racism, the very thing they claim to fight here at home.

The game our leaders are playing, and playing in large part for Negro votes in this country, is a dangerous game. If we continue our pressure against the white people in Africa, if we look on complacently as they are dispossessed and driven out, I predict there will be startling repercussions. Already the conflict in Algeria has degenerated into race war. The conclusion of an agreement between the Government of France and the Algerians did not end the strife; the terrorism on the part of the OAS reflects the desperation of the white settlers in Algeria. They fear race persecution by the Algerians.

Do we intend to drive the whites in Angola, Mozambique, Rhodesia, and South Africa to similarly desperate straits? Will we support the Negro racists like Mboya and Nkrumah? Will we take sides to the extent that nowhere below the Belgian Congo will there be any accommodation between the races or cooperation for the betterment of all?

It is time we faced reality. The U.N. has been sold and is being sold to our people on the basis of slogans, which sound like, and probably are, the products of Madison Avenue hucksters. For example, one of the arguments for our course in the Belgian Congo, as described by our officials, is to prevent a direct collision with the Communists in that area. Or to put it another way, the U.N. is presented as a buffer between ourselves and the Communists.

That is fallacy. If the U.N. can act as a buffer between us and the Communists, why is it not a shield in Vietnam, where American troops are fighting and dying? Why is it not the U.N. standing between us and the Russians in Berlin? The U.N. may be useful in some ways, provided we do not make the United States the tail to the U.N. dog, but we should not think of it as a buffer. Our whole U.N. policy, almost from the very beginning, indicates how our Government manages to paralyze and hypnotize itself because of this and similar illusions.

We have had a respect for world opinion which is psychopathic. The Russians have used their veto at the U.N. blatantly and cynically whereas we have refrained from doing so—as if the use of the veto would blight all growing vegetation within the United States and start a worldwide crusade against us in the bargain.

What is the upshot of it all? The so-called neutralist nations, the uncommitted—so-called—countries openly respect the Soviet Union. Russia pursues a selfish, cynical course, relying upon force and power. Other countries understand this and bow before them for they fear the Russians. On the other hand they must regard us as a kind of Ferdinand the Bull and figure that the more contempt they show for us, the more they can get out of us. The only realistic and practical thing I see in the U.N. policy as pursued by this and previous administrations is a cynical campaign to win Negro votes.

With the U.N. bond issue, we will have opened another avenue for spending which will continue indefinitely. Adoula will cost us plenty before he is through and if we insist on tearing Africa apart and turning it over to the Communists, or racists, we will have something on our hands that our pocketbooks cannot handle. Already we are overcommitted and overstrained.

To our American Negroes, let me raise the flag of caution. Race hatred is not confined to the white and colored races. Take a look at British Guinea. What has been happening there? The political leader, Jagan, is an Indian and his followers in that British colony are Indians. He is opposed by the Negroes in that area. The Negroes in British Guinea and the Indians are at each other's throats. All over Africa and in other parts of the world, the Indians and the Negroes do not get along. There is no love lost between the Negroes and the Arabs, or the Negroes and the Orientals. Are we going to encourage this sort of thing by encouraging racism in the U.N.?

In conclusion, take a look at the figures. There are approximately 930 million white people in the world; 930 million of the yellow race; 930 million of the brown-red race and only 240 million of the black race.

Let us all be careful of the tiger, race hatred. Let us confine him wherever we can. If we insist on letting him loose, for politics or other reasons, beware.

I think eventually our American Negroes will see through the cynical show they are being made a part of, will see and understand what is happening. Their future lies here in America. By no stretch of the imagination can it be transferred to Africa.

They will realize that they cannot have it both ways; they cannot advocate equalitarianism here and insist upon racism in Africa. If our Negroes, swayed by flaming demagogs, insist on Negro domination in Africa simply because the Negroes are in the majority; how can they reconcile their demands for equal rights in the United States? It cannot be done.

Let us here in America, of whatever race, insist that the U.N. follow a course which is in the best interests of all our people.

ARTHUR M. ANDERSON: AMERICAN PATRIOT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Minnesota [Mr. LANGEN] is recognized for 15 minutes.

Mr. LANGEN. Mr. Speaker, the Treasurer of the Export-Import Bank of Washington retires today after 36 years of devoted and distinguished Government service. He is Arthur M. Anderson, an American first, a native Minnesotan always. His life, one of selfless devotion to others, is truly a modern-day tale of Horatio Alger that should serve as an inspiration and a pattern for young America today. It is a distinct honor that I am included among his personal friends.

Arthur Anderson began his Government service in 1925 when he accepted a position as a receiver with the Comptroller of the Currency, Insolvent National Bank Division, Treasury Department, in Washington. For the next 22 years he was appointed to varying terms of service in liquidating and reorganizing national banks in North Dakota, Florida, Alabama, Kentucky, Ohio, and Indiana.

We talked to those who knew him during those years and discovered that he was a man who was known as an expert liquidator, who set a notable record through the highest degree of integrity and ability. As Griffith W. Garwood, Deputy Comptroller of the Currency, put it:

> Arthur is one of the finest gentlemen a man can know. He sets a great example for all Government employees.

Arthur Anderson's diligent efforts and attention to details in those years were exemplified by his work at the National Bank of Kentucky in Louisville, which was then the largest insolvent national bank in the United States. Two of the cases that resulted from Anderson's work there went all the way to the Supreme Court and favorable opinions resulted in subsequent judgments and collections of almost $5 million for the depositors of one bank. These concurring opinions represented high praise for the painstaking work of Arthur M. Anderson.

It was small wonder that his reputation gained in stature, so it was no surprise to his friends and colleagues that he joined the Export-Import Bank of Washington in 1948 as special assistant to the Executive Vice President. Soon afterward he became assistant treasurer and then treasurer, the post he leaves today.

The Export-Import Bank was a dream come true for Arthur Anderson; a dream he helped develop. It is the principal agency of the U.S. Government engaged in international finance. Anderson has trooped to Capitol Hill many times as the Export-Import Bank's expert in fiscal presentations before Banking and Currency Committees. He has seen his organization grow, but might be somewhat modest in appraising his role in providing that growth. But the Board of Directors was not as modest, and issued this resolution following their most recent meeting:

> Whereas Arthur M. Anderson, treasurer of the Export-Import Bank of Washington, after many years of faithful service to the Bank, has announced his decision to enter upon his well-earned retirement; and
>
> Whereas, the directors, officers, and staff of the Bank, in recognition of the many services performed by Mr. Anderson in promoting the efficiency of the Bank's operations and creating friends for the Bank in the executive, legislative, and administrative branches of the Government, as well as in the private banking community in the United States, desire to record their appreciation: Now, therefore, be it
>
> *Resolved*, That the directors, officers, and members of the staff of the Bank do hereby express and record their admiration and respect for Arthur M. Anderson and their appreciation for his many services performed for the Bank, and sincerely hope that the coming years will bring to him and to Mrs. Anderson every success and happiness; and be it further
>
> *Resolved*, That a certified copy of this resolution be transmitted to Mr. Arthur M. Anderson.

In introducing the Board's resolution, Mr. Tom Killefer, First Vice President of the Export-Import Bank, said:

> When thinking of the highest caliber career civil servants it has been our pleasure to work with, the name Arthur Anderson will always come to mind. For truly, Mr. Anderson exemplifies the best in workmanship and integrity to be found in the Federal service. No better tribute can be given than the man's own record as treasurer of the Export-Import Bank. In his years of tenure, literally billions of dollars of public funds used in the Bank's lending operations were accurately and scrupulously accounted for in Mr. Anderson's fiscal and accounting program. We are sorry to see Mr. Anderson terminate his Federal employment, but at the same time we wish him every happiness in his retirement.

Arthur M. Anderson has great pride in the Export-Import Bank; considers it a milestone in his career to have had the privilege of seeing it grow. The strength of its growth is evidenced by the fact that the Bank has earned $700 million for the U.S. Government during its 28-year history. It is hoped that it will continue to grow by the rigid, high standards that Mr. Anderson bequeathed it.

Perhaps Arthur's attitude toward the Bank was best described by his lovely wife Virginia—Arthur's bank reorganization work of earlier days also found him doing some personal reorganization of the life of Virginia M. Silvers, of Somerset and Lexington, Ky., whom he married in December of 1942. Mrs. Anderson says:

> In reality, I'm his second wife. His first is the Export-Import Bank.

But she says this with pride, knowing that his happiness continues to be hers as well.

What does it take to grow a man who merits the accolades of all? In terms of the vernacular, Arthur Anderson has come a long way from our mutually native Kittson County, Minn., but his roots remain deep in the rich black soil of the Red River Valley that was pioneered by hardy Scandinavian stock. Arthur tells you with pride that his father came from Sveg, Sweden, and his mother from Trysil, Norway. His recollections of his Minnesota boyhood have kept many an audience spellbound by the hour; tales that included the 23 years his father, Olaf J. Anderson, served as sheriff of Kittson County.

Anderson, the man, is a stately 6-foot 3-incher. His thick mop of striking white hair produces a disarmingly distinguished air that sometimes belies the twinkle in his eye that reveals the master storyteller.

One of his favorites is about Ole Olson, who was standing in an American immigration line after the long boat trip from the old country. It seems the man in front of Ole in the line had exactly the same name as Ole and promptly gave it to the customs inspector. Ole then informed the inspector that his name, too, was the "same thing." But Ole's Scandinavian accent was a bit thick, so Ole has been known ever since as "Sam Tang."

It is no joke, however, that immigrants like Ole begat giants like Arthur Anderson. Olaf and Mary Anderson saw to it that young Arthur graduated from the Hallock High School in 1910—completing the 4-year course in 3, and with honors. He immediately went to work in local banks, while continuing his education in his spare time, studying by kerosene lamp. He graduated in 1922 from the American Institute of Banking. The rest is an illustrious history of a man who worked hard and paid attention to detail.

His basic honesty and this same attention to detail are carried into his private life, too. Regardless of the long hours he spends with his work, he finds time to pen scores of notes to people across the Nation he has met. If he runs into a youngster from a family he has known, you can be sure the father and mother will receive a note letting them know their offspring is well and in good spirits.

On a weekend, his acquaintances may be a bit startled to see Arthur and Virginia Anderson scurrying up Sugar Loaf Mountain, picnic baskets in hand. This exhibition of vigor belies his 66 years, but strengthens his philosophy that a healthy body goes hand in hand with a healthy mind.

So here we have a man who has risen to what we many times refer to as "high places." He is there because he selflessly serves his God, his country, and his people. He lives every day for itself with an eye to the future. And he never forgets the names or the problems of his people back home.

With retirement comes another opportunity for Arthur Anderson, ex-treasurer of the Export-Import Bank. At last he will have the time he has always wanted for travel, a chance to observe the world of which he is so much a living part. I will be interested in sharing his observations.

One of the places he will visit is Kittson County, Minn., where the warmness of the friendly people will again renew the strength that has made Arthur Anderson a pillar among men.

His is a life of old-fashioned patriotism, the kind backed up by hard work and attention to duty, with a sense of humor. It is a blueprint for living that should serve as an inspiration to every citizen who believes in freedom. Not only America, but many nations throughout the world, are richer in dollars and principle today by virtue of this man's dedication.

Good luck, Arthur M. Anderson, American patriot.

Good luck, Virginia Anderson, his inspiration.

Mr. ANDERSEN of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. LANGEN. I yield.

Mr. ANDERSEN of Minnesota. I should like to join the gentleman from Minnesota [Mr. LANGEN] in his tribute to Mr. Arthur Anderson on his retirement. Mr. Anderson and his wife, Virginia, are wonderful people. They are members of our joint church, the Augustana Lutheran Church at 16th and V Streets NW. To me, Mr. Anderson represents the best that can possibly be had in career governmental employees.

Mr. LANGEN. I thank my colleague.

CAMPBELL SOUP CO. EXECUTIVE LOOKS AT GROWTH IN THE FOOD INDUSTRY

The SPEAKER pro tempore (Mr. ALBERT). Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 15 minutes.

Mr. PATMAN. Mr. Speaker, economic growth is a topic being discussed far and wide by forward-looking Americans. This great country will achieve its growth goals by teamwork among business, labor, and Government. Ours is a competitive free-enterprise system, the envy of all the free world. It is a proven success, and will continue to be, so long as we work together to achieve our objectives.

Leaders of our business community, of course, play an enormous role in achieving economic growth in America. One such leader of a great company operating in the free-enterprise system is Mr. W. B. Murphy, president of the Campbell Soup Co. Campbell Soup is, of course, one of America's oldest and proudest names in the food processing industry.

It was my distinct privilege to join with Mr. Murphy in the dedication of a new Campbell plant a year ago in Paris, Tex. Mr. Murphy is an enterprising businessman in the greatest tradition—one who not only espouses growth, but who also plays his part in seeing it realized in his own industry.

Mr. Murphy delivered an address on "Growth in the Food Industry," before the Sales Executives Club in New York City on March 27. This address is of such outstanding merit that I am incorporating it in full in the RECORD at this point:

GROWTH IN THE FOOD INDUSTRY

(Address by W. B. Murphy, president, Campbell Soup Co., given before the Sales Executives Club, New York, N.Y., March 27, 1962)

KEY POINTS

The food business is enormous—it's made up of a great many relatively small businesses; for example, the largest half dozen food processors do somewhat less than 10 percent of the total—it has a built-in consumer demand—it's easy to get into, but not as easy to stay in since losses can come suddenly and pile up at a rapid rate—it's subject to food fads, weather, politics, and Government controls of many kinds—it's fascinating and challenging—it needs lots of research of many kinds for its science is relatively unexplored and quite difficult—it ought to hold the highest fascination for scientifically inclined youngsters, but for the moment, space science is in the lead—and lastly, like many other industries, the misbehavior of a tiny minority causes headaches for the great majority.

One need only walk through a modern supermarket to judge the fierceness of the competition for the consumers' food dollars; but no matter how strong this competition, there are many examples of food companies that have a long record of growth based on consistently furnishing the consumer superior value.

About one-third of our business today comes from items we did not make 10 years ago and almost every product we make has been improved during that period. We have determined that had we chosen 10 years ago to follow a policy of standing still, without new products or product and process improvements, today our business would be in the red instead of in the black.

The first of these (less talked about ways of achieving business growth) is attention to the single unit. Our history has been built around the slogan that "every can contains our business reputation." Now, we produce billions of individual cans, packages, loaves, etc. But Mrs. Consumer opens a single package, prepares and then tastes it. Subconsciously or consciously she is judging the product, the brand name and the company. The business will make progress or not with that decision. So, you see, each single unit of a product is of vital importance to the health of a business.

There is no measuring service that one can buy to determine the effectiveness of word-of-mouth advertising, but it is probably the most potent form of advertising and it is also the kind of advertising that allows a superior quality product to be marketed with a relatively small amount of television, radio, publication, display or other form of paid advertising.

This same principle of giving attention to the individual unit is especially important in our dealings with people. For the same reason that we don't think of consumers as the mass market and individual farmers as the rural community, we don't think of hourly workers as a labor force or of management people as a supervisory organization, but rather we think of them as individuals, each of whom is important in the quality of his or her work and in his or her regard for the company.

The continued success of a company hinges in considerable part on the intangible of employee morale and effectiveness, which, in turn, depends on the attention paid to the individual.

We have our greatest successes when we build a high value into a product and then sell it at a modest marketing cost—leaning on this very effective and free word-of-mouth advertising to suppelement the moderate amount of paid advertising.

The housewife is a pretty sophisticated individual. Her eyes and her ears are the recipients of a tremendous number of advertising messages and are in the main quite keen and discerning.

GROWTH IN THE INDUSTRY

The title for this talk as you see it on the program was selected before I really tackled the job of preparing the talk. Now that it has been almost completed, I think I should tell you that the title has been changed to "Growth in the Food Industry." You can readily understand that since there is a close relationship between delivering sound values to the consumer and business growth, I suppose I really haven't changed the title very much.

Business health and growth are particularly important in the food industry where living conditions are quite hazardous, for a number of reasons, not the least of which is intense competition.

The food business is enormous—it's made up of a great many relatively small businesses; for example, the largest half dozen food processors do somewhat less than 10 percent of the total—it has a built-in consumer demand—it's easy to get into, but not as easy to stay in since losses can come suddenly and pile up at a rapid rate—it's subject to food fads, weather, politics, and Government controls of many kinds—it's fascinating and challenging—it needs lots of research of many kinds for its science is relatively unexplored and quite difficult—it ought to hold the highest fascination for scientifically inclined youngsters, but for the moment, space science is in the lead—and lastly, like many other industries, the misbehavior of a tiny minority causes headaches for the great majority.

A healthy business in the food industry means, as in any industry, an active state of development and a progressively better state of existence.

Growth in the food business, as measured in overall tonnage, can be predicted to a gnat's eyebrow by relating it to population growth. The number of calories required for the human body is well known.

If a food business is to live by that rule, it would be a dull thing. Fortunately, there are many other opportunities. The easiest and best known ways to business growth are through new trends or new products. But there are many other ways that are fruitful; less spectacular and require hard work, but nevertheless, excellent ways.

It's no trick for a business to move ahead when it is caught up in a rising trend, either cyclical in nature or because of a new product boom. These are generally considered to be the colorful growth situations, but there are many, many more opportunities not dependent on cycles or product booms. These opportunities present themselves to every department of a business and to my mind, are the most fascinating areas of business development.

It would not be difficult to reel off a long list of the places where almost any business can dig in to improve itself. I'll mention several of them for a consumer goods business such as ours and then deal in a little more detail with four areas that impress us as being especially interesting and fruitful.

Here are several ways that might well be included in any list for business growth:

Growth through competitive gains

One need only walk through a modern supermarket to judge the fierceness of the competition for the consumers' food dollars; but, no matter how strong this competition, there are many examples of food companies that have a long record of growth based on consistently furnishing the consumer superior value. On the other hand, the company that rests on its oars soon finds there are plenty of other companies waiting to take advantage of the slightest error, omission, or lack of activity. This may sound tough, but it's the way the food industry is, and this type of competition is an example of why the private enterprise system has driven our country to such heights. Let us only hope that the country's political leaders, so few of whom have had much business experience, will not kill off this driving force with their fascination for unnecessary Government controls.

New products

As I have mentioned, here is the great panacea. The manufacturer who doesn't try to develop new products will find himself in the same position as did the manufacturer of buggy wheels or bustles. Standing still is not a trait of the American businessman, I suppose, because the aggressive American manufacturer just doesn't wish to stand still. This is one of the great advantages of the American business system. It has its great rewards and it has its great penalties, and one of its penalties is that the manufacturer must be on his toes in the development of new products and he had better be an innovator if he wants to make good profits, for the follower, the me-too manager, is in a rather unhappy position for the morale of his organization and for the morale of his stockholders.

Product improvements

This is a rich field and probably a larger field for growth opportunity at any given time than new products. If, through ingenuity and through product research, a noticeably better product can be developed—one which is liked better—we are bound to see business growth providing that the product improvement doesn't cost so much that we lose out in the all-important value measurement.

Incidentally, about one-third of our business today comes from items we did not make 10 years ago and almost every product we make has been improved during that period. We have determined that had we chosen 10 years ago to follow a policy of standing still, without new products or product and process improvements, today our business would be in the red instead of in the black.

Better ingredients as a growth factor

This applies especially to the food processor, but I suppose it might just as well apply to any manufacturer. Generally, a product is no better than its ingredients. This we know to be true in the food industry and this is why it is necessary to spend so much time in agricultural research for the development of better plant varieties and animal breeds through genetics and the development of superior cultural practices and better controls of disease and pests. For many crops, yields per acre have more than doubled over the past 10 years and are likely to double or more over the next decade. Better ingredients can mean more than just the growing of improved vegetables or grains or poultry or meat—it can also mean faster and better handling between the point of growing and the point of processing.

New ingredients

This is a relatively unheralded area for business growth. We have had pretty good luck finding little-used ingredients which have struck the public's fancy. They have enabled us to make products which represent a sizable volume to us. I would include here an ingredient such as okra, which we first had to switch around genetically in order to make it practical for our use. I would also include pink, black, and great northern beans, lentils, zucchinis, turkey in forms that have year-round appeal, mushrooms, and a number of other ingredients that have struck the public's fancy.

International expansion

Another method that is popular right now for expansion of a business is the development of foreign trade, either through direct exports or the setting-up of plants overseas. This is a whole topic in itself. The methods of going into business overseas are quite varied and none of them very easy because the living habits, work habits, and the business methods of most countries outside of North America are quite dissimilar from ours.

Better processing methods

Were this a meeting of production people instead of sales executives, it would be appropriate to devote a good deal of time to the importance of better processing methods. The development of new processes is a major factor in helping to hold and, in some cases, to reduce prices by reducing the man-hours required and in attaining greater product uniformity and in most cases, in improving product quality. Needless to say, we don't adopt any process unless it benefits quality.

One can get quite an argument from some labor union leaders and some educators as to whether technological improvements cause unemployment. This is a popular subject now under the term "automation" as it was in 1933 when it was called technocracy. One wonders when we'll learn that an improvement that increases value to the consumer increases total employment one way or another and does not decrease it. I should think that the ability to hold our price level for the past 10 years for most products has had a major effect on our sales and employment.

High organization morale and good personnel

There is no need to tell this group, who are concerned with personal selling, that one of the important ways to assure a healthy business growth is through the employment of superior personnel and the maintenance of high organization morale. Now I've mentioned eight different ways that one might think of in achieving business growth. There are a couple more and I would like to deal with them in a bit more detail, not because they are more important, but rather because they are just as important but possibly less talked about.

Attention to the single unit

The first of these is attention to the single unit. Our history has been built around the slogan that "every can contains our business reputation." Now, we produce billions of individual cans, packages, loaves, etc. But Mrs. Consumer opens a single package, prepares, and then tastes it. Subconsciously or consciously she is judging the product, the brand name, and the company. The business will make progress or not with that decision. So, you see, each single unit of a product is of vital importance to the health of a business.

The single unit is even more important since there is that enormous promotional force at work called word-of-mouth advertising. Now, there is no measuring service that no one can buy to determine the effectiveness of word-of-mouth advertising, but you and I know that it is probably the most potent form of advertising and it is also the kind of advertising that allows a superior quality product to be marketed with a relatively small amount of television, radio, publication, display or other form of paid advertising.

Each of our companies has undoubtedly had experience with products that have been placed on store shelves and which have begun to move in substantial volume before advertising appeared in print or on the air. This movement can only be due to the fact that when a product strikes a responsive chord with a consumer, the consumer tells others about it.

The first amendment to our Constitution guarantees freedom of speech within limits. It was not formulated with our marketing problems in mind, but certainly it works to our advantage by permitting word-of-mouth advertising and so not only helps to keep our marketing costs low for the products of superior value, but speeds up the demise of those products of inferior value. I talk here, of course, of those products whose quality can be detected by the consumer. There will always be a small fringe of products heralded for their miraculous traits which a few consumers accept blindly, but which, like the old-time tonics, were of merit mainly for psychological reasons, if at all. Fortunately, this is a small and generally short-lived fringe, although certainly not one to admire.

I hope I've established the fact that attention to the single unit in selling and in manufacturing is important to product quality and to company growth.

In the food business, one deals with single units of ingredients with this same careful attention since the finished product directly reflects the quality of the raw ingredients.

This same principle of giving attention to the individual unit is especially important in our dealings with people. For the same reason that we don't think of consumers as the mass market and individual farmers as the rural community, we don't think of hourly workers as a labor force or of management people as a supervisory organization, but rather we think of them as individuals, each of whom is important in the quality of his or her work and in his or her regard for the company. Every contact between a foreman and a worker brings a result that will have an effect on that worker and his performance.

No one with pride likes to be a small, unnoticed cog in a big wheel or an unimportant, minute part of a large, impersonal organization. Quite generally, today's business managers came up from the ranks and know what it is to start at a lowly position. The modern business manager takes pains to the end that the individual in the organization knows that he is recognized as an individual and that his performance is regarded as a vital part of the business. The continued success of a company hinges in considerable part on the intangible of employee morale and effectiveness, which, in turn, depends on the attention paid to the individual. I rather think there may be nothing more important in a business.

Knowledge of consumer wants

The second matter I wish to mention in some detail has to do with constantly attaining a greater and more up-to-date knowledge of what the consumer will want to buy.

This sounds easy—just ask her—but it's far from that simple. Witness the flood of new products moving into the market constantly—about 100 offered each week to food store buyers, alone. And then watch the high proportion of rejects and failures. Witness the number of spectacularly successful products that the consumer didn't know she wanted until they were offered to her and she tried them. We have a number in our own business: for example, V-8, "TV" brand frozen dinners, frozen puff pastry, turkey noodle soup, barbecue beans, and others. You can think of many such products in the home appliance field and, of course, the clothing designers live on the development of new things that strike the public fancy. The success of new products and new trends and product improvements is based on a good understanding of the consumer and his or her attitudes and wishes, but not, in most instances, on the things she knows she wants.

Furthermore, knowledge of the consumer will have a good deal to do with determining what the consumer reaction might be to a high price and high marketing cost basis versus a lower price and lower marketing cost.

We happen to be a bit prejudiced here because we have our greatest successes when we build a high value into a product and then sell it at a modest marketing cost—here again, leaning on this very effective and free word-of-mouth advertising to supplement the moderate amount of paid advertising.

There may be people who are geniuses at judging what the consumer will do with a new product or variation of an established product—we don't have such people, so we lean very heavily on product marketing tests and let the geniuses exercise their abilities in the area of thinking up new product and product improvement ideas and developing them up to the point of test marketing. Our faith in geniuses doesn't extend to the point of heavy investment in untested, large-scale marketing.

Testing is a form of learning the consumer's reaction to a product and using the results to determine carefully what his reaction will be as a buyer. It is not difficult to get a trial of a new product, but continued use is another thing and we must have a reasonable indication of continued use before it is safe to say we know enough about the future prospects of a product to gamble large appropriations for production and marketing.

Now, where will we get the ideas for new products and product improvements that will be successful. This is the hardest kind of work. In our organization, the ideas usually come from within our own group—from the people who have brains and who are imaginative and have keen powers of observation. These are the people who have the future welfare of the business as their deepest concern and who have ingenuity and sensitivity.

Of course, it is fairly easy to copy a competitor in a product idea, but that's a pretty thorny course unless one can outdo that competitor by a substantial margin in quality, value, packaging or in some other consumer-appealing way.

Those of you who are concerned with advertising creation know that knowledge of the consumer is necessary in advertising. In the food business, the advertisement had better talk straight and true since there's nothing easier for the housewife to check than a food advertisement or a package illustration.

We have learned that the housewife is a pretty sophisticated individual. We have also learned that her eyes and her ears are the recipients of a tremendous number of advertising messages and that these eyes and ears are in the main quite keen and discerning. Fortunately, in the food business, most of the advertising is of the high-grade type, both in truth of presentation and in effectiveness of the story.

Penetration: When a product has moved upward at a good rate for quite a few years and has a fairly high sales volume, it's probably natural to suppose that practically everybody in the United States, if not in Canada, is fully familiar with the product and is a more or less frequent user. So, it's somewhat of a shock to divide the sales by the population and then by the number of weeks in a year and find that the average per capita use is about once in every 2 months. (Incidentally, that would mean over a billion units consumed per year.) It's also somewhat startling to find that only 10 or 15 percent of the population are regular users and that over half have never tried it.

Now this doesn't hold for women's hairdo's or pointed shoes nor for the latest dance style—these things sweep through to almost perfect usage at a rate of speed that challenges the latest jet. But, for the more mundane things like foods, there is much time and a lot of selling involved in penetrating the market to the optimum point.

The advertisement so carefully and lovingly nurtured and admired by the agency and the client, except in rare cases, creates but few new convolutions in the aggregate consumer brain. It's no wonder that the advertiser sometimes tires of his theme before most of his audience has seen it and this applies to the average good advertising campaign. Once in a while a copy theme or a commercial or a manner of executing it will take hold to an amazing degree. A single page in one magazine for soup-on-the-rocks caught the fancy of an amazing number of people.

Another block in the path to a respectable degree of penetration is the consumer who knows all about the product but has never tried it. The ages-old methods of sampling and demonstration are as good as they ever were, but not so highly regarded now because they represent hard work and some cost.

And now to the last of the points for discussion—and the most important factor of all—delivering constantly improving values to the consumer.

How can this be done in these days of year-after-year wage and salary increases, of higher and higher taxes, local, State, and Federal, of higher and higher transportation, advertising, container, services costs? Well, there are ways and these ways cover a whole gamut of things. Earlier I said that improvements can be made in every department of a business to affect the values of our products. This is true. Here is a formula, colored necessarily by the business I know best.

An expanding agricultural research program to produce vastly higher farm yields and superior ingredients. Here is a key to many opportunities for delivering superior values to the consumer. This may sound at odds with the vast farm surpluses that have accumulated over the past decade or more. However, those surpluses apply to only about half of our agricultural crops and the surplus problem must be solved in some other way than by putting the brakes on scientific agricultural development if we are to keep the great world lead which our farmers now have. Greater farm yields per acre mean increased income to the well-operated farm and greater values to the consumer and this is the only sure path to sound economic growth in agriculture.

An enlarged nutrition research program to give us answers to help us better our products.

An expanded program of product development for a constant parade of new products, product improvements and packaging betterments.

A lot of money spent for new plants, favorably located, which to us means in the small towns in agricultural communities to siphon off the workers from the high-operating cost farms, an excellent source of superior plant personnel.

Less waste motion in plant and office. There's many a daily report that can just as well be a weekly report.

A sophisticated appraisal of marketing plans and expenditures. We all know that there is a tremendous difference in results from differing ways of selling a product, so here is an area to keep under constant vigilant surveillance. It is imperative over the long pull that marketing programs enable retailers and wholesalers to make a fair profit.

Most important is the caliber and morale of the people in the enterprise. Involved here are no featherbedding, no monkey business in labor relations—an organization of willing, able producers with proper incentives.

Pricing that is intended for a large volume and a relatively small margin, but over the long pull, for greater total dollar profits.

Over and above all, there must be the desire on the part of management at every level to deliver products of sound value and to constantly improve those values.

Now, accomplishing this by business in the aggregate means growth for business and for the economy of our country. But to accomplish this takes business success. Another name for this success is profits—the profits of private enterprise, saved and invested in the form of capital. Now, in that last sentence, I've mentioned several words that seem to have been given a slight tarnish lately. By some strange alchemy, some of our citizens have been brainwashed into thinking that the words capitalism, profits, private enterprise symbolize something bad, when those who are realists know that they are vital parts of our whole economy and together with a few other old-fashioned things like our Constitution and amendments are responsible for making this country the leader of the free world and the envy of the rest of the world.

I started out by talking about food and sound healthy business growth. I'll end by stating that I hope never to make a talk without praising the private enterprise, the profit, and the capitalistic system that are the basis of our amazing economy, including the largest single segment, the food industry.

UNIVERSITY OF BUFFALO SCHOOL OF PHARMACY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. DULSKI] is recognized for 15 minutes.

Mr. DULSKI. Mr. Speaker, last week I had the honor to give an address on the 75th anniversary of the University of Buffalo School of Pharmacy.

To participate in this celebration—the festival marking completion of 75 years for the second oldest school of my own university—is no ordinary homecoming; it is high event—one which I shall recall in the future with warmth and gratitude.

Seventy-five years. That is a time for taking stock—a time for family and friends to gather round, tell old stories, look at old photographs. I think it would be unseemly were we to neglect the ancient ritual, although the gods will, perhaps, pardon us if we keep one eye cocked to future greatness.

The history of the school of pharmacy is as intimately connected with that of the university as the university's history is tied with that of the city. A consideration of their collective past will serve to sharpen our appreciation of their present and perhaps help us perceive their significance for the future.

Buffalo, happily situated at the head of the Niagara River, and rich in natural resources, was settled by men of imagination and vigor. The promise this area initially offered was set on its path to fulfillment in 1679 when the first ship successfully navigated the Niagara to Lake Erie. During the succeeding centuries, that first trickle of activity along the Niagara has become today's mighty torrent of activity which has made Buffalo a natural funnel for east-west traffic, a major center of industry, marketing, education and transportation, and the world's leading inland port in dollar volume of commerce. The new home for repeated waves of immigrants as well, Buffalo has come to reflect the traditions, energies, and aspirations of its rich variety of citizens.

Joseph Ellicott laid out the first plan for the village of Buffalo, in 1804, which, by 1828 boasted 5 churches, a high school, 11 district and private schools, 2 other schools exclusively for young ladies, and 5 newspapers. The extraordinary energy of this rapid community development is indicated by the census of 1830 which counted a total population of 8,653. When the village became a city in 1832 the population had increased to 10,119. Only 4 years later, a university was being contemplated. The University of Western New York, incorporated with high hopes on April 8, 1836, fell victim to the economic crisis of 1836-37; but on May 11, 1846, it came to life again when the State legislature granted a charter for the University of Buffalo.

It is a source of pride to all of us to realize that from the city's very beginning the business and industrial community has traditionally shown a strong interest in and sympathy for Buffalo's educational institutions. It is worth noting, however, that the failure of that first university foreshadowed the economic trials that its successor would encounter.

The attraction of Buffalo for men of science and medicine became evident in the 1830's and 1840's, and marked the beginning of a relationship which has benefited both profession and city.

The men of vision and determination responsible for founding the university included physicians as well as interested laymen, and it is not hard for us to imagine with what heat they debated the relative merits of medical school and full university. Interestingly enough, the physicians persuaded the other founders to attempt not only a medical school, but a university with powers as complete and diversified as those possessed by any in the land. On August 25, 1846, the newly elected University of Buffalo council established the faculty of medicine, with plans for schools of liberal arts, theology, and law, to be added as soon as practicable. With an established school of medicine and under the chancellorship of Millard Fillmore the University of Buffalo was finally launched upon a course that has proved to be illustrious.

The names of those who, from its beginning to the present, have served the university as chancellor and as members of the council are honored in the annals of this city and are testimony of the city's interest in the university. Of the original founders, we should remember in particular the names of Dr. Austin Flint, Dr. Frank H. Hamilton, and Dr. James P. White. These were only the first of many to bring honor and prestige to the university as well as the city.

Seventy-two students enrolled in the medical school of the new university in 1846. To the 17 who received their doctor of medicine diplomas the following year, Chancellor Fillmore addressed these words:

> These are the first fruits of this literary and scientific vineyard, and I trust they are only samples of a more abundant harvest that is to be annually gathered hereafter. If at the beginning any doubted the success of this enterprise, or thought the attempt premature, enough has now been done to dispel every doubt and allay every apprehension.

Quaint though the language may sound to us now, history has proved the soundness of the first chancellor's statement of faith.

Certainly the experience of the university's early years led Chancellor Fillmore to feel some apprehension about its future development. And with good reason. Neither the efforts put forth by the council, nor the few sporadic attempts by individual citizens were enough to secure public support for further expansion. Even the fervent appeals of Chancellor Fillmore, the eloquence of which still rings, were unavailing:

> Let me appeal to you on behalf of the University of Buffalo, your own darling child, bearing your own name, and stretching out its arms for your support. Will you see it perish, or will you step forward with true parental feelings and minister to its wants, and raise it from despondency to hope, from weakness to power, and from childhood to manhood?

For 40 years the medical school alone represented the university to the community, repeated attempts to establish additional schools being met with repeated failure. Buffalo seemed content with its "own darling child" as it was.

March 8, 1886, brought an end to this period of "childhood" with the founding of the school of pharmacy. In response to the growing demands on the city's pharmacists, the university's school was organized—further evidence of the influence town and gown have traditionally exerted upon each other. To staff its first school of pharmacy the university council appointed a five-man faculty, of which Dr. D. S. Kellicott, professor of microscopy, was chosen dean. The word "university" now began to acquire the significance with which it had been originally endowed—a significance due in no small measure to the fruitful 11-year tenure of the newly elected chancellor, Eben Carleton Sprague.

On September 20, 1886, with an enrollment of 38 students, the first session of the school of pharmacy was underway. The guest speaker for that notable occasion—Clay W. Holmes, secretary of the State pharmaceutical association—chose for his theme "The Nobility of Pharmacy as a Profession," and called attention to the new emphasis being placed on the distinction between the druggist and his more highly trained counterpart, the pharmacist. The new school of pharmacy was the first to make professional facilities available in this part of the country.

The only degree conferred up to 1897 was that of graduate in pharmacy, but in 1895 a master's degree was offered, followed by a graduate degree in pharmaceutical chemistry, and, in 1906, by a degree in analytical chemistry.

The inadequacy of the quarters in the medical school's old building for the first 5½ years of the pharmacy school's existence was alleviated by the completion of the new High Street building, into which it moved in 1892. In its new location, the fledgling school had room for expansion, and its faculty began to offer courses in language, geology, physics, and so forth—in effect anticipating the establishment in 1913 of the school of arts and sciences.

The excellence of its teachers, the broadening scope of its instruction, the growing number of its students, and—above all—the increasing importance of the profession itself—were the factors which insured the future of this school. Its progress since founding mirrors the progress of the profession which it serves. Though indications of the direction that progress would take were doubtless evident in 1886, no one then could have guessed that the school had been founded on the eve of a revolution. A revolution in medical and pharmaceutical research—one which vastly enlarged the scope of the profession and increased its service to humanity.

There comes to mind no historic parallels to this sudden mushrooming of successful attacks on health. The bright banner of this revolution is the spectacular achievement in research; the discoveries of new drugs are the weapons it has forged. Its army performs a vital function in the battle against disease. Its astonishing victories have demanded—and received—the best efforts of all the members of your profession.

In 1900 our life expectancy was 49; in 1961 it had increased to 70. There are 3 million Americans living now who would have died if the Nation's death rate had remained constant at its 1937 level.

A child born today can expect to live at least 10 years longer than a child born in 1930. Deaths in children 1 to 4 years old have declined by 80 percent. Deaths in children 5 to 14 years old have gone down 71 percent. Since 1930 pneumonia and influenza mortalities have decreased 68 percent; since World War II deaths from tuberculosis have gone down 80 percent.

Miracle is the word we rightly apply to these revolutionary drugs which can cure, prevent, and relieve disease.

Before this century, the hope to conquer disease had little to sustain it, but the discoveries of penicillin and sulfa some 30 years ago marked the first stages in the pharmaceutical surge forward which has changed this hope to belief. Additional discoveries have followed so rapidly that the belief in man's ultimate victory over disease has now become conviction. The conquest of such ancient scourges as cholera and plague, malaria and yellow fever, smallpox and polio are among the celebrated victories of the revolution. And there is every reason to expect that future discoveries will mean triumph over the great contemporary enemies of heart disease and cancer, mental illness, and arthritis.

The influence of this revolution on the pharmacist is clearly reflected in the changes which have occurred in the educational requirements of his profession. The skills demanded of the pharmacist today are far more complex than those expected of him a century ago. In 1920 a degree in pharmacy could be obtained in 2 years; in 1938 this was extended to 4 years, and the Ph. G. was changed to the bachelor of science in pharmacy.

Seventy-five years ago the school of pharmacy had a faculty of 5 and offered courses largely confined to pharmacy and chemistry; today the faculty has grown to 47 full and part time and the curriculum now includes courses in hospital and dispensing pharmacy, pharmacy marketing and management, drug product development, chemotherapy, photography, and biochemistry. As Prof. Laurence D. Lockie of this faculty has so aptly stated:

> Modern pharmacy has become so extensive that no individual now can become proficient in all its phases.

Medicinal chemistry is one of the newest of these phases. We can take particular pride on this 75th anniversary in the fact that our university was the first in the United States to include a department of medicinal chemistry. The school now offers graduate degree programs for a master of science in pharmacy or medicinal chemistry, and for a doctor of philosophy in medicinal chemistry.

Recent research grants for new projects are further evidence of the expanding scope of the school's program. Grants from the National Institutes of Health for the month of January 1962 alone came to $110,028.

The actual practice of pharmacy has also shown the influence of the pharmaceutical revolution, and pharmacies today are among the most flourishing enterprises in America. In 1939, prior to the wide availability of antibiotics, the total number of prescriptions filled was 166 million; in 1960, 634,362,000 prescriptions were filled by the Nation's 51,386 pharmacies.

In view of the tremendous influence of the pharmaceutical revolution in our own country, we cannot help but be interested in the effects it has had on others. It is intriguing to consider the broader political significance of this revolution in which you are engaged, and the ways in which your profession actively works for peace. The task of promoting health in today's world is one which requires the utmost effort from all of us—and one for which the importance of your profession is obvious.

There are already in existence many programs—national, international, and privately sponsored—which have dramatically demonstrated the contributions of pharmacy to the successful execution of this task. The World Health Organization, whose stated goal is "the attainment by all peoples of the highest possible level of health," would be drastically handicapped without the benefits of the products created by pharmaceutical research. Three of the organization's most ambitious programs would never have been possible: the TB vaccination program—in which more than 90 million have received the BCG vaccine; the campaign against venereal diseases and yaws—in which tens of millions have been cured with shots of penicillin; and the fight against polio—in which millions have been vaccinated. In the global war against disease these have truly been "shots felt round the world."

Of the privately sponsored programs for health, the one which comes most quickly to mind is Medico, now a service of CARE.

The brilliant success of Medico, organized in 1956 by Dr. Thomas A. Dooley and Dr. Peter Commandurus, in bringing medical aid to people in southeast Asia, affords another example of pharmacy in action. The pharmaceuticals donated to the organization by American drug firms were in great measure responsible for improving the health of those people. Without pharmaceuticals, it is unlikely that Medico's program could have been successfully continued.

Pharmacy, as an integral part of our programs for health, is also indispensable to the all-embracing program for peace. As Vice President JOHNSON has pointed out, the major problems of the world today can be summarized in three words: poverty, illiteracy, and disease. Invert these and they read health, education, and welfare.

In the continuing effort to solve these problems, we are counting heavily on the participation of the pharmacy profession. The responsibilities faced by those of you who have chosen this profession are many—but so are the rewards. We may even hope that some day your profession will be able to help fill the one prescription we all want most—the prescription for peace.

CHAIRMAN RAND DIXON OF THE FEDERAL TRADE COMMISSION GIVES U.S. BUSINESS NEW AND HELPFUL GUIDANCE

Mr. EVINS. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. EVINS. Mr. Speaker, recent accomplishments and developments taking place down at the Federal Trade Commission are of such importance that I feel they should be brought to the attention of the Members of this body. I refer primarily to the announcement made by Chairman Dixon this morning that in the future anyone may request advice from the Commission as to whether a proposed course of action would be legal, and receive a reply that will be binding upon the Commission.

In this connection I would like to remind my colleagues that when President Woodrow Wilson asked the Congress to create the Federal Trade Commission, he mentioned that American businessmen "desire something more than that the menace of legal process in these matters be made explicit and intelligible. They desire the advice, the definite guidance and information which can be supplied by an administrative body, an interstate trade commission."

The Federal Trade Commission has now taken heed of this worthy advice and will make available to businessmen the advice and the definite guidance and the information that President Wilson envisioned nearly 50 years ago. In taking this action, the FTC, under the leadership of its forceful and forward-thinking Chairman, Mr. Paul Rand Dixon, has undertaken to carry out in full measure the purposes and intent that Congress had in mind when it created the agency.

For years the Commission has permitted its staff attorneys to supply opinions to businessmen, but these staff attorneys were always required to emphasize the fact that the views expressed were purely their own and were not in any way to be construed as the views or opinions of the Commission. Chairman Dixon, however, has taken the forthright action of telling the American businessman that the Commission—not its staff—will give him an answer and remove his doubts regarding the legality of proposed competitive courses of action.

During the year that Chairman Dixon has been Chairman of the Commission he has demonstrated in many other respects that his reputation as a natural born vigorous leader is fully merited. He has demonstrated that his decisions are controlled by his desire to protect the consuming public and to work cooperatively with American business.

During his administration the Commission has reorganized itself along functional, highly efficient lines, permitting it to operate as a smooth, well-organized agency of the Government. Moreover, the Commission has changed radically its trial procedures, with the result that long, drawn-out, time-consuming hearings have been speeded up. Chairman Dixon has made it clear that under his administration emphasis is to be placed upon the removal of unfair methods of competition by cooperating with business and by seeking industry-wide voluntary compliance with the law.

Recently, the New York Times characterized Rand Dixon as young, handsome, well-scrubbed, devout and a Tennessean. We may or may not agree with all of these assertions concerning Chairman Dixon but I do not hesitate to pay tribute to him for the revitalization and conversion of the Federal Trade Commission into a potent, helpful agency that assists and guides the businessman away from the paths of unfair competition.

Under unanimous consent I am inserting the excerpts from the Commission's new rules of procedure in the RECORD at this point:

ADVISORY OPINIONS

§ 1.91 Policy. It is the policy of the Commission to afford businessmen assistance in determining, in advance, whether a proposed course of action, if pursued, may violate any of the laws administered by the Commission, and, where practicable, to give them the benefit of the Commission's views.

§ 1.92 Conferences. Any person, partnership or corporation may request advice from the Commission as to whether a proposed course of action, if pursued, would probably violate any of the laws administered by the Commission. Such request for advice should be addressed to the Secretary and include full and complete information. Conferences with members of the Commission's staff may be held before or after submittal of the request. Submittals of additional information may be required.

§ 1.93 Advice. On the basis of the facts submitted, as well as other information available to the Commission, and, where practicable, the Commission will advise the requesting party whether or not the proposed course of action, if pursued, would be likely to result in further action by the Commission. Any advice given is without prejudice to the right of the Commission to reconsider the questions involved and, where the public interest requires, to rescind or revoke the advice, but information submitted will not be used as the basis for a proceeding against the requesting party without prior notice and opportunity afforded for such party to discontinue the course of action pursued in good faith in reliance upon the Commission's advice.

ESTES CASE

Mr. SCHWENGEL. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, since it is apparent that the Agriculture Committee is not disposed to make a thorough and appropriate investigation of the Estes case and related matters, even though many members of that committee desire an investigation, I am introducing a resolution today calling for the establishment of an impartial, bipartisan House committee to investigate the current situation in the U.S. Department of Agriculture, with particular emphasis on the grain storage program.

The machinations of Billie Sol Estes suggest that a comprehensive investigation is needed. We must find out what has taken place. We determine whether or not persons within and outside of the Federal Government have been guilty of moral turpitude or criminal actions. If there is such guilt we must determine who is guilty.

In order to clear the air, in order to set things right, we must have a relentless but fair and impartial investigation. Political considerations and political vindictiveness must not be allowed to enter into this investigation. Mr. Speaker, every person affected adversely and otherwise, should have an opportunity to tell what they know about these matters.

We must have an investigation and it is for that reason that I introduce this resolution to the House and urge that all members support it. This is the only wise course. It is really the only way to determine the facts. The alternative is no investigation and, thus, no disclosure of the facts. This is, I am sure, totally unacceptable to all of us.

Mr. ANDERSEN of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Minnesota.

Mr. ANDERSEN of Minnesota. Mr. Speaker, I want to say to the gentleman I am in wholehearted agreement with the gentleman and the course of action he proposes should be followed.

Mr. SCHWENGEL. I thank the gentleman.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman has expired.

PROHIBITION AGAINST LOBBYING WITH APPROPRIATED FUNDS

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. LIPSCOMB] may extend his remarks in the body of the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. LIPSCOMB. Mr. Speaker, it is apparent that the administration is going all out in its campaign to gain from Congress support for its legislative goals, many of which propose centering far-reaching powers in the hands of the President and the executive branch.

We are all aware of the tactics that are being used to sell the administration program to the Congress, including the barrage of letters, brochures, reports, folders, and other materials flooding congressional offices. So-called briefing sessions, for Members of Congress and aids, are being held in great number.

Unless meaningful action is taken, there seems little doubt that there is grave danger that individual rights and liberties in our Nation may be sacrificed on the altar of an all-powerful Federal Government. The forces at work to bring this about are dedicated and zealous.

I would like to discuss with the House today an example of just one of the pressure techniques employed. It is one concerning which, in my opinion, there are serious questions as to its legality under Federal law.

On March 31, I received from the Director of the Peace Corps an unsolicited letter, dated April 3, 1962, praising the accomplishments of the Peace Corps. The letter described the first year of activities of the Corps and requested support for Peace Corps legislation, both the bill to authorize continuation of the Peace Corps and the bill to provide funds, pending before the Congress.

Following is the text of that letter:

PEACE CORPS,
Washington, D.C., April 3, 1962.

Hon. GLENARD LIPSCOMB,
House of Representatives,
Washington, D.C.

DEAR MR. LIPSCOMB: Once again the Peace Corps is before the Congress for authorization and funds. The first year of operation has made it clear that the Peace Corps is not merely an experiment in international relations but a realistic and effective instrument in assisting the developing nations of the world and in training Americans for future leadership.

The Peace Corps received $30 million in its first fiscal year to bring approximately 5,000 volunteers on board by September 1962. The Peace Corps will accomplish this job, on schedule, in accordance with congressional approval, economically to taxpayers, and favorably to U.S. interests abroad.

We are now receiving more applications from qualified Americans than at any time during the past 12 months.

We are now receiving more requests from foreign countries than any of us expected last year. Every one of the countries to which the Peace Corps has sent volunteers has—on the basis of the work our men and women have already done—requested additional volunteers. Other countries are asking us to send far more volunteers than we can provide, and our budget request for the next year proposes a compromise number which we believe can be prudently managed.

The Foreign Affairs Committee has unanimously approved the Peace Corps' proposed legislation. We are asking authority to continue in service the first 5,000 volunteers and to bring in approximately the same number next year.

I hope you will support this request. If you have any questions about the Peace Corps before the House acts, I will be pleased to try to answer them—either by telephone or in your office.

Sincerely,

SARGENT SHRIVER,
Director.

I believe the preparation and sending of the Peace Corps letter was an activity prohibited under section 1913 of title 18 of the United States Code, which prohibits lobbying with appropriated funds under penalty of fine or imprisonment, or both.

Title 18, United States Code, section 1913, provides:

> No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.
>
> Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment.

I, therefore, on April 2, 1962, wrote to the Comptroller General for his advice and comment on the matter.

In reply, the Comptroller General advised that appropriated funds were used for the preparation of the letter of the Peace Corps. With reference to the question of whether the law had been violated by the Peace Corps letter, he indicated that this was a question for the Department of Justice to decide.

My letter to the Comptroller General and his reply follow:

APRIL 2, 1962.

Hon. JOSEPH CAMPBELL,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. CAMPBELL: Enclosed is a copy of a letter, dated April 3, 1962, from Director of the Peace Corps Robert Sargent Shriver, Jr., which I received on March 31, 1962. I did not request this communication.

I would respectfully request your opinion as to whether money appropriated by an enactment of Congress was used to pay for the sending of this letter. If so, and insofar as you deem it appropriate to the responsibilities and duties of your office, I would appreciate your advice as to whether the sending of this letter by the Peace Corps falls within the prohibitions of section 1913 of title 18, United States Code, pertaining to lobbying with appropriated moneys.

Your cooperation and assistance is appreciated.

Sincerely,

GLENARD P. LIPSCOMB,
Member of Congress.

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., April 20, 1962.

B-145883.

Hon. GLENARD P. LIPSCOMB,
House of Representatives.

DEAR MR. LIPSCOMB: By letter of April 2, 1962, acknowledged April 3, you forwarded a letter sent to you by the Director of the Peace Corps in which he generally extols the Peace Corps operation and expresses the hope that you will support legislation proposed to approximately double the level of Peace Corps activity in the coming year.

You point out that the Director's letter was unsolicited; and in view of the prohibition of section 1913 of title 18, United States Code, pertaining to lobbying with appropriated funds, you raise two questions: Whether appropriated moneys were used in sending the letter and, if so, whether the section 1913 prohibition has been violated. Section 1913 provides that:

"No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member of Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

"Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment."

We have ascertained that appropriated funds were used in preparing and mailing the letter in question and similar letters sent to other Representatives and Senators. However, with respect to whether these letters thus constitute violations of the statute here involved, we should point out that it is not within our authority to enforce the penal provisions of statutes. The statute contains fine and imprisonment provisions which are criminal in nature and which may be enforced only through judicial action.

Because of the penal provisions therein we do not believe it would be appropriate for us to consider whether the letters constitute violations of the statute. Rather, we believe the question involved is properly for consideration by the Department of Justice.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

Because there were certain questions remaining with regard to procedures followed concerning referral of matters of this type to the Department of Justice, I again, on April 20, 1962, addressed an inquiry to the Comptroller General, requesting to be further advised as to what procedures are followed when matters involving questions of possible violations of statutes containing penal provision are brought to his attention. The Comptroller General informed me that the question involving the Peace Corps letter had not been referred to the Department of Justice, and that if I did not wish to do so, the General Accounting Office would.

The text of my letter to the Comptroller General and his susequent reply are as follows:

APRIL 20, 1962.

Hon. JOSEPH CAMPBELL,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

DEAR MR. CAMPBELL: This is in reference to your letter of April 20, 1962, in which you advise that a letter sent to me by the Director of the Peace Corps in which the Peace Corps' operation is extolled and the hope is expressed that I would support legislation in behalf of the Peace Corps was prepared through the use of appropriated funds.

With reference to my question as to whether the sending of the letter falls within the prohibition of section 1913 of title 18, United States Code, pertaining to the lobbying with public moneys, you indicate that it is not within the authority of the General Accounting Office to enforce the penal provisions of statutes and suggest that the question of whether the letter constitutes a violation of this statute is properly for consideration by the Department of Justice.

I would appreciate your advising me further in connection with my inquiry and your response. When a situation involving an expenditure of public funds and the question of its legality is brought to your attention, such as I have done in this matter in my letter to you of April 2, 1962, does the General Accounting Office, at least as a matter of its own internal operation, make a judgment as to whether it believes a violation of law has occurred? Then, if the GAO should be of the opinion that, for example, a statute containing penal provisions has been or is being violated, does it take steps to prevent further expenditures of funds for such purpose and advise the Department of Justice of its knowledge concerning a possible violation of such statute? Or if a penal statute is involved, does the GAO drop the matter?

What, if any, action has been taken by GAO concerning the instant situation beyond ascertaining that public funds were expended and replying to my inquiry?

Sincerely yours,

GLENARD P. LIPSCOMB,
Member of Congress.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., April 27, 1962.

B-145883.

Hon. GLENARD P. LIPSCOMB,
House of Representatives.

DEAR MR. LIPSCOMB: This is in response to your letter of April 20, 1962, concerning our reply to your prior inquiry as to whether a letter sent to you by the Director of the Peace Corps was prepared through the use of appropriated funds and, if so, whether the provisions of section 1913 of title 18, United States Code, were thereby violated.

By letter of April 20, 1962, we advised you that appropriated funds were used in preparing the letter in question and similar ones to other Congressmen but that the question whether section 1913 had been violated was for consideration by the Department of Justice, as the statute involved is criminal in nature and it is not within our authority to enforce the penal provisions of statutes. You now request that we further advise you with respect to the following specific questions:

"When a situation involving an expenditure of public funds and the question of its legality is brought to your attention, such as I have done in this matter in my letter to you of April 2, 1962, does the General Accounting Office, at least as a matter of its own internal operation, make a judgment as to whether it believes a violation of law has occurred? Then, if the GAO should be of the opinion that, for example, a statute containing penal provisions has been or is being violated, does it take steps to prevent further expenditures of funds for such purpose and advise the Department of Justice of its knowledge concerning a possible violation of such statute? Or if a penal statute is involved, does the GAO drop the matter?

"What, if any, action has been taken by GAO concerning the instant situation beyond ascertaining that public funds were expended and replying to my inquiry?"

It is the policy of the General Accounting Office to furnish promptly to the appropriate criminal law enforcement agency and the administrative agency involved information encountered in the performance of our functions which indicates that a Federal criminal law has been violated. Cases involving congressional interest are handled pursuant to specific instructions depending upon the arrangements made with the committee or individual member involved. The procedure to be followed is set forth in Comptroller General's Order No. 1.13, entitled "Policy and Procedures for Handling Information Indicating Violations of Federal Criminal Laws," a copy of which is enclosed for your information. In making a determination as to whether a matter should be referred to the appropriate criminal law enforcement agency, we confine ourselves solely to a determination as to whether the information available to us gives a reasonable cause to believe that a Federal criminal law has been violated. After referral we follow up with the law enforcement agency to ascertain the disposition of the matter, and depending upon such disposition take appropriate action in our audit.

In the instant case we confined our work to ascertaining that appropriated funds were utilized in preparing and sending the Peace Corps Director's letter to you. We did not refer the matter to the Department of Justice on the assumption that you might wish to do so yourself since you presented the information. However, we should have mentioned this point in our letter to you of April 20. We would appreciate it if you would advise us of your wishes. If you do not wish to refer the matter to the Department we will do so in accordance with our general practice. We will also inform the Peace Corps of the referral.

We trust that this letter furnishes a satisfactory response to your inquiry and we will await your further advice in the matter.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

Pursuant to the suggestions and the recomendations of the Comptroller General, on May 3, 1962, I wrote to Attorney General Kennedy setting forth the information furnished on this matter and requesting the Department of Justice to determine whether the preparation and sending of the Peace Corps letter constituted a violation of the statute in question.

. The reply I received from the Department of Justice is very significant. It is also very disturbing.

My letter to the Attorney General, dated May 3, 1962, and the reply follow:

MAY 3, 1962.

Hon. ROBERT F. KENNEDY,
The Attorney General of the United States,
Department of Justice, Washington, D.C.

MY DEAR MR. ATTORNEY GENERAL: On March 31, 1962, I received an unsolicited letter, dated April 3, 1962, copy enclosed, from the Director of the Peace Corps discussing the Peace Corps operation and requesting support for Peace Corps legislation pending before the Congress.

Because of my concern that this type of activity may run counter to prohibitions of section 1913 of title 18, United States Code, pertaining to lobying with appropriated funds, I directed an inquiry concerning this matter to the Comptroller General of the United States, Mr. Joseph Campbell.

For your information, I am enclosing a copy of the reply from Comptroller General Campbell, dated April 20, 1962, and a copy of a letter dated April 27, 1962, from the Comptroller General in response to my further inquiry in this regard. Also enclosed are copies of my inquiries to the Comptroller General.

As will be noted, Comptroller General Campbell indicated in the April 20, 1962 reply that appropriated funds were used in preparing and mailing the letter in question, and similar letters to other Members of Congress.

With reference to whether the preparation and sending of such letters constitutes a violation of section 1913 of title 18, United States Code, Comptroller General Campbell indicates the General Accounting Office believes the question is properly for consideration by the Department of Justice. Pursuant to the comments and suggestions offered by Mr. Campbell in his reply of April 27, 1962, I am herewith referring the matter to the Department of Justice, and request that the Department determine whether a violation of the statute cited above occurred in the preparation and sending of the letter.

Sincerely yours,

GLENARD P. LIPSCOMB,
Member of Congress.

DEPARTMENT OF JUSTICE,
Washington, D.C., May 10, 1962.

HON. GLENARD P. LIPSCOMB,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: By letter dated May 3, 1962, with enclosures, you advised this Department that you and other Members of Congress have received an unsolicited letter from R. Sargent Shriver, Jr., Director of the Peace Corps, expressing the hope you would support Peace Corps legislation pending before Congress. The enclosure to your letter indicated you have been advised by the Comptroller General that appropriated funds were used in preparing and mailing the letters in question, and you requested that the Department determine whether a violation of 18 U.S.C. 1913, pertaining to lobbying with appropriated funds, was committed.

This matter has been fully considered and it is concluded that no violation of the statute occurred.

Personal contact with Members of Congress by executive officers are both sanctioned and required by article II, section 3 of the Constitution, which provides in significant part that the President "shall from time to time * * * recommend to their [Congress'] consideration such measures as he shall judge necessary and expedient." The power to recommend measures to Congress would appear clearly to comprehend and include the power to urge arguments upon individual Members of Congress in support of such measures. Necessarily the President must entrust part of this function to subordinate officers within the executive branch. Our Federal Government could not function efficiently if the President and his subordinates could not do so.

There is nothing in the legislative history to indicate any intent to prohibit bureau chiefs and department heads from communicating directly to Members of Congress the views of the administration in power concerning proposed legislation. Moreover, following the passage of 18 U.S.C. 1913, Congress has affirmatively recognized the need for such communications from representatives of the executive branch. For example, in 1949 the chairman of the House Select Committee on Lobbying Activities stated at the beginning of the committee's hearings:

> "As I said in opening our previous sessions in this series of hearings, it is necessary in a democracy, for our citizens, individually or collectively, to seek to influence legislation. It is equally necessary for the executive branch of Government to be able to make its views known to Congress on all matters in which it has responsibilities, duties, and opinions. The executive agencies have a definite requirement to express views to Congress, to make suggestions, to request needed legislation, to draft proposed bills or amendments, and so on."

In view of the foregoing, the Department is of the opinion that 18 U.S.C. 1913 cannot be construed to preclude the head of an executive agency from using its facilities to address an unsolicited letter to Members of Congress with respect to pending legislation.

Sincerely,

HERBERT J. MILLER, Jr.,
Assistant Attorney General.

I invite careful attention to the Justice Department decision to the effect that the preparation and sending of the Peace Corps letter did not violate title 18, United States Code, section 1913. As far as I am concerned, the Department of Justice opinion is unconvincing.

To discuss briefly that opinion, it is of course generally understood with reference to the third paragraph of the Department letter, that executive officers in a general sense have a right and duty to contact Congress. Surely, however, such right is not without limitations. One needs to look only to section 1913 for a description of types of contacts which are allowed and certain activities which are specifically prohibited by law.

With regard to the next paragraph of the Department of Justice letter, as to whether the legislative history of title 18, United States Code, section 1913, does or does not clearly show an "intent to prohibit bureau chiefs and department heads for communicating directly to Members of Congress the views of the administration in power concerning proposed legislation," this is a good example, it seems to me, where it would have been very helpful to have referred to the terms of the statute itself for guidance.

While I wish to make clear that I question the Justice Department's interpretation of this statute and its application, I have today introduced a bill which would amend title 18, United States Code, section 1913, to make it clear that the prohibitions against lobbying with appropriated funds applies equally to bureau chiefs and department heads as well as to subordinates in Government agencies.

I believe there should be prompt action on this bill for obviously as the administration has interpreted this statute against lobbying with public funds, it has been rendered largely ineffective.

CENTENNIAL OF THE DEPARTMENT OF AGRICULTURE

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SHRIVER] may extend his remarks in the body of the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. SHRIVER. Mr. Speaker, it was just 100 years ago today—May 15, 1862—that President Abraham Lincoln signed into law the congressional act which created a separate Department of Agriculture in the Federal Government. A few weeks later he signed the Morrill Act creating the land grant college system.

A Committee on Agriculture had been established in the House of Representatives in 1820 and in the Senate 5 years later but efforts on the part of the U.S. Agricultural Society and others to establish a Department of Agriculture in the Federal Government were unsuccessful until just 100 years ago. It was the U.S. Patent Office which carried on the investigations and issued the first governmental reports on agricultural matters.

By 1861, however, the Commissioner of Patents recognized that the Patent Office could not adequately serve agriculture, a calling which occupied over half of the people. He joined with others in urging the establishment of a separate Department of Agriculture "to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word."

The land-grant colleges, from their beginning in 1862, have been committed to the wide dissemination and use of scientific information. The enormously productive agriculture of the United States today rests directly upon the research and educational effectiveness of the land-grant colleges and the Department of Agriculture.

It was 17 years later—1889—before the Department of Agriculture was raised to Cabinet status. During that time the work of the Department expanded gradually. The statistical compilations of the Department on crop acreages and yields increased in comprehensiveness and accuracy. The forerunner of the Bureau of Animal Industry was established in 1883, when the Department undertook assistance to the States in their efforts to control animal diseases. Crop improvement work also was undertaken during this period.

In 1887 the Hatch Act was passed creating State agricultural experiment stations with financial assistance from the Federal Government. This led to a great expansion in the research programs of the land-grant colleges.

The work, activities, staff and budget of the Department of Agriculture expanded gradually during those early years. Its activities enjoyed the support of both political parties. "Tama

Jim" Wilson, of Iowa, was appointed Secretary of Agriculture by President McKinley in 1897, and he continued in that post for 16 years, serving Presidents Theodore Roosevelt and Taft as well as McKinley.

During World War I the Department of Agriculture took an active part in expanding food production and in improving its distribution. "Food will win the war" was a challenge to which both the Department and the farmers responded with vigor.

The war boom in crop production led to speculation in land and an overexpansion of production in relation to postwar markets. This caused the Department to shift its emphasis to marketing practice and cost reducing farm methods. More agricultural credit, cooperative marketing and lower freight rates were advanced by the Department of Agriculture as measures for easing the postwar economic pressures.

Continued unsatisfactory farm prices and incomes led to the passage of the Agricultural Marketing Act in 1929 and the creation, outside the Agriculture Department, of a Federal Farm Board to help farmers obtain better prices for their products.

The great depression of the 1930's caused the Board's $500 million revolving fund to disappear like a snowball on a hot kitchen stove. As a result of the failure of the Farm Board, new agricultural adjustment legislation was enacted in 1933 to be administered by the Department of Agriculture.

The period of the 1930's was highlighted by expansion of Federal control of agriculture and implemented by price support, marketing agreement, and adjustment programs designed to improve farm income.

Other significant agricultural developments during the 1930's included expansion of the research and educational activities of the Department of Agriculture. Four new regional research laboratories were established and a substantial beginning was made in research on the industrial utilization of farm products. Electricity was brought to farm homes by a new agency within the Department—the Rural Electrification Administration.

The Soil Conservation Service was established during this period to furnish technical assistance on soil conservation methods to operating farmers.

The land-grant colleges also made great strides during this period, improved the quality and size of their faculty and staff, and broadened the area of their activities.

Then came World War II and the food stocks and conservation reserves acquired under the previous price support, adjustment and conservation programs were mobilized by the Department of Agriculture to win the peace and blunt the ravages of widespread postwar famines.

In the past decade the research and educational resources of the land-grant colleges and the Department have been expanded greatly. In all parts of the country, farming efficiency has been improved to a significant extent. However, in spite of, or perhaps in part, because of the great improvement in the technical efficiency of farmers, farm surpluses, Government farm program costs, and the cost price squeeze on the farmer have reached record proportions. Regulations and controls have been increased in attempts to deal with these problems.

Thus, as we observe the centennial year of the Department of Agriculture we clearly note that the role of the Federal Government in relation to the farmers of this Nation has changed considerably. The technical assistance and educational functions for which the Department was originally created are today overshadowed by the Department's efforts to control agricultural production.

These efforts resulted in the Federal Government becoming the owner of over $9 billion in loans and surpluses by the beginning of 1961.

The farmer finds himself in a position of being forced to continue to look to Washington for his planting orders. He is told that the restoration of a free market situation would bring a searing farm depression.

Mr. Speaker, the State of Kansas plays a prominent part in the agricultural achievements of our Nation. Ranking sixth in the Nation as a farm State, Kansas produces far more wheat than any other State and many foreign countries. Kansas also leads the Nation in flour milling. Agriculture is a $4 billion business in Kansas.

We also are proud of the many contributions which our land-grant college, Kansas State University, has made to the progress of agriculture in our State and to the Nation.

It is, therefore, apparent why Kansans, including myself, are pleased to recognize this 100th anniversary of the creation of the Department of Agriculture.

It is my wish and my hope that they will prove to be as resourceful, as progressive, and as successful in meeting the current problems of the farmers who produce the food and fiber, and of the consumers of these products, as their predecessors were in the 100 years now ending. It also is my hope that they will be as successful in removing Government controls from agriculture in the next 100 years, as they have been in instituting them in the past 100 years.

EXECUTIVE POWERS TO PERMIT JUGGLING DEPARTMENT AND AGENCY FUNDS

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. JOHANSEN] may extend his remarks in the body of the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, I am for the constitutional requirement that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law."

I am for protection of all such appropriations—or of any authorizations to spend or to borrow—so that no one in Government can divert the moneys involved to anything other than the purpose specified by Congress.

I am for the Federal guarantees which safeguard bank and savings and loan deposits—up to $10,000 per account—and I am for the existing financial underwriting of those guarantees—up to $3.750 billion in borrowing authority—even though, happily, it has never been necessary to use that borrowing power.

And so, being for all these things, I must now lapse into my sometimes criticized role of being against. I must do so because the things I am for are under direct and dangerous challenge.

As a part of the proposal for Presidential standby authority to accelerate public works programs in periods of depression or increased unemployment, Congress is now faced with the most brazen request for Executive fund-juggling authority in the Nation's history—and unnecessarily, since Congress is still around or subject to speedy summons.

The administration bills in both Houses include a provision which would authorize the President, as follows:

> In order to expedite financing activities under this act * * * during the existence of any capital improvement acceleration period [to] cause the unobligated balances of appropriations, contract authorizations, revolving funds, and other authorizations to expend from public or corporate debt receipts available to the departments and agencies of the executive branch, to be transferred to the appropriate accounts of such other departments and agencies in such amounts and at such times as he may deem appropriate and, notwithstanding the provisions of any other law, such transferred balances may be used for the purposes of this act.

The House Committee on Public Works has not yet acted on this bill. The corresponding committee of the other body has voted out a "modified" version, and debate on the proposal will start soon on the Senate floor.

The committee of the other body revolted, to a degree, against the provision quoted above. Senator CASE of South Dakota—who served on the House Appropriations Committee for 12 years before going to the Senate—called it the sloppiest and most irresponsible language I have ever seen proposed in any authorizing legislation.

Yet the supposedly improved version of the other body would still permit the President to draw on the borrowing authority of five specified Federal agencies for transfer of funds to this program. Among these are the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation. Thus this modified bill would still enable the Executive and the bureaucracy to get their hot little hands on the financial safeguards which guarantee the security of deposits and savings.

As the five signers of the minority views of the committee of the other body stated, regarding the revised bill:

> What is proposed here is a transfer of the power of the purse from the legislative branch of Government to the Executive.

I have never before heard of any proposal to grant the Executive such powers to raid department and agency funds or borrowing authority created by Congress, or to indulge in such fund-juggling activities.

It is pointless to say that limits are set in the bill on the amounts which may thus be transferred. If the precedent is established, the floodgates are open.

It is not enough to dismiss the matter with a glib forecast that Congress will not grant such incredible powers to the President; indeed, one cannot be sure at this point that this will not happen.

Even if it were a positive certainty that Congress would reject such attempted usurpation, the ominous and incriminating fact remains that the executive branch has dared propose this broad, arbitrary power for itself.

Reluctantly, but unavoidably, I ask: "Upon what meat doth this our Caesar feed, That he is grown so great?"

HON. JOSEPH W. MARTIN, JR.

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MORSE] may extend his remarks in the body of the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. MORSE. Mr. Speaker, hundreds, indeed thousands, of men have served in this great House, but none has inspired greater respect, devotion and affection than has our distinguished colleague from the Commonwealth of Massachusetts, the beloved former Speaker of this body, JOE MARTIN. The qualities that have earned Speaker MARTIN such a high place in the regard of his colleagues have endeared him to millions of Americans.

The honors that have been accorded this great yet humble man bear eloquent testimony to his stature. Honors, indeed, are not new to JOE MARTIN, but I believe that of all the tributes he has received none have had greater meaning than that which was accorded him on Sunday, April 15, 1962, when the National Federation of Republican Women presented to the Congress of the United States a marble likeness of JOE MARTIN, executed by the noted sculptress, Mme. Suzanne Silvercruys, to be placed in the rotunda of the House Office Building.

Scores of JOE's colleagues from both branches of the Congress joined with hundreds of Republican ladies from throughout our Nation in the presentation ceremony. In order that our colleagues who were not able to attend the ceremonies may share the sentiments of those who paid tribute to JOE on this notable occasion, I am incorporating at this point in the CONGRESSIONAL RECORD the program describing the ceremonies together with a record of the proceedings which was transcribed from a tape recording of the ceremonies contributed as a public service by Mr. Isaac Street, of Business and Social Recordings:

PRESENTATION BY THE NATIONAL FEDERATION OF REPUBLICAN WOMEN OF THE BUST OF THE HONORABLE JOSEPH W. MARTIN, JR., OF MASSACHUSETTS, IN THE CAUCUS ROOM OF THE OLD HOUSE OFFICE BUILDING, U.S. CAPITOL, WASHINGTON, D.C., SUNDAY, APRIL 15, 1962

SPEAKER MARTIN

The beloved JOSEPH WILLIAM MARTIN, JR., is honored today for his 50 years of service to his country—4 of them as Speaker of the House of Representatives.

Congressman MARTIN has lived his 77 years as the epitome of the American way. The eldest of eight children—his father a Scotch-English blacksmith, his mother of Irish descent—he was a newsboy at the age of 5 in North Attleboro, Mass., and a $10-a-week reporter by the time he was 18.

A graduate of North Attleboro High School, he is today the holder of a number of honorary doctorates. One is from Dartmouth College, where he helped to educate two of his younger brothers from his savings as a newspaperman.

At the age of 24, Mr. MARTIN became the youngest publisher of a daily newspaper in the United States. He is still publisher of the North Attleboro Evening Chronicle, and more recently of the Franklin Sentinel.

He was first elected to the Massachusetts House of Representatives at age 27. There he served on a joint committee under the chairmanship of Senator Calvin Coolidge. In 1917 he retired from the Massachusetts State Senate with the intention of devoting his future to business. Five years later he was drafted for further party service, and held the post of executive secretary of the Republican State committee until elected to the U.S. Congress in 1924.

As chairman of the national Republican congressional committee in 1937–38, his efforts contributed to the gain of 80 seats for the Republicans in 1938. He was promptly elected House minority leader. In this capacity, he served for 20 years, except for two terms as Speaker of the House of Representatives during the Republican-controlled 80th and 83d Congresses.

A member of the Republican National Committee from 1936 to 1940, he was chairman of the national committee during the Wendell Willkie campaign of 1940 and the following congressional election.

No man in history has presided over so many Republican National Conventions as the Honorable JOSEPH W. MARTIN, JR. He was permanent chairman of the convention five times, from 1940 through 1956.

When this ceremony is over, he will have the distinction of being the only living person with a statue in the rotunda of the Old House Office Building.

The National Federation of Republican Women, half a million strong in 50 States, is proud to dedicate this marble likeness to a great American.

THE SCULPTRESS

Mme. Suzanne Silvercruys (Mrs. Edward Stevenson), of North Windham, Conn., sculptress of the marble bust of the Honorable JOSEPH W. MARTIN, JR., is also a noted lecturer and painter. She came to the United States in 1915 from her native Belgium where she was born the daughter of Baron and Baroness Silvercruys. She became a naturalized citizen in 1922 and began her outstanding career as a sculptress in 1925.

Madame Silvercruys has been honored for public service with awards and decorations in the United States, Canada, England, France, and Belgium. Busts of government, military and other distinguished citizens of the world, executed by Mrs. Silvercruys, rest in the Metropolitan Museum, halls of justice, colleges, and public buildings around the globe.

PROGRAM

Mistress of ceremonies: Mrs. J. B. Parks, president, National Federation of Republican Women.

"The Star-Spangled Banner": Mr. Miles Branden; at the organ, Mr. I. Lee Potter.

Pledge of allegiance.

Invocation: Mrs. W. B. VerMeulen, chaplain, National Federation of Republican Women.

Delivery of the statue: Mme. Suzanne Silvercruys Stevenson, sculptress.

Unveiling of the statue: Mrs. Emory Ireland, president, Massachusetts Federation of Republican Women.

Tributes: The Honorable F. BRADFORD MORSE, Member of Congress, Massachusetts; the Honorable KATHERINE ST. GEORGE, Member of Congress, New York; SENATOR LEVERETT SALTONSTALL, Massachusetts; the Vice President of the United States, LYNDON B. JOHNSON.

Presentation of statue: Mrs. Carroll D. Kearns, past president, National Federation of Republican Women.

Acceptance of the statue: The Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives.

Response: The Honorable JOSEPH W. MARTIN, JR.

"The Lord's Prayer": Mr. Miles Branden.

Benediction: The Very Reverend Richard H. Sullivan, C.S.C., president, Stonehill College, North Easton, Mass.

THE STATUE

The board of directors of the National Federation of Republican Women decided in 1954 to honor Mr. MARTIN, who was then Speaker of the House for the 83d Congress, having previously been Speaker of the 80th Congress. The NFRW resolution to present a bust to the Nation was introduced by the Honorable Betty Farrington, of Hawaii, and was cosponsored by Mrs. Raymond Wheeler and Mrs. Beatrice Hancock Mullaney, both of Massachusetts.

Throughout the terms of Mrs. Carroll D. Kearns (1953–56) and Mrs. Peter Gibson (1957–60) as presidents of the National Federation, this project was continued. On March 3, 1961, under the presidency of Mrs. J. B. Parks, the board of directors voted to complete the project within a year, and commissioned Madame Silvercruys to prepare the likeness in blanc carrara marble.

By a resolution introduced by the Honorable F. BRADFORD MORSE, of Massachusetts, the Congress in 1961 agreed to accept the bust and to place it in the rotunda of the Old House Office Building along with the likenesses of other Speakers of the House.

The National Federation of Republican Women is grateful for the support and generosity of the State Federations and Republican Women's Clubs throughout the United States and for the hundreds of individual contributions it has received.

The efforts of Mrs. Emory Ireland, president of the Massachusetts Federation of Republican Women, have played a large part in the final realization of this project. Many other Massachusetts friends of Mr. MARTIN have helped. Among them are:

The Honorable Irene Thresher, the Honorable Beatrice Hancock Mullaney, Mrs. Raymond Wheeler, Mrs. Howard P. Claussen, Mrs. Joseph R. Sorenti, Mrs. Gerald Riley, Mrs. Joseph Gordon, Mrs. Marjory L. Hoyt, and Mrs. Bancroft B. Wheeler.

Members of the NFRW committee to honor Joseph W. Martin, Jr. (1954–62):

The Honorable Betty Farrington, of Hawaii; Mrs. Carroll D. Kearns, of Pennsylvania; Mrs. Peter Gibson, of Michigan; Mrs. Richard M. Simpson, of Pennsylvania; Mrs. Katharine Kennedy Brown, of Ohio; Mrs. Jean Fuller, of California; Mrs. Lilias Lord, of Pennsylvania; Mrs. John Morrison Kerr, of Washington, D.C.; Mrs. Davis Elkins, of West Virginia, and Mrs. Ruth Gaddis Jeffries, of Arizona.

Honorary chairmen for the ceremony:

The Honorable Betty Farrington, Mrs. Carroll D. Kearns, Mrs. Peter Gibson, and Mrs. Emory Ireland.

General chairman: Mrs. William F. Burdick, of Washington, D.C.

Hostesses, executive committee, NFRW:

Mrs. J. B. Parks, of Colorado; Mrs. Dorothy A. Elston, of Delaware; Mrs. Ab Hermann, of Maryland; Mrs. Cecil C. Kenyon, of California; Mrs. Katherine K. Neuberger, of New Jersey; Mrs. John A. Whitehead, of Indiana; Mrs. R. D. O'Callaghan, of Texas; Mrs. Peter Gibson; Mrs. E. J. Hennings, of Iowa; Mrs. Ralph Lawson, Jr., of Rhode Island; and Mrs. W. W. Skeeters, of Utah.

Chairman, distinguished guests: Mrs. William S. Culbertson, of Washington, D.C.

THE TRANSCRIPT OF THE PROCEEDINGS

Mrs. J. B. Parks (president of the National Federation of Republican Women). Mr. Martin, Mr. Speaker, honorable Members of the 87th Congress, distinguished participants, and all the friends of Mr. Martin, in the name of the National Federation of Republican Women, I greet you. We are indeed honored at your presence here today. For 8 years the National Federation of Republican Women has looked forward to this moment of tribute to an esteemed and a loved American.

Through the inspiration of Mrs. Joseph R. Farrington, who was then the immediate past president of the national federation, a resolution was adopted by the board of directors to place a likeness of Speaker Martin on Capitol Hill along with the other former Speakers. Mr. Martin's service in the House of Representatives dates back to March 4, 1925. Only four men in the present House, Mr. Vinson, Mr. Cannon, Mr. Celler, and Mr. Taber, have served longer. Altogether, Mr. Martin has served in public life for over 50 years. As a poet has expressed it, "in perfect honor, perfect truth and gentleness to all mankind." It is a great privilege indeed to be here today to preside on this occasion. Members of the national federation in our 4,000 clubs are here to help you pay tribute to this great man. Especially are we proud of his splendid leadership and untiring devotion to the girls in the Massachusetts Federation of Republican Women whose efforts are largely responsible for the happy culmination of this dedication today.

I would like to ask you to stand and we will sing the "Star-Spangled Banner" together. Remain standing for the invocation and the Pledge of Allegiance.

(The national anthem was sung by Mr. Richard A. Jacobs.)

Invocation, Mrs. W. B. VerMeullen, chaplain of the national federation: Our Father in heaven, we thank Thee for this occasion which brings us together to honor a man who has served this Nation for so many years. We thank Thee for his great devotion to duty, for the inspiration that he has been to all of us, and now we ask that Thy choicest blessings may rest upon him and that by Thy grace he may still be given many years to serve. And we would pause for a moment to remember this Nation which, with him, we love so well. We remember our great heritage and the priceless gift that is ours of being a free people—a gift that is being so eagerly sought by so many nations of the world. And we ask that we may also be aware that this great privilege carries with it great duties and responsibilities. May we never forget at how great a price our freedom was obtained, how great a price has been paid for it throughout the years, and how great a price is also going to be exacted from us if we will keep it, and hand it down to those who are to come. And now our Father, we pray that this Nation in its time of crisis and deep trouble may not falter, may not be overcome, that we may rise to the greatness of this hour of history in which we live and may we, under God, perform the duty that is ours so that we may fulfill our God-given destiny, and that this Nation may continue to be a nation which is a beacon of hope to all the nations of the world. This we ask in the name of Christ. Amen.

Mrs. Parks. I have three messages which I would like to read at this time:

"I am delighted to share in the tribute to a universally beloved, respected and admired leader who long ago won the title, Mr. Republican, the Honorable Joseph W. Martin, Jr. Few of us can ever know any person more beloved. He has been in public life and given freely of himself in the service of our Nation and the Republican Party, with each year leading to distinction. I salute this dedicated man as he completes this, his 50th year of devoted service to the people of the United States.

"Dwight D. Eisenhower."

"Pat and I greatly appreciated the kind invitation of the National Federation of Republican Women for the presentation ceremony and reception in honor of Joe Martin on Sunday. I am sure you know how very much we wish we could be there with you to join personally in this richly deserved tribute to a great American and a valued friend. We would appreciate it if you would do the honors for us by sending our deepest compliments and kindest regards to Joe Martin as well as our warm greetings to all those participating in this very special and memorable occasion.

"With every good wish,

"Sincerely,

"Dick Nixon."

And the last one I shall read out of the many, many messages we have received:

"Though I cannot be with you personally, Mr. Speaker, I wish to add my personal greetings to those of your many friends assembled in Washington on this occasion. And as Governor on behalf of the 5 million inhabitants in the Commonwealth whom you continue to serve as you have served so well for so many years, I say simply but sincerely, thank you.

"John A. Volpe,
"Governor of Massachusetts."

At this time I am going to call on Mme. Suzanne Silvercruys Stevenson, the sculptress, who will deliver the statue.

Mrs. Stevenson. Mrs. Parks, my model members of the Federation of Republican Women, sculptors as a rule are silent people. That is, probably men are, but women sometimes have their hearts so full of feelings that they have to express them in words. So today I want in these very few minutes to tell you the saga of a bust—that is, a portrait bust.

A few years ago I confided to my husband—that is, I would say 3 years ago, Mr. Speaker—that I would like very much to do the head of the Honorable Joseph W. Martin, Speaker of the Republican Party in the House of Representatives of the United States of America. And my husband—you know when a woman makes a wish generally a husband does something about it—went to the office of Mr. Martin and asked the office if Mr. Martin would pose for me. Somehow we were not able to arrange sittings and very soon I heard that Mrs. Emory Ireland of the Federation of Republican Women in Massachusetts had had the same idea. So we got together and somehow appointments were made. I arrived in Washington and I will tell you I was astounded when I walked into the office of Mr. Martin. I did not recognize him because his hair was all nicely arranged. And I confided to him that I did not recognize him but it didn't take very long for that lock of hair to come down so I could start to work. My husband to whom I had confided my dream in the meantime had been called away and somehow as I worked this head of Joe Martin something happened to me. I could not do anything wrong. Somehow my hands were held. I was supposed to have four sittings of 1 hour each and in two sittings it was practically finished. The office of Mr. Martin came in. They all seemed to be pleased and then all of a sudden I thought of my husband. And I thought if Ned were here he would now say, "This is the time for a picture." I had no sooner thought that than Mr. Martin looked right up and said, "I think this is a time for a picture," and that is the picture that is on the cover of the program today.

So you see I went back happy because after my husband had been called away I felt as if I could not do any more sculpture. But today I am here to turn over to Mrs. Ireland the bust that I made of Mr. Martin. I am going to let you in on a secret. It is not the finished product. It is not the marble that it will be—the blanc carrara marble from Italy. You see I have gone through agony to ecstasy. My agony was when I found out that a small crack in the marble had developed so we will have to start all over again. It will only be delayed and we will have two inaugurations.

Meanwhile, I want to thank Mrs. Parks and Mrs. Ireland and the Federation of Republican Women for the privilege they have given me. It is very rare in the life of a sculptor that you can do something that your heart feels you can do well because you love the person you are doing. And somehow to me Joe Martin represents everything that is fine in politics. He represents everything that is fine in Americanism. And so today, with gratitude, I present the bust first to Mrs. Ireland to present it later on to you all and I say thank you for that privilege to do a great American, a dedicated Republican, and a very great citizen.

Mrs. Parks. And now the person to whom we feel especially indebted, the president of the Massachusetts Federation of Republican Women, Mrs. Emory Ireland.

Mrs. Emory Ireland. Madam President, Mr. Martin, and Mr. Martin's friends, today mine is the particularly pleasant privilege of accepting the statute from Madam Silvercruys and thanking her and congratulating her for this artistic creation. And I might say, in doing so, that she is a very difficult woman to follow to the podium.

Appreciation is also due to every member of the National Federation of Republican Women and to Republican women everywhere who worked so hard to make this tribute a reality, and stating it just as simply and as briefly as I can, our purpose in having this tribute created for the Honorable Joseph W. Martin, Jr., was so that the statue would remind future generations of the esteem in which we held Mr. Martin and his service to his party and his State and to this Nation. We know that he will go down in history as one of this country's great men.

(Unveiling of statue.)

Mrs. Parks. You wouldn't know but what Mr. Martin was up there on the pedestal himself, it is so lifelike—terrific.

There are many people who would like to pay tribute to Mr. Martin. Perhaps another person to whom we are most indebted for helping us accomplish this is the Congressman who presented the resolution to bring about this occasion. At this time I want to introduce to you the Honorable F. Bradford Morse, Representative from the Fifth Congressional District in Massachusetts.

Hon. F. Bradford Morse. Thank you very much, Madam Chairman. Speaker McCormack, Speaker Martin, Madame Silvercruys, my distinguished colleagues of the other body, my colleagues of the House of Representatives, ladies of the National Federation of Republican Women's Clubs, and all of you here today, friends of Joe Martin.

Dedicated is an overworked word these days, but certainly it has deserved application to the Speaker. Those of us who have been privileged to know him, and to work with him, have become acquainted with the qualities which have made him such an outstanding citizen throughout his life. I think it is fair to say that if humility and compassion are the qualities of greatness, Joe is great in every sense of the word. His life has given meaning to the noble and majestic purposes of the Republic. He who has stood as a model for Madame Silvercruys can stand as a model for all of us.

It is my great honor to be counted among Speaker Martin's friends. He is certainly the greatest of all Republicans; he is indeed one of the greatest of all Americans.

Mrs. Parks. Thank you, Mr. Morse.

The Honorable Katherine St. George from the 28th District of New York.

Hon. Katherine St. George. Madam President, Mr. Speaker, Speaker Martin, Senator Saltonstall, my colleagues of the House, and my friends of the Women's National Republican Federation, I think that I am here principally because I could be called a Martin alumnus. I came to Congress the year that Mr. Martin became Speaker of the House of Representatives and I can assure you that it was a great privilege and a great honor to serve under such a man. Not only was he an example to us, but he was always kind and always understanding and I need hardly tell my colleagues here that a freshman Congressman is like a freshman anywhere else—about the lowest form of animal life. And so I, for one, certainly appreciated the Speaker's kindness to me, his help to me, and the things that I learned from him.

As Mr. Morse has told you, he was an example. He is an example. He is not only an example, but he is something that we as Americans can all be proud of because he is a product of our country. He is one of us but he is one of the best of us. And it is particularly fitting for this group of women, this dedicated group of Republican women, should have been the ones who have arranged and who have pressed to have this fine statue done by a great woman and a great artist to be placed in this rotunda. And Speaker Martin will be the only living person whose statue is in the rotunda, so that makes it another first. And he certainly deserves it. The other day I was leafing through a book written by a politician and he said this and I think it is very true and I think Speaker Martin will agree with it: "The best advice I can give to those planning to run for public office is simply this. Get a group of dedicated women committed to you and working for you and you have it made." These dedicated women have always been devoted to Speaker Martin. They have worked for him and they have worked with him and they will continue to do so, Mr. Speaker, because to me you will always be my Speaker.

Mrs. Parks. Senator Leverett Saltonstall, the distinguished Senator from the State of Massachusetts.

Hon. Leverett Saltonstall. Mrs. Parks, Mr. Martin, Speaker McCormack, my colleagues in the House and Senate, and friends of Joe Martin, I particularly refer to all the Republican leadership of the House who are sitting on Joe's right and the leadership in the Senate represented by Senator Keating. We are all here, Joe, to do tribute to you today.

I think that I have known Joe for over 40 years, and yet he always surprises me. Mrs. St. George just said get the ladies to work for you, to stay with you, and you will always win. That is what Joe has done but he has never let any one lady get close enough to him to. [Laughter.] And then, Joe, you are a constant surprise. Mrs. Stevenson called you her model, and Mrs. Ireland gave you a buss and a hug. Now I don't know how many more ladies are going to do that to you this afternoon.

But I have known Joe for over 40 years. I think the thing that appealed to me the most in the man who has been five times the presiding officer at the Republican National Convention, who has been the Speaker of the House of Representatives and who has been the minority leader in the House of Representatives for a great many years when he wasn't the Speaker—that he was always a simple Massachusetts Congressman who never forgot his district, who visited each year the post offices in all the towns of his district, who always came to the House of Representatives and to the Statehouse to make sure that he kept up his friendships with those men who were in the house and the senate at home. I recall that pretty nearly every year that I was in the Speaker's chair—8 years—that Joe always came up and sat beside me and spent an afternoon speaking to the various Members of the House and renewing his acquaintances and friendships with them and discussing their problems.

And the fact that he has been so successful in politics is because he loves people.

He studies their problems and I can wager you that even today he knows and can tell you the personal problems, the personal desires and the personal difficulties in the districts of practically every Republican and Democrat in the House of Representatives—all 435 of them. That is why Joe has been so successful.

We can be proud in Massachusetts, too, of the fact that we have in him a man who gave up any thoughts of higher education for himself in order that he might send his brothers to school and to college, and that is just what he did, becoming a newspaperman in the very early years, and owning a newspaper when he was still a young man. He made enough money until he went into politics, to be able to send his brothers and sisters to school and give them a higher education.

Through all his life, too, he supported, lived with, and made a home for his mother and for his sister. So he has had a good home life.

He has had a simple existence with all the honors that have been given to him and have come his way because of the respect with which people hold him. That is the type of man that we want. Now Joe may not have the great oratorical ability of some but he certainly, like his predecessor in politics, Cal Coolidge, can express himself in a very simple, practical way and put his point across. I recall very well in the years that I was honored to sit with him in the Cabinet room in the White House when President Eisenhower had us meet with him every Tuesday discussing the difficulties we were having about patronage; Joe's simple remark was: "Let's forget it. It isn't going to do us any good. I had just one man that I wanted to be made a postmaster in my district and, Mr. President, you named somebody else for the job." So that patronage is not something that in Joe's opinion made him a good representative or a good leader in his district.

So, Joe, in this bust of you that will soon be placed in this room, in the days to come we can all think when we look at it of you, a simple man who has made good not only in his own home district but in the whole country as a man whom people can trust, a man whom they like, and a man who knows their problems and is willing to try and take the time to discuss their questions with them. That is what makes us in Massachusetts so proud to be with you here today.

Mrs. Parks. We regret very much that the Vice President, Lyndon Johnson, was out of town and was unable to get back in time for this ceremony.

The following message was received from the Honorable Lyndon Johnson, Vice President of the United States:

Throughout our history, our Nation's Vice Presidents have had a tendency—after leaving office—to take up their pens and start writing.

I spent some time one night recently reading the writings of one former Vice President who served under a popular General who will always be remembered as one of our greatest Presidents. The Vice President to whom I refer is—as I am sure you Republican ladies are thinking of, too—John Adams, who served under George Washington.

In later years, John Adams, our first Vice President, became great friends with the Nation's second Vice President, Thomas Jefferson. The two men spent their later years exchanging correspondence, and in one exchange, Thomas Jefferson asked John Adams: "Would you agree to live your 80 years over again forever?"

The gentleman from Massachusetts replied in these words: "I can speak for only one. I have had more comfort than distress, more pleasure than pain, 10 to 1; if you please, 100 to 1."

Our good friend—my beloved colleague and counselor for so many years—Joe Martin is still on the sunny side of 80 years. But, I suspect that if the same question were put to him now he would answer in much the same spirit as our Nation's first great statesman from Massachusetts.

Out of a career of dedication and devotion to the public good, Joe Martin can enjoy now the matchless satisfaction of great pleasure and pride in having served his times and his fellow man faithfully and well.

One of the great institutions of the free world is the Congress of the United States. In the middle years of this tumultuous 20th century—when the survival of the free world has been continuously at stake—no institution has served freedom so well as has our Congress. On the list of men most directly responsible for that constructive service—everyone would place the name of Mr. Democrat, Sam Rayburn—and the name of his Republican counterpart in office, in dignity, and in patriotism—Joe Martin.

I count it to be one of God's blessings to our country that these two men—both of humble origins, each with no ambition higher than to serve his country and its people, both with nobility in their hearts and steel in their spines—should have been contemporaries as leaders in this Republic's most difficult years of trial.

In this context it is especially fitting to recall some other words from John Adams, who wrote:

"While all other sciences have advanced, that of Government is at a stand; little better understood, little better practiced now than 3,000 or 4,000 years ago. What is the reason? I say, parties and factions will not suffer improvements to be made. As soon as one man hints at an improvement his rival opposes it. No sooner has one party discovered or invented an amelioration of the condition of men, or the order of society, than the opposite party belies it, misconstrues it, misrepresents it, ridicules it, insults it, and persecutes it."

In Adams' time and through many years of our Nation's history until the present, this was true. I like to believe—I do believe with all my heart—that within the past decade this has ceased to be so much of the case as it once was.

Here in the United States, and most especially of the Congress of the United States, the science of government has made progress forward. Parties and factions have suffered improvements to be made. I like to call this not moderation, certainly not compromise, most emphatically not surrender—but, rather, responsibility.

Our parties and our factions have matured to meet the challenges of our common danger and mutual opportunities. We have come to recognize that the worth of a party must be measured not by how it serves its own interest, but by how its conduct serves the higher aims of the Nation and the alliance of free men.

Out of both parties there has come this spirit of unselfish responsibility. Individual men have, at times, suffered misunderstanding, endured criticism, and sacrificed personal gains by manifesting the courage to be more responsible than partisan. Whatever any of them may have lost for the moment, it will be restored tenfold—or, as Adams would have said, nay, hundredfold—in the longer judgment of history.

Of such men, no man will receive more deserved honor—few will receive so much—as the man who served his party as leader, his country as Speaker, and the cause of freedom as patriot—Joseph Martin.

Not as a Democrat but as an admiring fellow American I join you in saluting him—and wishing for him the blessings his labors have so richly earned.

Mrs. Parks. We have another disappointment. Mrs. Carroll D. Kearns, who was to have been here today and under whose presidency the original resolution was put before the board to start this project, was also unable to get down from Pennsylvania.

But we are also delighted that Mrs. Joseph R. Farrington, a former president of the national federation and formerly a Member of the Congress, came in from Hawaii today because of her dedication to Joe Martin and because of the many things that she has gone through to see that this came about. She came in just yesterday from Hawaii and we are delighted that she can participate in this presentation—Mrs. Joseph R. Farrington.

Mrs. Joseph R. Farringtom. Mr. Speaker, this is a privilege that I scarcely deserve. I am merely the voice of the dedicated women who are here today to present this statue to the Congerss. But the idea was conceived some few years ago I believe when a few of us, many of us over the Nation, were working with our devoted servants in the Congress of the United States and occasionally we'd tramp these marble corridors and see the statues of our leaders, our statesmen of the past, and it suddenly occurred to us—Why couldn't we express our devotion and appreciation of the good works of the living as well as the departed? And so it was in that spirit that we went to some Members of the Congress and suggested we might do this. We were well aware of that inscription at the National Archives, "The Past Is Prolog," and we knew that when this great day came about and we were able to present the statue it would only be the beginning of the good deeds of the last of life for which the first is made.

And it is in that spirit, Mr. Speaker, that in behalf of the National Federation of Republican Women I present this statue of the Honorable Joseph W. Martin, Jr., to the Congress, to the U.S. House of Representatives.

(Mrs. Parks then introduced the Speaker of the House of Representatives.)

Hon. John W. McCormack. Mrs. Farrington, Mrs. Parks, Reverend Father, my distinguished colleagues of both branches of the Congress, other officers and members of the National Federation of Republican Women, and all Democrats who are present—there are many here—and ladies and gentlemen, and friends, I am highly honored to occupy the position that I do on this particular and memorable occasion. I am honored from two angles: the official angle as Speaker, the personal angle as John McCormack. In both capacities I accept this statue, this bust, congratulating the talented sculptress for her lifelike reproduction—I accept this bust in the name of all of my colleagues in the National House of Representatives.

When I first came to Congress 34 years ago, one of the first whom I met was Joe Martin. Mrs. St. George referred to the problems and the plight of a freshman Member of the Congress. When I met Joe Martin I didn't go through that. I met a friend of warmth, a friend of guidance, and one who inspired me. Throughout the years there has been a very close personal friendship between Speaker Martin and not only John McCormack, but Harriet McCormack who is sitting right here in the front row—Mrs. McCormack. We have for Joe Martin something more than friendship; we have esteem and affection, and I might say that friendship and respect transcends political considerations. The middle aisle in the House of Representatives that divides both parties is meaningless where friends are involved. When the friends on either side have their moments of happiness, their friends of the opposite party are happy, and when friends on one side are in distress, friends on the other side rally to their cause.

So from the twofold angle, as Speaker officially accepting this bust of our distinguished friend, Speaker Martin, and from the personal angle, it brings great pleasure to me. The other speakers have referred to our distinguished friend, Speaker Martin, and once a Speaker to me always a Speaker.

I think this distinguished sculptress stole the show. She left little for any of us to say, but she spoke from the heart. Joe Martin represents the spirit of America. His life has been like a Horatio Alger story. Senator Saltonstall has made reference to it. A newsboy at 5 years of age—that's pretty young. I was a little older, Joe. A reporter when he was 18 years of age. The owner and publisher of a newspaper at 24—the youngest publisher in the country of a daily newspaper at 24 years of age. Still the owner of that newspaper and an additional one. Over 50 years of honorable and trustworthy public service. What a life. Humble, as has been mentioned, yes. One who has a love of his fellow men and fellow human beings. That is the strength of a great mind, and the strength of Speaker Martin is his love of his fellow men, because I always believe that the first commandment, love of God, is shown by the manner in which we carry out the second commandment, love of neighbor. I call the second commandment the love of action and Joe Martin has certainly symbolized that to the maximum extent humanly possible. He is not only a great American but he is a great man and a good man.

Mr. Republican, he preempts that. Everyone concedes his loyalty to his party, but as a legislator he has had that refreshing outlook, that forward-looking outlook, that discerning mind, that penetrating mind, always having uppermost in his mind the national interest of our country and the best interests of our people. Joe Martin is one who can disagree with another without being disagreeable—a man of strong views but a man of a tolerant and understanding mind, a man who realizes that we are all human beings without regard to race, color, or creed, and a man in his associations with his fellowmen who exemplifies the noblest traits that can be possessed by any human being.

As a legislator, Joe Martin has played a very important part in the life and history of our country and as has well been said, he will occupy prominent pages in the history of our country and go down as one of the great Americans of all time.

We are living in a trying period of the world's history. It didn't start today; it started back 40–50 years ago. How much longer it will go, who knows? But in this trying period of the world's history Joe Martin has always been on the side of strength; strong national defense for our country, and a firm foreign policy. Whenever any action or vote has come up in the National House of Representatives, in the Congress of the United States, involving the national interest of our country, we don't vote as Democrats or Republicans. We vote as Americans and Joe Martin, as Speaker, as leader, as a Member of the Congress, without regard to whether the man in the White House was elected as a Democrat or a Republican, where the national interest of our country was involved, was always in the vanguard leading the fight for the best interests and the national interests of our country.

So we are gathered here today to honor a wonderful man; one, like ourselves, a human being, and one possessed of those intangibles that make a man great. Those intangibles, the deeper things of life, the spirit that permeates and conveys to others, that make an individual great. We are here to honor this humble man but this truly great man, and we are here to honor not only a loyal member of his political party, but greater than that, greater than John McCormack being a loyal member of the Democratic Party if people characterize me as such, greater than that—we are here to honor Joe Martin, one of the great Americans of all time.

(Mr. Parks Preu introduced Mr. Martin.)

Hon. Joseph W. Martin, Jr. Mr. Speaker, Madam Chairman, my distinguished colleagues, and my sculptress, friends, when Madame Silvercruys was telling about how she got me to sit, there was a part she didn't mention. I asked her—what are you going to do with this after you get this sculpture job done? How are you going to proceed? "Vell she said, "First, I'm going to plaster you." Well, I said that's going to be some job. Many people have been trying to get me plastered for years but none of them have succeeded yet. Then she said, "I'm going to reduce you to marble." I could see how she could do that very readily because a good many people say I'm a man of stone. So I could see how she might be successful in the stone act but I could not understand the plaster business.

I rise today with mixed emotions. First I appreciate very deeply the 500,000 Republican women who have made this statue possible. I appreciate the women, not only of Massachusetts, but throughout the country, who were able to bring about this project. And yet, there is a note of sadness, too, with it all. I can't help thinking as I stand here and look at this marble statue that I am plodding along the path and getting close to the end of the road. So it does bring a little twinge of sadness.

But don't let anyone get discouraged. The good father at the luncheon of the Massachusetts delegation said: "I wish you'd live for 25 years." Well, I'm going to, I think, because I never felt better in my life than I do at this very minute. I have no aches, sleep soundly and enjoy myself, and as long as I do, I ought to be able to put in at least another 25 years.

But seriously, I am grateful to these women and I am grateful to be placed in the company of the men whose statues adorn this hall because every one of them has been a dedicated American; men who have rendered real service to our great country so that it might bring about a better and happier life for all our people. And so I am delighted to be in that select company.

I wish I could convince myself that it was deserved.

I agree with my good friend, Speaker McCormack, that in our life here, in our legislative life, there are many headaches and many involved problems always demanding our attention. I think the thing I liked best of all—because I once occupied the job he now holds—was the office of Speaker. I think it is one of the greatest and most important offices in the world. To me, the Speaker is of great importance because he has more personal influence and in some ways more effect upon our national life than even the President.

So I think I am here today because I am the only ex-Speaker around here, and of course, the Republicans would naturally get enthused that I have been the only Republican Speaker in 30 years, and they still hope that some day they will get another one.

I want to thank all my friends for their kind words. They shall always be remembered as coming from real friends.

I believe sincerely that every man and woman in this country should dedicate his services to our country. I think for the most part, we in the House do. I am not going to speak for the Senate. Senators Saltonstall and Smith can speak for themselves. But really I think that the people who come from the country to either branch of the Congress desire to render a real, unselfish service and want to do what is best for their country.

If one doesn't come with that purpose, he doesn't stay too long because the people are discerning and they can and do size up a Representative quickly. In the days ahead of us, we want more younger men and women to come with the enthusiasm to build a better America. I am an optimist on the future of our country. I don't believe we will go to war and I don't believe we are going to slip backward. I believe in America. I believe in the principles of America, and surely we have the intelligence to do those things that will make us secure and go forward together.

Yes, I am a Republican and have always been. But I think all of us, regardless of party, are dedicated to the single purpose of building and improving our land. Sometimes we have to do things we don't like to do; sometimes we are going to be misunderstood, mistakenly so, perhaps. But good people of all parties working together make America. Two strong parties, convinced of the rightness of their cause, with full tolerance of the views of the other, give us good government. That is what makes America live and win the esteem of the world.

So, Madame Stevenson, I am glad you succeeded in winning me over that afternoon to have this statue made. I hope it will be an inspiration to some of the young people of the country because the task ahead of them is so terrific and so important. We have got to inspire the young people eagerly entering upon political careers with the knowledge that if they do their jobs honestly and conscientiously they will be rewarded by the gratitude of the people when they come to the end of the road.

The greatest joy I get out of public life is the knowledge that it has been possible to help a great many people in little ways that are of great importance to them. To give someone in difficulty a helping hand has always been a real thrill indeed.

Now I will let you in on a little secret. I was going to quit the Congress 2 years ago, but my doctor came to me and said: "What are you getting out of Congress for? What are you going to do?" Well, I said I own a couple of newspapers, I'm a director of a couple of banks, and I'm trustee of a college." The doctor said: "You don't give a damn about those things. You've been on a hot spot for 50 years; take you off that hot spot and you won't live 2 years." Well, I got to thinking it over and I said I guess the man's right. So I decided I would continue to go to Congress and I'm glad I did because the decision was the right one.

This service gives me the opportunity to do the things which I like to do. That is the secret of happiness and contentment and I have a full measure of both. I believe the good Lord, in bestowing His blessings upon individuals, bestowed upon me the blessing of renewed health and vigor. I was never better and seldom get tired from a hard day's work. There were times years ago when I was tired, but not lately.

I repeat, I am deeply grateful for this honor you have paid me.

I have talked more than I agreed to talk, but that is like all old garrulous members. They keep on talking and I am afraid I have fallen into that category. Thank you all very much for coming here today. Thank you members of the women's federation, and thank you, Mr. Speaker and above all, your good wife. I know what a great sacrifice it was for Mrs. McCormack to come here today. She doesn't often attend these meetings but she is here today and I am deeply grateful.

I appreciate all the fine tributes and I appreciate the fine message of Vice President Johnson, who wanted to be here and whose friendship I have enjoyed throughout his public life.

(The Lord's Prayer was sung by Mr. Richard A. Jacobs.)

Benediction by the Very Reverend Richard H. Sullivan, C.S.C., president of Stonehill College, North Easton, Mass.:

In the name of the Father, and of the Son and of the Holy Ghost, Amen. Oh, God, we thank Thee for the happiness of this occasion in which honor has been paid to Speaker Martin. In Your divine providence, You have shared with him the wisdom and prudence of guiding Your creatures and children, his fellow men, through the years of war and the years of peace, the years of want and the years of plenty.

Today in remembering his 50 years of service we have unveiled his image to remain in these halls of Congress as a symbol of his dedication for all to see and emulate. As we close these ceremonies may we humbly ask that You continue to guide both him and others in government to their goal of the common good so that we who are created to Your own image and likeness may never allow Your image to be disfigured by forgetfulness or disregard of You but ever mindful of You, may we adore, love, and serve You, may we grow more like You in truth, justice, peace and charity, so that throughout all eternity we as Your living images may adorn the halls of heaven to Christ, our Lord. Amen.

CHARLES H. HECHLER

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Derounian] may extend his remarks in the body of the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. DEROUNIAN. Mr. Speaker, Charles H. Hechler, the father of our colleague, Ken Hechler, and one of my good constituents, passed away on Thursday of last week, May 10.

I knew Mr. Hechler personally and admired him sincerely. Born and educated in Missouri, he came to Long Island as a young man, to manage Mr. Clarence Mackay's 600-acre farm and estate, at Roslyn. He saw many changes during the years of his life, as the farms disappeared and Nassau County developed into an urban area, and he took an active part in the progress of his community. An officer of the New York State Guernsey Breeders Association, he organized, also, the Nassau County Farm Bureau. He established a troop of Boy Scouts and assisted in establishing Boy Scout Troop No. 1, at Roslyn. He was one of the founders of the local Kiwanis Club and served as its president. For 24 years he was an active member of the Roslyn Board of Education and served for several terms as its president. He was a member of the Town Board of North Hempstead for many terms.

Charles Hechler was a wonderful American and a beloved friend. Those of us who knew him will miss him and I extend my sympathies to his wife and sons, who will miss him most of all.

REPEAL OF ACT CREATING CIVIL RIGHTS COMMISSION

Mr. JOELSON. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. Waggonner] may extend his remarks at this point in the Record and revise and extend his remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, I have today introduced a bill calling for the repeal of Public Law 85-315, the act which created the Civil Rights Commission.

No Commission of the Federal Government was ever given a more deceptive name than this one. Created under the guise of protecting the civil rights of the people of this country, it has done more to tear down inherent rights than anything since the infamous star chamber of England.

Operating in much the same manner, the Civil Rights Commission proceeds on rumor and hearsay, denies those it accuses such fundamental rights as facing his accuser, and holds its sessions in inner-sanctum shrouded in an atmosphere of secrecy and irresponsibility.

It is apparent that this Commission was created to force on the majority the will of a militant minority. It is more unjust to say, "You must," than to say, "You can't."

The rights of the people in both civil and domestic affairs are spelled out in our Constitution. Any act, the purpose of which is to set aside those inalienable rights, must, and of a right ought to be, declared null and void.

This bill which I have introduced will afford the Congress an opportunity to do just that.

STOCK OPTIONS ISSUED BY BANKS

Mr. JOELSON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and revise and extend his remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MULTER. Mr. Speaker, on May 3, 1962, I introduced a bill, H.R. 11599, to amend the Federal Deposit Insurance Act and the National Housing Act to require that any stock option issued by an insured bank or savings and loan association be made available to the general public on equal terms, or, if offered only to shareholders, be made available on equal terms to all of them.

Restricted stock options are bad policy and they should be prohibited. If no publicly owned company and no bank were permitted to grant these incentives, their use in the competition for executive talent would, of course, be eliminated.

I strongly believe that this is a source of very bad competition, since every institution or company, in order to keep its management and/or employees, must constantly vie with others in the same field by granting more and better incentives.

This is bad enough in industry generally, but is directly contrary to the public interest in the banking field. I have heretofore introduced H.R. 7141, which would discourage corporations from using this method of compensation by providing that income derived from this source would be treated for tax purposes as ordinary income.

I hope the House will have the opportunity to exercise its will on this issue in the near future.

FEDERAL RESERVE IN MEETINGS WITH THE FOREIGN CENTRAL BANKERS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, on March 21 I made a speech, appearing in the RECORD at page 4724, entitled, "The American People Are Not Generally Aware That They Have Two Governments—An Elected Government and a Bankers' Government." This has brought a number of requests for information regarding the meetings of Federal Reserve and other U.S. officials with foreign central bankers, to discuss mutual problems and coordinate our monetary and interest-rate policies with those of the central banks of other countries, particularly those of Western Europe. In view of this interest, I desire to place in the RECORD a typical letter, together with my reply.

It may be noted that the writer of the following letter mentions that the Federal Reserve System "is actually a private corporation" using the resources of the Federal Government. This is a separate question, or misconception, about which I have written separately. Many people, including many bankers, have an idea that the Federal Reserve System is privately owned—that is, owned by the member banks of the Federal Reserve System. But this idea is completely erroneous. In truth, the Federal Reserve System is an agency of the Federal Government and is owned by the public. It is, however, true that it is operated in large degree by the private banks.

This peculiar method of operation of a Federal agency comes about in this way: The Federal Open Market Committee determines what the supply of money in the United States shall be, and what the general level of interest rates shall be. It is given this duty by statute. A large number of the members of the Federal Open Market Committee are, moreover, selected by the private bankers who are members of the Federal Reserve System and who have, of course, a direct pecuniary interest in the policies which the Federal Open Market Committee decides. The selection of these members of the Open Market Committee is also provided for by statute.

There is no dispute among authorities, either about what the Open Market Committee does, how its members are selected, or who owns the Federal Reserve System. The present Chairman of the Board of Governors of the Federal Reserve System, William McChesney Martin, Jr., as well as his predecessors, have all stated on the public record that the Federal Reserve System, including the Federal Reserve bank, is a public institution, not an institution owned by the private banks.

In answer to the questions which have been asked me concerning the meetings between Federal Reserve and other U.S. officials with their counterparts in foreign countries, the letter I have referred to and and my reply are as follows:

MARCH 27, 1962.

Hon. WRIGHT PATMAN,
First District, Texas,
House Office Building,
Washington, D.C.

DEAR SIR: Your remarks appearing on page 4724, CONGRESSIONAL RECORD, March 21, 1962, under the heading "The American People Are Not Generally Aware That They Have Two Governments—An Elected Government and a Bankers' Government," interested me considerably.

You are to be commended on bringing this point before Congress. There are too many Americans who do not realize the amount of power these bankers have over our daily lives. One thing you did not mention was the fact that the Federal Reserve System is actually a private corporation which is given the resources of the taxpayers as assets from which our Government (again, the taxpayers) borrows back from the Federal Reserve System and pays this private corporation interest, also out of the taxpayer's pocket. At least, that is what I have been able to figure out about the System. I can be wrong.

I would like very much to find out, if you can get the information, the names of the men who represent the Federal Reserve as well as the other central bankers who meet monthly in Basel, Switzerland.

Yours very truly,

——— ———.

NEW HOUSE OFFICE BUILDING,
May 11, 1962.

DEAR MR. ———: Thank you for your letter and kind remarks concerning my speech of March 21.

In answer to your inquiry, meetings of Federal Reserve representatives and others with central bankers in Europe fall into two broad categories: those under the auspices of the Organization for Economic Cooperation and Development (OECD), and those related to the Bank for International Settlements (BIS). The general purpose of OECD is to strengthen economic cooperation in the Atlantic community and to promote cooperative efforts to develop underdeveloped countries. The BIS performs some banking functions for its member central banks, such as purchases and loans of gold; principally, it serves as a place where representatives of central banks can get together and discuss common problems in an informal manner.

The OECD meetings in which the Federal Reserve participates fall into two categories:

1. The Economic Policy Committee meets every 3 months in Paris, attended by Chairman Martin of the Federal Reserve and Secretary of the Treasury Dillon.

2. So-called working party meetings are held in Paris every 4 to 6 weeks, attended by members of the staff of the Fed and the Treasury. Federal Reserve participation in these working party meetings stemmed principally from the gold crisis which developed around October 1960 and caused a drain on the American gold supply. Although the Federal Reserve and Treasury officials had been following the balance-of-payments situation over a number of years, the October 1960 gold crisis dramatized the long-developing problems in the U.S. balance of payments and helped to bring about a decision to meet with European treasury and monetary authorities on a regular basis. The working party meetings were set up in May 1961 and have continued since that time, as follows:

(a) Working party No. 2—Economic growth: The Treasury is represented by J. Dewey Daane, Treasury Deputy Under Secretary for Monetary Affairs; the Fed is represented by John E. Reynolds, member of the International Division of the FRB.

(b) Working party No. 3—Balance of payments: Attended by Robert V. Roosa, Treasury Under Secretary for Monetary Affairs, and Ralph Young, head of the International Division of the FRB.

The Bank for International Settlements meetings are held in Basle, Switzerland, and fall into two parts:

1. The annual meeting of BIS is held once a year and is attended by one Governor and one senior staff member of the FRB.

2. Monthly meetings. There is no regular pattern of who attends these meetings representing the Fed—sometimes they are attended by one of the Governors accompanied by a staff member; other times only by a staff member. However, the regular monthly meetings are attended by Charles Coombs of the Federal Reserve Bank of New York and on occasion by Alfred Hayes, president of the Federal Reserve Bank of New York.

With kindest regards and best wishes, I am,

Sincerely yours,

WRIGHT PATMAN,
Chairman.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN, for 15 minutes, today, to revise and extend his remarks and include extraneous matter.

Mr. DULSKI, for 15 minutes, today, to revise and extend his remarks and include extraneous matter.

Mr. PELLY, on Monday, next, May 21, for 45 minutes.

Mr. Cunningham (at the request of Mr. Short), for 30 minutes, on May 16.

Mr. Harvey, of Indiana, (at the request of Mr. Short), for 20 minutes, on May 17.

Mr. Santangelo (at the request of Mr. Joelson), for 30 minutes, on Thursday, May 17, 1962.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Lane and to include extraneous matter.

Mr. Pelly and to include extraneous matter.

Mr. Farbstein.

(The following Members (at the request of Mr. Short) and to include extraneous matter:)

Mr. Cunningham.

Mr. Ashbrook.

(The following Members (at the request of Mr. Joelson) and to include extraneous matter:)

Mr. Bailey.

Mr. Zelenko.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 185. Joint resolution to defer the proclamation of marketing quotas and acreage allotments for the 1963 crop of wheat.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on May 14, 1962, present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H.R. 9778. An act to provide for the free entry of certain steel and steel products donated for an addition to the Chippewa County War Memorial Hospital, Sault Ste. Marie, Mich., and to provide for the free entry of records, diagrams, and other data with regard to business, engineering, or exploration operations conducted outside the United States;

H.R. 10607. An act to amend the Tariff Act of 1930 and certain related laws to provide for the restatement of the tariff classification provisions, and for other purposes;

H.J. Res. 628. Joint resolution authorizing the President to proclaim the week in May of each year in which falls the third Friday of that month as National Transportation Week; and

H.J. Res. 711. Joint resolution to prescribe names for the several House of Representatives office buildings.

ADJOURNMENT

Mr. JOELSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 1 o'clock and 46 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 16, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2059. A communication from the President of the United States, transmitting a draft of proposed legislation, to provide assistance for research or training projects leading to development of new or improved programs to help older persons, and for other purposes; to the Committee on Education and Labor.

2060. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement to the following watersheds: Puukapu, Hawaii; Scattering Fork, Ill.; Little Kentucky River, Ky., pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and delegated to the Director of the Bureau of the Budget by Executive Order No. 10654, of January 20, 1956; to the Committee on Agriculture.

2061. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation, entitled "A bill to amend and extend the provisions of the Sugar Act of 1948, as amended"; to the Committee on Agriculture.

2062. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting a request for approval to proceed with the construction of several Reserve forces facilities projects for the storage of ammunition for the Air National Guard, pursuant to section 501(4), Public Law 86–149, and section 601(4) of Public Law 86–500; to the Committee on Armed Services.

2063. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation, entitled "A bill to authorize the loan of naval vessels to friendly foreign countries and the extension of certain naval vessel loans now in existence"; to the Committee on Armed Services.

2064. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation, entitled "A bill to increase the jurisdiction of the municipal court for the District of Columbia in civil actions, to change the name of the court, and for other purposes"; to the Committee on the District of Columbia.

2065. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement to the following watersheds: Hurricane Creek, Ala.; Marbury Creek, Middle Fork Broad River, Ga.; North Sanpete, Utah, pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and delegated to the Director of the Bureau of the Budget by Executive Order No. 10654 of January 20, 1956; to the Committee on Public Works.

2066. A letter from the Chairman, U.S. Tariff Commission, transmitting a report of the Tariff Commission's investigation concerning lead and zinc, pursuant to Senate Resolution 206, 87th Congress; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEORGE P. MILLER: Committee on Science and Astronautics. H.R. 11737. A bill to authorize appropriations to the National Aeronautics and Space Administration for research, development, and operation; construction of facilities; and for other purposes; without amendment (Rept. No. 1674). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 6664. A bill to authorize the Commandant of the Judge Advocate General's School to award appropriate degrees and credits; with amendments (Rept. No. 1675). Referred to the House Calendar.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 8333. A bill to amend title 10, United States Code, to provide that members of the Armed Forces shall be retired in the highest grade satisfactorily held in any armed force, and for other purposes; without amendment (Rept. No. 1676). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. House Concurrent Resolution 473. Concurrent resolution providing the express approval of the Congress, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), for the disposition of certain materials from the national stockpile; without amendment (Rept. No. 1677). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. House Joint Resolution 559. Joint resolution authorizing the Secretary of the Air Force to admit a citizen of the Kingdom of Thailand to the U.S. Air Force Academy; without amendment (Rept. 1678). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. House Joint Resolution 656. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy at Annapolis two citizens and subjects of the Kingdom of Belgium; without amendment (Rept. No. 1679). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 10595. A bill to facilitate the sale and disposal of Government stocks of extra long staple cotton; with an amendment (Rept. No. 1680). Referred to the Committee of the Whole House on the State of the Union.

Mr. WILLIS: Committee on the Judiciary. H.R. 10617. A bill providing that the U.S. district courts shall have jurisdiction of certain cases involving pollution of interstate river systems, and providing for the venue thereof; with amendments (Rept. No. 1681). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 641. Resolution providing for the consideration of H.R. 10594, a bill to amend section 372 of the Agricultural Adjustment Act of 1938, as amended, with respect to privately owned nonprofit agricultural research and experiment stations or foundations; without amendment (Rept. No. 1682). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 642. Resolution providing for the consideration of H.R. 10708, a bill to amend section 203 of the Rural Electrification Act of 1936, as amended, with respect to communication service for the transmission of voice, sounds, signals, pictures, writing, or signs of all kinds through the use of electricity; without amendment (Rept. No. 1683). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY:

H.R. 11752. A bill to provide assistance for research or training projects leading to development of new or improved programs to help older persons, and for other purposes; to the Committee on Education and Labor.

By Mr. BECKWORTH:

H.R. 11753. A bill to provide for the payment of certain amounts and restoration of employment benefits to certain Government officers and employees improperly deprived thereof, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COHELAN:

H.R. 11754. A bill to amend the Civil Service Retirement Act to provide for the adjustment of inequities and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LINDSAY:

H.R. 11755. A bill to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73 million for that purpose; to the Committee on Foreign Affairs.

H.R. 11756. A bill to amend section 4, Public Law 86–363, so as to permit the entry of certain additional relatives of U.S. citizens; to the Committee on the Judiciary.

H.R. 11757. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is physically or mentally incapable of caring for himself; to the Committee on Ways and Means.

By Mr. LIPSCOMB:

H.R. 11758. A bill to amend section 1913 of title 18, United States Code, to make clear that the prohibition against lobbying with appropriated funds applies to the heads of executive departments and agencies; to the Committee on the Judiciary.

By Mr. McDOWELL:

H.R. 11759. A bill to amend the laws with respect to Federal participation in shore protection; to the Committee on Public Works.

By Mr. MULTER:

H.R. 11760. A bill to require banks insured by the Federal Deposit Insurance Corp. to convert inactive demand accounts into savings accounts in certain circumstances; to the Committee on Banking and Currency.

By Mr. NYGAARD:

H.R. 11761. A bill to amend the Soil Bank Act so as to authorize the Secretary of Agriculture to permit the harvesting of hay on conservation reserve acreage under certain conditions; to the Committee on Agriculture.

By Mr. O'HARA of Illinois:

H.R. 11762. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 11763. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to all unremarried widows and widowers and to all individuals who have attained age 35 and who have never been married or who have been separated or divorced for 3 years or more; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 11764. A bill to amend title 38 of the United States Code in order to provide a 1-year period during which certain veterans may be granted national service life insurance; to the Committee on Veterans Affairs.

By Mr. WAGGONNER:

H.R. 11765. A bill to repeal Public Law 85–315; to the Committee on the Judiciary.

By Mr. WESTLAND:

H.R. 11766. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. ZELENKO:

H.R. 11767. A bill to amend section 33 of the Federal Employees' Compensation Act so as to provide a system of safety rules, regulations, and safety inspection and training, and for other purposes; to the Committee on Education and Labor.

By Mr. SCHWENGEL:

H. Res. 639. Resolution to investigate the Department of Agriculture having to do with the storage program and related matters; to the Committee on Rules.

By Mr. VAN ZANDT:

H. Res. 640. Resolution expressing the sense of the House of Representatives with respect to non-Federal installation of electric generating facilities at Hanford, Wash.; to the Joint Committee on Atomic Energy.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CURTIS of Missouri:

H.R. 11768. A bill for the relief of Dr. Narayan Chandra Gupta; to the Committee on the Judiciary.

By Mr. FINNEGAN:

H.R. 11769. A bill for the relief of Konstantinos Tigkos; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 11770. A bill for the relief of Domenico De Simio; to the Committee on the Judiciary.

By Mr. GATHINGS:

H.R. 11771. A bill for the relief of E. A. Rolfe, Jr.; to the Committee on the Judiciary.

By Mr. LANE:

H.R. 11772. A bill for the relief of Dr. Murat A. Avadikoglu; to the Committee on the Judiciary.

By Mr. STAFFORD:

H.R. 11773. A bill for the relief of the Shelburne Harbor Ship & Marine Construction Co., Inc.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

345. By the SPEAKER: Petition of City Council of the City of Rolling Hills, Calif., petitioning consideration of their resolution with reference to opposition to any amendment of the Constitution which would have the effect of subjecting the income from State and local bonds to State and Federal tax; to the Committee on the Judiciary.

346. Also, petition of Henry Stoner, New York, N.Y., petitioning consideration of their resolution with reference to favoring passage of legislation requiring that 4 percent of the annual budget be allocated to the end of reducing the U.S. public debt; to the Committee on Government Operations.

EXTENSIONS OF REMARKS

How Not To Set the Record Straight

EXTENSION OF REMARKS

OF

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1962

Mr. ASHBROOK. Mr. Speaker, the Washington Post today gave a graphic example in its columns of downright irresponsible journalism. Instead of focusing attention on the fact that it had made, in its own words, an "erroneous" report, it left this little revelation to the very end of the article—if you got that far—and put two of our colleagues in the light of denying stories rather than properly writing the article to indicate they were denying erroneous charges. It was a good lesson in "How Not To Set the Record Straight."

On Sunday, May 13, 1962, the Washington Post printed a statement that Billie Sol Estes, indicted Texas financier, "has given money" to Representative Ed Edmondson, of Oklahoma, and Representative Harlan Hagen of California. The Tuesday, May 15, story in the Post on page A4 went to great lengths to talk about the denial of the two legislators and just barely managed to mention the fact that the newspaper regretted its erroneous report.

How much more honest it would have been to lead the story off with the simple statement that the two men had been wronged by the Sunday Post article. How much more honest it would have been to set a 36-point three-line heading proclaiming "Post Story Falsely Hits Two in House" rather than, as it did, leave the matter up in the air and to the definite disadvantage of Representative Edmondson and Representative Hagen by using a three-line heading which stated "Estes Gifts Denied by Two in House." You do not have to be a Phi Beta Kappa to see the difference in inference.

This story represents a good case example in demonstrating that it is difficult to correct a false statement, intentional or unintentional, in a newspaper. It is even difficult when the inclination of fairness is present on the part of the newspaper to put the story in its correct perspective and rectify the damage. It is just about impossible when this inclination is not present and, in fact, the correction comes as an almost reluctant concession. The story appeared as follows—note the very last paragraph:

[From the Washington Post, May 15, 1962]

ESTES GIFTS DENIED BY TWO IN HOUSE

Representative Ed Edmondson (Democrat of Oklahoma) and Representative Harlan Hagen (Democrat of California) denied yesterday a statement printed in the Washington Post Sunday, May 13, that Billie Sol Estes, indicted Texas financier, "has given money" to each of them.

Edmondson said Estes sent him a personal check for $100 several months ago, apparently for campaign purposes, before Edmondson knew who Estes was. Edmondson said he wrote "returned with thanks" across the face of the check and sent it back because his practice is not to accept "checks made payable to me personally" for campaign contributions.

HAGEN said he had been assured by the Democratic National Committee that reports Estes had given money to the committee for HAGEN's benefit were not true.

HAGEN also said he had been reimbursed by a $218 check signed by Estes for having reprinted for farm distribution a speech made by an Agriculture Department official from California. He said the check was given to him by William E. Morris, an Agriculture Department employee who was fired when his name cropped up in a Texas investigation as an apparent close associate of Estes.

The Washington Post regrets its erroneous report.

How much better it would have been, and how much fairer to the two men involved if the Washington Post had used an honest and forthright approach in something similar to the following fictional story:

POST STORY FALSELY HITS TWO IN HOUSE

The Washington Post erroneously reported in its Sunday, May 13, edition that Billie Sol Estes, indicted Texas financier, gave money to Representative ED EDMONDSON (Democrat, of Oklahoma) and Representative HARLAN HAGEN (Democrat, of California). The two legislators promptly denied the charges and after investigation the Post determined that it was in error. This mistake is sincerely regretted by the management and the reporting staff of the Post.

EDMONDSON said Estes sent him a personal check for $100 several months ago, apparently for campaign purposes, before EDMONDSON knew who Estes was. EDMONDSON said he wrote "returned with thanks" across the face of the check and sent it back because his practice is not to accept "checks made payable to me personally" for campaign contributions.

HAGEN said he had been assured by the Democratic National Committee that reports Estes had given money to the committee for HAGEN's benefit were not true.

HAGEN also said he had been reimbursed by a $218 check signed by Estes for having reprinted for farm distribution a speech made by an Agriculture Department official from California. He said the check was given to him by William E. Morris, an Agriculture Department employee who was fired when his name cropped up in a Texas investigation as an apparent close associate of Estes.

Happy Birthday to the Republic of Israel

EXTENSION OF REMARKS

OF

HON. THOMAS J. LANE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1962

Mr. LANE. Mr. Speaker, after nearly 2,000 years, the Jewish people have regained their homeland and their independence.

The situation that confronted settlers in Palestine on May 14, 1948, was discouraging. The lifegiving land had been worn out by generations of oppressors; and the infant nation was surrounded by enemies who moved in for a quick kill.

But they underestimated the power of faith. Those who have been denied freedom for so long are most valiant in its defense. Outnumbered 30 to 1, the people of Israel fought with superhuman courage and won. Then they set to work with a song in their hearts to rebuild the land that had been ravaged through centuries of conquest.

Fourteen years later, Israel stands as the most modern and progressive state at the crossroads of three continents. The generosity of their coreligionists in the United States has provided the tools, but without the back-breaking work and cooperation and confidence of the people in Israel, the world would not be celebrating this miracle born of freedom. In contrast, witness the billions of dollars that the United States has given to corrupt governments without producing results beneficial to their peoples or their economies.

In his timely comment on this anniversary, titled "The Resurgence of Israel," Prime Minister David Ben-Gurion states:

> In their lifetime these pioneers carried out two transformations—one cultural and the other social—which practical and commonsense men did not believe possible. They brought to life an ancient tongue, the Hebrew language, which had not been spoken for nearly 2,000 years, and they turned townsfolk, who for centuries had been remote from physical labor and in particular from the cultivation of the soil, into settlers on the land, who created a technically and socially advanced agriculture in backward and primitive surroundings and in a ruined waste and depleted country. Israel in our time is an organic fusion of the heritage of the Prophets and the Biblical culture of more than 2,000 years ago, with the achievements of science and technology in our day and those to come.

Mr. Speaker, the success of Israel in the short space of 14 years is a lesson and a guide for all other nations old and new; reminding them that there is no genuine progress without those spiritual values that honor the dignity of man.

Congratulations to the Republic of Israel on its 14th birthday.

The American people have a special affection for their "little brother" in the family of freedom.

We proudly anticipate that Israel's achievements in the future will be a blessing to mankind.

Tax Break for Teachers

EXTENSION OF REMARKS

OF

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1962

Mr. FARBSTEIN. Mr. Speaker, shockingly low salaries far out of line with the years of preparation for, and the continuing responsibilities of, a career in teaching annually drive thousands of competent people from the field of teaching. Even more serious is the fact that this depressed salary scale discourages countless numbers of qualified young men and women from entering the profession.

While local and State authorities in recent years have made valiant efforts within their resources to provide additional compensation to teachers commensurate with their positions, I believe the Federal Government can be an important partner in providing some measure of relief to teachers by permitting a partial tax forgiveness.

Much has been said, but still far too little done, to help meet the continuing crisis in our schools caused by the flight of teachers to better-paying jobs.

With this in mind I have introduced legislation—H.R. 11527—which would allow teachers of public and nonprofit private schools to exclude from their gross incomes in any one year the first $1,500 of their salary earned. This should ameliorate, to a degree, the serious economic crisis being faced by the teaching profession.

It is my earnest hope that this Congress will take favorable action on the measure.

Residual Oil Imports

EXTENSION OF REMARKS

OF

HON. CLEVELAND M. BAILEY

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1962

Mr. BAILEY. Mr. Speaker, during good times, it is a natural and normal human trait to banish from the mind evil days experienced in the past. However, the wise man and the prudent Nation profit from the lessons of history. There is an old saying that history repeats, which brings to mind the terror and destruction caused by enemy submarines off the Atlantic coast only a generation ago.

Exactly 20 years ago this month of May, German U-boats sent 14 U.S. tankers to the bottom, after sinking 12 in February, a dozen more in March and the same number in April. The loss of 50 tankers in 4 months is a grim reminder that the Nazis were in almost undisputed possession of the waters of the entire Atlantic coast during the early months of the war.

Could history repeat? Does any foreign power possess a submarine fleet sufficiently large and powerful to cut off military installations and defense industries located along the east coast from their supplies of foreign residual oil? Are our defense mobilization planners taking into consideration the proper precautions to avoid dependence on an unreliable source of energy?

Senator ROBERT C. BYRD recently has recommended to the President that a survey be made of our military installations and defense industries, from Florida to Maine, to determine the extent to which they have become reliant on foreign fuel, transported by tankers, conceivably menaced by another formidable wolfpack.

I wish to commend the gentleman from West Virginia for his perspicacity, vigilance, and sense of public responsibility in focusing attention upon a vital matter. The survey he has called for could prove of tremendous future benefit to the security of our Nation. This is no time for apathy and indifference to the tragic lessons of happenings off our own shores just 20 years ago. Vigilance is, indeed, the price of liberty.

Under leave granted, I include Senator Byrd's letter to the President in the Record:

April 12, 1962.

The President,
The White House,
Washington, D.C.

Dear Mr. President: On March 28, Mr. Edward A. McDermott, Director of the Office of Emergency Planning, told the National Coal Policy Conference of his investigation of residual oil imports as they affect national security. I attended that meeting and was highly impressed with Mr. McDermott's presentation.

For some years I have opposed excessive imports of residual oil from both the economic and defense standpoints. In the latter regard, I have been particularly concerned because, according to my information, some U.S. military installations on the east coast are using imported oil. It would seem to me that ordinary precaution would require all such facilities to avoid dependence upon a source of energy that is unlikely to be available in an emergency.

In the light of Mr. McDermott's study of the oil imports problem from the standpoint of security, would you not agree that it would be advisable to determine which, if any, military bases are, in fact, using imported fuels? At the same time, I believe that it would be most helpful if a similar listing were compiled for all industrial plants that would be involved in a mobilization program. Perhaps this information is already being accumulated, but my impression is that the mandatory oil import control program has been based on volume without regard to the individual consumer.

My recommendation is that the compilation include, in addition to defense installations, all manufacturers of components for use in all phases of military operations as well as power generating stations which use imported residual oil, and which serve such facilities. The study should include information as to whether any consideration has been given to a substitute fuel supply in the event of a cutoff of foreign oil shipments.

With kindest personal regards, I am,
Sincerely yours,
Robert C. Byrd.

The Latvian Communist Propaganda Line

EXTENSION OF REMARKS

OF

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1962

Mr. CUNNINGHAM. Mr. Speaker, perhaps some Members will recall the petitions which reached us in large numbers a few months ago entitled "Stop the Red Mail Subsidy."

I submitted a number of these to your desk, Mr. Speaker, and they were referred to the appropriate committee. Subsequetly the House acted to stop the subsidy now paid by the American taxpayer for free delivery of Communist propaganda from abroad.

It is interesting to me to find some reference to these petitions in one of the publications of the Communist authorities in Latvia. This publication is a newspaper which is sent into this country to Americans of Latvian heritage. It is called "Dzimtenes Balss," which means "Voice of the Homeland." It is typical of redefection material aimed at refugees, displaced persons, and others from behind the Iron Curtain.

An editorial in a recent copy of this newspaper states in part:

> They (successors to the brown-shirts) now want the U.S. Government to adopt a law controlling the mails, which would prohibit the distribution of the books and newspapers published in Latvia and thus conclusively disrupt any communication with friends and relatives in Latvia. Latvian Fascist politicians submit petitions to responsible authorities of the United States, demanding that freedom of the mails be restricted. If these demands were to be put into effect, the first to feel the effects would be not only the politicians and their supporters themselves, but also tens of thousands of other Latvians who do not warm themselves at the Fascist bonfires and who do not engage in witch hunts. Every Latvian in the U.S.A. must understand that the retaliation of such a proposal might lead to the termination of all mutual communications with Latvia.

This threat to retaliate is at best a hoax. In truth, of course, we are in the position of retaliating against the Communist governments which censor and delay mail and even remove money and other items from letters. While we admit Communist propaganda of all types and deliver it free, our ideas and information are blocked at the borders and jammed in the air waves.

Mr. Speaker, it is interesting also to note that this attack is aimed at the tens of thousands of people throughout the country who signed the petitions directed to Congress, while we, the recipients, are generously referred to as responsible authorities. Or perhaps I see flattery where none is intended by the Latvian Communist propaganda organ.

This newspaper editorial goes on to make its special appeal to the Latvians who now live in this country, most of them American citizens or awaiting their American citizenship. This quotation concludes with a reference to Pastor Edmunds Macs, who is, I understand, a Latvian minister now living in Washington State. He is active in campaigning against this Communist propaganda and in exposing the lies it contains. Thus he has naturally earned the hate of the Soviet propaganda merchants operating in Riga, where this newspaper is published.

The editorial continues:

> It should not be forgotten that the Latvian Nation is in Latvia, but Latvians abroad are only a small branch of the great national tree. If anyone imagines that he can manage to get along without connections with their nation, then we reply that Latvia and the Latvian people got along and will continue to get along without them. * * * It is quite clear that of all Latvians in the United States, only a small handful, a few hundred politicians to be exact, who are blinded by anti-Sovietism, would be willing to break off relations with their country and their people. Let them rave and submit their petitions. * * * In order to unmask the signers of such petitions, who intentionally delude respectable political and social workers of the United States, we shall let the latter know who Pastor Edmunds Macs is, and who the people are who begin to light Fascist bonfires in the United States.

In closing I would like to read the printed notice that accompanied this newspaper:

> Dear Countrymen: Attached herewith are the newspaper "Voice of the Homeland" and several other publications of the Latvian branch. Kindly let us know if you received the shipment. Also, we would appreciate your comments. We are expecting your answer.
>
> Latvian Branch of the Committee for Sponsoring Repatriation and Cultural Ties With Countrymen Abroad.

Col. John Glenn Urged as Good-Will Ambassador

EXTENSION OF REMARKS

OF

HON. ALEXANDER WILEY

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Tuesday, May 15, 1962

Mr. WILEY. Mr. President, I ask unanimous consent to have printed in the Congressional Record, a recent press release from my office urging reconsideration of the decision not to utilize Col. John Glenn as a good-will ambassador for the United States to other countries, including the Soviet Union; also an editorial on the same subject from television station WITI, of Milwaukee, Wis.

There being no objection, the statement and editorial were ordered to be printed in the Record, as follows:

Senator Wiley Urges Glenn Trip to Soviet Union

(Excerpts of statement by Senator Alexander Wiley, senior Republican, Senate Aeronautical and Space Sciences Committee in U.S. Senate)

Senator Alexander Wiley, Republican, of Wisconsin, today urged reconsideration of the U.S. decision not to utilize Colonel Glenn as a good-will ambassador for the United States.

Speaking in the U.S. Senate, the senior Republican of the Senate Aeronautical and Space Sciences Committee said:

"The United States, I believe, could well benefit by further utilizing Colonel Glenn: (1) as a good-will ambassador to other countries; and (2) permitting the U.S. astronaut to go to the Soviet Union.

"This would, I believe (a) enhance prestige for the U.S. space feat; (b) be smart space diplomacy; and (c) possibly provide an opportunity to acquire more detailed knowledge of the Soviet space project.

"During the visit of the Soviet cosmonaut, Maj. Gherman Titov, to the United States, he inspected our space program; and also served as an emissary of the Soviet Union.

"Speaking personally—if not officially—Major Titov stated that he would be happy to have Colonel Glenn come to the Soviet Union.

"Reflecting upon the proposition, Dr. Hugh L. Dryden, Deputy Administrator of NASA, however, responded that the possibility had been considered, but disapproved (1) because Colonel Glenn had expressed a wish to 'keep on flying'; and (2) the space program—with only a limited number of astronauts—needed his services.

"The Agency's views—as well as the wishes of Colonel Glenn—of course, should be given full consideration.

"However, I believe that although space projects themselves are handled and administered by the Agency, the decision of whether or not to utilize a successful astronaut as an emissary of good will is larger in scope than an Agency decision—in fact, is a matter of national policy.

"In a world of curtains—of barriers to understanding (breeding mistrust)—there is a real need for more people-to-people contact.

"In recent months, we have witnessed successful trips by the President's wife, the beautiful Jackie, to Europe, to Latin America and to the Middle East; and of the Attorney General, the President's brother, Bobby, to the Far East.

"Without attempting to detract well-deserved credit from these trips, I believe that—with a population of 186 million—there are many outstanding citizens—outside the immediate Presidential family—qualified and competent to serve as good-will ambassadors.

"In the past, Soviet Cosmonauts Gagarin and Titov also have both been utilized successfully. Naturally, it does not necessarily follow that because the Soviets do it, we should do it. However, neither does it follow that, because they have done it, we should not do it.

"For these reasons, the United States, I believe, should not only permit Col. Glenn to travel as a good-will ambassador, but also push for a trip to the Soviet Union for the U.S. astronaut," Senator Wiley concluded.

AGAIN URGE COL. JOHN GLENN AS GOOD-WILL AMBASSADOR

We've seen Russia's Titov—more reason for us to send Astronaut Glenn on a good-will mission.

In a February editorial, we urged our State Department to send Astronaut John Glenn around the world again—not in orbit but on the ground as a good-will ambassador. People of other countries can get no better sampling of our space achievements, but more important no better representation of the intelligent, honest, forthright individuals who are shaping our country today.

Russia has sent Cosmonaut Titov here. Although we admired his achievements, we were disappointed in the things he said. He often took the opportunity to ridicule our space efforts, our people, and our cities; and he was quick to spread the Kremlin party line.

When he was asked about the possibility of joint United States-Russian space flights, he answered by saying the disarmament question must be settled first. This was clearly an attempt to inject Red propaganda. But, Colonel Glenn, who can capably handle himself and his country's position, was quick with the right reply:

"We share our information quite openly as all of you are aware. The booklets that we passed out today have very complete reporting. It is our opinion that we need not have disarmament before we share opinions like this. This is of this country, of course. Our idea is that the sooner we can all share this the sooner it may be the very enjoyable fact that Major Titov and I could make a space mission together, and I certainly look forward to that day."

That's the man who should be seen and heard by other countries. Let Colonel Glenn tell those nations who criticize our nuclear testing that these tests are not performed by a warlike nation, but by people who are forced to test new weapons for survival. Glenn can explain that our space ventures are not based on the development of weapons and the preparation for war; that we have done far more than the Russians toward the peaceful use of outer space. While here, Titov often mentioned our space failures. Glenn can explain that the world hears about ours because we live in a free society; we don't put the wraps of secrecy around a launching just because we failed.

We have a far better representative than Russia has in Titov. What Glenn says is not manufactured by the propaganda experts. He gives our story honestly, sincerely, straightforward with the conviction of a man who believes that we are striving for a better, peaceful way of life for everyone.

Other countries will quickly note another contrast between these two men and the two Governments they represent. While Titov talks of his country—Glenn talks of God and his country.

Surely Colonel Glenn can be spared several weeks for this important mission as a good-will ambassador. The benefits we derive will be long lasting.

The Federal Employees' Safety Act

EXTENSION OF REMARKS

OF

HON. HERBERT ZELENKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1962

Mr. ZELENKO. Mr. Speaker, I have today introduced legislation to amend section 33 of the Federal Employees' Compensation Act so as to provide a system of safety rules, regulations, and safety inspection and training.

Senator HUBERT HUMPHREY has introduced the companion bill in the Senate.

In 1948 the injury frequency rate for Federal employees was 8.1 disabling injuries per million man-hours. In 1961, or 13 years later, the injury frequency rate was the same with no improvement in the picture being reported.

During this same interval of time the cost of injuries to Federal employees has increased some 80 percent, from approximately $20 million in 1949 to $36.1 million in 1960.

There are presently no existing minimum safety standards to be met by all Federal agencies. With approximately 54 different Federal agencies responsible under the Federal Employees' Compensation Act to take some measures to provide for the safety of the Federal employee at the workplace, there are approximately 54 different types of safety programs in effect ranging from practically nothing being done to some which are quite effective. These facts indicate that there is considerable lack of interest in safety on behalf of many Federal administrators.

With over 50 agencies responsible for individual safety programs there presently exists much duplication of efforts in the way of publications, training, inspections and requests for financial support for safety personnel. There is no common objective but only those tempered by the interest or lack of interest of the over 50 administrators.

There is no agency or coordinating body which has the authority to see that overall objectives are set, that minimum safety standards are developed and that they are met by all agencies. Although the Department of Labor has authority to promote cooperation and coordination of the Federal safety effort, it does not have recognized authority to really develop and coordinate an effective Federal safety effort.

Since the overall Federal safety program has been on a plateau for some 13 years while costs have skyrocketed, it seems imperative that some action be taken to improve the situation.

By amending section 33(c) of the Federal Employees' Compensation Act it will be possible to do this. The amendments would acomplish the following:

First. It would require the head of each Federal agency to establish a safety program in conformity with the standards program and regulations prescribed by the Secretary of Labor.

Second. It would give the Secretary of Labor authority to develop, promulgate, and promote minimum safety standards for Federal employees.

Third. It would provide for surveys and investigations of injury causes which would provide useful data for individual agencies to use in controlling injuries to their employees.

Fourth. It would provide a means for coordinating and collecting the information and data developed by each Federal agency and making it available for all to use in helping prevent duplication of effort.

Fifth. It would provide an advisory staff of technicians for those agencies wishing to initiate or improve their safety efforts.

Sixth. It would provide a Federal safety advisory committee which would include representatives from both labor and management and thus insure a more closely knitted joint labor and management effort toward improving the safety record.

Seventh. It would provide resources for training and education of Federal advisory personnel in order to upgrade the safety know-how of those in positions of safety responsibility of all Federal employees.

It is imperative that something be done to better coordinate the Federal efforts in accident prevention and to advise and consult on the objectives to be set and achieved. It is imperative that minimum Federal safety standards be developed and that every Federal agency be required to meet them. Amending section 33(c) of the Federal Employees' Compensation Act will establish the coordination and direction needed.

I strongly urge my colleagues to give careful and favorable consideration to this much-needed legislation.

An Address by the Honorable Catherine May

EXTENSION OF REMARKS

OF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 15, 1962

Mr. PELLY. Mr. Speaker, recently our colleague from the State of Washington [Mrs. MAY] addressed the ladies luncheon at the 50th annual meeting of the Chamber of Commerce of the United States.

Her speech dealt with advancing "Voluntary Leadership in a Changing World" and made such an impression on her audience that I have obtained her consent to let me have it printed in the CONGRESSIONAL RECORD for the edification and enjoyment of others.

In this connection under previous consent to do so I include the text of this speech:

WOMEN IN A CHANGING WORLD—EFFECTIVE CITIZENSHIP THROUGH VOLUNTARY ACTION

(By the Honorable CATHERINE MAY, U.S. House of Representatives)

May I first begin by offering you my own personal and very heartfelt greetings and commendations on your golden anniversary, the 50th annual meeting of the Chamber of Commerce of our United States. May you continue to serve our country in this fine organization as well in the next half century, please God, as you have in the last half century.

Mr. Motley, in his introduction, has given you a little background of my personal family life and my children. I would like to begin by telling you a family story that is apropos to the theme of my speech.

A number of years ago, when my now 11-year-old daughter, Melinda, was about 7 or 8, her dad and I were under the impression that, although both of us were tremendously busy in political work, she was too young to take much interest in what we were doing or have much of an idea why we were doing it. However, one afternoon, right after I had left the house to go downtown to address a women's club, my mother who was babysitting, overheard the following conversation that transpired between Melinda and the little girl next door.

The first little girl said, "Where is your mother going?"

Melinda's answer was, "She is going downtown to make a talk to some ladies."

First little girl, "What is she going to talk about?"

Melinda's answer, "She is going to tell those women to get out of the house and get busy."

First little girl, "Why is she going to tell them that?"

Long pause and then Melinda, in a tone indicating much disgust at lack of understanding, "Well, for goodness sake, if they don't do that, pretty soon there won't be any house left."

We decided that even at 8 my daughter, whether she knew it or not, had a pretty good idea of what mother was trying to get across. It has become a time-honored anecdote in the May family now and, obviously, mother has continued in the intervening years to make speeches to women, wherever I can find a captive audience, invariably stressing the theme, "Get out of the house and get busy."

In looking back over this series of speeches, I find that about the only thing that has changed about the kind of speech I give on this subject is the urgency, the ever-increasing urgency, which I feel as I present this message to women like yourselves.

This urgency is based on a tragic but ever-growing conviction that our America is losing a war. I hope you notice I say "is losing," not "has lost," because if I thought we had suffered a decisive defeat in this war that I want to talk about, I would have long before now packed my brief case and retired from public office.

First of all, I want to make it clear that the war I speak of has nothing to do with the great international conflict in which this Nation and other nations are engaged. The war that will determine the nature of civilization and the conditions of human life for generations to come. There is no American citizen who does not recognize what our Nation must do to win the war—how necessary it is that we go all out to win it, unless we wish to witness the defeat of our Nation.

But I am talking about a second war. The war that is really going to be decisive. The war we have to win, if we win the big war, a war that is going on right here within our own boundaries.

When I first came to Washington, I heard a man named Ed Lipscomb make a famous speech which he titled "How To Win a War on the Home Front," and he defined this war with words that are as well chosen as any I have ever heard when he said, "This war is the war between forces which would keep us powerful by maintaining the initiative, independence and the self-respect of our individual citizens—between those forces and the forces which, through the exaltation of the godhead of the group, would assure the economic cataclysm and the accompanying ideological collapse on which our foreign enemy depends to leave us and our allies incapable of resistance."

Now you, to whom I speak today, as wives of business and professional men and acting members of chambers of commerce in your cities, certainly know this war that I am describing. You are well aware of what impact governmental action can have on the economic health of America.

You are well aware what impact governmental action can have on the individual character and morale of every citizen in this country.

But, if you are aware of the nature of the war and if you know, as I am sure you do, that this is the struggle which every major Communist leader throughout history has predicted with gleeful high hopes that we would lose—this is the war which Mr. Khrushchev and his compatriots over and over have stated would be the basis of our disappearance in America as a world power—if you recognize the nature of this war, I still dare not take for granted that you or any other citizen in America today recognizes the symptoms of why I think we are losing it.

At any rate, I believe that it is very urgent that even those of us who are aware constantly review and analyze the symptoms of pending defeat that are emerging.

One: America's fiscal picture, the trend toward national insolvency.

When President Eisenhower left office more than a year ago, he estimated a $1.5 billion surplus for the current fiscal year. Here is a chronological story of how the Federal deficit grows, according to Democrat Senator HARRY F. BYRD who placed the information in the CONGRESSIONAL RECORD recently:

1. On March 27, 1961, the Kennedy administration revised the estimate to call for a $2.1 billion deficit.

2. On May 28, 1961, the deficit estimate was revised to read $3.6 billion.

3. On July 25, 1961, the deficit estimate was revised to a new total of $5.3 billion.

4. On October 29, 1961, the deficit estimate was revised to $6.9 billion.

5. On January 18, 1962, the President in his budget message again revised the deficit estimate this time to $7 billion.

6. The latest monthly Treasury Department statement showed an actual deficit of $9.4 billion through the first 7 months of the fiscal year.

While the administration predicted the possibility of a balanced budget for fiscal 1963, we are now hearing predictions of a deficit of more than $2 billion even before the new year starts.

An analysis of the 19 major policy messages transmitted to the Congress by the President this year alone, makes the following picture clear:

1. Additional spending recommendations above and beyond the budgetary estimates in many areas.

2. Programs recommended but not carrying a price tag—the sum total of which might be very high indeed.

3. Many recommendations stretching out into a 3-, 5-, or 8-year fiscal period, with increased authorizations in the future weakening the future abilities of Congress to hold the line when these built-in programs are already on the books.

4. Even if only a fraction of these recommendations are enacted by Congress, they spell doom for a precariously balanced budget now and in years to come. If enacted today, the ultimate additional annual cost shows that close to $8 billion annually would be expended by fiscal year 1967 if Congress would enact the proposals of President Kennedy in just these few fields, to say nothing of an as yet indeterminate cost in increased agricultural, foreign aid, "consumer protection," and United Nations programs.

The fact is that in many instances the Democrat-controlled Congress not only passes all legislation recommended by the President, but, on occasion, also surpasses his figures.

It has become quite evident that within 5 years we will be spending $120 billion annually.

Even if the Congress stopped in its tracks today, and failed to enact one more program, the spending already committed—including debt interest, defense spending and the programs for which we are now committed—is in the neighborhood of $90 billion plus. But Congress will continue to operate, and the budget will increase over 30 percent, the national debt will increase over 10 percent, and our deficit gets bigger and bigger.

In the first 100 days of this congressional session, the House voted to spend $60 billion to operate five agencies of the Government during the next fiscal year, with appropriations for five others to be considered in the months ahead, as well as the President's request for another $5 billion for foreign aid.

In the current year, we are spending about $111 billion, which is $12 billion more than last year and $17 billion more than the year before. Even in World War II we never exceeded $100 billion.

We grow so accustomed to billions in Government financial affairs, I thought you would be interested in an illustration passed along to me by my colleague, Congressman FRANK T. BOW.

Mr. Bow says that if he could give his wife a million dollars, and tell her that she could spend it at the rate of $1,000 per day, she would be back in 3 years broke and asking for more money.

But if he gave her $1 billion, and told her to spend it at the same rate of $1,000 per day, he would not see her again for 3,000 years. That's how much a billion dollars is.

Whenever I read figures like this it is with the frustrated knowledge that to most people figures are boring—and on top of that—we are dealing with figures that are so astronomical that most people can't comprehend them. But, we ignore figures like this which are the symptoms of proof of our fiscal situation in America today. We ignore them at our own peril because there are many who believe, and I among them, that in the long run the big war—the cold war—that I refer to as war No. 1 in this speech will not be won on the battlefields of the world but in the markets of the world. And, you don't have to be a professional in economics to understand this conclusion, the war will be won by the nations that maintain a sound currency and prevent inflation and valueless paper currency.

Symptom 2: The destruction of personal incentive. Now, I could cite endless examples of the many actions taken by our Government in your lifetime and mine which have led to the erosion of personal incentive. The American tax system, alone, is a prime example and this, coupled with inflation, has led to a situation today where, no matter how competent and able a man is, he finds that the more hours he works the less he earns per hour; that he has reached that terrible point of almost no return where, for every additional dollar he earns, he can only take home less than one-tenth of it.

And the third symptom I wish to place in evidence is the trend toward what has been called political paternalism. Again, I will quote Mr. Lipscomb on this when he says, "These are the perpetual programs of private life by public plan."

Again and again, we have seen the whole sorry state of political paternalism paraded before us, the design for the nursemaid state, the plan for government by fairy godmother and the promise of heaven on earth through ballots cast on Capitol Hill.

Here is a philosophy that says that bigger and bigger appropriation bills in Congress or more laws can be the answer to our difficulties. There is the economic school of thought that seems to be gaining more strength with each year that everything will be provided if we simply turn over our problems, our salary checks, and our independence to political agents.

Under such philosophy, we have seen Federal outlays for civilian programs increase 83 percent in just the last 8 years of our life. Under this philosophy, we have now reached a point where over 40 million people who, with their families, account for roughly half of our population, now receive checks from the National Treasury.

These, I cite as three areas of evidence that at this point in our national history we are losing a war at home that we must win or we cannot possibly win the big one.

Do I think we can win it? Yes, as I indicated earlier, or I would not be here speaking to you today. I think you will find that most of those who serve you in public office and who are as concerned as I am about these things continue their service, because of the situation, not in spite of it, discouraging and frustrating as it certainly becomes oftentimes.

And this is where we raise the curtain on act II and "enter the women." There are many things we can do in this Nation of ours to reverse these tragic trends into which we have been drifting, but I am going to just mention those areas where I think women are especially equipped to do the job.

Now, one of the reasons we are losing the war at home is that practically nobody is fighting wholeheartedly on the side of the forces that would keep us strong. I cannot think, and I am sure you cannot, of anyone who does not give lipservice to being diametrically opposed to fiscal irresponsibility in Government, to the weakening of personal incentive and more centralization of power in Government.

At least, he will say he is, and I believe when he says it he really is, until it comes to something that affects his own pocketbook and his own community.

When our defense in this war depends on people who fight on one side one day and on another side the next, then it is mighty weak, a divided loyalty that invites defeat.

And that brings me to a third battleground, then, the one that is going on inside us, because we cannot win that war until we decide and determine which side we are really on. Not which side we say we are on, which side we are really on. This is the war we have to win before we can win any of the others.

And, at the risk of making a comparison that might be interpreted as belittling the opposite sex, I state unequivocally here that I think women have special attributes that make it easier for them to resolve this inner conflict in the right way.

I say that because in this deep-down, inside ourselves war, women, by their very nature, are not as prey to the pressures for the desire of personal power, public advantage, and the appeal of the immediate benefit.

Another thing that is working against us in this war is that feeling of inertia on the part of some people, the reluctance to get involved or temptation to kid yourself that just one person does not make any difference.

Now, Mr. Motley defers to us women in this respect, and I quite agree with him. You give a woman a cause she believes in and she does not care how big an idiot she makes of herself, thank goodness. She'll fight for her cause alone if she has to. Because we women know that there is nothing that any man or woman on earth can do except individually.

From time immemorial, women have been the keeper of the moral standards for their families and their communities. Where our children are concerned, our churches, our communities, we have to practice what we profess to believe. We have to apply in private, in social and business life, the principles we publicly profess. So women are especially equipped to influence those around them to resolve their own inner conflict, to decide which side they are on.

After my few years in public office it has been becoming increasingly clear to me that one of the reasons, perhaps the main reason, that we fail to rally that widespread public opinion support that we need, to influence legislation in Congress is that the great majority of people just simply do not understand what is involved in the issue.

This is a complicated government of ours. It is a complicated modern life we lead. To put it as simply as I can, the American people have a difficult time, in this fast-moving society of ours, to connect cause and effect. Here is where I think women can do a great job, because they do like to get down to the meat of the matter. They can be articulate and they can use simple examples.

We have a simple, direct way of getting to the meat of a moral matter. As mothers when we raise children, we do not tell them this is a little bit bad or a little bit good. It is black and white. This is bad. This is good.

I think women are trained by experience, and have a God-given ability as mothers of the race, to get down to the principles involved in an issue, and we like to use simple, homely examples in getting our point across.

We are aware of how confused people get on the big figures involved in government and the spending of billions of dollars. But most women can put it to other women very simply, because it is based on what happens in their households all their lives.

"If you spend more than you have coming in, you get in real bad trouble."

One other point, women project the we-care image. I spoke of how we have been drifting into the state of political turbulence, private life by public plan. Now, this has been very easy to do in recent years, because to the beholder so many of these planned government programs sound so humane. You are helping your neighbor in distress; you are taking care of things we care terribly about, old people and children. It is very difficult to combat this type of government program, no matter how dangerous the principle involved.

It has been said, "Anything which has a charitable sound and a kind-hearted tone generally passes without investigation, because it is disagreeable to assail it. Whatever may be one's private sentiments, the fear of appearing cold and hardhearted causes conventional theories of social duty and assumptions of social fact to pass unchallenged."

Let me use this as an example: Apply this philosophy to the medical care for the aged program where the real issue is socialized medicine; the Federal aid to education where the real issue is Federal control of schools; these programs that we have before us now in Congress.

Now, most of the individuals in the groups who have had to take the responsibility or the lead in opposing these programs on the basis of principle have only earned for their efforts an indictment that they are self-seeking; that they do not really care; that they are fighting for their selfish interests only. For most of them, like the American Medical Association, the indictment can stick just by virtue of the fact that they are doctors.

And this is where I say women can do a terrific job in making the leadership fight against those programs of political paternalism, no matter how good they sound, because I certainly think that women today as women can escape the indictment that they had lack of sympathy for children or old people or have purely selfish interests.

Throughout the history of our country, women have felt that, as long as there were humane needs that were not being met, they should be constructively concerned. But women are practical, too, and are especially equipped to explain to others why they fight those solutions to our problems that ask that we abandon and destroy the very system that gave us our multitudinous blessings in this America.

Well, I have touched on three interrelated wars in which every American citizen is now involved. The international war, which cannot be won unless we win the war that is going on within our own country, which cannot be won unless each one of us in America decides in the battleground of his own mind which side he is on.

I have given you a few of my reasons why I believe it can be won if women would really, truly participate wholeheartedly, because they have the special attributes to turn what seems to be a pending defeat into victory.

In closing, I would like to touch on, very briefly, some specific suggestions on how you could be most effective in this battle. Actually, I can break it just roughly into two parts.

You can influence the thinking of those who represent you in public office and are making decisions on your behalf in government and then you can influence those around you to do the same.

Frankly, I don't think women need detailed instruction on how to influence the thinking of those within their own personal orbit. A woman can just naturally find the opportunity to have a short conversation on a vital subject with the postman in the morning, the cleaning lady at noon, and the girls at the bridge table at night. But, what are the most effective ways to influence those who represent you in public office?

1. Know your Representative. Make a point of meeting your Representative on home ground before he goes to Congress and wherever possible when he is home during recess. Your followup contacts will mean more to him if you have made the effort to make his acquaintance.

2. Learn how to write a good letter to your Congressmen. I know of no better advice in this area than that which Congressman RICHARD H. POFF of Virginia compiled and sent to his colleagues last January. Here are seven suggestions that he made:

"1. A letter is better than a phone call. It constitutes a written record for further reference.

"2. Make your letter brief. If possible, it should be confined to one page. Members receive an average of more than 100 letters every working day. With committee meetings scheduled at 10 a.m. and the House session at noon, we have less than 2 hours a day to dictate. It is not necessary that letters be typewritten, and the form, phraseology and grammar are completely unimportant.

"3. Confine your comments to one subject for each letter. This exclusive treatment underscores the importance the writer attaches to the subject and demands a responsive and definitive reply. A letter with multiple subjects knocks the daylights out of our filing system and makes it difficult to compile total public sentiment on a given subject.

"4. Outline the reasons for your position. Nothing is more meaningless than a letter which simply demands that the Congressman "support H.R. 6345" or "vote against S. 2346." In the first place, the letter automatically indentifies itself as artificially inspired by some pressure group. Such a letter deserves no reply except a promise to study the measure. In the second place, an honest Congressman honestly wants to know the reasons on both sides of every issue, without which he cannot reach an honest decision. In the third place, you probably know a lot more about the practical effects of enactment or defeat of the bill than the Congressman.

"5. Don't insult your Congressman with promises or threats. A Congressman is a human being, and most are earnestly trying to do the right thing. A promise signifies the writer's belief that the Congressman can be bought; a threat, that he can be scared. Both are offensive. Both are self-defeating. However, constructive criticism is sincerely appreciated.

"6. A personal letter is better than a form letter or a signature on a petition. Many people will sign a petition without reading it just to avoid offending the carrier. Form letters are readily recognizable as such and register nothing more than the sentiments of the person who first prepared the form. Form letters receive form replies.

"7. Refuse to accept an unresponsive reply. If you have written a personal letter and given the Congressman the reasons for your position, you are entitled to know his position and the reasons for his position. However, in evaluating the reply you receive, you should bear in mind certain legislative facts of life: (1) There are always two sides to each issue; (2) right and wrong are not always exclusively on one side or the other; (3) each bill may contain many different parts and a number of different philosophical issues; (4) a bill seldom becomes law in the same form it was introduced; with 537 Members of the two Houses of the Congress, all statutes are the result of legislative compromise; bills may be amended in the committee or during floor debate in such drastic dimensions that the original issue will be emasculated before the vote on final passage. For those reasons, it is impossible for a Congressman to commit himself positively in advance to support or oppose a bill identified simply by a number or a catch title."

3. Widen your area of influence among local groups.

Persuade those groups you broaden to take some positive action on an issue and make it known to their Representatives in public office. In certain cases, a resolution might do the trick but never use the petition method.

4. Take an active part in the political party of your choice.

When you have been active in helping to elect a candidate to public office you won't own him but your opinion will certainly carry more weight with him.

5. Before you make any attempts to exert any influence in presenting a viewpoint to anyone, be sure you have read widely and intelligently on the subject on both sides of the issue.

Woman's role in our changing world in our Nation today is one of tremendous responsibility. The special and significant contribution that women have made in the past as citizens of the world have certainly served to prove that we have special and unique contributions to make to the future.

And I would like to reemphasize one last point. When you harness the new awareness and the knowledge that American women have today to political activity, you have a great national force to be reckoned with. Women do not know their own power yet. But, it is there. This means that, used correctly, this great strength could be the deciding factor on what happens to America in the future and in the world quite possibly since we are a leader of the free world community.

Ponder this carefully. Because if women fail to use this actual and potential strength by doing nothing, then women might, in the course of history, have to accept the terrible responsibility for the collapse of the free world and its philosophies. Women have a great stake in protecting America and the American way of life for their families. They have a great responsibility to assume the task of persuading other women to join them in the battle.

The greatness of this Nation is still in the independent and self-reliant individual citizen, and it may well be that we are the last bastion, the last hope, to protect this for ourselves and the world.

Thank you.

HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Matthew 7: 12: *Therefore whatsoever ye would that men should do to you, do ye even so to them.*

O Thou, who hast the wisdom to guide and the power to help, fill us with a sincere and deep concern that the Golden Rule must be one of positive action and practical application in our relationships to all the members of the human family.

Grant that in thought, word, and deed we may be the followers of the great Teacher who gave us this rule and proclaimed it as one of the royal laws of life which we should discipline ourselves to obey.

We humbly confess that we find it very difficult to accept and apply this principle of conduct, but we know that by Thy grace in our hearts we can manifest and maintain its splendor and strength.

Hear us in the name of our Lord and Master. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

THE BILLIE SOL ESTES CASE

Mr. BATTIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. BATTIN. Mr. Speaker, the present scandal concerning the Department of Agriculture in the Billie Sol Estes matter is but one example of the high-handed attitude of the Department in dealing with the rights of not only the taxpayer but also elected officials in government. The faith that the farmers have had in the past in the Department has been shattered by the refusal on the part of the administration to call for a quick and thorough investigation of abuses.

To begin with, on March 9, 1962, three elected members of the Glacier County Agriculture Stabilization and Conservation Committee were suspended by the politically appointed State ASCS chairman because they refused to issue notice as directed by the State on what they felt was an erroneous productivity index for their county. Under the law these same three men were required to appeal their case to the same body that had suspended them and could take a direct appeal from there to a Mr. Emery E. Jacobs, who at that time was in charge of the ASCS office here in Washington. Mr. Jacobs, as you know, resigned his position and refused to appear before a Texas board of inquiry involving an investigation into the Billie Sol Estes matter. This arbitrary action, apparently condoned by Freeman, is tangible evidence that this administration is going to use every ounce of control it can get regardless of its effects on the processes of democracy or the welfare of the farmers involved.

Shortly we will be asked to consider farm legislation on the floor of this House which will give even more power and control to the Department. It will be difficult for the Members of this House to view this legislation with anything but skepticism, for the same people who are now charged with the wrongdoing will be the ones who would administer the program.

In fairness to the faithful servants of the Department of Agriculture who have done nothing wrong and who have tried to administer the programs according to the law without favoritism, we owe a special duty to seek out the culprits, if any there be, and clear the name of a Department that this year will celebrate its 100th anniversary.

I would urge that the chairman of the Committee on Agriculture call an immediate investigation using its full power of subpena and clear up the mess that is now rocking the Nation. At the same time I would urge that he hold hearings on a bill that I introduced that would require fair hearings, written charges, and follow established rules of evidence as well as an appeal to a court of law, now all absent from the procedure on dismissing elected county officials.

It is time to act now, rather than let time cast more doubt and suspicion upon the operation of the Department of

Agriculture. We cannot afford to delay further.

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEERMANN. Mr. Speaker, over 5 million bushels of wheat were moved from Kansas, Missouri, Colorado, and Nebraska to Billie Sol Estes in Texas last year. I have made inquiry of the Department of Agriculture in what amounts feed grains may have moved into these same channels.

There has already been a substantial loss of faith by the American people in the Department of Agriculture as a result of the Estes case. If the House will not live up to its responsibility to investigate this matter, I am very much afraid that the House, too, will suffer a similar loss of faith by our constituents.

The Department of Agriculture's attitude in attempting to cover up this mess has taken on the dimensions of a national disgrace. Is the House of Representatives to follow this dubious attitude and aid and abet in putting the lid on the Estes case? I fervently hope not.

"Operation Uncover," according to its director, the gentleman from Kansas, Representative BOB DOLE, will continue until the House launches a full-scale investigation of its own.

DR. H. TRENDLEY DEAN

Mr. PRICE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, generations of Americans and people in all parts of the world will owe much to a man for whom funeral services are being held today. As I address this House, services are being conducted in St. Xavier Church in St. Louis, Mo., for Dr. H. Trendley Dean.

I think it is fitting that the RECORD of this Congress carry to posterity recognition of Dr. Dean's service to mankind.

Dr. Dean, a world authority on dental research, will always be remembered for his pioneer research on the effects of adding fluoride to water. He is credited with determining that fluoridation helps prevent tooth decay.

Dr. Dean was the first director of the National Institute of Dental Health. He was the first dentist elected to membership into the Washington Academy of Sciences and into the American Epidemiological Society. He was the first American dentist to be made an honorary member of the Finnish Dental Society.

Dr. Dean pioneered in fluoridation studies in the early 1930's when he was with the U.S. Health Service. In the 1940's Dr. Dean and his associates established a chemical formula to determine the amount of fluoride to be used in water to check tooth decay. For his studies in this field, Dr. Dean received numerous honors, some never before accorded to a dentist.

I am particularly proud of the fact that Dr. Dean was a native of my home community of East St. Louis, Ill. He was born there 69 years ago. He received elementary education in East St. Louis parochial schools. He was a graduate of St. Louis Academy, a high school branch of St. Louis University from which he received his dental degree in 1916.

After several years of private practice in Wood River, Ill., another community in the 24th Congressional District, Dr. Dean joined the Public Health Service in 1921. He remained with the Service until his retirement in 1953, except for a period when he was detailed to the Army as a dental expert. He became Director of the National Institute of Dental Research when it was founded in 1948.

He had served as president of the International Association of Military Dental Surgeons; was vice president from the United States of the Federation Dentaire Internationale, and had served on many committees of the American Dental Association. He had retired to private life in 1959 after serving in a responsible position with the American Dental Health Association and was residing in Evanston, Ill., at the time of his death on Sunday morning, May 13.

To his wife, Ruth; to his three daughters, and to his mother, Mrs. Rosalie Trendley Dean, I extend my most sincere sympathy in their great loss.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 88]

Addonizio
Aspinall
Ayres
Bates
Blitch
Bonner
Boykin
Brewster
Buckley
Cannon
Collier
Curtis, Mass.
Dowdy
Durno
Fascell
Fenton
Flood
Fogarty
Fulton
Gavin
Goodling
Granahan
Grant
Gubser
Hagan, Ga.
Hall
Henderson
Hoeven
Hoffman, Mich.
Horan
Huddleston
Johnson, Md.
Jones, Ala.
Kearns
Kitchin
Kornegay
Kowalski
Lennon
Mason
Merrow
Milliken
Murray
Nygaard
Powell
Rains
Reece
Riley
Roberts, Ala.
St. George
Saund
Scott
Selden
Sheppard
Sibal
Smith, Miss.
Spence
Steed
Stubblefield
Weaver
Whitten
Wickersham
Yates
Zelenko

The SPEAKER. On this roll call 373 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL EXPLANATION

Mr. ANDERSEN of Minnesota. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDERSEN of Minnesota. Mr. Speaker, I want to set the record straight. I had never known or seen Mr. B. Sol Estes until the day in January 1962 when he came into my office. He mentioned his close friendship with other Congressmen and Senators and also stated that through his position on the National Advisory Cotton Board, he had recently become acquainted with my former administrative assistant, Mr. William E. Morris, at USDA meetings held in Texas.

He expressed interest in the potentialities of a coal mine which is located in the State of Washington and is owned by my brother, myself, relatives and friends.

I had no reason to believe at that time that Mr. Estes was other than a highly respected businessman, interested in a good investment. He asked if any of the stock of Coal, Inc., was available and that day I sold to him 15 shares at the par value of $100 per share for which he later sent me his check. He informed me that he would be interested in securing more stock whenever available in this very promising enterprise. As a result of this conversation, 25 additional shares were sold to Mr. Estes in March. He requested that the 40 shares be held until such time as he would advise me as to whom they should be transferred. These shares are now being held in accordance with that request.

I want the record straight and clearly understood that my sale of coal stock to Mr. Estes had absolutely nothing to do in any way with his other affairs. At no time have I accepted any favors of him or has he asked any of me. Nor have I accepted a dime of money at any time except, of course, for the coal stock, every cent of which went to Coal, Inc., for the purchase of the 40 shares.

Mr. Speaker, on May 15, 1962, the Honorable FRED SCHWENGEL announced he was introducing a resolution calling for a complete investigation by an impartial bipartisan House Committee To Investigate the Estes Case. During his speech on May 15 on the floor, I concurred with him in the following statement on the floor of the House:

> Mr. Speaker, I want to say to the gentleman I am in wholeheartedly agreement with the gentleman and the course of action he proposes should be followed.

REGULATION OF SCHOOL TRANSPORTATION FARES IN THE DISTRICT OF COLUMBIA

The SPEAKER. The unfinished business is the question of the passage of the bill, S. 1745.

The Clerk read the title of the bill.

Mr. HARSHA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 140, noes 57.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and forty-three Members are present, a quorum.

So the bill was passed.

A motion to reconsider was laid on the table.

CORNERSTONE LAYING OF ADDITIONAL HOUSE OFFICE BUILDING

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I wish to announce that the cornerstone of the additional House Office Building, designated in House Joint Resolution 711 as the "Rayburn House Office Building," will be laid on Thursday morning, May 24, 1962, at 10:30 o'clock, at the northeast corner of the building located at South Capitol Street and Independence Avenue. Formal ceremonies, in which the President of the United States and Speaker JOHN W. MCCORMACK will participate, will be held on this occasion. The House Office Building Commission, under whose direction the building is being constructed, requests that I extend to all of the Members of the House of Representatives an invitation to be present at the cornerstone laying.

SPECIAL SUBCOMMITTEE ON EDUCATION OF THE COMMITTEE ON EDUCATION AND LABOR

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Special Subcommittee on Education of the Committee on Education and Labor may be permitted to sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISAPPROVING REORGANIZATION PLAN NO. 2 OF 1962—OFFICE OF SCIENCE AND TECHNOLOGY—NATIONAL SCIENCE FOUNDATION

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 595, disapproving Reorganization Plan No. 2 of 1962.

The SPEAKER. The question is on the motion offered by the gentleman from Iowa.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 595, with Mr. COOK in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement of Thursday, May 10, 1962, the gentleman from Iowa [Mr. SMITH] is recognized for 30 minutes, and the gentleman from New York [Mr. RIEHLMAN] is recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, this is a reorganization plan submitted in accordance with the Reorganization Act. Under that act, as the Members of the House will recall, unless either the House or the Senate disapproves of the plan by resolution within a specified time, the plan goes into effect. This resolution was introduced by the gentleman from Illinois [Mr. ANDERSON]. A "no" vote upon the resolution means that the plan would go into effect.

Mr. Chairman, the Committee on Government Operations held hearings upon this reorganization plan. I believe it was the unanimous opinion of the committee that the reorganization plan should go into effect. This is brought before the Members of the House in order that the Members will have an opportunity to vote upon whether they think the plan should go into effect.

Mr. Chairman, in fiscal 1963 we will spend an estimated $12,365,300,000 for research and development. That figure represents $1 out of every $8 that the taxpayers pay in this country. This amount goes for research and development. Of course, we all know that progress depends upon research and development. This fact has been acknowledged by the Congress for several years, because the Congress has increased these appropriations. This appropriation of $12,365 million for fiscal 1963 is $2,122,600,000 more than it was in the previous year.

So our Government is now spending two-thirds of all the money spent in the United States for research and development. Two-thirds of this is in contracts with private industry. Ten percent of it is grants and contracts to universities and institutions and 20 percent goes to Government scientists who are working at Government facilities. While the number of scientists and engineers has increased about 50 percent in the last 6 years, we still have a great shortage. All these facts together indicate that duplication just cannot be tolerated in this area of research and development at this time. Duplication, of course, is a waste of money. It also means that there are less leads that can be followed with the money we have spent. It also means that we would waste badly needed scientists. It means that the result would be that the Government would be competing against itself. And yet we know that there is a lot of duplication in this area of research and development.

One of the outstanding examples of duplications I think occurred when the Thor and Jupiter missiles were procured at the same time by the Air Force and the Army. The gentleman from California [Mr. HOLIFIELD] is on the floor. He is chairman of the Subcommittee of the Government Operations Committee on Military Operations. He has investigated this sort of thing several times and can give you specific instances of duplication that were very costly not only to the taxpayers but in terms of wasting the scientists and engineers in this country.

The gentleman from Michigan [Mr. DINGELL] appeared before our committee and also gave us examples of duplication concerning weather projects. Duplication and the use of low-priority projects, while more important ones are passed up, results from research being spread throughout the various departments of the Government on the same level without enough coordination among the various research projects. This lack of coordination, of course, needs to be overcome and to overcome it we have to do something to establish some kind of small office on a higher level through which all these projects can be sifted and through which they can be coordinated.

There are two ways to do this. One is to establish a whole new Department of Science and Technology. This has been under consideration by people both in and out of the Govermnent for many years. Of course, the other idea is to have a small office at the White House level than can coordinate these various projects. It has been determined that the latter route would be the best and that a small office in the White House could evaluate these research and development programs. They could choose between the competing programs and recommend the cancellation of those programs that are no longer practical or feasible. They do know that there are certain advantages to leaving these research projects in the various departments rather than pulling them out and trying to pull them all together.

After much study it was determined that the best way to do this was through a reorganization. The Office of Science and Technology that would be created under this reorganization plan would be established largely by shifting personnel and functions from other existing agencies or groups at the present time. It would provide for a Director and a Deputy who would work only for the Government of the United States, so there would be no conflict of interest. The President's Special Assistant for Science would no longer be used and that staff that he has now could be used for this new Director and Deputy Director of this new Office.

The budget would be expected to remain approximately the same as it is at the present time. The budget at the present time for this purpose is $700,000 of which $100,000 is used for the Advisory Committee. Most of the balance of the $600,000, as a matter of fact, is used for travel and subsistence for consultants and advisers and per diem; so the cost, it is stated, would be about the same.

It is the stated view of the executive branch that this kind of office can perform best by remaining small, so it is expected that while the research and development expenditures will probably go up year after year as the Congress continues that operation, still this particular Office we are dealing with here today will probably be expected to remain small.

I urge a "no" vote on the resolution so the plan can go into effect.

Mr. RIEHLMAN. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I oppose House Resolution 595 to disapprove Reorganization Plan No. 2. Therefore, I support the provisions included in this plan and feel it should be approved by the House.

In the past several years, the interest in research and development in most agencies of the Government and the Department of Defense, has advanced tremendously.

The sums of money expended for this purpose, as stated in the report, have now reached approximately $12,365 million in fiscal 1963.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Seventy-nine Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 89]

Addonizio
Andrews
Anfuso
Ashley
Aspinall
Ayres
Baker
Bates
Belcher
Bolling
Bonner
Boykin
Brewster
Buckley
Byrnes, Wis.
Chiperfield
Collier
Cunningham
Curtis, Mass.
Daddario
Dent
Diggs
Dowdy
Durno
Evins
Fallon
Fascell
Fenton
Flood
Fogarty
Fulton
Gavin
Granahan
Grant
Gubser
Hall
Hébert
Henderson
Hoeven
Hoffman, Mich.
Horan
Huddleston
Hull
Johnson, Md.
Jones, Ala.
Kearns
Keogh
King, Utah
Kitchin
Knox
Kornegay
Lennon
Mailliard
Mason
Merrow
Milliken
Moulder
Murray
Nedzi
O'Hara, Mich.
Powell
Rains
Reece
Reifel
Riley
Roberts, Ala.
Ryan, Mich.
St. George
Saund
Scott
Selden
Sheppard
Smith, Calif.
Smith, Miss.
Steed
Stubblefield
Teague, Calif.
Thompson, La.
Thompson, N.J.
Utt
Weaver
Westland
Whitten
Wickersham
Widnall
Williams
Winstead
Yates
Zelenko

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. COOK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Resolution 595, disapproving Reorganization Plan Numbered 2 of 1962—Office of Science and Technology, National Science Foundation—and finding itself without a quorum, he had directed the roll to be called, when 347 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. RIEHLMAN. Mr. Chairman, at the time of the quorum call, I had made a statement with respect to the amount of money spent by the Department of Defense and other agencies of Government with respect to research and developments which amounts to $12,365 million for fiscal 1963.

With this amount of money being spent, there is certainly ample opportunity for duplication and overlapping of activities within the agencies of our Government.

My interest, of course, has increased in this field during the past 4 years because of my assignment on the Science and Astronautics Committee.

The need for a very close and constructive appraisal of these different projects is vital at this time.

If the new Office of Science and Technology is created under this plan, it is my understanding that the Director would have ample authority to evaluate and recommend coordination of Federal activities in basic technology and developmental science both in the Department of Defense and civilian agencies.

It should bring about a more efficient and economical research and development effort on the part of the Government.

Therefore, it appears to me that the new Office of Science and Technology, with qualified personnel, could bring about substantial savings in these most important projects.

This, however, can only be accomplished, in my opinion, if the person chosen for the position of Director has a broad background in managerial ability and surrounds himself with qualified personnel so as to attain the desired results suggested by the sponsors of the reorganization plan.

Mr. Chairman, I yield 10 minutes to my distinguished colleague from Illinois [Mr. ANDERSON].

Mr. ANDERSON of Illinois. Mr. Chairman, as the author of House Resolution 595, I have taken this time in order to make my position clear on Reorganization Plan No. 2 of 1962.

When I introduced the resolution of disapproval of the President's Reorganization Plan No. 2 of 1962, I stated at the time that my purpose was purely technical and that it was not my intention to express a position for or against the plan at that time. My resolution was introduced to set in motion the procedures of the Reorganization Act of 1949, as amended, in order to enable the House to vote on this matter of vital significance. Under the act, a reorganization plan becomes law unless a resolution of disapproval is passed by either the House or the Senate within a prescribed 60-day period.

I expressed the hope at the time that the appropriate committee would study the plan in detail and report its findings to the House so that each member might exercise an informed judgment in the vote or votes affecting this matter. Government programs in science and technology are so closely connected with our national security and general welfare that any plan of reorganizing such programs should be thoroughly studied by the Congress before approving or disapproving them. The gentleman from Illinois, Chairman DAWSON, of the Committee on Government Operations, convened his Subcommittee on Executive and Legislative Reorganization and I feel the subject was adequately explored.

Other speakers this afternoon have emphasized that the impact of science and technology on us and on our Government is everywhere in evidence. Federal programs in these fields have an incalculable effect on our institutions. Effective use of our resources requires coordination of these efforts and the vast cost involved points up the need to coordinate the Federal activities in this field.

One of the witnesses who appeared before the subcommittee was Mr. Elmer B. Staats, Deputy Director of the Bureau of the Budget. He testified as to the phenomenal rate of increase in Federal expenditures for research and development. They were something like $100 million per year in the late 1930's. They are now, or will be in fiscal 1963 at the rate of $12.3 billion per year. In response to a question which I put to Mr. Staats, he testified that the net increase in the expenditures of the Executive Office of the President as a result of the implementation of this plan would be in the order of $100,000 to $150,000. I must confess to the members of the committee I would have been happier if he had answered by saying that there would be no increase in the expenses of the Office in the present budget, which I think is in the neighborhood of $700,000 for the President's adviser on scientific affairs, and the other Presidential advisory committees on scientific matters, but I was reassured by the statement made by Mr. Staats that the saving in the various agencies carrying out the research and development scientific programs would more than offset the increased expenditures of the Executive Office. The savings are expected to result from the critical review of these programs, and from the elimination of duplication, and to eliminate completely, we would hope, those programs which are without promise or without potential.

I think that when viewed against a total annual expenditure today of about $12.3 billion, $100,000 a year devoted to effectively coordinating such vast expenditures would appear to be money well spent and will probably pay for itself many times over.

Mr. Chairman, I think I should point out to the members of the committee that without exception all of the witnesses at the hearings testified in favor of the plan. I think you are familiar with what it would do, namely: establish an Office of Science and Technology as a new unit in the Executive Office of the President on roughly the same basis as the Budget Bureau, the Council of Economic Advisers, the National Security Council, and the Office of Emergency Planning. This would provide the President with a permanent staff to advise and assist him on matters of national policy affected by or pertaining to science and technology.

The policymaking function in the broad general field of science and technology would be transferred to him from the National Science Foundation. Part II of the plan will provide for a reorganization within the National Science Foundation to strengthen it administratively. The reorganization does not contemplate any significant change in the basic mission and role of the National Science Foundation, and I might point out that was very forcefully brought out in the hearings on this plan.

Mr. Chairman, in conclusion, I would like to be permitted what might perhaps be called a tangential digression, but I saw a UPI dispatch yesterday which appeared, I think, in the Washington Post where President Kennedy was reported as telling the conference of mayors at Miami Beach, via telephone, that the country and Congress will come to recognize the need for a Federal Department of Urban Affairs and Housing. The story continued:

> The President told the mayors' gathering that he believes urban areas and the country suffered a setback when Congress turned down the proposed Urban Affairs Department. But he said he believed the country and the Congress will realize the necessity for organizing "those departments of the Federal Government which are concerned with urban affairs, in such a way as to provide maximum service to our people."

In this connection, I should like to recall the testimony that was given at the time we were considering Reorganization Plan No. 1 of 1962 which would have created a Department of Urban Affairs and Housing. The testimony at that time was that the administration was not satisfied with any coordination of urban affairs at any level below that of Cabinet rank and was not interested in any Office of Urban Affairs as a unit within the Executive Office of the President. Now I note in the President's message of March 29, 1962, transmitting Reorganization Plan No. 2 of 1962, that the National Science Foundation "being at the same organizational level as other agencies cannot satisfactorily coordinate Federal science policy or evaluate programs of other agencies. Science policies, transcending agency lines, need to be coordinated and shaped at the level of the Executive Office of the President, drawing upon many resources both within and outside of Government. Similarly, staff efforts at that higher level are required for the evaluation of Government programs in science and technology."

This was the very argument that was advanced earlier this year for a Department of Urban Affairs. Now it would seem from the President's own message on this particular plan that policies and problems transcending agency lines can be shaped and coordinated by an office in the Executive Office of the President.

It seems to me, therefore, in conclusion, somewhat ironic that the President in advancing a persuasive argument for an Office of Science and Technology presents an argument against organizing urban functions at a department level.

Mr. Chairman, in conclusion, I shall vote "nay" on the resolution of disapproval because I should hope that as measured against the additional expenditure called for under this plan we would be able to achieve some of the enormous savings that probably can be achieved by better coordination, better evaluation, better screening of the research and development activities carried on by the Federal Government in the field of science and technology.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman from Connecticut [Mr. DADDARIO] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. DADDARIO. Mr. Chairman, the President has sent to Congress Reorganization Plan No. 2 of 1962 providing for important changes in this Nation's administrative arrangements in the area of science and technology. Thanks to the introduction of House Resolution 595, the Congress has an opportunity to render an explicit opinion on the merits of the proposal. It is wise and fitting for the Congress to do so and I earnestly hope that my colleagues in this body will give appropriate attention to a measure of such far-reaching significance. As a member of the Committee on Science and Astronautics, I have long been concerned with the continuing problems of governmental organization in this complex field. Having studied the proposed reorganization, I should like to discuss some of the considerations which have led me to support the President's plan.

There has been a growing realization of the need for improvements in Federal organization to handle the vast scientific operations of the Nation. Now that we are confronted with a specific plan to meet some of the present administrative deficiencies, the essential question is whether, of the possible alternatives, the creation of the Office of Science and Technology is the most desirable. While we are about the business of reorganizing the Federal Government to meet the increased burdens of scientific policy, would other changes be preferable?

Among the alternative approaches which we might consider, I should like to mention two principal examples. First of all, we could raise the National Science Foundation to the level, say, of an independent agency such as the National Aeronautics and Space Administration. At the time of its elevation, we could also strengthen its powers of supervision in order to enable it to provide more affirmative leadership of the Nation's scentific community that it has given in its customary advisory role. Such a device would perhaps meet one of the problems which the President has cited, namely, the difficulty an agency at the Foundation's level has in attempting to influence the scientific operations of organizations more highly placed in the Government.

The Foundation has in the past, properly, I believe, tended to view itself as primarily concerned with the promotion of basic research in the United States and has taken a restrictive view of its role in coordinating the research activities of the Federal Government, industry, and universities. In the execution of its fundamental task the Foundation has performed extremely well, but it has not been able to assert great influence in the rambling scientific operations of other governmental agencies. It is extremely difficult, for instance, for NSF to exert strong leadership in the programs of the Department of Defense. For these and similar reasons, the Foundation agrees with the President's recommendation that the coordinating functions be placed at a higher level in the executive branch.

Should we attempt to satisfy our needs by elevating the Foundation itself and giving greater emphasis to its role as coordinator, we would almost inevitably detract from the fine job it has done in the promotion and oversight of basic research. Indeed, we should very likely have to create another organization in order to take over the functions which the Foundation has performed so well. It seems more reasonable, therefore, to encourage the Foundation to continue its efforts in behalf of basic scientific research and to seek some other means of improving scientific and technological coordination.

A second suggestion often advanced calls for the establishment of a Cabinet-level Department of Science and Technology. Proposals of this sort date back well into the 19th century. There are a number of factors which make such an idea unattractive.

To begin with, science and technology are tools of virtually every department of Government and any attempt to segregate them into a new department is likely to be most disruptive of existing operations. It would be difficult to prevent such a department's jurisdiction from cutting across the activities of much of the rest of the Federal Government. This transversal character of the proposed department's role indicates that the distinctive nature of its proposed activities is unsuitable for another Cabinet department. Futhermore, creation of such an agency would add yet another pressure point on an already harassed Chief Executive.

The essential need is for adequate coordination. This is basically a staff function and there is no reason to believe it would be particularly well executed by another line agency at the Cabinet level.

These and similar considerations lead me to the conclusion that the President's plan is preferable to the principal alternatives which have been proposed. The establishment of the Office of Science and Technology as a staff agency within the Executive Office of the President seems likely to be a better instrument to impose order and to eliminate duplication and waste within our scientific effort than either a Department of Science or a revamped National Science Foundation.

One might criticize the nebulous transfer of open-ended powers to the Director of the new Office. The Budget Bureau has informed the House Committee on Government Operations that it proposes to define the Director's powers as the need arises. As the plan stands now, the Director would obtain so much of the functions conferred upon the National

Science Foundation as will enable the Director to advise and assist the President in achieving coordinated Federal policies for the promotion of basic research and education in the sciences and the authority to evaluate scientific research programs undertaken by agencies of the Federal Government.

We may prefer a more precise enumeration to this blanket description of powers but it is well to remember that even the Constitution relies in large part on implied powers to meet changing circumstances. We cannot reject such a practice out of hand, for there is no more rapidly changing environment in which policymakers must work than that of science and technology.

As in all cases of delegated power, the Congress must exercise continuing surveillance over the new Office to make certain that the flexibility of the law is not treated as a franchise for irresponsible bureaucratic aggrandizement. At present there seems little danger that the broad authority proposed for the Office will be abused. Indeed it is predicted that the Office will remain a small body, with a staff not significantly larger than the present office of the President's Special Assistant for Science. Congress and the Executive must cooperate to guarantee that the Office functions in the desired manner.

The success of the new Office of Science and Technology will mean a great deal to the Nation, primarily in the more efficient utilization of our scientific resources. It will, I believe, enable us to save considerable sums now being wasted in ill-conceived or duplicate projects, and to pursue more economically those programs of greatest importance. I therefore urge the House to register its strong approval of the President's admirable effort to improve our scientific organization. The recommendation of the Committee on Government Operations that the motion to disapprove Reorganization Plan No. 2 of 1962 not pass is worthy of our unanimous support.

Mr. RIEHLMAN. Mr. Chairman, I yield 6 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I wish I could share the optimism of some Members here today that the creation of this new Office with pretty high salaries, and this is apparently only the start, will result in savings with respect to research and development. I wish I could believe that. As the gentleman from Illinois has just stated, in a period of 10 years the Government has gone from the expenditure of $100 million for research and development to some $12,300 million.

I frankly say I do not know at this point how I will vote on this reorganization plan. I have consistently opposed the creation of more bureau and agencies in the Government.

I recall last year when we had the disarmament deal before us. We were then spending approximately $1 million a year for a staff on disarmament. But along came a bill to set up a permanent full-fledged agency, with the authority to build laboratories and hire scientific and professional people, and all that sort of thing, at an annual cost of $10 million. I voted against that proposal, and I am sure there have been no fruits whatever from this ten-times-over increased expenditure for discussing disarmament.

On the contrary, we are seeing 5,000 or 6,000 U.S. troops moved into Thailand. I might say as an aside that I am much interested in the fact that I have not found, since this movement of troops started into Thailand a single headline or news story saying that Britain, France, or any other country in the world is prepared to send even one solitary combat soldier in to help us. And where is that wonderful United Nations, which is supposed to be against aggression? Where does it stand today? Is the United Nations, which we have spoonfed to the tune of hundreds of millions, about to take any action other than talk. Are any of the member nations of the United Nations showing any evidence that they are ready to send troops to help contain communism in southeast Asia? Is any member of SEATO, the Southeast Asia Treaty Organization, about to contribute any troops? I do not know whether the Philippines are members of the Southeast Asia Treaty Organization, but I do not hear any report that help is on the way from that quarter. Yes, where are all those "free world friends" about whom we have heard so much?

But to get back to this reorganization plan, provision is made for a director at $22,500 a year and a deputy director, whatever he is called, at $20,500 a year. What I want to ask the gentleman from Iowa, or the chairman of the committee, is, Since no provision has been made for supergrades, and if additional supergrades are needed will they come from the President's pool, or from what source will the other high-priced help be obtained that will go into this organization?

Mr. SMITH of Iowa. According to the law passed last year, they would have to come back to Congress with regard to new supergrades. The staff that is now used by the National Science Foundation would be used by this Director of Science and Technology.

Mr. GROSS. You do not envision, then, that Congress will be asked for a substantial number of supergrades or any other number of supergrades to staff this new office?

Mr. SMITH of Iowa. That was not brought out in any of the testimony or questioning before the committee.

Mr. GROSS. Does this transfer of functions from the National Science Foundation to the new Office of Science and Technology mean a repetition of the ICA-AID transfer when 274 people lost all their rights as well as their jobs?

Mr. SMITH of Iowa. The indication before the committee by the President's representative and the Bureau of the Budget was that they would be using largely the same personnel. However, I would point out the director and the deputy director must be people who are working for the Government only. They cannot be working for somebody else. We do not want any conflict of interest in these two positions. The President's present assistant, of course, would be eligible but we do not expect that to happen.

Mr. GROSS. The gentleman is aware, I am sure, of the meat ax that was used on some efficient and honest personnel in this transfer last year from the old ICA operation over to AID? He is well aware of the tactics that were used to get rid of some employees; is he not?

Mr. SMITH of Iowa. Well, I have heard of allegations to that effect, but I am not aware of that.

Mr. GROSS. Do we have the assurance that this committee will ride herd on this transition; that there will not be a repetition of what happened last year with respect to employees now in the transition from ICA to AID?

Mr. SMITH of Iowa. I think the best evidence of the good faith of the committee is the fact that we had a unanimous vote out of the subcommittee so, evidently, it is pretty well established that they would proceed properly.

Mr. GROSS. I would like the record here and now to show that no such operation as that is contemplated in this transition period.

Mr. SMITH of Iowa. The members of the committee certainly did not expect to see any such operation.

Mr. GROSS. I thank the gentleman.

Mr. SMITH of Iowa. Mr. Chairman, I yield such time as he may require to the gentleman from Connecticut [Mr. MONAGAN].

Mr. MONAGAN. Mr. Chairman, I approve of Reorganization Plan No. 2 and, therefore, I shall vote "no" on the resolution of disapproval.

The purpose of the reorganization plan is to create a new office in the Executive office of the President which will be called the Office of Science and Technology. The plan transfers to the Director certain functions that are now in the National Science Foundation. The purpose of this transfer is to enable the Director of the new office to advise and assist the President in coordinating Federal policies for the promotion of research and education in the sciences. In addition, the Director will evaluate scientific research programs undertaken by agencies of the Federal Government.

The second part of the plan establishes a new executive committee for the National Science Board to replace the existing executive committee. In addition, a new office of Director of the National Science Foundation is created to replace the existing Director.

The tremendous increase in Federal programs in science and technology in recent years has made reorganization imperative. Research of various kinds is being conducted by nearly every department and agency. Estimated budget expenditures for research and development for fiscal year 1963 amount to over $12 billion. Existing agencies have not been adequate to coordinate and evaluate Federal programs. That is why this reorganization is so vitally important.

The President needs a small full-time staff to help him in the field of science and technology because these problems are now deeply involved in policy decisions. Under the reorganization plan, such a staff would be established outside the White House but in the executive office of the President on roughly the same basis as the Bureau of the Budget or the Office of Emergency Planning.

It is not contemplated that any substantial increase in staff will be made, but merely a transfer of personnel from the staff of the President's Special Assistant for Science.

In these days when scientific decisions play such a large part in the life of our Government, it is vital that the President have available to him the best possible advice in this field.

I therefore urge the Committee to vote against the pending resolution so that the proposed plan would take effect.

Mr. SMITH of Iowa. Mr. Chairman, I yield to the gentleman from California [Mr. Holifield] such time as he may require to close debate.

Mr. HOLIFIELD. Mr. Chairman, I believe the gentleman from New York [Mr. Riehlman] and his colleagues, the gentleman from Illinois [Mr. Anderson] and the gentleman from Iowa [Mr. Smith] have explained to the House the purpose of this plan. It is not my intention to reiterate what they have said. I would just say this, that with $12 billion of Federal money being devoted to scientific research and development, the time has come when these different research projects throughout the eight agencies that are involved in research and development be pooled together to see that there is no duplication and no waste. In my own experience, on the Joint Committee on Atomic Energy, I have run into duplicating experiments and duplicating projects in the military, in atomic energy and in NASA. There is a voluntary coordination of these scientific projects at this time, but this voluntary coordination is without the authority to direct. What we are doing here is to take an informal group of about 27 people who are in the President's office at this time and turn it into a formal group which will be answerable to the Congress. I think this is a most important thing for us to consider. At the present time Dr. Jerome B. Wiesner is the President's Scientific Adviser as Dr. Kistiakowsky was before under Mr. Eisenhower. The Council—or its committee—does not have the right to bring up personal advisers to the President and question them on the direction of a scientific program. However, once this Office of Science and Technology is set up by the Congress, its officers become answerable to the Congress. The respective committee which is interested in the program or the overall budgetary expenses of this tremendous and growing department of government in research and development, which as I say runs to around $12 billion, can call the new Director of this Office up before the committee for questioning and explanation and for any other type of testimony which he is competent to give. I think the very fact that this makes the scientific program more answerable to the Congress in itself justifies the establishment of this Office in the executive branch of the Government.

There is one other important factor involved and that is the bringing together of scientific information. It is well known to those who have studied this problem that the great advance of the Soviet Union has been due to the fact that they have, you might say, pirated the scientific technology of the whole world. They take all of the technical and scientific magazines and they take all of the scientific documents that are in the public domain in every country of the world.

They bring them together into one organization whose duty it is to explore this information, to classify it, and to use it. This is one of the reasons why the Soviet Union has advanced so fast. It has taken advantage of the scientific technology of the world. One of the duties of the Office of Science and Technology will be to correlate and bring together scientific information into one central place. Then we will not, for instance, embark upon a scientific development program which may cost millions of dollars if that scientific information is available in any other nation or in some agency of the Government that has already explored the area. These are the fields of savings which I foresee, but it is impossible, in my opinion, to estimate how much these savings will be. But if you can stop one of these duplicate scientific efforts you may save $50 million; you may save a half billion dollars. That is how expensive they run these days. It is well established that this Office of Science and Technology would have a basic economic value to the taxpayers of the United States.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Iowa.

Mr. GROSS. Will this new office have authority to go into the contracting out features of NIH and other agencies and departments?

Mr. HOLIFIELD. It will not. It has nothing to do with the operational phase of research and development. It has to do only with screening and coordinating and advising the President or advising the agencies. If an agency is going into a field which is already being handled in another agency or is planned to be handled in some appropriate agency, they have a right at that time to call the attention of the President to the fact that there is duplication and waste and to indicate that it is a duplicating program.

Mr. GROSS. But on that basis they will have authority to scrutinize contracts for research and development?

Mr. HOLIFIELD. Proposals, not contracts. They will have the right and the duty, and that is what they are doing now in an informal way, but the Congress does not have access to their deliberations and their conclusions and why they have come to certain conclusions. Under this new arrangement the Congress can call the Director up and question him as to why he advised the President to follow a certain course, what was the weight of the evidence, was it justified or was it whimsical?

Mr. GROSS. It would be my hope that if this is a successful operation—the new setup here proposed—it will be given this authority; concentrated in its hands will be the authority to scrutinize all Government contracts of this nature. We will be doing only a piecemeal job here today if they cannot scrutinize all contracts, both domestic and foreign, in research and development.

Mr. HOLIFIELD. They can scrutinize contracts, but they have no right to make contracts. That was the point of my answer to the gentleman's question. They are not an operational body. They are an evaluation and a coordinating and advisory body.

Mr. GROSS. But they can scrutinize these contracts?

Mr. HOLIFIELD. Yes.

Mr. GROSS. They are, under this reorganization plan, dutybound to report to the Congress on their findings?

Mr. HOLIFIELD. Upon the request of the Congress. When the Congress requests the Director to come up here and give it a report on a specific or on an overall program, they are responsive to the Congress. They are not responsive at this moment.

Mr. GROSS. I hope the gentleman will agree with me that in this field of contracts dealing with research and development and also management and consultant contracts, the situation is fast getting out of hand. Control measures must be instituted immediately.

Mr. HOLIFIELD. I will say this, it is getting to the point where we are spending about $12 billion a year in this race to survive. It has come to the point where the expenditure is so great that we must have better supervision and better cooperation and better advice, maybe, to eliminate some of the unnecessary projects.

Mr. GROSS. I thank the gentleman.

Mr. HOLIFIELD. Mr. Chairman, I want to make one point. We are considering this under a resolution of disapproval. Those who are in favor of the reorganization plan will vote "No" on this resolution. It is rather an unusual method of handling legislation under the Reorganization Plan, so if you want the result to be "Yes" that we have the Office of Science and Technology, you should vote "No" on the resolution. As my colleague on the committee explained, this is the way we have to operate in order to get the matter before the House.

Mr. Chairman, I am strongly in favor of Reorganization Plan No. 2 of 1962 and, therefore, I am opposed to the disapproving resolution.

The justification for this plan has been well set forth in the President's message transmitted to the Congress on March 29, 1962, in the hearings held by the Committee on Government Operations under the direction of the gentleman from Illinois, Chairman Dawson, and in House Report No. 1635, which our committee submitted to the House under date of April 19, 1962.

I will not go into the organizational aspects, which are adequately set forth in the reports and hearings available to you. In these few minutes I want to stress several important points which, in my judgment, are compelling reasons for congressional approval of this reorganization plan.

1. FEDERAL LEADERSHIP IN SCIENCE

The Federal Government must, of necessity, play a leading role in science. This is essential to our national security and welfare. Leaders in Government and science recognize that the Federal Government has great and broad responsibilities for the common defense and the general welfare; and that only the Federal Government has the requisite funds and the resources to insure that scientific progress will be adequate for the Nation's safety, health, and happiness.

President Eisenhower's Scientific Advisory Committee, in a report dated November 15, 1960, stated as follows—page 9:

> There are many fields of science in which the United States could well become stronger and more active, both from the point of view of the national defense and from that of the public welfare.
>
> We think it plain that the Federal Government should act in such areas of scientific promise. No other agency in our society is responsible for the national security, and a large field, full of new problems, such as space science or materials research, is potentially vital to our safety. No other agency in our society is responsible for the general welfare, and all major fields without exception can be expected to contribute to the general welfare. No other agency, finally, has the financial strength to provide the necessary support—and incentive—for work in expensive new undertakings. It can be said without qualification that our society will be endangered and impoverished if these things are not done, and that only the Federal Government can take the leadership to get them done. We do not mean, again, that only Federal action will be needed; we do mean that it must play a large initiating and sustaining role.

2. RECOGNIZING THE LEADERSHIP ROLE

Reorganization Plan No. 2 simply gives formal recognition to a need which already has developed. For some years it has been fulfilled by rather informal means. The President as the Chief Executive of the Nation and the Commander in Chief of the Armed Forces needs scientific advisory services of a close and continuing kind. His science adviser, Dr. Jerome B. Wiesner, who is also chairman of the President's Science Advisory Committee and of the Federal Council for Science and Technology, fulfills this role. Dr. Wiesner has a staff of about 14 professional persons and 13 others.

The need for such scientific advisory services was recognized by President Eisenhower and it is recognized by President Kennedy. Under the reorganization plan the same basic important services would be rendered. I do not anticipate that the Office of Science and Technology would be substantially increased over its present strength; and this was testified to, I believe, by the Budget Bureau representative. Any staff in the Executive Office should remain small and have the best brains in the country to advise the President.

By translating the present rather informal arrangements into an Office of Science and Technology, as a new unit within the Executive Office of the President, we will provide the machinery for stable continuous advisory services and career staff opportunities rather than the hit-or-miss coming and going of science advisers.

3. BETTER CONTACTS WITH THE CONGRESS

There is another important advantage in creating an organizational unit for these scientific advisory services. Right now Dr. Wiesner's organization is an informal group. It is difficult for us to know who they are and how they work. In their informal, intimate relationships with the President, it is difficult for them to have the kind of contact with the Congress which our great committees consider important in performing their own duties.

With an Office established by the reorganization plan, and a Director and Deputy Director to head it, congressional committees will be able to deal with this organization on the same basis as they do with the Bureau of the Budget and the Council of Economic Advisers. We will have a responsible officer to whom we can direct inquiries, and whom we can summon to committees to give testimony on subjects of the greatest national importance.

4. POTENTIAL FOR SAVINGS

With central leadership and coordination of scientific activities in the Federal Government, we should expect substantial savings. I recognize that this is difficult to translate into figures, and I do not believe that the President's message gives an estimate of savings. Still we must bear in mind that the Federal Government will spend approximately $12 billion for scientific research and development in the next fiscal year. In the race for space, in new knowledge about the seas and the stars and the treatment of human ills, in defense of America and the free world, in man's insatiable urge to explore the moving frontier of science—the Federal Government is committed to huge expenditures. For the wisest investments, the biggest returns on our research dollar, central coordination is needed.

I know there are some who favor a Department of Science and Technology. It should be kept in mind that with 20 or more agencies of the Federal Government engaged in important scientific activities, the President will need the kind of advisory services embodied in this plan, whether or not an executive department is created for science and technology. Not all of the scientific work of the Federal departments and agencies can be combined in one single organization. The President will always need scientific advisers to look broadly at the whole spectrum of Federal and national effort, to coordinate diverse scientific activities of the Federal Government, and to help the President make technical decisions in areas of vital national importance—defense, disarmament, civil defense, nuclear testing, and others.

5. BETTER CONTROL OF SCIENTIFIC INFORMATION

There is another important point I should mention. It is associated with the matter mentioned above of efficient management of our scientific activities in Government. This concerns leadership and support by the new Office of Science and Technology for the efficient storage and retrieval of enormous amounts of scientific information, so that technical knowledge can be available when and where it is needed for vital defense and other purposes.

The store of human knowledge in scientific fields is becoming so overwhelming that we must now give careful attention to the problems of classifying, storing, and retrieving the data for Government and scientific use without spending a great amount of funds for duplicative activities. If we know where to find the information, we may not have to let a contract to research the whole matter over again.

This problem of retrieval of information also reaches into the international field, involving the translation and use of scientific publications from other countries, including the Soviet Union.

These are all important problems, and by supporting Reorganization Plan No. 2 of 1962, we will contribute greatly to their solution.

Mr. SMITH of Iowa. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read the resolution.

The Clerk read as follows:

> *Resolved*, That the House of Representatives does not favor the Reorganization Plan Numbered 2 of 1962 transmitted to Congress by the President on March 29, 1962.

Mr. SMITH of Iowa. Mr. Chairman, I move that the Committee do now rise and report the resolution back to the House with the recommendation that the resolution be not agreed to.

Accordingly the Committee rose; and Mr. ALBERT having assumed the chair as Speaker pro tempore, Mr. COOK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Resolution 595, had directed him to report the same back to the House with the recommendation that the resolution be not agreed to.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

> *Resolved*, That the House of Representatives does not favor the Reorganization Plan Numbered 2 of 1962 transmitted to Congress by the President on March 29, 1962.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was not agreed to.

GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PHILIPPINE WAR DAMAGE CLAIMS

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include an editorial appearing in the New York Times of May 11, 1962.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN of New York. Mr. Speaker, the action of the House on May 10 in defeating by a vote of 201 to 171 the bill to provide $73 million for the payment of the balance of the Philippine war damage claims has had a most serious effect upon our relations with the Philippines.

President Macapagal has canceled his State visit to the United States and reports "nationwide disillusionment and indignation among our people."

The American people and the Filipino people fought side by side through World War II. Bataan, Corregidor, Tacloban, Lingayen Gulf, Manila, Baguio, Sante Fe, the Villa Verde Trail are names that recall the early reverses in 1942 and the later successes in 1944 and 1945. Mr. Speaker, I have not forgotten the tough and arduous fighting that we in the 32d Infantry Division experienced along the Villa Verde Trail in northern Luzon. And I have not forgotten that brave Filipino soldiers fought with us. I do not understand how Congress could forget our staunch ally in the cause of freedom. I do not understand how Congress could forget its obligations undertaken in 1946 to pay war damage claims.

Mr. Speaker, I want to call to the attention of my colleagues a New York Times editorial of May 11, 1962, which deplores the defeat of the bill. The editorial follows:

Mistreating the Philippines

House defeat of a bill to authorize payment of the remaining Philippines war damage claims was a foolish and indefensible act.

This is money the United States has owed the Philippines for more than a decade.

Compensation for property damaged in the Philippines by American forces during World War II (when the islands were American territory) was sanctioned by act of Congress in 1946. The amount later appropriated did not cover all approved claims, and year after year Congress has failed, as the House did on Wednesday, to vote funds to pay the remaining $73 million due despite pleas of the State Department and Presidents Truman, Eisenhower, and Kennedy.

The Republic of the Philippines is one of our stanchest and most important allies; its people and governments have been consistently friends of the United States. Filipinos are justifiably dismayed and angered by this repudiation of an acknowledged debt. The House vote denies to the Philippines funds that had been counted on to bolster efforts of the progressive new Macapagal administration to spur the Philippine economy.

Emanuel Plaez, Philippines Vice President and Foreign Secretary, characterized the House action as evidence that "the United States treats her friends more shabbily than those who are not for her" and said, "One has to blackmail Americans to get anything from them." Unhappily many in the Philippines and people in other countries will agree with him.

The Senate has not acted on the war claims bill. It must, and the House must, reverse itself on this unwise, unjust vote.

PROPOSED DUAL GRADING OF BEEF

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Nebraska [Mr. Cunningham] is recognized for 30 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, along with many of our colleagues, I have received a number of protests concerning dual grading of beef. This proposed grading system has been announced by the Agriculture Department, without warning to the beef trade, to be put into effect July 1.

Not only are packers disturbed by this proposal, but I have at hand a letter of protest from the National Livestock Feeders Association which I shall include at the close of my remarks. I would commend it to our colleagues.

The industry is upset over this announcement and the suddenness of it. A few quotations from the many letters I have received will demonstrate.

One company official wrote:

> The Department of Agriculture is going to strangle the independent beef slaughterers in the United States such as ourselves with this system of dual grading. Whether it is ignorance of a situation, or an attempt to pad his own nest, we don't know, but we have been told the Secretary of Agriculture is of the understanding that the industry wants this new system—we don't.

An official of a small packinghouse in Omaha writes:

> We are asking your assistance in stopping this highly discriminatory change in beef grading. We say discriminatory because many of us are extremely small beef slaughterers and this new system could cause us to have approximately 30 to 36 different grades of beef in our coolers instead of the present 5 or 6. You can see that this will create a serious problem of accumulating a load of each of these separate grades. We do not have the cooler-holding facilities and do not have the money to expand our plant.
>
> All of the cattle feeder associations, the slaughterers associations, and the hotel and restaurant purveyors are against this new system.

Another small packer writes:

> Please be advised that proponents of this new system have granted that the housewife will not be able to differentiate between the proposed six grades. Then why is this necessary?

From South Omaha, the site of the world's largest stockyards, comes this statement:

> We have felt and still feel that along with the rest of the problems that we are faced with in the industry, all this so-called complicated slide-rule method of grading beef is going to do is burden us with a backbreaking, money-losing, impossible situation.
>
> Slaughtering beef is our business and we know what we are talking about.

Mr. Speaker, this is a serious situation to the people most concerned, the people who put the finest beef in the world on our tables. These letters are all from small packinghouses. They are worried about the ability to survive in business under these new rules.

This situation is also the subject of an article in the Omaha World-Herald by that paper's farm editor, Dale Ohrtman. I include this article at this point because it is a good summary of the objections by the industry:

New Grading System for Beef Is Criticized

The Department of Agriculture's new dual grading system of classifying beef will probably get a cold reception from Omaha livestock men when it is put into effect on a trial basis July 1.

Bob Cunningham, secretary of the Omaha Live Stock Exchange, said Tuesday that he has not found a commission man or a beef packing company official who favors the system.

"I haven't talked to anyone in the cattle industry who has any feeling for this except representatives of the U.S. Department of Agriculture," Mr. Cunningham said.

Hart Jorgensen, executive director of the Omaha Livestock Foundation, said everyone with whom he had discussed the matter was opposed to the system except "a few college people and Government employees."

Mr. Cunningham said "this just puts one more big club in the hands of the big meat retailers.

"A person whose work is closely connected with that of Government meat graders told me nearly all choice cattle will rate four or below in this system. A buyer—for a retail outlet—would be able to cut price on the basis that the majority of the meat being offered was not of the higher grades.

"This system just compounds the complexities of meat grading," Mr. Cunningham said.

And now, Mr. Speaker, with your kind indulgence, I would read from the position taken by another substantial segment of our agriculture industry, the livestock feeders. In a letter to Agriculture Secretary Freeman, signed both by Mr. Don Magdanz, executive secretary-treasurer, and O. C. Swackhamer, president, National Livestock Feeders Association, this statement is made:

> Your announcement, without warning, was even more disturbing when consideration is given to the attitude of the entire livestock and meat industry toward the dual grading concept. It is a matter of common knowledge that there is widespread opposition to, and only minimum support for, the inauguration of this system. Reservations and objections are found throughout nearly all of the segments of the livestock and meat field, and are particularly prominent among the meat processors, the meat wholesalers, the market service agencies and the cattle feeders. The general disinterest in dual grading has been reaffirmed time after time in various association meetings as well as in conferences of industry representatives, and has been well known to officials in your Department. To the best of our knowledge, a recommendation for the trial of dual grading came from only one group, which largely represents producers of feeder cattle.

One other portion of this letter deserves special attention by the House in this day of mergers and big business. It reads:

> The offer of the dual grading system on a trial and optional basis is very apt to produce results highly objectionable by small

processors. Many of these processors have a limited number of outlets to large retail concerns. Should some of these retail concerns demand that the carcasses they purchase be graded under the dual system, these small processors could very well find themselves at the mercy of these large retail concerns. They might be forced to comply with the demands, even though they do not embrace the new system. Thus, it would develop that the trial and optional aspect of the announcement would disappear.

I am positive that the packers and cattlemen know much more about beef grading than do people here in Washington who are proposing this change.

Mr. Speaker, I now include the entire text of this letter, as I believe it should be available to all Members:

National Livestock
Feeders Association,
April 26, 1962.

Hon. Orville L. Freeman,
Secretary of Agriculture,
U.S. Department of Agriculture,
Washington, D.C.

My Dear Mr. Secretary: The members of our association of livestock feeders and the people we represent were surprised and somewhat shocked at your announcement on April 10 that the dual grading system is to be offered to the industry beginning July 1. For the past several years, we have been meeting with officials in your Department for the purpose of discussing the application of this concept and have always been assured, even at a recent date, that the matter had not gone beyond the study stage. Furthermore, we were assured that if and when consideration might be given to making a proposal, we would be apprised in advance of the change in intention.

Your announcement, without warning, was even more disturbing when consideration is given to the attitude of the entire livestock and meat industry toward the dual grading concept. It is a matter of common knowledge that there is widespread opposition to, and only minimum support for, the inauguration of this system. Reservations and objections are found throughout nearly all of the segments of the livestock and meat field, and are particularly prominent among the meat processors, the meat wholesalers, the market service agencies and the cattle feeders. The general disinterest in dual grading has been reaffirmed time after time in various association meetings as well as in conferences of industry representatives, and has been well known to officials in your Department. To the best of our knowledge, a recommendation for the trial of dual grading came from only one group, which largely represents producers of feeder cattle.

Under these circumstances, it appears presumptive to make any reference to such recommendations as an indication of industry support for the dual grading procedure. It would seem more appropriate to give maximum consideration to the wishes and desires of those segments of the livestock and meat business who would be immediately affected by the use of further attempts at identification of carcass characteristics. We would, therefore, suggest and urge that your offer of the dual grading system to the industry be withdrawn until further study and research have been conducted and there is ample evidence of a majority opinion within the entire industry in favor of dual grading.

Our association has spent a great deal of time appraising the advisability of dual identification and considering its possibilities for benefit to cattle feeders and the entire beef business. After very careful thought and objective analysis, our members are still unwilling to embrace the concept and feel very strongly that instituting it at this time is premature. Furthermore, they feel that the so-called opportunities offered by the dual grading system are more theoretical than actual. We submit that your Department also shares these doubts as your release of April 10 mentions only the belief that certain things will be accomplished. In our opinion, it is dangerous to make any changes in procedure or in identifying carcasses until we are more certain of their economic impact.

Frankly, we do not believe that the dual grading procedure will work to the practical advantage of all the segments of the industry and produce the results that are claimed for it. The contention is made that it would provide encouragement and financial incentive for the production of more meatiness and less waste in beef cattle, but in order to be effective these encouragements and incentives would necessarily have to exist and prevail through every step and process from the retail outlets back through to the original producer of the feeder cattle. It is presumed that retailers would pay more per pound for carcasses of higher cutability and less per pound for wasty carcasses. It is also presumed that packer buyers would be able to identify cutability characteristics in live animals, doing so readily in the normal daily course of trade, and would then make a specific differential in the price per hundredweight between more desirable and less desirable animals of the same quality grade.

Even if these intentions could be carried out up to this point, we fail to see how the encouragement and financial incentives can be passed on to the producer of feeder cattle which is an absolute necessity if the claims made for dual grading are going to be realized. There is no way, at this time, for cattle feeders to identify inherent characteristics in feeder cattle to produce carcasses for them of different cutability standards. In order to make the improvements of which we are speaking, it is necessary for the growers of feeder cattle to furnish animals that have the ability in the feed lot to produce the level of quality consumers demand and without excess fat covering and internal waste. Up to this time, insufficient research has been done to demonstrate that different methods of feeding have anything to do with the cutability of carcasses, and even your own officials have emphasized many times that shorter feeding periods and using less grain are not the solutions to the problems of waste.

We would certainly not be guilty of ignoring the necessity for producers, both the growers of feeder cattle and the cattle feeders, to make improvements in the products they are offering in the trade. However, whether dual grading will provide the encouragement and incentive for increased production of meatier cattle is the key to the whole argument, and there is ample justification for considerable doubt that giving the carcasses a cutability identity will accelerate the improvement the industry will make of its own accord. The breeders of commercial cattle as well as the cattle feeders are fully aware of the problems they face and progress is well underway toward making the improvements of which we are speaking. Considering the life cycle of the beef animal, though, this improvement is going to take time. For these reasons, our association has explained to officials in your Department, even as recent as the last of March, that the grading system should not be used in an effort to force the necessary changes in characteristics as some segments of the livestock and meat industry may be injured while others could be profiting from these second designations. It would be much better and just as effective to allow the industry to make such improvements as are needed without this special help from the Federal Grading Service. The industry has demonstrated it can take care of other problems in a satisfactory manner, such as the unbalanced farrowing of hogs, the overfat or lard-type hog, and the seasonal variation in beef cattle trends. None of these problems have been entirely corrected, but we have made tremendous strides in leveling out the farrowing, in producing a much higher percentage of meat-type hogs, and in practically eliminating the seasonal price trends in fed cattle.

Generally, the packing industry contends it sees little or no merit in the system that will be of benefit to their business. There has always been considerable controversy over the placing of carcasses in the different grades, and they express their fear of added confusion. As a matter of fact, differences in cutability of carcasses are currently being recognized by many in the packing business and they prefer to handle the evaluation of these differences on their own practical basis.

The offer of the dual grading system on a trial and optional basis is very apt to produce results highly objectionable by small processors. Many of these processors have a limited number of outlets to large retail concerns. Should some of these retail concerns demand that the carcasses they purchase be graded under the dual system, these small processors could very well find themselves at the mercy of these large retail concerns. They might be forced to comply with the demands, even though they do not embrace the new system. Thus, it would develop that the trial and optional aspect of the announcement would disappear.

We have another very important reservation with respect to the dual grading concept. It is the more than remote possibility it could lead to compulsory grading of beef carcasses and even to the sale of all beef carcasses on a grade and yield basis. Both of these possibilities are in discord with the basic philosophies of our cattle feeder members. To substantiate the contention of this possibility, we need only to examine the experience of the hog marketing system in the Province of Ontario. A number of years ago, the swine and pork people in Ontario began a program to improve the quality of pork so their product would be more acceptable in European markets. They set up certain standards for grading the carcasses, standards that bear considerable similarity to those of the dual grading system. The record shows that the results sought were not realized until the Canadian Government established definite differentials in price between grades and then paid a premium in the form of a subsidy to producers of top-grade hogs. Any similar progression of the grading system in the United States would be most unfortunate, and would not be in the best interests of our industry. It could weaken, if not eliminate completely, our present marketing system for live cattle, a development we view with considerable alarm.

We hope you will reconsider the action taken by your Department and announced on April 10. We suggest that the offer of the dual grading system, even on a trial and optional basis, was premature, and represents an anxiety to put something into effect before the normal progress of the industry itself has had a chance to materialize. After the improvement the industry has set out to accomplish, it is quite evident that dual grading would serve no useful purpose. We will be grateful for your serious consideration of this analysis and these requests and, also, we hope that proper recognition will be given the widespread objection within the entire beef industry to the dual grading program.

Respectfully yours,
Don F. Magdanz,
Executive Secretary-Treasurer.
O. C. Swackhamer,
President.

I now include four letters from companies in Omaha whose officials have expressed great concern over this proposal. These are typical of the many letters of protest I have received:

J. F. O'Neill Packing Co.,
South Omaha, Nebr., May 4, 1962.

Glenn Cunningham,
Representative, House of Representatives,
Washington, D.C.

Dear Representative Cunningham: If the truth be known, we do not want dual grading.

We have felt, and still feel that along with the rest of the problems that we are faced with in the industry all this so-called complicated slide rule method of grading beef is going to do is burden us with a backbreaking, money-losing, impossible situation.

Please do not let them cram this dual grading down our throats, it can't be done. Some day when cattle are fed by the slide rule and uniformity is established in the feeding, and breeding, the chance may come when it may be possible to break a grade down into two or three divisions, but six divisions is and always will be out of the question.

Look into it. Slaughtering beef is our business and we know what we are talking about.

Yours very truly,
Gaston I. Riva.

Greater Omaha Packing Co.,
Omaha, Nebr., May 9, 1962.

Reference U.S. Department of Agriculture proposed dual grading.

Hon. Glenn C. Cunningham,
House of Representatives,
House Office Building,
Washington, D.C.

Dear Sir: We are badly in need of your assistance. The Department of Agriculture, Livestock Division, under the direction of David M. Pettus, is going to strangle the independent beef slaughterers in the United States such as ourselves with this system of dual grading. We have been told the Secretary of Agriculture is of the understanding that the industry wants this new system—we don't.

Today we supply the housewife with the finest meats. In most cases her request is beef labeled "Choice" or "Good" by Government standards. The new system is one that will now involve the lean in a beef. The Choice grade alone is intended to be divided into six divisions with this new system. In order to provide a load of beef to a chainstore, who would naturally insist on one of the six categories, I would need to accumulate beef until a load of this particular number were gathered.

The carcass of a beef is covered by a hide, and it is difficult right now for our cattle buyer to provide us with a full load of Choice much less a full load of one of the six particular Choice grade divisions. I haven't the capital nor a plant of sufficient size to accomplish this. The latest suggestion is one that involves a supposed "trial" for 1 year to start July 1. You know what that means? We'll never get rid of it. These people that are backing this new system have granted the fact that Mrs. Housewife will never know the difference. If this is the situation—who are they doing it for?

Sincerely,
Pennie Z. Davis.

Hoffman Packing Co., Inc.,
Omaha, Nebr., April 30, 1962.

Hon. Glenn C. Cunningham,
House of Representatives,
House Office Building,
Washington, D.C.

Dear Sir: The Department of Agriculture, Livestock Division under the direction of David M. Pettus, has announced a change in the meat grading of dressed beef, called dual grading. I understand that the Secretary of Agriculture has been told that the industry wants this new system. This letter is to state that we do not want it.

We are asking your assistance in stopping this highly discriminatory change in the beef grading system. We say discriminatory because many of us are extremely small beef slaughterers and this new system could cause us to have approximately 30 to 36 different grades of beef in our coolers instead of the present five or six. You can easily see this will create a serious problem of accumulating a load of each of these separate grades. We do not have the cooler holding facilities and do not have the money to expand our plants.

We are very much in favor of the grading system in its present form. We need meat grading beyond any doubt. In the past we have furnished the retail outlets with the finest of meats and we hope to continue to do so. However, under this new system a great number of us small beef slaughterers could be ruined financially.

All of the cattle feeders' associations, the slaughterers' associations and the hotel and restaurant purveyors are against this new system. Also we have heard that the powers behind this change say that the housewife will never know the difference. We have heard of no one in favor of the change. This being the general feeling, why change from the present system?

We would deeply appreciate any help you can give us in reversing this disastrous change.

Sincerely,
J. Ray Cooley.

R. & C. Packing Co.,
Omaha, Nebr., May 1, 1962.

Subject: U.S. Department of Agriculture—proposed dual grading.

Hon. Glenn C. Cunningham,
House of Representatives,
House Office Building,
Washington, D.C.

Dear Sir: We respectfully solicit your cooperation in preventing the inauguration of the proposed dual grading by the Department of Agriculture, Livestock Division, directed by David M. Pettus. Sampling of literature that has come into our hands indicates that the Secretary of Agriculture is of the opinion that our industry wants this new system. We do not.

We are today supplying the domestic markets with the finest meats and the American housewife is now able to serve beef to her family to meet her most discriminatory tastes in either prime, choice, or good grade, by U.S. Department of Agriculture standards, and so labeled.

The proposed dual grade will now involve the lean in a beef. In the choice grade alone there will be six different divisions and in order to provide a load of beef to a chainstore, it would be necessary to accumulate beef in our cooler until a load of the desired grade was ready. We have neither the capital nor cooler space sufficiently large to do this. For your further consideration, and I am sure you are well aware of this condition, it is presently difficult enough for our buyers to provide us with a full load of choice under the present grading standards. To ask them to buy a full load of one of the six particular choice grades would compound our buying errors. You see, we have to buy "blindfolded" through the hide. Our customers can readily see what they are getting.

Dual grading is proposed to get a trial start for 1 year, effective July 1. We respectfully solicit your good offices to prevent this.

In closing, please be advised that proponents of this new system have granted that the housewife will not be able to differentiate between the proposed six grades. Then why is this necessary?

Sincerely,
L. E. Coyle,
President.

A REVIEW OF CUBA—POSTSCRIPT

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, in September of last year I called the attention of my colleagues in the House to what I considered to be a very thorough report about the Cuban invasion attempt. The article, "Cuba: The Record Set Straight," was written by Charles J. V. Murphy, Washington senior editor of Fortune magazine, in which the article appeared—daily Congressional Record, September 20, 1961, pages A7456–A7460. President Kennedy at his August 30 press conference termed the article "the most inaccurate of all the articles that have appeared on Cuba." This attack on the integrity of the author instead of a detailed rebuttal of the facts was unfortunate. Mr. Murphy's career, as I noted at the time I placed his article in the Record, has been characterized by integrity, scholarship, and courage.

As a postscript, I feel it is only fitting to call to the attention of my colleagues the verdict of a distinguished organization of the international press corps. At its April 13 meeting, the Overseas Press Club of America announced the winners of its 1962 awards for distinguished achievement in foreign news coverage. For best magazine reporting of foreign affairs: Charles J. V. Murphy, Fortune magazine, for his article, "Cuba: The Record Set Straight." I wish to congratulate Mr. Murphy once again for his excellent report on the abortive Cuban invasion.

RETIREMENT OF SENATOR BUSH

Mr. SHORT. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. Sibal] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. SIBAL. Mr. Speaker, it is with profound regret that we learned today that Senator Bush, my valued colleague in the other body, will retire at the end of this year, when his term of office expires. He is recognized as one of our country's finest Senators, who has brought great credit to Connecticut. His wise counsel and understanding guidance have been invaluable to me. His withdrawal for reasons of health, however, is in keeping with the high integrity and dedicated sense of duty which has always been the stamp of his character.

I know I echo the feelings of everyone in Connecticut as well as those of all the Members of the House, in wishing him and his gracious wife many years of happiness.

COMMITTEE ON AGRICULTURE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight to file a report on H.R. 11222, the farm bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

COMMITTEE ON THE JUDICIARY

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on the Judiciary may sit during general debate on Tuesday, May 22.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CONGRESSMAN RALPH HARDING

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Florida [Mr. Matthews] is recognized for 20 minutes.

Mr. MATTHEWS. Mr. Speaker, during the past 18 months I have served on the House Agriculture Committee with the very able Congressman from Idaho, Ralph Harding. Ralph and I work together on several subcommittees, and I have been greatly impressed by his efforts in behalf of the American farmer.

I have found that Ralph Harding has accomplished much for a Congressman in his first term, and I would like to review the accomplishments of this hardworking and effective Representative from the Second District of Idaho.

STATE REPRESENTED ON POWERFUL HOUSE AGRICULTURE COMMITTEE

Ralph Harding is the first Congressman in the history of Idaho's Second District to be assigned to the important House Agriculture Committee. Possibly no committee in the Congress acts on legislation affecting more people in the Gem State, since Idaho's main source of income is from agriculture. All legislation dealing with potatoes, sugarbeets, livestock, feed grains, wheat, or the U.S. Forest Service is acted upon by this committee. The four subcommittees on which the Congressman actively serves are Forests, Wheat, Domestic Marketing, and Foreign Agricultural Operations.

BENEFITS COME FROM CLOSE LIAISON WITH EXECUTIVE BRANCH

With a Democratic President in the White House, Idaho has profited from the close working relationship which has existed between the White House, Cabinet members and the three Democratic Members of the congressional delegation from the State. Returning Ralph Harding, Democrat, to the Congress, means that the door to the White House will remain open when important State problems must be taken to the President. Such close contact made it possible for Congressman Harding to discuss personally with President Kennedy the assistance the State needed as a result of the disastrous flood early this year.

DISTRICT OFFICE PROVIDES VALUABLE ASSISTANCE

Ralph Harding also racked up another first in Second District representation with the decision to establish a year-around district office, as many other States have had for some time, where Idahoans would have an opportunity to present their problems personally and determine very quickly what Federal assistance, if any, is available. This office is maintained in the Federal building at Idaho Falls. In addition, Congressman Harding makes personal visits to every county when the Congress is not in session. His schedule is published in advance so that every Idahoan has access to his Congressman.

GOOD ATTENDANCE RECORD ESTABLISHED

Very conscientious about his committee and House attendance, Ralph Harding has been present to vote on all issues before the Congress over 95 percent of the time. The gentleman from Louisiana, Congressman Hale Boggs, the whip of the House of Representatives, states:

> Congressman Harding is always on the job. His good health and devotion to duty have enabled him to attain one of the best attendance records in the House of Representatives.

His House Agriculture Committee attendance record is equally impressive.

CAREFUL ATTENTION GIVEN TO MAIL AND REPORTS TO CONSTITUENTS

The Congressman has established a well-earned reputation for conscientiously responding to letters which come to his office recognizing that such correspondence provides him with invaluable assistance in determining the thinking of the people he represents. Ralph Harding also issues a weekly column to the press as well as an annual newsletter to all constituents summarizing each session of the Congress and what it means to Idaho.

IMPRESSIVE RECORD ACHIEVED IN LEGISLATIVE AREA

With only a little more than a year in the Congress, Ralph Harding can already claim credit for the House passage of seven bills he has sponsored or cosponsored, as well as actively participating in committee testimony and House debate on many others which have been enacted into law.

VALUABLE CONTACT MAINTAINED WITH SECRETARY OF AGRICULTURE

As a Member of the House Agriculture Committee, Ralph Harding consults frequently with Secretary of Agriculture Freeman which has benefited the State on many occasions. For example, last winter a delegation of Idaho potato farmers requested on a Friday night a Saturday morning audience with the Secretary. An appointment with a Cabinet officer on such short notice is almost impossible to obtain. Nevertheless, Congressman Harding was able to take these farmers into the Office of Secretary Freeman the next morning so they could personally present their case to the highest agricultural official in America.

RECLAMATION AND PUBLIC WORK PROJECTS SOUGHT

Ralph Harding has refused time and again to knuckle under to the power companies who are attempting to establish a power monopoly at the expense of Idaho power users. Shortly after he entered the Congress in January of 1961 a call came from a power company president urging him not to introduce legislation authorizing the Burns Creek Dam. Despite this pressure, Harding introduced the bill and fought for its passage in the House Interior Committee's Subcommittee on Irrigation and Reclamation.

Harding's bill was approved and then went to the full committee where 14 Democrats voted for it and 4 southern Democrats voted against it. Playing politics with the measure, every single Republican member of the committee present, some of whom had favored Burns Creek in earlier Congresses, voted against this vital project. Not leaving any stone unturned in his attempt to have this important reclamation project approved for Idaho, Harding asked the Corps of Engineers to consider the project, along with the Fremont-Madison project on the Teton River, the Ririe Dam on Willow Creek, and the Blackfoot Dam. It was no accident that the corps gave a favorable recommendation on all of these projects and the reports are presently being prepared for presentation to the Congress.

ADDITIONAL FHA FUNDS OBTAINED FOR IDAHO

The year 1961, with the low potato prices and many other adverse developments, was an extremely difficult year for Idaho farmers. For this reason Ralph Harding exerted every effort to have the Secretary of Agriculture and Farmers Home Administration officials allocate additional FHA funds to the Gem State. His efforts have resulted in a total of $7,860,000 being budgeted to the State so far this year for operating loans in addition to $1 million which has been available for emergency loans as a result of the flood and drought disasters. This amount compares very favorably with the $6,195,000 the State received in fiscal 1961 for operating loans, the $5,091,000 in fiscal 1960, and the $5,480,000 in fiscal 1959.

NAVAL ORDNANCE PLANT SALE MEANS NEW INCOME FOR STATE

The sale of the idle Naval Ordnance Plant in Pocatello offers great hope that southern Idaho's economy will receive a real impetus from the new payroll which will result when Thiokol Chemical Corp. uses this plant for its expanding defense and space activities. When Knewel Rushforth, the executive vice president of Thiokol, was asked by a newsman how Thiokol learned of the availability of the Naval Ordnance Plant, he replied:

> Thiokol was put on the track of the Pocatello plant by Church and Harding.

Ralph Harding continues to work with Senator Church, and Utah's congressional delegation to obtain important defense contracts for this corporation which will greatly benefit the Intermountain area.

FEDERAL OFFICIALS RALLIED TO ALLAY FLOOD DISASTER SUFFERING

It will be many years before southern Idaho forgets the devastation wrought by the rapid snow runoff which put under water many homes, businesses, and valuable farmland. Frank Church and Ralph Harding worked as a team in bringing all of the resources of the Federal Government to the aid of flood victims. Harding flew to Idaho and inspected the flood damage personally with officials of the Corps of Engineers and Office of Emergency Planning.

Through their efforts and cooperation they obtained from Federal officials, including President Kennedy, $1,250,000 has been allocated through the Office of Emergency Planning. In addition, quick House and Senate action was obtained in passing a bill making it possible for flood victims to claim their losses on their current Federal tax return rather than waiting to deduct the losses until the next year.

MIXED GRAIN REGULATION REVERSED FOR BENEFIT OF FARMERS

The efforts of the Idaho congressional delegation in 1959 and 1960 to have the Department of Agriculture reverse their decision on a regulation which limited wheat in mixed grain to 25 percent met with no success. For this reason Ralph Harding's work with Frank Church to revert this wheat percentage back to 50 percent was viewed as one of the most significant accomplishments of the 1st session of the 87th Congress. That this change was sought by thousands of Idaho farmers is evidenced by the fact that petitions signed by 5,000 supporters were forwarded to Washington. It came about only after Church and Harding had several conferences with the Secretary of Agriculture and had made a personal plea to the President.

BASQUES AIDED BY IMMIGRATION BILL PASSAGE

One of the most discriminatory conditions ever to exist in American immigration history prevailed in Idaho until remedied by a bill introduced by Congressman Ralph Harding. A number of Basques had entered this country in early 1950's and remained under a special act of Congress in a stateless status. These people could remain in the United States as long as they desired, but they could never become citizens. Should they ever leave the borders of the United States, they would never be permitted to reenter the country. Legislation had been introduced previously to allow these people to become citizens. However, these bills had always failed in the House Judiciary Committee.

Congressman Harding in the 87th Congress introduced a bill to aid these people in securing citizenship. Once again the House Judiciary Committee tabled the bill. However, Congressman Harding persisted until he convinced the chairman to reconsider the bill. It was approved by the committee, the House of Representatives and the Senate and was signed into law by the President last year. As a result of the favorable action on Congressman Harding's bill, these Basque people, with their families, can remain in Idaho and obtain U.S. citizenship.

WOOL ACT EXTENSION HELPS SHEEPMEN

Shortly after coming to the Congress, Ralph Harding was requested by nearly every sheepman in his district to secure the extension of the Wool Act. The over 5,000 Idahoans engaged in the sheep business, hard hit financially, believed an extension of this act would aid in rebuilding their industry. Congressman Harding introduced H.R. 4828 to accomplish this purpose. He supported the companion bill, which was enacted into law, both in the Agriculture Committee and when it was considered on the floor of the House of Representatives.

SNAKE RIVER LAND STATUS CLARIFIED IN HOUSE

A recent Bureau of Land Management survey revealed that hundreds of Idahoans owning lands adjacent to the Snake River actually did not have legal title to land they had purchased from previous owners and on which in many cases improvements had been made, permanent buildings constructed, and cropland developed. To clarify this situation Congressman Harding introduced H.R. 9097 which passed the House of Representatives and is now awaiting Senate action.

GREATER SHARE OF SUGAR MARKET SOUGHT FOR STATE GROWERS

Ralph Harding personally delivered to President Kennedy early this year a letter signed by over 50 of his Democratic colleagues in the House, including the majority of the Democratic members of the House Agriculture Committee, requesting a larger sugar quota under the new Sugar Act for domestic producers. In addition to his work in making certain that Idahoans will participate more fully in the domestic sugar quotas, Congressman Harding was among those House Members introducing legislation which was enacted into law in 1961 providing for an extension of the Sugar Act until June 30 of this year.

IDAHO IRRIGATION DISTRICTS NOW ELIGIBLE UNDER WATERSHEDS ACT

In serving on the House Agriculture Committee, Ralph Harding took the lead in urging the enactment of a bill making it possible for some 200 groups in Western States to qualify for financial assistance under the Watershed Protection and Flood Prevention Act. In the past such groups as the Cedar Mesa Reservoir and Canal Co. near Twin Falls, had not been able to participate in this Federal program.

EARLY SUPPORTER OF PEACE CORPS PROGRAM

One of the first Members to take the House floor to urge the passage of the legislation providing for a corps of representative and dedicated Americans to work with underdeveloped nations was Ralph Harding. The tremendous success which this program is having in winning friends for the United States and fighting human misery indicates his decision was a wise one. This session of the Congress found even such well-known conservatives as the gentleman from Virginia, Chairman Howard W. Smith, changing their positions to support new appropriations for the Peace Corps.

ALL LEGISLATION CONSIDERED ON ITS OWN MERIT

Ralph Harding is proud of his record in the first session of the 87th Congress reported by Congressional Quarterly of supporting the President 86 percent of the time in his efforts to "get the country moving again." He has stood squarely behind the President in getting through the Congress such important measures as minimum wage legislation and an adequate housing bill. However, in considering every piece of legislation strictly on its own merit, he has found it necessary to differ with the President in several important areas, including the Mexican Farm Labor Act, the postal increase bill, and the tax measure.

The Congressman concurred with the Idaho sugar beet farmers that the passage of legislation extending the Mexican Farm Labor Act was in the State's interest, despite the administration's attempt to secure its defeat. Harding actively supported the renewal both in the Agriculture Committee and on the House floor.

Again in September 1961 when Postmaster General Day attempted to push through the postal rate bill increasing rates on first-class and airmail stamps, but leaving the rates on second- and third-class mail at their old rates, Ralph Harding joined opponents of the bill who successfully halted its passage until adequate changes were included in the measure increasing rates on junk mail.

However, the most telling example of the Congressman's independence was his opposition vote on President Kennedy's much publicized tax bill which passed the House by a vote of 219 to 196, with only 1 Republican voting for the bill and 16 Democrats voting against it. Harding said he could not on good conscience vote for this measure when it provided a tax deduction for lobbyist activities as well as tax reductions for big business, and other tax inequities which the Nation could ill afford at this time.

IDAHO'S REPRESENTATIVE HAS WON RESPECT IN WASHINGTON

Mr. Speaker, it is not only my observation that Congressman Harding is doing an excellent job in his first term, but it is also the observation of President Kennedy, the Secretary of Agriculture, and the chairman of our House Agriculture Committee. I would also like to include their reaction to the work of RALPH HARDING.

President Kennedy has this to say about him:

> The election of RALPH HARDING to the Congress of the United States is evidence anew of what a young American with determination and courage can accomplish. In becoming the first Democrat in 24 years to win election from Idaho's Second Congressional District, Congressman HARDING overcame obstacles that to many would have seemed insurmountable. Although the youngest Member of the House of Representatives, he has demonstrated ability and adeptness in serving his State and the Nation that are usually attained only after many years of service in the Congress.

From his House Agriculture chairman, the gentleman from North Carolina, HAROLD COOLEY, comes this tribute:

> Having served in the House of Representatives for more than a quarter of a century, I have seen Congressmen come and go, and I think I know what it takes to make a good Congressman. I have never known any freshman Congressman who has made more friends in such a short time as has RALPH HARDING. By his devotion to duty and by the splendid manner in which he has discharged the responsibility of every assignment, he has endeared himself to his colleagues. RALPH has a brilliant mind and is always willing to work conscientiously and with diligence and dedication.

Secretary of Agriculture Orville Freeman takes note of his legislative work:

> As a freshman member of the important committee on Agriculture, Congressman HARDING has played a constructive role in the presentation and passage of legislation important to producers and consumers of food. He introduced the National Sugar Act and National Wool Act extensions. He worked diligently and effectively for liberalized farm credit which has been adopted by the Congress and signed into law by President Kennedy.

MEDICAL CARE FOR THE AGED UNDER SOCIAL SECURITY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. FARBSTEIN] is recognized for 15 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have watched with growing impatience and rising anger the campaign being waged against the King-Anderson bill by the organized medical community of this Nation.

Now, of course, I fully subscribe to the concept—and, indeed, I would not have it any other way—that any individual, or any organization, has the right to express its belief on any legislative matter. And while I would seriously question some of the facts, and most of the logic, of the American Medical Association's case against this bill, I certainly respect its right to make its collective voice heard.

But, Mr. Speaker, I can remain silent no longer. As all of us are now aware, a group of doctors in New Jersey last week threatened to deny treatment to elderly patients whose hospital bills would be paid under the King-Anderson bill. This was bad enough—until the American Medical Association came to the defense of these doctors.

I submit that not only is this hysterical statement outright blackmail—to use the characterization employed by the able and distinguished Secretary of Health, Education, and Welfare—but it is the most blatantly cynical, unfeeling, and cruel statement I have seen in a long time.

What has happened to the once-proud symbol of the medical profession? Where is the Hippocratic oath?

Mr. Speaker, the American Medical Association-endorsed statement by this willful band of New Jersey doctors—who, incidentally, looked the other way when the Federal Government granted more than half a million dollars in construction grants for hospitals in which they practice—is a challenge to this Congress. I urge in the strongest possible terms that we accept that challenge.

I have the greatest respect for the medical profession—for doctors as individuals, many of whom, of course, have clearly and publicly stated their opposition to the AMA view. But I am not speaking of the individual doctor. My concern is this all-powerful association before whom Government has traditionally quaked.

Of course, I know about AMA's excellent services to the Nation. I know it has done such things as forced higher medical educational standards, better standards in hospital and nursing care, and the like. In its own field of competence, it is an authority—an excellent authority. But it is not an authority in the field of social welfare legislation.

Mr. Speaker, let us not retreat from that challenge. I urge this body to instruct the House Ways and Means Committee to report out the King-Anderson bill in order that we might have the opportunity of voting on it; and to clearly indicate to the American Medical Association in this most precise manner available to us that we are through having it prescribe the social welfare program for this Nation.

Only a brief recitation of the AMA's position will suffice to indicate that this is hardly the body to which a nation concerned with the well-being of the individual can turn for guidance. It has consistently opposed any measure for the welfare of the people.

For 8 years, until 1956, the AMA fought a bitter-end battle in opposition to an extension of social security to provide cash benefits to the permanently and totally disabled at age 50.

It was the same AMA which in 1955 stated its outright opposition to the purchase and distribution of the Salk polio vaccine "by any agency of the Federal Government, except for those unable to procure it themselves." Not only was this position one of irresponsibility, coming as it did right after the release of Salk vaccine and at a time when it was urgent to vaccinate as many children and young adults as possible, but it was a cynical, though typical attitude. "Come hat in hand and we will give you a free shot for your children—if you cannot afford it." This was the humiliating statement the AMA wanted our Government to tell those unfortunate enough to be unable to pay for medical protection of their families.

I once believed that nothing could shock me any longer, but I must confess that the New Jersey doctors' statement is beyond a doubt unlike anything I have yet heard.

Mr. James Wechsler, the highly talented editor of the New York Post, has recently written an article for his newspaper which discusses another very interesting aspect of the entire matter—the harm being done to the reputation of the once highly regarded profession of medicine.

The article follows:

MEDICINE MEN

(By James A. Wechsler)

> Increasingly one hears the question: "What's wrong with doctors? Are they suffering from hopeless emotional insecurity? Do they need help?"
>
> The questions are continuously provoked by the image which the American Medical Association and its satellites have so widely projected. They are raised anew by the widely publicized revolt of some New Jersey physicians against Mr. Kennedy's medicare program for the aged which, it need hardly be repeated here, embodies the modest thought that hospital care for the aged be subsidized through social security payments.
>
> Are doctors throughout the country genuinely terrified by this minimal measure? Do they really believe it foreshadows the end of their lives as independent practitioners, and hastens the day of their enslavement to the state?
>
> If indeed they do, paranoia has become the common disease of the medical profession, and therapy is urgently needed. But who will provide it?
>
> During the course of a recent conversation with a physician whom I know well, we talked about these matters. By almost any standard, he is a highly successful doctor. He is also one who has not allowed success to render him aloof or inaccessible. He is a man who works hard, often above and beyond the call of duty, and rarely raises his voice in impatience or anger.
>
> But on this occasion one detected both elements in his voice. He regards the AMA crusade against the King-Anderson bill as an affront to himself and to his profession. He believes it is promoting the impression that doctors are a scheming group of profiteers to whom human life is secondary to private profit.
>
> What clearly exasperated him most, however, was the irrationality of the AMA frenzy.
>
> For the elementary truth, as he pointed out, is that this bill bears no faint resemblance to socialized medicine and there is not the smallest prospect that this country is on the road to regimentation of its physicians.
>
> On the contrary, he noted, there are few professions in which there is larger prospect for private enterprise and initiative. No young man emerging from medical school faces any desperate struggle for survival; there are boundless areas in the United States where the shortage of trained doctors remains acute. There are few places in which a doctor cannot obtain a surplus of patients.
>
> Yet time and again the barons of medicine, personified by the top council of the AMA, speak and act as if they were trying to protect themselves and their members against some cruel threat to their living standards and their way of life.
>
> What produces this panic? How have the leaders of the AMA battalions been able to conduct their scare campaigns with so little opposition (outside of New York and a few other places)?
>
> The diagnosis offered by the man with whom I was talking contained a note of old-fashioned economic determinism.
>
> His thesis is that most wealthy doctors, like most opulent citizens, tend to acquire a psychological vested interest in the status

quo; that this leads to an identification with the right wing of the Republican Party; and that they proceed dream-like from there to instinctive opposition to any form of progressive social legislation. In this respect, he suggests, they are no different from, say, the dignitaries of the American Bar Association who too often confuse the welfare of their corporate clients with the rights of man.

But why are there no generally effective revolts against these establishments? In part, the answer, especially among physicians, is that most of them are busy; in smaller, conservative communities, they are probably also subject to varied social pressures, most aggressively by the dignitaries of the local medical societies which take their party line from the AMA. The dissenter is not treated generously by these bodies in those numerous areas where his breed is rare.

Whatever the complex reasons, the result is that the AMA maintains its grip. In scattered areas doctors try to speak out, and spokesmen for some dissenters recently met with President Kennedy to voice support for the Medicare venture. But the AMA continues to dominate the headlines.

None of the explanations is quite satisfactory. The young man who decides to become a doctor must be at least partially stirred by a sense of concern and dedication. The life of the conscientious doctor, and especially of the general practitioner, is a harsh and harassed one, no matter how large the financial rewards.

Yet now, in New Jersey, as in other places on so many other occasions, doctors have allowed their spokesmen to make them sound like greedy operators who dread any form of social advance. What makes their behavior even more preposterous is that their fears are fantasies.

Perhaps it is time for the creation of an independent medical commission to examine the state of mind of the AMA's organization man.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Cohelan, for the remainder of the week, on account of official business.

Mrs. Riley (at the request of Mr. Albert), for today and tomorrow, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Matthews (at the request of Mr. Smith of Iowa), for 20 minutes, today, to revise and extend his remarks and include extraneous matter.

Mr. Farbstein (at the request of Mr. Smith of Iowa), for 15 minutes, today, to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

(The following Members (at the request of Mr. Smith of Iowa) and to include extraneous matter:)

Mrs. Sullivan.
Mr. Macdonald.
Mr. Herlong.
Mr. Kowalski.

(The following Members (at the request of Mr. Short) and to include extraneous matter:)

Mr. Curtis of Missouri.
Mr. Rousselot.
Mr. Siler.
Mrs. May.
Mr. Fino.
Mr. Younger.
Mr. Chiperfield.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 160. An act for the relief of Thomas O. Tate, Jr.; and

S. 1684. An act for the relief of Merle K. Loessin.

ADJOURNMENT

Mr. SMITH of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 54 minutes p.m.) the House adjourned until tomorrow, Thursday, May 17, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2067. A communication from the President of the United States, transmitting a draft of a proposed bill entitled "A bill to repeal the act of May 19, 1948, and other laws and to amend the Federal Property and Administrative Services Act of 1949, as amended, to improve the administration of transfers and conveyances of certain real property for various public uses"; to the Committee on Government Operations.

2068. A letter from the Secretary of the Army, relative to estimating the additional overhead costs relating to carrying out the provisions of Public Law 84–801, pertaining to the economic and social development in the Ryukyu Islands; to the Committee on Armed Services.

2069. A letter from the Chairman, Federal Communications Commission, transmitting a copy of the report on backlog of pending applications and hearing cases in the Federal Communications Commission as of March 31, 1962, pursuant to Public Law 554, 82d Congress; to the Committee on Interstate and Foreign Commerce.

2070. A letter from the executive director, U.S. Olympic Committee, transmitting the financial report of the U.S. Olympic Association for the year 1961, pursuant to section 12 of Public Law 805; to the Committee on the Judiciary.

2071. A letter from the Acting Secretary of Commerce, transmitting a draft of a proposed bill entitled "A bill to repeal section 25 of title 13 United States Code relating to duties of supervisors, enumerators, and other employees"; to the Committee on Post Office and Civil Service.

2072. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

2073. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of Otylia Olczky, A8165758, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

2074. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of order suspending deportation in the case of Leong Fun A3679214, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PRICE: Committee on Armed Services. H.R. 10937. A bill to amend the act providing for the economic and social development in the Ryukyu Islands; without amendment (Rept. No. 1684). Referred to the Committee of the Whole House on the State of the Union.

Mr. VINSON: Committee on Armed Services. H.R. 11743. A bill to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended; without amendment (Rept. No. 1685). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. H.R. 11222. A bill to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes; with amendment (Rept. No. 1691). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALTER: Committee on the Judiciary. H.R. 1899. A bill for the relief of Stavros Mourkakos; with amendment (Rept. No. 1686). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 2337. A bill for the relief of Maria Stella Todaro; with amendment (Rept. No. 1687). Referred to the Committee of the Whole House.

Mr. POFF: Committee on the Judiciary. H.R. 3821. A bill for the relief of Ivy Gwendolyn Myers; with amendment (Rept. No. 1688). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 3822. A bill for the relief of Ahsabet Oyunciyan; with amendment (Rept. No. 1689). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 3912. A bill for the relief of Chikoko Shinagawa; without amendment (Rept. No. 1690). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRAZIER:

H.R. 11774. A bill to authorize an appropriation for a road in Cherokee National

Forest, Tenn., and Nantahala National Forest, N.C., between Tellico Plains, Tenn., and Robbinsville, N.C.; to the Committee on Public Works.

By Mr. HALPERN:

H.R. 11775. A bill to amend the Internal Revenue Code of 1954 so as to exclude from gross income gain realized from the sale of his principal residence by a taxpayer who has attained the age of 60 years; to the Committee on Ways and Means.

By Mr. JONAS:

H.R. 11776. A bill to provide direct aid to States for educational purposes only; to the Committee on Education and Labor.

By Mrs. KEE:

H.R. 11777. A bill to amend Public Law 86–184, an act to provide for the striking of medals in commemoration of the 100th anniversary of the admission of West Virginia into the Union as a State; to the Committee on Banking and Currency.

By Mrs. MAY:

H.R. 11778. A bill to amend the Federal Trade Commission Act, to promote quality and price stabilization, to define and restrain certain unfair methods of distribution and to confirm, define, and equalize the rights of producers and resellers in the distribution of goods identified by distinguishing brands, names, or trademarks, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOOREHEAD of Ohio:

H.R. 11779. A bill to promote the general welfare, foreign policy, and security of the United States; to the Committee on Ways and Means.

By Mr. MORSE:

H.R. 11780. A bill to amend chapter 2 of the Internal Revenue Code of 1954 to extend for an additional year the period within which certain ministers, members of religious orders, and Christian Science practitioners may elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. OLSEN:

H.R 11781. A bill to redesignate the Big Hole Battlefield National Monument, to revise the boundaries thereof, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PHILBIN:

H.R. 11782. A bill to amend the Civil Service Retirement Act so as to provide for increases in annuities, eliminate the option with respect to certain survivor annuities, and provide for interchange of credits between the civil service retirement system and the insurance system established by title II of the Social Security Act; to the Committee on Post Office and Civil Service.

By Mr. SCHADEBERG:

H.R. 11783. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted from $1,200 to $1,800 yearly without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 11784. A bill to amend the Civil Service Retirement Act so as to include certain oversea service with the American National Red Cross as creditable service for purposes of such act; to the Committee on Post Office and Civil Service.

By Mr. HOLLAND:

H. R. 11785. A bill to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems in metropolitan and other urban areas, and for other purposes; to the Committee on Banking and Currency.

H.R. 11786. A bill to provide annuities payable from the civil service retirement and disability fund in additional cases for certain widows and widowers by reducing the required period of marriage from 5 years to 2 years; to the Committee on Post Office and Civil Service.

H.R. 11787. A bill to amend the Civil Service Retirement Act to provide for the adjustment of inequities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CELLER:

H.J. Res. 717. Joint resolution designating January 1, 1963, as Emancipation Proclamation Day; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FINO:

H.R. 11788. A bill for the relief of Mrs. Pavica Labetic; to the Committee on the Judiciary.

By Mr. HAGAN of Georgia:

H.R. 11789. A bill for the relief of Athanasios Angelis; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 11790. A bill for the relief of Sylvia Mattiat; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

347. By the SPEAKER: Petition of Eugene M. Boyd, Jr., city clerk, Marysville, Calif., relative to opposing a Federal income tax on interest derived from State or local bonds; to the Committee on Ways and Means.

348. Also, petition of Henry Stoner, New York, N.Y., relative to the U.S. Supreme Court decision of March 26, 1962, re *Baker* v. *Carr*, and a grievance as to how it will probably bring about Federal plan for State legislative structure; to the Committee on the Judiciary.

SENATE

WEDNESDAY, MAY 16, 1962

The Senate met at 12 o'clock meridian, and was called to order by Hon. BENJAMIN A. SMITH II, a Senator from the State of Massachusetts.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, who revealest Thyself in the true, the honest, the pure, and the lovely, make even our wayward minds Thy audience chamber, and our fickle hearts Thy dwelling place.

In this quiet moment of noontide prayer, we pause to ask Thy guidance as we tread unknown and tangled ways. As we face the duties which throng our days, may we be large in thought, in words, in deeds. Keep us, O God, from pettiness, from self-pity, and prejudice.

Forging forward unafraid, teach us to put into action our better impulses. May we strive to touch and to know the great, common human heart.

And at last may we be counted by grateful generations, who shall inherit a kindlier earth, among the architects of the final parliament of peace and plenty in which every kindred and tongue shall find their rightful place. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 16, 1962.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. BENJAMIN A. SMITH II, a Senator from the State of Massachusetts, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. SMITH thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, May 15, 1962, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on May 15, 1962, the President had approved and signed the following act and joint resolution:

S. 1139. An act to amend the act granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to the waters of the Little Missouri River in order to extend the expiration date of such act; and

S.J. Res. 185. Joint resolution to defer the proclamation of marketing quotas and acreage allotments for the 1963 crop of wheat.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Drew J. T. O'Keefe, of Pennsylvania, to be U.S. attorney for the eastern district of Pennsylvania, which was referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 1915) for the relief of Orsolina Cianfione Iallonardo, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 3483. An act for the relief of Mrs. Marguerite de Soepkez;

H.R. 3492. An act for the relief of Sebastian Sanchez Hermosilla;

H.R. 7369. An act for the relief of Gerda Godin;

H.R. 8862. An act for the relief of Miss Eleanore Redi;

H.R. 9054. An act for the relief of Dilys Evans;

H.R. 9468. An act for the relief of Dr. Charles C. Yu;

H.R. 10195. An act to validate payments of certain special station per diem allowances and certain basic allowances for quarters made in good faith to commissioned officers of the Public Health Service;

H.R. 10502. An act for the relief of James B. Troup;

H.R. 11122. An act for the relief of Edward J. McManus; and

H.R. 11257. An act to amend section 815, article 15, of title 10, United States Code, relating to nonjudicial punishment, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 160. An act for the relief of Thomas O. Tate, Jr.; and

S. 1684. An act for the relief of Merle K. Loessin.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 3483. An act for the relief of Mrs. Marguerite de Soepkez;

H.R. 3492. An act for the relief of Sebastian Sanchez Hermosilla;

H.R. 7369. An act for the relief of Gerda Godin;

H.R. 8862. An act for the relief of Miss Eleanore Redi;

H.R. 9054. An act for the relief of Dilys Evans;

H.R. 9468. An act for the relief of Dr. Charles C. Yu;

H.R. 10195. An act to validate payments of certain special station per diem allowances and certain basic allowances for quarters made in good faith to commissioned officers of the Public Health Service;

H.R. 10502. An act for the relief of James B. Troup; and

H.R. 11122. An act for the relief of Edward J. McManus; to the Committee on the Judiciary.

H.R. 11257. An act to amend section 815 (article 15) of title 10, United States Code, relating to nonjudicial punishment, and for other purposes; to the Committee on Armed Services.

LEAVE OF ABSENCE

On request of Mr. MANSFIELD, and by unanimous consent, Mr. ERVIN was excused from attendance on the sessions of the Senate for the remainder of this week because of a death in his family.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communication and letter, which were referred as indicated:

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

A communication from the President of the United States, transmitting a draft of proposed legislation to repeal the act of May 19, 1948, and other laws, and to amend the Federal Property and Administrative Services Act of 1949, as amended, to improve the administration of transfers and conveyances of certain real property for various public uses (with accompanying papers); to the Committee on Government Operations.

REPEAL OF SECTION 25, TITLE 13, UNITED STATES CODE, RELATING TO DUTIES OF CERTAIN EMPLOYEES

A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to repeal section 25 of title 13 United States Code, relating to duties of supervisors, enumerators, and other employees (with accompanying papers); to the Committee on Post Office and Civil Service.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD (for Mr. LAUSCHE):

S. 3304. A bill to provide for a study by the Secretary of the Interior of strip- and surface-mining operations in the United States and for a report to Congress of the results of such study, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MANSFIELD when he introduced the above bill, which appear under a separate heading.)

By Mr. BARTLETT (for himself and Mr. GRUENING):

S. 3305. A bill to provide for the issuance under the provisions of the Federal Aviation Act of 1958 of certificates of public convenience and necessity of indefinite duration to certain air carriers operating in the State of Alaska; to the Committee on Commerce.

(See the remarks of Mr. BARTLETT when he introduced the above bill, which appear under a separate heading.)

By Mr. WILEY:

S. 3306. A bill to authorize the Secretary of the Treasury to permit the Door County Historical Society to use the Eagle Bluff Lighthouse; to the Committee on Commerce.

(See the remarks of Mr. WILEY when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN:

S. 3307. A bill to amend the Bankruptcy Act with respect to the scope of wage earners' plans; to the Committee on the Judiciary.

By Mr. COOPER (for himself and Mr. MORTON):

S. 3308. A bill to amend title VIII of the National Housing Act with respect to the authority of the Federal Housing Commissioner to pay certain real property taxes and to make payments in lieu of real property taxes; to the Committee on Banking and Currency.

By Mr. COTTON:

S. 3309. A bill for the relief of Richard A. Gagne; to the Committee on the Judiciary.

By Mr. CASE of New Jersey:

S. 3310. A bill to amend the laws with respect to Federal participation in shore protection; to the Committee on Public Works.

(See the remarks of Mr. CASE of New Jersey when he introduced the above bill, which appear under a separate heading.)

By Mr. BUTLER:

S. 3311. A bill for the relief of Mrs. Hugh Moy King; to the Committee on the Judiciary.

By Mr. MANSFIELD (for Mr. JOHNSTON):

S. 3312. A bill to amend section 4161 of title 18 of the United States Code to provide for increasing the good time allowances to be deducted from the terms of the sentences of prisoners convicted of offenses against the United States and confined in penal or correction institutions for a definite period other than for life; to the Committee on the Judiciary.

By Mr. BIBLE (by request):

S. 3313. A bill to authorize an increase in the borrowing authority for the General Fund of the District of Columbia;

S. 3314. A bill to amend the District of Columbia Public School Food Services Act;

S. 3315. A bill to relieve owners of abutting property from certain assessments in connection with the repair of alleys and sidewalks in the District of Columbia;

S. 3316. A bill to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases," approved August 11, 1939, as amended; and

S. 3317. A bill to amend provisions of law relating to personal property coming into the custody of the Property Clerk, Metropolitan Police Department, and for other purposes; to the Committee on the District of Columbia.

STRIP MINE RECLAMATION STUDY AND REPORT

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Ohio [Mr. LAUSCHE], I introduce, for appropriate reference, a bill to provide for a study by the Secretary of the Interior of strip and surface mining operations in the United States and for a report to Congress of the results of such study. I ask unanimous consent that the bill, together with a statement prepared by the Senator from Ohio, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 3304) to provide for a study by the Secretary of the Interior of strip and surface mining operations in the United States and for a report to Congress of the results of such study, and for other purposes, introduced by Mr. MANSFIELD (for Mr. LAUSCHE), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order that the extent and effect of strip and surface mining operations in the United States can be ascertained, and in order to develop information which may aid in determining what remedial action with respect to such operations can be taken by Congress and by the several States, the Secretary of the Interior is authorized and directed to make a survey and study of strip and surface-mining operations in the United States.

(b) The Secretary of the Interior shall make the study and survey authorized in subsection (a) in full cooperation with appropriate Federal and State agencies.

Sec. 2. The survey and study authorized by the first section of this Act shall include, but not be limited to, the following matters—

(1) the nature and extent of strip and surface mining operations in the United States;

(2) the ownership of the real property involved in strip and surface mining operations;

(3) the safety of the conduct of such strip and surface mining operations;

(4) the hazards to public health and safety resulting from such operations;

(5) the effect of strip and surface mining operations on highway programs of the United States and the several States;

(6) the effect on strip and surface mining operations on the scenic features of the United States and the several States;

(7) the effect of strip and surface mining operations on the fish and wildlife and other natural resources of the United States and the several States; and

(8) the public interest in and public benefits which may result from the appropriate development and use of areas subjected to strip and surface mining operations.

Sec. 3. (a) The Secretary of the Interior shall transmit to Congress a report on the survey and study authorized by the first section of this Act. Such report shall contain all information developed as a result of such survey and study together with the recommendations of the Secretary, and shall be made as soon as practicable after the completion of the survey and study, but not later than two years after the date of enactment of this Act.

(b) The Secretary of the Interior shall transmit a copy of the report which he submits to Congress under subsection (a) of this section to the Governor of each State of the United States and the Governor of the Commonwealth of Puerto Rico.

The statement of Senator Lausche, presented by Mr. Mansfield, is as follows:

Statement by Senator Lausche

Strip and surface mining operations in many sections of our country, in recent years, have made possible the tapping of some of our mineral resources in quantities of great magnitude and at costs far below those of deep-shaft and other mining methods. While one might justifiably say this progress has been beneficial to our economy as a whole, nevertheless we must face the fact that it also, in a majority of instances, has destroyed all other usefulness of the land and has left abominable, grotesque scars. Plainly stating it, in many areas the land has been robbed of its resources and abandoned to the wrath of the elements. Time alone will not heal those wounds.

There are large areas in Ohio and other States where, as a result of stripping operations, public highways have suffered severe damage by reason of slippage; streams, lakes, and wells have been polluted; wildlife cover has been destroyed; and, finally, the entire areas themselves have been abandoned as unproductive and virtual wasteland. The future economy of these areas is seriously threatened.

During my administration as Governor of Ohio, after many unsuccessful attempts, there was finally enacted a strip mine reclamation law requiring strip mine operators to restore the usefulness of the land by a degree of leveling of the spoil banks and planting of them in grasses and trees. While the law has been helpful in land restoration, I have always felt that it should have required more strict conservation measures. Faced with almost insurmountable opposition, it was the best that I could get.

While some other States have strip mining regulation laws enacted in recent years, there remain throughout the country thousands upon thousands of acres of prelaw spoil banks, which can, it is my belief, be converted to some useful purpose with a little help. Strip and surface mining operations are no longer confined to the once-limited areas. These operations are spreading daily in many of the mineral-producing States. With the cooperation of the several States and the Department of the Interior, as my bill provides, a very beneficial land use study would be made in order that the Congress could determine in what manner and in what degree it would have responsibility in helping to restore to usefulness these ever-growing numbers of acres of desolation.

ISSUANCE OF CERTAIN CERTIFICATES OF CONVENIENCE AND NECESSITY IN STATE OF ALASKA

Mr BARTLETT. Mr. President, on behalf of the junior Senator from Alaska [Mr. Gruening] and myself, I introduce, for appropriate reference, a bill to provide for the issuance under the provisions of the Federal Aviation Act of 1958 of certificates of public convenience and necessity of indefinite duration to certain air carriers operating in the State of Alaska.

The effect of this measure would grant eligibility for permanent certification by the Civil Aeronautics Board to two air carriers which have been operating in Alaska for a number of years, Kodiak Airways, Inc., and Western Alaska Airlines, Inc.

The language of this bill follows generally the terms of Public Law 741, 84th Congress, approved July 20, 1956, which permitted nine air carriers engaged in air transportation over local routes within Alaska, two of which also operate between points in the other States and points in Alaska, to make application for permanent certificates. The same reasons for the 1956 act and the previous Public Law 38, 84th Congress, approved May 19, 1955, extending a similar privilege to local service carriers in the other 48 continental States exist now so far as these two air carriers are concerned.

Western Alaska Airlines, Inc., was granted a temporary certificate of public convenience and necessity to engage in air transportation of persons, property, and mail in the Bristol Bay area of Alaska on January 14, 1959. Its operations go back over 20 years since 1941 when the company first transported mail in the Bristol Bay area under a star route contract. From 1945 until 1959 it operated under exemption authority and for several years operated under contract with Pacific Northern Airlines. It has a history of service in the area it now serves under temporary certificate. That service covers the area between the terminal points of Ugashik and Togiak by way of the intermediate points of Pilot Point, Egegik, King Salmon, South Naknek, Igiugig, Levelock, Ekwok, Aleknagik, Dillingham, and Clarks Point.

Kodiak Airways, Inc., has had a temporary certificate since October 7, 1960, from the CAB for the following routes covering Kodiak and Afognak Islands:

First. Between the terminal point Kodiak, the intermediate points Shearwater, Old Harbor, Kaguyak, Lazy Bay-Alitak, and Moser Bay, and the terminal point Olga Bay;

Second. Between the terminal point Kodiak, the intermediate points Port Bailey, Terror Bay, San Juan, West Point-Village Isle, Uyak, Karluk, Larsen Bay, and Parks, and the terminal point Zachar Bay;

Third. Between the terminal point Kodiak, the intermediate points Ouzinkie, Afognak, Port Wakefield-Port Vita-Iron Creek, and Kitoi Bay, and the terminal point Port Williams.

This carrier and its predecessor, Bob Hall's Air Service, has given service in the area since 1950.

This bill, Mr. President, as did the acts of 1955 and 1956 will permit the two carriers to consider long-range plans without the necessity of entering into periodic and sometimes costly renewal proceedings. Both carriers have many years of service in the areas concerned, and the need for such services has been reaffirmed by the CAB in granting in the past exemption and temporary certificates. Although the CAB has the authority to grant permanent certificates, the fact is that only through the special laws cited above have such certificates for local carriers come into being.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3305) to provide for the issuance under the provisions of the Federal Aviation Act of 1958 of certificates of public convenience and necessity of indefinite duration to certain air carriers operating in the State of Alaska, introduced by Mr. Bartlett (for himself and Mr. Gruening), was received, read twice by its title, and referred to the Committee on Commerce.

ESTABLISHMENT OF A LIGHTHOUSE MUSEUM IN DOOR COUNTY, WIS.

Mr. WILEY. Mr. President; I introduce, for appropriate reference, a bill to authorize the Secretary of the Treasury to permit the Historical Society of Door County, Wis., to utilize a local, federally owned, but unutilized, Eagle Bluff Lighthouse for an historical museum.

I request unanimous consent to have the text of the bill and an explanation thereof published at this point in the Record.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the Record.

The bill (S. 3306) to authorize the Secretary of the Treasury to permit the Door County Historical Society to use the Eagle Bluff Lighthouse, introduced by Mr. Wiley, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the

Secretary of the Treasury is authorized to permit the Door County Historical Society of Door County, Wisconsin, to use as much of the Eagle Bluff Lighthouse building in such county as is necessary for the operation of an historical museum, provided that the United States reserves the right to resume possession and control for Government purposes of this property at any time and without the consent of the Society. Notwithstanding the provisions of any other law, the Secretary of the Treasury is authorized to permit the Door County Historical Society to charge and receive a nominal admission fee to defray the cost of a salaried custodian.

The explanatory statement presented by Mr. Wiley is as follows:

Explanatory Statement

Commendably, the Door County Historical Society has undertaken a creative public service effort to establish a museum in the Eagle Bluff Lighthouse.

The project—in my judgment—would be of tremendous value to the county, State, and the Nation in the following ways:

1. As a museum for portraying "Early Americana"; and
2. As a tourist attraction.

The society's collections for the museum are of real significance and value; consequently, there is a need for a custodian for the museum. Unfortunately, the society cannot now charge admission fees, since the Eagle Bluff Lighthouse—although not in use—is still Federal property.

For this reason, I am introducing proposed legislation to permit the society to (a) utilize as much of the Eagle Bluff Lighthouse as necessary for an historical museum, and (b) to charge a nominal admission fee to defray the costs of a salaried custodian.

Naturally, I am urging early consideration of this legislation. Overall, I believe, the historical society's commendable efforts to transform the Eagle Bluff Lighthouse into a museum of historical significance represents: (a) a step forward in the society's efforts to preserve outstanding features of our historical progress; (b) would be a constructive use of taxpayer-owned property now standing idle; and (c) would add one more significant museum to the many outstanding natural and manmade attractions to attract visitors to Wisconsin.

AMENDMENT OF LAWS RELATING TO FEDERAL PARTICIPATION IN SHORE PROTECTION

Mr. CASE of New Jersey. Mr. President, I introduce, for appropriate reference, a bill to amend the laws with respect to Federal participation in shore protection. The bill was drafted at my request by the Army Corps of Engineers. I ask unanimous consent that the bill remain at the desk for cosponsors until the close of business, Friday, May 18.

At this point in my remarks, I ask unanimous consent that a summary, also prepared by the Engineers, of the bill's provisions.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Description of Bill Pertaining to Shore Protection

This bill would:

1. Amend the act of August 13, 1946, as amended:

(a) By increasing from one-third to one-half the Federal participation in the cost of shore restoration and protection projects.

(b) By providing for 100 percent Federal cost participation in protection of Federal property and in projects at State, county and other publicly owned shore parks and conservation areas which meet certain criteria set forth in the bill.

(c) By authorizing reimbursement of local interests for work done by them on authorized projects up to $1 million.

(d) By providing small shore and beach restoration and protection project authority with a single project limit of $400,000.

2. Modify the act of July 3, 1930, as amended, by providing for surveys entirely at Federal cost. Through application of existing laws pertaining to river and harbor surveys, specific contribution to the costs and cooperation in the survey by a State or local agency would not be required, but the consulting and coordinating requirements of the 1945 River and Harbor Act would apply.

3. Make the new participation provisions applicable to authorized projects where the Federal contribution has not been made as of the date the bill is enacted.

Mr. CASE of New Jersey. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record and will lie on the desk, as requested by the Senator from New Jersey.

The bill (S. 3310) to amend the laws with respect to Federal participation in shore protection, introduced by Mr. Case of New Jersey, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved August 13, 1946, as amended by the Act approved July 28, 1956 (33 U.S.C. 426e–h), pertaining to shore protection, is hereby further amended as follows:

(a) The word "one-third" in section 1(b) is deleted and the word "one-half" is substituted therefor.

(b) The following is added after the word "located" in section 1(b): ", except that the costs allocated to the restoration and protection of Federal property shall be borne fully by the Federal Government, and, further that Federal participation in the cost of a project for restoration and protection of State, county, and other publicly owned shore parks and conservation areas may be the total cost exclusive of land costs, when such areas: include a zone which excludes permanent human habitation; include but are not limited to recreational beaches; satisfy adequate criteria for conservation and development of the natural resources of the environment; extend landward a sufficient distance to include, where appropriate, protective dunes, bluffs, or other natural features which serve to protect the uplands from damage; and provide essentially full park facilities for appropriate public use, all of which shall meet with the approval of the Chief of Engineers."

(c) The following is added after the word "supplemented" in section 1(e): ", or, in the case of a small project under section 3 of this Act, unless the plan therefor has been approved by the Chief of Engineers."

(d) Sections 2 and 3 are amended to read as follows:

"Sec. 2. The Secretary of the Army is hereby authorized to reimburse local interests for work done by them on authorized projects which individually do not exceed $1,000,000 in total cost after initiation of the survey studies which form the basis for the project: *Provided,* That the work which may have been done on the projects is approved by the Chief of Engineers as being in accordance with the authorized projects: *Provided further,* That such reimbursement shall be subject to appropriations applicable thereto or funds available therefor and shall not take precedence over other pending projects of higher priority for improvements."

"Sec. 3. The Chief of Engineers is hereby authorized to undertake construction of small shore and beach restoration and protection projects not specifically authorized by Congress, which otherwise comply with section 1 of this Act, when he finds that such work is advisable, and he is further authorized to allot from any appropriations heretofore or hereinafter made for civil works, not to exceed $3,000,000 for any one fiscal year for the Federal share of the costs of construction of such projects: *Provided,* That not more than $400,000 shall be allotted for this purpose for any single project and the total amount allotted shall be sufficient to complete the Federal participation in the project under this section including periodic nourishment as provided for under section 1(d) of this Act: *Provided further,* That the provisions of local cooperation specified in section 1 of this Act shall apply: *And provided further,* That the work shall be complete in itself and shall not commit the United States to any additional improvement to insure its successful operation, except for participation in periodic beach nourishment in accordance with section 1(d) of this Act, and as may result from the normal procedure applying to projects authorized after submission of survey reports."

Sec. 2. All provisions of existing law relating to surveys of rivers and harbors shall apply to surveys relating to shore protection and any expenses incident and necessary to investigation and study shall be paid from funds for General Investigations, Civil Functions, Department of the Army, and Section 2 of the River and Harbor Act approved July 3, 1930, as amended (33 U.S.C. 426), is modified to the extent inconsistent herewith.

Sec. 3. The cost-sharing provisions of this Act shall apply in determining the amounts of Federal participation in or payments toward the costs of authorized projects for which the Federal contribution has not been made prior to the date of approval of this Act, and the Chief of Engineers, through the Beach Erosion Board, is authorized and directed to recompute the amounts of Federal contribution toward the costs of such projects accordingly.

AMENDMENT AND EXTENSION OF SUGAR ACT OF 1948—AMENDMENT

Mr. TALMADGE submitted an amendment, intended to be proposed by him, to the bill (S. 3290) to amend and extend the provisions of the Sugar Act of 1948, as amended, which was referred to the Committee on Finance and ordered to be printed.

EXTENSION OF TIME FOR GRANTING NATIONAL SERVICE LIFE INSURANCE TO CERTAIN VETERANS—EXTENSION OF TIME FOR BILL TO LIE ON DESK

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the bill (S. 3289) to amend title 38, United States Code, to permit, for 1 year, the granting of national service life insurance to veterans heretofore eligible for such insurance, introduced by me, may lie on the desk until May 23, for additional cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT AND EXTENSION OF PROVISIONS OF SUGAR ACT OF 1948—EXTENSION OF TIME FOR BILL TO LIE ON DESK

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Louisiana [Mr. ELLENDER], I ask unanimous consent that the bill (S. 3290) to amend and extend the provisions of the Sugar Act of 1948, as amended, be held at the desk until Friday, May 18, 1962, for additional cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 16, 1962, he presented to the President of the United States the following enrolled bills:

S. 160. An act for the relief of Thomas O. Tate, Jr.; and

S. 1684. An act for the relief of Merle K. Loessin.

TWENTIETH ANNIVERSARY OF CIVIL AIR PATROL

Mr. HRUSKA. Mr. President, recently it was my pleasure to be among those who attended the 20th anniversary dinner of the Civil Air Patrol, here in Washington. My colleague, Senator CARL CURTIS, and I were guests of the Nebraska Wing, which on that occasion was represented by Col. P. J. Stavneak and Lt. Col. H. J. Katzenberger, both of Omaha, Nebr., and Cadet Maj. Michael Bagan.

In Nebraska, the Civil Air Patrol has a membership of over 500 cadets and senior members, all on a voluntary basis, working for this organization and its program. It has functioned well in many emergencies within the State, such as air rescue, floods, and other types of disaster. At the same time, it is building a solid and wholesome citizenship among the cadets who interest themselves in aviation and communication generally, as well as in the wider program involved.

The Nebraska Civil Air Patrol has had good leadership, and has made a good record. Members of the Nebraska Wing are to be very generously commended for their achievements.

A splendid and well-deserved tribute was paid to the Civil Air Patrol for its first 20 years by Gen. Frederick H. Smith, Jr., Vice Chief of Staff of the U.S. Air Force, in a speech delivered at the banquet. He lauded this organization and its members for having fashioned within two decades a firm, constructive tradition of patriotism and dedication to country and to those in distress and emergency.

He pointed to the program of the future, and especially to the new 5-year Civil Air Patrol plan for cadets, which recognizes the long-term value of their training.

Mr. President, I ask unanimous consent that the text of General Smith's speech be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY GEN. FREDERIC H. SMITH, JR., VICE CHIEF OF STAFF, U.S. AIR FORCE, CAP 20TH ANNIVERSARY CONGRESSIONAL BANQUET, STATLER HILTON HOTEL, WASHINGTON, D.C., MONDAY, MAY 7, 1962

It is a great pleasure for me to join you in celebrating this 20th anniversary of the Civil Air Patrol.

For the past 20 years the objective of the Civil Air Patrol has been to serve the public interest. That interest is represented here tonight by the distinguished ladies and gentlemen of the Congress who have joined us for this occasion.

The wing commanders and members of the Civil Air Patrol are here representing their organizations' years of public service.

By joining these representatives together in this celebration we honor all the men and women whose efforts have contributed to the success of this service.

At the beginning of World War II the Civil Air Patrol came to life in our national tradition of the minuteman. It was created as a popular response to a clear and present danger at the time; the danger of enemy submarines operating near our coasts. What began as a 30-day trial of coastal patrol by light aircraft manned by volunteer civilian pilots finally concluded 18 months later. That much time was required after Pearl Harbor to build up the Air Force and the Navy to carry out effectively the task of antisubmarine coastal patrol. During those 18 months the gallant flyers of the Civil Air Patrol answered a vital need. Many gave their lives. Many are still with the Civil Air Patrol and are with us here this evening. We acknowledge our debt to them.

The formation of the Civil Air Patrol constituted the kind of response we might have expected from a militia. Our country's political philosophy always placed great value on a militia, and during most of our history we were able to constitute militia forces from the skills possessed by the general public. But it was not until the beginning of World War II that a response of the general public could raise militia forces in aviation. It was only at that time the aviation skills, equipment, and operations were in general use by the public.

However, more than mere skill and operational resources were required to constitute a force—regular or militia. Inspired attitudes and beliefs of the participants are a dominant factor in the power of military forces. In fact it seems to me that skills, equipment, and operations are usually a direct expression of inspired attitudes and beliefs.

At the time the Civil Air Patrol was formed the aviation tradition was truly inspired. This inspiration flowed from men like Jimmy Doolittle, Charles Lindbergh, Billy Mitchell, Wiley Post, Richard Byrd, Howard Hughes, and women like Amelia Earhart and Jacqueline Cochran. Equally inspiring were the great designers and builders in aviation; men like Glenn Curtis, Donald Douglas, and Glenn Martin.

Those people had a common characteristic. They had all pursued individually and personally a quest for knowledge in the unknowns in aviation. And by this means they discovered knowledge which illuminated these unknowns. Personal courage and daring were offered as their proof of knowledge. This became part of the aviation tradition at the time of the Wright brothers' flight, but it was dramatized and recognized in the colorful years after the First World War.

When the Civil Air Patrol began its operations, searching for enemy submarines far from shore in unknown weather and with simple equipment, it was expressing this tradition of aviation in its finest sense. Their daring and courage were offered as proof that they knew how to do the job.

This same tradition inspired the military aviators of World War II. The fighter pilot, the bomber crews, the carrier pilot, and all aviators seemed to offer their mission performance as proof of their knowledge and abilities.

These attitudes and beliefs in the aviation tradition made it possible for us to develop greater skills, build and operate higher performance equipment and conduct a variety of operations that were incredible, complex, and successful. This tradition made possible advances in radar and electronics, the jet aircraft, and advanced systems for command and control.

At this point I would like to emphasize that the tradition of personal courage is not a unique quality of aviators. The soldier in battle and the sailor at sea are among many others whose traditions are based on personal courage. And those traditions are very old. The age and the unchanging nature of their traditions are reflected in ballad and verse, poetry and prose, arts and lore from origins that are lost in time.

But the aviation tradition is not old. Its origin is within the memory of living men. Perhaps this is one reason that our literature and art reflect so little of the aviation tradition.

And the nature of aviation has changed swiftly in one generation. The individual enterprise of Charles Lindbergh is not likely to be repeated in the future. Today the performance of Col. John Glenn in his orbit of the earth and Maj. Robert White and Mr. Joe Walker in the X-15 are also demonstrations of personal courage offered as proof of knowledge. But each of these men is proving the knowledge developed by great corporate teams of specialists and experts that require hugh expenditures of money exceeding the probable resources of any private enterprise. These aviators are part of a corporate team and subject to team discipline. They are not free to choose the margin of risk in their performance, as Lindbergh was. They must operate within the margin established by the corporate nature of the job. This corporate operation is characteristic of aviation today. And because of it and the operating expense of modern aviation, relatively few men may have the opportunity to offer their personal courage and daring for the proof of knowledge.

Does this mean that the aviation tradition is becoming outmoded? I don't think so. Col. John Glenn's magnificent performance in orbit was a vivid demonstration of a man inspired in the aviation tradition. And after Shepard, Grissom, Glenn, and the other astronauts there will be still others required to perform in this tradition for the space mission.

The inspiration of future astronauts will come from many sources, but a major one will probably be their personal experience with conventional aviation.

In this respect, the Civil Air Patrol education and youth programs provide important opportunities to inspire young people and pass on the aviation tradition.

The Civil Air Patrol education program is providing this opportunity for thousands of adults in addition to thousands of Civil Air Patrol cadets. With each passing year we see more teachers participating, more high school courses and more cadets and seniors becoming missionaries passing on their enthusiasm and inspiration to others. The efforts are showing up at the Air Force Academy—10 percent of the academy cadets are former cadet members of the Civil Air

Patrol. A recent survey showed that 25,000 former Civil Air Patrol members have enlisted in the Air Force. We are very proud of these inspired people who join the Air Force and serve so proudly.

The new 5-year plan for Civil Air Patrol cadets recognizes the long-term value of cadet training. The administrators of this program can take pride in the fact that already the cadet membership goal for 1962 has been exceeded.

The Civil Air Patrol is best known for its search and rescue work.

During the year there were a total of 719 air search and rescue missions in the inland regions of our Nation—this is in all 50 States and Puerto Rico. There were over 17,000 individual flights consisting of nearly 36,000 hours of flying time.

The Civil Air Patrol flew 65 percent of the individual flights.

It flew over 57 percent of the total hours flown. Twenty thousand six hundred and forty-one hours in the air—all voluntary, all without pay.

The U.S. Air Force reimburses these private pilots for the fuel and oil. And nothing more. Over the years these costs have averaged out at $6 per hour.

Any way you choose to look at it, the voluntary effort of the Civil Air Patrol in search and rescue operations is a substantial one—not to mention its humanitarian aspect. Despite our computer expertise we are unable to place a dollar value on human life.

Search and rescue activities are, of course, the more glamorous of the Civil Air Patrol operations, but when the future is considered, the overall aerospace education and information program is a most vital activity, possibly the most important for the long term. Especially when we consider the problem of time and the consequence.

The Civil Air Patrol is preserving the aviation tradition, passing it on and inspiring new generations. In doing this it is contributing to the development of well informed citizens; citizens who appreciate the traditional values of our society; citizens inspired to act in the personal courage of their convictions.

All who share the aviation tradition and faith in its future will join with me in wishing every success for the programs of the Civil Air Patrol.

We wish all its men and women engaged in these programs Godspeed and good luck.

SAC: THE BIG STICK

Mr. HRUSKA. Mr. President, recently the American Broadcasting Co. presented a television program entitled "SAC: The Big Stick." This special edition of the popular "Editor's Choice" series described the Strategic Air Command and the vital role it plays in the defense of America and the free world.

Interviewed on the program was Gen. Thomas S. Power, commander in chief of the Strategic Air Command, at his headquarters near Omaha. He was the chief narrator of the program, as to the mission, equipment, and personnel of SAC.

Fendall Yerxa, editorial director of "Editor's Choice," aptly described General Power as "one of the most important men in the world. He holds one of its most critical jobs."

Mr. President, because the views and comments of General Power regarding his command are of utmost importance, I ask unanimous consent that the transcript of the program, "SAC: The Big Stick," be printed in the CONGRESSIONAL RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

SAC: THE BIG STICK

ANNOUNCER. The story of the Strategic Air Command as it has never been told. How have we prevented an atomic attack? What is the danger of accidental war? How much warning will we have?

To bring you the story of the big stick here is our editorial director, Fendall Yerxa.

Mr. YERXA. Good evening. Tonight we are going to take a close look at our most precious possession in a world which has just resumed nuclear testing, something designed to keep the world out of the catastrophe of war.

We are going to take a look at the big stick that this country carries to preserve the peace in a world which has finally progressed far enough to learn how to destroy itself.

It is a tough world and in it we have also learned that we simply cannot afford an all-out war, and that the best possible way to keep anyone from starting one is to hold a big club over his head and convince him that if he pulls the trigger he is going to get hit, so he won't dare strike. That, in brief, is the theory behind the Strategic Air Command, the Big Stick.

Now, if you did not understand what it was and how it did its job you might whistle your way in fear down the hostile alleys of the hydrogen age. But if you will listen to the boss of the big stick, this man, Gen. Thomas Power, the commander of SAC, I think you will sleep better tonight.

For General Power is one of the most important men in the world. He holds one of its most critical jobs. He has never before told his whole story to the whole Nation, and his story is worth listening to.

The best test of the effectiveness of the Strategic Air Command is the fact that it never has had to fire a shot in anger. Now it is an odd paradox that goes a little beyond classical military strategy that SAC is trained to top pitch precisely so that it will not have to use its training—so it will be just too tough to attack.

In pursuit of that posture it has had to take up its position often in practice, and a few times in earnest. But such is the nature of hostility in the world today, which is nowhere better understood than it is in Omaha, Nebr., in the world headquarters of the Strategic Air Command.

Here, scrupulously guarded by a special elite force, whose bone-handled pistols are not just for show, in a four-story underground command post dug in against missile attack is the control center of this mighty machine.

And here in an office near the underground, and within earshot of planes on the airfield close by, is the chief practitioner of the military art of deterrent retaliation, Gen. Thomas Power.

With ABC newsman, Jack Begon, I went to SAC headquarters and we asked General Power to explain the mission and purpose of the Strategic Air Command.

General POWER. Well, I think very simply stated, SAC is charged with being prepared to conduct strategic air operations on a global basis so that in the event of sudden aggression SAC can mount simultaneous nuclear retaliatory attacks designed to destroy the warmaking capacity of an aggressor to the point that he would no longer have the will nor the capability to wage war.

Now the important thing is that the Strategic Air Command has the capability to carry out that mission.

Mr. YERXA. There is no question about that in your mind?

General POWER. None whatsoever. And, what is more important, is the fact that this is well known throughout the world.

Now we think that this has acted as a very potent deterrent to all-out thermonuclear war. Whether you or anyone else agrees with that statement really does not matter. The important thing is that the record is clean. This world has not been engaged in an all-out thermonuclear war; and I might add, this is a real good way to keep it if you can.

So there is a tremendous challenge to stay out of this war, on honorable terms. And I add that, and I emphasize it.

Now I do not say you can stay out of it. But I say it is certainly a worthwhile challenge.

Now from the point of view of deterrence it should be remembered that it makes little or no difference what we think of our own military capability. But rather, what does any potential aggressor think of our capability? Because he is the one we are trying to deter, not ourselves. And there is a certain amount of difficulty in achieving this because obviously when you are strong if you act strong why you can be accused of saber rattling or warmongering, or recklessly endangering the peace of the world.

So I think this has to be understood. And there are certain risks involved in it.

But in order to deter, I repeat, we must convince any potential aggressor that we are good, or have this capability, otherwise we have failed in the deterrent role.

Mr. BEGON. General, your communications system is perhaps the most vital part of your organization. Will you explain how it operates and how you would go about launching your alert operation?

General POWER. Well, I am sure you have heard of the famous red telephone.

Mr. BEGON. Yes, I see it right there.

General POWER. All of our bases throughout the world are connected together into this underground. When we pick up this phone, in a matter of seconds we are in touch with every one of our bases. We send coded messages out that are prepositioned; immediately klaxons start blowing, crews start running into airplanes, start the engines and taxi out. This whole thing is done in a matter of minutes, and they are off the ground.

If I could get you to visualize a group of firemen sliding down a pole and that fire engine going out the door, this is about the way the crews come out of the alert facilities and get going.

Now, when they take off, this does not mean they are necessarily going to bomb. They are all ready to go. But they merely take off to insure their survival.

Now, they take off under positive control. I have authority to launch them in this mode, but mind you, I do not have authority to expend any nuclear weapons. No military man has authority to start any wars. This authority is held entirely, and properly so, by civilian authorities—the President of the United States.

We take it off to insure its survival.

Now, the aircraft proceed to a certain point a certain length of time. They do not come within enemy radar scopes, so there is no threatening gesture involved. Nobody other than ourselves would even know they have been launched.

If the signal turns out to be spurious, or if the President decides he does not want to go to war, the circumstances do not warrant it, or any other set of conditions, then these aircraft fail-safe. They return back to their base. No harm has been done. At best, we have had a very fine training exercise.

But from the point of view of deterrence we must convince an aggressor that if he plans a surprise attack with missiles this force will survive. And it is a considerable force in numbers. And if he is really launching a missile attack he will have to eat it.

Mr. BEGON. He will get it back.

General Power. He will get it back. And there will be no profit in it for him.

Mr. Yerxa. Now the scramble is over. The planes of the alert force are aloft, heading along their carefully prescribed courses.

The pilots and their crews never know whether this is the real thing or just another dry run.

At SAC headquarters underground plotting teams keep watch over the progress of the planes.

Here is what the military calls the big picture. And its information, constantly updated, is relayed to Washington.

Here, too, there are no rehearsals. Every alert is presumed to be the real thing. If the appointed hour comes—E-hour—and there is no attack message, all planes automatically turn back to their bases. This is the fail-safe system.

So the great planes whistle toward a rendezvous with the ticking second hand.

Of course, nobody kids these men. The chances are no war; but the tension is there.

So there is no attack order, no war, and the job is done.

This is a costly business. Billions of dollars for SAC alone. So we are often prompted to ask what is the minimum force we can keep and still do the job. The minimum deterrent.

Now, no military commander can ever sit back and claim he has enough to stop any attack. To do so is to invite Maginot Line defeat. But when he gets into deterrence it becomes complicated. If I think you are going to pick a fight with me it is difficult for me to know whether the threat of one punch will stop you or if it will take the threat of a hundred.

Nobody knows what the minimum is that will keep any dictator or aggressor from starting a war, except possibly the aggressor himself. And even he may not know because the situation changes.

For example, Mr. Khrushchev recently boasted that all our defenses are obsolete because he can circumvent our warning radars and attack without warning.

Maybe he means it, and maybe he is just trying to undermine our faith in our retaliatory force. But whichever it is, it seems to me SAC has a built-in answer to it. And that is to augment the ground alert by expanding the airborne alert, which is now only on limited training basis. To keep bombers in the air at all times. Now this of course would change the cost factor. That is one of the realities we face. So we asked General Power for some of his views on the subject of minimum deterrence.

General Power. Well, there is now a basic principle involved here, and I think it is the same principle that is involved when you take out insurance to protect you against civilian suit.

If you knew exactly how much you were going to be sued for you would be very foolish to take out 1 penny's worth of insurance more than that. But you do not know. So you take out enough insurance to feel secure.

Now, different people have different ideas on what security is and how secure they want to feel.

Also, people have different ideas of what the value is of a particular item they are trying to protect.

In this case we are trying to protect our way of life, our personal liberty, the dignity of the individual, our way of running a government.

Now what value do you as individuals put on this? I am sure that it differs amongst different people.

The only point I am making is you can have any amount you want. You should know what you are trying to protect, what it is worth to you, and how much you want to put on the line in order to protect it.

You can have anything you want. I am merely stating that it is extremely dangerous to try to chase a minimum deterrent. It is much better to have the deterrent margin, and you should feel as secure as you want to feel.

Mr. Yerxa. You feel you have that margin?

General Power. Today, yes. The record proves it. That is the best proof.

But there are new elements coming into this thing. It is a changing era. We are in the missile age. There has been a fantastic compression of time.

And one other thing that is not well understood by many people, and that is, you do not necessarily deter with the size force you have in being. But rather, you deter with the size force you have left after you have been subjected to a missile surprise attack.

Now it even goes a little further than that from the point of view of deterrence. It is probably even a little more sophisticated. You deter with the size force that a potential aggressor thinks that you will have left after he has subjected you to the surprise attack he is planning.

Now, in the missile age with hydrogen warheads and this fantastic compression of time there are many problems connected with insuring the survival of your strike forces, and I will mention some of the classical ones that we employ.

One is fast reaction, coupled with warning. In other words, simply stated, you ascertain how much warning you can be sure of. And mind you, in the missile age this is just a matter of minutes. Then you tailor the largest percentage of the force that you can to react within that warning time.

Now today, in the case of the Strategic Air Command, over 50 percent of the Strategic Air Command is on constant alert, capable of being off the ground in less than the warning time that we will get of a surprise missile attack.

Mr. Yerxa. What is that warning time?

General Power. Well, you can figure it out yourself. It takes a missile roughly 30 minutes to go from the Soviet Union to the United States. This warning is provided by radar. It is known as BMEWS—Ballistic Missile Early Warning System. They see this missile at its apogee, approximately the halfway point.

So you have something in the neighborhood of 15 minutes or more of warning.

Mr. Yerxa. So that you can get this striking force launched within that 15 minutes?

General Power. We can, and let there be no doubt about it. We check it every day. We test it every day, our capability to get the word, the warning to our units and have them take off within that time period.

Now, another way of insuring survival of your weapons system is through dispersion. This is another strategy or tactic. You spread out your weapons systems; and the obvious reasoning here is that the more you spread them out the more individual aiming points he must plan on, plan on striking simultaneously, and therefore his task becomes more complex and his confidence factor that he can hit them all is lower.

Now dispersion is an excellent strategy, particularly when it is coupled with another strategy which we call hardening.

Now this applies to missiles. They will withstand a near miss. They will not withstand a direct hit. There isn't anything that man has built to date that will withstand a direct hit by a hydrogen bomb. But now what do we do? We place a requirement for extreme accuracy on any aggressor. He must not only plan to strike many points simultaneously but he must strike them with accuracy.

To give you an example. If, say, his accurracy is somewhere in the neighborhood of 2 miles, and assuming certain yields and reliability factors, then it may take him as many as 20 missiles to be sure of destroying one of our hard missiles. So now you place a very complicated problem in front of him.

He must have many times more missiles than we have. They must have a certain accuracy, and they must be able to be delivered simultaneously if he is to have a high confidence factor that he can destroy all of our retaliatory forces.

So, dispersion and hardening are very good strategies.

Now, to give you an example of this, the Minuteman, which will be in silos in quantity and hardened, has a 32-second reaction capability. So you have placed a tremendous, tremendously complex requirement on anybody planning to attack the United States.

Mr. Begon. Well, in regard to dispersion, Mr. Khrushchev of late has been making some dire threats against those countries where we have our advance bases. With the concentration of firepower that you have here on the continent do these bases really become a necessary part of your system?

General Power. Our base is extremely important from the basic principle of dispersion.

Whereas most of our bomber strength is stationed in the United States, by having some of it located in the forward areas we greatly enhance our timing, our ability to strike fast. I think this is an important element that is not too well understood at times.

Now there is another strategy that we use to insure the survival of our force, and I will call it mobility. This is the basic principle behind the airborne alert. It is the basic principle behind the mobile Minuteman on trains. It is the basic principle behind the Polaris submarine.

By keeping the weapons systems moving at a random rate it is obviously impossible for any aggressor to accurately know where they will be on a "D" day and "H" hour that he is planning to strike you. And thus, he has a very low confidence factor that he can destroy that particular weapons system.

Mr. Begon. Sir, you mentioned earlier the phrases positive control and fail-safe. I wonder if you could explain those a little more, particularly in connection with missiles.

Is there any positive control over missiles?

General Power. No. When I was talking about positive control I was referring entirely to the ground alert, manned aircraft force. This is the force that we can launch when we get radar warning from BMEWS.

Now, radars are very fine devices, they see real good. Sometimes they see too good. They see things that are not there.

So now, we have the ability to launch this manned force. There is no danger involved in this. They are flying over friendly territory, they are under positive control, and if the signal turns out to be spurious they return back to their base. There have been no threatening gestures, there is no danger of an accidental war.

It is, as the term implies, under positive control. But this is only for the manned aircraft. That is one of the beauties of the manned system, one of the flexibilities of it.

Missiles obviously cannot be recalled once they are launched. So missiles will have to ride out the attack. And that is why they are hardened and dispersed.

Mr. Yerxa. Missiles once launched are off and away, and they cannot be controlled. Is there theoretically at least a potential for full control, positive control and guidance of missiles somewhere in the future?

General Power. To apply them in the same way that I mentioned, the positive-controlled manned force?

Mr. Yerxa. Yes.

General Power. No. Until you get into space. Now, if you had space vehicles, of course, you could do the same thing. But they would be manned then.

Mr. BECON. There would still have to be a manned aircraft or spacecraft.

General POWER. And this is one of the beauties of the manned force. This is why we believe in the mixed force of aircraft and missiles. We think they complement and supplement one another. Each one has peculiar advantages, and some disadvantages.

By having both you can exploit the advantages of each particular weapons system. And nullify the disadvantages of any particular one.

Mr. BECON. The missiles would never be put into action until you are real sure that somebody is mad at you?

General POWER. You would never launch the missiles until you really mean to go to war.

Mr. YERXA. After you have been hit.

General POWER. Well, that depends on the civilian authority. In the military we are prepared to carry out any orders that the civilian authority issues to us, any orders.

Mr. YERXA. Naturally, in case of a war all SAC bases would be prime targets for atomic missiles.

SAC would be lost without its control facilities. So we asked General Power how they can be protected against attack.

General POWER. Well now, the basic command element, control element here is underground. As I mentioned before, there isn't anything that will withstand a direct hit by a hydrogen bomb. So what we have done now, we have used the principle of dispersion. We have alternate headquarters located around the United States that would automatically take the command over if this one was destroyed.

But of course, there is always the possibility that they will be destroyed. So we have done something in addition to that. We maintain an airplane in the air at all times. He is circling this headquarters at all times, with a general officer aboard, and controllers, and all the codes necessary to control the Strategic Air Command.

This airplane has been in the air for over a year now. Of course, not the same one, but there has continuously been a general officer with the codes and with all the communications necessary to control SAC if all the other command elements are destroyed.

Now the basic principle is simple—he flies a rectangle around his headquarters. He is in constant touch with it. If he loses communications he flies over here. Now he is flying at some 600 miles an hour at all times. He flies over here and he looks down. If there is a great big hole in the ground where SAC Headquarters used to be, with smoke coming out of it, why he gets suspicious.

Mr. YERXA. He supplements the ground installation here, which is also manned all the time.

General POWER. Continuously, around the clock.

Mr. YERXA. SAC then is essentially a gigantic weapons system. But it has to be backed up by men. And I wonder if you could describe for us the role of man in SAC, and what kinds of requirements he has to meet, what sort of a job he has to do, and what rewards, if any, he finds, and what his incentives are.

General POWER. Well, I am glad you mentioned that because I think today with all our glamorous hardware we are inclined to forget that it still takes men to wage war. And it is men that win wars, not machines alone.

Now, in SAC, in which we have some 270,000 people, there are some 10,000 to 12,000 or more men directly engaged in the fighting part of this business. They man the bomber crews.

Now these are the men that are going to insure the delivery of these weapons. Now this is probably the finest group of men there are in the world, in my opinion. They are handpicked. There is a screening exercise going on continuously, because this is a very hard life they lead, tremendous responsibility, tremendous pressure and tension. Mind you, they are living with this threat of going to war at all times. To them, it is real. If this world gets in an all-out thermonuclear war they know they are going, and going in the next few seconds. And they live with that daily.

The requirements for professionalism are high. They are constantly training, they are constantly checked, and any weakness that they show, they are removed from a crew.

So this is a very difficult way to live.

Now, some fall by the wayside, but the ones that remain and are combat ready and are in SAC's war plan today, in my opinion are the finest group of men that exist in this world today. They are dedicated, they are highly motivated, and they are real professionals.

Now whether or not anybody appreciates this I cannot say. Sometimes I get the feeling that they are not really understood, just what they are doing.

For example, the SAC crewman works an average of 74 hours a week, 52 weeks a year. He is away from home 135 days a year. He is away from his family. He is down in that airplane, living in it, living right by it, so he can get airborne in a matter of minutes.

He is constantly responding to klaxons blowing, testing, and checking. It's a hard life.

Mr. YERXA. There has never been a military force maintained on the basis of 50 percent alert.

General POWER. Never been attempted before.

Mr. YERXA. General Power's headquarters at Omaha is essentially a command post operation, an elaborate control center where plans are written, orders are issued, and the result subjected to continuous analysis.

The Strategic Air Command is many things, but at the business end, primarily, it is a collection of what, in modern colloquialism, we know as hardware. The planes, rockets, missiles, arms, and guns which men use as tools of war for the maintenance of peace.

For such big tools as these the workshop is necessarily vast. SAC is spread over 80 operational bases throughout the free world. One such base, which is a little different from any other, except in climate or local color, is Westover Air Force Base in Springfield, Mass.

This is the kind of place where SAC gets down to its brass tacks. The kind of place SAC men call home when they are on the ground.

It is a rather unpretentious collection of businesslike buildings, most of them refurbished from World War II. Statistically, Westover covers some 4,200 acres and normally houses about 10,000 military personnel.

These men are the combat air crews and support troops for the 57th Air Division of the famous 8th Air Force, which is one of the three numbered air forces in Strategic Air Command.

On the flight line at Westover are about 30 B–52 bombers like the big stick, divided into 2 squadrons of the 99th Bomber Wing, and 2 squadrons of both propeller-driven and jet-powered tankers for mid-air refueling.

This then is the business end of SAC, insofar as the manned bomber force is concerned.

As General Power makes plain, the manned force is here to stay, and manning involves thousands of people, not only in the air, but far more of them on the ground. Men in combat crews, yes, but also in support units. Men who devote themselves to hours of planning to keep the intricate machinery of SAC tuned to readiness.

Maintenance is an operation as vast and complex as a war plant. But it comes down to men. Men like Sgt. Harold Fay, a military veteran, who is a chief of a B–51 ground crew.

Sergeant FAY. Well, on this airplane here, the thing is to get it ready to fly in a minute's notice, and keep the maintenance maintained on it at all times, so in the case of an EWO we would be ready to go.

Mr. YERXA. And EWO is what?

Sergeant FAY. Emergency War Operations.

Mr. YERXA. Emergency War Operations.

Sergeant FAY. Yes. And that way, as soon as the other plane lands we have a crew that just started here that maintains it up for the first 9 hours. Then my crew come in and take and clean up in case that crew doesn't have enough time in their 9 hours, then we have to be here to make sure the airplane is ready at all times.

Mr. YERXA. Right now, you're on alert, are you?

Sergeant FAY. Yes, we're on strict alert right now, and we'll be here for several days, and I have to stay right close to the airplane at all times.

Mr. YERXA. All the time?

Sergeant FAY. All the time.

Mr. YERXA. Tell me, Sergeant, do you think that the maintenance of this Strategic Air Command Force could prevent another Pearl Harbor?

Sergeant FAY. Oh, definitely; definitely I believe it could. And I believe it will.

Mr. YERXA. Why?

Sergeant FAY. Well, let's face it, SAC is one of the strongest forces in the world today, and at the rate they're going it's going to still be the strongest. And I don't believe—this is my own personal opinion—I don't believe that they will ever get rid of the manned aircraft. They have missiles and what have you, and I still think they'd have to have a crew chief and ground crews to man these airplanes. They have to have flight crews also.

Mr. YERXA. Tell me, when your crew is on a flight mission what do you do then?

Sergeant FAY. Well, of course we sweat them out all the time on takeoff and all the time during the flight.

You don't relax. You wonder whether the airplane is coming back early or whether they're having difficulty, which does happen occasionally.

And then, they have these aborts and you don't know what the abort is all about until you land. Occasionally you get the word they aborted. It might be a fuel leak. So you can never tell.

The ground crew sweats them out. I mean, you can't help it. It's just like the airplane, we want the ground crew to come back, you want the airplane to come back in good shape. You just can't help it, you sweat them out all the time.

Mr. YERXA. You pretty much ride with them?

Sergeant FAY. Yes; I sure do. I sure do.

Mr. YERXA. Sergeant Fay and men like him live on or near SAC bases everywhere. They have to struggle with school problems like everybody else. They raise their children, complain about the cost of living, and pay the babysitter.

They worship according to their beliefs, and like everyone they pay taxes to support the very thing from which they draw their pay.

And they earn every penny of that. How well they earn it you can see if you come along on a B–52 flown by Maj. Gerald McKay, a veteran pilot of two wars.

We learn that what is commonly called a routine training flight is no idle afternoon drive along the skyways. It is a split second grind over a 12- or 24-hour period in the hard quarters of a high altitude bomber where you have to be ready to live on oxygen. Every minute of precision navigation and practice bomb runs is a busy moment. Headphones constantly crackle with voice communication between plane and ground or among crewmen in the bowels of the ship.

And there is the ticklish problem of locating an airborne tanker up in the sky, making contact with him on a precision timetable and hanging on to take the fuel and keep going. This is a close job of formation flying that can bring the sweat right through a pilot's flight suit.

Back in the alert facility waiting out his tour, Major McKay is a professional man whose work is by no means all glamor. His day begins before he takes the runway and ends well after touchdown.

Major McKay. It's a full day. We start our mornings at 7:30. We have briefings. We are briefed on the weather, the weather for our targets. Then we start with ground school after our breakfast at 8 o'clock. We preflight our aircraft and have classes throughout the day in trainer periods.

Mr. Yerxa. So that all of the time during the normal working day you are kept busy?

Major McKay. We are kept very busy. We are constantly on the alert for new procedures and new methods of accomplishing things.

Mr. Yerxa. Well now, Major, when you are off of this alert duty you are still active as a combat crew member. What sort of missions do you carry out when you are on duty but not on alert duty?

Major McKay. Well, we fly a simulated EWO-type mission, which is a training mission. We try to simulate all phases of EWO missions. We have minimum requirements that must be accomplished each training quarter the same as the ground phase.

We are in competition with each other on these missions. Each crew competes against the other and this also gives added interest to the combat crew program.

Mr. Yerxa. Major, I know that as a SAC aircraft commander you are seldom away from that airplane even when you are off duty. Tell me, how do you maintain a normal life with your family and with your friends, and do you feel that the civilian population has a sufficient appreciation of what it is that you are doing?

Major McKay. Well, yes, I am sure they all appreciate the job. I have many civilian friends that I have talked to, and they generally understand our problem.

I try to spend as much time with my family and children as possible. This is one of the disadvantages of the job, being away from your home and your family.

However, I always feel at least I have a home and family to return to.

Mr. Yerxa. Major, your own family lives here on this base. Do you ever think of the hazards involved in that?

Major McKay. Yes, we all think of this.

Mr. Yerxa. Yes, crewmen of SAC are well aware of the destructive powers of war and the safeguards against accidental war. I have never found one who was eager to start one.

Take the B-52 crew of Capt. Wayne Wicks.

Man. What do you fellows think about this? Do you think that our method of trying to deter war is warmongering?

Man. Well, definitely not. I feel our main purpose here is to prevent war. It is strictly a peaceful deal and, well, I feel if we weren't here we would probably have war thrown against us by another nation.

Man. A good example of that is Pearl Harbor. We weren't ready then and we got hit real good. Now we are ready and I feel if we stay that way we stand a much better chance of staying at peace than if we are not ready.

Man. We will not be able to go to war accidentally because as a crew we have been briefed many times, and I think that we know our procedures. I do not think—I know we know our procedures. There is no doubt in our minds that we will follow these procedures and there will be no accidental war as far as SAC is concerned.

Man. We like to feel that we are just as much a professional man in a sense as a diplomat or a Foreign Service worker who is certainly working toward peace just as much as we are, and I think that ties in with the motto, SAC's motto: "Peace is our profession." That is exactly what it is, and it will continue to be so as long as there is a need for a group of people or a person to go out and do his bit toward maintaining the peace.

Mr. Yerxa. Serious business, and SAC strives for perfection. I put one serious question to Col. John Cafarelli, Chief of Control Division of the 8th Air Force.

Colonel Cafarelli, what guarantees do we have against the triggering of an accidental war so far as SAC is concerned?

Colonel Cafarelli. Well, Mr. Yerxa, the SAC fail-safe system has a tremendous number of safeguards built into it, both from the human factor and the mechanical factor. These safeguards are designed to prevent either an unintentional, inadvertent launch, or an intentional launch without proper authority.

Now, as you know, and I am sure that the American public knows, that the force itself as we know it, to go to war must be sent to war by the President, and that we in SAC are only an instrument that the President uses when and if he has to. There is no way that I know of that it could get away from us.

The system that I know and that I understand—I have complete faith that neither through mechanical failure nor the human-factor failure will there be an inadvertent launch or war.

Mr. Yerxa. So we have seen a few of the men. General Power says they live a hard life. Colonel Cafarelli is never more than three rings away from a telephone. What is it that makes them stay with this kind of life?

We asked General Power how big a turnover he has to contend with.

General Power. You can't have a high turnover and maintain 50 percent on the alert. You must have a stable force. It has to be stable. So in our crews we have a very low turnover, and this is the challenge, to keep these men in the crews.

Obviously you cannot make a man be a combat crew member when the requirements and the tests and evaluations are so rigorous; all he has to do is flunk any one of them and he is automatically off the crew.

So they must want to do it. They must be highly motivated. They must believe that what they are doing is worthwhile. And I think the important thing is that our men are convinced that theirs is a worthwhile mission, trying to prevent a thermonuclear war, and if they fail in preventing it, to win it if we get in it.

Mr. Yerxa. Men are vital, but missiles are becoming more and more important. This is the so-called mixed force concept—planes and missiles.

Some missiles are carried aboard planes. This B-52 is equipped with Hound Dog missiles. They are designed to speed ahead and knock out air defenses in the bomber's path.

Added insurance that the bomber will penetrate to its target.

Nearing the operational stage is Skybolt, a missile that can be fired at a target while the bomber is a thousand miles away.

But the final crushing blow to an aggressor nation would come in a rain of intercontinental ballistic missiles.

The first ICBM to join the SAC arsenal was Atlas. It can hurl a nuclear warhead more than a quarter of the way around the globe and strike less than 2 miles from its target.

The Titan is a more advanced weapons system, and the first Titan squadrons have just become operational. They lend themselves better to hardening. All SAC's Titans are sheltered in underground silos, structures of steel and concrete that can absorb almost anything but a direct nuclear hit.

This later model of the Titan is fired from within the silo. Flames from the blastoff are dispersed through vents. And the Titan, too, which is being perfected now will be the first ICBM with liquid storable fuel.

However, SAC's most important missile will be the Minuteman, a solid-fueled missile that can be mass produced at a relatively low cost. It requires little maintenance and can be fired almost instantly.

By the end of 1964 it is expected that we will have 800 Minutemen standing guard over this country. No aggressor nation could ever hope to knock out this force.

The missile age has led to a new development in General Power's headquarters.

At one time SAC was the only command that had atomic warheads. Now many of the services carry them. And as a result there were problems in the coordination of individual war plans.

So in 1960 Defense Secretary Gates formed a new organization called the Joint Strategic Target Planning Staff. Now it has two jobs: to compile a list of strategic targets, and to write a single, integrated plan to strike them if necessary.

This vastly increases our retaliatory potential and speeds up our reaction time.

Secretary Gates felt that General Power was the logical commander to head this staff.

General Power. We have representatives from all the services here. As a matter of fact, my deputy in the JSTPS is Vice Admiral Johnson. There are other admirals, Army generals, many Navy captains, Army colonels, Marine colonels and Air Force field grade officers on this staff. It numbers some 200.

One of the things that Mr. Gates did when he assigned this task to the organization that was unique, he gave me authority to resolve differences. As we were evolving the plan it was very natural that there would be differences of opinion as to what weapons system we would use or how you would lay it down. This was perfectly natural because you have people with different backgrounds and different experiences.

However, at times somebody must make a decision in order to go on with the plan. He gave me this authority. This does not mean that this is absolute authority. It was just authority to resolve the difference at the time so we could go on with the planning.

I was also charged with highlighting this difference to the Joint Chiefs of Staff, and of course they could also overrule me.

But it did provide a mechanism so we could get on with the planning.

Mr. Yerxa. This achieved in effect a kind of a unification of the Armed Forces.

General Power. It did achieve unification, and it has worked out exceedingly well in my opinion because we did write the plan in what I consider a very short period of time, a very excellent plan.

The forces that are now employed in a general war are all part of a common plan, and are timed to a common timing schedule.

Mr. Begon. But this one plan is continually being rewritten and brought up to date, is it not?

General Power. War plans must be constantly revised because forces change, their location is changed, new intelligence is introduced.

Mr. Yerxa. General, how detailed is this planning?

General Power. Extreme detail, here. There is great complexity here, great volume of work.

However, at a unit there is little detail, little complexity because all of the detail is worked out here.

Mr. Begon. Down to a single airplane commander?

General Power. Down to a single airplane commander. And there is little complexity forward. By that I mean in higher headquarters in Washington. We have given much flexibility and many options for many different tasks or degrees of tasks, and put this in such a form that the President can direct or select one of these and pass those instructions with a very few words.

Mr. Yerka. General, speaking of missiles again, do you believe that the manned bomber or the manned weapon vehicle of some kind will ever become obsolete?

General Power. No, no. I mentioned before, I did not go into detail, the value of the mixed force. I think there is going to be a place for man in our weaponry from here on out.

Mr. Yerka. Are you confident of your ability to penetrate any enemy defenses?

General Power. I have absolute confidence that the manned bombers in the Strategic Air Command will penetrate and will deliver the bombs as laid down in our current war plan.

Mr. Yerka. Obviously he has defenses against another party.

General Power. Defenses have improved. Now in the last war we flew some 550,000 bomber sorties, and we lost I think it was 9,500 bombers, for a loss rate of about 1.8 percent, somewhere in that ball park.

The defenses in the last war were not worth attacking with that low loss rate. However, they have improved. Well, I have news for them. We are going to attack them. Now we are going to use one of the finest penetration devices ever invented by man, the hydrogen bomb. We are going to fight our way in. In addition to using other tactics.

Mr. Yerka. In other words, where in the last war you merely evaded or avoided defenses, now you have defenses specifically on your target list.

General Power. We will attack them as targets.

Mr. Begon. Well, sir, we have talked about the ability of the defense system to survive a first attack and strike back.

There are many people who believe that all of this becomes quite useless because in the process civilization itself perhaps might end. How do you feel about that?

General Power. Well, this is not so, in my opinion. I think that people have, some people have become so afraid of the thermonuclear war that they have arrived at this conclusion.

Now, as I stated before, the challenge is to try to prevent this war because if mankind gets in an allout thermonuclear war to try to settle their differences why they will have reached the highest plateau of stupidity as far as I am concerned. But I am not saying you cannot prevent it. And if you do get in one this is not necessarily the end of the world nor of your country, because you can survive.

Mr. Begon. We can survive.

General Power. You certainly can survive one if you take the proper steps. But this depends on the will and guts and determination of the American people.

But even more serious than that from the point of view of deterrence, deterrence is not strictly a military responsibility, nor does the military deter by themselves. Deterrence is the product of the military capability plus your economy, plus your schools, plus your industry, plus your science. But more important than all, the will and determination, or guts, if you want to call it that, of the American people. This is what really deters.

Mr. Begon. Have we got it?

General Power. I was going to use a word not allowed to be used on the air. There is no question in my mind that we have got it. No question whatsoever. And I hope everybody else in this world realizes that we have got it. I think they do.

THE GENOCIDE CONVENTION

Mr. JAVITS. Mr. President, almost a dozen years have passed since the Senate was asked to advise and consent to ratification of the Genocide Convention; and so long as the specter of this crime continues to haunt mankind, we have a basic obligation to assume the responsibilities of the Convention. The visit to this country of the Hon. Gideon Hausner, attorney general of Israel, and prosecutor in the trial of Eichmann for organizing the murder of 6 million Jews, has made us look again at the horror of this crime and at the resolve which impelled our country to take the lead in drawing up the United Nations Convention on the Prevention and Punishment of Genocide, and to sign it.

We have come a long way from the international fear and domestic considerations which kept the Convention in committee, and prevented it from reaching the Senate floor. Today 65 nations, including the Soviet Union and its satellites, have acceded to the Convention. While genocide, as defined in the convention, has never occurred in our country, and in all likelihood never will, ratification by the United States would have a tremendous influence on the other nations of the world and on the development of the rule of law, instead of force, for the world. The Genocide Convention should be reconsidered and hearings should be reopened by the Senate Foreign Relations Committee. I am asking the President of the United States, the Secretary of State, and the chairman of the Senate Foreign Relations Committee, the Senator from Arkansas [Mr. Fulbright], to take such action.

I am pleased to associate myself with a resolution adopted by the B'nai B'rith, the great Jewish fraternal organization, at its triennial convention, just concluded in Washington, D.C., calling for ratification by our country of the Genocide Convention. I ask unanimous consent to have printed in the Record, with my remarks, the text of the B'nai B'rith resolution adopted on May 14.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution on the Genocide Convention—Adopted by the B'nai B'rith at Its Triennial Convention, Washington, D.C., May 14, 1962

The adoption on December 9, 1948, by the United Nations General Assembly of the Convention on Prevention and Punishment of the Crime of Genocide marked a significant step forward in protecting human rights by branding the wholesale extermination of races, religions, and nationalities an international crime.

Despite the fact that over 60 countries of the world have already ratified and subscribed to the Genocide Convention, the United States is among those countries which, thus far, have failed to do so. This failure affects adversely America's moral leadership in the democratic world.

B'nai B'rith calls upon the administration to press for ratification by the U.S. Senate of this Genocide Convention; and urges each member of the U.S. Senate to make his contribution to basic human rights by voting to ratify this Convention. By so doing, the U.S. Government will contribute to the advancement of a system of international law based upon principles of justice and humanity.

Mr. PROXMIRE. Mr. President, I join the Senator from New York in his remarks on the Genocide Convention. I agree that ratification by the Senate of the Convention is long overdue. The Convention has been worked out with great care, as the Senator from New York has so well stated; and I believe that ratification by the U.S. Senate of the Convention would well serve the interests of humanity and the aspirations of the American people.

JUVENILE DELINQUENCY — NEW YORK STATE AND NEW YORK CITY POLICIES

Mr. JAVITS. Mr. President, intensified efforts to meet the problem of juvenile delinquency are urgently necessary on every level of government. The State of New York and New York City are coming to grips with this growing situation in ways that may be of interest to those in other States who are concerned with it. New thinking and fresh approaches involving local communities are necessary; greater coordination is called for; and there is a desperate need for many more trained personnel than are presently available. Getting this problem under control and reducing it to a point where it no longer presents a danger to our society will take a great deal more funds than we have so far authorized for this purpose.

I ask unanimous consent that there be printed in the Record a report on a meeting of city and State officials in Albany, N.Y., March 6, which was addressed by Gov. Nelson A. Rockefeller; and excerpts from a statement by Hon. Abe Stark, president of the Borough of Brooklyn, N.Y., presented to the board of estimate of New York City on April 24.

There being no objection, the material was ordered to be printed in the Record, as follows:

Press Release

Governor Rockefeller today urged intensified efforts to improve coordination on the part of Federal, State, and local agencies in their approach to delinquency prevention in the major metropolitan areas of the State.

Speaking at a conference attended by youth board officials from Buffalo, Rochester, Syracuse, and New York City, State commissioners concerned with youth problems and representatives of the President's Interdepartmental Committee on Juvenile Delinquency and Youth Crime, the Governor said:

"New York State enjoys a 16-year tradition of cooperation and support of local municipalities, first through the State Youth Commission, and since 1960 through the State Division for Youth in cooperation with the Interdepartmental Committee on Youth. Recent Federal legislation has brought certain resources of the National Government to bear in this area. The challenge that faces all of us is to coordinate the efforts of local, State, and Federal Governments in such a way as to bring the most effective and comprehensive services to young people at the local level."

Today's meeting was the first in a series of meetings planned to bring together local officials who face similar problems in different areas of the State. It also explored ways in which Federal support under the Juvenile Delinquency and Youth Offenses Control Act of 1961 could be effectively coordinated with State and local programs.

David Hackett, Executive Director of the President's Interdepartmental Committee on Juvenile Delinquency and Youth Crime, addressed the meeting regarding criteria for Federal financial support in demonstration, training, and technical service projects.

Alexander Aldrich, the director of the State division for youth, presided at the meeting and explored new areas in which New York State is pressing ahead to meet the problems of youth by working with the local communities. Particular stress was placed upon the coordinated expansion of youth and work training programs and the opportunities presented in a statewide research program in delinquency prevention.

Present at the meeting, in addition to Governor Rockefeller, Mr. Hackett, and Mr. Aldrich, were—

Aaron Schmais, assistant to the Commissioner of Youth Services, New York City Youth Board (representing Commissioner Whelan);

Miss Harriet Young, senior consultant, Youth Services, New York City Youth Board;

Joseph D. Hillery, chairman, Buffalo Youth Board;

Herbert J. LeVine, executive director, Buffalo Youth Board;

David Getman, secretary to the mayor of Buffalo;

Clarence Gifford, chairman, Rochester-Monroe County Joint Youth Board, Rochester;

William Bub, executive director, Rochester-Monroe County Joint Youth Board, Rochester;

Henry Cohen, Deputy City Administrator, New York;

Warren S. Pease, president, Onondaga County Youth Board, Syracuse;

Emil Hale, executive secretary, Onondaga County Youth Board, Syracuse;

Milton G. Rector, director, National Council on Crime and Delinquency, New York;

Dr. Hyman Frankel, research director, National Council on Crime and Delinquency, and Consultant to the President's Committee on Juvenile Delinquency and Youth Crime;

Eli Cohen, executive secretary, National Committee on Employment of Youth, New York City;

Thomas E. Joyner, executive assistant to the industrial commissioner, State department of labor;

Stephen Mayo, director of field operations, State division of employment;

Dr. Edwin Van Kleek, assistant commissioner, State department of education;

Dr. Walter S. Crewson, Jr., associate commissioner, State department of education, Albany.

Statement by Borough President Abe Stark

I want to call your attention to a whole series of reports prepared by the mayor's juvenile delinquency evaluation project under the able direction of Dr. Robert M. MacIver, of Columbia University. This group presented no less than 16 interim reports and 3 final reports.

I was deeply concerned to read in one of these reports certain figures which analyzed juvenile delinquency cases disposed of by the children's court of New York City, by type of delinquency, from 1950 to 1959.

In 1950 the total number of cases was 4,600. In 1959 the total had gone to 12,112. That increase amounted to 163.3 percent.

The report also emphasized that here in New York City the seriousness of the delinquency situation is aggravated by the special problems New York faces. One of these is the problem of our in-migration youths.

The other—and that is a shocking fact—is the use of narcotics and narcotics addiction among our youth population.

The final report presents what might be called an indictment of our present method for dealing with our juvenile delinquency problem. It states as follows:

"In a city of this size, with a delinquency problem of major proportions, we can no longer proceed in a hit-or-miss fashion. The need for genuine citywide planning to prevent delinquency and provide for the needs of the city's youth problem is not only evident—it is urgent. It is clear that real progress can be achieved only from a planned and coordinated approach to the problem. All the rest is merely a holding operation—patching here, pasting there, putting out fires in one part of town, while they are beginning to ignite in another."

In view of this report, but mostly because of what I personally know of our youth and their needs, I believe the time has come for us to try a new approach—one which is more effective and far less costly—to produce better results than we are getting today.

We must broaden our program of preventive maintenance to check juvenile delinquency before it starts. We must see to it that the existing number of hard-core cases requiring expensive attention and service does not increase.

This, I am convinced, can be achieved if we make contact with our susceptible youth before they become delinquents.

The only way to do this is to offer an attractive alternative to the street corner hangout. The means to do this are already at hand and they will cost the city comparatively little.

Such facilities exist in present clubrooms, hobby rooms, swimming pools, gyms, and recreation rooms of 150 private agencies which can keep out of trouble an additional 60,000 of our youth at a cost of about $50 per child per year.

I estimate the annual cost of this proposal at about $3 million a year. One of its added advantages is that it would require no outlay of badly needed capital funds.

Therefore, I propose that we establish a new program—a partnership arrangement—whereby funds from city, State, and Federal sources would be channeled into our existing, privately maintained boys' clubs, settlement houses, and youth centers to help both our Government and private agencies in their battle against juvenile antisocial behavior.

In addition to these recommendations which I have made, I believe that the time has come for us here in the city of New York, in conjunction with organized labor and management, to go into a study of providing job training for the youth, who needs this kind of training in order to secure employment that will make him self-reliant, guarantee his financial independence, and give him a fuller, richer life in his future years.

MEDICAL STUDENTS

Mr. JAVITS. Mr. President, the expansion of medical facilities throughout the country in response to need is resulting in an increasing shortage of professionally trained medical personnel. At the present time only 2 percent of our college graduates are going into medicine compared with 14 percent in 1900, and the ratio of physicians to population is lower today than it was 10 years ago in spite of a 15-percent increase in U.S. graduates and a 300-percent increase in licensing physicians who were trained abroad. We are "importing" doctors to meet the greatly increased demands for services, but we are not keeping pace with the needs of our growing population, and the high cost of medical education is discouraging American students from entering the profession. We should be acting quickly to make the necessary financial assistance available by adopting legislation for medical, dental, and nursing scholarships for students and loans for professional schools for expansion or new construction.

The president of the Broome County Medical Society, Binghamton, N.Y., comments on these matters in that society's journal. I ask unanimous consent to include in the Record the statement by Dr. Judson S. Griffin entitled "The Commodity of Time," which appears in Broome County Medicine, May 1962.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The Commodity of Time

(By Judson S. Griffin, M.D.)

Failure of graduating classes in medical schools to provide sufficient new physicians to meet the demand of an increasing population is adversely affecting our physician-population ratio every year. This fact is coupled with the need of more specialists as the scope of the practice of medicine expands. The increased desire on the part of the public to be covered more adequately medically is consuming available physician time at an alarming rate.

Currently, more and more physician time is expended in providing information on an increasing number of insurance forms and medical reports. Continuing efforts to improve patient care have required physicians to spend additional time in serving on hospital staffs and medical organizations' committees. Broad medical research programs are producing rapid changes in the concept of practicing medicine and, as a consequence, more of the physician's time must be devoted to study in order to keep up to date.

The summation of these facts is resulting in a harassed physician, with too little time in which to accomplish his work, and with too infrequent respites from the responsibilities he carries.

Many impositions to patients have resulted as well. The classic house call of yesteryear which did much to cement a relationship of good will between patient and physician has been reduced to the infrequent house call of necessity. Evening office hours have been eliminated or sharply curtailed as have hours on Saturday and impromptu hours on Sundays and holidays. At these times, emergencies are seen in the receiving wards of hospitals and nonemergencies usually deferred until regular office hours with inconvenience to the patient and, in many instances, lost time from work. Once in the physician's office, there is the historic delay before being seen. The outdated magazines of old have been replaced by new additions, but seemingly purposeful neglect of adherence to scheduled appointments persists and thrives, adding to patient agitation. This is not the case, of course. Completion of unexpected emergencies in the form of heart attacks, surgery, deliveries, and the like delay the appearance of the physician at the office. Once on the scene, inability to sharply regulate the time spent with each patient accounts for further delay, frustrating attempts to keep on schedule and appease patients.

The answer to this perplexing situation obviously isn't simple. Improved quality in patient care is the goal of the profession (and, I'm sure, of the public as well). If this premise is accepted, our solutions to the preceding problems are limited. More medical school graduates are obviously needed, but quality must be maintained and improved.

Incentives to enter medicine must exist in the form of financial aid to medical school education and in the form of a healthy climate in which to practice medicine. We must carefully evaluate the potential regulatory effect of socialized medicine in this light, as well as in others, such as unnecessary increased patient loads just because medicine is "free." Insurance forms and reports should be concise, pertinent, and uniform. The work of medical committees should be shared as a responsibility of all physicians with duplication and redundancy eliminated. Postgraduate education for physicians should be readily available with the least interruption of normal routine. Physicians and their office assistants will have to try harder to schedule office appointments realistically with the least possible inconvenience to patients, always keeping them abreast of unforeseen delays. Finally, patients must strive to develop a greater appreciation and understanding of the dilemma that faces physicians in their attempts to provide proper, timely medical care, the responsibilities they assume, and the difficult work schedule to which they must adhere. Only in this way, can physicians' time be more productive in yielding better patient care.

WHY JAMES A. MICHENER IS RUNNING FOR CONGRESS

Mr. PROXMIRE. Mr. President, in the current issue of the Saturday Evening Post, there is an article by James A. Michener, entitled "Why I Am Running for Congress." As virtually every American knows, Mr. Michener is one of the most distinguished and successful authors in this country. He is the author of "Hawaii" and "Tales of the South Pacific." He is a brilliant man.

In the article he states that one of the questions he runs into so often is "Why would a man like you want to get into politics? Why would a man like you want to run for Congress?" Mr. Michener answers these questions very well by saying:

> I consider it insulting for any citizen to think that he is above politics. The governing of our Nation is one of the most important jobs that any of us can be involved in. BARRY GOLDWATER thinks it more important than running a department store. Averell Harriman preferred it to running railroads. George Romney chooses Government over making more automobiles. And Adlai Stevenson considers it more significant than coining money at the law.

This is a very heartening article by a receptive, extremely intelligent, and extraordinarily patriotic American. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY I AM RUNNING FOR CONGRESS

(By James A. Michener)

In the past months I've been insulted on an average of six times a day. And I'm sore about it. It all started when I was nominated by the Democratic Party to run for Congress in Pennsylvania's important Eighth District, comprising historic Bucks County and industrial Lehigh County, which contains the city of Allentown. The Eighth hasn't elected a Democrat for more than a quarter century.

The insult consisted of this question: "Why would a man like you get mixed up in politics?" The question still makes me mad. Of course, friends asking it have intended no insult. In fact, I suppose they're trying to be flattering. When they use the words "a man like you," they mean a private citizen who is making a reasonably decent living and who is under no obligation to any political party.

I fit that description. My normal work as a writer provides me with all the excitement a man needs. This spring, for example, if I hadn't accepted the nomination, I would have been off to Spain with my builder friend, David Peace, of Philadelphia. He wanted to see some bullfights, and I had some research to do on an unfinished novel. After that, there was talk about a Broadway play that some experts were putting together around one of my ideas. And when that was cleared up, there would be location work on the long movie that Fred Zinnemann, who made "From Here to Eternity," was making out of my novel "Hawaii." I had a world of work to do and a keen desire to get started.

On the surface I would seem to be the least likely candidate for public office that a major party could find. But three significant factors didn't appear on the surface. (1) I used to teach American history and took the subject very seriously. (2) I have lived in many foreign nations that did not have good government, and I have come to respect self-government as one of the highest attainments of man. (3) As a boy I lived in dire poverty and was rescued by scholarships, fellowships and the generosity of our Nation. I owe a debt to America which is constantly in my mind and which I have always been willing to repay, either by volunteering for military service or by helping out in government.

I consider it insulting for any citizen to think that he is above politics. The governing of our Nation is one of the most important jobs that any of us can be involved in. BARRY GOLDWATER thinks it more important than running a department store. Averell Harriman preferred it to running railroads. George Romney chooses government over making more automobiles. And Adlai Stevenson considers it more significant than coining money at the law. If I were found worthy to participate in the Government of my Nation, I would be happy indeed. I would consider the work more important than the writing of another book, more significant than the making of another movie.

The second irritating part of the sentence occurs in the phrase "mixed up in." These words imply that to be involved in politics one must be corrupt, or devious, or stupid. I have not found this to be the case. In both Hawaii and Pennsylvania I have worked with leading politicians of both parties and have been able to do so without sacrificing scruples. I would be proud at any time to be mixed up with men like Senators Paul Douglas and Jacob Javits or Governors Robert Meyner and Mark Hatfield or Congressmen Wilbur Mills and John Lindsay. None of the professions in which I have worked has produced men better than these.

Another aspect of the phrase "mixed up in" alludes to nefarious deals which candidates are supposed to make before they win nominations or elections. I know something about this. When I was working in Hawaii, the Democratic Party was so split that its various factions could meet only in the neutral ground of my living room, and I went through hours of trying to arrange "deals" that would be acceptable to both sides and permit us to win the election. (We lost.)

What did these deals consist of? Money, specific jobs, vetoes over legislation, payoffs? Such points were never discussed. Invariably the "deals" came down to this: In the case of victory, each side would be insured fair consideration in the making of appointments. What we argued about were those natural concerns of a political party fighting for survival. I never once heard money, payoffs or jobs for incompetents discussed.

In Bucks County today our Democratic Party is also split wide open. (I always seem to choose the tough ones.) I finally got the support of both sides; but before our ticket was finally arranged, we went through 3 weeks of frustrating midnight meetings in smoke-filled rooms, trying to maneuver one "deal" after another. Finally we organized a kind of truce and produced an honest slate of superior candidates. Graft, jobs, special legislation—these things never came up for discussion. But I watched strong-minded men almost come to blows over matters of abiding principle.

During this time the county Republicans were beating their brains out over the same problems. I was not privy to their discussions, but I seriously doubt that they were cutting up illegal melons or making immoral deals. They were trying to forge an organization that would clobber us in November, and they came up with a pretty strong slate.

While this was going on in the county, at the State level both Democrats and Republicans seemed intent on committing harakiri. On the Democratic side, Philadelphia Leader BILL GREEN, who delivered a huge majority for Kennedy in 1960, said he didn't like Richardson Dilworth for Governor and was sure Dilworth couldn't win. (Our side took Dilworth anyway, knowing him to be an appealing man and a great campaigner and later GREEN joined in support.)

The Republicans practically tore themselves apart, and President Eisenhower was goaded into characterizing their first proposal—Pennsylvania Superior Court Judge Robert E. Woodside and Congressman JAMES E. VAN ZANDT, as a miserable ticket. The Republicans finally settled on the strong ticket of Congressman WILLIAM W. SCRANTON for Governor and VAN ZANDT for Senator, which the Democrats promptly labeled as "half miserable." SCRANTON shot back, charging Dilworth with hiding corruption when he was mayor of Philadelphia, and the biennial public brawl was on.

My point is this. Far from being unwilling to get mixed up in that kind of politics, I find it both exhilarating and rewarding. The arguments, the night meetings, the conciliation, the hard work, the battling for points on which no honest man should retreat—this is the meat of politics, the traditional system whereby we govern ourselves.

When I was in business, as managing editor in a large book-publishing firm, I enjoyed the same kind of competition there, and I am convinced that many men in many walks of our national life do the same. It is the kind of contest that men ought to be engaged in.

But the major reason why any American citizen—except those of the clergy and military, who have reason for being excused—should be willing to run for office is this: The United States has one of the oldest continuing forms of government on earth today. If you consider all the nations that were in existence in 1789, when our Constitution became effective, you will find that most of them have undergone major constitutional changes. Some, like Great Britain, have managed internal shifts gracefully.

But almost all have had to change, while we have prospered under our peculiar and sometimes exasperating system.

Partly we have succeeded because our Founding Fathers laid down a masterful plan; partly we have continued because men of ability have volunteered to staff that plan. To preserve this miracle of stability and to transmit it to new generations seems to me to be as exalted an undertaking as any citizen could be engaged in. Therefore, if your neighbor astonishes the town by volunteering to run for office, don't, for heaven's sake, ask him, "Why would a man like you get mixed up in politics?" Don't discourage him. You may have another Nelson Rockefeller on your hands. He may be just the tonic your party needs.

Three other questions plague the newcomer. "Do you have to throw away your conscience to become a politician?" I have always supposed that men like PAUL DOUGLAS and George Romney became politicians because they had deep inner convictions. They enter the race to further those convictions, not bury them.

"What will you do if the opposition starts slinging mud?" This problem always worries nonpoliticians more than it does the professionals. As LYNDON JOHNSON said when majority leader of the Senate, "No man who is afraid of standing near the fire has a right to be in the Senate." I'm running for one of the 435 most important jobs in the United States, and the opposition has a right to belt me with every fact they can turn up. They won't say anything worse than book reviewers have said in the past. My opponent, who is the incumbent, is a distinguished lawyer who was a fine district attorney, and he didn't get where he is by "slinging mud." He happens to be more conservative in politics than I, and that's about the difference between us. For my part, I campaigned strongly for Senator John F. Kennedy, without finding it necessary to attack President Eisenhower or Vice President Nixon, and I certainly have no intention of "slinging mud."

"Do you think that you or anybody else could accomplish much in Washington?" The history of any political body consists pretty much of what individuals have been able to accomplish. If a State sends mental and moral zombies to Congress, little will be accomplished. If another State sends good men, their influence will be multiplied throughout the Nation. If I am elected to Congress, I will probably accomplish more there than I would in equal time as a novelist.

Because of my own special situation I get hammered by one additional question: "Since your opponent won in 1960 by more than 26,000 votes out of a total of 216,000, how do you find the nerve to run against him?" These figures don't scare me a bit. I've operated against much worse odds in my lifetime. Pennsylvania is a State that tends to elect the man it wants. In 1956 it chose Eisenhower by a staggering majority, but on the same ballot elected a Democrat, JOE CLARK, to the Senate. In 1958 the State chose a Democratic Governor, David Lawrence, but in the same vote elected a Republican Senator, HUGH SCOTT. If enough voters in the Pennsylvania Eighth want me to be their Congressman, they'll elect me.

The only way in which supposedly impregnable majorities are reduced is for somebody to challenge them and win the voters over to his side. The history of our Nation is replete with men and women who have won against staggering odds. Young men across our Nation—Republicans and Democrats alike—who are reluctant to run for office because of ironclad majorities against them must not be scared off from running on that account. After all, the Republican Party didn't really get going until 1856. Four years later its gawky Congressman, Abe Lincoln, won the Presidency.

LEGISLATION ON DAIRY PRODUCTS

Mr. PROXMIRE. Mr. President, yesterday I engaged in a colloquy on the dairy bill with the distinguished senior Senator from Minnesota [Mr. HUMPHREY], the assistant majority leader.

In the course of that colloquy, one of the difficulties was that I was making my remarks with reference to a copy of the bill which the Senator from Minnesota had given to me several days before. That bill had been modified before it had been introduced. I want to explain for the RECORD that one of the reasons for our differences and disagreements on the bill was that we were talking about two different versions of the bill.

I wish to emphasize, however, the tremendous importance of doing all we can to maintain dairy income at least at its present level, and then to move ahead. Dairy farm income is far too low. For the purpose of these remarks, I point out that the cost of the dairy programs has been much more modest over the years than has the cost of the cotton, feed grains, and wheat programs, in virtually every respect.

In this connection, I ask unanimous consent that a table I have had prepared, based on Legislative Reference Service data, be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Losses on Government price support operations for cotton, dairy products, feed grains, and wheat, fiscal years 1953–61 [1] [2]

	Annual average losses or costs (millions)		Losses as percentage of value of marketings [3]	
	1953–61	1959–61	1953–61	1959–61
Cotton	$195	$315	8	12
Dairy products	285	252	6	5
Feed grains	290	439	5	8
Wheat	233	250	12	12

[1] Realized losses on CCC inventory transactions including resealing and interest expenses (under accounting procedures adopted June 30, 1961), plus export subsidies and sec. 32 funds used for price support operations.

[2] These data from Legislative Reference Service were put in the CONGRESSIONAL RECORD Mar. 1, 1962, p. 3239, in a speech by Senator CARLSON.

[3] Value of crops produced, in case of feed grains.

THE KENNEDY PLAN TO DECIMATE OUR RESERVE FORCES

Mr. BENNETT. Mr. President, the administration has submitted to Congress a plan to abolish hundreds of Army Reserve and National Guard units and to drastically reduce the number of personnel in both the Guard and the Reserves in order to "strengthen" them.

The inconsistency of such a proposal is so obvious that any child could see it; yet the administration has actually asked the American people to believe that such a cut, or realinement, as the administration calls it, will make our Reserve Forces stronger.

I suppose it could be argued that if the plan were one to cut out inefficient units or inefficient personnel, this might result in greater efficiency, but this is not that sort of action. Both in the Army National Guard and the Army Reserve, the Defense Department has quite frankly used the "meat-ax approach," arbitrarily abolishing units regardless of their efficiency or state of training and regardless of the need which exists for the type of service provided by each unit.

During the hearings on this proposal thus far, it has become apparent that this "realinement" was not born out of a desire to modernize the Reserve structure or to improve its efficiency, but simply out of budgetary factors. The fantastic strain on the budget of the administration's welfare program has meant that something had to give, and that something, of course, could not be the President's increased spending proposals on the domestic front. It was much more convenient to "realine" 8 Reserve and National Guard divisions and 824 nondivision units out of existence.

I think any careful examination of the facts will demonstrate that President Kennedy has decided to offer up these Reserve and National Guard units as sacrifices upon the altar of the New Frontier.

The key elements of the administration's plan are as follows:

First. Elimination of four Army National Guard divisions and four Army Reserve divisions.

Second. A cut in overall troop strength of 58,000.

Third. Elimination of 824 nondivisional units.

Fourth. Substitution of brigades for the eliminated divisions.

Fifth. Maintenance of six priority divisions at about 75 to 80 percent of war strength. This would be accomplished by cutting the manning levels of all other Reserve and National Guard divisions to between 36 percent and 40 percent.

Sixth. Addition of 4,000 technicians.

Seventh. An increase in the number of drilling reservists to take only annual field training, from 32,000 to 100,000.

The question naturally arises, Does this plan represent the judgment of the military experts responsible for planning the Army's personnel needs, and does it have the support of the Army General Staff and the Reserve Forces Policy Board?

The answer is "No." The plan was adopted over the opposition from the Army General Staff and contrary to the recommendations of the Reserve Forces Policy Board. Not only that, but it was also contrary to what the President of the United States had previously announced as his opinion of what should be done. On May 25, 1961, President Kennedy sent a special message to Congress on urgent national needs and recommended that the Reserve Forces be increased instead of decreased. He said:

> The Army is developing plans to make possible a much more rapid development of a major portion of its highly trained Reserve Forces. When these plans are completed and the Reserve is strengthened, two combat-equipped divisions, plus their supporting forces, a total of 10 divisions, could be deployable with less than 8 weeks notice. In short, these new plans would allow

> us to almost double the combat power of the Army in less than 2 months, compared to the nearly 9 months heretofore required.

At that time the President indicated that additional funds would be sought to make certain improvements in the Army's Reserve components, and a plan was presented increasing the total drill pay strength of the Guard and the Army Reserve to 760,000 instead of the present 700,000.

But what happened? Suddenly, after consideration of 24 different plans, the administration decided not to make the increase to 760,000. It decided not to even keep the present-day drill strength of 700,000. Instead, it came up with a new program to cut the strength to 642,000—a reduction of 58,000 from what we have at the present time. As the distinguished Senator from Nebraska [Mr. HRUSKA] recently observed, "If that is what they mean by progress, I would hate to think what they would call victory."

I think this incredible reversal of policy by the administration has been dismaying to every military expert. There was much optimism last year when the President indicated he was going to double the combat power of the Army by increasing the Reserves. When that increase suddenly melted away and resulted in authorization of 118,000 fewer personnel than the President's original proposal, it came as a shock to those who had put stock in his original promise.

Incidentally, there has been a great deal of mystery about who prepared this amazing "realinement" of the Army Reserve and National Guard. It was not the Joint Chiefs of Staff; it was not the Army; it was not the National Guard Bureau. In fact, for quite some time Congressman F. EDWARD HÉBERT, chairman of the Special Investigations Subcommittee, was unable to get anyone to come forth and admit having authored this hastily prepared plan. Finally after Congressman HÉBERT threatened to "continue the hearings until doomsday to find out what unknown spook at the Pentagon planned the cutback," it was disclosed that the plan had been drawn up by Dr. Merton Joseph Peck, a former Harvard professor, who is now Assistant Deputy Comptroller for Systems Analysis in the Department of Defense. Dr. Peck has had considerable experience in the field of economics, but his experience in military affairs was limited to 2 years in the Army during World War II, after which he was discharged as a corporal.

In the light of these facts, it is little wonder that the New York Times has said that "the reconstitution of the National Guard and the Reserves at this particular time may represent a needless waste of the taxpayers' money." For, as the Times observed:

> The administration's plan gives evidence of hasty and incomplete preparation.

A new book, "Reserve Forces and the Kennedy Strategy," by the distinguished military analyst, George Fielding Eliot, has just come off the press, and I heartily recommend it to every Member of Congress. In this book, Mr. Eliot shows that this administration's proposal is no minor matter, but a serious threat to our military posture. He says:

> The proposals now put forward from the Office of the Secretary of Defense would have the effect of virtually wrecking the existing Reserve system—or, at best, keeping that system in a state of turbulence and ineffectiveness for several years to come. We do not have that kind of time to waste.

Mr. Eliot notes that the new ROAD divisional concept is not to be applied to Army Reserve and National Guard divisions at the present time. He says:

> Thus, after a year or two of administrative, organizational, and training turbulence as a result of the "realinement" above described, the Reserve components would then face another complete reorganization when the Department of Defense gets around to extending the ROAD concept to the Army National Guard and the Army Reserve. The net result would be the elimination of the Army National Guard and Army Reserve as effective Ready Reserve forces for a period of several years, except for the selected units of the priority echelon.

Mr. President, this proposed reorganization of the Reserve components is being forced upon the Army by an administration which is unwilling to admit to the American people that its vast new social welfare programs are straining the budget beyond the limits of endurance. The administration has taken the easy way out. Instead of applying restraint to its new spending programs, it has chosen to disregard the advice of its own military experts and force a reduction in our military strength which in the long run may be the most costly economy this administration has ever attempted.

ANNOUNCEMENT BY SENATOR BUSH THAT HE WILL NOT SEEK REELECTION

Mr. DODD. Mr. President, this morning in Hartford my senior colleague, Senator PRESCOTT BUSH, announced that he will not seek reelection to a third term in the Senate. Senator BUSH stated that he did not have the physical vigor to carry out his responsibilities in the manner in which he would like to in the next 6 years and that his doctors concurred in this decision.

This announcement will surprise and sadden his colleagues in the Senate and his countless friends and admirers in all walks of life.

The retirement of Senator BUSH will mean the loss to the Senate of one of our hardest working, most respected, and best liked Members. His gracious wife, Dorothy, whose friendship is valued by so many of us, will also be greatly missed from the Senate circle.

Throughout the years Senator BUSH and I have served together in the Senate, our relationship has been most cordial, and his attitude toward me has always been friendly and helpful. He has worked devotedly and effectively for Connecticut and the Nation, and his loss will be sorely felt by his party and by the country.

Senator BUSH has been an earnest, dedicated public servant, in the best traditions of the Senate. He has attained a stature and has set an example which will be difficult for his successor to emulate, and which establish a goal to strive for.

All of us hope that his retirement will bring him the satisfaction and contentment that his long years of dedicated public service have so richly earned.

Mr. PROXMIRE. Mr. President, I desire to join the Senator from Connecticut in his comments. The announcement to which he has referred does surprise and shock me. I consider Senator BUSH a friend, as well as a distinguished Senator. While we have disagreed on a few issues, we have agreed on many. Senator BUSH is one of the most conscientious, fair, and hardworking men in any walk of life. I think it is unfortunate that he has decided he will not run for reelection. Not only will I miss him very much, but my wife will miss his charming and attractive wife, Dorothy.

Mr. DIRKSEN. Mr. President, I do, indeed, share the sense of surprise and shock that came when about an hour ago I first heard of the contemplated retirement of the distinguished senior Senator from Connecticut, PRESCOTT BUSH. I had no notion that was going to happen, I am frank to say, and that fact only adds to my sense of distress.

I feel distressed, first, because he has been a friend, a warm friend; second, because he has made a good and enduring contribution to the national well-being; third, because he has been diligent and devoted in his duties. He has been in every sense an outstanding Senator. He has been a scholar in his own right, and has a very special aptitude in the whole field of banking and finance, based on a very broad background. But that has not been the limit of his contributions to his fellow men. He has been very active in the church field and in charity; he had a war record in the field artillery; and he has been a gentleman in every sense of the word. These facts only heighten my distress of spirit.

I think I would like to say what a New Jersey newspaper writer said of me some years ago, when I went to New Jersey to make a speech for one of my colleagues in the House from New Jersey. At that time the newspaper said of me that I had given far more than I got. I could say of PRES BUSH today that he has given far more to this country, to his State, and to the people than he ever derived from public service, work truly well done.

Mr. JAVITS. Mr. President, I wish to join with my colleagues, first in a sense of surprise, and also in a sense of great regret that PRESCOTT BUSH, a great friend and a very distinguished Senator, has chosen to lay down this responsibility.

Mr. President, I have the honor to be associated with Senator BUSH on the Joint Economic Committee. He has brought to the work of that committee, which is so deeply influential in respect to the economics of our country, as well as its foreign economic policy, a knowledge of the workings of the banking and credit system of the world which I think is practically unique in this Chamber.

The Senate has the great advantage of having eminent men of distinguished minds with particular talents and experience. His is such a unique talent, as to which he has been so thoroughly schooled and trained, and he has such objectivity that it has been most impressive to me and tremendously helpful to the country.

The counsel and the views of Prescott Bush in the Senate will be greatly missed, in my view. He is an outstanding Senator, a wonderful human being, and a great friend. I only hope that he may choose to use some of his leisure to continue to give the country, even in a private capacity, the benefit of his high patriotism, his fine mind, and his high character.

Mr. MANSFIELD. Mr. President, I wish to join my colleagues in the statements being made with respect to the sudden announcement of the desire of the senior Senator from Connecticut [Mr. Bush] not to run again for the Senate. I can well understand his reasons for reaching this decision, because the duties and the work of a Senator are becoming heavier with each passing year.

Certainly no other Senator has been more faithful in the performance of his duties in representing the State from which he comes, and the United States, than has the able senior Senator from Connecticut. We wish him well in retirement. We shall miss him, because he is a fair-minded, tolerant, and understanding Senator. His place will be hard to fill.

He has reached his own decision. I am quite sure it was not an easy decision, but I know it was made not alone on the basis of his personal health, but also on the basis of the type of representation to which he thinks his State is entitled in the difficult years ahead. He has established a great and deserved reputation and his shoes will be hard to fill.

Mr. ROBERTSON. Mr. President, I wish to express my regret that our colleague from Connecticut has decided to retire from the Senate. Not only has he been a valued member of the Banking and Currency Committee, but also he has been my personal friend. The country and his State are losing a very valuable representative.

What disturbs me most about the statement Senator Bush issued is the advice of his personal physician, that he did not think it was wise for him to make a campaign for reelection. It is disturbing when the work of the Senate breaks down the health of a man who used to be the star first baseman at Yale, so as to cause him to say he should not continue in public life.

Mr. SPARKMAN. Mr. President, I wish to join my colleagues who have expressed themselves with reference to the decision of our colleague and friend the Senator from Connecticut not to run again for public office.

It has been my pleasure, during the time Senator Bush has been a Member of the Senate, to serve on two different committees with him, the Committee on Banking and Currency, the chairman of which has spoken regarding his membership on that committee, and also the Joint Economic Committee, of which from time to time the distinguished Senator from Illinois [Mr. Douglas] has been the chairman, and on which he has served so well.

I have enjoyed my relationships with Senator Bush both from a personal standpoint and also from a legislative standpoint. I have found him always to be a sincere and diligent worker. He is good in his attendance at committee hearings. He always takes an active part in respect to the subject matter being considered by the Committee He is a person with whom it is easy to work. He always has a reasonableness about him, a logical approach, a recognition of the fact that legislating is a practical problem in respect to which there must be a meeting of minds of the various persons connected with putting through the proposed legislation.

I have enjoyed my relationships with him, and I regret that he has decided to leave the Senate.

I join with the chairman of the Committee on Banking and Currency in the statement he has made about the implication in the announcement relating to his health. I trust that when he gets away from the Senate and out from under the stress and strain of senatorial work, he will find the change beneficial to him, and that he will enjoy many more years of great happiness, good health, and success in his retirement.

Mr. KEATING. Mr. President, I wish to join in the expression of regret over the decision of our colleague Senator Bush to retire at the end of this term. I believe any objective observer or assessor of the abilities of the men and women in this Chamber would be bound to place Prescott Bush very high, one of the highest. He is a man of unusual intelligence, great charm and level-headedness, and possessed of a great tolerance for the views of others. Throughout his eminent career in the Congress of the United States, he has given his State, his Nation, and his friends full reason to be proud of the high distinction that has marked his every day, his every duty, in the solemn office he has so well filled and so richly honored.

If I may speak a personal word, Prescott Bush is one of those with whom I have most frequently consulted on the vital problems which we face, particularly those in the economic field, in which he speaks with such assurance and is such an acknowledged expert.

Senators who have spoken this morning, including the distinguished junior Senator from Connecticut who was the first to voice his regret, and who has worked so closely with his colleague, have demonstrated that no lines of political activity divide or diminish in any way the very high esteem in which Prescott Bush is held by all of us who are privileged to know him, to work with him, and to assess his signal gifts of intellect, of energy, and of dedication.

It was a source of genuine regret to me to hear that some physical impairment may have dictated his decision to retire. I trust sincerely that the opinion of his doctor will soon be reversed. I should like to sit down with that doctor, to see if I could talk him out of this decision.

Certainly the wish of all of us who over the years have been so close to Prescott Bush is that above all else any impairment in his health will soon be rectified. It is my personal hope that both he and his charming wife will continue to endow Washington, D.C., with their presence and their personalities because both of them have not only my great respect, but also my deep affection.

Mr. YOUNG of North Dakota. Mr. President, I was greatly disturbed and disheartened to hear this morning that our good friend the senior Senator from Connecticut [Mr. Bush] has decided not to run for reelection. Undoubtedly his decision was based on good and sufficient reasons. The life of a Senator is becoming more rugged each year. It does require the best of health.

Since Senator Bush has been carrying on his work as diligently as ever, his decision comes somewhat as a surprise to us. He is rated as one of the best Senators of my time. He has a pleasant personality and a great intellect. He is a man of good judgment. He is the kind of a Senator we can ill afford to lose. I regret very much that we shall be officially associated with our good friend, Senator Bush, for only a few more months. I have always considered him one of my closest and best friends in the Senate.

Mr. SALTONSTALL. Mr. President, I join with other Senators in expressing my great disappointment in learning of the decision which Senator Bush felt he had to make. I know that decision was reached only after very careful thought and full understanding of all that is involved.

Senator Bush is a great friend of mine. I respect his judgment, and admire the ability with which he expresses his views on the Senate floor. I have respected his courage in such expressions on many occasions. I shall miss him not only as a colleague whose judgment I have long relied on, but also as a friend for whom I have come to have a feeling of fondness. I only hope that whatever he decides to do in the future will give him great happiness. We in the Senate shall miss him.

Mr. KUCHEL. Mr. President, some people call the Senate a club. In many respects it is. Perhaps, without inaccuracy, it can also be described as a family. When men and women become Members of the Senate, they work and eat together. On those rare opportunities when they can relax socially, they usually find themselves in the company of their colleagues.

Prescott Bush is universally respected by the Members of the Senate. He is a great member of the club, a great Member of the Senate family. I am saddened at the decision he feels impelled to make. I do not know whether the people of Connecticut appreciate the grueling labors which have taken so heavily of his time, but which have resulted in such a long series of great accomplishments for his State and for our country. Those Senators who will be here next year will miss the wisdom and leadership which he supplied on many occasions during debate in the Senate. But those who will still be here will also miss his delightful and sweet personality completely free from guile. Though outspoken and vigorous, he is always courteous. He is devoted to the public interest in all the acts which he officially undertakes to accomplish.

I am sure his colleague from Connecticut will agree that every one of us looks on Prescott Bush as a very dear friend. Whether or not we are in the Senate, we shall look forward to seeing him from time to time in the years ahead. We join in wishing for him, together with his dear wife, many years of health and happiness. We shall always treasure their friendship.

Mr. COOPER. Mr. President, I am saddened by the announcement of Senator Bush that he will not be a candidate for reelection, yet I respect his decision. He has been a faithful and aggressive advocate of the interests of Connecticut, and his retirement must bring to the people of his State a sense of great loss. We in the Senate know him as one of the great Members of this body. I think it would be agreed that he is the best informed Member of the Senate upon fiscal and monetary policies. Again and again he has raised his voice in the Senate calling for the responsible conduct of the Nation's fiscal affairs, and on many occasions the Senate has followed his counsel.

But Senator Bush's interests have been broad and have covered the great interests of our country. He has committed his abilities and influence to our foreign affairs and he has fought for equality under the law in the field of human rights. He has made great contributions in these fields.

I shall always think of him as a man of broad and humane interests, a man of integrity, conviction, and courage, whose every act and word has spoken his sense of responsibility as a Senator.

His announcement is a sad one. I shall miss him. For many years before I came to the Senate I knew him. I have counted him as a close and dear friend, and I have also had the opportunity of knowing for many years Mrs. Bush, a great woman.

We respect Senator Bush's decision, although it brings loss to the Senate and to our country.

Mr. DODD. Mr. President, I thank all Senators who have spoken on behalf of my colleague. The spontaneity of expression concerning Senator Bush is perhaps the best tribute that could be paid to him. None of us knew of his announcement beforehand. It was a great shock to me to learn of it this forenoon. Everything that has been said about him is true and comes from the heart.

I wish to add that during the time I have been privileged to serve as the colleague of Senator Bush, never once have he and I had an unpleasant word. I am grateful to him for the fine relationship we have enjoyed and for the generous and friendly attitude of cooperation that always characterized his conduct.

We shall greatly miss him in the Senate. We shall feel the loss of his great service in Connecticut. But we are comforted in the knowledge that on retirement he will continue to give us the benefit of his friendship and advice for many years to come.

I am sure that Senator Bush will be heartened by the many sincere tributes paid to him today, and I thank my colleagues in his behalf.

Mr. MUSKIE. Mr. President, I join in the tribute to the senior Senator from Connecticut. I have enjoyed my service with him in the Senate. In the Committee on Banking and Currency I have found him always to be able, most personable, likable, and constructive in his approach to the problems that have confronted us. I shall never forget the opportunity I have had to serve with him.

Mr. COTTON. Mr. President, I merely want to add my words to those who have spoken in the Senate this morning and to say that I was indeed sad to learn that the distinguished Senator from Connecticut [Mr. Bush] has decided, for health reasons, not to be a candidate for reelection.

I served with him on the Public Works Committee of the Senate when I first came to this body. I have served with him in many capacities. He is one of the ablest, most useful, and honored Members of this body, and represents its very finest traditions. We shall all miss him.

Mr. PELL. Mr. President, I rise to express my own hope for a full and happy life ahead for Senator Bush and to publicly state my own admiration for him. As graduates of the same school and possessed myself, though to a far smaller degree, of a similar business background, as a colleague on the Joint Economic Committee and as a colleague in this body, I have come to have a strong regard and to value him as a friend whose presence I shall miss in this Chamber.

MEDICAL CARE FOR THE AGED UNDER THE SOCIAL SECURITY SYSTEM

Mr. MUSKIE. Mr. President, one of the most important items of unfinished business in the 87th Congress is the proposed program of medical care for the aged under the social security system.

As a member of the Special Committee on the Aging, I have been more and more concerned by the plight of our older citizens in trying to meet the high cost of medical care. The Kerr-Mills Act program is directed at a particular segment of our older population but it does not provide the kind of broad coverage which is needed at this time.

Recently, I made a speech on the medical care program when I addressed the 75th anniversary of the Massachusetts Association of Relief Officers in Wrentham, Mass. In that April 24 appearance, I analyzed the arguments against the President's basic program and offered some answers to these objections.

Because of the general interest in the topic and because of its importance, I ask unanimous consent that the text of my remarks be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

ADDRESS BY SENATOR EDMUND S. MUSKIE, DEMOCRAT, OF MAINE, AT THE 75TH ANNIVERSARY OF THE MASSACHUSETTS ASSOCIATION OF RELIEF OFFICERS, WRENTHAM, MASS., TUESDAY, APRIL 24, 1962

Tonight, instead of making a speech, I am going to tell you a ghost story. I hope you won't be too frightened.

As a youngster, I was very partial to tales of the supernatural. The Maine woods at twilight, and a campfire, were an ideal setting for the delicious apprehension that makes these stories so popular with children.

There are all kinds of ghost stories, of course. The shortest ghost story I ever heard went like this: The last man left on earth is sitting at home in infinite loneliness. Suddenly, there's a knock at the door.

My story tonight is longer, more complicated, and full of multiple haunts we have all seen and heard before. Yet they continue to frighten thousands of Americans who have failed or forgotten to apply grown-up logic to the childhood images of fear.

Most ghost stories lose their savor as we grow older because our reason tells us there really are no ghosts. But isn't it astonishing how many people can still be frightened by them?

My subject tonight is concerned with the medical needs of our senior citizens—certainly not a likely subject for a ghost story. But no specters of the campfire in the days of my youth were more unreal than some of the arguments which are arrayed against those who seek sensible and effective programs of Government action to meet those needs.

Our story begins back in the late 19th century when America really began to think for the first time in constructive terms about the welfare and social needs of our people.

State and local governments began experimenting with new ways of coping with the mass problems of the sick, the handicapped, the poverty stricken and the aged. Massachusetts itself was a pioneer in these experiments.

As the dimensions of the problem grew with our population over the years, an increasing number of Federal and State and local cooperative programs developed.

Finally, in 1935, the United States achieved the most significant social milestone of modern times by enacting a Federal program of old-age, survivors, and disability insurance which has come to be known as social security.

I might say we have put to rest a lot of very scary ghosts in the 27 years since then. Today, the principle of social welfare as a governmental responsibility is accepted by almost everyone. At least there is massive acceptance of social security to the point that one cannot seriously contemplate its repeal.

In our dynamic society, however, even the progressive solutions of a quarter century ago must be constantly reexamined and reshaped to meet contemporary challenges. And one of the greatest of these is medical care for the aged.

Two years ago, we took a forward, if inadequate, step in Congress by enacting into law the Kerr-Mills Act, which provides for increased grants to States to expand medical care services for old-age assistance recipients.

And because of the increasing numbers of older citizens who could not meet the means tests for old-age assistance but who are still unable to pay their own necessary medical costs, the same law authorized a new Federal-State medical care program for them.

Under the act, States are given wide latitude to determine the standards of eligibility and the medical benefits they offer.

Federal grants cover 50 to 80 percent of the cost, with the highest percentage going to States with the lowest per capita income.

How well is this program meeting the need? As of December 1961, only four out of every thousand aged persons in the United States were receiving any help at all under Kerr-Mills. By February 12 of this year, only 23 States and 2 territories had the AMA program in effect.

In December 1961, the number of persons covered by Kerr-Mills ranged from fewer than 50 in Arkansas, Utah, and the Virgin Islands, to 27,920 in New York. The per person expenditures ranged from less than $100 in Kentucky, Maryland, Tennessee, and West Virginia, to $325.28 in the State of Washington. More than 90 percent of the recipients were in five States. Moreover, of the 66,000 recipients about 30,000 were transferred directly from the old-age assistance rolls, principally in New York and Massachusetts.

Under the new Kerr-Mills programs, States were given an opportunity to use a different test of financial needs from that used to determine eligibility for old-age assistance. In 1958, studies showed that the highest annual income permitted in any State for old-age assistance was $1,500. Most States participating in the Kerr-Mills program use a figure of $1,500 or $1,200 as the amount of income that a single person may have and receive medical care. Only one State permits an income of $3,000 per person for persons needing hospitalization.

It is obvious from these statistics that States are not extending the benefits of their Kerr-Mills programs to a very large segment of the elderly beyond the level of the old-age assistance program.

Not only are their fiscal provisions limited; so too are the coverage plans. By October of last year, only six States provided some care in all five major areas of hospitalization, nursing home care, physicians' services, prescribed drugs, and dental care.

The question that faces America, then, at this point is whether Kerr-Mills is an effective and adequate answer to the problem.

This is the issue around which the current great debate on social welfare in America is now raging. It seems to me that, if this debate is to serve a useful purpose—if it is to furnish a solid base of fact and commonsense upon which we can build solid public policy—it should be addressed to at least these three questions:

1. Is there, in fact, a national problem?
2. If so, who should deal with it?
3. And, finally, what kind of program is required to meet the problem?

First of all, do we really have a national problem? Do older citizens require more care, and more expensive care, than the bulk of the population? Are they less able to pay for it?

I will try to spare you most of the statistics. But the fact is that people over 65 require nearly three times as much hospital care as those under 65. They are hospitalized more often. They remain there twice as long. Their private spending for medical care is twice that of the population as a whole. People over 65 are demonstrably less able to pay for such care. They have less insurance protection than the general population. And census data proves that 6.2 million multiple person families headed by people 65 and older live in economic conditions ranging from deprivation to poverty.

Those of us who have served in State government know there is a problem. Year after year we have been asked to subsidize the growing hospital care load attributable to those who are unable to pay their bills. And we have had to do so out of inadequate and overburdened general budget resources. Hospitals know the problem as a widening gap between their costs and the reimbursements by public agencies. Doctors see the problem every day as the aged population increases and the number of their patients in this category snowballs. The taxpayer knows the problem as the demands on him for increasing State hospital's care double and redouble.

As final testimony to the existence of an unsolved problem, let us not forget the principal critics of the President's program—and I don't omit any of them. Recognizing that there is a national problem to which the people of America demand an answer, they themselves are scurrying about looking for one.

And so we come to the second question: "Who should deal with the problem?"

The President has given his answer in the Anderson-King bill. He is asking, as you all know, for a program of medical insurance within the framework of the social security system. He is proposing that 95 percent of the Nation's wage earners be allowed to contribute during their working years to a paid-up program of hospitalization and nursing-home care for their old age. He believes that all of us should have this means of providing for our own old age.

And this is where the scary part begins. For many of the professional and amateur critics of the President's program have conjured up a host of ghosts to frighten the Nation into social paralysis.

The ghost of socialism—creepier than all the others to those who think they see it.

The ghost of Federal compulsion—rattling its hollow threats.

The ghost of bigger Government.

And a host of lesser ghosts, rising out of the mists of unreality to intimidate the timid and the fearful.

I don't believe I need to identify for this audience the origin of most of these apparitions. But laughing them off—while useful—is not enough. Only logic, facts, and commonsense will banish them completely.

Who should deal with the problem? This is an honest question. It deserves an honest answer.

First, we see that nobody—but nobody—is making any responsible argument that Government should do it all. Certainly the President does not.

Secondly, we find that almost nobody is arguing that Government should do nothing about it.

I will concede in fairness there are seemingly a few in this category. The Senate adopted the Kerr-Mills bill in 1960, for example, by a vote of 91 to 2. The House vote was equally lopsided: 369–17. So the ratio is clear enough. Only a negligible minority of both parties in that Congress believed that Government should do nothing about the problem. I doubt that the ratio is much different in this Congress.

Thirdly, we find that nearly everybody believes Government must do some part of the job. And when I say nearly everybody I mean not only the administration and the liberal Republicans. I mean also conservative Republicans, the American Medical Association, the American Hospital Association, the Blue Cross, the Blue Shield, and just about everybody who has any pretensions to competence in this whole question.

All of these groups have clearly accepted and endorsed the principle of some Government participation under both public assistance programs and the Kerr-Mills Act.

Some are for financing under social security; others through the General Federal Treasury. Some are for strengthening the Kerr-Mills law; others are content to leave the law as it is. Some are for Kerr-Mills plus an expanded Blue Shield program. Some are for Kerr-Mills plus an expanded Blue Cross. Some would give a Federal tax credit for private insurance premiums.

Whatever the variations proposed, they all recognize some role for the Federal Government. Even the so-called Republican conservative bill on this subject states in its declaration of purpose that "it is in the public interest to provide Government assistance and encouragement to elderly Americans who seek the protection of medical care and hospitalization."

So the question no longer is whether Government has a role in providing social assistance. The question is, rather, what that role should be. Or, more practically stated, what services should Government provide and how should they be paid for?

We have already touched on the obvious inadequacies of the Kerr-Mills Act—where it has failed or is failing. The fact is that Kerr-Mills does not assist the vast majority of the aged. And under its pauper's oath provisions the poor will have to get a lot poorer before they can be eligible for its benefits.

What, then, do we do?

The President has proposed the pending program of medical insurance under the social security system.

The opponents of this program have dragged out all the ghosts I mentioned earlier—the same old ghosts they used to fight social security 27 years ago, the same old ghosts they used in the 40's to fight voluntary health insurance, the same old ghosts they used to fight Federal health grants-in-aid when they were first proposed.

On what grounds, may we ask, do they find socialism in the administration's proposed medical care program?

Is it in Government action? Obviously not, since the principal opponents have endorsed the principle of Government action

Is it in the services proposed? It is ridiculous to suggest, for example, that variations in the amount of hospital care provided among the various proposals somehow represent a difference between socialism and democracy.

Is it in the method of financing? Is it more socialistic to pay for these programs out of the social security system than to subsidize them out of the General Treasury? Spreading the cost of future services over a period of years has long been the American way. It is as American as our private insurance system.

Clearly, the ghost of socialism cannot stand the light of day.

What about the ghost of Federal compulsion? Which imposes greater compulsion: compulsory contributions to the social security system, or compulsory income and excise taxes which are the support of the General Treasury? And which, after all, is fairer—to spread the cost among all potential beneficiaries in a self-supporting insurance system or to force the general taxpayer in 50 States, as in the Kerr-Mills plan, to contribute to a program which operates in only 23 States?

And what of the ghost of bigger Government? Which proposal is more likely to expand in the future beyond its initial scope? On this point, the real issue is, not which proposal is adopted, but whether the services provided are found to meet the real need. Whichever proposal is adopted, the pressure for expansion will be felt if it fails to meet that need. And expansion, under any of the proposals, will mean greater Government participation.

Like all ghosts, these ghosts disappear when firelight gives way to daylight.

And then there is the ghost of inequity, which says it is not right that medical care benefits should go to the well-to-do as well as to the poor. This ghost apparently has never bought insurance.

He doesn't know that, when the holder of a life insurance policy dies, the proceeds of the policy are paid to the beneficiary whether the policyholder or the beneficiary or both are millionaires or paupers.

He doesn't know that when a house burns down, the fire insurance policy pays benefits to the rich holder as well as to the poor.

He doesn't appreciate the fact that, to an American, it is preferable to earn these benefits as a right than to rely upon the uncertainties of general appropriations and the indignity of the pauper's oath.

Now that we have laid these ghosts let us concede that there is not just one side to this question on the merits. There is plenty of room for honest differences of opinion on issues of real substance. These differences of opinion should be aired, they should be discussed, they should be debated.

In our preoccupation with ghost arguments in this great debate, there is a danger that we will overlook the very important and very real questions which are involved in the matter of services and coverage to be provided.

There is certainly a dispute over the extent of services which should be provided. The President's program is limited to hospitalization and nursing home care. The same is true of the Blue Cross program. The American Medical Association and the Blue Shield have indicated that they feel the need for medical assistance in the medical care field. Both Republican programs offer benefits for medical care assistance and hospital care.

I submit that the appropriate answer to the question of extent of coverage and the nature of coverage will depend on what we are willing to pay for and whether or not, at this time, we are willing to provide the cost of total or partial coverage.

It seems to me that the most practical answer now would be to limit such coverage to hospitalization and nursing home care. This is the area demanding first attention, at least, because it is the area of highest costs. We should recognize that most doctors, to their credit, have provided medical care for many of those of limited income at little or no cost in many cases. I do not believe they should be called upon to bear the entire costs of the individual financial limitations which they have recognized. But since doctors do object to the proposed social security system, I am willing to leave them out at their own request.

As a former Governor, I know how futile and discouraging it can be to appropriate money year after year for stopgap measures which never come to grips with the basic problem.

Now as a Senator, I am hopeful and encouraged by the combination of compassion and practicality in the President's recommendations. I am solidly for their enactment.

Does this approach mean we are marching down the road to something alien and un-American?

As emerging problems like this one confront us, we would all do well to recall the origins of our system of government.

The victory of Yorktown, in 1783, gave us, not a system of government, but the freedom to choose a system of government. For the first time in the long history of mankind, men were free to govern themselves and to choose the means for doing so.

Their first choice was a bad one—the Articles of Confederation. With inadequate authority in the central government, there emerged, not a single, strong nation, but thirteen small and quarrelsome ones. They erected trade barriers against each other. They created competing and worthless currencies. The national interest was ignored. National problems were neglected. National prestige declined at home and abroad.

And so, men on both sides of the Atlantic raised some serious questions as to the ability of free men to govern themselves. The doubts became so strong that the veterans of Washington's armies begged him to make himself king.

When the founders gathered at Philadelphia, therefore, they were concerned, not with writing a program of government, but with creating a structure for government. They were concerned, not with inhibiting the ability of future generations to meet new problems, but rather to provide the means for our people to consider common problems and to make decisions with respect to them. They understood that a free society could not produce political stability unless its citizens could aspire to happiness and had the means to work toward it.

When their work was finished, men of such divergent political philosophies as Hamilton and Jefferson could look at it and call it good.

Decades later, not long before his death, Jefferson found it possible to write to a friend on the other side of the water, with a detectable note of triumph:

"We have demonstrated on this continent that a government so constituted as to rest continually upon the will of the whole society is a practicable government."

And that has been the common denominator of our public policy since the founders met at Philadelphia—our system of government has made it possible for us to find and implement practical answers to all of the great variety of new and emerging problems with which we have been confronted. To achieve this happy result, we have used the means, governmental or non-governmental, best suited to each new task. On the basis of our total national experience, we should not be afraid to use either of these means, or a combination of them, to meet the problem I have discussed tonight. The test to be applied is a simple one: "Which is best suited to the task?"

POSTHUMOUS AWARD OF CIVIL LIBERTIES AWARD TO THE LATE SENATOR HENNINGS, OF MISSOURI

Mr. LONG of Missouri. Mr. President, no man more dedicated to the preservation of civil liberties than the late Senator Thomas C. Hennings has ever stood on the floor of this Chamber.

In recognition of his many years of effective efforts in this field, the St. Louis Civil Liberties Committee has posthumously bestowed its 1961 Civil Liberties Award upon the late Senator Hennings. The citation which accompanied the award, a stirring testimonial to our beloved friend and colleague, is, I believe, worthy of the widest circulation and reading, for it is a clear and thoughtful documentary of a great man's fight for a great cause.

Mr. President, I ask unanimous consent that this citation be printed in the RECORD.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

SENATOR THOMAS C. HENNINGS, JR.

The St. Louis Civil Liberties Committee makes a 1961 Civil Liberties Award to the late U.S. Senator Thomas C. Hennings, Jr. In recognizing the monumental contribution of the late Senator to an America of constitutional rights, the St. Louis Civil Liberties Committee does not intend to picture the Senator as a lone fighter, but rather as representative of the most noble in this Nation. The late Senator was a protector of rights, not only of the people of the State he represented, but of the inarticulate wherever they lived, who have never heard and will never hear of Senator Tom Hennings. Senator Hennings fought for all.

His resolute voice spoke up on a host of issues, all of immediate concern today: clean elections, the right to travel, freedom of information, unreasonable searches and seizures, confessions and police detentions, separation of church and state, inhuman deportations and exclusions of refugees, wiretapping, and for many other civil and human rights. He led the Senate in the creation of the Special Judiciary's Subcommittee on Constitution Rights, which investigated the campaign methods of a fellow Senator, a destroyer of freedom, and which contributed greatly to that Senator's ultimate censure by the Senate.

On his deathbed Senator Hennings declared "I have faith in my fellow citizens." In bestowing this award posthumously to Senator Hennings, a scholar, a statesman, and a fighter for liberty, we promise to measure up to this testament.

ENTRY OF COMMUNIST MAIL INTO THE UNITED STATES

Mr. GOLDWATER. Mr. President, my office has received much mail over the past year from my own State of Arizona and from almost everywhere else in the United States protesting entry of Communist mail into the United States and protesting the lack of action to do something about this situation which I consider intolerable.

Recently the House in passing the postal rate bill, H.R. 7927, now before the Senate Post Office and Civil Service Committee, provided under section 12 of this bill that the postal service will not deliver Communist propaganda originating abroad under the Universal Postal Union arrangement which Russia and other Communist governments have unilaterally voided. The Senate committee must pass on this provision, but I believe there is an abundance of evidence which shows beyond any doubt that a clampdown on Communist propaganda coming into this country is a must, and I offer the following as evidence in support of section 12 or a similar provision.

Mr. President, recently I received from a constituent of mine, who has adopted a Korean girl, Communist North Korean propaganda which he informs me is being sent to great numbers of Korean students now in the United States. The excerpts are from the Peoples Korea, printed in Tokyo, Japan, and sent by airmail to the United States. I ask unanimous consent that three excerpts from this paper follow my remarks in the RECORD as they are very illustrative of the vicious type of mail we are allowing to come into this country and which is directed toward undermining our efforts to defeat communism: First, U.S. imperialism branded as foe of African people; second, WFTU calls for firm solidarity with Korean people—expressing firm solidarity with the Korean workers and people on the occasions of the 12th anniversary of the United States imperialists' provocation of aggressive war against the Korean people; and third, Korean-Cuban friendship agricultural co-op setup.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

U.S. IMPERIALISM BRANDED AS FOE OF AFRICAN PEOPLE

Minjoo Chosun of March 25, organ of the DPRK government, comes out with an article captioned "U.S. Imperialism Is the Enemy of the African People Fighting for National Independence and Freedom."

Referring to the national liberation struggle of the African peoples which is gaining in strength and scope under powerful influence of the socialist camp the article points out that the U.S. imperialists are desperately pouncing upon the African "treasure house" by sinister and nefarious means and methods after the old colonialists who had squeezed Africans for 300-odd years were ousted by the protracted, stubborn and uncompromising struggle of tens of millions of African people.

The article exposes the cunning trick of U.S. imperialism and its political agent Kennedy, and says: In the disguise of the "friend" of "anticolonialism," they are stretching aggressive claws to Africa, holding out "aid" as a bait and spreading there the networks of military bases and suppressing the national liberation struggle while invading there ideologically.

The U.S. imperialists are colonialists more vicious and ferocious than the old colonialists, and are the ringleaders of those trying to strangle the independence of African countries and the sworn enemy of the African people.

The centuries of history of the African people shows that there can be neither coexistence nor cooperation between the colonial plunderers and colonial peoples and that the national cause can be accomplished only when a resolute, protracted struggle including the armed struggles is waged without the illusion about imperialism.

The aggressive scheme of U.S. imperialism to establish a new colonial system will doubtlessly be smashed to smithereens before the unbending, vigorous struggle of the people in the African Continent.

ANTI-UNITED STATES, ANTIDICTATORSHIP STRUGGLE IN LATIN AMERICA SUPPORTED

The anti-United States, antidictatorship struggle in Guatemala and other Latin American countries such as Venezuela, Peru, and Dominican Republic which is developing into an armed struggle is a righteous struggle of the Latin American peoples to liberate their countries from the aggression and yoke of U.S. imperialism, says Pyongyang Shinmoon of March 24.

The anti-U.S. sentiments pent up for more than two centuries are now bursting out under the influence of the Cuban revolution.

"Let's defend Cuba," is the militant slogan the Latin American peoples are unanimously holding up in their anti-United States, antidictatorship struggle.

Now the U.S. imperialists are desperately trying to strangle the historical anti-United States, antidictatorship struggle of the Latin American peoples and keep their indignation from exploding.

However, with no desperation can U.S. imperialism smother the struggle of the Latin American peoples who have risen up with arms in their hands.

WFTU CALLS FOR FIRM SOLIDARITY WITH KOREAN PEOPLE

(The World Federation of Trade Unions recently called upon the national trade union organizations and international industrial trade unions to make preparations for expressing firm solidarity with the Korean workers and people on the occasions of the 12th anniversary of the U.S. imperialists' provocation of aggressive war against the Korean people on June 25, 1950, and of the 9th anniversary of the conclusion of the Korean Armistice Agreement, according to information from Prague.)

Issuing the appeal, the WFTU evinced the firm conviction that the working people and trade unions throughout the world would express firm solidarity with the workers and people of Korea.

The WFTU recalled the fact that the World Trade Union Congress held in Moscow at the close of last year adopted a special resolution on the Korean situation, calling upon the working people and trade union organizations the world over to demand the immediate withdrawal of the U.S. imperialist troops from South Korea and express solidarity with the Korean workers and people in their fight for the peaceful unification of the country.

Condemning the intrigue of the "South Korea-Japan Talks" hatched by the Japanese militarists and the South Korean military clique at the instigation of the U.S. imperialists, the WFTU said:

In South Korea, the military Fascist dictatorship is becoming further venomous and the political and economic crisis is aggravating to the extreme. The living conditions of the people have become more unbearable and the rights of trade unions or democratic freedom practically do not exist.

But under these difficult conditions the working people and the rest of the South Korean people are resolutely waging a heroic struggle, not succumbing to exploitation and oppression.

KOREAN-CUBAN FRIENDSHIP AGRICULTURAL CO-OP SETUP

PYONGYANG, March 20.—The members of the Whasung Agricultural Cooperative in the Ryongsung district of Pyongyang held yesterday a general meeting and decided to rename their cooperative the Korean-Cuban Friendship Agricultural Cooperative.

Delivering the report at the meeting, Managerial Chairman Shin Jai Bin said that the change of the name of the cooperative to the Korean-Cuban Friendship Agricultural Cooperative is an expression of the deep friendship the peasants of the cooperative cherish toward the Cuban people, and will contribute to the further strengthening and development of the friendly relations between the Korean and Cuban peoples.

RESOLUTION OPPOSING PROPOSED CUTS IN ARMY NATIONAL GUARD

Mr. FONG. Mr. President, on May 11, the Department of Hawaii, Veterans of Foreign Wars, meeting in annual convention, unanimously adopted a resolution opposing the Defense Department's proposed reductions in Hawaii's Army National Guard, which would entail disbanding the Guard's 227th Engineer Battalion, our sole engineer battalion.

As the resolution points out, "the bitter lessons of World War II, beginning with the attack on Pearl Harbor and other Oahu bases by Japanese bombers emphasize the grave danger of reducing the Armed Forces available for instant action in Hawaii."

Mr. President, these men have seen service with the Active Forces, some in World War I, some in World War II, some in the Korean war, and some in both World War II and Korea. They speak with the authority and wisdom that come from harsh experience. We should heed their counsel.

As I see it, Mr. President, it is most unwise to reduce the Army Guard and Reserve forces in Hawaii. Situated in the mid-Pacific Ocean, Hawaii is the westernmost U.S. military outpost, a first line of America's defenses. The heart of our farflung Pacific military forces is sited in Hawaii. Army troops of the 25th Infantry Division from Hawaii are already in Thailand destined for the Mekong River area, where it is hoped to halt Communist encroachment. More troops are to leave Hawaii to bolster our soldiers already in southeast Asia.

In view of the upheaval in that troubled area, this is certainly no time to disband Reserve forces which supply backup support for the Regular Army. Hawaii needs every man and every unit of the Guard and Reserves. Our Nation's security depends upon full-strength Reserve components. This is a most unwise time to invoke cutbacks.

Mr. President, I ask unanimous consent to insert in the RECORD at this point the full text of the VFW resolution:

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY THE CONVENTION OF THE DEPARTMENT OF HAWAII, VETERANS OF FOREIGN WARS, 1962

Whereas President Kennedy has announced plans to release large numbers of reservists and national guardsmen in early August;

Whereas it is feared in Hawaii that this release of national guardsmen will be, in effect, an overall reduction of the National Guard in Hawaii;

Whereas the reduction and reorganization plan announced by the Chief of the Army National Guard Bureau would involve the disbanding of the only engineer battalion in the Hawaii National Guard—the 227th Battalion, of 370 men, here;

Whereas in no part of the United States more than in Hawaii is it advisable and necessary to maintain National Guard strength and to continue preparations for additional National Guard enlistment in times of crisis;

Whereas the bitter lessons of World War II, beginning with the attack on Pearl Harbor and other Oahu bases by Japanese bombers emphasize the grave danger of reducing the Armed Forces available for instant action in Hawaii;

Whereas the Department of Hawaii of the VFW includes many men who served with the active U.S. forces in World War I and World War II and in the Korean war;

Whereas it is the immemorial motto of the VFW to be prepared to defend our country at all times: Now, therefore, be it

Resolved, That the State convention of the VFW at Honolulu, Hawaii, May 10–12, 1962, by this resolution goes on record as opposed to any National Guard cut, and particularly to the disbanding of the National Guard Engineer Battalion here; and be it further

Resolved, That copies of this resolution be sent to the President of the United States; to the Secretary of Defense; to the President of the U.S. Senate and the Speaker of the U.S. House; to the chairman of the U.S. Senate Armed Services Committee and the chairman of the House Armed Services Committee; and to Gov. William F. Quinn of the State of Hawaii.

CONSTITUTIONALITY OF PROPOSED LITERACY TEST REQUIREMENT

Mr. WILEY. Mr. President, 6 years ago a prominent Republican in the State said that he would not vote for me because I would not take orders.

I thought of that today because I voted last Thursday against cloture involving bill S. 2750—literacy test—introduced by the majority and the minority leader.

Then, over the weekend I happened to be out in my State and upon my return here on Monday morning I found a number of wires from folks telling me how to vote. They were good people, representing significant organizations. However, when the issue came up again on Monday, I voted as I had before.

Recently I had occasion to quote that famous English statesman, Edmund Burke, who when asked about his relations with his people said:

> You must pay attention to them and give heed to and counsel with them, but at long last, when it comes time to best serve your constituency, then you must render your independent judgment, based upon your conviction, for if that fails, you do indeed betray your people.

This has been part of my political philosophy long before I came to the Senate.

It will be noticed that he uses the word "conviction." I have a sincere conviction in relation to the constitutionality of the bill in question. But I am not the only one. Such eminent constitutional experts as Rev. Francis James Conklin, of Gonzaga University Law School; Brooks Cox and J. Warren Madden, of Hastings College of Law, University of California; Paul G. Kauper, of University Law School; Robert G. Dixon, Jr., George Washington University Law School, and many others express doubts as to the constitutionality of the bill. Numerous Governors and attorneys general likewise express doubt. These are all found in the hearings.

Now this does not mean that I condone or overlook the crimes that are committed in certain places in this country, in denying qualified citizens the right to vote. The passage of this measure would not correct the situation. Let the Attorney General get busy—it is his job.

We all know what the Constitution provides, in section 2, clause 1:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

In other words, the basic law of this land provides that it is the job of the State and not the job of the Federal Government, unless, of course, the rights of American citizenship are impinged upon or interfered with by officials of the State.

There are Federal statutes to protect the voter against such action. It is the business of the Federal Government to handle this situation when the State government will not perform its duties. The passage of the bill in question which would make the literacy test, namely, a sixth grade education, the qualification, would not simplify but would, as has been suggested by those whose names I have quoted, complicate the situation.

If it is claimed that the bill would rest on the 14th amendment, it could only be applicable as respects such action. If it is claimed that the bill would rest on the 15th amendment, it must be directed against persons acting under color of law, State or Federal, and it must relate to the denial, by such persons of a citizen's right to vote because of race, color, or previous condition of servitude.

This bill is not necessary. There are criminal statutes to protect the right of the citizen. All that would be accomplished would be to precipitate action involving the constitutionality of the measure.

It would not relieve the Federal Government from looking after the big issues, of maintaining the peace, keeping the Communists from taking over, and looking after the budget, or its duty to protect its citizens.

Within the purview of the law as it is, we should leave State legislatures alone so far as possible and let them look after what the Constitution says is their business, namely, the qualifications requisite of the electors of the most numerous branch of the State legislature.

I realize that the foreign affairs of this country are in the hands of the Chief Executive, and that he will need the best brains he can summon to his side.

Domestically, we of the Congress have a big job looking after that angle of the Government. Therefore, we should not, unless necessary, interfere with the great instrument which our forebears formulated, with its checks and balances. It has kept this country safe and sound through many generations.

THE TRAGEDY IN LAOS

Mr. MUNDT. Mr. President, in these days of disappointing and disturbing news dispatches from Laos the following editorial from the May 22 issue of the National Review is of both historic and current significance.

I ask that it appear in the body of the RECORD at this point. It is entitled, "How Wrong Must You Be?"

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW WRONG MUST YOU BE?

On Sunday, May 7, W. Averell Harriman, Assistant Secretary of State for Far Eastern Affairs, was interviewed by Senator KENNETH B. KEATING on the TV program, "Let's Look at Congress." Mr. Harriman unconditionally defended—as he has from the beginning—the administration's program calling for a united front regime of Communists, neutralists, and pro-Westerners as the solution to Laos troubles. In that way, Mr. Harriman declared, Laos could be kept at peace and neutralized. The Communists "would like to see that area kept neutralized" because "it's not an attractive piece of real estate and Laos has only about 2 million people." He further endorsed the accepted State Department belief that the Russians need a neutral, peaceful Laos because they "want to keep the Chinese out."

(It was Mr. Harriman who cut off U.S. subsidies to the present Laotian Government 3 months ago, in order to force the pro-Western Lao to accept a coalition government in which Communist nominees would occupy the ministries of war and security, and who has been conducting a continuous campaign of political pressure ever since.)

On "Meet the Press" that same day, Walt Whitman Rostow, Chief of the State Department's Policy Planning Board, made the same analysis and defended the same policy. "A neutral [united front] government" is "the best bet" for Laos.

The following day, May 8, the Communists made their comment, after their fashion, on the analysis, recommendations, and predictions of these two officials charged with responsibility for what we are doing in southeast Asia. The Communist reply was made, however, not over TV but in the field, in the key strategic town of Nam Tha. Nam Tha, under Communist siege for some while, was overrun by a massive attack launched by a combined force, estimated at four battalions or more, of Laotian Communists (Pathet Lao), North Vietnamese and Red Chinese—supplied in part, as usual, by Russian planes.

THE DEPLOYMENT OF U.S. TROOPS IN SOUTHEAST ASIA

Mr. JAVITS. Mr. President, I believe a word should be said about the decision of our President to send American troops to the border between Thailand and Laos. Such a decision is always a very difficult and trying one for any American President to make.

Serious responsibility is involved in the employment of the Armed Forces of our Nation, because of the commitment it implies if the reaction against it is a military one.

Therefore, I have always made it a practice, where I agree, to support the President, because in these situations it is our duty to do so, when we occupy such responsible positions, as we do, in the Senate. Therefore, I express my support of the President in this action.

From what we can learn from the reports on the subject, the deployment of our forces along the border of Thailand is being taken in a temperate and considerate way, since we are completely identified with Thailand in terms of the Southeast Asia Treaty Organization.

I believe it is extremely important that when we take measures of this character, we should operate, if possible, within the ambit of our defense agreements with the Southeast Asia Treaty Organization, because southeast Asia is now becoming more and more a critically important defense area.

At the same time that we back the President in his very serious decision, let us understand the importance of unity in terms of the defense of Thailand and Pakistan and our other strong allies, like Malaya and the Philippines, in that area of the world. We would hope that a nation like Burma would see its own security and independence involved here; as well as India, that great counterweight on the Communist Chinese.

Therefore, in terms of the heavy responsibility of our President, the prudence of the approach to it, and the critical importance of demonstrating that we mean to implement our security arrangements in this great regional defense organization, seriously, with purpose, and with men and materials, when the situation requires it, I believe the President is entitled to our support.

It is our duty, I repeat, to express and give him that support when he makes so critically serious a decision as the one which he has made now. I consider it an honor to do so today.

THE POINT REYES NATIONAL SEASHORE

Mr. KUCHEL. Mr. President, last year the Senate approved legislation authorizing the Point Reyes National Seashore in California. This is splendid legislation in the interest of the people. The sponsors of the legislation are members of both parties. The recommendations of the executive branch of the Government and the government of California were unanimous. The bill was sent to the House of Representatives. It was approved by the Committee on Interior and Insular Affairs in the House, and is now before the Committee on Rules.

In the San Rafael Independent Journal of April 14, 1962, on page 14, there appears the following advertisement:

> Congress Near Adjournment—Option Your Drake's Bay Lot Now
>
> You can put a "hold" on a fabulous Drake's Bay homesite until you're sure it will remain private property.
>
> Despite years of threats and thunderous publicity, the Point Reyes National Seashore bill has not yet passed, and Congress adjourns in not too many weeks.
>
> Drake's Bay unit No. 2 just recorded. Dramatic view lots overlooking the deep blue bay and the beautiful white cliffs of Point Reyes. The find of a lifetime.
>
> Be safe—option your lot now—complete your purchase after the national seashore washes away.
>
> From $5,500. Attractive terms.
>
> Drake's Bay Estates, Inc.

The question is whether the public interest or the private interest will be served. The public interest is served by this legislation. A handful of greedy people want to gobble up the land involved for the benefit of a few. I sincerely hope the bill will be approved by the House of Representatives.

I rise merely to say that with all my heart I hope the House of Representatives may quickly and speedily approve the Point Reyes legislation to establish in the public interest the Point Reyes National Seashore, and prevent a few speculators from destroying what the people of this country ought to enjoy. The Congress is not that near adjournment, as the advertisement wrongly states.

TRIBUTE TO THOMAS HART BENTON

Mr. SYMINGTON. Mr. President, on May 12 the town of Neosho, Mo., paid tribute to its most famous native son, Thomas Hart Benton. Although he left his birthplace at the age of 17 to launch a career taking him all over the world and destined to make him America's most famous mural painter, Thomas Hart Benton is in every sense a product of Missouri.

After an absence of over 50 years, Artist Benton was given a true hero's welcome, not only by other famous Missourians such as former President Truman, but by the entire population of Neosho, young and old alike, those who knew him and those to whom he was only a legend.

Throughout the day's festivities, his untiring enthusiasm and youthful vigor proved, without a doubt, that the spirit of this great man is as ageless as his art.

Mr. President, I ask unanimous consent that an article from the Sunday, May 13 issue of the Kansas City Star reporting on Tom Benton's return to Neosho be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Hero to Home Folks—Celebrity Tom Benton Has His Big Day—Artist Strides Briskly Through Events Honoring Him at Neosho, Mo.

(By Robert K. Sanford)

Neosho, Mo., May 12.—Thomas Hart Benton danced the Pawnee 2-step with an Indian woman today, clapped encouragement to some folk singers, was feted at a dinner for 500, and held a press conference that included side remarks by Harry S. Truman.

These things were all part of the Tom Benton home-coming celebration here that for the day doubled the population of this Ozark city of 7,500.

FAST-STEPPING DAY

The 73-year-old artist strode through the festivities with a pace that found younger followers lagging. Through it all, he swung a gold-tipped walking stick that is his as a Missouri squire.

And that's the role he played here, the cheerful squire being honored by his friends.

His Indian dance, which was impromptu, followed an exhibition of war dances, eagle dances and circle dances by a troupe of Pawnee Indians from Pawnee, Okla.

The exhibition was on the program, Artist Charles Banks Wilson of Miami, Okla., explained, because as a boy around the turn of the century, Benton used to travel into the Indian territory of Oklahoma on hunting and fishing trips.

Benton watched the exhibition from a reviewing stand and applauded enthusiastically. At the end Mrs. El Fields, one of the dancers, walked up on the stand and took him by the arm.

RESPONDS TO CALL

He went with her down to the circle on the courthouse square here and danced around it with her as the drums played and the singers chanted.

From the Indian dances he was led to another side of the square to hear folk singers perform. He was escorted by two young women in dresses of 1912, the year he left Neosho.

To the girls on each arm, he said, "This is just like it was when I was a boy here. There were always more girls than boys, so the fellows always had two girls."

He cheered the singers, who stood on a truck and sang tunes such as "Black Mountain Rag," and "The Jealous Lover of Lone Green Valley."

At the press conference about 30 newsmen waited.

He made these observations:

He was gratified at all the fuss that was being made over him at the celebration.

In general, American art has been moving away from meaning and he has opposed this, believing it should turn back to America and subjects that mean something to Americans.

NO SOCIAL CLIMBER

He is cheered by the Kennedys' efforts to promote interest in the arts, but he personally doubts whether an artist would feel quite at home in the upper reaches of society. The kind of society that he was in in Neosho today was good enough for him, he said.

For a moment in the press conference, there was a lull in the questions, and Benton suggested that Mr. Truman, who was in the room, might like to come to the platform with him.

Mr. Truman told the newsmen that he was a guest of Thomas Hart Benton, "the greatest living American artist," and he didn't think it would be fair for him (Truman) to talk about politics at Benton's celebration. Then he sat down.

A reporter asked Benton to comment on the Benton paintings in the special homecoming art exhibition here, and asked him if he would sell the large nude painting, "Persephone."

"Sure I would sell it, if I could trust the buyer to pay me the money in a few years," Benton said, referring to income tax advantage of receiving payment in small parts.

To this answer, Truman remarked: "He means the Government would take it all away from him."

Benton was asked about his interest in politics, and he said he had never run for office and he didn't believe he should comment on politics because "there are so many Republicans around here."

Truman said, "They can be beaten and they have been in the past."

To this, Benton added: "I like them anyway, as long as they sing folk music the way they do."

At Benton's dinner tonight at the high school, Mr. Truman wished Benton the happiest day of his life, and when the artist arose to speak, he agreed that it was.

"Such an honor comes to a man not once in a coon's age," Benton said, "and it don't never happen to artists."

He did not believe that such an American-slanted art form as he had tried to create was old fashioned nor chauvinistic, Benton told the group, adding that "Some take a dim view of the art I have tried to make, and have even questioned the propriety of such an art."

Other speakers at the banquet were Dewey Short, former Republican Representative from the Seventh Missouri District, and Justin C. Ruark, presiding judge of the Springfield Court of Appeals, whose father formerly was a law partner of Benton's father.

CONGRESSMAN RICHARD BOLLING RECEIVES DEMOCRACY IN ACTION AWARD

Mr. SYMINGTON. Mr. President, last month the distinguished Congressman from the Fifth District of Missouri, Richard Bolling, received the Democracy in Action Award of the annual assembly of the St. Louis Council of the American Jewish Congress.

Congressman Bolling received this award in appreciation and recognition of his outstanding work as a member of the U.S. Congress, in furthering the ideals of liberty and justice for all, regardless of race, religion or national origin.

There is no one in the Congress more deserving of this award. Those who know Dick Bolling know also of his fine work in behalf of the liberties and rights of all citizens.

Kansas City and all Missouri are very proud of this latest recognition of this American statesman.

I ask unanimous consent that the comments of Mrs. Paul Brown, on presenting the Democracy in Action Award, be printed in the Record.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

DEMOCRACY IN ACTION AWARD BY AMERICAN JEWISH CONGRESS, ST. LOUIS COUNCIL, MISSOURI STATE REGION

(Presented by Mrs. Paul Brown, secretary, Kansas City area, American Jewish Congress chapter, April 9, 1962, Temple Shaare Emeth)

I am extremely flattered that I have been asked to come from Kansas City to make this presentation on behalf of the St. Louis Council of the American Jewish Congress, particularly when the recipient happens to be my Congressman.

I am so proud that you, DICK, have been chosen for this tribute, because the Democracy in Action Award is always bestowed on the individual or institution who, by deed as well as by word, has contributed most to the goal of full equality in a free society for all Americans, a goal that includes the right to be like everyone else—with full and equal opportunity for all; and the right to be different, to give full expression to the cultural and spiritual heritage in which all of us as descendants of immigrants take full pride.

You are truly deserving of this recognition; your voting record proves that you have been a dedicated leader in finding the means for a successful balance between idealism and realism. You have been a sincere and conscientious Representative who has had the power of his convictions; you have diligently, quietly, and effectively found the means to support and promote legislation which advances the concept of human dignity.

Your leadership in the House has won new eminence and I know from past experience that your liberal outlook is deeply ingrained with sincerity.

We of the American Jewish Congress have long been impressed with your concern for the Nation as a whole, and for all its people. Your interest in civil liberties and civil rights legislation, so important to the ideals of the American Jewish Congress, is outstanding; this interest has served as an inspiration for our entire membership and has made you the logical choice for this honor.

As far back as 1946, before you had any idea of entering the political scene, I can recall your active leadership in helping to make it possible for our local university to open its doors to Negroes for the first time. This required courage at a time when this issue was an unpopular one. Yes, I have long felt that were it possible to elect a national Representative at large, you would win with millions of votes to spare.

To me, RICHARD BOLLING is symbolic of the modern, alert, dedicated and intelligent statesman, so necessary for the uncertain times in which we live. With integrity and insight, he has gained recognition and stature as a leader of his party. Because of his ability and resourcefulness, he has been successful in gaining the support of Republicans and independent voters alike. To us, he personifies "democracy in action."

We are fortunate that DICK BOLLING is young, yet wise in experience; that he is dedicated to justice for all individuals, regardless of color, religion, or national origin; and, most important, that he has many years before him for continued dynamic leadership in the spirit of the American tradition, designed to achieve new meaning and new dimensions for equal opportunity.

It is with deep humility and genuine respect that I now present this award to you, RICHARD BOLLING, on behalf of the St. Louis Council, Missouri State Region, of the American Jewish Congress.

CHARLES H. HECHLER

Mr. SYMINGTON. Mr. President, I rise to pay tribute to an outstanding native of Missouri, Mr. Charles Henry Hechler, whose death occurred last week.

Born in Dalton, Chariton County, Mo., on July 8, 1881, Mr. Hechler lived a rich and full life to the credit of his community and country. He was a graduate of the University of Missouri, where he specialized in animal husbandry. At the university, he made an outstanding record and was asked to remain on the faculty after his graduation to teach animal husbandry.

It was not long before Mr. Hechler gained a wide reputation as a judge of horses, and as an expert in cattle and livestock. In 1907, Mr. Hechler's abilities were called to the attention of Clarence H. Mackay, the president of the Postal Telegraph & Commercial Cable Co., and Mr. Mackay asked Mr. Hechler to come to Roslyn, Long Island, to manage his 600-acre farm and estate.

Continuing his agricultural activities, Mr. Hechler helped organize the Nassau County Farm Bureau and pioneered in crop development in the Long Island area. He raised a fine herd of Guernsey cattle, and was elected secretary-treasurer of the New York State Guernsey Breeders' Association. Mr. Hechler's fine Missouri training enabled him to become a noted exhibitor of prize bulls.

Mr. Hechler's parents, Mr. and Mrs. George Hechler, came to Dalton, Mo., after the Civil War. George Hechler grew up in Marietta, Ohio, and fought as a corporal in the Civil War, being wounded at the Battle of Antietam. George Hechler was active in the field of education as president of his local school board, chairman of the board of elections, chairman of the board of trustees of his church, and vice president of the local bank. The wide and varied civic activities of Charles Hechler's father inspired the son to engage in many community activities.

For eight 3-year terms, Charles H. Hechler served on the board of education in Roslyn, N.Y., the last 6 years of his service being as president of the school board. Mr. Hechler was one of the organizers of Troop 1, Boy Scouts of America. He was a charter member of the local Kiwanis Club. He was master of his Masonic lodge. He was elected 4 times by an electorate which grew to 200,000 as a member of the council of the town of North Hempstead. He served for 21 years as village clerk and treasurer of the incorporated village of East Hills. He was a member of the planning board of the town of North Hempstead. For 30 years he served as director, then vice president, and chairman of the board of the Roslyn National Bank & Trust Co. He was chosen by the New York State Legislature to be a member of the New York State Theodore Roosevelt Centennial Celebration Commission.

Mr. President, in 1909 Charles H. Hechler was married to Catherine Elizabeth Hauhart, of Ballwin, St. Louis County, Mo., and Mrs. Hechler and her two sons, Charles H. Hechler, Jr., and Ken Hechler survive. We all know the Honorable KEN HECHLER, who is serving his second term as a Member of the House of Representatives from the Fourth Congressional District of West Virginia.

Mr. Charles H. Hechler is also survived by another distinguished Missourian, W. Roy Hechler of Dalton, Mo., the brother of Charles H. Hechler. Roy Hechler has been farming at his parents' homestead since 1919. He served as treasurer and president of the Chariton County Farm Bureau. He was a member of the executive committee and vice president of the Missouri State Farm Bureau. He was president of the Missouri Seed Corn Growers' Association. During the Franklin D. Roosevelt administration, Roy Hechler was appointed to administer the U.S. crop insurance program in Missouri. In keeping with the tradition established by his father and his brother, Roy Hechler served for 15 years as president of his local school board. For 17 years, he was chairman of the Chariton County Highway Commission.

Mr. President, Missouri is proud of the Hechler family and its record of community and public service. Missouri is proud that one of West Virginia's distinguished Members of Congress has his roots deep in Missouri soil. While we mourn the passing of Charles H. Hechler, we salute his unselfish record of service to his country.

AMERICAN TRAVELERS AS ROVING AMBASSADORS

Mr. PELL. Mr. President, after completing his recent tour abroad, the Attorney General pointed out that every American traveling abroad is a roving ambassador. Our service people who live abroad are, in fact, permanent ambassadors.

In this connection I was very pleased to read in the Providence Evening Bulletin of April 19 that the European Congress of the American Parent-Teachers' Association recently held its annual convention in Paris. This association is the PTA movement for 250,000 schoolchildren whose parents live on U.S. military bases from Iceland to Ethiopia. It is highly significant that this year's convention was the first convention not held on an American base.

Mr. President, I know from my own experience in representing our country abroad that far too many Americans tend to live in isolated ghettos when they serve overseas, thereby missing a golden opportunity for they and their children to learn more about their host country and to create a better understanding of our country. At the European Congress of the American Parent-Teachers' Association the delegates themselves expressed an awareness that they had been too clanish in the past and had not mixed enough with residents of their host country.

The delegates to the convention of the European Congress of American Parent-

Teachers' Association are to be congratulated for adopting a constructive program designed to make them better ambassadors and I ask unanimous consent that an article which appeared in the Providence Evening Bulletin of April 19, 1962, he printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOO SNOBBISH, OVERSEA PTA AGREES

PARIS.—Shunning flashy tourist spots, 200 American PTA delegates from U.S. military bases met in a dreary workers' district of east Paris this week.

For the 3 days of their convention they passed up the foie gras and champagne and lived in the breadstick and cheese atmosphere of the ordinary Frenchman. They held long sessions of searching self-criticism and scolded each other for being too typically American abroad.

Result: The delegates voted to take the lead in breaking down social walls Americans build between themselves and the natives overseas.

The workers' district hotel was chosen as the convention site by the directors of the European Congress of the American Parent-Teachers Association—the PTA of 250,000 schoolchildren, parents, and teachers living on U.S. military bases scattered from Iceland to Ethiopia.

It was the first time the association has held a convention away from an American base. There wasn't even a PX nearby.

The delegates agreed they and their kind have been too clannish, too snobbish, and too stubborn to mix with the people of the countries where they are stationed for 3 or 4 years.

Because of this, they agreed, precious opportunities for their children to gain foreign experience and understanding are largely wasted.

The convention keynoter, U.S. Ambassador James Gavin, called the typical American service family "too reticent, too afraid, too lethargic."

Mr. Gavin said service families stick too much to themselves "because it is easier that way." He was sharply critical of those—admittedly the majority—who make no effort to learn the local language.

The convention approved a program calling for PTA leadership at the bases to bridge the social gulf between the service families and the people of the host country.

The organization for the first time also chose an enlisted man as its president—Navy Chief Quartermaster Arthur W. Lewis, 35, who is stationed in Naples, Italy.

U.S. DIPLOMACY AT THE CROSSROADS

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD, in connection with my remarks, an extraordinary speech delivered by a very gifted and very great American. The speech is entitled "U.S. Diplomacy at the Crossroads." It was a Founders' Day speech, delivered at Occidental College, Los Angeles, on April 25, by the Honorable J. D. Zellerbach, chairman of the board of the Crown-Zellerbach Corp., and formerly U.S. Ambassador to Italy, and formerly head of our Marshall plan aid mission in Italy. His speech is one of the most extraordinary and most gifted speeches I have read for a long time.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

U.S. DIPLOMACY AT THE CROSSROADS

(Address by J. D. Zellerbach)

It is a very great privilege to be invited to join Occidental on this 75th anniversary of the founding of the college. Occidental has made a vital contribution to the traditions and the growing influence of the liberal arts college of this country. May I offer heartfelt congratulations to President Coons, the faculty and the board of trustees on the anniversary and the years of achievement it represents, and wish Occidental a fruitful and rewarding future in its continued service to American higher education.

Some months ago, when I was honored with your president's invitation to speak on this occasion, I replied that my subject would be "United States Diplomacy at the Crossroads." I was also tempted to add a subtitle that ran: "Or let's stop wanting to be loved, and start trying to be respected."

I meant to suggest that as a world power we had arrived at a juncture where we were temporizing or putting off crucial decisions, and that the Government was not showing the toughness required by the situation confronting our country.

In short, I had it on my mind and conscience to tell you tonight that in my view our national interest was being neither properly assessed nor properly pursued. However, since writing President Coons to describe what I wanted to say, there has been a distinct change in our Government's approach toward world affairs. I am sure you have also observed it. The situation has improved. We have a firmer, more realistic position on many significant issues of foreign policy, on Berlin, southeast Asia, Latin America, nuclear testing, and military power, as well as on our aid to other countries and international trade.

It is a great relief to observe that many of the actions of the Government during the past few months have demonstrated a growing recognition that a change in course was overdue.

To see this change in some perspective, we should first recall that the foreign policy of the United States passed through three great crises last year. These were:

The fiasco and disaster of Cuba in April.

The President's confrontation with Khrushchev in Vienna, in June, followed by the Soviet provocation of a new Berlin crisis, and the erection of the wall through Berlin.

Finally, the Soviet nuclear weapons tests which began in August.

It was essential that such somber and sobering events should force the administration and the American people to reexamine our world position and the policies being applied to sustain it. Policymakers were obliged to take a new look at the total role in the world of American leadership and power.

As a result of these unhappy experiences, there is coming about, not so much a change in policy—although that is occurring as well—as a change in national attitude which in the end determines the broad development of policy. This change in attitude I would describe as a greater willingness to come to grips with America's true national interests in the world of today, not the world of 5, 10, or 15 years ago. For that world, speaking in terms of foreign policy and the balance of power, no longer exists.

Let me cite one illustration of what I mean by this change in attitude:

In the formulation of policy in the years since the war, we set great store by an illusory, intangible factor called world opinion, whatever that may mean. This is in no way to overlook, or minimize the importance of public opinion, either in the United States or in any other country. It is rather to say that public opinion varies all over the world, in accordance with differing national or regional points of view on domestic and international issues.

At Belgrade world opinion proved a delusion. It did not deter, nor even concern, the Soviets. They broke the moratorium on testing in cynical defiance of world opinion, acting as though it did not exist. The neutrals, the self-appointed guardians of "world opinion," spoke volumes by saying little in protest.

I think that this episode, which shattered a great many unsound assumptions, taught a valuable lesson to the administration and indeed to all of us. It forcibly reminded policymakers that humanity is not one society that can speak with one convulsive, shocked voice; it is rather an agglomeration of national societies that see events through the eyes of self-interest.

President Kennedy is reported to have told members of the State Department, in a talk he recently made to them, that policymakers should show less sensitivity to the pressures of oversea opinion. He mentioned General de Gaulle as a national leader who had the right attitude. This is encouraging news if the President meant that our Government should stop adjusting our policies one way or the other, depending upon our fears of adverse reactions elsewhere in the world.

It would seem that the lesson we have learned, or are now learning, is that it is essential first of all to identify accurately our national interests, and then adopt policies that command and demand respect for them. It is not essential, in terms of safeguarding our national interests, to waste our substance, our energy and our time in futile and wistful efforts to win an international popularity contest.

Our desire to be popular, to be loved, so natural and desirable on a college or university campus, and so dangerous in a world based on power relationships, stems, I think, from a prewar naivete now being eroded away by closer contact with the Realpolitik of the postwar world.

Seventeen years ago, at the end of World War II, the United States was far and away the leading military power in the world; and the only Nation with nuclear weapons. In no way, however, did we exploit our unilateral possession of the atomic bomb. On the contrary, we set out in 1946 to transfer atomic control to an international agency. The American people, so omnipotent at that point in history, sought to return to their accustomed prewar stance of a Nation demobilized.

Soon, however, there arose the Communist challenge in Iran and Greece, giving rise to the Truman doctrine; then the general threat of a Communist takeover in Western Europe after the seizure of Czechoslovakia in February 1948. Calling upon our great national energies and resources, we created the Marshall plan to assure the economic recovery and to underpin the free political integrity of the West.

In the struggling, damaged, wavering countries on this side of the Iron Curtain there ensued an extraordinary recovery of political creativeness and initiative which Barbara Ward has called the greatest single development in the postwar world.

The Marshall miracle was the crowning achievement of U.S. policy in the late forties and early fifties. The rise of Western Europe as a great potential third power in the world and a vital ally of this country was due in great measure to our proper identification of our true national interest in those crucial years, and our willingness to do something imaginative about it.

But there were some rather unfortunate side effects of the Marshall plan and the early period of our foreign aid programs, traces of which are still around us today. Because of our power and our great national wealth, I am afraid we drifted on occasion into the unseemly role of an international Lady Bountiful, performing good works and often shocked at the lack of appreciation on the part of our foreign beneficiaries.

The realities were, of course, that our unique power position after the war, based on unilateral possession of the atom bomb, had to be temporary. Beginning in 1952—just a decade ago, in the midst of the Korean stalemate—a new factor thrust itself into the forefront of policy. This was the beginning of a shift in the balance of power, which had been overwhelmingly in favor of the United States, as the Soviet Union developed its own nuclear capability. In 4 years more the Soviet Union had ventured first into space, with consequences painful to our prestige and national self-confidence.

That such developments have taken place should not surprise us. What has been surprising, I think, has been our tendency to continue to allow ourselves to drift in the morass of world public opinion, instead of developing tough and realistic policies to protect and enhance our national interest in a greatly changed world.

The enormity and the acceleration of change are all around us. We see it in the appearance on the world stage of a confident and prosperous Western Europe, developing for the first time a national consciousness transcending the old, historic boundaries and rivalries. The evolving European community has already posed significant questions to us in terms of our trade policies and indeed the future of our national economy.

It is also evident in our relationships with the dozens of new, independent countries in Africa and Asia, whose delegations now flock to the U.N. where they have the power to outvote us. We have had also to reappraise our relations with Latin America and to take a firmer position on the need for fundamental reforms to make our financial aid effective. We see rapid change in the technological field of weapons systems and in the steady assault on space itself.

It is almost fascinating and certainly somewhat hopeful, it seems to me, to find the Soviet Union, our arch competitor, caught up in a similar, if more ominous whirl of events. If there is an agonizing reappraisal in progress anywhere in the world today, it is going on in Moscow.

The Communist camp, once so clearly dominated from the Kremlin, is today a split camp. The split is visible and of grave importance, for it requires an adjustment not only by Khrushchev but on our side as well. We cannot know all that is going on in the great contest of national interest, thinly masked by ideological debate, between the Soviet Union and Communist China. But surely we are no longer dealing with a monolithic Communist power, guided from a single center.

Moscow specialists regard the Soviet-Communist split as the most serious breach in the Marxist world since Lenin broke with the Social Democrats to form the Communist International. Few of them believe it is likely to be patched up; indeed, the looming problem of the Soviets is how to coexist with the Chinese.

Thus it is not only U.S. diplomacy which is at the crossroads. But there can be no satisfaction nor restful pause for us in the fact that others, including the Soviet Union, have fundamental problems and weaknesses of their own to solve. It is the way in which our own diplomacy develops that must concern us, that must demand our utmost concentration and imaginative powers. For by successfully relating ourselves to a world in change, by wisely employing our power and influence, we will be serving not only our own security but also that of our friends and neighbors in other lands.

Not long ago in San Francisco, an extremist on the far right offered this panacea as a way out of our difficulties: "We should stop all foreign aid," he said, "get out of the United Nations, sever relations with Russia and all so-called neutrals, and be ready to fight."

The problem, of course, is not solved by severing our relations with everybody. The problem can be met only by properly using our relations and influence with the rest of the world in ways that reflect our national interest.

Let us take, for example, the question of foreign aid, one of the first targets for this particular kind of attack. I submit that it is in the American national interest to continue, and even to expand capital and technical assistance to underdeveloped countries as an investment in our own security. It is also important to insist that other countries, quite capable of sharing more of the burden, do likewise.

Our difficulties with foreign aid have arisen because we have failed to be very precise about our foreign aid objectives. In the past we have unwisely allowed ourselves to be exploited by the threats of underdeveloped nations that have overdeveloped dictatorships. "If you deny us aid," they say, "we will run to Moscow." I am inclined to agree with Ambassador George Kennan: When they act that way, we should show them the door instead of whipping out the checkbook. To have our foreign aid subject to the whipsaw tactics of recipients is to lose control over its use; it is to abrogate our responsibility to use foreign aid in the U.S. national interest.

As we need to be more precise about our foreign aid objectives, so should we be more precise about our role in the United Nations. We are no longer in a position to obtain large majorities for our side on every issue. While this may be a cause of frustration to some, it need not be. The enlarged U.N. is little more than a reflection of the changed world situation.

But what do we accomplish by withdrawal from the U.N.? We would immediately remove ourselves from a broad range of personal relationships with countries whose leaders we are endeavoring to influence. Our foreign policy must operate in many different forums, and one of them, a most important one, is the U.N. There have been occasions when our national interests were best protected through the multilateral action provided by the U.N., as in Palestine, Korea, and the Congo. But we do not rely on the U.N. in western Europe, southeast Asia or in other sensitive areas. Neither do our allies.

Those of us frustrated by the U.N. are reacting in most cases to the neutral countries which play such a large part in U.N. debates. It tries our patience to hear Mr. Nehru loudly object to the furnishing of U.S. military support to Pakistan, while managing to suppress his indignation over the expropriation of Indian territory in the Himalayas by the Communist Chinese.

I think we can afford to be more realistic in our relations with the neutral countries, while not losing sight of the fact that there are neutrals with us and neutrals against us. We must expect that they will respond to international issues in terms of their own national interests. We must make clear to them that we intend to respond and act in the same way. I am convinced that it would make for a healthier relationship all around and that it would gain more, rather than less, understanding for U.S. policies.

In this review of our national interest, it is quite clear that the United States is not alone in the world and cannot stand alone. For a very few years, due to a special set of circumstances, perhaps we could have stood alone. As soon as nuclear capability was gained by any other power, that was no longer possible.

The greatest concentration of political, economic, and military strength in the world today lies not in the Soviet Union, with or without its satellites, and Communist China; it lies in the Atlantic Community, acting together and with other friendly powers around the world.

The relationships within this community, in many respects, have been altered more radically than anywhere else. Our own influence and the impact of our own policies have been substantial in bringing these changes about. In consequence we find ourselves today faced with historic decisions that will affect the course of our future development as a Nation. The United Kingdom found itself at the crossroads in its relations with Europe and decided to apply for membership in the European Economic Community, with all the implications that this move will have for the countries of the British Commonwealth. The issues before the United States are no less significant.

The most obvious manifestation of our concern with the new Europe and its impact on us is the current debate in Congress on our future trade policy. It is not my intention to argue the merits of the Government's new trade proposals, although I have done so and am quite willing to take up the cudgels again. What seems to me significant is the fundamental adjustment in our relationships with Europe that the circumstances require and which the proposed trade program reflects.

From the standpoint of our national interest, it is vitally important that the combined power and influence of the United States and Europe be marshaled in effective and meaningful ways. It cannot and should not, quite obviously, be an exclusive power, because of the ties between both sides of the Atlantic and many other parts of the world. It will not be possible, however, to bring the United States and Europe closer together through traditional trading patterns, or loose political and military alliances. More imaginative approaches are needed and, indeed, will have to be found.

Since there is a need to steer both Europe and the United States into a much closer and more effective partnership, or by whatever name you choose to call the arrangement, tariff walls around the United States and the Common Market will have to be lowered. Trade across the Atlantic will have to be increased, serving the dual purpose of bringing the two continents closer together while enhancing their economic strength both relatively and absolutely vis-a-vis the Communist bloc. Freer trade, in other words, is as important in the political sense as it is in the economic.

We know that it is the objective of the Soviet Union to break up, or slow down, the integration of Europe. Failing that, as I am sure they will, the U.S.S.R. will do its utmost to isolate Europe from the United States. We therefore fall into a trap, it seems to me, if we persist in the delusion that the conflict in the world today is between the Soviet Union and the United States.

I suggest that the conflict in reality is not of that sort at all. It is a contest between the Soviet Union and the free Atlantic Community and its friends around the world. With its rather distorted outlook on history and current events, Moscow may well believe its own over-simplified view. If so, we would do well to drive home to the U.S.S.R. the realities of the Atlantic partnership by constantly increasing its strength and its visibility in every way we can.

One of the historic changes in the last few years, in returning for a final moment to the Moscow-Peiping quarrel, has been the apparent loss by the Soviet Union of its supreme ability to shape events in the International Communist movement. This is no longer possible, or at least not so long as the two centers of international communism continue to drift apart.

There is a temptation, I think, to put the United States in the same boat, to say that we, too, have lost position and our ability to make history as we did in the days of the Marshall plan. Some of those who hold this point of view are the very people who say we should pull out of the U.N., reject the neutrals and be ready to fire at the first helmet which shows above the trench.

I believe this misreads the situation, and that policies based on this erroneous concept are bound to fail. We have, it is true, discovered that we cannot carry on our shoulders the entire burden of responsibility for peace and security in the world. But no one has ever suggested seriously that we should.

However, the fact is that the influence and power of the United States are greater than that of the Soviet Union, and not for reasons of material advantages alone. I believe our power is greater for the very reason that we do not force it upon others, and because our influence is most strongly felt within a community of nations whose values are similar to our own. Our weakness has taken the form of a national tendency to substitute concern for world opinion and popularity for soundly conceived policies and action based on the realities of our national interest.

I was present recently when an American spokesman on Far Eastern affairs dealt with this problem; in the course of the discussion he made this comment: "Forcefulness implies power, and power not only induces fear, but also commands respect."

In referring to this observation, I do not mean to suggest that we should strive to make other nations fear the United States. But I do agree that a larger measure of forcefulness in our approach to foreign affairs has been required from us than we have actually provided, and that in the long run it will command respect for our point of view and the programs which support it.

The community to which we belong, by heritage and choice, can provide the economic assistance and the democratic standards which the new independent nations around the world so sorely need. In doing so it can help to keep them independent for the indefinite future. For the United States to act toward the newly independent peoples, and indeed all other countries, as though it were not aware of its power, as though it appeared to be more interested in currying favor than solid support for its policies, is only to sow confusion and distrust. Since in any event people will always look behind the rhetoric to see where we stand, we might as well be clear about it from the start.

I believe we have reached a stage in our history when we must no longer merely react to others, when great and constructive initiatives are demanded. The main thrust of our national interest lies in encouraging the development of the Atlantic community and its ties to other free nations. The resources of this great industrial complex, properly coordinated, far exceed the real and potential power of our opponents, acting separately or in combination. Here indeed is a proper arena for the sound exercise of American power and influence in a broadly creative purpose, not alone or even primarily for the internal benefits it will provide, but for the latent energies and power it can release among free peoples around the world.

CIVIL USES OF ATOMIC ENERGY—PROPOSED AGREEMENT BETWEEN THE UNITED STATES AND COLOMBIA

Mr. GORE. Mr. President, as chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, I wish to advise the Senate of a proposed agreement for cooperation concerning civil uses of atomic energy between the Government of the United States of America and the Government of the Republic of Colombia.

The proposed agreement will enable Colombia to obtain up to 10 kilograms of uranium enriched to 90 percent in U–235 to fuel a research reactor which Colombia plans to acquire from an American firm.

This proposed agreement concerns the peaceful uses of atomic energy, and is substantially similar to other agreements that have been concluded in the past.

Mr. President, I request unanimous consent to have printed in the CONGRESSIONAL RECORD the following:

First. The text of the agreement for cooperation, as executed in Washington, D.C., on April 9, 1962;

Second. A letter, dated February 16, 1962, to the President from AEC Chairman Seaborg, recommending approval of the agreement;

Third. A letter, dated March 19, 1962, from President Kennedy to AEC Chairman Seaborg, approving the agreement, containing his determination that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security, and authorizing its execution; and

Fourth. A letter dated April 27, 1962, to Representative HOLIFIELD, chairman of the Joint Committee on Atomic Energy, from AEC Chairman Seaborg, forwarding the agreement and the documents for review by the Joint Committee, pursuant to section 123 of the Atomic Energy Act of 1954.

There being no objection, the agreement and the letters were ordered to be printed in the RECORD, as follows:

AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA CONCERNING CIVIL USES OF ATOMIC ENERGY

Whereas the peaceful uses of atomic energy hold great promise for all mankind; and

Whereas the Government of the United States of America and the Government of the Republic of Colombia desire to cooperate with each other in the development of such peaceful uses of atomic energy; and

Whereas the design and development of several types of reactors are well advanced; and

Whereas reactors are useful in the production of research quantities of radioisotopes, in medical therapy, in materials testing, and in numerous other research activities and at the same time are a means of affording valuable training and experience in nuclear science and engineering useful in the development of other peaceful uses of atomic energy including civilian nuclear power; and

Whereas the Government of the Republic of Colombia desires to pursue a research and development program looking toward the realization of the peaceful and humanitarian uses of atomic energy and desires to obtain assistance from the Government of the United States of America and United States industry with respect to this program; and

Whereas the Government of the United States of America, acting through the United States Atomic Energy Commission, desires to assist the Government of the Republic of Colombia in such a program;

The parties therefore agree as follows:

ARTICLE I

For the purposes of this agreement:

(a) "Commission" means the United States Atomic Energy Commission or its duly authorized representatives.

(b) "Equipment and devices" means any instrument or apparatus and includes research reactors, as defined herein, materials testing reactors, reactor experiments, and their component parts.

(c) "Research reactor" means a reactor which is designed for the production of neutrons and other radiations for general research and development purposes, medical therapy, or training in nuclear science and engineering. The term does not cover power reactors, power demonstration reactors, or reactors designed primarily for the production of special nuclear materials.

(d) The terms "Restricted Data", "atomic weapon", "special nuclear material", "source material", and "byproduct material" are used in this Agreement as defined in the United States Atomic Energy Act of 1954, as amended.

ARTICLE II

Restricted Data shall not be communicated under this agreement, and no materials or equipment and devices shall be transferred and no services shall be furnished under this Agreement to the Government of the Republic of Colombia or authorized persons under its jurisdiction if the transfer of any such materials or equipment and devices or the furnishing of any such services involves the communication of Restricted Data.

ARTICLE III

A. Subject to the provisions of Article II, the Parties hereto will exchange information in the following fields:

(1) Design, construction, operation and use of research reactors, materials testing reactors, and reactor experiments.

(2) Health and safety problems related to the operation and use of research reactors, materials testing reactors, and reactor experiments.

(3) The use of radioactive isotopes in physical and biological research, medical therapy, agriculture, and industry.

B. The application or use of any information or data of any kind whatsoever, including design drawings and specifications, exchanged under this Agreement shall be the responsibility of the Party which receives and uses such information or data, and it is understood that the other cooperating Party does not warrant the accuracy, completeness, or suitability of such information or data for any particular use or application.

ARTICLE IV

A. The Commission will sell or lease, as may be agreed, to the Government of the Republic of Colombia, uranium enriched up to twenty percent (20%) in the isotope U–235, except as otherwise provided in paragraph C of this Article, in such quantities as may be agreed, in accordance with the terms, conditions, and delivery schedules set forth in contracts, for fueling defined research reactors, materials testing reactors, and reactor experiments which the Government of the Republic of Colombia, in consultation with the Commission, decides to construct or authorize private organizations to construct and which are constructed in Colombia and as required in experiments related thereto; provided, however, that the net amount of any uranium sold or leased under this Article during the period of this Agreement shall not at any time exceed ten (10) kilograms of the isotope U–235 contained in such uranium. This net amount shall be the gross quantity of such contained U–235 in uranium sold or leased to the Government of the Republic of Colombia during the period of this Agreement less the quantity of such contained U–235 in recoverable uranium which has been resold or otherwise returned to the Government of the United States of America during the period of this Agreement or transferred to any other nation or international organization with the approval of the Government of the United States of America.

B. Within the limitations contained in paragraph A of this Article, the quantity of uranium enriched in the isotope U–235 transferred by the Commission under this Article and in the custody of the Government of the Republic of Colombia shall not at any time be in excess of the quantity necessary for the full loading of each defined reactor project which the Government of the Republic of Colombia or any persons under its jurisdiction construct and fuel with uranium received from the United States of America, as provided herein, plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of such reactors or reactor experiments while replaced fuel is radioactively cooling, is in transit, or, subject to the provisions of paragraph E of this Article, is being reprocessed in Colombia, it being the intent of the Commission to make possible the maximum usefulness of the material so transferred.

C. The Commission may, upon request and in its discretion, make all or a portion of the foregoing special nuclear material available as uranium enriched up to ninety percent (90%) in the isotope U–235 for use in research reactors, materials testing reactors, and reactor experiments, each capable of operating with a fuel load not to exceed eight (8) kilograms of the isotope U–235 contained in such uranium.

D. It is understood and agreed that although the Government of the Republic of Colombia may distribute uranium enriched in the isotope U–235 to authorized users in Colombia, the Government of the Republic of Colombia will retain title to any uranium enriched in the isotope U–235 which is purchased from the Commission at least until such time as private users in the United States of America are permitted to acquire title in the United States of America to uranium enriched in the isotope U–235.

E. It is agreed that when any source or special nuclear material received from the United States of America requires reprocessing, such reprocessing shall be performed at the discretion of the Commission in either Commission facilities or facilities acceptable to the Commission, on terms and conditions to be later agreed; and it is understood, except as may be otherwise agreed, that the form and content of any irradiated fuel shall not be altered after its removal from the reactor and prior to delivery to the Commission or the facilities acceptable to the Commission for reprocessing.

F. Special nuclear material produced in any part of fuel leased hereunder as a result of irradiation processes shall be for the account of the Government of the Republic of Colombia and, after reprocessing as provided in paragraph E of this Article, shall be returned to the Government of the Republic of Colombia, at which time title to such material shall be transferred to that Government, unless the Government of the United States of America shall exercise the option, which is hereby granted, to retain, with appropriate credit to the Government of the Republic of Colombia, any such special nuclear material which is in excess of the needs of the Republic of Colombia for such material in its program for the peaceful uses of atomic energy.

G. With respect to any special nuclear material not subject to the option referred to in paragraph F of this Article and produced in reactors fueled with material obtained from the United States of America which is in excess of the need of the Republic of Colombia for such material in its program for the peaceful uses of atomic energy, the Government of the United States of America shall have and is hereby granted (a) a first option to purchase such material at prices then prevailing in the United States of America for special nuclear material produced in reactors which are fueled pursuant to the terms of an agreement for cooperation with the Government of the United States of America, and (b) the right to approve the transfer of such material to any other nation or international organization in the event the option to purchase is not exercised.

H. Some atomic energy materials which the Commission may provide in accordance with this Agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials to the Government of the Republic of Colombia, the Government of the Republic of Colombia shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any source or special nuclear material or other reactor materials which the Commission may, pursuant to this Agreement, lease to the Government of the Republic of Colombia or to any private individual or private organization under its jurisdiction, the Government of the Republic of Colombia shall idemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such source or special nuclear material or other reactor materials after delivery by the Commission to the Government of the Republic of Colombia or to any authorized private individual or private organization under its jurisdiction.

ARTICLE V

Materials of interest in connection with defined research projects related to the peaceful uses of atomic energy undertaken by the Government of the Republic of Colombia or persons under its jurisdiction, including source material, special nuclear material, byproduct material, other radioisotopes, and stable isotopes, will be sold or otherwise transferred to the Government of the Republic of Colombia by the Commission for research purposes other than fueling reactors and reactor experiments in such quantities and under such terms and conditions as may be agreed when such materials are not available commercially.

ARTICLE VI

Subject to the availability of supply and as may be mutually agreed, the Commission will sell or lease, through such means as it deems appropriate, to the Government of the Republic of Colombia or authorized persons under its jurisdiction such reactor materials, other than special nuclear materials, as are not obtainable on the commercial market and which are required in the construction and operation of research reactors in the Republic of Colombia. The sale or lease of these materials shall be on such terms as may be agreed.

ARTICLE VII

It is contemplated that, as provided in this Article, private individuals and private organizations in either the United States of America or the Republic of Colombia may deal directly with private individuals and private organizations in the other country. Accordingly, with respect to the subjects of agreed exchange of information as provided in Article III, the Government of the United States of America will permit persons under its jurisdiction to transfer and export materials, including equipment and devices, to, and perform services for, the Government of the Republic of Colombia and such persons under its jurisdiction as are authorized by the Government of the Republic of Colombia to receive and possess such materials and utilize such services, subject to:

(a) The provisions of Article II.

(b) Applicable laws, regulations and license requirements of the Government of the United States of America and the Government of the Republic of Colombia.

ARTICLE VIII

A. The Government of the United States of America and the Government of the Republic of Colombia emphasize their common interest in assuring that any material, equipment, or device made available to the Government of the Republic of Colombia pursuant to this Agreement shall be used solely for civil purposes.

B. Except to the extent that the safeguards provided for in this Agreement are supplanted, as provided in Article X, by safeguards of the International Atomic Energy Agency, the Government of the United States of America, notwithstanding any other provisions of this Agreement, shall have the following rights:

(1) With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards, to review the design of any—

(i) reactor and

(ii) other equipment and devices the design of which the Commission determines to be relevant to the effective application of safeguards,

which are to be made available to the Government of the Republic of Colombia or persons under its jurisdiction by the Government of the United States of America or any person under its jurisdiction, or which are to use, fabricate, or process any of the following materials so made available: source material, special nuclear material, moderator material, or other material designated by the Commission;

(2) With respect to any source or special nuclear material made available to the Government of the Republic of Colombia or any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction and any source or special nuclear material utilized in, recovered from, or produced as a result of the use of any of the following materials, equipment, or devices so made available:

(i) source material, special nuclear material, moderator material, or other material designated by the Commission,

(ii) reactors,

(iii) any other equipment or device designated by the Commission as an item to be made available on the condition that the provision of this subparagraph B (2) will apply.

(a) to require the maintenance and production of operating records and to request and receive reports for the purpose of assisting in ensuring accountability for such material; and (b) to require that any such material in the custody of the Government of the Republic of Colombia or any person under its jurisdiction be subject to all of the safeguards provided for in this Article and the guarantees set forth in Article IX;

(3) To require the deposit in storage facilities designated by the Commission of any of the special nuclear material referred to in subparagraph B(2) of this Article which is not currently utilized for civil purposes in the Republic of Colombia and which is not purchased or retained by the Government of the United States of America pursuant to Article IV, paragraph F and paragraph G(a) of this Agreement, transferred pursuant to Article IV, paragraph G (b) of this Agreement, or otherwise disposed of pursuant to an arrangement mutually acceptable to the Parties;

(4) To designate, after consultation with the Government of the Republic of Colombia, personnel who, accompanied, if either Party so requests, by personnel designated by the Government of the Republic of Colombia, shall have access in Colombia to all places and data necessary to account for the source and special nuclear materials which are subject to subparagraph B(2) of this Article to determine whether there is compliance with this Agreement and to make such independent measurements as may be deemed necessary;

(5) In the event of non-compliance with the provisions of this Article, or the guarantees set forth in Article IX, and the failure of the Government of the Republic of Colombia to carry out the provisions of this Article within a reasonable time, to suspend or terminate this Agreement and require the return of any materials, equipment, and devices referred to in subparagraph B (2) of this Article;

(6) To consult with the Government of the Republic of Colombia in the matter of health and safety.

C. The Government of the Republic of Colombia undertakes to facilitate the application of the safeguards provided for in this Article.

ARTICLE IX

The Government of the Republic of Colombia guarantees that:

(a) Safeguards provided in Article VIII shall be maintained.

(b) No material, including equipment and devices, transferred to the Government of the Republic of Colombia or authorized persons under its jurisdiction, pursuant to this Agreement, by lease, sale, or otherwise will be used for atomic weapons or for research on or development of atomic weapons or for any other military purposes, and that no such material, including equipment and devices, will be transferred to unauthorized persons or beyond the jurisdiction of the Government of the Republic of Colombia except as the Commission may agree to such transfer to another nation or an international organization and then only if in the opinion of the Commission such transfer falls within the scope of an agreement for cooperation between the United States of America and the other nation or international organization.

ARTICLE X

The Government of the United States of America and the Government of the Republic of Colombia affirm their comon interest in the International Atomic Energy Agency and to this end:

(a) The Parties will consult with each other, upon request of either Party, to determine in what respects, if any, they desire to modify the provisions of this Agreement. In particular, the Parties will consult with each other to determine in what respects and to what extent they desire to arrange for the administration by the Agency of those conditions, controls, and safeguards, including those relating to health and safety standards, required by the Agency in connection with similar assistance rendered to a cooperating nation under the aegis of the Agency.

(b) In the event the Parties do not reach a mutually satisfactory agreement following the consultation provided for in subparagraph (a) of this Article, either Party may by notification terminate this Agreement. In the event this Agreement is so terminated, the Government of the Republic of Colombia shall return to the Commission all source and special nuclear materials received pursuant to this Agreement and in its possession or in the possession of persons under its jurisdiction.

ARTICLE XI

A. This Agreement shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Agreement and shall remain in force for a period of four years: provided, however, the term of the Agreement shall be reduced to a period of two years by either Party's giving the other Party at least three months advance notice in writing of its intention to terminate the Agreement at the expiration of the two year term.

B. At the expiration of this Agreement or of any extension thereof the Government of the Republic of Colombia shall deliver to the Government of the United States of America all fuel elements containing reactor fuels leased by the Commission and any other fuel or reactor materials leased by the Commission. Such fuel elements and such fuel or other reactor materials shall be delivered to the Commission at a site in the United States of America designated by the Commission at the expense of the Government of the Republic of Colombia, and such delivery shall be made under appropriate safeguards against radiation hazards while in transit.

In witness whereof, the undersigned, duly authorized, have signed this Agreement.

Done at Washington, in duplicate, this ninth day of April 1962.

For the Government of the United States of America:

Edwin M. Martin.
Glenn T. Seaborg.

For the Government of the Republic of Colombia:

C. S. de Santamaria.

Certified to be a true copy:

Robert N. Slawson,
Chief, Asian-African-Latin American Branch, Division of International Affairs, U.S. Atomic Energy Commission.

U.S. Atomic Energy Commission,
Washington, D.C., February 16, 1962.

The President,
The White House.

Dear Mr. President: The Atomic Energy Commission recommends that you approve the enclosed proposed agreement entitled "Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Colombia Concerning Civil Uses of Atomic Energy," determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The Department of State supports the Commission's recommendation.

The agreement has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended.

An earlier bilateral agreement for cooperation with Colombia was allowed to expire on July 18, 1960, as Colombia did not have any requirements for special nuclear material at that time. In line with our existing policy, Colombia was encouraged to meet its future nuclear materials and equipment requirements through the International Atomic Energy Agency (IAEA). The Colombians, however, indicated a strong preference to continue bilateral arrangements with the United States, and the enclosed agreement was subsequently negotiated with them.

Colombia's principal interest in concluding the enclosed agreement is to enable it to obtain uranium enriched to 90 percent in U–235 to fuel a research reactor which Colombia now plans to acquire from an American firm. The agreement is substantively similar to other agreements that have been concluded in the past, except that the term (Article XI) is for 4 years, with both parties having the unilateral right to terminate the agreement after 2 years. This would allow for terminating the agreement in the event Colombia decided not to proceed with the contemplated research reactor project or in the event they eventually decided to turn to the IAEA for their fuel requirements. Major features of the agreement are summarized below:

The Commission would be authorized, under article IV, to sell or lease, as may be agreed, to the Government of the Republic of Colombia, a net amount of 10 kilograms of the isotope U–235 contained in uranium enriched up to 20 percent in the isotope U–235, except as noted below, for use as fuel in research reactors, materials testing reactors and reactor experiments. The Commission, in its discretion, may make all or a portion of 10 kilograms of special nuclear material available as uranium enriched up to 90 percent in the isotope U–235 for use in the foregoing facilities, each capable of operating with a fuel load not to exceed 8 kilograms of U–235 contained in such uranium.

Article V includes provisions for the transfer to Colombia, on an "as may be agreed" basis, of reactor materials, including special nuclear materials, for research purposes other than fueling reactors and reactor experiments, if such materials are not available commercially.

All information communicated under the agreement will be unclassified. Comprehensive controls and safeguards associated with the transfer of 90 percent enriched material, which are designed to assure that such material is used only for peaceful purposes, are set forth in article VIII.

In article X the parties affirm their common interest in the International Atomic Energy Agency and agree to consult with each other to determine in what respects, if any, they may desire to modify the provisions of the agreement to provide for Agency participation in activities such as the administration of safeguards.

Following your approval and determination and subject to the authorization requested, the agreement will be formally executed by the appropriate authorities of the Government of the United States of America, represented by the Atomic Energy Commission and the Department of State, and the Government of the Republic of Colombia. In compliance with Section 123c of the Atomic Energy Act of 1954, as amended, the agreement will then be placed before the Joint Committee on Atomic Energy.

Respectfully yours,
Glenn T. Seaborg,
Chairman.

Certified to be a true copy:

Robert N. Slawson,
Chief, Asian-African-Latin American Branch, Division of International Affairs, U.S. Atomic Energy Commission.

THE WHITE HOUSE,
Washington, D.C., March 19, 1962.
Hon. GLENN T. SEABORG,
Atomic Energy Commission,
Washington, D.C.

DEAR DR. SEABORG: In accordance with section 123 of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission has submitted to me a proposed "Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Colombia Concerning Civil Uses of Atomic Energy," and recommended that I approve the proposed agreement, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution.

Among other things, the agreement provides that the Commission may sell or lease, as may be agreed, a net amount of 10 kilograms of the isotope U^{235} contained in uranium enriched up to 20 percent in the isotope U^{235}, except as noted below, for use in research reactors, materials testing reactors, and reactor experiments. The Commission, at its discretion, may make all or a portion of the 10 kilograms available as material enriched up to 90 percent for use in the foregoing facilities, each capable of operating with a fuel load not to exceed 8 kilograms of contained U^{235} in uranium. It also provides that when any source or special nuclear material received from the United States requires reprocessing, such reprocessing will be performed either in Commission facilities or in facilities acceptable to the Commission.

The quantity of uranium enriched in the isotope U^{235} transferred to the Government of the Republic of Colombia for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactors or reactor experiments while replaced fuel is radioactively cooling or in transit or, subject to Commission approval, is being reprocessed in Colombia.

The agreement further permits the transfer of quantities of special nuclear materials on an as-may-be-agreed basis, for defined research projects related to the peaceful uses of atomic energy other than fueling reactors and reactor experiments.

The agreement also contains several provisions which are designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to nonpeaceful purposes. Finally, the agreement contains a provision whereby the parties affirm their common interest in the International Atomic Energy Agency and agree to consult with each other to determine in what respects, if any, they may desire to modify the provisions of the agreement for cooperation to provide for agency participation in activities such as the administration of safeguards.

Pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

(a) Determine that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

(b) Approve the proposed agreement for cooperation between the Government of the United States of America and the Government of the Republic of Colombia enclosed with your letter submitting the proposed agreement.

(c) Authorize the execution of the proposed agreement for the Government of the United States of America by appropriate authorities of the U.S. Atomic Energy Commission and the Department of State.

Sincerely,

/s/ JOHN F. KENNEDY.

Certified to be a true copy:

ROBERT N. SLAWSON,
Chief, Asian-African-Latin American Branch, Division of International Affairs, U.S. Atomic Energy Commission.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C.
Hon. CHET HOLIFIELD,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. HOLIFIELD: Pursuant to section 123c of the Atomic Energy Act of 1954, as amended, there are submitted with this letter:

(a) An executed Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of the Republic of Colombia;

(b) A letter from the Commission to the President recommending approval of the agreement; and

(c) A letter from the President to the Commission approving the agreement, containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security and authorizing its execution.

The agreement has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended.

An earlier bilateral agreement for cooperation with Colombia was allowed to expire on July 18, 1960, as Colombia did not have any requirements for special nuclear material at that time. In line with our existing policy, Colombia was encouraged to meet its future nuclear materials and equipment requirements through the International Atomic Energy Agency (IAEA). The Colombians, however, indicated a strong preference to continue bilateral arrangements with the United States, and the enclosed agreement was subsequently negotiated with them.

Colombia's principal interest in concluding the enclosed agreement is to enable it to obtain uranium enriched to 90 percent in U^{235} to fuel a research reactor which Colombia now plans to acquire from an American firm. The agreement is substantively similar to other agreements that have been concluded in the past, except that the term (article XI) is for 4 years, with both parties having the unilateral right to terminate the agreement after 2 years. This would allow for terminating the agreement in the event Colombia decided not to proceed with the contemplated research project or in the event they eventually decided to turn to the IAEA for their fuel requirements. Major features of the agreement are summarized below:

The Commission would be authorized, under article IV, to sell or lease, as may be agreed, to the Government of the Republic of Colombia, a net amount of 10 kilograms of the isotope U^{235} contained in uranium enriched up to 20 percent in the isotope U^{235}, except as noted below, for use as fuel in research reactors, materials-testing reactors and reactor experiments. The Commission, in its discretion, may make all or a portion of the 10 kilograms of special nuclear material available as uranium enriched up to 90 percent in the isotope U^{235} for use in the foregoing facilities, each capable of operating with a fuel load not to exceed 8 kilograms of U^{235} contained in such uranium.

Article V includes provisions for the transfer to Colombia, on an "as may be agreed" basis, of materials, including special nuclear material, for research purposes other than fueling reactors and reactor experiments, if such materials are not available commercially.

All information communicated under the agreement will be unclassified. Comprehensive controls and safeguards set forth in article VIII are designed to assure that reactors and source and special nuclear materials transferred pursuant to the agreement are used only for peaceful purposes.

In article X the parties affirm their common interest in the International Atomic Energy Agency and agree to consult with regard to the utilization of the facilities and services of the Agency.

The agreement will enter into force when the two Governments have exchanged notifications that their respective statutory and constitutional requirements have been fulfilled.

Sincerely yours,

GLENN T. SEABORG,
Chairman.

INTERNATIONAL AGREEMENTS ON ATOMIC ENERGY

Mr. GORE. Mr. President, it has been my practice, as chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, to advise my colleagues in the Senate and the Members of the House, as well as all other interested persons, by means of the CONGRESSIONAL RECORD, of each proposed agreement for cooperation, or amendment, with other nations in the atomic energy field. Section 123 of the Atomic Energy Act requires that these agreements and amendments be submitted to the Joint Committee on Atomic Energy, for review.

Accordingly, I wish to advise the Senate of a proposed amendment to the agreement for cooperation with the Government of Greece, for the civil uses of atomic energy.

The proposed amendment will permit the transfer of certain materials, including some special nuclear materials, U^{235}, U^{233}, and plutonium, desired by Greece in connection with defined research projects. The immediate purpose is to permit the Greek Government to obtain plutonium in sufficient quantities to assure a plutonium-beryllium neutron source for use with the Greek research reactor. The provisions of this amendment are similar in scope to those contained in a number of previously negotiated agreements which are presently in force.

In this case, because the proposed amendment relates exclusively to the peaceful uses of atomic energy, and involves only a small amount of special nuclear material, and is similar in scope to a number of previous agreements, I do not plan to call a hearing by the subcommittee on this particular proposed amendment. However, I shall be glad to answer any questions concerning this proposed agreement and to furnish any further information desired by any other Senator.

Mr. President, I ask unanimous consent that there be printed in the CONGRESSIONAL RECORD, at the conclusion of my remarks, the following:

First. A copy of the proposed amendment to the agreement for cooperation between the Government of the United States of America and the Government of the Kingdom of Greece, as executed in Washington on April 3, 1962;

Second. A letter, dated February 23, 1962, to the President, from Mr. John S. Graham, Acting Chairman of the Atomic Energy Commission, recommending approval of the amendment;

Third. A letter, dated March 19, 1962, to AEC Chairman Seaborg, from the President, containing his determination that performance of the amendment will promote, and will not constitute an unreasonable risk to, the common defense and security, approving the amendment, and authorizing its execution; and,

Fourth. A letter, dated April 20, 1962, to Representative CHET HOLIFIELD, chairman of the Joint Committee on Atomic Energy, from AEC Chairman Seaborg, submitting the various documents to the Joint Committee on Atomic Energy, for review.

There being no objection, the amendment and the letters were ordered to be printed in the RECORD, as follows:

AMENDMENT TO AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF GREECE CONCERNING CIVIL USES OF ATOMIC ENERGY

The Government of the United States of America and the Government of the Kingdom of Greece,

Desiring to amend the Agreement for Cooperation between the Government of the United States of America and the Government of the Kingdom of Greece Concerning Civil Uses of Atomic Energy, signed at Washington on August 4, 1955 (hereinafter referred to as the "Agreement for Cooperation"), as amended by the Agreement signed at Washington on June 11, 1960,

Agree as follows:

ARTICLE I

Article II, paragraph B, of the Agreement for Cooperation is amended by adding the phrase "under this Article" after the phrase "by the Commission".

ARTICLE II

The following new article is added directly after Article III of the Agreement for Cooperation:

"ARTICLE III (A)

"Materials of interest in connection with defined research projects related to the peaceful uses of atomic energy undertaken by the Government of the Kingdom of Greece, or persons under its jurisdiction, including source materials, special nuclear materials, by-product material, other radioisotopes, and stable isotopes, will be sold or otherwise transferred to the Government of the Kingdom of Greece by the Commission for research purposes in such quantities and under such terms and conditions as may be agreed when such materials are not available commercially. In no case, however, shall the quantity of special nuclear materials under the jurisdiction of the Government of the Kingdom of Greece, by reason of transfer under this Article, be, at any one time, in excess of 100 grams of contained U–235, 10 grams of U–233, 250 grams of plutonium in the form of fabricated foils and sources, and 10 grams of plutonium in other forms."

ARTICLE III

Article VI, paragraph A, of the Agreement for Cooperation is amended by deleting the phrase "uranium enriched in the isotope U–235 leased from the Commission" and substituting in lieu thereof the phrase "special nuclear materials received from the Commission".

ARTICLE IV

This Amendment shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Amendment and shall remain in force for the period of the Agreement for Cooperation as amended.

In witness whereof, the undersigned, duly authorized, have signed this Amendment.

Done at Washington, in duplicate, this third day of April 1962.

For the Government of the United States of America:

PHILLIPS TALBOT.
GLENN T. SEABORG.

For the Government of the Kingdom of Greece:

ALEXANDER MATSAS.

Certified to be a true copy:

W. M. FULLERTON,
Chief, European Branch, Division of International Affairs, U.S. Atomic Energy Commission.

FEBRUARY 23, 1962.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed proposed "Amendment to Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Greece Concerning Civil Uses of Atomic Energy," determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The Department of State supports the Commission's recommendations.

The amendment, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, would modify the agreement for cooperation signed by the Government of the United States of America and the Government of the Kingdom of Greece on August 4, 1955, as amended by the agreement signed on June 11, 1960.

The amendment would permit the transfer of materials of interest in connection with defined research projects related to the peaceful uses of atomic energy, including, among other materials, limited amounts of special nuclear materials, namely U–235, U–233, and plutonium. Its immediate purpose is to permit the Greek Government to obtain plutonium in sufficient quantities to secure a plutonium-beryllium neutron source for use with the Greek research reactor.

Following your approval, determination and authorization, the amendment will be executed formally by the appropriate authorities of the Government of the United States of America and the Government of the Kingdom of Greece. In compliance with Section 123c of the Atomic Energy Act of 1954, as amended, the amendment will then be placed before the Joint Committee on Atomic Energy.

Respectfully yours,
JOHN S. GRAHAM,
Acting Chairman.

Certified to be a true copy:

W. M. FULLERTON,
Chief, European Branch, Division of International Affairs, U.S. Atomic Energy Commission.

THE WHITE HOUSE,
Washington, D.C., March 19, 1962.

Hon. GLENN T. SEABORG,
Chairman, U.S. Atomic Energy Commission.

DEAR DR. SEABORG: In accordance with section 123 of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission has submitted to me a proposed "Amendment to Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Greece Concerning Civil Uses of Atomic Energy," and recommended that I approve the proposed agreement, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution.

The proposed amendment would modify the agreement for cooperation signed by the Government of the United States of America and the Government of the Kingdom of Greece on August 4, 1955, as amended by the agreement signed on June 11, 1960.

The amendment would permit the transfer of materials of interest in connection with defined research projects related to the peaceful uses of atomic energy, including, among other materials, limited amounts of special nuclear materials, namely, U–235, U–233, and plutonium. Its immediate purpose is to permit the Greek Government to obtain plutonium in sufficient quantities to secure a plutonium-beryllium neutron source for use with the Greek research reactor.

Pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

(a) Determine that the performance of the proposed amendment will promote and will not constitute an unreasonable risk to the common defense and security of the United States, and

(b) Approve the proposed amendment to the agreement for cooperation between the Government of the United States of America and the Government of the Kingdom of Greece enclosed with your letter submitting the proposed amendment, and

(c) Authorize the execution of the proposed amendment for the Government of the United States of America by appropriate authorities of the United States Atomic Energy Commission and the Department of State.

Sincerely,
JOHN F. KENNEDY.

Certified to be a true copy:

W. M. FULLERTON,
Chief, European Branch, Division of International Affairs, U.S. Atomic Energy Commission.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., April 20, 1962.

Hon. CHET HOLIFIELD,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. HOLIFIELD: Pursuant to section 123c of the Atomic Energy Act of 1954, as amended, there are submitted with this letter:

(a) three copies of an executed Amendment to the Agreement for Cooperation Between the Government of the United States of America and the Government of the Kingdom of Greece Concerning Civil Uses of Atomic Energy;

(b) three copies of a letter from the Commission to the President recommending approval of the Amendment; and

(c) three copies of a letter from the President to the Commission containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security, approving the Amendment, and authorizing its execution.

The proposed amendment would modify the agreement for cooperation signed by the Government of the United States of America and the Government of the Kingdom of Greece on August 4, 1955, as amended by the agreement signed on June 11, 1960.

The amendment would permit the transfer of materials of interest in connection with defined research projects related to the peaceful uses of atomic energy, including, among other materials, limited amounts of special nuclear materials, namely U-235, U-233, and plutonium. Its immediate purpose is to permit the Greek Government to obtain plutonium in sufficient quantities to assure a plutonium-beryllium neutron source for use with the Greek research reactor. Thre provisions of the amendment are similar in scope to those contained in a number of previously negotiated agreements which are presently in force.

The amendment will enter into force when the two Governments have exchanged notifications that their respective statutory and constitutional requirements have been fulfilled.

Sincerely yours,

Glenn T. Seaborg,
Chairman.

STANDBY PUBLIC WORKS ACT OF 1962

Mr. COOPER. Mr. President, on May 3 I spoke in the Senate on the method of financing $2 billion of additional public works spending provided in section 10(b) of the Standby Public Works Act of 1962 as reported by the Senate Committee on Public Works, with particular reference to its effect on the resources of the World Bank and the security for its bonds. I pointed out that more than $1 billion of those bonds are owned by U.S. investors. I said that I would report to the Senate the responses to my letters to Secretary Dillon and Secretary Rusk on this subject, for I did not believe the Department of the Treasury and the Department of State had been aware of the suggestion by the Bureau of the Budget that $2 billion for public works could be transferred from the authority for payment of the U.S. subscription to the stock of the World Bank.

Last Monday, May 14, I inserted in the Congressional Record the reply I had received from Secretary Dillon, which appears on page 8303 of the Record. Later that day, I received a reply from the Assistant Secretary of State, Mr. Dutton, and I ask that it be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of State,
Washington, May 11, 1962.

The Honorable John Sherman Cooper,
U.S. Senate.

Dear Senator Cooper: I want to thank you for your letter of April 28, 1962, concerning the propriety of the financing method proposed in Senate bill S. 2965.

We have studied the questions you raised, and feel that serious problems might arise if authorization were granted to transfer to other agencies any of the borrowing authority presently available to finance payment of the balance of the U.S. subscription to the IBRD. In selling its securities to private citizens, the bank's prospectuses warranted that "* * * the Secretary of the Treasury of the United States is authorized, without any requirement of further congressional appropriation, to pay the $5,715 million unpaid portion of the subscription of the United States. * * *" Representatives of the IBRD have advised us that enactment of S. 2965 might be considered as a breach of faith with bondholders who may have made their investment in reliance on this information, and might make it difficult for the Bank to sell its obligations in the future.

We have been informed, however, that steps are now underway to amend S. 2965 so as to avoid this problem.

You further asked whether the $5,715 million can correctly be called an unobligated balance. The Department believes that it is "unobligated" in the sense that the contingency for which it was provided has not occurred, and unless and until it occurs there is no requirement for the future payment of money. On the other hand, it clearly represents a contingent liability of the United States, and in that sense it could be called obligated.

If I can be of further assistance, please do not hesitate to let me know.

Sincerely yours,

Frederick G. Dutton,
Assistant Secretary.

Mr. COOPER. Mr. President, I think it is worthwhile to note that the Department of State has been in touch with representatives of the International Bank for Reconstruction and Development on this point. Mr. Dutton reports their opinion that enactment of S. 2965 might be considered as a breach of faith with bondholders, and that it might make it difficult for the Bank to sell its obligations in the future.

Secretary Dutton also says that the $5,715 million which the committee report on S. 2965 refers to as an unobligated balance, "clearly represents a contingent liability of the United States, and in that sense it could be called obligated."

Mr. President, when the standby public works bill was reported to the Senate 3 weeks ago, I addressed letters the next day, April 26, to the four Federal agencies specified as a source of funds by section 10(b), the financing provision of S. 2965. I have not yet received a reply from the Housing and Home Finance Agency, which is deeply interested in this bill, although the Agency must be aware that the bill was scheduled to be called up immediately after the literacy test debate.

However, I did receive today replies from Mr. Joseph P. McMurray, Chairman of the Federal Home Loan Bank Board, regarding the effect of this public works financing proposal on the Federal home loan banks, and on the Federal Savings and Loan Insurance Corporation. I had received earlier a very prompt reply from Mr. Earl Cocke, Sr., Chairman of the Federal Deposit Insurance Corporation.

A number of Senators have expressed keen interest in the financing provision of S. 2965. They have pointed out that the agencies concerned did not testify, and that their views were unknown when the Public Works Committee specified the use of their funds in reporting the bill.

My questions to these agencies were designed to obtain basic facts and I did not ask their opinion as to the wisdom or merits of the proposal. But because the official responses of these agencies may contain information of interest to the Senate at this time, I ask unanimous consent that the letters be printed in the Record following my remarks.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Select Committee on
Small Business,
April 26, 1962.

Hon. Joseph P. McMurray,
Chairman, Federal Home Loan Bank Board,
Washington, D.C.

Dear Mr. McMurray: Senate bill 2965, known as the Standby Public Works Act of 1962, was reported to the Senate yesterday by the Public Works Committee, of which I am a member. Section 10(b) of the bill as reported would authorize the President, an agency or officer specified by him, and those delegated in turn, to cause to be transferred to a new public works agency or any other agency, "the unobligated balances of authorizations to expend from public debt receipts available for purchase of obligations issued by the Federal home loan banks."

Since such a transfer would affect the funds otherwise available to your agency, I would like to ask the following questions:

1. What is the statutory authority for purchasing with public debt receipts the obligations issued by the Federal home loan banks?

(a) What are the statutory purposes of this authority, and how was it intended by Congress to be used?

(b) How much money are the Federal home loan banks authorized to borrow from the Treasury for these purposes?

(c) Is this authority a necessary part of the basic purposes or operations of the Federal home loan banks?

(d) Under what conditions are the Federal home loan banks authorized to borrow these funds from the Treasury? Is the Treasury directed to make the loans to the Federal home loan banks under those conditions, or are the loans made at the discretion of the Treasury?

2. Extent of use of the Treasury borrowing authority by the Federal home loan banks.

(a) To what extent has this authority been used in the past, and what were the occasions of its largest use?

(b) If this authority, since it was first granted by the Congress, has been increased in amount or broadened in its purposes, or has been decreased in amount or limited in its purposes, what were the reasons for these changes?

(c) To what extent is this authority being used now?

(d) To what extent is this authority likely to be needed in the future?

(e) When would its full use possibly be required?

(f) Even when the authority to borrow funds from the Treasury is not exercised or fully used, does the existence of this authority still serve a useful purpose against contingencies, or contribute to the financial stability and security of the Federal home loan banks?

3. Effect of withdrawn up to $1 billion from the Treasury borrowing authority available to the Federal home loan banks.

(a) How would such a withdrawal during a minor or severe recession affect the operation and the financial condition of the Federal home loan banks?

(b) Would such a withdrawal impair the credit of the Federal home loan banks?

(c) If it were not replaced by appropriations, or the borrowing authority of the Federal home loan banks were not increased by Congress or otherwise restored, what adverse effects, if any, could result from such a withdrawal?

(d) If it were to be restored, would there be any need to do so sooner than in 27 months?

You may wish to comment also on the general reasons for the existence of large unobligated balances of the Federal home loan banks' authority to borrow from the Treasury. For example, does this result from favorable economic conditions, or the successful operation of the Federal home loan banks? From administrative practices, or the use of alternate sources of funding? From limitations imposed by appropriations acts or reports, or by budgeting policy?

While it now appears that S. 2965 may not be called up in the Senate in the next week, it could come up at any time and very quickly. I want to be able to study this and other information related to the bill before the debate. Therefore, I hope you will send me a reply as soon as possible. If a complete answer cannot be prepared quickly, I would like to have a memorandum on the first question 2(f) and 3(a) meanwhile.

I enclose a copy of the bill as reported, and thank you for your attention to this subject.

Sincerely yours,
JOHN SHERMAN COOPER.

FEDERAL HOME LOAN BANK BOARD,
Washington, D.C., May 15, 1962.

Hon. JOHN SHERMAN COOPER,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR COOPER: This is in response to the questions raised in your letter of April 26 concerning Senate bill 2965. The questions raised in your letter are answered seriatim.

1. Section 11(i) of the Federal Home Loan Bank Act, as amended, 12 U.S.C. 1431(i) represents the grant of legislative authority to the Treasury to purchase and hold up to $1 billion in obligations issued under section 11 of the Federal Home Loan Bank Act. Section 11(i) was added to the Federal Home Loan Bank Act by section 4 of Public Law 576, 81st Congress, 2d session, approved June 29, 1950; 64 Stat., 257.

(a) The statutory purposes of this authority and its intended use are most succinctly expressed at page 4 in Senate Report No. 1536 of the 81st Congress, 2d session, accompanying H.R. 6743, as follows:

"Section 1 of H.R. 6743 should also be considered in the light of section 4 of the bill which authorizes the Secretary of the Treasury to purchase Federal home loan bank obligations up to a total of $1 billion outstanding at any one time. This section is designed to provide Government support to the Federal home-loan banks in supplying the credit needs of their members in any possible future emergency in which the banks could not obtain sufficient funds in the private money market. Under economic conditions such as those existing at present, the banks do not need this Treasury support nor is any emergency now foreseen when it may be needed. In addition, it is believed that the very existence of this Government support would, under less favorable economic conditions, tend to stabilize the Federal home loan bank system even though the support is not actually used."

(b) The authorization as noted is for up to $1 billion outstanding at any point in time.

(c) This authority is regarded as a reinforcement of the debt issuing authority of the Federal home loan banks. To the extent that buyers of Federal home loan bank obligations look to beyond the assets of the banks and their ability to raise funds from their own resources, the authority in section 11(i) provides further reassurance. The existence of the authority is regarded as support for the bank system which would tend to render actual need for support unnecessary. (Cf. H. Rept. No. 1540, 81st Cong. 2d sess., p. 4.)

(d) The authority as 1(a) indicates was granted for emergency purposes when funds might not be available from the market. Purchases of any obligations under this authority are at the discretion of the Secretary of the Treasury at a rate of return to be determined by him as provided in the last sentence of section 11(i).

2. (a) The authority has not been used.

(b) The authority has not been amended since its enactment in 1950.

(c) It is not being used now.

(d) It is not possible to specify the extent to which the authority might be needed in the future except to say that if an emergency occurred the authority might be needed to its fullest extent.

(e) Full use of the authority might be needed in a severe decline in economic activity which created disorder in the money and capital markets.

(f) The existence of the authority provided for in section 11(i) has, to a degree, a psychological effect in connection with the sale of consolidated Federal home loan bank bonds in the private money market. In the offering for sale of such bonds, the prospectus will set forth in addition to the combined assets of the respective Federal home loan banks, a statement that under section 11(i) of the Federal Home Loan Bank Act the Secretary of the Treasury may purchase obligations of the banks up to $1 billion. It is our view that such reference in the prospectus may add to the marketability of such obligations.

3. (a) In a minor recession there would be no material effect. In a severe recession, the possibility of the disruption of the money and capital markets, though remote, is conceivable. The absence of the borrowing authority might place bank system obligations, under such circumstances, in a much less preferred position than would exist otherwise and could seriously reduce the marketability of system obligations. Also, the Secretary of the Treasury would not then be able to fulfill the purposes referred to in 1(a) and 1(c) above.

(b) In our opinion it would not, though it might reduce the clearly favored position held by bank system securities to some degree. There is a much more remote probability that some observers might, since the authority has been of some duration, regard extended withdrawal as a major change in Government attitude.

(c) Except for the points, made in 3(a) and 3(b), we can see no other effects.

(d) The more quickly the authority were restored, even though it may be argued that the authority is ordinarily only of symbolic value, the smaller the likelihood that erroneous interpretations might be placed on the intent of Congress. Confidence is an important element in the operation of any financial system. Removal of an element on which confidence has been based, even though logic may argue against the continued relevance of the element, could induce irrational responses in some quarters. We would, therefore, prefer the shortest possible period between withdrawal and restoration.

It is our understanding that the time period of 27 months does not apply to the restoration of the unobligated authority. As section 10(b) reads, there would be nothing to preclude the Congress from restoring the funds at the earliest opportunity. Assuming that Congress was not in session when the funds were transferred to the public works program, this might mean a delay from 3 to 6 months.

The major reasons for the existence of large unobligated balances in the authority of the Treasury to purchase bank system obligations rest on the relative economic stability since the enactment of the authority; the high order of performance of the money and capital markets, reflecting to an important degree skillful monetary management; and the probity and soundness of the Federal home loan bank system. Other than the specified criteria underlying the authority, no barrier has been imposed upon its use.

We hope that you find our reply fully responsive. If you have any other questions, please do not hesitate to call upon us.

Sincerely,
JOSEPH P. MCMURRAY,
Chairman.

APRIL 26, 1962.

Hon. WILLIAM H. HUSBAND,
General Manager, Federal Savings and Loan Insurance Corporation, Federal Home Loan Bank Board Building, Washington, D.C.

DEAR MR. HUSBAND: Senate bill 2965, known as the Standby Public Works Act of 1962, was reported to the Senate yesterday by the Public Works Committee, of which I am a member. Section 10(b) of the bill as reported would authorize the President, an agency or officer specified by him, and those delegated in turn, to "cause to be transferred" to a new public works agency or any other agency "the unobligated balances of authorizations to expend from public debt receipts available for loans to the Federal Savings and Loan Insurance Corporation."

Since such a transfer would affect the funds otherwise available to your agency, I would like to ask the following questions:

1. What is the statutory authority for loans to the FSLIC from public debt receipts?

(a) What are the statutory purposes of this authority, and how was it intended by Congress to be used?

(b) How much money is the FSLIC authorized to borrow from the Treasury for these purposes?

(c) Is this authority a necessary part of the basic purposes or operations of the FSLIC?

(d) Under what conditions is the FSLIC authorized to borrow these funds from the Treasury? Is the Treasury directed to make the loans to FSLIC under those conditions, or are the loans made at the discretion of the Treasury?

2. Extent of use of the authority for loans to the FSLIC from public debt receipts.

(a) To what extent has this authority been used in the past, and what were the occasions of its largest use?

(b) If this authority, since it was first granted by the Congress, has been increased in amount or broadened in its purposes, or has been decreased in amount or limited in its purposes, what were the reasons for these changes?

(c) To what extent is this authority being used now?

(d) To what extent is this authority likely to be needed in the future?

(e) When would its full use possibly be required?

(f) Even when the authority to borrow funds from the Treasury is not exercised or fully used, does the existence of this authority still serve a useful purpose against contingencies, or contribute to the financial stability and security of the FSLIC?

3. Effect of withdrawing up to $750 million from the loan funds available to the FSLIC from public debt receipts.

(a) How would such a withdrawal during a minor or severe recession affect the operations and the financial condition of the FSLIC?

(b) Would such a withdrawal impair the credit of the FSLIC?

(c) If it were not replaced by appropriations, or the borrowing authority of the FSLIC were not increased by Congress or otherwise restored, what adverse effects, if any, could result from such a withdrawal?

(d) If it were to be restored, would there be any need to do so sooner than in 27 months?

You may wish to comment also on the general reasons for the existence of large unobligated balances of FSLIC authority to borrow from the Treasury. For example, does this result from favorable economic conditions, or the successful operation of the FSLIC? From administrative practices, or the use of alternate sources of funding? From limitations imposed by appropriations acts or reports, or by budgeting policy?

While it now appears that S. 2965 may not be called up in the Senate in the next week, it could come up at any time and very quickly. I want to be able to study this and other information related to the bill before the debate. Therefore, I hope you will send me a reply as soon as possible. If a complete answer cannot be prepared quickly, I would like to have a memorandum on the first question, 2(f) and 3(a) meanwhile.

I enclose a copy of the bill as reported, and thank you for your attention to this subject.

Sincerely,

John Sherman Cooper.

Federal Savings and Loan Insurance Corporation, Federal Home Loan Bank Board,
Washington, D.C., April 26, 1962.

Hon. John Sherman Cooper,
U.S. Senate,
Washington, D.C.

Dear Senator Cooper: Since the Federal Home Loan Bank Board is the administrative head of the Federal Savings and Loan Insurance Corporation, I am referring your letter of April 26, 1962, to the Chairman of the Board. I am sure your communication will be given prompt attention.

Sincerely yours,

William H. Husband,
General Manager.

Federal Home Loan Bank Board,
Washington, D.C., May 15, 1962.

Hon. John Sherman Cooper,
U.S. Senate,
Washington, D.C.

Dear Senator Cooper: The Federal Home Loan Bank Board has considered the questions posed in your letter of April 26 to the General Manager of the Federal Savings and Loan Insurance Corporation and has approved this response. For convenience, our answers are set forth in the order in which the inquiries are presented in your communication:

1. The statutory authority for loans to the FSLIC from public debt receipts is established by section 402(i) of title IV of the National Housing Act, as amended.

(a) The statutory purposes of the authority and the intent of the Congress are indicated by the language of the statute itself. First, it would appear that the Congress wished to bolster confidence in the insurance program and to underwrite the Corporation's liabilities; and, second, there was apparent intent to keep the Corporation out of the money market by substituting this authority for its original right to borrow privately. Indeed, the statute itself declares that "* * * the Corporation hereafter shall not exercise its borrowing power * * * for the purpose of borrowing money from any other source."

(b) The FSLIC is authorized to borrow an amount "not exceeding in the aggregate $750 million outstanding at any one time."

(c) Such authority is believed to be a vital and necessary part of the basic purposes or operations of the FSLIC.

(d) The Treasury is directed to make the loans, as evidenced by the following provision of the law. "The Corporation is authorized to borrow from the Treasury, and the Secretary of the Treasury is authorized and directed to loan to the Corporation on such terms as may be fixed by the Corporation and the Secretary, such funds as in the judgment of the Federal Home Loan Bank Board are from time to time required for insurance purposes."

2. Use of the authority for loans to the FSLIC from public debt receipts.

(a) The authority has never been used in the past.

(b) There has been no change in the amount of the authorized borrowing since the authority was first granted.

(c) There is no current use of the borrowing authority.

(d) The need to make use of the borrowing authority in the future is most difficult to appraise. Indeed, we may be confronted with a dilemma. On the one hand, the very existence of the authority bolsters public confidence and minimizes the need for such borrowing. On the other hand, the elimination of the authority could weaken this all-important element of public confidence and create resulting problems which could bring about a need for borrowing.

(e) We believe the preceding response is applicable to this question.

(f) As indicated under (d), the existence of the authority still serves a useful purpose because it does contribute to the financial stability and security of the FSLIC.

3. Effect of withdrawing up to $750 million from the loan funds available to the FSLIC from public debt receipts.

(a) Based upon past experience we do not anticipate use of the borrowing authority to meet conditions created by minor recessions. In the event of a severe recession the existence of the borrowing authority would bolster public confidence and, as indicated above, deter its possible actual use.

(b) Since the FSLIC cannot now borrow from private sources, there of course could not be any impairment of its credit.

(c) The adverse effects of withdrawal or diminution of the borrowing authority are likely indicated by our responses to 2(d) and 2(f).

(d) We believe this question is answered by the other responses.

We are also glad to give you our general comments bearing mainly upon the existence of the large unobligated balance. Probably this has been caused in part by sound administration, but, to an even greater extent, by favorable economic conditions.

No one can predict the contingencies of the future. Assuming that the funds were employed for some brief period and Congress restored the Corporation's borrowing authority promptly, we could see only the remotest possibility of difficulty. Nevertheless, the intent of Congress might be misinterpreted unless there were clear, explicit affirmation by Congress of the continued support of the insurance program.

I trust that the above observations will give assistance in your study of S. 2965, and, naturally, I will be happy to furnish any additional information that you may desire.

Sincerely yours,

Joseph P. McMurray,
Chairman.

April 26, 1962.

Hon. Erle Cocke, Sr.,
Chairman, Federal Deposit Insurance Corporation, National Press Building, Washington, D.C.

Dear Mr. Chairman: Senate bill 2965, known as the Standby Public Works Act of 1962, was reported to the Senate yesterday by the Public Works Committee, of which I am a member. Section 10(b) of the bill as reported would authorize the President, an agency or officer specified by him, and those delegated in turn, to "cause to be transferred" to a new public works agency or any other agency "the unobligated balances of authorizations to expend from public debt receipts available for loans to the Federal Deposit Insurance Corporation."

Since such a transfer would affect the funds otherwise available to your agency, I would like to ask the following questions:

1. What is the statutory authority for loans to the FDIC from public debt receipts?

(a) What are the statutory purposes of this authority, and how was it intended by Congress to be used?

(b) How much money is the FDIC authorized to borrow from the Treasury for these purposes?

(c) Is this authority a necessary part of the basic purposes or operations of the FDIC?

(d) Under what conditions is the FDIC authorized to borrow these funds from the Treasury? Is the Treasury directed to make loans to FDIC under those conditions, or are the loans made at the discretion of the Treasury?

2. Extent of use of the authority for loans to the FDIC from public debt receipts.

(a) To what extent has this authority been used in the past, and what were the occasions of its largest use?

(b) If this authority, since it was first granted by the Congress, has been increased in amount or broadened its its purposes, or has been decreased in amount or limited in its purposes, what were the reasons for these changes?

(c) To what extent is this authority being used now?

(d) To what extent is this authority likely to be needed in the future?

(e) When would its full use possibly be required?

(f) Even when the authority to borrow funds from the Treasury is not exercised or fully used, does the existence of this authority still serve a useful purpose against contingencies, or contribute to the financial stability and security of the FDIC?

3. Effect of withdrawing up to $2 billion from the loan funds available to the FDIC from public debt receipts.

(a) How would such a withdrawal during a minor or severe recession affect the operations and the financial condition of the FDIC?

(b) Would such a withdrawal impair the credit of the FDIC?

(c) If it were not replaced by appropriations, or the borrowing authority of the FDIC were not increased by Congress or otherwise restored, what adverse effects, if any, could result from such a withdrawal?

(d) If it were to be restored, would there be any need to do so sooner than in 27 months?

You may wish to comment also on the general reasons for the existence of large unobligated balances of FDIC authority to borrow from the Treasury. For example, does this result from favorable economic conditions, or the successful operation of FDIC? From administrative practices, or the use of alternate sources of funding? From limitations imposed by appropriations acts or reports, or by budgeting policy?

While it now appears that S. 2965 may not be called up in the Senate in the next week, it could come up at any time and very quickly. I want to be able to study this and other information related to the bill before the debate. Therefore, I hope you will send me a reply as soon as possible. If a complete answer cannot be prepared quickly, I would like to have a memorandum on the first question, 2(f) and 3(a) meanwhile.

I enclose a copy of the bill as reported and thank you for your attention to this subject.

Sincerely,

John Sherman Cooper.

FEDERAL DEPOSIT INSURANCE
CORPORATION,
Washington, April 27, 1962.

Hon. JOHN SHERMAN COOPER,
U. S. Senate, Washington, D.C.

DEAR SENATOR COOPER: In your letter of April 26, 1962, relating to section 10(b) of Senate bill 2965, known as the Standby Public Works Act of 1962, you ask certain questions, which are set forth below and numbered as in your letter with our answers.

"1. What is the statutory authority for loans to the FDIC from public debt receipts?"

Answer: "Section 14 of the Federal Deposit Insurance Act (12 U.S.C. 1824) provides: 'The Corporation is authorized to borrow from the Treasury, and the Secretary of the Treasury is authorized and directed to loan to the Corporation on such terms as may be fixed by the Corporation and the Secretary, such funds as in the judgment of the Board of Directors of the Corporation are from time to time required for insurance purposes, not exceeding in the aggregate $3 billion outstanding at any one time: *Provided*, That the rate of interest to be charged in connection with any loan made pursuant to this section shall not be less than the current average rate on outstanding marketable and nonmarketable obligations of the United States as of the last day of the month preceding the making of such loan. For such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include such loans. Any such loan shall be used by the Corporation solely in carrying out its functions with respect to such insurance. All loans and repayments under this section shall be treated as public-debt transactions of the United States'."

"(a) What are the statutory purposes of this authority, and how was it intended by Congress to be used?"

Answer: "As stated in the next to last sentence of the above-quoted section 14, 'Any such loan shall be used by the Corporation solely in carrying out its functions with respect to such insurance'."

"(b) How much money is the FDIC authorized to borrow from the Treasury for these purposes?"

Answer: "Three billion dollars."

"(c) Is this authority a necessary part of the basic purposes or operations of the FDIC?

Answer: "This authority is an extraordinary one to supply the Corporation with immediate borrowing power at any time when the Deposit Insurance Fund, which at the end of 1961 was $2,354 million, becomes inadequate to meet the Corporation's insurance responsibilities."

"(d) Under what conditions is the FDIC authorized to borrow these funds from the Treasury? Is the Treasury directed to make the loans to FDIC under those conditions, or are the loans made at the discretion of the Treasury?"

Answer: "Under the above-quoted section 14, when in the judgment of the Board of Directors of the Federal Deposit Insurance Corporation funds are required for insurance purposes the Corporation is authorized to borrow such funds up to the statutory limit of $3 billion and the Secretary of the Treasury is directed to loan such funds on such terms as are fixed by the Corporation and the Secretary."

"2. Extent of use of the authority for loans to the FDIC from public debt receipts.

"(a) To what extent has this authority been used in the past, and what were the occasions of its largest use?"

Answer: "This authority has never been used."

"(b) If this authority, since it was first granted by the Congress, has been increased in amount or broadened in its purposes, or has been decreased in amount or limited in its purposes, what were the reasons for these changes?"

Answer: "This borrowing authority was provided originally in the Banking Act of 1933 in an amount aggregating not more than three times the Corporation's capital ($289,299,556.99) or $867,898,670.97 (subsec. (o) of sec. 12B of the Federal Reserve Act, as amended). In 1935 this authority was increased to an amount aggregating not more than three times the amount received by the Corporation in payment of its capital stock and in payment of the assessments upon insured banks for the year 1936 ($35,557,817.67) resulting in a borrowing authority of $974,572,123.96. In 1947 the borrowing authority was increased to an amount not exceeding $3 billion outstanding at any one time. The committee reports on the increase to $3 billion did not expressly state the reason for the increase. Statements by Mr. Maple T. Harl, then Chairman of the Corporation, at the Senate and House hearings on the 1947 legislation are attached. However, the report of the House Committee on Banking and Currency (H. Rept. No. 1076, 80th Cong., 1st sess., p. 3) showed the ratio of the capital, surplus and borrowing power of the Corporation to total deposits for the years 1934 to 1946 with a decline from 3.16 to 1.37 percent. The increase of the borrowing authority to $3 billion increased such ratio to 2.73 percent of total deposits as of the end of 1946. The same act that provided for the increase in borrowing authority, provided for the retirement of capital stock of approximately $289 million from income of the Corporation so long as the capital funds of the Corporation were not reduced below $1 billion. The capital stock was fully retired by payments into the Treasury in 1947 and 1948. By legislation in 1950 Congress directed the payment by the Corporation of interest in the amount of $80.6 million to the United States Treasury on the capital stock advances."

"(c) To what extent is this authority being used now?"

Answer: "This authority has never been used."

"(d) To what extent is this authority likely to be needed in the future?"

Answer: "The extent to which this authority is likely to be needed in the future is unpredictable and dependent upon the severity and extent of adverse economic conditions which might arise. The Comptroller General of the United States in the report on the audit of the Corporation for year ended June 30, 1961, in his opinion of financial statements of the Corporation said, 'We cannot express an opinion on the adequacy of the deposit insurance fund to meet future losses because the amount that may be needed is dependent on future economic conditions'." Prior GAO audit reports express like opinions.

"(e) When would its full use possibly be required?"

Answer: "The full use of the Corporation's borrowing authority will be required only in the event of a recurrence of conditions comparable to the more severe financial crises of the past (see further discussion in answer 3a below)."

"(f) Even when the authority to borrow funds from the Treasury is not exercised or fully used, does the existence of this authority still serve a useful purpose against contingencies, or contribute to the financial stability and security of the FDIC?"

Answer: "The existence of the authority of the Federal Deposit Insurance Corporation to borrow funds from the Treasury serves a useful purpose against contingencies and contributes to the financial stability and security of the Corporation and to the public confidence in the banking system. The deposit insurance fund of the Corporation, which was $2,354 million on December 31, 1961, amounted to 0.84 percent of total deposits in insured banks on that date. The $3 billion borrowing authority of the Corporation when added to the deposit insurance fund increases the percentage of potential funds available for protection of depositors (up to the maximum of $10,000 for each depositor) to approximately 1.90 percent of total deposits in insured banks."

"3. Effect of withdrawing up to $2 billion from the loan funds available to the FDIC from public debt receipts.

"(a) How would such a withdrawal during a minor or severe recession affect the operations and the financial condition of the FDIC?"

Answer: "The effect of withdrawing up to $2 billion from the authority of the Treasury to make loans to the Federal Deposit Insurance Corporation from public debt receipts would have little, if any, effect upon the operations and financial condition of the Corporation during a recession such as the four postwar recessions mentioned in the report of your committee on S. 2965 (S. Rept. No. 1358, 87th Cong., 2d sess., p. 3).

"From a study of 'Actuarial Data Relevant to Deposit Insurance,' set forth in the Corporation's Annual Report to Congress for 1957 (pp. 49, 71–72), it may be concluded that such a withdrawal would not have impaired the ability of the Corporation to meet its insurance obligations during a recession such as that occurring in 1921, nor during the ensuing periods of banking failures through 1929.

"The same study contains the following comment on the depression of the early thirties:

"'There is no question that the present deposit insurance fund would be entirely inadequate should, for example, a situation similar to that of 1930–33 recur. After a careful analysis we have concluded that in order to make the necessary disbursements in such a situation the Corporation would need to have at its disposal available funds equal, as a minimum, to 5 percent of the total deposits in all operating banks. This figure assumes that the necessary principal disbursements would have been only 37 percent of the deposits in the closed banks in comparison with the Corporation's experience of 50 percent. Since the fund today is only 0.80 percent of total deposits (and with the assured borrowing power only 2.2 percent of total deposits) the inadequacy is obvious. As a mater of fact, it would require all of the present deposit insurance fund plus all of the $3 billion borrowing power to absorb only the losses that would occur in such an emergency.

"'To what extent can we expect a situation such as that of 1930–33 to recur? Certainly, we can conceive of the possibility of a severe economic downturn, accompanied by large numbers of bank failures. Neither the public confidence engendered by the existence of Federal deposit insurance nor the improvements in banking or bank supervision would be sufficient to prevent these failures, which would be a consequence of economic dislocations of a fundamental nature. However, because the Federal Government is committed, under the Employment Act of 1946, to follow policies which will stimulate full employment, and in view of the knowledge and authority now possessed by various agencies of the Federal Government, it is reasonable to assume that we will be able to avoid the prolongation of a serious depression.' (It is further reasonable to assume that the President under the proposed legislation could expedite the remedies referred to above.)"

"(b) Would such a withdrawal impair the credit of the FDIC?"

Answer: "The Corporation has no authority to borrow from any source other than from the Treasury, as provided in section 14 of the Federal Deposit Insurance Act quoted above in answer to your question one. Therefore, any such withdrawal would reduce the credit available to the Corporation."

"(c) If it were not replaced by appropriations, or the borrowing authority of the FDIC were not increased by Congress or otherwise restored, what adverse effects, if any, could result from such a withdrawal?"

Answer: "The adverse effects, if any, resulting from such withdrawal not restored would depend entirely upon the severity of adverse economic conditions which might arise."

"(d) If it were to be restored, would there be any need to do so sooner than in 27 months?"

Answer: "It is conceivable that, in the event of the closing of a substantial number of insured banks, an early or immediate restoration of any such withdrawals could be necessary. (Our information is that the 27-month period applies only to the duration of the public works acceleration period and not to the restoration of the authority by Congress.)"

In response to your general question following question 3d, the lack of use of the Corporation's only borrowing authority has resulted, in our opinion, from the generally favorable economic conditions since the Corporation was established and the improvement in the management of banks and in the standards governing the establishment, operation and supervision of banks.

Trusting that this letter fully answers your questions, I am

Sincerely yours,

Erle Cocke, Sr.,
Chairman.

Statement by Mr. Maple T. Harl

In the hearings before the Senate Committee on Banking and Currency in 1947 with reference to the legislation raising the borrowing authority of the Corporation to $3 billion, Mr. Maple T. Harl, Chairman of the Corporation, made the following statement (pp. 11–12):

"As you know we have a borrowing authority of half a billion dollars from the Treasury, or the RFC. We would recommend that that be repealed and the borrowing authority from the RFC be repealed, likewise the half billion from the Treasury and in lieu thereof we be allowed to borrow when and if necessary three times our asset position, which if it was a billion we would have a call of $3 billion on the Treasury for these unforeseen contingencies such as we had in 1932, when, you know, the position in your State, it took about $4 billion to save the banks but we think the banks are in a very, very strong position and the President in his budget message also took that position."

In the hearings before the House Committee on Banking and Currency on the same legislation Mr. Harl made the following statement (pp. 47):

"When the Corporation's borrowing power was fixed as it now exists in the law, that is, in 1935, the potential obligation to insured depositors was about one-fourth of what it is today. With the retirement of the capital stock, which will reduce the Corporation's resources by $289 million, we think it appropriate that the Corporation be authorized to borrow from the Secretary of the Treasury in a maximum amount at any one time which will be about three times its surplus, namely $3 billion. In this way the depositing public, the holders of over $90 million deposit accounts, would be more than ever assured not only of the financial stability of the Corporation but also of the Government's intention to support and sustain the soundness of the Federal Deposit Insurance System."

AMENDMENT OF THE AGRICULTURAL ACT OF 1956

The PRESIDING OFFICER Mr. Hickey in the chair). Is there further morning business? If not, the Chair lays before the Senate the unfinished business, which will be stated by title.

The Legislative Clerk. A bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

DIVIDEND AND INTEREST WITHHOLDING PROVISIONS OF H.R. 10650

Mr. ROBERTSON. Mr. President, the proposed Revenue Act of 1962, as my colleagues know, has passed the House and is now before the Senate Committee on Finance. Section 19 of that bill (H.R. 10650) relates to the collection at source of income tax on interest and dividends. For the first time, it would impose widespread withholding on interest and dividends, with certain exceptions and exemptions.

As a member of the Committee on Ways and Means of the House for nearly 10 years, I helped to write 12 major tax bills. These included the imposition of drastic taxes on the income of corporations—the excess profits taxes, and the imposition of the biggest increase in personal income taxes that Congress has ever made at any one time.

Of these bills and of all the other income tax bills which I have voted on during the 29 years I have been in Congress, the present bill is by far the most unpopular.

I have gotten more mail opposing various provisions of H.R. 10650—especially the provision for withholding tax from dividends and interest—than I have gotten on any one bill in recent years.

If this section of the bill should be reported without change to the Senate floor, I shall oppose it. I believe that withholding on interest and dividends at this time is impractical, unnecessary, and unwise.

During the 1st session of the 78th Congress, I was a member of the House Ways and Means Committee that reported the so-called Current Tax Payment Act of 1943. The bill, after amendment on the House floor, came over to the Senate as H.R. 2570. It provided for the current payment of taxes on salaries and wages largely by means of a withholding system. It set up a formula designed to relieve taxpayers, to an equitable degree, from double payments in 1943 for income earned in 1942 as well as in 1943. The bill also provided for declarations of estimated income to be made, and for quarterly payments to be made against this estimate to the extent that any tax liability was not met through withholding.

As a member of the House Ways and Means Committee, I took an active part in the hearings as well as in the floor debate on the bill that finally passed. I was, of course, pleased that the basic 20-percent withholding rate and the forgiveness formula included in the House bill were in line with proposals that I had advanced to the Ways and Means Committee early in the hearings on the bill.

The final version of the Current Tax Payment Act of 1943, as adopted in conference, represented the outcome of 8 days of deliberation between the House and Senate conferees. For the first 5 days or so, the conferees discussed various plans for compromise but remained deadlocked. The House conferees would not accept the Senate bill, nor would the Senate conferees accept the House bill. Finally, an acceptable compromise was developed.

As a result, the conference bill contained some basic changes in the bill approved by the House, and included only part of the proposals I had originally endorsed. Even so, I voted for the conference report as the best compromise that seemed possible under the circumstances. In the House debate over the conference report, I remarked on the floor:

> I wish the official record to show I have never wavered in the personal belief that the plan I first proposed to the Ways and Means Committee and which was finally adopted by the House was the best solution of a difficult problem.

I concluded by saying:

> In voting for the conference report I will at least have the personal satisfaction that the 20-percent-withholding plan I proposed to the Ways and Means Committee will be written into law.

Today, as in 1943, I favor the principle of withholding on wages and salaries.

However, my earlier technical experience as a member of the House Ways and Means Committee for nearly 10 years, combined with my study of the bill now pending before the Senate Finance Committee, has convinced me that the extension of withholding to cover interest and dividends would not be advisable at this time.

In that respect, I call the attention of Senators to the conclusion reached 19 years ago by both the House Committee on Ways and Means and the Senate Committee on Finance. The report of each committee, relating to the proposed Current Tax Payment Act of 1943, contained identical language as follows:

> Your committee found it impracticable to apply the withholding provisions to income other than wages as defined in the bill. Therefore, taxpayers receiving income from business, farming, rents and royalties, interest and dividends, wages received for domestic service in a private home, and wages received from agricultural labor, are not included in the withholding provisions of the bill.

The Senate again in 1950 rejected a provision to withhold tax on dividends, and it rejected in 1951 withholding tax on dividends and interest.

The question now at issue is not whether income from dividends and interest is taxable. This income has been taxable for many years. Nor is there any question about the authority of the Internal Revenue Service to collect taxes, whether on income from dividends, interest, salaries, wages, or other sources. Everyone should pay his fair tax share.

The question now before us relates solely to methods of preventing avoidance of tax on income from dividends and interest. In that respect, I see no need at this time for withholding as a solution to the problem. What both the House and Senate committees found to be "impracticable" in 1943 still remains impracticable now.

The dividend and interest withholding approach appears to be based upon the assumption that American taxpayers are dishonest. This is contradicted by our almost 50 years' experience with the self-assessment tax system.

A vital distinguishing feature of the American income tax is that it is self-assessing. We permit our taxpayers to make out their own tax returns and compute their own tax liabilities. It is a striking tribute to the honesty and patriotism of the American people that this system has worked.

Essentially, our tax system puts the taxpayer on his honor. And, by and large, the American taxpayer has responded to the challenge.

Now, however, we are confronted with a proposal which would apply across the board to dividend and interest recipients, without regard to their past record for conscientious and accurate income reporting. Admittedly, the proproposal is designed solely to catch tax evaders. But its sweeping rules apply with equal force to the most conscientious and meticulously careful taxpayers—and, even much worse, to hit persons of small incomes, those who are not taxpayers.

This withholding proposal is not directly analogous to wage withholding. Wage withholding was a collection technique and a necessary step in placing income tax collections on a current basis. This dividend and interest withholding proposal appears to be designed simply as a weapon to catch nonreporters of taxes, and it would operate by treating every dividend and interest recipient as though he were a tax evader. This is repugnant to the traditions of our income tax as a self-assessing system.

The Secretary of the Treasury, in testifying before the Committee on Finance on April 2, 1962, offered as an exhibit for the record a number of examples of substantial underreporting or nonreporting of dividends and/or interest in recent fraud prosecution cases. I feel that isolated cases such as these do not of themselves justify the need for withholding. Instances of fraud and mistake are unfortunately likely to occur no matter what the method of revenue collection may be.

At the same hearing before the Committee on Finance, the Secretary of the Treasury made the following comment, at page 90 of part I of the published hearings:

> Most dividend and interest recipients are responsible taxpayers who faithfully report each year about $15 billion of such income. There is, however, about $3 billion of interest and dividends received by taxable individuals which is not reported. That shortage results in a revenue loss of more than $800 million annually, which must be made up by the general taxpayer.

Incidentally, the Secretary of the Treasury does not tell us that all of the estimated $3 billion dividend and interest gap would be subject to tax if it were reported.

This estimated degree of underreporting or nonreporting of taxable interest and dividend income, I believe, does not necessarily justify the need for withholding at source. On the contrary, it may only justify the need for more intensive public efforts to inform responsible taxpayers who are not yet completely aware that interest and dividends should be fully reported.

So far, we have had little experience by which to evaluate the revenue effects of more intensive informational efforts. A nationwide informational campaign, undertaken with the cooperation of the major financial institutions and the Treasury, became widespread only as recently as 1960. The results have not been fully reflected in the Treasury's estimates of underreporting or nonreporting. Actually, the Treasury estimates relate in large part to underreporting or nonreporting of interest and dividends in 1959, 1 year before the informational campaign was well underway.

In fact, the Commissioner of Internal Revenue himself admitted, as recently as January of this year, that "we have no solid platform of experience with enforcement drives on dividends and interest alone from which we can build reliable estimates." This statement is reproduced at page 167 of part I of the published hearings before the Senate Finance Committee. This and other material suggest to me that a continued and intensified campaign of taxpayer information, coupled with the prospect of imminent automatic data processing of tax returns, might well produce a revenue yield substantially greater than what the Treasury has estimated.

In this connection, I propose that immediate consideration be given to the inclusion in the Internal Revenue literature of more explicit instructions, so as to inform taxpayers in greater detail about reporting dividend and interest income. The tax-reporting forms themselves might be revised, so as to alert taxpayers to the need to declare income from these sources. The forms on which declarations of estimated future taxes are made might also include instructions to insure that all taxpayers understand that income from dividends and interest should be reported, just as income from wages, salaries, and other sources is.

Another step which I believe worthy of consideration would require designated payers of interest to report to the Treasury all interest payments as low as some minimum amount such as $50 or $10. This would extend reporting coverage to include substantially all recipients of income from dividends and interest. Dividend payments of $10 or more and interest payments of $600 or more are reported currently to the Treasury. With the computers and office machines now available, I am confident that when the taxpayer account number system goes into effect, all these reports can be assembled and classified readily and simply, and at relatively little expense.

As a matter of principle, withholding on wages and salaries represents a much different matter from withholding on dividends and interest. Withholding on wages and salaries consists of deductions from current income derived from gainful employment. Withholding on dividends and interest potentially covers a much wider spectrum of the population, by including recipients who may or may not be gainfully employed. It is one thing to withhold from income derived from rendering current services. It is another thing to withhold income derived as a return on capital saved from the rendering of past services.

Withholding on dividends and interest would, of course, reduce the rate at which capital is accumulated in our major financial institutions through the process of compounding returns on savings accounts. This would occur at the very time when more—not less—saving is needed in order to finance economic growth. Dividend and interest accumulations are an important source of capital growth. They also provide a means of raising capital at minimum cost—at a lower cost, presumably passed on either in the form of higher dividends or in the form of lower lending rates than those which otherwise might prevail.

Perhaps the most dramatic impact that withholding might have in reducing capital accumulation through compounding is represented by the case of mutual savings banks. In 1961, mutual savings banks reported a net deposit gain of about $1,913 million. During the same year, mutual savings banks credited interest of $1,330 million—equivalent to more than two-thirds of their total net deposit gain. If a 20-percent withholding tax had been imposed upon interest credited by mutual savings banks last year, and if all interest after withholding had been credited to existing accounts, and not withdrawn, the net deposit gain of mutual savings banks might have been reduced by as much as $266 million, or by roughly one-seventh. Similar, although not identical, reductions would probably occur for savings growth in commercial banks and in savings and loan associations.

The proposed dividend and interest withholding scheme has other questionable features. Despite the experience developed under the wage-withholding system, it is proposed that the Revenue Service embark on this withholding scheme with virtually no reporting requirements imposed upon the withholding agents.

Under the plan, persons withholding 20 percent from interest and dividend payments would not be required to give to the recipients of these payments any receipts or notices whatsoever of the amounts withheld from them. Furthermore, the withholding agents would not even be required to report to the Revenue Service the amounts withheld from each individual. Instead, they would merely report to the Government the gross amount withheld from everyone in the aggregate, leaving both the payees and the Revenue Service without a record of the amount withheld from each person.

Mr. JORDAN. Mr. President, at this point will the Senator from Virginia yield?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from North Carolina?

Mr. ROBERTSON. I yield.

Mr. JORDAN. If it is assumed that a great many taxpayers are not paying the full amount of tax they should pay—in other words, that they are, we might say, crooks—does not this provision of the bill open wide the door to further dishonesty, inasmuch as under this provision one could make a claim on the Government for an amount not owed him, and it would be returned to him?

Mr. ROBERTSON. I was about to discuss that point. This provision would open wide the door to a large amount of fraud; one would only have to say, "I overpaid by such and such an amount," and the Bureau of Internal Revenue would have it returned to him, inasmuch as the Bureau would not know the amount he had actually paid. So if one wished to be a crook, this provision of the bill would make it easily possible—for there would be no accounting, and no receipt would be given by the Treasury; and a taxpayer might overpay in the amount of $10, but then might claim an overpayment of $1,000, and the Treasury would have to pay it to him.

Mr. JORDAN. In other words, would not this provision open wide the door to the making of considerable amounts of improper refund claims?

Mr. ROBERTSON. Certainly it would. The Treasury's lawyers have always been regarded as very well qualified; and I cannot imagine that one of them would send to Congress a bill containing such a provision. I cannot support it, and I do not believe the Senate will support it.

Mr. JORDAN. I thank the Senator from Virginia for yielding to me. I wished to help clarify that one point.

Mr. ROBERTSON. I have been very glad to yield to the distinguished Senator from North Carolina.

Mr. President, as the Senator from North Carolina has said, an individual receiving a dividend or interest payment would have no documentary proof whatsoever of the amount withheld. I do not see anything in the withholding mechanism which would permit a dividend or interest recipient to meet the burden of proof of establishing the amount withheld, if he has a tax dispute in court. Such a system would have no relationship to the wage withholding system, in which the withholding agent is required to furnish both the employee and the Government with a copy of the form W–2 showing the amount of the compensation and the amount of the tax withheld from it.

The dividend and interest withholding proposal might indeed invite attempts to defraud the Treasury as has been pointed out by my distinguished friend, the Senator from North Carolina. The Government would have no records with which to verify or deny claims for refund of overwithheld amounts, except for reports of gross payments of interest or dividends. In most cases, there might be no opportunity to match taxpayer receipts from the withholding agent with information furnished by the withholding agent to the Government with respect to the individual income recipient, as the wage withholding forms W–2 are now matched. All such receipts are being dispensed with in an effort to make the dividend- and interest-withholding proposal palatable.

Dishonest persons owing no tax might defraud the Government by overstating the amount of their dividend and interest income and claiming refund of the tax purportedly withheld. Criminals could defraud the Government by submitting tax returns under false names for imaginary taxpayers, showing little or no tax and claiming refunds of the amounts asserted to have been withheld. The Revenue Service would have no information which would enable it to check on these fraudulent refund claims. Apparently, they would be accepted and paid without question. The only hope of avoiding abuses of this type would be through reliance on the supposed deterrent effect of criminal prosecution of defrauders turned up in occasional spot checks.

I repeat that the average American taxpayer is not dishonest. But the proposed plan could greatly increase dishonesty and could be a boon to the unscrupulous.

Some taxpayers will doubtless assume that the 20-percent amount withheld is all the tax that is due, even though their tax brackets are considerably in excess of the 20-percent minimum tax rate. For these persons, dividend and interest withholding may produce a revenue loss rather than a gain.

Not all types of interest payments would be subjected to witholding tax. For example, payments by individuals on personal loans and on home mortgages would not be covered by the withholding plan. Consequently, with no withholding receipts to help the recipients of interest payments to identify the interest which has been subjected to withholding, many people will have a difficult time distinguishing between the interest they receive which has been reduced by withholding and the other interest payments they receive which have not been subjected to withholding. If they erroneously treat interest payments from which tax has been withheld as not having been subjected to withholding, they will be overpaying their taxes and the Government will have money to which it is not entitled. If, on the other hand, they mistakenly assume that all their interest income has been subjected to withholding, they naturally will claim a credit against their tax to which they are not entitled, with the result that the Government will lose revenue. Since the withholding system would operate without withholding receipts, the Revenue Service would have no way of even knowing this had occurred.

The Congress has been asked to plunge into this adventure with little consideration of its administrative costs. The Treasury itself has estimated that the direct cost to the Government will be $19 million. I should not be surprised if this is a minimum estimate.

In addition, there is the cost imposed upon the withholding agents. This is the hidden cost. It will amount to many millions of dollars. It may run as high as $50 million or a $100 million a year. One witness before the Committee on Finance, representing an association of corporate fiduciaries, estimated that their accounting would be at least trebled by withholding.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the Senator from North Carolina.

Mr. JORDAN. I received a letter from, and had a phone conversation with, the head of one of the Commodity Credit Corporation organizations just this past week. When the farmer puts products into the Commodity Credit Corporation, if they are sold at a profit, the farmer is entitled to a proportionate share of the profits on the products he put into the Corporation. The man said that in their organization they have something over 600,000 member farmers. He said it would be almost impossible for them to withhold on 600,000 farmers at the rate of 20 percent and make a report to the Government. Making such a report would require more help than they now have for running the whole agency. He said he thought it would be an impossibility.

Mr. ROBERTSON. That will be true throughout the Nation, insofar as it applies to income from dividends or interest. Not only the mutual banks and savings and loan associations, but every corporation is to be turned into a collection agency for the Government, regardless of what it costs them to perform that service. In the particular case which the Senator from North Carolina has cited, the cost of doing it may be equal to the cost of running that office at this time.

Mr. JORDAN. I also had a phone call this morning from the head of one of the corporations in North Carolina, which has something over 30,000 stockholders, most of them small stockholders. He said that if they had to do that, it would cost them more than it costs to run the whole office now, because the corporation pays dividends quarterly. He said that four times a year they would have to deduct 20 percent from the dividends paid to those stockholders if they paid quarterly dividends, and they have been doing that. He said such an operation would treble their office expense, and the corporation would make less money because it would have to spend a lot of money on making those deductions, and therefore the stockholders would get less money, because a part of the profits would be spent on deducting the money from the dividends.

I received another letter, from a shoe factory in North Carolina. The person writing the letter said the corporation had 1,000 stockholders. He said they did not have enough of an office force to do what is proposed in the bill, because it is a small company.

I have had more mail against this measure than against any piece of legislation since I have been in the Senate, a little over 4 years.

Mr. ROBERTSON. The Senator from North Carolina is only one person making that statement. Every one of the 100 Members of the Senate knows that is true of his mail. I have personally had more protests against this bill than any bill I can recall in 29 years. Individuals, intelligent people, sit down and write personal letters. As the Senator from North Carolina has said, corporations feel the injustice of being turned into collection agencies for the Government, regardless of the cost to them, simply because some people may be misinformed, or even dishonest. It is proposed to throw out a dragnet, and those who are honest will get a refund only after a considerable wait. The Government will let them have their money back, not with any interest, but will let them have their money back; but by doing this it is said the Government will catch some of the taxes on interest and dividends that have not been reported.

Mr. JORDAN. In the Senator's opinion, does he not think that a great many persons who are not equipped to handle transactions of this nature would have to hire somebody to get a refund?

Mr. ROBERTSON. They would not know how to frame the request. Under the bill, the people would not have a receipt. They would have to hire a pretty shrewd lawyer to present their claims, but if they got a shrewd lawyer to present their claim, the Internal Revenue Service would not have a shrewd enough lawyer to deny the claim, because the Service would not have any records, either.

Mr. JORDAN. Does not the Senator think that practically every person who had 20 percent of his interest or dividends withheld would write to the bank or building and loan association or corporation and want to know where the 20 percent was that that firm took out of his dividends or interest?

Mr. ROBERTSON. Yes. They would say, "You took it out; now you get it back." I said many years ago that such withholding was not necessary, wise, or practical. In the reports of the House Committee on Ways and Means and of the Senate Finance Committee, which I mentioned earlier, it was stated that withholding of taxes on dividends and interest had been considered, and rejected. In the Senate we have voted twice on the proposal and have turned it down.

I am in favor of collecting taxes on dividends and interest, as well as on every other sort of income. As evidence of that feeling, I point with pride to the fact that, as chairman of the Subcommittee on Treasury and Post Office, I have had a part in the past 2 years in adding more than 4,000 new employees to the Internal Revenue Service to assist it in collecting taxes due the Government.

I sponsored this year, in the bill which has passed the Senate and which is now in conference, an additional 2,000 more employees.

I have voted for funds for the Internal Revenue Service to buy or to lease computing machines. Everyone is now required to have a social security number. Those numbers can be put into the machines, and the machines will tell whether a person has filed an income tax report. Income tax forms can be put into the machines, and the machines will tell whether the persons have reported dividends and interest. Never before in the history of our Government has there been anything like these machines in the way of catching up with tax dodgers.

Still, some people are not satisfied. Some wish to put every financial institution and every corporation to the expense of withholding. Some wish to require every widow, who does not owe any tax, to go to the expense of getting a refund of money to which the Government was not entitled in the first place.

Mr. President, even if we project the estimate of cost to withholding agents which was made by the sole witness representing a bank who favored the withholding plan in the hearings before the Committee on Finance, the cost for the first year of withholding on $13 billion of dividends and interest would amount to $25 million. This, of course, would be in addition to the direct cost to the Government of administering the withholding scheme.

Apparently, corporations paying dividends would be asked to undertake both the cost of withholding and the cost of preparing and submitting to the Revenue Service information returns bearing taxpayer account numbers. The corporations are already required to send in information returns on dividend payments to a shareholder of $10 or more per year. These information returns are to be coordinated with the taxpayer account number system and fed into the automatic data processing mechanism. This duplication of effort and expense by payers—and by the Government as well—points up the inconsistency between dividend and interest withholding and use of the ADP technique.

Withholding is inferior to the ADP approach in getting at the underreporting of dividend and interest income. In the first place, withholding is coercive, as contrasted with the information return approach which does not penalize the man who is already reporting his dividend and interest income properly.

Furthermore, withholding is inferior to ADP in the case of dividends and interest which are subject to tax at rates in excess of 20 percent. A withholding system without information on the individual payees would be of no help in discovering the individual who fails to report and pay tax at surtax rates on his dividend and interest income.

No matter how elaborate a system of exemption certificates and receipts is devised, it is inevitable that the Government will end up with withheld amounts to which it is not entitled. Some refunds of overwithheld amounts will be so small that taxpayers will not bother to claim them. In other cases, poorly informed small-income recipients of dividend and interest income will be inadvertently victimized by their Government because they will not understand or be aware of the procedures for claiming exemptions or refunds. This situation will be aggravated by the fact that these people will not receive receipts showing the amounts withheld which would serve to remind them of the amounts due them.

I think it is significant that our neighbor, Canada, attempted to apply withholding to certain types of dividends and interest during World War II, and that this attempt was abandoned in 1945 with the explanation that its elimination would save "a very considerable amount of clerical work and some confusion to small taxpayers."

As a member of the Committee on Appropriations, I have always voted for additional funds requested by the Internal Revenue Service when it was able to absorb them and when it would help to further good administration. I intend to continue to do so. I will support—and I believe the Senate will support—any reasonable request by the Revenue Service for funds to use in obtaining greater compliance with the dividend and interest income-reporting requirements.

There is no question, as I have said before, that income upon dividends and interest is taxable, except when exempted, and that taxes upon such income should be paid in full. As a practical matter as well as a matter of policy, it seems appropriate to encourage taxpayers to pay such taxes, if possible, out of income obtained from sources other than accumulated savings. To impose withholding on dividends and interest would do just the opposite.

I am convinced that we need a more comprehensive effort to inform taxpayers of their liabilities under the present tax laws. Such an effort would, I think, result in greatly increased tax collections. The widespread conviction among taxpayers that withholding on interest and dividends would represent a new tax imposed for the first time is, to my way of thinking, clear evidence of the need for giving more information to taxpayers.

It seems to me quite clear that we will collect virtually all of the taxes due on interest and dividends if we can give clear and complete information to the taxpayers. I believe we should make every effort to do this before we engage in a new withholding program on interest and dividends with all the redtape, all the expense, all the refunds, all the trouble, and all the economic disadvantages which this withholding program would involve.

For these reasons, I urge my colleagues to vote to delete section 19 of the House bill if this section should be reported to the Senate.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the Senator from North Carolina.

Mr. JORDAN. The Senator from Virginia has made a very fine and informative statement in respect to this section of the tax bill. I wish to associate myself with the Senator's remarks because

I think he has very accurately illustrated the hardship which would result not only for institutions which would have to pay the expense of withholding, but also for millions of recipients of dividends and interest from banks, savings and loan institutions, and other accounts. There are literally millions of people involved.

It seems to me this is much like hunting rabbits with an elephant gun. That is what it looks like.

Mr. ROBERTSON. Mr. President, I greatly appreciate the fine tribute the Senator has paid me, not only because it comes from a valued friend, but also because it comes from one of the best-trained businessmen in the Senate. The life of the Senator from North Carolina, up until a few years ago, was spent in business. The Senator has been highly successful as a businessman. He realizes what the proposed withholding tax will mean both to recipients of small amounts, who will have to ask for refunds, and also to financial institutions and corporations which will have to become, without extra compensation, tax collection agencies for the Federal Government; merely because the Government no longer believes the average American taxpayer is honest, and therefore believes that taxes on interest and dividends must be withheld at the source.

Mr. JORDAN. I am certainly in favor of having everyone pay taxes which are due. I do not wish to see anyone fail to pay his taxes, because that would put a greater burden on the people who pay their taxes. However, I have received letters from widows, from children, and from institutions of all descriptions; some written by pencil and some by pen, some on post cards and some typed. I have received communications by the thousands. This was not an inspired thing, as someone may wish to try to inject into the discussion, but is the voice of the people saying, "We do not want this bill."

Since I have received so many objections to the provision, and since I believe these people are correct, I cannot support the section of the tax bill to which the Senator has referred.

Mr. ROBERTSON. My experience has been the same as that of the Senator from North Carolina.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to my colleague from North Dakota.

Mr. YOUNG of North Dakota. I wish to commend the Senator from Virginia for an excellent speech on a subject which probably has attracted more interest on the part of my constituents than any other issue which has come before the Senate in years. I have received thousands of letters about the proposal.

The people do not mind paying their taxes. They will pay their taxes if the right kind of information program is put out to the public.

I fully support the position taken by the Senator from Virginia. I believe we should not invoke compulsory tax laws such as the one proposed if they are not absolutely necessary.

Mr. ROBERTSON. As a friend of mine from Florida used to say, "How true." I thank the Senator.

Mr. President, I yield the floor.

UNSCRUPULOUS AND UNSTABLE SAVINGS ASSOCIATIONS

Mr. BEALL. Mr. President, I consider it my duty, as a U.S. Senator and one closely identified with warning the public about unscrupulous and unstable savings associations, to set the record straight. It would be wrong for me to keep silent when I have special knowledge on a subject about which the public may have formed the wrong impression.

Representative JAMES ROOSEVELT, chairman of the board of the now defunct Family Savings & Home Loan Association at the time I was investigating Family's questionable operations, was subpenaed by the Montgomery County, Md., grand jury looking into the savings and loan scandal. His appearance before the grand jury was on May 8, last week, and on the same day, May 8, in the early evening, he appeared on WTOP-TV, the Washington outlet for the Columbia Broadcasting System, to say that he had not received any payment "in any way" for his services. His exact words on television, according to the transcript, were:

> Contrary to reports, I was not paid in any way for my services during those 60 days. But my investigation of circumstances of that business by an independent attorney and auditor produced what I thought were circumstances which, unless changed, required my resignation. I could not get them changed. Therefore, I immediately resigned.

As this statement followed so closely his appearance before the grand jury, we assume he told the grand jury that he "was not paid in any way" for his services.

Those words should be kept in mind as I make the following disclosures.

Let me briefly review the sequence of events.

On March 31, 1958, I took the floor of the Senate to state that I was deeply concerned about the operations of the Family Savings & Home Loan Association, whose advertising appeared to me to be misleading. Family was advertising that it was a member of the American Council of Independent Savings & Loan Associations, and I discovered that this so-called council was organized by the same men who operated Family, that the management of the two organizations was from the same desk. Family was advertising in big print that its accounts were insured up to $10,000, and then, in small print, "by American Savings & Loan Indemnity Co.," and I discovered that the address of this latter company was a letterdrop in the Republic of Panama, and furthermore, that it was operated by the very same men who ran Family. On the so-called indemnity company's letterhead, Toronto, Canada, was given as a branch office, but an inquiry brought us word from the Toronto Better Business Bureau that they were "unable to locate any such company in Toronto."

My concern grew for the people who were entrusting their life's savings with these people.

I posed a list of pertinent questions to Family's president, John Gregory Persian, which went unanswered.

I then asked the Senate Committee on Banking and Currency, of which I am a member, to look into the matter and take appropriate steps.

The policing of savings institutions is a State responsibility, and therefore not in the province of the Federal Government. However, matters connected with the Federal Home Loan Bank System are the business of the Federal Government and, therefore, I introduced an amendment to the Federal Home Loan Bank Act to prevent advertising by members of the Federal Home Loan Bank System which would tend to mislead the investing public and, although this would not affect the Family people—for they had been barred from this system—hearings on my bill would give us a chance to warn the public about Family. I could do this much.

I asked for hearings, and they were scheduled to be held by the Housing Subcommittee of the Banking and Currency Committee on July 24 and 25, 1958. Mr. Persian, Mr. Roosevelt, and Mr. Cohen were asked to appear for questioning. Messrs. Roosevelt and Cohen appeared and Mr. Roosevelt explained that he would speak for Mr. Persian.

He testified that the company's—Family's—advertising was honest and that the insuring company, the American Savings & Loan Indemnity Co., was in sound financial condition.

When asked how it happened that Family was the only company under the "protective wing" of the American Savings & Loan Indemnity Co., Mr. ROOSEVELT said that Family was the only company good enough to qualify. Here are his words, from the record:

> I should not disparage other companies and do not intend to, but it (Family Savings & Home Loan Association) is the only one that in our judgment we feel we want to recommend now.

May I insert, parenthetically, that this company, Family, which was so stoutly defended by its board chairman, has gone out of existence, its president, John Gregory Persian, has been indicted for grand theft, and its depositors are unable to get their money from the so-called insurer, despite all the protestations of soundness.

To show the interlacing of the companies and the fact that they were all run from the same desk, let us turn to page 91 of the committee hearings. My colleague, the distinguished Senator from Indiana, was questioning Mr. Sherman S. Cohen, attorney:

> Senator CAPEHART. You are the general counsel for the American Savings & Loan Indemnity Co., of Panama?
>
> Mr. COHEN. Yes, sir; I do serve as one of the attorneys for the American Savings & Loan Indemnity Co.
>
> Senator CAPEHART. Are you likewise general counsel for the Family Savings & Home Loan Association?
>
> Mr. COHEN. I am, sir.

Senator CAPEHART. Are you the general counsel for the American Council of Independent Savings & Loan Associations?

Mr. COHEN. I am one of the attorneys.

Now, what about Mr. ROOSEVELT's statement on May 8 that he had not received payment of any kind for his services?

Turn to page 29 of the printed hearings—Senator CAPEHART was questioning Mr. ROOSEVELT, as follows:

Senator CAPEHART. Mr. ROOSEVELT, it is not quite clear to me whether you are appearing here today as the chairman of the board of the Family Savings & Home Loan Association in Maryland or the American council.

Mr. ROOSEVELT. I am appearing here solely as the honorary president of the American Council of Independent Savings & Loan Associations. * * *

Senator CAPEHART. And who is it that is paying you?

Mr. ROOSEVELT. It is the Family Saving & Home Loan Association, which is chartered in Maryland.

Senator CAPEHART. How much are they paying you?

Mr. ROOSEVELT. Six thousand dollars a year.

Senator CAPEHART. Six thousand dollars a year?

Mr. ROOSEVELT. Yes, sir. I am chairman of the board.

Then turn to page 31:

Mr. ROOSEVELT. I am not being paid for appearing before this committee. I am being paid as chairman of the board of the Family Savings & Home Loan Association, which is not appearing before this committee.

Senator CAPEHART. Which is $6,000?

Mr. ROOSEVELT. A year, but not for appearing before this committee.

Next, turn over to page 92. Mr. Cohen was being questioned. The transcript goes like this:

Senator CAPEHART. If you will yield just a moment, Mr. ROOSEVELT testified yesterday it was 5 to 6 weeks ago he was placed on the payroll and made chairman of the board.

Mr. COHEN. He received his first paycheck.

Senator CAPEHART. He has already been paid?

Mr. COHEN. Yes.

Senator CAPEHART. How much has he been paid?

Mr. COHEN. Whatever the pro rata salary has been. He has received his pay from that point on as chairman of the board of the association.

So, according to testimony by Mr. ROOSEVELT and Mr. Cohen before the committee, Mr. ROOSEVELT was paid for his services, and he was paid by Family Savings & Home Loan Association. And yet, he stated on the television program last week that he had not been paid in any way.

Mr. President, I, for one, would like to know which of the statements are true and which are false. Was our committee being deceived? Or, was the grand jury being deceived?

In these remarks, I am sticking to the official record. If we go a little further and believe a news account appearing in the Washington Post of May 9, then still another account must be taken into consideration. According to the newspaper article, Mr. ROOSEVELT told a reporter that he received a total of $3,000, half-a-year's salary, not from Family, but from the council, one of the three outfits run by Messrs. Cohen and Persian. It would not make any difference as to which company his pay came from inasmuch as all three were run from the same desk and by the same men.

However, if his pay came from the council, then his testimony before our committee was false—for he said "It is the Family Savings & Home Loan Association," when asked, "who is it that is paying you?"—page 29 of the July 24, 1958, hearings.

I understand from the newspaper account that Mr. ROOSEVELT said last week that he was with Family only 60 days, for he found it was dishonest, but that he continued with the council for 6 months and was paid for 6 months. There are two things wrong here: First, had he suddenly found dishonesty, he surely would have exposed it at once—did he not owe that to the poor depositor who, he must have known, would lose their savings—and, second, after finding dishonesty, why would he continue with the same men 6 months?

While I have the floor, I wish to point out one other matter. Despite my original warning to the public—later emphasized by the committee hearings, in which my colleague, Senator CAPEHART, took an active part—some people continued to deposit their savings with Family—and millions went down the drain.

Senator CAPEHART and I were concerned for the safety of the deposits, and we questioned Mr. ROOSEVELT and Mr. Cohen closely about the insurance.

Going back to the record now: In answer to my question, we had been told that the insurance company had over $4 million in assets. We were also given a superfluous and distracting little lecture on the virtues of small business. Here is the way the questions and answers went:

Senator BEALL. I do want to say, Mr. Chairman, I agree with Mr. ROOSEVELT very emphatically that we want small business to be protected, but only when they are not taking advantage of the investing public. You stated that you were appearing here for the American Council of Independent Savings & Loan Associations, and you favor sound insurance. Can you tell me the soundness of the insurance of the members? You said they did have $4 million available?

Where is this $4 million on deposit in Maryland?

Mr. ROOSEVELT. Mr. Cohen, do you want to answer that?

Mr. COHEN. Yes. It is the offices in Silver Spring, Md.

Senator BEALL. In the company's offices, the Family Savings & Home Loan Association offices?

Mr. COHEN. Yes.

Senator BEALL. Not in any bank or safety vault except your own?

Mr. COHEN. Yes, sir.

Senator CAPEHART. Are you saying the assets of this indemnity company that insures these accounts is in the offices of and under control of the Family Savings & Home Loan Association, whose accounts they are insuring? Is that what you just said?

Mr. COHEN. No, indeed; and I would not have the record contain that information. The records of ownership of these assets, however, are temporarily in the offices of the savings and loan association in Silver Spring.

Senator CAPEHART. In other words, the Family Savings & Home Loan Association in Maryland has the same domicile as the American Savings & Loan Indemnity Co.?

Mr. COHEN. No, indeed. The only offices of the American Savings & Loan Indemnity Co., Senator, are in Delaware.

Senator CAPEHART. He asked you the question where the $4 million worth of securities were domiciled or housed, and you said they were housed at the place of business of the Family Savings & Home Loan Association.

Mr. COHEN. I would be as clear as you would have made me be, Senator.

Senator CAPEHART. Is that true?

Mr. COHEN. That is where they are housed. The evidence of ownership is housed temporarily.

Senator CAPEHART. Who has control of them at that particular location?

Mr. COHEN. Obviously the officers of the insurance carrier would have control of it.

Senator CAPEHART. Does the president of the Family Savings & Home Loan Association have a key to the safe deposit box they are in?

Mr. ROOSEVELT. That I will have to find out.

Mr. President, he must have had the key; I have heard, though I have not the exact figure, that Mr. Persian had around $30,000 in cash on his person when he was apprehended by police officers while trying to run away.

I do not want to close these remarks without reiterating that I have utmost respect for the great majority of savings and loan associations. It is too bad that a few bad ones here and there have appeared, but by the rooting out of the bad ones, the good ones will greatly benefit in the long run. When I exposed "Family" and a couple of other bad ones—an action followed by litigation against several bad ones by the Post Office Department and the Department of Justice—I made it clear that the great majority of savings and loan associations throughout the Nation are complying with the law and are making a major contribution to the Nation's social and economic well-being.

VISIT TO THE SENATE BY INTER-PARLIAMENTARY GROUP FROM THE UNITED STATES OF MEXICO

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. METCALF in the chair). Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I am pleased to present to the Chair and to the Senate a very distinguished group of gentlemen who have been in this city since Saturday. They will continue in the city of Washington until tomorrow afternoon, when they will leave for New York, for a visit there until Wednesday; and from there they will travel to Los Angeles, where they will visit for approximately 3 or 4 days. I refer to the congressional group from Mexico. [Applause, Senators rising.]

Mr. President, this distinguished group is composed of both members of the Mexican Senate and members of the Mexican Chamber of Deputies. They are here in connection with the Second Annual Interparliamentary Meeting between the United States of Mexico and the United States of America. The first meeting of that nature was held last year at Guadalajara, in Mexico. All who had the privilege of attending that conference returned singing the praises of their Mexican hosts and of the good accomplished in the very frank and informal discussions held there.

This year we have the honor of entertaining the Mexican delegation, and also their wives, who, unfortunately for us, are not in the Senate Chamber at this time; as a matter of fact, they are on a cruise to Mount Vernon, on the *Honey Fitz*.

Day before yesterday and today we have been engaged in serious discussions. As I previously stated, the discussions are very frank. They are held in closed sessions, not open to the press, for the reason that we wish to have the frankest possible expressions by the members of both delegations; and we have been having them. The discussions have been divided among three groups. The concluding session will be held tomorrow, at 10 o'clock, in the auditorium of the New Senate Office Building; and at that time a condensed report will be made of the discussions which have been engaged in by the three panels. The public and the press are invited to attend that meeting.

The meeting here has been a wonderful one and, I believe, profitable for all who have attended. I am very glad to have the opportunity to make this announcement, Mr. President.

I ask unanimous consent to have printed at this point in the RECORD a list of the visiting delegates from the United States of Mexico.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP, MEXICAN DELEGATION

(Second meeting held in Washington, D.C.)

SENADORES

Manuel Moreno Sánchez.
Manuel Hinojosa Ortiz.
Mauricio Magdaleno Cardona.
Emilo Martinez Manautou.
Antonio Mena Brito.
Guillermo Ramírez Valadez.
Patricia Ramírez García.
Ramón Ruiz Vasconcelos.
Juan Manuel Terán Mata.
Angel Santos Cervantes.
Magdalena Santos Guerra.
Gustavo Vildósola Almada.
Carlos Román Celis.

DIPUTADOS

José López Bermúdez.
Manuel Moreno Moreno.
Antonio Navarro Encinas.
Gustavo Arévalo Gardoqui.
Rodolfo Echeverría Alvarez.
Salvador González Lobo.
Genaro Vázquez Colmenares.
Rodrigo Moreno Zermeño.
Bertha Moreno Rodríguez.
J. Jesús González Cortazar.
Alfredo Ruiseco Avellaneda.
Filiberto Rubalcava Sánchez.
Jorge Rojo Lugo.
Norberto Aguirre.
Ambassador Justo Sierra.

Mr. CASE of South Dakota. Mr. President, it was my privilege to join the distinguished Senator from Alabama in representing the Senate of the United States at the ceremonies at Guadalajara, a year ago. I was named at that time because the Senator from Iowa [Mr. HICKENLOOPER] was unable to attend. Unfortunately, also, he is out of the city today; I understand that he will not return before approximately 3 o'clock this afternoon.

I would be remiss if I did not second the statement the Senator from Alabama has made in regard to the hospitality and the warm comradeship of ideals which developed in our discussions last year in Mexico City and Guadalajara. Not only were we privileged to lay wreaths at the memorials to some of the outstanding Mexican leaders, but we also found that our friends in the Republic of Mexico have paid tribute to some of the outstanding citizens of this country, such as Abraham Lincoln, by naming some of the streets there for them.

It was a meeting of great friendship; and I count it a privilege to have been there with the distinguished Senator from Alabama.

I am very glad to see here, today, so large a delegation from the United States of Mexico; and I join in expressing our great pleasure that they are here.

Mr. MANSFIELD. Mr. President, I wish to join my colleagues in extending a hearty and a cordial welcome to our colleagues from the Republic of Mexico. They are here under the leadership of two of the outstanding members of the Mexican Congress, Senator Manuel Moreno Sánchez, the chairman of the Senate group, and Deputy José López Bermúdez, the chairman of the group from the House of Deputies.

They represent a great nation and a great people—a people from whom we have much to learn, and a people with whom we hope we can learn a great deal of one another.

We think that Mexico in many respects is the bridge between Latin America and this country and also between this country and Latin America and we are delighted that the great Republic of Mexico has at its head a man of the caliber of President Adolfo Lopez Mateos, who not only is one of the great leaders in this hemisphere, but, in my opinion, is one of the great leaders in the world.

We cannot begin to match their fine hospitality, their deep understanding and their excellent treatment of us and our wives at Guadalajara last year but we will do our best to show our appreciation.

We want them to know that we are very glad to greet them as friends. We hope this is only the beginning of many other meetings of this nature.

We hope, also, on the basis of these personal contacts between parliamentarians of the two countries, that our mutual problems can be solved, and that our friendship will continue to grow down through the years.

The Senate of the United States welcomes you as friends, colleagues, and partners.

Mr. DIRKSEN. Mr. President, as we all know, we receive many distinguished visitors in the Senate, but I doubt whether we are ever so delighted as when we entertain our near neighbors. This delight is buttressed by the fact that they are very, very near neighbors.

If I had to confess any failing at all, I think it would be that I was not sufficiently fluent in Spanish to be able to address our distinguished visitors in that tongue.

Some years ago I served on a committee investigating air safety in Latin America, including Mexico. We were privileged to have a House Member on that committee who spoke perfect Castilian Spanish. Perhaps the name is familiar to our distinguished visitors. He came from southern Texas. He was a distinguished Member of the House, Representative Kleberg. In perfect Spanish, he addressed the legislative bodies in many Latin American countries, including Mexico. It made me feel that my education had been somehow neglected, because so many in those bodies could respond in our tongue. I hope some day we may be able to address you here in your language, even as, in our tongue, you addressed us there.

I am sure these interparliamentary meetings will be fruitful and constructive. I join the distinguished Senator from Alabama and the distinguished majority leader and my other colleagues in extending our hand of felicity and friendship.

Mr. SPARKMAN. I think the Senator from Illinois will be glad to know that his "right bower," the Senator from California [Mr. KUCHEL] has just finished speaking to this delegation in Spanish.

Mr. DIRKSEN. That is what bothers me. [Laughter.]

Mr. SPARKMAN. And the Senator from Alaska [Mr. GRUENING] yesterday, in one of the committee discussions, made his presentation in Spanish.

Mr. YARBOROUGH. Mr. President, I desire to join the distinguished majority leader and the distinguished minority leader and the acting chairman of the Foreign Relations Committee in their welcome to distinguished members of our sister Republic, and also to express a word of thanks since I believe I am the only Senator in the Chamber present now who had the privilege of being one of the American guests of the Mexican Congress, the Senate and Chamber of Deputies, when they tendered a reception to visiting parliamentarians of other nations in Mexico City about December 1, 1958, during the ceremony attendant upon the inauguration of President Adolfo Lopez Mateos. The Mexican Congress gave us a wonderful reception. It was my privilege to be there. I want to thank them, on behalf of myself and Members of Congress who were there, and who are not fortunate enough to be present today.

As a Representative in Congress of a State with a common boundary line of 1,000 miles with our neighbor to the south, and a State which has closer cultural ties with that country than any other State in the Union, I want to express my personal thanks and the thanks of the people of my State for their hospitality.

It is a longstanding custom in Mexico that Mexico invites to each Presidential inauguration the Senators and Governors of the American States which border those States which, from their historical background, have the closest ties with Mexico.

In my own State we have 1,600,000 citizens with Spanish names, of Mexican descent, who are proud of their cultural ties. They have been appointed to important positions in the Government of our State, and have taken an active part in the economic and political life of the State. We have judges with Spanish names, of Mexican descent. HENRY GONZALEZ of San Antonio, Tex., is a Member of Congress. We have an Ambassador to Costa Rica, Ramond Telles, the first Spanish-speaking person of Latin descent to be mayor of El Paso, the fifth largest city of Texas. We had Dr. Hector Garcia, of Corpus Christi, as Special Ambassador to sign the West Indian Defense Treaties. Texas citizens with Spanish names have held honored places and important positions in our society. We think this makes the ties between our two countries even closer.

I hope that ever larger numbers of American tourists will go to Mexico, we hope they will go over the common border between Texas and Mexico, and that this will strengthen the ties between our country and our neighbor to the south which is rich in culture and tradition, and that our ties will grow stronger over the years.

Mr. SPARKMAN. I think the Senator from Texas will be pleased to know that the cochairman of our U.S. delegation is Representative RUTHERFORD, of Texas.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I would like the RECORD to show here the fact that my own State, the State which I represent in part, not only has the closest present relations with Mexico, but that we recognize the fact that we were first settled from Mexico, and that the de Luna expedition, which was organized in Mexico City, was the first which was settled in our territory at Pensacola, in 1559. The city did not then continue to stand. A hurricane and an epidemic of illness came. The city which did stand permanently, St. Augustine, founded in 1565, became the first one to be permanently occupied.

We have the kindest feelings and feelings of highest gratitude for our sister Republic of Mexico, and in truth we regard them as those who first settled our shores.

We are in the course of our quadricentennial celebration—four centuries of history—in three different places. The first place was the city of Pensacola, first settled from Mexico and by Mexicans. We pay tribute to our elder neighbors from Mexico in coming here to visit with us at this time.

May I say that we were honored by having at that first celebration at Pensacola Senor de Anzorena, who was, and still is, a Minister in the Embassy here, and I was honored by participating in welcoming him to our State as one of the descendants of the Mexican effort. We appreciated his presence there.

The close ties between our country and their country predate the settlement in the continental United States now existing, including the settlement of St. Augustine, which is the oldest permanent settlement now in the United States.

Mr. KUCHEL. Mr. President, I am full of enthusiasm in joining the Senator from Alabama and our two leaders here, Senator Mansfield and Senator Dirksen, indeed, all of the Members in the Senate, in giving a hearty welcome to representatives of the great free Government of a great, proud, and free people, who, as our leader here on the Republican side has said, represent a close and beloved American neighbor.

I come from California. A great deal of our culture and our history that we know in California trace their origin to the land represented so ably and gallantly by the gentlemen from Mexico, our fellow parliamentarians, and honor us with their presence on this occasion. We have had an opportunity this week to discuss in frank and friendly fashion across the table problems that have vexed and plagued the Government of Mexico and the Government of the United States.

I believe we have made progress toward just solutions in those areas we have discussed.

It seems to me one of the great things we have accomplished, I say to my colleague, the chairman of our delegation on the Senate side, has been to undertake those annual meetings between representatives of the legislative branches of our two great countries, Mexico and the United States.

Quiero decir por todo, el Senado, Bienvenidos, Senores.

Mr. ALLOTT. Mr. President, as the Senator from the State of Colorado I could not listen to these tributes without saying something, because probably no other State has been more influenced by its heritage of Mexican culture than my own State.

I am sure all of you know that the oldest town in Colorado, San Luis, is now approaching 300 years of age. I am sure you know that 4 years before the Declaration of Independence was signed General de Anza, with 3,000 men, about 30 miles south of Pueblo, there defeated the great Indian Chief Cuerno Verde, which in effect established your people on the American Continent.

We have in my own State many of your people—descendants of your countrymen, and those who have recently come from your country. We could not feel other than very close to you.

I know it will be impossible for us to surpass the hospitality which you have shown to various Members of the Senate and of the House when they have visited with you in Mexico. I only hope that you will take home with you from us a feeling of real welcome, a feeling that we believe the opportunity to discuss our mutual problems with each other can be only beneficial to us, and to the benefit of both countries.

Mr. GOLDWATER. Mr. President, now that some of the junior States have been heard from in their thanks to our sister Republic, I, being from a State with some antiquity in relation to our associations with Mexico, wish to join with the leaders and with the Senator from Alabama in expressing thanks to these gentlemen for being here today.

I might point out that 420 years ago the cross was carried to the United States, to what is now Arizona, from Mexico. Cattle came into this country, from Mexico into Arizona.

Much of the culture we enjoy in Arizona—most of our names, our basic language, over 25 percent of our people—stem from the country of Mexico.

We have known all of our lives of these delightful people. I have been raised among them. I am much indebted to them, for their kindness, their warmth, their generosity, and their understanding.

I believe that we in North America, in the United States, can well pattern ourselves after them. Frankly, I have never heard of a Mexican dying of a heart attack. They have the "mañana" spirit. I wish we had more of that in the United States. We get so excited in this country that we want something to happen last night. They are willing to work a little longer, to be a little more patient, and as a result they get more done. Theirs is a country after which we could pattern ours.

I have always been impressed by the sincerity and devotion of Mexicans to liberty and freedom. We in this Republic of the United States profess such sincerity, but I assure you, Mr. President, we cannot hold a candle to the Mexican people when it comes to living up to the ideals of liberty and of freedom.

To our guests I say, as one who has spent his life among you, who has visited your country, who has visited with people from your country in his State, I wish to thank you for being here and in a few words to say, "Buena suerte. Hasta luego."

Mr. CURTIS. Mr. President, I do not wish to prolong this ceremony unduly, for I know these gentlemen are due at a meeting, but I would be untrue to my inner feelings if I did not rise to express my appreciation for the wonderful treatment the Mexican Congressmen gave to us a year ago last February in Guadalajara. It was one of the warmest and most friendly receptions I have ever experienced in my life, beginning when we landed at the airport and continuing throughout all meetings until they waved us goodby as we boarded the plane a week later. It was a very interesting and helpful experience.

We shall always be indebted to our friends south of the border for a memory of one of the friendliest occasions one could experience.

RECESS

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senate may stand in recess subject to the call of the Chair, to permit Senators to greet our distinguished visitors.

The PRESIDING OFFICER. (Mr. METCALF in the chair). Is there objection to the request of the Senator from Alabama? The Chair hears none, and the Senate will now stand in recess subject to the call of the Chair.

At 2 o'clock and 26 minutes p.m., the Senate took a recess subject to the call of the Chair.

The Members of the visiting delegation were escorted to a position on the floor of the Senate at the rear of the Chamber, and were there greeted by Members of the Senate.

Following the informal reception, the distinguished visitors were escorted from the Chamber.

At 2 o'clock and 32 minutes p.m., the Senate reassembled, and was called to order by the Presiding Officer.

ACQUISITION OF PATENTED MINING CLAIM ON SOUTH RIM OF GRAND CANYON NATIONAL PARK

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 383) to provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park, and for other purposes, which were, on page 3, line 12, strike out "designated" and insert "designed"; on page 4, line 6, strike out "apex" and insert "extralateral", and on page 4, line 21, after "Claim" insert: "*: Provided further,* That neither the enactment of this Act nor anything contained in it shall be construed to relieve any party from any liability which would or might otherwise exist for the removal of ore from beyond the boundaries of said Orphan Claim, if any such removal occurred prior to the enactment of this Act."

Mr. BIBLE. Mr. President, the amendments that were added by the House might be classified in the following categories: Two were technical amendments. The third was an amendment that made very clear that if there was any removal of ores from Government land, the enactment of the bill would not be construed to relieve the company or anyone else from liability therefor which might otherwise exist. I have checked the bill with the distinguished leadership on the other side of the aisle and members of the Commiton Interior and Insular Affairs. They are in complete agreement. Unless there are questions, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada.

The motion was agreed to.

AMENDMENT OF THE AGRICULTURAL ACT OF 1956

The Senate resumed the consideration of the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

Mr. COTTON. Mr. President, when the bill before us now is shorn of its technicalities and stripped of its trimming, what remains is a measure which would nail down, clearly and effectively, the authority of the President to impose quotas on textile imports.

Before discussing the bill in greater detail, let me sketch the background and outline the darkened landscape of this Nation's textile industry.

More than 4 years ago, the plight of the domestic textile industry became a matter of major concern to the Congress, as it already was in major areas of the Nation. Between the end of World War II and 1957, textile employment in the Nation declined 24 percent, a loss of more than 325,000 jobs. More than 700 textile mills had closed their doors and gone out of business for good. Deserted textile mills dotted the landscape from Maine to Georgia. In New Hampshire alone, textile employment had declined by almost 50 percent.

Four years ago, the problems began to give rise to some action. The Senate unanimously adopted a resolution which I presented authorizing a special inquiry into the problems of the domestic textile industry. The able Senator from Rhode Island [Mr. PASTORE] was named chairman of the special Textile Subcommittee of the Senate Commerce Committee, and it has been my pleasure to serve with him on that committee.

The special subcommittee held extensive hearings, in Washington and in textile centers throughout the country, into the problems of the industry, and we have followed up the initial hearings with further inquiries, the latest of which took place earlier this year. The subcommittee has issued three different reports on its finding.

One major thread runs through all our hearings, all our reports and all our recomendations. It is that controls, or quotas, on textile imports offer the only effective means of safeguarding the American textile industry from low-wage foreign imports, and the only realistic way to assure a continuation of its ability to supply the essential defense and civilian needs of the Nation.

Our subcommittee reiterated time and time again its recommendation that textile imports quotas be established. Frankly, however, our suggestions fell upon deaf ears until last year when an interim, 1-year international cotton textile agreement was negotiated at Geneva. That stopgap agreement is scheduled to be replaced this fall by a long-term, 5-year agreement on cotton textiles. Most of the world's major textile trading nations, those accounting for 90 percent of the world trade in cotton, are parties to the agreement. The cotton textile agreement may not go as far as some would have wished. It does not set direct quotas on imports, but it does specify that if the United States determines that imports are causing or threatening to cause a disruption in our textile markets, we may impose import restrictions.

The purpose of this bill, as I understand it, is to make crystal clear the authority of the President to impose such import quotas with respect to all textiles, cotton, wool, and manmade fibers, and to make it clear that such restrictions may be applied against countries which have signed the cotton agreement and against those which are not parties to it. The bill would also make effective any future agreements involving agricultural products.

I urge the Senate to approve this measure, and, since it has already passed the House, send it to the President for signature.

In urging adoption of the bill, I am deeply aware of the fact that the only international agreement limiting imports which is currently in existence applies exclusively to cotton textiles. Neither woolens, nor worsteds, nor manmade fibers are included, despite the fact that unreasonable foreign competition has been as keen, if not keener in these fabrics as it has been in cottons. And I can only repeat the latest recommendation of our Textile Subcommittee that limits on imports of all categories of every fiber must be set. I hope the enactment of this legislation will spur the executive agencies of the Governments to renewed efforts in behalf of a textile agreement on woolens, worsted, and other threatened fabrics.

There are other aspects of this bill that merit some comment.

First. The bill, by confirming the existing law and broadening its provisions, strengthens the power of the President to negotiate with foreign countries in an effort to obtain agreements limiting the importation into the United States of any agricultural commodity or textile product. In this respect, the President is not bound by the chains of law. He is free to enter into any agreement he wishes, and under the bill can enforce it against all other nations. He is not bound by legally established guidelines, or legislative restraints. His power is unbridled.

I cannot forecast what interpretation may be given the provisions of this bill or the law it amends by the President's legal advisers, or, should the occasion arise, by the courts. However, it seems to me from reading this section of the law, that the President in securing a reduction of imports in one category could, in the same agreement, and as a consideration for the concession, relax import restrictions in other categories.

Let me say frankly that I find this aspect of the bill disquieting. However, I am confident that our Senate Textile Subcommittee, under the able leadership of the Senator from Rhode Island [Mr. PASTORE] will continue its diligent oversight of all the developments in this field, and will be alert for the significant developments.

Second. There may be some in the Senate who will remark at the divergent philosophy as between this bill and the overall Reciprocal Trade Extension Act still under consideration in the House. From a philosophical standpoint, it may be difficult to reconcile his bill, described in the House of Representatives as McKinley protectionism, with the grand design of freer trade. But to such doubters let me say frankly, I do not believe that farsighted trade measures can be adopted and pursued by this country unless the vital interests of essential American industries are reasonably safeguarded against low-wage, foreign-made goods. This is especially true in cases like cotton textiles, where foreign producers can buy U.S. cotton, as a result of our farm policies, at a 25 percent lower price than the American textile producer. If we export textile industry jobs right along with our exports of raw cotton, neither the interests of trade nor the interests of this Nation will be advanced.

Mr. President, before I yield the floor I should like to emphasize two points which I believe it is exceedingly necessary to have emphasized in relation to a discussion on this measure. I am happy to see that my very dear friend the distinguished Senator from Nebraska [Mr. HRUSKA] is present. I have read with keen interest the remarks he made on the floor of the Senate yesterday, and I have read the amendment which he, together with the distinguished Senator from South Dakota [Mr. MUNDT] and other Senators, is presenting to the bill.

I am sure that all of us appreciate the difficulties which beset those who produce beef and pork and mutton. I am sure all of us appreciate the difficulties that many segments of American industry are experiencing. I know very few vocations in this country that do not face difficulties. Incidentally, in my own section of the country, the inclusion of timber and timber products would be attractive.

However, I earnestly hope that the amendment of my good friends will not be adopted by the Senate, and I most respectfully urge that this is not the time or the place to secure such protection for other commodities.

I wish to reemphasize the fact that the textile industry in this country stands all alone, of the larger industries in the land, in its difficulties. It is literally a dying industry. It is confronted with an emergency of a character that no other American industry faces, or probably has faced in history, on such a grand scale. I should like to remind the Senate again, as I said a few moments ago, that since World War II and until 1957 textile employment in the Nation has declined 24 percent, that we have lost 325,000 jobs in that industry, and that more than 700 textile mills have closed their doors and gone out of business forever. In New Hampshire, we have lost more than 50 percent of our textile employment.

This emergency was recognized, and it resulted in a long and careful study, made by a subcommittee, of which I am proud to be a member, under the leadership of the distinguished Senator from Rhode Island [Mr. PASTORE].

The problem has been made the subject of deep concern in the Senate. The President of the United States has indicated that he recognizes the crisis in the textile industry, and has indicated not only by his words but also by his actions that he is prepared to apply special remedies to a special emergency.

The bill, in my opinion, is absolutely essential in our struggle to save what we have left of the textile industry. The bill should go out of the Senate without amendment. It should go out of the Senate without having attached to it any other subject. It should stand as it is written now.

Mr. PASTORE. Mr. President, will the Senator yield for an observation?

Mr. COTTON. I am very happy to yield to the Senator from Rhode Island.

Mr. PASTORE. I do not question the sincerity of the proponents of the Mundt amendment. However, as I read the amendment I find one failing in it which, if the amendment is adopted, will result in killing not only the remedy that they seek to obtain but also the remedy that we seek to obtain.

We have worked since 1958 to have that remedy provided. I am sure the Senator from New Hampshire will agree with me that the origin of the crusade in which we are engaged started some time in 1958 when the Senator from New Hampshire submitted his resolution calling for an investigation of the decline of the textile industry. It was as a result of that resolution that we discussed on the floor of the Senate the likelihood of a subcommittee being appointed, which I have had the honor to head after its appointment, and of which the Senator from New Hampshire is a member.

We held exhaustive hearings throughout the country, particularly in the States in which textile workers had lost their jobs, and which had textile mills that were in a very precarious condition.

As a matter of fact, our investigations show that over a period of 10 years, while this Nation was experiencing an astronomical development, economically, the textile industry remained stagnant for a period of 10 years, and that during that period the textile industry lost more than 800 mills and more than 325,000 workers lost their jobs in the textile mills, as the Senator from New Hampshire has pointed out.

In the amendment which will be proposed the sponsors do not say, "If and when we, too, in the cattle industry have achieved a multilateral agreement, that agreement should also be fortified by action of the President." If the amendment had such a provision in it, I would find no fault with it.

After all, we started in 1958. We did hold extensive hearings. We did prove to the country and to the White House that we were in a bad state of affairs. It is true that as a result of that, in May 1961, the President of the United States issued his seven-point declaration. In that declaration he stated, not that he would impose mandatory quotas, but that he would suggest a conference on the part of all the textile exporting countries that they reach a voluntary agreement. That is precisely what we did.

Now what do we find? We find that it is necessary to reach an agreement with the countries exporting meat products, in which the authors of the amendment are very much interested. I sympathize with the position of those Senators. I know they have a tremendous problem. However, I say to them, "In trying to help yourself, do not kill us both. You are not saying 'If and when we, too, have achieved a multilateral agreement, we will go to the President of the United States for the same authority in meats that he has in textiles.' You are not saying that at all. You are saying in your amendment that before the President can implement the multilateral agreement which has already been negotiated and achieved we will force him to get into a multilateral agreement that concerns meats. You are going a little bit too far in this matter, because you have a long row to hoe before you get to the position where we are, for the simple reason that we have made this investigation. I do not question the fact that you have a problem with reference to meats, but I say, please, do not do it here. If you win, you will have destroyed both of us."

Mr. COTTON. I thank the distinguished Senator from Rhode Island for his contribution, which he presented with his usual ability and vigor. The question, I respectfully say to the Senate, is whether the textile industry in this country is in a unique position. Sometimes I am rather amused by the use of the word "unique," when people say ungrammatically that something is rather unique or a little unique. As I understand Webster's definition of the word, it means all alone, and that there can be no degree.

If the textile industry were not in the perilous situation which puts it in a unique position, I would not utter a word of criticism. In fact, I have no criticism. I would not oppose them so vigorously. I admire my friends from Nebraska and South Dakota and elsewhere who are here, as they always are, fighting for the good and the prosperity of those whom they represent. If the textile industry were not alone in its situation, it would be proper to reach out and load this bill up or attempt to load it up with this industry and that industry and some other industry. There are other industries in my own State that could be considered in this connection.

I am anxious about the shoe and leather industry. I am anxious about the electronics industry. I am anxious about the timber and timber products industry. The latter is included in the proposed amendment. But my point is that the textile industry—and I think it will be recognized by all fair-minded persons who give careful consideration to the subject—stands alone in this country in the desperation of its situation.

As the distinguished Senator from Rhode Island [Mr. PASTORE] has so well pointed out already, an agreement has been entered into, for the effectiveness of which the passage of the bill is necessary. If we confine the proposal as contained in the bill to the textile industry and vote on that alone, I am sure the bill will pass and will be at least an added aid in saving this industry. But if we start to adopt amendments and load the bill with other interests not connected with the textile industry, interests which, while they have their just place and their just appeal, have not been the subject of prolonged, painstaking study by the Senate and its committees, and have not challenged the attention of the President of the United States—and obviously he would hardly start at this time to make an exception of any industry unless he was completely convinced that it stood alone in its requirements—then the bill will be lost.

In the Committee on Ways and Means of the other body the President's trade expansion bill is on the agenda for consideration. In due time, I assume the bill may well reach the Senate for our consideration. The Members of this body will have to take many considerations into account in dealing with that bill. However, I appeal to the Senate not to start to prejudice anyone's case at this time, and not to make the bill a reason for shooting from the hip, at random, concerning a subject which is perhaps the most complicated that has been presented to Congress, and is fraught with the most serious consequences in history, at least during my period of service in either the House or Senate. Let us take care of those items when they have been properly considered, but let us confine the bill to its purpose, which is to try to save the textile industry.

Mr. KEATING. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. KEATING. Before the distinguished Senator from New Hampshire yields the floor, I wish to express my commendation to him for his pioneering work in this field.

As the Senator from Rhode Island [Mr. PASTORE] has stated, this problem was brought most forcefully to my attention and, I presume, to the attention of other Senators by the resolution which the Senator from New Hampshire authored in 1958. Both he and the distinguished Senator from Rhode Island have rendered magnificent service in this field.

I have attended several meetings dealing with this problem, which were presided over by the distinguished Senator from Rhode Island. I share the view of the Senator from New Hampshire that it would be unfortunate if the bill were to be complicated by having it include many other items.

The textile and garment industries are of tremendous importance in the State of New York. I agree that there are many other industries which are seriously affected by trade. There are many others where an international agreement no doubt would be welcome. However, it is probably true, as the Senator from Rhode Island has said so well, that if they were all included in this bill, the death knell would be sounded for all the industries in which we are interested, for this bill then would be unduly complicated and would surely get defeated or lost in the legislative mill.

New York City is the world's leading center for the manufacture of clothing. In New York State there are many other centers of garment making, including my home city of Rochester and the cities of Amsterdam, Utica, Gloversville, Troy, Auburn, and Kingston.

The apparel industry in New York City employs a quarter of a million people. This is more than the entire population of Alaska, and just a little less than the total population of Nevada. It is one-third of the population of the city of Washington, D.C. All these people are employed in one industry in the city of New York. Therefore, the bill is of great importance to my State.

I sincerely trust that it will be enacted promptly, and will not become complicated by the amendments which, I feel certain, are sincerely advocated by distinguished Members of this body who have real problems in this area. Mr. President, this is not protection. For many years, our country has been most generous in accepting textiles and garments from other countries of the world. Our markets have been open. The result has been that certain sectors of the American textile industry have been significantly affected. Workers have lost their jobs and machinery and equipment has been idled. The aggravating thing about all of this is that, while we have taken steps to accelerate trade and to encourage it, other countries have not followed suit. Whereas we have accepted these imports, others have not. The purpose of the multilateral textile agreement which has been negotiated is to spread out the burden—to see to it that every country accepts its fair share of world exports of textiles and garments.

As one who is a believer in expanded trade and a supporter, in principle, of the trade program which has been proposed to us, I have always believed that progress toward expanded trade must be orderly progress. I stress the word "orderly." We must not expand trade in a helter-skelter fashion, which could result in a serious economic disaster for certain American communities and industries.

Every other country of the world accepts this principle. Orderly trade expansion is one of the greatest hopes of the free world. It will help us greatly in the battle against the Soviet bloc which does not have nearly the economic power and financial resources of the West.

Free trade is not exclusively an American undertaking. Free trade takes cooperation.

The textile agreement which has been negotiated does satisfy two important requirements. It will permit the orderly expansion of trade and avoid the kind of disruption which weakens everyone. Second, it requires that other countries of the West cooperate with us in spreading the burden of the burgeoning world production in textiles, garments, and related products.

Mr. President, one final word; an ambitious and far-reaching international agreement on textiles has been negotiated. It establishes a new concept. It says that the nations of the free world must join together in seeing that each accepts an equal burden in the interest of expanding trade. I am anxious to see this legislation pass so that there will be no legislative hurdles to the effective implementation of this ambitious agreement. I would point out however that it is of the utmost importance that our Government acts to see to it that other nations of the world live up to the provisions here established.

We must insist in this agreement and in other matters affecting trade that our partners of the West also work to achieve expanded trade. We must press for the sharing of the burden on commodities like textiles. We must press for the removal of nontariff barriers, particularly on American agricultural commodities. We must press to see to it that reciprocal trade is truly reciprocal.

A trade program is only as good as the people who administer it. The new trade bill before the Senate, this international agreement on textiles and our existing tariffs on trade, require firm backing and forceful application. This is not to say that we are being narrowminded. Many nations of the free world are strong and it is imperative that we work together.

I hope the position taken by the Senator from New Hampshire will be sustained and that the bill will not become further complicated.

Mr. MUSKIE. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. MUSKIE. The distinguished Senator from New Hampshire whom I desire to commend for his excellent statement today, has suggested to the Senator from Nebraska [Mr. HRUSKA] and the cosponsors of the amendment that they should seek elsewhere, relief similar to that which is provided in the bill.

I should like to ask the Senator from New Hampshire whether, under section 204, which is in issue, the livestock industry, which would benefit under the amendment sponsored by the Senator from Nebraska, would be eligible for similar relief. I call the Senator's attention to the following language of section 204:

> The President may, whenever he determines such action appropriate, negotiate with representatives of foreign governments in an effort to obtain agreements limiting the export from such countries and the importation into the United States of any agricultural commodity or product manufactured therefrom or textiles or textile products * * *."

Does the language "any agricultural commodity or product manufactured therefrom" include livestock products?

Mr. COTTON. The Senator was quoting from the law, not from the bill, was he not?

Mr. MUSKIE. The Senator is correct.

Mr. COTTON. I should say that that language clearly includes all of the commodities mentioned in the proposed amendment which qualify as agricultural products, and such products surely include livestock of every kind and variety.

Mr. MUSKIE. So the objective sought by the authors of the amendment is permitted under existing law, provided that they can persuade the President to undertake negotiations, and provided, further, that the effected countries agree to negotiate.

Mr. COTTON. That is perfectly true. The authors of the amendment are in exactly the same situation as that in which the Senator from New Hampshire finds himself, and in which I feel certain the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], and Senators from other textile States find themselves.

I take this opportunity to express the earnest hope that the President and his advisers will see fit to exercise their authority in regard to wool, worsted, and manmade fibers, as well as to cotton.

And in the same way the President may be importuned to include the agricultural products for which the distinguished Senator from Nebraska and the distinguished Senator from South Dakota are striving. Of course, the only agreement which actually has been made has to do with cotton textiles; but this act includes all of these.

Mr. MUSKIE. Mr. President, will the Senator from New Hampshire yield for another question?

The PRESIDING OFFICER (Mr. PELL in the chair). Does the Senator from New Hampshire yield to the Senator from Maine?

Mr. COTTON. I yield.

Mr. MUSKIE. The pending bill, as I see it, does not in any way restrict the eligibility of the livestock industry to apply for similar relief.

Mr. COTTON. I am sure it does not.

Mr. MUSKIE. Like the Senator from New Hampshire, I am interested in other industries in my own State and in northern New England which might be eligible for similar relief. To indicate the breadth of the eligibility which is available under existing law, I ask unanimous consent to have printed in the RECORD at the conclusion of the remarks of the Senator from New Hampshire a letter on this subject from the General Counsel of the Department of Agriculture, John C. Bagwell, to the distinguished Senator from Louisiana [Mr. ELLENDER]. The letter has to do with the question of whether forestry products would be included; but in the discussion of that question, the authorities he cites indicate the breadth of the eligibility covered by the language "agricultural products or products manufactured therefrom."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine? Without objection, it is so ordered.

(See exhibit 1.)

Mr. COTTON. Mr. President, I have been requested by my colleague, the junior Senator from New Hampshire [Mr. MURPHY], who is necessarily absent, to inform the Senate that he joins in the expressions made in my remarks here this afternoon, and he hopes the bill will be passed without being complicated by amendments.

EXHIBIT 1

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., April 4, 1962.

Hon. ALLEN J. ELLENDER,
Chairman, Senate Committee on Agriculture and Forestry.

DEAR SENATOR ELLENDER: Mr. Stanton, counsel for your committee, has informed us that in considering S. 3006, to amend section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854), the question has been raised as to whether the phrase "any agricultural commodity or product manufactured therefrom" includes timber and its products.

Section 204 is as follows:

"The President may, whenever he determines such action appropriate, negotiate with representatives of foreign governments in an effort to obtain agreements limiting the export from such countries and the importation into the United States of any agricultural commodity or product manufactured therefrom or textiles or textile products, and the President is authorized to issue regulations governing the entry or withdrawal from warehouse of any such commodity, product, textiles, or textile products to carry out any such agreement. Nothing herein shall affect the authority provided under section 22 of the Agricutural Adjustment Act (of 1933) as amended (7 U.S.C. 1854)."

Although we have not had time to examine the legislative history of this provision exhaustively, our study thus far indicates that such history does not give clear evidence of the intention of the Congress in this respect. In examining this question, therefore, we believe we must first determine the meaning of this phrase as the words therein have been generally construed.

Webster's New International Dictionary, 2d edition, defines agriculture as "The art or science of cultivating the ground, and raising and harvesting crops, often including also feeding, breeding and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of these products for man's use and their disposal by marketing or otherwise. In the broad use it includes farming, horticulture, forestry, dairying, sugarmaking, etc."

Court decisions have adopted the foregoing definition of "agriculture" in defining agricultural commodities and products. *United States* v. *Turner Turpentine Co.* (111 F. 2d 400 (5th Cir. 1940)) involved the issue of whether labor performed in the production of gum from oleoresin by scarification of living pine trees and its processing into gum spirits of turpentine and gum resin was "agricultural labor" as used in the Social Security Act. The Social Security Act of 1935, as it read before the 1939 amendments, was the law before the court in this case and the term "agricultural labor" was not defined. In holding that Congress intended the term to have a comprehensive meaning so as to include tree products, the court said at page 404:

"When then, Congress in passing an act like the Social Security Act uses, in laying down a broad general policy of exclusion, a term of as general import as 'agricultural labor,' it must be considered that it used the term in a sense and intended it to have a meaning wide enough and broad enough to cover and embrace agricultural labor of any and every kind, as that term is understood in the various sections of the United States where the act operates. This does not mean, of course, that a mere local custom, which is in the face of the meaning of a general term used in an act, may be read into the act to vary its terms. It does mean, however, that when a word or term intended to have general application in an activity as broad as agriculture, has a wide meaning, it must be interpreted broadly enough to embrace in it all the kinds and forms of agriculture practiced where it operates, that its generality reasonably extends to. Definitions of 'agriculture' in standard texts and treatises and in decisions in these latter years have had the widest content. Funk & Wagnalls defines 'agriculture' as including horticulture, fruit raising, etc., 'because agriculture is the science that treats of the cultivation of the soil.' Webster's Unabridged Dictionary, 1935, declares that in a broader sense agriculture includes farming, horticulture, forestry, dairying, sugarmaking, etc. The Encyclopedia Britannica, 14th edition, 'Forestry as a Science,' declares: 'the science underlying the growing of timber crops is therefore nothing but a branch of general plant science,' while the Cyclopedia of American Agriculture says of forests, 'if agriculture is the raising of products from the land, then forestry is a part of agriculture' (vol. 2, p. 312). From the Encyclopedia Britannica article, on rosin production, we quote the following significant passage: 'The chief region of rosin production is the South Atlantic and Eastern Gulf States of the United States. American rosin is obtained from the turpentine of the swamp pine and of the loblolly pine. The main source of supply in Europe is the lands of the departments of Gironde and Landes in France, where the cluster pine is extensively cultivated.' An examination of the cases cited in 'Words and Phrases,' fifth series, volume 1, page 339 et seq., under agriculture and in 3 C.J.S., 'Agriculture,' pages 361, 365, and 366, section 1, under 'agricultural' and 'agriculture,' convinces that in modern usage this is a wide and comprehensive term and that statutes using it without qualification must be given an equally comprehensive meaning."

The *Turner Turpentine Co.* case was followed in *Stuart* v. *Kleck* (129 F. 2d 400 (9th Cir. 1942)), which also involved the definition of "agricultural labor" as used in the Social Security Act. In the following cases the courts adopted definitions of "products of the land," "agriculture," "agricultural purposes," "agricultural commodities," "agricultural products," or "agricultural labor," some as used in statutes, in the broad sense of things which are the result of husbandry and the cultivation of the soil (*Sancho* v. *Bowie*, 93 F. 2d 323 (1st Cir. 1937); *Lowe* v. *North Dakota Workman's Compensation Bureau*, 220 Wis. 701, 264 N.W. 837 (1936); *Forsythe* v. *Village of Cooksville*, 356 Ill. 289, 190 N.E. 421 (1934); *In Re Rogers*, 134 Neb. 832, 279 N.W. 800 (1938); *Getty* v. *C. R. Barnes Milling Co.*, 40 Kan. 281, 19 Pac. 617 (1888); *Florida Industrial Commission* v. *Growers Equipment Co.*, 152 Fla. 595, 12 So. 2d 889 (1943)).

Congress has recognized that the term "agricultural commodities" may include forest products. Section 207 of the Agricultural Marketing Act of 1946 (60 Stat. 1091; 7 U.S.C. 1626) defines "agricultural products" to include "agricultural, horticultural, viticultural, and dairy products, livestock and poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed and manufactured products thereof."

Section 518 of the Federal Crop Insurance Act (55 Stat. 256; as amended, 7 U.S.C. 1518) defines "agricultural commodity" as "wheat, cotton, flax, corn, dry beans, oats, barley, rye, tobacco, rice, peanuts, soybeans, sugarbeets, sugarcane, timber and forests, potatoes and other vegetables, citrus and other fruits, tame hay."

Section 2 of the act of May 9, 1956 (70 Stat. 133; 12 U.S.C. 1841(g)), concerning bank holding companies, defines "agriculture" to include "farming in all its branches including fruitgrowing, dairying, the raising of livestock, bees, fur-bearing animals, or poultry, forestry or lumbering operations, and the production of naval stores, and operations directly related thereto."

Section 1 of the act of March 4, 1927 (44 Stat. 1423; as amended, 15 U.S.C. 431), concerning discrimination against farmers' cooperative associations by boards of trade, states that "agricultural products" "means agricultural, horticultural, viticultural, and dairy products, food products of livestock, the products of poultry and bee raising, the edible products of forestry, and any and all products raised or produced on farms and processed or manufactured products thereof, transported or intended to be transported in interstate and/or foreign commerce."

Section 3 of the Fair Labor Standards Act of 1938 (52 Stat. 1060; as amended, 29 U.S.C. 203(f)), defines "agriculture" to include "farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 1141j(g) of title 12), the raising of livestock, bees, furbearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market."

The present social security tax law, now known as the Federal Unemployment Tax Act, has an extensive definition of "agricultural labor," which includes expressly only some forest products such as naval stores (68A Stat. 447; 26 U.S.C. 3306(k)).

As may be seen, some of the definitions, for the immediate purposes involved in the legislation, include forestry products only in part. However, we believe even in these instances, this serves as an indication that where the terms "agricultural commodities" or "products thereof" are used without qualification it is reasonable to include timber in the concept.

We believe that in the historical development of public attention to the timber resources of this Nation the concept has long been that the growing of trees and the work of forestation and reforestation is a part of agriculture. It also appears to be a necessary corollary that timber is an agricultural commodity and that lumber is a product of such commodity. We have found a number of instances both past and present where this concept is expressed. We will quote a few of these.

In an annual report of the Secretary of the Interior (Ethan Allen Hitchcock) in 1901 the following is stated:[1]

"The keynote of the administration of the forest reserves should be to increase the value of the reserves to the public and to perpetuate their forests by wise use * * * Forestry, dealing as it does with a source of wealth produced by the soil, is properly an agricultural subject."

Gifford Pinchot, Chief of the Bureau of Forestry in the Department of Agriculture in 1902, in a statement before the Agricultural Committee of the House, declared:

"Forestry is a component part of agriculture. Every source of wealth grown from the soil is in the sphere of the Department of Agriculture; hence the forest work rightly belongs to it. The production of timber is as naturally within the scope of the Department of Agriculture as is the production of field crops."

Secretary of Agriculture D. F. Houston, in a letter to the chairman of the Public Lands Committee of the Senate, June 24, 1918, stated:

"This Department is charged with the task of stimulating and improving the production of all forms of wealth grown from the soil. A forest is a crop and forestry is primarily a problem of production from the soil."

Secretary of Agriculture E. T. Meredith, in an annual report to the President dated November 15, 1921, stated:

"The Bureau of Crop Estimates secures information on the needs of stockmen and farmers for public and national forest ranges which aids the national forest administration, and collects also data on the products of farm woodlots which is of value in the development of farm forestry. In short, having largely exhausted the forest crop grown in advance, the problem now is to use more widely what remains and to grow other crops to meet our needs. That is to say, forestry is a distinctly agricultural business. The function of the Department as a whole includes efforts for the production of the most effective manufacture, distribution, and utilization of the products of both farm and forest for the benefit of the country at large."

President Franklin D. Roosevelt in a letter to the Joint Committee on Forestry of the Congress declared:[2]

"Forests are intimately tied into our whole social and economic life. They grow on more than one-third the land area of the continental United States. Wages from forest industries support 5 to 6 million people each year. Forests give us building materials and thousands of other things in everyday use. Forest lands furnish food and shelter for much of our remaining game, and healthful recreation for millions of our people. Forests help prevent erosion and floods. They conserve water and regulate its use for navigation, for power, for domestic use, and for irrigation. Woodlands occupy more acreage than any other crop on American farms, and help support 2½ million families.

"Our forest problem is essentially one of land use. It is a part of the broad problem of modern agriculture that is common to every part of the country. Forest lands total some 615 million acres."

In testifying in 1951 on S. 1149, a bill to reorganize the Department of Agriculture, Lyle F. Watts, Chief of the Forest Service, stated:[3]

"Forestry and grazing are agricultural functions. Trees and grass are crops. Like corn, wheat, and cotton they start from seed. They respond to the same kind of care given other crops. They are harvested—or at least they should be harvested—so that one crop follows another. Their culture is based on the biological sciences, which are chiefly and in many cases exclusively the concern of the Department of Agriculture. Insect and plant-disease control, genetics, soil science, and other agricultural sciences are as important to growing crops of trees and grass as they are to field crops.

* * * * *

"Forestry and grazing are inseparable parts of agriculture. It takes the same know-how to grow timber in the farmer's woods as it does in forests owned by anyone else. Farm woodlands are indispensable to the Nation's timber supply. Farmers own one-third of all our commercial forest land—139 million acres.

"Turning it around, woodlands are indispensable to the farmer. Forest lands make up half the total farm acreage in New England and about 40 percent of all farm acreage in the South. Forest products provide farmers in many regions with a valuable source of cash income. When forest land is properly managed, the timber harvest can be as regular and dependable as any other crop.

"Farm forestry is an integral part of the Department's farm program. Farmers look to the Department of Agriculture for help on farm forestry just as they do in animal husbandry, fruitgrowing, or other crop problems. The small nonfarm forest properties of 125 million acres, almost as extensive as the farm forests and often intermingled with them, face exactly the same problems and should be served by the same agency.

* * * * *

"Nor can any sharp line be drawn between forestry and grazing. In much of the South and West the same land is used to grow both trees and grass. Thus all such lands are interrelated parts of the Nation's agricultural enterprise.

"And from the watershed angle, forest and grazing lands are inseparably linked with field-crop lands. In every watershed, we must have a unified approach covering all lands to effectively control erosion, floods, and water supply. Soil conservation and watershed management are agriculture, and the Department of Agriculture, under the Flood Control Act of 1936, is responsible for watershed surveys on all lands. Within the Department, the Forest Service and the Soil Conservation Service work together closely to reduce damage from floods and sedimentation on forest, grazing, and other croplands.

"Adding it all up, any way you look at it, the answer is the same: Forestry and grazing are agriculture."

It is, therefore, our opinion that forestry is a part of agriculture and that timber is an agricultural commodity. It follows, therefore, that the products thereof, such as lumber, are products within the definition in section 204. We have attempted to analyze the problem from the standpoint of general precedent and authority. If the foregoing analysis is not consistent with the present intent and purposes of the Congress, you may wish to reexamine the question for greater clarification.

Sincerely yours,

JOHN C. BAGWELL,
General Counsel.

Mr. HRUSKA. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield to the Senator from Nebraska.

Mr. HRUSKA. First of all, Mr. President, I should like to commend the Senator from New Hampshire for his splendid and eloquent statement concerning the textile industry. I would be the last to discount the importance which he assigns to the textile business. It is, of course, very important to his region of the country insofar as its immediate aspects are concerned, and is important to all of the country in its ultimate aspects. As the Senator from New Hampshire knows, the remarks I have made and the attitude I have assumed are not intended to detract for a second from that fact.

Before I comment further on this matter, and in line with the comments and questions by the Senator from Maine [Mr. MUSKIE], I should like to say that if there is any question in the mind of anyone that livestock, poultry products, timber, and timber products are embraced in the Mundt amendment, which shortly will be submitted and requested by the Senator from South Dakota [Mr. MUNDT], they should read the letter written by Mr. John C. Bagwell, General Counsel of the Department of Agriculture, to the chairman of the Committee on Agriculture and Forestry. This letter points out that Congress on several previous occasions has defined agricultural activity and agricultural products as including these items.

Now we have the question, Are we eligible under section 204 to petition the

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[1] Some of the following quotations have been derived from a collected document which is authentic. Time has not permitted review of the original sources.

[2] Mar. 14, 1938, Report of the Joint Committee on Forestry, Senate Doc. No. 32, 77th Cong., 1st sess.

[3] Hearings before the Committee on Expenditures in the Executive Departments, U.S. Senate, 82d Cong., 1st sess., p. 442.

President for treatment similar to that which he has accorded the textile industry? Yes, we are eligible. All we need is a golden key of some kind, although we do not know just what kind it is.

My principal remarks on the floor yesterday dealt with beef cattle and beef products. Twice that industry petitioned the Tariff Commission and twice it was rebuffed. Why? Because the regular machinery provided for by the tariff laws was so stringent, so hidebound, and so difficult and complicated, that it was impossible to prove that that industry could qualify.

The President himself has invited the type of amendment which is about to be offered by the Senator from South Dakota [Mr. MUNDT]. The President says it is almost an anathema to try to ask for piecemeal treatment of tariff legislation and that it cannot be done item by item. He has said that the way to do it is by class. So we have here an amendment dealing with an agricultural class—agricultural products.

All we ask is that agricultural products also be considered by this well-informed President who is so understanding as to economic recessions and wants to get America moving forward again, and who is so full of compassion for all the problems of all the citizens of the United States. All we ask is that this measure include these beleaguered parts of agriculture, which are covered by section 204, and that they be treated with the same beneficence with which he has treated the cotton-textile industry. That is the purpose of the amendment, and I believe it is a very worthwhile purpose. We would greatly regret it if any deleterious effect were to be visited upon the cotton-textile industry. But, at the same time, what better time is there than now—now that the door is slightly ajar—to request such action by the President under section 204. This would not be piecemeal treatment. It would be overall treatment so as to give the beef industry the benefits which he has conferred so generously upon the cotton-textile industry, on whose behalf the Senator from New Hampshire has spoken so eloquently.

Mr. COTTON. Mr. President, let me say first to my friend, the Senator from Nebraska, that other Members of this body can no doubt more ably and perhaps with even greater enthusiasm represent the President of the United States and can justify whatever may be the action of this administration—and certainly with more knowledge of the subject. But I wish to say to my distinguished friend, now that he has seen fit to ask me this question, that in the case of the textile industry, apparently we are provided with some kind of key; and I believe that key was the fact that the textile industry was in such desperate circumstances. Apparently that key—and, by the way, when I say "we," I wish to state that I had nothing to do with it; perhaps the Senator from Rhode Island [Mr. PASTORE] had more to do with it—did make it possible to reach the President of the United States, although he has not yet been reached quite far enough, because I regret that woolens and manmade fabrics are not yet included. But the President was reached and was impressed; and he suggested a conference, and it was held; and a temporary agreement was entered into, and now a 5-year agreement has been negotiated.

Now I wish to ask the Senator from Nebraska a question: If he, together with his friends on the other side of the aisle, had been able to find the golden key, and if he had gotten into the White House, and if he had gotten the President of the United States to take action regarding beef and pork and lambs, and if he had in being an agreement, and if he wanted to bring up proposed legislation to solidify the agreement, and if he did so; and if we then jumped up and said, "Wait a minute. You have gotten to the President, but we have not. You have beef covered; and we want to have included also cotton and electronics and boots and shoes from New Hampshire. You have the door ajar, and let us in, too"—would not the distinguished Senator from Nebraska have said then, "Wait a minute, my friend. We have this matter adjusted. We have accomplished this much. Please let us finish this, and please do not encourage all the other Members of the Senate to hang all the cats and dogs they have on top of this much." Would not the Senator take that position under those circumstances?

Mr. HRUSKA. Mr. President, on that score, I did not know that "cats and dogs" are included among agricultural products under section 204. Perhaps they are; perhaps Mr. Bagwell's letter also includes "cats and dogs."

But I do know that section 204 does not include saddles and watches and clocks and hardware implements. It does include agricultural products. I cannot conceive that this would happen because there is not enough gold in our region to fashion a golden key such as that which is in the possession of the advocates of this bill. But, I have an idea that if there were, we would say, "Yes, there is a good deal of merit in the position of those who are asking to be included" and I imagine that our Western generosity and hospitality might extend just a little bit to a situation of that sort.

But I have this proposition to make to the Senator from New Hampshire: Why does he not see to it that we get a chance to extend that generosity and hospitality? If he does, I am sure he will be surprised.

Mr. COTTON. First, Mr. President, let me say that in referring to "cats and dogs," I had no reference whatever to the very worthy commodities included in the Senator's amendment. I merely meant that once the door is opened and once a start is made in adding agricultural commodities to the ones now covered by the bill, an invitation is extended to also add to the commodities covered by the bill many which may not be strictly agricultural products.

In replying to the Senator's other question, I say to him—and this is all that I can say; and I say it perhaps a little facetiously, but nevertheless sincerely—that if he will only permit us to get this little morsel, which we have obtained for the most needy and desperate industry in the country, nailed down by this bill, I promise him that I will exercise all of the well known and vast influence I have with the President of the United States to do everything within my power to get the President interested in beef and pork—I mean pork on four legs. [Laughter.] And sheep and timber and all the other fine products that mean so much to the people so very well represented by the Senator from Nebraska.

Mr. HRUSKA. Mr. President, will the Senator yield for one brief observation?

Mr. COTTON. I yield.

Mr. HRUSKA. When a morsel is spoken of in this connection, let me point out that we start with an 8½-cent-per-pound subsidy, and we talk about international cartels arising. We have statements that the President has said, "Do away with international monopolies; get free trade." Then we have the special depreciation proposal. There is a request held up in the Tariff Commission, and there is held in abeyance a request for an 8½-cent depreciation measure. It seems to me this is more than a morsel—it is more than the traditional half loaf.

Mr. COTTON. I thank the Senator. I hope the people in the textile States will realize what we have done.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. TALMADGE. Mr. President, some 5 years ago, when I was a member of the Committee on Rules and Administration, it was my pleasure to move the approval of a resolution to create a special subcommittee of the Interstate and Foreign Commerce Committee to investigate the problems of the textile industry of this country. The distinguished senior Senator from Rhode Island was chairman of that subcommittee and the distinguished junior Senator from South Carolina and the distinguished Senator from New Hampshire were members.

The subcommittee held hearings in many areas of the United States, and took the statements of those who operated textile mills, those who worked in textile mills, and others who were familiar with every facet of the textile industry. The committee submitted a report with sound recommendations. No committee has ever done a more thorough and outstanding job of inquiring into the problems of any industry and I commend and compliment its members for their efforts.

After years of hard work by those seeking relief for the textile industry, many agencies of our National Government became interested in these problems. The Secretary of Commerce, the Department of State, and finally the President of the United States, as a culmination of the labors of this distinguished group of Senators, worked out an International Textile Agreement among 19 nations producing 90 percent of the world's textiles.

In order to implement this agreement, it is necessary that the Congress pass H.R. 10788. The reason it is necessary is that any country not a party to the international agreement can violate that agreement with impunity, and nothing can be done about it. Among the nations which could violate the agreement are Communist China, Russia, any of the so-called satellite countries, Egypt, Brazil, and the other nations which did not sign the agreement.

The only question for the Senate to resolve now is whether we are going to make an international agreement with 19 nations—Australia, Austria, Canada, Denmark, India, Japan, Norway, Pakistan, Portugal, Spain, Sweden, the United Kingdom, the United States, and member states of the European Economic Community, including Belgium, France, Germany, Italy, Luxembourg, and the Netherlands—that allows a country not a party to it to nullify the fruits of the efforts of our committee, of our Congress and of our national administration.

I have a great admiration for the distinguished Senators from Nebraska, South Dakota, and Colorado, who have seen fit to offer this amendment. I know there are problems involving commodities they seek to help. My own State of Georgia is the largest poultry producing State in the entire United States. We have problems there with our beef and pork industries. But it seems to me to be foolhardy indeed to take the problems of some commodities that have not as yet gone through all the long and strenuous effort that has been involved in getting relief for the textile industry and say to those who are engaged in the manufacture and sale of textiles that, "We are not going to help see your problems solved or remedied in any way unless now we can use this bill as a catchall proposition to solve, at one fell swoop, the problems of the meat industry of this country."

I read the language of one of the amendments that has been offered:

> That no agreement in regard to cotton and cotton textiles shall be enforced pursuant to the provisions of this section until such time as the President has negotiated agreements with representatives of foreign nations limiting in like manner the export to the United States from foreign countries of the following commodities—

Then it goes on to name them.

In other words, Mr. President, it is the idea of those sponsoring this amendment that, regardless of what has been done by the Senate Investigating Subcommittee, regardless of what has been accomplished by the Department of Commerce, regardless of what has been accomplished by the State Department, regardless of what has been accomplished by 19 nations, it is to be said, "We are going to stop you cold in your tracks and not let you have a single ounce of remedy or relief unless you also solve all our problems at the same time."

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to the distinguished Senator from Florida.

Mr. HOLLAND. I have before me a copy of the amendment the distinguished Senator read into the RECORD. I note what seems to me to be a peculiar discrimination against cotton and cotton textiles. I ask the distinguished Senator if he notices the same thing; namely, that no agreement as to cotton and cotton textiles should be enforced until after the time when the President has negotiated similar agreements affecting all the other products—that is, beef and beef products, pork and pork products, fresh and frozen lamb, poultry and poultry products, timber and timber products, and dairy products—whereas, as to each of those latter products, an agreement might go into force at once if it were negotiated.

Mr. TALMADGE. The Senator is entirely correct and I would point out to him that no senatorial committee has investigated the problems in connection with beef and beef products, pork and pork products, fresh and frozen lamb, poultry and poultry products, timber and timber products, and dairy products. No international agreements have been obtained with respect to them. Nothing has been done, yet the simple bill now before the Senate to remedy some of the problems in the textile industry, is sought to be used as the basis for the statement, "No; we will not agree to solve any of the problems of the textile industry unless you solve all our problems at the same time."

Mr. President, I am always happy to see any of the problems of the country or the world solved. But I certainly would not say that we must solve each and every problem simultaneously.

I am in sympathy with the desire to solve the problems which concern distinguished Senators, from the Midwest. As a member of the Senate Committee on Agriculture and Forestry, I pledge my aid and support in seeking solutions to any of the problems which can be solved, when a case is made individually with respect to each of them. But Senators should not say, "You cannot solve any of the textile problems unless you solve all of our problems also."

The subcommittee under the direction of its distinguished and able chairman, the Senator from Rhode Island [Mr. PASTORE], took hundreds of thousands of words of testimony. It was pointed out therein that textiles are second only to steel in importance to the defense of the Nation. In addition, it was pointed out that since the conclusion of World War II the United States has lost nearly 1 million jobs in the textile industry and that nearly 1,000 textile mills have had to close their doors.

At long last, after much effort and many years of trials and tribulations, some of the recommendations of the distinguished Senator's subcommittee, are beginning to come to fruition, yet some of our colleagues have come to the Senate to offer amendments. They would say to us, "We are going to stop you cold. You cannot proceed one inch further, unless you solve at the same time every problem relating to the agriculture of our country."

That is indeed a peculiar way to seek to legislate on the floor of the U.S. Senate. Despite my great affection and admiration for this group of distinguished Senators, I hope the amendments will be overwhelmingly rejected, and that the bill which is pending before the Senate will be overwhelmingly approved. Then from time to time we can attempt to solve other problems which may arise in the agricultural area. I pledge, as one Member of the Senate and as one member of the Committee on Agriculture and Forestry, to do whatever I can to assist Senators in the solution of those problems.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to my distinguished friend from Nebraska.

Mr. HRUSKA. I am wondering, in reference to section 204 and the exercise of Presidential power thereunder, whether I have been laboring under a misapprehension. It is my recollection and information that no procedures are prescribed by section 204. There are no outlines. There are no standards. Nothing is indicated in the section except a bare exercise of Presidential discretion.

The Senator from Georgia has indicated that there have not been congressional investigations with respect to other agricultural products, such as has been conducted with respect to textiles. I ask the Senator from Georgia whether it is his understanding that it is necessary to have a congressional investigation prior to the time the President can take action under section 204?

Mr. TALMADGE. No; that is not necessary at all. That has been the procedure with reference to the textile bill. This is not something which was done on the Senate floor in one day. This procedure was started the very first year I became a Member of the U.S. Senate, in 1957. An investigating committee was appointed. The committee went throughout the country and took evidence. It came back with recommendations. The bill before the Senate is the culmination of 5 years of work by U.S. Senators.

I suggest to the Senator from Nebraska that the same thing might be done with reference to the problems which the Senator wishes to be covered by the amendment. I know there are problems relating to the importation into this country of certain meat products. I stand ready to help the Senator in any way I can. However, I do not think the Senator ought to say you are trying to solve one great problem, but we are not going to let you solve any problem unless you solve all problems simultaneously.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield now to the distinguished Senator from Rhode Island.

Mr. PASTORE. I say this with full respect for my good colleagues from Nebraska and South Dakota.

The Senator took occasion to mention the golden key. There was nothing mysterious or mystical about the contact with the White House. We have been engaged in this endeavor since 1958.

If anyone wishes to classify anything as being a gold key, I would say that the cotton resolution was the key. That is how we started. That was the genesis of what is before the Senate now.

It has been a hard, uphill fight. We were met with a deaf ear in the beginning. We kept at the fight for years. We held hearings and more hearings. We issued our first report February 4, 1959. We issued another report in April 1961. We issued another report in 1962. We kept working on the problem.

We went before the Tariff Commission, too, and we were rejected time and time again. The situation continued to get worse and worse and worse.

Finally we made a recommendation for mandatory quotas, which was rejected. The President suggested, in the seven point program, that possibly we might work out some voluntary quotas. We have done all that.

We have the agreement, but the agreement will become inoperative if we allow other people not party to the agreement to come in through the back door to destroy the effect of the agreement. That is already happening.

If we do not do something now the program will collapse. If we have to wait until the President of the United States takes cognizance of the amendment, until the President calls in all the countries exporting meat products, in which the Senators are so much interested, that cannot be done in a hurry. That may take months and months, years on this problem. By the time all that is done the industry will have died.

That is all we say this afternoon. We know relief is needed in other areas, but we ask Senators not to kill the textile industry off in an endeavor to obtain their desired relief.

Mr. TALMADGE. I thank the distinguished Senator for his very eloquent contribution.

Mr. HRUSKA. Mr. President, will the Senator yield further?

Mr. TALMADGE. I am happy to yield to my friend from Nebraska.

Mr. HRUSKA. It seems to me, Mr. President, that the Senate has under consideration a proposal to grant absolute power to the Chief Executive in the field of agricultural production in this particular respect under section 204.

Now we are asked to broaden that power. As I previously indicated, there is no semblance of any requirement of any kind. There are no standards, no guidelines, no procedures. All we would do would be to throw ourselves upon the mercy of the Nation's conscience which is temporarily represented, as it were, by the present President of the United States. In essence that is what the cotton textile industry has done.

In a different way the other sectors of American agriculture have done the same thing, though perhaps not on such an official plane as in the particular case before us. But I submit that when extended hearings are held before the Tariff Commission, when speeches are repeatedly made on the floor of the Senate and by the Secretary of Agriculture as to the direct circumstances in which we find other sectors of the agriculture, it is to be presumed that the President of the United States is fully informed on all those questions.

During the 1960 campaign he claimed many times that he was in possession of all the necessary facts showing that agriculture generally, and the sectors to which I refer specifically, were in a critical position. It is not a question of not having the information. He has the information. He himself has said so. His appointed officers from the Cabinet level on down have the information. It seems to us that with this situation and since we have a Chief Executive who has said, "Let us not deal with this subject item by item; let us not do it piecemeal: Let us do it all at one time by categories," we should offer him that opportunity. In fact, we have encouraged him. If he does not want encouragement, let us use a little compulsion so that he will make available to other sectors the benefits of the authority given to him by Congress.

Mr. TALMADGE. Mr. President, in reply to the Senator, section 204 of the Agricultural Act of 1956 has already been passed by the Congress. We are not debating that particular issue now. The only question that is before the Senate is whether an international agreement will be made effective and enforceable with respect to nations which are not parties to that agreement.

I am sympathetic with the problems of the distinguished Senator from Nebraska, but he ought not to use the measure now before the Senate as a vehicle to try to prevent any relief for an industry that is badly in need of help. If the Senator complains about trade policies, he will have an adequate opportunity to debate that issue and offer amendments when the trade bill comes before the Senate for action. But the trade bill is not now before the Senate. The only question pending at the present time is that of the implementation of section 204 of the Agricultural Act of 1956. The question is whether we are to let one or two small countries, or Red China, Russia, or their satellites destroy an agreement that has been made by countries which produce 90 percent of the world's textiles.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the distinguished Senator from Florida.

Mr. HOLLAND. I thank the Senator.

Mr. President, I do not think I need to tell the distinguished Senator from Nebraska that I am interested in his problems, because his problems in the field we are discussing come much nearer being my problems than is the case with respect to the present issue relating to cotton textiles. There is not a single cotton textile mill in my State, so far as I know, though a small amount of raw cotton is produced in my State.

On the contrary, in Florida there are great numbers of livestock, as the distinguished Senator knows. I think he knows that a citizen of our State is now president of the National Cattlemen's Association, which would indicate something about the stature of our State in that field.

As to timber and timber products, I think the Senator knows that we are a very large producer in that field.

As to dairy products, poultry and poultry products, and perhaps other products, production in my State of those particular products greatly exceeds our production of cotton. As I have already said, we do not have any cotton textile plants, as is well known to our near neighbor, the distinguished Senator from Georgia.

So the cause of the Senator from Nebraska is our cause on that issue. But I remind him that the effort with respect to textiles has been going on for a long time, as I have had an opportunity to know personally. Before a subcommittee of which I had the honor to be chairman came the distinguished Senator from Rhode Island [Mr. PASTORE] as chairman of the Subcommittee To Study the Domestic Textile Industry of the Senate Committee on Interstate and Foreign Commerce.

On our subcommittee were not only Senators from this side of the aisle, of which I happened to be one, but from the other side of the aisle there were the distinguished Senator from Maine [Mrs. SMITH], who was the ranking minority member, and the distinguished Senator from Massachusetts [Mr. SALTONSTALL], who was also a minority member of that subcommittee. When the Senator from Rhode Island [Mr. PASTORE] and the Senator from South Carolina [Mr. THURMOND] came before us, we unanimously agreed that this was a field that badly needed help—so badly that we not only gave our assistance in establishing a special study commission, but also, we provided money in the bill, before the commission was actually created, as I recall.

Mr. PASTORE. Mr. President, will the Senator yield to me for an observation?

Mr. TALMADGE. I am delighted to yield to the distinguished Senator from Rhode Island, so that he may carry on a colloquy between himself and the Senator from Florida.

Mr. PASTORE. There was abundant proof before our committee that the textile industry, particularly with relation to woolens and worsteds, had deteriorated so much in the past decade that, God forbid, if we were to have another world war we would not have facilities in the United States to put the necessary cloth on the backs of our soldiers. That is how serious the situation is. That is the reason we have gone this far. That is the reason we are as enthusiastic and as vigorous as we are in the present campaign.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator from Rhode Island for his comment, which is true.

In the subcommittee we found abundant reason for bipartisan action. That was the finding later, in the full Committee on Appropriations. Later this particular bill, or others similar to it, came before the Committee on Agriculture and Forestry, another committee of which I am a member, and of which the distinguished Senator from Georgia is also a member. As I recall, the measure was reported from that committee unanimously because we knew that textiles and the cotton industry were in a serious condition.

Mr. President, I assure my good friend from Nebraska that I will help in any way I can to attain the objectives which he has in mind. I give the same assurance to my distinguished friend from South Dakota, who is also a member of that committee. In helping them, I shall be helping myself in my own State, because it has problems in that field.

There is now before the Senate a measure, ready for action, under which the temporary agreement would not expire until October, and the permanent agreement would then come into force. It is proposed by the amendment that no action be taken either in support of the temporary agreement or in support of the permanent one, which would come into effect in October, until other fields of agricultural production are served by the same kind of agreements, arrived at on an international basis with various groups of nations.

Those nations are not the same nations which are engaged in the textile industry. They are not the same nations that are engaged in the production of beef, lambs, timber, or the other products that have been mentioned.

I believe upon further consideration my distinguished friend will realize that this is not the time and place to raise the question as to what should be our permanent policy on this question. We have no one to negotiate these questions but the President. When a distinguished member of the party on the other side of the aisle was the President, we were for the measure, as we are now. We received sympathetic consideration and help from President Eisenhower. There has been an extension and continuation of that sympathy and help from the President now presiding over our Nation.

The issue is not a partisan or regional one, but it is a matter of very great importance to this Nation, which is now seeking to renew its prosperity, to employ people who have been discharged, and to make prosperous businesses which have languished for many years.

Mr. President, I hope that my distinguished friends will not insist upon their amendment, because upon further consideration, I believe they will realize that they would make of cotton textiles the most discriminated-against group in the whole category of the agricultural producing industry, in that it would provide that until each of these other industries, and every one of them, had been served by a similar agreement, the cotton textile industry, which has acted first, and which, I believe, was most cruelly affected by the situation which we have lived through, could not have any relief; whereas each of these other industries would have the relief, provided under their amendment just as quickly as an agreement in the particular industry had been worked out.

I do not believe my distinguished friends want to discriminate in that way against the diligence and against the industriousness of those who have been hurt the worst during the lack of prosperity through which we have passed in that industry, and which has been a calamitous blow to the prosperity of many States.

My own feeling is that we should very promptly pass the bill and allow the President by appropriate action to prevent a few recalcitrant nations from wrecking the common effort of ourselves with 18 other nations, comprising among the 19 of us the producers of about 90 percent of the textiles of the world. Can we say that the remaining few nations, producing about 10 percent of the textiles, should be permitted, by diverting disproportionate amounts of their production, to wreck a program so beneficent in its purpose and so completely important to a large segment of our Nation and to many great States? I do not believe my distinguished friends would want to be in that position. I respectfully request them to withdraw and not insist upon a consideration of their amendment or the adoption of their amendment.

I thank my distinguished friend from Georgia.

Mr. TALMADGE. I thank the Senator from Florida. He has succinctly summarized the situation which confronts the Senate at the present time. Being a Senator from a State producing every one of the items referred to in the amendment, I know something about the problems of the meat industry and the producers of meat products.

I say, in conclusion, that I certainly stand willing to do what I can to help solve the problems of the meat industry. However, I do not believe that we ought to wreck a partial solution of the textile problem because totally unrelated problems are not being solved simultaneously.

Mr. SALTONSTALL. Mr. President, I should like to speak very briefly on this subject. I agree completely with what the Senator from Florida has said. The purpose of the bill is to make effective what the President has done in a multilateral agreement. The multilateral agreement came about from an effort to have bilateral agreements effected. When 90 percent of the imports come from these 19 countries which are covered by the multilateral agreement, that effort will not be effective unless an amendment to the act of this character is adopted. The other 10 percent, which will come from countries that are not in the multilateral agreement, are permitted to bring about imports that will make ineffective the multilateral agreement.

It means much to us in New England in the textile industry. It means much to us when this cotton processed for countries abroad is going abroad at lower prices than our textile mills have to pay here.

Therefore, I hope the bill will be passed and that the amendment sponsored by our friends from the Middle West will not be offered or, if it is offered, will be voted down.

I personally have no objection and no criticism of the efforts being made on the part of these other industries, the cattle industry, or the pig industry, or any other industry, if and when the proper time comes for such an amendment to be offered. However, certainly those industries are not in the same position as is the cotton textile industry at the present time. So, therefore, Mr. President, if the amendment is adopted it will eliminate the possibility of the President carrying out what he has undertaken to do by this multilateral agreement. Therefore, I hope that the amendment of the Senators from Nebraska and South Dakota will not be offered; but if it is offered, I hope it will be voted down.

I can assure them that at the proper time and when the circumstances are ripe, they will have a friend in me, if the circumstances are the same as they are in the textile industry today. We want to preserve the textile industry in New England and in the South and in other parts of the country. We want to build it up. The multilateral agreement which the President has made means a great deal to the cotton textile industry in the various States of the Nation.

Mr. MUNDT. Mr. President, I send to the desk an amendment identified as 5–15–62—A, offered on behalf of myself and the Senators from Nebraska [Mr. Hruska and Mr. Curtis], the Senator from South Dakota [Mr. Case], and the Senator from Colorado [Mr. Allott].

I ask unanimous consent that the amendment be not read but may be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

On page 1, line 12, strike out the period and quotation marks, insert a colon, and add the following: "*Provided, however*, That no agreement in regard to cotton and cotton textiles shall be enforced pursuant to the provisions of this section until such time as the President has negotiated agreements with representatives of foreign nations limiting in like manner the export to the United States from foreign countries of the following commodities: Beef and beef products, pork and pork products, fresh and frozen lamb, poultry and poultry products, timber and timber products, and dairy products."

Mr. MUNDT. Mr. President, as one who represents a great agricultural State, let me say, first of all, that I am pleased by the assurance of senatorial support for the position which has been advanced by those of us who have cosponsored the amendment. While understandably the sponsors of the bill disagree with us concerning the matter of timing, I am happy to receive the pledges of support which have been enunciated on the floor, and hope that they will grow and grow in number until we have solved the very serious problems confronting other segments of the agricultural industry, in addition to cotton.

Mr. President, one of the first lessons anyone learns in this fascinating business of legislating is that one must legislate when the opportunity presents itself. One learns very early in this game that if he lets the bus go by and then tries to legislate with nothing but the taillights staring him in the eye he very frequently never has another opportunity to come to the rescue of his constituents who are in difficulty.

It is true that the cotton textile industry is in difficulty. I sympathize with the problems with which that industry is confronted, I want to be helpful to it. I attended some of the hearings that were held under the able leadership of the distinguished Senator from Rhode Island [Mr. Pastore]. At that time the committee members were discussing imports of wool and manmade fabrics and synthetics and silk in one big, common approach along with cotton to protect the textile industry. However, somewhere along the line their goals have become smaller and more remote. In all events, they now have no place in their approach for any help for great segments of our agricultural industry which are covered in the original section 204 of the act, and for which the very same procedures we are discussing here were designed for utilization in the protection of other segments of our great economy.

The amendment which we have offered would provide to all the farmers of the country the same benefits which would accrue from the proposed legislation only to cotton producers and cotton textile manufacturers. It has long been my understanding that when we legislate in Congress, we should try to legislate in such a manner as to keep in mind the national problems as a whole, and to provide equal protection to people who are suffering from similar problems; and that only on rare and disappointing occasions do we legislate for a favored few, when we have the opportunity to legislate for all.

Mr. MANSFIELD. Mr. President, will the Senator from South Dakota yield, without losing his right to the floor?

Mr. MUNDT. I yield with that understanding.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, after consultation with the distinguished minority leader [Mr. Dirksen]; the distinguished Senator from South Dakota [Mr. Mundt], the author of the amendment; Senators who have joined with him in offering it; and other interested Senators, I am prepared to submit a unanimous-consent request.

Mr. MUNDT. Mr. President, first, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The proposed unanimous-consent agreement will be stated.

The legislative clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Thursday, May 17, 1962, at the conclusion of routine morning business, during the further consideration of the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956, debate on the proposed amendment by Senator Mundt, numbered 5-15-62—A, and all amendments thereto be terminated at 2: 30 p.m., to be equally divided and controlled by Senators Mundt and Ellender: *Provided further*, That no amendment that is not germane, unless to introduce a new commodity, to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 30 minutes, to be equally divided and controlled respectively by the Senator from Louisiana [Mr. Ellender] and the Senator from South Dakota [Mr. Mundt].

Mr. MILLER. Mr. President, reserving the right to object, I ask the distinguished majority leader whether under the proposed unanimous-consent agreement I might have the opportunity to offer an amendment? I may wish to do so; I am not sure yet that I shall. I desire to elicit some information before doing so.

Mr. MANSFIELD. The proposed unanimous-consent agreement was offered with the assurance that only the one amendment would be considered. However, I am prepared, if the Senator from South Dakota and Senators who have cosponsored his amendment are agreeable, to allocate one-half hour within the time until 2:30 for the offering of any other amendment. I am about to ask unanimous consent that the Senate convene at 11 a.m., instead of 12 o'clock noon, tomorrow.

Mr. MUNDT. Mr. President, several Senators who are not now in the Chamber have indicated an interest in speaking on the amendment; and furthermore, the time being allotted is being cut pretty thin.

Would it not be better to allocate an extra half hour, if necessary, from the hour to be set aside for the consideration of the bill?

Mr. MANSFIELD. Mr. President, if that is agreeable to the Senator from Iowa, I make that modification in the proposed unanimous-consent agreement.

Mr. MILLER. That is entirely agreeable.

The PRESIDING OFFICER. Without objection, the proposed unanimous-consent agreement, as modified, is agreed to.

(The unanimous-consent agreement was subsequently reduced to writing, as follows:)

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Thursday, May 17, 1962, at the conclusion of routine morning business, during the further consideration of the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956, debate on the proposed amendment by Senator Mundt, numbered 5-15-62—A, and all amendments thereto be terminated at 2:30 p.m., to be equally divided and controlled by Senators Mundt and Ellender. *Provided*, That debate on an amendment to be offered by Senator Miller to the bill be limited to 30 minutes to be equally divided between Senators Miller and Ellender. *Provided further*, That no amendment that is not germane, unless to introduce a new commodity, to the provisions of the said bill shall be received.

Ordered further, That on the question of final passage of the said bill, debate shall be limited to 30 minutes, to be equally divided and controlled respectively by the Senator from Louisiana [Mr. Ellender] and the Senator from South Dakota [Mr. Mundt].

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the quorum call under rule XII, which would take place at 2:30 p.m., be omitted.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. DIRKSEN. Mr. President, if the Senate is to convene at 11 o'clock tomorrow morning, I ask unanimous consent that the Committee on the Judiciary be permitted to sit during the session of the Senate.

Mr. KEATING. Mr. President, does that request include subcommittees of the Committee on the Judiciary?

Mr. DIRKSEN. I am thinking only of the Committee on the Judiciary, because technically the wiretapping bill is before the full committee.

Mr. KEATING. I am sure that if he were in the Chamber, the distinguished Senator from Connecticut [Mr. Dodd], who has scheduled hearings dealing with narcotics before the Subcommittee on Juvenile Delinquency, would wish to have extended to his subcommittee the privilege of sitting during the session of the Senate tomorrow. Could such a request be included?

Mr. DIRKSEN. Mr. President, I make that request, as well.

Mr. HOLLAND. Mr. President, reserving the right to object, does not the request of the Senator from Illinois imply that if it is granted, an additional hour will be provided for the debate covered by the preceding unanimous-consent request?

Mr. DIRKSEN. No; my request is wholly independent of the unanimous-consent request. It is a plain request for the Committee on the Judiciary to meet, notwithstanding the session of the Senate tomorrow morning.

Mr. HOLLAND. I understood the request of the Senator from Illinois to include having the Senate convene at 11 o'clock tomorrow morning.

Mr. DIRKSEN. No; I merely said, "if the Senate is to convene at 11 o'clock tomorrow morning"; and that request has not been acted upon.

The PRESIDING OFFICER. Without objection, the Committee on the Judiciary is authorized to meet tomorrow morning during the session of the Senate.

ORDER FOR RECESS UNTIL 11 O'CLOCK A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the

Senate completes its business this evening, it take a recess until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE IN ORDER FOR CALL OF CALENDAR TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the previous unanimous-consent agreement, providing for the Senate to proceed to the consideration of unobjected-to measures on the calendar at the conclusion of the morning hour, be changed to provide for their consideration in the period following the disposition of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, will the Senator from Montana yield for a question?

Mr. MANSFIELD. I yield.

Mr. PASTORE. How late does the Senator from Montana expect the session today to continue?

Mr. MANSFIELD. No votes will be taken tonight. So it will be up to the Members of the Senate to decide how long they wish to speak and to have the session continue.

AMENDMENT OF THE AGRICULTURAL ACT OF 1956

The Senate resumed the consideration of the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

Mr. MUNDT. Mr. President, a moment ago I was endeavoring to state that in my opinion agricultural legislation and all other legislation generally should be designed to take care of as many Americans as possible who suffer from identical problems; and I believe we should move very slowly in the direction of establishing precedents to take care of certain select groups at a time when other groups have the same or similar problems and at a time when other groups, if not relieved by such legislation, may never obtain the relief to which they are entitled.

I know that in the Senate Committee on Agriculture and Forestry we frequently try to deal with the various farm problems and to legislate in such a way that legislation good for the farmers in one part of the country will also be good for the farmers in other areas; and we are always completely disinclined to play off one segment of agriculture against another.

Mr. President, the pending bill is good as far as it goes, and I am inclined to support it because it helps solve a problem which exists in one area of the country. But the bill does not go far enough, because it is blind to other problems which confront agriculture in other areas of the country.

Bluntly stated, the pending bill is special legislation for the benefit of the cotton-textile industry. The bill is designed to meet the problems of that industry; and if that industry were the only one in the country which had similar problems, I would say the bill would constitute good legislation. But when other producers and other processors in the country are confronted with the same problem, it seems to me the Senate should use its collective judgment to try to secure for all the relief which this measure would provide for only some.

Recently, in the Senate Committee on Agriculture and Forestry, we concluded the writing of the highly contested and rather complicated so-called omnibus farm bill. In it we have tried to include provisions which will be of benefit to a great many different segments of the economy. Even the urbanites are taken care of in the bill, because it provides for improved recreational opportunities and better uses of farmland in which urbanites can have direct benefit. In that measure we did not single out one segment of agriculture and try to correct only its problems while we were confronted with identical problems applicable to other areas.

Therefore, I think the type of amendment which we have proposed in this case—an amendment which simply would deal with all the agricultural activities and problems which stem from the same source, namely, surplus commodities coming from abroad—is a good one, for I sincerely believe that good legislation is legislation for the benefit of all, not for the benefit of only a few.

So our amendment deals with beef producers and beef processors who suffer from the same problem as that from which the cotton producers and cotton processors and the textile industry suffer; and the amendment deals also with the pork producers, the poultry producers, and especially with the lamb producers and processors, who are the victims of an even greater attack from imports, as compared with that suffered by the textile industry.

Likewise, the amendment includes the dairy industry, which is in a serious plight, and needs assistance, and suffers from direct competition from imports—just as do cotton and its products.

So, Mr. President, we proposed to make the benefits of such protection available both to cotton producers and to the producers of beef, the producers of pork, the producers of timber, and the producers of poultry and poultry products and dairy products. We would extend the same protection benefits to both the cotton producers of the South and the dairy producers of Wisconsin, Minnesota, Michigan, upstate New York, the Dakotas, and elsewhere, because the reasoning for such provisions is foursquare with the reasoning which rightfully has been advanced in connection with the bill as it now stands. In other words, we would expand the bill, so as to have it apply fairly to all, instead of to only a few.

By the adoption of our amendment, we would finally find a way to stop the importation of hams from Communist Poland, for example—for the administration continues to permit the importation of hams from that Communist country, and those importations result in driving down the price of the hams and pork products produced by U.S. farmers. By means of our amendment we would increase the protection applicable to competitive imports which are damaging the U.S. beef industry and the U.S. sheep industry.

Legislation of this kind, which has been worked out for the benefit of cotton and the cotton-textile industry, would work with equal certainty for the benefit of these other products. In my opinion, we should not engage in writing favoritism into congressional legislation. I think such special favoritism legislation is especially unhappy when it is applied to the field of agriculture, because these days we are reading in the daily newspapers about altogether too much favoritism being manifest in agricultural workers.

Clearly, Mr. President, there are a series of problems, similar in nature and identical in cause, which can be eliminated by means of the same solution. So why should the bill be limited to cotton textiles, when we have an opportunity to include the rest?

It may be argued that cotton textiles are in serious condition. I know they are, and I think they need some legislation. But, in my opinion, the "rescue squad" is rushing in and is attempting to have this bill passed now, for fear that the pending tariff legislation, proposed from the White House, is going to make a bad situation even worse for the rest—and well it might. In fact, if those of us who are concerned with other agricultural products were to let that happen—let the cotton and the cotton-textile industries completely clog the escape hatch, so that no one else could get out—I am afraid that would increase the likelihood of the passage of an obnoxious tariff bill which then would do great harm and great damage to all segments of the agricultural industry except this particular one, which then would be "sitting on cloud nine"—I refer to the cotton and the cotton-textile industry—and when looking down on the others, would be saying, "We got ours while the getting was good. Now we are 'out from under'; but you are still there, and we sympathize with you."

Mr. DWORSHAK. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. DWORSHAK. Is there any reason, in the name of a sense of fair play and equality, why all other commodities should not be given treatment equal to cotton and textiles?

Mr. MUNDT. If there is, the Senator from South Dakota has not heard it on the floor of the Senate. Although he has heard eloquent speeches on behalf of textiles, he has not heard any argument why one group should be so treated and the other should have to suffer from competition with the rest of the world.

Mr. DWORSHAK. This proposal is designed primarly to have political appeal in an election year. Would not that same appeal be effective in areas outside of those which are interested in cotton and textiles?

Mr. MUNDT. I am not sure I understand the Senator's question. I do not believe the proposal to provide protection for the cotton and textile industry against the President's new tariff plan and program is politically inspired. I think it is economically inspired. I think they are suffering from an economic situation. I think they recognize that, unless they are excluded out, they will be included in the President's new tariff proposal, and if so they can be hurt even worse than they are. But it seems to me that, in view of the curious, strange concessions made by the White House for the producers of cotton and textiles, which are denied the beef and lamb industry and poultrymen and dairymen and those raising timber and those who are engaged in timber products, there might be some connection between that action and the hope in the mind of someone at the other end of the avenue that if they take care of the cotton and textile group, they will have more chance to have the administration's tariff legislation passed.

Mr. DWORSHAK. That action is essentially discriminatory and provides preferential treatment to that economic group.

Mr. MUNDT. There is no question about that. When there are a whole series of economic groups with the same problems in the same oversea locations and an effort is made to solve one group and not the others, that is discrimination. I think even Mr. Freeman would call that favoritism. It seeks to help the favored few, and not those who do not have the entree required in the proper places to get the right thing done to solve their problem.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. MUSKIE. Purely for my information in filling in the background of the Senator's amendment, I wish to ask the Senator a question. The Senator has said this same relief has been denied the people whose cause he is pleading now. Did he mean that? Did they apply for and were they denied the same treatment now being offered to the textile people?

Mr. MUNDT. Yes. I do not want to say in the same words. They have appeared before Congress, the President, and the Tariff Commission. They have sent delegations down here trying to get protection against excessive foreign imports, and they have been denied that relief; and now the cotton and textile people are going to get it.

Mr. MUSKIE. Specifically with respect to this kind of relief, negotiations with exporting countries, has there been an effort to get that kind of relief for the people the Senator represents this afternoon? I do not ask that question in any sense except for information.

Mr. MUNDT. I would not be able to speak for all segments of the agricultural economy which we cover in this measure. The effort has certainly been made in the dairy industry with respect to cheese. As a matter of fact, a voluntary bilateral agreement has been entered into with regard to cheese. It is not identical and not exactly foursquare, but the same approach, the same protest, the same area of statistics have been presented to the Congress, the President, and the Tariff Commission. They may not have come up with the same solution, but the relief has been denied, the same relief which is being granted the cotton and textile people.

Mr. MUSKIE. In order that the Senator may understand my position, I think this relief is sensible relief. I think it ought to be granted to other industries that have suffered the same kind of injury or that risk the same kind of injury. Later this afternoon I am going to have something to say on that subject. I wanted it clear for the record what my view was so far as this industry is concerned.

Mr. MUNDT. I am glad the Senator is interested in the matter. I do not think the Senator would have to search very hard to learn—perhaps he may have learned it already—that in the State of Maine producers of other materials besides the textile industry are greatly concerned about importations.

Mr. MUSKIE. The Senator is correct.

Mr. MUNDT. We must try to find a solution.

What happens after this? We are later going to have a chance to vote on a tariff proposal which takes Congress out of the picture and gives the President of the United States the right to determine what is to be done, if we follow his request for tariff power. He has said we will get it done quicker this way. We are asked to give the President the right to establish, abolish, or impose tariffs.

So we make this proposal while we still have jurisdiction over the problem. I hope we will be able to continue it, but I am afraid, with the pressures on, that this body may succumb and turn over to the President the right to write tariff legislation. On this particular day we still have that power.

I say to my good friends from the South, who very persuasively argue, "We have our problem solved. Do not muddy up the water. We will be glad to help you later on, tomorrow, maybe," sometimes, in this legislative business, tomorrow never comes; and it is never, never, never going to come if we turn over our powers to legislate on tariffs to the White House, and our appeals are not going to be any more fruitful from the standpoint of protecting the beef producers and lamb producers and poultry producers and timber producers and dairy producers in the future than they have been in the past.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. MILLER. May I not draw the Senator's attention to the fact that we do not have to wait for the proposed new Trade Agreements Act to come before this body to be asked to delegate our legislative powers to the President? We have that proposal before us right now in the very language of the bill now pending.

Mr. MUNDT. To what is the Senator referring?

Mr. MILLER. I am referring to H.R. 10788, to which the Senator from South Dakota has proposed an amendment, which states:

> The President may also issue, in order to carry out such an agreement, regulations governing the entry or withdrawal from warehouse of the same articles which are the products of countries not parties to the agreements.

There is nothing in the proposed act that I can see which has any legislative restraint whatsoever on the issuance of those regulations. Am I correct?

Mr. MUNDT. The Senator is correct to that extent, yes; but I think that is a small delegation of authority compared to the complete capitulation of our control over tariff legislation which is proposed.

Mr. MILLER. May I call attention to the fact that under section 204 of the Agricultural Act of 1956, the agreements under GATT, both the 1-year and 5-year agreements, apparently could have gone beyond merely textiles. Under section 204, which former President Eisenhower saw fit to disdain to use, Congress already has given the President sweeping authority and power to negotiate agreements.

Mr. MUNDT. The Senator is correct, and of course, the purpose of my amendment is to mandate the President to exercise those sweeping powers for other segments of the economy, which, because of the culmination of circumstances and evidence and motivations, have caused him to act for cotton and textiles.

Mr. MILLER. I thank the Senator.

Mr. MUNDT. Mr. President, the question arises: Are only the cotton and textile industries in difficulty? If so, certainly the Senate would be justified in passing the proposed legislation, because it would be helpful, and it would be justified in doing so without bringing in extraneous matters.

However, the advocates of the proposal before the Senate, and the opponents of my amendment, argue that they already have shut off 90 percent of the export cotton which comes to this country by the agreements which have been voluntarily entered into. They are concerned about 10 percent of the total imports.

When one starts to manifest the kind of concern demonstrated for 10 percent of the total imports, which is what would be done if the Senate were to pass the proposed legislation, I submit that every one of the other agricultural products named would be endangered to a greater extent than 10 percent of the total imports, which would be involved in respect to the proposed legislation now before the Senate.

The proponents themselves admit that the 19 countries produce 90 percent of the imports. They are worried about 10 percent which is coming in from those countries not covered. They wish to make those countries conform.

I think that makes good sense. I understand their motivation. I point out, however, that the economic problem, compared to that of other segments of American industry, is certainly no worse.

Let me illustrate some of the other problems. At the present time there are annual quotas on imports coming in in the dairy industry.

Butter, 707,000 pounds.

Butter oil, 1.2 million pounds.

Malted milk, 6,000 pounds.

Dried whole milk, 7,000 pounds.

Nonfat dried milk, 1,807,000 pounds.

Cheddar cheese, 2,780,100 pounds.

Blue mold cheese, 5,017,000 pounds.

These are the figures, even after the quotas have been established under section 22 of the Agricultural Act.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. MUSKIE. As a point of clarification, the textile agreements in question involve countries which export 90 percent of the world's cotton textiles. The Senator is correct on that point.

The purpose of the bill, however, is not merely to give the President power to apply the same restrictions to the countries producing the other 10 percent. The purpose is to avoid, by passage of the bill, the giving to the 10-percent countries an advantage over the 90-percent countries, to the point that the agreement with the 90-percent countries would be vitiated. In other words, without passage of the bill, the danger is that the rug will be pulled out from under the agreement with the 90-percent countries, so we are concerned not only with the 10-percent countries but also with all the countries, in the firm belief that they would feel themselves not bound if we could not deal in a similar fashion with the 10-percent countries.

Mr. MUNDT. I think the Senator is correct. As I said, I think the effort is wise, prudent and proper. The fact still remains that it is motivated by the fact that 10 percent of the total foreign imports are not covered without the kind of legislation which the proponents have in mind. It is my argument that the 10 percent does not represent as large an import threat to the cotton industry per se as is represented by the imports of all the other farm commodities which those of us associated with the amendment have mentioned.

I have mentioned the commodities brought in from the standpoint of dairy production on an annual basis. We are in that situation at a time when the Commodity Credit Corporation report for March 31, 1962, the most recent report, points out that the United States is now surfeited with a surplus of dairy products which are stored by the Commodity Credit Corporation, on which the taxpayer must pay a high storage price. We are still importing products to be pyramided on the products in surplus, produced at home, to further force down the prices the dairy producer receives for his milk on the farm.

I quote from schedule 12 of the March 31, 1962, report of the Commodity Credit Corporation, which states that there are in storage 271,040,979 pounds of butter, with a total value of over $163 million; 67,011,196 pounds of cheese, with a total value of over $25 million; and 425,091,846 pounds of dried milk, with a total value of over $71 million.

The United States is importing dairy products, when the Commodity Credit Corporation has a surplus of those products of that magnitude, on which the taxpayers must pay storage fees out of their pockets. I submit that at such a time it should be wise legislation to provide the same corrective and the same cure against imports of that kind as it is proposed to provide in respect to the cotton and textile industry by the proposed legislation now before the Senate.

So much with respect to dairy products. Let us look at some of the other products which would be included in the proposed legislation.

The timber industry, Mr. President, is in a serious fix in this country precisely for the same reason that the textile mills are in a serious fix and the same reason that the cotton producers are in a serious fix.

One cannot keep men employed in a timber mill if the Nation is getting all of its timber from a foreign country, any more than one can keep people employed in a textile mill in Maine or in New Hampshire if the Nation is buying all its textiles from Japan or some other country.

We can see what is happening. I have a report prepared by the National Lumber Manufacturers' Association, as presented in the statement made before the Senate Committee on Commerce on the American lumber import problem, April 16, 1962. This industry has taken the same steps as the cotton industry. It has come to the Congress for assistance. It has gone to the Tariff Commission for assistance. It has gone to the White House for assistance.

Somehow this industry must not have had the right knuckles knocking on the right door, because it has not gotten as far as the cotton people have.

I congratulate the cotton people for the start they have made, and I submit that a formula which is helpful to them will be equally helpful to the timber industry and to other industries. I see no good reason why we should seek to benefit only some and to continue to do injury to the others.

Let us see what is stated in the report, by the National Lumber Manufacturers' Association of April 16. I quote from page 2:

> In 1961 alone there was an increase of 400 million board feet in softwood lumber imports from Canada. In the 13-year period 1949 to 1961, Canada increased her lumber shipments to the United States by approximately 186 percent.

If we are talking about the severity of the problem and if we are talking about the perils to a domestic industry, though I do not know what are the percentages with respect to the increase in imports of cotton and of textiles, I doubt that the percentages would be more excessive than a 186 percent increase in the same period of time.

> In 1949 Canada supplied 5.2 percent of the U.S. consumption of softwood lumber. Last year she supplied approximately 14 percent.
>
> On April 6 of this year the Bureau of Labor Statistics of the U.S. Department of Labor advised that there are more than 200,000 men and women formerly employed in the lumber and wood products industries now drawing unemployment compensation in America. Let me emphasize—this figure does not include unemployment in the retail and wholesale trade.

The report is replete with startling information of that kind. It demonstrates that the timber and timber products industry, along with the dairy industry and other industries included in the amendment, suffer from identically the same problem, sometimes with a great degree of severity, created from the same foreign sources, yet the great Senate of the United States proposes to help only the cotton producer and to do nothing about the other industries.

The Senators from Nebraska [Mr. HRUSKA and Mr. CURTIS], my colleague [Mr. CASE], the Senator from Colorado [Mr. ALLOTT], and I feel that legislation should have a broader horizon and a wider purpose than that, and the time to legislate on that kind of problem is when the problem is before us. Certainly the time to legislate is before we capitulate to the Executive, and surrender our right to legislate at all in the great, broad traditional field of tariff legislation, as the President seriously proposes in the measure now before the committees of this very body.

I would be terribly disappointed if any of the Senators who are going to vote to create a cotton escape hatch would vote later in the session to delegate to the White House complete control over the tariff economy of this country, so that never again would they be able to cast a protective vote for textiles, cotton, or anything else. I hope that when they cast their votes in support of cotton tomorrow at 2:30 p.m. it will not be their swan song as far as protecting their constituents in the textile and cotton industry is concerned. I hope that when they vote "yes" to protect cotton, they will not at the same time say, "Good by, chum. We are voting away our authority so we can never, never help you again."

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. HRUSKA. It is proposed that the Presidential power be exercised in the present instance to alleviate the troubles of the textile industry. All of us agree that the industry has troubles which are serious; in fact, they threaten its very life. We are all aware of that. But there is grave doubt as to whether the power vested in the President by section 204 should be allowed to reside in the President because it is so unrestricted. It is the recollection of the Senator from Nebraska that during considerable discussion in the other body, that statutory authority—unbridled, unrestricted, and unlimited as it is—was attacked as being an improper authority for the very reasons which the Senator from South Dakota has just recited.

Mr. MUNDT. The Senator is exactly correct. I appreciate his contribution to the present colloquy. I wish also to call the attention of all who read the CONGRESSIONAL RECORD, and especially my friends in the Senate who will be voting on the issue tomorrow, to the very persuasive, convincing, erudite, and important speech delivered on the subject by the distinguished Senator from Nebraska that appears in yesterday's RECORD at the end of the day's proceedings. It seems to me that he put the whole argument clearly, cogently, and convincingly, and demonstrated why the Senate should be concerned about the problems of all interested in raw products in this country who are suffering from foreign imports, and not neglect all but the cotton people, as we come to legislate on the subject.

Mr. President, out in the great West some of the best timber ever to grow in God's great out-of-doors is raised. In that country is the Simpson Timber Co., with which I have had some correspondence. The Simpson Timber Co. is one of those enlightened timber companies that consider forestry a system of cropping. Great Douglas-firs are planted many, many years before they finally mature. As some of the trees are cut down in one part of the forest, the company repopulates the forest so that never again will we have a denuded area in such places. That is an enlightened, progressive, and successful timber country.

I had the privilege at one time of going through some of the lumber mills. I spent a day at the logging camp. I contemplated the manner in which a great timber crop is produced. As a consequence, I have had some correspondence with that company on the very subject which we are now discussing. First, I shall quote from a letter from the Simpson Timber Co. dated February 9:

> This report—

Which they enclose—

> demonstrates that BC—

I am sure the writer refers to British Columbia—

> is leading west coast shipments by 200 million board feet, giving BC control of this important American lumber market for the first time in American history. This difference in wages of loggers and sawmill men alone, not to mention all other economic factors, represents an annual payroll loss to west coast sawmill communities of $10 million.

I thanked the writer for that earlier information.

On February 28 they sent along some more. In that letter they said:

> The Pacific Lumber Inspection Bureau January 1962 report of waterborne lumber shipments to the Atlantic seaboard from British Columbia and west coast mills reveals that the Canadians set a new alltime high by taking 71.4 percent of the market, which until 1961 always had been held by west coast mills.

I call that testimony to the attention of Senators who represent Oregon, Idaho, Washington, and upper California. That is a beautiful, gorgeous scenic area, which also finds its people having to work for a living, many of them in the saw mills and in the forests of the area. Senators from that area will have an opportunity tomorrow to strike a blow in defense of a great and growing industry in the Northwest. It may be the last opportunity which they as Senators will have to strike that blow if Congress loses its authority over tariff legislation.

The letter of February 28th continues:

> In January British Columbia shipped to this market—

The Atlantic seaboard market—

> 101,006,759 board feet. Washington and Oregon shipped 40,443,828 board feet.

The portion shipped by British Columbia was 71.4 percent; the percentage shipped by Washington and Oregon was 26.6 percent.

In summation, the amendment which a number of us have coauthored, and upon which we shall vote tomorrow, can correct that kind of sorry situation.

I wish to speak a word about livestock, because livestock and poultry are in this business in the same way that cotton, textiles, and other products which I have been discussing are. We are continuing to import live cattle and meat imports at a greater rate than we did a year ago.

The carcass weight equivalent of cattle imported last year set a new record of 1,300 million pounds. The carcass weight equivalent of lamb and mutton imported last year was up from 1960, but not quite equal to the record imports of 1959.

The material to which I am referring comes from the Livestock and Meat Situation, published by the Economic Research Service of the Department of Agriculture, in its May 1962, report.

Referring to the same report, in the first quarter of this year the number of cattle imported was down from the high rate maintained during the fourth quarter of 1961, but was up almost 28 percent over the 220,000 head imported in the first quarter of 1961. So, comparing like quarters of a year ago, the imports are up 220,000 head.

Mr. President, it is not my purpose to labor the record with statistics on sheep, lamb, cotton, poultry, and eggs. They are all available. The statistics I put in the RECORD are merely intended to point out that those various segments of our agriculture economy face the same problem. The problem comes from the same fact, failure to protect those segments from foreign imports, which is the genesis of the proposed legislation now before us that the cotton and the textile people have been working on constructively and long, because there has been a failure to protect them against excessive imports.

I am unable to answer the question that was asked of me earlier on the floor this afternoon: What reason is there why we should be so diligent in solving the cotton problem, and be so negligent about doing something for the rest of the farm economy?

If we fail now, when will we have another chance? If we fail now, will we ever have another chance? That is a question that I suspect will have to be answered seriously by the Senators who vote against our amendment in an effort to cause us to fail now. That is not a question that the Senator from Nebraska [Mr. HRUSKA] and I will have to answer, because we will grab time by the forelock and do what we can, when we can, as we can, to treat the various segments of our agriculture economy alike.

Mr. President, I do not blame our southern friends and those associated with them, in the textile industry in New England, for making their fight in behalf of their constituents. We expect them to do that. However, it seems to me that in the longrun they would do much better to associate themselves with a set of economic principles and policies which apply to all segments of our economy equally, instead of taking advantage of a fortuitous circumstance which enables them now, with White House approval, to get special consideration for a privileged group by special legislation.

I believe that in the long run they would do better to join with us, who suffer from the same problem, although we do not happen to be situated in the same fortuitous circumstances in which they find themselves, but who, in the long pull, will have to work with those who suffer from ruinous foreign imports.

It is hard to square this proposed legislation, as the Senator from Nebraska has pointed out, with the high-sounding pronouncements on unrestricted trade and international exchange which are now issuing from the White House, as a part of the plea to Congress to step down from its constitutional role of legislating in the tariff field and to turn its authority unrestrictedly over to a different branch of Government.

I hope we can defeat the second proposal, the one asking Congress to capitulate. I hope we can pass cotton legislation tomorrow, because it is devoted to a serious problem. I hope we can add to it an amendment which will give the same consideration to the timber people, to the poultry people, to the dairy people, to the producers of beef, to the producers of pork, and to the producers of lamb that we give to those who happen to be working with the fleecy substance known as cotton.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. HRUSKA. I do commend the Senator from South Dakota for his very splendid presentation of this problem; for putting it in a perspective which avoids any parochial treatment of the problems of agriculture. The subject ought to be considered by category rather than by item. That is one of the pleas that our President is making currently in behalf of his trade expansion bill.

The Senator from South Dakota has been in Congress for many years. He has served with great distinction as a member of the Committee on Agriculture and Forestry, and also as a member of the Committee on Appropriations.

Perhaps he heard earlier this afternoon, during the debate of this subject, the suggestion that agriculture, insofar as the products of the Middle West are concerned—livestock, poultry, dairy, and timber, and so on—had better make a drive for a position similar to that now enjoyed by the cotton and related industries. In other words, it is suggested by some who have engaged in this discussion that the representatives of the States of the Middle West have been derelict and are guilty of laches, so to speak, for not having pursued this course of conduct earlier. We are accused of being Johnnies-come-lately, who are seeking to attach our amendment to a piece of legislation which has been designed and fashioned for another segment of agriculture.

I am wondering whether the Senator from South Dakota would subscribe to that, or whether he recalls the many things which have been done by the representatives of the Middle Western States in recent years to get relief from imports which have had as disastrous an impact as have cotton imports.

Mr. MUNDT. Indeed I have. I am glad the Senator has raised the subject. I do not want it to appear unchallenged in the RECORD that there has been a lack of diligence on the part of the producers of other products. Representatives of these producers have been coming to Washington time after time, and they have appeared before congressional committees time after time, and have presented testimony. They have presented testimony before the Commerce Committee from the standpoint of the timber industry, for example. They have appeared before the Tariff Commission time after time, seeking tariff relief, and they have made their appeals to the White House.

Somehow or other, that curious set of circumstances which has developed into a shower of all this largess upon the textile industry has never evolved for them.

I shall not make any allegations, but I have a hunch about it. It is a hunch which will gain some validity only after a rollcall vote is had in the Senate on this matter. If the hunch then develops into a showing that there have been those who have been induced—and I spell that word with an "i," not with an "s"—induced to go along with a program involving a complete capitulation of tariff controls by Congress, and if there are those who vote to subject themselves now to economic suicide, and act as they will act later, they will have sold out the interests of their people for the sorriest mess of pottage that has ever been put to mouth.

I hope that my hunch is not borne out. I hope for the sake of the country that my hunch is wrong. However, all of us and all those who read the RECORD will scan the rollcalls to see whether that Midwesterner's hunch was completely wrong and, if not, what degree of validity there was in it when the announcement was made here on the floor of the Senate in the middle of May.

I would urge my colleagues from the New England States and from the South, who are in trouble with cotton, to join us in supporting a policy and principle and program and ideal, good for all categories instead of confining themselves solely to a little piece of relief for a particular industry at a given time.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. HRUSKA. Mr. President, might the Senator from South Dakota be suggesting, perhaps, that we rise above principle in this particular instance and grant relief to one industry and then, on the other hand, having cast our lot with a highly protectionist measure, which is much more protectionist than any McKinley protectionist measure could be—I say that because it involves not only a high tariff, but a subsidy, an international cartel, and a quota system as well—we then consider a free trade proposal that might or might not be adopted? Would this approximate the thinking of the Senator from South Dakota?

Mr. MUNDT. That might be one of the causes for my unhappy but, I hope, unfounded hunch. I hope subsequent rollcalls will prove that the hunch on the part of the Senator from South Dakota was wrong and that the suspicion of the Senator from Nebraska was unfounded. Of course only time can tell. History will record the verdict. Certainly it tends to emphasize both the Senator's suspicion and my hunch. I believe that we ought to consider these problems as a group, not piecemeal; that we ought to deal equitably with all those who will suffer from the same cause, and find a way to correct the situation which plagues all of them, and not simply try to correct that situation for the privileged few. I submit that if we go all out for a free-trade policy, this little anchor thrown out to windward on the part of those who propose to have this little consideration now for cotton and cotton textiles will find that they have sent a little boy to do the milking who could not quite get the job done. Ultimately they will suffer from the unhappy economic fate which confronts the rest of our raw producers, unless Congress insists now on the right to protect and safeguard them when they are really in serious trouble.

Mr. HRUSKA. Mr. President, will the Senator from South Dakota further yield?

Mr. MUNDT. I yield.

Mr. HRUSKA. I share the hope that any misgivings or any suspicion that might be entertained by anyone will not eventually materialize when, later this year, Congress will consider the basic tariff legislation. The Senator from Nebraska would be the last one who would wish to entertain any suspicion, doubt, or cynicism in this regard.

Earlier today, we heard many protestations from Senators on both sides of the aisle that it is not hostility to the desires and goals of the proponents of the pending amendment which prompts opposition to it, but rather it is a matter of timeliness. A time will come later, when the receptivity, the sympathy, and the compassion which have been expressed so plentifully here today can be proved. That time will come when we consider the proposal giving the President of the United States total and absolute power over tariff rates or concession on tariffs. It will then be necessary to decide whether that power should be circumscribed to a certain degree. One limitation seriously under consideration would affect the power of the President to deal with countries, or a combination of countries such as those which comprise the Common Market, which impose nontariff restrictions on farm products shipped from this country, virtually excluding the American farmer from those markets. In the judgment of the Senator from Nebraska, in such cases the President should have severe limitations imposed upon his ability to reduce tariff rates on the manufactured products which the countries concerned seek to import into this country.

After all, we are not interested in making concessions to Europe, for example, on identical articles, because there is no percentage in lowering the tariff on beans or carrots or soybeans, and getting concessions on those same products. The point in making concessions is that we will make them on items which they have to sell to us, provided they will make concessions on things which we will want to sell them.

Tariffs are not the only means of keeping goods out of countries. There are many nontariff restrictions and limitations.

I share the hope of the Senator from South Dakota that there will not be those in Congress who will shut their eyes to the realities of life. I hope they will not support a request of unlimited power. The only proposal deserving support is one having careful safeguards to insure that the powers will be exercised without prejudice to American interests in the long run.

Mr. MUNDT. I thank the Senator from Nebraska. I share that hope, not to the extent of having overconfidence, but in the realistic sense that this action will transpire as the Senator from Nebraska has urged.

In a sense, we suffer now, in connection with the proposed legislation, from the kind of centralization of too much power in the hands of too few persons involved in the suggested shift of the authority over tariff legislation from the people's representatives in Congress to the big politicians in the big offices at the other end of Pennsylvania Avenue. By virtue of the arguments arrayed against our amendment, they say it has taken a long time to induce the White House to make this concession, to make this proposal. They say, "We have brought it down for cotton and textiles. Please, you people who represent timber, beef, sheep, poultry, and dairy products, don't bother us now. If you do that, the man who made the concession might be displeased; he might not go through with his negotiations. You might be putting a stop to the activation of the cotton program, which we have in good shape. The President might eliminate the consideration of cotton and the textile industries from the theories he has been expounding around the country about the advantages of broader trade. If you mess things up, it will be serious."

That indicates what might happen if we rely too long and too much on an individual or a single branch of the Government at the Executive end of the avenue. The people's voices will have been silenced. They can express themselves only through Congress. Out of the more than 2 million Federal employees at the other end of the avenue, remember that John Public can vote for only 2—the President and the Vice President. In Congress, he can act through 100 Senators. He votes for 437 Members of the House of Representatives. He has a chance to be heard. He can talk with his Senators and Representatives. He can discuss the situation with them. All the ramifications of the problem are presented.

But that is impossible when the entire problem is placed in the hands of a great Federal apparatus which has only two persons whom the voter can reach at the ballot box in the polling place.

I think I sense the felling on the part of our southern friends about the consequences of transferring and delegating so much power to the President, as is requested in the proposed legislation which is now being considered by the Senate Finance Committee. We recall that one of them said, "I am not acting only for the cotton farmer; we have chicken farmers in my State." That is true. It is tough to go back to the people of an individual State and say, "I took care of the cotton farmer on the south side of the road, but I did not do anything for the chicken farmer on the north side of the road."

Another distinguished Senator said, "I have cowmen in my State. My State produces a large amount of cattle. It is kind of tough to be in the position of saying that I did what I could to protect the cotton man, but I could not do anything for the cowman." It is especially tough.

If by any chance we vote away forever our power, at any time in the future, ever again to do anything for the chicken farmer or the cowman, because we have said we are bowing out, we are delegating to the White House our complete control over tariffs, the public should not blame us in Congress if things go wrong.

I submit there is no way we can escape that blame, because once we delegate authority to decide, we assume the responsibility for the decisions yet to be made, because we have conveyed away the right to make them.

We must be men of sturdier stuff than to go creeping back home, saying, "Don't blame me. All I did was to decapitate myself, to disfranchise myself, and delegate all the power to the other fellow. Blame the other fellow; he made all the mistakes." That cannot be done. Once we give up our power to represent the people, we have to be responsible for what is done by the other fellow who represents them in our place.

I express the hope that tomorrow it will be possible to work out some happy formula, so that we can legislate together on a matter of principle, policy, and philosophy, so that whatever we elect to do to be helpful to that little segment of our economy which seeks help and needs it—the cotton and the cotton textile industries—we will also do the same to be helpful to other segments of our economy in the agricultural area, which are suffering fully as much from identically the same cause and is in need of the same kind of remedy.

Mr. CASE of South Dakota. Mr. President, in connection with the pending amendment, I wish to call attention to certain articles relating to the place of farmers of the United States in connection with the contemplated so-called Common Market. I ask unanimous consent to havee printed at this point in the Record an article entitled "Common Market and United States Agree on Farm Tariffs," by Felix Belair, Jr., published in the New York Times of January 16, 1962; an article entitled "Impact on United States Seen in Plan To Exclude Outside Goods" by J. H. Carmical, published in the same paper on February 4, 1962; a paragraph or two from the Wall Street Journal of April 17, 1962; and finally an article entitled "What It Means if We Join the Common Market," by John Freeman, published in News of the World, in London on May 6, 1962.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Jan. 16, 1962]

Common Market and United States Agree on Farm Tariffs

(By Felix Belair, Jr.)

Washington, January 15.—The European Economic Community has agreed to make tariff concessions on U.S. agricultural exports that last year had a value of from $600 million to $700 million, official sources said today.

U.S. negotiators considered as "unsatisfactory," however, proposed concessions on another group of more competitive farm commodities. These commodities had an export value of about $400 million last year.

The United States rejected these concessions from the Economic Community, also known as the Common Market, with the understanding that they were subject to future negotiations.

An agreement, including the accepted concessions and reciprocal cuts on a wide range of manufactured products, is expected to be initialed in Brussels tomorrow. Meanwhile, the United States has served notice that in future negotiations it will insist on its "historic share" of the European market for farm exports.

COMMENT BY PRESIDENT

At his news conference today, President Kennedy guardedly expressed satisfaction with the arrangement. He said that the agreement was "on the whole satisfactory" and "is about the best that could be worked out."

The President cited two obstacles to any exchange of mutually satisfactory concessions on farm products between the United States and Western Europe. These were the rising productivity of European agriculture and the heavy balance of agricultural trade in favor of the United States.

Mr. Kennedy, in his first news conference of the year, observed that the United States in 1961 made commercial sales of farm products to Common Market countries valued at about $1,100 million. Farm products purchased from such countries in the same period amounted to about $200 million, he said.

From this he concluded, "it is very obvious that it is impossible for us to trade evenly with them on agriculture."

This concept was supported by major farm organizations in recent hearings on the Administration's new trade program before a Senate-House economic subcommittee. But the farm groups insisted that Western Europe grant agricultural concessions to the United States in return for U.S. concessions on manufactured and industrial products.

The President drew attention to the special problems involved in agricultural foreign trade and the 18 months devoted to negotiation of an agreement with the Common Market. He said these factors constituted a strong argument for his request for broader tariff-cutting authority than is provided by the Reciprocal Trade Agreement Act, which expires June 30.

The administration's new trade program has yet to be published in detail. It includes Presidential authority to negotiate tariff concessions up to 50 percent by whole categories of commodities, instead of item by item, as is done at present. It would also make it possible to end duties on a wide range of products in which the United States and Common Market countries account for 80 percent of world trade.

The President observed that Common Market countries had experienced an extraordinary economic growth. He said that his new program was intended to enable the United States to share in this growth through expanded trade opportunities and increasing employment at home.

The Common Market nations are West Germany, France, Italy, Belgium, the Netherlands and Luxembourg.

The U.S. farm exports to the Common Market on which acceptable concessions have been offered include cotton, soybeans, tallow, hides and skins, and most fruits and vegetables, official sources reported.

The products covered by proposed concessions that are regarded as "unsatisfactory" include wheat, feed grains, tobacco, rice, and livestock, including poultry.

Some private agricultural economists here believe that the concessions granted the United States had been largely limited to two categories. These are commodities in which this country dominates the world market and those which the Common Market countries have no plans for great expansion, these experts said.

They observed further that the products on which concessions had been "unsatisfactory" were those in which the United States had its major problem of surpluses.

Diplomatic sources suggested it would be a mistake to assume that more satisfactory concessions would not be forthcoming in future negotiations. They recalled that several Western Europe officials had stated publicly that U.S. farm exports should fare no worse after full realization of the Common Market's goal than before.

The President appeared confident at his news conference that the Members of Congress, when they examined all the facts, would support his new trade program.

"I believe that when the Members of the House and Senate have examined our proposal, examined its safeguards, examined what it can do for employment, I am hopeful—in fact I feel it very possible—that we can secure a majority," he said.

He termed the whole question of tariffs "a sophisticated matter, and it is difficult to explain quickly." But he said, "I think that when the educational job is done, I think the country will understand that it is in our best interest."

The President expressed his belief that the present food for peace program should be expanded. This program involves the "sale" of surplus commodities for foreign currencies without any financial return to this country.

In response to a question, the President also indicated that the domestic farm program contemplated legislative authority for rigid controls on production and marketing. The news conference, the 20th held by Mr. Kennedy, was his first since November 29. One that had been scheduled December 20 was canceled when the President's father, Joseph P. Kennedy, was stricken the day before in Palm Beach, Fla.

The news conference today was not televised as it occurred. It was recorded on both audio and video tape for later broadcast and televising.

The President, looking fit and still tan from his holiday stay in Florida, dealt with most questions briskly. He sprinkled his answers with a wide variety of facts and statistics.

TALKS HELD IN BRUSSELS

BRUSSELS, Jan. 15.—United States and Common Market officials conferred at a technical level today. Both sides were hopeful that a final agreement on tariff reductions might be reached tomorrow.

Howard Petersen, President Kennedy's special adviser on trade, discussed tariff issues with Common Market experts. A negotiating session is scheduled for tomorrow with Jean Rey, of the Common Market commission.

A U.S. spokesman said: "We certainly hope they will be able to conclude an agreement tomorrow, but there will be nothing solid before that."

TRADE AID HAILS KENNEDY

SAN FRANCISCO, January 15.—Nelson A. Stitt, director of the United States-Japan Trade Council, said today that the chances were now "50-50" to get a liberalized foreign trade program through Congress this year.

"Six months ago," he said, "we would have said there was no chance."

Mr. Stitt, at a news conference on a west coast visit, gave President Kennedy much of the credit for the asserted change.

"I think he has done a pretty good job at this," he said. "A lot of people see a link between our world position and trade. They are viewing trade as an essential element in our foreign policy."

[From the New York Times, Feb. 4, 1962]

IMPACT ON UNITED STATES SEEN IN PLAN TO EXCLUDE OUTSIDE GOODS

(By J. H. Carmical)

The food-exporting nations are greatly concerned over the new agricultural policy recently adopted by the European Economic Community. And they should be, for a study of the plan shows that it envisions their exclusion from the world's largest single market.

Coming at a period when the United States, the biggest exporter of agricultural products, is in what has been described as "a crisis of abundance" in food supplies, the plan of the European trading bloc, usually referred to as the Common Market, threatens to result in a further curtailment of American agriculture.

This bold and imaginative plan, which was adopted only after the most deliberate considerations by the six member nations in the bloc, eventually may include all Western Europe into a single trading unit. Already most of the other countries in Western Europe, largely in self-defense, have signified an interest in becoming members.

TREMENDOUS POTENTIAL

Should the outsiders be admitted, the largest single trading bloc in history would result. Encompassing an estimated population of 250 million, its potential would be tremendous and its impact on world trade in food, raw materials and manufactured goods would be felt by every nation.

According to those who have closely watched the development of the Common Market, the adoption of the agricultural policy has removed the last major obstacle in the economic integration and possibly the political unification of the Western Continent.

The farm pact, considered the most significant development since the bloc was formed 4 years ago, has the specific objective of making member countries collectively self-sufficient in food production.

The expansion of farm production, which will involve new tractors and other farming equipment, would be a major spur to the industrial development of these six countries—Western Germany, France, Italy, Belgium, the Netherlands, and Luxembourg.

The new farm policy necessarily will mean a great shift in the world trade routes and it looks as if the United States ultimately will lose a large part of its biggest export cash market for farm products. This will be a serious blow because of the present heavy excess production of these items and the huge surpluses already built up.

In an effort to alleviate the burdensome surpluses, of which storage costs alone amount to nearly $1 billion a year, the Kennedy administration is advocating an entirely new farm program that includes a drastic restriction of production over a long period as well as the gradual disposal of a portion of the inventories, mostly held by the U.S. Government.

To what extent the new Common Market policy on agriculture influenced the President's message to Congress last week is not known, but the prospect of losing a part of the European market must have contributed to some extent at least to the proposals to drastically limit farming operations here.

The essentials of the Common Market agreement are these:

The gradual elimination of all tariffs against each other over the next 7½ years, starting from July 1.

The establishment of identical price supports in each member country.

The imposition of tariffs on farm products imported from outside sources at rates equal to the difference between the world price and the Common Market support price.

PRICE SETUP UNKNOWN

The question that remains unresolved is at what level the new Common Market prices for agricultural products are to be set. It has been tentatively agreed, however, that eventually they would be established somewhere between the present French and German levels.

Western Germany has higher price supports than the other members. The support price on wheat, for instance, is $3 a bushel, against $2.20 in France. This would indicate that the price support on wheat would be about $2.60 a bushel should the tentative agreement be carried out. Price supports on other major crops probably would be on the same relative basis.

Support prices at such levels would stimulate agricultural operations in most sections of the Common Market. Since it would apply for a long period, it would enable the farmers to mechanize with the most modern tools, and this should result in an increase in the yield to an acre.

Farming would become more efficient and the farmers using outdated methods would be "frozen out" in somewhat the same way they have been here in the last 15 years. Many had to leave the farms in this period because of the technological revolution in farming.

RISE IN EFFICIENCY

This would result in a more efficient European agriculture and would make available to industry there those persons who have been pushed off the farms. Substitution of tractors for animal power, which is still largely used on many European farms, would release grain for the production of meat and other foods for human consumption.

Generally, what is envisaged by the Common Market countries in agriculture is not unlike what has taken place in the United States in the last 10 years. During that period, farming in this country has gone through a technological revolution and has been almost completely mechanized.

Through the development of higher yielding seed, the use of more fertilizer and the adoption of better cultivating methods, including the use of chemicals to kill weeds and grass, the yields to an acre here have risen sharply.

Better methods of feeding livestock, including the use of antibiotics, also have resulted in a greater utilization of the larger amount of grain produced on an acre. Now it takes only about one-half as much grain to produce a pound of meat as it did 10 or 15 years ago.

SELF-SUFFICIENCY GOAL

There is not much doubt that the Common Market countries, by following reasonably closely the methods used here, soon can become self-sufficient in food production. In fact, within a few years, it is quite likely that Europe may become an exporter of food rather than an importer.

The present support prices, which are high enough to encourage production in most countries, will be continued at least until next year's harvest. Although some may be adjusted downward a bit in certain areas, the knowledge that support prices will be continued and that a market will be guaranteed for products raised will stimulate activity even before the plan is put into effect.

Under the plan, an agricultural fund is to be created that would be used to aid farmers unable to finance needed equipment, to bolster markets if they should drop below the support level and to subsidize the exports of any agricultural product that develops an excessive supply.

The money for this common fund would be raised through the variable import levies on farm products from outside the Common Market. These imports now amount to some $3½ billion a year, of which West Germany receives roughly $1½ billion.

World prices for agricultural products now are generally below the lowest support prices of any in the Common Market countries so, at the start, the fund may grow rapidly. As the bloc approaches self-sufficiency, the accumulations will drop, but at that time its needs will not be so great.

By agreeing to the agricultural policy, the Common Market countries are described as having passed the point of no return on their road to unity. This was the last occasion when the development of the project could be stopped by the vote of a single member country. Unless all members agree to stop it, which seems most unlikely, the terms of the Treaty of Rome, which was signed by the six members in 1957, provide that it continue in effect until the economic unification of the six nations is complete.

Now that the Common Market is more or less permanently established, the question naturally arises as to how many more of the European nations may join in the near future. Britain has made a bid to join, and Denmark and Norway are expected to seek membership. At first, some of the other nations may just seek associate memberships.

Regardless of how many, if any, of the other nations in Europe obtain membership, the Common Market is bound to bring about a sharp decline in imports of farm products to the six member countries. Because of the variable tariff duties, the United States would be able to sell those countries only those items they could not produce. This would be only cotton.

In 1960, the United States sold farm products amounting to $1,100 million to the Common Market countries, or nearly one-fourth of the total agricultural exports of $4,824,187,000. A large portion of these exports was part of foreign-aid programs and payments were not received in dollars for nearly $1,500 million of them. Deducting these foreign shipments, the Common Market accounted for about one-third of this country's agricultural exports in dollars actually received.

U.S. exports of farm products to all of Europe in 1960 amounted to some $2 billion, all of which was paid for in dollars. If Britain and other European countries should become members of the Common Market, much of these exports would be in jeopardy.

Cotton and soybeans appear to be the only two major farm products grown here that would be permitted free importation into Common Market under the present plan. Since soybeans could be produced in the area, it probably would be only a short time before one of the countries in the group would decide to grow them, and an import levy by all then would follow.

Eventually grain exports from the United States to the Common Market would virtually cease. In 1960, feed-grain exports to these countries amounted to 181 million bushels, or 41 percent of the total of 439 million bushels exported.

Although this country's sales of food products to the Common Market may drop to a very low level, prospects are that there may be some increase in sales of cotton. With the standard of living expected to increase further, the use of cotton by the bloc should rise and this may partly offset the decline in shipments of food items from this country.

[From the Wall Street Journal, Apr. 17, 1962]

EUROPEAN BARRIERS

European barriers to U.S. grain and poultry exports worry Federal farm men.

As a result of expected restrictions by the six-nation Common Market, U.S. officials now figure wheat sales to the bloc could fall by 1965 to around $35 million from $120 million now. Poultry shipments might fall far below the current $36 million pace. Feed grain exports, running around $200 million now, would be least affected; land-short Europeans are reluctant to divert acreage to these crops.

Under pressure from European farmers, Common Market officials have agreed to set price supports within the six-nation community high enough to encourage internal production of wheat, feed grains, and poultry; by 1970, the six plan to adopt a new support schedule. Farmers will be insulated from U.S. competition by a variable import fee equal to the difference between internal price supports and lower U.S. export prices.

U.S. officials count heavily on congressional passage of the President's freer trade bill for bargaining power to use against European restrictions.

[From News of the World, London, May 6, 1962]

WHAT IT MEANS IF WE JOIN THE COMMON MARKET

(By John Freeman)

"What exactly is this Common Market," asked my friend in the park, "and what does it matter to me if Britain joins it?" A difficult question, but I had to go at it.

It's a group of six nations: France, Belgium, Holland, Luxembourg, West Germany, and Italy. They're sometimes called the European Economic Community and they have signed the Treaty of Rome, which pledges them to follow a common economic policy.

Between now and 1970 they are abolishing all tariffs between one another and all limitations on the free movement of companies or workers inside the market. What's more, they've set up a Council of Ministers and a small-scale international civil service to draw up the rules and see that they are obeyed.

YOUR JOB

If Britain goes in, our industries and agriculture will have to compete with the other members without any protection. Some will do well out of that, some badly.

Who would be the unlucky ones?

If I worked in motor cars or shipbuilding or market gardening or chemicals or paper and printing, I should be a bit anxious about my job.

And if I lived in Scotland or Northern Ireland I'd worry because unemployment is already too high there, and the Government would no longer have the power to direct new industries into hard-hit areas.

But if I worked in coal, steel, heavy vehicles, textiles, or manufactured clothing, I'd be pleased.

What would happen to wages?

They would tend to even out over the whole market. But this would not necessarily harm British workers. Wages and production have recently been rising much faster inside the market than in Britain.

Still, a large area of unemployment like southern Italy must tend to undercut wages in the high employment areas because its people can go and seek work anywhere in the Community—including Britain—if we join.

Incidentally, there's to be equal pay for women throughout the Market by the end of 1964. This will cost industry a packet, but the burden will be roughly equal for all the countries except France. She'll get off lighter because her existing difference between men's and women's rates is small.

Would membership of the Market mean lower social service benefits in Britain?

Not directly. Some social benefits—e.g. family allowances—are higher in the Community than in Britain. But the state pays a smaller percentage of the cost and the worker and employer pay more.

Since one of the purposes of the Community is to "harmonize" tax policies, the British system would gradually change to the continental pattern. That would be fine when times are good. But in a slump the worker gets more protection from the British system.

PRICES UP

Are our farmers in some special danger?

The fruit and vegetable growers are—and perhaps the sugarbeet and dairy farmers. But most farmers would do about as well as they do now. The rest of us might suffer a bit—especially the poorer people.

The present system of subsidies would come to an end and the public would pay higher prices for food. Perhaps about 10 percent more in the end. To balance that, taxes might be slightly lower.

Should we have to go over to decimals and meters and driving on the right?

Not necessarily, but it might be a good idea.

Would British membership mean the end of the Commonwealth?

No. But it would mean the end of preferential trading inside the Commonwealth. There is a high tariff between the Market and the world outside.

This makes it very difficult for the Commonwealth countries to sell the food and raw materials to the Market countries.

That's why Canada, Australia, and New Zealand, who traditionally sell us their farm produce, are so set against our going in.

Would our Government be free to do whatever it thought necessary for the good of Britain?

The rules of the Market are being added to all the time. But at present, member governments are quite free except in their economic policy. There they have made binding pledges.

One reason, for instance, why many Labour politicians are against the Market is that Britain would probably be barred from some of the policies in Labour's election program.

Of course there are people in the Market who want it to become a complete federation, with the members giving up all their sovereignty. But there's no majority for that now, and maybe there never will be. Don't forget that Britain would have an equal vote with France, West Germany, and Italy.

What is the real argument for going in?

It turns on the answer to a simple question. The Common Market is already a very powerful and rapidly growing trade group which has outstripped Britain in recent years: Are we likely to do better outside in direct competition, or inside sharing the benefits and putting up with the disadvantages?

And what's the answer?

That's for you to decide. I'll make just two comments: First, we shouldn't be in too much of a hurry.

Whatever the final decision, I don't want Britain committed to permanent membership till I'm sure there are stable democratic governments in both Germany and France.

Second, this is one of the gravest decisions Britain has ever faced. We, the people, should make it, and tell our Government what we want.

So far, the Government has treated us like children, not giving us the facts we need to make up our minds. I call on them now to tear down their curtain of secrecy and trust the British people to make a sensible decision.

Mr. CASE of South Dakota. All the articles deal with the problem of the farmer in case of adherence by Great Britain to the Common Market, and in the case of any trade agreements that might be entered into by the United States. The gist of the articles is that very grave questions would be raised for farm produce of the United States. The possibility is suggested that the only export market which would remain for us in the dollar market of Western Europe would be the market for cotton, and possibly soybeans, for a limited period of time. But the dollar market which was worth well over $1 billion to the American farmer last year may be seriously impaired unless adequate protective provisions are placed in the agreement. One of those protections is sought by the amendment which is being proposed by my distinguished colleague [Mr. MUNDT] in behalf of himself, the Senator from Nebraska [Mr. HRUSKA], the Senator from Colorado [Mr. ALLOTT], myself, and other Senators.

Mr. MILLER. Mr. President, I am concerned about several aspects of the bill. One of them is why the bill has not been considered by the Committee on Finance, which is now considering the proposed Trade Expansion Act of 1962.

It seems to me that a bill designed to guide our policy regarding foreign trade certainly should be considered by the Senate Finance Committee, and I cannot understand why no effort has been made to have it considered by that committee.

In the debate in the House on this particular measure, no responsive answer was given to a query as to why the bill was not considered, along with the proposed Trade Expansion Act of 1962, in the House Ways and Means Committee.

I also wish to ask whether there is any intention on the part of the proponents of this bill that it be inconsistent with the Trade Agreements Act now on the statute books or with the proposed Trade Expansion Act of 1962. Possibly the distinguished Senator from Maine may be able to enlighten me in regard to this matter. Is there any intention, which does not now meet the eye, to have this bill be inconsistent with those measures?

Mr. MUSKIE. I can only state that the proposed Trade Expansion Act of 1962, as well as the current trade policy, as written in the legislation now on the statute books, recognizes the need for adjustment provisions. After all, trade always involves adjustments. Sometimes the adjustments come in private sectors; sometimes they come as a result of governmental policy.

The textile agreements involved in the pending bill were negotiated under present law; and present law provides for this method of adjustment in connection with agricultural products or manufactured products thereof, and that relief is available both to the textile industry and—as has been agreed by all Senators who have spoken this afternoon on the subject—to the very ones for whom the present amendment would provide relief. So such relief is available under existing law. Whether it would be provided by the Trade Expansion Act of 1962—I now refer to the Senator's second question—is, in my opinion, a matter of interpretation. A little later, I shall address myself to that subject.

I believe that relief of this kind should be available to all industries which meet similar criteria in regard to injury or risk of injury.

In connection with the proposed Trade Expansion Act of 1962, I think there is some question, whether relief of this kind would be available to other industries if that measure were passed. However, I do not think the Trade Expansion Act would repeal section 204 of the Agricultural Act of 1956, under which this relief is available.

So my present guess is that, regardless of the action taken on the proposed Trade Expansion Act of 1962, this relief will continue to be available in the area of agricultural commodities.

Mr. MILLER. I understand, Mr. President, that the proposed Trade Expansion Act of 1962 would not repeal section 204 of the Agricultural Act of 1956, which the pending bill seeks to amend.

The Senator from Maine is also familiar with the fact that some think section 204 of the Agricultural Act of 1956 should be completely eliminated; they think it is unnecessary, that it is surplusage; and they believe that all these provisions should be dovetailed and combined in a new trade act or should be included in the proposed Trade Expansion Act of 1962.

Frankly, I do not know exactly what should be done; I do not know whether section 204 should be repealed or should not be repealed. My point is that if it remains on the statute books, I find it inconceivable that the proponents of this bill would expect it to be inconsistent with the Trade Agreements Act—under which this multilateral agreement has recently been negotiated—and also would expect it to be inconsistent with the Trade Expansion Act of 1962, when and if that measure is passed by the Congress. So I should like to have that assurance.

Mr. MUSKIE. I reply to the distinguished Senator by saying that our trade policy is composed of all legislation on the subject now on the statute books; and our present trade policy includes both the Reciprocal Trade Agreements Act and the legislation in that field outside that act—such as section 204 of the Agricultural Act of 1956.

If the Senator from Iowa is asking me whether the text of this measure is consistent with the text of the present trade policy, the answer is that, of course, it is, because it has been negotiated under the present law. Furthermore, if, following enactment of the Trade Expansion Act of 1962, this measure is still on the statute books, then obviously the two will be consistent, and this measure will be a part of the whole.

All legislation involves adjustment. The Tariff Act was one of the first pieces of legislation enacted by the First Congress of the United States, and tariff legislation has been on the statute books from the time of the very beginning of our Government. We are not likely to have free trade in the near future; but our objective is to have trade expansion without having free trade, and I believe that is what we are talking about now. Side by side with our debate on trade expansion, we are concerned with trade-adjustment problems which concern various industries throughout the country; and I believe this measure is consistent with trade expansion and with providing relief of this kind to industries, adversely affected by imports, which can meet whatever criteria regarding injury the Congress deems realistic.

Mr. MILLER. I should like to ask another question: Beginning with line 9 of the bill, it is proposed to authorize the President, in order to carry out such multilateral agreements—and there could be many different ones; but, for all practical purposes, we are talking about the 1-year agreement and the 5-year agreement in regard to textiles—to issue regulations governing the entry or the withdrawal from warehouse of products coming from countries not parties to the agreements.

I am concerned in regard to whether those regulations might be inconsistent with the Trade Agreements Act or with other trade agreements acts or with the Trade Expansion Act of 1962; and I shall appreciate it very much if I may have a commitment on that point, because if I cannot get it, it is my thought that I may offer an amendment to make that point very clear. I think it might be healthy to do so in any event, because there will be some who will be concerned in regard to whether, since we are dealing with section 204 of the Agricultural Act of 1956, somehow or other we are slipping in something which may defeat the purposes of the Trade Agreements Acts and also the purposes of the Trade Expansion Act of 1962.

Mr. MUSKIE. I am sure I cannot make a commitment in behalf of the sponsors of the bill; but I may be able to suggest at least an explanation of the nature of the regulations intended to be issued pursuant to the provisions the Senator has mentioned.

I refer the Senator to page 2 of the Senate committee report, on which appears a copy of a letter from Edward Gudeman, Under Secretary of Commerce, to the Vice President. About 10 lines from the bottom of the page appears this sentence:

> Since countries accounting for 90 percent of the free world trade in cotton textiles are participants, the same authority which the President has already been delegated by section 204 should clearly be extended to nonparticipants to prevent the minority of countries which choose to stay out of the arrangements from thereby gaining an advantage over the countries which participate in them.

It is my understanding that the regulation to which the bill refers are regulations which would apply to nonparticipants in the textile agreements the same kind of restrictions which participants in such textile agreements have voluntarily accepted. That is my understanding.

If the Senator has a further question, I shall be glad to refer it, as the Record will refer it, to those in charge of the bill.

Mr. MILLER. I appreciate the attempt of the Senator from Maine to answer the question. I realize he had no notice that I was about to propound this question. I think it might be well, for the Record, to submit an amendment, have it read and printed, and have it appear in the Record, because I would like to have that assurance when the bill is reached tomorrow.

Mr. President, I send to the desk an amendment, and ask that it be read and printed.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be read.

The legislative clerk read as follows:

> Amend H.R. 10788 by striking the period (.) and quotation marks in line twelve and inserting in lieu thereof the following:
>
> "*Provided*, That such regulations shall be consistent with all other Trade Agreements acts and all agreements negotiated thereunder and shall conform to all procedures set forth in said acts."

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table.

Mr. MILLER. Mr. President, I have one final concern about this bill. On line 7 we find the phrase "a significant part of world trade." I must confess that I do not know what "a significant part of world trade" means for the purpose of the bill, except that, insofar as some of the debates on the House side are concerned, it apparently means a significant impact on the national interest of the United States.

I do not know how many of us know exactly what that means. For the purposes of this legislation, it is not going to mean what Congress says it means. It is going to mean what the President of the United States determines in his own mind to be a significant part of world trade. It may be 90 percent for the purposes of the textile industry, but, under this bill, it could be 2 percent. I do not know, because the bill goes to many other products than textiles.

I suggest to my colleagues that it might be well to spell out a little more specifically what is meant by "a significant part," so Congress will be the agency to determine what it is, rather than have the executive branch of the Government make that determination.

It is dangerous to allow this authority to go too far. I recognize the desirability of giving the executive branch of the Government considerable leeway in negotiating agreements. When there are multilateral agreements, such as that which has been negotiated with respect to textiles, probably it is well for the executive branch of the Government to have considerable authority. What I object to is that today we may have an administration which will place one meaning on "significant part of world trade," and tomorrow we may have another administration, which will have its own interpretation of it. The only way it can be made clear is for the Congress itself to spell out what it means.

If the proponents of the bill would spell it out and say 90 percent, or 80 percent, or 50 percent, it seems to me we would have a more definite basis on which to legislate in such an important part of our foreign policy.

I yield the floor.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MILLER. I am glad to yield.

The ACTING PRESIDENT pro tempore. The Senator from Maine has the floor.

Mr. MUSKIE. Mr. President, I am happy to yield.

Mr. HRUSKA. I assume the Senator has not yielded the floor.

Mr. MUSKIE. That is correct.

Mr. HRUSKA. The Senator from Nebraska is a little mystified. A basic part of section 204 gives the President absolute power to make agreements with reference to agricultural products of all kinds. Now the Senator from Iowa wants to take a somewhat technical action, it seems to me, by defining what a part of section 204, which we are asked to enact without amendment, signifies. Apparently the Senator is talking about lack of definition of one word. Is there any doubt that whatever the President says is significant will be significant. Under the provisions of the bill, if it is to be amended as the Senator requests, whatever the President says is not significant will not be considered significant. Is that not about the size of it?

Mr. MILLER. The Senator from Nebraska knows exactly what I am getting at. He and I are very much in harmony on this point. What we object to is the grant of unlimited authority to the executive branch of the Government to make the determination as to what is "a significant part" under section 204. As the Senator has pointed out, the President has unlimited authority. Now it is proposed to add to his unlimited authority the authority to determine what is "a significant part."

I was not present at the time section 204 of the Agricultural Act of 1956 was passed, but from what I have read about it, and particularly what I have read in the debates in the House in this session of Congress, it would not take much to persuade me that section 204 ought to be repealed and that we ought to dovetail in one piece of legislation, such as the Trade Agreements Act, or the Trade Expansion Act of 1962 all the powers which the President has. But I do not think it is going to help matters to take the unlimited power that now exists in section 204 and add to that power the unlimited power to determine what "a significant part of world trade" is. I think it is high time to start restoring to Congress some of the power it should have.

Mr. HRUSKA. Power feeds on power. Section 204 grants the President unlimited power to make agreements. He comes back and says, "Give me more power, because that section does not give me any power to deal with nonagreement countries. Give me more power." Congress apparently is about to grant it to him.

I have no doubt that soon thereafter he will come back to Congress and say, "You have given me power, without limitation or restriction. But I want more power, because I cannot use this power unless you give me more power."

I agree with the Senator from Iowa that perhaps there should be a repeal of section 204, in keeping with other tariff legislation.

Mr. MILLER. In response to the Senator from Nebraska, let me say that while I could readily be persuaded to repeal section 204, with the understanding that all the powers and duties with respect to the Trade Agreement Act be dovetailed with the existing Trade Agreements Acts or with the Trade Expansion Act of 1962, I am content to confine my action on this particular bill in that respect by making it clear that nothing in this bill shall be inconsistent with any of those acts.

I fear that some interpretation may be attached to the bill which will be inconsistent with those acts. If the inconsistency were pointed out, it could be said, "This is a separate act of Congress, and even though it be inconsistent with the other acts it is on the statute books; so it must have been the intention of Congress that it be done this way."

If we adopted a clarifying amendment along the line of the one read it would remove any doubts. Then when the President or the administration acted under the existing Trade Agreements Act, or when the President acted under the Trade Expansion Act of 1962, when and if it is passed, there would not be any danger of inconsistency between this measure and those acts.

Mr. President, I yield the floor.

Mr. MUSKIE. Mr. President, on the point which has been raised by the Senator from Iowa I point out that the language of section 204 reads in part:

> The President may, whenever he determines such action appropriate, negotiate with representatives of foreign governments in an effort to obtain agreements limiting the export from such countries and the importation into the United States of any agricultural commodity or product manufactured therefrom or textiles or textile products.

There is no limitation upon the President with respect to the percentage of total world trade which must be involved in any such negotiation. The President could conduct such negotiation with countries which are involved in respect to only 10 percent, let alone a significant percentage, of world trade. Really, the word "significant," as found in the pending bill, would be more restrictive upon the President's power than section 204 as it now reads. I offer this as an observation for the RECORD.

Mr. President, I have a few brief remarks to make in the context of the debate on the pending bill.

First, let me say to the sponsors of the amendment that it is not possible for the Senate to give to the beef producers, the pork producers, the lamb producers, the poultry producers, or the dairy producers the kind of relief which the bill would give to the textile industry. We cannot negotiate, on the Senate floor, agreements with the countries which are involved. Indeed, we cannot give even any assurance on the Senate floor that the countries involved would undertake to negotiate such agreements with the United States.

It is not possible for us, however eloquent we may be, and however justified the plea by the sponsors of the amendment may be—will it though we may—to give them the kind of relief which the bill would give to the textile industry. That is not within our power.

It is possible for the Senate to veto relief for the textile industry. That would be the effect of the pending amendment. The Senate could veto relief to the textile industry, but it does not have the power to grant similar relief to the other industries which have been mentioned.

I have said in the course of the debate that, in my judgment, industries in like circumstances which can meet similar criteria of injury ought to be given similar relief. As a Senator from the State of Maine, where cotton textiles represent an important segment of the economy, understandably I am gratified that we should have the benefit of these textile agreements.

In my judgment, this multilateral arrangement, which is without precedent, between the United States and 18 other nations covering 90 percent of the free world trade in cotton textiles, represents a sensible trade adjustment in a commodity in respect to which production in low-wage, highly industrialized areas threatens to disrupt the world market.

Moreover, not only is it a sensible trade adjustment with respect to textiles but also, if approved by the Senate, it would be a desirable precedent—I submit this for consideration of the sponsors of the amendment—for similar action in respect to the industries faced with similar conditions. The sponsors of the amendment are doing themselves and the people they represent a disservice by making it difficult and perhaps impossible for the Senate to establish a precedent.

I am happy to support the pending bill because I think it is essential to the reinforcement and strengthening of such agreements. Unless the President has authority to deal with countries not complying with such voluntary trade agreements, the value of such agreements will be lost.

It has been made clear on the floor this afternoon that a number of other commodities, not limited to agricultural commodities, are involved in the same kind of trade problem which has confronted the cotton textile industry.

In New England, in my own State, for example, the shoe industry is plagued by a rapid increase in imports from low-wage countries.

I quote from a release which was issued by Mr. Maxwell Field, executive vice president of the New England Shoe and Leather Association, which highlights the scope of the problem:

> Shoe imports rose 471 percent from 1955 to 1961—

Let me emphasize this—in 6 years shoe imports into this country rose 471 percent—

> Import volume was 37.8 million pairs in 1961, equal to 6.1 percent of domestic output.

Despite this tremendous increase from 1955 to 1961, in the first quarter of 1962, this year, leather-type shoe imports increased 84 percent over the same quarter of 1961.

This is the kind of problem which faces another industry in New England and in my own State, so I am not unaware of the nature of the problem which confronts the sponsors of the amendment. I urge that we allow the textile agreements to become established as a desirable precedent for similar situations facing similar industries.

Mr. President, I ask unanimous consent that the release by Mr. Field may be printed in the RECORD at this point.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

SHOE INDUSTRY SERIOUSLY CONCERNED BY INCREASING IMPORTS

"The shoe manufacturing industry has gone on record as recognizing the need for a national program of full employment and trade expansion but, at the same time, it has expressed serious concern as to its ability to survive as a healthy industry in the face of increasing shoe imports." Maxwell Field, executive vice president of the New England Shoe and Leather Association, explained the industry's concern with sharply higher import shoe volume in meetings conducted by the association this week for its Massachusetts members.

"The shoe industry in New England," Mr. Field pointed out, "employs over 80,000 workers in 380 plants, and when employees in allied and shoe supply industries are included, total employment equals 125,000. The shoe industry is the second largest manufacturing employer in Massachusetts, with 39,000 workers and an additional 17,800 employees in the leather and allied industries.

"Shoes are the No. 1 manufacturing industries in both Maine and New Hampshire. In Maine, employment totals 21,100 shoeworkers plus 3,100 in allied firms. New Hampshire employed 17,900 shoeworkers plus 2,800 employees in supply industries. All employment figures are for the year 1961.

"New England produces one-third of all the shoes manufactured in the United States. In 1961, this totaled 200 million pairs valued at $778 millions. Massachusetts is the leading shoe producing State in the Nation—Maine is fifth and New Hampshire is sixth in size."

Mr. Field also pointed out that "the shoe industry is sponsoring three key amendments to H.R. 9900, President Kennedy's Trade Expansion Act of 1962, which must be incorporated in the measure to safeguard the local shoe manufacturing industry, and its suppliers, which face increasingly severe competition from foreign shoe imports."

PROPOSED AMENDMENTS TO H.R. 9900

The three major amendments, among others, follow:

1. An amendment to section 201(a) "Authority for all Trade Agreements," which would give the President the power to "order other additional import restrictions."

This amendment merely insures that the President will continue to have the power, which he now has under existing law, to protect American industry by restricting the amount of imports.

2. An escape clause amendment, restoring the escape clause provisions of the present law, provides for relief for an industry injured seriously by foreign competition.

3. The proposed peril point amendment to the bill would merely insure substantial continuance of existing law on this subject.

SHOE IMPORTS INCREASING AT ALARMING RATE

Shoe imports rose 471 percent from 1955 to 1961. Import volume was 37.8 million pairs in 1961, equal to 6.1 percent of domestic output.

Leather-type shoe imports increased 84 percent in first quarter of 1962 over 1961—or twice our estimated rate of increase. Such volume of imports—now equal to over 8 percent of U.S. production—under existing duties, substantiates fears of shoe manufacturers for survival.

Mr. Field concluded that "shoe imports, principally from low-wage countries such as Japan and Italy, have already reached serious proportions and represent a major threat to local shoe manufacturers and in the future endangers job security of many workers in these plants.

"If imports of leather footwear continue to increase in such substantial amounts at current tariff rates, then these figures can expand by 50 to 100 percent under H.R. 9900, with its reduced tariff authorization. This rapid increase represents simply a case of lower priced labor in foreign countries competing against higher priced labor in America.

"The necessity for the shoe industry's proposed amendments to H.R. 9900 are, therefore, self-evident."

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MUSKIE. I am happy to yield.

Mr. HRUSKA. The Senator from Maine has indicated that the proposed amendment to the bill, the so-called Mundt amendment, is predicated upon the President entering into multilateral agreements with respect to products other than cotton or cotton textiles.

The Senator raises the question as to what would happen if the President were unable to negotiate such multilateral agreements with respect to the other products. In that event, would the whole bill, including cotton textiles and the cotton industry, be stymied? Would it be held in abeyance?

That is a possibility. I can visualize a situation in which the President might not be able to negotiate a multilateral agreement with reference to timber and timber products, or dairy products, or any of the other categories.

Does the Senator from Maine think such a situation could be met by a modification of the amendment, to provide for a good-faith effort on the part of the President to enter into such multilateral agreements, and that, if he is unable to do so, he could then impose similar limitations on imports in a particular category, notwithstanding the fact that a multilateral agreement was not entered into?

Mr. MUSKIE. The Senator's suggestion would improve the amendment. In further answer to the Senator, 18 other countries were involved in the negotiations. It is not a simple matter to persuade 18 countries, with their different problems and political situations, to reach agreement on a subject as delicate as the one we are considering. The present agreement has been in force for 1 year. A permanent agreement which has been negotiated will go into effect next fall. To undertake to negotiate a similar agreement for the industries covered by the amendment offered by the Senator from South Dakota [Mr. MUNDT] would be time consuming. I assume it would be at least as time consuming as were the textile negotiations. Those negotiations were in process for 2 or 3 years. To hold up the textile agreements over such a period of time would in effect destroy them. I doubt very much that the other 18 countries involved would consent to stand by and allow us to hold their signed check for that period of time, with power in us to cash it only if our own interests justified our doing so.

Mr. HRUSKA. Does not the Senator believe that the 18 nations which entered into the multilateral agreement on cotton would not also be farseeing, wise, and prudent enough to realize that if they loosed their textile exports into this country, they would meet with a stone wall of absolute protectionism? They know that. That is one of the main incentives to induce such countries to enter into multilateral agreements. If they are improvident, they will defeat their own ends and will come out with less than they now have.

Mr. MUSKIE. Does the Senator suggest that those countries might consider themselves improvident if they did not insist that the United States meet a commitment which the United States had already made in order to get the agreement of those countries? What we are considering has been negotiated.

Mr. HRUSKA. No; it has not.

Mr. MUSKIE. They have agreed. The conflicting pressures which influence all the negotiating countries have been compromised in the agreement. Now it is proposed to inject another factor. We would say, "In addition to the other conditions which we asked you to meet, we want you to wait until we try to negotiate similar agreements for livestock, beef, poultry, timber, and dairy products." Would the other 18 countries take kindly to that kind of condition?

Mr. HRUSKA. I respectfully suggest that all the contingencies have not been met. The countries to which we refer have been provident enough to say, "We will not give final approval to the long-range agreement unless you first take care of the nonagreement countries." That is the purpose of the proposed act before us now. They say, "We will not enter into this arrangement unless the nonagreeing countries are taken care of."

Mr. MUSKIE. That was a part of the original agreement.

Mr. HRUSKA. It is not a part of the original agreement, as I understand. The Senator may be correct. I am sure he has been following the subject longer than I have.

But another point stands in the way. We are told, "If the petition handed to the Tariff Commission by the Secretary of Agriculture at the President's request, asking for an equalization fee of 8½ cents per pound on either cotton or textiles, is granted, there will be no agreement on our part to the multilateral agreement that was negotiated in Geneva, Switzerland." So certain conditions have been imposed upon us. That is the reason for the present debate. The bill under consideration today in the Senate is one of the conditions insisted upon before the long-range 5-year agreement is consummated in final form.

What is wrong with a shrewd Yankee trader saying, "That is fine. We will go along with you. But there are certain things that we want before we go forward with this agreement." I do not see anything wrong with that approach.

Mr. MUSKIE. We would then probably be dealing with an entirely different set of countries.

Mr. HRUSKA. Very well.

Mr. MUSKIE. We would then be required to ask the 18 countries to stand by. In effect we would say, "Hold your cards. We will take 2 or 3 years to deal with the other countries on the subject of livestock before we proceed further. We will deal with other countries on the subject of poultry."

There may be some overlap. Some of the same countries may be involved in the consideration of other products. However, we would ask the representatives of those 18 countries to cool their heels for the 2 or 3 years that might be required to make a good-faith effort, if the Mundt amendment, which would satisfy the poultry and meat producers, were agreed to.

If the Senate should adopt the Mundt amendment, I see no reason why we should not add to the bill the shoe and leather industry. The Senator was occupied in conversation when I previously stated the figures. From 1955 to 1961 shoe imports increased by 471 percent. The shoe industry is the largest employer in my State. As an employer, it is larger than the textile industry. It is larger than the pulp and paper industry. As an employer, in my State, the pulp and paper industry is an immense industry, as the Senator, as a liberal trade proponent, may know.

If the Senator from Nebraska can cover the interests of his constituents in the bill, why should I not add the shoe and leather industry? Why should not Senators in whose States the electronics industry is suffering similar problems add amendments to cover that industry? Why do we not make the pending bill the new trade bill? Why do we not forget about the President's trade expansion bill and the opportunity that it provides for us to write an overall trade policy for the country, make the pending bill the new trade bill and include every import-affected industry in the bill?

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MUSKIE. I am happy to yield.

Mr. HRUSKA. I would be happy to have those considerations brought before the Senate. But I point out to the Senator that if section 204 should be expanded to include other commodities, the proposal would be referred to the Senate Committee on Finance. I assure the Senator from Maine that if it should be referred to that committee, it would never again see the light of day. In my judgment members of that committee would not consent to give the President of the United States absolute life and death authority over all commodities, without any restriction whatsoever. I do not believe they will do so later this year.

The Senator suggested that I was distracted in conversation when he recited figures concerning the shoe industry. I heard the statistics. They do not surprise me. In our State there was a healthy watch industry. For years, through the Tariff Commission and through the President, we tried to obtain some relief from foreign imports. We found none. I still remember the black Thursday when the president of that company called the office of the Senator from Nebraska and said, "I am sorry to tell you that all your efforts have been in vain. We are closing our factory in Lincoln, Nebr., and will cease making any more Elgin watches. We are scrapping the machinery and are selling the real estate."

So the comments of the Senator from Maine about the dire straits of the shoe industry can be compared to similar problems which we have had in Nebraska. No longer is there a watch industry in our State. I am aware of these problems; but we cannot broaden this relief beyond agricultural products because section 204 deals only with agriculture.

Mr. MUSKIE. What is agriculture? Section 204 deals with agricultural products and manufactured products thereof. The shoes I have on my feet came from the back of some animal, the very livestock that produces the beef which the Senator's amendment would protect. Under the argument of the Senator from Nebraska, which would limit amendments to agricultural products, what would prevent me from moving to include the shoe industry? I would not include it on my own motion because I think there is another road which I can travel. I believe there is another road that the Senator from Nebraska can travel in order to obtain relief and write into the fundamental trade policy of this country the necessary protection.

We are dealing with an industry which, like others, needs protection. The textile industry, by reason of circumstances which may have been fortuitous, but for which the textile industry and its spokesmen were responsible, has been fighting this problem. When I was elected Governor in 1954 I was in the midst of the fight. It had been in progress for several years before. It has been continuing since that time. By the effort, sweat, and the circumstances of those affected, which appealed apparently to those with authority to help, they have made their case. It is before us, with only one final step to be taken to nail down the relief.

I say to those who would like to see similar relief for other industries similarly affected that they would best serve that cause if they would help this industry to nail down its relief, because this would establish a precedent that would be helpful to them. By denying such relief by action on the floor of the Senate, we would set a precedent for a more liberal trade policy, not a trade policy that would grant more effective relief to industries similarly affected. If the textile industry is denied this relief, the Senate will have spoken on the liberal side of trade, not on the protectionist side of trade.

Mr. HRUSKA. Earlier this afternoon we heard the Senator from South Dakota carefully document the steps which have been taken and the efforts that have been made by other industries. This documentation is in the record. The record is very long indeed. We did not get into this fortuitous situation, perhaps because we did not give the proper knock at the proper door. The cotton industry has been able to get into a preferred post position at the racetrack, so we wished to make some progress at this time, because this is the opportune moment to do it. If we let this opportunity pass, we shall be under a great handicap at any later time, particularly if the Trade Expansion Act of 1962 is enacted. If agriculture receives the same treatment at that time as we are receiving here, we are going to be out in the cold forever and a day.

To ask that we fly the free trade flag and, at the same time, vote for this absolutely protectionist measure comes hard to those of us who are concerned about agricultural products which come within the scope of section 204. We see that the only chance we have under section 204 is slipping away with relief going to some but not to others. That is why we are insisting on making whatever progress we can.

Mr. MUSKIE. I believe the record will show—and I do not want to say anything that the record does not show—that I asked the Senator from South Dakota whether or not those who seek this relief had sought this particular form of relief in any negotiations under section 204. I believe he said that he understood that they had not.

My point is that the textile industry got the relief. They have traveled the road, and are in a position that will help all of us. If the textile agreements blow up, the precedent is of no effect, and they will go down the road that the peril-point cases have gone and the escape-clause cases have gone, which, as the Senator knows, have provided very little relief.

Mr. HRUSKA. No relief at all. As to whether the beef and lamb industries will ever avail themselves of this relief, the fact is that there is only one man who can grant it and implement it. There are in the statute no standards, no guidelines. So there is only one man who can do it under section 204, and that is the man who occupies the office of President of the United States.

If we had something to go by, that would be fine, but we do not.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the two tables—"Impact of Imports on the New England Shoe Industry" and "Impact of Imports on the Maine Shoe Industry"—be printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

IMPACT OF IMPORTS ON THE NEW ENGLAND SHOE INDUSTRY—FACT SHEET

1. Production: New England is the leading shoe producing region in the country.

1961	New England	United States
Shoe production: Pairs	198,132,000	599,700,000
Shoe shipments: Pairs	198,739,000	598,127,000
Value	$777,736,000	$2,272,986,000

	Percent
Ratio of New England output to U.S. total	33.0
New England ratio of dollar shipments to U.S. shipments based on value	34.2

2. Employment: 80,000 shoe workers; total employment 125,000 in Northeast.

1961	New England	United States
Shoe workers (number)	80,000	213,800
Total employees in shoe, leather, and allied industries	125,000	[1] 320,000

[1] Estimated.

3. Total wages of New England shoe workers estimated at $716,077,000 in 1961.

4. Total imports of all footwear in 1961 reached 106,530,156 pairs, valued at $125,856,256. This was equal to 15 percent of total U.S. footwear output of 730 million pairs.

5. Imports in 1961 of leather-type (nonrubber) footwear equaled 6.1 percent of U.S. output—and equaled 18.6 percent of New England volume.

6. Leather-type footwear imports have more than tripled in past 6 years—increase in past year was 38 percent.

7. Leather-type footwear imports in 1961 totaled 37 million pairs, valued at $60 million. Imports were 10 million pairs in 1956, valued at $18,300,000.

8. Shoe exports have been steadily declining in past 6 years—to a low in 1961 of 3,034,545 pairs valued at $8,991,574.

U.S. footwear production versus imports, 1956–61

[In millions of pairs]

	U.S. production			U.S. imports of footwear		
	Leather	Rubber	Total	Leather	Rubber	Total [1]
1961	599.7	130.0	729.7	36.8	65.8	106.5
1960	598.4	114.1	712.5	26.6	112.1	144.4
1959	638.2	79.3	717.5	22.3	52.9	80.5
1958	587.1	64.2	651.3	23.6	19.1	46.6
1957	597.6	58.5	656.1	11.0	6.0	19.7
1956	591.7	53.7	645.4	10.0	2.3	14.8
Percent increase:						
1961–60	0.2	17.0	2.4	38.3	−41.3	−26.2
1961–56	1.35	142.1	13.1	268.0	+2,760.9	119.6
1961 ratio, imports to production				6.1	50.6	14.6

[1] Includes imports of slipper socks.

IMPACT OF IMPORTS ON THE MAINE SHOE INDUSTRY—FACT SHEET

1. Production: Maine is the fifth most important shoe-producing State in the Nation.

1961: Shoe production, pairs, 46,848,000; shoe shipments, pairs, 47,123,000; value of shoe shipments (f.o.b. plant), $173,818,000.

1961: Ratio of Maine production to U.S. total, 7.8 percent.

2. Employment: Shoe industry is the largest manufacturing employer in Maine.

1961:

Shoes (except rubber) manufacturing employees	21,100
Tanning, leather, and leather products (except shoes)	3,100
Total	24,200

3. Total wages paid to Maine shoeworkers, 1961 (estimated), $71 million.

4. Total 1961 U.S. shoe imports equal to 6 percent of U.S. shoe production and to 79 percent of Maine output.

[In pairs]

	U.S. foreign trade in leather-type nonrubber shoes		U.S. shoe production	Maine shoe production
	Imports	Exports		
1955	7,809,654	4,642,134	585,369,000	48,026,000
1956	9,998,939	4,531,470	591,757,000	49,343,000
1957	10,988,477	4,397,638	597,648,000	49,055,000
1958	23,596,541	4,224,648	587,115,000	50,107,000
1959	22,276,841	3,504,712	637,864,000	54,467,000
1960	26,616,508	3,244,316	598,442,000	51,461,000
1961	36,783,815	3,034,545	599,790,000	46,848,000
Percent change 1955–61	+471.0	−34.6	+2.5	−2.5

Mr. MUSKIE. Mr. President, this morning the New England delegation of Senators took special notice of the problems of the shoe industry in New England, particularly as it might be affected by the proposed Trade Expansion Act of 1962. Senator COTTON, of New Hampshire, and I were designated to serve as a special subcommittee of the delegation to examine the special problems of the shoe industry in relation to trade legislation.

I am convinced that steps must be taken to provide more adequate protection for the shoe industry and other industries against sudden disruptions in their markets from low-wage producers in various areas of the world. The multilateral, voluntary agreement approach on import limitations is, to me, a practicable method of dealing with this problem. It has worked in cotton textiles; it can work for other industries.

That is why I introduced S. 1735, the Orderly Marketing Act, which would give the President the specific authority under our trade agreements program to enter into such voluntary import control arrangements.

My proposal would not destroy trade; it would provide a technique for adjusting trade to the long-range benefit of both the exporting country and the importing country. It would help provide orderly development of markets.

I cannot resist drawing attention to that legislative proposal in the context of the one we are now considering, which in effect embraces the same principle.

ADMINISTRATION OF WILDLIFE REFUGES IN OREGON AND CALIFORNIA

Mr. KUCHEL. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1345, S. 1988.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1988) to aid in the administration of the Tule Lake, Lower Klamath, and Upper Klamath National Wildlife Refuges in Oregon and California, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, at the beginning of line 9, to strike out "hereby dedicated to wildlife conservation, shall be administered by the Secretary of the Interior primarily for waterfowl management purposes, and shall not be opened to homestead entry. The following public lands shall also be administered by the Secretary of the Interior primarily for waterfowl management purposes and shall not be opened" and insert "hereby dedicated to wildlife conservation, shall be administered by the Secretary of the Interior for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith. Such lands shall not be opened to homestead entry. The following public lands shall also be administered by the Secretary of the Interior for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith. Such lands shall not be opened to"; on page 3, after line 13, to strike out:

SEC. 3. Fifty cents per acre shall be paid on all reserved public lands lying within the Executive order boundaries of the Lower Klamath National Wildlife Refuge and the Tule Lake National Wildlife Refuge, to the counties within which such refuges are located, beginning with the fiscal year 1962: *Provided*, That the total annual payment per acre to each county shall not exceed three-fourths of the average per-acre tax levied on similar lands in private ownership in each county: *Provided further*, That no such payments shall be made which will reduce the contractual obligations of the United States with the Tulelake Irrigation District or the Klamath Drainage District.

And, in lieu thereof, to insert:

, SEC. 3. Subject to conditions hereafter prescribed, and pursuant to such regulations as may be issued by the Secretary, 25 per centum of the net revenues collected during each fiscal year from the leasing of Klamath project reserved Federal lands within the Executive order boundaries of the lower Klamath National Wildlife Refuge and the Tule Lake National Wildlife Refuge shall be paid annually by the Secretary, without further authorization, for each full fiscal year after the date of this Act to the counties in which such refuges are located, such payments to be made on a pro-rata basis to each county based upon the refuge acreage in each county: *Provided*, That the total annual payment per acre to each county shall not exceed 50 per centum of the average per acre tax levied on similar lands in private ownership in each county, as determined by the Secretary: *Provided further*, That no such payments shall be made which will reduce the credits or the payments to be made pursuant to contractual obligations of the United States with the Tulelake Irrigation District or the Klamath Drainage District, and the priority for the use of the net revenues shall be (1) to pay or credit to the Tulelake Irrigation District the amounts already committed to such payment or credit, and (2) to pay to the Klamath Drainage District the balance thereof until the sum of $180,000 shall have been paid as full reimbursement for the construction of irrigation facilities to the lands involved.

On page 5, line 1, after "Sec. 4.", to strike out "The Secretary of the Interior shall retain in the Bureau of Reclamation or other bureau or agency within the Department of the Interior the full authority to lease the reserved public lands lying within the Executive order boundaries of the Lower Klamath and the Tule Lake National Wildlife Refuges." and insert "In carrying out the policy of this Act, the Secretary of the Interior shall retain full authority to lease for agricultural purposes the reserved public lands lying within the Executive order boundaries of the Lower Klamath and the Tule Lake National Wildlife Refuges."; after line 14, to strike out:

Sec. 5. The area of the water surface of the active sumps in the Klamath project lying within the Executive order boundaries of the Tule Lake National Wildlife Refuge shall not be reduced by diking or any other means to less than the existing thirteen thousand acres.

And, in lieu thereof, to insert:

Sec. 5. The areas of sumps 1(a) and 1(b) in the Klamath project lying within the Executive order boundaries of the Tule Lake National Wildlife Refuge shall not be reduced by diking or by any other construction to less than the existing thirteen thousand acres.

And, on page 6, at the beginning of line 5, to strike out "so regulated as to provide the quantity necessary (1) to maintain sump levels, as established by contractual rules and regulations, in the Tule Lake National Wildlife Refuge, and (2) to maintain the ultimate development in the Upper and Lower Klamath National Wildlife Refuges which, in the judgment of the Secretary of the Interior, will provide biologically suitable habitat for waterfowl utilization" and insert "regulated, subject to valid existing rights, to maintain sump levels in the Tule Lake National Wildlife Refuge at levels established by contract and regulations pursuant thereto, which shall be levels that in the judgment of the Secretary are adequate and practicable for waterfowl management purposes."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the policy of the Congress to stabilize the ownership of the land in the Klamath Federal Reclamation project, Oregon and California, as well as the administration and management of the Klamath Federal Reclamation project and the Lower Klamath National Wildlife Refuge, Upper Klamath National Wildlife Refuge, and Tule Lake National Wildlife Refuge, to preserve intact the necessary existing habitat for migratory waterfowl in this vital area of the Pacific Flyway, and to prevent depredations of migratory waterfowl on agricultural crops in the Pacific Coast States.

Sec. 2. Notwithstanding any other provisions of law, all lands owned by the United States lying within the Executive order boundaries of the Lower Klamath National Wildlife Refuge, the Upper Klamath National Wildlife Refuge, and the Tule Lake National Wildlife Refuge are hereby dedicated to wildlife conservation, shall be administered by the Secretary of the Interior for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith. Such lands shall not be opened to homestead entry. The following public lands shall also be administered by the Secretary of the Interior for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith. Such lands shall not be opened to homestead entry: Hanks Marsh, and first form withdrawal lands (approximately one thousand four hundred and forty acres) in Klamath County, Oregon, lying adjacent to Upper Klamath National Wildlife Refuge; White Lake in Klamath County, Oregon, and Siskiyou County, California; and thirteen tracts of land in Siskiyou County, California, letered as tracts "A," "B," "C," "D," "E," "F," "G," "H," "I," "J," "K," "L," and "N" totaling approximately three thousand two hundred and ninety-two acres, and tract "P" in Modoc County, California, containing about ten acres, all as shown on plate 4 of the report entitled "Plan for Wildlife Use of Federal Lands in the Upper Klamath Basin, Oregon-California, dated April 1956, prepared by the U.S. Fish and Wildlife Service. All the above lands shall remain permanently the property of the United States.

Sec. 3. Subject to conditions hereafter prescribed, and pursuant to such regulations as may be issued by the Secretary, 25 per centum of the net revenues collected during each fiscal year from the leasing of Klamath project reserved Federal lands within the Executive order boundaries of the lower Klamath National Wildlife Refuge and the Tule Lake National Wildlife Refuge shall be paid annually by the Secretary, without further authorization, for each full fiscal year after the date of this Act to the counties in which such refuges are located, such payments to be made on a pro-rata basis to each county based upon the refuge acreage in each county: *Provided*, That the total annual payment per acre to each county shall not exceed 50 per centum of the average per acre tax levied on similar lands in private ownership in each county, as determined by the Secretary: *Provided further*, That no such payments shall be made which will reduce the credits or the payments to be made pursuant to contractual obligations of the United States with the Tulelake Irrigation District or the Klamath Drainage District, and the priority for the use of the net revenues shall be (1) to pay or credit to the Tulelake Irrigation District the amounts already committed to such payment or credit, and (2) to pay to the Klamath Drainage District the balance thereof until the sum of $180,000 shall have been paid as full reimbursement for the construction of irrigation facilities to the lands involved.

Sec. 4. In carrying out the policy of this Act, the Secretary of the Interior shall retain full authority to lease for agricultural purposes the reserved public lands lying within the Executive order boundaries of the Lower Klamath and the Tule Lake National Wildlife Refuges. Leases for agricultural purposes shall provide for the growing of grains, forage, and soil-building crops, except that not more than 25 per centum of the leased lands may be planted to row crops.

Sec. 5. The areas of sumps 1(a) and 1(b) in the Klamath project lying within the Executive order boundaries of the Tule Lake National Wildlife Refuge shall not be reduced by diking or by any other construction to less than the existing thirteen thousand acres.

Sec. 6. In carrying out the obligations of the United States under any migratory bird treaty, the Migratory Bird Treaty Act (40 Stat. 755), as amended, or the Migratory Bird Conservation Act (45 Stat. 1222), as amended, waters under the control of the Secretary of the Interior shall be regulated, subject to valid existing rights, to maintain sump levels in the Tule Lake National Wildlife Refuge at levels established by contract and regulations pursuant thereto, which shall be levels that in the judgment of the Secretary are adequate and practicable for waterfowl management purposes.

Mrs. NEUBERGER. Mr. President, although I had earlier indicated some objection to the passage of the pending bill, I have since been further informed as to some of its provisions. The area concerned is one which knows no artificial boundary put up by man, such as the State line which separates California from Oregon. I have been in close conference with the Senator from California regarding some of the objections which I first had to the bill. Since I made my objections I have learned that some substitute language has been inserted in the bill which I believe would take care of my original objections. The provision with respect to the area which is to be dedicated to wildlife conservation has in it the words "with full consideration to optimum agricultural use that is consistent therewith."

I have been assured by the Senator from California that the bill is in the best interest of his fine State and mine. I therefore withdraw any objection which I previously had to it.

Mr. KUCHEL. I am grateful to the Senator from Oregon. I should like to make a very brief statement on S. 1988. It is in the interest of the American people. It concerns the conservation of our Nation's wildlife resources. Its passage will promote the recreational use of this great area.

The bill gives congressional protection to public lands set aside as wildlife refuges by various Presidents, starting with Theodore Roosevelt. It assures farmers that the Federal Government will continue to provide a temporary habitat for waterfowl, and help prevent depredations of farm crops in the Sacramento, San Joaquin, and even Imperial Valleys of California.

The bill bears the stamp of approval of every conservation organization in America. It is recommended by the executive branch of the U.S. Government, and it is recommended by the executive branch of the government of California. It represents a legislative vehicle under which Congress will give legislative sanction to the public lands set aside by Executive order beginning more than a half century ago to accommodate millions of migratory waterfowl as they fly from Canada on the Pacific coast flyway to Mexico and beyond. Almost 80 percent of the birds which use this great flyway land in the Tule Lake-Klamath wildlife complex for rest and feed. Many nest there.

Briefly—and I quote from the report of the Committee on Interior and Insular Affairs, which unanimously reported the bill to the Senate—the bill generally provides:

1. The public lands within the boundaries of the Executive orders establishing the Tule Lake, Upper Klamath, and Lower Klamath refuges in California and Oregon will be retained in Federal ownership with the major purpose of waterfowl management. Homesteading would be prohibited.

2. The agricultural use of these lands will be continued under the jurisdiction of the Secretary of the Interior.

3. The revenues from the leases will be shared equitably with the local counties on the basis of a payment of 25 percent of the lease revenues but not to exceed 50 percent of the average per acre tax levied on similar lands in private ownership.

4. The basic question is what will be the ultimate use of the 15,000 acres of leased agricultural land within the Tule Lake refuge and 6,400 acres in the Klamath Straits unit within the Lower Klamath refuge. Local interests have held that these lands should be sold or made available for homesteading. Conservation and wildlife groups have urged maximum use of these lands for waterfowl.

The committee believes the proposal offers a proper solution to the problem with no additional costs to the Government, except for that portion of the lease revenues that would be apportioned to the counties under the bill. The potential threat to waterfowl management is removed, and the agricultural use will be protected. The bill recognizes the Federal obligation to the local irrigation districts that must be fulfilled. At the same time it permits the United States to meet its international treaty obligations for the conservation of migratory waterfowl.

Indeed it does, and it permits the United States, also, to meet its obligations to the American people and the generations who are to follow. These public lands are unique in America; they represent perhaps one of the most important migratory waterfowl areas in all the Nation.

The Department of the Interior and the Department of Agriculture recommend enactment of the bill if amended. The Bureau of the Budget has no objection to the enactment of the measure.

At the hearing, the Secretary of the Interior, speaking for the administration and the Department of the Interior, recommended a number of amendments which I believe I can most accurately describe as being technical in nature. The amendments were accepted by the author of the bill and by the committee, and they are, of course, pending before the Senate along with the bill as I originally introduced it.

I ask unanimous consent that a number of comments published in newspapers, all favorable to the proposed legislation, be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the San Francisco (Calif.) Examiner, Feb. 14, 1962]

Sports Afield—Tough Fight Due on Tule Lake Bill

(By Walt Radke)

Senator Thomas H. Kuchel's bill to stabilize the boundaries of the Tule Lake-Lower Klamath Waterfowl Refuges has some massive support, but it also has formidable opposition.

Although S. 1988 has the backing of Secretary of the Interior Stewart Udall, Gov. Edmund G. Brown, and Senator Clair Engle, among others, both the Tulelake Irrigation District and Siskiyou County officials will protest mightily when the measure comes before the Senate Committee on Interior and Insular Affairs on February 23 in Washington.

In a recent issue of the California Farmer, Ed Lange, manager of the Tulelake Irrigation District said that if the Kuchel bill is passed "it is going to cause great conflicts and legal action between the farmers in the basin and the Federal Government."

Lester Cushman and the other TID board members have not budged an inch from their contention that Tule Lake belongs strictly to agriculture and not to wildfowl.

They contend that all legal documents, dating from the Reclamation Act of 1905 to the present, dedicate land within the boundaries of the irrigation district (including Tulelake) for reclamation purposes alone.

The documents also include a contractual agreement between the TID and the Department of the Interior and ratified by Congress. This was the contract, incidentally, the TID didn't quite live up to in the Tule Lake water level squabble a few years back.

As to the ducks and geese, the opponents to S. 1988 feel an intensive study of the Pacific Flyway (an old delay tactic) might reveal that Tule Lake "is in truth only a hypothetical paper bottleneck for the Pacific Flyway."

Further, the opponents want the study to include the feasibility of other nearby areas being developed to take over from Tule as the Nation's leading duck hotel. These include Malheur, Goose Lake, Sport Lake, Warner Valley, Clear Lake, Meiss Lake, Dorris Reservoir, and Gerber Reservoir.

They also cite economic values. The public lands involved have produced crops averaging $2,180,000 yearly since 1952.

But if the farmers at Tule are adamant, so are the sportsmen, conservationists, and U.S. Fish and Wildlife Service. They don't believe the Klamath Basin is merely a "hypothetical bottleneck." As many as 7 million waterfowl have been counted there at one time. It is nationally recognized as one of the most important waterfowl sanctuaries in the Nation.

Further, the sportsmen are a mite confused.

They can't understand why the peewee acreage at Tule needs to be reclaimed for agricultural purposes, when the Federal Government presently is paying farmers in the State handsomely to let over a million acres of agricultural land lay idle.

As to economic consideration, the Kuchel bill would continue present agricultural allowances on refuge lands. And while the farmers at Tule would be happy to see the refuge scuttled, their colleagues in the Sacramento and San Joaquin Valleys certainly wouldn't. If Tule didn't hold the birds until late autumn, the losses by rice and barley farmers to hungry clouds of ducks would run several times $2 million crop production the TID now claims for refuge lands. And we haven't yet mentioned the amount of money duck hunters annually dump into the California economy. This again would be worth many times $2 million.

Maybe the Tule Lake farmers do have present regulations on their side. But laws are revised to meet changing conditions. The Constitution is considered a legal masterpiece, but at last count it had been amended 23 times.

[From the Fresno (Calif.) Bee, Feb. 23, 1962]

The Tule Sanctuary

Senator Thomas Kuchel's bill to keep the teeming Tule Lake and lower Klamath waterfowl sanctuaries undisturbed should pass. These colorful wildlife refuges are irreplaceable. There would be an ominous finality in their extinction.

The hazards confronting the sanctuaries are of mature stature. Impending programs or reclamation and homesteading are not mere matters of turning the birds out and letting the farmers in. Basically, they would constitute the serving of small interests of a very few at the expense of the essential interests of future generations.

The Kuchel bill, by preserving the refuges, will be on the side not just of history and nature but of endless time. These were wildlife sanctuaries long before man made them so. They have served their primitive purpose since the beginning of time. Seven million waterfowl have been counted there at one time. The Nation has few comparable sanctuaries, none better.

The Tule refuges hold the birds until late autumn. If they went foraging earlier, the crop devastation in the San Joaquin and Sacramento Valleys would be many times greater than the value of new crops in the reclaimed refuges. So not all farmers want the sanctuaries converted. Few would, if all knew the full implications.

Governor Brown, Interior Secretary Udall, Senator Clair Engle, among many others, support the Kuchel bill. Sportsmen and conservationists are evangelical about it. We hope they prevail.

[From the Stockton (Calif.) Record, Feb. 14, 1962]

Trail and Stream

(By Fred Gambold)

Duck hunters who like their sport and want to see it continued can aid themselves immeasurably in the next few days, simply by sitting down and writing a letter or two.

The letters should be sent the individual hunter's Congressman or Senator in regards to a Senate bill now being considered in Washington, D.C.

Number of the bill is 1988, and was authorized by California Senator Thomas Kuchel, and it regards protection of the Tule Lake-Klamath area for a waterfowl refuge.

Elmer Boss, local sportsman, and a member of the board of the California Duckhunters Association, stresses importance of Kuchel's bill because of the importance of the Tule Lake-Klamath area for migratory waterfowl.

"The area is twofold in purposes," says Boss.

"It prevents crop depredations by migrating birds, and it provides a natural flyway resting spot for birds that eventually find their way down to the Central Valley.

"Support of Senate bill 1988," Boss adds, "will prevent opening of the area to the homesteading of 14,000 acres in 160-acre sections, as asked by the U.S. Bureau of Reclamation.

"The Tule Lake area is very vital to our own Central Valley farmers. Tule Lake offers a detention spot for ducks and geese in their southward flights, thus allowing full harvest of Central Valley crops, and yet it remains an attraction for waterfowl on their annual migratory treks.

"Any reduction of the size of the Tule Lake-Klamath refuge area, would create just that more danger to our own Central Valley crops," he concluded.

Boss also said the allowance of the homesteading of 160-acre plots would not hamper a group banding together and setting up a big commercial duck-hunting area, and this certainly would not be to the advantage of sportsmen, who now use the general fringe area without charge.

The excellent habitat area would undergo vast changes, Boss said, if homesteading is allowed.

He advised all duck hunters and other sportsmen to write immediately to their Senators and Congressmen, backing passage of KUCHEL's Senate bill 1988.

[From the Bakersfield (Calif.) Californian, Feb. 15, 1962]

RANDOM NOTES ON THE DAY'S NEWS

Those interested in the progress of the efforts of Senator THOMAS KUCHEL and others to stabilize the boundaries and secure the permanence of the Tule Lake Wildlife Refuge in California will follow closely the progress of a hearing set for February 28, before the Senate Interior and Insular Affairs Committee on a bill introduced by Senator KUCHEL for this purpose. The bill, endorsed by the Department of the Interior, would offer permanent protection for the area which is a vital breeding, resting, and nesting grounds on the Pacific wildfowl flyway.

Senator KUCHEL urges interested parties to be represented at the hearing, pointing out that there are a number of amendments under consideration. There is no intention in the legislation to impair the position of farmers presently operating within the refuge and it is the hope of Mr. KUCHEL and other supporters of the measure that "by writing into permanent statute the refuge boundaries, there will be a stabilization of the economy of the area as well as the establishment of a stronger foundation for measures to protect wildlife."

[From the Los Angeles (Calif.) Times, Feb. 19, 1962]

OUTDOORS—TULE LAKE REFUGE FACES NEW THREAT

(By Lupi Saldana)

A new threat to the future of the key waterfowl refuge on the Pacific coast flyway—the famed Tule Lake refuge—was disclosed Sunday by sportsmen.

The disclosure came practically on the eve of a showdown hearing in Washington on a bill aimed at saving the valuable area from commercial interests.

First shot in the fight to stabilize the boundaries of the Tule Lake-Klamath refuges was fired last year when Senator THOMAS H. KUCHEL introduced S. 1988.

The senior Senator from California took this action at the urging of sportsmen and officials of the State department of fish and game, who pointed out that farming and homesteading were constantly nibbling away at the refuge.

AMENDMENT

Later top Interior Department officials reviewed the situation at Tule Lake with State officials. This resulted in submission of an amendment to S. 1988 by Interior officials that would add 6,000 acres to the Tule refuge.

This, of course, set the stage for agriculture interests in the Tule sector to start beating the war drums. This they did by passing resolutions opposing KUCHEL's bill and also whipping up an amendment of their own.

Bill Lowrey, president of the Southern Council of Conservation Clubs, discloses that the proposed amendment cooked up by the agriculture interests would practically eliminate Tule Lake as it is known today.

This proposal calls for having the Government dispose of about 50 percent of Tule Lake for homesteading and farming purposes in exchange for less desirable terrain in the area, Lowrey declared.

HEARING FRIDAY

These developments have set the stage for the showdown hearing on KUCHEL's bill, which will be heard Friday at 10 a.m. in Washington by the Senate Committee on Interior and Insular Affairs.

So with the future of one of the country's most important waterfowl areas hanging in the balance, Lowrey is urging all conservationists in general and sportsmen in particular to immediately write or wire their Representatives in Congress urging them to support S. 1988 and the Interior Department's amendment.

Officials who should be contacted are: KUCHEL, Senator CLAIR ENGLE, Senator CLINTON P. ANDERSON, chairman of the committee, and your congressional Representative.

[From the Outdoorsman (published by Associated Sportsmen of California), January 1962]

INTERIOR DEPARTMENT SUPPORTS TULE-KLAMATH WATERFOWL REFUGES

Strong support for congressional dedication of the Tule Lake, Lower Klamath, and Upper Klamath National Wildlife Refuges, in California and Oregon, as permanent units of the national wildlife refuge system has been voiced by the Department of the Interior, the Wildlife Management Institute reports. The Department's position is stated in Interior Secretary Stewart L. Udall's report to the Senate Committee on Interior and Insular Affairs on S. 1988, introduced earlier this year by Senator THOMAS H. KUCHEL, of California, to "preserve intact the necessary existing habitat for migratory waterfowl in this vital area of the Pacific flyway and to prevent depredations of migratory waterfowl on agricultural crops in the Pacific Coast States."

The refuges were created by Executive order on lands under the primary jurisdiction of the Bureau of Reclamation. The Lower Klamath Refuge was established in 1905, and Tule Lake and Upper Klamath Refuges in 1928. The three comprise 91,619 acres, which, with the 6,891 acres that would be added by S. 1988, would dedicate 98,510 acres to permanent waterfowl-agricultural use.

Experts estimate that about 80 percent of the ducks and geese of the Pacific flyway use the refuges during the fall migrations. Many thousands of young ducks also are reared there each year. The pattern of farming in the refuges provides the birds with reliable sources of food at a key time of the year, and slows their southward flights into the Central Valley of California until after most of the crops have been harvested, thereby holding crop depredations to a minimum.

The three refuges are some of the most important waterfowl grounds in North America. Conservationists share the view of Secretary Udall and Senator KUCHEL that congressional recognition, as sought by S. 1988, is the best means of preventing the dissipation of the refuges in future years.

The amendments proposed by Secretary Udall are said to "serve more clearly the Federal Government's contractual obligations to existing irrigation districts" * * * "permit present agricultural use while protecting waterfowl uses" * * * and prevent "future sale of homesteading of lands which would be dedicated to providing essential nesting, feeding, and resting grounds for ducks and geese."

California's Fish and Game Commission has also taken a firm position in opposition to a U.S. Bureau of Reclamation proposal to remove approximately 14,000 acres from the present Tule Lake National Wildlife Refuge and place them in private ownership for agricultural purposes.

[From the Vallejo (Calif.) Times-Herald, Jan. 10, 1962]

THE SPORTSMAN'S CORNER

(By Rodan Gunn)

An important piece of legislation for western duck hunters is ready to come up in Congress, and it may very well have a good chance of passage.

The bill is Senate bill 1988, introduced by Senator THOMAS H. KUCHEL, of California, and recently supported by the California Wildlife Federation.

As it now stands, with a few amendments, it also has the support of the Kennedy administration.

Recently, Interior Secretary Stewart L. Udall passed along to the Congress some suggestions on the proposed legislation, which would safeguard the vital Klamath-Tule Lake wildlife area near the California-Oregon line.

And Udall said that if the lawmakers agree to his suggestions, the legislation will be a "significant conservation achievement" and "solve a problem that has been under discussion for more than 20 years."

It's pretty well known that the Klamath-Tule Lake area is a feeding area for nearly all the waterfowl that wing down the Pacific flyway. Most experts agree that without this area, there would either be no flyway or the number of ducks would be severely cut.

What were Udall's suggestions?

According to the Interior Department they were designed to "more clearly recognize the Federal Government's present contractual obligations to the Tule Lake Irrigation District in California and the Klamath Drainage District in Oregon."

"The legislation is designed to permit present agricultural use while simultaneously protecting waterfowl use in three refuges," said the Federal agency.

"The legislation as advocated by Secretary Udall, prevents future sale or homesteading of lands which would be dedicated to provide essential nesting, feeding, and resting grounds for ducks and geese on the Pacific flyway."

The Federal Government agrees that the area is important.

"Waterfowl experts of the Department [of Interior] estimate the marshland is used by 80 percent of ducks and geese on the Pacific flyway during the fall migration," said the Federal agency.

"The area is generally regarded as one of the most important waterfowl grounds on the North American Continent."

What's the situation in the area and how did it come about?

The refuges were created by Executive order upon lands under the primary jurisdiction of the Bureau of Reclamation. By terms of an agreement, the lands designated as refuges are managed by the Fish and Wildlife Service.

But much of the remaining publicly owned project land—that not designated as a refuge—is leased to private individuals for farming.

And this works well, too. The harvested fields provide waste grain and stubble heavily utilized by ducks and geese.

There has been talk of turning more of the land over to private interests—and that's the problem the Kuchel bill reaches.

Under terms of the proposed legislation, the leasing would be continued and all public land within the boundaries of the refuges would be administered for the major purpose of waterfowl management—but with full consideration for the optimum agricultural use that is consistent with waterfowl conservation.

Some of the areas would be developed as waterfowl habitat or to augment public shooting grounds. Additional tracts—including the Klamath Straits unit, Sheepy West, Sheepy East, and Miller Lake tract—would be developed intensively for waterfowl use. They are all within the lower Klamath refuge.

There is a provision in the bill for turning over to county governments a percentage of the funds received from leasing agricultural lands. There also are provisions to assure carrying out the Government's contractual obligations with the Tule Lake and Klamath Water Districts—and the right of the Secretary of Interior to continue the policy and practice of leasing land for agricultural uses is clarified.

[From the San Francisco Examiner, Feb. 18, 1962]

The Tule Sanctuary

Senator Thomas Kuchel's bill to keep the teeming Tule Lake and lower Klamath waterfowl sanctuaries undisturbed should pass. These colorful wildlife refuges are irreplaceable. There would be an ominous finality in their extinction.

The hazards confronting the sanctuaries are of major stature. Impending programs of reclamation and homesteading are not mere matters of turning the birds out and letting the farmers in. Basically, they would constitute the serving of small interests of a very few at the expense of the essential interests of future generations.

The Kuchel bill, by preserving the refuges, will be on the side not just of history and nature but of endless time. These were wildlife sanctuaries long before man made them so. They have served their primitive purpose since the beginning of time. Seven million waterfowl have been counted there at one time. The Nation has few comparable sanctuaries, none better.

The Tule refuges hold the birds until late autumn. If they went foraging earlier, the crop devastation in the San Joaquin and Sacramento Valleys would be many times greater than the value of new crops in the reclaimed refuges. So not all farmers want the sanctuaries converted. Few would, if all knew the full implications.

Governor Brown, Interior Secretary Udall, Senator Clair Engle, among many others support the Kuchel bill. Sportsmen and conservationists are evangelical about it. We hope they prevail.

[From the San Francisco (Calif.) Examiner, July 23, 1961]

Sports Afield—Aid Needed on Waterfowl Bill

(By J. P. Cuenin)

Everybody interested in the preservation of the ducks and geese of the Pacific flyway should take an active part in helping to pass Senate bill 1988, introduced by Senator Thomas H. Kuchel, of California.

The bill, if passed, will preserve intact the necessary existing habitat for migratory waterfowl in the Upper and Lower Klamath Lakes National Wildlife Refuges and the Tule Lake National Wildlife Refuge.

Those three Federal waterfowl refuges in northeastern California and southern Oregon are the main stopping places for waterfowl coming south from their nesting grounds to their wintering grounds in California.

CROPS RUINED

At times each fall there are from 4 to 7 million ducks and geese on these refuges. If these sanctuaries are reduced in size, it is possible that many of the waterfowl would stop there for only a few days, then pour into the Sacramento and San Joaquin Valleys before the main part of the rice crop is harvested and thus cause a loss of millions of dollars to the ricegrowers. The owners of cattle and sheep would also have a considerable loss because of the destruction of their irrigated pastures by waterfowl.

COMBINED REFUGES

As a protection from the early flight of ducks from Alaska, which begin arriving in August, we have in the Sacramento and San Joaquin Valleys more than 40,000 acres which are maintained on five State and four Federal properties as combined refuges and waterfowl management areas.

Rice, barley, and other duck foods are planted on these refuges to attract and hold the birds until the rice and other crops are harvested, but they can afford crop protection only for the numbers of waterfowl that reach here on the first flight.

In addition to preventing taking more land for farming from those vital waterfowl refuges, the Senator's bill will prevent lowering the water levels to a point which can and often does permit the water to reach a temperature that will bring up from the muddy bottom the botulism bugs which have killed hundreds of waterfowl on the refuges.

INFECTION SPREADS

Botulism not only kills large numbers of waterfowl on these refuges but permits the spreading of this fatal infection to bodies of water at considerable distances from the Klamath Lakes and Tule Lake.

If migrating ducks coming down from the nesting grounds stop in those refugees for a drink and a rest, then rise to head south, they can reach the Sacramento Valley refuges and hunting waters and infect them before the disease stops their flight. From that beginning all of the waterfowl waters down to the lower end of the San Joaquin Valley could quickly become contaminated.

NEED ALL CLUBS

Senator Kuchel's bill has been indorsed by the following organizations:

Fish and game commission, Associated Sportsmen of California, National Wildlife Federation, California Wildlife Federation, California Farm Bureau, California Agricultural Council, Joint Wildlife Management Committee of Farmers and Sportsmen, and the California Duck Hunters Association.

If this bill is to pass it is not enough to have those fine endorsements. It is necessary that the members of all sportsmen's clubs should contact their Congressmen and ask that they work for its passage.

Each club should appoint a committee composed of duck hunters and farmers, both of whom are, or should be, vitally interested in the passage of this bill.

Each club could adopt a resolution favoring the bill, make copies of it and have the constituents of the Congressman sign it, then deliver it to him, or send it to him in Washington if he is not at home.

[From the Santa Monica (Calif.) Evening Outlook, June 8, 1961]

Rod and Gun

(By J. Charles Davis)

Permanent reservation of nearly 100,000 acres of land, marsh, and water constituting a vital habitat for migratory game birds on the Pacific flyway would be assured under the terms of a bill just introduced in Congress by Senator Thomas H. Kuchel, of California.

Threatened nibbling away of lands in three wildlife refuges prompted Kuchel to introduce legislation withdrawing from possible homesteading 91,619 acres in the upper Klamath, lower Klamath, and Tule Lake areas and extending protection to 6,891 more acres of adjacent land in northern California and southern Oregon. This bill was referred to the Senate Interior Committee, of which Kuchel is a member.

With the backing of the U.S. Interior Department and numerous conservation and sportsman groups, Kuchel asked Congress to declare a definite policy that ownership of public lands in the refuges must be stabilized in order to safeguard the most vital single area of the Pacific flyway. He also pointed out that adequate resting, nesting, and feeding places for migratory birds are essential to prevent depredations against grain and other agricultural crops.

LONG HISTORY

Pointing to the importance of the Klamath-Tule reservation, the California Senator said experts estimate 80 percent of all waterfowl traveling the Pacific flyway pass through the area, and concentrations of birds are estimated to reach peaks of 7,500,000.

Since the refuges were created by Executive orders in 1908 and 1911, reclamation of land for farming, much of it under lease from the Federal Government, and settlement by homesteaders have shrunk the extent of the original reservations, Kuchel told the Senate. Constant encroachments have undermined the ability of the refuge to support the huge flocks and have resulted in increasingly frequent raids on growing crops.

No farmers will be driven out of the area, but if Congress enacts the bill a barrier will be provided against "windfall" homesteading. Lease-agriculture operations and substantial income derived from hunters will have more economic benefits than any other arrangement involving landownership in the area, it was stated.

OTHER SECTIONS

Besides land presently included in upper Klamath, lower Klamath, and Tule Lake refuges, Kuchel's bill will prevent further homesteading on 1,440 acres in Klamath County, Oreg.; 13 tracts in Siskiyou County and 1 tract in Modoc County, Calif.; and White Lake in California and Oregon.

As our population increases more and more land is being converted to homes, industrial, and farming uses. We have frequently pointed out that our woods, waters, fish, and game are being driven farther and farther back and that unless a stop is put to destruction of lands and water their survival is endangered.

With all our fight to preserve a free world it would seem that we should make sure that we have a world worth preserving, not a concrete jungle.

It does not make much sense to this reporter to fight for a 4-day week and then not have any place to enjoy our holidays.

[From the San Francisco (Calif.) Chronicle, June 11, 1961]

Tule Bill Needed

(By Bud Boyd)

Because my great-grandfather crossed the Sierra before the gold rush, our family is rich in stories of that time. And one of the most outstanding was when great-grandfather went to Tule Lake.

"That was Indian country then," he said. We could picture the lurking Modocs. He traveled down the tawny flanks of the Warner Range to ride his buckskin horse into the valley. It was a crisp October day—the moon of gathering waterfowl—and V-shaped lines of ducks and geese swarmed through the air. Tan tules stretched as far as the eye could reach, and when he rode into the marsh where waterfowl were talking, there was an instant hush.

Then suddenly the air was filled with sound. Geese by the uncountable thousands rose into the sky with a querulous honking noise, and the roar of their beating wings was like waves breaking on the shore. A million mallards rose in quacking protest at this intrusion.

To great-grandfather this was one more wonderful thing to find in this new and lovely land. Where men of greater foresight saw the sun-cured grass as cattle feed, and the reclaimed marsh as grain and potato fields, he only saw the wonderful free flying waterfowl.

But in the meantime, this fabulous rendezvous for birds which migrate in from Canada, became a place which men of commerce wanted. Men hacked away the tules and drained the marsh, and a sharp-eyed Federal Government saw this potential threat to one of the world's greatest waterfowl concentration areas, and so they created the Klamath and Tule Lake refuge, as a place to be secure from man.

This was accomplished by Executive order in 1908, but since that time a certain amount of land reclaiming has continued. Rich land has been put to the plow in many cases, and much of the marsh has vanished. Even today a few men still would like to use it all for agriculture.

Although the Federal Government has maintained ownership, and has only leased the agricultural rights, there is a continuing cry for more homesteading. So in an effort to completely safeguard this vital waterfowl habitat, U.S. Senator THOMAS H. KUCHEL has introduced a bill which would assure protection of the area.

With the backing of the U.S. Interior Department and numerous conservation and sportsman groups, KUCHEL took the step to ask Congress to declare a definite policy that ownership of public lands in the refuges must be "stabilized" in order to safeguard "the most vital single area of the Pacific flyway."

KUCHEL's bill would withdraw from possible homesteading 91,619 acres in the upper Klamath, lower Klamath, and Tule Lake areas. It would also extend protection to 6,891 acres of adjacent land in northern California and southern Oregon. The bill has been referred to the Senate Interior Committee, of which KUCHEL is a member.

Pointing to the importance of the Klamath-Tule reservation, the California Senator said, "experts estimate 80 percent of all waterfowl traveling the Pacific flyway pass through the area and the concentration of birds is estimated to reach peaks of 7,500,000." He adds: "Constant encroachments have undermined the ability of the refuge to support the huge flocks and have resulted in increasingly frequent raids of growing crops."

In an effort to show fairness, the Senator pledged that "No farmers will be driven out of the area." But if Congress enacts the bill a barrier will be provided against windfall homesteading.

This certainly seems like a sensible effort on the part of Senator KUCHEL, and would promise to eliminate senseless water level and landownership bickering, as occurred last year.

After all, how does one measure the worth of a resting spot for waterfowl which have winged there through the untold centuries? How does one evaluate the sight and the glorious sound? How do you put a price on something that great-grandfather saw in 1848—and still is a place where I can take my son to hunt today?

We went goose hunting last year, you know, and as we walked across the frozen ground at morning, the geese were milling like a windblown sheet across the distant stubble. The clamor sounded like a speeding freight train, and my age-8 son said softly, "Gee, Dad. I didn't know there were this many birds in all the world."

I pray we keep it that way.

[From the Los Angeles (Calif.) Mirror, June 9, 1961]

Plan Launched To Save Tule Lake Duck Refuge

(By Lupi Saldana)

A bill to permanently insure that the 100,000-acre Federal waterfowl refuge at Tule Lake, considered the most important waterfowl refuge in the Pacific flyway, remain intact today has been formally introduced in Congress by Senator THOMAS H. KUCHEL.

The measure introduced by California's senior Senator has the backing of the Interior Department, State fish and game officials, and sportsmen's groups.

Actually, the Tule Lake-Klamath waterfowl area is the key to waterfowling in California, because it hosts about 80 percent of all waterfowl winging down the Pacific flyway. It is estimated that concentrations of birds in the area hit peaks of 7,500,000.

The refuge is also vital from the standpoint of recreation, because it provides lots of hunting opportunities for unattached California and Oregon shotgunners. And in addition to the waterfowl sport, the area also provides some pretty fair pheasant hunting.

In the past years homesteading has been threatening the existence of the refuge. As a result, sportsmen and fish and game officials have been concerned that this great waterfowl sanctuary might be on its way out.

In his bill, KUCHEL has asked Congress to assure the future of the refuge by stabilizing the ownership of public lands in the refuge in order to "safeguard the most vital single area of the Pacific flyway."

The Senator also pointed out that adequate resting, nesting, and feeding places for migratory birds are essential to prevent depredations on grains and other agricultural crops. So in effect, the refuge serves many purposes.

Since the refuges were created in 1908 and 1911, reclamation of land for farming and settlement by homesteaders has shrunk the extent of the original reservations.

The Senator pledged that no farmers will be driven out of the area, added that the lease-agriculture operations and the substantial income derived from hunters will have more economic benefits than any other arrangement involving landownership in the area.

At any rate, sportsmen should throw their entire weight behind KUCHEL's measure.

[From the Sacramento (Calif.) Union, June 8, 1961]

Protection for Duck Hunters [1]

(By Bob Rudy)

Duck hunters may get some needed protection. Permanent reservation of nearly 100,000 acres of land, marsh, and water constituting a vital habitat for migratory game birds on the Pacific Flyway would be assured under the terms of a bill just introduced in Congress by U.S. Senator THOMAS H. KUCHEL, of California.

Threatened nibbling away of the lands in the three existing wildlife refuges prompted the Senator to introduce this legislation withdrawing from possible homesteading 91,619 acres in the upper Klamath, lower Klamath, and Tule Lake areas and extending protection to 6,891 more acres of adjacent land in northern California and southern Oregon. The bill has been referred to the Senate Interior Committee, of which KUCHEL is a member.

This area hosts 80 percent of California waterfowl every year. Peaks reach over 7,500,000 ducks and geese.

[From the Los Angeles (Calif.) Mirror, June 12, 1961]

Keep Tule Lake for the Birds

A bill introduced in Washington by Senator TOM KUCHEL to preserve the Tule Lake Waterfowl Refuge deserves the support of all the public, as well as sportsmen.

The 100,000-acre area is a stopover point for millions of birds in migration—about 80 percent of all birds which travel the Pacific Flyway.

The size of the lowland watering area, mainly in Siskiyou County, has diminished over the years because of homesteading for farms.

KUCHEL's bill would stop this and retain what is left, which is still a considerable area of natural beauty.

The necessity of providing natural nesting and feeding grounds for birds is a real problem to farmers who are invaded by the flocks.

In the north, depredations by game birds are a serious matter.

The Kuchel bill would help in that problem and also serve sportsmen and nature lovers by protecting our waterfowl from extinction.

[From the Los Angeles Examiner, June 7, 1961]

Tule Lake Bill Given Congress

U.S. Senator TOM KUCHEL has introduced in the Congress a bill urged by California and Oregon sportsmen's groups to preserve 100,000 acres of land, marsh, and water on the Pacific Flyway against encroachment of homesteaders.

KUCHEL's bill is aimed at protecting habitat for migratory game birds that yearly make use of the flyway.

It would withdraw from possible homesteading 91,619 acres in the Tule Lake, Lower Klamath, and Upper Klamath refuge areas. At the same time, it would extend protection to 6,891 more acres of adjacent land in northern California and southern Oregon.

These areas include 1,440 acres in Klamath County, Oreg., 13 tracts in Siskiyou County, 1 tract in Modoc County and White Lake in California and Oregon.

KUCHEL's bill has been referred to the Senate Interior Committee of which the California Senator is a member.

His proposal has the backing of the U.S. Interior Department and numerous conservation and sportsmen groups in this State and in Oregon.

It asks that Congress declare a definite policy that ownership of public lands in the refuges must be stabilized in order to safeguard the "most vital single area of the Pacific Flyway."

The measure also points out that adequate resting, nesting, and feeding places of ducks and geese are essential to prevent depradations on grains and other agricultural crops.

KUCHEL emphasized the importance of the Klamath-Tule Lake refuge by pointing out that experts estimate 80 percent of all waterfowl traveling the Pacific Flyway pass through this area and that the concentration of migratory flocks reaches an estimated peak of 7,500,000 each year.

HOMESTEADERS MOVE IN

The refuges were created by Executive orders in 1908 and 1911. Since then, reclamation of land for farming, much of it under lease from the Federal Government, and settlement by homesteaders, has shrunk the extent of the original reservations.

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[1] Title supplied by printer.

Constant encroachments, Kuchel told the Senate, have undermined the ability of the refuge to support huge flocks and have resulted in increasingly frequent raids on growing crops.

The California Senator pledged no farmers will be driven out of the area, but said the bill will provide a barrier against future "windfall" homesteading.

He commented that lease-agriculture operations and the substantial income derived from hunters will have more economic benefits than any other arrangement involving landownership in the area.

This bill has the full approval of the California Department of Fish and Game, which had a hand in drafting the basic policy. Walt Shannon, DFG director, and Jim Smith, the State fish and game commission president from Los Angeles, took up this matter specifically on a March 9 trip to Washington.

They met with Under Secretary of the Interior James Carr and Assistant Secretary of the Interior for Fish and Wildlife Frank Briggs and urged that the Tule Lake and Klamath refuges be placed permanently in the jurisdiction of the U.S. Fish and Wildlife Service.

Protection of ducks and geese at Tule Lake and Klamath means not only good hunting for those who make the long trip north but assures longer seasons and better bags for sportsmen the length of California.

Hunters from here can well remember the big water battle that took place in the fall of 1959 with the U.S. Fish and Wildlife Service, U.S. Bureau of Reclamation, the Tule Lake Irrigation District all involved. It took an order and court threat from the Secretary of Interior to finally bring the marsh water level back to stipulated elevations for the benefit of waterfowl nesting in the spring and shooting in the fall.

[From the Napa (Calif.) Register, June 12, 1961]

Pacific Flyway

Permanent reservation of nearly 100,000 acres of land, marsh, and water constituting a vital habitat for migratory game birds and the Pacific flyway would be assured under terms of a bill introduced in Congress by U.S. Senator Thomas H. Kuchel, of California.

Threatened nibbling away of lands in three wildlife refuges prompted the senior California Senator to introduce legislation withdrawing from possible homesteading 91,619 acres in the Upper Klamath. Lower Klamath, and Tule Lake areas and extending protection to 6,891 more acres of adjacent land in northern California, and southern Oregon. The bill was referred to the Senate Interior Committee, of which Kuchel is a member.

With the backing of the U.S. Interior Department and numerous conservation and sportsman groups, Kuchel took the step of asking Congress to declare a definite policy that ownership of public lands in the refuges must be stabilized in order to safeguard the most vital single area of the Pacific flyway. He also pointed out that adequate resting, nesting, and feeding places for migratory birds are essential to prevent depredations on grains and other agricultural crops.

Pointing to the importance of the Klamath-Tule Reservation, the California Senator said experts estimate 80 percent of all waterfowl traveling the Pacific flyway pass through the area and concentrations of birds are estimated to reach peaks of 7,500,000.

Since the refuges were created by Executive orders in 1908 and 1911, reclamation of land for farming, much of it under lease from the Federal Government, and settlement by homesteaders has shrunk the extent of the original reservation, Kuchel told the Senate. Constant encroachments have undermined the ability of the refuge to support the huge flocks and have resulted in increasingly frequent raids on growing crops, he added.

No farmers will be driven out of the area, the Senator pledged but if Congress enacts the bill a barrier will be provided against windfall homesteading. He commented that lease-agriculture operations and the substantial income derived from hunters will have more economic benefits than any other arrangement involving landownership in the area.

Besides land presently included in the upper Klamath, lower Klamath, and Tule Lake refuges, Kuchel's bill will prevent further homesteading on 1,440 acres in Klamath County, Oreg.; 13 tracts in Siskiyou County, and 1 tract in Modoc County, Calif.; and White Lake in California and Oregon.

Wildlife Sanctuary Bill Introduced

(By Walt Radke)

In a move to permanently reserve nearly 100,000 acres of land, marsh, and water along the Oregon-California border for migratory game birds, U.S. Senator Thomas H. Kuchel this week intoduced a bill in Congress to have the areas named inviolate wildlife sanctuaries.

Under the provisions of the bill 91,619 acres in the upper Klamath, lower Klamath and Tule Lake areas would be withdrawn from possible homesteading.

Protection also would be accorded 6,891 more acres of adjoining land in northern California and southern Oregon. The measure has been referred to the Senate Interior Committee of which Kuchel is a member.

With the backing of the U.S. Interior Department, the California Fish and Game Department and Commission and organized sportsmen thoroughout the State, Kuchel took the step of asking Congress to declare a definite policy of ownership in the key refuge area.

At the present time the refuges exist only by Executive orders issued in 1908 and 1911, with the Bureau of Land Management, Bureau of Reclamation and the U.S. Fish and Wildlife Service having confused and overlapping authorities and purposes.

Sporadic land withdrawals for homesteading have nibbled away at the refuges through the years. Kuchel calls the Tule-Klamath region the most vital single area of the Pacific flyway.

He also points out that adequate resting, nesting, and feeding places for migratory birds are essential to prevent depredations on grains and other agricultural crops throughout the lush central valley.

Experts estimate 80 percent of all ducks and geese traveling the Pacific flyway use the Klamath-Tule Reservation facilities. At times, as many as 7,500,000 migrating birds are in residence.

Since the refuges were set up a half century ago, reclamation of land for farming, much of it under lease from the Federal Government, and settlement by homesteaders, has shrunk the extent of the original reservations considerably. In the Tule area, there have been two withdrawals since World War II.

These constant encroachments have undermined the ability of the refuges to support the huge flocks and resulted in increasingly frequent raids on growing crops.

No farmers will be driven out of the area, according to Kuchel. But if Congress enacts the bill, a barrier will be provided against further agricultural encroachments.

He contends further that lease agriculture operations and the substantial income derived from hunters will have greater economic benefits than any other arrangement involving land ownership in the area.

Besides lands presently included in the upper Klamath, lower Klamath, and Tule Lake region, the Kuchel bill will prevent further homesteading on 1,440 acres in Klamath County, Oreg., 13 tracts in Siskiyou County, 1 tract in Modoc County, and White Lake in California and Oregon.

Mr. KUCHEL. Mr. President, in addition, I ask unanimous consent that a letter by the county court of Polk County, Oreg., which is typical of hundreds I have received from public and private groups in my own State of California and other States, be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

County Court of Polk County,
Dallas, Oreg., April 23, 1962.

Committee on Interior and Insular Affairs,
Senate Office Building,
Washington, D.C.

Dear Member: I am writing you in regard to S. 1988 that was introduced by Senator Thomas H. Kuchel. We in Oregon feel very deeply about this bill and feel that it should be passed, in the interest of all lovers of wildlife. Throughout our Nation we have been far too negligent in preserving our natural wildlife breeding places. Tule Lake, in southern Oregon, is one of the outstanding duck refuges in the United States. Cutting this piece of land up in homestead sites would almost eliminate the best duck hatching grounds in the Pacific Northwest.

The tourist trade in our State is the third largest industry we have and, of course, the abundance of wildlife is a stimulus to encourage our tourist traffic to this State.

The Polk County court wishes to express their desire to have S. 1988 enacted and become law.

I am greatly surprised that, as we are a State with an abundance of wildlife, we do not have a Representative on the important committee.

We will be happy to furnish any information you may need.

Yours very truly,

C. M. Barnhart,
Polk County Judge.

The ACTING PRESIDENT pro tempore. The first committee amendment will be stated.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the committee amendments, en bloc, are agreed to.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1988) was ordered to be engrossed for a third reading, and was read the third time.

Mr. KUCHEL. Mr. President, I desire to express my thanks to the distinguished junior Senator from Oregon [Mrs. Neuberger], and also to the able senior Senator from Oregon [Mr. Morse], who I observe has come into the Chamber, and also to the representatives of their offices, with whom I have discussed the bill during the last several months. I believe we may all join in the feeling that this is a bill which is in the interest of the American people.

Mr. MORSE. Mr. President, the Senator from California [Mr. Kuchel] and my colleague from Oregon [Mrs. Neuberger] have discussed the bill. The same objections were raised in my office as were raised in the office of Senator Neuberger.

I ask unanimous consent to have printed at this point in the Record recent communications I have received in respect to the objections.

There being no objection, the communications were ordered to be printed in the Record, as follows:

Yreka, Calif., *May 15, 1962.*

Senator Wayne Morse,
Washington, D.C.:

The Northern California County Supervisors Association strongly opposes passage of S. 1988 in present form. Bill fails to protect either wildlife or agricultural resources, as well as falling short on in lieu tax provision. This problem deserves further serious study.

Ralph Hollinger,
President.

The Klamath Sportsmen's
Association, Inc.,
Klamath Falls, Oreg., May 10, 1962.

Re S. 1988.
Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: In appealing to you, we will confine our remarks to the effect of S. 1988 on Oregon.

S. 1988 was introduced by an out-of-stater, without consultation of local interests, and provides in lieu of tax payments for all lands in California but does not include Upper Klamath Lake lands in Oregon.

It stipulates $180,000 as full payment to Klamath Drainage District. This figure is an arbitrated amount which is contingent upon these public lands within the district going into private ownership by sale or exchange as contemplated when the district purchased the water right for the public lands within the district from the Government in 1921. Actual indemnity would be closer to $300,000 should this land remain in Federal ownership.

Klamath Drainage District would not have purchased the water right on the Klamath Straits and Miller Lake public lands or furnished them with water had they not been assured they would go into private ownership and become a part of the district.

Acknowledged indebtedness of the Government should be paid out of accumulated lease revenues in excess of $1 million which the Government has obtained. No part of the reclamation costs of this project have been charged to wildlife, flood control, recreation, or power development. All costs have been paid in full by the district. Certainly the district should not continue to be a creditor of the Government.

Section 6 of the basin amendments, page 81, authorizes sale or exchange of the Klamath Straits for the Upper Klamath Lake Marsh. This is the largest remaining marsh in the basin and contains 9,771 acres of private land, which is in danger of being reclaimed. The F. & W.S. in their 1956 report and on page 43 of the hearing state the private marsh area is needed to form a more operable unit and that the marsh is particularly adapted to diving ducks presently protected from gunning due to short supply (redheads, canvasbacks).

F. & W.S., under our amendment 6, will receive the more effective habitat marsh area which exceeds the straits unit by approximately 3,400 acres while retaining hunting rights on the straits unit in perpetuity.

Basin interests are not happy to see more lands off the tax rolls, but this appears the only manner in which to block out the various areas into operable and economic units, both Federal and private.

The Johnson amendments resolve nothing in Oregon.

If you are unable to amend the bill to include section 6 of the basin amendments, we urge all reference to the State of Oregon be deleted from the bill.

C. L. Langslet.

Mr. MORSE. Mr. President, in essence, some of the persons concerned with irrigation problems in this area were fearful that the bill would not provide for their legitimate interests. But, as the junior Senator from Oregon [Mrs. Neuberger] has said, language was added to the bill which provides the protection which we sought for them. That is why we discussed the question with the Senator from California and other Senators.

The record should show that conservation groups made a thorough study of the import of the bill. They pointed out in a series of letters and other communications the importance of the bill not only for the conservation purposes already referred to by the Senator from California [Mr. Kuchel], but also the importance of this type of legislation in all parts of our country with respect to the development of recreational resources. This is very important in my State, as I have been heard to say before. I believe it will be a matter of only a few years before recreation will be the primary source of revenue in my State. But it will not be possible to provide the recreation facilities unless people go to Oregon; nor will the citizens of my State be able to enjoy recreational advantages unless the natural resources which are so essential to providing recreational facilities are protected.

So after taking into account the communications we have received and the sound conservation objectives of the bill, I am willing to join in recommending its passage.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1988) was passed.

The title was amended, so as to read: "A bill to promote the conservation of the Nation's wildlife resources on the Pacific Flyway in the Tule Lake, Lower Klamath, and Upper Klamath National Wildlife Refuges in Oregon and California."

Mr. KUCHEL. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SALUTE TO THE AUTOMOTIVE SAFETY FOUNDATION

Mr. KUCHEL. Mr. President, as the most highly motorized State in the Union, California has a major interest in safe and efficient highway transportation.

More traffic creates the need for improved highways and also aggravates the accident problem. Vehicle registrations in California since the end of the Second World War have climbed from slightly more than 3 million to well over 8 million. In their efforts to keep pace with the growth in vehicles and travel mileage in California in recent years, our State and our cities have been extremely fortunate to have had available to them the technical assistance of the Automotive Safety Foundation.

This seldom publicized, nonprofit research and educational organization is headquartered here in Washington, D.C. As it marks its silver anniversary of service in the public interest this year, it seems appropriate for me to take note of its accomplishments.

The foundation was established in 1937 under the leadership of four men whose names are well known in the United States: Walter P. Chrysler, Paul G. Hoffman, Alvan Macauley, and Alfred P. Sloan, Jr.

In establishing a privately supported organization to work in the field of highway safety, these leaders in the automobile manufacturing industry recognized several things: first, that primary responsibility for the safety and efficiency of highway transportation rests with duly constituted public officials; second, that to succeed in their various activities, public officials need public understanding of the issues that confront them and public support for the various programs they are seeking to carry out; and third, that a new organization should neither duplicate nor preempt the work of others but rather should seek out new areas of need and pioneer cooperative programs to meet them.

Operating under these policies, the Automotive Safety Foundation works largely through other organizations and provides direct technical assistance only when requested by appropriate public officials and only in areas where other organizations are not prepared to provide the needed service.

Today the Automotive Safety Foundation is supported by more than 600 individual companies and industry associations representing automobile manufacturers, petroleum and asphalt, parts and accessories, rubber tire, advertising agencies and media, steel, automobile finance, portland cement, major banks, automobile and tire dealers, insurance, and schoolbus manufacturers. Since 1937, these industries have pooled $24,800,000 to advance the work of the foundation in support of safer and more efficient highway transportation.

At a time when this Nation is losing about 38,000 of its citizens a year in traffic accidents, injuring 1.5 million more, and sustaining economic losses of more than $6 billion annually, we can scarcely be complacent. On the other hand we need to look at some of the gains we have made.

Before the Automotive Safety Foundation was established, there was no organized national traffic safety movement. Very few States and very few communities were active in this kind of work.

Today as a result of ASF leadership, we have an action program for traffic safety which was developed at the President's Highway Safety Conference called by President Truman in 1946. This program now has the support of all major national safety organizations and the sponsorship of the President's Committee for Traffic Safety, established by President Eisenhower in 1954 and continued by President Kennedy.

In 1936, traffic accidents were claiming lives at the rate of 15.1 for every 100 million vehicle-miles of travel. By the close of 1961 that mileage death rate had been knocked down to 5.2. What this means is that, on a mile-for-mile basis, highway travel is almost three times as safe as it was 25 years ago.

It has been estimated that this reduction in the mileage death rate, brought about by organized traffic safety efforts during the past quarter century, has saved 825,000 lives, prevented 30 million disabling injuries and prevented economic losses of $100 billion. These are the losses in lives and limbs and dollars that we would have been sustained had the mileage death rate continued at the 1937 level all these years that traffic volumes were growing by leaps and bounds.

Traffic safety involves work on many fronts and for this reason the Automotive Safety Foundation has always sought to advance a balanced program. For example, it has made annual grants of funds for the training of traffic police officers and for upgrading traffic police administration. It has made similar grants for the training of traffic engineers, training of motor fleet supervisors, for the advancement of high school driver education through the public schools, for upgrading the administration of traffic courts, for the training of highway engineers and traffic safety specialists.

As part of its balanced program the foundation has worked actively to assist States in orderly highway development. It has been demonstrated time and again that better roads not only ease congestion but reduce accidents.

It was in California, right after the close of the Second World War, that the Automotive Safety Foundation made a pioneering study that marked a milestone in the history of highway development in this country. Engineers of this organization made a study of California's entire road and street system and projected a program of needed improvements based on estimated future traffic growth. This study made it possible for our State to undertake long-range highway plans, based on engineering measurements of future needs. This and subsequent similar studies, made at the request of appropriate State officials, contributed importantly to sound highway development in California.

Other States took note of this work in California and asked the foundation for technical assistance of a similar nature. As a result of these requests, the foundation made a total of 36 highway studies for 27 States, many of them concerned with measurement of highway needs in keeping with projected traffic growth and others concerned with improved highway management, proper classification of highways, and orderly programing of highway improvements.

The information brought to light through these foundation studies was of great assistance to the Congress in the formulation of the national highway modernization program on which we are now engaged.

Perhaps I should also mention that the foundation made a major study, at the request of the Senate Special Committee on Post-War Economic Policy and Planning that gave the Congress important information on transportation needs. This report was entitled "The Role of the Federal Government in Highway Development" and was published as a Senate document in 1944. Foundation engineers also have given the appropriate congressional committees expert testimony, based on the results of research, on the safety aspects of highway improvements.

The Automotive Safety Foundation likewise has been of help to cities in the improvement of traffic operations. As a result of a special study by this organization at the request of city officials, Los Angeles effected a major reorganization of traffic management which put this work on a more efficient basis to the benefit of the highway-using public. A companion study produced similar results in San Francisco.

Using the study techniques developed are made available by the foundation, other cities have been able to reorganize traffic management in the interest of greater efficiency.

At the present time, the Automotive Safety Foundation is assisting the Los Angeles metropolitan region in an areawide transportation study which is perhaps the most comprehensive one of its kind ever undertaken in this country. The study covers all forms of transportation and the findings will provide the basis for orderly long-range planning.

The continuing growth of highway transportation brings with it a need for ever greater efficiency on the part of many agencies of State government concerned with motor vehicle ownership and use, including such areas as driver licensing, traffic engineering, and traffic law enforcement both on the part of the courts and the police.

California has recognized the need to have work in these several areas keep pace with growing demand on the part of the motoring public. Accordingly, our State legislature has called on the Automotive Safety Foundation to direct a study of needs in these various areas of government. In substance this is an attempt to apply, in these fields of government, the principles of sound long-range planning that have been so useful in connection with highway development.

This new venture in California is a three stage study, of which only the first has been completed with the second now underway. It is the hope of the foundation's technicians that research and analysis techniques can be perfected sufficiently in the course of this work so that the procedures can be made available to other States that want to use them.

It is this technique of the foundation—that of pioneering new methods and procedures for dealing with highway problems that all jurisdictions can apply if they wish—that has enabled so many agencies of government to take advantage of its work on a self-help basis. By making it possible for many to help themselves the foundation has generated results and benefits to the public that have a value far exceeding the organization's direct expenditures.

Last spring the Automotive Safety Foundation joined in the sponsorship of a national conference on driving simulation which was held in Santa Monica, Calif. The development of driving simulation devices and techniques holds great promise of making possible new types of research into such important areas as accident causes. It is gratifying to report that the University of California has been the leader in work on development of driving simulation.

Not only is the foundation supported by private business but it is managed by businessmen. Directing the foundation's policies and overall management is a board of trustees, headed by Mr. E. J. Thomas, chairman, the Goodyear Tire & Rubber Co. The board membership includes two Californians, Mr. P. L. Fahrney, vice president, Standard Oil Co. of California, and Mr. Maxwell C. King, president, Pacific Finance Corp. The fact that all of these businessmen, as well as their predecessors, have worked voluntarily and without compensation to advance this important work is in keeping with the best traditions of civic responsibility.

There is a time to look back and a time to look ahead. From what I know of the Automotive Safety Foundation and the men who direct it and staff it, I am confident that this organization will meet the challenges of the future with the same dedication and the same resourcefulness that it has applied during the past quarter century.

Highway transportation will continue to grow. The Bureau of Public Roads has reported to the Congress that by 1975 we can expect vehicle registrations to have reached 110 million—some 34 million more than now—and travel to have exceeded 1,170 billion vehicle miles compared with 733 billion last year. If we stop to consider that each added vehicle and each added mile of travel increases exposure to accidents, the dimensions of the job that we face in traffic safety comes into sharp focus.

This presents a major challenge to the public officials who have primary responsibility for the safety and efficiency of highway travel. Likewise it presents a continuing challenge to citizens whose support is needed. It also presents an opportunity for the business community which supports the Automotive Safety Foundation to continue the splendid record of public service it has made to date.

AMERICAN AID TO ISRAEL: A CHAIN REACTION

Mr. KUCHEL. Mr. President, I have just finished reading an excellent speech delivered by a distinguished Californian, Mr. Bruce W. McDaniel, of Redlands, Calif. Mr. McDaniel spoke on May 9, 1962, as the State of Israel celebrated its 14th anniversary, and in Washington the American-Israel Society sponsored a luncheon to mark the occasion.

Mr. McDaniel was the first Director of the U.S. Operations Mission to the new State of Israel in 1951. This outstanding Californian came to administer the program at a time when a new state in the world was overwhelmed by economic difficulties which arose primarily from the fact that it had just opened its doors and had given sanctuary to more than 600,000 refugees in the course of its first 3 years of existence.

American aid came to this new democracy at a critical period in her history. Since that time this new nation has forged steadily ahead; and she is now, as Mr. McDaniel has pointed out, offering her skill and experience to other members of the family of nations. Mr. McDaniel's statement that aid to Israel set off a chain reaction should be of interest to all of us; and I am pleased to ask unanimous consent that the text of his address be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AID TO ISRAEL: A CHAIN REACTION

(By Bruce W. McDaniel, of Redlands, Calif.)

The war in which we now are and for nearly two decades have been engaged has placed upon us, individually as Americans, and as a nation, the inescapable need to make new and venturesome decisions relative to the use of our manpower, our time, our national income, and the content and direction of our national policies.

As these turbulent, momentous years exposed the true nature, and revealed, in two hemispheres, the pyramiding tragic consequences of this conflict, it became increasingly apparent that business, pleasure, and politics as usual must give way to more realistic mobilization of our total resources; that it is imperative to measure the worth of our domestic and foreign policies against an overriding test, namely, their ability to maintain the security and assure the survival of the United States of America as part of the community of free nations.

Although neither individually nor as a nation have we yet made full use of these commandments for survival, conspicuous changes in the use of our skills and national product have occurred. One of the first began as the Lend-Lease Act in 1941, the prototype of later legislation which created the American foreign-aid program. This program has been damned and ridiculed, praised and supported with unflagging bipartisan vigor, at times with reckless abandon. Some argue that the free world has managed to endure due to the economic and social impact of the program; others contend that our efforts have created enemies, not friends, and that our programs not only have failed abroad but drained our gold reserves.

As usually is the case, both extremes have obscured the truth to the point where some foreigners believe that ugly Americans are a major Yankee export, and some Americans forget that of the $90 billion utilized to date, the greater part has been spent, here at home, with American agriculture and industry. As inept as we may have been on occasions, Americans need not apologize for what they have done. So far, no one seems to have done any better.

Today I would like to relate a refreshing, perhaps prophetic bit of history concerning our relations with a nation which not only has remembered its international good manners and said: "Thank you, America," but through its indomitable spirit has helped to prove that an American foreign aid program can work and can achieve its purposes.

It might, perchance, be more significant if this story were told about Laos or Vietnam, perhaps about Egypt or Afghanistan or Guatemala, but it did not happen there. What did happen, and why, and how, in the long run may prove to be more important and far reaching than where it happened.

This joint venture began in 1951, less than 3 years after creation of the Republic of Israel, at a most critical moment in the life of the young nation. Its food supplies were depleted by successive years of drought, its nearest available source of fuel was Venezuela, its budget was demoralized by short-term debts, and some 250,000 refugees were living in makeshift tents, with a stream of newcomers on the way. It would be hard to imagine a foreign aid program launched under less promising circumstances. In the land of great miracles, one modest well-placed miracle would have been appreciated.

Now, 11 years later, this bilateral alliance, by mutual agreement, is being phased out. The Republic of Israel has reached that degree of economic maturity which with available loans and development funds it believes will enable it to stand on its own feet and cope with the economic challenges of the coming decade. Despite unusual economic, political, and social handicaps the joint program has fulfilled its purposes from the viewpoint both of the host country and our Nation.

What this mutual effort has achieved in Israel is of significance, not alone to all Americans, but to people of all emerging nations: it proves that foreign aid operations, whether as loans and development funds, or as grants and technical cooperation, in the right environment, and when properly conceived and soundly planned, when honestly, courageously, and effectively administered, can accomplish its intended purposes. It shows that there is a workable formula for such international cooperation; and, when these essential ingredients are present, that such cooperation can be an effective means to carry out domestic and foreign policies both of the donor and the recipient.

It has a second, perhaps even more significant aspect. American aid to Israel has triggered a chain reaction in international cooperation. The Republic of Israel already is doing for others what the people of America did for Israelis. This is the very essence, the ultimate goal of all international assistance between free nations: the spontaneous spread of the united effort to do away with the causes of hunger, disease, illiteracy, fear, and serfdom.

Not only are Israeli technicians being called to other countries to assist in basic development projects, but delegations from many nations have been going to Israel to find out what happened there, and what made it happen.

The knowledge and encouragement these visitors take home will do far more than gold or tractors or wheat to convince their people that the destiny of free peoples is indivisible. It is not difficult to imagine the electrifying impact on the free world should this chain reaction which began in Israel spark a similar flame in Africa and Asia, and in Latin America.

Nor is it difficult to foresee the consequences if such flame is not lighted, particularly in the Western Hemisphere. There is a compelling, challenging magnificence in the concept of the Alliance for Progress. Its fulfillment will depend, not so much on loans or development funds, essential as they may be, but on the integrity of purpose and the ability of North and Latin Americans, working as one, to awaken that rare spirit within human beings which creates this magic catalyst. The destiny of millions, the security of the Western Hemisphere—both will be influenced by the outcome.

Foreign aid is a highly specialized, volatile and limited means of implementing foreign policy. By its very nature, it must involve a simultaneous and voluntary person-to-person relationship from top levels of government to the smallest villages. It demands a new type of diplomacy, a new type of personnel, dedicated zealous men and women with special skills, with the ability to know what it means to be blinded by trachoma, living on the thin edge of starvation; men and women with the ability to say "we," not "I," and mean it, and so to share the aspirations and understand the hopes and fears of those whom they would help. It must have people with courage to say "no," quietly, respectfully, and with patience, under pressure.

Experience has shown, by now, that such economic, political, and social entanglements, intimately interlacing the emotions and the destinies of nations, are not to be rushed into lightly, certainly not without meticulous joint preplanning covering each critical phase of the socioeconomic patterns of the host country. It also has demonstrated only too starkly, that a foreign aid program requires for its fulfillment certain imperative preconditions which must exist if there is to be the mutual confidence, the spirit and the will to carry through such a partnership.

The failure to insist on such plans and preconditions, to settle for less because of inexperience, or blackmail disguised as neutralism or as threats to seek help elsewhere, not only can discredit the total American foreign aid effort, and deliberately waste American resources, but be a disservice to those for whom the assistance is intended. Such ineptness is understandable but no longer tolerable.

What made it possible for the America-Israel alliance to reach its goals in little more than a decade? Among others, four preconditions were preeminent:

1. Prior to execution of the bilateral agreement, the Government of Israel gained the active support of its people. This it did by: (a) telling them that it intended to request American technical assistance and economic aid; (b) by outlining the general purposes for which this aid, if granted, would be used; (c) by assuring them that operations would be joint, i.e. a partnership in which both countries, as equals, would have a stake; and (d) by warning that the venture would require that Israelis meet, dollar for dollar, the costs of technical aid, which meant that they would have to tighten their belts even tighter.

With minor exceptions, and despite some 17 political parties, there has been close cooperation between Israelis and their government, and by both with their American counterparts. Without this unity, the program could not have been fully implemented, no matter how large the dollar component.

2. Prior to execution of the bilateral agreement, the Government of Israel, and other national leaders, convinced our Government that Israel could absorb and honestly desired to use American aid to build in the Middle East a viable democratic nation, a valid republic affiliated with the United

Nations and committed to the community of free nations.

Time and bitter experience have shown that this precondition is indispensable for the success of any American-aid program. It can be one of the most difficult to realize. In this respect, the Republic of Israel had an advantage: it was a new nation, not an old one wallowing in centuries of stagnation. It was not dominated by a small entrenched elite, a fossilized hierarchy, with its horde of bureaucrats, bent on perpetuating its status quo, which had to be converted, or eliminated, before any help could prove beneficial. Dollars poured in at the top seldom "trickle down" through such a barrier to effect needed reforms.

Those charged with administering American foreign aid frequently are faced with this dilemma: Which shall come first, aid to effect reforms, or reforms to make it possible for aid to work? This question demands not a prosaic choice, but a delicate complex judgment.

It is traditional American policy, as contrasted with infiltration and subversion, in recognizing the sovereignty of any nation to deal with its people through its government in power.

If such leaders are unwilling or unable to create conditions under which American assistance can gain its real objectives, then, except in those rare instances when the security of America may justify such a calculated risk, wisdom dictates against commitment of American resources to an alliance fraught with discord, bribery, bloody revolt, and almost certain diversion of American aid against itself.

3. Prior to execution of the bilateral agreement, the objectives for which the proposed assistance was to be used were charted with deliberate care. The guiding principles so laid down by mutual approval, in the beginning, have carried through to the end of the program and account for much of its progress. They provided coordinated action, made it possible, step by step, simultaneously to move forward in nine critical areas of Israel's economy, ranging from food production to national financial management. Important as were economic considerations, these plans were predicated on the assumption that Israel's greatest asset was its people, and that human aspirations are not measurable with a slide rule.

As a result, there was no need for crash programs in Israel. The Israelis understood the need to build from the bottom, soundly, and realized that they would have to eat less, work harder and wait until the newly planted citrus, olives and carob trees could bear, the dams and reservoirs could be built, and water developed for irrigation. And, by mutual assistance, there were strings on every project, specific plans to make certain that time, manpower and resources were used only for indispensable deliberated schemes which could be understood and completed. As a consequence, there were no half-finished schools, hospitals without equipment or factories without walls.

4. The Government of Israel, and its people, committed their total resources—moral, spiritual, and material—to the achievement of the ultimate goals envisaged by the alliance. This precondition is mandatory in any justified foreign aid program. No nation, actually interested in helping its people, should hesitate to dedicate its full strength to this end. There is no place in a binational aid program for "squirreling" public or private funds, or policies under which a few continue to live in luxury in the midst of misery, while people of other nations are asked to share their earnings.

This complete dedication by the Israelis left no place for discrimination. In the early years, when a shipload of wheat failed to reach Haifa on schedule, everyone was without bread, the Prime Minister in Jerusalem as well as the shepherd grazing his flocks in the wadis of the Negev. From the highest levels of government, to the lowliest fisherman off Ein Gev on the Sea of Galilee, the men, women, and children of Israel, sharing the same hardships, enjoying the same exhilaration with each step forward, committed themselves to the task of building a new nation in which coming generations will live in full freedom.

In a world shaken by revolt, seeking change, Israel is spreading an idea, a highly revolutionary idea for most people on earth, the idea which can exert a most powerful influence around the globe, the same idea which sparked America's fight for freedom: government only by consent of the governed, and an enlightened economic and social development to preserve that freedom.

Today, on the occasion of the 14th anniversary of the Republic of Israel, we salute its people for their faith in fundamental human rights, in the dignity and worth of the human person, and for the spirit which has impelled them, so soon, to do for others what has been done for them.

Soon will end a phase of dramatic cooperation between one of the oldest and one of the youngest republics of our time: the United States of America and the Republic of Israel. The close of this phase of economic and humanitarian collaboration between these two republics but marks the beginning of a new concept in their continuing cooperation which progresses from technical assistance and economic aid to productive development loans and international credits. What has been done is there to be seen, a refreshing, perhaps prophetic bit of history in an open book for those who care, and those who dare to read its pages. The people of both nations justly may be proud of what they have built, working together, as free men.

There is much yet to be done. As with all free nations, the Republic of Israel and the United States of America must continue to share this mutual responsibility to help safeguard the security and assure the survival of the community of free nations.

AMENDMENT OF THE AGRICULTURAL ACT OF 1956

The Senate resumed the consideration of the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

Mr. HUMPHREY. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The pending business is House bill 10788; and the pending question is on agreeing to the Mundt amendment.

Mr. HUMPHREY. Mr. President, I send to the desk an amendment in the nature of a substitute for the so-called Mundt amendment. The substitute is proposed by me, on behalf of myself and the distinguished senior Senator from Oregon [Mr. MORSE].

The amendment of the Senator from South Dakota [Mr. MUNDT] would, as we know, proscribe action on cotton unless certain nonrelated agreements were reached on beef, lamb, poultry, timber, and other products. Our substitute would treat each product on its own merits. It would direct similar action by the President. For this reason, I would vote to defeat the Mundt amendment, and to substitute a more constructive approach. The Humphrey-Morse amendment will direct the President to limit exports from foreign countries on the commodities listed in the amendment when such imports seriously affect domestic producers.

In other words, the safeguards required for domestic producers are provided by statutory law; and we leave the judgment as to the protection of domestic producers to the discretion of the President, who has the responsibility, under the Trade Acts, to negotiate agreements which are reciprocal and which protect and defend the economic and the political interests of the United States.

Mr. President, I send to the desk the amendment in the nature of a substitute, and ask that it be printed.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table; and at this time the amendment will be stated.

The amendment submitted by Mr. HUMPHREY, on behalf of himself and Mr. MORSE, was read, as follows:

In lieu of the amendment submitted by Mr. MUNDT, on behalf of himself and certain other Senators, insert:

"*Provided, however,* That in addition to agreements in regard to cotton and cotton textiles the President shall negotiate agreements with representatives of foreign nations limiting in like manner the export to the United States from foreign countries to the following commodities: beef and beef products, pork and pork products, fresh and frozen lamb, poultry and poultry products, dairy products, timber and timber products, when in his judgment such imports seriously affect domestic producers.

Mr. HUMPHREY. Mr. President, I do not intend to debate this substitute amendment tonight. I understand that tomorrow the Senate will be operating under the time limitation under the unanimous-consent agreement which has been entered into.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. HUMPHREY. At that time I shall call up my substitute amendment for consideration.

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska will state it.

Mr. HRUSKA. Under the agreement previously entered into, are all amendments on this score before the Senate to be voted upon serially; or just what is the situation? Will the amendment in the nature of a substitute displace the Mundt amendment, or will it be voted on in its proper order, together with such other amendments as may be proposed?

The ACTING PRESIDENT pro tempore. They will be voted on according to their preferential standing when offered.

Under the agreement, the debate is under the control of the Senator from Louisiana and the Senator from South Dakota.

Mr. HRUSKA. But if additional amendments are offered or if additional amendments in the nature of a substitute are offered, they are to be voted on in order, commencing at the hour of 2:30 tomorrow afternoon, are they not? Is that correct?

The ACTING PRESIDENT pro tempore. An amendment in the second degree is now pending, and the first vote will come on the substitute offered by Mr. HUMPHREY (for himself and Mr. MORSE) for the so-called Mundt amendment, unless in the meantime a perfecting amendment should be offered having priority.

Mr. HRUSKA. What about additional amendments in the nature of a substitute?

The ACTING PRESIDENT pro tempore. No further substitute is in order while the present substitute is pending. If it is rejected, another substitute could be offered.

Mr. HUMPHREY. In other words, Mr. President, do I correctly understand that the pending question will be on agreeing to the amendment offered by me, on behalf of myself and the Senator from Oregon [Mr. MORSE], it being an amendment in the nature of a substitute for the Mundt amendment?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. HUMPHREY. And if our amendment is adopted—and we certainly hope it will be—the Senate will then vote on the Mundt amendment as substitued for by the Humphrey-Morse amendment?

The ACTING PRESIDENT pro tempore. Yes, as amended by the Humphrey-Morse amendment.

Mr. HUMPHREY. That is correct.

If our amendment should be rejected, then the Mundt amendment would be open to amendment, would it not?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. HUMPHREY. Then the first vote to be taken tomorrow, in connection with the Mundt amendment, will be on the amendment in the nature of a substitute, which a moment ago I offered on behalf of myself and the Senator from Oregon; is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. MORSE. Mr. President, at this time I wish to comment on the amendment in the nature of a substitute, submitted a moment ago by the Senator from Minnesota [Mr. HUMPHREY], as its author, and also in my behalf, as its cosponsor.

In connection with the amendment to the Agricultural Act of 1956, Mr. President—I refer to House bill 10788—the Senator from South Dakota [Mr. MUNDT] has offered an amendment which would require that before agreements are enforced on cotton and cotton textiles, the President must negotiate agreements with foreign nations limiting the export to the United States of beef, pork, lamb, poultry, dairy, and timber products.

I appreciate the basis on which this amendment is offered; but its adoption would not produce the benefits sought for any of these products, including cotton and cotton textiles.

I would support an amendment directing action on each of the enumerated products independently.

As I have stated, I have been pleased to join with the Senator from Minnesota [Mr. HUMPHREY] in the submission of the amendment in the nature of a substitute which he has offered. I believe it to be a very sound amendment.

When the bill was before the Committee on Agriculture and Forestry, my colleague [Mrs. NEUBERGER] raised the question of whether the Agriculture Act of 1956 included timber. I believe it was with great insight and foresight that she raised that question.

The committee concluded, on the basis of a letter from the General Counsel of the Department of Agriculture, that forestry is a part of agriculture and that timber is an agricultural commodity. Therefore, the act permits the President to take appropriate action on timber and timber products, when in his judgment such action is both necessary and desirable.

In other words, from the standpoint of the power of the President, we really do not need any amendment, insofar as timber is concerned, although I wish to make perfectly clear that I shall welcome an opportunity to vote for any agreement which is entered into in regard to timber, separate and distinct from agreements in regard to other products; and in a moment I shall state my reasons for my preference for that approach.

In this connection the Mundt amendment, as it applies to timber, is unnecessary; all it does is forestall action on textiles until some action is taken on timber and other agricultural commodities.

Therefore, Mr. President, I believe that the amendment of the Senator from South Dakota [Mr. MUNDT] meets the issue neither squarely nor properly.

I believe that the amendment in the nature of a substitute, which has been offered by the Senator from Minnesota [Mr. HUMPHREY], does meet this issue squarely.

Now I wish to say a few words about the parliamentary effect of the Mundt amendment, as I see its potentialities.

First, let us note the items listed in the Mundt amendment, namely, beef, pork, lamb, poultry, dairy, and timber products. But note what the amendment proposes to do. It proposes that before any textile agreement can be negotiated with other nations, there must also be negotiated an agreement in regard to all the other items—not separately, but all of them.

I say most respectfully and kindly that that creates great parliamentary complications for the Senate, for these various items are all in difficulty in our economy. There is difficulty over the importations of beef, pork, lamb, wool, poultry, dairy, and timber products.

I come from a great timber producing State, so I suppose it would be taken for granted that I would rush in to support any amendment offered on the floor of the Senate that even mentioned the word "timber." There are those who say the Senator from Oregon would have a difficult time explaining why he does not do so, since the timber industry is having difficulty. Hearings are in progress. What will be the final field hearing will be held in Portland on June 4th. The hearings are solely and directly on the serious plight in which the timber industry finds itself because of Canadian competition. Many of us feel it is unfair Canadian competition in many respects, and that there is a duty on the part of the Government to take necessary steps to come to the assistance of the timber industry of the Pacific Northwest. But, Mr. President, in my judgment, I do not help the timber industry or the lumbermen of my State by rallying to the support of an amendment offered by the Senator from South Dakota which, in my opinion, would bog down any possibility of obtaining any agreement on anything.

The first thing to do, in my judgment, is to go forward with the textile agreement. Already we have gone a long way with the administration in making progress on an agreement in regard to textiles.

I am perfectly willing to be of assistance in voting for a measure that provides for an agreement, particularly when such measure contains the language which, as I have already made clear, would permit the President to take appropriate action with respect to timber and timber products. We do not need the Mundt amendment in order to permit the President to take action with relation to timber.

I say to the timber industry of the State of Oregon that not a single one of our lumbermen need have any doubt as to whether or not the two Senators from Oregon have been diligent in finding a solution, for we have made clear to our President the seriousness of the situation as it involves Oregon.

If the Mundt amendment is adopted, we shall have no agreement on textiles, beef, pork, lumber, or poultry, because they are all combined, and the provision would say, in effect, that, "You cannot have one without all." In my judgment, the possibility of obtaining all those agreements in time to provide the relief we need, is practically nil.

Furthermore, we have an opportunity to set a precedent with respect to textiles. We have the facts on textiles. The facts on timber are being supplied in part in the hearings being held by the Commerce Committee. It would be a great mistake to have the Mundt amendment thrown into the situation as a part of the legislative process, because it would produce a dilatory action in connection with all products. It would have the effect of defeating the legitimate purpose of the pending bill. I have no doubt of the legitimate objectives of the Senator from South Dakota, but this is not the way to accomplish those objectives.

So I join the Senator from Minnesota in the substitute he offers, because his substitute would provide for adequate procedure. We will approve the textile agreement. We have an amendment that makes it perfectly clear that the President should proceed to give protection to other industries when it can be shown that irretrievable injury would be caused without such protection. I think it is a constructive way to approach the problem.

I shall not be present tomorrow, because I must leave on the midnight plane to be in Oregon tomorrow for the primary, but I shall return on Sunday. The leadership has said it will do its best to obtain a live pair for me on the Mundt amendment, the Humphrey amendment, and the bill itself.

I want the record to show this before I leave, because I know how this information can be misused and the results made misleading unless I make the situation very clear before I leave. I want to make it very clear to the lumber interests of my State that I am opposing the Mundt amendment because, in my judgment, it would work against the best interests of the lumber industry of my State. In my judgment, the adoption of the Humphrey substitute amendment is a proper way.

It would serve clear notice on the President as to the intention of Congress and that when we come forth with the documentation and evidence, the President should give us some support at the executive level and be of assistance in order to meet problems being created by Canada through various types of assistance their lumber interests are getting from their Government and the various advantages they enjoy in competing with the lumber mills of the Pacific Northwest. We are asking, in part, that something be done in regard to the rail transit system, whereby our Canadian lumbermen have an advantage in being permitted to hold box cars loaded with lumber free of charge for 2 weeks, whereas in the United States the Interstate Commerce Commission has denied this right to our lumber producers.

The lumber interests of my State do not have to worry over what the two Senators from Oregon and the members of our State delegation in the House, Mrs. Green, and Mr. Ullman, are doing. They are working to get executive action to protect the legitimate rights of our lumbermen. But I will not go along with the Mundt amendment, because I am satisfied that, although it is pleasant sounding in its phrases, in my judgment it would be most ineffectual in its results, whereas the Humphrey amendment would produce the results we need.

The bill itself, with the Humphrey amendment added to it, would be the best way to serve the interests of the industries enumerated in the Mundt amendment.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. HUMPHREY. Mr. President, I have the floor.

Mr. HRUSKA. Will the Senator yield for a question? He is the author of the amendment.

Mr. HUMPHREY. The Senator may direct a question to the Senator from Oregon.

Mr. HRUSKA. Let me direct the question to either Senator.

Would the Humphrey amendment add anything to the powers conferred on the President by the present section 204?

Mr. MORSE. I think it very clearly would add a direction to the President, and a direction is always a good legislative process.

Mr. HRUSKA. It is a direction to him when, in his judgment, imports seriously affect domestic producers. So it is still within his full discretion.

Mr. MORSE. What does the Senator from Nebraska think the Mundt amendment would add to the President's power?

Mr. HRUSKA. It would subtract from his powers until such time as he effects agreement in all these categories.

Mr. MORSE. It would take from his power and would not protect a single industry. In the present act we set the precedent for protecting the textile industry. We begin with textiles. We are well on our way in negotiations on textiles. I am sure the Senator knows what is going to happen on the floor of the Senate if Senators are to be put in a position of following a course of action that makes it impossible for the President to get meritorious agreements that ought to be made, unless the President can simultaneously secure like agreements for the other industries that can show a need for equally meritorious protection.

Mr. HRUSKA. If the amendment still leaves discretionary power in the President, the Senator from Nebraska does not see that it adds anything to section 204. If there is some way in which it does, I should certainly like to be enlightened.

Mr. HUMPHREY. The addition to the President's authority is only that of congressional intent. There would be a direction by the Congress that the President shall, when he finds imports seriously affect or impair the particular producers of the commodities listed, stop the importation of those commodities which are listed in the amendment. The President would be so directed.

Mr. HRUSKA. But the President has that power under the peril point and escape clause provisions now, does he not; together with the totally unrestricted power under section 204, which reads in part:

> The President may * * * negotiate with representatives of foreign governments in an effort to obtain agreements limiting the export from such countries and the importation into the United States of any agricultural commodity or product manufactured therefrom or textiles or textile products.

Mr. HUMPHREY. Yes.

Mr. HRUSKA. His power is total, absolute, and unrestricted. It would add nothing to the act or to the President's power if Congress were only to say the President shall negotiate agreements when he thinks domestic producers are being seriously affected. That would add absolutely nothing.

Mr. HUMPHREY. I think the addition would be that the Congress is fully aware these commodities which are listed in the amendment could be seriously affected by excessive imports. If they are, and if the President in his judgment finds such to be the case, the President would be directed by the Congress to take the same action in respect to those commodities as he is to take in respect to textiles. Each commodity would be considered on its own merits, rather than in some kind of legislative smorgasbord, which is exactly what the Mundt amendment provides. It gathers in any and all gripes, any and all problems, rumored or in fact, puts them in one amendment and says: "Mr. President, despite what you have done in the negotiations in respect to textiles on the basis of evidence, on the basis of need, and on the basis of the national interest, you must tie this into a package including all other commodities, even though the evidence may not demonstrate those other commodities are being seriously injured. All of them must be tied in together, and if you cannot do that, Mr. President, you cannot do anything."

I say that would be restrictive legislation which I think would violate the intent of the Reciprocal Trade Agreements Act itself. I think it would be a backing up from where we were once before, by an act of Congress. I think it leaves textiles and other industries with no protection at all unless action could be taken for all the other products.

I think it would also be bad legislation not only in terms of its impact but also in terms of its language, with reference to the processes which would be established.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MORSE. I completely agree with the Senator from Minnesota. I would put it this way: The Mundt amendment would add nothing to the President's power, and it would give us no assurance that there would be any agreement in respect to pork, lamb, timber or the other products mentioned. Furthermore, as the Senator from Minnesota has pointed out, it seeks to require the President to negotiate agreements on these other commodities irrespective of what the evidence may be, and with entirely different groups of nations.

Mr. HUMPHREY. Exactly.

Mr. MORSE. We must not forget that other nations are involved in timber products then may be involved in beef or timber.

Mr. HUMPHREY. Yes.

Mr. MORSE. As I stated, great progress has been made already in respect to the textile agreement. What would be done by the Humphrey amendment is to direct the President to take note of any industry in which irreparable injury is being done, and to seek to negotiate an agreement if the facts warrant it.

Mr. HUMPHREY. That is exactly the case.

Mr. MORSE. Lastly, if the Mundt amendment were agreed to, I think it would result in no agreements at all. The textile agreement would be thrown out, along with all the work which has been done in reference to textiles. In my judgment, it would create a very bad situation for achieving any legitimate protection for industries genuinely in need.

Let us be frank about this. It would be said that this was some kind of bargaining or trading proposition being offered, irrespective of the facts.

Mr. HUMPHREY. Of course.

Mr. MORSE. Senators supporting the textile industry have come to the Senate to say, "We have offered our case. We are ready to prove our case. We ask for approval of the agreement."

I want to be in a position to come to the Senate to make out the same case with respect to timber and, if I can prove the case—and I think I can—I hope to be able to obtain similar action.

Mr. HUMPHREY. I think we could add lead, zinc, and iron ore, even though one cannot call those agricultural commodities, because there is no rule of germaneness in this body. One could add almost anything.

Mr. HRUSKA. That would be all right.

Mr. HUMPHREY. The Senator from Nebraska in his comments is suggesting that if any Senator has in mind any commodity which anybody says is in trouble we should put it on the list, put it on the bill of fare, put it on the legislative menu—"The only way you can have anything to eat is to eat it all."

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. HUMPHREY. It is said, "If you want to sit down at this table, take the whole menu, from top to bottom." That is what the Senator from Nebraska would say.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. HRUSKA. The Senator from Minnesota is anticipating the argument. We shall not come to a consideration of that question until H.R. 9900 is before the Senate. On that score, if the bill contains then what it contains now, including bestowing virtually absolute power on the President, the Senator from Nebraska will oppose it and oppose it vigorously, because he does not believe that the President or any other person in America should exercise so much power without limitations prescribed by the Congress.

Mr. HUMPHREY. The Congress has prescribed plenty of limitations. The Congress of the United States has provided a limitation that these things cannot be done unless the President finds it is in the national interest. The President cannot make these agreements if he finds, for example, that such agreements would be injurious to the domestic producers. That is plenty of limitation.

What is really being said, though not in so many words, to get it out on the table, is, "We don't trust the President. We don't trust his judgment."

The President of the United States will use the facilities of this Government to ascertain whether or not there is a national injury. I think he will do the right thing. I do not wish to be put in the position of preventing passage of much-needed legislation relating to the textile industry, even though there is not a single textile plant in the State of Minnesota. That industry obviously has problems. Its problems have been analyzed.

Negotiations are underway toward agreements which will be helpful to this country. They will not be injurious to other producers. Agreements have been arrived at, after diplomatic negotiations. I think this is the proper way to proceed, considering the merits of the question and the merits of the commodity involved.

This is exactly what the Humphrey-Morse amendment would do. I believe, if it is necessary to have an amendment to the bill, that the substitute proposed offers the sensible process, and I think it offers the more equitable way of proceeding.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Illinois.

Mr. DOUGLAS. In the campaign of 1880 the Democratic candidate for the Presidency, Winfield Scott Hancock, remarked that "the tariff is a local issue." He was laughed to scorn for that statement. But the proceedings of the last few months and the discussion tonight in the Senate indicate that General Hancock knew about the tariff.

The President and the large part of the country on the one hand are trying to lower tariffs as an inducement to get other countries to lower their tariffs to expand the total area of international trade. They are doing this because they believe in the advantages of the international division of labor, that a broader market will stimulate a greater division of labor and will break down national cartels and monopolies. I agree with this general purpose, and I intend to support it.

The administration faces certain political difficulties which have become clearly apparent. The glass industry says, "We will be hurt." The carpet industry says, "We will be hurt." So, in order to placate the glass industry and the carpet industry, the President raises the tariffs on those two products in the hope of getting Representatives and Senators from those areas to vote for the trade expansion bill.

The textile industry, along with the steel industry, has been one of the two great centers of protectionism in this country. The textile mills of New England were protectionist from the very beginning. As a matter of fact, they financed the Republican Party and furnished the driving force for a large section of the Republican Party.

That was true of the textile industries in Pennsylvania. In the past our southern friends have been low tariff advocates and broad traders because they exported raw cotton. Now, however, the textile mills have moved in large part out of New England and into the Piedmont region, which stretches from Danville, Va., to Birmingham, Ala. As the textile mills have moved South, they have carried with them the protectionist sentiment.

I well remember when the Reciprocal Trade Act of 1955 was passed in the House of Representatives by only one or two votes. On that occasion every Representative from the South or the Piedmont region voted against the Reciprocal Trade Act.

As realists we are all more or less familiar with what has happened. The textile industry is a powerful industry. Senators and Representatives represent textile districts in New England, the Middle States, and now the Southern States as well. In order to placate them and get them to support trade expansion, the Department of State and the Department of Commerce negotiated agreements with the European Economic Community and with other areas. I do not know the full details. On the whole they have done a pretty good job because, as I understand, the European countries have agreed to take more textiles from Hong Kong, so that we will be required to take less, or proportionately less.

Nevertheless, as tacticians, the administration made at least three successive concessions to protectionist sentiment in order to get the bill passed.

Now our good friend the Senator from South Dakota [Mr. MUNDT] has come forward with a proposal to include in the bill the livestock, dairy, and timber industries. Where is this process to stop? The Senator from Oregon [Mr. MORSE] has said that he wants to take care of Oregon timber, I suppose, against the competition of British Columbia timber?

The Senator from Maine implied that the shoe industry is in trouble. The shoe industry started in New England close to where the distinguished Presiding Officer, the Senator from Massachusetts [Mr. SMITH], now lives. I believe Lynn was the original center of the shoe industry. The shoe industry has gone west as the textile industry, in part, has gone south. St. Louis is now the center of the shoe industry, with Brown Shoe and International Shoe having their headquarters in that city. Shoe factories are scattered over the State of Illinois. So shoes will come in. If we make concessions to shoes, other industries will line up at the lunch counter. We can be quite certain of that.

The coal industry is a very important industry. I think it has been treated rather badly by Germany. We can lay down coal at the mouth of the Rhine and sell it at prices less than the German prices. But Germany will let in from outside countries only 6 million tons a year, of which we are permitted to bring in 5 million tons. Germany has refused to raise the quota. The coal industry is asking for more severe restrictions upon the importation of residual fuel.

Constant complaints have been received from those in the flatware industry in Illinois. They say they are being menaced by flatware competition from Japan, and ask whether something can be done for them. I have fought them off thus far with the statement that we should consider the general interest of the country.

Illinois is a large producer of bicycles. Bicycles have been suffering from English competition.

The point is that once we start making concessions and trading, and once we start buying off local opposition, however necessary it may be, we weaken the general position.

It is notorious that I am not a skillful political tactician.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. What was the Senator's margin in the last election?

Mr. DOUGLAS. 437,000.

Mr. HUMPHREY. I must say, "What skill."

Mr. DOUGLAS. The people of my State have been very kind to me—much more kind than I deserve. I can only say on the floor of the Senate that I recognize that I am not a skilled tactician. I understand the motives of everyone. I have no criticism of anyone. I only say that if we start trading commodity after commodity, we shall lose the general principle. A halt must be called somewhere.

The President may have made a mistake with respect to the glass and carpet industries, because his action has evoked outcries from Belgium. Belgium is considering retaliatory measures on commodities because we are hitting some of their major industries.

I am not going to preach to my colleagues on this subject. The situation reminds me of Rip Van Winkle. Rip Van Winkle swore off intoxicating liquors, but whenever a drink appeared he would say, "We won't count this time."

It is very easy to send the general principle down the river in order to make a little local conciliation. How long can I hold out when people say to me, "Glass is protected. Carpets are protected. Cotton is going to be protected. Wool is going to be protected. Beef, pork, and lamb," we produce at least the first two of those commodities in large quantities, "butter, cheese, and timber," we do not have much timber, "must we always be at the end of the line?"

Mr. HUMPHREY. I come from a State that has timber, beef, and dairy products in large amounts. I am not asking that they be blanketed in under any protection. I think all these matters must be judged on their merits. Basically, I support the trade expansion bill, and feel that the national interest and agricultural interest will be better served by its enactment.

Mr. DOUGLAS. I am disposed to agree with the Senator from Minnesota. I have no fault to find with the administration. I have no fault to find with the Senator from South Dakota or the Senator from Nebraska. I think they are merely doing what others have done. What we face in the Senate is that the textile group is a very powerful group, centered not only in New England and the Middle States, but also in the Southern States. In a very genteel fashion they have held a pistol at the head of the President and said, "There will be no trade expansion bill unless you take care of cotton and wool." I suppose that is exactly what happened, and under that pressure the poor man could not hold out.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HRUSKA. Is the Senator suggesting that the timber interests, the cattle interests, the pork interests, and the lamb interests are unharmed, and therefore our interests will not be considered in the preferred class that can be helped by the President under the provisions of section 204? On the other hand, the cotton interests, being a little more potent politically and having a pistol, are getting what they want. If so, the issue before the Congress now is the question whether we can summon enough power here to do something which will assure our people of enjoying the same treatment given the cotton interests.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HUMPHREY. I think we should differentiate between the dead-eye aim of the pistol, which picks a particular target, and coming through with a mallet and catching what one can find.

Mr. HRUSKA. On the contrary——

Mr. HUMPHREY. I am not happy with what happened with respect to glass.

In fact, I wrote to the State Department about glass and carpets. For example, immediately after tariffs were raised on glass, prices went up immediately on glass products. I did not care for that. I wrote to the Department and expressed my concern about it. I wrote to the Department of Commerce and the Department of State. They gave me some information which somewhat disabused my mind of certain misconceptions. But I feel that the policy is one which can lend itself to abuse.

I think we all recognize that in the legislative processes we seldom get the perfect instrument.

We are seeking through the trade expansion bill to give the President the basic authority to be able to sit at the conference table of economic and trade negotiations with enough flexibility for the adjustment of tariffs and duties so that our negotiators and the President will be able to provide us with the best package that is available under the terms of the agreement.

I hope that this will be the case. I should very much dislike to see the legislation loaded down with any more exemptions and exceptions.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. MORSE. I wish to make this brief comment on the observations of the Senator from Illinois and the Senator from Minnesota. We are dealing here with both a definitive problem and also with a matter of degree. I have made some inquiries and have done some book work on this subject. I do not understand that this textile agreement is satisfactory to the textile industry of this country or to the textile industry of some of the other countries. It is not an agreement that eliminates what many of the textile manufacturers of this country feel is an injury. We have a definitive problem as to whether the agreement meets what I believe we ought to work for; namely, the elimination of irreparable injury to an industry. That does not mean the elimination of all injury.

I wish to make it clear that I will support the trade program of the President so far as the objectives are concerned. I am certainly not going to take the position that all possible injury that may result to some industry must be eliminated before I will vote for the bill. We cannot have that kind of guarantee and meet the international trade problems that confront the country. There will have to be some give and take.

As the Senator from Illinois has pointed out, there have been negotiations at the international conference table with respect to textiles. It looks as though this might be a fair and conscionable compromise of the economic differences.

There is the Hong Kong matter, to which the Senator from Illinois has referred. There are other concessions made by other countries as well as by our own country.

As to glass, I am afraid that there is probably some reason to believe that the negotiators went too far, that they sought to protect the industry from any and all injury. I do not buy that.

Let me make clear my position with regard to timber. I am not asking to put the American timber industry in the situation where it will put the Canadian timber industry out of business. That is not my approach to this problem. I am seeking to eliminate certain unfair discriminations that our own Government is practicing upon the timber industry, namely, the transit problem to which I referred earlier. We cannot possibly justify the present policy of the Interstate Commerce Commission in forbidding a small lumber mill operator to put his lumber, which he expects to sell in New York City, into a freight car at Roseburg, Oreg., and start the lumber for New York, as is the case with someone in British Columbia, who can do that on the Canadian Railroad, and get what we have been talking about, a rolling storehouse for the lumber while it moves to market, while negotiations for its sale are under way.

That is discrimination against the lumbermen of our country. I want the executive department to do something.

The same thing applies in the timber industry with regard to certain advantages that the Canadians have in the shipping of their timber.

I have been heard to say that I support the Magnuson proposal, of which I am a cosponsor, and that the part of the Jones Act which discriminates against our lumbermen ought to be eliminated, at least in the sense that the Government, and not our lumbermen, will pay the subsidy.

If we make them ship in American bottoms, in order to have available an efficient merchant marine in time of war, our lumbermen should not be placed at a disadvantage with Canadian lumber mills, who do not encounter that situation. It is this type of elimination of injury that I am referring to. It is the elimination of irreparable injury, not the elimination of all injury that I favor.

It is unfair to permit this kind of injury in the lumber industry to continue.

The Humphrey amendment would make it possible for the President to proceed to eliminate that kind of injury without our building a high tariff wall. I am against that, whether it is for timber, textiles, glass, or anything else. I think it will take time to adjust this kind of trade policy. We cannot proceed all at once.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MORSE. I have completed my statement.

Mr. HUMPHREY. The Common Market trade policy on agriculture will not be consummated in terms of a unified tariff and duty structure for the Common Market countries until 1969, which is 7 years from now.

Mr. MORSE. We are buying time.

Mr. DOUGLAS. I do not wish to prolong this discussion, because the hour is late, and I know that Senators, including myself, wish to make insertions in the RECORD.

It is true that the Humphrey-Morse amendment is not as bad as the Mundt proposal, and it is probably the best way of dealing with the situation at this time.

However, it would be a great temptation for all of us to sacrifice general principle for specific, local interests, and specific commodity interests. The more we sacrifice the general interest for the local interest, the greater the pressure will be upon others to demand similar privileges for themselves. Those who consider the international interest usually come out at the little end of the horn. That is the purpose of what I was trying to say today.

Adam Smith once declared that there were two ways of getting a general reduction in tariffs by a number of countries. One was for one country to lead off, reducing its tariffs, in the hope that other countries will reduce their tariffs. The other is for a country to threaten to increase its tariff unless the other countries reduce theirs.

The present trade expansion bill gives the President the first set of powers, but not the second set of powers, except under some obscure sections of the existing law.

I spent about a month in Europe last fall, interviewing the German Minister of Economics, Mr. Erhardt, and responsible persons in Bonn, Brussels, Paris, and London. I came to the conclusion that the Common Market will not for a long time give much of a break to American agriculture. We must look forward, in all probability, to a diminishing market in Europe in wheat, feed grains, soybean oil, frozen chickens, tobacco, and a number of other products.

I believe that one of our problems will be to minimize this loss. I have reached the tentative conclusion that we stand a better chance to minimize this loss if we give the President the power to increase tariffs, provided the increases have for their sole purpose obtaining reductions in the tariffs of other countries, or if he threatens to increase the tariffs.

I hope that he will never be compelled to use the powers. I do not want to start off a retaliatory tariff war. I do not want to put the President in a position where the protectionist pressures upon him will be insurmountable. However, I have come to the conclusion that a mere offer of reciprocal reductions will not be sufficient to sway the tariff policies of Germany and France. Therefore, it is much better for the President to go to the bargaining table with something in his hind pocket, which he will not take out and brandish, but which our European friends will know is there.

So it is my present intention, unless I am convinced that this is wrong, to offer such an amendment at the appropriate time, either in the Committee on Finance or on the floor of the Senate. I throw up this trial balloon really in order that the question may be more fully discussed by those who read the RECORD. But this is not the time to expand on that.

I yield the floor, because I believe other Senators desire to make statements and insertions in the RECORD.

A SOUND HEALTH PROGRAM FOR AMERICA

Mr. HUMPHREY. Mr. President, yesterday it was my privilege to speak before the Group Health Association in Washington. In my address I outlined the progress the Congress has made in health legislation in the 87th Congress and gave a review of the administration's comprehensive health program.

This far-reaching program includes such measures as liberalization of certain provisions of the Hill-Burton Act for construction of rehabilitation facilities, improvements to meet the needs in mental health, assistance to medical and dental schools and students, and certainly not least of all, the medicare plan for the aged under the social security system.

I spoke on many of the needs, costs, financing, and other aspects of the medicare legislation in some detail, and I call the attention of Senators to this section of my speech in particular.

Mr. President, I ask unanimous consent that my speech before the Group Health Association on May 15, 1962, be printed in the body of the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A SOUND HEALTH PROGRAM FOR AMERICA

(Excerpts of remarks by Senator HUBERT H. HUMPHREY)

All of you are well aware of President Kennedy's profound personal commitment to the health of the American people. In his special message to the Congress, he stressed that progress must be made to strengthen all the indispensable elements of a sound health program—"people, knowledge, services, facilities, and the means to pay for them."

THE COMMUNITY HEALTH SERVICES AND FACILITIES ACT

We did make a good start in health legislation in 1961. At the request of the President, Congress enacted legislation to help develop new and improved community health services, to build more nursing homes, to provide better nursing care in the homes of patients, and to develop more efficient services within hospitals.

The Community Health Services and Facilities Act is an important milestone toward our goal of bringing medical knowledge within reach of all. This legislation has particular significance for the older people of America and those striving to minister to their needs.

The act liberalizes the provisions for granting Hill-Burton aid for the construction of rehabilitation facilities. Formerly, rehabilitation funds were available only for centers which could offer medical, psychological, social, and vocational services. Under the new law any center that offers medical service—plus one of the other services—is eligible to apply for construction funds.

A feature of the new law which had been sought by the Public Health Service for several years is the authorization of more funds for hospital research and demonstration. The new legislation makes it possible to invest $10 million annually in Federal funds for this purpose. Formerly, the ceiling was $1.2 million. The law also liberalizes the program to allow these funds to be used for the first time to purchase special equipment and to construct special facilities of an experimental nature.

One of the most significant aspects of the new law relates to development of out-of-hospital services, particularly for chronically ill and aged.

Many patients today are entering hospitals when they could be better treated elsewhere, and many are staying in hospitals longer than they would otherwise need to, simply because the hospital is the only place where they can get some of the nursing, restorative, and other services they need. To cope with this problem, some hospitals, health departments, and other health agencies have developed organized home-care programs—programs which bring to the chronically ill or convalescing patient, in his own home, the services he needs and thus free hospital beds for the acutely ill.

Under the Community Health Services and Facilities Act, the Public Health Service is now authorized to make projects grants to hospitals and other nonprofit agencies that want to conduct studies, experiments, or demonstrations of these and other new methods of providing care outside of the hospital.

This provision of the new law should fill an important gap in existing programs for the chronically ill and aged by encouraging communities to take constructive action to help the growing number of people who are too feeble to get along without any health and medical services but not sick enough to require hospital care.

But these gains—important as they are—represent a start only. I am becoming increasingly confident that we shall see fundamental and meaningful changes in attitudes—and in legislation—in the near future. And we are due for some important changes—in the financing, organization, and availability of medical services. Otherwise, we will not realize the powerful potential of American medical services in terms of benefits for all our people.

MENTAL HEALTH

Among the national health needs to which the President gave special attention in his health message on February 27, the problems of mental illness and mental retardation are high on everyone's priority list for intensified attack. It is no secret that our thinking about the mentally ill has only recently emerged from the Dark Ages, and that much of our practice still remains in the Dark Ages.

This past year the Joint Commission on Mental Illness and Health, after 5 years of intensive study, issued a revolutionary report. This report for the first time projects a program scaled to the dimensions of the problem. It calls for tripling expenditures for mental health services by 1970. Last fall the Governors of the States, in a special meeting in Chicago, pledged greatly increased support for mental health activities.

The President has directed the Secretary of Health, Education, and Welfare, the Secretary of Labor, and the Administrator of Veterans' Affairs, assisted by the Council of Economic Advisers and the Bureau of the Budget, to review the Joint Commission's recommendations and chart a logical course for increased Federal effort in this field. Specifically this group has been asked to consider:

What is the desirable alinement of responsibility among Federal, State, local and private agencies?

Through which channels should Federal aid be directed?

How swiftly can we expand mental health services within the existing limitations of trained manpower?

What balance should be struck and maintained between institutional and non-institutional programs?

The answers which emerge from this study will serve as the foundation upon which a stronger Federal program, designed to strengthen State and local programs where they need it most, can be built. Meanwhile, of course, we shall continue our vigorous support of research and training in mental health, and the many programs of care and benefits for veterans and others which add up to a $1-billion-per-year Federal investment in mental health.

The President's Panel on Mental Retardation, appointed last year, is hard at work developing recommendations for future activities in training of personnel, conduct and support of research, and extended efforts in treatment, education and rehabilitation of the mentally retarded, who number some 5 million in the United States—with 126,000 added each year.

Another directive in the President's health message is of immediate interest to those of you who work in hospitals.

It relates to a reexamination of the Hill-Burton program, which has been strikingly successful in bringing general medical care facilities to the areas of greatest need. Rural America had tragically few hospitals when the Hill-Burton program was initiated 15 years ago. Today the priority of urgency may well have shifted. Many existing hospitals, especially in our cities, are so obsolete that their usefulness is seriously impaired. The shifting patterns of metropolitan living have left some hospitals once serving a thriving neighborhood, in the middle of concrete deserts. We have urgent needs for long-term care facilities for the elderly, and for short-term care facilities for the mentally ill. The medical facilities construction program of the future may have to be shaped for different objectives.

Our resources for health, though generous, will always be limited. Perhaps the most important job, in which all the partners can contribute, is to achieve a balanced use of these resources.

The history of health services in this country, impressive and productive as it undoubtedly has been, is a history of response to urgent and immediate needs. Health problems have been attacked piecemeal, as they emerged from the changing pattern of our society and cried out for solution. Especially in these recent years of dazzling change and growth, it has been difficult for anyone to see the whole in perspective.

HEALTH INSURANCE FOR THE AGED

The most significant—and necessary—program proposed by the President is Health Insurance for the Elderly under the Social Security System. Here are the facts which underline the need for this program:

1. Persons over 65 have medical costs twice as high as those of younger people, but their annual incomes, on the average, are only half as large.

2. In the course of a year, one member of every fifth aged couple goes to the hospital. In many instances both members are hospitalized in the course of 1 year.

3. Only about one-half of our older people have any kind of hospital insurance, and it is limited and expensive.

4. Aged persons spend two to three times as many days in a hospital as younger persons, and they see physicians half again as many times.

These facts are not news—least of all to people like you who are dedicated to the task of caring for the aged and providing medical care for them.

I believe that every aged person should be able to receive the medical care he needs, regardless of his financial status and without being required to take a pauper's oath.

The social insurance method proposed by President Kennedy would provide the means of spreading over the working years the cost of health services in old age. Under it, services to the aged would be provided in a way that preserves the dignity of the individual. Aged persons—including those with average and even above-average incomes—constantly face the threat that costly medical care will wipe out their savings and force them, after a lifetime of independence, to put heavy financial burdens on their children or to resort to public or private charity.

As the President said in his health message, the program of health insurance for the aged will meet the needs of the millions of the aged who do not want charity but whose entire financial basis for security—and often that of their children—may be shattered by an extended hospital stay.

The President proposes to use the nationwide share-the-risk, spread-the-cost mechanism of the social security system to help older people meet the major costs of serious or prolonged illness.

The plan would be self-financing. Working men and women would contribute a small percentage of their earnings, and their employers would add a like amount. These sums would go into the social security trust fund, and the fund in turn would pay for a number of specific services.

Under this plan, a person over 65 who was eligible for social security or railroad retirement benefits could receive extended hospital care and also could receive extended nursing-home and special health services in his own home.

An ill person could remain in a hospital for as long as 90 days and have all his regular hospital expenses paid by the fund over and above a cost to him of $10 a day for the first 9 days. The minimum charge to the patient for a short stay would be $20.

If his condition improved so that he no longer needed intensive hospital care but still required expert care during his illness, he could transfer to a nursing home for a stay of up to 180 days, and the fund would pay all the nursing-home costs.

During any period of illness, an eligible person could be hospitalized for as many as 60 days and still receive as many as 180 days of skilled nursing-home care. If he needed to stay as many as 90 days in the hospital, he would still be eligible for 120 days of skilled nursing-home care.

If the ill person did not need hospitalization but could be cared for as well or better in his own home, the fund would pay for up to 240 home health-care visits by trained nurses, physical therapists, occupational therapists, or part-time homemakers in any calendar year.

Also, a sick person whose illness had not been diagnosed could get help in paying for expensive diagnostic services as an outpatient of a hospital. The fund would pay all costs above $20 for these services.

Thus, the financial help that would be provided under the President's proposal is tailored to the major needs of older people. It is a flexible program designed to help people over 65 obtain the kind of care and services best suited to their needs.

Because of the vast number of contributors, the health insurance program can be financed by increasing the taxable earning base from $4,800 to $5,200 (which will also result in larger regular cash benefits for many people) and by increasing the social security contribution on employers and employees by only one-fourth of 1 percent and the contribution on the self-employed by three-eighths of 1 percent.

The reason the health insurance program can be financed by these small contribution increases, of course, is that, while everyone covered by social security would contribute and thus be insured after age 65, not everyone eligible for benefits would become sick. In this respect, it would be like fire insurance—while many contribute, not everyone's house burns.

As a matter of fact, except in two major respects, the program would be much like private health insurance, where all subscribers pay in but not everyone needs to collect. The big differences, of course, are these: The contributors would be comprised of virtually the whole working force of the Nation, building up future protection, while the benefits would be available to a single major high-risk group—men and women 65 and over.

This can only be done under a uniform nationwide social insurance system. It cannot be done through voluntary health insurance plans.

There is a further advantage to the social security approach, and that is that millions of people who have already reached their 65th birthday when the program goes into effect can be protected immediately, even though they have not contributed specifically to the health insurance account. Whenever social security benefits have been increased in the past, those on the rolls at the time have shared in the improvements.

Still another advantage of having a health insurance program through social security is that State welfare programs will be able to do a better job when most older people are protected against the costs of prolonged hospitalization or other health services. When the States no longer have to carry such a large burden in meeting these needs through public assistance, they will be able to work toward a more effective medical assistance program for the relatively few aged men and women who would still need help in meeting their health-care needs.

During the first full year of operations, it is expected that the health insurance fund would pay out about $1 billion for hospital, nursing-home, and home-care services. During that year about $1.2 billion would be paid into the health insurance account, and another major program to improve the well-being of the American people would be on its way.

On the basis of the latest Census Bureau count, the number of people 65 years old and over in this country will approach 18 million by 1963. Of these, about 14 million would be eligible for health insurance protection under the proposed program. Another quarter of a million have health insurance protection as former Federal employees. And more than half of the remaining older people will be entitled to some form of publicly financed health protection through veterans programs, old-age assistance, or the new Federal-State health benefits program. Some, of course, will be receiving full medical care in publicly or privately supported institutions.

Responsibility for administering the program would rest with the Secretary of Health, Education, and Welfare for social security beneficiaries and with the Railroad Retirement Board for railroad retirement annuitants. There would be an advisory council to advise the Secretary on policy matters in connection with program administration.

For a hospital, skilled nursing home, or home health agency to enter into a contract to participate in the program, it would be required to meet certain specified conditions set forth in the bill. Essentially, these conditions are those generally accepted as necessary for quality care.

In formulating conditions for participation, the Secretary would consult with the States, with the advisory council, and with such accrediting bodies as the Joint Commission on Accreditation of Hospitals. In addition, a State could recommend to the Secretary of Health, Education, and Welfare that higher conditions be established for providers of service in that State.

A participating hospital would need to be licensed by the State, maintain adequate medical records, and have 24-hour nursing service, bylaws for staff physicians, and a committee of physicians to review necessity for admissions, lengths of stay, and services provided. Similarly, participating nursing homes would need to be licensed, have medical policies established by physicians, maintain adequate medical records, provide 24-hour nursing service, and have a nursing facility utilization plan.

With the passage of this urgently needed legislation, we will have made a major forward step in bringing to the older men and women in our society the blessings of modern medical care. And I predict this legislation will be enacted—this year.

Victor Hugo once said: "No army can withstand the strength of an idea whose time has come." And the time has come for this idea to be translated into reality: That working men and women should have the right during their productive years to earn prepaid health insurance for their old age.

ASSISTANCE FOR MEDICAL SCHOOLS AND MEDICAL STUDENTS

All of the programs of protection and all of the physical facilities envisioned cannot become operative if we do not have the trained personnel to run them. We do not have an adequate supply of trained personnel today. Within the next 10 years, we must have a substantial increase in enrollment in our existing medical and dental schools and we must have at least 20 new medical schools and 20 new dental schools.

Modern medical and dental schools, and teaching hospitals to an even greater degree, are expensive to establish, to expand, and to operate. Medical school and dental school tuition is high—only one out of eight medical school students receives a scholarship from any source and these average only $500 a year, compared to an average cost of over $2,500. In dentistry, even less scholarship aid is available. We need to encourage more talented students—including needy ones—to enter the health professions and we need to improve the quality of their training.

To this end, the administration has recommended:

First, an immediate program of grants to help in the planning of new medical and dental schools and to find ways of improving the whole educational process;

Second, a 10-year program of matching grants to help in the construction, expansion, and restoration of medical and dental schools to increase their capacity: $25 million would be made available in the first year, and $75 million annually thereafter:

Third, a program of Federal scholarships for talented medical and dental students, and tied in with this, cost-of-education grants to the participating institutions.

President Kennedy's proposals to the Congress would help our Nation overcome these shortages and meet the urgent health requirements of our times.

"The measures I have recommended," President Kennedy said in his message to the Congress, "recognize and strengthen the indispensable elements in a sound health program—people, knowledge, services, facilities, and the means to pay for them. Taken together, they constitute a necessary foundation upon which to build."

And the people of this country will, I am convinced, build this necessary foundation so that the benefits of medical knowledge will be within the reach of everyone who is ill or injured. Upon this necessary foundation we can build a newer and stronger America.

SOVIET FOREIGN POLICY—ITS IMPLICATIONS FOR THE WEST

Mr. **HUMPHREY.** Mr. President, I ask unanimous consent that a recent address by Thomas L. Hughes, Deputy Director of Intelligence and Research for the State Department, delivered at the Conference on the Sino-Soviet Bloc at Gustavus Adolphus College, St. Peter, Minn., be printed in the body of the Record.

I take this opportunity to commend Mr. Hughes for this excellent analysis of the Soviet Union's foreign policy and its implications for the Western World.

To all who are interested in world affairs and in the challenge we face from the Soviet Union, I recommend the careful study of this splendid address.

There being no objection, the address was ordered to be printed in the Record, as follows:

Soviet Foreign Policy—Its Implications for the West

(Address by Thomas L. Hughes, Deputy Director of Intelligence and Research, Department of State)

President Carlson, Countess Bernadotte, colleagues, friends, and participants in this 13th annual Bernadotte Institute on World Affairs, it would be difficult to find a more pleasant place to spend the first weekend in May than here in Minnesota—difficult to find more fitting auspices for such a conference than here at Gustavus Adolphus College during your centennial year—and difficult to find a more provocative topic than the one you have assigned to me, "Soviet Foreign Policy—Its Implications for the West."

Flying over southern Minnesota late yesterday afternoon, I was filled with memories of boyhood, family, and friends; of youth, school, and college. The first 22 years of my life were lived in this corner of America, and I was happier here than I have words to say. I am therefore doubly grateful to you for inviting me, because you have brought me home once more.

It occurred to me, too, that in 1862 when this college was founded, my own great-grandparents had made their way to the pioneer farmlands of this rich Minnesota River Valley. But already, across the Atlantic, city-oriented Karl Marx had written off farmers everywhere for purposes of the Communist world revolution. They were "lost," he said, "in the idiocy of rural life." The thought crossed my mind that the whole world would have been better off, and later generations of Communists less mislead, if he had joined the German migration to New Ulm (Minn.) rather than sought refuge in a musty British museum. That way, too, instead of spending so many years writing about capital, Marx might even, as Mrs. Marx reputedly wished, have brought some capital home.

Whatever it is, the "idiocy of rural life" has played rustic havoc with Communist agricultural policies ever since. I'll wager that Lenin or Stalin in their day, and Khrushchev or Mao in ours, would privately gladly barter a good deal of dogma in exchange for some of the soil, skill, and spirit that has produced the agricultural abundance of southern Minnesota. But Communist rulers in practice are still trying to have the best of both worlds. They are trying to match our agricultural abundance, based on the released energies of a free farm community, with the methods of organizational coercion. Their failures are monumental. Right now, for instance, the Chinese Communists undoubtedly consider their own chronic inability to solve their food problems as far more of a threat to the staying power of their regime than any prospective return to the mainland by Chiang Kai-shek from across the Formosa Strait.

Now all of this is closely related to the topic of Soviet foreign policy. Indeed, the erosion of communism as an ideology—not to be confused with the continuing threat of Soviet and Chinese power—is just one of several factors in the recent past which is causing a significant, if gradual, shift in the ingredients of ideology and practicality which make up Soviet policy. I suggest that we first turn our attention (1) to that erosion in ideology; then (2) to the broader context of the great 20th century divisions which tend now to separate the world—divisions which condition both United States and Soviet foreign policy; then (3) to some of the unchanging elements in the Soviet challenge; then (4) to some of the changing aspects of that challenge; and, finally, (5) to some of the implications for the United States and the West.

I. THE DECLINE OF COMMUNISM AS AN IDEOLOGY

For years it has gone without saying that Soviet foreign policy has been inspired, guided, and dominated by Marxist-Leninist doctrine. But it is not a bad idea, every now and then, to look at sayings like this to see if they are still going.

One problem, of course, is to determine what the "Marxist-Leninist" doctrine is. Books have been written on "What Marx Really Meant," and other books on "What

Marx Really Meant Actually." Today Leninism, Stalinism, Maoism, "peaceful coexistence," "unremitting struggle," "socialism in one country," "world revolution," "complete and total disarmament," "the death knell of capitalism," and all the other way stations of ambulatory Marxism are under new stresses and strains—and more from their exponents than their opponents. The traditional Marxist ideology, as distinguished from Soviet and Chinese power and example, has almost ceased to excite interest outside the Sino-Soviet bloc. More and more its chief role has been to provide the polemicists inside the increasingly unbloclike bloc with the ideological hammers and tongs with which to flay one another. Some of these gentlemen themselves must be beginning to feel that they have had a dialectical runaround.

If you listen to what the Soviet leaders continue to say about the so-called capitalist world, you are struck by their status quo ideology. For instance, the recently adopted new Soviet Party program—which Khrushchev proudly called "the Communist Manifesto of the present epoch"—sounds as archaic as the original. It repeats all the analysis of bygone days—again proclaiming that capitalism is "imperialism in the period of its decline and destruction," and that the state is acting "in the interest of the financial oligarchy."

Now the writers of this manifesto naturally view events in the non-Communist world through their own glasses darkly. But at some point when they try to sort out their own thoughts about such recent developments as the European Common Market, or President Kennedy's handling of the threatened steel price increase, their confidence in their own dogma must be shaken to the point of embarrassment. The truth is that the world is refusing to act the way Communist ideology says it should.

It is important, of course, to remember that on those occasions when the Communists consciously depart from their doctrine, we are not necessarily the first to be told. Lipservice to outworn creeds can continue for centuries after the fervor of belief has passed away.

In any event, the Soviet Union has in fact been confronting certain realities lately, and some of these realities must have had a bruising, if unacknowledged, effect on both the ideology and foreign policy. Earlier this week when Cosmonaut Titov looked down on New York City from the top of the Empire State Building, he did not see the Victorian Manchester of Dickens and Marx, but the pulsating symbols of 20th century American affluence. Titov himself reportedly summed up his reactions in two words, "Not bad."

It is now more than a generation since Lincoln Steffens made his famous trip to the Soviet Union and came back announcing, "I have seen the future, and it works." Well, the future may look different, perhaps even to Titov, from the top of the Empire State Building. Undoubtedly it looks different to Titov, and Gagarin, and Glenn, from outer space. We are all readjusting, in one way or another, as the space age moves on. Marxist-Leninist texts will be of even less use on the moon, no matter who gets there first.

II. THREE GREAT WORLD DIVISIONS

Meanwhile, back here on earth, there are at least three dangerous and critical divisions confronting the world community as we consider the prospects for the rest of this century. Soviet, as well as United States, foreign policy must increasingly come to grips not only with one or another of these divisions, but with all three.

First, there is the familiar East-West division between the Communist and non-Communist worlds, the division between Washington and Moscow, and those capitals associated with each.

Second, there is the overall North-South racial division between the colored and the less-colored people, a division which neither white Americans nor white Russians are admirably equipped to heal.

Third, there is the overall North-South economic division between the newly developing nations and the already industrialized nations.

I, myself, first felt the personal impact of these three great divisions when I went to the Middle East in 1950, that ancient area of trouble and tension where Count Bernadotte had sacrificed his life just 2 years before. Amid the scar tissue of the Arab-Israel war, all the other elements of the three great divisions of the 20th century were there for all who had eyes to see.

Thousands of miles away, the Korean war had propelled cold war politics and Soviet-American rivalry into the Middle East with a vengeance. On both sides of the Arab-Israel barbed wire, there was a pulling and hauling linked to the East-West contest.

There in the Middle East I also first experienced the smouldering racial danger of the colored two-thirds of mankind, anger which I have since seen in many other parts of the world—in the widely held belief of Asians that we dropped the atomic bomb on Japan and not on Germany because the Japanese were colored—in the bitter African reaction to such widely reported incidents as the refusal of a Maryland restaurant to give an African Ambassador's son a glass of water because of his skin.

There, too, in the Middle East I first fully felt the impulses generated by the passionate drive for economic development, an impulse shared all over the poverty stricken two-thirds of the world which so often happens to overlap the nonwhite two-thirds as well.

It is these two other great world divisions, the racial one and the economic one—the North-South divisions—which are increasingly setting a context in which the East-West contest must operate. After all, there are 2 billion people in this world who are neither Russian nor American, and a large percentage of them profoundly distrust both Russian and American policy. What do they think, these people on the awakening continents? It might matter.

Many of them, of course, are too sick to think. Malaria, cholera, and intestinal parasites keep them from thinking.

Many are too hungry to think, except about food.

Many die when they are babies, so they never have to think at all.

The overwhelming bulk of them are black, brown, and yellow, and the motto of many of them, based on centuries of experience, is "Never Trust a White Man."

It is little wonder that their emerging new leaders, even the most moderate, are preoccupied with their own struggles for greater human dignity, greater economic growth, and greater political freedom. We should not be surprised if they do not fully share our view that the cold war is essentially a conflict to save the remaining free world from Communist encroachment. Indeed, it is no surprise that they are basically disinterested in the great East-West division, in the Soviet-American cold war. They look at both Moscow and Washington with a certain suspicion. Julius Nyerere of Tanganyika put it this way: "Our desire is to be friendly to every country in the world, but we have no desire to have a friendly country choosing our enemies for us."

These three great world divisions, one East-West and two North-South, combine to constitute the overall challenge to U.S. foreign policy for the rest of this century. They confront Moscow, too. It is against their background that we must assess the changing and unchanging aspects of the Soviet challenge itself.

III. THE UNCHANGING SOVIET CHALLENGE

Whenever we try to come to grips, as we must, with the changing Soviet challenge, it is more important than ever to remind ourselves at the outset of the unchanging things about it too. In a sense it is always true that the more things change, the more they remain the same.

Decaying as it is, Communist doctrine, whether propounded in Moscow or Peiping, remains an activist doctrine. Anyone who has read Mr. Khrushchev's frank speech of January 6, 1961, or the subsequent statements made at the 22d Communist Party Congress in Moscow, will glean an overriding impression of fixed and unaltered intention to pursue the goal of Communist aggrandizement and revolution—to pursue this goal wherever opportunity offers itself, and wherever an opportunity can be created. The tactics and techniques of foreign policy have been altered by experience and changing Soviet capabilities, but basically the effort continues to use all the instruments of power and persuasion in pursuit of Communist goals.

A. The military threat

It is true that recently there has been evidence that the Soviet leaders have given up the notion that the only way in which communism will come to the world will be by an inevitable and cataclysmic war. At the same time, the Chinese Communists view the risks of war with greater equanimity, and this appears to be one of the differences between Moscow and Peiping which underlies the current tension between them. But, even if we grant that the Soviet rulers may have come to consider the deliberate employment of all-out war as too risky a course, their own conduct in practice does not give us any reliable assurance that this is in fact so.

For example, the Kremlin time and again has had recourse to the most blatant form of rocket-rattling both against weak neighbors and against the United States. Support of the Castro regime is a case in point, as is the deliberate challenge to vital Western interests and rights in Berlin.

Perhaps more importantly, the Soviet leaders remain convinced that they must continue to shroud their military activities in complete secrecy, even though the prospects on all sides point to a shrinking and more open world. It is possible that their main motivation in doing this is their unjustified fear of an attack. But from the standpoint of the United States and free world society, Soviet secrecy means that whatever we may believe about Soviet intentions, we can never be sure that the curtain of secrecy is not designed to mask the preparation of an attack upon us or some other free country.

Moreover, we see no evidence that the Kremlin is holding its own military programs in abeyance; the series of Soviet multimegaton nuclear tests last fall is graphic evidence to the contrary. Nor can we see any signs that the Soviet Union is refraining from using military means or threatening such use to pursue its objectives in many of the crisis areas around the world. Berlin again is merely the most dramatic case in point.

We are thus faced with a situation where our genuine concern over the continuing arms race must be placed in the context of a continuing Soviet challenge to our society by a system with undiminished aspirations to world supremacy, with massive military power to back up these aspirations, and with a veil of secrecy masking its intentions.

B. War by proxy

One of the unchanging aspects of Soviet foreign policy, the use of military power for political results, is underscored by the continuing indirect use of force—the use of Soviet military aid to foster international or civil wars while minimizing the risks of direct Soviet involvement. The Communist military threat ranges from Soviet ICBM's armed with multimegaton warheads down to the Viet Cong snipers in the villages of Vietnam.

In addition, under cover of the umbrella of Soviet power, Soviet strategists can use relatively modest amounts of military aid to pose serious political problems in the non-Communist world, particularly in former colonial areas where strong anti-Western sentiment is already present. Examples are the Soviet bloc aid to the UAR in the 1956 Middle East crisis, and Soviet offers to aid Indonesia in its military preparations to wrest West New Guinea from the Dutch.

C. Soviet economic growth, trade, and aid

Another central aspect of the unchanging Soviet foreign policy challenge is the economic one, based on the U.S.S.R.'s past growth rate of 6–7 percent per year, and its anticipated continued high rate of economic growth. This economic power of the Soviet Union presents a challenge to the United States and all the West on a wide variety of fronts.

First, it means increased military potential, for the greatest share of Soviet economic resources is devoted to heavy industry and military support industries. The U.S.S.R., with a total production less than half that of the United States, already has military expenditure approximately equal to our own. Furthermore, the Soviets devote a large allocation of their resources to research and development, enabling them to deepen their technology at the same time that they expand their production.

Second is the considerable demonstration effect. The economic successes of the U.S.S.R. are expected to persuade people outside the Iron Curtain that Communist economic organization offers the most relevant solutions to their own problems of poverty and aspirations for rapid development.

Third, the combination of economic growth and political control enables the Soviets to participate more actively in international markets. Whenever desired, they can pursue trade at political prices. U.S.S.R. sales of petroleum in recent years are perhaps the most striking example of a vigorous Soviet trade drive which serves both economic and political purposes. The Soviet Union is now the major supplier in Italy, as well as in several developing countries like Egypt. Such Soviet sales of oil have already cut into Western markets, reducing opportunities for profitable transactions of Western firms. They promise to do so further if the Soviets achieve their aim of increasing their sales as their production rises.

Soviet interest in trade with industrialized Western countries also serves simultaneous economic and political aims. One is the acquisition of technologically advanced capital and equipment needed to fill technological gaps in Soviet and bloc industry, petrochemical and electronics equipment being of high priority. A second aim is to encourage divisions in the Western alliance. A blatant recent example was Khrushchev's letter to Chancellor Adenauer holding out glittering prospects for expanded trade with the bloc, if West Germany would only recognize the economic cost of its ties with the West.

A fourth and growing factor is the role of economic aid in Soviet foreign policy. Economic approaches to less developed countries are intended to complement political and propaganda tactics, to supplant Western influence, and to condition attitudes in these countries more favorable toward the political and ideological aspirations of the Communist world.

Offers of economic credits and technical assistance provide the chief means of accomplishing this purpose. Since 1954, about $4.5 billion in credits and grants have been extended to 26 developing countries. The Aswan Dam in Egypt and the Bhilai steel mill in India are the best known bloc projects. In addition, roads in Indonesia and Afghanistan, port facilities in Ghana and Yemen, and railroad installations in Iraq and Guinea are important Soviet projects.

The economic assets of Soviet foreign policy in growth, trade, and aid add up to a formidable challenge in themselves. They also help promote another major and unchanging Soviet ambition—the diplomatic isolation and splitting of the West.

D. The diplomacy of isolating the West

The Soviet tactic at the United Nations and elsewhere, of fostering neutralist friendliness toward the bloc and of distrust toward the West, finds its favorite opportunity in issues of colonialism where the Soviets claim to desire freedom for the oppressed. This is not always so easy a game for the Soviets to play, for the world is not as simple as Soviet propagandists picture it. Examples of Soviet predicaments in a colonial context are its early moves in the Congo, and the difficulty in Kuwait where the Soviets had to maneuver between conflicting Arab interests.

But Moscow persists, too, in exploiting opportunities to exert divisive pressure on Western alliances, combining both threats and blandishments. Fulminations against countries where bases are located is a standard propaganda theme, put most strongly by Khrushchev himself in his threats to wipe out the orange groves of Italy and the Acropolis in Athens. Soviet overtures to West Germany, though heavy-handed vis-a-vis the West Germans, are also calculated to sow suspicions among the other allies of the Federal Republic.

E. Foreign Communist Parties and Communist fronts

Among the instruments of Soviet foreign policy, the national Communist parties and the national and international Communist front organizations remain among the chief choice organizational assets for political and propaganda purposes.

Outside the Soviet bloc, important Communist parties, such as the Italian, Indian, and Indonesian, under great pressure to compete effectively with other national parties, have developed a measure of independence from Moscow which may increase their political capabilities within their respective countries. For most of the Communist parties, however, their smallness in numbers and unpopularity on the scene reduce them to the role of holding operations. They exist merely as propaganda arms for the Soviet Union, hoping for the millennium.

The so-called front organizations were created in the 1920's to harness both Communist sympathizers and non-Communists to support international Communist objectives. Directed toward such specific targets as youth, women, labor, and peace groups, the front organization combines the specific demands of the target group with general Soviet propaganda themes.

These transmission belts between the Soviet Union and the non-Communist public seek to persuade people of the beneficence of the U.S.S.R., to associate them with Communist causes generally, and, where possible, to convert them to communism. Although Communist front organizations like the World Federation of Trade Unions, the World Peace Council, and the World Federation of Democratic Youth, are of considerable usefulness as propaganda instruments for Soviet foreign policy, their importance in the last 10 years has been restricted to the field of propaganda and not much more. The international front organizations do not number within their ranks, for example, either the quantity or quality of the intellectuals who fellow-traveled in the interwar period. Moreover, Soviet postwar expansionism, coupled with counter-Communist activities, have changed the character of the front organizations to a point where membership is largely made up of Communists and crypto-Communists. The potentialities of the front organizations, therefore, seem to lie mostly in the politically unsophisticated areas of the world and more broadly in areas where political hopes for peace and disarmament are frustrated.

F. Cultural exchanges

Last among the instruments of Soviet foreign policy, should be mentioned the use made of Soviet cultural exchanges, grants of educational opportunities, and the interest in sending and receiving tourists. These factors pose both a challenge and an opportunity.

From a propaganda aspect, these exchanges can promote views favorable to Soviet policies, provide statements of visitors for exploitation, and gain influence through students trained in the U.S.S.R. One recent statement estimated that 4,000 students from underdeveloped countries now study in the U.S.S.R.

But these exchanges also can be counterproductive. Critical viewers can gain what from the Soviet viewpoint are undesirable insights into the Soviet system. The opening of Soviet society is promoted, and an unusual opportunity is presented for new influences on Soviet citizens. The effects can range from reassurance about the peaceful intentions of the West to a stimulated desire for freedom inside Russia.

So much for the unchanging elements of Soviet foreign policy—elements that seem to remain with persistence and impact, year after year, pursuing expansionist goals with all of the instruments of power and persuasion available.

IV. THE CHANGING SOVIET CHALLENGE

It is not necessary to go back and look at Stalin's Russia of 1952 and its view of the world in order to perceive how different the Soviet challenge is under Khrushchev in 1962—or to speculate what the challenge will be like in 1972. In fact, it is much more revealing of the changes in Soviet attitudes toward foreign affairs to compare the Soviet position and approach of only 5 years ago with that of today. The changes in even this short period of time tell us a great deal about the complexity of the challenge we face. They also suggest the value of thoughtful analysis, diplomatic skill, and an orchestration of political, economic, and psychological moves to help shape the world—including in directions favorable to our own interests and those of freedom generally.

With the launching of the first Soviet sputnik in 1957, Moscow must have seen its prospects improving rapidly. Soviet prestige was at its zenith. The scientific and technical accomplishment of launching the first satellite seemed to justify the Soviet system in the eyes of many who had earlier thought of the U.S.S.R. as a nation of illiterate peasants. Moreover, the sputnik, together with earlier Soviet possession of nuclear weapons, established the Soviet Union as a first-rate military power. Soviet superiority in the rocket field, it seemed, would soon make the Soviet Union the strongest military power on earth. Economically, the Soviet Union had recovered from wartime devastation and could now set its sights upon catching up to the standard of living in the most advanced capitalist countries. Within the bloc, the Hungarian and Polish revolutions testified to popular unrest, but the crisis of 1956 appeared to have been weathered successfully and Soviet domination within the bloc was apparently unchallenged. Prospects for the expansion of Soviet influence in the world were never better.

In retrospect, Khrushchev would probably agree that it didn't work out that way. His high hopes of 1957 have not been justified. Something went wrong with southeast Asia, with the Congo, with the U.S.S.R. taking the public as well as the moral responsibility for breaking the nuclear test moratorium, with the flood of East German refugees which only a Berlin wall could stop.

Why is that so? Four developments have taken place that have cut Moscow down to size. The West, and this country in particular, has shown that it does not wish to be buried; it has improved its military stance and its economic vigor. Rifts have developed in the Communist monolith, chiefly between Red China and Red Russia, but also within the Soviet ranks. Underlying the controversy in the U.S.S.R., the ferment in Soviet life has grown, the present resource allocation is being questioned, and planning mistakes and indecision at the top level have made the solution more difficult. Moreover, there have been disappointments for Soviet policy in the developing nations of Africa, Asia, and Latin America. Let us look at each of these in turn.

(a) Soviet military power has grown and is continuing to grow. But the Soviet Union has not, and does not appear likely to, achieve military superiority over the West. In part the Soviets did not do all that they might have done to develop their military potential. Soviet resources are sharply limited, and Khrushchev in making his allocations had to content himself with less in the way of a military establishment than Soviet military planners might have thought in their interest. Of course, a major factor in this Soviet failure is the simple fact that Western military strength has grown at the same time, and, particularly in the case of missile power, grown more rapidly than the Soviet Union expected.

Hence, the Soviet Union must live in a world where it is not, and cannot in the near future expect to be, militarily superior to the United States. The risk of nuclear war weighs heavily upon Soviet policymaking. Indeed, the central issue in the Sino-Soviet dispute can probably be expressed as the question of the degree to which one ought to run the risk of nuclear war in dealings with the West. Khrushchev has been the conservative on this score, arguing that he could achieve communism's ultimate goals without involving the U.S.S.R. or its allies in a nuclear war.

But the risk of nuclear war is not limited to the U.S.S.R. Khrushchev has shown himself equally well aware of the reluctance of the rest of the world to become engaged in nuclear war, and has been able to use his possession of nuclear and missile weapons to make more or less plausible threats in a variety of situations. Soviet nuclear power, if markedly inferior to that of the West, still suffices to establish Soviet military presence in a variety of situations far beyond the reach of Soviet conventional forces.

(b) The Communist bloc has begun to show signs of decay; Moscow is no longer assured of its hegemony. Its leadership has been challenged by the Chinese Communists and even by the Albanians. These intrabloc troubles should neither be exaggerated nor underestimated. For the present there are indications that the dispute, which flared into the open with the denunciation of the Albanians at the 22d Soviet Party Congress, is becoming less acute. Faced with the embarrassment of public discussion of their differences and the danger of a complete rupture of the Sino-Soviet alliance, Moscow and Peiping have been casting about to find some means of papering over the controversy in public. A complete break in the alliance is not to be expected in a matter of weeks or months. But the fundamental differences, and they are differences covering nearly every question of importance in world politics, remain unresolved. The tension and the rivalry remain, and Moscow's troubles with its recalcitrant ally are far from over.

Meanwhile, the differences which have become known have created a crisis in the world Communist movement where factions favoring one side or the other have been created. Both Peiping and Moscow have their supporters in the front organizations and the foreign parties. Moscow can no longer rely on the movement to do its bidding. The resulting fracas inside the movement is likely to be more organizationally debilitating than intellectually stimulating.

(c) At home there are changes, too. Indeed, the Soviet Union seems to be demonstrating that a little improvement is a dangerous thing.

Though it still remains a police state, the Soviet regime has become far less repressive than it was a decade ago. But the relative liberalization has brought with it intellectual ferment and a tendency to question basic assumptions. This tendency has been particularly marked in recent months when, in the wake of the renewal of de-Stalinization after the 22d party congress, the Soviet leaders have been plagued with the decline of public faith in the party and its leadership. For example, the role of the present leaders during Stalin's regime has been questioned in both public and party meetings.

With the improvement in living standards and the appearance on the market of new and desirable evidences of the good life, the Soviet populace is developing wants which the regime can only satisfy very slowly. Soviet resources are scarce and the regime must decide whether it will put its money into industry, consumer goods or the military establishment. Last summer's military buildup by the West has imposed a military buildup upon the Soviet Union and the strain has been evident. This is not to say that the U.S.S.R. verges on bankruptcy, but I do suggest that Soviet leaders have to exercise some degree of circumspection in avoiding situations which call for abrupt increases in military spending.

(d) It must by now be apparent to the Soviets that the determination of the anticolonial, developing peoples to revise if not shed their old relations with Europe is not necessarily synonymous with a desire to become wards or satellites of the U.S.S.R. It is true, of course, that the coming of independence to a multiplicity of nations in the Southern Hemisphere of the world has greatly increased Soviet influence and Soviet presence there. Yet country after country, Guinea being the most recent and perhaps dramatic example, has sought, after the initial flirtation, to curb excessive Soviet ambitions and to revert to something of a middle course between what it regards as the two major cold war contenders.

This does not mean that the U.S.S.R. has given up or will give up its ambitions in the developing of nonalined areas. It does mean that the realization of these ambitions will probably be pursued by more sophisticated, less dogmatic, and more deliberate means. Moscow will still seek to prove that it is the real and only friend of these countries, that only Soviet assistance is genuinely disinterested, that the Communist economic model is more relevant than the free enterprise model of the West. And Moscow will still seek, depending on circumstances, to build local Communist movements—through the training of cadres, the issuance of guidelines, the formation of front groups—which at some propitious moment can lay claim to a role in the governments of these countries and ultimately take them over. But there can be little question that compared to the seemingly justified great expectations of the period of, say, 1955–57, Soviet prospects have sobered. The reordering that has been going on in the developing world, while changing and often diminishing Western influence, has not led to the massive introduction of Soviet influence that seemed in prospect only 5 or 6 years ago.

This complex picture of the realities confronting Moscow today as it pursues its "immutable" goal of communizing the world is a far cry from the simplistic view of the bloc as a monolithic movement surging irresistibly to victory. In fact, no such movement ever existed. It certainly does not exist under Khrushchev. Even the relatively rosy prospects he appeared to enjoy a few years ago were in fact not real. The complex influences at work were simply more effectively concealed from our view, partly by our willingness to be intimidated by some of the myths which Soviet propaganda itself has perpetuated.

I now come to my central point. Our increased awareness that the Communist world has problems too does not reduce the size of the Communist challenge. It may, indeed, increase the magnitude of that challenge. While we can draw some comfort from the fact that Khrushchev and his Communist colleagues are finding out that they are not totally free agents in pursuing their ideologically inspired goals, we must at the same time remember that the Soviet threat to the West is not, therefore, less real.

Khrushchev, at least, has demonstrated an ability to adjust to changing conditions—to take a page from our book, as it were—and to become more flexible and pragmatic himself. His blend of ideology and pragmatism may not be as revisionist as the Chinese Communists think, but it is a long way from doctrinaire inflexibility. Despite any disappointment he may feel in the pace of Communist (and particularly Soviet) advances during the past few years, he is clearly determined to press on toward Communist victory at home and abroad. To the extent that doctrinaire visions are subordinated to a more pragmatic approach in his conduct of Soviet foreign policy, Khrushchev may in fact represent an increasingly dangerous and broad gaged threat to the West, a threat which is more rather than less difficult to combat.

It is at precisely this point that we come to the strangest irony of all: the possibility that Khrushchev, the world's professional dogmatist, should increasingly become in fact a practicing pragmatist, while some of us Americans, the world's leading pragmatists, should entangle ourselves emotionally in unproductive dogmas of full-time, amateur anticommunism.

V. IMPLICATIONS

There are many implications for the West in what we have just been discussing. I should like to suggest some of them indirectly, by putting my comments in the framework of this other subject which I have just mentioned. It is a subject of growing public interest, the problem of amateur anticommunism.

Let me set the stage for what I am about to say.

A. Cold war battle fatigue

We are entering a period of history when the burdens of the formulation and conduct of U.S. foreign policy are descending on all of us—not just the comparative handful of Americans in the State Department, or in the Foreign Service, or in the Government—but all of us. In countless ways we Americans, and other people all over the world, are increasingly engaged in foreign policy. We are thinking, arguing, proposing, campaigning, traveling, taking, and making and receiving impressions. Foreign visitors are increasingly in our midst, taking our pulse as a nation or a community or a college. Each of us is increasingly representing the United States to foreign eyes as much as any diplomat we send abroad.

Just at this time, when all our individual thoughts and actions are taking on new international significance, there has grown up in certain quarters an attitude which can best be described as cold war battle fatigue. In a sense this attitude is entirely understandable. There seems to be no end to the Soviet challenge, to cold war tensions, to new and renewed crises, to the demands and needs of others. Some of us are tired of all this, and we long for shortcut answers. In its most extreme forms, this cold war battle fatigue results in proposals to withdraw from the United Nations, abandon our allies, raise our tariffs, eliminate the income tax, slash the budget, and go to war at the drop of a hat with anyone who disagrees.

In a way it would be un-American not to be frustrated by the prospect of a generation of uncertainty and indecision. In the past we Americans have been accustomed to think that everything will come out all right in the end; that the Pilgrims had a rough first winter, but managed to pull through; that Valley Forge inevitably was followed by Yorktown; that Daniel Boone and the Pony Express always got through the forest; that we never came to a river we couldn't bridge, a depression we couldn't pull out of, a war we couldn't win.

Today these assumptions are no longer self-apparent. On balance, a good case can be made that the alternative to coexistence is no existence. The problems staring us all in the face for the rest of this century are not as simple as the great simplifiers among us apparently think.

B. Amateur anticommunism

Now these same people are usually the most active amateur anti-Communists among us, too—not the most effective, but the most active. By an amateur anti-Communist, I mean those among us who are the most virtuous in their militancy, the most vociferous at Birch Society rallies, the most self-confident and strident in their predictions of what the Communists will do next, the most trigger-happy when it comes to brandishing thermonuclear weapons.

I suggest that these amateur anti-Communists may have little or no relevance to the dimensions of the Soviet challenge that actually exists. I suggest that they can have an inhibiting and disabling impact on the creation and implementation of effective anti-Communist policy in the West. They can lead policies into blind alleys; they can cause diplomatic weapons to misfire.

The great simplifiers—the amateur anti-Communists—in fact, leave all the really challenging questions unanswered.

How do we evaluate the changes now going on in the Soviet Union? The amateur anti-Communists can't help us.

Will Khrushchev's successors be better or worse? The amateur anti-Communists aren't interested.

What is the spectrum of pressures, incentives, rejections, inducements, and initiatives which we can bring to bear on Soviet foreign policy?

What are the fundamental and what are the peripheral areas in our own policy vis-a-vis the Soviet Union?

How do we change the Kremlin's calculations about our future?

How do we create those conditions in the free world which will convince Soviet leaders that their use of pressure will not help them?

How many rigidities are necessary to keep a policy "firm?" How rigid does the Soviet Union want our policies to be?

To none of these questions do the amateur anti-Communists have any constructive comments or suggestions.

They cannot contemplate the gradual possibility of a fractionalized Communist world without going to pieces themselves.

They are uncomfortable over any notions of complexity or movement inside the Sino-Soviet bloc.

They turn aside when confronted with the actual problems of the Sino-Soviet rift, of formal unity and actual collision, of surface agreement and subsurface fratricide.

Their arguments all point to direct and cataclysmic military action; they undercut the role of policies designed to prevent catastrophe.

They say they would rather be dead than Red. Most of us would prefer to be neither.

When informed of intricacies—that in Iraq, for example, it is possible that there is a Soviet Communist Party, a Chinese Communist Party, and a local Communist Party—the amateur anti-Communists are simply helpless.

They don't know what to do with countries that are supposed to be going Communist and wind up being independent—like Iraq, Egypt, Guinea, and the Congo.

When it comes to the tactical use of American power—a sophisticated application of pressures, toughness here, relative accommodation here, negotiations there, initiatives somewhere else—once more the amateur anti-Communists have few if any recommendations.

When we consider the advantages of a differentiated foreign policy—the manipulation of military, economic, and diplomatic power ourselves to modify actions of the Soviets, to influence their internal allocation of resources, to exert leverage—again there is no helpful advice from the amateur anti-Communists.

By taking comfort in selections from Lenin, the amateurs concentrate full time on the ultimate Communist objective of world domination. In so doing they cut themselves off from the much more important objective of engrossing the Soviets in tactical questions which may help over time to divert them from their long-range strategy.

When we discuss the need for a policy differentiated toward the entire Sino-Soviet bloc, and not just the U.S.S.R., the amateur anti-Communists become positively unhappy. They wish no one to disturb their confidence that the 1 billion people who live under Communist governments are identical, monolithic, mass-minded men. It is unsettling when Tito departs from the Moscow line. It is perplexing when Albania sasses back. It is bewildering when only 10 percent of Polish farmers are collectivized after all these years. It is upsetting when Stalin is dug up and reburied. For the amateur anti-Communist all this is explainable only in terms of gigantic and diabolical trickery by the Kremlin masters; they have no policy suggestions, except to marvel at it all.

When they look at Laos they are the first to cry appeasement. When they look at South Vietnam where, tragically, some Americans have been and may yet be killed, they talk as if they are determined that we shall fight no more wars except enormous ones.

In fact, they do everything they can to assure that every public question is badly posed.

They wait to see what the Communists will do; if the Communists are for it, they are against it.

They consistently think of the U.S.S.R. as embarked on the highest kind of adventurism, with no appreciation of the obvious Soviet effort to choose low risks over high ones.

They seem unaware of the significant narrowing of choices which has confronted American policy in recent years, unaware that one of our greatest objectives must be to broaden our range of policy choice, achieve a greater freedom for action, burst through the constructing bonds which some of our inherited policies have given us.

They fail to realize that nothing in history is really inevitable until after it happens.

In short, the amateur anti-Communists are conspicuously unhelpful in meeting the real Communist challenge, or in changing it. As the Judge Advocate General of the Navy said the other day, they are about as useful as amateur brain surgeons.

Now there are obviously many things which we will want to do which may not please or satisfy the Soviet Union.

We will want to point out to them that it is easier to coexist if you like each other.

We will want to make it abundantly clear to them that coexistence can take many forms, and that we do not take kindly to the kind the Kremlin has in mind.

We will want to make it perfectly apparent that we intend to be neither Red nor dead, but that if the very worst comes to the very worst, and the nuclear race gets out of hand, it might be possible for them to be both Red and dead.

With imagination, persistence, and skill, we will want to make it abundantly clear that America, indeed all of the West, is on the move again; that not all the initiatives will be Communist, but that we will be pursuing an increasing variety of initiatives of our own; and that they can expect to have to react to us—to our new defense policy which gives us the means to respond to limited aggressions as well as general war; to our new disarmament policy which proffers a detailed treaty we are prepared to sign; to our deep and enduring commitment to the freedom of West Berlin and southeast Asia; to the prospect of an ever stronger and freer system of world trade; to the rapid economic development of the southern continents; to an active and energetic American diplomacy.

"Our basic goal remains the same," said President Kennedy in his State of the Union message earlier this year, "a peaceful world community of free and independent states—free to choose their own future and their own system, so long as it does not threaten the freedom of others. Some may choose forms and ways we would not choose for ourselves—but it is not for us that they are choosing. We can welcome diversity—the Communists cannot. For we offer a world of choice—they offer a world of coercion."

We are confident that as we move in these directions, our open society with all its democracy and discussion will still be more in tune with the 20th century than their closed society with all its advanced space boosters and obsolete political creeds.

There is finally, however, when all is said and done, at least one good thing about the Soviet challenge and its implications for the West: we simply cannot ignore this apocalyptic appeal, this false vision of a classless society, this hollow cry of brotherhood, this empty claim of a system based on justice. We shall have no relief from this challenge, and we deserve none.

We in the West will expose the hypocrisy of the Communists most convincingly when we genuinely end our own—when all of us Americans, and not only our Government, help actively to lead the world of freedom into the paths of responsible change—when each of us accepts, as Count Folke Bernadotte so conspicuously did, full membership in the human race—the poor old human race, so largely poor, so largely sick, so largely hungry, and so largely colored.

Only then will each of us be personally qualified, as Bernadotte and others like him were before us, to go out into our generation to stand for the truths that man's future on earth need not be cancelled; that his political ingenuity may still rescue him from ruin; that his moral and ethical standards still are here; that some things, like war and injustice, may seem everlasting, but that these things are everlastingly wrong.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. HUMPHREY. Mr. President, I invite the attention of Senators to action taken by the Agency for International Development, particularly in the area of the Alliance for Progress, relating to the programs which are under consideration and which I believe deserve special commendation.

The Agency for International Development announces the establishment of a credit union development program in Latin America under the Alliance for Progress.

The AID Administrator disclosed that firm agreement has been reached with the Credit Union National Association, which has its headquarters in Madison, Wis., for the establishment of a training center in Lima, Peru, together with pilot development projects in eight countries.

The announcement states that Mr. Fowler Hamilton, Administrator of the Agency for International Development, negotiated, on a cost reimbursement basis, the program which provides for expenditures up to $160,000 in the first year, and subject to availability, $150,000 in the second year.

I ask unanimous consent that the text of the release, together with a second release relating to a land reform study contract awarded to the University of Wisconsin, and a third release stating that the Agency for International Development has signed a contract for training in cooperative leadership in Africa, be printed at this point in the Record.

There being no objection, the releases were ordered to be printed in the Record, as follows:

Alliance Land Reform Study Contract Awarded to University of Wisconsin

A contract to conduct an extensive study of land reform in Latin America under the Alliance for Progress has been awarded to the University of Wisconsin, the Agency for International Development announced today.

Fowler Hamilton, AID Administrator, signed the agreement with university officials today while in Madison, Wis., site of the school.

The land tenure survey in Latin American countries will take place over 5 years, beginning with initial 3-year funding of $1,250,000.

Dealing with the social, legal, economic, and administrative aspects of the agricultural structure in the countries to be studied, the university's research project is designed to help the U.S. foreign assistance missions and Latin American governments in the land reform objectives of the Alliance for Progress.

In awarding the research contract, AID officials said, the Agency is drawing upon the recognized capabilities of the University of Wisconsin in the fields of agricultural economics, law, and rural sociology.

Much of the study will be performed in the field in certain Latin American countries, with the university using its own research people as well as utilizing personnel from the host nations, AID officials said. The university probably will field three research teams besides conducting other functions of the study at the school's Madison campus according to present plans. It is expected also that selected persons from the Latin American countries will be brought to Madison for advanced training to continue the land reform research.

The University of Wisconsin currently is carrying out another foreign assistance project for AID in India. In a $691,000 5-year program continuing into 1964, the university is working with the Bengal Engineering College and the University of Roorkee in the fields of engineering and education.

Credit Union Association To Conduct Alliance Development Project

Establishment of a credit union development program in Latin America under the Alliance for Progress was announced in Madison, Wis., today by Fowler Hamilton, Administrator of the Agency for International Development.

The AID Administrator disclosed that firm agreement has been reached with the Credit Union National Association (CUNA), which has its headquarters in Madison, for the establishment of a training center in Lima, Peru, together with pilot development projects in eight countries. Hamilton is in Madison to address the annual meeting of CUNA tonight.

Negotiated on a cost-reimbursement basis, the program provides for expenditures up to $160,000 in the first year and, subject to availability, $150,000 in the second year. The 2-year project will be implemented immediately.

Following establishment of the credit union training center in Lima, trainees will be supplied from programs being organized in eight pilot countries, Peru, Ecuador, Colombia, Venezuela, Brazil, Bolivia, Argentina, and Uruguay. Some training will be conducted within the individual countries.

CUNA hopes to organize 475 credit unions in the eight pilot countries in a 2-year period. Plans call for training an estimated 600 volunteer organizers in 20 seminars of 1 week to 10 days duration at the Lima center. CUNA also plans 25 short seminars for an estimated 400 treasurers and members of boards and committees of the local credit unions.

AID Signs Contract for Training in Cooperative Leadership in Africa

The Agency for International Development today signed a contract with the National Farmers Union for the operation of pilot training programs in agricultural cooperative leadership in two African countries. The countries have yet to be designated but one will be in east Africa and one in west Africa.

The contract is designed to activate a training program developed by the three American members of the International Federation of Agricultural Producers. In carrying out the contract NFU will act in behalf of itself, the National Grange and the National Council of Farmer Cooperatives, IFAP's three U.S. members.

The contract authorized NFU to use the facilities of the IFAP in operating the two programs which will serve as demonstration projects in the use of agricultural cooperatives to improve the economy of farmers.

The contract was signed by James G. Patton, president of NFU, and by Edmund Hutchinson, Assistant Administrator of AID for the African area. Signing as witnesses to indicate the formal concurrence of their organizations in the program were Homer Brinkley, executive vice president of the National Council of Farmer Cooperatives, and Herschel V. Newsom, National Master of the Grange. Also witnessing the signing were W. H. Biesheuvel of the Netherlands, president of IFAP, and Roger Savary of France, secretary-general.

The contract calls for $180,000 in funding by AID over a period of 18 months.

Mr. HUMPHREY. I call these items to the attention of the Senate because it is my view that in the field of agricultural development, in particular, the free democratic cooperative movement has a great role to play in the emerging, developing countries, especially in the Latin America area.

I have taken a direct interest in the subject, after having participated in the Inter-American Cooperative Conference at Bogotá, Colombia, last November. I am happy to report that at that conference the representatives of the American cooperative movement took a leading role and were able to offer some constructive proposals, which were adopted by the representatives of all 15 nations. The proposals included working toward the establishment of cooperative training centers for the improvement of managerial services for cooperatives, and also the establishment of an international fund for cooperative development, which would be provided by the cooperatives themselves in cooperation with other private and public sources.

It is my intention to report later to the Senate the developments of the Agency for International Development in the field of credit unions, cooperatives, savings and loan associations, small business development, and other activities which were listed or outlined in the legislation which created the Agency for International Development at the last session of Congress.

ACCOMPLISHMENTS OF FARMERS HOME ADMINISTRATION

Mr. HUMPHREY. Mr. President, the editor of the Aberdeen American-News, of Aberdeen, S. Dak., saw fit to publish an editorial in his newspaper under date of Sunday, April 29, 1962. The editorial is entitled "Hubert Boosts for Big Government." The editorial reads:

Hubert Boosts for Big Government

Senator Hubert Humphrey, Democrat, of Minnesota, the South Dakotan who sought to be President—and who had the support of George McGovern and other of this State's

> political leaders in 1960—has expressed concern because one phase of big government is not getting bigger.
>
> The Minnesotan, a recognized leader of the liberals in the Kennedy administration, has urged the Senate to revitalize the Agriculture Department's Farmers Home Administration "to make it a well financed tool for the fight on human misery and for the maintenance of family farms that make maximum contribution to the whole of society." He also urged a larger staff.
>
> "Where the agency once had rather sizable staffs in counties where the need is greatest," the Democratic leader said, "rarely does one now find more than one trained specialist in an office."
>
> "In a way," he continued, "it's a rather bitter comment on the distorted attitude of recent years to note that FHA is practically the only Agriculture agency that has shrunk in size."

Mr. President, I am not certain what the first paragraph was supposed to do in terms of the substance of my message on the Farmers Home Administration, but it is an old trick to stick the knife in as often as one can to draw as much blood as he can.

I am familiar with the house organ of the Republican Party of South Dakota, since I was born there and my parents have lived there for half a century. My mother still lives in South Dakota.

Of course, I consider it an honor even to have my name mentioned, and even to have it spelled correctly, by a newspaper which does not have that reputation for doing things in that way.

I have written a letter to the editor of the Aberdeen American-News, because I believe one of the duties of a newspaper is to attempt to be factual. It does not have to agree with one's views. I recognize that a newspaper editor has every right—indeed, he should exercise that right fearlessly and courageously—to state his personal point of view and his newspaper's point of view on his editorial page. That is what makes a good newspaper. At least, such conduct lends itself to what we call the competition of ideas.

The Aberdeen American-News is a good newspaper. It states its point of view. Its point of view is well known. I am happy to say that it does not greatly influence public opinion in terms of politics, because Brown County, where the newspaper is published, is a Democratic county, even though the newspaper has spent years in trying to make the county Republican.

I addressed a letter to the editor in which I said:

> MAY 14, 1962.
>
> THE EDITOR, ABERDEEN AMERICAN-NEWS,
> *Aberdeen, S. Dak.*
>
> DEAR MR. EDITOR: Your editorial of Sunday, April 29, has come to my attention. I wish to correct certain misconceptions which may have reached your readers because of your editorial.
>
> I was not boosting for big government. The purpose of my speech in the Senate was to call attention to the accomplishments of the Farmers Home Administration. I pointed out how the Farmers Home Administration program of farm credit has helped thousands of family farmers through difficult times. I also cited the fact that the Farmers Home Administration has aided hundreds and thousands of rural communities and large cities by improving farm income. Finally, I asked that the program be reexamined in terms of the credit needs of modern agriculture.
>
> I did recommend an increase in the funds for operating loans, rural housing loans, and farm land loans. All of these loans are repayable with interest. All of them are participated in by the rural private financial institutions. The Farmers Home Administration is not a subsidy program. It does not offer grants or gifts to the farm people. It represents sound financing—much needed credit and good business. The Government has suffered no losses under this program. Loans that have not been repaid have been more than offset by interest payments.
>
> It would seem to me a newspaper serving South Dakota, and particularly the rural areas, would want to support the improvement of our farm credit facilities. I am pleased to report to you that in Minnesota the Farmers Home Administration program works side by side with our private lending institutions and has a friendly reception by farmers and bankers. It has done great good for our country, and deserves a pat on the back and a helping hand.
>
> I respectfully request that you bring this letter to the attention of your readers.
>
> Sincerely,
>
> HUBERT H. HUMPHREY.

I know that the editor will do that; but I thought I might take out a little insurance policy by making certain that the letter also appeared in the CONGRESSIONAL RECORD.

Mr. President, it amazes me how people can be so blind to the needs of the interests and areas that are served by public and private institutions. The Farmers Home Administration is not one of the big government agencies. It started as the Farm Security Administration during the depths of the depression. It offered a hope of rescue and the fact of economic rescue to thousands of farm families. There are people on the land today—taxpayers, productive, responsible, decent wholesome, patriotic citizens—who are successful farmers because they got some help from the Farm Security Administration. Later, the title of that administration was changed to the Farmers Home Administration. It is an agency which has been administered well and without scandal or bitter criticism. It has been supported by Democratic administrations, and it has been reasonably well supported by Republican administrations; and in recent months it has done a very good job in supplying credit—to whom? Many times, to young farmers who need help in making a start.

Not long ago I was pleased to meet with representatives of a group of Minnesota bankers who were visiting in Washington, D.C., and I was pleased to learn of their attitude in regard to these matters. They told me how they work with representatives of the Farmers Home Administration and with representatives of the Small Business Administration, and how they have found that the Farmers Home Administration and the Small Business Administration were becoming working partners in providing needed credit to our independent family farmers and to our independent businessmen.

But, Mr. President, you know, some institutions of journalism are so confounded partisan that they cannot sense public need, or cannot even fulfill public responsibility. I do not mind editorials that give me such good copy; as a matter of fact, I suppose the editorial was written in a rather friendly tone. But it never got to the issue; it never got further than stating, in effect, "HUMPHREY is for big government."

But, Mr. President, I am in favor of productivity, prosperity, and freedom for all the people of the country; and that is what the Farmers Home Administration is directed to—prosperity and improvement of our economy and freedom of the citizens—freedom from debt that grinds them into the dirt, freedom from fear that literally paralyzes the people, and freedom to develop and to participate in the economic and the social life of the community.

I, for one, wish to salute again the founders of the Farmers Home Administration and those who now administer it. The only regret I have about my proposal is that there were not enough people to listen to it, and that they did not spread the word across the length and breadth of this land, and also, as of now, because, as a result of disputes between the Senate and the other body, the needed funds are tied up in conference between the Appropriations Committees of the two Houses—I refer to the appropriations for the Small Business Administration and those for the Farmers Home Administration—with the result that today thousands of businessmen are waiting anxiously for loans which have been approved by bankers and by the Small Business Administration, and thousands of farm families are waiting anxiously for loans that have been approved by bankers and by the Farmers Home Administration directors; and yet we stand here paralyzed because we cannot agree on a conference report.

My only regret is that we have not done a better job in these agencies; and I think that in the years ahead we shall sense the need to do a better job.

THE MEXICAN-UNITED STATES INTERPARLIAMENTARY CONFERENCE

Mr. MORSE. Mr. President, last Saturday approximately 26 official delegates from Mexico arrived in Washington for the Interparliamentary Conference between the United States of Mexico and the United States of America. The visit of these Mexican delegates will close tonight, at 8 p.m., at a banquet to be held at the Washington Hotel. On tomorrow they will proceed to other parts of our Nation, and eventually they will arrive at Los Angeles, for further observations which they may wish to make in the United States.

As chairman of the Senate Subcommittee on Latin America Affairs, I wish to take a moment to express on behalf of the subcommittee, and, I am sure, on behalf of the entire committee and on behalf of the Senate as a whole, our very sincere thanks to the Mexican delegates who have been with us during the past several days, for the wonderful contributions they have made to better understanding, on the parliamentary level, of problems existing between the United States of America and the Republic of Mexico.

The Conference was divided into a series of panels. The reports of the panels and of their deliberations will be made available later on to Congress.

At this time I merely wish to say that in my judgment the Conference brought about honest, frank, and mutual appraisals of the problems which exist between these two great Republics; and I know that my subcommittee and the entire Foreign Relations Committee of the Senate and all who participated in the Conference are greatly indebted to these distinguished Mexican delegates for the splendid work and the wonderful conversations at an official level which they conducted with us during recent days.

Therefore, Mr. President, at this time I merely express my sincere thanks and my best wishes for a continued beneficial trip in our country; and I wish to say that we look forward to the next conference, to be held next year, undoubtedly at some place in Mexico—for a continuation of these interparliamentary exchanges. I believe these interparliamentary exchanges are of great importance in connection with strengthening the bonds of neighborliness in the Western Hemisphere; and I believe them to be absolutely essential if the Alliance for Progress is to succeed in the great objectives which our President has announced and pronounced for it, because in these conferences we come to grips with some of the problems of the Alliance for Progress and some of the misunderstandings which have developed in Latin-America and some of the criticisms which our Mexican friends have in regard to some parts of the program.

Therefore, I wish to make this brief statement at this time to the Senate, in the form of an expression of thanks to the distinguished members of the delegation from the Republic of Mexico.

PROPOSED ABOLISHMENT OF THE DEATH PENALTY

Mr. MORSE. Mr. President, recently I introduced a bill to abolish the death penalty in all Federal jurisdictions, outside the military service.

There has recently come to my attention an article entitled "You and the Death Penalty." It was written by Steve Allen, and was published in the magazine This Month.

I ask unanimous consent to have this brief article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOU AND THE DEATH PENALTY

(By Steve Allen)

Permit me to ask you two questions: (1) Do you approve of capital punishment? (2) would you personally pull the switch to electrocute a man?

If you gave both questions the same answer, give yourself a gold star for consistency. If you're in favor of electrocuting, hanging, or shooting your fellow man, however, without having the guts to do it yourself, then in my book you're an illogical troublemaker. The men who are obliged by the State to do your dirty work don't like it and most of them wish to God the American people would put an end to the grisly business. But still it goes on in most States year after year because of a combination of inconsistent hyprocrisy, an un-Christian lust for revenge, and plain old-fashioned ignorance.

I can't make you more consistent or more humane, but I can help to dispel your ignorance about capital punishment. The perspective of history shows that it's on the way out. Over the past thousands of years societies have developed many ingenious methods of getting rid of so-called undesirables. Consider only a partial list: drawing and quartering, stoning, crucifixion, burning at the stake, disemboweling, pressing with weights, beheading, stabbing, guillotining, boiling in oil, strangling, beating, shooting, electrocution, hanging, and gassing. Most of these methods have now been discarded. But if only the last four are common today, look in the mirror and ask yourself some questions: Is this record something of which I as a human being can be proud? Why wouldn't I prefer to go all the way and ban them all?

Well, you might answer, it's all ugly enough to be sure, but isn't it still necessary to retain the death penalty because of its deterrent power? The only possible reply is a simple, unqualified "No." Many States and nations have abolished capital punishment without suffering the increase in crimes of violence that some people had predicted. The reason for this recorded fact is that murderers tend to fall into three distinct categories. One is made up of the mental cases. Obviously they don't stop to think of punishment. The second group includes the so-called normal individuals who kill in a moment of passionate rage. Here, too, emotions blind the intellect and caution is cast to the winds. The death penalty never stayed these unfortunate hands. The third group are the professional gangland killers who go right on killing, capital punishment or no.

So there's no really strong argument for the death penalty, as a thousand experts have grown weary of declaring year in and year out. But there are plenty of good arguments against it. Here are just a few:

1. Capital punishment is a degrading hangover from barbarism.

2. Most prison officials are against it.

3. Many innocent people have been put to death.

4. The guys who are executed are the poor, the friendless, and members of minority groups. The rich criminal who gets a good lawyer almost never gets the chair or the rope.

5. The aim of our penal system should be the rehabilitation of the criminal, not his destruction.

6. Juries sometimes let criminals go free because they are reluctant to condemn if the penalty is death.

7. Our religious tradition teaches thou shalt not kill. The only exception is supposed to involve self-defense. Society is already defended when a killer is behind bars.

8. When a society condones gas chambers and electric chairs, that society is basically brutalized.

9. The death penalty cannot undo the original crime. It only adds a killing by the State to the killing by the criminal.

10. Many men are put to death who have not committed murder. Caryl Chessman was only one example.

11. Almost all the churches have come out strongly against the supreme penalty.

Unless you've read Arthur Koestler's book "Reflections on Hanging," you probably don't know enough about capital punishment. Koestler, who was once condemned to die himself, says, "The gallows is not only a machine of death, but a symbol. It is the symbol of terror, cruelty, and irreverence for life—the common denominator of primitive savagery, medieval fanaticism, and modern totalitarianism. It stands for everything that mankind must reject if mankind is to survive the present crisis." Koestler's words are not only a condemnation. They are also a warning.

WHY FRONDIZI LOST: CUBA, CONSERVATIVES, AND THE ARGENTINE

Mr. MORSE. Mr. President, in a recent issue of the magazine New Republic, there appeared a very fine analytical and penetrating article written by the well-known newspaper correspondent Henry Raymont, whom I regard as one of our best informed writers on the Latin American scene, and who is writing today in the field of Latin American journalism. His article, which was published in the April 9 issue of the New Republic magazine, is entitled "Why Frondizi Lost: Cuba, Conservatives, and the Argentine." I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY FRONDIZI LOST: CUBA, CONSERVATIVES, AND THE ARGENTINE

(By Henry Raymont)

The quiet that settled over Latin America immediately following the controversial Conference of Foreign Ministers at Punta del Este had an ominous meaning to expert readers of the political barometer. There were fears that the meeting's condemnation of Cuba would inflame political passions throughout the hemisphere and make it even harder to move in the direction charted by the Alliance for Progress. These fears were confirmed. The quiet was broken by successive crises in Brazil, the Dominican Republic, Guatemala, Argentina, and Peru.

The arrest of President Frondizi by the military in Argentina is an especially vivid illustration of the failure of the moderate democratic reformer, and of the consequences of U.S. preoccupation with the problem of Castro. Here, in the Argentine, we have a classical prerevolutionary situation; an intransigent, selfish, extreme right, a militant, radical left, and a numerically significant but hopelessly divided liberal center. On the one side, reformist elements are obstructed at every turn by the self-defeating policies of an oligarchy clinging to its privileges. On the other side, Communists and plain demagogues exploit the impatience and deep frustration of millions of indigents no longer willing to tolerate the paradox of ostentatious wealth and widespread misery; democratic reform, they are told, is a tool of "Yankee imperialism"; radical revolution is their only hope.

Most newspaper reports appear to have missed the point by portraying the Argentine election in March as a popularity contest between Frondizi and Peron. Ironically, the voters vindicated many policies Frondizi sought to follow after taking office in 1958. One of his first aims was the pacification of militant, disenfranchised Peronista elements that had plagued the provisional government of General Aramburu with terrorism and labor unrest. In this he succeeded.

But all Frondizi's subsequent efforts to make concessions to this important political group were firmly resisted by the unyielding coalition of landed and industrial interests and the military. This rightwing bloc scoffed at Frondizi's concern over Peronist strength and denounced it as an artifice to conceal his "Communist sympathies." Not content with having forced the government to adopt strong antilabor measures, the right sought also to preclude any leaning toward the left in foreign policy. It was this that lay behind most of the 35 previous military attempts to overthrow the Frondizi government.

During his campaign in 1957 Frondizi used every device in a crafty politician's handbook to seduce the leftist and Peronist vote. He promised a measure of state control in the economy and vowed never to allow foreign capital to exploit the national oil resources. Such promises in a country on the verge of bankruptcy won him the reputation of a demagog in moderate circles while his conciliatory attitude toward the Peronists earned him the undying animosity of influential army officers and leading conservatives. Still, Frondizi won that election.

Not long after taking office, however, Frondizi shifted to the right. Previous talk of state control gave away to close cooperation with the International Monetary Fund and the U.S. Treasury. With their assistance Frondizi launched a stiff austerity program that was to restore Argentina's economic health and pave the way for rebirth of the free enterprise system that had been destroyed by 12 years of corruption and maladministration under Peron. Perhaps his most dramatic move was opening the inefficient state oil industry to exploitation by foreign companies. The former provisional government of General Aramburu, while dominated by conservatives who paid lip service to the blessings of a free economy, had not dared to do this.

Frondizi's leftist supporters felt he had betrayed them. They knew, too, that his austerity program would mean sacrifices by industrial and white-collar workers, while industry and commerce would reap its immediate benefits. It was an Argentine version of what was good for General Motors being good for the country.

In charge of Frondizi's economic planning was Rogelio Frigerio—ambitious, energetic, known more for his acumen than his scruples. A fairly sharp polemicist who combined a smattering of Hegelian philosophy with a deep knowledge of practical politics and economics, Frigerio had been Frondizi's principal publicist during the 1957 election and his liaison with leading Peronists. To offset the political impact of his unpopular economic measures, Frigerio pressed ahead with efforts to attract the Peronista bloc through a policy of national conciliation. The immediate results were a sharp reduction of the terrorism and sabotage. Believing that minor political concessions to the workers might avert inflationary wage demands, the Government promised to lift the ban on the predominantly Peronist General Labor Confederation (CGT).

When the conservatives got wind of this, they promptly enlisted army support to force Frigerio's dismissal. It was no secret, however, that he continued to be one of the most influential men in the Frondizi administration and its principal contact with the labor groups. By the end of his first year in office, Frondizi had lost most of the leftist following that had helped to elect him, yet he continued to be the target of the conservative press and in constant jeopardy from restive army officers. Only after the Eisenhower administration publicly hailed Argentina's economic stabilization program as an orthodox example for all other Latin American governments to follow did some of the harassment from the right subside.

For the next 18 months conservative fire centered on alleged efforts by Frigerio to establish closer liaison between the Government and Peronista forces. Actually on several occasions when some papers claimed he was visiting Peron in the Dominican Republic or Spain, Frigerio was conferring with State Department and Treasury officials on further loans.

The advent of the Kennedy administration did little to discourage the Argentine President's enemies. Rightists went so far as to suggest that Kennedy's Latin American specialists were themselves suspiciously socialistic and that the danger of a soft policy toward communism and Peronism was greater than ever. When Frondizi sought to disarm his opponents by stern police action against the Argentine Communist Party, the attacks turned on the supposed friendliness of some of his officials for the Castro regime. To nobody's surprise Frigerio was again singled out as the evil genius. It was of little consequence that the Communists had denounced Frigerio as a national traitor who was handing over the country to rapacious Yankee imperialists, or that the Castro Government leveled some of its choicest insults at Frondizi.

Despite these charges and counter-charges, the country was making slow but steady economic progress, thanks to the stabilization program. Industry was prospering; farm production was rapidly recovering from its slump. The left, however, pointed out that the gains of the workers were in no way commensurate with the rapid acceleration of the businessmen's profits.

Nevertheless, by the end of 1961 the economic gains seemed at least to have had some political resonance. In several provincial elections Frondizi's UCRI scored spectacular victories. In the second largest province, Santa Fe, Frondizi's candidate for governor received 300,000 votes and the only pro-Castro candidate ended fifth with 30,000.

But the Government's victory touched off a new and bitter reaction. This time the rightists turned on Frondizi's alliance with Brazil, Chile, and Mexico in opposing sanctions against Cuba by the Organization of American States (OAS).

To head off what he feared would become a major split in the hemispheric alliance and a highly embarrassing domestic controversy, Frondizi had sent his Under Secretary of State, Oscar Camilion (subsequently ousted by demand of the military), to Washington a few weeks before the Punta del Este Conference to say he saw no practical value in severing relations with Cuba, and that such a step would only expose his government to new charges of domination by Uncle Sam. Frondizi hoped that Washington would settle for the exclusion of Cuba from the OAS, leaving it up to each government to decide for itself how to handle its bilateral relations with Castro.

If some U.S. officials were sympathetic to the suggestion, this was not revealed. At Punta del Este Secretary of State Dean Rusk joined with Peru and the Central American governments in demanding collective sanctions against Castro. Administration officials contended that there was no sense in following a more moderate path if, as a result, Congress would refuse to authorize the funds for Alliance projects.

The Punta del Este Conference quickly produced the anticipated results on the international level, the larger Latin American countries, reluctant to abandon hope that the Cuban question might eventually be settled within the hemispheric community, split with the majority demanding the Castro regime's outright exclusion. In Latin America the enemies of moderate democratic regimes acquired new ammunition and polarization between right and left was further intensified. In the Argentine Frondizi entered his worst and final political crisis.

If Frondizi agreed to an anti-Cuban boycott there was the danger of new violence by Castro sympathizers and Peronists whose real strength only Frondizi seemed to have assessed correctly. On the other hand, a refusal to vote for Cuba's immediate expulsion from the OAS would exacerbate the military and conservatives.

Frondizi's choice of the second alternative provoked a military demand that diplomatic relations with the Castro regime be broken. At first the President resisted. Addressing a political rally in the province of Parana—one of the 10 that subsequently gave Perónista forces a majority—Frondizi reiterated his decision to stand with Brazil and Chile on a moderate Cuban policy.

When it became clear that the military were determined to seize control on the eve of the elections, he yielded. In the last days of February, Argentina became the 13th Latin American state to cut its diplomatic ties with Cuba. To hostile leftist extremists and Perónists the decision confirmed their charges: Frondizi was a pawn of the State Department.

Actually, the military's ultimatum distressed rather than pleased Washington. During the Punta del Este Conference, the U.S. delegation, in a rare display of tact, had not tried to force a change in Argentina's position; and a fortnight before the elections Washington announced a new $150 million development credit in a belated attempt to bolster Frondizi. But the military was not appeased. Frondizi had to go.

Two years ago, there was much feeling among the Hemisphere's democratic leaders that the worst danger of Castroism was that it would revive the sentiment that only strong-armed military dictatorships could effectively counter communism. Such a regression to a hated past would, they knew, play right into the hands of the Communists. Why hasn't the right seen this? Yearning for the many-splendored comforts it once enjoyed, the reactionary Latin American elite not only disregards the ominous signs of discontent and social revolution throughout the continent; it also refuses to accept the compromises essential for its own survival. Yet short of an impossible return to the feudalistic practices of unlimited profit and heartless exploitation, the right has everything to gain by the success of the moderates.

Frondizi, for example, restored the confidence of international capital in Argentina, stimulated industrial growth, and expanded lagging beef and grain production. To do this within the framework of a free enterprise system the Government had to take many orthodox economic measures that were highly unpopular with a labor force that for years had been spoiled by the empty promises and demagogery of Peron. Frondizi knew this, but his attempt to soften the austerity measures and thus regain the confidence of the workers encountered immediate warnings of military action from the right. A like fate befell any hint of concessions to the left in foreign affairs.

To many, it was inconceivable that after the April 17 Cuban invasion fiasco and the slow start of the Alliance, Washington should have agreed to another sterile diplomatic exercise at Punta del Este, when leaders of the largest Latin American countries had warned that this would have dire effects on their internal stability. The argument that the U.S. Congress is angry and demands a tough policy on Cuba shrinks to insignificance when one considers what the legislative mood would be should Argentina or Brazil go Communist.

CAPTIVE CUBA?

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed at this point in the Record an article entitled "Captive Cuba?" The article also was written by Henry Raymont, and was published in the April 16 issue of the magazine New Republic.

There being no objection, the article was ordered to be printed in the Record, as follows:

Captive Cuba?

On March 26, Fidel Castro made one of those unpredictable, 3½-hour television appearances which, in the early phase of his rule, used to confuse his followers and foreign observers alike. This was a speech to think about, and one that had only fragmentary mention in the U.S. press. Party leaders were denounced for creating a government within a government; the new Integrated Revolutionary Organization (ORI) was told to stick to its ideology and leave the running of the state to Castro and his administrators; Cuban Communists were excoriated for having lost touch with the masses.

Appealing directly to the people he claims are solidly behind him and portraying himself as the self-effacing populist leader, Castro attacked his rivals for forming cells and cliques. "So, then," he said, "how were the cells set up? I am going to tell you. The secretary general of the PSP (Communist Party) was made secretary general of the ORI in each municipality." Thereafter, members of the PSP were made secretaries general of every cell. "Is this communism? Is this Marxism? Is this socialism? This is arbitrariness; this is abuse; this is privilege. All these things—whether or not this is communism—will make people say what Indio Hatuey said. When Hatuey was being burned alive, a priest approached him to ask him if he wanted to go to heaven. Hatuey replied: 'No; I do not want heaven if this is heaven.' Do you understand? I must speak clearly."

To those familiar with past Castro oratory the allusion to the legendary Indio Hatuey was significant, for this is the same anecdote Castro has used again and again in denouncing imperialism, capitalism, and the church.

No matter what ideological embellishments Castro gives his dispute with old guard Communists (sectarianism, dogmatism), he leaves no doubt that he personally resents their contempt for the naive policies of the Cuban revolutionaries: "Why have we been discussing this problem of the Soviet Union? Well, we can say to inform ourselves. To inform and to discuss, yes. Those are problems that have to do with the experiences of Marxism, but we did not have to convert it into the central subject of our discussions, because we have some things much more important to discuss. This is something similar to our embarking on a great campaign against the bubonic plague when in reality what we have is malaria and polio."

Recalling how he had admonished those who fought with him in the mountains against setting themselves up as an elite, Castro derided as absurd the boasts of old Communists of their militancy and their efforts to retain privileged positions in the new organization: "What could that engender if not conditions that would cultivate for the old Communists the antipathy or resentment of the masses. * * * They thought they had won the revolution in a raffle. They forgot the blood, the sacrifices that the revolution cost. I will give some examples." And he did.

There was the case of a Communist latecomer made secretary of the regional committee of Bayamo, one Fidel Pompa (a dig at the pomposity of the Communist leaders or a real name?) who was not only unfamiliar with the achievements of revered revolutionary heroes, but threatened to sweep out any official who was not a devoted Marxist. "Gentlemen like that Fidel Pompa are not the only ones, there are others and they are the ones we must sweep away."

When he spoke of some 100 rebel Army officers deprived of their commands by party bureaucrats for being of a low political level, Castro said: "What low political level? How can a man have fought for the Socialist revolution and afterward be told that he who fought and struggled for that revolution and was loyal to it, who in moments of vacillation did not hesitate * * * who mobilized when the mercenaries came, and died fighting them after having declared that this revolution was Socialist, be told that he cannot command troops because of a low political level?"

When he appointed the late Camilo Cienfuegos, one of the most popular revolutionary figures, to lead the victorious march on Law Villas, Castro "did not ask him to recite Das Kapital. * * * Perhaps now through these paradoxes and these ironies somebody would have come to examine him in Marxism-Leninism and suspended him and he would have given the command to any college man who may have had a little military education. * * * I say that is nonsense, an injustice, a policy lacking in all sense of proletarian Marxism-Leninism. * * * Those individuals who speak so much rubbish must be shot up at once."

This is a radical change of style and mood from last December 2 when Castro pliantly, humbly acknowledged in an uncharacteristic written speech that "we did not understand the objective conditions. * * * We did not interpret the reality. We made an error."

What is the explanation of the change? Possibly the very thing that Arab, Israeli, Canadian, Yugoslav, Mexican, and Brazilian diplomats had been hinting to the State Department—that the temptation to seize absolute power would be too great for the militant Communists to resist, and that Castro would come to realize that his leadership was in serious jeopardy.

Heretofore, the fatalistic argument has been advanced that Castro is wholly dependent on the Communists, organizationally and militarily. This may have been the case in Eastern Europe where postwar Communist leaders were installed by, and were directly dependent on, the Soviet Army. But the Castro regime still looks to its heavily armed workers and peasants' militia for support. Nor can one disregard the competence of his young economic and administrative team of nationalist—and Communist—Latin Americans headed by Ernesto Guevara, whose loyalty to Castro is likely to endure, should there be a real split.

If, since March 26, Castro has not gone beyond ousting from his party Anibal Escalante, one of the top Communists, and reshuffling the leadership of the ORI to place his loyal followers back into key positions, one may surmise that Soviet oil and other shipments vital to his depressed economy is an inhibiting factor. Food, petroleum, and certain consumer goods are subject to strict rationing. Though the 40 percent drop in this year's sugar harvest is part of a planned crop diversification program, its effect on Cuba's balance of payments has been somewhat greater than anticipated.

Will Washington take the hint? Castro's March 26 speech was conspicuous for its omission of any reference to Yankee imperialism or Wall Street aggression. It is of some significance too that the anti-Yankee diatribes of his press and radio have been noticeably toned down, and that Castro only last week promptly released, and with exceptional courtesy, the six American skindivers who under different circumstances might have been held and tried as CIA agents. If Castro's offer to set free the 1,179 Cuban invaders for individual ransoms totaling $62 million is callous, it can be said also that the death sentence was not imposed, that the sum in question may be negotiable, and that the amount may conceivably be no more than was earlier spent to equip, train, and launch the invaders on their ill-advised expedition of last April 17.

To date the United States has lectured Castro, censured him, punished him—as if a revolution such as his were a delinquent child. It has toyed with new schemes for forcing his downfall, though the regime that succeeds his might prove even more intractable. A fresh look at Cuban policy by the United States will not produce a sudden miracle of reconciliation or an overt rupture between Cuba and Moscow or Peiping. Marxism-Leninism is the only social philosophy in terms of which the Cuban rulers can currently think or act: the Yugoslav parallel comes to mind. But the ideological commitment of the Castro leadership will in the long run have to be squared with the Cuban national interest. In its sugar policy (New Republic, May 15, 1961), the United States has a potentially powerful lever for encouraging Castro in an independent course. The changing climate in Havana offers an occasion to test Castro's intentions and to explore the economic bargains which might loosen the ties that bind his foreign policy.

LATIN AMERICA

Mr. MORSE. Mr. President, because I believe it so important, for the information of the Senate, to have printed in a group in the Record the various articles on Latin America to which I now have reference, I also ask unanimous consent to have printed in the Record an article entitled "The Atlantic Report—Latin America," which was published in the May 1962 issue of the Atlantic Monthly.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Atlantic Report—Latin America

Ever since World War II thoughtful Latin Americans have implored Washington to undertake a long-range policy toward their region. Instead, U.S. policy in Latin America—if policy it can be called—has been a succession of hastily improvised responses to various local crises. The main aim has seemed to be the maintenance of the status quo. The advent of the Kennedy administration brought high hopes to liberal democratic leaders in Latin America who had long advocated a broad, positive approach to the economic and social dislocations that are the underlying cause of the area's political instability.

Kennedy and his advisers established close contact with such prominent liberal figures as Governor Luis Muñoz Marin of Puerto Rico and President Romulo Betancourt of Venezuela, rejected the old policy of supporting dictators, and went firmly on record as favoring reform as the most effective answer to communism.

Barely 2 months after he took office, President Kennedy, on March 13, 1961, announced an ambitious 10-year program to be known as the Alliance for Progress. He described it as "a vast effort, unparalleled in magnitude and nobility of purpose, to satisfy the basic needs of the American people for homes, work and land, health and schools." When the hemisphere's finance ministers met the following August to begin implementation of the program, three disturbing questions quickly came into focus.

First, is Congress willing to support the President's request for the vast funds to finance the Alliance? The administration is asking Capitol Hill to authorize $3 billion in Alliance aid for the next 5 years, despite considerable opposition to expanded foreign-aid spending. Many legislators think that aid should be withheld until Latin America makes a more determined effort at tax and land reforms, and some object to helping countries which oppose U.S. policy on Cuba.

Second, will the United States and Latin America be able to revamp their bureaucracies, which for years have delayed the formulation and execution of new policies to cope with mounting revolutionary pressures? Men who possess not only high technical competence but also dedication, ideological preparation, and superior intelligence will be needed both in North and South America to implement the ambitious goals of the Alliance.

Third, can Latin American leaders press ahead with social and economic reforms against the resistance of powerful vested interests that still exercise considerable political and financial influence? In Argentina, for example, supporters of Dictator Juan D. Peron, who was deposed in 1955, won a surprise victory in the elections held last March. Peronistas, with the backing of Communists, claimed that President Frondizi had sold out to "Yankee imperialism," and Peron himself accused the United States of meddling in Argentine affairs.

Actually, the election results and the crisis that followed can be seen in an ironic way as vindicating Frondizi's insistence that concessions to the left had to be made in order to win over the substantial number of workers who still yearned for the autocratic Peron regime. His failure can largely be traced to the unyielding attitude of the powerful right-wing coalition of landed interests and army leaders. Not content with Frondizi's conservative economic policy, the army forced him to break relations with Cuba a few weeks before the election.

The ultimate success of the new United States-Latin American policy hinges on the answers given, in time, to these questions. It would be unrealistic and misleading to expect conclusive results immediately. Two decades of neglect, misunderstandings, and halfhearted efforts represent a legacy that cannot easily be overcome.

A HOLLOW VICTORY

When, less than 4 months after launching the Alliance, the Kennedy administration came out in favor of a conference of foreign ministers to discuss Cuba, it seemed that the old pattern of jeopardizing a positive long-range program for quick political expedients was reasserting itself.

For many Latin Americans, the logic of the Punta del Este conference could be found only in the pressures the U.S. Congress was exerting on the eve of consideration of the budget. With military intervention against the Cuban regime ruled out as a violation of the Charter of the Organization of American States, and with the firm opposition of six of the larger nations to diplomatic sanctions, there seemed little to be gained from another high-level diplomatic meeting.

But Castro's own inadequate understanding of the nuances of hemisphere politics helped save the situation from being a total failure for the United States. His continued threats to promote unrest elsewhere in Latin America caused Colombia and Venezuela to line up with Peru and the Central American countries that were demanding stiff action against the Cuban regime.

These factors, combined with the skillful and patient negotiations conducted by Secretary of State Dean Rusk, brought a unanimous declaration by the foreign ministers that Cuba's Marxism-Leninism was incompatible with the principles of the inter-American system. Yet the substantive resolution to exclude the Castro regime from the OAS received only the minimum two-thirds majority of 14 countries, with Argentina, Brazil, Chile, Mexico, Bolivia, and Ecuador abstaining.

Secretary Rusk's claim that this kind of dissent was a "vivid demonstration of the democratic process of a vigorous community of nations" sounded hollow to Latin American diplomats aware of the strenuous efforts by the Kennedy administration to achieve unanimity.

SECRETARY RUSK'S PERFORMANCE

Perhaps one of the most positive results the United States achieved at the conference came in the unpredictable field of human relations—the esteem and respect engendered by Secretary Rusk and his team. The eloquence and progressive tone of Rusk's speeches, as well as the tact and patience he displayed during 2 weeks of difficult negotiations, served to emphasize to the Latin American delegations a new style and content in U.S. foreign policy.

Until quite recently, hemispheric support for Washington's policies on basic East-West issues had been taken for granted. U.S. spokesmen generally addressed inter-American conferences with sophomoric warnings about the dangers of "atheistic communism" that Latin American statesmen regarded as an insult to their intelligence.

By contrast, Mr. Rusk's principal speech was an articulate blend of affirmations of Jeffersonian democracy with a careful analysis of the discrepancies between Communist rhetoric and achievements. He deflated Cuba's angry claims that the "monopoly-controlled U.S. Government" was opposed to the Castro regime purely because of the economic losses suffered by private U.S. interests, when he asserted that "Many of us * * * would have had no quarrel with changes in the economic organization of Cuba instituted with the consent of the Cuban people. Our hemisphere has room for a diversity of economic systems."

This recognition of Latin America's economic autonomy was coupled with a scrupulous understanding of its mood of nationalism and independence. Accordingly, despite strong pressures from important congressional spokesmen, the Secretary at no time invoked the threat of curbing economic aid to countries refusing to endorse the expulsion of Cuba. In turn, Rusk found that, notwithstanding the impressive catalog of errors compiled by Washington's Latin American policy, there continues to exist a vast reservoir of good will toward the United States, every bit of which will be needed to wage the long and difficult fight to achieve progress with a minimum of turbulence.

STRENGTHENING THE OAS

The overriding lesson of the foreign ministers' meeting is that the Kennedy administration, while it reflects a carefully prepared, well-balanced policy in the economic field, has not yet shed the habit of improvising when it faces complex political issues in Latin America.

There were some farsighted officials who hoped that the United States would take the leadership in strengthening the faltering political machinery of the OAS. They believe that by more thorough and imaginative legal planning the U.S. delegation could have proposed a structural revision of the inter-American system that would have excluded all dictatorships from its membership and not limited the conference to the immediate issue of Cuba. Although the OAS charter is dedicated to the principles of democracy and human freedom, for years the organization included representatives of brutal dictatorships, on the grounds that to reject them would have jeopardized the doctrine of nonintervention. The same arguments that prevented an effective censure of the Trujillo regime in the Dominican Republic were invoked by Cuba to explain the paradox of how it could become a Marxist-Leninist dictatorship and still stay in the OAS.

It is not surprising, then, that the organization's insistence on civil liberties and democracy rings false to millions of Latin Americans, even though in Washington the OAS acquired the reputation of being an extraordinary political institution and the pioneer of all other Western regional security arrangements.

The Kennedy administration is fully aware of the deficiencies of OAS and looks to Felipe Herrera, the energetic Chilean director of the Inter-American Development Bank, for effective leadership in the vital economic plans now being formulated under the Alliance for Progress. The shaping of U.S. economic policy in Latin America has been more the work of high White House aides and of Teodoro Moscoso, the coordinator of the Alliance program, than of the State Department professionals.

PAY ON PERFORMANCE?

The Alliance is a cooperative undertaking, divided between Latin American measures of self-help and domestic reforms and the supply of U.S. capital and technical knowledge. From the outset it was plain that the ambitious program would antagonize certain traditional economic groups both in Latin America and in the United States. But U.S. insistence on reform has created a favorable impact among the rising class of young, energetic technicians and professionals who may soon be governing the hemisphere.

The start of the self-help approach has been, admittedly, slow in many countries. Moscoso is nevertheless opposed to setting rigid criteria of rapid performance as a condition of aid, on the grounds that it may lead to dangerous political situations. At the same time, he seeks to encourage individual countries to adopt far-reaching tax and land reforms and to take vigorous steps toward low-cost housing through public building institutes, savings and loan associations, and educational and health assistance.

In many cases, the financing of these social projects has run into difficulties. The most stubborn obstacle, perhaps, was Latin America's chronic problem of budgetary deficits, arising from heavy government commitments to nonproductive public expenditures and subsidies for public services, which required the diversion of U.S. aid to prevent serious fiscal repercussions.

Neither the administration nor Congress liked the idea of using Alliance funds for supporting internal budgets, but it was acknowledged that development projects could not be carried out to full advantage in the midst of chaotic economies threatened by social strife.

There is some hope that as the younger economists and professionals begin to exert a stronger influence on the Latin American elite, more enlightened policies will follow, and the vast funds—estimated to be as much as $100 billion—now in Swiss banks or U.S. securities will gradually be restored to their rightful place in the national economies.

For the time being, the administration is inclined to follow a flexible policy in its aid program. It believes in Moscoso's contention that the Latin American leaders themselves must be persuaded that they hold the greatest stake in the successful outcome of the Alliance.

ADDRESSES BY AMBASSADOR DELESSEPS S. MORRISON, U.S. REPRESENTATIVE ON THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES

Mr. MORSE. Mr. President, I wish to speak very briefly in paying a well deserved commendation to a dedicated public servant of the U.S. Government, our Ambassador to the Organization of American States. I refer to Ambassador deLesseps S. Morrison, who represents the United States of America in the Organization of American States. He was one of the members of the American delegation to the recent Punta del Este conference in Uruguay. He is doing an exceptionally able job for us in the Organization of American States. He was a very able delegate at the Punta del Este conference.

Good evidence of the great ability and the intellectual power of this excellent public official is shown by two speeches which he made recently—one at Marquette University, in Milwaukee, Wis., on April 16, when he dealt with some of our Latin American problems; and the other which he delivered at a banquet of the Association of International Relations Clubs, at Hope College, in Holland, Mich., on April 9. I ask unanimous consent that both of these speeches be printed at this point in the Record, in connection with my remarks.

There being no objection, the speeches were ordered to be printed in the Record, as follows:

Address by Ambassador deLesseps S. Morrison, U.S. Representative on the Council of the Organization of American States, Marquette University, 7 p.m., Monday, April 16, 1962, Milwaukee, Wis.

Ladies and gentlemen, it is a distinct honor for me to be here in Milwaukee tonight and to have this opportunity to talk to you on a most serious subject—namely, Latin America, its problems, and its hopes for the future.

I say "serious" because I firmly believe that the problems of Latin America are of urgent concern to each and every citizen of this country. It's high time that we stop thinking of Latin America in terms of senoritas, sambas, and siestas—and start thinking in terms of people, problems, and its progress.

For the sad truth is that although we have long been fascinated by Latin America, until a few years ago we really didn't know much about it. And what we knew tended to be superficial—and, in some cases, erroneous.

This situation was, perhaps, inevitable for during our period of "manifest destiny," we looked east toward Europe for economic and cultural kinship. Indeed, the history of our country is basically the history of our development on an east-west axis. Horace Greeley's famous advice to "go West, young man" was perfectly logical considering the fact that the new frontiers—and therefore the new opportunities—of that time were in the vast lands west of the Alleghenys.

But increasingly in recent years—and particularly in the last decade and a half—the axis of opportunity has been shifting. It has shifted from east-west to north-south. This, too, was inevitable, for the history of the world has always been the history of individual men seeking new frontiers—and there can be no doubt that the new frontier of the coming half century is the vast area to our south known as Latin America.

A frontier—almost by definition—is a region in ferment—a vast area—bustling, growing, alive with a new spirit and a new hope. Latin America is no exception. Its population is expanding at a fantastic rate. The skylines of its cities are being altered almost beyond recognition. New businesses and new industries are springing up.

Yet, at the same time, there is a reverse side of the coin—a darker side. For along with—and partially because of—this new growth are new challenges and new problems.

It was to meet these challenges and to solve these problems that the Alliance for Progress was conceived. In a very real sense, the Alliance for Progress represents the future of Latin America at a very critical time—in somewhat the same way that the Marshall plan represented the future of Europe a few short years ago when all of Western Europe was in grave crisis.

At the outset, I wish to make it quite clear that the Alliance is not an exclusively U.S. program. It is just what its name implies: a cooperative effort freely joined by free peoples—20 republics voluntarily committed to help each other and to help themselves in the solution of their individual and mutual problems.

It was originally proposed by President Kennedy in March 1961—just over a year ago—and it really got started at the now-historic meeting of the Inter-American Economic and Social Council this past August in Punta del Este, Uruguay.

The overall purpose of the Alliance for Progress is to marshal the democratic forces of this hemisphere in an all-out campaign against poverty, illiteracy, social injustice, and human misery.

Specifically, its major goals are as follows:

1. To guarantee that the economic growth in each Latin American nation be at least 2½ percent per capita per year—a vast undertaking when we consider the population explosion that is taking place throughout the area.

2. To reform tax systems in the various countries to not only insure needed revenues but also to distribute tax burdens more fairly.

3. To institute programs of agricultural reform for the dual purpose of increasing productivity and of achieving a more equitable distribution of land.

And, finally, to raise the standard of living of the people of Latin America by creating new job opportunities, improving public health, developing low-cost housing, controlling disease, eliminating adult illiteracy, and assuring each child a minimum of 6 years of schooling.

Of paramount importance in achieving these goals is a vitally necessary principle—that of "self-help." For outside help cannot do the job alone. Further, we have learned by experience that the United States cannot help people who basically do not want to help themselves. They must make the effort, supply the desire and initiative, put up a good share of the money themselves, and they must accomplish the basic internal reforms. Otherwise, our aid will merely make the rich richer—and the poor poorer.

A program of such enormous magnitude, importance, and vision as the Alliance for Progress has a major meaning for every American citizen.

In the first place, the program affects an area threatened by international communism—a subject of the deepest and gravest concern to the people of the United States in an area closest to our national security.

Secondly, it involves the expenditures of vast sums of money—and, as I will discuss later, a substantial amount of that money comes from taxes paid by U.S. taxpayers.

Finally, any program which has for its central theme the bringing about of a far-reaching economic and social revolution invariably means much controversy.

For, ladies and gentlemen, we are dealing here—not with theoretical means to achieve remote ideals—but with urgent problems requiring urgent solutions. And what is at stake is nothing more and nothing less than the future of Latin America and, indirectly, the future of the entire free world.

What are these misconceptions and misunderstandings?

1. The charge that the Alliance for Progress is "just another giveaway program" whose only aim is to "pour more U.S. tax money down the rathole."

2. The charge that the program is "bogged down"—either at the U.S. end or in Latin America or both.

3. The charge that the "self-help" aspects of the program are a scheme to "rob the rich and give to the poor."

All three charges are, of course, untrue.

The truth of the matter is that the Alliance for Progress is not a "giveaway program" at all. It is a partnership—involving a total expenditure of some $100 billion—and 80 percent or more of this figure will come from the Latin American countries through their essential self-help part of this mammoth undertaking.

Let's take a look at the other 20 percent.

At the Punta del Este conference last August—it was estimated that Latin America would need at least $20 billion from outside sources over the next 10 years—that is, a minimum of $20 billion.

This $20 billion represents not only public but private funds as well. For one of the most serious needs of Latin America is increased industrialization, much of which can only be supplied through the infusion of foreign risk capital from the United States, Europe, Japan, and other industrialized areas of the world.

Of the public funds involved, most of the money will have to come from the United States. It is true that some of it will be in the form of direct grants and technical assistance, but the bulk of the money (more than 80 percent in fact) will be in the form of long-term loans with little or no interest. The new Agency for International Development, the Inter-American Development Bank, the Export-Import Bank, the World Bank—all will have a part.

So the charge that the Alliance for Progress is just another "giveaway program" simply isn't true.

It is well to point out here that investments, grants, technical aid, and loans represent only part of the answer to the problems that plague Latin America.

For imbalances of payments, inflation, and economic stagnation are additional problems.

To get at the heart of these problems, we must go deeper. We must seek the real illness—and we must realize that the cures, if they are to be found, must be effected within the framework of Latin American culture and attitudes, and not within the framework of North American attitudes. We must remember that North American methods do not necessarily answer Latin American needs.

We must keep in mind, first of all, that Latin America was colonized by the Spanish, the Portuguese, and (in the case of Haiti) the French. By and large, its laws, its institutions, and its traditions are Iberian—not Anglo-Saxon. This central fact has produced basic differences between ourselves and the people of Latin America.

With your permission I would like to read two quotes from prominent Latin Americans which touch on this point. The first is from a speech given a few years ago by Dr. Alberto Lleras Camargo, who is now President of the Republic of Colombia, but who at that time was president of the University of the Andes in Colombia.

In speaking of the differences between our peoples, Dr. Lleras maintained that they did not "prevent us from being good friends, good neighbors, and good partners." In fact, he said, "A polite and, what is more, really friendly acceptance of the fact that we are different—not from sheer caprice, not for the hell of it, not to spite each other—but from deeper and more serious causes, will, if we study these causes, contribute a great deal to the cementing of a good understanding between the peoples of the Americas (since fortunately, there already exists, on these very foundations, a good understanding between the governments).

The second quote is from Dr. Galo Plaza, the former President of Ecuador, who in discussing the basic difference between the American Revolution and the various wars of independence in Latin America, said, "You in the United States had your war of independence 185 years ago. It was a complete revolution from the President down to the humblest farmer, who participated in the war of independence, participated in the fruits of victory, and achieved complete change—politically, socially, and economically.

"This did not happen in Latin America. True, we had our revolutions starting about the same time and continuing until 60 years ago. We threw off the yoke of our 'mother countries'—Spain, Portugal, and France. But our revolutions were incomplete—there was political change, but we merely replaced one set of rulers, foreign style, with another group, domestic style. The rank and file of the people did not participate in these wars of independence and they did not basically share in the victories. Their lot was unchanged—they continued to live in poverty and misery as they had for centuries.

"Thus today, the spirit which is sweeping Latin America is a vast ground swell of sentiment in favor of completing the 'incomplete revolution' of many years ago. In plain words, the rank and file of the people want the same economic and social changes which you in the United States have enjoyed for well over a century."

Needless to say, gentlemen, the task is a massive one. For under the Alliance for Progress the nations of Latin America hope to accomplish in only 10 years—what more advanced industrial societies have achieved through a century or more of development.

But I can assure you that a real start has been made, and that we are pressing forward.

When we speak of "reform," it is essential that we understand exactly what it means, for as I have mentioned, there are those who have equated reform with a policy of "robbing the rich and giving to the poor." Such a policy is, of course, not the exclusive property of Robin Hood. It is also the sterile and empty promise offered by the Communist—a promise that has demagogic appeal when shouted from street corners—but which has failed miserably in practice.

So-called land reform is a good example.

By land reform, the Communists claim they mean taking land from those who have it and giving it to those who don't. What they actually mean is taking land from those who have it and keeping it in the hands of the all-powerful state. For in a pure Communist state, no one owns anything. It all belongs to the state. The result is usually an unworkable mess—as was indicated recently in the so-called Communist paradise of Cuba which is now facing a critical food shortage.

When we talk about land reform, however, we mean something far different. It is true that our definition involves a more equitable distribution of land—an attempt (and a vitally necessary one) to provide the same opportunity for the campesino that was available to our forefathers. But we also mean the employment of every tool at our disposal to enable the farmer to increase the productivity of his land as well as to provide the means to move his products to market.

In other words, we mean such key items as the institution of a system of trained county agents to teach modern farming methods, the construction of modern irrigation and drainage systems to increase the amount of arable land, the diversification of one-crop economies, the construction of modern food-processing plants and adequate farm-to-market roads, and all the other necessities of a modern agricultural economy. In short, we mean agricultural reform rather than land reform—a massive national effort that will not only give small farmers the opportunity to own their own land, but, equally important, a chance to provide a good living for themselves and their families.

I am often asked if Latin American efforts toward self-help reforms are meeting with any success. The answer is, "Yes." Agricultural reform is a case in point.

Venezuela has already resettled 40,000 families on 3 million heretofore unproductive acres. Colombia has just enacted far-reaching agrarian reform legislation. Costa Rica has likewise passed reform measures, and Guatemala has a limited program underway. Bolivia and Mexico are continuing well-established existing programs. Legislation to deal with the problem has been introduced in Chile, Brazil, Peru, and Nicaragua while similar measures are under study in Honduras, Ecuador, and Panama. In El Salvador, farm credit agencies have been established and laws specifying minimum working conditions for farm labor have been passed.

Agricultural reform is, of course, only one of many self-help areas. Another is tax reform which involves not only the problem of overhauling tax systems to distribute tax burdens more equitably, but, just as important, the problem of providing modern administrative machinery for the impartial and conscientious collection of existing taxes.

Here again, progress is being made and examples can be found in such countries as Bolivia, Venezuela, Colombia, Peru, Argentina, Costa Rica, Ecuador, Uruguay, Mexico, El Salvador, Guatemala, Panama, Chile, Brazil, and Nicaragua.

And, finally, and perhaps most important, is the key area of long-range development planning. For without a plan—without an orderly system of pinpointing specific goals and assigning priorities—the impetus of any program can be lost. This is particularly true in a long-range program such as the Alliance for Progress.

Colombia, Bolivia, and Chile have already submitted long-range national plans to the OAS, and Venezuela is expected to submit theirs within the next few days. In addition, Honduras has submitted a short-range plan, and Panama's short-range plan will be presented in the near future. Planning in all other nations is proceeding according to their agreements at Punta del Este.

So the nations of Latin America have made a real start toward instituting needed reforms.

At the same time, the United States is also fulfilling its obligations under the program. In the first year of the Alliance, we have already committed $1 billion from public funds—$1,065,053,000 to be exact.

Approximately $415,111,000 was committed through the Agency for International Development—$376,724,000 from the U.S. Export-Import Bank—$133,182,000 from the U.S. Social Progress Trust Fund administered by the Inter-American Development Bank—$135,795,000 in funds from sales and grants of surplus commodities in Latin America under the food-for-peace program—and $4,241,000 from such other sources as the Peace Corps.

I would like to point out that approximately 87 percent of the total figure is in the form of long-term development loans—and only 13 percent is in the form of grants.

So the Alliance for Progress is off to an excellent start. It is most certainly not bogged down in any sense.

But I think that we should continually remind ourselves that the Alliance is a long-range program. To see it through to successful completion will require hard work, dedication, patience, and a healthy measure of good old American horsesense. For there will be times when the going will be rough—when the headlines will seem discouraging. On these occasions, I urge you to read the small print carefully and I urge you to get the facts. For it is essential that we understand the exact meaning of current happenings in Latin America.

It was four and a half centuries ago that the Conquistadors of Spain came to the New World seeking a dream: El Dorado—the fabled city whose streets were paved with gold and silver and precious stones. For almost a hundred years, they roamed the plains and forests of two continents—they explored rivers and crossed hills and towering mountain ranges—and always El Dorado eluded them. And, finally, in the end, they went home to the Old World—their wanderlust sated—their dreams unfulfilled.

But in their wake came other people—insignificant, humble people who tilled the soil and worked the mines and performed the 10,000 small tasks of empire. These people built houses and raised families. Together with the Indians who had been there before them, they hacked plantations and farms from the wilderness; they built roads; they built towns. And the people grew in numbers and the towns spread out across the land until they became mighty cities and great towers thrusting into the sky. Governments rose and fell; leaders were born, ruled, and died. Some of them ruled wisely—and some did not. But the people endured. They endured invasion and revolution—depression and dictatorships—earthquakes and epidemics—fire, floods, and famine until today the people of Latin America are on the threshold of a new era in their long heroic history. But their dreams of a better life for themselves and for their children are as ancient as the land they live in.

It is our promise—the promise of the Alliance for Progress—that these dreams can and will be translated into reality.

The winds of change are sweeping through Latin America with an irresistible force. President Kennedy has said that "those who make peaceful revolution impossible—make violent revolution inevitable." The leaders of Latin America know this. We know it also. Together we have pledged to assist the people of this hemisphere in achieving their dreams—with our resources, our skills, and our political and moral support.

For we believe that El Dorado can and will be found—not the El Dorado of the Conquistadors—but an El Dorado far more precious: the unconquerable spirit of a free people with hope for the future and unlimited opportunities for themselves and for their children.

Thank you.

Address by Ambassador deLesseps S. Morrison, U.S. Representative on the Council of the Organization of American States, Banquet Meeting, 15th Annual Conference Association of International Relations Clubs, Hope College, Holland, Mich., Monday, April 9, 1962

Distinguished guests, representatives of the more than 600 chapters of the Association of International Relations Clubs, ladies and gentlemen, my subject tonight is Latin America and, specifically, President Kennedy's all-important Alliance for Progress program. For, in a very real sense, the Alliance for Progress represents the future of Latin America—in somewhat the same way that the Marshall plan represented the future of Europe a few short years ago.

At the outset, I wish to make it quite clear that the Alliance is not an exclusively U.S. program. It is just what its name implies: a cooperative effort freely joined by free peoples—20 republics voluntarily committed to help each other and to help themselves in the solution of their individual and mutual problems.

It was originally proposed by President Kennedy in March 1961—just over a year ago—and a set of general goals and policies were established by the participating countries at the now-historic meeting of the Inter-American Economic and Social Council this past August in Punta del Este, Uruguay.

The overall purpose of the Alliance for Progress is to marshal the democratic forces of this hemisphere in an all-out campaign against poverty, illiteracy, social injustice, and human misery.

Specifically, its major goals are as follows:

1. To guarantee that the economic growth in each Latin American nation be at least 2½ percent per capita per year—a vast undertaking when we consider the population explosion that is taking place throughout the area.

2. To reform tax systems in the various countries to not only insure needed revenues but also to distribute tax burdens more fairly.

3. To institute programs of agricultural reform for the dual purpose of increasing productivity and of achieving a more equitable distribution of land.

And, finally, to raise the standard of living of the people of Latin America by creating new job opportunities, improving public health, developing low-cost housing, controlling disease, eliminating adult illiteracy, and assuring each child a minimum of 6 years of schooling.

Of paramount importance in achieving these goals is a vitally necessary principle—that of "self-help." I intend to treat this in more detail later, but I would like to emphasize now that outside help cannot do the job alone. Internal reforms are required as well—reforms that in many cases will mean vast changes in attitudes and ways of life that are centuries old.

A program of such enormous magnitude, importance, and vision as the Alliance for Progress has a major meaning for every American citizen.

In the first place, the program affects an area threatened by international communism—a subject of the deepest and gravest concern to the people of the United States in an area closest to our national security.

Secondly, it involves the expenditures of vast sums of money—and, as I will discuss later, a substantial amount of that money comes from taxes paid by U.S. taxpayers.

Finally, any program which has for its central theme the bringing about of a far-reaching economic and social revolution invariably touches on points of controversy.

But if these highly important aspects of the program make understanding imperative—they also make misconceptions inevitable.

For, ladies and gentlemen, we are dealing here—not with theoretical means to achieve remote ideals—but with urgent problems requiring urgent solutions. And what is at stake is nothing less than the future of Latin America and, indirectly, the future of the entire free world.

What are these misconceptions?

1. The charge that the Alliance for Progress is "just another giveaway program" whose only aim is to "pour more U.S. tax money down the rathole."

2. The charge that the program is "bogged down" either at the U.S. end or in Latin America or both.

3. The charge that the self-help aspects of the program are a scheme to "rob the rich and give to the poor."

All three charges are, of course, ridiculous.

The truth of the matter is that the Alliance for Progress is not a giveaway program at all. It is a partnership—involving a total expenditure of some $100 billion—and 80 percent or more of this figure will come from Latin America itself through its essential self-help part of this mammoth undertaking.

Let's take a look at the other 20 percent.

At the Punta del Este conference last August—it was estimated that Latin America would need at least $20 billion from outside sources over the next 10 years—that is, a minimum of $20 billion.

This $20 billion represents not only public but private funds as well. For one of the most serious needs of Latin America is increased industrialization, much of which can only be supplied through the infusion of foreign risk capital from the United States, Europe, Japan, and other industrialized areas of the world.

Of the public funds involved, most of the money will have to come from the United States. It is true that some of it will be in the form of direct grants and technical assistance, but the bulk of the money (more than 80 percent in fact) will be in the form of long-term loans with little or no interest. Some of these loans will come from our new Agency for International Development; others from such international lending institutions as the Social Development Fund administered by the Inter-American Development Bank and the Export-Import Bank.

So the charge that the Alliance for Progress is just another giveaway program simply doesn't jibe with the facts.

It is well to point out here that investments, grants, technical aid, and loans represent only part of the answer to the problems that plague Latin America.

For imbalances of payments, inflation, economic stagnation, and other indexes are symptoms—not causes.

To get at the heart of these problems, we must go deeper. We must seek the real illness—and we must realize that the cures, if they are to be found, must be effected within the framework of Latin American culture and attitudes. We must remember that North American methods do not necessarily in all circumstances answer Latin American needs.

We must keep in mind, first of all, that Latin America was colonized by the Spanish, the Portuguese, and (in the case of Haiti) the French. By and large, its laws, its institutions, and its traditions are Iberian—not Anglo-Saxon. This central fact has produced basic differences between ourselves and the people of Latin America.

With your permission I would like to read two quotes from prominent Latin Americans which touch on this point. The first is from a speech given a few years ago by Dr. Alberto Lleras Camargo, who is now President of the Republic of Columbia but who at that time was president of the University of the Andes in Colombia.

In speaking of the differences between our peoples, Dr. Lleras maintained that they did not "prevent us from being good friends, good neighbors, and good partners." In fact, he said, "A polite and, what is more, really friendly acceptance of the fact that we are different—not from sheer caprice, not for the hell of it, not to spite each other—but from deeper and more serious causes, will, if we study these causes, contribute a great deal to the cementing of a good understanding between the peoples of the Americas, since fortunately, there already exists, on these very foundations, a good understanding between the governments."

The second quote is from Dr. Galo Plaza, the former President of Ecuador, who in discussing the basic difference between the American Revolution and the various wars of independence in Latin America, said, "You in the United States had your war of independence 185 years ago. It was a complete revolution from the President down to the humblest farmer, who participated in the war of independence, participated in the fruits of victory, and achieved complete change—politically, socially, and economically.

"This did not happen in Latin America. True, we had our revolutions starting about the same time and continuing until 60 years ago. We threw off the yoke of our 'mother countries'—Spain, Portugal, and France. But our revolutions were incomplete—there was political change, but we merely replaced one set of rulers, foreign style, with another group, domestic style. The rank and file of the people did not participate in these wars of independence and they did not basically share in the victories. Their lot was unchanged—they continued to live in poverty and misery as they had for centuries.

"Thus today, the spirit which is sweeping Latin America is a vast ground swell of sentiment in favor of completing the 'incomplete revolution' of many years ago. In plain words, the rank and file of the people want the same economic and social changes which you in the United States have enjoyed for well over a century."

Needless to say, ladies and gentlemen, the task is a massive one. For under the Alliance for Progress the nations of Latin America hope to accomplish in only 10 years—what more advanced industrial societies have achieved through a century or more of development.

It is, for instance, simple to say that Latin America needs reform—that it needs to change ways of life that, in some cases, are centuries old.

It is something else to say that these changes and reforms must come within a few short years, and, moreover, that they must be accomplished within the existing framework of local democratic institutions.

But I can assure you that a real start has been made, for it was the willingness of the responsible leaders of Latin America to undertake these reforms that has made possible the Alliance for Progress.

It is essential that we understand exactly what is meant by "reform" for, as I have mentioned, there are those who have equated reform with a policy of "robbing the rich and giving to the poor." Such a policy is, of course, not the exclusive property of Robin Hood. It is also the sterile and empty promise offered by the Communists—a promise that has demogogic appeal when shouted from street corners—but which has failed whenever they tried to put it into practice.

So-called land reform is a good example.

By land reform, the Communists claim they mean taking land from those who have it and giving it to those who don't. What they actually mean is taking land from those who have it and keeping it in the hands of the all-powerful state. The result is usually an unworkable mess—as was indicated recently in the "Communist paradise" of Cuba which is now facing a critical food shortage.

When we talk about land reform, however, we mean something far different. It is true that our definition involves a more equitable distribution of land—an attempt (and a vitally necessary one) to provide the same opportunity for the campesino that was available to our forefathers who homesteaded the American Midwest and West. But we also mean the employment of every tool at our disposal to enable the farmer to increase the productivity of his land as well as to provide the means to move his products to market.

In other words, we mean such key items as the institution of a system of trained "county agents" to teach modern farming methods, the construction of modern irrigation and drainage systems to increase the amount of arable land, the diversification of one-crop economies, the construction of modern food-processing plants and adequate farm-to-market roads, and all the other necessities of a modern agricultural economy. In short, we mean "agricultural reform" rather than "land reform"—a massive national effort that will not only give small farmers the opportunity to own their own land but, equally important, will also provide the food products which Latin America must have if it is to support an ever-rising, increasingly urban population.

I am often asked if Latin American efforts toward "self-help" reforms are meeting with any success. The answer is, "Yes." Agricultural reform is a case in point.

Venezuela has already resettled 40,000 families on 3 million heretofore unproductive acres. Colombia has just enacted far-reaching agrarian reform legislation. Costa Rica has likewise passed reform measures, and Guatemala has a limited program underway. Bolivia and Mexico are continuing well-established existing programs. Legislation to deal with the problem has been introduced in Chile, Brazil, Peru, and Nicaragua while similar measures are under study in Honduras, Ecuador, and Panama. In El Salvador, farm credit agencies have been established and laws specifying minimum working conditions for farm labor have been passed.

Agricultural reform is, of course, only one of many "self-help" areas. Another is tax reform which involves not only the problem of overhauling tax systems to distribute tax burdens more equitably, but, just as important, the problem of providing modern administrative machinery for the impartial and conscientious collection of existing taxes.

Here again, progress is being made and examples can be found in such countries as Bolivia, Venezuela, Colombia, Peru, Argentina, Costa Rica, Ecuador, Uruguay, Mexico. El Salvador, Nicaragua, Guatemala, and Panama.

It is noteworthy that Bolivia increased its tax collections last year by 30 percent, largely attributable to better administration, and that Brazil has proposed new tax legislation to increase revenues by $70 million per year, principally from wealthy taxpayers.

Substantial gains are also being recorded in another area: the field of low-cost housing. Housing—or rather the lack of it—is a particular problem in many sections of Latin America—a problem that cuts across urban-rural lines, although the need in urban areas is obviously more critical.

Among the leaders in instituting low-cost housing programs are Venezuela, Colombia, Peru, Costa Rica, El Salvador, Guatemala, Panama, Chile, Brazil, and Nicaragua.

And, finally—and perhaps most important—is the key area of long-range development planning. For without a plan—without an orderly system of pinpointing specific goals and assigning priorities—the impetus of any program can be lost. This is particularly true in a long-range program such as the Alliance for Progress.

Colombia, Bolivia, and Chile have already submitted long-range national plans to the CAS, and Venezuela is expected to submit theirs within the next few days. In addition, Honduras has submitted a short-range plan, and Panama's short-range plan will be presented in the near future. Planning in all other nations is proceeding according to their agreements at Punta del Este.

So the nations of Latin America have made a real start toward instituting needed reforms.

At the same time, the United States is also fulfilling its obligations under the program. In the first year of the Alliance, we have already committed $1 billion from public funds—$1,029,576,000 to be exact.

Approximately $401,599,000 was committed through the Agency for International Development—$360,604,000 from the U.S. Export-Import Bank—$129,682,000 from the U.S. Social Progress Trust Fund administered by the Inter-American Development Bank—$135,795,000 in funds from sales and grants of surplus commodities in Latin America under the food-for-peace program—and $1,896,000 from such other sources as the Peace Corps.

I would like to point out that approximately 87 percent of the total figure is in the form of long-term development loans—and only 13 percent is in the form of grants.

So the Alliance for Progress is off to an excellent start. It is most certainly not bogged down in any sense.

But I think that we should continually remind ourselves that the Alliance is a long-range program. To see it through to successful completion will require hard work, dedication, patience, and a healthy measure of good old American "horsesense." For there will be times when the going will be rough—when the headlines will seem discouraging. On these occasions, I urge you to read the small print carefully and I urge you to get the facts. For it is essential that we understand the exact meaning of current happenings in Latin America.

It was four and a half centuries ago that the Conquistadors of Spain came to the New World seeking a dream: El Dorado—the fabled city whose streets were paved with gold and silver and precious stones. For almost a hundred years, they roamed the plains and forests of two continents—they explored rivers and crossed hills and towering ranges—and always El Dorado eluded them. And finally, in the end, they went home to the Old World—their wanderlust sated—their dreams unfulfilled.

But in their wake came other people—insignificant, humble people who tilled the soil and worked the mines and performed the 10,000 small tasks of empire. These people built houses and raised families. Together with the Indians who had been there before them, they hacked plantations and farms from the wilderness; they built roads; they built towns. And the people grew in numbers and the towns spread out across the land until they became mighty cities with great towers thrusting into the sky. Governments rose and fell; leaders were born, ruled, and died. Some of them ruled wisely—and some did not. But the people endured. They endured invasion and revolution—depression and dictatorships—earthquakes and epidemics—fire, floods, and famine until today the people of Latin America are on the threshold of a new era in their long and heroic history. But their dreams of a better life for themselves and for their children are as ancient as the land they live in.

It is our promise—the promise of the Alliance for Progress—that these dreams can and will be translated into reality.

The winds of change are sweeping through Latin America with an irresistible force. President Kennedy has said that "those who make peaceful revolution impossible—make violent revolution inevitable." The leaders of Latin America know this. We know it also. Together we have pledged to assist the people of this hemisphere in achieving their dreams—with our resources, our skills, and our political and moral support.

For we believe that El Dorado can and will be found—not the El Dorado of the Conquistadors—but an El Dorado far more precious: the unconquerable spirit of a free people with hope for the future and unlimited opportunities for themselves and for their children.

Thank you.

SERVING OF CERTAIN ALCOHOLIC BEVERAGES IN SENATE WING OF CAPITOL AND SENATE OFFICE BUILDINGS

Mr. MORSE. Mr. President, I wish to make a very brief comment on the Morse resolution in regard to my proposal to prohibit the serving of alcoholic liquor in the public rooms of the Senate wing of the Capitol and the Senate Office Buildings. I have told the Senate that I intend to speak on this subject at least once each week. I shall be very brief tonight, because of the lateness of the hour and for the reasons previously announced; but I wish to make this contribution to the subject matter this week.

I introduce my comments by asking unanimous consent to have inserted in the CONGRESSIONAL RECORD a column by Ruth Montgomery, entitled "He's Out To Dry Up Capitol."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HE'S OUT TO DRY UP CAPITOL

(By Ruth Montgomery)

WASHINGTON.—The Senator with whom the other solons would least like to be stranded on a desert isle is probably WAYNE MORSE, of Oregon.

This legislative gadfly has an annoying faculty for stinging his colleagues where it hurts most—in their constituency. Every politician who hopes to stay in Washington must jealously guard the public image he projects back home.

The usually preferred image is that of a sober, God-fearing, home-loving man who is against sin. It goes without saying that the majority of our legislators pass that test without too much difficulty.

MORSE, a maverick who came to Congress as a Republican, but switched parties in midstream, has nevertheless evolved a plot—some call it a diabolical one—to put every Senator of both parties on the political hot seat in this election year.

Early last month, MORSE deliberately took the Senate floor to excoriate the serving of hard liquor on Capitol premises while Majority Leader MIKE MANSFIELD was hosting a cocktail party in the new Senate Reception Room, where President Kennedy was guest of honor.

Teetotaler MORSE self-righteously said he would not knowingly attend such an affair as the Mansfield party, and that if he unwittingly finds himself where liquor is being served on Senate premises, he will immediately leave.

MORSE's speech made a mild flurry because of its embarrassment to MANSFIELD and Kennedy, but most Senators assumed that this would be the end of it. Three days later, however, he introduced a resolution to prohibit the use of the Capitol or Senate Office Buildings for any official or social affairs at which hard liquor is served.

"In my 18 years as a Member of the Senate," he declared, "I have seen public officials destroy themselves by permitting themselves to be victimized by alcoholism."

This firebrand statement did not endear him to his colleagues. Neither did his simultaneous announcement that he will demand a yea-and-nay recorded vote on his resolution "before this session of Congress adjourns."

It would be a brave legislator indeed who, facing an election fight this fall, would go on record as favoring the serving of hard liquor in the Capitol of the U.S.A.

Gleefully aware of this, MORSE has been relentlessly pressing his case.

Along about afternoon quitting time he frequently grabs the Senate floor, and one of his most recent thrusts was this: "If Members of the Senate desire to stage a liquor party they should rent a hotel reception room. They should not desecrate the Capitol Building with booze parties. They should not 'mooch with their hooch' in the public rooms of the Capitol and the Senate Office Buildings."

The funny thing about it is that MORSE is probably right. It is rather disturbing to many of us who are not teetotalers, to see lobbyists and private interests picking up the tab for gala cocktail parties in the hallowed Halls of Congress.

Mr. MORSE. Mr. President, I am always grateful whenever any kind word appears in newspaper print about the senior Senator from Oregon, and I particularly appreciate the very able and effective support Miss Montgomery gives to my resolution. Her article will speak for itself, but each week, as I discuss this subject matter, I shall endeavor to point to the mounting support of my resolution that is arising throughout the country as more and more people become familiar with the resolution and its purposes.

Last week the bishops of the Methodist Church of the United States held a conference in Mexico City, where this resolution was the subject of considerable favorable discussion, which resulted in unanimity of action on the part of the Methodist bishops in support of the resolution of the senior Senator from Oregon.

I have told the Senate heretofore, but I repeat it tonight, that, I care not what religious group one chooses to put the resolution before, it will receive approval. I would be perfectly willing to venture the prediction that, no matter what group the resolution is brought before, consisting of persons who are not teetotalers, my resolution would receive favorable support.

Mr. President, it is surprising how many persons who do not share the views of the senior Senator from Oregon in regard to his habits of teetotalism have come to him and said, "Senator, I completely agree with you that the alcoholic beverage covered by your resolution should not be served at any function in the public rooms of the Senate wing of the Capitol or the Senate Office Buildings."

My reasons are pretty well known, but I would be less than honest with the Senate if I did not confess a little hurt feeling in my speech tonight when I say I do not know why so much time is being taken by the Rules Committee in reporting my resolution to the Senate, either favorably or unfavorably, or with no recommendation.

I do not think it is quite cricket to "bottle up"—and I use the word "bottle" in quotation marks—my resolution. I know that my resolution is strong stuff. It is strong stuff in support of high morality in public affairs of the Senate of the United States, and I would like to have my colleagues join me in drinking from it. That is the kind of stimulation I would like to give my colleagues.

If I can get the resolution to the floor of the Senate and obtain a yea-and-nay vote, I have no doubt what the vote will be. Although I am jocular about it, I am also dead serious. A legislative principle is involved. There is no question of the fact that the overwhelming majority of the taxpayers of this country would will that my resolution be passed. If I am correct, at least the representatives of those taxpayers ought to have an opportunity to vote on the resolution, and then let the constituents be the judges of the vote.

I think I ought to get the opportunity to have the resolution voted upon in the Senate. I am very patient. I do not want ever to have any reason to believe that the Rules Committee of the Senate, which is presided over by one of the most beloved Members of the Senate, is not letting my resolution out. Whatever the reasons or motivation may be, I hope I never have to come to that feeling or conclusion.

If that line should be drawn, and if I should have to exercise whatever rights I have under the rules to try to persuade, through parliamentary procedure, a consideration of my resolution, I shall not hesitate to do so. But I do not think we should be put in that position.

So, as I leave the floor of the Senate, to return not until next Monday—God willing—I leave with the respectful request directed to every member of the Rules Committee to let the resolution be reported. Let it be put on the calendar, and let the democratic process of the Senate work its will on the resolution. I am perfectly willing to abide by the result. I am satisfied that, on a rollcall, the Senate will overwhelmingly strike a blow in support of the high principles of morality contained in that resolution.

PROPOSED WITHHOLDING TAX ON DIVIDENDS AND INTEREST

Mr. DOUGLAS. Mr. President, about 10 days ago I reported that I had received about 30,000 letters from constituents in Illinois protesting against the proposed withholding tax on dividends and interest. Toward the end of last week, I reported that the number had risen to 40,000. More mail has been pouring in this week on the same subject. We now estimate that the total number of letters received is over 50,000.

We have analyzed these letters very carefully. I am happy to say my office has replied to 40,000 letters. I pay tribute to the members of my staff for the extraordinary work which they have done.

The letters betray such a misconception of the nature of the withholding tax that I have been compelled from time to time to take the floor of the Senate to try to clear up some of the confusion.

It is apparent that the building and loan associations of this country, which I have always in general supported, have been giving rise to a great deal of this correspondence, and also that the savings institutions have been doing likewise. There is such a wide degree of misunderstanding that at times we seem to be trying to clean up an ocean of misconceptions with a mop.

The circulation of the CONGRESSIONAL RECORD is between 40,000 and 50,000, I understand, but the RECORD is read by opinionmakers and therefore has an influence out of all proportion to its actual circulation. This is why from time to time I have tried to correct misconceptions. I rise again in the same effort.

There are at least five principal areas of confusion which I wish to label, and then to discuss in more detail.

The first and most common misconception is that the withholding provision is mistakenly considered to be a new tax. It is not a new tax. Dividends and interest have always been subject to tax exactly the same as wages and salaries. Both are forms of income. The only difference between the two is that the basic tax on wages and salaries is withheld at the source. As a result, taxes are paid on virtually all wages and salaries received, except for the exemptions provided under the law. There is virtually no evasion and very little avoidance of the tax on wages and salaries.

Unfortunately, there is a great deal of evasion and avoidance so far as taxes on dividends and interest are concerned, because the taxes are not collected at the source. Dividends and interest are required to be declared by the recipient, but the records indicate that of the approximately $20 billion distributed in dividends and interest approximately $4 billion is not reported and hence escapes taxation.

The earlier estimate of the Treasury Department, that the amount which was not reported was approximately $3¾ billion, was based on income figures for 1959. In the past few days the Treasury Department has based its estimate on the income figures for 1960, and the Department now estimates, most conservatively, that $4 billion of dividends and interest are not reported and escape taxation.

It is estimated that the amount of taxes thus lost is approximately $1 billion a year.

I emphasize again that the proposed withholding provision is not a new tax. It is merely a better means of collecting an existing tax. It is believed that the imposition of the tax at the source would increase Government revenues by at least $850 million a year. Because the billion dollars in taxes due is not being paid, the burden upon taxpayers who pay their taxes is correspondingly heavier.

It is the program of the administration to distribute in tax reductions the amounts collected by plugging tax loopholes. If the withholding provision is defeated, the amount to be collected by plugging tax loopholes will be very small, and consequently the benefits to be distributed to others will be almost infinitesimal.

That is the first misconception which needs to be removed.

The second misconception is that the withholding provision is frequently pictured as a tax on savings, which it is not, as distinct from a tax on interest and dividends.

A great many people say, "I have a thousand dollars in a savings account. Are you going to take $200 of this amount?" They think perhaps there is to be an assessment upon the principal. Of course, there is not to be an assessment upon the principal, but, instead, an assessment upon the income. If we assume a rate of interest of 4 percent, the income would be $40 instead of $1,000. Even if the entire $40 were taxable, the tax would be only $8. Of course, there are exemptions. There is an exemption of $600 a person; and there is a double exemption for those over the age of 65, or $1,200 a person.

The exemption would be $2,400 for an aged couple. There are other exemptions as well.

I wish to emphasize, in the second place, this is a tax on income from interest and dividends, and not a tax on savings or principal.

The third misconception is that it is frequently believed that withholding at the source would impose burdens on elderly people who receive dividends and interest, which it would not. This point is developed at greater length in a letter from the Secretary of the Treasury which I shall later ask to have printed in the RECORD.

A fourth misconception is that a person who owes no tax will nevertheless have a portion of his bank and savings bond interest as well as dividends withheld. If a person owes no tax, he will pay no tax, and there will be no withholding. The claim for exemption will be filed at the beginning of the year, and the redtape will be cut to a minimum with respect to having the exemption continue.

A fifth misconception is that when overwithholding occurs, the taxpayer must wait, it is commonly believed, until the end of the year for his refund. This is true in the case of overwithholding on wages and salaries. Persons who receive wages and salaries must wait until the end of the year for a refund. There are 37 million refunds a year for overwithholding on wages and salaries. These refunds are processed very quickly, within less than a month.

The administration would give to the recipients of dividends and interest a privilege not accorded to the recipients of wages and salaries. In the case of those receiving dividends and interest, the refund would be made quarterly if there were overwithholding. The refund could be expedited, and paid in about 3 weeks.

It is estimated that there will be about 2.2 million such cases. If the Internal Revenue Service and the Treasury Department can make 37 million refunds in respect to overwithholding on wages and salaries within less than a month, certainly they should be able to make 2.2 million refunds with respect to overwithholding on dividends and interest within a comparable period of time.

In this connection, the quarterly periods of payment under the income tax provisions roughly correspond with the quarterly periods of payments of dividends and interest, so there would be little loss of time within a quarter because of the crediting of dividends and interest prior to the quarterly period outlined under the income tax provisions.

The very able Secretary of the Treasury, Mr. Douglas Dillon, prepared a letter on this subject which covers these points and others in a very effective fashion. I ask unanimous consent that the letter be printed in the RECORD. Although the letter was prepared on the basis of the 1960 income figures, the Treasury has revised upward its estimate of interest and dividends which are not now reported, to a minimum of $4 billion and possibly more than $4 billion, and estimates that the amount of taxes lost on the dividends and interest thus not reported is approximately $1 billion a year, and will be even more in the years to come.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WITHHOLDING ON DIVIDENDS AND INTEREST—A NECESSARY AND FAIR PROPOSAL

Most taxpayers pay their income taxes but millions do not. Withholding of taxes on interest and dividend payments is essential as a matter of simple fairness and necessary to put a stop to this widespread tax evasion.

Far from hurting the average taxpayer, withholding will help him by insuring that the Government collects most of the $800 million in taxes on interest and dividends which are now being evaded each year—lost taxes which have to be made up by heavier taxes on honest and conscientious people.

There is no reason why those who receive all or part of their income from interest and dividends should not have their taxes withheld—as wage and salary earners have been for 20 years.

The withholding proposal has been grossly misrepresented and distorted by those who have their own selfish reasons for wishing to see it defeated. They have fostered widespread misunderstanding of the plan and aroused baseless fears.

These misconceptions deserve to be cleared up.

This is not a new tax. Withholding is merely a method of collecting taxes which are owed the Government but—because of ignorance or intentional deceit—are not now being paid. Dividends and interest are income and, as such, have always been subject to income tax.

Withholding will impose no hardship and little inconvenience on taxpayers. People who have such low incomes that they do not owe any taxes can easily prevent withholding by signing a simple form certifying that fact. Those under 18 can be exempted from withholding whether or not they owe any tax.

Elderly couples, widows and others who may owe a little tax but less than the amount withheld, can get quarterly refunds by filling out a simple refund slip which will be available at banks, post offices and other places. These refund slips can be filed at any time during a quarter after withholding has taken place. It is not necessary to wait until the end of the quarter. Internal Revenue will mail out quarterly reminders to refund claimants. The refunds will, in most cases, be received within a month—as they are now by the 37 million taxpayers who are overwithheld each year on their wages and salaries. Those who don't wish to bother with quarterly refunds will get them annually by filing their regular tax returns.

Withholding has been erroneously represented as imposing a hardship on indigent elderly couples. Under the present law, which gives people over 65 a double exemption and also a tax credit on retirement income, an elderly couple could have as much as $5,377 in income each year from social security and interest and be liable to no tax—and no withholding—at all. If part of their income is from dividends, the total income could be even higher. To have this income, completely free of taxes or withholding, the couple would be receiving the maximum social security benefit of $2,178 and interest income of $3,199. This couple, which would avoid withholding entirely, would need about $80,000 in savings deposits, earning 4 percent, to receive $3,199 in interest.

An elderly couple with full social security benefits and $1,000 more than this in interest income—$4,199 a year—would, however, fall into the much-discussed overwithheld category. Their savings deposits would have to total about $105,000. The withholding each quarter would be $210—$160 more than necessary. Under the quarterly refund procedure, the couple would never be out of pocket more than $160, which is the first quarter's overwithholding. The quarterly refund from the first quarter would offset the overwithholding in the second quarter and so on indefinitely. This $160 would earn only about $6 for an entire year if left in their savings account at 4 percent.

How can anyone say this is hardship? Such a couple is well-to-do by almost anyone's standards—and there are very few such couples. Most elderly people would not be subject to withholding at all.

The amounts overwithheld generally will not be large. For more than half the people entitled to refunds, the amount overwithheld will be less than $10 per year. The average refund of overwithheld wages and salaries, in contrast, is $143—and wage and salary earners can collect their refunds only at the end of the year.

Withholding is necessary. A total of nearly $4 billion in dividends and interest—nearly 20 percent of the total—goes unreported on tax returns each year. Publicity campaigns aimed at increasing voluntary reporting have simply not worked. Internal Revenue has no way of checking many evasions, especially on interest payments, because only the large ones—$600 or more—have to be reported by the payors to the Government.

Withholding will pay for itself many times over. The estimated administrative cost of the withholding system is $19 million per year but $650 million in presently evaded taxes will be collected. Use of withholding to eliminate the many small and frequently unintentional evasions will free Internal Revenue agents to pursue the upper income bracket evasions which account for the difference between the $800 million in tax receipts now being lost and the $650 million withholding will bring in. These well-to-do evaders will, of course, be withheld 20 percent like everyone else—but they owe more than that.

Use of ADP, the suggested alternative to withholding, would cost more to do one-third of the job. Automatic data processing does not collect one penny in taxes. All it does is identify suspected tax evaders, who then have to be located and audited. Following up and auditing all evaders turned up by ADP would be literally impossible—there are 6 million taxpayers who have interest and dividend income and don't report any of it. At least an equal number—maybe more—report some, but not all, of their dividend and interest income. Just to follow up the biggest evaders, to recover $200 million in taxes, would cost the Government $29 million—half again the price of a withholding system that would collect more than three times that amount. The maximum additional tax that the Internal Revenue Service could collect effectively with ADP and a reasonable enforcement effort is $200 million. And even to accomplish only the $200 million increase in tax receipts would require an increase of over 3,000 in Internal Revenue's enforcement staff—a 55 percent jump in the number of office auditors presently employed and a 10 percent rise in the number of agents. In addition, use of ADP and enforcement personnel followups would require that business organizations make much more detailed and numerous reports to Internal Revenue than they do now—or would have to do under withholding. In addition, there is no ADP system fully in operation as of now—and won't be until 1966.

The system will be simple and convenient for payers of interest and dividends. They will make their payments of withheld taxes to the Government in one lump sum quarterly. They will not be required to keep detailed records of individuals to whom they make dividend and interest payments. In addition, they will be permitted to retain use of the withheld taxes for certain specified periods before they are turned over to the Government—a provision which will help offset the cost of withholding.

Withholding may involve some inconveniences, it is true. But the alternative is clear—continued lawless evasion of $800 million worth of taxes each year on nearly $4 billion of unreported interest and dividend income.

Honest taxpayers will support this proposal in justice to themselves and all others who now pay their full share of taxes.

AMENDMENT OF THE AGRICULTURAL ACT OF 1956

The Senate resumed the consideration of the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

Mr. HRUSKA. Mr. President, on behalf of the Senator from South Dakota [Mr. MUNDT], I ask unanimous consent that the amendment offered by him numbered "5–15–62—A" be amended by changing the period in line 11, insert a semicolon, and adding: "or until the President has exerted bona fide efforts to negotiate such agreements as to those commodities and has failed therein; or makes a finding that imports of such commodities do not seriously affect domestic producers."

The ACTING PRESIDENT pro tempore. The amendment, as modified, will be received, printed, and lie on the table.

FINAL RESULTS OF THE FARM POLICY POLL

Mr. HRUSKA. Mr. President, on March 15, the Senator from Nebraska reported to the Senate the results of a poll taken by the Farm Journal on the kind of agriculture program America's farmers really want.

At that time, 10,000 ballots had been tabulated and the results were that 4 percent of those voting favored a program of compulsory quotas, 44 percent wanted a land retirement program and 52 percent wanted the Government "clear out" of farming.

Now, the Farm Journal has finished tabulating more than 64,000 ballots and the results remain surprisingly consistent with those at the 10,000-ballot level. Four percent still favor the compulsory program, 43 percent want land retirement and 53 percent want the Government "out."

Mr. President, this information was sent to me recently by Mr. Carroll Streeter, editor of the Farm Journal. I ask unanimous consent that his letter, together with a memorandum explaining the final results of this annual poll, be printed at this point in the RECORD.

There being no objection, the letter and memorandum were ordered to be printed in the RECORD, as follows:

MAY 1, 1962.

HON. ROMAN L. HRUSKA,
Senate Office Building,
Washington, D.C.

DEAR SIR: About 2 months ago we were able to send you advance results of the tabulation of 10,000 ballots received in Farm Journal's mail poll on farm policy. In the April issue of Farm Journal we carried the results in a feature article which went to our 3 million subscribers.

We've been counting votes ever since. We think that the response is practically all in by now and in the June issue of Farm Journal (which will be out in the country about May 21) we will report the final result. This will be compiled from no less than 64,560 ballots—truly an amazing response from the country.

Again we want to send you the report in advance, for we know that Congress is faced right now with some important decisions on farm policy questions. Enclosed you will find a memorandum which Claude Gifford, our farm policy editor, prepared for our own staff. This not only gives you the final results but some sidelights which you may find interesting.

Sincerely,

CARROLL P. STREETER,
Editor, Farm Journal.

FARM JOURNAL MEMORANDUM

(By G. W. Gifford)

The most successful farm poll that we have ever conducted is now completed. Readers sent in more than 65,000 ballots in response to the article in the March issue. We tabulated 64,560 good ballots where the reader's vote was clearly indicated (some marked 2 choices, some forgot to mark any).

The vote that we printed in the April issue (the results from the 10,000) and the final vote are:

[Percent]

	10,000 reported in the April issue	Final tally of 64,560 ballots
Compulsory quotas	4	4
Land retirement	44	43
Government clear out	52	53

This is a remarkably close agreement between the results at the 10,000 level and the final tally, particularly when you compare the methods that we used on the two.

Our situation was this: We wanted to report the vote in the April issue, the first issue after the ballot appeared. We estimated that we could rustle up the manpower to open; sort by State, commodity, and age; and tabulate 10,000 ballots in time to carry the followup in the April issue. We couldn't take the first 10,000 ballots that came in and get a representative nationwide vote, since the ballots came back to us in direct relationship to the States and areas that received the issue first. So we allotted each State its share of the 10,000 ballots in proportion to its share of our 3-million-plus circulation, then took the first ballots we came across to fill each State's share. However, we took only ballots where the voter indicated that he had a main crop or kind of livestock that was important to his income. This assured us that we had ballots from actual farmers.

It took some doing to tabulate those 10,000 ballots. Altogether, 27 Farm Journal people spent 750 man-hours opening, sorting, and counting those 10,000 ballots.

As you'll recall, we received 50,000 ballots the first 2 weeks. This is a tremendous response. It indicates the responsiveness of Farm Journal readers; the interest that they had in the subject; the clear choices in the ballot; the readers' gratitude for an opportunity to express their own opinions and their faith in Farm Journal. Many readers sent their replies by airmail, so eager were they to "be counted." Altogether, the readers spent well over $2,600 on postage alone.

The amazing response to this ballot showed in other ways. Newspapers in several States reprinted the ballot—one even used a local byline on the article and reprinted the material word for word. Farm groups held mass votings and sent us the results in the form of signatures, as in a petition. Vocational agriculture teachers reproduced the ballots and held votes in night school. People wrote in for extra ballots. Some complained that "friends" had taken their ballots, and they either wanted another one or sent a letter telling us how they wanted to vote. (We counted only ballots that were clipped from Farm Journal.)

And a great number wrote letters. Some sent carbon copies of the letters to their Congressman; even to the President. Others asked us to forward their vote to Washington, D.C. A great many thanked Farm Journal for giving them a chance to register their opinions; others praised us for "going to farmers themselves" for their views. Some printed in large letters at the heading of their message: "Please Read." Some wrote, "You'll probably never read this, but here's how I feel." By the way, we're reading every letter, and answering those where it is appropriate, including those who say, "You'll probably never read this."

One farmer demanded that we reprint his letter, and all of it, not just part of it. He wrote at some length—several times more copy than we ran in the March article itself. We wrote and told him that we simply couldn't reprint his entire letter since it was longer than our feature articles.

A 36-year-old Indiana farmer wrote: "Here and now I want to say congratulations and thank you. Please keep encouraging every farmer to voice his opinion." There were hundreds of letters like this.

RECESS UNTIL 11 O'CLOCK TOMORROW

Mr. DOUGLAS. Mr. President, I move, pursuant to the order previously entered, that the Senate take a recess until 11 o'clock a.m., tomorrow.

The motion was agreed to; and (at 7 o'clock and 33 minutes p.m.) the Senate took a recess under the order previously entered, until tomorrow, Thursday, May 17, 1962, at 11 o'clock a.m.

NOMINATION

Executive nomination received by the Senate May 16, 1962:

U.S. ATTORNEY

Drew J. T. O'Keefe, of Pennsylvania, to be U.S. attorney for the eastern district of Pennsylvania for the term of 4 years, vice Joseph S. Lord III, resigned.

EXTENSIONS OF REMARKS

The Ultimate Weapon: God

EXTENSION OF REMARKS

OF

HON. J. ARTHUR YOUNGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1962

Mr. YOUNGER. Mr. Speaker, recently our colleague, FRANK J. BECKER, sent a message to his constituents which seems to embody a good philosophy for us all. The message follows:

THE ULTIMATE WEAPON: GOD

There is a sincere effort on the part of the leaders in the West to find the ultimate instrument for peace. A vehicle, a weapon, a principle, a force—something that will tip the balance in favor of peace with freedom. Sadly enough, it lies at their fingertips, but they seem, for all their wisdom, unable to recognize it.

It is the universal principle that all cultures the world over are founded upon, the belief in God. Whether they worship God as Christians, Jews, Moslems, or Hindus, it is the one immutable truth that separates the Communist world from the non-Communist world.

Whether it be in Laos or Germany, in the Congo or Latin America, it exists. Therefore, it is with great dismay that informed observers recognize that we continue to lose the initiative in the cold war because we have failed to recognize and exploit this powerful force.

Certainly there was no more heroic example of this clash of ideologies than in Tibet. Here it was the total dedication of the Tibetans to their religious leader, the Lama, that caused this seemingly impassive nation to fight to the death to resist communism. It was not any collision of social or economic ideals which brought on this violent clash.

Yet, the West continues to mouth the moral and social values of democracy and ineffectually points to the godless materialism of communism, while the Communists in practice are selling the spiritual quality of communism, by preaching through trained evangelistic propagandists the inequality of men, and the lack of dignity of the masses in the nations they are subverting; in effect they say "communism will feed your starving spirit with justice, dignity, and equality, not merely your bellies, as the Western imperialist."

The West's answer is to pump billions of dollars of foreign aid material into these countries with the apparent intent of buying their friendship. Is it any wonder that the people of Laos and South Vietnam are disillusioned when it appears the Communists are more concerned with their spiritual needs, while we seem concerned only with their material needs?

Until the West starts to identify its spiritual aspirations with those of the people of Asia, Africa, and Latin America, the struggle for freedom will be in doubt. These Buddhists, Moslems, Hindus, etc., must be made to believe that we do respect and will defend their right to worship God, and cherish in our own Nation this very same principle.

When we finally recognize that the so-called uncommitted nations of the world are irrevocably committed to their concept of man's relationship to God, and we use this commitment as a bridge for mutual respect and understanding, then and only then will we have availed ourselves of the ultimate weapon for peace and the defeat of communism.

Russia's Weak Underpinnings

EXTENSION OF REMARKS

OF

HON. THOMAS B. CURTIS

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1962

Mr. CURTIS of Missouri. Mr. Speaker, on March 16, 1960, I commented in the House on the specter that had been built of Russian might, noting at that time that we face in Russia neither an invincible foe nor a weak and incapable opponent. At that time I urged that we attempt to see the strengths and weaknesses in perspective, for a failure in this perspective on our part could have serious and adverse results on the operation of our foreign relations in areas in which we face the Russians.

In this speech—CONGRESSIONAL RECORD, volume 106, part 5, pages 5790–5791—I included an article from the Washington Post entitled "Red Growth Rate Found Lagging," and I commented in some detail on the areas of housing, electric power, and transportation, pointing out that all of these were matters of special weakness in the Soviet economy.

While I do not wish to slight the importance of housing and its effect on progress in the economy of a nation, I believe it can be said that three basic measuring rods of the capabilities of an economy for sustained growth and, especially important in the event of a military crisis, rapid expansion, are power, transportation and communication. Power and transportation, as I have noted, were the subject of comment in my earlier statement. Today I would like to comment on the subject of communications in the Soviet Union and concentrate on telephonic communications available for the Russians. The information from which these comments are derived from a report of the American Telephone & Telegraph Co. and contains information as of January 1, 1961.

Perhaps the most meaningful measure of telephonic communication capability in a nation is the number of telephones per 100 population.

The world average is now 2.4 telephones per every 100 people; in the United States it is 40.79 per hundred; in the Soviet Union the ratio is 1.99 telephones per every 100 population. In absolute terms, the Russians are estimated to have 4,276 million telephones, slightly below the number in France, half those in use in the United Kingdom, and about one-eighteenth of the U.S. total—74.342 million. Internationally, there is a rate of expansion of some 7.7 percent per year—figured in increase from 1960 to 1961. The Russian rate of expansion was 6.3 percent.

Along with the number of telephones in use, another factor of importance is that of the modernization of equipment as reflected in the introduction of automatic equipment, dial as opposed to manual telephone operation. In the United States, 95.9 percent of our telephones are automatic, in Russia only 50 percent are automatic. In the 26 major telephone equipped countries of the world—having some 133.5 million of the 141.7 million telephones in use—only three others fall below 70 percent in automatic service—South Africa, 69.4 percent, Japan 69.2 percent, and Denmark, 56.6 percent. Overall, some 90 percent of the world's phones are automatic.

This weakness, along with those in the field of transportation and the field of power, does not destroy Russia as a powerful and dangerous foe. It does, however, help put the danger and power in perspective and allow the United States to face Russia with a better understanding of the real power balance.

Laos: Caution and Restraint

EXTENSION OF REMARKS

OF

HON. FRANK KOWALSKI

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1962

Mr. KOWALSKI. Mr. Speaker, the President's action in sending troops into Thailand is a necessary show of strength to convince the Soviet Union to accept a peaceful settlement in southeast Asia.

It is imperative that we continue patiently to use the caution and restraint which characterized our initial response to developments in Laos.

Few people in America realize what a jungle war in Laos would mean.

It would mean the involvement of thousands of American youngsters in a guerrilla war that could drag on for 10 years.

It would mean subjecting entire populations to a generation of bloodshed and disaster.

From my recent briefings with the military, I am convinced the Lao people are not eager to support or defend their Government. Without their support the outcome of American intervention in Laos would be uncertain.

We could become involved in another Korea all over again with consequences that could engulf the entire world in a war no one wants and which few of us would survive.

We must use political pressures to prevent war rather than war to accomplish political objectives.

Should We Rely on Foreign Oil Imports?

EXTENSION OF REMARKS

OF

HON. ROBERT B. CHIPERFIELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1962

Mr. CHIPERFIELD. Mr. Speaker, "carrying coals to Newcastle" is an old familiar saying which conveys the idea of utter futility inasmuch as Newcastle, located on the northeast coast of England, has long been famous as a great coal-shipping port.

I submit that "carrying oil to Newcastle" also would connote futility in a national emergency. In fact, carrying oil to any port along the Atlantic coast would be extremely hazardous and against tremendous odds if this Nation were at war.

For the benefit of a new generation and persons with short memories, 50 tankers were victims of German U-boats off the Atlantic coast during only 4 months during 1942, just 20 years ago.

Despite the demonstrated futility of dependence upon foreign oil, subject to being cut off during a political upheaval or military hostilities, it is truly amazing that there is so much apathy on the part of responsible Government leaders that they actually encourage eastern industrial plants—many vital to national defense—to go their merry way converting their facilities from using coal as a fuel to complete reliance on imported residual oil.

Nothing could be more shortsighted and imprudent, it seems to me, than ignoring the lessons of World War II with respect to the unreliability of foreign oil shipments. On April 1, the Federal Government increased the mandatory residual oil quota to 507,000 barrels daily, an increase of 46,000 barrels over the previous quota. Most of this oil comes from Venezuela, where this month new Communist-inspired riots have forced President Betancourt to suspend all constitutional rights.

We hope and pray that the Communists will not some day succeed in getting control of the great oil wells and refineries of Venezuela, just as they now control the total economy of Cuba—just 90 miles from our shores.

Unfortunately, the United Nations, or no other international organization, or alliance, can guarantee stability of Latin American governments, including Venezuela.

This country cannot always bank on its NATO allies. France, for example, is giving preference to Soviet coal, instead of importing American coal.

I challenge anyone to prove that it is in the best interests of the United States to sacrifice the great American fuels industries—coal and oil—while playing footsie with foreign oil moguls who might not choose or be able to deliver when the chips are down.

Balanced Budget a Must

EXTENSION OF REMARKS

OF

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1962

Mr. ROUSSELOT. Mr. Speaker, it is my firm conviction that continual deficit financing leads to bankruptcy. This is as true in the case of governments as in the case of individuals.

We must balance the Federal budget now. To this end, I have introduced legislation (H.R. 10298) which directs the President to submit a balanced budget to the Congress for each fiscal year and directs the Congress to confine appropriations to income. There has come to my attention two speeches, one by former Secretary of Agriculture Ezra Taft Benson and one by U.S. Senator HARRY F. BYRD, which point to the need for this legislation. I ask unanimous consent to have the following extracts from the speeches printed in the CONGRESSIONAL RECORD.

The articles follow:

DEBT—AN INCREASING THREAT

(Extracts from address delivered by Elder Ezra Taft Benson, of the Council of the Twelve, at the Brigham Young University, February 28, 1962)

I speak to you today of a twofold duty which all of us have—a duty to our country as Americans, as citizens, and a duty to ourselves as individuals, as children of God.

Never has a Nation been so blessed with productivity as we in this land. In 1961 our output of goods and services, based on an inadequate index, reached the enormous value of $522 billion. For 1962 it is projected at $570 billion based on the estimate of the President. There was an increase in terms of real value of almost 50 percent in the last 10 years. The increase in output for each person since 1946 has been nearly 50 percent. (U.S. Department of Labor.)

Whence comes this astounding capacity to produce? I am deeply convinced that it lies in the blessings of our Heavenly Father and in the untrammeled initiative, enterprise, and freedom of our people.

Yet, despite our wealth, our productivity, our material progress, do we not see signs of danger ahead? Do we not discern unhealthy tendencies, perhaps even germs of decay, in a general weakening of some of our oldest American traditions? We must ever remember that nations often sow the seeds of their own destruction while enjoying unprecedented prosperity.

In the past quarter century, there has been a tremendous shift from individual to governmental responsibility in many phases of economic and social life. There has been a rapid shift of responsibility from the States to the Federal Government.

In the last 30 years State and local government taxes have increased 550 percent while the Federal Government taxes have increased 3,275 percent. Thirty years ago all taxes, Federal, State, local, took 14 percent of our national income. Today taxes take over 33 percent. In 28 years the national debt has swollen to nearly $300 billion, an average in excess of $7,000 for each family. Today interest on the national debt is near $10 billion a year, 8 times as great as the entire Federal indebtedness back in 1915.

Meantime our people have come to look to the Federal Government as the provider, at no cost to them, of whatever is needful. If this trend continues, the States may be left hollow shells, operating primarily as the field districts of Federal departments and depending upon the Federal Treasury for their support.

NATIONAL DEBT

Through a great effort, we reduced the national debt by $4 billion in 1956. There has been no debt reduction since. In the 1962 State of the Union message there was not a word from the President about reducing the public debt. In fiscal 1961 we are showing a deficit of over $7 billion in spite of unprecedented prosperity. The fiscal authorities estimate that the 1963 so-called balanced budget will end up with a deficit of several billions, largely because of advance commitments.

If the budget is to be in balance, why the request for a $10 billion increase in the debt limit?

"The course of spending and debt and inflation followed by more spending and more debt and more inflation has become a deeply rutted road." (Omaha World-Herald, Jan. 24, 1962.)

This but illustrates how much easier it is to go into debt than to get out.

With the loss of gold and a weakened competitive position for world markets, this deficit spending—the major cause of inflation—is a serious threat which if it is not stopped could give atheistic communism victory without firing a single shot.

History teaches that when individuals have given up looking after their own economic needs and transferred a large share of that responsibility to the government, both they and the government have failed.

At least 20 great civilizations have disappeared. The pattern is shockingly similar. All, before their collapse, showed a decline in spiritual values, in moral stamina, and in the freedom and responsibility of their citizens. They showed such symptoms as deficit spending, excessive taxation, bloated bureaucracy, government paternalism, and generally a rather elaborate set of supports, controls, and regulations, affecting prices, wages, production, and consumption.

DEFICITS RISK INFLATION

According to Maurice Stans, prominent west coast banker and columnist and President Eisenhower's budget director, experience shows that "no nation—not even the strongest in the world—can continue to pile up huge deficits without risking inflation, a loss of integrity in its money, and international collapse of confidence in that nation's soundness, and worse." The end of such a course is national bankruptcy.

Stans further states that "in addition to direct debt the Government has piled up huge unfounded liabilities and commitments for future spending that total more than the debt itself." Two years ago, as budget director, he compiled a list of these obligations maturing in the future, mostly for past services, and it came to about $450 billion. Added to the current debt at close to $300 billion, our total commitments now reach the almost incredible total of $750 billion, or three-quarters of a trillion dollars. And even this stratospheric amount doesn't include another $250 or $300 billion we need to collect in future tax increases to make good on our present promises under the social security system.

Again I quote from Stans: "In the 30 fiscal years since 1931, the Federal budget has shown a surplus only 6 times, while we went in the red 24 times. And the national debt grew and grew, even in years of peace.

"Government costs are booming because not enough people have been willing to say 'No' to Government. On the other hand, spending pressure groups of all kinds have been steadily and successfully entreating Congress to provide a wide assortment of aids and handouts.

"The public has been offered more public services than it needs, and has accepted them without reckoning the costs."

Thomas Jefferson, while President of the United States, expressed what I hope is the conviction of all of us. Mark carefully his wise declaration.

"I have sworn upon the altar of God eternal hostility against any form of tyranny over the minds and lives of men. To preserve our independence, we must not let our rulers load us with perpetual debt. We must take our choice between economy and liberty, or profusion and servitude. If we run into such debts, we must be taxed in our meat and drink, in our necessities and in our comforts, in our labors and in our amusements. If we can prevent the Government from wasting the labor of the people under the pretense of caring for them, they will be happy."

That government is best which governs the least, so taught the courageous founders of this Nation. This simple declaration is diametrically opposed to the all too common philosophy that the Government should protect and support one from the cradle to the grave. The policy of the Founding Fathers has made our people and our Nation strong. The opposite philosophy leads to moral decay.

THE GOLD CRISIS

(Extracts from address delivered by Senator HARRY F. BYRD at the 67th annual convention of the Delaware Bankers Association, May 10, 1962)

This Nation has been on a deficit financing basis for 25 of the past 31 years. There was a $4 billion deficit last year, there will be a $7 billion to $10 billion deficit this year, and there will be another deficit of $3 billion to $5 billion in the coming fiscal year.

We are told that the fiscal situation will be all right if we balance the Federal budget over a cycle of years, and that this will be taken care of automatically if the Federal Government will only spend enough to raise the gross national product high enough to produce the necessary revenue.

This is evil fiction. It never has worked. It is not working now, and I can prove it. It will not work in the future, and it is dangerous to rely on it. A prudent government would balance its budget by stopping nonessential expenditures. This is not being done. The hard fact is that continuing deficits ultimately end in bankruptcy. When a nation goes bankrupt, its assets are not taken over and sold to satisfy its debts. Its money becomes worthless; its economy disintegrates; its form of government falls and changes.

In short, our situation is characterized by increasing debt, continuing deficits, and threatening inflation. Such a situation does not inspire confidence at home or abroad; but we need confidence in the dollar now as we never needed it before.

I say this because loss of our gold, through withdrawals by foreigners * * * in its own way * * * imperils our security like an atomic bomb. Foreign nations and their central banks take our gold when they lose confidence in the dollar. Precisely this is happening.

We must go to the root causes of the situation before it is too late. The root causes are huge deficits at home and huge deficits in our financial transactions abroad. Those in authority must act to restore confidence in the dollar.

Americanism or Ruination

EXTENSION OF REMARKS

OF

HON. EUGENE SILER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1962

Mr. SILER. Mr. Speaker, I would like to insert in the CONGRESSIONAL RECORD a newsletter that I recently sent back to the papers in my own congressional district. This letter expresses my sincere feeling for our country and its foreign policy in the days to come.

The letter is as follows:

WASHINGTON REPORT OF CONGRESSMAN EUGENE SILER

It just does not make any sense. Why should your boys be called on to defend Laos, Vietnam, or Berlin? Is this what you American mothers brought children into the world to do or is this what you Kentucky fathers sacrificed and spent your toil to accomplish?

Now is the time to quit all our feebleminded foolishness. Right now is the golden opportunity to stop trying to support the whole world with our finances and our American Armed Forces.

But what about our past commitments? Well, notices should be sent out at high noon today that we will continue our past foolishness, for only 1 more year and that we then will cease pronto to send our dollars and our boys around the earth from that time on. This would certainly settle the whole confab for 1 year and the Communists would surely sing a lullaby of tranquility for that period and perhaps afterward hope to blow the lid off of all hell at that termination. But what about the continued advance of communism come next year? Well, if Laos, Vietnam, Berlin, and other hot spots do not wish to defend themselves and if they are thereby indicating their leaning tendency—through weakness, inaction, or disinterest—to embrace communism, then let all of them get right into the Russian orbit with a big splash. If communism is bad, and we know it is, eventually and in God's good time, it will stumble and heavily fall of its own weight, not only in these hot spots but also in Cuba and wherever else its serpentine head has risen up out of the civilized haunts of living man. But if we continue to impoverish ourselves and send forth our sons to be targets for these Red shooters in our avowed purpose to promote world freedom, we are clearly on the road to losing our own freedom, on the highway to inflationary ruination, on the boulevard of actual belligerence whether we call it a war or not.

"Isolation" is not a bad word by any yardstick. It is exactly the same thing as Mrs. John Smith tending to her own business and keeping her pistol loaded on the mantelpiece of her vine-covered cottage.

Americanism is not an evil thing at all. It is the wonderful practice of our great heritage, the honoring of our Constitution, the waving of the Stars and Stripes for the glory of God and as His own chosen instrumentality to demonstrate the greatness of a people who are willing to live and let live and to keep their powder dry and to pay their debts and to reduce their taxes and to keep their clean noses out of the business of other people and out of the political affairs of other nations.

As surely as the shades of night will come creeping over the sunshiny spots of this fading day sometime after your supper hour, there are certain money-grabbing financial interests and corporate powers and politicians that want a perpetual war status and more war profits and who are seeking after the financial gains they get from all this foreign aid foolishness. Yes, they wish to alarm you. And of course, they prefer internationalism to Americanism. And certainly they would willingly beat the living daylights out of your own freedom and financial solvency in order to promote the freedom and solvency of some faraway Laos. They would hang your honored Constitution for the sake of some ideology for some remote country that does not give a hang one way or the other. They would promote a materialistic peace corps to perform a mission of the spirit that the Almighty has long since ordained should be performed by spiritual power alone.

God be with us and help us. He gave us a great country, a marvelous Constitution, a freedom par excellent. But we are making great progress toward destroying all of it. Whether you are a Democrat or a Republican, would you please say a big loud "Amen" that might be heard on the Potomac River?

Representative John W. Byrnes Receives 1962 George Washington Award

EXTENSION OF REMARKS

OF

HON. A. S. HERLONG, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1962

Mr. HERLONG. Mr. Speaker, recently our distinguished colleagues, the gentleman from Wisconsin [Mr. BYRNES], and the gentleman from Arkansas [Mr. MILLS], were significantly honored when they were chosen as the 1962 recipients of the George Washington Award.

The George Washington Award is presented each year for contributions to good government by the American Good Government Society. The awards to Mr. MILLS and Mr. BYRNES were presented at the 10th annual George Washington dinner commemorating the 173d anniversary of the 1st President, at the Sheraton Park Hotel on April 29, 1962.

Wisconsin, I am sure, is proud that one of her native sons was singled out for this high honor and, under leave to extend my remarks, I include the portion of the transcript of the program which includes the presentation of the award to Mr. BYRNES by the distinguished senior Senator from my State of Florida, SPESSARD L. HOLLAND, and the acceptance remarks of Mr. BYRNES:

Governor SHIVERS. To present this George Washington Award is a former recipient of that award himself, the senior Senator from the State of Florida, a man whose earnestness and devotion to his duty, whose sincerity, has spoken loud and clear on occasions, as I'm sure he will agree at present when some of his colleagues disagree with him. If he sees the right as he sees it, he does it as he sees it. My personal friend for a great many years and I think a distinguished statesman, the Honorable Spessard Holland, senior Senator from Florida, who will present the next recipient of the award. [Applause.]

Senator Holland. Before I begin the brief remarks which I've already prepared, may I say how thrilled I am to find this great society, dedicated as it is to good government, recognizing here tonight the two senior members of the Ways and Means Committee who have shown such a high degree of fiscal responsibility; and thus honoring this quality which I think means so much to everyone in this great Nation at this time. [Applause.]

I'm happy to say that over at the other end of the Capitol, we have as the two senior members of our committee, the Finance Committee, your distinguished Speaker who has already appeared, Senator Williams, and that great senior Senator from Virginia, Harry Byrd. I don't need to speak of the fiscal responsibility which each of them have shown [applause] coming as they do, one from the great Commonwealth which supplied that first great leader of our country for whom these awards are named, as well as many Presidents and other great public servants; and that fine Senator who comes from the first State to accept the Constitution, that great though small State of Delaware which we all honor.

And so, having said that, and I think it is something for us to recall about this program tonight that we are recognizing here the terrific importance of the duties performed by the Senators and House Members, and particularly tonight here the House Members, who have the heavy responsibility of framing tax legislation and tariff legislation.

Mr. Toastmaster, for the second time in the period of a year, it is my great pleasure to appear on this forum—last April as a grateful recipient of the George Washington Award, and now to enjoy the rare privilege of presenting a similar award to one of my colleagues, who although of a different political faith from my own has exemplified throughout his personal and public life the high character and the conservative and patriotic principles which the American Good Government Society recognizes and encourages. So it is from that recent experience that I can fully share with him the feeling of pride and pleasure which attends the receipt of this high honor and I know how happy he is to have with him tonight Mrs. Byrnes and three of his children, because I know how happy I was last year to have Mary and two of our children from Florida here.

Athletic minded people everywhere will, I'm sure, recognize Green Bay, Wis. for at least one outstanding accomplishment. It is the home of the world champions, and they are now the world champion, Green Bay Packers professional football team. Although relatively small in population the unbounded enthusiasm and continued efforts of its people have enabled Green Bay to organize and support its beloved Packers in a way that is the envy of many much larger cities. The team and its loyal supporters never stop trying until the game is over and generally won.

Another notable championship career began at Green Bay on June 12, 1913, with the birth there of John W. Byrnes. Early in life, John Byrnes began to show the qualities of leadership, high ability for which he is noted today. It is quite evident that there has been no lessening of these traits throughout the years. Taking both his B.A. and bachelor of laws degrees at the University of Wisconsin, where in addition to high scholarship he gained stature as an orator and debater, John Byrnes showed an early interest in politics. During the first years of his law practice in Green Bay he served his State in a nonelective position as special deputy commissioner of banking.

In 1940 when a seat in the Wisconsin State Senate became vacant he, like so many of us, laid aside what Governor Broughten of North Carolina used to call his legitimate profession and entered the race winning the senate seat at the early age of 27. His service to the people of his State was so outstanding that he advanced rapidly through positions of higher and higher responsibility in the Wisconsin Senate and in the Republican Party organization, becoming chairman of the judiciary committee and majority floor leader, during his one term as a State senator.

It is completely understandable to all who know of his warm personality, his high character and his willingness to work hard that John Byrnes was elected to the U.S. House of Representatives and began his service at 31 years of age in the 79th Congress in 1945. In the other body, as we in the Senate refer to the House, John's rise to positions of great responsibility and leadership has been rapid and continuous. As one of those rare public officials who speaks only when he has something of importance to say, Congressman Byrnes' diligence in his committee work, his alert grasp of legislative problems and procedures soon brought him to the attention of the House leadership as a young man of high potential.

In the 80th Congress he became a member of the powerful Ways and Means Committee where he has steadily advanced to his present position of acting ranking minority member. He will be the ranking minority member of that most important committee in the next Congress when the present ranking minority member retires. Since this affair is completely nonpartisan, I think I should add that there is a remote mathematical possibility that he might be the chairman of that next * * * [Applause]. He is also a highly regarded member of the Joint Committee on Internal Revenue Taxation. John Byrnes has played a prominent role in the leadership of his party in the House. In the 82d Congress he was named to the Republican Committee on Committees. In the 84th Congress he was selected to represent Iowa, Minnesota, Missouri, and Wisconsin on the House Republican Policy Committee. In the 85th Congress he became chairman of the Wisconsin delegation in the House. He was elected chairman of the House Republican Policy Committee in the 86th Congress and reelected to that high party post in this, the 87th Congress.

The relation of a man's accomplishments and honors becomes even more impressive when we know the strict requirements for attainment of the positions of responsibility he now holds and of his faithful discharge of those responsibilities. John Byrnes' splendid attainments in both public and private life offer true inspiration to all, young and old, who are struggling to overcome a physical handicap, for he himself as a youngster suffered a crippling attack of polio. Like the late beloved Franklin Roosevelt he refused to bow to that handicap, undauntedly rose above it to great heights; he's now the head of a fine family, a highly capable lawyer and a faithful and efficient servant of the people of his State and the Nation, receiving this high recognition tonight.

John Byrnes' success is attributed to a number of factors, chief among which are his high character and his great energy and drive. He is an incisive person who gets right to the root of a problem, cuts directly through extraneous matter, finds the key to its solution. He is most articulate, explaining problems in a clear and convincing manner. Most noticeable is his true warmth of spirit toward friends and associates which reflects his personality, engendering not only respect but deep affection.

And now if Congressman Byrnes will rise, I shall take very great pleasure in presenting him with a resolution of tribute and honor on behalf of the American Good Government Society. [Applause]. I read:

"Resolution of tribute and honor, John William Byrnes, lawyer, patriot, realistic political economist and statesman, he has served his State and Nation since 1938 as special deputy banking commissioner, State senator, become majority leader after only 2 years and is now in his ninth term in the House of Representatives of the United States and in his second term as chairman of the Republican Policy Committee of the House.

"His natural gifts of intelligence, industry and a penetrating mind, combined with broad experience in government, profound knowledge of public finance and his stringent speech have won him high esteem for wisdom and judgment.

"Representative Byrnes' understanding of our unique American political system, a limited constitutional government, the dual sovereignty of State and Nation, to protect liberty, the sum total of human rights and the independence of the Nation, makes him in his own words 'an economy minded conservative.' He is a resolute champion of fiscal responsibility and a determined foe of those who would concentrate absolute power in the National Government. For the board of trustees, the American Good Government Society. Signed by Ed Gossett, president." I congratulate you with all my heart. [Applause.]

John Byrnes. Governor Shivers, my colleague Chairman Mills, Senators, and other distinguished guests, I most sincerely appreciate Senator Holland's kind and most generous words, and certainly the most generous words on this scroll of the American Good Government Society. As I heard these words, I was reminded, Congressman Mills, of what a great statesman and a great chairman of the Ways and Means Committee, Bob Doughton, used to say—and I think many of you remember that great gentleman and great chairman. He used to say he liked to hear people say nice things about him, but that he profited more by criticism than he did by praise. I've often thought of that, although I think we find that any Member of the Congress, be it in the Senate or the House, gets tired of profiting all the time and sometimes would like to get a little praise. [Laughter.] And I must say that, in the last few days, my morale has been rather low.

I took the occasion of the congressional recess to visit Senator Holland's territory and do a little fishing with my wife and she turned out to be the champion. And then, today I went out and played a little golf with one of my boys who is here tonight and he beat me, so these kind words restore my confidence to no end.

To say that I'm highly honored would, frankly, be very much of an understatement. In fact my family, my children particularly, I'll leave my wife out of this, I think she still thinks I'm pretty good, but I don't think the children are quite that convinced and they've been having trouble recently in understanding what this banquet tonight was all about and why daddy should be honored at all. And I've shared that bewilderment and haven't been able to help them much. But I am overcome, and that does provide some advantages for you at this late hour because it leaves me quite speechless.

Sincerely though, I am most grateful. I only hope that I can live up to the honor that has been conferred on me and that those who have had anything to do with it will never have cause to regret this expression of confidence. I think at a time like this anybody in the position I'm in now must feel humble and most inadequate. I take comfort from the fact that this honor can be shared by many. I would certainly confirm what the chairman of my committee has said, that anything that is achieved on our committee, much is due to the cooperation of the committee, much is due to the cooperation of the committee members, but don't let me at all underestimate the importance of the wonderful service performed, as chairman of that committee, by Mr. MILLS who shares these honors this evening. Nothing can detract from his leadership, but certainly the wonderful association that we have on that committee, in a united effort, even though there are disagreements at times, to do what we believe is right and sound for the country, and is, in essence, good government for the country, is shared by all members of that committee.

The honors that I receive today can certainly be shared, in no small degree, by my family; and I only wish that my mother and father could be present—unfortunately they can't—because it is to them that I owe so much. I do share it, I think, with my wife and children who, if they get nothing else out of it, ought to get at least a little pride in seeing their father up here, because certainly the sacrifices they make in my absence—although sometimes the children tell me that my being away isn't such a bad idea—but I must share it with them too.

But, at the heart of everything, and I'm not going to make a speech, I think that I owe most to the feeling that was instilled in me by my father and mother, and what I may say may be trite; but I must say it. We were the family of a schoolteacher which, I suppose, certainly indicates that it was a family that was frugal, and a family of sacrifice. But, if anything was instilled in the children in that family, it was the idea that people should stand on their own feet and be self-reliant and God fearing. And, in this time, when I am fearful that too many people look to others for the solution of their problems, and particularly look to government for the solution of their problems, I would hope that more people could harken back to that feeling of self-reliance and individual initiative. Because, to me that, certainly, is the basis and the keystone of what we mean by good citizenship, and good citizenship is what produces good government.

Since the American Good Government Society has been so generous in complimenting me and honoring me this evening let me express to them, as one individual Member of Congress, and an individual citizen, my hope for their continued good work in the interest of the preservation of sound government based on law. In this time, when I am also fearful that we are inclined to look to the end as justifying any means, it is most important that we have people, such as those associated with the American Good Government Society, who believe and who foster the philosophy that we have a government, and must have, a government of law where the means is just as important as the end. I wish you and your society every success and long life; and I salute you this evening. [Applause.]

The National Lottery of Puerto Rico

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1962

Mr. FINO. Mr. Speaker, I would like to point out to the Members of this House, the national lottery of Puerto Rico. This profitable lottery, flourishing on American soil, should serve as an example to us on the mainland.

The island of Puerto Rico, with a population of a little over 2 million people, realized over $52½ million last year from the sale of lottery tickets. The net income to the Government was almost $10½ million of which part was used to help finance local public health programs.

Mr. Speaker, I might also mention that the gross receipts of last year exceeded the previous year by almost $8 million.

Mr. Speaker, a national lottery in the United States would certainly bring in over $10 billion a year in additional revenue which can be used for reduction of our gigantic national debt and tax relief for our highly pressed American taxpayers.

Mr. Speaker, what are we waiting for?

Quality Stabilization Legislation Needed

EXTENSION OF REMARKS

OF

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1962

Mrs. MAY. Mr. Speaker, I am proud to join with a number of my colleagues in the House in introducing today the quality stabilization bill.

I have received so many wires and letters from my constituents in the Fourth Congressional District of Washington regarding the quality stabilization bill that I have become much interested in and followed very closely the hearings being held by the Senate Commerce Committee on this measure—identified as Senate Joint Resolution 159 in the Senate.

I have been impressed by the unanimity of support by the small business community for this bill. I have been impressed by the compelling cases presented by outstanding brand name quality manufacturers supporting this bill.

However, no one as yet has testified directly for the consumer in these hearings. How does the homemaker view this proposed legislation giving the brand name owner the right to control the use of his trade mark in the channels of commerce?

An organization very much in the forefront of this fight for enactment of the quality stabilization bill has provided me with an authentic answer. There has been made available to me the results of a poll of 15,295 homemakers in this country—with an equal sample of homemakers in every congressional district, including my own, being polled.

Question six of this survey was of most interest to me, because all of the elements of the quality stabilization bill are contained in that question. It read:

> Do you believe that the manufacturer who really wants to give you the highest quality, highest dependability, and highest value in his trademarked product should be permitted to protect that quality, and value, for you and protect his own good reputation by lawfully preventing any change, either up or down, by any storekeeper in the retail price such quality manufacturer may name to be paid for his quality product everywhere?

Response to that question in my district showed that 81.8 percent of the homemakers prefer the enactment of the quality stabilization bill. The percentage for all seven districts of the State of Washington was 79.4 percent in favor of the quality stabilization bill and for all 437 districts of our 50 States the percentage was 81.1 percent. Thus 8 out of 10 homemakers said in effect they want a law like the quality stabilization bill permitting the manufacturer of a trademarked quality product to establish and enforce a specific retail price to be paid for that product.

Upon analysis, the results of this survey are not surprising because the marketplace in the past few years has degenerated to that resembling an oriental bazaar. The consumer has been the victim of "come-ons," has been baited, has been switched, has been gouged, and has been subjected to repair bills that many times have approximated or surpassed the original cost of the product.

This survey is notice to Congress that the majority of the homemakers of America want to know more about where they stand when they go to market; that the individual homemaker wants assurance that she gets the same top quality and price as any other consumer and that her chances are far better when the manufacturer is permitted to stabilize his prices.

Quality Brands Associates of America, Inc., was responsible for this survey. To avoid prejudicial reactions to the name "quality stabilization," American Issues Press made available its name as sponsor of the survey.

A total of 15,295 homemakers, selected at random in every congressional district in the United States, were interviewed by telephone. This work was done for American Issues Press, Inc., by Manpower, Inc., skilled in the work of taking such polls, through its more than 200 offices throughout the United States. The survey was conducted under the most rigid conditions by interviewers of Manpower, Inc., who were specially trained for the assignment so that questions would be asked without interviewer bias.

The 15,295 homemakers were selected in equal number from each of the 437 congressional districts of the United States, the boundaries of which districts are determined by population distribution.

The total surveyed is about 10 times the number customarily required by opinion survey organizations as adequate to provide a dependable cross sectional result.

To preclude any possibility of challenge of the integrity or accuracy of the final reports of the survey, Manpower mailed all reports direct to Ernst & Ernst, nationally known certified public accountants in Chicago. Ernst & Ernst tabulated and certified the results. Ernst & Ernst is holding all pollsters' reports in confidence.

Reflected throughout the survey is an awareness by the consumer of factors—discounting, quality deterioration, price as related to value, and so forth—that call for enactment of the quality stabilization bill. Seven questions were asked in this massive survey of homemaker's opinion and, in capsule form, here are the results:

More than 9 out of 10 housewives are loyal to a favorite brand.

More than 9 out of 10 also "consider both quality and price" in their purchases.

Again, more than 9 out of 10 say the price-cut downgraded product gives less in value for what they pay.

Six out of ten believe storekeepers should not determine the retail price, even on low-grade trademarked products.

More than 8 out of 10 believe that low-quality products cheapened to meet a limited need for a limited budget should continue available.

More than 8 out of 10 want a law—like the quality stabilization bill—permitting the manufacturer of a trademarked quality product to establish and enforce a specific retail price to be paid for that product.

More than 6 out of 10 believe manufacturers should not be permitted to establish an all-floor-and-no-ceiling minimum price.

This bill, Mr. Speaker, is tailored to the consumer's need and serves well that need.

Traveler Beware

EXTENSION OF REMARKS

OF

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1962

Mr. MACDONALD. Mr. Speaker, on May 1, the no-show plan, devised by 11 trunk airlines and approved by the Civil Aeronautics Board, went into effect. Under the so-called no-show system of penalties, a passenger who fails to show at the scheduled flight time pays the airlines a tax of 50 percent of the value of the first remaining flight coupon of his ticket, up to a maximum penalty of $40.

The CAB has resorted to this system to solve revenue problems caused in large part by scalpers and reservation monopolists who willfully pervert the airline reservation process to their own ends. The scalpers, those in resort areas who hoard reservations for profit, and the monopolists, those who make many reservations with the intent of only fulfilling one, share a common characteristic. They both exploit the reservation process by the devious means of employing fictitious names. Unfortunately, the use of a pseudonym still provides a foolproof way of escaping detection, even under the no-show plan.

To best understand the "no show" program of assessments, one should underscore the fact that it is the passenger who is being penalized for not showing, whether or not it is the passenger's fault. If the air carrier does not "show," either by suddenly canceling or unduly delaying the flight, there is no similar penalty. The traveler is not given the same right of redress when the airline fails to live up to its part of the ticket agreement. The traveler may have a flat tire or get caught in a traffic snarl on the way to the airport but he will be fined no matter how justifiable his tardiness. It is a horse of another color if the air carrier is delayed due to traffic congestion caused by its own poor scheduling of facilities.

If the public has been confused as to the contents of the "no show" plan, it should not be a surprise. However, it is a surprise that the Chairman of the Civil Aeronautics Board, the Honorable Alan S. Boyd, is confused about the plan. His confusion became obvious, when testifying before the Transportation and Aeronautics Committee last week, he said:

> The proposal which the board approved to be effective May 1 does not penalize the airline if its flights are late or canceled based on matters over which it has no control, nor could it foreseeably anticipate. If it is a matter over which the airline does have control, then the airline is penalized to the same extent that the passenger is penalized if he does not show up for a flight.

Mr. Boyd is absolutely incorrect in this statement. However, I agree that this is the way the plan should be and, therefore, I have introduced legislation which would make the no-show plan apply to airlines as well as passengers. Mr. Boyd should take note of the fact that the no-show plan makes no provision for penalizing airlines for delays or cancellations due to foreseeable circumstances. Every day in every major airport in the United States, flights are canceled or delayed because of foreseeable and controllable reasons such as these: Lack of adequate standby facilities; repair of minor equipment, such as food machines; the overtaxing of airplane equipment; poor routing of traffic at peak hours; and the overscheduling of certain aircraft. While the passenger is subjected to being fined, he will continue to be harassed by annoying and costly delays and cancellations when airport and airplane capabilities are exceeded.

There also has been some confusion as to the other portion of the plan devised by the 11 trunk airlines; namely, the oversales assessment. The provision has been popularly characterized as allowing the passenger to collect for airline overbooking. Chairman Boyd states that the plan was not intended to eliminate overbooking. What is the distinction between overbooking and overselling? According to Chairman Boyd:

> It is a fine distinction and what it boils down to is whether or not the airline gets caught. If it does not get caught, if enough people cancel out, then what were oversales are seated so there is no problem.

The overbooking game is a one upmanship game which is acknowledged to be very popular with the airlines. Yet, on the other hand, Mr. Boyd admitted that the Civil Aeronautics Board does not officially countenance overbooking and stated that it was not a "legitimate" business practice. His "oversales" plan only penalized the airline when it is caught redhanded at the overbooking game. The slogan at the CAB these days must be "Traveler Beware" for you take your seat only when the guess of the overbooking statisticians are correct in this overbooking game.

It would be unfair and misleading to state that there is unanimity of opinion on this plan among all airlines. There are at least 17 airlines who make clear to the CAB that they disapprove of the plan. The lines consist of the following short-haul or feeder carriers: Association of Local Transport Airlines, Alaska Airlines, Alaska Coastal-Ellis Airlines, Allegheny Airlines, Aloha Airlines, Bonanza Airlines, Central Airlines, Cordova Airlines, Lake Central Air Lines, North Central Airlines, Northern Consolidated Airlines, Ozark Air Lines, Pacific Airlines, Piedmont Airlines, Reeve Aleutian Airways, Southern Airways, West Coast Airlines, Wien Alaska Airlines. These airlines recorded their opposition to the committee of the industry that planned the implementation of the tariff. They objected to the great administrative costs involved. Outweighing the excessive cost factor was their unwillingness to use ground personnel to administer the plan. It was felt that these ground employees would more properly be used to service overworked aircraft.

I have taken the following example of a tragedy of "no show" errors from the diary from a New York Congressman who also is one of my colleagues on the House Interstate and Foreign Commerce Committee. This Congressman booked a reservation with American Airlines for a New York to Washington flight. Time was of the essence as he was due in the House of Representatives for an important rollcall vote. The American Airlines flight was to be delayed for more than an hour and a half. This Representative from New York decided to take a Northeast flight to Washington. He requested Northeast officials to inform American Airlines that he canceled his reservation. The Northeast flight, as well as the American, was delayed and did not leave as scheduled. This Congressman not only missed the rollcall vote but was also fined by American Airlines under the "no show" plan. Mr. Speaker, I hope that this will not be typical of the state of travel under the "great experiment."

Immunization of Children Against Serious Diseases

EXTENSION OF REMARKS

OF

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 16, 1962

Mrs. SULLIVAN. Mr. Speaker, one of the outstanding recommendations made by President Kennedy in his message to the Congress on February 27 on the health needs of the American people provided for the establishment of a new Federal-State-local mass immunization program for protecting children under 5 years of age from polio, whooping cough, diphtheria, tetanus, and other serious diseases for which effective vaccines are or may be available.

Yesterday and today, the House Committee on Interstate and Foreign Commerce conducted hearings on a bill introduced by Chairman Harris of that committee, H.R. 10541, to carry out this progressive proposal of the President. On the day that the President sent his message up here, I placed in the Congressional Record a statement expressing my strong support for the mass vaccination proposal, recalling my own bill in 1955 to handle the then chaotic situation in getting Salk vaccine to all the children of this country on a priority basis rather than under a first-come-first-served crush which led to all sorts of abuses and even blackmarketing.

As a result of my interest in this matter, Mr. Speaker, I was pleased to present my views to the Committee on Interstate and Foreign Commerce this morning on H.R. 10541, as follows:

Statement by Congresswoman Leonor K. Sullivan, Democrat, of Missouri, Before House Committee on Interstate and Foreign Commerce on H.R. 10541, Mass Vaccination Bill, May 16, 1962

Chairman Harris and members of the committee, I want to make this brief statement wholeheartedly endorsing the concept of H.R. 10541, which carries out one of the important provisions of the health message sent to Congress by President Kennedy earlier this year. If we pass this legislation and appropriate the funds necessary to carry out the purposes of the bill, I am sure we can just about eradicate many diseases which medical science is able to conquer if only the children are vaccinated.

The bill mentions particularly poliomyelitis, diphtheria, whooping cough, and tetanus. Funds would be available to the States and communities for purchase of vaccines to inoculate all children under the age of 5, and for related expenses in maintaining surveillance over the effectiveness of the programs of mass vaccination. In addition—and this, I believe, is tremendously important for the future—the bill also provides for the grant of Federal funds to pay similar costs "in connection with intensive community vaccination programs against any other diseases of an infectious nature which the Surgeon General finds represents a major public health problem in terms of high mortality, morbidity, disability, or epidemic potential and to be susceptible of practical elimination as a public health problem through intensive immunization activity over a limited period of time with vaccines or other preventive agents which may become available in the future."

If this program had been in effect 10 years ago, prior to the dramatic announcement in 1955 of the success of the Salk vaccine, we would have been set up to handle the polio immunization program in an intelligent and effective manner. Looking back on the atmosphere of the time 7 years ago when the Salk vaccine first became available for general use, we can all remember the near hysteria and the administrative fumbling which characterized the handling of this great medical achievement.

I still think that the bill I introduced that year would have solved the administrative and distribution problems quickly and effectively. As the members of this committee who served in the 84th Congress may remember, my bill would have authorized the Federal Government to purchase the entire available supply of Salk vaccine as it was produced and turn it over to the National Foundation for Infantile Paralysis for the free immunization of every child in the country under the age of 20, under priorities to be determined by the foundation—which had been responsible for developing the vaccine and which knew more about the relative needs and priorities than any other group in the Nation.

Because of the foundation's reluctance to appear to be in the position of seeking Federal funds, the most I could obtain from that organization in the way of an endorsement of my bill was a statement that it would be willing to handle such an assignment if Congress so directed. The Eisenhower administration, on the other hand, felt that Federal grants for mass vaccination of children against polio should be used only for the indigent. It was a terribly confused and confusing situation at the time, and, as a result, we spent several years before finally achieving an effective Federal-State program for use of the marvelous new vaccine against polio.

There is no emergency now—no hysteria, no crisis—in the availability of the various vaccines for combating diseases which strike primarily at children. What we need now is a program which will assure that every child in the country, as a matter of right, is protected against polio, whooping cough, diphtheria and tetanus, and any other serious diseases for which new vaccines may be developed.

Of course, none of these programs will work unless the parents participate and cooperate, or unless the communities find ways of reaching children who are being denied vaccination because of parental neglect. Every time a child is paralyzed from polio in this day and age, and it turns out that the child did not receive polio vaccine, I think the adults responsible deserve public censure, if not criminal prosecution. We know how to end these diseases, but vaccines in test tubes and warehouses do not immunize children.

Therefore, I strongly support this bill.

Mr. Speaker, I also submit for inclusion at this point in the Congressional Record, a statement I made 7 years ago, on June 27, 1955, and a press release issued at that time, dealing with a bill I had just introduced, H.R. 7026 of the 84th Congress, for meeting the challenge created by the sudden announcement of the availability of an effective vaccine against polio, as follows:

Vesting in the National Foundation for Infantile Paralysis Sufficient Quantities of Salk Vaccine To Inoculate Free All Children in the United States Under the Age of 20—Extension of Remarks of Hon. Leonor K. Sullivan, of Missouri, in the House of Representatives, Monday, June 27, 1955

Mrs. Sullivan. Mr. Speaker, as I announced to the House today, I have introduced a bill which has been in preparation for more than a month which would authorize the purchase by the United States of sufficient quantities of antipoliomyelitis vaccine to inoculate every child in the country, without charge. The actual allocation and distribution of the vaccine under my bill would be in the hands of the National Foundation for Infantile Paralysis.

I suggested this approach on May 13, when Dr. Leonard Scheele, the Surgeon General of the U.S. Public Health Service, was testifying before the House Banking and Currency Committee. While he voiced no official policy on that suggestion, he said he personally could see no objection to turning the whole thing over to the Polio Foundation. I then attempted to obtain the views of the foundation itself, but was unable to do so until just recently, when Mr. Basil O'Connor testified before the Senate Labor Committee. His testimony—in answer to persistent questioning—finally gave me the information I felt I needed before I introduced any legislation on the subject. In other words, we now have the word of the foundation that it can do this job; we also have the information from them as to how they would prefer to handle it in case it was thrust upon them.

I think they should have the responsibility. They do not ask for it. But they can handle it. And no other organization in the country, including no Government agency, could handle it as well, in my opinion.

Mr. Speaker, I have issued a press release which gives the full details on my bill, and I include it, and also a copy of my bill, as follows:

"CONGRESSWOMAN SULLIVAN TO INTRODUCE BILL TO TURN OVER TO NATIONAL FOUNDATION FOR INFANTILE PARALYSIS ENOUGH SALK VACCINE TO INOCULATE FREE ALL CHILDREN UNDER 20 YEARS OF AGE

"Congresswoman Leonor K. Sullivan, Democrat of Missouri, plans tomorrow (Monday) to introduce a bill which would have the Government purchase and turn over to the National Foundation for Infantile Paralysis sufficient supplies of the Salk antipoliomyelitis vaccine to immunize all children in the United States under the age of 20. The inoculations would be free.

"Mrs. Sullivan first broached this idea on May 13 during a hearing of the House Committee on Banking and Currency while she was questioning Dr. Leonard A. Scheele, Surgeon General of the U.S. Public Health Service. Dr. Scheele said that, speaking personally, he could see no objection to turning such a mass immunization program over to the National Foundation.

"The Congresswoman, 3 days later, on May 16, wired Basil O'Connor, president of the National Foundation for Infantile Paralysis, asking if he thought her proposal 'would be a practical approach and if the foundation would be willing to undertake the burden of the work. I can think of no better way of assuring fair distribution of the vaccine. Would you give me your views?' She said she would introduce such a bill if the foundation agreed.

"Mrs. Sullivan received no direct answer from the foundation. Mr. O'Connor asked for time to think over her suggestion. Failing in a subsequent effort to get a definite statement of views on this matter from Mr. O'Connor, Mrs. Sullivan waited until the foundation head testified before the Senate Committee on Labor and Education when, under persistent questioning, he finally, reluctantly, acknowledged that the National Foundation for Infantile Paralysis had the competency to inoculate all children in the country if the vaccine were supplied.

"The National Foundation, which financed Dr. Salk's research leading to the development of the vaccine, and also the field tests involving nearly a million children in 1953 and 1954, is now in the process of providing free inoculations for all first- and second-grade children.

"In his testimony before the Senate committee, Mr. O'Connor said the foundation would be reluctant to take Government money in carrying out a mass inoculation program. 'We would follow the policies that the Red Cross has always followed of not accepting Government funds. If that was officially presented to us, we would prefer that the Government buy the vaccine and give us the vaccine, and vest it in us as we did in foreign civilian relief in the Red Cross.'

"After reading this testimony, Mrs. Sullivan decided to go ahead with the idea she had put forward on May 13 of having the Federal Government, through the Department of Health, Education, and Welfare, purchase the vaccine from the manufacturers, and then turn over the entire program of allocation and distribution of the vaccine for all children under 20 to the National Foundation for Infantile Paralysis, without regard to the ability of individual families to pay for the inoculations.

"The Congresswoman declared:

"'The confusion which arose because of the Government's original failure to have any practical program for allocation or distribution of the vaccine, or to assure that every child in the country would receive the vaccine regardless of ability to pay started this whole thing off on the wrong foot. The administration fumbled the thing terribly. Its present proposal for the free inoculation of indigent children puts too much of a charity connotation on this program. It is not charity. All the people of the United States have paid for the development of the vaccine through their dimes and dollars to the National Foundation.

"The foundation pioneered the vaccine. It has paid for its development. It has pledged $9 million it does not even have to carry out the school inoculation program for first and second graders. It has been engaged in this work for 20 years. It knows the priorities and the needs, both by age groups, geographically, and so on. You would have no question of blackmarketing or of anything of that nature, for no one, no matter how much money he had, could possibly corrupt the foundation or argue with its decisions on who should get the vaccine and in what order.

"'My bill provides for the inoculation of all children under 20 by the end of 1956 with vaccine supplied by the Federal Government. I understand it will take until about then to make sure we have the 160 million separate shots of the vaccine needed to immunize the 59 million children under 20, giving 3 shots to each, including a third shot for the children who have already been covered.

"'Once this mass inoculation program is complete, then of course the antipolo immunization program could be carried on in routine fashion through normal channels as any other vaccination program is regularly handled. But there is nothing normal about the demand for this vaccine, and the problem it creates in assuring fair treatment for all, particularly in such an emotional area as this where the health of children is involved.'

"Mrs. SULLIVAN said her bill differs from the one introduced by all seven Democratic members of the Senate Labor Committee, which also provides for free inoculation of all children under 20 in that S. 2147, the Senate bill provides for grants of money to the States to purchase and distribute the vaccine, whereas her bill has the Federal Government buying the vaccine directly, but authorizing the National Foundation, under the general supervision of the Secretary of Health, Education, and Welfare, to have complete control of allocation, distribution, and regulation of the use of the vaccine."

The Sullivan bill is as follows:

"H.R. 7026

"A bill to provide for the purchase by the United States, and the distribution by the National Foundation for Infantile Paralysis, of a sufficient supply of poliomyelitis vaccine to immunize all children in the United States under 20 years of age against paralytic poliomyelitis

"*Be it enacted, etc.*, That in order to promote the general welfare, raise the standard of health for all children of the United States, and institute the most effective and equitable plan for the eventual elimination of the scourge of paralytic poliomyelitis among the American people through mass immunization of all children under 20 years of age on a priority basis, without regard to their ability to pay for the vaccine, the Secretary of Health, Education, and Welfare shall purchase a supply of poliomyelitis vaccine sufficient to carry out such an immunization program as provided in section 2 of this act.

"SEC. 2. The National Foundation for Infantile Paralysis, under the general supervision of the Secretary of Health, Education, and Welfare, is hereby authorized to—

"(1) develop a program for the allocation and distribution of all poliomyelitis vaccine purchased by such Secretary.

"(2) establish priorities by age group and geographical location for the allocation and distribution of such vaccine in such a manner as to make the vaccine available to all children in the United States under 20 years of age, and

"(3) regulate the use of such vaccine, under the provisions of this act, in such a manner that will assure its most effective and equitable use in combating the spread of paralytic poliomyelitis in the United States.

"SEC. 3. For the purposes of this act the term 'United States' includes Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the District of Columbia.

"SEC. 4. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act.

"SEC. 5. This act shall terminate not later than December 31, 1956."